

Tāhā Jābir al-‘Alwānī’s Viewpoint on Apostasy: An Analytical Study from Bangladesh Perspective

BELAYET HOSSSEN¹, International Islamic University Malaysia
ABDUL BARI AWANG, International Islamic University Malaysia

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ABSTRACT

This research aims to illustrate the notion of apostasy in the viewpoint of late Tāhā Jābir Al-‘alwānī in the Bangladesh perspective where apostates are usually killed by known or unknown Islamic hardliner groups without any legal authorization. This research finds the notion of apostasy is still now crucial and debate-full among the scholars of early and latter generation of Islam. Contemporary scholars also have been divided over the issue. Tāhā Jābir Al-‘alwānī is one of them who critically conducted a research regarding the issue where he showed the irrationality of apostasy’s punishment. However, ‘Alwānī said putting an apostate to death is opposite of the Qur’ānic viewpoint, Prophetic tradition and his rightly guided Caliphs. To him the issue lacks consensus among the Prophet’s companions and scholars of later generation. He dismissed the penalty of apostasy showing verses of the Qur’ān describing no punishment. Through explaining the historical evidences and other sources of Islam he opined that the execution for apostasy happened at different periods of Islam was mostly by politically motivated where several Muslim scholars have been accused of apostasy when they did not consent the actions of respective rulers. The researcher has found a pragmatic relevance to further study and analyze the apostasy issue of ‘Alwānī in the Bangladesh context where the mainstream ‘ulamā’ forbid such act. The research has followed the qualitative methodology, extracted the ‘Alwānī’s views scanning his written book on the issue, video lectures and other many more verified sources from Bangladesh research circle.

Keywords: Tāhā Jābir al- ‘Alwānī, Apostasy, Death Penalty, Killing bloggers, Qur’ānic view

INTRODUCTION

Apostasy is globally one of the most crucial and widely discussed issues of Muslim societies. Still now ‘ulamā’ of Islam are divided into two groups, one group says that apostate must be killed while other group says should not be killed. Due to harshly criticizing Islam and Muslims, several atheist bloggers have been killed at different times and places in Bangladesh. On April 23, 2016, Professor Rezaul Karim Siddiquee has been killed by unidentified assailants armed because of his hard criticism against Islam and Muslims, and he used to instigate people to atheism. He has been killed while going to his work in Rajshahi, Bangladesh. He was a Professor of English Literature Department, University of Rajshahi. His attackers have been suspected to be members of ISIS, (BBC News, 2016). In 2015, five secular bloggers also have been killed in separate attacks due to their Islamophobic attitude. Each incident sparked headlines and outrage across the country (The Washington Post, 2016) which was also suspected to be caused by Islamist group. Another blogger was called Avijit Roy, he was a US-Bangladesh blogger, was hacked to death on February 27, 2015 in the capital city of Bangladesh. Avijit Roy was a self-declared atheist who advocated free thinking,

secularism and was a regular writer against Islam in *mukto-mona website*. He was attacked along with his wife in a book fair held in Dhaka, but his wife survived (BBC News, 2015). His killing also has been assumed to be conducted by Islamist hardliners. Recently, a Bangladesh court has given death sentence to two students due to their involvement with murder of a secular and Islamophobic blogger called Ahmed Rajib Haider, who has been killed in February 2013 in Dhaka by similar minded individuals. It was said that he used to write against Islam and mock Prophet Muhammad (s.a.w.) on a Bengali online website called *Thaba Baba* (The Guardian, 2015). Since 2013, 30 people have been murdered on occasion of belittling Islam in Bangladesh. And there are many more similar incidences happened. The same incidence is also taking place in Pakistan, Saudi Arabia and somewhere else of Islamic world. That is how; the killing mission is going on throughout Bangladesh and other parts of Islamic world.

It is an established perception to many of Muslim scholars, especially scholars of four schools of thought, that whoever leaves Islam, he or she deserves to be killed. And on behalf of the mainstream ‘ulamā’ of Bangladesh, there is not any evident objection found against this killing except very few of them (AGS Media, 2018). This is mostly assumed that the

¹ Corresponding author.

main four Imāms of four schools of thought unanimously agreed upon the killing of apostate (Muhammad. A, 2015, p.77-82). But the contemporary scholars like Yūsuf al-Qarḍāwī, Hashim Kamali and Tariq Ramadan never support the killing.

Since the demise of Prophet Muhammad (s.a.w.), this issue has been the center of debate among the Muslim scholars. During the Prophetic period, some of new believers abandoned Islam and joined again the idolaters but Prophet Muhammad (s.a.w.) did not stand up to put them to the death penalty and the period of four rightly guided Caliphs of Islam also followed the same footsteps (Al- 'Alwani, p.9). When one of death penalty's news of apostates came to the second Caliph of Islam- 'Umar (r.t.a.), he was not happy to hear that, rather he insisted why he was not imprisoned or given time to rethink or repent. Later, he vested the matter between the will of Allah (s.w.t.) and the executors. He declared his disownment to the incident caused. Similarly, Ibrāhīm Al-Nakha'ī (d.811 CE), Sufyān al-Thawrī (d.777 CE) and other illustrious figures also were not supportive to the death penalty.

The book of Tāhā Jābir Al- 'Alwānī, "*Apostasy in Islam, A Historical and Scriptural Analysis*", critically analyzed the issue and showed the inaccuracy of death penalty for an individual who leaves Islam. This book has been globally read and appeased a major portion of those who used to support the chastisement for apostasy. Having seen the time befitting and critical analysis of 'Alwānī, it motivated us towards further analyzing the issue which easily may make understand the common readers the complicated issue which we found significantly relevant in Bangladesh context. Hence, we took the step of analyzing his views. In the analysis, the following main points have been discussed such as the biography of 'Alwānī at a glance, 'Alwānī's view on the position of the *Qur'ān* over other sources of Islamic *Sharī'ah*, death penalty for apostasy lacks consensus among early scholars of Islam, 'Alwānī's view on interpretation of terminology "*ḥudūd*", 'Alwānī's view on Qur'ānic description of apostasy, 'Alwānī's view on apostasy during the Prophet's life, 'Alwānī's response to apostasy in the verbal Sunnah, the origin of killing for apostasy, Muslim scholars accused of apostasy, war of apostasy of Abu Bakar was not defined, Killing apostate against Freedom of Belief, Stance of Bangladeshi Ulama on Apostasy and ended with a short conclusion alongside the bibliography.

RESEARCH METHODOLOGY OF TĀHĀ JĀBIR AL-'ALWANI

Like other researchers of Islamic studies Tāhā Jābir Al-alwani also had research methodology. For the extraction of Islamic rulings from the Qur'ān and Sunnah, he considered the verses of the Qur'ān the

main criterion. He said the Qur'ān is originating sources of law and the Sunnah is the only clarifying and binding source. Such relationship between the Qur'ān and Sunnah does not allow one source to be separated from other (Al-Alwani, p.133). In terms of accepting *ḥadīths* and its justification of authenticity, he described several criteria which Musfir Gharam Allah has accomplished a significant research on the criteria used in *ḥadīth* textual criticism, where he summarized the criteria amassed by Sibā'ī into seven such as: (1) It should not contradict the Qur'ān, (2) its different versions should be in agreement, (3) the practice (Sunnah) recorded in the *ḥadīth* should agree with what is known about that particular practice, (4) it should concur with known historical facts and events, (5) it should be free of grammatical and stylistic weakness, (6) it should not contradict established Shariah principles or Islam's universal truths and (7) it should not contain material that is impossible to imagine as having originated with the Prophet (Al-Alwani, p. 174).

AT A GLANCE: THE BIOGRAPHY OF TĀHĀ JĀBIR AL- 'ALWANI

Tāhā Jābir al- 'Alwānī was one of the great Islamic scholars and thinkers of the late 20th and early of 21st centuries (Khalida, p.01). East and West in both worlds he was equally popular and highly regarded scholar of Islam. Shaikh Ahmad Kutty says: 'Alwānī was not an ordinary scholar; rather, he was a luminary pioneer as well as a visionary whose contributions to the Islamic thought and jurisprudence will be sorely missed by all - students and scholars alike" (Kutty, 2016). He was born in 1935 in Iraq, he received his high school diploma from Al-Azhar in 1953 and bachelor's from the College of Shari'ah and Law at al-Azhar University in 1959. He continued at the college and earned a master's degree in 1968 and a doctorate in *usul al-fiqh* in 1973 (Resume of Alwani, p.2).

Following his undergraduate studies, al- 'Alwānī returned to Iraq and became a lieutenant in the Iraqi Military Reserves. He taught at the Military Academy of Iraq in Baghdad and taught at the College of Islamic Studies where he was a Professor for 6 years. He returned to Al-Azhar in Egypt to achieve his PhD in 1973 (Alkhalij Online, 2016). After his PhD graduation he taught for 10 years at the Imam Muhammad Ibn Saud University in Riyadh, Saudi Arabia (Aljazeera Media Network, 2016). 'Alwānī then decided to migrate to the United States in 1983 where he settled down in Northern Virginia for 23 years.

During his time in the United States and in the Middle East, he worked extensively on interfaith projects. He had a vast network of scholars from different religions whom he kept up with as friends, who still recall him. 'Alwānī held the first chair for an Islamic scholar in the Washington Theological

Consortium. Along with this, he founded *Fiqh Council of North America* and he was the lifetime chairman of it (Islamonline.net, 2016). ‘Alwānī was an prolific author of many books such as *Ijtihad* (1993), *Missing Dimensions in Contemporary Islamic Movements* (1996), *Towards a Fiqh for Minorities: Some Basic Reflections* (2003), *Apostasy in Islam, A Historical and Scriptural Analysis* (2011), *Islamization of Knowledge, Islamic Thought: An Approach to Reform, Source Methodology in Islamic Jurisprudence, The Ethics of Disagreement in Islam*, (Hashim Kamali, 2016) and *The Qur’an and the Sunnah: The Time Space Factor* and so on (al-Hayat, 2016). He was the President of Cordoba University in Ashburn, Virginia, United States. He also held the Imām Al-shafi’ī Chair in the Islamic Legal Theory at The Graduate School of Islamic and Social Sciences at Cordoba University. ‘Alwānī concentrated on the fields of Islamic legal theory, jurisprudence (*fiqh*), *‘usūl-al-fiqh*, Qur’ānic sciences, and general Islamic thought (nwonews, 2016). He was a co-founder and former President of International Institute of Islamic Thought (IIIT) based in Herndon, Virginia, USA (Hashim Kamali, 2016).

‘ALWĀNĪ’S VIEW ON THE POSITION OF THE QUR’ĀN OVER OTHER SOURCES OF ISLAMIC SHARIAH

‘Alwānī was among the minor group of “‘ulamā’ who disowned the death penalty for apostasy. The people who were among the minor group are like from companions of Prophet (saw) Umar Ibn Al-khattab (r.t.a.), from later generation Ibrāhīm Al-nakh’ī (d.811 CE), Sufyān al-Thawrī (d.777 CE) and from the contemporary ones Muhammad Hashim Kamali, Tariq Ramadan and Jamal Badawi and so on. Historically, it is manifested that majority of ‘ulamā’ of Islam supported and patronized the capital punishment for apostasy (Imad Al-din, p.100). Al-‘alwani was somewhat critical of those who claimed that the punishment of apostasy is based on Islamic rulings. Based on the Al-‘alwānī’s speech, it is perceived that all kinds of *hudūd* (Islamic Legal Law) came from the Qur’ān, which is the fundamental source of Islamic Shariah, and the *Ḥadīth* is the explanation and interpretation of Qur’ānic texts from where Islamic Laws are extracted. The Prophetic tradition is needed in order to understand the meaning of the Qur’ān, as he said: “The Qur’ān is the foundational source for all rulings on basic principles and foundations. The Sunnah is treated as the source that clarifies the meaning of the Qur’ān in a binding manner” (‘Alwani, p.01). Hence, since the Qur’ān does not prescribe any punishment for apostasy on this earth except in Hereafter (Quran 2: 217). Here, according to his understanding, there is no scope to prove the death penalty by *Ḥadīth* for it since the Qur’ān itself does not prescribe any punishment and where *Ḥadīth* is only for its explanation.

CONSENSUS AMONG EARLY SCHOLARS OF ISLAM REGARDING DEATH PENALTY FOR APOSTASY

Al-alwani in his book said that death penalty for an apostate is not appreciated since the issue lacks consensus among the early scholars of Islam. Recently, those who prescribe capital punishment for apostasy, they are just trying to divert the attention of people from the fact and bar them from rethinking, he wrote: “They have sought to divert attention from the fact that individuals of weight like the Prophet’s Companion ‘Umar ibn al-Khaṭṭāb, Ibrāhīm al-Nakh’ī, Sufyān al-Thawrī and other scholars did not support such a penalty. They have sought to forestall any rethinking of this penalty on the part of later thinkers” (Ibid.p.3)). He said that there should be a wider space to rethink over the issue since several of outstanding figures like ‘Umar (r.t.a.) and Ibrāhīm Al-nakh’ī and others were not supportive to death penalty. And those who legalized the penalty and executed it, it is mostly forcefully used, consent from all scholars was not taken into consideration. It was one sided view. Those who claim that consensus has been done over the issue it is their one-sided claim. There is still now profound disagreement prevailed among scholars (Ibid.p.3).

‘ALWĀNĪ’S VIEW ON INTERPRETATION OF TERMINOLOGY “ḤUDŪD”

The terminology *ḥadd* (plural *hudūd*) which Muslim jurists define as God’s laws and rulings, but Arabs linguistically used as a barrier between two things. ‘Alwānī said that Muslim jurists and scholars used the term *ḥadd* is not dominated by the Qur’ānic tongue, rather, Arabic tongue. This term is appeared in fourteen verses of the Qur’ān, only in two of these it is used as God’s laws and commands where none of verses refers to punishment, instead confirms the necessity of stick to God’s ordinances and laws (Ibid.p.5.). According to Alwani’s description, Muslim jurists and scholars used the term that came from Arabic linguistic terminology, not from the Qur’ānic ones. If its meaning is implementing the rules of Allah, then it must have found in the verses of the Qur’ān whereas it provides the meaning of barrier or border. In his sense, those who claim *ḥadd* means penalty of execution of Islamic legal laws, their claim is one sided and not free from dispute. But Alwani did not provide the verse numbers or surah’s names of fourteen verses of the Quran which provide the meaning of *hadd*.

‘ALWĀNĪ’S VIEW ON QUR’ĀNIC DESCRIPTION OF APOSTASY

‘Alwānī described that Qur’ānic description regarding the chastisement of an apostate is vested to God’s hand. Whoever turns away from Islam, the Almighty will punish him in Hereafter; in this world He did not

prescribe any trial for him (Ibid. p.7). As he stated, the Qur'ān presents fundamental features of the concept of apostasy. The person, who commits apostasy, hurts only himself. Those who turn away from their faith repeatedly will not be able to attain God's forgiveness; no matter what they do (Ibid). 'Alwānī said that the concept of apostasy is evident in the Qur'ān. Here, he said that the apostate cannot harm others by his apostasy; rather, he himself is a loser in both worlds. Those who keep repeating the embracing Islam and committing apostasy, the Almighty Allah will never forgive them and to God, it does not matter what they are doing again and again.

'Alwānī described that committing apostasy of an individual is a result of his psychological and mental change. "As portrayed in the Qur'an, the term *riddah* reflects the psychological and mental state that brought the individual concerned to the point of apostasy" (Ibid. P.8). An individual commits apostasy when he is psychologically and mentally changed and no other alternative way for him to adopt except committing apostasy. Later, he explained that human being is free. He is created in a state where he can do whatever he wishes. And human freedom is also one of supreme values of Islamic laws and one of its most vital intents (Ibid) . He illustrated that in the Qur'ān, there are many verses which have been revealed in order to support, defense and protect this freedom from any sort of external intervention or interference. In support of this statement he came with the following verse: "There shall be no coercion in matters of faith" (Quran 2:256).

In fourth Hijra when unbelievers of Mecca declared war on Muslims, some of companions asked the Prophet (saw) for permission to coerce children, who had accepted Judaism, to enter Islam, then Prophet (saw) forbidden them to do so (Ibid). 'Alwānī said, there are some religions, especially the Christianity compels people to convert to their belief, in Islam no use of it which has been clear by many Qur'ānic verses (Ibid). As for whether repentance of an apostate will be accepted to God or not, it is fully divine matters as long as his apostasy is not related to any criminal acts. This matter remains firmly between God and the individual who committed apostasy, anyone of earthly ruler or any specific authority does not have power to provide him punishment.

'ALWĀNĪ'S VIEW ON APOSTASY DURING THE PROPHET'S LIFE

The case of apostasy was not unknown during the Prophet (s.a.w.). Many times, this incident took place in Prophet's eyesight, but he never took any initiative to put them on death penalty (Ibid. p.9). 'Alwānī said some of companions of Prophet (s.a.w.) became hypocrites and some of them even committed apostasy, and some came to harm him but the Prophet (s.a.w.) did not take any step against them (Ibid). This

is because; people may claim that Muhammad is killing his companions due to forsaking his doctrine. The number of apostates reached around hundreds but Prophet (s.a.w.) did not show any reaction of punishment (Ibid. p.9). If he had put them on any trial, it would have been a forceful imposition of religion on people which the Qur'ān directly denies (Ibid) . 'Alwānī setting an example has said that mainstream historians and scholars of Prophet's biography narrated that after the accomplishment of Prophet's miraculous journey (*mi'rāj*) (from Makkah to Jerusalem and meeting with God), some of companions of those who earlier embraced Islam have committed apostasy when heard this story and went back to their previous faith (Ibid). Following that incident, no apostate was put to death except some incidences which were related to war crimes or murder, not because of their apostasy (Ibid. p. 9) . 'Alwānī said there is no divine revelation of prescribing punishment for apostate, it is neither found in the Qur'ān, nor in the actions of Prophet (s.a.w.). If the Prophet (s.a.w.) had been commanded to do so, he would never have hesitated to implement God's ordinance since he was ordered to call for other specific crimes' punishment (Ibid.p.10).

'Alwānī has set another example, he indicated the peace treaty of *Hudaybiyyah* which has been done between the Muslim community and the Quraysh of Mecca in 627CE, where both parties have agreed to terminate war for ten years, but it was violated by Quraysh themselves after only two years. This Truce of *Hudaybiyyah* is another good example of the Prophet that he never prescribed any punishment for those who have committed apostasy breaching the Truce (Ibid). If he had been instructed by God, he would never have hesitated to punish the apostates (Ibid). Later, he explained that apostates, if any of them had faced any sort of punishment that was due to other related crimes which was declaration of rebellion and enmity against the Muslim community.

'ALWĀNĪ'S RESPONSE TO APOSTASY IN THE VERBAL *SUNNAH* (*HADĪTHQAWLĪ*)

One of the verbal *hadīths* of Prophet (s.a.w.) became prevalent after the early period of Islam, where Islamic Jurists and scholars began to use the *hadīth* to prove death penalty for apostasy which has been claimed to have come directly from the Prophet (s.a.w.). The *hadīth* is "If anyone changes his religion, put him to death" (Al-bukhari, 1214) . 'Alwānī said that this *hadīth* was not popular as much as it has been popular after the early years of Islam. In terms of authentication, this is an *ahadhadīth* (solitary *hadīth*) which is considered to be incompletely transmitted. 'Alwānī related this *hadīth* with such a situation where some of Jewish leaders worked to demoralize the Prophet (s.a.w.), revelation and his mission through spreading falsehood regarding the Muslim community in Madīna and plotted to create division by

undermining the group's safety and security in every possible manner. It was not a case of a Muslim who believed in Islam, turned back then came again into the fold of Islam (Al-alwani, p.11).

'Alwānī said that his study has rejected the story which has been made about Imam Ali (r.t.a.) and his interpretation of this *ḥadīth*. He also said that this *ḥadīth* instigates to the destruction of human life which the Qur'ān pays huge significance to protect and safeguard, whose any sort of harm it seeks to prevent by all possible means (Ibid. p.12). Here, 'Alwānī meant that this *ḥadīth* directly invites people to kill human being whereas the Qur'ān invites to save. A case has been found which seems to be happened during Prophet's time, where Prophet (saw) ordered to kill the apostates who denied repenting, but this narration seems to be weak (unauthentic) by *ḥadīth* experts. For instance, the renowned scholar Muhammad Al-Shawkānī said that there was problem with the chain of narration (*isnad*) of these reports and hence, they are not considerable to be reliable and authentic, specifically in terms of capital punishment (al-Shawkani, p.2-3) .

Since there is a contradiction between the *ḥadīth* and the Qur'ān, it can never be saying of Prophet (s.a.w.). Indeed, there is a misunderstanding where the revelation must be given priority over the *Ḥadīth*, because *ḥadīth* is needed only to elaborate the meanings of the verses of the Qur'ān. In this case, *Ḥadīth* cannot be given authority to undervalue the revelation.

'Alwānī claimed that in the Qur'ān there are around two hundred verses which evidently deny the matter of coercion in terms of faith and depict absolute human freedom to choose what an individual will believe and what faith he will profess. He said that Qur'ān is the criterion to verify the authenticity of the sunnah, it is not *ḥadīth* to do this.

THE ORIGIN OF KILLING FOR APOSTASY

'Alwānī claimed that "if anybody leaves religion should be killed," this idea came from Judaism (Al-alwani, p.14). In Jewish theology, whenever anyone left Judaism, he or she used to be killed. Leaving Islam by anybody should not face such kind of punishment since this idea has not been practiced by the Prophet (s.a.w.) and his rightly guided Caliphs. Islam is not like a rat killer where if anybody enters once, he can never exit from it. Islam is a comprehensive religion. No short coming or ineptness can touch it. If no one of earth does not worship Allah, no loss touches Him. Several times, Allah (s.w.t.) says in the *Qur'ān* that if He had willed, all people of the world would have believed. 'Alwānī said: Confusion between 'political' treason and 'religious' apostasy arose in an oral culture that was prevalent in the Hejazi environment mentioned previously, one that was influenced by the Jewish culture of oral tradition which viewed it necessary to kill anyone who left Judaism (Ibid).

Muslim Scholars Accused of Apostasy

Many rulers of Muslim world misused the case of apostasy. If anyone of scholars disagreed with the opinions, rulings or actions of the ruling people, or did not obey what they said to them to follow; rulers and other associated people who were close to them would accuse those scholars of apostasy and punished them using this as weapon. Many righteous scholars and intellectuals had to face such mistreat from their respective rulers. 'Alwānī said: "Some rulers during certain periods of our history have exploited this punishment' for which there are no grounds – by transforming it into a weapon they could brandish in the faces of their opponents (Ibid. p.17)." He further said that some of such scholars strived to persuade them through a decent manner but still they tried to mute their voices even though they had pure intention to solve the problems of 'Ummah but despite that the rulers never stopped their brutality and dictatorial behaviors, "Some God-Fearing scholars attempted to perform, though modestly, the function that mutual consultation could have performed. However, most rulers attempted to silence such voices, despite the fact that such scholars' aim was to prevent themselves, the Muslim nation, and its tyrannical rulers from being plunged into the abyss of authoritarianism (Ibid)."Such as Imam Malik (r.) after issuing a fatwa that a divorce is nullified if a man takes his decision under coercion- was arrested and so harshly beaten that one of his arms became permanently paralyzed although his fatawah was based on a hadith as well as a specific verse in the Quran (16: 106) (Al 'Alwani, Ijtihad, P.12) . Imam Abu Hanifa died in prison, Imam al Shafi was taken in chains from Yemen to Baghdad and Imam Ahmad ibn Hanbal was jailed for disagreeing with the rulers, and also Al-bukhari suffered all kinds of maltreatment and persecution (Ibid. p. 18) .Alwani explained that this conflict has been intensified during the reign of Abbasi Khalifa Al-mamun who publicly gave patronage to the rationalist school and advocated the supremacy of the intellect over the inherited tradition. His efforts were met with strong opposing from those fuqaha who defended the authority of the hadith and went on to discredit reason altogether (Ibid). 'Alwānī explained that there were some scholars who were close to the rulers and they in order to make themselves powerful equally with rulers, they worked with them as a force and interpreted the Qur'ānic verses '*ulū al-'amr*(those entrusted with authority) to mean rulers and scholars both. He said that a part of scholars also acted with the rulers who wrongly interpreted the different verses of the *Qur'ān* and benefitted from the then ruling elites. There are volumes of research books of biographies of scholars and history of Muslim nation would reveal uncountable number of stories of scholars, jurists and mystics who were maltreated, exiled and blamed to become apostate, atheist and deviated from Islam.

ABU BAKAR'S WAR OF APOSTASY WAS NOT DEFINED

According to Alwani, the war which was carried out by Abu Bakar (r.t.a.) is not defined. It is regarded that the war against apostates was politically and was against those who tried to separate Zakat from other rituals of Islam. It is not clarified that the people against whom Abu Bakar (r.t.a.) waged war left Islam or committed apostasy. Aftermath of the war they have acceded it's all conditions. Here there is no specific ground to claim that Caliph Abu Bakar waged war against apostates, rather they denied paying Zakat only. 'Alwānī said: The causes behind the 'war of apostasy' during the Caliphate of Abu Bakr (632–634 CE) were not precisely defined (Ibid. p.14). Although they were based on the political dimension, the religious dimension was referred to in statements by Abu Bakr such as: "I will most surely wage war against anyone who separates ritual prayer from *zakāh!*" (Ibid).

Killing Apostate against Freedom of Belief

Jamal Badawisaid: "Such an argument under whatever excuse or justification is inconsistent with many conclusive verses in the Qur'an on freedom of belief which is above all an inner feeling of acceptance and conviction" (Jamal Badawi, 2006). If the capital punishment is given to an individual for leaving Islam, then it is one of the most serious forms of coercion in Islam which decisively prohibited in the Qur'an. Jamal Badawi added that such punishment may lead people to the hypocrisy where they may pretend to remain as Muslims but from the inside of their heart, they are hypocrite which maybe more dangerous than the real apostates who may cause greater harm to Muslims and Muslim societies (Ibid).

During the Prophet's life, he did not punish any of apostates; it is proven by the following incident. Jābir Ibn Abdullah narrated that a Bedouin took oath to the Prophet (s.a.w.) and then the Bedouin got fever whereupon he asked for the cancellation of his embracing Islam to the Prophet but the Prophet (s.a.w.) refused to take back his oath then he (the Bedouin) left Medina. The Messenger of Allah (s.w.t.) said: "Medina is like a pair of bellows (furnace): it expels its impurities and brightens and clears its good (al-Bukhārī). From this *ḥadīth* it is perceived that if the prescribed punishment for apostasy was death penalty, the Messenger of Allah would have executed the Bedouin, rather he neither sent anyone to arrest him, nor asked him to reconsider his decision. Sheikh Yūsuf al-Qardāwī and others of contemporary scholars suggested that the case of apostasy must be cautiously dealt with as there are many legal consequences of apostasy relating to family law in Islam and its liability of judgment must be given to the hands of legitimate authority so that no one can be allowed to take the law in their own hands (Jamal Badawi, 2019).

From the description of 'Alwānī, it is clarified that he dismissed the penalty of apostasy where he came with verses of the Qur'an by which he tried to prove the needlessness and unacceptance of trial for apostates. He showed explaining the historical evidences and other sources of Islam the executions for apostasy which happened at different periods of Islam; it was mostly caused by politically motivated, and some of Muslim scholars also were accused of apostasy when they were not consented with the actions of respective periods' rulers throughout the Muslim world.

STANCE OF BANGLADESHI 'ULAMA ON APOSTASY

There are several outstanding 'ulama in Bangladesh who are always appearing in public gatherings, social and electronics media. They are also professors at different universities and madrasas of the country. Here the opinions of only two of them have been described shortly due to lack of space. The reasons of choosing opinions of these two scholars are both publicly talked regarding the issue and have written an outstanding number of books and research papers in Bengali language which have made them well regarded to the mass people and people also have applauded their contributions to the realm of knowledge that immensely impacted on persons, society and the state.

Among the two scholars one is Abu Bakar Muhammad Zakaria, during his delivering speech in one of his public gatherings, someone asked him:

"Is the mouth's protest against the abuser of the Prophet (saw) in front of camera enough or we have to do more beyond this? By doing what things we can get rid of Allah's wrath in the Hereafter while we are just protesting with our speech without killing him?"

Answer: If someone abuses or insults the Prophet (saw), his punishment is death penalty. He does not have any chance of repentance. For example, Prophet (saw) ordered his companions to kill several people although they hide themselves into the Ghilaf of Kaba. And also, another incidence took place during his time; one of his blind companions killed his wife due to her abasement to the Prophet (saw). But the responsibility of judgment of such incidence is vested in the court, not in any individual's hand. Prophet (saw) was the ruler of the state. He had power to kill or order someone to kill. No one should take the execution of law into his hand.

Thief's hand has to be cut off which is mentioned in the Quran. The responsibility of this hand cutting belongs to the state. If the state does not apply this rule, the state will be sinner, its authorities will be sinners; general people will not be sinful. For example, if any woman is roaming here and there without wearing Hijab and exposing her beauty to

people which disturbs them and makes them sinful. In this case, no one should grab her and forcefully take away at her home in order to confine here or tie her up. It is not the duty of anyone else except her close relatives like her husband, or parents or anyone of her siblings who have authority over her.

But general people can only demand his (apostate) death penalty to the court, or they can demand the legislation of penalty for those who insult or belittle the dignity of the Prophet (saw). But during the demonstration, breaking someone's property, or public transportation, or setting fire on road, and here and there, attacking on police and other security forces are not allowed. Your job is limited within protest or demand of trial alone, not more than this (Tawhidi Media, 2020).

Abu Bakar Zakaria says that an individual who belittles Islam and Prophet (saw), his punishment is death penalty and he will not be given any time to repent. He added that the killing of apostate is not duty of ordinary people, rather it is the duty of state and those who are entrusted with power on behalf of the government. An individual can never kill. But he did not mention any reference of two occurrences which have been took place during the Prophet (saw) as he has described above.

Another scholar is Khandakar Abdullah Jahangir, during his public speech someone asked him two questions, the first one is:

If someone insults the Prophet (saw), his punishment is death penalty, do you support it?

His answer: No, the ruling of death for insulting the Prophet (saw) is neither found in the Quran nor in the Sunnah. You should read the book (Al-fiqh Al-akhbar- translated by him). The details you will find in it. Only the government of the country can put him to the death. For example, one of the companions of the Prophet (saw) was blind. His wife used to revile the Prophet (saw) but he used to forbid her over again and again. But she did not listen to him. One day she was again abusing the Prophet (saw) in front of him, he could not resist himself, he stabbed her, and consequently she died.

Later this incidence became known to the public. The Prophet (saw) asked the people: "Who killed her?", the companion came forward and acknowledged that he has killed, then Prophet (saw) said to him: "You are not facing any trial for this".

The last question is: In the current time, on social media and blogs, the Prophet (saw) is being insulted and disvalued by some individuals. If the abusers are discovered, what should we do against them?

His answer: We cannot do anything to kill him/ them. We can just give him dawah, invite him to Islam, or we may ignore him and what he says or writes, or we may file a case against him to the court to bring him to face the trial. But you will never take the execution of law in your hand. In doing so

(killing), neither Islam supports it, nor there is any benefit for Islam.

If anyone insults the Prophet (saw) in front of you, you may kill him, in Islamic law you will not have to face any trial. But still you have to go to the court (Tawhidi Media, 2018) .

Through the answers of two questions one thing has been exposed that he said if an individual kills an apostate, he will not have to face any trial, but he has to go to court. It means to him; ordinary people can kill the apostate if they want since they will not have to face any trial according to Islamic law. His comment may instigate general people to killing the apostate which maybe a chance of taking execution of law in own hand.

CONCLUSION

Throughout the entire Qur'ān, there is not found any single verse which refers directly or indirectly to the compulsion. Even the Prophet (saw) and his companions never forced anyone to accept Islam. All the people who embraced Islam it was their individual will. After learning and comprehending the decentness of Islam they willingly came into its fold. In several places of the Quran Allah (swt) said that if He willed, all mankind would have believed in Him. But He did not want it. He honored human beings with the freedom of choice. It is up to the humans whether they will believe in or disbelieve. "And if your Lord had so willed, He could surely have made mankind one Ummah (nation)," (Quran 11: 118). But the job of the Prophet (saw) was only to convey the message of the Oneness of Allah (swt) to the people and let them know that Islam is the final religion and the Prophet (saw) was the last messenger of Allah (saw). It is plainly understood by the saying of Almighty Allah that: "There is no compulsion in Islam," (Quran 2:256).

It is suggested that the Muslim community in Bangladesh and around the world they should firstly know the precise teachings of Islam from the recognized scholars of Islam whether from Bangladesh or its beyond. And then they should let their children learn it. Islam should be present to them properly. While for children there is not sufficient arrangement of learning Islam in schools or colleges or universities, they should be provided it privately, otherwise, parents and other respective guardians will be held responsible for the apostasy of their children to the Almighty Allah (swt) if they retreat from Islam. In this case, parents should avoid the secular institutions as much as possible for the education of their children where the Islamic schools are available.

Finally, the punishment of apostate is vested in the hand of the state or any other responsible individuals who are selected and authorized by the Muslim community. If the state does not punish the apostate, the ruling people will be sinners. The punishment

maybe imprisonment if the apostate creates problems in society. It is the state's responsibility what kind of punishment it will provide if anyone commits apostasy and create chaos in the country. Muslims should only protest or ignore what the apostates are doing. We suggest to at least protesting by speech or any form of demonstration to bring the issue to the sight of the ruling people so that they can take the issue with seriousness and think of its punishment to retain the peace and stability of society as well as the state.

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Belayet Hossen

Belayeth.bd@gmail.com

Department of Fiqh and Usul al-Fiqh

AHAS Kulliyah of Islamic Revealed Knowledge and Human Sciences

International Islamic University Malaysia (IIUM)

MALAYSIA

Abdul Bari Awang
abdbari@iium.edu.my
Department of Fiqh and Usul al-Fiqh
AHAS Kulliyah of Islamic Revealed Knowledge and Human Sciences
International Islamic University Malaysia (IIUM)
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