

## **FREEDOM OF SPEECH AND FREEDOM OF PRESS**

Should the press not be allowed to publish cartoons that may be offensive to Muslims? Should shop keepers refrain from displaying the greeting “Merry Christmas”? Is it hate speech to express in print that practiced homosexuality is a sin according to the Bible? The list can be made longer. The discussions are many and the number of controversies increases regarding the freedoms of speech and press in Europe and beyond.

We need to identify some of the key issues, so we don't fight peripheral battles and lose the war, as it were. At the very heart of these issues IS freedom of speech. Freedom of speech, notably, is foundational and essential for other freedoms and rights. Without it we have neither freedom of the press, nor any rights to open political debate, nor freedom to manifest religious beliefs, nor freedom of expression in art and music, etcetera.

### **Cases**

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The concept of freedom of speech / expression has huge ramifications in the area of freedom of the press. In a globalised world, where laws are increasingly internationalised, we need to better understand various trends, pitfalls and opportunities which may impact us all. Increasingly, world events point to the significance of this issue.

#### **Denmark**

The Mohammed cartoons published in the newspaper *Jyllandsposten* in Denmark clearly show that these are global issues. Throughout the world Muslims started riots, imams issued fatwas, and there were boycotts and international diplomatic hard talk. There were demands, explicit and implicit, that freedom of speech / press should be restricted.

#### **Sweden**

Sweden had a similar case and debacle in 2007 when a photo of an art piece was published in a newspaper. This was perceived as offensive by some Muslims. The artist and the editor-in-chief have received death threats and need protection and security guards. The Swedish Prime Minister had a special meeting with ambassadors from Muslim countries trying to appease them.

In October 2007 a seemingly innocent advertisement in the Stockholm underground caused a national debate with prominent politicians calling for a ban of such messages. The advertisement, sponsored by the Swedish Evangelical Alliance, promoted keeping the legal definition of marriage as being between one man and one woman. (Most political parties favour the introduction of a gender neutral marriage act). The ad simply said: “mum, dad, kids”. But those who called for a ban of the ad argued that it could be perceived as offensive to people who are single, divorced or gays. Some even labeled it “hate speech”.

The case of Pastor Åke Green in Sweden illustrates the point where freedom of speech and religion intersect. In July 2003 he stated in a sermon in his small church that engaging in

homosexual conduct is sin according to the Bible. About a year later he was sentenced to one month in prison for expressing contempt against homosexuals. He was acquitted in the Supreme Court on Nov 9, 2005. His case proved to be of international importance and was closely followed by lawyers and legislators around the world.

## United Nations

Pakistan was also the agent for the Islamic Conference-backed resolution that was passed by the UN Human Rights Council in March 2007 in Geneva. The resolution's basic message and purpose is to create a "criticism-free-zone" for Islam. It is worth noting that Islamic and other non-democratic countries voted for the resolution while democracies voted against.

*"Lying at the heart of this resolution is an attempt by the Organization of Islamic Conference (OIC) to impose universal anti-blasphemy laws – an offence punishable by death in many countries - thereby stifling open discussion of religious beliefs. This is a troubling development, especially since countries across the globe are increasingly using anti-blasphemy laws to punish religious minorities for questioning the beliefs of the majority religion. Such laws are no longer confined to Islamic countries; they are now being called for in democratic societies. Individuals who came to the West to escape persecution are once again in danger."*

(Tina Ramirez, Congressional Fellow for Rep. Trent Franks, USA)

## Trends & Concerns

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While we would strongly advocate for freedom of speech, we do recognise the need for limitations. Absolute general freedom is anarchy; absolute freedom of speech can have undesirable consequences. Freedoms and rights need to be defined and operate within a particular framework, which is related to both ethical and legal systems.

In the example of the Danish cartoons, the newspaper "Jyllandsposten" exercised freedom of speech / press and published drawings of Mohammed. The response was riots, death threats, killing, boycotts and violence with implicit and explicit demands of "freedom of hearing / seeing". "Jyllandsposten" operated within the legal and democratic framework – that is indisputable. Whether the publication was wise and appropriate is another matter and should not be confused with their legal rights.

The Islamic Conference, consisting of 57 Muslim countries, proposed a resolution that was passed by the UN Human Rights Council in March 2007 in Geneva relating to the Mohammed cartoons. (Note: there is no consensus within Islam regarding making pictures. You can buy pictures of Mohammed in Iran, for example.)

The resolution talks about vilification and defamation, but is quite different from libel and slander legislation in Rule of Law societies. There are several major flaws in the resolution. One is that it basically refers only to Islam and Muslims. Secondly, it makes freedom of speech content based. Thirdly, it is a major paradigm shift **from** individual freedoms and rights **to** protection of a group and their supposed "right" to not be offended. Fourthly, it presupposes that truth about religious issues can and should be established in courts of law (*cf.* Inquisition).

## ***Our Response: Protecting Human Dignity by Defending Human Rights***

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The purpose of defending Pastor Åke Green was NOT to defend a particular Christian belief, or a particular Christian church. The primary issue was freedom of speech and thus also other key freedoms, like freedom of religion and freedom of press. It is appropriate for the church to discuss the Bible and sexuality, the church and homosexuals, etcetera. But these should never be matters for the courts, which must not become sermon review boards.

We need to distinguish between the church arena and court of law, and what issues belong where. We must also recognize the difference between what is a legal issue and what is an issue of etiquette, what is jurisprudence and what is theology.

We may question Green's sermon and theology and even the appropriateness of his message, but these are issues of church, theology and etiquette. His *right* to preach from the Bible, expressing his interpretation thereof, is a matter of jurisprudence – and of freedom of speech and religion.

Similarly one may be appalled by *Jyllandsposten's* lack of sensitivity toward Muslims, and as Christians we may prefer to do our utmost to not offend people. But we also want to protect human dignity by defending human rights, including the right to express various opinions. It may be helpful to remember that the messages of many Biblical prophets – including Jesus' message – were broadly perceived as offensive.

## ***Jesus as a Role Model***

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One can observe four different ways in which Jesus related to various people and issues.

1. He lived alongside others, a co-existence with religious fanatics, occupying forces, and subversive political groups. Even during Jesus' day, he found ways of living peacefully side by side with those of different faiths and backgrounds, in a multi-cultural society. Likewise we should strive to live in peace with all people, even with those whose lifestyle we dislike, or whose religious beliefs we disagree with.
2. Jesus lived for others, always willing to help, heal, feed and comfort; even his enemies. Thus we can and should pray for Osama bin Laden, stand up against violence against homosexuals, help Muslim immigrants, fight discrimination against women or any others disadvantaged by society: living for others.
3. Jesus preached and made exclusive claims: "I am the only way to God". In modern terms, he exercised a right to express his views, and tried to convey truths and convince others of his message. This right is central to freedom of speech and religion in a free and democratic society. In many parts of the Western world there is a tendency toward excluding Christians from the public arena, from the public debate. Further, some Christians feel ashamed and hold back their views and withdraw from the public arena. We mustn't – Jesus didn't.
4. Jesus also dared to confront and challenge rulers. He hated injustice and spoke out against it; especially if in the name of religion. We must never shy away from our prophetic responsibility to identify and fight injustice and cruelty, even if it is in the name of Islam. We cannot tolerate suicide bombers, or the oppression of women, persecution of Christians, or abuse of children.

As Christians we have a Biblical mandate and God given responsibility to fight for justice and to show mercy. As Europe faces challenges from Islam and from secularists, we are to engage on various levels and fronts: public debate, legislation, evangelism, social concern and community development. This includes fighting for freedom of speech which is the basis for freedom of press. A lack thereof leads to discrimination, harassment and persecution, to oppression and attacks on human dignity which are clearly contrary to the will of God. Thus we need to closely follow and participate in policy debates and legislation related to freedom of speech.

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