

Law of Blasphemy and Freedom of Speech

Muhammad Shafiq Khan^a

^aDepartment of Islamic Studies, University of Okara, Pakistan

Corresponding email address: shafiqpasuri@gmail.com

Abstract

In this study, the researcher has dug out the facts and reality of blasphemy and freedom of speech to bring the ambiguities out to be cleared in the sights and minds of the common masses so that the masked words could not deceive the innocent people. The researcher put forth the intrigues behind the term terrorism which European countries allotted to the Muslims as the reaction of the blasphemy acts. The researcher also proved the death penalty as the only punishment of the blasphemers by numerous pieces of evidence and references from history and Hadiths. This study also helps the common masses to understand the difference between blasphemy and freedom of speech and the phenomena of misusing this right.

Keywords: Blasphemy, freedom of Speech, Human rights, Hurmat e Rasool, International Law, National law

Introduction

A huge and loud critical question was arose on the notorious term “Freedom of Speech” when a malicious act of Blasphemy was done to lessen the respect and dignity of our beloved Prophet Hazrat Muhammad (P.B.U.H). The series of such humiliating activities started in 2005 in Norway and Denmark and was followed by numerous and frequent issues in different countries and different times. It is not all by chance but a result of the extreme Islamophobic mindset behind it. This vicious set of people caused severe restlessness and emotional distress in Muslims.

Although the Western world has rules and laws against the blasphemy of their Prophets but Islam is a strong divine religion and has a complete code of conduct and believes in the human souls and bodies so it has certain and specific rules and laws for blasphemy of prophets and especially for the Rasool of both worlds.

Objectives of the study are mentioned below.

- To know about the meaning of Blasphemy.

- To know about the punishment of Blasphemy in Islam.
- To know about the limits of freedom of speech.
- To know the thoughts about blasphemy in the perspective of other religion.

The researcher carried the study out by the references from Quran and Hadith along with other western thoughts. So that the study would fill the gap in the realm of research and knowledge and could be helpful for new researchers.

The Respect of Prophet Muhammad PBUH

“And have we do not raise your fame?” (Ash-Shurah, 4).

The most prestigious personality of the world to whom Allah said by Himself in Quran that Allah has exalted his beloved Prophet by high ranks. Not only the Muslims but the world’s renowned and non-believers, philosophers and thinkers graced the Prophet of Mercy and Kindness beautifully. But side by side, one more matter of fact is that a group of people from different countries is also present out there with malicious mindset who are disrespectful towards our and beloved Prophet Muhammad PBUH even then their shameless act cannot harm the noblest fame and prestige of Prophet of the prophets.

The most igniting factor to the Muslims is that, they call their filthy act as freedom of speech and they justify it clumsily.

Undoubtedly, the one who commits the act of blasphemy towards our beloved prophet will imperatively have to taste the horrible torment not only in hereafter but will also get his / her head cut off. Many historical events proved that our kind and merciful prophet forgave his and Islam’s enemies. Except for a few people who commit blasphemy in their poetry and prose about them “the Prophet Muhammad PBUH ordered to kill them even they are holding the curtains of Kaaba”.

As the discussion of freedom of speech is concerned, the common masses of Europe and America cannot publicly criticize the policies and legislation of the country not only in Europe and America but in whole the world.

The laws of defamation and laws of the court of contempt are present in every country and these laws are considered taboos. Now the point is to ponder upon, why the blasphemy law is less considered to be strictly followed as of the law of contempt of court.

Every country has certain limits and boundaries for freedom of speech. Even then the Islamophobic elements are misusing this right to hurt the religious feelings and emotional attachments of Muslims towards their beloved prophet. This is clear terrorism despite of freedom of speech.

Being a Muslim our faith is that the glory and honor of our beloved Prophet cannot be lessened by anyone. Because the Prophet is exalted by Allah and can never be defamed by any ill-natured and hollow conscienced criminal of Islam.

The researcher wants to unmask the black face of the term blasphemy so that the common masses could not be perplexed.

The researcher is also aimed to analyze the countries that commit blasphemy and wants to know about the personalities and institutes to whom westerns consider sacred and they apply punishment rules for their defamation.

The researcher also wants to know the limits of freedom of speech in different countries. So that the researcher could be able to open the intrigues against Muslims. The researcher also wants to find the behavior of such people and how they act and behave for their holy personalities. Are they arrogant towards them likewise? And do they get punished by their courts if they behave the same as with our Prophet (P.B.U.H).

The researcher has gone through many studies and related data to explain freedom of speech and its negative use by non-Muslims especially. The Prophets of all times are the most beloved and dearest to the owner and creator of the Universe. Allah choose them by himself and elevated their ranks above whole the humanity because he is the lord of the whole universe. He bestows the kingdoms to whom he wants and exalts the “Nabuwah” to whom he elevates. Even Allah took the responsibility of protecting of Prophet Muhammad (PBUH) (Al-Maidah, 67).

It is necessary to go through the verses of the Quran before knowing the glory and respect of the Holy Prophet and how Allah had

warned and punished the previous Ummah due to their disobedience toward their prophets' .For instance:

The people of Hazrat Noah falsified and ridiculed the teachings of Hazrat Noah. (Nuh, 27).

When the people of Aa'd denied the teachings of Hazrat Hood and claimed that He makes fabricated stories in the name of Allah. Allah said: (Adh-Dhariyat, 67, Al-Muminun, 39-41) -

When the people of Hazrat Saleh denied the teachings of their Prophet Allah said: (Al-Hijri, 82).

The worst people of Hazrat Loot not only denied him but also splashed mud on the chastity of the family of Hazrat Loot which ended in a severe torment of Allah in the form of stoning from the sky. Allah said (Al-Araf, 83).

The people of Hazrat Shoaib not only denied His teachings but also made fun of His truthfulness. (Hud,91).

The Pharaoh also made fun of Hazrat Mosa, threatened Him to put Him behind the bars, and satirized on his stuttering tongue, and badly humiliated Him.

Allah said: Pharaoh drowned in a deep river along with his army. (Ash-Shura, 66)

The Status and Glory of Prophet in Islam

The character of Hazrat Muhammad (P.B.U.H) was as holy as angles, and His soul was far away from Sins and vice. Hazrat Muhammad PBUH is the highest of all the Prophets in rank. Even following his teachings is said to be the following of Allah. Allah said in (Al Imran, 31, An- Nisa, 65)

It's an obligation for every Muslim to keep the state and love for Rasool PBUH highest from his / her parents and children, Allah said (Al-Ahzab,6).

Allah said in Surah Noor that to respect the Prophet is an essential part of a Muslim. (An-Nur, 63)

Allah warned those who commit blasphemy in the Quran. (Al-Ahzab, 57).

Blasphemy and References from Hadiths

As it is evident from the Quran that Allah ordered the punishment of death for the defamation of our prophet likewise it's also cleared from Hadiths that such a sinner will get his/ her head cut off. This matter is explained in an example of history that a blind person strangled a woman who used ill words for our prophet and when the case was brought to our prophet, He declared that the blind man is not the culprit. (Abu Dawood, 2000).

The second evidence is cleared from a Hadith, narrated as follows:

It is narrated by Hazrat Ibn-e-Abbas that one of the Sahaba killed his wife because she used to abuse the prophet (P.B.U.H).

The Prophet said, "O people be aware of the situation that her blood has gone waste" (Alsunan Abu Dawood, 2000).

Faith of Muslims and Strong Relation with Prophet PBUH

It is narrated by Hazrat Anas bin Malik that the Prophet said "No one of you could be Momin" until I am not the dearest to him from his / her parents, and children" (Al Bukhari, Kitab ul Imaan, 15).

Once Hazrat Umar said to our Holy Prophet that you are the dearest to me from everything in this world except my soul. Then the Prophet said "I swear in the name of Allah He who is the owner of my life, you could not be Momin until I am not the dearest one even of your own soul".

Then Hazrat Umar replied, "By God, you (PBUH) are dearest to me than my own being. The Prophet said, "Now it's right"(Al Bukhari, Kitab ul Imaan,6632).

Blasphemy: Historical Background and Present Situation

Denmark, France, and other European countries published newspapers containing the stuff of defamation about our beloved prophet and whole the world of Islam became a single body to protest against them. There are certain elements behind such vicious activities. The example of such narrow-mindedness, prejudice, and Hollowness of conscience could

be seen in a newspaper named (Jeland Posten) published in 2005. In Denmark, in this Newspaper, twelve unrespectful sketches were published.

A rigid Christian newspaper magazine also published such blasphemous content. (Darida Dahan,2005).

After this blasphemous crime, the president of America George Bush suggested then prime minister not to be flexible and not to bow before the Muslim countries that resulted in the rise of the blasphemous storm from different European countries afterward.

A western philosopher J.J Sounders confesses this reality that:

“It's not possible to deny the reality that Christians never paid respect and love toward Prophet of Muslims(P.B.U.H), He who loved the Christ and Prophet Muhammad has always been presented in disputed literature in return.

Dr. Honey copied 29 extracts: in the fourth chapter of his book “Islam aur Maghrib”. A few of extracts are as follow:

Prophet Muhammad has been introduced as a false and pseudo prophet. The Quran was interpreted as fictitious and desires provoking.

Saint Jhon of Damascus narrated Islam as a religion of idol-worshiping according to him, a fake prophet is being worshiped by muslims. He also held our prophet accused of making a book with the help of an Aryan Priest from the bible (Hamagzaniyaat, 2006).

The Historian Theofan (1818) narrated our Holy Prophet as a false prophet and ruler of the eastern people.

As it is described earlier that such blasphemous activities are pre-planned. The western Philosopher J.J Sounders also described this reality that “Most of the industrial institutes of America and Europe are owned by Jews. Especially they are the owner of most of the newspapers, news agencies, publishing institutes, trading companies, etc (Rana Muhammad Aslam,1995).

The Meaning of Prophet and Rasool

It is essential to explain Rasaalat along with Nabuwat. In the Arabic dictionary, the definition of Rasaalat is “Rasool is the one who follows Allah (Ibn e Manzoor,1956).

The one who comes with Shariah and follows it by himself and preaches the people toward it. Definition of Rasaalat according to the Institute of Muaraf ul Islamia is as follows:

“The meaning of Rasool is that a highly pious person who is chosen by Allah to deliver the message from Allah to mankind (Urdu dara muaraf e islamia,1973).

“According to Shariah Rasaalat is that ambassadorship which is established by Allah to convey His explanatory messages toward humans being on the path of Allah. (Sadar o din Aslahi,1990).

Blasphemy Law in Pakistan

Before the division of the subcontinent many Christian authors, Poets, Historians, story writers, and priests used to write Blasphemous content in their books especially and critiqued the noble personality of our prophet Muhammad and remained continues even after the rise of Pakistan. Many books containing blasphemous content were banned in 1991 when the Act of blasphemy of the prophet was implemented. Christian’s institute of publication was also banned. But still, these types of books are available from any book store.

A campaign was started in the winter of 1957, to distribute the Bible of Matti to every Muslim home so that any of the family members could know the teachings of the bible. (Nadar Raza Siddiqi,1979).

The government was liable to take a step to prevent them from such intrigues but unluckily any effort in this regard could not be exerted.

Anyhow many efforts were put by common masses to prevent such activities in students, religious scholars, courts, and parliament were also doing their best to restrain the malicious activities of Christians.

Many ups and downs happened in the way of making effective legislation. Religious leaders faced a lot of hurdles in this way. Eventually,

respected madam Nisar Fatima, a parliament lady, gathered like-minded people in the National Assembly to advocate this bill. (Nawaiwaqt,1986).

Then with the help of Madam Nisaar Fatima, this bill was laid in the National Assembly. No one can oppose the bill after seeing a majority of members of parliament standing on this stance.

After all, this bill was passed in parliament on October 12, 1986. The death penalty was fixed for blasphemy in this law first time in the history of Pakistan, and act C-295 was addressed in Pakistan's legislation (Ismail Qreshi).

The people of liberal minds badly opposed this law even after it had been passed in the assembly.

Prime minister madam Banazir Bhutto also tried to change this law by changing the death penalty into imprisonment of ten years. But it failed due to the unprecedented struggle of Prophet Lovers.

Later on more efforts were exerted to change the 295 C in the Musharaf regime also but could not succeed.

America also exerted pressure repeatedly on Pakistan to dismiss act 295-C for blasphemy. (Daily Jang, 1997).

The vice foriegn minister of America requested Pakistan's Prime minister to dismiss this law when she visited Pakistan in 1993(Zindagi, 1995).

By the Grace of Allah the punishment of blasphemy is a death penalty in legislation in the Islamic Republic of Pakistan as a final.

Muslim Countries and Blasphemy Law

Legislation against the blasphemy of Prophet hood and religion is present in other Islamic countries too. Western countries always criticize these laws of blasphemy.

Saudi Arabia

According to the basic laws and Article & from Book pg. 198. Saudi Arabia has the legislation of Islamic nature entirely. One, who commits

blasphemy of the Prophet, is sentenced to death (Saudi Arabia constitution, 1992).

Iran

The new legislation came into being on the basis of Islamic ideology in Iran after the revolution of 1979, according to that the death penalty is fixed for criminals of blasphemy. (Penal code of Iran, 2012).

Bangladesh

Officially Bangladesh is a Secular country. The penal code and other laws of Bangladesh condemn such activities which hurt religious feelings of Muslims and blasphemous attempts. (Bangladesh the penal code, 1860).

Indonesia

There is complete freedom of writing and speech but hate speech and criticism is out of the question in Indonesia. (Penal code of Indonesia, 1999).

Egypt

The religion of Egypt is Islam officially where the laws about blasphemy and religious values are also present. Maximum 5 years month imprisonment and maximum 500 ponds fine is fixed for blasphemy. (Egypt penal code, 1937).

Sudan

Sudan is also an Islamic state and the punishment of blasphemy is imprisonment and heavy fine along with forty lashes for the criminals. (Sudan the criminal act, 1991).

Kazakhstan

Kazakhstan is a secular country. Although the right to freedom of speech is made sure in legislation, the punishment of blasphemy is one thousand and two years imprisonment (Criminal code of Kazakhstan, 2009).

Turkey

Turkey is a secular Muslim country. It also has laws for blasphemous matters, especially the recent Government is strict to execute the law on such matters. According to the penal code of Article 3 C 216, who commits blasphemy of religious beliefs, is declared criminal. (Criminal code of turkey, 2004).

Blasphemy and International Laws

The followers of different religions from all over the world do not bear the blasphemy of their holy personalities, places, and things. That is why all the countries have laws against blasphemy in any form.

Ismail Qureshi writes about this issue

The so-called European countries have been double standard on the issue that they punish their blasphemers by the death penalty and now they imprison such criminals for life, but they want to make Muslim Countries especially Pakistan to stop practicing such laws in our courts so that their minority of Christians in Muslim countries could not be the victim of such punishments (Ismail Qureshi,).

These basic human rights include the prohibition of writing or uttering any insulting word to an individual along with the protection of his/her religious beliefs. Many countries of the United Nations have such acts in their legislation

(Tahir ul Qadri 2011).

The whole of Europe and America objects when similar laws are implemented in Pakistan and other Islamic countries. Then it's natural to be aggressive and restless on international blasphemous activities in such countries in the name of the right to freedom of speech.

Limitations of Freedom of Speech all over the World

Every individual is free to take advantage of his/her freedom under some restrictions which are laid by the law of the state to ensure the regard of well-fair, peace of common mass, and ethics of the democratic state. (Manifesto of United Nations, act 30).

Denmark

“The people who defame and insult the religious group that is legal in the state will be charged a heavy fine along with imprisonment of 4 months. (European convention of human rights).

Germany

Who commits defamation of certain religious believes or any philosophy of life, in such a way that peace of common masses could be breached, he /she would be imprisoned. (Criminal law of Germany, act 166)

Finland

One who commits blasphemy against God and hurts the feeling of people about their holy personalities intentionally, is charged a fine according to the law (Law of religion and its violation, act 10)

France

It is the precious right of a human being to propagate or communicate his/her opinions and thoughts openly and freely. As a result, every citizen can speak or write freely. But this right is not to be misused for any negative purpose.

So many studies proved that different countries of the world have laws against defamation and blasphemy of their holy personalities. So we can say that the blasphemers of the European countries, who hurt the feelings of Muslims in the name of freedom of speech, are terrorists.

Blasphemy in the name of Freedom of Speech

Modern Methods of Blasphemy

Islam is a true religion of Allah. To respect the prophets of all times is essential in this religion. No any Muslim defame any of the prophets from the whole world. The respect of prophets from Hazrat Adam to our last prophet Hazrat Muhammad PBUH is equal and compulsory. (Muft Muhammad Saeed, 2006).

The Presentation of Islamic Teachings in a Wrong Way

1. The enemies of Islam tried in every period of time to corrupt the brains and hearts of people by spreading suspicions, doubts, and false perceptions about Islam and this effort is still continued. For this purpose, they define Islam by declaring it a religion of terrorism and extremism.
2. **The pseudo policies about human rights:** The western countries are against the law of blasphemy in Pakistan and other Muslim countries although this law itself protects human rights, on the other hand, they themselves kill the Muslims in Palestine, Bosnia, Syria, Chechnya, Kashmir, Iraq, and Afghanistan by the help of their allies. This double standard behavior is the biggest hurdle for the coexistence of many religions.
3. The defamation of religious rituals and obligations of Muslims.
4. The western countries breach the coexistence between the religions. By every passing day, Pops are becoming fearless to defame our Prophet, to burn the Aqsa, to demolish the Babri Masjid, to restrict wearing Hijab, and bearing a beard are all units of this chain.

Sources of Blasphemy

Internet, Social Media, Talk Shows, Social and educational lectures.

Blasphemous Movies

‘Innocence of Muslims’ is a blasphemous and anti-Islam movie, written and produced by renowned Nicola Basly. The blasphemous videos by the name of “The real-life of Muhammad “were uploaded on YouTube in July 2012 which were dubbed in the Arabic language also;

Internet

Western countries use the internet to defame our prophet, their websites are regularly uploaded to defame the prophet and stuff like this in Urdu and Arabic also. As a result, we can say that western countries are using modern tools to defame in the name of freedom of speech.

Social media

Social media is widely being used for such films, blasphemous pictures, and sketches.

Talk Shows

Their TV talk shows also spread blasphemous stuff. Lectures are delivered in schools, colleges and universities on such topics.

Prevention of Blasphemy in the name of Freedom of Speech

This law of blasphemy must be revised in terms of its implementation and execution in Pakistan.

Allama Haskafi Hanfi explained clearly the blasphemer of our prophet and other prophets too, will get his/her head cut off and his/her apology would not be accepted. On the other hand, if someone commits blasphemy against Allah, His/her apology could be accepted because it's a matter related to Allah.

Awakening of Awareness and Knowledge in Masses

It is necessary to awake the love for Prophet Muhammad in the hearts and minds of the masses. The obligation of the religious scholars and Government to take the step to present the strong character of Prophet Muhammad PBUH. This all is achievable by using different sources.

1. By revising the syllabus on all levels.
2. By delivering lectures in Masjids.
3. By helping public sessions.
4. By arranging religious ceremonies
5. By using electronic, print, and social media

Conclusion

The researcher has concluded from this study that blasphemy of our Prophet Muhammad (P.B.U.H) is the result of hatred and malice with Islam. And Islamophobic elements of the whole world want the Muslims to fall in the notorious term; terrorism. They defame our prophet (P.B.U.H) to aggravate the Muslims to create the situation of unrest and discomfort

among the Muslims. They have malicious and harmful intent behind their planning. Not only they defame our Holy and beloved Prophet (P.B.U.H) but they also try to banish the death penalty of this act in the Muslim world. The European countries also influence the rulers and laws of Muslim countries.

On the first hand, they are the flag bearer of human rights and have organizations worldwide. Even they provide shelter for the blasphemers of the Muslim world. But on the other hand, they have played havoc with humanity on the basis of religion in Syria, Palestine, Iraq, Bosnia, Chechnya, and Kashmir. Their double standard is not hidden from the world. As it is vivid from this study that every country in the world has laws for blasphemy according to their religion so in Islam also.

Their history is full of death penalties for the defamation acts against the rulers and their prophets' even extreme punishments are still present in their laws for contempt of court and rulers also. But when Muslims apply this law, the Europeans start screaming for the human rights of the culprits and they raise their voice for the right of freedom of speech. After so many pieces of evidence in the study, it is clear that the defamation of all prophets is forbidden not only in-laws but in the Quran also.

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