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Transcript

Pakistan's Blasphemy Laws: What they mean and why they Matter

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Peter Preston:

Good evening ladies and gentleman. I'm Peter Preston, I used to edit *The Guardian*. We write about Pakistan a lot, and I do whenever I can. We're here to talk about Pakistan's blasphemy laws, what they mean and why they matter. I've been thinking about that for some weeks, ever since I accepted the invitation to come and chair this session. It becomes increasingly clear to my mind that they don't just matter in a Pakistan context – the whole debate keeps eddying back and forth, the ramifications, even as far as David Cameron yakking away at the weekend, and possibly as far as Cairo this evening. We don't know, but there are issues here all the time. We have two terrific speakers to address these problems. Ziauddin Sardar is the nearest thing I know to a polymath – I mean, critic, prolific writer, scholar, expert on Islam and he's going to start off by describing blasphemy and where it fits in the Islamic tradition. Then, Farzana Shaikh who I was very pleased to introduce her book a year or two back – *Making Sense of Pakistan*. I'm not quite sure we've cracked it, but we keep trying and she'll talk to us about the ramifications. That will take 15 minutes. It will take a couple of minutes each way and then we'll through it open to you. This meeting to be clear is on the record so are the questions. I'm required to say would you please make sure that your mobiles are firmly turned off. And otherwise, Zia.

Ziauddin Sardar:

Thank you very much, Peter. Thank you ladies and gentlemen. In a remote corner of Pakistan, about a month ago, a poor marginalized Christian woman met probably in the village square one of her neighbours. The dialogue took place between the two of them. We don't know the exact nature of the dialogue, but from what I've been able to find out, it went something like that: the Muslim probably asked the Christian woman why she is Christian and she said, Jesus died to save us all and retorted, What has your Prophet done for humanity?

Now this is a perfectly innocent dialogue. This is a natural question for the Christian to ask. However, in the kind of climate that you find in Pakistan today, within a few days, the woman found herself facing the dreaded 295C of the Pakistan penal code. Now the 295C section of the penal code was introduced in 1991 by the then General Zia. You recall that General Zia, being a general, was a military man. Not a particularly enlightened person, didn't know a great deal about Islam. But he did know one thing – that Islam can be used as an emotional instrument to rip up the Pakistani population, hoping to keep them in their place and, if necessary, to use them to give him support for

his military rule. The article 295C states, 'Whoever by word, either spoken or written or by visible representation or by any imputation [inaudible] or insinuation, directly or indirectly, defies the sacred name of the holy Prophet, Mohammed, peace be upon him, shall be punished with death or imprisoned for life and shall also be liable to fine.'

Now this particular law sits just underneath another law which was introduced in 1981 and that of course is 295B. 295B reads, 'Whoever wilfully defies, damages or desecrates a copy of the Holy Koran or an extract there from or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.' Now, there are a couple of interesting things to note. If you show this disrespect to the Koran, which according to Muslims is the word of God, you are only liable to imprisonment for life, but if you show disrespect to the Prophet, you can be sentenced for imprisonment for life, but almost always amended to death. The amended punishment is death. So, in fact, disrespecting the Prophet, in the minds of the Pakistani population, is something bigger and greater than showing disrespect to the Koran, if you go by these laws.

One other thing can be noted about the law as it stands. First of all, it says 'whoever...defies the sacred name of the holy Prophet'. The question then arises to whom is the holy Prophet sacred? Clearly, the name of the holy Prophet is not sacred to the Christian woman who is supposed to have blasphemed him. So it is something that can only apply, as the law stands, to Muslims. Only Muslims think that his name is sacred. Now, as I said, the mandatory punishment for blasphemy is basically death even though the law indicates imprisonment for life or a fine. In fact, there have been many attempts in the history of Pakistan since this law was introduced to actually get rid of this clause which says imprisonment for life and shall also be liable to fines. They want to put a full stop to shall be punished by death, but in fact, death is what the courts normally sentence the people who blaspheme. The question arises, this is supposed to be defending both, the Koran, which is the word of God, and the Prophet, whose name is sacred. So what do the Koran and the Prophet themselves say about this particular law? Can we justify this law by the basic sources of Islam, namely the Koran and the Sunnah?

I think the first thing to note is the word blasphemy does not occur in the Koran. Indeed, the word blasphemy does not even occur in the history of Islamic law. There is no technical term for the word blasphemy in Islamic law as it was classically formulated. The Koran does talk about disrespecting or defiling the name of the Prophet. Now, if you remember about the life of the

Prophet, the Prophet spent most of his time, most of his life in Mecca. Then, he migrated and lived, 10 or 11 years, as a Prophet in Medina. So while he was in Mecca, it was not unusual for people to abuse and show disrespect, defile his name etcetera. The Koran mentions this. For example, in 21:41 we read: 'Whenever they see you, oh Prophet, they ridicule you.' 'They' meaning the vast majority of people in Mecca. Don't forget, we are talking about the middle of the 7th century; the population of Mecca is a couple of thousand. At that period in time, there are less than 100 Muslims so 'they' refers to the vast majority of people in Mecca. And vast majority of people in Mecca, are constantly ridiculing the Prophet, abusing him, you know, throwing rubbish at him etcetera.

Further on, we also read in 38:4, 'The disbelievers think it is strange that the Prophet of their own people has come to warn them. They say he is just a lying sorcerer.' So, in fact here, we see a clear example of the word that is used to call him a liar. They called him a sorcerer. Now what does the Koran actually advise the Prophet to do under these circumstances? When he is actually abused, what does the Koran say that he should do? Clearly, these attacks must have upset the Prophet. The Koran, in fact, advises the Prophet to have patience with what they say and leave them with noble dignity as 73:10. He is repeatedly asked to forgive and overlook. A good example can be found in 5:13, where he is asked to 'forgive and overlook' and 'pardon' who abuse him. Now that's what the Koran says about, if you like, blasphemy, which doesn't even exist as a technical term.

Now what did the Prophet himself do, which is very interesting? Because the source of this law, article 29C, as stated in Pakistan are the sources of Islam, namely the Koran and the Sunnah, the example of the Prophet. Now clearly we do not find a notion of blasphemy, certainly not a capital punishment for abusing the Prophet, in the Koran. So what does the Prophet himself do? I can relate to you a story, a very famous story. There was a Jewish woman who used to live in Mecca and the Prophet, when he used to go to the Cave of Hira to meditate would pass through under her window and she made it a habit to throw rubbish at him and shout abuse at him as he went by. This went on for a long time and then one day the Prophet passed by and he noticed that the woman did not appear and did not throw rubbish, so he was intrigued. And he went to inquire where is she and they said that she's ill. So he went to visit her and wished her a speedy recovery and, you know, prayed for her. This is a basic example of how the Prophet behaved towards those, if you like in today's terms, blasphemed him. I can give you numerous examples from his life. I think a very common example is that a man was

passing by – I think it was Abu Jahil – one of the Prophet's archenemies and he saw the Prophet and his wife, Aisha, sitting there and he said to the Prophet, as-samu-alalikum, which is a variation of assalaam alayekum, which means peace be upon you. As-samu-alalikum means death be upon you. So Aisha, who was pretty feisty, immediately responded assam allekum wahlana meaning And God's curse be on you, too. Now this exchange took place pretty quickly and the Prophet was sitting on the side and he was really upset with Aisha. He said to Aisha, 'Be gentle and calm'. In a sense that even when you are provoked by abuse, the response is be gentle and calm. One of the most neglected verses of the Koran is that, 'The believers are those who walk humbly on the earth, and who, when the foolish address them, reply 'Peace' (25:63) - I'm paraphrasing it – or pray for the people who are ridiculing it. Not many people cite this verse.

So there is no real evidence – there is certainly no evidence for a blasphemy law in the Koran. There's no real evidence in the life of the Prophet himself. The question then is where did this notion of blasphemy actually come from? There was no such thing in the first 200 years of Islamic history. The idea of blasphemy actually emerged during the time of the Abbasid period in the beginning of the 9th Century. It was assumed that those who basically rebelled against Islam and therefore showed disrespect to the Prophet were also rebelling against the state – or vice versa. It was the state who was punishing them for this particular rebellion. So the idea of blasphemy was intrinsically linked to the idea of apostasy. There is a technical term of apostasy – murtaḍ- that we find in Islamic law. But again, if blasphemy is connected to apostasy, it is worth looking at what the Koran says about apostasy.

The most categorical statement in the Koran – and I've been reading it for the last two years, first to write *The Guardian* blog and then to turn the blog into a book which is not an easy job, I should tell you. I think that the most categorical statement in the Koran – the Koran is full of allegories and metaphors, also some ambiguities and so on and so forth – but the most categorical statement in the Koran that cannot be interpreted in any other way except the way it is stated is, 'There is no compulsion in religion.' (2: 256). It is often quoted in Pakistan, but nobody is actually paying attention to it. There is no compulsion in religion. It is not just that there is no compulsion in religion. Not only one is free to believe what one wants to believe. One is also entitled to act according to what one believes or does not believe. So the Koran tells us, 'Everyone acts according to his own disposition but the Lord knows best who it is that is best-guided on the way' (17:84).

So you can believe whatever you like and you act according to your belief. God knows best. You don't. Not just that the Koran says, there is no compulsion in religion, but the Koran does not see faith as a static phenomenon. In fact, it acknowledges the fact that people may want to change their faith or they may have doubts. So in 43:7 we read, 'For those who believe, then reject the faith, then believe again, then reject the faith, again and become increasingly defiled, God will not forgive them.' So the punishment, if you want to change your faith again and again is not for society or individuals. It is something that God decides.

Finally, just to make the point very, very clear, the Koran says, If it had been God's will, they would have believed all who are on Earth. In other words, if God wanted to He would make everybody believe, but He doesn't. He wants diversity of belief and He allows people to believe or not to believe. Now given this very precise kind of notional belief, the scholars, the classical jurists who were often in league with the political leadership – the caliphs – had a problem. They had to equate apostasy with rebellion against the state and then equate apostasy with the death penalty and they also had to bring blasphemy as part of the whole exercise. So they ignored all this that I just mentioned and they chose to justify both the ideas of apostasy and ideas of blasphemy with another verse, and that was as 5: 33-34 which reads, 'Those who wage war against God and his messenger and strive to spread corruption in the land should be punished by death...unless they repent before you overpower them – in that case bear in mind that God is all forgiving and merciful.'

Now it is important, when you look at the Koran, to look at the context in which the various verses were revealed.. Some verses may have universal validity like the one I mentioned about there is no compulsion in religion, but some verses are very specific to the time and period. This is the Prophet in Medina – this is a state of war and there is genuine kind of sedation going on, there are attempts to murder him, there are attempts to destroy the Muslim community and so on and so forth. So there is a specific connotation, the context which this verse has, in which it was revealed. You cannot possibly lift it out of its context. However, this was done and the idea of spreading corruption on land or rebellion was then equated both with apostasy and blasphemy. In fact, many of the people who justified section 259C of Pakistan's penal code specifically cite this particular verse to provide a religious basis for this particular law.

I would argue that this law is not only absurd. It has absolutely no basis in the Koran or the Sunnah of the Prophet. As a law, if it has any Islamic tradition, it

was developed when Muslims basically were an empire and is a broad product of a Muslim imperial court where in fact religion and the state were assumed to be one and the same thing. It's a law that certainly does not belong in the contemporary world. But most important of all, it's a law that violates the basic tenets of the basic sources of Islam which are the Koran and the Sunnah.

Let me end by just telling you another small story. The Prophet was sitting with his companion. I think, again, it was Abu Jahil who was his archenemy who was passing by and he saw the Prophet and he said, 'Oh Mohammed, I have never seen an uglier face than yours'. And the Prophet replied, 'Abu Jahil, you are right'. Abu Jahil went his way. And then his closest companion Abu Bakr who went on to become the first caliph -- the first successor, the first caliph -- came and he saw the Prophet sitting with his companion as well and he said, 'Oh Prophet, I am yet to behold a more beautiful face than yours'. And the Prophet said, 'Abu Bakr, you are telling the truth'. At which the gathering which was there became very surprised and said, 'Why have you given the same answer to contradictory statements?' The Prophet said, in a sense, and I paraphrase, what you see in other people is a reflection of your own self. People see what they perceive. Abu Jahil saw his own reflection and Abu Bakr saw his own reflection.

Now the Koran describes the Prophet as the mercy to humanity. How can a man who demonstrated that in his own life be used to take the life of somebody else on the basis of a claim that he has been shown disrespect? Thank you very much.

Peter Preston:

Thank you very much and now Farzana Shaikh.

Farzana Shaikh:

Thank you Peter and thank you all for being here this afternoon. I'm going to follow up with some secular observations about blasphemy laws. As Zia has just mentioned to you, these laws in Pakistan stem mostly from sections 295 and 298 of Pakistan penal code which actually represent both an extension of, and a radical amendment to, the British-Indian Penal Code of 1860 relating to religious offences that apply to all religions. As Zia also mentioned it was in the 1980s that these amendments came to force under the amendments of General Zia. However, what has rendered these laws

especially controversial was the introduction in 1991 of the mandatory death penalty for blasphemy, a measure enforced by the government of the then-Prime Minister Nawaz Sharif after the National Assembly failed to take action that would have rejected the death penalty for blasphemy upheld by the Federal Sharia Court in 1990.

However no one charged with blasphemy has yet been executed. It is now commonly acknowledged that the laws as they exist in Pakistan have been widely abused and criticized for being openly discriminatory. Non-Muslim minorities in Pakistan who have long-endured the ignominy reserved for second class citizens have been the chief target, but many Muslims have also fallen foul of the laws. It is estimated that since 1986 about 1300 people have been charged with blasphemy in Pakistan with just under half those numbers affecting Muslims including, of course, those judged not to be Muslims, notably members of the Ahmedi community. Indeed, it has long been clear that the vague wording of the laws, their recourse to flimsy evidence to bring prosecution and the near complete disregard for rules establishing intent as against malice make them ripe for reform, if not for outright repeal.

Yet three decades on, the laws remain unchanged in the statute books. Resistance to change has come mainly from religious parties, but so-called mainstream parties ever-beholden to the language of Islam to shore up their fragile legitimacy have been no less vocal in their opposition to laws they deem to be in keeping with Pakistan's Islamic identity. Indeed the most recent attempt to reform the laws initiated by General Musharraf during his stint in power which ended in 2008 was scuppered precisely by opposition spearheaded by the then pro-Musharraf faction of the mainstream Pakistan Muslim League. What has been particularly damaging to my mind however is that this opposition has also muddied the debate over the reform of the laws by perpetuating public confusion over their precise relation to the violation of human rights in Pakistan, to the equality of all citizens under its constitution and to the question of Pakistan's putative Islamic identity.

And nowhere has this been more in evidence than during the controversy triggered by the death sentence imposed in Asia Noreen, the Christian citizen of Pakistan, and by the brutal murder in January of Governor Salmaan Taseer. Both have fueled acute uncertainty under the significance attached to quite separate issues ranging from checks to prevent the abuse of the laws to insure the protection of human rights, measures to amend the laws and make punishment more proportionate to the crime and attempts to repeal the laws in line with a more enlightened version of Islam.

And together these uncertainties today have deepened division in society, paralyzed the PPP-led government and fueled international concerns about Pakistan's resolve to tackle Islamic extremism and promote stability in the region. Potentially, they all have far-reaching implications.

Let me elaborate. One immediate fallout of Taseer's assassination, plain to see, is the manner in which it has exposed more sharply than ever the deep divisions that now scar Pakistan. These divisions centre overwhelmingly on the gulf that separates so-called liberals, more often than not once equated with the elite, from so-called conservatives, more often than not once equated with the pro-Islamic underclass. But perhaps more importantly, Taseer's assassination has exposed the vulnerability of Pakistan's once-dominant liberal elite. They are now routinely portrayed as beleaguered and endangered if not on the brink of extinction, effectively outflanked by a broad coalition of forces commonly described as the religious right.

However, these divisions are, in fact, more complex and disturbing than they appear at first sight. For ranked against these liberal forces seeking for the law to take its course to bring Taseer's murderer to justice are the very forces of justice – that is to say lawyers' groups – which until recently were widely hailed for being in the forefront of democratic progressive change in Pakistan. It is this that also explains the grotesque irony of a case that challenges many prevailing assumptions about Pakistan's liberal, legal fraternity. For today, while the prosecution of Taseer's murder remains stalled over the failure to recruit a prosecution lawyer willing to present a case in court, more than 500 lawyers bearing rose petals have come forward to offer their services free of charge to defend Taseer's murdered. But if Taseer's murder has exposed these deep divisions, it has also helped to conceal other for it is arguably the case that Pakistan's religious parties, long fractured by sectarian differences, most notably between Deobandis and Barelvis have found, in their joint campaign for the defense of the current blasphemy laws, the means to paper over these cracks in the pulpit. Here too prevailing assumptions have been challenged for Taseer's murdered was neither a Taliban extremist, nor one force fed on a diet of Deobandi rations. Instead, he turned out to be a loyal devotee of mainstream Barelvi Islam, hailed at home and abroad as an affection of moderate Islam. Indeed hailed by many as 'The right kind of Islam for Pakistan.'

Ziauddin Sardar:

And Britain.

Dr Farzana Shaikh:

And Britain. Well, we are talking about Pakistan! Today purveyors of Bareilvi Islam whose practice Sufi shrine worship is still judged by Deobandis to be deserving of violent attacks, have united with their erstwhile foes in noisy demonstrations that openly threatened to exact revenge on all who would seek to weaken Islam in Pakistan by reforming its blasphemy laws. And it is this charge, the charge of seeking to weaken Islam with the connivance of foreign powers, notably the United States, that accounts for the paralysis of the current government in the face of what now some are describing as an imminent clerical tsunami.

Paralysis was not, however, the government's initial response. On the contrary, the stance of some PPP ministers was almost gung ho. The tone was set by Pakistan's interior minister who was anxious to avoid being seen to endorse Taseer's murder, assured a baying crowd that he would shoot any blasphemer himself. Others followed. The current law minister who claims to be a religious scholar of sorts dared anyone to change the blasphemy laws under his watch. Prime Minister Gillani has also come out defiantly announcing that as a sayyid, a direct descendent of the Prophet Mohammed, he could never contemplate a change in laws designed to protect the Prophet.

Well, not surprisingly, liberal critics of the government have rounded on it for appeasing the religious right and retreating on its pledges to review the laws and make it less open to abuse and discriminatory practice. They include the prominent PPP leader and former Information Minister Sherry Rehman who last week withdrew her plans to table a bill aimed at amending the laws after learning that Prime Minister Gillani had not only ruled out any change in the laws, but would refuse to support her campaign.

If so, I believe it marks the onset of a significant new development in Pakistan for what is at stake is nothing less than the standing of a ruling party that has long claimed to be the voice of a liberal, progressive-minded, moderate majority in Pakistan and now looks set to abandon that very constituency. For the first time, a broad sway of opinion in Pakistan finds itself therefore effectively bereft of a credible vehicle for progressive reform and the rule of law. For its part, the government faces a near-unprecedented situation. Threatened by the departure of its coalition allies, mired in allegations of rampant corruption and routinely humiliated at home for acting in the service of foreign powers, it has no choice but to fall back as have everyone of its predecessors on trying to insure its survival by burnishing its Islamic credentials.

Doing so in the present circumstances, however, involves immense risks, not least fuelling the concerns of an international community that is still heavily invested of the idea of a moderate Muslim-majority in Pakistan able to see off the threat of extremism in the region and insure a viable settlement in Afghanistan. Keeping alive those expectations have been crucial to the survival of this PPP-led governments and its efforts to keep Pakistan afloat on the back of billions of dollars in US civil and military aid. There is no question that the government's retreat over reforming blasphemy laws and its less than unequivocal condemnation of Taseer's killer has revived international fears not only about Pakistan's appalling human rights record, but also its resolve to tackle the extremist threat at home.

But it is also clear that international pressure on Pakistan needs to be calibrated and pressure points carefully selected. This is especially true of the United States which finds itself in the unenviable position of being Pakistan's largest benefactor and the target of deep, popular antipathy. This antipathy as we know has escalated sharply in the wake of the US pressure on Pakistan to release a US official, Raymond Davis, who recently shot dead two men in Lahore, claiming that he is entitled to diplomatic immunity. The standoff, possibly the most serious to affect relations between the two sides in recent months, could prove to be potentially explosive coming as it does in the midst of the current blasphemy controversy for it would be foolish indeed to rule out a concerted bid by religious parties now to try and cast their campaign in defence of the blasphemy laws as a move to defend sovereignty of Pakistan and its laws against the encroachment of the United States in pursuit of its own war on Islam. Thank you.