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BLASPHEMY LAW: CAUTIOUS WELCOME FOR COMMISSIONERS' REPORT

The Law Commission, in its report, *Offences Against Religion and Public Worship*, has recommended abolition of the common law offence of blasphemy. They had already examined shortcomings in the present law in a Working Paper which elicited a response from a wide spectrum of organisations and individuals. Referring to the large number of submissions, petitions and letters opposing abolition, the Commissioners comment: "It is clear that a majority of those who wrote urging the retention of the law of blasphemy, or who signed petitions calling for this, did so in response to organised campaigns . . . petitions from various sources were printed and circulated, particularly in churches".

Organisations as diverse as the Catholic Union of Great Britain and the Protestant Reformation Society favoured retention of blasphemy law. Abolition was advocated by the Association of Chief Police Officers of England and Wales, the Society of Conservative Lawyers, the Free Church Federal Council Executive Committee and the Mother's Union (majority). A number of freethought organisations, including the British Humanist Association, National Secular Society and the Thomas Paine Society, also argued in favour of abolition.

The main reasons advanced in support of blasphemy law were that it protects religion and religious beliefs, together with society, public order and individual feelings. It was claimed that abolition of blasphemy law "will add further to the degeneration of our society".

The Commission recommended "abolition without replacement" of the common law offence of blasphemy. But two Commissioners, including the chairman, Mr Justice Ralph Gibson, while agreeing with the main recommendation, added a Note of Dissent to the report.

They state: "We agree with the substance of the

main criticisms of the existing common law offence of blasphemy and with the recommendation that it should be abolished. We attach particular importance to the defect in the existing offence that it affords protection to one religion only. Our views, however, is that in abolishing the common law offence of blasphemy the preferable course would be to enact a new offence which would be free of the defects of the present law".

The majority report has been welcomed by a number of freethought and anti-censorship organisations.

Commenting on the proposal to abolish blasphemy law, the Campaign Against Censorship (formerly the Defence of Literature and the Arts Society) declared that "any decrease in the number and confusion of the laws which restrict freedom of expression would be an improvement.

"A law against blasphemy in this country today is obsolete, discriminatory and dishonest.

"It is obsolete because the link between Christian belief and the social structure has almost broken. An attack on God is no longer an attack on society and therefore no longer a proper subject for the law.

"It is discriminatory because it relates only to one religion. If we really need a law to stop people insulting other people's gods, it should apply to all faiths.

"It is dishonest because, when a trial takes place, it quickly becomes clear that the work involved offends not against any god but against the sensibilities of a minority group of men and women. They are those whose view of human nature, and especially of human sexuality, are still Victorian; narrow, pompous and, underneath, fearful.

"It is high time that this means of forcing their views upon the rest of us was taken from them".

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Welcoming the Commissioners' main recommendation, a spokesman for the Writers' Guild of Great Britain said: "As an organisation which is fundamentally opposed to censorship, the Guild naturally approves of any move to clear away the ancient and archaic statutes which penalise or inhibit the free expression of belief and opinion. Recalling the circumstances in which this law was last used to circumvent the rights of a defendant to introduce expert witnesses, we think that its abolition is long overdue".

The National Campaign for the Reform of the Obscene Publications Acts also welcomed the Law Commission's recommendations.

NCROPA's honorary director, David Webb, said that any laws which restrict freedom of publication and freedom of expression are anathema to the organisation. He added: "We have always made it clear that although our campaign is centred around the Obscene Publications Acts and is seeking their repeal, the repeal or fundamental amendment of many other relevant Acts would be an essential part of the success of our aims.

"Of all such Acts which proliferate in this censor-ridden country, the blasphemy laws are probably the most iniquitous. Nowhere was this more clearly demonstrated than when that appalling phenomenon, Mrs Mary Whitehouse, used them successfully to prosecute *Gay News* for publishing James Kirkup's homosexual poem, 'The Love That Dares to Speak its Name', in its June 1976 edition.

"Whilst NCROPA strongly urges that the Law Commission's recommendations are acted upon, in the light of the present Parliament's extremely repressive and puritanical policies (the passing of the monstrous Video Recordings Act 1984 is alone witness enough to that) and the depressing 'Victorian Values' mentality of the present Government, regrettably it does not hold out much hope for them to be implemented in the foreseeable future.

"On this matter, however, NCROPA very much hopes that it will be proved wrong and that Parliament will show considerably more enlightenment and tolerance than it has done throughout the past seven years".

Dianna Rookledge, chairman of the British Humanist Association, said that blasphemy law was illogical and discriminatory. A wide range of religious views are adhered to in Britain, and there are growing numbers of unbelievers.

"Society does not need the protection of such a law. There already are laws under which behaviour likely to cause a breach of the peace can be dealt with. The BHA is pleased that the Law Commissioners have recommended abolition of blasphemy law".

Barbara Smoker, president of the National Secular

Society, commented that the Archbishop of Canterbury still demands protection of the law against abuse or ridicule of his church and its doctrines, the legal justification being to prevent breaches of the peace.

"Needless to say", she added, "we atheists have always had to put up with abuse and ridicule from Christians, but we have never breached the peace on that account. In fact, we have complained only about being tortured, burnt at the stake, and so forth, not about mere verbal abuse. On the contrary, we have always favoured the robust exchange of ideas.

"Are Christians so much less tolerant and peaceful than atheists that they cannot be trusted, unless given special police protection, under the criminal law, to keep the peace when abused or ridiculed?"

Nicolas Walter said The Committee Against Blasphemy Law welcomed the final recommendations of the Law Commission, especially the majority proposal that the present law of blasphemy be abolished.

"It notes with regret", he added, "the minority proposal that the common law offence protecting Christianity should be replaced by a statutory offence protecting all religions". But CABL also noted with relief the stipulations that such an offence would include the element of intent, and that any prosecution would have to be approved by the Director of Public Prosecutions.

• Two Cheers for the Law Commission, page 119.

Bishop's Move

A Roman Catholic church which for centuries has been the focal point of an anti-semitic myth has at last been closed on the orders of the Bishop of Innsbruck. The Pilgrims' Church stands on a hill called the Judenstein (Jew Stone). The site is dedicated to a boy who was allegedly sacrificed by Jews who purchased him from his parents.

The martyr is known as Anderl of Rinn. There is no evidence that he even existed and the Vatican dismisses the story of his murder as a myth. Nevertheless the local faithful claim that his remains are buried in the church in which a representation of his gruesome martyrdom was displayed.

The bishop issued instruction that the pilgrimages should be discontinued. And when the parishioners, incited by local Nazis, organised a demonstration, it was decided that the church would be closed indefinitely.

The Socialist Educational Association has drawn up a plan to integrate all voluntary schools into a single State system. It was approved at the Association's annual conference last month. The conference also voted for an end to religious assemblies in schools.