

Legality of Blasphemy in Islam: A brief Comparison of Legislations around the World

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Abstract

All three Abrahamic religions recognize the act of religious blasphemy. It is considered a heinous act according to the strict religious doctrines of all the Abrahamic religions. In recent times the act of blasphemy has been seen more connected to Islam and Muslims. Most cases related to blasphemy are from Muslim majority countries, directly or indirectly involving Islam and Islamic values. The act of blasphemy is a sensitive matter in Muslim majority countries, especially Islamic countries. The eminent Muslim jurists and scholars set the dimensions of blasphemy. This paper will focus on the specific acts which can constitute blasphemy according to the Muslim scholars. There is no doubt regarding the fact that religion is a sensitive matter in Islamic countries but not every instance of difference of opinion over the religious issues (especially criticizing or debating over the religious traditions) can be declared as an act of blasphemy.

Keywords: *Blasphemy, Abrahamic religions, Islam, Criminalization of blasphemy.*

Introduction

The etymology of the term ‘blasphemy’ itself is providing with an approach to analyze the term. It is derived from the Greek *blas-phemeo*, whereas *blas* means ‘wrong’ and *phemi* means ‘to speak’. So according to

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this term, it simply means to speak ill or insult. The term was used in quite a broad sense by secular Greeks, where it was used to describe great insults, either by actions or words spoken, against the God. The use was not only limited by only referring to the God, but it also included an insult to God's way and an insult to those He had sent.¹ The concept of blasphemy is related to 'the sacred' in a society. Religion and its ingredients were always considered sacred in most of the societies and still they are 'the most sacred' in many societies. Every religion has provided with its own treatment for the act of blasphemy committed against it.

There are three Abrahamic religions, Judaism, Christianity, and Islam. All three believe in existence of God. This is the primary and foremost belief of all. Any questions regarding the existence of God or any doubt about it restricts one from being a follower of a religion. The expression of doubtful thoughts about the existence of God, or negating it, will inevitably declare a person to be no more a part of any of the Abrahamic religions. The entity of God in case of monotheistic religions was always considered holy and beyond criticism.² The paper consists of five parts, first there is a brief description of the concept of blasphemy in Judaism and Christianity. Then the concept of blasphemy in Islam according to the eminent Muslim scholars. The third part is related to blasphemy laws in Muslim majority countries and the fourth part regarding blasphemy laws in non-Muslim countries, and finally the conclusion.

Concept of blasphemy in Judaism and Christianity

The concept of act of blasphemy is present in all three Abrahamic religions. Judaism is the oldest of Abrahamic religions. It is the religion of Jewish people which includes their collective religious, social, cultural, moral, and legal traditions.³ Then there are '13 Principles of Faith' in Judaism, which includes oneness of God, believing in the prophet-hood of Moses and believing in Torah.⁴ These basic rules were set in 12th century by Maimonides.⁵ Despite different views and different cultural and social definitions, the basic of Judaism stands with these principles. According to Judaism the concept of God is that He is the creator of the world, who is revealed in nature and in man. He is a personal God, immanent and transcendent.⁶ Judaism traditionally followed the Law of Moses also called the Mosaic Law, which primarily refers to the Torah or the first five books of the Hebrew Bible. Although it is now believed by most of the academics that it has many authors, but traditionally believed to have been written by

Moses.⁷ There are several offences enlisted which are punishable with death penalty. The act of blasphemy is one of them.⁸

This punishment of blasphemy is mentioned in two paragraphs in Torah; “A man whose mother was an Israelite and whose father was an Egyptian came out among the people of Israel; and the Israelite woman’s son and a certain Israelite began fighting in the camp. The Israelite woman’s son blasphemed the Name in a curse. And they brought him to Moses—now his mother’s name was Shelomith, daughter of Dibri, of the tribe of Dan— and they put him in custody, until the decision of the Lord should be made clear to them. The Lord said to Moses, saying: Take the blasphemer outside the camp; and let all who were within hearing lay their hands on his head, and let the whole congregation stone him. And speak to the people of Israel, saying: Anyone who curses God shall bear the sin. One who blasphemes the name of the Lord shall be put to death; the whole congregation shall stone the blasphemer. Aliens as well as citizens, when they blaspheme the Name, shall be put to death.”⁹

And;

“So, she wrote letters in Ahab’s name and sealed them with his seal; she sent the letters to the elders and the nobles who lived with Naboth in his city. She wrote in the letters, “Proclaim a fast, and seat Naboth at the head of the assembly; seat two scoundrels opposite him, and have them bring a charge against him, saying, ‘You have cursed God and the king.’ Then take him out, and stone him to death.” The men of his city, the elders and the nobles who lived in his city, did as Jezebel had sent word to them. Just as it was written in the letters that she had sent to them; they proclaimed a fast and seated Naboth at the head of the assembly. The two scoundrels came in and sat opposite him; and the scoundrels brought a charge against Naboth, in the presence of the people, saying, “Naboth cursed God and the king.” So, they took him outside the city, and stoned him to death.”¹⁰

It can be deduced from the above that there are basically four instances when a statement can be considered blasphemous to God. These actions can be categorized, from the more specific and punishable to the more general and unenforceable, as: (1) cursing God and God’s name; (2) using God’s name in vain, pronouncing it illicitly, or destroying its written form; (3) saying inappropriate things about God; and (4) acting in a manner that would bring disrepute upon the God of Israel (and, therefore, upon the

people of Israel). The holiness of God's name was such that an offense against that name, which can be direct or indirect cursing, was considered a severe crime. The Bible considers offensive speech against God serious and actionable both by human courts and by God.

Christianity is based upon the concept of Trinity, it includes the Father, the Son (Jesus Christ) and the Holy Spirit. It means that these three persons are distinct yet are one. The concept of trinity is not expressly present in the New Testament, the fathers of the Church first formulated the doctrine of Trinity to understand the relationship between God and Jesus.¹¹ The act of blasphemy in the Old Testament is to insult the honor of God, either by attacking him directly or mocking him indirectly. Thus, the act of blasphemy is considered the opposite of praise. The penal consequences of blasphemy in the Old Testament were death by stoning. The scope of blasphemy got wider in New Testament, including the slander of human beings, angels and not to mention God as well.¹² There are certain actions which are expressly described as a form of blasphemy in Christianity. Idolatry can be considered an action of blasphemy because it wrongly attributes worship and hope to an object that is not truly God. Only the true God deserves our worship and our hope according to the Christian teachings. Only He has the right to be worshiped and honored. Arrogance is also considered an action that can be considered blasphemous toward God as the apostle Paul tells us that when someone “thinks that they are something when they are actually nothing, they deceive themselves.”¹³ Such is the case when we live as though we do not need God in our lives. When we live without proper regard of our need for God, we deceive ourselves. It is also argued that all things are held together by the power of the word of Christ.¹⁴ Furthermore, Paul told the Athenians that we “have our being” in God himself. To live arrogantly is to revile and show disdain for God as God, which is tantamount to blasphemy.¹⁵ According to the Christian belief, the blasphemy against the Holy Spirit is also an unforgivable sin.¹⁶ According to the Christian belief Jesus is the Son of God who came to fulfill God's Word and brought God's Kingdom into the world. Jesus is the king of the God's kingdom who came to overthrow the rule of Satan in the world. As stated in the Bible “good news to the poor, to proclaim freedom to the captives and recovery of sight to the blind, to set free the oppressed, to proclaim the year of the Lord's favor.”¹⁷ The Holy Spirit was bearing witness to His identity and His mission.

According to the Christian belief (also the miracles of Jesus were believed to be true according to the Islamic beliefs), Jesus worked miracles by

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healing the sick, raising the dead, driving out demons, and preaching good news to the poor, oppressed, and undeserving. The Holy Spirit witnessed and testified through the words and works of Jesus that He (Jesus) truly was the Son of God. Jesus had begun the reoccurrence of God's supremacy (or rule) in the world. The blasphemy to the Holy Spirit in Christianity is rejecting the Holy Spirit's testimony about Jesus and it is considered the unforgiveable sin. It is the unpardonable sin because it effectively separates a person from the possibility of forgiveness and reconciliation with God. The rejection of the Holy Spirit's testimony of Christ is to reject the very nature of personality of Christ and thus it leads towards the rejection of all the good and positive deeds done by Jesus. Especially offering a pardon for sin for all who would repent and believe in Jesus and His gospel. The blasphemy of Holy Spirit is deadly because it eventually leads to parting from only person (Jesus) who can save sinners from their sins.

Concept of Blasphemy in Islam

Islam is specific when it comes to its followers, the Muslims have a consensus regarding the absolute definition of a Muslim. The basic requirement for being a Muslim is to believe in oneness of Allah and believe that Prophet Muhammad (PBUH) is the last prophet and messenger of Allah. The Muslims also believe in rest of the prophets mentioned in Christianity and Judaism, but for Muslims, the finality of prophet-hood was bestowed upon Prophet Muhammad.¹⁸ The concept of blasphemy in Islam also revolves around the personality of Prophet Muhammad.

The Holy Quran is the source of Islamic teachings on which all the Muslims have no objection. The concept and punishment of blasphemy of Prophet Muhammad is described in the Quran in various direct and indirect ways. The Holy Quran expressly states that those who speak ill of Islam and Holy Prophet Muhammad should be punished. The Muslims are provided with an express command of fighting against those who do so.¹⁹ Those who fight against the Holy Prophet Muhammad should be killed or hanged.²⁰ The element of respect for Prophet Muhammad is vital under Islam. Even those who speak louder than Prophet Muhammad and in a disrespectful way, whether intentionally or unintentionally are warned that they may lose their good deeds.²¹ They may lose all the good deeds and become a *kafir*. However, the Holy Quran also forbids the blasphemy against any other religion and deities.²²

As far as the life of Holy Prophet is concerned, there are many instances of a blasphemer had been killed or punished by the companions of the Holy Prophet Muhammad and the Prophet Muhammad declared that killing of no consequences (*Bāṭil*). The use of derogatory and abusive language against any prophet of Allah is declared as a crime to be punished with death penalty by the Holy Prophet Muhammad.²³

There is a direct connection between apostasy and blasphemy in Islam. Anyone who commits blasphemy, meaning thereby does not respect the Prophet Muhammad like he should be respected, thus commits not only blasphemy but apostasy as well because he/she is practically standing against the very base of Islam. Moreover, when someone becomes an apostate and deny the prophethood of Muhammad then this denial constitutes to blasphemy. In other words, the blasphemy against Prophet Muhammad leads to apostasy, and whoever becomes an apostate is committing blasphemy as well. The appropriate punishment prescribed for both cases is death penalty according to the Holy Quran.²⁴

Historically the concept, penalties and consequences of blasphemy are very well explained in Islamic jurisprudence. The Muslims jurists had done very explanatory work on this issue. They have classified this issue of blasphemy into many categories including blasphemy by a Muslim man or a woman, blasphemy by a non-Muslim man or a woman, and what constitutes an act of blasphemy for a Muslim and for a non-Muslim. The scope of act of blasphemy is more widened as it also includes the blasphemy of companions and wives of Prophet Muhammad. The blasphemous remarks about other prophets and angels are also considered an act of blasphemy according to the classical approach of Islam.

The punishment prescribed for a Muslim man is death penalty if he speaks ill of Prophet Muhammad or says any derogatory remarks about him.²⁵ There is a consensus of Muslims that whoever disrespects or says derogatory remarks about Prophet Muhammad shall be penalized with death.²⁶ This consensus is developed by all the four basic Sunni School of thoughts,²⁷ and there are no doubt regarding the death penalty.²⁸ Some of the Muslim jurists consider that the act of speaking ill and derogatory remarks shall convert a person into an apostate, and he shall not be considered a Muslim anymore.²⁹ This act of blasphemy is one of the acts where the repentance cannot be accepted. Some Muslim jurists believe that Allah may accept repentance of such person, but not here in this world. One who has claimed that he regrets this act of blasphemy and seek

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repentance, shall be killed but his funeral rights will be just like any other Muslim, but if someone does not regret or seek repentance then he will have no Muslim funeral rights.³⁰

The consensus is same for a Muslim female who has committed the act of blasphemy. There is no difference in punishment between a male and a female when it comes to the act of blasphemy.³¹ So concisely speaking, the punishment of a Muslim male or a female for committing blasphemy is death and even an honest repentance cannot stop the execution.

There are four school of thoughts in Islam. The Maliki, Shafi'i and Hanbali schools of thought have a consensus on death penalty for a non-Muslim in case of blasphemy against the dignity and honor of Prophet Muhammad. The fourth school of thought, which is Hanfi school of thought suggests an appropriate punishment but not expressly suggests the death penalty.³² On the other hand some of the Hanfi scholars also suggest death penalty as their argument is that if the act of blasphemy is committed by a Muslim, then the suggested punishment is death penalty, so in case of a non-Muslim, the penalty should remain the same. But if this blasphemy is not proved and furthermore the non-Muslim also denies it then there is no punishment for him.³³ The condition for a non-Muslim is that he has committed that act of blasphemy or said some certain derogatory remarks expressly. This should be either proved by two witnesses, or the non-Muslim accepts by himself that he had committed this act. In a case where a non-Muslim had said something in his house and a Muslim neighbor heard him, still according to the Hanbali school of thought, there will not be any penalty. So no Muslim can blame a non-Muslim for committing blasphemy if it had not been done expressly and the non-Muslim had also negated it.³⁴ All four schools of thought agree on one point that if a non-Muslim embraces Islam and become a Muslim and repent his prior act of blasphemy then he shall be forgiven.³⁵ The punishment is the same for a non-Muslim female, so as the conditions regarding express act of blasphemy. If a non-Muslim male or a female deny the act of blasphemy, then there shall not be any penalty on them according to majority of Muslim jurists.

The Muslim jurists had done great deal of work and explained thoroughly that what kind of words, acts or statements by a Muslim or a non-Muslim can be considered blasphemy. The respect and love of Prophet Muhammad is an essential part for being a Muslim, if a Muslim says anything of derogatory nature against Prophet Muhammad, then he is not a Muslim anymore and shall be considered and dealt as an apostate. These derogatory

remarks may include any insulting statement regarding the personality, lineage, practices, or comparison with something or someone in a rude way, or attribution of something inappropriate to Prophet Muhammad. The element of respect is of excellent value and importance in Islam. There are some examples of different statements which are declared blasphemous by the Muslim jurists.

- Whoever had said that Prophet Muhammad was used to wear dirty clothes.
- Whoever had said that the skin complexion of Prophet Muhammad was not fair.
- Whoever had said that Prophet Muhammad was defeated and retreated in some wars.
- Whoever had denied the prophet-hood of any of the prophets of Allah, those upon whom there is a consensus of Muslims.
- Whoever had claimed to be a prophet of Allah.
- Whoever had even used a derogatory word for the hair of Prophet Muhammad;³⁶
- Whoever had said that Prophet Muhammad was an insane person;³⁷
- Whoever had attributed sins like fornication to any prophet of Allah.
- Whoever had wished suffering or unpleasant things for any prophet of Allah;³⁸
- Whoever had said that Prophet Muhammad was not a truthful person and did not preach the word of Allah.³⁹

There are some other cases explained by Muslim jurists where it is said that certain words or statements shall be considered disrespectful but not blasphemous, hence there might be some punishment to teach respect but not death penalty. For example, a young man was once told that he had no formal education, he replied that Prophet Muhammad had never had any formal education as well. Then he repented upon his words and asked for forgiveness of Allah. The jurist Abu al Hassan commented on the situation that the young man cannot be considered apostate and shall not be punished. His repentance and embracement over what he had said was enough to forgive him as he never meant to disrespect Prophet Muhammad.⁴⁰

Those who are not Muslims can only be penalized under the offence of blasphemy when they expressly disrespect or use abusive language for Prophet Muhammad. In a case where a non-Muslim denies the prophet-

hood of Prophet Muhammad or denies the religion of Islam with no disrespect but in accordance with his own belief then there is no blasphemy committed by him.⁴¹

The Muslim concept of blasphemy is further extended to the blasphemy of all the prophets, angels, companions, and wives of prophet Muhammad. According to Holy Quran, it is a part of Muslim belief to believe in all prophets like Abraham, Ismail, Isaac, Jacob, Moses and Jesus.⁴² The angels, especially those mentioned in the Holy Quran are respected according to the Islamic beliefs, any abusive word against any prophet or angel shall be considered an act of blasphemy.⁴³ As far as the blasphemy against the companions of Holy Prophet is concerned, there are two points of view are present among Muslim jurist. One suggests that the punishment is death penalty⁴⁴ and other suggests any other punishment except death penalty, but both agree that this sort of blasphemy shall not remain unpunished.⁴⁵ If anyone had used abusive words or used derogatory language for the wives of Prophet Muhammad, then it shall be considered the same as the use of abusive words for Prophet Muhammad and death penalty is agreed upon by Muslim jurists.⁴⁶

There is no doubt that the Muslim jurists and scholars well elaborate the concept and act of blasphemy. The concept of blasphemy in Islam includes not only the blasphemy against Prophet Muhammad but also against other prophets who are mentioned in Quran and in the teachings of Prophet Muhammad, the angels, the companions, and wives of Prophet Muhammad as well.

Laws Related to Blasphemy in Muslim Majority Countries

The existing laws in Muslim countries emphasize on the respect and following of the teachings of Prophet Muhammad. There are fifty-seven countries in this world, recognized as Muslim countries. Some Muslim majority countries have strict legislations regarding the issue of religious blasphemy. Islamic legal traditions are considered important in Muslim countries and Issue of blasphemy, the punishments and legal course of action to deal with it is the same as the early Islamic tradition.

Indonesia is the largest Muslim country by population. The Indonesian Penal Code provides for a person to be subject to up to five years of imprisonment if he or she “deliberately in public gives expression to

feelings or commits an act: a) which principally have the character of being at enmity with, abusing or staining a religion, adhered to in Indonesia; or b) with the intention to prevent a person to adhere to any religion based on the belief of the almighty God.”⁴⁷ In addition to this provision, the President of Indonesia issued a decision in 1965, Law No. 1/PNPS/1965 on the Prevention of Abuse and/or Defamation of Religion, which prohibits people from knowingly communicating in public, or advocating or seeking support for, interpretations of a religion practiced in Indonesia, or undertaking religious-based activities that resemble the religious activities of the religion in question, where such interpretations and activities deviate from the basic teachings of the religion. It also specifies that the six recognized religions in Indonesia are Islam, Buddhism, Protestantism, Catholicism, Hinduism, and Confucianism. The Penal Code provision and the presidential decision were upheld by the Constitutional Court in April 2010.⁴⁸

Brunei promulgated Syariah (Sharī‘a) Penal Code Order in 2013, contains certain offenses against religion. The Code has declared apostasy a crime related to blasphemy. It has defined blasphemy if someone is declaring oneself as God, declaring oneself a Messenger or Prophet of God, contempt of Holy Prophet Muhammad or deriding, etc., verses of the Quran, hadith, which is a collection of traditions containing sayings of the Prophet Muhammad, or obligatory matters of Islam. Those found guilty of such offenses are punishable by death or imprisonment for up to thirty years and corporal punishment, depending on the type of evidence.⁴⁹ If a Sharī‘a Court is satisfied that the accused has repented, the Court must order an acquittal. In the general offenses section of the Code (chapter IV), certain crimes are stipulated that apply to any person or only to non-Muslims. Any person “who, orally, in writing, by visible representation or in any other manner contempt or brings into contempt, insults, makes fun of, mocks, mimics or ridicules” the religion of Islam is guilty of an offense. Contempt of the Prophet and deriding verses of the Quran or Hadith by non-Muslim are also crimes. The offenses that prohibit proselytization also exist in the Code. Propagation of a religion other than Islam is criminalized. Persuading Muslims to change their religion, persuading a person having no religion to become a believer of a religion other than Islam, and exposing the beliefs and practices of a religion other than Islam to a minor Muslim child or a child whose parents have no religion, are also crimes. Delivering or giving a publication relating to a religion other than Islam to Muslims or persons having no religion is also proscribed, both privately and in public places. Syariah Penal Code Order was published in Brunei’s *100-The Islamic Quarterly: Vol 66, No.1*

official gazette on October 22, 2013, and was meant to come into effect through a phased process. The death penalty for apostasy will be applied when the third phase of the law goes into effect. Corporal punishment will be applied twelve months after the Syariah Courts Criminal Procedure Code (CPC) is published in the gazette, and capital punishment will be applied twenty-four months after the CPC is published.

In Malaysia, Chapter XV of the Malaysian Penal Code sets out “offenses relating to religion.”⁵⁰ The offenses include “injuring or defiling a place of worship with intent to insult the religion of any class” (punishable by up to two years of imprisonment or a fine, or both), “disturbing a religious assembly” (up to one year of imprisonment or a fine or both), and “trespassing on burial places, etc.” (up to one year of imprisonment or a fine or both). Section 298 contains the following offense: Uttering words, etc., with deliberate intent to wound the religious feelings of any person and it shall be punished with imprisonment for a term which may extend to one year or with fine or with both. In addition, section 298A is a detailed provision that criminalizes “causing, etc., disharmony, or feelings of enmity, hatred or ill will, or prejudicing, etc., the maintenance of harmony or unity, on grounds of religion.” This is punishable by between two and five years of imprisonment. Furthermore, the Sedition Act 1948 was amended in 2015 to include in the definition of “seditious tendency” a tendency “to promote feelings of ill will, hostility or hatred between persons or groups of persons on the ground of religion.” Under the Act, a person may be liable to a term of imprisonment of between three and seven years where he or she does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act which has or which would, if done, have a seditious tendency, or utters any seditious words, or prints, publishes or causes to be published, sells, offers for sale, distributes or reproduces any seditious publication; or propagates any seditious publication.⁵¹ In addition, federal and state laws that set out Syariah (Sharī‘ah) criminal offenses (applicable only to Muslims) contain provisions related to, among others, wrongful worship; teaching false doctrines; propagating religious beliefs and doctrines other than those of Islam among persons professing the Islamic faith; claiming that a person is a prophet or knows of unnatural happenings; insulting or bringing into contempt the religion of Islam; and deriding, insulting, ridiculing or bringing into contempt verses of the Quran.⁵²

Article 1 of Azerbaijan’s Law on Freedom of Religious Beliefs states that conducting religious propaganda by foreigners and persons without

citizenship shall be prohibited. Amendments added in 2015 to article 168 of the Criminal Code provide for imprisonment of up to one year or a fine of two to five thousand Manats for any citizen who, after receiving religious training abroad, conducts any Islamic ritual. Newly introduced article 168-1.2 of the Criminal Code punishes foreigners and stateless persons with a two-year term of imprisonment for distributing religious propaganda.⁵³

Under Kazakhstani law, deliberate actions aimed at insulting the religious feelings of others, disseminating propaganda of exclusivity, or creating superiority or inferiority of citizens according to their attitude towards religion, if committed publicly, through the media, or through telecommunications networks, is a crime punishable by restriction of freedom or imprisonment for a period of two to seven years.⁵⁴ There is same monetary penalty applied to those who insult the religious feelings of others or desecrate religious items, buildings, and places venerated by followers of a religion.⁵⁵

A monetary penalty can be imposed on individuals in Tajikistan who insult the religious feelings of others or desecrate items, signs, and symbols of worship. Separate fines are possible for religious activities performed by foreign individuals or organizations without registration, preaching in educational institutions and residences, the dissemination of religious materials without a positive conclusion from the state's theological examination, and establishing international relations between religious communities or organizations without the approval of the government.⁵⁶

Turkey does not have a separate law on blasphemy. The Criminal Code, article 216, has been applied to punish people for offenses related to "provoking people to be rancorous and hostile," including the offense of showing public disrespect for religious beliefs. According to article 216(3), any person who openly disrespects the religious belief of a group is punished with imprisonment from six months to one year if such act causes potential risk for public peace. The provisions are still being enforced. Article 125 of the Code penalizes insulting a person's declaration, dissemination, or practice of religious beliefs, or insulting "subject matter . . . deemed sacred to the religion" to which the person belongs.⁵⁷

Algerian law criminalizes any behavior, whether through writings, drawings, statements, or any other means, which insults the prophet of Islam or the other prophets or ridicules any Islamic religious rites. The 102-*The Islamic Quarterly: Vol 66, No.1*

penalty for such behavior is between three and five years of imprisonment, or a fine between 50,000 and 100,000 Algerian dinar, or both.⁵⁸

Article 309 of the Bahrain Penal Code of 1976 penalizes individuals who insult any religious sect with a term of imprisonment not exceeding one year or a fine not exceeding one hundred Bahraini dinars. Article 310 also punishes any person who prints or publishes a holy book for members of a recognized religion but deliberately alters the text in a manner intended to change the meaning of the book or ridicule its teachings and principles. Likewise, it sanctions any person who publicly insults a symbol or a person that is glorified or considered sacred by members of a particular sect. Finally, it prohibits any person from imitating in public a religious ritual or ceremony with the intention of ridiculing it.

Article 98(f) of Egypt's Penal Code, as amended by Law 147/2006, states that "whoever makes use of religion in propagating, either by words, in writing, or by any other means, extreme ideas for the purpose of inciting strife, ridiculing or insulting a heavenly religion or a sect following it, or damaging national unity" is punishable with six months to five years of imprisonment and/or a fine of five hundred to one thousand Egyptian pounds.

Iran is one of the Islamic countries with strict punishments for the crime of blasphemy. Chapter two of book five of the Penal Code of Iran is on "insulting sacred religious values and criminal attempt on national authorities." It comprises three articles, two of which relate to the crime of blasphemy. Article 513 states, anyone who insults the sacred values of Islam or any of the Great Prophets or [twelve] Shi'ite Imams or the Holy Fatima, if considered as *Sabb ul-nabi* [as having committed actions warranting the *ḥadd* punishment for insulting the Prophet], shall be executed; otherwise, they shall be sentenced to one to five years' imprisonment. In addition, there is a crime of "swearing at the Prophet" (*Sabb-e nabi*) under article 262 of the Penal Code: "anyone who swears at or commits *qadhf* against the Great Prophet [of Islam] . . . or any of the Great Prophets, shall be considered as *Sāb ul-nabi* [a person who swears at the Prophet], and shall be sentenced to the death penalty." A note on the article states that swearing at the [twelve] Shi'ite Imams or the Holy Fatima will be considered *Sab-e nabi*. However, under article 263, if the accused claims that the statements were made under coercion or by mistake, in a state of drunkenness, in anger or by a slip of the tongue, by failing to pay attention to the meaning of one's words, or in quoting someone else,

then the accused will not be considered a person who swears at the Prophet. Another interesting aspect of Iranian law for blasphemy is article 514, which states, “anyone who, by any means, insults Imam Khomeini, the founder of the Islamic Republic, and/or the Supreme Leader shall be sentenced to six months to two years’ imprisonment.” This article combines the elements of religious and political blasphemy at the same time.

Jordan explicitly criminalizes blasphemy. Article 273 of Jordan’s Penal Code of 1960 punishes with a term of imprisonment of one to three years any individual who insults the Prophet Muhammad. In addition, article 278 provides that anyone who publishes anything, whether it be printed, a manuscript, a picture, a drawing, or a symbol, that results in offending religious feelings or beliefs is punishable by a term of imprisonment not exceeding three months or a fine not exceeding twenty dinars.⁵⁹

Kuwait has laws that have been used to punish individuals accused of blasphemy. Law 19 of 2012 on National Unity amended article 111 of the Penal Code to criminalize and impose harsher penalties for any publications or broadcasts, including via social media that could be considered offensive to religious sects or groups. The law punishes such crimes with a fine ranging from US\$36,000 to \$720,000 and a maximum of seven years in prison.⁶⁰

Lebanese law criminalizes publicly cursing the name of God. The penalty for this offense is between one month and one year of imprisonment. In addition, anyone who publicly acts in contempt of the rites of any religion or encourages such acts is punishable by six months’ to three years’ imprisonment.⁶¹

Libyan law criminalizes acts that publicly offend any of the religions that perform their rites in the open by imposing on the actor a penalty of up to one year imprisonment or a fine of up to 50 Libyan dinars. Such acts include the reenactment of a religious celebration or rite for the purpose of mockery or entertainment. Offenses against the Islamic religion and verbal statements not befitting the Divine Being, the Messenger of Islam, or the prophets are punished by up to two years’ imprisonment.⁶²

In 2016, Morocco enacted a law which expressly declared a crime to offend the religion of Islam.⁶³ In addition, under Moroccan law anyone who entices a Muslim to abandon his Islamic belief or follow another

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religion by exploiting his weakness or need for assistance, or through the use of educational, health, or other institutions, is subject to a penalty of six months to three years' imprisonment and a fine of 200 to 500 Moroccan dirhams. The same penalties apply to anyone who intentionally interferes with religious rites or celebrations where this causes disturbances or affects the dignity of such religious acts.⁶⁴

Article 209 of Oman's Penal Code makes punishable with a term of imprisonment of between ten days and three years, or a fine of five to five hundred Omani Riyals, if any individual publicly blasphemes God or the Prophet Muhammad or commits an affront to religions and faiths through the spoken or written word or breaches the peace of a lawful religious gathering.⁶⁵

Article 256 of Qatar's Law No. 11 of 2004 incorporates punishment against individuals who are considered as being in contempt of God or Islam. It provides with a punishment of imprisonment for a term not exceeding seven years for Insulting Allah through writing, drawing, gesturing or in any other way or through any other means, or offending, misinterpreting or violating the Holy Quran, or offending the Islamic religion or any of its rites and dictates, or cursing any of the divine religions according to the regulations of Islamic law, or insulting any of the prophets through writing, drawing, gesturing or in any other way or through any other means, or sabotaging, breaking, damaging or violating sites or their contents if they are made to perform religious rites for one of the divine religions according to the regulations of Islamic law. Qatar also criminalizes proselytizing. Under article 257 of Law No. 11 of 2004, any individual who establishes an organization to proselytize may be punished with a term of imprisonment of up to seven years.⁶⁶

Under Sudanese law anyone who in any manner curses or insults in public any of the religions, their rituals, beliefs, or sacred sites, or incites a feeling of belittling their followers, is subject to a penalty of up to six months' imprisonment, a fine, or up to forty lashes. The law also criminalizes apostasy.⁶⁷

The Tunisian Constitution assigns to the state the obligation of protecting and preventing violations of the sacred.⁶⁸ Article 121(3) of the Penal Code makes it an offense to "distribute, offer for sale, publicly display, or possess, with the intent to distribute, sell, display for the purpose of propaganda, tracts, bulletins, and fliers, whether of foreign origin or not,

that are liable to cause harm to the public order or public morals.” Offenders are punishable with imprisonment for six months to five years and a fine of between 120 and 1,200 dinars, and the offending materials are immediately confiscated. Furthermore, article 226(2) states that individuals who openly violate good morals and public decency through gestures, speech, or trouble others in an obscene way shall be punished by a period of imprisonment of six months and a fine of 1,000 dinars. In addition, the 2011 Press Law provides that anyone who intentionally and publicly undermines any of the authorized religious rites through writings, statements, or other means of communications shall be punished by a fine of 1,000 to 2,000 Tunisian dinars. It also provides that anyone “calling for hatred between the races, religions, or members of the population by inciting to discrimination, using hostile means or violence, or publishing ideas based on racial discrimination shall be punished by a period of imprisonment between one and three years and a fine between 1,000 and 2,000 dinars.”⁶⁹

Articles 312, 315, and 319 of the Penal Code of the United Arab Emirates (UAE) criminalize the act of religious blasphemy. Article 312 provides that an individual who insults the rituals or practices of Islam, the divine, and the recognized religions must be punished by imprisonment, a fine, or both. Article 315 stipulates those individuals insulting the rituals and practices of other religions must be punished by imprisonment, a fine, or both if those rituals and practices are protected by Islamic law. Finally, article 319 states that individuals who resist or defame the foundations or teachings of the Islamic religion or its essential doctrines, vilify Islam, preach religions other than Islam, or call for a different doctrine or thought are to be punished by a period of imprisonment not exceeding five years.⁷⁰ In July 2015, the UAE issued Law No. 2 of 2015 on banning the act of insulting religion and religious figures. Article 4 of the Law prohibits any act that would be considered as insulting the Divine, or one of his prophets or their wives or companions. It penalizes individuals committing those acts with a period of imprisonment of no less than seven years and a fine of between five hundred thousand Dirhams and one million Dirhams.⁷¹

Articles 194(1) and 195 of the Penal Code of Yemen sanction the act of blasphemy. Article 194 provides that “whoever publicly broadcasts (i.e., communicates) views including ridicule and contempt of religion, in its beliefs, practices, or teachings” is “punishable by imprisonment not exceeding three years, and a fine.” Article 195 also states that the punishment for this offense must be imprisonment not exceeding five years

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or a fine if Islam is the religion or doctrine that is the subject of ridicule, contempt, or belittlement.⁷²

In Afghanistan, the Hanafi interpretation of Islamic law is predominant, those who make blasphemous statements are considered apostates. Blasphemy as apostasy is seen as a *hadd* crime, a class of crimes that stipulates fixed punishments. Since non-Muslims cannot be apostates, blasphemy is punished through *ta'zīr*, a discretionary punishment. Article 1 of the 1976 Afghan Penal Code states that hudud crimes must be punished in accordance with provisions of uncodified Islamic religious law as applied by Hanafi religious jurisprudence. Similarly, article 130 of the Afghan Constitution states that while processing a case, courts must apply provisions of Hanafi jurisprudence if there is no provision in the Constitution or other laws regarding a specific case. Death Penalty is prescribed in Hanafi jurisprudence, for the crime of apostasy. A person charged with apostasy can avoid prosecution and/or punishment if he or she renounces.

Pakistan's blasphemy laws as enacted by the British were religion neutral. However, additional provisions in Pakistan's Penal Code were added in the 1980s to protect against insults to the religion of Islam, including defiling or desecrating the Holy Quran and using derogatory remarks about Muslim holy personages. These changes also included the addition of section 295-C, made pursuant to Criminal Law (Amendment) Act, 1986, which criminalized insults to the Prophet Muhammad. Section 295-A prohibits deliberate and malicious acts intended to outrage the religious feelings of any class of persons by insulting its religion or religious beliefs and makes such conduct punishable by up to ten years of imprisonment, a fine, or both. Section 295-B punishes willful defiling, desecration, or damaging of the Holy Quran with imprisonment for life. Section 295-C is particularly controversial. It states that whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.⁷³

Sub-Saharan African countries like Comoros, prohibits proselytizing against Islam. Any person who shows, spreads, or teaches to Muslims information about a religion other than Islam may incur up to three months of jail time and a fine of between 50,000 and 500,000 Comorian francs.⁷⁴ The Mauritanian Penal Code provides that any person who commits a

public offense to decency and to Islamic morals, if this action is not included in the crimes [which are subject to financial compensation to the victim or to retaliation in kind], shall be punished by between three months and two years of imprisonment, and by a fine of between 5,000 and 60,000. It appears that blasphemy could also fall under the crime of apostasy, which is punishable by death, unless the person repents within three days.⁷⁵ The Gambia criminalizes insults to religion of any class and uttering words with intent to wound religious feelings.⁷⁶ Somalia's 1962 Penal Code criminalizes blasphemy. It states that whoever publicly blasphemes, with invectives or insulting words, the Deity or the symbols or the person venerated in the religion of the State, shall be punished with fine. The Code also states that the contempt of religion of Islam shall be punished with imprisonment up to two years. The Code further states that whoever publicly insults the religion of Islam by bringing into contempt persons professing it or places or objects dedicated to worship shall be liable to the same punishment.⁷⁷ The 2012 Provisional Federal Constitution of Somalia makes Islam the state religion and bans the promotion of any religion other than Islam, stating "no religion other than Islam can be propagated in the Federal Republic of Somalia."⁷⁸

Laws related to Blasphemy in Non-Muslim Countries

In Japan, the profaning places of worship and interference with religious service are prohibited in Japan. Someone, who in public profanes a shrine, temple, cemetery, or any other place of worship shall be punished by imprisonment with or without work for not more than 6 months or a fine of not more than 100,000 yen, or if a person interferes with a sermon, worship or a funeral service shall be punished by imprisonment with or without work for not more than 1 year or a fine of not more than 100,000 yen.⁷⁹

According to Myanmar's Penal Code states that anyone who, by spoken or written words or visible representations, insults or attempts to insult the religion or the religious beliefs of persons with the deliberate and malicious intent of outraging the religious feelings of such persons shall be punished with imprisonment and/or a fine. The Code further states that anyone, "with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment" and/or a fine.⁸⁰

In New Zealand, the offense of “blasphemous libel,” is punished with an imprisonment for a term not exceeding 1 year who publishes any blasphemous libel. It shall not be considered an offence against this section to express in good faith and in decent language, or to attempt to establish by arguments used in good faith and conveyed in decent language, any opinion whatever on any religious subject.⁸¹ The interesting fact is that in more than 120 years since the introduction of the New Zealand law of Blasphemous Libel in 1893, only one charge has reached the courts. This occurred in 1922 under the Crimes Act 1908, with the accused found not guilty of the charge.

Article 133 of the Revised Penal Code of the Philippines provides that “anyone who, in a place devoted to religious worship or during the celebration of any religious ceremony shall perform acts notoriously offensive to the feelings of the faithful” may be punished with imprisonment.⁸²

Chapter XV of the Singapore Penal Code (Cap 224) contains offenses relating to religion and race.⁸³ Under this chapter, section 295 provides that injuring or defiling a place of worship with intent to insult the religion of any class is punishable by up to five years of imprisonment, a fine, or both. Section 296 provides that disturbing a religious assembly is punishable by up to three years of imprisonment, a fine, or both. Section 297 provides that trespassing on burial places, etc. to wound the feeling of others or insult the religion of others is punishable by up to three years of imprisonment, a fine, or both. According to section 298, uttering words, etc., with deliberate intent to wound the religious or racial feelings of any person is punishable by up to three years of imprisonment, a fine, or both. Section 298 provides with a punishment for a term which may extend to three years for deliberately and intentionally wounding the religious or racial feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, or causes any matter however represented to be seen or heard by that person, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both. Section 298A further provides that promoting enmity between diverse groups on grounds of religion or race and engaging in acts prejudicial to the maintenance of harmony is punishable by up to three years of imprisonment, a fine, or both. In addition, the Maintenance of Religious Harmony Act (Cap 167A), passed in 1990, empowers the Singaporean government to restrain religious groups. Breaching such a

restraining order is punishable by a fine of up to SGD 10,000 up to two years of imprisonment, or both. A second offense is punishable by a fine of up to approximately US\$20,000, up to three years of imprisonment, or both. Furthermore, the Sedition Act (Cap 290) provides that it is seditious to “promote feelings of ill will and hostility between different races or classes of the population of Singapore.” This offense, which includes uttering seditious words, is punishable by a fine of up to SGD 5,000, up to three years of imprisonment, or both for a first offense, and up to five years of imprisonment for a subsequent offense. Under the Undesirable Publications Act (Cap 338), a publication is objectionable if it describes, depicts, expresses, or otherwise deals with matters of race or religion “in such a manner that the availability of the publication is likely to cause feelings of enmity, hatred, ill-will or hostility between different racial or religious groups.” Offenses involving objectionable publications is punishable by a fine of up to SGD 5,000, up to twelve months of imprisonment, or both.

In Thailand, the 1962 Sangha Act [last amended in 2007] specifically prohibits the defamation or insult of Buddhism and the Buddhist clergy. Violators of the law can face up to one year’s imprisonment or fines of up to 20,000 baht. The 2015 report contained a similar statement but did not mention the name of the law. The Criminal Code also contains sections setting forth offenses relating to religion.⁸⁴ Section 206 prohibits insulting acts directed at the object or place of religious worship of any group of persons. Section 207 prohibits disturbing the worship of a religious group or a religious ceremony. Section 208 prohibits dressing like or using a symbol manifesting oneself to be a Buddhist monk or novice, holy man, or clergyman of any religion. Violators of these sections may be imprisoned and/or fined.

Section 188 of the Austrian Criminal Code provides that anyone who publicly disparages or mocks a person or a thing that is the object of worship of a domestic church or domestic religious society, or a religious doctrine, a legally admissible custom, or a legally admissible institution of such a church or religious society, in a manner that is capable of causing legitimate offense, shall be liable to imprisonment not exceeding six months or a fine of up to 360 daily units.

Blasphemy is criminalized in Denmark. Article 140 of the Danish Penal Code states that any person who, in public, ridicules or insults the dogmas or worship of any lawfully existing religious community in this country

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shall be liable to a fine or to imprisonment not exceeding four months.⁸⁵ Only the Danish Rigsadvokat (National Prosecutor) can initiate a prosecution under the blasphemy provision. Recent examples of when the National Prosecutor decided not to prosecute for blasphemy include the case of the Danish newspaper *Jyllandsposten* over the caricatures of the Prophet Muhammad it published in 2005.

Blasphemy is criminalized in Finland through a “crime against the sanctity of religion” provision in the Finnish Penal Code, which provides with publicly blasphemes against God or, for the purpose of offending, publicly defames or desecrates what is otherwise held to be sacred by a church or religious community, as referred to in the Freedom of Religion Act (267/1998), or by making noise, acting threateningly or otherwise, disturbs worship, ecclesiastical proceedings, other similar religious proceedings or a funeral, shall be sentenced for a crime against the sanctity of religion to a monetary fine or to imprisonment not exceeding six months.⁸⁶

Section 166 of the German Criminal Code provides that anyone who publicly or through dissemination of written materials defames the religion or ideology of others in a manner that can disturb the public peace, shall be liable to imprisonment not exceeding three years or a fine.⁸⁷ The provision only criminalizes behavior that can disturb the public peace, not a general defamation of God or hurt religious feelings of believers. The criminal law provision is still enforced. In general, an average of fifteen people per year are convicted of defamation of religion.

In Greece, the Greek Penal Code states that who publicly and maliciously and by any means blasphemes God shall be punished by imprisonment for not more than two years, up to three months imprisonment for who by blasphemy publicly manifests a lack of respect for the divinity, and one who publicly and maliciously and by any means blasphemes the Greek Orthodox Church or any other religion permitted in Greece shall be punished by imprisonment for not more than two years.⁸⁸

Article 40.6.1.i. of the Irish Constitution provides that the publication or utterance of blasphemous, seditious, or indecent matter is an offence which shall be punishable in accordance with law. This provision is quite vague in nature. Later, to clarify the laws on blasphemy and define the acts that constitute blasphemy, section 36 was inserted into the Defamation Act of 2009 and provides that publishing or uttering blasphemous materials is a criminal offense punishable with a fine of up to €25,000. The constitutional

offense of blasphemy as arising when a person publishes or utters blasphemous matter, if he or she publishes or utters matter that is grossly abusive or insulting in relation to matters held sacred by any religion, thereby causing outrage among a substantial number of the adherents of that religion, and he or she intends, by the publication or utterance of the matter concerned, to cause such outrage.⁸⁹

The Italian Criminal Code previously contained a provision on “Blasphemy and Outrageous Demonstrations against the Deceased,” which states that whoever publicly blasphemes, with invectives or outrageous words, against the divinity or symbols or persons venerated by the religion of the State is punished with a monetary administrative penalty of €51 to 309.⁹⁰ Referring to the scope of article 724 of the Criminal Code, the Italian Supreme Court held in 1992 that it was “absurd and out of place to extend the application of blasphemy to the manifestation of thoughts and to the constitutionally-guaranteed freedom of such manifestation.” What article 724 really punishes, the Supreme Court said, “is not the manifestation of a thought but a public manifestation of a vulgarity,” and consequently “the right to a free manifestation of thoughts finds its own limit in the prohibition of manifestations contrary to good customs.” Later, in 1995, the Italian Constitutional Court declared unconstitutional and eliminated the phrase “or symbols or persons venerated by the religion of the State” from article 724 of the Criminal Code. Consequently, the current provision on blasphemy in the Italian Criminal Code says whoever publicly blasphemes with invectives or outrageous words against the divinity is punished with a monetary administrative penalty of €51 to 309. Under article 196 of Poland’s Criminal Code, offending a person’s religious feelings through public defamation of an object or place of worship is a crime punishable by restriction of liberty or imprisonment for a term of up to two years.⁹¹

In 2013, the Criminal Code of the Russian Federation was amended with provisions criminalizing activities aimed at insulting the religious feelings of believers.⁹² Article 148 of the Criminal Code provides for a fine or up to one year of imprisonment or forced labor for “actions demonstrating disrespect to the society if performed with the purpose of insulting religious feelings of believers.” The amount of the fine and the term of imprisonment are significantly increased if these actions were performed in places designated for religious services and ceremonies. These “blasphemy amendments” were added to the Code because of the legal vacuum discovered during the trial of three members of the Pussy Riot music band
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who conducted a protest performance at a cathedral in Moscow and were sentenced to two years of imprisonment for hooliganism. Since 2013, only a few cases have been prosecuted under article 148 of the Criminal Code; the harshest sentence was two hundred hours of public service for arguing the divinity of the Bible in an online social network discussion. Most blasphemy-related cases are prosecuted under article 282 of the Criminal Code, which bans “actions aimed at inciting hatred [or] enmity or diminishing the dignity of a person or a group of people because of their religion, [that are] conducted publicly, or using mass media, or the Internet.” These actions can be prosecuted by varied fines, compulsory labor, bans on specific professional activities, or imprisonment for a term of two to five years. The intentional public desecration of religious literature, materials used in religious services, religious symbols, and objects of religious significance is a misdemeanor punishable by a fine of up to 200,000 rubles. In July 2016, a new misdemeanor was added to the Code of Administrative Violations; fines, seizure of property, and deportation (if the violation was conducted by a foreigner or stateless person) are prescribed for the distribution of religious literature and other materials without the proper seal of approval and in violation of the rules concerning the performance of missionary work. The amount of such fines is up to one million rubles. A full set of rules regulating missionary activities in Russia, the types of materials that can be used by missionaries, and the admission of missionaries to the country was passed by the legislature in July 2016.⁹³

Spain’s Penal Code provides that anyone who, with the intention of offending the feelings of members of a religious creed, publicizes in writing or through any other type of document derisive remarks related to the religion’s dogmas, faith, rituals, or ceremonies may be subject to a fine consisting of a daily “quota” established by law for a period of eight to twelve months. The same sanction applies to persons who publicly harass those who profess or practice such religion or those who do not profess any creed or religion.⁹⁴

In Switzerland, the Swiss Criminal Code provides that any person who publicly and maliciously insults or mocks the religious convictions of others, and in particularly their belief in God, or maliciously desecrates objects of religious veneration, any person who maliciously prevents, disrupts or publicly mocks an act of worship, the conduct of which is guaranteed by the Constitution, or any person who maliciously desecrates a place or object that is intended for a religious ceremony or an act of

worship the conduct of which is guaranteed by the Constitution, is liable to a monetary penalty not exceeding 180 daily penalty units.⁹⁵

The Ukrainian Criminal Code includes a provision stating that “insulting the feelings of others in connection with their religious convictions” is a criminal offense punishable by a fine in the amount of two hundred to five hundred base units or a restriction of freedom of up to five years. A separate article provides for a fine in the amount of up to two hundred base units, community service for up to 240 hours, and detention for up to six months, or deprivation of freedom for up to three years for the illegal retention, desecration, or destruction of religious sanctities.⁹⁶

The offence of blasphemy is also provided under different statutory provisions of Latin American and Caribbean countries. In Antigua and Barbuda, section 9 of the Small Charges Act of 1982 provides that it is an offense to use blasphemous language in a public place, or in any place that would cause annoyance to the public. The crime is punishable with a fine of up to five hundred Eastern Caribbean dollars and/or imprisonment for up to one month. In Brazil, the article 208 of the Brazilian Penal Code punishes with detention of one month to one year or a fine a person who mocks someone publicly for reasons of his/her belief or religious role, prevents or disturbs a religious ceremony or practice, or publicly vilifies an act or object of religious worship. If the conduct involves the use of violence, the punishment is increased by one-third, without prejudice to the punishment corresponding to the act of violence itself. In Guyana, the criminal law provides with the offence of blasphemous libel, who publishes any blasphemous libel shall be guilty of a misdemeanor and liable to imprisonment for one year. It shall be a question of fact whether any particular published matter is not a blasphemous libel: Provided that no person shall be liable to be convicted on any blasphemous libel only for expressing in good faith and in decent language, or attempting to establish by arguments used in good faith and conveyed in decent language, any opinion whatever upon any religious subject.⁹⁷ In Jamaica, Jamaica’s Libel and Slander Act, 1851, as amended, provides with the punishment and prohibition of blasphemous libel. In Saint Lucia, blasphemous libel is a criminal matter as well.⁹⁸ Under the Trinidad and Tobago Criminal Offences Act 1844, as amended, any person who is convicted of any act or an attempt to commit “blasphemy, writing and publishing, or printing and publishing, any blasphemous libel . . . is liable to a fine and to imprisonment for two years.”⁹⁹

The infliction of “injury to religious sentiments” constitutes a criminal offense in Israel and is punishable by one year of imprisonment. Indictments under this offense, however, are extremely rare. Yet under limited circumstances the potential for harming religious feelings may also constitute a ground for prohibiting the screening of movies or the distribution of publications. Section 173 of the Penal Law 5737-1977 provides that if a person does any of the following, then he is liable to one year imprisonment if he publishes a publication that is liable crudely to offend the religious faith or sentiment of others, or he voices in a public place and in the hearing of another person any word or sound that is liable crudely to offend the religious faith or sentiment of others.¹⁰⁰

According to Canada’s Criminal Code, publishing blasphemous libel is an indictable offense for which the penalty is a prison sentence of no more than two years. Section 296 of the Code does not define the term “blasphemous libel”; it simply states that the existence of blasphemous libel in a publication is a question of fact. However, it does state that no person shall be convicted of an offence under this section for expressing in good faith and in decent language or attempting to establish by argument used in good faith and conveyed in decent language, an opinion on a religious subject.¹⁰¹

Many of the countries that came out of British colonial rule, including India, inherited their substantive criminal law, including certain blasphemy provisions, from the British colonial government through the Indian Penal Code, 1860. The Indian Penal Code have a provision that is a variant of blasphemy law, section 295A of Chapter XV of the Code, “Offences Relating to Religion,” which states that if someone with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both. Provisions also exist for “uttering, words, etc., with deliberate intent to wound the religious feelings of any person,” or “injuring or defiling a place of worship with intent to insult the religion of any class.”¹⁰² Section 153A of the Indian Penal Code prohibits words or representations that promote “enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.”

In African countries like Ethiopia,¹⁰³ Kenya,¹⁰⁴ Malawi¹⁰⁵ and Zanzibar¹⁰⁶ recognize and criminalize insults to religion of any class and acts of writing or uttering words with intent to wound religious feelings. The express word of blasphemous is only used in Ethiopian Penal Code, but rest of the countries though not using the word blasphemous expressly, recognize the crime of wounding religious feelings and insulting of any religion. Zimbabwe criminalizes participation in gatherings intended to promote public violence, breach of peace, or bigotry. Under the country's law, anyone acting together with one or more other persons present with him or her in any place or at any meeting utters any words or distributes or displays any writing, sign or other visible representation with the intention to engender, promote or expose to hatred, contempt or ridicule any group, section or class of persons in Zimbabwe solely on account of the race, tribe, nationality, place of origin, national or ethnic origin, colour, religion or gender of such group, section or class of persons, or realising that there is a risk or possibility that such behaviour might have such an effect shall be guilty of participating in a gathering with intent to promote public violence, a breach of the peace or bigotry, as the case may be, and be liable to a fine not exceeding level ten or imprisonment for a period not exceeding five years or both. It also criminalizes causing offense to persons of a particular religion, anyone who publicly makes any insulting or otherwise grossly provocative statement that causes offence to persons of a particular race, tribe, place of origin, colour, creed or religion, intending to cause such offence or realizing there is a real risk or possibility of doing so, shall be guilty of causing offence to persons of a particular race, tribe, place of origin, colour, creed or religion, as the case may be, and liable to a fine not exceeding level six or imprisonment for a period not exceeding one year or both.¹⁰⁷

Conclusions

The concept of blasphemy is present in all the Abrahamic religions. Traditionally the teachings of Judaism and Christianity have prescribed the punishment of death for someone who commits the act of blasphemy. Islam is the newest and last of Abrahamic religions and it suggests the same death penalty for a blasphemer. After the emergence of Nation State, the criminalization of an act and its punishment is subject to penal laws of a country. There are only a few countries where blasphemy is an offence punishable with death penalty. The Islamic countries like Pakistan, Saudi Arab, Iran, and Afghanistan provide with death penalty for the act of

blasphemy. Just taking the example of Pakistan where there are many cases of blasphemy registered every year and not a single execution yet because the accused were exonerated by the courts of law because of lack of evidence, or the case proved to be false and based on some ulterior motives. The aim of this paper is to describe the concept of blasphemy in Abrahamic religions and especially in Islam. The executive authorities in Islamic countries register a case of blasphemy expeditiously, mostly to avoid the rage and anger of public. But not every instance can be considered an act of blasphemy and punished in the same manner. The act of blasphemy is an established offence according to the direct Islamic teachings of the Holy Quran and *Hadith*. Moreover, it has been explained at length by the Muslim Jurists. The eminent Muslim Jurists have described the limits and boundaries of blasphemy. These limits and boundaries should be considered well while registering a case of blasphemy. It is important because even if an innocent is exonerated by a competent court of law after a lengthy trial, he/she still had lost many precious years of life behind the bars and in fear of facing anger of public not by themselves but for their families and communities as well. Finally, it is important to keep in mind that not every instance of religious disagreement is blasphemy. The act of blasphemy is related to the personality of Holy Prophet Muhammad. Any disagreement or difference of opinion regarding the explanation of Islamic teachings cannot be and should not be considered an act of blasphemy unless it is disrespectful to Prophet Muhammad.

The legislations and enacted laws regarding blasphemy varies from country to country around the globe. The comparison of these legislations can be made on some basic grounds. It is important to remember that all Muslim majority countries do not have the same attitude towards the act of blasphemy. Some countries treat it more seriously than others. Similarly, the non-Muslim majority countries also have different attitudes towards the issue of blasphemy. In some countries, blasphemy laws, especially religious blasphemy laws do not exist at all. In some countries they do exist but never applied or needed to be applied. So, the comparison of different legislations around the world can be made on some basic categories, first the comparison of differences and similarities between legislations of different Muslim majority countries, secondly the comparison of differences and similarities between non-Muslim majority countries, and finally a comparison of differences and similarities between Muslim and non-Muslim majority countries.

The legislations regarding blasphemy and applicability in Muslim majority countries varies from country to country. There are some Muslim majority countries which are Islamic States according to their constitution. These countries apply strict Islamic rules and regulations. Some countries like Iran, Sudan, Saudi Arabia, Yemen, Afghanistan, Oman, and Mauritania expressly declare Islam as the basic ideological foundation of their nation state. Then there are some Muslim majority countries where Islam is endorsed as state religion. Algeria, Bahrain, Bangladesh, Brunei, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Libya, Maldives, Malaysia, Morocco, Pakistan, Palestine, Qatar, Sahrawi Republic, Somalia, Tunisia, and United Arab Emirates are the nation states which endorse Islam as their state religion. Indonesia, being the largest Muslim country by population has no such declaration. Rest of the Muslim majority countries like Turkey, Albania, the newly found Muslim majority countries after the fall of USSR, Some African Muslim majority countries and Lebanon from Arab world are secular in nature according to their respective constitutions. The applicability and nature of statutory laws regarding blasphemy are also in this manner. The countries secular in nature criminalize the act of blasphemy but they do not specify and attach it with the religion of Islam. There is no specific mentioning of Islam or any other religion. The generalized clauses are applicable on the blasphemy or in lighter words the disrespect of beliefs of any person. Any activity which is hurting the feelings of members of any religious community or disrespecting any religion is a crime. The punishments are also not very severe in nature. There are mostly monitory punishments and simple imprisonments. The maximum time of imprisonment is seven years in Kazakhstan. Rest of the countries have a punishment not exceeding one or two years or imprisonment. Proselytization of any religion is discouraged according to the secular nature of the countries. The act of apostasy is not considered a crime and people are free to choose, change or abandon any religion. Though countries like Azerbaijan and Tajikistan are Muslim majority countries but they discourage the preaching of any religion including Islam, and there are strict rules and regulations for the religious gatherings and ceremonies.

The other countries where either Islam is the fundamental and ideological basis of their very creation or Islam is the state religion have more strict laws regarding the act of religious blasphemy. One of the major differences among Muslim majority countries is regarding apostasy. Apostasy is treated differently in different countries. The apostate is not a criminal and apostasy is not a crime in secular Muslim majority countries. They see it

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more of an individual matter related to freedom of consciousness and freedom of religion. But in many other countries, where Islamic teachings are a part of legal system, changing religion from Islam, leaving Islam, or converting to any other religion is a crime. Either apostasy is defined as a separate crime, or it comes under the ambit of blasphemy. The logical reasoning behind considering an apostate a blasphemer is that he is ridiculing and insulting the religion of Islam by leaving it for some other set of beliefs. In countries like Brunei and Afghanistan apostasy is expressly declared as a form of blasphemy. In Saudi Arabia it is a crime related to blasphemy. In countries like Sudan and Pakistan apostasy is considered a crime as well. Majority of the Muslim countries discourage propagation of any other religion than Islam, in Qatar, Comoros and Somalia it is an expressly mentioned crime. The countries with Islamic constitutions deal in nature with the act of blasphemy seriously. They declare disrespect to any religion a crime and an act of blasphemy but special emphasize is always on Islam. Multicultural and multi religion countries like Indonesia and Malaysia, though consider many religions and recognize them as a part of social fabric of their societies but practically Islam is always prevailing because of majority.

Although all Islamic countries criminalize the act of disrespecting the religion or religious beliefs of anyone with special emphasize on Islam, but there are five Islamic countries which have death penalty either applicable or proposed, expressly or impliedly for the crime of blasphemy. In Pakistan and Iran, the maximum punishment of blasphemy is expressly mentioned and provided by the law as death penalty. Saudi Arabia considers the classical Islamic teachings as their law and provides with the same punishment. The Hanafi jurisprudence which is followed in Afghanistan also provides with the death penalty for an apostate and blasphemer. In Brunei, the implementation of death penalty for blasphemy is being considered, the authorities in Brunei are increasing the punishment for blasphemy gradually in different phases.

When we summarize the differences and similarities regarding blasphemy laws in Muslim majority countries, the major similarity is that all the Muslim majority countries, whether secular or Islamic in nature, have criminalized the act of disrespecting any religion. All the countries believe in respecting all the religions and to provide their followers a peaceful environment to coexist with Muslim majority. The countries Islamic in nature give more importance to Islam when it comes to applicability of these laws. The two major differences are scope of blasphemy under these

laws and the punishments provided under these laws. Some countries consider apostasy same as blasphemy while others not. The punishments also vary from simple imprisonment and fines to death penalties, expressly provided under statutes in countries like Iran and Pakistan. The scope of blasphemy also varies as in some countries the wives, the companions and family members of Holy Prophet Muhammad are considered sacred as well, especially in Pakistan and UAE. In Iran, the family of the Holy Prophet Muhammad is considered sacred but due to religious differences, the companions of Holy Prophet Muhammad are not as scared in Iran as in other Islamic countries. All the legislations in Muslim majority countries emphasize on respecting religious symbolism as well. The Islamic countries expressly mention the Holy Quran and its importance as a religious symbol of Islam. But overall, the Muslim majority countries have recognized derogation and insult of any religion as a crime and Islamic countries are more focused and specific about the sanctity of Islam.

The rest of the countries other than Muslim majority countries are mostly secular in nature. Although Christianity is the prevailing religion in Europe, South America, North America and some of the African countries, the act of religious blasphemy is not connected and related to Christianity only. The analysis of statutory laws suggests that the act of blasphemy is not expressly mentioned as blasphemy but as insult and expression of derogation towards any religion or religious group including the symbols attached to it. This is a very general approach. There are some countries which have no laws related to even religious insult as they believe in absolute freedom of speech and expression, at least to the extent of religious matters. The multicultural and religious societies believe in respect for every religion and its followers. These countries strictly apply the laws related to public peace and order. The laws related to religious insult and degradation are also to keep the public peace and order. For example, in Singapore, it is expressly mentioned that any act which may hurt the religious feelings of anyone and create a disorder in society is a crime. New Zealand, Guyana and Canada have a concept of blasphemous libel and it is considered a crime there. The other countries which have a criminal provision of offences against religion consider these offences general in nature and not related and specific to any religion or religious group.

All the countries which have declared offences against a religion as crimes, whether Muslim majority countries or otherwise have different approaches towards these crimes. The major difference is the nature of crime of

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blasphemy in both groups of countries. The crime of blasphemy or offence against religion is mostly general in nature in non-Muslim countries. Thailand may be one of the examples where this crime has a specific mentioning of Buddhism in it. Otherwise, the crime of blasphemy is general in nature. In Muslim majority countries, especially the countries which either have Islam as their ideological base or Islam as their state religion, though recognize a crime to insult or derogate any religion but their basic focus is on Islam. The laws in Islamic countries are detailed and specific. They properly define the scope and extent of blasphemy. The Islamic countries have well defined the scope and extent of these laws, like what can be considered blasphemy and what is not. The laws related to religious blasphemy in Islamic countries are well defined and mostly specific and aiming at the saving the sanctity of Islam. The other major difference is the scope of these laws. The secular Muslim majority countries and non-Muslim countries consider the crime of blasphemy against public peace and order. The rationale behind the offences against religion is that these kinds of acts may lead to flourish the feelings of hatred in the society and create some sort of public disorder. They can hurt the feelings of a specific religious group and their hostility can disturb the public peace in the society. On the other hand, in Islamic countries, the offence against any other religion may be a matter of public peace and order but any act of blasphemy against Islam is purely a matter of religious nature. It is also a fact that any act of blasphemy against Islam in Islamic countries can also cause disturbance in public peace and order but the rationale behind these laws is purely of religious nature. The scopes of these laws are more religious and less social in Islamic countries, but in other countries the scope is more of social nature and generalized, especially not a single religion specific. The punishments are also more severe in Islamic countries. The countries like Iran, Saudi Arabia and Pakistan have capital punishment for the offences of blasphemy. In Saudi Arabia it is implied in nature and in Pakistan and Iran it is expressly mentioned in the statutes. Often these countries are criticized for this harsh penalty. The punishments for the crime of blasphemy are not very harsh in other than Islamic countries, mostly it is simple imprisonment or fine or both. In Islamic countries the issue of blasphemy is taken more seriously and punishments for the crime are harsher in nature. The applicability of laws related to blasphemy is also more specific in Islamic countries. The crime of blasphemy is mostly specified to the blasphemy of Islam.

It is obvious that the crimes against religion are taken more seriously, and their application is strict in Islamic countries. Many other countries not

even recognize blasphemy as a crime but consider it merely a crime against religion. The Islamic countries have strict punishments, and they apply it accordingly. It is a matter of more of a social crime in non-Muslim majority countries and secular Muslim majority countries but the legislations in Islamic countries suggest that the nature of crime is religious here.

Note: It is author's opinion, but the author is of the view that if the practice of accusing people of blasphemy over the difference of opinion starts to prevail then it will bring nothing but more chaos in the Islamic societies.

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