

Christians in Pakistan confront charges of blasphemy

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Roman Catholic Bishop John Joseph of Pakistan shot himself to death on May 6 to highlight the case of Ayub Masih, a Christian sentenced to death for supposedly making blasphemous remarks against the Prophet Muhammad and thus against Islam. Following the death of the 66-year-old bishop and the Christian community's subsequent protest, the Lahore High Court ordered a stay of execution for Masih, pending an appeal. His fate remains undecided, as does the fate of more than 140 other people charged under the country's law against blasphemy.

In a letter sent to a local newspaper just before his death, the bishop stated that he hoped his suicide would galvanize his fellow bishops and others to work for the repeal of sections 295 B and C of the Pakistan Penal Code (PPC), which make any blasphemy against Islam a serious crime and blasphemy against Muhammad punishable by death.

Until the police cracked down on Christian demonstrators and all constitutional rights were suspended (following Pakistan's recent nuclear tests) Joseph's death galvanized the country's Christian and human rights communities to demand the repeal of the blasphemy law. Christians and human rights activists in Pakistan still hope that once the immediacy of the nuclear issue passes, attention will once again focus on the injustices generated by the blasphemy law and on efforts to have it repealed. This would be an important first step toward ending religious persecution. But the overall climate and the suspension of all civil and political rights will make such mobilization within the country difficult without sustained international support and pressure.

The history of the blasphemy law is instructive. Starting in 1860 the British introduced laws designed to curb religious violence. When Pakistan became a

nation, these were retained as PPC 295 and 295-A. As the original wording of PPC 295 shows, it treated all religions equally and prescribed minimal punishments: "Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion . . . shall be punished with imprisonment . . . for a term which may extend to two years, or with fine, or with both." However, both the intentions of the law and its penalties were drastically altered during the 1980s under the military dictatorship of General Zia ul-Haq.

In a military coup in 1977 Zia overthrew the democratically elected government of Zulfikar Ali Bhutto. He attempted to legitimize his dictatorship by claiming that his extraconstitutional seizure of power and subsequent rule by executive order were needed in order to "Islamicize" Pakistan. To that end he changed many parts of the legal system, adding a whole new class of Islamic laws and expanding and changing the intent of PPC 295. In 1982 section 295-B was added. It made damaging or desecrating the Qur'an, or even making a derogatory remark about it, punishable by life imprisonment.

Then in 1986 came the infamous section 295-C, usually referred to as the "blasphemy law." It stipulates that "derogatory remarks, etc., in respect of the Holy Prophet . . . either spoken or written, or by visible representations, or by any imputations, innuendo, or insinuation, directly or indirectly . . . shall be punished with death, or imprisonment for life, and shall also be liable to fine." In 1990 the Federal Shari'at Court ruled that "the penalty for contempt of the Holy Prophet . . . is death and nothing else."

In 1994 the Lahore High Court tried to extend the blasphemy law to include defiling the name of "all the true prophets of Allah mentioned in the Qur'an," including Abraham and Jesus. Because no parliamentary action on this was ever taken, the full import of the law remains unclear, and it continues to be applied only in cases dealing with blasphemy against the Prophet Muhammad.

To understand why blasphemy is such an explosive issue in Pakistan we must start with the debate about the country's identity. Pakistan and Israel are the only post-World War II states formed on the basis of a religious identity. The debate is about whether Pakistan was established to be a homeland for Muslims (who were a minority on the Indian subcontinent) or an Islamic state, devoted to implementing the Shari'a (Islamic law). While most politicians and bureaucrats subscribe to the

former view, various religious parties agitate for the latter. They seek to do away with the existing “corrupt” social system, and to replace it with a government and society based on the Qur’an and Shari’a.

Kufr (the Arabic word for blasphemy) is a key concept in Qur’anic thought. It is the antonym of *iman* (faith) and typifies all things offensive to God. *Kufr* is also an opposite of *shukr* (thankfulness), the appropriate response to God’s beneficence. *Kufr* is the refusal to show joyful gratitude to God and submission to the divine will. By rejecting the prophetic message, *kafirs* (unbelievers/blasphemers) affront its divine originator, for to disbelieve is to accuse Muhammad (and implicitly God) of lying.

The Qur’an goes into great detail about the punishments endured by *kafirs* in hell. Islamic law has historically given much attention to the relationship between believers and *kafirs*, and to the effects of the latter upon devout Muslims. In 1991 Pakistan’s parliament passed a “Shari’at bill” which makes traditional Islamic legal rulings part of Pakistan’s legal code, but this law has not yet been fully implemented. In the meantime, charges of *kufr* are being brought through the blasphemy law, which carries the mandatory penalty of death.

Religious parties see Islam in a battle against *kufr*. Early in Pakistan’s history they targeted a splinter group called the Ahmadhis. Though Ahmadhis consider themselves to be Muslim, in 1974 the state declared them non-Muslims. This was one of the state’s first capitulations to the extremist religious parties, who even then were trying to perpetrate religious persecution.

Only six blasphemy cases were registered between 1947 and 1980 (under 295-A). However, since Zia’s expansion of PPC 295, this number has grown exponentially, so that today more than 140 people have been charged under 295-C, with another 2,000 charged for related religious crimes (which can still be upgraded to the charge of 295-C during the course of prosecution).

There has been a sharp increase in the misapplication of various clauses of PPC 295. In almost all cases charges are brought to intimidate and punish members of minority religious communities, as well as nonconforming Muslims who advocate change. These motives are compounded by personal enmities, property disputes, petty jealousies, professional and economic rivalries, or struggles for political advantage.

Massih, charged under 295-C in 1996, in April became the most recent person to receive a death sentence. Despite repeated attempts, Bishop Joseph could not find a lawyer willing to appeal Massih's case. This failure is considered to be the immediate cause for Joseph's suicide. What led to the charge in the first place was an argument Massih had with a Muslim neighbor. He is alleged to have told the neighbor that if he wanted to know the truth about Islam he should read Salman Rushdie. (Rushdie is the author of *The Satanic Verses*, a novel many Muslims consider blasphemous.) Also relevant is the fact that Massih's family had recently applied to a government program that allots housing plots to landless people. The local landlords resented this because landless Christians had been working in their fields in exchange for a place to live. Acquiring land would have improved the family's status, which is similar to that of bonded laborers.

Pakistan's approximately 2.8 million Christians constitute about 2 percent of the country's 140 million people and are most concentrated in the province of Punjab. Christians are split evenly between Catholics and Protestants. Almost all embraced Christianity in mass conversions from Hinduism in the late 18th and early 19th centuries in an effort to escape their status as "untouchables" (now referred to as Dalits).

Christianity may have removed their religious stigma, but the churches did little to alter their economic marginalization. Most of these people still live in Christian villages on some of the country's least productive land, or they have been forced to trade rural poverty for urban life in decrepit Christian *bastis* (ghettos). They perform the most menial tasks, often serving as street sweepers and sanitary workers. Hence they continue to be thoroughly stigmatized.

The return of democracy in the late '80s did not bring any benefits to religious minorities. They have been only partially reenfranchised through the creation of an apartheid-like electoral structure. They are restricted to voting only for their own minority representatives for "at large" seats in a countrywide constituency (four for Christians, four for Hindus, one for Ahmadhis and one for all other religious groups combined). This restricted franchise has drastically reduced the ability of minorities to get attention, services and protection from general (i.e., Muslim) members of the parliament and provincial governments. Christians remain marginalized and powerless, and all religious minorities live in fear of PPC 295.

By enforcing such laws and by not prosecuting those who persecute followers of minority religions, the state nurtures intolerance and an atmosphere of religious extremism. Local court officials and the police are sometimes willing participants in bringing blasphemy charges. At other times, to protect themselves from being threatened by extremists, they uncritically accept such charges. This is why death sentences have been passed at the (lower) district court level, only to be repealed later in the (upper) appellate courts. But even judges at the higher level do not escape the wrath of religious extremists. Retired High Court Justice Arif Iqbal Bhatti was murdered by a member of a militant Sunni organization in retaliation for his famous 1995 decision to acquit two Christians charged under 295-C.

Even if the courts resist such pressure and acquit the accused, extremists resort to other means. Often they issue a *fatwa* (religious pronouncement) of death against the person who is supposed to have committed blasphemy. This fatwa is then publicized through the minaret loudspeakers and Friday sermons of the local mosques. A mob carries out the “sentence.” In other instances, unscrupulous leaders have encouraged their followers to kill by telling them that someone was a suspected blasphemer.

In the wake of the 1995 trial of 14-year-old Salamat Masih and two other Christians--a trial that gained international attention--the cabinet of Prime Minister Benazir Bhutto approved two amendments to the PPC designed to reduce the abuses of 295. One of these would have made bringing false blasphemy charges a crime punishable by ten years' imprisonment. However, an outbreak of violence orchestrated by Muslim religiopolitical leaders kept the government from bringing these bills before parliament.

Instead, Bhutto issued a directive changing how the police were to proceed when someone was charged with blasphemy. The police now immediately take the suspect into protective custody and file a First Information Report. Then the relevant magistrate or deputy commissioner examines whether there is sufficient evidence to prosecute. As a result of these changes, which have been kept by the Nawaz Sharif government, the number of arrests for blasphemy has been reduced. But they have not entirely stopped, especially of Ahmadhis, who generate little global publicity.

Unfortunately, Sharif's Muslim League government seems unwilling to change 295 B and C, the root cause of the problem, or to prosecute those who bring false charges. Because Sharif came to power in a landslide electoral victory and has conservative

credentials, he could more easily change the law than could Bhutto's more liberal party. But neither the rising sectarian violence and civil unrest produced by the atmosphere of religious bigotry, nor the bad international press Pakistan is receiving, seems to be prompting the government to amend the law.

There are sound theological reasons for changing the law. Very few Islamic countries--not even Saudi Arabia--have the death penalty for blasphemy. Islam has a strong tradition of respect for religious minorities. It teaches that even those who commit blasphemy have a chance at redemption; to kill them is to doubt God's power. There is perhaps no better illustration of this than the case of Umar, one of the four "rightly guided caliphs" of Islam's golden age. Prior to embracing Islam, and while in the service of one of the main forces opposing Muhammad, Umar volunteered to assassinate the Prophet. Umar also had severely beaten his own sister for converting to Islam. After his conversion Umar became the second caliph and was called "Farooq" by the Prophet, which means "the one who differentiates between the right and the wrong." Umar is even included among only ten Muslims who are considered to have received divine inspiration.

Umar's general, Khalid bin Walid, was a major instrument in Islam's victory over Byzantium and Sassanid Persia. Yet Walid was guilty of a great blasphemy: not only was he the major cause of Muhammad's only defeat by the Meccans, he also broke the Prophet's tooth. Nevertheless, upon his conversion--which would not have been possible had a law like 295-C been in force--Walid became the main vehicle for the expansion of Islam.

What these examples point out is that not only do blasphemy laws deny the very history and theology of Islam, they undermine Islamic states and Islam itself. They also make Muslims appear incapable of looking forward. The situation in Pakistan gives fuel to those who are eager to fan the fires of prejudice against Islam.

PPC 295 should be repealed not just for the sake of religious minorities but for the sake of the entire population. Even Muslims (at least six to date) have been charged under the bill. Among them is a well-known *hafiz* (someone who has memorized the whole Qur'an), a leading social activist in the ghettos of Karachi. The larger problem is not religious prejudice but the failure of the state to live up to its commitment to secure and uphold basic political and human rights.

The state's inaction allows communal tensions and religious atrocities to flourish-- such as the 1997 incident in Shantinagar, where an anti-Christian riot left approximately 15,000 Christians homeless. This approach serves to distract people from demanding that their government give them democratic rights and improved economic conditions. Imposing draconian religious laws and allowing fanatical elements to act with impunity threatens the institutions that are necessary for a thriving modern nation. In the long run, these laws hurt the regime itself.

One of the most visible but least advisable ways to assist those fighting to repeal PPC 295 would be for the U.S. to apply sanctions against Pakistan, such as those proposed by the Wolf-Specter Freedom from Religious Persecution Act. Sanctions could further harm religious minorities, who are likely to become scapegoats for the worsening economic situation that any effective sanctions would produce.

In addition, sanctions are usually applied only against enemies. The U.S. has tended to turn a blind eye toward reprehensible activities committed by those whom it has considered valuable for geopolitical and ideological reasons, even in Pakistan. Because Zia was a great U.S. ally during the Soviet occupation of Afghanistan, his draconian legal measures, obscurantist Islamization project, and persecution of religious minorities were all overlooked. Even in nations like Pakistan, where Machiavellian deals with repressive regimes have been made in the past, the only way now to help stop the repression and persecution may be to encourage the growth of a democratic and tolerant civil society.

There are various ways for U.S. Christians to become involved in this issue. One is to lobby the Senate not to pass a companion to the House-passed Wolf-Specter bill. A second is to join the South Asia Rapid Action Network (SARAN) of Amnesty International, which through letters, faxes and telegrams can quickly respond to human rights emergencies.

Finally, getting blasphemy cases dropped depends upon the ability of human rights organizations to identify and verify the facts of a case so that they can publicize it accurately. Funds to do this are always needed both by international human rights organizations and by groups operating within the country. The Human Rights Commission of Pakistan is one source of independent verification. Christian churches in Pakistan are now setting up a second source, a central archive devoted exclusively to tracking all blasphemy cases.