

# Resume on Handyside Case & Blasphemy Case

Steiner & Alston : Human Rights in Context

After having a glance over Handyside Case and Blasphemy Case in Steiner & Alston, in general, I conclude that the main issues that being brought in these cases is **the freedom of expression**. Both cases are about Court forces individual body that publishes something (book and film) that considered as violation against norms and etiquettes that live among the people. In addition to the Judges' contemplation is that the main idea of the things that being discourse (the book and the film) is nauseating the society that actually will encounter it.

In the Handyside Case (1971) as an example, Mr. Handyside who translated and published the 'Little Red Schoolbook'—which one-tenth of it contains sexual matters such as masturbation, intercourse, contraceptives, homosexuality, pornography, and venereal disease—and also contains the endorsement to experiment, learn, and neglect the disapprobation that might come by.

And so the government performs an action to seize all found copies of the mentioned book. The argument is that Mr. Handyside had been violating the Obscene Publication Acts of 1959 and 1964 before a Magistrate's Court.

Later in the 1972, Mr. Handyside filled out an application to force the United Kingdom before the European Commission of Human Right. That he argued the government of United Kingdom has breached the Article 10 about freedom of expression. But the Commission resolution is that the English judges have their basis, upon consideration that the book would actually have such pernicious effect on the morals of the likely readers between ages 12 and 18.

It is quite alike case of Blasphemy (several blasphemy cases mentioned in the book)—that mostly concerned about films that contain blasphemousness. The courts in these cases decided the different, that there are morals and values that need to be considered other than one's freedom of expression. Nevertheless, one's freedom of expression still has its very own sovereignty and need to be conserved in any way possible.

The first blasphemy case mentioned in the book was *Otto-Preminger-Institut v. Austria*. Firstly, the Innsbruck Regional Court in Austria ordered a seizure and forfeiture of the film made by the Otto-Preminger-Institut which mainly present a 'satirical tragedy' that interfere the Christian beliefs. The European Court of Human Rights finally decided that the film shouldn't be banned, with three judges dissented and wish to put warning announcement of discretion on the film.

The second blasphemy case was *Wingrove v. United Kingdom*. Quite the same with the first, the film made by a director under Wingrove production house which named *Vision of Ecstasy* contains the vision that shows erotic desire of St. Teresa and Christ. But in this case, the final decision became different, that the Court announces incompatibility to impinge on British local law. Still a judge, named Lohmus, dissented that the law of blasphemy directed in this case only protects the Christian religion—the Church of England for exact—and shall not be a reason to interdict one's freedom of expression.

There's something that we could actually solve after these cases, which one's right shall not conflicted with others. And that is why the governments considered had been doing the right thing by their decision for protecting the people from further threat over moral values.

And so one's freedom of expression could be banned or suspended if it could possibly detriment the social values. But the law is naturally depend on the society itself, a decision could be vary in different location—with different local order.