

Prevention of Faith-Based Violence as a Response to ‘Blasphemy’ in Pakistan

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Abstract

The anti-Christian violence perpetrated in response to an alleged incident of ‘blasphemy’ on August 16, 2023 in Jaranwala, Pakistan, is a reminder of the urgency to find ways to prevent faith-based violence across the country. The incident has exacerbated the perception to an extent that the ‘blasphemy’ laws (offenses relating to religion) are vulnerable to misuse, particularly against the country’s minority communities, and thus require reform. This paper will build on this suggestion, along with others made by the Human Rights Commission of Pakistan about education, peace-building and changes to police forces, in order to recommend ways to prevent faith-based violence as a result of allegations of ‘blasphemy.’ The solution cannot be found merely in the legal realm. This paper posits the adoption of a non-violent response to insults against Islamic revelations, based on the injunctions of the Holy Qur’ān to be encouraged through education and police reform.

Keywords: Blasphemy, Faith-based Violence, Pakistan Penal Code, Qur’ān, Minorities, Extrajudicial Killings, Jaranwala

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Introduction

This paper centres on the issue of faith-based violence in Pakistan, which can take many different forms. It can include the use of physical violence against a person (to injure or kill) or a place of worship or property, verbal or written violence (to hurt) and symbolic violence against the history or the tenets of the victim's religion. While these forms of violence are often portrayed as reactionary to some kind of faith-based provocation, they also reflect a questioning of the victim's right to believe in or express their religion, to belong in a locality or as citizens of the state or to even exist. The 'faith-based' category works to suggest that these incidents of violence are underlined or motivated by difference in religious beliefs, whether the perpetrators and victims of the violence belong to different faiths (as in the Jaranwala incident) or different sects within the same faith.

It must be noted that themes like faith and religion do not represent the same thing in all contexts. In Pakistan, it has been posited that religions can be viewed through the lens of 'class' and 'caste ideology' in cases of 'blasphemy,' as Sana Ashraf notes with the example of Christianity, due to the historic tendency of lower caste Hindus to convert to Christianity, and thus accusations of blasphemy as stemming from issues of purity.¹ Therefore, accusations of 'blasphemy' should not only be viewed as a religious issue, but also a class or social issue, because the religious nature of the accusations might be a façade for a conflict motivated by classism, caste-ism or any other personal dispute. The significance of faith in the context of Jaranwala and other related incidents is the alleged act of non-Muslims insulting Islamic revelations or figures as a spark and justification for faith-based violence, whether that initial accusation was true or not. 'Faith-based' thus remains a suitable category to describe such incidents because the victims and perpetrators belong to two different

¹ Sana Ashraf, "Honour, Purity and Transgression: Understanding Blasphemy Accusations and Consequent Violent Action in Punjab, Pakistan," *Contemporary South Asia*, Vol. 26, No. 1 (2018): 59.

faiths and faith-based conflict is said to be the cause, even if the reality is more complex.

The creation of ways to actively prevent such incidents of faith-based violence in the wake of accusations of insults to the Islamic faith (often referred to as ‘blasphemy’) is of paramount importance in Pakistan. The assertion that religious minorities are not safe,² occupying a vulnerable position in society will be harder to deny if alleged and unconfirmed incidents of minorities, ridiculing Islamic holy personages or Muslims or defiling the Holy *Qur’ān*, for example, continue to lead to extrajudicial attacks against the wider minority community and their places of worship or property. Especially if the police and other authorities are complicit in the violence or if they fail to act swiftly or hold such criminals to account. Moreover, not only do faith-based incidents call into question the integrity and capability of law-enforcement in Pakistan, and thus public trust in the police, but they also threaten the very fabric of society by accentuating religious divisions. A country is at its strongest when its people peacefully co-exist and are united against the country’s common challenges. While it is right, as in the case of Jaranwala, to compensate all victims of communal violence, should incidents of such violence increase over the coming years, it will become unsustainable for provincial governments to cover such costs repeatedly, especially given Pakistan’s wider economic challenges. Therefore, in light of all of these considerations which constitute matters of national security and stability, but first and foremost, the state’s duty to religious minorities to ensure their safety, priority consideration, must be given to recommendations to prevent these incidents.

² “Protecting the minority,” *The News International*, September 12, 2023, <https://www.thenews.com.pk/print/1109001-protecting-the-minority>.
Saad Zuberi, “How death and despair haunt Pakistan’s Christian minority,” *Al Jazeera*, April 9, 2023, <https://www.aljazeera.com/features/2023/4/9/how-death-and-despair-haunt-pakistans-christian-minority>.
Osama Ahmad, “Are we turning a blind eye to the plight of religious minorities?,” *The Express Tribune*, February 22, 2023, <https://tribune.com.pk/article/97689/are-we-turning-a-blind-eye-to-the-plight-of-religious-minorities>.

There are fears that incidents of faith-based violence have increased over recent decades in Pakistan. For example, a piece published in August 2023 in *Dawn* presented a timeline of attacks on and persecution of religious minorities over that previous year to reflect the “sharp spike in the incidence of faith-based violence.”³ This leads us to ask who is responsible for these incidents. One prominent political organisation is the *Tehreek-e-Labbaik Pakistan* (TLP), whose members have been directly involved in violent responses to alleged acts of ‘blasphemy’ at home and abroad.⁴ A Gallup survey conducted in June 2023 found that the TLP were the third most liked political party after the *Pakistan Tehreek-e-Insaf* (PTI) and the *Pakistan People’s Party* (PPP) with a 41 per cent likeability rating and the TLP’s chief, Saad Rizvi, secured second place in the most popular leader category after PTI’s Imran Khan at a 38 per cent approval rating.⁵ However, it should be noted that the survey did find that only 4 per cent of respondents would vote for the TLP, if the elections to the National Assembly were held, with the highest proportion of these votes coming from the Punjab province.⁶ The same province is home to the vast majority of ‘blasphemy’ cases (74 per cent),⁷ and so the popularity of the TLP and the commonality of accusations in Punjab may well be linked. Note also that the city of Faisalabad, in the same district as Jaranwala, is

³ Areesha Rehan, Hawwa Fazal and Wara Irfan, “A timeline of attacks on religious minorities over the last 12 months,” *Dawn*, August 18, 2023, <https://www.dawn.com/news/1770617>.

⁴ Roohan Ahmed, “Tehreek-e-Labbaik Pakistan: An emerging right-wing threat to Pakistan’s democracy,” *Atlantic Council*, January 15, 2022, <https://www.atlanticcouncil.org/blogs/southasiasource/tehreek-e-labbaik-pakistan-an-emerging-right-wing-threat/>.

⁵ “National Public Opinion Poll Report,” *Gallup Pakistan*, accessed October 2, 2023, <https://gallup.com.pk/wp/wp-content/uploads/2023/09/Public-Pulse-Report-June-2023-3.pdf>.

⁶ Roohan Ahmed, “Tehreek-e-Labbaik Pakistan: An emerging right-wing threat to Pakistan’s democracy,” *South Asia Center*, January 15, 2022, <https://www.atlanticcouncil.org/blogs/southasiasource/tehreek-e-labbaik-pakistan-an-emerging-right-wing-threat/#:~:text=The%20TLP's%20growing%20influence%20across,and%20the%20ideology%20it%20represents.>

⁷ Qaiser Julius, “The Experience of Minorities under Pakistan’s Blasphemy Laws,” *Islam and Christian-Muslim Relations*, Vol. 27, No. 1 (2016): 99.

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one of the two cities with the highest number of registered ‘blasphemy’ cases.⁸

Despite its minimal representation in the national and provincial assemblies, the TLP has repeatedly demonstrated its ability to influence government with a history of gaining concessions from successive governments using pressure politics.⁹ No TLP politicians were elected to a national seat in the 2018 elections,¹⁰ nor any provincial seat except in Sindh,¹¹ yet it concluded a deal in June 2023 with the Pakistan Democratic Movement’s coalition government after threatening to march on Islamabad. The government conceded, *inter alia*, speedier trials for ‘blasphemy’ and the booking of those charged under section 295-C of the Pakistan Penal Code (PPC) under the Anti-Terrorism Act, 1997.¹² The latter has the potential to further raise the sensitivity and severity of the issue of ‘blasphemy’ by blurring the distinctions between it and the offense of terrorism.

With regards to recommendations on how to prevent faith-based violence, bearing in mind that the laws under which minorities are charged for insulting Islam or Muslims (offenses relating to religion in the Pakistan Penal Code, 1860) are often misused to orchestrate communal violence or

⁸ Roswitha Badry, “The dilemma of ‘Blasphemy Laws’ in Pakistan – Symptomatic of unsolved problems in the post-colonial period?,” *Politeja*, 59, No. 2 (2019): 99.

⁹ Mary Hunter, “Why the TLP-Government Agreement Spells Danger,” *CSCR*, July 7, 2023, <https://cscr.pk/explore/themes/politics-governance/why-the-tlp-government-agreement-spells-danger/>.

¹⁰ “National Assembly,” Election Commission of Pakistan, accessed October 3, 2023, <https://ecp.gov.pk/storage/files/1/National%20Assembly1.pdf>.

¹¹ “Provincial Sindh,” Election Commission of Pakistan, accessed October 3, 2023, <https://ecp.gov.pk/storage/files/1/Provincial%20Sindh1.pdf>.

¹² Mary Hunter, “Why the TLP-Government Agreement Spells Danger,” *CSCR*, July 7, 2023, <https://cscr.pk/explore/themes/politics-governance/why-the-tlp-government-agreement-spells-danger/>.

to settle personal disputes,¹³ part of the solution must be legal. However, the total removal of the laws has been rejected as unrealistic or counter-productive,¹⁴ not to mention how politicians Salman Taseer and Shahbaz Bhatti were killed for their opposition to the laws. But legal reform cannot be the only recommendation because a purely top-down approach to this issue will fail to change hearts and minds. Moreover, as Farah Adeed has argued, the “oversimplified focus on the legal dimensions of blasphemy when not a single person has been judicially executed for it in the country—but dozens have been mobbed and lynched—is misguided.”¹⁵ Therefore, the solution must go beyond legal reform. However, Adeed’s statement should be caveated by the suggestion that the laws remain significant because they shape the behaviours of the people. Some people seek to personally enact the punishments stipulated by the laws for these offenses. Furthermore, such accusations, even if found to be false, can irreparably damage a person’s reputation and make life in Pakistan unliveable.¹⁶

These two reasons also justify the need to publicly challenge the anti-minority rhetoric of Members of the National Assembly (MNAs) and other public figures.¹⁷ The authorities have at times banned those who

¹³ Bilal Ahmad Tantray, “Jaranwala Church Attacks another Example of the Misuse of Blasphemy Laws in Pakistan,” *The Diplomat*, September 6, 2023, <https://thediplomat.com/2023/09/jaranwala-church-attacks-another-example-of-the-misuse-of-blasphemy-laws-in-pakistan/>. Roswitha Badry, “The dilemma of ‘Blasphemy Laws’ in Pakistan – Symptomatic of unsolved problems in the post-colonial period?,” *Politeja*, 59, No. 2 (2019): 91-106.

¹⁴ Farah Adeed, “Abolishing blasphemy laws in Pakistan will lead to more violence,” *Acton Institute*, July 28, 2022, <https://rlo.acton.org/archives/123690-abolishing-blasphemy-laws-in-pakistan-will-lead-to-more-violence.html>.

¹⁵ Farah Adeed, “Abolishing blasphemy laws in Pakistan will lead to more violence.”

¹⁶ Qaiser Julius, “The Experience of Minorities under Pakistan’s Blasphemy Laws,” *Islam and Christian-Muslim Relations*, Vol. 27, No. 1 (2016): 108-9.

¹⁷ “PML-N’s Capt Safdar lashes out against Ahmadis, faces backlash on social media,” *Dawn*, October 10, 2017, <https://www.dawn.com/news/1362922>.

Lauren Frayer, “Pakistani Televangelist Is Back on Air, Raising Fears,” *NPR*, August 18, 2012, <https://www.npr.org/2012/08/20/158949900/pakistani-televangelist-is-back-on-air-raising-fears>.

engage in hate speech on national television,¹⁸ but not always. Similarly, concerns have been raised about the ease and haste with which amendments have been passed to increase the punishment for the so-called ‘blasphemy’ laws. For example, the punishment for the use of derogatory remarks about the holy personages of Islam under Section 298-A is set to increase from three to at least ten years.¹⁹ Ways should be devised such that bills are accessible to all relevant lawmakers and constitutional requirements met, including the requisite number be present to vote on it (quorum) after due consideration. Article 55(2) of the constitution states that the National Assembly should be adjourned, or the meeting suspended, if less than one-fourth of the total membership is present and, by virtue of Article 61, this provision also applies to the Senate.

Jaranwala Incident

In order to reflect on the multifaceted elements and consequences of an accusation of ‘blasphemy’ against religious minorities in Pakistan and the resulting faith-based violence, the details of the recent Jaranwala incident will be laid out to recommend ways to prevent similar incidents from transpiring in the future.

On Wednesday August 16, 2023, houses and churches belonging to the Christian community in the town of Jaranwala (Faisalabad district) were ransacked and set alight after it had been alleged that desecrated pages of the Holy *Qur’ān* were found outside a house in which two Christian brothers lived.²⁰ A reaction from a wider crowd was incited by the accusers travelling between different mosques and making

¹⁸ Reuters in Islamabad, “Pakistan bans religious TV host Aamir Liaquat Hussain over blasphemy allegations,” *The Guardian*, January 26, 2017, <https://www.theguardian.com/world/2017/jan/26/pakistan-bans-religious-tv-host-aamir-liaquat-hussain-over-blasphemy-allegations>.

¹⁹ Nadir Guramani, “Senate passes bill to ramp up punishment for blasphemy to at least 10 years,” *Dawn*, August 8, 2023, <https://www.dawn.com/news/1769073>.

²⁰ Asif Chaudhry and Tariq Saeed, “5 churches, many homes ransacked in Faisalabad’s Jaranwala,” *Dawn*, August 17, 2023, <https://www.dawn.com/news/1770582>.

announcements through the loudspeakers.²¹ There are claims that the situation worsened further after members of the TLP got involved.²² The Punjab provincial government later stated that around 6,000 people had gathered in Jaranwala and attacked minority settlements, attributing the incident to a “planned conspiracy under which an attempt was made to destroy peace in Pakistan.”²³ The following day, the two main accused had been taken into the custody of the Counter-Terrorism Department (CTD) and the caretaker Chief Minister of Punjab, Mohsin Naqvi, promised that the damages (estimated to be worth 67 million rupees)²⁴ to the Christian community would be restored by the provincial government.²⁵ By August 18, 140 people had been arrested in connection with the violence inflicted on the Christian community.²⁶

There were concerns amongst those following the situation online with regards to the priorities of the police officers who first responded to the incident. Police officers reportedly met with the protestors to negotiate with them, saying that a First Information Report (FIR) had been lodged against the two suspects for allegedly having desecrated a copy of the Holy *Qur’ān* and for writing “blasphemous” content on the pages, under Sections 295-B and 295-C, respectively.²⁷ If true, this reflects a wider tendency among the police to appease the Muslim-majority when

²¹ Asif Chaudhry and Tariq Saeed, “5 churches, many homes ...”

²² Asif Chaudhry and Tariq Saeed, “5 churches, many homes ...”

²³ Imran Gabol, “Rangers called after churches vandalised in Faisalabad’s Jaranwala over blasphemy allegations,” *Dawn*, August 16, 2023, <https://www.dawn.com/news/1770449>.

²⁴ Tariq Saeed, “Damage to Jaranwala churches, homes estimated at Rs67m,” *Dawn*, August 22, 2023, <https://www.dawn.com/news/1771458>.

²⁵ Kashif Hussain, “Both main accused in Jaranwala rampage now in CTD custody: Naqvi,” *Dawn*, August 17, 2023, <https://www.dawn.com/news/1770614>.

²⁶ “140 Arrested over Jaranwala Violence Targeting Christians in Pakistan,” *Dawn*, August 18, 2023, <https://www.dawn.com/news/1770794>.

²⁷ Asif Chaudhry and Tariq Saeed, “5 churches, many homes ...”

minorities have been accused of hurting the religious feelings of the majority, allegedly to avoid unrest and to maintain public order.²⁸

More detailed information and analysis was provided by the fact-finding report collated and published by the Human Rights Commission of Pakistan (HRCP), which promptly sent a mission out to Jaranwala to investigate the day after the incident took place.²⁹ The mission visited four of the eleven localities that had been attacked, meeting with survivors, other locals and members of the police and civil administration.³⁰ Their findings show that the damage was greater than initially reported, with “at least 24 churches and several dozen smaller chapels,” as well as “scores of houses,” having been “torched and looted.”³¹ They established that the events of August 16, 2023, fit a pattern in Pakistan where mobs gather “following provocative announcements of alleged acts of blasphemy,” such as in “Shanti Nagar in 1997, Sangla Hill in 2005, and Gojra and Korian in 2009,”³² identifying the failure of the police to stop mob violence as a “recurring concern for the human rights community in Pakistan,” describing this attack on the Christian places of worship as “systematic.”³³

When reflecting on this incident, the mission identified wider and related issues in Pakistan. These included, firstly, that such incidents “indicate weakening rule of law and governance as well as social safety nets in Pakistan,” affecting the more marginalised communities the most.³⁴

²⁸ Rabia Mehmood, “Police demolish minarets of Ahmadi place of worship,” *The Express Tribune*, July 12, 2012, <https://tribune.com.pk/story/407125/police-demolish-minarets-of-ahmadi-place-of-worship>.

Waseem Ashraf Butt, “Minaret of Ahmadi place of worship removed in Gujranwala,” *Dawn*, December 12, 2022, <https://www.dawn.com/news/1725918>.

²⁹ Human Rights Commission of Pakistan, *Mob-led destruction of churches in Jaranwala, Punjab: An HRCP fact-finding report* (Lahore: Human Rights Commission of Pakistan, 2023).

³⁰ Human Rights Commission of Pakistan, *Mob-led destruction of churches ...*

³¹ Human Rights Commission of Pakistan, *Mob-led destruction of churches ...*

³² Human Rights Commission of Pakistan, *Mob-led destruction of churches ...*

³³ Human Rights Commission of Pakistan, *Mob-led destruction of churches*

³⁴ Human Rights Commission of Pakistan, *Mob-led destruction of churches*

Secondly, that ‘blasphemy’ allegations are being misused to “perpetrate mob violence against religious minorities is a recurring phenomenon,” unveiling the “absence of a sound policy for preventing religiously motivated crimes.”³⁵ Thirdly, that the impunity with which groups can incite and spread hatred towards religious minorities has emboldened groups to “orchestrate” such situations, particularly against Christian, Hindu and Ahmadi places of worship.³⁶ Fourthly, this incident may be a part of a “larger campaign of hatred against the local Christians,” given that groups were involved in inciting the crowd towards violence.³⁷ While noting the difficulties that the police faced and their lack of resources, the mission was also concerned by the timeliness of their response, their weak strategies and the fact that the police seemed to hold back without employing methods to disperse the crowds, which the mission attributed to the “ambiguity in state policies and lack of clarity in general instructions given to law-enforcement personnel for dealing with such situations.”³⁸

Based on their fact-finding mission, the HRCP made ten recommendations.³⁹ This paper posits that the first, ninth and tenth of these recommendations are particularly pertinent, that the “blasphemy laws have to be reviewed so that they are not misused against individuals or any religious minority,” that concerted “efforts need to be made through education, religious training, peace-building groups and other measures to create interfaith harmony, understanding and mutual respect” and that a separate police force should be established for the protection of minorities.⁴⁰

³⁵ Human Rights Commission of Pakistan, *Mob-led destruction of churches in Jaranwala, Punjab: An HRCP fact-finding report*.

³⁶ Human Rights Commission of Pakistan, *Mob-led destruction of churches ...*

³⁷ Human Rights Commission of Pakistan, *Mob-led destruction of churches ...*

³⁸ Human Rights Commission of Pakistan, *Mob-led destruction of churches ...* 3-4.

³⁹ Human Rights Commission of Pakistan, *Mob-led destruction of churches ...* 5-6.

⁴⁰ Human Rights Commission of Pakistan, *Mob-led destruction of churches ...*

Pakistan’s ‘Blasphemy’ Laws

The Jaranwala incident, and other incidents of faith-based violence like it, revolve around the initial accusation of religious minorities having committed ‘blasphemy.’ The word has deliberately been placed in inverted commas for several reasons. First, the term is not rooted in Arabic nor the Islamic tradition, coming from Greek and originally denoting what Joss Marsh referred to as a “word crime,” as distinguished from opinion, image and object crimes.⁴¹ Therefore, if one is faithful to the original meaning of the term, it can only be used to refer to spoken words that reflect a hatred towards God or religion, rather than the acts of written or object crimes, as in the case of Jaranwala. Though J. Barton Scott’s point, that these distinctions “collapse in practice,”⁴² is evidenced by the indiscriminate use of the term ‘blasphemy’ in Pakistan, the term should not be deployed thoughtlessly.

Second, Pakistan’s criminal laws also do not refer to these crimes as ‘blasphemy’ offences, but as ‘offenses relating to religion’ (Chapter XV of the PPC). Five of these offenses (Sections 295, 295-A, 296, 297 and 298) were created by the British in pre-Partition India as part of the Indian Penal Code, 1860, whereas the other five offenses (Sections 295-B, 295-C, 298-A, 298-B and 298-C) were added by President Zia-ul-Haq’s regime between 1980 and 1986.⁴³ The main difference between the colonial-era laws and those added by the Zia regime is that the latter sections only concerning offenses against Islamic figures, symbols or Muslims and their religious feelings, as opposed to offenses against all religions and their adherents. Scott defined the inclusion of the colonial-era sections as an attempt on the part of British legal reformers to “secularise blasphemy law,” eliminating what “had come to appear as a Christian-theological crime and possibly replace it with some kind of

⁴¹ J. Barton Scott, *Slandering the Sacred: Blasphemy Law and Religious Affect in Colonial India* (London: The University of Chicago Press, 2023), 2.

⁴² J. Barton Scott, *Slandering the Sacred: Blasphemy ...*

⁴³ “The Pakistan Penal Code,” Ministry of Law and Justice, accessed September 21, 2023, <https://pakistancode.gov.pk/pdf/files/administratord5622ea3f15bfa00b17d2cf7770a8434.pdf>.

secular equivalent.”⁴⁴ Therefore, though the name ‘offenses relating to religion’ might have been a deliberate ploy to separate the crimes from their Christian origins for use in multifaith India, Scott rightly emphasises how these specific offenses came into the Indian, and thus Pakistani, legal canon from Christian England, where English common law did not protect ‘religion’ but Christianity.⁴⁵ The Zia regime’s additions to these offenses might thus be characterised as the Islamisation of the penal laws, though based on his regime’s understanding of the *Qur’ān* and *Sunnah*, which this paper challenges.

According to the FIR, the sections of the PPC which the two Christian men were alleged to have transgressed are 295-B (‘Defiling, etc., of copy of Holy Quran’) and 295-C (‘Use of derogatory remarks, etc., in respect of the Holy Prophet’), which were added by the Zia regime and award punishment of imprisonment for life and the death penalty, respectively.⁴⁶ In this context then, their alleged acts of ‘blasphemy’ are insults to Islam through defiling the Holy *Qur’ān* and using derogatory language about the Prophet Muhammad (PBUH). The HRCF also found that FIRs made against those who attacked the Christians relate to the colonial-era Section 295-A (‘Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs’).⁴⁷ But, based on the reporting of events, some could also be charged under Sections 295 (‘Injuring or defiling a place of worship, with intent to insult the religion of any class’), 297 (‘Trespassing on burial places, etc.’) and 298 (‘Uttering words, etc., with deliberate intent to wound religious feelings’). Therefore, those that responded to the alleged offenses against Islam, displayed comparable disregard for Christian places of worship, Bibles and the laws that protect them.

⁴⁴ J. Barton Scott, *Slandering the Sacred: Blasphemy ...* 5-6.

⁴⁵ J. Barton Scott, *Slandering the Sacred: Blasphemy ...* 6.

⁴⁶ “The Pakistan Penal Code,” Ministry of Law and Justice, accessed September 21, 2023, <https://pakistancode.gov.pk/pdffiles/administratord5622ea3f15bfa00b17d2cf7770a8434.pdf>.

⁴⁷ Human Rights Commission of Pakistan, *Mob-led destruction of churches ...* 4.

The HRCP’s assertion that allegations of these offenses are being misused to “perpetrate mob violence against religious minorities” is better understood when these colonial-era and Zia-era sections are compared. All the colonial-era sections have been required to insult a religion or religious feelings of a particular class or person, whereas the Zia-era sections, except for 295-B which covers “wilfully” damaging the Holy *Qur’ān*, do not require intention as a condition. The prosecution thus does not have to prove that a person intended to commit an offense relating to religion, just that they committed the offense itself. Therefore, part of the reason why ‘blasphemy’ cases in Pakistan under the Zia-era sections are more commonly heard of than under the colonial-era sections is not only that the Zia-era sections are concerned solely with the protection of Islam or Muslims, and Pakistan is a Muslim-majority country. It is perhaps because they can be more easily misused than the colonial-era sections because intent does not have to be established.

Rethinking Extrajudicial and Judicial Responses to ‘Blasphemy’ in Pakistan

As stated, this paper seeks to recommend what sort of changes might be made in terms of legal, educational and police reforms to prevent incidents such as the one in Jaranwala. These recommendations will build upon the three areas identified in the HRCP’s report, that the laws be reformed, efforts be made to encourage interfaith harmony through education and religious training, and police units be dedicated to the protection of minorities. But before recommendations can be put forward, it is first important to challenge and rethink existing extrajudicial and judicial responses to ‘blasphemy’ in Pakistan.

Extrajudicial Responses

Firstly, Pakistani scholars like Javed Ahmad Ghamidi have challenged those Muslims who personally punish people accused of ‘blasphemy,’ though Muslims who do are often widely celebrated as heroes.⁴⁸ In 2016,

⁴⁸ Roswitha Badry, “The dilemma of ‘Blasphemy Laws’ in Pakistan – Symptomatic of unsolved problems in the post-colonial period?” *Politeja*, 59, No. 2 (2019): 100.

Ghamidi answered questions about his understanding of the punishment for ‘blasphemy’ in Islam.⁴⁹ He argued that Muslims, while having a “duty” to point out the mistakes and misdeeds of others when they know their actions are not right, “are not here to decide the fates of others in the Hereafter” and “have no right to decide such matters... not a single person is allowed to take law in his own hands.”⁵⁰ Those who do so must be considered “criminals.”⁵¹ This author agrees with Ghamidi that violent responses to alleged incidents of ‘blasphemy’ are wrong, and it will be argued that justification for it cannot be found within the injunctions of the Holy *Qur’ān*. Given the belief among Muslims that the Holy *Qur’ān* is the word of God communicated through the angel Jibril to the Prophet Muhammad (PBUH) and that it is thus a source of moral guidance and Islamic law, a great deal of respect is accorded to the Holy *Book*. This is reflected in the outrage in response to its alleged desecration. But this care for the Holy *Qur’ān* should extend beyond its physical protection to acknowledging what it teaches too.

Āyāt (verses) of the Holy *Qur’ān* specifically address how to respond to the denial or ridiculing of the Islamic beliefs.⁵² For example, Q IV:140 states that God “has instructed you in the Book that when you hear God’s revelations being denied or ridiculed, you must not sit and listen to them unless they engage in other talk, or else you shall yourselves become like them.” Therefore, while the term ‘blasphemy’ does not have Arabic origins, the Holy *Qur’ān* does discuss the verbal denial and ridiculing of the Islamic faith, which aligns with some of the offenses relating to religion in the PPC, like using derogatory terms about holy personages and insulting the religious feelings of Muslims by uttering anti-Islamic remarks. But, instead of encouraging Muslims to respond violently, the Holy *Qur’ān* states that a Muslim should not listen and walk away.

⁴⁹ “Punishment of Blasphemy, Javed Ahmed Ghamidi,” YouTube, posted by Al-Mawrid Official, October 18, 2018, accessed September 27, 2023, <https://www.youtube.com/watch?v=fwfElw4OFg>.

⁵⁰ “Punishment of Blasphemy, Javed Ahmed Ghamidi,” YouTube.

⁵¹ “Punishment of Blasphemy, Javed Ahmed Ghamidi,” YouTube.

⁵² *Āyāt* is the plural form and *Āyah* is the singular form.

Similarly: “When you see those that scoff at Our revelations, withdraw from them till they engage in other talk” (Q VI:68). The Holy *Qur’ān* also commands Muslims to not “revile” the idols invoked by unbelievers.

As is reiterated throughout the Holy *Qur’ān*, it is God who is responsible for enacting punishment against those who deny or ridicule Islam, not Muslims. The end of Q IV:140 states that “God will surely gather in Hell the hypocrites and the unbelievers all” and Q VI:69 reminds the reader that those who believe in God are “no way accountable” for those that “scoff” at the revelations of the Holy *Qur’ān*, and that believers are only reminded to withdraw from such people to “guard themselves against evil.” This means that even those who earnestly believe that someone else has denied or ridiculed the Islamic faith, they are not entitled to respond beyond parting company with the alleged perpetrators. And even then, only “till they engage in other talk.” Thus, regarding those who perpetrated the anti-Christian vigilantism of the Jaranwala incident after alleging that they discovered ‘blasphemous’ content, their actions are not in keeping with the teachings of the Holy *Qur’ān*. Fortunately, there were no reported fatalities in Jaranwala,⁵³ but this is not always the case in comparable incidents.⁵⁴ Those who have killed in the name of defending Islam from insult also cannot withstand *Qur’ānic* scrutiny. In recalling why God ruled that murder was wrong for the Israelites, the Holy *Qur’ān* states that “whoever killed a human being, except as a punishment for murder or other villainy in the land, shall be looked upon as though he had killed all mankind” (Q V:32).

Even if a Muslim is filled with “hatred” for those who, given the chance, “would debar” them from the “Holy Mosque,” they are commanded to not allow this hatred to “lead you into sin” (Q V:2). “Do not allow your hatred for other men to turn you away from justice. Deal justly; that is nearer to true piety” (Q V.8), with the assertion repeated elsewhere to “judge with fairness” (Q IV: 58). Regarding interactions with non-believers, the Holy

⁵³ Human Rights Commission of Pakistan, *Mob-led destruction of churches ... 4.*

⁵⁴ Human Rights Commission of Pakistan, *Mob-led destruction of churches ...*

Qur'ān states: “give them your judgement or avoid them. If you avoid them they can in no way harm you; but if you do act as their judge, judge them with fairness. God loves those that deal justly” (Q V:42). It is also not permitted for Muslims to protect their fellow Muslims if they have acted unjustly: “Speak for justice, even if it affects your own kinsmen. Be true to the covenant of God” (Q VI: 152). Therefore, in a case such as the Jaranwala incident, *Qur'ānic* justice requires Muslims to stand up for what is right, even if that means opposing family or neighbours. Based on these *āyāt* from the Holy *Qur'ān* then, neither extrajudicial responses to, nor the punishments in the PPC for, the denial or ridiculing of the Islamic faith can be justified by these *Qur'ānic* injunctions. Instead, the Holy *Qur'ān* encourages Muslims to ignore and move away from those who ridicule their faith, to act justly and to leave any punishment to God in the Hereafter.

Judicial Responses

Besides challenging extrajudicial responses to ‘blasphemy,’ Ghamidi also unequivocally stated that Pakistan’s ‘blasphemy’ laws are “totally baseless” and against the Holy *Qur'ān*, *ahādith* and *fiqh* (jurisprudence), namely that of Imam Abu Hanifa.⁵⁵ This is the dominant school of *fiqh* in Pakistan. That, since these laws were instituted, he has been saying that it is an “injustice to ascribe anything to the Prophet which he never said or did,” as with God Himself.⁵⁶ Regarding the death sentence for ‘blasphemy’ in Pakistan, only applicable under Section 295-C for the use of derogatory remarks against the Prophet (PBUH), Ghamidi argues that the Holy *Qur'ān* only implements the death sentence for two crimes: murder and making mischief in the world.⁵⁷ This appears to be based on the *Qur'ānic āyah* Q V:32, which allows for taking a life if that person

⁵⁵ “Punishment of Blasphemy, Javed Ahmed Ghamidi,” YouTube, posted by Al-Mawrid Official, October 18, 2018, accessed September 27, 2023, <https://www.youtube.com/watch?v=fwfElw14OFg>.

⁵⁶ “Punishment of Blasphemy, Javed Ahmed Ghamidi,” YouTube.

⁵⁷ “Punishment of Blasphemy, Javed Ahmed Ghamidi,” YouTube.

committed murder or created villainy in the land.⁵⁸ Ghamidi's former student, Dr Shehzad Saleem, concurred with this interpretation, clarifying also that the claim that a person had made mischief is not sufficient on its own and requires proof, but that today, people are neither given the chance to explain their behaviour nor to repent.⁵⁹ He refers to an interaction between the Prophet (PBUH) and his companion to support the claim that the Prophet (PBUH) did not support taking the law into one's own hands (e.g. *Bukhari*, Book 63, Number 185).⁶⁰

Saleem further suggests that Muslims in Pakistan have come to advocate the death penalty for 'blasphemy' because it is considered as akin to apostasy (the act of renouncing belief in Islam), which is traditionally viewed as punishable by death.⁶¹ But he challenges this assumption, arguing that the death penalty for apostasy belongs exclusively to the days of the messengers of God, and was specifically applied to polytheists who, having rejected their polytheism and accepted Islam, then revert back to their polytheism.⁶² Therefore, Saleem opposes the use of this *ahādith* to justify the killing of either apostates or blasphemers in the modern-day. The attempt to treat all those who insult the Islamic faith as synonymous with apostates naturally collapses in practice, given that not all who insult the Islamic faith are Muslims and thus, regardless of their actions, they cannot be considered to be apostates from the Islamic religion.

Muhammad Mushtaq Ahmad has also challenged the PPC on the level of *fiqh*, arguing that it must be revised according to the *Hanafi* school.⁶³ Similarly to Saleem, Ahmad has argued that the Islamic jurists who have

⁵⁸ All quotations from the *Qur'ān* are taken from this version: *The Koran: With Parallel Arabic Text*, trans with notes by N.J. Dawood (London: Penguin Group, 1990).

⁵⁹ "What's the Punishment for Blasphemy?, Dr. Shehzad Saleem," YouTube, posted by Let the Quran Speak, August 15, 2022, accessed September 27, 2023, <https://www.youtube.com/watch?v=sSsRbu20kvw>.

⁶⁰ "What's the Punishment for Blasphemy?, Dr. Shehzad Saleem," YouTube.

⁶¹ "What's the Punishment for Blasphemy?, Dr. Shehzad Saleem," YouTube.

⁶² "What's the Punishment for Blasphemy?, Dr. Shehzad Saleem," YouTube.

⁶³ Muhammad Mushtaq Ahmad, "Pakistani Blasphemy Law between Ḥadd and Siyāṣah: A Plea for Reappraisal of the Ismail Qureshi Case," *Islamic Studies*, 57, No. 1-2 (2018): 9-43.

focused on the issue of ‘blasphemy’ (‘Iyad, Ibn Taymiyyah, al-Subki and al-Shami), specifically against the Prophet (PBUH), compare it to apostasy.⁶⁴ However, instead of challenging this assertion, he argues that the rules of apostasy must therefore be applied in the cases of ‘blasphemy’ too.⁶⁵ Ahmad notes that some of the above named jurists and Hanifa’s own successor, Al-Ansari, have asserted that if the blasphemer repents, the death penalty is commuted within the *Hanafi* school, because this is the rule in the case of apostasy.⁶⁶ Moreover, Ahmad states that those jurists that reported on the views of the *Hanafi* school, including ‘Iyad and al-Khattabi, state that ‘blasphemy’ amounts to apostasy, the punishment for which is the death penalty, but that this is applied only when the accused is a Muslim.⁶⁷ It is important to note that Ahmad addresses this issue from within the context of an Islamic state and its accompanying system of governance, which is not in force in Pakistan, but it is to deduce principles which can be applied in Pakistan as an Islamic Republic.

Section 295-C was amended such that those found guilty of defiling the name of the Prophet Muhammad (PBUH) would receive the death penalty rather than either the death penalty or imprisonment for life, as were the original options under the law.⁶⁸ The inclusion of imprisonment for life was challenged in the case of *Ismail Qureshi v The Government of Pakistan* in 1991, based on the belief that ‘blasphemy’ must be punished with the death penalty as a *hadd* offense.⁶⁹ For Ahmad, the Federal *Shariat* Court, in accepting the petitioner’s argument, failed to address how a non-Muslim could be punished for apostasy and also the principle in Islamic law that the punishment for apostasy can be commuted if the accused repents.⁷⁰ Ahmad thus concludes that the “Pakistani blasphemy law needs substantive revision” for two main reasons, firstly because ‘blasphemy’ is considered synonymous with apostasy and thus the *Hanafi*

⁶⁴ Muhammad Mushtaq Ahmad, “Pakistani Blasphemy Law between ... 20-1.

⁶⁵ Muhammad Mushtaq Ahmad, “Pakistani Blasphemy Law between ... 27.

⁶⁶ Muhammad Mushtaq Ahmad, “Pakistani Blasphemy Law between ... 30.

⁶⁷ Muhammad Mushtaq Ahmad, “Pakistani Blasphemy Law between ... 22.

⁶⁸ Muhammad Mushtaq Ahmad, “Pakistani Blasphemy Law between ... 17-18.

⁶⁹ Muhammad Mushtaq Ahmad, “Pakistani Blasphemy Law between ... 18,

⁷⁰ Muhammad Mushtaq Ahmad, “Pakistani Blasphemy Law between ... 19.

consequences of apostasy should be applied to blasphemy, such that repentance can lead to the commutation of the death sentence, and secondly, because the Pakistan Penal Code fails to distinguish between the punishments for ‘blasphemy’ committed by a Muslim and ‘blasphemy’ committed by a non-Muslim.⁷¹

Recommendations

Based on these challenges made by Pakistani scholars against both extrajudicial and judicial responses to offenses relating to religion, and the existence of a *Qur’ānic* response of non-violence, this paper recommends consequent educational and legal reforms to address faith-based violence as a response to alleged incidents of ‘blasphemy’ in Pakistan. In light of the way that the TLP, whose members have often been involved in faith-based violence, police reforms will also be recommended.

Educational Reform

Based on the *Qur’ānic* response of non-violence, one recommendation is for a renewed emphasis on the peaceful spirit of the Holy *Qur’ān*, which can be imparted through education from a young age. The Single National Curriculum (SNC), introduced under Imran Khan’s government in 2020, included competencies in the English language for Grades 1-5, namely “Appropriate Ethical and Social Development.”⁷² Under this, the guidelines were that a student must “develop attributes such as tolerance, respect, appreciation of equality and gender equality in them which is the basic essence of Islam and all other religions.”⁷³ Despite wider issues identified with the SNC, especially the separation of Muslim and non-Muslim students in religious education,⁷⁴ there is scope to ensure that this aspect of education from Grades 1-12 covers peaceful, *Qur’ānic* responses

⁷¹ Muhammad Mushtaq Ahmad, “Pakistani Blasphemy Law between Ḥadd and Siyāsah: A Plea for Reappraisal of the Ismail Qureshi Case.” 43.

⁷² National Curriculum Council, *Single National Curriculum: English, Grade I-V, 2020* (Islamabad: Ministry of Federal Education and Professional Training, 2020), 14.

⁷³ National Curriculum Council, *Single National Curriculum: English, Grade I-V, 2020*, 20.

⁷⁴ Mary Hunter, “Contrasting Conceptions,” *The News International*, January 21, 2021, <https://www.thenews.com.pk/print/777383-contrasting-conceptions>.

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to insults to religion. This should be accompanied by providing all students, regardless of their religion, with the same religious education in both Islamic studies and all other major religious traditions and in the same classes. This would help to foster greater interfaith understanding and normalise peaceful interfaith discussions. Imams should also be encouraged to speak about the importance of peaceful responses to insult and interfaith harmony in their *khutbāt* (sermons).

Legal Reform

Secondly, another recommendation that is commonly made is that the ‘blasphemy’ laws (offenses relating to religion) should be reviewed to prevent them from being misused against Pakistan’s religious minorities. The HRCP’s suggestion that there be a law to punish those who falsely accuse people of an offense relating to religion, whether to settle a personal dispute or to orchestrate a mob attack, would certainly be in keeping with the spirit of some of Pakistan’s other criminal laws. For example, under Section 496-C of the Pakistan Penal Code, a person in Pakistan can be imprisoned for up to five years and be liable to pay a fine worth up to ten thousand rupees if they make, or give evidence of, a false charge of fornication. A similar law for false accusations of offenses relating to religion might help to deter those who misuse the law and prevent them from acting with impunity. Maulana Tahir Ashrafi, a member of the Council of Islamic Ideology, similarly announced in 2013 that it would “fix the same penalty for the person who falsely accuses of blasphemy as the accused,” but he and the Council later retracted this statement.⁷⁵

Legal reform also requires the acknowledgement that apostasy and insulting Islam are not the same thing, and thus the removal of the death penalty (punishment for apostasy) for the offense of defiling the Prophet’s name (PBUH) under Section 295-C. If this is considered unachievable and insults to Islam or its holy personages continue to be treated as

⁷⁵ Qaiser Julius, “The Experience of Minorities under Pakistan’s Blasphemy Laws,” *Islam and Christian-Muslim Relations*, Vol. 27, No. 1 (2016): 108.

synonymous with apostasy, 295-C should be revised to reflect the option of repentance, as noted by Ahmad.

A final recommendation for legal reform is that those sections added under the Zia regime (295-C, 298-A, 298-B and 298-C), except for 295-B which covers “wilfully” damaging the Holy *Qur’ān*, should at least be amended such that intention is included as being a necessary component. In the case of 295-C, Ahmad likewise argued that the PPC should be revised to reflect how intention (*mens rea*) is an “essential ingredient” of the offense of ‘blasphemy.’⁷⁶ That intention ought to be considered in light of the principle applicable to apostasy, and thus blasphemy, that “no statement or act is deemed disbelief if it can be given a better interpretation.”⁷⁷ Ahmad quotes Al-Qari as a footnote to this principle, who stated while explaining the position of Hanifa: “in an issue of *kufr*, if ninety-nine interpretations of a statement prove *kufr* but one interpretation negates *kufr*, the *mufī* and the *qāḍī* both should adopt the interpretation that negates *kufr* because mistake in letting a thousand unbelievers [live] is lesser than mistake in killing a believer.”⁷⁸ While no one has been judicially put to death for contravening 295-C, individuals who have taken the lives of those alleged to have insulted the Prophet (PBUH) have likely been emboldened by the punishment stipulated by the law.

Establishment of Police Minority Protection Units

The report of the HRCP recommended both that hate speech be challenged and past directives following similar incidents be implemented, such as the creation of a dedicated police force to protect religious minority places of worship.⁷⁹ This has since been enacted in Islamabad in response to the Jaranwala incident, with the establishment of

⁷⁶ Muhammad Mushtaq Ahmad, “Pakistani Blasphemy Law between Ḥadd and Siyāsah: A Plea for Reappraisal of the Ismail Qureshi Case,” *Islamic Studies*, 57, No 1-2 (2018): 9-43.

⁷⁷ Muhammad Mushtaq Ahmad, “Pakistani Blasphemy Law between ... 38.

⁷⁸ Muhammad Mushtaq Ahmad, “Pakistani Blasphemy Law between ...

⁷⁹ Human Rights Commission of Pakistan, *Mob-led destruction of churches in Jaranwala, Punjab: An HRCP fact-finding report* (Lahore: Human Rights Commission of Pakistan, 2023), 6.

a Minority Protection Unit (MPU) to liaise with the communities and to protect the lives, property and places of worship of minorities.⁸⁰ The curriculum of the Capital Police College now also includes modules on minority and human rights and the police force aims to conduct public awareness sessions to educate the wider public.⁸¹ Without access to the content of these modules and sessions, it is difficult to say how effective they will be, but it is certainly a welcomed step towards protection and peace-of-mind for minorities. Other police forces around the country should also establish MPUs and display no preference for the Muslim community.

Nonetheless, these units should operate beyond the physical protection of minority places of worship by proactively identifying, challenging and charging those individuals and organisations who are known for inciting anti-minority and sectarian violence, or for being involved in faith-based violence in the past. This recommendation is based upon the way in which the TLP, the members of which have often found to be involved in incidents like that at Jaranwala, operates. The TLP is said to be organised from the grassroots level through its network of *masājid* (mosques), from which it can espouse and spread its ideology.⁸² This ideology includes the protection of the honour of the Prophet Muhammad (PBUH), and consequently the belief that those who disrespect and ridicule him should be put to death.⁸³ It is impossible to prevent every transmission of such ideologies, but those sites that are known for speeches that incite violence should be engaged in the first place by peace-building and civil society

⁸⁰ Munawer Azeem and Mohammad Asghar, “Capital police set up Minority Protection Unit,” *Dawn*, August 18, 2023, <https://www.dawn.com/news/1770650#:~:text=%E2%80%9CThe%20unit%20has%20been%20established,interests%20of%20the%20minority%20communities>.

⁸¹ Munawer Azeem and Mohammad Asghar, “Capital police set up ...

⁸² Roohan Ahmed, “Tehreek-e-Labbaik Pakistan: An emerging right-wing threat to Pakistan’s democracy,” *Atlantic Council*, January 15, 2022, <https://www.atlanticcouncil.org/blogs/southasiasource/tehreek-e-labbaik-pakistan-an-emerging-right-wing-threat/>.

Ahmed Yusuf, “What is Behind the Sudden Rise of the TLP?” *Dawn*, August 5, 2018, <https://www.dawn.com/news/1425085>.

⁸³ Ahmed Yusuf, “What is Behind ...

groups to initiate dialogue and understanding. The MPUs might be trained by such experts to help facilitate this dialogue themselves, as the role of the police should extend beyond law-enforcement to fostering communal cohesion and harmony. Should this dialogue fail and those who preach hate continue, then the authorities will have to step in to prevent the transition from incitement to actual violence. However, peaceful responses to ‘blasphemy’ and interfaith harmony could also be included as lessons in the rehabilitation of offenders.

Conclusion

Faith-based violence as a result of accusations of ‘blasphemy’ is one of the most pressing challenges facing Pakistan today because it has ramifications for the safety and rights of religious minorities, societal cohesion, and the role of law-enforcement and for national security. This paper has posited that the prevention of incidents like that at Jaranwala require a bottom-up and long-term approach to the issue. Recommendations thus include educational, legal and police reforms that take account of the significance of Islamic law in Pakistan. Based on the injunctions of the Holy *Qur’ān*, peaceful responses to insults to Islam and interfaith discussions can be encouraged through education and *khutbāt* in *masājid*. Legal reform, noting the pervasive belief that it is unrealistic to simply remove Pakistan’s so-called ‘blasphemy’ laws, could involve the introduction of a law to criminalise those who misuse offenses relating to religion for personal ends, as recommended by the HRCF, the inclusion of intent as a necessary component to constitute these offenses and the amendment of Section 295-C such that insults to Islam are not portrayed as synonymous with apostasy. Police reforms requires the wider establishment of MPUs around the country, as recommended by the HRCF. It must expand their role beyond the protection of minority communities to include proactively challenging anti-minority hatred and their training and deployment as facilitators of dialogue and societal cohesion. ■

