

PUTTING FAITH IN HATE

While the right to freedom of speech is regarded as fundamental in democratic countries, most of these countries have also accepted that hate speech causes significant harm and ought to be regulated. Richard Moon examines the application of hate speech laws when religion is either the source or target of such speech. Moon describes the various legal restrictions on hate speech, religious insult, and blasphemy in Canada, Europe, and elsewhere and uses cases from different jurisdictions to illustrate the particular challenges raised by religious hate speech. The issues addressed are highly topical: speech that attacks religious communities, specifically anti-Muslim rhetoric, and hateful speech that is based on religious doctrine or scripture, such as anti-gay speech. The book draws on a rich understanding of freedom of expression, the harms caused by hate speech, and the role of religion in public life.

Richard Moon is Distinguished University Professor and Professor of Law at the University of Windsor, Ontario, Canada.



Putting Faith in Hate

WHEN RELIGION IS THE SOURCE OR TARGET OF HATE SPEECH

RICHARD MOON

University of Windsor





CAMBRIDGEUNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi - 110025, India

79 Anson Road, #06-04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org Information on this title: www.cambridge.org/9781108425469 DOI: 10.1017/9781108348423

© Richard Moon 2018

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2018

Printed in the United States of America by Sheridan Books, Inc.

A catalogue record for this publication is available from the British Library

Library of Congress Cataloging-in-Publication data

Names: Moon, Richard, 1956- author.

Title: Putting faith in hate: when religion is the source or target of hate speech / Richard Moon, University of Windsor.

Description: Cambridge, United Kingdom; New York, NY, USA: Cambridge University Press, 2018. | Includes bibliographical references and index.

Identifiers: LCCN 2017042217 | ISBN 9781108425469 (alk. paper)

Subjects: LCSH: Hate speech – Law and legislation. | Freedom of religion. | Freedom of speech in the church. | Offenses against religion – Law and legislation. | Religious institutions – Law and legislation.

Classification: LCC K5210 .M66 2018 | DDC 342.08/53 – DC23 LC record available at https://lccn.loc.gov/2017042217

ISBN 978-1-108-42546-9 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.



To Ellie



Contents

Acknowledgements		page ix
1	Religion and Hate Speech	1
2	Freedom of Expression and the Regulation of Hate Speech	23
3	When Religious Groups are the Target of Hate Speech: Islamophobia and the Muslim Tide	61
4	The Ridicule and Insult of the Sacred	90
5	When Religion is the Source of Hate Speech	115
6	Conclusion: Free Speech, Religious Speech, Hate Speech	148
Index		153



Acknowledgements

I began writing this book almost a decade ago. Had I been more single-minded, I might not have been so late to the debates addressed in the chapters that follow. However, during this time, I benefitted from the opportunity to present parts of the book to different audiences: Saint Thomas University in Fredericton (2008), King's College London (2010), the Centre for Ethics at the University of Toronto (2010), The University of Copenhagen (2011), Osgoode Hall Law School (2012), the University of Hull (2013), Erasmus University (2014), City, University of London (2015), and Ryerson University (2015). I am grateful for the comments of those who attended these talks. I am also grateful to Ron Krotoszynski and the anonymous reviewers for Cambridge University Press for their constructive criticisms of the manuscript.

Chapter 2 of the book draws on some of my earlier writing, and in particular *The Constitutional Protection of Freedom of Expression* (University of Toronto Press, 2000) and "Report to the Canadian Human Rights Commission Concerning Section 13 of the Canadian Human Rights Act and the Regulation of Hate Speech on the Internet" (Canadian Human Rights Commission, 2008). Elements of Chapters 3 and 4 of the book have been incorporated into a chapter I contributed to Andras Koltay and Jeroen Temperman, eds., *Blasphemy and Freedom of Expression after the Charlie Hebdo Massacre* (Cambridge University Press, 2017).

Finally, I want to thank Audrey, Sibyl, Ellie, Hopey, and Adina for more reasons than I can list or even recall