

## Extremism Isn't Islamic Law

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For a few days this year the world's media focused an intense spotlight on the drama of a modern-day inquisition. Abdul Rahman, a Muslim convert to Christianity, narrowly escaped the death penalty for apostasy when the Afghan government -- acting under enormous international pressure -- sidestepped the issue by ruling that he was insane and unfit to stand trial. This unsatisfactory ruling left unanswered a question of enormous significance: Does Islam truly require the death penalty for apostasy, and, if not, why is there so little freedom of religion in the so-called Muslim world?

The Koran and the sayings of the prophet Muhammad do not definitively address this issue. In fact, during the early history of Islam, the Agreement of Hudaibiyah between Muhammad and his rivals stipulated that any Muslim who converted out of Islam would be allowed to depart freely to join the non-Muslim community. Nevertheless, throughout much of Islamic history, Muslim governments have embraced an interpretation of Islamic law that imposes the death penalty for apostasy.

It is vital that we differentiate between the Koran, from which much of the raw material for producing Islamic law is derived, and the law itself. While its revelatory inspiration is divine, Islamic law is man-made and thus subject to human interpretation and revision. For example, in the course of Islamic history, non-Muslims have been allowed to enter Mecca and Medina. Since the time of the caliphs, however, Islamic law has been interpreted to forbid non-Muslims from entering these holy cities. The prohibition against non-Muslims entering Mecca and Medina is thus politically motivated and has no basis in the Koran or Islamic law itself, except in so far as the latter has been corrupted by political considerations.

In the case of Rahman, two key principles of Islamic jurisprudence come into play. First, *al-umuru bi maqashidiha* ("Every problem [should be addressed] in accordance with its purpose"). If a legal ordinance truly protects citizens, then it is valid and may become law. From this perspective, Rahman did not violate any law, Islamic or otherwise. Indeed, he should be protected under Islamic law, rather than threatened with death or imprisonment. The second key principle is *al-hukm-u yadullu ma'a illatihi wujudan wa adaman* ("The law is formulated in accordance with circumstances"). Not only can Islamic law be changed -- it must be changed due to the ever-shifting circumstances of human life. Rather than take at face value assertions by extremists that their interpretation of Islamic law is eternal and unchanging, Muslims and Westerners must reject these false claims and join in the struggle to support a pluralistic and tolerant understanding of Islam.

All of humanity, whether Muslim or non-Muslim, is threatened by the forces of Islamist extremism. It is these extremists, masquerading as traditional Muslims, who angrily call for the death of Abdul Rahman or the beheading of Danish cartoonists. Their objective is raw political power and the eventual radicalization of all 1.3 billion Muslims worldwide. Western

involvement in this "struggle for the soul of Islam" is a matter of self-preservation for the West and is critical given the violent tactics and strength of radical elements in Muslim societies worldwide.

Muslim theologians must revise their understanding of Islamic law, and recognize that punishment for apostasy is merely the legacy of historical circumstances and political calculations stretching back to the early days of Islam. Such punishments run counter to the clear Koranic injunction "Let there be no compulsion in religion" (2:256).

People of goodwill of every faith and nation must unite to ensure the triumph of religious freedom and of the "right" understanding of Islam, to avert global catastrophe and spare others the fate of Sudan's great religious and political leader, Mahmoud Muhammad Taha, who was executed on a false charge of apostasy. The millions of victims of "jihadist" violence in Sudan -- whose numbers continue to rise every day -- would have been spared if Taha's vision of Islam had triumphed instead of that of the extremists.

The greatest challenge facing the contemporary Muslim world is to bring our limited, human understanding of Islamic law into harmony with its divine spirit -- in order to reflect God's mercy and compassion, and to bring the blessings of peace, justice and tolerance to a suffering world.

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