

Cartoons and Minarets:
Reflections on Muslim-Western Encounters

Muslim Political Theology
Defamation, Apostasy and Anathema
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Pakistan and Afghanistan are not only neighbors. In the first decade of the twenty first century they are both the epicenters of blasphemy-related violence: ranging from prosecutions, political mayhem and assassinations. Anger over matters broadly identified as “blasphemy” frequently erupt in Muslim majority countries in response to cartoons and media that are demeaning to Muslim religious figures, or as reactions to malevolent acts of Qur’an torching by provocative adversaries.

But Muslim reactions to provocations of a religious kind is not only limited to South Asia. In recent memory, spanning three decades, the conflict over Muslim religious values and beliefs has played out on multiple fault lines - religious, political, cultural and economic among others - in the full glare of a global media revolution.

Local actors connect to global pathways of protest and debate about religion and politics; they highlight the differences between national sensibilities on religion in Muslim majority countries in contrast to the sensibilities advanced by international law and secular legal, political and moral orders. Within national contexts, these debates about blasphemy highlight variation among different segments of Muslims. While the picture often pits those who propose a secular Muslim political order against those who demand a greater public role for religion, the matter is often more complex. A host of unidentified positions exist between these polar positions. What cannot be denied is that often the stakes are between those in power who navigate the shoals of multiple constituencies versus large, highly diverse and equally influential non-state religious sectors. The picture becomes confusing during times of conflict, but deserves greater and more careful scrutiny.

Events of Blasphemy

What frequently gets ignored in debates about blasphemy is how all the players across the board instrumentalize Islam and its teachings from Muslim political and religious figures to representatives of the international order, foreign governments and their political leaders. Among Muslim communities both political and religious players compete with each other in order to defend the teachings of Islam and to sustain their legitimacy among their respective audiences. In combustible political environments this becomes risky and deadly wagers.

In 2011 Afghan president Hamid Karzai publicly condemned the torching of the Qur’an in Florida by Christian-American zealot, Pastor Jones. Hours after Karzai’s denunciation, thousands of

his countrymen took to street protests in various cities and went on rampage at a United Nations compound killing several employees. Many Afghans also died in ensuing clashes with police. A year later, in 2012, the burning of used Qur’ans, as part of a disposal process or provocatively by US soldiers sparked protests and violence across Afghanistan resulting in the loss of life of at least 40 and several US servicemen.

In neighboring Pakistan a controversial blasphemy act dating back to colonial times and amended during the era of the dictator general Ziaul Haque is frequently used to vex and harass members of minority faiths. Attempts by political figures to amend the controversial blasphemy statute have sparked angry public protestations and opposition from religious groups. Religious intimidation has paralyzed the country’s civilian government. High profile figures like the governor of Punjab province, Salman Taseer, was gunned down by his security-aide who believed his boss committed a religious offence in calling for the blasphemy laws to be reformed or abolished. Shabbaz Bhatti, a cabinet minister belonging to the Christian minority, was also gunned down since he too believed that the blasphemy laws discriminated against members of his faith community.

Opponents of the law claim that it has been abused and used for vexatious purposes, to target minorities like Christians as well as Qadianis and Ahmadis, two excommunicated Muslim sects. But Pakistan’s blasphemy laws, some say, have also been used to settle private and political vendettas. All an accuser has to do is to allege that someone had blasphemed Islam and report it to the police. An accused can get entangled in an inextricable and menacing prosecutorial process lasting years. Advocates of the law insist that the current penalties for blasphemy be enhanced, rather than liberalized via reform, in order to be brought in line with a strict interpretation of the Shari ‘a.

In Iran the murder of a government critic, Azeri activist Rafiq Taqi, in November 2011 was applauded by a cleric Mohammad Javad Lankarani. He praised the killers for “sending the reprobate who insulted the Prophet to hell.”¹ Occasionally one hears of charges of blasphemy in Indonesia and Malaysia. In Turkey, the religious sector has been more judicious and has successfully ignored those who criticized Islam and its religious figures. The religious sector in Turkey, it appears, sensibly decided to not indulge the publicity-seeking strategies of provocateurs.

¹ Shalom Goldman, *A Writer’s Murder Raises Fears of Death-by-Decree*. <http://bit.ly/wxrEG2>

Beyond recent history there has been a consistent trend of using blasphemy as a means to silence critics. In the last quarter of the twentieth century Sudan executed a high profile religious figure, Mahmūd Muhammad Tāha, at the same time that the former socialist president Jaʿfar Nimeiry discovered his religious faith. In Egypt an academic, Nasr Hāmid Abū Zayd, was famously prosecuted for publishing views that were deemed to be contrary to Islam's *a priori* held doctrines. Judged to have left his faith, his marriage to his wife as a result was nullified by Egypt's highest court, since a Muslim woman was not allowed to remain married to a non-Muslim man. Abū Zayd's alleged apostasy elicited threats from militants claiming he deserved the death penalty and he was thus driven into exile.

The most celebrated case of blasphemy is, of course, the publication of the novel *The Satanic Verses* authored by Salman Rushdie. A legal opinion (*fatwa*) issued by Ayatollah Ruhollah Khomeini, the supreme leader of the Republic of Iran, stating that a person who insulted the Prophet Muhammad deserved the death penalty under Islamic law only inflamed the debate. While blasphemy charges was at the center of the Rushdie controversy, the event spiraled out of control and spilled into the domain of interstate relations severing diplomatic ties between Iran and the UK. Debates about freedom of expression and the rights of religious minorities in Britain and later Europe, also surfaced as a result. Throughout these controversies the persistent charge was leveled that "Islam" was incompatible with liberal freedoms. A provocative series of cartoons lampooning the Prophet Muhammad published by a Danish newspaper, Jyllands Posten in 2006, sparked global outrage among Muslims that resulted in mayhem and deaths in several countries.

Rushdie at the time claimed that he was challenging certain static notions of religion, especially a fundamentalist interpretation of Islam. He was experimenting a literary mode of post-modernist satire to raise questions as a novelist and a cultural critic. The Jyllands-Posten cartoons were pursued after an author of a children's book on the Prophet Muhammad said he could not find an illustrator brave enough to depict Islamic themes for his book, especially if it involved illustrations of the holy figure like the Prophet Muhammad. This then gave this right-wing newspaper the idea to solicit cartoons in order to allegedly break the stranglehold the growing Muslim community in Europe had on the cultural norms of Europe, and more broadly, the West. If Rushdie was contesting particular

notions of Muslim religious imaginaries by desecrating or giving offence through his fictional characters, then Jyllands-Posten felt the need to protect European culture by challenging, even if it meant to give offence to the religious values and culture of a new Muslim citizenry in Europe. Some observers were generous to Jyllands-Posten when they claimed that the newspaper engaged in testing the limits of freedom of speech. To the contrary the newspaper it turns out was not an equal-opportunity agitator for religious freedom. Rather, it had a record of self-censorship when in 2003 it refused to publish cartoons that depicted Jesus in a demeaning manner because it was cautious to not offend its readers' Christian sensibilities.

Eighteen years after the Rushdie event, the depiction of the Prophet Muhammad in cartoons again focused on the religious culture of Muslim minorities in Europe and their alleged unwillingness to conform, integrate or assimilate into the dominant culture. Not only was it a matter of the cartoons, but in the background were lurking tensions about Muslim immigration to Europe and Muslim women wearing head dress and the display of religious symbols in France. The ongoing wars in Afghanistan and Iraq amid growing European fears of religiously inspired acts of terrorism pursued by Muslim actors in Europe only further inflamed the global context. As the unrest of the offensive cartoons spread to Muslim majority countries, Denmark's political and economic interests were subject to boycotts and condemnation.

Even though the defenders of the Danish newspaper continued to pose the cartoon controversy as a symbol of a war of civilization it was an unsustainable argument. Doudou Diène, a United Nations Special Rapporteur best summarized the issue. "These newspapers' intransigent defence of unlimited freedom of expression is out of step with international norms that seek an appropriate balance between freedom of expression and religious freedom, specifically the prohibition of incitement to religious and racial hatred."² "The debate," he added, "sparked by the publication of the cartoons has revealed the emergence in some intellectual, media and political circles of a rhetoric of clash of cultures and civilizations that divides the world into secular, democratic and civilized countries that protect freedom of expression, and obscurantist, retrograde and backward States that enshrine religious freedom and the position of religion in society . . . This line of argument . . .

² Doudou Diène, special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2006, 188

draws on the same spirit of caricature as the drawings in the Danish newspaper.³

At the heart of the cartoon debate are different, and perhaps incommensurable, sensibilities about religion. Indeed, these differences are located in different understandings of culture. These differences are also evident within Muslim self-understandings of religion, especially on the topic of blasphemy.

Culture and its artifacts are, after all, that which give meaning to life. Enmeshed in these highly publicized debates taking place in the European theater is the Muslim theological doctrine of blasphemy. Corporal punishments linked to blasphemy were derived from cultural norms and practices dating back to antiquity. Over time Muslim sensibilities have been acclimated to these penalties as a norm, although scholars contest their application in modern times as part of the national codes of law. Debates hinge on notions of Islamic reform and the embrace or rejection of modern sensibilities on the part of religious and secular elites. The most fervent debates center on the salience of political theologies – theories of how political practice is related to salvation - crafted during periods of Muslim empire and their relevance to societies modeled on democracy, equality of citizenship, free speech and religious diversity.

The requirement of reverence and respect for religious figures, especially the person of the Prophet, is part of a substantive theological value commitment and a spiritual practice for Muslims. Love and honor for the Prophet Muhammad is a religious value upheld by an individual believer. Over time it morphed into a value that also became linked to the theological and political dimensions of Muslim public life during successive empires. Alongside the political, as Islam's discursive tradition developed and morphed over time, those authorized to interpret the Muslim tradition, the 'ulamā', became the gatekeepers of the Prophet's legacy. Hence, the 'ulamā's discursive tradition, its methods, and their authority became coterminous with the Muhammadan charisma. Infractions of certain teachings involving the authority of the tradition are often couched as violating the authority of the Prophet and frequently trigger charges of anathema, (*takfīr*), blasphemy and apostasy.

What Europeans and even modern educated Muslims were surprised to learn was of a Trojan-horse of doctrines related to Muslim political theology that proscribe satire directed at the

Prophet Muhammad, his family and his Companions. The guardians of this political theology are mainly the religious scholars, the 'ulamā', and in some places the Islamic state, such as Saudi Arabia, Iran, Pakistan and Sudan, among others. What surprises Muslims of a liberal stripe is that the 'ulamā' also extend the sanctity attached to the Prophet to the methodology they crafted to interpret the Prophet's teachings. Therefore, many who are engaged in critical scholarship find themselves at the receiving end of anathematizing 'ulamā critiques that declare them to be *persona non grata* in terms of Muslim theology. It is to this political theology to which I now turn.

Political Theology

The consequences of leaving Islam as a faith community and of criticizing the Prophet Muhammad require some explanation. Muslim political theology developed over centuries under conditions of empire but elements of it continue to resonate to this very day. What is political theology? It is in the words of Jan Assmann the "ever-changing relationships between political community and religious order, in short, between power [or authority: *Herrschaft*] and salvation [*Heil*]."⁴ Muslim thinkers like jurist of Muslim political theory Māwardī articulated a similar idea, albeit differently, through the prism of leadership and governance: "leadership (*imāma*) was designed in order to succeed the role of prophecy by protecting the order of salvation (*dīn*) and managing the affairs of the world." In Māwardī's view there was a conjunction between the religious order and the political order. But what made Muslim political theology different from its counterpart in Christianity was that in Islam the political theological was intimately related to the idea of prophecy, which in turn was the pathway to salvation. The political in Islam, therefore, paved the way for a public sphere committed to advancing the common welfare that was also in part related to the order of salvation. (While this model was applicable in the early constructions of Islam, it remains moot whether this was still sustainable in newer political and cultural regimes.)

With the end of the prophecy of the Prophet Muhammad, the role of guiding the community passed on to his pious political successors or to members of the Prophet's household, depending if you follow a Sunnī or Shī'a interpretation of succession, respectively. Over time Muslim culture revered those designated as the guardians of the knowledge that stemmed from the Prophet.

³ Diène report, 195.

⁴ Jan Assmann, *Herrschaft Und Heil : Politische Theologie in Altägypten, Israel Und Europa* (München: Hanser, 2000), 24.

Since salvation was a core idea of Islam as a *dīn*, the knowledge of practices was integral to that order. In order to reproduce practices over time, and to explain and interpret them, a discursive tradition emerged. The discursive tradition elevated the status as well as power of those who mediated the learned tradition, namely the scholars (*‘ulamā’*). Over time this discursive tradition, validated by a variety of sub-traditions within Islam, acquired a quasi-sacrosanct character. Soon, the learned were seen as the true of heirs of the prophetic charisma. Statements attributed to the Prophet state that “the learned of my community were analogous to the Israelite prophets.” Given the equivalence between the learned and the prophets of yore, the *‘ulamā’* and their tradition acquired a power and authority that at least in the past was inseparable from the prevailing models of Muslim political theology.

Another way of putting this was that the Prophet in Islam had, so to speak, two bodies. These ‘bodies’ of the Prophet continuously inhabited the moral imaginary of the faith community (*umma*). The two imagined bodies of the Prophet paralleled the two primary roles and functions performed by the Prophet Muhammad in his earthly role.⁵ The first was the Prophet’s political body in his capacity as the political axis of the Muslim community--as God’s Messenger who established a political order that favored the transcendent good. Through the routinization of the prophetic charisma, the political body of Islamdom was continuously inhabited and nourished through functions of stewardship--*khilāfa* in Sunnism and the imamate in Shi’ism.

The second ‘body’ of the Prophet was in his role as the teacher of the transcendent good and wisdom (*yu’allimihum al-kitāb wa’l hikma*) and whose embodied life (*sunna*) became the exemplar of transcendent good. This body of knowledge provided by the Prophet continued to be preserved, if not sacralized, by the Muslim knowledge tradition and its curators, the *‘ulamā’*.

Muslims revere the Prophet at both the collective and individual levels; in both public and private spheres of salvation. The Prophet’s two ‘bodies’ – political and religious--became intertwined and interlinked. And in the view of some, the two were not easily separable. It is this inseparability of the roles of the Prophet that one should bear in mind when contemplating certain aspects of what is today deemed as blasphemy.

⁵ Ebrahim Moosa and SherAli Tareen, "Revival and Reform," in *The Princeton Encyclopedia of Islamic Political Thought*, ed. Gerhard Böwering, Patricia Crone, and Mahan Mirza (Princeton, N.J.: Princeton University Press, 2012).

The political theology espoused by most Muslim thinkers, Sunnī and Shī’a alike, views the prophet as a central ontological fact, not only an epistemological referent. In other words, he becomes the equivalent of a sovereign: the symbolic sovereign, higher than any earthly sovereign. Indeed, every earthly Muslim sovereign, or anyone pursuing politics on behalf of the Prophet, invariably acts as the successor to the Prophet and acts in his name, as *khalīfatu rasūl allāh*. Some might press further to argue that the sovereign identity of the Prophet is coterminous with the identity of the Muslim community. If such a religious imaginary is at work then few Muslims would be persuaded that the classical law of blasphemy devised during the imperial period of Islam requires alteration and updating today. Some cling to the old law on the grounds that the Prophet is the symbolic ground of the earthly Muslim community. In defense of his honor a certain amount of founding violence is necessary and is required today, in order to protect a key symbol of their faith. Therefore, in political terms, the one who insults the Prophet Muhammad becomes a damned person. To use the language of the Italian political theorist, Giorgio Agamben, such an offender or damned person must be killed, but not sacrificed. In Agamben’s view such a person would be called a *homo sacer*.

Any change and re-thinking on the question of especially blasphemy, and to a lesser degree apostasy, would require reconfiguring Muslim political theology. In order to grasp that nettle it would require some serious re-thinking about how the Sharī’a is imagined and how it is formulated. One important question is whether Muslim thinkers will take on board the varieties of knowledge and the experience of the present when adjudicating normative values of Islam.

A Shift in Methodology

A key shift in methodology has been the cause of some mutation and transformation in the intra-Muslim debate challenging the doctrinal validity of some of the penalties related to the offense of blasphemy and apostasy. Briefly, the default methodological position among Muslim thinkers has been to appeal to a canonical tradition where hermeneutics was privileged. Both the Qur’an and the Prophetic tradition, Sunna, were viewed as equally authoritative sources. The interpretative process (hermeneutics) trusted the authority of tradition, valorized the pious exemplars of the founding of Islam with a consideration for change that allowed for a reasonable dialogical relationship between text, time and context. Canonical variation and multiple interpretations were tolerated on the basis of

different communities of learning in multiple contexts who exercised discrete forms of reasoning—formal reasoning, affective forms of communal reasoning with shared beliefs, conduct and aspirations.

Since the end of the nineteenth century, and perhaps slightly earlier, methodological shifts have produced alternate ways of imagining the canonical tradition. While there is some continuity with the traditional canonical method, there is also some discontinuity. Modern Muslim thought—including elements of Muslim traditionalism—have begun to view the canon in a more instrumental manner. The goal is to view revelation as a reservoir of outcomes-based knowledge buffeted with a belief that the primary purposes of the Muslim revelation are totally transparent and knowable. In fact, some modern Muslims often claim that the classical and post-classical canonical tradition often missed Islam's transcendent values. The canonical tradition, critics claim, was mired in the cultural practices of the past and therefore failed to grasp the moral ethos of Islam.

An emerging juro-moral lexicon is gradually gaining popularity and displacing the canonical tradition and its methodology. Advanced in the guise of Islamic reform, it stresses the overarching purposes (*maqasid*) of the Muslim revelation and states that morals and values are based on certain interests (*maslaha* pl. *masalih*). Revelation is designed to preserve religion, life, reason, property and family. In this redesigned method, the Qur'an is the primary source for religious and moral instruction. While the Prophetic tradition, hadith, is not ignored, it is subject to greater scrutiny. This method appeals to some Muslim traditionalist figures among the 'ulamā' but it is the favorite approach of the non-'ulamā' intelligentsia. As a result a number of teachings that were previously based on the authority of hadith are abandoned, especially when the values of the hadith clash with the broader purposes of the Qur'anic teachings or when the Qur'an is silent on matters such as the penalties for blasphemy and apostasy. This reformist and Qur'an-based approach generates a great deal of debate on the topic under discussion and proposes new ways of thinking about fairly weighty matters that were once unquestioned but are now subject to re-interpretation.

Anathema, Blasphemy and Apostasy in Islam

In an age of Western liberal hegemony discursive debates of a religious nature among citizens of Muslim majority societies are often viewed as a limitation on freedom of speech and a denial of the free exercise of religion. The hegemony of

terminology is part of the problem. 'Blasphemy' is a media term widely used to describe passionate intra-Muslim arguments or as the manner in which Muslim express their disapproval of the ways in which Islam is portrayed. Bear in mind that in Western moral philosophy and theology the term "blasphemy" covers a variety of things. Any "profane speaking of God or sacred things" or any kind of "impious irreverence" or any kind of "reproach" of a sacred figure constitutes 'blasphemy'.⁶

Within the Muslim discursive tradition several terms are utilized in order to signal the violation of doctrinal boundaries and teachings. There is ample room for disagreement within agreed upon and acceptable discursive boundaries. But when a disagreement is construed to be tantamount to a rejection of an *a priori* true doctrine of Islam, then it triggers charges of anathema (*takfir*) for the author or holder of such offensive views. In both the pre-modern and modern periods theological and doctrinal adversaries hurled this highly injurious epithet of anathema at each other as contentious groups and individuals contested meaning and authority among themselves. While caution is often counseled in order to restrict the use of mutual anathematizing to instances of necessity only, a reader of the writings of contemporary traditional Muslim authorities will note the widespread use of the anathema label in order to silence dissent among rival groups of 'ulamā' themselves and against their non-'ulamā' rivals. Surely the use of the rhetoric of anathema fragments the moral consensus among Muslims. Yet, it nevertheless creates discursive tension among Muslims and foments a vibrant religious public sphere, provided the debates do not spill over into violence. When some of these disagreements are contested in the portals of modern secular courts then the discursive disagreements mutate into a political offence and the perpetrator, if found guilty, is viewed as a criminal. This was true in the case of Mahmūd Muhammad Tāha of Sudan, Nasr Hamid Abu Zayd of Egypt and other individuals who were prosecuted for theological offenses.

Insulting the Prophet

Two other offences, insult to the Prophet Muhammad and apostasy, incur severe penalties and are part of the Muslim theological vocabulary. The use of satire, lampooning and personal insult known as, *sabb al-rasūl* is viewed as a grievous offense in Muslim political theology. Taqī al-Dīn Ibn Taymīya (d.1328), a renowned fourteenth century jurist and Taqī al-Dīn al-Subkī (d.1355) have made the case that insulting remarks and

⁶ Oxford English Dictionary, s.v. "Blasphemy."

satire directed at the Prophet Muhammad constituted not only a major sin in Islam but is also an offense deserving capital punishment. In this view it is unthinkable for a Muslim to intentionally insult the Prophet Muhammad. If a person adhering to another faith, say a Jew, Christian, Zoroastrian or Hindu insulted the Prophet, he or she would be in breach of the contract of indemnity they enjoyed in a pre-modern Islamic imperial domain, according to later Muslim scholars. Early scholars held they were not in breach of their contract. Guilt for defaming the Prophet is expiated by the severe consequences of capital punishment. To insult the Prophet does not only signify an intention to leave Islam, since reverence for the Prophet is a central requirement of the faith, but signifies something worse: defamation. In short, insult and defamation of the Prophet is in the view of many scholars a *sui generis* offense independent of apostasy. Others would treat it as an extreme version of apostasy since capital punishment is the prescribed penalty for both, but there are differences in the formalities of each.

Defamatory satire of the Prophet, Ibn Taymīya points out is a “unique crime” (*jināya mufrada*).⁷ He goes on to show that when the Prophet conquered Mecca he ruled in favor of the death penalty for a number of people who issued defamatory statements in their poetry and speech, while adversaries who did not engage in defamation enjoyed amnesty. Those amongst the Prophet’s companion who avenged his defamation received special honors as the “aides of God and His Messenger” (*nāsiran lillāhi wa rasūlih*), according to Ibn Taymīya.⁸

The precedent for this penalty is that the Prophet authorized the execution of about four to five persons at the conquest of Mecca. Traditionalist Sunnī and Shī‘a scholars uphold the binding authority of this precedent. However in the twentieth and twenty-first centuries some traditionalist scholars as well as a spectrum of scholars belonging to other persuasions disagreed. They questioned the meaning, interpretation and binding authority of this precedent. One line of interrogation goes like this: were these individuals punished in early Islam for their defamatory acts of the Prophet or were they were punished for pre-existing crimes of homicide and murder that they had committed.

⁷ Aḥmad ibn ‘Abd al-Ḥalīm Ibn Taymīyah and Ibrāhīm Shams al-Dīn (ed), *Al-Ṣārim Al-MaslūL ‘alā ShāTim Al-RasūL* (Beirut: Dār al-Kutub al-‘Ilmīya, 1975), 209.

⁸ Aḥmad ibn ‘Abd al-Ḥalīm Ibn Taymīyah and Ibrāhīm Shams al-Dīn (ed), *Al-Ṣārim Al-MaslūL ‘alā ShāTim Al-RasūL* (Beirut: Dār al-Kutub al-‘Ilmīya, 1975), 208.

Supporters of the death penalty for defamation of the Prophet Muhammad cite the precedent as conclusive evidence for the crime of defamation. Those who demur argue that the persons executed were killed for capital crimes they had previously committed, not for defamation of the Prophet. Furthermore, some argue that there was no prescribed penalty in the Qur’an for the defamation of the Prophet, even though the Muslim scripture condemned in the strongest language any physical and emotional injury caused to the Prophet. Supporters of the blasphemy penalty argue that the gravity of the offense is inferred from verses of the Qur’an that condemn those who cause injury to the Prophet. But they are at pains to substantiate the claim that the death penalty for this offence is derived from the Qur’an. The authority for the death penalty is derived from the hadith where the Prophet elicited the help of his Companions in order to put Kāb bin al-Ashraf to the sword because “he had offended God and His Prophet.”⁹

Opponents of the death penalty for defamation of the Prophet say that if such a penalty was enacted, then it was undertaken on the grounds of political fiat and not for religious reasons. They also, of course, have the burden to explain why the blasphemy rule was retained throughout Muslim history in a virtual unbroken juridical consensus as part of the law of apostasy.

Apostasy

The doctrine of apostasy (*ridḍa*) is also among those penalties that have set off a series of discussions among experts of Islamic law. Like the penalty for defaming the Prophet, there is no penalty stated in the Qur’an for apostasy but it is indeed established by the hadith. A report attributed to the Prophet Muhammad states that “the one who changes his religion, ought to be killed” (*man baddala dinahu fa ‘l-yuqta*). According to some authorities, the precedent for this penalty is derived from the Prophet Muhammad’s decree to execute a handful of persons at the conquest of Mecca, mentioned above, for their alleged apostasy in having abandoned their faith in Islam. A number of scholars have entered the fray in contesting the apostasy doctrine.

Tāha Jābir al-Alwānī, a foremost traditional scholar once very active in the US and now resident in Cairo, has argued that the traditional death penalty for apostasy militates against Islam’s principle of: “no coercion in matters of

⁹ Ibn Taymīyah and Shams al-Dīn (ed), 211.

religion.”¹⁰ Alwānī does an extensive survey of doctrines only to conclude that the meaning of apostasy (*ridḍa*) was contested in early Islam and was part of Islam’s political adjudication, not religious adjudication. On the grounds of this early disagreement, he also challenges the claim of an unbroken consensus in favor of the death penalty for apostasy. Alwānī does not give much credence to the hadith that commands that the one who changes his faith should be killed.

The outspoken Qatar-based cleric Yūsuf al-Qaradāwī has argued that apostasy can be classified under two types.¹¹ The first views apostasy as a form of subversive propaganda to mislead and confuse Muslim communities in order to undermine a society’s identity, its public order and stability. A form of public advocacy that encourages others to leave Islam, Qaradawi argues, is punishable. The second, is a less public form, or rather, private apostasy, where an individual leaves Islam without inviting others to do the same. This form of apostasy, in Qaradāwī’s view, is not punishable. Yes, in Muslim theology this amounts to a sin, but one is only accountable to such an offense in the hereafter.

Mawlana Wahiduddin Khan, an Indian scholar, has extensively written to refute the traditional position on apostasy and blasphemy. The evidence supporting blasphemy penalties, in his view, is questionable and that punishing people for blasphemy militates against Islam’s mandate to constantly invite people to its teachings of salvation (*da`wa*).

In Pakistan, Javed Ahmad Ghamidi, a prominent Muslim public intellectual, has argued that the penalty for “apostasy has arisen due to a misunderstanding of Hadith.”¹² He offers an explanation for the hadith : “Whoever changes their religion should be killed.” Instead of rejecting the hadith as inauthentic, Ghamidi believes it was misunderstood in terms of the context of its utterance. In their prophetic role, the Prophet Muhammad and other prophets before him also had a cutoff point when they had exhausted the announcement of their respective gospels (*itmām al-hujja*). After such time the prophets are allowed to present ultimatums to their communities in order to create a unified community of believers

who do not countenance subversive activities. For this reason, the Arabs of seventh century Arabia, only the people ethnically related to the Prophet, were required to convert to Islam or else face the sword. The idea was to make the Arab community of Muhammad hegemonic as an all-Muslim community that would then form the nucleus of those who invite other people to the new faith. This rule did not have universal application but only applied to the Arabs, who were known as the *ummiyyūn*: the spiritually unlettered ones. The hadith in question was directed to the *ummiyyūn*, namely, if any of them reverted back to paganism after they had accepted Islam then such a person would be killed.¹³ A historically contingent and time-sensitive rule, according to Ghamidi, would no longer be applicable.

Similarly, a traditional cleric affiliated to the Deoband School in Pakistan, ‘Ammār Khān Nāsir, argues that Muslim law schools were not unanimous about the death penalty for the one who insults the Prophet. While he does not deny the majority view, he points out that credible figures within the Hanafi school did allow for an offender to recant from the offense of insulting the Prophet Muhammad. Similarly, there are minority views that offer an apostate an opportunity to recant and save himself from a brutal death. Nāsir has attempted to open a conversation among traditional scholars in order to present a more tolerant and realistic face of Islamic teachings in Pakistan. Criticized for circulating ideas that challenge the hegemonic views, he continues to soldier forth in the cause of ideas and debate.

Among thinkers following Shī‘a theology there has also been a vibrant debate on the viability of the penalties for apostasy and insult to the Prophet. A number of scholars, like the Iranian scholar Mohsen Kadivar, argue that the death penalty for apostasy violates Islamic notions of the right to freedom of belief.¹⁴ Similarly, Sayyid Muhammad Hasan al-Amīn, a prominent Lebanese Shī‘ī thinker, invites scholars to discuss an overhaul of Islamic thought if it wishes to be relevant to the contemporary world in which Muslims live and share the globe with people of other faiths.¹⁵

¹⁰ Tāhā Jābir Alwānī, *Lā Ikrāh Fī Al-Dīn : Ishkālīyat Al-Ridda Wa-Al-Murtaddīn Min Ṣadr Al-Islām Ḥattā Al-Yawm* (al-Qāhira: Maktabat al-Shurūq al-Dawlīya, 2003).

¹¹ Yūsuf al-Qaradāwī, *Jarīmah Al-Riddah... Wa ‘uqūbah Al-Murtadd Fī Daw Al-Qur’ān Wa Al-Sunnah* (Cairo: Maktabah Wahbah, 1416/1996), 44-63.

¹² Javed Ahmad Ghamidi, *The Penal Shari‘ah of Islam*, trans., Shehzad Saleem (Lahore, Pakistan: Al-Mawrid Institute of Islamic Sciences, 2004), 36.

¹³ Javed Ahmad Ghamidi, *The Penal Shari‘ah of Islam*, trans., Shehzad Saleem (Lahore, Pakistan: Al-Mawrid Institute of Islamic Sciences, 2004), 39.

¹⁴ Ḥaydar Ḥubb Allāh, *Al-‘Unf Wa-Al-Ḥurriyāt Al-Dīniya : Qirā‘āt Wa-Ijtihādāt Fī Al-Fiqh Al-Islāmī*, 2 vols. (Bayrut: Mu‘assasat al-Intishār al-‘Arabī, 2011), 1:77-123.

¹⁵ Ḥaydar Ḥubb Allāh, *Al-‘Unf Wa-Al-Ḥurriyāt Al-Dīniya : Qirā‘āt Wa-Ijtihādāt Fī Al-Fiqh Al-Islāmī*, 2 vols. (Bayrut: Mu‘assasat al-Intishār al-‘Arabī, 2011), 1: 33-73.

In all of these discussions there are indications that there is disagreement on some of the toughest issues pertaining to religion, culture, tolerance and freedom of speech. At the same time, productive disagreement also provides room for discussion and debate among those sectors which are most influential in altering the direction of religious thought, namely, that of the 'ulamā'. While these are small steps, some of them hardly radical, they do suggest that there is sufficient concern and interest within Muslim scholarly circles around the world to address some of the rules that are increasingly being challenged.

Thinking About Islam in a Diverse Geopolitical Context

While ideas, values and principles might tend to be universal and appeal to reason they are also the products of their times and their historical locations. To ignore historical realities is to fall into a trap. Such ignorance misleadingly presents a view that people are without a history. Social continuities and tradition might give us the sense that things have been the same over time in a changeless and seamless universe. Closer scrutiny shows that traditions adapt, words earn new glosses and meanings. The same word, say the term *'aql*, can mean reason, formal reason, during one stage of history and can mean rationality, scientific and empirical reason and common sense in another time. Canons of law and doctrines of theology might use the same terminology in the interest of continuity, but they also mean very different things at different times and places.

The Muslim religious tradition, in a variety of ways, acknowledges the historicity of God's communication with humanity over time. There is a general acknowledgement that the purpose of a human being's earthly sojourn is to engage in a redemptive relationship with God, therefore the idea of *dīn*- following a path of salvation. To engage in acts of indebtedness to God is to follow *dīn*. Muslim theology claims that the idea of *dīn* is a constant in all religious traditions over time. However, Muslim theology equally acknowledges that the form and *modus operandi* of this salvation practice changes in history. The 'how' is the modality, the modus and means of performing salvation, and hence the Sharī'a or the path of salvation is contingent. That is why the heavenly installments of faith took such different forms and therefore the Abrahamic traditions among themselves look so different.

Yet this very question of history is a fairly complex and complicated one. Do we live *in* time or do we live *through* time? In the first, living in time, time is imagined only as a vessel, an atmospheric

range through which we pass, relatively separate from it; time becomes a means and we can retain a certain kind of objectivity vis-à-vis time. But more recent reflections suggest that we live *through* time; in other words, we are constituted by time, shaped and formed by time. Without time we have no existence and no being. In other words, we human beings are the embodiment of time. Now how does this notion of time relate to history? If time is objective and separate from us we can retain the fiction of the timelessness of time. In this view we can remain unaltered and unchanged by history since human beings and time are unrelated. If however, time is the very embodiment of human beings, put differently--if we are time, then we change as time changes and time changes as we change. And our portraits of the past continue to change as our own self-understanding deepens and get altered about the human condition.

This very idea of history is central to the contemporary Muslim predicament, especially in the realm of religious thought and the debates about the reformation of Muslim thought. Clearly, there is a spectrum of viewpoints. There are those who believe that we live *in* time and we have agency independent of time. Therefore, they believe one can retain the inherited values and imprimatur of the past because these are unrelated to time. Some advocates take history seriously and advocate radical change while others only allow moderate amounts of change and alteration.

Another construction of Muslim history implicitly understands that we live *through* time, and that humanity's past inheritance and ideas are all part and parcel of the mutation of time. Our experiences make us who we are and what we are. This is a more dynamic understanding of history, but is also equally threatening and challenging to certain versions of Muslim orthodoxy.

The poet-philosopher of south Asia, Muhammad Iqbal, understood these two registers of time, one of which he called *pure* duration and the other, *serial* time. As a modernist Iqbal understood that the entirety of Islamic thought would have to be re-crafted for our times. Yet, Iqbal was equally aware of the lack of equilibrium in power between those wielding the tools to impose change through the knowledge of modernity, the West, as against those dispossessed or unable to wield this power, the rest, including Muslims. This lack of power was something that constantly troubled Iqbal and he could not entirely shake off the resentment of coloniality and the coloniality of power. This dilemma that Iqbal experienced has not yet

passed nor has it been resolved. The coloniality of power, a concept coined by the Peruvian thinker, Anibal Quijano, suggests that the distribution of epistemic, moral, and aesthetic resources are organized in such a way that it both reflects and reproduces empire through the hegemony of Eurocentric knowledge systems. While Iqbal was suspicious of power encoded in knowledge systems and forms of life, he was also equally realistic to understand that Muslims too were now part of that emerging knowledge system. While Iqbal's rhetoric was defiant, even polarizing at times, he was a realist when it came to religious thought.

Conclusion

It might be helpful to ask what role the rules affecting the cluster of issues such as apostasy, defamatory blasphemy and the anathematizing of adversaries still play in Muslim societies today. These types of laws were coherent in an imperial theocratic political context. Political systems no longer make freedom of speech and political choices contingent on one's religious status. Societal well-being is no longer threatened by one's religious commitments in healthy democracies. It might well be possible to conceive of diversity and pluralism to be modes of Sharī'a and sustained as cherished societal goals. In a multi-religious and multicultural society, Sharī'a values could plausibly place the accent on notions of reciprocity. Of course, society must encourage its citizens to display the highest conduct and not denigrate other people's beliefs, for such violent actions will only elicit angry reactions. But when something offensive is said about another's belief, the first recourse should be dialogue and an exchange of perspective in terms of the highest standards established in Islamic civility and etiquette (*adab*).

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