

'Spiritual influence', democracy and free expression

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Religious voting blocs and sectarian and divisive politics harm society and can undermine democracy. But are laws that potentially restrict free expression the answer? Alastair Lichten considers the charge of 'undue spiritual influence'.

Many student unions prohibit negative campaigning in student elections. The purpose of these bans and the values behind them may be ones that we find admirable; student elections are about more than just the result, they are about engaging people with politics, democracy and the student movement. Negative campaigning can put students off of all of these and harm campus relations.

Imagine if an aversion to negative campaigning was a universally accepted value in student politics, and if negative campaigners were punished at the ballot box. More people might be engaged, student unions might be more representative and less censorious.

The problem is whether you agree with these values or not, negative campaigning bans are a terrible way of encouraging them. Some groups flagrantly ignore the rules or work around them – these groups in my experience are among the most aggressive in complaining about others' perceived breaches of the ban. Other groups find their free speech restricted as they are prevented from making legitimate criticisms.

There are lots of electoral tactics which do societal harm and that undermine the values of a liberal democracy, but are laws the best way of preventing this harm/protecting those values?

For example, Section 115 of the Representation of the People Act 1983 creates the criminal offence of "undue influence", which is committed by anyone who (among other things) "directly or indirectly, by himself or by any other person on his behalf... inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting".

There were three articles published last week on the topic of 'undue spiritual influence' which are worth considering.

Writing in the [Guardian](#), Giles Fraser contrasts two situations. The first is the removal from office of former Tower Hamlets mayor Lutfur Rahman, on charges including undue spiritual influence – for example Rahman was endorsed in a letter to a Bangladeshi newspaper by 101 imams, which may have been influenced by his funding of religious groups in the borough.

In the second case, Fraser considers various Hindu organisations who actively campaigned for the Conservative Party, including the Hindu Forum of Britain, over the Conservatives' opposition to outlawing [caste discrimination](#). In this case no action was taken against them for 'undue spiritual influence', raising the question posed by Fraser: "Is it one rule for the Hindus and another for the Muslims?"

Fraser's article does not mention the National Council of Hindu Temples' campaigning for the Conservative Party on the same issue, campaigning which earned them a rebuke from the Charity Commission for potentially [misusing their charitable status](#).

Religious and secular charities play an important role in civil society and their freedom to campaign should be broadly protected. However, not least because they receive effective state subsidies, most people accept some restrictions on charities (perceived) party political [or other](#) campaigning. Such restrictions have to be very carefully monitored so they do not restrict free expression and to ensure they are equally applied.

For example, in addition to the National Council of Hindu Temples, [four other non-religious charities](#) were recently criticised by the Charity Commission for potentially misusing their charitable status in appearing to endorse the Conservative Party.

Mr Fraser's bizarre assertion that "free-speech humanists" are not concerned because they "dislike religion more than they support free speech" is an unbecoming diversion in an otherwise coherent article. Whether you agree with his conclusions or not, he raises important concerns over the potential 'can of worms' that these cases open and the implications for community cohesion and religious freedom if the law is (or appears to be) enforced in an unequal or draconian manner.

These concerns over religious freedom were echoed in a second article, also from a Christian perspective, on the conservative religious/political [Archbishop Cranmer blog](#).

The third article was the story [we covered](#) of the re-elected Labour MP for Slough, Fiona MacTaggart, who raised concerns when Muslim voters were allegedly told that they were not 'true Muslims' unless they voted against her. Her defeated Conservative Party rival, Gurcharan Singh, supported calls for 'blasphemy' to be criminalised.

So far in this case there is no suggestion from Ms MacTaggart that the undue spiritual influence law should be the tool to deal with what she described as "religious intimidation" and "an attempt to divide Slough and its community".

Yesterday we [reported on a poll](#) which showed that a plurality of Britons believe religious leaders should intervene in politics but that 75% of Britons paid their interventions no heed. Despite this, some religious leaders have a [paranoid fantasy](#) that secularists are trying to curtail their freedom of speech, when in fact secularists simply seek to prevent them having a privileged or undue influence and to guard against [the very negative consequences of sectarian politics](#).

There may be a secular case for laws that restrict certain aspects of religious influence or other sectarian politics in elections, but these would need to be cautious and incorporate strong freedom of expression and freedom of religion protections.

This should be a secular cause that people of all religions and none can support. If a religious leader speaks out about political issues then they should be free to do so, though they should be given no special or privileged platform as Anglican bishops are today. If a politician divides communities with sectarian politics they should be punished at the ballot box, not in the courtroom. When political parties treat religious communities as (potential) bloc votes, those communities should be the first to stand up and say they will not be ignored and they will not be disenfranchised in the bartering between 'community leaders' and candidates.

A [legal opinion commissioned by Mr Fraser](#) into the Rahman judgment argues that there should be "no offence in merely expressing a view about the merits of a candidate at an election; nor in urging

congregants or others to vote for or against a particular candidate; nor in asserting a moral or religious duty to vote for or against a particular candidate."

It is unclear* whether absent a legal restriction Mr Fraser, who has claimed to "deeply distrust the way politicians use religion as a part of public political campaigning", would consider such an intervention from the pulpit to be a good thing.

Secularists may find religious involvement in politics problematic, but there are great difficulties in framing and enforcing a law to prevent abuse or "undue" influence without discrepancy. In the long-term, the only approach that will work is from a civil society that rejects sectarianism and which simply disregards those who try to use the spiritual to secure temporal, political power: in other words, a secular culture, rather than over reliance on law.

*Giles Fraser has since replied to say that "absent legal restriction, and exceptional circumstances aside, I don't think the pulpit is the place for party politics."

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