

DE GRUYTER
OLDENBOURG

Eveline G. Bouwers, David Nash (Eds.)

DEMYSTIFYING THE SACRED

BLASPHEMY AND VIOLENCE FROM THE
FRENCH REVOLUTION TO TODAY



NEW PERSPECTIVES ON THE HISTORY
OF LIBERALISM AND FREETHOUGHT



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Demystifying the Sacred

New Perspectives on the History of Liberalism and Freethought

Edited by
Liberas

Guaranteed Peer Review Series

Volume 2

Demystifying the Sacred



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Acknowledgements

In the contemporary world we do not need to look any further than the callous murder of Frenchman Samuel Paty on October 16, 2020, to know that blasphemy and violence can combine in dramatic ways. On that day, the history and civics teacher taught a class about freedom of expression during which he showed two caricatures depicting the Prophet Muhammad; the images had some years earlier been published in the French satirical magazine *Charlie Hebdo*. As we know, the editorial offices of this periodical had been targeted by an Islamist killing spree in 2015 that left twelve men and women dead, including a Muslim policeman rushing to the scene to confront the murderers. In previous years Paty's invitation to his fourth grade pupils to critically think about the thin line separating freedom of expression and religious liberty had not drawn any negative response. Yet the class he taught on October 6, 2020 at the Collège du Bois d'Aulne near Paris unleashed a dramatic string of events that ended with his murder two weeks later. Complaints by a girl, suspended from school and so that day absent from class, that she had allegedly been forced to look at the cartoons were used by her father to incite hatred against Paty, which in turn led a Chechen-born man to shoot and behead the teacher.

The murder of Samuel Paty is only one of the more recent and extreme examples of the relationship between blasphemy and violence that forms the focus of this book. The idea for this volume originally came from Liberas, the principal archive and research centre for the history of the liberal movement in Belgium.¹ In late 2018, institute director Peter Laroy and research coordinator Dr. Christoph De Spiegeleer invited us to combine our expertise in the areas of religion and violence as well as blasphemy and crime respectively for a colloquium on blasphemy and violence in modern history. Convinced of the subject's historical importance and its relevance for contemporary society, as well as enthused by the prospect of collaboration, we invited fellow scholars to reflect on the phenomenon of blasphemy and its potential link to violence from three angles: acts of blasphemy that lead to forms of violence; instances of general societal upheaval in which offences against the sacred are one aspect of a much broader culture of violence; and situations in which believers both internalise and actively describe the hurt stemming from the impact of blasphemy as a species of experienced violence.

¹ More information can be found at the website of Liberas: www.liberas.eu.

The colloquium took place in Ghent on March 4 and 5, 2020, literally just before Covid-19 made international travel impossible and shifted all academic discourse to the internet. We thank all participants, including those who did not contribute to this volume, for sharing their ideas on the relationship between blasphemy and violence in modern history – a subject that remains a niche but developing field. Apart from being a wonderful opportunity to meet and share ideas, the colloquium also provided important impulses for this volume, which is the second book to be published in the series ‘New Perspectives on the History of Liberalism and Freethought’ from the publishing house De Gruyter Oldenbourg – an open access series devoted to the results of international scientific workshops and colloquia organised by Liberas. Both our colloquium and the present proceedings intimately connect with the research work conducted at Liberas, which focuses on conflicts surrounding Church-State relations in the modern world as well as pertaining to freedom of conscience and religion. More generally, research at the centre is concerned with the haphazard link between religious pluralisation on the one hand and the advance of secularism on the other hand – an aspect that returns in this book.

The preparation of this book was challenged by the realities of a global pandemic: closed libraries, inaccessible archives and the considerable burden of digital teaching. Luckily this did not prevent the authors from complying with guidelines, sticking to deadlines and patiently answering our questions. We thank them for their flexibility and diligence, just as we are grateful to the external reviewers for providing us with critical yet constructive feedback, both of the individual chapters and of the volume as a whole. This volume would never have materialised were it not for the support and endorsement it received from a number of individuals and institutions. Staff at Liberas welcomed us with open arms. It is impossible to overstate Christoph De Spiegeleer’s intellectual contribution to the project, valuable comments, practical support and kind words of encouragement; his input did much to improve the quality of the overall project. Peter Laroy not just had great faith in this project but also secured the necessary financial resources to turn a vague idea into a real colloquium and a tangible book. At De Gruyter Oldenbourg, we thank Rabea Rittgerodt, Verena Deutsch and all other staff for their enthusiasm, efficiency and flexibility. This book would never have seen the light of day without the monetary support offered by Liberas, which is in turn funded by the Flemish government. It also financed an open access edition of this publication. Finally, rather than the end of a discussion, this book is intended to encourage future debate, hopefully in a world with fewer lockdowns, more social interaction and above all greater appreciation for the freedom of individuals and groups alike.

Mainz and Oxford, May 2022

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Eveline G. Bouwers

1 Blasphemy and Violence: Crossing Social Norms and Religious Boundaries in the Modern World



Fig. 1: Tom Herck's installation 'Holy Cow' in the former parish church of Kuttekoven in the Belgian province of Limburg, 2017. Despite its abysmal state, the building's function as a previous place of worship is evident. Photo by Erik Jamar. Kindly reproduced with permission of the artist.

An altar and stained-glass windows were the only religious symbols left in Kuttekoven's church. With the plaster on the walls displaying the results of a merciless humidity and without a pulpit, confessional chair or prayer bank in sight, the building bore all the hallmarks of desertion. In November 2017, however, this parish church in the eastern Belgian province of Limburg suddenly became a focal point for Catholic attention. The reason for this sudden interest was an installation that artist Tom Herck had placed in the nave.¹ It consisted of a mas-

¹ "Holy Cow (2017)," Website of Tom Herck, accessed on November 16, 2020, <http://www.tomherck.com/holy-cow-2017>.

sive basin measuring over eighty square metres filled with five thousand litres of a milky substance. Over the tub hung a crucified cow – the plaster cast of a real animal – with its heart pointing forward, creating a visual echo of images of the Sacred Heart; the legs of the cow were crossed and its head faced upwards, mimicking depictions of Christ on the crucifix. Responding to criticism, Herck declared his work to be a critique of modern consumerism and the “waste in our society”.² The happy cow frequently featured in the food industry’s fancy marketing campaigns had made way for a besieged animal, emblematic of the destruction involved in industrial livestock farming. Meanwhile, the enormous basin recalled the surplus production of dairy, the infamous “milk lakes” that were an eerie by-product of the European Union’s generous agricultural subsidies.

For all the artist’s efforts to tie his installation to ethical questions about animal welfare and the environment, the religious implications of ‘Holy Cow’ were evident. The decaying building, the dead animal and the slowly evaporating milk-like substance read as an analogy of religious decline in contemporary Belgium. Yet whilst secularisation was from a Church perspective something to be lamented, it did not offend. Herck’s appropriation of the crucifix for socio-political commentary was a different matter. The diocese of Hasselt argued that the sacred symbol had been defiled by the display of a cow “at the place where Christ hung on the cross”. That the artist had launched the project aged thirty-three, the same age at which Christ had died, added insult to injury. Diocesan officials called the artwork “harmful” and “derisive,” whilst others saw in it “a satanic image and a disgusting insult to God and to Catholicism.”³

In the absence of blasphemy legislation in Belgium, some went further.⁴ Father Eric Jacqmin from the ultraconservative Society of Saint Pius X staged daily

² “Katholiek protest tegen ‘satanische koe’ in Kuttehoven,” *Het Belang van Limburg*, November 19, 2017, accessed November 16, 2020, https://www.hbvl.be/cnt/dmf20171119_03194455. The motive of commercialisation also inspired Andres Serrano’s photograph ‘Immersion (Piss Christ)’ from 1987, which caused believers to attack the artwork. Donald Brook, “Urinating to Windward,” *Artlink* 18, no. 1 (1998): 13.

³ “Katholiek protest”.

⁴ Belgium has never known anti-blasphemy legislation. Although the Sovereign Decision of 23 September 1814, taken by King William of the Netherlands, had criminalised “ridiculing religion,” the Belgian Provisional Government decreed on October 16, 1830 to cancel every law curtailing freedom of expression; many saw this as the *de facto* liquidation of William’s erstwhile decision. The deterioration of Church-State relations around 1860 saw a number of cases still brought to Belgian courts before, in 1863, the Court of Cassation officially nullified the Sovereign Decision of 1814. Bram Delbecke, *De lange schaduw van de grondwet: perswetgeving en persmisdrijven in België* (Ghent: Academia Press, 2012), 167–170.



Fig. 2: Destroyed installation ‘Holy Cow’ in Kuttekoven church, 2017. The graffiti on the wall includes religious references and antisemitic symbols; the words “Rex Vaincra” refer to a far-right Catholic and nationalist party active in Belgium during the years 1935–1945. Photo by Tom Herck. Kindly reproduced with permission of the artist.

protests at Kuttekoven’s church. On November 18, an act of arson was committed at a nearby chapel that housed another artwork by Herck; three days later, Father Eric and right-wing extremist Robin Vandenberghe smashed a window to gain access to the church to cut the rope on which the plaster cow hung; on the night of December 1, Vandenberghe and four friends destroyed the legs of the cow, created a hole in its stomach and poured acid in it. They also sprayed several religious and antisemitic references onto the church wall, including celebrations of Christ, the motto ‘Vive la Croix!’ and a swastika underneath the artist’s name. Father Eric later defended his actions by querying the artistic value of “art [that brings] no beauty, but only wants to insult and hurt”.⁵ Together with the other five assailants, he was subsequently put on trial for the destruction of both Kuttekoven church and the installation ‘Holy Cow’ as well as for arson.

⁵ “Ultrakatholieken veroordeeld voor vernieling *Holy Cow*,” *De Standaard*, June 23, 2021, accessed on July 10, 2021, https://www.standaard.be/cnt/dmf20210623_96186544.

In June 2021, the court of Tongeren labelled the men's behaviour an example of "religious fundamentalism," handing out sentences of up to sixty hours community service and 400 Euro fines.⁶

'Holy Cow' is part of a long line of artistic interventions for which their supposedly blasphemous nature has invited legal sanction, public censure or even physical violence.⁷ During the 1790s, the city of Rome saw French artists with Jacobin predilections mock religious processions; after the papal restoration, officials prosecuted these actions which they regarded as a political insurrection and religious offence in one.⁸ A century later, a painting of young Jesus at the Temple was scorned for depicting the Messiah as a beggar boy, dirty and with dark features, pressing the artist to repaint the image. By giving Jesus light skin and blonde hair, Max Liebermann, an artist of Ashkenazi Jewish ancestry, yielded to antisemitic charges packed as blasphemy accusations. In the late-twentieth century, publication of *The Satanic Verses* led to death threats against its author, British-Indian novelist Salman Rushdie. It also prompted real violence, including riots and the murder of the book's Japanese translator – actions ostensibly legitimated by the fatwā that the Supreme Leader of Iran, Ayatollah Ruhollah Khomeini, had issued against all those involved in the book's publication.

Although these cases share artistic agency, they illuminate a different relationship between offences against the sacred (including blasphemy) and acts of retaliation (including violence). The havoc that the colony of French artists in Rome wreaked on Catholic ritual and imagery was part of a broader revolutionary turmoil, with attacks on God and his worldly representatives echoing ideological antagonism and purification attempts on a grand scale. Blasphemy in this case accompanied a more comprehensive culture of violence. By contrast, the accusations levied at Liebermann drew on anger at the injurious way in which the painter was said to have depicted Christ. Here, the faithful both internalised and described the hurt stemming from the impact of blasphemy as a spe-

⁶ Whereas the charge of destruction was upheld, that of arson was dropped. "Voor de een is het kunst, voor de ander provocatie," *De Standaard*, May 27, 2021, accessed on July 10, 2021, https://www.standaard.be/cnt/dmf20210526_97643578.

⁷ For blasphemy in art see, e.g., Elizabeth Burns Coleman and Maria Suzette Fernandes-Dias, eds., *Negotiating the Sacred II: Blasphemy and Sacrilege in the Arts* (Canberra: Australian National University Press, 2008); Roberto Cuppone and Ester Fuoco, *Blasphemia: il teatro e il sacro* (Turin: Celid, 2019); S. Brent Plate, *Blasphemy: Art that Offends* (London: Black Dog Publishing, 2006).

⁸ For this and following examples see chapters by Marco Emanuele Omes, Christoffer Leber and Manfred Sing in this book.

cies of experienced violence. Finally, Rushdie's portrayal of Muhammad as a fallible prophet unleashed physical retribution on the part of the faithful. In this regard, (perceived) offences against the sacred preceded violence. This threefold link between blasphemy and violence – blasphemy as a companion to, a form of and a trigger for violence – is the subject of this volume.

Scholarship on blasphemy is booming. After years of being considered a ghost of ages past with little relevance for today's world, the threats made against Danish newspaper *Jyllands-Posten* and the mob killings of (alleged) blasphemers in Pakistan – to name just two examples – have prompted a surge in interest in offences against the sacred.⁹ As David Nash has put it elsewhere, “[d]iscourses of blasphemy [...] are back with a vengeance”.¹⁰ Since 2009, the International Blasphemy Rights Day is celebrated annually on September 30. Renewed interest also returns in a burgeoning scholarly literature.¹¹ One field of enquiry charts the position of blasphemy in the legal system, mapping differences across countries and probing the link with religious hate speech, which has in some places, especially in multi-religious societies, replaced blasphemy as a crime.¹² Other scholars examine blasphemy from a theological or philosophical perspective, linking it either to heresy (the profession of different religious ideas) and apostasy (their renunciation) or to the position of religion in modern liberal and secular societies.¹³ A third category traces blasphemy across time – an often

9 E.g. Lasse Linkilde, “Per Mouritsen and Ricard Zapata-Barrero. The Muhammad Cartoons Controversy in Comparative Perspective,” *Ethnicities* 9, no. 3 (2009); Sana Ashraf, “Honour, Purity and Transgression: Understanding Blasphemy Accusations and Consequent Violent Action in Punjab, Pakistan,” *Contemporary South Asia* 26, no. 1 (2018).

10 David Nash, “Blasphemy and Sacrilege: A Challenge to Secularisation and Theories of the Modern?,” in *Negotiating the Sacred II*, ed. Burns Coleman and Fernandes-Dias, 11.

11 The day was launched by American nonprofit organisation The Center for Inquiry to coincide with the anniversary of the publication of cartoons featuring the prophet Muhammad in Danish newspaper *Jyllands-Posten* in 2005. Website of The Center for Inquiry, accessed on June 30, 2021, <https://centerforinquiry.org/cfe/international-blasphemy-rights-day/>.

12 E.g. Christopher S. Grenda, Christ Beneke and David Nash, “Introduction: On the Modern Confluence of Blasphemy, Free Expression, and Hate Speech,” in *Profane: Sacrilegious Expression in a Multicultural Age*, ed. Christopher S. Grenda, Christ Beneke, and David Nash (Oakland, CA: University of California Press, 2014); Jeffrey Haynes, “From ‘Blasphemy’ to ‘Hate Speech’: Changing Perceptions of ‘Insulting God’,” in *Blasphemies Compared: Transgressive Speech in a Globalised World*, ed. Anne Stensvold (London: Routledge, 2020). For the legal debate see Jeroen Temperman and András Koltay, eds., *Blasphemy and Freedom of Expression: Comparative, Theoretical and Historical Reflections after the Charlie Hebdo Massacre* (New York: Cambridge University Press, 2017).

13 E.g. Talal Asad, “Free Speech, Blasphemy, and Secular Criticism,” in *Is Critique Secular? Blasphemy, Injury, and Free Speech*, Talal Asad, Wendy Brown, Judith Butler, and Saba Mahmood

hazardous task given the changing legal meaning, position and appreciation of blasphemy in different historical contexts.¹⁴ Hence most publications, including well-known overview works, ultimately privilege a national or regional focus.¹⁵

The present volume aims to contribute to scholarship on the history of blasphemy in two ways. First, it brings together cases from across modern European history, extending it to contacts between European actors and the non-European world. Second, it looks at blasphemy's interaction with violence. Even if enquiries into its nature and impact necessarily address questions of physical retribution and symbolic denigration, the conceptual link between blasphemy and violence has rarely been examined *sui generis* – echoing an anomaly in the historiography on religion and violence more broadly.¹⁶ When this connection is investigated, its multifaceted character is rarely appreciated. For instance, early-modern historian Francisca Loetz' claim that blasphemy equates to violence "because blasphemers hurt [believers] so much that their actions invoke a sanctioning counter-reaction," captures just one understanding, albeit it an important one, of the link between blasphemy and violence.¹⁷ Simultaneously, political scientist Ron E. Hassner's focus on the actions of Muslims illustrates a

(New York: Fordham University Press, 2013); Matthias Gockel, Jürgen Mohn and Matthias D. Wüthrich, eds., *Blasphemie: Anspruch und Widerstreit in Religionskonflikten* (Tübingen: Mohr Siebeck, 2020); Anshuman A. Mondal, "Articles of Faith: Freedom of Expression and Religious Freedom in Contemporary Multiculture," *Islam and Christian-Muslim Relations* 27, no. 1 (2016). See also other articles in the same issue.

14 Gerd Schwerhoff, *Verfluchte Götter: Die Geschichte der Blasphemie* (Frankfurt am Main: S. Fischer, 2021), 9.

15 Alain Cabantous, *Histoire du blasphème en Occident, XVIe–XIXe siècle* (Paris: Albin Michel, 1998); David Nash, *Blasphemy in the Christian World: A History* (Oxford: Oxford University Press, 2010); Jacques de Saint Victor, *Blasphème: brève histoire d'un "crime imaginaire"* (Paris: Gallimard, 2016). Geographically more expansive are Leonard Levy, *Blasphemy: Verbal Offense Against the Sacred, from Moses to Salman Rushdie* (Chapel Hill, NC: University of North Carolina Press, 1995); Schwerhoff, *Verfluchte Götter*; and, with a focus on recent history, Anne Stensvold, ed., *Blasphemies Compared: Transgressive Speech in a Globalised World* (London: Routledge, 2020).

16 For this argument see my "Glaube und Gewalt: Ein Beziehungsgeflecht auf dem Prüfstand," in *Glaubenskämpfe: Katholiken und Gewalt im 19. Jahrhundert*, ed. Eveline G. Bouwers (Göttingen: Vandenhoeck & Ruprecht, 2019), 29–33.

17 Francisca Loetz, "Gotteslästerung und Gewalt: Ein historisches Problem," in *Religion und Gewalt: Konflikte, Rituale, Deutungen (1500–1800)*, ed. Kaspar von Greyerz and Kim Siebenhüner (Göttingen: Vandenhoeck & Ruprecht, 2006), 310. See also Christoph Baumgartner, "Blasphemy as Violence: Trying to Understand the Kind of Injury That Can Be Inflicted by Acts and Artefacts That Are Construed as Blasphemy," *Journal of Religion in Europe* 6, no. 1 (2013).

scholarship that ties blasphemy and violence to specific faith groups.¹⁸ This volume, by contrast, shows the manifold connections between blasphemy and violence across cultures, citing examples from an intra-Christian, Christian-Muslim and religious-secular context. In doing so, it sheds light on questions of public morality, national identity, freedom of opinion, Church-State relations, the chequered pacification of religious conflict and on processes of secularisation in the modern world.

This introduction will first examine two key concepts at the heart of this book. The first part is dedicated to blasphemy, a label that has alternately (and often incorrectly) been used to describe an insult of the sacred, disrespect for objects invested with the sacred, heterodox religious ideas, revocation of belief or oppositional politics – effectively blurring the lines between blasphemy on the one hand and sacrilege, heresy, apostasy and *lèse-majesté* on the other. The chapters in this book testify to this conceptual richness. Hence the following pages provide a – necessarily generalising – synopsis of blasphemy’s origins, its relation to other offences against the sacred and its changing meaning across time, space and faith groups. The second part of the conceptual overview concentrates on violence, referencing its physical, symbolic and structural dimension as well as alerting us to the way in which blasphemy, as a form of religious hurt, could be perceived as a form of experienced violence. It also revisits the argument of a general decline in *violentia* across the modern period, which it links to the civilising process (Norbert Elias) but also – and in the case of violence pertaining to religion especially – to tolerance, secularisation and religious pluralisation, in short, to processes of modernisation. The concluding pages of the introduction summarise the structure of the book and introduce the individual chapters according to the featured connection between blasphemy and violence.

Blasphemy: A Conceptual Chameleon

What constitutes blasphemy has been described differently across time, place and religious culture. Almost all legal definitions in modern Europe have, centred on Christianity, defined blasphemy as an insult of God, sometimes extended to include the Virgin Mary, the saints or even, as in the case of Spain’s 1850 penal

¹⁸ Ron E. Hassner, “Blasphemy and Violence,” *International Studies Quarterly* 55, no. 1 (2011). See also Nilay Saiya, “Blasphemy and Terrorism in the Muslim World,” *Terrorism and Political Violence* 29, no. 3 (2017).

code, “sacred things”.¹⁹ Some anti-blasphemy laws were tailored to protect a single faith group – the focus on Anglicanism in English jurisprudence is a case in point – whilst others shielded all officially recognised religious communities in a given country from attacks against their God (the German penal code of 1871 protected Protestants, Catholics and Jews).²⁰ Criminalisation was justified by pointing at the nefarious impact of blasphemies on public decency, social order and political stability but also by a fear of divine retribution – which had been key to mediaeval and early-modern anti-blasphemy legislation. It defined blasphemy as a public speech act that transgressed social norms and crossed religious boundaries or the line separating the sacred from the profane.²¹

Speech had been key to blasphemy from when the concept was first coined in ancient Greece. Yet whereas *blasphēmía* – from *bláptein* (hurting or discriminating) and *phémê* (reputation) – and its Latin derivative had still referred to random verbal abuse, late-medieval Christian Europe saw the concept narrowed down to insults against God.²² Echoing a rise in interest in “the sins of the tongue”, and a consolidation of Christian culture, *blasphemare* now meant “to express a vilification or any sort of slander [that contributes] to the degradation of the creator” (thirteenth-century scholastic Alexander of Hales).²³ Blasphemy’s new association with the divine was attended by a process of increased legal prosecution. After a sixth-century Justinian Novel had already reserved the death sentence for “godless” behaviour, efforts to criminalise insults against the divine – and against the saints and the Virgin Mary – multiplied from the thirteenth century onwards. These offences encompassed the attribution of a character trait to God that he did not have, the denial of a feature that He possessed and the ascription to a person of an attribute that was exclusive to Him.

19 This is explained in Julio de la Cueva’s chapter.

20 See the chapters by David Nash and Manfred Sing (England) as well as Christoffer Leber (Germany).

21 E.g., Cabantous, *Histoire du blasphème*, 11–13; Schwerhoff, *Verfluchte Götter*, 19; Gabriel Levy, “Blasphemy as Transgressive Speech, a Natural History”, in *Blasphemies Compared*, ed. Stensvold.

22 For the following Levy, *Blasphemy*, 3–57; Nash, *Blasphemy in the Christian World*, 2–6 and 42–71; Martha G. Newman, “Defining Blasphemy in Medieval Europe: Christian Theology, Law, and Practice,” in *Blasphemies Compared*, ed. Anne Stensvold; Gerd Schwerhoff, *Zungen wie Schwerter: Blasphemie in alteuropäischen Gesellschaften, 1200–1650* (Konstanz: UVK Verlagsgesellschaft, 2005), 27–45.

23 Cited in: Schwerhoff, *Zungen wie Schwerter*, 28. See also Carla Casagrande and Silvana Vecchio, *I peccati della lingua: disciplina ed etica della parola nella cultura medievale* (Rome: Istituto della Enciclopedia Italiana, 1987), esp. 229–240.

Apart from straightforward insults, invoking God's name in relation to sinful thoughts or to back up trivial claims was considered blasphemous too.

Christian authorities criminalised blasphemy on two levels. In line with a decree issued by Pope Gregory IV, church courts often handed out fines that had to reconcile a blasphemer with God and save their soul. By contrast, secular courts focused on protecting the public from His wrath (plagues, hunger, diseases) and defending civil authority, which in the late-medieval and early-modern world obtained its legitimacy directly from God; thus, from an exercise in soul-saving, the judicial prosecution of blasphemy had become an issue of public order for which secular courts had recourse to pecuniary sentences, but also to sentences of a symbolic nature such as wearing penitential garments, mutilation of the mouth or cutting off tongues. Biblical reading effectively legitimated a harsh crackdown on those accused of offending the sacred. In Leviticus 24:15–16, for instance, God instructs Moses to “[s]ay to the Israelites: ‘Anyone who curses their God will be held responsible; anyone who blasphemes the name of the Lord is to be put to death,’” thereby “fix[ing] the precedent in Judeo-Christian history for punishing blasphemy as a crime.”²⁴ At the same time, courts occasionally recognised mitigating circumstances such as excessive alcohol consumption or emotional rage.

Blasphemy was far from the only offence against the sacred prosecuted in early-modern Europe. Because intentionality was often decisive for the degree of punishment, heresy (*haíresis*, choice or preference) was taken especially seriously and prosecuted accordingly; after all, professing a faith that dissented from established teaching challenged not just religious but also political authority and threatened the sociocultural order. Since there could be no excuse for heresy, those professing it typically became the victims of cathartic orgies of violence, as confirmed by the bloodshed caused by confessional conflict in early-modern Europe. Another offence to meet with brutal punishment was apostasy (*apostasía*, revolt), a concept usually applied to those who had actively renounced or clandestinely abandoned their belief, and which appears to have been especially prevalent in Islamic culture where it is known as *ridda* / *irtidād*.²⁵ Finally, sacrilege – from the Latin *sacra* (sacred) and *legere* (pick out) – referred to the stealing of ecclesiastical property, though was additionally used for the desecration or destruction of holy places and objects as well as for the profanation of practices deemed sacred. When institutional power was in jeopardy, sacrilege was a

²⁴ Levy, *Blasphemy*, 8.

²⁵ For apostasy in Islam see Frank Griffel, “Apostasy,” in *Encyclopaedia of Islam*, ed. Kate Fleet, et al., (Leiden: Brill Publishers, 2007). See also the chapters by Laura Thompson and Manfred Sing in this volume.

frequent companion, as incidents from the European Reformation era and revolutionary times show. Although clearly circumscribed, the different offences against the sacred often interacted with and reinforced each other – a kind of overlap that persisted in modern times, as some of the chapters in this book show.

The concept of blasphemy, and the same applies to other religious offences, remained much the same during the early-modern period as it continued to be treated as an insult against God requiring persecution to save the blasphemer and protect the community. In Europe, the period from the late-sixteenth century onwards witnessed a noticeable standardisation of blasphemy statutes.²⁶ Things began to change in the eighteenth century. Institutional religion came under fire from princes keen to expand their power – among others, they seized control of monasteries, curbed ownership of church property and expanded the jurisdiction of secular courts – and from *philosophes* demanding liberty of religion and conscience.²⁷ Secularisation and religious pluralisation continued during the revolutionary and Napoleonic eras and even persisted under the Restoration, when most rulers showed little inclination for returning power and wealth that had previously belonged to the Church.²⁸ Despite a process of revival, the Churches were thus less able to pressurise political authority into disciplining religious misbehaviour.

Penal reform impacted upon legal responses to offences against the sacred too. Italian philosopher Cesare Beccaria advocated the abolition of torture and the death penalty but also urged the decriminalisation of blasphemy (alongside adultery, homosexuality and other ‘sins’ that, he argued, did not cause damage to society). He even hinted at the impossibility of blasphemy’s legal prosecution, arguing that by “punishing intentions to act as sins,” lawmakers risked “usurping God’s authority” – an argument that critics of blasphemy legislation have used more often, as Alain Cabantous shows in his chapter by citing from the writings of Montesquieu and François Dareau.²⁹ Beccaria’s call for clemency inspired a string of penal reforms that saw among others Czarina Catherine the

26 Nash, *Blasphemy in the Christian World*, 150–166.

27 E. g. S.J. Barnett, *The Enlightenment and Religion: The Myths of Modernity* (Manchester: Manchester University Press, 2003); William J. Callahan and David Higgs, eds., *Church and Society in Catholic Europe of the Eighteenth-Century* (Cambridge: Cambridge University Press, 1979).

28 E. g. Nigel Aston, *Christianity and Revolutionary Europe, 1750–1830* (Cambridge: Cambridge University Press, 2002); Brian E. Vick, *The Congress of Vienna: Power and Politics after Napoleon* (Cambridge, MA: Harvard University Press, 2014).

29 Dale Jacquette, “Beccaria on Discounting Intentions in Adjudicating Punishments for Crimes,” *Philosophical Inquiries* 2, no. 2 (2014).

Great and Habsburg Emperor Joseph II reclassify blasphemy as an illness that needed treatment rather than an evil that required punishment. Consequently, the 1787 penal code for the Hereditary Lands of the Austrian monarchy declared that a blasphemer should be treated as a “lunatic” to “be kept locked up in the madhouse until his recovery will have been ascertained.”³⁰ However harsh conditions in hospitals could be, individual blasphemers tended to be better off as a result of a process that can be described as a medicalisation of blasphemy.

In short, changes in the legal framework, the onset of secularisation and religious pluralisation help explain why the present enquiry into the link between blasphemy and violence starts in the late-eighteenth century. Even so, it is worth remembering that the decriminalisation of blasphemy was neither a universal nor an irreversible process. Take the case of the German state of Bavaria. In 1801, legal scholar Anselm von Feuerbach had claimed with regard to blasphemy: “[t]hat the Divinity gets insulted, is impossible, that she revenges herself on people because of injuries, is unthinkable, that she can be reconciled through punishment of her insulter, is foolishness.”³¹ After the 1813 Bavarian penal code, drafted by Feuerbach, had omitted blasphemy, the 1871 code accompanying the creation of the German Empire again criminalised blasphemy. Religious revival, Christian morality, popular unrest, the looming threat of communism and Church-State cooperation ensured that this clampdown on offences against the sacred possessed a transnational dimension – with blasphemy legislation re-emerging in Denmark (1866), Norway (1902), Italy (1930) and Malta (1933) among others. In some cases, lawmakers responded to a specific case of blasphemy; thus, the 1932 Dutch law on “scornful blasphemy” was a direct response to an image published in the communist daily *De Tribune*, included on the cover of this book, which showed two labourers putting their axe to the cross of Christ.³² This newfound concern for offences against the sacred has not been confined to Christian cultures only. In the Muslim world, as a result of among others “the transformation Islamic law underwent when it became integrated into the legislative codes of the new nation-states,” blasphemy and apostasy

30 Cited in: *Textbuch zur Strafrechtsgeschichte der Neuzeit – Die klassischen Gesetze*, ed. Arno Buschmann (Munich: Verlag C.H. Beck, 1998), 269.

31 Paul Johann Anselm von Feuerbach, *Lehrbuch des gemeinen in Deutschland gültigen peinlichen Rechts*, cited in: Eveline G. Bouwers, “Von der Französischen Revolution bis zum Zweiten Weltkrieg,” in *Gotteslästerung in Europa: Religionsvergehen und Religionskritik seit 1500*, ed. Eveline G. Bouwers (Schwalbach im Taunus: Wochenschau Verlag, 2017), 82.

32 “Goede vrijdag’ – De oude en nieuwe wereld”, *De Tribune* (March 25, 1932).

have been the object of increased political and judicial censure.³³ Examples include the introduction of relevant legislation in post-colonial Egypt, Indonesia and Pakistan – with the latter two countries lately registering a marked increase in court trials.³⁴

In recent years, several parallel but largely unconnected processes have re-energized the debate on blasphemy. In some areas, the fall of secular or atheistic regimes and the subsequent restoration of Church-State relations has seen a surge in laws protecting religious authority and expressions of faith; examples are evident and include Orthodoxy in Russia, Catholicism in Poland, Sunni Islam in Turkey and Shia Islam in Iran, to name only a few. Elsewhere, rising numbers of non-believers and the arrival of new faith communities in the slipstream of migration have stimulated debate about the protection of specific religious worldviews. These altered realities explain why the Venice Commission, an advisory body of the Council of Europe, has called for the decriminalisation of blasphemy – citing the 2007 recommendation of the Parliamentary Assembly that “national law should only penalise expressions about religious matters which intentionally and severely disturb public order and call for public violence”.³⁵ Tightening blasphemy regimes in some parts of the world notwithstanding, many countries have abolished blasphemy laws and today prosecute religious hate crime instead. More recognisant of a pluralistic world, these new laws still enable tackling the violence immanent in blasphemous action as well as anti-blasphemous retaliation. Yet they too leave space for legal interpretation on where freedom of expression starts and religious liberty stops.³⁶

33 Baber Johansen, “Apostasy as Objective and Depersonalized Fact: Two Recent Egyptian Court Judgments,” *Social Research* 70, no. 3 (2003): 687.

34 On Egypt see Maurits S. Berger, “Apostasy and Public Policy in Contemporary Egypt: An Evaluation of Recent Cases of Egypt’s Highest Courts,” *Human Rights Quarterly* 25, no. 3 (2003). The case of Indonesia is discussed in David Cohen et al., “Interpretations of article 156 A of the Indonesian Criminal Code on Blasphemy and Religion Defamation (A Legal and Human Rights Analysis),” *Indonesian Institute for the Independent Judiciary, Jakarta* (2018), accessed March 21, 2022, https://humanrights.stanford.edu/sites/humanrights/files/blasphemy_and_religious_defamation.pdf. For recent developments in Pakistan see Sana Ashraf, *Finding the Enemy Within: Blasphemy Accusations and Subsequent Violence in Pakistan* (Canberra: Australian National University Press, 2021), 5–11 and 31–60.

35 Venice Commission (European Commission for Democracy through Law), *Report on the Relationship between Freedom of Expression and Freedom of Religion: the Issue of Regulation and Prosecution of Blasphemy, Religious Insult and Incitement to Religious Hatred* (October 17–18, 2008), accessed on July 3, 2021, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2008\)026-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2008)026-e).

36 E.g. Barbara Rox, *Schutz religiöser Gefühle im freiheitlichen Verfassungsstaat?* (Tübingen: Mohr Siebeck, 2012).

A conceptual chameleon, blasphemy has across time, place and religious culture been defined in a variety of ways. Some chapters in this book define blasphemy as a public speech act denigrative of the sacred – be it God, Christ, adjacent figures such as the Virgin Mary and the saints, the prophet Muhammad or even an abstract idea of ideological Truth (as in revolutionary thought). In other cases, blasphemy lies in the visual or written ridicule of religious ideas, rituals and communities, in the insult of feelings of believers or even in partaking in alternative cults. The multifaceted nature of blasphemy as discussed in this volume ties in with its frequent connection to other offences against the sacred: heresy, apostasy and sacrilege – and even, in the case of the Papal States, *lèse-majesté*. Its conceptual richness also explains the different trajectories that the prosecution of blasphemy has followed in modern history. Whereas some countries refused to prosecute blasphemy, or sanctioned it indirectly before making it a criminal offence, others registered challenges to legislation that protected some faith communities only. Or else they saw a deterioration of interreligious and religious-secular relations in response to the introduction of blasphemy laws. Hence the present volume shirks from providing a clear-cut definition of blasphemy, allowing historical sources to lead in what counts as blasphemous.

To adequately cover contemporary interpretations of blasphemy and other offences against the sacred, the authors in this volume adopt a wide range of methodological approaches and make use of a rich spectrum of sources. They analyse written texts such as legal documents, police reports, pamphlets, press commentaries and literature; they examine visual sources including ceremonial, caricature, photography and internet recordings; and they investigate performative actions such as sound and the deliberate formation of rival cults.³⁷ In spite of this versatile approach, a problem in studying blasphemy and religious hate crime remains that offences against the sacred exist primarily in the eyes of the believer. This too shows how important it is to adopt a high degree of conceptual freedom when examining blasphemy and its manifold links to violence.

Violence: Of Harm and Hurt

If interpretations on what constitutes blasphemy have varied across history, so the concept of violence has long been open to debate. An important element shaping these discussions pertains to the (il)legitimacy of violence, which revis-

³⁷ See especially the analysis of ‘sonic violence’ in the chapter by Matthew Kerry.

its the distinction between *potestas* and *violentia* that shaped early-modern European jurisprudence. Whilst *potestas* referred to the capacity to achieve a specific aim through the rule of law, *violentia* was the ability to impose oneself with brutish power.³⁸ The distinction between enforcing power legitimately and inflicting corporeal assault regardless of legal constraints returns in the various theoretical approaches more recently proposed by scholars of violence.³⁹

A first strain of research contends that violence is always physical; in other words, it is impossible to speak of violence “when it is not perceived as something bloody.”⁴⁰ Murder, lynching and massacre are forms of violence because they administer a tangible physical harm. Others find this focus on the body too limited and point at the psychologically destructive impact that gestures and words can have.⁴¹ Although critics are wary of such a conceptual enlargement for fear it opens a Pandora’s Box in which every act of discrimination, marginalisation or exclusion is labelled violence, a more inclusive understanding of violence can be helpful. After all, physical violence is often preceded by and interacts with forms of hurtful verbal or symbolic action. A focus on “blood” only would unjustly isolate violence from the historical context in which it emerged and to which it responded.

One example of an enlarged conceptual understanding of violence was proposed by sociologists Pierre Bourdieu and Jean-Claude Passeron in the 1960s. What they called “symbolic violence” refers to a form of non-physical violence located within social structures.⁴² Specifically, it describes a mechanism whereby a dominant social group imposes its norms – with regard to gender, class, sexual orientation et cetera – on other social groups in order to maintain a position of

38 Claudia Ulbrich, Claudia Jarzebowski and Michaela Hohkamp, “Einleitung,” in *Gewalt in der Frühen Neuzeit*, ed. Claudia Ulbrich, Claudia Jarzebowski, and Michaela Hohkamp (Berlin: Duncker & Humblot, 2005), 11–13.

39 Whilst among others the English and French languages distinguish between force and violence, other languages use the same word to describe both meanings. Thus, the German word “Gewalt” refers to legitimate authority (as in *Staatsgewalt*) but also to illegitimate acts of physical or mental maltreatment.

40 Jörg Baberowki, *Räume der Gewalt* (Frankfurt am Main: S. Fischer Verlag, 2015), 11. See for violence as physical action e.g. C.A.J. Coady, “The Idea of Violence,” *Journal of Applied Philosophy* 3, no. 1 (1986); Gertrud Nunner-Winkler, “Überlegungen zum Gewaltbegriff,” in *Gewalt: Entwicklungen, Strukturen, Analyseprobleme*, ed. Wilhelm Heitmeyer (Frankfurt am Main: Suhrkamp, 2008), 27–38.

41 E.g. Peter Imbusch, “The Concept of Violence,” in *International Handbook of Violence Research*, ed. Wilhelm Heitmeyer and John Hagan (Dordrecht: Springer, 2003).

42 Pierre Bourdieu and Jean-Claude Passeron, *La reproduction: éléments pour une théorie du système d’enseignement* (Paris: Éditions de Minuit, 1970).

privilege. Since subordinated groups not only internalise these inequalities but come to perceive them as legitimate, symbolic violence helps reproduce an exclusionary social order. Systemic violence can also exist at an institutional level. Johan Galtung has called this “structural violence,” which he describes as the product of among others income, health and gender disparities; it likewise keeps deprived groups in a state of dependency and destitution.⁴³ Structural violence is visible in the social system protecting the interests of those it already benefits. Like symbolic violence, it is a form of non-physical action that perpetuates power and powerlessness. Both structural and symbolic violence can accompany acts of tangible physical violence – sometimes contributing to the latter’s escalation, at other times serving to legitimate corporeal assault. A final conceptual understanding of violence relevant for this book emphasises its link to affect. Violence is here seen as an act producing emotional hurt that can prompt a counterreaction; the motive of divine retribution, present in many religious cultures, connects to this.⁴⁴

The chapters in this volume attest to the importance of being conceptually flexible about the definition of violence when examining its interdependency with blasphemy. Some contributors see violence as physical action that includes the killing of religious personnel, the destruction of churches or the smashing of sacred objects. Others locate violence in the attempts by church and state authorities to silence dissent or criminalise difference. A third group ties violence to an emotional experience, pointing at how believers described blasphemous actions as a form of spiritual hurt. In all these instances, violence is seen as an act of religious boundary-crossing or a breaching of social norms – be it in the insult of God, in the challenge to church officials or in the infraction of religious feelings.⁴⁵

Other than showing how religious revival and processes of secularisation alternated in the modern age, the present volume takes issue with the alleged decline of violence during this time. The thesis of a supposed decrease in corporeal assault over the last centuries has a long history. In his phenomenal *The Autumn*

43 Johan Galtung, “Violence, Peace, and Peace Research,” *Journal of Peace Research* 6, no. 3 (1969).

44 See, e.g., Sybille Krämer, “Sprache als Gewalt oder Warum verletzen Worte?,” in *Verletzende Worte: Die Grammatik sprachlicher Missachtung*, ed. Steffen K. Hermann et al. (Bielefeld: Transcript Verlag, 2007).

45 Francisca Loetz, *Sexualisierte Gewalt, 1500–1850: Plädoyer für eine historische Gewaltforschung* (Frankfurt am Main: Campus Verlag, 2012), 17; Dirk Schumann, “Gewalt als Grenzüberschreitung: Überlegungen zur Sozialgeschichte der Gewalt im 19. und 20. Jahrhundert,” *Archiv für Sozialgeschichte* 37 (1997): 372–373.

of the Middle Ages (1919), Johan Huizinga described medieval man as “enslaved [...] to the passions [...] quick to anger and insensitive to the misfortunes of others,” which contrasted to modern man’s capacity for self-restraint.⁴⁶ A similar idea inspired Norbert Elias to argue that from the later Middle Ages onwards, a new sense of shame contributed to a decrease in violent behaviour.⁴⁷ At the same time, the formation of states possessing a monopoly on the legitimate use of physical force helped check bloodshed within communities. Elias’ theory of the civilising process has been criticised for its Eurocentrism, exaggeration of mediaeval brutality, blindness for the coercion operated by modern states and disregard for more recent examples of extreme violence – illustrated by among others a surge in homicide numbers during the mid-seventeenth and genocidal violence during the twentieth centuries.⁴⁸ Yet despite these criticisms, Elias’ basic argument about a long-term decline in physical violence is still widely shared.⁴⁹ More recently, it inspired Steven Pinker to claim how from the eighteenth century onwards, a rise in empathy, self-control, morality and reason (the so-called “better angels of our nature”) tamed man’s propensity for violence.⁵⁰

Among other things, Pinker has been rebuked for his selective use of historical data and for linking violence to irrationality, unjustly treating the Enlightenment not just as a great educator but a great pacifier too.⁵¹ A quick glance at the industrial scale on which violence occurred in the twentieth century suffices to

46 Stuart Carroll, “Introduction,” in *Cultures of Violence: Interpersonal Violence in Historical Perspective*, ed. Stuart Carroll (Basingstoke: Palgrave Macmillan, 2007), 4.

47 Norbert Elias, *Über den Prozeß der Zivilisation: soziogenetische und psychogenetische Untersuchungen*, 14th ed. (Frankfurt am Main: Suhrkamp, 1989). Ted Gurr agrees about “increasing internal and external controls on the show of violence” in European history. Ted Robert Gurr, “Historical Trends in Violent Crime: A Critical Review of the Evidence,” *Crime and Justice* 3 (1981): 342.

48 E.g. Stuart Carroll, “Violence, Civil Society and European Civilisation,” in *The Cambridge World History of Violence: Volume III, 1500–1800 CE*, ed. Robert Antony, Stuart Carroll and Caroline Dodds Pennock (Cambridge: Cambridge University Press, 2020); Robert van Krieken, “Violence, Self-Discipline and Modernity: Beyond the ‘Civilising Process’,” *The Sociological Review* 37, no. 2 (1989); Gerd Schwerhoff, “Zivilisationsprozess und Geschichtswissenschaft: Norbert Elias’ Forschungsparadigma in historischer Sicht,” *Historische Zeitschrift* 266, no. 1 (1998).

49 Support for Elias’ thesis can be found in Andrew Linklater and Stephen Mennell, “Norbert Elias, The Civilizing Process: Sociogenetic and Psychogenetic Investigations – An Overview and Assessment,” *History and Theory* 49, no. 3 (2010): esp. 404–410; Pieter Spierenburg, “Violence and the Civilizing Process: Does it Work?,” *Crime, History & Societies* 5, no. 2 (2001).

50 Steven Pinker, *The Better Angels of Our Nature: Why Violence Has Declined* (New York: Viking Books, 2011).

51 Philip Dwyer, “Whitewashing History: Pinker’s (Mis)representation of the Enlightenment and Violence,” *Historical Reflections* 44, no. 1 (2018).

understand that tying the advance of rationalism and modernity to non-violence is deeply problematic. Indeed, the decline in interpersonal violence appears to have had other causes. For Stuart Carroll, a reconfiguration of social life made man less “tolerant of violence,” even if the human propensity for anger remained unchanged.⁵² Jean-Claude Chesnais cites as key factors for the decline of violence the development of modern states with their repressive powers (police, justice) and an ability to create new social spaces (school, army), the decrease in scarcity – famine had always been a major catalyst for conflict – and the fact that a diminishing mortality rate prompted an “unprecedented valuation of human life”.⁵³ Robert Muchembled ties the general decline in violence to changing concepts of masculine honour, as young males were historically overrepresented in the statistics of homicide and other forms of violence.⁵⁴

Although its causes remain contested, and occasional returns to extreme violence cannot be denied, few historians challenge the idea of a long-term drop in physical violence – a decrease also visible in relation to violent actions pertaining to public religion. The latter includes clashes in which “members of a community [would] acknowledge the framing of their [...] violent practice as in agreement with their worldviews and paradigms” but also fights “undertaken against religious targets”.⁵⁵ In Europe, the decreasing impact of religion on politics and the conclusion of treaties regulating confessional coexistence greatly reduced chances for religiously-motivated violence from the seventeenth century onwards.⁵⁶ Yet as the chapters in this book show, decline did not equate “disappearance”.⁵⁷ As long as religion remained an object for contention, and this

52 Carroll, “Introduction,” 37.

53 Jean-Claude Chesnais, *Histoire de la violence en Occident de 1800 à nos jours* (Paris: Robert Laffont, 1981), 14–16. Modern policing and legal disciplining are cited more frequently as factors for declining violence. Julius R. Ruff, *Violence in Early Modern Europe* (Cambridge: Cambridge University Press, 2001), 44–116.

54 Robert Muchembled, *Une histoire de la violence: de la fin du Moyen Âge à nos jours* (Paris: Seuil, 2008), 8–11, 25–43 and 70–76. According to the author, a focus on the link between violence and virility, as in Fascism, may explain temporary increases in lethal violence.

55 Hans G. Kippenberg, “Searching for the Link between Religion and Violence. A Theory of Social Action,” *Method and Theory in the Study of Religion* 22 (2010): 98; Natalie Zemon Davis, “The Rites of Violence: Religious Riot in Sixteenth-Century France,” *Past & Present* 59 (1973): 52.

56 Philip Benedict, “Religion and Politics in Europe, 1500–1700,” in *Religion und Gewalt*, ed. von Greyerz and Siebenhüner.

57 Claude Langlois, “La fin des Guerres de Religion: la disparition de la violence religieuse en France au 19e siècle,” *French Historical Studies* 21, no. 1 (1998). See also Christopher Clark and Wolfram Kaiser, “Introduction: The European Culture Wars,” in *Culture Wars: Secular-Catholic*

still applied to the period from the late-eighteenth century onwards, violence remained a possibility. It manifested in physical form against religious personnel, sacred objects and holy places – often in conjunction to more latent forms of violence: blasphemies hurting religious feelings, heresies challenging religious doctrine and apostasies undermining religious authority. Hence, an investigation into the link between blasphemy and violence also sheds light on the relationship of religion and violence.⁵⁸

Overview of the Chapters

As an act of demystifying the sacred, blasphemy can be found in different religious cultures across time and space. The scope of this volume is however more modest. Geographically, the book concentrates on case-studies from Europe or involving European actors; temporally, the emphasis is on the period from the late-eighteenth century onwards when secularisation, religious pluralisation and the decriminalisation of blasphemy changed the dynamics and legal position of commentary attacking the sacred in its manifold forms; faith-wise, the volume's focus is on intra- and interreligious conflict as well as on religious-secular clashes. In terms of organisation, the volume is divided in three sections. Although each is drafted around a specific relation of blasphemy to violence, the sections show considerable overlap, with some chapters revealing more than one way in which the two concepts interact.

The first section examines situations of general societal upheaval in which offences against the sacred accompany a broader culture of (symbolic) destruction. 'Blasphemy as a Companion to Violence' opens with Alain Cabantous' inquiry into the erratic use of the concept of blasphemy in France around 1800. The dechristianisation campaign of the early revolutionary period involved a confiscation of ecclesiastical property, crackdown on convent life and reform of church structures; to this was added, from Year II onwards, the construction of a new sacred known as the Supreme Being. Despite these attempts to eradicate old regime religion, the past continued to loom large over revolutionary cul-

Conflict in Nineteenth-Century Europe, ed. Christopher Clark and Wolfram Kaiser (Cambridge: Cambridge University Press, 2006), 5.

⁵⁸ The link between religion and violence in modern history has not been served well by scholarship. Comparative contributions include Bouwers, ed., *Glaubenskämpfe*; Silke Hensel and Hubert Wolf, eds., *Die katholische Kirche und Gewalt: European und Lateinamerika im 20. Jahrhundert* (Cologne: Böhlau Verlag, 2013). Specialist subjects such as sectarianism or antisemitism have been better studied.

ture, as ongoing references to blasphemy demonstrate. Cabantous describes blasphemy as a “public speech act” intended to disrupt the boundary between the sacred and the profane that often complemented the violation of sacred places, destruction of holy objects or mockery of religious personnel. Yet in this new revolutionary world, boasting a new revolutionary sacred, blasphemy allegations also formed a strategy to discredit political opponents. The Montagnards attacking the Girondins in the Convention, the Jacobin clubs lashing out at the Catholic faithful, French revolutionaries confronting foreign powers: at a time of massive unrest and violence, they all used the label ‘blasphemer’ to damage and delegitimize a political Other. This recycling of a concept from the old regime shows, according to Cabantous, the revolutionaries’ failure to “eradicate the deep-rooted references to Christianity” in French culture and create “another civilisation”.

The contested creation of a new sacred returns in the chapter of Marco Omes, which scrutinises blasphemy and its persecution in the Papal States during the two periods of French occupation rule around 1800 – first by the revolutionaries and then by the forces of Emperor Napoleon. The historic concentration of spiritual and temporal power in the hands of a single man, the pope, ensured that in Rome blasphemy was both a religious sin and political crime. The Jacobins who controlled the city during the late-1790s were acutely aware of this dualism and even used “religious misbehaviour”, as papal officials put it, to criticise theocratic government. They expressed blasphemies, committed acts of sacrilege and venerated secular cults. The imperial administrators who arrived in Rome a decade later preferred amicable relations with the Church, which made them less tolerant of anti-religious excesses; at the same time, they pushed hard for the glorification of Napoleon and for forms of civic religion. Omes examines the acts of religious misbehaviour that occurred under both periods of French rule and traces repercussions during the papal restorations, highlighting the interconnectedness of regal and divine *lèse-majesté*. The prosecuting *Giunta di Stato* and the *Congregazione dei Disordini* cited religious misbehaviour to tackle political disloyalty to the embattled pope, seeking to “purg[e] oppositional voices” and “restor[e] the sacred nature of papal authority.” Different from the restoration of 1799–1800, which followed on a period of widespread violence and irreligion, the focus during the post-imperial years of 1814–1816 was on re-establishing “political allegiance towards the pope” – with blasphemy accusations doubling as forms of institutional violence. This explains the prosecution of clergy who had endorsed the cult of Napoleon. After all, “[c]riticism of the pope’s kingship,” which participation in a secular cult amounted to, was “an attack on religion, too.”

The clergy was also paramount to the story of blasphemy in Civil War Spain. This bloody conflict followed on the collapse of the republican government in

summer 1936 and merged religion with politics in a peculiar way. In his contribution, Julio de la Cueva examines numerous cases of blasphemy and incitement to blasphemy that occurred in the province of Toledo during the early period of the war. Whereas official definitions of blasphemy in Spanish law limited it to a verbal insult of the sacred, the Civil War saw it become a companion to revolutionary violence, which included the mass killing of priests, desecration of churches and destruction of religious images. The revolution borrowed from established categories of political culture that equated the Left with anticlericalism and the Right with religious observance. Hence, De la Cueva argues, blasphemy became a cultural code that distinguished supporters from opponents of the Republic. Seen from the former's perspective, "[n]ot to blaspheme [...] cast a shadow of suspicion over whomever did not do so." By accompanying revolutionary violence, blasphemies thus helped to demarcate ideological belonging. This is why republicans not only offended the divine and destroyed sacred objects but made the clergy and faithful commit blasphemies too. That blasphemy and sacrilege shaped the revolutionary struggle to such a large extent confirms the centrality of religion to the Civil War – and to Spanish culture as a whole.

Blasphemy could be a companion to a violence that was revolutionary and secular in nature. Yet as section two shows, believers could also assimilate it in terms of experiencing violence. 'Blasphemy as a Form of Experienced Violence' opens with a chapter by Christoffer Leber on fin-de-siècle Germany that examines the case of Lutheran pastor Carl Jatho (1851–1913), whose prosecution for heresy by church authorities prompted popular allegations of blasphemy. It also illuminated the ambivalent response to religious dissent and fed dreams of religious change in Wilhelmine Germany. Jatho professed pantheistic ideas, rejected the idea of revelation and ascribed an identity to God that appealed to an elite receptive to reform but hesitant to leave the Protestant faith and Church entirely. Secularist groups such as the Monists celebrated the pastor's belief in religious progress as proof of him being a new Martin Luther who could guide Germans through a process of reformation to culminate in a new scientific age. Unsurprisingly, church officials were less generous about his theological subservience and invoked the recent heresy law to remove Jatho from his clerical post. Feeling their faith hurt by the pastor's unorthodox claims, lay critics instead branded Jatho a blasphemer, which under the German imperial code of 1871 referred to anyone insulting a recognised religious community. Revisiting the arguments of Jatho's supporters and opponents, Leber shows that the accusation of dissent, followed from a sense of hurt feelings and experienced violence, was an act of structural violence intended to stifle reform debates within the Lutheran Church, an expression of symbolic violence from among the faith-

ful and, for critics, an encouragement to become a “pioneer of religious freedom and a modernizer of Christianity”.

Whereas in most European countries, charges of blasphemy were backed by a written legal framework that allowed little room for interpretation, English common law tradition placed the persecution of offences against the sacred in the hands of individual judges. This also impacted upon the prosecution of blasphemy, which David Nash claims was closely connected to contemporary concerns for public order and morality. England prided itself on having escaped the worst of early-modern religious war and late-eighteenth century revolutionary upheaval that had tormented mainland Europe. But despite a legacy of “tolerant peaceability,” the English could frequently “imagine (and be persuaded to imagine) a fear of violence emanating from blasphemy.” This dread for the destabilising effects of offences against the sacred explains the comparably heavy-handed sentences handed to those accused of blasphemy. This was regardless of whether they had printed cartoons borrowing from biblical scenes and citing holy texts – as in the case of George William Foote – or had held inflammatory speeches that uprooted Edwardian concepts of public peace (see the example of John William Gott). The fear that England’s peace and prosperity would be damaged also confirms why some believers protested against the organisation of a freethinkers’ congress in London in the late 1930s. What emerges from Nash’s chapter is the picture of a people proud and frightened, a country where the interpretative flexibility inhibiting the legal system both allowed an early crackdown on blasphemy and an exaggerated sensibility for its violent potential as well as its possible detrimental impact on public order.

The capacity of blasphemy to injure the feelings of believers to the point of it being experienced as a form of violence returns in the case that Russian courts have lately brought against Ruslan Sokolovskiy, discussed in Marcin Składanowski’s chapter. In 2016, this young blogger staged a performance in the Church ‘On Blood’ in Yekaterinburg during which he filmed himself searching for a “rare Pokémon”: Jesus Christ. Sokolovskiy uploaded the video to YouTube, commenting that his hunt for Pokémon – conducted at the very same place where the Bolsheviks had murdered the last tsar and his family – was meant to tease out the limits of blasphemy legislation in the modern Russian Federation. Whereas other recent protests against the Russian Orthodox Church involving blasphemies have tended to focus on the Church’s connections with state officials and business, and are thus essentially political protests, the Sokolovskiy case centred exclusively on religion. Składanowski dubs it a “public blasphemy” that combined “an intentional violation of a sacred space [with] the introduction of secular elements into it, aimed at desacralising that space.” Put differently, Sokolovskiy’s broadcasted search for Pokémon was less connected with the Church’s political

reach than its social influence. An “anti-church and anti-religious” protest, the performance ended with the artist being sentenced to three-and-a-half years imprisonment and the obligation to remove all offending content from the internet. The ruling responded to a sense of violence contained in Sokolovskiy’s offence of religious feelings, though it also revealed structural violence in the disadvantaged legal position enjoyed by non-believers in contemporary Russia.

Apart from being a companion to or a form of (experienced) violence, blasphemy could also function as a trigger for physical action. Section three ‘Violence as a Reaction to Blasphemy’ opens with a chapter by Laura Thompson that focuses on nineteenth-century Tunis, specifically on blasphemy accusations involving Jewish cart-pusher Batto Sfez and Muslim reformist Abdelaziz Thaalbi. Although blasphemy was widespread in the region, local authorities often refrained from prosecuting it, provided that the accused denied all involvement. In both of these cases, however, the charge of “hurting Muslims’ feelings” led to a death sentence. Thompson explains these extraordinary decisions by citing the minority position that Sfez and Thaalbi occupied in the city of Tunis. Yet she also points at how each charge came at a moment of political crisis. In 1857, the local Bey, desirous to mark out his own position, refused to follow Ottoman orders and free Sfez, indicating the Sublime Porte’s waning influence on the ground. Half a century later, Tunisian officials found their authority over Thaalbi usurped by the French, then in the process of establishing a protectorate. Therefore, it was mundane power struggles accompanying processes of political transition that turned blasphemy accusations into a death sentence. The “visceral reaction [that] it allegedly provoke[d] among Muslims” convinced local authorities to prosecute blasphemy in a way that intended to show who was in charge. It is the same mindset that, Thompson argues, is behind the more recent crackdown on blasphemy in Tunisia following the Arab Spring.

The violent potential of blasphemy returns in the chapter by Matthew Kerry, which examines the meaning of blasphemy in Spain at a time in which the influx of rural migrants fed urban elite fears of public disorder and moral degeneration. Conservative commentators lamented the steady rise of blasphemy, calling it both repugnant and pointless (different from theft since it had no material benefit). Arguing that “cursing God was a threshold sin that opened the door to committing further wickedness,” and in the absence of adequate legislation, Madrid elites launched a campaign in 1909 to eradicate “vulgar, sonically conspicuous behaviour,” including when it defiled the sacred. As a form of anti-social conduct, blasphemy was bemoaned not just by the Church and its supporters, but also by liberal-leaning elites. As Kerry writes, “[e]ven if the latter defended Spaniards’ right to curse God, they nevertheless deplored blaspheming as a dirty habit” that imperiled the moral state of Spain. Elite anxieties about the dangers

emanating from blasphemy seemed confirmed by subsequent events in Barcelona. What came to be known as the Tragic Week broke out following a general strike in opposition to a call for reservists to fight in the Spanish-Moroccan War but soon saw protestors burn down religious buildings, desecrate holy objects and attack clergy. Believers complained about the many instances of blasphemy accompanying the anticlerical violence and sacrilegious acts, an indignation further increased by the working-class background of perpetrators. Spanish officialdom responded with a mix of physical retribution and symbolic imposition. Military intervention suppressed the protest, executed one of the alleged ringleaders and continued the anti-blasphemy campaign.

One of the most famous cases of blasphemy prompting violence is the novel *The Satanic Verses*, published by Indian-born British-American author Salman Rushdie in 1988. Manfred Sing's chapter examines international responses to the book, showing that whilst many in the Islamic world were shocked by the blasphemies it contained, few initially advocated retribution. In fact, it was the Supreme Leader of Iran, Ayatollah Ruhollah Khomeini, whose call to murder (*fatwā*) from early-1989 escalated international Muslim opinion. Sing traces the shaky theological and legal basis on which the *fatwā* was based, as contemporary Islamic and Iranian law did not automatically foresee a death sentence for cases of blasphemy or apostasy. The document, he shows, did not meet the formalities of the *fatwā*, nor did it coincide with the death of the *muftī* who published it or contain any provisions for repentance. Its deviation from the required standard explains why neither Sunni authorities nor other Muslim states backed the call to murder. That Khomeini, who was himself a legal scholar, nonetheless issued the call had more mundane reasons. As Sing argues, the *fatwā* had to support his "claim to political authority in Iran" at a time when demands for constitutional reform and discussions about succession had plunged the Islamic Republic into a state of political crisis. Additionally, the call to murder was intended to stimulate "a Muslim transnational self-empowerment beyond the State" that would prevent religious transgressions in the future. It is this interconnectedness with politics that helped mobilise Muslim opinion to the point that the *fatwā* "created what has been termed the 'Rushdie affair' in the first place" and brought (the threat of) violence to those implicated in it.

In his concluding remarks, David Nash examines the link between blasphemy and violence from a conceptual viewpoint as well as highlights aspects for future study. Revisiting the work of Norbert Elias and Michel Foucault, he points at how blasphemy's continued occurrence – and its occasional connection to a broader culture of anticlericalism – seems to contradict modernisation theory by challenging the policing and disciplining capacity of the modern State. At the same time, Nash emphasises the importance of regime change for shaping

official responses to offences against the sacred, warns against the dangers of a Eurocentric approach to studying blasphemy as well as highlights how blasphemy should be appreciated as a form of imagined violence. He reveals the limits of the civilising process by showing how, despite a rise in legislation cracking down on blasphemy in some countries, state officials elsewhere actively surrendered their policing role in relation to the realm of religion. In fact, a focus on blasphemy's interaction with violence discredits the idea of linearity in offences against the sacred, instead showing a trajectory in which the charge of blasphemy was activated to serve political, social or cultural purposes. Nash contends that historians would do well to adopt a case-study approach when studying blasphemy; this not only reveals the absence of linearity across time and place but also uncovers the impact of class, race and lifecycle, among other things, on the occurrence and reception of blasphemy.

Drawing on cases involving both those acting in an official capacity and the general public, the present volume illustrates the manifold ways in which blasphemy and violence interact in the modern world. It shows that blasphemy could be a companion to, but also a form of and a trigger for (experienced) violence. Additionally, the contributions in this book highlight that attempts at "demythologising the sacred" were variously perceived as a threat to religious leadership, a danger to political authority, a menace to the social order and a risk to national morality. In terms of agency, the volume illuminates the pre-eminence of men in stories of blasphemy and violence. Whilst this gender bias may result either from blasphemy happening in a male-dominated public sphere or from men's disposition to use physical violence, it also connects to the medicalisation of female norm-deviating behaviour; charges of hysteria have often freed women from legal persecution in the field of religion, hence reducing their presence in historical documents such as police reports or court proceedings.⁵⁹ In a similar vein, the contributions in this volume show that blasphemy allegations have disproportionately affected minority groups, be them members of small religious communities or atheists. Additionally, many of those charged with offences against the sacred were disadvantaged in more ways than one, for instance, for being both poor and religious dissenters.⁶⁰ This led to a consolidation of their position as outsiders that increased changes to be persecuted for blasphemy, as happened to impoverished Jewish cart-pusher Batto Sfez in mid-nineteenth-century

⁵⁹ For the preponderance of males in stories of violence see e.g. Carroll, "Introduction," 20–27; Loetz, "Gotteslästerung und Gewalt," 310, fn. 11; Muchembled, *Une histoire de la violence*.

⁶⁰ For an introduction to intersectionality research see Sumi Cho, Kimberlé Williams Crenshaw, and Leslie McCall, "Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis," *Signs* 38, no. 4 (2013).

Tunis or blogger Ruslan Sokolovskiy (born Ruslan Gofullovich Saybatalov) in contemporary Russia. At the same time, the coexistence of differences created opportunities to re-join a majority society, allowing poor people to highlight their support for Throne and Altar during the Spanish Civil War or enabling Lutheran dissenters to emphasise their bourgeois belonging in Imperial Germany. Blasphemy thus functioned as both a strategy for social marginalisation and a tool for community reintegration.

Finally, on a conceptual level, the present volume shows the connection between blasphemy and other offences against the sacred: sacrilege, heresy, apostasy and even *lèse-majesté*. It also illuminates the inadequacy of understanding violence as physical aggression only; the spiritual hurt that blasphemy caused and the risk of godly retribution it entailed necessitate a more comprehensive understanding of violence that includes symbolic and structural aspects as well as recognises the emotional impact of offences against the sacred.⁶¹ More generally, this book reveals the chequered path of religion in modern history, with processes of religious pluralisation and secularisation vying for primacy with the protection of single-faith communities and religious revival.⁶² It is this interconnectedness with questions of plurality and secularity that makes an investigation into the link between blasphemy and violence, which revisits the relation between religion and violence, both fascinating and important.

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⁶¹ See for this argument also Loetz, "Gotteslästerung und Gewalt," esp. 318–319.

⁶² On these phenomena, and warning against linear explanations, e.g. Callum G. Brown and Michael Snape, eds., *Secularisation in the Christian World: Essays in Honour of Hugh McLeod* (Farnham: Ashgate, 2010); Steven Bruce, *Secularisation: In Defence of an Unfashionable Theory* (Oxford: Oxford University Press, 2011); Friedrich Wilhelm Graf, *Die Wiederkehr der Götter: Religion in der modernen Kultur* (Munich: Beck, 2004); Gilles Kepel, *La revanche de Dieu: chrétiens, juifs et musulmans à la reconquête du monde* (Paris: Seuil, 1991); David S. Nash, "Believing in Secularisation – Stories of Decline, Potential, and Resurgence," *Journal of Religious History* 41:4 (2017): 505–531; Martin Riesebrodt, *Die Rückkehr der Religionen: Fundamentalismus und der "Kampf der Kulturen"* (Munich: Beck, 2000).

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Part I: **Blasphemy as a Companion to Violence**

Alain Cabantous

2 Violence and the Sacred, or Blasphemy during the French Revolution

As the classical works of Sigmund Freud, Marcel Mauss and Henri Hubert and more recent studies of René Girard and Denis Crouzet have amply shown, there exists a close relationship between the concepts mentioned in the title of this chapter.¹ If one considers that human society lives according to norms that at some point in time are considered intangible, inviolable (in the sense of taboo or the sacred) and indispensable for its internal cohesion and hierarchy, then these very same concepts necessarily create a form of social separation. The divide that thus emerges is historically variable but remains a divide nevertheless; it encourages both a desire to defend the separation as well as an urge to breach or even destroy it.

To attack such a prohibition (i.e. breach a supposedly inviolable norm) means to enter the transgressive field of many varieties of violence. Essentially the gestural, verbal and mental actions that accompany these acts of boundary-crossing – which can be voluntary or compulsory, symbolic or real and collective or individual; they also can be directed against persons, places or objects and lead eventually to the punishment of the perpetrators. When it comes to the acts of violent boundary-crossing addressed in this chapter, treatises on moral theology clearly distinguish between blasphemy and sacrilege. Blasphemy manifests itself through public speech acts, first in oral and then in written form. Sacrilege, by contrast, remains primarily a gestural and often destructive violation of sacred places, temporalities, objects and even persons. Despite these different meanings, the distinction is not always as clear-cut. Indeed, blasphemy can sometimes be seen as a sacrilege and a sacrilegious act can be accompanied by one or more blasphemous utterances, as we will see in this chapter.

This chapter investigates the relationship between violence, the sacred and blasphemy during the heyday of the revolutionary moment in France, i.e. during the period 1789–1794. It underscores the mounting number of hostile expres-

¹ René Girard, *La violence et le sacré* (Paris: Hachette, 2002 [1972]); Denis Crouzet, *Les guerriers de Dieu: La violence au temps des troubles de religion, vers 1525–vers 1610* (Seysssel: Champ Valon, 2005 [1990]).

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sions then issued towards old regime religion and shows the power with which new forms of the sacred were invested, as well as the extent to which this transfer to new sacred items was denounced. Without assuming a necessary link between violence and revolution, the French case reveals a co-existence between two concepts of blasphemy.² Jacques Cheyronnaud and Gérard Lenclud distinguish between “blasphemous” (*blasphématoire*), which refers to a fundamental and enduring form of blasphemy, and “blasphemous” (*blasphémique*), which is historically conditioned and prone to change.³ The category of the blasphemous applies not only to outrages against God, but also to what makes these outrages blasphemous according to a Christian system of thought. To analyse the blasphemous means to question the ontological nature of (revealed) divinity through the construction of another form of sacred. By contrast, blasphemous is linked to a certain historical era and to a specific context within the broader category of blasphemous; it is determined by acts of judgement and political instrumentality.

The special status and traditional importance that blasphemy retains in the religions of the Book, in this case specifically Christianity, result primarily from the role that the Word of God, or the Word inspired by Him, has for the communication of the believer. This Word is both a revelation and a means to glorify the divine. According to Augustine, the line from the Lord’s Prayer, ‘hallowed be Thy Name’, means that ‘He should be deemed holy within you, that He should not be scorned but honoured by your innermost person.’⁴ Blasphemy, which is an attack on the Word by the word, thus becomes the perfect inversion of the religious intention embedded in this prayer – all while still establishing a strong link between the human and the divine. A formidable link too. On the one hand, blasphemy – which, we repeat, is a form of public impious speech directed against a sacred element, be it religious or not – functions as an expression to cancel the separation between the profane and the sacred, i.e. to displace, modify or even

2 Jean-Clément Martin, *Violence et révolution: Essai sur la naissance d’un mythe national* (Paris: Seuil, 2006). For a broader chronological overview see Emmanuel Fureix, ed., *Iconoclasme et Révolutions (XVIIIe–XXIe siècle)* (Ceyzéliu: Champ-Vallon, 2014).

3 Jacques Cheyronnaud and Gérard Lenclud, “Le blasphème, d’un mot,” *Ethnologie Française* 3 (1992); Alain Cabantous, *Histoire du blasphème en Occident, XVIe–XIXe siècle*, 2nd edition (Paris: Albin Michel, 2015), 13–14.

4 Augustin, *De Diversio*, cited in: Alain Cabantous, *Blasphemy: Impious Speech in the West from the Seventeenth to the Nineteenth Century*, trans. Eric Rauth (New York: Columbia University Press, 2002), 6.

temporarily erase the dividing line between these two categories.⁵ On the other hand, the link between these two spheres is no longer ensured through the intermediary role of the Catholic priest – that special character who, because of his status as a man of sacrifice, helps create the sacred; any man can provoke an intolerable mix of the vilest profanities with regard to a space (the sacred) that is principally out of ‘his’ reach.

The masculine is appropriate since research into accusations of blasphemy shows that it was almost exclusively the business of men. As Arlette Farge once put it, ‘men blaspheme, women curse’.⁶ It is as if men staged a fleeting attack against the present, while women took a mortgage on the future. Ultimately, then, the sacred gives blasphemy its performative quality by legitimising, even authorising an act of judgement on the part of those who think they are its legislators, organisers, guardians or victims.⁷ As Jeanne Favret-Saada argues convincingly: “A statement is not qualified as blasphemous on account of its distinctive content but because of an act of judgement from a religious authority on another person’s communication [...] There is no blasphemy without a jurisdiction, whether this jurisdiction is exclusively religious or also civil.”⁸

The French Revolution (1789–1799) abolished the institutional prosecution of blasphemers. Profound legal reform undertaken by the Constituent and Legislative Assemblies ensured that the crime of blasphemy, which had previously been qualified as an act of lese-majesty against God or the king, ceased to exist. Despite this change, blasphemy remained present in French revolutionary culture, devoid of religious references, but still in need of the sacred. The aim of this chapter is to explain this apparent contradiction. First, we will look at how Enlightenment thinkers began questioning the ‘crime’ of blasphemy during the eighteenth century. We will subsequently explore how blasphemy continued to exist in both the political and religious spheres, first as a means to stigmatise those with opposing ideas and then in the form of a more or less explicit support of sacrilegious acts.

5 Due to the development and the diffusion of written texts and the advance of literacy, accusations of blasphemy will be increasingly directed at the content of literary, political, judicial and theological writings as well as at visual material such as caricatures and paintings.

6 Arlette Farge during the radio programme *Les Lundis de l’Histoire*, broadcasted by France Culture (November 1999), cited in: Cabantous, *Histoire du blasphème*, 138–140.

7 Alain Cabantous, “La parole entre nécessité et contingence: blasphème et cultures (XVIe–XXe siècle),” in *Le blasphème du péché au crime*, ed. Alain Dierkens and Jean-Philippe Schreiber (Brussels: Éditions de l’Université Libre de Bruxelles, 2012).

8 Jeanne Favret-Saada, “Rushdie et compagnie. Préalable à une anthropologie du blasphème,” *Ethnologie Française* 3 (1992).

Recycling a Taboo

Already before the French Revolution, the crime of blasphemy had come under scrutiny from judicial institutions, following up on interventions by magistrates and *philosophes*. A pioneer of sorts, Montesquieu writes already in *L'Esprit des lois* (1748):

The harm has issued from the notion that we must avenge the Divinity. Instead we must honour the Divinity and never avenge him. Indeed, if we acted on this last notion, where would retributions end? If the laws of men must avenge an infinite being, they will be gauged by his infinity, and not by the frailty, the ignorance, and the impulses of humankind.⁹

Montesquieu thus argues that because man is unable to know what offends the divinity in the utterance of a blasphemy, it is not up to human justice to punish it. In his *Traité des injures* (1775), French lawyer François Dareau argues along the same lines when he claims:

God stands above all vain insults by men. Nothing can alter his grandness and his glory. Let us come back, if possible, from these times of fanaticism where barbarity – interfering with the interests of the Divinity – only resulted in tortures, breaking wheels and burnings at the stake, awful torments to atone for heresies and impieties. [...] Today, more enlightened and maybe more religious than we could be in those times, we know that we are not permitted to anticipate on the sacred rights reserved for God. How much blood could have been spared by following the maxim that only He can avenge himself.¹⁰

Both standpoints were not without risk for the foundations of Christianity itself. When people refused to understand what could undermine the sacred honour of God, this created an immeasurable distance between them and the divine, leading to what Bernard Cottret describes as the “crisis of the Incarnation”.¹¹ This was akin to inverting the status of the blasphemer, who could be held as an intermediary close to the divine, perhaps known to be vulgar and clandestine too, but an intermediary nevertheless. Some rare eighteenth-century theologians even questioned, understandably in a timid manner, the appropriateness of

⁹ Montesquieu, *L'Esprit des lois* (Paris: Gallimard, 1995), vol. 1, book XII, chapter IV, 199. For an English translation of the book by Philip Stewart, dated 2018, see <http://montesquieu.ens-lyon.fr/spip.php?article2748>, accessed May 29, 2021.

¹⁰ François Dareau, *Traité des injures* (Paris: Prault, 1775), 98. See also Jean-François Robinet, “Blasphème,” in *Dictionnaire Universel* (London: s.n., 1779), vol. VIII.

¹¹ Bernard Cottret, *Le Christ des Lumières. Jésus de Newton à Voltaire 1660–1760* (Paris: Éditions du Cerf, 1990).

the Church's vengeful and violent enquiries regarding blasphemers; they did so in the name of God!¹² Even if such thinking meant to minimise the violence of speech acts, and reject its suppression, this view was not yet broadly shared on the eve of the French Revolution, it nonetheless indicates some important shifts during the preceding decades.

The first change involves a progressive decriminalisation of blasphemy, already underway since the 1730s. This is followed by another shift that places the category of the blasphemic in the domain of written culture; as a result, blasphemy begins to embrace the alleged impieties of both famous, and not so famous, writers who contest the foundations of religious heritage. To illustrate this point, we can cite an article by the Abbé Augustin de Barruel in *Les Hévétiennes*. After alluding to the text of the Beatitudes, he writes concerning the group of intellectuals known as the Encyclopaedists: "I know, this language is still too sublime for you. Your wise men blaspheme against it."¹³ A third more discrete change manifests itself through the radical questioning of certain theological claims. For example, in *Les Nuits de Paris* (1788–1794) Nicolas-Edme Rétif presents a Jansenist who publicly corrects a woman who had shared the gossip that "[t]he good Holy Virgin was everywhere". While reminding the woman that only God is everywhere, he is accused as a "blasphemer of the Virgin".¹⁴ Even more radically, the theologian Nicolas-Sylvestre Bergier writes in 1785 to a colleague that the damnation either of children who die without being baptised or of "infidels" who do not know Christ is a blasphemy against the principle of redemption, which delivers Christians from sin.¹⁵ In this case, (the accusation of) blasphemy is inserted into the heart of the doctrines officially taught by the Church.

The legislators of the early revolutionary period accelerated this cultural process of religious alienation, as evidenced by the penal code of October 1791, the first such document to be issued in revolutionary France. The second part, which is dedicated to crimes against both the common good and individu-

¹² Cabantous, *Histoire du blasphème*, 196–200.

¹³ Abbé Augustin de Barruel, "Lettre 76," in *Les Hévétiennes* (Paris / Amsterdam: Briant, 1781), 383. The author repeats the accusation in 1801, when he writes regarding literary production in eighteenth-century France: "Seventy years of blasphemies, of sophisms, of sarcasms, of falsehoods, and of hatred against Christ and all of his saints have made Voltaire the star of the godless of this century." Abbé Augustin de Barruel, *Histoire du clergé pendant la Révolution française* (London: s.n., 1801), vol. 1, 127–128.

¹⁴ Nicolas-Edme Rétif de la Bretonne, "L'homme aux cheveux plats. LXXXI Nuit," in *Les Nuits de Paris* (London: s.n., 1789), vol. 4.

¹⁵ Alain Cabantous, "Le blasphème de l'abbé Bergier," in *Homo Religiosus: Autour de Jean Deleumeau* (Paris: Fayard, 1997).

als, does not include any reference to blasphemy; it is simply gone from the list of crimes and offences. French legal historian Jacques de Saint-Victor writes about this sudden absence:

In his presentation of the penal code, the legislator [Louis-Michel] Lepeletier de Saint-Farreau [...] specified on the new document: ‘You will no longer find here those great crimes of heresy, divine lese-majesty, sorcery, magic [...] for which, in the name of heaven, so much blood has stained the soil [...]’. By abolishing the crime of blasphemy, France became the first European nation to separate so clearly [secular] law from religion.¹⁶

And yet, the speeches of those elected by the Nation, from the Constituent Assembly through to the Thermidorian Convention, repeatedly used the term blasphemy to designate ignominious words and ideas expressed either by their political adversaries or their enemies abroad.¹⁷ The continued invocation of the offence of blasphemy, regardless of its legal abolition, resulted from a double transfer of the sacred undertaken by the revolutionaries. They replaced the sacred of old regime religion, in whose name the efforts to repress blasphemy had previously found their justification, with a string of replacement notions that made novel use of Catholic vocabulary. Mona Ozouf cleverly observes that “the Mountain” was “saintly,” that its assemblies were temples while the fatherland had its altar, similarly the Declaration of the Rights of Man and the Citizen became the (Holy) Book.¹⁸

In an address held at the Society of the Defendants of the Constitution in Vic-la-Montagne in Thermidor Year II, the Jacobin speakers still called the Mountain ‘saintly and sublime, [whilst] continuously watching over the liberty of the People’.¹⁹ This period even saw the creation of the Cult of the Supreme Being and the belief in the immortality of the human soul, which were both presented as ‘the affirmation of a new afterlife, somewhere between its total denial and the old system of eternal punishment’.²⁰ This did not prevent some revolutionaries from openly professing their atheism; for instance, Joseph-Marie Lequinio, a

16 Jacques de Saint-Victor, *Blasphème: Brève histoire d'un crime imaginaire* (Paris: Gallimard, 2016).

17 It seems that only the bishops who had sat on the Legislative Assembly did not use it. Caroline Choplin-Blanc, “La prise de parole des évêques-députés à l’Assemblée Législative,” *Parlement(s). Revue d’Histoire Politique* 3, no. 6 (2010).

18 Mona Ozouf, *La fête révolutionnaire (1789–1799)* (Paris: Gallimard, 1976), 323–324.

19 Cited in Bronislaw Backzo, *Comment sortir de la Terreur. Thermidor et la Révolution* (Paris: Gallimard, 1989), 64.

20 Michel Vovelle, “La Révolution française: mutation ou crise des valeurs,” in *Idéologies et mentalités* (Paris: Folio, 1992), 323.

member of the Convention, loudly claimed to be a godless man “because I only have my conscience as moral rule, [...] and [my] righteousness as God”.²¹ This change of beliefs altered the relationship between the profane and the sacred as well as the status of blasphemy. Importantly, it did not efface either.

The revolutionary upheavals inspired the emergence of a new political culture that crystallised around a novel set of values, which provided for a system that not only founded a different type of political regime, but wanted to impose a radically different civilisation that boasted a clear educational programme.²² New forms of solidarity centring around the idea of the Nation and a united People replaced the plural universe of the Old Regime; a new paradigm emerged that saw the father-land and liberty receive transcendent meanings, whilst the Republic battled revolutionary war and other existential threats; a new humanity arose drafted around notions of fraternity, dignity, happiness or righteousness as well as around family and filial piety.²³ The following extract of an address by the Society of Jacobins held at the National Convention in Floréal Year II perfectly expresses the principles of a new sacred: ‘a certain number of sacred principles on which draws the Republic’s collective and civil ethos: [these include – A.C.] the existence of the Divinity, the life to come, the saintliness of the social contract and of the laws [...]. The one who dares to say he does not believe in them raises himself against the French people, against the human race and against nature’, thereby becoming a potential blasphemer.²⁴

Of the Good Use of blasphemy

Having become foundational for the revolutionary project, the aforementioned notions will also constitute an essential framework for public speeches. Since some of these lectures are held by institutional actors and get published, this grants political speech a fundamental, accusatory, combative and often fiery character. The circulation of words and their rhetorical importance makes revolutionary speech a major issue of power, an important form of political engage-

²¹ Joseph Marie Lequinio (de Kerblay), *Les préjugés détruits* (Paris: s.n., year II), 363.

²² Christina Schroër, “Une rhétorique sacrée au service de la République profane,” *Histoire, Monde et Cultures Religieuses* 3, no. 35 (2015): 95–110. The author clearly shows that this state-based regime reached its apogee under the Directory.

²³ Lequinio, *Les préjugés*, 315–318.

²⁴ Cited in Alain Cabantous, “L’articulation des sacralités comme lecture chronologique de l’époque moderne” (paper presented at the colloquium *Caricature et sacré* held at the University of Paris VIII at Saint-Denis, Paris, 2008).

ment and a mark of civic loyalty for the participation in assemblies, clubs and societies.²⁵ Abbé Grégoire indicates the frequent involvement of verbal violence, justifying his membership of the Committee of Public Instruction at a time “when the Convention made it no longer possible for reason to have access to the tribune [because] blasphemy, furious declarations and the paroxysms of frenzy had replaced the language of humanity and wisdom”.²⁶ In view of these new forms of the sacred, how should we understand the use of the traditional concept of blasphemy to discredit those who questioned the Revolution’s foundational principles? When we consult the records of the term’s use between 1790 and 1794, we see that the accusation of blasphemy was used in both distinct and identical ways.²⁷

Distinct because speeches in the National Convention have to highlight different values as events unfold. The notion of the people’s sovereignty and the right to insurrection become important in 1792–1793, especially so in relation to the federalist movement that challenges the Convention’s drive for a unitary state; the concept of the fatherland acquires a new urgency after the declaration of war against Austria in April 1792; the struggle in the Convention between Girondins and Montagnards dominates in spring 1793.²⁸ Despite the changing focus, the blasphemy accusations used in these situations are also identical because, according to their accusers, blasphemers always threaten the revolutionary regime in a direct and violent way. Those doing so include kings, tyrants, federalists, refractory priests, fanatics, profiteers and unscrupulous speculators.²⁹

In one of first issues of *L’Ami du Peuple* published in 1789, Jean-Paul Marat defends his newspaper by denouncing “the enemies of the fatherland [who] cry blasphemy” and writes how “the timid citizens who never experience either outbursts of the love of liberty or the delirium of virtue, turn pale reading it”.³⁰ In the course of a particularly offensive and lengthy *pro domo* speech on May 27, 1793, Jacques Pierre Brissot boasts about having pronounced “a horrible blas-

25 Cabantous, *Histoire du blasphème*, 213–214.

26 Henri Grégoire, *Mémoires* (Paris: Dupont, 1837), 339.

27 For example, there is no mention of blasphemy in Anne-Marie Bourdin et al., eds., *Correspondance de Gilbert Romme* (Clermont-Ferrand: Presses Universitaires Blaise Pascal, 2006–2019).

28 Jacques Guilhaumou, “Un argument en révolution: la souveraineté du peuple,” *Annales Historiques de la Révolution Française* 4, no. 298 (1994): 695–714.

29 Compare this to the address of Étienne Hallot, deputy for the department of Gironde, in July 1793: “The Convention is free, they say. What a blasphemy!”. Address of July 21, 1793, in *Archives Parlementaires de 1787 à 1860*, ed. Louis Lataste and Louis Claveau (Paris: Paul Dupont, 1905) [hereafter *A.P. (Lataste-Brunel)*], vol. 69, 307.

30 Jean-Paul Marat, *L’Ami du Peuple*, September 25, 1789.

phemy in the eyes of the majority when, in July 1791, he had denounced ‘the crimes of the king and the party of the Court’.³¹ In a speech delivered at the end of Ventôse Year II (March 1794), Maximilien Robespierre labels the federalists Roger Ducos and Jean-Baptiste Boyer-Fonfrède as well as the corrupt Joseph Delaunay and the Abbé d’Espagnac as an “impure horde being paid to blaspheme”.³²

A few examples will suffice here to illustrate the different accusations of blasphemy levied at (alleged) opponents of the Revolution. They underline the progressive shift of the meaning of blasphemous as a category within a revolutionary chronology that was particularly eventful, both because of major legislative decisions and because of political events that led to the end of the constitutional monarchy and the foundation of the First Republic in September 1792. Still in 1791, deputy Jacques Veillard asks the Constituent Assembly with regard to the oath that all priests are obliged to swear on the Civil Constitution of the Clergy: “Would demanding an oath [from priests, A.C.] not be a blasphemy? What sort of priest swears an oath that would not only go against the principles of his religion, but also against his conscience?”³³ This traditional use of blasphemy is quickly reversed when the Republic is confronted with the clergy’s resistance from 1791–1792 onwards. Bishops, who are henceforth paid by the State, attract special scorn. During the debate in the National Convention on July 19, 1793 concerning the removal of bishops opposing the Republic’s laws, Jean-François Delacroix, deputy for Eure-et-Loir, leaves no room for doubt.³⁴ The refusal to obey would be “a blasphemy against the sovereignty of the people”. He adds: “bishops who oppose the marriage of priests not only merit dismissal, [but] they would merit a year of imprisonment in iron chains”.³⁵

The invocation of blasphemy is especially frequent on the occasion of the trial of Louis XVI, when the term is used to defend its legitimacy, in particular after Robespierre questions its necessity by declaring that the king has already been judged by the nation and ‘that he should be punished’.³⁶ He repeats this argument in his lengthy speech of December 3, 1792: “In opening an arena to the champions of Louis XVI, you renew all the strife of despotism against liberty;

31 Address of May 27, 1793, in *A.P. (Lataste-Brunel)*, vol. 65, 428.

32 Maximilien Robespierre, *Œuvres* (Paris: Presses Universitaires de France, 1967), vol. X, 403.

33 Address of February 14, 1791, in *A.P. (Lataste-Brunel)*, vol. 23, 177.

34 The bishops had become state functionaries in accordance with the Civil Constitution of the Clergy.

35 Address of July 19, 1793, in *A.P. (Lataste-Brunel)*, vol. 69, 188.

36 Cited in Albert Soboul, *Le procès de Louis XVI* (Paris: Julliard, 1966), 92–94.

you consecrate the right to blaspheme against the Republic.”³⁷ He ends his argument with the famous sentence: “Louis must die so that the nation may live.” In reaction to this radical proposal of the king’s immediate execution, numerous members of the National Convention who remain in favour of a trial try to mobilise support by invoking blasphemy. Lequinio, a deputy for Morbihan, believes that questioning the legitimacy of the trial is “at the same time an insult to the French people and a blasphemy against justice”.³⁸

During the same session on December 3, his colleague Antoine Claire Thiбаudeau, deputy for Vienne, denounces this debate, which permeates French society, as an attack on liberty: “That the French, free since four years ago, question whether a nation can judge a king, is [...] a blasphemy against liberty.”³⁹ The day before, Bertrand Barère had, as chairman of the session, been even more explicit when trying to determine the limits of the debate: “To ask whether he who was hitherto king of the French can be judged, is a political blasphemy.”⁴⁰ Arguing in favour of the trial, François-Agnes Mont-Gilbert, deputy for Saône-et-Loire, had talked about two opposite scenarios, both of which led to the same conclusion: “If he [Louis] is guilty, it is necessary that he can be judged; if he is innocent (forgive me for this blasphemy, an innocent king... but this is just an assumption), it is still necessary that he can be judged.”⁴¹ Some weeks later, on the eve of the vote, when the defendants of the king become more insistent, Pierre Dartigoëyte (deputy of Landes) considers it “a revolting absurdity, a blasphemy in morals [that] a nation should be asked whether a crime should be punished”.⁴²

Charges of blasphemy return in a similar manner during discussions in the National Convention that is elected in September 1792, thus shaping the opposition between the Gironde and the Mountain until the latter’s victory following the insurrection of May 31–June 2, 1793. These accusations shape the fiery battles between the representatives of the two major political factions in the Convention, and between the Parisian sections and the Girondin deputies. It is Robespierre who accuses Armand Gensonné of uttering “a blasphemy against the liberty [of the people, A.C.]” when he suspects “the factions of re-establishing the monarchy”.⁴³ Vice versa, François Antoine de Boissy d’Anglas promotes the separa-

37 Address of December 3, 1792, in *A.P. (Lataste-Brunel)*, vol. 54, 75.

38 *Ibid.*, 236.

39 *Ibid.*, 331.

40 Address of December 2, 1792, in *Ibid.*, vol. 65, 53.

41 Address of December 3, 1792, in *Ibid.*, vol. 65, 270.

42 Address of January 3, 1793, in *Ibid.*, vol. 56, 172.

43 Address of April 17, 1793, in *Ibid.*, vol. 62, 29.

tion of powers in the new constitution by accusing those who “defend the idea that there can only be one power delegated by the people” of being blasphemers.⁴⁴ Girondin minister Jean-Marie Roland is in turn charged with blasphemy himself, in this case because he had trampled “this beautiful word of equality” by mentioning the existence of “superior classes”. Deputy Jean-Marie Collot d’Herbois calls him out in no uncertain terms: “you have blasphemed by designating citizens using the humiliating words of inferior classes”.⁴⁵

A similar accusation is used on June 1, 1793 by the Montagnard François Chabot, a former priest, when he denounces Marc-David Lasource, an ex-clergyman close to the Girondins, for having boldly “pronounced the political blasphemy that the only human right is force,” adding that “the lecture of this phrase prompted the ringing of church bells”.⁴⁶ This allusion to the repercussions of political debates within popular society recalls the habit of deputies who wrote addresses “to their brothers in the departments”. In the violent debate that pits the two big political forces of the National Convention against each other, Étienne Hallot (deputy for the department of Gironde) and Bernard Fonvielle the Elder (deputy for Bouches-du-Rhône) address themselves to “their brothers in the department of the Drôme” to inform them of the menace and try to rally them to the federalist cause: “The Convention is free, they [the Montagnards] say, she has declared it so herself. What a blasphemy! It is the conspirators of the Mountain who today cast a shadow over the Convention.”⁴⁷

As a result of military and political threats from abroad, the charge of blasphemy is also used as an accusation against foreign powers. After William Pitt’s manifesto is published in November 1793, Robespierre writes: “They accuse us of rebellion, [us] slaves rising up against the sovereignty of peoples. Do you not know that this blasphemy can only be justified by victory? But look at the last of our tyrants on the scaffold; look at the French people armed to punish his fellow tyrants. That is our response.”⁴⁸ After the Federalist uprising in Marseille and the revolt in Toulon, with the port eventually being delivered to the British navy, representative Antoine Albitte, who is dispatched to the Army of the Alps, writes to the soldiers by condemning the “so-called Marseillais who cry out for

44 Ibid., 288.

45 Address of April 18, 1793, in Ibid., vol. 62, 608.

46 Address of June 1, 1793, in Ibid., vol. 65, 678.

47 Address of July 21, 1793, in Ibid., vol. 69, 306.

48 Robespierre, *Œuvres*, vol. 10, 229. On April 18, 1793, Anacharsis Cloots accuses Guadet with regard to the declaration of war against the United Provinces of “having committed blasphemy” by declaring: “What do we care whether the Dutch, traders of cheese, are free men or slaves.” Address of April 18, 1793, in *A.P. (Lataste-Brunel)*, vol. 62, 673.

the destruction of Paris and whose cries of liberty respond to those of the rebels of the Vendée; they repeat over and over again the blasphemies of the infamous Bouillé, of the traitor La Fayette, of the villain Dumouriez, of Pitt, of Cobourg, of Brunswick”.⁴⁹

After the fall of Robespierre, the Thermidorians try disciplining political clubs by forbidding them to meet or even to present joint petitions (decree of Vendémiaire 25, Year III / October 16, 1794).⁵⁰ At the same time, well-to-do royalist youth forces known as the “jeunesse dorée” physically assaulted Jacobins.⁵¹ This prompts the submission of numerous addresses to the Convention that raise charges of blasphemy. Some use the label to denounce the clubs’ political aspirations; others borrow it to defend the position of the popular societies within the revolutionary movement (given that Jacobin clubs were under direct attack in Thermidorian France, this is however rare). An example of the first use of the concept is the address that the members of the popular society ‘Amis de la République’ in Breteuil (Eure) send to the Convention: “Never, no never, will we support a section of the people who make themselves a censor of laws, who divide the French Senate in patriots and non-patriots. We vow to abhor such a blasphemy and its authors, whoever they might be.”⁵²

The second use of blasphemy can be found in the proclamation of the deputation of the Parisian section named after Roman consul Publius Mucius Scaevola, which is held at the Convention in Vendémiaire Year III (October 1794): “The assembly rejects the political blasphemy of those who pretend that this right [the right to lead public opinion, A.C.] belongs to popular societies in which – or so they pretend – resides the sovereignty of the people”.⁵³ Although this is not the first time that the concept of ‘political blasphemy’ is used, the addition of this adjective means a considerable shift in the term’s application, confirming a new functional use for blasphemy. Almost at the same moment (Brumaire 20, Year III / November 10, 1794), the same expression is used by the popular society of Saint-Jean du Gard (Gard) to vilify those who accuse two representatives sent on an official mission to the south of France of organising a coun-

⁴⁹ Address of July 27, 1793, in *Ibid.*, vol. 69, 599.

⁵⁰ The decree forbids “affiliations, aggregations, federations and correspondences between popular societies,” which are “subversive to revolutionary government,” and refuses “petitions or addresses made in a collective name”. Address of October 16, 1794, in *Ibid.*, vol. 95, 215–216.

⁵¹ On the “jeunesse dorée” see Backzo, *Comment sortir*, 185–186.

⁵² Address of November 16, 1794, in *Ibid.*, vol. 101, 288.

⁵³ Proclamation from October 11, 1794, in *Archives Parlementaires de 1787 à 1860*, edited by Marie-Claude Baron and Françoise Brunel (Paris: CNRS Édition, 2005) [hereafter *A.P. (Baron-Brunel)*], vol. 47, 122.

ter-revolution. Society members dismiss these accusations as “a political blasphemy uttered by some resourceful schemers who, deluded by a misguided zeal, see enemies of the Republic everywhere”.⁵⁴ The address of the society’s counterpart in Ussel (Corrèze), dated Vendémiaire 11, Year III / October 2, 1794, likewise affirms “in the strongest possible terms that the destruction of popular societies would mean the destruction of all liberty and equality; this proposal alone is blasphemy”.⁵⁵ Thus, confronted with the changes that affect the Convention’s internal dynamics in autumn 1794, blasphemy’s earlier political instrumentality is reversed. Some now use the concept to highlight the sacred nature of the new laws, whilst others borrow it to denounce these very same laws and their (supposedly) traitorous authors, thereby citing the political principles that prevailed before the coup that inaugurated the Thermidorian Reaction.

In response to the religious orientation of the new revolutionary reality, blasphemy returns in a more familiar manner without however losing its presence. During the debate on the trial of Louis XVI, Pierre-Florent Louvet, deputy for the Somme, scolds the defenders of the king in the following terms: “Vile imposers, it is not royalty, it is liberty that has descended from heaven. God had created men before you had made kings and it is blasphemy to attribute to Him [the creation of, A.C.] despots.”⁵⁶ In a similar vein, the establishment of the Cult of the Supreme Being in the name of “the existence of the Divinity and the life to come” leads Pierre Victorien Vergniaud to claim: “The existence of the Supreme Being and the immortality of the soul does not depend on the recognition of men, because it would then be evident that this existence could be questioned, which would be a political absurdity and divine blasphemy.”⁵⁷ For their part, those who had been prominent Jacobins in Year II – before the Montagnards’ appropriation of the revolution – denounced “the wicked clamours of atheism and the blasphemy of Brutus repeated by impure mouths”.⁵⁸

Several popular societies thus applaud what in their eyes amounts to the halt of militant atheism. For example, the society of Vernoux-en-Vivarais (Ar-

54 Address of November 10, 1794, in *Ibid.*, vol. 101, 61. In their address of 1 Brumaire Year III, the administrators of the department of Deux-Sèvres mentioned having heard “individuals masked behind the holy name of patriots” utter the “nation-killing blasphemy” of the incompatibility between “humanity and patriotism”. *Ibid.*, 14.

55 Address of October 2, 1794, in *Ibid.*, vol. 98, 226.

56 Address of December 3, 1792, in *A.P. (Lataste-Brunel)*, vol. 54, 245. Louis-Pierre Manuel included this comment in his *Opinion sur Louis XVI* (Paris: s.n., 1793), 4.

57 Address of April 17, 1793, in *A.P. (Lataste-Brunel)*, vol. 62, 280.

58 Address of the Society of the Jacobins (22 Floréal year II) in François-Alphonse Aulard, ed., *La Société des jacobins* (Paris: Quantin, 1897), vol. 6, 135–137.

dèche) reports to the Convention on Thermidor 1, Year II / July 19, 1794: ‘The Supreme Being, whom you have avenged of the blasphemy of the wicked, has with his all-powerful hand shielded two representatives from the blows directed against them; we offer our thanks to him for this.’⁵⁹ However, even after the success of the celebration of Prairial 20, Year II / June 8, 1794, Robespierre in particular did not seem to want to ally himself with this cult of additional sacredness. Proof of this was his decision to reject a petition from Citizen Magenthier of the Parisian section ‘L’Unité’, submitted to the Jacobins on Thermidor 7 (July 25), which envisaged a return to harsh punishments for those who blasphemed the divinity:

Legislators, deign to pass a decree that, in order to confirm the man who has recognised the existence of the Supreme Being and the immortality of the soul, and to validate the memorable festival of last 20 Prairial, punished with death the first individual in the whole of the Republic who would dare to express and pronounce the infamous blasphemy that manifests itself daily among the public and societies of any kind. This blasphemy, punishable by a people that wish to dictate laws and set great examples, is the phrase ‘Sacré nom de Dieu’ [‘In the bloody name of God!’ or ‘Goddammit!’], A.C.]. I shudder at having to spell out these four words, but hope makes them a law for me, because I dare to believe that they will be erased and banished from the hearts of all my brothers and sisters.⁶⁰

This is a remarkable observation, for the offending expression was very popular in the vernacular language and had at the time of the monarchy only rarely been considered a blasphemy. Whilst it invokes the same assumptions concerning an offence of the divinity, the remark reflects possible opposition towards a codified belief that had been imposed by law and was, for some, too close to the religion of the old regime.⁶¹ However, the religious dimension became only one of the various aspects making up the category of the blasphemous, nevertheless preserving the violent element that is natural to this form of verbal transgression.

Another Type of Transgressive Violence

If, on the one hand, politicians and other revolutionaries seized on blasphemy to discredit opponents, many Catholics, on the other hand, deemed the measures

⁵⁹ Cited in Michel Vovelle, *La Révolution contre l’Église: de la Raison à l’Être Suprême* (Brussels: Complexe, 1988), 179.

⁶⁰ Cited in François-Alphonse Aulard, *Le culte de la Raison et le culte de l’Être Suprême* (Paris: F. Alcan, 1892), 361.

⁶¹ Cabantous, *Histoire du blasphème*, 218.

taken against the Roman Church a rupture of the sacred or a breakdown of the sacrosanct. Did Pope Pius VI not consider the election of bishops in March 1791, decreed by the Civil Constitution of the Clergy, a blasphemy?⁶² An overwhelming majority of the population in revolutionary France were still loyal to Rome; from the autumn of 1793 until March 1794, they witnessed often violent demonstrations against religion in among others the North, the West, Burgundy, the Lyonnais and Provence. This was especially the case during the heyday of the dechristianisation campaign in Brumaire and Frimaire Year II (late October until late December 1793).

The reasons behind this crackdown on religion and the aims of its initiators are still the object of scholarly debate. The revolutionary government's antireligious policies, especially the oath it demanded the clergy to swear on the Civil Constitution (November 29, 1791) – which was followed by a decree regulating the deportation of refractory priests (May 27, 1792) – and the satirical as well as violent anticlerical representations, prepared the ground. According to Michel Vovelle, “the outbreak [of anticlerical violence, A.C.] had already existed in dreams, fantasies and a symbolic way before it became a [physical] act”.⁶³ Catholics who during the revolution see, hear and experience this kind of violence that is directed against the rituals and symbols of their religion consider it both blasphemous and sacrilegious.⁶⁴ Even if both types can exist simultaneously and reinforce each other, with sacrilege possibly leading to blasphemy, they are not the same. Old regime dictionaries are clear about this difference. Whereas Pierre Richelet sees blasphemy as “an insulting word [addressed] to God,” he qualifies sacrilege as a “profanation of sacred things, the theft of holy things from a sacred place”.⁶⁵ A more precise definition is provided by Antoine Furetière, who describes sacrilege as a “crime by which one desecrates, steals, violates or treats shamefully a thing or person that is sacred or devoted to God. Beating or mistreating a priest, abusing a religious sister, desecrating a church, stealing sacred vessels are all sacrileges.”⁶⁶ In both examples sacrilege describes

62 François-Alphonse Aulard, *Le christianisme et la Révolution française* (Paris: F. Rieder, 1925), 62.

63 Vovelle, *La Révolution*, 90. See the very accessible book on the French Revolution by Michel Biard and Pascal Dupuy, *La Révolution française (1787–1804)* (Paris: A. Colin, 2014), 186–189.

64 The bill on the freedom of religion (decreed by Lequinio in Nivôse Year II and taken back by the administrators of the Mayenne department) “was a series of blasphemies against religion”. Cited in *Mémoires ecclésiastiques concernant la ville de Laval par un prêtre de Laval* (Laval: s.n., 1841), 157.

65 Pierre Richelet, *Dictionnaire français* (Geneva: J.H. Widerhold, 1680), 81.

66 Antoine Furetière, *Dictionnaire universel* (The Hague: Arnoult et R. Leers, 1690), vol. 1, s.p.

physical acts, be them attacks against persons (maltreatment, abuse) or church property (theft). They often take place in public and are considered to be criminal behaviour, whereby the offence is greater when the sacrilegious act takes place in a sacred space. This specific spatial dimension does not play a role in the case of blasphemy.

In the cities or villages hit hardest by the dechristianisation campaign of Year II, those submitting liturgical objects to a “shameful treatment” and destroying the instruments, clothes, books as well as furniture used for Catholic services aim at a “defanatisation” and purification by fire that forms a prelude to “civil regeneration”.⁶⁷ In an address to the Convention on October 2, 1793, the Society of Patriots of Beauvais justifies this destruction by calling the crucifixes, Calvaries and crosses covered with *fleurs de lys* “apocryphal idols” and the statues of saints “plaster phantoms”.⁶⁸ On many occasions, patriots destroy relics that are still actively venerated. This is what happens in Corbeil on Pluviôse 20, Year II /February 8, 1794:

At two o'clock, the mayor, municipal officers and the president of the popular society went to the church of Saint-Pire. The bones of Saint Yon and a bunch of others of this kind were taken from the ossuary where they had been thrown in. They were loaded onto a dump cart, used by the commune to remove trash, and brought to the Place de la Révolution. There the remains were burned at a stake specially erected for this purpose; together with the linen and the boxes that carried them, the remains were reduced to ashes. They were taken with the same dump cart to the arched bridge over the river Seine and thrown into the river.⁶⁹

In Saint-Flour (Cantal), the record of the proceedings of the city council describes the *auto-da-fé* of November 26, 1793 as follows: ‘In the middle of these cries and powerful expressions of public joy, the magistrates of the people, armed with vengeful torches, set fire to the titles of pride and shameful moments of servitude. [While these impure remains [...] turned into smoke, A.C.], the people dance around the fire while singing the cherished tunes of republican hearts while pushing energetic cries of “Long live the Republic”’.⁷⁰ In this case, jubila-

⁶⁷ Vovelle, *La Révolution*, 96.

⁶⁸ Maurice Dommanget, *La déchristianisation à Beauvais et dans l'Oise (1700–1801)* (Besançon: Millot, 1918), 40.

⁶⁹ Cited in Serge Bianchi, *La déchristianisation dans le district de Corbeil (1793–1797)* (Corbeil: Société Historique et Archéologique de Corbeil et de l'Essonne, 1990), 70.

⁷⁰ Cited in Pierre Chassang, *La Révolution dans les districts de Saint-Flour et de Murat, 1789–1794* (Brioude: Éditions Créer, 2008), 523.

tion and positive political slogans seem to dominate, not blasphemous remarks, in spite of the fact that Catholics considered these practices sacrilegious.

Dances and songs could thus accompany the burning of objects, such as the title deeds that represented feudalism. We have the following description of the *auto-da-fé* in Tarascon-sur-Ariège on Germinal 18, Year II / April 7, 1794: ‘All statues in gold and silver, the playthings of superstition and fanaticism, were consigned to the flames amid general applause and public dancing.’⁷¹ These episodes of destruction are often preceded by processions in the form of masquerades, resuming forms of classic carnivalesque inversion whereby laypeople wear liturgical vestments and sit backwards on their horses, while “fallen” animals (cats, owls) evoke superstition and mitres are placed on the heads of donkeys. Some participants in the procession carry liturgical books upside down and shout distorted Latin phrases normally used in church services. Others drink from chalices or pronounce blasphemies against past beliefs.⁷² Canon François Cattin emphasises this last aspect in his memoirs. Describing the patriots’ conduct towards refractory priests that have been arrested, he denounces the blasphemies committed by revolutionaries. On the day of the Festival of Reason in Lyon, for which the cathedral church is turned into a Temple of Reason, “a woman dressed as a goddess is seated on the altar of the living God, a donkey in sacerdotal clothing with a mitre placed on its head [...]. Thus dressed, the animal is led in the centre of the procession, [which is] accompanied by shouts, sarcasms, [and] blasphemies pronounced by lost [i.e. fallen, A.C.] women, [as well as] by frightening men followed by monstrous beings.”⁷³ A similar procession in Bourg is, according to Cattin, marked by the same verbal outbursts on the part of “demons, men and women, [who are] screaming atrocious blasphemies and republican, impious and bloodthirsty hymns”.⁷⁴ Many imitations of these “religious mockeries” aimed at destroying “the pious, naïve faith of the flock” might in reality have been more directed at ecclesiastical personnel than at the dogmas or liturgy.⁷⁵

71 Cited in Vovelle, *La Révolution*, 95.

72 “Wearing chasubles, surplices, [and] copes, [Patriots] stimulated each other on the path to destruction, using blasphemies, foul comments, singing and dancing”. Cited in Dommanget, *La déchristianisation*, 48.

73 François Cattin, *Mémoires pour servir à l’histoire ecclésiastique des diocèses de Lyon et de Belley* (Lyon: P. Jossierand, 1867), 378.

74 *Ibid.*, 382.

75 Address of the Republican society of Rodez on January 3, 1794, cited in Henri Affre, “Tableau sommaire de la Terreur dans l’Aveyron,” in *Mémoires de la Société des Lettres de l’Aveyron*, vol. 13 (Rodez: Virenque, 1886). We should however not forget how the “crime” of blasphemy had received an increasingly broad meaning over the course of the seventeenth century, when

Given the unusual violence accompanying the event, especially in comparison to other departments in the south-west, we should mention the almost complete sacking of the Cathedral of Vabres (Aveyron) by troops from nearby Saint-Affrique in Frimaire Year II (January 1794). The latter turned the furniture and statues upside down, destroyed the altar, broke the tabernacle and scattered the communion wafers around. Women wanting to gather them up were molested and a man was beaten up.⁷⁶ Depending on the region, countryside churches were also sometimes completely sacked and levelled “to the ground,” as happened to numerous religious buildings in the district of Compiègne.⁷⁷

Some of those who took offence at the former idolatrous displays of Catholic culture interpreted these destructions as the positive erasure of an insult to the divinity. Yet spectators remaining faithful to the old religion experienced these acts – parodistic, burlesque and sacrilegious – as forms of both symbolic and physical violence that hurt their deepest beliefs, as well as the personnel of the Holy Church. Aside from sacrilegious acts, those responsible for the dechristianisation campaigns of Year II committed a kind of reversed blasphemy. When they defamed old regime religious symbols and attacked what they called fanaticism, they challenged the Christian God who, once again, “responded” with a silence that could be interpreted in two ways.⁷⁸ This silence was either proof of heavenly emptiness or confirmed that the divinity agreed with the revolutionaries in desiring a purified “and egalitarian” worship.⁷⁹ With regard to this sense of defying the heavens, Mona Ozouf writes: “In this noisy self-satisfaction one senses the ambiguity of blasphemy that conceals within it, like a distant call, the fear behind all the bravado, a very acute sense of scandalous transgression.”⁸⁰

The idea of a celestial void radically questioned an entire literature that had been meant to terrify and instruct believers by citing various examples of how God, when he was insulted, never failed to take revenge. In fact, his curse

it was applied to every kind of harm afflicted on members of the clergy. Cabantous, *Histoire du blasphème*, 244–245.

76 Valérie Sottocasa, *Mémoires affrontées. Protestants et catholiques face à la Révolution dans les montagnes du Languedoc* (Rennes: Presses Universitaires de Rennes, 2004), 159–160.

77 Jacques Bernet, “Recherches sur la déchristianisation dans le district de Compiègne (1789–1795)” (PhD diss., University of Paris 1, 1981), 315–316.

78 Vovelle, *La Révolution*, 96–99.

79 The same reasoning can be found among Protestant iconoclasts during the destructive outbursts of the period 1560–1580. See for this argument Olivier Christin, *Une révolution symbolique, l'iconoclasme huguenot et la reconstruction catholique* (Paris: Éditions de Minuit, 1991), 43–50 and 64–66.

80 Ozouf, *La fête*, 110.

would not only fall upon the blasphemer himself but also upon the community to which he belonged. In other words, God responded to the verbal violence of one person by delivering a retributive justice that affected all.⁸¹ Consequently, the delay caused by God's silence in the face of the profanities he suffered at the hands of popular societies, was bound to raise questions among sincere Christians whose feelings had been hurt.⁸² Most believers were certain that a quick intervention from the divinity would repair the wrong done by individuals. Thus, the mayor of Chanay (Ain), who wrote a commentary on the "blasphemous" addresses of Lequinio, "buys the village church, takes up residence in it and dies there, in agony, as is just and proper".⁸³ Likewise, Nicolas François Blaux, a member of the Convention, writes to the Committee of Public Safety that the severe subsistence crisis during the spring of Year III is used by refractory priests in Amiens to encourage counter-revolution: "They say that this food shortage is a punishment of Heaven because the Convention has abolished the religion and cut off the head of the king."⁸⁴

However, only afterwards and through a rewriting of history God would come to punish the men of the dechristianisation campaign by making them suffer "an agonising death".⁸⁵ Abbé Arthur Prévost of the diocese of Troyes reassures himself when he writes, as late as 1909 no less: "The retributions of divine justice [vis-à-vis profaners] are too obvious not to be mentioned occasionally; we keep to ourselves the names of those wretches who were struck by God in punishment for their sacrilegious acts."⁸⁶ Even so, the stories collected with the help

81 Canon Jean Marguet of Nancy repeats this in his *Essai sur le blasphème*, 9th edition (Besançon: A. Montarsolo, 1825), 9–10.

82 This field of research is completely absent from the historiography of the French Revolution. Exploring the impact of these anticlerical or anti-religious scenes on both Catholics and religious personnel is made more complicated by a lack of sources. This subject is overlooked in e.g. François Lebrun and Roger Dupuy, eds., *Les résistances à la Révolution* (Paris: Imago, 1987) as well as Yves-Georges Paillard, "Fanatiques et Patriotes," *Annales Historiques de la Révolution Française* 233 (1978). Neither Jacques Bernet's excellent thesis about the district of Compiègne that is cited above, nor the instructive proceedings of the colloquium *Église, vie religieuse et Révolution dans le Nord* that were edited by Alain Lottin (Villeneuve d'Ascq: Septentrion, 1990) offer any help. A systematic analysis of accounts by nineteenth-century parish priests concerning the period of dechristianisation would be necessary to gain insight in the reception of blasphemy and sacrilege. These testimonies were often put on paper at the bequest of the Vatican.

83 Vovelle, *La Révolution*, 223.

84 Letter to the Committee of Public Safety (April 16, 1795) following the riots in Amiens. Cited in Bernet, *Recherches*, 430, note 1.

85 Sottocasa, *Mémoires affrontées*, 250–251.

86 Abbé Arthur Prévost, *Histoire du diocèse de Troyes pendant la Révolution* (Troyes: s.n., 1909), 23.

of surviving witnesses a few decades after the events of Year II seem to favour epithets such as “vandalism,” “excesses,” “horror” and “devastations” over accusations of blasphemy. Some people, however, equate the men of the dechristianisation campaign with Protestants, thereby continuing the stigmatizing registers of the sixteenth-century wars of religion that associated blasphemy with heresy.⁸⁷

Concluding Reflections

Although this general overview needs to be substantiated with more archival research, there is no doubt that blasphemy and violence were intimately connected during the French Revolution. First, there is the hurt stemming from the impact of blasphemy on believers who experience impious speech as a species of violence. This aggressive verbal intrusion should be distinguished from sacrilege. Both sacrilege and blasphemy hold a relationship with the sacred, but whereas sacrilege harms persons and objects, blasphemers attack God and the heavenly Court (the saints). Sacrilege is more often an act committed in a private or closed space, whereas blasphemy is necessarily a public act. Sacrilege found its echo in criminal law, especially with the increase in theft during the eighteenth and nineteenth centuries, whilst blasphemy echoed a form of slander, which was always a minor offence.⁸⁸

Then there is the fieriness, even violence of oral exchanges during the revolutionary period that gifts blasphemy a new meaning. Suppressed as a crime, it reappears in its ‘blasphemous’ meaning in political discourse and continues to serve as an instrument to stigmatise all those who contest, ignore or flout the values on which the new political culture is built. The desire to create another civilisation, based on new foundations, cannot however eradicate the deep-rooted references to Christianity. The result of this is a transfer of the sacred that affects iconoclastic movements, which some consider purifying and regenerative, while others dub them sacrilegious and/or blasphemous. In fact, the organisation of, and reference to, the sacred is central to blasphemy, of which the defence and contest of can either peacefully gather a community together or unleash unlimited expiatory violence.

87 See the ecclesiastical conferences during the 1840s, analysed in Sottocasa, *Mémoires affrontées*, 331–332. It is however tricky to generalise this thesis in the absence of similar studies.

88 This is probably the reason why the law enacted by King Charles X in April 1825, only punished sacrilege and not blasphemy. The Anti-Sacrilege Act was abolished in October 1830 without having ever been used.

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Marco Emanuele Omes

3 Blasphemy, Religious Adherence and Political Loyalty in the Papal States (1790s through 1810s)

At the end of the eighteenth century, the Papal States constituted a medium-sized country – 39,629 km² with approximately 2,5 million inhabitants (without considering the territory of Avignon lost in 1791). It was characterised by remarkable variations in local government structures among the thirteen provinces that composed it.¹ Pope Pius VI (1775–1799) reigned as an elected yet absolute sovereign over a composite monarchy and exerted both supreme jurisdictional as well as legislative power.² The lack of representative assemblies – the provincial parliaments had been abolished in the sixteenth century – meant that this governmental system had no inbuilt checks and balances.

For the papacy, the French Revolution represented a turning point. Pius' spiritual role as head of the Roman Catholic Church came under scrutiny first, as institutionalised religion struggled to survive in a context of irreligion and anti-clericalism.³ Soon the legitimacy of the pope's political sovereignty was called into question, too. In 1796, Napoleon Bonaparte invaded the Italian peninsula and launched the creation of 'sister republics'; following the Treaty of Tolentino (1797), the city of Bologna and the so-called Legations of Romagna, formerly part of the Papal States, were integrated into the Cispadane and later into the Cisalpine Republics. To better control the coastal regions of the peninsula, the French army occupied the remaining part of the Papal States in 1798, allowing local patriots to establish the short-lived Roman Republic (1798–1799). Pius VI was forced into exile in France where he died soon after. Whereas some considered him a martyr, others saw in him the symbol of an intolerable theocratic regime. His successor, Pius VII, likewise became the subject of widely differing opinions.

1 Gabriele Calindri, *Saggio statistico storico del Pontificio Stato* (Perugia: Garbinesi e Santucci, 1829). The geography and demographics of the Papal States had not considerably changed between Pius VI's death and the publication of Calindri's essay.

2 John Elliott, "A Europe of Composite Monarchies," *Past & Present* 137 (1992).

3 Gerard Pelletier, *Rome et la Révolution française* (Rome: Ecole française de Rome, 2006).

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During his papacy, which lasted from 1800 until 1823, Rome was again occupied and annexed to the French Empire (1808–1814).

This chapter considers these temporary regime changes and the ensuing restorations of the papal government, supported by the Neapolitan army, as key moments in understanding the interaction between political disloyalty and forms of religious misbehaviour in a peculiar historical context like the Papal States. A place where the pontiff was both the spiritual head of the Catholic Church (plus the bishop of Rome) as well as the temporal sovereign of the Papal States.⁴ The following pages will highlight that acts of religious misbehaviour (blasphemy, sacrilege, secular cults et cetera), especially those prevalent at the time of the Roman Republic, were used to express patriotic attitudes and show opposition towards the papacy's political and theocratic power. After the collapse of French power, allegations of blasphemy and sacrilege were, by contrast, crucial to stigmatising supporters of the Republican and Napoleonic regimes. They also played a part in restoring the sacred nature of papal authority by purging oppositional voices with the aid of references to religious misbehaviour. In fact, the doctrinal definitions of the crimes of blasphemy and *lèse-majesté* ensured that any form of political opposition to the papacy consisted of a sin, and vice versa. Because blasphemy and sacrilege dealt with the sacred and hence with taboos, they were intimately connected to questions of power. As a result, the Republican and Napoleonic regimes tried to redefine them through legislative reforms, with patriots sometimes adopting downright irreligious attitudes to confront the past. Under the restorations of 1799–1800 and 1814–1816, the punishments meted out for blasphemy and sacrilege helped instead restore – and even increase – the pope's sacred authority.

This chapter is divided into three parts. In the first part, I not only examine the early-modern definition of blasphemy in both canon and civil law, but also demonstrate the doctrinal connection between this religious sin and the political crime of *lèse-majesté*. Both were revived in the 1790s, when the papal government came under threat from those demanding political and religious reform. Secondly, focusing on the years of the Roman Republic, I clarify the relationship between religious misconduct on the one hand, and symbolic or physical violence on the other hand. I also analyse the alleged commitment of blasphemous and sacrilegious acts. Who were the offenders? How were these blasphemies and

⁴ Paolo Prodi, *The Papal Prince, One Body and Two Souls* (Cambridge: Cambridge University Press, 1987).

sacrileges performed? To what penalties were the offenders later sentenced?⁵ Finally, I delve into the sacralising rituals (*Te Deum*, prayers, civic festivals et cetera) connected to the cult of Napoleon, which Catholic apologists interpreted as sacrilegious and, more rarely, as blasphemous ceremonies that hurt the papacy's religious and political majesty. The comparison between the 1799–1800 and the 1814–1816 restorations will highlight that in both cases, accusations of blasphemy and sacrilege – including their judicial pursuit – were used to reinstate the papal monopoly on the sacred and re-establish obedience towards his indisputable temporal sovereignty. As this chapter shows, the crimes of blasphemy and lèse-majesté were, in the Papal States, interconnected to an extent practically unseen elsewhere.

Blasphemy in the Papal States: Doctrine and Legislation

At the end of the eighteenth century, the papal laws on blasphemy were the same as they had been for around 250 years; neither the characteristics of the offence – which was both a religious sin and a civil crime – nor the fundamental doctrinal stakes had changed. In his *Prompta bibliotheca canonica, juridico-moralis theologica* (1746) Lucio Ferraris, a Franciscan consultant of the Holy Office Tribunal, still defined blasphemy as an outrageous statement made against God, sometimes consisting in denying His substantial attributes or erroneously ascribing different ones to Him (also “heretical blasphemy”).⁶ Ferraris also stated that whereas both ecclesiastical and civil tribunals held jurisdiction over cases of simple blasphemy – which amounted to a violation *mixti fori*, i. e. of both canon and civil law – cases of heretical blasphemy were the sole responsibility of ecclesiastical courts. He furthermore described suitable penalties and their corresponding jurisprudence. During the sixteenth century, a series of papal *constitutiones* had defined these penalties with greater precision and progressively increased the sentences connected with them. With *Supernae dispositionis arbi-*

⁵ Although several Jews were accused of blasphemy or sacrilege – mostly due to selling former holy objects – as well as stigmatised for their alleged support of the republican regime, I will only focus on Catholic-secular narratives. For Catholic anti-Judaism see Marina Caffiero, “Le insidie de’ perfidi giudei: antiebraismo e riconquista cattolica alla fine del Settecento,” *Rivista Storica Italiana* 105 (1993).

⁶ Lucio Ferraris, *Prompta bibliotheca canonica, juridico-moralis theologica* (Bononiae: apud Franciscum Storti, 1746), vol. 1, 610–617. This book was a fundamental reference work until the codification of canon law in 1917.

trio (1514), Pope Leo X had drawn up a three-step punishment for clergymen consisting of a fine, loss of income and removal from their position. Noblemen were threatened with two different fines as well as the loss of their aristocratic rank. Lastly, commoners faced temporary imprisonment, display in the pillory in front of a church or perpetual detention. Later, Pope Julius III (*In multis depravatis*, 1554) ordered not only the extension of these penalties to those who failed to report such a crime to the authorities, but also the perforation of a blasphemers' tongue. Finally, with *Cum primum* (1566), Pope Pius V extended these measures to the entire Catholic universe; previously, they had only applied to Romans.⁷ Beyond canonical law, civil penalties varied. Although legitimate anger, drunkenness et cetera were often considered mitigating circumstances, Ferraris wanted punishments to be carried out irrespective of such considerations. According to his analysis, they should range from economic penalties to flogging or death.⁸

Ferraris' work suggests that in the eighteenth century the theoretical doctrines of blasphemy and heresy were straightforward. In reality, however, judicial practices were rather eclectic, even in the heartland of Roman Catholicism. The organisation of the judicial system was not uniform, not even in regard to offences *mixti fori*. Indeed, there was a notable lack of coordination and unity, which was also due to the involvement of various tribunals and multiple sources of law.⁹ In 1555–1556, in the wake of several Counter-Reformation initiatives, Pope Paul IV tried to streamline procedures by decreeing that the Tribunal of the Congregation of the Holy Office would become the only institution exerting jurisdiction over the prosecution of blasphemy in the Papal States. Nevertheless, overwhelmed by the number of reports and trials, the Tribunal decided thirty years later to only deal with cases of heretical blasphemy.¹⁰ As a result, the following two centuries saw several ecclesiastical, civil and mixed institutions (i. e. the Inquisition, the Governor's Tribunal, and the *Tribunale del Vicariato*) compete for jurisdiction in blasphemy trials.¹¹ These contradictions reflected a

⁷ For the *constitutiones* see *Magnum bullarium romanum*, ed. Laerzio Cherubini (Lyon: Borde-Arnaud, 1692), vol. 1–2.

⁸ Ferraris, *Prompta bibliotheca*, 613–617.

⁹ Adriano Cavanna, *Storia del diritto moderno in Europa* (Milan: Giuffrè, 1979), vol. 1, 208.

¹⁰ Adriano Prosperi, "Bestemmia," in *Dizionario storico dell'Inquisizione*, ed. Adriano Prosperi et al., (Pisa: Edizioni della Normale, 2010), vol. 1.

¹¹ Giovanni Battista De Luca, *Il dottor volgare ovvero il compendio di tutta la legge civile, canonica ...* (Colonia: Modesto Fenzo, 1740), vol. 6, 83–84. This work, originally published in 1673, was reprinted several times in the eighteenth and nineteenth centuries. For the institutions see Gabriella Bonacchi, *Legge e peccato: anime, corpi e giustizia alla corte dei papi* (Rome-Bari: Laterza, 1995). The *Vicariato* was the ecclesiastical and pastoral institution which was responsible for the

“Roman judicial culture undoubtedly dominated by traditionalism and excluded from eighteenth-century theoretical discussions,” as Paolo Alvazzi del Frate argues.¹²

The last reform, which simply reaffirmed the Inquisition’s right not only to prosecute people already sentenced for blasphemy by other courts but also to return cumulative verdicts, was introduced by Pius VI in 1779.¹³ With this the pope responded to the threats against both Catholic doctrine and papal authority emanating from regalism, Jansenism, secularisation et cetera.¹⁴ It was obvious, then, that the Enlightenment debate on the depenalisation of religious offences did not have much resonance within the Roman Curia.¹⁵ This was the context in which French revolutionary initiatives such as the introduction of the Civil Constitution of the Clergy, the suppression of religious orders and the abolition of all religious crimes were introduced.¹⁶ Because of these reforms, the theologians and intellectuals around Pius VI soon looked at revolutionary politics as inherently dangerous, sacrilegious and impious.¹⁷ Indeed, in the 1790s, religious non-compliance or misbehaviour, immorality and political danger were almost seen as synonymous.

These parallels were not entirely new as already shown by Mario Sbriccoli. In European early-modern penal law, the concepts and judicial classifications of both regal and divine *lèse-majesté* had moved in tandem for a long time. *Blasphemia* against God and his ministers had echoed *maledictio*, i.e. offences against the king’s image or royal ceremonies; *apostasia* had corresponded to treason; *haeresis* had coincided with sedition; finally, *simonia* had been related

diocese of Rome. Although the pope himself was its bishop, he entrusted the daily business to a vicarial cardinal.

¹² Paolo Alvazzi del Frate, “Costituzione e giurisdizione nella Repubblica romana del 1798–1799,” in *A Ennio Cortese*, ed. Italo Biocchi et al., (Rome: Il Cigno Galileo Galilei, 2001), vol. 1.

¹³ Giuseppe de Novaes, *Elementi della storia de’ sommi pontefici* (Siena: Francesco Rossi e Figlio, 1807), vol. 15, 48.

¹⁴ For a summary see Dale Van Kley, *Reform Catholicism and the International Suppression of the Jesuits in Enlightenment Europe* (New Haven: Yale University Press, 2018).

¹⁵ Jacques Cheyronnaud, Élisabeth Claverie, Denis Laborde and Philippe Roussin, *Critique et affaires de blasphème à l’époque des Lumières* (Paris: Honoré Champion, 1998).

¹⁶ The French Penal Code (1791) did not contain any penalty for blasphemers. It only punished offences against religious ministers (notwithstanding their cult), attacks on sacred objects (in public or in a religious building) and interruptions of religious ceremonies. Therefore, blasphemy was not a crime against religion anymore but rather a problem of public order. Alfred Molien, “Blasphème et blasphémateurs,” in *Dictionnaire de droit canonique*, ed. Raoul Naz (Paris: Letouzey et Ané, 1937), vol. 2.

¹⁷ Giuseppe Pignatelli, *Aspetti della propaganda cattolica a Roma da Pio VI a Leone XII* (Rome: Istituto per la Storia del Risorgimento Italiano, 1974).

to *peculatus*, i.e. a form of embezzlement undercutting the State's stability.¹⁸ Regal lèse-majesté had usually been defined as a “hideous and extreme crime” (*crimen atrox et enorme*), the same words with which Ferraris had described blasphemy. Indeed, according to Giovanni Battista De Luca, it was a single crime divided into two types: “against divine or human majesty”.¹⁹ From the end of the seventeenth century onwards, this idea of dual blasphemy had nonetheless gradually disappeared from European penal law, thus becoming a peculiar characteristic of the Papal States. European monarchies, in fact, began limiting their interventions against blasphemy and other forms of divine lèse-majesté.²⁰ By contrast, the papacy could neither renounce its double sacredness nor deny the perfect identity between divine and regal lèse-majesté, since these were consubstantial with the sources of papal temporal and spiritual authority. This connection between divine and regal sovereignty needed to be reaffirmed and protected in Rome after the outbreak of the French Revolution, and in light of its influence over groups of political opponents. From the 1790s onwards, the Roman Curia treated felony and impiety as features of the same dangerous republican intrigues; every symbolic and verbal criticism of the pope's kingship became an attack on religion, too. Blasphemy and other demonstrations of religious non-compliance or misbehaviour were loaded with political meaning. Therefore, they are crucial subjects for interpreting social upheavals, counter-reactions and violence in revolutionary times in a state where religious and political authority were intertwined in an unusual way.

The Subversion of Papal Majesty: Blasphemy, Sacrilege and Political Opposition in the Roman Republic (1798 – 1799)

Between the sixteenth and eighteenth centuries, critical statements against the Catholic hierarchy, acts of disdain towards devotional practices and disrespectful expressions against God had been relatively frequent in the Papal States, despite severe penalties against them. There had always been incidents. From 1792 onwards, however, mockery took the form of a virulent and widespread criticism against religion and the pope's theocratic government issued by groups of law-

¹⁸ Mario Sbriccoli, *Crimen laesae maiestatis* (Milan: Giuffrè, 1974), 345–347.

¹⁹ De Luca, *Il dottor volgare*, 130.

²⁰ Alain Cabantous, *Histoire du blasphème en Occident, XVIe–XIXe siècle* (Paris: Albin Michel, 1998), 150–151.

yers, intellectuals, noblemen, artisans and foreigners – mostly French artists.²¹ Hence, a *Congregazione di Stato* was invested with the tasks of among other things eradicating political subversion and policing religious offences. A wide array of acts and behaviours such as conspiracy, spreading rumours, wearing revolutionary symbols and uttering blasphemous insults were included in an all-encompassing concept of the crime of *lèse-majesté*. Court rulings were often lenient, though, as defendants benefitted from social patronage and the lack of uniformity of the judicial system. Exile was a common penalty because this sort of civil death was considered a logical and proportional punishment for those who had broken the sacred bond of political and religious allegiance towards the supreme authority. Moreover, this solution would help purge society of unruly elements without however provoking an international crisis with France, especially after Bonaparte's first victorious campaign in the Italian peninsula (1796–1797).

The decision of Pope Pius VI to refrain from prosecuting those crimes with more vigour reflected precise political goals. As Marina Formica writes, he tried to preserve his theocratic power “by emphasizing his spiritual image [...] [in order] to revamp the role of the Roman Church in the world”.²² Hence, it is not surprising that as the Papal States became politically more unstable, religious ceremonies became more magnificent and grew in number. Public forms of fervent devotion such as processions, litanies or the display of holy images that took place immediately before the French invasion (January 16 – February 6, 1798), were intended to prepare Rome against the *révolution en marche*. In this way, the connection between the sacred and the counterrevolutionary effort was spatially, behaviourally and emotionally cemented.²³

By rejecting the pope's temporal authority, those who asserted the sovereignty of the nation and proclaimed the Roman Republic (February 15, 1798) paved the way for a systematic attack on Catholic symbols. This does not mean that the majority of Roman revolutionaries were atheists; although the constitution did not assign any specific status to Catholicism, the fundamental *Atto del popolo sovrano* promised that the new Republic would not interfere in traditional re-

²¹ Maria Pia Donato, “I repubblicani. Per un profilo sociale e politico,” in *Una rivoluzione difficile: la Repubblica romana del 1798–1799*, ed. David Armando, Massimo Cattaneo and Maria Pia Donato (Pisa-Rome: Istituti Editoriali e Poligrafici Internazionali, 2000).

²² Marina Formica, *Sudditi ribelli. Fedeltà e infedeltà politiche nella Roma di fine Settecento* (Rome: Carocci, 2004), 63.

²³ Luigi Fiorani, “Città religiosa e città rivoluzionaria,” *Ricerche per la Storia Religiosa di Roma* 9 (1992).

ligious worship.²⁴ In that sense, counterrevolutionary and ecclesiastical polemicists were wrong when they depicted republicanism as a cohesive movement aimed at the destruction of religion. Nonetheless, some radical factions were undoubtedly ready to get rid of all references to the primacy of Catholicism and papal authority in order to regenerate citizens and form a new *esprit public* befitting a free and sovereign people. Three features were crucial in this fight: symbols, public ceremonies and civic education. Blasphemy played a remarkable role in each case. It was either presented as evidence of a break with the past or stigmatised as an implicit consequence of a perverted revolution. Both the demolition of Catholic or papal symbols and the shaping of a new deist or Christian civic religion depended on a reconfiguration of the sacred, thus bearing on accusations of blasphemy, sacrilege and idolatry.

Clashes Concerning Sacred Symbols: Blasphemy and Sacrilege as Sources of Violence

On the very same day that the Roman Republic was officially proclaimed, a tree of liberty was brought from *Campo Vaccino* – the ancient Roman forum – to the Capitol Hill, where it was erected with the help of French troops and the local population.²⁵ The number of such liberty trees quickly increased not only in Rome, but also in provincial towns and villages across the Papal States; they often replaced crosses that had stood in the main area of public gathering. Together with emblems of papal power, of the Inquisition and of mourning on gravestones and church walls, the removal of these crosses was often perceived as a sacrilegious act; it caused widespread discontent among the faithful, and even ignited debates about the legitimacy of iconoclasm in the case of objects with a clear artistic or historical value.²⁶

Putting liberty trees in the main squares of the Eternal City was neither politically nor religiously innocent. Rather, it was an attempt to build a new society based on secular and republican values, which was in turn condemned as an

24 *Collezione di carte pubbliche, proclamati... tendenti a consolidare la rigenerata Repubblica Romana* (Rome: Luigi Perego Salvioni, 1798), vol. 1, 11–14. Although republican authorities limited the number of public rituals because of the risk of disorder, they did not systematically forbid masses, processions, retreats, sermons et cetera.

25 Antonio Galimberti, *Memorie dell'occupazione francese in Roma dal 1798 alla fine del 1802*, ed. Luca Topi, (Rome: Istituto Nazionale di Studi Romani, 2004), vol. 1, 7–8.

26 Marina Caffiero, *La Repubblica nella città del papa: Roma 1798* (Rome: Donzelli, 2005), 61–89.

outrageous attack on religion. During the revolts that accompanied the short-lived Roman Republic, counterrevolutionaries therefore not only set such symbols on fire but even burnt the bodies of the patriots they killed, thereby aiming to eliminate both the agents and the emblems of an allegedly desacralizing and blasphemous policy.²⁷ This happened on July 26, 1798 in Alatri and Veroli, where the outbreak of the uprising followed from a conflict over religious symbols. In Alatri, dozens of people took up arms to prevent the requisition of the silver statue of Saint Sixtus, the town's patron and hence a key figure in local devotional culture. The violent revolt was led, among others, by the parish priest Francesco Colamartini. He officiated at a solemn procession to raise a cross on the remains of a liberty tree, loudly asking devotees whether they would rather worship the cross or the devil ("*Chi volete? La croce o il diavolo?*"). He thus created a violent religious paroxysm – worshippers were chanting "Long live the cross! Let us kill all the Jacobins!" – whose victims included some members of the republican Vinciguerra family. On the same day, consular prefect Giovanni Franchi authorised a procession in Veroli that would see the statue of the Virgin of the Two Graces carried across town. The procession had to take place without the participation of religious orders and local confraternities, which had been officially suppressed on May 10, 1798 by General Gouvion Saint-Cyr. Even so, it conveyed the solidarity and religious zeal of which these institutions typically were the principal local pillars. Such a decision was enough to cause violent outbreaks of disorder, during which the Prefect, his son, and five further people were slaughtered and their bodies savagely defiled.

Republican Festivals: Between Civil Religion and Idolatry

The erection of liberty trees either relied on the patriotism of relatively small groups of (local) republicans or followed from rituals that formed an integral part of public festivals, whose importance as a means of staging political ideas cannot be underestimated. It is important to understand why such ceremonies could be perceived as blasphemies or impieties towards God, religion or the supreme majesty of the pope.

It is well known that some of the areas of Rome that had been important during Antiquity regained a new significance at the time of the Republic, hosting

²⁷ Luca Topi, "*C'est absolument la Vendée*": *l'insorgenza del Dipartimento del Circeo (1798–1799)* (Milan: Franco Angeli, 2003), 199–202.

either governmental institutions or public festivals.²⁸ Having said that, revolutionaries also tried from the very beginning to make use of areas in the city that represented the magnificence of Roman Catholicism and had in the past been used to stage religious or papal rituals. In this way, they intended not only to affirm the harmony allegedly existing between republicanism and Catholicism but also to give their ceremonies the necessary splendour to win over popular support. On February 17, 1798, General Commander Cervoni strongly urged Monsignor Francesco Saverio Passeri – the *viceregente* responsible for the *Vicariato* – to sing a *Te Deum* in St. Peter’s Basilica in order to thank God for the arrival of French troops. Passeri unwillingly accomplished the task the following day.²⁹ Less than one week later, a mourning ceremony in honour of General Duphot, whose murder had provided the pretext for both the invasion and the overthrow of papal rule, took place on St. Peter’s square, where architect Paolo Bargigli had designed a pyramidal mausoleum. The commemoration of the first republican martyr appropriated and superseded the glorification of Catholic saints, which had historically been celebrated in the very same area.³⁰ Such ceremonies might be considered as provocations, a sort of demonstration of how churches and core symbols of papal majesty were at the republicans’ disposal. Yet, they are better understood as attempts to “nationalise” Catholic rituals. Indeed, the intentions of public festivals were not explicitly blasphemous or sacrilegious, even if intransigent polemicists and members of the Curia thought otherwise. According to Francesco Valentinelli, for example, the commemoration of General Duphot was simply hypocritical and idolatrous: the men who were praising his moral virtues were in reality corrupt anticlerical sinners, trying to mislead the audience through “infernal inscriptions” and open contempt for holy objects.³¹ In this view, civic ceremonies were a perverted version of Christian rituals, gestures and other sacred things; they were an expression of a dangerous neo-

28 Pier Paolo Racioppi, *Arte e rivoluzione a Roma* (Rome: Artemide, 2014).

29 *Collezione di carte pubbliche*, vol. 1, 36–37. Whereas nineteen cardinals took part in the ceremony, French officers did not attend. According to Francesco Valentinelli, this showed their hypocrisy and impiety. Francesco Valentinelli, *Memorie storiche sulle principali cagioni e circostanze della rivoluzione di Roma e di Napoli* (s.l.: s.n., 1800), 224.

30 *Collezione di carte pubbliche*, vol. 1, 45–50. Projects and engravings of these decorations have been published in Marco Pupillo, ed., *Quando Roma parlava francese* (Rome: Gangemi, 2016).

31 Valentinelli, *Memorie storiche*, 230–231. As an unknown author admitted in *Annali di Roma*, ordinary people rarely managed to completely understand the meaning of rituals and inscriptions, especially if in Latin. *Due diari della Repubblica romana del 1798–1799*, ed. Carlo Gasbarri and Vittorio Emanuele Giuntella (Rome: Istituto di Studi Romani, 1958), 9.

pagan faith, that automatically offended God due to the way in which He had been replaced by secular deities.³²

A festival held on July 17, 1798 raised different issues. Three patriots planned the ceremony and prepared the necessary decorations: Pietro Guerini (a member of the *Alta Pretura* tribunal), architect Bargigli and sculptor Giovan Battista Comolli, who had been arrested in 1797 on charges of political conspiracy. In the view of some republicans, publicly burning the documents of the Tribunal of the Holy Office together with the golden book of aristocracy was a means to purify Roman society, remove the influence of fanaticism, superstition and inequality as well as free society from the burden of the past.³³ The destruction of those documents certainly mirrored the Inquisition's methods, whilst also constituting a performance that highlighted the relationship between violence and the preservation of the sacred (or, as in this case, the imposition of new sacred principles).³⁴ The ceremony thus shocked Catholic polemicists because they saw the Inquisition not only as a key aspect of papal spiritual authority, but also as a safeguard against heresy, atheism and religious error. Fighting the Holy Office meant to harm both the pope's and – potentially – God's majesty. Thus, even when civic ceremonies were not directly blasphemous, they seemed to support the spread of dangerous political and religious behaviour, which the presence of republican authorities implicitly legitimised. It is therefore logical that following the collapse of republican power, Rome was perceived as a desacralised city whose Christian nature needed to be rebuilt. This was the aim, then, of Pius VII's solemn entry into the city on July 3, 1800 that was performed as a long parade in which triumphal arches, decorations and inscriptions praised the victory of religion over impiety, freemasonry, philosophical mistakes and fraudulent doctrines.³⁵ Rituals of public derision addressing famously irreverent republicans served a similar purpose.³⁶

32 Marina Caffiero, "Religione della tradizione e nuova religione civica nella Roma repubblicana," in *Universalismo e nazionalità nell'esperienza del giacobinismo italiano*, ed. Luigi Lotti and Rosario Villari (Rome-Bari: Laterza, 2003).

33 For the destruction of the court and criminal records held in the archives of the Tribunal of the Holy Office between 1798 and 1815, see Archivio della Congregazione per la Dottrina della Fede, *Archivum Sancti Officii Romani, Privilegia Sancti Officii 1796–1799*, 37; Andrea Del Col, *L'Inquisizione in Italia: dal XII al XXI secolo* (Milan: Mondadori, 2006), 736.

34 Caffiero, "Religione della tradizione," 383–384.

35 Marina Caffiero, "Simboli e cerimoniali a Roma tra Rivoluzione e Restaurazione," in *Luoghi sacri e spazi della santità*, ed. Sofia Boesch Gajano and Lucetta Scaraffia (Turin: Rosenberg & Sellier, 1990).

36 See the anonymous engraving *Ingresso di due ultimi Consoli dell'abolita Repubblica*, in Museo del Risorgimento di Roma, Ved1b (26).

Republican Blasphemers and Their Judges: The Classification of Alleged Religious and Political Crimes

From the beginning of the revolutionary era, intransigent anti-republican pamphleteers like Galimberti and Sala stigmatised various forms of impious behaviour, which seemed to occur with dangerous frequency, especially at the Roman *Circolo Costituzionale*.³⁷ Although their accusations were certainly politically biased, it is true that the debates and civic education classes held in Palazzo Altemps between April 20 and June 22, 1798 allowed both opinion leaders and ordinary citizens to express anticlerical and blasphemous ideas. The members of the *Circolo Costituzionale* intended to “form a group of cultural mediators to offset the clergy”; as democratic patriots, their aim was not only to encourage political activism but also to confront Catholic cultural hegemony.³⁸ They felt free enough to question sacraments and dogmas, to offend Pius VI, to reject his theocratic power and to curse God openly.³⁹ This experiment did not last for long, though. Whereas French generals feared the formation of political *clubs*, Roman authorities became worried that anti-religious polemics and activities might jeopardise the stability of the Republic. Indeed, public gestures and statements revealed the way in which patriots rejected traditional forms of Catholic devotion and papal theocratic authority. Despite the unquestionable influence of French models, such actions should be interpreted as primarily local demonstrations of political and religious non-compliance, which the republican regime unintentionally fostered. Had they been of French origin, the republican authorities would not have tried to curb them.

The patriots’ divisive conduct not only helped radical socio-political groups form an identity of their own, but also became the basis for the prosecutions that the *Giunta di Stato* launched against individual republicans in 1799–1800. In doing so, it developed a model of “standard Jacobinism” that centred on athe-

³⁷ Giovanni Antonio Sala, *Scritti. Diario romano degli anni 1798–1799*, ed. Vittorio Emanuele Giuntella (Rome: Società alla Biblioteca Vallicelliana, 1980).

³⁸ Marina Formica, “Rivoluzione e milieux intellectuels,” in *Naples, Rome, Florence: une histoire comparée des milieux intellectuels italiens (XVIIe–XVIIIe siècles)*, ed. Jean Boutier et al. (Rome: Ecole française de Rome, 2005).

³⁹ Valentinelli, *Memorie storiche*, 280; Andrea Busiri Vici, “Barberi, Giuseppe,” *Dizionario biografico degli Italiani* (Rome: Treccani, 1964), vol. 6.

ism, violence and political subversion.⁴⁰ It is remarkable that an extraordinary tribunal created in a turbulent period had to deal with such specific cases, thereby substituting for the Inquisition and the *Vicariato* tribunals.⁴¹ The reason for this is simple. Pius VI had died in exile, the College of Cardinals had not yet elected his successor and the reorganisation of the institutions of the Papal States was still under way. Therefore, General Diego Naselli, the highest military and political authority during the Neapolitan occupation of Rome, established this six-member temporary court on November 10, 1799. Though officially instituted to fight seditious rumours and post-war disorders, it soon obtained the task of prosecuting republicans and patriots, despite the fact that the latter had been formally granted the right to stay in Rome without having to fear for their lives, properties or freedom (cf. the Convention of Garnier-Troubridge, September 29, 1799).⁴²

When the *Giunta di Stato* ceased to operate on October 31, 1800, it had prosecuted 1,001 people.⁴³ At least 106 accusations (10.58 per cent) dealt with religious and moral misbehaviour, whilst a further 66 cases (6.59 per cent) tackled crimes of *lèse-majesté* and insults. There were three main kinds of violation related to blasphemy and sacrilege: direct violent offences towards God or sacred images, sometimes with the pronouncement of heresies, insults against Pius VI's sacred persona and the trade in sacred objects.⁴⁴ The *Giunta di Stato* often developed its cases on the basis of offenders' participation in civic festivals, which was considered proof of their committed republicanism and hence an aggravating factor. Cursing, denying dogmas, damaging sacred objects and images, mocking or beating priests, monks and worshippers et cetera manifested the disgust that republicans felt towards papal authority. Such conduct let them both affirm their radical patriotism and show their irreligiosity. As a result, it is difficult to know whether such behaviour was designed to express intimate beliefs about religion, reject the Catholic theocracy or to signal belonging to a socio-political group. The members of the *Giunta di Stato* were aware of the interdepen-

40 Massimo Cattaneo et. al., ““Era feroce giacobino, uomo ateo e irreligioso”: Giacobini a Roma e nei dipartimenti nei documenti della Giunta di Stato (1799–1800),” *Ricerche per la Storia Religiosa di Roma* 9 (1992).

41 However, they might prosecute the same offenders afterwards for heretical blasphemy or as a pretext for adding canonical penalties.

42 Maria Consilia Buzzelli Serafini, “La reazione del 1799 a Roma: i processi della Giunta di Stato,” *Archivio della Società Romana di Storia Patria* 91 (1969).

43 Luca Topi, “I rei del papa nei processi della Giunta di Stato (1799–1800),” *Rassegna degli Archivi di Stato* 2 (2007).

44 Cattaneo, “Era feroce giacobino,” 331–382.

dence between blasphemous attitudes and political ideas. They did not only focus on blasphemy and impiety because these crimes had occurred repeatedly (in public) or because in their view republicanism and irreligiosity were synonyms. Instead, their actions followed on their desire to restore the Papal States themselves. The *Giunta di Stato* not only intended to prevent secularisation, but also to protect the religious nature of the pope's double sovereignty. In order to do so, it was necessary to reaffirm the traditional concept of the sacred in politics, religion and morality, which blasphemers had openly challenged.⁴⁵ This included reasserting the divine origin of the pope's spiritual and political power, restoring respect for God's majesty and repairing the crucial role that the clergy played as mediator between the temporal and the supernatural.

Penalties varied. Only three offenders were sentenced to death, of which only Ottavio Cappelli was actually executed. In 31.3 per cent of the cases (216 people) – the least serious – convicts were bound over to the precept *de bene vivendo* or *de se repraesentando*; in both cases, the social and moral control exercised by the community, and particularly by parish priests, was key to keeping an offender under surveillance. Exile from Rome (161 verdicts or 23 per cent) or the Papal States (100 people or 14 per cent, mostly foreigners and radicals) was common. Also this punishment continued the pre-revolutionary tendency of courts to limit the use of physical force that we have already observed. After the restoration of the Papal States and his own solemn entry in Rome, Pius VII opted for a politically moderate course that saw secretary of state Ercole Consalvi grant a formal amnesty to all republicans on December 31, 1800. The need for internal pacification, the fear of popular unrest fuelled by anti-Jacobin expeditions and the geopolitical situation – Bonaparte had restored the Cisalpine Republic in northern Italy a few months earlier – persuaded the pope to avoid an overly violent repression and instead focus on reaffirming the sacred nature of his power.⁴⁶ Thus, it was political considerations that convinced Pius VII to reject the systematic punishment of blasphemous and sacrilegious acts, even though they had touched the heart of his authority. One year later, the Concordat with the consular Republic opened a new phase in the relationship between France

⁴⁵ Giacomo Denhan, a 60-year old wheat merchant originally from England, was charged with blasphemous and heretical attitudes, although he had never insulted the Catholic religion or its saints. Instead, he had organised nine civic-religious ceremonies modelled on a Catholic mass, consisting of republican litanies and sermons, altars, candles and the distribution of bread and wine. Topi, "I rei del papa," 340–341.

⁴⁶ Marina Caffiero, "Perdono per i giacobini, severità per gli insorgenti. La prima restaurazione pontificia," *Studi Storici* 39, no. 2 (1998).

and the Papal States; the pope's power looked finally secure and no reform of the crimes of blasphemy or *lèse-majesté* was implemented.

Blasphemy in Imperial Rome (1809 – 1814)

Blasphemy and sacrilege remained at the core of political clashes in the Papal States following their occupation (1808) and subsequent incorporation into the French Empire (1809).⁴⁷ Nonetheless, in comparison to the revolutionary era there were at least two remarkable differences. First, this time the annexation saw only limited episodes of religious misconduct, as the French authorities wished to prevent any possible cause for disorder and discontent. For if imperial officials subverted the principles and institutions on which the papal regime was based, they saw the cooperation of large parts of the Catholic hierarchy – except for the Roman Curia – as essential to social control and to the sacralisation of Napoleonic power.⁴⁸ Secondly, after 1814 allegations of blasphemy or sacrilege also targeted priests who had praised the emperor's virtues and legitimacy; this time, the political allegiance towards the pope was considered more important than the risk of irreligion. This reinforced the link between blasphemy and *lèse-majesté*.

The Cult of Napoleon: A Case of Blasphemy or Sacrilege?

In 1809, after the suppression of the Holy Office and the *Vicariato* tribunals (June 17) and Pius VII's deportation to Savona, a series of innovations in the field of blasphemy were introduced. On July 28, 1809, the imperial *Consulta* decreed that “anyone who had been convicted before the publication of the Penal Code would have the right to ask for a new trial and acquittal, provided the offence had been related to the previous system of government and if such an action was not qualified as a crime according to the new Code”.⁴⁹ Even before the official introduction of the Penal Code (1810), it was clear that blasphemy could no longer be considered a crime; on December 23, 1809, the Court of Criminal

⁴⁷ To better understand the diplomatic, political and ecclesiastical reasons why Napoleon decided to invade the Papal States in 1808 see Chiara Lucrezio Monticelli, *Roma, seconda città dell'Impero* (Rome: Viella, 2018).

⁴⁸ Jacques-Olivier Boudon, *Napoléon et les cultes* (Paris: Fayard, 2002).

⁴⁹ Paolo Alvazzi del Frate, *Le istituzioni giudiziarie degli “Stati Romani” nel periodo napoleonico (1808–1814)* (Rome: Euroma, 1990), 132.

Justice in Rome had acquitted Cesare Manuti, who had previously been sentenced to ten years of forced labour for having professed blasphemies and sung the praises of Napoleonic France.⁵⁰ Even so, Manuti was put under surveillance by the *Police Générale*. This stood in marked contrast to how things had been at the time of the Roman Republic; overtly blasphemous attitudes were now considered by the French a socio-political danger. The Penal Code punished blasphemous misbehaviour against any State-recognised cult, although this only related to attempts to prevent or disturb religious worship. Those preventing believers from taking part in religious ceremonies or causing trouble in churches received a fine (from 16 to 200 francs or 16 to 300 francs respectively) and detention (6 days to 2 months).⁵¹ Verbal or gestural offences towards holy objects (in churches and temples) or religious ministers while they were celebrating service, were likewise punished with a fine (in this case 16 to 500 francs) and detention (15 days to 6 months). Those who had beaten clergy, were punished with the pillory.

During the second French occupation of Rome, there clearly were fewer episodes of blasphemy. Imperial authorities already had to face serious ecclesiastical resistance and were reluctant to let rumours about their alleged irreligiosity further jeopardise the stability of the Rome and Trasimeno departments. The list of ecclesiastical grievances was long: the obligation that clergy had to submit to Napoleon's sovereignty and swear an oath of allegiance; the suppression of religious orders; the dissolution of the Curia ministries; the reorganisation of dioceses; new laws about civil marriage and divorce et cetera. The grudges that the clergy held against imperial politics did not just concern the disruption of the structure of the Catholic Church. They also addressed new public rituals that were seen as showing a lack of loyalty towards the pope and promoting misleading interpretations of the sacred, which were considered insulting to God and the faithful. Already after the annexation of the Marche provinces, then in the Kingdom of Italy, Napoleon had ordered local bishops to sing a *Te Deum* and pray for his well-being, something that Pius VII had forbidden them to do on June 11 and again on June 22, 1808. According to the pope, civil authorities had no right to command liturgies, especially not in areas that had been seized from the Papal States. Pius had also let ministers swear an oath of passive submission to the new government, provided it respected the laws established by God and the Church (May 22, 1808).

⁵⁰ Archivio di Stato di Roma, *Corte di Giustizia criminale*, vol. 313.

⁵¹ *Code pénal de l'Empire français* (Paris: Prieur, 1810), 40–41, articles 260–264.

After the annexation of Rome, an extraordinary congregation guided by cardinal Bartolomeo Pacca confirmed these instructions for all other clergy in the Papal States and sharpened their contents. Any violation of the Patrimony of St. Peter was now officially considered sacrilegious, as already stated in the papal bull *Quum memoranda* (June 10, 1809) that had excommunicated Napoleon, albeit without explicitly naming him. Shortly afterwards, two Jesuit theologians of the *Penitenzieria Apostolica*, the previously anti-revolutionary polemicist Alfonso Muzzarelli and Faustino Arévalo, condemned the imperial oath as “irreligious, impious and sacrilegious”.⁵² The Curia had quickly understood the danger of public ceremonies that legitimised the usurpation of Pius VII’s temporal sovereignty, minimised his spiritual authority and suggested a divine protection of Napoleon.

The oath issue immediately caused clerical resistance, followed by the deportation of numerous clergymen. By contrast, when dealing with public rituals, the French authorities proceeded with greater caution, as they urged the clergy to participate in ceremonies by means of threats and rewards. Moreover, for almost three years, they avoided civic celebrations in St. Peter’s Basilica.⁵³ In preparation for the imperial festival on December 3, 1809, Pietro Guerini – the organiser of the ceremony in which documents of the Holy Office had been burnt in 1798 – explained to the *Consulta* that the perfect location would be the Trinità dei Monti church.⁵⁴ It was politically important “to accustom the people to seeing these solemnities in a setting that was different from St. Peter’s [...] and to secularise such festivals”.⁵⁵

Yet, secularising these festivals did not mean avoiding all reference to the transcendent, as the ceremonies were intended to stage the divine origin of Napoleon’s power, its sacred and unquestionable nature, to the detriment of Pius VII’s claims.⁵⁶ Blasphemy and sacrilege – which here means an attack on the cor-

52 Filippo Tamburini, “La Penitenzieria apostolica negli anni della occupazione napoleonica, 1808–1814,” *Archivio della Società Romana di Storia Patria* 9 (1973).

53 *A Te Deum* was sung in St. Peter’s Church after the birth of Napoleon’s son (March 20, 1811), but it was a fiasco. Louis Madelin, *La Rome de Napoléon* (Paris: Plon, 1906), 423–424.

54 Together with the churches of St. Luigi de’ Francesi, St. Claudio and St. Andrea, this church was historically connected to the French community in Rome. As to the festival, an imperial decree of February 19, 1806 had established two national festivals: the first on August 15, which celebrated Napoleon’s birthday, the restoration of Catholicism in France, the Assumption of the Virgin and the festival of St. Napoleon, and the second on the first Sunday in December in commemoration of the imperial *Sacre* and the victory at Austerlitz.

55 Archives Nationales de France, F^{le} 140, dossier 5, November 26, 1809.

56 My doctoral thesis offers a comprehensive study on Napoleonic festivals in Europe, with particular focus on the emperor’s sacralisation: Marco Emanuele Omes, “La festa di Napoleone.

rect definition of the sacred, i.e. of the attributes of divine and human majesty – kept fuelling religious and political clashes. At the heart of this conflict stood the ascription of semi-divine qualities to Napoleon – qualities that should have been reserved for God only – and the disrespect for the pope’s sacred authority as the Vicar of Christ. The case of five priests of St. Luigi de’ Francesi, which fell under the jurisdiction of the French Church, refusing to pray for the emperor because of his excommunication is a telling example. After they had thus confirmed their allegiance to the pope as the supreme spiritual authority, General Radet, the head of the *Gendarmerie* in Rome, claimed that Pius VII may be the Vicar of Christ, but Napoleon was God’s vicar.⁵⁷ Such a statement effectively ended the monopoly of the Church – at least among those clergymen, who refused to comply with imperial regulations – over the interpretation of and mediation with the sacred. Following the restoration of the Papal States in 1814, it was indeed the clergy’s involvement in sacralising Napoleonic authority that drove the focus of inquiry. Denunciations of blasphemous, sacrilegious or impious behaviour that concerned explicitly anti-religious practices (cursing, demolishing symbols, performing irreverent ceremonies et cetera) were far less frequent than had been the case after the fall of the Roman Republic fifteen years earlier.

In Rome itself, only a handful of clergymen were prepared to officiate at masses for Napoleon, pray for him or extol his virtues and sacred authority during civic festivals. Among those who did were archpriest Giovanni Nicola Campanelli, Niccolò Muzio (who was the Dominican abbot of St. Niccolò de’ Prefetti) and Claudio Della Valle (the honorary canon of S. Luigi de’ Francesi). They all based their sermons on the idea of a saviour and delivered a providential, transcendent interpretation of historical contingency according to which God had chosen Napoleon to be the agent of his will and the restorer of Catholicism in France. Despite this similarity, each man interpreted the emperor’s sacred mission differently. According to Campanelli, the expansion of the Empire and lay authority over the Church were the only way in which religion and morality could be upheld across Europe.⁵⁸ Muzio adopted an eschatological perspective, making use of prophetic and biblical aphorisms to underscore Napoleon’s semi-

Sovranità, legittimità e sacralità nell’Europa francese (Repubblica/Impero francese, Repubblica/Regno d’Italia, Regno di Spagna, 1799–1814)” (PhD diss., Scuola Normale Superiore di Pisa – Sorbonne Université, 2019).

⁵⁷ Archivio Storico del Vicariato di Roma, *Documenti particolari del Vicariato*, dossier E, fasc. 4, c. 30.

⁵⁸ Nicola Campanelli, *Discorso per l’anniversario dell’incoronazione...* (Rome: Luigi Perego Salvioni, 1809), 8. See also *Orazione per il giorno anniversario della coronazione* (Rome: Mariano de Romanis e Figli, 1810), 9.

messianic status.⁵⁹ In Della Valle's view, Bonaparte benefitted from a superhuman power because God wanted him to reform the Church. Put differently, the emperor became a sort of divine emissary sent to Earth in order to stop the decadence and eradicate the corruption in the Church.⁶⁰ Beyond Rome, the French authorities could sometimes count on the cooperation of canons, diocesan vicars and even some bishops. Among the most compromised ones are Filippo Angelo Becchetti (Città della Pieve), Camillo Campanelli (Perugia), Antonio David (Narni), Lorenzo de Dominicis (Civita Castellana) and Gioacchino Tosi (Anagni).

The Restoration of Religious and Political Adherence: the *Congregazione dei Disordini* (1814 – 1816)

After Napoleon's fall, all the aforementioned clergymen were investigated by the so-called *Congregazione particolare dei Disordini*, which was an extraordinary commission formed by five cardinals and four other members of the Roman Curia. The goal of this extra-judicial institution was to restore discipline among the clergy. For this, the *Congregazione* not just examined cases of cooperation with the French regime but also verified for each comprised clergyman whether his repentance was sincere and publicly communicated in order to restore the population's faith in him. In more serious cases, the *Congregazione* could suggest punishment (spiritual retreats, public acts of repentance, dismissal et cetera), which the pope then had to confirm. For almost two years (the first meeting took place on May 30, 1814; the last, and twenty-first in January 1816), this institution cooperated with the *Vicariato* and the Holy Office tribunals, which had been restored to their traditional status.⁶¹ The amnesty granted on

59 Niccolò Muzio, *Orazione panegirica alla maestà di Napoleone...* (Rome: Paolo Salvucci e Figlio, 1810), 17.

60 Claudio Della Valle, *Discorso anniversario sul ristabilimento della religione...* (Rome: Mordacchini, 1812), 6–7. Della Valle had already been involved in conspiracies in 1789 and 1794, spending two years in the Inquisition's prisons. His aspiration to see the Church return to its evangelical origins had gradually taken the form of deism and anticlericalism. In 1798, he had proposed burning the canon law codes in public. Marina Caffiero, "Della Valle, Claudio," *Dizionario biografico degli Italiani* (Rome: Istituto dell'Enciclopedia Italiana, 1989), vol. 37.

61 Archivio Apostolico Vaticano, *Congregazione dei Disordini*, b. 1–6, 9–19. The apostolic delegate Agostino Rivarola had repealed the Napoleonic codes and tribunals on May 13, 1814. In the following months, the Tribunal of the Inquisition dealt with 57 accusations concerning doctrinal issues, i. e. heresy, atheism or blasphemy. David Armando, "Nel cantiere dell'Inquisizione: la ria-

July 27, 1814 to those who were found guilty of treason and disobedience did not make it any less necessary to deal with a “grey area,” consisting of clergymen whose doctrinal and political positions the Holy See considered insufficiently trustworthy.⁶²

It is important to examine the reasons behind this endeavour and the results of these investigations. The *Congregazione* was supposed to deal mostly with high-level personalities responsible for misleading their subordinates. Preaching in honour of Napoleon was considered less serious than persuading people to swear the oath of obedience towards the emperor. According to the papal instructions of July 5, 1814, bishops could punish offenders (spiritual penalties, interrupting their pastoral activities) without informing the *Congregazione* itself; even so, many bishops asked for advice, especially so during the first months. The *Congregazione* handled several cases concerning “speeches that were not only unedifying, but also disgraceful for the holy place [where they had occurred, i.e. churches and cathedrals], shameful for the faithful, overloaded with mean flattery and sometimes offensive towards the Church and its head”.⁶³ Paying rhetorical and liturgical tributes to Napoleon was often considered an aggravating factor. Anticipating punishment, Muzio sent his withdrawal to the *Penitenzieria Apostolica* in May 1814. Although the outcome of his case remains unfortunately unknown, other documents in the archives of the *Congregazione dei Disordini* demonstrate that two minor panegyrists, Pietro Giovanni Ferrando and Luigi Marchetti, were dismissed from their respective parishes.⁶⁴ Indeed, they were judged unable to perform pastoral and pedagogical duties because of their disobedience and a general lack of trust amongst the populace.

The longest investigation probably concerned Gioacchino Tosi (1761–1838), the bishop of Anagni.⁶⁵ By examining his rhetoric and liturgical dealings, the

pertura dei tribunali del Sant’Uffizio negli anni della Restaurazione,” in *Prescritto e proscritto: religione e società nell’Italia moderna (secc. XVI–XIX)*, ed. Andrea Cicerchia et al. (Rome: Carocci, 2015); Teresa Sardelli, “I processi sul buon costume istruiti dal tribunale del vicariato di Roma nell’Ottocento,” *Ricerche per la Storia Religiosa di Roma* 1 (1977).

⁶² Philippe Boutry, “Traditions et trahisons: le retour de Pie VII à Rome (19 mars–24 mai 1814),” in *La fin de l’Europe napoléonienne*, ed. Yves-Marie Bercé (Paris: Veyrier, 1990). The author explains that “from the very beginning of 1814 onwards, the loyalty towards the Apostolic See and the compliance with the discipline of the Church became Pius VII’s main criteria of judgement”.

⁶³ Archivio Apostolico Vaticano, *Congregazione dei Disordini*, b. 10, cc. 193–196.

⁶⁴ *Ibid.*, c. 226.

⁶⁵ Luigi Berra, “Gioacchino Tosi vescovo giurato di Anagni e la relazione della sua visita a Pio VI,” in *Studi offerti a Roberto Ridolfi*, ed. Berta Maracchi Biagiarelli and Dennis Rhodes (Florence: Olschki, 1973).

members of the *Congregazione dei Disordini* and theologians of the Holy Office closely analysed both the conduct and doctrine of this renowned theologian.⁶⁶ Some of his pastoral pronouncements turned out to be “schismatic, outrageous, misleading and provoking the spiritual ruin of souls”. Tosi was also charged with accusations of felony and rebellion against the pope’s spiritual authority. His strenuous defence and the scandal that an official dismissal would almost certainly have created, convinced Pius VII to suspend Tosi from his pastoral responsibilities forever; the diocese was, temporarily, administered by apostolical officials. In this and many other cases, blasphemy was not the core problem. Rather, the evaluation of the clergy’s attitude depended both on their moral, religious and doctrinal integrity as well as on their loyalty towards the supreme spiritual authority. At the time of the restoration of the papal monarchy, challenges to theocratic power – both spiritual and temporal – were increasingly considered as a precondition for falling into more dangerous crimes such as blasphemy and heresy.⁶⁷ Giovanni Nicola Campanelli offers a case in point.

According to his official retraction, sent to the *pro-vicegerente* Attanasio on May 20, 1814, Campanelli had first retracted his oath and prayers in front of the general vicar of Farfa; on April 24 of the same year, he had even publicly begged for pardon during a homily.⁶⁸ Despite his efforts to prove his redemption, the *Congregazione* soon agreed that he was guilty not only of morally, priestly and politically outrageous attitudes, but also of abusing holy texts, opposing the papal government, adhering to the wrong dogmas and possibly even of infanticide.⁶⁹ Blasphemy was mentioned only once; according to some witnesses, Campanelli thought that all verbal outbursts were the product of human nature and could hence not be considered sins. Nonetheless, the *Congregazione* stigmatised several “execrable mistakes, which [had] even tended to compare Napoleon to a deity, because they [had] conferred upon him the same glory as God’s [...] mis-

66 Archivio Apostolico Vaticano, *Archivio Tosi*, 1; *Congregazione dei Disordini*, 9–15; Archivio Storico del Vicariato di Roma, *Documenti particolari del Vicariato*, dossier E, 1, cc. 70–86. A rich collection of Tosi’s printed pastoral letters (1809–1813) is held in Archivio Apostolico Vaticano, *Archivio Tosi*, 20. His works were published in *Raccolta di lettere editte... di monsignore Gioacchino Tosi* (Prato: Fratelli Giachetti, 1833).

67 Philippe Boutry, “Une théologie de la visibilité: le projet “*zelante*” de resacralisation de Rome et son échec.” In *Cérémoniel et rituel à Rome (XVIe–XIXe siècle)*, ed. Maria Antonietta Visceglia and Catherine Brice (Rome: Ecole française de Rome, 1997).

68 Archivio Apostolico Vaticano, *Congregazione dei Disordini*, b. 1, cc. 136–138.

69 Some inhabitants of Farfa and Toffia complained of women being forced into adultery and abortion. Similar accusations that mixed moral, religious and political misconduct had been seen after the fall of the Republic, even in the same villages: Massimo Cattaneo, “Giacobinismo e trasgressione morale in un paese della Sabina,” *Archivi e Cultura* 23–24 (1990–1991).

takes that [had] bestowed quotations taken from the holy texts and concerning the divine Redeemer upon Napoleon himself”.⁷⁰ The *Congregazione dei vescovi e dei regolari* and the Tribunal of the Holy Office became involved in the case as well, but the analysis of Campanelli’s supposedly blasphemous and heretical declarations did not lead to a formal condemnation. Further investigations found Campanelli guilty of outrageous behaviour at the time of the Roman Republic, too; once he had even trampled on Pius VI’s image, though he had later repented of this and had decided to be ordained. This “insincere penitent” was finally sentenced to being removed from his pastoral duties and to banishment to live in confinement in a monastery.

Conclusions

The case of Giovanni Nicola Campanelli connects the history of blasphemy and sacrilege in republican and Napoleonic Rome. Whilst reports about episodes of religious misbehaviour were far less frequent in 1814 than in 1799, the two restorations shared a number of similarities. In both cases new extraordinary judicial or extra-judicial institutions like the *Giunta di Stato* and the *Congregazione dei Disordini* cooperated with long-standing bodies such as the Inquisition, the *Vicariato* tribunal and the *Penitenzieria* in enforcing political and religious compliance. The *Giunta di Stato* mostly targeted ordinary people who had professed republican opinions and had demonstrated a lack of allegiance to Pius VI’s theocratic authority. By contrast, the *Congregazione dei Disordini* focused on elites, especially clergymen, who were supposed to behave as role models for the population. Although the severity with which blasphemous and sacrilegious offences were prosecuted differed, the priority in both cases lay on the protection of the sacred, i.e. on the defence of the interdependent majesty of God and the pope. Any attempt to deny this relationship, or use the sacred as the basis of political legitimacy without the mediation of the Church, were treated as attacks on the sacred itself.

The violence that occasionally accompanied blasphemies or acts of sacrilege, especially at the time of the Roman Republic, did not have a counterpart in the prosecution of religious misbehaviour. This absence was not accidental. Both in 1800 and in 1814, Pius VII and Consalvi opted for pragmatism rather than revenge. They decided that “restoring the State [the papal theocratic temporal power] was the same as restoring the Church itself [the universal spiritual au-

⁷⁰ Archivio Apostolico Vaticano, *Congregazione dei Disordini*, b. 10, cc. 230–243.

thority],” which could be read as an intransigent take on defining and defending the sacred.⁷¹ Beyond showing continuity in the doctrinal definitions of blasphemy and the measures taken against its circulation around 1800, this chapter reveals a remarkable degree of the politicisation of religion during and after the French occupations of the Papal States.⁷² It demonstrates the connections between the civil crime *cum* religious sin of blasphemy and the charge of *lèse-majesté*, which endured and even grew stronger after the political upheavals caused by the French Revolution. In the last decades of the papal theocracy, blasphemy became politicised to an unprecedented degree, as it was seen as a sign of a secularising society and as an indication of the collapse of the symbiosis between politics and religion that formed the backbone of papal power.⁷³

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71 Boutry, “Traditions et trahisons,” 204. See for this argument Adolfo Omodeo, *Studi sull’età della Restaurazione* (Turin: Einaudi, 1970), 417. This renowned historian introduced the concept of “irrigidimento ieratico”.

72 Gaetano Moroni, *Dizionario di erudizione storico-ecclesiastica* (Venice: Tipografia Emiliana, 1840), vol. 5, 190–191. In his short review of *Elementi della giurisprudenza criminale. Edizione terza, e prima romana* (Rome: Vincenzo Poggioli, 1817) the famous jurist Gian Domenico Romagnosi ironically noticed that such an essay could only be useful in the Papal States, because the first section dealt with crimes against God and had therefore no juridical basis in secular politics. See *Il Conciliatore* 8 (1818), 30–31. For the measures taken to prevent blasphemy, see also the instructions by the apostolic delegate of Macerata Francesco Tiberi (August 11, 1816) in Domenico Spadoni, *Sette, cospirazioni e cospiratori nello Stato pontificio all’indomani della Restaurazione* (Turin-Rome: Roux & Viarengo, 1904), 57.

73 Catherine Brice, “Entre délit politique, sacrilège et droit commun: l’iconoclisme politique en procès (Rome, 1849–1850),” in *Iconoclisme et révolutions de 1789 à nos jours*, ed. Emmanuel Fureix (Paris: Champ Vallon, 2014).

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Julio de la Cueva

4 Blasphemy, War and Revolution: Spain, 1936

This chapter examines the role played by blasphemy in the revolutionary situation that unfolded in the Republican zone after the beginning of the Spanish Civil War (1936–1939) on July 18, 1936, and the division of Spain into two halves: one loyal to the Republic and the other in the hands of a rebel faction. This revolution was characterised, among other features, by intense violence against those considered enemies of the Republican cause and of the revolution itself. Among the targets of this revolutionary ire, the Catholic Church – its clergy, its movable, and unmoveable property – figured prominently.

The subject of blasphemy, as part of the violence inflicted upon the members and properties of the Catholic Church during the Spanish Civil War, is almost entirely unexplored in the historiography. One reason may be that its relative importance pales in the face of the tremendous impact that the murders and material destruction of the time have on the observer. Moreover, as shown below, the restrictive definition of “blasphemy,” which is common in Spanish culture and language, seems to unduly reduce the scope of the study. In fact, historians of nineteenth- and twentieth-century Spain have not expressed any particular interest in this subject, in contrast to the focus placed on this phenomenon by historians of early modern Spain, who have largely based their research on Inquisition sources. Interestingly, the study of blasphemy in contemporary Spain has not sparked much enthusiasm among linguists, sociologists or anthropologists either.

The following pages, then, constitute an initial approach to the subject, based on the analysis of 26 micro histories of both blasphemy and incitement to blasphemy that occurred in the province of Toledo between July and October 1936. The sources available for the study of blasphemy in this context are, unfortunately, limited, both in number and in their focus. On the one hand, the sources come, primarily, from the Church in the form of the so-called martyr-

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ogies that were produced immediately after the Civil War to bear witness to the martyrdom of the clergy murdered in the republican zone. On the other hand, the sources are naturally somewhat coy when it comes to reproducing the exact contents of the blasphemous expressions uttered. The information contained in the martyrologies, then, was supplemented with data from other sources, such as the so-called *Causa General* – the extensive, national fact-finding process opened by the Franco authorities to determine what had happened during the “Red domination in Spain,” i.e. the Civil War – as well as complementary accounts that predate, postdate or are contemporaneous with the events described.

Before presenting the cases, I will first explain what has usually been understood as blasphemy in Spain and provide a definition of this behaviour in the Spanish legal system prior to the incidents. The attempt to define blasphemy from an objective point of view – both lexicographically and legally – does not detract from the subjective implications of a behaviour that is so closely bound up with the emotional reactions of individuals and groups, even though they are culturally acquired. I will then describe the events and place them in the context of sacrilegious acts that would probably be classified as “blasphemous” in other legal and cultural traditions. This is followed by a tentative explanatory framework for blasphemous behaviour in a context of war and revolution. I end with some comments on the return of the legal punishment of blasphemy after the defeat of the Republic and the revolution.

Defining Blasphemy in Spain: the Dictionary and the Law

One of the difficulties when speaking about blasphemous behaviour in comparative terms is the variability of the meaning of the term “blasphemy” in different national and cultural contexts. In 2008, when the Venice Commission tackled “the issue of regulation and prosecution of blasphemy, religious insult and incitement to religious hatred,” it had to begin the section of its report on national legislation by recognizing that “there is no single definition of blasphemy”.¹ One year later, the Parliamentary Assembly of the Council of Europe Committee on

¹ European Commission for Democracy through Law, *Report on the Relationship between Freedom of Expression and Freedom of Religion: the Issue of Regulation and Prosecution of Blasphemy, Religious Insult and Incitement to Religious Hatred* (Strasbourg: Council of Europe, 2008), accessed August 6, 2020, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2008\)026-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2008)026-e).

Culture, Science and Education nevertheless offered a tentative definition: blasphemy was “the offence of insulting or showing contempt or lack of reverence for god and, by extension, toward anything considered sacred”.²

In Spain, the definition of blasphemy has always been narrower and has tended to be limited to verbal insults against the divinity. The 1936 edition of the dictionary of the Spanish Academy, published contemporaneously with the Civil War events discussed below, defined blasphemy as “insulting words against God, the Virgin or the saints”.³ This definition from the official dictionary of the Spanish language was, moreover, historically employed by Spanish legal doctrine to determine the meaning of blasphemy. The only nuance added to the dictionary by jurisprudence was the determination that insulting “God” also included insults against the Host.⁴ In any case, both the Academy and the law agreed with the popular sentiment: to blaspheme was to make vulgar utterances against God, the Virgin, the saints or the consecrated wafer.

While blasphemy had formed part of the vernacular language in Spain since time immemorial, and the dictionary always included its definition, its presence in the criminal code has been both problematic and intermittent. In the legal system of the old regime, blasphemy was always considered a crime, the seriousness of which depended on the content and intention of the blasphemous expression and the circumstances. Generally speaking, severe sentences were reserved for blasphemy deemed “heretical,” while expressions that were merely “imprecatory” – uttered without any intention to offend the sacred – were handled more lightly (although at times it was not easy to distinguish one from the other). In fact, the Inquisition did not usually pass judgement on imprecatory blasphemy, which was reserved for the civil courts.⁵ With the advent of the liberal regime and the suppression of the Inquisition, the crime of heresy disappeared, but the crime of blasphemy was not eradicated from the legal system.

² Committee on Culture, Science and Education, *Blasphemy, Religious Insults and Hate Speech against Persons on Grounds of Their Religion* (Strasbourg: Council of Europe, 2007), accessed August 6, 2020, <http://www.assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=11521&lang=en>.

³ Real Academia Española, *Diccionario de la Lengua Española* (Madrid: Espasa-Calpe, 1939), 180. This edition was prepared for publication in 1936, but the outbreak of the war postponed its appearance until 1939.

⁴ Antonio Quintano Ripollés, “Blasfemia,” in *Nueva enciclopedia jurídica*, ed. Carlos E. Mascareñas (Barcelona: Francisco Seix, 1989); Jaime Rossell Granados, *Religión y jurisprudencia penal: un estudio de la jurisprudencia de la Sala 2ª del Tribunal Supremo en el período 1930–1995* (Madrid: Universidad Complutense, 1996), 155–156.

⁵ Martí Gelabertó Vilagran, “Legislación y justicia contra blasfemos (Cataluña, siglos XV–XVII),” *Hispania Sacra* 64 (2012).

The first Spanish penal code dates back to 1822 and in it, blasphemy uttered in public was considered a crime to be punished by imprisonment. The 1848 penal code, however, did not consider blasphemy a crime, but rather a minor offense in its Article 480. Both codes punished “those who blaspheme God, the Virgin and the saints,” while the partial reform of 1850 added “and sacred things”.⁶ After freedom of worship was recognised in the Constitution of 1869, blasphemy disappeared from the 1870 penal code. However, in 1902 the Supreme Court again established jurisprudence to condemn blasphemers, determining that they had committed an offense “against decency and good morals without committing a crime,” according to Article 586.2 of the code.⁷ In fact, under this interpretation, allegations against blasphemers were heard from time to time in regional courts, usually lodged by clergymen.⁸ Blasphemy briefly reappeared in the penal code of 1928, one in a long list of offenses against “public decency”. Finally, under the Republic, it once again disappeared from the 1932 penal code, which reproduced the 1870 code on blasphemy word for word.⁹

Although beginning in 1870 the criminal code only punished blasphemy indirectly via Article 586.2, from 1882 on, another legal instrument made it possible to repress blasphemers more directly. This was the Provincial Law, whose Article 22 urged civil governors – the authority that represented the government in each province – to “repress acts against morality or public decency” by imposing a fine. Under this law, civil governors in a number of provinces published circulars calling upon local authorities and police forces to report and fine blasphemers.¹⁰ Complaints must have been quite frequently lodged against those who blasphemed in public under this law, although no systematic studies of its application have been done.¹¹ Finally, town and city councils could also issue – and they did, indeed, do so – ordinances prohibiting blasphemy in their munic-

6 Rossell Granados, *Religión y jurisprudencia penal*, 44–45, 63–65, 71–72; Juan Ferreiro Galguera, *Protección jurídico penal de la religión* (A Coruña: Universidade da Coruña, 1998), 89, 95.

7 Rossell Granados, *Religión y jurisprudencia penal*, 82–86; Ferreiro Galguera, *Protección jurídico penal*, 103–119.

8 M. Pilar Salomón Chéliz, *Anticlericalismo en Aragón. Protesta popular y movilización política (1900–1936)* (Zaragoza: Prensas Universitarias de Zaragoza, 2002), 136.

9 Rossell Granados, *Religión y jurisprudencia penal*; Ferreiro Galguera, *Protección jurídico penal*.

10 Rossell Granados, *Religión y jurisprudencia penal*, 86; Agustín Coy Cotonat, *Blasfemias y obscenidades en el lenguaje* (Barcelona: Librería de Manuel Vergés, 1918), 55–59.

11 Alberto González González, “Anticlericalismo, secularización y recatolización. La cuestión religiosa en la provincia de Toledo en la Segunda República y la Guerra Civil (1931–1939)” (PhD diss., Universidad de Castilla-La Mancha, 2018), 196, accessed August 7, 2020, <https://ruidera.uclm.es/xmlui/handle/10578/20536>.

ipalities. Thus, for example, Article 8.1 of the municipal ordinance of the city of Toledo, passed in 1890, prohibited “the public utterance of blasphemy or sarcastic or indecorous words against the dogmas of any religion protected or tolerated by the state”.¹² The Article displayed a curious ecumenical spirit, probably in accordance with the liberal composition of the city council at the time.

Even though Spanish law limited “blasphemy” to verbal insults and did not include other manifestations of contempt or lack of reverence toward the sacred, this does not mean that such acts were not punished. Since the first Spanish penal code in 1822, all subsequent codes classified any act that infringed upon the free exercise of religious worship or upon the ministers or properties of the Catholic Church (or, when applicable, any other religion), as a crime. Like its predecessors, the Penal Code of 1932, which was in force when the acts described below were committed, determined that a crime was committed by anyone who “insulted the minister of any religion,” “impeded, disturbed or interrupted the observance of religious functions,” “publicly ridiculed any of the dogmas or ceremonies of any religion with proselytes in Spain” or “publicly profaned images, liturgical vessels or any other object used for worship” (Article 235), among other so-called “crimes related to the freedom of conscience and freedom of religious worship”.¹³ That being the case, in Spain no one would have deemed these behaviours to be blasphemous.

Committing and Inciting Blasphemy in the Province of Toledo in 1936

The province of Toledo covers 15,369 square kilometres in the current region of Castilla-La Mancha in the middle of Spain, south of Madrid. In 1936, 185 of its municipalities belonged to the Diocese of Toledo, while 12 were attached to the Diocese of Avila and 7 to the Diocese of Cuenca. When the Civil War broke out, the entire province fell on the side of the Republic. One small group of rebels took refuge in the historic Toledo fortress, the Alcázar, which was besieged until it was liberated by the rebel army on September 28, 1936. In late October and until the end of the war, the front stabilised along the Tagus River, with

¹² Ayuntamiento de Toledo, *Ordenanzas municipales de la ciudad de Toledo y su término* (Toledo: Imprenta de J. de Lara, 1890), 32. For other towns in the province of Toledo, see González González, *Anticlericalismo*, 147, 441.

¹³ Rossell Granados, *Religión y jurisprudencia penal*, 117–125; Ferreiro Galguera, *Protección jurídico penal*, 132–137.

the southern half of the province in the hands of the Republic and the northern half, including the city of Toledo, in the hands of the Nationalists. This division of the province and the territorial configuration of the two halves would last until the end of the Civil War with almost no significant changes.

One of the first and most striking consequences of the military uprising was the collapse of the Republican rule of law, not only in the areas where the rebels managed to impose their military might, but also in the regions where the coup d'état failed. There, the power vacuum created by the partial collapse of the state, the climate of civil war and the distribution of weapons among the workers' militias triggered a revolution, led by socialists, anarchists and communists – still a miniscule force at that time – accompanied at times by leftist Republicans. The state lost the legitimate monopoly over violence, which the revolutionaries appropriated and applied implacably against anyone judged to be an enemy, one of the most important being the Catholic Church. In the whole of Spain, between 6,733 and 6,832 clergymen were murdered.¹⁴ In the province of Toledo itself, 223 priests were killed – some 60 per cent of the secular clergy – just as 107 male members of religious orders met a violent death.¹⁵ Moreover, while the violence against persons was atrocious, the violence against religious buildings, images and objects of worship was even more widespread. In only 13 of Toledo's 204 municipalities did the ecclesiastical heritage escape damage.¹⁶

Blasphemy, using the meaning discussed in the previous section, was usually associated with anticlerical violence. It could even be said that blasphemy formed an integral part of this violence, not only in the province of Toledo, but throughout Spain.¹⁷ Firstly, it was not uncommon for the protagonists of vi-

14 Julio de la Cueva, "Violent Culture Wars: Religion and Revolution in Mexico, Russia and Spain in the Interwar Period," *Journal of Contemporary History* 53, no. 3 (2018); Fernando del Rey, *Retaguardia roja. Violencia y revolución en la guerra civil española* (Madrid: Galaxia Gutenberg, 2019); José Luis Ledesma, "Enemigos seculares. La violencia anticlerical (1936–1939)," in *Izquierda obrera y religión en España (1900–1939)*, ed. Julio de la Cueva and Feliciano Montero (Alcalá de Henares: Universidad de Alcalá, 2012). General numbers of victims can be found in Antonio Montero Moreno, *Historia de la persecución religiosa en España, 1936–1939* (Madrid: BAC, 1961), 758–768; Ángel David Martín Rubio, "La persecución religiosa en España. Una aportación sobre las cifras," *Hispania Sacra* 53 (2001).

15 González González, *Anticlericalismo*, 381; Juan Francisco Rivera, *La persecución religiosa en la diócesis de Toledo (1936–1939)* (Toledo: Arzobispado de Toledo, 1995), 592–596; Sebastián Cirac Estopañán, *Martirologio de Cuenca* (Barcelona: Casa Provincial de Caridad, 1947), 553.

16 González González, *Anticlericalismo*, 407.

17 Julio de la Cueva, "Religious Persecution, Anticlerical Tradition and Revolution: On Atrocities against the Clergy during the Spanish Civil War," *Journal of Contemporary History* 33, no. 3 (1998).

olent acts to accompany them with expressions of blasphemy. For instance, according to accounts gathered after the war, on July 24, 1936, the Franciscan nuns of Fuensalida were evicted from their convent “amid blasphemy and insults”. The next day, the cleric Gregorio del Valle was arrested in Toledo and on the way to the site of his execution by firing squad, he had to listen to numerous blasphemies, which he tried to drown out with cheers to Christ the King – the cry “Long live Christ the King!,” which would be recited time and again, had become the hallmark of contemporary Catholic martyrs after being popularised by the victims of the anticlerical policies of the Mexican Revolution in 1926. On July 30, in Talavera de la Reina, the priest Clemente Villasante was marched through the city in the midst of blasphemies before being killed. That same month in El Viso de San Juan, the corpses of two priests were disinterred and symbolically shot “amid shouts and blasphemies”.



Fig. 3: Destroyed calvary with statues of Christ and the Good Thief at St. Elizabeth’s Convent in Toledo, 1936. Photo by Pelayo Mas Castañeda. Courtesy of Postulación Mártires, Arzobispado de Toledo.

On August 3, in the town of Pulgar, “a squad of Marxists” entered the parish church and chapel and, after wreaking havoc in the buildings, donned the sacred vestments they found along the way, “hurling blasphemies.” On August

5, the coadjutor of Oropesa, Nicéforo Pérez, was tortured and murdered, once again in the midst of blasphemies. On 16 August, an outside militia group entered the town of Alcabón and set fire to the images in the parish church “amid blasphemy and mockery”. The parish priest of Yuncos, Aurelio Pérez Valverde, was killed on August 21, “amid blasphemies and insults for continuing to carry a crucifix in his hand”. On September 4, as he himself later recounted, the priest Dionisio Barragán was arrested in Sonseca, where he had arrived after fleeing the nearby town of Mazarambroz, and taken to the barracks of the local militias, where he was beaten “amid blasphemy and taunting”. Nine days later, when the same cleric was being booked into the Toledo provincial prison, he had to endure even more “expletives against religion and the priesthood” from the militiamen, women and young lads standing in the entryway to the jail, after one of them recognized him as a priest.¹⁸

Almost as common as the blasphemies on the lips of the revolutionaries themselves was their incitement to commit blasphemy on the part of their clerical victims. On an undetermined date in Alcubilete, the priest Mariano Ruiz was stripped and subjected to a variety of torments. Apparently, female workers from a nearby tinned food factory led the ordeal, “making heavy-handed suggestions, engaging in indecently vile insolences” and “urging him to commit blasphemy”. On an unknown date, another clergyman was tortured in the town of Rielves at the hands of assailants who were eager to force him to blaspheme. His only response, before being burned alive, was to continue to cry out “Long live Christ the King!” The parish priest of Lillo, Álvaro Manzano, was “subjected to the lowest humiliation to get him to commit blasphemy” between his arrest on July 22, and his death by firing squad on August 10. On July 24, in Quintanar de la Orden, the chaplain Juan Dupuy was murdered after being beaten and incited to blaspheme; his invariable response, apparently, was to shout: “Praise be to God! Praise be to the Blessed Sacrament of the Altar! Long live Christ the King!” In Escalonilla on July 28, the Franciscan Antonio Sierra was hung upside down inside a well from a rope and threatened with drowning if he would not blaspheme, before he was executed by firing squad.

18 Archivo Histórico Nacional, Causa General, 1047, file 14; Rivera Recio, *La persecución religiosa*, 26–28, 189, 295, 322, 334, 389, 412, 600; Andrés Sánchez Sánchez and José Antonio Calvo Gómez, *Mártires de nuestro tiempo: pasión y gloria de la Iglesia abulense* (Ávila: Cabildo Catedral, 2003), 185. On the cry “Long live Christ the King” and the impact of its use in Spanish Catholicism, see Julio de la Cueva, “Los ecos de la Revolución Mexicana. El catolicismo español en la transnacionalización de un conflicto (1926–1927),” in *Más allá de los nacionalcatolicismos. Redes transnacionales del catolicismo hispánico contemporáneo*, ed. José Ramón Rodríguez Lago and Natalia Núñez Bargueño (Madrid, Silex, 2021).

Pressure to see clergy profess blasphemies continued unabatedly in August. In Cazalegas, two attempts were made on August 3 to force the parish priest Manuel Nieto to commit blasphemy; after he refused a second time, he was shot at until he died. On August 5, Restituto Mediero, the parish priest of Oropesa, was taken from his house to a spot outside the town where attempts were made to force him to commit blasphemy; when he refused to do so, his tongue was cut out before his body was riddled with bullets. In Villa de Don Fadrique on August 9, the parish priest Francisco López was murdered after being severely beaten with a “tenacious attempt to make him commit blasphemy”. The revolutionaries in the town used a female neighbour to inform his coadjutor, Miguel Beato, of their desire that he “commit blasphemy and renounce his faith”. In response to his refusal, he was jailed and beaten to death on October 21 after days of “insinuations and blows to get him to blaspheme,” to which he responded with the cry, “Long live Christ the King!” On August 7, the parish priest of Parrillas, Rafael Bueno, was murdered after more than a month of taunting and incitements to blasphemy. Liberio González Nombela was arrested in Torrijos on August 18, and urged to blaspheme, which he refused to do: “I am a priest and the mouth of the priest can never be sullied by blasphemy”. He was executed by firing squad. Finally, on October 17, the Franciscan friar Perfecto Carrascosa was murdered in Villacañas after being tortured; his “tormentors were keen to make him blaspheme the Blessed Virgin”.¹⁹

The sources used to document these facts do not contain the words that comprised the blasphemies uttered by the revolutionaries or what they wanted the clergymen to say. However, it is not difficult to imagine them. Other sources give a rather precise idea of what constituted blasphemy in the 1930s; it is practically the same as what constitutes blasphemy today. As observed by anthropologist Manuel Delgado, Spanish blasphemy is beset by a type of copromania with regard to the sacred. It consists of conjugating the verb vulgarly used to designate the act of defecating in the first person singular of the present indicative and placing it before the name of God, the Virgin, one of the saints – or even all of the saints – or the word “host” in the sense of the consecrated wafer.²⁰

¹⁹ Rivera Recio, *La persecución religiosa*, 30, 258, 260, 261, 276, 338, 390, 400; Montero Moreno, *Historia de la persecución religiosa*, 607, 609; Cirac Estopañán, *Martirologio*, 407; Sánchez Sánchez and Calvo Gómez, *Mártires*, 183, 189.

²⁰ Manuel Delgado, *Luces iconoclastas: anticlericalismo, espacio y ritual en la España contemporánea* (Barcelona: Ariel, 2001), 136–141; Ricardo García Muñoz, “Blasfemias y juramentos en la lengua española: de ayer a hoy,” in *Aktual’nye problemy romanskix jazykov i sovremennye metodiki ix prepodavaniya. Materialy Meždunarodnoj naučno-praktičeskoj konferencii*, ed. V.N. Vasileva (Kazan: Vestfalika, 2015).

To “soil oneself (sh*t) on God” was, according to one Catholic publicist in 1930, “the most terrible blasphemy” and “the most vulgar”. This was confirmed by the Redemptorist Father Ramón Sarabia, who had extensive experience preaching around the country: “it seems that the dictionary of the Spanish language contains only one word: that foul word, the most foul and disgusting word in life and at every turn, Spaniards today hurl this word against God’s holy name”. The Catalan priest Ricard Aragó, who signed using the pseudonym Ivon L’Escop, confirmed that “I sh*t on God, the Virgin, the saints or the host” was also the most common blasphemy in his mother tongue. Much earlier, in the aforementioned Supreme Court sentence of a civil servant for blasphemy in 1902, the decision included the fact that the offence consisted of twice uttering the expression “I sh*t on God”.²¹ Clearly then, as now, the formula could be varied by adding other rude words, but basically most blasphemy mentioned in the sources must have adhered to this pattern.

This does not mean that blasphemous language contained no variations. For instance, it is quite probable that the revolutionaries who invaded the religious buildings and destroyed the sacred images directed coarse words at representations of Christ, the Virgin and the saints in paintings and sculptures. While there is no direct evidence of this for the province of Toledo, acts of this sort have been confirmed for other places in Spain. For example, in Lepe, Andalusia, the Virgin of Beauty was vandalized, shot at and thrown into the Piedras River amid “ridicule and taunting”.²² It is also quite possible that in some of the cases in which members of the clergy were incited to commit blasphemy, the words were less crude than “I sh*t on...”. For instance, in the province of Toledo, as was documented in other parts of Spain, they may have been incited to shout “Death to Christ!” or “Death to God!” or “Death to the Virgin!” or to simply declare that God does not exist; in other words, less blasphemy and more apostasy.²³ However, this was probably not the usual practice.

21 Anacleto Moreno, *La blasfemia. Memoria presentada a la Asamblea Diocesana del Apostolado de la Oración, que se celebró en Oviedo en los días 30 de abril y 1 y 2 de mayo de 1930 convocada por el Excmo. e Ilmo. Sr. Obispo de la Diócesis* (Oviedo: Establecimiento Tipográfico La Cruz, 1930); Ramón Sarabia, *España... ¿es católica?: charlas de un misionero* (Madrid: El Perpetuo Socorro, 1939), 296; Ivon L’Escop, *La llengua catalana: Manual contra la blasfèmia* (Barcelona: Políglota, 1931); Ferreiro Galguera, *Protección jurídico-penal*, 119.

22 Juan Ordóñez Márquez, *La apostasía de las masas y la persecución religiosa en la provincia de Huelva: 1931–1936* (Madrid: CSIC, 1968), 106.

23 Moreno, *Historia de la persecución religiosa*, 598–609. These pages also include numerous cases of incitement to blasphemy from across Spain.

From Blasphemy to Other Forms of Sacrilegious Behaviour

Along with these forms of verbal blasphemy, many other behaviours that were sacrilegious, or “sacrophobic” – to use the term proposed by Manuel Delgado – appeared during the summer and fall of 1936.²⁴ These acts could fall into the category of blasphemy in other cultural contexts and, of course, under the definition proposed by the Council of Europe Committee on Culture, Science and Education presented earlier: performing liturgical parodies, profaning corpses and relics, damaging images and objects of worship, destroying or desacralizing churches, aggression in the form of abuse, torture against or murder of religious personnel in their capacity as such.²⁵ These acts, as noted above, would even have been considered crimes in the 1932 Spanish penal code, which was in effect in 1936, although the code did not describe them as “blasphemy,” but as “insult,” “ridicule” or “profanity”. As a detailed account of these sacrilegious acts in the province of Toledo would be endless, I limit my list to the actions performed in the towns where I have been able to establish the use of verbal blasphemy and, where possible, found a relationship with sacrilege.

In the smaller towns, the people who committed sacrilegious acts were likely to be the same as those who blasphemed or incited blasphemy. In a city like Toledo, this is also probable, but it is more difficult to demonstrate. In any case, it is interesting to note that on July 25, the day on which Gregorio del Valle was forced to endure constant blasphemy as he walked to the site of his execution, four other clergymen were murdered in the city, two churches and two convents were set on fire and destroyed in the flames, and two other convents were attacked. Moreover, in the days prior to and weeks after these events, many more clergymen were murdered, up to 109 – in fact, only 11 survived – and many more religious buildings were destroyed or used for profane purposes,

²⁴ Manuel Delgado, *La ira sagrada: anticlericalismo, iconoclastia y antiritualismo en la España contemporánea* (Barcelona: Anthropos, 1992).

²⁵ On the persistence of a broader concept of blasphemy in many countries in the Christian West to the present day, see David Nash, *Blasphemy in the Christian World: A History* (Oxford: Oxford University Press, 2007). For examples of the forms of iconoclasm and sacrilege mentioned, see De la Cueva, “Religious Persecution”; Mary Vincent, “The Keys to the Kingdom: Religious Violence in the Spanish Civil War, July-August 1936,” in *The Splintering of Spain: Cultural History and the Spanish Civil War, 1936–1939*, ed. Chris Ealham and Michael Richards (Cambridge: Cambridge University Press, 2005); Maria Thomas, *The Faith and the Fury: Popular Anticlerical Violence and Iconoclasm in Spain, 1931–1936* (Brighton: Sussex Academic Press, 2013).



Fig. 4: Destroyed statue of St. John the Evangelist from the Convent of the Franciscan Conception in Toledo, 1936. Photo by Pelayo Mas Castañeda. Courtesy of Postulación Mártires, Arzobispado de Toledo.

while a large number of images were totally or partially damaged. One of the buildings that suffered the most was the Concepción Franciscana convent; it was sacked, the corpses buried there were profaned, and its religious carvings were defaced and even shot. A wooden image of St. John the Evangelist became famous after the hands were cut off and the letters “FAI” (short for *Federación Anarquista Ibérica*, or Iberian Anarchist Federation) carved into its chest.²⁶ Numerous other acts of sacrophobic violence that coincided with the recourse to blasphemy in time and space were also committed in the rest of the province of Toledo. These were quite similar to what occurred in the provincial capital and fall into the categories identified above: violence against persons, the desecration of religious buildings, iconoclasm, exhumation and liturgical parodies.²⁷

This chapter has already introduced many of the clergymen who, after being forced to listen to the blasphemy uttered by others or withstand the incitement to blaspheme themselves, were killed, often after undergoing torture. However, these were not the only members of the clergy who met this sad fate in the towns where blasphemous behaviour played out. In Talavera de la Reina, the largest city in the province after the capital, three priests and four friars were murdered in addition to the aforementioned Gregorio Villasante. In Pulgar, not only was the church attacked by the townspeople amid blasphemy, but the priest was also stabbed to death by a group of outsiders who went by the name of “The Justice of the Spanish People”. In Oropesa, another clergyman was killed along with Nicéforo Pérez and Restituto Mediero. All three were tortured and Pérez’s genitals were mutilated. In Rielves, in addition to the clergyman who was burned alive, three other friars were murdered as well. In Quintanar de la Orden, six secular priests and eight Franciscan monks were tortured and murdered in addition to Juan Dupuy. In Cazalegas, two priests were killed in addition to the parish priest. An additional clergyman was killed in Villa de Don Fadrique together with the parish priest and coadjutor. In Villacañas, three priests accompanied Father Carrascosa on his final, fatal journey. All four clergymen were lampooned and tortured.²⁸

²⁶ Rivera, *La persecución religiosa*, 189–190; González González, *Anticlericalismo*, 378, 391–395.

²⁷ A study on the neighbouring province of Ciudad Real reveals similar patterns of destruction and desecration: Fernando del Rey Reguillo, “1936. La destrucción de los espacios y símbolos del culto católico en La Mancha,” *Hispania* 89 (2020).

²⁸ Archivo Histórico Nacional, FC Causa General, 1045, files 12, 69; 1046, file 46; 1047, file 14. Rivera, *La persecución religiosa*, 258, 260–261, 338, 600; Sánchez Sánchez and Calvo Gómez, *Mártires*, 184–186; Cirac Estopañán, *Martirologio*, 406–407.



Fig. 5: Desecrated graves at St Michael's Church in Toledo, 1936. Photo by Pelayo Mas Castañeda. Courtesy of Postulación Mártires, Arzobispado de Toledo.

The desecration of churches, destruction of images and, at times, disinterment of bodies were usually done in tandem. All four religious buildings in Fuensalida were plundered. The Franciscan convent became the House of the People – in other words the headquarters of the Socialist trade union and party – and the others a warehouse for oil, a granary and a grocery. The parish church, whose images were hacked to bits, was used as a granary. In Talavera de la Reina, two parish churches and four convents were sacked. Some images were burned and others defaced, and some adornments and objects of worship were destroyed. One church and one convent were used as warehouses, while the anarchists established an anarchist workers' centre (*Ateneo Libertario*) in another. In El Viso de San Juan, in addition to the disinterment of the two priests mentioned above, sacred vestments and images were destroyed; this church, too, became the headquarters of the revolutionary committee. In Oropesa, although the parish church did not suffer any serious damage, the convent of the Conceptionist Sisters did. The images in its chapel were destroyed and the Virgin's statue dragged through the town streets by a rope before being burned. A dance hall was set up in the chapel. The images in another chapel in the town were also shot up. In Yuncos, a theatre was installed in the parish church, and the altarpieces and images were destroyed, like the parish church images, by militias arrived from the town of Carabanchel Bajo, near Madrid.²⁹

In Rielves, the church was plundered and the images in it burnt. In Lillo, the entire contents of the parish church and the five chapels in the town were consigned to the flames and two of the chapels were converted into stables. In Quintanar de la Orden, the parish church, four convents and four chapels were sacked, and their images and objects of worship destroyed or stolen. In Escalonnilla, all the carvings in the church were damaged. The fate of the Virgin of Solitude was unique; she was decapitated and her head was used as a football. The Virgin of the Star, in turn, was hanged from an olive tree. The consecrated wafers were scattered on the streets and the church was used as a dance hall. In Cazalegas, some of the altarpieces in the church were damaged. In Villa de Don Fadrique, all the contents of the places of worship were destroyed and in Parrillas, the assailants of the parish church destroyed all the altars, altarpieces, images and religious objects inside it. In Torrijos, the parish church and the local convent were used for a variety of secular purposes and some of their images were defaced. In Villacañas, all of the altars and images in the parish church and four

²⁹ Archivo Histórico Nacional, FC Causa General, 1045, files 12, 46, 60; 1046, files 23, 46. Rivera, *La persecución religiosa*, 332, 352–354, 401–402, 334; Sánchez Sánchez and Calvo Gómez, *Mártires*, 180–181.

chapels were the object of iconoclastic brutality, the consecrated wafers were thrown onto the ground and acts of worship were mimicked using the sacred ornaments.³⁰

Closely related to the sacking of churches and acts of iconoclasm were the spontaneous, facetious representations of liturgical acts performed by the assailants after they had seized the vestments and objects of worship. In Pulgar, according to an anonymous local source who drafted the report for the *Causa General*, the attackers of the parish church and chapel

[...] destroyed the images, smashing and shooting them, then tearing them down from their altars and constantly mocking them while committing other immoral acts. In the meanwhile, they donned the vestments, hurling blasphemies and giving sermons from the altars and pulpits, then going up and down all the streets in the town in a grotesque procession, entering all the taverns and establishments, always followed by kids who, trained and directed by someone older, deafened the neighbourhood with whistles, trumpets and pipes from the magnificent organ that had once been in the chapel, carrying remains of the images like trophies.³¹

Pulgar was not the only town in Toledo where the celebrations of the Catholic liturgy were imitated. In Alcabón, for instance, once the outsiders had finished their destructive mission, townspeople dressed up in the articles of worship and parodied the liturgical acts. In Lillo, too, comic parodies of processions were performed, and in Villa de Don Fadrique, the revolutionaries donned the vestments they found and then improvised liturgical parodies in the streets.³²

One of the places with the most notable connection between blasphemy and sacrilege was Sonseca, a town in which seven resident priests were murdered. Here, the revolutionaries hung an image of the Sacred Heart of Jesus and made a large bonfire with the church carvings “amid blasphemy and glee”. Even more odd, however, was the fact that they wanted to force the parish priest, Leoncio Martín, to burn an image of the Christ of Veracruz with his own hand, suggestively mirroring the incitements to blasphemy that occurred in other places.³³

30 Archivo Histórico Nacional, FC Causa General, 1045, files 18, 69, 70; Rivera, *La persecución religiosa*, 258–261, 275–276, 338, 400–401, 416–418; Cirac Estopañán, *Martirologio*, 403–417.

31 Archivo Histórico Nacional, FC Causa General, 1047, file 14.

32 Rivera, *La persecución religiosa*, 258–261, 275–276, 389.

33 *Ibid.*, 380–382.

From Reviled Practice to Revolutionary Password

Blasphemy was a very deep-rooted practice among the Spanish lower classes, although at times it also extended to the higher strata of the population. In his classic essay on Spanish Catholicism, historian Stanley Payne observed: “For several centuries, the most striking verbal contradiction in the highly sacralised Spanish culture was its exaggerated propensity for sacrilege and blasphemy, carried to a greater extent in Castilian than in any other western language”.³⁴

“There is so much blasphemy,” lamented Ivon L’Escop in 1931, “despite the magistrate and the priest”. Indeed, it was not unusual for Catholic treatise writers to dedicate pages to condemnations of the Spanish habit of blasphemy, observing that Spain was “the country of blasphemers” and “the people of blasphemy” par excellence. In fact, in their opinion, Spain stood out among the “civilized” nations because of this ugly practice.³⁵ Most of these publicists nevertheless recognized that, in general, blasphemy occurred inadvertently: “those who blaspheme know not what they say and blaspheme by accident,” admitted L’Escop.³⁶ Moreover, the ratification of the scale of blasphemy in 1930s Spain does not appear to have been the obsession of a few Catholics who, scandalized by its use, might have exaggerated its magnitude. Indeed, in his memoirs, film director Luis Buñuel wrote about a time when he was commissioned by the Republic to handle some affairs in Geneva but was stopped at the Spanish-French border by a small group of anarchists. After inspecting his documents, they snapped at him: “you cannot pass with this”. Buñuel’s reaction was to let loose with a blasphemy, “uttered in all its seemly intensity,” at which point the anarchists changed their minds and let him continue on his way. “The Spanish language is capable of more scathing blasphemies than any other language I know,” said the filmmaker by way of justification.³⁷

If blasphemy was so widespread and its social use relatively accepted, why should the cases of blasphemy presented in the second section of this chapter

³⁴ Stanley G. Payne, *Spanish Catholicism: An Historical Overview* (Madison: University of Wisconsin Press, 1984), 59–60. The same is true of Catalan, as condemned by Catalan-speaking Catholic publicists. For a discussion of the relationship between blasphemy and social class in Spain, see Matthew Kerry’s chapter in this book.

³⁵ L’Escop, *La lengua catalana*, 116; Coy Cotonat, *Blasfemias*, 11; Agustín Serrano de Haro, *La Blasfemia: obra premiada en el concurso nacional abierto por “El Agro Andaluz” de Jaén y resuelto en junio del año 1930* (Murcia: Tip. San Francisco, 1930), 56; Sarabia, *España, ¿es católica?*, 292–293.

³⁶ L’Escop, *La lengua catalana*, 109.

³⁷ Luis Buñuel, *Mi último suspiro (Memorias)* (Barcelona: Plaza & Janés, 1982), 155–156.

have special significance? I suggest two reasons. First, in the Republican zone during the summer and autumn of 1936, blasphemy ceased to be an inadvertently used imprecation and became a demonstration of verbal sacrophobia that was deliberately employed as an instrument of desacralisation and a form of aggression. Secondly, blasphemy became a password, a kind of formula to indicate support for the Republican/revolutionary cause, used to recognize comrades in arms, or to unmask an enemy.

The deliberate nature of the use of blasphemy in the situations described here is suggested by the context in which the blasphemous expressions occurred. Manuel Delgado has suggested that the blasphemous language used on a daily basis by lower-class Spanish males usually lacked an iconoclastic component, even one of low intensity. Blasphemy, then, was a normalized activity, as widespread in the regions where religious practice was strong as where it was weak: “The iconoclasts committed blasphemy, but no more than the iconodules”.³⁸ Perhaps for that reason, the poet Antonio Machado was able to write in 1936: “Blasphemy forms part of popular religion. Do not trust a people that does not commit blasphemy; there atheism is popular”.³⁹ Blasphemy, then, originated in familiarity with the sacred, the result of its omnipresence in Spanish society. Such a familiarity made it easier to vent viciously against God, the Virgin or the saints, without this necessarily indicating a lack of faith or even the intention to directly offend the sacred beings. However, as Delgado argues, the tie of familiarity with the sacred through blasphemy indicated a rather paradoxical relationship, a way of maintaining both proximity and distance, in which the move from friendly to hostile violence could take place at any moment, when personal or community circumstances so favoured it.⁴⁰ In fact, the distance between the sacred and the profane had been progressively widening for some social groups since the early twentieth century, keeping pace with the first process of Spanish secularisation and the dissemination of anticlerical and secularist ideas. The alienation of one part of the population from Catholicism accelerated during the turbulent years of the Republic.⁴¹ In this situation, it is plausible to argue that the circumstances of the summer and autumn of 1936 facilitated this step –

³⁸ Delgado, *Luces iconoclastas*, 143.

³⁹ Antonio Machado, *Juan de Mairena. Sentencias, donaires, apuntes y recuerdos de un profesor apócrifo* (Madrid: Espasa Calpe, 1936), 8.

⁴⁰ Delgado, *Luces iconoclastas*, 144–146.

⁴¹ Julio de la Cueva, “The Assault on the City of the Levites: Spain,” in *Culture Wars: Secular-Catholic Conflict in Nineteenth-Century Europe*, ed. Christopher Clark and Wolfram Kaiser (Cambridge: Cambridge University Press, 2003); Thomas, *The Faith*, 45–73.

when it had not already been taken – towards an expression of blasphemy that was manifestly hostile to religion.

In the exceptional situation of 1936, blasphemy could no longer be considered – at least not only – the unconscious product of a popular way of speaking, but rather needed to be seen as invectives intentionally uttered. The emotional charge usually contained in blasphemy when expressing anger, or simply despair, did not disappear; in all events, it made the emotions even more intense. What changed was the intentional nature of the blasphemy, which was even more obvious when the blasphemous expressions were declared with the clear aim of making them heard by the ministers of Catholicism in order to offend them. Without a doubt, the deliberation behind these outbursts was even more evident when these ministers were incited to blasphemy. These blasphemous expressions, then, can only be understood as an integral part of the violence unleashed at the beginning of the war, which acquired a notable revolutionary cast in the Republican zone. As noted above, the revolution attacked the Catholic Church with particular savagery, along with the entire sphere of the sacred identified with it. This “sacrophobia” not only spilled over into homicidal and iconoclastic impulses, but also found fertile ground for its expression in the field of language. In fact, blasphemy did not constitute the only way in which language was used in the pursuit of desecralisation during these months. Throughout the Republican zone, for instance, the word ‘*adiós*’ (‘good-bye’, a contraction of ‘*a Dios*’ or ‘to God’), commonly used by Spaniards when bidding someone farewell, was suppressed in daily language and replaced by the more secular ‘*salud*’ (‘to your health’). Similarly, in many areas the place names of towns or streets that might be related to Catholic religion disappeared (although in the case of the province of Toledo, the examples found all correspond to changes in street names done before the Civil War).⁴² In short, the temporal and spatial coincidence of the expansion of blasphemy with other irreverent, iconoclastic or directly homicidal behaviours appears to support the idea that they were premeditated.

Understanding blasphemy as a type of ‘antifascist’ or revolutionary ‘pass-word’ also seems to correspond to the events described here. In her study of anticlerical violence and iconoclasm during the Spanish Civil War, Maria Thomas emphasized their “unifying function, forging and reinforcing bonds within the groups that took the lead in the acts, and within the wider community”.⁴³ Thomas’s observation could be applied to the role played by blasphemy. To blas-

⁴² De la Cueva, “Religious persecution”; González González, *Anticlericalismo*, 566–576.

⁴³ Thomas, *The Faith*, 125.

pHEME offered a guarantee of belonging to the community. Unquestionably, blasphemy filled a role of mutual recognition between men from the popular classes. In fact, it was a characteristic trait not only of the popular sociolect, but of the popular male sociolect, and hence to some extent a demonstration of masculinity. It is no surprise, then, that, among the popular classes, the act of blaspheming was a rite of passage for adolescent males eager to be accepted as equals in the adult male community.⁴⁴

Not to blaspheme in this way cast a shadow of suspicion over whomever did not do so. In fact, it could be argued that, even in the past, clergymen had never been fully integrated into the communities they served, not even the parish priests. Their position in the social hierarchy (even if they came from humble origins), their alliances with the powerful, the celibacy, the tonsure, the cassock, their manner of speaking – including avoiding vulgar language –, their very aura of sanctity, all separated them from the others. This separation was more obvious in the case of men, especially those from the lower classes, whose hostility to priests was “fairly universal”.⁴⁵ In general, priests tended to socialize with women, who comprised the bulk of their parishioners, and the men with whom they associated belonged, in most cases, to the local middle and upper classes (it is probably not necessary to clarify that in a context of the feminisation of religion, the strict observance of religious precepts was considered a “woman’s thing” by many). However, during a time of revolution, when all social barriers came crashing down, the clergy lost their right to be considered distinct. For that reason, in addition to taking off their cassocks, working and enduring being addressed informally, they had to blaspheme. Committing blasphemy would show that they were willing to be on an equal footing with everyone else. Above all, it would show that the clergy wished to be equal to other men. Only a man who blasphemed could be considered, first, a real man and, then, a real man of the people.

In addition to being considered outsiders in the popular community, priests were – not unreasonably – suspected of being alienated from the Republic and the revolution. The Catholic Church had constituted one of the pillars of the monarchical regime of the Restoration (1875–1923) and the dictatorship of General Miguel Primo de Rivera (1923–1930), which preceded the Republic (1931–1936).

⁴⁴ José Luis García García, “La utilización diferencial del lenguaje en distintos contextos de identidad,” in *As linguas e as identidades: ensaios de etnografía e de interpretación antropolóxica*, ed. Xaquín S. Rodríguez Campos (Santiago de Compostela: Universidade de Santiago de Compostela, 1997); Delgado, *Lucas iconoclastas*, 135–136.

⁴⁵ William A. Christian Jr, *Person and God in a Spanish Valley* (Princeton: Princeton University Press, 1972), 151–153.

Moreover, the Church had always been distinguished by its cultivation of an antiliberal, antisocialist and counterrevolutionary discourse. Although its attitude towards the Republic was generally one of compliance, the suspicion that there was something insincere in the deference shown to the new regime by the church authorities was inevitable. Moreover, church-state relations had soon begun to deteriorate as a result of the Republic's secular legislation. This then led to the political mobilisation of Catholics with the ultimate aim of reversing the legal changes enshrined in the Constitution and other laws. The resulting organisation, the Spanish Confederation of Autonomous Rights (CEDA), became one of the main political powers, even winning the 1933 general election. The socialists and leftist Republicans believed this new party to be incompatible with the Republic, and between 1931 and 1936, many towns witnessed repeated incidents between Catholics, on the one hand, and socialists and other leftist groups on the other.

Some priests became actively involved in fomenting the Catholic political reaction in their towns, sympathizing either with the fledgling CEDA or with older parties like the Traditionalist Communion. Other members of the clergy remained neutral.⁴⁶ In any case, for all concerned, it seemed natural to classify the clergy as being “on the Right”. Thus, as part of the *Causa General*, the local authorities were asked to complete a “list of persons living in this municipality who were violently killed during the Red domination” along with a number of details about each one, including their profession and political affiliation. In the city of Toledo and in many towns, political activism on the part of the clergy was not disclosed, while in others clerical sympathy towards traditionalism (as in the cases of Liberio González in Torrijos and Aurelio Pérez in Yuncos) or the CEDA (Álvaro Manzano in Lillo) was registered. The case of Quintanar de la Orden is particularly interesting. There, all the members of the secular clergy who were murdered were generically categorized as “rightists,” while all the members of the regular clergy were described as “traditionalists”.⁴⁷

It is no surprise, then, that the incitement to blasphemy was used as a type of opportunity offered to the clergy to demonstrate their conversion to the revolutionary cause, however disingenuous it might be. Accordingly, it was not uncommon for incitements to blasphemy to alternate with orders to shout out rev-

⁴⁶ William J. Callahan, *The Catholic Church in Spain 1875–1998* (Washington, DC: The Catholic University of America Press, 2000), 20–106, 149–168, 274–342; Fernando del Rey, *Paisanos en lucha. Exclusión política y violencia en la Segunda República española* (Madrid: Biblioteca Nueva, 2008); *Ibid.*, *Retaguardia roja*, 439–480.

⁴⁷ Archivo Histórico Nacional, FC Causa General, 1045, file 70; 1046, file 26; 1047, files 4, 30; 1048, file 12.

olutionary cries. In Quintanar de la Orden, not only was Juan Dupuy commanded to blaspheme before he was killed, but also to “cheer for communism”. In the same town, the priest Vicente Carrión was brutally beaten for refusing to shout “Long live Lenin!” On July 22, in Toledo, the parish priest Pascual Martín de la Mora was killed, like Dupuy, for refusing to cheer for communism, while on July 27, in Oropesa, the hospital chaplain César Eusebio Martín was murdered for refusing to cheer for Russia. On July 28, in Ventas con Peña Aguilera, some militiamen shot the parish priest Robustiano Nieto when he would not give “a revolutionary shout”. In Toledo on 1 September, Vicente Moreno was killed for refusing to hail Lenin. Interestingly, in all of these cases, the priests’ response was exactly the same as if they had been incited to blasphemy; they all shouted “Long live Christ the King!” The only exception was the priest in Parrillas, who, after being subjected to brutal efforts to force him to blaspheme, was eventually killed when in response to the command to say, “To your health, comrade!,” and to raise his fist in the air, he retorted: “May God grant us all health!”⁴⁸

Blasphemy, Anticlericalism and Revolution

Only in a revolutionary context is it possible to explain these events. However, beforehand, it is necessary to understand that the revolution in progress at the time operated, as noted, in a cultural system for which religion provided a framework of meaning from which to interpret reality, and a battlefield on which to resolve some of the tensions convulsing specific communities and society in general. While religion constituted a reference point that was naturally accepted, at the same time, it could be naturally be a source of protest emerging in everyday practices ranging, as seen here, from blasphemy to popular anticlericalism.⁴⁹ Moreover, the revolution fed on the categories of a political culture that also bestowed meaning on the collective action of sectors identified with the Left. The attacks against religion were led by individuals or groups familiar with the categories of radical Republican culture, one of whose main and most permanent characteristics was its vehement anticlericalism, even extending to a hatred of religion.⁵⁰ The traditional forms of irreverent, emotional behav-

⁴⁸ Cirac Estopañán, *Martirologio*, 406–407; Rivera, *La persecución religiosa*, 185, 220, 384; Sánchez Sánchez and Calvo Gómez, *Mártires*, 186, 189.

⁴⁹ Delgado, *La ira sagrada*, 49–88; *Ibid.*, *Luces iconoclastas*, 147–176.

⁵⁰ Manuel Suárez Cortina, *El gorro frigio. Liberalismo, Democracia y Republicanismo en la Restauración* (Madrid: Biblioteca Nueva, 2000), 188–190; José Álvarez Junco, *The Emergence of*

our towards religion and its representatives overlapped and acquired new meaning in contact with modern forms of political anticlericalism.

While anticlericalism constituted a primary feature of radical Republican political culture, the myth of revolution incorporated another of its essential components. In fact, both elements came together in the belief that political and social change had to be revolutionary and could only have an effect if it involved the outright defeat of the Catholic Church. Revolution was synonymous with the revocation of ecclesiastical power and the pernicious influence of religion through the exercise of force. This close tie between extreme anticlericalism and revolution can help to explain the overwhelming outbreak of sacrophobic fury in a context interpreted by its protagonists as revolutionary, as the situation in the Republican zone in the summer and autumn of 1936 most certainly was. This extreme anticlericalism had long been pushing for the radical secularisation of Spanish society. Now the latter was brutally achieved by *faits accomplis*: in revolutionary Spain, religion was proscribed.⁵¹ The scale and scope of sacrilegious behaviour was, moreover, amplified by a framework that Bruce Lincoln has termed “millennial antinomianism,” in which laws and social constrictions ceased to operate. Social obstacles and legal impediments lost their validity, such as the provisions protecting religion in the 1932 criminal code. Additionally, priests had lost any moral authority to stop blasphemy, even if only in their own presence. In such circumstances, no one would dare to report and punish blasphemy and other forms of sacrilegious behaviour. Sacrilege and blasphemy were part of the new revolutionary normativity.

The revolution was not destined to last long, either in Spain as a whole or in the province of Toledo. In the Republican zone, the state recovered control of the situation and managed to gradually reverse it until some degree of normality was achieved around February 1937, although this “normality” did not include the reopening of churches or the reestablishment of religious worship. In the rebel zone and later in Franco’s so-called New State, the Catholic religion regained the role that, first, the Republic and, then, the revolution had denied it. Indeed, Franco’s regime went even further as far as blasphemous behaviour – and not only blasphemous behaviour – was concerned; the 1944 penal code once again included the crime of blasphemy after 94 years of being decriminalised. That provision remained in effect until its reform in 1988, ten years after the Constitution of 1978 recognized the separation of religion from the Spanish state.

Mass Politics in Spain: Populist Demagoguery and Republican Culture, 1890–1910 (Brighton: Sussex University Press, 2007); De la Cueva, “The Assault”; *Ibid.*, “Violent Culture Wars”.

51 De la Cueva, “Religious Persecution”; Ledesma, “Enemigos seculares”; Vincent, “The Keys”; Thomas, *The Faith*.

Conclusion

In the revolutionary situation that developed in the Republican zone after the beginning of the Spanish Civil War, enemies of the Republic and the revolution were subjected to extreme forms of violence, with special aggression reserved for the Catholic Church, long a target of the anticlerical discourse that was commonplace among members of the Spanish Left. This study of 26 micro histories from the province of Toledo has shown how blasphemy and the incitement to blasphemy was one of the forms of revolutionary violence used against the Church and its members. Once a spontaneous practice, an unconscious attribute of lower-class Spanish males, blasphemy became an intentional practice, a deliberate attack on the moral integrity of the members of the Church and, moreover, an identifying mark of antifascist revolutionaries. Blasphemy, like sacrilege, came to constitute part of the new revolutionary normativity in a situation of extreme secularisation imposed by force.

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**Part II: Blasphemy as a Form of Experienced
Violence**

Christoffer Leber

5 Conflicting Narratives of Blasphemy, Heresy and Religious Reform: The Jatho Affair in Wilhelmine Germany

In 1896, Andrew Dickson White (1832–1918), the American historian, diplomat and co-founder of Cornell University, published his magnum opus, *A History of the Warfare of Science with Theology in Christendom*, a book that reconstructed the gradual emancipation of science from the influence of the Christian churches. On hundreds of pages, White framed modern history as a continuous battle between science and religion in which scientists would eventually triumph over theologians. “In all modern history,” he claimed, “interference with science in the supposed interest of religion, no matter how conscientious such interference may have been, has resulted in the direst evils both to religion and to science – and invariably [...].”¹ His narrative, later known as the ‘conflict thesis’, perfectly illustrates classic secularisation theory.² This theory maintains that as a result of modernisation and rationalisation, societies become less attached to religious authorities and institutions, prompting – as Max Weber famously put it – a ‘disenchantment’ of the world.³ Scholars from various fields have challenged secularisation theory in recent years pointing at the historicity and political normativity of the concept.⁴ They showed how the latter emerged in Europe

1 Andrew Dickson White, *A History of the Warfare of Science with Theology in Christendom* (London/New York: MacMillan and Company, 1897), vol. 1, vii. See also John William Draper, *History of the Conflict between Religion and Science* (New York: D. Appleton, 1874).

2 On the revision and historicity of White’s and Draper’s conflict thesis, see John H. Brooke, *Science and Religion: Some Historical Perspectives* (Cambridge: Cambridge University Press, 1991); Peter Harrison, *The Territories of Science and Religion* (Chicago: Chicago University Press, 2015); Roland Numbers et al., *The Warfare between Science & Religion: The Idea that Wouldn’t Die* (Baltimore: Johns Hopkins University Press, 2018); James C. Ungureanu, *Science, Religion, and the Protestant Tradition: Retracing the Origins of Conflict* (Pittsburgh, PA: University of Pittsburgh Press, 2019).

3 Recent theoretical approaches distinguish between three processes of secularisation: (1) functional differentiation of society, (2) a decline in church attendance and religious ties, (3) the privatisation of religion and religious practice.

4 Olaf Blaschke, ed., *Konfessionen im Konflikt. Deutschland zwischen 1800 und 1970: Ein zweites konfessionelles Zeitalter* (Göttingen: Vandenhoeck und Ruprecht, 2002); Manuel Borutta, “Genealogie der Säkularisierungstheorie: Zur Historisierung einer großen Erzählung der Moderne,” *Geschichte und Gesellschaft* 36, no. 3 (2010); Steve Bruce, ed., *Religion and Modernization: Sociologists and Historians Debate the Secularization Thesis* (Oxford: Clarendon Press, 2001); Lisa

in the 1840s as a powerful narrative promoted by liberal elites to justify the separation of Church and State, decree the authority of scientific rationality, and legitimate civic emancipation.⁵

Even if secularisation theory has shaped Western conceptions of modernity since the nineteenth century, religion long continued to have a significant impact on society and culture. This also applies to Wilhelmine Germany, a period in German history spanning the years 1890 through 1918. Whilst church attendance declined during this era, especially among the upper and middle classes, the Wilhelmine bourgeoisie began to embrace alternative forms of religion and spirituality.⁶ Olaf Blaschke even called the long nineteenth century a “second confessional age” to emphasise the revival of confessional traditions and demarcations among Protestants and Catholics in Germany during that time. It was a period marked by a strengthening and centralisation of church power, a homogenisation of the confessional sphere, professionalisation of the clergy, and increasing involvement of lay people in religious culture.⁷

A similar trend can be seen in the study of nineteenth-century secularism and freethought. Whereas its history has long been told in terms of a triumph of reason over belief, recent scholarship points to its religious roots and dimensions.⁸ Secularism was, as Laura Schwartz puts it, “a manifestation of a highly religious age”.⁹ German secularism was not only rooted in the free church communities of the pre 1848-era, but also shaped and contributed to key concepts of religious culture, such as the German notion of “Jenseits” (the beyond).¹⁰ Todd Weir even defined nineteenth-century secularism as a fourth “confession” competing with established religious communities for privileges, rights and political

Dittrich, “Europäischer Antiklerikalismus – eine Suche zwischen Säkularisierung und Religionsreform,” *Geschichte und Gesellschaft* 45, no. 1 (2019); Friedrich Wilhelm Graf, *Die Wiederkehr der Götter: Religion in der modernen Kultur* (Munich: C.H. Beck, 2007); Carolin Kosuch, “Freethinkers in Modern Europe’s Secularities: Introduction,” in *Freethinkers in Europe: National and Transnational Secularities, 1789–1920s*, ed. Carolin Kosuch (Berlin: De Gruyter Oldenbourg, 2020).

⁵ Borutta, “Genealogie der Säkularisierungstheorie”; Graf, *Wiederkehr der Götter*.

⁶ Thomas Nipperdey, *Religion im Umbruch: Deutschland 1870–1918* (Munich: C.H. Beck 1988), 130–145; Rebekka Habermas, ed., *Negotiating the Secular and the Religious in the German Empire: Transnational Approaches* (Oxford/New York: Berghahn, 2019).

⁷ Olaf Blaschke, “Das 19. Jahrhundert: Ein Zweites Konfessionelles Zeitalter?” *Geschichte und Gesellschaft* 26, no. 1 (2000).

⁸ See Dittrich, “Europäischer Antiklerikalismus,” 5–36.

⁹ Laura Schwartz, *Infidel Feminism: Secularism, Religion, and Women’s Emancipation, England 1830–1914* (Manchester: Manchester University Press, 2013), 22.

¹⁰ Todd Weir, “The Secular Beyond: Free Religious Dissent and Debates over the Afterlife in Nineteenth-Century Germany,” *Church History* 77, no. 3 (2008).

resources.¹¹ Whilst secularist and freethought organisations opposed the religious ideas represented by the various officially recognised churches, they fought for a new concept of religion and spirituality that better suited modern society.¹² In that sense, the history of secularism reveals that the ‘religious’ and the ‘secular’ are fluid (rather than fixed) categories that are constantly being reshaped in relation to each other.¹³

Among the most radical opponents of the Christian churches in Imperial Germany were the German Freethinkers League (*Deutscher Freidenkerbund*) and the German Monist League (*Deutscher Monistenbund*). As mentioned above, German freethought was rooted in free church communities such as the “Deutschkatholiken” and “Protestantische Lichtfreunde,” which had emerged during the pre-1848 era and opposed orthodoxy, dogmatism, and the cult of relics that was particular to the Catholic Church.¹⁴ Although secularist associations had limited membership – in its heydays, in 1912, the German Monist League counted roughly 6,500 members – they had great influence on Wilhelmine bourgeois culture. Whilst their leaders belonged to the upper middle class, the so-called “Bildungsbürgertum,” most members were decidedly middle class: teachers, artisans, merchants, physicians, engineers, and writers.¹⁵ Wilhelm Bölsche and Bruno Wille, two founding members of the Monist League, belonged to

11 Todd Weir, *Secularism and Religion in Nineteenth-Century Germany: The Rise of the Fourth Confession* (Cambridge: Cambridge University Press, 2014).

12 Lisa Dittrich, “European Connections, Obstacles and the Search for a New Concept of Religion: The Freethinker Movement as an Example for Transnational Anti-Catholicism in the Second Half of the 19th Century,” *Journal of Religious History* 39, no. 2 (2015); Borutta, “Genealogie der Säkularisierungstheorie,” 347–350.

13 See Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003), 1–17; Kosuch, “Freethinkers in Modern Europe’s Secularities,” 13–33.

14 On the history of the free religious communities in Germany, see Andreas Holzem, *Kirchenreform und Sektienstiftung. Deutschkatholiken, Reformkatholiken und Ultramontane am Oberrhein 1844–1866* (Paderborn: Ferdinand Schöningh, 1994); Friedrich Wilhelm Graf, *Die Politisierung des religiösen Bewußtseins. Die bürgerlichen Religionsparteien im deutschen Vormärz: Das Beispiel des Deutschkatholizismus* (Stuttgart: Frommann-Holzboog, 1978); Sylvia Paletschek, *Frauen und Dissens. Frauen im Deutschkatholizismus und in den freien Gemeinden 1841–1852* (Göttingen: Vandenhoeck & Ruprecht, 1990).

15 Christoffer Leber, *Arbeit am Welträtsel: Religion und Säkularität in der Monismusbewegung um 1900* (Göttingen: Vandenhoeck & Ruprecht, 2020), 55–75; Frank Simon-Ritz, *Organisation einer Weltanschauung: Die freigeistige Bewegung im Wilhelminischen Deutschland* (Gütersloh: Kaiser, 1997).

the Wilhelmine avant-garde and had a great impact on naturalistic currents in literature and theatre.¹⁶

As one of the most outspoken organisations, the German Monist League polarised Wilhelmine public opinion and invited serious scandal. From the 1870s onwards, zoologist and Darwinist Ernst Haeckel (1832–1919) propagated Monism as a universalistic worldview based on Darwinism and the natural sciences. Haeckel maintained that spirit and matter – be them animate or inanimate – possessed identity and celebrated Monism as the “link between religion and science,” which could overcome typical Christian dichotomies such as the separation of body and soul as well as of life and the hereafter.¹⁷ In 1906, Haeckel founded the German Monist League with the support of natural scientists, artists, writers, philosophers and even theologians. Before that, he had already provoked conservative believers and church representatives by calling God a “gaseous vertebrate” and proclaiming himself “Counter Pope”.¹⁸ Both monists and freethinkers were ready to insult religion and commit blasphemies for the purpose of questioning church authority and demanding full civil rights, including freedom of speech.¹⁹

Monism not only attracted critics of the churches but also its representatives. Albert Kalthoff (1850–1906), for instance, was a liberal Lutheran pastor from Bremen who became the first president of the German Monist League and sought to reform Christianity from the inside. As a result, Monism became a vehicle to express blasphemies and heresies alongside a means to initiate religious reform. It thus became an umbrella for two types of church criticism. On the one hand, monists rejected the privileges accorded to established religion and derided Christianity for being incompatible with scientific premises; to add weight to

16 On Monism in Bölsche’s and Wille’s prose, see Monika Fick, *Simmenwelt und Weltseele: Der psychophysische Monismus in der Literatur der Jahrhundertwende* (Tübingen: Niemeyer, 1993).

17 Ernst Haeckel, *Der Monismus als Band zwischen Religion und Wissenschaft: Glaubensbekenntnis eines Naturforschers* (Bonn: Emil Strauß, 1892).

18 Ernst Haeckel, *Die Welträtsel: Gemeinverständliche Studien über Monistische Philosophie* (Bonn: Emil Strauß, 1899), 333; “Der X. Internationale Freidenker-Kongreß in Rom (20.–23. September),” *Das freie Wort* 5, no. 13 (1904).

19 On the history of Monism and the secularist movement around 1900, see Leber, *Arbeit am Welträtsel*; Gangolf Hübinger, “Die monistische Bewegung: Sozialingenieure und Kulturprediger,” in *Kultur und Kulturwissenschaften um 1900, vol. II: Idealismus und Positivismus*, ed. Gangolf Hübinger, Rüdiger vom Bruch, and Friedrich Wilhelm Graf (Stuttgart: Steiner, 1997); Olaf Breidbach, “Monismus um 1900 – Wissenschaftspraxis oder Weltanschauung?,” in *Welträtsel und Lebenswunder. Ernst Haeckel – Werk, Wirkung und Folgen*, ed. Erna Aesch et al. (Linz: Verlag Oberösterreichisches Landesmuseum). Paul Ziche, ed., *Monismus um 1900: Wissenschaftskultur und Weltanschauung* (Berlin: Verlag für Wissenschaft und Bildung, 2000).

their argument, they occasionally resorted to blasphemies. On the other hand, liberal Protestants embraced Monism to achieve changes within the existing religious structure, often standing accused of heretical behaviour.

Kalthoff was not the only theologian associated with Monism. In 1911, the figure of Carl Jatho (1851–1913) drew widespread interest in and beyond German Protestant circles.²⁰ A Lutheran pastor from Cologne, Jatho believed in the unity of God and the universe, refused the notion that Jesus ever existed, and replaced the Christian doctrine of salvation with the Nietzschean concept of self-redemption. The Prussian Union of Churches (*Altpreußische Landeskirche*) subsequently accused Jatho of denying the traditional belief in Christ's historical existence, refuting transcendental ideas, and violating the Apostle's Creed.²¹ By accusing Carl Jatho of heresy under the newly introduced "heresy law" (*Irrelehrgesetz*), it hoped to purify its own ranks and protect the faithful from religious error – harnessing itself against the symbolic violence hailing from dissent.

This chapter uses the Jatho Affair as a lens to shed new light on the conflict between Christian religion and science-based secularism in Wilhelmine Germany, in which heresy and blasphemy occupied a prominent role – both as an act of protest and as a form of imagined violence. It argues that the debate over one pastor's dissenting religious views turned into a much larger debate on the freedom of belief, of Protestant identity, and confessional orthodoxy. This discussion took place against the backdrop of the 1871 law prohibiting blasphemy, which was enacted by the German Empire, and the 1910 heresy law that was the product of the Lutheran Church's crackdown on internal dissent. Whilst conservative Protestants saw in Carl Jatho a heretic violating established religious ideas, free-thinkers, monists and other secularists praised the rebellious pastor as a pioneer of religious freedom and a moderniser of Christianity – one, who could help construe a new concept of religion that would meet the needs of modern society.

The chapter first discusses the offence of blasphemy in the German penal code and then shifts perspective to the Jatho Affair as well as the heresy legislation. After providing an overview of Jatho's religious views and teachings, I will summarise his trial in summer 1911. Special emphasis is given to the question of why the Lutheran Church drafted a heresy law roughly forty years after the im-

20 On the Jatho Affair, see Thomas Martin Schneider, "Der Fall Jatho: Opfer oder Irrlehrer?" *Kerygma und Dogma* 54 (2008); Manfred Jacobs, "Jatho, Carl Wilhelm," *TRE* 16 (1987); Siegfried Kuttner, *Als die Welt nach Köln schaute: Ein Carl-Jatho-Lesebuch* (Cologne: C. Roemke, 2003); Lucian Hölscher, *Geschichte der protestantischen Frömmigkeit in Deutschland* (Munich: C.H. Beck, 2005), 356–368.

21 Jacobs, "Jatho," 545; Ernst Rudolf Huber and Wolfgang Huber, *Staat und Kirche im 19. und 20. Jahrhundert* (Berlin: Duncker und Humboldt, 1990), vol. III, 759–761.

perial penal code criminalised blasphemy. My chapter then reconstructs the ambivalent reception of the Jatho case in the conservative, liberal and secularist press, which ranged from accusations of heresy to criticism that the Lutheran Church would silence reformist voices within its own ranks. The last part of the chapter deals with the reception of the Jatho Affair among members of the German Monist League. Drawing on the accounts of two key figures of the movement, it shows that monists projected different objectives onto Jatho. Wilhelm Ostwald, the League's president between 1911 and 1915, read Jatho as a radical critic of the Lutheran Church who aimed to replace Christianity with a modern, scientific worldview; Max Maurenbrecher, on the contrary, saw the pastor as a religious reformer whose teachings echoed a new monist piety that was detached from Christian or biblical roots.

The Offence of Blasphemy in the German Penal Code

The liberalisation of the press in the nineteenth century prompted a renewed interest in and persecution of religious offences, including blasphemy and heresy. Whereas the offence of blasphemy belonged to the terrain of the State, heresy was overseen by the Church. Although legal steps were frequently taken to curb sexually or religiously offensive content, and an anti-blasphemy law had been inserted in the German penal code in 1871, blasphemous comments were a recurrent feature in Wilhelmine art, literature and the press. Arguably the most famous case was Oskar Panizza's satirical play *The Love Council* (*Das Liebeskonzil*, 1894).²² In this anti-Catholic play, God is depicted as an argumentative old man with a vindictive character who made a deal with the devil to punish Rodrigo Borgia (1431–1503), or Pope Alexander VI, for the sexual escapades at the papal court by spreading syphilis across the world. For his blasphemous depiction of God, Jesus Christ (here portrayed as a weakling) and the Virgin Mary (here a dominatrix), Panizza was sentenced to one year imprisonment. At the same time, *The Love Council* was censured and banned throughout Germany.²³

²² Oskar Panizza, *Das Liebeskonzil: Eine Himmelstragödie in fünf Aufzügen* (Frankfurt am Main: Fischer, 1976).

²³ On the case of Oskar Panizza, see Michael Bauer, *Oskar Panizza – Exil im Wahn: Eine Biografie* (Munich: Allitera Verlag, 2019); Michael Bauer, *Oskar Panizza: Ein literarisches Porträt* (Munich/Vienna: Hanser, 1984); Peter Brown, "The Continuing Trials of Oskar Panizza: A Century of Artistic Censorship in Germany, Austria, and Beyond," *German Studies Review* 24, no. 3 (2001).

Panizza's case was part of a much broader trend in Imperial Germany that saw socialists, anarchists and secularists stand accused of blasphemy.

The history of blasphemy as an “imaginary crime” penalised by the state is younger than one might suspect; blasphemy was not debated within the Catholic Church until the thirteenth century.²⁴ Most of the church fathers and theologians (like Thomas Aquinas, Bonaventura, Alexander of Hales, Petrus Lombardus, and Bernardino of Siena) defined blasphemy as the act of denying what belongs to God, or ascribing something incorrect to Him and His nature.²⁵ Since ancient times, the prohibition of blasphemy aimed at nothing less than to preserve the honour of God and to protect the community from divine punishment, such as fires, plagues, floods, and bad harvests.²⁶ The European kingdoms started to prosecute blasphemy as a criminal offence from the fourteenth century onwards, just as the idea of the grace of God as the foundation of the monarchical order was gaining more significance.²⁷ In the Age of Enlightenment, new rational arguments came forward to justify the prosecution of blasphemy, such as ensuring public peace or protecting morality in society.

Although blasphemy had been a crime in most of the states composing the Holy Roman Empire, it had been largely absent from nineteenth-century jurisprudence, before making a spectacular return in the German imperial penal code of 1871. Its introduction was animated by concerns for public morality, social order and political stability. The German Emperor Wilhelm I regarded the Christian religion, and especially the Lutheran Church, as a stabilising force that needed protection from the ‘dangers’ of socialism and materialism. The blasphemy paragraph (§ 166) was based on the assumption that the churches guaranteed and legitimised the monarchical order, with throne and altar forming mutually supportive entities. Attacking religious beliefs and communities could henceforth attract a prison sentence of up to three years. A special feature of German blasphemy legislation was that it protected religious communities – be them Catholic, Protestant or Jewish. This aspect followed from the fact that the German Empire was a multiconfessional state, which included a huge Catholic community and a small Jewish minority (forty and nearly one per cent of the

²⁴ Gerd Schwerhoff, *Zungen wie Schwerter: Blasphemie in alteuropäischen Gesellschaften, 1200–1650* (Konstanz: UVK, 2005), 27–36.

²⁵ Alain Cabantous, *Geschichte der Blasphemie*, translated by Bernd Wilczek (Weimar: Verlag Hermann Böhlhaus, 1999), 13.

²⁶ Barbara Rox, *Schutz religiöser Gefühle im freiheitlichen Verfassungsstaat?* (Tübingen: Mohr Siebeck, 2012), 16–24.

²⁷ Jacques de Saint Victor, *Blasphemie: Geschichte eines “imaginären Verbrechens”*, trans. Michael Halfbrodt (Bonn: Bundeszentrale für politische Bildung, 2017), 24–27.

population respectively). That the imperial penal code defined blasphemy in relation to religious communities, rather than the faith itself, points to the ‘confessionality’ of German blasphemy legislation.

Between 1882 and 1903, more than 6,900 blasphemy trials took place in Germany, which equals 329 trials a year. Public statements that God was a “bloodless ghost” and Jesus the “first socialist” often led to a heavy fine or even to a prison sentence.²⁸ Prosecutions under § 166 were in some cases combined with indictments under the Lex Heinze, a law from 1892 that criminalised the publication of “lewd literature”.²⁹ These legal responses to blasphemy point to “changing views of the sacred” that have shaped and regulated modern societies.³⁰ Prosecuting blasphemy offered an opportunity to stabilise the moral-political order of society. So did heresy.

The Case of Carl Jatho: Dealing with Heresy in the Lutheran Church

Almost forty years after the introduction of the German blasphemy law, the Lutheran Church of Prussia passed a heresy law to deal with dissent within its own ranks. Whereas blasphemy was the terrain of the State, heresy was sanctioned by the Church to discipline its own officials. The first clergyman to fall victim to the new heresy law was Carl Jatho. Born to a Lutheran pastor in Kassel in 1851, he had served in the Franco-Prussian War before studying theology in Marburg and Leipzig. After completing his studies, Jatho moved to Bucharest (Romania) in 1876 to become a parish priest. Nine years later he returned to Germany and became a pastor in Boppard, a small town along the Rhine river near Coblenz; in 1891, he became head of the community of Cologne’s *Christuskirche*.³¹ There Jatho gained fame for his moving sermons, which made him ex-

28 Werner Tschacher, “Von der Gotteslästerung zur Störung des öffentlichen Friedens: Grenzverschiebungen in der Geschichte der Blasphemiegesetzgebung,” in *Jeux sans Frontières? Grenzgänge der Geschichtswissenschaft*, ed. Andreas Fickers, Rüdiger Hauge, Stefan Krebs and Werner Tschacher (Bielefeld: transcript, 2018), 289.

29 Gerd Schwerhoff, *Verfluchte Götter: Die Geschichte der Blasphemie* (Frankfurt am Main: Fischer, 2020), 320.

30 David Nash, *Blasphemy in the Christian World: A History* (Oxford: Oxford University Press, 2010), 1.

31 For more information on Jatho’s life, see Jacobs, “Jatho,” 545–548; Hans Hohlwein, “Jatho, Carl,” *Neue Deutsche Biographie* 10 (1974), 367; Schneider, “Der Fall Jatho,” 78–97; Kuttner, *Als die Welt*.



Fig. 6: 'Portrait of Carl Jatho,' published in *Carl Jatho: Briefe* (Jena: Eugen Diederichs, 1914). Photo courtesy of the Bayerische Staatsbibliothek, Munich.

tremely popular among a bourgeoisie alienated from Lutheran orthodoxy. Eugen Diederichs, a famous publisher of avantgarde literature, printed multiple volumes of these sermons and thus helped Jatho become a well-known and popular figure in social reform circles. The latter also wrote numerous books on religious

and spiritual themes such as *Personal Religion* (1906), *The Joyful Faith* (1911), and *The Everlasting God* (1913).³²

Jatho stood out for his radically subjective understanding of God, which he expressed by juxtaposing Christian belief with pantheistic, romantic and monist elements. He rejected the idea of Christianity as a revealed religion, seeing in it rather a historical phenomenon capable of change and progress. Jatho also believed in the identity of God and the universe, and maintained that Christ represented the “genius of mankind,” reproduced in each human being. The London weekly *Saturday Review* questioned Jatho’s radical thought as follows:

The subjective experience of prayer necessitates the objective dogma of God. [...] If religious experience receives conflicting interpretations, then either the experience is different or the interpretation incorrect. Pure subjectivity would leave individuals trusting their own unexplained emotions and mutually regarding each other’s belief as based on illusion. But it is evident that this situation tends to destroy a belief whose objective validity it has undermined.³³

Jatho’s rising star was viewed with growing scepticism by the High Consistory of the Lutheran Church in Prussia, which feared that he might violate fundamental beliefs and principles of the Church. That the pastor was rumoured to use his own creed during confirmation ceremonies instead of the apostolic one only increased suspicion among church authorities.

The heresy law that the Lutheran Church passed in 1910 strengthened the supervision of the Prussian clergy by the Church Council (*Oberkirchenrat*) and introduced a consultation procedure for views or practices considered to be theologically dissenting or even heretic.³⁴ By introducing this new law, officials demonstrated their obligation to make sure that the Gospel was preached according to the Scriptures and the confession of the Church. Priests charged with dissent would have to explain and justify their interpretation of the faith in front of an ecclesiastical court (*Spruchkollegium*).³⁵ This was the road that lay ahead for Carl Jatho. Before his trial started in June 1911, he had to provide

³² Carl Jatho, *Persönliche Religion: Predigten von Carl Jatho* (Cologne: C. Roemke, 1906); Carl Jatho, *Fröhlicher Glaube. Ein Andachtsbüchlein* (Cologne: Paul Neubner, 1910); Carl Jatho, *Der ewig kommende Gott* (Jena: Eugen Diederichs, 1913); Carl Jatho, *Zur Freiheit seid ihr berufen: Die sechzehn Saalpredigten* (Jena: Eugen Diederichs, 1913).

³³ W. Sparrow-Simpson, “A German Modernist: Carl Jatho,” *The Saturday Review*, March 23, 1912.

³⁴ Huber and Huber, *Staat und Kirche*, 759–761.

³⁵ Before the introduction of the heresy law, the Lutheran Church prosecuted heresy as a disciplinary offence and equated it with other offences such as theft or abuse of authority.

an explanation around five different issues: his view on (i) the relation of God to the world, (ii) the revelation of Christianity, (iii) the meaning of guilt and original sin, (iv) the being of Christ, and (v) life after death. Since Jatho stuck to his heterodox views, the ecclesiastical court removed him from his ministry on June 23. It justified its decision by arguing that Jatho's teachings were incompatible with the confession of the Lutheran Church and that he had broken his oath of ordination.³⁶ Jatho was thus ousted for professing heresies. Nevertheless, he continued preaching across Germany until his unexpected death from blood poisoning on March 11, 1913.³⁷ His fate not only raised the question about how to deal with dissent within the Lutheran Church but also touched on issues about institutional authority, lay participation and organisation. How could a pastor be accused of heresy if his congregations accepted his teachings? Should not the congregation have the exclusive right to denounce heresies?³⁸

Conflicting Narratives

The Jatho Affair occurred at a time when debates about the limits of religious and artistic freedom took on a new quality in Imperial Germany. In 1879, German-Jewish impressionist painter Max Liebermann (1847–1935) was accused of blasphemy for his *Jesus at the Temple*, which had been exhibited at the international art fair in Munich. The artist had depicted Jesus as a poor Jewish boy dressed in shoddy garments addressing the elders at the Holy Temple (Luke 2:41–52). This naturalistic depiction of young Jesus, in rags and with an allegedly Jewish physiognomy, outraged conservative Christians who saw in it an act of blasphemy – forcing Liebermann to change the image.³⁹ Sixteen years later, the aforementioned artist Oskar Panizza was condemned for blasphemy on 99 grounds, with the plaintiff citing a desire to defend the Christian faith and moral order. Because German blasphemy law guaranteed the protection of all recognised religious communities, Jewish faith groups could initiate action too. In 1913, the Central Association of German Citizens of the Jewish Faith (*Cen-*

³⁶ Jacobs, “Jatho,” 546.

³⁷ *Ibid.*, 545.

³⁸ Henning Theißen, “Die Partnerschaft von Amt und Gemeinde in einer Ökumene des Nordens,” in *Ökumene des Nordens: Theologien im Ostseeraum*, ed. Heinrich Assel, Christfried Böttrich, and Henning Theißen (Frankfurt am Main: Peter Lang, 2010), 128.

³⁹ Jenns E. Howoldt, “Der zwölfjährige Jesus im Tempel. Das Bild und seine Entstehung,” in *Der Jesus-Skandal. Ein Liebermann-Bild im Kreuzfeuer der Kritik*, ed. Martin Faass (Berlin: Reiter-Druck, 2009).

tral-Verein Deutscher Staatsbürger jüdischen Glaubens) sued antisemitic writer Theodor Fritsch (1852–1933) for insulting their religious community and encouraging antisemitic violence. Among others, Fritsch had called Jahwe “malicious” and “despicable”.⁴⁰

The Jatho Affair was different from these other cases in that it focused on purifying the religious (here Lutheran) community from within rather than protecting it against outside attack. With Protestantism the principal faith of the German Empire – and the faith of the ruling Hohenzollern house too – the prosecution of a pastor of the Luther Church sent shockwaves through the country and even provoked street protests in Cologne and Berlin. The *Berliner Tageblatt* stated on January 30, 1911: “[t]he Protestants of Cologne stand in unconditional loyalty to him [Jatho – C.L.] and would consider any touching of their wise and devoted pastor, who is held in high esteem by everyone, as a relapse into the medieval law of the fist!”⁴¹ More than 45,000 citizens in Cologne signed a petition to demonstrate their solidarity with Jatho. It not only shows his enormous popularity among Cologne’s bourgeoisie, but also reveals popular opposition against the heresy law. On January 29, 1911, roughly five months before the ecclesiastical court (*Spruchkollegium*) sanctioned the pastor, two demonstrations in favour of Jatho took place at the Gürzenich and the Reichshallentheater in Cologne, two of the city’s biggest event locations. Protesters also started a donation campaign after he had lost his paid position in the Church. They even considered founding their own independent church.⁴²

After the ecclesiastical court had disciplined Jatho for heresy, the affair turned into a media event as newspapers from across the political and confessional spectrum reported on the case.⁴³ His supporters regarded Jatho’s removal

40 On the Fritsch case, see Inbal Steinitz, *Der Kampf jüdischer Anwälte gegen den Antisemitismus: Die strafrechtliche Rechtsschutzarbeit des Centralvereins deutscher Staatsbürger Jüdischen Glaubens (1893–1933)* (Berlin: Metropol, 2008), 95–100.

41 “Der Irrgeist am Rhein: Ein Besuch beim Pfarrer Jatho in Köln,” *Berliner Tageblatt*, January 30, 1911.

42 “Kundgebungen für Jatho,” *Kölner Stadt-Anzeiger. Abend-Ausgabe*, January 30, 1911; Jacobs, “Jatho,” 546–47; Schneider, “Der Fall Jatho”; Huber and Huber, “Der Fall Jatho,” 760.

43 A collection of the press coverage on the Jatho Affair is available at the Archive of the Protestant Church in the Rhineland, Düsseldorf, Coll. Pfarrer Carl Jatho 8SL 025. The following accounts provide an overview of the positive and negative responses to the Jatho Affair: Joachim Dietrich, ed., *Der Fall Jatho: Aktenstücke und Beurteilungen* (Berlin: Positive Union, 1911); Gustav von Rhoden, *Der Kölner Kirchenstreit: Pfarrer Jathos Amtssetzung im Lichte der öffentlichen Meinung. Nach den Quellen zusammengestellt* (Berlin: Martin Warneck, 1911); Arthur Bonus, *Wider die Irrlehre des Oberkirchenrats* (Jena: Eugen Diederichs, 1911); Erich Foerster, Johannes Kübel, and Otto Zurhellen, eds., *Zur Auseinandersetzung mit Jatho: Frankfurter Vorträge* (Frank-

from his ministry as a violent attempt by the High Consistory to eliminate dissenters through the authority of force – thus turning the relationship between religious offence and violence topsy-turvy; after all, heretics were usually considered as the ones causing disorder by spreading radical ideas. With Jatho now celebrated as a martyr for spiritual liberation, the Lutheran Church acquired the reputation of some latter-day papacy that freely disposed of dogmas, violence and repression.⁴⁴ Social democrat and theologian Paul Göhre (1864–1928) even saw Jatho’s fate as proof of the steady “Catholicisation of the Protestant Church,” recalling contemporary controversies about modernism in the Roman Church.⁴⁵ A liberal Protestant newspaper from Austria drew a similar analogy between ultramontanism and the Lutheran Church: “Rome has triumphed. Even if Jatho is not treated as bad as the modernists are by Rome, [...] there is essentially no difference between the ecclesiastical court and the Inquisition.”⁴⁶ What Jatho’s supporters described as violence resembles Johan Galtung’s concept of structural violence, which draws on the forms of discrimination and oppression inherent to large institutions. Rather than physical violence, Jatho experienced the full weight of the long arm of the Lutheran Church as he was marginalised, silenced and forced to resign.

One of the most famous people to comment on Jatho’s position was liberal theologian Adolf von Harnack (1851–1930).⁴⁷ Although he disagreed with Jatho’s understanding of God, he defended freedom of preaching and was convinced that the Christian message of salvation reached believers regardless of their dissenting views. Conservatives condemned Harnack for attempting to mediate between the different parties involved in the Jatho Affair and hence called him “professor jumping jack”.⁴⁸ They regarded the lonesome pastor as both a heretic

furt am Main: M. Diesterweg, 1911); Joseph Gauger, *Der Fall Jatho und unsere kirchliche Lage*, 2nd ed. (Elberfeld: Buchhandlung der Evangelischen Gesellschaft für Deutschland, 1911); Karl G. W. Herbers, *Zum Fall Jatho: Ein offenes Wort zur Klärung* (Duisburg: Rhein- und Ruhrzeitung, 1911); Wilhelm Klauke, *Jatho’s Verurteilung im Lichte der Wahrheit und Gerechtigkeit* (Frankfurt am Main: Wilhelm Greven, 1911); Otto Zurhellen, *Jathos Theologie und die religiöse Krisis der Gegenwart* (Tübingen: Mohr, 1911).

44 “Ecclesia triumphans?” *Das freie Wort* 11, no. 8 (1911): 281–283. On the image of the martyr, see *Evangelische Kirchenzeitung* 85 (1911), 227; “Jathoversammlung in Dresden,” *Lehre und Wehre: Theologisches und kirchlich-zeitgeschichtliches Monatsblatt* 58 (1912), 329.

45 Paul Göhre, “Die Bedeutung des Falles Jatho,” *Sozialistische Monatshefte*, July 27, 1911.

46 “Der Fall Jatho,” *Evangelische Kirchen-Zeitung für Österreich*, July 15, 1911.

47 “Professor Harnack über Spruchkollegium und Fall Jatho,” *Tägliche Rundschau* 31, no. 348, July 27, 1911.

48 Maximilian Vanselow, “Professor Hampelmann,” *Der Wahre Jacob* 656, September 12, 1911; *Kladderadatsch* 64, no. 33, August 13, 1911.

and blasphemer who deserved no such support.⁴⁹ Eugen Diederichs wrote in 1914 how Jatho's "completely undogmatic approach to the idea of Christ, blossoming directly from a purified humanity and bearing within itself the germs of eternal perfection, must have seemed to his orthodox opponents like blasphemy".⁵⁰ Conservative Protestants, whose faith was directly tied to the Gospel and closely followed official doctrine, perceived Jatho's teachings as a violent attack against their faith that deeply hurt their religious feelings.⁵¹ Even the Catholic press voiced concern about Jatho's enormous popularity, fearing that his "god-denying worldview" would also inspire dissent among co-religionists: "It is difficult to imagine that a Catholic community with a shining firmness of faith would be able to survive next to a completely faithless Protestant community [...] and that is why we Catholics have every reason to find the events surrounding Jatho deeply concerning," a paper from Austria-Hungary lamented in July 1911.⁵²

As a result of official actions, satirical journals did not grow tired of depicting the Lutheran Church as a repressive institution that did not tolerate, even actively stifled, religious dissent. A 1911 caricature published in *Kladderadatsch* shows Chronos, the Greek god of time, entering the courtroom where Carl Jatho is being prosecuted. Seeing the pastor wear a muzzle, he complains: "Damn, I have travelled 400 years in time for nothing!" The caricature compared the Lutheran Church with the Inquisition and criticised the ecclesiastical court for attacking someone with liberal views on religion; the muzzle was a clear reference to censorship. Another caricature from the same year depicted Jatho in clerical garments lying on the bed of "dogmatism". Next to his head, a member of the ecclesiastical court cuts off the beret traditionally worn by pastors. The scene alludes to the Greek mythological figure of Procrustes, son of Poseidon, who as a smith punished people by stretching them or cutting off their legs in order to make them fit into his iron bed. In this case, the image illustrated how Jatho's views had challenged dogmatism, forcing the High Consistory to silence him by cutting him short.

Not only in caricatures but also in reports and comments the liberal press used the art of irony when referring to Jatho as a "blasphemer," thereby exaggerating

49 Jacobs, "Jatho," 546.

50 Eugen Diederichs, ed., *Carl Jatho: Briefe* (Jena: Eugen Diederichs Verlag, 1914), xxv.

51 Articles against Jatho appeared in the *Kreuzzeitung*, *Reichsboten*, *Staatsbürgerzeitung*, *Deutsche Zeitung*, *Ostpreußische Zeitung*, *Schlesische Morgenzeitung*, *Tägliche Rundschau*, *Leipziger Neueste Nachrichten*, and *Hamburger Nachrichten*. For the press coverage, see Dietrich, ed., *Der Fall Jatho*, 39–41.

52 "Jatho," *Korrespondenz-Blatt für den katholischen Klerus Österreichs* 30, no. 13, July 10, 1911.

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breite) Kompositiv-Zeile über
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Im zwanzigsten Jahrhundert!
(Zur Jatho-Affäre)

Der alte Kronos: „Verflucht nochmal, bin ich denn 400 Jahre umsonst gelaufen?“

Fig. 7: 'In the Twentieth Century! (On the Jatho Affair),' published in *Kladderadatsch* 64, no. 28, July 9, 1911. Photo courtesy of the Bayerische Staatsbibliothek, Munich.

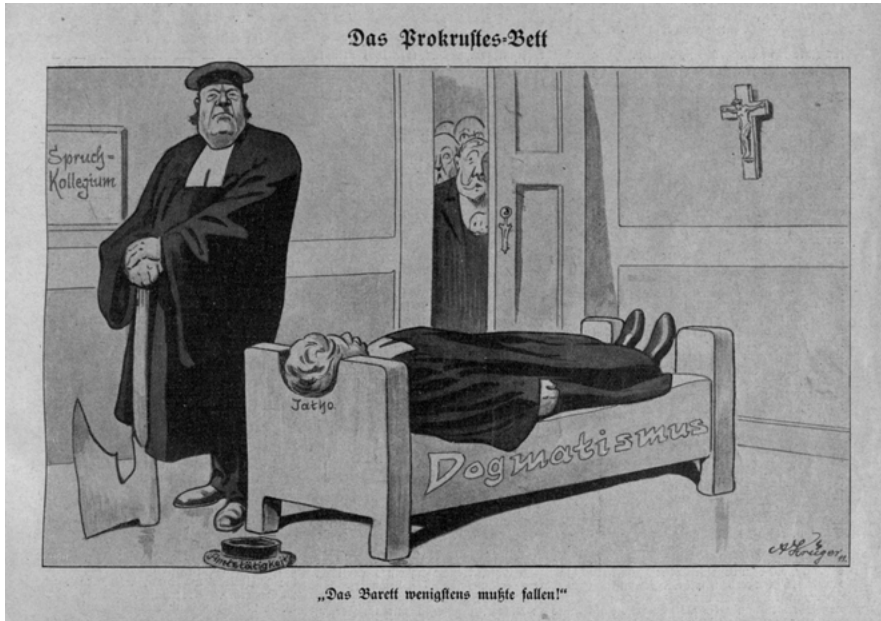


Fig. 8: Arthur Krüger, ‘The Bed of Procrustes,’ published in *Kladderadatsch* 64, no. 28, July 9, 1911. Photo courtesy of the Bayerische Staatsbibliothek, Munich.

the accusations of the Lutheran Church.⁵³ The term also served to allude to Jatjo’s courage in sticking to his unorthodox views and challenging the authority of the Church. A satirical poem from 1912, published in *Kladderadatsch*, recalled with bitter irony how the local church council (*Gemeinde-Kirchenrat*) of Barmen had banned Jatjo from preaching at the funeral of a friend, citing his allegedly blasphemous views:

O Barmen, beautiful town on the Wupper,
 You are fulfilled with truly pious spirit
 Wasn’t it you snooping around
 To reveal pastor Jatjo’s disgrace?
 Your congregation
 Fills us with envy
 Because the church council
 Gave you back
 The sweet peace of mind

⁵³ Numerous newspapers used the word “blasphemer” in their headlines to draw attention to the case, see for example “Der evangelische Ketzler,” *Die Zeit*, June 25, 1911.

One day, bold pastor Jatho wanted to preach
 At his friend's grave. What! Where? How?
 He sought to fight the church
 With his infamous blasphemy
 Suddenly – what a blessing!
 The church council
 Confronted and opposed him
 Shining with glory
 Of the relieved congregation [...].⁵⁴

Against the backdrop of resurrected blasphemy and heresy legislation, Jatho thus became the object for conflicting narratives about Protestant identity and the limits of religious freedom. Whereas conservatives discredited him as alternately as a blasphemer and heretic, justifying the ecclesiastical court's sanction as the only way to protect the Lutheran Church and prevent straying, liberals heralded him as a much-needed religious reformer. Fearing that the Lutheran Church was morphing into a pseudo-Catholic institution in which clericalism and dogmatism ruled supreme, they criticised the court's decision.

The New Reformation: Jatho, Monism and German Secularism

The Jatho Affair played a key role in the Wilhelmine secularist movement in general and in the monist movement in particular.⁵⁵ It revisited different aspects of monist identity – alternating between a spiritual dimension (Monism as an *Er-satzreligion*), a liberal element (its endorsement of laicism) and a radical feature (the replacement of Christianity with a scientific worldview). Some freethinkers saw in the affair a much older, smouldering conflict within German Protestantism that pitted the Prussian government's desire for a state church (*Staatskirche*) against the popular wish for a people's church (*Volkskirche*). Jatho's insistence on spiritual freedom made him a natural supporter of the latter, putting him at loggerheads with Protestant elites, whose proximity to the German Empire

⁵⁴ "Der weise Kirchenrat," *Kladderadatsch* 65, no. 7, February 18, 1912.

⁵⁵ On secularism and anticlericalism in nineteenth-century Germany, see Manuel Borutta, *Antikatholizismus: Deutschland und Italien im Zeitalter der europäischen Kulturkämpfe*, 2nd ed. (Göttingen: Vandenhoeck & Ruprecht, 2011); Horst Groschopp, *Dissidenten: Freidenkerei und Kultur in Deutschland* (Berlin: Dietz Verlag, 1997); Lisa Dittrich, *Antiklerikalismus in Europa: Öffentlichkeit und Säkularisierung in Frankreich, Spanien und Deutschland, (1848–1914)* (Göttingen: Vandenhoeck & Ruprecht, 2014); Weir, *Secularism and Religion*.

had them side with the State. Following his conviction in summer 1911, *Das freie Wort* wrote: “A Lutheran people’s church cannot accept an ‘infallible’ ecclesiastical court. It demands truly religious personalities [who] live by their beliefs, not inflexible officials following doctrine.”⁵⁶ Similarly to this journal, freethinkers depicted Jatho as the first victim – even martyr – of the Lutheran Church’s heresy law and hoped that he would resign in order to publicly express his commitment to religious freedom.⁵⁷ Jatho’s image of a “martyr” along with that of a “blasphemer” became a common *topos* in the liberal and freethinking press, used to send the message that Jatho was a free, radical, unapologetic spirit unwilling to compromise.

The Jatho Affair received much attention among members of the German Freethinkers League and the German Monist League. Introduced by Ernst Haeckel in the 1870s, Monism became a driving force in debates about the relationship between science, religion and modernity in fin-de-siècle Germany. As mentioned above, it described a scientific worldview seeking to overcome the dualist tradition of Christianity that separated body and soul, this world and the hereafter.⁵⁸ In 1911, Leipzig chemist and Nobel Prize laureate Wilhelm Ostwald became president of the German Monist League. Unlike Haeckel, Ostwald’s Monism relied on the physical principles of energy and entropy, suggesting that all processes in the world derive from energy transformations.⁵⁹ Although Jatho explicitly distanced himself from the monists, Ostwald cited his pantheistic teachings about the identity of God and the universe as well as his notion of God revealing himself in evolution as a confirmation for his genuine Monism:

56 “Ecclesia triumphans?” *Das freie Wort* 11, no. 8 (1911): 283.

57 Friedrich Steudel, “Zum Fall Jatho,” *Das freie Wort* 11, no. 9 (1911): 333–338; Max Friedrichs, “Evangelische Kirche und evangelische Religion. Oder: Was lehrt der Fall Jatho?” *Ethische Kultur* (1911): 106–107.

58 Cf. Haeckel, *Welträtsel*. On Haeckel’s Monism and the German Monist League, see Robert J. Richards, *The Tragic Sense of Life: Ernst Haeckel and the Struggle over Evolutionary Thought* (Chicago: University of Chicago Press, 2008); Mario A. Di Gregorio, *From Here to Eternity: Ernst Haeckel and Scientific Faith* (Göttingen: Vandenhoeck & Ruprecht, 2005); Breidbach, “Monismus um 1900”; Niles Holt, “Ernst Haeckel’s *Monistic Religion*,” *Journal of the History of Ideas* 32, no. 2 (1971); Bernhard Kleeberg, *Theophysis: Ernst Haeckels Philosophie des Naturganzen* (Cologne/Weimar/Vienna: Böhlau, 2005); Leber, *Arbeit am Welträtsel*; Todd Weir, “The Riddles of Monism: An Introductory Essay,” in *Monism: Science, Philosophy, Religion, and the History of a Worldview*, ed. Todd Weir (Basingstoke: Palgrave Macmillan, 2012).

59 On Ostwald’s energetic Monism, see Leber, *Arbeit am Welträtsel*; Andreas Braune, *Fortschritt als Ideologie: Wilhelm Ostwald und der Monismus* (Leipzig: Leipziger Universitätsverlag, 2009); Caspar Hakfoort, “Science Deified. Wilhelm Ostwald’s Energeticist World-View and the History of Scientism,” *Annals of Science* 49, no. 6 (1992).

One is full of admiration for the man [Jatho – C.L.] who has understood, as a monist on the pulpit, to remain in harmony with his parish for so long without the occurrence of any difficulty. He, who in his preaching has long ago abandoned the dualistic opposition of God and this world and has translated his teaching into a new ethics according to which God is in man and man in God.⁶⁰

Monists discussed the Jatho Affair in their weekly paper and joined other free-thinkers in their campaign against the Lutheran Church – generating fresh publicity with their lectures and anticlerical polemics.⁶¹ Ostwald himself authored two “Monist Sunday Sermons” that discussed Jatho’s significance for the overall monist project. The first sermon underlined the historical importance of the persecution of the Cologne pastor. Ostwald here drew a parallel to 1517, suggesting that the Jatho Affair was “comparable to the event from which is normally dated the beginnings of Luther’s Reformation, namely the posting of 95 theses to the Castle Church in Wittenberg. From this midsummer’s day of 1911 onwards will be counted a great and far-reaching change in the church and religious life of all Germans.”⁶²

According to Ostwald, the case of Carl Jatho embodied the conflict between religious orthodoxy and historical evolutionism. He thereby relied on Auguste Comte’s “law of three stages,” which claimed that each civilisation goes through three phases of cultural evolution that correspond to the mental development of the human being.⁶³ Whilst in the theological stage man resorts to personified deities and the metaphysical stage sees the rise of abstract concepts such as nature, spirit or reason, the scientific (positivist) stage relies on observation, experiment and comparison to explain life in its totality.⁶⁴ Drawing on this tripartite division, Ostwald maintained that modern culture, including religion, was evolving towards the scientific level. He cited Jatho’s teachings as proof that liberal Protestants were about to free themselves from the shackles of orthodoxy and enter a new, higher level of culture: “The journey that led us from Christ to Luther and now to Jatho will eventually reach the point where we monists currently

60 Alexis Schmidt, “Zwei Monisten auf der Kanzel,” *Der Monismus* 6, no. 60 (1911): 263.

61 *Ibid.*, 263–65; “Ecclesia triumphans?” *Das freie Wort* 11, no. 8 (1911); “Evangelische Kirche und evangelische Religion, oder: Was lehrt der Fall Jatho?,” *Ethische Kultur* (1911).

62 Wilhelm Ostwald, *Monistische Sonntagspredigten* (Leipzig: Unesma, 1911), vol. I, 114.

63 On Auguste Comte’s philosophy and sociology, see Gerhard Wagner, *Auguste Comte zur Einführung* (Hamburg: Junius, 2001), 59–63; Werner Fuchs-Heinritz, *Auguste Comte: Einführung in Leben und Werk* (Wiesbaden: Westdeutscher Verlag, 1998).

64 Ostwald wrote a biography about Comte and translated an early treatise of the French positivist thinker into German. Wilhelm Ostwald, *Auguste Comte, der Mann und sein Werk* (Leipzig: Unesma, 1914).

are, namely the scientific worldview, which acknowledges evolution as the basic principle of all life [...].”⁶⁵ Ostwald thus construed a historical teleology that pitched Jesus as the herald of Christianity, Luther as its reformer, and Jatho as the man to modernise Protestantism and turn it into a scientific worldview. In short, the Cologne pastor emerged as the point of departure for a new Reformation that undid Protestantism from its non-scientific elements and transformed it into a secular belief: Monism.

Ostwald’s reference to a new Reformation revisited a familiar trope that saw Monism as the fulfilment of Luther’s reform ideas. Like other members of the German Monist League, he was convinced that the achievement of a scientific worldview could bring the German nation to a higher level, overcoming confessional differences and reducing the influence of orthodoxy on society. At the same time, the image of a new Reformation integrated Monism into a *longue durée* narrative that connected Luther and Bismarck (the political unifier of the German nation) with the monists (the nation’s spiritual unifiers). Hannah Dorsch wrote in her pamphlet ‘A New Reformation’ (1907) that only Monism was able to overcome the shortcomings of liberal theology and to liberate people’s minds from clerical coercion: “It is our task to revive the idea of the Reformation in its most fruitful form and to realise it in a modern, liberated shape. So many thousands of people across all countries have open and free souls [that are] ready to support this new kind of spiritual liberation.”⁶⁶ Luther here appeared as the enlightener of the German nation, whose work could only be completed by Monism. At the same time, the teleological narrative from Luther, via Bismarck to the monists resembled elements of Prussian national historiography in the nineteenth century, which sought to prove the country’s confessional, political and military superiority throughout history.

The perception of the Jatho Affair as a new Reformation illustrates how much monists and other freethinkers were culturally shaped by German Protestantism and confessional schism. They saw Protestantism as superior to ultramontane Catholicism, which was deemed the embodiment of superstition, conservatism and repression.⁶⁷ Whilst the dogmas of the Immaculate Conception of Mary (1854) and Papal Infallibility (1870) had confirmed the Catholic Church’s retrograde nature, Jatho had demonstrated that Protestantism was capable of change and thus of aligning with modernity. As convincing as the narrative might have been for some, it clearly overlooked that the Protestant Church

⁶⁵ Ostwald, *Monistische Sonntagspredigten*, vol. I, 120.

⁶⁶ Hanna Dorsch and Arnold Dodel, *Eine Neue Reformation: Vom Christentum zum Monismus* (Brackwede: W. Breitenbach, 1907), 13.

⁶⁷ See Leber, *Arbeit am Welträtsel*, 150–167.

had shown an astounding degree of conservatism and refusal to move with the times when it decided to persecute Jatho.

Although Ostwald regarded Jatho as the great reformer of Lutheran Protestantism, other monists held a different view. Max Maurenbrecher was a preacher at the free religious congregation in Nuremberg who propagated Monism as a “religion of this world” (*Diesseitsreligion*).⁶⁸ In 1911, he argued that Jatho’s theology demanded a new religious language that would be free from biblical references. For him, the main question was not whether the Lutheran Church was capable of change, but how people like Jatho could emancipate themselves from the shackles of biblical semantics and find a language better suited to modern life. In Maurenbrecher’s words: “A new piety has suddenly awakened, wilder, more sizzling, prouder than Christianity, a movement that will burst the Christian shell once it begins to stretch out and expand its lungs to breath by itself.”⁶⁹ Maurenbrecher justified the decision of the ecclesiastical court by saying that the Lutheran Church had to commit its members to the Protestant confession in order to preserve its own integrity. That being said, he suggested that Jatho should leave the Church and join the monist movement; by resigning himself, Jatho would be able to make a statement in favour of spiritual freedom (Maurenbrecher’s use of the term “monist piety” instead of religion or worldview fits this argument, since it stresses the non-dogmatic nature of monism). Again, the Jatho case served particular interests, if in a different way than had been the case with Ostwald. Whereas some saw Monism as a powerful tool to eradicate religion from society, others regarded it as a way to revive Christian belief and adjust it to modern times. Thus, the case of Carl Jatho provoked not only conflicting narratives about Protestant identity but also about monist belonging.

Conclusion

The ways in which nineteenth-century societies dealt with blasphemy depended on their confessional, social and political histories. Since the churches acted as religious and moral stabilisers of the monarchy, blasphemy legislation not only served religious, but also social and political ends. The German Empire (re)introduced the offence of blasphemy in its 1871 penal code to protect religious com-

⁶⁸ On the term “Diesseitsreligion,” see Charles Ferguson, *Diesseits-Religion: Denkschrift über die Prinzipien der Moderne* (Jena: Eugen Diederichs Verlag, 1903); Eugen Diederichs, *Aus meinem Leben* (Jena: Eugen Diederichs Verlag, 1938), 70–71.

⁶⁹ Max Maurenbrecher, *Jatho: Dürfen wir monistische Frömmigkeit in christliche Hüllen verschleiern? Ein Vortrag* (Munich: Mendelssohn Bartholdy, 1911), 14.

munities in a country inhabited by Protestants, Catholics and Jews. Whilst blasphemy belonged to the terrain of the State, heresy was overseen by the Church to correct and sanction religious dissent. The heresy law published by the Lutheran Church in 1910 thus developed in the context of existing blasphemy legislation, which failed to discipline dissent among the clergy. This was exactly the moment when the Jatho Affair shook Protestant Germany.

The Jatho Affair illustrates the interconnectedness of blasphemy, heresy and religious reform in Wilhelmine Germany. Although Carl Jatho was extremely popular among the Rhineland bourgeoisie, his pantheistic views challenged both conservative Protestants and representatives of liberal Protestantism, who played a key role in Wilhelmine academic culture. As a result, the charge of heresy issued in 1911 was about far more than one pastor's dissenting religious views. Indeed, the Jatho Affair functioned as a lens to comment on Protestant (national) identity, on the role of religion in modern society, and on the limits of religious freedom. Whereas freethinkers, monists and his own congregation members celebrated Jatho as a reformer, critics condemned his teachings as heresy or even blasphemy. They agreed with the decision of the ecclesiastical court to remove the rebellious pastor from office in order to correct religious error and avoid straying from orthodox pathways. The violence that Jatho experienced was only indirect here; rather than being prone to physical assaults, he fell prey to attempts by Lutheran Church elites to silence and marginalise dissenters. This was a case of structural violence born from asymmetrical power relations that drew on centuries-old doctrines. At the same time, his persecution resulted from a sense of perceived violence and hurt religious feelings on the part of the clergy and conservative Christians alike.

Although Jatho would repeatedly deny involvement in the movement, his pantheistic belief in the identity of God and the universe revealed a surprising spiritual proximity to Monism. It was therefore hardly noteworthy that his prosecution for heresy echoed considerably among members of the secularist movement. Wilhelm Ostwald even celebrated the Jatho Affair as the modern equivalent of the Reformation, which had likewise given a great impetus to Germany's cultural development. In his eyes, Jatho was neither a heretic nor a blasphemer but an agent of reform, who had shown that liberal Protestantism could develop from a faith of revelation to a scientific worldview. That Jatho and his followers had little patience for scientific worldviews was an inconvenience that most monists and freethinkers gladly overlooked. Vice versa, conservative Protestants and Lutheran officials were keen to highlight their opponents' dissenting views, calling Jatho a blasphemer and heretic respectively, thereby ignoring that he always saw himself as a pastor of the Church first.

This chapter has shown that the Jatho Affair served as a projection for conflicting views about freedom of belief, Protestant identity and the role of religion in modern society. For those who defended the authority of the Lutheran Church, Jatho's teachings were not only heretical or blasphemous, but a danger to the integrity of the Church as a whole. Secularists, freethinkers and monists, on the contrary, saw Jatho as an inspiring reformer adapting religion expressly to the needs of modernity, even turning it into a secular worldview. Instead of following old doctrines they demanded an individual approach to religion which guaranteed freedom of expression and conscience. What one side experienced as an assault on their religious feelings, a sense of imagined violence worthy to be sanctioned as heresy or blasphemy, the other side celebrated as an important step towards spiritual emancipation that stretched back to the days of Martin Luther.

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David Nash

6 The Imagined Violence of Blasphemy in England

In the context of Europe emerging from its seventeenth century wars of religion, political culture in England developed a potent narrative about its own exceptionalism. One vital component of this was a particular attitude to religious non-conformity and its extreme manifestation in the form of blasphemy.¹ The latter's definition was slippery and sometimes uneven, which indicates perhaps why it was periodically reached for when felt necessary rather than being a familiar ongoing presence within the legal system. Blasphemy laws protected the Anglican Church against malicious attacks upon its doctrines as well as insults but also, confusingly, would lapse into expressions that sought to protect a vision of wider 'Christianity'. On occasion when lawyers, judges and civil servants were pressed for a definition they would merely cite past precedent as their preferred method of describing what the law protected.² This relied upon the coherence of past judgements, which did not always pass satisfactory scrutiny.

By the end of the seventeenth century, Civil Wars in the three kingdoms (England/Wales, Scotland and Ireland) had been superseded by a restoration of monarchical government, and a legacy of law and religion fused in a mutually supportive relationship.³ Even when Catholicism became a threat to the throne in

1 The history of blasphemy has been rather different in the separate legal entities of the United Kingdom (England, Scotland and Ireland). The former experienced some blasphemy campaigns in the nineteenth century but many of these were ostensibly cases that had links with agitation at large. Blasphemy at the time of writing this chapter is set for repeal as a criminal offence in Scotland. Ireland operated the English Common Law until independence when the requirement to have a blasphemy law was a part of the 1937 Constitution; a subsequent law of 2009 was finally repealed in 2019. See David S. Nash, *Blasphemy in Britain, 1789 to the Present* (Aldershot: Ashgate, 1999) and Tarlach McGonagle, "A Draft Obituary for the Offence of Blasphemy in Ireland," in *Blasphemy and Freedom of Expression: Comparative, Theoretical and Historical Reflections after the Charlie Hebdo Massacre*, ed. Jeroen Temperman and András Koltay (Cambridge: Cambridge University Press, 2017). See also David S. Nash, *Acts Against God: A Short History of Blasphemy* (London: Reaktion Books, 2020).

2 See Nash, *Blasphemy in Britain*, 1–2.

3 See Blair Worden, *The English Civil Wars: 1640–1660* (London: Weidenfeld and Nicholson, 2009); David Scott, *Politics and War in the Three Stuart Kingdoms* (Basingstoke: Palgrave, 2004); Julie Spraggon, *Puritan Iconoclasm during the English Civil War* (Woodbridge: Boydell, 2003); D. Alan Orr, *Treason and the State: Law, Politics and Ideology in the English Civil War* (Cambridge: Cambridge University Press, 2002).

the 1680s, provoked by the monarch himself favouring Catholic factions and beliefs, the monarchy was preserved upon his deposition. James II was replaced by the Protestant William of Orange, then becoming William III of England. This ‘Glorious Revolution’ and the narratives weaved around this relatively bloodless coup play an important part in our story. They became an indispensable element in a sustained belief in English peaceful exceptionalism and providential protection from the horrific violence, which had periodically broken out within fiercely divided European societies.

England’s own blasphemy statute of 1698 had itself been one of a range of measures that the new government enacted to protect the Protestant monarchy of William III. Although this statute was never used successfully, its existence was testimony to the fear of outside influences that would potentially disrupt the regime and community. Such attitudes were further reinforced in Scotland with a tide of providential foreboding in the 1690s, which resulted in a new blasphemy statute and the only execution of an individual for the offence in the British isles.⁴ Meanwhile the history of the law’s use in England was itself enshrined in the country’s Common Law of blasphemy. This was judge-made law which meant that each blasphemy case had the choice, at the discretion of the judge, of following previous precedent or allowing the judge to respond to the case in front of him, also taking account of the contemporary social and legal context. The end of the seventeenth century had also witnessed a legal landmark that created a significant precedent in the case against John Taylor in 1675–1676. Taylor’s opinions echoed earlier antinomian ones that spoke out against religious authority and certainly frightened the government, just as earlier Ranters, Quakers and Muggletonians had. In passing sentence the learned judge Sir Matthew Hale created precedent by arguing that an attack upon religion constituted an explicit attack upon the law because the latter acted in defence of morals propagated by the former.⁵ This ‘Hale judgement’ remained influential and would still be cited into the twentieth century. The nature of blasphemy law, created here and sustained as a Common Law offence, linked it inextricably with each context in which fear might be generated and dealt with. This organic approach to prosecuting blasphemy ultimately differed from many regions on the continent of Europe and made the exercise of English justice around the crime of blasphemy fundamentally different.

⁴ See Michael F. Graham, *The Blasphemies of Thomas Aikenhead: Boundaries of Belief on the Eve of the Enlightenment* (Edinburgh: Edinburgh University Press, 2013) and Anne-Marie Kilday and David Nash, *Law, Crime and Deviance Since 1700: Micro-Studies in the History of Crime* (London: Bloomsbury, 2016), 19–35.

⁵ See Nash, *Blasphemy in Britain*, 32–37.

The Genesis of Blasphemy as Modern Threat

The ripples of the French Revolution were felt in security concerns and a robust counter insurgency campaign by those who coalesced around loyalism to Church and monarchy.⁶ These individuals themselves stressed English exceptionalism as an experience that had been both beneficial and was to be wished for further in the future. Chief amongst these was Edmund Burke, whose *Reflections on the Revolution in France* (1790) became the rallying cry for conservative notions of English exceptionalism. Eschewing the rapidity and dangerous destruction of revolutionary turmoil and deliberate breaks with the past, Burke saw the ‘Glorious Revolution’ as a work of distinctive organic English genius to be placed alongside the similarly organic achievements of the Common Law. Achievements that foregrounded a unique approach to immensely gradual and piecemeal change, singularly bequeathed to the English through the wisdom of generations. He argued that

By adhering to our forefathers in *this* way and on those principles, we are guided not by the superstition of antiquarians but by the spirit of philosophical analogy. In this choice of inheritance we have given to our political structure the image of a blood-relationship, binding up the bosom of our country with our dearest domestic ties, adopting our fundamental laws into the bosom of our family affections, keeping inseparable (and cherishing with the warmth of all their combined and mutually reflected charities) our state, our hearths, our sepulchres, and our altars.⁷

A further advocate of tranquil exceptionalism was Hannah More. Her loyalist pamphlets were targeted at every corner of the land and intended to stamp out Jacobin dangers wherever they appeared, in a fairly obvious riposte to Thomas Paine. English exceptionalism was a key weapon in her armoury and this is perhaps best exemplified in her *Village Politics* (1792). The book had one village rustic persuaded out of his curiosity about the achievements of the French Revolution by being systematically shown the benefits of English isolation. The English constitution is described as a building and the Civil War glossed over as “a little needful repair”.⁸ Revolution appeared as deceitful imposture that would destroy every cherished British institution:

⁶ Nash, *Acts Against God*, chapter five.

⁷ Edmund Burke, *Reflections on the Revolution in France* (1790), 18, accessed February 2, 2021, <https://www.earlymoderntexts.com/assets/pdfs/burke1790part1.pdf>.

⁸ Hannah More, *Village Politics* (London: F. & C. Rivington, 1792), 9.

Pretend liberty of conscience, and then banish the parsons only for being conscientious! – Cry out liberty of the press, and hang up the first man who writes his mind! – Lose our poor laws! – Lose one's wife perhaps upon every little tiff – March without clothes, and fight without victuals! – No trade! – No bible! No sabbath nor day of rest! – No safety, no comfort, no peace in this world – and no world to come!⁹

Thus the narrative of both Edmund Burke and, particularly, Hannah More actively voiced English exceptionalism. In describing what England had escaped, it evoked the violence that other places had seen. This phenomenon was imagined violence, which had twin manifestations in the shape of stories of what had happened in revolutionary France and what might happen in England if vigilance was not adequate enough.

Whatever the flavour of England's internal dissent, it was always successfully portrayed by this narrative of exceptionalism as both 'other' and foreign. Radicals would struggle hard against such narratives, but this was largely because those who chose infidelity found themselves diametrically opposed to the narrative of English exceptionalism. Instead they appealed to universalism and universal truths codified in plainly constructed codes and edicts, starkly in contrast to narratives of organic justice and well-being. In the 1790s, political unrest surfaced in Jacobin form, although its presence in England was only sporadically dangerous.¹⁰ Where it conducted an assault upon the link between Church and State it did so with the logic and arguments of the Enlightenment found in Thomas Paine's *Rights of Man* (1791). As far as the attack upon religious aspects of English exceptionalism was concerned, radicals latched upon Paine's subsequent text *The Age of Reason* (1794). Paine, whilst hating organised religion, attacked it with calculated argument that sought to rob it of its intellectual power and credibility. For him and radicals around him this emphasis was far more important than forms of violence against religion or religious objects, something which otherwise invested such objects with a power they patently did not deserve. After the Napoleonic Wars came to an end, Jacobin influence and threats persisted and likewise expressions of loyalism found their way into a number of addresses to the monarch. These offer a further window onto a world of fear where threats to exceptionalism and its achievements were everywhere. To take one example, amongst many, an address from the east coast (vulnerable) port of Yarmouth declared in 1819:

⁹ Ibid., 15.

¹⁰ Nash, *Blasphemy in Britain*, chapter three.

Convinced as we are of the mischievous and criminal designs and machinations of those, who, under the specious pretext of Reform and Liberty, are industriously circulating blasphemous and seditious publications, with a view of poisoning the minds of the unwary, and of detaching them from their duty to God, and their allegiance to their Sovereign, we feel it incumbent on us to repeat to your Royal Highness the solemn assurance of our fidelity and loyalty to the King, our firm adherence to the Constitution, and our determination to enforce to the utmost of our power, the due execution of the laws against all / who, by their writings or otherwise, shall endanger the public tranquility, by their endeavours to incite the ignorant and the poor to acts of sedition and violence.¹¹

Paine's ideological successor was Richard Carlile, who organised his immediate family and a coterie of individuals to challenge censorship in the 1820s through works that came to be regarded as blasphemous and seditious. He campaigned against what he saw as religion's tyrannous control of society and culture. Throughout the first half of the decade, his publishing operation reprinted works by Paine and even continued its operation with Carlile himself, his wife and sister in prison. Prosecutions for blasphemy and sedition were brought against Carlile and a number of others in a campaign waged by an upper middle class moral regulator called the Vice Society, an organisation that operated with tacit government support. Importantly, Carlile and his fellow defendants furthered a universalist message of unfettered freedom of thought and communication which spoke of how religious hierarchies prevented the spread of true and beneficial knowledge, forestalling something that they argued would invariably liberate the people. They even stated boldly in court that they would comply with the authorities and desist from publicising their views if it could be satisfactorily demonstrated that they were causing widespread harm to society at large.¹² This again displayed an overtly Enlightenment sentiment, essentially arguing that the spread of knowledge would benefit all of society and work against vested interests, an iniquity that seemed beloved of conservative English exceptionalism.

11 See this alongside numerous examples in *British Loyalty; or Declarations of Attachment to the Established Constitution, in Church and State, opposed to Blasphemy, Anarchy, Sedition and Innovation. By the Merchants, Bankers, Civil Corporations and Parishes of Great Britain* (London: W. Hughes, 1819). See also the argument in Linda Colley, *Britons: Forging the Nation, 1707–1837* (New Haven: Yale University Press, 1992).

12 See Richard Carlile, *Report of the Trial of Mrs Susannah Wright for Publishing, in his Shop, the Writings and Correspondence of R. Carlile; before Chief Justice Abbott, and a Special Jury in the Court of King's Bench, Guildhall, London, on Monday, July 8, 1822: Indictment at the instance of the Society for the Suppression of Vice* (London: R. Carlile, 1822). For more on this agitation see Nash, *Blasphemy in Britain*, 84–88.

England's generally successful Reformation and its resulting Protestant ascendancy in place, more or less, undisturbed since the Restoration ensured a successful creation of orthodoxy in which religious words and texts were the currency of both veneration and scorn. Moments of iconoclasm, such as they were, appeared as episodes in the Civil War (or War of the Three Kingdoms). England, conversely, did create a Protestant pluralist religious settlement after the Civil War, partly in response to the dangers of Antinomianism and its implications for monarchical government. Thus, the seventeenth century in England was largely devoid of the vibrant cultural history of blasphemy and laws against it as a municipal disciplinary code described by Francisca Loetz in her important study of Calvinist Zurich.¹³ Later, the England of the nineteenth century considered itself to be ruled by an undogmatic Protestantism which, especially after Catholic Emancipation in 1829, was relatively tolerant of all citizens and their religious beliefs and practices. Even atheists, after some alternative and counter-cultural projects, effectively strove to be equal citizens alongside the religious, seeking a widening of plurality rather than an iconoclastic ascendancy of the secular. Given this consensus of sorts, the impact of blasphemy in Victorian England was associated with the courtroom and the trial, which hints significantly at something else.

Nineteenth Century Blasphemy in Britain – the Violence Within?

Blasphemy in Britain, with some later exceptions, was predominantly written and published. This crucially meant that it concerned readerships and publishers and the whole culture of print censorship. The fact that 'harm' was not visible, as the result of forms of direct action, meant that it was almost wholly imagined 'harm' and also imagined violence that England's blasphemy laws equipped its society to deal with. Throughout proceedings, roughly between 1880 and 1920, it is possible to see motifs and ideas of violence to the sacred emanating both from blasphemers, and from the authorities that found themselves confronting this apparent menace. In some particular ways blasphemers dealt in describing violence, portraying violence and shaping its consequences as a critique of religion. In a degree of contrast, authority regularly envisaged the impact of such imagined violence upon the coherence of belief, the psychological

¹³ Francisca Loetz, *Dealings with God: From Blasphemers in Early Modern Zurich to a Cultural History of Religiousness*, trans. Rosemary Selle (Aldershot: Ashgate, 2009).

well-being of the populace and the concepts that helped maintain these. Yet words could still be deeds that influenced observers and listeners and this idea emerges in the language of court indictments which described the damaged peace. This also had further repercussions since the language used by blasphemers was considered to be consciously calculated to bring ruin upon the populace and potentially rob them of salvation. The last of these narratives was a pre-occupation of Hannah More. There was also a significant element of providentialism in popular responses to blasphemy that obviously made words into deeds. Deeds themselves were not wholly absent from English conceptions of damage to the sacred, since the separate crime of sacrilege envisaged higher penalties for the defacement, damage to or theft from church premises. The concept of sacrilege also came to have an important meaning within Britain's wider empire when it came to be used as a method of providing legal equality to religions others than Christianity. When the English jurist James Fitzjames Stephen constructed the Indian Criminal Code definition of blasphemy in 1860 after the Indian Mutiny a similar style of solution was constructed. When refereeing between competing religious groups in this colonial context the focus upon the deed avoided doctrinal partiality and problems, whilst also emphasising the paramount importance of public order.¹⁴

The later nineteenth century saw freedom of expression augmented by a more subtle assault upon Christianity that used elements of its own story against it. The last quarter of the nineteenth century witnessed secularists seek parity with their fellow citizens over access to rights of free speech and publication alongside representation within institutions. Many of these battles coalesced around the character of Charles Bradlaugh, who was President of the National Secular Society during this period. His quest to enter Parliament was one such struggle which dragged on for many years into the mid-1880s. Many joined Bradlaugh in the struggle and one such individual was his compatriot George William Foote, the editor of *The Free-thinker*. Foote was appalled by attempts to ruin Bradlaugh through cynically constructed lawsuits. In his indignation, he turned this secularist periodical into a strident organ prepared to ridicule and do what he hoped would be lasting damage to the reputation of Christianity in England – even boasting the paper sought a blasphemy case to bring the law into disrepute. One tactic used by Foote in the early 1880s, in his self-conscious desire to take on the Christian Britain which he saw stalking Charles Bradlaugh, was to critically analyse the nature of the

14 David S. Nash, "Blasphemy through British (Post) Colonial Eyes. The Indian Criminal Code: from a History of Sustained Paternalism to the Genesis of Hate Crime," in *Blasphemies Compared: Transgressive Speech in a Globalised World*, ed. Anne Stensvold (Abingdon: Routledge, 2021).

Christian God in his publishing. Upon examination it seems obvious that Foote wanted to undermine the cozy safety offered by English Protestantism by portraying its God as vengeful and capable of enacting premeditated and random violence. This violence was portrayed as not simply physical but also as psychological and moral. Such suggestions sought to undermine the reputation of the Supreme Being and to demonstrate that the agent apparently securing England's domestic peace was immoral and prone to acts of violence. In using the content and implications of biblical episodes this critique also suggested that the sacred book of this Christianity, supposedly handed down by this vengeful God, had a warped didactic power which promoted immorality and violence.

Soon after its launch, *The Freethinker* began publishing cartoons of biblical scenes.¹⁵ These images sometimes sought to portray stories from the Bible as depictions of more obviously incongruous texts, often with the intention of displaying their inherent absurdity. At other times these scenes were placed in a contemporary context and located in England to make them anglicised versions of continental anticlericalism. Foote readily acknowledged that the cartoons would prove to be offensive and he periodically delighted in this fact, rapidly warming to the idea of producing highly visible and eye catching illustrations for the front cover of *The Freethinker*. These gave the paper a tabloid appeal – almost before this was an established publishing idiom. As was later stated in his compendium of illustrations, *Comic Bible Sketches* (1885), his original intention was to reuse images which he found elsewhere that he perceived to be useful. His first port of call were the anticlerical cartoons of the Frenchman Léo Taxil, which he found in the latter's volume *La Bible Amusante* (1882). Foote initially believed that English society and its sensibilities was incapable of rivalling the cogent and targeted anticlericalism of its French counterparts. In this he did, unwittingly, feed the often expressed belief, maintained almost since the early part of the century, that blasphemy was somehow 'foreign' and almost always emerged in English society as an import from elsewhere. Foote and his illustrators used some of Taxil's cartoons unaltered, but others had details that were modernised or anglicised.

In imitation of Taxil, Foote reproduced some of the epigrams from *La Bible Amusante*, but realised that this quasi-didactic style was less suitable for English audiences. At the same time he realized that he could undertake a form of destructive biblical criticism by reproducing passages from the Bible underneath

¹⁵ See Nash, *Blasphemy in Britain*, chapter four; Joss Lutz Marsh, "'Bibliolatry' and 'Bible-Smashing': G. W. Foote, George Meredith, and the Heretic Trope of the Book," *Victorian Studies* 34, no. 3 (1991) and Joss Lutz Marsh, *Word Crimes: Blasphemy, Culture and Literature in Nineteenth Century England* (Chicago: Chicago University Press, 1998).

pictorial illustrations of their content and apparent message. This innovation, he argued, was more hard hitting and effective, since elements of the Holy Book and Christian teaching seemed perfectly capable of lampooning and undermining themselves. Several of these concentrated upon biblical inconsistencies and incidences that seemed absurd to the rational mind. As Foote himself saw it:

Pictorial ridicule has the immense advantage of visualising absurdities. Lazy minds, or those accustomed to regard a subject with the reverence of prejudice, read without realising. But the picture supplies the deficiency of their imagination, translates words into things, and enables them to see what had else been only a vague sound.¹⁶

What emerges from an in-depth analysis of Foote's work is quite how many of his cartoons exhibit themes of violence within them. They often depict Christianity as the product of barbarism and, all too often, as the chief unhelpful encouragement to its persistence. In many of these images, the figure of the Christian God is depicted as both destructive and violent. Such behaviour, whilst obviously irrational, was frequently shown as the product of arbitrariness and even active malevolence to humankind. The God of these cartoons was vengeful and abusive towards his defenceless creation, apparently taking pleasure and joy in the suffering of humans and animals alike.



18.—ABRAHAM'S ORDEAL.
And it came to pass after these things, that God did tempt Abraham. . . . And he said, Take now thy son, thine only son Isaac, whom thou lovest, and get thee into the land of Moriah; and offer him there for a burnt offering.—Gen. xxii, 1, 2.

Fig. 9: Plate 18 'Abraham's Ordeal,' published in G.W. Foote, *Comic Bible Sketches* (London: Progressive Publishing Company, 1885). Photo courtesy of G.W. Foote & Co. LTD, Beckenham.

One cartoon that Foote borrowed from a Taxil original but placed into a visibly English setting portrayed Abraham on the point of executing a fearful and crying

¹⁶ G.W. Foote, *Comic Bible Sketches* (London: Progressive Publishing Company, 1885), 1.



22.—THE LORD'S WRESTLING MATCH.

And when he saw that he prevailed not against him, he touched the hollow of his thigh; and the hollow of Jacob's thigh was out of joint as he wrestled with him.—GENESIS xxxii, 25.

Fig. 10: Plate 22 'The Lord's Wrestling Match,' published in G.W. Foote, *Comic Bible Sketches* (London: Progressive Publishing Company, 1885). Photo courtesy of G.W. Foote & Co. LTD, Beckenham.

Isaac, all constructed upon the idea of a supposedly necessary 'sacrifice'. The cartoon, entitled 'Abraham's Ordeal', showed God reaching down from the clouds to hand Abraham a shotgun. A perplexed Abraham looks apprehensively at the firearm arguably feeling hemmed in by the biblical text emblazoned underneath the image.¹⁷ In two other instances, Foote repeated depictions from the same book of the Bible to display images of the Christian God wrestling semi-naked with Jacob and the latter also wrestling with an angel.¹⁸

The cartoon 'Jehovah Throwing Stones' depicted the Almighty engaged upon smiting an army with pebbles and rocks cast down from the clouds (echoing

¹⁷ The text is from Genesis 22:1–2.

¹⁸ The text is Genesis 32:11 and 32:25. See Foote, *Comic Bible Sketches*.



28.—JEHOVAH THROWING STONES.
The Lord cast down great stones from heaven upon them unto
Azekah and they died.—JOSH. x., 11

Fig. 11: Plate 28 'Jehovah Throwing Stones,' published in G.W. Foote, *Comic Bible Sketches* (London: Progressive Publishing Company, 1885). Photo courtesy of G.W. Foote & Co. LTD, Beckenham.



31.—A BIBLE HERO.
And after him was Shamgar the son of Anath, which slew of the Philistines six hundred men with an ox goad: and
he also delivered Israel.—JUDGES iii., 31.

Fig. 12: Plate 35 'A Bible Hero,' published in G.W. Foote, *Comic Bible Sketches* (London: Progressive Publishing Company, 1885). Photo courtesy of G.W. Foote & Co. LTD, Beckenham.



35.—THE CHAMPION GIANT-SLAYER.

So David prevailed over the Philistine with a sling and with a stone and smote the Philistine, and slew him.—1 SAM. xvii., 50, 51

Fig. 13: Plate 35 'The Champion Giant-Slayer,' published in G.W. Foote, *Comic Bible Sketches* (London: Progressive Publishing Company, 1885). Photo courtesy of G.W. Foote & Co. LTD, Beckenham.

Joshua 10:11). Related to this illustration's theme was an image entitled 'A Bible Hero' portraying Shamgar's celebration after he had 'delivered' Israel by slaying six hundred Philistines. Martial violence was also the subject of the cartoon 'The Champion Giant-Slayer,' exaggerating the respective sizes of the two protagonists, David and Goliath. The theme of cruelty to animals was invoked through two cartoons demonstrating the calculated callousness of God for this part of his creation. This was significant since Victorian middle-class sensibilities had moved to domesticate animals and to now invest them with hitherto absent affection. This period saw the creation of Crufts and the Cat Fancy, institutions that organised the classification of animal breeds, whilst their welfare was

now being cared for by the recently founded Royal Society for the Prevention of Cruelty to Animals.¹⁹



27 — BALAAM'S ASS.

And the ass saw the angel of the Lord standing in the way, and his sword drawn in his hand. . . . And the Lord opened the mouth of the ass, and she said unto Balaam, What have I done unto thee, that thou hast beaten me these three times?—Numbers xxii. 28, 28.

Fig. 14: Plate 27 'Balaam's Ass,' published in G.W. Foote, *Comic Bible Sketches* (London: Progressive Publishing Company, 1885). Photo courtesy of G.W. Foote & Co. LTD, Beckenham.

'Balaam's Ass' was a text regularly alighted upon by freethinkers as presenting the biblical absurdity of a talking ass. In this instance, the Foote version showed a Victorian figure chastising the ass with an umbrella. The animal's mouth is open, in the act of uttering the words put into the creature's mouth by the Almighty. The cartoon asks a range of questions, but chief of these is the instiga-

¹⁹ See Harriet Rivo, *The Animal Estate: The English and Other Creatures in the Victorian Age* (Cambridge, MA: Harvard University Press, 1989).



32.—SAMSON AND THE FOXES.

And Samson went and caught three hundred foxes, and took firebrands, and turned tail to tail, and put a firebrand in the midst between two tails. And when he had set the brands on fire, he let them go into the standing corn of the Philistines.—JUDGES xv., 4, 5.

Fig. 15: Plate 32 'Samson and the Foxes,' published in G.W. Foote, *Comic Bible Sketches* (London: Progressive Publishing Company, 1885). Photo courtesy of G.W. Foote & Co. LTD, Beckenham.

tion of an incident in which the Almighty permits the performance of violent cruelty (Numbers 22:23, 28). The incident reaches its absurd conclusion with the image of God invoking the animal to chide its owner for his violent behaviour. This asks the question why God finds it necessary to empower man to cruelty so that he can then be chastised himself by other parts of creation. The themes of animal cruelty and absurdity is revisited in Foote's portrayal of Judges 15:4–5. This cartoon, entitled 'Samson and the Foxes', shows Samson setting fire to the tails of a number of foxes so that they can be sent amongst the 'standing corn' of the Philistines in the hope of destroying it. This particular image is interesting in that it is anglicised by the inclusion of a cottage and familiarly English parish

church in the distance beyond the cornfield. The event is also enabled through the thoroughly modern touches of a visible tin of kerosine and a packet of Bryant and May matches.



24.—ATTEMPTED ASSASSINATION OF MOSES BY JEHOVAH.
 And it came to pass by the way in the inn, that the Lord met him,
 and sought to kill him.—EXODUS IV., 24.

Fig. 16: Plate 24 ‘Attempted Assassination of Moses by Jehovah,’ published in G.W. Foote, *Comic Bible Sketches* (London: Progressive Publishing Company, 1885). Photo courtesy of G.W. Foote & Co. LTD, Beckenham.

Perhaps most provocative of all was Foote’s illustration of Exodus 4:24, which appeared above the biblical text “And it came to pass by the way in the inn,

that the Lord met him, and sought to kill him.”²⁰ Foote linked this text to the contemporary phenomenon of assassination that echoed recent anarchist outrages. The cartoon, entitled ‘Attempted Assassination of Moses by Jehovah’, depicts a tableau of contemporary-style violence. Moses is sat by a table, within the confines of a public house, with a pot of beer in front of him. He looks astonished as he views the doorway where the figure of ‘Jehovah’ has burst into the building urgently pointing a loaded pistol aimed at him (Moses). Three other patrons of the inn have urgently rushed forward and are in the process of, variously, reaching for the pistol or seeking to restrain ‘Jehovah’. Occasionally, Foote would tie biblical texts and phrases to contemporary events, once again to link the Almighty with species of violence. On November 3, 1882, *The Freethinker* portrayed the British Army’s victory over a rebellious Egyptian army at the battle of Tel El Kebir on its front cover. The scene showed cannons firing upon the Egyptians, and close combat between members of both armies. Presiding over this is a union flag waving Jehovah breathing “pestilence,” “famine” and “murder” (noticeably different from “death,” which is the description of the last of these in the relevant text in the Book of the Apocalypse).²¹ Whilst this displayed a liberal freethinking critique of imperialism (espoused by both Bradlaugh and later by J.M. Robertson) which saw it as an evil to be managed, it also made it plain that Britain’s population should confront the fact that the violence perpetrated in their name was at the behest of their God. A deity who appeared to actively revel in the violence he could stir up and sustain.

Taken together these images suggest an association with barbarism and violence as a clearly intrinsic factor in such religiously motivated behaviour. The God sustained by Church and State within the religious establishment is made to appear here as manifestly unworthy of such privilege and veneration. He emerges as irrational, capricious and needlessly cruel. Through the threat of violence, the Christian God abuses his power against weaker and often defenceless species. Moreover, such episodes which quote verbatim from biblical texts are portrayed as symptomatic of a religion where violence appears casual and endemic. Consumers of these images are invited to contrast these barbaric explosions of unwarranted mayhem with the civilisation of life enacted by the forces and tendencies of an age that is growing ever more secular. Foote’s introduction again noted this:

²⁰ Cartoon number 24 ‘Attempted assassination of Moses by Jehovah,’ in Foote, *Comic Bible Sketches*.

²¹ *The Freethinker* (November 5, 1882).

Christians read the Bible without realising its wonders, allowing themselves to be cheated with words. Mr. Herbert Spencer has remarked that the image of the Almighty hand launching worlds into space is very fine until you try to form a mental picture of it, when it is found to be utterly unrealisable. In the same way, the Creation Story is passable until you image the Lord making a clay man and blowing up his nose; or the story of Samson until you picture him slaying file after file of well-armed soldiers with the jaw-bone of a costermonger's pony.²²

By the Edwardian period, the imagining of violence to the established order through blasphemy had to envisage the danger of another form of threat. This emerged as offshoots of the arrival of anarchism within the eyeline of western governments and their policing authorities. Although in Britain this again incorporated ideas surrounding the distant and dangerous 'other', real violence was involved elsewhere. Anarchism was responsible for the Chicago Haymarket Massacre of 1886 when a bomb thrown at police killed eleven people and wounded dozens of others. It had also been responsible for the assassination of President William McKinley, and certainly anarchists were prepared to link this with the murder of the French President Sadi Carnot in 1894 and the King of Portugal in 1908. England had its own anarchist outrage at this time with the siege of Sidney Street, in which Russian anarchists were cornered in London, resulting in a protracted gun fight involving the police and the army. This was instrumental in persuading the public of anarchism's connection to dangerous Russian emigres.²³ The imagining of violence also had cultural dimensions which have been explored by literary scholars such as Sarah Cole. In her examination of how violence colonised the literary imagination and formed a symbiotic relationship with actual acts of violence in England (in the form of anarchism) and Ireland (in the form of Republican violence), Cole shows that violence entered the imagination to be portrayed in a number of early and mid-twentieth century literary works.²⁴

²² Ibid.

²³ Haia Shpayer-Makov, "Anarchism in Victorian Public Opinion, 1880–1914," *Victorian Studies* 31, no. 4 (1988); Paul Avrich, *The Haymarket Tragedy* (Princeton: Princeton University Press, 1984). See also Richard Bach Jensen, *The Battle Against Anarchist Terrorism: An International History, 1878–1954* (Cambridge: Cambridge University Press, 2014) and H. Oliver, *The International Anarchist Movement in Late Victorian London* (Beckenham: Croom Helm, 1983).

²⁴ Sarah Cole, *At the Violent Hour: Modernism and Violence in England and Ireland* (Oxford: Oxford University Press, 2012).

Morals, Public Order and Blasphemy in Edwardian England

The year 1910 saw the police dealing with three individuals who had worrying links with the anarchist-syndicalist milieu. Thomas William Stewart, Ernest Pack and John William Gott were all members of the Freethought Socialist League that had its headquarters in Bradford where Gott was based.²⁵ Since the start of the decade, these men had been lecturing sporadically in different localities. Their message, and episodically their mode of delivery, was closely related to that operated by G.W. Foote. As such they focused their attention upon material which undermined the morality inherent in the Bible and its teachings. Unlike Foote, who delivered most of his attacks on Christian religion in writing and illustrations, the trio did so predominantly at public meetings in provincial cities. The latter were closely monitored by policing authorities convinced that they needed to take action against the burgeoning threat to both morals and public order that the three men posed.

The idea of these street orations, and the fact that they gathered considerable crowds filled with sympathetic well-wishers, the actively curious and sometimes quite vocal opponents, preyed on the mind of police authorities since this was a public order problem in the making. These authorities were, in the event, regularly placed in the frontline of these blasphemous assaults upon the peaceable sensibilities of the urban bourgeois population. Initially there was considerable reluctance and inertia about confronting this apparent menace, substantially because there was no acceptable *modus operandi* about tackling the problem of outdoor events where blasphemy might have concrete impact. This impasse came to an end in 1910, when the Leeds Chief Constable took action, citing a serious number of previous incidents. What was significant about this was that he noted how one speaker, T.W. Stewart (who lectured under the pseudonym Dr. Nikola), had used language of a “violent character”.²⁶ This process continued with further notes that “blasphemous expressions” were presumed to be “most offensive and distressing to respectable persons passing by”.²⁷ Stew-

²⁵ Nash, *Blasphemy in Britain*, 168–169.

²⁶ This persona is a quasi-villain drawn from the 1890s crime novels of Guy Boothby. This link in itself fed concerns amongst the police and hostile commentators. ‘Nikola’ was depicted in the novels, and described, as both a criminal mastermind and an individual interested solely in making money from humankind.

²⁷ Report from the Leeds Chief Constable (December 10, 1911), in: Home Office Papers [hereafter H.O.] 45 10665/216120/6.

art's rhetoric arguably played on this dialogue with bourgeois sensibilities citing his declaration that "God is not fit company for a respectable man like me".²⁸

When Stewart came to trial it became obvious that there was more to this accusation. A policeman's account of the speech demonstrated how his brava-do-infused lecturing style could do violence to Christian doctrines. Stewart imagined himself confronted by the Creator after death and finding himself consigned to hell for denying belief in the creation story and the story of the flood. He then believed he was immediately followed up to heaven by three of the most notorious murderers of recent times who had earned themselves a grotesque fame within the Victorian psyche. Hawley Harvey Crippen, a notorious doctor who had murdered his wife to elope with his mistress was mentioned alongside Charles Peace, a violent criminal who had used a revolver to murder two people. Lastly, completing this frightening triumvirate was Amelia Dyer, a notorious baby farmer and murderer of an unknown number of infants entrusted to her care. Stewart had brought intimate, and importantly premeditated, violence to the Christian doctrine of forgiveness, also invoking psychological violence against the foundation of modern civilised morality. He finished this accusation with the declaration that he "would rather be in hell with honest men". This assault upon the immorality and spuriousness of the Christian doctrine of forgiveness had been a theme freethinkers had explored before, notably in G.W. Foote's cartoon 'Going to Glory' that appeared in *The Freethinker* in September 1882. In this instance, Foote indicated the unjustness of a murderer going to heaven whilst his murdered victim is consigned to hell. Once again this tableau was completed by a malevolent God presiding over proceedings.

In his summing up of the case the judge (Justice Thomas Gardner Horridge) took particular note of the context in which Stewart's declaration that "God was not fit company for a respectable man like me" was made. This indicated that there was a difference between the drawing room and the street – just as there was between what he called "common ridicule" and "argument". He noted that an individual was "free to speak what he likes as to religious matters, even if it is offensive, but when we come to consider whether he has exceeded the limits, we must not forget the place where he speaks, and the persons to whom he speaks."²⁹ This concentration upon the importance of context and place by Horridge shows that he went beyond the pronouncements of Justice Coleridge in the Foote case of 1883. Coleridge had argued that a conception of man-

²⁸ Ibid.

²⁹ Shorthand notes of the trial of Thomas William Stewart, Leeds Town Hall December 5, 1911, in: H.O. 4510665/216120/18.

ner was crucial to testing whether blasphemy had been committed. It spoke about the niceties of debate being observed and was a distance away from assessing public order issues in real life situations. Horridge instead foregrounded public order and violence so that the content and offensiveness of blasphemy were closely entwined with its outdoor interpersonal context. The case, as Horridge forcefully demonstrated, turned upon “language which is likely to irritate, and lead possibly to even a breach of the peace by religious minded feelings being hurt to such an extent by the language used”³⁰. Given such direction to the jury it was scarcely a surprise that Stewart was convicted.

What this outcome pointed to was the fact that judges had effectively concurred with policing authorities through a recognition of the importance of public order dimensions. This was a crucial transition from the printed page agitation of Foote and the publications of Pack, Gott and Stewart to something more public and openly threatening. Policing authorities had fallen foul of trying to tie specific editions of works to specific defendants who had sold them. Moreover, with the precision inherent in the Coleridge judgement of 1883, it was no wonder that individual policemen, and even the authorities, could see problems with defining what was blasphemy and what was not. In the absence of this it felt somewhat natural that policing authorities of all varieties, and at all levels, would gravitate towards viewing blasphemy as a public order issue. They may not have known the niceties of debate, but they understood the implication of blasphemous words leading directly to violence. However, in making this imaginative leap, imperatives to police blasphemy became co-existent with the policing ‘gaze’ – one which was constantly imagining the capacity for violence to break out from any potentially blasphemous utterance in public contexts. This was a defining moment since henceforth public discussion of religion tended to be framed for government and policing authorities as entailing a quest to prevent damaged feelings progressing on to violence. In this respect policing authorities had been pushed into this conception of imagined violence by these twin dimensions of public order imperatives and the constructed phenomenon of public peace, something in many narratives described as providentially gifted to British society.

Yet, it was surprising how the logic and rationality of this thinking on the part of policing authorities escaped wider opinion that opposed the laws against blasphemy. A petition against Stewart’s imprisonment argued that to “punish persons for coarseness or violence in the expression of opinions which may be promulgated without punishment if soberly expressed is to make a lapse from

30 Ibid.

good taste into a crime and is cruelty.”³¹ This was signed by, amongst others J.M. Robertson, F.W. Jowett, Edward Clodd, Sir Arthur Conan Doyle, Frederic Harrison, Walter Crane, Patrick Geddes, G.K. Chesterton, John Galsworthy, A.E. Housman and Bernard Shaw. Whilst this panoply of literary figures and thinkers was intended to impress the Home Office, it did merely serve notice that there was a dichotomy between literary productions, the circumstances of their reception, and the dangers posed by similar opinions appearing and being heard on the street.

Inside the Violence of Blasphemy

Throughout these displays of blasphemy there is a specific jarring and mocking tone, one that often appears in both the language and visual tropes offered by blasphemers for the consumption of respectable England. We might identify this as possessing distinctive elements of childishness, and such an approach and idiom requires considerable unpacking. Framing critiques of religion in this manner linked humour with the sacred, where previously it had no possible connection with it. This struck a chord with readers because it frequently reached back into the childhood memories of its audiences, with the clear intention of reminding them of the potential absurdity that imagining the truth of biblical stories and religious doctrines may have had for them in their previous juvenile existence. Childishness as a behavioural trope also enabled freethinkers to make light of the earnest and overly serious nature of authority ranged against them both legally and culturally. This, again, was a response, and ingrained outlook, that had considerable antiquity amongst the religiously unorthodox. It was notably used against religious regimes that were considered authoritarian, hypocritical, with spurious and needless claims upon the population at large in their demand for religious orthodoxy.³²

³¹ Petition against imprisonment of Stewart and Gott, December 21, 1911, in: H.O.4510665/216120/33.

³² This playful rebelliousness was noted as a characteristic of the behaviour of Antinomian sects in the seventeenth century, but especially of the Ranters. Disdain of earthly authority and its apparent pretensions prompted many of them, upon incarceration, to promise good behaviour and recantation of beliefs deemed to be anti-social. This was followed by a gleeful renunciation of their recantation upon release from captivity, simultaneously pleasing fellow dissidents and undermining authority in a thoroughly public manner. Ranters were imprisoned despite the English Commonwealth's profession of religious freedom. See A.L. Morton, *The World of the Ranters* (London: Lawrence and Wishart, 1979); Nigel Smith, *A Collection of Ranter*

Childlike cultural views would pervade a range of blasphemous comments about the religious. Foote's cultural revisiting of biblical stories invoked childhood imagination and the mishearings of religious ideas and biblical texts. He also used other approaches to destabilise the Bible's sacred importance by arguing it was simply a literary text.³³ Likewise the literal nature of biblical stories, removed from context, represented isolated episodes of childlike humour. Within such reverie individuals instantly forgot the seriousness of their adult comprehension of the truth of the Bible and Christian doctrine. The subculture of sniggering at the seriousness of adults, and simple childhood iconoclasm against it, was integral to the humour on display in Foote's cartoons. Here, youth represented a state of innocence in comparison to the compromised nature of adulthood where faith had overcome good and rational judgement. This also was a way of attacking the idea of blasphemy itself, since it invoked the childhood innocence of questioning the incomprehensible or irrational. If such apparent falsities were to be protected by law, then the adult concept of truth, allegedly taught to children, was now fundamentally in question. If you were an observer, or concerned member of the bourgeois public, on the receiving end of this, the boldness of a childlike approach also posed questions of undeveloped or diminished responsibility. These questions were dangerous to a mature and civilised society which claimed to have selected and embraced a trusted and successful religious-moral system.

Gott, Pack and Stewart themselves repeated some of these ideas in cartoons of their own which appeared in their sporadically produced (and sometimes recycled) newspaper *The Truthseeker*. These occasionally touched on biblical themes as a source of ridicule, such as the comic portrayal of Jesus walking upon water with snow shoes upon his feet. Violence was likewise also never far from their repertoire with a cartoon entitled 'Faith', which depicted Britain's involvement in the Second South African (Boer) War. This depicted John Bull and Paul Kruger lunging at each other with sword and bayonet amidst a large crucifix emblazoned with the legend 'Faith'. *The Truthseeker* also published a cartoon entitled 'Tools for Making Christians', which portrayed native Africans fleeing from the arrival of the Christian "machinery" of conversion which consisted of torture instruments such as the rack, pillory, the wheel and gallows – all presided over by a grinning skeleton dressed in monastic garb.³⁴ This combina-

Writings: Spiritual Liberty and Sexual Freedom in the English Revolution (London: Pluto Press, 2014).

³³ See Marsh, "'Bibliolatry' and 'Bible-Smashing'," 319–320.

³⁴ *The Truthseeker* (various editions). This echoed hostile continental depictions of the Inquisition. I am grateful to Eveline Bouwers for information on this point.

tion of the humorous, laced with the shockingly macabre, invoked a prehistory of Christianity's penchant for violence.

Occasionally, this childish humour and glee could spill over into courtroom proceedings. Proving purchase of Gott, Pack and Stewart's publications was difficult and resembled something of a farce, enjoyed especially by the defendants who delighted in unmasking the regular bungling of the police, in the same manner that they unmasked the inconsistencies of the allegedly 'adult' seriousness surrounding the Christian doctrine. Likewise, a Christian preacher who appeared on the platform at Leeds immediately before Stewart was described histrionically as a "dirty fellow" for his use of an obscene and apparently tasteless biblical text.³⁵

Within two years, Stewart again came to the attention of the authorities – this time enhancing the elements of childishness, alongside a more uncomfortable appreciation of the acerbic reaction he could expect from those hostile to him within the audience. He was arrested in Wolverhampton and appeared at the Stafford Assizes in November 1913. Again verbatim notes were taken of Stewart's speech which this time seemed more frantic and serving to offend as many sensibilities as possible, in as quick a time as possible. The Crippen, Peace and Dyer story, already mentioned in a previous incident, was repeated in a particularly strident form that now took in the even more widely known figure of 'Jack the Ripper' – the murderer who was never caught and took on a considerably lively and concerning cultural afterlife. This speech also owed some of its construction to quick fire stand-up comedy that would have entertained music hall audiences:

Where is the glory of God? Nobody who is serious knows. [...] Moses never lived: He is quite an imaginary character. [...] I could name you a hundred Christs – all born of virgins. Budda (sic) is the only one I believe was ever here. [...] According to the Catholic priest God is in the sewers, in the cells of the prison at Stafford. He is in my cigarette. I am smoking him. [...] Do you put your faith in God? If you saw two kiddies burning in that top building over there you don't shout 'God help them' you fetch the police man or yell for the fireman. [...] If my children wanted food and I couldn't find the money honestly I should not be particular. If I thought my kiddies needed dinner tomorrow and I hadn't money I would commit highway robbery. There is no crime I would stop at. [...] You cannot depend on God for anything.³⁶

³⁵ Shorthand notes of the trial, December 5, 1911, in: H.O. 45 216120/18. The text in question was Kings 2:18 and 2:27.

³⁶ Extracts from [the] speech delivered by T.W. Stewart in the Market Place, Wolverhampton, on Saturday night September 27, 1913, in: H.O. 45 216120/55.

The tone towards the end of this particular fusillade from Stewart was also of a more secular concern for the authorities who heard it. It seemed to draw a link between the idea of disbelieving in God as potentially encouraging an impetus for lawlessness and immorality. This particular connection was enhanced by messages conveyed in Stewart's lecture of the following evening. These publicised neo-Malthusian themes and drew attention to his own publicity and sale of birth control literature. Again this proved to be simultaneously an assault upon both religion and morals: "I am an honest man but I am not a Christian. [...] Every child is an accident. [...] God doesn't send them. If he does I have beaten him something like 200,000 times (underlined in police verbatim notes) no boy could be born without a father. Immaculate parturation is impossible".³⁷ Violence appeared again in Stewart's latest assault upon the doctrine of forgiveness which to some eyes may well have looked like a form of incitement containing quasi anarchist overtones: "Hate your enemies! 'Forgive them who curse you'. I say, if a man curses me I smack him on the mouth unless he is bigger than myself, if he is bigger I strike him with a hammer. Jesus means humiliation, servitude and misery."³⁸

Stewart's actions and words were meticulously recorded by the police present at the Wolverhampton meetings and hence he had little to effectively offer in defence. Prosecution, conviction and sentence (four months imprisonment) answered the imperative to preserve public order. As a result, it seemed evident that policing and legal frameworks were becoming increasingly confident in the process of assessing the harm and danger lying potentially in extreme religious or anti-religious discourse. This appreciation of danger appeared to reach its apex in the last trial for blasphemy in England that resulted in a custodial sentence for the defendant. In 1922, Stewart's compatriot John William Gott was prosecuted for republishing his compendium of cartoons and anticlerical aphorisms entitled *Rib-Tickers or Questions for Parsons*. This substantially turned on Gott's representation of Christ's entry into Jerusalem as equivalent to the actions of a circus clown. Gott offered little in his defence and it was scarcely a surprise when he was convicted. The presiding judge (Justice Horace Avory) confirmed the public order narrative and was adamant that it remained the duty of the authorities to prevent possible violence. Not only did he extend the practice of imagining violence caused by verbal blasphemous utterances, but he speculated that it shared this capacity with the printed word. English blasphemy law's status as Common Law also meant that judges were expected to in-

37 Ibid.

38 Ibid.

interpret the law in ways that they chose to. Indeed it was felt in legal circles that this was a virtue, since their decisions could be reflective of precise contexts and the contemporary atmosphere of public opinion.

Several civil servants had openly expressed that this status was beneficial and enabled the law to be both flexible and capable of responding effectively to any threat, or element, inherent in public opinion. These cases against Stewart increased the preoccupation of government and policing authorities with the idea of blasphemy as a public order problem. In expressing his opinion upon the law, Avory precisely visualised the process of religious criticism and blasphemy turning to active violence as something that needed to be prevented at all costs. Moreover, his words actively imagined the growth of indignation and the desire to strike out against it. There was also an interesting association of the violent will with both the aggressive defence of the individual and forms of muscular Christianity. This was a Christian archetypal image that had been cultivated in the late nineteenth century and that identified masculinity with evangelical zeal as well as heroic deeds on the playing field and potentially the battlefield.³⁹ Avory's words also persuaded policing authorities that being ever watchful about such matters was fundamental to their duty:

You must put it to yourself, supposing you receive by post some abominable libel upon yourself [...] what is your first instinct? Is not the instinct of every man who is worthy of the name of a man – the instinct is to thrash the man or the woman who has written a libel on him? And that is why the law says that it is calculated to provoke a breach of the peace. [...] [Y]ou must ask yourself if a person of strong religious feelings had stopped to read this pamphlet whether his instinct might not have been to go up to the man who was selling it and give him a thrashing, or at all events to use such language to him that a breach of the peace might be likely to be occasioned, because that would be quite sufficient to satisfy this definition.⁴⁰

The verdict and the sentence resulted in Gott serving a nine month prison sentence with hard labour. It became something of a liberal free speech *cause célèbre*, since Gott had to cope with the death of his wife whilst in prison. He himself died very shortly after leaving it, his health broken by his confinement. The apparent inhumanity of the sentence and its consequences became an important impetus for the blasphemy repeal movements of the 1930s.

However, for our purposes what was especially notable about Avory's interpretation of the law was that it considerably increased and heightened the con-

³⁹ For this concept see Donald E. Hall, *Muscular Christianity: Embodying the Victorian Age* (Cambridge: Cambridge University Press, 1994).

⁴⁰ R v Gott 16 Criminal Appeal Reports 87, 1922.

ception of blasphemy as an offence. Avory implied that even, and perhaps especially, an uncommitted sympathiser with Christianity deserved protection from the law. As such this created a new narrative beyond the Coleridge judgement that had foregrounded the conception of manner ruling civilised debate. This new narrative imagined the potential violence at every turn of religious and atheistical debate, and made engaging in such discourse a far riskier activity than it had previously been.⁴¹ This departure also inspired the lawyer Courtney Kenny to produce the first modern socio-legal analysis of the law of blasphemy in England, hoping to create a state of the art legal commentary for his generation of lawyers.⁴²

Whilst the aforementioned development had highlighted conceptions of the dangerous possibility of religious debate damaging public order, we should also note that such a change further emphasised the potentially neo-sacred nature of public order itself. Justice Avory's words had envisaged both a drawing room and the street as places where the unsuspecting might be ambushed by material they would find merely upsetting, never mind outrageous. Emphasising such contexts was also a subtle shift recognising both the wider diffusion of central Christian belief, but also how this very diffusion might make the ideal of a serene, comfortable untroubled consciousness a right of every citizen who cared even remotely about religion and morals.

If this last comment appears far-fetched it is possible to get glimpses of the popularity of this very conception in letters written to the Home Office about blasphemy over a decade later, in the years that led up to the Second World War. In 1938, the World Congress of Freethinkers planned to hold their regular meeting in London in what was, diplomatically and politically, an especially fraught year. This same Congress had held its earlier meeting several years before unnoticed and untroubled. Upon hearing the announcement of it convening in 1938, the Catholic Bishop of Alberta in Canada (Cardinal Hinsley) commenced a media campaign to protest against its being held in London, alleging that communists and atheists were plotting against the British Empire. This prompted a sustained campaign of letter writing to the government urging immediate action. Many of these letters indicate a belief that England had been providentially spared the disturbances that had occurred on the continent of Europe, both far into the past and in more recent times. Moreover, it is clear that such letter writers perceived a violent threat to a latter-day conception of the Holy Trinity

⁴¹ Leonard Levy, *Blasphemy: Verbal Offense Against the Sacred from Moses to Salman Rushdie* (New York: Knopf, 1993), 502.

⁴² Courtney Kenny, "The Evolution of the Law of Blasphemy," *Cambridge Law Journal* 1 (1922).

of ‘throne, altar, cottage’ that had been a cornerstone of popular conservative thinking throughout the nineteenth century. Many invoked the fear of violent religious threat alongside the machinery that might oppose it and maintain the Christian values that produced an ordered, placid and cohesive society.

Janet Kidd from Glasgow declared that “We pray ours may be a Christian land of which no one need be ashamed, we would be ashamed if the godless element were allowed to interfere in even a very small way.” Mrs. E.S. Wingate from Woking (Surrey) outlined the slumbering nature of Christian commitment which would awaken when threatened: “[c]onvinced Christians are not as a rule very vocal, so the authorities do not realise (though our King’s coronation revealed it) what a large number in the nation still believe in the external verity and blessing of the Christian faith”. She continued: “[o]ur nation owes its unique peace and prosperity hitherto, to its acknowledgement of God & God will judge us nationally if we abandon this position.”⁴³ G.J. Smith from Watford declared “shame on us as a people who owe all they have to that good and gracious God whom those in Moscow were daily blaspheming,” whilst R.V. Berkeley of Worcester argued (with an excess of capital letters): “If we sincerely desire the blessing of God to rest on England, and the deliberations of His Majesty’s Ministers our belief in the Almighty must be proclaimed and maintained at all costs. Gratitude for divine favours, and deep faith in the Almighty Goodness Compel our nation to refuse any countenance to the proposed insult to the divine majesty.”⁴⁴ Finally, Dorothy Holms from Camberley (Surrey) accused the Congress of having an “openly avowed purpose the arousing and fomenting of class hatred, disorder, revolution and civil war”.⁴⁵

Conclusions

As we have seen, blasphemy in England scarcely resulted in cases of active riot or serious physical disturbances. Compared with some continental neighbours, and those further afield, it looks to have been a religiously peaceable society that would claim for itself a special role in trailblazing religious toleration throughout the nineteenth century. But examining such a society gives us an op-

⁴³ Letter of Janet Kidd and Letter of E.M. Wingate, in: H.O. 45 24619/ 217459/92. Phrases like “eternal verity” echo words from the National Covenant of the Free Presbyterian Church of Scotland. For this see The National Covenant, February 37, 1638, accessed May 31, 2021, <https://www.fpchurch.org.uk/about-us/important-documents/the-national-covenant-1638/>.

⁴⁴ Footnote missing for G.J. Smith and R.V. Berkeley, , in: H.O. 45 24619/ 217459/92.

⁴⁵ Letter of Dorothy Holms, in: H.O. 45 24619/ 217459/92. Emphasis in the original.

portunity to view how those exposed to this tolerant peaceability could nonetheless imagine (and be persuaded to imagine) a fear of violence emanating from blasphemy. Violence imagined was capable of provoking a considerable range of emotions and actions from public complaint or police action, right through to judge-made pronouncements upon the law. Christoph Baumgartner has argued that blasphemy, when constituted as what he terms “psychological violence,” has the capacity to involve a culture clash which renders individuals unable to comprehend or accept forms of free speech and satire, indeed suffering “an unpleasant mental state”.⁴⁶ Although Baumgartner’s examples are modern ones, instances where liberal free speech conflicts with a variety of religious outlooks, his typology is informative in examining early-twentieth century English cases. Such an analysis illuminates the previously unforeseen reach into dormant or protean beliefs, sometimes in the process of actual dissolution. Whilst clear beliefs are challenged, their association with morality and the public peace can rapidly fuse these components together again with some rapidity.

Moreover, those who were in the business of promoting atheistical and free-thinking ideas also had their own conception of the imagined violence inherent in blasphemy. Where they could, and after all they did find ample opportunity, they focused upon how the Christian God had created a fundamentally violent world in his own image. His own words called into being a world where irrational arbitrariness rather than order was a central principle. On occasions it was also possible to portray the Almighty as fundamentally violent himself, and as such He became a being scarcely worthy of attention, never mind praise. His behaviour did not invite or encourage worship and the instinct to build a system of morality around His apparently spurious teachings appeared a foolish idea.

This description of religion in England and its charged encounters with opponents may sound somewhat like a fortunate and sheltered society making a lot out of its limited exposure to blasphemy. This might be especially pertinent when compared to the more obviously raw and barbed anticlericalism evident elsewhere in this book. Yet, rather than developing a ruthless and authoritarian impulse to stamp out opposition to religion with state-sanctioned force or popular violence, a more considered public order approach DID successfully retain the God-fearing peace that society so earnestly craved. But we may also think more deeply about the implications of this. Public order imperatives also had an imperial dimension, even within the religious sphere. The blasphemy provi-

⁴⁶ Christoph Baumgartner, “Blasphemy as Violence: Trying to Understand the Kind of Injury That Can Be Inflicted by Acts and Artefacts That are Construed as Blasphemy,” *Journal of Religion in Europe* 6, no. 1 (2013): 50–53.

sions within the Indian Criminal Code of 1860 contained a far-sighted recognition of how public order could police and referee between competing religious groups, whilst preserving the peace and providing adequate protection for all. It is worth speculating just how far England's socio-religious peace over the long-nineteenth century created legal ripples which, emanating from its population's experience as well as many of its legal minds. This produced a principle which exported the concept of public peace to the Indian subcontinent, as well as inspiring legal conceptions of blasphemy in other areas of the English-speaking world.⁴⁷

The concept of public peace and the concern for the injured feelings of others, which is a clear corollary from this idea, has also arguably had a history beyond the early twentieth century. Its foregrounding of religious feelings, and the reactions of those faced with violence towards their personal identity and worldview has been a central conception in the construction of incitement to religious hatred laws. Whilst the legacy of religiously-motivated violence can be seen in the occasional outbreaks that have suddenly transformed our city streets, there is also clearly another legacy to consider. Going beyond the actual physical violence, we need to reflect on the real impact of imagined violence upon the psyche of those manifestly unused to physical violence, precisely because they lived in a relatively peaceable and tolerant society. Moreover cultural sensibilities that valorised this latter phenomenon were also capable of persuading individuals into fear and discourses of suspicion. From this sustained narrative of peace and tolerance we are ultimately persuaded to ask how far did the creation of order, premised upon imagined harm, produce solutions that policed blasphemy more quietly and with some success after the middle of the nineteenth century?

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47 See Nash, "Blasphemy through British (Post) Colonial Eyes," 79–80.

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Marcin Składanowski

7 Pokémon in the Church: The Case of Ruslan Sokolovskiy and the Limits of Religious Performance in Contemporary Russia

Protests against the Russian Orthodox Church are a recurrent phenomenon in the present-day Russian Federation. In most cases, they are triggered by the various connections existing between said Church on the one hand, and Russian political and business structures on the other hand. These protests frequently receive media attention, especially in social media that remain to a large degree under state control. In some instances, however, these protests assume the form of religious blasphemy aimed either at Church-State relations, at the Orthodox Church or at Christianity as such (the Russian media usually identify Christianity with Orthodoxy).

Blasphemy in Russian public life and other forms of anti-church protests are thus generally political in nature. A prime example of this bias is the performance of Pussy Riot in 2012 which, despite being superficially blasphemous (the participants parodied an Orthodox prayer in Moscow's Cathedral of Christ the Saviour), was mostly aimed at Russian President Vladimir Putin's political system.¹ Additionally, the repression that the participants in the protest faced, despite charges being formally based on the law regarding the offence of feelings of religious believers, were politically inspired. This fact seems to have eluded numerous politicians and celebrities engaged in the defence of Pussy Riot. Similarly, protests that took place in the city of Yekaterinburg in 2019 against the construction of a church and building complex replacing the existing park had a political nature – their mass character convincing regional and federal authorities to suspend building work. For despite the anti-church rhetoric, the protests were directed at the close connections between local officials and Russian oligarchs (some of these fabulously rich representatives of business were to fund

¹ Aleksey Chadayev, *Putin: Nashi tsennosti* (Moscow: Eksmo, 2018), 160; Anya Bernstein, "An Inadvertent Sacrifice: Body Politics and Sovereign Power in the Pussy Riot Affair," *Critical Inquiry* 40, no. 1 (2013); Dmitry Uzlaner and Kristina Stoeckl, "From Pussy Riot's 'Punk Prayer' to Matilda: Orthodox Believers, Critique, and Religious Freedom in Russia," *Journal of Contemporary Religion* 34, no. 3 (2019).

the new church).² Such links, which pervade Russian social life, are met by the public with ever increasing opposition.

In recent years Russia has witnessed a protest that had the character of public blasphemy but was, different from the aforementioned cases, devoid of any political dimension: the 2016 performance in which blogger Ruslan Sokolovskiy played the Japanese game “Pokémon Go” by searching for Pokémon within the building of the Church ‘On Blood’ (‘na Krovi’, full name: Temple-Monument on the Blood in Honour of All the Saints who Shone in the Russian Land) in Yekaterinburg, prompting accusations that he had offended the feelings of religious believers. The following pages analyse the context and consequences of Sokolovskiy’s intervention. It shows that the blogger deliberately committed an act of public blasphemy, that is, he intentionally violated a sacred space, introducing secular elements to it that were aimed at desacralising that very space. Yet whilst Sokolovskiy clearly was a perpetrator of symbolic violence, he was also a victim who had to face the full wrath of the law. In fact, the legal and social consequences the blogger faced point to a broader pattern in contemporary Russia, namely, the extensive protection of religious feelings awarded to believers. Existing laws do not provide equal rights to believers and non-believers, nor do they protect non-believers from discrimination.

The Legal, Social and Political Context of Ruslan Sokolovskiy’s Case

The position of Ruslan Sokolovskiy’s case in Russian public debate is closely connected to the various legal changes that have taken place in the Russian Federation since the fall of the Soviet Union. This transformation has also affected the place of religion in public life. Russia has undergone, in this respect, an enormous evolution since the late 1980s. Although in the last years of the Soviet Union, under the rule of Mikhail S. Gorbachev, the influence of perestroika and the first signs of democratisation in public life meant that the situation of religious communities began to change, the State still officially maintained an atheist ideological stance.³ A significant number of church buildings belonging to the

² “Konflikt iz-za khrama v Yekaterinburge. Chto vazhno znat’,” accessed February 1, 2020, <https://www.rbc.ru/society/16/05/2019/5cdd41899a79477f7e641d6d>.

³ Roman B. Osokin and Vladimir G. Kokorev, “Printsip spravedlivosti i ravenstva kak kriteriy otsenki i sovershenstvovaniya stat’i 148 UK RF ‘Narusheniye prava na svobodu sovesti i veroispo-

Orthodox, Catholic and various Protestant Churches dating back to the pre-Bolshevik era, were demolished (the Cathedral of Christ the Saviour in Moscow is a case in point), closed down or restructured to serve other purposes: storehouses, theatres, sports centres or offices. Occasionally, church buildings housed so-called museums of atheism whose aim it was to ridicule religion.⁴

Yet although the Soviet Union long remained an official atheist state, the open persecution of churches, especially of the Russian Orthodox Church, finished well before its collapse. The last wave of anti-religious actions, which included closing down parishes and churches, took place under Nikita S. Khrushchev in the late 1950 and early 1960s; under his successor, Leonid I. Brezhnev, Soviet authorities began to accept some very limited activity by the Russian Orthodox Church.⁵ Important was that the Church, on its part, pledged to refrain from supporting any opposition movement aimed to undermine the governing Communist Party. There were only few political dissidents associated with the Russian Orthodox Church (Gleb Yakunin, Lev Regel'son or Aleksander Men are examples) and they mostly operated in the last period of the Soviet Union, in the atmosphere of a democratic awakening of 'glasnost' and perestroika.⁶

The laws that had been introduced following the Bolshevik Revolution had always officially guaranteed freedom of religious expression.⁷ The constitution of the Soviet Union, as well as the constitutions of the various union republics, also guaranteed citizens the right to practice their religion without interference. In practice, however, this freedom was extremely limited. During the Stalinist period, representatives of the clergy, monks and lay activists connected to the Church were subjected to repression and terror.⁸ This repression lasted until the collapse of the Nazi-Soviet alliance and the attack of Nazi Germany on the

vedaniy'," *Filosofiya Prava* 4 (2017): 112; Lee Trepanier, *Political Symbols in Russian History: Church, State, and the Quest for Order and Justice* (Lanham, MD: Lexington Books, 2010), 140.

4 Paul Froese, "Forced Secularization in Soviet Russia: Why an Atheistic Monopoly Failed," *Journal for the Scientific Study of Religion* 43, no. 1 (2004): 42.

5 Aleksiy Marchenko, *Religioznaya politika sovetskogo gosudarstva v gody pravleniya N. S. Khrushcheva i yeye vliyaniye na tserkovnuyu zhizn' v SSSR* (Moscow: Izdatel'stvo Krutitskogo podvor'ya, 2010); Katja Richters, *The Post-Soviet Russian Orthodox Church: Politics, Culture and Greater Russia* (Abingdon: Routledge, 2013), 3.

6 Zoe Knox, *Russian Society and the Orthodox Church: Religion in Russia after Communism* (Abingdon: Routledge, 2005), 52–57.

7 Alexander Ponomariov, *The Visible Religion: The Russian Orthodox Church and Her Relations With State and Society in Post-Soviet Canon Law (1992–2015)* (Frankfurt am Main: Peter Lang, 2017), 120.

8 Knox, *Russian Society and the Orthodox Church*, 45–47; Trepanier, *Political Symbols in Russian History*, 144–145.

Union of Soviet Socialist Republics (USSR).⁹ Even during later years, the Church and its representatives were subject to various restrictions. In particular, the ability of young people to engage in church life was severely limited.¹⁰ Although a liberalisation of anti-religious policy was already visible during the rule of Gorbachev – the clearest signs being the organisation of the thousandth anniversary of the baptism of the Rus' in 1988 and Gorbachev's meeting with Pope John Paul II in 1989 – religious freedom was not restored until the final days of the USSR.¹¹

In October 1990, the Supreme Soviet of the Soviet Union, the highest legislative body of the USSR, passed a law on freedom of conscience and religious organisations and then – in the Russian Soviet Federative Socialist Republic – a law on religious freedom that significantly expanded the scope of public activities in which Churches were allowed to engage.¹² After the fall of the USSR, this law was modified and superseded by further legislation guaranteeing religious organisations the freedom to operate in public. The constitution of 1993 even officially introduced religious freedom in the Russian Federation. According to article 28, “Everyone shall be guaranteed freedom of conscience, freedom of religion, including the right to profess individually or together with others any religion or to profess no religion at all, to freely choose, possess and disseminate religious and other views and act according to them.”¹³ At the same time, article 14 stated that “The Russian Federation is a secular state. No religion may be established as a state or obligatory one.” The article furthermore stated that all religious organisations should be separated from the State and treated equally before the law. In other words, no faith community could claim a position of privilege.

As the State's relations with the Churches in Russia began to change, it became important for civil authorities to reconstruct or return church buildings and monasteries that had previously been demolished or used for other purposes. This process continues until the present day and has invited much controversy

9 Ponomariov, *The Visible Religion*, 125–127.

10 Froese, “Forced Secularization in Soviet Russia,” 40–41.

11 For the baptism anniversary see, Ponomariov, *The Visible Religion*, 132–134.

12 For the October 1990 law see e.g. Geraldine Fagan, *Believing in Russia: Religious Policy after Communism* (Abingdon: Routledge, 2013), 56–57. The subsequent law on freedom of religion is discussed in Sergey M. Vorob'yev, “Konstitutsionno-pravovyye osnovy deyatelnosti religioznykh organizatsiy v ugovolnoispolnitel'noy sisteme Rossii,” *Ugolovno-ispolnitel'noye pravo* 1 (2016): 32–33.

13 “The Constitution of the Russian Federation,” accessed February 1, 2020, <http://www.constitution.ru/en/10003000-01.html>; Vladimir G. Kokorev and Ivan A. Zaytsev, “Osobennosti ugovolno-pravovoy okhrany prava na svobodu sovesti i veroispovedaniy v Rossiyskoy Federatsii kak svetskom gosudarstve,” *Vestnik ekonomicheskoy bezopasnosti* 1 (2017): 65.

from the public, seeing that many of the buildings thus returned are often used by cultural, academic or educational institutions keen to keep their possessions.¹⁴ An act of restitution of great symbolic meaning was the 1999 restoration as a place of religious worship of the Cathedral of Christ the Saviour in Moscow, the same building that, in 2012, witnessed the (political) protest by Pussy Riot.¹⁵ Such symbolic gestures were followed by legal changes taking place during the last years of Boris N. Yeltsin's presidency as well as the first years of Vladimir V. Putin's rule. They are occasionally considered to amount to a deviation from the constitutional principle of separation of Church and State, and to defy the ideological neutrality of the State. It is particularly important to point here to the special legal recognition enjoyed by the so-called traditional religions of Russia that is aimed at defending the societal position of Orthodoxy in the face of the growth registered by Protestant communities.¹⁶

Besides legal regulations, the years of Putin's rule also brought a series of decisions that are perhaps less known but are equally significant for Church-State relations in modern Russia. Between 2002 and 2006, for instance, the principles of Orthodox religious culture were included as an optional subject on the curriculum of state schools.¹⁷ In 2015, theology was recognised as an academic discipline, which required the State to acknowledge academic degrees in theology.¹⁸ Two years later, the Jehovah's Witnesses were banned from the Russian Federation on account of them being accused of extremism.¹⁹ Also in 2017, the Patriarch of Moscow and all Rus' was included in a list of government officials whose property holdings are kept secret.²⁰ The Russian Orthodox Church has

14 See, e.g., Dmitry Uzlaner, "The End of the Pro-Orthodox Consensus: Religion as a New Cleavage in Russian Society," in *Orthodox Religion and Politics in Contemporary Eastern Europe: On Multiple Secularisms and Entanglements*, ed. Tobias Koellner (Abingdon: Routledge, 2018); Tobias Köllner, "On the Restitution of Property and the Making of 'Authentic' Landscapes in Contemporary Russia," *Europe-Asia Studies* 70, no. 7 (2018).

15 Zoe Knox, "The Symphonic Ideal: The Moscow Patriarchate's Post-Soviet Leadership," *Europe-Asia Studies* 55, no. 4 (2003): 586.

16 Fagan, *Believing in Russia*, 66–68 and 131–133.

17 Richters, *The Post-Soviet Russian Orthodox Church*, 46; Kristina Stoeckl, *The Russian Orthodox Church and Human Rights* (Abingdon: Routledge, 2014), 101; Andrey Kurayev, *Podniat' Rossiyu s kolen: Zapiski pravoslavno missionera* (Moscow: Algoritm, 2014), 50–55.

18 "Teologiya stala nauchnoy spetsial'nost'ju v Rossii," accessed February 1, 2020, <https://www.interfax.ru/russia/419811>.

19 "Verkhovnyy sud podtverdil zapret 'Svideteley Iegovy'," accessed February 1, 2020, <https://ria.ru/20170718/1498660129.html>.

20 "Gosduma razreshila zasekretit' imushchestvo vysshikh chinovnikov, patriarkha i ikh rodstvennikov," accessed February 1, 2020, <https://www.mk.ru/politics/2017/06/21/gosduma-razreshila-zasekretit-imushchestvo-vysshikh-chinovnikov-patriarkha-i-ikh-rodstvennikov.html>.

also come to play a significant role with regard to the army. Military chaplains have been active in the Russian army for years.²¹ The construction of the Main Cathedral of the Russian Armed Forces, which was consecrated on June 14, 2020, on the occasion of the 75th anniversary of the USSR's victory over Nazi Germany, was also symbolic.²² Moreover, although the Russian Orthodox Church cannot be financed directly from the state budget, it is a beneficiary of the presidential grant system aimed at supporting cultural and educational activities.²³

Finally, it is worth mentioning that religious issues have also emerged in recent debates on constitutional reform. On January 20, 2020, President Putin presented a draft amendment to the State Duma, the lower house of the Federal Assembly of the Russian Federation.²⁴ In the course of discussions on possible constitutional changes, Valentina Tereshkova, the first female astronaut ever and presently a member of the State Duma, presented on March 10, 2020 a proposal according to which the adoption of changes to the constitution will start the counting of the president's term of office anew.²⁵ In practice, this means that Putin can exercise power until 2036. Of greater interest to us is that during this constitutional debate, among others Patriarch Kirill of Moscow and all Rus', the highest ecclesiastic of the Russian Orthodox Church, suggested that a reference to God be introduced into the Russian constitution.²⁶ In other words, the constitutionally guaranteed separation of Church and State as well as of the State's ideological neutrality were thus to be abandoned.²⁷ Even though in the final version of the constitution – adopted after a so-called nationwide vote that was held from June 25 to July 1, 2020 – the secular character of the State (article 14) and freedom of conscience (article 28) were maintained, a new article 67.1 for the first time mentioned faith in God as part of Russian heritage and iden-

21 Richters, *The Post-Soviet Russian Orthodox Church*, 57–58.

22 “Glavnyy khram Vooruzhennykh Sil Rossiyskoy Federatsii,” accessed July 1, 2020, <https://hram.mil.ru/>.

23 Knox, “The Symphonic Ideal,” 589; Nikolay Mitrokhin, *Russkaya Pravoslavnaya Tserkov': Sovremennoye sostoyaniye i aktual'nyye problemy* (Moscow: Novoye literaturnoye obozreniye, 2006), 278–279.

24 “Chto Vladimir Putin predlozhit izmenit' v Konstitutsii,” accessed April 1, 2020, <http://duma.gov.ru/news/47556/>.

25 “Valentina Tereshkova predlozila rassmotret' vopros o snyatii ogranicheniy po chislu prezidentskikh srokov,” accessed April 1, 2020, <http://duma.gov.ru/news/47995/>.

26 “Patriarkh Kirill predlozhit upomyanut' Boga v Konstitutsii,” accessed February 1, 2020, <https://ria.ru/20200202/1564152511.html>.

27 “VRNS predlozhit popravki v preambulu Konstitutsii Rossii,” accessed February 1, 2020, <https://ria.ru/20200126/1563901253.html>.

tity.²⁸ The constitutional debate, and especially the introduction of article 67.1, show that the legal position of the Russian Orthodox Church in society has a unique character, going beyond the principles of freedom of conscience and religion guaranteed to all citizens. This has also impacted the way in which official authority has responded to Ruslan Sokolovskiy's performance in Yekaterinburg's Church On Blood as well as to other cases of (alleged) blasphemy.

Public Blasphemy in Russia: Legal and Canonical Aspects

Even though Russian law does not explicitly define blasphemy (*bogokhul'stvo*), it is possible to find in the provisions of the Criminal Code of the Russian Federation a general definition of blasphemy. Article 148 concerns violations of the right to freedom of conscience and religion in public space. The original version of this article, included in the Criminal Code adopted in 1996, was very general, decreeing that it was forbidden to obstruct the activity of religious organisations or the performance of religious rites.²⁹ The 2013 amendment significantly expanded the article – some believe as a result of the provocative actions by Pussy Riot during the previous year – introducing a new concept to the criminal code, namely, “offending the religious feelings of believers”.³⁰ The law provides for the possibility to impose fines, forced labour or imprisonment for “public actions that show disrespect for society and are committed with the purpose of offending the religious feelings of believers.” The same law decrees that if such actions occur in places of worship, the penalty shall be increased. Moreover, the Criminal Code forbids interfering with the activities of religious organisations

28 “Konstitutsiya Rossiyskoy Federatsii,” accessed July 10, 2020, <http://kremlin.ru/acts/constitution>.

29 “The Criminal Code of the Russian Federation,” accessed February 1, 2020, https://www.imolin.org/doc/amlid/Russian_Federation_Criminal_Code.pdf.

30 Stoeckl, *The Russian Orthodox Church*, 100 – 101. For the alleged role of Pussy Riot in changing article 148 see V.A. Novikov, “Ugolovno-pravovaya okhrana prava na svobodu sovesti i veroispovedaniy,” *Vestnik Moskovskogo Finansovo-Yuridicheskogo Universiteta* 3 (2015): 194; Zoya Ye. Chernyshkova, Yevgeniya V. Ivanova and Olesya V. Kuznetsova, “Religiovedcheskaya ekspertiza: Analiz deystviy, napravlennykh na oskorbleniye religioznykh chuvstv veruyushchikh,” *Istoricheskiye, filosofskiyе, politicheskoye i yuridicheskoye nauki, kul'turologiya i iskusstvovedeniye. Voprosy teorii i praktiki* 3, no. 2 (2017): 202.

or with religious worship without legal justification.³¹ Surprisingly, however, the law does not define what “religious feelings” are, nor does it indicate how they can be offended.³² This means that, on the basis of article 148, any person publicly declaring their atheism and opposition to the activities of the Church can be convicted. Besides, although the title of said article explicitly refers to the protection of freedom of conscience, it does not provide any such protection for non-religious people.³³

In addition to the provisions included in the Criminal Code, the Russian Orthodox Church has also expressed its own position on public blasphemy.³⁴ On February 4, 2011, the Bishops’ Council adopted a document entitled ‘The Russian Orthodox Church’s Approach to Wilful Public Blasphemy and Slander against the Church.’³⁵ It repeats the Orthodox standpoint on human dignity and freedom, but also claims that freedom should never “be used to blaspheme God or to talk slanderously about His Church and people.” The document furthermore contains a definition of blasphemy, which it defines as “an outrageous or disrespectful action, statement, or intention about God or a sacred thing” as well as “an expression of the desire to outrage or profane the Creator” that involves “sacrilege, profanity, and defilement of things sacred.” As such, blasphemy “is one of the gravest moral crimes.” The document indicates “a low level of one’s religious culture and lack of knowledge about religious life and deficiency of spiritual experience” as the main causes for the utterance of public blasphemy.

In the context of Sokolovskiy’s case, the aforementioned remarks concerning the distinction between blasphemy and religious freedom are important. Criti-

31 “Ugolovnyy Kodeks Rossiyskoy Federatsii,” accessed February 1, 2020, <http://pravo.gov.ru/proxy/ips/?docbody&nd=102041891>.

32 Arseniy A. Bimbinov and Vyacheslav N. Voronin, “Ugolovnaya otvetstvennost’ za naruchenye prava na svobodu sovesti i veroispovedaniy po zakonodatel’stvu Rossii i Germanii,” *Lex Russica* 11 (2017): 114; Novikov, “Ugolovno-pravovaya okhrana,” 196; Tat’yana Ye. Ivanova, “Otdel’nyye problemy ustanovleniya i realizatsii ugolovnoy otvetstvennosti za publichnyye deystviya, vyrazhayushchiye yavnoye neuvazheniye k obshchestvu, sovershennyye v tselyakh oskorbleniya religioznykh chuvstv veruyushchikh,” *Sotsial’no-politicheskiye nauki* 2 (2017): 140–141.

33 Osokin and Kokorev, “Printsip spravedlivosti,” 112–113; Kokorev and Zaytsev, “Osobennosti ugolovno-pravovoy okhrany,” 66; Aleksandr Verkhovskiy, “Problemy realizatsii svobody sovesti v Rossii v 2015 godu,” accessed December 1, 2020, https://www.sova-center.ru/religion/publications/2016/03/d34099/#_ftn1.

34 Ponomariov, *The Visible Religion*, 186–191.

35 “The Russian Orthodox Church’s Approach to Wilful Public Blasphemy and Slander against the Church,” accessed February 1, 2020, <https://mospat.ru/en/documents/otnoshenie-russkojj-pravoslavnoj-cerkvi-k-namerennomu-publichnomu-bogokhulstvu-i-klevete-v-adres-cerkvi/>.

cism of religion and believers cannot, in and of itself, be a reason for the accusation of blasphemy. Yet this criticism must be respectful, honest and factual. As a result, blasphemy is seen as a form of criticism levied at religion or the faithful that is carried out without the respect considered to be necessary for a dialogue on differing worldviews. Blasphemy is deemed to be unfair and lacking a factual basis. By analogy, the Church's statement suggests that the faithful cannot be indifferent to acts of public blasphemy. The best way to oppose blasphemy is through the Christian example of living according to the teachings of Christ, with believers encouraged to explain the principles of Christian doctrine and worship. At the same time, the Russian Orthodox Church recognises that in the event of deliberate and intentional public blasphemy, the faithful have the right to seek the help of state authorities and invoke the law.

Ruslan Sokolovskiy's Performance and Its Consequences

The case of Ruslan Sokolovskiy (born as Ruslan Gofiiullovich Saybaltalov) began with a video blog that he broadcasted on YouTube on August 11, 2016. The video showed him "hunting Pokémon" in the Church On Blood in Yekaterinburg. According to Sokolovskiy's subsequent statements, this was a reaction to warnings expressed on public television that playing the game of Pokémon Go, which was hugely popular at the time, in sacred places such as churches can lead to legal consequences. The recording posted by Sokolovskiy also includes anti-religious phrases that believers perceived to be blasphemies. For example, the blogger called Jesus Christ "an exceptionally rare Pokémon"; to add insult to injury, he claimed to have failed to find him in said church.³⁶ After posting his video on YouTube, Sokolovskiy provided an explanation for his actions, which he supplied with anti-religious and anti-church statements that led to increased interest from the Russian media. By late August, articles on his performance began to appear on channels with a nationwide coverage.

Based on article 148 of the Criminal Code of the Russian Federation, an investigation against Ruslan Sokolovskiy was launched that prompted his arrest on September 2, 2016. The charges levied against him were now expanded. To the accusation of "actions expressing an overt disrespect for society and made

³⁶ "Blogera Ruslana Sokolovskogo prigovorili k uslovnomu sroku za lovlyu pokemonov v khrame. Glavnoye," accessed February 1, 2020, <https://meduza.io/feature/2017/05/11/prigovor-ruslanu-sokolovskomu-za-lovlyu-pokemonov-v-hrame-glavnoe>.

to offend the religious feelings of believers” (article 148) was added the accusation of activities “inciting hatred or hostility and the humiliation of human dignity” (article 282). Besides, the equipment used by Sokolovskiy to record his performance, which was discovered during a police search, led to him being accused of “the illegal use of special technical means intended for the secret acquisition of information” (article 138.1).³⁷

The actions undertaken against Sokolovskiy met with protests from individual representatives of Russian cultural and political life.³⁸ More important for the Russian political context was, however, the involvement of Amnesty International, which labelled the video blogger a ‘prisoner of conscience’ – this without properly analysing Sokolovskiy’s case and assuming (incorrectly) that in Russia every accusation with a connection to religion is illegal and politically motivated.³⁹ Engagement from international human rights organisations is perceived in Russia as an additional burden for the prevalent political discourse.⁴⁰ A second point of interest is that the authorities of the Russian Orthodox Church did not undertake any official actions in relation to Sokolovskiy’s case, although unofficially they urged caution against overestimating the significance of his blasphemy as this would give him more airtime.⁴¹

During the trial in the first instance, Sokolovskiy did not admit to the accusations brought against him. At the same time, he emphasised his atheism and his negative assessment of religion in general, including what he considered to be the aggressively harmful role of religion in social life. He also described himself as cosmopolitan and libertarian as well as declared that, despite his negative assessment of religion *sui generis*, he had not intended to offend the feelings of individual believers. Despite these statements, the court sentence, announced on May 11, 2017, found Sokolovskiy guilty and sentenced him to three-and-a-half years imprisonment with three years conditional suspension. In addition, he

37 Tat'yana Ye. Ivanova, “Sootnosheniye publichnykh deystviy, oskoriblyayushchikh religioznye chuvstva veruyushchikh s prestupleniyami ekstremistskoy napravlenosti,” *Probely v rossiyskom zakonodatel'stve* 4 (2017): 200–201.

38 Inna V. Zaikina, Alina V. Pozdnyak and Mariya M. Sladkova, “Oskorbleniye religioznykh chuvstv veruyushchikh: analiz sudebnoy praktiki,” in *Rossiya i mir: razvitiye tsivilizatsiy. Fenomen razvitiya radikal'nykh politicheskikh dvizheniy v Yevrope*, ed. Vladimir V. Zhirinovskiy et al. (Moscow: Institut mirovykh tsivilizatsiy, 2018), 560–561.

39 “Urgent Action: Jailed for Playing Pokémon Go in Church,” accessed February 1, 2020, <https://www.amnesty.org/download/Documents/EUR464772016ENGLISH.pdf>.

40 Valeriy Korovin, “Ne Zapadu uchit' Rossiyu soblyudeniyu prav cheloveka,” accessed July 1, 2020, <http://izborsk.md/ne-zapadu-uchit-rossiyu-soblyudeniyu-prav-cheloveka/>.

41 “RPTs prizvala ne rassmatryvat' delo Sokolovskogo kak 'delo tserkvi protiv blogera,’” accessed February 1, 2020, <https://tass.ru/obschestvo/4245737>.

was obliged to remove from YouTube all videos with content offensive to the feelings of believers. Finally, he was banned from speaking in public.⁴²

Sokolovskiy's defence appealed against the sentence. This led to the partial mitigation of the charges brought against him, reducing his sentence to two years and three months of suspended imprisonment. The ban on participation in public events was sustained. The defence appealed against this verdict to the European Court of Human Rights, which took until January 2020 to announce that it would accept Sokolovskiy's case for consideration.⁴³ This acknowledgement is remarkable because President Putin has in the past repeatedly expressed doubts as to the validity of the rulings of international tribunals in cases concerning Russia and its citizens. In fact, the constitutional reform of 2020 points to the superiority of Russian law over the verdicts issued by international tribunals.⁴⁴ According to article 79 of the Criminal Code, the rulings of the European Court of Human Rights, including a possible ruling in the Sokolovskiy's case, will not have any legal effects in Russia if considered to be contrary to the constitutional order of the Russian Federation.⁴⁵

The eventual sentence has had far-reaching implications for Ruslan Sokolovskiy. Among others he was, in 2017, included in a list of people allegedly involved in extremist and terrorist activities.⁴⁶ Whilst this decision limited his ability to carry out political activities or make money, it has also subjected him to increased control by the police and security officials. In view of the personal consequences he has faced as a result of his "Pokémon hunting," Sokolovskiy has publicly declared his willingness to renounce Russian citizenship and possibly even emigrate.⁴⁷ Thus far, he has not yet pursued this course of action.

42 "Delo pokemonov: bloger poluchil 3,5 goda uslovno za oskorbleniye chuvstv veruyushchikh," accessed February 1, 2020, <https://russian.rt.com/russia/article/388420-sokolovskii-blogger-pokemony-prigovor>.

43 "ESPCh rassmotrit delo Sokolovskogo o nakazanii za rolki o lovlе pokemonov," accessed February 1, 2020, <https://www.kasparov.ru/material.php?id=5E32BCF2C631D>.

44 "Prezident poobeshchal Konstitutsii prioritet pered mezhdunarodnym pravom," accessed February 1, 2020, <https://www.vedomosti.ru/society/articles/2020/01/15/820701-prezident-poo-beschal>.

45 "Konstitutsiya Rossiyskoy Federatsii."

46 "Blogger Sokolovskiy vnesen v perechen' terroristov i ekstremistov," accessed February 1, 2020, <https://tass.ru/proisshestiya/4414442>.

47 "Blogger Ruslan Sokolovskiy nameren otkazat'sya ot grazhdanstva Rossii i emigrirovat'," accessed February 1, 2020, https://www.znak.com/2018-02-09/bloger_ruslan_sokolovskiy_name ren_otkazatsya_ot_grazhdanstva_rossii_i_emigrirovat.

Sokolovskiy's Blasphemous Performance: A Case of Symbolic Violence?

Contemporary debate in Russia about the place of religion in public life and the legal protection enjoyed both by the Orthodox Church and individual believers has turned increasingly toxic. Both sides of the ideological divide resort to provocation, acts of symbolic violence and mutual accusations, which are occasionally expressed in a language that could be referred to as hate speech.⁴⁸ Such vicious language is part of a much broader pattern of symbolic violence that pits opponents and supporters of church culture against each other. On the one hand, opponents of the increasing influence held by the Russian Orthodox Church on social life often perceive the allocation of public space for the building of new churches as a form of violence. Attempts by the Church to regain the buildings formerly housing churches and monasteries, which are now used by cultural, academic and educational institutions, are interpreted along similar lines. On the other hand, believers see actions opposing the construction or restoration of churches, as well as the restitution of buildings appropriated by the Soviet authorities, as a form of aggression aimed at tearing away the right of believers to profess their faith in public. They interpret these protests as a way of supporting previous injustices, especially the enforced desacralisation and repurposing of numerous church buildings that occurred in the Soviet Union era.

The interpretation of Sokolovskiy's performative action in the Church On Blood, subsequent public reactions and the resulting consequences can be explained through the same prism. Still, it is important to realise that while analysing the events in Yekaterinburg, it is impossible to distinguish between the blogger in his role as perpetrator and as victim of a form of violence that is primarily symbolic and social. Seen from the perspective of the Russian Orthodox Church and its faithful, Sokolovskiy has caused offence by professing blasphemies that hurt religious feelings to the point they become a form of experienced violence. Nonetheless, in reality it remains doubtful whether symbolic violence was part of Sokolovskiy's original plan or whether he reformulated his actions in this direction after receiving considerable media attention. From the perspective of church critics, however, Sokolovskiy is the victim of a legal and political system that protects the feelings of believers while not providing similar protection to non-religious people.

⁴⁸ See, e.g., Aleksandr Nevzorov, *Otstavka Gospoda Boga: Zachem Rossii pravoslaviye?* (Moscow: Eksmo, 2015).

Sokolovskiy as a Perpetrator

If one accepts the anti-religious interpretation that Sokolovskiy assigned to his actions within the broader context of public debate on the role of religion and the Russian Orthodox Church in public life, it is possible to distinguish two forms of symbolic violence that are both connected to the nature of the space (i.e. the location) in which his performance took place. First, it is of great importance to note that Sokolovskiy's hunt for Pokémon was performed in the Church On Blood in Yekaterinburg. This church was built between 2000 and 2003 on the site of the so-called Ipatiev House. This was the house where Tsar Nikolai II and his family were imprisoned between April 28 and July 17, 1918, and where the Bolsheviks murdered them. Today the church is the centre of a cult dedicated to Tsar Nikolai who, together with Tsarina Alexandra and their children, the Russian Orthodox Church proclaimed in 2000 as a saint and 'passion-bearer' (*strastoterpets*) or martyr.⁴⁹

The Church On Blood therefore serves to commemorate an episode of extreme violence in Russian history that began with the Bolshevik Revolution in November 1917 (or October according to the calendar used in Russia at the time). The murder of the Romanov family was a symbolic act. Not only did it signify a break with the imperial past and the beginning of a new political reality, but it questioned this past and rendered it useless. The bloody act of regicide was a symbol of the broader violence sweeping through revolutionary Russia. Also, the Russian Orthodox Church, which had been one of the Russian state structures resulting from the reforms initiated by Peter the Great in the late seventeenth and early eighteenth centuries to the February Revolution of 1917, quickly became a victim of violence too.⁵⁰ The persecution of the Church returned not only in the closure of numerous churches and monasteries but also in the murder of bishops, priests, monks and lay believers involved in church life.

It is likely that Sokolovskiy did not intend to invoke, much less approve, the anti-religious and blasphemous acts characteristic of early Bolshevism. Certainly, he did not express any sympathies in this direction in his public statements. Moreover, it is very problematic in Russia today to link communism with atheism; the Communist Party of the Russian Federation has frequently declared its readiness to cooperate with the Russian Orthodox Church and generally re-

⁴⁹ Knox, *Russian Society and the Orthodox Church*, 128.

⁵⁰ Ponomariov, *The Visible Religion*, 115.

jects anticlericalism.⁵¹ Despite these nuances, it is impossible to ignore the symbolic significance implied in Sokolovskiy's decision to stage his performance in the Church On Blood – which is after all a religious building reserved to commemorate not only the bloody end of the last tsar and his family, but also to remind the visitor of the persecutions the Church suffered during the Soviet period. For this reason, Sokolovskiy is often accused of historical ignorance and insensitivity to the sufferings of believers.

Sokolovskiy's actions were not an attempt to revive Bolshevik anticlericalism. Instead, they were interpreted as a critique of the presence of religion in contemporary Russian public life and a form of blasphemy. The latter connects to the fact that the performance was seen to ridicule the memory of, and fate suffered by, Tsar Nikolai II and the victims of Bolshevik rule, in particular that of the believers murdered or subjected to persecution for their faith. Seen against the broader backdrop of (re)constructing Russian national identity and collective memory, following the collapse of the Soviet Union, Sokolovskiy's actions are interpreted as questioning the nature of this identity. One which is built on the ties existing between the Russian Orthodox Church and the State – ties that symbolise the history of the Russian Empire and are increasingly influential in contemporary Russia.

Reactions to Sokolovskiy's published hunt for Pokémon have also pointed to another dimension of the symbolic violence he committed. They focus on the blogger's intrusion of a sacred space, namely a church, that is protected from everyday secular use and symbolises the supernatural. Important in this respect is that the Orthodox interpretation of sacred space is different from the one familiarised by other Christian Churches. In Western Christianity, and especially since the mid-twentieth century, the notion of a sacred space that is protected from secular use and holds divine presence has been slowly disappearing. Church space is no longer protected from usage for secular purposes. Liturgical reforms and changes regarding church furnishings (including the limitation or even suppression of religious art) have in some respect aligned the sacred space traditionally represented by contemporary Christian churches with other types of public space. In Russian Orthodoxy, the church space has a different and unique character, as evidenced by the division created between the church interior and its theological meaning. Somewhat superficially, it can be said that the primary task of an Orthodox church is not to act as meeting place for a religious commu-

51 On the positive attitude of the leader of the KPRF, Gennadiy Zyuganov, towards religion and the Church, see, e.g., "Gennadiy Zyuganov ob otnoshenii kommunistov k Tserkvi," accessed February 1, 2020, http://ruskline.ru/news_rl/2018/10/20/gennadij_zyuganov_ob_otnoshenii_kommunistov_k_cerkvi/.

nity but instead to function as an “excluded space” and a “heaven on Earth” (especially in the context of divine liturgy). It is a place for God’s unique presence, a reminder of the supernatural and the destiny of human life.⁵² For this reason, Orthodox church buildings do not allow non-religious activities. This explains, in turn, the degree of symbolic violence perpetrated by Sokolovskiy. He treated an Orthodox church like any other public space suitable for the search of Pokémon. In this way, he consciously questioned the sacred character of church space and with that the nature of Orthodox teachings.

Sokolovskiy as a Victim

The complexity of contemporary Russian ideological debate makes it impossible to consider anti-church and anti-religious protest in a unilateral way. This also holds true for Sokolovskiy’s case. While being a perpetrator of symbolic violence through hurting the feelings of Orthodox believers, he also was a victim of a form of violence that was both systemic and individual. The former returns in the fact that in contemporary Russia people belonging to state-recognised religious communities enjoy a higher degree of legal protection than that enjoyed by people who declare themselves to be non-religious. As mentioned before, Russian legislation contains special provisions to protect the feelings of believers according to which publicly insulting these feelings is a crime that is punishable. By contrast, the feelings of non-religious people are not protected in any way. An insult to the ideas of non-religious people cannot, therefore, be a basis for them to assert their rights in court.

This brings us back to Sokolovskiy’s case. An intriguing aspect of it is that no political, social or religious organisation has supported the charges levied against him. His trials were based on a public prosecution in relation to the violation of the Criminal Code of the Russian Federation; the witnesses were not people with a known link to the political domain.⁵³ In that sense, Sokolovskiy’s case was far more problematic for the Russian authorities than might seem to be the case at first glance.

In the Russian media, there have been attempts to link Ruslan Sokolovskiy to militant Islam and to present him as a “Muslim blogger” who tried to insult

⁵² See, e.g., Illarion Alfeyev, *Pravoslaviye* (Moscow: Izdatel’stvo Sretenskogo monastyrnya, 2009), vol. 2.

⁵³ “Sokolovsky! Nichego svyatogo’. Prigovor Verkh-Isetskogo rayonnogo suda Ekaterinburga,” accessed February 1, 2020, <https://zona.media/article/2017/05/17/sokolovsky-prigovor>.

and provoke Russian Christians.⁵⁴ Ethnic and religious tensions are increasing in Russia, so the issue of the blogger's ethnicity is not a trivial matter. Critics of Sokolovskiy (who was born Saybaltalov) have pointed out that by changing his name, he has appropriated the Russian Slavic identity and culture in a way he is not entitled to do. Press voices have also emphasised that as an ethnic non-Russian he has no right to profane a place that is for historical and religious reasons particularly important to Russians. Such accusations are entirely unfounded; the ethnic aspect did not play a role in Sokolovskiy's public activities and he has repeatedly described himself as an atheist. Moreover, such allegations have not been supported by any major political group, not even by influential conservative and nationalist movements. Even so, conservative circles such as the Izborsk Club have argued that Sokolovskiy intended to provoke and intensify the religious and social conflicts that threaten Russia's internal stability.⁵⁵ At the same time, influential activists of the nationalist Right, such as Mikhail Delyagin, have criticised the decision to charge Sokolovskiy for fear this would harm the Orthodox Church and undermine its presence in Russian social life.⁵⁶

As a result, Sokolovskiy's case has revived a debate on the nature of Russian national identity and its public presence. In a multi-cultural and multi-ethnic society, which contemporary Russia is, this identity cannot be solely based on one ethnic or religious factor. This is also the reason why President Putin, while appreciating the social role of the Russian Orthodox Church, has never suggested Orthodoxy as a foundation of national ideology. Instead, he has pointed to patriotism as the "Russian idea" par excellence. Official identity policy emphasises this axiological element. Russia is supposed to be a country of traditional 'spiritual' values, which are to be protected through respect towards 'traditional' religions. Sokolovskiy's act, which was an intrusion into a sacred space, can therefore be interpreted as a rejection of an official policy meant to hold together a multi-ethnic society. That the blogger nevertheless received a much milder verdict than Russian courts have issued for other blasphemous protests is probably due to the complex religious and social context of the case as well as the fact that it lacks an overt political meaning.

54 Irina Kosterina, "Versiya: musul'manskiy bloger Sokolovskiy-Saybaltalov lovil pokemonov v Khrame-na-Krovi, chtoby sprovotsirovat' khristian," accessed July 1, 2020, <https://www.ural.kp.ru/daily/26570/3585980/>.

55 Ruslan S. Ostashko, "Nuzhno li sazhat' lovtsa Pokenomov Sokolovskogo," accessed February 1, 2020, <http://izborsk.md/nuzhno-li-sazhat-lovtsa-pokemonov-sokolovskogo/>.

56 Mikhail Delyagin, "V pravitel'stve vser'yez zagovorili o vvedenii posobiya po bednosti," accessed February 1, 2020, <https://izborsk-club.ru/10935>.

Finally, what is interesting, and disturbing, is that Sokolovskiy's trial has revealed that Russian legislation does not contain a precise definition of what is considered to be an "insult to religious feelings." During the trial, the blogger's defence tried to question the argument that his performance constituted a crime as defined in the Russian Criminal Code. In a sense, they were successful because the witnesses were unable to provide a convincing explanation for how Sokolovskiy had offended their religious feelings. Nonetheless, the absence of a legal definition allowed the court to interpret the blogger's account, which he later posted on the internet, as a confirmation of the fact that he himself had admitted to having committed a crime. The result was twofold. On the one hand, when compared to other sentences passed by Russian courts, Sokolovskiy's sentence was lenient.⁵⁷ On the other hand, and this is more important, the sentence confirmed that in Russia today an anti-religious performance may face repression by the State, even if it cannot be proven that the action offends the feelings of believers. This sentence can be perceived as proof that for political and ideological reasons in contemporary Russia the situation of people who publicly manifest their religiosity is different from those professing their lack of faith in a deity.

The Importance of Sokolovskiy's Case

An act of public blasphemy, the case of Ruslan Sokolovskiy is of great importance for contemporary Russian social life and points to a specific direction in which Church-State relations have developed under President Vladimir Putin. As mentioned before, the unique character of Sokolovskiy's blasphemy lies in the fact that it was originally devoid of political features. Contrary to numerous other acts of opposition against the increasing role of the Russian Orthodox Church in public life, the performance had a strictly anti-religious and provocative character. It is probable that the representatives of the Moscow Patriarchate appreciated this difference, which is why Sokolovskiy's performance did not meet with official protests on the part of church authorities. The second element setting this case apart is even more important. Accusations addressed to Sokolovskiy, supported by court sentences, have not received much public support.

⁵⁷ In the controversial case of the 'Network' (*Set'*) organisation, in January 2020, a Russian court sentenced seven men accused of participating in a terrorist group, despite the lack of evidence, to high penalties: from 6 to 18 years in prison. See, e.g., Ivan Papov, "Delo 'Seti': pochemu rossiyskiye sudy ne veryat zhalobam na pytki," accessed February 1, 2020, <https://www.rbc.ru/opinions/politics/13/02/2020/5e4526d89a79473c3ed1ed51>.

One explanation for this absence is that the increasing involvement of the Russian Orthodox Church in the implementation of official policy has been accompanied by a loss in public authority that the Church traditionally enjoyed as a religious organisation. This, in turn, has led Russian sociologists to speculate that the Church is less and less protected in public life against social criticism or open opposition.⁵⁸ The convictions handed to Sokolovskiy should not mislead us here, as in Putin's Russia court acquittals are extremely rare.⁵⁹ Yet comparing the suspended sentences received by Sokolovskiy with the prison sentences currently handed out for oppositional activities, shows that the Russian justice system did not deploy its full repressive power against the blogger.⁶⁰ This would not have been possible without the approval of the authorities.

Sokolovskiy's blasphemous performance and its consequences thus point not only to the oppressive character of Russian legislation and the unequal treatment of believers and non-believers, but also to the vulnerable position of the Russian Orthodox Church in Russian society. Ongoing events show this well. The unconditional support that Patriarch Kirill has given to Russia's war against Ukraine suggests that in the political system headed by Vladimir Putin the Church has lost its independence, thus becoming a tool for the endorsement of official policies, especially in regard of its ideological influence on Russian society.⁶¹ At the same time, and as a result of this political alignment, the Church has lost the authority it enjoyed during the first years after the collapse of the Soviet Union. This does not mean that Russia has witnessed a process of secularisation or modernisation comparable to that registered in Western societies since the second half of the twentieth century. Rather it shows that under

58 Uzmaner, "The End of the Pro-Orthodox Consensus."

59 Anna Ivushkina, "Defitsit opravdaniya: na tsysyachu sudov v RF prikhoditsya odin nievinovnyy," accessed March 14, 2022, <https://iz.ru/794022/anna-ivushkina/defitsit-opravdaniia-na-tysyachu-sudov-v-rf-prikhoditsia-odin-nevinovnyi>.

60 Interestingly, the Supreme Court of the Russian Federation also finds that the suspended sentences – and not the acquittals – testify to the leniency of the Russian penitentiary system. See: "Mify Femidy: V 2019 godu tol'ko 29 protsentov osuzhdennykh poluchili real'nyye sroki licheniya svobody," accessed March 14, 2022, http://www.supcourt.ru/press_center/mass_media/29212/.

61 E. g., "Patriarshaya propoved' v Nedelyu syropostnuyu posle Liturgii v Khrame Khrista Spasitelya," accessed March 14, 2022, <http://www.patriarchia.ru/db/text/5906442.html>; "Patriarshaya propoved' v sredu pervoy sedmitsy Velikogo posta posle Liturgii Prezhdeosvyashchennykh Darov v Khrame Khrista Spasitelya," accessed March 14, 2022, <http://www.patriarchia.ru/db/text/5907484.html>; "Poslaniye Svyateyshego Patriarkha Kirilla i.o. general'nogo sekretarya Vsemirnogo soveta tserkvey v svyazi s sobyitiyami na Ukraine," accessed March 14, 2022, <http://www.patriarchia.ru/db/text/5907942.html>.

Putin Russia has seen the Church's position in public life become akin to the one it enjoyed from the time of Peter the Great until the February Revolution in 1917 – a position in which the Church forms an integral element of state policy. In short, while losing its authority as a social entity autonomous from the State, the Church is becoming increasingly dependent on state support for the activities it deploys.

This evolution also involves the problem of violence, without which Sokolovskiy's case cannot be properly interpreted. This violence has, as indicated, two dimensions. First, Sokolovskiy became a perpetrator of symbolic violence, with respect to which we can distinguish two elements. The first was breaching the sacred space of an Orthodox church building; the second was the symbolic desecration of the place where the last tsar and his family were murdered by the Bolsheviks. It is significant that while in the first days and weeks after reports began to appear on Sokolovskiy's performance these two issues were heavily debated in the media, they were increasingly marginalised from public discourse as opposition against his punishment intensified. In the context of ongoing attempts to rehabilitate Russia's imperial past, this silence regarding the desecration of the place commemorating the royal family's imprisonment and death is particularly intriguing. It can be claimed that in view of the challenges facing contemporary Russia, it ultimately depends on the political interests of the authorities to decide what can be considered an act of symbolic violence. It was the authorities' change of mind that ensured how, in time, Sokolovskiy's performance ceased being seen as an act of symbolic violence committed against sacred space and the memory of the royal family.

Whilst Sokolovskiy was a perpetrator of violence, he was also its victim, both as a result of xenophobic and racist statements as well as in the form of judicial sanctions that prevented him from carrying out his public and economic activities, including maintaining himself as a video blogger. Thus, whilst Sokolovskiy's case has revealed the ethnic and racial problems facing contemporary multi-ethnic Russian society, at times leading to discrimination and even open conflict, it also shows that the judicial system is basically a system of repression and oppression. Its objective is not to defend the constitutional rights of individual citizens but to respond to the political demands of state authorities and to silence people who think independently and demonstrate a critical attitude to the socio-political reality of contemporary Russian society.

Conclusions

The performance of Ruslan Sokolovskiy met with outrage in Russian society. Religious circles perceived his action as an aggression directed at believers – an offence increased by the fact that the blogger’s search for Pokémon was staged in the Church On Blood, a place vested with symbolic meaning. At the same time, liberal oppositional circles perceived the consequences that Sokolovskiy had to face as a direct result of the close cooperation between political authorities and the Russian Orthodox Church, a connection that goes against the religious and ideological neutrality of the State as guaranteed by the constitution of the Russian Federation. In light of the ideological conflicts in Russia, it also mattered that the cause of Sokolovskiy was supported by Amnesty International, which the Russian political establishment considers to be an organisation promoting a Western lifestyle and opposing traditional Christian values. As a result, Sokolovskiy’s case has become a feature in an anti-Western propaganda campaign.

The analysis of Sokolovskiy’s case leads to a number of conclusions. First, this is a case of unambiguous public blasphemy, which is seen as an intentional violation of sacred space, introducing secular “pop culture” elements that aim at desacralising a space of which usage for secular purposes is, in accordance with Orthodox theology, forbidden. Both Sokolovskiy’s critics, mostly people connected to the Russian Orthodox Church, and his supporters, who are connected to the circles advocating the restriction of the Church’s presence in public life, have interpreted his aim in this way. Secondly, the actions of the Russian internet blogger did not have a private character, nor did they aim to express a private opinion regarding the place of religion and the Church in contemporary Russian public life. The publication of the video on the internet along with Sokolovskiy’s comments indicated his desire to engineer a public discussion, in particular to question the presence of religion in the public domain and the existence of legislation that protects the feelings of believers only.

Thirdly, the symbolic violence perpetrated by Sokolovskiy contained an aspect that the blogger himself probably never theorised. This was caused by the decision to stage his anti-religious performance in a church built to commemorate the death of Tsar Nikolai II and his family and, in a broader sense, to remember the persecution of believers during the Soviet period. Indeed, Sokolovskiy’s action was read as an expression of insensitivity towards the atrocities committed by the Bolsheviks and the humiliation of the memory of the Tsar’s family and all other victims of the Bolshevik terror. Finally, his trial, which revealed the versatility of the concept of “insulting the feelings of believers” as it is included in Russian criminal law, has shown that Sokolovskiy is not just a perpetrator but

also a victim of violence. Presented as a person mocking Bolshevik brutalities, he met with both criminal sanction and public condemnation.

Sokolovskiy's case has shown two more general issues characteristic of the contemporary social and religious landscape in Russia. On the one hand, legal protection of the feelings of believers is not matched by a similar protection of non-religious worldviews, this despite the constitution guaranteeing the secular and non-ideological character of the State. This means that while public adherence to what Russian law defines as "traditional religions" is subject to legal protection, expressing loyalty to anti-religious views, if accompanied by criticism of the Church and its relations with the State, can invite judicial prosecution. On the other hand, the controversies surrounding Sokolovskiy's actions have shown that the social significance of Russian Orthodoxy is higher than its strictly religious importance, as his actions were also condemned by people without a strong attachment to the Russian Orthodox Church. The Church is often considered as an institution that guarantees the preservation and continued existence of Russian culture and identity, regardless of people's specific beliefs. Attacking the Church, especially in cases where the attack transgresses ideological discussions and manifests itself in the form of blasphemy, is interpreted as an attack on Russian history, tradition, social order and values. This distinguishes the response that insults of religious believers enact in the case of the Russian Federation from the reactions to similar events registered in many Western countries.

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Part III: **Violence as a Reaction to Blasphemy**

Laura Thompson

8 Protecting Muslims' Feelings, Protecting Public Order: Tunisian Blasphemy Cases from the Nineteenth and Early Twentieth Centuries

Two years following the Arab Spring uprising of 2011, in a carefully negotiated press conference, the Tunisian Minister of Culture responded to an allegedly blasphemous art exhibit by explicitly placing a limit on Tunisians' freedom of expression. This limit was defined as transgressing "the sacred" as well as "Muslims' feelings." In a televised conference, Minister Mehdi Mabrouk told reporters that the state's job was to "defend [...] the freedom of expression" as well as "the sacred [*al-muqaddas*], the sacred things [*al-muqaddasāt*], Muslims' feelings [*mashā'ir al-muslimīn*] and citizens' feelings [*mashā'ir al-muwāṭinīn*]." He concluded, "we need to protect [these] just as we protect the freedom to be creative [*hurriyyat al-ibdā'*]."¹

If there was a time for such confidence about what a state could do, perhaps the period of the post-Arab-Spring Tunisian transition was it. It was a time in which Tunisians saw that the world could be turned upside down: an Islamist who had been tortured in the basement of the Ministry of the Interior literally found himself Minister of the Interior; foreign factories closed their doors, as they could not or would not deal with euphoric workers who had suddenly realised they could successfully make demands on their superiors; election lists that had long been populated principally by regime cronies were suddenly brimming with local independents with little or no experience, who got to introduce themselves in a running live stream on national television.² After a long-time strong-armed dictator, who had embraced an anti-Islamist line, fled the country, it felt like a free-for-all: the lines of freedom of expression, so long closely surveilled, were open to be tested.³ In this peculiar and extraordinary moment, a slew of

1 Tuniscope.com, "Intervention de M. Mehdi Mabrouk suite à l'affaire d'Al Abdeliyya," *YouTube*, June 12, 2012, accessed July 3, 2021, <https://www.youtube.com/watch?v=SOAI7PFek1E>.

2 The Carter Center, "Les élections de l'assemblée constituante en Tunisie le 23 Octobre 2011: rapport final," *TheCarterCenter.org*, accessed August 14, 2021, https://www.cartercenter.org/re-sources/pdfs/news/peace_publications/election_reports/tunisia-final-oct2011-fr.pdf, 107.

3 Malika Zeghal, "Competing Ways of Life: Islamism, Secularism, and Public Order in the Tunisian Transition," *Constellations* 20, no. 2 (2013).

blasphemy cases were prosecuted, resulting in several guilty verdicts.⁴ This may seem like a blip, or a peculiar and stupendous aberration made possible only by the convergence of unlikely circumstances.

Though these prosecutions were indeed unprecedented in the context of independent Tunisia, they were certainly not the only blasphemy prosecutions in Tunisia since the nineteenth century. This chapter turns back to look at two prosecutions that took place in what is modern-day Tunisia, the first in 1857 and the second in 1904. Despite the oft-repeated refrain I heard during my fieldwork that blasphemy is a Tunisian past-time, these two prosecutions are the only cases in Tunis which received death sentences and for which substantial documentation – court records, newspaper accounts, and contemporaneous letters and writings – exist.⁵ This chapter will focus on one thread that binds these cases together with the post-Arab-Spring cases: that of a shared understanding of blasphemy as criminally hurting people’s feelings – as a form of violence deeply, often physically, felt. This chapter will first examine the meaning of blasphemy in Islam before moving to look more closely at the two cases as well as their historiographies. The chapter will finish by considering why the blasphemers from 1857 and 1904 were prosecuted and prosecutable, and how blasphemy was represented across these two cases as constituting a type of emotional violence.

Blasphemy against Islam

Lacking a precise equivalent in Arabic, “blasphemy” is instead rendered in specifics, such as *istikhfāf* (disdain) or *sabb* (denigration) of the prophets or holy figures, of God, or of religious texts; or *istiḥlāl* (making licit) of something illicit, embodying a rejection of clear religious tenets.⁶ All of these, in different ways, constitute a type of disrespectful affront to Islam, either through explicit slurs or insults or by neglecting (perceived) foundational tenets (and therein

⁴ Amnesty International, “One step forward, two steps back? One Year Since Tunisia’s Landmark Elections,” *AmnestyInternational.org*, October 23, 2012, accessed August 26, 2021, <https://www.amnesty.org/fr/documents/mde30/010/2012/fr/>, 24–27.

⁵ Most documentation from the Tunis Shariah Court was burned by the Ministry of Justice in the 1980s, according to Tunisian historian Leila Blili. Leila Blili, personal communication to author, June 25, 2021.

⁶ All prophets, including those associated with Christianity and Judaism. Even so, there is a particular sensitivity to blasphemy against the Muslim Prophet Muhammad.

the religious tradition more largely).⁷ Much like in the Christian world, Islamic conceptualisations of blasphemy have largely focused on speech acts.⁸ Importantly, and as we shall see here, both Muslims *and* non-Muslims can commit blasphemy against Islam; historically, increased rigor in managing emerging sects as well as relations with non-Muslims (especially Christians and Jews, *ahl al-kitāb*) has paralleled the post-classical proliferation of legal literature detailing means of blaspheming and apostasising.⁹ Blasphemy can also be an indication of a Muslim's apostasy, and punishment for apostasy has historically intensified alongside the growth of religious heterodox movements and political challengers.¹⁰ This later development in Islamic jurisprudence diverges from early Islamic practice, in which the widespread institution of repentance made it virtually impossible to execute anyone for apostasy.¹¹

Notably, under Muslim rule, blasphemy, like apostasy, challenged the political order as it “detracted from the veneration due to Islam and the obligation to maintain public recognition of the dignity and superiority of Islam” and those who claimed to protect it.¹² It was also destabilizing due to its potential contagiousness: its public commission could encourage others to follow suit. As

7 Devin J. Stewart lays out six broad categories of blasphemy in Islam, which can all be understood as constituting a type of insulting rejection of the tradition's main figures or beliefs: “vilification of God; vilification of the Prophet; vilification of other prophet or holy personages; vilification of sacred texts, monuments and so forth; denial of fundamental religious doctrines such as the existence of the Day of Judgment, paradise, hell and so on; vilification of the Prophet's companions.” Devin J. Stewart, “Blasphemy,” in *The Princeton Encyclopedia of Islamic Political Thought*, ed. Richard Bulliet et al. (Princeton: Princeton University Press, 2012).

8 Alain Cabantous centers his understanding of blasphemy on speech acts (i.e., the “word”), while Javier Villa-Flores notes early Christian theologians described blasphemy as a “sin of the tongue”. Alain Cabantous, *Blasphemy: Impious Speech in the West from the Seventeenth to the Nineteenth Century*, trans. Eric Raath (New York: Columbia University Press, 2002), 1; Javier Villa-Flores, *Dangerous Speech: a Social History of Blasphemy in Colonial Mexico* (Tucson: University of Arizona Press, 2006), 9.

9 Baber Johansen maps growing and proliferating lists of “expressions that imply unbelief” during the post-classical period. Baber Johansen, “Apostasy as Objective and Depersonalized Fact: Two Recent Egyptian Court Judgments,” *Social Research* 70, no. 3 (2003): 692. The category of *ahl al-kitāb* generally describes Jews, Christians and sometimes Zoroastrians. Yohanan Friedmann posits that the early Muslim community was principally preoccupied with managing its relationship with Arab idolaters, and later shifted its attention to *ahl al-kitāb*. Yohanan Friedmann, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition* (Cambridge: Cambridge University Press, 2003), 86.

10 Johansen, “Apostasy as Objective,” 691. For the intensification of apostasy, see *ibid.*, 692.

11 Frank Griffel, “Apostasy,” in *Encyclopaedia of Islam*, 3rd edition, ed. Kate Fleet et al. (Leiden: Brill Publishers, 2007).

12 Stewart, “Blasphemy,” 72.

Selim Deringil writes, apostasy from Islam (e. g., a Muslim leaving the community of Islam) was viewed in the Ottoman Empire as a type of betrayal by an internal enemy, and “[a]t times when Islam was weak, apostates from Islam were considered particularly dangerous, because they could infect others by their example.”¹³ In the cases we examine here, two men living in Tunis were accused of insulting Islam via speech acts. Upon closer examination, they were also challenging (knowingly or not) the dominance of a certain vision of Islam.

Looking More Closely at the Two Cases in Question

Both of the historical cases addressed here deal with young men living somewhat on the margins of their societies. Bāṭū Sfāz [Batto Sfez], a Jew accused of blasphemy in 1857 Tunis, was a lowly cart-pusher (for a high-ranking Jewish official) and a religious minority in a Muslim-majority Ottoman province. Married with young children, Sfez was almost certainly not older than forty. ‘Abd al-‘Azīz al-Tha‘ālibī [Abdelaziz Thaalbi], the defendant in a 1904 blasphemy case in Tunis, was a young Muslim man in his twenties who had passed through some of the most prestigious religious universities within his reach, in both Tunis and Egypt; yet he was also a zealously overconfident reformist with family ties to northern Algeria, living in a Tunis whose elite religious scholars were overwhelmingly from longstanding Tunis-based families.¹⁴ In some ways, there is little remarkable about Sfez’s and Thaalbi’s profiles: that they were young men, not members of the elite but gainfully employed. Herein the two cases echo trends in other countries across the eighteenth- and nineteenth-century world, where young males from the (lower) middle classes would find themselves disproportionately implicated in accusations of blasphemy.¹⁵ The blasphemies committed by Sfez and Thaalbi were also public speech acts; as Alain Ca-

13 Selim Deringil, *Conversion and Apostasy in the Late Ottoman Empire* (Cambridge: Cambridge University Press, 2012), 22.

14 Cf. Arnold Green, “Political Activities and Activities of the Ulama in the Liberal Age: Tunisia as an Exception Case,” *International Journal of Middle East Studies* 7, no. 2 (1976).

15 For France see Cabantous, *Blasphemy*, 235, fn. 13. For Spain see M. Escamilla-Colin, *Crimes et châtiments dans l’Espagne inquisitoriale (1659–1734)* (Paris: Berg International, 1992), vol. 2, 228. On the spread of blasphemy among male workers in Colonial Mexico, see Villa-Flores, *Dangerous Speech*, 17, 75–76.

bantous has noted with regard to French history, the dominant spaces for blasphemous crimes were “road, square, street, cabaret, and workshop.”¹⁶

Yet, at the same time, even if Thaalbi and Sfez may fit the profile of blasphemers, their trials deviated from the norm. Drawing principally on the work of nineteenth-century Tunisian statesman and chronicler Aḥmad ibn Abī al-Dīyāf, historian Gerard S. van Krieken writes that though blasphemy cases were not rare in mid-nineteenth century Tunis, charges were typically dismissed when the accused simply denied the accusations made against them.¹⁷ And Sfez and Thaalbi were certainly not the only Tunisians to (allegedly) publicly blaspheme: then French consul Léon Roches writes that while walking through the streets of the city, “at every instant my ear is injured [*blessé*] by the blasphemies of Muslims.”¹⁸ Similarly, in the early twentieth century, a weekly newspaper headquartered in Paris, *Archives Israélites*, laments “the arrest of Jews [*Israélites*] for an offense of words [*un délit de paroles*], considered perhaps a little carelessly [*légèrement*] as an affront [*outrage*] to the Muslim religion.”¹⁹ Yet despite this reported ubiquity of blaspheming, both Thaalbi and Sfez found themselves not only on trial but, extraordinarily, condemned to death. We must ask then: why?

The Case of Batto Sfez

We will start in 1857 Tunis, a province of the Ottoman Empire under the waning authority of the Sublime Porte. Batto Sfez, an indigenous Tunisian Jew, was then working as a “cart-pusher” (*charretier*) for a prominent Tunisian Jewish qā’id [caïd] named Nissim Shamāma.²⁰ At the time, Shamāma was working as a type of intermediary for the local representative of the Sultan, the Tunis-based bey, dispensing civil justice and collecting taxes²¹; later, he would play a part

¹⁶ Cabantous, *Blasphemy*, 102.

¹⁷ Gerard S. van Krieken, *Khayr al-Din et la Tunisie (1850–1881)* (Leiden: Brill, 1976), 3.

¹⁸ French Consul Léon Roches to French Minister of Foreign Affairs Count Alexandre Colonna-Walewski, June 29, 1857, in *Série correspondance politique*, Ministère des Relations Extérieures, Fonds du Quai d’Orsay, vol. 17, 101–111, held at the University of Manouba, Tunisia.

¹⁹ “En Tunisie,” *Archives Israélites: Recueil politique et religieux*, 34th edition, ed. H. Prague and Emile Cahen (Paris: Bureau des Archives Israélites, August 21, 1902), vol. 63, 259, accessed October 29, 2021, https://www.google.com/books/edition/_/7WUpAAAAYAAJ?hl=en&gbpv=0.

²⁰ Abdelkrim Allagui, *Juifs et musulmans en Tunisie: des origines à nos jours* (Paris: Editions Tallandier, 2016), 40–42.

²¹ Caïds served as intermediaries for the bey, vis-à-vis a particular population. Cf. M’hamed Oualdi, *Esclaves et maîtres: Les Mamelouks des Bey de Tunis du XVII^{ème} siècle aux années*

in a major nineteenth-century drama, allegedly absconding to Europe with a good part of the Tunisian treasury lining his pockets.²² In mid-June 1857, Sfez, pushing his cart through downtown Tunis, reportedly ran over or bumped into a Muslim child. Some sources contend that Sfez was drunk at the time, and others that he was a habitual drunkard, though contemporaneous court documents describe Sfez as in full possession of his faculties.²³ These documents describe in detail the mêlée that ensued, in which Sfez struggled with police officials sent to bring him to the courthouse. A contemporaneous historian, Aḥmad ibn Abī Al-Ḍiyāf, summarizes the accused's objectionable actions thus: Sfez “insulted a Muslim (*shatama musliman*) and cursed his religion (*sabba dīnahu*).”²⁴ Sfez was then taken before the Tunis Shariah court, where he denied having blasphemed.²⁵

Such a move on Sfez's part would normally have resulted in a lesser punishment than a death sentence, or even in the case's dismissal, when heard by the Hanafi Shariah judges, the Hanafi school of law (or *madhhab*) being one of two official schools of Islamic law at that time in Tunisia.²⁶ In comparison to the other three schools of Islamic law followed by Sunni Muslims, the Hanafi school had historically developed a more lenient position on blasphemy (at least

1880 (Paris: Editions de la Sorbonne, 2011), 190–195, accessed April 23, 2019, DOI: 10.4000/books.pSORbonne.2469.

22 Jean Ganiage, *Les origines du protectorat français en Tunisie* (Paris: Presses Universitaires de France, 1959), 69. For the ensuing drama surrounding his nationality and fortune following Shāmāma's death, see Jessica M. Marglin, “La Nationalité en Procès: Droit International Privé et Monde Méditerranéen,” *Annales. Histoire, Sciences Sociales* vol. 73, no. 1 (2018).

23 The sources reporting Sfez as drunk at the time, as well as habitually drunk, draw on contemporaneous accounts from Aḥmad ibn Abī Al-Ḍiyāf [*Ithāf ahl al-zamān bi-akhbār mulūk Tūnis wa 'ahd al-amān*, 8 vols. (Tunis: Kitābat al-Dawla li-l-Shu'ūn al-Thaqāfiyya wa al-Akhhbār, 1963–1966) vol. 4, 233], as well as British and French consuls then stationed in Tunis (see for example: Léon Roches to Count Walewski, June 29, 1857, Archives du Ministère des Affaires Étrangères, Fonds du Quai d'Orsay à Paris, Ministère des Relations Extérieures, Série Correspondance politique, 1857, Vol. 17, Bobine 293, part 1, 109 A). For assertions of Sfez's competence at time of commission of the crime, see Witness Testimonies, June 19, 1857, carton 117, folder 390 bis, 1855–1857, document 31, Tunisian National Archives, Tunis, Tunisia.

24 ibn Abī Al-Ḍiyāf, *Ithāf ahl al-zamān*, vol. 4, 233.

25 Robert Brunschvig, “Justice religieuse et justice laïque dans la Tunisie des Deys et des Beys: jusqu'au milieu du XIXe siècle,” *Studia Islamica* 23 (1965): 68.

26 The assertion that less punishment would have been given was made by Aḥmad ibn Abī Al-Ḍiyāf (see footnote 30) and followed by other secondary scholars who mention the case, e.g., Brunschvig, “Justice religieuse” and Van Krieken, *Khayr al-Din*. However, more research should be done into the late Hanafi adjudication of blasphemy cases. For more information on the historical adjudication of blasphemy see Sarah Islam, *Blasphemy (Sabb al-Rasul) as a Legal Category in Islamic Legal History (650–1850 CE)* (PhD diss., Princeton University, 2022).

when the defendant denied having blasphemed or repented).²⁷ The Hanafi *madhhab* of Islamic jurisprudence was the school used by the elite of the Ottoman Empire, including the highest-ranking religious scholars in a distant province like Tunis. The Maliki school, on the other hand, was the dominant school of law in North Africa, and thus the school of the ulama born into local notable families (though these distinctions waned throughout the nineteenth century).²⁸ Yet, in the case of Sfez, instead of basing its ruling on the more lenient (in terms of blasphemy prosecutions) Hanafi school, the Shariah Majlis sentenced Sfez to death under the Maliki *madhhab*, meaning that the court's highest-ranking figure (the Shaykh al-Islam, who was Hanafi) accepted adjudication under the local jurisprudential school.²⁹

In the wake of this seemingly exceptional occurrence, in which the Hanafi Shaykh al-Islam assented to a ruling “in contradiction with” his own school, European and Ottoman authorities hastily intervened on Sfez's behalf, despite the fact that he was, as a Tunisian Jew, the subject of the bey and not entitled to the consular protection afforded to European Jews.³⁰ According to diplomatic correspondence among Europeans and also between the Ottoman authorities and the bey, European Christians as well as local and European Jews in the regency were terrified at how rapidly a misstep could lead to death. With the support of the Sicilian, British, Spanish, Danish, and American consuls, the French consul

27 For Hanafi jurisprudence on blasphemy and apostasy, see Baber Johansen, “Apostasy as Objective”; Yohanan Friedmann, *Tolerance and Coercion in Islam*; Deringil, *Conversion and Apostasy*. For Maliki jurisprudence on blasphemy and apostasy, see Louis Bercher, “L'apostasie, le blasphème et la rébellion en droit Musulman malékite,” *Revue Tunisienne* 30 (1923).

28 Cf. Brunschvig, “Justice religieuse”.

29 Though the execution is widely presented as exceptional, including by critics such as Aḥmad ibn Abī Al-Ḍiyāf, more research on contemporaneous blasphemy executions in the region and on general jurisprudential practice (in particular regarding the selective use of Hanafi and Maliki law by the Tunis Shariah Majlis, as in Sfez's case) is needed. This research is made difficult by the lack of sources. In his own work on the Batto Sfez case, Joshua Picard has suggested that the Tunis Shariah Court in this period “had the uncontested prerogative of trying cases of blasphemy that disturbed public order and an obligation to impose the death sentence when the evidentiary requirements were met.” However, he argues that “cases that could be dispatched quietly, without public knowledge, were appropriate venues for [the bey's] discretionary punishment.” Joshua Picard, “Revisiting Aḥmad Ibn Abī al-Ḍiyāf's relationship with the ‘Ahd al-Amān” (paper presented at the annual meeting of the Middle East Studies Association, virtual, November 29–December 3, 2021).

30 Ibn Abī Al-Ḍiyāf, *Ithāf ahl al-zamān*, vol. 4, 233. Of course, Ibn Abī al-Ḍiyāf's condemnation of the Hanafi Shaykh al-Islam's ruling as outside of jurisprudential norms fits neatly with his own reformist position, and so cannot be read as a disinterested evaluation of the ruling's actual conformity with the school.

took his constituencies' concerns directly to the bey. At the same time, the Ottoman authorities disapproved of Sfez's death sentence in light of an Ottoman decree from the previous year (the Hatt-ı Hümayun of 1856) that guaranteed equality to all subjects of the empire and established mixed tribunals with jurisdiction over conflicts among Muslims and non-Muslims (among others).³¹ Two months after Sfez's execution, the Ottoman Grand Vizier would send a letter to the bey suggesting that Sfez's death sentence, and especially the drama surrounding it, would have been avoided had the bey applied the 1856 decree.³² Yet, despite this significant foreign pressure, the bey refused to yield to pleas for clemency, and Sfez was executed, possibly by having molten lead poured down his throat (according to at least one English observer), and then beheaded.³³

Why this seemingly exceptional decision to serve Sfez with the death penalty? European and Tunisian historians offer a few hypotheses. First, they broadly follow the thesis offered by the aforementioned historian Ibn Abī Al-Ḍiyāf, an official furthermore in the bey's inner circle, that the decision to execute Sfez was made in order to calm public anger following the recent unpopular execution of a Muslim soldier, sentenced to death for murdering a Jew.³⁴ In this way, Sfez's execution is read as a kind of balancing act. Second, historians underline that Tunis-based religious scholars had a history of refusing Ottoman tanzimat (i.e., modernizing reforms), like the Sultanic Gülhane decree of 1839 and the Hatt-ı Hümayun of 1856, the latter of which they claimed "weakened Islam."³⁵ Executing Sfez could have been a small declaration of independence on the part of Tunis's elite religious corps. Finally, the bey may have assented to

31 See article 11 of the Hatt-ı Hümayun. Richard Ayoun, "Le status des juifs dans l'Empire Ottoman au XIX^{ème} siècle," *Revue Historique de Droit Français et Etranger* 70, no. 2 (April–June 1992), 208.

32 We know of this disapproval due to letters from the Ottomans sent after Sfez's execution, currently held in the Tunisian National Archives (Grand Vizier to Bey, October 25, 1857, carton 117, folder 390 bis, 1855–1857, document 4, Tunisian National Archives, Tunis, Tunisia). The bey would have probably known that the Ottoman authorities would not approve of Sfez's execution due to their repeated requests that these Sultanic edicts be implemented.

33 Though this report appears only once, and so may well be untrue, its luridness points to the dramatic sense of excessive injustice felt by many opponents of Sfez's execution. A.M. Broadley, *The Last Punic War: Tunis, Past and Present (With a Narrative of the French Conquest of the Regency)*, 2 vols. (Edinburgh and London: William Blackwood and Sons, 1882), vol. 1, 110–111.

34 Van Krieken, *Khayr al-Din*, 3–4; Brunschvig, "Justice religieuse," 68; Allagui, *Juifs et musulmans*, 58. For the original source, see Ibn Abī Al-Ḍiyāf, *Ithāf ahl al-zamān*, vol. 4, 233.

35 André Raymond, "La France, la Grande Bretagne et le problème de la réforme à Tunis (1855–1857)," *Etudes Maghrébines: Mélanges Charles-André Julien, Série: "Etudes et Méthodes*, ed. Pierre Marthelot and André Raymond (Paris: Presses Universitaires de France, 1964), vol. 11, 145.

Sfez's execution because of the pressure put on him by local religious scholars, whose approval (as safekeepers of the religious canon) he needed.³⁶

However, recognising the equally massive pressure put on the bey by both European and Ottoman authorities, we could conversely read the bey's ultimate sanctioning of Sfez's execution as his own declaration of independence, at a moment of increasing European military might and financial encroachment alongside Tunis's disastrous support of the Ottomans in the costly Crimean War (with French colonisation, it bears mentioning, right next door in Algeria).³⁷ Sfez's execution would provide lurid details for European travelogues and diplomatic reports, and it further increased pressure on the bey to submit to reform, which he did just two months later, in September 1857. The resulting Security Pact, '*Ahd al-Amān*', largely reaffirmed the 1856 Sultanic edict, allowing Europeans to purchase property, a long-time goal of the European consuls.³⁸

The Case of 'Abd Al-'Azīz al-Tha'ālibī

In 1904, just under fifty years later, 'Abd Al-'Azīz al-Tha'ālibī [Abdelaziz Thaalbi], a young Tunisian 'ālim (religious scholar) freshly returned from Cairo and full of reformist ideas, was prosecuted for blasphemy.³⁹ By this time, Tunisia was under the growing control of French authorities, who had declared Tunisia a "protectorate" in 1881, promising "protection" in exchange for the bey's implementation of desired reforms.⁴⁰ Opting for a strategy in Tunis that differed from the direct colonisation model followed in Algeria, French officials sought to implement their authority via an existing indigenous bureaucracy, a type of "indirect rule," or as Mary Lewis terms it, a "divided rule," which would increasingly require French management of diverse (and ultimately unmanageable) loci of au-

³⁶ Van Krieken, *Khayr al-Din*, 4.

³⁷ Just a few years before Sfez's execution, the Ibn 'Ayyād Affair (in which a Tunisian official absconded with money from the newly established national bank, money with which he purchased property in France and therefore subsequently acquired French nationality) highlighted, as Julia Clancy-Smith puts it, "the problem of justice begot by settlement in North Africa" as well as "another ominous trend [...] state bankruptcy to European creditors." Julia Clancy-Smith, *Mediterraneans: North Africa and Europe in An Age of Migration, c. 1800–1900* (Berkeley, CA: University of California, 2011), 326.

³⁸ Van Krieken, *Khayr al-Din*, 38–39.

³⁹ Thaalbi returned to Tunis in 1903, before departing for Morocco in 1904, and then returning again to Tunis.

⁴⁰ Mary D. Lewis, *Divided Rule: Sovereignty and Empire in French Tunisia, 1881–1938* (Berkeley, CA: University of California, 2014), 55.

thority.⁴¹ Thaalbi's case represented an important opportunity for agents behind growing French control over the local judicial system: it allowed the French to test out the adjudication of a case that could fall under the jurisdiction of the Shariah Court, within a civil court under the supervision of the Office of Muslim Judicial Services (*Bureau des services judiciaires musulmans*), a technical service created to surveil newly-created Tunisian civil courts in 1896.⁴²

Tunisian historian Abdelmajid Kraiem helpfully groups the blasphemy accusations against Thaalbi into four categories. First, Thaalbi stood accused of making "irreverent observations concerning the Qur'an and the Prophet," including labelling the Qur'an an "outdated book that cannot adapt to the present times" as well as questioning the eloquence of the Qur'anic *sūrat al-falaq*.⁴³ Next, he was accused of criticising the deeply respected companions of the Prophet Muhammad, including condemning Caliph 'Uthmān ibn 'Affān of despotism and introducing tyranny (*al-istibdād*) into Islamic government, and then, of "putting into question certain Islamic prescriptions," particularly those related to the consumption of improperly slaughtered meat and to wine, apparently declaring that "drunkenness is better than *dhikr* [ritual Sufi prayer]."⁴⁴ Finally, Thaalbi stood accused of cursing Sufi figures and local holy men and women, one of whom he had allegedly called "son of a dog" (*ibn kalb*) and "bastard" (*ibn zinā*).⁴⁵ Newspaper reports furthermore described Thaalbi as critical of the educational system at the Zaytuna, the prestigious Tunisian religious institution of higher education where he had also been a student.⁴⁶

41 Ibid., 3.

42 Moncef Dellagi, *Abdelaziz Thaalbi: naissance du mouvement national tunisien* (Carthage: Editions Cartaginoiseries, 2013), 46. These courts emerged out of the Beylical court system, the *siyāsa* part of the shariah system. Sana Derouiche-Ben Achour describes such institutions as part and parcel of French strategy: Once a new Tunisian institution would be established (sometimes ceding to local and eventually nationalist demands), a parallel French institution would be created to oversee or operate alongside it. Sana Derouiche-Ben Achour, "Aux sources du droit moderne tunisien" (PhD diss., Université de Droit, d'Économie et de Gestion de Tunis, 2013), 77; Abdelmajid Kraiem, "Le premier procès de Abdelaziz Thaalbi (juillet 1904)," *Revue d'Histoire Maghrébine* 13, no. 41–42 (1986): 107.

43 Kraiem, "Le premier procès," 104 (citing *Al-Hāḍira*, July 5, 1904).

44 Ibid., 104–105. The question of improperly slaughtered animals related to Muhammad 'Abduh's recent Transvaal fatwa. 'Abduh had specifically ruled that (among other things) Muslims living in Christian countries could consume meat slaughtered by Christians. Thus, Thaalbi's accusers (including members of the 'ulama) argued that Thaalbi, in embracing 'Abduh's fatwa, "does not see the difference between an animal slaughtered according to the Islamic rite and that killed via other parts of the body."

45 Ibid., 105.

46 *Al-Hāḍira* (July 2, 1904); *Al-Qalam* (July 3, 1904); *La Dépêche Tunisienne* (July 17, 1904).

On June 30, Hanafi and Maliki Shariah court judges gathered to consider Thaalbi's case and summoned him to appear before them. Perhaps warned by friends, a distrustful Thaalbi instead made his way to the Tunis office of the French colonial official Henri Guyot, the director of the Muslim Judicial Services. In the meantime, the Shariah court allegedly ruled in Thaalbi's absence that he be put to death and demanded his extradition. Guyot refused, asserting his jurisdiction over Thaalbi and requesting more information from Shariah judges, who, in the meantime, had threatened to resign. Accepting the judges' resignation, Guyot sarcastically told them he could replace them "within 24 hours."⁴⁷ He then routed Thaalbi into a "Tunisian" judicial system that, though emerging out of the Ottoman beylical court system, functioned under French authority and was tasked with implementing beylical decrees, themselves issued under French oversight. Guyot sent Thaalbi to the Wizāra Court, where an investigating magistrate determined that the latter's crimes fit the charge of "insult to/disdain for religion [*injures à la religion / al-istikhfāf bil-dīn*]," which was a crime prosecutable under the decree of the 18th of March 1896. He was placed under the jurisdiction of a minor civil court in Tunis, the *Drība*.

Thaalbi appeared before the *Drība* in July 1904, with two lawyers, one a Christian Frenchman and one a Tunisian Jew and naturalised Frenchman.⁴⁸ Despite his lawyers' best efforts, and the sympathy of the local French-language press, Thaalbi was found guilty of "scorning" or "insulting religion" by a team of three Tunisian judges and sentenced to two months in prison (taking into account time already served). The accused did not appeal, but instead doubled down on some of his most controversial positions: in 1905, he published *L'Esprit libéral du Coran (The Liberal Spirit of the Qur'an)*, which declared the Qur'an a pristine source of liberal values and called for Muslims to throw off the chains of their backwardness so that, with France's "civilising collaboration," "Muslim minds, finally rid of all superstitions and prejudices, could contribute one day, in collaboration with their Protectors, to the advancement of world civilization."⁴⁹

47 Aḥmad ibn Milād and Muḥammad Mas'ūd Dris, *Al-Shaykh 'Abd al-'Azīz al-Tha'ālbi wa al-ḥaraka al-waṭaniyya, 1892–1940* (Carthage: Bayt al-Ḥikma, 1991), 66. They cite a now-lost document.

48 Kraiem suggests that the identity of the lawyers may be revealing. Tunisian lawyers may have preferred to avoid involvement in the case or may have been pressured to do so, particularly in the midst of the reported public outrage as well as nondescript threats. Kraiem, "Le premier procès," 109.

49 Abdelaziz Ettéalbi, César Benattar, and El Hadi Sebāi, *L'Esprit libéral du Coran* (Paris: Ernest Leroux, 1905), 4.

Why Prosecute Thaalbi and Sfez?

Both Sfez and Thaalbi represented minority groups in nineteenth-century Tunisia that were worth sidelining; in other words, their prosecutions allowed local authorities to make particular claims to power, to control of the public sphere, and to management of religious practice, training, and corpus. First, Sfez was a Jew in a Tunis whose ruler had been accused of being “the bey not of Tunisians but of Jews and Christians,” and who worked for a rising local star of this minority group, Nissīm Shamāma.⁵⁰ Shamāma was himself a Jew who had reached Tunis’s upper echelons, which had only been open to Jews since the 1830s. His ascension was not without its paradoxes: at the time of Sfez’s trial, for example, Jews were not legally permitted to wear the red *shāshiyya* (or fez) then sported by Muslims.⁵¹ Sfez was therefore a member of a group who could be corrected, or reminded of its position, via a court case. Even more importantly, Sfez was a lower-class Tunisian Jew, lacking both social capital and the European protégé status.⁵² Either might have more rapidly attracted the attention of European consuls (who would finally seize the opportunity to intervene only the day before Sfez’s execution, perhaps once they grasped how his execution would help them push for reform).⁵³ Sfez was also a Jew who had dared to do something reportedly banal and commonplace – curse an adversary by cursing their religion in the midst of a heated street scuffle – but which, in its context, became (to some) full of meaning, or at least usable.

A half century later, Thaalbi was a member of another minority group – that of religious reformists. He was a man with just enough enemies and just enough youthful brashness to rub enough of Tunis’s rank-and-file the wrong way. Already as a student at the Zaytuna in 1890s Tunis, Thaalbi had dared to criticize his professors in a student newspaper he himself had founded. Upon returning from several years of travel in the early 1900s, Thaalbi dressed and spoke

50 Raymond, “La France,” 148; cited also by Khalifa Chater, “Le constitutionnalisme en Tunisie au XIX^eme siècle,” *Revue Tunisienne de Sciences Sociales* 12, no. 40 (1975): 250.

51 According to Lucette Valensi, “Tunisia” as well as “Libya” underwent political reforms in the 1830s that entailed a “redistribution of roles among the different religious components of society.” Valensi also describes angry reactions in the wake of the Security Pact later that year (1857), which would authorise Jews to wear the red *shāshiyya* as Muslims. Lucette Valensi, “La culture politique des juifs du Maghreb entre le XIX^e et le XX^e siècle,” in *Juifs et musulmans en Tunisie*, ed. Sonia Fellous (Paris: Somogy Éditions d’Art, 2003), 231–241, 233.

52 Other Jews residing in Tunis enjoyed protection from European powers. Sfez, as a member of the *twānsa* (Tunisians), was a subject of the Bey and did not enjoy such protection.

53 Thanks to Joshua Picard for drawing my attention to the dates of the consuls’ first letters.

strangely (or so many of his contemporaries thought). According to one biographer, he had grown a beard and was almost obese; he dressed in a colourful yellow and green Indian cloak that “overjoyed and caught the eye of onlookers and children alike.”⁵⁴ And most importantly, Thaalbi brought the divisive reformist ideas he had acquired in Tunis and Cairo to the streets, as he began to give lectures in Tunis’s first European-style café, *Café Al-Tūt*, located downtown. In this way, he created a secondary forum for religious instruction, outside the walls of established educational and religious institutions.

Both Sfez and Thaalbi were minorities, though very different types: one a local Tunisian Jew in a Muslim majority city where Jews’ roles were carefully circumscribed; another a young man educated in the religious scholarly milieu, though not born to a line of Tunis-based scholarly notables, who spread reformist ideas in a milieu dominated by local families eager to maintain their hold on religious institutions. Fairly or not, it is also true that intent could be read into Sfez’s and Thaalbi’s allegedly blasphemous acts because of their membership in such minority groups. And it is clear that by punishing Sfez and Thaalbi, a message of warning was effectively sent to the groups they belonged to: outsider groups perceived by traditional insiders as attempting to encroach on privileges not historically within their reach. Sending this message may have been the intent of the blasphemy accusations, but it also may have merely been a corollary. It may simply have only been possible to actually punish those alleged blasphemers because they were already just outsider enough.

It is also notable that these two cases occurred during moments of political instability, teeming with uncertainty over who precisely sat at the helm of the state. This is unsurprising. Cabantous, for instance, describes a jump in blasphemy cases in sixteenth-century Western Europe, as the rise of the Protestant Reformation challenged the predominance of the Catholic Church.⁵⁵ In the same vein, Javier Villa-Flores attributes an “early, fierce campaign against blasphemy” in postconquest Mexico to the Spanish crown’s need to impose order in the midst of real and potential disorder and “multiple conflicts and local power struggles among Spaniards.”⁵⁶ In our case, Sfez was prosecuted in the final decades of Ottoman control over the regency of Tunis amidst French and Tunisian challenges to the authority of the Sublime Porte, while Thaalbi was prosecuted in the early decades of encroaching French control over its Tunisian protectorate. We know from letters exchanged among Ottoman, French and Tunisian author-

⁵⁴ Dellagi, *Abdelaziz*, 35.

⁵⁵ Cabantous, *Blasphemy*, 16–19.

⁵⁶ Villa-Flores, *Dangerous Speech*, 46.

ities as well as news reports that control over the judiciary and sources of law were eagerly and intensely contested.⁵⁷ Blasphemy accusations emerge as tools for boundary drawing, and for staking claim to the truth and to how that truth should be adjudicated.

Indeed, perhaps more so than a story of outsidership, Sfez's and Thaalbi's prosecutions may simply be stories of states, eager and able to punish someone who puts its authority to the test. Though unexamined in secondary literature on Sfez's case, Sfez did not only blaspheme against the religion of his adversary in the street scuffle but also blasphemed against the religion of the police officers sent by the local security official, the dey, and furthermore against the dey himself.⁵⁸ In this way, Sfez's blasphemy perhaps was read as a too-true assertion of the emperor's parabolic lack of clothing – and was punished as such, offering the beylical state an opportunity to reassert itself.

Thaalbi's prosecution similarly can be read as an opportunity seized upon by both local religious scholars and the nascent French colonial administration in a moment characterised by struggles for control and jurisdiction over Tunisian subjects. Thaalbi's very public alleged blasphemies, some of them reportedly uttered in the presence of the religious scholars themselves, offered Tunis-based religious scholars an opportunity to claim jurisdiction over the public sphere and what one could say in it.⁵⁹ Thereafter, intervening in Thaalbi's case subsequently offered the French colonial administration the opportunity to spread its tentacles more deeply into the Tunisian judicial system, particularly into the "civil" system it was attempting to produce and grow, in opposition to the jurisdiction of the religious scholars' Shariah Court. In this way, then, both Sfez's and Thaalbi's stories may be not so much about boundary making among communities, as about states trying to hang on, and leaders trying to claim a place at the helm, in moments of transition and uncertainty.

57 See, for example, Arabic translation of the letter to Muhammad Bey from the Ottomans, ND, série H, Carton 117, Dossier 390 bis, doc #1, National Archives of Tunisia, Tunis, Tunisia; Leon Roches to His Excellency Monsieur le Comte Walewski, Minister of Foreign Affairs, June 29, 1857, 128 A-134B, vol. 17, série correspondance politique, Ministère des Relations extérieures, fonds du Quai d'Orsay, University of Manouba, Tunisia; *al-Şawāb* (July 22, 1904); *La Tunisie Française* (July 24, 1904).

58 Witness Testimonies, June 1857, carton 117, folder 390 bis, 1855–1857, document 29, Tunisian National Archives, Tunis, Tunisia.

59 Dellagi, *Abdelaziz*, 45.

How to Prosecute? Blasphemy as Violence that is Felt

Across the cases examined here, actors repeatedly cite the “Muslim outrage” that blasphemous acts supposedly caused – some highlighting it as a pretext for prosecution, while others dismiss it as irrational in arguing against prosecution. In the 1857 case against Sfez, the bey justified Sfez’s execution to his Ottoman superior by arguing that a failure to execute Sfez would unleash Muslims’ “religious passions [*al-ghayra al-dīniyya*].” In a draft of a letter to the Ottoman sultan, he framed Sfez’s crime in terms of the corporal, emotive reaction it allegedly provoked among Tunisian Muslims, describing it as “something from which bodies shake [*taqsha‘irr...al-abdān*].”⁶⁰ Sfez’s blasphemy indeed appeared to produce such shared hurt and anger that the Muslim population allegedly came out to participate in the desecration of Sfez’s corpse. The British consul Richard Wood lamented in a letter, perhaps with some self-serving exaggeration, that “the head of the wretched man was kicked about by the boys, while men were endeavouring to smash it with stones. A large number of Moors went to meet the corpse in order to drag it through the town, in which design they failed, owing to the interference of the police, but the Moorish women, who repaired to the Jewish cemetery, assisted at its burial with songs and exclamations of joy.”⁶¹

Similarly, in the 1904 case against Thaalbi, Arabic-language papers argued for the accused’s prosecution by spotlighting “streets [...] packed with creatures” whose “hearts were full [...] of hate,” while French-language newspapers dismissed his prosecution as spurred along by “the blind intolerance of a crowd riled up by a few dangerous people.”⁶² Just like in the Sfez case, Thaalbi’s alleged blasphemous crimes appeared to “provoke real emotion [*soulever une véritable émotion*] in all Tunisian milieus.”⁶³ And this emotion pushed Tunisians into the streets. A French-language newspaper reported on a crowd of 2,000 Tunisians who allegedly invaded the Muslim Judiciary Services around 11 AM one morning. Thaalbi, then exiting the Wizāra tribunal after being questioned, was reportedly saved by fast-thinking French colonial officials from “certain death”

60 Draft letter from Muhammad Bey to the Ottomans, ND, pg 101–111, série H, Carton 117, Dossier 390 bis, doc #10, National Archives of Tunisia, Tunis, Tunisia.

61 Broadley, *The Last Punic War*, vol. 1, 111.

62 *Al-Qalam* (July 3, 1904); *La Dépêche Tunisienne* (July 6, 1904).

63 *La Dépêche Tunisienne* (July 13, 1904).

at the hands of “the blind intolerance of an overexcited crowd.”⁶⁴ According to an Arabic newspaper, and a biography written by a fellow nationalist figure, this animated crowd chanted curses and called for Thaalbi’s death, with one sign reading, “[t]his unbeliever [*kāfir*] is an enemy of God.”⁶⁵ A letter from the General Residence to the French Minister of Foreign Affairs communicated concerns that after his release Thaalbi may find himself a “victim of religious resentment,” on the part of Muslims who felt “injured in their beliefs [*blessés dans leurs croyances*].”⁶⁶ Much like the bey, writing in 1857, the Tunisian Arabic newspaper *Al-Qalam* categorised Sfez’s crime in terms of the visceral reaction it allegedly provoked among Muslims, as “matters that make your body skin crawl [*al-umūr allatī taqsha’irr minha al-julūd*].”⁶⁷ In this way, we see in both Sfez’s and Thaalbi’s trials a combined emphasis on the hurt feelings that blasphemy causes and their destabilizing effects on public order: specifically, anger and violence in the streets as well as an outrage that seems to threaten to boil over.

Conclusion and Other Questions

In a collection of essays on the Danish Cartoon Controversy, some prominent anthropologists based at American universities have attempted to parse why blasphemy seems to “hurt” (some) contemporary Muslims so much – much to the confusion and sometimes disdain of Western observers.⁶⁸ What the present chapter shows is that this conception of hurt caused by blasphemy existed historically: in 1857 and 1904 Tunis, various observers (supporting and resisting blasphemers’ prosecution) document a particular type of hurt created in the wake of blasphemy. Indeed, these affective representations of injury are useful:

64 “Thaalbi, victime de l’intolérance aveugle d’une foule surexcitée par quelques personnages dangereux, a échappé à une mort certaine.” *La Dépêche Tunisienne* (July 6, 1904). Cited also in Kraiem, “Le premier procès,” 107.

65 *Al-Rushdiyya* (July 6, 1904), cited and translated by Kraiem, “Le premier procès,” 107; Bayshir al-Fūrātī, “Al-Shaykh ‘Abd al-‘Azīz al-Tha‘ālbī,” in *Al-Shaykh ‘Abd al-‘Azīz al-Tha‘ālbī min khilāl wathīqa lil Bayshir al-Fūrātī*, ed. Ḥammādī Al-Sāḥlī and Al-Jilānī Ibn Al-Ḥāj Yahīyya. *Rawāfīd* 5 (1999–2000): 238.

66 “Report from the delegate at the Résidence Générale in Tunis to Delcassé, Minister of Foreign Affairs, on the trial of Thaalbi,” July 25, 1904, Carton 23 (D2), Bobine 123, Folios 97–103, Nouvelle Série: Tunisie – 1883–1917, Quai d’Orsay. Reprinted in *Wathā’iq* 19 (Tunis: Université de Tunis I’s Institut Supérieur d’Histoire du Mouvement National, 1993), 37–41.

67 *Al Qalam* (July 3, 1904).

68 Talal Asad, Wendy Brown, Judith Butler, and Saba Mahmood, *Is Critique Secular? Blasphemy, Injury and Free Speech* (New York: Fordham University Press, 2013).

emotions are understood as surging up from within for reasons the feeler themselves does not sometimes fully understand; emotions are truth tellers which, once externalised, the feelers or observers can attempt to discern. Emotions, then, are a particularly effective means of placing demands on the state, or of crafting a state at which one is the head, without necessarily providing explanation or justification. They are also a way of diagnosing (for those critical of blasphemy) that there is something constitutionally wrong – and in need of fundamental reform – deep inside those injured by blasphemous acts.

With the retreat of blasphemy laws in parts of Europe, it may be that we can no longer find analogues north of the Mediterranean for contemporary Tunisian blasphemy cases. To put it provocatively, could it be that blasphemy is becoming a “Muslim” issue? This concluding section suggests that the prosecution of Tunisian blasphemy cases in the past ten years has much in common with contemporary incidents of religious hate speech cases across Europe. This is perhaps not surprising: as Christopher S. Grenda, Chris Beneke and David Nash have argued, Western democracies have shifted away from protecting the divine, or religion itself, towards protecting the new sacred: individuals, in the form of religious believers.⁶⁹

I propose in closing that we consider how hurt feelings undergird contemporary understandings of both Tunisian blasphemous crimes and European hate speech. In his 2012 defense of hate speech laws, philosopher Jeremy Waldron, then teaching at Oxford University, gingerly sketched out the close relationship he sees between hate speech and hurt feelings. The law, Waldron argues, does not and should not protect people from hurt feelings. Instead, hate speech laws are intended to protect people against indignity, against feeling that they are “not worthy of being treated as members of society in good standing.” Yet, Waldron concedes two important points: first, those who deploy hate speech “no doubt” do so “hoping for certain psychological effects” – hoping, in other words, to hurt feelings, to create a “traumatic sense of [...] not being perceived as worthy of ordinary citizenship [...] of being always vulnerable to discriminatory and humiliating exclusions and insults.”⁷⁰ Therefore, one may prohibit

⁶⁹ Christopher S. Grenda, Christ Beneke, and David Nash, “Introduction: On the Modern Confluence of Blasphemy, Free Expression, and Hate Speech,” in *Profane: Sacrilegious Expression in a Multicultural Age*, ed. Christopher S. Grenda, Christ Beneke, and David Nash (Oakland, CA: University of California Press, 2014), 2. Alain Cabantous similarly suggests that the contemporary focus on human rights is an indication of the shifting sacralisation of the human. Cabantous, *Blasphemy*, 205.

⁷⁰ Jeremy Waldron, *The Harm in Hate Speech* (Cambridge, MA: Harvard University Press, 2012), 106–107.

hate speech not because it hurts feelings, even though that is what it seeks to do. Second, and in a similar vein, Waldron acknowledges that though hate speech laws should not be geared specifically towards protecting feelings, they do so anyway: “Protecting people from assaults on their dignity indirectly protects their feelings.” What is important to Waldron, here, is that the protection of feelings is a result of the law, and not its motivation: “it [law against hate speech] does so [protects feelings] only because it protects them from a social reality – a radical denigration of status and an undermining of assurance – which, as it happens, naturally impacts upon their feelings.”⁷¹ However, it is probably fair to ask if it ever were that hate speech did not cause such deleterious emotions, such feelings of alienation and worthlessness, would hate speech even be worth prohibiting? If the goal of prohibiting hate speech is (as Waldron says) to sustain a functioning democratic society, in which all members participate fully and equally, then would hate speech – emptied of its power to make people feel particular ways – even be worth prohibiting?

The lines between Tunisian blasphemy cases and European hate speech cases are, indeed, not so clear. In contemporary Tunisia, young Amna al-Sharqī [Emna Chargui] was recently prosecuted for sharing a cartoonish imitation Qur’anic verse about the Coronavirus – urging readers to wash their hands – on Facebook, an act which implicitly questions the sacrality and divine origin of the holy text. Though Chargui did not author the verse (but simply shared it), she was sentenced to six months in prison for “incitation to hate between religions and races” and was issued a 2000 Tunisian dinar (615 euro) fine for “attack on the sacred and on public decency [*bonnes mœurs*].”⁷² In France, Tunisia’s former colonizer, a Swiss man, Alain Jean-Mairet, was sentenced in 2016 to pay a fine of 5,000 euros for “incitement to racial hate” for posting a “violent diatribe” online entitled, “And if Islam was the religion of sexual and moral perversion?” The criminal tribunal of Paris determined that “under the guise of explaining facts that he denounces as the supposed moral deviance of Islam, the author then imputes to Muslims, in an explicit manner, without any reservation and without distinction among them, moral perversion and abject behaviours.”⁷³ Jean-Mairet was guilty because he was not criticizing Islam,

⁷¹ *Ibid.*, 108.

⁷² “Condamné à six mois de prison, Emna Chargui fait appel,” *Mosaique FM*, June 14, 2020, accessed August 27, 2021, <https://www.mosaiquefm.net/fr/actualite-national-tunisie/769101/condamnee-a-six-mois-de-prison-emna-chargui-fait-appel>.

⁷³ “Site d’extrême-droite dirigé par un Suisse condamné,” *Tribune de Genève*, June 4, 2016, accessed October 20, 2021, <https://www.tdg.ch/monde/site-extremedroite-dirige-suisse-condamne/story/26082601>.

but Muslims, and all Muslims, meaning he had moved from the domain of intellectual debate to the domain of the unthinking, the indelicate (note the “in an explicit manner” and “without any reservation” above) and the excessive. He had moved, not unlike Chargui, to inappropriate and perhaps unsophisticated insult: the banality of the acts reinforced their artlessness.

These cases come full circle, in a sense, too. Where is Chargui today, following her prison sentence? In asylum in an undisclosed Western European country.⁷⁴ And Jean-Mairet, where was he living at the time of his trial? According to his lawyer, Stéphane Haddad, in Tunis. Tunis, Haddad pointed out, hoping to make a jurisdictional argument, is no longer “a French protectorate.”⁷⁵ The court rejected Haddad’s argument. We may ask is Tunis, and its history of blasphemy cases censured by Europeans then and now, really quite so distant?

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⁷⁴ Hela Ben Salem, personal communication with the author, May 26, 2021.

⁷⁵ “Un Suisse poursuivi par la justice française pour incitation à la haine raciale,” *Le Temps*, February 18, 2016, accessed August 27, 2021, <https://www.letemps.ch/suisse/un-suisse-poursui-vi-justice-francaise-incitation-haine-raciale>.

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Matthew Kerry

9 The Sound of Blasphemy in Early Twentieth-Century Spain: Vulgarity, Violence and the Crowd

Isn't it sad, isn't it dreadful to see how the burning lava of that infernal current – that shout, that howl of satanic rage against the holy name of God – has extended across the beautiful face of our Christian nations to even reach Spain, that beautiful Spain so beloved by God and so showered by his blessings?¹

Félix Sardá y Salvany's thundering denunciation of blasphemy was particularly eloquent but far from unusual. Catholic writers often singled out the role played by blasphemy as both the symptom and cause of the alleged sorry state of Catholicism in Restoration Spain (1874–1923), bringing shame to a country they celebrated as the principal bastion of the Catholic faith. Sardá y Salvany, author of the best-selling *Liberalismo es pecado* [*Liberalism is a sin*], published his pamphlet on blasphemy in 1899 as Spain stood on the cusp of a decade of an intensified secular-religious culture war that intersected with a wave of national soul-searching in the wake of the “Disaster” of 1898 – defeat in the Spanish-American War and the resultant loss of the remnants of Spain's overseas empire – that appeared to confirm Spanish backwardness and decadence.² Yet belying this intellectual pessimism, early twentieth-century Spain was experiencing significant, albeit uneven, economic and social change consistent with an emerging mass society. Blasphemy served to draw together anxieties about the changing nature of Spanish society and fears of urban, social degeneration circulating in Spain and wider Europe at this time.

Blasphemy in modern Spain has drawn little attention from scholars despite the consolidation of an important body of work on anticlericalism and secular-religious struggle.³ In short remarks or passing mention of blasphemy, scholars

1 Félix Sardá y Salvany, *¡Calla, blasfemo!* (Barcelona: n.p., 1899), 2.

2 On the “Disaster,” see e.g. Sebastian Balfour, *The End of the Spanish Empire, 1898–1923* (Oxford: Oxford University Press, 1997).

3 For the early twentieth century, e.g. Julio de la Cueva and Feliciano Montero, eds., *La secularización conflictiva* (Madrid: Biblioteca Nueva, 2007); Eduardo Sanabria, *Republicanism and Anticlerical Nationalism in Spain* (New York: Palgrave Macmillan, 2009); Julio de la Cueva, *Clericales y anticlericales: el conflicto entre confesionalidad y secularización en Cantabria (1875–1923)* (Santander: Universidad de Cantabria, 1991); María Pilar Salomón Chéliz, *Anticlericalismo en Aragón: protesta popular y movilización cívica (1900–1939)* (Zaragoza: Prensas Uni-

have tended to echo Catholic lamentations, according to which Spain was a “land of blasphemers” and “blasphemous oaths [we]re a routine aspect of daily life”.⁴ Yet little research has been conducted into legal records that could help gauge the prevalence of blaspheming.⁵ The wider historiography on blasphemy in Europe has tended to focus on France, Germany and Britain. This scholarship has underlined that blasphemy can help illuminate attitudes towards the sacred and the profane, moral order and power dynamics in past societies.⁶ Key themes in this work, which has often focused on the early modern period, including the association of blasphemy with incivility and vice, its social function as a mark of belonging, and its role in violent encounters, are patent in early twentieth-century Spanish context. For many Catholics, Spanish society and Catholicism were coterminous, which meant that blasphemy was not reduced to a religious matter, but rather was integral to wider social and political questions.

This chapter examines the meaning of blasphemy through two moments of secular-religious conflict in 1909 of differing scale and gravity: an anti-blasphemy campaign in Madrid and the “Tragic Week” in Barcelona. The former was nothing new, for anti-blasphemy campaigns by mayors and civil governors were a common occurrence during the first decade of the twentieth century. The latter was more exceptional, for the Tragic Week was the most violent outburst of

versitarias de Zaragoza, 2002); Joseba Louzao Villar, *Soldados de la fe o amantes del progreso: Catolicismo y modernidad en Vizcaya (1890–1923)* (Madrid: Genuvee, 2011); Maria Thomas, “The Faith and the Fury: The Construction of Anticlerical Collective Identities in Spain, 1874–1931,” *European History Quarterly* 43, no. 1 (2013).

⁴ The first quotation is from Ramón Sarabia, quoted in Víctor Manuel Arbeloa, *Aquella España católica* (Salamanca: Sígueme, 1975), 100; the second from Timothy Mitchell, *Betrayal of the Innocents: Desire, Power and the Catholic Church* (Philadelphia: University of Pennsylvania Press, 1998), 15. For remarks on blasphemy: Manuel Delgado Ruiz, *Luces iconoclastas: anticlericalismo, blasfemia y martirio de imágenes* (Barcelona: Ariel, 2001), 129; Cueva, *Clericales*, 273 and 275; Laura Orlandini, “Anticlericalismo y catolicismo en España e Italia al principio del siglo xx. Una perspectiva comparada” (PhD diss., Universitat Pompeu Fabra, 2013), 255–262; Salomón Chélez, *Anticlericalismo*, 235–236. The early modern period is better served, e.g. Martí Gelabertó Vilagran, “No tomarás el nombre de Dios en vano. Blasfemia y castigo divino en Cataluña (siglos XVI–XVIII),” *Espacio, tiempo y forma. Serie IV, Historia moderna* 23 (2010); Maureen Flynn, “Blasphemy and the Play of Anger in Sixteenth-Century Spain,” *Past & Present* 149 (1995); Manuel Santana, *El delito de blasfemia en el tribunal inquisitorial de Cuenca* (Alicante: Universidad de Alicante, 2004).

⁵ As Salomón Chélez noted in *Anticlericalismo en Aragón*, 235.

⁶ Alain Cabantous, *Blasphemy: Impious Speech in the West from the Seventeenth to the Nineteenth Century*, trans. Eric Rauth (New York: Columbia University Press, 2002); David Nash, *Blasphemy in the Christian World: A History* (Oxford: Oxford University Press, 2007).

anticlerical violence in Spain since the 1830s. A strike and demonstration against the call-up of reservists to fight in Morocco developed into several days of unplanned and unstructured revolt accompanied by the burning of dozens of religious buildings, the desecration of religious objects and the deaths of three religious figures.

Blasphemy is approached here as a speech act and as part of the sonic environment of the streets of Madrid and Barcelona in 1909, drawing on attempts by historians to “listen” to the past.⁷ In histories of sound, the modern city has been a particular subject of interest. Urbanisation and industrialisation had profound effects on the “soundscape” of cities and critics denounced the polluting noise produced by machinery and traffic. There were concerted attempts to regulate and control objectionable “noise” (which was separate from permissible “sound”).⁸ Attitudes to sound – and labelling something as ‘noise’ in particular – therefore shed light not only on individual and collective identities, but also on how social difference and moral orders were understood and policed.⁹ The ephemeral nature of speech renders listening for past utterances of blasphemy impossible, yet this has not prevented scholars in the field of sound studies from examining historical sound, for, as Daniel Morat underlines, “what is at stake is always the reconstruction of meanings that belonged, or were ascribed, to the particular sounds in question.”¹⁰ Print discussion of blasphemy was more common amongst its critics rather than blasphemers themselves. The anti-blasphemy campaign in Madrid only received brief criticism from the tenaciously anticlerical *El Motín* and appears to have not drawn comment from the anarchist and socialist press, while testimonies of blasphemy during the Tragic Week

7 A useful starting point is Peter Bailey, “Breaking the Sound Barrier: A Historian Listens to Noise,” *Body & Society* 2, no. 2 (1996).

8 Key texts on sound and the modern city include: Emily A. Thompson, *The Soundscape of Modernity: Architectural Acoustics and the Culture of Listening in America, 1900–1933* (Cambridge, MA: MIT Press, 2002); John M. Picker, *Victorian Soundscapes* (Oxford: Oxford University Press, 2003); Karin Bijsterveld, *Mechanical Sound: Technology, Culture, and Public Problems of Noise in the Twentieth Century* (Cambridge, MA: MIT Press, 2008).

9 Pioneering in its historical treatment of sound and identity is Alain Corbin, *Village Bells: Sound and Meaning in the 19th-Century French Countryside*, trans. Martin Thom (London: Papermac, 1999). On sound, social difference, civility and politeness, see Peter Denney, Bruce Buchan, David Ellison, and Karen Crawley, eds., *Sound, Space and Civility in the British World, 1700–1850* (Abingdon: Routledge, 2019). For Spain, Samuel Llano, *Discordant Notes: Marginality and Social Control in Madrid, 1850–1930* (New York: Oxford University Press, 2018).

10 Daniel Morat, “The Sound of a New Era: On the Transformation of Auditory and Urban Experience in the Long Fin de Siècle, 1880–1930,” *International Journal for History, Culture and Modernity* 7, no. 1 (2019): 593.

come from Catholic victims, rather than blasphemers themselves. Accordingly, this is a study of how blasphemy was understood, imagined and discussed by its opponents in 1909.

The Backdrop to Blasphemy

The secular-religious “culture war” that was fought over the place and role of Catholicism in Spanish society emerged at the end of the nineteenth century. A sector of the Liberal party sought to shore up its position by seeking restrictions on the Catholic Church, which created an important crack in the corrupt yet stable political system of the Restoration monarchy, in which the Liberal and Conservative parties fixed elections to manage their alternation in power. This political move by Liberals combined with the troubles of 1898 and the emergence of Republican populism, as well as the growing socialist and anarchist movements, to help fuel anticlericalism. Anticlericalism transformed from an intellectual position into a mass movement formed by a range of anticlerical leagues and associations, and underpinned by a vigorous, polemical print culture, extending from the press to lurid pornographic pamphlets.¹¹

Opposition to the Catholic Church cannot be divorced from its massive expansion during the last quarter of the nineteenth century, the characteristics of which reflected wider Catholic revivalism across Europe. The size and number of religious orders multiplied and new schools, churches, charitable initiatives and organisations, including rural savings banks and workers’ “circles,” were founded.¹² This “reconstitution” of the Spanish Catholic Church under the Restoration monarchy had not been straightforward, not least due to predominant Integrist traditionalism that rejected the liberal constitution, but by the end of the century this position had softened to an accommodation with the Restoration system.¹³

11 For an overview, William J. Callahan, *The Catholic Church in Spain, 1875–1998* (Cambridge, MA: Harvard University Press, 2000), chapter 3. See also Frances Lannon, *Privilege, Persecution and Prophecy: The Catholic Church in Spain 1875–1975* (Oxford: Oxford University Press, 1987).

12 An overview in Julio de la Cueva, “Católicos en la calle: la movilización de los católicos españoles, 1899–1923,” *Historia y política* 3 (2000). See also Feliciano Montero, *El movimiento católico en España, 1889–1936* (Alcalá: Universidad de Alcalá, 2017) and José Andrés Gallego, *Pensamiento y acción social de la Iglesia en España* (Madrid: Espasa-Calpe, 1984).

13 “Reconstitution” in Joseba Louzao Villar, “Catholicism versus Laicism: Culture Wars and the Making of Catholic National Identity in Spain, 1898–1931,” *European History Quarterly* 43, no. 4 (2013). An overview of Integristism in Feliciano Montero, “El peso del integristismo en la Iglesia y el

The culture war played out in government and parliament, in the press and at the level of street politics, in a similar manner to other culture wars over religion that occurred across Europe in the late nineteenth century.¹⁴ Attempts by Liberal governments to place restrictions on Catholic religious orders and to assert the role of the Spanish state in areas that the Church considered its purview, such as marriage, failed in the face of opposition from the Church and the Conservative party. Catholic opposition increasingly adopted modern techniques in defence of the Church's interests, including the prolific creation of Catholic Leagues that attempted to control local level politics, petitions and, from 1907, rallies.¹⁵ Anticlerical activists founded their own leagues and associations, which organised meetings and demonstrations, held ostentatious meat-filled feasts on Good Friday and disrupted religious processions.

Secular-religious conflict was fuelled by the wider socioeconomic changes that Spain was experiencing. Thousands left the countryside for swelling cities and industrial areas from the end of the nineteenth century. Barcelona, where wide leafy avenues populated with elegant modernist mansions contrasted with the tight narrow streets of overcrowded working-class districts, inaugurated its first electric tram in 1899 and less than a decade later there were over 200 automobiles on the streets.¹⁶ Madrid lacked the industrial backbone of Barcelona, yet was a more dynamic and diversified modern metropolis than the small, staid city populated by bureaucrats of the mid nineteenth century.¹⁷ The growth of a mass press, trade unions, and sporadic waves of strike action also broadly followed European patterns of an emerging mass society, even if this was weaker and less developed than in northern Europe.

catolicismo español del siglo xx," *Mélanges de la Casa de Velázquez* 44, no. 1 (2014), accessed March 1, 2020, doi: 10.4000/mcv.5537.

14 Christopher Clark and Wolfram Kaiser, eds., *Culture Wars: Secular-Catholic Conflict in Nineteenth-Century Europe* (Cambridge: Cambridge University Press, 2003).

15 See Callahan, *The Catholic Church*, chapter 3; Cueva, *Clericales*, 361.

16 Joaquín Romero Maura, *La rosa de fuego: republicanos y anarquistas: la política de los obreros barceloneses entre el desastre colonial y la semana trágica, 1899–1909* (Barcelona: Grijalbo, 1975), 60.

17 A significant body of recent work covers this. Summaries in Luis Enrique Otero Carvajal, "La sociedad urbana y la irrupción de la Modernidad en España, 1900–1936," *Cuadernos de historia contemporánea* 38 (2016) and Borja Carballo, Fernando Vicente and Rubén Pallol, *El ensanche de Madrid: historia de una capital* (Madrid: Universidad Complutense, 2008). On the discursive construction of Madrid's dark side, e.g. Fernando Vicente Albarrán, "Barrios negros, barrios pintorescos. Realidad e imaginario social del submundo madrileño (1860–1930)," *Hispania Nova* 12 (2014).

Across Europe, the emerging disciplines of sociology and criminology sought to analyse and diagnose the results of these changes. In Spain, theories of degeneration, social hygiene and crowd psychology all circulated in the first decade of the twentieth century, particularly in the context of the insalubrious working-class neighbourhoods of Madrid and Barcelona.¹⁸ The latter was also infamous as the “city of bombs,” thanks to a series of terrorist attacks in the 1890s, followed by further bombings between 1904 and 1909. In the face of social protest, swelling cities and desperate social conditions, elites were conscious of the fragility of the existing liberal bourgeois social order, not least as the rigged political system and often vigorous repression of social movements contradicted the promise of liberal freedoms and the existence of universal manhood suffrage.¹⁹ The emerging mass society also threatened to erode a social hierarchy regulated by middle class notions of civility, which foregrounded politeness and cleanliness in its demarcation of social distinction.²⁰ It is only against such a backdrop that the meaning of blasphemy can be understood.

18 Rubén Pallol Trigueros, “Fear in the City: Social Change and Moral Panic in Madrid in the Early Twentieth Century,” in *Writing Wrongdoing in Spain, 1800–1936: Realities, Representations, Reactions*, ed. Alison Sinclair and Samuel Llano (Woodbridge: Tamesis, 2017), 217–236.

19 Richard Cleminson, “Liberal Governmentality in Spain: Bodies, Minds, and the Medical Construction of the ‘Outsider,’ 1870–1910,” *Journal of Iberian and Latin American Studies* 22, no. 1 (2016); Matteo Millan, “The Shadows of Social Fear: Emotions, Mentalities and Practices of the Propertied Classes in Italy, Spain and France (1900–1914),” *Journal of Social History* 50, no. 2 (2016). On Madrid as a contested space, e.g. Rubén Pallol Trigueros, “La lucha por la calle. Conflictos en la redefinición del espacio público en las ciudades de comienzos de siglo XX,” *Crisol* 5 (2019).

20 See Jesús Cruz Valenciano, *El surgimiento de la cultura burguesa: personas, hogares y ciudades en la España del siglo xix* (Madrid: Siglo XIX, 2014).



Fig. 17: A crowd observes destruction during the Tragic Week. Photo courtesy by Frederic Ballell. Kindly reproduced by the Arxiu Fotogràfic de Barcelona.

A Sin, a Vice and a Legal Infraction

Catholic commentators invariably denounced that blasphemy was on the increase in Spain and that Spaniards were the worst offenders in the world.²¹ Blasphemy was a vice and a serious sin for it violated Christians' primary duty to love God above all others.²² Yet it was also perplexing in its pointlessness. Theft, robbery or murder at least originated in the "passions" or material self-interest, whereas blasphemy afforded no gain.²³ Blasphemy was not only "repugnant, disgusting and foul from a social perspective [but also] irrational, monstrous and

21 E.g. Agustín Coy Contonat, *Blasfemias y obscenidades en el lenguaje* (Barcelona: Manuel Vergés, 1918), 7; *La Vanguardia*, September 3, 1929. On Spain in a worldwide context, Joan Margall, E. Sanz Escartín and Ivón L'Escop, *Lliga del Bon Mot: en pro de la cultura del lenguaje* (Barcelona: P. Santmartí, 1912), 14.

22 José María Martín de Herrera, *Carta pastoral del emmo. y revmo. señor cardenal José María Martín de Herrera, arzobispo de Santiago, contra la blasfemia* (Santiago de Compostela: Seminario Central, 1903), 8–9; Josep Torras i Bages, *Contra la blasfemia: exhortació pastoral* (Vich: Lluçia Anglada, 1909), 8.

23 Ramón Font, *La blasfemia* (Gerona: Tomás Carreras, 1887), 8. See also Sardá y Salvany, *¡Calla...!*, 5–6; Coy Contonat, *Blasfemias*, 27.

absurd from a philosophical standpoint.”²⁴ Combatting blasphemy was of vital importance, as cursing God was a threshold sin that opened the door to committing further wickedness.²⁵

Blasphemy was understood fundamentally an act of speech. Many Spaniards allegedly “d[id] not know how to speak without inserting words of dubious taste [and] markedly obscene, repugnant blasphemies into their conversations”.²⁶ In doing so, blasphemers sullied and polluted language, which should be “pure” and “holy”.²⁷ Although writers emphasised that blasphemy “infected” even the “highest classes” of Spanish society and was no longer the preserve of “muleteers, mariners and soldiers,” most nevertheless associated blasphemy with the lower classes, particularly the urban working class.²⁸ Such criticism claimed to draw on commentators’ own experiences of hearing the “virus of impiety” on a daily basis “in the streets, squares, and other public spaces [by] men, women and even children,” and appeared to be verbal confirmation of the alienation of many Spaniards from the Church – the so-called “apostasy of the masses”.²⁹ There was a further dimension: by bracketing blasphemy together with the vices of gambling and pornography, concerns about blasphemy reflected wider concerns about the degeneration of Spanish society, which echoed similar anxieties across Europe, and was shared by critics beyond the Catholic fold, as will be explored below.³⁰

Catholic writers advocated solutions that included the abstention from frequenting taverns, the mobilisation of shame and the use of swear boxes as

24 Font, *La blasfemia*, 7–8.

25 *La Vanguardia*, November 15, 1909.

26 Coy Cotonat, *Blasfemias*, 18. See also Sardá y Salvany, *¡Calla...!*, 7; *Carta pastoral... José María Martín de Herrera*, 7; Julio Chillida Meliá, *La blasfemia: manual del propagandista en su contra* (Castellón: J. Armengat e hijos, 1913), 26; and Rucabado’s article “El apoteosis” in *La Veu de Catalunya*, August 26, 1909.

27 Coy Cotonat, *Blasfemias*, 16.

28 Font, *La blasfemia*, the quotations at 11; Joaquim Ruyra, *Del mal parlar* (Barcelona: Perelló y Vergés, 1913), 9; Sardá y Salvany, *¡Calla...!*, 10–11.

29 *La Vanguardia*, November 3, 1909. On the “apostasy of the masses,” see Feliciano Montero García, “La ‘apostasía de las masas’ y la recristianización de la sociedad: las estrategias pastorales de la Iglesia española en el siglo XX,” in *El siglo XX: balance y perspectivas. V Congreso de la Asociación de Historia Contemporánea* (Valencia: Universitat de València, 2000).

30 See, e. g., Richard Cleminson and Teresa Fuentes Peris, “‘La Mala Vida’: Source and Focus of Degeneration, Degeneracy and Decline,” *Journal of Spanish Cultural Studies* 10, no. 4 (2009); Ricardo Campos Marín, José Martínez Pérez and Rafael Huertas García-Alejo, *Los ilegales de la naturaleza: medicina y degeneracionismo en la España de la Restauración (1876–1923)* (Madrid: CSIC, 2001); Daniel Pick, *Faces of Degeneration: A European Disorder, c.1848–1918* (Cambridge: Cambridge University Press, 1989).

means of self-regulation and developing individual responsibility, but, above all, they demanded a stricter application of the law and encouraged Catholics to pressure state authorities.³¹ In his anti-blasphemy “handbook,” Julio Chillida Meliá provided his readers with model denunciations for reporting blasphemers to the police and guidance on how to approach the state.³² Catholics also visited civil governors and mayors to demand a crackdown on blasphemy. While the Penal Code of 1870 did not make explicit reference to blasphemy – which clerics lamented – cursing the sacred could be prosecuted under provisions for offences against public morality, as was clarified in jurisprudence. Blasphemy could be punished as a minor infraction that entailed detention for between one and ten days and a fine of five to 50 pesetas.³³ Civil governors, who were the maximum political authority in each province, and mayors confirmed the penalties in regular circulars and proclamations during the first decade of the twentieth century. However, an anti-blasphemy campaign in Madrid in 1909 went further still.

Madrid: An Anti-Blasphemy Campaign

On May 11, 1909, the new Chief of Police in Madrid, Ramón Méndez Alanís, issued a circular to policemen in the Spanish capital. Not only did he remind them to fine blasphemers, but he also ordered them to log offenders’ details on a new central register. His circular alleged that blasphemy undermined the “esteem” and “respect” that citizens deserved and the measures aimed to restore decorum in public behaviour. It was widely reproduced in the press and even reached the Spanish parliament, where Julià Nougués, a Democratic Federal Republican deputy, complained to the Minister of Justice that a newspaper had been sequestered for criticising the circular.³⁴

The Catholic press welcomed the anti-blasphemy campaign as a “fair and cultured measure” to combat the “pestilent and ultra-coarse language that continuously offends the ears of the decent people of Madrid”.³⁵ Liberal and repub-

31 Juan Guerra Díaz, *El amigo del católico campesino* (Valladolid: Cuesta, 1919), 59–60; shame in Font, *La blasfemia*, 19; Sardá y Salvany, *¡Calla...!*, 14.

32 Chillida Meliá, *La blasfemia*, 230–232.

33 For the Penal Code: *Gaceta de Madrid*, August 31, 1870. Administrative bulletins published circulars reminding state officials of the penalties. See also a similar reminder in a monthly police journal: *Revista Técnica de la Guardia Civil*, June 30, 1915.

34 *Diario de las sesiones de cortes*, May 14, 1909.

35 *La Lectura Dominical*, May 15, 1909. See also *El Siglo Futuro*, May 12, 1909.

lican newspapers were more critical. They expressed scepticism that rich culprits would be fined and quipped that it would be easier to take the census to the police station than produce a register of blasphemers.³⁶ Their opposition focused on defending freedom of speech and criticising the police's role in determining permissible speech, but made little attempt to defend blasphemy as a practice. As Nougés stated in parliament, blasphemy “should not be tolerated,” but “he who wants to blaspheme has the right to do so”.³⁷ Such a view was shared by Jacinto Benavente and Mariano de Cavia, both prominent writers. For Cavia, the remedy lay in liberty of conscience and education at home and at school, not in the hands of the police.³⁸ Benavente agreed: “coarseness of language is only a symptom of spiritual coarseness [which] will not disappear with poultices and little patches. Good, purifying tonics from parents, teachers and educators are the most adequate and efficacious [measures]”.³⁹

Underpinning the reactions from intellectuals and the Catholic press was therefore the tacit agreement that blasphemy was a vulgar act that revealed a “lack of manners [*educación*]” and “very poor taste”.⁴⁰ Benavente compared blaspheming to other bodily functions as a “physiological need,” distasteful yet excusable. Blasphemy was oral flatulence: “an expansion of the nerves and an escape of energy through ostentatious words that have no weight beyond their purely onomatopoeic value”.⁴¹ Even though it was hardly the most laudatory defence of blasphemy, he was met with a furious response from the Jesuit-owned *La Lectura Dominical*, which accused him of placing civilisation itself in peril: “Shall we punish blasphemers or shall we burn all of the legal codes and laws of the world?” Laws and circulars were the dams holding back the threatening flood of vulgarity that threatened to drown Spanish society: “This is a problem of education, decency, moral hygiene and human dignity, a problem that is dealt with by every decent school, every nation – even if they are not Catholic or even Christian – and all men of a certain decorum, even if they are freethinkers”.⁴²

Blasphemy was therefore not reduced to a religious matter. Beyond the pulpit and pamphlets produced by Catholic propagandists defining it as a sin, blasphemy was also considered to pertain to morality and the social order more

36 *El Imparcial*, May 13, 1909; *El País*, May 13, 1909.

37 *Diario de las sesiones de cortes*, May 14, 1909.

38 *El Imparcial*, May 13, 1909.

39 *El Imparcial*, May 17, 1909.

40 *Diario de las sesiones de cortes*, May 14, 1909.

41 *El Imparcial*, May 17, 1909.

42 *La Lectura Dominical*, May 22, 1909.

widely. These concerned religion insofar as Catholicism provided the moral inspiration for proper governance and the moral foundation for a healthy society, yet the association of blasphemy with vulgarity afforded a common space for discussion with writers critical of the Church founded on a rejection of the acceptability of blasphemy. There was a shared understanding that blasphemy undermined politeness and good manners in the streets of the capital. As Jesús Cruz has observed in etiquette handbooks, the late nineteenth century saw a widespread turn to a reliance on Catholic morals to underpin notions of middle-class respectability.⁴³

Cleanliness was a notion particularly emphasised by middle class culture and reactions to the anti-blasphemy campaign included a comment on the appearance of crowds in urban Spain in the early twentieth century that reflected on the relationship between hygiene and society.⁴⁴ Azorín, a member of the “98 Generation” of intellectuals and writers like Benavente, was particularly eloquent in decrying the vulgarity of blasphemy and the changing nature of social relations in twentieth-century Spain. He compared a man uttering a blasphemy to an individual walking the streets “dirty and disastrously dressed when he could [clothe himself] well”. Blasphemy, like the latter, was an insult to wider society, for “cleanliness, like speaking well, are duties that we must fulfil to our fellow citizens”. Citizens had to uphold higher moral standards now that they lived in a “society,” in which “*other citizens* have the *right* (sic) to our respect and our esteem”. The “old concept of freedom – exclusivist, individualist, wild – is changing”.⁴⁵ These ideas reflected reformist attitudes towards society and the individual at the time, according to which human beings were interdependent, individual and collective – social – needs existed in tandem, and, as a result, human actions should be guided by what was deemed to be the common good.⁴⁶ Blaspheming polluted and undermined the tenets of a modern, civilised and *European* society. This reflected a combination of middle-class notions of politeness, respectability and cleanliness, circulating social hygienist, degenera-

⁴³ Cruz Valenciano, *El surgimiento de la cultura*, 94.

⁴⁴ *Ibid.*, 88–92.

⁴⁵ *ABC*, May 16, 1909. Cabantous remarks that from the seventeenth century the blasphemer was depicted as a “fringe element who refused fellow feeling and authority”. Cabantous, *Blasphemy*, 115.

⁴⁶ Miguel Ángel Cabrera, *El reformismo social en España (1870–1900)* (Valencia: Publicacions de la Universitat de València, 2014), chapter 3.

tionist and criminological ideas and desires for the “regeneration” of Spain after the “Disaster” of 1898.⁴⁷

Azorín connected his aural and visual experiences of urban spaces to his view of the problems facing Spain in the early twentieth century. What was *heard* in the streets was understood as an auditory slice of national character that revealed the relative level of progress and modernity of Spanish society. As another writer commented, “I find it perfectly agreeable to praise the latest circular on blasphemy for the reason that one walks down the street and suddenly hears: ‘*Rediez!*’ [bloody hell!]”.⁴⁸ The criticism of the distasteful sound of blasphemy in the streets reflects the term “aural hygiene,” which Llano has used to describe how the Madrid city authorities policed the performances by organ-grinders and choirs. For Llano, aural hygienic policies were a middle class strategy that sought to safeguard bourgeois society by policing and controlling marginal groups viewed as a threat to public morality, which was achieved by “protecting certain areas of the city from the intrusion of ‘impure’ and unwanted sounds and musical practices that were consequently described as ‘noise’,” as in other European cities.⁴⁹ It was not just music that was policed, however, for the criticism of blasphemy reveals that desires for a hygienic, unpolluted soundscape stretched to shouts and curses heard in the street. Anxieties were not solely fixated on policing spatialised class hierarchies, but betrayed wider fears about modernity, progress and the general direction of a changing Spanish society.

Blasphemy was not the only speech act to receive the attention of Méndez Alanís, who introduced a number of initiatives that sought to suppress vulgar, sonically conspicuous behaviour in an attempt to enforce genteel conduct and good manners. He attempted a ban on street-selling in the central square of Puerta del Sol and a crackdown on the practice of subjecting women to *piropos*, defined as “remark[s], sometimes obscene, sometimes even friendly, but always

⁴⁷ Cleminson and Fuentes Peris, “‘La mala vida’,” 385–397. The most emblematic studies are Constancio Bernaldo de Quirós and José María Llanas Aguilaniedo, *La mala vida en Madrid. Estudio psicossociológico con dibujos y fotografías al natural* (Madrid: Asociación de Libreros de Lance de Madrid, 2010 [1901]) and Rafael Salillas, *El delincuente español. Hampa (Antropología picaresca)* (Madrid: Librería de Victoriano Suárez, 1898). On the underworld, see also Alison Sinclair and Samuel Llano, eds., *Writing Wrongdoing in Spain, 1800–1936: Realities, Representations, Reactions* (Woodbridge: Tamesis, 2017).

⁴⁸ *Nuevo Mundo*, May 27, 1909.

⁴⁹ Samuel Llano, “The Sacred in Madrid’s Soundscape: Toward an Aural Hygiene, 1856–1907,” in *The Sacred and Modernity in Urban Spain: Beyond the Secular City*, ed. Antonio Cordoba and Daniel García-Donoso (New York: Palgrave Macmillan, 2016), 2; Picker, *Victorian Soundscapes*, chapter 2.

sexual about a woman's physical appearance".⁵⁰ The attempted ban on *piropos* is illustrative. The practice had many more supporters than blasphemy for it formed part of a particular ideal of Spanish masculinity and gender relations. Whereas blasphemy was not "appropriate for a country with electric lighting, police with helmets and shops that even sell foie gras," "without *piropos*, Recoletos [a central avenue] will become an outpost of the Sahara Desert".⁵¹ There was nothing anti-modern about unaccompanied women being subject to a cacophony of lascivious remarks in public space for the *piropo* was an art form, the "seasoning of youth" and the most "inoffensive" thing that could pass between a man and a woman. More provocatively, *piropos* were holy for they were the first step towards courting and the sacrament of marriage.⁵² Such self-indulgent, abstract and patriarchal philosophising contrasted with the reality of the *piropo*: days later a pregnant woman was injured in a scuffle when she objected to a *piropo*.⁵³ Twenty years later *piropos* once again came under attack and searching questions were asked about the nature of modern Spanish masculinity.⁵⁴

Whereas blasphemy was by its very nature vulgar, a *piropo* could show "grace, ingenuity and good breeding" as conservative, Catholic *ABC* had explained in 1906.⁵⁵ Yet the 1909 campaigns raised the same questions of how sonic behaviour in public spaces should be policed. Benavente questioned whether women would stop hearing "rude comments" if *piropos* were banned and whether the police would be actually capable of eradicating "this and a thousand other impertinences" that occurred in the street. Echoing Azorín's comments on blasphemy, he argued that citizens needed to exhibit self-control by hiding their individual shortcomings, as the street belonged to everyone. This self-control was the "most evident sign of the culture of a people".⁵⁶ As with blasphemy, Nogués raised the ban on *piropos* in parliament, which he labelled as ridiculous. It was not the role of the police chief to decide what was "culture" and good taste, to which the Minister of Justice replied that "everyone who walks the streets should be polite [*educado*] and those who are not polite

50 Nerea Aresti, "Shaping the Spanish Modern Man: The Conflict of Masculine Ideals through a Court Case in the 1920s," *Feminist Studies* 33, no. 3 (2007).

51 *Nuevo Mundo*, May 27, 1909.

52 Félix Mendez, *¡¡Ole, ole las mujeres!! Protesta contra la supresión del piropo dirigido en público a las mujeres y razonada a su modo* (Madrid: Nuevo Mundo, [1909]), 8, 13, 24–5 and 29.

53 *ABC*, May 25, 1909.

54 Aresti, "Shaping the Spanish Modern Man".

55 *ABC*, October 6, 1906.

56 *Los Lunes del Imparcial*, May 24, 1909.

should hide their lack of politeness and not bother anyone”.⁵⁷ This was the “idealised aspiration” of the liberal subject, who was “self-aware,” “active” and responsible.⁵⁸ The police would reprimand those who were unable to control themselves and follow the behavioural codes of bourgeois society. Suppression of bad behavioural habits in public was the tonic for a healthy society.

Blasphemy was therefore not singled out for special treatment in Madrid in 1909, but rather formed part of a wider offensive on behaviour deemed to be socially unhygienic and a sonic disturbance. Nor was Méndez Alanís unique in drawing attention to blasphemy. The year 1909 saw several anti-blasphemy campaigns across Spain, including in Ávila, Lleida, Santander and the village of Feroselle (Zamora), where the mayor published broadsides banning blasphemy and “exhorting the inhabitants to clean the streets”.⁵⁹ Nor was 1909 unique. Provincial bulletins and newspapers published warnings of the penalties for blaspheming in the years preceding and following 1909. Blasphemy tapped into “regenerationist” anxieties about Spain after 1898; eradicating blasphemy would demonstrate societal progress towards civilised norms. As Lugo’s *El Progreso* elaborated in its approving report on the crackdown on blasphemy, blasphemy was the manifestation of “rudimentarism” and “cultural poverty” caused by the state of “abandonment” of the working classes and the latter’s own “indifference”.⁶⁰ As in Madrid, blasphemy was often simply part of a wider moralising campaign that targeted gambling, begging and the circulation of pornographic material as part of a civilising mission aimed at the lower classes.⁶¹ Such tutelage was necessary to foment decorous behaviour, for these sectors of society “unfortunately lack[ed] the level of necessary education to understand the damage” their actions caused.⁶²

Similar anxieties centring on blasphemy, popular culture and the alleged vulgarity of the working class surfaced in Catalonia in an intellectual spat played out in the press from mid-June 1909. The libertarian writer Gabriel Alomar derided anti-blasphemy activism as a far-right strategy reminiscent of the Inquisition and defended the virility of blasphemous cursing by claiming freedom of

⁵⁷ *Diario de las sesiones de cortes*, May 19, 1909.

⁵⁸ Cleminson, “Liberal governmentality,” 26.

⁵⁹ See, respectively, *El Salmantino*, March 27, 1909; *La Vanguardia*, June 3 and 4, September 13, 1909; *El Progreso*, April 16, 1909; *Boletín oficial de la provincia de Santander*, November 12, 1909; *Heraldo de Zamora*, March 16, 1909.

⁶⁰ *El Progreso*, April 16, 1909.

⁶¹ The association of gambling and blasphemy in Nash, *Blasphemy*, 56–57 and 112–114.

⁶² *Boletín oficial de la provincial de Gerona*, June 3, 1909.

speech.⁶³ His “L’Apologia del mal mot” (“An apology for blasphemy”) was a swipe at celebrated poet Joan Maragall and his support for an initiative called the Lliga del Bon Mot (League of the Good Word), which had begun life as a newspaper column before morphing into an association. The Lliga was energetic in its anti-blasphemy activism and during the 1910s it spread across Catalonia and Spain, organising rallies, publishing pamphlets, books, cartoons and calendars, and disseminating anti-blasphemy propaganda, including the erection of 200 signs in the small village of Sant Feliu de Codines alone.⁶⁴ The Lliga was the work of an energetic young cleric, Ricard Aragó, who would write a number of books drawing on theology, biology and linguistics that denounced the polluting, corroding effect of blasphemy on speech.⁶⁵

Alomar’s polemic drew chastisement from Maragall and the wrath of other writers, who used the opportunity to express their own views on blasphemy.⁶⁶ The young Catholic and Catalan writer Ramón Rucabado seized on Alomar’s words and claimed to take them to their logical, yet perverse, conclusion, that blasphemy was a sign of “energy, progress, civility” and excellent collective moral health.⁶⁷ In further elaborations, blasphemy became a vehicle for Rucabado to express anxieties about vulgarity and mass society, specifically popular entertainment. He compared blasphemy to bull-fighting, “haemophilia” – by which he meant gory, sensationalist literature, “sicalipsis” – picaresque eroticism, and the *género ínfimo* – a form of cheap, cabaret-style theatre, which “can all be summarised in one word: INCIVILITY (sic)”.⁶⁸ His ideas were shared by José Vilalta Comes who, drawing on crowd psychology, depicted the urban masses as showing a “complete absence of conscious will” which was the result of poor education in rural areas and only knew how to “exteriorise their feelings through blasphemy” at visits to bullrings. Only better education would transform the weak-

63 *El Poble Català*, June 17, 1909.

64 On the activities of the Lliga del Bon Mot, e.g. *Apuntes para la historia de la cultura del lenguaje (1908–1912)* (Barcelona: P. Sanmartí, 1913); *Lliga del Bon Mot, 1908–1918: report* (Barcelona: A. Artís, 1918). The only biography of Aragó is Josep M. Mas i Solench, *Ivón L’Escop i la Lliga del Bon Mot* (Barcelona: La Formiga d’Or, 1992), but see also Joaquim Capdevila i Capdevila, “Noucentisme i Festes Cívils de la Llengua Catalana: les Festes del Bon Mot i la Diada de la Llengua Catalana de 1916,” *Urtx: Revista cultural de l’Urgell* 16 (2003) and Reis Fontanals, “Ivón L’Escop i la Lliga del Bon Mot,” *Haidé* 8 (2019).

65 E.g. Ivón L’Escop [Ricard Aragó], *La paraula viva: com entren els mals mots en nostres llengües vives, com poden ésser fàcilment eliminats* (Barcelona: Políglota, 1924).

66 E.g. *La Veu de Catalunya*, July 9, 1909.

67 *Ibid.*, July 5, 1909.

68 *Ibid.*, July 20, 1909.

willed and thereby eradicate “collective blasphemy”.⁶⁹ Such critiques responded to the moralising drive by Antonio Maura’s conservative government, which had included new legislative restrictions on bull-fighting, and expressed anxiety at the proliferating theatres, cabarets and café-concerts in Barcelona.⁷⁰ They were also an attack on the waves of migrants from rural areas and other regions that were swelling the ranks of the urban working class.⁷¹ The fears soon became very real. Two weeks later Barcelona – as well as towns across Catalonia – was the scene of a revolt that lasted for several days and was accompanied by widespread anticlerical and iconoclastic violence.

Barcelona: The Tragic Week

Two months after Méndez Alanís’ campaign was launched in Madrid, Barcelona was shaken by what became known as the “Tragic Week”. On Monday July 25, following days of rallies and demonstrations, the city was the scene of a general strike called to protest the departure of local reservists to fight in Spanish-occupied Morocco. The calm but tense situation in the morning escalated into clashes between strikers and the police, and martial law was declared at four o’clock. Events soon moved beyond the control of the strike committee. The following day barricades appeared in the streets and would-be revolutionaries engaged in shoot-outs with the security forces. A wave of anticlerical violence began with the torching of the Marist school in Poble Nou district. That evening, residents of the city sat on the rooftops and observed a skyline illuminated by the fires of burning religious buildings, including convents, churches, schools, welfare institutions and workers’ circles. The next few days were characterised by further bouts of anticlerical rioting and sporadic shootouts between the security forces, who were too few in number to impose their authority, and those who had access to weapons. The arrival of reinforcements marked the end of the revolt and relative normality returned by the end of the week.⁷² Barcelona was the epicentre, but uprisings and anticlerical violence occurred across Catalonia.⁷³

⁶⁹ *La Publicidad*, July 11, 1909.

⁷⁰ Adrian Shubert, *Death and Money in the Afternoon: A Social History of the Spanish Bullfight* (Oxford: Oxford University Press, 1999), 105 and 173. For similar anxieties in Madrid, see Pallol Trigueros, “La lucha por la calle.”

⁷¹ See Chris Ealham, *Class, Culture and Conflict in Barcelona, 1898–1937* (London: Routledge, 2005), 13.

⁷² The classic studies are Joan Connelly Ullman, *Tragic Week: A Study of Anticlericalism in Spain* (Cambridge, MA: Harvard University Press, 1968) and Romero Maura, *La rosa de fuego*. Re-

The recent emphasis on Tragic Week as a “polyhedral,” multifaceted event irreducible to an anticlerical revolt should not overlook the centrality of anticlericalism and iconoclasm to the use of violence, for it overwhelmingly targeted Church property, primarily religious buildings and their contents.⁷⁴ Bands of attackers broke into churches, convents and religious schools, desecrated liturgical objects and religious sculptures, and set fire to buildings. One common technique was to collect religious images and burn them in a pyre in front of, or inside, the church. Other sacrilegious episodes included an “arsonist [who] dressed in an alb and danced amongst the revolutionaries as they sang encouragement,” and the infamous act of disinterring the mummified remains of female religious from several convents. Some were paraded in a mock religious processions and others dumped in the street for the eyes of passers-by who dared to venture out.⁷⁵ Less common was anticlerical violence meted out on the bodies of the living. Three male religious figures lost their lives during the Tragic Week. Two were shot and a third died of the stress and suffocation he suffered while hiding in the basement as his parish church burned above him.

The severity and widespread nature of physical violence meant that verbal assaults on the sacred were not accorded a prominent place in testimonies of the Tragic Week. It is therefore impossible to provide a comprehensive account of blasphemy in the Tragic Week. Yet Catholic victims or witnesses to anticlerical violence often remarked on its prevalence. Blasphemy accompanied sacrilegious acts and the use of anticlerical violence, and often featured in descriptions of the anticlerical crowd. On occasion blasphemy was described as a violent act in its own right.

Blasphemous cursing was described as a warning and augur that presaged an anticlerical assault.⁷⁶ Blasphemy formed part of the cacophonous din of anti-religious shouting that accompanied the appearance of the anticlerical mob. When the “arsonists” appeared at the school of Santa Teresa de Jesús,

cent contributions include: Dolors Marín i Silvestre, *La Semana Trágica. Barcelona en llamas, la revuelta popular y la Escuela Moderna* (Madrid: La Esfera de Libros, 2009); Josep Pich i Mitjana and David Martínez Fiol, *La revolución de Julio de 1909: un intento fallido de regenerar España* (Granada: Comares, 2019).

73 A summary in Gemma Rubí, “Protesta, desobediencia y violencia subversiva. La Semana Trágica de julio de 1909 en Cataluña,” *Pasado y Memoria* 10 (2011).

74 Rubí, “Protesta,” 248; Josep M. Pons-Altés and Miguel A. López-Morell, “Barcelona and the Tragic Week of 1909: A Crazy Mob or Citizens in Revolt?” *International Journal of Iberian Studies* 29, no. 1 (2016).

75 See Riera, *La semana trágica*, 144 and 156–7; José María Francés, *Memorias de un cero a la izquierda* (Mexico: Olimpo, 1962), 243.

76 As it was in early modern episodes of interpersonal violence. See Cabantous, *Blasphemy*, 193.

they caused “a great commotion and proffer[red] all kinds of insults and blasphemies. Amongst them were a good number of children and women”.⁷⁷ The augural quality of blasphemy was also central in the case of Ramón Usó, who was fatally shot during the attack on the church of San Magín and the Franciscan convent. Usó was the superior of the convent and one of the last to leave the building. The other friars had left to seek sanctuary in private homes after vespers. Francisco Brangulat, who accompanied Usó, recounted that groups of armed men appeared as they attempted to escape. The men “simply burst into a horrible blasphemy and fired a volley at us, mortally wounding the Superior”. They fled and managed to find refuge.⁷⁸ According to his testimony at least, uttering a blasphemy was the signal to shoot – a disinhibiting cry that facilitated the use of lethal violence.

Blasphemy also accompanied the use of physical violence. Blasphemous cries accompanied the desecration of the church of Carmen and the associated Hieronymite convent, specifically an assault on the crucifix and the throwing of the statue of the founder into the garden.⁷⁹ In a similar fashion, the church of Santa María de Taulat was assaulted amidst blasphemies, “insults and death threats,” while a woman allegedly profaned an altar in a religious school in a “repulsive and disgusting” manner while the “savage mob applauded rabidly and voiced all kind of blasphemies”.⁸⁰ For the attackers exuberant blasphemous shouting plausibly functioned as a cathartic expression of anticlerical collective identity and a further level of transgression that underlined that the world had turned upside down. For victims and witnesses, blasphemy served as oral proof of the barbarism of the attackers.

In the aforementioned episodes the violent nature of blaspheming was largely implicit, but on occasion the “horrific” sound of blasphemy was experienced as a violent act in itself.⁸¹ An attack on the Minim convent forced an eighty-six-year-old friar to leave the building whereupon he became a “victim of the brutality and ferocity of the mutinous horde who proffered the most repugnant blasphemies and insults”.⁸² Franciscan nuns departed their convent in Poble Sec “amidst howls and blasphemies” voiced by the mob.⁸³ Blasphemy as violence was most clear in the testimony of a Franciscan sister, who differen-

⁷⁷ Riera, *La semana trágica*, 192.

⁷⁸ *La Correspondencia de España*, August 20, 1909.

⁷⁹ Riera, *La semana trágica*, 128.

⁸⁰ *Ibid.*, 193 and 198.

⁸¹ *ABC*, August 21, 1909.

⁸² Riera, *La semana trágica*, 212.

⁸³ *Ibid.*, 166.

tiated between physical and verbal violence. She recalled that the sisters had been “verbally” but not physically harmed by the rioters – “what things they said, good heavens!”⁸⁴

Blasphemy was violent in a wider sense for it was an integral part of a deafening anticlerical soundscape formed not only by “infernal yelling,” but also the sacrilegious sounding of bells and the applause of those observing the destruction.⁸⁵ This was loud street theatre, in which ringing the church bells against the grain of the prescriptive rhythms of liturgical ritual and time was a further exhibition of the carnivalesque transgressive quality of anticlerical actions.⁸⁶ A female witness of the destruction of the church of San Pedro de las Puellas recalled the “deafening” sound of a mob “vociferating and gesticulating like demons in a frenzy,” characterised by “arrhythmic shouting, the striking of picks on stone, of axes and hammers on wood, of windows violently broken [...] it all reached my ears like the confused murmur of a far-away storm”.⁸⁷ The wall of discordant anticlerical sound contrasted violently with the unnerving silence of empty streets before and after the attacks.⁸⁸

The anticlerical din was central to the portrayal of the protagonists of anticlerical violence as undifferentiated members of a mob that was an unthinking, unified mass. One young man, who was initially exhilarated by the revolt before he recoiled at the anticlerical violence, later described the participants with evident revulsion as a “frenetic, screaming crowd, dancing, roaring and whipping itself up.”⁸⁹ This depiction of the mob owed much to ideas from crowd psychology circulating at the beginning of the twentieth century, which provided a “distorting mirror” that shaped the depiction of crowds as an abject, monstrous, collective other, beholden to animalistic instincts and base desires.⁹⁰ The alleged

84 The Franciscans in *El País*, August 14, 1909.

85 Bells and the quotation in *El Siglo Futuro*, August 18, 24, 1909; applause in *El País*, September 28, 1909.

86 On the transgressive, performative dimension of anticlericalism during the Spanish Civil War, see Mary Vincent, “‘The Martyrdom of Things’: Iconoclasm and its Meanings in the Spanish Civil War,” *Transactions of the Royal Historical Society* 30 (2020).

87 *El País*, August 25, 1909.

88 For the din, e.g. Miguel Roura y Pujol, *Incendio, destrucción y rehabilitación del templo parroquial y casa rectoral de San Martín de Provencals (Clot)*, Barcelona: impresiones del reverendo don Miguel Roura (Barcelona: La Hormiga de Oro, 1910), 12. Silence in Widow of Trias, “Ocho días en Barcelona: apuntes para la historia de la revolución de 1909,” undated manuscript, Arxiu històric de la ciutat de Barcelona, shelfmark b299; *El País*, August 4, 1909.

89 Francés, *Memorias*, 241.

90 The image of the mirror in Susan Barrows, *Distorting Mirrors: Visions of the Crowd in Late Nineteenth-Century France* (New Haven: Yale University Press, 1981). Other key texts include:

mastermind behind the mob was Francisco Ferrer, a libertarian educator and bohemian, who was framed in the aftermath of the Tragic Week. Ferrer had neither planned nor participated in the events, yet he was executed for the crime of “rebellion”. The vilification of Ferrer leaned heavily on ideas of contagion and suggestion underpinning crowd psychology, according to which Ferrer had incited the unthinking crowds to revolt.



Fig. 18: The church at the Hieronymite convent in Barcelona after the Tragic Week. Photo by Frederic Ballell. Kindly reproduced by the Arxiu Fotogràfic de Barcelona.

Ferrer was the most prominent victim of the state response to the Tragic Week – and the subject of an international campaign in his defence – but many others faced the wrath of state repression. Three thousand were arrested and over 700 judicial investigations were opened, which implicated over 1700 individuals. Nearly 60 were sentenced to life in prison and 17 sentenced to death, of which

Robert Nye, *The Origins of Crowd Psychology: Gustave Le Bon and the Crisis of Mass Democracy in the Third Republic* (London: Sage, 1975); Jaap Van Ginneken, *Crowds, Psychology and Politics, 1871–1899* (Cambridge: Cambridge University Press, 1992); Stefan Jonsson, *Crowds and Democracy: The Idea of the Masses from Revolution to Fascism* (New York: Columbia University Press, 2013). Spain is not well served by this literature.

five sentences were carried out.⁹¹ Although anticlericalism had been the salient characteristic of violence during Tragic Week, the pressing matter for prosecutors was the threat to state authority and prosecution of participants focused on the crime of “rebellion”. José Miguel Baro and Clemente García, two of the five executed, were convicted for rebellion rather than their anticlerical acts. Baro stood accused of leading rioters in San Andrés de Palomar, burning the church, building barricades, attacking the Civil Guard and the illegal possession of arms.⁹² García, who had danced with mummified remains in the streets, was charged with rebellion for having helped construct a barricade and with the profanation of a cadaver, rather than for an offence against religion.⁹³ When the regional press carried news over the following months of participants in the Tragic Week on trial, it was usually for rebellion. The crime of rebellion superseded that of blasphemy and even sacrilege, which was a matter to be judged in civil courts.⁹⁴

The scale of anticlerical and iconoclastic destruction facing the Catholic Church meant that blasphemy was far from the focal point of attempts to understand what had happened. If it were mentioned, it was limited to a symptom of apostasy and by extension the erosion of civilised behaviour. The Social Defence Committee – an organisation created in 1903 to defend Catholicism and conservative, elite politics – singled out the anticlerical violence as divine punishment for the “sin of blasphemy, so widespread and deeply-rooted,” but criticism generally focused on the fury of the mob and, in particular, the propagation of secular or anticlerical beliefs, especially through schools like Ferrer’s “Modern School”.⁹⁵ Pastoral letters depicted the Tragic Week as an inexplicable, satanic insurrection against God perpetrated by a furious mob drawn from the dregs of society, while politicians of the conservative, Catalanist Lliga Regionalista directly accused the “moral perversion” engendered by freethinking, rationalist schools and the “suggestive words” pronounced by Republican populist politicians at rallies, drawing again on psychological theories that emphasised how crowds could be swayed and controlled by manipulative leaders. The wave of anticlerical violence encouraged both Lliga Regionalista politicians and the republican, anticlerical newspaper *El Diluvio* to lament the backwardness of Catalan society through comparing Barcelona to the Balkans and Turkey respectively,

⁹¹ Eduardo González Calleja, *La razón de la fuerza: orden público, subversión y violencia política en la España de la Restauración (1875–1917)* (Madrid: CSIC, 1998), 438.

⁹² *La Vanguardia*, August 18, 24, 1909.

⁹³ Ullman, *Tragic Week*, 291.

⁹⁴ *Ibid.*, 285.

⁹⁵ *La Vanguardia*, September 8, 1909.

and asking why Catalonia could not resolve its political problems like the British or the Swiss, rather than expressing them through “African passions”.⁹⁶ The Tragic Week had served to underline regenerationist fears of backwardness on the Catalan side of the Pyrenees, just as blasphemy periodically did across Spain as a whole.

One writer already had blasphemy on his mind, however. Ramón Rucabado returned to the themes he had developed in his criticism of Alomar and described the Tragic Week as the “apotheosis” of social vice, the rise of individualism, egotism and an indifference towards society that had its roots in an influx of newcomers to the city. Echoing Vilalta Comes, Rucabado alleged that migrants’ incomprehension of the dynamics of social life in the metropolis had led to hatred, poor speaking ability, protest and blasphemy. Blasphemy was therefore a symptom of the supposed atavism of the those who had migrated to the Catalan capital over the preceding decades, which had laid the foundations for the Tragic Week.⁹⁷ Explicitly linking curses heard in the street to the iconoclastic violence of the Tragic Week, he warned that “we have seen that it is not a large step from blasphemy-as-verb to blasphemy-as-act”.⁹⁸ Recasting iconoclastic destruction as the physical manifestation of blasphemy was distinctive and a means of drawing a clear link between the ills of modern society and anticlerical acts. Despite the proliferation of pious anti-blasphemy initiatives, blasphemy was not at the forefront of concerns in the wake of the Tragic Week. Instead, it was simply one dimension of a discussion heavily shaped by theories of crowd psychology, which, like in Madrid in May, revealed interwoven anxieties concerning vulgar manners, popular culture, mass society and urban space.

The Sound of Blasphemy in Early Twentieth-Century Spain

Neither the anti-blasphemy campaign in Madrid nor the events of the Tragic Week constituted a particular watershed in the history of blasphemy. Over the following years, mayors and civil governors continued to publish circulars and

⁹⁶ See *Boletín Oficial Eclesiástico del Obispado de Barcelona*, August 12 and 23, 1909; for Torras i Bages’ pastoral, “La gloria del martiri,” September 1, 1909, see *La Veu de Catalunya*, September 18, 1909; *El País*, August 20, 1909; *El Diluvio*, August 3, 4, 1909.

⁹⁷ *La Veu de Catalunya*, August 26, 1909. On labour conflict in this period, Ealham, *Class*, 13.

⁹⁸ *La Veu de Catalunya*, August 26, 1909.

broad­sides that sought to curtail blasphemy. Three years after Méndez Alanís' campaign, his replacement as the Chief of Police in Madrid issued a circular demanding that his predecessor's anti-blasphemy measures be upheld and the Catholic press continued to publicise incidents in which blasphemers were punished by the police and courts.⁹⁹ Meanwhile, the work of the Lliga del Bon Mot had only just begun. Over the coming years it organised rallies and published a range of printed material. Linking blasphemy to morality, and indeed to *piropos*, also continued. The 1928 Penal Code introduced by the authoritarian, corporatist and Catholic Primo de Rivera dictatorship (1923–1930) placed *piropos* and blasphemy in articles side by side in a section on offences against public morality.¹⁰⁰

The criticism of blasphemy in 1909 cannot be divorced from the wave of Catholic mobilisation that began in 1906, when a Liberal government tried and failed to place restrictions on religious communities. The machinery of Catholic Action moved quickly into gear. Ministries were inundated with petitions and women played a particularly active role in defending the Church.¹⁰¹ The resultant government crisis led to the return to government of the Conservative party under the leadership of Antonio Maura, who sought to strengthen the monarchy and Catholic morality in Spain, with the support of the ecclesiastical hierarchy.¹⁰² This favourable context stimulated Catholic organisations and initiatives, including agrarian unions, “social weeks,” associations to promote the “good press” and other initiatives to combat anti-religious propaganda. Yet discussion of blasphemy cannot be reduced to Catholic organisations and their activism, for blasphemy was a vice deplored not only by the Catholic Church, but also by writers of a more liberal persuasion. Even if the latter defended Spaniards' right to curse God, they nevertheless deplored blaspheming as a dirty habit. Blasphemy was therefore a social and moral problem.

During the first decade of the twentieth century, blasphemy was seen as a symptom of Spain's backwardness and concentrated fears about an emerging mass urban society. It was associated, above all, with the urban working class and poor, particularly the crowds in the streets of Madrid, but also forms of mass entertainment, including bull-fighting and popular theatre. While an urban phenomenon, the association of blasphemy with atavism meant that its roots were identified in the alleged lack of culture and education of a rural soci-

⁹⁹ *El Siglo Futuro*, June 17, 1912; *El Restaurador* (Tortosa), March 13, 1913.

¹⁰⁰ *Gaceta de Madrid*, September 13, 1928.

¹⁰¹ See Cueva, *Clericales*; Louzao Villar, *Soldados*; Inmaculada Blasco, “Identidad en movimiento: la acción de las ‘católicas’ en España (1856–1913),” *Historia y Política* 37 (2017).

¹⁰² A summary of this period in Javier Moreno Luzón, *Modernizing the Nation: Spain during the Reign of Alfonso XIII, 1902–1931* (Eastbourne: Sussex Academic Press, 2012), chapters 1 and 2.

ety that formed the backbone of large-scale immigration to Madrid and Barcelona in the early twentieth century. These concerns about mass society were inflected with ideas drawn from crowd psychology, social hygienism and degeneration theories. Commentators advocated abstention from blaspheming through self-control in order to safeguard the linguistic and moral health of society from pollution. Denouncing blasphemy thus fixed the urban masses as a focus of anxiety and cast the working classes as an abject other, even if the right to blaspheme was acknowledged.

Blasphemy was therefore a cultural construct deployed by commentators critical of the state of Spain in the early twentieth century. But blasphemy was also a tangible act of speech and its opponents founded their criticism in a claim to capture the sound of the streets. How the urban masses *spoke* was therefore the object of anxiety. Petitions to civil governors and mayors for anti-blasphemy campaigns were rooted in the experience of both the urban soundscape and anticlerical agitation. The sound of blasphemy is particularly important in the context of the Tragic Week. Blasphemy functioned as a disinhibiting cry that facilitated violence. Blasphemy was also the nightmarish assertion of anti-religious identity that heralded the use of physical force. The deafening din of the anticlerical mob – a menacing, all-encompassing soundscape that included blasphemous yelling and sacrilegious bell-ringing that violated the rhythms and sound of liturgy – was also a form of sonic violence that assaulted the ears, provoking anguish in priests and religious fleeing the scene and providing acoustic confirmation of a world turned upside down.

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Manfred Sing

10 The Politics of Religious Outrage: The *Satanic Verses* and the Ayatollah's Licence to Kill

When on February 14, 1989 the Ayatollah Ruhollah Khomeini (1902–1989) called on “the valiant Muslims of the world” to execute Salman Rushdie (b. 1947) and the publishers of his book *The Satanic Verses*, this caught the writer himself, politicians, and the general public completely unawares. The call to murder, better known as a “fatwa,” came when the book had already been banned in several countries with Muslim populations, but not in Iran itself. It had been published in Britain five months earlier, in September 1988, and had caused quite a stir before this event, partly as a result of newspaper interviews with Rushdie. After only a few weeks, organised resistance from Muslims began to emerge, mainly in England, Pakistan, and India. Khomeini's interference contributed significantly to this escalation and thus created the “Rushdie affair.” This was a global crisis that hardly any state, international organisation or cultural association could escape; a polarisation of the public debate that ran through British and Western European societies as well as through migrant communities, enabling a politicisation of young Muslims.¹

This chapter analyses the protests and then examines what Muslims considered blasphemous about Rushdie's work. It also explains the legal background for the accusations in Britain, Iran, and in Islam in general. Then, the chapter focuses on the form and content of Khomeini's call for murder which cannot be meaningfully explained simply in the context of blasphemy or Islamic law, which has hitherto been the orthodox approach. Khomeini's text first made the terms *Ayatollah* and *fatwā* known to the non-Islamic world, although, curiously enough, the “death fatwa,” as it came to be called in the media, did not fulfil the essential criteria of a *fatwā*.² Since a *fatwā* actually represents a non-binding legal opinion, it remained difficult for the general public and experts

¹ Mobeen Azhar, “Salman Rushdie radicalized my generation,” *BBC*, February 14, 2019, accessed November 20, 2020, <https://www.bbc.com/news/stories-47225607>.

² In the following, I write *fatwā* to indicate a legal opinion, but “fatwa,” when Khomeini's text is described.

Note: This is the extended version of my habilitation lecture that I presented at the University of Basel on May 23, 2019.

to understand on what basis Khomeini had issued an order to kill. Neither was this accepted by Sunni authorities, although they were mostly in favour of banning the novel. Nor did any other state support the call for murder. I therefore argue here for a reinterpretation of the “fatwa,” historically with reference to the profound state crisis in Iran in 1988/89 and philosophically with reference to the work *Homo Sacer* by the Italian philosopher Giorgio Agamben and his idea of “bare life.”³ The focus thus shifts from the religious problem of blasphemy to the political problem of Islamic sovereignty – a sovereignty that reduced Rushdie’s existence to “bare life,” that may be taken away. This re-interpretation is intended to capture not only Khomeini’s claim to political authority in Iran, but also a Muslim transnational self-empowerment beyond the state. The aim is to show that the accusation of blasphemy was not only used to legitimatise acts of violence and vigilante justice, but that it was a vehicle of political mobilisation.

Protests, Bans and Violence

In retrospect, the call to murder seems like a catalyst for the murder of filmmaker Theo van Gogh in 2004; the controversy over the Muhammad cartoons in the newspaper *Jyllands-Posten* in 2005; and the deadly attack on the satirical magazine *Charlie Hebdo* in 2015. Thus an aggressive cat-and-mouse game established itself, with Muslims complaining of blasphemy and racism amidst critics of Islam spreading religious slurs. Both sides would try to claim the protection of the law for their own purposes. While political scientist Kenan Malik draws a line from *fatwa* to *jihād*, Hamid Dabashi links the Rushdie controversy to the beginning of Western Islamophobia.⁴

Regardless of which interpretations the commentators on the 30th anniversary of the “fatwa” followed, they often saw the “Rushdie affair” as a harbinger of the “clash of civilisations” firstly described by Samuel P. Huntington in an ar-

³ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press, 1998).

⁴ Kenan Malik, *From fatwa to jihad: The Rushdie Affair and its Legacy* (London: Atlantic Books, 2009); Hamid Dabashi, “The Salman Rushdie Affair: Thirty Years and a Novelist Later,” *Al-Jazeera*, February 19, 2019, accessed November 20, 2020, <https://www.aljazeera.com/indepth/opinion/salman-rushdie-affair-years-novelist-190217140017088.html>; idem, “The Life and Death of Salman Rushdie, Gentleman Author,” *Al-Jazeera*, October 17, 2017, accessed November 20, 2020, <https://www.aljazeera.com/opinions/2017/10/17/the-life-and-death-of-salman-rushdie-gentleman-author>.

ticle in 1993. This – if it is supposed to mean a conflict between Islam and the West – did not take place largely because the forces on both sides were by no means united. Many Western politicians, Christian dignitaries and literary associations were reticent in their solidarity with Rushdie and even accused him of violating the historical record of early Islam in an “ethically problematic” way.⁵ In contrast, a large number of writers of Muslim origin showed solidarity with Rushdie because they understood that it was important to be “earnest about Salman Rushdie” as they knew about censorship and accusations of blasphemy all too well.⁶

The first victims of assassins were probably the Saudi imam of the Brussels Central Mosque, ‘Abdallah al-Ahdal, and his Tunisian librarian, who were shot on March 29, 1989, after the imam had criticised Rushdie’s work but rejected Khomeini’s call for murder.⁷ Two years later, the Japanese translator Hitoshi Igarashi was stabbed to death and the Italian translator wounded. In 1993, the Norwegian translator was injured and 37 people died at a cultural festival in the Turkish town of Sivas, when a crowd set fire to a hotel, trying to get hold of the writer Aziz Nesin (1915–1995), who had announced that he wanted to translate Rushdie’s novel. Additionally, there were several threats against publishing houses and attempted and successful bombings of book stores before and after Khomeini’s “fatwa.” As early as October 1988, the work was banned in India, followed by further bans in Pakistan, Bangladesh, Saudi Arabia, Egypt, Sudan, Somalia, South Africa, Qatar, Malaysia and Indonesia until the end of 1988.

The question of when death threats were first made against Rushdie has not yet been sufficiently clarified. A march by 7,000 Muslims in the northern English city of Bolton on December 2, during which a copy of the *Satanic Verses* was reportedly burned, is usually considered as the first anti-Rushdie demonstration. When demonstrators gathered in Bradford on January 14, 1989, again on the provocative pretext of burning books and a Rushdie puppet, this time in a previously advertised manner, there were enough cameras on the ground to get the protesters’ message across. Further large-scale demonstrations followed in London and Islamabad. The fact that the first copies of the novel were to be delivered in the USA in February 1989 provoked a mass demonstration in front of the Amer-

5 Anshuman A. Mondal, “‘Representing the Very Ethic He Battled’: Secularism, Islam(ism) and Self-Transgression in *The Satanic Verses*,” *Textual Practice* 27, no. 3 (2013): 419.

6 Sadiq al-Azm, “The Importance of Being Earnest about Salman Rushdie,” *Die Welt des Islams* 31, no. 1 (1991). For pledges of solidarity with Rushdie see Abdallah Anouar, *For Rushdie: Essays by Arab and Muslim Writers in Defense of Free Speech* (New York: Braziller, 1994).

7 “The Satanic Verses: A Chronology,” *Index on Censorship* 37, no. 4 (2008): 146, accessed November 20, 2020, <https://www.tandfonline.com/doi/abs/10.1080/03064220802507179>.

ican Cultural Center in Islamabad, in which the first deaths among the demonstrators occurred.⁸



Fig. 19: Muslim protesters organised a book burning at an anti-Rushdie demonstration in Bradford in January 1989, attracting international attention to their cause and provoking a public outcry in liberal media. Photo courtesy of Guzelian Ltd.

It is not clear what knowledge Khomeini had of the novel. It is possible that his advisors gave him some passages or a summary in Persian. Since Khomeini was an enthusiastic radio listener, it is also possible that he heard the review of the work on Iranian radio. He may also have judged, as other opponents of Rushdie did, without any deep knowledge of the novel. There is even an unverifiable story

⁸ The death toll among demonstrators and security forces in various countries cannot be determined exactly, but is estimated to be at least two dozen.

that a mollah allegedly collected incriminating passages in a 700 pages dossier at the end of 1988 and brought it to Khomeini, who refused to ban the book, saying “it is not worth replying to this sort of thing.”⁹

The Politics of Blasphemy Allegations

The so-called “Rushdie affair” provoked a whole series of studies on blasphemy, which highlighted the astonishment that an outdated offence suddenly reappeared – “like a dud from an earlier wartime that could suddenly go off,” as the scholar of religious studies Hans Kippenberg rightly notes.¹⁰ It is significant that the controversy has become inexorably linked to Rushdie’s name, as if he were ostensibly the culprit. Nonetheless Khomeini’s call to murder is the key to the “Rushdie affair” since the “fatwa” intensified the protests and gave apparent legitimacy to them, although it did not spark them. It is therefore highly problematic that the affair is inscribed into a history of blasphemy “from Moses to Salman Rushdie,” by the historian Leonard Levy, who dedicated only a few lines on Khomeini’s “infamous legal judgement.”¹¹ He justified this, somewhat naively, arguing that “the riots, book burnings and bannings, state-sponsored terrorism, diplomatic crises, and death edicts command no attention here, only the blasphemy.”¹² Levy also does not discuss what exactly can be considered “blasphemous” in Rushdie’s novel, but reproduces the contemporary public discussion on the question of whether a new British blasphemy law should be extended to all religions, or whether this would unacceptably curb the freedom of expression. In his *A Brief History of Blasphemy*, the writer Richard Webster stated that “Rushdie’s intention was to use blasphemy as a way of attacking unjustifiable forms of political and religious rigidity” in the name of freedom.¹³ Webster argued against such a right to blaspheme and against the liberal

9 Moin, who tells this story, quotes a “private source” who renders Khomeini’s words as follows: ‘The world has always been full of lunatics who have talked nonsense. It is not worth replying to this sort of thing. Do not take it seriously.’ See Baqer Moin, *Khomeini: Life of the Ayatollah* (London/New York: I.B. Tauris 1999), 283 and footnote 30.

10 Hans G. Kippenberg, “Die Kontroverse um Salman Rushdies *Satanische Verse* und der aktuelle Rechtsdiskurs über Blasphemie,” in *Religionskonflikte im Verfassungsstaat*, ed. Astrid Reuter and Hans G. Kippenberg (Göttingen: Vandenhoeck & Ruprecht, 2010), 260.

11 Leonard W. Levy, *Blasphemy: Verbal Offense against the Sacred, from Moses to Salman Rushdie* (Chapel Hill, NC: Alfred A. Knopf, 1993), 562.

12 *Ibid.*

13 Richard Webster, *A Brief History of Blasphemy: Liberalism, Censorship and ‘the Satanic Verses’* (Southwold: Orwell Press, 1990), 33.

plea to abolish blasphemy laws, “which would almost certainly leave the Muslim community in this country, as well as other religious minorities, feeling more precarious and more threatened.”¹⁴ Webster presupposed that Rushdie’s work was blasphemous since “words *do* wound, insults *do* hurt, and abuse – especially extreme and obscene abuse – *does* provoke both anger and violence.”¹⁵

However, even if some passages of Rushdie’s novel or indeed the whole work have aroused the indignation of the faithful, the passages were and are not punishable according to current legal understanding. The attempt by British Muslims to bring Rushdie to trial for blasphemy and have the book banned failed for the simple formal reason that the blasphemy legislation only protected the Anglican Church of England. At the European level, the Commission for Human Rights saw no indication in this case that the granting of freedom of religion would require state intervention to protect people from offensive statements.¹⁶ Ever since the criminal law reforms of the late 1960s, legislation in many European countries has come to conceive state-sanctioned “blasphemy” as anomalous in modern criminal law. It has ceased to be a criminal offence, and it is no longer punishable to simply hurt the believers’ feelings.¹⁷ The former offence of “blasphemy” has now been restricted to revilement and turned into an act that must have the potential to disturb public peace.

After long discussions in the UK since the 1960s, common law offences of blasphemy and blasphemy libel with regard to the Church of England were finally abolished in England and Wales (2008) and Scotland (2021). These offences have been, *de facto*, replaced by a more comprehensive legislation that criminalises the instigation of racial and religious hatred. Even under the new law, Rushdie’s novel would not and cannot be charged as hate speech. (Strangely enough, even a distant observer such as Kippenberg does not explicitly draw this conclusion in his article.) The vilification of religions and religious people is only punishable, if it is intended thereby “to stir up religious hatred” (according to the Racial and Religious Hatred Act 2006), or if the disparaging talk is “likely to disturb the public peace” (as in Article 166 of the German Criminal Code).

Two problems continue to exist with this reformulation. Firstly, there remains a grey area of interpretation because the transgression of punishable remarks happens somewhere between a disparaging critique of religion and dragging it maliciously into the dirt. The second problem is the attribution of the acts of a “third party”. This means that it is different from a legal definition of wheth-

¹⁴ Ibid., 31.

¹⁵ Ibid., 129.

¹⁶ Kippenberg, “Die Kontroverse,” 270–272.

er public peace is disturbed by a provocator, who instigates his followers against a faith, or whether riots are brought about by the followers of the defamed religion in order to have a provocator punished. While in theory revilement should legally only apply to the first case, the dividing line is not always obvious. In Rushdie's case, the book bans in many countries practically followed the second understanding of upholding public order.¹⁷

Resulting from these two fundamental problems there remains an enduring discussion of whether "religious peace" deserves a special status which offers legal protection. Should the respective article be maintained or extended? Or are other criminal offences – such as insult, incitement of the people, and hate crime – sufficiently clear and robust to ensure public peace and incitement laws should therefore (paragraph 166 in the German example) be abolished?¹⁸ The majority position is until now that paragraphs, which sanction the abusive insult of religious creeds, should be maintained with a narrow interpretation for the sake of upholding public peace.¹⁹ In view of the 2020 murder of the French teacher Samuel Paty, who had discussed the Muhammad cartoons in his school class, the voices of those criminal law experts, who call for the complete abolition of the "blasphemy" paragraphs have again grown louder. In their view, blasphemy gives some kind of – though unintended – legitimacy to the actions of assassins.

The underlying problem is that the State has retreated to a position of simply protecting public peace and no longer decides on the intricacies of blasphemy as such. It is therefore incumbent on the religious communities to indicate the need for political and legal action – the louder they do this, the more urgent a case appears. It was undoubtedly true that many believers found Rushdie's novel offensive. Their criticisms ranged from suggesting Rushdie was engaged upon the falsification of Islamic history, of obscenity, of mixing the sacred and the profane, and disturbing the public peace to accusations that Rushdie was a racist or religious traitor or even Satan himself. The British Muslim intellectual Shabbir

17 Before the novel was published, Salman Rushdie had expressed his lack of understanding for such a view, stating: 'It would be absurd to think that a book can cause riots.' Quoted by Malise Ruthven, *A Satanic Affair: Salman Rushdie and the Rage of Islam* (London: Chatto & Windus, 1990), 86–87, and Malik, *From Fatwa to Jihad*, 1.

18 In German law, these are the Articles 185 (insult), 139 (incitement of the people) and 46 (hate crime). For the debate and the arguments of both sides, see for example Friedmann Eißler, "Einführung," in *Blasphemie und religiöse Identität in der pluralen Gesellschaft*, ed. Friedmann Eißler (Berlin: Evangelische Zentralstelle für Weltanschauungsfragen, 2018).

19 See for example Martin Heger, "Brauchen wir ein Blasphemiegesetz," in *Blasphemie und religiöse Identität*, ed. Eißler.

Akhtar expressed a widespread sentiment in 1989, when he argued that “anyone who fails to be offended by Rushdie’s book ipso facto ceases to be a Muslim”; for him, self-defence was a necessity because without “an internal temper of militant, but constructive wrath” Islam would decline like Christianity, unable to safeguard its heritage in a hostile environment – which was obviously represented by Salman Rushdie.²⁰

In Kippenberg’s analysis, the controversy was a result of secular law: By contributing to making religious diversity possible, it also contributed to sharpening the ambivalence of religious commitment in a secular and multireligious society.²¹ It thus has created a space for conflicts, in which religious communities use the concept of blasphemy, which legal discourse has to re-translate into secular terms.²² This interpretation misses an important point of the controversy, namely the strong polarisation of society and the politicisation of public debate. Kippenberg’s focus underestimates the politics of religious outrage, which came into conflict with “liberalism’s holy war” for unrestricted free speech.²³ The debate about the *Satanic Verses* became so polarised precisely because the blasphemy allegations were connected to other pressing issues. As the blasphemy accusations did not occur in an empty space, the debate immediately turned to a meta-level of discussion, asking the questions of what is considered as blasphemy and what rights minorities have.

The limitation of Kippenberg’s view about the role of religion in a secular frame becomes more obvious when compared to a more politicised reading of the affair, in which Islam is pitted *against* the secular frame or against the absolute freedom of speech. For thinkers in the tradition of Talal Asad and Saba Mahmood “the secular” is a constellation characterised by an anti-Islamic bias and an inherent violence – a constellation that is unable and unwilling to protect the religious common good.²⁴ Webster, for his part, argued that Rushdie and his supporters failed to subvert repressive orthodoxies because they themselves repre-

20 Shabbir Akhtar, *Be Careful with Muhammad! The Salman Rushdie Affair* (London: Bellew Publishing, 1989), 102. “The Muslim response to Rushdie has successfully challenged the cultural and mental imperialism of the occidental mind.” *Ibid.*, 105.

21 Kippenberg, “Kontroverse,” 286.

22 *Ibid.*

23 Webster, *A Brief History*, 45.

24 See Asad’s and Mahmood’s treatment of the Danish cartoons: Talal Asad, “Free Speech, Blasphemie, and Secular Criticism,” in *Is Critique Secular? Blasphemy, Injury, and Free Speech*, by Talal Asad, Wendy Brown, Judith Butler, and Saba Mahmood (Berkeley, CA: University of California Press, 2009); Saba Mahmood, “Religious Reason and Secular Affect: An Incommensurable Divide?,” in Asad et al., *Is Critique Secular?*. In these articles Rushdie is only mentioned once in passing by Asad, “Free Speech,” 20.

sented the liberal orthodoxy of free speech that had no liberating, but “disastrous consequences.”²⁵ Rushdie’s attack on fundamentalism “had precisely the opposite effect.”²⁶ Instead of weakening oppressive power structures, Muslims closed their ranks, and the book “was seized upon by Khomeini to help to shore up his shaky regime.”²⁷

In his analysis of Rushdie’s novel in 1990, the anthropologist Talal Asad did not distinguish between what or whom Rushdie insulted, who felt offended, what the media debated, and who used the book for what purpose.²⁸ He simply attributed the various levels of the controversy to Rushdie himself, who stood for Western secular modernity and its “imperializing projects.”²⁹ Likewise, Webster believed that Rushdie’s novel “is the latest battle” in the long history of tensions between the West and Islam; thus, the novel transferred tropes of Christian anti-semitism to Muslims and used Western forms of Orientalist prejudices against Islam.³⁰

Asad claimed that the book was deliberately insulting to Muslims, and he demanded that “the basic identity of Muslim immigrants should be legally protected against wanton attacks.”³¹ Thus, Asad blurred the difference between Rushdie’s possibly denigrating picture of “Mahound” and racist attacks at Muslims. Asad held that the liberal media allowed the Muslim demands for a ban of the book to appear as “completely crazy” or “unacceptable foreign,” when they debated the demand for a ban in “hysterical terms” as censorship and the destruction of British freedoms and thus “virtually criminalized” it.³² Webster added that before the “fatwa,” Muslims’ feelings were ignored, and after it, the “fatwa” was used as a pretext for doing so.³³

25 Webster, *A Brief History*, 88 and 89.

26 *Ibid.*, 33.

27 *Ibid.*

28 Talal Asad, “Ethnography, Literature, and Politics: Some Readings and Uses of Salman Rushdie’s *The Satanic Verses*,” *Cultural Anthropology* 5, no. 3 (1990). Reading Asad’s treatment of the controversy, one wonders whether his later critique of secularity in *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, CA.: Stanford University Press, 2003) had not started as a critique of Rushdie’s novel.

29 Asad, “Ethnography,” 239. Also compare to Akthar’s quote in footnote 21.

30 Webster, *A Brief History*, 36–38, 97 and 141.

31 Asad, “Ethnography,” 247.

32 *Ibid.*, 247, 244 and 259. Note that Asad interprets the fact that British Muslims could not legally enforce a ban of the book as a potential criminalisation of British Muslims.

33 Webster, *A Brief History*, 131.

Although Asad noted the fact that Muslims were far from being united in several respects,³⁴ he did not apply his insight to their views on blasphemy. Rather, he held that Rushdie's readers were either "Western" readers or "the most Westernized" of Muslims since the novel "as a whole reproduces that post-Christian approach to textuality."³⁵ Asad dissociated Rushdie from an ordinary or authentic Muslim non-Western Other, whose experiences found no expression in Rushdie's novel.³⁶ He also tried to alienate him from his progressive readers by stating that the novel was not as sufficiently post-modern, post-colonial, feminist, class-conscious or culturally diverse, as it claimed to be, but rather followed a racist and anti-immigrant agenda.³⁷

Asad started his (mis-)readings of the novel with an initial blurring of categories. He claimed that Rushdie's novel represented "some of the same things anthropologists study: religion, migration, gender and cultural identity" and that the novel stood for "the classic encounter between Western modernity [...] and a non-Western Other."³⁸ Not very surprisingly, Asad found that Rushdie's work was "poor history" and "poor ethnography" – which it never aspired to be.³⁹ Asad was especially angered by the fact that Rushdie – in fact, it is not Rushdie, but one of the novel's characters – made up some religious rules that were not contained in "any Sunni canonical work."⁴⁰ It remains unclear how far the anger about fictitious passages substantiates the demand to ban the book.

For Asad, the interesting point was that Muslim immigrants who asserted themselves "not as victims but as heirs of an equal civilisation who now live permanently in the West" did not ask to be included, but made "detailed demands of the state to enable them to live out their lives in a culturally distinctive manner."⁴¹ On this basis, he suggested to read the book burnings anthropologically as a symbolic form of violence – a kind of self-defence against the secular order, as it were, – thereby stressing that the Muslim and the liberal outrages "are not equally balanced, in that Muslim immigrants [...] do not possess anything like the resources of power and violence available to the British state."⁴² Asad frankly

34 Asad, "Ethnography," 241.

35 *Ibid.*, 245 and 250.

36 *Ibid.*, 245.

37 For these points see especially *ibid.*, 254–257.

38 All quotes *ibid.*, 239.

39 All quotes *ibid.*, 253.

40 *Ibid.*, 251.

41 *Ibid.*

42 Both quotes *ibid.*, 258.

admitted that he was neither interested in the “international ramifications” of the controversy nor in radical Islamic movements, “most notably the Islamic Republic of Iran.”⁴³ He merely stated that the Muslims’ symbolic actions and the liberal outrage about it had “also become entangled with the issue of Khomeini’s shocking death threat against a British citizen.”⁴⁴

The only point that Asad is unmistakably right about is the exclusion of Muslims from the social negotiation process about the limits of public speech. Nevertheless, he did not suggest that Muslims should negotiate their own different positions with other religious, sceptical, non-religious, legal and political actors, finding viable limits of public speech critical of religions, from comedy and satire to hate speech. He simply wanted to see a ban enforced, which he considered *a priori* – given the partisan nature of the secular order – something impossible and therefore a scandalous fact *par excellence*.

Kippenberg’s, Webster’s and Asad’s positions show that blasphemy allegations in this debate are not only about religion and free speech. Rather, blasphemy allegations are a means to negotiate the essence, legitimacy, and bias of the secular order. Where Kippenberg wants to fence in religious ambivalence in the secular frame, Asad and Webster oppose the bias of the secular frame to the Muslims’ needs. Whereas the demand of inclusion can be blind to simultaneous processes of marginalisation and exclusion, the fundamental criticism of an unequal order and its underlying racism can be read at least as justification of acts of symbolic violence. Moreover, the debate also touches on the question of whether Rushdie or anyone else is entitled to speak on behalf of migrants and British Muslims. Thus, blasphemy allegations were tools to raise all of these questions about legal grey areas, social inequality, political representation, cultural rights, and power imbalances.

The Slippery Boundaries of the Text

The accusations of blasphemy usually focused on two dream sequences in Rushdie’s novel. One concerns the writing of the Quran, using the example of the Persian writer Salman al-Farisi, who is an alter ego of Rushdie; the other concerns the brothel scene in which prostitutes at the behest of the poet Baal, another alter ego of Rushdie, take on the names of the Prophet’s wives. In both cases,

⁴³ *Ibid.*, 240 and 241.

⁴⁴ *Ibid.* This passing remark is the only mention of Khomeini. Note that Asad does not correctly render the addressees of “the death threat.”

the novel itself raises the question of the boundaries between reality, fictionality, and literature.

Webster is very much concerned about Rushdie's use of violent and obscene language, "the use of sex as a form of vilification."⁴⁵ Although Webster admits that obscenity can have liberating effects, in Rushdie's case it is "brought into conjunction with the most sacred traditions of Islam" and thus simply used "to grease the dagger of insult."⁴⁶ Beyond the accusation that Rushdie sometimes uses extreme language, Webster discusses neither the sexual imagery nor its function in the novel.

Furthermore, the debate has often referred to the incident of the "Satanic verses" itself, which gave the novel its title and which in Arabic is called the episode of the 'cranes' (*al-gharānīq*). It has often been claimed that the related tradition, luridly exploited by Rushdie, is apocryphal and unhistorical.⁴⁷ The accusation is that Rushdie deviates from the interpretations of Arab exegetes and from the Prophet's biographers – as if their texts contained the historical truth – and that Muslims must find the whole incident "blasphemous and offensive."⁴⁸

However, Shahab Ahmed has meanwhile shown that there are more than 50 different lines of transmission of this episode in early Islamic literature, which is not only recounted by important Muslim historians such as al-Tabari (d. 923), but by almost all the early *ḥadīth* collectors.⁴⁹ Ahmed puts the percentage of those scholars up to the year 1200 who considered the narrative to be authentic at about 80 to 90 percent. In the period between 1200 and 1800, the rate fell to about 50:50; but not even Ibn Taymiyya (d. 1328), whose works are otherwise often used as reference points by modern Islamists, had any doubts about the veracity of the story.⁵⁰ Only since the nineteenth century have a majority of scholars considered it unhistorical and the majority of ordinary believers were not even aware of it before Rushdie's work.

The episode of the 'cranes' is a classical *topos* about the subtle temptations to which prophets are exposed at all times, but which they ward off with the help of God, as it is said, for example, in Quranic verse 22:52: "We did not send before *you* any apostle or prophet but that when he recited [the scripture] Satan in-

⁴⁵ Webster, *A Brief History*, 40.

⁴⁶ *Ibid.*, 93 and 92. For a justification of the sexual in the novel see Azm, "The Importance."

⁴⁷ See, for example, Mondal, "'Representing'," 426.

⁴⁸ *Ibid.*, 427–428.

⁴⁹ Shahab Ahmed, *Before Orthodoxy: The Satanic Verses in Early Islam* (Cambridge, MA.: Harvard University Press, 2017).

⁵⁰ Shahab Ahmed, "Ibn Taymiyya and the Satanic Verses," *Studia Islamica* 87, no. 2 (1998).

terjected [something] in his recitation. Thereat Allah nullifies whatever Satan has interjected, [and] then Allah confirms His signs, and Allah is All-knowing, All-wise.”⁵¹ According to the ‘crane’ episode a question about the ancient Arab goddesses that is still found in the Quran today was asked of Muhammad: “Have you considered Lāt and ‘Uzzā? and Manāt, the third one?” (Q 53:19–20). As a compromise offer to the Meccans, he is reported to have answered: “These are the high-flying cranes (*al-gharānīq al-‘ulā*) and their intercession is to be hoped for.”⁵² This report has not become part of the Quran because shortly afterwards, Muhammad noticed his mistake and the archangel Gabriel gave him the correct answer: “These are but names which you have coined – you and your fathers – for which Allah has not sent down any authority” (Q 53:23).

The Quran – as a strongly self-referential text – often addresses its own incomparability as a feature of divine revelation.⁵³ In doing so, it distinguishes prophetic speech from satanic whispers on the one hand and the poets’ words on the other. In Sura 26 (called “The Poets”), the poets are described as erring, lying, and aimless people: “As for the poets, [only] the perverse follow them. Have you not regarded that they rove in every valley, and that they say what they do not do?” (Q 26:224–226). In another instance, it is further declared that even if man and *jinn* were to join forces, they would be incapable of producing anything equal to the Quran: “Say, ‘Should all humans and jinn rally to bring the like of this Quran, they will not bring the like of it, even if they assisted one another’” (Q 17:88).

Therefore, the often mentioned view that Rushdie’s treatment of the Quranic text hit a sore point in Islamic theology and tore open the wound even further does not appear to be well founded from a religious-historical point of view.⁵⁴ He rather took up a central motif of the Quranic text and the Islamic tradition itself in a literary form, when exploring the boundaries between revelation, poetry, and diabolical seduction. By addressing this fluid and slippery boundary region in an ironic and self-ironic way, he was not interested in dragging the divine into the dirt, but conversely ridiculed the all-too-human use of the sublime

51 English translations according to the Online Quran Project at <http://al-quran.info>, accessed November 18, 2020.

52 According to al-Ṭabarī, whose report is quoted and analyzed by Gerald R. Hawting, *The Idea of Idolatry and the Emergence of Islam: From Polemic to History* (Cambridge: Cambridge University Press, 1998), 130.

53 Stefan Wild, ed., *Self-Referentiality in the Qur’ān* (Wiesbaden: Harrassowitz, 2006).

54 For the view that Rushdie hit a sore point see, for example, Kippenberg, “Zur Kontroverse,” 264.

divine – especially the usages of religion on the part of “mad mollahs,” lay actors, naive persons or avenging angels of all kinds.⁵⁵

The Killing Order

A great deal has been written about the accusations of blasphemy surrounding Rushdie’s novel, but comparatively little about the “fatwa” itself. The status of Khomeini’s appeal for assassination is unclear, as it not only violates human rights and international law, but is also difficult to reconcile with Islamic and Iranian law. The text was read out on Radio Tehran on February 14, 1989, published in the government press on the same day and referred to as *ḥokm*, ‘sentence.’⁵⁶ The following day, the London-based newspaper *Kayhān*, which belongs to opponents of Khomeini, published the text under the heading *fatwā*, and it became generally known by that name. It may also be that the foreign word became so quickly established in the Western media because it was suitable for identifying the unheard-of, the foreign and the new.⁵⁷ The terminological ambiguity continues to this day. In Khomeini’s collected works the term *ḥokm* is used in Persian, which is given as ‘decree’ in English. The Iranian governmental press never corrected the impression that Khomeini had issued a *fatwā*, but accepted it

55 In his careful analysis, Busse also concluded that Rushdie’s novel is a plea for Islam, but a rejection of Islamic fundamentalism as well as of a Western culture intolerant of other cultures, see Heribert Busse, “Salman Rushdie und der Islam,” *Geschichte in Wissenschaft und Unterricht* 41, no. 4 (1990): 212.

56 See Busse, “Salman Rushdie,” 193 and 212. For the text see Rūḥollah Mūsawī Khomaynī, *Ṣa-ḥīfeh-ye Imām: Majmū‘a-i āthār-i Imām Khomaynī* 21 (Tehran: Mo’assasa-i Tanzīm wa-Nashr-i Āthār-i Ḥaḍarat Imām Khumaynī, 2014), 263 and 265. The published translation reads: “In the Name of God, the Compassionate, the Merciful. ‘Verily, to Allah we belongs (sic!) and to Him we shall return.’ I would like inform the valiant Muslims of the world that the author of the book, *The Satanic Verses*, which has been written [“printed,” is missing in the translation, M.S.] and published against Islam, the Prophet and the Quran, as well as the publishers aware of its content, are sentenced to death. I request the valiant Muslims to execute them promptly wherever they found (sic!) them so that nobody else would dare to insult the sanctities of Muslims. Anyone, who would be killed in this path, is a martyr, God willing. Meanwhile, if anyone has access to the author but does not have the courage to execute him, one should introduce him to the people so that he could get the reward for introducing him. May God’s peace, mercy and blessing be upon you. Ruhullah al-Musawi al-Khomeini.”

57 The political scientist Mehdi Mozaffari pointedly, but not entirely wrongly, writes that the term became widespread due to its constant use by Western scholars of Islamic studies. Khomeini himself used the term “fatwa” only once in a press conference. See Mehdi Mozaffari, *Fatwa: Violence & Discourtesy* (Aarhus: Aarhus University Press, 1998), 48–49.

without comment, while it mostly referred to Khomeini's call to murder as his *payām*, a 'message,' in the sense of an (official) 'announcement,' just as the actual text begins: "I would like to inform the valiant Muslims..."

The text meets neither the formal nor substantive criteria of a *fatwā*, as it does not mention or answer any previously asked question, does not quote references from the Quran and Sunna, does not weigh up source texts, does not cite comparable examples and does not follow any legal reasoning or argumentation. A further argument against the status of a *fatwā* is that it did not lapse with the death of the *muftī*, who issued it, as is otherwise the rule in the case of the Shiite *fatāwā*. On the contrary, the representatives of the Iranian State even claimed that it could not be revoked because it was pronounced by Khomeini. Even considered as a 'punishment,' the text largely lacks any legal characteristics, as Khomeini issued a death sentence *ex cathedra*, as it were – without reference to any legal principle, a hearing of the accused, and a trial. Moreover, the question of jurisdiction was not clarified since the killing order was imposed on persons living outside the scope of Iranian criminal law for an offence (blasphemy, apostasy) that was not even mentioned in Iranian law at that time.⁵⁸ Even if it was considered punishable within Iran, the death sentence was a clear transgression that removed the distinction between people living under Islamic and non-Islamic jurisdiction.

The text is also extremely imprecise. It does not identify the accused by name, does not unequivocally define the group of persons concerned and does not specify the exact nature of the offence, or the underlying criminal provision. First, Khomeini qualifies Rushdie's work as "written, printed and published against Islam, the Prophet and the Quran." Although this formulation implies a hostile act, the difference between the various mentioned acts and the difference between verbal and physical aggression is not reflected within it. Khomeini already concludes that author and publishers are "sentenced to death" and authorises every Muslim to enact the sentence. He is neither interested in determining the gravity of the offence, nor does he explain how far Muhammad or the Quran have been vilified. He simply decrees the protection of a higher good (namely "Islam") through an otherwise lawless act of vigilante justice. In a fourth step, he legitimises vigilante justice with its didactic effect, which, he hopes, will stop others from "denigrating (*tohīn*) the holy goods of Muslims (*moqaddasāt-e muslemīn*)". So, Khomeini was not only concerned with punishing

⁵⁸ Silvia Tellenbach, "Die Apostasie im islamischen Recht," 13, accessed November 20, 2020, http://www.gair.de/pdf/publikationen/tellenbach_apostasie.pdf.

Rushdie and his publishers, but he also aimed at a far reaching preventative effect.

Despite the juridical shortcomings of this text and the fact that it “is noticeably unspecific about exactly how the book breaches law and therefore gets its legal force contextually,” many observers still did not hesitate to see it as “clearly expressing a sentence against blasphemy and apostasy” and “a legal pronouncement against literature;” thus, “despite its argueably questionable interpretation of Islamic law, it is as much a legal proclamation as a religious one.”⁵⁹ The confusion reflected in such a view is part and parcel of the whole affair. How can a text be a legal document, when any kind of specifically legal quality is missing? How can a text be a religious document condemning blasphemy, when it does not bother to exactly determine the content, scope, and severity of the blasphemy?

In particular scholars of religious studies as well as Islamic and Middle Eastern studies tried to wrest a deeper meaning from Khomeini’s text by resorting to classical Islamic blasphemy and apostasy regulations. The crux of the matter is that, firstly, there is no exact related term for “blasphemy” in Islamic law; in the case of a Muslim perpetrator, various acts could be negotiated under the broadly defined charge of abuse (*sabb*) and apostasy (*ridda/irtidād*) in classical law. Secondly, neither the charge of apostasy nor that of abuse automatically entailed the death penalty; rather, it required close investigation and was seldom executed in practice. Thirdly, as already mentioned, neither blasphemy nor apostasy was part of the Iranian criminal law at the time of Khomeini’s call to murder. The “Blasphemy Article” 513 was only introduced in the aftermath of the affair with the 1991 Criminal Law Reform, ratified in 1996; apostasy is still not a criminal offence.⁶⁰ The missing legal basis, of course, did not prevent the Iranian revolutionary courts from constructing charges of high treason against all kind of Iranians throughout the 1980s. It was general practice to refer to Quranic verses 5:33–34, when imposing death sentences for “war (*muḥāraba*) against God and his messenger” as well as against the Islamic Revolution and for spreading “corruption” (*ifsād*) on earth – a practice that was legitimatised by several articles of the Penal Code of 1982/83 (articles 194, 197, and 198–200).⁶¹ Although Rushdie

⁵⁹ All quotes from Pinaki Chakravorty, “The Rushdie Incident as Law-and-Literature Parable,” *The Yale Law Journal* 104, no. 8 (1995): 2216.

⁶⁰ All quotes from Refworld, “Islamic Penal Code of Iran,” accessed December 3, 2020, <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=52b812384>. On apostasy see Tellenbach, “Apostasie,” 13.

⁶¹ Silvia Tellenbach, “Zur Re-Islamisierung des Strafrechts in Iran,” *Zeitschrift für die gesamte Strafrechtswissenschaft* 101, no. 1 (1989); Rudolph Peters, “The Islamization of Criminal Law: A

was also called an “apostate” (*murtadd*) in the press, the term certainly does not apply to his publishers. Above all, Khomeini's text makes reference neither to apostasy nor to *muḥāraba*.

To get the death threat lifted, Rushdie immediately crafted an apology and defended himself by claiming that he had not been brought up as a Muslim and could therefore not be an apostate. But Khomeini ruled out a pardon even if Rushdie became “the most pious man of all time.”⁶² He did not permit the delinquent's repentance, which is unprecedented in apostasy charges since even the Quran does not dictate the death penalty for apostasy alone and speaks of cases of multiple apostasy.⁶³ This might be different when a case of apostasy is combined with the active struggle against the Muslim community, but even then repentance is possible.⁶⁴

Because of these peculiarities, many Sunni scholars and the prominent Syrian philosopher Sadiq al-‘Azm wondered whether the “fatwa” was actually a *fatwā*.⁶⁵ In the *Oxford Encyclopedia of the Islamic World*, however, the text is without any question counted among the “famous recent fatwas.”⁶⁶ The religious scholar Gereon Vogel believes that there is only one explanation for all the inconsistencies in Khomeini's text, namely that it had been “written in a hurry

Comparative Analysis,” *Die Welt des Islams* 34, no. 2 (1994). For the relevant passage, see Quran 5:33–34: “Indeed the requital of those who wage war against Allah and His Apostle, and try to cause corruption on the earth, is that they shall be slain or crucified, or have their hands and feet cut off from opposite sides or be banished from the land. That is a disgrace for them in this world, and in the Hereafter there is a great punishment for them, excepting those who repent before you capture them, and know that Allah is all-forgiving, all-merciful.”

62 The Associated Press, “Khomeini Spurns Rushdie Regrets and Reiterates Threat of Death,” *New York Times*, February 20, 1989, accessed December 3, 2020, <https://www.nytimes.com/1989/02/20/world/khomeini-spurns-rushdie-regrets-and-reiterates-threat-of-death.html>.

63 For the absence of a link between apostasy and the death penalty see, for example, Quran 2:217, 3:79–92, 3:106, and 3:177. For multiple forms of apostasy see Quran 4:137: “As for those who believe and then disbelieve, then believe [again] and then disbelieve and then increase in disbelief, Allah shall never forgive them, nor shall He guide them to any way.”

64 See footnote 62 for a translation of Quran 5:33–34. For a detailed discussion of the relevant verses see for example Armin Hasemann, “Zur Apostasiediskussion im modernen Ägypten,” *Die Welt des Islams* 17 (2002).

65 Sadiq al-Azm, “Is the Fatwa a Fatwa?,” in *For Rushdie: Essays by Arab and Muslim Writers in Defense of Free Speech*, ed. Abdallah Anouar (New York: Braziller, 1994).

66 See “Concepts of Fatwā” (Muhammad Khalid Masud, updated by Joseph A. Kéchichian) s.v. “Fatwā,” *Oxford Encyclopedia of the Islamic World*, ed. John L. Esposito, accessed November 20, 2020, <http://www.oxfordislamicstudies.com/article/opr/t236/e0243#>.

and in personal excitement.”⁶⁷ Moreover, the charismatic style of the “fatwa” speaks for a religious motivation rather than political calculation.⁶⁸ The Islamic scholar Heribert Busse, on the other hand, believes that Khomeini’s text is not to be understood in terms of apostasy or blasphemy, but *jihād* rules, since assassins are granted martyr status in advance. Although there is no reference to *jihād* in Khomeini’s text either, Busse judges that Khomeini understood Rushdie’s book as a “verbal attack on Islam, which must be averted by the means stated in *jihād*.”⁶⁹ This explanation is unsatisfactory because it reproduces Khomeini’s blurring of the distinction between verbal and physical attacks and passes over its legal questionability. Kippenberg remarks en passant, that Khomeini, “as the highest clergyman who bindingly establishes the norms of Shiite action,” was entitled to issue his call for murder, this in contrast to the competences of a Sunni scholar.⁷⁰ On the contrary, says Mehdi Mozaffari: as head of state, Khomeini was not entitled to issue a *fatwā* for his own purposes: “In short, Khomeini had no authority to order Muslims to kill Rushdie. His decree was null and void from the moment it was published.”⁷¹

This panorama of views bears witness to the difficulty of interpreting the “fatwa” in the light of classical Islamic law; Mozaffari’s conclusion especially is completely counter-intuitive. The debate is not about whether Khomeini had the authority to issue a licence to kill, be it called “fatwa” or not. On the contrary, the question is on what basis he called for Rushdie’s murder, precisely because he belonged, as a ‘source of imitation’ (*marja’ al-taqlid*), to the highest rank of Shiite scholars and because he represented, as its ‘leader’ (*rahbar*), the Islamic Republic of Iran.

In her study of the “Rushdie affair” as an event strongly contributing to the “making of the British Muslim,” Nicole Falkenhayner has identified various “translation failures” in the media coverage, as well as in the political and intellectual reactions.⁷² I would like to add to these failures not only the academic treatments of the “fatwa,” but also one of the widely cited English translations of the “fatwa” itself. Whereas the official Iranian translation into English simply reads that the author of the *Satanic Verses* and its publishers “are sentenced to

67 Gereon Vogel, *Blasphemie: Die Affäre Rushdie in religionswissenschaftlicher Sicht. Zugleich ein Beitrag zum Begriff der Religion* (Frankfurt am Main: Peter Lang, 1998), 186.

68 Ibid., 190.

69 Busse, “Salman Rushdie,” 194.

70 Kippenberg, “Die Kontroverse,” 267–268.

71 Mozaffari, *Fatwa*, 58.

72 Nicole Falkenhayner, *Making the British Muslim: Representations of the Rushdie Affair and Figures of the War-On-Terror Decade* (Basingstoke: Palgrave Macmillan, 2014), 36–63.

death,” *meḥkūm be e’dām mībāshand* in Persian, the journalist Malise Ruthven, an expert on Middle Eastern politics, rendered this passage in his book *A Satanic Affair* with the expression that they “have been declared *madhur el dam* (whose blood must be shed).”⁷³ This difference is astonishing, as it introduces an element of strangeness to the text, where it is actually straight forward, while the rest of this translation conforms with the official translation and the Persian original. I have no idea where this difference comes from, since another correct English translation was available in *The Rushdie File*.⁷⁴ Moreover, as Malise Ruthven’s book was one of the first comprehensive publications on the “Rushdie affair,” his version was widely used. As Ruthven additionally transliterated *mahdūr* wrongly as *madhur* (with inverted letters d and h), the adoption of this misspelling in much of the literature can be traced back directly or indirectly to his book. Thus, the idea that Khomeini declared Rushdie an outlaw, or that being outlawed is a consequence of blasphemy can not only be found in books on the “Rushdie affair,” but also in works on Muhammad more generally.⁷⁵ Even Kippenberg, although writing in German in 2010, quotes Ruthven’s translation in full length in English, although a perfect German translation had already been provided by Heribert Busse in 1990.⁷⁶

Ruthven’s text version introduces an element of classical Islamic legal reasoning into Khomeini’s text that is obviously not there, subsequently used by the then President of the Republic, ‘Ali Khamene’i, for explanatory purposes around Khomeini’s text. It is further known that Khomeini himself used the concept of *mahdūr al-dam* often in his tirades against enemies of Islam and the Islamic revolution. The term has somehow been smuggled into Khomeini’s text and suggests an association with Islamic law. The concept of *mahdūr al-dam* (“unavenged blood”) stems from the law of talion (*qiṣāṣ*), which stipulates the forms of retaliation permitted for criminal offences. Accordingly, enemies of Islam or persons, who had themselves committed a serious crime, forfeited their legal protection. If people of this “outlawed” status themselves were injured, robbed or killed, the perpetrators did not have to pay any compensation.

⁷³ Ruthven, *A Satanic Affair*, 112. Also compare the same translation in Malise Ruthven, “Naming the Unnameable,” *Index of Censorship* 37, no. 4 (2008): 135.

⁷⁴ See Lisa Appignanesi, ed., *The Rushdie File* (London: Fourth Estate, 1989), 68. Malise Ruthven has not answered to my question via email.

⁷⁵ Clinton Bennett, *In Search of Muhammad* (London: Bloomsbury Publishing, 1998), 218.

⁷⁶ Kippenberg, “Die Kontroverse,” 267. Some authors even refer to both English translations by Ruthven and Appignanesi without noticing the difference, see for example Vogel, *Blasphemie*, 184, footnote 644, who obviously bases his own German translation on that of Busse. Busse, “Salman Rushdie,” 193.

However, the perpetrators had to prove before a court that the damaged person was actually *mahdūr al-dam*; a mere suspicion was not considered sufficient. This was introduced into Iranian Criminal Law only with the reform of 2010, in articles 303 and 304. Therefore, declaring Rushdie *mahdūr al-dam* – just as declaring him an apostate – without a trial and court verified evidence was also a transgression of classical Islamic legal procedures and had no basis in the existing Iranian Law. The analysis of the form and content of Khomeini's text clearly shows that it is no legal text in a conventional sense.⁷⁷ The attempt to explain this text through a recourse to classical Islamic law is as misguided as seeing it as a mere answer to blasphemy.

Bare Life and the Problem of Sovereignty

As Giorgio Agamben has convincingly shown, there is an intrinsic connection between the modern State's sovereignty and its ability to reduce individual people or groups of people to bare life. Taking Agamben's insights as a springboard, the aim is to develop an interpretation of Khomeini's "fatwa" pronouncement that places it, firstly, in the context of the disenfranchisement of the individual as well as Khomeini's claim to sovereignty, and, secondly, in the context of the actual crisis that the Islamic revolutionary regime underwent in 1988/89.⁷⁸ The idea of vigilante justice and the state of emergency are major concepts that entwined with these contexts. The legal figure of *mahdūr al-dam* should not be interpreted in any traditional sense, but as counterpart to 'bare life', a person "who may be killed, yet not sacrificed," in Agamben's words.⁷⁹ In this sense, the concept was at first used to challenge the sovereignty of the nation-state and outlaw its secular supporters.

Already in his first pamphlet *Kashf al-Asrār*, written as a young scholar in about 1943 after Reza Shah had been forced to abdicate in 1941, Khomeini retorted to a work written in the circle of the secular philosopher Ahmad Kasravi (1980–1946), calling anti-clerical reformers and secular intellectuals *mahdūr*

⁷⁷ This is also Mozaffari's view although he draws the wrong conclusions when he finally explains the "fatwa" with Khomeini's paranoia, see Mozaffari, *Fatwa*, 57–63.

⁷⁸ Ebrahim Moosa has already alluded to the possibility of using Agamben's work for an analysis of the "Rushdie Affair," see Ebrahim Moosa, "Muslim Political Theology: Defamation, Apostasy, and Anathema," in *Profane: Sacrilegious Expression in a Multicultural Age*, ed. Christopher S. Grenda, Chris Beneke, and David Nash (Oakland/London: University of California Press, 2014).

⁷⁹ Agamben, *Homo Sacer*, 12.

al-dam.⁸⁰ Kasravi himself, an outspoken critic of the Shiite clergy, was assassinated in 1946, after high-ranking Ayatollahs, including one of Khomeini's teachers, Muhammad 'Ali Shahabadi (1875–1950), had declared him an apostate.⁸¹ In the same way, the Egyptian Muslim Brother 'Abd al-Qadir 'Awda (1906–1954), who was himself executed as a conspirator under 'Abd al-Nasser's reign, argued that an apostate is outlawed and has to be killed by the authorities. If the State does not fulfil its duty or cannot enforce this punishment, it is incumbent on each individual Muslim to act in anticipation of, or on behalf of, it.⁸² The idea of action, when the State is unable to fulfil its duty, is inspired by the *ordre public* in the French constitution, which understands a conspiracy against the laicist principle as high treason.⁸³ The accompanying element that justifies popular self-defence is the idea of a state of emergency. Thus, Shiite as well as Sunni Muslim opponents of secular intellectuals and politicians generally sought to prove, since the middle of the twentieth century, that secularists were apostates and that apostasy amounted to high treason. Secularists were not only considered apostates, they were also accused of sowing discord in society, thus forfeiting their membership of the Islamic community (*umma*) whose very existence they threatened. With Khomeini's "fatwa," the officially announced state of emergency and the individual Muslim's duty to act came together.

Shiite or Sunni Islamic activists reject the sovereignty of the secular nation-state as a violation of God's omnipotence, which they in turn – in order to suggest a rivalry – reinterpret as "God's sovereignty," using the neologism *ḥākimiyyat allāh*, as in Article 56 of the post-revolutionary Iranian constitution. Paradoxically, the State is supposed to use its own sovereignty to limit this and give God's sovereignty its rightful place.⁸⁴ Since national sovereignty, *siyāda*, derives etymologically from the master-servant relationship, and modern nation-states in the Middle East are mostly governed in an authoritarian manner, Muslim ac-

80 Amir Taheri, *The Spirit of Allah: Khomeini and the Islamic Revolution* (London: Hutchinson, 1985), 101.

81 Taheri maintains that the organiser of the assassination had read Khomeini's pamphlet, see Taheri, *The Spirit of Allah*, 101; Gholam Reza Afkhami, *The Life and Times of the Shah* (Berkeley, CA: University of California Press, 2009), 370; Mohammed Amini, "Kasravi, Ahmad ii. Assassination" (2012), in *Encyclopaedia Iranica*, accessed November 20, 2020, <https://www.iranicaonline.org/articles/kasravi-ahmad-ii>. For the general context, see Moin, *Khomeini*, 60–63.

82 Tellenbach, "Apostasie," 11.

83 On this point see Martin Forstner, "Das Menschenrecht der Religionsfreiheit und des Religionswechsels als Problem der islamischen Staaten," *Kanon* 10, no. 1 (1991).

84 Therefore, the Islamic State is actually an impossible state, according to scholar of Islamic law Wael Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament* (New York: Columbia University Press, 2013).

tivists decry a theoretical and practical legitimacy problem within the nation-state and resort to the concept of *wilāya*, the “trusteeship.”⁸⁵ The form of government that Khomeini had elaborated in lectures in 1970 is therefore deliberately called *welāyat-e faqīh* (“the trusteeship of the jurist”). The constitution stipulates that the jurist exercises a double trusteeship: As the twelfth Imam is considered to be hidden in occultation (*al-ghayba*) since the tenth century in Shiite faith, the jurist acts on behalf of him and assumes “the Wilayah and the leadership of the Umma” (Article 5).⁸⁶ Article 56 knows of two sovereignties: the “absolute sovereignty,” which belongs to God, “He who has made man master of his own social destiny;” the people’s sovereignty which is derived from the absolute sovereignty of God: “the people are to exercise this divine right” which no one can deprive of them or “subordinate [...] to the vested interests of a particular individual or group.”⁸⁷

From the Legitimation Crises in Iran to Sovereignty beyond the State

That this constitutional construction suffered a major crisis of legitimacy, which intensified around the tenth anniversary of the revolution, forms the background to the “fatwa.”⁸⁸ Dual sovereignty led to an impasse between the Council of Guardians, in which religious forces dominated, and the government and parliament, which was seen as the expression of the people’s will. Since no agreement between the two sides could be reached on ending the war with Iraq (1980 –

⁸⁵ On this point see Mohammad Fadel, “Ideas, Ideology, and the Roots of the Islamic State,” *Critical Review* 31, no. 1 (2019).

⁸⁶ Constitute, “Iran (Islamic Republic of)’s Constitution of 1979 with Amendments through 1989,” 10, accessed November 20, 2020, https://constituteproject.org/constitution/Iran_1989.pdf?lang=en; for the original see Islamic Parliament Research Center of the Islamic Republic of Iran, “Qanūn-i Asāsi-i Jumhūrī-i islāmī-i Īrān,” accessed December 3, 2020, https://rc.majlis.ir/fa/content/iran_constitution. The Imam Mahdi went into hiding as a precaution because of his enemies. After a transitional period he stopped communicating with the community; hence, the question of political authority over the community. He is considered to be still alive and will return at the end of days.

⁸⁷ Constitute, “Iran’s Constitution,” all quotes 20 (article 56); cf. Islamic Parliament Research Center, “Qanūn-i Asāsi-i.”

⁸⁸ For the constitutional crisis see Johannes Reissner, “Der Imam und die Verfassung: Zur politischen und staatsrechtlichen Bedeutung der Direktive Imam Khomeinis vom 7. Januar 1988,” *Orient* 29, no. 2 (1988); Silvia Tellenbach, “Zur Änderung der Verfassung der Islamischen Republik Iran vom 28. Juli 1989,” *Orient* 31, no. 1 (1990).

1988) and on economic reforms, the post-revolutionary regime underwent “an erosion of its legitimacy.”⁸⁹ On January 7, 1988, about a year before the assassination call, Khomeini issued a directive that established a new “Conciliation Council” which was not provided for in the constitution and was intended to mediate between the two sovereignties. Khomeini’s move strengthened the government (which was then able to end the war with Iraq). To justify this move, Khomeini referred to the juridical principle of a compelling “necessity,” and at the same time he started to call his own trusteeship as “absolute” (*velāyat-e moṭ- laq-e faqih*), thus counter-balancing the weakening of the religious forces.⁹⁰ He summarised this by saying that maintaining a functioning Islamic government in Iran was more important than complying with individual provisions of Islamic law, even if they were as fundamental as the five pillars of Islam.⁹¹

After the unfavourable cease-fire with Iraq, Khomeini made short shrift with arrested opposition members in the summer and fall of 1988. By a secret decree, he ordered the so-called prison massacres, in the course of which thousands of political prisoners were executed under the *muḥāraba* accusation – the largest wave of executions since the already scarcely bloodless Islamic revolution. After that, the crisis of legitimacy intensified and led to a rift between Khomeini and Grand Ayatollah Husayn ‘Ali Montazeri (1922–2009), his deputy and designated successor as *rahbar*.⁹² Montazeri publicly criticised mismanagement, the denial of people’s rights, and human rights abuses. On the tenth anniversary of the revolution, he said: “On many occasions, we showed obstinacy, shouted slogans and frightened the people of the world who thought that our only task here in Iran was to kill.”⁹³ Demanding at first “a reconstruction of the country’s thinking about administration and its quality,” he voiced the opposing view to Khomeini by publicly saying that if the government compromised “our values and principles,” it would be better not to have a government.⁹⁴

These words called into question Khomeini’s power and the whole Islamic government. Khomeini’s life work, the existence and legitimacy of his *welāyat-*

⁸⁹ See Reissner, “Der Imam und die Verfassung,” 222.

⁹⁰ *Ibid.*, 223 f.

⁹¹ *Ibid.*, 224. It is noteworthy that Khomeini had always opposed the secular state on the ground that the rule of God meant the implementation of the Shari‘a, while all other laws must be dropped, and that only a properly implemented Shari‘a could liberate Muslims from Western influences. Moin, *Khomeini*, 63 and 59.

⁹² On Husayn ‘Ali Montazeri see von Ulrich von Schwerin, *The Dissident Mullah: Ayatollah Montazeri and the struggle for reform in revolutionary Iran* (London: Tauris 2015). For the rift between him and Khomeini see *ibid.*, 122–131.

⁹³ Moin, *Khomeini*, 281.

⁹⁴ *Ibid.*, 280 and 280; cf. von Schwerin, *The Dissident Mullah*, 116.

e faqih, was at stake. Three days later, Khomeini countered Montazeri's words with the appeal to murder Rushdie and his publishers. At the end of March, he ousted Montazeri with the accusation that the latter wanted to hand the country over "to the liberals and hypocrites" whose mouthpiece he had become.⁹⁵ The original crisis of legitimacy thus turned into a constitutional crisis because no procedure had been laid down for appointing a new successor to the terminally ill Khomeini and because, after his disagreement with Montazeri, there was no other Grand Ayatollah available to take over the highest office of state.⁹⁶ Khomeini therefore ordered another constitutional reform. The amended Article 5 now stipulated that the supreme jurist no longer had to be from the highest ranks of the Grand Ayatollahs (*marja' al-taqlid*), but only a "just and pious" jurist. At the same time, the reform added to the jurist's trusteeship the adjective "absolute," although it had rather lost authority.⁹⁷ This paved the way for the lower ranked Hojjatoleslam 'Ali Khamene'i to take over the highest office.

State crisis, prison massacre, successor discussion, constitutional reforms and the "fatwa" formed an integrated context. The "fatwa" was part of Khomeini's actions to solve the legitimation and constitutional crises in Iran. It exemplified the paradoxical relationship between revolutionary and constitutional power.⁹⁸ With the reforms of the constitution, the leader of the revolution institutionalised that revolution by making his own office a function in the system. As the charismatic leader, however, Khomeini himself continued to stand within and outside the Islamic order and to exercise executive power through his directives. This is reflected in the apparent inconsistencies of "the fatwa," which defends the higher aim – Islam, Quran, and Muhammad – with means that are beyond Islamic law. Yet, the "fatwa" demonstrated Khomeini's extraordinary authority, representing the absolute power of God, the Hidden Imam and the Iranian people. Khomeini asserted the right to depose, persecute, and kill whoever called into question this authority.

According to Agamben, every state order allows the sovereign to suspend human rights for certain individuals or groups without violating the law. The sovereign decides not only what is permissible and not permissible, but also the relationship between the legal and the factual. Therefore, Agamben argues that "the violence exercised in the state of exception clearly neither preserves nor simply posits law, but rather conserves it in suspending it and posits it in except-

95 Von Schwerin, *The Dissident Mullah*, 124.

96 Khomeini died on June 3, 1989, less than four months after his murder decree.

97 See Constitute, "Iran's Constitution," 10 and 20 (articles 5 and 57); Islamic Parliament Research Center, "Qanun-i Asasi-i."

98 For this compare Agamben, *Homo Sacer*, 17–23, 29–33.

ing itself from it.”⁹⁹ Sovereign, then, is he who can declare a state of exception and, in doing so, although he disregards it, invokes the law. In calling for the murder of Rushdie, Khomeini acted as an Islamic revolutionary sovereign not only vis-à-vis critics in his own ranks, but also vis-à-vis Iranian law and classical Shari‘a rules.

Yet, there is more to the “fatwa” than Agamben’s analysis of the State’s power can reveal. Since Khomeini linked the State’s monopoly of force with private vigilante justice, he not only eliminated the contradiction between the two sovereignties in Iran, but also claimed sovereignty beyond the State. The Muslim sovereign who imposed the death penalty was the authority of Khomeini, while the Muslim sovereign who was to carry it out was the Muslim people. On the international level, Khomeini thus acted as part of a revolutionary movement that challenged the un-Islamic world order, by claiming a power of interpretation and action beyond the State; in a religious guise, he claimed “cultural sovereignty” and tried to enforce it.¹⁰⁰ By delegating the order to kill Rushdie to any ordinary Muslim, Khomeini turned the question of whether a like-minded Muslim community, *umma*, existed into “an everyday referendum” about the *Satanic Verses*, forcing Rushdie to live in hiding for a decade.¹⁰¹ In spite of contradictory statements by Iranian state officials, the death threat still exists, indeed private Iranian donors have raised the bounty to four Million Dollars, and Rushdie’s name is still found on the hit lists of Sunni radical movements.

Prospects

Khomeini’s appeal to murder is neither a deficient *fatwā* nor a direct outflow of Islamic law; he rather rationalised a widespread line of argument in modern Islamic political thinking, according to which Islam is a central part of the public order and secularists, who challenge this idea, should be regarded as apostates and executed as traitors. Khomeini’s death sentence clearly expressed this idea

⁹⁹ Agamben, *Homo Sacer*, 41.

¹⁰⁰ Gregor Feindt, Bernhardt Gißibl and Johannes Paulmann, ed., *Kulturelle Souveränität. Politische Deutungs- und Handlungsmacht jenseits des Staates* (Göttingen: Vandenhoeck & Ruprecht, 2017). By referring to this sovereignty as “cultural,” I underline that taking law into one’s own hands is a cultural practice that does not follow from religious practices, nor from religious norms or doctrines. Claiming this practice as one’s rights – on religious grounds – means claiming “cultural sovereignty” in interpreting one’s own religious and legal tradition.

¹⁰¹ The expression is borrowed from Ernest Renan’s famous lecture “Qu’est-ce qu’une nation?” (1882).

and raised it to the international level. This act reflected his power to declare a national and international state of emergency and reduce people to bare life, thereby contributing (a) a solution to a legitimacy crisis in Iran saving the Islamic form of government and (b) to mobilise Muslims all over the world and empower them in an ambivalent way. This act can be seen, on the one hand, with Agamben as a characteristic for a modern understanding of sovereignty and, on the other hand, as a cultural extension of political sovereignty beyond the State. The paradox is that Khomeini's decisionism produced precisely the kind of modern state sovereignty that he had always claimed to reject as a violation of God's omnipotence. Treating his act as a mere reaction to blasphemy does not consider the religious, moral, legal, and violent transgressions that Khomeini's "fatwa" and his followers' acts involved.

Although Khomeini did not spark the protests against the *Satanic Verses*, his act dramatically intensified and polarised the debate. While Muslim believers in Britain obviously felt offended by the book, their outrage was not only directed at blasphemous passages, but at a biased campaign for unrestricted free speech and an apparently biased secular order that did not take Muslim sensitivities into consideration in the same way as it did with others. Such demands therefore addressed the significance of religious feelings and participation, racism and exclusion in modern societies. Through their protests, British Muslims constituted themselves as a religious, cultural and political minority expressing their specific demands.

Conflicts about the nature of multi-religious and multi-ethnic cohabitation are far from over. Today, we can watch the different uses of Muhammad and a continuing provocation between (a) champions of free speech who make fun of the Prophet to test the limits of public speech, (b) Islamophobe groups who disparage everything Islamic to push an anti-Muslim and anti-immigration political agenda, (c) Muslims, who respond with protest and violence, providing the media images of an intolerant religion that are useful for groups a) and b). Between wanton blasphemers and outraged defenders of Islam, it sometimes appears as if there was a shrinking space for voices of multiculturalism and moderation, although they are by far the majority.

Moreover, Khomeini's call to use extra-legal force to protect the highest Islamic sanctities set a modern example of how to use blasphemy allegations for political and other reasons. Rushdie's tragedy has been followed by many farces. The accusation of blasphemy has become a weapon to maltreat secular politicians and intellectuals, feminists and non-Muslims in several societies with a majority Muslim population, especially in Pakistan, whose blasphemy law goes

back to British colonial times.¹⁰² Such conflicts about constructed blasphemy allegations offer Muslim activists, as well as secular groups, a way to mobilise followers at home and supporters abroad around their respective agendas – an Islamisation of the criminal law or the abolition of the relevant paragraphs. Thus, it is fair to conclude that “blasphemy against the Prophet of Islam has become a global challenge.”¹⁰³ It can be further assumed that the Prophet of Islam will not retreat so quickly. The underlying conflicts are not religiously motivated in a narrow sense; rather, the actors use blasphemy allegations as a tool for social mobilisation to negotiate the significance of Islam as a public and political identity. Or, as an observer of the blasphemy cases in Pakistan remarks: “The first thing I noticed was that this was not about religion at all; it was all politics.”¹⁰⁴

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102 Several hundreds have been charged with blasphemy since 1990, no one has been executed, but up to 60 people were assassinated, among them also two politicians, who supported Asia Bibi, who was the most notorious case. As a Catholic woman, she was sentenced to death in 2010, but the Pakistani Supreme Court acquitted her in 2018, and she left the country for Canada. For an Islamic criticism see M.A. Muqtedar Khan, *Islam and Good Governance. A Political Philosophy of Ihsan* (Basingstoke: Palgrave Macmillan, 2019), 25–42. Compare also Deutscher Bundestag, *Zweiter Bericht der Bundesregierung zur weltweiten Lage der Religionsfreiheit*, Drucksache 19/23820 (October 29, 2020), 127, accessed December 2, 2020, <https://dip21.bundes-tag.de/dip21/btd/19/238/1923820.pdf>.

103 Khan, *Islam and Good Governance*, 27.

104 *Ibid.*, 28.

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11 Conclusion

This book has sought to investigate the relationship between the concept of blasphemy against religious belief and the range of violent actions taken in consequence of this. As noted in the introduction, this connection has rarely been made by scholars and this volume hopes that it has at least attempted to address this need. The book has elaborated upon a number of specific case studies covering different periods in different localities. The purpose of this conclusion is to draw together common research questions which will take scholars forward if they seek to research further in this area. Thus, this section aims to see general trends within this volume's chapters and to speculate upon where these might lead if the subject is to build upon what this volume has achieved.

We might first of all think about the obvious centrality of violence as the factor that connects together these chapters. Within this there is coverage of real violence as a form of destruction wielded variously by the state, by highly placed political actors both affirming and challenging the religious *status quo*. We have also seen it appropriated by those steeped in anti-religious sub-cultures of the street and in more obviously literary forms. This suggests that interrogating the nature of violence would aid our exploration of the relationship between blasphemy and violence. Thus we must consider the precise nature of our theories of violence once the concept is considered through the idea of blasphemy as a site where this has occurred. Two approaches, developed by Norbert Elias and Michel Foucault respectively, are of particular interest and value in this context. In *The Civilizing Process* (1939), Elias described a version of modernisation theory which saw violence as something eroded by the increasing sophistication of our lives and interactions. In our sphere of concern this would explain the modern challenges to religious confessionalisation, the ending of heresy laws and the development of the concept of religious toleration. The fit is scarcely exact, though, as the chapter by Christoffer Leber demonstrates – discussing an incident, the Jatho Affair, where toleration and discipline clashed cacophonously and where, as late as 1911, a heresy law was reintroduced to punish dissenting religious behaviour.

The survival of blasphemy is, within Elias' historical paradigm slightly puzzling. If we see the civilising process connected with violence and the requirement for policing, its trajectory actually runs counter to the theory's conception of how the state should react. Elias sees the state increasingly involving itself in the world of policing and regulating crime and violence. The history of blasphemy sees this going in the opposite direction. Laws to regulate blasphemy be-

come problematic for the state in the nineteenth century and enacting them difficult to sustain alongside conceptions of tolerance, pluralism and freedom.

Michel Foucault was considerably less indulgent of liberalism's 'pretensions' to construct a modernised civilisation as outlined by Elias and the other flag wavers for humanitarianism. Foucault saw the dissident created by the state's 'discourse of right' and the Enlightenment's creation of mechanisms of categorisation and control. His thought also had a partisan affection for the powerless. Essentially those who rebelled against control and categorisation were individuals who dissented from the objectifying tendencies of enlightened societies. Those who rebelled were those in search of their own 'subjectivity' and almost all forms of resistance to this were justified in the Foucauldian world. This view also placed the 'blame' for outbreaks of direct action and violence upon the forces of modernisation, civilisation and the Enlightenment, whose urge to control was that self-same society's undoing.

Although there were individual panics about blasphemy in the first half of the twentieth century, the period beyond this saw an overall trend by which states often surrendered the credibility of blasphemy laws, as they fell into abeyance, were rarely used or were removed from the statute book altogether. This places a considerable premium upon concerned members of individual populations who had this power effectively delegated to them. Yet this pattern is not entirely uniform and many of our chapters show evidence of some counter tendencies that should be born in mind. Blasphemy should be perhaps recast as something beyond the idea of an anachronistic tendency that civilised versions of ourselves marginalise from view. It emerges from some of our chapters as a vibrant sub-culture potentially linked beyond this to mainstream culture. Evidence from our chapters on Spain (from Matthew Kerry and Julio de la Cueva) show evidence of blasphemy deeply rooted in street cultures of anticlericalism. This Spanish material describes what looks like a subculture very close to the surface. This means that potentially, the generations old anticlericalism and scepticism of religion's claims proved too stubborn and resisted the range of improving impulses which emanated from the Church, the government, modernisation and other progressive impulses. This begs other questions. Do individuals nurture long term grievances that are ignited by opportunity? Or are blasphemous words and idioms a more credible culture that exists alongside religious devotion? To put the question another way, does its longer term existence linger underneath mainstream culture or is it spontaneously created very quickly from popular culture, anticlericalism and violence – tools that are simply, but conveniently, lying around? The proximity to the surface of people's interactions with religion, and their propensity to act violently towards this, might here perhaps indicate a failure of the civilising process. However, there is the possibility

that the still sharper polarisation of class relations provokes obstinate rebellion against the civilising impulses wielded by elites against populations. These two propositions taken together might conceivably indicate that blasphemy, and the physical violence it generates, is an important weapon in certain hands against the onward march of the civilising process.

We also have something of an unexplained interlude evident from Alain Cabantous' chapter. Enlightenment-inspired revolutionary slogans used blasphemy as a speech act to denounce previously accepted norms and systems of (religious) morality. This could be seen as simultaneously constituting a destabilisation of civilising processes and a potential reinvigoration of them through the creation of new standards and sites of interdependence. This should highlight to us the importance of regime change as an important factor since blasphemy laws, and sometimes accusations, become foregrounded as a method of establishing or signalling a focus upon immediate security concerns and elements of both domestic and foreign policy. This is evident in the Cabantous chapter but is also highlighted in the chapters by De la Cueva and Manfred Sing. However, it is especially evident in the chapter by Marco Omes which shows three different regimes, each responding to the evils and excesses of the last. In doing this each of these confirmed what Omes calls "a remarkable degree of politicisation of religion during and after the French occupations of the Papal States." Both ruling regimes and dissidents, which lay claim to contested public space, have often crowded it with politically and religiously charged symbols to promote religious or republican values. Each of these acts imprints itself over previous opposing displays in what amounted to a combination of blasphemy and violence. Omes also shows us how a range of responses were available, and actively used, by each regime dealing with miscreants from the previous one. Exile and harsher punishments were used, but equally the papacy itself was capable of pragmatic inaction when it was deemed necessary – stepping away from a past that might have demanded actual and symbolic violence.

But we also have to consider the relevance of the material in this volume that uncovers much more considered and pre-meditated blasphemy which emerges from the chapters by David Nash and Marcin Składanowski. The first chapter has highlighted how, even in societies without any deep-seated culture of anti-clericalism, the acts and crime of blasphemy can have a significant impact upon perceptions of morality and the public order mechanisms supposedly charged with defending this. Blasphemy laws appear here as a bulwark against change, proof that they play a profoundly conservative psychological role. In this case what we are looking at is imagined violence and the fear this potentially demonstrates. The Składanowski chapter demonstrates how blasphemy as a crime invited authority and society to imagine and remember past sacred indi-

viduals, objects and events, thereby weaving them into an imagined Russian identity. Such 'imagining' could be useful to any political regime that wanted to foreground one area of the past very much over another. In this area, and in these examples, it may well be hard to find the civilising process at work at all. The communication mechanisms of print and social media which, by all conventional measures, intend to further both understanding and interdependence are, in blasphemy cases, turned to the very opposite purpose. Moreover, the premeditation of the blasphemous act within both these media make them profoundly different from the sub-cultural outbreaks we see in the Spanish material in this volume. These might indicate a lingering propensity within modern selves to undertake unsettling forms of communication and psychological violence against the civilised norms of society. This would describe adequately why blasphemous ideas and publications can be so unsettling to societies that consider themselves civilised and protected from disorder by their maintenance of civilised behaviour. Indeed, this paradigm could also explain later twentieth century ideas of seeing blasphemy as a species of hate crime – something that does deliberately transgress what should be the just and rightful treatment of others that citizens now have the right to expect.

Therefore, it would be valuable if we could see further tests of blasphemy as some sort of counter to ideas of cultural progress existing in a teleological movement to a state of apparent civilisation. The civilising process also runs out of explanatory steam (and indeed academic credibility) when faced with some of the much later episodes of blasphemy and violence in this volume. The chapters by Manfred Sing and Laura Thompson really show the western centric bias and preoccupations of Norbert Elias. For the civilising process, the modern West is the pinnacle and summit to which all European societies were aspiring. Its genesis also stems from observations about western history which see the removal of organised martial violence as the work of a specifically urban developing class. Similarly, the growing interdependencies within society, outlined as a prerequisite for the civilising process, push for a lionisation of urban consumer and media intensive lifestyles. These potentially have the ability to introduce increasingly secular trends into societies. From these the Enlightenment, and the individual autonomy it brings with it, spring from the flowing of these natural tributaries.

All of this forgets the rather different historical trajectory of Islamic and post-colonial societies and the concept of blasphemy is especially important here. Urbanisation, a growing secular outlook and democratic processes were not the usual experience for many of these societies. Many experienced the consequences of European colonialism and legal systems imposed upon them from afar. Thompson's chapter shows the dilemma facing both internal imperial relations

and of a colonial power placed in the position of deciding the best political solution to a very thorny local problem. It emphasises how an occupying power can be seen as an unwelcome liberalising tendency, and demonstrates in microcosm the feelings of such societies confronted with urges for clemency and tolerance which can seem like another covert form of colonialism and the exercise of illicit power. Sing's chapter on the Salman Rushdie Affair demonstrates how blasphemy and violence in the late twentieth century effectively became legitimate political tools to address power imbalances, one which periodically took on a transnational complexion.

The more pessimistic Foucauldian model would perhaps see blasphemy as some expression of subjectivity in retaliation for the Enlightenment-inspired surveillance and control of behaviour. If so, it is surprising how little blasphemy and its history has been studied and evaluated by Foucauldians. We might consider how elements of the Cabantous, Kerry, de la Cueva Thompson and Składanowski chapters emphasise revolt against forms of authority that would equate with a search and craving for subjectivity. Foucauldian explanation may well work effectively when used to evaluate the evidence offered by Kerry and De la Cueva. This is largely because the existence of anticlerical and blasphemous tendencies function as a sub-culture ready to be ignited at an opportune moment. This could easily be seen as an organic rebellion of subjectivity against cultures of 'improvement' exercised by the early twentieth century Spanish State. Both of these chapters also offer a chance to appreciate blasphemy as inarticulate noise, again a raw expression beloved of Foucault and his desire to uncover and encounter what 'cannot be spoken'. Mark Jordan here notes how this line of investigation appreciates how "religion tries to regulate how bodies sound. That sound – Foucault wants above all to hear that sound, in the moment when it refuses to become speech."¹ Thompson's work shows indigenous populations seeking to establish their own standards of morality upon fluid situations. The Składanowski chapter could be described as an individual grasping the tools of popular culture to create their own paradigm of subjective resistance to the twin powers of religion and tradition.

However some elements of this volume indicate episodes that potentially do not fit this model. The Enlightenment adoption of blasphemy – if seen as a method of dismantling the power of religion – as a motor of progress could well be perplexing for Foucauldians. They potentially would see the maintenance of traditional religious ideas and idioms as the assertion of subjectivity

¹ Mark Jordan, *Convulsing Bodies: Religion and Resistance in Foucault* (Stanford: Stanford University Press, 2015), 10 and 199.

against coercion – something of a considerable paradox. Yet this was the explanation offered by Foucault himself for the religiously inspired revolt against the Shah’s regime in Iran.² This focus upon Islam also reminds us that Foucault saw power relations between religions (as indeed other sources of power) to be almost constantly in flux. If true, our assumptions about the stability of dominant Christian and the subordination of other religious discourses would by no means last for long. Mark Jordan, the foremost writer upon Foucault and religion, argued Foucault’s flexible view of religious texts, labelling them as “ceremony, or liturgy, doctrine or dogma, myth or scripture,” meant that he was just as capable of seeing these quasi sacred elements in modern Enlightenment rational sciences, such as his own bugbear psychiatry.

For researchers in the future, prepared to follow this line of reasoning, they might discover that religious impulses and the ‘rebellion’ they constitute against the dogmas of rationalism extend and re-purpose our definition of blasphemy, striking out against what a secular society makes ‘religious’.³ Alternatively, blasphemy might again be repurposed if rationality were considered a chimera and were to be replaced by “the return of old gods”.⁴ Such an idea, within Foucault’s thought, enables speculation about the sexual potential within such religions, and this might well prove fruitful for those willing to investigate how blasphemy gave voice to liberation, sexual desire and the obscene.⁵ Moreover such liberation may also find itself under threat as it potentially takes on the mantle of religion, since it promises a version of re-enchantment of the body away from repression.⁶ A deeper investigation of Foucault’s exploration of madness and insanity might also provide further insights into attempts to regulate, categorise and control ‘bodily’ speech, noise and inarticulate actions against objects and individuals.⁷ Blasphemy might also be a thoroughly useful site at which to undermine this dichotomous relationship, to find madness and sanity deeply engaged in Foucault’s longed for discussion and ‘dialogue’ with one another.⁸

We should also bear in mind that this volume has the potential to offer a new direction in the narrower historiography of blasphemy. Some histories

2 See Michel Foucault, “Iran: The Spirit of a World Without Spirit,” in *Michel Foucault: Politics, Philosophy, Culture, Interviews and Other Writings 1977–84*, ed. Lawrence D. Krizman (London: Routledge 1990).

3 Jordan, *Convulsing Bodies*, 9.

4 *Ibid.*, 28.

5 *Ibid.*, 30–32.

6 *Ibid.*, 104.

7 *Ibid.*, 14.

8 *Ibid.*, 16.

have focussed upon the changing dimensions of blasphemy as a manifestation of law, whilst others have investigated it as a literary or artistic expression. Still more have written about it as a manifestation of speech acts and as a facet of religious discipline. The focus on violence perhaps points to a case for focussing upon the event, perhaps as antidote to an historiography of changing linearity. This opens the way for a case study approach that is potentially prepared to use tools such as thick description to investigate the precise contexts where blasphemy becomes associated with violence. Investigation of official speech against blasphemers would also draw scholars to court cases where Foucault's analysis of 'judicial speech' points to their power to dispense freedom / confinement, embody 'scientific' authority and provoke laughter.⁹ The logic of this also suggests that recapturing the totality of experiencing blasphemy would be useful. Scholars are emphatically outsiders to this experience and thus do not appreciate the visceral nature of blasphemy in the moment. Whilst the act is about profaning the sacred this is also the place to reflect, perhaps, on the role of 'purity and pollution' and how insults (as examined by De la Cueva) so frequently turn on references to other emotive taboos such as sex, shit and blood. This awakens us to the need to study the function of 'performative' violence compared to material destruction and assault / bodily harm.

There are also important gender dimensions around both the blasphemer and the blasphemed against. Investigating more episodes would see how this issue would intersect with other identities such as class, race, and lifecycle. This would also potentially disentangle questions about whether the context of specific events is as important, in our analysis of blasphemy, as the precise identities of all protagonists in each of these events.

The concept of blasphemy has not become anachronistic and so it remains in popular culture, even in cultures where the laws against blasphemy have been liberalised out of existence. Blasphemy still exists in some cultural encounters as a clash between individuals that results in a game changing accusation, perhaps functioning in the manner that witchcraft accusations were often inspired by other forms of conflict. Individuals still react to blasphemy and still take spontaneous action against it throughout the world. We can note evidence, from this volume, that blasphemous thoughts and expressions in the contemporary world still help to identify and re-identify the sacred in changing societies. Our example here is the chapter by Składanowski which showed how a church at Yekaterinburg, the very place where leading members of the Romanov family had been executed, became reinvested with the sacred – which was symbolically

⁹ *Ibid.*, 86–87.

dismantled by the apparently profane culture of Pokémon. The conception of violence done to sacred memory is one that infects history as well as the contemporary changing nature of belief.

We also have ample evidence that individuals, even if they find themselves in the minority, still want action taken against blasphemers. Recent evidence surrounding how defenders of such laws link them to national identity indicates that in certain conservative quarters of the population we still have lingering affection for blasphemy laws. This affection has not been lost on some governments, both past and present, and in future we might seek to investigate how the history of the offence might also be embraced by governments and individuals coercing populist feeling to create past and contemporary ‘Church and King’ loyalist mobs.

Finally, we might also think about how blasphemy laws in the modern world have frequently been ‘replaced’ with laws against incitement to religious hatred. These often contain the essence of some blasphemy laws, whereby forms of utterance are considered to constitute species of hatred and incitement. This new ‘definition’ explicitly links blasphemy with a form of violence whether it be expressed as a physical action, a speech act or a written pronouncement. Governments have also seen that appeals to populist reactions around religious belief, which spill over into violence, have been a valuable tool of political policy. In places such as Indonesia, blasphemy laws have been seen to legitimise new regimes and often stand against both religious minorities and external influences which are considered destructive. Thus, within the contemporary world violence is now more or less a central component of blasphemy’s modern existence so that its presence and the historical context of its relationship can no longer be ignored.

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Abstracts

Alain Cabantous

Violence and the Sacred, or Blasphemy during the French Revolution

During the French Revolution, the notion of blasphemy, initially considered to be of a religious nature and the result of personal judgement, entered the political field when it was tied to a new set of sacred values – the same values that give blasphemy its performative quality. This transfer was all the more astonishing given that the revolutionaries removed the crime of ‘divine lèse-majesté’ from the French penal code. In fact, as the chapter shows, many of the speeches that French deputies delivered during the years spanning the Constituent Assembly and the Thermidorian Convention used the term blasphemy for political purposes, imbuing concepts such as ‘the nation’ and ‘the people’ with a sense of sacredness and investing ‘equality’, ‘happiness’ but also ‘virtue’ with a transcendent meaning. The use of these concepts depended largely on the historical context such as the revolutionary wars and factional struggles. Particularly the trial of King Louis XVI made it possible for individuals to stigmatise political opponents opposing the trial as ‘blasphemers’. The same accusation was later brought against militant atheists opposed to the cult of the Supreme Being. At the same time, when Catholic believers were faced with or looked back to the Revolution’s anticlerical and dechristianising policies as well as its acts of sacrilegious violence, which were distinct from blasphemies though they often accompanied them, they had recourse to the traditional meaning of blasphemy. But whilst to them manifestations of verbal and physical violence equated an attack on and the scorning of God, His silence raised questions about the interpretations of these incidents and their meaning.

Julio de la Cueva

Blasphemy, War and Revolution: Spain, 1936

Blasphemy played an important role in the revolutionary situation that unfolded in the Republican zone after the beginning of the Spanish Civil War (1936 – 1939) on July 18, 1936. This zone witnessed the outbreak of intense violence against those considered enemies of the Republic and the revolution. The Catholic Church occupied a unique position among the targets of this revolutionary hatred. In fact, much earlier, the Church and Catholic religion itself had been singled out as enemies of the people within the anticlerical discourse that was common to the Spanish Left. The forms of violence used against the Church were

diverse but interrelated; they included murder, iconoclasm and offensive speech. The chapter chronicles 26 cases from the province of Toledo, revealing how blasphemy, and the incitement to commit blasphemy, emerged as instruments at the service of revolutionary violence. It examines how the use of offensive language against the sacred evolved from being a spontaneous practice – a trait characteristic of lower-class Spanish men – to an intentional practice, aimed at deliberately subverting the moral integrity of the clergy and, indeed, serving as a hallmark of the antifascist, revolutionary identity. Like sacrilege, blasphemy came to be part of the new revolutionary normativity in a situation of extreme secularisation imposed by force.

Matthew Kerry

The Sound of Blasphemy in Early Twentieth-Century Spain: Vulgarity, Violence and the Crowd

In May 1909, Madrid's Chief of Police launched an anti-blasphemy campaign in Spain's capital. Two months later, Barcelona was rocked by the "Tragic Week" when a strike against the mobilisation of reservists led to several days of rioting, barricades and anticlerical as well as iconoclastic violence. This chapter uses these two moments to examine attitudes towards blasphemy in early twentieth-century Spain, drawing on Catholic publications, the printed press and testimonies from the Tragic Week. It approaches blasphemy as a speech act that formed part of the sonic environment of the streets of Madrid and Barcelona in 1909. For Catholic commentators, blasphemy was a sin, a vice and a symptom of growing Spanish apostasy, but blaspheming was not solely a religious matter. Intellectuals agreed with Catholics that blaspheming was a vulgar act that required cleansing from Spanish society and criticised blasphemy as a symptom of Spain's underdevelopment. Their attacks on blasphemy betrayed fears about an emerging mass urban society for they associated it with the urban environment, the working class and mass entertainment. During the Tragic Week, blasphemy functioned as a disinhibiting cry that facilitated violence, as an assertion of anti-religious identity, and as a form of sonic violence. The deafening din of the anticlerical mob – a menacing, enveloping soundscape that included blasphemous yelling and sacrilegious bell-ringing – assaulted the ears and provided acoustic confirmation of a world turned upside down.

Christoffer Leber

Conflicting Narratives of Blasphemy, Heresy and Religious Reform: The Jatho Affair in Wilhelmine Germany

In 1911, the figure of Carl Jatho caused an uproar in Germany, especially among liberal and conservative Protestants. The reason for this was that the Lutheran Church of Prussia, Germany's largest state, had removed Carl Jatho, a charismatic pastor from Cologne, from his office on accusations of heresy. The decision was based on a newly introduced heresy law designed to regulate dissent within the Church's own ranks. The Jatho case triggered large protests not only among liberal Protestants, who admired the pastor as a religious reformer, but also among free-thinkers, secularists and monists. After all, Jatho radically broke with the conventions of the Protestant faith and integrated elements of pantheism, Monism and the contemporary Nietzsche cult into his spiritual teachings. Whilst conservative Protestants saw in Carl Jatho a heretic violating established religious ideas, freethinkers, monists and other secularists thus celebrated him as a pioneer of religious freedom and a modernizer of Christianity. This chapter argues that the debate over Jatho's dissenting views highlighted a long-smouldering conflict in Germany about freedom of belief, Protestant identity and confessional orthodoxy. This discussion took place against the backdrop of the 1871 imperial law prohibiting blasphemy and the 1911 heresy law that was the product of the Lutheran Church's efforts to suppress internal dissent.

David Nash

The Imagined Violence of Blasphemy in England

England substantially escaped the religious and political turmoil that was more commonplace elsewhere in nineteenth-century Europe. As a result, challenges to established religion were comparatively slight, and a vibrant anticlericalism was substantially missing from the country's history. This situation however bred a deep sense of providentialism, which had profound effects on how the authorities and the population at large viewed blasphemy and blasphemous incidents. With only events on the continent as exemplars, individuals regularly stated how England had been providentially spared the nightmare scenarios that unfolded elsewhere. This created a narrative that monarch, Church and government had provided political and social peace which had engendered prosperity for all; any threat to this set-up might create its downfall and a descent into continental-style revolution. Thus individuals had to explore in their own minds the imagined violence that blasphemy would create within society. In reply to this,

some nineteenth-century blasphemers indicted the God of the Bible as intemperate and prone to violence. The imagined fear of violence that might result from blasphemy also substantially influenced courtroom decisions and the pronouncements of judges that formed English Common Law into a series of precedents, which reflected the desire to prevent violence. Such attitudes also strongly influenced the actions of authority and policing agencies that regularly sought to define blasphemy as a public order problem.

Marco Emanuele Omes

Blasphemy, Religious Adherence and Political Loyalty in the Papal States (1790s through 1810s)

The specific set-up of the Papal States, whereby the pope was not just the spiritual head of a church but also a king with temporal power, ensured that politics and religion were closely intertwined. This interaction also showed itself during and especially after the occupation by French troops in the years 1798–1799 and 1808–1814, when political disloyalty was tied to forms of religious misbehaviour. Whilst the French were in power, acts of blasphemy and sacrilege, secular cults and ceremonies sacralising Emperor Napoleon Bonaparte were used to express patriotic attitudes and show opposition towards the papacy's political and theocratic power. After the papal restorations, however, they were used to stigmatise supporters of the erstwhile republican and imperial regimes as well as to reaffirm the pontiff's sacred authority. By considering the activities of different institutions instructed to enforce political and religious compliance (the Roman-based *Giunta di Stato*, the *Congregazione dei Disordini* and the tribunals of the Inquisition, the *Vicariato* and the *Penitenzieria Apostolica*), the chapter demonstrates the continuity in the doctrinal definitions of blasphemy across periods, the curious connection between blasphemy and the charge of *lèse-majesté* as well as the remarkable degree to which religion became politicised in the Papal States around 1800.

Manfred Sing

The Politics of Religious Outrage: The Satanic Verses and the Ayatollah's Licence to Kill

When it was first published in 1988, Salman Rushdie's novel *The Satanic Verses* caused an uproar among the international Muslim community. The chapter traces these worldwide protests and probes the failed attempt by British Muslims to put the author on trial for blasphemy. It argues that the blasphemous content of the novel is questionable because it took up a central motif of the Quranic text

in a literary form, exploring the boundaries between revelation, poetry and diabolical seduction. Criticism of the novel, however, ranged from accusations of historical falsification, obscenity and mixing the sacred and the profane, to disturbing the public peace and even racism – claims through which British Muslims tried framing themselves as a religious and political minority. Blasphemy allegations served, then, not only to question the impartiality of the secular order, but also to debate legal grey areas, social inequality, political representation, cultural rights and power imbalances. Additionally, the chapter offers a new look at Iranian Ayatollah Khomeini's licence to kill Rushdie, his publishers and aides, usually known as "*fatwa*," which it reinterprets as a deliberate act of vigilante justice and cultural as well as political self-empowerment. Paradoxically, Khomeini's actions produced the kind of modern (secular) state sovereignty that he claimed to reject for Islamic reasons. Even so, Khomeini's call for the use of extra-legal force to protect "the highest Islamic sanctuaries" became a forerunner of blasphemy accusations against the Prophet Muhammad that have since found numerous imitators for political and other reasons.

Marcin Składanowski

Pokémon in the Church: The Case of Ruslan Sokolovskiy and the Limits of Religious Performance in Contemporary Russia

An analysis of blasphemy in Russian public life shows that anti-church protests are generally political protests. However, in recent years Russia has witnessed a protest that was a form of public blasphemy but devoid of any political meaning: the art performance of blogger Ruslan Sokolovskiy. In 2016, he was accused of offending the feelings of religious believers after he had searched for Pokémon in the Church 'On Blood' (*'na Krovi'*, full name: Temple-Monument on the Blood in Honour of All the Saints who Shone in the Russian Land) in Yekaterinburg. The chapter analyses the nature, context and consequences of Sokolovskiy's intervention. It shows how the artist aimed to check whether said game, when played in a church, would result in legal consequences. In the video he made and broadcasted on YouTube, Sokolovskiy resorted to expressions and actions generally deemed blasphemous such as when calling Jesus a "rare Pokémon". Later, he even labelled his performance openly anti-church and antireligious. In 2017, Sokolovskiy was sentenced to three-and-a-half years' imprisonment and ordered to remove all videos from the internet offending the feelings of believers. Sokolovskiy's case serves as an example to examine how the contemporary Russian Federation deals with actions said to offend religious feelings. It sheds light on existing legislation, its versatile interpretation, selective and po-

liticised implementation as well as on its role in shaping the image of the Orthodox Church in contemporary Russian society.

Laura Thompson

Protecting Muslims' Feelings, Protecting Public Order: Tunisian Blasphemy Cases from the Nineteenth and Early Twentieth Centuries

In 1857, a Tunisian Jew was prosecuted for having allegedly committed a blasphemy; in 1904, a young Muslim reformer living in Tunis suffered the same fate. The chapter argues that both men were targeted for acts that were both public and repeated (as opposed to simple “slips of the tongue”) but also because each belonged to a minority group, whose religious and social identities put them just far away enough from a particular norm to be prosecutable. Their prosecutions helped a transitional state such as nineteenth-century Tunisia, part of the Ottoman Empire and then of France, to reassert control over the public sphere. More generally, the chapter argues that actors supporting and criticising blasphemy prosecutions in Tunisia for the past two centuries have repeatedly returned to a formulation of blasphemy as an affective crime. In fact, since the nineteenth century, politicians, plaintiffs, foreign travellers and journalists have frequently framed blasphemy as prosecutable because it hurts Muslims' feelings and as a result destabilises public order. Thus the chapter shows how alleged Tunisian blasphemers have consistently been accused of inflicting a violence that is deeply and physically experienced, teasing out a productive comparison with the affective consequences of hate speech crimes.

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