

Ten Key Points on Islamic Blasphemy Law

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There is an intensifying, global campaign to impose Islamic blasphemy law on non-Muslims, including those living outside Islamdom, in non-Muslim societies.

What follows are ten key points on the doctrinal origins and practical implications of this global campaign:

1) According to the Sunna (the traditions of Muhammad and the early Muslim community), by using foul language against the Muslim prophet Muhammad, Allah, or Islam, the non-Muslim transgressors put themselves on a war footing against Muslims, and their lives became licit (such as the poet Kaab b. al-Ashraf, who composed poems denigrating Muhammad, and was assassinated). [see 1.1, 1.2, 1.3]

2) This "offense" was then constructed and legitimated by Muslim jurists when Islam was politically, militarily and economically dominant, so that it was expected that the non-Muslims under Islamic rule would not denigrate the religion of Islam, nor cast aspersions on its major figures or institutions. [see 2.1, 2.2, 2.3]

3) The jurists saw any such denigration as an unacceptable hostile act, punishable by death, automatically, as per three of the main Sunni schools of Islamic Law (Maliki, Shafii, Hanbali), and the major Shiite schools. According to the fourth major school of Sunni Islamic law, the Hanafi, the punishment of a non-Muslim guilty of blasphemy is left to the discretion of a Muslim judge. The death penalty was in fact most often applied by the Hanafis. (see 3.1, 3.2) Qadi Iyad (d. 1149), the great Almoravid jurist, captured the doctrine's animating Muslim supremacism in his seminal *Ash-Shifa*, which includes one of the most authoritative analyses of Islamic blasphemy law's treatment of non-Muslims, ever written: "Once Islam was firmly established and Allah had given it victory over all other religions, any such detractor that the Muslims had power over and whose affair is well-known, was put to death."

4) On February 19, 1989, Iranian theocrat Ayatollah Khomeini issued a fatwa condemning author Salman Rushdie to death (along with those involved in the publication of Rushdie's book, *The Satanic Verses*), while promising eternal salvation to any Muslim "martyred" in this cause. As noted by Muhammad Hashim Kamali, who, since 1985, has taught Sharia and jurisprudence, as a professor of law at the International Islamic University of Malaysia, in his authoritative *Freedom of Expression in Islam*: "...no serious Muslim commentator has challenged the basic validity of the Ayatollah's fatwa. Adjudication was generally viewed to be necessary if only to find out if Rushdie was willing to repent." The fatwa wrought targeted murders in Europe and Japan, and a mass killing in Turkey.

5) This orthodox Islamic doctrine-incorporated, for example, into the "modern" Pakistani legal code (295C: "Use of derogatory remarks, etc; in respect of the Holy Prophet. Whoever by words, either spoken or written or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Mohammed (PBUH) shall be punished with death, or imprisonment for life, and shall also be liable to fine.") has wreaked havoc, in our era, particularly among Pakistan's small Christian minority community.

6) "Rising Restrictions on Religion," a report by the Pew Research Center's Forum on Religion and Public Life issued August 9, 2011 found that application of the Sharia at present resulted in a disproportionate number of Muslim countries, twenty-one -- registering the highest (i.e., worst) persecution scores on their scale. Furthermore, the Pew investigators observed, "Eight-in-ten countries in the Middle East-North Africa region have laws against blasphemy, apostasy or defamation of religion, the highest share of any region. These penalties are enforced in 60% of the countries in the region."

7) An Egyptian state security court, on November 28, 2012, issued a verdict, which sentenced to death seven expatriate Coptic Egyptians, as well as American pastor Terry Jones, for "blaspheming" Islam. Egyptian Judge Saif al Nasr Soliman stated plainly when the ruling was issued, "The accused persons were convicted of insulting the Islamic religion through participating in producing and offering a movie that insults Islam and its prophet."

8) Egypt's extra-territorial application of the Sharia reflects a larger global campaign by the 57-member Organization of the Islamic Conference (subsequently renamed the Organization of Islamic Cooperation [OIC]). As the largest voting bloc in the UN, which represents mainstream, institutional Islam, and all the major Muslim countries, in addition to the Palestinian Authority -- the OIC has lobbied continuously over the past two decades for a UN resolution insisting countries criminalize what it calls "defamation of religion." Now the OIC, consistent with its Sharia-based "human rights" paradigm, the 1990 Cairo Declaration of Human Rights in Islam, which rejects freedom of conscience and speech as defined (and upheld) in the U.S. Bill of Rights, and the UN's Universal Dec-

¹ Quelle: http://www.americanthinker.com/blog/2013/03/ten_key_points_on_islamic_blasphemy_law.html

laration of Human Rights, is calling for a specific ban on speech allegedly impugning the character of Islam's prophet, which the OIC terms "hate speech."

9) The Assembly of Muslim Jurists of America (AMJA), is well-accepted by the mainstream American Muslim community. The Islamic scholars affiliated with this group have attained influential positions in universities, Islamic centers, and mosques throughout the United States, and train American imams. Should the mainstream AMJA accomplish its goal of implementing Sharia in North America, the organization has already issued a ruling which sanctions the killing of non-Muslim "blasphemers", courtesy of AMJA Secretary General Salah al-Sawy: (Dr. Salah Al-Sawy, 1/21/2009)-[F]or those scholars who say that repentance of a person who insults Allah or His Messenger shall not accepted, [they] mean that repentance does not lift up the set punishment for cursing and insulting the Prophet, i.e., execution. Because the Prophet is the one who was actually wronged and insulted and he is no longer alive, therefore, he is not alive to practice his right to forgive him [the blasphemer] for what he did. Also, no Muslim is ever is entitled or authorized to forgive on the Prophet's behalf.

10) Blasphemy committed by a Muslim is considered apostasy (see here, here, and here) from the Muslim creed, and therefore has been a so-called hadd offense (requiring severe, mandatory punishment), with a requisite death sentence since the advent of Islam. AMJA senior Fatwa Committee member Hatem al-Haj reaffirmed this classical, mainstream Islamic viewpoint for American Muslims in 2006: (Dr. Hatem al-Haj, 4/17/2006) -- As for the Sharia ruling, it is the punishment of killing for the man with the grand Four Fiqh Sharia scholars, and the same with the woman with the major Shari'ah scholars, and she is jailed with Al-Hanafiyyah scholars, as the prophet, prayers and peace of Allah be upon him, said: "Whoever a Muslim changes his/her religion, kill him/her," and his saying: "A Muslim's blood, who testifies that there is no god except Allah and that I am the Messenger of Allah, is not made permissible except by three reasons: the life for the life; the married adulterer and the that who abandons his/her religion." Mirroring a shared communal understanding of their clerical leadership with regard to "blasphemy/apostasy," the results of polling data collected by Wenzel Strategies during October 22 to 26, 2012, from 600 U.S. Muslims, indicate widespread support among American votaries of Islam for this fundamental rejection of the basic freedoms of expression and conscience, as guaranteed under the First Amendment to the U.S. Constitution. When asked, "Do you believe that criticism of Islam or Muhammad should be permitted under the Constitution's First Amendment?", 58% replied "no," 45% of respondents agreed "...that those who criticize or parody Islam in the U.S. should face criminal charges," and fully 12% of this Muslim sample even admitted they believed in application of the draconian, Sharia-based punishment for the non-existent crime of "blasphemy" in the U.S. code, answering affirmatively, "...that Americans who criticize or parody Islam should be put to death."
