

Blasphemy This article contains the following sections: i. Definition; ii. Blasphemy in the Qur'an; iii. Blasphemy against the Prophet Muhammad upon him be Peace and Blessings; iv. Blasphemy against the Sahaba; v. Blasphemy according to Islamic Law; vi. Blasphemy and Apostasy; vii. The Punishment for Blasphemy; viii Bibliography

i. Definition

Blasphemy refers to acts of uttering profane language, insulting or abusing that which is sacred in religion. In the Islamic context, blasphemy refers to a wide range of acts ranging from apostasy to cursing or slandering Allah Most High and Exalted, and the Prophet Muhammad upon him be peace and blessings. Blasphemy also includes irreverent behavior toward other holy personages, religious beliefs, and even customs that Muslims respect. Blasphemy often overlaps with infidelity (*kufir*), which is seen as the rejection of Allah Most High and Exalted, and His revelation and messengers. Expressing religious opinions that are at variance with normative Islamic views can also be construed as blasphemous. The Arabic terms commonly used to describe the vilification of, or blasphemy against Allah Most High and Exalted, the Prophet upon him be peace and blessings, and historical personalities venerated by the Muslim community are *sabb* (abuse, insult) and *shatm* (abuse, vilification). In addition, other terms are sometimes used to describe acts of blasphemy. These include terms such as *la`n* (cursing, malediction) and *ta`n* (accusing, attacking). Frequently, the usage of the concept of blasphemy and what constitutes it is fluid and varies depending on a scholar's proclivities.

ii. Blasphemy in the Qur'an

In sura 6:108 the Qur'an tells Muslims not to abuse the idols that were venerated by the polytheists. It states: "abuse not those to whom they pray, apart from Allah, or they will abuse Allah in retaliation without knowledge." The Qur'an further advises Muslims to avoid those engaged in other blasphemous acts like finding fault with Allah Most High and Exalted, (4:140) and to shun those who insult the Prophet Muhammad upon him be peace and blessings. Especially when he was in Mecca, the enemies of the Prophet had mocked his claims to be a prophet and accused him of being possessed, a soothsayer, or a poet. As far as the Qur'an is concerned, since Allah Most High and Exalted, and His messages represent the ultimate truth, blasphemy is considered to be a denial of that truth and the promulgation of falsehood instead. Other Qur'anic terms that correspond most closely to blasphemy are *takdhib*, (imputing a lie, denial) and *iftira'* (concoction). This form of blasphemy brings down God's curse (11:18). Another genre of blasphemy mentioned in the Qur'an is that of polytheism: the attribution of partners to Allah Most High and Exalted, or the worship of other gods besides Allah, Most High and Exalted . This is the most grievous form of blasphemy (Q 6:24, 7:89; 10:18, 21:22; 28:75; 29:61-8).

Thus, it is correct to state that the Qur'an enunciates different genres of blasphemy. Blasphemy by denial (*takdhib*) is the outright rejection of revealed religious truths, such as the revelations and warnings of Allah Most High and Exalted and His messengers, and the proclamation of the day of judgment and the meeting with Allah Most High and Exalted. According to passages such as Q 5:10, the refusal to recognize Allah's signs is associated with unbelief and will be severely punished in the hereafter: "Those who reject faith and deny our signs will be the denizens of hell-fire." *Iftira'*, on the other hand, is the proclamation of a false belief that a person forges. It most often occurs in the statement "to invent a lie against Allah"

(*iftarā 'ala llahi kadhiban*, 11:18). The gravity of this form of blasphemy can be discerned from the frequently repeated rhetorical question “who is more wicked than one who invents falsehoods about God?”

Blasphemy is not restricted to the denial of or forging lies against Allah Most High and Exalted. It also includes false claims to prophecy or revelation (Q 6:93) and declaring things lawful or unlawful of one's own accord. However, it should be noted that despite its vehement denunciation of the various forms of blasphemies, the Qur'an does not impose any temporal punishment for such acts. In fact, the Qur'an prescribes earthly punishment in relation only to those who wage war and mischief in opposition to Allah Most High and Exalted, and the Prophet Muhammad (5:33).

iii. Blasphemy against the Prophet Muhammad upon him be peace and blessings

Although the concept does not occur in the Qur'an, the *hadith* and other body of Islamic literature extend blasphemy to the Prophet upon him be peace and blessings. Some jurists see insulting the Prophet upon him be peace and blessings, to be worse than insulting Allah because the former is not able to avenge the abuse. Hence, they believe it is the duty of the Muslim community to seek vengeance on his behalf by imposing the death penalty. This is because reviling the Prophet upon him be peace and blessings, is categorized as violating the rights of human beings whereas reviling Allah Most High and Exalted, is seen as infringing the rights of Allah for which only He has the right to punish (Saeed, *Freedom*, 39).

If a Muslim insulted the Prophet Muhammad upon him be peace and blessings, most jurists considered him an apostate or one who had renounced his faith. If he refused to repent, he would be executed. Non-Muslims living in Muslims lands under a contract of protection (*'aqd al-*

dhimma) were also subject to execution if they insulted the Prophet upon him be peace and blessings. According to some Muslim scholars, if the *dhimmi* insults the Prophet Muhammad upon him be peace and blessings, he breaches the contract and becomes an enemy of the state (*harbi*) who had to be fought and killed (Saeed, *Freedom*, 38-9). The prohibition on insulting or reviling the Prophet upon him be peace and blessings, in any form was later embedded within an institutional legal structure where cases were prosecuted and sentences enforced accordingly.

iv. Blasphemy against the *Sahaba*

With the emergence of various sectarian groups and the idealization of the early period of Islamic history, the notion of blasphemy was extended to cover the Prophet's companions. The view that vilifying the companions of the Prophet upon him be peace and blessings, was tantamount to blasphemy arose probably in the eighth century when some Shi'is mocked and vilified the *Sahaba*. In all probability, the extension of this type of blasphemy was part of the Sunni polemic against the Shi'a.

Not all scholars agreed that vilification of the companions was to be punished. According to the Shafi'i scholar 'Abdallah b. Wahb (d. 197/812) the Umayyad Caliph 'Umar b. 'Abd al-'Aziz (101-4/717-20) is reported as having stated that only the vilification of the Prophet Muhammad upon him be peace and blessings, is to be punished (M. Muranyi, *al-Muwatta*, 287-8). In the legal texts, blasphemy against the *Sahaba* as a form of apostasy is mentioned occasionally in the chapters on *rida* (apostasy).

v. BLASPHEMY IN ISLAMIC LAW

Muslims agree that the Qur'an and the practices of the Prophet (*sunna*) are the primary sources in the derivation and formulation of juridical rulings. In the course of time, these were supplemented by a body of interpretation largely agreed upon by a majority of scholars, i.e., consensus (*ijma'*) and by analogy (*qiyas*). Muslim jurists also agree that the conditions for being charged for blasphemy include adulthood, lack of duress, and being of sound mind; and it is immaterial whether the offender is a Muslim or not.

Given that the exact definition of the terms that denoted blasphemy are not specified in the Qur'an and sunna, sectarian and doctrinal disputes among early Muslims provided subsequent jurists and theologians the opportunity to explore the implications of blasphemy even further. Jurists, scholars and ordinary Muslims who claimed that their own position on Islam was normative, began to characterize dissenting Muslims as apostates, blasphemers, hypocrites, or unbelievers. Thus, a charge of blasphemy and apostasy was often used to impose or refute certain doctrines or theological positions. For instance, the Ash'aris claimed that the Qur'an was the uncreated word of Allah, whereas the Mu'tazilis refuted that view. This theological point was debated in the ninth and tenth centuries. The Muslim community was polarized between those who believed that the Qur'an was the created word of Allah Most High and Exalted, and those who believed that the Qur'an was the uncreated word of Allah. Both sides charged the other with blasphemy.

Similarly, the Mu'tazili stance over Allah's attributes, the philosophers' controversy over the nature of punishment in the Hereafter, the early Shi'i contention over the alleged omission of certain verses from the Qur'an and the Sufi belief in seeking oneness with Allah Most High and Exalted frequently elicited charges of blasphemy or heresy. Since unbelievers, heretics, or apostates by definition did not belong to the Muslim community, a Muslim who acted against

such a person would be supported by the community, even if he took the law into his hands and killed the alleged offender without being mandated by the religious authority.

Gradually, a plethora of "apostasy list" was formulated which was fluid and often quite ambiguous. Thus, the contemporary definition of terms connected to blasphemy are the result of a long process of development and refinement. The legal consequences of such accusations were very serious. Depending on where one is and the school of law one follows, it is blasphemy:

- to speak ill of Allah Most High and Exalted,
- to find fault with the Prophet Muhammad upon him be peace and blessings
- to slight any prophet who is mentioned in the Quran, any member of Prophet Muhammad's family, or any cleric.
- to draw a picture to represent Prophet Muhammad upon him be peace and blessings or any other prophet, or to make a film which features a prophet.
- to write the Prophet Muhammad's name on the walls of a toilet.
- to state facts such as Prophet Muhammad's parents were not Muslims.
- to find fault with Islam.
- to say Islam is an Arab religion; prayers five times a day are unnecessary; and the Qur'an is full of lies (Indonesia).
- to believe in transmigration of the soul or reincarnation or to disbelieve in the afterlife.
- to find fault with a belief or a practice which the Muslim community (*umma*) has adopted.
- to find fault with or to curse apostles, prophets, or angels. to express an atheist or a secular point of view or to publish or to distribute such a point of view.

- for non-Muslims to use words that Muslims use (Malaysia).
- to pray for Muslims to become something else.
- to whistle during prayers (Indonesia).
- to flout the rules prescribed for Ramadan.
- to recite Muslim prayers in a language other than Arabic (Indonesia).
- to be alone with persons of the opposite sex who are not blood relatives.
- to find amusement in Islamic customs (Bangladesh) to publish an unofficial translation of the Quran.
- to practice yoga (Malaysia).
- to watch a film or to listen to music (Somalia).

Blasphemy against artifacts

It is blasphemy:

- for a non-Muslim to touch a Quran or to touch something that has touched a Quran.
- for anyone to damage a Quran or other books of importance to Islam, for example, hadith.
- to spit at the wall of a mosque.
- To set up intermediaries between oneself and Allah Most High and Exalted, making supplication to them, seeking their intercession with Allah Most High and Exalted, and placing one's trust in them is unbelief (Saeed, *Freedom*, 44-8).

The above list indicates the fluid nature of the terms associated with blasphemy and apostasy and that jurists were not in agreement as to what constitutes blasphemy.

vi. Blasphemy and Apostasy

An important dimension to the discourse on blasphemy was its equation by the legal scholars with apostasy (*ridda*) and unbelief (*kufr*). Most jurists believed that Muslims who revile or insult the Prophet upon him be peace and blessings, were to be considered apostates and should face the same punishment as apostasy, i.e., condemned to death. However, in the chapters of the formative texts of the schools of law (*madhahib*), blasphemy against neither the Prophet nor the *Sahaba* is mentioned among the punishable acts that constitute *ridda* or *kufr*. Neither in Malik's (d. 179/795) *Muwatta'*, nor in Sahnan's (d. 240/854) *Mudawwanah*, nor in al-Shafi'i's (d. 204/820) *Kitab al-Umm*; nor in al-Shaybani's (189/805) *Kitab al-Asl* is there a passage that indicates that *sabb al-rasul* or *sabb al-sahaba* were offences that constituted the charge of apostasy.

In the juridical literature, mention of *sabb* as an offence for which a penalty must be meted out can be established by about the end of the third/ninth and the beginning of the fourth/tenth centuries. For example, neither al-Shafi'i nor his student al-Muzani (d. 264/878) mentions the blasphemer against Allah Most High and Exalted, His Prophet upon him be peace and blessings, or the Prophet's companions among those who apostatize from Islam (*murtadd*), but later Shafi'i scholars like Ibn al-Mundhir (d. 318/930) briefly discusses insults against the Prophet Muhammad upon him be peace and blessings in the chapter on the apostate in his book on the *Ijma'*. The Muslim scholars, Ibn al-Mundhir states, are in agreement that the one to include the use of foul language with regard to Allah (*sabb Allah*) or any of the angels or other prophets is considered among the greatest of sinners (Ibn al-Mundhir, *al-Ijma'*, 122). Thus, in all probability, the penalty for blasphemy against the Prophet Muhammad and his companions was incorporated in the chapters on apostasy in the legal manuals only after the formative texts of the

legal schools had been compiled. This was after a theological discourse on the righteousness and impeccability of the Prophet upon him be peace and blessings, and the *Sahaba*.

vii. The Punishment for Blasphemy

As previously mentioned, the Quran does not legislate any temporal punishment for blasphemy. Evidence for punishment for blasphemy appears to be based on certain reported incidents during the lifetime of the Prophet upon him be peace and blessings when some Muslims reportedly killed a number of non-Muslims who reviled the Prophet, Allah Most High and Exalted, or Islam and thus apparently committed the offence of blasphemy. Some of those killed, such as the poet Ka`b b. al-Ashraf, composed poems denigrating the Prophet upon him be peace and blessings, and also incited others to revile him. In other cases abuse was perpetrated through fabricated stories about the Prophet upon him be peace and blessings, or through verbal attacks on Islam and the Muslim community in general. By abusing and insulting the Prophet, Allah Most High and Exalted, or Islam, the transgressors were, in a sense, waging war on Islam and faced the strong possibility of execution.

The punishment for blasphemous acts are normally covered in *Kitab al-Hudud* in Muslim juridical texts. The penalties for such behavior vary by jurisdiction, and can include fines, imprisonment, flogging, amputation or beheading. Importantly, there was no agreement among the jurists on the death penalty in such instances.

According to most jurists, if the person who blasphemes is a Muslim, s/he is considered an apostate and condemned to death. Other jurists maintained that if a Muslim blasphemes, s/he remains a Muslim and does not become an apostate, but may be executed in punishment for committing the offence of blasphemy. If this offence is committed by a non-Muslim the

question of apostasy does not arise, but s/he will still incur the punishment of death for blasphemy.

The punishment for blasphemy is contingent upon which school of law one follows. The Hanafis define blasphemous statements as acts of infidelity (*kufir*) and strip the blasphemer of all legal rights: his marriage is declared invalid, all religious acts are considered worthless, and all claims to property or inheritance void. The death penalty is a last resort that most authorities try to avoid, especially if some element of accident or doubt is present. Repentance, however, restores all previous rights, although it is necessary to renew the marriage (Ernst, *Encyclopedia*, 975).

The eighth century jurist Malik b. Anas maintained that a blasphemer against the Prophet Muhammad upon him be peace and blessings, be he a Christian or a Muslim, must not be granted the chance to repent. Thus, Maliki jurists treat blasphemy as apostasy, and call for the immediate execution of the offender; as in cases of apostasy, they do not offer the chance to repent. An exception is made for female blasphemers, who are not to be executed but punished and encouraged to repent. (Ernst, *Encyclopedia*, 980). Shafi'is, on the other hand, believe that the repentance of a blasphemer is to be accepted.

Some jurists differentiate between whether the blasphemy is directed at Allah Most High and Exalted, or the Prophet upon him be peace and blessings. In the case of one who insults Allah, Hanbalis maintain s/he should be executed with no repentance sought whereas Hanafis and Shafi'is believe that repentance is acceptable.

A Muslim who uses insults or reviles a prophet or an angel (that is, who commits the offence of blasphemy) is generally considered an unbeliever (*kafir*). For Hanafis, Hanbalis and Malikis, this person should be executed with no repentance sought. Even if the

person repents, they should be executed. If the blasphemer repents, the execution is punishment for committing the offence in the first place, not for unbelief (Saeed, *Apostasy*, 55). The reason given is that blasphemy is a right of man (*haqq al-'abd*), and repentance by itself is not sufficient to absolve an offender of the consequences of reviling a prophet or an angel. Shafi`is, on the other hand, believe that the repentance of such a person is acceptable (Ibn Qudama, *al-Mughni*, 8:150).

Like the Sunni jurists, Shi'i scholars are in agreement in stating that it is incumbent (*wajib*) to execute one who insults or calumniates the Prophet upon him be peace and blessings, when one hears the insults provided there is no danger to his/her self, reputation, or wealth. For the Shi'is, this ruling is extended to cover insults against their twelve Imams and Hazrat Fatima, the daughter of the Prophet upon him be peace and blessings. It is not essential to get the permission of a jurist or religious scholar to carry out the act (Khu'i, *Minhaj*, vol.2).

The Shi'i view for the punishment of apostasy is more nuanced. There are two possible scenarios for an apostate who blasphemes against Allah, Most High and Exalted by renouncing Islam. A *fitri murtadd* is one who is born of Muslim parent(s). It is *wajib* to kill him if he apostatizes. The *milli murtadd* is a convert who then apostatizes. He should be given a chance to repent of his act. If he does not repent within three days, then he should be killed on the fourth.

Shi'i jurists further state that a woman apostate is not to be killed regardless of whether she is of the *fitri* or *milli* type. She is to be given a chance to repent. If she does not do so, then she should be imprisoned.

Bibliography

Ernst Carl. *Blasphemy: Islamic Concept*. Encyclopedia of Religion, 1987.

Fierro Marie Isabel. 'Andalusian "Fatawa" on Blasphemy'. *Annales Islamologiques*. 25, 1990.

al-Jaziri, 'Abd al-Rahman. *Min Kitab al-Fiqh 'ala Madhahib al-Arba'ah*. Beirut, Dar al-Fikr, n.d.

Kamali, Mohammad Hashim. *Freedom in Expression in Islam*. Kuala Lumpur: Berita Publishing, 1994

Abu'l-Qasim al-Khu'i. *Minhaj al-Salihin*. Tehran: n.p. 1983. 9th edition, 2 vols.

Ibn al-Mundhir Muhammad b. Ibrahim. *al-Ijma'*. ed. Fu'ad 'Abd al-Mu'min Ahmad. Qatar:1402/1982 .

al-Muranyi, 'Abd Allah b. Wahb. *Kitab al-Muwatta*. Wiesbaden, 1992.

Ibn Qudama, Abu Muhammad 'Abd Allah b. Ahmad b. Muhammad. *al-Mughni*. Riyadh: Maktabat al-Riyad al-Hadithah, n.d.

Muhammad b. Ahmad al-Sarakhshi, *Kitab al-Mabsut*. vol. 10, Beirut: Dar al-Ma'rifah, n.d.

Saeed, Adullah and Hassan. *Freedom of Religion, Apostasy and Islam*. Burlington: Ashgate, 2005.

Stewart Devin, *Encyclopedia of the Qur'an*. ed. Jane D. McAuliffe. Leiden: Brill, 2004

Wiederhold Lutz, Blasphemy against the Prophet Muhammad and his Companions (Sabb al-Rasul, Sabb al-Sahabah): The Introduction of the Topic into Shafi'i Legal Literature and its Relevance for Legal Practice under Mamluke Rule. *Journal of Semitic Studies*. 1997, XLII: 39-70

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