

**“The Problem of Muslimness: Reconsidering the Theology of
Inclusion-Exclusion in Muslim Thought”**

MA dissertation for comparative philosophy (Islam and the West)

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Abstract

In this research the problem of Muslimness is articulated and a solution to it is suggested. The problem of Muslimness is, simply put, who is Muslim? The exclusive and inclusive theologies of Muslimness will be surveyed and then it will be suggested that the process-oriented concept of belief rather than a product-oriented concept and a minimal definition of Muslimness (Muslims is the one who considers oneself as Muslim) might be a cogent solution to the problem of Muslimness.

Table of Contents

Chapter 1-	5
Introduction: The Problem of Muslimness and its Predicaments.....	5
1.1 Some Predicaments of the Dominant Theory of Muslimness	6
Chapter 2	9
Theories of Muslimness in the history of Muslim thought.....	9
2.1 The definition of faith (<i>Iman</i>) in Islamic context	10
2.2 The definition of unbelief (<i>kufr</i>) in Islamic context	11
2.3 Apostasy in Islam (<i>irtidad</i>)	14
2.4 The position of Muslim thinkers in the modern day on the Problem of Muslimness	15
Chapter 3	19
The Critique of the Mainstream Theories of Muslimness	19
3.1 The Scriptural Critique of the Dominant Theory of Muslimness	19
3.2 The Rational Critique of the Dominant Theory of Muslimness	21
3.3 The Historical Critique of the Dominant Theory of Muslimness.....	24
Chapter 4	28
Towards an Inclusive Theory of Muslimness.....	28
4.1 ‘Ayn al-Qudat Hamadani and the process-oriented Theory of Muslimness	30
Chapter 5	35
Conclusion: The Future of Muslim Theories of Muslimness.....	35
5.1 Summary.....	35
5.2 The future of Muslim theories of Muslimness.....	37
Bibliography	40

Chapter 1-

Introduction: The Problem of Muslimness and its Predicaments

Belief and unbelief is the most fundamental boundary drawn in every religion, especially in the Semitic religions. These boundary-making concepts, then, are inseparable parts of religious debates. For this reason, in religious discussions, it is inevitable to engage with belief and unbelief. Before Islam, Jewish and Christian theologians had been engaged with the problem of unbelief and especially the history of Christendom witnesses the fact that the prescribed punishment for an apostate was often death penalty. Aquinas and Calvin, for example, defended the violent persecution in this world of unbelievers and heretics in order to save them from eternal damnation; because the opinion of unbelievers and heretics, which are not based on the doctrine of the 'true' Christianity, would exert great influence on other unbelievers. Therefore, it would lead them to the eternal damnation in the afterlife.(Giubilini 2016) Here, as it is obvious, the boundaries between belief and unbelief are painted with blood.

Probably through the influence of Judaism and Christianity on Islam, but also because of some internal conflicts Muslim scholars had adopted the concept of apostasy and its determined punishment. Muslim Jurists combined the concept of apostasy with the concept of *riddah* from the Qur'an and hadith and construct a law that prohibited apostasy and punish it, under certain circumstances by death. (Abdullah Saeed and Hassan Saeed 2004:35) In Islam like other religions, *Iman* (faith) and *Kufr* (unbelief) have significant consequences. Their correlate concepts are "believer and unbeliever", which in the Qur'an is mentioned respectively as *mu'min* and *kāfir*.

The issue of accusation of unbelief (*kufir*) in Muslim law is, generally speaking, of two different kinds: the first one is the exclusion of a non-Muslim from Islam; the second one is the exclusion of a Muslim from Muslim community by himself or herself or by other Muslims (with differences within different branches of Islam); in another words, a Muslim maybe excluded from Islam whether through his/her own self-proclamation or he/she may be accused of unbelief by other Muslims. The aim and emphasis of this essay is more on the second kind of exclusion.

The main purpose of this essay is to pinpoint the problem of “Muslimness” from the historical, theological and philosophical perspectives, to criticise it and finally to come up with a tentative solution to it. Here are some questions governing the whole discussion in this essay: how Muslim theologian and jurists have answered historically this question that ‘who is Muslim?’ Is accusation of unbelief theologically as well as morally permissible? Can the whole enterprise of deciding who is Muslim and who is not be suspended until the Day of Judgment?

1.1 Some Predicaments of the Dominant Theory of Muslimness

Since, *takfir* has social and legal consequences for the person who is excluded from Muslimness and for his or her family, it is a moral, social and religious desideratum to reconsider the accusation of unbelief and the punishment usually attached to it. In the history of Islam there were and still are a number of people whose life have undergone the experience of been accused of unbelief. Some of them were executed or assassinated and others suffer from exile or living hiddenly with fear. One of the people who were assassinated out of apostasy is Ahmad Kasravi (1890-1946). Kasravi was an Iranian historian, linguistic and thinker who had religious background and used to be a Twelver Shi‘i cleric. Despite his own desire and because of the insistence of his family, Kasravi went to Najaf in order to have religious education and became a scholar of religion. His approach about religious beliefs, institutions and customs was fundamentally different from that of common Muslim beliefs. (Ridgeon 2006:4–5) Kasravi was vehemently against the blind imitation (*taqlid*) in religion and culture and defended critical approach towards religious beliefs and preserving the identity of Iran.(14-P.133) He criticized the traditional religion of the majority of Iranian at that time that was Shi‘ism. Clerical bodies and the government accused him of advocating an anti-Islamic tendencies and expanding heretical ideas. Kasravi finally was assassinated by a radical group of Shi‘ites, known as the *Feda’iyan-e Islam* (Devotees of Islam) in 1946. (Ridgeon 2006:8–9)

Nasr Hamed Abu Zayd (1943-2010) is another figure who became the victim of the accusation of unbelief. He was an Egyptian philosopher, theologian and specialist in the Qur’anic hermeneutics. As a prominent Muslim scholar he was a professor of Islamic studies and philosophy at Cairo University. He suggested a radical critique of the dominant Qur’anic discourse. For his skeptical writings, Abu

Zayd's opponents brought the case against him. He became accused to unbelief and had some difficulties for the rest of his life. He fled Egypt with his wife and lived in exile till the end of his short life.

He attempted to produce a new hermeneutical framework of the Qur'an through the combination of Western knowledge and modern theories with the traditional Islamic and the Qur'anic studies. Abu Zayd had a critical view about the interpretation of the Qur'an; he argues that God sent revelation within a context that was understandable for the audience of that time; because, the Qur'an is in accordance with the language, culture and the history of the prophet Muhammad and the first audience of the early Islam. Therefore, the message of God has to be decoded and reinterpreted to reveal its meaning to later generations. He affirms that the exegesis of the Qur'an has to be within the historical and cultural framework, rather than within a non-historically sensitive explanation, in order to be a universal message and to make it accessible to the present time.

For this aim, Abu Zayd believes that the hermeneutical endeavour is required to clarify the linguistic and cultural expressions of the Qur'an in order to grasp its contents. Due to his controversial ideas, Abu Zayd was accused of apostasy and was banished from Cairo University in 1992. Then he was refused to teach in university. Since a Muslim cannot marry to a non-Muslim, he was ordered to dissolve his marriage and to be divorced from his wife. Abu Zayd and his wafer, then, had to go to exile and leave Egypt for The Netherlands in 1995. He finally returned to Egypt and passed away on 2010 in a Cairo hospital. (Tamer 2011:193–5)

In this study, we have to investigate the most significant problems of the dominant theory of "Muslimness" from the early Islam up until the present time. We therefore begin with the historical overview of the theories of the exclusion Muslims from belonging to the Muslim community. We, then, elaborate the definition of the key words of this essay, namely: faith, unbelief and apostasy. In each section, we shall review the theory of every school of Muslim thought. The distinct approaches of modern Muslim scholars about accusation of unbelief and apostasy will be surveyed. In the next part, the critical views against the accusation of unbelief and the punishment that is subjected to it will be discussed. In this part we shall suggest a critical view of Muslimness backed by scriptural, rational and historical reasons. At the end of this study, we shall provide some suggestions that might solve or at least soften the problem of Muslimness.

Chapter 2

Theories of Muslimness in the history of Muslim thought

The problem of Muslimness and the accusation of unbelief was one of the early Islamic debates in the history of Muslim thought. It began from the 8th and 9th centuries CE onwards. The Sunnī and Shī'ī jurists produced many legal dictums (*fatwas*) on how a person is to be accused of unbelief and what would be the destiny of this unbeliever. (Adang et al. 2015:9) Historically the exclusion of other Muslims from the community of Islam was done by the early Kharijies. They excluded rather harshly those Muslims who did not admit their strict criteria of a true Muslim and their idea of piety:

The Kharijites were the earliest theological group that appeared in the first century of Islam, which later was known as a radical puritanical sect. They seceded from the Forth Caliph, Ali, with their different political and religious tendencies and constituted a group that claimed themselves as the only true Muslims sect. (Adang et al. 2015:5)

This takfiri temperament started by Kharijites has continued to be influential to the modern days and is still present among some radical Muslims. The problem of "Muslimness" is one of the most important issues in the history of Muslim though. It is an issue that affected the view of the Muslims and brought the segregation and various guidelines for each Islamic group. In this regard, Islamic sects reserve the inherent superiority for their followers and inferiority for other groups. They thereby give less significance to another sect that do not think or act based on their criteria and even exclude other Muslim opponents from the community of Islam. In the following chapter, my intention is to elaborate the definition of the most important keywords related to problem of Muslimness, namely faith (*Iman*) and its contradictions, unbelief (*kufir*) and apostasy (*irtidadd*). Accusation of unbelief and apostasy contain both theoretical and practical problems in the history of Muslim cultures. The problem of accusation of unbelief is not confined to Muslim culture, rather the similar problem can be found in other religions particularly in Judaism and Christianity.

In what follows we shall explain the key words that have played tge central role in this study and more generally in the history of theories of Muslimness. First

the definition of faith in accordance with the different Muslim perspectives and the views of main Islamic branches shall be discussed.

2.1 The definition of faith (*Iman*) in Islamic context

Iman literally means to protect, to believe and also means faith. The one who has faith is called *mu'min*. There are three elements in defining the faith: firstly, the internal conviction (*i'tiqad* or *taṣḍīq bi 'l-qalb*), secondly, the verbal expression (*iqrār bi 'l-lisān* or *qawl*) and thirdly is the performance of the work (*'amal*). Some of these elements are given priority or even crossed out by some theological and legal schools in Muslim thought as will be explained in more detail below.

According to the Qur'an and hadith of the Prophet Muhammad, faith means having inward conviction and admitting God as the one and only Creator of the world out of nothing and to witness that there is no god without Him, to believe in His angels, His books and to believe in the resurrection after the death and accepting the prophet Muhammad as the last messenger of God as well as performing obligatory deeds. According to the Qur'an, those who accept this list of beliefs are considered as believers.

“O you who have believed, believe in Allah and His Messenger and the Book that He sent down upon His Messenger and the Scripture which He sent down before. And whoever disbelieves in Allah, His angels, His books, His messengers, and the Last Day has certainly gone far astray.” (4:136)

These elements have always been accepted by the majority of Muslims as the signs of Muslimness, however, what creates problem and disagreement between them are about the connotations and implications of these tenets that consider a person as a member of the Islamic community.

There are different views about believers between various branches of Islam.

According to al-Ash'arī, faith is internal judgement and conviction of the heart in God (*taṣḍīq*). However, in the theology of Ḥanafīs and Māturīdīs both conviction and the verbal expression is important. In the approach of other theological schools of thought such as the Khāridjīs, the Shī'ā, the Qadarīs and the Mu'tazilīs the stress is on the performance of the work. In fact, in their views, works is as an essential part of faith and it is even considered as faith itself. In contrast to the above sects, the Murji'a

do not put emphasis on the performance of the work as the pillar of the faith; rather, they believe that the condition of faith is confession and consent. (Adang et al. 2015:6) The Mu'tazilīs, like Murji'a, embrace confession and consent as the condition of *Iman*, but they do not neglect the role of work as other clause of faith. The Ḥanbalīs and the Wahhābīs also in their definition of the faith put emphasis on the act, words and the right intention of the Muslim as well as their attachment to the Sunna. In the view of the moderate Isma'ilism of the *Ikhwān al-Ṣafā'*, faith is the intellectual conception and the internal thoughts of the heart with experienced certainty.

Although the approach of Muslim schools of thought about faith is various, all of them state that faith, and in some of them the act of faith, ensures salvation for the believers. As it is mentioned in the ḥadīth of al-Bukhārī: "Hell will not welcome anyone who has in his heart an atom of faith", also there is another hadith in the Sahih of Muslim which says: "No one shall enter hell who has an atom of faith in his heart". Based on these hadiths, and some of the other hadiths, *Iman* is a way to lead the believers into the salvation. (Gardet 2012)

The next section will deal with the definition of unbelief that is a very problematical issue in the history of Muslim thought. It will be mentioned that the various ideas about the unbelief in the Islam and the various kinds of unbelief have been listed and discussed by various Muslim scholars.

2.2 The definition of unbelief (*kufir*) in Islamic context

Kufir (unbelief) and its verb *kafara*, which literally means hiding and covering, is taken from the root *kfr*. This word with other forms of it appears frequently (around 500 times) in the Qur'an. (Waldman 1968:442) In the Qur'an, this word when applied to people's approach to God means being ungrateful to God through hiding His blessings.

The word *kafir* and its plural form, *kafirun* (*kuffar*) for the first time is used to describe the Meccans who attempted to reject the tenets of Islam, such as rejecting God as the only creator of the world, the Qur'an as the revealed book and the Prophet Muhammad and the prophet of God and to revile him or those who accepted all the tenets of Islam. *Kafir* is also some taken to be the Muslim who does not accept the

details of the principle of Islam as the majority of Muslims are taken to believe. *Takfir* is, then, a speech act whereby the person is accused of *kufir*. (Adang et al. 2015:11)

Based on several theological schools of thought, the definition of an unbeliever is different: the first kind of *kufir*, according to a division revolves around the meaning of *kufir*, *kafir* is the person who neither recognize God and knows Him, nor appreciate Him (*kufir al-inkār*); the second kind is the person who recognizes God but refrain from acknowledging Him (*kufir al-juhūd*). The next category is the person who appreciates God with words, but cannot recognize Him at heart (*kufir al-nifāq*). The last one is the person who both recognize God and appreciate Him by words, but he is still remaining unbeliever (*al-mu'ānada*). Another assortment of unbelief, which is more common, is verbal unbelief (*kufir bi-l-qawl*), unbelief through actions (*kufir bi-l-fi'l*) and unbelief in convictions (*kufir bi-l-i'tiqād*). (Björkman 2012)

The Qur'an threatens unbelievers to the Hell on the Day of Judgment as the divine punishment. In the Surah 9:28, the Qur'an makes Muslims aware that the polytheists are unclean. In the Arab culture and literature there are various types of *takfir*, one is the general unbelief (*takfir 'āmm* or *muṭlaq*) and the other is the particular unbelief (*takfir al-mu'ayyan*). The former includes those religious communities who do not think like the mainstream Muslims; the former belongs to the specific person who is Muslim but he or she might have a view dissimilar to the mainstream Islam and thereby deemed as a *kafir*. General unbelief, in the view of some traditional Muslims, is applied to the entirety of the Ismā'īlīs or Aḥmadiyya. The particular unbelief is a specific Muslim, which is regarded as unbeliever. For example, a Sufi such as Mansur al-Hallaj (c. 244 AH/858 – 309 AH/922), a major figure in the Sufi tradition of Islam was accused of becoming unbeliever by some Muslims because of his utterance, "I am the Truth" (*Ana 'l-Ḥaqq*). Although the statement has been interpreted in rather different ways and even some Sufi Muslims describe his expression as the ultimate state of faith that is mystical annihilation in God (*fana fi'llah*).

While the majority of Muslims took it to be the case that Mansur have a claim to divinity, then they condemned him as an unbeliever, and he finally was executed in 309/922. Another example is a Sunni philosopher Ibn Rushd, which is called Averroes in the West, (1126-1198). He was a purely rationalist philosopher. Ibn Rushd's philosophical ideas were against Ash'arite theologians. Unlike the common view of traditional Muslims, Ibn Rushd maintained that a natural phenomenon

occurring in the world is not because of God's will directly, rather it follows natural laws that are created by God. Ibn Rushd was, then, excommunicated because of his philosophical ideas and his writings were banned and all of his philosophical books were burnt. (Chad Hillier n.d.) Many high respected Islamic scholars were accused of heresy, unbelief or apostasy because of their ideas that were different from the mainstream Islam or the schools to which they belonged. These scholars include: Ahmad Ibn Hanbal, imam of the Hanbali school, Abu Hanifa (d. 150/767), the imam of the Hanafi school, Muhammad Ibn Isma'il al-Bukhari (d.256/870), Abu Hamid Muhammad al-Ghazali (d.505/1111), Muhyi al-Din Ibn 'Arabi (d.638/1240), Shihab al-Din Abu al-Futuh Yahya al-Suharawardi's (d.587/1191), Ibn Taymiyyah (d.728/1328) and Shah Waliullah who translated the Qur'an into Persian. (Abdullah Saeed and Hassan Saeed 2004:30–31)

Many of these scholars were labeled by the *ulama* of their time as an unbeliever, but they are usually revered by many if not the majority of Muslims today. In the view of the Khārijītes and the Ibādīs, every Muslim who commits a mortal sin (*kabirah*) and dies with it without repentance, is to be considered as a *kāfir* because he or she is a grave sinner and has to be excluded from Muslim community. (Abdullah Saeed and Hassan Saeed 2004:24) Unlike this view, the Murji'a argue that, all of the *Ahl al-Ḳibla*, are believers even when they commit the mortal sin. They also add that merely external conduct would not distinguish the sincere believer from the unbeliever. (Adang et al. 2015:6)

While the Mu'tazilite theologians consider that a Muslim who commits the mortal sin cannot be considered as either believer or unbeliever, rather this person is to be regarded as a corrupt (*fāsiq*). According to the view of Muslim legal scholars, the accusation of unbelief imposes legal limitations on the non-Muslims who live in the Muslim countries. As a result of this, the Khārijites and the Ibādīs have more dogmatic and rigid view of belonging to the community of believers, while the Murji'a have the most tolerant and inclusive views than others. (Adang et al. 2015:4–5)

In Islamic law, there are two kinds the accusation of unbelief that thereby creates two types of unbelievers: the original unbelief (*kufr al-asliyyah*) and apostasy (*irtidad*). The first one belongs to those who had not believed in Islam during their life. This group includes Jews and Christians that are known as *Ahl al-Kitab*; they are more lenient than other *kuffar*. The original unbeliever (*kafar al-asliyyah*) is divided

into two kinds: *kafir dhimmi* (protected unbeliever) and *kafir harbi* (belligerent unbeliever). *Kafir dhimmi* are those Jews and Christians who live in Islamic states and entitled to pay a specific tax (*jizya*) in order to be safe in Islamic lands; they also do not have the cooperation in a war against Muslims. *Kafir harbi* refers to those who are not Muslims and they do not live under the protection of Muslim state. This group does not accept the pact of *dhimmeh* and does not pay *jizya* whether they are at war against Muslim or not. Historically as well as ideologically, protected unbelievers were treated by Muslim more lenient than belligerent unbelievers. (Björkman 2012)

The second kind of unbelief is attributed to those who used to be Muslim, but they are excluded from Muslimness. This group, which is called apostate (*murtadd*), were considered as traitors. Moreover, there are some other terms such as blasphemy (*Sabb Allah* and *Sabb al-Rasul*), heresy (*zandaqah*) and hypocrisy (*nifaq*), to express exclusion of a person from Muslim community on the basis of the same action or utterance, with the difference that these groups are excluded from 'true' Islamic without excommunication. (Abdullah Saeed and Hassan Saeed 2004:37)

2.3 Apostasy in Islam (*irtidadd*)

Irtidadd is frequently translated as apostasy, but this is not an accurate translation, rather the more proper translation for *irtidadd* is "renounce". (Nasr et al. 2015:94) Apostasy is another kind of the accusation of unbelief that applies to those who were Muslim, then they are believed to be turning back and they are excluded from Islam. Two concepts *ridda* and *irtidadd* refer to the act of the ex-Muslims who leave Islam or revert from this religion to *kufir* and even to the one who may convert to another religion, and *Murtadd* literally means the person who turns back from something. (Heffening n.d.) *Irtidadd* is further divided into two kinds: to *milli* and *fitri*; *murtadd milli* is the one who was non-Muslim and then converts to Islam through declaration of faith which is called in Islam "the *shahadah*", this means: there is no god but Allah and Muhammad is the Messenger of Allah, after that this person gives up Islam. *Murtadd fitri* is the person who was born in a Muslim family (either both of parents or one of them were Muslim) and then he or she leaves Islam. (Abdullah Saeed and Hassan Saeed 2004:42)

There are some verses of the Quran and some *ahadith* about the person who act against the Qur'an and reject the rules of Islam. It is agreed between the majority

of Muslims that once a person accepted Islam and becomes a Muslim, it is not allowed to revert his or her religion, otherwise this person commits the crime of apostasy and the punishment of apostate can be applied to this person. (Abdullah Saeed and Hassan Saeed 2004:35) Though, this-worldly punishment had not been prescribed in the Quran for *murtadd*. It should be noted that accusation of unbelief has various legal rules (*ahkam al-kufr*) and for example it has legal consequences for the states of marriage of an apostate and on the property and ownership of the apostate. Also the punishment of apostasy is different based on the types of apostasy, the gender status and acceptance or otherwise of the repentance of apostate. (Abdullah Saeed and Hassan Saeed 2004:36)

According to the Islamic jurisprudence, the capital punishment has to be considered for the apostates under a specific circumstance. The punishment for *murtadd fitri* if the *murtadd* is male would be death penalty even if he repents, whereas *murtadd milli* have to be imprisoned and let him/her repent, if this person accepts Islam, he or she will be released, otherwise he or she will be punished by death (the punishment for women are different). In this regards, consensus (*ijma'*) between Muslim scholars (*'ulama*) is that the punishment of apostasy is death penalty under certain circumstances and this punishment is to protect Muslim community. (Heffening n.d.)

So far, we represent the definition of *Iman*, *kufr* and *Irtidadd* in the view of traditionalist and pre-modern Muslim doctrine of thought. In the following section, we will regard the new legal dictums of Muslim scholars in the present time.

2.4 The position of Muslim thinkers in the modern day on the Problem of Muslimness

Unlike the belief of the majority of Muslim scholars, a number of ideas and *fatwas* emerged among modern Muslim thinkers that have contributed to the critique of dominant view. What is common in all these ideas and *fatwas* is that apostasy is ineffective and unacceptable.

One salient religious scholar who had a reconsidered explanation and offers a number of new *fatwas* (legal dictums) regarding apostasy is the grand Iranian Ayatollah Hussein-Ali Montazeri (1922 –2009). Montazeri argues that any and every kind of abandonment and renunciation of Islam or converting to other religions is not

essentially to be considered as reprehensible. If leaving Islam is the result of research and investigation, there is no punishment for such a person. Actually the apostasy that is prescribed in the Qur'an is about giving up Islam when it is associated with rebellion and malice. In such a situation also, the Qur'an has not determined capital punishment for an apostate. (Montazeri 2008:696–698)

The next modern legal scholar is Mohsen Kadivar (b. 1959), an Iranian intellectual, theologian, and jurist who was the pupil of Montazeri and now a professor of Islamic studies at Duke University. According to Kadivar, the category of apostasy is divided into two different types: the first one is theoretical apostasy and the second one is political apostasy. In the case of theoretical apostasy, there is no punishment, either this worldly or even otherworldly, is determined in the Quran for the person who gives up Islam. Such a person changes his or her mind by theoretical proofs. In the case of political apostasy, there has been prescribed punishment in the Quran. For the person who turns back from Islam because of the political deviation and this-worldly interest the punishment has been prescribed. However, the otherworldly punishment is determined for this person in the Quran and not this-worldly punishment. Therefore, according to Kadivar, this-worldly punishment for an apostate is not Qur'anic. (Kadivar 2014:11–12)

Another figure that have had modern view on the penalty of apostasy is Muhammad Rashid Rida of Egypt (1865-1935). He was an early Islamic reformer who maintains that accusation of apostasy and the punishment for an apostate violates the freedom of individuals. Rida also states that the capital punishment for an apostate should be applied if one poses a threat to the Muslim community. The great Ayatollah Yousef Sanei of Iran (b. 1937) also does not accept the punishment of apostasy for a person who merely turns back from Islam. He believes that the punishment of apostasy is not compatible with the freedom of belief in Islam.

Another Islamic scholar who was against the death punishment for an apostate is Hasan al-Turabi (1932-2016). He was a leader of Muslim Brotherhood in Sudan. Though, surprisingly Al-Turabi defended the execution of Mahmud Muhammad Taha (1909-1985), a Sudanese religious leader and thinker, he also supported the idea of the freedom of belief, and rejects coercion in belief. He also distinguished between the one who criticizes Islam as a result of academic research and the person who turns back from Islam with the hostile aims. He argues that the hadith that put the death punishment for an apostate has to be considered in the historical context, the hadith is

applied to a person who apostatizes and joins the opponents of Islam and act against Muslims. According to al-Turabi, we have to quest from the original sources of Islam namely the Qur'an and *Sunnah* via *ijtihad* (independent reasoning) rather than relying on the *fatwas* of the earlier Muslim jurists. Rashid al-Ghannushi (b.1941) a leading thinker from Tunisia also believes that every Muslim has a right to convert to other religions or faith. He accepts the idea of al-Turabi and also adds that we cannot judge about a matter that is hidden in the hearts. (Zwemer 2006:97-8)

Chapter 3

The Critique of the Mainstream Theories of Muslimness

This section intends to investigate whether or not the dominant theories of Muslimness, accusation of unbelief and apostasy are acceptable if checked against the Qur'an and independent moral values. It is also important to know whether the punishment set forth for the apostate is beneficial for both Muslim and non-Muslim community. Since, the accusation of unbelief has had both theoretical and practical problems in the history of Muslim cultures, it will be criticised from rational, scriptural as historical point of view. On the one hand, the problem of Muslimness and accusation of unbelief is based on the view of the majority of Muslim scholars, on the other hand, this view had brought about quite problematic consequences and is still continuing in the present days, which bring insecurity in the modern days for intellectuals and for free thinking in both Islamic countries and non-Muslim lands. For this reason, the origin of the accusation of unbelief and the way to deal with this problem will be inquired in accordance with the Qur'an and practical reason.

3.1 The Scriptural Critique of the Dominant Theory of Muslimness

From the scriptural perspective, we can take into consideration some of the verses of the Quran in order to show the inconsistency of the dominant theory of Muslimness with a number of the Qur'anic verses about this matter. There are some verses that clearly endorse the freedom of the religion and the idea that no one should be compelled to accept a specific religion or belief. According to the Qur'an, Surah 18:29 "And say, the truth is from your Lord, so whoever wills - let him believe; and whoever wills - let him disbelieve". This verse of the Qur'an represents the idea of the freedom of belief.

God gives opportunity to every person to choose his or her belief freely. In fact, *Iman* is an inner and spiritual faith that cannot be provided by any coercion and force. It is clearly stated in another passage of the Qur'an that "There shall be no compulsion in [acceptance of] the religion" (2:256). This can be deduced from these Qur'anic verses that Prophet Muhammad and other messengers before him have the mission only to convey the message of God and invite individuals to Islam, not to force anyone to embrace it. (Abdullah Saeed and Hassan Saeed 2004:69) As God

commands to the prophet in the Qur'an: "For you is your religion, and for me is my religion." (109:6)

The Qur'an also says:

Indeed, those who have believed then disbelieved, then believed, then disbelieved, and then increased in disbelief - never will Allah forgive them, nor will He guide them to a way. (4:137)

The general meaning of this verse is about those who have been fluctuating in their religious ideas. God warns them that they do not attain the salvation in this way. The special meaning in this verse is about those who believe and then apostasies, that they can believe in God again. This reveals that this is possible for those who leave the community of faith to return to Islam after apostasy and repent, and he or she can believe again in God. As God accepts the former believers repeatedly, the legal acceptance should be also applied to these persons. (Nasr et al. 2015:254)

In some hadiths Muslims have also been prohibited from committing the accusation of unbelief toward other Muslims" "If a Muslim charges a fellow Muslim with *kufr*, he is himself a *kāfir*, if the accusation should prove untrue"; or the reproach of *Kafir* is equivalent to murder. (Björkman 2012)

In apparent contrary to the verses mentioned above, however, there are some other verses about apostasy and unbelief that different sects of Muslims have interpreted them differently. Based on their differences in interpretations they added various elements as supplementary principles of belief. These additional elements have an effect on the attitudes and viewpoints of those Muslim interpreters that exclude Muslims from Muslimness and may bring unpleasant behavior that is not acceptable in Islam. That Muslims exclude each other from the land of Islam had had serious consequences and in some cases risky and unsafe effects for those who are excluded. The unacceptable impact of this are schism, violence, religious cleansing and terrorist attacks in both Muslim lands and at the global level. This exclusive theory of Muslimness has also reflected in legal opinions (*fatwa*) and the Islamic law by religious scholars ('*ulama*' and *fuqaha*'). For instance, according to the law of apostasy:

Every individual of the male sex who, born in the religion of Islam, apostatizes, no longer enjoys the protection of Islam, but is ipso facto condemned to death. His wife should be separated from him; and his property is confiscated... .

"The woman guilty of apostasy is not punished with death, even if she was born in the Moslem faith, but she is condemned to perpetual imprisonment, and is to be beaten with rods at the hours of prayer... .(Peters and De Vries 1976:50)

"A child born of a heretic after the apostasy of the father, and of a Mohammedan mother, shares equally with those whose birth preceded the apostasy of the father. The child descended from a heretic father and mother, and conceived after the apostasy, is subject to the same conditions as his parents; and if he is assassinated, the murderer cannot be punished by the law of retaliation."(Peters and De Vries 1976:51)

3.2 The Rational Critique of the Dominant Theory of Muslimness

From a rational, i.e., moral perspective, a number of reasons can be presented that against the moral permissibility of the dominant theory of the accusation of unbelief. The first one is that the accusation of unbelief is incompatible with the "Golden Rule". Golden rule is one of the normative ethical rules that is central for ancient cultures and religions such as Judaism, Christianity, Islam, Buddhism and Hinduism. This rule is basically formulated for the attitude and behaviour of a person in relation to others. This ethical rule is one of the most significant terms in the Western ethics and also in the Qur'ānic ethical theology as well as in the traditions attributed to the Prophet Muhammad. Hence, the Golden Rule can be fully accepted by Muslims to act based on it. (Pfaff 2008:11) As can be seen in the Qur'an, Surah 83:1-4, the Qur'an says "Woe to those . . . who, when they have to receive by measure from men, exact full measure, but when they have to give by measure or weight to men, give less than due."

For this reason, the present section can also be taken to be presenting both a rational and scriptural reason against the dominant theory of Muslimness. According to Golden Rule, one should treat others, as one wants to be behaved with others in the same circumstances. Additionally, this person should avoid treating others in a way that one does not like others to treat oneself. Since the golden rule is a universal and general rule, 'others' in its definition should be extended to encompass all Muslims and non-Muslims alike without any exception and discrimination.

Based on this definition of the golden rule, the incompatibility can be discerned between this significant and central rule and the punishment of apostate and the dominant theory of Muslimness upon which the punishment of apostate is based; because, as mentioned before, there is almost a consensus (*ijma'*) among Muslim scholars and jurists (*'ulama'* and *fuqaha'*) that the punishment of apostasy is death under certain circumstances.

Muslims have to treat others in a manner that they want others to treat them in a similar situation, and they should not behave others in a way that they do not want others to treat them in that situation. The capital punishment for a person who changes his or her position about religion or a person who believes in God but does not think and accept other tenets of Islam as articulated and accepted by other denominations of Islam seems morally wrong. It is because the punishment of apostasy is against golden rule, since this rule is actually a type of egalitarianism to the effect that people in similar situations should be treated equally.

This implies that a Muslim has to observe and respect the rights of non-Muslims about choosing her or his religion, ideas or lifestyle. This requires preventing the punishment of apostasy and rejecting the dominant theory of Muslimness; as every one's right to use his or her cognitive faculties to come up with new ideas and to live with his or her own ideas and beliefs are to be thoroughly respected. To see how deeply the Golden Rule is embedded in religious practice of Islam the case of *da'wa* (inviting non-Muslims to Islam) can be brought to the fore. Muslims usually desire to invite non-Muslims to Islam and this is what the Qur'an itself orders Muslims to do (see, e.g.: 3: 104).

By the same token, Muslims should recognize the right of the member of other religions to promote their own religions among, *inter alia*, Muslims and to try to convert them to their own religion. Accordingly, if Muslims consider or perform the death punishment (or every other penalty) for an unbeliever or an apostate is this justified for other religions to perform death penalty for a person who has been converted to Islam? The death penalty for religions conversion is to be recognized for all religion or for none of them. Otherwise, golden rule turns to be applied in a one-sided way that implies: do to non-Muslims what Muslims want, i.e. freedom in promoting Islam to non-Muslims, but do not do to non-Muslims what they themselves want i.e. freedom in promoting their own religions among others.

So far I tried to show the incompatibility of the dominant theory of Muslimness with the Golden Rule. The second type of argument in repudiating the theory of accusation of unbelief is to show the incompatibility of this theory with the “freedom of conscience”. Freedom of conscience is a moral principle that refers to one’s inward conviction. Freedom of conscience is approved by the United Nations Universal Declaration of Human Rights. According to the article 18 of this declaration, “Everyone has the right to freedom of thought, conscience and religion”.

Freedom of conscience has been suggested to defend a principle of freedom of thought, idea and conviction specifically in the political and religious domains. In this regards, there are three arguments to defend and to represent the importance of the principle of freedom of conscience: the first one is, the “argument from ineffectiveness or hypocrisy”, the second argument is the “argument from ignorance” and the third one is, the “argument from legitimization”. Based on the first argument, it is not possible for any person, either State or authority, to change one’s conscientious beliefs or to enforce someone to believe or to not believe something. In fact, each person has a right to act based on his or her belief rather than acting forcefully based on the other’s belief or to act as if he or she believes something. If a person’s act become under pressure of others, as his or her act is different from his or her belief in a normal circumstance, then this would be a hypocritical behavior.

The second argument in defense of freedom of conscience is the “argument from ignorance or the argument from humility”. This argument posits that freedom in conscience can lead human beings into the right belief, since, it might be possible for a person to believe in something that is not right, in this situation, with freedom this person can consider and attain to the all of available ideas and then chooses the right one from the alternative beliefs. In fact, the argument from ignorance struggles against ignorance and blind belief in addition to providing an opportunity for every person to believe or not believe in an idea through authentic truth seeking.

The third argument, which was defended by John Stuart Mill (1806-1873) an English philosopher, was “argument from legitimization”. According to this argument, permitting the freedom of expression of any idea and belief even the mistaken opinions would end up enabling people to distinguish truth from contradicting and disproving opinions. (Giubilini 2016) Absolute freedom to believe in an opinion or idea provides a person with an ability to distinguish the truth from other opinions or to ensure this person the rightness of his or her opinion. If Muslim

jurists and scholars aim to force to convert an ex-Muslim or a non-Muslim to Islam, it would then not serve the purpose of freedom of conscience.

The other reason that condemns the accusation of unbelief is the matter of “created or uncreated faith” of God. According to the Ash‘arites, faith is not created; then it is God who gives it to whoever He wants and do not give it to whoever that He does not want. (Gardet 2012) In the Qur’an it reads: ‘But if Allah had willed, they would not have associated. And We have not appointed you over them as a guardian, nor are you a manager over them.’ (6:107) ‘Actually, God placed an atom of faith of Himself in the heart of whomever He wants.’ Therefore, if *Iman* is uncreated, the believers cannot choose their faith, rather, it is given to them, and then neither belief in God nor unbelief is within their volition. In this regards, the punishment of apostasy is meaningless for the person who is not involved in choosing her or his status of belief or unbelief, because becoming believer or unbeliever has already been ordained for him or her and it is not chosen by himself or herself.

However, if a person has an ability to choose his or her own status of belief or unbelief through free will and independent reasoning, and this person convinces not of the religious belief, this person has also not to be punished, because he or she had utilized the cognitive faculties (free will and intellect) that God created for him or her to seek and attain the truth and as a matter of fact these abilities have not been sufficient to led the person to the divine truth. In this case also, the punishment of apostate cannot be defensible.

Hence, whether *Iman* is metaphysically mandatory or voluntary, there is no room to blame the individuals who renounce Islam both this worldly or even other worldly.

3.3 The Historical Critique of the Dominant Theory of Muslimness

Apart from both rational and scriptural reasons, accusation of unbelief stemming from the dominant theory of Muslimness has not been totally accepted by all significant theologians from all Islamic denominations during the history of Muslim thought. As mentioned before, the Murj’is, the Mu‘tazilis and the Hanifis are somehow opponents of accusation of unbelief. They maintained that discerning who is believer and who is unbeliever is only possible and permissible for God and the punishment or otherwise

of the unbeliever would be in the Day of Judgment. It is not the responsibility of a Muslim to judge the faith of a person. According to the Murji'is and the Mu'tazilīs, *takfir* and exclusion of a person from Muslim community is not permitted and God as the best judge would distinguish the purity of otherwise of faith in the Day of Judgment.

In addition, some philosophers and theologian such as Abū Ḥāmid al-Ghazālī (d. 505/1111), Ibn Taymiyya (d. 728/1328) and Ibn Ḥazm (d. 456/1064) each in a different way, were against the movement of *takfiri* as a beneficial for Muslims. It should be noted the each of these philosophers has paradoxical views about accusing of unbelief. For instance, Ibn Taymiyyah, who accused his opponents as unbelievers, affirms that we cannot accuse a person as unbeliever, since God excuses the mistake of belief and acts of individuals. (Adang et al. 2015:14) Al-Ghazālī also, who excommunicated many Muslim philosophers and Ismā'īlī esotericists from the Muslim community, denies the accusation of unbelief. (Adang et al. 2015:8)

Overall, the significant of these critical reasons is to remove the undesirable effects and also to prevent the more detrimental effects for Muslims. Since, as mentioned before, *takfir* has become a dangerous instrument that has risky consequences for individual Muslims.

Modern Muslim jurists argue that if the one who is accused of apostasy does not act against Muslims and is peaceful towards them, he or she is not to be punished for apostasy; while, if one who became an apostate, conspires or act of violent and rebellion against the Islamic state, this person have to punishment because he or she can become a danger to Islamic society. To put in another way, apostasy, in this interpretation is a political rule rather than being related to one's belief.

Furthermore, the punishment of apostasy, which is not mentioned in the Qur'an, is also incompatible with some other verses. According to the Qur'an: "And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge. Thus We have made pleasing to every community their deeds. Then to their Lord is their return, and He will inform them about what they used to do." (6:108) Consequently, human being is not entitled to accuse a person of unbelief or/and apply the punishment of unbeliever, because this power is only in the hand of God and God alone. The attempts of modern Muslim scholars can lead to solve or minimise the tension between Islamic law and the moral values. But with new *fatwas* that are properly backed by a moral theology, which is based on the rights of human

beings, there is no incompatibility between Islam and golden and freedom of conscience. In this regards, the jurist and theologians can apply universally accepted rules such as golden rule and freedom of conscience to Islamic rulings. However, these attempts may not be sufficient to totally solve or rule out the problem of Muslimness and the number of these Muslim scholars is few and the majority of Muslim scholars do not accept their ideas.

Chapter 4

Towards an Inclusive Theory of Muslimness

As shown above by the Qur'anic evidences, rationale arguments and historical references, accusation of unbelief is not defensible. As the consequence, to do away with the exclusion of Muslims from Muslimness or even anathematizing Muslims, it is needed to come up with some theological and legal solutions to either solve or at least reduce the problem of Muslimness. One of the most significant solutions that have been suggested during the modern days is to revise the law of apostasy and its associated punishment and also to issue a series of new legal opinion (*fatwa*). It is the responsibility of religious scholars ('*ulama*' and '*fuqaha*') to review their *fatwa* about apostasy and its associated punishment and to present a new definition of apostasy by adding some further provisions; since '*fuqaha*' (the religious legal scholars) became the guardians of faith, and they considered themselves as the successors of the prophets.

The execution of an apostate is to be abolished, as it has been out-dated and most of the time has not been applied since the middle of 19th century by many of Muslim states and countries that are under European influence; while, we still have imprisonment and condemnations for accusation of unbelief. (Heffening n.d.) Al-Azhar, which is an important centre for the academic study of theology, also refused to pronounce *takfīr*. (Adang et al. 2015:14)

As mentioned before, one of the significant solutions to cope with the problem of Muslimness is to present the new interpretation of the Qur'an and to issue some new legal theories based on the moral values governing the spirit of the Qur'an. This is the important task and responsibility of jurists and religious scholars ('*ulama*' and '*fuqaha*') as well as theologians and religious intellectuals to produce some provisions and conditions to the law of apostasy. They have to work together and develop their studies about the Qur'an and Islam based on the rights of every person as a human being in the first place, rather than first and foremost as a Muslim. They also have to concentrate to recover the moral statues of Islam and Muslims through taking into account the rights of every human apart from their belief. Hence, there is a desideratum to refrain in principle from the accusation of unbelief and to rule out the

issue of any *fatwa* of apostasy or unbelief for the specific individuals or the entire of religious community.

There have been some theological and legal attempts by few but influential Muslim thinkers such as, Montazeri, Kadivar, Rashid Rada, Saneei, al-Turabi and al-Ghannushi to reconsider the problem of Muslimness. We previously reviewed their efforts briefly above. It is to remind ourselves of the fact that the common opinion of the modern Muslim thinkers about apostasy and the punishment of apostate is that the prescribed punishment for an apostate is not based on the verses of the Qur'an. Moreover, the punishment is not applicable for the person who leaves Islam out of investigation and truth seeking.

One approach in modern Islamic legal thought that *Ulama* and *fuqaha* can apply is to put in practice some principles of Islamic jurisprudence that are applicable to the case of accusing of unbelief and apostasy. For instance, they can apply the principle of "intellectual independences" (*al-mustaqillat al-'aqliyya*). Intellectual independence is one of the four acceptable factors of Islam that come along with the Qur'an, the tradition of the prophet (*Sunnah*), and consensus (*ijma'*). It means that goodness or badness and rightness or wrongness of an action can be understood by the mean of reason alone without any interposition of the Islamic law (*shari'a*). Accordingly, the reason affirms the invalidity of accusation of unbelief and the death punishment and accepts the right of freedom of human's conviction; hence, the intellectual independent can support prohibition of apostasy.

Other point worthy of taking into account with respect to the problem of Muslimness is that imitation in the underlying theological tenets is not permissible in Islam. If the imitation is not allowed, it can be assumed that a person who decides after thought and consideration to leave Islam is not to be considered as apostate. Since this person has had opportunity to do research and inquiry about the teachings of Islam and then he or she has been able to choose what he or she takes to be the truth with awareness. To keep the door to investigation wider enough is valuable because it is through investigation rather than the imitation that one can attain the authentic faith in God. As long as a person imitates the belief of his or her predecessors or accept religious beliefs that are imposed upon him or her, it is not actually faith, rather it can be labeled as a blind belief or bad faith that is worthless and null.

So far we have criticized the accusation of unbelief and its associated theory of Muslimness from mainly moral point of view. Now, yet another argument can be raised against it, which shows that the accusation of unbelief does not do justice to the nature of faith. The nature of *Iman* can be conceived in two different ways: product-oriented and process-oriented. In the case of product-oriented conception of the nature of *Iman* there are specific and fixed elements that the person has to believe or accept to be believer. If the person rejects these elements, he or she is a *kafir*. Whereas, in the process-oriented conception of the nature of faith, there is no special principle or fixed point to refer as the main core of faith so that if a person refrains from believing that point is *kafir* or unbeliever. In this view the approach of person can represent him or her as a *kafir* or *mu'min*. The majority of Muslim scholars (*ulama* and *fwqaha*) who accuse a person or a group of persons as unbeliever are defending the product-oriented conception, while a few modern Muslim legal scholars and mystics defend the process-oriented conception. What is important is that the process-oriented conception of *Iman* has a rich but largely overlooked precedent in the history of Muslim thought. One salient case which has remained largely unknown is 'Ayn al-Quzat al-Hamadani.

4.1 'Ayn al-Qudat Hamadani and the process-oriented Theory of Muslimness

Ayn al-Quzat Hamadani is One of the most prominent figures in the intellectual history of Muslim thought. He was born in around H. 490 or 492/1096 or 1098, in Hamadan, Iran, in a religious family and his ancestors were famous judges in that city. He was poet, jurist, thinker and gnostic with profound mystical and spiritual experiences. At his early ages, he became a great scholar and that had many disciples. He was influenced by outstanding figures such as Muhammad al-Gazzali (c.1056-1111), and his brother Ahmad al-Gazzali (c.1061–1123) and it is said he was a pupil of Omar Khayyam Nishapuri (1048 -1131). He has some works that are masterpieces in Sufi literature, especially philosophical Sufism, such as *Tamhidat* (Preludes), the *Maktubat* or *Namaha* (Letters) and *Zubdat al-ḥaqā'iq fī kašf al-ḳalā'eq* (The Essence of Truth).

His works have significance in the mystical and philosophical texts. He represents his profound ideas in a rich poetic language with an emphasis on mystical love. He was fearless in expression of the truth and defence of his novel and provocative ideas. Apart from this, his spiritual discernment as well as his tragic destiny has made him comparable with Sheikh Shihab al-Din Suhrawardi and Mansur al-Hallaj who were also executed due to their beliefs. For this reason, al-Hallaj, Suhrawardi and Hamadani are known as “three martyrs of Sufism”. Hamadani was accused of unbelief and imprisoned in Baghdad for heresy; eventually, he was executed in a tragic manner, in H.525/1131, while he was only 33 or 35 years old. His tomb in Hamadan became a respected place for Sufis. Although it was destroyed in the Safavid era but recently it is rebuilt. (Böwering 1987)

Kufr in the view of ‘Ayn al-Quzat is fundamentally different from the common and dominant view of *kufr* that was mentioned before. ‘Ayn al-Quzat believes in a rather paradoxical reconciliation of *kufr* and *Iman*. According to Hamadani, there are diverse kinds of *kufr*: The first meaning of *kufr* is ingratitude, which means not being grateful towards divine blessings and graces in the heart and tongue. This type of *kufr* is unpleasant. In this regard, the person who accepts the principle of Islam while he or she does not perform the gratitude of God’s grace is not a *mu’min* in a real sense of the term.

The second meaning of *kufr* according to ‘Ayn al-Quzat is to have claim to divinity, whenever a person worships his or her own desires and considers himself or herself above God, this is *kufr*. This category of *kufr* is also unpleasant. The third meaning of *kufr*, which is praiseworthy, is doubt. Doubt in the view of ‘Ayn al-Quzat, is the origin of *Iman* because as long as a person does not obtain the doubt, cannot reach to the real faith. He maintains that the introduction and the first station to reach to true belief is thinking and uncertainty as well as mystical journey that lead the person to annihilation in God:

The one who wants to attain the science of certainty (*‘ilm-i yaqin*) the first condition for him is to view all religions of the world as equal and if he prefers belief over unbelief it would prevent him from reaching the science of certainty (my translation). (Hamadani 1983:2: 251)

The fourth meaning of *kufr* in the view of ‘Ayn al-Quzat, is realizing the Satanic Truth (*haqiqah al-Iblisiyyah*). ‘Ayn al-Quzat placed *Iblis* in a higher position than other angels and considered a saintly relation between Satan and God; since, when God

asked angels to bow to Adam, all of them bowed except *Iblis* who refused to obey God's command. This disobey, according to him, is not actually resulted from unbeliefness of *Iblis*; rather it originated from his true belief and pure love of God. *Iblis* did not want to adore anyone but God. This kind of *kufr* is the same as the pure *Iman* and this meaning of *kufr* is highly praiseworthy like the third meaning of it.

'Ayn al-Quzat takes *Iblis* as the symbol of the connection of belief and unbelief. For Hamadani, specifies dualism of light and darkness in Divine essence has been manifested in *Iblis*. Yazdan is the Light of Divine, which commands good and Satan (*Iblis*) is its darkness, which commands Evil. In another words, *Iblis* is the light of Allah, but it is the dark part of His light, therefore, Satan is not to be hated and taken and the enemy of God. One of these lights brings *kufr* and another brings *Iman*. He combines this light with the figure of the prophet Muhammad and maintains that he represents the beatific attribute of God (*Jamal*) and *Iblis* represents the Glory attribute of God (*Jalal*).

As Hamadani mentioned in his *Maktubat*, believing in the idea of Satan as a part of the divine light is *Iman*. As Satan is exiled from God and it is more attractive for him to be in this stage rather than adoring anyone but God, for this reason for a mystic separation from God is better than worshiping anyone but God. This status that is also known as the black light (*nūr-i sīyāh*), maintats that *kufr* and *Iman* are beyond the divine throne. These make a veil between God and the servant. One should be abandoned from limitations or restriction to reach this state of *kufr* and *Iman*, in order to reach the state of the union with God.

In conclusion, it seems that Ayn al-Quzat, argues that unlike the dominant theory of *Iman* and *kufr*, *kufr* and *Iman* do not necessary conflict with one another, rather they complement each other. In fact, *kufr*, except in the first two meanings that are mentioned above, is sacred and is not easily attainable. Hamadani in his *Lawayeh* express that the act of Satan is the same as *Iman*. Because it is good to disobey the command of God whenever a person should be occupied by anything other than God. The "other than God" can even be *Sharia* and even the classification of belief and unbelief should be avoided. Therefore, *kufr* with the exception of the first and the second meanings, are not proper to punishment, because, as mentioned before, these kinds of *kufr* are the true *Iman*. In the cases of *kufr* in the first and second meanings, that are unpleasant, the one should not be punished in this world; the only punishment for this person even in the hereafter is to be prevented from meeting God. This means

that, God reveals himself to them and then He will vanish and disappear from the sight of them in the afterlife, therefore, they will know about the truth of the existence and beauty and glory of God and after vanishing God, they will suffer from His separation. The punishment of unpleasant kinds of *kurf* is similar to the pain of separation that lovers suffer in this world. This is the only punishment for an unbeliever in the opinion of Ayn al-Quzat.

Chapter 5

Conclusion: The Future of Muslim Theories of Muslimness

5.1 Summary

As indicated in this study, the condition of Iman, *kufr* and the accusation of unbelief are interpreted differently from the perspective of each and every school of Muslim thought. These are also different in the thought of some specific groups such as philosophers, mystics, dogmatic and traditionalist Muslim and modern Muslim scholars. Each group or figure may have the diverse or even contradictory views on this issue. What is specifically significant is that the problem of Muslimness that Muslims deal with has remained problematic from the very early Islam until the present time. Unbelief in itself may not be problematic, because it can be seen as an inward position between a person and God; however, whenever it affects the life and death of a human being or brings the various difficulties in the life of that person, this personal issues takes the form of general, political and social problems.

The person who has uncertainty about the entire body or some matters of religion and/or even has converted to a religion as a result of research and investigation is not to be subjected to the punishment. In fact, the punishment of apostasy is more a political issue rather than being God's command; because leaving from the mainstream branch of a religion and innovation would bring religious diversities that can lead the society that is based upon a unified religious identity to the political weakness. That is why the approach of Kharejites, as the first group that excludes a number of Muslim from Islam, was totally political. Therefore, Muslims or Muslim states are not proper to accuse a Muslim of unbeliever and condemn them to the punishment.

For these reason it is the responsibility of a democratic State to condemn those who exclude a specific person or a group of Muslimness and accused them to apostasy and even apply the death or any other punishment for them. The specific punishment that is very common in these days is the terrorism attack in the Muslim and even in the non-Muslim lands. There are many who have converted from Islam to other religions; the significant issue in this case is to discover the reasons of converting rather than having the responsibility of accusation and performance the punishment. Since, in the view of a number of Muslim scholars, the aim of

punishment of apostasy and unbelief is to prevent Muslims from the ‘corruption’ of pluralism, then this punishment does not necessary pursue the purpose, rather the consequences of the punishment can misrepresent the Islam and further increase Islamophobia in the thought of non-Muslim and even among moderate Muslims. This situation may lead to the formation of hidden unbelievers and decreases the genuine believers instead of increasing them and instead increases hypocrisy and bad faith.

Unbelief of any kind should not bring punishment for the unbelievers, unless it turns to performing injustice and improper activities against the safety of Muslims, which even in this case it is also not to be subjected to the death penalty. Therefore, such a law that is not compatible with the Qur’an, the rationality, ethics and human right require to be rethought and revisited. The religious scholars (*fuqaha* and *ulama*) have to revise the *fatwas* of apostasy and to announce that Muslims do not have right to anathematize each other. In conclusion, the legal rules belong to punishment of apostasy that is inherited to us, are not based on moral spirit of God’s commands, established moral intuitions.

Since Muslims seeks to have peace and freedom to practice and preserve their religion, they also have to tolerate with the followers of other religions. It is notable that various belief, religions and cultures in co-existence together can represent the reality of their idea without any rebellion, intolerance and prejudice behaviour. In this situation the other peoples can observe the different ideas and beliefs, compare together and ultimately they can select the proper idea.

Throughout this study, to investigate the problem of Muslimness, we analyzed the historical view of *Iman* and *Kufr* and represented the explanation of each concept as well as the various approaches of the important Islamic schools of thought as well as the Muslim scholars that were and still are against the accusation of unbelief and the punishment of unbelief and apostasy. In the next chapter part there are listed elaborated a number of arguments in repudiating the approach of accusation of unbelief. Through these arguments we explained the scriptural, the rational and historical reasons, respectively, against the problem of accusation of unbelief and its punishment. In the scriptural view, we investigated the Qur’anic verses and some hadiths, in which nothing motioned of the worldly punishment of unbelievers. In the rational perspective, it was argued that the punishment of apostasy is incompatible with the ethical normative rule, golden rule, and is in conflict with the freedom of thought, speech, conscience and belief. It was explained that Ash‘arites, as a faith-

based Islamic school, did not approve the punishment of apostasy. Throughout this study, we represented the opinions of religious scholars and Islamic doctrine in the past and the present time in favour of rejection of the accusation of unbelief and/or the death penalty for an apostate or unbeliever. Finally, some solutions to the problem of Muslimness have been suggested.

5.2 The future of Muslim theories of Muslimness

The minimum that is required for a defensible theory of Muslimness is that a person knows and recognises him or herself as a Muslim. In another words, it is necessary for a Muslim to consider his or herself as a Muslim.

Islam is the sacred religion of God, and Muslims should not be insulted or be accused of blasphemy. It is mainly because the study of religion and doing research and inquiry about the various parts of Islamic beliefs with critical approach is not the same as blasphemy or blind unbelief. Hence, every person should be free in investigating about Islam even of the consequence of this research would become the conversion from Islam. We have to consider Islam as a process-oriented (existential) rather than product-oriented (fixed) religion. In this regard, it is only upon God in ther hereafter to distinguish the rightness of faith from unauthentic faith and to judge about the faith and deeds of individuals.

According to the Qur'an, 2:113, God warns people not to judge against each other:

“The Jews say "The Christians have nothing [true] to stand on," and the Christians say, "The Jews have nothing to stand on," although they [both] recite the Scripture. Thus the polytheists speak the same as their words. But Allah will judge between them on the Day of Resurrection concerning that over which they used to differ.”

this verse refers to the conflict between the Jews and the Christians that each other would condemn each other that they follow nothing; whereas, in the beginning of their religious history they actually follow something which was the sacred book revealed by God. Therefore, it is not proper to condemn each other and accuse of

unbelief and make accusations against each other. Each religion whether Judaism, Christianity and Islam believe their own Scriptures common among which is the unity of God. The members of these religions have to, therefore, affirm each other's faith. Since, each of these Scriptures in their fundamental tenets acknowledge the truths of other religions, and hence the followers of these Books have to be tolerating with each other. As mentioned in this verse, God will reveal the truth and judge between all of humans. This is the notable point that can be taken and the guiding principle in various verses of the Qur'an that the task of Judgment belongs only to God in the hereafter.

This guiding principle drawn from the Qur'an can resolve the problem of a vast number of persons and religious groups that are accused of unbelief. One of these groups is Ahmadiyyah. The problem is that the majority of Muslims do not accept them as Muslim, while they believe and recognize themselves as Muslim. One of the most controversial reform movements within Islam is the Ahmadiyya Muslim community that is also known as al-Jama'at al-Islamiyya al-Ahmadiyya. This community was formed officially in the nineteenth century (from 1889) in Punjab. They believe that after the prophet Muhammad, God sent yet other prophet or the second Jesus Christ and Mahdi-i-maw'ud (the guided promised) to the world to come to reform the community and develop the justice in the society, whose name is Mirza Ghulam Ahmad (1835-1908), the founder of Ahmadiyya movement. (Khan 2015:1-2)

The idea of Ahmadiyyah was rejected from the mainstream Muslims, since they consider the prophet Muhammad as the last prophet. Hence, Ahmadiyya became a controversial movement in the modern history of Islam, which the majority of Muslims legally declared them as non-Muslim, but they regarded themselves as the true and only Muslims. It should be noted that the general ideas of Muslim, especially mainstream Sunni Islam, are accepted from Ahmadiyya and they consider both Iman and deed in their approach; for instance, like Muslims, Ahmadiyya believe in uttering *shahadah*, the five pillars of Islam, perform five times daily prayer (*salat*), fasting (*sawm*), the pilgrimage to Mecca (*hajj*). (Valentine 2014:100-2)

For Ahmadiyyah, who are banished from the majority Muslims, it is acceptable that they know themselves as Muslim. In the case of the real Muslim, God merely is the best to judge between different people and groups; since, God knows the truth of

the faith that is internal. This would be applied for any other sects, such as Sufis who are reject from the mainstream Muslims or Shi'a who are denied by the Sunni Islam, or Isma'ilis. This can also be applied to individuals who are excommunicated during the history of Islam and even nowadays.

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