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Leonard W. Levy. *Blasphemy: Verbal Offense against the Sacred from Moses to Salman Rushdie.* Chapel Hill: University of North Carolina Press, 1995. xi + 688 pp. $18.95 (paper), ISBN 978-0-8078-4515-8.

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Leonard W. Levy's *Blasphemy* is a comprehensive history of a curious crime: verbal offense against the sacred. The offense is curious, because, as Levy asks, "if vengeance belongs to the supernatural governor of life, why invoke the criminal law?" This question is, of course, unanswerable, but Levy makes a compelling case for his theory that temporal rulers have historically used blasphemy accusations as proxies for persecution of political dissent in systems where the prevailing powers identify themselves with Divine right.

As Levy notes, the crime of blasphemy is largely a historical relic in Anglo-American legal systems, though many states retain anti-blasphemy statutes. In 1968, Maryland truck driver Irving K. West ran afoul of a 1723 Maryland statute providing, "If any person, by writing or speaking, shall blaspheme or curse God, or shall write or utter any profane words of and concerning our Saviour Jesus Christ, or of and concerning the Trinity, or any of the person thereof, he shall on conviction be fined not more than one hundred dollars, or imprisoned not more than six months, or both fined and imprisioned as aforesaid, at the discretion of the court." West's classic advice to a police officer to "Get your goddamn hands off me," earned him the distinction of the last blasphemy conviction in America, to date. His motion for postconviction relief led to the Maryland Court of Appeals' holding in *State v. West*, 263 A.2d. 602 (Md. App. 1970) that the 1723 Maryland blasphemy statute violated the First Amendment.

As a popular concept, blasphemy has been remarkably durable. Something in human systems clings to the notion that there can be one right way of thinking, and of looking at things, and that "wrong" thoughts and speech should be suppressed. This persistent yearning for enforceable orthodoxy, of course, necessarily calls for the police power of the state to enforce officially sanctioned views by actively eliminating any nonconforming expression. Though *West* impliedly ended blasphemy prosecutions in the United States, Levy nonetheless makes a case for continued study of the political and historical roots of the concept. No newcomer to this area of scholarly inquiry, Dr. Levy is the Andrew W. Mellon All Claremont Professor of Humanities and Chairman of the Graduate Faculty of History at the Claremont Graduate School, and Editor-in-chief of the Encyclopedia of the American Constitution. His *Origins of the Fifth Amendment: The Right against Self-Incrimination* (MacMillan, 1968) won the Pulitzer Prize for History; he has also published *Treason against God: A History of the Offense of Blasphemy* (New York: Schocken Books 1981), xviii and 414 pp., $24.95; *Blasphemy in Massachusetts: Freedom of Conscience and the Abner Kneeland Case* (ed., 1973) and numerous other works.

In *Treason against God* Levy argued that the alliance of religion and government gave the state the means and the motive for enforcement of majoritarian orthodoxy by means of secular punishment, so that persecution of religious dissenters expediently "preserved the church so that the church could buttress the state." In his current offering, Levy presents an exhaustive parade of horribles expounding a familiar theme in Levy's scholarship: that blasphemy has historically served as a convenient proxy for the offenses of political and social unorthodoxy.

The very vagueness of the concept of blasphemy makes it easy to abuse. As Levy points out, "In contrast to embezzlement, murder or larceny, whose existence has objective reality, no one knows whether the crime of blasphemy has occurred until a jury returns a verdict of guilty. Even then the culprit is guilty of the crime as a matter of law, though he may never have intended to commit it and after his conviction may still believe that he has not done so."

The North Carolina University Press paperback edition abandons the hardcover edition's cover photograph of Andres Serrano's "Piss Christ," and that is unfortunate. The strongest message of Levy's *Blasphemy* is its warning of the dangers of shifting blasphemy concepts into the realm of secular orthodoxy. Levy's message was thus

underscored by the Serrano work, which became became a focal point for the religious right's continuing campaign to suppress "offensive" art, both by attacking the National Endowment for the Arts and through calls for direct censorship.

Levy's presentation is direct and at times didactic, but liberally sprinkled with supporting anecdotes and occasional flashes of wit. Drawing heavily upon material and themes developed in his earlier works, the present effort is to some extent a re-exposition of his early work than a new offering, though he does carry the history of blasphemy and its punishment forward to the Salman Rushdie case, which had not occurred at the time of *Treason against God*. The Rushdie affair analysis is perhaps the most valuable part of the book, because it illuminates a fundamental issue in the secular persecution of blasphemy: Whose beliefs are to be protected against blasphemy?

In Britain, at least, blasphemy is still a prosecutable offense. As recently as 1979, the House of Lords upheld the conviction of the editor of the *Gay News* for printing a poem describing a Roman soldier fellating the crucified Christ, and in 1989 the government invoked the blasphemy law as a basis for suppressing "Visions of Ecstasy," a film about the 16th-century Saint Teresa of Avila, though there was no criminal prosecution.

The Rushdie case necessarily raises the issue of whether blasphemy is an ecumenical offense, or whether Christianity alone is protected? If Islam is protected under the laws of blasphemy, then Britain's Muslim population could call for Rushdie to be charged, tried, and ultimately executed under British law. If not, then what implications do these issues present to countries like Great Britain with a significant Muslim populations, but no law protecting their religious feelings from abuse? Levy's analysis of this issue is interesting and well-thought out, though it would be further illuminated by placing these issues in the larger context of international human rights law, addressing not only Rushdie's death sentence, but the *Gay News* case as well.

Levy's *Blasphemy* makes an sound contribution to current scholarship addressing issues of "correct" or state-approved thought and expression. Professor Levy's greatest strength is the massive and encyclopedic research that he brings to the subject. If there is a weakness, it is a tendency to gloss over points that would bear more substantial analysis. Levy dissipates much of the force of his argument by directing it toward largely undisputed points, like the non-occurrence of the Sanhedrin trial of Jesus. Levy's panoramic approach to historical developments, contrasts with, for example, Rodney A. Smolla's *Free Speech in an Open Society* (Vintage Books, 1993), which illuminates the larger picture by focusing on such discrete issues as hate speech, Gulf War press censorship, public funding of controversial art, and the Noriega tapes. Levy's work has implications for all the areas touched upon by Smolla's work, and by such works as Nat Hentoff's *Free Speech for Me But Not for Thee? How the American Left and Right Relentlessly Censor Each Other* (Harper Collins 1992) (analyzing the push for state enforcement of acceptable speech, from both ends of the political spectrum).

These works make a valuable contrast to *Blasphemy* because while Professor Levy repeats the warning earlier expressed in *Treason Against God* that "persecution for the cause of conscience . . . has not yet evaporated," he does not focus directly on current controversies over blasphemous or otherwise "offensive" expression. The parallels between blasphemy and the present-day drive to control secular speech are many: the belief that a certain world view is the only acceptable option rather than one of many; the view of non-conforming theories as a a clear and present danger to the preferred political or social order; the appropriation of orthodoxy as a concern of the state, to be coerced if necessary; and an absolutist mindset where there are no shades of gray, and where the world is divided into "us" and "them." It would be interesting to see Dr. Levy address more directly the implications of the historical context of blasphemy on today's controversies.

As in his previous works, Dr. Levy seeks to examine critically the crime of blasphemy within its proper social and political context. However, *Blasphemy* disappoints insofar as it largely retraces the same ground covered in Levy's earlier works, particularly *Treason against God*. Levy amply illustrates the danger that anti-blasphemy statutes still pose, but even after exhaustive review of the enmeshment of temporal power with the concept of blasphemy, Levy concludes:

Reasonable people should have learned by now that morality can and does exist without religion, and that Christianity is capable of surviving without penal sanctions. The use of the criminal law to assuage affronted religious feelings imperils liberty. Blasphemy laws ... are reminders that a special legal preference for religion in general, or for Christianity in particular, violates the Constitution. They are reminders too that the feculent odor of persecution for the cause of conscience, which is the basic principle on which blasphemy laws rest, has not yet dissipated.

While this more obvious than profound, readers of Levy's *Blasphemy* will nevertheless come away with an appreciation of the American constitutional distinction between church and state, the constitutional mandate for tolerance, and the dangers of enforcing orthodoxy in any of its guises.

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