



Reports

Janet Epp Buckingham

Ban the Mob, Not the Bible

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International Institute
for Religious Freedom



International Institute
for Religious Freedom

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Janet Epp Buckingham

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ABOUT THE AUTHOR

Dr. Janet Epp Buckingham is an associate professor at and the Director of the Laurentian Leadership Centre, an Ottawa-based, live-in, extension program focusing on leadership in public policy, business and communications. She has lived and studied in England, France and South Africa. It was while studying at bible college and working with the Jubilee Centre in Cambridge, England, that she developed a passion for applying Christian principles to public policy. Dr. Buckingham served in an advocacy role as Executive Director of Christian Legal Fellowship (1991–94) and with the Evangelical Fellowship of Canada as general legal counsel (1999–2003) and director, law and public policy (2003–2006).

In the fall of 2006, Dr. Buckingham had a strong sense of calling to take on leadership of the Laurentian Leadership Centre. While she had taught courses at the LLC, being the director gives her greater opportunity to invest in the lives of students. She is also pleased to now participate in academic conferences on religious freedom and human rights in Canada and internationally.

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Hate speech is a thorny problem in many countries of the world. Nations such as Pakistan and Sri Lanka, for example, regularly demonstrate how it can be used to incite violence against Christian minorities.¹ But even Western nations that highly value freedom of expression have experienced demonstrations on college campuses that have turned into physical attacks.

Furthermore, evangelicals have expressed grave concern about the misuse of hate speech laws to censor and punish reasonable expression of traditional Christian beliefs. Trials in Finland and proposed legislation in Canada, for example, threaten to criminalize the view that homosexuality is contrary to the will of God, even when limited to quoting Scripture.

Attacks against Christians vary in different parts of the world, and to protect against all of them requires a carefully nuanced, principled argument. Fortunately, United Nations documents provide good guidance. Unfortunately, many politicians find it easier to score points with heavy-handed national legislation.

What is hate speech?

Article 20 in the International Covenant on Civil and Political Rights (ICCPR), first proposed in 1966 and ratified by 173 nations, prohibits “any advocacy of national, racial, or religious hatred” that involves “incitement to discrimination, hostility or violence.”² But in a careful attempt to balance Article 20 with freedom of speech, the 2012 Rabat Plan of Action permits restrictions on an exceptional basis and only when “narrowly defined” by law.³

Taken together, it is clear that hate speech pertains to intense emotions of detestation or vilification, which create an imminent risk for persons belonging to these targeted groups. It does not, however, imply a demand for “safe spaces,” where people are protected from any expression that makes them uncomfortable.

Hate speech restrictions we should support

Many countries have laws prohibiting hate speech that meet the ICCPR requirement. First developed as an antidote to anti-Jewish rhetoric that preceded the Holocaust in Nazi Germany, properly crafted laws would assist suffering Christian minority communities around the world.

¹ U.S. Department of State. *2022 Report on International Religious Freedom: Pakistan*. URL: <https://www.state.gov/reports/2022-report-on-international-religious-freedom/pakistan/>.
U.S. Department of State. *2022 Report on International Religious Freedom: Sri Lanka*. URL: <https://www.state.gov/reports/2022-report-on-international-religious-freedom/sri-lanka/>.

² United Nations. *General Assembly resolution 2200A (XXI)*, International Covenant on Civil and Political Rights, Article 20. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights#:~:text=Article%2020,-1.&text=Any%20advocacy%20of%20national%2C%20racial,shall%20be%20prohibited%20by%20law.>

³ United Nations. *The Rabat Plan of Action*. URL: <https://www.ohchr.org/en/documents/outcome-documents/rabat-plan-action.>

Last August in Pakistan, what started as a family conflict turned into a violent rampage when Muslims were incited to destroy churches and homes based on flimsy evidence that two men had defaced pages of the Quran. A similar attack happened again on May 25 of this year, and two Christians were reported killed. In the local context, it is not difficult to whip up such mobs, because there is an environment of regular hate speech directed against Christians.

In Sri Lanka, social media often fuels such promotion of hatred. The National Christian Evangelical Alliance tracks hate speech, and, in the first three months of 2024, it identified 15 incidents, two of which included advocacy to violence.

In many parts of the world, Christian minorities live within a climate of hostility that goes beyond religious differences. When social rejection crosses the line into incitement, we can all agree that it should be prohibited.

Restrictive actions we must oppose

Western nations, however, have witnessed an increasing use of hate speech laws to target Christian expression, particularly on controversial matters of sexuality.

In 2021, Finnish politician Päivi Räsänen was prosecuted after tweeting a picture of Romans 1:24–27 and expanding on those views in a brochure and radio interview.⁴ Her pastor, Juhana Pohjola, was also prosecuted for distributing the brochure. Both have been charged with disseminating a message that “threatened, defamed, or insulted” a group of people based on their sexual orientation. Acquitted twice, these figures now face a third trial at the supreme court. The particularly troubling part of this case is that the “speech” is the text of the Bible.⁵

Even more alarmingly, here in Canada, there is now an effort to silence people before they even say anything. The Online Harms Act, a bill currently debated in parliament, primarily deals with protecting children from online exploitation.⁶ But one key provision would allow a person who fears that someone might engage in offensive speech to get a “keep the peace” order to restrict that individual. Secular voices have joined believers to criticize this bill⁷ that the British magazine *The Spectator* describes as “Orwellian.”⁸

4 URL: <https://twitter.com/PaiviRasanen/status/1140693636176384011>.

5 Daniel Silliman. *Free Speech Victory for Finnish Politician and Bishop Who Said Homosexuality Is Sinful*. Christianity Today, November 14, 2023. URL: <https://www.christianitytoday.com/news/2023/november/finland-free-speech-rasanen-pohjola-appeals-court-win.html>.

6 Parliament Canada. *An Act to enact the Online Harms Act, to amend the Criminal Code, the Canadian Human Rights Act and An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service and to make consequential and related amendments to other Acts*. C63, 44th Parliament, 1st session, November 22, 2021, to present. URL: <https://www.parl.ca/legisinfo/en/bill/44-1/c-63>.

7 Tyler Dawson. *Margaret Atwood, Elon Musk call out Trudeau’s ‘Orwellian’ hate speech legislation*. National Post, Mar 12, 2024. URL: <https://nationalpost.com/news/politics/online-harms-act-george-orwell>.

8 Jane Stannus. *Trudeau’s Orwellian online harms bill*. *The Spectator*, March 6, 2024. URL: <https://thespectator.com/topic/justin-trudeau-orwellian-online-harms-bill/>.

Canadian Christians are worried that they might face prosecutions similar to what Räsänen and Pohjola have endured. The national Criminal Code already prohibits willful promotion of hatred against an identifiable group. But this proposed legislation also seeks to revive a section of the Canadian Human Rights Act, repealed in 2013, which permits people to file anonymous complaints alleging hate speech, a move harshly criticized by the former chair of the Canadian Human Rights Tribunal.⁹

A principled path on freedom of expression

Free expression is vital for a functioning society. We need to be able to express deeply held beliefs on issues even when it is uncomfortable. But its suppression, as stated by Freedom House, “can allow unseen problems to fester and erupt in far more dangerous forms.”¹⁰ Furthermore, the leading human rights advocacy organization described the protection of free speech as the “lifeblood of democracy,” which facilitates the necessary debate over diverse interests and policy decisions. Consensus is not possible without it.

Hate speech is a global problem that requires global solutions. As in many such cases, a thoughtful balancing of rights is needed—in this case, to protect legitimate free expression while also protecting vulnerable communities from the threat of violence.

It is vital to have a clear definition of hate speech and criteria when it could be restricted. The Rabat Plan suggests a six-part threshold test, all of which should be fulfilled in order for a statement to be considered a criminal offence: (1) the context of the speech; (2) the status of the speaker; (3) the intent of the speaker; (4) the content and form of the speech; (5) the extent of the speech act; and (6) the likelihood of the speech inciting imminent action.

The blasphemy provisions of the Pakistan Penal Code, however, are an example of a law that is far too broad and vague. It outlaws “deliberate and *malicious acts intended to outrage religious feelings ... by insulting ... religion or religious beliefs*”¹¹ (italics mine). What is defined as criminal hate speech must go beyond insults to include incitement to discrimination, hostility, or violence, limited to a context where such reactions are judged to be likely.

The Rabat Plan further notes two troubling tendencies: “non-prosecution of ‘real’ incitement cases” and “persecution of minorities under the guise of domestic incitement laws.” Laws are only effective if they are implemented in a fair and just manner with an independent and unbiased judiciary.

⁹ David L. Thomas. *I chaired the Human Rights Tribunal. It has no business policing ‘hate speech.’* National Post, March 13, 2024. URL: <https://nationalpost.com/opinion/david-thomas-canadian-human-rights-tribunal-has-no-business-policing-hate-speech>.

¹⁰ Freedom House. URL: <https://freedomhouse.org/issues/freedom-expression>.

¹¹ *Pakistan Penal Code (Act XLV of 1860)*, Act XLV of 1860, October 6th, 1860. URL: <https://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>.

Finally, we need to recognize that there are limits to the effectiveness of passing laws against hatred. Hate starts in the heart and mind. We should foster inter-faith dialogue and a culture of peacemaking, both amid domestic groups and at the international level. We must also seek educational reform to ensure that schoolchildren are not taught to hate people who are different from them.

Sadly, many political leaders seem inclined to exacerbate divisions as a means to increase their popularity or to impose dominant cultural views on minority groups. As Christian peacemakers called to love all our neighbors, we should support carefully crafted limits on hate speech intended to foment violence or to stifle the rights of minorities. But we must also oppose any laws restricting speech, regardless of their intention, that could be used to marginalize and silence public discussion and debate, even when the issues are unpopular.

Hate speech that incites violence leads to violence. It is as simple as that. When we have the opportunity to prevent such violence through a combination of legislation and dialogue, we should do so. But we should not cast a net so broadly that legitimate discussion becomes a criminal act.

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