

11 October 2005

Baroness Miller of Chilthorne Domer: My Lords, I speak this afternoon as somebody who owned and ran two bookshops for several years. I am very concerned about the effect that the Bill will have on the book trade. The book trade is fundamental to the exchange and nurturing of ideas. This vital trade is under threat from several directions, but especially from the Bill. I am not alone in this belief. As many noble Lords will know, **Pen**, the Society of Authors, is running a campaign. Many authors feel as I do about this. I am

The British literary world was shocked by the fact that Orhan Pamuk now faces trial in Turkey for his descriptions of the Armenian massacres that occurred some hundred years ago. But under the Bill it is quite possible that a novel recounting a fictionalised version of horrendous events perpetrated by one religious group upon another could be deemed to be inflammatory. As a bookseller for several years, I can remember all too clearly the ridiculous *Spycatcher* débâcle and the speed with which Special Branch visited my shop on hearing that it had a copy in the window. If the Bill goes through as it is, with so little clarification of what may be caught by it, with no provision for what my noble friend Lord Lester called "immediacy"—the imminence with which something may have an effect—many more such visits will be paid to bookshops. Many books will never be published and debate will be stifled. That threat to free speech is

Lord Skidelsky: This law will reinforce the self-censorship that is already practised by booksellers, editors and publishers. All the main writers' organisations—The Royal Society of Literature, The Society of Authors, **PEN**—have opposed this Bill on these grounds. This Bill will encourage every cowardly, appeasing and politically correct tendency in our national life—except for one group. It will encourage extremist groups to challenge prosecution in order to maximise publicity or seek martyrdom. The effect of the Bill will therefore be the opposite of what it intends. The reasonable people will be discouraged from vigorous controversy and the extremists will be encouraged to be more extreme.

Similarly, **English PEN**, which has already been mentioned by a number of noble Lords, said:

"If a publisher, production house, theatre or comedy venue has to have recourse to lawyers every time a religious term is used which might offend the sensitive, it is clear to all of us who know the arts sector that the book or play will simply not be put on in its present form. Knowing this, many writers will inevitably self-censor".

I repeat what I said earlier: I accept that the Government do not seek any such outcomes from this legislation and that they have tried to explain their intentions and reassure their critics. But, although I recognise that self-censorship is a hard matter to detect, on the impossibility of proving a negative principle, these fears are keenly felt by artists, as my noble friend well knows. Will he consider strengthening the wording in the Bill to make it unambiguously clear that it is only people who are to be protected and not belief systems? Much will also depend on how the guidance for the Bill is drafted. I hope that my noble friend can reassure the House that advice will be taken from organisations such as Equity, PEN and ACE to ensure that artistic freedoms are properly protected.

Lord Hunt of Whirral: I am not able to do justice to the many speakers who have contributed, particularly on the issue of artistic freedom, which raises huge issues about which scrupulously enlightened organisations such as **PEN** have briefed us. There is a double whammy in the Bill and I will deal with that in Committee.