

## Blasphemy in Modern Britain: 1789 to the Present

**Review Number:**

115

**Publish date:**

Wednesday, 1 November, 2000

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**Date of Publication:**

1999

**Pages:**

300pp.

**Publisher:**

Ashgate

**Place of Publication:**

London

**Reviewer:**

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As David Nash correctly observes in the opening sentence of his stimulating study of the history of blasphemy in modern Britain, 'In modern British society each successive generation complacently congratulates itself that blasphemy is a curious and even fascinating anachronism.' Yet each generation, including our own, is apt to discover that, far from being a mere anachronism, the phenomenon of blasphemy - its meaning, its perceived reality, and its status and significance for contemporary British society and culture - remains a living and urgent issue. And it is one, moreover, that is now intimately connected to issues of both individual and communal rights in an increasingly plural and multi-cultural society. *Blasphemy in Modern Britain: 1789 to the Present* provides a valuable survey of the history of blasphemy in Britain, and of many of the debates surrounding it, from the late eighteenth century until the late twentieth century.

The introduction helpfully identifies a number of important themes and issues that subsequently prove central to the author's account and analysis of the phenomenon of blasphemy in modern Britain. In particular, Nash emphasises the persistent difficulty that has been experienced in providing a satisfactory definition of blasphemy; the fact that in Britain blasphemy has historically protected only Christianity (and arguably only the Christianity of the Church of England); and the trend in recent cases towards the protection not simply of Christian doctrines but of the sensibilities or 'feelings' of Christians. He also notes the frequent linkage between accusations of blasphemy and the perception that blasphemers constitute a threat to the moral fabric of society, as well as the clear relationship between prosecutions for blasphemy and issues of class. Finally - and importantly - Nash suggests that, whilst the issue of blasphemy inevitably leads to the question of the appropriate relationship between the state and religion, late twentieth century British debates about blasphemy have tended to indicate the power of particular religious communities to assert the claims of religious values 'from below', whilst the role of the state itself has appeared increasingly ambiguous.

The first chapter traces the origins and development of the law of blasphemy in Britain from the medieval

and early modern periods to the late nineteenth century. Focusing on the crucial distinction between the 'matter' and the 'manner' of the alleged offence, Nash outlines the transition from the absolute priority of the 'matter' of an alleged blasphemy as defined in the Hale dictum of the late seventeenth century, to the assertion of the greater importance of the 'manner' of an alleged blasphemy, as defined in the Coleridge dictum of 1883. The latter judgement, it is noted, then formed the basis of judicial interpretation of the law of blasphemy until the *Gay News* case of 1977. Chapter two then addresses the theme of blasphemy and theory. The theoretical perspectives offered by postmodernism, Foucauldian analysis, Edward Said's concept of Orientalism, and the secularisation thesis are each outlined and critically evaluated. Whilst noting the potentially valuable insights that such theoretical approaches may offer at certain points, the author is, on the whole, persuasively sceptical about their more extreme claims to explanatory validity and suggests that, at crucial points, such theoretical approaches may actually cloud or distort central issues in the interpretation of the history of blasphemy in modern Britain.

Then follows a series of six case-studies of particular stages in the history of blasphemy in modern Britain. Chapter three examines the spate of prosecutions for blasphemy between the end of the eighteenth century and the middle of the nineteenth. Beginning with the prosecution of the London bookseller Thomas Williams in 1797 and concluding with that of Thomas Pooley in 1857, it also discusses the prosecutions of Daniel Isaac Eaton, James Williams, William Hone, Richard Carlile and his supporters, Robert Taylor, Henry Hetherington, Charles Southwell, George Jacob Holyoake, and Thomas Paterson. The author emphasises the role of evangelical opinion - especially through the Society for the Suppression of Vice - in bringing prosecutions and focusing the attention of the authorities upon the issue of blasphemy. He also stresses the emergence of links between opposition to blasphemy and concern over the morality and social discipline of the lower classes, and notes the emergence of the association of 'enemies of religion' with 'enemies of the British constitution'.

Chapter four analyses in detail the case of G.W.Foote and the prosecution of *The Freethinker* in 1883. The case was particularly important, Nash argues, because of Foote's deliberate use of the new mass journalism and because it was the occasion for Lord Chief Justice Coleridge's rejection of the Hale dictum that Christianity was part and parcel of the law of the land. Henceforth, according to Coleridge, the manner of an alleged blasphemy was to be of central significance: one might deny Christianity provided that the decencies of controversy were observed, respectable opinion was not outraged, and there was, therefore, no threat to public order. Nash also focuses on James Fitzjames Stephen's telling critique of Coleridge's apparent 'liberalisation' of the law regarding blasphemy and notes his call for the removal of the law rather than its modification in the way proposed by Coleridge - not least because of the power given to public opinion under Coleridge's interpretation.

Chapter five reviews the sequence of prosecutions for blasphemy between 1903 and the early 1920s, brought against, successively, Ernest Pack, Harry Boulter, Thomas William Stewart and John W.Gott. Here Nash draws attention to the deliberately hard-hitting nature of the blasphemies committed by these four campaigners and their close association with both Socialism and the dissemination of birth control literature. Similarly, the author also shows how these cases not only cemented the popular association between blasphemy, sexual heterodoxy and moral panics, but also had the effect of moving the law in a more conservative direction by further emphasising the role of public opinion in defining what might be regarded as offensive to religious people.

Chapter six then examines the various attempts at repeal of the blasphemy laws during the inter-war period, coupled with the proposal to introduce new laws, relating to public order, protecting all religions. The chapter notes the unwillingness of successive governments to engage with the issue; their preference for leaving the matter to Private Member's Bills; and the belief in the Home Office that the Coleridge dictum was sufficient to adapt the existing law through the 'manner/matter' distinction and the 'decency of debate' criterion. It also notes that the Parliamentary Committee stage of the 1930 bill for repeal recognised the difficulties - amounting to practical impossibility - of defining 'religion' in a new law, and the problems posed by leaving juries to decide what constituted both religion itself and an outrageous attack upon religion, rather than fair criticism. There was also, Nash correctly suggests, a failure to see that the Coleridge dictum

could easily be used to shift the law in a conservative direction - especially if power was given to grass-roots Christian opinion through such reliance on public opinion, expressed through the verdicts of juries in blasphemy cases.

Chapter seven provides a telling case-study - in the campaigns against the so-called 'Godless Congress' of 1938 - of the way in which conservative grass-roots Christian opinion could indeed be mobilised in an effort to extend the blasphemy laws, especially when closely allied to moral panic, right-wing pressure groups and notions of the protection of 'Britishness' and 'British identity'. Although this particular campaign failed to extend the blasphemy law, there is, Nash suggests, sufficient circumstantial evidence to suggest that a better-drafted measure might have commanded significant sympathy and support.

The final case-study in chapter eight examines the *Gay News* case of 1977 and thus amply demonstrates the power to influence the law on blasphemy enjoyed by conservative grass-roots Christian opinion. Nash shows how - again exploiting moral panic and the association of blasphemy with sexually heterodox behaviour - the prosecution in the *Gay News* case successfully secured the decisive reversal of the 'manner/matter' distinction established in the Coleridge dictum and returned the law to the position that had pertained prior to Coleridge's judgement in 1883. Moreover, as a result of the severe limitations placed upon the use of expert testimony in the *Gay News* trial, the primacy of public opinion in the definition of what constitutes blasphemy was yet further enhanced. The verdict in the *Gay News* trial, Nash suggests, amounted to nothing less than 'a time-bomb ticking under the law'.

Finally, the conclusion to the book reviews the current situation of the law on blasphemy in Britain, emphasising both the patently unsatisfactory nature of the legacy of the *Gay News* case and the need for a clear understanding of the history of this issue in order to address the unresolved tensions of its present state. As Nash points out, in the years since the *Gay News* case, the issue of blasphemy has resurfaced, most notably in the Rushdie affair, but also in relation to the actions of the British Board of Film Censors and their refusal to grant a certificate to the film *Visions of Ecstasy*. Moreover, in recent years - and especially in the wake of the controversy over *The Satanic Verses* - the focus of debate has tended to shift towards discussion of the inequality of the existing blasphemy laws in their failure to protect the religious sensibilities of religious believers other than Christians. Thus recent discussion of the law on blasphemy has often proposed that modernisation of the law might mean its extension rather than its abolition. The danger thus remains that religious groups - especially those acting 'from below', from the grassroots - might seek to move the law on blasphemy yet further in a threatening or restrictive direction. In modern culture, Nash warns, blasphemy can easily represent 'a dangerously open door to those who might wish to profit from the status of the offended.'

*Blasphemy in Modern Britain* is an important book. It provides an account, an analysis and an interpretation of the modern history of an issue that, as the author insists, remains a matter of intense debate and controversy in our own day. David Nash is quite right in his insistence that a mature handling of the issue in contemporary society will require familiarity with its past - and his book should be read with care by anyone contemplating participation in such contemporary discussion.

Not least because of this, it is therefore a pity that the production of the book has suffered from some significant weaknesses. Tighter editorial control and proof reading would have eliminated a number of the more notable errors in spelling and punctuation and might also have identified and addressed what appear to be corrections or amendments that have been less than fully or satisfactorily integrated with the surrounding text. A more liberal use of commas would also make many passages much easier to read. It appears from the introduction (p.14) that Part One of the book should consist of chapters one and two, whilst Part Two comprises chapters three to nine. Unfortunately the Contents page places the division between the two parts after chapter three. The discussion of radical and critical movements within Christian theology in the 1970s (as part of the contextualisation of the *Gay News* case) is particularly disappointing and contains several mistakes: the editor of *The Myth of God Incarnate* was John Hick (not Higg); the essays in that collection arguably 're-interpreted' the concept of the divinity of Christ rather than 'denying' it (to say that they simply denied it is to accept at face value the criticisms of their conservative opponents); and the Gay Christian

Movement was founded in 1975, not 1977.

In terms of content, two critical points might be made. First, it is not clear that the chapter on blasphemy and theory contributes greatly to Nash's argument. It is clear that the author is himself sceptical of the claims of theory and, indeed, his critique of the shortcomings of the theories considered is highly persuasive. For the present reviewer, however, it is at least arguable that the space used for the discussion of theory might have been better deployed in addressing a number of examples omitted from the book. Thus, chapter three might usefully have included a discussion of the 1867 case of *Cowan v Milburn*, not least as an example of the continuing appeal to Hale's dictum, whilst the opening of chapter eight might have included some reference to Lord Denning's judgement in 1949 that the law of blasphemy was by then a dead letter. Similarly, the conclusion might usefully have included at least brief reference to several other major contributions to the post-*Gay News* and post-Rushdie debates over blasphemy. These would certainly include the 1985 Law Commission Report on Offences Against Religion and Public Worship; the three Commission for Racial Equality seminar reports, *Law, Blasphemy and the Multi-Faith Society*, *Free Speech*, and *Britain: a Plural Society* published in 1990; and the *Second Review of the Race Relations Act 1976* published in 1992.

Reference to these items leads readily to the second criticism of the content - or more accurately of the title - of the book. The sub-title, *1789 to the Present*, is problematic precisely because the author concentrates on the period 1789 to 1980 and specifically disclaims any attempt to address the Rushdie affair and its implications for the issue of blasphemy in any detail. Nash's reasons for so delimiting his study (see especially page 12) are persuasive. It is entirely reasonable to suggest that a historical study of the use of the blasphemy laws in the last two hundred years should stop at the *Gay News* case, and to argue that the issues raised by the Rushdie affair demand another separate study. But in that case the title and sub-title of the book should have reflected this chronological limit - for it is certain that the consideration of blasphemy in modern Britain 'to the present' ought to include the debates to which the Rushdie affair gave rise.

Such criticisms notwithstanding, however, it would be both unfair and unreasonable to dwell on these at the expense of recognising the significant and valuable strengths of the book. I have already suggested that *Blasphemy in Modern Britain* provides an essential historical context for contemporary discussion of the issue of blasphemy, but in addition it is appropriate to single out two specific strengths of this book.

First, the book reveals the essential instability and confusion that surrounded the history of blasphemy in Britain from the late nineteenth century to the late twentieth century. The Coleridge dictum was assumed - by those in authority, including crucially the Home Office - to have provided a means of 'modernising' this law without recourse to new legislation. By the 1920s it was clear that some sharper clarification was desirable, but attempts to achieve this end came to nothing. And in 1977, the Coleridge dictum was effectively reversed by the verdict in the *Gay News* case. The Rushdie affair then re-opened debates about the possible extension of the blasphemy laws in a multi-faith society. *Blasphemy in Modern Britain* provides a timely reminder of the failure of earlier attempts to clarify, repeal, or extend the law on blasphemy and the reasons for that failure. The short but revealing chapter on the attempts at repeal or extension between 1913 and 1938 is particularly valuable in this respect. The difficulties of definition encountered then would similarly bedevil any attempt to extend the law to other religions today and the chapter should be required reading for anyone disposed to propose such a course of action.

Second, *Blasphemy in Modern Britain* correctly identifies the role of public opinion in the definition of blasphemy and the consequent potential power of grassroots religious activism 'from below' as a matter of substantial concern. The success of such grassroots activism in the *Gay News* case was a salutary warning. Subsequently, the power of such grassroots campaigning - especially when allied to the high profile campaigns of politically conservative leaders - was demonstrated again both in the debates over religious education during and after the passing of the 1988 Education Act, and in the passing of the controversial Clause 28 of the 1986 Local Government Act. The currently renewed controversy over the proposed repeal of Clause 28 - and the powerful alliances between religious leaders of various faith communities in opposition to repeal - suggests that the power and influence of resurgent and conservative religious forces in contemporary Britain would be likely to make any extension of the blasphemy laws both increasingly

restrictive and potentially repressive.

Consideration of the recent religious history of Britain suggests that any extension of the blasphemy laws would tend to protect the opinions, beliefs and sensibilities only of those who belonged to major religious traditions. The opinions, beliefs and sensibilities of, for example, members of the many New Religious Movements in modern Britain, or of contemporary Pagans, or adherents of a variety of alternative spiritualities would enjoy no such protection. And nor would the deeply held opinions, beliefs and sensibilities of non-believers, humanists, agnostics or atheists - despite the fact that, as James Fitzjames Stephen pertinently argued in the context of *The Freethinker* prosecution of 1883:

'All the more earnest and enthusiastic forms of religion are extremely offensive to those who do not believe them. Why should not people who are not Christians be protected against the rough, coarse, ignorant ferocity with which they are often told that they and theirs are on the way to hell-fire for ever and ever?'

Nash uses that quotation from Stephen in his discussion of F.W.Foote and *The Freethinker* prosecution. He concludes his own study of blasphemy with the judgement that, 'In modern Britain we should avoid the path of extension which beckons so seductively to some.' He is quite right - and his book is a persuasive demonstration of the reasons for that judgement.

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[2]

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