

A right to offend?

These resources help young people to think through the difficult issues and tensions between the right to free speech and the protection and respect of religious beliefs. They particularly address the requirement in 1g of the Citizenship curriculum for Key Stage 4, discussing the role of a free press in society and the role of the media. They ask young people to think through the following issues:

- Why is free speech important?
- Can people say whatever they like about religious groups, or do religious groups have a 'right to respect'?
- Is there a 'right to offend'?
- At what point does free speech infringe on the rights of people to worship and practice their religion freely?
- Is free speech under threat?

The furore surrounding the publication of cartoons of the Prophet Muhammad illustrated how the conflict between free speech and freedom of religious belief can cause tensions between different communities, both at a global and local level. To avoid disagreements over this issue escalating into conflict it is important that young people have the opportunity to learn about both sides of the argument. They need to develop their own thoughts and opinions, as well as learn to respect and understand other viewpoints.

Below are four activities that offer some starting points for introducing these issues in the classroom. Further background information on the key issues is also included. We provide a suggested order of activities, but feel free to pick and choose between them. Some of the activities are challenging, and may be most suitable for sixth form students. All of the materials and worksheets are at the end of the document.

Activity one: Ranking rights

Time: 20 minutes

Equipment: copies of the United Nations Convention on the Rights of the Child (UNCRC) and cut-out copies of the ten 'rights cards'

Aims:

- to introduce the concept of rights in general, and in particular the right to free speech and the right to freedom of religious belief
- to get young people thinking about the possible conflicts between competing rights.

Method:

- Split the class into groups of three or four. Give each group a set of ten 'rights cards' and two blank cards. The group should look at the cards and decide which are the most important rights. There are two blank cards on which they can write down any other rights that they think are also important.

PARTNER ORGANISATIONS:



- The group ranks the cards into a diamond shape, with the most important at the top. They have to give reasons for their choices.
- When they have finished, each group presents their choices to the class. The teacher or facilitator draws out discussion to compare the different choices the groups have made.
 - Was ranking the rights easy or difficult?
 - Did you agree as a group? Which cards did you disagree on?
 - Why do you think all of these rights are in the UNCRC?
 - Are any rights absolute? (I.e, they should not have any limitations in any circumstances, like the right to life)
 - Do any rights conflict? If so, how?

Eg. *What should happen if a girl's right to education clashed with her parent's beliefs that girls should not be educated beyond the age of 12?*

What should happen if a celebrity's right to privacy was invaded by paparazzi taking photos for a tabloid newspaper?

All of these rights are protected in international human rights law and in the UK. They are all contained in the UNCRC (1989). However, some of the rights are limited, including both freedom of speech and freedom of religious belief. This is because freedom of speech and freedom of religious belief both have the potential to infringe on other people's rights.

Follow-up activity

- Give out copies of the UNCRC. Students have to find the articles that correspond to the rights on the card.
 - a) Are there any other rights in the UNCRC that you think are more important?
 - b) Are there any rights in the UNCRC that you think should not be there?

Copies of the UNCRC can be found here [www.unicef.org.uk/tz/rights/index.asp]

Activity two: Free speech?

Time: 30-40 minutes

Equipment: cut-out copies of the six scenarios in the 'free speech?' worksheet

Aim:

- to get young people thinking about why free speech is important in a democratic society and if and when it should be limited.

Method:

- Cut out the six scenarios and give out a set to each group of three or four. Students have 20 minutes to answer the following three questions for each scenario:
 - 1) What do you think is happening here?
 - 2) What would you feel if you were in this situation?
 - 3) Should freedom of speech be protected in this situation? Why/ why not?

PARTNER ORGANISATIONS:



- Students feed back their ideas to the class. Together the class decides on three reasons why freedom of speech must be protected in a democratic society and three examples of where it should be limited or controlled.
- Write these up on the board (15-20 minutes).

Activity three: Freedom to offend?

Time: 1 hour

Equipment: cut-out copies of the 'freedom to offend?' case studies, question sheet and worksheet

Aim:

- to provide an opportunity for students to discuss recent controversies between freedom of speech and respect for religious beliefs. Case studies on topics including the cartoons of the Prophet Muhammad and Jerry Springer - the Opera.

The debate over where the balance should lie between protecting freedom of speech and respecting the beliefs and values of religious communities has become increasingly controversial. Below are some specific instances that generated debate on this issue, both here in the UK and in the wider global community. These case studies can be used in a number of ways to generate discussion and debate. We offer one suggestion below.

Method:

- Split students into small groups of three or four. Give each group a set of the following six case cards and a question sheet. Each group has 10 minutes to read the cases and 25 minutes to answer the questions.
- If time is limited you may ask students to pick out just two or three of the case studies. If you have more time you might ask students to look up some of the articles listed, to find out more about the incidents.
- When the students are nearing the end of their discussions, give out a worksheet to each group. Each group has 10 minutes to fill it out together.
- Groups feed back their answers on the worksheet to the class (15 minutes). If there are significant differences of opinion you may want to set up a class debate. Students may find it difficult to distinguish between an action that is morally wrong and an action that is or should be illegal. For example, it may have been morally wrong for the newspapers to publish the cartoons of the Prophet Muhammad, but it was not illegal in this country.

Case studies, discussion questions and the worksheet are at the end of this document, together with links to interesting articles about each case.

Notes

None of the examples show illegal behaviour, although some might be close. The recently enacted Racial and Religious Hatred Act (2006) makes it a criminal offence to intentionally use threatening words or behaviour to stir up hatred against somebody because of their religion or belief. See further background information below.

PARTNER ORGANISATIONS:



Activity four: Different opinions

Time: 20 minutes

Equipment: cut-out copies of the 'different opinions' quotes.

Aim:

- to encourage students to think about different points of view in the debate about free speech and respect for religious beliefs.

Method:

- Split students into small groups of three or four. Give each group cut-out copies of the quotes (each expresses a different opinion on this issue).
- Students have to discuss the quotes and decide which they agree with, which they disagree with and why.
- These quotes could be used as prompts for a class debate, for example: 'This house believes that it should be illegal to deliberately offend and insult someone's religious beliefs.'

Further background information

Freedom of speech is a fundamental right that is enshrined in both international and domestic human rights law. It is found in all international human rights documents, including the Universal Declaration of Human Rights adopted by the UN in 1948, and the UN Convention on the Rights of the Child (1989). In British law freedom of speech is protected by the Human Rights Act (1998), which incorporates the European Convention on Human Rights (1950) into domestic law.

The Human Rights Act 1998

Article 10

1. **Everyone has the right to freedom of expression.** This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, **may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.**

PARTNER ORGANISATIONS:



A right to respect?

Freedom of speech is not however an absolute right. It is limited by consideration of the rights of others, for example a TV station is not allowed to broadcast programmes with prolific swearing before nine o'clock. This is to protect children and young people.

As can be seen in the second part of Article 10 above, the limitations on free speech are fairly wide-ranging and open to interpretation. For example, it could be argued that people must respect religious beliefs and values 'for the protection of the reputation or the rights of others'.

There are also many laws in the UK that grant special protection to certain vulnerable groups of people, such as women and ethnic minorities. For example, there has been a set of laws against racial discrimination since the Race Relations Act 1965.

Until recently religious groups were not considered a group similarly in need of special laws. Some argue that religious groups should not be granted special status as religion is a choice, similar to a political belief or opinion, in a way that race or gender is not. It is important to protect the latter from discrimination and prejudice, but the former is open to challenge and debate.

However, many religious groups argue that their beliefs and values are fundamental to their identity and do merit protection, particularly against people who attempt to stir up hatred against a group based on their religion. The debate has become more prominent since the increase in Islamophobia since 2001.

To address this concern the government introduced the Racial and Religious Hatred Act in 2006.

Racial and Religious Hatred Act 2006

The Racial and Religious Hatred Act makes it a criminal offence to intentionally use threatening words or behaviour to stir up hatred against somebody because of their religion or belief. The act was passed on 16 February 2006 and applies only to England and Wales. However, its provisions will not come into force until the Home Secretary makes an order to this effect.

It was partly intended to close a loophole in the law whereby Jews and Sikhs are protected by racial discrimination laws, as they are classified as a racial group, but Muslims and Christians are not. The act had a very rocky passage through Parliament, and was heavily criticised by civil liberties campaigners for restricting freedom of speech. A number of actors, comedians and writers, including Rowan Atkinson, were prominent campaigners against the law, as they argued it would outlaw all religious jokes.

In the original law it was suggested that 'abusive or insulting' behaviour should be illegal. However, this was rejected by the House of Lords, who said that behaviour must be intentional and threatening. This alleviated some of the concerns of those opposed to the bill, but many still argue that existing laws protected religious groups adequately and there was no need for further legislation.

PARTNER ORGANISATIONS:



Useful articles:

Frequently asked questions about the Racial and Religious Hatred Act 2006
<http://news.bbc.co.uk/1/hi/uk/3873323.stm>

An argument against the Racial and Religious Hatred Act 2006:
<http://www.guardian.co.uk/Columnists/Column/0,,1698557,00.html>

Links to further information

The following organisations offer more information and resources on issues surrounding freedom of speech and respect for religious belief. It is not intended to be an extensive or exhaustive list.

Amnesty International UK www.amnesty.org.uk

Article 19 www.article19.org

Charter 88 www.charter88.org.uk

Index on Censorship www.indexonline.org

International PEN www.internationalpen.org.uk

Liberty www.liberty-human-rights.org.uk/

PARTNER ORGANISATIONS:



Activity two: Free speech?

Scenarios

You are a journalist who has found evidence that your government is discriminating against one of the many ethnic groups that live in your country. The evidence suggests that children from this ethnic group are systematically denied entry to schools and have less access to basic health services. You write an article highlighting this issue and it is printed in a national newspaper. A few days later you are arrested and detained on the charge of 'acting against the interests of the state'.

You are listening to a programme about the recent general elections on the state-owned radio, which tells you that the government won 93% of the vote. You are not sure that this is correct and check by logging on to the Internet to find some other sources of information. You find that you can only access the state-owned news sites, and that all other national and international news is blocked.

You disagree with your government sending troops to what you believe is an illegal war. You and some friends decide to get together and protest outside Parliament. You make some banners and placards bearing the slogan 'no to war' and start chanting. When you get out in front of the parliament building a policeman comes up and asks to see your permit. You haven't got a permit, and the policeman tells you that you are acting illegally and must leave.

You are with your six-year-old brother watching TV at 2pm in the afternoon, when a new drama comes on. You begin to watch it but are shocked at some of the content of the programme, as it shows sexually explicit images and contains a lot of swearing. You write a letter to the broadcaster to complain, and receive a reply saying that they have a right to show what they like on their channel on the grounds of freedom of expression.

You are praying in your regular place of worship when another member starts to give a speech. At first, not many people are listening, but the crowd grows and soon the audience numbers close to a hundred. The speaker is urging the crowd to join a holy struggle against people from other religions and some of his comments might be interpreted as threatening. You leave and hope not to see him there again. But next week he is there, saying the same things to an ever-growing crowd.

You are a student at university and have just attended a lecture in which the lecturer made comments suggesting that white people were superior to other races, and that religion was nothing more than 'superstition'. You found both comments highly offensive and complain to the university authorities. Nothing is done, and the lecturer continues in his position.

PARTNER ORGANISATIONS:



Activity three: Freedom to offend?

a. Case studies

The cartoon controversy

On 20 September 2005, the Danish newspaper, Jyllands-Posten, published a set of 12 cartoons of the Prophet Muhammad. This was partly inspired by the case of a Danish children's author who couldn't find anybody willing to openly illustrate his book about the Prophet. Images of the Prophet Muhammad are forbidden in Islam to prevent people from worshipping man-made images instead of Allah. In addition a number of the cartoons caused particular offence among Muslims, including one in which Muhammad wears a turban crafted into the shape of a bomb with a lit fuse.

The publication prompted complaints and demonstrations in Denmark, although protests died down until January 2006, when some of the cartoons were re-published in Norway. Libya and Saudi Arabia recalled their ambassadors from Copenhagen, and a boycott of Danish goods began.

On 10 January 2006 the Danish Prime Minister publicly apologised for the offence caused to millions of Muslims. This was followed by an apology from Jyllands-Posten. In response a number of European newspapers published the cartoons arguing in defence of free speech. Die Welt in Germany put the image of the Prophet Muhammad with the turban bomb on its front page. Papers in France, Spain, Italy and Switzerland followed suit.

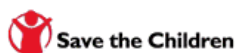
This sparked angry protests around the Muslim world. Demonstrations turned to violence in Syria, Lebanon and Indonesia, where the Danish embassies were destroyed by mobs. There were also protests in Afghanistan, Iraq, Iran and Nigeria. In Britain there were a number of demonstrations. Five people were arrested in March for charges related to the display of offensive placards at demonstrations in London, some of which praised the 7 July bombers; others called for the killing of those who had insulted Islam. No British newspaper published the cartoons.

South Park and Scientology

Soul singer Isaac Hayes quit his role on the show South Park after an episode that satirised Scientology. The singer argued that the show went beyond the acceptable in making fun of the religion and was disrespectful of its beliefs and practices. The episode was not shown on British TV.

The show's creators pointed out that Mr Hayes had no problem with the show for making jokes about Christianity, Islam and other religions, and suggested that he only objected to this episode as he is an active member of the Church of Scientology.

PARTNER ORGANISATIONS:



Jerry Springer- the Opera

The BBC received 45,000 emails to try and prevent it broadcasting Jerry Springer- the Opera, and hundreds of complaints after it screened the show in January 2005. Christian groups condemned the show as blasphemous and insulting and argued that it made a mockery of Jesus Christ and God. Particular offence was taken at the portrayal of Jesus as a homosexual. Complaints were also received about the level of swearing and crude language in the show.

Jerry Springer - the Opera is an award-winning musical that has had successful runs on Broadway and in the West End, and continues to tour around the UK. The writers were critical of many of the protestors for not seeing the musical, and argued that it was less offensive than they claimed. Several protests have been organised outside theatres showing the musical, for example, Christian groups demonstrated with placards and handed out leaflets outside the Birmingham Hippodrome in February 2006.

Behzti

On 20 December 2004 the Birmingham Repertory Theatre closed down the controversial play Behzti on the grounds of health and safety after violent protests from members of the Sikh community. Behzti was attacked for depicting scenes of rape and murder inside a fictional Sikh temple, which was condemned as insulting and offensive to the religion.

Behzti, meaning dishonour, was written by Gurpreet Kaur Bhatti, a young female Sikh playwright. Bhatti maintains that the production was respectful to Sikhism, and that it was inoffensive to many young Sikhs.

Lord Rama on shoes

Hindu Human Rights organised a campaign in June 2005 to protest against the French shoe company Minelli's use of the image of Lord Rama on a line of shoes. Although the company withdrew the product, the organisation continued with the protest outside the French embassy in London. The fact that the image was on a shoe was found particularly offensive, as Ramesh Kallidai, Secretary General of the Hindu Forum of Britain pointed out:

"Hinduism is a very tolerant religion and we have no problems if our images are used in a respectful manner. But to use the image of Lord Rama on a shoe, when we don't even wear shoes inside our temples, is disrespectful and disgraceful."

David Irving and Holocaust denial

British historian David Irving was arrested in Austria in November 2005 for comments he made in a speech in Vienna in 1989 denying the existence of gas chambers at Auschwitz concentration camp during the Second World War. He also stated that there were no extermination camps in the Third Reich and called Adolf Hitler a protector of Europe's Jews.

Holocaust denial is a criminal offence under Austrian law. Irving pleaded guilty in February 2006 and was jailed for three years. He is appealing against his sentence.

PARTNER ORGANISATIONS:



c. Case studies worksheet

Case	Who caused offence?	Do you think their actions were morally justifiable?	Should they have been legally allowed to do what they did?	Which is more important here, freedom of expression or respect for religious belief?
The cartoon controversy				
South Park and Scientology				
Jerry Springer - the Opera				
Behzti				
Images of Lord Rama on shoes				
David Irving and Holocaust denial				

PARTNER ORGANISATIONS:



d. Interesting articles

The cartoon controversy

Guardian Special Report on cartoon protests:

<http://www.guardian.co.uk/cartoonprotests/0,,1703418,00.html>

Timeline of the controversy:

<http://www.guardian.co.uk/cartoonprotests/story/0,,1704103,00.html>

An outline of the main arguments for and against the publication of the cartoons:

<http://www.guardian.co.uk/cartoonprotests/story/0,,1703512,00.html>

An argument against the publication of the cartoons:

<http://www.indexonline.org/en/news/articles/2006/1/international-pictures-provocation-and-free-.shtml>

An argument for the publication of the cartoons:

<http://www.indexonline.org/en/news/articles/2006/1/international-schmucks-and-miniskirts.shtml>

South Park and Scientology

<http://www.guardian.co.uk/religion/Story/0,,1731115,00.html>

http://en.wikipedia.org/wiki/Trapped_in_the_Closet_%28South_Park_episode%29

Jerry Springer - the Opera

http://news.bbc.co.uk/1/hi/entertainment/tv_and_radio/4154071.stm

http://www.bbc.co.uk/birmingham/content/articles/2006/02/06/jerry_springer_opening_feature.shtml

http://www.jerryspringertheopera.com/jerry_opera.html

Behzti

http://news.bbc.co.uk/1/hi/england/west_midlands/4112105.stm

<http://www.timesonline.co.uk/article/0,,2-1411540,00.html>

Lord Rama on shoes

<http://www.wwrn.org/article.php?idd=17246&sec=51&cont=5>

<http://www.hinduhumanrights.org/>

PARTNER ORGANISATIONS:



David Irving and Holocaust denial

<http://education.guardian.co.uk/higher/news/story/0,,1715223,00.html>

<http://education.guardian.co.uk/egweekly/story/0,,1745804,00.html>

Other examples

- Salman Rushdie and the Satanic Verses
http://en.wikipedia.org/wiki/The_Satanic_Verses_%28novel%29
- Nick Griffin and the British National Party (BNP)
<http://www.guardian.co.uk/farright/story/0,,1712581,00.html>
- Frank Ellis sacking, Leeds University
<http://education.guardian.co.uk/racism/story/0,,1726220,00.html>
- Abu Hamza
<http://www.guardian.co.uk/comment/story/0,,1709062,00.html>
- Murder of Dutch film-maker, Theo van Gogh
<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2005/07/13/wbouy13.xml>
- Closure of Maqbool Fida Husain art exhibition by Hindu extremists
<http://www.guardian.co.uk/religion/Story/0,,1784708,00.html>

PARTNER ORGANISATIONS:



Activity four: Different opinions

"I may hate what you say, but I defend to the death your right to say it."
Voltaire

"Trenchant and even hostile criticism of religious tenets and beliefs has to be accepted as part of the currency of a democratic society."
House of Lords, 2003

"Free speech does not mean that we can allow interviewees to stir up racial hatred. Free speech does not mean free and easy speech."
BBC's Head of News, Richard Sambrook

"If liberty means anything, it means the right to tell people what they do not want to hear."
George Orwell

"There is freedom of speech, we all respect that, but there is not an obligation to insult or be gratuitously inflammatory...."
Jack Straw, former foreign secretary

"If newspapers have the right to offend then surely their targets have the right to be offended... so long as that community expresses displeasure within the law."
Gary Younge, Guardian journalist

"The principle of free thought is not free thought for those who agree with us but freedom for the thought we hate."
Justice Oliver Wendell Holmes, of the US Supreme Court 1929

PARTNER ORGANISATIONS:

