

## CHAPTER IX

### **The Blasphemy Law in Islamic Countries**

It is well-established unanimous religious opinion prevalent in different Islamic compendium of law that the punishment of blasphemy of the holy Prophet is death. It is worth mentioning that in all ages the Muslim countries without exception had been awarding death punishment for blasphemy of the Holy Prophet. Let us say that as long as the Shariah had been under practice in Hijaz, Syria, Egypt, Sudan, Morocco, Spain, Turkey, Samarkand, Bukhara, Iran, Afghanistan and even in India throughout the Muslim period, this penalty had continued to be enforced as divine law. In fact there has been a consensus of opinion on this extremely sensitive matter. Nor for that matter had the reasonable adherents of other religions opposed it. Because from the Islamic point of view all prophets had basically given humanity the one and the same message. Yet in terms of being close to God, moral excellence and achievements, they were certainly not analogous to each other. What is more, Islam forbids its followers to humiliate even the deities of other religions, lest they should have the excuse to do the same with regard to Allah and His Prophet. However, it prescribed the penalty of death for a despicable wretch who feels no scruple of conscience in blaspheming the holy Prophet Muhammad or other Prophets of God.

#### **Arabian Peninsula**

In the Prophetic era and post-caliphate period speaking ill of the Prophet Muhammad would bring death penalty to the culprit in the Arabian peninsula. This is born out by Abdur Razzaq, the author of Al-Musnaf who was teacher of Imam Bukhari. He has reported that death sentence was awarded to a Christian for blaspheming the Holy Prophet during the post Khilafat period.

## **Egypt**

In Egypt the courts gave decisions according to this law because all the schools of thought which had their own courts were united on the penalty of death for blasphemy.

## **In Syria: A Heinous Crime Of Conspirators**

During the reign of Sultan Nuruddin Zengi (1118-1174 AD), a heinous but abortive attempt was made by two Christians to break into the tomb of the holy Prophet Muhammad. Miraculously, Sultan Nuruddin Zengi had a dream in which the holy Prophet pointed towards two blue eyed persons and asked him", Protect me against them". The Sultan was much upset when he awoke. He offered non-obligatory cycle of prayers. When he lay down to sleep, he had the same dream. This happened thrice so he got up. After consultation with his senior minister, the Sultan began preparation for going to Medinah. On the 16<sup>th</sup> day, he reached his destination. Now the problem for him was to formulate modus operandi to achieve his object. At last the minister made the announcement that the Sultan was on a visit to Medinah and wanted to distribute gifts and bounties to the citizens of Madina. Almost all the people appeared before the Sultan and received gift from him one by one. The Sultan kept looking at the face of each person so as to identify the faces he had seen in the dream. All the people of Medinah passed by him but the culprits could not be traced. The Sultan ordered that if anyone was left, he should be presented before him. He was told that only two men could not turn up because they were too pious, self-secluded and spend all their time in worshiping Allah. They were also sent for and the Sultan recognized them at the very first glance. "Who are you, and why are you staying here"? He asked. They replied that they belonged to the West and had come for Haj but the sight of the Prophetic tomb had held them back from returning to their country. The Sultan left both of them there and went to their quarter

in a nearby inn. But nothing suspicious was found there by the Sultan and that made him all the more perplexed.

The people of Medinah said a lot in favour of those persons and mentioned all details of their devotions, including fasting, prayers and night vigils. But the Sultan remained dissatisfied with all that, all of a sudden an idea came into his mind and he turned over the prayer-mat (made of palm leaves) of those two suspects. There underneath was a stone. When the stone was removed a tunnel came to sight which had reached up to the Prophet's tomb.

On inquiry they disclosed that they were Christians and had been deputed by their monarch to dig out the Prophet's body and take it away from the grave. They had been digging out the tunnel at night and throwing away the earth in the vicinity of Medinnah.

Sultan Nur-ud-din Zengi became furious when he heard the details. But his voice choked with emotion to think that the holy Prophet Muhammad had chosen him as his humble follower for this noble cause. On the royal orders the two heinous culprits were murdered in the morning and their bodies were consigned to fire in the evening. In order to avert such a dastardly attempt in future he got dug out a deep circular trench around the tomb and filled it with molten lead.

### **Afghanistan**

In Afghanistan a contemptuous Qadiyani was put to death under this law before partition of India in 20<sup>th</sup> century. Allama Alusi and Allama Abu-ul-Layth tell us about the enforcement of the Blasphemy Law in Turkey, Samarkand and Bukhara.

## **Iran**

Iran has enforced the Blasphemy Law and issued edict of death against Salman Rushdie for publicly blaspheming the holy Prophet of God. This proclamation of death was again reaffirmed by Islamic Council of Iran in 2004. Despite all western protection, Rushdie is constantly living under the shadow of death.

## **During Muslim Rule in Spain**

On gaining political ascendancy in Spain, the Muslims brought with them a progressive culture and liberalism characterizing socio-economic justice and material welfare which directly ran counter to the fossilised anti-human outlook of the clergy. This change was, no doubt, an unwelcome sign for the feudalistic and privileged classes of Christian community but came trailing in its wake relief and uplift for the masses. The loss of clout made the church hostile against Islam and Muslim rulers, so a vindictive mood overwhelmingly came over it. If the clergy had made the Muslim rule or the political system of Islam the target of their criticism with venomous outpourings, the government would have ignored it. Traditionally, the rightly guided caliphs and Muslim rulers would large-heartedly forgive their denigrators. The ecclesiastical leadership was fully conscious of this particular trait of their character. At the same time, they knew that Muslims and their rulers were very sensitive about the insult of their Prophet. The Spanish priests hatched a mischievous conspiracy to blaspheme the Prophet of Islam.

In pursuance of this conspiracy they launched a campaign of Blasphemy against the holy Prophet in the Muslim Spain. It was highly provocative criminal activity and punishment of death was prescribed for such slanderous attacks on their beloved prophet.

All the courts throughout Muslim Spain enforced the Blasphemy Law as mentioned by Cordoba's Chief Justice Qazi Ayaz in his classical book *Ash-Shifa*. The same book also mentions several cases of blasphemers who, according to unanimous decision of the ulema of Andalus, were given death penalty for slandering the holy Prophet Muhammad. We have given in detail the law and practice with regard to blasphemy of the holy Prophet of God in Spain in previous chapter of this book.

### **During the Muslim rule in India**

During the Muslim rule in India, the slanderers of the Prophet were punished under the Blasphemy Law. Here we mention two blasphemy cases which took place in the Mughal period. One case is related to the period of Akbar, an illiterate King, who was under the influence of his Hindu consorts and had been misled by his sycophant courtiers. All the state affairs were being run on secular lines. Mulla Abdul Qadir Badayuni, a courtier of Akbar, has mentioned a historic case of blasphemy in detail in his book, *Muntakheb-ut-Tawareekh*. He writes: "Abdur Rahim, the Qazi of Mathra, referred a case to the Grand Sheikh (Sheikh Abdul Ghani, Chief Justice of India), stating that the local Muslims wanted to erect a mosque. But a wealthy, arrogant Brahman took the construction material in his possession and started building a temple with it. When he (as a Judge) wanted to initiate penal proceedings against the said accused, he in the presence of witnesses, began to speak ill of the Prophet and wildly abused the Muslims. The Grand Sheikh sent for him, but he refused to appear. Therefore, the King sent Birbal and Abu-al-Fadhal who brought him to Delhi. Abul-Fadhal submitted report to the King and stated what he had heard from the witnesses. He affirmed that the Brahman used abusive language against the holy Prophet. About the punishment of blasphemy the ulema were divided into two groups. One group was of the

view that death penalty should be awarded to the blasphemer and the other group laid stress on punitive action against him.

The matter was prolonged and the Sheikh urged the King to give assent to his judgment for execution of the sentence. The King did not allow it explicitly and vaguely remarked: "This is Shariah matter and its implementation is within your jurisdiction. Why do you seek our opinion?"

The Brahman remained in prison for a long period on account of this dispute. The consorts in the palace kept entreating with the King for his release. Since Akbar had great regard for the Sheikh, he did not give order of his release. When the Sheikh persistently urged the King to order the execution of the Brahman, he gave same reply: "I have already told you to do what you deem fit."

Immediately after this the Sheikh ordered the execution of the Brahman. Consequently he was beheaded."

Mullah Abdul Qadir Badayuni, who knew all the details of the case, further says: "Suddenly one day, the King caught sight of me from a distance and asked me to come forward. When I reached nearer the king, he said: Have you heard about the saying of the Prophet that if ninety-nine witnesses go against an offender and one witness goes in his favour, a Mufti would prefer evidence of one witness. I said: 'yes my lord, it is' exactly so. I quoted the Prophetic saying and translated it into Persian for him. 'Punishment should be avoided in case of doubt.' However, I said: "the case was decided according to Maliki Fiqh. Then the king asked me, was the Sheikh unaware of this moot-point."?"

Despite the promptings of his Hindu consorts and sycophant courtiers, Akbar could not dare to hold the

Sheikh accountable for this action because he knew that the majority of ulema were in favour of the Sheikh' decision.

The other important case is related to the last period of Mughal rule in the very city of Lahore. A Hindu historian Dr. B.S. Najjar has narrated the detail of the case when Zakariyah Khan (1707-1759) was the Governor of the Punjab. He writes that a Sikh student Haqiqat Rai, who was married to a Hindu girl blasphemed the holy Prophet and used derogatory remarks against his beloved daughter Fatima. The Muslim teacher referred the case to the court which awarded 80 stripes for insulting Fatima and death sentence for blaspheming the holy Prophet. The Governor refused to pardone the culprit on appeal of the Hindu and Sikh population. So the sentence was executed accordingly. The Sikh and Hindu community of the Punjab celebrate Basant fare in memory of Haqiqat Rai as martyr of faith. Dr. Najjar further says that Haqiqat Rai had uttered the insulting words when his master spoke ill of deities of Hindu religion.<sup>59</sup>

It should be borne in mind that a biased Hindu historian has narrated this incident with an ulterior motive to poison the minds of the Hindus and Sikhs against the Muslims.

Factually speaking, Islam forbids its followers to speak ill of the leaders of other religion lest somebody should react insolently towards God and His Prophet. The Muslims respect all Prophets passed away before him. They never repudiated the historical status of Hindu demigods, Ram Chandarji and Krishan Maharaj. Besides, the Muslims consider Guru Nanak as a preacher of monotheism. Hence the charge against Haqiqat Rai's Muslim teacher that he had insulted the Hindu demigods seems to be implausible and spurious.

As for the penalty relating to the insult and slandering of the Prophet Muhammad and his daughter Fatima, the then Punjab Governor had awarded the punishment according to the Islamic Law, disregarding any external pressure. But the background of this incident with regard to the Muslim teacher seems to have been concocted by the biased mind of the author. This bias mostly pervades the whole book. The author even fails to resist the prejudice of calling the partition of India as unnatural and unpardonable crime of history. This clearly shows the biased mind of the so called historian.