

## ***Blasphemy: Religious or Secular Law?***

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In order to fully appreciate the nature of blasphemy laws one needs to explore the basic beliefs underpinning the Islamic state. Namely that there is one God, Allah, the Qur'an (the holy scripture of Islam) is the word of God, which is by its definition eternal and binding. Alongside this Islam provides Shari'a for governing the duties and obligations of both individual Muslims and the state alike. It follows therefore that the state and religion are one and the same. A feature of such governance includes the state power of interpretation and implementation of Shari'a. It is commonly accepted that a rejection of westernized secular governance has given rise to a return to Islamic states and Islamic norms a process termed "Islamization" (Mayer, A., *Law and Religion in the Muslim Middle East*: 1987).

A number of states including Pakistan and Iran are examples of Islamization. Many view this return to traditional principles commendable and necessary, there remains skepticism about empowering the state with the both the interpretation and application of religion and law. The argument is easily supported when one considers the basis of the blasphemy laws in Pakistan. From the 1947 liberal views of tolerance enshrined in constitutional protection of religious freedom and rights, through religious fundamentalist movement and pressure in the 70's and 80's culminating in the passing of the blasphemy ordinances. The 5 ordinances were approved and passed by the Federal Shariat Court.

The Pakistani Constitution requires that all existing laws shall be brought in conformity with the injunctions of Islam as laid down in the Holy Qur'an. It is difficult to understand the basis for acceptance of such laws given that there is no direct mention of these laws in the Qur'an. As Dr Tahir Wasti (*The Application of Islamic Criminal Law in Pakistan*) states "while the Qur'an prescribes punishment for theft, murder, slander and illicit intercourse, there is no mention of blasphemy." The acceptance of such laws arguably gives support to the assertion of the use of blasphemy laws as tools of political dominance rather than religious application.

Whilst the historical origins of blasphemy are, as would be expected, rooted in religious origins. Such roots lie in Christianity rather than Islam and are products of English colonial exportation rather than Islamic principles. Even so the laws have gained prominence in countries such as Pakistan, Saudi Arabia and Iran. The purpose of this paper is to trace the origins and the religious justification, if any, of blasphemy laws in Pakistan and Saudi Arabia. Considering the impact blasphemy laws have on

the perception of Islam and Shari'a as tools of oppression and discrimination by non Muslim states.