
Laura Tomes¹
Theology and Religious Studies department,
Georgetown University, USA

Прегледни рад
UDK 342.727(420)
299.5(420)

BLASPHEMY AND THE NEGOTIATION OF RELIGIOUS PLURALISM IN BRITAIN

Abstract

This paper examines the May 2008 abolition of the British law against blasphemy. The blasphemy law had been the subject of debate since the 1970's, which began a series of high profile attempts to invoke the law against perceived offenders. No action was taken until after September 11th, when the Labour government sought to institute a law criminalising Incitement to Religious Hatred. It was not until that law came into statute (2006), that the Houses of Commons and Lords seriously debated abolishing the blasphemy law. Against those who argued that changing the legislation amounted to 'the death of Christian Britain', I argue that this case offers evidence that the meta-narrative of secularization is neither helpful nor accurate; it fails to account for the reasons why the law was eliminated, or for its relation to ongoing efforts to accommodate religious diversity. The elimination of the blasphemy law and enactment of the Incitement to Religious Hatred legislation should be situated as part of ongoing efforts to negotiate diversity in Britain, and serves as an illustration that a more thoughtful analysis of religion should be a major part of the debate on cultural pluralism.

Key words: Blasphemy, Christianity, Church of England, Secularization, Religious Pluralism.

Introduction

The House of Lords voted to abolish the British common law offence of blasphemous libel in March 2008, culminating three decades of critical discussion surrounding its meaning and utility.² The fulcrum of these debates was arguably the infamous

¹ laura.tomes@gmail.com

² Note, we refer here to a law which was binding only upon Britain, i.e. England and Wales. Of the other countries in the United Kingdom, Scotland and Northern Ireland still retain their own statues against blasphemy, historic parts of Scottish Common Law and Irish Common Law respectively. In both countries, as in Britain before May 2008, courts are obliged to interpret the legislation in the light of the Human Rights Act (1998), a piece of European legislation, article 10 of which provides for

Rushdie affair of 1991.³ Bills proposing various formulations of the abolition, or alternatively, the reconstitution of the law prohibiting blasphemy ricocheted between the House of Commons and the House of Lords from 1995 to 2008, becoming increasingly encumbered with amendments and omissions. However, no definitive actions were taken until after September 11th, when amidst a tide of reactionary Islamophobia, the Labour government sought to institute a law criminalising Incitement to Religious Hatred. It was not until that law came into statute (2006), that the Houses of Commons and Lords seriously debated abolishing the blasphemy law.

Proponents of abolition called the result a step towards secularization. The National Secular Society threw a victory 'Bye-Bye Blasphemy' party, which included the public reading of a poem that had engendered a prosecution for blasphemy in 1977.⁴ 'So farewell then, blasphemy', a *Guardian* newspaper opinion piece began. 'You were pointless for so long, and now...you are dead' (Haewood, 2008). Evan Harris, the MP who initiated the final bill that led to the removal of the common law offence of blasphemy wrote that 'it should be seen as a secularizing move, and with pride' (HL Deb 5 March 2008 c1129).

Critics of the abolition lamented, along similar lines, that the abolition of the law represented a fateful nail in the coffin of Christian Britain. *The Daily Telegraph* ran the headline, 'Christians now open to Ridicule' on the day that the bill received royal assent (Beckford, 2008). The notion that abolishing the law was tantamount to secularization was particularly evident during the final debate in the House of Lords. For many involved in this debate, the notion of repealing it represented the erosion of Britain's Christian identity, an identity deeply ingrained within British institutional practice. Lord Robertson of Oakridge argued that erasing the legislative presence of Christian tradition was tantamount to admitting that 'we do not mean a thing when we pray at the beginning of each day's business' (HL Deb 22 Feb 1995 c123). The Archbishop of York protested that Christianity, symbolized by the law against blasphemy was an essential element of 'Britishness' (HL Deb 5 March 2008 c1129). Baroness O'Cathain protested that the proposal to abolish blasphemy symbolized 'in a beguiling manner... little more than a descent into a secular state' (HL Deb 5 March 2008 c1129).

Before we assume that secularization is an appropriate meta-narrative to describe and explain the abolition of the blasphemy law, we should consider what the term connotes, and its implications. José Casanova has suggested that three different analytical strands can be evinced within various articulations of secularization theory. First, that the privatization of religious institutions, meanings, and values is an inevitable characteristic of modernity. Second, is the premise that the differentiation of religious and public spheres represents 'emancipation' from religious institutions. Third, is the prediction that not only will the public sphere become secularized, but that people will gradually become less religious in the private sphere as well. As the political, economic and industrial infrastructure of modernity spread around the globe, the stronghold of religion will inexorably be replaced by secular values (Casanova, 2007: 101-120).

freedom of expression. In the Republic of Ireland, a new law criminalizing blasphemous libel was hushed through the courts in 2009, and has been met with sustained criticism.

3 For analyses of the Rushdie affair specifically see Jones (1990) and Parkeh (1990).

4 See <http://www.secularism.org.uk/bbbparty.html> (accessed 10th May 2010).

These positivist hypotheses of secularization, asserting the active removal of religious presence from the public sphere, are to be distinguished from the secular – a category which finds its own, native place within religious understandings of the world.⁵ Similarly, they can be distinguished from ‘secularism’, another contested concept, but which for these purposes can be understood as the outcome of the process of secularization – the realization of the ideological commitment that the state or political authority should neither impose nor privilege a religious tradition. The various gradations of European secularism range from the radical French *Laïcité* and Turkish *Laiklik*, to the established churches – but ‘secular outlooks’ – of England, Greece and Denmark. The objects and aims of secularism find multifarious expression both in ideology and praxis both across and within national contexts.⁶

If we define secularization according to the first tendency, the retreat of Christian religious institutions from the public sphere, it might be possible to argue that the abolition of the law against blasphemy is indicative of a process of institutional secularization. Grace Davie (2000) has argued that Christian identity in Britain, indeed in Europe as a whole, is fundamentally an institutional identity and that religious activity is primarily vicarious: performed at the institutional level on behalf of a consenting general public. This she has memorably termed ‘believing without belonging’.⁷ Applying Davie’s observations would suggest that the abolition of any Christian institution, such as the legal ‘institution’ of blasphemy, must be demonstrative of the waning social, cultural and theological presence of the Christian religion in Britain. Whether this represents, in the parlance of the second tendency of secularization theories, ‘emancipation’ is a value judgment that presumes a particular commitment to the privatization of the religious and secular spheres as desirable.

However, the positivist character of the various articulations of secularization theory have been overwhelmingly challenged in recent decades. Casanova famously argued that from the 1980’s onward we have in fact witnessed the de-privatisation of religion; ‘the fact that religious traditions throughout the world are refusing to accept the marginal and privatised role which theories of modernity as well as theories of secularization had ascribed to them’ (Casanova, 1994: 5). Religious people and institutions not only continue to be important public actors, but are in fact becoming increasingly more influential on the world stage. This is not difficult to substantiate; the rise of Islamic religious actors and social networks within global politics being the most timely example. Similarly, the presumption that private religious observance is set on a course of inevitable decline should also be placed under critical scrutiny. The steep drop in regular attendance of Anglican church services in Britain seems, on the one hand, to make a case for British ‘secularism’, based upon the third tendency of secularization theories. This picture is complicated, however, by rising attendance in other types of churches, and at places of worship by adherents of other religious traditions. It is not simply the case that people are less religious, but that they are religious

5 On the native place of the secular within Christianity, see Casanova (1994: 13-15).

6 For a detailed discussion of the various debates surrounding secularism, particularly as it relates to religious diversity, see the various essays in Levy and Modood (2009).

7 Davie has since argued, however, that the model of vicarious religion will last only until the mid 21st century, and Britain will transition to a more American model of a privatized religious market-place. See Davie (2006: 293).

in different ways.⁸

The relationship between religion, secularity and the public sphere thus seems to be more complex than the parlance of secularization has the parameters to discuss. While secularism is in many ways a correct descriptive appellat of modern British democracy, it is not accurate to say that this has been achieved via the complete fulfilment of the three tendencies of secularization theory described above. Religious institutions have not become absolutely privatised; it is not unanimous that where this has occurred, it represents 'emancipation'; and religious identities still persist. It is clear that if we are to understand the various roles of religious actors and institutions that our focus cannot be quantitative, preoccupied with measuring the volume of religious presence within public life, but must rather be qualitative, able to discuss the various gradations of religious presence in Britain, and the ways in which that presence variously effects civic institutions and public discourse. Defining the abolition of the blasphemy law, in Evan Harris' terms, as a 'secularizing move' obfuscates the role that religious actors played in the long and winding road to the abolition of the law, and the perceived need for its replacement by a law criminalizing Incitement to Religious Hatred.

Taking the three tendencies of secularization theories described above as criteria, this paper offers three arguments in support of the thesis that the process of the blasphemy law's abolition resists the label of secularization. First, taking into account the presumption that secularization represents the de-institutionalisation and privatisation of religious values, I argue that the law itself was never a robust symbol of an institutional Christian identity. Concomitantly, the abolition should not be construed as the removal of a potent symbol of Christian faith from the public sphere. Second, in response to the proposition that secularization is achieved through a process of 'emancipation' from religious institutions, it will be argued that while individual proponents of the various bills to abolish the law might have been motivated by secularist concerns, there was no clear philosophy of secularism or secularization driving its abolition. Rather the debates that led to the abolition were ad hoc and chaotic; aptly characterized by historian David Nash as a 'shambolic procession of misunderstanding to misunderstanding' (Nash, 1999: 267). Third, in response to the hypothesis that secularization can be evinced by a decline in religious identification, it will be shown that many of the actors who were most influential in the events leading to the law's demise were committed religious believers. The debates about the continued relevance of the British blasphemy law were thus not solely about redundancy. They were fuelled by the attempts of religious people to utilise the blasphemy legislation to prosecute what they reckoned as offences against their religious sensibilities. Rather than employing the tired parlance of secularization, a more nuanced analysis of Britain's multiple religious actors, and how they are affecting and influencing ideas about the place of religion in the public sphere is necessary to explain how and why the law was abolished.

8 Steve Bruce, on the other hand, has argued that change in the various forms of religiosity in Britain, from adherence to non-Christian religious traditions to the growth of New Age spirituality, does not account for what has been lost in the declining authority of, and allegiance to, traditional forms of Christianity, namely the Church of England. Thus, for him, secularization remains persuasive parlance. See Bruce (2002; especially pp.60-105).

Blasphemy and its Cognates

The criminalisation of blasphemy is, historically, the attempt to secure doctrinal conformity in speech. Laws against blasphemy maintain fixed parameters by which to locate the religious 'other', and serve to demarcate the speech and practises of the other from that of 'true' believers.⁹ The close cognate of blasphemy is thus the ecclesiastical concept of 'heresy' – belief designated as unorthodox by a given religious authority. Blasphemy and heresy are constructions: theological boundaries erected in the attempt to demarcate and define right religious identities. In his *Borderlines*, an analysis of the formation of religious identities within early Christianity and Rabbinic Judaism, Daniel Boyarin has persuasively argued that articulations of heresy should be understood not as absolute borders between the sacred and the profane, but as rhetorical attempts to demarcate and define the social and cultural boundaries of religious groups. Theological borders, Boyarin explains in his powerful introduction, are man-made, constructed, and mobile. They are not inherently meaningful in themselves, but become so within the context of a *weltanschauung* in which their underlying religious presuppositions function as a tool of identity construction. Historicizing the construction of religious boundaries therefore provides rich material for excavating the genealogies of the religious groups who impose and respect them (Boyarin, 2004).

Boyarin's observations are highly applicable to the study of blasphemy. Blasphemy, a border demarcating speech, is not, considered along Boyarin's proposals, an inviolable standard, but a boundary that has shifted according to the various meanings invested in it by religious communities. Once we locate laws criminalizing blasphemy as constructed religious borders, we realise that they do not represent an absolute division between the sacred and the profane in speech, but the religious self-understandings of those who have been active in their construction. Similarly, and in accordance with their nature as theological constructions, laws against blasphemy have been adapted and re-interpreted to fit to changing social and cultural contexts. The study of changing Christian conceptions of blasphemy thus offers a rich window into the evolution of ideas about heresy, conformity, civility and the 'other'. It provides a framework for understanding the changing parameters of Christian self-understanding, and particularly the role of the non-Christian as an agent within that process of identity formation.

Indeed, a short historical survey of the British blasphemy law reveals that the objects protected by the prohibition have been reasonably transient over the course of British history. In its earliest incarnations, English canon law criminalised blasphemy as an extension of seditious libel – an act of violence against the King and government. Following the English Reformation, the 1697 Blasphemy Act judged the refusal to adhere to the doctrines of the Church of England as an offence against the statutory law of the realm. Thus blasphemy, defined in terms of offences against the doctrine of the established church, was tantamount to crimes against England and her politico-religious governmental order. Moving to the nineteenth and early twentieth centuries, we see a general decline in the number of prosecutions for blasphemy. Con-

⁹ It is thus inevitable that a law prohibiting blasphemy will be contentious within a context of commitment to cultural and religious plurality, in which the objectification of the 'other' is minimized in favour of an inclusivity and tolerance.

temporaneous with the granting of greater civil rights to non-Anglican Christians and Jews, after 1883 blasphemy was re-defined from an act of sedition to one of incivility: the manner in which one expressed opposition to Church of England doctrine, as opposed to the fact of expression. Eighty-four years later, during a 1967 purge of obsolete offences, blasphemy was re-defined as a purely Common Law offence.¹⁰ Prior this, there had not been a prosecution for blasphemy since 1922, in the case of *R. v. Gott*.¹¹ Thus jurists in first half of the twentieth century judged blasphemy to be an archaic offence, resting peacefully dormant in dusty statue books (see Unsworth, 1995: 658). It was not dead, but sleeping.

The Re-awakening of Blasphemy

The blasphemy law was abruptly awoken in the late 1970's, however, amidst a surprising revival of prosecutions for blasphemous offences. In 1977, an enraged Christian housewife, one Mary Whitehouse, sought a private prosecution against Denis Lemon, editor of the *Gay News*, over the publication of *The Love that Dare not Speak its Name* – a poem in which a Roman centurion describes partaking in homosexual activities with Jesus Christ. The jury concluded 10 to 2 that Lemon was guilty of blasphemy (*Whitehouse v. Lemon*, 1979). In the late 1980's two films brought blasphemy legislation to the horizon. In 1979 enraged Christians, including the aforementioned Mrs. Whitehouse, accused *Monty Python's Life of Brian* of blasphemy. It was not denied a certificate, although several town councils did ban showing of the film. Ten years later in 1989, the British Board of Film Classification refused to issue a certificate to the film *Visions of Ecstasy*, depicting Teresa of Avila engaging in erotic activities with Jesus Christ during her visions. They took the view that a reasonable jury properly directed would find that the film infringed the law of blasphemy.

The most controversial accusation of blasphemy however, was levied not for offences against Christianity, but Islam. This is the 1991 attempt to prosecute Salman Rushdie for offences against Islam in *The Satanic Verses*. The Chief Metropolitan Stipendiary Magistrate refused to extend the common law offence of blasphemy to the Rushdie case, ruling that as the offence of blasphemy referred only to Christianity in general and the Church of England in particular there were no grounds to prosecute Rushdie for offences against Islam. Although the Archbishop of Canterbury, then Robert Runcie, argued that the law against blasphemous libel should at this time be extended to cover other religions, an appeal in the UK was unsuccessful (*Choudry v. United Kingdom*, 1991), while the European Commission on Human Rights ruled the case inadmissible.

The last attempt to indict under the blasphemy legislation also failed to prosecute.

10 Criminal Law Act 1967, s 13 and Sched 4. This meant that there were no statutory limits on the fine or imprisonment that the court can impose, and that the offence is triable only on indictment, and so necessarily involves jury trial.

11 16 Cr APP R 87. Though not on trial for blasphemy specifically, blasphemy did also feature as part of debates in the 1960 trial of Penguin Books for obscenity, following their publication of D.H. Lawrence's *Lady Chatterley's Lover*. Penguin were ultimately cleared on the basis of the 1959 Obscene Publications Act, passed just one year earlier, which made it defensible to publish obscene language and images if it was judged to be in literary merit. Joss Marsh has observed that all seemed set, in 1960, for the crime of blasphemy to be absorbed into the general category of obscenity, and for reasonable degrees of obscenity in the arts to be protected by the 1959 Act. See Marsh (1998: 98; 209).

In 2005 the British Broadcasting Corporation broadcast *Jerry Springer the Opera* on national television. The production features Jesus dressing as a baby and defecating in his underwear. *The Christian Voice*, a Christian advocacy group, sought a private blasphemy prosecution against the BBC. However in 2008 the City of Westminster Magistrates Court rejected the suit, finding that the common law of blasphemy did not apply to stage productions or broadcasts.¹²

Widespread calls for the elimination of a criminal offence that seemingly protected only one religious community accompanied these prosecutions and attempts to prosecute on the grounds of blasphemy. One of the primary observations made during this proliferation of blasphemy cases, particularly in the aftermath of *R. v. Chief Metropolitan Magistrate, ex p Choudry* was that there was an unacceptable inconsistency between the maintenance of a blasphemy law protecting one faith alone, within the context of a country that claimed to be multicultural and pluralist. The law against blasphemy was described as protecting only the Church of England from defamation. Therein lied much of the basis for arguments that it was partisan and unrepresentative of multi-faith Britain.

However, legal scholars have noted that its jurisdiction was actually rather more ambiguous. Russell Sandberg and Norman Doe (2008) explain that in *Gathercole's Case*¹³ of 1838, it was stated that one could attack any Christian denomination except for the Church of England, for as the established church it formed part of the constitution of the country. However in the *Williams*¹⁴ case of 1797, it was clear that other Christian denominations and other religions were protected to the extent that their beliefs were coterminous with that of the Church of England. In this case, an attack upon Judaism was interpreted as an attack against the Old Testament, and thus upon an article of Christian faith. Finally, in the Gott case of 1922, it was noted that the depiction of Jesus under question would be 'equally offensive to anyone, whether he be a strong Christian, or a lukewarm Christian, or merely a person sympathising with their ideas' (see Sandberg and Doe, 2008: 973).

Despite these ambiguities, the ruling in the Rushdie case, that only the Church of England was protected under the blasphemy law, became the most widely quoted statement of its jurisdiction. There began a series of high profile calls for the alteration of the law, alternating around two alternatives: either that it be extended to protect the beliefs of all faiths and faith groups from discrimination; or that it be abolished and replaced with legislation pointedly directed to do so. An important observation within these debates was that Judaism and Sikhism, on the basis of their 'ethnic' component, were already protected against defamation under the Public Order Act criminalizing acts of racial hatred (1986). On this basis, it was argued that other religious communities were therefore entitled to protection under law as well.

12 s. 2(4) of the Theatres Act 1968. The failure to prosecute in the Springer case, given the extent of the humour made at Christianity's expense, was a clear indication that the blasphemy law provided no real guarantee that Christian sensibilities enjoyed any real protection under it. Ivan Hare describes the Singer discussions as the straw that broke the camel's back in forcing the serious discussion of the law's abolition. I suggest below, however, without undermining the importance of this case, that the straw was actually provided by the Gillian Gibbons affair.

13 2 Lewin 237.

14 26 St Tr 654.

Three proposals to amend the legislation are particularly notable. Six years after *R. v Lemon* in 1985, the Law Commission published a report in which they recommended that the prohibition on blasphemy be 'abolished without replacement' (Law Commission, 1985: 82: 9). By contrast, that same year, a Working Group convened by the Archbishop of Canterbury advised that the law be replaced by legislation covering all religions. The most substantially debated of the three proposals was mooted ten years later, in January 1995, when Lord Avebury, a Liberal Democrat with an interest in human rights issues tabled a private members bill in the House of Lords proposing the abolition of the blasphemy law on the grounds of 'the inequity of giving special protection only to the Christian religion in a multi-faith society' (HL Deb 22 February 1995 c1217). The debate that ensued was wide-ranging. Many members of the house were receptive to the inequity of protecting one faith group over all others, and agreed that the law should be abolished. Others, however, argued that the optimum solution to this clear case in privilege was to extend the blasphemy law to include all religious traditions (HL Deb 22 February 1995 c1224). Still others worried about removing protection of the 'sacred' and undermining the Christian identity of Britain.¹⁵ Noting that opinion was too diverse to be able to reach a representative agreement, the Lords refused to give Avebury's bill a second reading, recommending that it be passed to a legislative committee for further investigation (HL Deb 22 February 1995 c1242). However, no reports were produced.

Incitement to Religious Hatred

To understand the necessary conditions for the eventual abolition of the blasphemy prohibition in 2008 we have to look, in fact, to 2001 and attempts to enact another piece of legislation, one which would criminalize verbal attacks on groups of persons defined by religious belief, or lack of religious belief. Following 9/11, and amidst a tide of reactionary incidents perpetrated against Muslims and Islam, the Labour government sought to institute a law criminalising *Incitement to Religious Hatred*, as part of an *Anti-Terrorism, Crime and Security Bill*.¹⁶ The relevant clause sought to extend an existing provision on incitement to racial hatred, the Public Order Act 1986, to include religious hatred.¹⁷ As noted, Jews and Sikhs already came under the auspices of this legislation, being defined as racial groups; this clause sought to widen the parameters to include non-racially defined religious groups as well. Crucially, the bill listed the *intention* to stir up hatred as necessary for an accusation of incitement to religious hatred to be a

¹⁵ See, particularly, the Earl of Longford's speech, HL Deb 22 February 1995 c1223.

¹⁶ In some of the debates considering the Bill, there was particular opposition to the idea that religion should be considered in a bill legislating on and about terrorism. In 2002, when considering Lord Avebury's second Private Members Bill, Lord Ahmed stated 'I speak as a British Muslim when I say that we are pleased that the matter of religion has been taken out of the anti-terrorism bill, which, undoubtedly, would otherwise have been viewed negatively' (HL Deb 30 January 2002 c320).

¹⁷ Religious hatred was defined as 'hatred against a group of persons defined by reference to religious belief or lack of religious belief' whilst actions of religious hatred included publishing or distributing written material, the public performance of a play, distributing, showing a recording, broadcasting or including programme in cable programme service (that included hateful material) and possession of radically inflammatory material.

criminal offence.¹⁸ Proof that offence was caused alone would thus not be sufficient grounds for the legislation to be invoked. If passed, the law would be able to indict not only purveyors of a series of offences against Muslims since September 11th but also Islamic preachers of radical hate.

The bill precipitated considerable public unrest, with journalists opining that major religious texts such as the Bible and Qur'an would be banned under this legislation for their incitement of hatred towards other religious groups. Actors and comedians also articulated fears that their work would become liable for prosecution (see Mc-Smith, 2005). The bill was halted in its tracks, however, when it reached the House of Lords. The Lords passed an amendment to remove clause 8 by 240 votes to 141, and the Home Secretary was forced to concede the *Anti-Terrorism, Crime and Security Bill* to be passed without the religious hatred clause (see Morris, 2001).

The next attempt to pass this legislation began on 8th January 2002, when Lord Avebury brought a second Private Member's Bill before the House of Lords. He likewise sought to create an offence of religious hatred, but twinned with his proposal the abolition of the offence of blasphemous libel (HL Deb 30 January 2002 c317). Referring, as he did in 1995, to the conclusions of the 1985 Law Commission report, he concluded that 'legislating against incitement to hatred of people holding particular religious beliefs could be a relatively simple task on the lines now proposed [in his bill]' (HL Deb 30 January 2002 c315). However, doing so by extending the blasphemy law to include other religious groups would merely "encourage rivalry and animosity between religions" (HL Deb 30 January 2002 c317).

Again, the Lords showed widespread agreement that legislation of any kind should protect all religious groups. Lord Ahmed argued:

I am not against blasphemy laws. Indeed, I should very much like all religions and all peoples to be protected from insults and attacks equally in law....However certain common law offences relating to religion and public worship are out of date and relate to only one section of our community. It is imperative that we amend our laws so that they are relevant to the multi-religious Britain of today. (HL Deb 30 January 2002 c318)

Other Lords, however, worried that distinctions between religion, culture and ethnicity were being blurred. Lord Desai countered that defamation of religious minorities, Muslims in particular, were most often racially motivated, and would not be served by 'putting a religious tag on the issue' (HL Deb 30 January 2002 c327). Lord Lucas argued in support of Desai that there was no definition of religion offered in the bill. While racial hatred was always wrong, he proposed 'it is reasonable, in some circumstances, to hate things religious. If Catholics were still burning us [Protestants] it would be quite reasonable for us to hate the other side' (HL Deb 30 January 2002 c329). The bill was not passed, the Lords concluding that there had been insubstantial research conducted into the law, and appointing a Select Committee to consider and report on the offence of blasphemy, and its future. They recommended particularly that the select committee should consult representatives from all of Britain's faith groups and

¹⁸ See House of Commons 2005: 3: 11 (2); HL Deb 5 March 2008 c1118.

seek their recommendations on the separate yet connected issues of blasphemy and incitement to religious hatred (See HL Deb 30 January 2002 c320).

The following year, on 10th April 2003, the Select Committee on Religious Offences published their report, outlining the various ways in which other faiths could be protected from defamation. Chapter four dealt exclusively with blasphemy. It described three potential 'options' for dealing with the blasphemy law, noting the criticisms of its limitation and its relevance expressed in earlier debates. The options were:

- i.) The common laws of blasphemy should be left as they stand;
- ii.) They should be repealed without replacement (the view of the majority of the Law Commission in 1985);
- iii.) They should be repealed but replaced with a new statute, which would cover all religious faiths and beliefs and the rejection of religion.¹⁹ The objects of the protection would be faiths and beliefs, not the people or groups who hold to them (Select Committee on Religious Offences, 2003: 13).

The first option was recognized to be problematic for a number of reasons. While the Committee noted that Christians still made up the largest religious group in Britain, they recognized that a law that protects one group to the exclusion of all others in a so-called multicultural country must be re-evaluated. However, the committee also reported that consultations with minority faith groups did not result in unanimous calls for the repeal of the blasphemy law. The Muslim Council of Great Britain feared that the repeal of the blasphemy law would result in 'negative equalization' (Select Committee on Religious Offences, 2003: 13) while the Board of Deputies of British Jews stated that to extend the law to other faiths would 'raise inherent contradictions', recommending that it should be retained as it stood (Select Committee on Religious Offences, 2003: 14).

The seven comments on the second option were also broadly couched in terms of the Christian character of Britain, pertaining particularly to the principle of freedom of speech. The Commission cited the acknowledgement of the European Court of Human Rights that it is sometimes legitimate to restrict freedom of expression in order to protect people from insult to their religious feelings but noted that

Any restriction on freedom of speech has to be prescribed by law and necessary in a democratic society for a legitimate purpose. It is not so much a question of whether or not the criminal offence of blasphemy is prescribed by law, but the fact that its discriminatory features (in protecting only Christians) could (and probably would) lead to a conclusion that it is not proportionate to a pressing social need. (Select Committee on Religious Offences, 2003: 14).

Lastly, the report discussed the option of repeal with replacement, and outlined

¹⁹ It is interesting to note that in all of these discussions, the protection of religious believers and the protection of people who reject religious beliefs are considered equally important. In including atheists in legislation directed towards the protection of religion, it would seem that atheism is being understood as a form of 'religious' expression.

eleven different arguments for a replacement blasphemy law, anticipating possible criticisms of each proposal. The primary theme running through these criticisms was the difficulty of defining what constitutes a religion, and that of how religious beliefs might be distinguished from other kinds of human experiences in a manner sufficiently objective to be the subject of such legislation. There was no one preferential option.

The Select Committee's 2003 report ultimately reached no procedural conclusions. Nevertheless, Tony Blair and his government confirmed that they intended to press ahead with the creation of legislation against Incitement to Religious Hatred. In their 2005 pre-election manifesto, *Forward Not Back*, the Labour party confirmed that if they were to be re-elected.

It remains our firm intention to give people of all faiths the same protection against incitement to hatred on the basis of their religion. We will legislate to outlaw it and will continue the dialogue we have started with faith groups from all backgrounds about how best to balance protection, tolerance, and free speech' (Labour Party 2005).

This they submitted as part of a bill concerned with *Serious Organized Crime*. It was passed by the Commons, rejected by the Lords, and then submitted again, following the General Election, as the *Racial and Religious Hatred* bill. The bill was read in the House of Lords on 11th October 2005, as a 300 strong group of protesters demonstrated in Hyde Park (See BBC, 2005).

Of the 47 Lords who spoke in the debate, nine came out in support of the bill, whilst the majority voted to, in the words of one journalist, 'tear up the *Racial and Religious Hatred Bill* and replace it completely with text that severely limited its scope and added safeguards for free speech' (Hurst 2005). Eventually, the Lords passed an amended version of the *Racial and Religious Hatred Bill*, which the Commons supported by 288 to 278, contrary to the position of the government. A second Lords amendment was then approved by 283 votes to 282, and on 16th January 2006, the *Racial and Religious Hatred bill* received Royal Assent to become the *Racial and Religious Hatred Act 2006*. The Act legislates against hatred of persons on religious grounds, but made no changes to the law on blasphemous libel.

For the next two years there was little discussion of the abolition of blasphemy. Then on 8th January 2008 leading public figures, including a former Archbishop of Canterbury wrote to the right of center *Daily Telegraph* newspaper arguing that the blasphemy legislation was discriminatory. The authors were prompted by the conviction of British School teacher Gillian Gibbons in Sudan for naming a classroom Teddy Bear 'Mohammed'. The authors maintained that the offence 'serves no useful purpose', 'was discriminatory in that it only covers attacks on Christianity and the Church of England' and that it 'damages social cohesion'. Calling upon MP's to support proposals for its abolition, the authors concluded that the law, 'with its chilling impact on freedom of expression.... leaves it in clear breach of human rights law. In the end, no-one is likely to be convicted under it' (Pullman et al., 2008).

The following day, Liberal Democrat MP Evan Harris proposed an amendment to a bill about to be discussed in the House of Commons: the *Criminal Justice and Immigration Bill*. In his amendment, he included within the passage of the bill the abolition of the blasphemy law. Noting that his amendment had received widespread support across both benches and across religious lines, Harris began his defiant speech with

the words 'I am pleased to move the abolition of the ancient, discriminatory, unnecessary, illiberal and non-human rights compliant offences of blasphemy and blasphemous libel' (HC Deb 9 January 2008 c442). In light of the arrest of Gillian Gibbons, Harris argued, the maintenance of the British law 'raises the expectation that (other religious groups) will be entitled to their own – Islamic, say – version of a blasphemy law' (HC Deb 9 January 2008 c444). The government had been whipping against the bill, but Labour MP's overwhelmingly supported it. The government was therefore forced to backtrack, and agreed to support the amendment, but only after consultation with the Church of England. Harris therefore withdrew his amendment to the *Criminal Justice and Immigration Bill* in order to allow the government to propose it (HC Deb 9 January 2008 c455).

On January 11th, Archbishop of Canterbury Rowan Williams confirmed that the Church of England would not oppose the abolition of blasphemy. In a speech preceding his reception of an honorary degree in Divinity, the Archbishop called the blasphemy law 'awkward and not very workable' and suggested that 'the concerns about public respect and public order that lie behind the blasphemy laws are likely to be catered for in other ways' (see Sugden, 2008). Other Christian groups offered their own assessments. Though protesting that Christian consultation should go further than the Church of England, in a January 2008 statement The Evangelical Alliance agreed that the blasphemy law was unlikely to be used again, but maintained that it was important symbolically. The law on blasphemy, they stated,

....actually enshrines many of the values that help bind our society together and represents a valuable heritage which contributes significantly to our national identity....When Parliament prioritises the abolition of legislation it is not a neutral act. It sends out a signal to society about what values it considers to be important' (Evangelical Alliance, 2008).

Similarly, in a briefing paper the Christian Institute protested that 'the blasphemy law recognises the unique contribution and status of Christianity in Britain. To remove the blasphemy law, or extend it to other religions, would challenge this. Any reform or abolition of the blasphemy law cannot be looked at separately from the constitutional role of Christianity in the state' (Christian Institute, 2008).

However, the consent given by the Church of England was considered sufficient justification to proceed. On March 5th, 2008, Baroness Andrews introduced the now government proposal to abolish the common law of blasphemy in the House of Lords on behalf of the Department for Communities and Local Government: the department that promotes social cohesion on matters of faith (HL Deb 5 March 2008 c1118). Reminding members that this was the fifth time that the House of Lords had considered the issue with much the same evidence put before them, she confessed that: 'The burden of much of what I want to say is that it has been a very long debate' (HL Deb 5 March 2008 c1118). Baroness Andrews explained that the government was of the view that now was the right time to abolish the law prohibiting blasphemy: the law had fallen into disuse,²⁰ there was new legislation to protect individuals on the grounds

²⁰The failure to reach a guilty verdict in the Springer case.

of religion, and the Primates of the Church of England had given their assent to abolition.

Many of the Lords begged to differ. Despite the Church of England's assent, the Archbishop of York argued that it was 'extraordinary that at a time when religion and religious identity have come to dominate global and domestic concerns, parliamentarians seek to stick their heads in the sand by attempting to relegate considerations of religion and faith from matters of public policy to the private sphere' (HL Deb 5 March 2008 c1127). Baroness O'Cathain argued that Britain was a Christian country, and that the pursuit of a 'secular constitution....would actually be hostile to religion' (HL Deb 5 March 2008 c11230). 'As long as there has been a country called England it has been a Christian country, publicly acknowledging the one true God', she declared. 'Over the centuries, the Christian world-view has given us individual liberty and parliamentary democracy. Noble Lords may cry "freedom" in support of Amendment No. 144B, but I urge them to pause and consider that the freedom we have today was nurtured by Christian principles and continues to be maintained and guarded by them' (HL Deb 5 March 2008 c1131). Lord Elystan-Morgan responded that if the law 'counted for anything at all', it would have prosecuted Richard Dawkins for some of his statements about the Christian God long ago (HL Deb 5 March 2008 c1132). Amidst continued calls that the issue had still, on its fifth visit to the House, been insubstantially debated and researched, the amendment was put to a vote, albeit one on which the Government had decided to impose a whip (HC Deb 5 March 2008 c1146). The amendment was agreed to with 148 contents to 87 not-contents. The Bill received Royal Assent in May 2008, and came into effect in July of that year. Thus the common law of blasphemy was abolished in Britain.

The Negotiation of Religious Pluralism

Of the three arguments advanced in support of the thesis that the abolition of the blasphemy law is not adequately explained as secularization, the first two are relatively clear. If the law against blasphemy was in any way representative of institutional Christianity, it is clear that its potency lay solely in its *symbolic* value. All of the arguments made on behalf of its retention, arguments made chiefly in the House of Lords, were predicated upon the idea that blasphemy was a *symbol* of institutional Christianity. Blasphemy was never considered to be an article of Christian faith in itself. Nowhere in the transcripts do we find any proposition that a law against blasphemy was essential for the maintenance of fidelity to Christianity, at either the individual or institutional level. Its importance was purely symbolic.

However, its seemingly potent symbolism became pertinent only when the law was under threat. If we were to go in search of the symbolic appeal of Anglican Christianity, we will find that laws against blasphemy were rarely, if ever, invoked before 2008 as a symbol of Christian faith or identity. Church bells, country parish chapels, The Book of Common Prayer and the Vicar of Dibley, indeed, but laws protecting Christianity from defamation very rarely formed a part of the symbolic appeal of the institutional church. Furthermore, in reality, the law against blasphemy had not successfully protected the Church of England from defamation for many years. The 'success' of the *Gay News Case* is marginal when we compare it to the many denunciations of Christianity and the

institutional church, made in civil and uncivil language and in jest in various sectors of the public sphere over the last centuries. The law against blasphemy, it can be asserted, was not a robust symbol of Christian identity, institutional or otherwise.

Secondly, in examining the multifarious debates, the inconclusive reports and the lack of clarity over whether the blasphemy law should be amended, supplanted or replaced, it has been evident that there was not a robust secularizing philosophy underlying the eventual decision to abolish the law. A deeply rooted secular orientation can be observed in a handful of the key personalities – the Liberal Democrat MP's Lord Avebury and Evan Harris being particularly notable – but these appear to be the exception rather than the rule. The debates, particularly in the Lords, agonize over the role of the institutional church as opposed to exhibiting a steady commitment to undermine it.

In addition, it is evident that the necessary condition for the abolition of the law against blasphemy, both for MP's and, indeed, for the Church of England, was the enactment of the legislation on *Incitement to Religious Hatred*. The decision to abolish the law against blasphemy was made on the pretext that there was more effective and more representative legislation in place to defend against the defamation of religion, rather than on the basis of a secularizing antipathy to protecting religion from defamation *per se*. To some extent this may be because, in the most recent examples of its use, the objects that the blasphemy law had protected were not religious doctrines, but religious people. The *Gay News Case* established that the orientation of the blasphemy law was the protection of the feelings of religious people, in this case Mary Whitehouse, rather than the sacred. Particularly notable within all of the debates surrounding the law's abolition is the general assumption that the sacred did not need the protection of the law, but that the feelings and sensibilities of religious people did. This is not a theological argument for maintaining laws protecting religion, and thus not one that engendered a substantial secularist critique.

The final argument, that many of the principal actors involved in the abolition of blasphemy were religious ones, is the most nuanced of the three. This description of the long and winding road to the abolition of the law against blasphemy has sought to show that the debates were concerned not simply with a lack of religion, but with attempts to deal with the ramifications of an increasingly vocal and multicultural religious spectrum: from Mary Whitehouse to the Muslims offended by the *Satanic Verses*. This is reflected in legislative change: from a blasphemy law protecting (arguably) only the Church of England, to one criminalizing hatred expressed against any and all 'religions'. What may look like secularization is thus more appropriately understood as the transference of an institutionally based understanding of religion as nationally held 'objects of belief' to a community based hermeneutic for locating religion in public life - albeit one that seems ill thought through.

The law criminalizing Incitement to Religious Hatred, it was judged, was a more appropriate protection of the religious 'element' of society than the legislation prohibiting blasphemy. Yet as legal scholars have commented, this is a troublesome piece of legislation that offers little guidance to help us understand or define religion. Kay Gooding (2007), echoing Lord Desai's critique in 2002, observes that the most troubling aspect of the enactment of the Incitement to Religious Hatred Legislation is its inability to distinguish between the nuanced relationship between religion, culture,

and ethnicity.²¹ At what point can a derogatory remark made to a Muslim from Pakistan be judged to be a slur against race, ethnicity or the Islamic faith? There is no absolute marker to determine where one of the three stops, and the other begins. On the other hand, these categories can also function interchangeably. 'Religion needs to be understood both as a faith and a social category – as a way of marking out groups', Gooding points out. 'In Scotland and Northern Ireland [for example] sectarian conflict is between two groups who use religion mostly as a social category: it is not a battle of faith between devout believers' (Gooding, 2007: 98).

The underlying philosophy of the Incitement to Religious Hatred offence is that religion is sufficiently distinct to merit its own legislation: that acts of hatred predicated upon religion could not be sufficiently covered by a law criminalizing hatred based on race, culture or ethnicity, for example. It would not be unreasonable to presume that underlying this is some clarification of what it means to express hatred against religion, particularly where religious identification is connected to a cultural or ethnic identity. In February 2005, the Commission for Racial Equality published a briefing on the *Incitement to Religious Hatred* component of the *Serious Organised Crime Bill* in which they outline their position on the legislation, and go to some length to explain its ambiguities. They clarify: 'this legislation aims to address incidents of hatred, which amount to much more than causing or taking offence at comments....It does not fetter freedom of expression, or debates about religion or beliefs, jokes or comments, rather it aims to prevent and deal with acts of hatred against individuals who may be defined by reference to their religion or religious beliefs' (Commission for Racial Equality, 2005).

While the briefing is keen to address ambiguities in the definition of 'hatred', it offers no directive to guide what should be considered under the auspices of religion. The commitment here is first and foremost to the protection of a peaceful public sphere, to be achieved by protecting people who happen to be religious from hatred against them. Yet the fact of their being religious in particular ways is accorded no legal clarification. It reduces religion to the solely anthropological category of a social identity, and as such obscures what makes religion distinct from other facets of cultural identity; namely that religion is rooted in beliefs about the relationship of the world to the transcendent. So although the legislation on religious hatred attempts to be inclusive to a more diverse religious spectrum, the use of such generalized parlance to describe religious people means, paradoxically, that their very identities as people of faith are bypassed all over again.

The transferral of the place occupied by blasphemy to Incitement to Religious Hatred is symbolic of a pointedly secular approach taken to religious pluralism. As José Casanova (2006) has observed, it is a self-serving secularist claim that only secular neutrality can guarantee individual freedoms and cultural pluralism. The history of the blasphemy law's abolition and the enactment of the legislation on Incitement to Religious Hatred is a case study that illustrates the need for a more detailed understanding of the religious aspect of multicultural Britain. Indeed, Gooding's observation that religion is not adequately distinguished from culture and ethnicity within the Incitement to Religious Hatred legislation can be extended to multicultural approaches to public policy as a whole. In recent years we have seen a rising tide against

²¹ See especially pages 97-100.

multicultural policies that bemoan its commitment to bland, secular inclusivism. The Cattle Report, for example, concluded in 2006 that the multicultural approach to race relations were responsible for the dismantling of civic pride (Institute of Community Cohesion, 2006). Trevor Phillips, the former Chair of the Commission for Racial Equality recently branded multiculturalism a 'failure', arguing that it has bred 'separate-ness' rather than cohesion (see *The Times*, 2005); while Chief Rabbi Jonathan Sacks, in his 2007 book *The Home We Build Together* calls multiculturalism an unhelpful and fragmentary approach to public policy. It is therefore unsurprising that in a recent public policy research report for the Runnymede Trust, Tariq Modood felt called to ask, 'Is Multiculturalism Dead?' (Modood, 2008).

British multiculturalism has not, historically, been especially attentive to religion as a category of analysis. Yet religious communities are a key constituent of the British multicultural fabric, and increasingly demanding public recognition and a voice on the civic stage. If multiculturalism is to continue to provide the parameters by which we talk about cultural diversity in Britain, then it must develop a vocabulary by which to locate religion as a category within, and yet also distinct from, that of culture. This is the conclusion of a recent volume edited by Geoffrey Bahm Levy and Tariq Modood. In an essay in that collection, Modood argues that paralyzing current debates in Britain over religion and multiculturalism is the question of Islam. He suggests that the emergence of Muslim political agency, a factor that was highly relevant in the blasphemy case has 'thrown British multiculturalism into theoretical and practical disarray' (Modood, 2009: 184). Furthermore, it has inspired a radical secularist reaction against the inclusion of Islam in the political sphere. Yet such a reaction only serves to alienate Muslim communities, and keeps the borders of civic participation closed to Muslim citizens. Secularism, when proposed as an ideology to oppose Islam and its public recognition must 'be resisted no less than the radical anti-secularism of some Islamists', he concludes (Modood, 2009: 185).

Religious individuals, communities and institutions have shown themselves unwilling to conform to the positivist hypotheses of secularization, retreat from the public sphere and fade quietly away. Looking forward, religious pluralism is a not well served by a multicultural imagination that privileges secular neutrality as the common ground on which to negotiate equality and diversity. The discourse around blasphemy has both suffered from, and helped to perpetuate this preconception of an absolute distinction between the religious and the secular. Ultimately, only time will prove whether the law against Incitement to Religious Hatred, steeped in this secular neutrality approach to religious pluralism, will be more effective in protecting religious communities and encouraging their participation in civic discourse, though analysts seem sceptical (See, for example, Jeremy, 2007: 187-201).

The importance of religious actors in the debates leading up to the British blasphemy law's abolition, combined with the fact that the law was abolished only when there was legislation in place to protect more religious people from defamation, is indicative that the abolition of the blasphemy law should be read in the context of debates about negotiating religious pluralism, rather than against the meta-narrative of secularization. A national self-identity built around an institutionalized church once reckoned the non-Anglican as other, while the blasphemy law served to demarcate the religious expression of the religious other as hostile. When, in the nineteenth cen-

tury, religious tolerance expanded to allow a place to the non-Anglican and Jew, the definition of otherness was tempered, referring to manner rather than expression, form rather than content. Today, Incitement to Religious Hatred, standing in place of blasphemy, displaces this notion of 'otherness' to the person who incites hatred upon fellow citizens of any religions or of none. Blasphemy, we began by noting, is not an absolute border demarcating the boundary between the sacred and the profane. It is a constructed one that bears witness to the various ways in which 'Christian' Britain has sought to negotiate the religious other. The abolition of the blasphemy law and its replacement by legislation intended to protect a greater diversity of religious sensibilities represents simply the latest incarnation of that negotiation.

References

- BBC News Online Edition. 2005. *Protest Over Religious Hatred Bill* (11th October), archived at http://news.bbc.co.uk/1/hi/uk_politics/4329716.stm (accessed 05/30/2008).
- Beckford, Martin. 2008. Christians Open to Ridicule as Blasphemy Laws Lifted, *The Daily Telegraph*. May 10, p.8.
- Boyarin, Daniel. 2004. *Border Lines: The Partition of Judeo-Christianity*, University of Pennsylvania Press, Pennsylvania.
- Brahm Levy, Geoffrey and Tariq Modood (eds). 2009. *Secularism, Religion and Multi-cultural Citizenship*, Cambridge University Press, Cambridge.
- Bruce, Steve. 2002. *God is Dead: Secularization in the West*. Blackwell Publishers, Oxford.
- Casanova, José. 1994. *Public Religions in the Modern World*, University of Chicago Press, Chicago.
- Casanova, José. 2006. Religion, European Secular Identities and European Integration, in Timothy Byrnes and Peter Katzenstein (eds.), *Religion in an Expanding Europe*, 65-91, Cambridge University Press, Cambridge.
- Casanova, José. 2007. Rethinking Secularization: A Global Comparative Perspective, in Peter Beyer and Lori Beaman (eds.) *Religion, Globalization and Culture*, 101-120, Brill, Leiden.
- Choudry v United Kingdom. 2001. 12 Human Rights Law 172 (Application 17439/90).
- Christian Institute. 2008. *The Blasphemy Laws*. Briefing Paper. Archived at: <http://www.christian.org.uk/briefingpapers/blasphemy.htm> (accessed 06/02/2010).
- Commission for Racial Equality and the Inter-Faith Network of the United Kingdom. 2001. *Law, Blasphemy and the Multi-Faith Society: Report of a Seminar organised by the Commission for Racial Equality and the Inter-Faith Network of the United Kingdom*.
- Commission for Racial Equality. 2005. *Serious Organised Crime and Police Bill Incitement to Religious Hatred Provisions*, Commission for Racial Equality Briefing. Archived at: http://www.equalityhumanrights.com/documents/CRE/Doc/socp_briefing.doc (accessed 5/29/2008).
- Davie, Grace. 2000. *Religion in Modern Europe: A Memory Mutates*, Oxford University Press, Oxford.
- Davie, Grace. 2006. Religion in Europe in the 21st century: The Factors to take Into Account, *European Journal of Sociology*, 47 (2): 271-96.

- Evangelical Alliance. 2008. *Wider Debate Sought on Abolition of Law of Blasphemy*. Policy Statement, 10 January. Archived at: <http://www.eauk.org/media/blasphemy-law-abolition.cfm> (accessed 06/02/2010).
- Gooding, Kay. 2007. Incitement to Religious Hatred. All Talk and No Substance? *Modern Law Review* 70 (1): 89-113.
- Haewood, Jonathan. 2008. When Blasphemy Bit the Dust, *The Guardian*, Friday 7th March, p. 7.
- House of Commons. 2005. *Racial and Religious Hatred Bill (Bill 11)* (9th June). Archived at: <http://www.publications.parliament.uk/pa/ldbills/031/2006031.htm>. (accessed 04/05/08).
- Hurst, Greg. 2005. Religious Hatred Bill Hits Buffers After Lord Defeat, *The Times*, October 26, p.2.
- Institute of Community Cohesion. 2006. *Review of Community Cohesion in Oldham: Challenging Local Communities to Change Oldham (The Cattle Report)*, Coventry University, England. Archived at: <http://www.oldham.gov.uk/cattle-review-final-report.pdf>, (accessed 11/20/2009).
- Jeremy, Anthony. 2007. Practical Implications of the Racial and Religious Hatred Act 2006, *The Ecclesiastical Law Society*, 9: 187-201.
- Jones, Peter. 1990. Respecting Beliefs and Rebuking Rushdie, *British Journal of Political Science*, 20 (4): 415-437.
- The Labour Party. 1995. *Forward Not Back*. General Election Manifesto.
- Law Commission. 1985. *Criminal Law Offences against Religion and Public Worship* (Law Commission no. 145).
- Law Commission. 1985. Working Paper No. 79, *Offences Against Religion and Public Worship*.
- Lee, Simon. 1989. *Law, Blasphemy and the Multi-Faith Society, Report of a Seminar Organised by the Commission for Racial Equality and the Inter-Faith Network of the United Kingdom*, Commission for Racial Equality, London.
- Marsh, Joss. 1998. *Word Crimes: Blasphemy, Culture and Literature in Nineteenth Century England*. University of Chicago Press, Chicago.
- McSmith, Ian 2005. Comics, MPs and Writers Unite to Fend off Religious Hatred Bill, *The Independent*, 19th June, p.27.
- Modood, Tariq, 2008. Is Multiculturalism Dead?, *Public Policy Research*, 15 (2): 84-88.
- Modood, Tariq. 2009. Muslims, Religious Equality and Secularism, in Geoffrey Morris, Nigel. 2001. Religious Hatred Offence Scrapped to Save Terror Bill, *The Independent*, December 14, p.4
- Nash, David. 1999. *Blasphemy in Modern Britain, 1789 to the Present*. Ashgate, Oxford.
- Nash, David. 2007. *Blasphemy in the Christian World: A History*. Oxford University Press, Oxford.
- Parekh, Bikhu. 1990. The Rushdie Affair: Research Agenda for Political Philosophy, *Political Studies*, XXXVIII: 695-709.
- Parekh Report. 2000. *The Future of Multi-Ethnic Britain*, London, Profile Books, 2000.

Philip Pullman *et al.* 2008. Repeal of Blasphemy Law, *The Daily Telegraph, Letters Section*, (January 8th). Archived at: <http://www.telegraph.co.uk/opinion/main.jhtml?xml=/opinion/2008/01/08/nosplit/>(accessed 06/05/08).

R. v. Chief Metropolitan Magistrate, ex p Choudry. 1991. 1 QB 429.

R. v. Gott. 1922.16 Cr APP R 87.

R. v. Lemon. 1985. AC 617, HL.

Sacks, Jonathan. 2007. *The Home We Build Together: Recreating Society*, Continuum International Publishing Group, London.

Sandberg, Russell and Norman Doe. 2008. The Strange Death of Blasphemy, *The Modern Law Review*, 71 (6): 971-986.

Select Committee on Religious Offences. 2003. *Report of the Select Committee on Religious Offences*, House of Lords Paper 95-I. Published 10th June.

Simpson, Rick. 1993. *Blasphemy and the Law in a Plural Society*. Grove Ethical Studies No. 90. Nottingham.

Sugden, Joanna. 2008. Church Will not Oppose Abolition of Blasphemy Laws, *The Times, Online Edition*, January 11. Archived at: <http://www.timesonline.co.uk/tol/comment/faith/article3173408.ece>, (accessed 27/06/08).

The Times. 2005. Sleepwalking to Segregation, *The Times*, September 23, p.2.

Unsworth, Clive. 1995. Blasphemy, Cultural Divergence and Legal Relativism, *Modern Law Review*, 8 (5): 658-677.

Whitehouse v. Lemon 1979. 2 WLR 281. 2 WLR 281.

Лора Томс

БЛАСФЕМИЈА И ПРЕГОВОРИ О ВЕРСКОМ ПЛУРАЛИЗМУ У БРИТАНИЈИ

Резиме

Овај рад испитује укидање британског закона против blasfemiје маја 2008. године. Закон против blasfemiје био је предмет дебате од 1970-их, што је довело до низа покушаја позивања на закон против оних који су сматрани његовим кршиоцима. Ништа није предузимано до након 11. септембра када је лабуристичка влада тражила усвајање закона против подстицања верске мржње. Доњи дом и Дом лордова нису водили озбиљну дебату о укидању закона о blasfemiји, све док овај други није дошао до усвајања. Против оних који су тврдили да промена закона значи „смрт хришћанске Британије“, износим тврдњу да метанарација секуларизације нити је од помоћи нити је тачна. Не успева да објасни разлоге због којих је закон елиминисан или његов однос са актуелним напорима да се прилагоди верским различитостима. Елиминисање закона о blasfemiји и доношење Закона против подстицања верске мржње треба да буде део текућих напора да се преговара о различитостима у Британији и да послужи као илустрација да пажљивија анализа религије треба да буде главни део расправе о културном плурализму.

Кључне речи: blasfemiја, хришћанство, Англиканска црква, секуларизација, религијски плурализам.

Примљен
16.07.2010
Прихваћен
25.08.2010