

# The Canadian Secular Alliance invites our government to repeal section 296 (Blasphemous Libel) of the Canadian Criminal Code



## What is the Canadian Secular Alliance (CSA)?

- The Canadian Secular Alliance is a non-profit, public policy research and advocacy organization advancing church-state separation and the neutrality of government in matters of religion. We seek to represent all Canadians, religious and non-religious alike, who believe that the Canadian government should adopt public policies and laws consistent with a secular state.
- The CSA believes in church-state separation — the idea that the government of Canada should not favour one religion over others, or religious belief over non-belief. Our commitment is to liberal democratic principles of equality, fairness and justice for all under the law, regardless of religious belief or lack thereof.

## Does Canada have a law against blasphemy?

- Yes. Section 296 of the Canadian Criminal code is entitled “Blasphemous Libel” and reads in part: “Every one who publishes a blasphemous libel is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.”

## What is the history of Canada’s Blasphemous Libel Law?

- Blasphemous libel was originally an offence under the common law of England and was written into the Canadian Criminal Code in 1892. In principle, any opinion about any religion not expressed “in good faith and in decent language” could be deemed blasphemous libel. In practice, only those critical of Christianity have ever been charged under section 296.
- The last successful prosecution of blasphemous libel was in Quebec in 1935, where the Reverend Victor Rahard of the Anglican Church was found guilty of blasphemous libel for his derogatory statements about the Roman Catholic Church.
- Section 296 was last invoked in 1980 in Ontario, after an Anglican clergyman complained about a local cinema showing the Monty Python film “Life of Brian”. The charges were later stayed by the Ontario attorney general.

## Do other countries have laws against blasphemy?

- Yes. There are 55 countries, including Canada, that ban blasphemy. Those found guilty of blasphemy could face prison in 39 nations and execution in six.
- Many democratic nations, including Canada, continue to have blasphemy laws on the books though they have not been invoked in decades. Some are repealing their blasphemy laws, as Iceland did in July 2015.
- Ireland is the only democratic country to recently pass a new blasphemy law, which came into effect in 2010.

## **Should our society uphold the right to criticize religion, even when some critiques are rude, harsh, insulting, or offensive?**

- Yes. The Canadian Secular Alliance maintains that all ideas are open to question, debate, and disputation. Philosophical tenets and political platforms, for example, are sometimes ruthlessly attacked in the public square. In these cases, the critiques are rightly protected by law. Religious beliefs do not deserve additional legal protections relative to other deeply held convictions.
- The CSA does not encourage speech that mocks, ridicules, or offends religious believers. However, the CSA strongly defends the right of individuals to mock and ridicule any ideas, including religious doctrine, whether or not doing so causes offence.
- The CSA recognizes that because religion often forms an integral part of a person's self-identity, religious believers can perceive criticism of their religious doctrine as a personal attack. However, religions are ideologies with specific views on ethics, law, and how human society should be structured. Many religious groups strive to acquire political power and to influence public policy. In a democracy, shielding any set of ideas (such as religious tenets) from debate and criticism in the marketplace of ideas would dangerously undermine society's capacity for democratic deliberation and its commitment to freedom of expression.
- There exist reasonable limits to free speech (such as limited and well-crafted libel laws, and prohibitions on death threats and incitement to violence). **People** deserve protection from harm; **ideas** do not warrant protection from criticism.

## **What is the CSA's position on Blasphemous Libel?**

- **The Canadian Secular Alliance calls upon the Canadian government to repeal section 296 (Blasphemous Libel) of the Canadian Criminal Code.**
- It has been eight decades since the last conviction under section 296, and thirty five years since the last charge of blasphemous libel was laid.
- Blasphemous libel serves no purpose in Canadian law or modern-day society, and would likely be found to contravene section 2 of the Canadian Charter of Rights and Freedoms, which protects freedom of expression.
- In Canada and elsewhere, blasphemy laws have been abused to suppress minorities and stifle inconvenient speech.
- Authoritarian states point to Canada's blasphemous libel law to defend their own laws criminalizing blasphemy.
- Repealing Canada's blasphemy law would demonstrate, at home and abroad, Canada's commitment to the value of free speech for all.
- Freedom of expression is the foundational human right in our society. Many others, including freedom of assembly and freedom of conscience, are derived from freedom of expression.

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