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From scurrilous periodical to the public platform. Policing blasphemers and anti-social behaviour – constructing the public peace then and now

David Nash

The modern origins of blasphemy policing

Policing blasphemy and blasphemers has caused problems for various forms of authority since time immemorial. It combines the conflicting imperatives of controlling anti-social behaviour, public order, protection of the peace and the lasting concerns of individuals having rights to freedom of expression. Whilst the imperatives of the first two conceptions have been fundamentally important in Europe since medieval times, the issues associated with the second two have only emerged with any serious and lasting impact since the Enlightenment. Although the Reformation heightened the urge and aspiration amongst authority to establish behavioural conformity around the subject of religion, it was later developments that cemented the significance of this. Thus, this chapter is an assessment of how the uneasy balancing act between anti-social behaviour/public order and freedom of expression has been managed by policing authorities over the long nineteenth century (1790-1920). When we turn to the recent contemporary history of blasphemy public order concerns remained paramount in the considerations of this issue by the House of Lords Select Committee of 2003. Thereafter the arrival of incitement to religious hatred laws confirmed, more fimly than ever before, the primacy of public order approaches to the policing of blasphemy's anti-social potential. from this is, not altogether surprisingly: policing regimes understand public order imperatives and appreciate them to a much greater extent than more abstract concerns around freedom of expression. Moreover, during this period, whether they were overseeing events,whether they were giving evidence in court, advising higher authority or interacting with the media and the public sphere, policing authorities always asserted the primacy of public order over conceptions of public freedom.

With the arrival of Enlightenment views of the universe and the individual, a more obviously ideological content crept into blasphemous utterances, and forms of perns olicing authority throughout Europe certainly began to theorise about the offence in this way. In England, the turn of the eighteenth century witnessed the fear of Jacobin ideas infecting English life as particularly through the writings of Thomas Paine. His work the *Age of Reason* was especially singled out for attention as indicative of challenges to Christianity both as a philosophical belief, but also as a moral and social underpinning of government. Its populist tone and cutting and damaging exposition of Christianity was perceived as a profound and proliferating danger to the government.

This frightened society little understood how to police the actions of those who seemed to be such implacable enemies of British civilisation. One, response was to find ways of displacing, overwriting or 'shouting down' such views with whatever means was considered appropriate. One such method was the distribution of Christian inspired tracts which preached an alternative message of forbearance and the virtues of a tried and adaptable system – in short, a method of offering the conservative message of Edmund Burke wrapped in quasi-religious language. In the years after the Napoleonic Wars, Paine's works were numerically swamped by a range and volume of these competing pamphlets which sought to drown out the clamour for liberty from the tyranny of Christian dominated society.

Policing blasphemy in the long nineteenth century

Many of the Government's fearful declarations portrayed Jacobin tendencies as held and espoused by dangerous individuals. In the 1820s, however, the Government authorities found themselves faced by a much more organised political opposition. During the following decade and a half, Richard Carlile and his compatriots represented a serious, literate, and organised challenge to government and the Christianity which underpinned it. The backdrop to Carlile's radicalism was the Government repression that followed the 'Six Acts' which limited the rights of individuals to publish, meet and campaign in the years after 1819. Carlile had himself published Paine's *Age of Reason* which galvanised Government opposition action against him. Once again, both Government strategy and tactics were severely limited by the tools at its disposal. Precisely because these tools were limited, and

the Government also wanted to demonstrate a modicum of consent, it chose during this period to work with the Society for the Suppression of Vice.

This Society produced volumes of carefully worded advice for the constables of the metropolis about the nature of the especially pernicious evils within their midst. Amongst a host of dangerous moral evils, assaults upon religion (in the shape of both Sabbath breaking and outright blasphemy) constables were urged to apprehend and take action against those who perpetrated these offences. By focussing upon street profanation of the Sabbath and by blasphemous and lewd utterance the Society indicated that tradesmen, butchers, carters, fish carriers and soldiers were those most likely to encountered by the constables as potential miscreants. However, the trading of lewd or blasphemous publications was also most likely to be the preserve of 'foreigners' (The Constable's Assistant, 1818: 1-8).

One aspect of policing ideology this advice, and the organisation that offered it, clearly demonstrates is a belief in a fragile moral order potentially undermined by the smallest of moral infractions, leading to chaos and the collapse of civilised society. This envisaged a sort of domino theory in which, as each infraction went unpunished, it established the likelihood that a subsequent, still greater, offence would take its place. Nonetheless, there was also a specific role for religion closely related to the definition of the offence of blasphemy. As the Society's advice to its constables noted, the English common law of blasphemy defined in a 1675 case, suggested that religion was 'part and parcel of the law of the land' with the clear implication that to attack one of these bricks of the Constitution was to attack the whole edifice – this construction thus meant preventing blasphemy and defending the, the peace would always remain linked together in policing mentalities during the nineteenth century. Although this policing must have been effective against ignorant, wilful or negligent tradesmen, it was scarcely prepared for action against the ideological committed. This was especially the case when the part and parcel argument also made both the law and religion targets for attack. In this respect, attacks upon religion were more readily spotted than attacks upon the fundamental and inviolable nature of the law (Carlile et al , 1825: 15, 17 & 56).

By 1824, the folly, ineffectiveness and unpopularity of this hybrid public and private action against blasphemers became obvious when the Government under Sir Robert Peel was forced to abandon cooperating with the Vice Society. This is an important point at which to consider whether the policing of blasphemy in the first third of the nineteenth century

was in any sense effective. As with any 'dark figure' in criminal and legal history it is impossible to know how many incidents of blasphemywere prevented by the law's agencies and their function as an active deterrent. Nonetheless, the record of these agencies was scarcely exemplary or effective. The 'shouting down' of radical views may conceivably have displaced them from some eyes and ears, but they did not dissuade the committed – or even the half committed. Prosecutions were not always effective and the management of these and courtroom procedure could be so obviously partial as to be counter-productive. Such actions, included the denial of prosecuting evidence to the defence alongside the sometimes perilously short periods of time allowed to prepare defences, and these were regularly exposed by energetic and determined defendants who had access to avidly consumed organs of publicity (Harling, 2001). Yet arguably, the situation also should have been easier for the government authorities and private agencies of this period. They did not face, in the fullest sense, the problematic balancing act felt by later social democratic societies. Whilst they clearly had a manifesto to root out anti-social behaviour and protect people from the chaos threatening society, they obviously had rather less in the way of constraints upon free speech to consider. In this period, it was clear that preserving the social peace trumped individual rights. However such decisions were less easy to make as the century progressed.

Nonetheless, by the middle of the nineteenth century the Home Office and policing agencies had begun to learn important lessons. One particular piece of legislation, the Town Police Clauses Act 1847 (51 & 52 Vict. c. 47), regulated profanity in an especially flexible manner. In the early 1850s, action against publications was avoided through the use of the refrain that it was 'impolitic to call attention to this by the prosecution' (Home Office file HO45 3017). However, one individual scrutinised in this manner was John Stuart Mill who gave a lecture in Newcastle in January 1851. Mill's lecture was the culmination of a number of philosophically discursive meetings that had occurred in Newcastle. This had meant that the local authorities were prepared for Mill's arrival because plainclothes policemen and reporters were stationed in the audience. Mill did not disappoint either section of his audience since he questioned the veracity of the Bible because its various translations could not agree, and in the end pronounced it '[…] of no service to mankind, the book of revelation "was destitute of everything that was useful."' The local authorities in Newcastle wanted a lead from London, but the Home Office was adamant that it would leave the responsibility within the locality declaring:

> We are of opinion that John Mill is liable to prosecution and that it may be either by indictment or by information but we think it proper to add that we should in this case consider it highly inexpedient for the government to institute any such proceedings but that it may be properly left to the magistrate to take such cause in this matter as they may consider to be most advisable (HO45 3537).

This attitude effectively sums up the growing gulf between the attitudes of central Government and local policing administration. Central Government would not lend support to beleaguered local authorities, nor take action on its own account. Local agencies might take action themselves, but it was clear they would do so on their own initiative and without central Government support – this had also happened when George Jacob Holyoake had been prosecuted in Cheltenham in 1842 at the behest of individuals who had persuaded him to utter blasphemous and injudicious remarks (Nash, 1999: 93-5). Whilst this safeguarded the Home Office from criticism, local authorities felt themselves bereft of help and the support of central agencies. This would re-emerge as a theme later on in the history of blasphemy in England. Moreover, this tension between demands to protect local standards of morality against central (federal) indifference would become a standard of the American history of censorship and the control of morality (Heins, 1993). In many nineteenth century and early twentieth century incidents, the initiative of local authorities seeking to protect communal standards of morality saw their crusades quashed by federal action, which regularly declared such initiatives unconstitutional.

Thus, another element was becoming important in the philosophy of policing blasphemy. The Home Office could afford to be relaxed about passing incidents, such as the one that had occurred in Newcastle in 1851, since whatever action had been deemed necessary at the time had clearly been taken by the local policing authority. This meant their immediate concerns had now firmly focused upon the rather more precise issue of public order an easier equation for any individual policeman or police authority to calculate. The precise offensiveness of material became a matter for debate whilst the preservation of public order and breaches of it through blasphemy were evidently a matter for the police to take immediate and decisive action. The police themselves were also actively asked to behave in this way, especially when such things occurred where they did not have an obvious presence. An example which demonstrates this happened in a London open space

(Regent's Park) in 1884, where the local Constabulary did not have clear jurisdiction. A man from the Protestant Evangelical Mission and Electoral Union, a Mr William Browne had been accused of inflammatory pronouncements about the Catholic Church and Faith. During the course of this, he had been attacked several times by several members of the Catholic Church. One of those accosting Browne declared, speaking to a police inspector, 'how would you like to have your religion run down and ridiculed like that; what would you do if you heard me, or anyone else, preaching that the Queen was a whore and that sort of thing' (HO45 9645A3). The plea here was a request to take action, but also an acknowledgement that the police had a fundamental role in protecting public order.

The nature of this approach to policing – whereby local agencies empowered themselves – was arguably emphasised by the action of one particular Home Secretary, Sir William Harcourt. Harcourt operated a version of this policing phenomenon in London in the early 1880s. In this he appeared sometimes to act like a local magistrate since frequently he was advised against action – opinions which he often disregarded. As the 1880s dawned Sir William Harcourt, , found London colonised by an effective and popular secularist movement led by the ideology's leading advocate of the latter part of the century Charles Bradlaugh. Attempts to discredit Bradlaugh and prevent him from entering Parliament after he had been duly elected persuaded one secularist journalist, George William Foote, to make a concerted attempt to break the blasphemy laws. This he did through a newspaper entitled the *Freethinker*, which ran the gamut of biblical jokes, serious assaults upon aspects of Christian doctrine, antireligious cartoons and a great variety of anticlericalism. With each issue, Foote pushed further at the boundaries of what was acceptable and many contemporary commentators wondered why the Government waited so long before taking action. Initially Harcourt held to the standard policing line, namely that to take action against such publications would be counter-productive and court unnecessary publicity for them. However, by May 1882, Harcourt changed his mind and wanted Foote pursued with every means available to the law and was only prevented from a reckless mistake by the stern advice of the Attorney General Sir Henry James.

However, the action of Foote and the *Freethinker* was to escalate the depth of the offence. The *Freethinker*'s Christmas number of 1882 included a comic strip life of Christ, pirated from the French anticlerical Leo Taxil, alongside other articles undermining Christian doctrine. It is ironic that this seemed to be a reversal of the philosophy that underpinned

policing in the first years of the nineteenth century. The very failure to take action in this instance provoked blasphemers to stronger and deeper levels of offence – the growing menace that would have been stamped out by prompt action in an earlier epoch. Harcourt wanted to take action despite the belief amongst his more junior civil servants that the Home Office should remain aloof from such actions. Once a privately initiated court case had commenced, both Harcourt the Home Office could step into the shadows until the matter was concluded. Eventually this is what transpired.

When the result of a private prosecution went against Foote and his fellow defendants (Ramsey and Kemp) all three were convicted and imprisoned. This provoked considerable outcry from the literary world and wider liberal England. The Home Office was faced with a veritable deluge of petitions claiming that blasphemy laws were against 'the spirit of the age' – a phrase George William Foote was particularly fond of using. For the first time, all of this starkly demonstrated the dilemma of policing a free society which still had usable and potent blasphemy laws. Foote's work, promoted free speech imperatives, but the logical consequence of these also produced offence on a considerable scale. Although many signed petitions against his incarceration, there were also letters regularly arriving at the Home Office declaring his writings and publications to be deplorable and unacceptable. This policing dilemma was perhaps behind many subsequent occasions when the *Freethinker* and its potentially blasphemous contents were brought to the attention of subsequent Home Secretaries. In these instances, the Home Office agreed to shelve the matter and not pursue prosecution by ensuring it would not gain unnecessary publicity and would merely circulate amongst those that would not find its message injurious or offensive (HO45 10406 A46794). Again this reflected a marked preference for, wherever possible, seeing blasphemy as a public order issue – a situation which policing philosophies were more comfortable dealing with. Indeed even Foote used this to his advantage in his accusation that if he were a dangerous and vulgar challenge to Christian England, then the Salvation Army posed an equally dangerous and vulgar challenge to his own personal atheism. This particularly hit home since the Salvation Army had been a considerable public order headache to the Home Office in the years leading up to the Foote case (HO45 9613A9).

Public order had also been enshrined in the change in the law that had occurred as a result of one of the cases against Foote. The so-called Coleridge judgement effectively admitted that it was no longer blasphemous to attack Christianity. In seeking to weave its

way between the imperatives of protection and free speech this reached for a public order solution. It stated categorically that the 'manner' in which antireligious words were spoken was the test of its offensiveness. Thus this brought to mind real-life situations where the views of one were actively (face-to-face) encountered by the opposing views of another individual. Though some senior judges such as James Fitz James Stephen saw this as prolonging a bad and unworkable law those lower down the policing hierarchy tended to welcome it as providing a workable measure of offensiveness and a set of tools for taking action only when it was absolutely necessary.

Public order was once again at the forefront of police concerns as the twentieth century dawned. Ideological challenges and the importance of the public sphere had been heightened by the spread of anarchism at the end of the nineteenth century (see Bantman this volume). With such international and far-reaching challenges to the social order, it is no surprise that some blasphemers in this period had associations with individuals of an anarchist bent. This association and, to an extent some of the nihilism that went with it, shaped the manner and tone of blasphemous rhetoric during these years. One individual who police took action against was the street preacher Harry Boulter who regularly launched inflammatory attacks upon the Bible and numerous Christian doctrines. What appeared uppermost in many of the reports of Boulter's activities was a suggestion that his views were anti-social, scurrilous and uncouth. This reawoke many of the criticisms of the Coleridge judgement since some argued that it was opinions being prosecuted. However, policing philosophy which concentrated upon public order as its imperative would be duty-bound to say that it was precisely such people that posed a profound and potentially dangerous public order threat. As such, they cut through rhetoric about opinions to focus on much more precise issues. Harry Boulter indeed had gone beyond denying the existence of Christ and had raised the stakes considerably with a genuinely threatening promised to kill anyone he found to be a Christian. This clearly echoed the Coleridge judgement and its assessment of the 'manner' in which words were spoken and how these still constituted an issue strongly related to public order.

Although Boulter was a genuine hothead whose potential threat was relatively easily neutralised, there was greater difficulty taking action against three more sophisticated individuals: Thomas William Stewart, Ernest Pack and John William Gott. In their lectures, biblical doctrines were attacked and Stewart (lecturing with his stage name of Dr Nikola)

offered family limitation advice and literature promoting this. Although many chief constables were content to merely take notes of what occurred at their meetings, their regularity and persistence eventually meant that the authorities somewhere would be drawn into action. In December 1911, the Chief Constable of Leeds showed how his hand had been forced:

> For some years past, certain individuals have periodically visited Leeds and addressed meetings in the street on religious matters. Their discourse although of a very vulgar character and to a great extent blasphemous, have not hitherto been made the subject of police proceedings, although the speakers have been a cause of great trouble to the police. The man Gott has been a frequent offender in this respect. In July last, however, the man Stewart (also known as Nikola) first appeared upon the scene, and the violent character of his language attracted a large concourse of people, as many as 1000 persons being reported to be present (HO 144 871 160552).

When Stewart's case came to court, the inexperience of policemen not regularly called upon to regulate blasphemy laws came to the surface. One of the indictments contained wording which had been lifted from the original blasphemy statute of 1698. This lent real confusion to proceedings since it was unclear under which law (statute or common law) individuals were being prosecuted. This allowed Stewart, and his fellow defendant Gott, to claim they had the 'manner' protection extended by the Coleridge judgement. For philosophies of policing blasphemy, this was something of a very tense moment since it threatened to remove the entire public order justification for police action. If this had been allowed to stand, it would conceivably have provided something of a free speech charter, not dissimilar to that enjoyed by the Ffirst Amendment provisions of the American Constitution. The eventual opinion of the judge reimposed limits, regaining possession of the 'manner' issue around blasphemy and its expression. Justice Horridge once again focused upon language and that the test of offensiveness was its capacity to irritate or occasion breach of the peace amongst religious people. Indeed this section of the Horridge judgement was particularly underlined in Home Office papers indicating their assent to its contents and considerable relief that the issue had been resolved in this way (Nash, 1999: 185).

In the years after the First World War, stretching through to the years leading up to the Second World War, there were regular attempts to repeal the blasphemy laws in England. The records of these are particularly useful in demonstrating the attitude of

government to how these laws should be regulated. Generally speaking, those who were socially and politically progressive argued for the repeal of these laws, although the British Labour Party would always fight shy of offering party political support for such a measure. Home Office commentaries on attempts to repeal the laws once again betray an enduring obsession with public order. Rejecting a proposal to repeal the Town Police Clauses Act of 1847 (51 & 52 Vict. c. 64) a civil servant the Home Office noted that protecting the blasphemer would create a legal anomaly since this behaviour on public streets was as likely to be as offensive as indecent or obscene language. Thus, why should the blasphemer receive protection whilst the other forms of expression would continue to be prosecuted? (Nash, 1999: 195). Nonetheless, the same civil servant was prepared to consider repealing the blasphemy laws *provided* that the public order elements of the Town Police Clauses Act would remain intact and could convincingly do the job.

Policing Blasphemy - the contemporary History in Britain

When the House of Lords Select Committee on Religious Offences met in 2003, it found itself pitched into the centre of the classical liberal dilemma faced by modern social democratic societies. From the first, it was torn in a number of directions. It felt compelled to state that Britain was still a Christian country, yet was also anxious to enshrine the benefits of free speech in its approach to what was potentially anachronistic thinking and lawmaking. It had also to think its way through the consequences of Christianity now comprising merely a section of the wider religious community within Britain. As if these three concerns were not enough, it was also coming to realise that the partiality of blasphemy laws were under threat from supranational jurisdictions and lawmaking bodies – in this case emanating from Europe. The Committee felt relatively certain that the existing common law of blasphemous libel was probably unfit for purpose (the statute law had been repealed in the early 1960s), but had other important and pressing issues to consider. It listened patiently to representatives from the contemporary secularist and humanist movements who argued the law should be repealed. The Committee's members exhibited considerable sympathy with this view, but in turn suggested there were real public order concerns that they had to address. In showing inflammatory leaflets, racist right-wing organisations that had placed through the letterboxes of individuals in the north of England, this House of Lords select sommittee was showing the very latest dimension of the public order imperative.

Thus, one aspect of its deliberations was to establish that blasphemy laws perhaps could be consigned to the dustbin of history, but they would need to be replaced by laws against incitement to religious hatred. These would equalise religions, perhaps quite neatly, but would not address the lingering concerns of the earlier century civil servants (who had approved of the Horridge judgement) who were concerned that the blasphemer would otherwise escape justice. In this instance, the blasphemer was argued to be the object of justice allowing other forms of offensiveness to escape. This prompted the suggestion that wider forms of legislation against incitement to hate should be enacted and some subsequent, if limited, legislation has followed this path.

Although the Select Committee had appeared to offer the removal of remaining blasphemy laws in return for incitement laws, this was not eventually the course of action that was followed. The blasphemy law remained intact whilst a law against incitement to religious hatred joined it as a central part of the law in this area. Governments tried to incorporate religious hatred into the Serious Organised Crime and Police Bill 2004, but it was sacrificed in the run up to the 2005 General Election. This anomalous situation did not last for long and the law of blasphemous libel fell one evening in 2008 following the persistence of a private member, the Liberal Democrat MP Evan Harris, who placed it into an amendment to the Criminal Justice and Immigration Bill (2007-8). Two years before this, the play *Behzti* (its actors and its audience) had been besieged in a Birmingham theatre by the local Sikh community who argued the play brought discredit to a sacred text by having it onstage whilst acts that could defile it were part of the play's action. For the police, this was again a public order issue turning around anti-social behaviour, rather than any need to recognise the multicultural nature of religious offence and legislate. Indeed according to press reports, the management of the theatre had been advised that the policing of this issue was a considerable drain upon the public purse (Nash, 2010: 34-5). This incident led to police activity arguably demonstrating how public order considerations had been further enshrined in legislation. The Racial and Religious Hatred Act 2006, which amended the Public Order Act 1986, also reflected this since the original conceptions of 'abuse' and 'insult' were removed from the eventual legislation by the House of Lords who, potentially mindful of their ambivalence earlier in the decade, came down in favour of making 'Religious Hatred' a public order question. Trying to assess the abusiveness or insulting tone of material was shelved in favour of whether it could be considered 'threatening' to peace or order.

Despite this, the history of blasphemy and its policing does not end here. There are indications that its status may follow the American model after blasphemy prosecutions became unconstitutional in 1952 (Burstyn v Wilson, 343, U.S. 495 1952). In the United States , this had driven organisations and individuals seeking to protect religion to starve suspect forms of free expression of taxpayer's dollars, or to the claim that they were species of obscenity – the one form of expression not protected by First Amendment rights. In England, this led to the exploration of this area in a case which followed soon after. This concerned an arts display at the Baltic Centre in Gateshead, Newcastle, at which a statue of Christ with an erect penis had caused offence. Whilst it was not altogether clear what the precise blasphemy was (mocking a religious figure or indeed even suggesting that he had a wholly human existence) it was clear that a blasphemy prosecution was no longer possible. Nonetheless, motivated Christian legal opinion looked closely at section 5 of the Public Decency Act 1986 to see if action could be taken. The case collapsed when the individual bringing the prosecution was shown never to have attended the exhibition. From this point onwards, the Crown Prosecution Service stepped in and took charge of this particular incident. Removing this from the hands of individuals was something that many had argued for since the start of the twentieth century and the fear of the arbitrariness this provoked seemingly stretched right the way back to the Vice Society and the cloak and dagger atmosphere that surrounded its activities. Once the Crown Prosecution Service intervened in this particular case, it decided that the individuals at the art exhibition had no case to answer. This was because there had been no public disorder at the exhibition and importantly significant provisos had been put in place to ensure such offence or public disorder did not occur. In this instance, the obvious visibility of warnings about the possible offensiveness individuals might encounter at the exhibition proved decisive.

Truly, this very last factor had at last brought Britain into line with many European countries whose blasphemy laws have fallen at a much earlier stage. In these countries, individuals were required to realise and demonstrate much higher levels of individual personal responsibility in their journey through the cultures of their respective countries. Thus, the existence and provision of warning signs prevented anti-social behaviour and offence. Moreover the fundamental principle that individuals have the responsibility to accept the cultures of others and regulate their own strong feelings had long governed how countries like Germany and, to a lesser extent France, would be dismissive of the individual

claiming their religious feelings have been damaged . In this respect, almost by accident, the policing of blasphemy in Britain, if not the policing of incitement to religious hatred and the anti-social behaviour that went with this, had at last caught up with its European siblings.

Conclusion

Thus, as we have seen, there is a persistent strand of policy and attitude that runs through the policing of blasphemy from the end of early modern times until the twenty first century. Authority, whether in the medieval world or Victorian England was expected to prevent the consequences of anti-social behaviour in the form of blasphemy. Throughout its agents and policing mechanism frequently clung onto this concept because it was practical and easily understood – moreover it dictated the action that beleaguered individuals in these institutions could take when faced by the much more opaque concepts of freedom and free speech. Interestingly the final arrival of laws against incitement to religious hatred actively enshrine these principles by making real public order threats transcend abstract ideals of freedom of expression – thus enabling policing agencies to go about their business.

References

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- Carlile, Jane; Carlile, Richard and Holmes William (1825). *The Trials with the Defences at Large of Mrs. Jane Carlile, Mary Ann Carlile, William Holmes etc..*
- Harling, Philip. (2001). 'The Law of Libel and the Limits of Repression, 1790-1832.' *Historical Journal* 44:1 (2001) 107-34.
- Heins, Marjorie (1993) *Sex, Sin and Blasphemy: A Guide to America's Censorship Wars*. New York: Norton.

HO45 3017
HO45 3537
HO45 9613A9
HO45 9645A3
HO45 10406 A46794
HO 144 871 160552

House of Lord Select Committee on Religious Offences in England and Wales, Report (2003)
- Nash, David. (1999). *Blasphemy in Modern Britain: 1789 to the Present*. Aldershot: Ashgate.
- Nash, David. (2010). *Blasphemy in the Christian World: A History*. Oxford: Oxford University Press.
- Paine, Thomas (2004) *The Age Of Reason*. Mineola: Dover Publications.
- Public Decency Act 1986

- Society for the Suppression of Vice, The Constable's Assistant. Being a Compendium of the Duties and Powers of Constables and Other Peace Officers (1818).. London.
- Smith, Olivia. (1984). *The Politics of Language, 1791-1819* Oxford: Oxford University Press.
- Society for the Suppression of Vice. (1818). *Being a Compendium of the Duties and Powers of Constables and Other Peace Officers; Chiefly as the they relate to the Apprehending of Offenders, and the Laying of Informations before Magistrates* (Third Edition with additions). London.

Town Police Clauses Act 1847 (51 & 52 Vict. c. 47

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Blasphemy, policing, prosecution, public order, freedom of expression

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Abstract

This chapter examines attempts to police and control the anti-social phenomenon of public blasphemy tracing the evolution of this through the long nineteenth century (1790-1920) through to its contemporary manifestations. As such, it argues that policing agencies have consistently relied on applying public order constraints to enable them to control this issue and prevent anti-social behaviour. The credibility and support for such measures dwindled over the course of the nineteenth century, as ideas around individual opinion and free speech philosophies challenged both the inviolability of the state and its right to control the opinions of its citizens. Policing authorities, supported by the line taken by the Home Office, regularly restated the importance of preserving public order of the cases (such as those against Carlile, Foote, Boulter and Pack) alluded to in the chapter demonstrate this. The chapter concludes by noting how the advance of free speech and free expression imperatives has been overwritten by the realisation in modern social democracies that some anti-social ideas around incitement to religious hatred need effective legislation to protect the public peace and order. The arrival of incitement laws to police these eventualities ultimately enshrines the importance in the contemporary world of considerably older philosophies of control and policing. This makes more solid still the historically important link between public order concerns and the policing of blasphemy.

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