

Reconciling Faith and Reason: Al-Bouti's Defence of Roger Garaudy in the Context of Apostasy and Islamic Jurisprudence

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Abstract

This paper is, in a way, an assessment of an apologia of the offence of *hadd* written by Muhammad Said Ramadan al-Bouti (1929-2013) to defend Roger Garaudy (1913-2012) against the accusation of apostasy. It analyses the evidence presented by al-Bouti to support his arguments for exonerating Garaudy. Al-Bouti was a prominent Syrian scholar and one of the most influential Islamic jurists in the contemporary Arab world, and a Shafi'i jurist who believed in applying independent reasoning in his interpretation of rulings. In his efforts to preserve the Sufi concept of 'interior form' and 'exterior behaviour', al-Bouti combines the spirituality of Sufism with traditional legal rulings of fiqh to derive the power of believer's conformity with the Sharia. It was this hypothesis of reconciling Islamic mysticism with fiqh that helped his work to gain currency in the Islamic world. Roger Garaudy (1913-2012) on the other hand, was a French Marxist philosopher who converted to Islam in 1982/83, at the age of 70. His conversion to Islam was perceived in the West as indicating "the superiority of Islam over the West". For this reason, the attack of western scholars on him was interpreted as part of the West's attack on Islam. However, Garaudy faced widespread criticism in the Muslim world after publishing his book *Islam*, to the extent that Muslim authors began to question the orthodoxy of his beliefs. The strongest assault came from the Saudi journal *al-Mujallah* in 1996, after Garaudy was interviewed by its correspondent in Paris. The article claims that Garaudy's conversion to Islam was more or less superficial. This paper introduces brief details of al-Bouti's life and his intellectual impact. Similarly, it highlights the Garaudy affair, his impact in the Muslim world and the historical origin of the kufr accusation. Finally, it explores the main argument of al-Bouti in his defense case, making particular reference to the *al-Mujallah* article.

1. Introduction

This paper is, in a way, an assessment of an apologia of the offence of *hadd* written by al-Bouti to defend Garaudy against the accusation of apostasy. It analyses the evidence presented by al-Bouti to support his arguments for exonerating Garaudy. To begin with, the essay introduces brief details of al-Bouti's life and his intellectual impact. Second, it will highlight the Garaudy affair, his impact in Muslim Arab world and the historical

origin of the *kufur* accusation. Finally, it will explore the main argument of al-Bouti in his defense case, making particular reference to the *al-Mujallah* article.

Muhammad Said Ibn Ramadan 'Umar al-Bouti (1929-2013) was a prominent Syrian scholar and one of the most influential Islamic jurists in the contemporary Arab world. He was born in 1929, in the village of Jilika in Western Anatolia (present-day Turkey), the second child in his family (Christmann, A. 2000). His pious parents were the source of his inspiration; they groomed him to be a devoted child and motivated him to focus on studying religious sciences. After the emigration of his family to Damascus in 1934, al-Bouti began his studies in Islamic sciences, including the Quran and its exegesis, the Arabic language, rhetoric and the biography of the Prophet. His father was a pious man who had chosen to lead a very simple ascetic life that greatly influenced al-Bouti later.

2. Literature Review: Background of Muhammad Said Ibn Ramadan 'Umar al-Bouti (1929-2013)

Al-Bouti started his teaching career in 1956, after his graduation from the University of al-Azhar; thereafter, he became an assistant lecturer in the faculty of Sharia of the University of Damascus (Christmann, A. 2008). He then became a lecturer in comparative law and religious studies at the University of Damascus after completion of his doctorate at al-Azhar in 1965. A prolific writer, al-Bouti has authored almost sixty influential books, including *Jurisprudence of the Prophetic Biography*, *Rules of Public Welfare*, *The Masterpiece of the Quran*, *A Critique of the Self-delusions of Dialectical Materialism* and *A Critique of the Salafiyya Movement*. Al-Bouti was a *Shafi'i* jurist who believed in applying independent reasoning in his interpretation of rulings. Further, he favoured the methodology of comparative analysis in his engagement with texts. However, he was a radical polemicist of *Salafi* thought, which calls for simplification of "the complicated demands of Islamic reasoning" (Christmann, A. 1998). Besides, he criticised the 'anti-School-of-Law' trend which opens the gates of *ijtihad* for all. Despite the fact that modern conditions necessitate the flexibility of *ijtihad*, he maintained that encouraging everyone to exercise independent judgement on legal matters is simply inaccurate.

Moreover, al-Bouti was a well-known critic of modern ideologies such as Secularism, Marxism and Materialism. He has also been successful in reconciling Arab nationalism with Islamic modernism; as a result, he has developed ambiguities that "reflect the complexity of his personality and also the fluidity of his thoughts" (Christmann, A. (2000). In his efforts to preserve the Sufi concept of 'interior form' and 'exterior behavior', al-Buti combines the spirituality of Sufism with traditional legal rulings of *fiqh* to derive the power of "judging a believer's conformity with the Sharia"; and for this reason, he preferred the "internalisation of law over the call for its immediate implementation". It was this hypothesis of reconciling Islamic mysticism with *fiqh* that helped his work to gain currency in the Islamic world. On 21 March 2013, al-Bouti was assassinated at the Al-Iman Mosque in Damascus in mysterious circumstances.

Roger Garaudy (1913-2012) is a French Marxist philosopher who converted to Islam in 1982/83, at the age of 70. In 1988, he was tried and fined for writing his controversial book *The Founding Myths of Israeli Politics*, published in 1996 (Litvak & Webman, 2013). This development, however, won him warm support in the Arab world, to the extent that he was invited to embark on a tour which received widespread coverage in the Middle Eastern media (Garaudy, 1997). Further, Garaudy delivered numerous public lectures and established contact with prominent Arab writers, intellectuals and politicians. To show their appreciation and respect for him, Arab leaders raised funds to support him in his trial and mobilized a team of Arab lawyers to defend him (Nordbruch, 1999). In order to extend his scholarly works to a wider audience, all his books, lectures and books written in his honour have been translated into Arabic. Meanwhile, Garaudy's conversion to Islam is perceived in the West as indicating "the superiority of Islam over the West". For this reason, the attack of western scholars on him was interpreted as part of the West's attack on Islam (Litvak, & Webman, 2013). On the other hand, Garaudy faced widespread criticism in the Muslim world after publishing his book *Islam*, to the extent that "Muslim authors began to question the orthodoxy of his beliefs (Christmann, & Gleave, 2007). The strongest assault came from the Saudi journal *al-Mujallah* in March 1996, after Garaudy was interviewed by its correspondent in Paris. The article claims that Garaudy's conversion to Islam was more or less superficial. It goes on to explain that his disrespect for the fundamentals of Islam, his challenge to Islamic legislation and defaming of the image of Islamic scholars like al-Qardawi, all these make his Islam questionable (Al- Mujallah, No. 839,10-16 March 1996). Finally, the journal encouraged Islamic scholars to revisit their "uncritical and excessive praise of Garaudy". This account formed the basis of apostasy charges against Garaudy.

3. Methodology of Research

This study employs a qualitative, analytical, and historical-textual methodology to examine Muhammad Said Ramadan al-Bouti's defense of Roger Garaudy in the context of apostasy accusations. The research involves a close reading and critical analysis of al-Bouti's writings, particularly his apologia concerning the *hadd* (fixed punishment) for apostasy, focusing on the legal and theological reasoning he employs to exonerate Garaudy. Al-Bouti's juristic framework is assessed within the broader context of his *Shafi'i* legal training, his embrace of Sufi

spirituality, and his methodological commitment to *ijtihad* (independent reasoning). The analysis also considers how al-Bouti integrates mystical and jurisprudential elements to defend orthodoxy, emphasizing his approach to reconciling internal faith with external conformity to Sharia. The paper also engages in a historical-contextual analysis by tracing the trajectory of the Garaudy affair and the controversy surrounding his book *Islam*. It draws upon primary sources such as the 1996 article in *al-Mujallah*, the interview with Garaudy, and the subsequent criticism from Muslim scholars, especially from conservative circles. Secondary sources, including biographical accounts of al-Bouti and scholarly literature on apostasy in Islamic law, are also employed to situate the case within broader debates on orthodoxy, belief, and intellectual freedom in contemporary Islam. Through this combined textual and contextual approach, the study evaluates the strength of al-Bouti's arguments and the implications of his defence for contemporary Islamic legal and theological discourse (al-Bouti, 1997).

4. Discussion on Findings

4.1 Al-Bouti's Defence of Garaudy: A Contextual Framework

Al-Bouti's defence of Garaudy came as a response to the article of *al-Mujallah*, in order to exonerate him from that apostasy claim. The defence is presented in the form of an 'apologia' incorporated into a book called *Shaksiyyat Istawqafatni*, meaning '[important] personalities who have deeply impressed me' (al-Bouti, 1999). Basically, the book was written to clear not only Garaudy but also seven other prominent Muslim thinkers against the charges of *kufir* levelled against them. However, it is observed that "the personal pronoun in the title suggests that [this book is] not a conventional treatise on a legal theme but a more personal account". Al-Bouti tries to denounce such accusations and prove beyond reasonable doubt that those claims are unfounded. This, he believes, will "restore the integrity of their faith" (Christmann, & Gleave, 2007).

4.2 Al-Bouti's Liberal Interpretation of Apostasy: A Critical Examination

Grounding his arguments in a liberal interpretation of apostasy within an Islamic framework, al-Bouti advocates that Garaudy's critical remarks about Islam and Muslim scholars are not significant enough to warrant an accusation of *kufir*. In support of this, he portrays Garaudy as a highly devoted and pious believer converted to Islam after reaching his climax of haughtiness in Marxism (al-Bouti, 1999). Further, he analysis all the alleged *kufir* statements by challenging their authenticity, ultimately exonerating Garaudy from all the charges and putting the blame squarely on Muslims. One question that needs to be asked, however, is whether or not the materials which al-Bouti presents to exonerate Garaudy reflect the actual situation on the ground. Some of these materials are more or less 'dubious'. For example, in his effort to underscore the strength of Garaudy's belief, he deliberately omits and sacrifices some relevant historical facts (such as Garaudy's forty-year exposure to Algerian culture prior to his conversion) in order to build up the image of Garaudy as a stubborn person who converted from a "Marxist hardliner and staunch defender of materialist philosophies" to a "devout" and "ultra-pious believer of Islam" (Christmann & Gleave, 2007).

Moreover, al-Bouti's evaluation of what constitutes Garaudy's negative perception is more or less erroneous. For example, in his analysis of factors responsible for Islam's decline after its greatness, Garaudy divides these into internal and external factors. For Garaudy, the fall of Baghdad in 1258 and Cordoba in 1236 are among the external factors affecting that decline, whereas the internal factors concern an intellectual decadence that originated as a result of the development of a legal and theological thought system by medieval scholars which prevented "innovative and free-thinking, undermined scientific and early spirit of Islam" and consequently led to "seclusion, self-contentment, pretension and 'self-sufficiency' in the Muslim world". Further, Garaudy uses "a synthesis of politico-military historiography" to defend his argument (Christmann & Gleave, 2007). In his effort to protect his Sufi ideology, however, al-Bouti gives an alternative interpretation to Garaudy's hypothesis and overlooks Garaudy's external factors completely, constructing a Sufi-orientated rendering to explain internal decadence (al-Bouti, 1999). He argues that:

...the good graces, which Muslims have enjoyed when Allah opened for them the East and the West, were not because of the material power they had ... but that its secret was their sincerity towards Allah and their liberation from the captivity of being tied to this world and its all too-human passions. [My emphasis]

Here, al-Bouti tends to overlook how Garaudy related that 'intellectual stagnation' to *fiqh and kalam* traditions, so as to mitigate the level of Garaudy's criticism. Further, he had to give another alternative reading that would correspond with the thought of Garaudy, inasmuch as 'decline' has neither a sociological nor a political connotation in traditional Islamic thought. This explains how al-Bouti's sympathy towards Garaudy pushes him to produce a biased account of Garaudy's work, so that he "deliberately manipulated the data available in order to show Garaudy in a very positive light" (al-Bouti, 1999).

On the other hand, concerning the external factors in the decline of Islam, Garaudy argues that the Sunnah of the Prophet (the traditional accounts of the Prophet's life and deeds) has been one of the factors responsible for that decline. He goes on to undermine the importance of the Sunnah by showing that first, the Sunnah is not important from an Islamic perspective, since the Quran does not instruct people to follow it. Second, the term 'Sunnah' is nowhere to be found in the Quran. Third, the task of Allah's messenger is to convey the message of the Quran to the people, after which they have the right to either follow or disobey him (al-Bouti, 1999). Thereafter, al-Bouti enters into dialogue with Garaudy, posing some important and challenging questions, for two reasons: first, to draw the attention of Garaudy to the importance of the Sunnah in general, and total submission to the judgement, teachings and injunctions of the messenger of Allah in particular; second, to stimulate Garaudy so as to broaden the scope of his knowledge of Islam by focusing on some vague Quranic rulings which are expounded only by the Sunnah. Al-Bouti goes on to quote verse 4:65, which highlights the consequences of disobeying Allah's messenger and going against his rulings (al-Bouti, 1999). This verse was revealed as a response to the judgement of the prophet between two companions disputing over the irrigation of their farm. One of the companions was not comfortable with the judgement; as a result, he rejected the prophet's verdict (al-Bukhari, 1960). Furthermore, al-Bouti accuses Garaudy of overzealousness in his engagement with the Sunnah. Contrary to the assumption of Garaudy, al-Bouti argues, prophet Muhammad was not only a messenger but also a spiritual leader entrusted with the huge responsibilities of conveying the message of the Quran, explaining its ambiguous passages to mankind and educating them (al-Bouti, 1999). To facilitate the conduct of his mission, prophet Muhammad was endowed with sterling qualities, spotless honesty, noble virtues, absolute sincerity and a high sense of trustworthiness, which made him eligible for the task. These admirable and compelling personality traits are more or less responsible for his success. For al-Bouti, the most important virtue given to prophet Muhammad was infallibility (al-Bouti, 1999).

4.3 Al-Bouti's Apologia in Favour of Garaudy: An Evaluation

The main question that needs to be asked, however, is whether or not al-Bouti's detailed apologia in favour of Garaudy is necessary. By reviewing the arguments, it becomes clear that al-Bouti advanced three main arguments to weaken the apostasy accusation against al-Garaudy. Firstly, the evidence presented to establish *kufur* charges is dubious and unreliable, since the integrity of *al-Mujallah* is at best questionable. Secondly, Garaudy is compelled to do certain things or make some utterances about the legality of which he is completely naive. Thirdly, the sincerity of his devotion and the level of piety he exhibited during his prayer undermine any claim of apostasy.

Each of these arguments, however, reflects the kind of 'discursive strategy' that al-Bouti adopts in his defence of Garaudy. As regards the first argument, for example, al-Bouti focuses on the authenticity of the evidence, noting that since Garaudy has not explicitly renounced his faith, his apostasy must be proved beyond reasonable doubt. This is particularly true because, as he points out, the "offensive blasphemous statement" attributed to Garaudy by *al-Mujallah* has not been corroborated by any other sources (al-Bouti, 1999). Furthermore, *al-Mujallah's* account does not correspond with what al-Bouti had personally observed of Garaudy's devoutness and piety in Algeria. Besides, the fact that *al-Mujallah* concocted an incident involving a clash between Garaudy and al-Bouti (something which never happened) is enough to make its reports unreliable, hence subject to rejection. Further, Garaudy had distanced himself from most of what was attributed to him in the interview in question. Finally, the timing of publication of this article, coinciding with the publication of Garaudy's *The founding Myth of Israel*, opens the possibility that 'Zionist circles' might have been responsible for promoting the evidence of Garaudy's apostasy so as to slander his image in the Arab-Muslim world and consequently destroy any sense of confidence in his religious authority (al-Bouti, 1999). However, all the previously mentioned arguments suffer from some serious weaknesses. It is not correct that the *al-Mujallah* article was not substantiated by other sources. Garaudy's criticisms of the Sunnah and 'Ulamah, for example, are evident in his other writings on Islam, for which other Islamic scholars have criticised him. Another problem with this argument is that al-Bouti fails to take historicity into account. His personal account of Garaudy's religiosity rather too outdated to be cited as evidence, as it "goes back to the year 1984/85, leaving a gap of almost twelve years between then and Garaudy's scandalous remarks in 1996".

However, al-Bouti has been successful in presenting his criticism of sources concerning the alleged apostasy, by undermining the authenticity of the *al-Mujallah* article and challenging its reliability as a basis for a judgment of *kufur*. Apostasy is the abandonment of Islam (Berger, 2003). It also involves "a plot to undermine Islam from within in favour of some other faith (Lewis, B. 1953) or denying what is established through the verses of the Quran or the Hadith of the prophet. Under traditional Islamic law, the effects of apostasy are far-reaching, both in the field of penal and civil law; for example, the apostate is to be sentenced to death unless he repents, he loses the right of inheritance, and his marriage automatically dissolves (Ahmad, 1989). Moreover, declaring infidelity is something which is even beyond judicial scrutiny. A court, for example, does not have the capacity to declare someone an infidel but is subject to the submissions of the parties (Bälz, 1997). In Egypt, for example, apostasy is judicially established either by self-confession of the apostate or presenting a written (legal) testimony according

to which he has converted to another religion. Despite the fact there is a strong debate as to whether or not apostasy can be established on the basis of academic writing, in the case of Abu Zaid, his writings were equated with legally binding acknowledgement, and consequently apostasy was established on that basis.

On a different note, al-Bouti has seen the negative consequences of establishing unsubstantiated accusation of kufr against Muslims over the years. In Egypt, for example, Shaykh Dhahabi, former Egyptian minister of *Waqf*, was assassinated by the *Takfir wa al-Hijra* movement on the basis of apostasy (Zeghal, 1999). Later, President Sadat met the same fate; and Faraj Fuda, secularist political writer and the leader of the *Hizb al-Mustaqbal* political party was also assassinated for his repeated attacks on the Islamists and his secularist advocacy. Moreover, Abu Zaid was condemned to death on the same basis. For al-Bouti (1999), since Garaudy's alleged apostasy was not based on documents or self-confessed conversion, but on his writings on Islam, it must be seen as a matter of legal evidence. Therefore, due to the gravity and complexity of the issue, he sets out to evaluate the *al-Mujallah* article in order to confirm whether Garaudy was indeed guilty of blasphemy and consequently of apostasy. He concludes that if the evidence of apostasy is based on deniable evidence such as pure hearsay, then the charge must be dropped.

4.4 The Judgement of Garaudy Stems from His Naivety

In response to the second argument, which focuses on the naivety of Garaudy it is the view of al-Bouti that all Garaudy's insults and offensive utterances came as a result of his heavy reliance on "secondary sources, which he, the new convert, had to consult because he could not master Islam's primary sources" (Christmann & Gleave, 2007). Given the fact that these books were written by Muslims whose minds were contaminated and by non-Muslim writers, the blame must be put squarely on them for misleading Garaudy. Al-Bouti (1999) observes:

He [Garaudy] may be absolved from guilt, as I said, because of the many scheming sources on which he had based his book and which did not allow him to know, unlike us, their evil nature and the evilness of their authors...

Al-Bouti concisely argued that Garaudy's scandalous remarks were unintentional and not deliberately made. He even goes so far as to assert that Garaudy might have written his book under the influence of brain contamination and mental disorder. It is not surprising, he argues, that in these circumstances Garaudy should make such offensive statements about Islam and the prophet. A serious weakness of this argument, however, is that al-Bouti fails to take Garaudy's intellectual and ideological background into account. Garaudy is a French Protestant with a bachelor's degree in philosophy who has authored dozens of scholarly works. Thus, it is simply inaccurate to underrate the knowledge of a person of such intellectual calibre and portray him as "an innocent victim of a devilish scheme and as someone who is utterly confused in his ideas of Islam" (Christmann & Gleave, 2007).

4.5 Garaudy's Repentance: The Extent of Validity

The third and final argument focuses on Garaudy's repentance. In Islamic orthodoxy, repentance impedes the imposition of penalties on delinquents, because penitence is a clear sign of relinquishing previous wrong acts. In the case of apostasy, in particular, the apostate is given a chance to repent before being put death; if he does so, then the death penalty will be suspended. However, when the apostasy involves insulting the prophet, the renegade is to be executed instantly without giving him chance to repent. According to al-Bouti, Garaudy does not even need to repent, since he did not renounce his faith in explicit terms. Further, his naivety and the insufficiency of constructive evidence make the accusation of *kufr* unwarranted. In any case, al-Bouti concedes that Garaudy has committed mistakes as a result of "errors of understanding" but holds that these do not reach the level of apostasy. Thus, he depicts him as remorseful, penitent and apologetic so as to "pre-empt the outcome of a possible debate during which someone else might find these 'errors' sufficient proof for Garaudy's apostasy" (Christmann & Gleave, 2007). A serious flaw in this argument, however, is that we are given no explanation of how and when Garaudy publicly rescinded his offensive statement; nor is any remorse to be found in any of his subsequent writings. It follows that al-Bouti's depiction of Garaudy's repentance was intended deliberately to create a dichotomy between Garaudy and born Muslims in his engagement with the apostasy case within the Islamic framework. Further, al-Bouti (1999) goes on to explain that if these offensive statements were made by born Muslims his judgement would have been different. He observes:

There is, hence, a different between the mistakes of a new convert to Islam and his ignorance and someone who was born Muslim, and still ignores what he knows and insists on it and listens to the whispering of the devil. Therefore, there must be a different treatment of the two.

5. Conclusion

On the whole, al-Bouti's writing on Garaudy is an apologia of the offence of *hadd* constructed to defend Garaudy against the accusation of apostasy. This explains its cynical nature, its limited accuracy in depicting the actual case of Garaudy and al-Bouti's bias towards Garaudy and his thoughts. Further, the arguments and evidence presented by al-Bouti to exonerate Garaudy from those charges are more or less incomprehensible and unconvincing, hence insubstantial. This is particularly true because he relied heavily on *fiqh* convention and totally neglected biographical facts, including the complex intellectual life and real thoughts of Garaudy. From a legal perspective, the defence is worthless, as it is based solely on a 'hypothetical case scenario' which is at best questionable. Moreover, al-Bouti capitalizes on Garaudy's devotion to underline his mystical ideology of Sufism. In view of the fact that judging the interior faith of an individual is beyond human power, then his exterior acts and public piety can be used as circumstantial evidence to evaluate his true beliefs. The text is a reflection of religio-ideological conflict in the Middle Eastern atmosphere in which al-Bouti exists, where the *takfir* mentality prevailed in the 1990s. Contrary to what is broadly expected, instead of engaging critically with the *takfir* case, al-Bouti appears to have taken a more or less polemical stance.

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Conflict of Interest

The author declares that there is no conflict of interests regarding the publication of the paper.

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