



Islamic Theology of Counter Terrorism
اسلام کے تقویہ لایاؤ۔ مکاؤنٹر تیرور ازم

Blasphemy Laws in the Light of Qur'an, Bible and Western World

Noor Dahri



THE HISTORY OF BLASPHEMY

- *Indo/Pak Blasphemy Laws*
- *The Blasphemy Act 1697*
- *Blasphemy Laws & Pakistan Panel Code*
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AUTHOR INTRODUCTION

Noor Dahri is the Founder and Executive Director of Islamic Theology of Counter Terrorism- ITCT, a UK based Counter Islamist Terrorism Think Tank. He has also worked with the London Police department for the last seven years. He is an independent researcher in Counter Islamist Terrorism and Radicalisation.

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SUMMARY

The history of blasphemy is long and complicated. The law was actually introduced by the British Empire in India and was supported by Muslims through the religious texts afterwards. If we look at the texts, one with great knowledge would see the Islamic arguments are weaker in support of the Blasphemy law. There is nothing in the Quran or the authentic teachings of the Prophet of Islam justifying the killing of people for opposing, criticising, humiliating or showing irreverence towards Islamic holy personages, religious artefacts, customs and beliefs.

The people of South Asia, especially in India and Pakistan, are still very confused how, where and for whom this law should be implemented. Some people apply this law over the people who leave Islam and accept another religion (apostasy); some apply it against those who insult the religion by their actions or words or even mock the Prophet of Islam (blasphemy).

While living in Pakistan, I have personally experienced situations in which people were killed: in some cases, it was those who even talked ill about their sects, and in another, an Imam (Muslim cleric) in the province of Punjab was killed under the false allegation of blasphemy. His crime was related to burning the unwanted pages of the Quran outside his mosque, something that is allowed in Islam. Later, it was found that the deceased Imam belonged to a Salafi group and his opponent group killed him due to personal religious enmity.

In Pakistan, from the 1990's until now, more than 90 people have been killed by various traditional means under the false allegation of the blasphemy law.¹ One of the victims of blasphemy was a governor of Punjab province Salman Tasir, who was killed by his own bodyguard, Mumtaz Qadri (a religious Brelvi extremist).² As well as an assassination of Christian minister Shahbaz Bhatti over his open and public criticism on Blasphemy law.³ In prisons, thousands of people await their trials and a few of them got the death penalty but nothing happened so far, and they have been left to their fate.

Islam denounced the practice of barbarism such as forced conversion into Islam, harming people based on their religious beliefs, killing under accusation of Blasphemy or threats to people who wish to leave Islam. The world is shocked and surprised by the attitude of Muslims, especially of Pakistan, as on the one hand they preach to the world that Islam is a religion of peace and harmony and on the other hand they show aggression, violence, ill treatment and seizing basic human rights from minority communities. The primary goal of this paper is to form a foundation for understanding how the Prophet of Islam consistently showed honour and nobility when insulted and attacked.

BLASPHEMY LAWS IN INDO/PAK



INDIAN PENAL CODE 1860

Blasphemy is derived from the Greek term ‘blasphemia.’ This Greek word, according to scholars, is probably derived from two words: *bapto* and *pheme*. *Bapto* is believed to mean ‘to injure’, and *pheme* means ‘to speak’. Thus, the word means “injurious speech”. Another understanding of the meaning of blasphemy can be “speaking evil of the divine things”.⁴

The Blasphemy laws were introduced by the British empire in the colonisation era in India. There were three blasphemy laws that were in India in 1860 under Indian Penal Code, Section 295, 296 and 298 in 1860, however section 295A was enacted in 1927.

When Pakistan was created in 1947, it adopted the same four laws in the same stage with amendments such as section 295B and 295C, which were added and enacted during the era of General Zia ul Haq.⁵

The legal definition of Section 295A of the Indian Penal Code which was carried out by Pakistan after its creation is:

[295A. Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.—Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of [citizens of India] [by words, either spoken or written, or by signs or by visible representations or otherwise], insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to 4[three years], or with fine, or with both.]⁶

There have been arrests and implementation of Blasphemy laws in India such as cases of newspaper editors for their articles criticising the public nudity of certain Jain monks and arguing for the right to criticise any religion, other incident is when Kiku Sharda was imprisoned for ‘mimicking’ Gurmeet Ram Rahim Singh during a comedy show which then rekindled the debate over India’s regressive speech laws.⁷

Another instance is the *Shreya Singhal* case where the Apex Court distinguished between ‘incitement’ and ‘advocacy’ and also held that the laws which restrict free speech have to be viewed from a narrow lens so that they only catch the former kinds of acts,⁸ and a few cases were presented before the Indian Supreme Court to challenge the Blasphemy laws such as a case of *Ramji Lal Modi v. State of U.P* (1957)

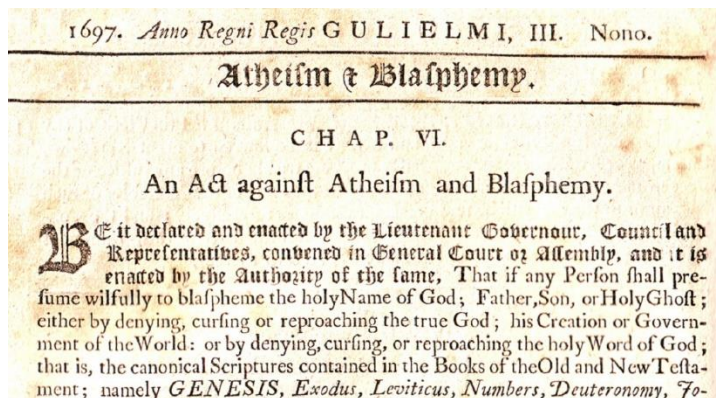
in which the Court observed that Section 295A puts a restriction which is reasonable upon the freedom of speech in accordance with Article 19(2) of the Constitution ‘in the interest of public order’.⁹ This judgement was unfortunately a legal justification of the validity of the section 295A.

However, in the northern Indian state of Punjab, a new section 295AA of IPC 1860 was introduced by the Punjab legislative assembly as an amendment in the early 20th century. According to Section 295AA,

“If anyone causes injury, damage, or sacrilege (violation or misuse of what is regarded as ‘sacred’) to four of India’s religious texts- Sri Guru Granth Sahib, Holy Quran, Srimad Bhagwad Geeta and Holy Bible with an intention to hurt the religious feelings of the people, that person would compulsorily be punished with life imprisonment.”¹⁰

Though the move has been justified as being done for preserving communal harmony in the state by the government, many public and even media have termed the amendments as regressive and politically motivated. Some also said that it is a threat to freedom of speech and expression.¹¹

THE BLASPHEMY ACT 1697



The Blasphemy Law Act 1697 was an act of the Parliament of England. The Act was directed against apostates at the beginning of the deist movement in England, particularly after the 1696 publication of John Toland's book *Christianity not Mysterious*.¹²

“The Blasphemy Law made it an offence for any person, educated in or having made profession of the Christian religion, by writing, preaching, teaching or advised speaking, to deny the Holy Trinity, to claim there is more than one God, to deny the truth of Christianity and to deny the Bible as divine authority. The first offence resulted in being rendered incapable of holding any office or place of trust. The second offence resulted in being rendered incapable of bringing any action, of being guardian or executor, or of taking a legacy or deed of gift, and three years’ imprisonment without bail.

“It was rarely applied: the legislation allowed only four days after the offence for a formal complaint to be lodged and the trial itself was required to be held within three months. As a result, existing common law process continued to be the first line against heterodoxy in England and Wales.”¹³

However, the Law commission of the UK had recommended on 24th May 1966 to revoke the whole Act from the Parliament and the recommendation was legally implemented in the Criminal Law Act 1967.¹⁴

BLASPHEMY LAWS AND PAKISTAN PANEL CODE



There are 8 Blasphemy sections that come under the Pakistan Panel Code:

- 1- 298: *Uttering of any word or making any sound or making any gesture or placing of any object in the sight with the deliberate intention of wounding the religious feelings of any person*
- 2- 298A: *Usage of derogatory remarks etc., in respect of holy personages*
- 3- 298B: *(Ahmadi Blasphemy Law) Misuse of epithets, descriptions and titles, etc., reserved for holy personages of places by Ahmadis. 26 April 1984*
- 4- 298C: *(Ahmadi Blasphemy Law) Aka Ordinance XX: a person of Ahmadi group, calling himself a Muslim, or preaching or propagating his faith, or "in any manner whatsoever" outraging the religious feelings of Muslims, or posing himself as a Muslim*
- 5- 295: *Injuring or defiling places of worship, with intent to insult the religion of any class*
- 6- 295A: *Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious feelings*
- 7- 295B: *Defiling, etc., of Quran*
- 8- 295C: *Use of derogatory remarks, spoken, written, directly or indirectly, etc. defiles the name of Mohammad or other Prophet (s)*

No Doubt, by additions of a few more but harsher blasphemy sections in PPC, Pakistan has proven to be a strict and non-tolerant country over blasphemy. According to the report submitted to the UN in 2004 by the National Commission of Justice and Peace (NSJP) "537 persons have been accused under blasphemy laws during 1986-2003, 227 (42%) were Muslims and 310 (58%) of religious minorities (Christians, Ahmadis & Hindus). Sixteen accused of blasphemy has been killed arbitrarily including Justice Arif Iqbal Bhatti of the Lahore High Court who passed orders of vindicating a blasphemy accused."¹⁵

TYPES OF BLASPHEMERS



There are four types of people that have been accused of blasphemy in Pakistan at time of writing.

1- **Non-Muslim:**

- Minority community
- Atheists

2- **Apostate:**

- Former Muslims

3- **Muslim:**

- Different Sects

4- **Insanity**

- Mental Disorder

Non-Muslim: Blasphemy accusations targeting individuals have become a form of religious culture in Pakistan, one that has been widely supported and promoted by Islamic clerics in mosques. There were also many blasphemy incidents recorded in media when non-Muslim victims were killed by a mob under blasphemy accusations because an Imam had issued a fatwa of killing against them for conducting acts of blasphemy. However, investigation found different reasons behind their killings, such as victims' personal clashes with the local Imams or people over land dispute, property dispute or religious differences, etc. Hindu and Christian communities have largely been accused and attacked under blasphemy by Muslim mobs and almost all of the accusations were fake and fabricated. One case that sparked national and international media attention concerned a Sri Lankan factory manager who was brutally killed by his Muslim workers for blasphemy because he removed a religious poster from the factory wall written in Urdu, and he was unaware of its messaging. When the incident was investigated by the security officials, it came up as a personal clash between the Sri Lankan manager and his Muslim factory workers which had nothing to do with any type of blasphemy.

The common sense would not allow us to even consider that how comes a person belong to a minority community (Hindu and Christian), living in such a hostile situation under Islamist barbaric environment, can dare to commit an act of blasphemy (proclaiming derogatory remarks against the Prophet of Islam) in public, around other Muslims even though s/he knows, it will have consequences of painful death of not only them but possibly their entire family, as in some cases entire villages were burned? It does not make any sense.

Apostate: There is no doubt that people from minority communities have always been easy target by Islamist clerics and mobs for accusation of blasphemy in Pakistan however same accusations have also been raised for former Muslims (apostates) who not only left Islam but continually criticise Islam and Islamic figures, such as Prophet, his family members and companions therefore they have been easy targets for the activists of religious and Islamist organisations.

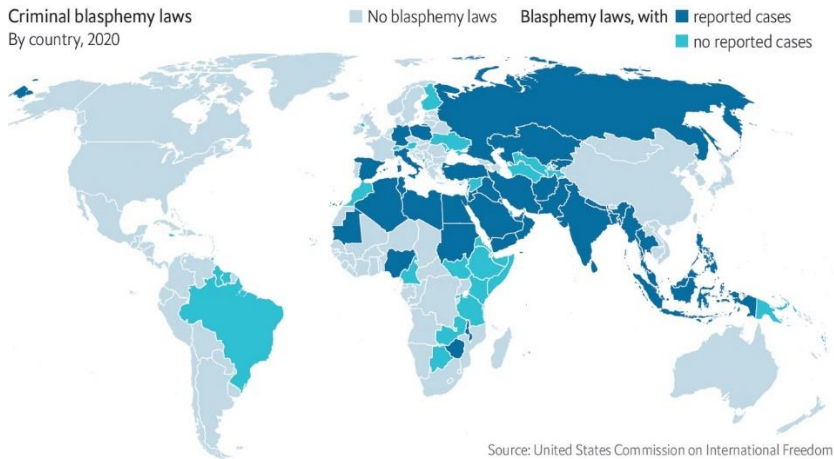
Muslim: The Blasphemy law has always been misused against opposite sects by some powerful religious organisations such as Deobandi and Brelvi. There were several incidents highlighted when people belong to Brelvi sect attacked and killed a person belong to Deobandi or Ahle Hadith (Salafi) under blasphemy charges but when the matter was investigated it was found that victim had either burnt unwanted Quranic pages (it is allowed in Islam) or discussed some derogatory remarks about dead Sufi saints (whose shrines are in Pakistan) with other Muslims, or accused of saying something ill about Unislamic rituals, etc.

Insanity: There were a few cases recorded when Muslim men were accused of blasphemy and were brutally killed by mob, or killed inside prison by Muslim inmates or arrested by Police under PPC 295C, and when the incidents were investigated, the accused were found to be mentally disabled and even did not know what they had said in public, etc.

Most of the people who were arrested and imprisoned under the charges of Blasphemy are still inside jail awaiting their trials for years because either Police could not present them in front of courts for fear of religious groups reaction or Judges are not continuing cases or not releasing them even though they are not found guilty, in fear of their and the lives of their family members. Top government figures such as minister, governor, higher ranking officers, civil servants as well as judges have been mercilessly killed because either they raised their voices against the barbaric law of blasphemy or released pensioners found not guilty in blasphemy accusations.

These types of people have been continually accused of blasphemy in Pakistan, however non-Muslims are the overwhelming majority that have been charged under the act of 295C of Blasphemy laws. According to the report conducted by Center for Research and Security Studies, from 1947 to 2021, “As of 2021, 89 people have been extrajudicially killed, from roughly 1,500 accusations and cases. The actual number is believed to be higher because not all blasphemy cases get reported in the press. More than 70% of the accused were reported from one province – Punjab (1,098), followed by Sindh (177), Islamabad Capital Territory (ICT) (55), Khyber Pukhtunkhwa (KP) (33), Baluchistan (12), and Azad Jammu & Kashmir (AJK) (11). Note that the capital of the country had more cases of blasphemy than KP and AJK jointly had. Cases where the location was unclear have been marked in the data from Pakistan overall.”¹⁶

BLASPHEMY LAWS IN THE WESTERN WORLD



Blasphemy is foreign to the Islamic world, but it is not in the Western world because these laws were already implemented and enforced in different European countries but were either abolished, not practiced or are not implemented. The Christian world had created such blasphemy laws with harsh punishment, including executions and immolation, ostensibly to protect Christianity from abusive behaviour or scurrilous speech.¹⁷ The list of the western countries who had introduced such laws is long but a few of them are mentioned here:

Australia: Since Australia has emerged as a British colony in 1780s, it received English common law including the Blasphemy Act 169. The last attempted prosecution for blasphemy by the Crown occurred in the State of Victoria in 1919.¹⁸

Canada: Blasphemous libel* was a crime in Canada under section 296 of the Criminal Code R.S.C., 1985, c. C-46. Subsection (1) read:

“Everyone who publishes a blasphemous libel is guilty of indictable offence and liable to imprisonment for a term not exceeding two years.”

However, both Canadian parliaments (House of Common and Senate) passed the bill to repeal Section 296 of the Criminal Code (originally from the UK) on 11th Dec 2018 and on 13th Dec 2018, the Governor General granted Royal Assent to make this officially repealed.¹⁹

Denmark: Paragraph 140 was an Act in criminal law of Denmark since 1866 and two convictions were reported, one in 1938 and another in 1946. In 2017, a man was charged for blasphemy for posting a video of himself burning Quran, however this act was finally revoked on 2nd June 2017.²⁰

France: The actual definition of blasphemy was introduced in France in 13th century based on the definition given by a sin of language, "a failure to declare one's faith". St. Thomas Aquinas: a sin of language, "a failure to declare one's faith". Extreme levels of punishment, notably mutilation of the tongue and lips, were introduced during the reign of Louis IX, who was later declared a Saint by the Catholic Church. St. Louis became obsessed in his fight against heretics, Jews and Muslims and set the punishment for blasphemy to mutilation of the tongue and lips. He passed this law after his return from

the Seventh Crusade in 1254.²¹ This bill of revocation of blasphemy law was presented in the French Parliament after the *Charlie Hebdo* attack and later the Act was revoked completely in October 2016.²²

Germany: In Germany, religious defamation is covered by Article 166 of the Strafgesetzbuch, the German criminal law which is actually a Blasphemy law and has not been repealed yet. The clauses of Article 166 of the Strafgesetzbuch are as follow:²³

(1) Whoever publicly or by dissemination of writings (11 par. 3) defames, in a manner suitable to disturb the public peace, the substance of the religious or world view conviction of others, shall be fined or imprisoned for up to three years.

(2) Whoever publicly or by dissemination of writings (11 par. 3) defames, in a manner suitable to disturb the public peace, a church established in Germany or other religious society or world view association, or their institutions or customs, shall be punished likewise.

Ireland: Blasphemy law was introduced in Ireland in 1855 under the offence of Blasphemous Libel. The Blasphemy against Christianity was prohibited by the constitution and maximum penalty for such offense was a fine of €25,000. It was ruled in 1999 to be incompatible with the Irish constitution which guarantees religious equality. In January 2020, Minister of Justice and Equality Charles Flanagan signed an order commencing an amendment to the law of Blasphemy and was officially abolished as a criminal law in Ireland.²⁴

Netherlands: The Blasphemy law Dutch Criminal Code was introduced in the Netherlands in 1881 which was officially in force in 1886.²⁵ It was then further recommended to tighten the law and passed in majority votes by the Dutch Parliament in 1932. Article 147 punished [by up to three months in jail or a fine of the second category (up to €3,800)] anyone who publicly, orally or in writing or depiction, offends religious feelings by scornful blasphemy.²⁶ On 1 February 2014, the law on blasphemy was officially abolished.²⁷

United Kingdom: The history of the Blasphemy Laws is very ancient in England such laws were also applied in all regions and countries where the British Empire ruled for centuries such as the US, Australia, Canada, South Africa, New Zealand and many African and South Asian countries. These laws were called English Blasphemy Laws which were historically defended with the following reasoning: the “[blasphemy] law is needed to uphold the national law, which is based on Christianity. Thus, targeting Christianity is targeting the very foundation of England.”²⁸

The death penalty for blasphemers originated from English Blasphemy Laws. In 1696, a Scottish court sentenced Thomas Aikenhead to death for blasphemy.²⁸ The last prosecution for blasphemy in Scotland was in 1843.³⁰ John William Gott was the last person who was imprisoned and was sentenced to nine months, hard labour under blasphemy law in December 1921.³¹ Blasphemy laws of the medieval times were abolished in England and Wales in 2008 and Scotland in 2021. They remain in Northern Ireland but have not been used for many years.

A majority of EU countries and the US also had tougher blasphemy laws, but these were abolished time over time.

BLASPHEMY LAWS IN THE MUSLIM WORLD



Blasphemy laws are part of the colonial enterprise: introduced by Western empires such as UK, France, Spain, etc and brought and implemented in regions and countries that were colonised by such empires in Africa, Middle East and Asia, etc. Such Blasphemy laws were abolished or went defunct in those western countries over time but in other regions have evolved and now remain in their full functional domain in the majority of Muslim countries across the world.

People have been sentenced to death in many Islamic countries such as in Saudi Arabia, Iran and Pakistan. Blasphemy laws in Muslim-majority countries vary widely in terms of their interpretation, enforcement, and severity. These laws typically aim to protect religious beliefs and prevent insult to or defamation of religious figures, practices, or sentiments. However, the extent to which they are enforced and their implications on freedom of expression and human rights have been subjects of debate and controversy.

Here are a few examples of countries with blasphemy laws:

Pakistan: Pakistan's blasphemy laws (295, A.B.C.) are among the most notorious and controversial. Accusations of blasphemy can lead to severe consequences, including imprisonment or even death. These laws have been criticised for being used to settle personal vendettas and for disproportionately targeting religious minorities.³² On 19 March 2014, Pakistani English-language newspaper, *The Nation*, conducted a poll of its readers that showed 68% of Pakistanis believe the blasphemy law should be repealed.³³

Saudi Arabia: Blasphemy is considered a serious crime in Saudi Arabia, which follows a strict interpretation of Islamic law. Offenders can face severe penalties, including imprisonment, flogging, and even execution. In 1992, Saudi Arabia executed at least one juvenile for blasphemy.³⁴

Iran: Blasphemy against Islam or its holy figures is considered a crime in Iran. Punishments can range from fines to imprisonment, and in extreme cases, execution. In 2023, two men in Iran were executed for blasphemy. The two men, Yousef Mehrad and Sadrollah Fazeli-Zare reportedly ran several online accounts dedicated to spreading atheism. The pair were first arrested in 2020 for running an account on Telegram. The two were then convicted in 2021 on multiple charges of blasphemy and sentenced to death.³⁵

Afghanistan: Blasphemy laws have been present in Afghanistan, and their enforcement has varied over time due to the country's political and social changes. Two journalists were arrested under the charges of blasphemy by saying the Islam practiced in Afghanistan was reactionary, for criticizing the political use

of the religion by conservative leaders, and for asking: “If Islam is the last and the most complete of the revealed religions, why are the Muslim countries lagging behind the modern world?” Afghan Supreme Court confirmed the death sentence for both journalists who went into hiding before the sentences were pronounced.³⁶

Egypt: Blasphemy laws exist in Egypt, but their enforcement has been inconsistent. Accusations of blasphemy have been used as a means of suppressing dissent. The main blasphemy law in Egypt is Article 98(f) of the Egyptian Penal Code. It penalizes: “whoever exploits and uses the religion in advocating and propagating by talk or in writing, or by any other method, extremist thoughts with the aim of instigating sedition and division or disdain and contemplating any of the heavenly religions or the sects belonging thereto or prejudicing national unity or social peace.”³⁷

Bangladesh: Blasphemy laws are in place, and there have been cases where individuals have faced legal action or violence for allegedly insulting religion. Under Section 295A of Bangladesh's Penal Code (1860), any person who has a “deliberate” or “malicious” intention of “hurting religious sentiments” is liable to imprisonment.³⁸

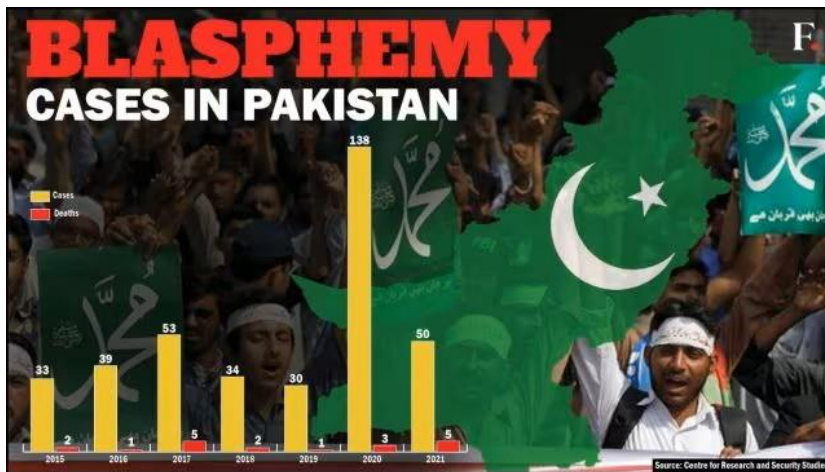
Indonesia: Blasphemy is criminalised in Indonesia, and cases have been reported where individuals have faced legal consequences for alleged blasphemy. Indonesia prohibits blasphemy by its Criminal Code. The Code's Article 156(a) targets those who deliberately, in public, express feelings of hostility, hatred, or contempt against religions with the purpose of preventing others from adhering to any religion, and targets those who disgrace a religion. The penalty for violating Article 156(a) is a maximum of five years' imprisonment.³⁹

Turkey: Article 216 of the Turkish Penal Code addresses “Insulting Religious Values.” It states that those who publicly denigrate religious values that are adopted by a part of the population can be subject to imprisonment for a term of up to one year. This article has been used to prosecute individuals for criticising or mocking religious beliefs, particularly those related to Islam. In addition to Article 216, other provisions of the Turkish Penal Code and related laws may also be used to address blasphemy or offenses against religion.⁴⁰

It's important to recognise that the enforcement and severity of blasphemy laws can vary within each country and over time. These laws often intersect with cultural, political, and societal factors, and the interpretation and application of these laws can be highly subjective.

In recent years, there has been growing international scrutiny and calls for reform of blasphemy laws in several countries due to concerns about human rights abuses and the stifling of freedom of expression. Some countries have taken steps to amend or reform their blasphemy laws, but the situation is complex and evolving. For the most current and accurate information on blasphemy laws in specific countries, it's recommended to consult recent sources and reports from human rights organisations and legal experts.

FAMOUS BLASPHEMY CASES IN PAKISTAN



Asia Bibi: Asia Bibi, a Christian woman, was accused of blasphemy in Pakistan in 2009. She was alleged to have made derogatory remarks about the Prophet Muhammad during an argument with Muslim coworkers.⁴¹ In 2010, she was convicted and sentenced to death by hanging under Pakistan's blasphemy laws.⁴²

The case garnered international attention and sparked debates about freedom of speech, religious tolerance, and the misuse of blasphemy laws in Pakistan.⁴³ Many human rights organisations, both within Pakistan and globally, advocated for Bibi's release, arguing that the charges against her were fabricated and that she did not receive a fair trial. Her case also highlighted the dangers faced by individuals accused of blasphemy in Pakistan, as accusations alone could lead to violence and even extrajudicial killings.⁴⁴

After years of legal battles, in October 2018, the Supreme Court of Pakistan acquitted Asia Bibi of all charges, citing insufficient evidence.⁴⁵ This decision was met with both relief from human rights activists and violent protests from certain extremist groups within Pakistan. A prominent religious scholar and Imam of the historic Masjid Mohabaat Khan in Peshawar, Maulana Yousaf Qureshi, had offered a reward of Rs500,000 (USD\$1,646) on the head of Asia Bibi (for her execution).⁴⁶ Following her acquittal, Asia Bibi faced threats to her life, and there were concerns about her safety.⁴⁷

Salman Taseer: Salman Taseer was a prominent Pakistani politician and businessman who served as the Governor of Punjab province in Pakistan. He was a member of the Pakistan People's Party (PPP) and played an active role in politics. Taseer was known for his liberal views and progressive stance on various social and political issues.⁴⁸

Tragically, Salman Taseer was assassinated on January 4, 2011, in Islamabad, Pakistan. He was killed by one of his own bodyguards, Malik Mumtaz Qadri, who disagreed with Taseer's vocal stance against Pakistan's blasphemy laws.⁴⁹ Taseer had publicly expressed his support for a Christian woman named Asia Bibi, who had been accused of blasphemy and sentenced to death.

Qadri, the assassin, believed that Taseer's support for Asia Bibi and his criticism of the blasphemy laws were acts of blasphemy themselves.⁵⁰ He was arrested immediately after the assassination and later sentenced to death. Qadri's actions were widely condemned by human rights activists, liberals, and many in the political sphere, both within Pakistan and internationally. His act highlighted the intense polarisation and the challenges faced by those advocating for reform in Pakistan's blasphemy laws.⁵¹

The assassination of Salman Taseer was a significant event in Pakistan's recent history, and it brought to the forefront the tensions between progressive and conservative elements within the country, as well as the complex issue of blasphemy and its legal implications.

Shahbaz Bhatti: Shahbaz Bhatti was a Pakistani politician and a prominent advocate for the rights of religious minorities, particularly Christians, in Pakistan. He served as the Federal Minister for Minorities Affairs in Pakistan from 2008 until his assassination in 2011. Bhatti was known for his outspoken criticism of Pakistan's controversial blasphemy laws, which have often been used to target religious minorities and dissenters. He was also a vocal supporter of interfaith dialogue and peace.

Tragically, Shahbaz Bhatti was assassinated on March 2, 2011, in Islamabad, Pakistan. He was attacked by gunmen who ambushed his car, firing multiple shots at him.⁵² The Tehrik-i-Taliban Pakistan (TTP) claimed responsibility for the assassination, stating that Bhatti was targeted due to his opposition to the country's blasphemy laws.⁵³ His assassination was widely condemned both within Pakistan and internationally, and also highlighted the challenges faced by religious minorities and human rights activists in the country. Shahbaz Bhatti's death remains a significant event in Pakistan's recent history, symbolising the struggles for tolerance, freedom of expression, and religious freedom in the region.⁵⁴

Mashal Khan: Mashal Khan was a Pakistani student who was brutally lynched and killed by a mob on April 13, 2017, at Abdul Wali Khan University in Mardan, Pakistan.⁵⁵ The mob accused him of blasphemy, although there is no credible evidence to support this claim.⁵⁶ Mashal Khan's tragic death sparked outrage both within Pakistan and internationally, and it highlighted the dangers of the country's blasphemy laws and the climate of intolerance they can foster. The incident led to widespread protests and calls for reform of the blasphemy laws, which have been criticised for being misused to settle personal scores and target minority communities.⁵⁷

The investigation and trial of Mashal Khan's killers led to multiple individuals being arrested and sentenced to various prison terms, including some receiving the death penalty. The case also raised awareness about the need for better protection of the rights and safety of individuals accused of blasphemy.⁵⁸

It's important to note that discussing blasphemy in Pakistan can be a sensitive and potentially controversial topic due to its legal and social implications. The case of Mashal Khan serves as a tragic reminder of the complexities and challenges surrounding this issue. The unlawful and un-Islamic killing of Mashal Kahn in Pakistan raised a serious debate among Muslims, why do people use the Blasphemy law and abuse it in every blasphemy case?

Priyantha Kumara Diya: A Sri Lankan factory manager Priyantha Kumara Diya was accused of blasphemy by his Muslim worker. He was then tortured, killed and then set on fire in Sialkot (city of Punjab province of Pakistan) in Dec. 2021.⁵⁹ Workers at the factory had reportedly accused him of desecrating posters featuring the name of the Prophet Muhammad. It's important to note that the posters and stickers were written in Urdu language and the manager Priyantha was unaware of the language.⁶⁰ The posters on wall belonged to a religious extremist group, Tehrik Labika Pakistan (TLP) and the lynching was carried out by activists of TLP.⁶¹ TLP was placed and banned under counterterrorism laws in Pakistan, but the ban was lifted by the Imran Khan government in Nov 2021⁶¹ after the deadly protest held by the group in Lahore in Oct 2021, in which 6 police personnel were killed⁶³, a month before the Sri Lanka manager's lynching was carried out. The manager had asked one of the factory supervisors to

help him to clean up the factory premises including bathroom, paints and whitewash the walls not knowing that TLP posters in Urdu language were stuck on walls. When they were removed and the wall

was painted, he was accused of tearing down the name of Muhammad on the poster and was burnt to death alive.⁶⁴

Joseph Colony: The attack on Christian Joseph Colony in Lahore refers to an incident that occurred on March 9, 2013, in Lahore, Pakistan.⁶⁵ A mob of around 3,000 people attacked the Christian community in Joseph Colony, a predominantly Christian neighbourhood in Lahore and burnt more than 200 Christian houses ⁶⁶including 16 shops and 2 churches,⁶⁷ following allegations of blasphemy against a Christian man named Sawan Masih.⁶⁸ The incident began when a dispute arose between Sawan Masih and his Muslim friend over a trivial matter. The situation escalated when rumours spread that Sawan Masih had made blasphemous remarks against the Prophet Muhammad. A mob of enraged individuals gathered outside Sawan Masih's house and demanded his arrest. The police arrested Masih to prevent further violence.⁶⁹

However, the mob, incited by local clerics and extremist elements, was not satisfied with the arrest. They proceeded to attack and ransack Christian homes in Joseph Colony, setting fire to houses, shops, and churches. The attack resulted in considerable damage to property and displaced many Christian families from the area.⁷⁰ In the aftermath of the attack, the government took steps to restore order, arrested those who were involved, provide compensation to the affected families, and rebuilt the damaged properties.⁷¹ However, in 2017, a few years after the deadly attack on Joseph colony, an anti-terrorism court (ATC) had acquitted 106 people accused of being involved in that attack⁷², compromising justice in Pakistan.

Jaranwala Incident: on 17th August 2023, a deadly incident was sparked all around social and electronic media, in which, thousands of Muslims attacked a Christian colony and a few Christian villages of Jaranwala city, near Faisalabad district, Punjab, Pakistan. The violent mob set fire to 22 churches, looted, destroyed and burned nearly 100 houses and shops as well as tore and burned hundreds of bibles within a few hours. This deadly incident happened on the basis of blasphemy allegations against a Christian father and son who it was claimed insulted the Prophet Muhammad in writing on paper.⁷³

According to a local journalist Obiad Bhatti's statement on X (formerly known as Twitter), a local person related to the Jaranwala incident said that a Muslim family had a fight with the accused of blasphemy a day ago. In the early morning, when Muslims saw the written insulting words and the name of the alleged accused in the form of a cross and an A4 size paper with the insulting words, name and a picture of a Christian father and son (probably intended to make people look at the faces and names of accusers) were scattered. Those who were concerned about the matter began to gather there, a local Imam was also informed and called there, with whom some Christians kept trying to talk and give them assurances. The news of the defamatory papers and the presence of names and pictures of Christians on them had spread everywhere and the Christian community realised the seriousness of the situation as Muslims gathered near their streets amid deteriorating conditions.

The news had reached the Assistant Commissioner who also belonged to the Christian community, who immediately evacuated the Christian settlement. Fearing for their lives, young children, women and the elderly were fleeing their homes to an unknown and potentially safe place far away. People gathered outside the crime scene, and by 9am in the morning thousands of people had surrounded the Christian

settlement. The news of the incident spread throughout the city, and a shutter-down strike was called as people had closed their shops and gathered at Cinema Chowk, which was in front of Christian colony. According to the Central Police Office (CPO), due to the lack of CCTV cameras in the streets where the insulting papers and writings were found, it was not known who threw the papers in the dark of night.

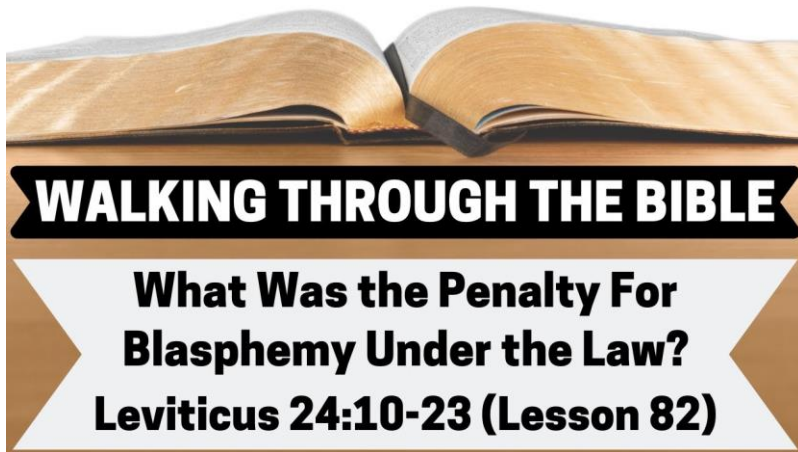
The issue, which started after daybreak i.e., after 5am, had fully flared up by 9am, and people belonging to a certain religious and political party had taken over the lead of the crowd and were raising loud slogans. The Assistant Commissioner, who was a Christian, a fact that caused disapproval over his appointment, realising the sensitivity of the situation, had evacuated the township within a few hours of

receiving information about the matter. Many people had surrounded his office, and vandalism and burning began as the crowd divided into different parts and started attacking the churches and houses of Christian citizens across the city.

Everyone was becoming a leader of each other and leading the crowd to the desired places. According to the report of police, 16 churches were set on fire in Jaranwala city and its surroundings, out of which 3 central churches were completely burnt to ashes in a few hours. Property belonging to clergy houses was burnt to ashes, while hundreds of Christian houses were partially or completely destroyed. Allegedly, the religious books in the churches, including the Bible, were also burnt, torn and thrown on the ground, and the mob trampled the scrolls under their feet. No one in the crowd even realised that burning churches and Christian religious books are also sacred and their desecration is subject to the same laws that apply to the religion of Islam. Thousands of police personnel were present in Jaranwala city and district Faisalabad, while several offices and personnel of Rangers and other law enforcement agencies were also present, but until late in the evening they did not do anything to stop the crowd. The local police continued to watch the entire arson as a spectator.

Before evening, when the paramilitary force Rangers had arrived there in view of the law-and-order situation, around 100 violent persons were arrested in the late night while thousands of others were roaming freely. The Christian community hid to save their lives during the entire incident and could not return to their homes even at night. They lived in the shadow of fear, during which time they were constantly worried that at any moment a violent crowd could come towards them to harm their lives. The next day when the situation seemed to be somewhat under control due to the deployment of the paramilitary force, many Christians returned to their villages in fear and wept and sobbed at the sight of their destroyed homes.

While the majority of them are still unable to return to their homes due to fear, according to the Acting Assistant Commissioner, all could return within a few days. On the other hand, no clear policy has yet been announced by the government as to what laws will be taken against the rioting majority Muslims and how the destroyed churches and Christian settlements will be settled because hundreds of families are completely homeless at the moment. Houses have been destroyed, whatever they had for food, drink, clothing and shelter has been burnt to dust by the violent mob.”⁷⁴



In fact, the Blasphemy law has nothing to do with the Quran or the teachings of Islam, the idea of blasphemy came from the biblical scriptures. If we look at the history of religions, we can find the medieval idea from other religions which was adapted from the Muslim world such as antisemitism that came from the Western world to the Middle East. The idea of blasphemy is foreign to Islam. The Blasphemy law was wrongly justified by some medieval Muslim scholars on the basis of their understanding of Jewish and Christian texts supporting the law against those who blaspheme and vilify their religions.

Dr Aslam Abdullah, a director of the Islamic Society of Nevada, highlighted this issue very precisely. He defined the idea of blasphemy, which was widely practiced by other religions as well. According to his brief: “The word ‘blasphemy’ came from Middle English blasphem, the Old French blasphemier and the Latin blasphemus, meaning “I injure.” Based on this definition, rulers used laws to victimise non-members of and dissident members of the ruling party. Countries that had a state religion used it often to serve the interests of the rulers. In Judaism, the third book of Torah Leviticus states that those who speak blasphemy shall surely be put to death:

“Anyone who blasphemes the name of the LORD is to be put to death. The entire assembly must stone them. Whether foreigner or native-born, when they blaspheme the Name, they are to be put to death.”⁷⁵

It is clearly mentioned in two main passages in the Bible (Leviticus 24:10-23) and (Kings 21:8-13) about the penalty for the offense of blasphemy which is “Stoning to Death.” However, in Judaism, there has always been a debate about “Does blasphemy mean to insult God, or does it mean to curse God?” Some Jewish laws prohibit Jews to proclaim the name of God because His name is sacred to be proclaimed by any human and offense of uttering His name will, under blasphemy, be put to death by stoning although some Jewish scholars have defined the blasphemy in detail, and they argue that uttering God’s name does not come under blasphemy but the act of “uttering God’s name and cursing” comes under blasphemy as it is mentioned in the Mishna (Hebrew code of Jewish law), “One who blasphemes, i.e., one who curses God, is not liable unless he utters the name of God and curses it.”⁷⁶ Rabbi Louis Jacobs explained the blasphemy in Judaism and rejected the concept of death penalty for blasphemers in Judaism: “To insult

the Torah or Moses, the other prophets, or the sages of Israel is also held to be a serious offence, but this is, at the most, an extension of the original blasphemy law and is not covered by the death penalty.”⁷⁷

The seven laws of Noah seen by Judaism as applicable to all of humankind prohibit blasphemy in Christian theology:

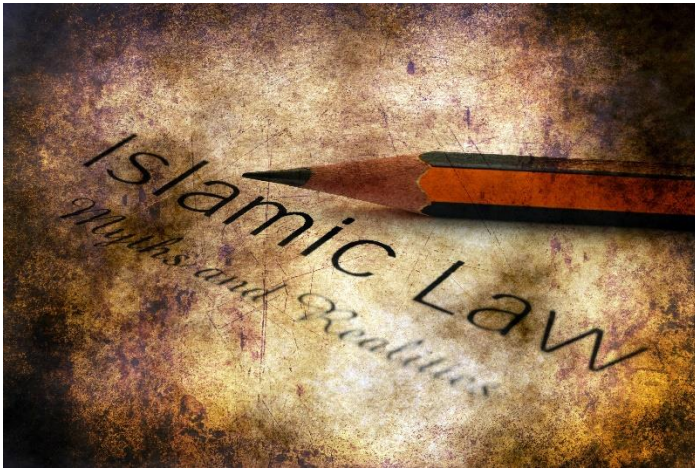
“...but whoever blasphemes against the Holy Spirit will never be forgiven; they are guilty of an eternal sin.”⁷⁸

The Gospel of Mark describes blaspheming the holy spirit as an unforgivable eternal sin. Thomas Aquinas considered blasphemy a major unforgivable sin, graver than murder. The Book of Concord describes it as the greatest sin ever committed.⁷⁹ The Baptist Confession of Faith calls it a disgusting and detesting act. The Catholic Church has specific prayers and devotions as Acts of Reparation for blasphemy against God and the Church, which was a crime punishable by death in much of the Christian world. In England, the last blasphemy execution was that of 18-year-old Thomas Aikenhead who was executed for the crime in 1697.⁸⁰ He was prosecuted for denying the accuracy of the Old Testament and the legitimacy of Christ's miracles.⁸¹

I do not want to blame any religion here, but I raise a point that if the followers of other religions can learn and refrain from their religious wrongdoings, why can't Muslims reform their religion in relation to bringing it back to its peaceful origins rather than following dark political Islam?

The Blasphemy law in Pakistan comes under the criminal code 295C, which suggests the death penalty for those who defame the Prophet of Islam. This is an un-Islamic law, and it has no Islamic divine support but the British Law that became the Pakistan Penal Code (PPC) after the partition in Pakistan is slightly different. The supreme leader of the Shia state of Iran Ayatollah Khomeini issued a fatwa against the blasphemy of Salman Rushdie for writing a book titled the Satanic Verses. It was completely his own personal opinion because he has no divine proof that supports his fatwa. Therefore, all killings of innocent Muslims or Non-Muslims, including the unlawful killings of Charlie Hebdo cartoonists, was unjustified under the Islamic law. All of these fatwas and killings under the Blasphemy law are baseless and supported by an Islamic scholar's personal opinion, nothing else.

BLASPHEMY LAWS AND ISLAM



There is no earthly punishment mentioned in the Quran for those who commit acts of blasphemy and neither is there solid proof from the Seerah (life of prophet Muhammad) or in ahadith (sayings and narratives of prophetic actions) of the Prophet of Islam that define the earthly punishment of Blasphemers: “Those who disbelieve and oppose the messenger after the guidance hath been manifested unto them, they hurt God not a jot, and He will make their actions fruitless. Those who disbelieve and turn from the way of God and then die disbelievers, God surely will not pardon them”.⁸²

According to Zeeshan Hasan, a Harvard Divinity School US graduate and writer on religious topics: “This verse makes the point that God cannot be harmed even ‘a jot’, the logical implication of which is that the blasphemy laws are not required for His protection. This is in keeping with the following verses that explicitly identify the punishment for blasphemy and disbelief as being in the afterlife, with no mention of any earthly punishment.”⁸³

When people defend punishments for blasphemy, they point to the earthly punishment of Blasphemer upon the request of the Prophet of Islam to His companions to kill Kaab bin Ashraf, who was mocking Islam and the prophet in the streets of Mecca; he was killed by one companion of the Prophet of Islam.⁸⁴ However, few know that this earthly punishment was given to him for treason (breaking the agreement of peace) not under blasphemy. It was a pure political punishment given by the Prophet of Islam and not a religious one.

Hasan further writes: “On the face of it, this seemingly justifies the death penalty for speaking against the Prophet. However, blasphemy implies a religious offence. A significant fact about Ka’ab Ibn al Ashraf is that his opposition to Muhammad was not religious in nature. Rather, he was a political opponent of the Muslim community of Medina. In spite of being a Medinan and nominally at peace with the Muslims living there, Ka’ab publicly allied himself with the Quresh, who had not only expelled the Muslims from Mecca but were still in a state of war with them. So, technically, this killing was not for blasphemy at all

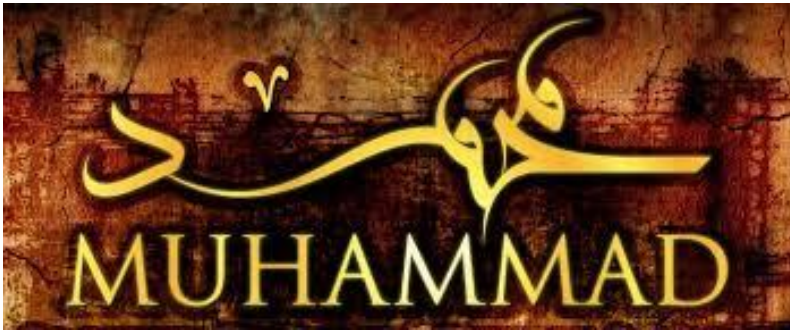
but treason during wartime.” This definition means there is neither an earthly punishment mentioned in the holy Quran nor in the Ahadith/Sunnah as well as in Prophetic biographies.

The question is sometimes raised: can religious earthly punishments be thought of in the same way for blasphemy by non-Muslims as apostasy for Muslims? In my personal opinion, no, we cannot compare them exactly because both crimes are different in context. The punishment for blasphemy is not widely proven to be written in the Quran and hadith respectively. However, the apostasy matter is mentioned in this religious text and Prophet (pbuh) dictates, and moreover derives from a different historical context in which this “crime” had more far-reaching implications for early Islamic development rather than the modern interpretation as a personal statement of faith.

The Prophet Muhammad said,

“Anything that sacred to a nation, to a community, (flag, religious icon, property, etc) do not dishonour it even you are at war with them”.⁸⁵

MOHAMMAD'S REACTION AGAINST BLASPHEMERS



No doubt, in the life of the Prophet of Islam, Peace be upon him (pbuh), he was extremely humiliated, insulted, slandered, mocked, and disrespected by the Quraish of Makkah in so many occasions but there is not a single hadith that the Prophet of Islam reacted angrily, emotionally, or aggressively against those who humiliated in return. He always responded to abusers (blasphemers) with better words because he was the symbol of love, patience, and mercy towards the mankind. It is mentioned in the holy Quran: “Repel that which is evil with that which is better”⁸⁶, and Mohammad, the Prophet of Islam was an example of what Allah said in the verse of Quarn.

On one occasion, the Prophet silently smiled when Abu Bakr (companion and 1st Caliph of Islam), his most noble Companion, refrained from responding to a person who was insulting him. But when Abu Bakr eventually spoke up, the Prophet became angry and left. He (pbuh) later explained,

“An angel was with you, responding on your behalf. But when you said back to him some of what he said, a devil arrived, and it is not for me to sit with devils.”⁸⁷

Arwa b. Harb (also known as Um Jameel, the wife of Abu Lahab) would follow the Prophet (pbuh) around to hurt and humiliate him and used to taunt him,

“Mudhammam (the dispraised) we have denied, and his religion we have loathed, and his command we have defied (Instead of responding to her, he would simply find solace in saying to his Companions, “Don’t you see how Allah diverts from me the curses and insults of Quraysh? They insult Mudhammam, and they curse Mudhammam, while I am Muhammad (the Praised One)!”

He quickly calmed the situation down.⁸⁸ This is the lesson; Muslims should adapt how to calm the situation and show the positive and tolerant attitude that have been taught by the Prophet of Islam (pbuh).

Prophet of Islam was a mercy to mankind, and he was an icon of forgiveness. The history shows and proves that on many occasions, he forgave many people who insulted and slandered him in public not once but many times. It is mentioned in on hadith “Abdullah b. Ubayy (also known as Ibn Salool) was the head of the hypocrites in Madinah and schemed non-stop to undermine the Prophet’s authority and influence.

Soon after the Messenger of Allah arrived, he rode past a group including Ibn Salool and began inviting them to Islam. Ibn Salool rudely retorted, “Stay in your home. If someone would like to hear your message, they will come to you.” In another narration, “Now leave, the smell of your donkey bothers us.” The Muslims became irate upon hearing these insults, but the Prophet forbade them from retaliating. Later, he complained to Sa’d ibn ‘Ubada and said, “Did you hear what Abu Hubab said?” calling Ibn Salool by his kunya (epithet of respect) even behind closed doors! Sa’d urged the Messenger of Allah to forgive him, explaining, “God sent you as they were finalising the crown with jewels for him to reign as king over Madinah, but Allah destined otherwise, and thus he fumes with envy.”⁸⁹

The Prophet of Islam has many ways of forgiveness and treatment towards the people who treated him unwell publicly. On once accession,

“A great Jewish rabbi Zayd b. Su’na thought of testing the Prophet by lending him eighty mithqal (350 grams) of gold for a fixed period. A few days before repayment was due, Zayd grabbed the Messenger of Allah angrily by his cloak, in front of all the senior Companions, and said, “O Muhammad, why are you not paying what is due? By Allah, I know your family well! You are all known for deferring your debts!” The Prophet said to the infuriated ‘Umar who threatened to kill Zayd for his disrespect, “O ‘Umar, we do not need this...Go with him, pay off his loan, and give him twenty additional sa’a (32 kg) of dates because you frightened him.”

It was that response that convinced Zayd b. Su’na to embrace Islam. He explained to ‘Umar, “There was not a single sign of prophethood except that I recognised it upon looking at Muhammad’s face except for two that I had not yet seen from him: that his tolerance overcomes his anger, and that intense abuse only increases him in forbearance. I have now tested these, so know, O ‘Umar, that I accept Allah as [my] Lord, Islam as [my] religion, Muhammad as [my] Prophet, and that half my wealth for I have much wealth is a donation for the ummah of Muhammad.”⁹⁰ There are several events when Prophet of Islam showed his utmost love, mercy and forgiveness to the people of all faith or even to the people of no faith.

One particularly notable example comes from the second battle of Isam (Uhud), when the Prophet of Islam was injured by Quraish's army. His front tooth was broken, his body was battered, and blood flowed down from where his helmet had pierced his face. Somehow, after bleeding at their hands yet again, the Prophet of Islam still had the resilience of character to say as he wiped the blood from his face, "O Allah, forgive my people, for they do not know." ⁹¹

Towards the end of his life, the Prophet of Islam was invited by a woman from Khaybar, Zaynab b. al-Harith, only so she could poison his food! She had prepared a lamb and placed additional poison in the shoulder area, which the Prophet was known to prefer. He ate it with his companions, until revelation informed him that it contained poison. When Zaynab was interrogated, she confessed and admitted, "I wanted to kill you." He said, "But Allah would not enable you against me." They said, "O Messenger of Allah, should we not kill her?" He said, "No," and forgave her. Anas (companion of the Prophet) says, "Due to that poison, I continued noticing a mark in [the mouth of] the Prophet of Islam [until he died]. ⁹²

BLASPHEMY AND PEOPLE OF BOOKS



Blasphemy laws have been amended several times in Pakistan since army dictator Zia ul Haqq gained power in government but in 1986, harsh penalties were introduced in the new clauses 295-B & C, which were passed in hurry as a maximum penalty for defiling the Quran and death penalty by insulting the Prophet of Islam. ⁹³

Section 295-C, introduced in 1986, provides: “Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Mohammed (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.” ⁹⁴

Clause 295C was challenged in the Federal Sharia Court (FSC) in 1990 because FSC has jurisdiction to void the clause by declaring it against the Sharia Law. FSC has heard the opinion of all religious scholars of the country and ruled that all scholars agree that death is mandatory for the act of blasphemy under section 295C. ⁹⁵

Dr Umar al Qadri (Chief Imam and Mufti, Islamic Centre of Ireland) has rejected the FSC ruling and argued that such ruling and Ijmaa (consensus) is against the teachings and philosophy of the Hanafi Fiqh (*jurisprudence*).

His argument is based on the claim of Ibn Taimiya:

“Ibn Taimiya’s Al-Sarim al-Maslool was presented claiming that there is an Ijmaa on the death penalty for those who commit blasphemy. However, Ibn Taimiya states in his book that according to the Hanafi school there is no death penalty for a non-Muslim who commits blasphemy. Hanafi jurist, Ibn Abideen al-Shami, was also wrongly quoted as having stated that there is an Ijmaa. Ibn Abideen Shami, however, stated “If the individual in question is a non-Muslim, he will not be killed”. ⁹⁶

Dr Qadri has valid justification to reject the FSC's ruling because the ruling was not discussed or debated according to the jurisprudence of Hanafi school of thought and in this case this ruling cannot be applied or implemented in Pakistan by claiming it as a Sharia ruling. He has further presented the evidence from a Hanafi jurist:

Muslims across the world believe that the Prophet of Islam (pbuh) was a man of greatest character and a man of forgiveness and mercy who always showed mercy and forgiveness to even his extreme enemies. He always responded with love, patience and kindness against those who insulted him privately or in public, yet Muslims do not follow the footsteps of the person whom they claimed to be the most beloved to them.

Dr Umar Qadri also rejected the Ahadith (with his great knowledge) that were/are preached and propagated by Brelvi clerics in order to justify and fuel the violence against those who have been wrongly accused of blasphemy. There are many Ahadith (sayings of the Prophet) which are weak and fabricated

“Badr ud-Din al-Ayni [d. 1453], a Hanafi jurist, comments on this hadith and states: “Al-Bukhari has adopted the method of the people of Kufi on this issue (referring to Hanafis), that if someone curses or berates the Prophet and is a non-Muslim citizen, then he is rebuked but he is not killed. This is the opinion of Al-Thauri.”⁹⁷

by their narrations which cannot be used as justification.

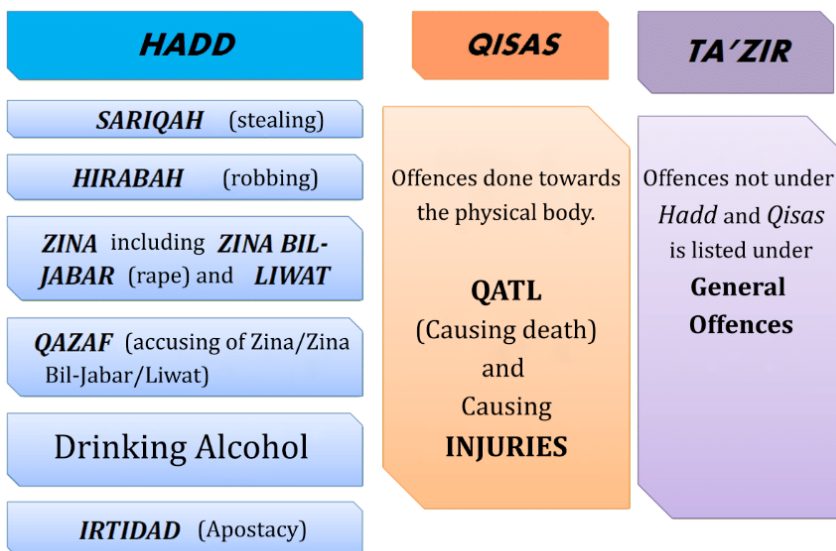
There are a few weak Ahadith that were countered by Dr Qadri in a very beautiful way, which are mentioned as follow:

- 1- A narration of Abu Dawood states that a Jewish woman used to abuse the Prophet and a man strangled her until she died.⁹⁸ Upon hearing this the Prophet declared that no recompense was payable for her blood. This is a weak hadith due to the Tadles of one of its narrators, Mughayra bin Muqsim.
- 2- Another narration states that the Prophet instructed the murder of Ibn Khatal even though he was holding the cover of the Kabbah and taking refuge in the Kabbah. Although this hadith is Sahih, it has nothing to do with the issue of blasphemy. Ibn Khatal, whose name was Hilal ibn Abd Allah), had killed a slave in a fit of fury because the slave neglected to prepare his meal. He then fled to Makkah seeking refuge, fearing that Prophet Muhammad (pbuh) would execute him for his crime.⁹⁹

The death penalty given to Kaab bin Ashraf, often misunderstood by many as result of his apostasy and blasphemy, was in fact sanctioned because of his active treason. Al-Asqalani states that the reason behind his death is the fact that he broke his covenant with the Muslims, travelled to the Quraysh in

*Makkah and made a pact with the Quraish that they would join forces in waging war upon the Muslims.*¹⁰⁰

DIFFERENCE BETWEEN “HADD” AND “TAZEER”



There is a great difference between “Hadd” and “Tazeer”. The literally meaning of Hadd is “The punishment the limits of which have been defined and fixed in the Qur'an and hadith” and meaning of Tazeer is “Punishment, which is at the discretion of the judge, when the offence relates to a private injury.”¹⁰¹ In other words, “The Hadd (pl. hudud) is “a series of fixed, mandatory criminal sanctions” specified in the Quran and Sunnah, the foundational sources of Islamic law.”¹⁰²

The Hadd punishments are mentioned in the Quran and hadith, such as: amputating hands for a person who steals and is found guilty (there are some rules as well); 100 lashes for a married couple who is found guilty of fornication; or death penalty for a person who is found guilty of murdering an innocent person, etc. However, Tazeer punishment are those which are not mentioned in the Quarn and hadith but are totally in the hands of a judge or ruler (discretion) to decide the punishment (imprisonment, fine, beating, lashes, etc), or granting pardon. There are also other penalties that the judge can include, for example: 1) notice given to the offender that an offense has been committed, 2) a lecture by the judge, 3) exclusion from interaction with others for a period of time, 4) dismissal from employment, and 5) public exposure of the offense.¹⁰³ The discretionary punishment can also be death if the ruler believes that it will serve the public affairs.¹⁰⁴ In Islamic law all offences which don't come under Hadood are classified as Tazeer offences and the judge is given the discretion to determine the punishment.

It is confirmed that blasphemy offence comes under the category of “Tazeer” ruling not “Hadd” therefore it cannot be treated as a big crime but small and ordinary. However, if the insulter is non-Muslim (people of the book or people of other religions), they cannot be punished under “Hadd” or issued death penalty. Imam at-Tahawi wrote: “And whoever [insulted the Prophet] from the people of the covenant, then verily he is disciplined but not killed.” (105) Even the Maliki (Malki school of thought- Fiqh) scholars are

agreed with the ruling of Hanafi school of thought: a blasphemer cannot be killed but punished under Tazeer (if necessary). According to a Maliki scholar Qadi Iyad: “Non-Muslims who insult the Prophet are not to be executed, but “chastised and given a ta‘zir punishment.” 106

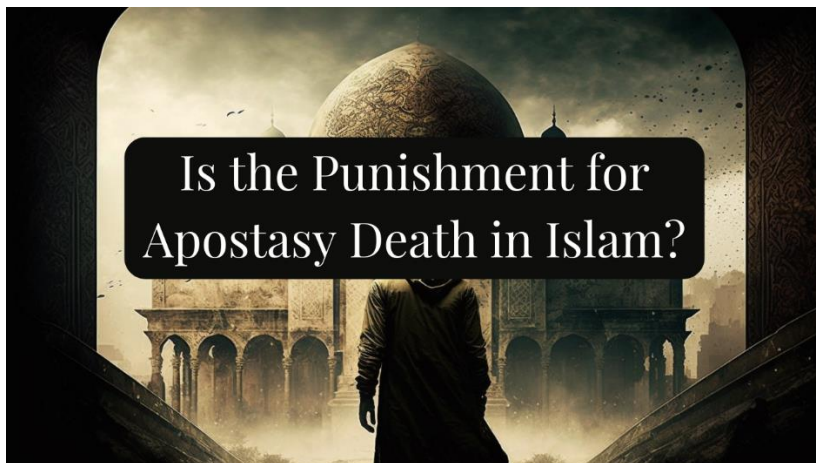
According to the Pakistani law, the punishment for committing an act of blasphemy under section 295-C comes under Hadd (divine punishment), which they rule as death penalty, However, great scholars (of the current day) of Hanafi Fiqh (*jurisprudence*) has rejected this claim and refused to accept it as a Hadd (divine punishment) but has argued that some Hanafi jurists had in the past considered it as Tazeer (discretionary punishment) which can be applied and can be ruled out, depending on the religious environment, political circumstances and agreement of non-Muslim allies as well as the pact with Dhimmi (this is a non-Muslim citizen of an ‘Islamic State’).

Dr Qadri believes that if a non-Muslim insults the Prophet of Islam by any means, whether in private or in public, s/he cannot be killed under any law because they are a non-Muslim without knowledge of the importance of the sacredness of the Prophet of Islam or belief in Mohammad (pbuh) as a Prophet, therefore death penalty cannot be applied to non-Muslim blasphemers whatsoever. His arguments are based on the evidence he has presented as follow:

- (1) **Al-Tahawi** [d.933 CE] also stated “If a Dhimmi insults the Prophet, he will not be killed but instead will be disciplined. This is because they have been left alone to practise their religion, and their religion includes worshiping someone beside God and rejecting the Prophet. The proof of this is Jews visited the Prophet and they said, ‘Damn you!’, and the Prophet replied, ‘you too’ but he did not order from them to be killed.” 107
- (2) **Taqi ud Din Al-Subki** [d.1355 CE], who was also Chief Judge of Damascus, stated “If a non-Muslim insults the Prophet, he will not be punished by death. A non-Muslim is not killed for his disbelief. These are bigger sins than blasphemy.”
- (3) **Al-Marghinani** writes in his Hanafi textbook Al-Hidayah: “Insulting the Prophet is Kufr (disbelief). Since the non-Muslims are not killed for their Kufr, they will not be killed for any addition in their Kufr”. 108
- (4) “The founders of the Deobandi and Brelvi schools have endorsed the Hanafi position: that a non-Muslim cannot be killed for a single offense of blasphemy and must be pardoned.” 109

As it is mentioned earlier that a non-Muslim insulter of the Prophet of Islam cannot be prosecuted under Islamic law. Indian and Pakistani Muslims follow the Hanafi school of thought, which was founded by Imam Abu Hanifah, who was also against the punishment of non-Muslim blasphemer. He said: “They [i.e., non-Muslims] are not killed for insulting the Prophet for that which they have against him of polytheism is worse.” 110 He meant that polytheism is a great sin in the eyes of Allah than other sins including insulting Prophet of Islam and there are many incidents in the life of the Prophet when people of Arabian peninsula have insulted, even physically attacked Him, and He did not say to them a single word in reply because He (pbuh) knew that insulting is not a big sin in Sharia Law than committing shirk (polytheism).

Killing a non-Muslim, especially a Christian, can also harm Muslims' relation with the Christian (Western) world and Islamic states should consider the broad angle of the national interest than a local religious pressure. A great scholar of Islam, Ibn Hajar, said that "Insulting the Prophet could be overlooked in the interest of harmonious relations with non-Muslims." ¹¹¹ The Yemeni scholar and reformer ash-Shawkani (d. 1839) concurred with al-Asqalani that "such insults could be overlooked in the interest of harmony." ¹¹² Even scholars from Shafi and Hambli school of thought have also opposed the death penalty for a person (non-Muslim) who insults the Prophet of Islam. It is reported from the Hanbali scholar, Qadi al-Hulwani that "a non-Muslim who insults God and His Messenger should not be killed." ¹¹³



There two types of Apostasies,

- Muslim commits an offense of blasphemy.
- Muslim who leaves his faith (Islam).

A Muslim who commits a crime of blasphemy have different ruling and treatment than those applied to non-Muslims. A person who leaves Islam can be considered as apostate and this offence comes under the Hadd Law (Divine Punishment) however, the death penalty of Apostasy was again a political order, not religious, which was implemented in the first eras of Islam when Islam was weaker and after the death of the Prophet of Islam, when Muslims were facing a great danger of apostasy so finally they implemented the death penalty for those who were willing to leave Islam. However, once the Muslims triumphed over the Arab peninsula, the association of apostasy and treason ended. In peaceful times, apostasy is considered an individual's personal matter of faith. No doubt apostasy is a great crime in Islam whose punishment is death in some school of thought however, according to the famous Hanafi jurist al-Sarakhsī:

“But they are between the human being (lit. the slave) and his Lord,” he added. Their punishment lies in the Hereafter. “What punishments there are here in this world [for apostasy],” he continued, “are policies set down for the common good of human beings.”¹¹⁴

The Quran and the Prophet of Islam also gave people the right to reject this path and continue practicing their religion under Muslim rule. The same ruling which applies to a blasphemer, can also be applied for apostate person. However, this is again a deep topic to assess according to the Sharia Law, Jurist's opinion, current situation, political atmosphere and bitterness of humanity (under the international human rights laws), therefore it would be discussed and analysed in another research paper in details.

CONCLUSION

The Blasphemy law cannot be judged under the same definition of apostasy because the significant weight of evidence shows there is no Islamic support against the earthly punishment for blasphemers. Some illiterate Islamic scholars gave a fatwa for killing non-Muslims who committed acts of blasphemy in Pakistan or abroad. According to the Islamic teaching, you cannot punish non-Muslims either for committing blasphemy against the religion or the Prophet of Islam because they have no knowledge or understanding about your religion. It should be further noted that even the Ahadith of the Prophet do not support the killing of non-Muslim blasphemers. So, in these cases, it is better for Muslims to educate them in a polite way or leave them alone completely without any harm.

The assassination of a Pakistani Christian minister of the cabinet or the Punjab Governor Salman Tasir for speaking against the blasphemy law was a stab in the heart of Islam and a humiliation of the Prophet of Islam by those who claim to be his followers. Those who are supporting killings or similar actions are the worst enemies of Islam who neither understand Islam nor respect the Prophet of Islam. No matter who they are, they must be challenged on the basis of the Quran and the teachings of the Prophet of Islam.

It is seductive to feel powerful and release rage by having some “enemy” to blame for blasphemy, and it may be convenient to use a Mosque for announcing it with the knowledge that it is unlikely anyone will dare to try and save a person from being brutally killed by a ruthless religious mob. The Muslim communities all around the world need to educate themselves regarding Islamic and Arab history. They should know that if they claim Islam is a peaceful religion, then they need to prove it by their peaceful actions. Islam is not an emotional religion, but a logical religion based on facts and reality. Unfortunately, Muslims have taken the Islamic law into their own hands and no human in the world is safe from their mischief.

The unfortunate matter is that the government of Pakistan intentionally or unintentionally supports those religious organisations that violate not only the principles of Islam but also the rule of law by committing acts of violence against minority communities, which are supposed to be fully protected by the constitution of Pakistan. For example, the Brelvi extremist group TLP (Tehrik Labik Pakistan) was a listed proscribed entity under Pakistan’s 4th Schedule Anti-Terrorism Act, but this ban was lifted by Pakistan’s government later on and all its violent activists were released. ¹¹⁵ It was the same TLP (Brelvi extremist group) whose activists were given a thousand rupees each by a higher-ranking army officer after finishing the sit-in protest in Islamabad with appreciation. ¹¹⁶ These are the supportive and promotive measures taken by the state of Pakistan, which have deliberately encouraged the religious terrorist and extremist organisations to take law in their own hands in the name of Islam whenever it needed, and the writ of the state will not challenge or compromise as long as these organisations continue to play their role according to how the state wants them to. These violent religious activists who have committed several crimes against humanity in the name of Islam should be behind bars for life.

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* [Blasphemous libel was originally an offence under the common law of England. Today, it is an offence under the common law of Northern Ireland, but has been abolished in England and Wales, and repealed in Canada and New Zealand. It consists of the publication of material which exposes the Christian religion to scurrility, vilification, ridicule, and contempt, with material that must have the tendency to shock and outrage the feelings of Christians. It is a form of criminal libel.]

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10. [Islamic Views on Blasphemy Are More Complex than Pakistani Courts Admit](#)

ABOUT ITCT

ITCT is UK based organisation and founded in 2018. It is a non-political and non-profitable organisation and is a unique think tank in itself. There is not a single organisation around that specifically counters the narratives of Islamist terrorism by using the tools of Islamic Theology. ITCT exposes the root causes of Political Islam and works hard to eliminate it through introducing the actual concept of Islamic Theology.

ITCT conducts a comprehensive research to find out the key elements that draw the most vulnerable people of the society into the fire of religious extremism. ITCT works on three main factors in order to educate the Muslim community:

- That Islamist Terrorism is wrongly associated with Islam
- And is committed by misguided Muslims
- By manipulating religious texts to brainwash Muslims

ITCT has three pillars to stand on:

- **MISSION**

Countering Islamist Terrorism

- **VISION**

Educating Muslim Community

- **OBJECTIVE**

Providing the Solution of Islamist Terrorism

ITCT is an independent organisation that generates funds through donations. ITCT warmly welcomes talented writers, researchers and experts and would like to publish their work.