

The Elimination of Defamation of Religion: A Comparative Study of Islam and Christianity

Shoaib Arif: Ph.D. Research Scholar, G.C. U. Lahore, Department of Arabic and Islamic Studies

Dr. Imtiaz Ahmed: Assistant Professor, G.C.U. Lahore, Department of Arabic and Islamic Studies

Abstract

Law should be concerned with the offence to abuse or defame any religion and religious objects. It is a demand of Muslims on international level to establish the safeguards and protections for the reputation and respect of a religion. Muslims ever have demanded to legislate some potential and reputational laws for protection of the respect of any religion on global level by punishing the culprits who derogate and ridicule any religion. Freedom of speech and expression is a precious thing for liberal nations. Humanity attained this level of freedom after a long struggle and number of sacrifices. This is constitutional right and many international charters and declarations also protect this basic right. UN charter, UDHR, European Human Rights Declaration and many other universal and regional covenants and declarations preserve this important human right. Equally, honor and dignity is also the basic human right. Constitutions, declarations and laws protect the human honor and dignity. Liable, Slander and Defamation laws concurrently protect basic human right of honor and respect. The freedom of expression and speech is a basic right. Similarly, the respect of human being is also the basic right. Right of Freedom of speech and expression isn't absolute and unconditional right. Free speech right should be combined with press accountability and responsibility. Offensive religious and ethnic abhorrence in this manner is not acceptable for progressive societies. Right of freedom to speech and expression should be exercised in sensible and responsible manners. Rights are interdependent and are implemented interdependently. This is false claim that any right is absolute. All democratic and civilized countries have put limitations on free speech and freedom of expression. In order to sustain a level of human behavior, countries protect the human respect and dignity with local, religious and social norms. Law of defamation persists in every country of the world for individuals under the law of Tort. The right of free speech and expression is reduced under defamatory laws. In many countries it is defame in the constitution to disrespect flag, national places and to abuse the country and their national leader or kings and is considered as unlawful. Even you cannot abuse some institutions like military and judiciary. Law of contempt of court also persists in all countries. These all laws harshly limited the freedom of speech and expression. In this manner any act to harm the honor of a whole community never is justified under any banner of freedom of speech and freedom of expression.

Introduction:

Defamation of Religions as a term had used some years before the publishing of the Danish defamatory cartoons and caricatures of Prophet Muhammad (PBUH) in the Danish journal Justin Leyland. This term firstly appeared before the United Nations in 1999, in the United Nations Commission on Humans Right, prior to the

publication of cartoons and had drawn the attention of international community.

But after the publication of defamatory cartoon, this term became the conceptual framework for grievances against the defamation of religions. Therefore defamation of religion, has gained cumulative attraction in international forums like United Nations Human Rights Council and United Nations General Assembly.

When the matter of defamatory cartoon were raised in the meeting of OIC, this incident was taken as desecration of the image of Prophet Muhammad (Blessings and Peace be Upon Him), and stressed the all governments to ensure the respect of all religion, their symbols, sacred places and personalities. It was also insisted to all governments to formulate the laws to criminalize the racism, hatred and sacrileges, at national and international level. In United Nations Human Rights Council deep concern was expressed on all negative forms of denigrating any religion and contempt to faith and convictions.

Definitions of Defamation:

An explanation of the meanings of key words in a topic in order to be completely familiar with the essential nature of a concept requires a researcher to provide their definitions. The intended meaning and the implications of the word “defamation” can be better appreciated by a deep study of its definitions. The word is a noun and is used as an uncountable noun in English. Generally, the word refers to the act of ruining someone’s good name by saying or writing bad or untrue things about them. However, without knowing the ensuing descriptions of “defamation”, a reader may reach at different meanings and may not get the intended meanings of the present researcher.

1. “The tort consisting in the publication of a false and derogatory statement is disrespecting another person without lawful justification. A defamatory statement is one exposing him to hatred, ridicule or contempt, or which causes him to be shunned or avoided, or which has a tendency to injure him in his office, profession or trade. It may constitute Libel or Slander (q.v.). it must be construed in its natural its natural and ordinary meaning; if not defamatory in such meaning, it must be construed in the special meaning, if any, in which it was understood by the person by and to whom it was published”.¹

2. “Any intentional false communication, either written or spoken, that harms a person’s reputation results in decreasing of the respect, regard, or confidence which a person holds; or induces disparaging, hostile, or disagreeable opinions or feelings against a person. Defamation may be a criminal or civil charge. It encompasses both written statements, known as LIBEL, and spoken statements, called slander”.²

3. “Abuse, aspersion, calumny, calumny, denigration, derogation, disparagement, disrepute, false accusation, false publication, false report, imputation, infamy, insinuation, invective, libel, obloquy, scandal, slander, slur, smear, smirch, untruth.

Associated concepts: defamation against title, defamation of business or profession, defamation of character, defamation per quod, defamation per se, defamatory publication, defamatory upon its face, defamatory words, injury to character or reputation, injury to profession or business”.³

Definitions of Religion:

Religion has been a major activity of human beings, and it is a part and parcel of millions and millions even in our age. Despite the onslaught of secularism, the majority of the people of the world still stick to one or another faith system. Principally, religion is the belief in the existence of a God (or deities), and the activities that are related to His (or their) worship. The following definitions help us to understand religion better.

1. MacMillan Encyclopedia of religion, describes about the religion, there is an experimental distinctive to beliefs which can be originate in almost every culture and civilization:

“Almost every known culture has a depth dimension in cultural experiences toward some sort of ultimate patterns of behavior which are built around this depth dimension in a culture, this structure constitute religion in its historically recognizable form. Religion is the organization of life around the depth dimension of experience varied in form, completeness and clarity in accordance with the surrounding culture”.⁴

2. “A set of philosophies regarding the nature, cause, and purpose of creation of universe, particularly when considered as the formation of a super human agency or agencies, generally concerning ceremonial and ritual compliance, and often comprising a moral and ethical code leading the conduct of human activities”.

“An explicit essential set of principles and performs generally agreed upon by an amount of person or groups: the Christian faith, the Buddhist religion. The body of peoples following to a specific set of philosophies and performs. The life or state of a monk, nun etc. The exercise of spiritual beliefs, ceremonial compliance of faith. Approximately one believes in and follows faithfully, an opinion or substance of beliefs or morality. Religions, Archaic, sacred rites”.⁵

Defamation of Religion and Teachings of Islam:

Defaming a religion is an offence as due to denigration of a faith system, a community is exposed to humiliation in the world. The present thesis dwells on legal and Islamic stance with regard to defamation of religion. This introductory chapter first gives the definitions of defamation of religion. The concepts of Blasphemy and apostasy are also figured out in this chapter. Prior to Islam, there were two major world religions, Judaism and Christianity, and as their sacred books have discussed blasphemy so, the present chapter dealt with this term. Apostasy is iniquitous. Rather in Islam, it is a transgression as entering a religion and then renouncing it is punishable by beheading, crucifixion or banishment. In short, the first chapter discusses the fundamentals of the rest of the thesis. The upcoming chapters take up these fundamentals and shed light on them.

Quran and the Defamation of Religion:

1 لَقَدْ سَبَّحَ اللَّهُ قَوْلَ الَّذِينَ قَالُوا إِنَّ اللَّهَ فَقِيرٌ وَنَحْنُ أَغْنِيَاءُ سَنَكْتُبُ مَا قَالُوا وَقَتْلَهُمُ الْأَنْبِيَاءَ بِغَيْرِ حَقٍّ وَنَقُولُ ذُوقُوا عَذَابَ الْحَرِيقِ⁶

“Allah hath heard the taunt of those who say: "Truly, Allah is indigent and we are rich!"- We shall certainly record their word and (their act) of slaying the prophets in defiance of right, and we shall say: "Taste ye the penalty of the Scorching Fire!"

As narrated by Haḍrat Ibn ‘bbās (RA), when the verse revealed, the Jews started to state, “Oh Muhammad (Blessings and Peace be Upon Him) your Allah has become poor and begging loan from His creatures.” It is stated in Ibn Abi Khātam that Haḍrat Abū Bakar (RA) reached in the religious school of Jews. Here, the Jew’s great pastor was present, who was preaching. Haḍrat Abūbakar gave him the invitation to embrace Islam but to that he replied that your Allah is poor and needy, if it wasn’t the

case, He would not have asked us for loan, as your messenger is saying. Haḍrat Abūbakar got furious on hearing that, slapped him and said, “I swear to Allah, if we hadn’t have a deal with you, I would have decapitated you.” Fakhāṣ complained about him to Holy Prophet Muhammad (Blessings and Peace be Upon Him). Haḍrat Abūbakar explained the whole incident but Fakhāṣ flunked from his statement. Upon that a verse was revealed and Allah proclaimed wrath for him on this profanity. They will be punished badly for disrespecting Allah’s dignity, killing messengers etc.

ذوقوا عذاب الخريق and they will be punished curiously, meaning you will be given the punishment of burning in hell.⁷ Imam Ibn Abi Hatam asked Haḍrat Hassan Basrī about the details of ذوقوا عذاب الخريق. To that he replied, I have been given the news that they will be burnt 70 times a day in hell.⁸ Blasphemy in the name of God is sin. Allah Almighty was angry on this profanity, announced torment for them and Haḍrat Abu Bakar Siddique slapped him and declared him worthy of being murdered. Hence it proved that, even if any offensive statement is made against God’s honor which is considered a reason for Allah’s wrath, is a sin and the doer is liable of murder.⁹

2 وَقَدْ نَزَّلَ عَلَيْكُمْ فِي الْكِتَابِ أَنْ إِذَا سَمِعْتُمْ آيَاتِ اللَّهِ يُكْفَرُ بِهَا وَيُسْتَهْزَأُ بِهَا فَلَا تَقْعُدُوا مَعَهُمْ حَتَّىٰ يَخْرُجُوا فِي حَدِيثٍ غَيْرِ الْإِنكُم إِذَا مَثَلُهُمْ إِنَّ اللَّهَ جَامِعُ الْمُنَافِقِينَ وَالْكَافِرِينَ فِي جَهَنَّمَ جَمِيعًا¹⁰

“Already has He sent you Word in the Book, that when ye hear the signs of Allah held in defiance and ridicule, ye are not to sit with them unless they turn to a different theme: if ye did, ye would be like them. For Allah will collect the hypocrites and those who defy faith - all in Hell”-

Imam Ibn Kathīr states that those gatherings in which Allah’s verses are denied or are made fun of, the members of those gathering are also considered offenders. God has forbidden to attend such gatherings.¹¹ In the end of the verse, it is stated that non-believers and hypocrites will be gathered in the wrath at the day of judgement.¹² The hypocrites used to attend the congregations of Jews and those Jews made fun of Holy Quran and denigrated it. Thus Allah forbade Muslims to be a part of such gatherings. If any person claims to be true believer and still attend such gatherings of non-believers where verses of Holy Quran are falsified and calmly listens to them mocking Allah and His Prophet

Muhammad (Blessings and Peace be Upon Him), then there's no difference left between them and disbelievers.¹³ In reference to this verse, Ibn e Manzar quotes the saying of Haḍrat Sa'dī that polytheists when sit with Muslims, start talking about Quran and Prophet Muhammad (Blessings and Peace be Upon Him) and use abusive language and make fun. So, Allah prohibited Muslims not to accompany them in such gatherings where they make fun of Quran and Prophet Muhammad (Blessings and Peace be Upon Him).¹⁴

3 إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُنَقَّطَ أَيْدِيهِمْ
وَأَرْجُلُهُمْ مِنْ خَلْفٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا وَلَهُمْ فِي آخِرَةِ عَذَابٌ عَظِيمٌ¹⁵

“The punishment of those who wage war against Allah and His Messenger, and strive with might and main for mischief through the land is: execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter”;

4 وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ كَذَلِكَ زَيْنًا لِكُلِّ أُمَّةٍ عَلَيْهِمْ ثُمَّ إِلَى
رَبِّهِمْ مَرْجِعُهُمْ فَيُنَبِّئُهُمْ بِمَا كَانُوا يَعْمَلُونَ¹⁶

"Reville not ye those whom they call upon besides Allah, lest they out of spite revile Allah in their ignorance. Thus have we made alluring to each people its own doings? In the end will they return to their Lord, and we shall then tell them the truth of all that they did".

This is the greatest verse on profanity of any religion. Quran even forbids to use slang for the false believers/ religions. And Muslims are being stopped to use abusive language for the false gods of non-believers, so that in reply to that non-believers don't start abusing Allah.

Imam Ibn Kathīr states: Allah forbids His Prophet Muhammad (Blessings and Peace be Upon Him) and his followers to use foul language for idols of disbelievers as there might be any expedience in that as well there is a great fret that non-believers will ignorantly abuse Allah.¹⁷ Imam ibn e Jarīr Ṭabrī narrates that Muslims used to abuse the idols of non-believers of Makkah and in response to that they abuse Allah. So Allah forbade them to abuse the idols so that in ignorance the non-believers don't start using foul language for Allah.¹⁸ Imam Abu Abdullah Mālikī Qurtūbī narrates that: in this verse it has been

forbade to curse gods of non-believers. Scholars have said that this commandment has still been implemented on Muslims. So, until and unless the disbelievers are cautious and don't utter anything wrong in the name of Islam, Allah and Prophet Muhammad (Blessings and Peace be Upon Him), it is not permissible in any case that Muslims blaspheme their religion or worship places, neither is it allowed that Muslims torture them for any reason which could result in cursing Allah or His Prophet Muhammad (Blessings and Peace be Upon Him). As these acts could create disturbance and nuisance.¹⁹ Abu Alā Mūdūdī It was advised to the followers of Holy Prophet Muhammad (Blessings and Peace be Upon Him) that they don't get out of control in zest of preaching Islam. So that in arguing and discussion they don't go far beyond enough to attack and abuse non-Muslim beliefs and their gods because this will drag them away from Islam instead of bringing them closer.²⁰ Imam ibn e Jarīr Ṭabrī, Ibn Abi Hatam, Ibn e Mardwiyyah has quoted from Haḍrat Ibn e Abbas (RA) that disbelievers of Makkah said, " Oh Prophet (Blessings and Peace be Upon Him), restrain from mocking or abusing our gods or else we will curse your God." So Allah ordered not to say bad about their idols so that in ignorance they don't use bad words for Allah.²¹

5²² ذَلِكِ بِأَنَّهُمْ شَاقُّوا اللَّهَ وَرَسُولَهُ وَمَنْ يُشَاقِقِ اللَّهَ وَرَسُولَهُ فَإِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

"This because they contended against Allah and His Messenger. If any contend against Allah and His Messenger, Allah is strict in punishment".

No one has escaped after going against Allah and His Prophet and there is no one who could evade Allah's wrath. No one is comparable to Him and no one has the power to avoid His anger.²³

6²⁴ أَلَمْ يَعْلَمُوا أَنَّهُ مَن يُحَادِدِ اللَّهَ وَرَسُولَهُ فَأَنَّ لَهُ نَارَ جَهَنَّمَ خُلِدًا فِيهَا ذَلِكَ الْخِزْيُ الْعَظِيمُ

"Know they not that for those who oppose Allah and His Messenger, is the Fire of Hell? - Wherein they shall dwell. That is the supreme disgrace".

7²⁵ وَلَئِن سَأَلْتَهُمْ لَيَقُولُنَّ إِنَّمَا كُنَّا نَخُوضُ وَنَلْعَبُ قُلْ أَبِاللَّهِ وَآلِهِ وَرَسُولِهِ كُنْتُمْ تَسْتَهْزِءُونَ

“If thou dost question them, they declare (with emphasis): "We were only talking idly and in play." Say: "Was it at Allah, and His Signs, and His Messenger that ye were mocking?"

8²⁶ لَا تَعْتَذِرُوا قَدْ كَفَرْتُمْ بَعْدَ إِيمَانِكُمْ إِنَّ نَعْفَ عَنْ طَائِفَةٍ مِّنْكُمْ نُعَذِّبُ طَائِفَةً بِأَنَّهُمْ كَانُوا مُجْرِمِينَ

“Make ye no excuses: ye have rejected Faith after ye had accepted it. If we pardon some of you, we will punish others amongst you, for that they are in sin”.

On person among the non-believers was saying that our leaders are intelligent and experienced, if Prophet’s preaching were right, we would have followed him. A companion of Prophet Muhammad (Blessings and Peace be Upon Him) heard this and narrated the incident to Prophet. Holy Prophet Muhammad (Blessings and Peace be Upon Him) called that person, he started swearing that he hasn’t uttered those words. Upon this the companion of Prophet prayed, “Oh Allah, declare the righteous right and the non-righteous, a liar”. At this time, a verse revealed that the person who blasphemed Allah and His Prophet Muhammad (Blessings and Peace be Upon Him) are forever avarnal and cursed. They will bear humiliation, disgrace and torments of hell. What could be more shameful and miserable than that?²⁷

An incident while going to Tabuq has been narrated in Seerat Ibn Ishaq that disbelievers were ridiculing Prophet Muhammad (Blessings and Peace be Upon Him) and Islam. A verse was revealed on this incident and disbelievers were warned against using humiliating words.²⁸ Making fun of Prophet Muhammad (Blessings and Peace be Upon Him) and Muslims was highly commended and this act was declared as blasphemous and worst mistake.²⁹ Imam ibn e Jarīr Ṭabrī wrote in reference to this verse that Holy Prophet (Blessings and Peace be Upon Him) that humiliation in the name of Prophet (Blessings and Peace be Upon Him) is blasphemous whether whatever the intention may be.³⁰ Imam Abu Abdullah Mālikī Qurṭūbī: Whether the disbelievers uttered these words in humor or in a serious manner it is blasphemous because there is no disagreement in scholars that humiliating even for the sake of humor is blasphemy.³¹

9³² إِنَّ الَّذِينَ يُؤْذُونَ اللَّهَ وَرَسُولَهُ لَعَنَهُمُ اللَّهُ فِي الدُّنْيَا وَالْآخِرَةِ وَأَعَدَّ لَهُمْ عَذَابًا مُّهِينًا

“Those who annoy Allah and His Messenger - Allah has cursed them in this World and in the Hereafter, and has prepared for them a humiliating Punishment”.

Those who torture Allah and His Prophet, they will be cursed in this world and hereafter and for them there is persecution on the day of resurrection. So, annoying Allah by any means and humiliating or insulting Him is extremely forbidden and such person will be highly persecuted on the day of Judgement. This act is blasphemous. It is stated in Bukhari Muslim that Allah says that man torments me, he use abusive language for the world and I am the world. I am controlling the day and night, so we can't say any act bad with the intention of hurting Allah. The person who tortures Prophet of Allah by any means, with reference to this verse, is cursed. In fact, tormenting Prophet (Blessings and Peace be Upon Him) is tormenting Allah (Imam Ibn Kathīr).³³ Imam Ibn e Jarīr Ṭabrī and Imam Ibn e Hakim has quoted from Haḍrat Ibn e Abbas this verse was revealed in reference to those people who cursed Prophet (Blessings and Peace be Upon Him) upon his marriage with Haḍrat Safiyyah (RA). Holy Prophet said, “The person who torments me and gather those people who persecutes me, who will offer him an excuse from me?”³⁴

لَا تَجِدُ قَوْمًا يُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ يُوَادُّونَ مَنْ حَادَّ اللَّهَ وَرَسُولَهُ وَلَوْ كَانُوا آبَاءَهُمْ أَوْ أَبْنَاءَهُمْ
أَوْ إِخْوَانَهُمْ أَوْ عَشِيرَتَهُمْ أُولَئِكَ كَتَبَ فِي قُلُوبِهِمُ الْإِيمَانَ وَأَيَّدَهُم بِرُوحٍ مِنْهُ وَيُدْخِلُهُمْ جَنَّاتٍ تَجْرِي مِنْ
تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا رَضِيَ اللَّهُ عَنْهُمْ وَرَضُوا عَنْهُ أُولَئِكَ حِزْبُ اللَّهِ أَلَا إِنَّ حِزْبَ اللَّهِ هُمُ الْمُفْلِحُونَ³⁵

“Thou wilt not find any people who believe in Allah and the Last Day, loving those who resist Allah and His Messenger, even though they were their fathers or their sons, or their brothers, or their kindred. For such He has written Faith in their hearts, and strengthened them with a spirit from Himself. And He will admit them to Gardens beneath which Rivers flow, to dwell therein (forever). Allah will be well pleased with them, and they with Him. They are the Party of Allah. Truly it is the Party of Allah that will achieve Felicity”.

Respect, dignity and honor of Allah is so much important in Islam, as much important that it is impossible that companion of Allah befriend Allah's enemy or join their gathering. If it happens, such people are of no value and importance in front of Allah.³⁶ Haḍrat Saeed bin Abdul Aziz narrates that this verse was revealed

in reference to Haḍrat Abū Ūbaidah Amir Bin Abdullah as he murdered the disbelievers who brought enemies to confront Muslims. In love of Allah, Companions of Prophet (Blessings and Peace be Upon Him) even murdered their own relatives. Abu Ubaidah Bin Haraj murdered his father. Haḍrat Abu Bakar decided to kill his son Abdul Rehman. Haḍrat Mus‘ab bin ‘ūmair killed his brother ‘ūbaid ullah bin ‘ūmair. Haḍrat Umar (RA), Haḍrat Hamza (RA), Haḍrat ‘lī (RA) murdered their close relatives.³⁷

Conclusion of Quranic Verses:

Allah has called them disbelievers. The people of previous nations even didn't refrain from mocking God. They called God a beggar. Allah took notice of this act and declared the wrath of burning them to hell. This curse was given on blasphemy.

Allah has stated about the nonbelievers, making fun of Allah's verses and the punishment imposed on them all and the hypocrites is they will be burnt in the fire of hell.

Allah has stated about the punishment of those people who fight with Allah and His Prophet (Blessings and Peace be Upon Him) and said that their punishment is that they be killed or hanged to death. Their hands and feet be cut down from alternate sides. They will face humiliation in this world and will be cursed badly in world hereafter, as per Allah's commandment.

Allah has even forbidden to use slang for any false god. This is a great argument against blasphemy, even Allah hasn't allowed the Muslims that they abuse the false gods of non-believers. Arguments only on belief system is allowed and even in this scenario they are not allowed to use abusive language.

It has been prohibited to go against and to quarrel with Prophet (Blessings and Peace be Upon Him). And Allah has warned that whoever will do profanity means whoever will abuse Allah and His Prophet (Blessings and Peace be Upon Him) will be given severe punishment on the day of judgement.

Those people who go against Allah and His Prophet (Blessings and Peace be Upon Him), Allah has prepared a permanent punishment of hell fire for them and they will remain punished forever. And Allah has declared great insult and humiliation for them.

The people who makes fun of Allah and His Prophet (Blessings and Peace be Upon Him) and mocks the, Allah has warned them not to be indulge in this humor for long. Making fun

of Allah, His verses and His Prophet (Blessings and Peace be Upon Him) isn't a joke infect it is a very harsh act and has a severe punishment.

Allah has warned the blasphemers and mockers and have told them there is no forgiveness for them even if they seek forgiveness Allah will not forgive them.

Allah has openly announced that those people who torture and disturb Allah and His Prophet, they will be cursed in this world as well as in the world hereafter. Other than that Allah has prepared humiliating punishment for them which will be given to them forever on the day of judgement for blasphemy. They face both punishment and disgrace.

Allah has identified a sign of believers that they don't befriend of those who are enemies with Allah and His Prophet (Blessings and Peace be Upon Him) even if they are their ancestors, siblings or close relatives. A true believers doesn't befriend blasphemer. Allah has declared blessings and rewards for such Muslims and Allah states that for such Muslims I have prepared paradise, there will be waterfalls and gardens. Allah helps them and such people are near to God and they are the ones who will succeed.

Defamation of Religion and Teachings of Christianity:

The cases of blasphemy and execution of punishment for it were rare in Jewish history. However, in the Christian era the term expanded beyond the original meaning of abusive utterance against God. Blasphemy is used as a broader terminology for any violations in opposition to religious conviction or religious people. For the period of four centuries after persecution, many distinct explanations of Christianity battled with one and other as the real belief. Each group blamed its adversaries as blasphemous.

In fourth century, the controversy was settled by fixing on the Nicene Creed, when authorization of the cathedral was supported by the intimidation of the government. Constantine's decrees led catholic Christianity to be the exclusive religion of the empire and the test of orthodoxy.³⁸

Christians then commenced to persecute one another and hereby replaced profanity as the terrific felony alongside Christ and His Church. Early Church fathers (e.g. Athanasius and Augustine) combined allegations of profanity and hereby as if the two footings were inter changeable. St. Paul mentioned blasphemy in nineteen vices of certain heretics.³⁹

Heresy became the encompassing term since the papal age. Since the church confronted violent condemnation and conflicting dogmas regarding the belief within its own folds and not irreverent speech about God. St. Augustine said that “those who knew the revealed truth yet permitted disloyalty to it, committed a greater crime than those who rejected it.” He considered blasphemy the most ‘diabolical heresy’.⁴⁰

In medieval period the concept of blasphemy was nothing significantly different. The scholastic treatment of blasphemy divided it into “immediate” (when directed against God Himself), and “mediate” (when it attacks God through His words, His church, His officers, sacraments or saints). Profanity by explanation of the importance of the conversations, with which it is voiced, has three types: Heretical (when it involves a false doctrine)

Imperative (when in a form of curse)

Merely abusive (when it is made up of contempt).⁴¹

Thomas Aquinas deemed profanity as stating or believing anything misleading which is not in favor of God. Some theologians sought to make distinction between blasphemy and unbelief, but Aquinas viewed blasphemy as a species of unbelief the most grievous sin. He also denounced all heretical doctrines as profanity:

“Heretics blasphemy against God by following a false faith”.⁴²

After the sixteenth century, blasphemy was distinguished from heresy and replaced it as the principle charge against religious belief. During the restoration, Protestants had to re-invent the felony of profanity because heresy was the catholic description for Protestantism. Protestant leaders chose to explain as “profanity” no matter what they dislike or opposed to.

The increasing influence of intellectual freedom and religious liberty, drastically altered blasphemy from theological sin to a psychological / secular crime. The feeling that God is injured by man’s insult had gained ground. The state overruled the church and blasphemy was considered an offense against society.

Since eighteenth century blasphemy has become a technical name for a particular crime against the peace and good order of society. The giving of public offense to religious sensibilities of any group in nation. Blasphemy is considered a mortal sin. The Old Testament fixed the penalty of death by stoning for a blasphemer:

“Whosoever curseth his God shall bear his sin. And he that blasphemeth the name of Jehovah, he shall surely be put to death;

al the congregation shall certainly stone him: as well the sojourner, as the home born, when he blasphemeth the name (of Jehovah), shall be put to death".⁴³

It is a transgression which is punished either by human judges.⁴⁴

Or by God Himself with the most severe penalties (burning, extermination).⁴⁵ According to the New Testament blasphemy compared to the Holy Spirit can be excused neither in this globe nor in the next.⁴⁶

In early Christianity, blasphemes were punished with ecclesial sanctions that ran from censure to excommunication. Late the established church used the powers of state to enforce more stringent measures against them. In the time of Justinian, the constitution of 538 CE put death sentence to all who persist in their offence. Amongst the Visigoths, any one reviling the name of Christ or stating disdain of the threesome had his head shaved, was exposed to a hundred strips, and endured ceaseless detainment in handcuffs.

In France, as per a law established at the Diet of Aachen (818 CE) this wrongdoing was a capital violation. In the middle ages the ecclesiastical court was the principal authority for the punishment of blasphemy. In a decree of Gregory IX it is laid down that a blasphemer shall be condemned by the bishop to public penance at the church door for seven Sundays, being on the last Sunday deprived of his shoes and outer clothing, too fast and give alms. Some other rules were also established, according to which fine, piercing the tongue and lips, having under lip slit, exile, excommunication, deprive of Christian burial etc. were laid down as penalties to blasphemy.⁴⁷

About the end of the fifteen century blasphemy was most severely punished because it was thought as a principle that God himself was injured by blasphemy, but the feeling has gradually gained ground that God is not a being who can be injured by man's insult. So when blasphemy is considered punishable, it is as an offence against society. But up till eighteenth century blasphemy was considered a capital crime in many western countries.⁴⁸

Blasphemy replaced heresy as the principle charge against religious belief at the Reformation. Blasphemy gradually turned into a profane criminality, in the seventeenth century. In 1676, Chief Justice of England conveyed the conclusion, in condemning a lewdness that the common courts had purview of disrespect and

could rebuff blasphemers; since Christianity is a piece of the rule that everyone must follow and state needs to avert disintegration of government and religious conviction. This ruling had set a precedent for many years on.

In the eighteenth century, death penalty for the crime was almost abandoned. Blasphemy has become a crime against the peace and good order of the society as it is an outrage on men's religious feeling, tending to a breach of peace. In England, France, Germany and Austria blasphemy is prohibited as an offence against good order, which is punished under common law. The offender of blasphemy committed publicly, may suffer imprisonment from one day to three days or from six months to ten years.⁴⁹

The blasphemy prosecutions were strongly challenged by convictions of freedom of expression and religious liberty, hence have become absolute in Christendom. In the United States no trial has occurred since 1968, and in United Kingdom in 1978 it resulted in a token fine. Levy described the legal fiction in the following words, which is the prevailing view in Christian west: "The law aimed, that is not at that was said but the way it was said; the judicial cliché on both sides of the Atlantic rested on the doctrine that manner, not matter determined criminality".⁵⁰

Thus in present age blasphemy is not counted by sanctions of the state but by personal witness and ecclesial mission.

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