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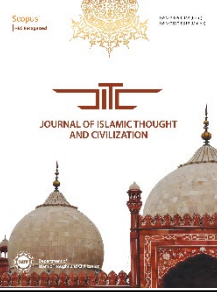
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Rethinking Freedom of Expression in Light of the Emerging Sacredness of Social, Cultural, and Political Values

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Abstract

Religion has always been considered to be sacred, perhaps the most sacred of all, and maybe the only sacred occurrence that exists among other 'well-respected phenomena' in many societies. In recent times, "the religion" has experienced a decline in influence, and its sacredness is not as pronounced as it once was, particularly in Western countries. Though, the phenomenon of religion is getting weaker with the passage of time, it does not mean that the element 'sacred' is also getting weaker. Every society has its own values which are sacred for that particular society. The notion of blasphemy is linked to the sacred, and since religion was once the utmost sacred entity, it was closely tied to religious beliefs. After the emergence of the nation-state in the 20th century, different political ideologies and cultural aspects of life became more influential and somehow were considered sacred. Thus, the idea of blasphemy cannot only be associated with religion, especially when new phenomena have replaced religion as the most sacred subject in society. The right of freedom of expression is closely associated with the act of blasphemy. This right is not absolute in nature. There are certain limits and boundaries which vary from society to society and should be kept in mind while exercising this right. The right of freedom of expression is meant to have a positive impact rather than ridiculing the established sacred.

Keywords: blasphemy, concept of sacred, political blasphemy, religion, social and cultural blasphemy

Concept of Blasphemy in Abrahamic Religions

The foundations of any religion are laid on the concept of sacred.¹ A religion can be defined as a set of rules and regulations, based on certain beliefs, which are considered absolute by the believers or followers. When these beliefs become absolute for their followers, they attract unconditional respect from them. This is why, a follower/believer can go beyond any limits to sustain the sacredness of their religion.

All the three Abrahamic religions, that is, Judaism, Christianity, and Islam, have the concept of blasphemy in them. Judaism is the oldest of them all. In Judaism, the concept of blasphemy revolves around the entity of God. The Jews believed in the lineage of prophets till Moses, and considered that no prophet was sent by God after him. Blasphemy, in Judaism, focuses on the entity of God and not on any of the prophets or other holy entities. According to the teachings of Christianity, the sin of blasphemy is to disrespect God and the Holy Spirit. Blasphemy of the Holy Spirit is also considered as an unforgivable sin in Christianity. The last and newest of the Abrahamic religions is Islam. The concept of blasphemy, in Islam, is very important. Since the advent of Islam, the concept of blasphemy has been concentrated around the personality of the Holy Prophet Muhammad (*SAW*).

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¹Kenneth I. Pargament, Gina M. Magyar-Russell, and Nichole A. Murray-Swank, "The Sacred and the Search for Significance: Religion as a Unique Process," *Journal of Social Issues* 61, no. 4 (2005): 665-687.

An act of blasphemy against the Holy Prophet Muhammad (*SAW*) is an unforgivable sin in Islam. Later on, with the emergence of Islamic jurisprudence, the Muslim jurists rendered blasphemy of wives, companions, and sacred elements related to the Holy Prophet Muhammad (*SAW*) as a crime.² The applicability and sensitivity of the subject of blasphemy is more practiced and observed in Muslim societies and among Muslims. However, theoretically, there is no denial of the concept of blasphemy in all three Abrahamic religions.³

2. Social and Cultural Blasphemy

It is a fact that blasphemy is generally associated with the holy entities, however, it can also be taken into a broader meaning. If the meaning of the term blasphemy is extended, it would also include sacred entities and objects in it. It is not always necessary that someone or something which is considered sacred in a certain society must have some association with religion. For instance, there are some respected personalities in a society who are considered sacred without any religious association. Over the time, this respect becomes a part of social and cultural values.

Culture is quite a broad term which refers to the combination of social behaviors and standards found in human civilizations at primary level. Additionally, it also includes the arts, beliefs, customs, capabilities, knowledge, laws, and behaviors of the individuals/followers in these groups.⁴ The culture is a set of social forms, customary beliefs, and substantial traits of a religious, ethnic, or social group.⁵ The general definition of the term 'culture' provides quite a broad view of this term. It includes beliefs and traits of a religious group as well. Moreover, it also includes issues related to religion under the ambit of a culture. Culture and religion are two aspects of a society. These aspects not only influence each other, however, they also affect the existence of each other. Sometimes, religion gets influenced by the local customs and values, and a cultural diffusion into religion may happen.⁶ On the other hand, a set of cultural values subjugates to the religious teachings and eventually, the whole cultural panorama of a society converts into something different. Sometimes, this change is very obvious and sometimes barely noticeable. The first point to remember here is that culture and religion always influence each other. Sometimes, the local cultural norms prevail over religious teachings and sometimes the religious teachings force a change in the local customs. Therefore, a religion can bring cultural changes in a society and a set of cultural values might influence a religion and its teachings. They may affect the existence of each other or may co-exist in peace and harmony.

2.1. Scope and Treatment of Blasphemy in Different Cultures and Societies

Culture is a very well-observed impression throughout the human history. The culture of a certain society has an associated dignity and a sense of power.⁷ It has its own dignity where it defines a certain set of norms and practices. The power of culture comes through its followers. The existence of cultural norms and practices is a depiction of the dignity of a culture. Culture is not just related to the past, however, it is an essential and undeniable part of our present and future as well. Culture is

²Muhammad Mushtaq Ahmad, "Pakistani Blasphemy Law between Hadd and Siyāṣah," *Islamic Studies* 57, no. 1/2 (2018): 9-44.

³Muhammad Ali, Liu Yi Deng, and Muhammad Khabeer Khalid, "Legality of Blasphemy in Islam: A Brief Comparison of Legislations Around the World," *Islamic Quarterly* 66, no. 1 (2022): 91-130.

⁴Edward Tylor, *Primitive Culture* (New York: J.P. Putnam's Son, 1871).

⁵The Merriam-Webster "Culture. (n.d.)," *The Merriam-Webster*. Accessed on July 18, 2023. <https://www.merriam-webster.com/dictionary/culture>

⁶Chris Park, "Religion and Culture," in *The Routledge Companion to the Study of Religion*, ed. John R. Hinnells (London and New York: Routledge, 2005), 445.

⁷James Buckham, "What is Culture?" *The Journal of Education* 36, no. 24 (1892): 395-395.

continuously in the process of creation and re-creation by individuals and institutions.⁸ This creation and recreation of culture has roots in dignity and authority. This sense of obligation may not be as strict as in a religion but it still stands firm with dignity and executes its authority by social pressure.

As discussed before, blasphemy is associated with disrespect to whatever is considered holy/sacred in a religion. It is also quite normal that a certain religion can influence the cultural values of a certain society or the cultural values can do the same to a religion. The notion of blasphemy is present in almost all the religions in the world in a religiously specified form. This concept is not separate from the concept of sacred in a society where no religion is practiced, or in a society where religion is practiced but something or someone is considered sacred because of its cultural influence and not because of its religious importance. Additionally, certain personalities in a society are considered sacred. They can be philosophers, poets, war heroes, and those who have made some great sacrifices for the people. The respect and honor of these personalities cannot be challenged and it is well-established. Those who despise the act of blasphemy argue that it hurts the sentiments and feelings of those who follow a certain religion. The same can be applied when there is disrespect against those who are considered sacred in a specific cultural belief. Any act showing disrespect or any statement of the same nature can hurt the feelings of people who follow a certain set of cultural norms and can be classified as cultural blasphemy.

The issue of cultural blasphemy is not only restricted to sacred entities of a culture, however, also to the sacred practices. The concept of sacred practices does not completely fit in the scope of blasphemy as some sacred practices may be inhuman in nature. One of the examples is the practice of *Sati*, which is an ancient ritual found mainly among Hindus in the northern and pre-modern regions of South Asia.⁹ In *Sati*, a widow burns and sacrifices herself by sitting atop her departed husband's funeral pyre.¹⁰ In present times, such sacred practices and putting any restrictions on them cannot be considered as cultural blasphemy. However, disrespecting harmless cultural practices and hurting the feelings of followers for no reason is a kind of cultural blasphemy.

The response to the act of blasphemy is different in different cultures and societies. As mentioned above, all the Islamic countries observe and follow the same religious values and religion-based culture and society. However, blasphemy is punishable by death in some countries only. The same is observed comparatively by analyzing the situation in Muslim majority societies and otherwise, the Holy Qur'an is the sacred book of Muslims. In Muslim societies, disrespecting the Holy Qur'an is considered as a serious act of blasphemy. However, the same act is not punishable in America since it is considered as an act of freedom of expression there. The scope of blasphemy varies from society to society and culture to culture.

2.2. Confucianism, Daoism, and Buddhism

There are certain historical personalities who have influenced the world on a large scale and they do not specifically belong to any religion (or a single religion). Perhaps, the most noticeable example is that of Confucius. Even after his death in 476 BC, the personality and teachings of Confucius are still considered valuable. He believed in the importance of culture and the process of learning. He never claimed on the basis of his teachings that he had any monopoly on truth. According to him, learning is a perpetual process that requires flexibility, imagination, and persistence. He admired good morals, however, he adamantly refused to talk about the nature of the

⁸G. MacDonald, "What Is Culture?" *The Journal of Museum Education* 16, no. 1 (1991): 9-12.

⁹Dinesh Bhugra, "Sati: A Type of Nonpsychiatric Suicide," *Crisis* 26, no. 2 (2005): 73-77.

¹⁰Arind Sharma, *Sati: Historical and Phenomenological Essays* (Delhi: Motilal Banarsidass, 2001).

afterlife. He was of the view that there was so much that he did not know about this Earth and life on it, so such suppositions would be idle.¹¹

Confucianism is often confused with religion. There are various opinions on this issue. It is important to establish that Confucianism is not a religious but it is a historically respected figure in Chinese culture and society. Georg Wilhelm Friedrich Hegel discussed the characteristics that link early Chinese philosophy with religious concepts. He inscribed, "What we hear of as Oriental philosophy is better spoken of as a kind of Oriental religious thought-, a kind of religious worldview. This kind of worldview is one that we can easily recognize as philosophy."¹²

Religion is belief in the supernatural who (or which) is capable of shaping the fate of human beings. Though, there is a development in the status of religion from primitive to rational where the element of reason has been given due importance.¹³ It is true that the thoughts and teachings of Confucius revolutionized the Chinese society, especially morally and spiritually.¹⁴ However, these teachings cannot be considered as religion because of a very simple logic. Confucius never claimed to know the absolute truth or monopoly of his truth over others but practically, all religions claim that they have absolute authority over the truth. Confucianism is not a religion, however, it is a very well-respected philosophy of life, especially more respected and honored in Chinese culture and society. One of the most amazing aspects of the teachings of Confucius and their impact in China is that even the Muslims in China regard him highly and respect and follow his teachings.¹⁵ The personality of Confucius is respected immensely in China. Moreover, in pursuit of his concept of 'peaceful development,' the Chinese government has engaged in the establishment of hundreds of Confucius centers all over the world to promote Confucian heritage. Those who want to know about the Chinese ways must naturally begin with the personality and teachings of Confucius.¹⁶

Other examples of culturally respected personalities are Laozi and Zhuangzi. Their philosophy is called 'Daoism'. Like the teachings of Confucius, Daoism is not a religion, however, it is also a philosophy of life. It was considered as a religion during one period of history. The religion is said to have been founded by Zhang Ling 張陵 during the reign of the Emperor Shun of Han 漢州真帝 (r. 125-144 CE).¹⁷ In Chinese culture, Daoism is associated with national identity. It has its own cultural, social, and political values. China went through a series of social movements and political events in the twentieth century. These events include the end of the Qing Dynasty, the establishment of the Republic, and the creation of the People's Republic of China in 1949. The development and practice of Daoism in China was influenced by these events. Daoism has a wider approach and it believes in patriotism. There is no doubt in saying that patriotism is the highest priority in Daoism.¹⁸ It is not a religion but a modern form of faith in China. It provides social and cultural guidelines to

¹¹Jonathan D. Spence, "Confucius," *The Wilson Quarterly* 17, no. 4 (1993): 30-38.

¹²Georg Wilhelm Friedrich Hegel, *Lectures on the History of Philosophy* (Oxford: Oxford University Press, 2001).

¹³Xie Fuya, *Zongjiao Zhaxue (The Philosophy of Religion)* (Ji'nan: Shandong Renmin Chubanshe, 1998).

¹⁴Maoze Zhang, "Confucius' Transformation of Traditional Religious Ideas," *Frontiers of Philosophy in China* 6, no. 1 (2011): 20-40.

¹⁵James Frankel, "Uncontrived Concord: The Eclectic Sources and Syncretic Theories of Liu Zhi, a Chinese Muslim Scholar," *Journal of Islamic Studies* 20, no. 1 (2009): 46-54.

¹⁶Cheuk-Woon Taam, "On Studies of Confucius," *Philosophy East and West* 3, no. 2 (1953): 147-165.

¹⁷Chiao Wei, "Daoism in China," in *Religion in China: Major Concepts and Minority Positions* (Wien: Austrian Academy of Sciences Press, 2015), 13-28.

¹⁸André Laliberté, "Contemporary Issues in State-Religion Relations" in *Chinese Religious Life* (Oxford: Oxford University Press, 2011), 191-208.

the adherents for daily life but also for their interaction with each other. The guidelines for interaction between the state and individuals are also very well defined in Daoism.¹⁹ The philosophical and religious perceptions of Daoism have their impacts beyond the borders of China. The influence of Daoism has spread over Korea, Japan, and Vietnam. Recently, Daoism has become a part of Western culture as well.²⁰

‘Buddhism’ is also an example of a cultural and social phenomenon. Firstly, there is a debate regarding the status of Buddhism that whether it is a religion or a philosophy of life. Although, like other religions in the world, it also offers a set of ethical codes to be followed, and a system of metaphysics. On the other hand, instead of longing for an afterlife, Buddhism concentrates on the present moment, and develops an awareness that all actions have consequences (karma). Whether it is considered as a religion or otherwise, Buddhism has followers so large in numbers that they are considered as the fourth biggest religious group (or in other cases people who follow the philosophy of Buddha) in the world.²¹ The teachings of Siddhartha Gautama (Gautama Buddha) are known as Buddhism. The importance of the personality of Buddha is even more highlighted while considering Buddhism as a religion. In the case of other religions, especially in Abrahamic religions, everyone and everything is second to the personality of God. However, in the case of Buddhism, the personality of Buddha is all in all. Everything starts with him, revolves around him, and ends with him. His teachings, philosophy, and wisdom are the core of Buddhism. Even the places and countries, where Buddhism is not considered as a religion, his personality is very much respected there as well.

2.3. Impact of Social and Cultural Blasphemy

The argument here pertaining to the impact of cultural blasphemy is similar to that of religious blasphemy. Religious blasphemy is basically restricted by the teachings of a religion itself. Moreover, it also impacts its followers by hurting their feelings which may cause rage and lead them towards revengeful and violent acts. Secondly, people following a religion find themselves associated with the holy and divine entities at a personal level. If the blasphemy of these entities affects them at a personal level then this can also be applied to society and to people who are following a specific set of cultural rules. People feel personally attached with the respected and honored personalities in their society and culture. Sometimes, these personalities not only influence the culture or have their impact on it, however, they also create a new culture. They define a culture on new terms, create it out of an existing culture, and sometimes their teachings may create a new culture out of nowhere and deny the existing cultural values of a society.

The personalities with such a strong influence naturally tend to have a large number of followers. Moreover, people who may not follow them, respect them and accept their influence on cultural values. Hence, disrespecting these personalities, criticizing them with an intent to disrespect them, or making fun of them which may hurt the feelings of people of that specific culture and society, could be considered as blasphemy. It is not just a mere disrespect or criticism, it amounts to blasphemy and constitutes blasphemy in every respect. The reaction also may not be different from religious blasphemy.

¹⁹Robert Orsi, “Everyday Miracles: The Study of Lived Religion,” in *Lived Religion in America: Towards a History of Practice* (Princeton, NJ: Princeton University Press, 1997), 3-64.

²⁰Horst J. Helle, “Daoism: China’s Native Religion,” in *China: Promise or Threat?: A Comparison of Cultures* (Leiden; Boston: Brill, 2017), 71-81.

²¹Donald S. Lopez Jr., *The Story of Buddhism: A Concise Guide to Its History and Teachings* (New York: Harper San Francisco, 2005).

3. Political Blasphemy

The concept of political blasphemy is rather extended and diverse in nature. The first point to ponder here is that how blasphemy is related to politics. There was a time before the rise of the modern nation-state when geographical boundaries were recognized and respected, however, they were not really protected. After the emergence of the modern nation-state, the concept of specific state structure and organization also emerged. With the emergence of modern setup of the nation-state, the concepts, such as state and nation have become sacred in nature.

Political blasphemy is different from religious and cultural blasphemy, since it involves political figures who are well respected, the sacredness of the state, and adopted political philosophies by a state. The blasphemy of political figures is the most obvious in nature. There are some personalities in the history of every nation who are widely respected and admired by people. The people of a specific country or maybe more than one country respect these political figures and idealize them as well. There are some political figures in the recent political history of this world who are respected by their countries beyond limits and doubts. For instance, George Washington is one of those. He was the founder of the United States of America as we see it today. He is loved and respected in the USA beyond any doubt. Across the modern USA, schools, colleges, universities, mountains, towns, counties, bridges, parks, forts, an entire state of the union, and the capital of the country are named after him.²² Another example is Chairman Mao of China. History has witnessed some good names and well respected and loved politicians. However, Chairman Mao was one of those who changed the fate and destiny of a whole nation and put them on the way of progress. It is no surprise why he is loved and respected by every Chinese and even by those who see his struggle as a source of guidance.

After establishing the above mentioned facts, the next point is the difference between disagreement and disrespect. The element of disagreement is always present in certain policies of the politicians. Some people agree with them completely or partly and some people disagree with them completely or partly. This disagreement doesn't mean disrespect, while disrespect is the act of being vulgar. Displaying disrespect causes people's feelings to get hurt. Disagreement with an idea or a philosophy does not always imply disrespect. Disagreement can be expressed without showing disrespect. Everyone has a personal political opinion and it is also important since every individual and citizen of a state plays their role in the society.

There is another dimension of political blasphemy which is generally known as *Lèse-majesté* which means to do wrong to 'His Majesty'. It refers to the head of state. It is an offense against the pride of a ruling sovereign or against a state. It is to clarify that it is different from the act of treason. The act of treason is disloyalty to the state. The terms 'treason' and 'traitor' refer to some act or someone who helps the enemy in times of turmoil, especially at the time of war. On the other hand, someone disrespecting a head of state cannot be considered as a traitor but still, this act can be covered under the head of political blasphemy. After the end of absolute monarchy in Europe, the practice of *Lèse-majesté* is not as it used to be. Still, there are legislations around the world that are related.

In Switzerland, it is a crime to "publicly insult a foreign state in the person of its head of state, the members of its government, its diplomatic representatives, or its official delegates to a diplomatic conference taking place in Switzerland." It is punishable by a custodial sentence not exceeding three years or to a monetary penalty.²³ In Denmark, it is a crime to "insult the Monarch."²⁴ In Germany, it

²²Rupert Cornwell, "George Washington: The Father of the Nation," *The Independent*, January 17, 2009. <https://www.independent.co.uk/news/presidents/george-washington-the-father-of-the-nation-1391109.html>

²³Swiss Criminal Code, 1937, Article 296.

²⁴Danish Penal Code, 1930, Article 115.

was illegal till 2017 to “insult a foreign head of state” but the law was abolished later on in 2018, and insulting the Federal President is still illegal.²⁵ In Iceland, article 95 of the penal code states that “insulting a country, a foreign head of state, its representatives, or the flag can be punished by up to two years of imprisonment. The term can be extended to 6 years for a very serious breach.” In Netherlands, the penalty for “insulting the monarch” was five years of imprisonment but later on, it was reduced to a term not exceeding four months.²⁶ In 2007, a man was sentenced for using obscene language against the Queen and later on in 2016, another conviction was held when another person insulted the King.²⁷ In Spain, “any person who defames or insults the King, the Queen, their ancestors, or their descendants can be imprisoned for up to two years.”²⁸ The Russian Federal Assembly passed a law in March 2019 to criminalize “fake news or insult the Russian President, the Prime Minister, and Foreign heads of state. The punishment is up to 15 days of imprisonment and a fine of up to 30,000 rubles.”²⁹

There are some countries with a Muslim majority and they have formulated blasphemy laws for religious matters. However, there are laws to protect the sacredness of the King and state as well. The examples of such countries include Kuwait, Jordan, Saudi Arabia, and Morocco. In Kuwait, an Australian woman was punished for insulting the ruler of Kuwait.³⁰ In Saudi Arabia, this offense is equal to the offense of terrorism. In Morocco, an 18-year-old was sentenced for posting slightly hilarious cartoons about the King on Facebook.³¹

The monarchy exists in some Asian countries, and the notable laws regarding *Lèse-majesté* are an exercise in Cambodia and Thailand. Insulting any monarch is punishable with up to one to five years in prison and a fine of 2 to 10 million Riels in Cambodia. A Cambodian citizen was sentenced to three years in prison for Facebook posts in January 2019.³² The 2016 Constitution of Thailand, and all previous versions since 1932, contain the clause, “The King shall be enthroned in a position of revered worship and shall not be violated. No person shall expose the King to any sort of accusation or action.” It is further elaborated in the criminal code of Thailand under Article 112 that “defaming, insulting, or threatening the King, Queen, Heir-apparent, or Regent, shall be punished with an imprisonment of three to fifteen years.” However, the criminal code does not expressly define the actions that constitute “defamation” or “insult”.³³ A 33-year-old Thai citizen in Bangkok was sentenced for 35 years for posting photos and comments on Facebook about the Thai royal family in

²⁵German Criminal Code, 2013, Section 90.

²⁶Christopher Schuetze, “Dutch Parliament Reduces Penalties for Insulting King,” *The Sydney Morning Herald*, April 11, 2018.

²⁷BBC News, “Dutchman Jailed for 30 days for 'Insulting' the King,” *BBC News*, July 1, 2016. <https://www.bbc.com/news/world-europe-36799639>.

²⁸Spanish Criminal Code, Articles 490 and 491.

²⁹Marc Bennetts, “Russia Passes Law to Jail People for 15 Days for 'Disrespecting' Government,” *The Guardian*, March 6, 2019.

³⁰Stephanie Peatling, “Australia Won't Intervene as Woman Held in Kuwait for Emir 'Insult',” *The Sydney Morning Herald*, January 14, 2009.

³¹Hisham Almiraat, “Morocco: Busted for Posting Caricatures of the King on Facebook,” *Global Voices Advox*. February 8, 2012. <https://advox.globalvoices.org/2012/02/08/morocco-busted-for-posting-caricatures-of-the-king-on-facebook-2/>

³²Reuters in Phnom Penh, “Cambodian Man Jailed for Insulting King in Facebook Posts,” *The Guardian*, January 9, 2019.

³³Jonathan Head, “Writer Held for 'Insulting' Thai Royals.” *BBC News*. September 9, 2008.

June 2017. This sentence was initially extended to 70 years, however, later reduced subsequent to a guilty plea, made after a year in jail before the trial.³⁴

Some countries, such as Japan, the United Kingdom, and Norway have abolished their laws regarding *Lèse-majesté*. The phenomenon of respect and honor of a head of state is closely linked with the sacredness of a state. Even in the countries where these laws are not exercised anymore, the unwritten cultural and social value in practice is to respect the monarch.

The diversity of the concept of political blasphemy is not only restricted to political personalities. The concept broadens with the inclusion of different political philosophies. The development of the modern nation-state is based on some social, cultural, and most of all political values. These political values are as important as the state itself. The sacredness of the state is directly or indirectly dependent upon these political philosophies on which the very existence of a state is based. One such example is that of Pakistan. Pakistan is a country that came into existence on the very basis of the application of the Islamic political system. The founder of Pakistan, Muhammad Ali Jinnah said multiple times that the constitution of Pakistan would be Islamic in nature. The political theory of Islam would be the very base of the Pakistani political system. As he said, ““The constitution of Pakistan has yet to be framed by the Pakistan Constituent Assembly. I do not know what the ultimate shape of this constitution is going to be, but I am sure that it will be of a democratic type, embodying the essential principles of Islam.””³⁵

Then, again he mentioned the importance of Qur’ān; “The Qur’ān is the general code for the Muslims, a religious, social, civil, commercial, military, judicial, criminal, and penal code.”³⁶

He mentioned the importance of Islamic values in the Pakistani society countless times; “We should have a State in which we could live and breathe as free men and which we could develop according to our own lights and culture and where principles of Islamic social justice could find free play.”³⁷

The people of Pakistan have taken this very seriously and always considered the political system of Islam, or simply speaking the Islamic political system and setup, important for Pakistan. President Ayub Khan, in the 1960s, tried to change the structure of society by applying modern values instead of Islamic values. He named it modern Islam, however, people protested against it and he had to take back many decisions.³⁸ On the other hand, in the 1980s, the attempt to Islamize Pakistan³⁹ was highly appreciated by the people of Pakistan.⁴⁰ It is very obvious that how much the people of Pakistan wanted to live in a society led by Islamic political values.

³⁴Nicola Simth, “Man Handed 35-year Sentence for Insulting Thai Royal Family on Facebook,” *The Telegraph*, June 9, 2017.

³⁵Broadcast talk on Pakistan to the people of the United States of America, Karachi, 26 February 1948.

³⁶Eid-ul-Fitar message on September 1945.

³⁷Address to Civil, Naval, Military and Air Force Officers of Pakistan Government, Karachi on 11 October 1947).

³⁸Yasmin Saikia, “Ayub Khan and Modern Islam: Transforming Citizens and the Nation in Pakistan, South Asia,” *Journal of South Asian Studies* 37, no. 2 (2014): 292-305.

³⁹Henry Korson and Michelle Maskiell, “Islamization and Social Policy in Pakistan: The Constitutional Crisis and the Status of Women,” *Asian Survey* 25 no. 6 (1985): 589-612; see also, John Esposito, “Islamization: Religion and Politics in Pakistan,” *The Muslim World* 72, no. 3-4 (1982): 197-223.

⁴⁰AP, “Around the World; Pakistani Leader Gets 98% of Referendum Vote,” *The New York Times*, December 21, 1984.

Another example is that of communism as an ideological and social-political movement. It is aimed to set up a better kind of society with common ownership of the means of production and would not be reliant on social classes, or money. Communism's significance was reduced after the fall of the USSR but still, countries, such as China, Laos, Cuba, North Korea, and Vietnam followed the communist model of government. The political significance of communist parties is also very noticeable in countries, such as Nepal, India, and Brazil. Communism, as a political philosophy, has many versions.

Marxism was first developed by Karl Marx and Friedrich Engels in the mid-1800s. It can be considered as the primary and one of the leading ideology of the communist movement. Marxism does not see communism as a "state of affairs" to be established but rather as the manifestation of a real movement, with factors that are derived entirely from real life and not based on any intelligent design. Then there is 'Leninism', a political theory developed by and named after the Soviet premier Vladimir Lenin. Leninism encompasses socialist, political, and economic theories developed from Marxism, as well as Lenin's own interpretations of Marxist theory for the early-twentieth-century Russian Empire.

Maoism is a communist political theory (known as 'Mao Zedong Thought' in China), based on the teachings of Mao Zedong. The followers of this theory are known as Maoists. The political philosophy of Maoism is respected not only in China but all over the world. Mao's revolution was based upon the peasants, mainly due to two reasons/qualities. Firstly, they were poor, and secondly, they had no specific political views. In Mao's words, "A clean sheet of paper has no blotches and so the newest and most beautiful words can be written on it."⁴¹ This loving and caring attitude of Chairman Mao and the simplicity and beauty of this political ideology made people love and respect it. It is no surprise that millions of Chinese followed Chairman Mao and stood for the future of their country.

The popularity of these political thoughts does not make them beyond criticism. There can be positive and constructive criticism of the application of these political ideologies. However, criticism is one thing and insulting the political ideology is another thing. People who follow a political ideology have respect for that particular ideology. Making fun of and insulting someone's political beliefs and ideologies just for the purpose and motive of political disagreement is political blasphemy. The significant following of a political ideology means people respect that particular ideology and find it suitable for their political system. Thus, no one has any right to insult some other political ideology. The aspect of disagreement and criticism is on one side but insulting the ideology and its founders is unacceptable. It may not only hurt the feelings of the followers, however, it can also make them react against others.

The third aspect of political blasphemy is the sanctity of the state. In its philosophical capacity, it is closely related to religious blasphemy. This is related to the concept of sovereignty in modern days. The modern concept of sovereignty was enlightened by the jurist Jean Bodin (1530–1596), better than any other early modern theorists. He considered it as a supreme, permanent, and indivisible power which manifests the ability to make law without the approval of any other. In the seventeenth century, this idea of absolute sovereignty became significant all over the Europe. In France, it was absorbed into the predominant doctrine that kings were appointed by God and were only responsible to Him but its juristic elements remained imperative and were even reinforced in some respects. Thomas Hobbes (1588–1679), also discussed the concept of sovereignty. His concept of sovereignty appears to be related to Bodin's in terms of absolute power, indivisibility, and the voluntary view of law. There were many other political thinkers who discussed the concept of

⁴¹James A. Gregor and Maria Hsia Chang, "Maoism and Marxism in Comparative Perspective," *The Review of Politics* 40, no. 3 (1978): 307–327.

sovereignty. John Austin simplified it and argued that law-making and then law-enforcing authority is sovereign.⁴² The legal doctrine of sovereignty is basically a demand for the unified organization of authority within the society to provide the required basis for a mechanism of legal order.⁴³

It is also important to mention that some countries with an official state religion, express that the authority given to the state to act on any behalf is provided by God. The state merely acts as commanded by God. For instance, the constitution of the Islamic Republic of Pakistan states that “sovereignty over the entire universe belongs to Almighty Allah alone, and the authority to be exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust.”⁴⁴ When an inference is drawn from there, the countries where there is no state religion, the state is ultimately sovereign, especially when it comes to the execution and legislation of new and old laws. Therefore, philosophically speaking, the state is sovereign. The practical aspect is not different from it. The state is practically sovereign within its geographical boundaries. The status of the state as sovereign makes it sacred in both philosophical and political aspects. Hence, where the state is sacred, any sort of insult or derogatory statements regarding the state would be considered blasphemous.

4. Freedom of Expression and Blasphemy

The concept of freedom of expression is closely related to the issue of blasphemy. It is an outcome of freedom of opinion. The opportunity to express one’s opinion on a particular issue or subject matter is called ‘freedom of expression’. When someone expresses his/her opinion in a way that hurts the feelings and sentiments of people of a certain religious, cultural, or political group, then it comes under the domain of blasphemy.

The right to freedom of opinion cannot be restricted, however, freedom of expression comes under some restrictions and always carries some special responsibilities. Article 4 of the ICCPR provides that “the countries may take measures derogatory in nature from certain obligations under the Covenant, including the right to freedom of opinion and expression ‘in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed.” In addition, under Article 19(3), freedom of expression may be restricted (under the limitations provided by law), especially when it is necessary “to protect the rights or reputations of others, national security, public order, or public health or morals.” The national security limitations comprise the information and transmission of information which may include official secrets and compromise the security of a nation. This kind of prohibition is reasonable and necessary to protect the national security. ‘Public order’ ensures peaceful and efficient functioning of a society. The limitations in Article 19(3) justify prohibitions on speech that may provoke crime, violence, or mass panic. This prohibition is reasonable as it is effective in protecting the public order. The public health limitation is also the same to some extent. However, there is no universal standard application to what establishes public morality, therefore it may fluctuate from society to society.

The act of blasphemy is also a kind of expression. It is an expression of someone’s opinion regarding certain religions, religious teachings, culture, cultural values, political systems, political ideology, and whatever is sacred in society. This phenomenon can be divided into further categories to classify it more appropriately. For instance, offenses against religion were divided into three

⁴²William E. Rees, “The Theory of Sovereignty Restated,” *Mind* 59 no. 236 (1950): 495-521.

⁴³John Dickinson, “A Working Theory of Sovereignty I,” *Political Science Quarterly* 42, no. 4 (1927): 524-548.

⁴⁴Constitution of the Islamic Republic of Pakistan, 1973, Preamble.

categories while describing the relationship with an expression or speech. These categories are blasphemy, religious insult, and religious hatred.⁴⁵

The crux of blasphemy represents contempt or discredit towards anything considered as sacred. Religious hatred is a more potent form of behavior that may or may not have the intention to promote discrimination or violence against the followers of a particular religion. In principle, legislation to control the act of blasphemy protects religious ideas intrinsically, while legislation to stop religious insult and religious hatred protects the persons from having certain religious beliefs. In any crime against religion, the basic point is hatred or having negative feelings or thoughts towards a specific religion. In case of hatred against a group of religious people or followers of a certain religion, the very base is that particular religion. This is why, the term ‘Islamophobia’ is used instead of ‘Muslim phobia’. Therefore, this expression in any way of speech or action against any religion is basically termed as blasphemy where the person expressing himself is actually discrediting the religion and religious teachings of another person. The same is the case with this kind of expression against someone’s social, cultural, and political views. The limits of having an opinion cannot be set, however, the expression of these opinions can be controlled and regularized in a very reasonable and rational way.

There is a delicate balance between blasphemy and criticism. A healthy criticism is the right of the general public over any matter. However, saying something with the purpose of insulting someone’s religion, culture, or political ideology comes under the ambit of blasphemy.

In some societies, religion is not taken seriously or in other words, it is not quite influential in these particular societies. In some societies, cultural values are a part of those societies, however, they are not considered very important to the fabric of the society and some societies don’t prioritize political issues. For instance, in Western countries, religion is not really a serious matter nowadays. On the other hand, Holocaust, which is a political matter is more important and its denial is considered as a crime in many countries. These countries include Austria, Belgium, the Czech Republic, France, Greece, Germany, Hungary, Israel, Italy, Latvia, Lithuania, Liechtenstein, Luxembourg, Portugal, Poland, Romania, Russia (Kaliningrad), Portugal, Switzerland, and Slovakia. Hence, the denial of the existence of God is not considered as a crime in these countries but denial of the Holocaust is, mainly due to the reason that the Holocaust denial may instigate violence against Jews. When it comes to Muslim-majority countries, political issues are not considered as important as religious issues are. The funny or humorous description of Prophet Muhammad (PBUH) God forbid same as the Jesus Christ in Western media is not only impossible to think of but can cause rage among Muslims. Moreover, it may also prompt an uncontrollable controversy.

The determination of rational boundaries or limiting this right of freedom of expression does not mean restricting it. It simply implies that there are other people in this world who have different points of views and thoughts. No one has any right to mentally torture anyone on the basis of any kind of personal beliefs.

5. Conclusion

The disrespectful or disgraceful treatment of something sacred in a society or religion comes under the ambit of blasphemy. In recent times, the concept of sacred is not associated with religion merely. The emergence of the modern nation-state has rendered the entity of a nation-state sacred for its citizens. Several political figures in many countries are respected to the extent of being sacred.

⁴⁵Venice Commission. 2008a. *Report on the Relationship between Freedom of Expression and Freedom of Religion: The Issue of Regulation and Prosecution of Blasphemy, Religious Insult and Incitement to Religious Hatred*, Study 406/2006, adopted by the Venice Commission at its 76th Plenary Session, 17–18 October 2008.

Cultural values are also an important part of a society and with a long history of practicing them, some of the cultural values achieve a sacred position in a society. Though, religion was once the most sacred of all and in some societies still it is but not in all the societies. The other forms of blasphemy must be recognized as well. Moreover, confining the concept of blasphemy strictly within the limits and boundaries of a religion is not appropriate at all.

Conflict of Interest

Author(s) declare that they have no conflicts of interest.

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