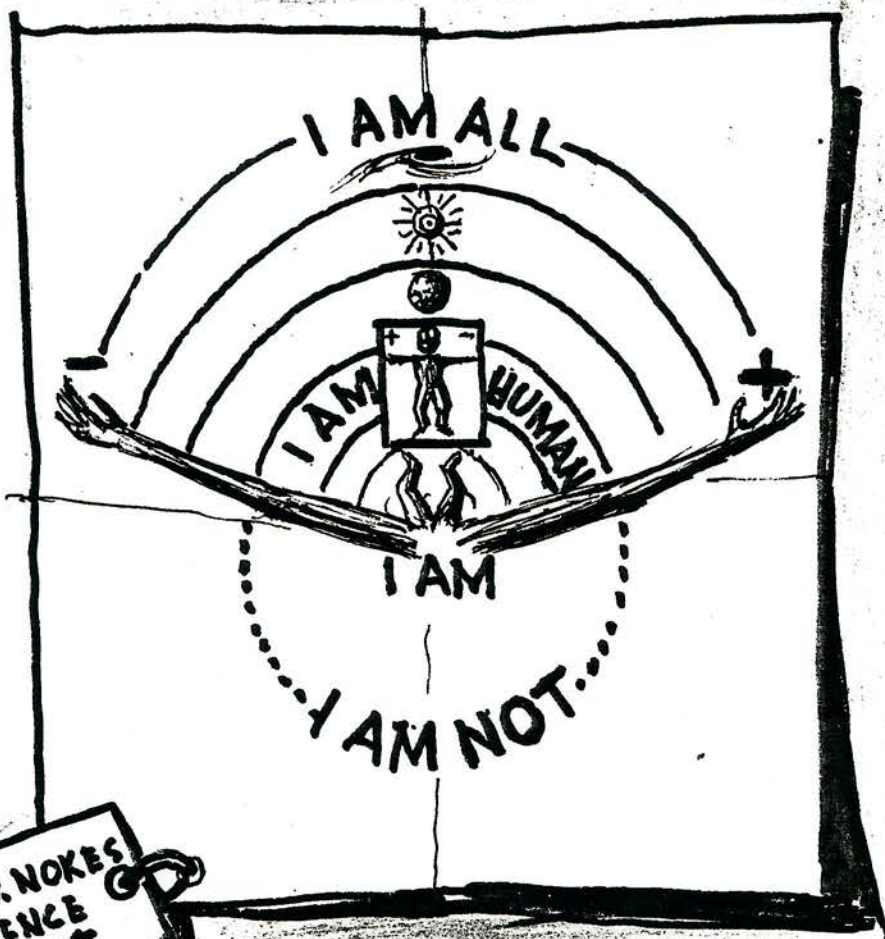




THE GREAT BLASPHEMY TRIAL



REX V. NOKES
DEFENCE
EXHIBIT

D.E. HARDING



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THE GREAT BLASPHEMY TRIAL

Nobody can be said to have attained to the pinnacle
of truth until a thousand sincere people have
denounced him for blasphemy.

Anthony de Mello, S.J.

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PROLOGUE

My name is John a-Nokes, the year is 2003 C.E., and I'm writing this in a prison cell. I await the outcome of my trial on a charge of blasphemy.

This cell isn't the ideal writer's study, but it will do. The chair I'm sitting on is chair-shaped: the numbing effect no doubt arises from the fact that it's made of and upholstered with case-hardened cast iron. The table I'm sitting at is sufficiently supplied with greyish recycled writing paper and ballpoint pens that write as if they, too, have been recycled. The view from here is of an interestingly crazed WC pan and a cracked washbasin set against shining grey graffiti-proof tile walls. High in the wall ahead is a window more heavily barred than it need be, seeing that only a ten-foot prisoner could reach it; and certainly smaller than it should be, seeing that the light it admits seems to have been filtered through grey flannel underwear. The smell, which is of that underwear repeatedly but insufficiently dosed with disinfectant, leaves me gasping occasionally like a stranded but resigned trout.

I'm filling in the time by writing up this account of the trial, based on the notes I made at the time and my present recollection of what happened. Though I shall be doing my best to be truthful, and in particular to be fair to the case for the Prosecution, I can't pretend to perfect impartiality. How could I? In any event, this is not going to be a verbatim account of the proceedings, but no more than a fairly detailed summary of my impressions. Much of the inconsequential to-and-fro between the parties will be left out. And it's likely there were things of substance said that I didn't hear because I wished not to hear them.

What I can promise you my reader (I've reason to hope that these pages will

be got out of here and find their way to those they are meant for) is that you will get a clear picture of what I'm up to and why, and will be well able to decide for yourself whether or not I'm guilty as charged. In fact, I hereby warn you that my aim is conspiratorial. It isn't so much to defend myself (it's a bit late for that) as to involve you in the criminal adventure which led to my arrest and trial. If I can win you over to my side in this affair, I shall be satisfied. And all the more so if, less rash and vociferous than I am, you'll be able to keep your nose fairly clean. I mean, stay sufficiently quiet about your discoveries, and so avoid arrest and prosecution--with the risk of a death sentence.

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Before getting down to the trial itself you will need to be reminded of its historical background, of what led up to it.

The history of the social upheavals that gave rise to the passing of the Blasphemy Act of 2002 C.E. is too complicated to go into here at all thoroughly. To summarise will do. They began with the price put on the head of Salman Rushdie by the Ayatollah, and the notorious outcome of that international scandal. They built up to the Fundamentalist Disturbances of 1999-2000, when a newspaper cartoonist, a popular comedian, and a modernist bishop were kidnapped and burned at the stake for ridiculing the Second Coming of Christ promised (as millions believed) for January 1st, 2000. They culminated in the widespread communal riots of the year 2001 in which hundreds died: many of them subjected to the farce of trial by kangaroo courts set up by sects claiming to represent the heart and soul of the great Western

religions, and dedicated to rooting out blasphemy whatever the cost. After which, Parliament decided that the lesser evil would be to institute special courts, trying charges of blasphemy in accordance with the law of the land. And so the old common law was updated and made statute law and given teeth. Teeth that could kill.

The new anti-blasphemy legislation of the year 2002 has been widely condemned as servile surrender to bigotry and superstition, and a very serious curtailment of human rights. Many have talked of a revival of the Holy Inquisition. But at least it has, so far and touch wood, done much to calm the more excitable zealots and dissuade them from taking the law into their own hands. The large and growing 'conscience drain' (dubbed the 'blasphemy sewer' by certain fundamentalists) from the West to the East--where the concept of blasphemy is little understood--is reckoned a small price to pay for ending what had begun to look like civil war.

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As for the provisions of the Blasphemy Act--a longwinded document drafted in the standard legal jargon--a note of some of the main points will be enough for our purpose.

The Act is directed against anyone who threatens to disturb public order by giving offence to religious communities, no matter what medium is used. It may be by means of the printed word or in public meetings or TV and radio broadcasts, or simply by going around and button-holing strangers and stirring them up. Privately held opinions, expressed in the family and among friends and in peaceable meetings of scholars or like-minded persons, don't come under

the Act. Nor does the occasional and accidental insult: it must be sustained. Blasphemy is defined as the use in public of insulting words and behaviour aimed at any Being or Person or Object whatever that's held to be sacred. Notably it includes claiming to be one or another of the sacred Entities, but just about any behaviour that gravely upsets their devotees and worshippers is treated as criminal. In fact, it's difficult to see how anyone who isn't actually moribund could remain, all through his or her life, perfectly innocent of this offence. There's a good deal of agreement that the Act, as a result of having been drafted in haste and passed in panic, is exceptionally vague and hard to implement. And, what's much worse, that it's a bad case of the disease it aims to treat--the disease of heresy-hunting carried to the point of terrorism. You, my reader, will soon be well placed for checking how far these criticisms are justified.

Four or five much-publicised arrests have been made, and preparations for the trial of the alleged offenders have reached various stages. My own case is the first to be heard under the Act. Which makes it the test case, calculated to bring to light (if doing little to solve) the problems of what promises to be a new and deplorable chapter in the history of jurisprudence. For this reason--and perhaps also because I conducted my own defence in a way unheard of in the courts--it has become known to the Press as the Great Blasphemy Trial.

It follows from the provisions of the Act, and the special nature of the crime it's concerned with, that customs which have become standard in criminal trials can't be followed here. New and looser procedures are in the process of being developed and tried out.

Thus the Prosecution was given a remarkably free hand, and the rules about

what is and what isn't admissible evidence were much relaxed. Hearsay, and the opinions of non-expert witnesses, were to a large degree permitted by the Judge. So was the leading of witnesses.

As a gesture of even-handedness, the Judge also made two concessions to the Defence. The first arose from the large number of witnesses called by the Prosecution and the varied nature of their evidence. It was ruled that I should be free to defend myself against each witness's testimony in turn as soon as it was given: the reason being that, if left to the end, the Jury (and I) would have forgotten what it was all about. Thus I was able to take care of the Prosecution's arguments as they came up and were fresh in all our minds.

The second concession arose from the difficulty that my witnesses, though far outnumbering the Prosecution's and far outweighing them in prestige, couldn't be subpoenaed to appear in court. The problem was that they are dead. Fortunately so. Most of them, had they been alive and saying now what I'm quoting them as having said, would have exposed themselves to prosecution under the Act. Therefore I wasn't at all apologetic in seeking leave to cite in my defence the recorded testimony of these deceased allies, men and women of high repute and belonging to all manner of traditions and times. Quite reasonably, the Prosecution objected that their so-called evidence was inadmissible seeing that they couldn't be sworn and questioned and cross-questioned, and moreover seeing that (as everyone knows) the sayings attributed to the famous are often garbled if not spurious. After some argument the Judge ruled that such material might, with discretion, be produced in court, but only as illustrations for giving shape and colour to my case and by no means as testimony for proving it. I expressed my

satisfaction, inasmuch as I never dreamed of founding my case on what these or any other pundits say, but upon the experiments and practical demonstrations (helped out by visual aids) which test what they say. I pointed out to his Honour that it wasn't belief but doubt--my daring to question dogmas and assumptions that are rarely challenged--that has landed me in the dock. My unbridled scepticism is what some of my critics call it. They're about right.

The visual aids consisted of diagrams and sketches I had made in advance--for clarifying my case in detail--bound together in a booklet with a mirror mounted on the cover. The Judge and the Jury members and the Prosecution lawyers were each furnished with a copy. The importance for the Defence can scarcely be exaggerated. I'm obliged to the Crown for its cooperation in the preparation of the booklet, and its use throughout the trial.

The overall effect of these legal irregularities and concessions was to turn the court into something like a superior debating chamber, tricked out with all the pomp and ceremony of the law. A court which nevertheless retained full powers of determining guilt and passing sentence. The ultimate penalty prescribed by the Act is death, which may be reduced to imprisonment and fine if the offender publicly apologises to the outraged parties, in terms and circumstances to be decided by the Judge. The impression one is left with is that the last thing the politicians who brought in the Act wanted was a line of martyrs whose bleeding but haloed heads could be laid at their door.

Just a couple more points before we get down to business.

A thing that puzzled me at the time, and may well puzzle you as you read on, is what I can only call the patchy and enigmatical performance of Sir Gerald Wilberforce, the Crown Counsel. He has a reputation for knowledge in

fields that top lawyers rarely have time to cultivate, and for skill in applying it. No doubt that's why he was chosen to prosecute. His versatility did indeed come out in the trial. But so, mysteriously, did lost opportunities to press and follow through a point that emerged to the Prosecution's advantage, or to the Defence's discomfort. Again, though he generally put up the obligatory show of forensic vigour and acumen, there were often occasions when he seemed to stray from his brief--to the extent of forgetting his role and the terms of the charge against me. At such times he slipped into the urbane and discursive polemic of the lecture theatre, instead of sticking to the tighter polemic of the law court. It was as if Sir Gerald had forgotten whether he was wearing his doctoral hood or his tie-wig.

The other thing that puzzled me is the trouble the Prosecutor took to pile witness upon witness till there were twenty-six of them, when he could have made his case with half that number. If he had known in advance how vulnerable many of them were to prove, he would no doubt have reduced them to a carefully selected half dozen. But it's easy to be wise after a trial without precedent. Having of course supplied the Defence in advance with abstracts of the testimony of all twenty-six, he was somewhat committed to calling most if not all of them. Nevertheless the question remains: why so many in the first place?

Even now I'm not absolutely sure of the answer to these two conundrums. But whatever it is, I think it belongs at the end of this write-up of the Proceedings. By then, your guess will be as good as mine.

THE CHARGE AND THE PLEA

PROSECUTING COUNSEL: 'Your Honour, I am Gerald Wilberforce, King's Counsellor, and I am appearing on behalf of the Crown in this case. My Junior at the Bar is Herbert Atkinson of Lincoln's Inn.

'The Defendant, John a-Nokes, is charged under the Act of 2002 C.E. with the crime of blasphemy.

'I shall be calling some twenty-six witnesses, each of whom will testify to one or more of the following essential matters. I say, matters of fact:

'First, the blasphemy. In all manner of ways John a-Nokes has insulted and brought into contempt One whom people perceive as divine.

'Second, its extreme form. In John a-Nokes the offence peaks. For he falsely claims that he is none other than the Unique Being whom ordinary humans worship as the highest and the holiest.

'Third, its dissemination. To gain publicity for his blasphemous beliefs, he has persistently used all available means, including radio and television broadcasts, books and magazine articles, and public lectures.

'Fourth, the reaction. His teachings have so outraged religious people that they have repeatedly committed such breaches of the peace as arson, riotous assembly, unlawful killings--and prima facie murder.

In applying these Four Criteria, your Honour, the Prosecution sets out to prove the Defendant guilty of the crime of blasphemy as defined in the Act.

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JUDGE: 'How do you plead, John a-Nokes? Guilty or Not Guilty?'

MYSELF: 'Not Guilty, your Honour.'