

PUNISHMENT OF BLASPHEMY IN ISLAM

(Khalid Saifullah Khan)

Introduction

Blasphemy means behavior or language that shows disrespect for any prophet or any religion. Blasphemy not only hurts the religious sensibilities of others, but it also disturbs the peace and harmony of any society and even causes law and order problems, which is why Islam does not allow even the idols of the polytheists reviled or maligned. Allah says: "And abuse not those whom they call upon beside Allah, lest they, out of spite, abuse Allah in their ignorance." (Al Quran 6:109) If even the false idols are not allowed to be slandered, how the founders and leaders of different religions, sects and groups can be defiled? Clearly, the Holy Quran forbids Muslims to be blasphemous but if a blasphemy is committed, whether by a Muslim or a non-Muslim, Islam does not prescribe any worldly punishment. In this article, Pakistan's Blasphemy Law would be examined in the light of above.

Blasphemy versus freedom of speech.

No doubt, the freedom of speech is necessary for the progress and development of a society. But this freedom must not be used to insult religions. That is why Islam forbids blasphemy but does not prescribe any worldly punishment for it.

Discussing this issue, Hadhrat Mirza Tahir Ahmad (Ra), the fourth Khalifa of the Ahmadiyya Muslim Community writes:

"Blasphemy: Islam goes one step further than any other religion in granting man the freedom of speech and expression. Blasphemy is condemned on moral and ethical grounds, no doubt, but no physical punishment is prescribed for blasphemy in Islam despite the commonly held view in the contemporary world. Having studied the Holy Quran extensively and repeatedly with deep concentration, I have failed to find a single verse which declares blasphemy to be a crime punishable by man.

Although the Holy Quran very strongly discourages indecent behaviour and indecent talk, or the hurting of the sensitivity of others, with or without rhyme or reason, Islam does not advocate the punishment of blasphemy in this world nor vests such authority in anyone." (Islam's Response to Contemporary Issues, page 39)

Blasphemy was committed against all the Prophets of God, but none was punished:

There has been no Prophet in respect of whom derogatory words were not used. Allah says: "...There is no people to whom a Warner has not been sent." (35:25) "But there never came to them a Prophet but they mocked at him." (43:8)

"Then We sent Our Messengers one after the other. Every time there came to a people their Messenger, they treated him as a liar..." (23:45) "Alas for My servants! There comes not a Messenger to them but they mock at him." (36:31)

Blasphemy was committed against Mary and Jesus, peace be on them. God says: "For their disbelief and for their uttering against Mary a grievous calumny." (4:157) According to this

verse the Jews of the time of Jesus committed a grave blasphemy by declaring Mary to be unchaste and alleging Jesus to be a child of questionable birth.

Quran states committal of blasphemy against the Holy Prophet, but mentions no punishment.

The Quran mentions many blasphemous utterances of the non-believers and hypocrites against the Holy Prophet Muhammad, peace be upon him (Pbuh), without mentioning any physical punishment for perpetrators. A few examples are quoted below:

“Verily, those who malign Allah and His Messenger – Allah has cursed them in this world and in the Hereafter, and has prepared for them an abasing punishment. “ (33:58) It should be noted that the ‘abasing punishment’ of blaspheming God and His Messenger rests with God alone; and it is up to Him whether He punishes such persons in this world or in the next world after death. Authority to punish the blasphemers has not been delegated to anyone, not even the Holy Prophet (Pbuh).

Again it is stated in the Quran that disbelievers made a jest of the Holy Prophet (21:37). He was called ‘a mad man’ (15:7). They said: ‘there is madness in him’ (23:71). He was called ‘a victim of deception’ (17:48). He was treated as a liar (35:26). They called the Quranic revelation as ‘mere stories of the past’ (16:25), The Quran was called ‘confused dreams’ and the Holy Prophet a ‘poet’ (21:6). He was called ‘a fabricator’ (16:102). They said: ‘It is only a man who teaches him’ (16:104). They urged the people ‘not to listen Quran but make noise during its recitation’ (41:27). They ‘tore the Quran into pieces. (15:92)

Despite the blasphemy against the Holy Prophet (Pbuh) quoted above, Allah advised him: ‘We will certainly, suffice thee against those who mock’ (15:96). God Himself was therefore sufficient to deal with those who commit blasphemy against God, the Holy Prophet (Pbuh) or the Holy Quran and He does not allow anyone to interfere in it. The Holy Prophet (Pbuh) was advised by God: “And follow not the disbelievers and hypocrites, and overlook their annoying talk and put thy trust in Allah; for Allah is sufficient as a guardian” (33:49); and “bear patiently what they say” (20:131). Instead of killing the blasphemers, the believers were advised to leave the company of such men, until they change the topic of their talk. Allah says: “...When you hear the Signs of God being denied and mocked at, sit not with those (who indulge in such talk) until they engage in some other talk; for in that case you would be like them...” (4:141)

Blasphemy as viewed by religions before Islam:

As shown above, Islam prescribes no punishment for an act of blasphemy. It appears that this concept was introduced in the medieval ages, under the influence of teachings of religions before Islam. A few examples of it are reproduced below.

Judaism: Bible says: “And whoever blasphemes the name of the Lord shall surely be put to death. All the congregation shall certainly stone him, the stranger as well as him who is born in the land. When he blasphemes the name of the Lord, he shall be put to death. (Leviticus 24:16, The New King James Version; Thomas Nelson Publishers)

“You shall not take the name of the Lord your God in vain, for the Lord will not hold him guiltless who takes His name in vain.” (Exodus 20:7; The Ten Commandments)

The Jews charged the early Christians with heretic and blasphemous beliefs and persecuted them for about three centuries.

Christianity: The New Testament says: “Therefore I say to you, every sin and blasphemy will be forgiven men, but the blasphemy against the Spirit will not be forgiven men. Anyone who speaks a word against the Son of Man, it will be forgiven him; but whoever speaks against the Holy Spirit, it will not be forgiven him, either in this age or in the age to come.”

(Matthew 12:31-32) In Christianity there is punishment only for committing blasphemy of the Holy Spirit; there is no mention of God or His son.

The Catholics charged Protestants with blasphemy and killed thousands of them in different times and countries, until the separation of state and church was established and concepts of democracy, secularism, human rights, and pluralism started gaining popularity.

Hinduism: It was regarded so serious an act of blasphemy that if any low caste Sudra read the Vedas, he was severely punished. Gotama Rishi says: “ If a Sudra happens to hear the Vedas then it is the king’s duty to drop molten lead and wax into his ears; if a Sudra were to recite the Vedic Mantras the king should cut off his tongue and if they try to read the Vedas, the king should cut his body.” (Gotama Smarti:12; taken from Introduction to the Study of Holy Quran by Hadhrat Mirza Bashiruddin Mahmud Ahmad, page, v)

Translation of Manu Smarti 9:248: “If a Sudra intentionally defiles a Pundit, the king should punish him bodily, rather punish him with death penalty.”

The modern concepts of democracy and fundamental human rights, including the freedom of religion, keeps Hindu fundamentalism under check.

Extremist interpretations of Islam:

I would like to mention the example of Pakistan. In Pakistan Blasphemy carries death penalty under Section 295C, Pakistan Penal Code. It reads as under:

“Section 295C. Use of derogatory remarks etc. in respect of the Holy Prophet: 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 Muhammad (Pbuh) shall be punished with death, or imprisonment for life and shall also be liable to fine.”

In 1987, the Federal Shariah Court sentenced that blasphemy is punishable with death and no lighter punishment can be awarded. Accordingly, In 1990, the alternate punishment of life imprisonment was withdrawn, due to which death became the only penalty for the crime of Blasphemy. It opened the flood gate of extremism and terrorism.. No superfluous or cosmetic type of half-hearted action can now reverse this trend. The law is very vague. The words, ‘any imputation, innuendo, insinuation, directly and indirectly’ indicate, that the crime has not been specifically stated in the law, and therefore, anything under the heaven can be brought within its ambit. It has in effect, turned this law into a sword which hangs constantly over the heads of members of religious minorities and groups in particular..

Brief examination of the Judgement of Pakistan’s Federal Shariah Court on Blasphemy Laws:

Amendment of law, that excluded the alternate punishment of imprisonment for blasphemy, was done on the recommendation of the Federal Shariah Court, under Shariat Petition No. 6/L of 1987. It is a 30-page judgement which quotes from Quran, some Traditions from a book of 'Hadith' not included in the set of 'Six Sahih' ('correct') Books of Tradition and interpretations of medieval ages. Nobody was called to argue the opposing view. The Judgement rested on the grounds stated below.

(1) Blasphemy is tantamount to apostasy:

The first reason put forward is that a person who uses derogatory words against the Holy Prophet (Pbuh), he turns apostate and the punishment of apostasy is death. The proceedings of the Shariah Court say:

"Maulana Subhan Mahmood relied upon verse: 9:65 and 66; 33:57; 49:2; 2:217; 5:75; 39:1,65; 47:28. He has related some Ahadith and juristic opinions wherein the contemptor has been considered an apostate. He has further relied upon a Hadith related on the authority of Abu Qulabah wherein the punishment of contemptor has been prescribed death. He has also relied upon the Hadith related by Qazi Ayaz that the Holy Prophet (Pbuh) said,

"Kill the person who abuses the Prophet and whip the one who abuses his companions"
(Para 4)

First of all, it is not right to say that a disrespectful word is tantamount to apostasy. The Quran records many disrespectful utterances and acts of the hypocrites, but still they were not expelled from the main body of Islam, nor were they killed for apostasy. (See 9:64; 3:155 & 168; 4:62-64; 63:9; 4:143-147; 47:17 etc.)

Moreover, it is a misconception that Quran prescribes death penalty for an apostate.

On the contrary, the Quran speaks repeatedly of those who disbelieved after believing, but not even once mentions that they should be killed or punished. Allah says:

"...And whoso from among you turns back from his Faith and dies while he is a disbeliever, it is they whose works shall be vain in this world and the next..." (2:218)

Question is: How an apostate can die a natural death, if he is to be killed on turning back from Islam?

"Surely, those who disbelieve after they have believed and then increase in disbelief, their repentance shall not be accepted, and these are they who have gone astray." (3:91)

"And a party of the People of the Book say, 'Declare your belief (outwardly) in that which has been revealed unto the believers, in the early part of the day, and disbelieve in the latter part thereof; perchance they may return.'" (3:73)

The question is: How those who disbelieve after having believed can increase in disbelief or have an occasion to repent, if they are to be killed on recanting their faith in Islam? And how could Jews plan to accept Islam and leave it to create an impression that Islam was not a religion worthy of acceptance, when they knew that by turning away from Islam they would be put to death?

The misconception was perhaps caused by the fact that during the Holy Prophet's (Pbuh) time Muslims were engaged in defensive wars, and people after becoming apostates joined the enemy, and so were treated as enemy. If any apostate was killed, he was not killed for apostasy, but for joining the enemy, committing murder and other war crimes.

(2) A person using derogatory word in respect of the Prophet wages war against him.

Another ground of death penalty stated in Para 14 is that the 'abusers and contempters of the Holy Prophet (Pbuh) are the opponents of Allah and His Prophet. So they fall in the category of people who fought against the Holy Prophet (Pbuh) in Battle of Badr and those who wage war against Allah and His Messenger, and for whom the punishment of death is prescribed in 8:13 and 5:34 respectively.

The fact is that Islam allowed Muslims to use sword against only those who first raised sword against Islam. No disproportionate force was used against the enemy. They were punished with the same tool with which they attacked Islam – verbal attacks were defended verbally and armed attacks were rebutted with arms, without committing any excesses. Therefore, derogatory words, though very hurtful to Muslims, do not constitute a war against the Holy Prophet (Pbuh),.

Provisions of Blasphemy Law are inconsistent with the Practice of the Holy Prophet.

The Holy Prophet (Pbuh) pardoned his worst enemies as is obvious from the following examples.

(1) The Quran records the statement of Abdullah bin Ubayy who in the company of others called himself 'the most exalted' and the Holy Prophet (Pbuh) as 'most mean'. (63:9). He was not awarded any punishment, lived peacefully in Madinah till his natural death. The Holy Prophet (Pbuh) himself offered his funeral Prayer.

(2) When Makkah fell to the Holy Prophet (Pbuh), he pardoned all of them who had been calling him 'Saahir' (sorcerer), 'Majnoon' (mad man), 'Muftar' (forger, liar), 'Mas-hoor' (bewitched), and the Quran as 'Asaa-tee-rul awwa-leen' (tales of the men of old) (51:52, 15:6, 23:70, 16:101, 17:47 respectively).

(3) He pardoned Abu Sufyan, the leader of Makkah who led most wars against the Holy Prophet (Pbuh), and Wahshi, who had killed the Holy Prophet's (Pbuh) real uncle, Hazrat Hamzah.

(5) He also pardoned Hinda, wife of Abu Sufyan, who had teared out the liver of Hazrat Hamza and chewed it to fulfil her savage vow.

(6) He also did not punish Habbar, who had mercilessly struck the camel with his spear, on which the dear daughter of the Holy Prophet (Pbuh), Hazrat Zainab, was mounted while she was emigrating from Makkah to Madinah. She was pregnant at that time and it caused her miscarriage and as a result of this illness, she died after reaching Madinah.

The Holy Prophet's (Pbuh) life is replete with instances of forgiving even his worst enemies. He was more merciful than any person ever born, which is obvious from the fact that God Himself called him '*Rahma-tul-lil-aala-meen*,' the mercy for all the worlds.

To claim that the provisions of 295-C are in accordance with the Practice of the Holy Prophet (Pbuh), is tantamount to saying that he put to death anyone who by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly defiled his sacred name. Such a view can only be held by those who take pleasure in killing others in the name of God. Such an understanding is just the opposite of what God says regarding the Holy Prophet (Pbuh) in relation to non-believers and the hypocrites. The Quran says: "And it is by the great mercy of Allah that thou art kind towards them, and if thou hadst been rough and hard-hearted, they would

surely have dispersed from around thee. So pardon them and ask forgiveness for them, and consult them in matters of (administration); and when thou art resolved, then put thy trust in Allah. Surely, Allah loves those who put their trust (in him).” (3:160)

These words of God give an insight into the beautiful character of the Holy Prophet (Pbuh), of which the most prominent trait was his all-comprehensive mercy. He was full of the milk of human kindness and was not only kind towards his Companions and followers but was also full of mercy and sympathy for his enemies who were always on the lookout to stab him in the back. It is on record that he took no action against those treacherous Hypocrites who had deserted him in the Battle of Uhad. He even consulted them in affairs of State.

In view of the afore-said, is it not a serious act of blasphemy to say that the Holy Prophet’s (Pbuh) Sunnah or Practice was the same as provided in 295-C Pakistan Penal Code? All lovers of the Holy Prophet (Pbuh) should ponder over this question seriously.