

Chapter 1

Hatred: A Defence

Brendan O'Neill

I come from a country where you can be arrested for expressing Christian beliefs.

As you can probably tell from my accent, I am not talking about Saudi Arabia, or North Korea, or the Islamic State. I am talking about Britain. In 2016, in Britain, birthplace of the modern idea of liberty, the police might knock on your door if you say certain Christian things.

I know this sounds shocking, so let me give you a few examples. In 2014, a Christian street preacher was arrested in Dundee, in Scotland, for saying homosexuality is a sin. A member of the public phoned the police. The police turned up, arrested the preacher and locked him up overnight before his appearance in court the next day. He was charged with breaching the peace. A few months later, the charges were dropped.

In 2011, a Christian street preacher in Manchester was arrested for quoting the following passage from the Book of the Revelation:

But for the cowardly, unbelieving, sinners, abominable, murderers, sexually immoral, sorcerers, idolaters, and all liars, their part is in the lake that burns with fire and sulphur, which is the second death.

Some members of the public complained that these words were homophobic and had caused them “alarm and distress.” So the preacher was arrested and put in a police cell, alone, for 19 hours. Nineteen hours. In Britain, in 2016, you can be put in a cell for 19 hours for reading from the Bible.

In 2014, a Baptist church in Norfolk put up a poster suggesting that if you do not believe in God then you will go to hell. The poster said, “If you think there is no God, you had better be right,” and underneath there was a picture of flames, the implication being that if you do not believe then you will burn for eternity.

Passers-by complained about the poster to the police. The police registered the poster as a “hate incident.” They launched an investigation. They decided, in their graciousness, in their infinite wisdom, that there was not a case to pursue, but they did visit the church to have a word with the pastor and suggest he take the poster down. He took it down.

So you do not have to look to some foreign tyranny to see agents of the state forbidding Christians from expressing certain core beliefs. Just look at Britain. It is happening there.

And then, perhaps the most notorious case of all: in May 2014, a 78-year-old pastor in Northern Ireland was arrested for saying the following during a sermon: “Islam is heathen, Islam is Satanic, Islam is a doctrine spawned in hell.”

Now, you might find those comments offensive; many people do. They are not Christian beliefs, as such, though it is a Christian belief that Christianity is the true religion and the others are wrong or misguided.

Yet, for saying those things about Islam, for giving a strongly worded sermon, the Northern Irish pastor was arrested and charged with making “grossly offensive remarks.” Yes, it is potentially a crime in Britain to be “grossly offensive.” The pastor faced up to six months in jail.

This year, 2016, two years after his sermon, having spent two years in legal limbo awaiting trial, awaiting his fate, he was found not guilty. The judge said something really striking. He said the pastor’s comments were “offensive” but not “grossly offensive.” So, in the United Kingdom, judges now get to decide how offensive a person is allowed to be, and whether his level of offensiveness deserves a prison sentence or just a telling off.

These are just some recent examples of people being arrested in Britain for what they have said and, in essence, for what they believe. This is the important thing to remember: all those people genuinely, deeply, profoundly believed what they were saying.

We might disagree with them that homosexuality is a sin and that non-believers burn in hell and that Islam is “satanic.” I certainly do. But they believe those things with every fibre of their being. They were arrested for what they think; they were arrested for their moral convictions. In Britain. In 2016.

You do not have to look at the history books, you do not have to look all the way back to the Inquisition, to see the authorities harassing or punishing people for their convictions. It is happening right now, not just in the East but in the West, too.

I see my role here as a kind of canary in the mine, coming to warn you of the dangers of making offensiveness or hatefulness a criminal offence. To warn you of the dangers of allowing the state or the law to determine what people may think and say.

I know Australia is moving down this road, with the use of section 18C of the *Racial Discrimination Act*, to punish those judged to be racially offensive. But you are not as far down the road as Europe is, and I want to tell you to stop, now, and to scrap every piece of legislation that impedes in any way what people may say.

Let me tell you how bad things have become in Europe.

In almost every European country today, there is someone who is in prison or doing some kind of community service or paying off a fine simply for something that he or she said. In Scotland, birthplace of some of the best things about the Enlightenment, a man was sent to jail for the crime of singing an offensive song. The man is a 24-year-old fan of the largely Protestant football team, Rangers. He was prosecuted for singing, “The Billy Boys”, an anti-Catholic song that Rangers fans have been singing for years.

Under Scotland’s Orwellian *Offensive Behaviour at Football Act* – yes, Scotland actually has an Act of Parliament governing offensive behaviour at the football – he was sentenced to four months in jail for, in essence, songcrimes. We have had thoughtcrime and speechcrime; but even Orwell did not imagine that one day we would have songcrimes.

In Sweden, viewed by many as the capital of chilled-out liberalism, a man was recently released from a six-month prison sentence for producing offensive art. His name is Dan Parks. He is a painter. He does paintings which he says are designed to challenge political correctness (PC) and the stiff, nervous authorities. And they can certainly be described as racist works. For this, he was sent to jail for six months and his artworks were destroyed by the state. Europe once burnt corrupting books; now it incinerates offensive art.

In France, which still presents itself as the guardian of the rights of man, three people are paying off fines imposed on them for making homophobic comments on Twitter. These three

individuals became the first in French history to be found guilty of anti-gay hate crimes – not for attacking anyone or damaging property, but for expressing themselves on the internet.

In Germany, a 74-year-old woman had a fine imposed on her by the courts for the crime of carrying an offensive placard. She was on a march against immigration when she held up a sign that said, “The arrogant Turks and Muslims are threatening Europe.” For this, for these unpleasant views, she was fined one thousand Euros.

In Hungary, a historian was found guilty of breaching public order when he described the far-right party, Jobbik, as “neo-fascist.” He was fined – for expressing a political opinion, for saying something.

And on it goes. Across Europe, from Britain to Hungary, Scandinavia to the Mediterranean, people are being arrested and convicted for expressing themselves. Not for action, but for speech; not for behaviour, but for thought.

During the past decade there have been numerous cases like this. A pastor in Sweden was given a one-month suspended prison sentence for describing homosexuality as a tumour on society; the former French actress, Brigitte Bardot, was fined 30,000 Euros for describing certain Islamic practices as “barbaric;” the French novelist, Michel Houellebecq, was taken to court for “inciting religious hatred” after he called Islam “stupid.” Yes, that can land you in court in France. It is positively medieval, a return to the blasphemy laws of old. It is now a risky business in Europe both to express certain religious beliefs and also to criticise religion.

All of this is a result of the spread of hate-speech laws in recent decades.

Thirty or forty years ago, there was a striking shift in the approach of Western states to censorship. They shifted from trying to control immoral things, like sexual literature or “depraved” art, towards controlling “hateful” ideas. They went from policing political beliefs, for example, by clamping down on communist groups and communist literature, to policing what they call “hatred.”

This has opened up a whole new empire of censorship, a terrifying new form of thought control. For these strictures against hatred allow the state to police not just ideology and art but emotion and belief. Hatred is, after all, just a feeling. They allow the state to punish those whom it judges to be too hot-headed, too offensive. They make Orwell’s nightmare a reality; they make thought crime a real thing.

Such an outlook has taken hold in Australia, tragically, though not to the same extent as in Europe. Just this week, we have the utterly perverse situation where the Race Commissioner of the Australian Human Rights Commission is encouraging people to complain about Bill Leak’s Indigenous dad cartoon, so that something might be done about it. A human rights commissioner whipping up a mob against press freedom – it is surreal.

We have also had the Andrew Bolt case, the outrageous use of section 18C of the *Racial Discrimination Act* to punish a journalist for expressing an opinion.

Other section 18C cases have included complaints against an Indigenous prisoner for calling a guard “white trash;” against the comedian, King Billy Cokebottle, for allegedly mocking Indigenous culture; against the Bible Believers Church for whipping up hatred of Jews – and so on.

Australia is veering towards the European trend for punishing offensive or hateful remarks, and I am here to say to you: Please, stop. Now.

Why? Because there are two major problems with today's policing of so-called hatred. The first, and most serious, is that people are being punished for their moral, religious and political views. Supporters of hate-speech legislation claim they only want to stop the expression of vile, racist, anti-Semitic or misogynistic ideas, so what is your problem, they ask?

But, in reality, religious thought and political ideas are also being swept up in this moral crusade against hate speech, and are punished alongside plain old-fashioned racism.

So, as I have said, Christians are arrested and fined for saying homosexuality is a sin – that is, for their beliefs. Liberal critics of Islam have been arrested for saying Islamic values are not suited to modern Europe – that is, for their political views.

We must always remember that one man's "hate speech" is another man's deeply held, seriously considered moral belief. What the state and mainstream observers, and some of us, consider to be "hateful" might to someone else be an important religious or political ideal.

To my mind, arresting someone for saying, "homosexuality is a sin," is just as bad, exactly as bad, as it would be to arrest someone for saying, "Malcolm Turnbull is a good prime minister." Both views are wrong, but there are people out there who truly hold them, strange as that might seem.

Those Christians believe homosexuality is a sin just as seriously as other people believe Turnbull is a good prime minister. And there should be as much outrage over their arrest as there would be if fans, or critics, of Turnbull were to be arrested. We should be as shocked by the arrest of eccentric pastors as we would be by the arrest of mainstream political writers or activists.

And the second problem with the state's crusade against hatred is that it actually makes it more difficult for us to challenge actual hatred. It does not only punish moral beliefs by rebranding them "hatred;" it also makes it harder for us to stand up to what we can all agree is real hatred.

Hate-speech legislation disarms us – us ordinary, non-hateful, anti-racist citizens. It prevents us from being able to see and challenge backward ideas.

Censorship is the worst tool for tackling bigotry. All censorship does is push bigotry underground, where it can grow and spread and gain in influence, unchecked by rational, liberal thought.

France demonstrates this well. Twenty-five years ago France outlawed Holocaust denial. And now it has a very serious problem, the most serious problem in Europe probably, with Holocaust denial and anti-Semitism. These things are not unrelated. In banning Holocaust denial, France removed this ideology from the democratic public realm where it might be challenged, where it might be raged against with facts and possibly defeated.

It also unwittingly turned Holocaust denial into something exotic, into something edgy, into an attractive outlook for those who already felt isolated from mainstream French society. And so some sections of French society, particularly the poor, cut-off immigrant sections, embraced Holocaust denial as a self-conscious affront to the mainstream, and they were never publicly held to account or confronted or argued down because Holocaust denial has been forbidden from the public realm and effectively shielded from public discussion. Censoring genuine hate speech makes hate speech worse. Banning Holocaust denial exacerbates the problem of Holocaust denial.

Hate-speech legislation is not only an attack on the speaker – it is also an attack on the rest of us, the audience. It undermines our right, and our responsibility, as citizens, to expose and confront bigotry; to use the tools of freedom and reason to challenge those who say genuinely racist things.

This is why freedom of speech is so important. First, because it allows individuals to express themselves; and, secondly, because it allows the rest of us to listen and to think and to speak back.

Freedom of speech is the most important of all freedoms because it keeps citizens alert; it makes society a more vibrant and thoughtful and engaged place. It trusts people to hear and consider all ideas, and to use our reason to consider these ideas. It actively invites us to be engaged, responsible citizens.

Censorship, by contrast, makes us lazy and childish and stupid. It turns us into infants who do not have to worry about what is right and wrong because that has already been decided for us by our good, gracious rulers and betters. It weakens our moral muscles; it retires our moral judgment. It encourages passivity, thoughtlessness, obedience – all of which are anathema to a healthy democratic society.

This is why you must challenge every use of section 18C of the *Racial Discrimination Act*, not just against Andrew Bolt but also against actual racists and anti-Semites – because otherwise you will end up in the same boat as Europe.

My view is this.

There should be no legislation at all pertaining to freedom of speech. And I include in that human rights legislation that claims to grant us freedom of speech. I am against this, too, because it turns freedom of speech into a gift that the authorities give to us, and which, logically, they might just as easily take away.

Indeed, human rights law actually qualifies freedom of speech. So Article 10 of the European Convention on Human Rights gives us freedom of speech but also says that it can be restrained in the following circumstances:

In the interests of national security, territorial integrity or public safety; in the prevention of disorder or crime; in the protection of health or morals; in the protection of the reputations of others; in preventing the disclosure of information received in confidence; or in maintaining the authority and impartiality of the judiciary.

So it gives us the freedom to speak in one breath, and then dilutes it to the point of destroying it in the next.

We should insist that freedom of speech is not something that officialdom gives to us. It is something that we have. It is not a gift of government, but a central part of everyday human life. It is not something given to individuals – it is the means through which we become individuals.

It is the means through which we develop our intellectual muscles, train our minds, become aware and alive and part of the moral world.

It is in the exercise of freedom of speech that we become free, and become fully human in fact. No one can give us our humanness; we do it, we realise it, ourselves. There should be no laws restricting freedom of speech and, likewise, there should be no laws granting freedom of speech. Governments should say nothing whatsoever about freedom of speech. Leave it to us.

Freedom of speech is not a human right. It is far more important than that. And we should use it. And right now, we should use it to challenge every single curb on free expression, whether that expression is good and interesting or wicked and hateful.

Freedom of speech is either enjoyed by everyone or by no one.