Homophobic speech, equality denial and religious expression.


Abstract

This chapter discusses the legal regulation of religiously-motivated speech that is critical of same-sex behaviour. The 'Culture Wars' have now reached Europe and are being played out in claims, on the one hand, that full equality on grounds of sexual orientation requires the punishment of homophobic speech and, on the other hand, that religious freedom requires the freedom to offend or to be exempted from emerging societal norms concerning equality. Contrasting judicial decisions in the UK, Canada, New Zealand, the Netherlands, and Sweden, and recent UK legislation (Criminal Justice and Immigration Act 2008) suggest different ways in which this clash of values can be mediated. The chapter critically evaluates these in the light of the European Convention on Human Rights.

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