

# It's time to restore free speech – no-one has the right not to be offended.

Posted: Wed, 4th Jul 2012 by [Keith Porteous Wood](#)

Today, Lord Mawhinney is tabling an amendment in the House of Lords to remove the word "insulting" from Section 5 of the Public Order Act. It's one of those catchall provisions with a very low prosecution threshold that tarnishes our reputation for freedom of expression.

It has served to nobble those engaged in mischievous, but harmless, pranks, street preachers, and those pouring scorn on religion.

The latest person to have his collar felt by the police mentioning Section 5 was an 89 year old pensioner displaying an A4 sign in his window in Boston Lincolnshire saying simply that "religions are fairy stories for adults". All it would need, apparently, would be for someone to make a complaint and poor old John Richards faces "being arrested and dealt with" for making this heartfelt and principled point.

A conviction under Section 5 only requires an insult to be *likely to* cause "harassment, alarm or distress", not that it actually does so.

Most of us feel insulted from time to time about something. The appropriate action, surely, is to shrug it off, not go running to the police.

Britain is one of the most religiously diverse countries in the world - as well as being ironically also one of the least religious. So there is plenty of scope for people to feel insulted when others are less than respectful of their beliefs.

Some gay people must feel insulted when they pass street preachers telling them that – according to their interpretation of the Bible - they are going to hell in a handcart to suffer eternal torment. But as long as no violence is incited we don't think this should be a matter for the police. And if violence is incited or a disturbance ensues, there are plenty of other laws that can be invoked. Even with the change, Section 5 still protects us against threatening or abusive behaviour - these provisions are sufficient.

The [Reform Section 5 campaign](#) "feel free to insult me" was launched recently headed up by former shadow Home Secretary David Davis.

In the hundreds of campaigns I've been involved in, I've never come across one with so few opponents and with such diverse supporters. It's taken a month for the Police Federation to emerge as the only opposition to the removal of "insulting" from Section 5. Yet Lord Deer, former HM Inspector of Constabulary, is adamant that the reform does not leave police officers exposed, and points to many other pieces of legislation that can protect them. Other supporters include two QCs - former DPP Lord (Ken) McDonald and the former Lord Chancellor Lord Mackay of Clashfern. Oh, and I should say that even the Christian Institute and the National Secular Society have buried the hatchet after appearing in the High Court on opposite sides recently and have united to front this campaign jointly. Rowan Atkinson is on board too, fearful of the effect this could potentially have on comedy.

It may all seem rather trivial, but even if offenders are found not guilty it is a very unpleasant experience to be arrested and hauled up in court – just for expressing an opinion.

Peter Tatchell narrowly avoided conviction under section 5 and spent hours in a cell for a peaceful protest against the persecution of gay people by Islamist fanatics and an extremist group that had openly endorsed the killing of Jews, gays, apostates and women who have sex outside marriage. Needless to say, they escaped any punishment.

Rupert Murdoch can count himself lucky that his comments about Scientology were made in America, but a teenager displaying a poster bearing the word "cult" outside the Church of Scientology's UK headquarters was arrested by the police. A young student was even arrested for opining that a policeman's horse was gay.

But what is of far greater concern is the chilling effect: what, for fear of prosecution, has *not* been said and should have been said. As the country becomes more and more multicultural and multi-religious, we need to become far more accepting of hearing things that we find insulting and turning the proverbial other cheek. But the opposite is happening – the call goes out "you must respect this" and "you must respect that". But respect has to be earned, not demanded and enforced by law. What really needs respecting is the right of people to express their opinions and beliefs, even if they are regarded as "insulting" by others. They, in return, must accept that there may be robust opposition to what they say.

So, as well as a campaign to remove "insulting" from section 5, we need a campaign to say that no-one has the right not to be offended, and no-one is entitled to have their feelings protected.

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Keith Porteous Wood is the president (and former executive director) of the National Secular Society. The views expressed in our blogs are those of the author and may not represent the views of the NSS.

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