

“Offending Religion”: Right or Liberty? (Walking Through the Right-Duty Dichotomy with Hohfeld, Finnis and May)

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In 2006, the Philippines buzzed with speculation about the impact of a current movie based on a popular novel claiming among others, that Jesus Christ is not God, but was, in fact, a man, married to Mary Magdalene, by whom he had a daughter. Appeals against ban the film because it would “cause injury to the religious sentiments of a majority of Filipinos” subsequently followed. All these, even as the smoke had not yet settled over the controversial publication by the Danish newspaper which sparked riots and protests by a good number of Muslims.

Answering the question of whether or not, as corollary to the universal right to “freedom of thought, conscience, and religion” as well as to the similarly basic right to “freedom of opinion and expression,” there is a fundamental right to “offend” the religious sentiments of believers, becomes necessary.

Religion should thus be defined and its legal significance enunciated. Pertinent laws providing punitive measures against the vilification of religion should be juxtaposed with the principle of legal protection for exercise of religion in the Philippines, as enshrined in the 1948 Universal Declaration of Human Rights.

A discussion of the notion of a “right to offend” as a form of freedom of expression, separate and distinct from the religious freedoms in the Universal Declaration of Human Rights which necessarily includes the right to offend religious sentiments and beliefs, puts the said proposition under scrutiny, alongside the context of the deep religious sentiments of Filipinos regardless of sect or denomination. In conclusion, it must be kept in mind that offending the religious sentiments of others, especially when disguised as a “legal right” actually divides, and worse, may even destroy.