

Muslim Political Theology

Defamation, Apostasy, and Anathema

EBRAHIM MOOSA

Pakistan and Afghanistan are not only neighbors. In the first decade of the twenty-first century they are both epicenters of blasphemy-related violence, ranging from prosecutions and political mayhem to assassinations. And in Egypt, blasphemy-related prosecutions rose dramatically during the brief reign of the Muslim Brotherhood, mainly against Christians and a few secular figures.¹ Anger over matters broadly identified as blasphemy frequently erupts in Muslim-majority countries in response to Western cartoons and media portrayals that are demeaning to Muslim religious figures. Malevolent acts of Qur'an torching or salacious films and novels that cast Islam's founding figures and personalities in a negative light all elicit a range of reactions around the Muslim world. These range from attitudes that ignore such provocations, peaceful protests, and scholarly responses to violent expressions of indignation.

Yet Muslim reactions to provocations of a religious kind are not limited to South Asia or any specific region. In the past 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 about religion in Muslim-majority countries and the sensibilities that international law and secular legal, political, and moral orders advance. 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 of secular versus religious. Following this chapter, Ron E. Hassner identifies important links between blasphemy and violence (see chapter 7), while Asma T. Uddin offers an in-depth analysis of Indonesia's blasphemy law (see chapter 8). As both show, those in power often have to navigate the shoals of multiple constituencies. Often the authority of those in power is tested by large, highly diverse, and equally influential nonstate religious sectors whose motives vary considerably and cannot be easily plotted. If the picture becomes confusing in times of conflict, it is certainly clearer in Hassner's careful scrutiny of what multiple actors achieve by mounting highly mediatized spectacles and global public campaigns against blasphemy. This chapter prepares the way for such subsequent analyses in this volume by considering the theological architecture of blasphemy.

EVENTS OF BLASPHEMY

What frequently gets ignored in debates about blasphemy is how all the players across the board instrumentalize Islam and its teachings, ranging from Muslim political and religious figures to representatives of the international order, foreign governments, and their political leaders. In Muslim communities, both political and religious players compete with one another to defend what they view as normative teachings of Islam in order to sustain their legitimacy among their respective audiences. In combustible political environments, these become risky and deadly wagers.

In 2011, Afghan president Hamid Karzai publicly condemned the torching of the Qur'an in Florida by the American Christian zealot Terry Jones. Hours after Karzai's denunciation, thousands of his compatriots took to street protests in various cities and went on a 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 by U.S. soldiers sparked protests and violence across Afghanistan, resulting in the deaths of at least forty Afghans and several U.S. soldiers.

In neighboring Pakistan, a controversial blasphemy act dating back to colonial times and amended in 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 this controversial statute have sparked angry public protestations and opposition from religious groups. Religious intimidation has paralyzed the country's civilian government. The governor of Punjab Province Salman Taseer was gunned down by his security aide, who believed his boss had committed a religious offense 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 such as Christians and the excommunicated Muslim sects of Qadianis and Ahmadis. But Pakistan's blasphemy laws, some say, have also been used to settle private and political vendettas.² All an accuser has to do is allege to the police that someone has blasphemed Islam. The 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 in order to be brought in line with a strict interpretation of the Shari'a.

Beyond Pakistan and Afghanistan, even in Iranian Azerbaijan and other provinces of Iran, blasphemy trials are common. In Iran, the cleric Mohammad Javad Lankarani applauded the November 2011 murder of the Azeri activist Rafiq Tagi. He praised the killers for "sending the reprobate who insulted the Prophet to hell."³ Occasionally one hears of charges of blasphemy in Indonesia or Malaysia. In Turkey, the religious sector has been more judicious and has successfully ignored those who have criticized Islam and its religious figures, sensibly deciding not to indulge the publicity-seeking strategies of provocateurs.

Beyond recent history, there has been a consistent trend of using blasphemy as a means to silence critics of Islam. In the last quarter of the twentieth century, Sudan executed a high-profile religious figure, Maḥmūd Muḥammad Ṭāhā, at the same time that its formerly socialist president, Ja'far al-Numayrī, discovered his religious faith. In Egypt, an academic, Naṣr Ḥāmid Abū Zayd, was famously prosecuted for publishing views that were deemed contrary to Islam's a priori doctrines.⁴ He was judged to have left his faith, and Egypt's highest court nullified his marriage, since a Muslim woman there 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 1988 publication of the novel *The Satanic Verses*, authored by Salman Rushdie. A legal opinion (fatwa) issued by Ayatollah Rūḥullāh Khomeini, the supreme leader of the Republic of Iran, stating that a person who insulted the Prophet Mohammed deserved the death penalty under Islamic law only inflamed the debate. While blasphemy charges were at the center of the Rushdie controversy, the event spiraled out of control and spilled into the domain of interstate relations, leading Iran and the United Kingdom to sever diplomatic ties. 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. In 2006, the Danish newspaper *Jyllands-Posten* published a provocative series of cartoons lampooning the Prophet Mohammed, sparking global outrage among Muslims that resulted in mayhem and deaths in several countries.

Rushdie claimed that he was challenging certain static notions of religion, especially a fundamentalist interpretation of Islam, and experimenting with a literary mode of postmodernist satire to raise questions as a novelist and a cultural critic. The *Jyllands-Posten* cartoons appeared after the author of a children’s book on Mohammed said he could not find an illustrator brave enough to depict Islamic themes for his book, especially if they involved illustrations of holy figures, such as the Prophet. This then gave this right-wing newspaper the idea to solicit cartoons in order to break the alleged stranglehold that the growing Muslim community in Europe had on the cultural norms of the continent and, more broadly, the West. If Rushdie was contesting particular notions of Muslim religious imaginaries by desecrating or giving offense through his fictional characters, then *Jyllands-Posten* felt the need to protect European culture by challenging, even if it meant offending, the religious values and culture of a new Muslim citizenry in Europe. Some observers were generous to *Jyllands-Posten* when they claimed that it engaged in testing the limits of freedom of speech. Yet the newspaper was not an equal-opportunity agitator for religious freedom. In 2003 it refused to publish cartoons that depicted Jesus in a demeaning manner, because it was cautious not to offend its readers’ Christian sensibilities.

Eighteen years after the Rushdie event, the depiction of the Prophet Mohammed in cartoons again focused on the religious culture of Muslim minorities in Europe and their alleged unwillingness to conform to, integrate with, or assimilate into the dominant culture. It was not only

a matter of the cartoons; tensions lurked in the background about Muslim immigration to Europe and the display of Muslim religious symbols, as in the head scarf controversy in France. The ongoing wars in Afghanistan and Iraq, amid growing European fears of religiously inspired acts of terrorism pursued by Muslims 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 civilizations, this 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." "The debate sparked by the publication of the cartoons," he added, "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 . . . draws on the same spirit of caricature as the drawings in the Danish newspaper."⁵

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. They are also evident in Muslim self-understandings of religion, especially on the topic of blasphemy.

POLITICAL THEOLOGY

Culture and its artifacts give meaning to life. Enmeshed in the highly publicized European debates on Islam is the Muslim theological doctrine of blasphemy. Corporal punishments linked to blasphemy derive from cultural norms and practices dating back to early practices of Muslim societies. Over time, Muslim sensibilities have acclimated to these penalties as a norm, although some Muslim scholars contest their application as part of national codes of law in modern times on theological and ethical grounds. Debates hinge on notions of Islamic reform

and the embrace by secular elites and rejection by a substantial section of Muslim orthodoxy of modern sensibilities that support untrammled freedom of expression, including blasphemy. The most fervent arguments 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 spiritual practice for Muslims. Each individual believer upholds love and honor for Mohammed as a religious value. Over time this value became linked to the theological and political dimensions of Muslim public life in successive empires. Alongside the political, as Islam's discursive tradition developed and morphed, 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 Mohammedan 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 of was a Trojan horse of doctrines relating to Muslim political theology that proscribe satire directed at the Prophet Mohammed, 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. What further surprises Muslims of a liberal stripe is that the *'ulamā* extend the sanctity attached to the Prophet to the methodology they and their forebears have crafted to interpret the Prophet's teachings. Therefore, many who are engaged in critical scholarship find themselves on the receiving end of anathematizing *'ulamā* critiques that declare them to be persona non grata in terms of Muslim theology. Individual scholars are often accused of breaching and challenging an interpretative framework deemed sacrosanct by the *'ulamā* precisely because a consensus-driven political theology has legitimated it over the centuries. It is to this political theology that I now turn.

Take, for example, the consequences of leaving Islam as a faith community or of criticizing the Prophet Mohammed. The penalties prescribed are a product of political theology and require some explana-

tion. Despite the fact that Muslim political theology developed over centuries under varying conditions of empire, elements of it resonate to this very day. So 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*].”⁶ Muslim thinkers such as the jurist of Muslim political theory Abū al-Ḥasan al-Māwardī have articulated a similar idea, albeit 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.”⁷ 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 is 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 is open to question whether it is still sustainable in newer political and cultural regimes.)

With the end of the Prophet Mohammed’s prophecy, the role of guiding the community passed to his pious political successors or to members of his household, depending on whether you follow a Sunnī or a Shī‘a interpretation of succession, respectively. Muslim culture reveres those designated as the guardians of the knowledge that stemmed from the Prophet. Since salvation was a core idea of Islam as a *dīn* (collective practices of salvation), the knowledge of practices was integral to that order of salvation. In order to reproduce, explain, and interpret practices over time, a discursive tradition emerged. It elevated the status and the power of those who mediated the learned tradition, namely the scholars. This discursive tradition, validated by a variety of subtraditions in Islam, acquired a quasi-sacrosanct character. Soon the learned were seen as the true heirs of the prophetic charisma. Statements attributed to Mohammed declare that the learned of his community are the heirs to the prophets.⁸ Given the equivalence between the learned and the prophets of yore, the ‘ulamā and their tradition acquired power and authority as the mediators of salvation. Their interpretative methodology gradually gained authority and sanctity over the centuries, becoming inseparable from the prevailing models of Muslim political theology.

Another way of putting this is that the Prophet had, so to speak, two bodies.⁹ These continuously inhabited the moral imaginary of the faith community (*umma*). The two imagined bodies of the Prophet paralleled the two primary roles and functions that he performed in his earthly role.¹⁰ The first was the Prophet's political body, in his capacity as the political axis of the Muslim community—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 need for a political order in large part stems from the fact that the God of the Qur'an is the personification of sovereignty, especially through his attribute of omnipotence.¹¹ In Islam, at least according to the historical tradition, the fulfillment of the will of God is the "installation of the terrestrial reign of that will, thanks to the obedience that is due to the Prophet."¹² Hence prophets are allowed to use force to subdue those who try to frustrate and resist the implementation of the will of God, described as "the way of God" on earth.¹³

The second body of the Prophet reflects his role as the teacher of the transcendent good and wisdom (*yu'allimuhum al-kitāb wa'l hikma*); his embodied life (*sunna*) became the exemplar of transcendent good. The body of knowledge that the Prophet provided was 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. In the view of some, they were not easily separable. When contemplating certain aspects of what is today deemed blasphemy, one should bear in mind this inseparability of the roles of the Prophet in both the popular and the learned religious imaginary of Muslims.

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 is 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 his successor and in his name, as *khalīfatū rasūl allāh* (successor of the Messenger of God). 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 in 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 figure of the earthly Muslim community. In defense of his honor, a certain amount of founding violence was necessary and is required today, to protect a key symbol of their faith. Therefore, in political terms, the one who insults Mohammed 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.¹⁴ In his view, such a person would be a *homo sacer*.

Any change or rethinking in the question especially of blasphemy, and to a lesser degree apostasy, would require reconfiguring an established Muslim political theology to which both Sunnīs and Shi‘as tenaciously subscribe. Grasping that nettle would require some serious rethinking of how the Shari‘a is imagined and formulated. One important consideration is whether Muslim thinkers will take on board the varieties of knowledge and the experience of the present when adjudicating normative values of Islam of this magnitude.

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 relating to the offenses of blasphemy and apostasy. Briefly, the default methodological position among Muslim scholars has been to appeal to a hermeneutics-centered canonical tradition. Both the Qur’an and the prophetic tradition, Sunna, were viewed as equally authoritative sources. The interpretative process (hermeneutics) trusted the authority of tradition and valorized the pious exemplars at the founding of Islam with some consideration for change that allowed for a reasonable dialogical relationship among 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 or affective methods 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—has begun to view the canon in a more instrumental manner. The goal is to see revelation as a reservoir of outcomes-based knowledge supported by 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 postclassical canonical tradition, mired in the cultural practices of the past, often failed to grasp Islam’s transcendent values.

Hence an emerging juridico-moral lexicon is gradually gaining popularity and displacing the established canonical tradition and its methodology. Advanced in the guise of Islamic reform, this new method stresses the overarching purposes (*maqāṣid*) of the Muslim revelation and states that morals and values are based on certain interests (*maṣlaḥa*, pl. *maṣāliḥ*). Revelation is designed to preserve religion, life, reason, property, and family. In this redesigned method, the Qur’an becomes the primary source of 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 have been questioned, such as apostasy and blasphemy, especially when the values of the hadith clash with the broader purposes of the Qur’anic teachings or when the Qur’an is silent, as on matters such as the penalties for blasphemy and apostasy. This reformist and Qur’an-based approach, even though it is challenged by some sectors of orthodoxy, has generated a great deal of debate and proposes new ways of thinking about fairly weighty matters that were once unquestioned but are now subject to reinterpretation.

BLASPHEMY AND ANATHEMA IN ISLAM

Blasphemy as a media term is widely used to describe restrictions and limits evident in passionate intra-Muslim arguments or as Muslim disapproval of the ways in which Islam is portrayed. Bear in mind that in Western moral philosophy and theology, this term covers a variety of things. Any “profane speaking of God or sacred things” or any kind of “impious irreverence” or “reproach of a sacred figure” constitutes blasphemy.¹⁵

The Muslim discursive tradition uses several terms to signal the violation of doctrinal boundaries and teachings. Muslim theology tolerates

disagreement within acceptable discursive boundaries. But when a disagreement is construed as tantamount to a rejection of an a priori doctrine of Islam, then it triggers charges of anathema (*takfīr*) for the author or holder of such offensive views.¹⁶ In both the premodern and modern periods, theological and doctrinal adversaries hurled this highly injurious epithet at one another as contentious groups and individuals contested meaning and authority. Tradition counsels caution in order to restrict the use of mutual anathematizing to instances of necessity only. Yet a reader of the writings of modern traditional Muslim authorities will note the widespread use of the anathema label to silence dissent among rival groups of ‘ulamā and among 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 such debates do not spill over into violence. When some of these disagreements are contested in modern secular courts, then the discursive disagreements mutate into political offenses and the perpetrator, if found guilty, is viewed as a criminal. This was true in the case of Maḥmūd Muḥammad Ṭāhā of Sudan, Naṣr Ḥāmid Abū Zayd of Egypt, and other individuals who were prosecuted for theological offenses in secular courts in the twentieth century.¹⁷

INSULTING THE PROPHET

Two other offenses, insult to the Prophet Mohammed and apostasy, incur severe penalties and are part of an established Muslim theological vocabulary. Muslim political theology views the use of satire, lampooning, and personal insult known as *sabb al-rasūl* (insult to the Messenger) as a grievous offense. Taqī al-Dīn Ibn Taymīya (d. 1328), a renowned fourteenth-century jurist, and Taqī al-Dīn al-Subkī (d. 1355) both made the case that insulting remarks and satire directed at Mohammed constituted not only a major sin in Islam but is also an offense deserving capital punishment. The religious imaginary views it as unthinkable for a Muslim to intentionally insult the Prophet. According to later Muslim scholars, a person adhering to another faith—say, a Jew, Christian, Zoroastrian, or Hindu—who lived in a premodern Islamic imperial domain and insulted Mohammed would be in breach of the contract of indemnity he or she enjoyed. Early scholars held a different view, arguing that such persons would not be in breach of their contract.

For Muslims, though, guilt for defaming the Prophet is expiated by the severe consequences of capital punishment in Shari‘a law. To insult Mohammed not only signifies an intention to leave Islam, since reverence for him is a central requirement of the faith, but amounts to something worse: defamation. In short, many scholars view insult and defamation of the Prophet as a *sui generis* offense independent of apostasy. Others 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.

Blasphemy-related penalties most likely stem from the pre-Islamic Arabian cultural milieu in which Islam was founded. The word for *satire* is *hijā* in Arabic. However, it signifies a range of meanings from the lofty to the coarse, from the amoral to the immoral.¹⁸ In addition to “satire,” the word also means “lampoon,” “invective,” and “abuse.” With the advent of Islam, the anthropocentric Arabian ethos fused with Islam’s theocentric ethos to create new moral sensibilities. Already in the pre-Islamic Arabian milieu, *hijā* elicited physical punishment. One of the reasons to deter *hijā* was its destabilizing effect on communities, including the endangering of solidarity.¹⁹ The use of *hijā* in the Islamic “shame culture”—with its ethical strictures to protect peoples’ reputations and honor—came to signify a serious offense, of “dishonoring” someone. So the penalties for satire enforced via tradition in Islamic law could plausibly have early Islamic precedents.²⁰

Drawing on these precedents, Ahmad ibn ‘Abd al-Halīm Ibn Taymīya confidently writes that defamatory satire of the Prophet is a “unique crime” (*jināya mufrada*).²¹ 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 among the Prophet’s companions who avenged his defamation received special honors as the “aides of God and his messenger” (*nāsiran lillābi wa rasūlihi*), according to Ibn Taymīya.²²

Traditionalist or orthodox Sunnī and Shī‘a scholars uphold the binding authority of this precedent. However, in the twentieth and twenty-first centuries, some traditionalist scholars and a spectrum of scholars belonging to other persuasions disagreed over its meaning, interpretation, and binding authority. Supporters of the death penalty for defamation of Mohammed cited this precedent as conclusive evidence. Those who demurred argued that the persons executed were killed for capital crimes they had previously committed, not for defaming the Prophet.

Furthermore, some argued that the Qur'an does not prescribe a penalty for the defamation of the Prophet, even though it condemns any physical or emotional injury caused to him. By contrast, supporters of the blasphemy penalty argue that the very verses of the Qur'an that condemn those who cause emotional and physical injury to the Prophet imply the gravity of defaming and dishonoring him. Yet advocates are at pains to substantiate the claim that the death penalty for this offense is derived from the Qur'an. At best, such authority derives from the hadith where Mohammed elicits the help of his companions to put Ka'b bin al-Ashraf to the sword because "he had offended God and His Prophet."²³

Opponents of the death penalty for defamation of the Prophet say that if he did enact such a penalty, then it was on the grounds of political expediency and not for religious reasons. However, the naysayers also, of course, have the burden of explaining why the blasphemy rule has been retained throughout Muslim history in a virtually unbroken juridical consensus as part of the law of apostasy.

APOSTASY

The doctrine of apostasy (*riddah*) is also among those penalties that have prompted discussions among experts of Islamic law. As for defaming the Prophet, the Qur'an includes no penalty for apostasy. The tradition found in prophetic reports, hadith, establishes the authority for this penalty. A statement attributed to Mohammed states, "Whoever changes their religion should be killed" (*Man baddala dinahu fa 'l-yuqtal*). The meaning and interpretation of this report give rise to multiple perspectives. According to some authorities, the precedent for the death penalty for apostasy derives from the Prophet Mohammed'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. Unlike with the penalty for defamation of the Prophet, which very few scholars have challenged, a good number have entered the fray to contest the penalty for apostasy.

Ṭāhā Jābir al-'Alwānī, a foremost traditional scholar once active in the United States but now residing in Cairo, has argued that the traditional death penalty for apostasy militates against Islam's principle of "no coercion in matters of religion."²⁴ After an extensive survey of doctrines, he concluded that the meaning of apostasy was a contested teaching in early Islam. If it was enforced, then it was as part of Islam's

doctrines of political adjudication, not any sort of religious adjudication. Since ‘Alwānī believes that disagreement on apostasy goes back to the early centuries of Islam’s history, he also challenges the claim of an unbroken consensus in favor of the death penalty for it. He does not give much credence to the hadith that commands that the one who changes his faith should be killed.

The more well-known and in some circles controversial Qatar-based cleric Yūsuf al-Qaradāwī has argued that there are two types of apostasy.²⁵ The first is a form of subversive propaganda to mislead and confuse Muslim communities in order to undermine a society’s identity, public order, and stability. Anyone who urges others to leave Islam, Qaradāwī argues, should be punished. The second is less public, a private form. In this kind, an individual leaves Islam without inviting others to do the same. This form of apostasy, in Qaradāwī’s view, is not punishable. In Muslim theology it amounts to a sin, but one is accountable for such an offense only in the hereafter, in his view, with no this-worldly consequence.

Mawlānā Vaḥīduddīn Khān, a moderate-minded orthodox Indian scholar, wrote extensively in order to refute the orthodox position on apostasy and blasphemy. The evidence supporting blasphemy penalties is questionable, in his view. And such punishments, he argued, militate against Islam’s mandate to constantly invite people onto its path of salvation (*da’wa*).²⁶

In Pakistan, Javed Ahmad Ghamidi, a prominent Muslim public intellectual, has argued that the penalty for “apostasy has arisen due to a misunderstanding of a prophetic report [*ḥadīth*].”²⁷ He offers an explanation for the much-debated prophetic report mentioned above, “Whoever changes their religion should be killed.” Instead of rejecting this as inauthentic, Ghamidi believed its context was misunderstood. In their prophetic role, Mohammed and other prophets before him envisioned a cutoff point at which they would alert their communities that the “period of announcing their respective gospels” (*itmām al-hujja*) had come to an end. After this time had elapsed, prophets would be allowed to present ultimatums to their communities and to demand compliance with their teachings in order to create a unified group of believers. They would not countenance any subversive activities that would undermine their nascent communities. For this reason, Ghamidi explained, 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 greater strategic rationale was to make Moham-

med's Arab group an all-Muslim hegemony that would form the nucleus of a community that would invite other people to the new faith. This rule's application was not universal, Ghamidi clarified, but only one-time, to the Arabs of seventh-century Arabia, who were known as the *ummiyyūn*: the spiritually unlettered ones. The prophetic report in question, he averred, was addressed to them. In other words, if any of these spiritually unlettered ones reverted back to paganism after they had accepted Islam, then the consequence of such apostasy would be the death penalty.²⁸ However, this was a historically contingent and time-sensitive rule, according to Ghamidi, that no longer had any application. Needless to say, the majority of orthodox Muslim scholars do not accept this innovative interpretation.

Similarly, a rising traditional cleric affiliated with the Deoband School in Pakistan, 'Ammār Khān Nāṣir, has argued that Muslim law schools were not unanimous about the death penalty for insulting the Prophet.²⁹ While he does not deny the viewpoint of the majority of law schools, he points out that credible figures in the Ḥanafī school did allow for an offender to recant. The other Sunnī law schools do not allow someone who had defamed the Prophet to recant, but they do allow apostates to recant. An influential minority of Ḥanafī scholars offered an apostate the opportunity to recant and save himself from the death penalty. Nāṣir 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 hegemonic views, he continues to soldier forth in the cause of ideas and debate.

Among thinkers who follow 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, such as the Iranian Mohsen Kadivar, argue that the death penalty for apostasy violates Islamic notions of the right to freedom of belief.³⁰ Similarly, Sayyid Muḥammad Ḥasan al-Amīn, a prominent Lebanese Shī'ī thinker, invites scholars to consider overhauling Islamic religious thought if they wish to be relevant to the contemporary world, in which Muslims live and share the globe with people of other faiths.³¹

Disagreement on some of the toughest issues pertaining to religion, culture, tolerance, and freedom of speech is evident from the preceding debates. At the same time, productive disagreement also provides room for discussion among the orthodox 'ulamā, who are the most influential in altering the direction of religious thought. While these are small

revisionist steps, some of them hardly radical, they do suggest that there is sufficient concern and interest in 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 locations. To ignore historical realities is to fall into a trap. Such ignorance misleadingly presents a view that people are without history. Social continuities and traditions 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 and words earn new glosses and meanings. The same word, say *‘aql*, can mean “reason” or “formal reason” during one stage of history and “rationality,” “scientific or empirical reason,” and “common sense” in another. Canons of law and doctrines of theology might use the same terminology in the interest of continuity, but they also mean very different things in different times and places.

The Muslim religious tradition, in a variety of ways, acknowledges the historicity of God’s communication with humanity. There is a general acknowledgement that the purpose of a human being’s earthly sojourn is to pursue a redemptive relationship with God, the importance of the idea of *dīn*—to follow a path of salvation by performing certain prescribed acts. To accept indebtedness to God is to observe *dīn*. Muslim theology claims that the idea of *dīn* is a constant in all religious traditions. However, it equally acknowledges that the form and modus operandi of this salvation practice change in history. The how is the modality, the modus and means, of performing salvation, and hence the *Sharī‘a* or other path is contingent. That is why Muslims explain that the heavenly installments of faith took different forms and therefore even the Abrahamic traditions looked so different among themselves.

Yet this very question of history is complex. Do we live *in* time or *through* time? The first imagines time only as a vessel or an atmospheric range through which we pass, relatively separate from it; time becomes a means, vis-à-vis which we can retain a certain kind of objectivity. But more recent reflections suggest that we live through time; in other words, we are constituted, shaped, and formed by time. Without time we have no existence and no being, because we human beings are the

embodiment of time. How does this notion relate to history? If time is objective and separate from us, we are unaltered and unchanged by history. If, however, human beings are the very embodiment of time, then we change as time changes and time changes as we change. And our portraits of the past continue to change as our self-understanding deepens and alters our view of the human condition.

The idea of history is central to the modern 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 have agency independent of it. Therefore, they think that one can retain the inherited values and imprimaturs of the past, because these are unrelated to time. Some proponents of this view do take history seriously and hence advocate radical change, while others would allow only moderate change and alteration.

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

The South Asian poet-philosopher Muammad Iqbal understood these two registers of time, one of which he called pure duration and the other serial time.³² As a modernist, he believed that the entirety of Islamic thought would have to be recrafted for our times. Yet he 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, and those dispossessed or unable to wield this power, the rest, including Muslims. This lack of power was something that constantly troubled him, and he could not entirely shake off his resentment of coloniality or the coloniality of power. This dilemma that Iqbal experienced has not yet passed, nor has it been resolved. The coloniality of power, a concept that the Peruvian thinker Aníbal Quijano coined, distributes epistemic, moral, and aesthetic resources in such a way as to both reflect and reproduce empire through the hegemony of Eurocentric knowledge systems.³³ While Iqbal was suspicious of power encoded in knowledge systems and forms of life, he also understood that Muslims too were now part of that emerging knowledge system. His rhetoric may have been defiant, even polarizing at times, but he was a realist when it came to religious thought.

CONCLUSION

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

NOTES

1. Ben Hubbard and Mayy El Sheikh, "Islamists Press Blasphemy Cases in a New Egypt," *New York Times*, June 18, 2013, www.nytimes.com/2013/06/19/world/middleeast/islamists-press-blasphemy-cases-in-a-new-egypt.html?_r=0.

2. The bishop of Faisalabad some time ago said that among Christians, a "sense of helplessness, insecurity, and anguish had crept in." Blasphemy cases "have impelled a senior Christian school teacher to decline a promotion to headmaster because 'I knew any disgruntled [Muslim] teacher or student could send me to prison by accusing me of blasphemy.' Another non-Muslim history teacher was asked in class which of the two periods of Muhammad's life was the better—the years in Mecca or Medina. Upon his answer, the teacher was charged with blasphemy." *Persecution of Christians Worldwide: Hearing before the Subcommittee on International Operations and Human Rights of the Committee on International Relations*, House of Representatives, 104th Cong., vol. 4, 32–33 (February 15, 1996).

3. Shalom Goldman, "A Writer's Murder Raises Fears of Death-by-Decree," *Religion Dispatches*, February 15, 2012, www.religiondispatches.org/archive/atheologies/5619/a_writer%E2%80%99s_murder_raises_fears_of_death-by-decree.

4. Kilian Bälz, "Submitting Faith to Judicial Scrutiny through the Family Trial: The 'Abu Zayd Case,'" *Die Welt des Islams* 37, no. 2 (1997): 135–55; Charles Hirschkind, "Heresy or Hermeneutics: The Case of Nasr Hamid Abu Zayd," *American Journal of Islamic Social Sciences* 12, no. 4 (1995): 463–77; Baber Johansen, "Apostasy as Objective and Depersonalized Fact: Two Recent Egyptian Court Judgments," *Social Research* 70, no. 3 (2003): 687–710.

5. Doudou Diène, U.N. special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, "Racism, Racial Discrimination, Xenophobia and All Forms of Discrimination: Situation of Muslims and Arab Peoples in Various Parts of the World," E/CN.4/2006/17 (February 13, 2006), 188, 195.

6. Jan Assmann, *Herrschaft und Heil: Politische Theologie in Altägypten, Israel und Europa* (Munich: Hanser, 2000), 24, quoted in Hent de Vries, introduction to *Political Theologies: Public Religions in a Post-secular World*, ed. De Vries and Lawrence E. Sullivan (New York: Fordham University Press, 2006), 25.

7. Abū al-Ḥasan al-Māwardī, *Al-Aḥkām al-ṣultāniyya* (Cairo: Al-Maktabah al-Tawfiqīyah, 1973), 5. See also Aziz Al-Azmeh, *Muslim Kingship: Power and the Sacred in Muslim, Christian and Pagan Polities*, paperback ed. (London: I.B. Tauris, 2001), 174; 'Azīz al-'Azma, *Al-Māwardī* (Beirut: Riad El-Rayyes Books, 2000), 216.

8. Al-Azmeh, *Muslim Kingship*, 103.

9. This imagery was inspired by promptings from Christian political theology that in my view find resonance in readings of Muslim political theology. See Ernst Hartwig Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton, NJ: Princeton University Press, [1957] 1997).

10. 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, NJ: Princeton University Press, 2012), 462–70.

11. Rémi Brague, *The Law of God: The Philosophical History of an Idea* (Chicago: University of Chicago Press, 2007), 78.

12. *Ibid.*, 79.

13. Qur'an 11:19–20.

14. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, ed. Werner Hamacher and David E. Wellberry, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998), 8.

15. *Oxford English Dictionary*, s.v. "blasphemy."

16. Sherman A. Jackson, *On the Boundaries of Theological Tolerance in Islam: Abū Ḥāmid Al-Ghāzalī's Fayṣal "Al-Tafriqa Bayna Al-Islam Wa Al-Zandaqa"*, *Studies in Islamic Philosophy* 1 (Karachi: Oxford University Press, 2002).

17. Bälz, "Submitting Faith to Judicial Scrutiny"; Hirschkind, "Heresy or Hermeneutics"; Johansen, "Apostasy as Objective and Depersonalized Fact."

18. G.J.H. van Gelder, *The Bad and the Ugly: Attitudes towards Invective Poetry (Hijā') in Classical Arabic Literature*, publication of the De Goeje Fund (Leiden, Netherlands: E.J. Brill, 1988), 1.

19. *Ibid.*, 13–15.

20. By contrast, the use of satire was accepted in the religious debates of the eighteenth-century English-speaking North Atlantic. See Christopher S. Grenda's chapter 1.

21. Ahmad ibn 'Abd al-Halīm Ibn Taymīyah, *Al-Sārim al-maslūl 'alā shātim al-rasūl*, ed. Ibrāhīm Shams al-Dīn (Beirut: Dār al-Kutub al-Ilmiya, 1975), 209.

22. *Ibid.*, 208. See also Gelder, *Bad and the Ugly*, 21.

23. Ibn Taymīyah, *Al-Sārim*, 211.
24. Tāhā Jābir Alwānī, *Lā ikrāh fī al-dīn: Isbkāliyat al-ridḍa wa-al-murtaddīn min sadr al-islām hattā al-yawm* (Cairo: Maktabat al-Shurūq al-Dawliya, 2003).
25. Yūsuf al-Qaradāwī, *Jarīmah Al-Riddah . . . Wa 'uqūbah Al-Murtadd Fī Daw Al-Qur'ān Wa Al-Sunnah* (Cairo: Maktabah Wahbah, A.H. 1416/1996), 44–63.
26. Vaḥīduddīn Khān, *Shatm-I Rasūl kā mas'alah: Qur'ān va Ḥadīs aur fiqh va tārikh kī roshnī men* (New Delhi: Goodword Books, 2007).
27. Javed Ahmad Ghamidi, *The Penal Shari'ah of Islam*, trans. Shehzad Saleem (Lahore: Al-Mawrid Institute of Islamic Sciences, 2004), 36.
28. *Ibid.*, 39.
29. Muḥammad 'Ammār Khān Nāṣir, *Barāhīn* (Lahore: Dārulkitāb, 2011), 445–604.
30. Haydar Hubb Allāh, *Al-'Unf wa al-hurriyāt al-dīniya: Qirā'āt wa-ijtihādāt fī al-fiqh al-islāmī*, 2 vols. (Bayrut: Mu'assasat al-Intishār al-'Arabī, 2011), 1:77–123.
31. *Ibid.*, 33–73.
32. Allama Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam* (Lahore: Shaikh Muhammad Ashraf, 1960), 55–60.
33. Anibal Quijano, “Coloniality and Modernity/Rationality,” *Cultural Studies* 21, nos. 2–3 (2007): 171.