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## Laws of Blasphemy in Non-Muslim Countries An Analytical Study

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### Abstract

A blasphemy law is a law relating to blasphemy or irreverence towards holy prophets or beliefs or religious traditions. These laws may forbid: the vilification of religion, "religious insults," defamation of religion, denigration of religion, offending religious feelings, or the contempt of religion. In some jurisdictions, blasphemy laws include hate speech laws that extend beyond prohibiting the imminent incitement of hatred and violence. This study examines the Blasphemy laws of UK, the USA, Canada, France, Denmark, Norway, Israel, Australia, Germany, Austria, Brazil, Ireland, Greece, Malta and Zimbabwe. Blasphemy law has been implemented almost in all the non-Muslim countries especially where legislation is based on the divine scriptures or Bible. This study proves that these non-Muslim countries still retain blasphemy and related laws. The existence of these rules in these countries proves that blasphemy is still a crime according to their own laws. The Western jurisdictions retain such laws in their books and some have even enforced them in recent years. Also there have been some prosecutions recently. This study proves the insincerity of the non-Muslim countries who, despite the presence of these laws in their own countries, force Muslim countries to eradicate such laws which are related to Tāūhyn-y-Risā'lat or Blasphemy in Muslim Countries in the name of freedom of Speech.

**Keywords:** Blasphemy, Beliefs, Defamation, violence, Jurisdiction, Tāūhyn-y-Risā'lat, Divine scriptures, Freedom of Speech.

Blasphemy laws, with little variations, have been in place in almost all the countries of the world. In the Islamic State of Mādīnā, Prophet Muhammad (PBUH) got the blasphemers punished to death through his followers and this definitely happened according to the orders of 'Allāh Almighty. The same way, the punishment of this crime is mentioned in various ways in the preaching of other prophets as well. This law has been in practice in the Šhāri'ah of various prophets. A prophet is a man with Revelation who has an unobserved (unseen) source of knowledge that an ordinary man doesn't possess. A prophet not only gives instructions and guidance to his nation but also makes his followers aware of the divine laws, limitations, and punishments as well as the

punishment for the blasphemy of the Prophets. He also sets the precedents of enforcement of these laws. In most of the Eastern as well as Western countries, the blasphemy has been a punishable crime in one way or the other. Wherever the nations, who believe the revelations, have been in rule, the punishment of blasphemy has also been in force. Now a day, the Court of Justice for the Basic human rights in Europe mostly emphasizes the liberty of speech in a free and democratic society. However, at the same time, blasphemy laws also exist in many non-Muslim countries like Australia, Denmark, Finland, Greece, Italy and Ireland.

The blasphemy is declared as an offence in many other countries like Cyprus, Check Republic, Denmark, Spain, Finland, Germany, Italy, Netherlands, Poland, and Portugal. Although such laws with the punishment including imprisonment and fine exist, but they are generally not enforced. In Western countries, in the past, blasphemy of Christ has been sentenced to capital punishment which in some of the countries is still present in the form of life imprisonment. Recently, it has been observed that the Western countries have been active in deactivating the laws of blasphemy of the Prophet Mūhāmmād (PBUH) in the Muslim countries under the garb of the rights of minorities and freedom of speech.

This paper presents the laws of blasphemy in the light of the teachings of the Bible and then presents laws of blasphemy found in some Non-Muslim countries. It should be kept in mind that the laws present in these countries are not compiled in the form of any books. Some of the countries of the West have softened these laws under the influence of secularism. The blasphemy laws of England, USA, Canada, France, Denmark, Norway, Israel, Australia, Germany, Austria, Brazil, Ireland, France, Malta, and Zimbabwe have been approached through internet and have been analyzed for this research study.

### **Punishment for the Blasphemy of the Prophets in the Bible:**

The Bible has mentioned several times that the mischievous miscreants who libel and slander are disliked by God. Then it mentions the divine punishment God set for such people. **In Psalm, it is quoted in the case of David (AS):**

“I have suffered much; preserve my life, Lord, according to your word. Accept, LORD, the willing praise of my mouth, and teach me your laws.”<sup>1</sup>

**Similarly, it is mentioned in the book of Proverbs:**

“Have no fear of sudden disaster or of the ruin that overtakes the wicked”.<sup>2</sup>

It means that there are wicked people who always torment the prophets and remain concerned about killing them. What kind of people are these who mock the prophets is mentioned in the chapter of Luke:

“The men who were guarding Jesus began mocking and beating him. They blindfolded him and demanded, “Prophecy! Who hit you?” And they said many insulting things to him.”<sup>3</sup>

Similarly, it is written in the “book of Chronicles”:

“People of Israel, return to the LORD, the God of Abraham, Isaac and Israel, that he may return to you who are left, who have escaped from the hand of the kings of Assyria. Do not be like your parents and your fellow Israelites, who were unfaithful to the LORD, the God of their ancestors, so that he made them an object of horror, as you see. ---The couriers went from town to town in Ephraim and Manasseh, as far as Zebulun, but people scorned and ridiculed them.”<sup>4</sup>

In other words, the mockers are those who make fun of the prophets and their companions who invite them to good. Although Christians do not consider Christ as the prophet, rather they consider Christ as the Son of God, even then, not only were Jesus Christ mocked, but it was with all the prophets and those of their followers who feared people with God's torment as mentioned above. It turns out that according to the Bible, there are two types of blasphemers- those who mock and insult the prophets, and those who plot about killing the prophets. See what punishment is proposed for the perpetrators of both types of blasphemy in the Bible:

“The Lord's curse is on the house of the wicked, but he blesses the home of the righteous. He mocks proud mockers but shows favor to the humble and the oppressed”<sup>5</sup>

Who can help those whom God has cursed and agreed to make fun of and to humiliate them? Who can be the supporter and helper of such people? What will happen to those whom God curses and mocks and sets them free from His protection?

If we consider the verses of the Bible that the wages of the righteous is life, but the wicked are sin and death, the sense of punishment becomes more severe because it contains the inheritance of glory for the wise. It is obvious that the wise are the ones who listen to the Prophet with consideration, and do not make fun of him.

As mentioned in the Bible:

“But a wise man listens to advice”<sup>6</sup>

The punishment of the fools is that they will progress but only in shame. This clarifies that the fool is the one who libels and slanders the prophets and mocks them. Bible mentions, “For a fool making mischief is a play”<sup>7</sup>

The Bible declares much more good news the wise who listens to the prophets and punishment for the fools who mock the prophets.

“The wages of the righteous is life, but the earnings of the wicked are sin and death”<sup>8</sup>

The Book of Proverbs mentions how the miscreant fools will be punished:

“Those who are kind benefit themselves, but the cruel bring ruin themselves”<sup>9</sup>

This means that 'Allāh will send people to fight relentlessly against the miscreant mockers to destroy them. Perhaps the Elijahs were such people whose nation was destroyed because they mocked them. However, later the people who repented and sought forgiveness were forgiven as well. Bible mentions:

“The prayer of a righteous person is powerful and effective. Elijah was a human being, even as we are. He prayed earnestly that if it would not rain, and it did not rain on the land for three and a half years”<sup>10</sup>

### **The Punishment of Blasphemy of Religion in the Bible:**

As a whole, the punishment of blasphemy of religion (which also includes blasphemy of God and prophets) is death sentence.

“Anyone who blasphemes the name of the Lord is to be put to death. The entire assembly must stone them. Whether the foreigner or native-born, when they blaspheme the Name they are to be put to death”<sup>11</sup>

Even if a person exhibits an insulting behavior to the oracles or the jurists, his punishment is death according to the Bible. The book even suggests death penalty to those who disrespect the disciples of the prophets who serve religion under the subordination of the prophets. It is reported in the Book of Deuteronomy:

“Act according to whatever they teach you and the decisions they give you. Do not turn aside from what they tell you, to the right or to the left. Anyone who shows contempt for the judge or for the priest who stands ministering there to the Lord your God is to be put to death. You must purge the evil from Israel. All the people will hear and be afraid, and will not be contemptuous again”<sup>12</sup>

The same way, in the chapter of "Exodus" of the Bible, working on the Saturdays is punished to death.

"For six days, work is to be done, but the seventh day shall be your holy day, a day of Sabbath rest to the Lord. Whoever does any work on it is to be put to death. Do not light a fire in any of your dwellings on the Sabbath day." <sup>13</sup>

It may be said here that "Deuteronomy" and "Exodus " are the books of the Bible, which is called the ancient covenant and is related to the Mā'svi Šhāri'ah.

But this would be of no use because according to the book of the modern Christian Šhāri'ah, "The Gospel of Mathew" the Prophet Jesus has clearly declared that....

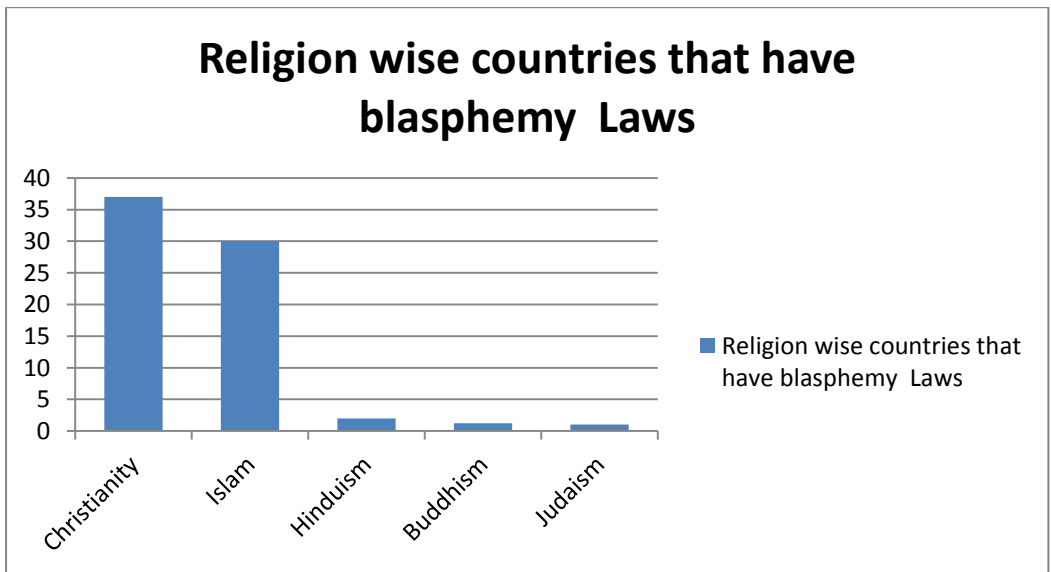
"Do not think that I have to come to abolish the Law or the Prophets: I have not come to abolish them but to fulfill them. For truly I tell you, until heaven and earth disappear, not the smallest letter, not the least stroke of a pen, will by any means disappear from the Law until everything is accomplished"<sup>14</sup>

In other words, the orders of the Old Testament are also the part of Christ's šhāri'ah. Both Judaism and Christianity treat blasphemy as an unforgiving crime. The Christian history is replete with the incidents where people were murdered merely for the difference of opinion. Unfortunately, the religious scholars of Christianity in Pakistan deliberately ignore their historical realities and religious teachings just to convince the world that they are pro-west and are Western in their outlook as a part of which they declare the blasphemy law as the violation of the rights of minorities. It can be fairly asked where in the teachings of Christianity, it is suggested that it is their basic right to mock the sacred personalities and teachings of other religions. It is also strange to find that the Christian scholars see the Fātawā of death penalty for the blasphemy of the Prophet Mūhāmmād (PBUH) as objectionable and a violation of their basic human rights, but find the death penalty for disgracing their oracles and jurists justified and above any objection. The Christian scholars should base their statements and decisions on the teachings of Christianity instead of shaping them after the Western fashion.

The objective of the Islāmic laws of blasphemy is to punish such a person who does not honour the respect and sanctity of the prophet who is the beloved and reverend of billions of people so that the society should not fall a prey to anarchy. It is merely a false propaganda that the law of blasphemy of the Prophet Mūhāmmād (PBUH) is in force only in

Pakistan and its aim is to harm only a certain part of society. Now, after a survey of the laws from the Bible, let's have a look at the blasphemy laws present in various countries of the West.

**71 COUNTRIES THAT HAVE BLASPHEMY LAWS ON THE BOOKS**



Source:<sup>15</sup>

**Great Britain:**

This is an autonomous country comprising of four countries: England, Northern Ireland, Scotland, and Wales. The laws of “Blasphemy of the Prophets” and “Libel” were abolished in 2008; however, such laws are still present in the books of legislation in the Wales and Northern Ireland. Historically speaking, the blasphemy law was made for the Christianity only. In Great Britain, the blasphemy law is present specifically only as the blasphemy against Christ.

In the middle ages, the “blasphemy of Prophet” was sentenced to death. In 1841, a poet Edward Moxon was found guilty of the blasphemy and he was sentenced to imprisonment only. In 1949, Denning announced that “Blasphemy of Prophet” law was only a dead letter. However, in 1977 this law was reinstated because of the publishing of a slandering poem.<sup>16</sup> In a poem, “The Love that Dares to Speak its Name” written by James Kirkup, Jesus Christ was presented as a sex-ridden character (god forbid). Dennis Lemon was editor of a magazine Gay News which published this poem.

The punishment according to the Blasphemy law was given due to a petition by Mary Whitehouse who filed a case against Dennis Lemon in 1977. Dennis Lemon was the editor of the same newspaper which published a controversial poem which used the words of disgrace against the Prophet Jesus.<sup>17</sup>

Lemon was sentenced to a fine of £1.5m and suspension for 9 months. Gay News was fined £1000 but had to pay 10,000 pounds for court costs. Dennis Lemon later became ill with AIDS and in 1982 he sold out his newspaper which closed in 1983. He died in 1994.<sup>18</sup>

After this judgment, the complainant lady Ms. Mary Whitehouse said that she was very happy as she thought nobody would ever perpetrate such a crime. But this did not prove true. According to the daily Telegraph, as a protest against the blasphemy law, the same poem was loudly recited deliberately in 2002 by a group of gays on the stairs of the church of St. Martin in Field in London. Without any remarkable reaction, this protest ended with an announcement that the law of blasphemy of Christ should be abolished. Once again the church of St. Martin in the Field persuaded a case but it could not inflict any punishment.<sup>19</sup>

This law once again came to action when a fundamentalist Christian group Christian Voice filed a case against BBC for broadcasting a program having content against the beliefs of Christianity. This case was disposed of by the magistrate of Westminster. The Christian Voice went to the higher court against this decision but lost this

case again. High Court wrote in the judgment that the blasphemy law was not applicable to the “theater Act 1968”.<sup>20</sup>

Criminal Justice and Immigration Act 2008 was amended on 15<sup>th</sup> March 2008

According to the section 79, the offences of blasphemy and blasphemous libel under the common law of England and Wales are abolished. Extend to England and Wales only.<sup>21</sup>

### **United States of America:**

In the beginning, the punishment of blasphemy was death in the USA, but now the punishment exists no more. At the start of the 20th century, the Law of Blasphemy in America began to be ineffective under the plea that these laws violate American laws. The following clause is used to make this law ineffective.

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”<sup>22</sup>

In Massachusetts, Michigan, Oklahoma, South Carolina, Wyoming and Pennsylvania, the punishment for blasphemy is found present. In some states, the law of the early ages is also present in the books. For example, the Law of Blasphemy is still in place under Section 36 of the General Law 272 of Massachusetts:

“Whoever willfully blasphemes the holy name of God by denying, cursing or contumeliously reproaching God, his creation, government or final judging of the world, or by cursing or contumeliously reproaching Jesus Christ or the Holy Ghost, or by cursing or contumeliously reproaching or exposing to contempt and ridicule, the holy word of God contained in the holy scriptures shall be punished by imprisonment in jail for not more than one year or by a fine of not more than three hundred dollars, and may also be bound to good behavior.”<sup>23</sup>

Such a law exists in the state of Maryland as well. It states:

“If any person, by writing or speaking, shall blaspheme or curse God, or shall write or utter any profane words of and concerning our Saviour, Jesus Christ, or of and concerning the Trinity, or any of the persons thereof, he shall, on conviction, be fined not more than one hundred dollars, or imprisoned not more than six months, or both fined and imprisoned as aforesaid, at the discretion of the court.”<sup>24</sup>



In The United States, a man named Abner Kneeland was sent to prison under blasphemy law in 1838 alleging that he had published letters on the philosophy of the pagan pantheism by denying God's existence and it included the insult and denial of Jesus Christ. Abner Kneeland took three points in his defense: first that he is not an atheist because he never denied God's existence, and secondly that this blasphemy case is against the religious freedom granted by the Massachusetts Constitution. Thirdly, this law is in contrast to press freedom. The court rejected all these points and said the first point was based on mala fide intention, the second point being that the court had studied all the laws of the state and found the law of blasphemy is a guarantee of the religious freedom. And the third point is that the press does not have unlimited freedom. So Kneeland was sentenced to 60 days in prison.<sup>25</sup>

The last reported case in America was against an atheist Charles Lee Smith in 1928. He rented a store in Little Rock, the most populous city in Arkansas, and placed atheist literature there. When the case opened against him, he also refused to take an oath in the name of God saying he was an atheist. The judge then sentenced him to a fine of \$1,000 for promoting blasphemous literature, indecent language, and slandering.<sup>26</sup>

### **Canada:**

The law exists in Canada under the title of the Blasphemous Libel. According to the Criminal Code of Canada, slander or insult is a crime. But the Charter of Rights and Freedoms has a preference over this law. The last case was conducted in 1935. Although, human rights and freedom are generally maintained in Canada and the imprisonment may be inefficient because of the constitutional protection of fundamental rights, but the law is still there. According to Article 296:

“Everyone who publishes a blasphemous libel is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years. No person shall be convicted of an offence under this section for expressing in good faith and in decent language, or attempting to establish by argument used in good faith and conveyed in decent language, an opinion on a religious subject.”<sup>27</sup>

Canada's new Prime Minister Justin Trudeau and his party Liberal Party have a great reputation for religious tolerance. The Canadian parliament has passed a resolution against defaming Islām by a large majority according to a British newspaper the Independent. This bill was

moved by the Muslim MP of the Kurdish Liberal Party, Iqra Khalid. The resolution was debated in Parliament for two days, according to foreign media, calling on the Canadian government to condemn issues such as Islāmophobia, religious discrimination and racial discrimination. This resolution was passed. Conservative Party opposed this motion; however, this was approved with 201 votes in the favor while there were 91 votes cast in opposition.<sup>28</sup>

### **France:**

The definition of Blasphemy in France was introduced in the thirteenth century after a long debate of French ethics. St. Thomas Aquinas defined this definition and called it a sin of language. France is known for its opposition of curates and religiosity. It is known for freedom of expression. But even then, The Blasphemy Law has been here till 2016. According to the constitution of 1958, France is a secular state. However, the implementation of secularism has not been the same in all parts of France. The Alsace-Moselle region is in the east of France at the borders of Germany. Metz and Strasbourg are famous cities of this region. In 1905, this area was under the Control of the German Empire. Members of Catholic, Lutheran, Calvinist, and Jewish groups in the area have the right to choose their religious group to pay income tax. The local governments can also provide financial support for the construction of religious buildings. In the same area, the blasphemy law article 166, 167 according to the local panel code had been present till 2016. The articles of blasphemy were suspended by the Senate in October 2016.<sup>29</sup>

In France, the law of separation of church and state was passed in 1905 and in 1945 it was made a permanent part of the constitution. According to the law, the government and all the administrative institutions had to refrain from all forms of religion and its manifestations. But ordinary citizens and organizations have full freedom to express their religion of choice as they wish.<sup>30</sup> After publishing of blasphemous sketches in the French magazine Charlie Hebdo, the French Muslims filed a case against the magazine in 2014 according to the law of Alsace-Moselle. The secular activist circles had also campaigned to abolish the same law. On January 7, 2015, Sa'd and Chrif Kouachi, armed with rifles and other weapons, attacked the offices of the French magazine Charlie Hebdo, killing 12 and injuring 11 people. The Yemeni branch of al-Qaeda claimed responsibility for the attack. Another 5 people killed in a similar attack in El de France.<sup>31</sup>

### **Denmark:**

In Denmark, the law of "blasphemy" exists but is rarely used with a four-month prison sentence, although a prosecution for blasphemy was brought in 2017. Here the blasphemy law is criminal, see section 140 of the Criminal Code of Denmark.

“Any person who, in public, ridicules or insults the dogmas or worship of any lawfully existing religious community in this country shall be liable to a fine or to imprisonment for any term not exceeding four months.”<sup>32</sup>

In February 2017, after nearly 50 years, public prosecutors charged a man under the 'Blasphemy' Act, who posted a video of his burning of a copy of the Qur'ān. This was the fourth prosecution in Denmark for blasphemy.<sup>33</sup>

The first incident occurred in 1971, when two producers of a Danish radio station were accused of having a song mocking Christianity, but it was dismissed. In other cases, the prosecution considered the case, but no action was taken.<sup>34</sup> The paragraph number 140 of the panel code is about blasphemy. This paragraph was not used since 1938. The paragraph number 266 b of this code is about hate speech. This paragraph is used in a sequence. In 2004, an attempt was made to eliminate the clause related to the abuse but was rejected by a majority of the opinion.

In 2006, the newspaper Jyllands-Posten was investigated for publishing a collection of misleading sketches under the title "The Face of Mohamed", but no one was charged. In 2014, a Danish Iranian artist Firouzeh Bazrafkan held an art exhibition titled "Blasphemy" which contained material based on the Qur'ān's insult. "I want to remind people that there is no problem in disagreement," she said at the event. This incident and her other slander schemes, wherein she condemned and insulted the religion, were not charged with blasphemy.<sup>35</sup>

Even before the year 2017, the court rejected the attempts of blasphemy cases in the name of freedom of expression by the defendant. While, it must be clear that no person is allowed to make such an insult according to section 260 of the Danish Law of Criminality.

“Any person "who, publicly or with the intention of wider dissemination, makes a statement or imparts other information by which a group of people are threatened, insulted or degraded on account of their race, colour, national or ethnic origin, religion, or sexual inclination shall be liable to a fine or to imprisonment for any term not exceeding two years.”<sup>36</sup>

If someone publicly publishes a statement or information that threatens a group of people, or insults on the basis of language, race, nationality, and religion, or sexually motivates, such a person is sentenced to a fine and imprisonment of up to two years.

### **Norway:**

Norway also had a law of blasphemy. According to the Section 142 of the Norwegian Penal Code: "Any person who by word or deed publicly insults or in an offensive or injurious manner shows contempt for any creed whose practice is permitted in the realm or for the doctrines or worship of any religious community lawfully existing here, shall be liable to fines or to detention or imprisonment for a term not exceeding six months."<sup>37</sup>

In 1912, a journalist, Arnfred Olsen, was found guilty of blasphemy and was accused of writing an article in "Free Thinker" magazine which insulted Christianity. In 1933, Arnulf Overland, a writer and social activist in Norway, was last tried under the same law accusing him of labeling Christianity as the Tenth Plague while giving a lecture to the Norwegian Students Society. But he was later acquitted.<sup>38</sup>

Norway's parliament voted against the blasphemy law in 2002, but the change was not legally enforced. After the Charlie Hebdo massacre in Paris, the bill was introduced in the Parliament on 7<sup>th</sup> January 2015 by Conservative Party member Anders B and the Progress Party member Jan Arild Ellingsen, declaring the law against free expression. Finally, in May 2015, the law was permanently abolished. So now, according to Norway's Law Panel Code 1902, a phrase is now written in Danish on the official website after amendment of section 142: S 142.(Opphevet ved lov 29 mai 2015 nr. 35.)<sup>39</sup> Section 142 was terminated from May 29, 2015 via amendment number 35.

### **Israel:**

The section 70 and 173 of the panel code in Israel are related to Blasphemy. In Israel's "basic law", the panel code broadly restricts freedom of expression on religious issues. Whether the crime is related to blasphemy or "insulting" the religious beliefs or feelings of others in a "bad way", Israel's "basic law" describes this country as a "Jewish and democratic state". Regardless of the religious affiliation, Israeli law promises religious freedom and full social and political equality. So, the persecution of Palestinians is an open violation of the law. According to the article 170 of Israel, "Interference in someone's religious affairs":

הנכנס שלא ברשות למקום פולחן או קבורה או למקום שיוחד לצרכי לווית המת או לשמירת עצמותיו של מת, או נוהג במת שלא בכבוד, או גורם הפרעה לאנשים שנתקהלו

ללוויית המת, והכל בכוונה לפגוע ברגשותיו של אדם או לבזות דתו, או כשהוא יודע<sup>40</sup>. שהדבר עשוי לפגוע ברגשותיו של אדם או לבזות דתו, דינו – מאסר שלוש שנים

“If someone destroys or harms a place that is sacred to a group of people, and if the person who is responsible for the insult has the intent to abuse the religion of the individuals, or if he insults in the name of his knowledge, then such a person will be sentenced to up to three years in prison.”

According to the article 173 "undermining religious sentiments and emotions":

העושה אחת מאלה, דינו – מאסר שנה אחת

מפרסם פרסום שיש בו כדי לפגוע פגיעה גסה באמונתם או ברגשותיהם הדתיים של (1) אחרים;

משמיע במקום ציבורי ובתחום שמיעתו של פלוני מלה או קול שיש בהם כדי לפגוע (2) פגיעה גסה באמונתו או ברגשותיו הדתיים.<sup>41</sup>

The person who is responsible for the following offence will be liable for up to one year in prison: First: anyone who publishes or propagates content that is being used to undermine the religious sentiments and beliefs of others. Second: to speak a word or phrase in any public place that is considered an attack on the religious feelings of a man and woman of any other religion.

### **Australia:**

In Australia, the case of the punishment for blasphemy is not the same in different states, regions, and the commonwealth of Australia. In some parts, it is a crime to commit blasphemy while in others it is not. According to the title of the “Offence of Serious Religious Vilification” of the Race and Religious Tolerance Act, 2017:

A person (the offender) must not, on the ground of the religious belief or activity of another person or class of persons, intentionally engage in conduct that the offender knows is likely

(a) To incite hatred against that other person or class of persons and

(b) to threaten, or incite others to threaten, physical harm towards that other person or class of persons or the property of that other person or class of persons.<sup>42</sup>

Be clear that this content also includes negative use of the internet and e-mail. According to the Section 8:

A person must not, on the ground of the religious belief or activity of another person or class of persons, knowingly engage in conduct with the intention of inciting serious contempt for, or revulsion or severe ridicule

of, that other person or class of persons In this case, imprisonment for 6 months or 60 penalty units or both.<sup>43</sup>

The law passed in Victoria under the theme "The Racial and Religious Tolerance Act 2001" in Australia has been used several times to take legal action against people who criticize religion.

### **Germany:**

The German constitution though separates the state from religion yet some religious communities and two government churches are widely getting benefits. In Germany, the law on "Verleumdung der Religionen" means "insult of religion" is probably very broad having punishable sentence with a prison sentence. The code of criminality section 166 still contains the law of "blasphemy" which is an effective shield against criticism and blasphemy in religious matters. It says that if any action leads to a deterioration of the peace and order situation, the law can come to play. Section 166 titled "Defamation of Religions, Religious and Ideological Associations" states:

(1) Wer öffentlich oder durch Verbreiten von Schriften (§ 11 Abs. 3) den Inhalt des religiösen oder weltanschaulichen Bekenntnisses anderer in einer Weise beschimpft, die geeignet ist, den öffentlichen Frieden zu stören, wird mit Freiheitsstrafe bis zu drei Jahren oder mit Geldstrafe bestraft. (2) Ebenso wird bestraft, wer öffentlich oder durch Verbreiten von Schriften (§ 11 Abs. 3) eine im Inland bestehende Kirche oder andere Religionsgesellschaft oder Weltanschauungsvereinigung, ihre Einrichtungen oder Gebräuche in einer Weise beschimpft, die geeignet ist, den öffentlichen Frieden zu stören.<sup>44</sup>

Anyone who insults the content of the religious or ideological confession of others in public or by disseminating writings (Section 11(3)) in a manner likely to disturb public peace shall be sentenced to up to three years in prison or a fine Punished. Likewise, anyone who publicly or by disseminating writings (Section 11(3)) insults a domestic church or other religious society, or association of beliefs, its institutions or customs in a manner that is likely to disturbing public peace.

### **Austria:**

In Austria, the constitution and other laws and policies generally guarantee freedom of expression, conscience and religion. Yet there are restrictions on the words that can insult religious sentiments. Austrian Code of Criminality, "Vilification of Religious Teachings" is a crime to detest religious teachings:

Whoever publicly disparages or mocks a person or a thing, respectively, being an object of worship or a dogma, a legally permitted rite, or a

legally permitted institution of a church or religious society located in Austria, in a manner capable of giving rise to justified annoyance, is liable to imprisonment for a term not exceeding six months or to a fine.<sup>45</sup>

In Austria, two panel code clauses are related to blasphemy. (i) 188: Mocking religious teachings. (i) 189: Interfering in religious worship/affairs.

### **Brazil:**

In Brazil, under Section 208 of the Panel Code, it is a punishable offence to openly insult religious figures, acts and worship in Brazil. The punishment can range from one month to one year in prison or fine. Article 208 is written in Portuguese with the following words:

Escarnecer de alguém publicamente, por motivo de crença ou função religiosa; impedir ou perturbar cerimônia ou prática de culto religioso; vilipendiar publicamente ato ou objeto de culto religioso: Pena - detenção, de um mês a um ano, ou multa. Parágrafo único - Se há emprego de violência, a pena é aumentada de um terço, sem prejuízo da correspondente à violência.<sup>46</sup>

According to this article, the punishment of making a joke about a religious belief or event, dishonoring someone's religion and faith, creating a barrier to religious ceremonies, or disturbing a man and a woman for their faith, objecting to someone's religious worship in public, is one month to one year in prison. And if there is violence involved in this issue, there may be one third increase in fines and penalties without prejudice.

### **Ireland:**

The Constitution and other laws and policies guarantee freedom of opinion, conscience and religion, freedom of expression, assembly, and association. The Catholic Church is more effective here. There are usually many provisions for religion, and the blasphemy laws were recently introduced in 2009. Article 40 of the constitution allows freedom of religion and conscience, does not allow for mocking. See for example:

“The publication or utterance of blasphemous, seditious, or indecent matter is an offence which shall be punishable in accordance with law.”<sup>47</sup>

According to Defamation Act 2009, if a person commits blasphemy, the clause 36A says:

“A person who publishes or utters blasphemous matter shall be guilty of an offence and shall be liable upon conviction on indictment to a fine not exceeding 25,000.”<sup>48</sup>

In Ireland, blasphemy is a constitutional offence. This law was passed on July 09, 2009 and was implemented on January 1, 2010.

### **Greece:**

In Greece, the clause 198, 199, and 201 of the penal code declares blasphemy a crime. According to clause 198:

“1. anyone who publicly and deliberately, and by any means, blasphemes God shall be punished by imprisonment for not more than two years; 2. Anyone, except as described in para1, who displays publicly the act of disrespecting God, is punished with up to 3 months in prison.”<sup>49</sup>

According to the article 199 “Blasphemy concerning religion”, One who publicly and maliciously and by any means blasphemes the Greek Orthodox Church or any other religion tolerable in Greece shall be punished by imprisonment for not more than two years.” Similarly, the country outlaws any speech or acts that “insults public sentiment” or “offends people’s religious sentiments.”<sup>50</sup>

Similarly, any speech or action in Greece that insults public sentiment or provokes the sentiments of religious people is illegal. According to Article 13 of the Greek Constitution, the blasphemy is also a crime.

“The practice of rites of worship is not allowed to offend public order or the good usages. Proselytism is prohibited.”<sup>51</sup>

In Greece, three actors of a drama “Corpus Christi” were arrested for blasphemy. The case was filed by the Greek Orthodox Bishop Seraphim. The members of the Neo-Nazi Golden Dawn Party were also present in court with Bishop. Then in November, the administrator of the Athens Public Prosecutor and the producer were charged with blasphemy. They could face punishment of many months. The British newspaper Reuters reported:

“Actors and the producer and director of an American play in Greece that depicted Jesus Christ and his apostles as gay have been charged with blasphemy, court officials said on Friday.”<sup>52</sup>

In March 2017, a Greek artist Dionysis Kavalieratos faced court for blasphemy, making three Christianity-related cartoons that were



displayed in a private art gallery. The gallery owner was also a defendant in the case.<sup>53</sup>

## Malta:

In Malta, there are laws against blasphemy of religion and non-morality rather than laws against blasphemy of the prophets. Articles 163 and 164, which were created in 1933, prohibit blasphemy of Roman Catholic Church. Both these were in force till 2016. According to these articles, anyone who was convicted of blasphemy of Roman Catholicism, the punishment could range from one month to six months. According to Article 163:

“Whosoever by words, gestures, written matter, whether printed or not, or pictures or by some other visible means, publicly vilifies the Roman Catholic Apostolic Religion which is the religion of Malta, or gives offence to the Roman Catholic Apostolic Religion by vilifying those who profess such religion or its ministers, or anything which forms the object of, or is consecrated to, or is necessarily destined for Roman Catholic worship, shall, on conviction, be liable to imprisonment for a term from one to six months.”<sup>54</sup>

According to the Article 164, any blasphemy of religion can lead to up to 3 months in prison.

“Whosoever commits any of the acts referred to in the last preceding article against any cult tolerated by law, shall, on conviction, be liable to imprisonment for a term from one to three months”.<sup>55</sup>

But in 2016, both of these articles have been cancelled. And in April 2016, the law of blasphemy has now been changed under amendment 165. According to Article 165:

(1)Whosoever impedes or disturbs the performance of any function, ceremony or religious service of any religion tolerated by law, which is carried out with the assistance of a minister of religion or in any place of worship or in any public place or place open to the public shall, if the impediment or disturbance causes no serious danger to public order be liable to a punishment of up to six months imprisonment and if such a serious danger results the punishment shall be increased by one degree.(2) Any act amounting to threat or violence against the person is committed, the punishment shall be imprisonment for a term from six months to two years.<sup>56</sup>

It is clear that Article 338 (bb) in Malta law also makes blasphemy a punishment for the state of the state of intoxication.

Even though in a state of intoxication, publicly utters any obscene or indecent words, or makes obscene acts or gestures, or in any other manner not otherwise provided for in this Code, offends against public morality, propriety or decency.<sup>57</sup>

According to the article 342

...where the act consists in uttering blasphemous words or expressions, the minimum punishment to be awarded shall in no case be less than a fine (ammenda) of eleven euro and sixty-five cents (11.65) and the maximum punishment may be imprisonment for a term of three months.<sup>58</sup>

In Malta, two men were charged with blasphemy in 2009 according to the Malta Independent. One was accused of wearing Jesus Christ-like clothes on a carnival (Catholic Christian Feast) and the other was accused of displaying images of a woman and Pope John Paul II while working as a DJ at a music festival.<sup>59</sup>

### **Zimbabwe:**

The punishment for blasphemy in Zimbabwe is accompanied by a sentence of imprisonment. Protestant Christians are in majority in this country. The constitution of Zimbabwe has two references to God. According to the prologue:

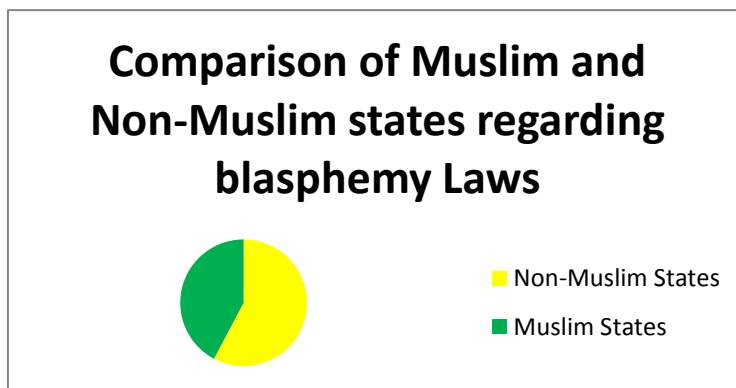
“Acknowledging the supremacy of Almighty God, in whose hands our future lies... And, imploring the guidance and support of Almighty God.”<sup>60</sup>

The Zimbabwe Panel Code describes in section 42 clause 1 all the sources that can be used for any kind of insult after the first definition of religion.

“Creed or Religion” means any system of beliefs associated with practices of worship that is adhered to by any significant body of persons in Zimbabwe or any other country; “film”, “picture”, “publication”, “record” and “statue” have the meanings assigned to those terms by section 2 of the Censorship and Entertainments Control Act [Chapter 10:04]; (a) making the statement in a public place or any place to which the public or any section of the public have access; (b) publishing it in any printed or electronic medium for reception by the public; “statement” includes any act, gesture or form of expression, whether verbal, written or visual, but does not include any film, picture, publication, statue or record that is of a bona fide literary or artistic character.”<sup>61</sup>

Then in the same section 42, the punishment is suggested.

“Any person who publicly makes any insulting or otherwise grossly provocative statement that causes offence to persons of a particular race, tribe, place of origin, color, creed or religion, intending to cause such offence or realizing there is a real risk or possibility of doing so, shall be liable to a fine not exceeding level six or imprisonment for a period not exceeding one year or both.”<sup>62</sup>



Source:<sup>63</sup>

**Table-1.** Religion wise percentage of 71 countries that have Blasphemy laws

Category	Percentage
Christianity	26.2 %
Islam	21.3 %
Buddhism	2.13 %
Hinduism	1.42
Judaism	0.71
<b>Total</b>	<b>71</b>

Source:<sup>64</sup>

## Conclusion:

After having a survey of the above discussed laws found in the non-Muslim countries, it is clear that blasphemy is considered a crime in non-Muslim countries as well. It is considered a crime even though the degree and application of the punishment might be questioned. At the start of this paper, the punishment for blasphemy crimes has been proved by mentioning bible texts that the punishment has always been in the divine laws. Therefore, the execution of these sentences is in accordance with the requirements of justice. In such countries, when there are laws and punishments for such crimes, the opposition to the blasphemy law found in the Muslim countries, especially in Pakistan is seen as unfair

because the laws of the Muslim countries are made in the light of the teachings of Islām. Their source is the Qur'ān and the Sūnāh.

A distinctive feature of the Islāmic law and Šhāri'ah is that it is basically a law which has never been interfered with by any government, state, or any powerful class in its creation, setting, and expansion. 'Imām Ābū Ḥānifā was one of the greatest figures adept in law and history. His interpretation of the law is followed by nearly two-thirds of Muslims. He was not a member of any government legislative body. 'Imām Āḥmād Ibnay Ḥānbāl, whose fiqh has now been opted in Saudi Arabia as the law of the land, was not appointed by any king for the legislation. So the punishments of blasphemy given according to the laws of Islāmic countries are in accordance with the divine books of other primitive religions. These punishments are not decisions of any individual, or merely a single government, or Islām only. Through the study of the blasphemy laws of the non-Muslim countries, this paper proves that the blasphemy of religion or the Messenger is still a crime according to the existing laws of these countries.

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<sup>10</sup> James 5 :16,17

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