



# BLASPHEMY LAWS IN MUSLIM-MAJORITY COUNTRIES

By Asma T. Uddin

In a prison in Sheikhpura, Pakistan, Aasia Bibi, the first woman in Pakistan to be sentenced to death for blasphemy, contemplates her fate. Who will provide for her five children if she is killed? Will she become a martyr for the growing movement opposing blasphemy laws? Will the international community succeed in campaigning for her to be pardoned? If she is pardoned, who will protect her from the angry masses instigated by extremists?

In June 2009, Aasia offered water to fellow farm workers. They refused to accept on the grounds that she was a Christian and, therefore, they believed the water must be contaminated. An exchange of words occurred, with each side defending their religion. Allegedly, Aasia insulted the Prophet Muhammad by saying, "The Quran is fake and your prophet remained in bed for one month before his death because he had worms in his ears and mouth. He married Khadija just for money and, after looting her, kicked her out of the house."<sup>1</sup> A few days later, a mob set upon Aasia, and the police rescued her from certain death. However, the police later charged her with committing blasphemy and held her in isolation for 17 months while she awaited trial.<sup>2</sup>

On November 8, 2010, the Sheikhpura District Court found Aasia guilty of blasphemy. The court ruled that there were "no mitigating circumstances," sentencing her to death by hanging.<sup>3</sup> On November 29, amidst fears that

President Asif Ali Zardari would succumb to international pressure and pardon Aasia, the Lahore High Court in Punjab province issued an order barring Zardari from exercising his constitutional authority to pardon.<sup>4</sup>

Aasia's encounter with strict blasphemy laws, while unique in that she is the first woman sentenced to death for this offense, is not uncommon in Pakistan, where accusations of blasphemy have been on the rise.<sup>5</sup> While those who adhere to minority religions are more susceptible to being accused, people of all faiths have been indicted, including members of the majority faith, Islam. In an interview with National Public Radio, Aasia's husband, Ashiq Masih, stated, "[I]t's not just Christians who are targeted. Muslims have also been charged with blasphemy. Christians are easy to implicate, though. If they talk about religion, they are accused of blasphemy. If a Christian touches the Holy Quran, he is accused of a crime. And here, petty issues get twisted into accusations of blasphemy."<sup>6</sup>

Unfortunately, when it comes to religious violence in Pakistan, the Aasia Bibi case is only the tip of the iceberg. In January, the governor of Punjab province, Salman Taseer, was assassinated by one of his police guards for taking a public stance against Pakistan's blasphemy laws.<sup>7</sup>

Asma T. Uddin is Editor-in-Chief of *AltMuslimah* ([www.altmuslimah.com](http://www.altmuslimah.com)) and an attorney at The Becket Fund for Religious Liberty.

100 Though not directly linked, his assassination  
 came on the heels of a 24-hour strike organized  
 by a group of Sunni Muslim clerics, who were  
 protesting proposed changes to the laws.<sup>8</sup> And in  
 105 March, Shahbaz Bhatti, Pakistan's Minister for  
 Minority Affairs, was gunned down leaving his  
 home in Islamabad.<sup>9</sup> Bhatti was an outspoken  
 critic of Pakistan's blasphemy laws, and it is  
 suspected that extremist supporters of the  
 blasphemy laws were responsible for his  
 110 assassination; a pamphlet found at the site of his  
 death warned against reforms to the blasphemy  
 laws.<sup>10</sup>

Nor is the problem limited to Pakistan—it is  
 one that touches many countries. This article  
 describes and evaluates the current blasphemy  
 115 laws in Pakistan, Indonesia, and Egypt. Case  
 studies from these Muslim-majority countries  
 demonstrate the dangerous consequences of  
 blasphemy laws, in particular their susceptibility  
 to being used by government as a tool to silence  
 120 political opposition and other forms of dissent.  
 The case studies are complemented with an  
 analysis of the proposed UN Defamation of  
 Religions Resolution. Specifically, this article will  
 125 argue that the UN Resolution is a violation of the  
 freedoms of expression and religion, and that  
 instead of protecting religious majorities from  
 insult, it will be hijacked, like current blasphemy  
 laws, to abuse religious minorities and silence  
 130 dissenters.

## Pakistan

The attack on Aasia Bibi was not the first  
 prominent manifestation of Pakistani blasphemy  
 135 laws. In 2010, there were several other headline-  
 grabbing incidents.

On May 28, Islamist militants armed with  
 guns, grenades, and suicide bombs attacked two  
 Ahmadiyya mosques in central Pakistan, leaving  
 140 94 dead and over 100 wounded. The Ahmadiyya  
 community has been subject to discrimination in  
 Pakistan for decades, owing in part to the  
 country's blasphemy laws, which forbid Ahmadis  
 from calling themselves Muslim, proselytizing  
 their faith, "or in any manner whatsoever outrag  
 145 [ing] the religious feelings of Muslims." Section  
 298C of the Penal Code punishes such offenses  
 with a fine and up to three years' imprisonment.<sup>11</sup>

The bulk of Pakistan's blasphemy laws are  
 contained within Sections 295–298 of the  
 Pakistani Penal Code, titled "Of Offenses Related  
 150 to Religions." Every infringement under these  
 sections is punishable by imprisonment, either in  
 place of or in addition to a fine.<sup>12</sup> For example,  
 Section 295 relates to the defilement of a place of  
 155 worship with the "intent to insult the religion of  
 any class" and punishes this crime with a fine  
 and/or up to two years of imprisonment. Section  
 295A relates to the "deliberate and malicious acts  
 intended to outrage religious feelings of any class  
 by insulting its religion or religious beliefs." The  
 160 statute states that such infringements include  
 spoken and written words, as well as visible  
 representations. The punishment for such insults  
 is a fine and/or imprisonment for up to 10  
 years.<sup>13</sup>

Section 295C<sup>14</sup> punishes derogatory remarks  
 about the Prophet Muhammad with the death  
 penalty or life imprisonment, in addition to a  
 fine. The offender can commit such defamation  
 through spoken or written words—by "visible  
 170 representation or by any imputation, innuendo,  
 or insinuation" which "directly or indirectly"  
 defames the Prophet.<sup>15</sup>

Like Section 295C, the language of many  
 of the blasphemy sections is vague and overly  
 175 broad. The statute punishes not only spoken  
 words, written words, and "visible  
 representations," but also sounds, gestures, the  
 placement of objects, and indirect defamation,  
 such as innuendos and insinuations. Section  
 180 298C, which forbids members of the  
 Ahmadiyya from calling themselves Muslims or  
 propagating their beliefs, is the broadest  
 section: it bans the defamation of Muslims in  
 "any manner whatsoever." The direct or  
 185 indirect propagation of the Ahmadiyya faith, as  
 well as the adoption of any mainstream  
 Muslim practices by Ahmadiyya adherents, is  
 considered blasphemy of Islam.<sup>16</sup>

Personal and business rivals, as well as  
 190 authorities, use the blasphemy laws to target and  
 punish religious minorities. But blasphemy cases  
 in Pakistan have not been restricted to the  
 Ahmadis, Christians, or other religious minorities  
 within Pakistan; they have been brought against  
 195 Sunni Muslims as well.

On a more national scale, the Pakistani High Court in Lahore has employed the blasphemy laws to propagate broad censorship on speech. In May 2010, the Court in Lahore placed a temporary ban on Facebook, Wikipedia, and YouTube in response to “growing sacrilegious content,”<sup>17</sup> most notably the Facebook group “Everybody Draw Muhammad Day!”. The Facebook group was organized as a response to a debacle involving the cartoon series “South Park.” After “South Park” creators Matt Stone and Trey Parker depicted the Prophet Muhammad wearing a bear suit in one episode, members of RevolutionMuslim.com stated, “[What Stone and Parker] are doing is stupid and they will probably wind up like Theo Van Gogh [the Dutch filmmaker murdered in 2004 for making a movie criticizing Islam] for airing this show. This is not a threat, but a warning of the reality of what will likely happen to them.”<sup>18</sup> In response to this “warning,” Stone and Parker placed the Muhammad character under a “censored” graphic in the following week’s “South Park” episode. The Facebook group was created in response to Stone and Parker’s decision.

The Lahore High Court ruling to censor speech was issued out of reasonable fear that the depictions of the Prophet could ignite violence in Pakistan, similar to what occurred during the 2005 Danish cartoon controversy, when the Danish newspaper *Jyllands-Posten* published offensive depictions of the Prophet. The political disaster that followed this publication, coupled with the republication of the cartoons in several European states, inspired riots and acts of violence across the world and resulted in the deaths of over 100 people.<sup>19</sup> In Pakistan, at least two people were killed when more than 70,000 Pakistanis gathered to protests the cartoons.<sup>20</sup>

In spite of its reasonable apprehension, the Pakistani Court’s ruling exhibited a flaw common to all governmental action that seeks to curb potential public disorder through speech-limiting means such as blasphemy laws. That is, the government chose to limit the rights of the non-violent speakers instead of enforcing existing laws against battery, assault, arson, and other violent crimes. Although blasphemy—real or supposed, intentional or unintentional—may anger some

Muslims, who may then cause destruction or otherwise act violently,<sup>21</sup> the Pakistani government’s decision to appease rather than confront the violent transgressors only strengthened the position of would-be violent actors.

## Indonesia

While Pakistan is better known for news regarding blasphemy laws, other countries have similarly restrictive and harsh laws. Indonesia’s Blasphemy Act makes it unlawful to “intentionally, in public, communicate, counsel, or solicit public support for an interpretation of a religion ... that is similar to the interpretations or activities of an Indonesian religion, but deviates from the tenets of that religion.”<sup>22</sup> One of the purposes of the Act is to help the government protect Indonesia’s six recognized religions—Islam, Protestant Christianity, Catholicism, Hinduism, Buddhism, and Confucianism—by punishing those who encourage conversion away from one of these religions or preach “deviant” interpretations of the recognized religions.<sup>23</sup> The six official religions each have government-funded religious bodies that decide what is an acceptable belief for that religion and what is not.

The Act establishes civil and criminal penalties for violators who deviate from the government-sanctioned interpretations of each religion, including up to five years’ imprisonment. In the past, it has been used to impose criminal penalties on groups like the Ahmadiyya, a religion that most Muslims believe deviates from mainstream Islamic teachings. In 2008, the Indonesian Minister of Religious Affairs, the Attorney General, and the Minister of Interior issued the Joint Decree on the Ahmadiyya, which orders Ahmadiyya adherents “to discontinue the promulgation of interpretations and activities that are deviant from the principal teachings of Islam.”<sup>24</sup> Essentially Ahmadi are forbidden from practicing their interpretation of Islam while designating themselves as Muslim.

A similar incident occurred in 2009 when police arrested the leader of the Sion City of Allah Christian sect and six of his followers for straying

295 from “correct Christian teachings.”<sup>25</sup> Because the  
Sect is based on only one book of the Bible (the  
Book of Jeremiah), the government banned it as  
an unacceptable branch of Christianity and  
300 forbade its followers from attending church until  
2011.

305 These cases underscore the problematic  
nature of the Blasphemy Act. Although private  
citizens and religious groups should be able to  
decide among themselves what does or does not  
constitute the essence of a religion, Indonesia’s  
Blasphemy Act puts the coercive power of the  
state into the hands of certain religious groups  
and government officials, who then decide what a  
particular group may believe and what it should  
310 be allowed to propagate.<sup>26</sup> By forcing individuals  
to conform to a perceived and predetermined  
orthodoxy, the Blasphemy Act permits the state  
to trademark religion.

315 In some cases, the state will go beyond the  
wishes of a particular religious group and deem a  
sect blasphemous even when the allegedly  
blasphemed group disagrees. For instance, in the  
Sion City case, the government charged the sect  
with blaspheming the Timor Evangelical Church,  
320 despite the Church’s statements to the contrary.  
Instead of ceding autonomy to the Church and  
allowing it to determine for itself whether the sect’s  
beliefs were blasphemous, the state asserted, “We  
hope the church will not interfere in the case.”<sup>27</sup>

325 Religion that is so tightly regulated and  
defined by the state is necessarily politicized by  
the state’s involvement. Moreover, the state-  
approved version of religion often tempers the  
expression of social justice components of faith,  
330 especially in the case of authoritarian regimes,  
which use religion to protect and legitimate their  
own power. Religious matters become  
intertwined with questions of national security  
and public order, rather than remaining freely-  
335 made decisions by individuals within a  
community.

## Egypt

340 In Egypt, the majority of people tried for  
alleged offenses against a religion are charged  
under Article 98(f) of the Egyptian penal code.<sup>28</sup>  
Article 98(f) imposes a fine or imprisonment of  
six months to five years for acts that “exploit

religion in order to promote or advocate extremist  
ideologies by word of mouth, in writing or in any  
345 other manner with a view to stirring up sedition,  
disparaging or belittling any divinely-revealed  
religion or its adherents, or prejudicing national  
unity or social harmony.”<sup>29</sup> To violate 98(f), one  
must use allegedly disparaging material to  
350 broadcast or disseminate ideas insulting to  
religion.<sup>30</sup>

The Article is vaguely worded and has been  
regularly abused by government officials.<sup>31</sup> Over  
the last two years, at least 30 people have been  
355 brought to trial under charges based on Article 98(f)  
for “exploiting religion for extremist ideas,” though  
none of these defendants used or advocated the use  
of violence.<sup>32</sup> The trials focused on the ideas these  
individuals held rather than any violent action they  
360 had taken or encouraged.

For example, Article 98(f) has been used to  
punish Muslims who convert to another  
religion.<sup>33</sup> In 2005, a former Muslim religious  
leader who converted to Christianity was arrested  
365 and imprisoned for violating 98(f).<sup>34</sup> Proselytism  
is also assumed illegal under this provision, as  
demonstrated by the 2007 prosecution of two  
Egyptian human rights activists, Adel Fawzy  
Faltas and Peter Ezzat, who were members of the  
370 Canada-based Middle East Christian Association  
(MECA). The two men were accused of  
“propagating anti-Islamic material” after  
authorities found a book in their possession that  
detailed the persecution of Egyptian’s Coptic  
375 Christians.<sup>35</sup>

Muslims, however, are most often the  
victims of Egypt’s blasphemy laws. Article 98(f)  
has been used in conjunction with Egypt’s  
Emergency Law to prosecute and imprison  
380 people, such as Shi’a and other “deviant”  
Muslims, for “unorthodox” Islamic beliefs. This  
includes Sunni Muslims who challenge the  
state-sponsored version of Islam through new  
scriptural interpretations, or Sunni Muslims  
385 who criticize established Sunni institutions.  
Perhaps the most well known case in this regard  
is that of Abdel Karim Suleiman, a 22 year-old  
blogger and former student at Al-Azhar  
390 University, who goes by the online moniker  
Karim Amer. On his blog, Amer, a Sunni  
Muslim, criticized Al-Azhar University and the

395 attacks on Coptic Christians in Alexandria in  
 October 2005.<sup>36</sup> In February 2007, Amer was  
 convicted and sentenced to four years in prison  
 by a court in Alexandria: three years for  
 blaspheming Islam and inciting sectarian strife,  
 and one year for criticizing Hosni Mubarak.  
 400 Though he was recently released from prison,  
 Amer's case vividly illustrates the key danger of  
 Egypt's blasphemy laws: the conflation of  
 blasphemy and political dissent for the purposes  
 of suppressing political criticism.

405 Article 98(f) has also been used to convict and  
 imprison Baha'is as supposed "atheists," charging  
 them with belittling divinely-revealed religions.<sup>37</sup>  
 A 2006 government Advisory Report seems to  
 encourage such cases, asserting that Baha'is are  
 "apostates," a threat to public order, and  
 410 recommending that "methods must be defined  
 that would insure that Baha'is are identified,  
 confronted, and singled out so that they could be  
 watched carefully, isolated, and monitored in  
 order to protect the rest of the population as well  
 415 as Islam from their danger, influence, and  
 teaching."<sup>38</sup> It is unclear why intense security  
 measures are necessary for a tiny minority  
 religious group that advocates pacifism and  
 promotes world peace.

420 In addition to 98(f), other articles regulate  
 more specific types of blasphemy. Article 160  
 penalizes the destruction, vandalism, or  
 desecration of religious buildings, sites, symbols,  
 cemeteries, and graves, as well as the hindering of  
 425 religious ceremonies. Article 161 makes it a  
 criminal offense to print and publish deliberately  
 distorted texts of religious materials for State-  
 approved religions, or to mock and ridicule  
 religious ceremonies in public. Article 176 forbids  
 430 public incitement to hold a religious community  
 in hatred or contempt; this article was among  
 several laws under which Amer was charged when  
 he blogged about the 2005 attacks on Coptic  
 Christians in Alexandria, because he had  
 435 criticized the Muslim rioters in his writings.<sup>39</sup>  
 Finally, Article 178 provides up to two years'  
 imprisonment for violations of "public morality."  
 Among other things, this Article covers "immoral  
 440 songs, shouting, or speeches" as well as  
 "advertisements or messages" reflecting  
 debauchery. The breadth and vagueness of these

laws make them susceptible to abuse, including  
 the suppression of many non-violent forms of  
 expression—especially non-violent political  
 expression. 445

## An International Blasphemy Law: The UN Defamation of Religions Resolution

450 The foregoing case studies demonstrate the  
 breadth of the problem at the national level. But  
 the problem is not limited to national debates.  
 Domestic blasphemy laws have an international  
 counterpart: the UN Defamation of Religions  
 Resolution.<sup>40</sup> The Resolution has been proposed 455  
 at the United Nations annually since 1999, first  
 at the Human Rights Commission under the  
 rubric of racism, and, since 2005, at the General  
 Assembly. The Organization of the Islamic  
 Conference (OIC)—an association of 57 460  
 Muslim-majority countries—supports a binding  
 international covenant that makes defamation of  
 religion a legal offense.<sup>41</sup> Originally called a  
 "Defamation of Islam" resolution, the Resolution  
 responded to what the OIC considered a 465  
 systematic campaign to denigrate Islam, which  
 the OIC feared would spur violence against  
 Muslims to a degree similar to pre-World War II  
 anti-Semitic violence in Europe.<sup>42</sup>

470 Pro-Resolution sentiment was reinvigorated  
 by the fear of an anti-Muslim backlash in the  
 wake of the September 11, 2001, terrorist attacks.  
 Supporters gave more intensified calls for a  
 binding covenant after Theo van Gogh's murder  
 475 as a result of his production of the film  
 "Submission"; after the Danish cartoon  
 controversy; and after Geert Wilders' film  
 "Fitna," which interposed Qur'anic verses with  
 images of terrorist attacks.<sup>43</sup> The OIC continues  
 to argue that such statements abuse the right to 480  
 freedom of expression and constitute an act of  
 racial or religious discrimination.

485 There are several reasons why states and  
 societies should not support the Resolution. First,  
 the OIC's description of defamation of religions  
 as a racial offense creates a false parallel between  
 an immutable characteristic such as race and the  
 more fluid, mutable characteristic of religion.  
 Whereas race is a biological fact, religion is  
 ultimately a philosophy or ideology and is, 490

therefore, open to critique and shaped by dissent and vigorous debate.

Second, anti-religion speech can be difficult to define, and restricting it can unduly hinder controversial truth claims.<sup>44</sup> Criminalizing “defamation of religions” chills religious speech, not just among members of varying faiths but also among adherents of the same faith. Spiritual and intellectual exploration of one’s faith can help keep a faith vibrant and relevant to changing circumstances. “Defamation of religions” restrictions hinder such exploration and discourage religious reform.

A third problem with the Resolution is that it fails to acknowledge how traditional defamation laws already protect people from false statements that injure their reputation and livelihood, and how truth claims serve as a defense against such allegations. On the other hand, “defamation of religions” is, as described by its proponents, a falsehood against an idea, rather than a fact. This poses a fundamental rule-of-law problem, as a belief cannot be empirically tested.<sup>45</sup> Not only can the truth no longer serve as a defense, but, since the injury is directed at an idea rather than an individual, the Resolution is contrary to the core human right of freedom to worship according to the dictates of one’s conscience.

A fourth weakness of the OIC’s approach is its failure to recognize that existing human rights instruments, such as the International Covenant on Civil and Political Rights (ICCPR), acknowledge limits on free speech and religious expression and already guard against the dangers to public order that the Resolution seeks to prevent. Article 18 of the ICCPR states: “Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.”<sup>46</sup> Thus, legitimate state concerns about public order and incitement to violence have been adequately addressed in existing international law and do not need broad religious defamation laws to protect those interests.

Fifth—and perhaps most fundamentally problematic—the Resolution empowers the state to decide which religious viewpoints can be

expressed and which cannot. This is contrary to the purpose of the international human rights system, because it empowers the state to decide questions of religious orthodoxy. Armed with religious defamation laws, hate speech laws, and blasphemy laws, the state determines which interpretation of a given religion is “correct” and worth preserving and, thus, interferes with the autonomy of individuals and religious organizations to decide theological matters for themselves.

Given the broadness of these regulations, ceding such control to the state not only makes the Resolution prone to political manipulation, but also opens it up to far-reaching abuse and incursion into religious freedom and related rights like free speech, free assembly, free association, and others. It is important to bear in mind that the root source of all the freedoms that have been obtained in liberal democracies is the freedom of conscience and religion. Without this foundation, none of the other fundamental liberties can survive. Not surprisingly, it is the world’s liberal democracies that oppose the Resolution, while the world’s autocratic states support it.

Finally, as demonstrated by domestic blasphemy laws in countries like Pakistan and Egypt, such laws appease rather than control violent extremists, giving them license to continue bullying religious minorities or dissenters while the police look the other way. It creates a culture of impunity, where increasingly egregious crimes are committed with little or no consequences for the perpetrators. Contrary to the supposed purpose of the laws, incidents of violence are encouraged rather than limited—all with the support of the state. Instead of penalizing the speaker in order to prevent violence, the law should compel potentially violent actors to regulate their own behavior, especially in the face of insults.

This principle has been articulated in American jurisprudence as the “hostile audience” doctrine. The US Supreme Court stated in *Boos v. Barry* that “[a]s a general matter, we have indicated that in public debate our own citizens must tolerate insulting, and even outrageous, speech in order to provide adequate breathing

590 space to the freedoms protected by the First  
 Amendment.”<sup>47</sup> The Court’s concern was not  
 that a hostile audience might render the speaker’s  
 speech ineffective; rather, the Court was  
 concerned about a hostile audience preventing the  
 speaker from speaking at all.<sup>48</sup> Weighed against  
 595 the cost of imposing speech on unwilling listeners,  
 the cost of preventing speech is much greater.<sup>49</sup>

### Efforts to Repeal Blasphemy Laws and Defeat the UN Resolution

600 It is difficult to convince relevant stakeholders  
 that blasphemy laws are a bad idea. While  
 members of the minority have experienced  
 blasphemy laws as a form of persecution, many in  
 Muslim-majority contexts feel that blasphemy  
 605 laws are required to safeguard their belief system  
 against attack. Because the majority believes that  
 these laws exist to “protect” the beliefs of the  
 majority, repealing them would instigate a major  
 backlash from those with significant influence,  
 610 including both extremist group leaders and  
 government officials.

### *Fear of Public Disorder*

615 Extremists’ support for blasphemy laws has  
 also created a connection between blasphemy  
 laws and national security. Threats of terrorism  
 (for example, if Aasia Bibi is pardoned or if any  
 blasphemy laws are repealed) have created a fear  
 of reprisals and popularized the idea that the laws,  
 620 though perhaps not an optimal solution, exist for  
 the greater good.

Extremists often take matters into their own  
 hands and kill an accused blasphemer regardless  
 of official rulings or investigations,<sup>50</sup> bolstering  
 625 popular fears and suppressing support for legal  
 reform. The Taseer assassination further  
 demonstrates how violence is directed towards  
 those who advocate against the blasphemy laws.<sup>51</sup>  
 Again, this fear stems from the fundamental flaw  
 630 that perpetuates the existence of blasphemy laws  
 —that is, the idea that the solution to public  
 disorder is to limit the speech of non-violent

actors rather than enforce criminal laws against  
 the perpetrators of violent actions.

640

### *Religious Sensitivity*

There is also a prevalent belief that, while  
 freedom of expression generally is a good thing, it  
 should not be extended to matters of religion, as  
 religion is sacred and cannot be questioned, much  
 645 less ridiculed. While questions of religion should  
 undoubtedly be handled with sensitivity, the  
 jump from social regulation to legal sanctions on  
 speech is completely unwarranted.

Of course, while legal sanctions on non-  
 650 violent speech are reprehensible because they give  
 the state undue control over its citizens’  
 expression, we should recognize the sociological  
 problems related to how speech is used and  
 manipulated. We have to move past the question  
 655 of legalities and consider the role of speech in our  
 collective social responsibility; we need to  
 formulate social—not legal—solutions to speech  
 that aims to divide. For example, in the United  
 States, we see such a social solution when  
 660 celebrities lose endorsements after making racist  
 remarks. Social regulation is effective and  
 legitimate; imposing legal restrictions simply  
 takes the burden off individuals to moderate  
 themselves.

650

655

660

665

### Conclusion

Blasphemy laws do not protect the majority  
 from insult or offense so much as they aid  
 autocratic governments in silencing political  
 670 dissent and fundamentalist groups in intimidating  
 co-religionists. Despite a desire to live in a  
 theological comfort zone, a free market of ideas is  
 indispensable to social, intellectual, and spiritual  
 growth. Governments, politicians, and civil  
 675 society leaders in Muslim-majority countries  
 should recognize that the wrongful application of  
 blasphemy laws and international support for the  
 Defamation of Religions Resolution work counter  
 to the rule of law and, in the long run, encourage  
 680 violent action from extremist groups. ❖

670

675

680

1. Reza Sayah and Nasir Habib, “Christian Woman Sentenced to Death for Blasphemy in Pakistan,” *CNN Belief Blog*, November 11, 2010, <http://religion.blogs.cnn.com/2010/11/11/christian-woman-sentenced-to-death-for-blasphemy-in-pakistan> (accessed January 1, 2011).

635

2. *Ibid.*

3. Human Rights Watch, “Pakistan: Allow Pardon for Blasphemy Victim,” news release, December 2, 2010, <http://www.hrw.org/en/news/2010/12/02/pakistan-allow-pardon-blasphemy-victim> (accessed January 1, 2011).

685

4. Junaid Qaiser, "LHC Overstepped in Barring Zardari From Pardoning Blasphemy-accused Christian: HRW," *Let Us Build Pakistan blog post*, December 3, 2010, <http://criticalppp.com/archives/31656> (accessed January 1, 2011).
5. Julie McCarthy, "Christian's Death Verdict Spurs Holy Row in Pakistan," *National Public Radio*, December 14, 2010, <http://www.npr.org/2010/12/14/132031645/christian-s-death-verdict-spurs-holy-row-in-pakistan> (accessed January 1, 2011). In 2009, 110 people were accused of blasphemy.
6. Ibid.
7. Karin Brulliard, "Salman Taseer Assassination Points to Pakistani Extremists' Mounting Power," *The Washington Post*, January 5, 2011, <http://www.washingtonpost.com/wp-dyn/content/article/2011/01/04/AR2011010400955.html?sid=ST2011010401338> (accessed January 5, 2011).
8. "Pakistan on Strike Against Bill to Amend Blasphemy Law," *BBC News*, December 31, 2010, <http://www.bbc.co.uk/news/world-south-asia-12097687> (accessed January 1, 2011).
9. Jane Perlez, "Extremists Are Suspected in Killing of Pakistani Minister," *The New York Times*, March 2, 2011, <http://www.nytimes.com/2011/03/03/world/asia/03pakistan.html> (accessed March 4, 2011).
10. Ibid.
11. Asma T. Uddin, "Internet Censorship and Machiavellian Restrictions on Religion," *The Huffington Post*, July 10, 2010, [http://www.huffingtonpost.com/asma-uddin/internet-censorship-and-m\\_b\\_641999.html](http://www.huffingtonpost.com/asma-uddin/internet-censorship-and-m_b_641999.html) (accessed January 1, 2011).
12. UNHCR Refworld, Pakistan Penal Code, <http://www.unhcr.org/refworld/> (accessed January 1, 2011).
13. Ibid.
14. The British were the first to introduce blasphemy laws in Pakistan in 1862; the laws were intended "to protect religious communities in the aftermath of Hindu-Muslim clashes." Benedict Rogers, "Comment: Blasphemy Laws in Pakistan," *Religion Compass blog post*, January 5, 2011, <http://religion-compass.com/2011/01/05/blasphemy-laws-in-pakistan-2/> (accessed February 21, 2011). In 1982, Pakistan's dictator General Zia ul-Haq amended the blasphemy laws as "part of his broader efforts to Islamize Pakistan." Saroop Ijaz, "The Real Blasphemy," *Los Angeles Times*, January 5, 2011, <http://articles.latimes.com/2011/jan/05/opinion/la-oe-ijaz-blasphemy-20110105> (accessed February 21, 2011).
15. Ibid.
16. Ibid.
17. Asma T. Uddin, "Pakistan's Facebook Ban Protects the Violent," *The Washington Post*, May 21, 2010, [http://onfaith.washingtonpost.com/onfaith/panelists/asma\\_uddin/2010/05/pakistans\\_facebook\\_ban\\_protects\\_the\\_wrong\\_party.html](http://onfaith.washingtonpost.com/onfaith/panelists/asma_uddin/2010/05/pakistans_facebook_ban_protects_the_wrong_party.html) (accessed January 1, 2011).
18. Jason Mick, "Facebook Banned from Pakistan for Mohammed Images," *Daily Tech blog post*, May 20, 2010, <http://www.dailytech.com/Facebook+Banned+From+Pakistan+for+Mohammed+Images/article18440.htm> (accessed January 1, 2011).
19. Uddin, "Pakistan's Facebook Ban Protects the Violent."
20. "70,000 gather for violent Pakistan cartoons protest," *The Times*, February 15, 2006, <http://www.timesonline.co.uk/tol/news/world/asia/article731005.ece> (accessed January 1, 2011).
21. Ibid.
22. The Prevention of Misuse of Religion and/or Blasphemy Act No. 1/PNPS/1965, article 1.
23. Elucidation of the Blasphemy Act, § 1(3), article 1.
24. See 2008 Joint Decree on the Ahmadiyya, promulgated by the Indonesian Minister of Religious Affairs, the Attorney General, and the Minister of the Interior.
25. Yemris Fointuna, "Seven Declared Suspects of Blasphemy," *The Jakarta Post*, June 4, 2009, <http://www.thejakartapost.com/news/2009/06/04/seven-declared-suspects-blasphemy.html> (accessed February 21, 2011).
26. Asma Uddin, "Indonesian Blasphemy Act Restricts Free Religious Expression," *The Huffington Post*, April 27, 2010, [http://www.huffingtonpost.com/asma-uddin/the-indonesian-constituti\\_b\\_554463.html](http://www.huffingtonpost.com/asma-uddin/the-indonesian-constituti_b_554463.html). Significant portions of this editorial have been used in this article.
27. Fointuna, "Seven Declared Suspects of Blasphemy."
28. Amnesty International, *Egypt: Muzzling Civil Society*.
29. United Nations Working Group on Arbitrary Detention, "Yasser Mohamed Salah et al. v. Egypt."
30. Jonathan Spollen, "MECA Director Rejects Claims of Insulting Prophet Mohamed," *Daily News Egypt*, August 11, 2007, <http://www.dailystaregypt.com/article.aspx?ArticleID=8731> (accessed February 22, 2011).
31. Amnesty International, *Egypt: Muzzling Civil Society*.
32. Ibid.
33. This implicates other international human rights, such as the right to choose one's religion and the right to convert. See Universal Declaration of Human Rights, Article 18, and the International Covenant for Civil and Political Rights, Article 18.
34. "Egypt: Government Extends Jail Time for Christian Rights Workers," *Compass Direct News*, August 22, 2007, <http://www.compassdirect.org> (accessed January 1, 2011).
35. "Police Arrest Two Christian Activists from Canada-based Coptic Group over Anti-Islamic Postings," *Associated Press*, August 9, 2007.
36. United States Commission on International Religious Freedom, "Religious Freedom in Egypt."
37. Boyle and Sheen, *Freedom of Religion and Belief*, 28.
38. US Department of State, *2006 Human Rights Report—Egypt*.
39. "Egypt: Drop Charges Against Blogger," *Reuters*, January 26, 2007, <http://www.freerepublic.com/focus/f-news/1777257/posts> (accessed February 22, 2011). See also Amnesty International, "Condemn the Four Year Sentence of Egyptian Blogger Karim Amer," background statement, <http://www.amnestyusa.org/all-countries/egypt/background-condemn-the-four-year-sentence-of-egyptian-blogger-karim-amer/page.do?id=1041113> (accessed January 1, 2011).

- 785 40. The Resolution was reintroduced in November 2010, with the phrase “defamation of religions” replaced with “vilification of religions.” Adelle M. Banks, “Blasphemy Resolution Passes U.N. Committee,” *The Huffington Post*, November 25, 2010, [http://www.huffingtonpost.com/2010/11/25/blasphemy-resolution-pass\\_n\\_788305.html](http://www.huffingtonpost.com/2010/11/25/blasphemy-resolution-pass_n_788305.html) (accessed February 21, 2011). 835
41. The Becket Fund for Religious Liberty, “Combating Defamation of Religions,” 2.
42. *Ibid.*, 5.
43. *Ibid.*, 2.
- 790 44. *Ibid.*, 5.
45. *Ibid.*, 6. 840
46. International Covenant on Civil and Political Rights, Article 18.
47. *Boos v. Berry*, 484 U.S. 312, 322 (1988).
48. Sadurski, *Freedom of Speech and Its Limits*, 88.
49. *Ibid.*
- 795 50. Naeem Shakir, “Guestview: The Infliction of the Blasphemy Law in Pakistan,” FaithWorld blog post, *Reuters*, December 13, 2010, <http://blogs.reuters.com/faithworld/2010/12/13/guestview-the-infliction-of-the-blasphemy-law-in-pakistan/> (accessed January 1, 2011). 845
51. Brulliard, “Salman Taseer Assassination.”

## References

- 800 Q2 Amnesty International. *Egypt: Muzzling Civil Society*. Report. September 18, 2000. <http://www.amnesty.org/en/library/asset/MDE12/021/2000/en/dom-MDE120212000en.html> (accessed January 1, 2011). 850
- The Becket Fund for Religious Liberty. “Combating Defamation of Religions.” Issues Brief. June 2, 2008; updated October 29, 2009.
- Boyle, Kevin and Juliet Sheen, eds. *Freedom of Religion and Belief: A World Report*. London: Routledge, 1997.
- 805 The Minister of Religious Affairs, the Attorney General, and the Minister of the Interior of the Republic of Indonesia. “A Warning and Order to the followers, members, and/or leading members of the Indonesian Ahmadiyya Jama’at (JAI) and to the General Public.” Joint Decree, 2008. <http://www.thepersecution.org/world/indonesia/docs/skb.html> (accessed January 1, 2011). 855
- Sadurski, Wojciech. *Freedom of Speech and Its Limits*. Norwell, MA: Kluwer Academic Publishers, 1999.
- United Nations. International Covenant for Civil and Political Rights, Article 18. 1966. Entry into force, 1976. <http://www2.ohchr.org/english/law/ccpr.htm> (accessed February 22, 2011).
- 810 United Nations. Universal Declaration of Human Rights, Article 18. 1948. <http://www.un.org/en/documents/udhr/index.shtml> (accessed February 22, 2011).
- United Nations Working Group on Arbitrary Detention. “Yasser Mohamed Salah et al. v. Egypt.” E/CN.4/2003/8/Add.1 at 68 (2002). Human Rights Library, University of Minnesota, <http://humanrights.law.monash.edu.au/wgad/7-2002.html> (accessed January 1, 2011). 860
- United States Commission on International Religious Freedom. “Religious Freedom in Egypt: Recent Developments.” Briefing remarks by Nina Shea. May 23, 2007. [www.hudson.org/files/publications/EgyptSheaTestimony5\\_23\\_07.pdf](http://www.hudson.org/files/publications/EgyptSheaTestimony5_23_07.pdf) (accessed January 1, 2011).
- 815 US Department of State, Bureau of Democracy, Human Rights, and Labor. *2006 Human Rights Report – Egypt*. <http://www.state.gov/g/drl/rls/hrrpt/2006/78851.htm> (accessed January 1, 2011). 865

820 870

825 875

830 880