

# Criminal Justice and Immigration Bill 2008

## Commons debate on the clause to abolish blasphemy laws

**6 May 2008**

*Lords amendment: No. 116.*

**Maria Eagle:** I beg to move, That this House agrees with the Lords in the said amendment.

**Mr. Deputy Speaker:** With this it will be convenient to discuss Lords amendments Nos. 196 and 344.

**Maria Eagle:** These amendments abolish the common law criminal offences of blasphemy and blasphemous libel. Following my announcement on Report on 9 January, and after a short period of consultation, the Government tabled these amendments at the Committee stage in the other place. These offences have now largely fallen into disuse and therefore run the risk of bringing the law into disrepute. The issue of what to do about them has been around for many years and has attracted considerable debate. As long ago as 1985, the Law Commission recommended that they be abolished.

The Lords Select Committee Report on religious offences, published in 2003, devotes a whole chapter to the issue. As I said on Report, it is high time that Parliament reached a settled conclusion on the matter. Today gives us an opportunity to do so. The last prosecution under these laws was in 1977, in the case of *Whitehouse v. Gay News Ltd*, and there has been no public prosecution under them since the 1920s. There have therefore been no cases since the introduction of the Human Rights Act in 1998. Given that these laws protect only the tenets of the Christian Churches, they would appear to be plainly discriminatory.

**Mr. Cash:** The Minister may be aware of a case that she did not mention—*Wingrove v. the United Kingdom*—in which the European Court, not a body for which I hold a great brief, ruled that people should be able to say what they liked in matters relating to blasphemy, under article 10 of the convention. It is peculiar that when we come up against political correctness, sometimes the Government use the European convention on human rights to support their position, but neither do they deny that the convention also gives rise to rights on our side of the equation.

**Maria Eagle:** I did not quite follow the hon. Gentleman's argument, and he may intervene again if he wishes to do so. I do not believe that abolishing the common law offences of blasphemy and blasphemous libel is anything to do with political correctness.

**Mr. Edward Leigh (Gainsborough) (Con):** If this law is not being used, one might wonder whether it is doing any harm. One might make the point that its abolition could appear to be an erosion of the position of the established Church. There is a mismatch: people indulge

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in self-censorship of any criticism of the Mohammedan religion—rightly, because we should

not criticise it—but they feel free to pour abuse and vitriol on, and make comedies about, Christianity. Getting rid of the blasphemy law sends a message that that is okay, but it is insulting to many Christians.

**Maria Eagle:** I do not believe that to be the case, and I do not share the hon. Gentleman's analysis.

In its report on this Bill in January, the Joint Committee on Human Rights said:

“the continued existence of the offences of blasphemy and blasphemous libel can no longer be justified, and we are confident that this would also, in today's conditions, be the view of the English courts under the Human Rights Act and the Strasbourg Court under the ECHR”.

The High Court's decision on 5 December last year that the Theatres Act 1968 and the Broadcasting Act 1990 prevent the prosecution of a theatre, the BBC or another broadcaster for blasphemous libel would appear to have given further weight to the notion that the offences are, to all intents and purposes, moribund. That was the result of a case brought by the organisation Christian Voice in response to the broadcast of the play “Jerry Springer: The Opera”.

We are well aware of concerns—expressed particularly by members of the Christian community, but by no means exclusively by them—that abolition of these laws could be seen to represent further evidence of our society's drift towards secularisation, and that that would be an attack on the Christian values that underpin so many of our institutions. The hon. Member for Stone (Mr. Cash) has just made it clear that that is his view, but the Government have been at pains to emphasise that the proposal is not in any sense an attack on those values, on the Christian Church or on Christians themselves.

The House will be aware that in 2001 the Government introduced legislation that specifically affords protection, in the form of religiously aggravated offences, to religious as well as racial groups. We have also brought in legislation to protect people from discrimination on the grounds of religion or belief. Perhaps most importantly, we introduced a new offence of incitement to religious hatred in the Racial and Religious Hatred Act 2006. I know that there was controversy about some if not all of those provisions, but they show that we have introduced protection for people expressing their religious views that we believe is fair.

**Dr. Julian Lewis (New Forest, East) (Con):** I am a member of a minority religious group, and I have no doubt that if something insulting were to be said about the religious community to which I belong—however indifferently—I could appeal to the new laws to which the Minister has referred. However, if I were a member of the majority Christian religion, I am not clear that I would get anywhere by appealing to those new laws once the law of blasphemy was abolished.

**Maria Eagle:** A person in that position would of course gain as much as a member of any other religion. The legislation to which I referred does not exclude members of the Jewish faith, the Church of England or the Catholic Church—or members of any other faith or religion—from the equal protection that it offers.

I was making the point that the common law offences that we are seeking to abolish have fallen into disuse. If anything, they cause more harm than they do good. Although I accept that not everyone in the House or in society believes that the offences should be abolished, I think that there is a broad consensus that at long last they should go.

The UK is a signatory to a number of international conventions that commit us to tackling discrimination in all its forms, and we are regularly criticised by international bodies for having these laws. The UN special rapporteur on freedom of religion recently voiced concern about the continuing existence of the blasphemy offences in this country. Moribund and discriminatory as those laws are, their presence can be seen as a blot on our otherwise extremely good record on combating discrimination and promoting human rights. We believe that it is time to abolish those laws, and on that basis I hope the House will accept the Lords amendments.

**Mr. Garnier:** I am speaking in a purely personal capacity, as this is a matter entirely for the consciences of my hon. Friends. On this side of the Chamber—at least, for hon. Members in the bit directly behind this Dispatch Box—this is a matter for a free vote. What happens in other parts of the Chamber I cannot say.

It might be thought strange for someone who has spent the past 35 years practising at the libel Bar to support the abolition of the common law offence of blasphemy and blasphemous libel, but that is what I intend to do.

**Mr. Richard Bacon (South Norfolk) (Con):** It is not strange in the slightest. Surely, as a libel lawyer, my hon. and learned Friend would be interested only in those laws that he could make money out of, and not in those that simply form part of the historical and cultural threads that make this country what it is.

**Mr. Garnier:** There is always room for levity.

**Dr. Lewis:** Levity all the way to the bank.

**Mr. Garnier:** I will not allow myself to be disturbed by the outrageous allegation that my hon. Friend the Member for South Norfolk (Mr. Bacon) has made. It may be that the standards in the City are different from those that we apply in the Temple—but let us leave it there.

**8.15 pm**

As I think the Minister mentioned, in its verdict on “Jerry Springer: The Opera” the High Court underlined the very high threshold that has to be passed for a prosecution to be brought under the common law of blasphemy. Essentially, the Court said, that means that

“there must be contemptuous, reviling, scurrilous and/or ludicrous material relating to God, Christ, the Bible or formularies of the Church of England.”

**Miss Widdecombe:** There was.

**Mr. Garnier:** I think that my right hon. Friend is no longer a member of the Church of England.

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**Mr. Deputy Speaker:** Order. We will not have a very satisfactory debate if we keep getting interventions from a sedentary position. Perhaps hon. Members who wish to intervene will do so in the usual way.

**Miss Widdecombe:** Will my hon. and learned Friend allow me?

**Mr. Garnier:** If that is the usual way, I will.

**Miss Widdecombe:** I am most grateful. In response to my admittedly sedentary intervention that all those offences were present in “Jerry Springer: The Opera”, my hon. and learned Friend retorted that I was no longer a member of the Church of England. Is he suggesting that God, Christ and the Bible are the exclusive preserve of the Church of England?

**Mr. Garnier:** No, I was suggesting that my right hon. Friend was no longer a member of the Church of England.

The High Court also held that

“the publication must be such as tends to endanger society as a whole, by endangering the peace, depraving public morality, shaking the fabric of society or tending to cause civil strife... This element will not be shown merely because some people of particular sensibility are, because deeply offended, moved to protest. It will be established if but only if what is done or said is such as to induce a reasonable reaction involving civil strife, damage to the fabric of society or the equivalent.”

That was the reasoning of the High Court just before Christmas.

The Archbishops of Canterbury and of York wrote a letter to the Secretary of State for Communities and Local Government on 29 February, setting out the Church of England’s view of the proposal to abolish these common law offences. Broadly, they said that the decision on “Jerry Springer: The Opera” appeared

“to make it even clearer than before that the real purpose of the offences is the preservation of society from strife rather than the protection of the Divine or any particular religious beliefs; and in so far as achieving that end indirectly protects religious beliefs, they are the beliefs of Christians generally, not just those of the Church of England.”

Against that background, the two archbishops suggested that the Church of England had

“serious reservations about the wisdom of legislating at this moment, and especially as part of a Bill introduced to deal with quite different matters.”

I could not agree with them more in that: this is the most shambolic piece of legislation that has ever had the misfortune to come before this House. I think that many hon. Members on the Treasury Bench would agree with me.

**Mr. Hanson** *indicated dissent.*

**Mr. Garnier:** If the Minister is saying that the whole lot of them do, he is quite right. The whole lot is dreadful.

The two archbishops were speaking on behalf of the Church, and it appeared to them that the verdict in the “Jerry Springer: The Opera” case would make it much harder to bring prosecutions

“in all but the most compelling circumstances”.

Although they said that

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“it is not clear that there is a pressing need for repeal until there has been more time to assess the impact of the offence of incitement to religious hatred”,

they did not advise that the change in the law should be resisted.

**Dr. Evan Harris:** I am curious about the letter from the archbishops, and I would be grateful if the hon. and learned Gentleman let me know what he understood them to mean. Does he think they were saying that if blasphemy still was a useful offence that could be used to suppress insulting language directed against Christian beliefs, it should be kept, and that they do not oppose the abolition of the offence only because the recent judgment showed that it would be quite difficult to use it? Or are they saying they think it wrong to give special protection to religious belief, or to one particular class of religious belief, however wide a class Christianity may be considered to be? What is the hon. and learned Gentleman’s view of what they meant?

**Mr. Garnier:** My view is that the archbishops were taking a pragmatic approach on the effect of the High Court decision on common law.

**Mr. Bacon:** May I help my hon. and learned Friend and the hon. Member for Oxford, West and Abingdon (Dr. Harris)? The description that my hon. and learned Friend gave of the letter from the archbishops seems to set out a classic Church of England position—neither for nor against, and not willing to resist.

**Mr. Garnier:** That remark would have been more suitably made in an independent speech than in an intervention, but of course my hon. Friend is entirely free to make what remarks he wishes, and to make them in the manner in which he wishes. It is not for me to comment further on that.

Having read the archbishops’ letter to the Secretary of State, and having understood their attitude to the repeal of the set of common law offences in question, it is not for me to take a different view. The blasphemy law is very rarely used, if at all. We are witnessing the end of a Government who have introduced 3,000 or more new criminal offences, so it is to some extent refreshing to see the Government removing one or two of those offences from the criminal law. I will not pursue the matter further, because I know that there are a lot of very

keen Conservative Members behind me who wish to say quite a lot. For my part, I will support the removal of this set of offences from the statute book.

**David Howarth:** The hon. and learned Member for Harborough (Mr. Garnier) has already set out what was said in the case of the application of Green against the Westminster justices, but it is worth emphasising what Lord Justice Hughes said in that case. In his view, the essence of blasphemy and blasphemous libel turned out to be not the protection of religion or religious views, but the prevention of civil strife. That civil strife might come about through the insulting of the Christian religion, but the offence is only the method; the object of the exercise is to prevent civil strife.

It should be said that the issue of whether the Church of England in particular was protected by the blasphemy

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offence comes about through the connection, in the minds of lawyers and politicians over the centuries, between the Church of England and social order. That is why the idea spread that the offence protects only the Church of England. Of course, that is not so; it protects Christianity in general. It is also worth saying that the relationship between blasphemy and human rights is influenced by the idea of the blasphemy offence being about the prevention of civil strife, and not about—

**Mr. Cash:** Will the hon. Gentleman give way?

**David Howarth:** In a second; I knew that the hon. Gentleman would intervene at that point. I will just finish what I was saying. The relationship between blasphemy and human rights is influenced by the idea of the blasphemy offence being about the prevention of civil strife, and not about questions of free expression alone. That is because the human rights aspect of blasphemy is entirely influenced by the fact that it is a public order offence. It is perfectly justifiable to say that the blasphemy offence does not violate the Human Rights Act 1998 as long as it is seen as a public order offence, and not as being purely to do with speech.

**Mr. Cash:** I am afraid that I really do not buy the argument that it is necessary to include the civil strife issue, for the simple reason that in the House of Lords case of *R v. Lemon* it is said unequivocally that

“it is not an element of the offence that the publication must tend to lead to a breach of the peace.”

**David Howarth:** I think that that was in Lord Scarman’s judgment. There is a difference between tending towards an immediate breach of the peace and tending towards the dissolution of the social order. The point worth making is that it might be an effect of the Human Rights Act that common law, like statute law, has to be interpreted so that it is compatible, as far as possible, with the Human Rights Act. Given that there is ambiguity, the interpretation of blasphemy as a public order matter is the interpretation that is most clearly compatible with the Act. That is how we got to the current situation.

One of the arguments against the further existence of the blasphemy offence is that there are other ways of dealing with civil strife—other criminal offences that are aimed at preventing widespread violence. They include riot, provoking violence, and all the public order offences that we discussed earlier, including the threatening, abusive or insulting language crimes, of which there are three, all of which can be aggravated religiously and racially. There is also incitement to racial hatred and incitement to religious hatred. Then, of course, there are all the terrorism offences. The definition of terrorism is using violence to influence the Government in the interests of an ideology or a political or religious cause. Again, that is aimed at the idea that it should be clearly criminal to act in a way that tends towards the dissolution of society.

In the background is the other common law offence that the House might at some point consider: the offence of sedition. It is sedition intentionally to excite attempts to change the law or constitution by unlawful means, or intentionally to promote feelings of ill-will and hostility between different groups in society. There are already other ways, either on the statute book or in

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common law, of dealing with what is now rightly seen as the fundamental point of the blasphemy and blasphemous libel offences, which is to prevent civil strife. The question of whether to keep the offences comes down to the issue of the protection of a single religion. That is about discrimination, as the Minister said. The offence singles out a particular religious view for protection. It violates the idea that the state should not show favouritism towards any particular religious view, or to religious views rather than non-religious-model views.

**Miss Widdecombe:** The hon. Gentleman's argument sounds like one for the disestablishment of the Church of England. Is that what he believes should happen?

**David Howarth:** I should say that it is the policy of my party to work towards the disestablishment of the Church, and the separation of Church and state. I am fairly comfortable with that position. I will come back to the issue in a moment, because it is relevant to another point that I will make.

The principle of the separation of Church and state is not about the separation of religion and politics, which I think is impossible. We cannot separate people's moral, religious views from their political views. We are talking about the state, not about society, and about the religious commitments of the state, not about whether people in society are religious or not. In the course of debate we have heard three separate arguments against the idea of state neutrality in religion. The right hon. Lady just alluded to one of them; it might be called the "this is a Christian country" argument.

We do indeed have an established Church, we have Acts of Parliament such as the School Standards and Framework Act 1998, which mandates an act of broadly Christian collective worship in schools, and we have Prayers in this place. The trouble with that point is that what is, is not necessarily what ought to be. It ignores the new circumstances in which we find ourselves, which make it important now more than ever to reject the idea of the mixture of Church and state, any notion of theocracy or any hint that the state should be built on a particular religious view.

8.30 pm

**Sir Patrick Cormack:** I had not intended to vote, but the hon. Gentleman has convinced me that I must vote against him. Is he not aware that the Government, in the person of the Prime Minister, no less, have proclaimed their support for the established Church, and therefore the maintenance of the status quo?

**David Howarth:** The battles in the House historically between the Conservatives and the Liberals have always been about issues such as this, but when I see the House now, I see the massed ranks of the Conservative party on both sides. I am therefore not surprised that that is the Government's position.

There has always been a theoretical case for the separation of Church and state. It is in the US constitution, in the first amendment to the US constitution, and in the French statute of 1905 that separates Church and state. What I am talking about is a new factor. We are faced—not just internationally—with people who also have a theocratic view, which we find it difficult to argue

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against because of the vestiges of the admixture of Church and state in our own arrangements. If we are arguing against the use of blasphemy laws, for example, in Pakistan or in Iran, it is difficult for us to do that while we maintain in vestigial form, a form that is not used very often, the same sort of law in this country.

**Dr. Julian Lewis:** Is the hon. Gentleman seriously suggesting that for the sort of people who run Pakistan or Iran, it would make the slightest difference to the way they run their countries if we sent such a signal in the way that we run our democratic country?

**David Howarth:** Not at all, but the signals are to young people in our own cities. One of the things that the former Prime Minister often talked about, on which people did not take him seriously—perhaps they should not have taken him seriously on other matters, but on this they should have taken him seriously—is the idea that we are in an ideological battle with certain ideas for the hearts and minds of young people in our own cities.

If there are people who are arguing for a new caliphate, for the idea of a religiously based state, who argue for a complete mixture of politics and religion in Church and state, it does us harm in arguing for our position in that ideological battle that we still vestigially maintain that sort of arrangement in our own constitution. It is not about what happens in other countries; it is about what happens here, in our own cities.

That is the first argument—the “Britain is a Christian country” argument, which I as a Liberal have always believed does not lead to the idea of establishing particular Church views in our constitution.

**Mr. Peter Bone (Wellingborough) (Con):** The hon. Gentleman is making a well argued case, with which I totally disagree. On the point of this country being a Christian country, is it not right that in the last census about three quarters of the population said they were Christians?



**David Howarth:** Yes, indeed, and 10 per cent. of people go to church, and as the Bishops pointed out in the equivalent debate in another place, about four in 10 people go to carol services.

The argument comes down to the difference between society and state, which if one is a Liberal, one understands, and if one is a Tory, one probably does not. If one is a socialist, one does not understand it at all. The fact that our society is, in majority terms, still Christian is not in itself any sort of argument that the state should adopt a discriminatory stance towards that religion.

The second argument that I have heard might be called the affirmation of identity argument. It is an argument put forward by Christians who feel themselves to be threatened—not people in the position of hon. Members in the House today, who are very confident in their social position and their religious views, but people who feel that their Christianity is somehow threatened by changes in society that they have observed in their own lives.

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**Mr. Cash:** The hon. Gentleman places great emphasis on the question whether the issue is a Christian one. Does he accept that one of the ten commandments, which is not an exclusively Christian set of beliefs, is:

“Thou shalt not take the name of the Lord thy God in vain”?

**David Howarth:** I am fascinated that the hon. Gentleman appears to be proposing a new criminal offence based on the Decalogue. I do not think that that is a route that he wants to go down. I was trying to make a more serious point, which is reflected in the letters that we receive from our constituents, who feel that their identity as Christians needs to be affirmed by the state.

I understand that feeling, but I think it ought to be resisted. As a Liberal, it seems to me to be objectionable, as well as sad, that people should look to the state for their sense of identity. They should not look to the Government or the law for their own sense of worth. They should look to themselves, their families and their other social relations. It is a deeply sinister idea that the state should help to create people's identity. I realise that the Government frequently get close to that view in their debates about Britishness. That is a dangerous route to go down.

**Mr. Leigh:** So the hon. Gentleman believes that the state has no right to impose Acts of Parliament dealing with matters such as incitement to religious or racial hatred. He seems to be suggesting an ultra-Liberal point of view that the state has no role in that respect. Is that right?

**David Howarth:** Not at all. The state's role is to prevent harm, but it must do so in a way that does not show favouritism to particular religious views.

The third argument that comes up in such debates and which is a serious argument, although I disagree with it, is the argument that the state needs to play some role in creating or maintaining a difference between the sacred and the profane, and that it is harmful for society

if a category of the sacred is diminished. That is the view of the Archbishop of Canterbury. If one reads his lectures—not the ones that caused all the trouble, but lectures in the previous week about this issue—that was the central point that he was making. I shall read out part of what he said in that lecture, because it was an important contribution to the debate:

“but the uncomfortable truth is that a desacralised world is not, as some fondly believe, a world without violence, but a world in which there can be no ultimate agreement about the worth of human or other beings. There may be a strong, even practically unbreakable consensus about the wrongness of torturing prisoners or raping children; but there will be no very clear sense of what, if anything, beyond the dignity of an individual is being ‘violated’ in such cases.”

I respect that argument. I have known the archbishop for 25 years; we were fellows of the same Cambridge college for a while. However, I think that he is wrong. It does not matter that we have different reasons for agreeing on basic values, such as torture being wrong. What matters is that we agree. For the state to operate on the basis of consent—another important Liberal principle—it does not need the population to have uniform ideas or exactly the same religious practices; all it needs is an overlapping consensus about basic structures and values.

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In our society, there are fundamental differences about religion—not only between different religions, but between those who believe and those who do not. In such a society, an overlapping consensus is the best that we can hope for. If we do not work for that, we will end up with something worse. The problem with laws such as those against blasphemy, which favour particular religions, is that they make more difficult that overlapping consensus, in which people come from different directions to the same conclusions about value. Such laws imply that more virtue lies with the favoured religion than with others.

**Dr. Lewis:** I come back to the point that I made in my first intervention. Does the hon. Gentleman accept that there is an “overlapping consensus”—to use his phrase—that it is wrong deliberately to insult people’s most cherished religious beliefs? However, does he also believe that insults to the beliefs of the Jewish or Muslim faiths would be treated the same as insults to the beliefs of the Christian majority faith? I do not believe that there would be equality of treatment under the secular laws. I was originally going to abstain, but I am now inclined to support my Christian colleagues on this issue. I feel that they need extra protection, because their faith is particularly vulnerable in the current political environment.

**David Howarth:** That is a version of one of the arguments that I have mentioned. I respect it, but I do not think that it is right. Given the fundamental differences about religion—not just between religions, but between those who are religious and those who are not—we have to find a framework with which we can all live, if we are to get along. The one that says that the criminal law will deal with people who make remarks about religion that offend but do not harm people will send us in the wrong direction and make maintaining a cohesive society more difficult.

There are disagreements on the issue, but the question is the correct one. In the end, it is about whether the existence of the law of blasphemy makes this society more or less cohesive. I am afraid that it is the latter.

**Mr. Bacon:** That is the right question. However, by extension, the same question becomes one about whether the presence of one religion that is favoured in law by being a state religion makes cohesiveness more or less likely. The odd fact, which counters the hon. Gentleman's argument, is that the leaders of pretty much all the other major faith communities are in favour of the continuation of the established Church of England.

**David Howarth:** It is true that there is more support for establishment among religious leaders than we would expect. However, they do not all believe in establishment, and they certainly do not all believe in the maintenance of the law of blasphemy.

The central point is about tolerance and cohesiveness. It is not plausible to say that maintaining a single state Church with privileges in law helps cohesiveness. In fact, there are religious scholars and sociologists of religion who say that it does not help religion either. Religious life flourishes far more in the United States, and some say that it is no accident that that country has no state Church. The Church there has to live by its own beliefs, attractiveness and words, not by being supported

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by the state itself. In the end, even if one is thinking solely of religious believers, there is a strong case for taking the Church out of the state.

**Miss Widdecombe:** I believe that we should disagree with their lordships' amendment. I have not been persuaded by anything that I have listened to for the past 22 minutes or, indeed, by the brief remarks of the Minister.

8.45 pm

I should like to give what I think is a good illustration of the dangers of getting rid of our blasphemy laws, which apply very specifically to the Christian religion. We all remember the outbreak of outrage among the Muslim community when the Danish cartoons were published. If ever one wanted an example of a propensity for civil strife, one had it there. However, the point that I consider more relevant is that it served to demonstrate that Christianity does not receive equal treatment in our country. I was one of the worshippers who arrived at Westminster cathedral shortly after some of the Pope's remarks had been rather badly misinterpreted, and I was confronted with banners being held by members of the Muslim community proclaiming, "Jesus is the slave of Allah—Islam will conquer Rome": not one or two banners from one or two lunatics but a very large number. The police were there, but they did nothing. I do not, in fact, advocate that they should do something, because I am, as I have said before, a big believer in free speech. However, let us suppose the reverse and that I was stood outside a mosque with a big sign saying, "Allah is the slave of Jesus—Rome will conquer Islam". I would be up before the bench before one could say "Jack Robinson", or "Danish cartoon". I could not do that—I do not think that the Minister would deny that—but they could. That, to me, is a clear demonstration that Christianity would not, as my hon. Friend the Member for New Forest, East (Dr. Lewis) said, receive equal treatment.

**Dr. Evan Harris** *rose*—

**Miss Widdecombe:** I will give way to the hon. Gentleman in due course—if I do not, I am sure he will remind me.

As I said in an earlier debate in this House, I am entirely in favour of free speech. My hon. Friend the Member for New Forest, East would say to me that Christ was not God. That is not blasphemy, but an expression of religious opinion. However, if he were to do something completely different—to mock, to ridicule and to use, in the most horrible fashion, the person of Jesus Christ—that would be a direct assault on me as a Christian. What a lot of people fail to understand about blasphemy is that it hurts deeply and is deeply offensive. The reason the Muslim community got so worked up about those cartoons was that they did not mock Muslims—they mocked the Prophet. None of us would get worried about Christians being mocked, but when Christ is mocked, that is different. Most of us feel that with the way society is going, it is very unlikely that, out of good manners alone, if there were no final legal hurdle, Christians would be protected from that type of insult.

**Dr. Harris** *rose*—

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**Miss Widdecombe:** I give way to the hon. Gentleman, because he is dying to intervene.

**Dr. Harris:** When I tried to intervene earlier, the right hon. Lady was making a good point about the inequality of perception of what an insult is and her feeling that she would run the risk of being had up under our friends, the public order offences that we mentioned in an earlier debate. The answer is surely to get guarantees that her freedom of speech will be protected and that she is able to make that religious point instead of levelling down all the freedoms of speech to the lowest common denominator, which is what she seeks to do in preserving the blasphemy laws.

**Miss Widdecombe:** No—I think that the abolition of the blasphemy laws is a levelling down.

I rather take exception to the Minister's comment, much expanded on in 22 minutes of waffle from the Liberal Front Bench, that the unique protection of Christianity is somehow—I use her own word—discriminatory. We have an established Church, and when I asked whether the Government wanted to abolish it, the Minister shook her head. If we call such protection discrimination, there is already discrimination built into our law. If we have an established Church, we need laws that reflect that. It is right that we keep that last legal hurdle and that people know that it is there. I am not suggesting, and no one with any common sense would do so, that it is an absolute protection against blasphemy—the Springer case proved that it is not. Nevertheless, it is there and it acts as some sort of small brake. I fear that if it is taken away, the inevitable result will be a huge outpouring of what we consider blasphemy, directed particularly against the Christian faith.

**Maria Eagle:** Does the right hon. Lady consider the current common law offences to be useable? One of our main points is that they are not useable any more.

**Miss Widdecombe:** I believe that they would be useable if the will to use them existed. “Jerry Springer: The Opera” could and should have been prosecuted because it was so extreme. The will to use those laws needs to be there. We are led in a whole number of ways by the notion of what we believe we should prosecute. There was and is insufficient will to prosecute blasphemy—it is not a fault of the law—just as there is insufficient will to prosecute practitioners of late abortions, even when they clearly fall outside the law. Somehow it is felt that we should not pursue that matter. The Minister will know that there is an enormous lack of will to ensure that the Hunting Act 2004 is enforced— [ *Interruption.* ] I thought that that was going to get more of a reaction. We should distinguish between what is useable and what is used: they are different concepts. I advocate that we keep the blasphemy laws because they could be used, and they would be a final safeguard in the current situation where Christians are being unfairly picked on.

**Mr. Leigh:** In response to what the Minister said earlier, if Bagehot were here, he would argue that we should not keep something just because it is entirely rational. There is something symbolic about the law in question. It is to do with our culture and tradition, so it has value in that sense.

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**Miss Widdecombe:** I agree with my hon. Friend and I look forward to hearing him make that case in his own contribution. That is the end of mine.

**Mr. Cash:** I agree very much with the sentiments expressed by my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe). I have mentioned a couple of legal cases, and one of the problems is that the matter is a fundamental question of law. There is a constant draining away of our spiritual and moral foundations; nothing is certain or clear any more. Sooner or later, someone will say, “What’s the point in the Queen having to take an oath? What is the point in Members of Parliament doing so?”

There were similar cases in the Liberal past. Mr. Bradlaugh, for example, took exception to taking an oath, but that was not because he wanted to attack the Christian religion; it was a matter of personal conviction. He was supported by many in the Liberal party, such as John Bright and others, who believed profoundly that a person should be entitled, as a matter of freedom of speech, to take such a position. An unlevel playing field is emerging, and I endorse what my right hon. Friend said about the situation outside Westminster cathedral. If the situation had been reversed, there is no doubt whatever that there would have been a serious onslaught on the person or persons taking part in the demonstration. I am glad to say that I do not believe—with slight reservations about some of the more extreme racist elements in our society—that those circumstances would arise in the first place. We are a tolerant and fair-minded people.

Even in the days of empire, we made a significant case for toleration of other religions in those parts of the world where we held governmental sway. We went out of our way to ensure that people were properly protected. Taking such a position is a judgment of wisdom and statesmanship. That is one of the reasons why, for example, even in Roman times, there was recognition of the other religions that existed within Rome’s overarching jurisdiction. It is also

a reason for the extent of the aversion to the Bulgarian atrocities when the Ottoman empire engaged in a process of genocide, which led the Government of this country to take such a strong position against events there.

At the heart of our debate is a question about what sort of society we are. I believe that we are a Christian society and that we should be tolerant of other religions, but that is not to say that we should back away from the fundamentals that underpin our Christian way of life. The law of blasphemy lies at the heart of that.

**Mr. Desmond Swayne (New Forest, West) (Con):** I agree with my hon. Friend, but is not there a danger that less tolerant minority faiths will perceive a blasphemy law as something to which they aspire to protect the less tolerant version of their faith?

**Mr. Cash:** I understand that case, and I believe that the point is well made. However, it is said time and again that our society is based on certain fundamental values—the Prime Minister speaks about the “values of our society” and our leader talks in a similar vein. If those words are to mean anything, they must ultimately depend on the spiritual foundations on which the values are based. If people on the other side of another

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religious divide happen to take the position that they would like the law of blasphemy to apply to their religion and not to the Christian religion, and we followed that route, it would effectively be a form of appeasement. Indeed, in the case of Choudhury in 1991, the divisional court confirmed that the offence of blasphemy is limited to Christianity and does not extend to other religions. In that case, Islam was the religion in question.

Let me revert to the Liberal Democrat spokesman’s remarks. As I said in an intervention, in the matter of civil strife, which appears largely to have developed in the Jerry Springer case, I understand that the offence requires contemptuous and revolting behaviour, which would endanger society as a whole. That does not sit easily with the House of Lords case, which I mentioned earlier, of *R. v. Lemon*, in which the

“House of Lords held by three to two that it was sufficient for the prosecution to prove that blasphemous material had been published and not necessary to prove that the defendants intended to blaspheme... a blasphemous libel was material calculated to outrage and insult a Christian’s religious feelings; it is not an element of the offence that the publication must lead to a breach of the peace.”

In other words, in that House of Lords case, which as far I know still stands, precisely because it is a House of Lords case, the question of civil strife was not at the heart of the decision.

**9 pm**

There is an irony in the situation, as we move further downhill towards a secularised society, which is what this is all about. Make no mistake; I wait with interest, but without any trepidation, to hear the words of the hon. Member for Oxford, West and Abingdon (Dr. Harris). I have heard him on many occasions. He is like a mirror image of Richard Dawkins in his

advocacy of the secular society. I have no doubt that he will put a powerful case by his standards, but unfortunately it will not convince me.

The case that the hon. Gentleman and others who wish to secularise our society put is based on something completely different. The idea of spiritual and moral values in respect of religious conviction is alien to them. The solution in their kind of society is to secularise—to dumb down and to be not merely politically correct, but to repudiate and to oppose. That is atheism and secularisation run together.

**Mr. Bone:** Is not the nub of the argument the signal that the decision that we make tonight will send to the country, rather than the practicality of the law? If we do not keep the blasphemy laws, we will be saying that we are moving towards a secular society.

**Mr. Cash:** I entirely agree. That is the reason I am speaking on this point. The secularisation of our society is the easy way out. That is not to say that we should not have full respect for other religions, that we should be intolerant of those who believe in Islam or that we should repudiate other religions or minimise the importance of other people's beliefs. However, the law in question is related to a Christian's notion of a belief in God, whereby God should be respected and no statements should be made that contradict the fundamental beliefs held by people who believe in God

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in a Christian society. We should stand by those provisions because, as my hon. Friend the Member for Peterborough said, they are an intrinsic part of the society in which we dwell.

**Mr. Garnier:** I shall probably regret this intervention, but the first point is that my hon. Friend meant our hon. Friend the Member for Wellingborough (Mr. Bone), not Peterborough.

**Mr. Cash:** That is a good point.

**Mr. Garnier:** The second point is that although my hon. Friend's point is about religiosity and reinforcing the need for respect for religion in this country, particularly Christianity, the structure of his argument is based on a misunderstanding of history. The common law of blasphemy emerged as a tool of secular power. When the divine right of kings was reinforced by the threat of damnation, there was a need for a law of blasphemy, because it protected the power of state, in the person of the Crown. Now that things have moved on and we do not have internecine disputes between the Jacobites and the Protestants, as we had in 18th century England, which flowed from the problems that we faced in the Reformation—

**Sir Patrick Cormack:** Will my hon. and learned Friend give way?

**Mr. Deputy Speaker:** Order. I think that the point has been made for me.

**Mr. Cash:** I am extremely grateful to you, Mr. Deputy Speaker, and to my hon. Friend and next door neighbour, the Member for South Staffordshire (Sir Patrick Cormack), for that. It is as well that we are keeping our sense of humour, even though we feel strongly and passionately about these matters.

I see that my hon. Friend the Member for Buckingham (John Bercow) has just come in. I do not know whether anyone mentioned to him that I was on my feet, or whether it is just a happy coincidence that he has come in now. I am more than happy to give way to him at any moment if he wishes to intervene, because I know that he, like the hon. Member for Oxford, West and Abingdon, feels strongly about these matters.

**Mr. Garnier:** My last intervention was far too long, but it contained a question that my hon. Friend might condescend to answer.

**Mr. Cash:** Yes; there is no doubt that the divine right of kings came to an end in 1649, when Charles I was executed. However, I point out that the basis of our modern constitution, which started in the period from the 1680s through to 1701 or 1702, and the Act of Settlement, firmly embedded the notion—irrespective of the Jacobites, who tended to be Catholic—that on the ultimate question of the relationship between religion and the state, they were to be regarded as intertwined. It has nothing to do with the divine right of kings. It is to do with the fact that there is an understanding of the fundamental values of society, and that they are reflected in the Glorious Revolution; they remain embedded in our constitutional arrangements.

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**Mr. Leigh:** Is it not somewhat bizarre that pretty much everyone who has spoken in defence of the Church of England so far has been a Catholic? [*Interruption.*] Apart from one practising Jew.

**Dr. Julian Lewis:** Non-practising.

**Mr. Leigh:** Does not that say something about the competence of the established Church?

**Mr. Cash:** I was a little troubled by the intervention of the Archbishops of Canterbury and York on this issue. Fortunately, we can say things in this House that are sometimes fairly close to the bone. Their letter did not get anything like the publicity that was given to the Archbishop of Canterbury's alleged comments on sharia law, which veered in completely the opposite direction. When I heard about the letter, I was worried that the Archbishop of Canterbury had more or less, as far as I could understand it, come down in favour of abolishing the law of blasphemy. As a Roman Catholic, I find it inconceivable that our Pope would want the law of blasphemy to be removed in any shape or form, simply because it ultimately rests on whether one not only believes in God, but is prepared to stand up and defend one's religion, which believes in those values. One need not defend it in a hostile manner, as compared with other religions; one can be quite clear about what one believes, and be prepared to get up and say that and to defend one's religion.

I disagree with some of the interpretations of the origins of the law of blasphemy, which had nothing whatever to do with the divine right of kings—that was just a spurious argument put by the king to support a monarchical position that had become completely untenable. This position is not untenable; it is about religion and conviction. It is about moral values and whether we are prepared to stand up for them in our society. The law of blasphemy was brought into effect to defend those values.



**Mr. Swayne:** Is my hon. Friend suggesting, therefore, that this has less to do with the divine right of kings than with the inquisition?

**Mr. Cash:** I would not wish to go down the route of defending the inquisition, but let us leave that to one side.

The increasing secularisation of our society is diminishing our sense of values and our belief in the spiritual foundations of our western society. Some of us will continue to insist that that is the case.

**Mr. John Hayes (South Holland and The Deepings) (Con):** Is not this also about our sense of identity and a link to our history? Once we detach people from their origins, we diminish them in all kinds of complex ways. That is the price that we pay for the secularisation of society.

**Mr. Cash:** I agree with that very strongly. My hon. Friend the Member for Wellingborough (Mr. Bone) also put his finger on it when he referred to the fact that this matter was symbolic, that it was a reflection of the kind of society that we want, and that to get rid of the law of blasphemy would send out a very bad

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message. I would go even further, and say that it would be positively dangerous to get rid of the law, precisely for those reasons. Somehow, the argument is being inverted and it is being suggested that we who believe in the law of blasphemy represent a danger to society by saying that we want a provision on the statute book that reinforces the values to which I have referred.

**Maria Eagle:** I am listening to the hon. Gentleman. The right hon. Member for Maidstone and The Weald (Miss Widdecombe) made her views clear, but does the hon. Gentleman believe that the law is useable? Most of the courts do not seem to think that it is.

**Mr. Cash:** I am sorry to have to disabuse the Minister. I have here the most recent edition of the standard text on these matters, which states:

“Although the law continues to attract criticism, in 2002 there were no serious plans to abolish the offence, as the Law Commission proposed as long ago as 1985.”

That quote emerges from a Law Commission working paper. I will not quote all the references, but the paper makes it quite clear that, about three years ago, despite the fact that the Law Commission decided in 1985, for whatever reason, that the law should be abolished, it was decided that it would not be abolished. That was a Government decision, or, at any rate, a decision made by official bodies; there were “no serious plans” to abolish the offence.

Furthermore, there have recently been a number of cases, and this brings us to the fundamental question. I have mentioned *Wingrove v. United Kingdom*, a 1996 case in which this issue was raised in the European Court of Human Rights. It was the European Court, for heaven’s sake, that held, in rejecting a complaint that the censorship violated the right to

freedom of expression, that it could be justified under article 10 of the convention, which permits a wide margin of appreciation to contracting states,

“when regulating freedom of expression in relation to matters liable to offend intimate personal convictions within the sphere of morals or, especially, religion”.

That is a pretty recent judgment on the European convention on human rights. Despite the fact that I do not hold much brief for the European Court of Human Rights as a whole, it does not alter the fact that the reasoning is good. I hope that that helps to explain to the Minister why the issues we are debating today remain live, important and fundamental. That is why, for my part—and there are many others in the country at large—I believe that retaining the law of blasphemy is in the interests of the people of this country. To say so is by no means any criticism of other religions, in respect of which we should be tolerant, fair and understanding. We should acknowledge that other people have their right to their religion, but just as they must not abuse their rights, so we must not abuse ours. That is not a reason in itself for abolishing the fundamental basis on which the law of blasphemy rests.

**Dr. Evan Harris:** This evening is an historic occasion—one on which we abolish the blasphemy laws. When the Bill receives its Royal Assent, as I believe it will tomorrow, that will be another historic occasion. That will mean the ridding from our case law of a law that is chilling of freedom of expression and that provides an example of an unnecessary religious privilege.

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9.15 pm

**John Bercow (Buckingham) (Con):** Otiose.

**Dr. Harris:** Indeed. I agree.

It was also historic when the Lords passed the amendment, but that evening was apparently also the evening of the EU referendum vote here, which was of interest to more than one party, so the occasion was drowned out in the media. Nevertheless, it was a major step forward —*[Interruption.]* It is interesting to see so many Conservative Members in their places—I applaud them for it—to witness the draining away of unnecessary religious privilege. It is right that they should be here to see it, but it is also interesting to note what is being drained away in the context of the previous debate. Then, we heard clear and what I thought at the time to be sincere assertions that freedom of expression was important. When it came to the issue of incitement to homophobic hatred, we heard a number of speeches and interventions from Conservative Members claiming that freedom of speech was critical and that freedom of expression was under threat. Yet when it comes to an issue—blasphemy, as opposed to incitement to hatred—that causes individuals themselves no damage, making the case for proscribing it much weaker, those very same people argue that freedom of expression has to go in order to maintain their version of no change. They want to maintain some symbolic law or the safety of the UK constitution, which they fear may be shaken to its foundations by the abolition of these unnecessary and discriminatory laws.

**Mr. Cash:** The hon. Gentleman may recall that I referred to the Wingrove case. In that case, the European convention on human rights, which he obviously believes in profoundly, quite clearly rejected the complaint that censorship violated the right to freedom of expression.

**Dr. Harris:** I was about to come on to that. This is the third intervention in which the hon. Gentleman has made that point; I heard him the first time and was ready to deal with it the first time. Let me commend to him the report of the Joint Committee on Human Rights. In an all-party report, and a significant number of Conservatives were members of the Committee, whose conclusions were made very clear:

“In our view, for the reasons we have summarised above, the continued existence of the offences can no longer be justified, and we are confident that this would also, in today’s conditions, be the view of the English courts under the Human Rights Act and”,

indeed, nowadays,

“the Strasbourg Court under the ECHR”.

What the Wingrove case established was that the Strasbourg Court established a wide margin of appreciation for individual states in those days, but we can be confident that the Human Rights Act 1998 is such that the UK courts applying the European convention in this country would be very clear that this was unjustified discrimination. That is not just my view, but that of the legal advisers to the Joint Committee on Human Rights and many other authorities. In any event, even if there is doubt over whether the measure is either discriminatory or an unreasonable, unnecessary and unjustified chilling of free expression, we should be certain that we do not have that chilling effect, and that we do not suppress free expression.

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**Mr. Cash:** The hon. Gentleman may be prepared to concede that the Wingrove case took place in 1996, which is not that long ago, and that the use of the word “nowadays”, which he interpolated into the comments that he quoted, is only a reflection of the fact that the Joint Committee has an extreme tendency towards a number of decisions with which some of us do not agree. His remarks demonstrate that we are falling into a deeper pit than he is willing to recognise.

**Dr. Harris:** I do not want to be diverted to the merits of the judgments of the Joint Committee on Human Rights, but I think that its Chairman—the hon. Member for Hendon (Mr. Dismore), who is present—would recognise, and the Government would concede, that we have correctly forecast the judgments of both our own courts and the European Court on various matters related to terrorism offences.

The hon. Member for New Forest, East (Dr. Lewis) asked whether it was wrong to insult religious views. I have to say that I do not think it is wrong, although it may be inadvisable, impolite or offensive. The hon. Gentleman said that if his religion was insulted he would expect that to be covered by the religious hatred laws, and expressed concern about the possibility that Christianity would not be covered. However, the whole point of what we

struggled for during the passage of the religious hatred laws—I think he was on my side in that instance—was that it did not cover offence, insult and abuse. The behaviour in question had to be threatening, and be intended to stir up religious hatred. I find it regrettable that Members who in the past have stood up for freedom of expression and freedom to insult, and against the creation of a right not to be offended, are sliding back into the lazy view that something ought to be illegal simply because it is offensive.

**Dr. Lewis:** The hon. Gentleman is making an important point, but I do not think he has addressed the concern felt by many of us about the issue of double standards. The point made by my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) was that if people were to insult the minority religions as Christianity is insulted, they would be dragged before the courts. Is the hon. Gentleman saying that that will not happen, or simply that it is wrong when it does happen? How is Christianity to be given equivalent protection?

**Dr. Harris:** I ask for patience, because I can deal with only one point at a time. The right hon. Member for Maidstone and The Weald spoke of an unlevel playing field. In an intervention, I tried to suggest that we should ensure that our law and its policing enabled people, if they so chose, to make remarks opposing the religion of another group of people, while not inciting hatred or using threatening language against the people themselves.

I believe that the right hon. Lady—and I would be right behind her, figuratively—should be entitled to demonstrate opposite a mosque in the way that she described, and that the police should protect her right to do so. If there is an onslaught against her—a term used earlier, either by her or by someone else—that is the offence. The offence is not her expression of her view, but the fact that people are far too sensitive and

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willing to take to the streets. We saw the same situation with the Danish cartoons. The prosecutions, when they eventually came, were rightly for the unlawful overreaction of the people who had taken offence. I have no doubt that they were offended, but they have no right in that regard, and their reactions must be within the law of the land. I believe that we can achieve a level playing field with maximum freedom of expression.

**Dr. Lewis:** Is the hon. Gentleman's case not the opposite to that made by the hon. Member for Cambridge (David Howarth) from his party's Front Bench? The hon. Member for Cambridge said that it would send a bad signal to society if we stood up for a continuing law of blasphemy, and that it would send a bad signal to certain members of society if we said that it was not a good idea to have extreme theocracies in countries such as Iran, whereas the hon. Gentleman is saying that it would somehow aid social cohesion for my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) to stand outside mosques carrying placards bearing insulting messages. I detect a certain tension between the Front and Back Benches of the Liberal Democrat party.

**Dr. Harris:** I do not accept the words that the hon. Gentleman ascribes to my hon. Friend the Member for Cambridge (David Howarth). I am not arguing that the right hon. Member for Maidstone and The Weald ever aids social cohesion, intends to do so or does so as a consequence of her actions; just that she should have the right to express a religious view against someone else's religious view and that people should have the same right to take

issue with her religious view. That is free speech in a democracy. It has nothing to do with secularisation and I am astonished that the Conservatives are not four-square behind that.

**David Howarth:** I intervene only to say that if my hon. Friend ever hears me use the phrase “send a signal” he will be entitled to insult me as much as he likes.

**Dr. Harris:** I look forward to that, if it ever happens.

The hon. Member for Gainsborough (Mr. Leigh) and the hon. Member for Stone (Mr. Cash) argued that there was a symbolic value in the blasphemy law and that getting rid of it would, first, send the wrong signal and, secondly, undermine our traditions. But exactly the same arguments could be made against striking from the statute book or abolishing from common law an offence that would result in the burning of someone at the stake. It is part of our “proud tradition” in this country that people guilty of apostasy or heresy were burned at the stake. I am sure that there were people in the 17th, 18th or 19th century who said, “Of course, we would not use it anymore but it is sending out the wrong signal if we get rid of it from the statute book.”

The hon. Member for New Forest, East asked whether our having a blasphemy law prevented us from making points to other countries that had far stricter laws on blasphemy and apostasy; he used the example of Pakistan. I think it does. It is more difficult for this country and our diplomats when we have a Christian-only blasphemy

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law to say to the now democratic Pakistan that their Islamic blasphemy laws or Islamic laws on apostasy are misplaced. That was accepted by the co-signatories to the letter that I organised to *The Daily Telegraph*—they included many religious people—to argue to the Sudan Government in relation to the “teddy bear” case that their having a law against blasphemy was misplaced. We have our own version. Whether or not it is used, that undermined our case.

**Dr. Lewis:** The hon. Gentleman has been very generous in giving way. Surely the problem with countries such as Sudan or Iran is not that they have blasphemy laws, but that they attach such extreme penalties to them.

**Dr. Harris:** I understand that there are two parts to any law, unless I missed something in my limited legal education. The first is having someone go through a trial even if there is not much of a penalty at the end. We have already established in relation to the investigation of people such as the Lancashire couple who wanted to put literature in the registry office or, indeed, Lynette Burrows, that the hon. Gentleman’s colleagues were saying that just having a police investigation—not even a prosecution—was traumatic enough and could destroy lives. It is not good enough to say that we can still prosecute even if there is not much of a penalty. It is not just about the penalty. I would expect us to have more proportionate and reasonable penalties for all our laws, whether homicide or burglary, than some of the states we seek to advise or criticise.

Finally, something needs to be said about the motivations behind the measure. In the House of Lords, something curious happened. The archbishops, in their joint letter to the Secretary of State for Communities and Local Government, said:

“Having signalled for more than 20 years that the blasphemy laws could, in the right context, be abolished, the Church is not going to oppose abolition now, provided—

this was the rider—

“we can be assured that provisions are in place to afford the necessary protection to individuals and to society”.

We in the House worked hard to narrowly defeat the Government to ensure that the religious hatred laws did not protect opinion or religion, but only, in clear and narrow cases, individuals from incitement to hatred. I did not for one moment think that those laws would be cited by the Government as something to reassure the archbishops. I am very disappointed that the Minister in the Lords then stated:

“The church made it clear in 2002 that, if such an offence were enacted”—

that is a reference to the Racial and Religious Hatred Act 2006—

“and proved effective, it would provide the context in which the current offence of blasphemy could be safely repealed. This context of stronger legislation weakens any argument to keep the status quo.”—[ *Official Report, House of Lords*, 5 March 2008; Vol. 699, c. 1121.]

I am disappointed that the Government say to our House when we are debating the religious hatred legislation, “Don’t worry, this isn’t about protecting religious belief,” and then in the House of Lords they imply that blasphemy will be substituted by an effective use of the religious hatred Act. That is not the case; I am confident that the religious hatred legislation will

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not be a substitute, and that the Government were just saying that in the House of Lords to placate the bishops.

Baroness O’Cathain claimed that I was arguing that this was a secularising move. She quoted a letter I wrote to Lords when they were debating this issue:

“Dr. Evan Harris said in response:

‘It should be seen as a secularising move, and with pride’.

I rest my case.”—[ *Official Report, House of Lords*, 5 March 2008; Vol. 699, c. 1129.]

In fact, however, this is what my letter said in full:

“It should be seen as a secularising move, and with pride...by both religious and secular people because it removes a layer of religious privilege in, and religious censorship of, society which is no longer seen as appropriate.”

That is an important point.

I do not see why we should have any qualms about trying to secularise the state. There is a difference between that and the view that Richard Dawkins expresses, which is that religious people are wrong. I have never said that in this House; Members can check the record. What people believe is their own business, so far as I am concerned, and religion is a matter for the individual and the home, and for family, church and social clubs. However, there is an argument that the state should be neutral in religious matters—that we should have a secular state.

That is not an argument against people having individual religious views. Many of my best friends—as the cliché goes—have strong religious views, and I respect them. I may or may not share them; I have never discussed my own religious views. I just passionately believe in a secular state.

**Mark Pritchard (The Wrekin) (Con):** Would the hon. Gentleman like to put on record his view? Does he believe that personal faith and religion—whatever religion—should be kept behind closed doors and completely private, or does he think that any part of a community’s or person’s religious beliefs can play a part not only in the work place, but in the public sphere?

**Dr. Harris:** I think that religion is a matter for the individual, the home, the church, the family and social clubs within the local community. I do not believe that there is a role for religious privilege with regard to the state. There is a big difference between a measure that criminalises someone for what they say against a religion and the establishment of the Church. I do not think the establishment of the Church is a good idea—I share my party’s policy—but I also do not think that that is as damaging as threatening to criminalise someone for expressing their point of view even when there is no intention to cause offence, because this is a law of strict liability.

The Government were right finally to put the blasphemy law out of its misery. This is an historic occasion, because this country is in a small way a little more free with this law abolished from our case law.

**Mr. Gerald Howarth:** I am a simple sort of chap, and a member of the Church of England. I think I am the first member of the Church of England to speak in support of the maintenance of this law—a view I have come to on balance, not slavishly.

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I start from the premise of my hon. Friend the Member for South Norfolk (Mr. Bacon) that this is a Christian country and that we owe everything to our Christian tradition. This nation has been forged and fashioned down the centuries by its Christian tradition. Every Act of Parliament is prefaced by reference to the support of the Lords temporal and spiritual and the

Commons assembled. That indicates that our Christian faith has played a hugely important part. Therefore, while I have enjoyed the frivolities of this evening's proceedings, we should be under no illusions that a serious issue is at stake. I am afraid that I am not interested in the Joint Committee on Human Rights or the European Court of Human Rights; I am interested in my views and beliefs, which are profoundly held and shared by a lot of people in this country.

**9.30 pm**

There is a message coming through here, particularly from the hon. Member for Cambridge (David Howarth), who treated us to something that was more in the way of a Cambridge union debate than dealing with the practicalities of the concerns of the people of this country. Those of other religions who have come here down the centuries have done so in the full knowledge that this is a Christian country. One of the reasons why they come here is that our Christian faith is a tolerant faith—one that allows mosques to be built and that allows people to observe their traditions, to bring those traditions with them and to practise them. It is a mistake that some of them should now assert that, because they have come here in rather large numbers, they should be entitled to overturn centuries of tradition in this country. That is a mistake that we should resist.

**Mr. Cash:** Would my hon. Friend be kind enough to give way?

**Mr. Howarth:** If my hon. Friend is going to be brief, I will give way.

**Mr. Cash:** I am very grateful. Does my hon. Friend not agree that there was a time when we were intolerant on both sides of the equation, particularly during the Tudor period, but that it was precisely because of our constitutional settlement, which was developed in the 18th century and has led to our parliamentary democracy, that we have been able to combine the virtues that he has described with our parliamentary democracy as a whole?

**Mr. Howarth:** Yes, I do agree with that, but I am not going back to Tudor times, if my hon. Friend will forgive me; I want to deal with the here and now.

The hon. Member for Cambridge suggested that people less exalted than us are in fear that their Christianity is under threat. He is absolutely right—they do think that, and they are alarmed that the Government of the day appear to be completely preoccupied with minorities and take no account of their genuinely felt concerns. What they are looking for is somebody who is going to stand up for their concerns and articulate them in simple language, saying, "This is a Christian country—this is the way we do it here. My friend, if you don't like it, go and do it somewhere else." It is all perfectly straightforward.

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The Minister relied, as Ministers of course do, on the assertion of the Government's new religion, which is discrimination: anything that is discriminatory is to be resisted, if not completely rejected. Her case is completely destroyed. Of course the law of blasphemy is discriminatory—but then, as was pointed out to her, so is the fact that the Church of England is the established Church. That discriminates against everybody else. It is a discrimination that unless one is a member of the House of Hanover, now the House of Windsor, one cannot ascend to the throne. That discriminates against every Eagle, every Smith, every Howarth in



the land. Discrimination is there; it is in our midst. We are discriminating every day of our lives; we discriminate when we go to the shops. The idea that the Government should somehow rest their case on discrimination is a mistake and indicates that they are going down the wrong track.

Furthermore and as has also been pointed out, we have Christian prayers in this place, which you, Mr. Speaker, of course preside over. I have been waiting for the day when there are calls to end this practice. I shall resist that for all the reasons I have just given; we should maintain these traditional prayers.

**Mr. Hayes:** Will my hon. Friend invite those who have spoken in the opposite cause to the one that he is articulating with such passion to say whether they want to strip this place of all references to Christian faith? I rather suspect that they do. This is a debate between the selfish individualism that lies at the dark heart of liberalism, personified by the hon. Member for Oxford, West and Abingdon (Dr. Harris), and those of us who understand that our shared identity is informed and shaped by our Christian heritage and the reality of our Christian faith.

**Mr. Howarth:** I wish that my hon. Friend would speak more clearly, so that the hon. Member for Oxford, West and Abingdon (Dr. Harris) could properly understand. Clearly, this is an undisguised attempt at promoting the case for the disestablishment of the Church of England.

One of the reasons why this is a serious issue is, as my hon. Friend the Member for New Forest, East (Dr. Lewis) expressed it—he did so articulately, as ever—because some Christians feel under threat. However, the promotion of the Church of England as the established Church in this country is important for other reasons. I can tell him that a Jewish headmistress, whom I was sitting next to at a lunch—I believe that it was for the Conservative Friends of Israel, so a huge number of people attended—said, “It is very important to our school that there continues to be an established Church, because it provides some protection to us in the practising of our religion.” That message must not be forgotten.

Talking of messages, my hon. Friend the Member for Wellingborough (Mr. Bone) rightly pointed out that we are dealing not simply with a law that is perhaps anachronistic and perhaps has had difficulty being interpreted in the courts—I am at one with the view of my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) that a lack of will was the reason why “Jerry Springer: The Opera” escaped

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what should have been a proper prosecution that led to conviction—but with a law that is symbolic.

The act of abolition in which the hon. Member for Oxford, West and Abingdon wishes to rejoice will send out a signal to the entire nation. It is a dreadful time for this House to indicate that it no longer feels that religion is important and that the Church of England has a central role to play in our life in this country. It is a time when we desperately need to reassert moral values in this country. The fact that the archbishops have deserted the field is unfortunate, because that again sends out the wrong message, but my simple role in the Church is as a

mere church warden. The Minister is wrong to suggest that no drift to secularisation is likely to flow from this proposal, because that is what will happen—indeed, it is happening—and it is an important time to reassert moral values.

Furthermore, this act of abolishing the law of blasphemy also carries with it a risk that nothing is sacred in our country and that nothing ought to be given some sort of special protection. Our children will not understand if this House says that it is not important, because why then should anything be sacred? That would send a dreadful message to the young people of our country.

**John Bercow** *rose*—

**Mr. Howarth:** I shall not give way—

**John Bercow:** I thought you believed in free speech.

**Mr. Howarth:** I do believe in free speech, but I think that my hon. Friend the Member for South Norfolk, who has been present throughout the entire debate, wishes to speak.

I shall merely add that I think that this is no time to be abolishing the law of blasphemy. I say that not necessarily because prosecutions of tomorrow will be denied, but because abolition would send a dangerous signal to this nation at a very difficult time for it.

**Mr. Bacon:** I was not originally going to speak in this debate, because I came along just to listen. I listened with interest to the hon. Member for Cambridge (David Howarth). I thought that my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) was a little unfair in describing his contribution as waffle, because I think he made out a liberal rationalist case quite well. Rather like my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack), the more I listened to the hon. Gentleman, the more I became convinced that it was my job to vote against him and everything he stands for. He spelled out clearly, from his position, exactly what so many Conservative Members object to—that is why so many of us are present.

These are not all liberal positions, and I say, without hesitation, that they are not all purely rationalist positions, because things such as religion, love of country, and culture and heritage are not purely rational. When I listened to the hon. Members for Cambridge and for Oxford, West and Abingdon (Dr. Harris) I kept thinking that they started, as Liberals so often do, from a position of theory, they then tried to work out whether the practice fits it and if it did not, they scrubbed it and packed it all away.

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I start from the opposite side of the argument, although I will use the framework used by the hon. Member for Cambridge. The first argument that he decried was the one that Britain is a Christian country. I agree with my hon. Friend the Member for Aldershot (Mr. Howarth) that it is. Britain is a Christian country. He made the point that we have discrimination in our law already, through the established Church, and that the leaders—and many members—of most other faith groups, not just the Jewish community, are glad that we have an established religion.

9.45 pm

Our established religion has evolved in such a way that it has become a tapestry on which all other religions can comfortably hang themselves within our culture. The very coronation of our monarch, who is the supreme governor of our Church, is organised by the senior Roman Catholic in this country—the Earl Marshal, the Duke of Norfolk. We have managed to avoid the turmoil that has afflicted many other countries precisely because we have started not from theory, but from what works. There is a famous Rembrandt painting—I saw it in an exhibition in Berlin, but it has also been on display in Amsterdam and here—of Dutch merchants in the 17th century. I will not try to name the painting, but what was interesting about it was that although the merchants all looked the same their religious backgrounds varied, but they had reached an accommodation that enabled them to rub along and live together in harmony.

It is an enormous tribute to our country that we can have you, Mr. Speaker, sitting in the Chair as a Roman Catholic without anyone commenting on that or its being a matter of great public debate, let alone concern. It is a huge tribute to the way in which our country has developed that that can be a matter of such little comment.

It remains the case that we are a Christian country, and more people go to church on a Sunday—even now in these times of diminished observance of the Christian faith—than go to football matches on a Saturday. I went to a Catholic church in the west midlands on Sunday morning because it was the first communion of my godson. I was allowed to become his godfather, even though I am not a Catholic. That might not happen in all countries, but it is not considered odd here.

I shall come on to the second argument outlined by the hon. Member for Cambridge—about the affirmation of identity—in a moment, but I wish first to address his third argument about the state needing to play some role in maintaining the distinction between the sacred and the profane. He thinks that that is wrong, and he is entitled to put that view. However, not only does the state have a role in distinguishing between the sacred and the profane, but it is normal for that to be the case in most countries.

Some years ago, I heard the right hon. Member for North Antrim (Rev. Ian Paisley), who recently retired after serving as First Minister in Northern Ireland, make an interesting speech, which I looked up afterwards. He referred to many European countries—I can remember only four—where similar arrangements obtain. It is the case in the Netherlands, Sweden and Denmark that the head of state has a specifically religious role. In Sweden and Denmark, the head of state must be a member in good standing of the Lutheran Church, and in the

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Netherlands of the Dutch Reformed Church. Even in Spain, which has an explicit division between the state and religious life, the Spanish constitution provides a special place for the Catholic Church.

The hon. Member for Cambridge referred to the United States—we are all familiar with arguments about the first amendment. In the past, many people from my own constituency went to the US to obtain more religious freedom. The hon. Gentleman said that it was not an accident that the churches in the US flourish as they do, given an environment in which there

is complete separation between Church and state. He may be right, but it is also not an accident that people who wanted that went to the US, and that people who did not stayed here. Many people did not leave my constituency in Norfolk or anywhere else, and some of those who went to Massachusetts in the 1670s or before came back to this country. We have to remember our culture, tapestry and traditions, and not just those of other countries.

As I said, the second point made by the hon. Gentleman was about the affirmation of identity. He is absolutely right: that is what all this is about, although he thinks it is wrong to use our religious traditions and institutions to establish identity.

**David Howarth:** What I think is wrong is to use the state to define identity. It is perfectly natural to use religion to identify oneself.

**Mr. Bacon:** I recommend that the hon. Gentleman read Roger Scruton's book "The West and the Rest", as I believe that he has it precisely the wrong way around. One is safer if the state plays some role than one is if it plays none at all and the only allegiance is to religion. I think that one needs a bit of both, but I strongly recommend the book.

Some years ago, when I was serving on the European Scrutiny Committee, I met Mr. Buttiglione, who bore the wonderful title of Minister of Productive Activities in the Italian Cabinet. I do not think that he had a role in promoting fertility in Italy: his job had more to do with trade and industry. However, at the time he was being proposed for the Italian European Commissioner's post. He had to stand down, for no reason other than that he believed the central tenets of the Catholic Church and was foolish enough to say so.

**Mr. Gerald Howarth:** My hon. Friend will be delighted to know that a group of us sent him a message of solidarity from this House.

**Mr. Bacon:** Well, I sent him a message of solidarity from his office, which had a ceiling as high as the one in this Chamber. It also had a balcony from which Mussolini could make speeches without having to descend among his Ministers.

Mr. Buttiglione was a learned scholar and political philosopher. I was struck by one of the things that he said, and I wrote it down. He said that there were three things at the heart of our western European identity—Greek philosophy, Roman law and Christian morality. That is why, even though the Minister says that the law may not be usable, I tend to agree with my right hon. Friend the Member for Maidstone and The Weald that there is a distinction between what is usable and what is used.

## **6 May 2008 : Column 665**

The Minister said that the law would be used only in the most compelling circumstances, but did "Jerry Springer: The Opera" represent the most compelling circumstances? I have lost count of the number of times that I have sat in Committee and heard Ministers say that they will have a piece of legislation "just in case".

**Mr. Leigh:** Ministers use that argument many times. There are tens of thousands of lines of legislation and laws that are never used, so why have the Government focused, laser-like, on this particular law?

**Mr. Bacon:** They have done so because it is part of their secularisation agenda. Some people think that, for every law put on the statute book, one—or even 10—should be removed. That would get the statute book into some sort of bounds. That argument certainly works for tax legislation, but I fear that this law is part of a wider agenda of secularisation. Although the hon. Member for Cambridge made the argument that this is about affirmation of identity in order to dispute it and disagree with it, in the end that is exactly what this proposed law is about. It is also exactly why we should disagree with the Lords amendment.

**Maria Eagle:** This has been an excellent and enjoyable debate. Many contributions have been made, from a wide range of different perspectives. A wide range of approaches have been adopted, with hon. Members speaking from their knowledge of history, legal theory and political philosophy, as well as from their religious belief. However, it is not possible in the remaining time for me to cover every point that has been made. I hope that hon. Members will forgive me, but it has been striking how so many different positions have been set out by the main speakers in the debate—from the secularism and wish to disestablish exhibited by the hon. Member for Oxford, West and Abingdon (Dr. Harris), to the political and legal theory propounded by the hon. Member for Cambridge (David Howarth) and the strongly held religious beliefs of many on the Conservative Benches. Many believe strongly that the laws are so much a part of our heritage that it would be desperately dangerous—that word has been used by Opposition Members—for us to abolish the two common law offences, which have fallen into disuse.

We do not have much time, but let me say that the Government do not believe that removing the offences is the first step towards the disestablishment of the Church or the secularisation of our society, although some hon. Members have asserted that that is what it is, or what the Government believe it is, or that a hidden agenda is being pursued. If the hon. Member for Oxford, West and Abingdon has a hidden agenda, it is not very well hidden: he asserts his point of view every chance he gets, and whenever he stands up in the House.

**John Bercow:** It would be a bit rich for people who are passionate believers in the sovereignty of Parliament to moan about alleged slippery slopes; it really does not add up.

**Maria Eagle:** I think that all of us in this place believe strongly in the sovereignty of Parliament, because if we do not, nobody else will. The hon. Gentleman makes an important point.

## **6 May 2008 : Column 666**

The Government took an opportunity that arose as a result of the way the Bill proceeded to abolish the common law offences of blasphemy and blasphemous libel, but we do not believe that that is the first step towards the disestablishment of the Church of England as the state religion, or a step on a slippery slope towards the secularisation of our society. Probably all of us in the Chamber would say that our country's Christian heritage has been a very important part of our society as it developed, and is an important part of the democratic, tolerant society that we all value. In recent centuries, although not in its early stages, that religion was fundamental in developing the freedom of speech that we have spent most of this afternoon saying how much we value and wish to defend from various positions.

It is true that the hon. Members for Cambridge and for Oxford, West and Abingdon have their views about where we should go next, as do many other hon. Members who have spoken from their religious opinions. Getting rid of offences on the statute book that have fallen into disuse is not an indication that the Government are going down one particular path. We are simply taking the opportunity to get rid of the offences; there is widespread agreement that that should be done, and widespread acceptance that that would be sensible, because they are no longer usable.

**Mr. Cash:** The Minister makes great play of the importance of making sure that there is no unfairness in the expression of opinion on the subject. I have a simple question: are Government Members on a free vote?

**Maria Eagle:** As far as I am aware, we Government Members are on a whipped vote, but Members will vote whichever way they wish.

I do not believe for a moment that the fact that we are taking the opportunity to get rid of offences that have fallen into disuse and are no longer usable indicates that the Government are not in favour of Christianity, or want to disestablish the Church. I noticed that one or two Opposition Members, including the right hon. Member for Maidstone and The Weald (Miss Widdecombe), asserted that the problem was not that the offences were not usable, but that there was no will to use them. I would dispute that; I do not think that they are usable because of the way things have developed over the years. We have discussed those developments during the passage of the legislation. If it is simply a matter of will, the right hon. Lady will note that the last time someone tried to use the offences was in 1977—they have not been used by the public authorities since 1920. So it is not simply the present Government or Labour Governments who have not sought to use the offences or not had the will to use them, but every Conservative Government as well.

I do not believe for a minute, and I am sure the right hon. Lady does not believe, that if the offences were to go when the Bill receives Royal assent and if the Commons agrees to the Lords amendments tonight, we will end up with a more secular society or a society that denies its Christian heritage. Christians and Christian organisations in this country are well able to assert their own history—

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*It being Ten o'clock, Mr. Speaker put the Question already proposed from the Chair, pursuant to Order [this day].*

*Question put, That this House agrees with the Lords in the said amendment:—*

*The House divided: Ayes 378, Noes 57.*

**Division No. 170]**

[10 pm

## AYES

Abbott, Ms Diane	Browne, Mr. Jeremy	Cook, Frank
Afriyie, Adam	Bruce, rh Malcolm	Cooper, Rosie
Ainger, Nick	Bryant, Chris	Cooper, rh Yvette
Ainsworth, rh Mr.	Buck, Ms Karen	Corbyn, Jeremy
Bob	Burden, Richard	Cousins, Jim
Allen, Mr. Graham	Burgon, Colin	Crausby, Mr. David
Anderson, Mr. David	Burnham, rh Andy	Cruddas, Jon
Arbuthnot, rh Mr.	Burrowes, Mr. David	Cryer, Mrs. Ann
James	Burstow, Mr. Paul	Cummings, John
Armstrong, rh Hilary	Burt, Lorely	Cunningham, Mr. Jim
Atkins, Charlotte	Butler, Ms Dawn	Davey, Mr. Edward
Austin, Mr. Ian	Byers, rh Mr.	David, Mr. Wayne
Austin, John	Stephen	Davidson, Mr. Ian
Bailey, Mr. Adrian	Byrne, Mr. Liam	Davies, Mr. Quentin
Baird, Vera	Cable, Dr. Vincent	Dean, Mrs. Janet
Baker, Norman	Caborn, rh Mr.	Denham, rh Mr. John
Baldry, Tony	Richard	Devine, Mr. Jim
Balls, rh Ed	Cairns, David	Dhanda, Mr. Parmjit
Banks, Gordon	Cameron, rh Mr.	Dismore, Mr. Andrew
Barrett, John	David	Djanogly, Mr.
Barron, rh Mr. Kevin	Campbell, Mr. Alan	Jonathan
Battle, rh John	Campbell, rh Sir	Donohoe, Mr. Brian
Bayley, Hugh	Menzies	H.
Beckett, rh Margaret	Carmichael, Mr.	Doran, Mr. Frank
Begg, Miss Anne	Alistair	Dowd, Jim
Beith, rh Mr. Alan	Carswell, Mr.	Drew, Mr. David
Benn, rh Hilary	Douglas	Duddridge, James
Benton, Mr. Joe	Caton, Mr. Martin	Eagle, Angela
Benyon, Mr. Richard	Cawsey, Mr. Ian	Eagle, Maria
Bercow, John	Challen, Colin	Efford, Clive
Berry, Roger	Chapman, Ben	Ellman, Mrs. Louise
Betts, Mr. Clive	Clapham, Mr.	Ennis, Jeff
Blackman-Woods,	Michael	Etherington, Bill
Dr. Roberta	Clark, Greg	Farron, Tim
Blears, rh Hazel	Clark, Ms Katy	Featherstone, Lynne
Blizzard, Mr. Bob	Clark, Paul	Field, Mr. Mark
Blunt, Mr. Crispin	Clarke, rh Mr.	Fisher, Mark
Bradshaw, Mr. Ben	Charles	Fitzpatrick, Jim
Brake, Tom	Clarke, rh Mr.	Flint, rh Caroline
Brennan, Kevin	Kenneth	Flynn, Paul
Brooke, Annette	Clarke, rh Mr. Tom	Follett, Barbara
Brown, Lyn	Clegg, rh Mr. Nick	Foster, Mr. Don
Brown, rh Mr.	Clelland, Mr. David	Foster, Mr. Michael
Nicholas	Coaker, Mr. Vernon	( <i>Worcester</i> )
Brown, Mr. Russell	Coffey, Ann	
	Cohen, Harry	

Foster, Michael  
Jabez (*Hastings and Rye*)  
Francis, Dr. Hywel  
Gapes, Mike  
Garnier, Mr. Edward  
Gauke, Mr. David  
George, Andrew  
George, rh Mr. Bruce  
Gibson, Dr. Ian  
Gidley, Sandra  
Gilroy, Linda  
Godsiff, Mr. Roger  
Goldsworthy, Julia  
Goodman, Helen  
Greening, Justine  
Grieve, Mr. Dominic  
Griffith, Nia  
Griffiths, Nigel  
Gwynne, Andrew  
Hall, Mr. Mike  
Hall, Patrick  
Hamilton, Mr. David  
Hamilton, Mr. Fabian  
Hancock, Mr. Mike  
Hands, Mr. Greg  
Hanson, rh Mr. David  
Harman, rh Ms  
Harriet  
Harris, Dr. Evan  
Harris, Mr. Tom  
Harvey, Nick  
Havard, Mr. Dai  
Healey, John  
Heath, Mr. David  
Hemming, John  
Hendrick, Mr. Mark  
Heppell, Mr. John  
Herbert, Nick  
Hesford, Stephen  
Heyes, David  
Hill, rh Keith  
Hillier, Meg  
Hodge, rh Margaret  
Hodgson, Mrs.  
Sharon  
Holmes, Paul  
Hood, Mr. Jim  
Hoon, rh Mr.  
Geoffrey

Hope, Phil  
Hopkins, Kelvin  
Horwood, Martin  
Howarth, David  
Howarth, rh Mr.  
George  
Howells, Dr. Kim  
Hoyle, Mr. Lindsay  
Hughes, rh Beverley  
Hughes, Simon  
Huhne, Chris  
Humble, Mrs. Joan  
Hunt, Mr. Jeremy  
Hunter, Mark  
Hutton, rh Mr. John  
Iddon, Dr. Brian  
Illsley, Mr. Eric  
Ingram, rh Mr. Adam  
Irranca-Davies, Huw  
Jackson, Glenda  
James, Mrs. Siân C.  
Jenkins, Mr. Brian  
Johnson, rh Alan  
Johnson, Ms Diana  
R.  
Jones, Helen  
Jones, Mr. Kevan  
Jones, Lynne  
Joyce, Mr. Eric  
Keeble, Ms Sally  
Keeley, Barbara  
Keen, Alan  
Keen, Ann  
Keetch, Mr. Paul  
Kelly, rh Ruth  
Kemp, Mr. Fraser  
Kennedy, rh Mr.  
Charles  
Key, Robert  
Khan, Mr. Sadiq  
Kidney, Mr. David  
Kilfoyle, Mr. Peter  
Kirkbride, Miss Julie  
Knight, Jim  
Kramer, Susan  
Kumar, Dr. Ashok  
Ladyman, Dr.  
Stephen  
Laing, Mrs. Eleanor  
Lamb, Norman

Lammy, Mr. David  
Laxton, Mr. Bob  
Lazarowicz, Mark  
Leech, Mr. John  
Lepper, David  
Levitt, Tom  
Lewis, Mr. Ivan  
Linton, Martin  
Lloyd, Tony  
Llwyd, Mr. Elfyn  
Loughton, Tim  
Love, Mr. Andrew  
Lucas, Ian  
Mackay, rh Mr.  
Andrew  
Mackinlay, Andrew  
MacShane, rh Mr.  
Denis  
Mallaber, Judy  
Mann, John  
Marris, Rob  
Marsden, Mr. Gordon  
Martlew, Mr. Eric  
McAvoy, rh Mr.  
Thomas  
McCafferty, Chris  
McCarthy, Kerry  
McCarthy-Fry, Sarah  
McDonagh, Siobhain  
McDonnell, John  
McFadden, Mr. Pat  
McFall, rh John  
McGovern, Mr. Jim  
McIsaac, Shona  
McKechin, Ann  
McKenna, Rosemary  
McNulty, rh Mr. Tony  
Meacher, rh Mr.  
Michael  
Meale, Mr. Alan  
Michael, rh Alun  
Milburn, rh Mr. Alan  
Miliband, rh Edward  
Miller, Andrew  
Mitchell, Mr. Austin  
Moffatt, Laura  
Mole, Chris  
Moon, Mrs.  
Madeleine  
Moran, Margaret



Morden, Jessica  
Morgan, Julie  
Morley, rh Mr. Elliot  
Moss, Mr. Malcolm  
Mudie, Mr. George  
Mulholland, Greg  
Mullin, Mr. Chris  
Mundell, David  
Murphy, Mr. Denis  
  
Murphy, rh Mr. Paul  
Murrison, Dr. Andrew  
Naysmith, Dr. Doug  
Norris, Dan  
O'Brien, Mr. Mike  
Olner, Mr. Bill  
Öpik, Lembit  
Osborne, Sandra  
Owen, Albert  
Palmer, Dr. Nick  
Pearson, Ian  
Penrose, John  
Plaskitt, Mr. James  
Pope, Mr. Greg  
Pound, Stephen  
Prentice, Mr. Gordon  
Prescott, rh Mr. John  
Price, Adam  
Primarolo, rh Dawn  
Prosser, Gwyn  
Pugh, Dr. John  
Purchase, Mr. Ken  
Rammell, Bill  
Raynsford, rh Mr.  
Nick  
Reed, Mr. Andy  
Reed, Mr. Jamie  
Reid, Mr. Alan  
Reid, rh John  
Rennie, Willie  
Riordan, Mrs. Linda  
Robertson, Mr.  
Laurence  
Robinson, Mr.  
Geoffrey

Rogerson, Dan  
Rooney, Mr. Terry  
Rowen, Paul  
Roy, Mr. Frank  
Ruane, Chris  
Ruddock, Joan  
Russell, Bob  
Russell, Christine  
Salter, Martin  
Sanders, Mr. Adrian  
Seabeck, Alison  
Sharma, Mr.  
Virendra  
Shaw, Jonathan  
Sheerman, Mr. Barry  
Sheridan, Jim  
Short, rh Clare  
Simon, Mr. Siôn  
Simpson, Alan  
Skinner, Mr. Dennis  
Slaughter, Mr. Andy  
Smith, rh Mr. Andrew  
Smith, Ms Angela C.  
(*Sheffield,*  
*Hillsborough*)  
Smith, Angela E.  
(*Basildon*)  
Smith, Geraldine  
Smith, rh Jacqui  
Smith, Sir Robert  
Snelgrove, Anne  
Soulsby, Sir Peter  
Southworth, Helen  
Spellar, rh Mr. John  
Starkey, Dr. Phyllis  
Stewart, Ian  
Stoate, Dr. Howard  
Strang, rh Dr. Gavin  
Straw, rh Mr. Jack  
Stringer, Graham  
Stuart, Ms Gisela  
Stunell, Andrew  
Swinson, Jo  
Taylor, Ms Dari  
Taylor, David

Taylor, Matthew  
Taylor, Dr. Richard  
Teather, Sarah  
Thomas, Mr. Gareth  
Thornberry, Emily  
Thurso, John  
Timms, rh Mr.  
Stephen  
Tipping, Paddy  
Todd, Mr. Mark  
Touhig, rh Mr. Don  
Trickett, Jon  
Turner, Dr. Desmond  
Turner, Mr. Neil  
Tyrie, Mr. Andrew  
Vara, Mr. Shailesh  
Walley, Joan  
Waltho, Lynda  
Watts, Mr. Dave  
Webb, Steve  
Whitehead, Dr. Alan  
Whittingdale, Mr.  
John  
Williams, rh Mr. Alan  
Williams, Mrs. Betty  
Williams, Hywel  
Williams, Mark  
Williams, Mr. Roger  
Willis, Mr. Phil  
Willott, Jenny  
Wills, Mr. Michael  
Wilshire, Mr. David  
Wilson, Phil  
Winnick, Mr. David  
Winterton, rh Ms  
Rosie  
Woolas, Mr. Phil  
Wright, Mr. Anthony  
Wright, David  
Wright, Mr. Iain  
Wright, Dr. Tony  
Yeo, Mr. Tim  
Young, rh Sir George  
Younger-Ross,  
Richard

Tellers for the Ayes:

Tony Cunningham and  
Liz Blackman

## NOES

Amess, Mr. David	( <i>Haltemprice and Howden</i> )	Mates, rh Mr.
Ancram, rh Mr. Michael	Donaldson, rh Mr. Jeffrey M.	Michael
Atkinson, Mr. Peter	Dorries, Mrs. Nadine	McCrea, Dr. William
Bacon, Mr. Richard	Evans, Mr. Nigel	McIntosh, Miss Anne
Binley, Mr. Brian	Fallon, Mr. Michael	McLoughlin, rh Mr. Patrick
Bone, Mr. Peter	Francois, Mr. Mark	Neill, Robert
Brokenshire, James	Gillan, Mrs. Cheryl	Pritchard, Mark
Burns, Mr. Simon	Gray, Mr. James	Robinson, rh Mr. Peter
Burt, Alistair	Gummer, rh Mr. John	Rosindell, Andrew
Campbell, Mr. Gregory	Hayes, Mr. John	Ruffley, Mr. David
Cash, Mr. William	Heald, Mr. Oliver	Selous, Andrew
Chope, Mr. Christopher	Hoban, Mr. Mark	Spink, Bob
Clifton-Brown, Mr. Geoffrey	Hollobone, Mr. Philip	Steen, Mr. Anthony
Cormack, Sir Patrick	Jackson, Mr. Stewart	Swayne, Mr. Desmond
Crabb, Mr. Stephen	Jones, Mr. David	Swire, Mr. Hugo
Davies, Mr. Dai	Kawczynski, Daniel	Turner, Mr. Andrew
Davies, David T.C. ( <i>Monmouth</i> )	Knight, rh Mr. Greg	Watkinson, Angela
Davis, rh David	Leigh, Mr. Edward	Wiggin, Bill
	Lewis, Dr. Julian	Wilson, Sammy
	Liddell-Grainger, Mr. Ian	Winterton, Ann
	MacNeil, Mr. Angus	

Tellers for the Noes:

Miss Ann Widdecombe and  
Mr. Gerald Howarth  
*Question accordingly agreed to.*

*Lords amendment agreed to.*