

The Others: Who are they, and what to do with them?

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Introduction:

The association occasionally made in seminars, conferences, workshops and other academic activities, as well as in the mass media, of Islam and other non-religious conceptions, be it Europe or the West, Enlightenment or Modernity, including Human Rights, freedom of religion and freedom of speech and expression, is to be reconsidered. Since the major concern is the present socio-political and intellectual situation in the Muslim world and its relation with the west, the insertion of Islam instead of the Muslim world in the discussion would generate miss-conceptualization and accordingly misunderstanding of Islam. It would rather turn all socio-political issues into theological issues, i.e. theologizing the secular spheres of life; that is exactly what the radical fundamentalist wants to achieve. Another equation is to be avoided, i.e. equating Islam as a religion with Muslims as communities or as individuals; any statement, comment or criticism of the religion of Islam should not automatically considered applicable neither to Muslims as groups nor to Muslims as individuals.

Fundamentalists propagate a notion of one unified entity called the *Umma* ignoring the socio-political and cultural diversities of the states of majority-Muslim population. The cultural difference between South East Asia, where the world-majority of Muslims lives, Turkey, Iran, and the Arab world, is absolutely undermined. Even within the Arab world, the Islam of Saudi Arabia is very distinctive in its radical conservatism, Wahhabism. The fundamentalists propagate, accordingly, a single naive concept of ideal non-historical Islam. The Islam they preach is narrowly defined, restrictive, exclusive, only legalistic, and compulsive. The version of Islam, which is more attractive to the fundamentalist discourse, is that of the 'sword' which is visible in the flag of Saudi Arabia. The

Islam of 'mercy', piety, spiritual devotion, caring and holding the world's cultural and religious diversity as divine blessing, is out of their narrow-insight reach.

We need to go out of hock, to free ourselves from the trap of the fundamentalist discourse about Islam which determines the mode of debate. Otherwise, we have only two possibilities: either to misjudge Islam by evaluating its teachings according to the dominant discourse referred to or to take the defensive stand, trying to de-contextualize Islam to make it look very modern. The first option is already adopted by some politicians and intellectuals in the West who propagate anti-Islam discourse. They take for granted the radical fundamentalist discourse as representing the truth of Islam. Thus, this anti-Islam discourse is the echo of the fundamentalist. The second option is to adopt polemic or apologetic discourse, an option that is not effective, because it follows the other extreme of the radical fundamentalist. In this later discourse, Islam is presented as a well-defined idealistic ethical and spiritual non-historical utopia.

The effective approach is to locate Islam in its historical context, the seventh century Arabia in order to understand how it was emerged and how it developed within Arabia and outside Arabia afterward. As for the foundational scripture of Islam, the Qur'an, the critical historical approach is necessary to determine the spheres and limitations of meanings it provides. This approach examines the way the Qur'an was structured not in accordance with its chronological order, examines the way it was transmitted, propagated, and codified till it was finally canonized. These are necessary steps before extracting the meaning and examining its relevance to our modern milieu.

Who is the other?

There is always the simple answer for the simple question. If we take Islam as a exclusive identity, the other will be easily defined as the non-Muslim, whether

s/he is a Jew, Christian, Hindu, Buddhi, pagan or atheist. If we take Islam in its multi theological and multi historical manifestation, the definition of the other will be less simple. The Shi`i Muslims will consider the Sunni Muslims as others and vice versa; the Wahhabi Muslims of Saudi Arabia will consider other Sunni Muslims who do not adhere to the radical conservatism of the Wahhabi tenets as others. To complicate the issue further, an orthodox Muslim, whether s/he is Shi`i or Sunni, will consider the non-orthodox Muslim as other. Now a day, the Ahmadi, the `Alawi and some Baha'is who claim themselves Muslims are in the most tolerant Muslim countries treated as others. In intolerant countries, they are persecuted and even executed.

If we restrict our investigation into the domain of the Qur'an, the issue is no less complicated. Consider the categorization in the opening passage of chapter 2.

There are the believers, the non-believers and the hypocrites. While the non-believers stand as the opponent of the believers, the hypocrites stand in the grey area in-between. Nevertheless, the passage seems to pay more attention to them; it is obvious in the lengthy way they are presented as well as in the many figurative images (2:8-20).¹ The characteristics of the believers are presented in four verses

¹ The lengthy presentation goes as follow:

"Of the people there are some who say: "We believe in Allah and the Last Day" but they do not (really) believe. Fain would they deceive Allah and those who believe but they only deceive themselves and realize (it) not! In their hearts is a disease; and Allah has increased their disease and grievous is the penalty they (incur) because they are false (to themselves). When it is said to them: "Make not mischief on the earth" they say: "Why we only want to make peace!" Of a surety, they are the ones who make mischief but they realize (it) not. When it is said to them: "Believe as the others believe" they say: "Shall we believe as the fools believe?" nay of a surety they are the fools but they do not know. When they meet those who believe they say: "We believe" but when they are alone with their evil ones they say: "We are really with you we (were) only jesting." Allah will throw back their mockery on them and give them rope in their trespasses; so they will wander like blind ones. They are those who have bartered guidance for error: but their traffic is profitless and they have lost true direction. (2:8-16)

This very lively presentation of their behavior within the community, their mockery of the believers as well as they double face, is projected with immediate responses, comments and sever condemnations voiced by the Almighty Allah. The disease that already exists in their hearts Allah will increase; their penalty is grievous. Compared with non-believers, they seem to be more dangerous. The first image is expressed in a form of 'similitude' in which their pretentious faith is compared with kindled fire that brought light around them, but "Allah took

only² while the unbelievers are dealt with in two.³

In this paper, the focus is to examine the textual evidences according to which the fundamentalist discourse as well as some governments chase intellectuals, artists, journalists and Muslim reformist thinker raising the weapons of allegation of apostasy, blasphemy and insulting Islam. Let me start, first, by introducing the outlines of the above-mentioned approach, my innovation or, according to my

away their light and left them in utter darkness so they could not see. Deaf dumb and blind they will not return (to the path) (2:17).

The second image is more complicated in its structure and literary style; it is that a rain-laden cloud from the sky; in it are zones of darkness and thunder and lightning they press their fingers in their ears to keep out the stunning thunderclap the while they are in terror of death. But Allah is ever round the rejecters of Faith! The lightning all but snatches away their sight; every time the light (helps) them they walk therein and when the darkness grows on them they stand still. And if Allah willed He could take away their faculty of hearing and seeing; for Allah hath power over all things. (2:19-20)

² Who believe in the Unseen and perform the prayer and spend out of what We have provided for them. And who believe in the Revelation sent to thee and sent before thy time and (in their hearts) have the assurance of the Hereafter. They are on (true) guidance from their Lord and they are those who will prosper. (3-5)

³ As to those who reject Faith it is the same to them whether thou warn them or do not warn them; they will not believe. Allah hath set a seal on their hearts and on their hearing and on their eyes is a veil; great is the penalty they (incur). (6-7)

opponent, my heresy, *bid`a* in Arabic.

My Scholarly Innovation:

The Qur'an, according to the Islamic belief, is the speech of God, which conveys the “message” revealed to humans through Muhammad, who is the messenger of God and who is human himself. The Qur'an is very clear about that. A message represents a communicative link between the speaker and the recipient through a code or a linguistic system. Without such a code, the message will not reach the recipient. The Arabic language code, the human code of the recipient, is the code of communication between the divine and humans, simply because the divine code, if any, is not likely to be comprehended by a human. Besides, the message is not meant for the recipient alone; it is meant to be transmitted to the community and spread beyond. Therefore, it has also to be comprehended by the immediate community. “We never sent a messenger but with the language of his people, that he might make it clear for them”, the Qur'an says (14:4).⁴

Because the speaker in the case of the Qur'an cannot be the object of study, it is only possible to approach the message as encoded in the language of the community. For that end, scholars need all the possible information available about the first recipient, Muhammad, and about the community. In other words, scholars can only start their analysis of the Qur'anic message through the contextual reality and the 7th century culture. Reality is the socio-political conditions, which embraced the actions of those who were addressed by the Qur'an and which embraced the first recipient. Culture, on the other hand, is the world of conceptions, which are embodied in the language, the same language in which the Qur'an is embodied.

In this sense, to begin with the contextual cultural reality in analysing the

⁴ See my published lecture, *The Qur'an: God and Man in Communication*, inaugural lecture for the Cleveringa Chair at Leiden University (November 27th, 2000)
http://www.let.leidenuniv.nl/forum/01_1/onderzoek/2.htm

Qur'anic message is in fact to start with empirical facts. Through the analysis of such facts, an appropriate understanding of the Qur'an could be accomplished. It should be obvious and clearly understood and needs no further proof to say that the Qur'an is a cultural product.

However, the matter is more complicated because being a cultural product is only one side of the Qur'an, the side of its emergence as scripture. The other side is that the Qur'an has become a producer of a new culture. In other words, the Qur'an first emerged as a text from within specific socio-cultural reality embodied in a specific linguistic system, Arabic, and, second, a new culture gradually emerged out of it. The fact that the Qur'anic text was understood and taken to heart has had irreversible consequences for its culture.

Speaking about the Qur'an as a message brings about the fact that although embodied in the Arabic linguistic system, the Qur'anic text has his own peculiarities. As a unique text, it employs some special linguistic encoding dynamics in order to convey its specific message. These peculiarities were acknowledged by the Arabs and were admired even by some of the Muhammad's opponents. From these peculiarities and the challenge imposed against the Arabs by the Qur'an itself to try to make some text like its shortest chapter emerged the notion of the absolute "inimitability"- *i'jaz*- of the Qur'an.

It will always be necessary, however, to analyse and interpret the Qur'an within the contextual background in which it was originated. In different words, the message of Islam could not have had any effect if the early recipients could not have understood it; they must have understood it within their socio-cultural context and by their understanding and application of it, their society changed. The understanding of the first Muslim generation and the generations to follow should not by any means considered final or absolute. The specific linguistic encoding dynamics of the Qur'anic allows always an endless process of decoding. In this process, the contextual socio-cultural meaning should not be ignored or simplified; this "meaning" is so vital to indicate the direction of the "new"

message of the text. Having the direction would facilitate moving from the “meaning” to its “significance” in the present socio-cultural context. It will also enable the interpreter to correctly and efficiently extract the “historical” and “temporal” which carry no significance in the present context. As interpretation is the other inseparable side of the text, the Qur’an, being decoded in the light of its historical, cultural, and linguistic context, has to be recoded into the code of the cultural and linguistic context of the interpreter. In other words, the deep structure of the Qur’an must be reconstructed from the surface structure. Subsequently, the deep structure must be rewritten in another surface structure, which is that of today.

This entails an interpretive diversity, because the endless process of interpretation and re-interpretation cannot but differ in time. This is necessary, otherwise, the Message degenerates and the Qur’an will be always, as it is now, subject to be politically and pragmatically manipulated. Since the message of Islam is believed to be valid to all human regardless of time and space, diversity of interpretation is inevitable. But being aware of the difference between the original contextual “meaning”, which is almost fixed because of its historicity, and the “significance” which is changeable, in addition to the awareness of the necessity that the significance is to be strongly related and rationally connected to the meaning- will produce a more valid interpretation. Needless to emphasize that every interpretation is historically and culturally constructed, my interpretation is no exception. It is only valid as long as it does not violate the above-mentioned rules of methodology in order to jump to some “desired” ideological conclusions.

The methodology proposed entails, beside the socio-historical analysis of reality and culture, employing the modern linguistic methodology. So far, only the philological approach is accepted by the establishments and the socio-historical analysis is absolutely rejected not only in the domain of texts’ interpretation but also in the domain of Islamic thought’s scholarship. The notion that religious texts though divine and revealed by God are historically determined and culturally

constructed is not only rejected but also condemned as “apostasy”. This is because the notion of the Qur’an as the “eternal” verbatim speech of God, which belongs to a specific theological classical school of thought, orthodoxy, has become the dominant accepted dogma in Sunni Islam. Scholars only know that there has been another school of theology, the rational school known as the Mu`tazial, that claimed that the Qur’an is “created” not eternal, otherwise the concept of pure monotheism, *tawhid*, a central pivotal concept in Islam, is damaged.

As socio-historical analysis reveals, these theological positions were not the product of ivory tower contemplation; they expressed in religious terminologies different socio-political positions of their adherents. Nevertheless, these positions are ignored and the two doctrines are perceived in the modern Islamic discourse in terms of “Right and Wrong” or “True and False”. The doctrine of 'creation' is the heresy, while the doctrine of 'eternity' is the true. To present this issue in a greatly simplified way: If the Qur’an is not eternal, it is created in a certain context and the message it contains has to be understood in that context. This view leaves room for reinterpretation, because God’s speech has to be understood according to the rational spirit not according to the letter. The final consequence is that the public authorities and/or societies are entitled to primacy in the interpretation and application of the message. If God’s speech, on the other hand, is eternal, uncreated and immutable, the idea of reinterpretation within a new situation becomes anathema; there is no difference between letter and spirit and only theologians are entitled to primacy in its maintenance and guardianship. In other words, an Islamic authority like the Christian Church is needed, and this almost what has happened in the socio-political and cultural history of Islam since the 9th century AD when the notion of the “eternity” of the Qur’an with all its implications was declared by the political authority as the only truth.

Blasphemy:

To start with, blasphemy, according to the Encyclopaedia Britannica (1996), "in Christianity ... has points in common with heresy but is differentiated from it in that heresy consists of holding a belief contrary to the orthodox one. Thus, it is not blasphemous to deny the existence of God or to question the established tenets of the Christian faith unless this is done in a mocking and derisive spirit. In the Christian religion, blasphemy has been regarded as a sin by moral theologians; St. Thomas Aquinas described it as a sin against faith. For the Muslim it is blasphemy to speak contemptuously not only of God but also of Muhammad."

All religions, at least the three scriptural religions, decree certain punishment to blasphemy and heresy regardless of the theoretical differentiation mentioned above. The Mosaic Law decreed death by stoning as the penalty for the blasphemer. Under the Byzantine emperor Justinian I (reigned 527-565), the death penalty was decreed for blasphemy.

In Islam, however, there is no legal worldly punishment in the Qur'an; it was established in post Qur'anic era by the jurists as will be mentioned below. In many societies, blasphemy in some form or another has been an offence punishable by law. In the United States, many states have legislation aimed at the offence. In Scotland until the 18th century, it was punishable by death, and in England, it is both a constitutional and a common-law offence. It was recognized as the latter in the 17th century; the underlying idea apparently was that an attack on religion is necessarily an attack on the state, especially when the state is identified with certain religion. This idea probably has been the reason why penalties have been laid down for blasphemy in some secular legal codes.

It is not easy to find clear-cut definition of blasphemy or heresy as compared to apostasy, which is clearly defined as 'returning back' from Islam, literally leaving Islam behind and turning the face toward other direction. As such is the case, blasphemy is used in Islamic terminology to convey 'insulting the Islamic tenets', Arabic *ihanat al-`qida*, whether it is committed by Muslim or by non-Muslim.

Interestingly, the Qur'an is arguing Muslims not to insult the pagans or revile their deities to avoid provoking them to insult God (6:108). The invitation here is for Muslims blaspheme others. Even if this message addressed the nascent Muslim community in Mecca, where Muslims were under persecution, its significance is so relevant in our modern time; before asking the others not to attack Islam or his prophet, Muslims should refrain from doing the same regarding other religions. Mutual respect, not only tolerance, should be the motto of our modern era.

In the Muslim world, books, movies, TV dramas, cartoons and comics are perceived as blasphemous if any contains any gesture or insinuation of insult from the conservative perspective. The history of detecting blasphemy in all forms of expression in the modern Muslim world is long and detailed. Recent cases are that of Salman Rusdi novel *The Satanic Verses* and the Danish cartoon.

The writer of this piece defends the freedom of expression and argues fellow-Muslims to tolerate any criticism or even aggression against Islam, the Qur'an and the prophet as long as it does not imply defamation of Muslims as communities or as individual. In the later case, legal court procedure should be the response. Criticism, attack or aggression against religion or against its culture should be perceived as challenge that demands rational intellectual response. The problem in most of the Muslim countries is not the problem of Islam; it is the absence of the values of freedom, democracy and human rights. Is it a political problem, a social problem or a cultural problem? It might be a complex problem, which needs a whole package of reformation.

Heresy:

Again a long quotation from the Encyclopaedia Britannica (ibid), "the Greek word *hairesis* (from which heresy is derived) was originally a neutral term that signified merely the holding of a particular set of philosophical opinions. Once appropriated by Christianity, however, the term heresy began to convey a note

of disapproval. This was because the church from the start regarded itself as the custodian of a divinely imparted revelation, which it alone was authorized to expound under the inspiration of the Holy Spirit. Thus, any interpretation that differed from the official one was necessarily "heretical" in the new, pejorative sense of the word."

Heresy is identified from the Church authoritarian perspective on the ground that its interpretation of Christianity is the only true and valid interpretation, which is sanctioned by the Holy Spirit. Claiming Truth, with capital T, is the bottom issue. The fathers of the Church could not realize that Jesus was a heretic according to the Jewish orthodoxy of the first century. During its early centuries, the Christian church dealt with many heresies; the major means that the church had of combating heretics was to excommunicate them. In the 12th and 13th centuries, the Inquisition was established by the church to combat heresy; heretics who refused to recant after being tried by the church were handed over to the civil authorities for punishment, usually execution.

A new situation came about in the 16th century with the Reformation, which gradually led to the process of secularization; the Church lost its upper hand in deciding the Truth. With the gradual growth of toleration in the 20th-century, most Protestant churches have drastically revised the notion of heresy as understood in the pre-Reformation church. It does not now seem to them inconsistent for a person to maintain the doctrines of his own communion while not regarding as heretics those who hold different views. The Roman Catholic church, too, draws a distinction between those who willfully and persistently adhere to doctrinal error and those who embrace it through no fault of their own, e.g., as a result of upbringing in another tradition.

In Islam, as blasphemy does not attest in the Qur'anic vocabulary, heresy, as was later theologically explained, does not exist in the Qur'an. The Qur'anic word that could come close is '*bid`a*' which means innovation. Derivatives of its root *b-d`* are used in four verses, in only one of which the verb is employed in the sense of

unwarranted invention referring to the Christian monasticism, “But monasticism (*rahbāniyya*) they invented; we ordained it not for them” (57:27). This is the only example where the meaning is that monasticism had neither divine sanction nor precedent. The Qur'an does not sanction any punishment for such invention.

As heresy is identifiable only in connection with orthodoxy, the term has to wait two centuries after the Qur'an to be gradually loaded with its present theological connotation. It was against the rational theology of the Mu`tazila in the ninth century when Islamic orthodoxy emerged because of the Abbasid caliph, al-Ma'mun's ((r. 198/813-218/833) enforcement of the Mu`tazila doctrine mentioned above about the Qur'an as 'created'. This enforcement took the form of inquisition, known as *mihna* in Arabic, which lasted about 15 years, at the end of which the orthodoxy came out triumph.

Bid`a, therefore, became the antithesis of Sunna, traditions of the prophet's sayings, *hadith*, actions and approval of what is said or done in his presence, transmitted orally before it was collected, classified and compiled in the canonized literature. The most quoted *hadith*, which figures out in all the books of *hadith*, is the one that can be translated as, "the most evil among all things is innovation; every innovation is a *bid'a*; every *bid'a* is an err; every err goes to hell".⁵

However, we can also find some reports related to the prophet, in which there is differentiation between good and bad *bid`a*. Dependant on such a report the jurists distinguished between good accepted innovation, *bid'a hasna*, and bad rejected one, *bid'a sayyi'a*; the first is to be rewarded if emulated while emulating the second is punishable. There are also plenty of reports emphasizing that, 'following the Sunna is much better than following *bid`a*, regardless of its goodness. This brings the issue of the necessity of applying similar historical approach to the study of *hadith*. It is true that classical scholars made the best of their efforts to

⁵ See Wensinck, A. J., *Concordance et Indices de la Tradition Musulmane*, B. J. Brill, Leiden 1936, vol. 1, p. 153 of Arabic copy.

scrutinize *hadith* in order to exclude the fabricated and the weak reports. Nevertheless, modern methodology of investigation is required.

As in the history of the Christian Church, free thinkers, poets, artists and philosophers has been identified and condemned as heretics in the history of Islam. Depending on the socio-political, cultural and regional context, which some times was tolerant and some times was not, they were left untouched, though despised, or they were executed. In the modern context, however, intolerance became the norms and execution as punishment is institutionalized and legalized in the law of so many countries. The differentiations between heresy, blasphemy and infidelity are now blurred; all are considered apostasy, *ridda*. The Sudanese Mahmud Muhammad Taha was executed 1985 on the ground of apostasy while his theory about *The Second Message of Islam* has no claim of abandoning Islam.⁶

Apostasy:

All allegation of apostasy, which is very dangerous for reason we will refer to later, are deeply rooted in a concept of religion that makes it like an eternal 'prison', once the person is in this prison, whether by birth or by conversion, there is no way out. I do not think any Muslim would like to think of Islam as a prison, simply because such a concept implies that God and his prophet are 'prison's guards', what an ugly image! The fundamentalist would not mind as long as they appoint themselves the guardian of the faith/prison. They also would not mind because the image of God they emphasize is that of the mighty, the punisher and the angry over the merciful, the forgiver and the loving. They, in fact, reflect their own nature of tyranny, power and enforcement and project it back as the image of

⁶ *Al-Risâla al-Thâniya li `l-Islâm* (Second Message of Islam) Khartoum, 5th reprint, p. 8. See also Abduhllah An-Na`im's translation with an introduction, *The second Message of Islam*, Syracuse University press, 1987. See also my monograph, *Reformation of Islamic Thought: A Critical Historical Analysis*, WRR-Verkenning no 10, Amsterdam University Press, 2006, pp. 86-87. <http://www.wrr.nl/english/content.jsp?objectid=3672>

the Divine.

Apostasy is simply the human right to reconsider her/his religious affiliation, a right which is deeply rooted in the fact the scriptures present invitation to the individuals to 'convert'. Christianity was/is an invitation to both the Jews and the non-Jews to be Christian; Islam was/is an invitation to all humans to be Muslims instead of being Jews, Christians, or pagans. In short, every religion implies an invitation to apostate, which implies, in turn, a powerful granted claim that the human being is free to do so. This granted freedom is an essential requirement without which 'conversion', or apostasy, is impossible. In other word, the God of Islam guarantees the freedom of the individual to choose Islam. Logically, it is absolute contradiction to limit 'freedom' to one choice; freedom means the choice from variations of possibilities. Is it conceivable to think that this freedom guaranteed by God is only one way guaranteed and to be taken away after choosing Islam? Is it theologically possible to think of the divine as dictator? Again, this is what the fundamentalist would like the believers to be convinced of.

Now, why the allegation of apostasy is so dangerous in any Muslim country whether the political regime is theocratic, semi-theocratic or semi-secular? As long as comprehensive, liberal and democratic system of governance is lacking, an as long as *shari`a*, not constitutional law, is the basic source of legislation, apostasy is punishable by execution, although apostates are only assigned a place in hell in the Qur'an. There is no any specific corporeal punishment to which they are to be subjected in this world.

- 1-Say (Muhammad), the truth comes down from God: Let him who will, believe, and let him who will, reject: for the wrong doers, We have prepared a fire. (18:29)
- 2- He who will turn back from his faith, soon will God bring about (other) people whom He will love and they will love him. (5:54)
- 3- Those who reject faith after they accepted it, and then go in adding to their defiance of faith, never will their repentance be accepted; for they are those who

have gone astray. (3:90 and 4:137)

Upon the Prophet's death, some Arab tribes revolted against the authority of the first caliph, Abu Bakr (11/632-13/634), and stopped paying alms, which they considered to payable only to the prophet. Muslim armies engaged in a number of battles that came later to be known as the wars of apostasy (*hurub al-ridda*). Historically, it was political revolt rather than religious apostasy. Wael Hallaq is absolutely right when he points out that, and here I quote in length "It is highly probable that the events making up the so-called wars of apostasy, together with their fundamental impact upon the collective Muslim psyche, generated a new element in the attitude toward apostasy. Being largely a reflection of the post-Prophetic experience, *hadith* ... stipulate, at variance with the Qur'ān, that the apostate should be punished by death. To be sure, this stipulation reflects a later reality and does not stand in accord with the deeds of the Prophet. In fact, if we go by what seems to be reliable information about Muhammad, the Qur'ān emerges as a more accurate representation of his attitude toward apostasy. It is more likely that Abu Bakr was the first to be involved in putting to death a number of apostates, an action, which was in the course of time perceived as the practice (*sunna*) of the Prophet. Later sources sanctioned this penalty and made a point in mentioning that the other Companions approved of Abu Bakr's action."⁷ Until now, much of modern scholarship tends to see all these wars and battles that took place within the boundaries of Arabia as the wars of apostasy.

In the domain of *shari`a*, Islamic law, apostasy is defined as converting from Islam by saying or doing something heretical, even in jest. This includes upholding a theological doctrine, which negates the existence of God, rejecting the Prophets, mocking or cursing God or the Prophet, kneeling down in prayer to an idol, the moon or the sun, dumping a copy of the Qur'ān in a wastebasket,

⁷ Article "apostasy", *Encyclopaedia of the Qur`ān*. General Editor: Jane Dammen McAuliffe, Brill, 2006, Brill Online.

declaring legal what is otherwise strictly illegal, such as adultery etc.

The apostate who is an adult male is permitted three-day period to reconsider his decision. If he repents, there are no legal consequences. If he does not, he is to be executed by the sword. The female apostate receives the same punishment according to most of the schools of law; some waive this punishment and replace it by imprisonment. Some of the civil consequences of apostasy are that the property of the apostate is appropriated by the state treasury and all his transactions are considered null and void. There have been recently efforts by moderate theologian to waive away this capital punishment by extending the period of repent for an indefinite period. The rationale they provide is that the apostate might return to Islam at any moment before death; it is better to keep the gate open.

Conclusion:

All the above allegations are dangerous, though there is no punishment of any in the Qur'an, the foundational text of Islam, except the in the life after. However, the jurists in accordance with their socio-political and cultural background either upgraded the meaning of the Qur'an, such as the very complicated conditions they formulated for the implantation of the capital punishment, *hudud*, or downgraded the meaning, such as in the above-mentioned discussed case of apostasy as well in the position of women and the relation with other non-Muslim. Apparently, the jurists' objective, as lawmakers who were essentially busy in formulating legal system, was to fixate the diverse options in the Qur'an by making one choice and eliminating the others. This was accomplished by employing different tactics, the most effective of which is the doctrine of abrogation, *naskh*. Therefore, a historical critical study of *shari`a* would reveal its limit and uncover the fact that it is human production against the dominant claim of its divinity.

This historical critical approach in studying the Qur'an, the hadith and shari`a is generally not yet welcomed it is furiously rejected by the clerics and the mullahs. Nevertheless, it is intellectually and heartedly appreciated by the young Muslim in the Arab world as well as in non-Arabic speaking Muslim countries. I have been a member of the advisory board for some years now with "Liberty For All Foundation" (<http://www.libforall.org>) which is very active in promoting the "Culture of Liberty and Tolerance Worldwide). The director and the members of the board, extremely supportive of such approach as an important vehicle to attain the message of the foundation regarding Islam, decided to establish the International Institute of Qur'anic Studies (IIQS) to which I am the director. The first academic activity was the 6-weeks intensive training/workshop course in Qur'anic Hermeneutics in Indonesia where, most of the issue discussed here were debated, analyzed and explained. 12 Islamic-studies' scholars and activists were enrolled. There is no exaggeration in saying that with continuous the support of Libforall this approach of 'humanistic hermeneutics' will flourish.