

Waddams should be congratulated on providing what must be the definitive study of an influential lawyer and a very decent man, who upheld the good name of ecclesiastical law as it was understood in his time. The work also sheds much light on the great controversies that afflicted church and state in the mid-nineteenth century. A less detailed, but in some ways more comprehensive (since not confined to one man), analysis of the theological cases may be found in the last chapter of R. E. Rodes's recent study, *Law and Modernisation in the Church of England* (Notre Dame, 1991).

*BLASPHEMY ANCIENT AND MODERN*

by NICOLAS WALTER

The Rationalist Press Association, London, 1990, 96pp.  
(Paperback £3.95)

A review by Peter M. Smith,  
Faculty of Law, University of Exeter.

In this monograph published by the Rationalist Press Association, Nicolas Walter expresses the views of the British Freethought movement in its campaign for the abolition of the law against blasphemy. As such it may be seen to be very much in the tradition of the political and religious tracts of former ages, which were designed to influence opinion rather than engage in objective academic discussion. Here the author clearly and openly attempts to persuade the reader to the conclusion that 'the most desirable single thing to do with the common law of blasphemy is surely to abolish it. . .'

Walter starts with the premise that blasphemy may be seen as having originated and developed within a long tradition of religious persecution. The laws of blasphemy and heresy, he argues, were formulated to suppress all forms of religious dissent, whether as at first coming from beliefs in another religious faith or later emanating from divergence within the Christian religion itself. Blasphemy, he suggests, also came to be used to protect Christianity from the demands of a secular society for freedom of thought and speech. He enumerates many occasions in which the laws of blasphemy have been invoked in what he clearly sees as a repressive and sometimes cruel way against those who dared to criticise the established religious views of their time. The *Lemon* case is described in some detail. This case, as no doubt many will remember, resulted from the private prosecution for blasphemous libel brought by Mary Whitehouse against *Gay News* and its editor Denis Lemon in 1977 concerning a poem published in the magazine. The success of the prosecution despite an appeal by the defendants to the House of Lords (*R. v Lemon* [1979] AC 617) established the continued existence of the offence of blasphemy after a period of just over half a century during which no successful prosecutions had been brought.

It is perhaps in the bringing together of the many and varied cases involving the prosecution of blasphemy that the book is at its best and of most interest to ecclesiastical lawyers. The selection of cases is comprehensive and a number of examples of the alleged blasphemous material are set out at some length.

This is not, however, a discussion of the law of blasphemy as such. The book clearly states that it is not intended as an academic study of the history or substantive law of blasphemy, and this is reflected in the fact that there are no footnotes to support the text, and the bibliography is somewhat limited.

The argument of the book is conducted from a standpoint with which many readers of the Journal may not be wholly sympathetic. Nevertheless, the conclusions which Nicolas Walter draws do cogently reflect the view of a very significant body of public opinion that the law of blasphemy is wholly inappropriate today. The monograph may therefore be seen as a legitimate, though one sided, contribution to the debate as to the future of the law of blasphemy.

(Note by Editor. Blasphemy is certainly 'in the news' again. See Professor Elliott's article on page 70).

#### *BEEKEEPING AND THE LAW – SWARMS AND NEIGHBOURS*

By DAVID FRIMSTON AND DAVID SMITH

Obtainable from Judge David Smith, Bristol Crown Court, Guildhall, Broad Street, Bristol, BS1. Cheques for £12.50 (to include postage and packing) payable to International Bee Research Association.

A review by Chancellor Michael Goodman

What, it may be asked, has the law relating to beekeeping to do with ecclesiastical law? The clue lies in the charming woodcut on the front cover of this interesting and valuable little book which shows some hives nestling under an apple tree in the shadow of the tower of the parish church. This is not surprising as beekeeping is often associated with the clergy with whom it has long been a popular hobby.

As long ago as 1744 the Revd. John Thorley wrote a treatise entitled (in Greek) *Melisselogia* or *The Female Monarchy*, 'an enquiry into the nature, order and government of bees, those admirable, instructive and useful insects'. One of the illustrations in the book shows the author sitting in his study with a swarm of bees sleeping on his table while he is searching for the Queen. It is recorded that he had stupefied these bees with the smoke from a dried fungus. In 1776 the Rector of Holton, Suffolk, the Revd. Stephen White, wrote *Collateral Bee-Boxes*, 'a new, easy, and advantageous method of managing bees'. In the nineteenth century there were a number of useful guides by members of the clergy on the practical management of bees. Parson Woodforde kept bees or at least his niece Nancy did, as he recorded in his famous Diary. One entry refers to a swarm that settled which one of the maids was able to hive. 'I think Nancy very lucky with her Bees. Dinner today of Peas and Bacon, etc.'

It may not be generally known today that from early times the clergy were maintained by the payment from their parishioners of a tenth part of all produce of their lands. Part of these tithes consisted of minor live produce. Edmund Southerne, who wrote the first original book in English about beekeeping in 1593, related the story of a parson who demanded of a beekeeper his tenth swarm as a tithe. The beekeeper complied, but delivered the swarm by knocking it out upon the ground so that the parson and his family were stung. However, in Burn's