

In Cold Blood

How Pakistan's Notorious Blasphemy Laws Repress Citizens' Right to Freedom of Expression

By Rida Zaidi

2 April 13, 2017 in Mardan, Pakistan was a spring day like no other.

At the local university, a 23-year-old journalism student by the name of Mashal Khan was being attacked by a vicious mob. He was rumoured to be linked to a series of Facebook pages that had been allegedly posting various anti-Islamic materials online. Despite there being no real evidence to support his involvement, a crowd had gathered at the university, determined to protect the integrity of their Islamic faith. One man in the crowd, Imran Ali, pulled a gun out of his pocket and took his aim. In broad daylight, Mashal Khan was shot dead—only to later be cleared as innocent (Fahim & Saleem, 2018). Mashal's example is only one of many similar cases in which vigilante mob violence has been employed to stamp out any form of blasphemous anti-Islamic expression in Pakistan.

The mob that attacked Mashal justifies their actions under Section 295-C of Pakistan's Penal Code (PPC)—a notorious blasphemy law that subjects anyone who purportedly disrespects Islam's Prophet Muhammad with either life imprisonment or death (Act No. XLV, 1860). Section 295-C's broad wording: “words, *spoken or written...by any innuendo or insinuation, directly or*

indirectly, (defiling) the sacred name of the Holy Prophet Muhammad” (Act No. XLV, 1860) has expanded the definition of “blasphemy” to the dangerous point where there is essentially no definition of the word at all. Though the law’s vague criteria remains totalitarian enough on its own, the absolute nature of its punishments makes things far worse. Law 295-C outlines a **mandatory** death penalty for the accused, with no space whatsoever to maneuver for a reduction in sentencing, much less a pardon (Act No. XLV, 1860). By leaving the law so open to individual interpretation, the PPC has outlined a series of constitutionally enforced infringements on the right to freedom of expression of the average Pakistani citizen. It has also simultaneously opened up the floodgates to false accusations, vigilante justice, and the persecution of religious minorities in Pakistan. In fact, since 295-C’s institution in 1987 up until the year 2014, the number of blasphemy allegations had risen by an inconceivable **18,971%** while extrajudicial killings increased by a tremendous **2,750%**! (Mazhar, 2016)

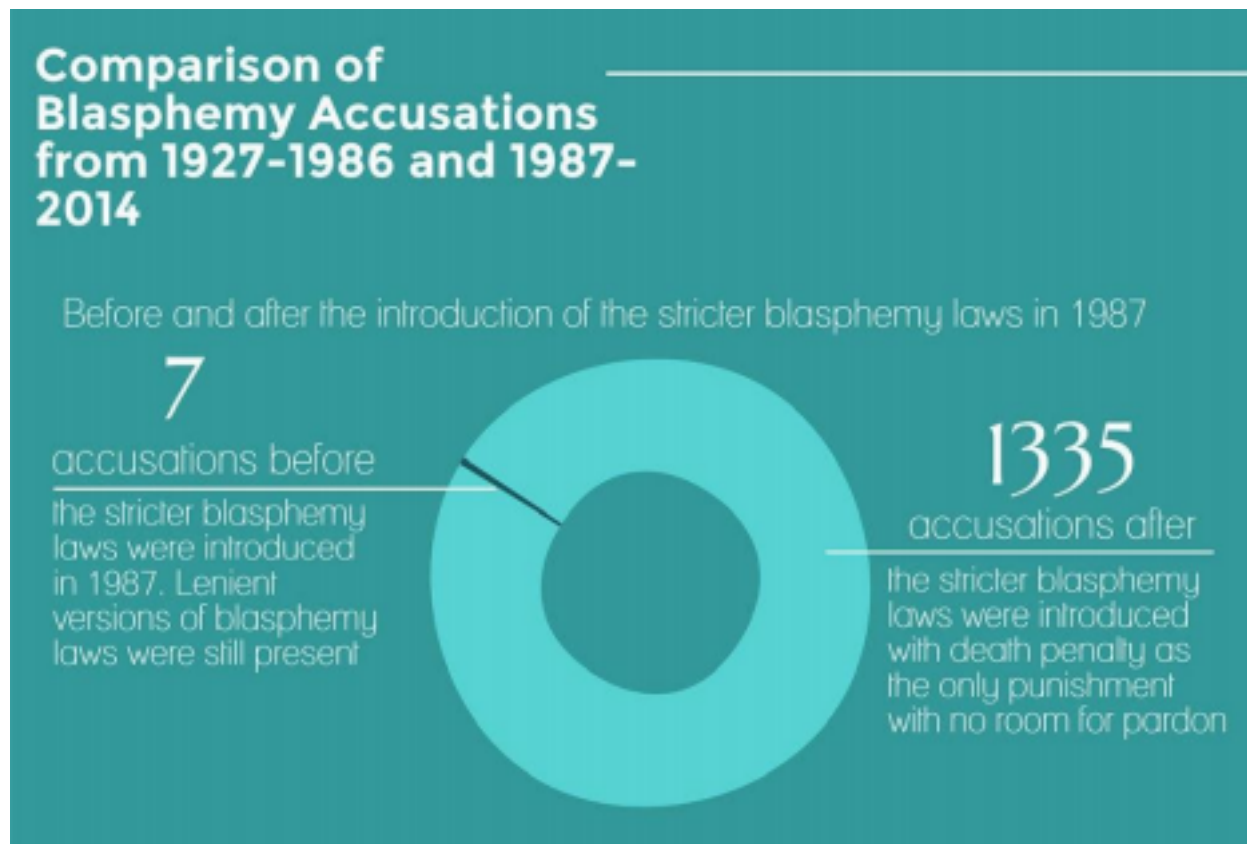


Figure 1: Blasphemy accusations in Pakistan before and after the institution of 295-C. Adapted from

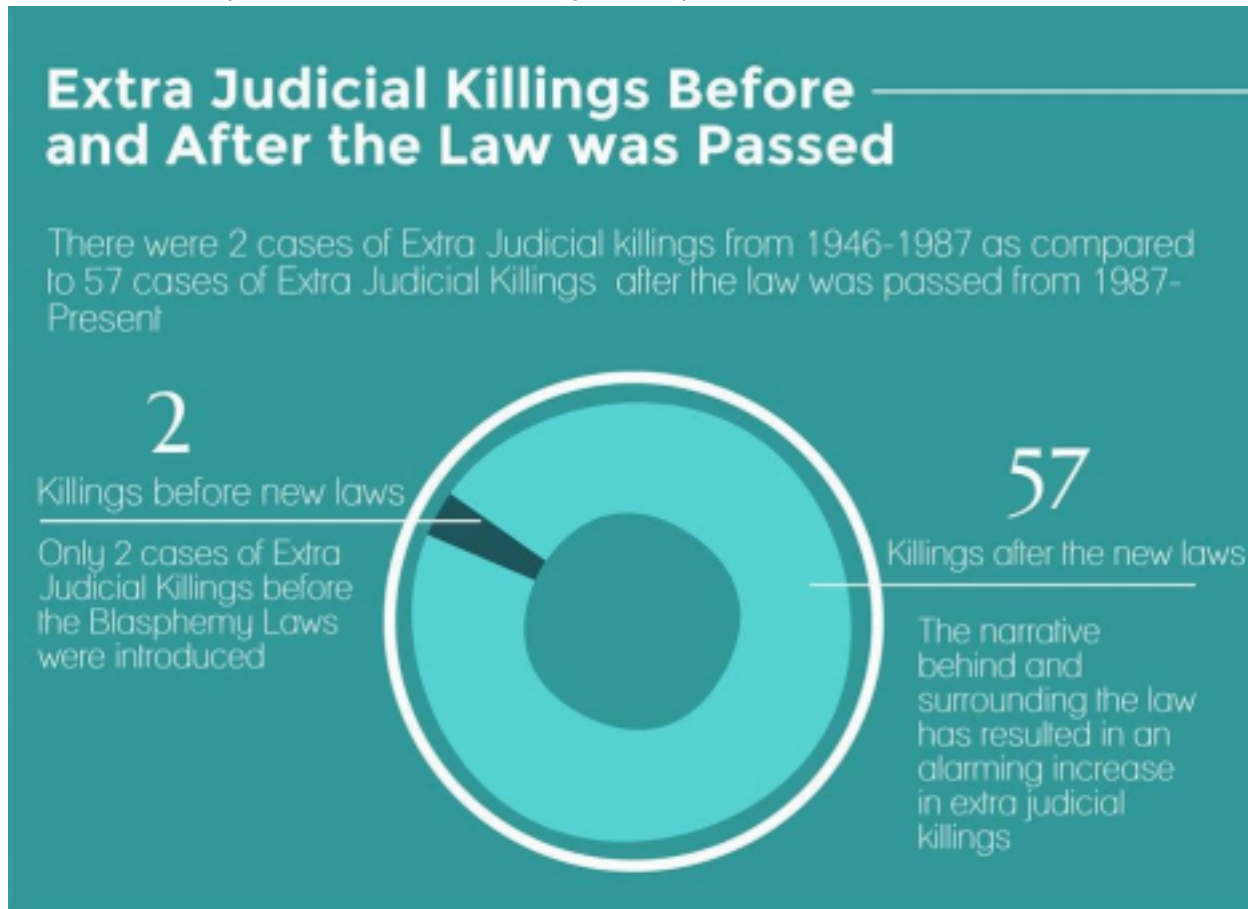


Figure 2: Extrajudicial killings in Pakistan before and after the institution of 295-C. Adapted from Dawn, by A. Mazhar, 2016, Retrieved from: <https://www.dawn.com/news/1163596>.

When Pakistan gained its independence in 1947 on the grounds of self-determination for British India's Muslim population, its laws were initially inherited from its predecessor until it could establish its own constitution (AFP, 2011). Unfortunately, in the post-independence emergency of establishing a new state, a concrete Pakistani identity was never properly established, and to this day the country continuously seesaws between identifying itself as either an Islamic state or a modern republic (Rumi, 2018). During the Afghan insurgency against communist rule in the 1970's and 1980's, Pakistani dictator Zia-ul-Haq saw an opportunity in exploiting this identity crisis. He used Islam as an effective political tool to rally Pakistani support

for the Afghan cause in the form of *mujahideen* soldiers, i.e., Islamic defenders of the faith (Rumi, 2018). Continuing with his Islamization plan, in 1987, General Zia-ul-Haq took colonial laws against *any* kind of religious hate speech and morphed them into new laws against blasphemous acts against the religion of *Islam* in particular (AFP, 2011). Further, Zia played on the average citizen's fear of non-Muslim foreign oppression by amplifying a narrative of Muslim victimhood that, to this day, religious extremists use as justification for taking the law into their own hands (Rumi, 2018). For such extremists, to blaspheme against Islam is to threaten Pakistan's sovereignty itself.

As of recent years, Section 295-C has earned itself quite the bloody reputation. In 2010, Asia Bibi, a Christian woman from Punjab, was accused of blasphemy by her Muslim coworkers when they refused to share drinking water supplies with her while harvesting in the fields. Asia was immediately sentenced to death by hanging, resulting in an outpouring of international outcry (Bacon, 2018). The Governor of Punjab, Salman Taseer, continued to advocate on her behalf despite backlash from extremists—only to be tragically shot dead in 2011 by his own bodyguard, Mumtaz Qadri, for doing so (“Punjab Governor Assassinated”, 2011). Qadri was hanged for murder by the Supreme Court in 2016, but his gravesite has since turned into a religious shrine for extremists (Pasha, 2016). This entire case study serves to highlight just how much unchecked power such religious extremists have amassed, as well as how dedicated they are to silencing anyone who disagrees with their fundamentalist version of Islam.

The modern narrative around Pakistan's blasphemy laws talks about their flagrant misuse, but make no mistake, these laws are being used *exactly* how they were meant to be used. When General Zia's regime put Law 295-C in place, it was specifically meant to squash any voices of dissent and to smear those brave enough to speak out against the regime as unpatriotic,

non Muslim traitors (Rumi, 2018). Unlawful regimes throughout history have always needed a false cloak of legitimacy, and the cloaks of nationalism and religious extremism have served them well time and time again. If Pakistan truly wants to be recognised as a democratic republic in the global arena, its blasphemy laws need to be abolished immediately. Otherwise, it risks losing valuable relationships and privileges with other democracies around the world, including, as of April 2021, its treasured GSP+ status that allows Pakistan considerable trade benefits with the EU (“EU Parliament Review”, 2021).

To really effect change, there needs to be substantial work done to assure Pakistan’s masses that getting rid of the blasphemy laws does not, in fact, pose a threat to either Islam or Pakistan’s sovereignty. Pakistanis need to be convinced that upholding the right to freedom of expression is actually the right thing to do according to their *own* cultural and religious values. They must be reminded that their country’s founder, Muhammad Ali Jinnah, knew that the country would never prosper unless “no matter what (your) colour, caste or creed, (each of you) is...a citizen of this state with equal rights, privileges and obligations.” (Rehman, 2010). Pakistan’s Muslim majority need also be reminded of the emphatic declaration in Quran 2:256 that “there shall be no compulsion in religion” and that “...if anyone kills a person...it is as if he had killed all of mankind.” (Quran 5:32).

It is clear, then, that such blasphemy laws are neither Islamic nor patriotic, but are instead a severe impediment to upholding the tenets of justice and dignity that are our common birthright as human beings. Evidently, the only rational conclusion of this argument is the undeniable need to eradicate such laws from Pakistan’s Penal Code and to safeguard individual rights to freedom of expression. Indeed, it would be blasphemous to do anything else.

References

AFP. (2011, January 5). *The History of the Blasphemy Law*. The Express Tribune.

<https://tribune.com.pk/story/99414/the-history-of-the-blasphemy-law>.

Bacon, J. (2018, October 31). *Pakistan Acquits Christian Woman Sentenced to Die for Blasphemy*. USA Today.

<https://www.usatoday.com/story/news/world/2018/10/31/blasphemy-pakistan-frees-asia-bibi-death-row/1830129002/>.

EU Parliament Adopts Resolution Calling for Review of Pakistan's GSP+ Status Over Blasphemy Law Abuse. (2021, May 1). Dawn News.

<https://www.dawn.com/news/1621254>.

Fahim, A. N., & Saleem, A. (2018, February 11). *Mashal Khan Case Verdict Highlights Pakistan's Blasphemy and Impunity Problem*. Global Voices.

<https://globalvoices.org/2018/02/11/mashal-khan-case-verdict-highlights-pakistans-blasphemy-and-impunity-problem/>.

Mazhar, A. (2016, March 27). *Why Blasphemy Remains Unpardonable in Pakistan*. Dawn News.

<https://www.dawn.com/news/1163596>.

Pakistan Penal Code [Pakistan], Act No. XLV, 6 October 1860, available at:

<https://www.refworld.org/docid/485231942.html>

Pasha, A. (2016, December 27). *Mumtaz Qadri's Shrine: In Memory of Salmaan Taseer's Assassin*. Dawn News. <https://www.dawn.com/news/1302289>.

Punjab Governor Salman Taseer Assassinated in Islamabad. (2011, January 4). BBC News. <https://www.bbc.com/news/world-south-asia-12111831>.

Rehman, I. A. (2010, August 14). *Quaid's View of Minorities.* Dawn News. <https://www.dawn.com/news/553057/quaid-view-of-minorities>.

Rumi, R. (2018). Unpacking the Blasphemy Laws of Pakistan. *Asian Affairs*, 49(2), 319–339. <https://doi.org/10.1080/03068374.2018.1469338>

The Holy Quran, 2:256 (translated by M.A.S. A. Haleem). Oxford World's Classics.

The Holy Quran, 5:32 (translated by M.A.S. A. Haleem). Oxford World's Classics.