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The Ambiguity of Blasphemy Laws: The Protection of Religions and the
Infringement of Human Rights Through the Analysis of Pakistan, Indonesia, and
Egypt.

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Abstract

The purpose of this thesis is to understand how the implementation of blasphemy laws violates human rights principles of free speech and religion, utilized in a manner that opposes its intended aim. Beginning with a discussion of blasphemy, the different kinds, its debate, the subsequent effects of its utilization, and the international human rights framework encompasses blasphemy, this paper will analyze the manner in which rights to freedom of speech and religion are violated in the cases of blasphemy laws that specifically protect religions. Through an analysis of the three countries of Pakistan, Indonesia, and Egypt, each country will be presented with two cases of blasphemy and an examination of the legal structure and following international framework, using the International Covenant on Civil and Political Rights. While also providing quantitative data, placing each country within a measured context providing studies and reports of the severity of global blasphemy laws, the thesis will then proceed to drawing its conclusions from the relevant case studies. Finally, it finds blasphemy legislation aimed to specifically protect religion, along with other contextual factors such as democracy level and religious homogeneity, result in cases of religious violence or protest, either silencing opposition or discriminating against religious minorities, and ultimately abuse international human rights framework and values of freedom of speech, expression, and religion.

Dedication

To my friends and my family. Thank you for putting up with me throughout this entire process. You know who you are.

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List of Abbreviations

CDHR	Cairo Declaration of Human Rights
ICCPR	International Covenant on Civil and Political Rights
OIC	Organization of Islamic Cooperation
UN	United Nations
UDHR	Universal Declaration of Human Rights

1. Introduction

The values of freedom of speech and freedom of religion are considered to be the cornerstone to democracy and democratic institutions. Individuals have freely divulged their thoughts, opinions, and feelings on a plethora of matter; from topics such as an opinion on a new restaurant, to their views on politics and religion. Most assume that a penalty to such a belief or judgement would be none to minimal, at best. However, what about the instances in which an individual uses their freedom of speech, to attack another's freedom of religion, creating a hostile environment to provoke hatred? What are considered to be the proper responses or consequences to using one right, in attempts to infringe upon another? This is where blasphemy laws reserve their introduction and become considered a possible answer to the dilemma. This thesis is here to determine whether or not that is the case.

Blasphemy is defined as the act of speaking offensively about things of a sacred nature, such as God or religion. Blasphemy laws have been debated globally in relation to the assumption that freedom of speech and freedom of religion are both basic and universal human rights. However, there remains this acknowledgement that "sacred" topics and the definition of blasphemy, vary from one religion to another, one national culture to another. The Universal Declaration of Human Rights, since its establishment in 1948, has raised fundamental inquiries on the universality of these rights to free speech, expression, and religion: are these values universal, or are they understood differently on the basis of culture and religion, therefore violating a culture's

right to self-determination? How blasphemy becomes utilized within these differing contexts, depends on these differing views.

While many democracies in the Western world appear to oppose certain infringements upon these, considered, 'unalienable rights', certain Muslim majority countries have expressed opposing understandings. When concerned with approaches to religious freedom, Muslim majority countries have proved to be more in favor of blasphemy laws, prompting ethical discourse between authoritative governmental figures. While the United States, for example, has demonstrated the common idea that freedom of speech, expression, and religion are absolute goods deserving of protection at all costs, this often may include hate speech that aims to blaspheme religion or vulnerable religious minorities. In certain European countries, as limits may be placed on hate speech that aims to demean an individual's dignity or encroach on another's rights, the right to freely express still remains fundamental across the board. Instead, as the world began to experience rising Islamophobia, Muslim majority countries showed favorable approval for restrictions on blasphemous speech, feeling that in certain cases, freedom of expression may begin to cross boundaries, ignoring public decency, order, and respect.

While freedom of speech may be qualified as a theoretical or philosophical good, its benefits must be measured against this potential for inciting real and often fatal religious violence. If this is the case, how can a governable society promise the liberty to free thought and expression as they have been established in the UN Declaration of Human Rights and subsequent framework, while simultaneously, provide protections to the overall general wellbeing of the community, ensuring that public order and morality remain safe?

The most interesting and difficult to resolve tension is between blasphemy laws that are constructed to protect the individual's honor and dignity, and blasphemy laws that are constructed

to protect religion - the sensibilities and sense of the sacred that are dear to the community as a whole. Though meant to create acceptance and understanding, these blasphemy laws that protect religion solely, found in specific countries within the Middle East and Asia-Pacific, have shown to result in instances of strangling and squelching freedom of speech, punishment ranging from imprisoning individuals to enabling religious violence or persecution, extrajudicial killings, and silencing oppositional voices. This ultimately, provides a source of direct conflict with human rights framework.

As free speech can so easily result in hate speech, the enforcement of blasphemy laws is assumed to provide an extra-legal foundation in attempts to protect against it. Instead, some instances demonstrate the opposite effect – blasphemy legislation leading to religious violence. Certain questions become crucial to our understanding of this contentious legal flaw. What is the relation between religious freedom and religious violence? While, in some form or other, blasphemy laws are utilized throughout the globe, why is it that blasphemy laws as seen specifically in Middle Eastern regimes result in human rights violations of religious violence or persecution, instead of protections for individuals, religions, and free speech? The discussion I would like to explore and elaborate, is understanding how blasphemy legislations result in human rights violations. What are the surrounding and differentiating effects that result in such impact; how is blasphemy legislation exploited to violate the international human rights legal structures and framework?

The structure of this thesis will begin by providing a discussion amongst the scholars in understanding the nature and practicality of blasphemy legislation. Beginning with a background of blasphemy – its history and how it has evolved – this will provide a clear idea of its progression into two different kinds of blasphemy laws: those that protect individuals and those that protect

religions. This section will continue to delve into the conversation, highlighting its varying interpretations and perspectives for legal implementation, which lead to differing outcomes for the usage of this legislation. The ending of this section will produce an outline of the international human rights legal framework that provides context for the case of blasphemy, and aim to protect the values of free speech, expression, and religion.

In order to understand further how blasphemy legislation has yielded instances of religious violence or intolerant society, an analysis of three exemplary countries – Pakistan, Indonesia, and Egypt – are provided in order to witness the cases of which blasphemy legislation results in the varying instances of religious violence, outlined by scholar Hicks (2015), below. This research is based upon quantitative data, presenting three reports that measure global blasphemy legislations. These reports each inspect the relationship between blasphemy legislation, and religious violence or international human rights framework violations, placing these three countries within a comparing rank. Then, presenting qualitative data of these three countries, each country will supply two blasphemy cases, an examination of the country's legal framework, and analyze the manner in which these blasphemous criminal codes and their implementation violate human rights structure. This thesis aims to examine the imperative human rights value of free speech and religion, and to what extent it may be constrained by blasphemy in order to protect religious feeling or human identity.

1. Literature Review

History of Blasphemy

In order to understand why the implementation of blasphemy laws ultimately results in varying outcomes, one must understand the concepts that create these disparities and how implementation differs between areas around the globe, specifically pertaining to Muslim majority countries and certain areas in Europe. The existence of blasphemy laws can date back to the beginning of civilization itself, used within the ancient Greek and Roman states, commonly told within stories of the Bible to protect deities (Holzaepfel, 2014). As Islam surfaced within the seventh century, these laws of blasphemy became used in order to protect the faith and community, as well as the Prophet (Holzaepfel, 2014). As such, blasphemy laws, in some form, have always existed throughout the West, though shifting focus and utilization as Christianity spread and evolved, for example, reaching the United States and broadening restrictions on blasphemy.

However, these forms of legislation have recently faced a revival from its long withstanding establishment, becoming, once again, increasingly ordinary in democratic countries in Europe, such as Italy, Poland, Greece, and Norway; Ireland, Finland, and Germany containing more active blasphemy legislation amongst their governmental framework (Holzaepfel, 2014). Yet, as the 1970s rolled around, while the global West started to become increasingly secularized, Muslim-majority countries in the Middle East began to further implement Sharia law as a manner of “Islamization” (in countries such as Pakistan), becoming a motive behind strengthened

blasphemy laws. As a result, as of recent, two distinctive forms of these blasphemy laws began to emerge: those that protect individuals, and those that protect religions (Holzaepfel, 2014).

Two Kinds of Blasphemy

These two distinctive forms of legislation have produced different results and different manners of governing. Blasphemy laws that aim to protect individuals are identified in the West, as they began to expand to include or become synonymous with crimes of insult and hate speech (Ferrari, 2015). In attempts to protect individuals' freedom of religious choice, free from insult and discrimination, the blasphemy laws that protect individuals have the intention of mainly protecting human dignity, prohibiting individuals from maliciously attacking or defaming not a religion, but an individual belonging to or practicing a religion (Holzaepfel, 2014). It values free speech yet asserts that the religious choices of individuals should be protected from hatred or violent opposition. It considers hate speech that violates such individual dignity and honor to be the breaking point of which free speech can no longer considered to be or used in a free manner. An example is witnessed under Ireland (newly effected in 2010) or Germany's penal codes, creating laws that ban malicious attacks or insults against religious adherents, as opposed to religions themselves.

Better viewed and understood under certain specific Islamic Nations, are blasphemy laws that protect religions. Safeguarding and placing specific preservation upon outlined and identified religions, this variation of blasphemy laws ensures that any defamation against such, is intolerable (Holzaepfel, 2014). While this precedent of protecting Islam was established at its beginnings, many countries began to implement Sharia more strictly within its legal codes upon the Islamic revival that occurred (as stated) in the late twentieth century. The distinction between these two

active forms of legislation, enacted in different provinces and regions across the globe, prove to result in varied forms of consequences, ranging from fines and imprisonment, to death. Under the circumstances and cases of such specific Islamic nations, such as Pakistan primarily, a factor mainly considered to be influencing the civil and criminal laws - their structure and implementation - is the incorporation of Sharia law (Holzaepfel, 2014). While this thesis will not cover the in-depth conversation and relationship between Islam and governance or democracy, the emphasis on the state religion and religious codes of conduct within the penal code, demonstrate a large influence in the specific kind of blasphemy legislation utilized - one that protects religions, the state religion of Islam. Certainly-so and made notable, is this amalgamation of politics and religion in Muslim society (both democratic and not) has resulted in violations of human rights religious freedom and persecution of religious minorities (Saiya, 2017).

Universality vs. Relativity of Human Rights

In these Islamic nations or Muslim majority countries in which religion is heavily embedded within the rule of law, different norms and ethics are applied to cultural habits. The value of religious freedom is said to find its origins within the separation of religion and state, separating religions from the rule of law, an action considered to be a Western norm (Saiya, 2017). Religion, though an important concept and value of both individual choice and group identity, it is not an easily definable concept (Gubo, 2014). Leaving the definition of religion up to state decision and authority can result in contradicting legislation and opposing social or political environments, leaving room to be easily abused by creating the definition in manners that protect primarily the dominant religion, while denying the rights of minorities (Gubo, 2014), as seen is

the case for specific countries implementation or interpretations of Sharia law, by politicizing Islam (Saiya, 2017). While there is argument amongst scholars to identify the connection or contradiction between the Islamic religion and international human rights standards on free expression, theorists such as Hashemi declare that traditional Sharia and international systematic human rights find common ground and agreement with one another (Hashemi, 2008). However, in the case of blasphemy, the differences in tensions that develop are from the application of this law, with the ever-evolving norms of human rights, providing conflict with Islamic law and international standards towards blasphemy (Hashemi, 2008). Such scholars deeply analyze how Islam and Sharia law consider blasphemy, and its effects on legal implementation and outcomes. While Islam itself can be consistent and in accordance to human rights standards, certain aspects of interpretation and implementation of Sharia law have shown unfortunately, to conflict with international discourse on free expression and religious rights, especially pertaining to blasphemy. Though not a blanket generalization of all Muslim-majority countries, it is a variant that is noticed to occur more often under these circumstances, giving rise and awareness to the discussion presented by Gubo (2014) on the universality versus relativity of human rights.

In terms of blasphemy, the discussion of human rights has been provoked in order to make sense of and impose certain understandings of the legal results, such as religious violence, in certain countries. The concept of universal human rights has been stressed by both western countries and human rights advocates alike. This idea that, born as humans we are deserving of respect and dignity, has provided the foundation for human rights, and the belief that they are or should be universally accepted, practiced, and implemented (Donnelly, 2007). However, non-western countries have deflected this ordeal, arguing instead, the relativity of human rights, as what is a norm or a human right in one society, may not be considered one in another. Relativism

of human rights highlights the impact of cultural differences on the political makeup or sociological applications of a state or nation, stating that the blanket imposition of human rights values across the globe cannot occur if certain cultures do not accept the validity of such values, whether religiously or culturally (Gubo, 2014). India's caste system does not allow for equality under law, and preferences and prohibitions are present according to ethnicity, politics, age, or gender (Le, 2016); marriage freedom for women and freedom to change religion is forbidden in Saudi Arabia, even despite pressures both internally and externally (Le, 2016); slavery in Mauritania is a concept and act tied strictly to the religion, observed as a sign of respect for ones owners and a respect for the hierarchical, cultural system. These examples, while condemned by western influence and liberal democratic nations for "opposing human right standards," are rejected by non-western beliefs, determining that the manner in which rights are understood and utilized, are dependent on the cultural mechanisms that exist in that specific country. As such, seen in Islamic states such as Pakistan, religion is a major cultural component that has a hand in shaping the political and legal composition of a state, notably so, in regards to the case of blasphemy, considered to be a 'misuse' or 'abuse' of human rights values and framework.

Understood as a response to the Universal Declaration of Human Rights is The Cairo Declaration of Human Rights (CDHR), adopted by the Organization of Islamic Cooperation (OIC) in attempts to represent the Muslim majority countries in establishing Islamic human rights values, specifically that of human dignity (Al-Ahsan, 2008). This concept of human dignity aims to recognize and place respect on human desire, need, and expectations from others, considered to be bestowed to us by God, and a root guidebook to life (Al-Ahsan, 2008). Upon establishing this right, the document proclaimed that human dignity and universal freedom were aspects essential to the Islamic religion, inalienable and prohibited from violating (Al-Ashan, 2008). However,

while the UDHR declares the freedom of individual choice on the basis of numerous aspects, the CDHR promotes certain values of the Qu'ran (Al-Ahsan, 2008). Therefore, the topics and dilemmas covered and reported on, remain relevant and related toward the Qu'ran and Islamic tradition, only applicable to those who follow and adhere to it.

As the debate on the functionality of human rights continues, the international legal framework for human rights became established, becoming recognized globally, virtually all states accepting the jurisdiction of the Universal Declaration of Human Rights and subsequent legal doctrines and resolutions (Donnelly, 2007). While the instances that it is not abided by occur, more often than not, and there is no legal precedent for doing such (unless in the grave cases of genocide) the framework remains legally, globally, socially, and morally relevant. As such, the idea of relativism is argued to be dangerous when discussing the specific context of blasphemy, because, under certain circumstances it is said to allow states to disparage from their international human rights legal obligations by declaring allegiance and satisfying cultural differences (Gubo, 2014). Human rights is given a weight to it, being accepted and abided by throughout the better part of the world, dictating or persuading national and international legislation, whether the framework is legally binding or not. Fundamentally, it demands authority and can be reprimanded or validly criticized when abused or disobeyed, as seen in certain instances of blasphemy.

Uses and Effects of Blasphemy Legislation

According to Hicks (2015), blasphemy legislation can result in four different manners, each of which may lend a hand to violations. The categories described are, blasphemy laws used to stifle public dissent or discussion, blasphemy laws that result in outbreaks of mob related violence,

blasphemy laws that violate freedom of belief, thought, or religion, and lastly, blasphemy laws utilized to resolve personal problems (Hicks, 2015). Under the first category, in protecting religion from being defamed through the restriction of freedoms (such as that of speech or expression), creates a “chilling effect” in which it manages to silence dissenters or public spheres of debate, discussion, or healthy and acceptable criticism, by essentially creating a forum to declare what ideas are adequate, and which are not (Hicks, 2015). In the second manner, blasphemy legislation creates consequences of violent mobs, extremists manipulating the laws to instigate violent instances or situations, providing ammunition for extrajudicial killings (Hicks, 2015). Witnessed in Pakistan, this occurrence of protests, mobs, and outrage is common, the blasphemy laws providing excuse and support for extremists to carry out extra-judicial killings, in which sometimes public government authorities take part (Gubo, 2014). For the third category, Hicks explains the problems that blasphemy laws create for individuals of minority faiths and religions, in which such laws declare it blasphemous, encouraging discrimination and religious intolerance. Lastly, the manner in which blasphemy legislation is written, occasionally in broad and vague terms or language, creates a segue for individuals to abuse and weaponize them, most blasphemy accusations occurring as a result of disputes or arguments between scholars, business partners, colleagues, neighbors, or political opponents (Hicks, 2015). As this paper continues, these instances and situations are important to note across the specific countries being identified.

Blasphemy laws, as they have been interpreted, have demonstrated friction on the relationship between respect for individuals, and respect for free expression, coinciding with Hick’s first category of blasphemy legislation, utilized to suppress dissenters, debate, or disapproval. As noted, blasphemy laws have been susceptible to improper utilization by governments and regimes as a force to silence opposition, difference, or criticism, in turn, abusing

and violating religious minorities (and therefore, human rights standards). In acts to condemn widespread Islamophobia, religious authorities in certain Muslim majority countries shared the belief that limits to free expression are necessary, especially in the instances that such freedom may result in the malediction of national religious figures and beliefs (Totten, 2013). As a result, stringent interpretation by Islamists of traditional Shari'a law has been adopted and implemented in regards to blasphemy. In attempts to pass by as 'protection,' the laws of blasphemy, have served to repress opposition and oppositional discussion, encourage intolerance, and pressure individuals into complying with religious homogeneity (Saiya, 2017). Uddin finds that blasphemy laws do not simply protect the majority, but rather lend a helping hand to governments in silencing disagreements or criticism, and aid conservative groups, in intimidating minorities. Employing blasphemy to execute this oppressing tactic can and has resulted in varying other dangers, leading to Hick's second category: blasphemy laws that result in outbreaks of mob related violence.

Aside from strict use of blasphemy by the state to infringe upon freedom of speech or religious freedom to impose harsh punishments, blasphemy has brought up situations of extremist reaction and religious violence, emboldening others to commit acts of violence and hold extrajudicial killings outside of state authority. Though aimed to cease religious hate speech, blasphemy has become a main source of religious persecution committed by governments in the Muslim world (Marshall & Shea, 2011). We witness death penalty for blasphemy creating an increasingly dangerous situation, in which the law is used as an extremist's excuse for judicial killings (Gubo, 2014). Such blasphemy legislation in both Pakistan and Egypt tends to be used as a means by government officials to conciliate extremists and appear to support their violent behavior, creating situations in which extremists are the ones to take justice into their own hands and provide grave consequences for blasphemers (Uddin, 2011). While restless mobs are common

for situations in which blasphemous remarks or religious defamation occurs, the blasphemy legislation provides specific protections for the religious majority, allowing for further inspiration or motivation into action, even in the occurrence that one of the majority religion dares to criticize the state-mandated religion. As stated by political analysts and legal specialists Bagga and Lavery (2019), the law provides excuse and encouragement of justice by vigilantes, providing insight and understanding to the occurrence of extra judicial killings that occur as a result.

The connection between regimes and blasphemy trickles down to its citizens, understanding that such regimes incite violence and become the cause of worsening religious outrage (Hassner, 2011). As the state is allowed control over religion, declaring a state religion, this leaves room for political manipulation by the government in power (Uddin, 2011). As a result, the perception that religious matters and state security are intrinsically linked becomes utilized to punish an individual that makes a ‘blasphemous statement,’ as it becomes a matter of national safety (Hicks, 2015). Essentially it triggers this idea of imminent threat upon the group (Hassner, 2011), in which this understanding leads to implementable, harsh action or violence in attempts to secure any belief of a breach in safety. As such, this allows to spark patriotism and national unity, labeling any opponent as an enemy of the country or Islam, and sourcing action by Islamists and extremists that agree with the blasphemy legislation, resulting in such extra judicial occurrences (Saiya, 2017). These laws against blasphemy do not challenge the views of radicals in what is considered, the marketplace of ideas, and simply silence minorities or dissidents, promoting intolerance and vigilantes (Saiya, 2017). In order for governing bodies and individuals in power to remain liked and respected by the masses of the religious majority, the law protects these individuals, and the government thus dismisses and overlooks these actions (Saiya, 2017).

Believed by many, and explicitly stated by Hicks (2015) and Saiya (2017), blasphemy laws and penal codes must be looked at with extreme attention to detail and skepticism.

Thereafter, we witness specific Muslim countries to be following the laws of blasphemy that place emphasis on the protection of religions; protecting specific religions, singling out a couple or a few, rather than individuals that may adhere to any and all religions – Hick’s fourth category. The legislation on blasphemy is formed and enacted in such a manner that, while seemingly abiding by an acceptable framework, only aims to protect Islam and its symbols or sacred objects, thus imposing restrictions on free expression and free speech for any other individual that either disagrees or does not find themselves to be of the Islamic faith. Though theorized that putting such religious restrictions may allow to preserve for safety of the Islamic faith and its adherents, safekeeping religious homogeneity only provides for more cases of persecution, explicitly those of minority individuals of the society (Grim & Finke, 2011). As such, blasphemy laws that place specifications on God, religion, and clarify which specific religion or religions are granted protections, creates a context for narrow consent and inadvertently, decides what religions are considered to be disallowed under the given society. In failing to enact laws against religious hatred of all minority faiths, the vaguely worded configuration of these laws become susceptible to abuse and misuse by such regimes (Hicks, 2015), validating persecution for one expressing their opinion and utilizing their freedom of speech (Hashemi, 2008). Though international law promotes the freedom of religion and protects this decision as a right, we continue to see situations in which the implementation of blasphemy laws in specific Muslim majority countries, repress individuals and restrict the religious freedom and right to expression they are supposedly promised.

As such, there are different conditions that provide the result in some blasphemy laws demonstrating to be much worse than others; such conditions lie within language and a clear-cut understanding of blasphemy versus defamation or hate speech. Blasphemy laws that provide loose and unclear language, allowing for loose interpretations, give ammunition to individuals desiring to carry out dangerous consequences (Hicks, 2015). The precise wording in blasphemy legislations are considered to be a focal factor in identifying the standard for a blasphemy law that provides negative results, considered to be a strict and harmful law, as opposed to one that's intention is for safety and community protection. This loose and unclear language is said to arm individuals with threatening ammunition, when presented with a dispute (Hicks, 2015). Allowing instances to victimize fellow individuals, blasphemy allegations tend to be a result of a disagreement or quarrel between business, academic, or religious colleagues, neighbors, and political opponents (Hicks, 2015). When individuals argue, as one may make an unlikeable statement or critique in relation to religion, as a specific means to ensure this certain idea or opinion is not circulated, blasphemy provisions are utilized in their personal vendetta to silence the other. As understood through the literature, these are the blasphemy laws that are considered to be perilous, as they blur the lines of blasphemy and defamation, in which insulting God itself or a specific ordained religion of the state, becomes considered simultaneously as an attack. While their conditions are imperative in the written legislation, they are not singular, as various other factors are at play in the consequences and results that occur under these jurisdictions.

However, these claims and results do not stand alone, as, while blasphemy laws do provide consequence and danger, alternative and outside components remain heavily regarded at fault. The strict interpretation of Sharia law (and therefore strict views on blasphemy) aside, violence or intolerance that occurs within these societies are not the sole cause of blasphemy. Rather, the

presence of blasphemy provides facilitation or excuse. The social and political configurations of the state are accredited to a plethora of values combined. Such can be, the authority within government and the level of democracy (such as the authoritarian government in Egypt), the religiously homogenous composition of a state, deep-rooted conflict, or even the conversation of Islam and democracy. While the presence and enforcement of blasphemy legislation alone cannot be the sole cause of human rights violations or mob violence, its implementation within societies already facing other dilemma, allow to be used as a facilitator, providing reason and excuse for certain action.

International Framework

At the international level, human rights framework has incorporated blasphemy and defamation into the discourse and has shown an increasingly developing point of tension amongst the countries imploring these entities, human rights advocates, and the international legal community at large. Originally known as the “Defamation of Islam,” the UN resolution of Defamation of Religions adopted in 1999, has proved to be another source of conflict. Sponsored by the Organization of Islamic Cooperation (OIC), an association of 57 Muslim majority countries, and presented by Pakistan on behalf of the organization, the UN Defamation of Religions Resolution was adopted as a manner of attempting to find a balance between freedom of expression and legal respect (or protection) for religions. Though it initially began as a forum, focused on the rise in Islamophobia, expressive concern widened the resolution to include defamation against all religions. However, the resolution continued to express “deep concern that Islam was frequently and wrongly associated with human rights violations and with terrorism” (Belnap, 2010).

Essentially, it called for states and the UN to track attacks that occur against Islam, and enact and enforce laws aimed at fighting discrimination and hatred, and promoting respect for religion (Belnap, 2010). As such, in 1999 and 2000 the resolution was passed with no vote, until the occurrence of 9/11, in which the resolution was called for a vote in 2002 and passed with a majority vote of 28 in favor, with 15 opposed and 9 abstaining (Belnap, 2010).

For the next four years, the resolution remained similar and continued to pass, each draft carefully and specifically singling out the protection of Islam and adherents of the faith. Four years after 9/11 occurred in 2001, 2005 brought about a new predicament, in which a Danish newspaper published cartoons considered to be blasphemous against the Prophet Muhammad, prompting violence and global controversy to ensue (Belnap, 2010). Such brought about the discussion of defamation and blasphemy to the forefront of the UN, causing global bodies to take into account the discriminatory attitudes and actions that Muslims were unfortunately experiencing at the time. This gave way to the OIC's efforts to end Islamophobia (Belnap, 2010). The 2005 resolution became adopted on a vote of 31 to 16 with 5 abstentions, with an increased mention of Islam and Muslims (Belnap, 2010). Additionally, a new section was added in hopes of making the resolution more effective. This section involved increased limitations placed on expressions that could begin to be deemed defamatory of religions (specifically, Islam) (Belnap, 2010). The years 2006 to 2007 saw the Defamation of Religions resolution begin to move to the General Assembly, first adopted by the GA in 2006, keeping the same essential body of framework and wording as the previous resolution. It consistently gave special mention to Islam and ensured that states were called to take "all appropriate measures" or "resolute action" in the instance that defamation or blasphemy was experienced (Belnap, 2010).

While from 2009 onwards, support for this resolution began to dwindle, it continued to pass with majority approval consecutively in the years after. This new draft proposal, continued to mention Islam, but began to expand in attempts to include other religions, ensuring they all be exempt from discrimination and defamation (Belnap, 2010). One of the new recommendations was the inclusion of “incitement to religious hatred” (Belnap, 2010, p. 661) for all religions (however mostly Muslim minorities), aiming to blend together the values of incitement and defamation, hoping to gain further support and standard for legal grounds. As such, from 2009 and for every time onwards, this particular draft to the General Assembly mentioned Articles 19 and 20 of the International Covenant on Civil and Political Rights (ICCPR), along with Articles 19 and 29 of the Universal Declaration of Human Rights (Alfandari et al., 2011). Article 19 of the ICCPR promises and provides commitment to the right of free expression “the exercise of which carries with it special duties and responsibilities” and “may therefore be subject to certain restrictions ... for respect of the rights or reputation of others” (Belnap, 2010, p. 668). Article 20 subsequently follows to provide framework that “any advocacy of... religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law” (Temperman & Koltay, 2017, p. 197). The inclusive mention of Article 19 aimed to establish the balance between protecting individual’s rights to believe and the rights to freely express opinions. However, it actually provided the OIC with a structural foundation to claim that stricter limits on free expression may be allowed to ensue as a means of battling defamation of religions (Belnap, 2010). Even Article 20 of the ICCPR provided further excuse and justification for the OIC to broaden its limits on free speech and expression, conflating defamation with ‘incitement to violence’ (Temperman & Koltay, 2017). As such, Article 20 creates context for governments to claim power in order to interpret, establish, and protect religion in their own manner (Hicks, 2015). The ICCPR as a legally

binding document, ratified by a majority of the countries in the OIC, including the case studies I provide, sets a legal precedent to support and safekeep free speech, expression, and religion.

While the majority of the OIC supported and sponsored the defamation of religions resolution from the years 1999 to 2010, the year 2011 brought contention to the table. The U.S. and other western democratic nations, as well as human rights groups, argued against blasphemy laws used by repressive governments in order to limit free speech and display discriminatory attitudes towards religious minorities (Holzaepfel, 2014,). In this disagreement between nations, the UN's General Assembly involvement was imperative to reaching a settlement. As such, the UN addition of the new resolution 16/18 of the UN General Assembly, adopted by the UNHRC (UN Human Rights Council), directed to "condemn stereotyping, negative profiling, and stigmatization of persons based on their religion" (Holzapfel, 2014, p. 623). The HRC Resolution 16/18 advocated for speaking out against bigotry, specifically religious hatred or intolerance falling under the category of 'incitement' to violence or discrimination and aimed at assuming concrete legal criminal framework to effectively prohibit imminent violence based on religion, while dropping the term 'defamation' (Temperman & Koltay, 2017).

General Comment 34 on Article 19 of the ICCPR, made by the UN Human Rights Committee, was similarly produced that year, stating that it would be "impermissible for any such laws to discriminate in favor of or against one or certain religions or belief system, or their adherents over another, or religious believers or nonbelievers" (Shah et al., 2012, p.117). Comment 34 aimed to create a boundary between defamation and blasphemy, paying attention to the circumstances that provide evidence of clear and imminent threat (Alfandar et al., 2011). As it emphasizes that any legal criminalization that doesn't abide by Article 20 of the ICCPR should be revoked, it ensures that all cases of criminalizing blasphemy goes for members

of all religions, faiths, or beliefs (Alfandar et al., 2011). Comment 34 was made as a way for the UN to aid in conflicts and arguments of interpretation and implementation amongst nations by providing implementable framework to truly protect and promote the freedom of speech and expression. However, it proved unfavorable.

While one of the intentions of the Defamation of Religions was to protect religious minorities, along with the overall moral community, Muslim majority countries part of the OIC such as Pakistan, Egypt, and Indonesia have managed to use it against doing just as said, utilizing it to violate the freedoms of both expression and religion (Uddin, 2011). While the OIC advocated for a legally binding covenant internationally in order to make this resolution a legal offense, it was denied, as many theorists argued against the “Defamation of Religions” and its adverse consequences. As discussed, it is considered to allow for states to feel empowered in deciding, defining, and regulating which religions or religious views can and cannot be expressed or practiced, becoming equated with national security (Uddin, 2011). Though the Defamation of Religions Resolution is not legally binding, it extends the conversation and idea of blasphemy laws to the international arena, essentially giving international consent and reinforcement (Dobras, 2008) by countries such as Pakistan, Egypt, or Indonesia. By allowing the state to have this control, the resolution not only opens the possibility to being vulnerable of political manipulation, but it gives regimes permission to unjustly punish its own citizens through a religious stronghold, violating religious freedom and freedom of speech and expression (Uddin, 2011). Essentially, this resolution begs the question: “When does criticism become defamation and when does defamation become incitement to discrimination, hostility or violence?” (Rehman & Berry, 2012, p. 431-472).

While theorists have developed an understanding in the processes of how blasphemy and defamation of religions is negatively adopted, there remains a gap in understanding as to why these

evident human rights abuses are continuously allowed. The question remains - what can be considered the proper and valid way of balancing the interests of all parties and all citizens involved to ensure protection amongst communities and equal treatment before the law? In what manner are these laws allowed to operate? In essence, this brings us back to the conversation of the universality versus relativity of human rights, understanding whether the specific countries mentioned, are in fact opposing international human rights, or if Western countries have a different perception of the case for blasphemy. Fundamentally, the main question posed is understanding whether or not the protection of human rights, such as religion and opinion, creates a justified necessity to limit another, being that of free speech. It is important to examine the legal scope of these rights and aim to identify a manner in which blasphemy laws can protect both individuals and religions, without being exploited or weaponized for the wrong reasons. In attempting to understand the manner in which blasphemy legislation becomes utilized to mistreat the human rights of free speech, expression, and religion, the example countries of Pakistan, Egypt, and Indonesia will be tested in this thesis.

2. Hypothesis

The hypothesis I present is that the unspecified and vague wording of the blasphemy laws in Pakistan, Egypt, and Indonesia that protect religions as opposed to individuals, allows for the oppression of religious minorities, as well as silencing oppositional disagreement and the promotion of extra judicial killings. Additionally, the misuse of and specific loophole interpretation of international human rights framework and legal standards, allows for its continuation. While there are numerous and various overlapping treaties, resolutions, and UN bodies that aim to deter and combat discrimination, this overlap begins to contradict with the rights set forth in legal blasphemy laws, that give leeway to silencing individuals.

From the understanding of the literature above, while it is believed that human rights legislation as well as legal protection of religion is necessary and possible, others understand these protections, if written, implemented, and interpreted incorrectly, only aim to facilitate more risk, abuse and instrumentalization, given the conditions that were discussed. Granted, when aimed to protect individuals, rather than religions, and paired with the other factors in its given context (such as democratic governance and heterogenous religious makeup), the existing blasphemy laws can be given positive aspects, as we witness in European cases. However, under the conditions explored and discussed, throughout stricter governing regimes and more homogenous religious societies, the utilization of blasphemy legislation provides understandable insight as to its abusive implementation; and this understanding is what will be tested.

While addressing discrimination is one of extreme importance, the balance between doing such and ensuring equal treatment under the law that includes freedom of expression and religion

is one that has proven difficult in specific cases of blasphemy laws. While this balance is sometimes achieved with blasphemy legislation in certain democratic environments such as Western Europe, this thesis and its following case studies aims to understand the background and mechanisms to which blasphemy legislation does not work as intended, but rather only evolves and facilitates risk, danger, or violence.

By examining the cases and blasphemy legislation that occurs in Pakistan, Egypt and Indonesia, one can begin to pinpoint where international human rights standards become violated. I expect to find Islam, and possibly other specified religions, singled out and particularly protected throughout the penal code's and legislation of the example countries (given that they are all Muslim-majority) and violations of Articles 18, 19, and 20 of the ICCPR (although each country similarly, ratified the ICCPR). Whether democratic or not, the countries picked are expected to demonstrate a favorable attitude towards Islam in which, extrajudicial killings or mob violence has occurred, and government entities have either, partaken or remained silent and complacent under such circumstances. These examples have been tested and proved to protect state religion, discriminate against groups, and violated freedoms of religion, belief, and expression. Though the severity of penalties may range, throughout these cases, a constant that remains is the violation of specific human rights in one way or another, through the specific interpretation of and implementation of blasphemy laws that specifically protect religions.

3. Methodology

The hypothesis presented aims to understand if blasphemy laws that place specific protection of religions, as opposed to individuals, enables instances of extrajudicial violence and violations of international human rights framework, considerably the ICCPR. Along with this criteria, conditioning elements mentioned, such as possible religious homogeneity of the population, governance and regime tactics, or the maintenance of a state ordained religion, allows these blasphemy laws to further facilitate or allow religious violence, and assist instances of violation. These extra standards can stand to provide an explanation for some variations that may be witnessed between the cases of Pakistan, Egypt, and Indonesia, through these analytical studies. In order to properly assess this hypothesis, presenting quantitative data will first allow to give a rounded overview as to the rigor or severity of blasphemy laws on a global scale, categorizing and ranking the countries of Pakistan, Indonesia, and Egypt comparatively. These reports aim to measure blasphemy laws in a context for understanding how severe the blasphemy laws themselves are, and how they compare in severity outcomes, to other countries. This quantitative data will measure, analyze, and code each country's legal status, to determine each countries placement in going against international and human rights principles, as well as ranking their social and governmental hostilities.

To aid this study, qualitative data of an in-depth, analytical view of case study examples across these three OIC member countries, is necessary. From each country chosen two cases have been selected that aim to identify the claims and stand as representation of the information and

hypothesis being presented. Each country's penal code blasphemy law is presented and analyzed through the implications it causes for each case and the international framework that it violates, based on the ICCPR. These case studies aim to highlight blasphemy laws based on the theoretical background provided of its uses and dangers, by witnessing and understanding the instances themselves. Through these, I am attempting to understand how blasphemy legislation is structured and utilized in a manner that eventually eases or encourages violent occurrences and infringes upon human rights of free speech, expression, and religion.

Quantitative Data

Raw data allows us to place the countries of Pakistan, Indonesia, and Egypt, along with their blasphemy laws, within a set rank, comparing amongst the rest of the world. Measuring these laws provides us with a more concrete and foundational comprehension of the severity of certain blasphemy laws versus others. Demonstrating its effects, such as mob violence or religious hostilities, the studies categorically allow us to perceive and comprehend the literature and scholarly discussion, through a practical, real-view lens. Through reports by the USCIRF – U.S. Commission on International Religious Freedom and the Pew Research Center, we can further comprehend how blasphemy laws may be lending a hand to facilitate in social violence and government antagonism.

The first report by the U.S. Commission on International Religious Freedom, *Violating Rights: Enforcing the World's Blasphemy Laws*, provides data for their study in which it measures the blasphemy law provisions of 84 countries, over the course of 4 years – January

2014 to December 2018. Identifying 732 reported incidents related to blasphemy across 41 countries, 674 of those reported a criminal blasphemy law; of the 674 cases, 78 consisted of blasphemy induced mob activity, violence and threats with state enforcement of the law – without was 58 (*Violating Rights: Enforcing the World's Blasphemy Laws*, 2020). The top six countries with the highest number of blasphemy cases were reported to be, Pakistan Egypt, Indonesia, Iran, Russia, and India, classified, according to USCIRF, as being the worst violators of religious freedom. Of the 674 reported cases, 184 come from Pakistan, being the highest with 27%, while Egypt follows with 39 (6%) and Indonesia 24 (3.5%) (*Violating Rights: Enforcing the World's Blasphemy Laws*, 2020). Consistently throughout, Pakistan, Egypt, and Indonesia would rank highest, where almost 80% of mob related incidents took place within the four countries of Pakistan, Bangladesh, Nigeria, and Egypt.

The report then breaks down the reported cases by religion or belief. Of the 674 cases, just over half were able to identify a religion of those accused. Most accused were Muslims –making up 56%, the largest group within being Shia Muslims making up 51%, while Sunni only counted for 8% (*Violating Rights: Enforcing the World's Blasphemy Laws*, 2020). Christians were then the next group accounting for 25%; Coptic Christians for 14% (*Violating Rights: Enforcing the World's Blasphemy Laws*, 2020). Lastly, the report takes note of all of the countries identified and classifies an observant remark, stating that where blasphemy was enforced, but no singular state religion was identified, Indonesia ranks in one of the top three countries. Of those in which Islam was the state religion, Pakistan ranks number one, while Egypt ranks number three of the top states with reported blasphemy law enforcement and instances of violence (*Violating Rights: Enforcing the World's Blasphemy Laws*, 2020).

Subsequently, the Pew Research Center's Forum on Religion and Public life, in 2009, published a report to analyze the manner in which government and societies globally infringe on religion, its practices and beliefs. Building off of this study, two indexes were created to measure 198 countries on this matter – a Social Hostilities Index and a Government Restrictions Index (Grim et. al, 2011). Using the indexes across 198 countries to test the rise in hostilities, both governmentally and socially, Egypt was seen to have the greatest increase for both, in 2009 placing in the top 5% of all of the countries tested – the other country scoring highest in the world during 2009 was Indonesia (Grim et. al, 2011). Demonstrated by a chart, throughout an average 2-year period, Pakistan, Indonesia, and Egypt all witnessed an increase in the tensions, all three of these countries ranking on the side of very high government restrictions, as well as very high social hostilities (Grim et. al, 2011). The study continues further, measuring that in three-quarters of the countries, religiously motivated violent acts and crimes occurred by either private individuals or groups in 142 countries (72%) by the end of 2009, experiencing an increase in religious mob violence from 19% in 2008 to 26% in 2009 (Grim et. al, 2011).

While the previous data was an overall understanding of religiously related tension and dilemma, the report then provides a section on blasphemy, delving further. Around 2009, it was reported that 59 countries (30%) had laws at some level of government policy against blasphemy and defamation of specific religions or overall religion in general; the punishments ranging from imprisonment to death were imposed and enacted in 44 of the countries (Grim et. al, 2011). The study found that, among those 44 countries, hostilities and restrictions are particularly higher in countries that have and enforce anti blasphemy laws - 59% placing at high and very high (Grim et. al, 2011). However, of the 15 countries that contain a blasphemy law but do not enforce any of

the punishments, 60% of them still had high or very high measures of hostilities and restrictions (Grim et. al, 2011).

While the study makes a clear distinction that correlation does not entail causation, it does provide evidence to understand which countries containing active blasphemy laws do in fact have both higher governmental restrictions as well as social hostilities (Grim et. al, 2011). On the basis of governmental restrictions and attitudes towards minority religions, leading to physical violence, between the countries with blasphemy laws, versus those without, was 55% to 22% (Grim et. al, 2011). The study similarly makes the distinction on the basis of mob violence between countries with blasphemy laws versus those that do not, in which religious mob violence was witnessed 45% vs 19% (Grim et. al, 2011). Overall, the Middle East and North Africa had the biggest percentage of blasphemy laws that impose and enact punishments and penalties, at a high 60% rate (Grim et. al, 2011) in which the largest group of individuals harassed were Christians and Muslims – Christians in 130 countries, and Muslims in 117; considered the top two highest groups harassed in Asia Pacific and the Middle East (Grim et. al, 2011).

Yet another study done by USCIRF, the United States Commission on International Religious Freedom, - *Respecting Rights? Measuring the World's Blasphemy Laws*, did as said, using a range of indicators and calculating the raw data within charts to accurately portray the extremities of blasphemy legislation. Detecting 71 countries in which blasphemy laws exist, using the notable indicators of discrimination against groups, state religion protections, freedom of expression (noting the ICCPR Article 19), vagueness of the law, speech and forum limitations, freedom of religion or belief (noting the ICCPR Article 18), hierarchy of the law, and severity of penalty (Fiss & Kestenbaum, 2017), the report found that every blasphemy statute violates at least one human rights principle – most even more. The countries with the most severe of blasphemy

legislation, place Pakistan with the worst rankings, placing at number two, and Egypt at number 6, under the status of ‘highest countries,’ demonstrating that these countries blasphemy laws are considered the most active against principles of international law; Indonesia placing in the higher than average countries (Fiss & Kestenbaum, 2017). Consistently, throughout each indicator, Pakistan would qualify for a placement, followed by Egypt, the notable indicators placing Pakistan and Egypt at high ranks for state religion protections, discrimination against groups, and freedom of religion or belief (in terms of violating such) (Fiss & Kestenbaum, 2017).

These global rankings allow us to contextualize the comparisons of these blasphemy laws within these countries versus the rest of the world. While granted, other societal, cultural, or political factors may impact and effect the dangerous results that ensue within these communities, the statistical reports provide rudimentary data of the correlation between blasphemy legislation, and religious, social, and governmental hostilities. Furthering this understanding, providing qualitative data of specific legal case studies from each country, can frame this context further and specifically analyze the probable jeopardy, within these laws.

Qualitative Data

Case of Pakistan

Aasia Bibi

In Pakistan, the case of Aasia Bibi, also known as Aasia Noreen, is considered to have become an international face for the case of blasphemy and its controversies. Taking place in June of 2009, in a village near Lahore in Punjab, Pakistan (Sturges, 2015) upon offering water to her fellow working farmers, Bibi was refused, as they believed the water to have been contaminated,

on the basis that she was Christian (Sturges, 2015). As a fight ensued (of which the precise exchange of words remains unclear), Bibi was accused of disparaging the Prophet Muhammed, allegedly making derogatory statements and insults against him (Sultana, 2019). After a few days, a local Muslim leader initiated public shaming, through a loudspeaker, in which he convinced fellow Muslim members of the community of Mrs. Bibi's insulting remarks and blasphemous nature prompting a mob of angry protesters, inciting a vigilante attack. (Alfandari et al, 2011). Though the police rescued her and her family from certain death, soon after they arrested and charged her with blasphemy for her alleged remarks (Uddin, 2011). After a year of waiting in isolation in the jail of Sheikhpura, on November 7, 2010, she was sentenced to death by hanging by the local court of Sheikhpura, under article 295-C of the Pakistan Penal Code (Polymenopoulou & Rehman, 2013). Filing an appeal at the Lahore High Court later in November of that year and requesting a pardon, the court sanctioned that both, the president and the governor were prohibited from pardoning her. As such Salmaan Taseer, the governor of Punjab, and Shahbaz Bhatti, the Christian Federal Cabinet Minister of Minority Affairs, both defended the case of Aasia Bibi, campaigning and attempting to create change and reform to the blasphemy legislation (Polymenopoulou & Rehman, 2013). Due to support for Mrs. Bibi, and opposition to blasphemy, both were assassinated in 2011 (Sultana, 2019).

Around October of 2014, the Lahore High Court held an appeal hearing for Bibi's case, in which the trial's validity was questioned. However, they let the death penalty stand, stating that the written manner of the Pakistani Penal Code could not characterize the trial otherwise. When another appeal was filed for July of 2015, it became delayed until 2018; Aasia Bibi remained held on death row the entirety of this time ("The Aasiya Noreen Story," n.d.). Eventually, Pakistan's Supreme Court reassessed the trial, finding the evidence insufficient and incapable of having

proved Bibi's guilt beyond a reasonable doubt. As such, the Supreme Court dismissed the case in 2019 and freed Aasia Bibi. As the verdict brought great protest and division to the country, and continuous attack and hatred to Bibi and her family (individuals repeatedly calling for her execution and offering rewards for anyone that does such), she was granted Asylum by an array of countries internationally and fled to Canada for her safety ("The Aasiya Noreen Story," n.d.).

Junaid Hafeez

Junaid Hafeez, a 33-year-old University lecturer, at Zakariya University, in Multan, Punjab Province, was arrested on March 13, 2013, accused of blasphemy and charged under sections 295-B and C of the Pakistan Penal Code (*OHCHR*, n.d.). Teaching in the English department, a student, affiliated with the 'hard-line' Jamaat-i-Islami party (an Islamic movement), alleged that Hafeez had insulted the Prophet Muhammad on Facebook (Sethi, 2014) and throughout lectures (*OHCHR*, n.d.). While the student presented no hard evidence or proof, it wasn't long until fellow 'hard-line' students complied, rallied and protested, calling for his execution (Sethi, 2014). Hafeez's father eventually managed to petition for Rashid Rehman as his lawyer, an activist with 20 years of legal expertise and a special coordinator for the Human Rights Commission of Pakistan in Multan (Sethi, 2014). Aware of the position he was taking, he made a statement to reporters in April of that year that, "defending a man accused for blasphemy was like walking into the jaws of death" (Sethi, 2014). Since the trial's beginnings in 2014, Hafeez was held in solitary confinement, facing physical and mental pressures, horrid conditions and violations ("*Pakistan: Release Professor Junaid Hafeez*," 2019). Soon after, in May of 2014, Rehman was fatally shot. As Hafeez remained in pre-trial detention for six years and the case continued to subject transfers, delays, and deliberations, his final verdict was handed in September of 2019 ("*Pakistan: Release Professor*

Junaid Hafeez,” 2019), in which he received the death sentenced imposed to him by a district and sessions court of Multan (*OHCHR*, n.d.).

Analysis

Legal Structure

Pakistan is considered a prime example of Sharia law, integrated into its civil and criminal codes, portraying blasphemy implementation as it protects religions specifically, as opposed to individuals (Holzaepfel, 2014). Under the Pakistani Penal Code, sections 295 to 298, are, what are considered to be, some of the globe’s strictest laws in relation to defamation of religion and blasphemy. Categorized as “Of Offenses Related to Religions,” the punishments include imprisonment and fines (Uddin, 2011), as well as the death penalty in certain cases (Fiss & Kestenbaum, 2017). For the purpose of this thesis, subsections 295, A, B, C and 298 will be the ones focused on and mentioned:

“295. Injuring or defiling place of worship with intent to insult the religion of any class:
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 of any class of persons or with the knowledge that any class of persons is likely to consider such destruction damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

295A. Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs:

Whoever, with deliberate and malicious intention of outraging the ‘religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

295B. Defiling, etc., of Holy Qur’an:

Whoever willfully defiles, damages or desecrates a copy of the Holy Qur’an or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.

295C. Use of derogatory remarks, etc., in respect of the Holy Prophet:

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.

298. Uttering words, etc., with deliberate intent to wound religious feelings:

Whoever, 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 of either description for a term which may extend to one year or with fine, or with both.” (*Pakistani Penal Code (Act XLV of 1860)*, 1860).

Implications

The Pakistani Penal blasphemy law is considered to hold overly broad and ambiguous language that often times and inherently endangers individuals that make any statements or critiques against any form of the Islamic religion. Its explicit mention of ‘defiling’ the prophet through manners “direct or indirect” typically allows for unclear and loose interpretations, as the mention of ‘indirectly’ insulting the prophet may be understood as any or all statements that address him. While the laws give specific mention to what cannot be insulted or defamed (such as the Qur’an, the Prophet, religion or religious beliefs), the manners in which they are prohibited are outlined in a vague manner. As another example, while it states that defiling the Qur’an is a clear mark for punishment, it does not specify what is considered a defiling or insulting action against it – this may include placing it on the floor, accidentally letting it fall, or any other offenses of which one is unaware, causing a case of a society that walks on eggshells.

Next, the law visibly does not place protections for individual adherents to religion (any and all religions) nor does it make any specific remarks to any other religion. Read in section 298 of this Penal Code, it states that making a hurtful comment against *religious feeling* demonstrates the emphasis on the religion, as opposed to the person that holds this ‘religious feeling.’ The same is seen in section 295 and 295A, in which it clearly states that causing offense to feelings by insulting the religion and religious beliefs, rather than insulting an individual who holds those beliefs, can allow anyone who becomes insulted or hurt by their standards, to create a case. In purposely excluding the mention of other religions, it disproportionately and explicitly

demonstrates discriminatory attitudes towards religious minorities, inherently targeting them and creating a sentiment of offense, placing such minorities on the defense. As such, the blasphemy laws become selectively applied to those belonging to the minority groups in Pakistan that compose less than 3% of the population (Christian, Hindu, Ahmadi's), making up half of the portion of those accused of blasphemy (Saiya, 2017).

This leads us into taking a closer look at the cases explained. Both of the cases witnessed implored section 295, especially 295C, explicitly mentioning or protecting the Islamic prophets and threatening the death penalty. We witness how only Islam, specifically the Prophet Muhammad and the Qur'an, are provided protection. As such, we understand how it has been easily utilized at the expense of free speech, so as to strictly protect the dignity of the religion and its figures. The cases presented demonstrate the manner in which the blasphemy penal code structure, aimed to silence dissent or criticism (such as the case of Junaid Hafeez), target religious minorities or used in personal vendettas (such as Aasia Bibi), and allowed extra judicial killings to occur, as demonstrated in both cases. In the case of Aasia Bibi, we witness an occurrence in which the Prophet was supposedly insulted however: 1. The contents of the comments remain unclear to this day (as Mrs. Bibi herself denies them), 2. The use of the blasphemy law as a personal vendetta is understood through the individuals that reported the case 3. Though prohibited under section 298, the 'use of a sound amplifier' (refer to table 1) was used to incite hatred towards Mrs. Bibi, and went unpunished, and 4. Due to the occurrence, instances of mob violence and extrajudicial killings both transpired as a result. Junaid Hafeez experienced some of the same instances as Bibi: the murder of his lawyer and the statements alleged contain no proof. While Pakistan has never executed an individual for blasphemy, the lengthy, drawn out process of the

cases and subsequent killings and abuse that resulted remain a dilemma within the community's interpretation and understanding of the blasphemy law.

International Framework

In being the initial state to present the Defamation of Religions Resolution to the UN, Pakistan's usage of this resolution has only further allowed for its opposition to aspects of free speech and religion, when dealing with insult to the state religion of Islam. While international human rights law acknowledges individual rights to be free of religious insult, it does not assure this right at all times, while Pakistan instead does, providing a blurred line between criticism and insult or defamation (Rehman & Berry, 2013). Holding a seat on the UN Human Rights Committee, Pakistan has ratified human rights treaties, in which the Defamations of Religions Resolution (presented by them) has been implemented yet continues to face heavy criticism. Aside from this, Pakistan ratified the ICCPR in June of 2010, creating a precedent for their legal actions (Alfandari et al, 2011). However, Pakistan held reservations to certain provisions -Articles 18 and 19 - that relate and deal with blasphemy and the rights to freedom of thought, conscience, religion, opinions and belief (Alfandari et al, 2011). Such articles were said to be allowed application, only in the instances that they do not interfere with the Pakistani Constitution, or Sharia law as it is implemented throughout jurisprudence and the penal code (Alfandari et al, 2011). The importance of the ICCPR in international framework, provides a fundamental understanding and governing tool for how human rights are to be protected, upheld, and abided by. As demonstrated, the blasphemy laws in the Pakistani Penal Code directly violate the Articles of the ICCPR, a legally binding document, that aim to protect free opinion and expression and religious equality (Amnesty International, 2016).

Article 19 of the ICCPR stipulates that everyone holds the right to freely express their opinions without interference, providing the right to free expression through any means and any media (Amnesty International, 2016). The article identifies restrictions to this, only in the instances that are deemed absolutely necessary, providing safety for national security, communities or individuals, under the guise of international law. Next, in Article 20, the ICCPR states that any sort of religious hatred meant to incite violence or hostility may be banned by law. However, this is directed towards hatred of religious persons, not specific religious beliefs or symbols (Amnesty International, 2016) as viewed under the Pakistani Penal Code. The occasions in which states may implement prohibitions and bans is to constitute the safety of the citizens. These articles may not be applied in the instances and under the circumstances that are outlined in the Pakistani blasphemy laws. Under the UN Special Rapporteur on freedom of expression, it was explicitly stated that the limits placed on free expression may be done in the case of protecting individuals but, are “not designed to protect belief systems from external or internal criticism” (Amnesty International, 2016, p. 55). As an excuse for protecting religion, the blasphemy law in Pakistan is implemented and utilized in the manner assuming that it is providing safety measures, while instead, it confounds the very principles established in the ICCPR. The language of these laws, in turn, creates a situation in which individuals feel prevented from freely exercising their religious beliefs. This stifling of religious freedom or belief proves detrimental to Article 18 of the ICCPR, which gives the right to freedom of thought, religion, and conscience (Amnesty International, 2016).

Case of Indonesia

Tajul Muluk

Tajul Muluk, age 41, a religious Shi'a Muslim leader from the village of Nangkrenang of Sampang Madura Island, East Java, Indonesia (Amnesty International, 2014), stands as an immense, unfortunate, and worrying example of the blasphemy legislation in the democratic state of Indonesia. In 2004, Muluk established a religious boarding school in the village, acting as principle (Amnesty International, 2014). Around two years later, in 2006, Muluk's teachings became labeled as "deviant" in which Sunni Muslim authority leaders, both religious and non, began to oppose his school and his instructions (Amnesty International, 2014). In February of 2006, 40 Sunni clerics and 4 police officers signed a publicized statement to declare Shia Islam as a religious heresy, holding meetings in attempts to pressure the Shi'a community to return back to (what they consider) the "real Islam" (Human Rights Watch, 2012). It was in 2011 that tensions came to a head, in which Sunni Islamist militants amplified their tactics against the Shia in Nangkernang Village (Human Rights Watch, 2012). Starting in July of 2011, police and officials of the Sampang branch of law enforcement, aimed to convince Muluk to flee the village in protective attempts for him and his family (Human Rights Watch, 2012). Then, on December 6th of 2011, the Shia spiritual celebration of Ashura brought Sunni militants to block roads and trap around 60 Shi'a residents of the village to remain in their houses (Human Rights Watch, 2012). Soon after, on December 29th, 2011, Sunni militants attacked the village of Nangkernang, burning houses and the Islamic school established by Muluk, causing around 300-500 residents to flee, police pressuring Shia clerics, and specifically Tajul Muluk, to leave once again (Human Rights Watch, 2012). In attempts to return to their homes, Muluk and his family, along with about 20 other villagers were threatened with death, made to be kept out (Amnesty International, 2014). It was then in January of 2012, in which a religious decree, fatwa, was issued discussing the "deviant teachings" of Muluk (Amnesty International, 2014), banning his instruction and lending a hand to

his arrest and questioning in February (Human Rights Watch, 2012). He was charged with blasphemy and “unpleasant misconduct” (Human Rights Watch, 2012) under article 156(a) of the Indonesian Criminal Code by the Sampang authorities, convicted and sentenced a month later to two years in prison (Amnesty International, 2014). Upon filing an appeal later in 2012 to a higher court, the sentence was increased to four years in prison, stating that Muluk had caused “disharmony among Muslims” and his appeal to the Supreme Court a year later, was rejected (Amnesty International, 2014, p. 5). As Muluk served his time in prison, the effects on the Shi’a community outside the prison walls continued, in which local authorities of the community forbid the Shi’a villagers to return to the homes they were forced to flee, police asserting they could not ensure their safety (Amnesty International, 2014). While first being relocated to a temporary shelter in Sampang, where they remained at a sports complex for 10 months, the Shi’a community was soon forcibly moved to a housing facility in East Java. They continued to have no access to their prior homes or property, and their dependence on government support for electricity, food, and water, have prevented them from being able to earn a livelihood and return to living their normal lives (Amnesty International, 2014).

Ahok

Considered to be the highest profile person convicted under the blasphemy law in Indonesia, Jakarta’s former governor, Basuki Tjahaja Purnama, also known as “Ahok,” was charged and imprisoned, following a misinterpreted speech, that quickly led to unrest and insurrection amongst the masses. Three years after Ahok (a Chinese Christian) became the governor of Jakarta, 2017 brought the gubernatorial elections (Zuidweg, 2018). However, during his campaign in 2016, Ahok’s mistake, led him to a colossal downfall, losing the 2017 election,

prompting controversy, political and social unrest, and intolerable sentiment towards Ahok. On September 27, 2016, Ahok in his bid for reelection, gave a speech to the Thousand Islands regency in which he allegedly insulted the Qu'ran, through an edited video version of his speech that was propagated to the wider public through social media. Ahok was mistakenly heard saying "Ladies and gentlemen, you don't have to vote for me, because you've been lied to by those using (the Quran's) Aura al-Maidah verse 51" (Osman et al, 2018, p. 98).

Understanding that Ahok was insinuating to the public that the Quran was lying to Muslims, though a falsely edited video aimed specifically at distorting the message, a wave of anti-ahok movements and massive protests began to spread throughout late 2016 into early 2017 (Osman et al, 2018). Throughout Jakarta, invidious messages were publicized against Ahok, warning that Muslims who planned to vote for him would be denied certain Islamic rites and passages (Zuidweg, 2018). Islamist groups formed and toughened, calling for legal action taken against his statement (Osman et al, 2018). Such anti-Ahok movements were considered to take discriminatory views, also being anti-Christian and anti-Chinese as well (Osman et al, 2018). As anti-Ahok movements gained momentum, protests of 50,000 to 20,000 people occurring on November 4th and December 2nd of 2016, anti-Ahok sentiment continued to spread across Jakarta, and throughout other Indonesia cities, and even other countries (Osman et al, 2018). In using this issue on blasphemy as a political tool, profiting off of it to skew Ahok's hopes or chances for the 2017 re-election, his political opponents and the citizens resistant to him began to emphasize his position as both, a religious and racial minority, allowing them to paint his character as one against and in distaste of Islam and his Muslim constituents (Osman et al, 2018). As multiple groups and organizations began calling out for his arrest and detention, to avoid other blasphemous acts or

remarks from being repeated, Ahok, after losing the election in 2017, was sentenced to two years in prison for blasphemy on May 9th of 2017 (Zuidweg, 2018).

Analysis

Legal Structure

Indonesia, respected as a democracy, provides insight to its dilemma with blasphemy, and how it, similar to the other case countries presented, manage to violate free speech, expression, and religion, in its specific implementation of blasphemy. The constitution explicitly identifies the state recognized religions, which include Islam, Buddhism, Hinduism, Confucianism, and Catholic and Protestant Christianity (Kumekawa, 2010). The law concerning blasphemy in Indonesia is under the criminal code, article 156(a) written as:

“Article 156a

By a maximum imprisonment of five years shall be punished by any person who 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;

b. with the intention to prevent a person to adhere to any religion based on the belief of the almighty God.” (Penal Code of Indonesia, 1982, p. 42)

Table 2: Penal Code of Indonesia

Along with article 156(a) of the Criminal Code lies the Presidential Decree No. 1/PNPS/1965, enacted in 1965 under the first President of Indonesia, President Sukarno, known

as the “Prevention of Religious Abuse and/or Defamation” (Amnesty International, 2014). Passed as a means of adjusting to requests by Islamic organizations to band certain kinds of unfavorable beliefs, this particular law regarding blasphemy discusses both deviation from the six recognized religions of Indonesia, and defamation of any of these religions (Amnesty International, 2014). Article 1 of this decree remains as a form of legal sanction in blasphemy utilized to prosecute certain cases, stating that:

“Every individual is prohibited in public from intentionally conveying, endorsing, or attempting to gain public support in the interpretation of a certain religion embraced by the people of Indonesia or undertaking religious based activities that resemble the religious activities of the religion in question, where such interpretation and activities are in deviation of the basic teachings of the religion.” (Amnesty International, 2014, p. 11)

Implications

The Indonesian blasphemy legislation under 156(a) provides insight to its misuse, through its clear and instructive protections placed specifically outlined religions of Indonesia only. As it specifies, the law prohibits individuals from expressing beliefs or feelings that ‘stain’ a state mandated religion and provides consequences for any that “prevent a person to adhere to any religion based on the belief of the Almighty God” (refer to table 2). Placing emphasis on both religion and God itself, denies any religion that does not abide by a God (such as Atheists) and provides strict protection against any sort of criticism or defamation of ‘his’ holiness. Additionally, in article 1 of the act above, it specifically aims to protect the six specified religions of the country, allowing for a form of punishment to occur to those that either shift away from them, or aim to encourage conversation or criticism in attempts to change (Uddin, 2011). These laws create for

very strict interpretation of religion and provide a basis for what is considered to be an acceptable belief system. As understood in the case of Muluk, preaching “deviant” teachings or interpretations of these identified religions creates a circumstance for the blasphemy legislation to be utilized and enacted, in which the government or government funded bodies can declare what religion is acceptable, deciding who or what is considered blasphemous, through strict state regulation (Uddin, 2011). In declaring the teachings of Muluk, and subsequently the teachings of Shi’a Islam, as ‘deviant’ it not only declared Shi’a as blasphemous (negating the right to belief of its adherents), but it provided situational circumstances in which public dissent and protest posed grave threats to the individuals of the Shia community, uprooting their entire lives. Rather than the protection of the individuals of the Shi’a community being provided, the protection of those who felt insulted due to their ‘acceptable’ religion, was what transpired.

Subsequently in 2010, a conversation on blasphemy ensued, in which upon various non-governmental organizations forming an application to the Constitutional Court for a judicial review against blasphemy, the court upheld its validity (Amnesty International, 2014). Such groups claimed that the blasphemy legislation violated religious freedom and overall human rights on free expression. The Constitutional Court denied these claims and upheld its legitimization on the basis that it concerns national stability and public order, even categorizing certain religious beliefs as posing a threat to such (Amnesty International, 2014), (as witnessed in the occurrence of the Ahok case). Under the case of Ahok, in which blasphemous language against Islam and its adherents was alleged, these concepts of national stability and public order only provided further legitimacy to the law. Even when anti-Ahok sentiment turned both anti – Christian and anti – Chinese, disparaging his ethnicity and religious beliefs, protections for him were hardly regarded. The

judicial review of 2010 ended in which the Court revised and amended blasphemy offenses in Indonesia to include a further variety of what are considered unlawful acts, including:

“Publicly expressing feelings or acts that are insulting a religion adhered to in Indonesia (Article 341).

Publicly mocking, training or degrading religion, messengers of God (rasul), Prophets, Holy Scripture, religious doctrine or religious worship (Article 343).

Engaging in public incitement in any form for the purpose of negation belief in a legitimate religion adhered to in Indonesia (Article 345).” (Amnesty, International, 2014, p. 15)

These acts only identify further behaviors or actions that can be punishable, upon denigrating a religion. They do not identify what instances are considered ‘insulting’ and the only specific protections upon God, its messengers, Prophets, Holy scripture and religious doctrines, develop unclear and loosely interpreted situations that cause unrest. Indonesia’s blasphemy laws, demonstrate the dilemma in placing stringent protection towards only the given religions of the state, as opposed to all religions and all individuals who carry whichever beliefs they desire.

International Framework

Noting Indonesia’s agreement to the ICCPR in 2006, it is understood that a number of the legislations in relation to blasphemy can be witnessed violating certain Articles. One such violation that stands out involves the law that prohibits “deviation of the basic teachings.” Under both Article 18 and 19, such a law not only puts the decision of religion in the hands of the state, but it prohibits freedom of religion or belief, as well as freedom of expression, such violations witnessed under the case of Muluk. As the ICCPR does not place restrictions on creeds of any kind, Indonesia’s

blasphemy laws directly oppose values of human rights, as it only provides protection for specified religions, and does not open the law to cover the safety of all religious individuals, no matter what kind. In the case of Muluk, we see the Islamic religion and its adherent's receiving safety, as Shi'a became considered deviant and blasphemous, denying them the right to their religion.

Along with these two articles, Articles 2, 26, and 27 of the ICCPR (Amnesty International, 2014), provide the protection of individuals against discrimination in relation to religion, of which both trials demonstrate a deep transgression upon this right. The trial of Ahok, as his ethnicity, and religion, became used as a pawn against him provides witness to this violation. Similarly, as seen through the case of Muluk, an entire community of villagers were exiled and terrorized, based off of their religious faith. While Article 19 of the ICCPR allows for restrictions of free expression to occur in the instances of threat to national security and public order, it does not categorize these threats. Therefore, the state's authority to declare that blasphemous remarks are considered dangerous in regards to state security, empowers and assuages the majority masses in their excessive reactionary turmoil and turbulence. When the laws prevent any comments against religion or religious symbols, prevent individuals from regarding or criticizing religion, statements that are fully acceptable within the free marketplace of ideas.

Case of Egypt

Islam Behery

Under the Al-Sisi period, in 2015, the blasphemy case involving Islam Behery is considered to be one of the most high-profile cases to have occurred (Lindbekk & Bahgat, 2020). Behery was an Islamic researcher and tv personality, imprisoned for publishing a 'blasphemous'

story on his tv program (Williams, 2016). On his show, Behery was discussing the text of the Qu'ran and passing judgment, supposedly disputing the plausibility of certain statements of the Prophet (Williams, 2016). He was said to have extensively discussed theological issues and referred to specificities of the religion, calling both the punishment of adultery and traditional Islamic jurisprudence as “silly talk” (Lindbekk & Bahgat, 2020, p. 12). The case was presented and incited by a group of scholars from Al-Azhar, who deemed his language offensive and believed to display blatant disrespect for religious individuals, similarly offending Sunni religious elite and some of the highest government officials (Lindbekk & Baghat, 2020). Calling for the show’s cancelation, believing that his words “entailed a fierce campaign against the foundations of Islam and Islamic Legacy” (Williams, 2016, p. 40), the Al-Azhar scholars felt that Behery intended to “destroy Islam” through his attacks towards the religion, and thus destroy Egyptian society (Lindbekk & Bahgat, 2020). As a defense, Behery stated that his comments were in attempts towards a religious renewal project (Lindbekk & Bahgat, 2020). While Behery’s tv show was shut down, he was arrested and tried under article 98 of the Egyptian Penal Code (Williams, 2016). The court understood Behery’s claims as deliberate measures to broadcast “extreme” ideas to the masses, using social media and satellite channels to allow his message to reach a broader audience, meeting the requirements under article 98 (Lindbekk & Bahgat, 2020). He was sentenced to five years in prison for “contempt of religion” (Lindbekk & Bahgat, 2020), and later appealed the ruling to a higher court to receive a renewed sentence of one year (World Report, 2016).

Coptic Christian Teenagers

This next case demonstrates an occurrence that, while immature and reckless, nonetheless, allowed for blasphemy legislation to be utilized as a tool, sparking controversy and requiring for

a more nuanced understanding to the events that occurred. Around 2015, the Islamic State (ISIS) had killed 20 Egyptian Coptic Christians in Libya. In 2016, four young teenage students aged 15 to 17 and their teacher, also Copts, were arrested and tried for blasphemy, appearing to have been making fun of the said tragic and horrid ISIS event (World Watch Monitor, 2016). The video was said to depict a mocking of Islamic manners of praying, one of the students kneeling and reciting Quranic text as the other students laughed, along with a mimicking act of beheading, as the teacher was said to have been recording (Youssef & Walsh, 2016). As the video began to circulate and gain attention through the community, police arrested the children on April 9th of 2015, prosecutors interrogating and detaining the individual children in await of the investigation. (Human Rights Watch, 2016). As they were detained in pretrial detention, the trial officially began in October of 2015 (Human Rights Watch, 2016). However, in February of 2016, the Egyptian Court in Minya, south of Cairo, sentenced these teenagers to five years in prison, one of which was under 18 years of age and sentenced to a juvenile detention center (Youssef & Walsh, 2016). Under Article 98(f) of the Egyptian Penal Code, the teenagers involved received the maximum sentence of five years while the teacher received only three, and their fellow Christian neighbors and community persons faced violent protests soon, a three-day rampage, in which homes were attacked and angry Muslim protestors demanded Christian banishment (World Watch Monitor, 2016). Soon after receiving their sentencing, all four of the teenagers and their families, with the help of human rights and Christian organizations, escaped their sentences in Egypt, staying in Istanbul, Turkey on their way to applying for Swiss asylum (World Watch Monitor, 2016).

Analysis

Legal Structure

Egypt, considered a democracy by Al-Sisi, but classified as an authoritarian regime, continues to witness occurrences that silence and violate the values of free speech and expression, in relation to religion. In Egypt, it is under article 98(f) of the Egyptian Penal Code lies the legislation against blasphemy, stating:

“Detention for a period of not less than six months and not exceeding five years, or paying a fine Shall be the penalty inflicted on whoever exploits and uses the religion in advocating and propagating by talk or in writing, or by any other method, extremist thoughts with the aim of instigating sedition and division or disdaining and contemplating any of the heavenly religions or the sects belonging thereto or prejudicing national unity or social peace.” (Fiss & Kestenbaum, 2017, p. 47).

While the constitution declares Islam as the state religion, Christianity and Judaism are the other religions acknowledged (Fiss & Kestenbaum, 2017). These are the religions that are being referred to in article 98(f) upon stating “heavenly religions or the sects belonging thereto.” However, both the constitution nor the blasphemy law provide mention of any other religion or belief system, disregarding any and all other religions that may be found in Egypt throughout its society.

Implications

As read, article 98(f) of the Egyptian Penal Code is considered to be heavily confusing, ambiguous, and misleading, allowing for varying interpretations. Its broad language and undefined

terms have been useful as a weapon for various cases, many of them listed and discussed by the scholars. Charged as blasphemy and “contempt of religion,” this legislation in Egypt has been used to silence opposition and public discourse, and criminalize free thought, including doubts, criticism, and expressions or discourse relating to the Islamic religion (Human Rights Without Frontiers, 2018). Witnessed in the cases provided, under the situation of Islam Behery specifically, the freedom to criticize becomes criminalized, catering more to the ‘social harmony’ of the religious public as opposed to maintaining or protecting an individual’s human right to provide opinion. In regards to the second case study, while similarly silencing a group of individuals, issuing such harsh punishment according to blasphemous actions, even in the case of children, instills the fear that a growing atmosphere of intolerance is acceptable; an environment in which growing children are severely punished under law, not for a grave crime, but for uttering an immature mistake. While insulting nonetheless, and a mistake deserving of disciplinary action maximum, article 98(f) applied in this manner simply violates international treaties and freedom of expression, along with conciliating to the protestors and mobs that ensue as a result of such errors.

International Framework

As party to the international human rights treaty of the ICCPR, Article 151 of the Egyptian constitution states that international treaties “shall have the force of law after their conclusion, ratification and public according to the establish procedure” (Policing Belief, 2010, p. 25). However, the legislation and the judicial action that is applied subsequently (these two case instances only serving as a small percentage), demonstrate the violations carried out by Egypt’s understanding and utilization of blasphemy or religious insult law. Article 98(f) (considered to be the main form of blasphemy legislation utilized within these situations), explicitly gives protection

to the state accepted religions of Islam, Christianity, and Judaism, proving disregard for any and all other religions that may be held throughout Egyptian society, providing context to the violation of ICCPR Article 18 (designating the right to free thought, belief, and religion). As the precedent stands, the ambiguous wording towards offenses such as ‘extremist thoughts’ for example, remains unclear, allowing for loose and misguided interpretations to be upheld throughout blasphemy cases that aim to chill speech, such as the case of Behery attempting to provide criticism and that of the Coptic Christian teenagers, leading to mob protest and their need for exile.

4. Reflections and Conclusion

After carefully analyzing case studies throughout three different countries and recounting reports that measure blasphemy laws globally, we can identify that the original hypothesis aligns with and is supported by the findings. The hypothesis stated, that throughout the countries of Pakistan, Indonesia, and Egypt, it expected to discover the blasphemy laws to be vaguely worded, and particularly specify protection to religion, as opposed to individuals, becoming a facilitator for mob related violence and extrajudicial killings. Other variables noticed was the level of democracy and the religious majority or homogeneity of each country. While for more democratic countries, mob related violence was more controlled, the specified protection for the majority religion, gave leeway for protest and occasional mob occurrence (such as in Indonesia). In the context for both Egypt and Pakistan, the lesser the level of democratic institutions, and the higher religious homogeneity, provided insight for blasphemy laws leading to violence against religious minorities, extrajudicial killings, and use of blasphemy for personal vendettas. For Pakistan, Indonesia, and Egypt, violations of the ICCPR (Articles 18, 19, and 20) were discovered collectively, violating this legally binding document, and providing a beginning understanding to blasphemy legislation's utilization against freedom of speech, expression, and religion.

Reflections on the Case of Pakistan

Pakistan's legislation against blasphemy, we have seen, is considered to be some of the most detrimental, consistently ranking highest across the reports. Classified as a Federal Republic, the country's religious identity, and therefore issues on blasphemy as interpreted by its religion, are considered to demonstrate a principal example of Sharia law linked to political figurations and contestations of the society. Granted, blasphemy cannot be considered the sole cause of religious or social violence or instability that occurs throughout the country. However, the establishment of religious nationalism, in which the state religion becomes government mandated, an issue of national security, as well as embedded religious discrimination, sees dilemma occur in the establishment of a blasphemy law. Within this context of aggressive religious nationalism, blasphemy laws do not "protect" hate speech in the manner that they are theorized to, but rather become an erratic opposite reaction, used as a weapon.

As demonstrated, in an instance of a blasphemous utterance or mistake, small or large, provides reason for societal anger and becomes an encouragement to take action extrajudicially. The then further lack of action in these cases of extrajudicial action or killings, simply allows for its continuation. Strict protection of religion, specifically that of Islam and its messengers, has only further allowed for religious discrimination (towards both minorities and non), providing ample demonstration to how it is used to settle personal strife (Aasia Bibi,) oppress criticism (Junaid Hafeez), and permit leeway for mob violence or killings towards those opposed to the religion and therefore, intrinsically, the state and its people (both cases).

Reflections on the Case of Indonesia

Indonesia as a democratic, Muslim-majority state, though specifying a number of religions within their constitutional and criminal framework, continue to require progress when faced with the dilemma of blasphemy. The existence of blasphemy legislation and the scant recognition of other forms of religion or religious expression and criticism, has demonstrated a constant dilemma concerning human rights and respect for free expression or opinion (Kumekawa, 2010). While placed lower throughout the reports, compared to Egypt and Pakistan, Indonesia remained one of the highest in rank due to strict enforcement of government mandated blasphemy and social hostilities.

Reflecting Indonesia's lower rankings, in part, may be attributed to its higher democratic level and the specified protection to six outlined religions adhered to within the country. Allowing the inclusion of other religions than just one, allows for certain minority religions to receive a place amongst the penal code. However, typically the blasphemy law becomes utilized in the context of an offense towards the majority religion. Its existence, therefore, allows excuse for mass protest when posing threat or causing disharmony (as witnessed in the instance of the Ahok case) or upon the religious majority finding disagreement amongst another unspecified religion (such as the case of Tajul Muluk).

Regardless, Indonesia continues to witness abuse to the citizen's right to freedom of religion and speech, in which their stringent implementation provides instances of dilemma within the society. A gripping claim to its necessity simply permits blasphemy law to enforce situations of unrest, typically towards religious minorities. Their blasphemy law's outright opposition to human rights values of freedom of religion and complacency to intolerance within the society, have proved to be detrimental to those living and experiencing it.

Reflections on the Case of Egypt

The case of Egypt gave further understanding in the harmful results that the law on blasphemy bestows, as it has been incorporated and weaponized. According to a report by Freedom House in November of 2019, such blasphemy laws in Egypt were too often misused as a manner of penalizing individuals for simply expressing their beliefs, settling personal strife or suppressing opposition and criticism to the higher religious organizations, of which, Christians (as a religious minority in Egypt) tend to be unreasonable targeted (Country Policy and Information Note, 2020). Since al-Sisi's instatement, blasphemy prosecution and arrests continued to remain the same, if not face rise and increase (Fiss & Kestenbaum, 2017). Supposedly, in aim to appear as a religious guardian and gain the support of the religious public in Egypt, al-Sisi's continuous blasphemous crackdowns have allowed for such cases to rise from 2011, sentencing mostly the religious minorities of Shi'a Muslims, Christians, and Atheists, along with Islamic converts (Fiss & Kestenbaum, 2017). Yet another case in which a society experiences the dark underbelly of the unclear, blasphemous penal code violations, in which religion is allowed protection, while its citizens prescribing to a religion, are not.

Conclusion

In all, blasphemy legislation, as discussed, has brought various debate and tensions to the international table on its nature and its practicality, especially in terms of the discussion of the

value of free speech. Some may theorize that blasphemy laws, in and of themselves are inherently dangerous, allowing for its interpretation to become skewed and weaponized, proving to be of use in committing human rights atrocities and strangling free speech (Marshall & Shea, 2011). Others provide the view that as stated by Cox, blasphemy legislation is not inherently bad when justified by good faith and morality-based limitations (Temperman & Koltay, 2017).

Upon the instance that the protection of defamation and religion does not result in negative consequences for individuals of the society contradicting in human rights, according to Gubo (2014), there should be no reason as to why laws that counter blasphemy should be eradicated. The idea that an unabridged right to free speech truly encourages freedom and equality, has, in reality, far too often become weaponized as a manner of demoting an individual or collective entity, proving faults in an unequal system. Words can be manifested in ways that cause immediate lawless violent action. However, too tight of restrictions can also provide the same consequences.

Such legislation is openly welcomed and often times needed in order to specifically protect individuals for freedom of religious choice, especially upon following certain and specific methods of implementation. Ensuring that specific boundaries remain uncrossed, keeping well within the limits of what are deemed democratic and harmonious, it is even argued that if the international community, insists on minimum standards of protections for upholding freedom of expression, religion, and democracy, then blasphemy can coexist and create a harmonious environment that aims surely to protect individuals (Gubo, 2014).

However, this would require the expectations and trust in the sovereignty of individual states, to keep this boundary, and in the cases that blasphemy laws existence in countries, such as those presented, create implications on fundamental human rights and specific human rights framework, this reaches a cause for concern on the exploitation of international law and values of

free speech that is in fact, transpiring. While blasphemy laws that pose these imminent dangers and threats, do not stand alone at fault, the domestic application of those that only provide protection for religion, additionally pushes for a religiously or critically intolerant society, utilized in specific countries.

These case studies do not stand as a representation for all Islamic or Muslim majority countries, nor for all kinds of blasphemy laws. It demonstrates that those of which do not aim to protect individuals, provide insult and detrimental precedents to the human rights of free speech, expression, and religion. What emerged from these case studies was an understanding of blasphemy laws in which, those that protect the majority religion of a country - one that is already prone to protest, violence, or overall societal dilemmas - allows for these laws to become an encouraging factor to invigorate extremists, nationalists, or religious individuals. Becoming a focal agent in instrumentalizing the growth of religious nationalist rhetoric, implicitly debilitates religious minorities. Even under democratic instances, where protections for all religions are witnessed, by providing protection to these religions, under the guise that it is an effort of national stability and security, any insinuation can be seen as an attack, the blasphemy law simply giving allowance to a grand reaction.

Universality vs. relativity of human rights aside, as it stands, the ICCPR holds legal validity, and those that accepted and ratified it, must therefore uphold it. The right to free speech, expression, and religion, is the backbone of a tolerant, heterogenous, society that opens itself to the marketplace of ideas and discussion. While the countries proposed as examples, Pakistan, Indonesia, and Egypt, demonstrate cases in which blasphemy laws frequently pose threats to these values and violate the articles of the ICCPR relating to such, it begins to open up the discussion overall on the value of the human right to freely express opinion and freely practice religion. In

order to advocate for these values, beginning where the dilemmas and oppression are more severe, is an imperative step. However, reporting instances of abuse and situations of intolerance must continue to be recorded, discussed, and fought against, both at a societal level, as well as on a legal platform internationally.

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