

Atheist Ireland

Promoting atheism, reason and ethical secularism



Web: atheist.ie

Email: cavanmonaghan@atheist.ie

2015 Blasphemy Referendum Wording

The Government has announced that in Ireland there will be a referendum on blasphemy during 2015. Whereas there has been some suggestion that there may be a replacement provision on incitement to religious hatred, Atheist Ireland believes that the blasphemy clause in Article 40.6(i) should be removed entirely.

There are a number of reasons for this, including those relating to:

- ❖ existing incitement to hatred laws
- ❖ erosion of freedom of expression
- ❖ the religious ethos of the Constitution

These issues are articulated in some more detail below.

Existing Incitement Laws

The Irish Statute Book already includes the Prohibition of Incitement to Hatred Act (1989) which outlaws incitement to hatred based on race, religion, nationality and

sexual orientation. Discrimination in employment is also illegal on several grounds, including religious discrimination, according to the Employment Equality Act (1999). This extensive legislation is complimented by easy access to remedies for Irish citizens, as described in the Equality Act (2004). This Act promotes equality, through strengthening the powers of the Equality Tribunal. Along with the services provided by the Irish Human Rights and Equality Commission, this legislative framework ensures that anyone in Ireland being victimised or bullied on the basis of their religion, can already have their rights vindicated.

Against the backdrop of these extensive legal instruments, there is nothing further to be gained by adding a new clause to the Constitution on incitement to religious hatred. Rather, if we were to single out religion as the only basis on which the offences of discrimination and incitement to hatred are elevated to the Constitution, we would be treating secular citizens



unfairly. Such an approach would have no additional legislative effect and it would serve only to send a message to those of no faith, indicating that their rights are of less value than the rights of the religious.

Freedom of Expression

Within any democratic society, the freedom of citizens to express their own ideas and to criticise the ideas of others, is essential. Placing limits on this freedom can have a chilling effect in a number of areas of public discourse.

This is not only an issue for atheists. In fact, the Rabat Plan of Action (2012) on religious hatred, published by the Office of the United Nations High Commissioner for Human Rights, describes how inhibitions on free expression about religious doctrines and tenets, can prevent those of different faiths reaching understanding.

Throughout human history, progress has only been possible when cherished ideas have been open to challenge. The benefits to humanity that flowed from evolutionary biology, required creation myths to be questioned. The scientific advances that continue to flow from an understanding of the cosmos, required geocentrism to be criticised.

Creating a quarantine for some particular categories of ideas, such that they are immune from public inquiry, represents an injustice to all citizens. Even those with the most sincerely held beliefs benefit when their convictions are challenged. Removing the possibility for Irish citizens to discover

that they may be wrong on some issues, seriously erodes their democratic rights.

There are also issues of practicality in this regard. Today, the Irish State recognises more than 150 different religions, each with its own dogma and belief systems. As this number continues to grow, a very large set of ideas may seek special protection.

Religious Ethos of Constitution

The United Nations Human Rights Committee has heavily criticised aspects of the Constitution, which enshrine religious discrimination by the Irish State. For example, a number of senior office holders are required to make explicitly religious oaths on order to take up their positions. As such, in Ireland today a conscientious atheist is precluded from becoming a judge.

This kind of discrimination against secular citizens imposed by the State, is pervasive in Ireland. It permeates each of the most significant public services, including the education system and the health system.

In order to ensure that the large and fast growing number of secular citizens in Ireland are not institutionally marginalised, there is a requirement to address the explicit religious privilege within the Constitution. Adding more specifically religious clauses to the document, moves the Constitution in precisely the opposite direction.

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