Murder in the Name of Allah: Asia Bibi and Pakistan's Blasphemy Law

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05.11.2018 doi: 10.17176/20181108-205558-0

"Every time a lower court sentences someone to death for insulting the Prophet, the Supreme Court eventually jumps in and lets the wrongdoer off death row," Afzal Qadri, an old man with a greyish prayer-hat and a bushy white beard, yammered into a microphone just outside the legislative assembly in Lahore. Thousands of *Tehreek-e-Labbaik Pakistan* (TLP)followers had gathered there for a *dharna* (protest) to rage against the Supreme Court's release of Asia Naureen, a mother of five from Pakistan's shrinking Christian community who was imprisoned nine years ago on trumped-up blasphemy charges. Gasping for air the man hurled, "I say, kill the three Supreme Court justices. It has become a religious obligation for us to kill them. Their own drivers should kill them… or someone from their security squad should kill them. I mean, what kind of country are we if we continue to let them get away with this?"

Asia's blasphemy case riled up the religious right and spiralled into scorching new waves of violence. The TLP, a party founded to hound blasphemers, is not taking any responsibility for the ongoing demolitions. They insist that theirs is not a movement of rowdy divines with too much time on their hands. "We have peacefully blocked a few roads through sit-ins," the TLP's wheelchair-bound founder Kadim Hussain Rizvi claimed recently, "and we may have burnt a few worn-out tyres that were donated by our wealthier members." Videos, widely circulated on WhatsApp, suggest that the TLP has outsourced much of their street muscle operations to professional rioting agencies. These agencies provide manpower, but they also offer strategic advice on which roads to block and what tyres to burn.

Nothing pointed towards such an escalation when Asia began her work at an idyllic berry-field in 2009. But she stumbled into a fight with two women working besides her. They fought over a bucket of water. All three women belonged to the *Chamar* caste, a former untouchable group still subject to harsh discrimination over much of the Indian subcontinent. Asia offered the bucket of water to her two Muslim co-workers but they rejected her drink. "We do not take water from the hands of a Christian!", Asia's fellow berry-pickers sneered. In itself, this is hardly unusual. The caste system is alive and striving on the Indian subcontinent and has always unfolded in heightened sensitivities around food and water issues (on a side note: the intersection of Pakistan's blasphemy laws and the cultural politics of gifting water within the *Chamar* caste through the lens of gendered violence and the concept of hospitality *is* worth an anthropology paper or two).

From here, the situation escalated dramatically. The women quarrelled; "some hot words were exchanged." A few days later, the Muslim women accused Asia of having insulted the Prophet Muhammad. According to §295-C Pakistan Penal Code, insulting prophets is a criminal offence that can be punished with death. Following the Federal Sharia Court's judicial amendment of 1990, the crime now comes with a mandatory death sentence. This turned what otherwise would have constituted no more than a catty schoolyard fight into a topic of international attention.

Asia's case has gripped Pakistan for roughly a decade. It has also lead to a number of high-level assassinations. Shortly after he publicly contemplated Asia's pardoning in 2011, Salman Taseer, Punjab's governor, was shot dead. Even federal employees were not safe. Shahbaz Bhatti, the federal minister for minority affairs and an outspoken critic of Pakistan's blasphemy laws, was murdered soon after. After both

killings the TLP (then known as *Tahreek-e-Labbaik Ya Rasulullah*, roughly "Here I am Oh Prophet Movement") burned battered tyres in celebration.

Early police investigations into Asia's blasphemy allegations were completed within a few days. The superintendent of police (SP) found that Asia had blasphemed. He arrived at this conclusion with unsound arguments. Accusation of blasphemy, he noted in his report, and concrete factual evidence which could hold up in court, were essentially two sides of the same coin. For the SP, Asia was guilty because she was *accused* of having insulted the Prophet. Asia's plea that the two Muslim women had attempted to convert her to Islam, proselytizing efforts she had resisted, and that the women therefore had a convincing motive to take revenge, was lost on the SP.

Enter the Sessions Court in Nankana Sahib, where the matter was first heard. Based on its merits, the case was more likely to get chucked out than to culminate in any serious criminal conviction. Yet, and to the surprise of many, the sessions judge Muhammad Naveed Iqbal saw this differently. Instead of demystifying the affair with a whiff of common sense, Naveed Iqbal doubled down on the argument the SP had proposed. He even suspected a much larger Christian conspiracy at work, which had the sole purpose of making Muslim countries look bad. If this were to be true, the judge certainly played his scripted role to the dot. Weirdly swayed by the fact that the two Muslim women had recorded their witness statements at the local police station, he gave the following stringy explanation as to why he believed their word over Asia's:

> *In our society, normally, the ladies avoid to indulge in criminal cases even as complaint or witness particularly the parents of the unmarried and young girls never allow their daughters to go to the police stations or to appear before the Police Officers or in courts in order to record their statements or to face the ridiculous questions of the advocates. But in the instant case, the ladies (PW-2 and PW-3) took all the steps as they could not bear the blasphemy. [sic!]*

Naveed Iqbal claimed that Asia had admitted to her guilt (she had not), and that the exchange of "hot words" could only be regarded as a euphemism for blasphemy. Seemingly in a rush to arrive at a death verdict, he quickly determined that "Hot Words [sic] should [sic] had not been other [sic] than the [sic] blasphemy [sic!]". This satisfied the judge and later the criminal appeal bench at Lahore's High Court to sentence Asia to death by hanging.

Whatever your views are on corporal punishment, it should always be illegal to take someone's life based on judgements hammered out in defiance of basic spelling, punctuation and capitalisation standards. Between twenty and forty strikes against orthography and the convict swaps death row with life imprisonment; sixty strikes or more and the convict catapults straight into freedom. It seems that what glues Pakistan's higher and lower judiciary together is no longer a mix of lofty ideas around public service and anxious status consciousness. Today, Pakistan's judges find common ground mainly as serial offenders against orthography. During a recent onslaught (in what should be called 'systematic crimes against orthography'), I witnessed a senior judge pitilessly smudging a poor law clerk's draft by adding prefixes to nouns at random. The clerk's draft ruling, to be fair, was already slopping over with numb articles. After the judge had completed his work he told me, "See, now the lawyers will view us more sophisticated!"

The Supreme Court makes references to the well-known *Ilmuddin* case in order to underline the importance of 295-A Indian Penal Code (blasphemy). The case relates to the 1929 murder of the Hindu publisher Mahashe Rajpal. Ilmuddin, an illiterate 18-year old carpenter, had entered Rajpal's bookstore in Lahore's mochi bazar, asked for a copy of *Heer Ranjha* (a medieval Punjabi love story, where, spoiler alert, the lovers die of poisoning) and swiftly stabbed the publisher eight times to take revenge for the publication of *Rangila Rasul*, a foamy booklet that sensationalised the domestic life of the Prophet Muhammad. To prevent such vile publications from spreading and to appease the sentiments of Indian Muslims, the colonial government promptly introduced §295-A IPC. This

made insults against religious founders a punishable offence.

In Pakistan the way one looked at Rajpal's murder used to determine of where one stood on the secular-versus-religious divide. This convenient paradigm has changed. Now that ever more Pakistanis agree with Rajpal's killing, disagreement only ensues on whether Ilmuddin was justified in taking sharia law into his own hand; the Ilmuddin question only signifies the *scale* of one's religiosity. This reflects in the Supreme Court's judgement. Chief Justice Saqib Nisar referred to Ilmuddin as "a great lover of the Prophet" and adorned him with several honorific titles. He called him "Ghazi" (great warrior) and "Shaheed" (martyr). Such titles were earlier only used by Muslim hardliners. In the current mood, it seems, they constitute the first base on the index of one's faith.

The Supreme Court also had no qualms with mandatory death sentences for insults against the Prophet. The Court upheld the current reading of the §295-C PCC. It was in agreement with the reasons that were proposed during the 1986 parliamentary debate, when punitive measures for blasphemy were dramatically beefed up, from jail time to hanging. But the parliamentary debate to ratify the act throws up a number of questions about the validity of a mandatory death penalty that went unanswered. The majority of Islamic scholars were (and still are) lukewarm at best to shell out death sentence to non-Muslims. To swiftly plaster over such startling contradiction, Shah Tarab Alhaq Qadari, a member of parliament who pressed for a speedy ratification of §295-C, drummed up the spectre of an imminent populist takeover if the bill was turned down. "Let's keep in mind that if we reject the bill", Qadari thundered against a hesitant parliamentarian, "250.000 people could surround the parliament!"

For all the Islamic jargon of authenticity stuffed into Asia's ruling, the judges visible struggled to get their basic Arabic right. Saqib Nisar translated the second part of the *kalima shahada* (the Islamic profession of faith), with "I bear witness that Muhammad is the *Last* Messenger of Allah" [emphasis added]. "Last" is not there in the original Arabic and to my knowledge the *shahada* has never been translated in this way. Since much of the dispute with the Ahmadiyya, a smallish Muslim sect heavily mistreated by the Pakistani state, centres on the question of the finality of prophethood, it makes one wonder if the Chief Justice had deliberately modified the *shahada*'s translation to take an unwarranted jab at a disadvantaged minority group. Saqib Nisar was not the only one who blundered. Justice Khosa, in his concurring opinion, found it "ironical that in the Arabic language the appellant's name Asia means 'sinful'". The Urdu spelling of Asia's name, however, as the judge could have easily researched, would be closer to Asiyah –– the name of the pharaoh's wife who picked baby Moses from the Nile and who is, together with Mary, Khadija and Fatima, the most revered woman in Islam.

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SUGGESTED CITATION

Hussain, Adeel: Murder in the Name of Allah: Asia Bibi and Pakistan's Blasphemy Law, Verfassungsblog, 05.11.2018, doi: 10.17176/20181108-205558-0.

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Langzeitarchiviert bei IntRechtDok unter: doi.org/10.17176/20181108-205558-0.