

OSCE Human Dimension Implementation Meeting 2008

7 October 2008

EHF's representatives at the 2008 human rights meeting in Warsaw, attending from 7 – 9 October, were David Pollock, EHF President, and Vera Pegna, our permanent representative with OSCE. Also attending was Adam Cioch of the Polish Freethinkers.

The EHF made several significant interventions and held a side meeting at which David Pollock laid out the principles governing the role of religion in the public square. Informal meetings with OSCE staff and representatives of other NGOs added value to our participation.

Intervention by David Pollock at OSCE HDIM 2008

It was announced in April that the OSCE is preparing “ legislative guidelines on hate crime“. It is welcome that guidelines will be available because protection of minorities – racial, religious or however defined – from incitement of hatred is sadly necessary in many states.

And it is welcome that OSCE is preparing them because that means they will probably be suitably protective of free speech.

I have no wish to protect the free speech of those who try to stir up hatred. But there is a risk with laws against incitement of hatred based on religion or belief. Why? Because religions and beliefs are different from race, age, gender, sexuality and so on. How? Unlike all of them, religions have an intellectual content and programme of action. Consider, for example, the differences between religion or belief and race:

- Religions, unlike race, can be chosen or put aside.
- Religions make extensive and often mutually incompatible claims about the nature of life and the world – claims that can legitimately be appraised and argued over. There is no parallel for race.
- Religions, unlike race, set out to and usually do influence their followers' attitudes and behaviour, often in ways which can be controversial.
- Religions are in principle and often in practice in competition with each other: evangelists come to our front doors, set up television and radio stations and run crusades to make converts. This is plainly untrue of race.
- Religions are expressed through organisations that are often wealthy and powerful. They – and sometimes governments on their behalf – exercise that power in the name of their faith far outside the realm of religion – in influencing social attitudes and national and international policies (e.g. on contraception). This controversial influence has no parallel in race.

- Religious believers often feel under a duty to react strongly to any criticism offered to their deities, prophets or beliefs, however mild or reasonable. This has little parallel in the case of race.

So legislation needs to be especially carefully framed when we – legitimately and often needfully – seek to outlaw incitement of hatred based on religion or belief. The risk is that well intentioned laws can, through loose drafting, result in severe restrictions on freedom of speech. Drafting needs to be examined thoroughly to check there are no possible unintended and damaging interpretations.

OSCE is well placed to do this – but even in the OSCE we sometimes see careless use of words. I am sure it was unintended, but I have twice in the last year been slightly worried by words used by Ambassador Ömür Orhun, the OSCE Chairman’s Personal Representative on Combating Intolerance and Discrimination against Muslims, in the course of speeches that were otherwise admirable, far-sighted and profound.

At the International Conference on Islamophobia held in Istanbul last December he criticised the imprecision of the word Islamophobia, saying he preferred the term “intolerance and discrimination against Muslims and Islam”. In this he seemed to be proposing protection not just for Muslims – which is absolutely necessary – but for their religion also – which lies outside the scope of human rights.

Again at an inter-cultural dialogue on human rights in Geneva in March, talking about tolerance, he said: “acceptance of differing views does not necessarily entail identifying one’s self with such views, but entails merely respecting them”. But I do not wish to be obliged to “respect” religious beliefs willy nilly when I consider some of them false and pernicious. On the other hand, I entirely accept that I must respect the right of people to hold such views or any views – that is freedom of religion or belief.

This might seem to be quibbling, but at a time when many governments are pressing in other international forums, one suspects for political reasons, for so-called “defamation of religion” to be regarded as an abuse of human rights, we need to be very careful in our choice of words.

Intervention by David Pollock at OSCE HDIM 2008

Let me start with a quotation:

The principle of separation of church and state must not be used as an excuse to separate state and religion, suggesting that religion is a strictly internal matter for the individual and that the “public square” must be free of religion and therefore of believers and their communities.

This is the complaint we hear constantly today from some religious organisations. Things are allegedly reaching crisis point and a fight back is necessary. But this quotation came from an OSCE paper of 12 years ago, which suggests that what we see is actually a constant state of tension. That 1996 paper recommended:

Religious organizations should not decide political issues, but all religious communities should have the guarantee of participation in the public policy process on matters with ethical and social responsibility dimensions.

I think this needs some qualification. Loose talk segues dangerously between 'religion', 'religious people', 'religious communities' and 'religious organisations'.

Let me be quite plain. The European Humanist Federation has no wish to keep religious people out of the public square. They have a valuable contribution to make – not just as citizens but on the basis of their particular insights and experience. They have sometimes taken the lead and campaigned valiantly on matters of (for example) poverty and social injustice.

But there are buts.

But 1: Human rights attach to individuals, not (for example) to religions, despite the coordinated campaign across the world for so-called defamation of religion to be classed as an abuse of human rights. Individuals – religious or otherwise – have the right to organise the better to seek their aims. The Humanists do this, after all. But when organisations lobby governments, governments must consider the standing of those organisations – how democratic are they? how representative of their members or followers? Here the churches are often found to be unrepresentative. On matters of sexual morality, notoriously, the Catholic Church speaks for its obstinate institutional position, not for its followers. Likewise on matters of genetic research and sexuality, individual religious believers are often way ahead of their conservative religious institutions. Governments should not uncritically assume that the churches represent even their congregations, let alone all those who from inertia adopt a religious label when asked.

But 2: Even if religious people make up a majority of the population and share a particular position on a matter of political debate, it does not necessarily follow that the Government should adopt that line. Governments owe duties to all their citizens, and if (for example) a restriction of freedom is advocated by a religious majority on the basis only of religious doctrine, not prudential argument, then the Government must look to the rights of the rest of the population. There is nothing to prevent religious individuals abstaining from conduct that for religious reasons they deplore, but they have no right to restrict the freedom of others who do not share their

views. Feelings of moral outrage may be powerfully felt by believers but they are not a reason for forcing others to behave by an alien code.

But 3: Governments should take care not to give religious groups a privileged position in the state for historic or political or other reasons. Many states in Europe give a special status to religious organisations – churches, mainly – and even allocate public money to them. Preferably they should not do so, but if they do, then they need to ensure:

1. that the subsidies decline as church membership declines; and
2. that non-confessional, humanist or laique organisations are treated on equal terms.

This happens only rarely. In Iceland, for example, the Government has over years refused to allow members of the humanist organisation, Sidmennt, to assign part of their income tax to it as the religious can to their churches.

In Greece, worse still, the state and the courts assume that everyone is a member of the Greek Orthodox Church and make it extraordinarily difficult for people to be recognised as having other – or no – beliefs. Greece has ignored several adverse rulings in the European Court of Human Rights.

Cardinal Tarcisio Bertone, the Vatican Secretary of State, made an interesting speech on church/state relations a few days ago. At the EHF side-meeting tomorrow evening, we will be making a critical examination of that speech and enlarging on the ideas I have just sketched.

Intervention by Vera Pegna at OSCE HDIM 2008

Are there limits to freedom of religion or belief?

Yes there are, depending on what you want to do with your freedom and on the meaning you give to the word religion.

We have heard a long list of complaints of violations of FoRB by religious representatives. This is appalling and must cease. But the opposite situation exists as well. Where the representatives of the dominant religion make an excessive use of their freedoms. This is the case of the Catholic hierarchies Italy, but not only.

Because our democracies are based on the principle that religion and governance must be kept apart, churches like all civil society associations are free to express themselves in public but should not interfere in democratic decision-making. Or

worse, they should not enjoin their followers to abstain from voting so as to make a referendum fail for lack of a quorum, as the Catholic leaders did in Italy in 2005. If, or rather when they do so, they enter the political arena and should be treated at par with other political bodies. On one such occasion, president Zapatero said that religious leaders may disagree with a law but they cannot say that it constitutes a wound to democracy or a step backward for human rights.

Religious language is out of place in the public arena and should not be used to impose the morals of the church hierarchy on norms and laws of the state. The Pope and the Vatican hierarchy insist on “The natural moral order” whose principles are, as they say, non-negotiable. Says the 1866 Syllabus of Blessed Pius IX – beatified recently – ...It is not contrary to the natural and divine law that a slave may be sold, bought, exchanged or given as a present. (J.F. MAXWELL, Doctrine Concerning Slavery, World Jurist 11 (1969-1970), pp. 306-307). Thankfully for us non-negotiable principles changes over time, or so we hope.

Here are a few examples of a reprehensible use of religious language. Abortion has been equalled to genocide. Civil partnerships have been qualified the eclipse of God. You will remember that when Pope Benedict went to Auschwitz he spoke of the absence of God. Pope Benedict uses the word relativism, meaning that whoever denies that there is one absolute truth lacks moral principles. Using freedom of expression to demean systematically people who do not believe in God, with disparaging phrases such as no morals, no dignity, without God there is no true humanism, or inviting them to live as though God existed is an excessive use of religious freedom and a danger to social cohesion.

In 2005 the European Humanist Federation tabled the following recommendation: that wherever a legal text mentions freedom of religion change the wording into freedom of religion and freedom from religion.

Freedom of religion, like all freedoms, should be used with restraint, with a sense of responsibility towards others and towards society as a whole. This is what is expected from persons who occupy a predominant position, especially considering that through the perverse use of mass media, ideas easily penetrate in the minds of people and become memes. The recurrent one is that there is only one truth, it is offered to me, take it or leave it. To which I respond with a humanist/secular stance, that is with a critical, autonomous, free mind, free from any absolute truth and conscious that the harmony of the human society I live in depends on me as well.

Intervention by Adam Cioch (Polish Freethinkers) at OSCE HDIM 2008

Cette assemblée a été convoquée pour vérifier la mise en œuvre des engagements pris par les états membres. Mon intervention porte sur la situation des personnes non-croyantes en Pologne dans les médias publiques et dans l'éducation et se réfère

au DOCUMENT DE CLOTURE DE LA REUNION DE VIENNE de 1986 où il est écrit que

(16) ...les Etats participants, entre autres, (16.1) — prendront des mesures efficaces pour empêcher et éliminer toute discrimination fondée sur la religion ou la croyance, à l'encontre d'individus ou de communautés, s'agissant de la reconnaissance, de l'exercice et de la jouissance des droits de l'homme et des libertés fondamentales dans tous les domaines de la vie civile, politique, économique, sociale et culturelle, et assureront l'égalité effective des croyants et des non-croyants;

(16.2) — favoriseront un climat de tolérance et de respect mutuels entre les croyants de communautés différentes, ainsi qu'entre croyants et non-croyants.

Des athées, des agnostiques, des humanistes, des rationalistes, des libres penseurs ou tout simplement des personnes qui ne trouvent aucune raison pour faire partie d'une religion constituent en Pologne entre 5 et 25 pour cent de la population. Le chiffre le plus vraisemblable c'est 10 pour cent d'une nation qui compte à présent 36 millions de personnes.

Les non-religieux sont la plus grande minorité philosophique en Pologne après les membres de l'Eglise catholique romaine. C'est une communauté plusieurs fois plus grande qu'aucune communauté religieuse minoritaire. Malgré ce fait et malgré le fait que les libres penseurs depuis des générations donnent une large contribution à la vie culturelle et sociale du pays la minorité non-croyante reste absente dans les médias publics. Les médias publics en Pologne c'est plusieurs chaînes de télévision et de radio qui couvrent tout le pays et plusieurs stations régionales.

Malgré de nombreux efforts de la part des organisations qui représentent les non-croyants, les médias publics en Pologne restent fermés aux besoins de la plus grande minorité philosophique du pays. Il existe bien sûr la rédaction catholique avec une présence de plus en plus grande dans le programme des médias publics. Il faut ajouter que c'est une présence qui représente le point de vue de l'épiscopat catholique et pas forcément des opinions des catholiques polonais.

Il y a aussi une petite rédaction écumenique avec une trentaine de minutes de programme hebdomadaire préparé par quelques églises minoritaires. Les non-croyants restent muets dans leur propre pays comme s'il étaient des citoyens d'une seconde catégorie. Je voudrais bien entendre de la part de la représentation de la Pologne à cette conférence comment le gouvernement polonais veut terminer cette honteuse discrimination. Nous, les non-croyants nous payons aussi pour les médias publics en Pologne et ce n'est pas pour soutenir seulement la présence de l'Eglise catholique et son quasi monopole médiatique. Nous en avons assez et nous demandons au gouvernement polonais de réagir.

Un autre point fragile et parfois douloureux pour la minorité non-croyante c'est l'éducation nationale. Depuis l'introduction illégale des cours de religion catholique en 1990 dans les établissements publics (la loi a été modifiée depuis pour légaliser cette situation), la situation des enfants et des jeunes des familles non-catholiques n'arrête pas de s'aggraver. Depuis deux ans les gouvernements de la droite sous la pression de l'Eglise catholique prépare deux nouvelles initiatives qui vont enraciner la présence de la religion dans le système de l'éducation et marginaliser encore plus les jeunes non-croyants. D'abord la note de religion va compter comme les notes des autres matières d'étude. Ce qui va poser dans une situation délicate et pas égale tous ceux qui ne fréquentent pas les cours de religion. La note de religion est en général une bonne note, facile à obtenir et cette note va manquer aux mineurs non-croyants. Pour nous c'est une façon d'augmenter la pression sur les enfants et parents non-croyants afin de les faire participer aux cours de religion car cela va leur donner des profits. C'est une façon pour augmenter la pression sur la catholicisation de la société en utilisant les institutions publiques.

Le second projet c'est l'idée d'introduire la religion comme un des examens au baccalauréat. C'est encore un pas pour multiplier la pression dont on vient de parler et faire d'un pays démocratique un état religieux où le choix libre du mode de vie et de convictions privées sera de plus en plus impossible et finalement impensable.

Intervention by Vera Pegna at OSCE HDIM 2008

OSCE and all its member states are committed to the rule of law. This means they are committed to democracy and to all that democracy comprises, first and foremost the democratic representation of the citizens. Since we are here to check the implementation of commitments (thanks, ODIHR) the European Humanist Federation wishes to draw your attention to a matter of serious concern for democrats: the erosion of the principle of democratic representation in some countries of Western Europe as well as in some European institutions.

Obviously, if democracy is not working as it should be it is because those we elect to uphold it fail to do so. MPs who pass laws and vote institutional documents are the first to be accountable for any loss of democratic content in governance. Moreover, it is difficult for citizens who rely mostly on the public media for their information to be aware of what is at stake because information on the subject of democracy is mostly inexistent. The case of Italy is emblematic in this sense.

In theory nobody questions the principle of democratic representation but in practice this principle is being surreptitiously eroded by giving undue access to public institutions to non-elected bodies like churches and by going as far as recognizing that religious institutions have the right to intervene in the law-making process. I used

the word surreptitiously because there has been little or no public debate on the manner in which the role of churches – the Catholic Church in particular – has developed lately with respect to the public sphere. First the Catholic leaders claimed that they wanted to speak in public (which they have always done), then that they were political actors, then that the church had institutional rights (Pope Benedict). And in a way now it does. The Lisbon Treaty in its Article 16c [NB: now Article 17 of the Treaty on the Functioning of the European Union] has opened the door to the possibility for churches to be consulted on bills which they consider to belong to their sphere of interest before they reach the European Parliament.

According to the Vatican, which calls itself an expert in humanity, this sphere of interest is extremely extensive because the religious dimension embraces the whole range of human concerns and lends competence to the church in almost all matters. However, in actual practice, the views of the church hierarchy are more often than not at loggerheads not only with the views of people who don't care about religion (35 to 50% of Europeans) but even with those of the large majority who consider themselves Catholics but who do not follow church precepts especially in matters such as sexual and reproductive life. Those very matters on which the Church leaders seek to impose their moral doctrine on national and European norms. As late as last week Cardinal Bertone stated that there are “non-negotiable” principles, which “do not depend on the Church” but are based on human nature itself. How confusing! This is his view, a view to which he is entitled, which, however, is expressed in a language that is alien to politics and to our pluralist democracies. As is Pope Ratzinger's who writes “Ethical relativism – which holds nothing as definitive – cannot be considered a condition for democracy” (*Evangelium vitae*, No. 70). In other words, democracy does not work without God.

The point I wish to make and which is close to my heart is that by recognizing that religious institutions are political actors and, as such, have the right to intervene in the law-making process we change the very concept of representative democracy. Religious institutions do not represent their followers who do not elect their church hierarchy – unless you consider sufficient the election of the Pope by cardinals, but only if they are under eighty years of age.

Our parliaments comprise across the board believers and non-believers alike, Catholics as well as members of other religions or beliefs, thus representing all the citizenry. If on issues such as the beginning and end of human life, abortion, contraception, scientific research, Church representatives are consulted before bills reach parliament, elected MPs are defrauded of at least part of their representative capacity and parliament as such is defrauded of at least part of its function which is to find the common denominator that unites all the citizens of a given state. If Catholic MPs were to toe the Vatican line (were it only for fear of the punishments threatened by the Pope in this world or in the next) Catholic citizens would be represented twice and this would tilt the scales of democracy.

Church intervention in the law-making process is divisive and changes the very nature of representative democracy.

Side Meeting at OSCE Warsaw Meeting 2008

1 October 2008

The EHF ran a side-meeting on Wednesday 8 October at 6.00 pm. The meeting contrasted views expressed at the 2007 meeting by Monsignor Anthony R. Frontiero, representative of the Holy See, and David Pollock, the president of the EHF and explored the differences constructively. David Pollock's speech is [here](#).

The official announcement of the meeting was as follows:

Freedom of Religion and Belief: Views at Odds

- “Demonizing Christianity, or deliberately mocking and undermining central tenets of the Christian faith as a means to promoting the rights of other groups is a clear and flagrant contradiction to the religious freedom and mutual respect that all people should enjoy, not to mention the work of building a more just and peaceful community. Such practices and must be seen for what they are: a subversive attempt to dismantle the progress made thus far in the promotion of tolerance and non-discrimination.” (Monsignor Anthony R. Frontiero, representative of the Holy See, HDIM 2007, session 2)
- “Mockery of religion may be in bad taste but it is an inalienable part of freedom of speech. Mockery may sometimes amount to incitement to hatred, but only in very limited circumstances. Religion is generally hugely privileged in our communities. It is often worthy of respect – but human rights belong to individuals, not to institutions or religions, and attempts to extend human rights to religion itself and to religious institutions are a false and dangerous development that is to be resisted.” (David Pollock, president, European Humanist Federation, HDIM 2007, session2)

The European Humanist Federation believes that the rule of law, in a context of uncompromised human rights, acknowledges the right for all civil society actors to take part in debate in the public forum in a spirit of recognising differences and not expecting privilege. The religious should not be silenced in the public arena but freedom of religion, like all human rights, belongs exclusively to individuals and cannot be allowed to curtail freedom of expression.

**Speech by DAVID POLLOCK (President of the European Humanist Federation)
at the EHF side-meeting at the OSCE HDIM, October 8 2008**

Good evening. Welcome.

[The notice of this meeting](#) is about defamation of religion but I wish to range wider than that and deal with the place of religion in the public square. I will return to defamation at the end.

The notice quoted Monsignor Anthony Frontiero, and we invited him to this meeting. Sadly he cannot come..

Rather than base my remarks on Monsignor Frontiero's speech last year, then, I want to take one delivered at the end of last month by Cardinal Tarcisio Bertone, the Vatican secretary of state. Unfortunately I have to rely on a [report of it by the Vatican news agency Zenit](#) as my Italian is not good enough to work from the original on the Vatican website.

Now Cardinal Bertone is as entitled to his views as I am to mine – that is the essence of human rights in a free, open society. His are the views of a senior Roman Catholic priest and mine are those of the current president of the European humanists.

But the institutions of an open society – democracy, freedom and the rule of law – are at risk if there is not a general agreement about the basis on which those institutions are supported, and my criticism tonight, while entirely compatible with Humanism, is made from the point of view not specifically of a humanist but of someone committed to human rights and the rule of law.

I want to suggest that while his theology is no doubt impeccable his views are in many ways wrong when viewed in a context of human rights and democracy.

We agree on much – for example, I agree when he says -

politics and the market aren't everything

or

Wherever one's own benefit is sought in the short term, virtually identifying that with the good, one ends up by canceling one's own benefit.

or

it is totally legitimate for believers to participate in the public square

but the reasoning behind our agreeing on such statements is different.

Let me outline my assumptions. These are not specifically humanist but such as I would hope would command general consent in an arena such as ODIHR, being entirely concerned with human rights.

First, each and every human being is endowed with human rights.

Second, these include freedom to have and to change one's religion or belief (and that includes the freedom not to believe in any religion but to adopt a non-religious lifestance such as Humanism) and the freedom to behave accordingly, subject to minimal reservations about the rights and welfare of others.

They also include freedom of expression – a right that has value only when others might prefer that you did not exercise it.

They also include the right to participate in a self-governing community.

Now, given the freedoms already mentioned, that participation has to be on the basis of a recognition of plurality, of difference of opinion about even the most fundamental things.

This is why I talk about an 'open society' – a phrase that came to the fore with Karl Popper's *The Open Society and its Enemies* over 50 years ago but which he (sadly) took for granted and did not elaborate. For tonight's purposes I want to use a definition from George Soros, who, as well as making a lot of money, spends it in the good cause of freedom and human rights through his Open Society foundations. He says the Open Society is one

“based on the recognition that people have divergent views and interests and that nobody is in possession of the ultimate truth”.

In such a society, the government, other public authorities and social institutions seek to maximise individual freedom (not least of belief and speech)

while building on common interests and working to reduce conflict so that people may live together constructively. This certainly includes measures against incitement of hatred and moves to minimise and probably outlaw unfair discrimination based on irrelevant factors and prejudice.

It also means that the laws and institutions of the society, which are shared by everyone, must be neutral as between different fundamental lifestances – religions or beliefs. That is, in some sense secular.

Now, within the context of an Open Society, we as humanists naturally seek to promote the humanist life-stance as an alternative to (among others) religious beliefs,

but we do not seek any privilege in doing so, that is, any rights or powers that are not available to everyone else. Instead, we rely on the persuasiveness of our arguments and the attractiveness of our position.

And we recognise and respect the deep commitment of other people to religious and other non-humanist views and their right to hold them – again, I except views that are aimed at harming or denying the rights of others.

So, what does this all mean for the place of religion in the public square?

It means that religious people have all the same rights that we do. They can argue their case in meetings or the press, lobby government and so on.

They can form organisations and work collectively. They can quote the strength of their following.

They can draw inspiration from their religious beliefs as I do from my humanist ones.

As Cardinal Bertone says, “it is totally legitimate for believers to participate in the public square”.

Is there, then, a problem?

Yes, there is. But first a clarification. By the ‘public square’ I mean all the ways I have just mentioned in which citizens can take part in and influence the formation of public policy.

And nothing I say is intended to imply any restriction on anyone’s right to try to persuade others to change their beliefs – preaching, as the Church would call it – though having a right does not necessarily mean that it is always wise to exercise it.

So what is the problem?

Well, what the Cardinal actually said was: “it is therefore totally legitimate for believers to participate in the public square” – and the “therefore” was preceded by “Politics needs Christianity”.

Now it is quite legitimate to believe that “Politics needs Christianity”. I could equally say “Politics needs humanism”, though in fact what I actually think is that politics needs unimpeded democracy and rule of law.

And it is quite right that “it is totally legitimate for believers to participate in the public square”. But to link the two propositions with “therefore” opens the way to examining the Cardinal’s underlying assumptions.

He is basing the legitimacy of believers' participation on a need for Christianity in politics. He bases this on the peculiar argument that "in the present multi-ethnic and multi-confessional societies, religions constitute an important factor of cohesion".

Well, that is another belief to which he is of course entitled. But to see the world that way the religious have to look hard for the mote in other people's eyes and ignore the beam in their own. Religion is so plainly a divisive factor in the world, despite the best efforts of some of its leaders and followers: just look at the communal strife in India, Indonesia and Nigeria, at the fundamentalists in every faith who, when they are not wreaking destruction on the innocent, are calling damnation not just on the unfaithful but even on the less faithful in their own ranks.

It might seem more sensible to see human rights and a commitment to living together in peace despite one's disagreements as a better basis for cohesion in our multi-ethnic and multi-confessional societies.

Indeed, I would argue that bringing – as the Cardinal wishes – religious arguments to bear in the public square invites division, not cohesion.

If his Church argues – as it does – that abortion should be banned, or that gay couples should not be allowed to marry, on the basis of a theological doctrine that most people do not share, then what it is saying is "We have privileged access to the truth by virtue of our faith, and even though you disagree, we are going to restrict your freedom on the basis of our unique perception of that truth."

Now, this, however disguised, is an argument from power. And any religious group that is in power can deploy it. The Muslim clerics do so in Saudi Arabia, with rather more power and even less tolerance than the Vatican. The Taliban in Afghanistan were even worse. It is certainly not an argument compatible with democracy and a recognition of human rights.

Of course, I am not saying that Catholics may not draw inspiration from their faith when they go into the public square. After all, that faith may well inspire compassion for the poor and the sick, it may be the basis on which Catholics (I take the RC Church only as an example) campaign for writing off of third world debt and for fairer terms of global trade.

But even in such (relatively) uncontroversial areas religious arguments do not carry weight except with co-religionists. One Christian may say to another: "Our faith, our God, requires us to work for the welfare of the poor", but to anyone who does not share that religion, the argument carries no weight. In the public square, the religious need to find other arguments – ones that can speak to the rest of us.

Now the same is true of course for humanists. Any argument that draws on specifically humanist premises cannot be expected to carry weight with other people. If, to stretch one's imagination, we argued on the basis of atheism that (say) a church rather than a shopping mall should be demolished to make way for some other amenity, we should not expect that argument to carry any weight, especially with believers. In practice, it is difficult to think of examples that do not sound far-fetched, because what humanists believe tends to be more nearly universal to humankind: our values tend to be shared with the religious even though for us they are first order values and for the religious second order.

This is where Cardinal Bertone again goes wrong, I would suggest. He says that if it were not "totally legitimate for Christians to participate in the public debate" then

theist and religious arguments and reasoning could not be invoked publicly in a democratic and liberal society, while rationalist and secular arguments could be invoked.

Now, I am not contesting his freedom to invoke theist arguments, any more than I wish to limit my own freedom to invoke atheist arguments. But I am saying that it is illegitimate for such arguments – religious, humanist or atheist – to carry any weight – and wrong to expect them to do so. Still more, of course, is it wrong to make religious threats to co-religionist Government ministers, members of parliament or others in positions of responsibility in order to persuade them to adopt policies based on specifically religious considerations.

I place the onus on the government and all its proxies to give no weight to religious – or atheist – arguments. To do so privileges one part of society against another. The premise on which we live together should be that we run society on the basis of what we share and can agree upon.

We may have to make awkward, difficult decisions about (for example) genetically modified crops or nuclear power or priorities for spending – or anything in the ordinary run of politics. If we lose the argument, we can at least recognise that our opponents had a case – the dangers of nuclear waste were given more weight than the reduction in carbon emissions, the benefit of more prolific crops preferred over the risk of unwanted side-effects, the need for a new road over the need for a new school. That is ordinary politics. We disagree but we can understand the case against us.

But when religion comes into it, the case against us literally makes no sense. If a Catholic argues that gay marriage should be banned because it is an offence in the eyes of God, or that abortion should be illegal because from the moment of conception there is a fully fledged human being that you harm at the peril of your own immortal soul, I simply cannot understand the argument.

And if Government ministers yield to such arguments, then they either yield to power or they choose to impose the consequences of their own private beliefs on the rest of us without regard to arguments we can understand. For Governments owe duties to all their citizens, and if (for example) a restriction of freedom is advocated even by a majority on the basis only of religious doctrine, not prudential argument, then the Government must look to the rights of the rest of the population. There is nothing to prevent religious individuals abstaining from conduct that for religious reasons they deplore, but they have no right to restrict the freedom of others who do not share their views. Feelings of moral outrage may be powerfully felt by believers but they are not a reason for forcing others to behave by an alien code.

Now it is not always so stark. Christians argue not only from theology but also from human welfare – gay couples are allegedly not so good at raising children; abortion damages our general respect for life, and so on. That is fine – though in my experience these arguments tend to be shallow: scratch the surface and you quickly find yourself back on theological ground. The Cardinal almost admits as much. He says:

“legality finds its ultimate root in morality”

and morality has to respect human nature which, seen through his theological spectacles, means that the moral principles are “non-negotiable”.

So even when we seem to be arguing about human welfare, we are actually confronted by non-negotiable propositions based on a contentious religious interpretation of human nature.

I have time for one more disagreement with the Cardinal.

He says:

the frequency of the Church’s interventions in defense of non-negotiable values “must not be interpreted as undue influence in a realm that is not her own,” but as “an aid in developing a correct and enlightened conscience”.

There are two things about this. The first is incidental: that “developing a correct and enlightened conscience” is a reference that makes sense only in the context of persuading individuals to adopt Catholic beliefs. It is not, therefore, a function for the public authorities.

The second is that at this point the Cardinal slips from talking about the rights of individuals into talking about the Church. Now, individuals – religious or otherwise – have the right to organise the better to seek their aims. The Humanists do this, after all. But when organisations lobby governments, governments must consider the

standing of those organisations – how democratic are they? how representative of their members or followers? alternatively, how expert in their field?

Here governments should note that the churches are often found to be unrepresentative and sometimes inexpert in other than theological terms. On matters of sexual morality, notoriously, the Catholic Church speaks for its obstinate institutional position, not for its followers. And its pronouncements on (for example) AIDS and condoms have been tendentious, not expert.

Likewise on matters of genetic research and sexuality, individual religious believers are often way ahead of their conservative religious institutions.

Governments should not uncritically assume that the churches represent even their own congregations, let alone all those who from inertia adopt a religious label when asked.

Now when religious institutions find that they have an argument on their hands, conducted in secular terms rather than their own language, and especially if in the rough and tumble of the public square they find themselves mocked or made fun of for holding views so very out of step with those of their opponents, then they sometimes resort to claiming a special protection for their beliefs that is accorded to no-one else.

Here we find ourselves back with our absent friend Monsignor Frontiero, who last year at this conference said, as quoted in the notice of this meeting:

Demonizing Christianity, or deliberately mocking and undermining central tenets of the Christian faith as a means to promoting the rights of other groups is a clear and flagrant contradiction to the religious freedom and mutual respect that all people should enjoy, not to mention the work of building a more just and peaceful community. Such practices and must be seen for what they are: a subversive attempt to dismantle the progress made thus far in the promotion of tolerance and non-discrimination.

Now this is a most dangerous path to tread, albeit one down which Islamist states and fundamentalists have already charged, wreaking havoc in United Nations human rights circles.

In very limited circumstances mockery may amount to incitement to hatred of individual believers, and that may merit some action. And it may be in bad taste; it may in practice offend against mutual respect and it may frustrate the work of building a more just and peaceful community. That is as may be.

But extra protection for religious beliefs is totally uncalled for. After all, human rights instruments already give protection in such cases. For example, legal constraint is sanctioned under Articles 18, 19 and 20 of the International Covenant on Civil and Political Rights where public safety, order, health, or morals or the fundamental rights and freedoms of others are threatened. Other human rights treaties have similar provisions. With their fundamental rights and freedoms already potentially protected, is there any justification for altering the human rights framework in order to offer religious believers further protection?

In any case I deny any obligation on anyone to respect religious beliefs. I respect (almost) unreservedly the right of individuals to hold whatever beliefs they wish. But the beliefs themselves sometimes seem to me to be illogical, perverse, foolish, damaging and dangerous. Why should I respect them?

And when large numbers of people hold perverse and damaging beliefs, then making fun of those beliefs is part of the age-old armoury of argument, at least since Aristophanes. In other words, mockery of religion is an inalienable part of freedom of speech. Human rights belong to individuals, not to institutions or religions, and attempts to extend human rights to religion itself and to religious institutions are a false and dangerous development that is to be resisted.

I have spoken too long. Let me sum up.

It is totally legitimate for believers to participate in the public square,

but it is legitimate not because of their religion but because they each possess individual human rights including those of free speech and civic participation, just like the rest of us.

It is legitimate for them to form their views on the basis of and to be inspired by religious beliefs, and to argue in whatever terms they wish, religious or otherwise,

but they should not expect their religious arguments to carry any weight with those who do not share their beliefs or with governments, and they should decidedly not make religious threats to co-religionist Government ministers, members of parliament or others in positions of responsibility.

It is legitimate for them to form organisations and for their organisations – churches and others – to participate in the public square

but governments should not listen to theological arguments and should give weight to the pronouncements of churches – or humanist associations – only insofar as they are representative of those they purport to represent and insofar as their expertise is genuine and their arguments stand up to examination.

We must all respect the right of others to hold whatever religious or non-religious beliefs they choose

but there is no obligation to respect those beliefs in themselves and certainly no case for legal protection of them from mockery, criticism or disdain.