

<b>Institution:</b> Oxford Brookes University
<b>Unit of Assessment:</b> 30 - History
<b>Title of case study:</b> Blasphemy Laws and the case for their repeal
<p><b>1. Summary of the impact</b> (indicative maximum 100 words)</p> <p>Professor David Nash defines blasphemy as the ‘attacking, wounding and damaging of religious beliefs’. His research into the history of blasphemy has been widely consulted and has highlighted the significant importance of the subject in the contemporary world. This has led to the re-examining of the law and arguments for repeal. He has been pro-actively involved in the debate about blasphemy repeal in England for some time prior to 2008 and also as an active consultant in the Irish Republic, advising NGO’s and speaking on their behalf to members of Parliament, international bodies after this date. He also liaised with the United Nations Special Rapporteur on Freedom of Religion and was nominated to sit on the Irish Government’s constitutional convention to consider the matter.</p>
<p><b>2. Underpinning research</b> (indicative maximum 500 words)</p> <p>David Nash, Oxford Brookes University, authored two monographs and articles in the <i>Journal of Social History</i>, <i>Journal of Civil Liberties</i> and <i>Liverpool Law Review</i> (1997-2009) on the subject of the blasphemy laws in Britain. Between them these constitute both the ground breaking and (currently) definitive study of blasphemy in Britain and the West, as acknowledged in a number of reviews. The research involved producing a systematic legal history of blasphemy in Britain, followed by a comparative history. This examined the phenomenon from the ancient world up to contemporary society. Throughout this work there were a number of important insights and theoretical breakthroughs, which were communicated through research findings. These included issues related to the anomalous legal status of the crime and a model of how different societies conceptualise it. One major finding was the concept of ‘passive’ and ‘active blasphemy’ which describes the two different historical situations in which individuals, societies and governments respectively find themselves taking the lead in the pursuit of blasphemy and blasphemers. ‘Passive blasphemy’ involves individuals (as happened in the medieval and early modern world) expecting governing authorities to take action on their behalf. ‘Active blasphemy’ (which characterised the period after the enlightenment) involved the state assuming individuals would themselves use the legal apparatus to protect their religious feelings. These two ‘types’ of blasphemy are indicative of wider attitudes within a society at a given moment in history. Thus there were three strands of Nash’s research which spoke directly of the contemporary issues surrounding blasphemy and he was proactive in bringing this to the attention of stakeholders. Firstly, Nash’s arguments about the present relearning the ‘mistakes’ of the past indicated that past precedents were misunderstood, ignored or had simply not been consulted for the lessons that could be learned. Secondly, the comparative perspective offered by his monograph <i>Blasphemy in the Christian World</i> showed how different societies in the West had tackled the issue of blasphemy over time, and how these various legal systems had arrived at a number of separate resolutions of the problem. The comparative research also indicated how legal systems which had originated from a single point of origin (the English Common Law in the case of English speaking countries) had henceforth evolved in different directions offering different solutions to the same issues, generally from the same case law. The opportunity to provide evidence and accounts of these different solutions (to both British and Irish Parliaments) has been a valuable outcome from the research. Thirdly, Nash’s conclusions illuminated the discovery that the older ‘passive’ model of blasphemy prevalent in the medieval world was returning to the contemporary world. This, once again, placed states, rather than individuals in control of the law and its use. Therefore detailed knowledge and expertise around the past use of such laws was imperative for governments reconsidering their existing laws, and those legislating anew within a changed situation.</p>
<p><b>3. References to the research</b> (indicative maximum of six references)</p> <p>‘Blasphemy in the Christian World: A history’ (Oxford University Press, 2007) ISBN 978-0-19-925516-0 Submitted to RAE2008, Oxford Brookes University, UoA62-History, RA 2, DS Nash, Output 1.</p> <p>‘Blasphemy in Modern Britain: 1789-present’ (Ashgate Publishing, 1999) ISBN 978-1859280232</p>

“Analyzing the History of Religious Crime: Models of "Passive" and "Active" Blasphemy since the Medieval Period” *Journal of Social History* (September 2007) Vol. 41, No. 1 (Fall, 2007), pp. 5-29 DOI 10.1353/jsh.2007.0145. Submitted to RAE2008, Oxford Brookes University, UoA62-History, RA 2, DS Nash, Output 2.

‘Incitement to Religious Hatred and the ‘Symbolic’: How Will the Racial and Religious Hatred Act 2006 Work? With Chara Bakalis (UoA20-Law, Oxford Brookes University) (2007). *Liverpool Law Review* 28, pp. 349-375. DOI 10.1007/s10991-007-9023-4

For Verbal and Written Evidence given to the 2002 House of Lords Select Committee on Religious Offences as evidence of establishing expertise pre -2008 see:

<http://www.publications.parliament.uk/pa/ld200203/ldselect/ldrel/95/2071803.htm>

<http://www.publications.parliament.uk/pa/ld200203/ldselect/ldrel/95/2071809.htm>

#### 4. Details of the impact (indicative maximum 750 words)

David Nash's research has led to significant developments in how blasphemy is understood and debated in the contemporary world. His involvement and argument for repeal has highlighted the need to consider the impact of blasphemy's history in Britain, the British Empire, Europe and America and how this impacts upon the contemporary world. David Nash's research is widely considered as both ground breaking and an authoritative study of blasphemy in the west.

The value of David Nash's work was recognised when he was invited to give extended consultancy to the National Secular Society in the UK. On July 18th 2002, he gave verbal evidence to the House of Lords Select Committee on Religious Offences. Dr Evan Harris was in attendance and was the MP who eventually introduced the Parliamentary amendment repealing blasphemy in England. David Nash also subsequently submitted a 3,300 word memorandum which was printed and circulated within the Report. This established a track record for the value of the research and its relevance to contemporary issues.

Throughout David Nash has argued the case for repeal and the final report recognised the deep seated issues raised by repeal. The second of David Nash's monographs on Blasphemy - *Blasphemy in the Christian World* appeared in September 2007 to enthusiastic reviews. This and other works by David Nash in the area were discussed and quoted by the Archbishop of Canterbury in his James Callaghan Memorial Lecture of 29<sup>th</sup> January 2008, and by Lord Lester in a keynote lecture. He also disseminated aspects of his research findings in a variety of talks, seminar papers, keynote lectures, radio programmes (Radio Four's *Beyond Belief*) and the popular History Journal *BBC History Magazine*. He has also been consulted by journalists from Austria, Netherlands, Germany and the United States. All these were in the public domain in the months leading up to the introduction of the Parliamentary Bill into the House of Commons. Thus David Nash's analysis and views have been and are widely sought by official agencies, widely known and quoted.

When Ireland recast its blasphemy law in 2008/9 David Nash was invited to comment and advise organisations critical of this new legislation. These included Atheist Ireland, Irish Pen and the Irish Council for Civil Liberties. David Nash advised Atheist Ireland in the construction of arguments and tactics in putting the case for the repeal of the law in Ireland. He wrote reports, briefing documents and gave lectures to a range of audiences. He spoke at an international freethought congress held in Dublin in 2011 alongside the foremost freethought campaigner Professor Richard Dawkins. In January 2012 he spoke on a webcast. Both of these speeches have subsequently been posted on YouTube (cited below) and the latter of these has been syndicated on a number of websites (one cited below). These appearances were used by journalists who subsequently produced articles quoting ideas from these broadcasts, or from the underpinning research conveyed to them through interview. David was also interviewed about the issues in Ireland for a podcast with an international following (The Pod Delusion) which to date, since broadcast (September 2013), has registered at least 12,000 downloads.

On January 31st 2012 David Nash provided a briefing to TDs and Senators from the Irish

Parliament. Prior to this he had begun liaising with the United Nations Special Rapporteur on Freedom of Religion. The UN Special Rapporteur asked David Nash to inform and report upon matters in Ireland and was asked to stress in particular the perils for international relations of a functioning blasphemy law. In his briefing to the members of the two chambers of the Irish Parliament David outlined the central issues and advised repeal at the earliest possible opportunity. Two days later a Senator, reported in the Chamber of the Irish Parliament upon the briefing and the contribution of David Nash to advancing understanding of the Irish blasphemy law and its problems for the international outlook of laws against defamation of religion. In this speech she requested a Senate debate on this subject, expressing the intention of arguing for repeal of the law.

In October 2012 David Nash was asked to speak at the Human Dimension Implementation Meeting) in Warsaw organised by the Organization for Security and Co-operation in Europe. This was attended by a number of members of the Irish Diplomatic service and judicial observers. Again this speech has been referred to by journalists and its contents used in the construction of articles.

In June 2013, David Nash has also spoken to the Secretary of the Constitutional Convention. He was also involved in drafting Atheist Ireland's submission to the Constitutional Convention (submitted July 2013) and this group was invited to give evidence with David Nash to provide a leading contribution (event occurred after the census deadline).

#### **5. Sources to corroborate the impact** (indicative maximum of 10 references)

1/ Minute from Seanad (Irish Parliament) Senator Bacik's contribution on the Seanad Order of Business – February 2nd 2012. ( <http://blasphemy.ie/2012/02/02/senator-ivana-bacik-calls-for-debate-on-irish-blasphemy-law/> )

'I call for a debate on blasphemy law. There was an excellent briefing yesterday from Professor David Nash of Oxford Brookes University, a leading expert on blasphemy, who spoke about the international impact of the passage of the 2009 Defamation Act in Ireland, particularly section 36, which created a new statutory offence of blasphemy. There was an excellent debate on it in this House, and many colleagues participated in it.

There is an issue as there was an adverse international impact, with certain countries adopting Irish arguments on blasphemy and using this to bolster prejudice against different religions, even Christian religions in Islamic countries. We have also seen that Ireland has gone against the EU norm in adopting a new statutory definition of blasphemy based on a definition of offence.

It is outdated and I am glad it is up for review in the programme for Government. We must move forward by having a debate in the House on how we can ensure incitement to religious hatred laws are strengthened in the Statute Book. We no longer need an offence of blasphemy.'

2/ Submission by Atheist Ireland on the State Report under the UN International Covenant on Civil & Political Rights. David Nash's contribution is in Section 4 - Article 19 (May 2012). (Available from Oxford Brookes University Research and Business Development Office on request)

3/ You tube video 'Blasphemy law in Ireland' by David Nash. This has been syndicated on a further series of websites interested in the issue of blasphemy. <http://www.youtube.com/watch?v=-gLvxGGBGuA>

4/ Report to United Nations Special Rapporteur outlining situation in Ireland regarding blasphemy law and progress in discussions with TD's Senators and NGOs(January 2012). (Available from Oxford Brookes University Research and Business Development Office on request)

5/ Corroborating statement author 1. Email from United Nations Special Rapporteur commenting upon contribution of David Nash to the debate on Ireland's Blasphemy Laws (February 2012).

6/ Pod delusion podcast Episode 126 – 9 March 2012. 'Irish blasphemy law' by James O'Malley

featuring David Nash (32:08) ( <http://poddelusion.co.uk/blog/2012/03/08/episode-126-9th-march-2012/> ) (Email confirming number of downloads, approximately 12,000 by September 2013, available from Oxford Brookes University Research and Business Development Office).

7/ Corroborating statement author 2. Email from Atheist Ireland thanking Professor Nash for participation in the OSCE - HDIM Meeting in Warsaw on the 1st of October 2012 (attended by members of the civil and diplomatic services of all of the European member states) describing its influence on members of the Irish judiciary and Diplomatic service.

8/ Article by Tom Heneghan, Religion Editor for Reuters on blasphemy in Europe with reference to the Irish legislation. <http://blogs.reuters.com/faithworld/2012/12/05/dutch-blasphemy-law-to-fall-and-irish-one-may-follow/> (30 November 2012).

9/ Corroborating statement author 2. Email from Atheist Ireland thanking Professor Nash for his work on constructing sections of Atheist Ireland's submission to the Constitutional Convention (25 July 2013).

10/ Atheist Ireland's submission to the Irish Constitutional Convention (July 2013).

#### People

11/ Corroborating contact 3. Atheist Ireland –have acknowledged David Nash's work in constructing their approach and submission to the Constitutional Convention.

12/ Corroborating contact 4. Senator, Upper Chamber of the Irish Parliament – see acknowledgement in evidence no. 1

13/ Corroborating contact 5. United Nations Special Rapporteur on Freedom of Religion - see acknowledgement in evidence no. 5, may be contacted for further corroboration of impact claimed.