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The Difficult Case of Hate Speech Laws: Paper by Ted Cantle, CBE

In a perfect world, there would be no laws against hate speech. The right to free speech would be absolute – and would be encouraged as an essential element of a democratic society.

In a perfect world, we would all be able to spot stereotypes and prejudices and dismiss them without a second thought. We would welcome the challenges to our own belief systems and to resolve our differences by recourse only to rational argument and with well-constructed analytical thought and empirical evidence. And this evidence would of course be freely and equally available to all.

And, in a perfect world, all religions would accept that the consequence of them having the freedom to express and practice their faith was that others also had the freedom to contest their beliefs. There would be no concept of blasphemy, nor any notion of ‘militant atheism’.

But we do not live in a perfect world.

The reality is that hate speech laws protect many vulnerable groups demonised because of their religion, culture or ethnicity (often one used as a proxy for the other), but also for disability, special needs, learning difficulties and sexual orientation and more.

So, some aspects of these laws remain necessary because: millions of people across the world have never had the chance to meet anyone who is from a different religion, ethnicity, or sexual orientation.

The reality is that many people grow up in monocultural and segregated environments. And what little information there is about people who are different from themselves is filtered by partial and bigoted press and media, or by community and faith leaders who have a vested interest in maintaining control through the politics of fear. Many people still have no access to alternative views through the internet or social media. And some communities are so poor and disadvantaged that they feel it is necessary to discriminate against others to hang on to what little advantage they have.

So I agree with all those that argue for the removal of free speech constraints – in principle. The practice is more difficult.

The fact is that if we allow people to express hatred about other groups, their culture, their religion and beliefs, terrible violence will ensue. Of course, in Britain and most western democracies, tolerance has grown as ignorance and prejudice has diminished. But nevertheless, it is still alarmingly easy for mischievous elements to whip up hatred against others. Only recently, we have seen more than 130 anti-semitic incidents recorded by the Community security Trust in July – with around two-thirds linked to the conflict. They include around 10 incidents of violence. There have been terrible anti-semitic attacks in France, Australia and in other countries.

The number of Islamophobic attacks is also high with the organisation ‘Tell Mama’ relatively recently established to try to counter them. And hate crime is in no way confined to these two groups, nor to religion. In fact some of the worst hate crimes have been against people with special needs who are

also demonised out of ignorance. Perhaps the women who have had their hijabs torn off in British supermarkets will think they got away lightly, but I doubt it – and if unchecked it will escalate.

And outside the UK, the fact is that most wars and conflicts are no longer based on national boundaries. They are now generally the result of inter-ethnic and inter-faith divisions, often the result of very longstanding feuding and demonization, over generations.

Does anyone really believe that if we take the lid off and remove the constraints on free speech, the Far Right, religious extremists and other hate fuelled groups will not immediately use their new found freedom of expression to whip up terror and violence?

So how do we get to the point where these laws can be relaxed or even removed?

I suggest two approaches:

The first step is a relatively simple one – we need to challenge existing constraints and push at the boundaries. This will not be easy and will always be controversial. In some cases, this will actually mean giving extremists more freedom and more air time. This debate was crystallised for me when the then leader of the British National Party appeared on BBC Question Time in 2009. Many people objected to his appearance on the grounds that it could inflame hatred and tensions. This might have been true 20 years ago, but the evidence shows that support for crude ‘biological’ racism has greatly diminished and, sure enough, when he gave his views on this prime time programme, they appeared very foolish and were widely derided. People no longer need this sort of ‘protection’. In fact, just the opposite, these views need to be out in the open. If they are seen to be suppressed by ‘politically correct’ legislation they actually gain credence and it enables extremists to portray themselves as victims telling an unpalatable truth. So I think we need to change practice – we cannot challenge their hate filled views unless they are in the open.

Similarly, I cannot imagine why ‘holocaust denial’ is still a crime. The evidence of these atrocities is so overwhelming and indisputable, that any attempt to deny reality can only be the actions of a complete fool. Again, I can understand how this legislation came about and the need for it at the time, but it now has to be revised.

I would make the same argument about blasphemy laws and any reasoned attempt to dispute the tenets of particular faiths – though I accept that there is a fine line between contestation and inciting hatred and violence. It is a line that constantly needs to be challenged.

However, the second approach is more difficult, but will surely be much more rewarding in the long term. In this, we have to be prepared to tackle the underlying causes of prejudice and the fear of others and make sure that extremists cannot get any traction for their vile views. And it is because of this that I am an advocate of interculturalism as an alternative to the outdated concept of multiculturalism.

I did the review of the UK riots in 2001 and found that the Asian and White communities involved lived in ‘parallel lives’ with no contact, let alone understanding or tolerance of each other. There has been little change since that time – and in some areas this has actually got worse rather than better.. And of course it is found in other forms – for example the segregation of protestant and catholic communities in Northern Ireland – and that sustains violence. Outside the UK, segregation of

communities is much more profound. In my view, multiculturalism encouraged this separation and built defensive and protective boundaries around our majority and minority communities. This was understandable and necessary at the time, but multiculturalism has become completely out of step with globalisation and super diversity (as I explain in my book on 'interculturalism'); we are going in the wrong direction.

Unfortunately schools, some residential areas and workplaces have become more segregated in recent years. So how can we expect people to gain any knowledge or understanding of people who are different from themselves?

The last government introduced the concept of community cohesion which I was responsible for developing (again, I can recommend a very good book on this subject). This did a great job in breaking down barriers at the local level and by ensuring that people had the chance to meet others, dispel their prejudices and stereotypes and make them far less susceptible to extremist views. Although community cohesion was accepted by all political parties at a local level, it has been pretty much torpedoed by the present government with virtually no support for intercultural programmes. More alarmingly, they have told schools not to bother with cohesion and presided over the balkanisation of our school system so that we end up with the debacle over the so called 'trojan horse' affair in Birmingham. Just what did they expect to happen when they allow each community's schools to be run by their own leaders, serving their own agenda with little by way of external challenge.

Under the multicultural model, we have shown too much respect for values and beliefs that are completely abhorrent to any sense of human rights – for example it is only this year that the Government has criminalised forced marriage. It is also only in the last few years that the UK government has recognised Far Right threats within their *Prevent* policy.

But the problem is more deep-seated. There is little by the way of intercultural education in the UK – or in many other western democracies. It is assumed that somehow we will all become familiar with, and knowledgeable about, each other and tolerance will grow. The opposite appears to be true as economic, social and political pressures push us apart. In fact rather than intercultural education, many governments seem to have embarked on their own cultural reinforcement programmes of (in the UK's case) citizenship tests and ceremonies, a narrow British history and now the idea of distinct British values. These are not a problem if at the same time we ensure that people learn about others, have the opportunity to understand and challenge, other cultures. But of course, we do not.

The research evidence is clear. It shows that the people that are most comfortable with diversity and able to tolerate and understand difference, are those that are familiar with it and have learnt first-hand. A recent pan-european study found that people that lived in mixed areas and had these opportunities were far more comfortable with diversity than those who lived in monocultural environments and had far fewer opportunities.

I support the reduction – and ultimate removal – of hate speech laws. But not everyone is capable of rejecting their prejudices and the appeals of extremists

If we want to dispense with the laws of hate speech we have to firstly make sure that everyone can see beyond the stereotypes and see the common humanity in us all.