

Should Civil Law Forbid Blasphemy?

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Editor's Note

In the late 1800's, there was a movement among many American Christian churches, to use the power of the State and judicial system, and implement moral laws. The agitation for Sunday laws was part of it, although it extended in other areas also, as this article from that time period shows.

In our day, the threat to implement moral laws, especially against "blasphemy" or "hate speech" as it is more commonly called, is being agitated by misguided politicians, and Islamic leaders. Initially, it is aimed at people spreading disinformation, or making prejudicial statements against Islam. But once laws are in place to protect a religion, they are soon used to shut down any kind of criticism, even legitimate, against such a religious body.

In effect, these "hate speech" laws will end up leading to persecution of any deviant, non-approved view of religious doctrine. As a prime example, the country of Indonesia stands foremost, especially considering that it is not an Islamic theocracy, but professes to be democratic (but Muslims are the majority religion there). To see the kinds of offenses that are prosecuted under these "blasphemy" laws, take a look at the following web page: [Blasphemy Law in Indonesia](#).

- A man is reported whistling during prayers: 6 months in prison for heresy;
- A governor quotes a verse from the Quran during a speech: the Muslims are up in arms claiming his speech as blasphemy...he gets 2 years in prison;
- A man gets 2.5 years in prison "for denigrating a religion because he publicly professed a nontraditional version of Islam."
- 42 Protestants get 5 years in prison for disseminating a "prayer" video.

But a similar sad history took place in Europe when Catholics (and sometimes Protestants) used the power of the State to enforce their religious ideas, which eventually led to persecuted people fleeing their countries to find safety in America, a country that became founded on the principle of religious liberty and separation of church and state, precisely in order to prevent these kinds of religious abuses of power.

In our day, many people don't know the history of the past, and the sad consequences that flow from these misguided attempts to control people's thoughts. And so we stand in danger of losing these hard-won freedoms. Therefore, I recommend the following article as an introduction to the theme, which shows that any religious laws, regardless if people think theirs is the

“right” religion, only lead to suppression and oppression, and are foreign to the religion and freedom that Jesus Christ established.

Part 1: Human Ideas of Blasphemy

ACCORDING to Judge Cooley’s definition, blasphemy is an attempt to lessen men’s reverence, not only for the Deity, but for “the accepted religion” as well. But any man in this wide world has the right to lessen men’s reverence for the accepted religion, if he thinks that religion to be wrong.

Consequently, that which would be counted blasphemy in this country, would not be counted blasphemy in China; and that which is in the strictest accordance with the word of God and the faith of Jesus Christ here, is necessarily blasphemy in China, or in Turkey, or in Russia.

A man who preaches the gospel of Jesus Christ in China commits blasphemy under this definition. He does make a willful attempt to lessen men’s reverence for their accepted religion, and for the deities recognized in their religion. He has to do so, if he is ever to get them to believe in Christ and the religion of Christ. He has to bring them to the place where they will have no reverence for their deities or for their accepted religion, before they ever can accept the religion of Jesus Christ.

Wherever the gospel of Jesus Christ is preached in any heathen country, it is blasphemy under this definition, because its sole object is not only to lessen men’s reverence for their deities and for their accepted religion, but to turn them wholly from it.

It is so likewise in Russia. Anybody there who speaks against the accepted religion, or against the saints, or their images, is subject to the penalty of blasphemy, which is banishment for life to Siberia.

But if blasphemy be a proper subject of legislation by civil government, if it be right for a government to make itself the “defender of the faith,” then it is perfectly proper for the laws of China to prohibit under whatever penalty it pleases, the preach-

ing of the gospel of Jesus Christ within the Chinese dominions; because its effect is to lessen men's reverence for the deities recognized by China, and for the accepted religion of the country.

And in that case there is no such thing as persecution on account of religion. The only persecutions that have ever been were because of men's speaking against the accepted religion.

If this principle be correct, then the Roman empire did perfectly right in prohibiting under penalty of death the preaching of the religion of Jesus Christ. Whenever Paul, or any of his brethren, spoke in the Roman empire, they blasphemed, according to the Roman law. They were held as blasphemers, and were put to death under the very principle of this definition, which is the principle of the American statutes on the subject of blasphemy.

The Christians had to tell the Romans that the Roman gods were no gods. And they did it with the express purpose of destroying reverence for them and for the accepted religion. Rome put them to death. And I repeat, if the principle of the American statutes against blasphemy is correct, then Rome did right.

To make this clearer, I quote a passage from the Supreme Court of Pennsylvania in defense of this principle, in a decision upon this very subject, which says:

“To prohibit the open, public, and explicit denial of the popular religion of a country, is a necessary measure to preserve the tranquility of a government.”

That is precisely what the Roman empire did. Christianity did openly, publicly, and explicitly deny the popular religion of the country. It did it with intent to destroy men's reverence for the deities and the religion of that country. Rome prohibited it; and upon the principle of the decision of the Supreme Court of Pennsylvania, which is the principle of American law on blasphemy, Rome did right, and Christianity was a blaspheming religion.

The principle of this decision seems to be that those who represent the popular religion of a country have so little of the real

virtue of the religion which they profess, that if anybody speaks against it, it is sure to rouse their combativeness to such a degree as to endanger the public tranquility. Therefore, in order to keep civil those who represent the popular religion, the State must forbid anybody to deny that religion.

This decision of the Supreme Court of Pennsylvania is one of the grand precedents that have been followed in all the later decisions upon this subject in the younger States; but this decision itself followed one by Chief Justice Kent of the Supreme Court of New York in 1811, in which he embodies the same principles. He defends the right of the State to punish such offenses against what he calls a Christian people, and not equally to punish like offenses against the religion of other people in this country, by the following argument:

“Nor are we bound by any expression in the Constitution, as some have strangely supposed, either not to punish at all, or to punish indiscriminately the like attacks upon the religion of Mohammed, or of the Grand Llama, and for this plain reason: that the case assumes that we are a Christian people, and the morality of the country is deeply engrafted upon Christianity, and not upon the doctrines or worship of those impostors.”

This is only to argue that if the morality of the country were engrafted upon the religion of Mohammed or the Grand Llama, and Christians were to speak against and deny that accepted religion, it would be proper that the State should punish those Christians for so doing. If that principle be correct, then a Mohammedan country has the right to prohibit the preaching of the gospel of Jesus Christ within its limits.

According to these decisions, Luther and the reformers of his day were blasphemers. The reformers did hold up to ridicule and contempt the popular religion of all Europe. They did right, too; and when the State punished them, it was but carrying out the principles upheld by Chancellor Kent and the Supreme Court of

Pennsylvania, and all the other States that have legislated on the subject of religion.

As we have already stated, it was upon this principle precisely that the Roman Empire forbade the preaching of the gospel of Christ. It only forbade an open, public, and explicit denial of the popular religion of the country, yet in forbidding that, it forbade the preaching of the gospel of Christ.

But Christ sent forth his disciples to preach the gospel to every creature, and they did it in the face of the Roman law, and in opposition to the whole power of the Roman Empire; and everybody in all the world has an undeniable right to make an open, public, and explicit, denial of the popular religion of this country, or any other, if he thinks that religion to be wrong.

The principle of these decisions and of the civil statutes against blasphemy, is essentially a pagan principle, and not a Christian principle. It is peculiarly appropriate, therefore, that Chief Justice Kent not only cited the precedents of the church-and-state principles of the colonies and of the British Government, but appealed to the pagan governments of antiquity and the Papal institutions of modern Europe, as the basis of his decision. It is true that all these nations have set themselves up as the special guardians of their deities, and have prohibited the denial of the popular religion; and it is equally true that all these Nations have resisted every step in enlightenment and progress that has ever been made in the march of time.

Every step forward in religion and in enlightenment has of necessity been taken in the face of all the opposition which these States and empires could bring to bear. But the principle of American institutions are neither pagan nor Papal. The principles of the American Constitution which forbids legislation on the subject of religion, are Christian principles.

And it is strictly in order for Supreme Courts in making decisions in behalf of what they boast of as the Christian religion, to base their decision upon something else than the course of the

pagan governments of antiquity, and the Papal institutions of modern Europe. Upon such a subject one would naturally expect them to refer to the teachings of the Author of Christianity, but they have never done so, for the very good reason that the teachings of Jesus Christ are directly against their theory.

His word forbids civil government to have anything to do with what pertains to God. And instead of teaching his disciples to prosecute, to fine, and to punish by civil law those who speak against them or their religion, he says:

Matthew 5

⁴⁴ Love your enemies, do good to them that hate you, pray for them that despitefully use you, and persecute you;

⁴⁵ That you may be the children of your Father which is in heaven.

How can men be brought to respect God or Jesus Christ by civil penalties upon their bodies and goods? How can they respect the religion of men who are ready to prosecute and imprison them? Every principle of the thing is contrary both to the spirit and the letter of Christianity.

The religion of Jesus Christ properly exemplified in the daily lives of those who profess it; is the best argument and the strongest defense against blasphemy, both as defined by the Scriptures and by the civil statutes.

September 18, 1889

Part II: The Accepted Religion

OUR National Reform friend, Mr. N. R. Johnston, takes us to task for printing the article in the *Sentinel* under the heading, "Should Civil Law Forbid Blasphemy." He says:

Your editorial under this head is wrong because it is all based upon a wrong definition of blasphemy. You follow the writings of civilians who know no more than you should know—and not so much. Watson says, "There can be no blasphemy where there is

not an impious purpose to derogate from the divine Majesty and to alienate the minds of others from the love of God. The blasphemer is no other than the calumniator of almighty God." Such an act is a most heinous sin against God, and against man, against government and against its divine author, and therefore should not be tolerated but punished.

We knew at the time that the full definition of blasphemy was not given. The object of the article was to expose the evil of that part of the definition which makes blasphemy consist of speaking against the accepted religion. For that reason we did not quote the definition in full, reserving that part of it for another article which Mr. Johnston's communication demands, but which would have appeared soon even though he had not written. We quote it from the same authority from which we quoted the other; that is, *Cooley's Constitution of Limitations*, He says:

Blasphemy has been defined as consisting in speaking evil of the Deity with an impious purpose to derogate from the divine majesty and to alienate the minds of others from the love of God.

It is seen that this definition is in substance the same as that quoted by Mr. Johnston from Watson, and therefore the distinction which he would make between the writings of civilians and those of theologians on this point, is not valid.

The later part of the definition involves the speaking against the accepted religion, because when a government forbids anybody from speaking so as to alienate the minds of others from the love and reverence of God, it has to set up some form of governmental idea of God. Such governmental idea can be only that which is held by the majority in the government.

And for anybody to speak in such a way as to alienate the minds of those people from that governmental idea of God is necessarily held by such government to be blasphemy. The Russian system is a case in point in which this principle appeals in its perfect baldness. As it prohibits the speaking in any such way as to turn anybody's mind from the accepted religion, whoever does so

is guilty of blasphemy and incurs the penalty of forfeiture of all civil rights and banishment to the most remote parts of Siberia. Any such system as that is as wicked as blasphemy itself.

Our object in this article, however, is not to defend the previous article, but to examine the merits of the other part of the definition of blasphemy not noticed in that, and that is, of its consisting in speaking with an impious purpose to derogate from the divine Majesty.

God's Majesty Unaffected by Man

We should like for our correspondent or anybody else to explain how any man's speaking against God can derogate from the divine Majesty. The majesty of Jehovah does not consist in what men give to Him. He is the eternal God, and is eternal and infinite in majesty as well as in every other attribute. Then what men may or may not do cannot effect His majesty to the slightest possible degree.

If all men on the earth were, today, to break out in the most hideous possible reviling of the Lord, that couldn't affect His majesty in the least. It would cause the further degradation of the men themselves and lessen their own dignity; but it couldn't affect the dignity of God nor degrade Him. Before there ever was a man or intelligent creature God had all the majesty that He has now and all that He ever will have, and He would have had that majesty had man never been created.

The creation of all intelligent creatures was not with the proud, selfish purpose of building himself up, or of increasing His dignity; but it was out of love to them, that they might have the joy of eternal joy in His presence. And all these intelligences ever can do is either in gratitude to Him to enjoy eternally the blessedness of that joy, or by sin to rob themselves of it. If any choose to rob themselves of it, as many have, that does not in the least derogate from the divine majesty. If any choose to enjoy it, as untold myriads have chosen, that does not add any to His majesty.

He is the self-existing One. Complete in Himself, in every perfection, and nothing ever can derogate from His divine majesty. Therefore such a definition of blasphemy expressing such an idea of the Deity as that He can be robbed of His divine majesty is in itself blasphemy.

Blasphemy Laws Are Pagan

The truth is, that the idea expressed in these definitions of blasphemy is wholly pagan. It is becoming only to man-made gods, as all but Jehovah have ever been. The gods of the heathen have always been only such as the heathen themselves made. When men make a god it is evident on the face of it that all the majesty which that god can ever have is such as those men can give to him. Therefore the more worshipers that god has the more majesty he has; the fewer worshipers, the less majesty; consequently, when anybody should speak against those gods in a way to lessen men's reverence for them, this was to derogate from their majesty.

If, for instance, one of these gods had fifty thousand worshipers, he had, comparatively, a good deal of majesty; but if twenty-five thousand of these worshipers should turn against him, he would only have half as much majesty as he had before; and if *all* his worshipers should desert him he would have no majesty at all.

This legal definition of blasphemy, and those who defend it, do therefore put Jehovah, the self-existent One, the God and father of our Lord Jesus Christ, they do put Him upon a level with all the heathen gods as one who derives His majesty from men, and one from whose majesty the words and actions of men can derogate. And as real blasphemy is to attribute to God that which is contrary to His nature, and does not belong to Him, or to deny what does; and as the legal definition of blasphemy does both of these; it is demonstrated that the legal definition of blasphemy is in itself blasphemous.

Usurping God's Authority

But it is asked, Did not Jehovah Himself forbid blasphemy and punish it? Yes, He did and He does yet. But He never did forbid it because He is afraid He will lose some of His majesty. Not at all. He forbids it because it is sin; because it is wickedness; because it is rebellion against divine authority. And this is why it is that when civil governments undertake to punish it, they usurp the authority of God.

In all the statute books on this subject it is treated as an offense against God, which only argues that the Lord is not capable of dealing with offenses against Himself; that therefore the government must take it upon itself to help Him. This is only again to come down to the pagan idea and put Him upon a level with all the man-made gods who are incapable of dealing with offenders.

A Lesson From Gideon

There is an old lesson upon this subject which we would sincerely commend to the careful study of judges, jurists, lawyers, and National Reformers. It is recorded in the 6th chapter of *Judges*. Israel had fallen into idolatry and were overrun by the Midianites. Gideon was called of the Lord to save Israel from the hand of the Midianites.

The great majority of the people of his own city, and even his father, were worshipers of Baal. Gideon was directed to throw down the altar of Baal and cut down the Asherah that was by it, and build an altar unto the Lord, and take a young bullock and offer it for a burnt offering and to burn it with the wood of the Baalim which he had dethroned. And because there were so many of the idol worshipers there, he did not dare to do it in the day time and did it at night.

When the people arose the next morning, and went out to worship, they found their gods were destroyed. Somebody had derogated immensely from the majesty of Baal. Such a thing as that could not be suffered. They set on foot a diligent investigation to discover the one who had so wickedly blasphemed.

Judges 6

²⁹ And when they inquired and asked, they said, Gideon the son of Joash has done this thing.

³⁰ Then the men of the city said unto Joash, bring out your son, that he may die; because he has cast down the altar of Baal, and because he has cut down the grove that was by it.

³¹ And Joash said unto all that stood against him, will you plead for Baal? Will you save him?...*If he be a god let him plead for himself*, because one has cast down his altar.

Joash was wise. That decision is sound. It would be well if the legislators and the judges of the different States in the United States were up to the same level and would allow that, when offenses are committed against the Lord, He is capable of dealing with those offenses Himself. Let them leave such questions entirely to the Lord, and thus show that they really believe Him to be what they profess to believe He is.

Suitable for Pagan and Papal Systems

Civil laws against blasphemy are becoming only to pagan and papal systems; the one, having only such gods as they make themselves, whose gods only derive their majesty from men and have only such as men give them; the other, recognizing a living and self-existent God yet usurps His authority and His prerogative.

The government of the United States, with which that of all the States should be put in harmony, is distinct from both these and by its Constitution absolutely forbidding religious tests, and religious legislation, stands in harmony with the word of Jehovah, the living and true God, the God and Father of our Lord Jesus Christ, the Saviour of sinners, whose majesty is His own, eternal and infinite, and never can be derogated from; and who can deal with offenders without any of the jury-meddling mediumship of earthly governments.