



Ben and Sharon Vogelenzang are working to rebuild their hotel business in Liverpool after being charged with using “threatening, abusive or insulting words or behavior.”

# So-called hate speech

In the U.K., hate-crimes laws increasingly are used to stifle religious speech. Is the U.S. headed in the same direction?

by Colin Hart

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**H**ow did a breakfast debate about religion end up with two Christians sitting in a Liverpool courthouse?

It was due to Europe’s obsession with so-called hate speech.

Ben and Sharon Vogelenzang run the Bounty House Hotel in Liverpool. Last March, they were

having a discussion with a guest at breakfast. Ericka Tazi, a Muslim, claimed Jesus was a prophet of Islam; the Vogelenzangs said he was the Son of God. Tazi also accused the couple of calling Muhammad a warlord, an accusation denied by the couple.

Offended by the discussion, Tazi went to the authorities. The Christian couple were charged with using “threatening, abusive or insulting words or behavior within the hearing or sight of a person likely

to be caused harassment, alarm or distress,” under Section 5 of the Public Order Act. The police claimed the offense was “religiously aggravated.” In the U.K., “aggravated” factors — typically covered under hate-crimes laws — are supposed to add a tougher penalty for unlawful conduct. But, as in this case, “aggravated” factors can encourage prosecution of lawful conduct.

Hate-crimes laws establish a hierarchy of victims and seek to crim-

inalize what is inside someone's mind and heart when they commit a crime. For Christians, there is another chilling element. Law enforcement officials believe they have the authority to clamp down on Christians who express their beliefs on controversial issues. They confuse disagreement with hate speech.

Here in the U.K., hate-crimes laws have resulted in police action and criminal prosecutions against Christians who have lawfully expressed their opinion about someone else's religious beliefs or someone else's sexual behavior. The Christian Institute finances the legal defense of such Christians. Free speech and religious liberty are supposed to be legally protected in the U.K., but those essential freedoms are being repeatedly challenged by a stream of politically driven policies that favor minority groups at the expense of the majority.

Benjamin Bull, chief counsel for the Arizona-based Alliance Defense Fund, has worked on hate-crimes cases in Europe. He agrees that the

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Benjamin Bull, chief counsel for the Alliance Defense Fund

problem is how the laws are applied — almost always to Christians.

“When you read the laws, you say, ‘Who could be against hate?’ ” he says. “But the people who support these laws know exactly how they intend to enforce them. The only time you read about these laws being applied is in regard to Christians.”

Bull said the stifling situation in Europe dates to World War II, when most countries enacted laws prohibiting criticism of people based on their religion. Intended to protect Jews, the laws have “expanded to fit the political correctness of the day,” Bull says.

And they are headed toward the U.S., he says.



CHRISTIAN INFLUENCE IN A SECULAR WORLD

“We know if we don't stop it there, it will be here tomorrow,” Bull says. “We are already seeing it in Canada. We know U.S. courts play copycat.”

### Liberty in peril

The Christian Institute funded the legal defense of Ben and Sharon Vogelenzang. And common sense, for once, prevailed. The criminal case was dismissed in December. The Vogelenzangs are working to rebuild their business, which nearly crumbled during the case.

Another case involved Pauline Howe, a Christian grandmother who lives near Norwich. She was investigated by two police officers last year after writing to the Norwich City Council expressing her disapproval of a gay-pride parade in her hometown. The police lectured her on her choice of words and informed her that a “hate incident” had been documented.

The police's definition of “hate speech” is a major problem. The



For 10 years, Andy Robertson, right, preached in the town square of Gainsborough, England. Then the local council began putting pressure on him to stop, accusing him of making offensive remarks.

Association of Chief Police Officers in the U.K. defines a “hate incident” as “any incident, which may or may not constitute a criminal offense, which is perceived by the victim or any other person, as being motivated by prejudice or hate.” Police officers investigate and record such incidents, even if no crime has been committed.

The problem, of course, is the increasingly elastic definition of “hate.” When government officials start to confuse disagreement on a controversial issue with hatred, then the liberty of us all is in peril.

This situation came to a head in the case of Julian Hurst, a church worker from Manchester who was handing out leaflets for an Easter church service. He was challenged by five police officers, and his literature was investigated by the police force’s Hate Crimes Unit (yes, we have those in the U.K.). Someone had complained to the police that the leaflet was offensive. In truth, the complainant objected to the mere presence of evangelical Christians in the area.

Street preacher Andy Robertson, who works for the respected British evangelism group Open Air Mission, also has come under

fire. Each month for 10 years, he had preached in the town square of Gainsborough, England. The local council was putting pressure on him to stop, accusing him of making offensive remarks. He contacted The Christian Institute, which advised him to record his sermons so he could prove that his speech was lawful. On one occasion, a police officer approached Robertson and asked him to stop preaching because of complaints. The police officer’s comments were caught on tape.

When Robertson asked about the nature of the complaints, the police officer said two members of the public had complained of homophobic remarks. Robertson knew he had not even mentioned homosexuality. He also told the police officer that, even if he had said homosexual practice was a sin, it wouldn’t be a crime. To which the officer said, “That’s probably going to fall under Section 5 of the Public Order Act.”

Robertson, who knew his legal rights to preach in public places, corrected the officer: “No, it isn’t actually, because I’ve got Section 5 of the Public Order Act here.” But the officer was unmoved.



“I knew they couldn’t stop me preaching,” Andy Robertson says.

## Freedom at risk

These cases and many others have left Christians feeling sidelined. A poll taken last year revealed that 84 percent of British churchgoers believe religious freedoms, of speech and action, are at risk in the U.K. Nearly as many — 82 percent — feel it has become more difficult to live as a Christian in an increasingly secular country.

The government has been able to pass speech and religious-hatred legislation, but, thankfully, not without significant free-speech protections bolted on to the legislation.

In 2006, The Christian Institute successfully backed a free-speech clause in the religious-hatred legislation that protects “discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents, or of any other belief system or the beliefs or practices of its adherents, or proselytising or urging adherents of a different religion or belief system to cease practising their religion or belief system.” Without that protection, it could have been a crime to say that Jesus is the only Savior for mankind. An attempt to block the clause failed in the House of Commons by one vote.



Julian Hurst, a church worker from Manchester, was challenged by five police officers as he handed out Easter fliers. “It was a little bit unnerving, unsettling,” he says.

## U.S. enacts hate-crimes law



President Barack Obama celebrates the expansive U.S. hate-crimes law at a White House reception in October.

**T**he U.S. Senate approved an expansive hate-crimes law last fall by attaching

Even though this extensive free-speech protection was passed by Parliament, some law enforcement officials still seem to be confused about the law. In June 2008, a Muslim police officer in Birmingham, England, stopped two Christians who were distributing fliers in an area of the city that is heavily populated by Muslims. He told the two Christians they were committing a “hate crime” by seeking to share their faith with Muslims. A senior officer arrived and said no crime was being committed, but nevertheless advised the Christians not to return. The police force later corrected the officers and issued a statement confirming that Christians are able to lawfully share their faith in all areas of the city.

Last year, The Christian Institute successfully backed a free-speech clause in the sexual-orientation-hatred legislation. The

language to the Defense Authorization bill. President Barack Obama signed it into law a few days later. The House of Representatives had approved the language earlier in the year.

The law creates special protection based on a victim’s “actual or perceived” sexual orientation or gender identity — classifying such violence as a federal crime.

Family advocates say the law will endanger religious freedom.

Erik Stanley, senior legal counsel with the Alliance Defense Fund, said all victims deserve equal justice.

“This law is a grave threat to the First Amendment because it provides special penalties based on what people think, feel or believe,” he told *CitizenLink*. “It paves the way for the criminalization of speech that is not deemed ‘politically correct.’” ●

modest free-speech protection says, “for the avoidance of doubt, the discussion or criticism of sexual conduct or practices or the urging of persons to refrain from or modify such conduct or practices shall not be taken of itself to be threatening or intended to stir

up hatred.” The government has tried unsuccessfully to remove it on four occasions.

There are many good laws — in the U.K. and the U.S. — that protect free speech and religious liberty. Many Americans and Britons fought side by side in previous generations to defend those values of freedom. Christians on both sides of the Atlantic must defend them once more. We must be prepared to enter into legal conflict with those who are hostile to our heritage. We must have a commitment to excellence, we must be dedicated to our task, and we must be professional in all things. We must be wise as serpents and harmless as doves. But we must fight for our freedoms because, ultimately, we want people to have the liberty to decide for themselves on the most important issue they will ever consider: whether or not to trust in Jesus Christ as their savior. ●

### FOR MORE INFORMATION

Visit [Christian.org.uk](http://Christian.org.uk) or [TellADF.org](http://TellADF.org).

You can find video testimonies from Andy Robertson and Julian Hurst on YouTube.

*Colin Hart is director of The Christian Institute in the United Kingdom.*



Julian Hurst’s Easter leaflets were investigated by the police force’s Hate Crimes Unit after someone complained that they were offensive.