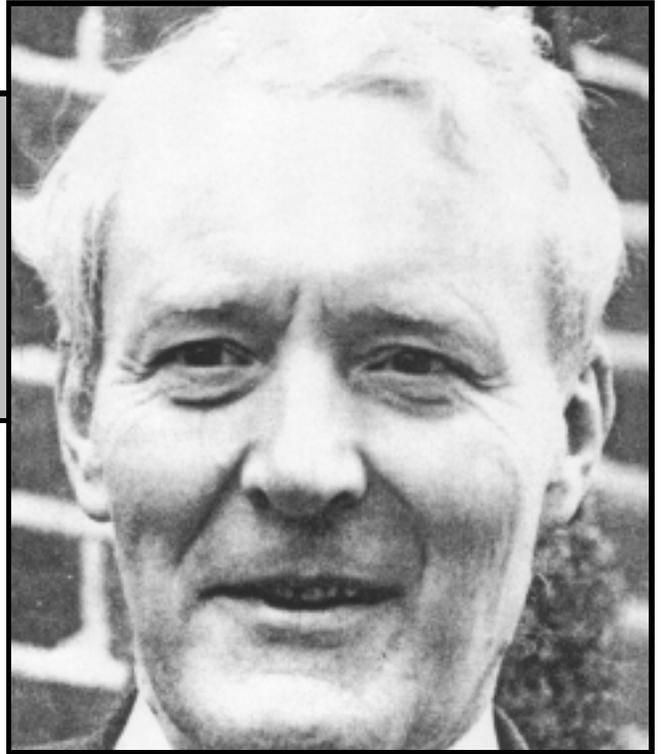


# AN END TO BLASPHEMY

TONY BENN



## INTRODUCTION by Chris R. Tame

The Libertarian Alliance by no means only publishes writing by “card carrying libertarians”. If the author is addressing some aspect of individual liberty, or advocating a libertarian approach on a certain specific issue, then we are pleased to put this into print, regardless of where else the author may stand in the political spectrum. We are thus delighted to publish this essay by Britain’s leading socialist politician, Tony Benn, in spite of our mutual economic and political disagreements.

In fact, we already have a circuitous link with Mr. Benn. His uncle, the great libertarian writer Ernest J. P. Benn, was the founder of the Society for Individualists, which later became the Society for Individual Freedom. The SIF youth group, the Young Libertarians, eventually became independent of its parent body and reconstituted itself as the Libertarian Alliance.

Mr. Benn’s Bill to abolish blasphemy, which alas did not succeed, was identical - as he himself notes - to one introduced in 1889 by the great libertarian and freethinker Charles Bradlaugh. We can only hope that Mr. Benn, and his Bill’s other supporters, will continue in their efforts to sweep aside this anachronism.

Those interested in exploring the issue of blasphemy further could do no better than to obtain a copy of *Blasphemy: Ancient and Modern* (Rationalist Press Association, London, 1990; 96pp.) by Nicholas Walter. This is a detailed account of the practice and punishment of heresy and blasphemy in both the past and present, a critical discussion of the present English law of blasphemy, and a cogent argument for the abolition of this relic of religious persecution. It is available for £4.50 post free from either the Libertarian Alliance, or direct from the Rationalist Press Association, 88 Islington High Street, London N1 8EW.

Next Wednesday, April 12th 1989, at the end of Questions, I shall be presenting a Bill to abolish Blasphemy, which is still a Common Law offence. The Bill has the support of MPs of all parties including David Steel, Sir Ian Gilmour and other Conservative and Liberal as well as Labour members.

The choice of the date was easy because on April 12th 1889, Charles Bradlaugh, MP for Northampton, introduced an identical bill, although his provided for the repeal of statutes which have in the meantime already been repealed, leaving only the possibility of action under the Common Law.

Indeed it was as recently as 1967 that the Blasphemy Act of 1697, which created the offence of “denying certain tenets of the Christian religion after having been brought up in, or having professed that religion”, was finally repealed, on the recommendation of the Law Commission, under the Criminal Law Act of 1967.

In 1985 the Law Commission issued a further report on “offences against religion and public worship” in which they recommended that the Common Law offences should also be abolished.

However, no action has been taken following that report and the position is that it remains an offence protecting only

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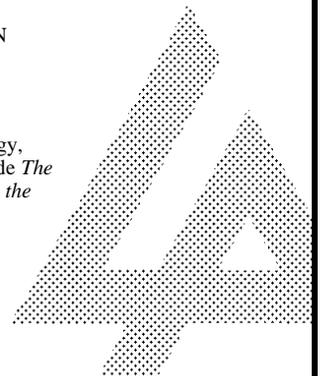
This essay first appeared in *The Guardian*, on Friday April 7th, 1989.

The Rt. Hon. Tony Benn has been a Labour Party MP since 1950, and has served variously as Minister of Technology, Minister of Power, Secretary of State for Industry and Minister for Posts and Telecommunications. His books include *The Regeneration of Britain*, *The New Politics*, *Arguments For Socialism*, *Fighting Back: Speaking Out For Socialism in the Eighties*, as well as his *Speeches* and his *Diaries* and numerous pamphlets. He also edited *Writings on the Wall: A Radical and Socialist Anthology*.

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the Christian religion together with the rituals and doctrines of the Church of England.

The last time the law of Blasphemy was invoked successfully was in the case of *Whitehouse v Lemon* and *Gay News Ltd.*, a private prosecution (concerning a poem in which a centurion lusts after the body of Christ). Previously there had been no case going to court since 1922. Mrs Whitehouse's case, if it proved anything, proved the absurdity of an individual seeking to protect the reputation of Christ by taking action through the British courts.

In 1949 Lord Denning said, "The reason for this law was because it was thought that a denial of Christianity was liable to shake the fabric of society, which was itself founded on the Christian religion. There is no such danger to society now and the offence of blasphemy is a dead letter."

The Law Commission in their working paper identified four possible arguments for the maintenance of criminal sanctions against conduct perceived to be blasphemous: the protection of religion and religious beliefs; the protection of public order; and the protection of individual feelings, which they saw as the most important.

However, two members of the Law Commission, in a note of dissent, proposed a new statutory offence extending to any religion, and two years ago the Archbishop of Canterbury submitted to the Lord Chancellor the report of a group which met under the chairmanship of the Bishop of London which endorsed the suggestions set out in that note of dissent.

They argued that the Law Commission's recommendation that there should be abolition with no replacement might suggest that "there is now nothing immoral in blasphemy" and they thought that the feelings of members of all religions should be protected from intentional insult and abuse.

## CONTROVERSY MUST RAGE

These discussions might have remained of academic and theological interest until Salman Rushdie published his book *The Satanic Verses*, and more recently the Bishop of Durham has been under fire again for his own explanation of the real meaning of the Resurrection.

Now, all of a sudden, arguments which had almost disappeared in the mists of time have come into sharp focus and are hotly contested across the world, involving diplomatic relations, trade arrangements and stretching into the heart of communities where people of different religious conviction have to live side by side.

Speaking for myself, I am strongly of the view that deeply held faith should be respected and that we live in a world that has been shrunk by technology into a single village, where people of many cultural and religious commitments have to find a way of co-existing together in peace and harmony.

But to argue that is not to say that anyone who ventures to criticise the views of others should find themselves before the court and subject to punishment, for if that were to be allowed it would kill the vitality of all theological disputations, quite apart from the fact that faith, interpreted in its modern sense, could well be extended to cover deeply held political opinions around which controversy does and must continually rage.

Religions if they are to survive have to adapt, just like political parties and organisations, and the essence of democracy and openness must require us to allow each and all to be examined critically by believers, agnostics and atheists.

## CHANGING THE LAW BY BREAKING IT

It is here that the relevance of Charles Bradlaugh's Bill becomes apparent. For as an atheist elected to Parliament, he refused to take the Oath, was unseated by an angry House of Commons; was re-elected; refused again and was unseated again; ultimately expressing his readiness to take the Oath, only to find they wouldn't let him do it.

All this paved the way for a change in the law that allowed Members of Parliament to affirm instead of swear their allegiance to the Crown, and ever since I learned about Bradlaugh's campaign, and out of respect for his memory, I have made a point of affirming, rather than swearing, my obligatory Oath of Allegiance to the Crown, both as a Privy Councillor and as a Member of Parliament.

For Bradlaugh, like so many courageous pioneers, changed the law by breaking it, and although Parliament and the courts are reluctant to admit that a principled disobedience of unjust laws is ever justified, the fact is that almost all our religious and political liberties were won that way.

## A NIGHTMARE IN THE COURTS

In discussing my Bill with a number of Members of Parliament, I came across three different views. A few said, "Leave it and don't stir up an argument." Some said that though it was quite wrong that only the doctrines of the Church of England should be protected, the idea of protecting religious beliefs pointed to the possible extension of the law along the lines suggested by the Bishop of London's committee.

The idea of extending the offence of blasphemy to cover all religions would require a tight legal definition of what is a religion, and could open up a nightmare of endless court cases which, if they succeeded, would silence all humanists, atheists, heretics and free-thinkers, and might even provide precedents for similar restraints on political dissenters.

The overwhelming majority of MPs to whom I put the proposal strongly backed it, and within a couple of days, over 30 had proffered their support, and I feel confident that it will not be difficult to gain a majority for the Bill.

The pressure on parliamentary time being so great, and the subject not having been put into the ballot which determines which Private Member's Bills will come up on the floor of the House, this Bill may not, this session, ever get beyond the stage of being printed.

However, I hope that with a printed Bill it will be possible to encourage a much wider public discussion in which I hope members of all Christian denominations and other faiths might join, for we have got to resolve the matters which have now moved into the centre of public controversy and do it in a way that is fair to everyone.

This Bill can be justified in logic, and is put forward in a spirit that is truly respectful of those who wish to be allowed to practise their worship, advertise their agnosticism, or even advocate atheism, without the risk of punishment in the courts.