Last July, Ireland's Parliament passed a law against religious blasphemy by a single vote. Widely criticized within the country at the time, it came under international criticism as it took effect on Jan. 1, 2010. Much of the criticism has had the tone of "I can't believe that such a medieval (read "inquisitorial") law has been passed in the 21st century!"

Such a response is not quite fair, since the law was written quite broadly. The 1937 Irish Constitution forbids blasphemy and despite the country's close historical ties to the Roman Catholic Church, the law was crafted to prohibit public blasphemy against all religions. Indeed, the Church was not even consulted, as became clear during last summer's parliamentary debates.

If I were an Irish bishop, I would be worried about the bill and its impact, for the law ignores blasphemy's character as a theological category and fails to give authority to any religious body to identify blasphemous statements or actions. The law holds that blasphemy is "matter that is grossly abusive or insulting in relation to matters held sacred by any religion, thereby causing outrage among a substantial number of the adherents of that religion."

The only authority in determining blasphemy given by the law is thus "a substantial number of the adherents." This is not blasphemy as theology but blasphemy by popular acclamation.

Blasphemy is typically decided by an authoritative religious body and given theological definitions. In post-Reformation England, Common Law defined blasphemy in several ways, all theological. Blasphemies included: Denying God's divine character, casting aspersions on Jesus and his character, ridiculing the Holy Scriptures, and even, at times, disparaging the sacrament of Holy Communion.

The advantage of these theological specifications is that they are clear. A person knows ahead of time what is (and thus what is not) blasphemy. The dictates are authoritative and not arbitrary.

The new Irish law is quite vague by comparison. No specification of what constitutes blasphemy is available before someone speaks about a religion. Instead, it is only after there is a public reaction (or not) that someone can know whether they have violated the statute.

Of course, the other frequent criticism is that the new Irish law curtails free speech, despite exceptions for artistic, academic and other purposes. Critics hold up England's Parliament, by comparison, which just a year earlier had eliminated blasphemy as a crime ("finally!").

But this change took place only after England in 2006 instituted the Racial and Religious Hatred Act. Rather than pursue blasphemy, English law now outlaws "religious hatred," by which it means, "hatred against a group of persons defined by reference to religious belief." Attempts to incite hatred against these groups for the purpose of harming them or infringing their legal rights are thus crimes.

There has been an important shift here in the legal approach to protect the right to one's own religious belief and practice. Rather than protecting the religion, the law now protects a religion's adherents. In some ways, it is similar to an anti-discrimination law on the one hand, and to an anti-incitement law on the other.

Purposely or not, Britain has brought itself into line with Article 20 of the United Nations' 1966 International Covenant on Civil and Political Rights. This puts it in agreement with the Catholic Church's official position on religious rights, which is to endorse the U.N.'s International Covenant, according to the Vatican's permanent observer to the U.N.

English law and the U.N. Covenant aim to prevent people from acting on any negative feelings they hold toward another religion. The Irish law, by contrast, is a law aimed to enable prosecution. Although it forbids insults and abuse concerning sacred religious matters, it does nothing to prevent them prior to their occurrence. Thus, while English law attempts to prevent the incitement of hatred against a religious group, Irish law says: If a religious group indicates it has been harmed by a provocative act of hatred, then the provocation constitutes blasphemy.