

## Punishment of Apostasy between Denial and Confirmation

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### Abstract

The issue of individual Apostasy punishment, disconnected with announcing war, or spoiling values on earth is considered one of the thorny intellectual issues in the Islamic Jurisprudence; for it is overpowered by the principle of the safeguarded religious freedom in Islam, and principle of responsibility of man for his actions at what may expose the community to danger. So this study did present evidences of confirmatives, and it had been performed on a group of confirmative hypothetical talks, or hypothetical significance, also present the denial evidences, that initially depended on the invented understanding from the verses of the Holy Qura'n, assertion of the religious freedom, and man is not punished, in this life of the world, for his thinking and choice, but punished for his behavior only; to determine the prominence of this last opinion.

### Introduction:

Inquiries of researchers were performed on how is the Apostasy punishment can be determined in light of the intellectual and dogmatic freedom guaranteed by Islam for every individual? And is performing this punishment is from the gate of man's responsibility about a decision taken freely by him and a correct choice, and not from part of confiscating freedoms?!

It was a must for researchers to release this matter accurately.

### Range of the research:

The research will be confined to the issue of the individual man's choice in the normal circumstances, without exposing to the issued of the Apostasy connection with aggression on Islam and Moslems or announcing war on them, or spoil values on earth.

### Questions of study:

#### Problem of study and its basic question:

What is the critical and scientific stand from evidences of Apostasy Punishment confirmatives, and are they correct?

And a group of questions branched from it:

What is the authority of punishment confirmatives? And is there a recurrence (definitely steadfast) in that?

Did unanimity confirmed in it?

What is the authority of Apostasy punishment deniers?

Does confirmation of Apostasy Punishment contradict with preserved individual freedom in Islam?

**Objective of study:** clearing the critical scientific value of both parties evidences, through concentration on their studying a critical study in accordance with curriculum of the modern scholars, and discussing them from part of their evidence.

**Previous studies:** researchers inquired about a group of the previous studies, that relate with subject of study, they are:

- Al-Booti, Mohammad Saeed, Man Freedom in Shadow of His Adoration of the Al-Mighty God, a printed book, (Damascus: Dar Al-Fiker, 1992), his speech is related with the issue of determinism.
- Al-Qardawi, Yousef, Crime of Apostasy and Punishment of the Apostate in Light of the Holy Qura'n and Sunnah (Works of the Prophet Mohammad), a printed book, (Beirut: Al-Risalah

Institute Publishers, 2001). The researcher had differentiated between Apostasy on the community and the normal Apostasy, that is for the significance of distinguishing between the personal freedom and the public right, but he did not discuss the issue from part of the recent detailing evidences and their criticism.

- Al-Saeedi, Abdel Mutaal, The Religious Freedom in Islam, a printed book, (Cairo: Dar Al-Ma'aref, 2001), he deduced that pure apostasy from religion does not oblige killing, because it contradicts the frank text (No enforcement in religion).
- Al-Olwani, Taha Jaber, No Enforcement in Religion, a printed book, (Cairo: Al-Shorouq International Library, 2003), he deduced a result means non-existence of a legal punishment, worded on for the crime of changing the religious belief or changing religion without combining any criminal action, but he did not provide evidences in detail from part of narration and criticism.
- Al-Najjar, Abdel Majeed, Religious Freedom in the Islamic Legislation (Shariah): its Dimensions and Controls, a research submitted to the Islamic Jurisprudence (Figh) subordinate to the Islamic Conference organization in its Nineteenth Round, (Shariah: April 2009), the researcher originated the concept of the religious freedom in the Islamic Legislation passing by discussing the suspicion provided on the religious freedom, and did not detail for any evidence of both parties.
- Al-Zuhaili, Wahbeh, Right of Freedom in the World, a printed book, (Damascus: Dar Al-Fiker, 2010). The researcher cleared the value of freedom in human rights its basis and texts, and did not detail in the Apostasy punishment evidences.
- Al-Ghanoushi, Rashed, Public Freedoms in the Islamic State, a printed book, (Cairo: Dal Al-Shorouq, 2012).
- Ibrahim, Adnan, Freedom of Conviction in Islam and its opposers, a university dissertation, (Vienna, Wien University, 2014), the author presented the concept of freedom and its history in the variety of knowledge spaces, and concluded his dissertation with the discussion of killing the apostate in Islam by presenting objection and inquiries in this chapter, and did not detail in evidences of both parties.

Informing those valuable studies we notice that they did not detail in evidences of each party, but mostly provides a part of it, so we viewed a need to present the evidences at each party and discussing them.

**To achieve that discussion will be in:**

**The first topic:** concept of Apostasy Punishment and opinions of scholars in it, two demands in it:

**The first demand:** concept of Apostasy Punishment.

**The second demand:** opinions of scholars in Apostasy Punishment.

**The second topic:** those who view the Apostasy Punishment, their evidences and discussion. It has two demands:

**The first demand:** those who view the Apostasy Punishment.

**The second demand:** their evidences and discussion.

**the third topic:** those who deny Punishment of Apostasy (the individual), their evidences, it has two demands:

**The first demand:** those who deny the Punishment of Apostasy.

**The second demand:** their evidences and discussion.

**Conclusion:** in results of study, and most significant recommendations.

**The first topic:** concept of Apostasy Punishment and opinions of scholars in it.

**The first demand:** concept of Apostasy Punishment.

Apostasy linguistically: desistance from a thing to another origin of Apostasy: diverted a thing by itself or in a state of its states, from it the Al-Mighty God saying in An'am (cattle) Sura, verse (149) "But from people in guilt Never will His Wrath Be turned back", and His saying in Al'Imran Sura verse 149 "They will drive you back on your heels; and ye will turn back (from Faith) To your own loss".

And from the meanings of reversion for the saying of the Al-Mighty God: "If I was reversed to God" and so the reversion and Apostasy: is going back in the road from which he came<sup>(1)</sup>.

Apostasy idiomatically: scholars invented the legal meaning from the linguistic meaning, from their definitions of it: Reversion from Islam religion to atheism, either by intention, disbelieving action, or by saying, either he said it mocking, stubbornness or believing. And the apostate: is the charged apostate reversed optionally from Islam religion, either by declaration with atheism, or by obliged verbalism, or by an action obtained to atheism<sup>(2)</sup>.

**The second demand:** opinions of scholars in the Apostasy Punishment: If we go back to the ancient and modern sources and references we find that opinions of scholars are variant of six opinions:

**The first opinion: the Apostate is unbelievably killed:**

Most of the considerable books of Jurisprudence (Figh) at people of Sunnah mention the verdict of Killing in right of who apostated if he was rational mature, and did not repent from his Apostasy and his Apostasy was proved by confirmation or testimony, and either he was a man or woman at the public. Al-Hanafeyah said: the woman is not killed. We will detail that in conditions and controls, for killing the Apostate is the opinion of the assembly of Jurisprudents of the different Islamic schools.

It had been confirmed by a group of scholars, and we will provide clearance of that afterwards, one of these who narrated that is Al-Baihagi<sup>(3)</sup>, and Abu Zahra<sup>(4)</sup>. This will be cleared in the first demand of the third topic.

**The second opinion is that the Apostate is killed as a punishment, meaning even if he repented, he is killed, this was ascribed to Al-Hasan Al-Basri.** And it was provided in "Al-Iqna' fi masi'l Al-Ijma'" (conviction in matters of assembly): (And agreed on killing people of Apostasy after a great discrepancy among them, and assembled that the Apostate is not killed even if he repented, except Al-Hasan Al-Basri Said: he is killed even if he repented)<sup>(5)</sup>.

**The Third Opinion: Apostate is not killed, but if committed warlike deeds or aggressive or spoilage on earth deserves punishment; his affair is charged with Imam, punishes him with suitable punishment he views, in accordance with a law waged for that.** Some researchers may call this type of punishment "reproof", and some of them, made "the reproof" a matter, we will provide their sayings in the first demand and the fourth topic.

**The fourth opinion: reproof**

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<sup>(1)</sup> Ibn Faris, Ahmad (D; 345), Lexicon of Language Scales, reversion Knowledge And Al-Ragheb Al-Asfahani, Al-Hasan Bin Mohammad (D. 520H), Vocabulary in queer of Qura'n, Dar Al-Ma'refa, Beirut, 4<sup>th</sup> ed, 2005 P. (198) See Al-Zuhaili Islamic Jurisprudence & evidences.

<sup>(2)</sup> Ibn Qudama, Abdullah Bin Ahmad (D 620H). Al-Mughni, Cairo Library, 1968, (319). Al-Tweijri, M. Ibrahim, Encyclopedia of Islamic Jurisprudence, House of International Ideas, 140H (5/187): Kuwaiti of Islamic Jurisprudence, Ministry of Wagf of Islamic Sacred Affairs, Kuwait, 1404H, 2<sup>nd</sup> ed, Dar Al-Al-Salasil, Kuwait, (21/32), Encyclopedia of Consensus in Islamic Jurisprudence Sadia.

<sup>(3)</sup> Al-Baihagi, Ahmad Bin Al-Hasan, (D. 458H) Recognition of Sunan and Works, verified by Abdelmu'ti Qala'ji, Dar Qutaibah, Damsascus Beirut, 1991, (12/239).

<sup>(4)</sup> Mohamd Abu Zahrah, Al-Fataw, verified by Mohamd Shbeir, Dar Al-Galam, Damascus, 2006, PP. (693-694).

<sup>(5)</sup> Ibn Al-Qattan, Ali Bin Mohamd, (D 628H), Conviction in Matters of Assembly, verified by Hasan Al-Saeedi, Al-Farooq for Printing and Publication, 2004, (2014-2015), Ibn Abdel Al-Bir Al-Qurtobi, Yousef Bin Abdullah, (D. 436H.) Preface to what is there of meanings & references, verified by Mustafa Al-Alawi, M. Al-Bakri, Ministry of Public Wagf & Islamic Affairs, Al-Maghreb, 1387H. (5-312).

Some scholars worded that the Apostasy Punishment is not a penalty, but it is reproofing punishment, and scholars have details in this opinion<sup>(6)</sup>, this saying means that the Apostate's matter is up to the ruler, if he viewed an interest in killing him he did, and if viewed non killing him, he never did, and this is measured on the Moslem spy, as the Prophet (peace upon him) did to Hateb Bin Abi Balta', for the Prophet did not kill him<sup>(7)</sup>, we will notice their sayings in the first demand of the fourth topic.

**The fifth opinion: denial of killing the Apostate, but he is made to repent.** And this is what some of the later scholars, and ascribed to Omar, Al-Thawri, and Al-Nakhii<sup>(8)</sup>.

**The sixth opinion: It is not taken any procedure against him, no clearing and not making him repent:**

This is understood from Taha Jaber Al-Q'lwani's talk, and Hmoud Shaltout, Abdel Majeed Mutwalli, Lua'I Safi, and Abdel A'l Al-Saedi, so he says: (my belief in the Apostate is not forced to believe in Islam by killing and not forcing to repent, but satisfied with the call for Islam of what is satisfied with it in a call of who had never believed in Islam then Apostated from it, and this is a belief by which it individualized by it in the verdict of the Apostate, and no one preceded me in it originally<sup>(9)</sup>).

**Summary:** if the range of research in the individual Apostasy; we notice that the summary of opinions in the issue of Apostate is an individual Apostasy and never had been a warrior, two opinions:

An opinion obliges killing, and another denies it, some says it is reproof, it is clear that he means if he connected with warlike and aggressive deeds oblige killing, so we will present the evidences within two items (he who confirms absolutely, and who denies it for the interest of the individual Apostasy) as follows, this is the essence of our research.

**The Second Topic: those who view obligation of applying Apostasy Punishment, their evidences and discussion. The first demand: those who view of Apostasy Punishment:** we find the public of Jurisprudents talk about confirming Apostasy Punishment, without detail if combined with aggression or non-aggression, or was individual or collective if referred to books of general Jurisprudents we find firm title most of Jurisprudence books **talk about Apostasy & Verdicts** of Apostates<sup>(10)</sup>.

I did not find any difference among the four schools of Jurisprudence in confirming Apostasy Punishment even if they differed in some details; like making repentance and the woman<sup>(11)</sup>.

But some of scholars stopped at what Al-Hanafeyah provided in Apostates' topics in book of curriculums & Jihad, and not in the book of punishment<sup>(12)</sup>? The thing that made them say "Al-Hanafeyah" do not confirm it as a punishment; but a connected punishment being committing war like aggressive deeds.

And provided in "Conviction in Matters of Assembly": (they agreed on killing people of Apostasy after a great discrepancy was among them, and unanimously agreed that the Apostate if repented is not killed, except Al-Hasan Al-Basri he said: is killed even if repented)<sup>(13)</sup>, and it was not detailed when was the discrepancy, and who disagreed with.

<sup>(6)</sup> Adnan Ibrahim, Freedom of conviction in Islam & objections, A Doctorate Dissertation submitted to Vienna University, 2014.

<sup>(7)</sup> Al-Bukhari (D. 265 H.) Al-Jami' Al-Musnad Al-Saheeh (Saheeh Al-Bukhari), Dar Tauqul Najat Photocopy from Al-Sultania, 1422 H, Book of Jihad & Sear (curriculums), Spy chapter No. (3007). Adnan Ibrahim, Freedom of Conviction in Islam & Objections..mentioned the opinion of Reproofing with its types. (748 & afterwards).

<sup>(8)</sup> Al-Asbahi Al-Madani, Malek Bin Anas, (D. 179H.) Al-Muta', verified by Mohamd Mustafa Al-A'thami, Society of Zayed Bin Sultan Al-Nhayyan for Charity and Human Deeds- Abu Dhabi- Emirates, 2004, (4Y1066) No: (2728).

<sup>(9)</sup> Abdel Muta'l Al-Sa'eedi Religious Freedom in Islam, Dar Al-Ma'raf Cairo, Cairo (D,L) p.83.

<sup>(10)</sup> Al-Kasani, Badei' Al-Sanai' (7/134) & Ibn Al-Humam, Fath Al-Qadeer (6/68), Al-Dusoqi, M. Ibrahim, (D. 1230 H.) hashiyat Al-Dusoqi Dar Al-Fiker (41301), Alzuhaili, Islamic Jurisprudence (172-182).

<sup>(11)</sup> Ibn Rushd, Bidayat Al-Mujtahid (4/242), & Ibn Qudamah, Al-Mughni, (4/9).

<sup>(12)</sup> Al-Kisai, (D. 587H.), Bada'i Al-Sana'i Fi Tarteeb Al-Sharai, Dar Al-Kutob Al-I'lmeeyah, 2<sup>nd</sup>, 1986, (7/134). And Ibn Al-Humam, (D. 861H), Fath Al-Gadeer, Dar Al-Fiker, (6/68).

<sup>(13)</sup> Ibn Al-Qattan, Conviction in Matters of Assembly, (1/356), No: (2014-2015).

And it was provided in the Encyclopedia of Assembly in the Islamic Jurisprudence, and the Assembly transferred by Ibn Hazm (456 H), & Al-Mawardi (450H.), also the Encyclopedia transferred that from Al-Hanafeyeh, Al-Malekyeh, Al-Shafiiyah, Hanabilyeh and Al-Thahireyeh<sup>(14)</sup>.

**The second demand: evidences of viewers of Apostasy Punishment.**

**The first Hadith: (He who changed his religion kill him).**

This Hadith was provided from various lanes; from Auob from I'kremah, from Ibn Abbas, from them: Sufyan Bin A'yeenah Hammad Bin Zaid, Ismael Bin A'liyah, Abdel Wahhab Al-Thaqafi, Abdel Wareth, Waheeb and Mu'amer and others, all are from Auob, with approaching phonations.

And demanding briefing, it was satisfied by confirming places of the Hadith in below sources, but Sufyan method; is directed by Al-Bukhari<sup>(15)</sup> and Al-Tahawi<sup>(16)</sup>.

His phonation: from I'kremah is that Ali burnt a people, and Ibn A'bbas was informed, and said: If I were him I would not turn them, because the Prophet said: "Do not torture by the Al-Mighty's torture", and I would have killed them as the Prophet said:

"he who changed his religion, kill him"<sup>(17)</sup>.

But Hammad Bin Zeid's method was directed by Ahmad<sup>(18)</sup>, Al-Bukhari<sup>(19)</sup> and Al-Tahawi<sup>(20)</sup>.

But Ismael Bin Aliah method was directed by Ahmad<sup>(21)</sup>, Abu Daoud<sup>(22)</sup>, Al-Nasai<sup>(23)</sup> & Al-Daraqutni<sup>(24)</sup>.

But Abdel Wahhab' method, verified by Al-Tirmithi<sup>(25)</sup> and his phonation: from I'krema, that Ali burnt an Apostate people from Islam, Ibn A'bbas was informed, he said: If I were him, I would have killed them with the Prophet's saying "He who change his religion, kill him". I would not burn them for the Prophet's saying: "Do not torture by the Al-Mighty's torture, Ali was informed that, he said: Ibn A'bbas was correct.

But Muamme's method was directed by Al-Nasai<sup>(26)</sup>. And Al-Nasai directed the narration of Abdel Wareth<sup>(27)</sup> and narration of Waheeb<sup>(28)</sup> in brief, wholly, the Hadith was narrated from different lanes about Auob, and looked: Abdel Razaq<sup>(29)</sup>, Al-Tirmithi<sup>(30)</sup> Al-Nasai<sup>(31)</sup>, Ibn Al-Jaroud<sup>(32)</sup>, Al-

<sup>(14)</sup> Encyclopedia of Assembly in Islamic Jurisprudence, (6/287), in brief and freely.

<sup>(15)</sup> Al-Bukhari, Sahih Al-Bukhari, book of Jihad & Curriculum, section is not tortured by the Al-Mighty's torture, No (3017).

<sup>(16)</sup> Al-Tahawi (D. 321H), Paraphrase of Problematic Works, verified by Shuaib Arnaout, Al-Risalah Society 1994, No: (2865, 2866, 2867).

<sup>(17)</sup> Ibid Al-Bukhari, Sahih Al-Bukhari.

<sup>(18)</sup> Ibn Hanbal Al-Shaibani, Ahmad (D. 241H.), Al-Musnad, verified by Shuaib Al-Arnaout, Al-Risalah Society, 2001, (4/335).

<sup>(19)</sup> Al-Bukhari, Book of making Apostates & obstinates repent, & fighting them, verdict of Apostate & making them repent.

<sup>(20)</sup> Al-Tahawi, Paraphrase of Problematic works, No: (2864).

<sup>(21)</sup> Ahmad Bin Hanbal Al-Musnad, (3/364), No: (1871).

<sup>(22)</sup> Al-Sajstani, Abu Daoud Suleiman Bin Al-Asha'th (D275H) Sunan Abi Daoud, Verified by Shuaib Al-Arnaout et al, Dar Al-Risalah Al-I'lmeyah, 2009.

<sup>(23)</sup> Al-Nasai, Ahmad Bin Shuaib, (D303H.), Al-Mujtaba Min Al-Sunan (Al-Sunan Al-Sughra) verified by Abdel Fattah Abu Ghoddah, Library of Islamic Printed Matters, Aleppo, 2<sup>nd</sup> ed, 1986, chapter of Illegality of Blood, section of verdict of Apostate, (7/104) No: (4059, 4060, 406).

<sup>(24)</sup> Al-Daraqutni, Al-Sunan (4/108), No: (3142).

<sup>(25)</sup> Al-Tirmithi (D. 279H.), Al-Jami' Al-Kabeer (Sunan Al-Tirmithi), verified by Bashar Awad Ma'roof, Dar Al-Ghrb Al-Islami, Beirut, 1998, chapter of punishments, chapter of Apostate No: (1458).

<sup>(26)</sup> Al-Nasai, (303H.), (Al-Sunan Al-Kubra), Al-Risalah Society, verified by Shuaib Al-Arnaout et al, Beirut, 2011, writers of warring, section of verdict of Apostate, No: (3510).

<sup>(27)</sup> Ibid, No: (3508).

<sup>(28)</sup> Ibid No: (3509).

<sup>(29)</sup> Al-Sana'ni, Al-Musanaf, No: (9413) & (18706).

<sup>(30)</sup> Al-Tirmithi, Al-Sunan, chapters of Punishments, chapter of the Apostate, No: (1458).

<sup>(31)</sup> Al-Nasai, Al-Sunan, book of illegality of blood, chapter of verdict of Apostate, No: (4059).

<sup>(32)</sup> Ibn Al-Ja'ed Abdullah Bin Ali, (D307H.), selected Sunan & Leaned, verified by Abdullah Al-Baroudi, Cultural Books Association, Beirut, 1988, P. (214), No: (843).

Tahhawi<sup>(33)</sup>, Ibn Hibban<sup>(34)</sup>, Al-Tabarani<sup>(35)</sup>, Al-Daraqutni, Al-Baihaqi<sup>(36)</sup>, and Al-Baghawi<sup>(37)</sup> from methods about Auob Al-Sikhyatani, and the narration of some of them in brief.

Also Al-Hadith narrated from A'bbad Bin Al-A'wwam about Saeed Bin Abi Orouba about Gatadah from I'kremah from Ibn A'bas, directed by Al-Nisai in the Greatest<sup>(38)</sup>, and the smallest<sup>(39)</sup>, and the Tabarani<sup>(40)</sup>.

**The latter has defects:**

1. That from the narration of Ismael Bin Abullah Bin Zararah, and he is trustworthy<sup>(41)</sup>.
2. And had contradicted the most trustworthy who narrated from the lane of Qatadah as a correspondent. Directed by Al-Nisai<sup>(42)</sup>, Al-Nisai said: and this (that is the sender, is preferable with correctness).

Also his orbit is around I'kremah.

And Ahmad directed the Hadith<sup>(43)</sup> learning on Qatada, from Anas, that Ali brought a people of Gypsies adore an Idol, so he burnt them, Ibn A'bbas said: but the Messenger of God said<sup>(44)</sup>: "He who changed his religion, kill him"<sup>(45)</sup>. And Al-Nasai' directed it<sup>(46)</sup>.

And the well-known Qatadah Narration from I'kremah as numerous narrators narrated.

3. And from the defects of Al-Hadith from Qatadah narration, and Qatadah is known for deceit and he had retold in narration.
4. And it is summarized from the total of narrations: the scope of talk about I'krema, Sufyan phonated from Ayoub from I'Krema from Ibn A'bbas, that Ali (God consented him), burnt a people, Ibn A'bbas was informed, he said: if I were him I would not burn them, because the Prophet, said "Do not torture by the Al-Mighty's torture", and I would have killed them as the Prophet said: "He who changed his religion, kill him"<sup>(47)</sup>.

Here he said: (burn some people), but phonation of Hammad Bin Zaid: (Brought some Atheists), but Ismael and Abdel Wahhab's phonation: (that some people Apostated from Islam), Abdel Wahhab added at al-Tirmithi that Ali said: (Ibn A'bbas was correct) "trustworthy", Ismael Bin Alia added at Ahmad that Ali said: "Woe unto Ibn Um Ibn A'bbas".

But narration of Abdel Wareth, Waheeb, Mu'mer, A'bbad Bin Al-A'wwam and Mursel Al-Hasan; it was confined to phonation: "He who changed his religion, kill him".

<sup>(33)</sup> Al-Tahawi, Paraphrase of Problematic Works, (7/304-305).

<sup>(34)</sup> Al-Basti, Momd Bin Hibban (D. 354H.) Al-Ihsan Fi Tagreeb Saheeh Ibn Hibban, verified by Shuaib Al-Arnaout, Al-Risalah Society, Beirut, 1988, (10/328), No: (476).

<sup>(35)</sup> Al-Tabarani, Suleiman Bin Ahmad (D. 360H.), Al-Mujam Al-Kabeer, verified by Hamdi Abdel Majeed, Ibn Taymeyah Library, Cairo, 2<sup>nd</sup> ed, (11/315) No: (11850).

<sup>(36)</sup> Al-Daraqutni, Al-Sunan, (4/108), No: (3182).

<sup>(37)</sup> Ibn Al-Bai' Al-Hakem Bin Abdullah, (D.450H.) Al-Mustadrak Ala Al-Saheehain, verified by Mustafa Ata, Dar Al-Kutob Al-I'lmeyeh, Beirut, 1990, (31620), No: (6295)

<sup>(38)</sup> Al-Baihaqi, Great Sunan, (8/351), No: (6858).

<sup>(39)</sup> Al-Baghawi, Al-Hussein Bin Masoud, (D. 516H) Paraphrase of Sunnah, verified by Shueib Al-Arnaout, and Zuheir Al-Shaweesh, Al-Maktab Al-Islami (The Islamic Office), Damascus- Beirut, 2<sup>nd</sup> ed, 1983, (10/237), No: (2560).

<sup>(40)</sup> Al-Nasai, Al-Sunan Al-Kubra (Great Sunan), Book of Warrior, chapter of Apostate verdict, No: (3511).

<sup>(41)</sup> Al-Nisai, Small Sunan (Al-Sunan Al-Sughra), Illegality Book of Blood, Apostate Verdict, No: (4062).

<sup>(42)</sup> Al-Tabarani, Al-Mu'jam Al-Kabeer (The Great Lexicon).

<sup>(43)</sup> Ibn Hajar, Ahmad Bin Ali, (D. 852H.), Tagreeb Al-Tahtheeb (Approximation of Politeness), verified by Mohammad A'wwamah, Dar Al-Rashid, Aleppo, 4<sup>th</sup>, ed, 1992, Translation No: (457).

<sup>(44)</sup> Al-Nasai, Small Sunan, Book of Blood Illegality, Section of Apostate verdict, No: (4063).

<sup>(45)</sup> Ahmad, Al-Musnad, (5/119), No: (2966).

<sup>(46)</sup> Al-Nasai, Great Sunan (Al-Sunan Al-Kubra), Book of Warriors, Section of Apostate Verdict, No: (3313 & did not mention the Gypsies), (3514).

<sup>(47)</sup> Al-Bukhari, Saheeh Al-Bukhari, Book of Jihad & Curriculum, Section of "Do not torture by the Al-mighty's torture, No. (3017).

But the narration of Anas, in it was mentioned that Ali (Brought some people from the Gypsies adore an Idol, he burnt them), Ibn A'bbas said: (he who changed his religion, kill him) raised at Ahmad, and this as we said from the narration of the deceitful Qatadah, and had narrated information.

**Evidence discussion:** The Hadith is from the narration of I'kremah supporter of Ibn Abbas, from Ibn A'bbas, but Gatadah narration, the more correct is that it is forwarded, and so Qatadah narration from Anas, it is not confirmed because Qatadah is deceitful and he had narrated and denied the narration of the trustworthy people, who narrated him from Qatadah, from I'kremah, forwarded, as mentioned in interpretation<sup>(48)</sup>.

Scholars had stopped long about I'kremah, supporter of Ibn A'bbas, and Al-Thahabi provided in him that he is accused of Al-Khawarej (Dissidents) opinion, and some scholars ascribed him to lying (telling lies), Al-Thahabi said: "I'kremah supporter of Ibn A'bbas, is one of science vessels. He talked about him for his opinion and not to his conservation, so accused of Dissidents' opinion. A group of scholars had trusted him, and was depended by Al-Bukhari, but Imam Moslem avoided him, and narrated him combined with others, and Malek ignored him and avoided him, except in on Hadith or two Hadiths. Detailed sayings of scholars in to whom wanted enlargement<sup>(49)</sup>.

Is his accusation of Ali burning the Atheists, and Dissidents' antagonism to Ali is well known, and I'kremah was accuse of that!? Is Ibn A'bbas more informed than Ali? Is that all hidden on Ali's pupils, the well known famous people? Is I'kremah trustworthy, and said in him what was said? And was alone with this narration!

**The Second Hadith:** (Blood of Someone Moslem is Legal, except by one of three). And this Hadith was narrated from a number of Companions by different phonations. First Ibn Ma'soud "From Abdullah, the Prophet said: Moslem Blood, certifies of Allah & Mohammad except by one of three: Soul for Soul, deflowered adulteress, and the Apostate leaving the group"<sup>(50)</sup>.

Directed by Ahmad<sup>(51)</sup>, Moslem<sup>(52)</sup>, from Abi Mo'aweyah<sup>(53)</sup>, Ahmad Moslem<sup>(54)</sup>, from Wakei', and Ahmad<sup>(55)</sup> from Shu'bah, Al-Bukhari<sup>(56)</sup>, and Moslem<sup>(57)</sup>,<sup>(58)</sup>,<sup>(59)</sup>, all of them from lanes: (Abu Mu'aweyah Wakei', Shu'bah, Hafs and Sufyan, Ibn Numair, Iisa Bin Younis and Shaiban) from Al-A'mash from Abdullah Bin Murrh from Masrouq from Ibn Al-Ajda', from Abdullah Bin Ma'soud. Directed by others: Abdel Razeq<sup>(60)</sup>, Al-Hmeidi<sup>(61)</sup>, Ibn Abi Shaibah<sup>(62)</sup>, Al-Nasai<sup>(63)</sup>, Al-Daram<sup>(64)</sup>, Ibn

<sup>(48)</sup> Looked in Al-A'mash Deception: Almizi, Yousef Bin Abdel Rahman, (D. 752H.), Perfection Politeness in Men's Names, verified by Bashar Awad Ma'rouf, Al-Risalah Association, Beirut, 1988, & Ibn Hajar, Approaching Politeness, No: (2615).

<sup>(49)</sup> Al-Thahabi, Mohamad, Bin Ahmad, (D: 748H.), Balance of Moderation in Criticizing Men, verified by Ali Al-Bijawi, Dar Ihya' Al-Kutob Al-A'robeyeh, 1963, No: (5716).

<sup>(50)</sup> Directed by Al-Bukhari, Sahih Al-Bukhari, Book of Blood Money, Section of Al-Mighty saying Soul is by Soul, and the Eye by Eye... Al-Maida (45) No: (6878).

<sup>(51)</sup> Ahmad, Al-Musnad (6/119) No: (3621).

<sup>(52)</sup> Moslem, Sahih Moslem, Book of Elegance, warriors, punishment and Blood Money, section in which the Moslem Blood is allowed, No: 25 – (1676).

<sup>(53)</sup> Ahmad, Al-Musnad (7/277) No: (4245).

<sup>(54)</sup> Moslem, Sahih Moslem, Ibid.

<sup>(55)</sup> Ibid, Ahmad, Al-Musnad, (7/431), No: (4429).

<sup>(56)</sup> Al-Bukhari, Sahih Al-Bukhari Book of Blood Money, Section of the Al-Mighty's saying: [Soul is with Soul, and eye is with eye....] [Al-Maida: 45], No: (6878).

<sup>(57)</sup> Ibid, Moslem, Sahih Moslem.

<sup>(58)</sup> Ibid, No: 25 (1676).

<sup>(59)</sup> Ibid, No: 26-(1676).

<sup>(60)</sup> Al-Sanaani, Al-Musannaf, (10/167), No: (18704).

<sup>(61)</sup> Al-Hmeidi, Abdullah Bin Al-Zubeir, (D. 219H), Musnad Al-Hmeidi, verified by Hussein Saleem Asad, Dar Al-Sagga, Damascus, 1996, (1/219), No: (19).

<sup>(62)</sup> Ibn Abi Shaibah, Abdullah Bin Mohammad, (D. 285H), Classified Book in Hadiths and Works, verified by Kamal Al-Hout, Al-Rushd Library, Riyadh, 1409H, (7/321), No: (36492).

<sup>(63)</sup> Al-Nasai, Al-Mujtaba (Sunan Al-Nasai), (7/90-91), No: (4016, 4017).

Abi A'sem<sup>(65)</sup>, Al-Tahawi<sup>(66)</sup>, Al-Shashi<sup>(67)</sup>, Ibn Hibban<sup>(68)</sup>, Al-Dara Qutni<sup>(69)</sup> & Al-Baihaqi<sup>(70)</sup>, from Al-A'mash lanes. And their verbals differed, but Al-Bukhari from the narration of Hafs, he said in his talk<sup>(71)</sup>. (And the Apostate from religion, leaving the group).

The narration at Moslem from Hafs lane and Abi Mu'awayyah and Wakee'<sup>(72)</sup>, by Phonation of (Leaving his Religion Apostate from the Group), as such at Moslem from Sufyan Lane and Abdullah Bin Numeir & Iisa Bin Younis<sup>(73)</sup>.

And a narration at Moslem<sup>(74)</sup>, from Abdel Rahman Bin Mahdi Lane from sufyan from Al-A'masho and they are at Ahmad<sup>(75)</sup>, by a phonation: (Leaving Islam departing the group or group Ahmad doubted in it; meaning Ahmad Bin Hanbal, Sufyan added in that Shaiban from Al-A'mash, as in Moslem<sup>(76)</sup>).

### Secondly: Lady A'ishah Talk:

In it: "Any Moslem Blood is not allowed, except in three cases: a man who killed so he was killed, a man who committed adultery after he had married, or a man Apostated after he had followed Islam"<sup>(77)</sup> ..

Directed by Ahmad & Ibn Rahweih, Ibn Abi Shaibah, by this phonation, and directed by Abu Daud, Al-Nasai, Al-Tahawi<sup>(78)</sup>., Al-Tabari, Al-Daraqutni, Al-Hakem, Abu Nuaim, and Al-Baihaqi from Ibrahim Bin Tahman, about Abdel Aziz Bin Rufai' from Obaid Bin O'mair, from A'ishah that the Prophet said: A Moslem Blood is not allowed, except by three habits: a married committing adultery, a man killed another purposely, so he is killed, or a man gets out of Islam, fights Allah & His Messenger, so he is killed, crucified, or exiled from earth, look Al-Musnad<sup>(79)</sup>. And the Hadith verbalization here: (Learning Islam and departing the Group).

### Thirdly: Narrations of Ibn Omar:

From Matter, from Nafe', from Ibn Omar, in the story of O'thman's Siege, in it<sup>(80)</sup>: "A Moslem Blood is not allowed<sup>(81)</sup>, except in three traits: a man<sup>(82)</sup>, committed adultery after his marriage<sup>(83)</sup>, he is to

<sup>(64)</sup> Al-Darami, Abdullah Bin Abdel Rahman, (D. 255H.), (Musnad Al-Darami), verified by Hussein Saleem Asad Dar Al-Mughni, Saadi, 2000, (3/1477-1478, 1590) No: (2343, 2344, 2491).

<sup>(65)</sup> Ibn Abi A'zem, Ahmad Bin Amero, (D. 287H), Al-Sunna verified by Naser Al-Albani, The Islami Office, Beirut, 1400 H, No: (60, 893, 894).

<sup>(66)</sup> Al-Tahawi, Sharh Ma'ni Al-Athar, (3/59), No: (4933), Al-Tahawi, Paraphrase of Problematic Works, (5/59) No: (1804).

<sup>(67)</sup> Al-Shashi, Al-Haitham Bin Kleib, (D. 335), Al-Musnad Lilshachi, verified by Mahfouth Al-Rahman Zein Allah, Library of Sciences & Wisdoms, Medina, 1410H. (I/383-385), No: (375, 376, 377, 379).

<sup>(68)</sup> Ibn Hibban, The Kind Act in Approaching Sahih Bin Hibban, (10/26), No: (4407).

<sup>(69)</sup> Al-Dara Qutni- Al-sunan, (4/58), No: (3090).

<sup>(70)</sup> Al-Baihaqi, Great Sunan, No: (16923- 17317). And Al-Baihaqi, Ahmad Bin Al-Hussein, (D. 458H.), Branches of Faith, verified by Abdel Al-A'li Hamed, Al-Rushd & Library, Riyadh, 3003, (7/246) No: (4946).

<sup>(71)</sup> Al-Bukhari, Book of Blood Money (Soul by Soul...) No: (6878).

<sup>(72)</sup> Moslem, Book of Politeness, warriors, Punishment & Blood Money, Section in which Moslem Blood is allowed, No: 25-(1767).

<sup>(73)</sup> Ibid (Same reference).

<sup>(74)</sup> Ibid, No: 26- (16767).

<sup>(75)</sup> Ahmad, Al-Musnad, (42/306), No: (25475).

<sup>(76)</sup> Moslem, Sahih Moslem, Book of Politeness, Warriors, Punishment and Blood Money, Section by which Moslem Blood is allowed No: 26-(1676).

<sup>(77)</sup> Ahmad, Al-Musnad, No: (25700, 25794, 24304).

<sup>(78)</sup> Ibn Rahaweh, Ishaq Bin Ibrahim (D. 238H), Musnad Ishaq Bin Rahaweh, verified by Abdel Ghafour Al-Baloushi, Faith Library, Medina, 1991, (3913) No: (1602)

<sup>(79)</sup> Ibn Abi Shaibah, Al-Musnaf, (5/452), No: (27902).

<sup>(80)</sup> Abu Daud, Al-Sunan Book of Punishments, Section of the Apstate, No: (4353).

<sup>(81)</sup> Al-Nasai, Great Sunan, Book of Fighting, Section of Crucifixion, (3/438), No: (3497) & Al-Nasai, The Small Sunan (Al-Mujtaba), Book of Blood Illegality, Section of Crucifixion (7/101) No: (4048).

<sup>(82)</sup> Al-Tahawi, Paraphrase of Problematic Works, (5/50-51), No: (1800-1801).

<sup>(83)</sup> Al-Tabarani, Al-Mu'jam Al-Waseet (4/118), No: (3760).



be pelt with stones, purposely killed, he is to be driven<sup>(84)</sup>, or Apostated after follow in Islam, he is to be killed”<sup>(85)</sup>. Directed by Ahmad<sup>(86)</sup>, Al-Nasai<sup>(87)</sup>, and Al-Bazar<sup>(88)</sup> from Matter lane from Nafe’<sup>(89)</sup>. And was directed by Al-Bazar (92)<sup>(90)</sup>.

**Fourthly: From Abi Omamal Bin Sahl Bin Hunaif, Said towards him:**

Directed by Al-Tayalisi<sup>(91)</sup>, Ibn Sa’d<sup>(92)</sup>, Ahmad<sup>(93)</sup>, Al-Darami<sup>(94)</sup>, Ibn Majah, Abu Daoud<sup>(95)</sup>, Al-Tirmithi<sup>(96)</sup>, Al-Bazar<sup>(97)</sup>, Al-Nisai<sup>(98)</sup>, Al-Tahawi<sup>(99)</sup>, Ibn Al-Jaroud, Al-Hakim<sup>(100)</sup>, Al-Baihagi, from Hammad Lanes<sup>(101)</sup>.

And Abu Imamah, called his name: As’ad, & Said Sa’d. he has a view vision and did not hear from the Prophet, he died in the year one hundred, about ninety two years of age<sup>(102)</sup>.

**Discussion of the Hadith:**

Al-Hadith is correct confirmed by Moslem and Al-Bukhari, but its phonations are abundant at scholars<sup>(103)</sup>, and the most correct of its phonations is: “the Apostate from religion, departing the group”, and in the phonation of “departing the group” and in a phonation from the first Lady A’ishah with a correct document, at Abi Daoud and else previously directed: “and a man Apostates from Islam, fights Allah and the Prophet”, then said: “so is killed, crucified, or exiled from Earth”<sup>(104)</sup>; so was given more than a choice for the ruler, together with connecting it with fighting; so before the abundance of these phonations and his saying “Apostating” and “departing the group”<sup>(105)</sup>; and the phonation of A’ishah Hadith; the Hadith is borne on the warrior or the antagonist, or who spoiled on Earth, we will provide their sayings<sup>(106)</sup>.

**Third Hadith:**

**Abi Mousa Al-Asha’ri & Mu’ath Bin Jabal Hadith:**

From Ibi Burdah, from Abi Mousa, in it that the Prophet said to him: go you Abu Mousa, or Abdullah Bin Qais, to Yemen “then followed him by Mua’th Bin Jabal, when he reached him, he threw

<sup>(84)</sup> Al-Hakim, Al-Mustadrak Ala Al-Saheehain, (4/393), No: (8041).

<sup>(85)</sup> Al-Daraqutni, Al-Sunan, (4/60), No: (3094).

<sup>(86)</sup> Abu Nuaim Al-Asbahani, Ahmad Bin Abdullah, (D. 430H.), Jewelry of Holy men & Layers of clear people, Dar Al-Saa’dah, Egypt, 1974, (9/15).

<sup>(87)</sup> Al-Baihagi, Great Sunan, (8/491), No: (17312).

<sup>(88)</sup> Ahmad, Al-Musnad, (42/306), No: (25475).

<sup>(89)</sup> Al-Nasai, Al-Sunan, Book of Blood Illegality, Sectoin of Apostate Verdict, (7/103), No: (4057).

<sup>(90)</sup> Ahmad Al-Musnad, (1/502), No: (452).

<sup>(91)</sup> Al-Bazar, (D: 292H), Musnad Al-Bazar (Al-Bahr Al-Zakhar), verified by Mahfouz Al-Rahman Zein Allah, Library of Science & Wisdoms, Medina, 2009 (2/9), No: (346).

<sup>(92)</sup> Ibid No: (345).

<sup>(93)</sup> Al-Taylsi, (D: 204 H.) Musnad Abi Daoud Al-Tayalsi, verified by Mohammad Abdel Muhsen Al-Turki, Dar Hajr, Egypt, 1999, (1/71), No: (72).

<sup>(94)</sup> Ibn Sa’d, Mohammad Bin Sa’d, (D. 230H.), Great Layers, verified by Ihsan A’bbas, Dar Sader, Beirut, 1968, (3/67).

<sup>(95)</sup> Ahmad, Al-Musnad, (1/491), No: (437), (1/511), No: (468), and (1/534), No: (509).

<sup>(96)</sup> Al-Darami, Sunan Al-Darami, (3/1477), No: (2343).

<sup>(97)</sup> Ibn Majah, Al-Sunan, Sections of Punishments, Section Any Moslem Blood is not allowed, except in three traits, (3/573), No: (2533).

<sup>(98)</sup> Abu Daoud, Al-Sunan, First Book of Blood Money, Section of Al-Imam Commanding with the forgiveness of Blood, (6/553), No: (4502).

<sup>(99)</sup> Al-Tirmithi, Al-Sunan, Sections of riots, the section of what said about “A Moslem Blood is not allowed, except in three traits (4/30), No: (2158).

<sup>(100)</sup> Al-Bazar, Musnad Al-Bazar (2/35), No: (381).

<sup>(101)</sup> Al-Nasai, Al-Sunan, Book of Blood Illegality, Section which Moslem Blood is allowed (7/91) No: (4019).

<sup>(102)</sup> Al-Tahawi, Paraphrase of Problematic Works, (8/56), No: (1802).

<sup>(103)</sup> Ibn Al-Jaroud, Al-Muntaqa, P. (213), No: (836).

<sup>(104)</sup> Al-Hakim, Al-Mustadrak, (4/390), No: (8028).

<sup>(105)</sup> Al-Baihagi, Great Sunan, (8/34, 327), No: (15843, 16817).

<sup>(106)</sup> Ibn Hajar, Aproaching Politeness, Translation, No: (402).

him a pillow, he said: come down, as a man detained at him, said: what is this? He said: He was a Jew and became a Moslem, then Judaized, he said: sit down, he said: I do not sit till he is killed, according to the verdict of Allah and the Prophet, three times, so he commanded him to be killed and killed.

It was directed directed by Al-Bukhari<sup>(107)</sup> and Moslem<sup>(108)</sup>, from lane of Abi Burdeh from his father Abi Mousa Al-Asha'ri.

#### Hadith discussion:

1. Deduction with the Hadith can be objected that is from the companions' exerting effort, in spite of Mu'ath's saying: "I do not sit down till he is killed, the Al-Mighty's judgment and the Prophet's", it remains that it is an exertion of their effort.
2. The text does not clear the circumstances of his Apostasy and not their social relations, and was it a pure Apostasy or committed treachery, or aggressive deeds the thing does not make us trust to generalize Apostasy Punishment, because of this text.

#### Fourthly: Abu Baker's fighting the Apostates:

Al-Imam Al-Bukhari organized in the Book of Apostate's repentance, he said: section of "killed who refused accepting religious obligations (impositions), and who were ascribed to Apostasy, and directed in it: "I was commanded to fight people till they say: There is no God, but Allah the Al-Mighty, so he who says: No God but Allah, so he had prevented himself from me, his money and self, except by His right, and his consideration is charged by the Al-Mighty"<sup>(109)</sup>.

**Al-Hadith discussion:** it can be said: the Hadith is related with fighting who sheltered himself with arms, and he is out of our subject<sup>(110)</sup>.

**The fifth evidence:** from Yazeed Al-Nahwi, from I'kremah from Ibn A'bbas, he said: Abdullah Bin Sa'd Bin Abi Al-Sarh writes to the Messenger of God "Peace Be Upon Him", the Satan caused him to stumble, so he followed the Atheists, so the Messenger of God commanded to be killed on the Conquest- Day, Othman Bin Affan sought refuge for him, so the Messenger of God refuged him.

Directed by Abu Daoud<sup>(111)</sup> Al-Nasai<sup>(112)</sup>, and Al-Hakem<sup>(113)</sup>, and from his lane Al-Baihagi<sup>(114)</sup> all of them from the lane of Al-Hussein Bin Waged, and was corrected by Al-Hakem, and Al-Thahabi was silent about him. And Abu Daoud<sup>(115)</sup> directed from Al-Saddi lane, from Mous'ab Bin Sa'd from Sa'd and Ibin Abi Shaibah<sup>(116)</sup>, Abu Daoud<sup>(117)</sup>, Al-Bazar<sup>(118)</sup>, Al-Nasai<sup>(119)</sup>, Abu Ya'la<sup>(120)</sup>, Al-Tahawi<sup>(121)</sup>, Al-Haitham Bin Kulaib Al-Shashi<sup>(122)</sup>, Al-Daraqutni<sup>(123)</sup>, Al-Hakem<sup>(124)</sup>, and Al-Baihagi<sup>(125)</sup>, Al-Hadith has

<sup>(107)</sup> Al-Bukhari, Sahih Al-Bukhari, Book of Apostates' Repentance, No. (6923).

<sup>(108)</sup> Sahih Moslem Book of Emirates & Economy on it, No: (1733).

<sup>(109)</sup> Sahih Al-Bukhari, Book of Apostates & Obstinates and fighting them, Sahih Moslem, Book of Faith, section of fighting people to say: No God, but Allah & Mohammad is the Messenger of God.

<sup>(110)</sup> Paper of Human Blood Prevention in Islam, published in English in the British Journal of Humanities & Social Sciences vol. (23) in 2020 Mu'ath and Mohammad Saeed Hawwa, and paper of "Impact of Defect in understanding, and criticism in Fattawi Violence and Extremism by both Authors, published in Turkey, (2019).

<sup>(111)</sup> Abu Daoud Al-Sunan, Book of Punishments, section of verdict on the Apostate, No: (4358).

<sup>(112)</sup> Al-Nasai, Great Sunan, Book of Fighting, Section of the Apostate Repentance, No: (3518).

<sup>(113)</sup> Al-Hakem, Al-Mustadrak, (3/47), No: (4361).

<sup>(114)</sup> Al-Baihagi, Great Sunan, (8/341), No: (16829).

<sup>(115)</sup> Abu Daoud, Al-Sunan, Book of Punishment, Section of Verdict of the Apostate, No: (4359).

<sup>(116)</sup> Ibin Abi Shaibah, Al-Musanaf, (7/40), No: (36913).

<sup>(117)</sup> Abu Daoud, Al-Sunan, Book of Jihad, section of killing the captive without presenting Islam to him, No: (2683 & 4359).

<sup>(118)</sup> Al-Bazar, Musnad Al-Bazar, (3/350), No: (1151).

<sup>(119)</sup> Al-Nasai, Al-Sunan, Book of Blood Illegality, section of the Apostate verdict, No: (4067).

<sup>(120)</sup> Al-Mousili, Abu Ya'la Ahmad Bin Ali, (D.307H.), Musnad Abi Ya'la, verified by Hussein Saleem Isad, Dar Al-Ma'moon for Heritage, Damascus, 1984, (2/100), No (757).

<sup>(121)</sup> Al-Tahawi, Paraphrase of Works meanings, (3/330), No: (5475).

<sup>(122)</sup> Al-Shashi, Al-Musnad, (1/135), No: (73).

<sup>(123)</sup> Al-Daraqutni, Al-Sunan, (5/295), No: (4345 & 4346).

<sup>(124)</sup> Al-Hakim, Al-Mustadrak, (3/47) No: (4360).

two lanes: 1. Al-Hussein Bin Waged from his father, from Yazeed Al-Nahwi, from I'kremah from Ibn A'bbas, and Al-Hussein Bin Waged has illusions<sup>(126)</sup>, also it is from I'kremah's narration, and previously cleared what is there of criticism and accusing it in his narration about Ibin Abbas.

**But the second lane:** in it: Al-Saddi- he is Ismael Bin Abdel Rahman Bin Abi Kareemah – Speaking in controlling it, Abu Hatem said: he writes his talk and does not protest with it<sup>(127)</sup>. In it: Asbad Bin Naser, weakened by Ahmad, Abu Hatem and Al-Nasai and strengthened by Yahya<sup>(128)</sup>. And in it: Ahmad Bin Al-Mufaddal was trustworthy from Al-Shia'h leaders<sup>(129)</sup>, these narrators succeeded in one bill together with individuality with this support the thing that weakens the Hadith, for never to be correct the lane to any companion, so not anyone of them is fit to be a witness for the other.

**Al-Hadith discussion:** and with what is there in the source of the Hadith of criticism; this evidence both parties pulled it back, confirmers say: never kill him, because he came repenting, and the deniers say: if he was a punished it was allowed to drop, and there is no clear evidence that the Prophet wanted to kill him, then he is not of those whose verdict of individual Apostasy is applied on him, but returned fighting Allah and his Messenger.

**Sixth evidence: unanimous resolution:**

Scholars who confirm the punishment of Apostasy unanimously evidenced, and previously had transferred their views in that; for it was said in “Conviction on Matters of Unanimity”: (They agreed on killing people of Apostasy after a great discrepancy was among them, and unanimously viewed of non-killing them Apostate if he repented, except Al-Hasan Al-Basri, he said: He is killed even if he repented<sup>(130)</sup>).

Dr. Taha Jaber Al-Olwani discussed the issue of unanimity in his book (No Enforcement in Religion), and refuted it with what was confirmed about Omar, Al-Nakhi' and Al-Thawri<sup>(131)</sup>.

**Seventh evidence: they interpreted the Al-Mighty's saying: (No Enforcement in Religion), that it concerns one who is following a religion other than Islam.**

Abu Zahrah said: “He who followed Islam believing in it, showing it, or was born from two Moslem parents is not allowed to go back out of it, till religion is not taken comical and playing<sup>(132)</sup>.”

**Discussion:** we said: conflict will remain continuous between both parties evidence of this glorious verse.

**Fightly: other evidence:** scholars viewing Apostasy Punishment evidences can be completed with what Al-Bukhari provided in Sahih, for he concluded a section in it titled: “Section of sin of those who polytheisted with Allah, and its punishment of the world by existence and the after world”, and provided Hadiths clearing the sin of polytheism, but does not talk about a worldly punishment, and was satisfied with clearing their places to whom wants? Then provided the following Hadiths<sup>(133)</sup>.

I said: if we scrutinize in all the mentioned Hadiths, we will not find what indicates to what is wanted. Perhaps what I mentioned are all evidences of scholars who confirm the punishment of Apostasy

<sup>(125)</sup> Al-Baihaqi, Great Sunan, (7/63), No: (13277), (81356), No: (16879).

<sup>(126)</sup> Ibid, No: (1358).

<sup>(127)</sup> Look: Al-Mizzi, Piloting the Perfection, (3/132- 138).

<sup>(128)</sup> Ibid, (2/358).

<sup>(129)</sup> Ibid, the same source, (1/487).

<sup>(130)</sup> Ibn Al-Qattan (D. 628H), Conviction in Matters of Unanimity, verified by Hasan Al-Saeedi, Al-Farouq for Printing & Publication, 2004, (1/356), No: (2014-2015).

<sup>(131)</sup> Al-O'lwani Taha Jaber, No Enforcement in Religion: Problem of Apostasy & Apostates since Commencement of Islam tell Today, Worldly Institute for Islamic Thinking & Al-Shorouq Library, 2<sup>nd</sup>, 2006, P. (19).

<sup>(132)</sup> Mohammad Abu Zahra, Al-Fatawi, P. (693-694).

<sup>(133)</sup> Al-Bukhari; Sahih Al-Bukhari, Book of repenting the Apostates and reprovved people and fighting them, section of sin of atheist & punishment in the worldly life and the afterworld, No: (6918, 6919, 6920 and 6921). Directed by Moslem, Sahih Moslem, Book of Believing, Section of: is he reproached for Pre-Islamic deeds, No: (120).

of the individual or the group, and our talk in the Apostate is individual, the thing that obliges discussion and clears evidences of deniers.

**Third topic: Scholars who deny (individual) Apostasy Punishment their evidences, and their discussion, in it three demands:**

**The first demand: Scholars who deny the individual Apostasy Punishment:**

Non –killing the Apostate was ascribed to a number of scientists and scholars: antecedents and subsequent, Taha Jaber Al-O’lwani had mentioned some of them in his book: “No Enforcement in Religion”, Al-Ghanoushi in his book “General Freedoms” and Adnan Ibrahim, in his book “Freedom of Believing in Islam and its Protestors”, and in the following brief of those whom I knew their opinions:

1. Omar Bin Al-Khattab, that the Apostate is made to repent, this was ascribed to him in Al-Musannaf<sup>(134)</sup>, and that will be discussed.
2. Ibrahim Al-Nakhii, though Al-Bukhari and mentioned it in those who viewed the Apostate to be killed. But ascribed to make him repent<sup>(135)</sup>.
3. Sufyan Al-Thawri, and he is made to repent (Apostate) that was provided about him by Abdel Razzaq<sup>(136)</sup>, that will be discussed.

And from the contemporary schoalrs<sup>(137)</sup>: Mohammad Abdo, and Mohammad Rashid Rida. Rida said: Al-Sheikh was asked that Islam does not persecute anyone for his faith, so how it is legalized to kill the Apostate, confirmed by the Prophet’s saying: (He who changed his religion kill him)?

Al-Sheikh answered: the Apostate was from the Arab polytheists returning to fighting the Moslems and harming them, so the legality of killing him showed from the legality of fighting all polytheists antagonists of Islam. Some Jews were shrinking people from Islam by showing entering into it, then showing Apostasy to decrease his saying of defaming it... if such people threatened to kill who Apostates.. they retreat from this deceit, the apparent is the command to kill the Apostate was to prevent the evil of polytheist and deceit of the cunnings of the Jews, it is because of causes sentenced by policy of that age called in the morale of people of the age a military conventional policy for persecuting the people in their religion<sup>(138)</sup>.

**Al-Shikh Mahmoud Shaltout;** said: “And may the point of view change in the matter if noticed many scholars, he views that punishments do not be confirmed with the Hadith of Atheism, and that the disbelief itself is not allowing blood, but the allowing is fighting Moslems and aggressing on them, and attempting to fascinate them from their religion, and that the phenomenon of the Holy Qura’n in many of the verses refuse enforcement in religion<sup>(139)</sup>.”

Mohammad Al-Khudari, it was noticed that Al-Sheikh did not provide the punishment of Apostasy within punishments<sup>(140)</sup>.

And Abdelwahhab Khallaf, initiated him, he said: “The Holy Qura’n did not specify estimated punishments except to five closes of the criminals: those who fight Allah & his Messenger and seek corruption on Earth, and those who kill the psyche without right, those who throw married women, adulterer and adulteress, stealer man and woman, but various crimes he did not specify punishments to them, but that to leaders estimate the punishment<sup>(141)</sup>.”

**Abauallah Bin Beih,** he had said: The arrangement of this punishment in the place of reproofs, in which returns, circumstances, and variables are observed and accepted to be a place of judgment<sup>(142)</sup>.

<sup>(134)</sup> Al-Sana’ni, Al-Musannaf, (10/164-165), No: (18695 & 18969).

<sup>(135)</sup> Ibid, (10/166), No: (18697).

<sup>(136)</sup> Ibid (same source).

<sup>(137)</sup> We will summarize their sayings for the narrowness of space in the study.

<sup>(138)</sup> Mohammad Rashid Rida, Al-Manar Journal, 10/P3, p288, 1907, Egypt.

<sup>(139)</sup> M. Shaltout, Islam: Creed & Shariah, 4<sup>th</sup> ed., 2001, Dar Al-Shorouq, Cairo, P. (281).

<sup>(140)</sup> Mohammad Al-Khudari, History of Islamic Legislation, Dar Al-Fiker, 1967, 8<sup>th</sup> ed., P. (81-84), by dealing.

<sup>(141)</sup> Abdel Wahhab Khallaf, The legal Policy, or System of Islamic State, Al-Salafegah Press, Cairo, 1350 H, p. (20).

<sup>(142)</sup> Speech of Abdullah Bin Beih annexed with Taha Al-O’lwani’s Book “No Enforcement in Religion”, P. 141.

**Mohammad Salam Madkour**, commented on Hadith of Bin A'bbas he who changes his religion, kill him): "perhaps the mentioned worldly punishment is not consequent in reality on the same Apostasy for no enforcement in religion, but the punishment is consequent on the withdrawal from joining the enemies of Islam, fighting Moslems and make happen riots in their lines, that clears the killing of the Apostate for the same withdrawal deduced from the Hadith, is a news of monism through the base is punishments are adverted by suspicion" <sup>(143)</sup>.

**Dr. Mohammad A'marah**, and said: "I am not with performing the Apostasy Punishment on who Apostates from Islam if Apostasy was not fighting and excursion against the community and Al-Umma; because Apostasy has no punishment in the Holy Qura'n, then leaning in its punishment to the Prophetic Hadith saying: (He who changes his religion, kill him) so departing the group here means excursion against the Umma and means fighting, so our jurisprudents enlist the section of Apostasy within the section of fighting (Harabah), even the Apostate woman is not killed, because she is not a warrior, but when represents Apostasy as a symbol connected with centers of the west and centers of the west decision maker, here Apostasy represents a color of fighting colors and excursion against Islam" <sup>(144)</sup>.

**Dr. Abdel Majeed Al-Najjar**, said: "The Apostate's Punishment is not a punishment for the Apostate's change of religion, but it is punishment for that deceitful dimension in Apostasy, by that it is representing a preventive mistake from freedom in the faith" <sup>(145)</sup>.

**Dr. Mohammad Saleem Al-A'wwa**, and said: "The Punishment of Apostasy is a reproof punishment empowered to the competent authority in the Islamic State, determines of its affair what it views appropriate of punishment types and their sums, it is excused for the punishment to be determined by the Islamic State of Apostasy which is execution" <sup>(146)</sup>.

**Al-Sheikh Mustafa Al-Zarqa**: we also notice that al-Sheikh Mustafa Al-Zarqa did not mention the Punishment of Apostasy within the limits, for he said: "The limits are five punishments: they are: the Punishment of Adultery, the Punishment of Deformation, the Punishment of Burglary, the Punishment of (Al-Hirabah) Fighting, and the Punishment of Drinker of Wine, and the first four punishments came by the Holy Qura'n, but the punishment of drinking wine was not mentioned in the Holy Qura'n but came by the Sunnah" <sup>(147)</sup>.

**Dr. Yousef Al-Qardawi**, and said: "...The Normal Apostate, who does not seek to apostate the community and seducing it from its religion, it is satisfied with imprisoning him, attempt to convince him, and eliminate confusion and darkness from his thinking" <sup>(148)</sup>.

**Dr. Ahmad Al-Risoni**, said: "by this seems that obliging the killing of the Apostate is what combines with Apostasy from departing the group, carrying the sword and killing is not the possible unique punishment to such case; but the punishment is itself the punishment of Al-Harabah (fighting)" <sup>(149)</sup>.

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<sup>(143)</sup> Mohammad Salam Madkour, "Introduction to Islamic Jurisprudence (Figh)", Modern Book House, Cairo, 2<sup>nd</sup>, ed, 1996, P. (742).

<sup>(144)</sup> Mohammad A'marah, Islamists & Dialouge with Secularism, the State and the West, A Group of Authors, Dar Ibn Hazm, Cairo, P. (50).

<sup>(145)</sup> Abdel Majeed Al-Najjar, Religious Freedom in the Islamic Shariah: its Dimensions and its controls, A Research submitted to The Assembly of the International Islamic Jurisprudence following the Islamic Conference Organization in its 19<sup>th</sup>, Round concluded in Shariah on April, 2009, P. (17).

<sup>(146)</sup> Mohammad Saleem Al'A'wwa, In Fundamentals of the Islamic Criminal System, Dar Al-Ma'ref, Cairo, 1978, P. (155).

<sup>(147)</sup> Mustafa Al;-Zarqa, Introduction to the General Jurisprudence, (2/672).

<sup>(148)</sup> Look, Yousef Al-Qardawi, Features of the Moslem Community, which we seek, Wahbeh Library, Cairo, 1993, P (35), Also: Crime of Apostasy & Punishment of Apostate in Light of the Qura'n & Sunnah, (Diene Loco & No ed., P. 30. <https://www.al-qardawi.net/node/5105>).

<sup>(149)</sup> Ahmad Al-Risoni, Basic Faculties for Islamic Shariah, Dar Al-Salam, Cairo, 2010, P. (177-179).

**Al-Sheikh Ibn I'thimeen**, and said: “the punishment if reached the Imam, its owner is not made repent, but performed at every state, but disbelieving, its owner is made repent, and by this we know the error of who entered the verdict of Apostate in punishments, and mentioned from punishments the Apostasy punishment, because killing the Apostate is not from punishments, because if repented killing is banished from him, then punishments are a penance for their owner and he is not a disbeliever, and killing by Apostasy is not a penance and the owner is a disbeliever, not prayed upon him, is not bathed or buried in Moslems’ graveyards”<sup>(150)</sup>. It is apparent that his killing was not denied, but denied as a punishment.

**Al-Sheikh Rashid Al-Ghannoushi**, said: “Apostasy is a reprovng political crime,.. so Apostasy is a crime has no relationship with the freedom of faith confirmed by Islam, but it is a political issue aimed at encompassing the Moslems, and encompassing organizations of the Islamic State by its enemies, and what issued from the Prophet in concerns of Apostasy, it is in considering his political guardianship on the Moslems, by that the Apostate’s Punishment is reprovng not punishment<sup>(151)</sup>.”

**Dr. Hasan Al-Turabi**, said: “Apostasy is a political punishment and its applications are very dangerous and will allow the ruler in the Islamic State kill his opposers on the plea of the Apostasy from the Al-Mighty God’s religion, so in the range of the State and one reign the Moslem and also the Christian are excused to change their religion, but the pure intellectual Apostasy, that does not accompany a revolution against the group and not joining the team that fights the group such as was happening when the Hadith was provided by the Prophet: “He who changed his religion, kill him”, there is no objection in that, people had believed and disbelieved, then believe and disbelieve<sup>(152)</sup>, and the Prophet did not apply the Punishment of Apostasy on them”<sup>(153)</sup>.

**Abdel Aziaz Jaweesh**, said: “the Apostate was legalized to be killed when Islam was weak and the Apostates jointed its enemies as treachery or hostility..but those who did not Apostate from supporting Islam, did not depart it, did not join troops of its enemies and did not betray in anything, but some suspicions misguided them, they could not reject, in addition to doubts they could not confront by plea and proof, their path as we view not considered as Apostates, as long as they did not obtain the correct, and no people of scholars could clear to them the right guidance from error”<sup>(154)</sup>.

**Abdel-Hameed Mutwalli**: “killing the Apostate was the Prophet’s behavior in description of Imam & not description of informing and the message, and is not objecting with Hadiths of monism’s in the matter of Apostasy punishment being means uncertainty not certainty, therefore, Hadiths of monism’s are not a plea in the constitutional issues”<sup>(155)</sup>.

**Mohammad Saeed Ramadan Al-Bouti**: the Apostate is the one, who announced his decline from accepting Islam after following it and believing and subduing to it, and proclaimed his doubts and his new thoughts openly, by that he has announced the intellectual war against Islam and its beliefs”..till he says: “And the sentence which must be carried out in his right is: killing as a (Hirabah) not disbelieving<sup>(156)</sup>.”

**Taha Jabe Al-O’lwani**: he viewed denying the confirmation of a legal punishment of Apostasy, starting from the principle of freedom of believing and prevention of enforcement, and these principles

<sup>(150)</sup> Fatawa of Punishments in other than polytheist & Apostasy as Pennants, Fatwa No: (387097), Date of Publication 22/11/2018, site of Islam Web. <https://www.islamweb.net/ar/fatwa/387097>

<sup>(151)</sup> Rashid Al-Ghannouchi, General Freedoms in the Islamic State, Dar Shorouq, Cairo, 2012, (1/73-75).

<sup>(152)</sup> Wahbeh Al-Zuhaili, Right of Freedom in the World, Dar Al-Fiker, Damascus 6<sup>th</sup> ed, 2010, P. (152-156).

<sup>(153)</sup> Hasan Al-Turabi, Reports of the Religious Thinking Renewal, Khartoum University, 2006, You Tube: <https://www.youtube.com/watch?v=B2wthalg>. Look. Hasan Al-Turabi: Politics & Government Authoritative Systemsbetween Osol & Reality Sunan, Beirut, 2003, P. (166-176).

<sup>(154)</sup> Abdel Aziz Jaweesh, Islam is Religion of Nature & Freedom/ Dar Al-Hilal, Egypt, Cairo, 1952, P. (158-160).

<sup>(155)</sup> Abdel Hameed Mutwalli, Principles of Government System in Islam Al-Ma’ref Foundation, Egypt, Alexandria, 4<sup>th</sup> ed., 2007, P. (304-311).

<sup>(156)</sup> Mohammad Saeed Al-Bouti, Human Freedom in the shadow of his slavery to Allah, Dar Al-Fikr, Damascus, 1992, P. (85-87).

are determined in the texts, by certainty. And for non-existence of any indication to the punishment of Apostasy in the Holy Qura'n. And that in his book<sup>(157)</sup>.

**Dr. Lu'ai Safi:** "The Holy Qura'n denied Apostasy, but did not revealate a punishment in it or a worldly punishment<sup>(158)</sup>.

**Al-Sadeq Al-Mahdi:** "Specifying a deterrent punishment protect the Moslem community from the playing of Apostates is an obligation, in condition that to accord between that the freedom of believing that is guaranteed by Islam. But what the public of jurisprudents in what concerns the Apostate in the form they viewed to touch the principle of (No enforcement in religion), and the required tolerance does not fit in this time, and contradicts with the interest of Islam now, because those who optionally follow Islam all over the world doubles and doubles of those who get out of it. And people of other religions are waiting from us treatment like<sup>(159)</sup>.

**Mohammad Bin Al-Mukhtar Al-Shangiti:** "If we add to that that two distinguished figures of subordinates, they are Al-Thawri and Al-Nakhi', denied the punishment of Apostasy and they said of making repentance forever, and some of Al-Ahnaf scholars do not view of killing the woman with Apostasy, because she is not a warrior, we have preponderance of what Al-Turabi says and others from the contemporaneous scholars distinguished between the intellectual Apostasy and the political Apostasy"<sup>(160)</sup>.

**Adnan Ibrahim:** says: "In the occasion of caution of right in life with the enough guarantees, the researcher wants to express his sympathy, but his conviction of the rejecters' belief to take with news of monisms in punishments, that is as a caution guarantee stands barrier other than aggression on the right in life by a method containing suspicion.." <sup>(161)</sup>.

**The second demand: evidences of scholars, who deny the Punishment of Apostasy, or he is killed.** Scholars viewing non existence of punishment for Apostasy, except if combined by spoilage in Earth or doing a deed with consequence of military or a criminal responsibility by evidences, such as:

**First evidence<sup>(162)</sup>:** many verses clear the freedom of choosing in the faith, and it came absolute; that it does not restrain of being Moslem or was following other than Islam, and assures in group that the matter of consideration on the dogmatic choice, is for the Al-Mighty God in the afterworld merely, from that:

(No Enforcement in Religion) Al-Baqra: 256<sup>(163)</sup>, (Thou art not at all a warder over them) Al-Ghashiyah: 22<sup>(164)</sup>, and (so, if they hold aloof and offer you peace, Allah alloweth you no way against them) [Al-Nisa: 90] <sup>(165)</sup>. (wouldst thou [Mohammad] compel men until they are believers?) [Unus: 99] <sup>(166)</sup>, (Repel not those who call upon their Lord at morn and evening, seeking His countenance. Thou art

<sup>(157)</sup> Taha, Jaber Al-O'lwani, No Enforcement in Religion??

<sup>(158)</sup> Lu'ai Safi, Article: Return to Revelation is a necessity to understanding both concepts of believing freedom and disbelief, No. 6<sup>th</sup>, 2020, <http://www.quranicthought.com>

<sup>(159)</sup> Al-Sadeq Al-Mahdi, The Legal Punishments & their location from the Islamic Social System, Dar Al-Zahra' for the Arab Media, Cairo, 1987, P. (147).

<sup>(160)</sup> Mohammad Al-Shanqiti, views of Al-Turabi without thinking or defaming, Damascus, 2006, P. (23-24).

<sup>(161)</sup> Adnan Ibrahim, Freedom of Believing in Islam and Opposers, a university dissertation, P. (1090).

<sup>(162)</sup> We will be satisfied by providing the verses, and places for sayings of interpreters on them, for the sake of briefing.

<sup>(163)</sup> See: Al-Razi, (D. 606H.), keys of the Invisible (Al-Tafseer Al-Kabeer) The Great Paraphrase, Dar Ihya' Al-Turath Al-A'rabi (Animation of the Arab Heritage), Beirut, 3<sup>rd</sup>, ed, 1420H., (7/15).

<sup>(164)</sup> Al-Qurtobi (D. 6714H), Al-Jami' Lahkam Al-Qura'n (Al-Qurtobi Paraphrase), verified by Ahmad Al-Baradouni, Dar Al-Kutob Al-Misreyah, Cairo, 2<sup>nd</sup> ed, 1964, (20/37). Al-Razi, Al-Tafseer Al-Kabeer, (31/146). And Ibn Katheer (D. 774H), Glorious Qura'n Paraphrase, verified by Mohammad Shawsel Deen Dar Al-Kutob Al-I'lmeyah, Dar Al-Kutob Al-I'lmeyah, Beirut, 1419H., (8/380).

<sup>(165)</sup> Mohmd Rasheed Rida, (D. 1354H.), Paraphrase of Prudent Qura'n (Al-Manar Paraphrase), Public Egyptian Corporation for Books, 1990 (5/259)

<sup>(166)</sup> Al-Zamakhshari (D:538H), Index about Facts of Ambiguous Revelation, Darel Kitab Al-Arabi, Beirut, 3<sup>rd</sup>, ed, 1407H, (2/372).

not accountable for them in aught, nor are they accountable for thee in aught, that thou shouldst repel them and be of the wrong- doers) [Al-Ana'm: 52] <sup>(167)</sup>, (And if thy Lord had willed, He verily would have made mankind one nation, yet they cease not differing) [Hud: 118] <sup>(168)</sup>, (Allah forbidden you not those who warred not against you on account of religion and drove you not out from your homes, that ye should show them kindness and deal justly with them. Lo: Allah Loveth the just dealers) [Al-Mumtahanah:8] <sup>(169)</sup>, (thine is but conveyance (of the message), ours the reckoning) [Al-Ra'd: 40] and this clears the duty and task of the propagandist and followers of the Prophets, but it is informing and not considering people for their Creeds<sup>(170)</sup>. And they evidenced by Allah saying: (Say: (it is) the truth from the Lord of you (all). Then whosoever will, let him believe, and whosoever will, let him disbelieve) [Al-Kahf: 29] if the context evidenced threatening dialect, but it is in the afterworld and not in the every world<sup>(171)</sup>.

We said: the total of verses indicates to confirming the choice, and that faith is not performed, except on the absolute free will, and the consideration is on their expense: but it is the property of Allah, who is aware of the inner of things and their fact, so what is the value of what is shown of faith under the sharp limit of the sword, and it is like that?!

And the position does not accommodate combat into particles of the verses, causes of their revelation, and what claimed of abrogation in some of them as indicated.

**Discussion:** oneself who disagrees has to discuss that these verses are common, and they have no special evidence in the subject of Apostasy, and that the freedom of choice is the beginning, if he followed Islam and penetrated into it, either it was believing or hypocrisy, he had committed himself to that, and in both cases he has to be responsible for his stand his decision and consequence of extracting it, and this is not from the phase of enforcement in religion, for enforcement is before following the religion, so he is not enforced.

**The Second evidence:** The verses of Apostasy incrimination and prohibition of them, and they are abundant in the Qura'n, they did not mention a mundane punishment, meanwhile mentioned the punishment in what is less position than Apostasy, the thing that indicates to that punishment of disbelieving is merely to Allah.

Look verses: [Al-Baqri: 217], [Al-Nisa': 137), [Al-Mai'da: 54), [Mohammad: 25], [Al Munafiqoun "Hypocites: 3] all these verses and what is there in their meaning assert greatness and danger of Apostasy and sharpness of its punishment in the after world, but they did never mention any indication to its punishment in the very world.

**Discussion:** the opposer has to discuss that punishments and verdicts as they are confirmed by the Qura'n, they are also confirmed by the Sunnah, and the Sunnah had elaborated by that.

And the opposer has to say: but the punishment of Apostasy is not like any punishment, as we will illustrate in the coming evidence, but it is more dangerous than all what were mentioned of punishments; so how the Qura'n became silent about it, while the Hadiths are of hypothetical confirmation, and of hypothetical evidence? And the opposer has to say: but it is frank and correct.

**The third evidence:** The Qura'n mentioned the punishment of defamation, adultery, burglary, and penalty, and did not mention the punishment of Apostasy (and it is more deserving of mentioning for it is related with believing, which is the basis of everything, if there was a punishment it would be mentioned for the greatness of disbelieving), and because its punishment is bigger and more dangerous, it is killing, it is more deserving concern in it, and mentions it if there was a mundane punishment; for putting an end to souls needs a decisive evidence, and though the Holy Qura'n never indicated to it the lowest indication.

<sup>(167)</sup> Al-Razi, Great Paraphrase,(12/542).

<sup>(168)</sup> Al-Qurtobi, Complex of the Qura'n verdicts, (9/114).

<sup>(169)</sup> Al-Razi, Great Paraphrase, (29/520). Look: Al-Qurtobi, Compiler of the Qura'n Verdicts, (18/58). Look: Mohammad Rashid Rida, Al-Manar Paraphrase, (10/202).

<sup>(170)</sup> Ibn Katheer, Paraphrase of the Glorious Qura'n, (4/405). Look: Mohammad Rashid Rida, Al-Manar Paraphrase, (7/516).

<sup>(171)</sup> Al-Razi, Great Paraphrase, (21/458).



**Discussion:** it is satisfied with that had been mentioned in discussing the previous evidence.

**The fourth evidence:** following up the verses of the Qura'n in stories of the previous people and their torture, we find that the punishment for disbelieving is related with the afterworld, so the general principle is that disbelieving is an aggression on Allah right: so its punishment is related with Allah in the afterworld for greatness of that, but injustice and mistaken behavior are related with people, their punishment is urgent and hastened.

Look for example the Al-Mighty's saying as degrading states of disbelievers and the mistaken of their punishment; for they are connected with secular forms of mistaken behavior, verses: Al-Shu'ara': 128-130, Al-Shu'ara': 155-157, Al-Shu'ara': 165-166, Al-Shu'ara': 181-189.

**Discussion:** these generalizations are not built upon by an evidence in a special matter and a special verdict, in which frank and correct texts in the Sunnah.

**The fifth evidence:** the affair of punishment are preventions and bonesetters; they prevent mistaken behavior, Al-Mawardi said about the punishments: "punishments are preventions laid by the Al-Mighty God to deterrent from committing what was forbidden, and learning what was commanded"<sup>(172)</sup>.

Detailing that is seen in the references below<sup>(173)</sup>.

Then cleared differences between preventions and bonesetters:<sup>(174)</sup>.

We said: where is deterrent here for faith is hearty; it can make appear Islam and conceal disbelieving, and this is more dangerous, so we are by announcing this punishment had pushed people to hypocrisy, and it is dangerous for the Islamic Nation, if we applied the punishment, there would not remain a space of prevention and bonesetter.

**Discussion:** the opposers said: others are prevented from playing with religion. We said: he can show Islam jealousy while he does not want it, and be originating hypocrisy.

**Sixth evidence:** punishments are penances, Al-Bukhari said: Section: Punishment are a penance<sup>(175)</sup>.

And so in Moslem Sahih, section of punishments are penances for their people<sup>(176)</sup>.

Is performing the punishment of Apostasy make it a penance?! No, unanimously. It is imagined that the punishment of adultery makes it a penance for its companion, and the rest of punishments as well, but this is not imagined in the punishment of Apostasy. And this is what Ibn I'theimeen asserted<sup>(177)</sup>.

**The seventh evidence:** if punishments were obliged by Jurisprudence, do no drop even if he (the Apostate) repented, meanwhile we know that if he repented from disbelieving, even after issuing the sentence (verdict) he is not killed unanimously, and this is what Ibn I'theimeen attracted attention to as well; and his talk has previously been transferred<sup>(178)</sup>. And they evidenced by texts cleared below<sup>(179)</sup>. Then they returned and excluded the Apostate from that if repented.. so how it will be a punishment?

<sup>(172)</sup> Al-Mawardi (D. 450H.) Sultanic Verdicts, Dar Al-Hadith, Cairo, P. (213).

<sup>(173)</sup> Ibid, P. (223). Al-Zuhaili, Islamic Jurisprudence, (6/705), (6/135).

<sup>(174)</sup> Look: Scholars Sultan, I'zzel Deen Bin Abdel Salam, (D.660H.), Rules of Verdicts in the Interests of Humans, Al-Azharayeh Faculties Library, Cairo, 1991ed, (1/178), Al-Garafi, Shihab Al-Deen Ahmad Bin Idrees, (D. 684H.), Anwar Al-Borouq Fi Anwa' Al-Farouq (Al-Farouq), World of Books, No ed., & no d. (1/211-213) & Al-Zuhaili, Islamic Jurisprudence, (6/135), by behaving and briefing.

<sup>(175)</sup> Al-Bukhari, Saheeh Al-Bukhari, Book of punishments, section of punishments as a penance, No: (6784).

<sup>(176)</sup> Saheeh Moslem, Book of Punishments, Section of Punishments as Penances to their people, No: 41-(1709).

<sup>(177)</sup> Fatwa of Punishments in other than polytheism and Apostasy are Penances, Fatwa No: (387097), D. of Publ. 22/11/2018, Site Islam Web: <https://www.islam.web.net/ar/fatwa/387097>.

<sup>(178)</sup> Ibid (same Fatwa).

<sup>(179)</sup> Ahmad, Al-Musnad, No: (15303), correct Hadith, verified by Sheikh Shu'eib. And Malek, Muwata' Imam Malek, Al-A'thami verification, (5/1221), No: (3087), and at Abdel Razzaq about Al-Zuhair, by phonation: "If Punishments reach the Sultan, no one is legally to forgive about them". Al-Sana'ni, Al-Musannaf, (7/440), No: (13807). Abu Daoud, Al-Sunan, Book of Punishments, Section of forgiving punishments unless informing the Sultan, No: (4376), and Al-Nasai, Al-Sunan Al-Kubra, Book of cutting the Burglar, Section of what is fortified or not, No: (7331)

**Discussion:** scholars who viewed the punishment of Apostasy considered its dropping, or accepting his repentance from special verdicts provided in the text.

**The answer:** we have to answer that it is confirmed in the Holy Qura'n, with the firmness of these evidences by other evidences; for a verse came in the context of the talk about our legislation after that verse clears the concept of spoiling on the Earth, its verdict at us is the Al-Mighty's saying: "The punishment of those who fight against Allah and His Messenger, and seek to spread spoilage on Earth, they have to be killed, crucified, or their hands and legs to be cut from behind, or they to be exiled from Earth, that they have a disgrace in the very world and great affliction in the ever after" [Al-Maida: 33].

**The tenth evidence:** what was provided from Omar God's consent upon him Al-Nakhi'I and Al-Thawri that their verdict is repentance. So Omar Bin Al-Khattab's view is prisoning till they repent, that is of what was provided at Abdel Razzaq<sup>(180)</sup>.

Abdel Razzaq also directed<sup>(181)</sup> it towards it.. in it: "six people from Bani Baker Bin Wael Apostated from Islam.. Omar said: I presented to them the door from which they got out, to enter into it, if they did that I accepted from them, or else I imprison them"<sup>(182)</sup>, and soon of what was directed by Imam Malek in his country<sup>(183)</sup>.

**Discussion:** but Omar's speech was explained till time of repentance, or else they kill for what was provided about him in Al-Musannaf<sup>(184)</sup> from Mu'amer from Al-Zahri, from Obeid Alah Bin Abdel Allah Bin O'tbah, from his father, said: In Mas'oud took a people from Iraq Apostated from Islam, he wrote to Omar about them, he wrote to Omar about them, he wrote to him: "Present to them the Religion of the Right, and certification that there is no god but Allah, if they accepted it, release them, and if they did not accept it, kill them, some of them accepted it, so he left him, and some did not accept it, so he killed him".. and so Ibn Abdel Bir explained that<sup>(185)</sup>.

But what concerns Al-Thawri's view and Al-Nakhi'I, of what Abdel Razzaq directed<sup>(186)</sup>, from Al-Thawri, from Amero Bin Qais, from Ibrahim, he said in the Apostate: "he is made repent forever" Sufyan said: this is what we do.

**Discussion:** but Al-Bukhari transferred commenting from Ibrahim Al-Nakhi'I that he is to be killed.

**Eleventh evidence:** that the Prophet did not kill Ibn Abi Al-Sarh, he had Apostated. We said: previously directed.

**Twelfth evidence:** if we allowed confirming the individual of Apostasy punishment was a plea for others from non-Moslems to kill who transferred from disbelieving to Islam [it means Al-Turabi's speech].

**Thirteenth evidence:** that the repent of this verdict does not generate anything, except hypocrisy in the community; for the human shows a thing, and conceals another thing, fearing killing, and so leads to a greater evil.

**Fourteenth evidence:** what provided of texts mean existence of Apostasy punishment, really was directed to treat special emergent cases, they are some people of the Book and some polytheists were showing Islam, and concealing disbelieving on purpose of offending Moslems and Islam, then Apostate from their Islam on purpose of misshaping and alienating, and practice defaming and lying, and types of

<sup>(180)</sup> Al-Sana'ni, Al-Musannaf, No: (18695), & Directed by Al-Jazjani, Saeed Bin Mansour (D. 227H.), Sunan Saeed Bin Mansour, verification by Habeeb Al-Rahman- A'thami, Al-Dar Al-Salafeyah, India, 1982, (2/265), No: (2585).

<sup>(181)</sup> Al-Sanani,; Al-Musannaf, No: (18696).

<sup>(182)</sup> Look; Al-Baihagi, Al-Sunan Al-Kubra, (8/359).

<sup>(183)</sup> Malek, Al-Muwatta, (4/1066) No: (2728).

<sup>(184)</sup> Al-Sana'ni, Al-Musannaf, No: (18707).

<sup>(185)</sup> Ibn Abdel Bir, Yusef Bin Abdullah, (D. 463H.) Remembrance (Al-Istithkar), verification by Salem A'ta, Dar Al-Kutob Al-I'lmeyah, Beirut, 2000, (7/155).

<sup>(186)</sup> Al-Sana'ni, Al-Musannaf, No: (18697).

psychological and intellectual war against Moslems and what preceded of Sheikh Mohd Abdo's saying<sup>(187)</sup>. And what meant of Mohd Madkour's speech<sup>(188)</sup>.

**Fifteenth evidence:**

This concerns who announced war and evil was from him, and this what is meant by the view of Al-Turabi, Mohammad Amarah, Al-Bouti, Al-Qartawi, Al-Ghanoushi, Abdel Majeed Al-Najjar, Al-sadeq Al-Mahdi, Abdel Aziz Jaweesh, and Mohammad Al-Mukhtar Al-Shanqiti. Their sayings had been provide.

**Sixth evidence:** what was provided of texts can be considered from texts of the section of reproof connected with conditions of the Apostates, and prevention of evil, estimated by the just authority, in accordance with a law enacted by people charged with authority, and passed with of Sheikh Mahmoud Shaltout saying<sup>(189)</sup>.

**Seventh evidence:** Islam rejected the political tyranny with its types, and viewing the punishment of Apostasy may some of them persecute the opposer in view.

And this is what a number of scholars worded, of them: Ibn Beih, Abdel Wahhab Khallaf, Al-Qardawi, Al-Zuhaili, Al-Risoni, and Al'A'wwa, and the meaning of Ibn I'theimeen's speech, therefore the Sheikh Mohammad Al-Khudari, Yousef Al-Qardawi and Al-Zarqa ignored the punishment of Apostasy as preceded.

**Discussion:** those who view the confirmation of Apostasy Punishment can discuss evidences from the twelfth to the seventeenth: we are not allowed to disagree the provided evidence in the correct Sunnah with pure possibilities and mental interpretations, and no prevention for Apostasy punishment is to be individually, and to be in another case from the section of fighting too they both are two cases for their verdicts, and no denial between them both in confirming killing in case of individual Apostasy.

This, is done in Ramadan/ 1442H.. and Praise be to Allah Lord of the World.

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<sup>(187)</sup> Mohd Rashid Rida Al-Manar Journal, vol. 10, Pt3, P. 288, 1907, Egypt.

<sup>(188)</sup> Mohmd S. Madkour, Introduction to Islamic Jurisprudence, House of Modern Book, Cairo, 2<sup>nd</sup> ed., 1996, P. (742).

<sup>(189)</sup> Mahmoud Shaltout, Islam, a Dogma and Shariah, 18<sup>th</sup> ed., 2001, Dar Al-Shorouq, Cairo, P. (281).

### Conclusion:

In light of preceded study researchers deduced the following results:

1. It is preponderant at researchers that viewers of confirming the individual Apostasy punishment evidenced; leaned on hypothetical confirmation of Hadiths or significance:
  - a) Hadith Ibn A'bbas (He who changed his Religion, kill him) is about I'kremah and had talked about I'kremah.
  - b) Ibn Maso'ud's Hadith and its witnessings about Ibn Omar & A'ishah, narrated by non-open phonations, meant individual Apostasy, from it: (Departing Islam leaving the Group), from it: (Defector of religion, departing the Group), and narrated by Mistress A'ishah in phonation: (A Man Leaves Islam fighting Allah and His Messenger; he is killed, crucified, or exiled from Earth).
  - c) It is noticed in Hadith of Mistress A'ishah that choice is made for the Imam in killing, crucifixion or exile with connecting with Al-Hirabah (fighting).
  - d) Abu Mousa & Mu'ath Hadith in killing the Jew, who followed Islam then Apostated; it was diligence of companions and reality of case may have its circumstances; it is not a frank evidence, and will not be an absolute plea.
  - e) Ibn Abi Al-Sarh that the Prophet declared killing him; it was narrated from two ways both of them were weak, it is not a plea.
2. The strongest evidences of viewers of confirming the punishment of Apostasy, may be the issue of unanimity, and the opposes has to conflict in the confirmation of this unanimity and its preponderance, with existence of disagreeing evidences.
3. Viewers of denying the punishment of Apostasy leaned on many things giving distinction to their view, from them:
  - a) Abundance of verses asserting the religious freedom.
  - b) Asserting verses that punishment on issues of believing and disbelieving are of the afterworld.
  - c) The Qura'n verses asserted that man is not blamed in the very world, except for behavior and results.
  - d) The Holy Qura'n talked about Apostasy denying it and did not mention any punishment.
  - e) The Holy Qura'n mentioned a punch of punishments without Apostasy.
  - f) They mentioned that punishments are deterrents and bonesetters, and that is not achieved in the punishment of Apostasy.
  - g) The action of applying the punishment of Apostasy is a deepening of hypocrisy at citizens, or tyranny at the ruler in name of religion.
  - h) The Holy Qura'n cleared the causes of legitimacy of putting an end to the soul, and confined it into two things: penalty and spreading evil on Earth.
4. At what appeared to researchers from the hypothetical evidences of viewers of Apostasy punishment, and distinction of deniers' evidences, it is preponderant at researchers that individual Apostasy is an affair of the humanitarian choice in the very world, unless combined with spreading evil on E, or an aggressive war like deed against Islam and Moslems, and his consideration is up to Allah in the Afterworld, and the responsible parties in the state have to organize the verdicts of that by a law prepared by the specialized people changed with authority, with what achieves the individual human freedom from part, and aggression on the public right, stability and security of the community.