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**The fear of man**

The writer is a lawyer.

In April of 2017, Indonesian artist, Adrian Syaf was fired from his job at Marvel Comics for slipping the numbers 5:51 and 212 into issue #1 of ‘X-Men Gold’. The first was a reference to verse 51 of Surah Al-Maidah, the second a reference to the related Indonesian protests of 2.12.2016.

The protests began when Jakarta’s governor, Basuki ‘Ahok’ Purnama, decided to run for re-election in late 2016. With a history of efficiency, expansion of public services, and a strident stance against corruption, public opinion seemed favourable. With months to go, Ahok – a ‘double minority’ Chinese-Christian in the world’s largest Muslim-majority country – was ahead in the polls. That is, before he was charged with blasphemy.

The verse – 5:51 of the Quran – commands believers not to “take the Jews and the Christians as awliya”. While many interpret awliya as ‘leaders’, others take it to mean ‘allies’. Naturally, the first interpretation suited Ahok’s political opponents. While on the campaign trail, Ahok warned the audience that this preference was being used to ‘deceive’ people into voting against him.

Between that statement, and a video of the speech being uploaded to the internet, it passed through the computer of one Buni Yani. Yani, a professor at a private university, manipulated the subtitles to make it seem like Ahok had said the verse, itself, was deceiving people. Egged on by Ahok’s political opponents, hundreds of thousands seethed into the streets. By May, Ahok was convicted of blasphemy and sentenced to three years in prison.

Yani, too, was later sentenced to a year and half for the creative liberties he took with the video. But this changed nothing for Ahok, whose appeal was dismissed. The protesters wanted nothing less than a blasphemy conviction. As often happens with these things, they got just that.

At the time, a poll by Saiful Manjani Research and Consulting showed that while over 45 percent of Indonesians believed Ahok’s statement to be blasphemous, 88 percent of that number said they weren’t sure what he had actually said.

Indonesia may long have flaunted its quasi-secular pluralism (it recognizes six ‘official religions’), but Ahok was no one-off. In a private conversation in August of 2018, a Buddhist woman complained about the volume of the loudspeaker at a mosque near her home. She was sentenced to 18 months in prison. Her appeal, too, was rejected. Rioters turned over a dozen temples to ash. In March, the year after, Aisyah Tusalamah was sentenced to five months’ in prison for believing herself to be the reincarnation of the mythical Queen of the Jellyfish Kingdom.

In recent times, talk of the ‘weaponization’ of Indonesia’s blasphemy law for personal gain has come up fairly frequently – even as nothing has changed. It has been criticised for being ambiguous, arbitrary and discriminatory in its application.

But, if Indonesia’s blasphemy laws are used as a weapon, then against Pakistan’s they’re about as useful as a butter knife. Ranked for severity in a USCIRF Report, Indonesia’s blasphemy laws sit below those of twenty other countries. The maximum sentence for blasphemy in Indonesia is five years. The punishment under the frequent choice in Pakistan’s much wider arsenal – Section 295-C of the Pakistan Penal Code – is death.

From across the witness box, consider the following: Yani got only a year and a half compared to Ahok’s three years, but that is still three times as much as the maximum sentence you can get for falsely accusing someone of blasphemy in Pakistan. In fact, Pakistan doesn’t have a separate offence for false accusations of blasphemy. The only law on point is the law against giving false information to a public servant. It comes with a maximum punishment of six months and a fine of a whopping Rs1000.

Sure, Indonesia doesn’t have a separate law for false blasphemy allegations, either. Yani was convicted under Indonesia’s cyber laws for inciting ‘hatred’ among groups of peoples and unlawfully editing a video owned by another party. But, in Indonesia, a blasphemy conviction won’t stow you away in a casket. Nonetheless, ultimately, Yani did end up behind bars.

A month ago, a fairly obviously doctored video of Aurat March protesters was shared widely by journalists, clerics, and – much like Ahok’s opponents – those who disagree with the March’s politics. As retweets competed with death threats, statement upon statement was issued by participants and organizers: the blasphemous subtitles were a later addition. Having fanned the flames, some eventually issued a begrudging mea kinda culpa. Others wandered off as if nothing had happened. While organizers continue to face very real threats to their lives, our Buni Yani roams freely.

For a country that takes such a hard stance against blasphemy, Pakistan seems to commit a disproportionately high amount of blasphemy. According to another USCIRF report from 2018, between 2014 and 2019, 674 cases of blasphemy were formally pursued across 41 countries. Over one-fourth of all reported cases came from one country: Pakistan. Home to fifty million more people than even Pakistan, Indonesia reported only a fifth of that number.

Of course, you could argue that Pakistanis are just better at catching blasphemy. But the numbers wouldn’t agree with you. As the International Commission of Jurists finds, over 80 percent of convictions are overturned on appeal for failure to make out a case. So, then, it’s either too easy to point the finger or the Islamic Republic of Pakistan commits more blasphemy than any other nation on the planet.

For the sake of argument (and to avoid existential disintegration) let’s assume it’s the former. If so, the leak may be at two ends. It may be the case that there aren’t enough procedural checks when an allegation is made, or it may be that it’s too easy to get away with a false allegation, once made. In Pakistan, it’s both.

This is why, in 2016, the Council of Islamic Ideology proposed the death penalty for those who falsely accused others of blasphemy. This is why Sherry Rehman tabled a private bill in 2010 seeking to introduce procedural safeguards against indiscriminate registration of FIRs.

Why, then, is it that any time something like this happens, we do little more than bump up the numbers and microwave the same statistics and recommendations? Well, because the Council of Islamic Ideology withdrew its proposal days later, just as Sherry Rehman withdrew her private bill. Just as Nawaz Sharif’s government never filed a review of the Federal Shariat Court’s decision on clemency in cases of blasphemy. Just as Imran Khan has said he won’t touch the laws.

The real issue, of course, is fear. Our laws may be a product of the British, and then the 1980s, but to touch these aspects in Pakistan is, itself, to commit blasphemy. But the fight for procedural safeguards has not, yet, been lost.

In fact, much of the silent tinkering has been done not by parliament, but by the appellate courts. It was Justice Chohan in Muhammad Mahboob v The State, recommending that blasphemy allegations be investigated by “a scholar of known reputation and integrity”. It was Justice Shaukat Aziz Siddiqui who – even as he called for even stricter punishments for blasphemy while deciding Mumtaz Qadri v The State – called for the death penalty for false accusations of blasphemy. It was Justice Khosa who – hearing the same case in appeal – wrote “a false allegation regarding commission of such an offence is equally detestable besides being culpable.” Two years later, writing as the chief justice in Aasia Bibi’s case, he wrote, “mixing truth with falsehood in the name of the Holy Prophet Muhammad (pbuh) was also not short of being blasphemous.” None of the Justices disowned their words.

When it comes to penalizing fake blasphemy allegations, you’re either part of the solution or you’re part of the problem in more ways than one. Because the thing with people like Buni Yani is they don’t just falsely accuse someone of blasphemy. In seeking to set up Ahok, Yani – himself – typed out those blasphemous words.

If that is an acceptable outcome, then Pakistan is going to have to accept something about that fear. The fear that holds us back isn’t fear of God. It is fear of man. And it cowers behind His name.

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