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II

The Food of the Damned

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Introduction

This volume is devoted to a weighty theological question with significance for how Muslims think about their non-Muslim neighbors in a multicultural society: Can I expect to see in Heaven those with whom I associate on earth if I am a Muslim and they are not? The question at the core of this chapter, however, relates to a more immediate and this-worldly concern facing Muslims: May I have lunch with my non-Muslim associates?

Questions about food are more prosaic than questions about salvation, but from a social perspective they bear even greater significance. An anthropological textbook succinctly expresses the reality we often take for granted: "Probably in every society to offer food (and sometimes drink) is to offer love, affection, and friendship. To accept proffered food is to acknowledge and accept the feelings expressed and to reciprocate them." The acts of sharing and exchanging food thus establish and reinforce a sense of companionship and communion. The converse, however, is true as well: "to fail to offer food in a context in which it is expected culturally is to express anger or hostility. Equally, to reject proffered food is to reject an offer of love or friendship, to express hostility toward the giver."¹ Injunctions demanding such evidently hostile behavior toward adherents of other religions convey powerfully the message that the divide between "Us" and "Them" ought not be bridged in this world, irrespective of what may happen in the next.

The question of whether non-Muslims (or, in other religious traditions, non-Jews, non-Christians, etc.) are eligible to enter Heaven is related in important ways to the question of whether They are eligible to share food with Us, even though the answers to these questions frequently differ.²

This chapter touches on several of these relationships but focuses on one specific commonality apparent in medieval Islamic discourse about the damned and their food. When medieval Muslims talk about non-Muslims, often enough *they are not really talking about non-Muslims at all*. Jews, Christians, Zoroastrians, idolaters, and so on frequently function as screens upon which Islamic ideas are projected. Even when medieval Muslims express interest in characteristics particular to Judaism or Christianity, for example, they often conceptualize these characteristics in a manner that bears only a limited resemblance to Jewish or Christian self-understanding.

Scholars of medieval Christianity have long recognized that religious authorities construct imagined foreigners using the tools of exegesis and polemic. Medieval Christian theologians and jurists create these imagined foreigners as a means of furthering their own doctrinal agendas. As Jeremy Cohen puts it, “Christians perceived the Jews to be who they were *supposed* to be, not who they actually *were*, and related to them accordingly.” Cohen calls the figures depicted in Christian sources “hermeneutical Jews,” in contrast to the actual Jews who lived in medieval Christian societies.³ As it is easy to mistake hermeneutically oriented statements about religious foreigners for more or less accurate depictions of those foreigners, there is value in demonstrating and actively acknowledging the imagined nature of the foreigners depicted in medieval sources.

This chapter demonstrates the imagined nature of the foreigners depicted in classical Islamic legal sources about the food of non-Muslims by distilling the questions that underlie normative discourse on this subject. We will see that the questions posed by medieval Muslim jurists have nothing to do with actual non-Muslims. Applying the same technique to classical statements about the soteriological fate of non-Muslims, we will see that medieval Muslim theologians—who are often jurists as well—similarly grant short shrift to actual adherents of other faith traditions. Islamic law and theology alike ascribe significance to non-Muslim religions, but their medieval practitioners express little interest in real non-Muslims.

The importance of acknowledging that premodern Islamic authorities address “hermeneutical non-Muslims” extends beyond the interests of historical scholarship. Many of those who speak for Islam today, including several of the contributors to this volume, express genuine concern about real non-Muslims, even as they draw on traditional texts. Such individuals

can benefit from realizing that they engage in an enterprise significantly different from that of their predecessors. Even so, contemporary Islamic discourse about non-Muslims also frequently focuses on questions that have nothing to do with actual adherents of other religions. Recognition of this dynamic within premodern sources can sensitize contemporary Muslims to the nature of their own discursive activity and can aid non-Muslims interested in understanding this discourse. The final portion of the chapter, therefore, applies the insights gleaned from medieval sources about damned non-Muslims and their food to contemporary statements about the salvation of the Other, specifically the statements of Muslim contributors to the present volume.

Animal Slaughter Performed by Zoroastrians

A convenient place to begin our exploration of medieval Islamic laws governing the food of non-Muslims is the *Kitāb al-wajīz fī fiqh madhhab al-imām al-Shāfiʿī* (“The concise book of Shāfiʿī law”) by Abū Ḥāmid al-Ghazālī (d. 1111).

- [a] The person who performs the act of animal slaughter may be any reasoning Muslim or Person of the Book (*kitābī*); animal slaughter performed by a Zoroastrian or an idolater is not permissible.
- [b] As for the offspring of a *kitābī* and a Zoroastrian, there are two opinions: one prohibits [animal slaughter performed by such an individual], while the other follows the status of the father. Slaughter performed by a *kitābī* maidservant is permitted.
- [c] If a Zoroastrian and a Muslim are partners in the act of slaughter, it is prohibited. The same applies if each sends an arrow or a hunting dog at a game animal. But if one of them strikes the animal first, beginning the act of slaughter, its legal status follows that hunter. If the Zoroastrian’s dog chases the quarry toward the Muslim’s dog, who kills it, its meat is permitted. If the Muslim’s dog exhausts the quarry but the Zoroastrian’s dog then catches it and kills it, the animal is carrion and the Zoroastrian must offer compensation to the Muslim.⁴

The first part of al-Ghazālī’s treatment of the laws governing animal slaughter (section a) lives up to the conciseness described in the work’s title: competent Muslims and People of the Book (*kitābīs*) may perform the act of slaughter, but other non-Muslims may not. Al-Ghazālī proceeds

to briefly address two borderline categories (section b). The status of a butcher who has one *kitābī* parent and one Zoroastrian parent is disputed: some hold that a child automatically inherits the father's religious affiliation, while others apply the principle that when there is a conflict between grounds for permission and grounds for prohibition one should follow the restrictive alternative. A *kitābī* maidservant is fit to perform the act of animal slaughter, even though she, unlike other *kitābīs*, is legally unfit for marriage to a Muslim because of the status disparity between a free Muslim man and a servile *kitābī* woman.

Then, seemingly abandoning all pretense of conciseness, the *Kitāb al-wajīz* lays out no fewer than five scenarios about collaboration between Muslims and Zoroastrians (section c). If a Muslim and a Zoroastrian both participate in the act of killing an animal, the meat is prohibited for consumption. If, however, the Muslim delivers a fatal blow first, the meat is permitted for consumption. If a Zoroastrian's dog chases the quarry toward the Muslim's dog and the Muslim's dog kills it, its meat is permitted, but if the reverse occurs, the meat becomes prohibited for Muslim consumption, and the Zoroastrian hunter is liable for the resulting property damage to the "Muslim's" quarry. Other medieval jurists pose further scenarios: What if a Muslim hunter uses a Zoroastrian's hunting dog?⁵ What if a non-Muslim unfit to perform the act of animal slaughter shoots an arrow and then converts to Islam before the arrow strikes its target?⁶

Why do al-Ghazālī and his colleagues devote so much attention to joint Muslim-Zoroastrian hunting expeditions? Surely not because such events happened on a regular basis. A Muslim hunter, after all, would have trouble keeping all of these rules straight. By the twelfth century c.e., moreover, there were not many Zoroastrians to go hunting with in any case. Rather, these scenarios serve a pedagogical function for students of Islamic law: they flesh out, so to speak, the definition of "animals slaughtered by Muslims." Within the framework of Islamic legal discourse, Zoroastrians constitute the paradigmatic class of people who are fit to live within the Islamic world but are unfit to perform the act of animal slaughter. For that reason, scenarios involving Zoroastrian characters offer an ideal means of addressing the question, "What specific action constitutes the act of animal slaughter?" This question has nothing to do with Zoroastrianism. Thus, the prominence of joint hunting scenarios within medieval legal literature in no way reflects interest in Zoroastrians or other non-Muslims as real people.

The Food of Jews and Christians

Al-Ghazālī and his Sunni colleagues forbid eating the meat of animals slaughtered by Zoroastrians but permit meat prepared by Jewish or Christian butchers. They do so because of Q. 5:5, which states that "the food of those who were given the Book is permitted to you, and your food is permitted to them." Most Shi'i authorities, in contrast, forbid eating meat prepared by any non-Muslim, including *kitābīs*. Shi'is, who emphasize the Qur'an's requirement that butchers invoke the name of God (e.g., Q. 6:118, 6:121), warn that Jews and Christians fail to do so, or that they invoke God improperly, or that Jews and Christians are simply incapable of truly invoking God on account of their flawed beliefs.⁷

The notion that Jewish and Christian theologies are irredeemably flawed also becomes the primary justification for a broader Shi'i prohibition against most foods touched by People of the Book. Most medieval Shi'i authorities hold that *kitābīs*, like other non-Muslims, are not true monotheists, and consequently are impure in accordance with Q. 9:28, "truly, those who associate others with God are impure." The Qur'an's permission of "the food of those who were given the Book," advocates of this prohibition explain, refers only to "grains and greens," foods that cannot be affected by the impurity inherent in all non-Muslims.

One might reasonably presume that Shi'is like al-Shaykh al-Mufid (d. 1022), author of *Tahrīm dhabā'ih ahl al-kitāb* ("The prohibition of ritual slaughter performed by People of the Book"), talk about People of the Book.⁸ In fact, this is not the case. Al-Mufid's point is that all non-Muslims are alike: they lack true knowledge of God and the divine will, as manifest in their failure to accept the message conveyed by Muḥammad. For this reason, all non-Muslims are unfit to invoke God. Indeed, al-Mufid and fellow Shi'i jurists regularly subsume Jews and Christians under the generic category of "unbelievers," even with respect to subjects about which Sunnis distinguish *kitābīs* from other non-Muslims.⁹ Their black-and-white view ignores and, indeed, denies the significance of real differences that exist among non-Muslims. It is rare that Shi'i jurists specifically discuss Jews or Christians. When they do, they draw on Qur'anic tropes, not on information obtained through interaction with Jews or Christians.

The group about whom Shi'is actually talk when they talk about non-Muslims is neither Jews nor Christians but rather Sunnis. Shi'i authorities employ their prohibition against food associated with non-Muslims as a form of anti-Sunni polemic: We are careful to abstain from forbidden

foods while “they” are unconscionably lax. Consider the *Īdāh*, an early polemical work pseudonymously ascribed to Abū Muḥammad al-Faḍl Ibn Shādhān (d. 873 or 874).

- [a] You Sunnis teach that animal slaughter performed by People of the Book is permissible. Yet God, the Great and Mighty, says: “Do not eat [meat] from that over which the name of God has not been mentioned; it is indeed a sinful act. The devils inspire their friends [to dispute with you; but if you obey them, then you will surely become idolaters]” [Q. 6:121]. You rely on the Jews and claim that they mention the name of God over their slaughter, yet God, the Great and Mighty, says: “You will surely find that the people strongest in enmity to those who believe are the Jews and the idolaters” [Q. 5:82]. You put your faith in the people who are strongest in enmity to the believers with respect to one of the mainstays of Islam, as God, the Great and Mighty, declares “that over which the name of God has not been mentioned” idolatrous and sinful! . . .
- [b] Likewise, regarding the Christians: they say *bi-sm al-masth* [“In the name of Christ”] over their act of slaughter, because they regard Christ as their lord. Nevertheless, you quarrel regarding their acts of slaughter and say that God, the Great and Mighty, says, “And the food of those who were given the Book is permitted to you and your food is permitted to them” [Q. 5:5]. Even though He means by this and similar statements food that does not have the breath of life in it, you believe that the food which God declared permitted is their meat and you say: He permitted their animal slaughter knowing that which they say. This is insolence on your part toward God, the Great and Mighty! . . .
- [c] So which of the two factions is right in safeguarding itself from that which ought to be feared—the one that stays clear of non-Muslim meat, or the one that audaciously approaches it?¹⁰

The *Īdāh* excoriates Sunnis for blindly trusting their Jewish enemies to mention God’s name properly (section a). Sunnis, moreover, twist the meaning of Q. 5:5 to permit meat from animals that Christians slaughter in the name of Christ, rather than in the name of God (section b). Pseudo-Ibn Shādhān’s focus on Sunnis and Shi’is rather than on Jews and Christians is apparent in the rhetorical question with which his discussion of this subject concludes (section c). Striking a similar note, al-Mufid goes so far as to imply that Sunnis persecute Shi’is who piously avoid meat

prepared by People of the Book.¹¹ Other Shi’i sources fault Sunnis for their failure to treat food touched by *kitābīs* as impure and suggest that only those who learn from the Imams possess accurate knowledge about non-Muslims.¹²

As many Americans recall, Republicans banned “french fries” from Congressional cafeterias in 2003 in order to express displeasure with France, which was reluctant to support the American-led war in Iraq; the cafeterias served “freedom fries” instead. The point of the name change was to insinuate that similarly reluctant Democrats were un-American because they acted like the French and did not value freedom. Medieval Shi’is engaged in similar rhetoric, branding Sunnis as un-Islamic on account of their willingness to consume food associated with the People of the Book despite the teachings of the Imams. Shi’i discourse about non-Muslim food is not about non-Muslims: it is a means of making clear which Muslims truly adhere to the divine will. Jews and Christians, one might say, are simply pawns in this intra-Islamic debate.

The Invocations of Christian Butchers

When it comes to butchers and even to the sharing of meals, medieval Shi’i authorities are exclusivists: they believe in a binary distinction between Us and Them, and associate “the good things” (Q. 5:5) with Us alone. Medieval Sunnis, in contrast, consistently endorse a form of inclusivism when it comes to food: Jews and Christians are like Us in significant ways and therefore share in some of the goodness with which We are blessed. Because of the affinity Q. 5:5 establishes between Muslims on the one hand and People of the Book on the other, Sunnis declare that *kitābīs* are suitable as butchers, as partners in commensality, and also as wives. In fact, Sunni authorities bend over backwards to safeguard the permission of meat prepared by Christian butchers, despite the possibility that such butchers might invoke Christ instead of God. They do so in order to preserve the affinity between Islam and Christianity. We have already seen that Shi’is like pseudo-Ibn Shādhān ridicule this tendency.

Various Sunni jurists, citing the opinions of venerable companions of the Prophet and their successors, assert that there is nothing wrong with the practice by Christian butchers of invoking Christ because the requirement of invoking God simply does not apply to them. According to these authorities, “the food of those who were given the Book is permitted to

you" (Q. 5:5) abrogates prior Qur'anic statements, including the injunction to invoke God alone. Most Sunni authorities, believing that God was not quite so generous with respect to the food of those who were given the Book, forbid the consumption of meat from animals that Christians slaughter using the invocation *bi-sm al-masīh*, "In the name of Christ." All, however, insist that at least some Christian butchers invoke God properly and that the meat these Christians prepare remains permitted for Muslim consumption.¹³

Sunnis who discuss these issues are clearly asking a question that relates to Christianity: "Does the Qur'an condone Christian invocations of Christ?" The answers to this question, however, do not hinge on knowledge of Christian dogma or ritual practice but rather on the practice of Qur'anic hermeneutics. As Ibn Qayyim al-Jawziyya (d. 1350) puts it in *Aḥkām ahl al-dhimma* ("Laws regarding the protected peoples"),

Those who permit say: This is their food, and God has permitted their food to us without qualification even though God, praised be He, knew that they invoke a name other than His. Those who prohibit say: The Qur'an establishes a clear prohibition of anything over which a name other than God's is invoked, and this encompasses acts of slaughter performed both by idolaters and by People of the Book when they invoke a name other than God's.¹⁴

Ibn al-Qayyim supports the latter position, arguing that butchers who say *bi-sm al-masīh* are in fact heretical Christians. "That over which a name other than God's has been invoked cannot possibly be permissible, for it is tantamount to the worship of other than God."¹⁵ As the Qur'an (7:162–163) makes clear, God would never instruct anyone to invoke a being other than God. Notice that Ibn al-Qayyim's definition of permissible and authentic Christian practice is rooted in the Qur'an, not in Christian sources.

It is not just Ibn al-Qayyim's definition of Christianity that bears no relationship to actual Christian practices. I am aware of no medieval Christian source that either reports or endorses the invocation of Christ when performing the act of animal slaughter. In fact, the only source I have found that addresses this subject, the Syriac-language *Nomocanon* of Barhebraeus (d. 1286), requires Christian butchers to recite the phrase *ba-shmā d'elāhā ḥayā*, "In the name of the living God."¹⁶ This Christian invocation fully conforms to Sunni norms.

Scenarios involving the invocation *bi-sm al-masīh* seem to be just as hypothetical as scenarios involving joint Muslim-Zoroastrian hunting expeditions. Muslims, who make a point of invoking God's name when slaughtering animals, imagine that Christians invoke Christ's name, irrespective of what Christian butchers actually do. Similarly hypothetical scenarios include non-Muslim butchers who say "In the name of Venus" or "By George!"¹⁷ The suspicion that Muslim authorities like Ibn al-Qayyim worry unnecessarily about Christian invocations of Christ is supported by the fact that some of the same authorities also express concern about Jewish butchers who slaughter *bi-sm 'Uzayr*, "In the name of Ezra."¹⁸ This concern stems from Q. 9:30 ("The Jews say Ezra is the son of God, while the Christians say Christ is the son of God") and relates not at all to the beliefs and practices of real medieval Jews.

Sunni discourse about non-Muslim butchers revolves around "hermeneutical" Jews and Christians, imagined on the basis of Qur'anic texts and deployed in the service of Islamic agendas. From the perspective of Islamic authorities, the definitions of Judaism and Christianity are too important to be left to Jews and Christians themselves. These authorities, moreover, did not consider non-Muslims to be reliable sources of information about their own religions, both because of the "enmity" of non-Muslims toward Muslims cited by pseudo-Ibn Shādhān and because of the corruption (*tahrīf*) of non-Muslim religions that Muslims believe occurred in the years prior to the revelation of the Qur'an. Just as some modern physicians see no need to listen to the stories of their patients, believing that the results of lab tests and scans are more accurate than self-reported symptoms, medieval Muslim jurists see no need to consult non-Muslims about their own religions when God Himself has revealed the truth about them already.

Meat Forbidden to Jews

The phenomenon of "hermeneutical non-Muslims" is especially apparent in Sunni discourse about certain meat prepared by Jewish butchers. At issue is meat forbidden for Jewish consumption yet perfectly permissible for Muslims: the Qur'an's dietary laws, after all, are more lenient than those found in the Torah. This issue provides an opportunity for jurists to grapple with a fundamental question for Islamic thought: In the post-Muḥammadan era, which revelation is authoritative for Jews?¹⁹ While Jews constitute the indirect object of this question, its answers in no way

depend on information derived from Jewish sources. Rather, the three answers found in medieval Sunni literature rest upon different interpretations of the Qur'an. Let us examine each answer in turn.

Most Mālikī jurists hold that, when the Qur'an permits "the food of those who were given the Book," it refers precisely to food that Jews and Christians themselves consider to be permitted. Thus, in the words of 'Abd al-Wahhāb ibn 'Alī al-Baghdādī (d. 1032), "The permissibility of meat from a slaughtered animal depends on whether its butcher regards it as permitted or prohibited in accordance with his beliefs."²⁰ For this reason, Muslims may eat meat from animals that Christian butchers slaughter *bi-sm al-mas̄h* but may not eat meat that Jewish butchers reject as forbidden in accordance with pre-Qur'anic dietary laws. These laws, according to Talmudic Rabbis, include the prohibition against meat from animals with lung defects.

'Alī ibn Aḥmad Ibn Ḥazm (d. 1064), in contrast, emphasizes the next clause of Q. 5:5: "the food of those who were given the Book is permitted to you, and your food is permitted to them." God, Ibn Ḥazm declares, "has nullified all laws in the Torah, Gospels, and other religions and has made the law of Islam obligatory for all divine and human beings: nothing is prohibited except that which it prohibits; nothing is permitted except that which it permits; nothing is required except that which it requires."²¹ Since pre-Qur'anic dietary laws no longer apply, Jewish butchers ought to eat the same meat that Muslims consume including, for example, meat from animals with lung defects. Ibn Ḥazm ridicules Mālikīs for concerning themselves with this Jewish taboo: "They are wary of contradicting Hillel and Shammai, the two elders of the Rabbis!"²²

Ibn al-Qayyim stakes out a third position. Pre-Qur'anic dietary laws no longer apply, even to Jews, but the Qur'an itself binds Jews to more stringent dietary laws as punishment for Jewish transgressions. As a result, Ibn al-Qayyim holds, Jewish butchers must adhere to Qur'anic norms about meat forbidden to Jews. These include prohibitions against certain animals and certain fatty portions of meat that, in fact, are kosher according to Biblical and Rabbinic law. Nevertheless, Ibn al-Qayyim calls Jewish butchers who regard such meat as permissible "apostates" from Judaism and forbids Muslims from patronizing them. Jews need not, however, observe aspects of pre-Qur'anic law absent from the Qur'an itself. These include the prohibition of meat from animals with lung defects, the taboo that Ibn Ḥazm ascribes to Hillel and Shammai.²³

Once again, Ibn al-Qayyim and his Sunni colleagues arrogate to themselves the right to define—on the basis of Islamic sources—the proper beliefs and practices of non-Muslims. "Hillel and Shammai" have no say in determining the content of Jewish practice: what matters is the Qur'an as interpreted by Muslim scholars. More broadly, what matters to Muslim jurists are not actual non-Muslims but rather abstract principles of Islamic thought as filtered through Qur'anic exegesis and rational analysis. These principles include the authority of the Qur'an and of various types of hadith; respect for pre-Qur'anic revelations, along with those who revere these scriptures; and the hierarchical relationship between Muslims and Others. Jews, Christians, Zoroastrians, and idolaters simply function as useful screens upon which to project these ideas.

The Salvation of Non-Muslims, Revisited

I believe that one can say the same thing about medieval discourse regarding the salvation of non-Muslims. The works of Muslim theologians do not express interest in actual *kitābīs* or idolaters but rather in abstract principles of Islamic thought shaped by and filtered through Qur'anic exegesis, principles that are then projected upon hermeneutical non-Muslims. This is unsurprising, as medieval Muslim theologians and jurists are often the very same people. We can see that these authorities are not really talking about non-Muslims by analyzing the questions that underlie their statements regarding the soteriological fate of religious foreigners. We will consider only a few examples here, drawn from the work of individuals whose statements on food we have already considered.²⁴

Medieval theologians debate such issues as whether non-Muslims who were never exposed to Muḥammad's message are doomed to Hell and whether non-Muslims who do go to Hell will suffer there for all eternity. At stake in these debates is not only the fate of Jews, Christians, or idolaters, but also—and, from the perspective of the theologians, far more importantly—the nature of divine justice and the scope of divine mercy. Consider Ibn al-Qayyim's insistence that non-Muslims will not suffer in Hell forever but rather "only" for a very long period of time. Ibn al-Qayyim's argument for the noneternality of Hell is unrelated to his ideas about the sinfulness of actual non-Muslims. Rather, it stems from his interpretation of the relevant Qur'anic verses and, perhaps more decisively, from his conviction that God's mercy will ultimately overwhelm

God's wrath. As Ibn al-Qayyim puts it, "forgiveness is more beloved to [God]—praise be to Him—than vengeance, mercy is more beloved to Him than punishment, good will is more beloved to Him than wrath, and grace is more beloved to Him than justice."²⁵

Similarly, al-Ghazālī's insistence in *Fayṣal al-tafrīqa* ("The decisive criterion") that Byzantine Christians and idolatrous Turks who know nothing of Islam will be accepted into Heaven (after brief exposure to the fires of Hell) reflects al-Ghazālī's beliefs about God, not his attitudes toward Byzantines and Turks. Al-Ghazālī, I would suggest, intentionally selects one community of idolaters and one community from among the People of the Book to indicate that the salvation of these non-Muslims has nothing at all to do with their beliefs or practices. Their salvation results entirely from God's mercy toward those who, through no fault of their own, could not join the community of Muslims.²⁶ What non-Muslims actually believe is irrelevant; all that matters when determining their fate is the dissemination of accurate information about Islam.

The only soteriologically meaningful choice that a non-Muslim can make is to embrace Islam when afforded the opportunity to do so. For this reason, even so-called "inclusivist" medieval theologians, those like Ibn al-Qayyim and al-Ghazālī who hold that some non-Muslims have access to Heaven, maintain that all non-Muslims who encounter and then reject the message of Islam are doomed to burn in Hell on account of their refusal to act on this knowledge. The damnation of these non-Muslims serves to affirm the status of Muḥammad's revelation as essential for the well-being of all those who encounter it. In this respect, these theologians do not differ from their clearly exclusivist counterparts like Ibn Ḥazm, who declares that no non-Muslim will enter Heaven. According to Ibn Ḥazm, true Muslims must believe that even the most pious Christian will burn in Hell for all eternity while a Christian scoundrel who genuinely converts to Islam with his dying breath will enjoy Paradise.²⁷

The statements about non-Muslim damnation by figures like Ibn Ḥazm, al-Ghazālī, and Ibn al-Qayyim differ in content from their statements about non-Muslim food: the food of non-Muslims is equivalent to that of Muslims, but their soteriological fate is quite distinct. Both sets of statements, however, are similar in their disregard for the beliefs and practices of real individuals who adhere to foreign religions. For these medieval authorities, discourse about non-Muslims constitutes a valuable medium through which to address questions that have nothing to do with non-Muslims themselves.

Contemporary Discourse on the Salvation of Non-Muslims

Many of those who speak for Islam in the twenty-first century, in contrast, pay considerable attention to real non-Muslims. This reflects a significant shift in Islamic epistemology, as knowledge that results from engagement with non-Muslims is now deemed relevant in the context of legal and theological discourse. The authors of other chapters in this volume suggest a variety of explanations for this shift: intimate familiarity with the "proximate Other," including non-Muslim family members; the experience of diversity as "a divinely mandated good"; new political circumstances; and new ways of understanding Otherness.

Attention to the fact that some non-Muslims—such as specific friends and family members or famously righteous individuals such as Mother Teresa—appear to deserve heavenly bliss has prompted many contemporary Muslims to reconsider the classical notion that all non-Muslims who turn away from Islam are doomed to suffer in Hell. It is no surprise, therefore, that contributors to this volume consistently reject Ibn Ḥazm's thoroughly exclusivist contention that all Muslims and no non-Muslims will enter Heaven. At least one feature of medieval Islamic soteriological discourse, however, continues to apply today: even though contemporary Muslim theologians are genuinely interested in adherents of other religions, their statements about the salvation or damnation of non-Muslims still do not focus primarily on non-Muslims themselves. Adherents of other religions continue to function primarily as screens upon which those who speak on behalf of Islam project abstract ideas about the nature of Islam in the modern world. Various chapters of the present volume illustrate this phenomenon well.

Farid Esack's chapter offers a clear example from a liberal perspective of discourse ostensibly about non-Muslims that is in fact focused primarily on Islam itself. Its concluding section ("And the Qur'an?") captures the challenge that Esack feels he needs to address: "If the Qur'an is to consign the Jews to eternal damnation, then what becomes of the sacred text as a means of guidance for all humankind?"²⁸ Esack makes clear that the question he seeks to address is not about real Jews but rather about the Qur'an's dehumanizing depictions of Jews, depictions that fuel a form of racism that Esack decries. The chapter by Jerusha Lampsey similarly focuses on developing new hermeneutical strategies for interpreting Islamic scripture in a manner that supports a greater degree of toleration and religious pluralism.²⁹

The goal of these scholars is to ground a contemporary epistemology that recognizes the righteousness of individual non-Muslims in traditional sources that fail to do so. One might reasonably say that non-Muslims are the beneficiaries of their efforts: according to these interpreters, after all, non-Muslims are not necessarily doomed to damnation or dehumanization. The benefit that accrues to non-Muslims as a result of such efforts, however, is a byproduct of discourse about Islam's canon of sacred sources, discourse that occurs entirely within the Muslim community. The primary purpose of this discourse is to demonstrate to Muslims that Islamic texts can be reconciled with contemporary values.

Yasir Qadhi pursues the same goal by quite different means. He affirms the continued validity of the traditional Islamic notion that Islam constitutes the sole path to salvation. He proceeds, however, to qualify this notion: God, the merciful and all-powerful, can induct into Heaven whomsoever God pleases, including righteous non-Muslims such as Mother Teresa, and can bar from Heaven sinful individuals, such as Saddam Hussein, even if they outwardly profess Islam. Qadhi, moreover, humbly declares that he cannot be certain that he himself will escape the fires of Hell: God alone knows what fate lies in store for any individual, and theologians can speak only on the level of generalities. Qadhi holds that Muslims are infinitely more likely to enter Heaven than non-Muslims and that religions other than Islam are of no soteriological benefit, but he also holds that God saves individual non-Muslims on the basis of their own merits.

Few medieval theologians would endorse the notion that a righteous non-Muslim adequately informed about Islam could escape damnation. Qadhi, like his more liberal colleagues, departs from the classical theologians whose doctrines he otherwise affirms because he grants significance to knowledge about non-Muslims, specifically knowledge of the fact that people like Mother Teresa exist in this world. Even so, his soteriology focuses not on adherents of other religions but rather on core issues of Islamic theology itself. As Qadhi puts it, "How could a just and merciful and loving God unconditionally assign His wrath to those who might have theological views other than our own, but who nonetheless have much good in them?"³⁰ By highlighting God's power to damn individuals on the sole path to Heaven and save individuals on a path to Hell, conservative theologians such as Qadhi are able to preserve traditional Islamic soteriology in principle while safeguarding God's adherence to contemporary

standards of justice and mercy, standards that demand the salvation of people like Mother Teresa. Such an emphasis is, to the best of my knowledge, absent from the works of medieval theologians.

One should note that the emphasis Qadhi places on divine discretion and individual merit significantly decreases the predictive value of his notion that "Islam is the only path to God." Adherence to Islam is a good indication of one's likelihood of obtaining salvation, but it is neither necessary for salvation nor sufficient as a means of ensuring salvation. The utility of this soteriology, therefore, bears little relation to non-Muslims who, irrespective of their faith tradition, may or may not enter Heaven on their own merits as God sees fit. Rather, the message conveyed by the statement "Islam is the sole path to God" is "it's great to be a Muslim!"³¹ More specifically, Qadhi, along with Tim Winter and Muhammad Legenhausen, seeks to demonstrate that one can participate in secular society and engage in genuine relations with non-Muslims while affirming traditional Islamic beliefs. "There is no need for a radical reconstruction of the Islamic faith."³²

The contemporary debate among Islamic theologians regarding the salvation of non-Muslims, I would suggest, is not about non-Muslims but rather about differing conceptions of Islam. In this respect, the debate is similar to that of medieval Sunnis and Shi'is regarding the permissibility of meat prepared by Jewish and Christian butchers: non-Muslims function as pawns in an intra-Islamic debate. Where the discourse about the damnation of non-Muslims evident in the present volume differs most sharply from medieval discourse about the food of the Other is that Muslim academic theologians are unwilling to limit their conceptions of non-Muslims to those grounded in scriptural hermeneutics. Non-Muslims still function as screens on which to project Islamic ideas, but those screens are no longer blank and their features now have a greater impact on the contours of Islamic ideas themselves. The regular interaction of Muslims and non-Muslims, both over lunch and in other contexts, has thus had a significant impact on internal Islamic discourse.

Acknowledgment

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Notes

1. George M. Foster and Barbara Gallatin Anderson, *Medical Anthropology* (New York: John Wiley, 1978), 268.
2. On responses to the latter question, see David M. Freidenreich, *Foreigners and Their Food: Constructing Otherness in Jewish, Christian, and Islamic Law* (Berkeley: University of California Press, 2011).
3. Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity* (Berkeley: University of California Press, 1999), 2.
4. Abū Hāmid al-Ghazālī, *Kitāb al-wajīz fī fiqh madhhab al-imām al-Shāfi'ī*, in 'Abd al-Karīm ibn Muḥammad al-Rāfi'ī, *al-'Azīz: Sharḥ al-wajīz* (Beirut: Dār al-Kutub al-'Ilmiyya, 1997), 12:3. The following summary draws on the commentary by al-Rāfi'ī (d. 1226), which appears on pp. 3–6, and on al-Ghazālī's more expansive *al-Wasīfī fī al-madhāhib* (Cairo: Dār al-Salām, 1997), 7:102. Unless otherwise noted, all translations in the present chapter are original.
5. See, for example, Mālik ibn Anas, *al-Muwatṭa'* (Vaduz, Liechtenstein: Jam'iyat al-Maknaz al-Islāmī, 2000), 176, post-§1060 (English: trans. 'Aisha 'Abdarahman and Ya'qub Johnson [Norwich, UK: Diwan Press, 1982], 226).
6. Al-Nāṭiq bi-l-Ḥaqq Yahyā ibn al-Husayn (d. 1032 or 1033), *al-Taḥrīr*, ed. Muḥammad Yahyā Sālim 'Azzān (Sanaa: Maktabat Badr, 1997), 2:488. The reason that al-Nāṭiq, a Shi'i jurist, does not refer specifically to Zoroastrians will become clear shortly.
7. For a more detailed analysis of Shi'i laws governing non-Muslim acts of animal slaughter and other non-Muslim foodstuffs, see David M. Freidenreich, "The implications of unbelief: Tracing the emergence of distinctively Shi'i notions regarding the food and impurity of non-Muslims," *Islamic Law and Society* 18 (2011): 53–84.
8. Muḥammad ibn Muḥammad al-Mufīd, *Taḥrīm dhabā'ih ahl al-kitāb* (Qom: Al-Mu'tamar al-'Ālamī li-Alfiyyat al-Shaykh al-Mufīd, 1992).
9. See David M. Freidenreich, "Christians in Early and Classical Shi'i Law," in *Christian-Muslim Relations: A Bibliographical History*, ed. David Thomas et al. (Leiden: Brill, 2011), 3:27–40.
10. Abū Muḥammad al-Faḍl Ibn Shādhān, *al-Idāḥ* (Tehran: Maṭba'at Jāmi'at Tīhrān, 1972), 207–209.
11. Muḥammad ibn Muḥammad al-Mufīd, *Taḥrīm dhabā'ih ahl al-kitāb* (Qom: Al-Mu'tamar al-'Ālamī li-Alfiyyat al-Shaykh al-Mufīd, 1992), 31–32.
12. 'Alī ibn al-Husayn al-Murtaḍā, *al-Intiṣār* (Beirut: Dār al-Adwā', 1985), 193, 10–11; Abū Ja'far Muḥammad ibn Ya'qūb al-Kulaynī, *Furū' al-kāfi*, ed. 'Alī Akbar al-Ghaffārī (Beirut: Dār al-Adwā', 1985), 6:241, §15.
13. See David M. Freidenreich, *Foreigners and Their Food: Constructing Otherness in Jewish, Christian, and Islamic Law* (Berkeley: University of California Press, 2011), 197–203.
14. Ibn Qayyim al-Jawziyya, *Aḥkām ahl al-dhimma*, ed. Ṣubḥī al-Ṣāliḥ (Beirut: Dār al-'Ilm li-l-Malāyīn, 1981), 1:253. On this subject, see David M. Freidenreich, "Five Questions about Non-Muslim Meat: Toward a New Appreciation of Ibn Qayyim al-Ġawziyyah's

- Contribution to Islamic Law," in *A Scholar in the Shadow: Essays in the Legal and Theological Thought of Ibn Qayyim al-Ġawziyyah*, ed. Caterina Bori and Livnat Holtzman, *Oriente Moderno* 90/1 (2010): 85–106.
15. Ibn Qayyim al-Jawziyya, *Aḥkām ahl al-dhimma*, ed. Ṣubḥī al-Ṣāliḥ (Beirut: Dār al-'Ilm li-l-Malāyīn, 1981), 1:255.
16. Gregorius Barhebraeus, *Nomocanon*, ed. Paul Bedjan (Paris: Harrassowitz, 1898), 461.
17. Venus: Muḥammad ibn Aḥmad Ibn Abī Mūsā al-Hāshimī, *al-Irshād ilā sabīl al-rashād*, ed. 'Abd Allāh ibn 'Abd al-Muḥsin al-Turkī (Beirut: Mu'assasat al-Risāla, 1998), 384. George (*Jirjis*), presumably St. George Megalomartyros: Aḥmad ibn Muḥammad al-Naḥḥās, *al-Nāsikh wa-l-mansūkh* (Kuwait: Maktabat al-Falāḥ, 1988), 363–364 (on Q. 5:5).
18. See, for example, Muḥammad ibn Aḥmad al-Qurṭubī, *al-Jāmi' li-aḥkām al-Qur'ān*, ed. Muḥammad Ibrāhīm Ḥifnāwī (Cairo: Dār al-Ḥadīth, 1994), 6:78 (on Q. 5:5).
19. See chapter 1 of the present volume for A. Kevin Reinhart's discussion of a similar question, yielding similar results.
20. Abū Muḥammad 'Abd al-Wahhāb ibn 'Alī al-Baghdādī, *al-Ishrāf 'alā nukat masā'il al-khilāf* (Beirut: Dār Ibn Ḥazm, 1999), 2:922, §1852.
21. 'Alī ibn Aḥmad Ibn Ḥazm, *al-Muḥallā bi-l-āthār*, ed. 'Abd al-Ghaffār Sulaymān al-Bindārī (Beirut: Dār al-Kutub al-'Ilmiyya, 1988), 144.
22. 'Alī ibn Aḥmad Ibn Ḥazm, *al-Iḥkām fī uṣūl al-aḥkām*, ed. Aḥmad Shākir (Cairo: Maṭba'at al-Āshima, 1968), 722–723. See Camilla Adang, "Ibn Ḥazm's criticism of some 'Judaizing' tendencies among the Mālikites," in *Medieval and Modern Perspectives on Muslim-Jewish Relations*, ed. Ronald L. Nettler (Luxembourg: Harwood, 1995), 1–16.
23. Ibn Qayyim al-Jawziyya, *Aḥkām ahl al-dhimma*, ed. Ṣubḥī al-Ṣāliḥ (Beirut: Dār al-'Ilm li-l-Malāyīn, 1981), 1: 256–269. On the dispute between Ibn al-Qayyim and Ibn Ḥazm on this subject, see David M. Freidenreich, "Five Questions about Non-Muslim Meat: Toward a New Appreciation of Ibn Qayyim al-Ġawziyyah's Contribution to Islamic Law," in *A Scholar in the Shadow: Essays in the Legal and Theological Thought of Ibn Qayyim al-Ġawziyyah*, ed. Caterina Bori and Livnat Holtzman, *Oriente Moderno* 90/1 (2010): 102–106.
24. I am grateful to my fellow presenters at the conference on "Islam, Salvation, and the Fate of the Others" for introducing me to these texts and to discourse on this subject more broadly.
25. Ibn Qayyim al-Jawziyya, *Hādī al-arwāḥ ilā bilād al-afraḥ* (Egypt: Maktabat wa-Maṭbū'at Muḥammad 'Alī Ṣābiḥ, 1962), 298. See Mohammad Hassan Khalil, *Islam and the Fate of Others: The Salvation Question* (New York: Oxford University Press, 2012), 96; I am grateful to the author for sharing a draft of this manuscript with me.
26. Sherman A. Jackson, *On the Boundaries of Theological Tolerance in Islam: Abū Hāmid al-Ghazālī's Fayṣal al-Tafrīqa* (Karachi: Oxford University Press, 2002), 126–130. Al-Ghazālī excludes from Heaven those Byzantines and Turks who had sufficient

- knowledge of Islam but rejected it nevertheless; he includes those who were exposed only to false teachings about Muhammad or who die while in the process of investigating the truth of Islam's message. See further Mohammad Hassan Khalil, *Islam and the Fate of Others: The Salvation Question* (New York: Oxford University Press, 2012), 33–39.
27. 'Alī ibn Aḥmad Ibn Ḥazm, *al-Iḥkām fī uṣūl al-ahkām*, ed. Iḥsān 'Abbās (Beirut: Dār al-Āfāq al-Jadīda, 1980), 1:63; this passage is translated by A. Kevin Reinhart in chapter 1 of the present volume.
28. Cf. chapter 9 of the present volume.
29. Cf. chapter 10 of the present volume. See also Asma Afsaruddin, "The Hermeneutics of Inter-Faith Relations: Retrieving Moderation and Pluralism as Universal Principles in Qur'anic Exegesis," *Journal of Religious Ethics* 37 (2009): 331–354.
30. Cf. chapter 5 of the present volume.
31. This insight is inspired by a similar observation made about my own religious community by Neil Gillman, "A New Aggadah for the Conservative Movement," *Conservative Judaism* 58/2–3 (Winter/Spring 2006): 29–45.
32. See chapter 5 of the present volume. Qadhi, responding in private communication to a draft of the present chapter, disagrees with my claim that he departs from classical Islamic notions of salvation and, in particular, my assessment of how his soteriology affects the meaning of "Islam is the sole path to salvation." He points out that one lives on the basis of general rules rather than exceptional cases. Qadhi offers the analogy that Islam is like a bridge spanning a ravine: one should use the bridge to cross the ravine rather than jump off a cliff even though some who take the bridge die and some who jump do manage to reach the other side. I would respectfully suggest another analogy. Research and popular wisdom alike indicate that individuals with postsecondary education generally earn higher incomes than those without such education, but we all know of exceptions to this rule. Awareness of these exceptions shapes both the way in which the argument for pursuing postsecondary education is framed and the way in which that argument is received by high school students. Qadhi's advice is the same as that offered by medieval theologians—one should be a good Muslim if one wishes to get to Heaven—but I believe that his sensitivity to the exceptional cases marks his soteriology as different from theirs to a slight but significant degree.

12

Acts of Salvation

AGENCY, OTHERS, AND PRAYER BEYOND
THE GRAVE IN ISLAM

Marcia Hermansen

THIS CHAPTER EXPLORES Islamic perspectives on salvation through considering a specific issue that impinges on Muslim understandings of the fate of "Others" in the afterlife. This is the apparent prohibition of Muslims from praying for deceased non-Muslims.

In the discussions of salvation that appear in this volume, it is clear that distinct categories of Others are imagined or actually encountered in the realms of Islamic law and Muslim societies. Writings and rulings about Others in the Islamic tradition can position the religious Other in distinct ways—sometimes the Other is hermeneutical—a hypothetical, heuristic, non-Muslim; sometimes the Other is a political, tribal, or collective entity. In some cases, however, the Other is a near and significant part of the questioner's life, as an individual or a category—this we may call the proximate Other.¹

Muslims who hold that prayer for non-Muslims who have died is forbidden by Islam usually cite the Qur'anic verse 9:113, holding that it explicitly closes the door to this kind of prayer: "It is not fitting for the Prophet and the believers to pray for the forgiveness of those who associate partners with God (*mushrikīn*), even though they may be near kin (to them) after it has become clear to them that they are the people of Hell." Current discussions on online forums suggest that this prohibition is especially troubling to Muslims living in contemporary and pluralistic contexts, for example, converts to Islam concerned about the implications for their relatives, or Muslims aware of the good actions and exemplary lives of individual non-Muslims. These concerns are not exclusively modern. A review