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A Critical Analysis of the Jurisprudential Ruling on Insulting Religious Sanctities Based on Qur'anic Doctrine

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ABSTRACT:

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The Qur'an is the most fundamental and authentic source of the Islamic law (*sharīʿah*) and the primary reference for attaining the principles of Islam among all Muslims. Throughout the history of Islamic civilization, scholars have derived answers to many of their religious questions on diverse issues from the noble verses of the Qur'an. Within this framework, the Qur'anic verses have also served as the primary fountainhead of *fiqh* (Islamic jurisprudence), guiding the practical lives of devout Muslims. Nevertheless, it appears that certain opinions expressed in the corpus of *fiqh* literature are not fully aligned with the recommendations and guidance offered in the Qur'an. One such area of tension concerns the Qur'an's proposed model for dealing with those who show disrespect toward religious sanctities, which seems to be inconsistent with the prevailing jurisprudential approach.

In view of the importance of this issue, the present study adopts a problem-oriented approach and employs a descriptive-analytical method. It first elucidates the manner in which the Qur'an addresses this phenomenon and then, based on the Qur'anic model, critically evaluates the Shia jurisprudential opinions in light of these teachings. The findings indicate that the current jurisprudential approach is not capable of withstanding the unequivocal principles (*muḥkamāt*) of the Qur'an or the practical conduct (*sīrah ʿamalīyyah*) of the Prophet and Shia Imams. At the very least, this approach destabilizes the basis of the prevailing jurisprudential ruling and

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suggests the adoption of a perspective that maximizes the protection of human life and does not permit coercive measures except on the basis of definitive evidence.

KEYWORDS: The Qur'an, Religious sanctities, Islamic law, Shia jurisprudence, Insult, Blasphemy, *sabb al-Nabī*, Human life protection.

1. Introduction

Muslim thinkers in general—regardless of their diverse sects and beliefs—are united in their agreement concerning the principal sources of legal deduction. The Qur'an and the *Sunnah* are the two fundamental sources and pillars in deriving legal rulings. The difference that exists among the Islamic schools of thought in this regard lies in the method of deduction from the Qur'an and in the scope and extent of the *Sunnah*. The Noble Qur'an is not only the most important source of legislation but also the first reference to which one must turn for the deduction of divine rulings. Indeed, the criterion for assessing the authenticity of narratives is that they must not contradict the Qur'anic verses (al-Majlisī 1983, 2: 277; Jannati 1991). God says regarding the elucidative nature of the Qur'an:

> *We have sent down the Book to you as a clarification of all things and as a guidance and mercy and good news for the Muslims (Q. 16:89).*

Despite the fact that these statements are accepted by Muslim scholars in general, there is almost a consensus that the Qur'an, in practice, does not receive the attention it deserves in the process of legal deduction. Indeed, the message understood throughout Islamic history from verse 30 of Sūrah al-Furqān indicates the Prophet's complaint, which will be presented to God on the Day of Resurrection, lamenting the abandonment of this Great Book:

> *And the Apostle will say," O my Lord! Indeed my people consigned this Qur'an to oblivion" (Q. 25:30).*

Al-Ṭabrisī (1993, 7:293) interprets the abandonment (*mahjūrīyyah*) of the Qur'an as the neglect of referring to it. Tabataba'i (1996, 5: 276) asserts that if one examines the field of Islamic studies carefully, one will see that they have been organized in such a way that, in the process of becoming an expert, there is practically no need to refer to the Qur'an; indeed, one may even reach the rank of *ijtihād* without feeling any need to turn to the Qur'an. Motahhari (2009) expresses a similar concern, observing that even in the most sensitive religious institutions, if a person dedicates their life to the Qur'an, they will face innumerable difficulties. It is due to this neglect of

the Qur'an that many scholars lack expertise in Qur'anic exegesis.

Among the prevalent fields of Islamic studies that have a deep connection with the Qur'an, and whose engagement with the Qur'an has long been a subject of debate, is *fiqh*. It appears undeniable that the Qur'an, through its juridical verses (*āyāt al-aḥkām*), serves as a foundational and constitutive source for the field of *fiqh* (al-Zarkashī 1957, 2:130; Fāḍil al-Miqdād 1994, 1:5). Furthermore, even the scholars of principles of jurisprudence (*uṣūl al-fiqh*) have often referred to the Qur'an to justify the validity of juristic sources such as reason (*ʿaql*) and the authority of the narratives of the Prophet and Imams (Irawani 2002, 1:19; Tabataba'i Hakim 1997).

At the same time, as already noted, the idea has always existed that, in the process of legal deduction, the key role of the Qur'an has sometimes been neglected, while the *Sunnah* has been given a more prominent role. Based on this view and in light of the importance of the issue, the present paper examines one topic that has been addressed both in the Qur'an and in the written heritage of *fiqh*. Specifically, the issue of blasphemy is among those subjects for which several verses explain how Muslims should act in response to such behavior. On the other hand, Muslim jurists have also taken positions on this matter based on some narratives.

This study seeks, through the following discussion, after presenting an overview of the opinions of jurists, to evaluate their views in light of the Qur'an and to demonstrate the degree of their conformity—or lack thereof—with Qur'anic doctrine. Therefore, after defining the concept of religious sanctities (*muqaddasāt*) and clarifying the intended meaning of insult, the paper will first briefly outline the status of the Qur'an and explain its precedence over other evidences in the process of legal deduction. It will then discuss the basic principle concerning blasphemy in terms of the appropriate response to such behavior. Subsequently, the prevailing jurisprudential perspective on this issue will be critically examined in the balance of the Qur'anic verses and the practical conduct (*sīrah ʿamalīyyah*) of the Prophet and Shia Imams. The research methodology employed in this article is descriptive-analytical. It relies on library sources, the narrative heritage, and written Shia jurisprudential sources to identify the issues of discussion precisely and to present them in a systematic and structured manner.

2. Literature Review

Some articles have addressed the issue of blasphemy from jurisprudential

and legal perspectives. For instance, Hashemi (2001) studied the crime of insulting religious sanctities within the Islamic legal system and in common law. Similarly, Rahami and Parvizi (2013) examined blasphemy in Iranian and English law. A group of studies, apart from jurisprudential and legal aspects, has explored other dimensions of the issue. For example, Biazar Shirazi (2010) examined the historical aspect of insulting the beliefs of others and, by mentioning the names of many prominent Shia scholars, presented the etiquette of the Shia elite in relation to others. A third category of articles has examined the issue from the perspective of Qur'anic teachings. In one such study, the author concluded that Islamic law does not tolerate insults to sanctities and has prescribed punishment for such acts (Norouzi 2020). Therefore, as is evident, no independent research has yet been conducted on the topic of the present article; more precisely, the jurisprudential ruling on insulting religious sanctities has not been studied by weighing it against Qur'anic teachings and the practical conduct (*sīrah ʿamalīyyah*) of the Prophet and Shia Imams. Thus, the present study is innovative and original in this respect.

3. Concepts and Terminology

3.1. Ihānah (Insult)

The term *ihānah* is derived from the root *WHN*, which means weakness, feebleness, and languor (al-Jawharī 1990, 6:2215; al-Farāhīdī 1990, 4:92). In accordance with this meaning, the term *ihānah* has come to mean humiliating, degrading, or despising (Ibn Manẓūr 1994, 14:438; al-Ṭurayḥī 1995, 6:327). Qur'anic verses also confirm this meaning. For example, God says: *"Whomever Allah humiliates will find no one who may bring him honor"* (Q. 22:18). In its technical sense, the term does not stray far from its linguistic meaning: *ihānah* in terminology refers to the act of belittling, degrading, or humiliating a person or thing through word or deed (Hashemi Shahroudi 2005, 1:760).

3.2. Muqaddasāt (Religious Sanctities)

The term *muqaddas* is derived from the root *QDS*. Lexicographers have defined *taqdīs* as purification and blessing (Ibn Manẓūr 1994, 6:168; al-Zabīdī 1994, 4:214). Therefore, the word *muqaddas* conveys the meaning of that which is pure, blessed, and holy (al-Jawharī 1990, 3:961). Persian lexicographers have also defined *muqaddas* in a similar way, as "a person worthy of respect" (Dehkhoda 1993, 13: 18826; Mo'in 1983, 4: 4291). Regarding the technical meaning of the term, it has been stated that

muqaddasāt are matters intrinsically pure and free from all defects and deficiencies, whose sanctity is accepted by all Muslims (Montazeri 2009, 2: 540). Others have described sacred matters as beloved entities for which the faithful show deep respect (Misbah Yazdi 2009). Another scholar, listing examples of sanctities such as "God," "the Prophet," "the Imam," etc., holds that when the term *muqaddasāt* is used, it generally refers to matters respected by all religious adherents (Makarem Shirazi 2006, 3: 593).

3.3. The Status of the Qur'an in Legal Deduction

A foundational issue that must be addressed as an epistemic prelude to the discussion is clarifying the position of the Qur'an in the process of legal deduction and its relationship to the *Sunnah*. It appears that, based on both analytical reasoning and reference to a number of narratives, it can be inferred that the criterion for evaluating narratives is the Qur'an itself, and that any narrative that conflicts with the meanings and content of the Qur'an must be deemed invalid and rejected. This is because, unlike the Qur'an, the narratives have not been protected from fabrication and distortion, and given the various motives that historically existed for fabrication, the possibility of alteration in them cannot be ruled out. According to this same logic, in some statements of the Prophet and Shia Imams, it is explicitly stated that the narratives heard from them should be compared with the Qur'an and the authentic *Sunnah*; whatever accords with these sources should be accepted, while that which contradicts them should be discarded. This criterion was repeatedly emphasized by the Prophet and the Shia Imams. For example, one narrative states: *"If a narrative is conveyed to you, and you find corroboration for it in the Book of God or in the words of the Messenger of God, then accept it; otherwise, the one who brought it to you is more entitled to it (i.e., it should be left to him)"*(al-Kulaynī 1986, 1: 69). Another narrative reads: *"Everything is referred back to the Book and the Sunnah, and any narrative that does not conform to the Book of God is mere adornment (i.e., falsehood)"* (al-Kulaynī 1986, 1: 69).

It is noteworthy that in *al-Kāfī*, which is regarded as one of the most authoritative Shi'ite collections of narratives, many narratives emphasize that the standard for distinguishing a sound narrative from an unsound one is its compatibility with the Qur'an (al-Kulaynī 1986, 1: 69).

4. Jurisprudential Perspective on Sanctity Insults

The most immediate examples that come to mind regarding the religious sanctities are persons, objects, and places held in respect by Muslims, the

desecration of which results in collective offense to the Muslim community. The Essence of God, His Noble Book (the Qur'an), the Sacred House (*Kaʿbah*), as well as the honored presence of the Prophet and the Infallible Imams are all included among these sanctities. Regarding the punishment for someone who desecrates Islamic sanctities, many Shia jurists have stated that insulting Islamic sanctities—if expressed in terms that amount to *sabb* (reviling) or abusive speech toward the Prophet or any of the Infallible Imams—renders the blasphemer liable to the death penalty (al-Mufīd 1992, 473; ʿĀmilī 1992, 4: 454; Najafī 1984, 41: 439). Based on this principle, Article 262 of the Iranian Islamic Penal Code also criminalizes *sabb al-Nabī* (reviling the Prophet), stipulating that abusive speech or defamation against any of the Infallibles carries the punishment of death (Iran's Islamic Penal Code 2013).

5. The Qur'anic Perspective on Sanctity Insults

In the logic of the Qur'an, all forms of harsh speech and abusive language are forbidden. For example, in verse 108 of Sūrah al-Anʿām, God declares:

وَ لَا تَسُبُّواْ الَّذِينَ يَدْعُونَ مِن دُونِ اللَّهِ فَيَسُبُّواْ اللَّهَ عَدْوَا بِغَيْرِ عِلْم (الانعام/108)

Do not abuse those whom they invoke besides Allah, lest they should abuse Allah out of hostility, without any knowledge (Q. 6:108).

Exegetes have stated, in their commentary on this verse, that one factor that preserves society from insults to recognized values and maintains its moral health is refraining from foul language and abuse, even toward opponents. This is because such behavior provokes retaliation, leading them to respond in kind (al-Ṭabrisī 1993, 4: 537; Makarem Shirazi 1993, 20: 26). There is also an independent rational judgment in this regard, such that the Qur'anic guidance in this matter is no more than a directive in accordance with the dictates of reason. The logic of the verse is clear: insults and abusive speech can never enlighten or guide; rather, the deceitful and seditious spirit often found in such obstinate individuals will exploit such actions as a pretext to further undermine and discredit religion. Hence, even when abusive speech targets the superstitious and misguided beliefs of a group—without fabricating lies about them—such behavior still yields this harmful result. Will coercive punishment, such as deprivation of life, not produce the unintended effect of making these individuals appear as victims and thus defeat the very purpose of the Lawgiver?

In any case, with regard to the Qur'anic approach and practical method in confronting mockery and insults to sanctities and religious teachings, it must be said that the Qur'an's logic does not advocate coercive

confrontation with those who insult. Rather, the model proposed by the Qur'an is to distance oneself from the polytheists and to leave those places where insults and mockery of religious values are taking place. For example, God says in verse 68 of Sūrah al-Anʿām:

وَ إِذا رَأَيْتَ الَّذينَ يَخُو ضُونَ فى آياتِنا فَأَعْرِضْ عَنْهُمْ حَتّى يَخُو ضُوا فى حَديثٍ غَيْرِهِ وَ إِمَّا يُنسِيَنَّكَ الشَّيْطَانُ فَلَا تَقْعُدْ بَعْدَ الذِّكْرَى مَعَ الْقَوْمِ الظَّالِمِين(الانعام/68)

When you see those who gossip impiously about Our signs, avoid them until they engage in some other discourse; but if Satan makes you forget, then, after remembering, do not sit with the wrongdoing lot (Q. 6:68).

Al-Qurṭubī (1985, 7: 12) interprets the term *khawḍ* (vain talk) in this verse as including the denial of the Qur'anic verses and their rejection and mockery. Ibn ʿĀshūr (1999, 6: 150), agreeing with this interpretation, explains that the intended meaning of "turning away" (*iʿrāḍ*) is to cease sitting with such people. Al-Marāghī (n.d., 7: 159) believes that the initial audience of the verse is the Noble Prophet and the believers of his time. Subsequently, however, the verse applies to all believers in every era. He interprets the rationale for turning away from those who insult as an avoidance of argument and conflict with them and sees the wisdom in not sitting with them as being that one's presence would embolden such people and imply tacit approval and participation in their false discourse. Makarem Shirazi (1993, 5: 288) comments that the divine directive is clear: if believers attend such gatherings, the group that insults will continue their vain speech to offend them; but if they are ignored and left alone, the blasphemers will turn to other matters, since their main objective is to annoy the believers. Another example is verse 140 of Sūrah al-Nisāʾ, in which God, through a similar directive, calls upon Muslims to exercise self-restraint and to leave the gatherings of those who mock:

وَقَدْ نَزَّلَ عَلَيْكُمْ فِي الْكِتَابِ أَنْ إِذَا سَمِعْتُمْ آيَاتِ اللَّهِ يُكْفَرُ بِهَا وَيُسْتَهْزَأُ بِهَا فَلَا تَقْعُدُوا مَعَهُمْ حَتَّىٰ يَخُو ضُوا فِي حَدِيثٍ غَيْرِهِ (النساء/140)

Certainly He has sent down to you in the Book that when you hear Allah's signs being disbelieved and derided, do not sit with them until they engage in some other discourse (Q. 4:140).

In principle, the Qur'an's counsel when faced with such insulting behavior is patience and steadfastness:

فَاصْبِرْ عَلَىٰ مَا يَقُولُونَ وَسَبِّحْ بِحَمْدِ رَبِّكَ ...(ق/39)

So be patient over what they say, and celebrate the praise of your Lord (Q. 50:39).

That is, endure what they say and praise your Lord. For it is through patience and endurance that one can overcome the schemes of the enemies and break their power (Makarem Shirazi 1993, 22: 289). The object of patience in this verse is the slanders, lies, and mockery of the enemies of the Prophet, who ridiculed him with descriptions such as "madman" (al-Ṭūsī 2010, 9: 374; al-Ṭabrisī 1993, 9: 225). It is noteworthy that the Qur'an's strategy here is absolute patience and steadfastness—even though the words and mockery of the disbelievers caused great distress to the Prophet:

وَ لَقَدْ نَعْلَمُ أَنَّكَ يَضِيقُ صَدْرُكَ بِمَا يَقُولُونَ فَسَبِّحْ بِحَمْدِ رَبِّكَ وَ كُن مِّنَ السَّاجِدِين (الحجر/98-97)

Certainly We know that you become upset because of what they say. So celebrate the praise of your Lord and be among those who prostrate (Q. 15:97–98)

Al-Baḥrānī (1994, 3: 396) quotes Imam al-Ṣādiq as saying that believers should be patient in all their affairs; for the God who appointed Muhammad as a Prophet also commanded him to be patient and gentle, and in this regard, God said:

ادْفَعْ بِالَّتِي هِيَ أَحْسَنُ فَإِذَا الَّذِي بَيْنَكَ وَبَيْنَهُ عَدَاوَةٌ كَأَنَّهُ وَلِيٌّ حَمِيمٌ (فصلت/34)

Repel [evil] with what is best. [If you do so,] behold, he between whom and you was enmity, will be as though he were a sympathetic friend (Q. 41:34)

Affirming the logic of patience and steadfastness—which is reiterated in many other verses (Q. 30:60; 70:5; 40:55; 46:35)—it becomes evident that, especially in today's context, many forms of coercive confrontation merely strengthen the adversary's front. Paradoxically, they result in the offending words gaining wider attention and, in some cases, conferring a form of legitimacy upon those who utter them. Therefore, the method and model for responding to those who insult must be structured in such a way that the front of truth is not weakened, nor the front of falsehood strengthened. Muslims, accordingly, must take guidance from the Qur'an and respond to insults against Islamic sanctities in a way that does not intensify Islamophobia or shift the climate to favor the camp of falsehood.

Another point worth noting is that reason (*ʿaql*) appears capable of discerning, to a certain extent, the criteria for rulings that do not pertain to purely devotional matters (*ʿibādāt*), but rather to social issues. To explain further, according to Shia teachings—commonly referred to as the *ʿAdlīyyah* school—the goodness (*ḥusn*) and badness (*qubḥ*) of actions are intrinsic, and the rulings legislated in Islamic jurisprudence are rooted in the real and objective benefits (*maṣāliḥ*) and harms (*mafāsid*) inherent in these rulings. Of course, it must be acknowledged that such criteria are not always accessible or ascertainable with certainty, especially with respect to the fine

details of devotional rulings and some non-devotional issues. Nevertheless, the benefits and harms underlying certain other rulings—particularly in criminal and social matters—can be understood by the collective intellect of humankind, especially those acquainted with the mechanisms of legal punishment within the framework of Islamic thought. It is reasonable to assume that many of these rulings do not involve hidden considerations entirely beyond the grasp of human reason. Recognizing this point and accepting the ability of human reason to perceive such criteria explains why many legal sources and narrations mention intelligible and rational causes for divine rulings. For example, with respect to *qiṣāṣ* (retributive justice), it has been said that: *"There is life for you in retribution"* (Q. 2:179).

Likewise, narratives emphasize that *qiṣāṣ* was prescribed because of the harm and injury inflicted on the victim's body (al-Ḥurr al-ʿĀmilī 1988, 29: 184). It is important to note that, according to the sound opinion of a number of Shia jurists, such explanations—which are frequently observed in the social and criminal rulings—together with the intuitive understanding that generally accompanies them, must serve as an attached contextual indicator (*al-qarīnah al-muttaṣilah*) in the process of deduction and issuing fatwas. Based on this, the legal proofs and evidences, such as verses and narratives, may be broadened or narrowed accordingly (Montazeri 1989, 4:59; Marʿashī 2006, 1: 40).

In light of the above, it must be acknowledged that imposing severe and coercive punishments on those who deliberately insult and mock Islamic sanctities will ultimately serve their objectives and harm the image of Islam. By way of example, following the publication of insulting caricatures by the magazine *Charlie Hebdo*, a French teacher shared one of these images in an online class under the theme of freedom of speech. Shortly thereafter, he was killed near the school by a Chechen teenager (Paone 2020). In the aftermath of this event, a series of public reactions ensued, inflaming tensions within the French Muslim community—estimated at around six million, perhaps the largest in Europe. Massive crowds attended the French teacher's funeral, and the Muslim community in France was left in a deeply distressed state. It may therefore be said that such acts result in defeating their own purpose and ultimately in weakening Islam and its teachings.

6. The Practical Conduct of the Prophet and Imams in Confronting Insults and Mockery

The following section presents several examples illustrating the conduct of the Prophet Muhammad and his family (*Ahl al-Bayt*) in responding to

mockery, insults, and verbal abuse from opponents. Numerous such narrations exist, and here only a select few are mentioned.

6.1. The Prophet Muhammad (PBUH)

Numerous historical and narrative sources report that the polytheists frequently mocked and ridiculed the Prophet (al-Bayhaqī 1982, 2: 69; Ibn Khaldūn 1984, 1: 369). For example, they called him mad or insane (Q. 7:184). They even went so far as to appoint certain individuals to compose satirical poems aimed at vilifying him (Bilādharī 1992, 1: 373). However, the Prophet later forgave such individuals and treated them with clemency (al-Ṭabarī 1996, 3: 62). Among these was a woman named Sārah who, according to some historical accounts, sought the Prophet's protection and was spared (Shams al-Shāmī 1994, 5: 225). Another such individual, Habbār ibn Aswad, also received pardon and compassion, as the Prophet told him: *"I have forgiven you; God has guided you to Islam and granted you guidance"* (al-Wāqidī 1989, 2: 858).

6.2. Imam ʿAlī (PBUH)

In *Nahj al-Balāghah,* it is narrated that when a Kharijite insulted Imam ʿAlī by saying: *"May God kill this unbeliever, how knowledgeable he is in jurisprudence,"* the Imam's companions wished to kill him. However, the Imam prevented them, saying: *"The response to his action is either a similar response or forgiveness of his fault"* (al-Raḍī 2005).

6.3. Imam al-Ḥasan al-Mujtabā (PBUH)

It is narrated that one day a man from Syria met Imam al-Ḥasan and hurled curses and insults at him. The Imam remained silent, then smiled and said: *"It seems that you are a stranger in this town. If you have no place to stay, my house is open to you. If you are in debt, I will pay it off for you. If you are in need, I will meet your needs."* Upon hearing these words, the Syrian man wept and declared: *"I testify that you are the Caliph and representative of God on earth. God knows best where to place His message. You and your father were once the most detested of people to me, but now you have become the most beloved"* (Ibn Shahrāshūb 1957, 4: 19).

6.4. Imam ʿAlī ibn al-Ḥusayn (PBUH)

It is narrated that a relative of Imam ʿAlī ibn al-Ḥusayn insulted him. The Imam told his companions to accompany him to the man's house so they

could witness how he would respond. Along the way, the Imam recited:

> *Those who restrain their anger and pardon people—and God loves the doers of good* (Q. 3:134).

Upon arrival, the Imam said: *"You have spoken against me. If what you said is true, may God forgive me; and if it is false, may God forgive you."* The man kissed the Imam's forehead and repented of his behavior (al-Mufīd 1994, 2: 145).

6.5. Imam Jaʿfar al-Ṣādiq (PBUH)

Ibn Maskān narrated that Imam al-Ṣādiq once said to him: *"I think that if someone insulted ʿAlī in your presence, you would strike him on the nose if you could."* He replied: *"Yes, this is how I and my family behave."* The Imam said: *"Do not act this way. By God, many times ʿAlī was insulted in my presence, yet I neither confronted the insulter nor retaliated. Instead, I passed by and greeted him with peace"* (al-Barqī 1951, 1: 259).

6.6. Imam Mūsā al-Kāẓim (PBUH)

Al-Mufīd (1994, 2: 233) narrates that a certain man repeatedly insulted and harassed Imam Mūsā al-Kāẓim, even reviling Imam ʿAlī. When the Imam's companions sought permission to retaliate, the Imam forbade them. One day, the Imam visited the man's farm and walked through his crops. The man objected, demanding compensation and shouting at him. The Imam, in response, paid him far more than his claim and offered additional gifts. Upon witnessing this behavior, the man became remorseful. Later, upon seeing the Imam in the mosque, he publicly testified to his truthfulness. The Imam then turned to his companions and said: *"Which approach was better: your request for retaliation, or my method? Through my conduct I both guided him and averted his harm."*

7. Discussion

In light of the analysis of the verses concerning how to deal with those who insult or show disrespect, it becomes evident that the Noble Prophet of Islam was commanded to turn away and avoid engagement with such individuals. He was even advised to forgive and pardon them. Some of these verses were revealed in the imperative form, which by default indicates obligation, such as:

وَ دَعْ أَذَنَهُمْ وَ تَوَكَّلْ عَلىَ اللَّهِ وَ كَفَى بِاللَّهِ وَكِيلا (الاحزاب/48)

And disregard their torments, and put your trust in Allah, and Allah suffices as trustee (Q. 33:48).

Thus, one may infer that such behavior was obligatory for the Prophet. Indeed, the inclination of people toward him stemmed from his gentle demeanor, a trait incompatible with harsh and violent conduct or with taking the life of a blasphemer. As the Qur'an states:

فَبِمَا رَحْمَةٍ مِّنَ اللَّهِ لِنتَ لَهُمْ وَ لَوْ كُنتَ فَظًّا غَلِيظَ الْقَلْبِ لاَنفَضُّواْ مِنْ حَوْلِكَ فَاعْفُ عَنهُمْ وَ اسْتَغْفِرْ لَهُمْ وَ شَاوِرْهُمْ فىِ الْأَمْر (آل عمران/159)

It is by Allah's mercy that you are gentle to them; and had you been harsh and hardhearted, surely they would have scattered from around you. So excuse them, and plead for forgiveness for them, and consult them in the affairs (Q. 3:159).

Therefore, it may be argued that a harsh and violent response yields nothing but the alienation of people. The nature of the Prophet's exalted character (Q. 68:4) necessitated gentleness, forgiveness, and forbearance regarding the mistakes of human beings, alongside seeking God's pardon for them. Consequently, executing a blasphemer cannot be considered consistent with the Prophet's conduct or the logic of the Qur'an. It seems highly improbable that one characterized by exalted character (*khuluq ʿaẓīm)* would issue a directive to take the life of a blasphemer. Given that, according to Shia thought, Imams (Infallibles) share the same level of infallibility and avoidance of sin as the Noble Prophet, the issuance of such actions by them is likewise unacceptable.

Even if the above arguments do not conclusively prove the claim, since the foundational principle concerning human life is caution and the presumption of immunity, taking a human life requires a valid and certain justification. In the absence of such certainty, one cannot violate the sanctity of human life. Furthermore, as previously discussed, although there are narratives that report the killing of one who insults the Prophet or desecrates sacred matters—and even if some among them are considered authentic in chain of transmission (*ṣaḥīḥ al-isnād*)—these narrations ultimately do not yield certitude due to the various debates and critical challenges discussed in detail.[1] As such, they fall under the category of solitary narratives *(khabar*

1. It is worth noting that there are narrations, which may be understood as permitting private justice—allowing ordinary individuals to kill someone who insults the sacred, without the need for the crime to be established in a court of law (al-Ḥurr al-ʿĀmilī 1988, 28: 213).Upon closer examination of these

wāḥid) and thus cannot serve as a basis for action in weighty matters. To elaborate, many Shia scholars have explicitly stated that issuing legal opinions (*fatāwā*) on grave and consequential matters (such as the taking of life) based on solitary narratives is contrary to the dictates of caution. For example, al-Muḥaqqiq al-Ḥillī (1987, 4: 114) asserts that one may not take a human life based on a solitary narrative. Qumī (1994, 5: 190) likewise holds that, given the critical nature of the issue of human life in Islam, relying on certain *ḥadīths* that permit killing is contrary to prudence. Many jurists also emphasize that the principle of caution is paramount in matters involving bloodshed, affirming the indisputable principle that life may not be taken except with decisive evidence (Āmulī 1960, 7: 427; Mūsawī ʿĀmilī 1990, 6: 116).

It should be noted that this approach rests upon a solid and rational foundation. The credibility of solitary narratives, as research indicates, stems mainly from the practice of rational people (*bināʾ al-ʿuqalāʾ*) (Muẓaffar 1996, 2: 92). However, rational individuals tend to exercise extreme caution in critical matters such as shedding human blood and generally do not act based on solitary narratives in such cases.

One final point is that even if one does not fully accept the above reasoning and evidence, it can still be asserted that the aforementioned arguments raise a degree of doubt (*shubhah*) concerning the issue. According to legal principles, in cases where a legitimate doubt arises, the principle of *darʾ* (avoidance) applies. The general meaning of the principle of *darʾ* is that in cases where entitlement to a particular punishment is subject to doubt or uncertainty, the punishment must be waived (Mohaghegh Damad 1985, 4: 43). This principle aligns with the broader notion that, particularly in matters of life and death, one must adhere strictly to caution, and no legal punishment may be carried out unless there is certainty regarding its necessity. In matters involving bloodshed, the sum of numerous traditions indicates that adhering to the requirement of caution is necessary and obligatory (Bujnūrdī 1980, 1: 184).

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reports, however, it becomes evident that they are not uniform: some consider the killing of an blasphemer as merely permissible, others describe it as obligatory, and yet others strictly prohibit killing without the explicit permission of the Imam. As a result, the opinions of jurists have likewise varied on this basis (Nobahar 2010). Moreover, even in cases where the action of ordinary individuals is regarded as permissible, its legitimacy is conditional upon it not entailing harm to the life of the avenger. Indeed, some jurists have gone further and held that the likelihood of financial harm is sufficient to negate the permissibility of such an act—let alone when such actions might lead to serious harm, hardship, public disorder, or cause accusations against Islam and the Prophet of Mercy, or create an opportunity for opportunists to exploit the situation (Nobahar 2013).

8. Conclusion

As discussed, the issue of insulting or showing contempt for religious values and beliefs is addressed in various Qur'anic verses that explain how Muslims are to respond to such acts. Muslim jurists, drawing upon certain narrations, have also taken positions on this matter. This study, based on the well-established premise that juristic views must conform to Qur'anic teachings—and that the standard by which traditions are assessed is their agreement with the Qur'an—examined the extent to which existing jurisprudential rulings align with the Qur'anic perspective and the practical conduct of the Prophet and Imams. It concluded that regarding the approach of the Qur'an and the practice of the Prophet and Imams concerning mockery and insults directed at sacred matters, the logic of these sources does not advocate a confrontational or aggressive response toward the blasphemers. Rather, the Qur'anic model proposes distancing (*iʿrāḍ*) oneself from the disbelievers and avoiding places where insults and mockery of religious values occur; although believers find the insults deeply painful and offensive.

The findings of this research demonstrated that such an approach is fully consistent with the behavior of the Noble Prophet and his Household, who adopted a strategy of patience and guidance rather than coercion or violence in the face of such offenses. Accordingly, although there are narrations that suggest the permissibility of executing the one who insults the Prophet or sacred values—and some may even be considered authentic in terms of chain of transmission—their lack of certainty, along with the various critical issues surrounding them, ultimately classifies them as solitary narratives. These are insufficient grounds for action in such a serious matter. When seeking a preferable position, the Qur'anic logic and the approach derived from the Prophetic conduct—which are both consistent with rational assessment and the higher objectives of the *Sharīʿah*—must be prioritized.

Moreover, even if the presented arguments and evidence fail to provide definitive proof, the foundational principle regarding human life remains caution and presumption of immunity. Hence, absent conclusive proof, one may not justifiably take a life. At the very least, it can be said that the arguments advanced here introduce sufficient doubt into the matter, and once such doubt exists, the principle of *darʾ* is triggered in legal reasoning. Therefore, it becomes untenable to align with a view that permits the execution of those who commit such offenses.

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References

Al-Barqī, A. (1951). *Al-Maḥāsin*. Qom: Dār al-Kutub al-Islāmīyyah.

Al-Bayhaqī, A. (1982). *Dalāʾil al-Nubuwwah*. Tehran: Scientific and Cultural Publications.

Al-Fāḍil al-Miqdād, J. (1994). *Kanz al-ʿIrfān fī Fiqh al-Qurʾān*. Tehran: Murtazavī.

Al-Farāhīdī, K. (1990). *Kitāb al-ʿAyn*. Qom: Hejrat.

Al-Ḥurr al-ʿĀmilī, M. (1988). *Tafsīl Wasāʾil al-Shīʿah ilā Taḥṣīl Masāʾil al-Sharīʿah*. Qom: Āl al-Bayt.

Al-Jawharī, I. (1990). *Al-Ṣiḥāḥ, Tāj al-Lughah wa Ṣiḥāḥ al-ʿArabīyyah*. Beirut: Dār al-ʿIlm lil-Malāyīn.

Al-Kulaynī, M. (1986). *Kitāb al-Kāfī*. Tehran: Dār al-Kutub al-Islāmīyyah.

Al-Majlisī, M. (1983). *Biḥār al-Anwār al-Jāmiʿah li-Durar Akhbār al-Aʾimmah al-Aṭhār*. Beirut: Dār al-Iḥyāʾ al-Turāth al-ʿArabī.

Al-Majlisī, M. (1984). *Mirʾāt al-ʿUqūl*. Tehran: Dār al-Kutub al-Islāmīyyah.

Al-Marāghī, A. (n.d.). *Tafsīr al-Marāghī*. Beirut: Dār al-Fikr.

Al-Mufīd, M. (1992). *Al-Muqniʿah*. Qom: Shaykh al-Mufīd millennium Congress.

Al-Mufīd, M. (1994). *Al-Irshād*. Qom: Muʾassasah Āl al-Bayt.

Al-Muḥaqqiq al-Ḥillī, J. (1987). *Sharāʾiʿ al-Islām*. Qom: Ismāʿīliyān Institute.

Al-Qurṭubī, M. (1995). *Al-Jāmiʿ li-Aḥkām al-Qurʾān*. Tehran: Naṣīr Khusru.

Al-Raḍī, M. (2005). *Nahj al-Balāghah*. Tehran: Nahj al-Balāghah Foundation.

Al-Suyūṭī, ʿA. (1973). *Al-Itqān fī ʿUlūm al-Qurʾān*. Beirut: al-Maktabah al-Thaqāfīyah.

Al-Ṭabarī, M. (1996). *Tārīkh al-Ṭabarī*. Beirut: Dār al-Iḥyāʾ al-Turāth al-ʿArabī.

Al-Ṭabrisī, F. (1993). *Majmaʿ al-Bayān fī Tafsīr al-Qurʾān*. Tehran: Naṣīr Khusru.

Al-Ṭurayḥī, F. (1995). *Majmaʿ al-Baḥrayn*. Tehran: Murtazavī.

Al-Ṭūsī, M. (2010). *Al-Tibyān fī Tafsīr al-Qurʾān*. Beirut: Dār al-Iḥyāʾ al-Turāth al-ʿArabī.

Al-Wāqidī, M. (1989). *Al-Maghāzī*. Beirut: Muʾassasah al-Aʿlamī lil-Maṭbūʿāt.

Al-Zabīdī, M. (1994). *Tāj al-ʿArūs min Jawāhir al-Qāmūs*. Kuwait: al-Turath al-ʿArabī.

Al-Zarkashī, M. (1957). *Al-Burhān fī ʿUlūm al-Qurʾān*. Beirut: Dār Iḥyāʾ al-Kutub al-ʿArabīyyah.

ʿĀmilī, M. (1998). *Dhikrā al-Shīʿa*. Qom: Muʾassasah Āl al-Bayt.

ʿĀmilī, Z. (1992). *Masālik al-Afhām*. Qom: Muʾassasah al-Maʿārif al-Islāmīyyah.

Āmulī, M. (1960). *Miṣbāḥ al-Hudā fī Sharḥ al-ʿUrwa al-Wuthqā*. Tehran: Author's Office.

Anṣārī, M. (1995). *Farāʾid al-Uṣūl*. Qom: Muʾassasat al-Nashr al-Islāmī.

Baḥrānī, H. (1994). *Al-Burhān fī Tafsīr al-Qurʾān*. Qom: al-Baʿthah.

Biazar Shirazi, A. (2010). Negative effects of insulting the sanctities of other sects. *Forough-e Vahdat Journal*, 6, 22.

Bilādharī, A. (1992). *Ansāb al-Ashrāf*. Beirut: Dār al-Fikr.

Bujnūrdī, M. (1980). *Qawāʿid Fiqhiyyah*. Tehran: ʿUruj.

Dehkhoda, A. (1993). *Dehkhoda Dictionary*. Tehran: University of Tehran.

Hashemi, H. (2001). The Crime of Blasphemy in the Islamic Legal System and Common Law, *Ravaq Andisheh*, 2, 92-110.

Hashemi Shahroudi, M. (2005). *Encyclopedia of Jurisprudence (in Persian)*. Qom: Dāʾirah al-Maʿārif Fiqh Islāmī Institute.

Ibn ʿĀshūr, M. (1999). *Al-Taḥrīr wa al-Tanwīr*. Beirut: Muʾassasah al-Tārīkh al-ʿArabī.

Ibn Khaldūn, A. (1984). *Tārīkh Ibn Khaldūn*. Tehran: Institute for Cultural Studies.

Ibn Manẓūr, M. (1994). *Lisān al-ʿArab*. Beirut: Dār al-Fikr.

Ibn Shahrāshūb, M. (1957). *Manāqib Āl Abī Ṭālib*. Najaf: al-Maktabah al-Ḥaydarīyyah.

Iran's Islamic Penal Code, approved in 2013, retrieved from: https://qavanin.ir/Law/TreeText/?IDS=4693937366938194803

Irawani, B. (2002). *Durūs Tamhīdiyyah fī Tafsīr Āyāt al-Aḥkām*. Qom: Dār al-Fiqh.

Jannati, I. (1991). *Sources of Ijtihad from the perspective of Islamic schools of thought (in Persian)*. Tehran: Keyhan.

Makarem Shirazi, N. (1993). *Tafsīr Nimūneh*. Tehran: Dār al-Kutub al-Islāmīyyah.

Makarem Shirazi, N. (2006). *New Istiftāʾāt (in Persian)*. Qom: Madrasah al-Imam ʿAlī b. Abī Ṭālib.

Marʿashī Shūshtarī, M. (2006). *New Perspectives in Law (in Persian)*. Tehran: Mīzān.

Misbah Yazdi, M. (2009). *Questions and Answers (in Persian)*. Qom: Imam Khomeini Educational and Research Institute.

Mohaghegh Damad, M. (1985). *Qawāʿid Fiqh*. Tehran: Markaz Nashr ʿUlūm Islāmī.

Mo'in, M. (1983). *Farhang-e Fārsi-ye Mo'in*. Tehran: Amīr Kabīr.

Montazeri, H. (2009). *Islamic Punishments and Human Rights (in Persian)*. Qom: Arghawān Dānish.

Montazeri, H. (1989). *Risālah Istiftāʾāt*. Qom: Arghawān Dānish.

Motahhari, M. (2009). *Ten Discourses (in Persian)*. Tehran: Ṣadrā.

Mūsawī ʿĀmilī, M. (1990). *Madārik al-Aḥkām*. Beirut: Muʾassasah Āl al-Bayt.

Muẓaffar, M. (1996). *Uṣūl al-Fiqh*. Qom: Ismāʿīlīyān.

Najafī, M. (1984). *Jawāhir al-Kalām*. Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī.

Nobahar, R. (2010). *The Principle of Legality of Punishments (in Persian)*. Tehran: Shahr Dānish.

Nobahar, R. (2013). The principle of judicial nature of punishments (in Persian). *Criminal Law Doctrines*, *10*(5), 65-96.

Norouzi, Q. (2020). Insulting Islamic sanctities from the perspective of jurists and the Qurʾān. *Conference on Islamophobia and Insulting Islamic Sanctities in the Contemporary Era*, 2020.

Paone, A. (2020). For a teacher in France, a civics class was followed by a gruesome death. *Reuters*. Retrieved from: *https://www.reuters.com/article/france-security-school-parents-idINKBN27201Z/*

Qarai, A. Q. (2004). *Translation of the Holy Qur'an*. London: ICAS.

Qumī, M. (1994). *Ghanāʾim al-Ayyām fī al-Fiqh*. Qom: Daftar Intishārāt Islāmī.

Rahami, M. and Parvizi, S. (2013). The Blasphemy in Iranian and English laws. *The Judiciarys Law Journal*, 77(81), 9-35. http:// doi.org/10.22106/jlj.2013.10834

Shams al-Shāmī, M. (1994). *Subul al-Hudā wa al-Rashād fī Sīrah Khayr al-ʿIbād*. Beirut: Dār al-Kutub al-ʿIlmīyyah.

Tabataba'i Hakim, M. (1997). *Al-Uṣūl al-ʿĀmmah lil-Fiqh al-Muqāran*. Qom: al-Majmaʿ al-ʿĀlamī li-Ahl al-Bayt.

Tabataba'i, M. H. (1996). *Al-Mīzān fī Tafsīr al-Qurʾān*. Qom: Jāmiʿah Mudarrisīn.