

My right to offend a fool

Race and religion are different - which is why Islamophobia is a nonsense and religious hatred must not be outlawed

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A mandate is a wonderful thing, even if this government's rests on just 22% of the electorate. A bad bill already twice rejected with a big rebellion on Labour benches was tabled again yesterday, regardless of the strength of opposition to it. The incitement to religious hatred bill is back, although it lost the argument resoundingly on every other outing. Forward not back? No, back for the third time.

Why? To appease a Muslim vote that elected George Galloway in Bethnal Green and gave a fright to several other MPs. It is an appeasing gesture strongly lobbied for by the mainstream Muslim Council of Britain. But its unintended consequences will stir up exactly the religious hatred it seeks to assuage.

Last time, this misbegotten bill passed through the Commons after a very rough ride and was stymied in the Lords. The difference now is that the Lords by convention pass any bill "mandated" in a manifesto, even one line on page 111. If the Lords defy the convention, the government will use the Parliament Act to push it through.

But another parliamentary convention might consider this bill a matter of conscience for secularists and not something to be pushed through on a party whip. It would be entirely reasonable for secular Labour MPs to plead conscience on this, just as the religious are excused the whip on matters that trespass on their faith. This touches on freedom of thought and ideas, with far-reaching consequences for the values of the Enlightenment that are under growing threat from a collective softening of the brain on faith and superstitions of all kinds. Contemplating Galloway should stiffen Labour MPs' resistance to a political expediency that seeks support from religious lobbies.

The government claims this bill is designed to stop the BNP using "Muslim" as way of inciting racial hatred by getting round race hate laws. It talks of protecting Muslims from abuse in the street, which sounds reasonable, though the law already protects everyone from abuse and harassment. Labour's own 2001 act already adds "religious aggravation" as a reason for tougher penalties where incitement to violence has an anti-religious motivation.

Fierce opposition is led by the National Secular Society, whose leading member, Lib Dem MP Evan Harris, proposes a neat solution. His amendment would ban "reference to a religion as a pretext for stirring up racial hatred". Why was that solution rejected by Labour, since it stops the BNP using "Muslim" as a proxy for race, without trespassing on free speech?

The government claims that Muslims of all races need equal protection with Jews and Sikhs, who are already covered by race laws. But if Labour were advocating equality between all religions, they would repeal the blasphemy laws that only cover Christians, remove the bishops from the Lords and abolish religious state schools: 30% of state schools are religious, almost all Christian controlled. These privileges for Christianity cause great resentment among the other faiths: many think this is their blasphemy law.

This bill is not "closing a loophole" as Labour claims, but marches right into dangerous new terrain. Here is an example: it is now illegal to describe an ethnic group as feeble-minded. But under this law I couldn't call Christian believers similarly intellectually challenged without risk of prosecution. This crystallises the difference between racial and religious abuse. Race is something people cannot choose and it defines nothing about them as people. But beliefs are what people choose to identify with: in the rough and tumble of argument to call people stupid for their beliefs is legitimate (if perhaps unwise), but to brand them stupid on account of their race is a mortal insult. The two cannot be blurred into one - which is why the word Islamophobia is a nonsense. And now the Vatican wants the UN to include Christianophobia in its monitoring of discriminations.

Already this proposed law has cast a long shadow. Christians expect it to stop something like Jerry Springer - The Opera ever being screened. Sikhs who drove the play Behzti off the stage expect this law to prevent any future insult to their faith. When a Telegraph writer accused the Prophet of paedophilia for marrying a nine-year-old girl, Iqbal Sacranie of the Muslim Council said this was the kind of insult against their faith that made Muslims want "safeguards against vilification of dearly cherished beliefs".

The government swears they will all be disappointed. No, says Paul Goggins, minister responsible, he'd never do anything to stop Rowan Atkinson making jokes. But if he's right and the law catches just four or five BNP cases a year, then he faces outraged religious extremists furious at betrayal of a blasphemy law they thought they were promised.

But even if he is right and Atkinson is never up before the beak, the religious are already getting their way in more insidious ways. For the chilling effect of this law is here now. There is a new nervousness about criticising, let alone mocking, any religious belief, a jumpiness about challenging Islam or Roman Catholicism. This most secular state in the world, with fewest worshippers at any altars, should be a beacon of secularism in a world beset by religious bloodshed. Instead, our politicians twitch nervously in a lily-livered capitulation to unreason.

Why? Because this clever blending between race and faith has tied all tongues. This law springs from a cult of phoney racial/religious respect that makes it harder than it ever was to dare to criticise, let alone mock. There is a new caution about "causing offence". What kind of offence? Not to people's race but to ideas in their head. If I want to write that I find the hijab a gesture of obeisance to the nasty notion that women are obscene and should be modestly covered up, I may offend a lot of Muslim women. I am not for banning it or tearing it off them, nor am I being racist. But that is becoming an argument that growing numbers of feminist women no longer dare articulate. Unless the Commons comes to its senses, there will be those who regard this view as religious hatred and will expect the law to stop it. (This crime attracts a seven-year sentence.)

Laws change cultural climates: it's what they are for. Religion will become out of bounds in many spheres. Schools, universities, the arts, broadcasting, will feel social pressures that induce self-censorship. A small example: if you wonder why there have been no penetrating exposes of cults like Scientology in recent years, it is because they have sued so often that the media caved in - fear of litigation outweighs the story. That is how the law cast its shadow.

The irony is that those spending most time in the courts will be the religious themselves. A similar law in Australia brought a burst of litigation and demands for arrests from one bunch of fundamentalists against another. Hate-filled evangelicals were creeping into mosques to take notes on imams' hate sermons. So extreme Jews, Muslims, Hindus, papists and Paisleyites will all challenge each other's fiery thought crimes while the Bible and the Qur'an incite enough religious hatred to be banned outright.

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