

## An analysis of interpretations of Ḥadīth

«مَنْ بَدَّلَ دِينَهُ فَاقْتُلُوهُ»

***“Whoever changes his religion, kill him”***

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### ***Abstract***

*As long as Islam was in power, there was no problem in understanding the views and opinions of the main stream of Islam represented by the Jamhūr ‘Ulamā’. Once the power passed into the Islamically weaker hands, the anti-Islamic elements worked for its detriment, with all their abilities and capacities, causing Islam being criticized to the basic and essential judicial sources, core and non-core as well. The critics of Islam triggered some Sharīah issues, some of them needed to be checked out, but the most of them were raised either because of hostility towards Islam or because of misunderstandings. Among these issues was the issue of freedom. It was claimed that the ḥadīth “Whoever changes his religion, kill him” opposes the freedom advocated by the Qurān. But in reality this Ḥadīth is not opposing the Qurān, it means that it is permissible to kill those who destroy the entity, existence and security of the society by changing their religion. It is a kind of Ta’zīr and would be applied by the authority of the imam or judge or by the head of the state; in other words it is delegated to the competent authority in the Islamic state to decide the appropriate penalty, there would be no blame on them in a specific given situation if they award the death penalty for apostasy. Thus the Ḥadīth recommends a sentence in specific situation and in no way prescribes the death for apostasy unconditionally which could compromise the freedom of religion and conscience guaranteed by the Quran.*

### **Introduction**

It is generally known that there are some narrations reported from the prophet s.a.w. with acceptable chain of narrations which their reports are reliable and trustworthy. However, there is hot debate and dispute on the implication of its intent and explanation. Of such ahādīth is the ḥadīth that says, “*Whoever changes his religion, kill him*”. The seeming misunderstanding of this ḥadīth is reflected from the Qur’ānic assertion

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calling unto freedom of the creed in a lucid way which could neither be interpolated nor distorted, as it is stated by Allāh thus:

﴿وَقُلِ الْحَقُّ مِنْ رَبِّكُمْ فَمَنْ شَاءَ فَلْيُؤْمِرْ وَمَنْ شَاءَ فَلْيُكْفُرْ إِنَّا أَعْتَدْنَا لِلظَّالِمِينَ نَارًا أَحَاطَ بِهِمْ سُرَادِقُهَا وَإِنْ يَسْتَغِيثُوا يُغَاثُوا بِمَاءٍ كَالْمُهْلِ يَشْوِي الْوُجُوهَ بِئْسَ الشَّرَابُ وَسَاءَتْ مُرْتَفَقًا﴾ [الكهف: ٢٩]

Say, "The truth is from your Lord": Let him who will believe, and let him who will, reject (it): for the wrong-doers We have prepared a Fire whose (smoke and flames), like the walls and roof of a tent, will hem them in: if they implore relief they will be granted water like melted brass, that will scald their faces, how dreadful the drink! How uncomfortable a couch to recline on! (Al-Kahf: 29).

Likewise, Allah alludes thus:

﴿إِنَّ إِلَيْنَا إِيَابَهُمْ \* ثُمَّ إِنَّ عَلَيْنَا حِسَابَهُمْ﴾ [الغاشية: 25-26]

“For to Us will be their Return; then it will be for Us to call them to account (Al-Ghashiyah: 25-26).

In another verse, it has been buttressed that:

﴿لَا إِكْرَاهَ فِي الدِّينِ﴾ [البقرة: 256]

“Let there be no compulsion in religion” (Al-Baqarah: 256).

Furthermore, Allah asserts that:

﴿وَلَوْ شَاءَ رَبُّكَ لَأَمَنَّ مِنَ فِي الْأَرْضِ كُلَّهُمْ جَمِيعًا أَفَأَنْتَ تُكْرِهُ النَّاسَ حَتَّى يَكُونُوا مُؤْمِنِينَ﴾ [يونس: 99]

“If it had been thy Lord’s will, they would all have believed,- all who are on earth! Wilt thou then compel mankind, against their will, to believe! (Yūnus: 99).

No one has the right to compel another person on whatever he believes- by whatever means in all forms of persuasion that could denote compulsion at the beginning or end. However, he has right to invite others based on the evidential reasoning, by the encouragement of getting reward in the hereafter and scarring of its severe punishment as it relates by Allah:

﴿ادْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحِكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ وَجَادِلْهُمْ بِالَّتِي هِيَ أَحْسَنُ إِنَّ رَبَّكَ هُوَ أَعْلَمُ بِمَنْ ضَلَّ عَنْ سَبِيلِهِ وَهُوَ أَعْلَمُ بِالْمُهْتَدِينَ﴾ [النحل: 125]

Invite (all) to the Way of thy Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious: for thy Lord knoweth best, who have strayed from His Path, and who receive guidance. (An-Nahl: 125).

Such verses are evidenced on the position of freedom and the necessity of its enjoyment in all senses of human consideration such as thought, doctrine, social, governance, transaction, business. However, man fulfils his responsibility on earth with due completion in all sense of freedom in the belief and thought, the prominent sunnah of the prophet clamor for open killing of the apostate, all the ahādīth are authentic narrated by *al-Bukhārī*, four other scholars of Sunan and many others among the scholars of narrations-may Allah be pleased with them all. Subsequently, hadith shall

be elaborated through the chain of narrations. The problem now is that, if the apostasy is called on the fact that he replaces his belief or doctrine towards Islam, then where is the freedom that the Qur’ān explains? Or how could we reconcile freedom to doctrinal matter in one hand, and the killing of whoever changes or replaces his religion on the other hand.

Indeed, there are many prominent contemporary scholars who have extensively written on this topic. Likewise, I also wish to draw from this fountain and investigate an indepth understanding of this hadith and its application in the current situation or contemporary time, hoping for Allah’s reward on it, I seek for Allah’s bounties and assistance, indeed He is the most Endower.

### Text of the Ḥadīth

عَنْ عِكْرِمَةَ أَنَّ عَلِيًّا عَلَيْهِ السَّلَامُ أَحْرَقَ نَاسًا ارْتَدُّوا عَنِ الْإِسْلَامِ، فَبَلَغَ ذَلِكَ ابْنَ عَبَّاسٍ فَقَالَ: لَمْ أَكُنْ لِأُحْرِقَهُمْ بِالنَّارِ، إِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا تُعَذِّبُوا بِعَذَابِ اللَّهِ»، وَكُنْتُ قَاتِلَهُمْ بِقَوْلِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَإِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ بَدَّلَ دِينَهُ فَأَقْتُلُوهُ» فَبَلَغَ ذَلِكَ عَلِيًّا عَلَيْهِ السَّلَامُ فَقَالَ: «وَيْحَ ابْنِ عَبَّاسٍ!»<sup>1</sup>

From the authority of ‘Ikrimah, it was reported that verily ‘Ali (R.A.) burned those who practiced apostasy at the expense of Islam, hence the information got to Ibn Abbās and he said that: “I would never burnt them with fire, indeed, the messenger s.a.w. said that: “Do not punish like of Allah’s punishment”. Conversely, ‘Ali replied that, I killed them because the messenger s.a.w. said that, “Whoever rejects his religion (dīn) should be killed.” The view of ‘Ibn Abbās reached ‘Ali y (R.A), and he loudly declared that, “Kudos to ‘Ibn Abbās” This is the text of the hadith.

### Verification of the Ḥadīth from Different Chains of Narrations

It is indeed a hadith commonly linked as it was reported by Ibn Abbās of which from him, there are two narrations: First, from the authority of ‘Ikramah as it was mentioned earlier; and second, from the authority of Anas who said that:

«أَنَّ عَلِيًّا أَمَرَ بِنَاسٍ مِنَ الزُّطِّ يَجْعُدُونَ وَثْنَا فَأَحْرَقَهُمْ، قَالَ ابْنُ عَبَّاسٍ: إِذَا قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ بَدَّلَ دِينَهُ فَأَقْتُلُوهُ»<sup>2</sup>

<sup>1</sup> Narrated by Abū ‘Abdullah Muhammad Ibn Ismā‘īl Ibn al-Mughīrah al-Bukhārī, al-*Jāmi‘ al-Shāhīh al-musnad min Ḥadīth Rasūlullah Ṣallahu ‘alayhi wa sunanihi wa ayāmihi*, verified by Muhibu d-dīn (Cairo: Salafiyyah publisher, Vol. 1400 A.H.) under the book of Jihād, chapter of do not afflict punishment with the like of Allah’s punishment, Vol. 2, p.279, Ḥadīth number 4922. Likewise it reported in the book seeking forgiveness by the apostate and the heretics and waging war against them, under the chapter of ruling relating to man and woman apostate. Likewise Abu Dāwūd Sulaymān Ibn al-Ash’ath, *al-Sunan*, commentary by ‘Izāt ‘Ab’īd ad-Du‘ās and ‘Ādl as-Sayed (Beirut: Lebanon: Dār Ibn Ḥazm, 1 1418 A.H./1997) in the book of al-Ḥudūd, ruling relating to whoever rejects his religion, vol.4, p.339, Ḥadīth number 4351.

<sup>2</sup> Narrated by ‘Abū ‘Abdur-Rahmān Ibn Ahmad, al-Kharāsānī an-Nasā’ī, *Sunan*, commentary by Muhammad Nāsir d-Dīn al-Albānī (Riyad: Maktabat al-Ma‘ārif for publication) under

“Verily, he brought some people from al-Zut who were worshipping idols, hence they were burnt. ’Ibn Abbās responded saying: Actually, the messenger of Allah s.a.w. said: “*Whoever changes his religion, kill him*”. Chains of narrations were authenticated based of the criteria of two scholars (Bukhārī and Muslim). It was also confirmed as a reliable hadith according to Hasan al-Basrī<sup>3</sup>.

Narration of Abū Hurayrah:

عن أبو هريرة أن رسول الله صلى الله عليه وسلم قال: «مَنْ بَدَّلَ دِينَهُ فَاقْتُلُوهُ»<sup>4</sup>

From authority of Abu Hurayrah who said that, Verily, the messenger s.a.w. said that: “*Whoever changes his religion, kill him*”, its chain is confirmed as good (Hasan)<sup>5</sup>.

Narration of ‘Ā’isha:

عن عائشة قالت: قال رسول الله صلى الله عليه وسلم: «مَنْ بَدَّلَ دِينَهُ فَاقْتُلُوهُ»<sup>6</sup>

It was reported from ‘Ā’ishah that, the messenger s.a.w. said that, “*Whoever changes his religion, kill him*”.

Narration of Mu‘āwiyah Ibn Haydah:

عن معاوية بن حيدة: قال رسول الله صلى الله عليه وسلم: «من بدل دينه فاقتلوه، لا يقبل الله توبة عبد كفر بعد إسلامه»<sup>7</sup>

It was reported by Mu‘āwiyah Ibn Haydah who said that the messenger of Allah s.a.w. said that, “*Whoever changes his religion, kill him*”, Allah will not accept a servant’s forgiveness who disbelieves after his submission to the will of Allah-”.

Narration of Mu‘adh Ibn Jabal:

the unlawfulness of shedding the blood, the chapter of ruling relating to apostasy, p.627, hadith 4065 . Another version was related by ‘Abū ‘Abdullah Ahmad Ibn Hanbal Ibn Hilāl Ibn ‘Asd ash-Shaybānī, *Musnad Ahmad*, commentary by Ahmad Ibn Muhammad Shākir, (Cairo: Dārul Hadīth), 1416 A.H., 1995) in the book of Bidāyah Musnad ‘Abdullah Ibn ‘Abbās, vol.3, p.303, hādīth number 2948. And Sulaymān Ibn Ahmad at-Tabrānī, *al-Mu’jam al-Kabīr*, commentary by Hamdī ‘Abdul Majīd al-Salafī (Cairo: Maktab Ibn Taymiyyah, 1404 A.H./1983), Vol. 10, pp. 330, Ḥadīth 19438. *Al-Bayhaqīn* the chapter of killing of whoever rejects Islam either on man or woman, Vol. 8, 352, hadīth 16860.

<sup>3</sup> Muhammad Nāsirud-Dīn al-Albānī, *Irwān al-Ghalīl fī ahādīth manār s-Sabīl*, supervised Zuhair ash-Shāwīz (Beirut-al-maktab al-Islāmī, 1405 A.H./1985, vol. 8, p.124.

<sup>4</sup> Narrated Sulaymān Ibn Ahmad Ibn ‘Ayūb ‘Abī al-Qāsim at-Tabrānī, *al-Mu’jam al-Awsat*, commentary Tāriq Ibn ‘Awdullah Ibn Muhammad, ‘Abdul Muhsin Ibn Ibrāhīm al-Husainī (Cairo: Dārul al-Haramayn, Abī Dāwud, 1415 A.H./1995, under the chapter of whose name is Masnād , vol. 8, p.275, Ḥadīth 8623.

<sup>5</sup> Nāsirud-Dīn al-Albānī, *Irwān al-Ghalīl fī ahādīth*, vol. 8, p.124.

<sup>6</sup> at-Tabrānī, *al-Awsat*, under the chapter of whose name is Na’īm, vol. 9, p.95.

<sup>7</sup> At-Tabrānī, *al-Mu’jam al-Kabīr*, vol.19, p. 419, people of this chain as it was said by Nūrud-Dīn ‘Aliy’ Ibn ‘Abī Bakr al-Haythamī, *Bughyatu al-Rā’id fī Tahqīq Majma’u az-Zawā’id wa manba’u al-Fawā’id*, Tahqīq ‘Abdullah Muhammad ad-Darwīsh (Beirut: Dārul Fikr, Beirut, Dāwud, Tabārī, 1414 A.H./ 1994, vol.2, p.399, hadīth 10573. And in the “*Musnad Ahmad*” it is stated that: “Allah will not accept the forgiveness of whoever associates partner with Allah after submissiveness”.

عن معاذ بن جبل قال: قَدِمَ عَلَيَّ أَبِي مُوسَى مُعَاذُ بْنُ جَبَلٍ بِأَيْمَنِ، فَإِذَا رَجُلٌ عِنْدَهُ قَالَ: مَا هَذَا؟ قَالَ رَجُلٌ: كَأَنَّ يَهُودِيًّا، فَأَسْلَمَ ثُمَّ تَهَوَّدَ، وَتَحَنُّنُ تُرِيدُهُ عَلَيَّ الْإِسْلَامِ مُنْذُ- قَالَ: أَحْسَنُهُ- شَهْرَيْنِ فَقَالَ وَاللَّهِ لَا أَفْعُدُ حَتَّى تَضْرِبُوا عُنُقَهُ، فَضْرِبَتْ عُنُقَهُ، فَقَالَ قَضَى اللَّهُ وَرَسُولُهُ أَنَّ مَنْ رَجَعَ عَنْ دِينِهِ فَاقْتُلُوهُ، أَوْ قَالَ: مَنْ بَدَّلَ دِينَهُ فَاقْتُلُوهُ.<sup>8</sup>

From the authority of Mu'adh Ibn Jabal which was reported from Abū Burdah who said that: “Mu'adh Ibn Jabal was sent to 'Abū Mūsā in Yemen, (On getting to Yemen) then there was a man with him (i.e. Abū Mūsā), he said: Who is this? He replied: He is a Jewish man who converted to Islam, then he reverted back to Jewish religion, and of course we have been expecting him back in Islam since the past two months- hence he said (i.e. Mu'adh Ibn Jabal) that, I will never sit until he is being Killed. Thereafter, he was killed then he said: Allah and his prophet has given command, “Whoever revert from his religion-din- should be killed or he said that: “*Whoever changes his religion, kill him*”. Its chain is authenticated based on the criteria or conditions of two prominent scholars of hadith (Bukhārī and Muslim), but without the statement: “Until he returns”<sup>9</sup>.

### Position of the hadīth's chain of transmission (Sanad) and content (Matn)

As far as the rank of the afore quoted hadith is concerned, it is confirmed as an authentic hadith and all the transmitters are reliable as well as all the narrations are authentic in both chain and content except hadith reported by Mu'āwiyah Ibn Huyaydah. It has been said by Shauib al-Arnaūt, the author of: “*at-Tahqīq Musnad Ahmad*” in its footnote said that in the prophet's narration: “Allah will not accept a servant's forgiveness who disbelieves after his submissiveness-to the will of Allah.

There is a misconception in this narration; the most correct one is what could be found in the narration of Bahz Ibn Hākīm who reported from his father, from his grandfather thus: “Allah will not accept any act of worship from a disbeliever after his submissiveness or he departs from disbelieve and move to Islam<sup>10</sup>”. The meaning of this hadīth is that, this disbeliever that accepts Islam (again) has practiced apostasy and disbelieves and after he has accepted Islam, then he revert back to Islam while still in the land or environment of infidelity (*Dār al-Kufr*)<sup>11</sup>. Based on this scenario,

<sup>8</sup> Narrated by Ahmad vol. 16, p. 167, Ḥadīth 21914.

<sup>9</sup> Nsirud-Dīn al-Albānī, *Irwān al-Ghalīl fī ahādīth manār s-Sabīl*, vol.8, p.124.

<sup>10</sup> Ibn Hanbal ash-Shaybanī, *al-Musnad*, confirmation by Shu'aib Ibn al-Arnaūt- 'Ādl Murshid, and others, (Mu'asasatur-Risālah, Tabrānī, 1421 A.H. 2001, vol. 33, p.238.

<sup>11</sup> It was reported in the *Musnad Imam Ahmad Ibn Hanbal* in the commentary of the hadīth: his saying that: “Allah will not accept any deeds from infidel who ascribe partner with Allah after being a Muslim. Its latent meaning is useful as it mentioned by al-Sinadī-An infidel that embraces Islam and repudiated Islam and ascribes partner with Allah after his submissiveness, henceforth he returned to Islam, it is on this basis that his repentance will not be accepted except he departs from an infidel environment (Dār al-Kufr). It was related from the narration of an-Nasā'ī that: “Whoever disbelieves after his embracement of Islam, this is

Allah will not accept any act of worship until he departs himself from the land or environment of infidelity (*Dār al-Kufr*). This topic therefore, is a topic of migration which is not our focus.

### Meaning of the hadīth and its commentary

Indeed, ‘Ali Ibn Abī Tālib burnt people from al-Zut, as it was reported from hadith reported from Anas, they denounced Islam hence they were killed. Actually, killing through this way which was by burning, when the information got to ‘Ibn Abbās, he responded that: “I will never burn them with fire”. This means that, if the issue was under my custody, I would never burn them with fire because the prophet s.a.w. has given a stern warning that, “Do not inflict punishment (unto others) with the like of Allah’s punishment”, but rather, I would use alternative means rather than burning because the messenger of Allah s.a.w. said that, “*Whoever changes his religion, kill him*”. And when ‘Ali heard the comment of Ibn Abbās, he unhesitatingly said that, May Allah bless Ibn Abbas. This has been buttressed in another narration from the commentary of tradition (*Sharīh al-Sunnah*) that, when the comment of ‘Ibn reached ‘Ali, he said that: “Ibn ‘Abbās has really said the truth<sup>12</sup>”.

### Commentary of the Hadīth

It is clearly mentioned in the hadīth that killing whoever denounces Islam-as a religion- is compulsory, whether he revert back to Islam or not according to the stance of some adherents of those who depend apparent evidences popularly known as (*al-Zahiriyyah*). Indeed, this issue is not like according to stand point of majority of the scholars that, if he repents and revert back to Islam, he should not be killed<sup>13</sup>. Imam al-Tahawī said regarding the commentary of this hadith that: “Some people uphold that whoever rejects

relevant to a person who accepts Islam after his disbelieve in the infidel environment (*Dār al-Kufr*), no deed will be accepted from him until he disassociates himself from it (*Dār al-Kufr*) to an Islamic environment (*Dār al-Islam*). Vol. 33, p.233.

<sup>12</sup> See al-‘Azhīm ‘Ābādī, Muhammad Shamsul Haqq Abū t-Tayyib, ‘*Awn al-Ma‘būd Sharīh Sunan Abī Dāwūd*, verified by ‘AbdulRahman Muhammad ‘Uthmān (al-Madinah al-Munawwarah: al-Maktabah al-Salafiyah, 2, 1388, vol.2 pp.3-4.

<sup>13</sup> This is related by all scholars that form four schools of thought (al-Madhāhib al-Arba‘ah), and the divergenc on analogical interpretation that, should we request him to revert back to Islam or not, then should it be instantly or delay. See Ahmad Ibn Aliy ar-Rāzī ‘Abū Bakr al-Juṣāz, *Ahkām al-Qur‘ān lil-Juṣās*, (Beirut: Dār al-Ihyā’ at-Turāth al-‘Arabī, 1405 A.H.), vol. 5, p. 156, Ibn Rushd, Abū al-Walīd Muhammad Ibn Ahmad Ibn Muhammad Ibn Ahmad Ibn Rushd al-Qurtūbī, *Bidāyatu al-Mujtahid wan-Nihayatu al-Muqtasid*, (Misra: Publication of Mustapha al-Bābī al-Halbī and his children, 1395 A.H./ 1975) vol. 1, 767, and Muhammad Ibn Idrīs Abū ‘Abdullah ash-Shāfi‘, *al-Umm* (Beirut: Dār al-Ma‘rifah, vol. 3, p. 363, al-Farā’ al-Qādī ‘Abū Ya‘lā, *al-Ahkām al-Sultaniyyah*, Muhammad Hāmid al-Faqī commented on it (Beirut: Lebanon: Dārul al-Kutub al-‘Ilmiyyah, 421 A.H./ 2000, vol.1, p.92, and Sharkhasī, Shamsud-Dīn Abū Bakr Muhammad Ibn Abī Sahl, *al-Mabsūt*, a study and verification by Khalīl Muhy al-Dīn al-Mays (Dār al-Fikr litabā‘ah wa-Nashar wat-Tawzi‘, 1421 A.H./ 2000, vol. 12, p.216 and many other books on jurisprudence.

Islam (apostate) should be killed, whether he revert back to Islam or not, and they have regarded killing him as a penalty for what he has committed. They said that: "It is just like the case of an adulterer whose forgiveness is not depended on the penalty of adultery, just like a thief whose forgiveness is not determined by penalty of stealing. This is exactly the case of an apostate whose forgiveness is not determined by killing, and our argument with them regarding this is their disagreement. What I observe is that, Allah command us to implement the penalty of adultery on adulterer and penalty of amputation of hand of the thieves, thereby Allah states that:

﴿الرَّائِبَةُ وَالرَّائِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ﴾ [النور: 2]

"The woman and the man guilty of adultery or fornication - flog each of them with a hundred stripes: let not compassion move you in their case, in a matter prescribed by Allah, if ye believe in Allah and the Last Day: and let a party of the Believers witness their punishment". An-Nūr: 2).

Regarding the penalty of stealing, Allah declares in the Qur'ān that:

﴿وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءً بِمَا كَسَبَا نَكَالًا مِنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ﴾ [المائدة: 38]

"As to the thief, Male or female cut off his or her hands: a punishment by way of example, from Allah, for their crime: and Allah is Exalted in power". (al-Maidah: 38).

The name adultery could not be separated from adulterer even if he abandons committing adultery, the same goes to stealing, and it goes along with thief even if he abandons stealing. Therefore, we have noticed that an apostate eventually has become an infidel, but when he reverts from apostasy, he is not allowed to be called an infidel, because disbelieve is allowed to be used for he who practices an act of disbelieve, but when he disassociates himself from disbelieve and becomes a Muslim, then It is impermissible to call him an infidel, despite of earlier denouncement, and after reversion, it is permissible to be called as a Muslim; it is impossible at a time to be an infidel as well as a Muslim. It has been clearly stated by Allah thus:

﴿إِنَّ الَّذِينَ آمَنُوا ثُمَّ كَفَرُوا ثُمَّ آمَنُوا ثُمَّ كَفَرُوا ثُمَّ آمَنُوا كُفْرًا لَمْ يَكُنِ اللَّهُ يَغْفِرْ لَهُمْ وَلَا لِيَهْدِيَهُمْ سَبِيلًا﴾ [النساء:

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"Those who believe then reject Faith, then believe (again) and (again) reject Faith and go on increasing in unbelief—Allah will not forgive them, nor guide them on the way" (al-Nisā': 137).

We have practically seen this from the prophet s.a.w. what can be named on whoever returns from apostasy which has earlier been mentioned that he used to disregard killing from him which is also in line with view of Fahd Ibn Sulayman who said that: It was reported by Muhammad Ibn Sa'īd Ibn al-Asfāhānī who said that: "Ali Ibn Mashar, from Daud Ibn Abī Hind, from 'Ikramah, from 'Ibn Abbās, may Allah be pleased with them who said that: "A man from Ansar denounced his religion, then he came alongside

with, his people to Makkah and regretted in the presence of the prophet s.a.w. by asking: Can I be forgiven?”. Then, Allah revealed that:

كَيْفَ يَهْدِي اللَّهُ قَوْمًا كَفَرُوا بَعَدَ إِيمَانِهِمْ وَشَهِدُوا أَنَّ الرَّسُولَ حَقٌّ وَجَاءَهُمُ الْبَيِّنَاتُ وَاللَّهُ لَا يَهْدِي الْقَوْمَ الظَّالِمِينَ \*  
 أُولَئِكَ جَزَاءُهُمْ أَنَّ عَلَيْهِمْ لَعْنَةَ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ \* خَالِدِينَ فِيهَا لَا يُخَفَّفُ عَنْهُمْ الْعَذَابُ وَلَا هُمْ يُنظَرُونَ \*  
 إِلَّا الَّذِينَ تَابُوا مِنْ بَعْدِ ذَلِكَ وَأَصْلَحُوا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ ﴿٨٦-٨٩﴾ [آل عمران: 86-89]

“How shall Allah Guide those who reject Faith after they accepted it and bore witness that the Messenger was true and that Clear Signs had come unto them? But Allah guides not a people unjust. Of such the reward is that on them (rests) the curse of Allah, of His angels, and of all mankind;- In that will they dwell; nor will their penalty be lightened, nor respite be (their lot);- Except for those that repent (Even) after that, and make amends; for verily Allah is Oft-Forgiving, Most Merciful. (Al-Imran: 86-89).

Hence, they sent message to him, he reverted and accepted Islam.<sup>14</sup> However, the evidence of those who uphold the clear-cut view that an apostate should be killed, they said that, “Indeed, we have seen in the book of Allah which pinpoints to what has been mentioned earlier, which say that:

﴿لَقَدْ كَفَرَ الَّذِينَ قَالُوا إِنَّ اللَّهَ هُوَ الْمَسِيحُ ابْنُ مَرْيَمَ وَقَالَ الْمَسِيحُ يَا بَنِي إِسْرَائِيلَ اعْبُدُوا اللَّهَ رَبِّي وَرَبَّكُمْ إِنَّهُ مَنْ يُشْرِكْ بِاللَّهِ فَقَدْ حَرَّمَ اللَّهُ عَلَيْهِ الْجَنَّةَ وَمَأْوَاهُ النَّارُ وَمَا لِلظَّالِمِينَ مِنْ أَنْصَارٍ﴾ [المائدة: 72]

“They do blaspheme who say: "Allah is Christ the son of Mary." But said Christ: "O Children of Israel! Worship Allah, my Lord and your Lord." Whoever joins other gods with Allah- Allah will forbid him the Garden, and the fire will be his abode. There will for the wrongdoers be no one to help”. (al-Maidah: 72) It is confirmed that whoever associates partner with Allah, paradise is made forbidden upon him and does not connote or mention his revert from infidelity could be inferred from the verse talk-less of being regarded as among the dwellers of paradise. Thereby, our response to this by Allah’s permission and support is that, it might refers to a kind of an infidelity that one dies on it as it is further buttressed in the Qur’an that:

﴿يَسْأَلُونَكَ عَنِ الشَّهْرِ الْحَرَامِ قِتَالٍ فِيهِ قُلْ قِتَالٌ فِيهِ كَبِيرٌ وَصَدٌّ عَن سَبِيلِ اللَّهِ وَكُفْرٌ بِهِ وَالْمَسْجِدِ الْحَرَامِ وَإِخْرَاجُ أَهْلِهِ مِنْهُ أَكْبَرُ عِنْدَ اللَّهِ وَالْفِتْنَةُ أَكْبَرُ مِنَ الْقَتْلِ وَلَا يَرَوْنَ يُقَاتِلُونَكُمْ حَتَّى يَرُدُّوكُمْ عَن دِينِكُمْ إِنِ اسْتَطَاعُوا وَمَنْ يَرْتَدِدْ مِنْكُمْ عَن دِينِهِ فَيَمُتْ وَهُوَ كَافِرٌ فَأُولَئِكَ حَبِطَتْ أَعْمَالُهُمْ فِي الدُّنْيَا وَالْآخِرَةِ وَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ﴾ [البقرة: 217]

“They ask thee concerning fighting in the Prohibited Month. Say: "Fighting therein is a grave (offence); but graver is it in the sight of Allah to prevent access to the path of Allah, to deny Him, to prevent access to the Sacred Mosque, and drive out its members." Tumult and oppression are worse than slaughter. Nor will they cease fighting you until they turn you

<sup>14</sup> At-Tahāwī, Abū Ja’far Ahmad Ibn Muhammad, *Sharīh Mushkil al-Athār*, commented by Shu‘aib al-‘Arnā’ūt, (Beirut: Mu‘asasah al-Risālah, Tabrānī 1, 1415 A.H./1994, vol.7 pp.305-306).



back from your faith if they can. And if any of you Turn back from their faith and die in unbelief, their works will bear no fruit in this life and in the Hereafter; they will be companions of the Fire and will abide therein. (Al-Baqarah: 217). It is clearly seen in the above quoted verse that it points to a person that dies on apostasy, not on a person that revert back to Islam, it is in the like of this circumstance that Allah says thus, whoever dies of associating partner with Allah, Allah has made paradise forbidden for him, which inferably means an infidelity that one dies on it not the one that one turns away from it and accepts and dies on Islam.<sup>15</sup>

Summary of this commentary is that whoever changes his religion and will not return back, shedding his blood is allowed, but if he revert, he should not be killed; because he no longer an apostate or infidel after his return and repentance.

### Misconception of the hadīth and its Causes

It has been vividly seen in the commentary of the hadith that, indeed some scholars understood that whoever rejects his religion (Islam), killing him is compulsory, whether he returns to Islam or not<sup>16</sup>. Some other scholars-who form majority- contrarily, understood if an apostate repent and return to Islam, he should not be killed. But those who uphold the stance that whoever rejects his religion should be killed has no substitution which has negated or refuted the submissions of the majority of the scholars, I mean that opinion or statement of at-Tahawī (may Allah bless him) is sufficed for the refutation, and unveiling the misconception that manifest from killing the apostasy.

The second misconception is that, it is possible to make an inference that the Holy Qur'an invite unto the freedom of creed which has been lucidly seen as it is stated in the divine revelation thus:

﴿لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ فَمَنْ يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِنْ بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَىٰ لَا انْفِصَامَ لَهَا وَاللَّهُ سَمِيعٌ عَلِيمٌ﴾ [البقرة: 256]

<sup>15</sup> Ibid, vol.7, 307-308.

<sup>16</sup>With my humbleresearch I didn't find the name of the group who has this opinionof killing of apostate on whatever condition or situation either return or not, except that there were some incidents happened during the era of companion regarding killing of apostate without seeking for repentance. For example, it was reported from Mālik Ibn 'AbdulRahman Ibn Muhammad Ibn 'Abdullah Ibn 'Abdul Qārī from his father, he said that, a man from Abī Mūsā al-'Ash'arī was brought to 'Umar, 'Umar asked about him from other people; he was informed, then 'Umar asked that; is there any information from Maghribah, he was answered yes, there is a man who denounced his religion after Islam, then he asked what did you do? He replied: we move closer to him and cut off his neck, then 'Umar said: why did you secluded him for three day and give him food every day with the hope of making him happy perhaps he would repent and revert back to Islam, "Oh Allah, I didn't do this, neither Icommendthem and I didn't contend with when. (*al-Muwata'*: Bābu al-Qadā' fiman irtadda 'an al-Islam).

“Let there be no compulsion in religion: Truth stands out clear from Error: whoever rejects evil and believes in Allah hath grasped the most trustworthy hand-hold that never breaks. And Allah heareth and knoweth all things” (Al-Baqarah: 256).

Likewise, Allah also said that:

وَقُلِ الْحَقُّ مِنْ رَبِّكُمْ فَمَنْ شَاءَ فَلْيُؤْمِنْ وَمَنْ شَاءَ فَلْيُكْفُرْ إِنَّا أَعْتَدْنَا لِلظَّالِمِينَ نَارًا أَحَاطَ بِهِمْ سُرَادِقُهَا وَإِنْ يَسْتَغِيثُوا يُغَاثُوا بِمَاءٍ كَالْمُهْلِ يَشْوِي الْوُجُوهَ بِئْسَ الشَّرَابُ وَسَاءَتْ مُرْتَفَقًا [الكهف: 29]

“Say, "The truth is from your Lord": Let him who will believe, and let him who will, reject (it): for the wrong-doers We have prepared a Fire whose (smoke and flames), like the walls and roof of a tent, will hem them in: if they implore relief they will be granted water like melted brass, that will scald their faces, how dreadful the drink! How uncomfortable a couch to recline on! (al-Kahf: 29).

However, it could be seen in the prophet’s tradition that an apostate should be killed which is based on the authentic hadith apparently promulgates the killing of whoever denounces his religion which is our main focus. Actually, majority of the scholars agreed that an apostate who does not repent, it is compulsory to be killed. As a result of this, if he is killed-like that- then there comes the issue of freedom of creed or belief that the Holy Qur’an emphatically invites people unto it. This is the second problem that requires solution.

### **Predecessors’ Dealing with the hadīth**

What I noticed is that, all previous scholars are agreed upon the implementation of the ḥadīth the difference is only in the Methodology of Writing and in presenting the view<sup>17</sup>, even *al-Zhairiyah* agreed upon it; that whoever rejects his religion and does not repent should be killed.

### **Al-Khaṭābī’s<sup>18</sup> dealing with the hadīth**

After the explanations of Hadith al-Khaṭābī writes: “His (i.e. ‘Ali’s) response to Ibn Abbās was in form of praise and prayer for him which is similar to the utterance of the prophet s.a.w. to Abū Basir that, it is praise worthy for him who priced war, and also similar with the statement of Umar when he was surprised with the statement of al-Wadi’I when he considered

<sup>17</sup> Ibn Hajr, Ahmad Ibn ‘Aliy Ibn Hajar Abū al-Fadhl al-‘Asqalānī, *Fatih al-Bārī Ṣaḥīḥ al-Bukhārī*, (Beirut: Dār al-Ma‘rifah, 1379, vol.6, p. 365, and Muhammad Shamsal-Ḥaqqā Abū at-Tayyib al-‘Azīm ‘abābī, *‘Awn al-Ma‘būd Sharīḥ Sunan ‘Abī Dāwūd*, verified by ‘Abdur-Rahman Muhammad ‘Uthmān (al-Madīnah al-Munawarah: al-Maktabah as-Salafiyah, Tabrānī 2, 1388 A.H./1968, vol.12, p.3).

<sup>18</sup> He was from Bust in the city of Kābul) from genealogy of Zayd Ibn al-Khaṭāb ( a brother to ‘Umar Ibn al-Khaṭāb). He had a published treatise and others like *Mu‘ālim s-Sunan* reported by Tha‘labī in (al-Yāfīmah) composed and he was his friend. He died at Bast at the vicinity of Shāhī Hayrumund) See: Khayrud-Dīn Ibn Mahmūd Ibn Muhammad Ibn ‘Aliy Ibn Fāris, *az-Zarkālī ad-Damashkī, al-‘Alām*(Beirut: Dārul ‘Ilm lil-Mulayn, Tabrānī 15, 2002, vol. 273).

horse arrow superior to other things, and he said: "it is praiseworthy unto the mother of Wada'ī" what a taught he has, or what a best thought he has or what a resembles of the statement is, like the statement of a poet thus:

هوت أمه ما يعث الصبح غاديا ❁ ماذا يرد الليل حين يؤوب

" It is praiseworthy unto his mother, what the dawn sent forth\* What the night wants when the light appears."

It has been argued that the word "Wayha" and "waysa" in Arabic means the same. It is said that "wayha" is a word in its usage means blessing according to al-Hassan.

Verily, there are divergent opinions regarding the stance of 'Ali on the matters relating to the apostates. It was reported by 'Ikramah that he set fire unto them. Contrarily, some others viewed that he did not burnt them but rather he dinged a hole and made them inhale the smoke of blaze, then he requested them to repent and they didn't until they were killed by the blaze of smoke. Those who maintain the first stand point proved with saying of a poet regarding them. 'Ibn al-'Arabī poetically reported from Abī Maysarah from al-Humaydī from Sufyān Ibn 'Uyaynah and others regarding this story:

لترم بي المنايا حيث شاءت ❁ إذا لم ترم بي في الحضرتين  
إذا ما قسروا حطباً وناراً ❁ فذاك الموت نقداً غير دين

"Death shall chase me wherever he like

Even he does not chase me in either urban or rural area

(He shall chase me) when wood and blaze set out fire

that is a deliberate death without religion (dīn). "

The above poetry explains the thought of those who believed that he dinged a hole and ignited the fire on them. Actually, the scholars have divergent opinions regarding who kills another person with fire, should he be killed in the same manner or not? More than one among the scholars submitted that whoever kills another person with fire should be killed with fire. The same stand was expressed by Mālik, Shafī', Ahmad Ibn Ambalī, Ishāq Ibn Rahway, and similar opinion was reported from Ash-Shabī, and Umar Ibn Abdul Azīz. It was similarly reported from Sufyān ath-Thawrī, Abu Hanīfah and his disciples and Atā' that, an apostate should be killed with a sword<sup>19</sup>.

In the commentary of al-Khattābī, it could be seen that he started with linguistic structure, and then he mentioned the divergent opinions regarding what was narrated from 'Ali on the matter of apostasy. Lastly, States divergent opinions of scholars into account regarding whoever kills with fire which does not contradict to the ruling relating to whoever denounces his religion.

<sup>19</sup>Abū Sulaymān Hamd Ibn Muhammad Ibn Ibrāhīm Ibn al-Khatāb al-Bastī popularly known as al-Khattābī, *Mu'ālim s-Sunan*, which is the commentary of *Sunan Abī Dāwūd*, al-Matba'ah al-'Ilmiyyah, 1451 A.H./1932, p.293.

### Dealing of Ibn Batāl<sup>20</sup> with the hadīth

The approach of 'Ibn Batāl on the commentary on the hadith and after mentioning the hadith, he said that: "There is divergent views among the scholars regarding the repentance of apostasy, and it was reported by Umar Ibn Khattāb, 'Uthmān, 'Ali , 'Ibn Mas'ūd etc. that an apostate should be requested to repent, his refusal to repent, then should be killed. This is the view point of majority of the scholars in one hand. On the other hand, some others asserted the he should not be requested to repent, once he rejects the religion then he should be killed. The was reported from al-Hassan al-Basrī, Tāwus and it was noted by at-Tahāwī from Abu Yusuf which is similar to the stance of the adherents of apparent evidence popularly tagged az-Zhawahir and buttressed their opinion with the prophet's saying that, "Whoever repudiates his religion should be killed". They said that, repentance is not mentioned.

Likewise, the hadith reported by Mu'ādh and Abī Mūsā, an apostate was killed without requesting him for repentance. At-Tahāwī succinctly said that those who maintained this stand point regarding the apostate compare it with the ruling of a warrior, when notice reaches, there is no need for permission before fighting them, however, it is compulsory to repent for whoever repudiates not on the basis of ignorance, but if he rejects Islam on the basis of knowledge, he should be killed without seeking repentance. Abū Yūsuf said that, if he returns to repentance then his affairs should be left to Allah alone. Ibn al-Qasār said that: There is consensus that-an apostate-should be requested to seek for forgiveness, this is the reason why Umar Ibn Khattāb submitted about an apostate that: "He (an apostate) should be given three days, he should be given food perhaps he may repent, hence Allah will forgive him, I don't comply, I don't command and I am not contented if such information reaches me.

There is no disagreement among the companions regarding the repentance of an apostate, undoubtedly they understood the saying of the Prophet s.a.w. thus: "Whoever rejects his religion should be killed, the intent of the hadith shows if he does not repent. The evidence of this could be deduced from Allah's injunction that:

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<sup>20</sup> He was the commentator on "*Sahīh al-Bukhārī*", al-'Allāmah Abū al-Hassan 'Aliy Ibn Khalaf Ibn Batāl al-Bakrī al-Qurtubī, then al-Balansī, and he was popularly known as Ibn al-Lajām whose origin was from knowledgeable and intellectual background, he was seriously committed completely to the study of hadīth, Sharih al-Sahīh in different journeys, various people narrated from him and safeguarded it through the paper. He died in the month of Safar, 449 A.H. See Shams d-Dīn Abū 'Abdullah Muhammad Ibn Ahmad 'Uthmān Ibn Qaymāz adh-Dhahabī, *Siyar 'A'lāman-Nublā*', confirmed by a group of reviewers under the supervision of Shu'aib al-Arnā'ūt (Beirut: Mu'asasah al-Risālah, Tabrānī 3, 1405 A.H./1985, vol. 18, p.47.

﴿فَإِذَا انْسَلَخَ الْأَشْهُرُ الْحُرْمُ فَاقْتُلُوا الْمُشْرِكِينَ حَيْثُ وَجَدْتُمُوهُمْ وَخُذُوهُمْ وَأَحْضُرُوهُمْ وَأَقْعُدُوا لَهُمْ كُلَّ مَرْصَدٍ فَإِنْ تَابُوا وَأَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ فَخَلُّوا سَبِيلَهُمْ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ﴾ [التوبة: 5]

“...but if they repent, and establish regular prayers and practice regular charity, then open the way for them: for Allah is Oft-forgiving, most Merciful” (at-Taubah: 5), the quoted verse shows a generic terms in relation to an infidel<sup>21</sup>.

It could be noticed here that, Ibn Batāl started his submission by mentioning the scholars’ divergences regarding the repentance of an apostate, then he arrived at conclusion that, the companions had no disagreement regarding the repentance of an apostate because they understood from the prophet’s saying that: “Whoever repudiates his religion should be killed”, which inferably implies that provided he does not repent. The evidence of this is the Qur’anic assertion that states thus: “...but if they repent, and establish regular prayers and practice regular charity, then open the way for them: for Allah is Oft-forgiving, most Merciful” (at-Taubah: 5), the quoted verse shows a generic terms in relation to an infidel.

### Dealing of Ibn Al-Barr<sup>22</sup> with the Hadīth

It was said by Ibn Al-Barr after mentioning the hadith from various chain of narrations reported from Malik that: “The meaning of the Prophet’s statement based our opinion, may Allah knows best, whoever repudiates religion of Islam without tendering repentance should be killed such as heretics and others, they are those who should be killed because even if a clear evidence is shown to them, they are not ready to repent, of course their readiness is not known and they insist of the infidelity or heresy and pretend or display Islam.

Indeed, I don’t see any sign of repentance in them, and their utterances will not be admitted. But whoever denounces Islam and joins another religion and publicly proclaims that, even if I notice a group on the similar scenario, but later seeing them inviting to Islam and they seek for repentance, they will be pardoned, but if they insist, they should be killed, this is our stance. Allah knows the best, no comparison could be made between whoever denounces Jewish religion and accept Christianity or vice

<sup>21</sup>Ibn Battāl Abū al-Hassan ‘Aliy Ibn Khalaf Ibn ‘Abdul Malik, *Tabrānī, Sharih Sahīh al-Bukhārī* by Ibn Batāl confirmed by Abū Tamīm Yāsir Ibn Ibrāhīm (ar-Riyad: Maktah Rushd, 1423 A.H./2003, vol. 8, p. 571-572).

<sup>22</sup> Abū ‘Umar Yūsuf Ibn ‘Abdullah Ibn Muhammad Ibn ‘Abdul Barr Ibn ‘Aṣim an-Namrī al-Qurtubī, versatile Imam of his era in the field of hadīth and its chains and other relates discipline to them. He experienced challenge of knowledge from the people of Maghrib and faced predicament, he was recognized for his prominence when he met the people of Andalusia (Spain). It was said Abū Muhammad Ibn Hazm: I do not know any submission or saying on the understanding of hadīth more than him. See his annotation: Abū ‘Abbās Shams d-Dīn Ibn Muhammad Ibn Ibrāhīm Ibn Abū Bakar Ibn Khalkān al-Barmakī al-Irbalī, *Wa fayāt al-a’yān wa anbāu’ ‘Abnā’ az-Zamān*. Verified by: Ihsān ‘Abbās (Beirut: Dār ṣādir, Tabrānī 1, vol.7, p.66

versa and Islam, the above submission thereby refers to who repudiates Islam and displays it publicly, that is what we actually mean, Allah knows best<sup>23</sup>.

In the treatise of “*Fatih al-Barr*”, it is noted that: “The understanding of this hadith is that, whoever rejects his religion (Islam), shedding his blood and killing him is permissible. This is the consensus regarding this. However, there are divergences regarding his repentance. Very number of scholars submitted that: “Based on the literal meaning of this, repentance is not required, surely he should be killed. On the other hand, another group of scholars asserted that: “He (an apostate) should repent instantly on the spot without postponement. Some other scholars maintained that, “He (an apostate) should repent within one month. Other scholars said that; he should repent three times based on what was reported from the authority of ‘Umar, ‘Uthmān, ‘Ali and ‘Ibn Mas‘ūd.<sup>24</sup>

Undoubtedly, we have seen that Ibn Al-Barr wanted to reconcile the misconception associated with the generalization of the hadith of apostasy; he has reasonably argued that; the intent of the hadith is that, whoever denounces Islam and accepts other faith should be killed. The meaning of the hadith does not denote that whoever denounces Christianity and accept Judaism or vice versa should be killed.

#### **Dealing of ‘Ibn Hajar<sup>25</sup> with the hadith**

Before Discussing the issue of apostasy Ibn Ḥajar is offering a comprehensive commentary of the hadith, and it seems that the commentary is the Introduction to the Issue. He mentioned the divergences regarding this matter, and then he commented on the hadith, saying: The statement that, - the information reached Ibn Abbas- I am not concern with the name of who informed ‘Ibn Abbās, but Ibn Abbās at that time was Amir (leader) of Basrah under the permission ‘Ali . And the prophet’s saying that: “The prophet s.a.w. prohibited the use of afflicting the punishment of Allah, that is, killing with fire is forbidden. It is possible to denote what ‘Ibn Abbās

<sup>23</sup> Abū ‘Umar Yūsuf Ibn ‘Abdullah Ibn Muhammad Ibn ‘Abdul Barr Ibn ‘Aṣim an-Namrī al-Qurtubī, *al-Istidhkār*, verified by: Dr. ‘Abdul Muṣṭī ‘Amīn Qal‘ajī (Cairo: Dār al-Waghā, Tabrānī, 1414 A.H./1993, vol. 22, p. 137-138.

<sup>24</sup> Abū ‘Umar Yūsuf Ibn ‘Abdullah Ibn Muhammad Ibn ‘Abdul Barr, *Fatih al-Barr fī al-Tartīb al-Fiḥī litamhūd ibn ‘Abd al-Barr* (Riyadh: majmū‘atu at-Tahf an-Nafā’is ad-Dawliyyah li-Nashr wat-Tawzī’, Tabrānī 1, 1416 A.H./ 1996), vol.1, p. 236.

<sup>25</sup> He is a sagacious scholar of Islam, the leader of believers in the field of hadith the most retentive of his era. Shihāb ad-Dīn Abūl Fadl Ahmad Ibn ‘Aliy Ibn Muhammad ash-Shahīr Ibn ‘Ibn Hajar- and his appellation was ascribed to his father-al-Kinānī al-‘Aqālānī al-‘Aṣl, he was born and born and brought in Cairo. He was precisely born in the 12<sup>th</sup> Sha‘bān, 773 A.H. in Cairo, he memorized the Qur’an then he was endowed with the knowledge of hadith and because of his curiosity, he travelled to various cities. He authored many books which were up to one hundred and fifty (150). See Abu Sahl Muhammad Ibn ‘Abd al-Rahman al-Maghrāwī, *Mawsu‘ah Muwāqaf as-Salaf fī al-‘Aqīdah wa minhaj watarbiyah* (Cairo: al-Maktabah al-Islamiyyah linashr wa-Tawzī’, Tabrānī, Dāwūd, Tirmidhī).

heard directly from the Prophet s.a.w. in one hand. On the other hand, it is possible to denote what he heard from the other companions which has been earlier quoted under the chapter of, “Do not inflict punishment with the like of punishment of Allah” as it is found in the book of *Jihād* from the hadith of Abu Hurayrah thus, “We were sent by the Prophet s.a.w. and he said that, “If you see this person and that person, you should ignite them with fire, actually, there is another narration that says: “Indeed, fire should not be used to inflict punishment except Allah”. I explained the names of the two persons mentioned by the prophet in the commentary of the hadīth and many other issues related to the hadith. And according to Abū Dāwud from the authority of *Ibn Mas‘ūd* in another story, it is stated that: “It is not polite to afflict punishment by igniting fire except by the Lord of fire”. In the report of Ismā‘īl Ibn ‘Alī ah from Abū Dāwud in two topics, indeed, the prophet s.a.w. said that, “Whoever rejects his religion should be killed”. It was added by Isma‘āl Ibn ‘Alī ah in his narration that, “The information reached ‘Alī and said that it is praiseworthy for the mother of Ibn Abbās”. However, Abū Dāwud and ad-Darqutnī omitted “mother” from the quotation of the hadith which denotes he was not satisfied with the information brought to him and it has been explained earlier that there is divergent view. Subsequently, the hadith shall be elucidated in line with the submission of Mu‘ādh on this, but the Imam (Ibn Abbās) observed misconception on what ‘Alī did, this is based on the interpretation of the word *‘waih’* that is praiseworthy of blessing which was directed towards ‘Alī which denotes prohibition based on the apparent action. Of course, it denotes unlawful and his (‘Alī )’s reaction means that he was satisfied with what he (Ibn Abbās) said, thereby he took note of what he has forgotten based on what was buttressed in the interpretation of the word *‘waih’* refers to praise and surprise as it was said in the treatise of “an-Nihaayah” which seems as if it was inferred from the view of al-Khalīl: This means mercy such as an utterance to a boy that, mercy unto you. It was related by al-Azharī and said that: “Whatever it is generalizable could be specified by making a hidden inference that may not be valid on the basis of apparent evidence. Thereby it could be based on the apparent proofs. However, there is an exception for whoever rejects his religion apparently but with compulsion as it shall be explained later, and it was justified on the basis of killing of an apostate woman just like man, nonetheless, *Hanafiyah* specifically mentioned by proving with hadith of prohibition of killing women, and majority of scholars uphold that it is forbidden to declare a woman as an infidel if there is no justification for fighting and killing as it is reflected in some narrations of hadith that prohibit killing women when he saw a woman being killed, “This is not meant for killing” then it is forbidden to kill women and it was proved again that the condition could not be generalized on the women. It is concluded that indeed Ibn Abbās was the reporter of the statement that, a woman apostate should be killed. This is because, a woman apostate was killed by

Abū bakr during his reign and many companions in presence did not antagonize him for that. This was narrated by Ibn Munthir and ad-Dāraqatnī. It was related to Abū bakr in a polite manner and similar report was made about killing a woman apostate, however, its narration is weak. Indeed, it has been reported from the hadith of Mu'ādh that indeed when he was sent to Yemen, he said that, "Whoever man rejects his religion (Islam) should be invited, if he refuses to revert, he should be killed, and whichever woman repudiates her religion and refuse to revert should be killed. The chain of narration is good which is the proof emphasizing on the similarity of penalty on both men and women such as punishment of adultery, stealing, drinking alcohol, false allegation and the stoning to the death of adulterers until he dies. But however, there is an exception of prohibiting killing of women whereby, in a similar way, it is forbidden to kill a woman apostate. The stand point of some group of Shafi'iyah is that, whoever repudiates a heretic religion to another heretic religion either there is a proclamation of tribute (*Jiziyah*) in the first instance or not. Some adherents of *Hanafiyyah* responded that indeed the generalization of the hadith refers the person that rejects and it is not emphasizing on the process of rejection. It is argued that the denouncement is clear cut which does not denote generalization but to be on safer side, the surface interpretation is left unarguable according to the consensus regarding an infidel. However, if he (an apostate) is submissive, then he will be accepted based on the generalized term of goodness, but it not dealing with intent. It is also evidenced that infidelity is one, for instance, if a Jewish becomes a Christian or a Jewish becomes an idol adherent, he still within heretical beliefs.

The above statement makes it therefore clear that, the meaning of whoever rejects Islam as a religion means with another religion, and religion in real sense refers to Islam according to the *Qur'anic* evidence, Allah says: "Verily, the (real) religion from Allah is Allah". Whatever is different from this is regarded as frivolous proclamation. But the assertion of Allah also says that: "And whoever seeks other than Islam as a religion, it will be not accepted from him".

This has been proved by some of the disciples of *Shāfi'iyah* that, it could be deduced that it does not refer to persistence on it. It is there responded on the other hand that, whoever rejects Islam as a religion and does not persist on it, then we are free but it is not compulsory as a result of the fact that it will not be accepted him because tribute is not enforced on him, and acceptance and rejection are going to be decided in the hereafter. Hence, we are free from the acceptance where it could be said that there is lack of proof or utility in this life, therefore it could not be insisted on that, but if he returned back to religion he has been before, as a result of this, imposition or enforcement of tribute (*Jiziyah*) is compulsory, if there is no compliance with the possibility and ability to comply with the stated



principle, he should be killed. It is emphatically stressed with specification with Islam according to what is narrated in some of its narrations.

Indeed, it was reported from al-Tabrānī from another dimension from authority of 'Ikrimah from Ibn Abbas who reported that: "Whoever repudiates his religion, religion of Islam, his neck should be cut". This has been used as a proof for killing heretical sect (*Zanādiqah*) if there is no repentance. It has been corroborated earlier in some of narrations that, 'Ali sought for repentance from heretics. Likewise, it has been mentioned by al-Shāf'ī that repentance must be allowed, actually he has said that, heretical sect (*Zanādiqah*) must be allowed to repent just like an apostate. From Ahmad and Abu Ḥanīfah are two evidences one of which disagreed with the repentance in one hand. The other one asserted that such repentance will not be accepted. This is the opinion of al-Layth, Is'hāq. It was specifically related from Ishūq al-Marwazī who was among the disciples of Shafi'iyah and it was categorically associated with him but it was considered interpolation from Is'hāq Ibn Rāhwa'. Actually, the first evidence is popular among Malikiyyah. It was reported from Malik, if he repents, it will be accepted, but if he fails to do so-he remains an apostate-. This is also the stand of Abu Yusuf which was similarly shared by two eminent scholars, Abu Ishāq al-Isfīrānyīni, and Abu Mansur al-Baghdad. The other adherents of Shafiyyah maintained the afore mentioned views. The fifth distinction between callings-for repentance- would not be accepted, and repentance with calling for it will be granted. Ibn as-Salah passed a verdict that if heretical sect (*Zanādiqah*) seeks for forgiveness, it will be forgiven. But if it transgress then his neck will be cut, he should not be left alone, and it is evidenced from Allah's assertion that: "... Except they repent and correct their errors", hence it is said that: Heretical sect (*Zanādiqah*) is not ready to correct its error, because heresy is always accompanied with easiness, henceforth, as Allah says: "Verily, those who believe, then disbelieve, then believe, then disbelieve, then increases in disbelieve, Allah will never forgive them". This means that, the intent of the meaning is that whoever dies among them on infidelity as it is explained or interpreted by Ibn Abbas based on what 'Ibn Abī Hātim and others.

This was used as evidence by Malik that, the repentance of heretical sect (*Zanādiqah*) is not commonly known. It was further said that: "The prophet s.a.w. did not kill the hypocrites for the purpose of unity; this due to the fact if at all he killed them based on his knowledge, then another reason might have been advanced, of their evidence is Allah's declaration that: "They have made their oaths as a screen for their misdeed". This shows that displaying of faith (Iman) safeguards one from being killed. Thereby, all the scholars agreed worldly judgment is based on apparent deeds or action because it is only Allah that judge the privacy or secrecy, and indeed, he has informed Usāmah that: "Wouldn't you excuse him based on what is hidden in his mind", and he told a person that secretly told him about killing a

person that, “Is he not observing prayer (Salah)” he (the person) replied yes, then the prophet s.a.w. said that: “Those are people I have been forbidden to kill them”. Subsequently, some of the narrations shall be explained according to what was reported by Abu Sa‘īd who said that indeed, Khālīd Ibn Walīd took permission to kill someone who deny the booty, and he said that, there are many observers of prayers who say what is not in their mind then he was replied that, I was not commanded to infer or monitor what is in people’s mind, it was narrated by Muslim and many similar ahādīth are reported.<sup>26</sup>

We have observed that ‘Ibn Hajar’s commentary on this hadith like the commentaries of the scholars came before him; however, there are many analogical inferences. For example, he mentioned that, the meaning of ‘*wai*’ is for mercy. Likewise, he asserted that, the hadith is generalized however some part of it considered specific by those who change the intent but it is not agreed with by the disciples of apparent evident popularly known as (*al-Zahiriyyah*). He also mentioned the divergent opinions regarding killing of the apostate and he maintained that the religion mentioned in the hadith is not but Islam, thereby, we infer from his stance based on the divergence that it refers to the apostate and heretical sect (*Zanādiqah*).

### Dealing of al-‘Aynī<sup>27</sup> with the Hadīth

Al-‘Aynī said regarding the commentary of this hadīth: “The hadīth narrated by al-Bukhārī again relating to the repentance of an apostate from the authority of al-Nu‘mān Muhammad Ibn al-Fadl. It was narrated by Abu Daud regarding the penalty (of an apostate) from the authority of Ahmad Ibn *Hanbal*. It was also narrated by at-Tirmidhī from the authority of Ahmad Ibn Abd al-Dhobi. It was also narrated by al-*Nasā’ī* regarding wagging war (*al-Muharābah*) from the authority of Muhammad Ibn ‘Abdullah *al-Makhzumī*, from Imrān Ibn Mūsā, from Mahmūd Ibn Ghilān. It was narrated by Ibn Majah on the penalty from the authority of Ibn as-Sibāh. And the statement that says: Surely, Allah ignited fire on a group of people, and in the narration of al-Humaidi who said that, verily, ‘Ali burnt the apostate i.e. heretic sect (*al-Zanādiqah*). And in the narration of ‘Ibn Abī Umar and ‘Umar Ibn Ibād, altogether from Sufyān who said that: “I saw Amr Ibn Dinār, Ayūb, ‘Ammār

<sup>26</sup> Ahmad Ibn ‘Alīy Ibn Hajar Abū al-Fadl al-‘Asqalānī ash-Shāfi’, *Fatih al-Bārī, Sharīh Shahīh al-Bukhārī*, it was commented by Sheikh ‘Abdul ‘Azīz Ibn ‘Abdullah Ibn Bāz. It was Muhammad Fu‘ād ‘Abdul Bāqī that numbered the book and chapterized the ahādīth. He verified and authenticated. It was Muhibud-Dīn al-Khatīb that supervised the publication (Beirut: Darul al-Ma‘rifah,), vol. 12, pp. 271-273.

<sup>27</sup> He is Mahmūd Ibn Ahmad Ibn Mūsā Ibn Ahmad, Abū Muhammad, Badrud-Dīn al-‘Aynī al-Hanafī, a historian, a sagacious scholar of hadīth whose origin was from Halb and his place of birth was Atintab. He lived in Halb, Mīsa, Damshqī, Qudus. He was appointed as authority on the Hanafīyyah school of thought, he was very close to the king and when he was appointed, he was honoured and he was committed to teaching and writing until he died in Cairo. See az-Zarkālī, *al-A‘lām*, vol. 7, p.163.

al-Dahnī gathered and mentioned those who were burnt by ‘Ali , Ayūb mentioned the hadith, then he said that ‘Ammār responded that: he didn’t burn them but dinged a hole and ignited smoke into it, and ‘Amr Ibn Dinār said that: He did that to refute the view of ‘Ammār al-Dahnī regarding his repudiation on the origin of burning. It was posited by al-Mahlab that: The discouragement of burning does not signify its unlawfulness. However it is just on the basis of humbleness, and the evidence that shows it is not unlawful could be seen from the fact that, suddenly the fire appeared on the street which was ignited by Abubakar (R.A.) in the presence of the companions in the place of worship (Musalah) and ‘Ali ignited fire of the (al-Khawārij). Majority of scholars of Madinah permit burning of horse with fire based on the permissibility of its owner. And the position of majority of them with regard to the means of transportation (horse or camels) points to the permissibility. among those who dislike burning of disbeliever with fire are: ‘Amr Ibn Abbās, ‘Ibn Abdul Azīz, which is likewise, the stance of Malik. Contrarily, it is allowed by Ali. It is on record that Khalid Ibn Wālid ignited some people among the people of apostasy. Umar was reported to have told Abubakr Siddīq to eliminate who punished with fire, the punishment of Allah, hence Abubakar Siddīq replied that, He could not eliminate the sword that Allah has directed toward the disbelievers. It was permitted by ath-Thawrī to ignite horse with fire. Al-‘Awzā’ī was reported to have said that: There is nothing wrong to set smoke in a secluded place if there is no other motive except for killing them, they would be burnt, by this way, everything to be killed. When they are met at the ocean, It was reported that Ibn Qāsim allowed igniting the horses with fire and other animals provided that the motive is for killing alone. His submission that, “If I were you” and its response is omitted which mean that: “If I were you that change it”. This is actually based on personal reasoning and analogy because the messenger of Allah s.a.w. said that, “Do not afflict punishment with likeness of Allah’s punishment”. This is more authentic than the previous narration. This ḥadīth was reported from the authority of Abū Dāwud from Ahmad Ibn Ḥanbalī, and towards the end of the hadith, and at the end, it stated that: “When the notice reached ‘Ali , he said kudos to Ibn ‘Abbās. In the authentic treatise, it reads that: “Kudos to mother of ‘Ibn ‘Abbās”. And the narration that says: “Whoever repudiates his religion should be killed”. This indicates that, whoever changes his religion should be killed and should not be burnt by fire. This is evidently proved by ‘Ibn al-Mājjishūn that, an apostate should be killed without a request for repentance. Majority of jurists agree on his repentance. If he repents, his repentance would be granted. It is proved by ash-Shafī’ī again regarding a statement that reads: “Whoever moves from one infidelity to the other should be killed if he/she does not submit or show servility of obedience, this is an example of a Judaism embraces Christianity or vice versa. According to Abū Ḥanīfah, he said that: “He should not be killed because; the infidelity is on the equal or same path

or level. Again, ash-Shafi‘ī argued that a female apostate should be killed. Contrarily, AbūḤanīfah said that: “She should not be killed but she should be kept captivated<sup>28</sup>.”

After various divergent opinions of the predecessors have been reviewed regarding the hadith, we have seen that their approaches is almost a single approach, except that some of them divert the discourse by mentioning differences of opinions and some others presented a concise statement on it. We have seen from the statement of al-Khatābī who mentioned “*wahī*” then he diverted the ruling of igniting with fire. But ‘Ibn Baṭāl deduced his submission from the perspective of repentance. Then, Ibn al-Barr elucidated the meaning of ‘religion’ as it is reflected in the hadith. Likewise, we could see that Ibn al-Ḥajar harmonize the divergences of previous opinions. Lastly, I choose Badr al-Dīn al-‘Aynī who interpreted the ḥadīth based on its chain of narration, then he explained the ruling relating to burning and some other different opinions, hence, he explained that the intent of the meaning of religion (ad-Dīn) refers to Islam.

We therefore noticed from the commentaries that there are many who have doubted in to the hadith, and several scholars have strived to clarify the understanding of the hadith, however, there is no contradiction regarding the ruling of the freedom, based on what I know That is, one of the previous scholars even the Mu‘tazilah misconstrued the ḥadīth from the aspect of freedom because the ḥadīth contradicts the verses that call unto the freedom of someone who adheres to a particular creed. Hence, it is important to glance through the dealing of successors with the ḥadīth.

### **Dealing of the Contemporary Scholars with the Hadīth**

Islam is not comparable to other religions specifically in the aspect of reform or revival which is championed by a reformer or revivalist. It is a religion that is unique for its comprehensiveness. It is a way of life for the entire humanity. This is why in every century; we do see scholars committed referring to insightfulness into divergences. This is specialty of Islam which could not be seen in other religion. The dealing of contemporary scholars with the ḥadīth we are investigating are different then our antecedents, there are various opinions relating to it. For example, some contemporary scholars have tried to eliminate the verse on the punishment of the apostate, or using another term for eliminating the penalty of apostasy. They maintain to the extent that the hadīth on the affliction of punishment on the apostate refers to whoever wage war against the Muslims. In this circumstance, the permissible punishment or killing is the killing during the battle; killing does not refer to the specific punishment for the practice of apostasy.

<sup>28</sup> See: Abū Muḥamad Mahmūd Ibn Ahmad Ibn Mūsā Ibn Ahmad Ibn Husain al-Ghaytābī al-Hanāfī, Baadrū-d-Dīn al-‘Aynī al-Hanafī, *‘Umdatul al-Qārī Sharih Sahīh al-Bukhārī*, authenticated by ‘Abdullah Mahmūd Muhammad ‘Umar (Beirut: Dārul Kutub al-‘Ilmiyyah), Tabrānī 1, 1421, 2001), vol.14, pp. 366.-367

### The Perspective of the First Group:

This group believed that this ḥadīth contradicts the Holy Qur’ān, hence they repudiated it. Some of them are: Ta’ha Jābir ‘Alwānī and Jamāl Al-Bana. Ta’ha Jābir ‘Alwānī said in a dialogue<sup>29</sup> that, as a student of knowledge, his right is that he does not accept all ahādīth which its chains of narrations might be authenticated by others, however he unveils the mistakes in the chain of narrations. In another way, he might attempt to verify the authenticated content and unveil the mistakes in the content, which according to him is based on the methodology or approach of the fundamentals of jurisprudence (‘Uṣūl al-Fiqh), the he said that, “Such was what I did in the ḥadīth of apostasy which is: “Whoever rejects his religion should be killed”. I studied all its chains of narrations, as I studied the chain of narrations of another ḥadīth that says: “It is not polite to shed the blood of Muslim except one of three ways”.

Likewise, it is in the same way I studied the ḥadīth that says: “... My Ummah shall split into seventy one sects”<sup>30</sup>. But regarding his dealing with ḥadīth, the ḥadīth has been judiciously treated in his book entitled: “أكره في الدين” whereby he mentioned the story of the first ḥadīth, then his finding indicated that the scholars narrated that ḥadīth closely narrated from the context of the explanation of the Qur’ān to whatever does no contradict the Holy Qur’an with cognizance of what is contained therein and with an expectation that it does not contradict with reasoning ability of those who master the noble Book which does not trivialize killing a soul or ruling of eliminating a particular soul except with a clear cut evidence emphatically proving it. Likewise, there is a addition in the ruling for those who do not reject their religion, then generalizing it could lead to what was not said by anyone, and may become cause of abrogation to more than two hundred verses from the noble Qur’ān which are quoted for freedom of creed or belief and negation of compulsion in the religion.<sup>31</sup>

Then, he made mention of chain of narration of the ḥadīth and others which reported purposely on these narrations, and he said that, ‘When we take an approach or a methodology we tend to relate it with the Qur’an

<sup>29</sup> This is the answer to the question asked by the programme manager that, some people think that al-Bukhārī, Muslim and the scholars of ḥadīth of the past century provided subsistence on this, and they provided the precepts which encompasses the authenticity of what was reported... then what is your punishment? See: Islam of ‘Abdul ‘Azīz Farahāt (2008). *Al-‘Alwānī wa Murāja‘ah at-Turāth al-Islāmī. Mashrū‘ Jadīd* on “Islām online net” yawm Ziyārah al-Mawqī‘ 11/10/2007. <http://www.onislam.net/arabic/fiqh-a-tazkia/fiqh-paper/8071/104545-2008-02-11%2012-29-25.html>.

<sup>30</sup> Ibid

<sup>31</sup> See Taha Jābir al-Alwānī, *Lā ‘Ikrāha fī d-Dīn: Ishkālīyyah ar-Ridah wal-Murtaddīn min Ṣadri al-Islām ‘ilal Yawm* (al-Wilāyāt al-Mutahidah al-Amerikiyyah: al-Mahad al-‘Ālamī lil-Fikri al-Islāmī, 1427 A.H./ 2006), p.125.

which manifest a lucid integration by Allah’s will or permission. It is then we can pass by the other problems which its effect reflects in one way on the other regarding the ḥadīth even some weak chain of narrations and also interpolation which does not require debate in relation to its chains and understanding as long as there is basis for authenticity which revolve round the Qur’ān in a complete integrative manner<sup>32</sup>.

Nevertheless, Jamāl al-Banā asserted that: “Some ahādīth ascribed to the Prophet is contradictory to what is obtainable in the Qur’ān and specifically on the matter relating to the concept of apostasy. It has clearly seen in the prophetic narration that: “Whoever rejects his religion should be killed” which contradicts some Qur’ānic verses lucidly shown that the prophet s.a.w. did not inflict punishment on the apostate.

Likewise, the first Khalīfah Abubakar did not wage war against apostasy.<sup>33</sup> It is also seen in another report made by Jamāl that: “We have noticed some aḥādīth the go contrary to the pristine Islamic bases and general fundamental, of course, it also contrary to reason and logic which could not be clearly or comprehensively elaborated. The most important concern to us is whatever is contrary to the Qur’ān. We shall unveil some of this and it is unfortunate that it is this kind of examples we are citing. Verily, it was narrated by al-Bukhārī, the ḥadīth of ‘Ikramah Mawlā Ibn Abbās that says, “Whoever rejects his religion should be killed”.

Indeed, Imam Muslim has repudiated all aḥādīth ascribed to ‘Ikramah as a result of ambiguities associated with him. However, al-Bukhārī quoted him, hence, this ḥadīth served as a basis for penalty and affliction of punishment on the apostate, why not, as it has been related in an authentic narration of al-Bukhārī. Then, one may argue that, how do one solidify or validate or authenticate this ḥadīth with almost fifty verses in the Qur’ān which emphasizes on the freedom of creed or belief? Verily, our acceptance with it (ḥadīth) -may Allah forbid- means that, we abandon or neglect those verses in favor of al-Bukhārī’s narration. Then, how this ḥadīth could withstand with verses like:

﴿لَا إِكْرَاهَ فِي الدِّينِ﴾ [البقرة: 256]

“Let there be no compulsion in religion” (al-Baqarah:256). How do we reconcile the ḥadīth with the Qur’an thus:

﴿وَلَوْ شَاءَ رَبُّكَ لَأَمَنَّ مَنْ فِي الْأَرْضِ كُلَّهُمْ جَمِيعًا أَفَأَنْتَ تُكْرِهُ النَّاسَ حَتَّى يَكُونُوا مُؤْمِنِينَ﴾ [يونس: 99]

“If it had been thy Lord’s will, they would all have believed, - all who are on earth! Wilt thou then compel mankind, against their will, to

<sup>32</sup>Ibid, p.144.

<sup>33</sup> It was presented in the Arab channel in the programme which was highlighted by “Jamāl al-Banā” in the dialogue presented on Friday 15ā/09/2006 at around 2:00 PM Saudi Time. He elucidated this issue. <http://www.bnikhaleed.com/vb/showthread.php>. See also *Jamāl al-Banā, Hurīyyatu al-Fikr wal-I’tiqād fīl Islām* (Freedom of thought and creed in Islam) (Cairo: Dārul Fikrī al-Islāmī, Dāwud, Tabrānī, Tirmidhī).

believe! (Yunus: 99). Similarly, how do we want to mediate countless verses repeatedly mention the concept of apostasy without ascribing any punishment to it?

Actually, the ḥadīth contradicts the action of the prophet s.a.w. because there were many apostates during his life time, one example is the one who was a writer of revelation he left the Islam but our Prophet (pbh) did not inflict any punishment unto him, rather He said to whoever request for punishment for :

﴿لَا إِكْرَاهَ فِي الدِّينِ﴾ [البقرة: 256]

“Let there be no compulsion in religion” (al-Baqarah:256). Of course, we know that, everything that is said in order to clarify the divergences or contradictions is an imposed advocacy which is impossible to withstand it because the truth is apparent.

Indeed, I have to respond to this dichotomy that the ḥadīth does not contradict the Qur’ān, because the saying of the prophet s.a.w. that says: “Whoever rejects his religion should be killed” is only referred to apostate who turns into infidelity after his submissiveness, it is imperative to be killed. However he repents it is allowed but if he fails to repent should be killed. And Allah’s declaration:

﴿لَا إِكْرَاهَ فِي الدِّينِ﴾ [البقرة: 256]

“Let there be no compulsion in religion” (al-Baqarah:256) and:

﴿وَلَوْ شَاءَ رَبُّكَ لَأَمَنَّ مِنَ فِي الْأَرْضِ كُلَّهُمْ جَمِيعًا أَفَأَنْتَ تُكْرِهُ النَّاسَ حَتَّىٰ يَكُونُوا مُؤْمِنِينَ﴾ [يونس: 99]

“If it had been thy Lord’s will, they would all have believed,- all who are on earth! Wilt thou then compel mankind, against their will, to believe! (Yunus: 99). These are the verses that point out the understanding which is basically referred to someone who has never embraced Islam before, which does not contradict this evidence because embracing Islam does not require compulsion because it is something intrinsic in the mind and we cannot impose the traits of believers into others’ minds because it is in the hand of Allah, He is the changer of minds and He guides whoever He likes and cause misguidance for whoever He likes. But our concern and primary responsibility is to invite people to the path of Allah, expounding and striving to the way of Allah for the repudiators of truth after it becomes manifest unto them. Actually, this response is not sufficed as it does not comply with the fundamental freedom of belief. Then when we consider the second perspective which is completely based on the stance, perhaps it may be sufficed. Then, let us listen the second stance.

### **The Perspective of second Group**

They are the one who elucidated this ḥadīth in a similar way with the predecessors. This group is the juristic fatwa from the various jurisprudential

boards such as *Fatāwā al-Azhār*<sup>34</sup> and others. These scholars when explaining this ḥadīth, it is based on the explanations of the predecessors as it is present in the juristic treatise or books, commentaries of ḥadīth etc. It is argued that an apostate should be killed for safeguarding the religion and creed from negative speculation. This is necessary because he rejects the truth after its manifestation and denounces a creed that is more secured for harmony and peaceful co-existence.

The commentary of Mubarakpuri on the ḥadīth based on the commentary of Tirmidhī using the similar approach of the predecessors, hence it was inferred from at-Tabrānī that the intent of the statement that: “Verily, ‘Ali ignited or burnt a group that repudiated Islam”, was that the information reached ‘Ali that a group of people rejected Islam, he sent to them and provided food for them, then he invited them to revert back to Islam, hence they did not comply, he thereby dug a hole and killed them and ignited fire on them, henceforth he submitted that, indeed Allah and His messenger has said the truth.

Then he mentioned the dichotomy regarding those that were burnt then he referred to the opinion of al-Ḥāfiz regarding, “Whoever rejects his religion should be killed” which he says that linguistically the word ‘*man*’ is generalized which is more specified with whoever rejects intrinsically which does not denote extrinsically because it is on the apparent actions that verdict is based, however, there is an exceptional case or an apparent case such as whoever rejects his religion manifestly along way with compulsion, and his statement that, “Do not afflict punishment in such of Allah’s punishment, i.e. killing by igniting fire, and the information got to ‘Ali and he said that Ibn Abbās has said the truth. Then he mentioned the divergences of the scholars for example, al-Awzā’ī, Aḥmad, Is’ḥaqḥ, Sufyān, al-Thawrī and the opinion of Hanafiyyah. It is needless to refer back to those views<sup>35</sup>. Likewise, Sheikh

<sup>34</sup> A verdict giver, al-Muftī Jādul Haqq ‘Aliy Jādul Haqq, in *Fatāwā al-Azhār*, the topic (1228) apostasy “ An inquiry requested by Educational Board- Baktab al-Wazīr- with the reference number: 7/1337 dated on 29/04/1979, started with the response taken from the stance of a Professor at the Institute of Education, Colombia about the religiosity of Zoroastrian and its name. The answer was that: What this man has done is leading to apostasy from the religion of Islam, and indeed, the ruling of Sharī’ah that emphasizes on killing of a Muslim that denounces his religion, if he insist on the rejection without repentance by reverting back to Islam, he is left alone for whatever he does. This rule does not negate the freedom of personality because the freedom of creed does not encompass denouncement of Islam with continues impact of misguidance. And in *Majmu’ Fatāwā* by al-‘Uthaymin, it is asserted that: “Verily, it is imperative to know the difference between an apostate and who is originally an infidel, an original infidel could be left with his religion and we do not tell him anything, however, an apostate, we request him to revert back to Islam, if he reject, then it is incumbent to be eliminated on the surface of earth, and indeed, the prophet s.a.w. said that: “Whoever rejects his religion should be killed”.

<sup>35</sup> See. Abūl ‘Ulā Muhammad ‘AbdulRahman Ibn ‘AbdulRahīm al-Mubakḥpurī, *Tuhfah al-Ahwadhā bi-Sharīh Jāmi’u at-Tirmidhī*, revised and authenticated by: ‘AbdulRahman



‘Uthayman, Sheikh Abdullah Ibn Bāz and others are exponents of this group.

### **The Perspective of Third group:**

It is this group that makes the hadīth and its meaning emphatic. However, they submitted that, it is not imperative or compulsory because it is part of Islamic strategy, if a judge likes he can prosecute and if he likes he can shun it. It was asserted by Yusūf al-Qarādhāwī that: “Despite the fact that the majority of scholars asserted that an apostate should be killed, it was reported that ‘Umar Ibn Khattab had a contrary opinion: “It was reported by ‘Abdul Razāq, al-Bayhāqī, Ibn Hazm, etc. said that a group rejected their faith and they were brought to Umar and he asked them: “What really happened to six persons among the family members of Bakr Ibn Wā’il who repudiated Islam and joined the infidels? He was told that: Oh leader of the believers, whichever group rejected Islam joined the disbelievers should be eliminated and Umar wisely hesitated and he said that: “We are all from Allah ad unto Him we shall return”, hence Anas said that, is there no alternative except killing? Hence, he replied yes. Thereafter, I invited them back to Islam and they refused, then he said that if they denounced it is thereby imperative to imprison them”<sup>36</sup>. The meaning of this narration shows that Umar disagreed with the punishment afflicted on the apostate and it is possible to delay the punishment or becomes a necessity to call them back to revert. By necessity, it means refers to the period of war and it equated apostate with the disbelievers and the fear of calamity perhaps, Umar deduced an analogy based on what is reported by the prophet s.a.w. that, “Do not cut the hands during the battle”, that is basically to avoid a thief conniving with the enemy. Then, it is also being said that, it is probably that Umar’s stand point is based on the fact that when the prophet said: “Whoever rejects his religion should be killed” implies being a spiritual and political leader to his ‘Ummah. This means that, this is one of outlines by a person in the position of authority, and it is an action among the actions of Islamic politics because religious verdict (Fatwā) and inviting other is not directly emanating from Allah, it is the responsibility of the ‘Ummah in every generation in diverse situations, hence, killing of an apostate and whoever rejects his religion becomes the primary responsibility of Imam, and whoever is appointed for such purpose, when he (Imam) commands for such, it will be executed, if not, there would be nothing<sup>37</sup>.

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Muhammad Ibn ‘Uthmān, ( Dārul Fikr for publication and distribution, Dāwud, Tabrānī, Tirmidhī, Darāqutnī, vol. 5, p. 24.

<sup>36</sup> It was reported by ‘AbdulRazāq in the *al-Muṣnaf*: vol. 10, pp.165-166, al- ‘Athar (18696), and also reported by al-Bayhaqī in *al-Sunan*, vol. 8/207, and Sa’id Ibn Manṣūr, p.3, no. (2573), and Ibn Hazm in *al-Muhalā*, vol. 11/ 221, published by al-Imam.

<sup>37</sup> Hāshiyah in his book “*Jarīmah ar-Ridah wa ‘Uqūbah al-Murtadah*” (Beirut al-Maktabah al-Islāmī, Tabrānī, 1318 A.H./1998, p. 41.

### **Solution or Remedy to the Misconception**

It is obviously known that the misunderstanding in saying that an apostate if he refuses to repent, then he should be compulsorily killed. The question now is that does it mean that it should compulsory every time? The answer is not as it is commonly agreed upon; at times it may be considered compulsory or permissible. However, regarding the compulsory time, the scholars of the fundamental of jurisprudence ('Uṣūl Fiqh) have different divergences as it is considered from linguistic aspect. Some of them have up to twenty meanings which is considered as imperative statement while some other agreed that it could not be considered as imperative until some other requisites close to the in-depth meaning of the ḥadīth are fulfilled<sup>38</sup>. Actually, the most valid in the submission of the scholars of the fundamental of jurisprudence ('Uṣūl Fiqh) is that, it is an imperative statement however; it will not be executed as an imperative except some other criteria are taken into cognizance. In the first instance, it is important to recapture the real sense of imperativeness in the ḥadīth perhaps we could see some requisites that delimit it from imperativeness to permissibility.

### **Some requisites that delimit imperativeness to permissibility in the ḥadīth**

When looking at the noble Qur'an, it will be clearly seen that it does not afflict any worldly punishment unto the apostate. The open silence in the divine revelation is sufficient evident to prove the delimitation of imperativeness to permissibility of the ḥadīth, this is the reason why Allah s.a.w. allowed the prophet s.a.w. to enact regulation for whatsoever matter that the divine revelation (Qur'an) does not capture. Verily, Allah has made it mandatory to strictly follow His divine manual of Qur'an and complementary note of his messenger which is the peak of law. Whoever therefore accepts a rule from the messenger, indeed, he has accepted the injunction from Allah.<sup>39</sup>

Remaining thing to find out is the dealing or execution of the prophet s.a.w. and his companions with the ḥadīth which will enable us understand that, what is actually authentically reported from the ḥadīth is, that the killing of an apostate is not on the basis of its apparent meaning, However, the intent meaning implies permissibility of killing, it is not on the basis of imperativeness. Therefore, the delimiters of this issue could be possibly summarized in the following ways:

1. Lack of evidence showing that the prophet s.a.w. killed some of the apostate- Indeed, of indisputable evidence which will change the execution of the ḥadīth from imperativeness to permissibility, some ḥadīth reported

<sup>38</sup> Ash-Sheikh Muhammad Muṣṭaphā Shalabī: *'Uṣūl al-Fiqhi al-Islāmī* (Beirut: Dār an-Nahḍah al-'Arabiyah, Dāwud, Tabrānī, 1406 A.H./ 1986, vol. 1, pp.376-387.

<sup>39</sup> Ash-Shāfi', Muhammad Ibn Idrīs, *al-Risālah*, verified by Ahmad Muhammad Shākir (Beirut: Dār al-Kutub al-'Ilmiyah,), p.22.

that indeed, the Prophet s.a.w. did not kill any of the apostate during his life time. It was reported by Anas who said that: “A Christian embraced Islam and he recited surah al-Baqarah and al-Imran. He used to write for the prophet, henceforth he returned back to Christianity. He used to say that, he did not know anything about Prophet Muhammad except that he writes for him. Later, he died and he was buried and was rejected by grave<sup>40</sup> From this ḥadīth, it could be clearly seen that the man that reverted from Islam to Christianity and also learnt two surahs i.e. al-Baqarah and al-Imran, despite of the repudiation, the prophet s.a.w. was neither inflict any punishment because of apostasy nor commanded for killing him.

In another ḥadīth, it was narrated by al-Bukhārī and Muslim that: “Indeed a Bedouin pledged with the prophet s.a.w., then the Bedouin was tested with predicament, then he came to madinah and requested from the Prophet s.a.w. and said “Oh Muhammad, could I revolt my pledge, he (Prophet) refused. Then he came the second time and tendered the same request, then he disagreed. Then the Bedouin left and the prophet s.a.w. said that: “Madinah is a hub of purifying or sanctifying the impurity or impunity, hence it cleansed it up”. Imam an-Nawawī reported from al-Qādī ‘Ayād who said that, the Bedouin that came to the messenger of Allah requesting him to terminate his pledge<sup>41</sup>, it is evidently an open apostate and despite of this, the prophet s.a.w. did not afflict punishment on the man nor command others on his behalf, however, he allowed him to leave Madinah without anyone disallowing him.<sup>42</sup>

<sup>40</sup> *Al-Bukhārī*, Kitāb al-Manāqib Bāb ‘Alamāt an-Nubuwwah fil Islām (under the chapter of signs of prophethood in Islam), vol. 4, p. 246 (Tabrānī Kitāb ash-Shu‘b, Cairo), and in the narration of al-Muslim, indeed he is run away from Madinah and became a Christian.

<sup>41</sup> An-Nawawī, ‘Abū Zakariyyah Yahya Ibn Sharaf Ibn Marī, *al-Minhaj Sharīh Ṣaḥīh Muslim*, (Beirut: Dārul Ihyā’ ath-Thurāth al-‘Arabī, 1392 A.H., vol. 9, p. 159).

<sup>42</sup> There were many incidents between the prophet and the hypocrites and he did not kill them despite of the glaring hypocrisy. Likewise there were some apostates and for example, the prophet s.a.w. has commanded killing of apostate, he s.a.w. did not kill ‘Abdullah Ibn Ubay, and it is said in the Quran thus: “If we return to Madinah, surely the more honourable will expel therefrom the meaner” (Narrated by *al-Bukhārī* in his authentic book, vol. 3, p.1296, and Muslim in his *Saḥīh*, vol.4, p.2140. Likewise, he did not kill who did noyī maintain steadfastness among the tribe of Tamīmī and indeed, he told him that: “ Stand straight because you did not stand still on the right path (Narrated by al-Bukhārī in his *ṣaḥīh*, vol. 3, p.1296 and Muslim in his authentic book, vol. 4, 2140, he did not kill who said to him that : “They are saying the you forbid about cancelation and you did not from such (Narrated by Ahmad in his *Musnad*, vol. 5, p.2, p.739). Also, he did not kill who said to him that, Indeed, the division I did not do for the sake of Allah (Narrated by al-Bukhārī in his book, vol.3, 1249 and Muslim in his authentic book, vol. 2, p.739. he did not kill who said to him: When judgement was passed on Zubair for going for irrigation that, was it because he was your nephew (Reported by Ahmad in his *Musnad*, vol. 1, p.185), al-Bukhārī in his *Saḥīh*, vol. 2, p. 832, and Muslim in his *Saḥīh*, vol. 4, p. 1829 and other books that make up six authentic books of ḥadīth), and others such as those who used harmful things to him. All these happening is not considered as evidence relevant to the thesis of this discussion, this is as a result of the fact the hypocrites and the apostates they are not equal according to the rules.

2. There were narrations from companions and successor, may Allah be pleased with them- whereby it was mentioned that they used other means of punishments to the apostates without killing. This implies that, if the execution of the ḥadīth remains obligatory, how then the companions would hesitate to implement it; this important because it is not allowed either adding or omitting to Islamic injunction. Of such narration was what was narrated by ‘Abdur-Razāq with its chain from Anas R.A. who said that: “I was sent by Abu Mūsā for a conquest which was not known to Umar, then I was asked by Umar, there are six members among the family of Bakr Ibn Wā’il who had rejected Islam and joined the disbelievers, then he said that: “What really happened to a group among the family of Bakr Ibn Wā’il? He replied that, I took another ḥadīth from another stand view. He repeated by asking: “What really happened to a group among the family of Bakr Ibn Wā’il who joined the disbelievers, they has no choice except killing? Then Umar replied that, to deal with them peacefully is more beloved to me than what the sun sets on either yellowish or whitish. Then, he replied saying: “Oh the leader of believers! What would you do unto them if eventually they are captured? He said that: ‘Surely, I would show them the door through which they exited to enter back, if they agreed with that, I would accept them but if they refused, I would imprison them and be abandoned.<sup>43</sup>”

It was reported by ‘Umar Ibn ‘Abdul ‘Azīz that, “Indeed, a group of people accepted Islam, and they did not take longer time and they reverted. Hence,

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However, who has been declared to be killed by the prophet s.a.w. but with an additional reason of causing gisunity among the Muslim community where the intent of apostasy is to avert Muslims from their religion, which is war against religion as it is clearly stated by Allah: “A section of the people of the Book say: “Believe in the morning what is revealed to the believers, but reject it at the end of the day; perchance they may (themselves) turn back” (al-Imran:72). The prominent scholar of Islam, Sheikh Ibn Taymiyyah said that: “The prophet s.a.w. commanded killing of a group of apostate who have motive behind apostasy such as infringing or threatening the Muslims and scandalizing religious issues such as his command for kill Muqīs Ibn Habābah on the day of conquest of Makkah when his apostasy was to kill the Muslim and took away his wealth, and he did not repent before he was prosecuted. Likewise, Sheikh Ibn Taymiyyah ordered the killing of adherents of only the Qur’an popularly known as “Qur’aniyyun” when they rejected the complementary note to the Qur’an. He also ordered the killing of “Ibn Khatal” when his apostasy led to insulting and embarrassing and killing of the Muslim and also he ordered the elimination of Ibn Abī s-Sarah when he repudiation of religion led to scandal (Ibn Taymiyyah Ahmad Ibn Abdul Halīm Ibn Taymiyyah al-Harānī Abūl ‘Abbās, *as-Ṣārim al-Maslūl ‘alā Shātīmi ar-Rasūl*, verified by Muhammad Ibn ‘Abdullah Ibn ‘Umar al-Halwānī, Muhammad Kabīr Ahmad Shawdarī (Beirut: Dār Ibn Hazm, p. 368.). Actually, this ruling is not embodied in our topic of discussion because, there is no disagreement regarding killing of an apostate, however the underlining issue of disagreement is focusing on whoever rejects his religion and does wage war against the Muslims

<sup>43</sup> ‘Abdul Razzāq al-Ṣana‘ānī, *al-Muṣṣaf*, vol. 1, p. 165-166. It was reported by Ibn Hazm with another chain and it was authenticated, see *al-Muḥalā*, vol. 11, p. 1919, 193. Indeed, it was likely that the view of Umar was that they (apostates) should be kept in prison until they repent.

Maymūn Ibn Mihrān wrote to ‘Umar Ibn ‘Abdul ‘Azīz. The he replied him saying that tribute must be imposed on them.<sup>44</sup> Indeed, ‘Urwah sent a message to ‘Umar Ibn ‘Abdul ‘Azīz regarding a man that accepted Islam, hence he reverted, thereafter, ‘Umar replied that, he should be asked about the fundamentals of Islam, he knew them, you should command him to stick to Islam but if he refused, you should cut his neck. However, if he does not know, then tribute should be imposed on him and should be abandoned.

Of the views of the successor Ibrāhīm al-Nakh‘ī said about apostate that, he should be continuously asked to seek for repentance. Indeed, it was reported by Sufyān ath-Thawrī who said that: “This is actually our stand regarding it (Apostasy).<sup>45</sup>

3. Similarly, the Qur’anic story about Jews who were continuously changing their belief between Islam and infidelity were not killed by the prophet s.a.w. it has been apparently asserted in the glorious Qur’ān about Jews who were neither stick to Islam nor infidelity mainly to afflict calamity on the believers regarding their faith then distracting them from Islam, Allah s.a.w. say that: “A section of the people of the Book say: Believe in the morning what is revealed to the believers, but reject it at the end of the Day, perchance they may (themselves) turn back<sup>46</sup>”.

This of course, a collective practice of apostasy in Madinah while Islam state was in operation in Madinah and the Prophet s.a.w. was its judge. Despite of this, he did not afflict punishment unto those who caused calamity among the believers which is explicitly confirmed in the Qur’an<sup>47</sup>. Thereby, since the ḥadīth of the prophet: “Whoever rejects his religion should be killed” is authentically confirmed from its chains, however imprisoning the apostates does not embody in the ḥadīth as ‘Umar maintained and it does not differentiate it from who know the fundamentals of Islam and do not as it was maintained by ‘Umar Ibn ‘Abdul ‘Azīz as well as imposition of tribute and leave them on their new religion embraced. However, we assert that, the messenger of Allah s.a.w. intends with the ḥadīth the permissibility of killing of the apostate as a stern warning. This is the understanding of the predecessors as a result of the fact that the affliction of punishment as embodied in the ḥadīth is a punishment of stern warning it is not a punishment of penalty.

## Conclusion

As long as Islam remains with its strength, there is no problem with the understanding of majority of scholars but when the Ummah’s strength is in

<sup>44</sup> ‘Abdul Razzāq al-Ṣan‘ānī, *al-Muṣnaf*, vol. 10, p.166.

<sup>45</sup> Ibid.

<sup>46</sup> ‘Abdul Razzāq al-Ṣana‘ānī, *al-Muṣnaf*, vol. 10, p.166.

<sup>47</sup> Ibn Kathīr, *Tafsīr al-Qur’an al-‘Azīm*, vol. 1, p.373 (Cairo, no date) whereby in the interpretation of this reported the same meaning.

the control of the enemy, they began distortions with all their abilities, they started interpolating the fundamental and non-fundamental bases of Islam so much so that it affected the religious verdicts of which some of them require meticulousness while some are not required. This has significant impact either by the enemy of Islam or misconception. Of such issue is the issue of freedom, and they said that, verily, the hadīth: “Whoever rejects his faith should be killed” contrary to the freedom that Islam proclaims. It is clearly established that this hadīth does not contradict the Qur’an. This as a result of the fact that what is embodied in the hadith regarding the killing of the apostate is not based on apparent meaning; however, it is based on the permissibility of killing whoever destroys the society. Then the punishment of the apostate is punishment of warning which should be under the discretion of a judge or spiritual leader or the head of the state or with other similar terms such as specific legal discharge in an Islamic state which will establish faults for such punishment without discrimination or favoritism, however it should focus on the punishment of apostate. Allah knows the best, this is the meaning of the hadīth the prophet saying that: “Whoever rejects his religion and becomes obvious, it is mandatory to be killed, if his rejection is seen as a treat or danger to the harmony or unity of the society. I end up by admitting that everything could not be included in this concise paper despite the fact that effort has been made to bring forth the essential aspects in the discourse. I pray to Allah to grant us the proper intention, and the ability to understand. None but Allah is the direction of my affair to a right issue. In Him I trust and to Him I turn.

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