

Je suis Michael Overd: this obnoxious street preacher is a canary in the coal mine for free speech

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An offensive street preacher has been charged for giving a "religiously aggravated" sermon, and was told by a police officer that he is not allowed to offend anyone. Benjamin Jones warns of the danger posed to our civil liberties if the state continues to police free expression.

There is a preacher in Taunton named Michael Overd who likes to spend his days in the town centre, denouncing the 'sin' of homosexuality, preaching the Gospel, and offering his critique of Islam and its prophet.

During one sermon, after complaints from passers-by, Mr Overd was given this chilling warning by a police officer: "If I hear one homophobic word out of your mouth here today, I will arrest you," the officer said.

The officer then explained to Overd that while he had the right to free speech, he was not to make comments which offended anyone.

Mr Overd's hobby has now resulted in his prosecution for causing "religiously aggravated" harassment, alarm or distress, and for using "threatening words." This is a heresy trial in which he stands accused of two modern thought-crimes: homophobia, the ugly manifestation of real bigotry, and 'Islamophobia', an empty neologism coined to suppress scrutiny of a religion which makes some large claims for itself.

In an unhappy turn of fate, the inquisition was presided over by Judge Shamim Qureshi, who happens to moonlight as a 'judge' for a UK sharia tribunal.

A whole string of witnesses to Overd's terrible 'crime' have come forward during the trial. One said, "I felt belittled." Another witness said that Mr Overd had made "defamatory comments" about the Prophet Mohammed. She said, "there was no mention of good" in the religion of Islam, as though crackpots have some BBC-like obligation to editorial balance in their ranting on street corners.

The court was told by one witness, "I am all for free speech but not at the expense of [belittling] someone."

A police officer told journalists: "I'd advise people that if they're offended to record any incident on their mobile phone and send it to us."

It seems almost futile to repeat this mantra, again, but I will add my voice to the chorus: you do not have a right to not be offended. This applies just as uncompromisingly if you are a Muslim upset about cartoons of Mohammed, or a gay person distressed by a street preacher claiming that your love life is 'sinful'.

We must be completely unambiguous and unrelenting in our defence of free speech: up to the point of defamation of living people, or incitement to violence, anything goes.

Even marginal speech, like the tedious example of someone shouting "fire" in a crowded theatre, must be protected or, at the very least, should never become a matter for courts and judges to decide upon. We do not need to reach for legislation every time we encounter something we don't like. It seems perfectly obvious that anyone who makes a habit of shouting "fire" where there is none, will very quickly come to be ignored, discredited and derided- which is exactly how I imagine most people deal with rude or irritating street preachers.

This is why we must hold our noses and defend the odious Mr. Overd with the same vigour and determination as *Charlie Hebdo*; it is why those European countries which have them must repeal their laws banning Holocaust denial; it is why student unions must stop their farcical incantation of 'safety' to prevent controversial speakers being given a platform. Any infringement on Mr. Overd's rights is an infringement on my rights, and an infringement on yours. Any additional prohibition on free speech makes it that much easier for Islamists to paint the West as hypocritical.

Unfortunately, that is clearly not how the state sees matters. The invidious decision to wade into the policing of ideas and the manner of their expression has produced an insoluble mass of contradictions.

The Orwellian prohibition on distressing 'public order' can be used just as easily to stop homophobes from making intolerant remarks in public, as it can be to obstruct criticism of Islam, or of any other religion. In Overd's case, both of these things are happening at once, and it is very, very alarming. The net result is appalling: whether to combat homophobia, or to silence criticism of Islam, freedoms are being abridged and curtailed.

There is something particularly jarring about 'witnesses' being called to testify in a British court because they heard a religious figure being insulted. It is as though we have already accepted the premise that criticising Mohammed is a cause for suspicion, and this assumption (coupled with the well-meaning doctrine of tolerance and the stultifying attitude that anything insulting or upsetting is to be avoided at almost any cost) is proving to be nearly ineradicable from our civil society.

The two principal accusations levelled against Mr Overd — who is our canary, testing the parameters of all of our freedoms — are that he was homophobic, and that he was 'Islamophobic'. These accusations have a perverse symmetry as most religions, needless to say including Islam, have an embarrassing wealth of homophobic injunctions and prohibitions.

If Judge Qureshi finds Mr Overd's comments, in which he was quoting from the Bible, to be criminal, then presumably a very great volume of the 'moral' teachings in the Koran and the Old Testament (for example) will likewise contain criminal content? Are we to ban religious scripture which goes much further than Mr. Overd did, and which actually calls for the capital punishment of homosexuals? If Overd is found guilty, what possible reason is there for not also banning the scripture which he articulates?

This is a preposterous situation. Regardless of their content, do we really want to live in a society where books are banned?

The answer to this mess, of course, is obvious. Free speech must be 'free' in the sense of meaning uninhibited, restricted only by prohibition on the incitement to violence or defamation. 'Free' however, is not to imply that speech does not have a cost for society: the price is paid in allowing Mr Overd to set out his stall, and so we take the inconsequential risk that people may be upset by what he says. We must be confident in our values, even if they are at times inconvenient to those of us who find Mr Overd's use of our shared rights to be distinctly unpleasant. Needless to say, there are people in recent months who have endured rather a lot more than discomfort to defend

freedom of expression.

I doubt there will be a long queue of people declaring "je suis Michael Overd", but the principle at stake remains: any infringement on the free speech of one person, regardless of their substantive use of that right, is an infringement on the rights of every member of our society. Irrespective of whether Mr Overd is found 'guilty' or not, it is a scandal — and to our discredit — that questions of 'guilt' or 'innocence' came into any contact at all with our treatment of thought and expression.

Benjamin Jones is the NSS communications officer. The views expressed in our blogs are those of the author and do not necessarily represent those of the NSS.

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Benjamin Jones was the communications officer of the National Secular Society (2014-2017). Follow him on Twitter [@BenJones1707](#). The views expressed in our blogs are those of the author and may not represent the views of the NSS.

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