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Apostate's rules from the perspective of Al-Zulmi as a fundamentalist approach

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*Correspondence: ayad.kamil@uoz.edu.krd <https://orcid.org/0000-0002-3944-8473>**Abstract**

This research offers a modest contribution to understanding the provisions of apostasy from the perspective of Al-Zulmi's fundamentalist approach. It aims to explore Islam's stance against anti-crime, the foundations and purposes of punishment within Islamic law, and the rulings regarding apostasy in the Quran, Sunnah, and Fiqh. Furthermore, it examines contemporary scholars' views and Dr. Zulmi's opinion on the killing of the apostate as a fundamentalist approach. Islamic law is interested in combating and fighting crimes on the religious and secular side together. Islam has self-purified of vices and corruption by the self-knowledge and worship of Allah Almighty. Islam has educated self to love justice and good and hate injustice and Evil. Conscience education is the first basis in preventing crime, and punishment in Islamic law is based on mercy and justice. It is Allah's mercy to his slaves that the punishment is legislated for anyone who is not on the right path. The punishment in Islamic law is to prevent the crime before it occurs, and to achieve the infidelity after it occurs. One of the crimes committed by human being towards himself apostasy. Quran has mentioned apostasy in the sense of leaving Islam explicitly more than once, and repelling apostasy and its people in this world and the Hereafter, but they differed in the estimation of a worldly punishment. It is reasonable to assume that there is no worldly punishment because it falls within the freedom of thought and freedom of belief except leaving the Islamic regime, its security and corrupting in earth. As for the narrations that indicate the criminalization of apostasy and the killing of the apostate, leaving the religion has been compared with leaving the group. The absolute narratives are restricted according to the general rule of fundamentalism, and the rule of killing the non-warrior apostate is the ruling on what Allah has not mentioned to the prophet and the prophet did not apply in his life nor his beloved companions.

Keywords: Apostate's Rules from the Perspective of Al-Zulmi as a Fundamentalist approach

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Introduction

Actually, Kurdistan Region of Iraq and abroad have witnessed important changes in the intellectual renewal and legal jurisprudence through the elite of the pioneers of the intellectual renaissance of its sons. One of its most prominent was the jurisprudential, intellectual and legal orientation, which combines authenticity and modernity with view and reason. Among the most prominent of these modern scientists was Prof. Dr. Mustafa Ibrahim Al- Zulmi, who had his own views on many issues of jurisprudence. In fact, Al-Zulmi has lived a very active and tireless life. He has been able to use his time in reading, teaching and writing. In addition to accomplish a large number of literatures in various fields of jurisprudential and legal sciences. He is rightly one of the most prominent scholars and advocates of jurisprudence and legitimacy in modern times.

This research attempts to identify some of Al- Zulmi's jurisprudential and innovative opinions on the subject of killing of the apostate, studying Islam strife against anti-crime and demonstrating the rule of apostate from the perspective of Al- Zulmi as a fundamentalist approach.

Therefore, this research has divided into an introduction, three chapters, conclusion and references. Therefore, the research's plan was as follows:

First Chapter: It is an introduction to the study of research vocabulary by indicating its connotations, and it includes three topics which are as follows:

First Topic: Apostasy's Definition

Second Topic: Rule's Definition

Third Topic: Essential Evidences' Definition

Second Chapter: It addressed Islam's Combating for Crime in Islamic Law, that including three topics which are as follows:

First Topic: Crime's Concept

Second Topic: Islam's Combating for Crime

Third Topic: The concept, reliance and purpose of punishment in Islamic law.

Third Chapter: It explained the apostate rule in Islamic law, that including four topics which are as follows:

First Topic: Apostate's Rule in the Holy Quran

Second Topic: Apostate's Rule in the Sunnah

Third Topic: Apostate's Rule in Doctrines & the Opinions of Contemporaries

Fourth Topic: A Fundamentalist Approach to Apostate's Rule from the Perspective of Al- Zulmi.

While in the conclusion, it addressed the most important findings and recommendations that the researcher concluded them during the writing of this research.

First Chapter

It is an introduction to the study of research vocabulary by indicating its connotations, and it includes three topics which are as follows:

First Topic: Apostasy's Definition

1. Apostasy [*Riddah*] linguistically: '*raddadat el-shia*' (return the thing), '*ardah radan*' (denial), it is '*mardod*' (be returned), in face said '*radh*' (returned it) if it is ugly. Apostasy '*Riddah*' means to

return from doing thing, so 'Riddah' about Islam means reversion. In addition to all dictionaries agree that one of the meanings of apostasy is: the return of the Muslim from Islam, and the disbelief after faith.

2. Apostasy [*Riddah idiomatically*]: leaving the religion of Islam for disbelief either by an intention or saying or an act even if it is as a ridicule, an intransigence or belief.

Thus, the apostate is the person who returns of the religion of Islam as Allah Almighty said: *{And if any of you turn back from their faith}*. Al-Qurdobi, in his book, said that the apostate is the person who returns of the religion of Islam to disbelief as those who discouraged and corrupted, including corruption inflicting livestock on their stomachs, from being too often eaten to bulge their hollows, and that they might die from it. The verse was a threat to Muslims to prove Islam's religion. Moreover, Allah Almighty said: *{O ye who believe! If any from among you turn back from his Faith, soon will God produce a people whom He will love as they will love Him, -lowly with the Believers, mighty against the Rejecters, fighting in the Way of God, and never afraid of the reproaches of such as find fault, that is the Grace of God, which He will bestow on whom He pleaseth, and God encompasseth all, and He knoweth all things}*; Al-Razi said in the meaning of the verse, "O those who believed in you, the infidels, turn back from his religion, knowing that Allah Almighty comes in the strength of others, and they support this religion on the best picture".

Second Topic: Rule's Definition

1. Rule *linguistically*: it means 'elqadaa' (judgment), it is called also wisdom. In custom, it is to prove one thing to another or denies it like we say this thing good and this thing is not good.
2. Rule *idiomatically*: Al-Jarjani has defined the rule as (attribution of an order to another either positively or negatively).

The definition of 'legitimate rule' is "the speech of Allah concerning the acts of those charged with the necessity, choice or status". This is the definition of the fundamentalist audience as well.

While 'Rule' definition for scholars is different from that of fundamentalists. As fundamentalists defined it as "the speech of Allah Almighty, that is, the rule of the legislator"; scholars defined it as "the effect of the speech of the legislator, not the same speech that they consider evidence". For example, the rule of prayer is the obligated, and the proof of the obligation is the saying of Allah Almighty: *{And be steadfast in prayer; practice regular charity; and bow down your heads with those who bow down (in worship)}*.

Third Topic: Essential Evidences' Definition

1. Essential Evidences "*asol*" *linguistically*: it is a plural of "*asel*" (essential evidences), perhaps taken from the word '*wasal*' (connection) which is against dividing, it called by that because all its branches are connected together as the tree with its branches in a sense, the child with his father in lineage and the '*legitimate rule*' with evidence in reason. The word "*asel*" has several meanings in the language as follows:
 - a. The origin of the object, means 'below it'; is said to be a bench in the origin of the mountain, i.e. at the bottom of the mountain.
 - b. What others build on either was sensuality such as the building of the ceiling on the walls, or morally such as the building of rule on its evidence, and the building the definitive with its cause.

This is the popular meaning of scholars as referred to by Al-Esnawi at the end of his explanation.

- c. What the thing is built, like saying the origin of the bread is wheat, the origin of the human is the mud, that is, creating from the mud. (the deluge J1/123).
 - d. Thing that you need.
 - e. What that thing is based on as the father's origin for the boy.
2. Essential Evidences *idiomatically*: There are several meanings for the word in fundamentalists which are as follows:
- a. Evidence: it is said the origin of this issue is the Book and Sunnah (i.e. its evidence).
 - b. Weight: as they say the origin in speech is truth, that is, it is weighty to hear that the meaning of the word goes to the truth if the word has one real meaning and another metaphorical meaning.
 - c. Continuous rule: The origin is that the general term shall be acted upon in general unless such allocations are received, and its release shall be carried out in absolute terms unless such limitations are received.
 - d. Measured Image.
 - e. Presumption continuity: It is said to those who were sure of purity and then have doubt in the event: the origin is the purity, because certainty does not fall into doubt.

While the meaning of the term “*Principles of Jurisprudence*” as a knowledge of specific science is defined by scholars in many definitions as:

- Knowing the evidence of Fiqh in general, and how to benefit from it, and the status of the beneficiary:
- Al- Zulmi defined it as the law of jurisprudence and the rules of deductive reasoning (*istinbeat*) used by the *mujtahid* or judge to extract the practical legitimate rules from its partial detailed evidence.

Second Chapter: Islam's Combating for Crime in Islamic Law

Islamic law takes care of combating crime in both the religious and the mundane aspect. It is more concerned with the preventive aspect with attention to the punitive aspect as well. Islam does not wait for the crime to take place until it is tackled. It combats and fights crime before it occurs and eliminates its causes before it exists. This is done by taking the necessary means and actions before falling into its traps. This chapter included three topics which are as follows:

First Topic: Crime's Concept

1. Crime *linguistically*: The word “*garimah*” (crime) appears in several meanings. The offence means trespassing and guilt, the plural is “*agram*” or “*garom*”. And the subject is “*magram*” (criminal) and the verb is “*yagrm*” (committing a crime); the crime means forbidden gain, as Allah Almighty said: {*And let not the hatred of others to you make you swere to wrong and depart from justice*}, “to swere” means lead you to commit the crime.
2. Crime *idiomatically*: scholars identified the crime with several definitions, the most important of which are:
 - It is legitimate prohibitions that Allah Almighty warns us to don't do them either by retaliatory punishment or condolence.
 - It is the disobedience of Allah Almighty by a forbidden act in which Allah Almighty warns

from it by arranging retaliatory punishment for its perpetrator or doing a condolence to be punished in the world.

- It is an illegal human behaviour, positive or negative, deliberate or unintentional, that has criminal punishment.

While, “*Crime*” is, in its general, to do what Allah has warned about it, to disobey what Allah has ordered, in other words to perform a punishable forbidden act, or to leave a punishable duty to leave it.

Second Topic: Islam’s Combating for Crime

I: Self-Esteem & Conscience Education:

Islamic Shariah fought against crime before it occurred from the human being even if it was mere concerns or intentions. It worked to reform the individual and to refine himself and his behaviour by the worshippers, to help the human being to follow the right path and serve as immune forts that protect him and safeguard him from degradation in the shapes of vice and disobedient. It is raising inside him the spirit of the coalition, which is the shield of all social virtues, because if man feels that he is from the group and that his security and the protection of his interests depend on the protection of his interests, that sense will fortify him against the crime or just think about it.

Islam has touched oneself up and cleansed it of vices and corruption through self-knowledge of Allah Almighty and His worship, and then raised it on the love of justice, goodness and hatred of injustice and evil. Actually, raising conscience is the first basis in preventing the crime. Also, worship in Islamic law and the provisions of Islamic law, in general, are raising conscience and oneself.. Allah Almighty said: *{To thee, and establish regular Prayer; for Prayer restrains from shameful and unjust deeds; and remembrance of God is the greatest (thing in life) without doubt. And God knows the (deeds) that ye do}*, and He said: *{O ye who believe! Fasting is prescribed to you as it was prescribed to those before you that may (learn) self-restraint}*.

One of the deterrent ways of preventing crime before it occurs is to awaken religious consciousness and a sense of faith in one’s souls, so that people are given optional obedience and refrain from crime simply for hearing the word of crime because this word is enough for self-vigilance, in other words as Allah Almighty said: *{Then shall anyone who has done an atom’s weight of good, see it!. And anyone who has done an atom’s weight of evil, shall see it}*.

In fact, religion in all its principles is an effective weapon against vice and a sure and effective means of combating crime in society. It is even the most important means of all, it is fact that recognized by many of the world’s reformers and criminologists.

II: Material Solidarity:

It means the living solidarity of people by providing them with the necessary needs of food, clothing and housing to ensure that everyone lives well and in conformity with God’s tribute to him, as Allah Almighty said: *{We have honoured the sons of Adam}*.

Actually, the material solidarity is reinforced by money and the means of extending aid to the needy, payment of money to the insolvent, insurance the afraid people, giving food for hungry. Holy Quran calls for this kind of solidarity, urges it, and rises the intolerance in it, and calls it the beloved names as Zakat, benevolence, charity and spending for Allah’s path. However, Islam obliged man to begin to fill his needs and those who are under his care. It persuades him to work and strive to achieve this, as Allah Almighty said: *{It is He Who has made the earth manageable for you, so traverse ye through its tracts and enjoy of the Sustenance which He furnishes; but unto Him is Resurrection}*.

By this delicate system, Islam has ensured the living of everyone in society, which is an important factor for the eradication of crime, as many crimes are caused because of need, poverty, destitution and the difficulty in livelihood of some people.

III: Activating the Role of the Family in Education:

The family has a great role in the fight against crimes by raising good generations that are raised on the teachings of religion and morality. As Allah Almighty said: *{O ye who believe! Save yourselves and your families from a Fire whose fuel is Men and Stones, over which are (appointed) angels stern (and) severe, who flinch not (from executing) the Commands they receive from God, but do (precisely) what they are commanded}*. Also the Prophet Mohammed (BPUH) said: *[All of you are shepherds and each of you is the responsible for his flock]*.

IV: Moral Solidarity:

It is intended that everyone feels love, compassion and cooperation in all matters of life either were good or bad. This solidarity supports noble emotions and benevolent elements based on a firm belief in the heart of the believer, which is the top of what man must strive to achieve in this life to apply the Prophet's saying: *[the best of people are those who are most beneficial to people]*.

V: Enjoining what is Right & Forbidding what is Wrong:

Enjoining what is right and forbidding what is wrong are means of combating corruption and eliminating crimes before its existence. But they have criteria, conditions and jurisprudence, Allah Almighty Said: *{Ye are the best of peoples, evolved for mankind, enjoining what is right and forbidding what is wrong, and believing in God}*. Therefore, 'enjoining what is right and forbidding what is wrong' are general raising and cooperation on righteousness, piety, sin-pushing and aggression. They are an effective means of shaping and bringing hearts closer and finding an Islamic public opinion that denies corruption, goes after evil and purifies society from crime.

Third Topic: Concept, Reliance & Purpose of Punishment in Islamic Law.

Islamic Shariah is characterized by a unique system of punishment for crimes of all kinds and circumstances and determines the appropriate punishment for them. Thus, any one make harm must be take the responsibility of it. Islamic Shariah, when it approved the punishment, did not aim at aggression, torture of human beings, harm, but rather at reforming human beings and protecting them from vice and corruption, and spreading security and stability in Islamic society.

I. Punishment's Concept:

1. Punishment *linguistically*: "*aleaqab*" and "*almoaqabeh*" meaning punishing man for what he did and we say "Punished by his guilt" meaning punishing for it by retaliatory punishment. But "*aleaqabah*" means the result of goodness such as Allah Almighty said: *{There, the (only) protection comes from God, the True One. He is the Best to reward, and the Best to give success}*.
2. Punishment *idiomatically*: there are many scholars have defined it in several definitions, including:
 - The penalties are punishable by a prohibited act.
 - It was the limitations that set by Allah Almighty to deter from committing a prohibition and leave what he ordered.
 - Some modern scholars defined as the penalty prescribed in the group's interest for disobeying the street order.

- The penalty for placing by legislator in order to deter from committing a prohibition and leave what he ordered.

These definitions as a whole lead to the fact that the punishment is the limitations in order to deter the act of from committing a prohibition and leave what he ordered, in which the legislator placing them to punish the criminal.

II: Punishment's Reliance in the Islamic Shariah:

Punishment in the Islamic Shariah is based on mercy, but not on compassion, which emanates from psychological passion, but rather on the general mercy of all people, which does not differentiate between man and another, nor between sex. It is divine compassion for mankind. This basis of the punishment is the same as the entire Shariah. Allah Almighty said: *{We sent thee not, but as a Mercy for all creatures}*.

It is the mercy of Allah in His worshippers that the punishment is for the person who have an anomaly from the right path, unless the criminals and miscreants, who do not have enough faith in their hearts to deter them from being monstrous and violating taboos, will corrupt the earth and people will be harmed by each other. Therefore, the penalty is the preservation of the entity of society and the security of its members and the protection of their interests and stability. Mercy is not the companionship of evil people who leave faith and conscience in their relations with the sons of their society. Those persons want to demolish society's building that Allah wanted to preserve. So, mercy for those and not punishing them is not accepted at all because mercy in this case is cruelty itself.

In the Islamic Shari'a, punishment is based on justice. It is well known that the Shari'a ordered justice and urged as Allah Almighty said: *{God commands justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds, and injustice and rebellion; He instructs you that ye may receive admonition}*. And since the offender has assaulted others, justice requires that he be punished for his crime. Punishment is society's reaction to the aggression inflicted on it or some of its members by the criminal. From one hand, the reaction of the community represented by the Authority is in itself fair because it eliminates the causes of aggression and prevents the causes of its spread, and the members of the society remain healthy and its members remain safe, as well as their interests and rights remain protected. On the other hand, once the just reaction of society to the perpetrators has disappeared, their danger will be widespread and resulting in the collapse and destruction of society.

The Messenger of Allah (PBUH) depicted this matter and said: *[The likeness of the man who observes the limits prescribed by Allah and that of the man who transgresses them is like the people who get on board a ship after casting lots. Some of them are in its lower deck and some of them in its upper (deck). Those who in its lower (deck) when they require water, go to the occupants of the upper deck, and say them: 'If we make a hole in the bottom of the ship, we shall not harm you.' If they (the occupants of the upper deck) leave them to carry out their design they will be drowned. But if they do not let them go ahead (with their plan), all of them will remain safe]*. In conclusion, compassion and justice are fundamental pillars of neither of the Islamic punitive system and neither can be dispensed with, because justice can only be achieved with mercy.

III. Punishment's Purpose:

The punishment in the Islamic Sharia was not intended for itself, but for a wisdom that Allah wanted. As Sheikh Tahir Ben Ashour said: "Not defiance to be all its actions about reforming the state of the nation in all its conditions". Moreover, some scholars have addressed the purposes of punishment in their books, and only Ibn Al-Qaim who spoke of the wisdom of punishment in Islam in an independent

research.

The purpose of the punishment in Islamic criminal legislation is to prevent human beings from committing crimes and avoiding their evils, because the aim of Islam's penal legislation, both in the mandatory punishments and condolence, is to deter those who weaken their faith and seek in the land in order to achieve their wishes and appeals in corruption.

The punishment in the Islamic Sharia aims at preventing the crime before it occurs, and at achieving the injustice after it occurs. There are many aims and purposes of the punishment in the Islamic Sharia, including:

- 1. Safeguarding people's interests:** The penalties are enacted to safeguard the public interests of the people or as expressed by '*the five totalities*', namely, the preservation of religion, selfishness, offspring, money and mind, thereby preserving the life of the whole community. Allah Almighty said: *{In the Law of Equality there is (saving of) Life to you, O ye men of understanding; that ye may Restrain yourselves}*. Thus, the penal system in Islam was aimed at preserving these '*five totalities*', therefore, punishment in the Islamic Sharia is for reforming the individual and for protecting society and its system from subversion.
- 2. Justice (equality of people in punishment):** if any member of society knows that the offender will receive his punishment whatever the case. From one hand, there is no difference in the Islamic Sharia between the members of the society, their lead and their subordinates, rich and poor. Therefore, mandatory punishments will practice on each of them if any does something wrong. Thus, the mind will be comfortable because it ensures that the criminal will not escape the hand of justice. But, on the other hand, if society is distinguishing between its members, the penalty for the crime is imposed on people but not others, the aggrieved person will pour his anger on his society and carries with him hatred, and envy of the crimes of murder, theft and treason.
- 3. Rebalancing between members of society:** Those who consider punishment in the Islamic Sharia, are aware that it is optimal penal system in which can rebalance the elements affected by the crime. No more important element is sacrificed towards a less important element. The penalty ultimately balances the values or elements affected by the offence, for example theft, as theft leads to an imbalance in the relationship between two values of respect for property, because the theft directly affected that value, and between the value of respect for human beings, because a thief is a person better than money. The self is better than money in the preservation. Those two values, the penalty, then, must rebalance these two values, not to sacrifice one at the expense of the other, for example, the penalty of theft is murder. If the murder were to commit robbery, it would be worth less than a higher value. But what was initiated was the punishment for cutting off the hand, which extended and was used on another's property. This would rebalance the values.
- 4. Purification of Sins:** One of the purposes of punishment is also in the world that it is a mercy from Allah Almighty to the Muslim community since it erases the punishment of the afterlife and cleanses them of sins. Ibn Al-Qaim said: "Then, from Almighty Allah's mercy to the existence that making such punishments repentant to their persons and cleansing removes them from the perpetrators of crimes if they commit them, especially if they are then repentant so Allah grants them this mercy by these penalties in the world and the other.
- 5. Discipline the Perpetrator:** the purpose of the punishment is mercy and charity, not revenge and pain for the perpetrator. So, Allah Almighty has enacted penalties commensurate with the offence of the perpetrator, to deter him or other from committing crimes. The statement of punishment is different in its estimation between different types of crimes of mandatory punishments and

condolence by taking into account the strengthening of the internal conscience based on religion and morality, and addressing, standing up to and defending any deviation. It also prevents the perpetrator from repeating the crime in the future and other members of society from committing the crime.

6. **Achieving Security and Stability in Society:** Islam's penal legislation was to protect the necessary interests considered to protect the order of society and ensure its stability, and to preserve its security to be enjoyed whenever it was applied to individuals who committed crimes, because this was an end to chaos and corruption, a break of confusion and discord. Ibn Al-Qaim son said "The application of the penalties will achieve security and stability (without the punishment of perpetrators and spoilers, people will destroy each other and corrupt the world system, and the state of joys, feelings and monsters will be better than that of the son of Adam).
7. **Healing the Anguish of the Victim's Parents:** The clarity of the punishment legislation is the healing of the agitation of the victim by applying the sentences of mandatory punishments, especially without neglecting the ultimate aim of the punishment legislation to protect society and safeguard the human soul from doom. Allah Almighty said in the murder of killing Qabil to Habil: *{On the account: We ordained for the Children of Israel that if any one slew a person-unless it be for murder or for spreading mischief in the land – it would be as if he slew the whole people}*. With regard to healing the victim's distress, not losing his blood, and proving his right to sue against the perpetrator and to pursue his right without injustice and aggression, Almighty said *{And if anyone is slain wrongfully, We have given his heir authority (to demand Qisas or to forgive); but let him not exceed bounds in the matter of taking life; for he is helped (by the Law)}*. Also, Almighty said: *{But if any remission is made by the brother of the slain, then grant any reasonable demand and compensate him with handsome gratitude. This is a concession and a Mercy from your Lord. After this whoever exceeds the limits shall be in grave penalty}* thus, Allah Almighty made power over the murderer of the victim's guardian by legitimacy, which is by choice if he wants to kill him and if he wants to pardon him and take blood money, or to pardon him free of charge, legislation that was not in the previous nations.

Third Chapter: Apostate's Rule in Islamic Law

First Topic: Apostate's Rule in the Holy Quran

It is necessary to reconsider the apostate's rule, in the light of the Qur'anic verses that dealt only with the other punishment, in cases of leaving from the Islamic religion, without prejudice to its system, general principles and total rules.

Apostasy has mentioned in the Holy Quran, it refers to the refusal to Islam expressly more than once. Moreover, the apostasy and its people were repealed in the world and the afterwards, but it differs in the estimation of its mundane punishment, some of which are not punishable by apostasy, some of which are punishable by murder.

Allah Almighty said " *{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}*. This verse stipulates that the apostate dies infidel, as well as the decline of his work in this world and Hereafter; also, he is one of the owners of the fire immortalized on the day of the doomsday. Furthermore, in this verse, Al-Zulmi said "There is no reference from near or far to the legality of the apostate killing, because it is specific to the statement of the apostate's rule in the sense of departing from religion, and without departing from it, the punishment is only mundane. Al- Qurdobi also explained this verse and said that the apostate is the person who returns of the religion of Islam to disbelief as

those who discouraged and corrupted, including corruption inflicting livestock on their stomachs, from being too often eaten to bulge their hollows, and that they might die from it. The verse was a threat to Muslims to prove Islam's religion .

{If any from among you turn back from his Faith, soon will God produce a people whom He will love as they will love Him, - Lowly with the Believers, mighty against the Rejecters, fighting in the Way of God, and never afraid of the reproaches of such as find fault. That is the Grace of God, which He will bestow on whom He pleaseth, and God encompasseth all, and He knoweth all things}, this verse stipulates that Allah Almighty will expose apostate Muslims and brings other Muslims who are stronger in faith and have humiliation to believers, they also love Allah and He loves them. Those people love Allah's Way and don't afraid of blame or any one. Moreover, this verse does not provide for a specific penalty for the apostate in this world, even there is no reference or hint to the legality of the apostate's killing. Al-Razi said: "The meaning of this verse, Allah Almighty will bring other peoples who are strongest and can support this religion in better way. Al-Hasn (may Allah bless him) said: "Allah knew that people would return from Islam after the death of their prophet. He told them that he would come up with a people who He loved them and they loved Him. This verse would be a news of the imperceptible realm and if this news happens, it will be a miraculous".

Allah Almighty said: *{How shall God guide those who reject faith after they accepted it and bore witness that the Apostle was true and that Clear Signs had come unto them? But God guides not a people unjust ▪ Of such the reward is that on them (rests) the curse of God 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; Is Oft-Forgiving, most merciful}*. Al-Zulmi says that "the person who contemplates these verses finds that the penalty for the apostate is not murder, but is the curse of God, angels and all people, as well as immortality in fire, and that he will receive severe punishment from God on the day of the afterlife. Furthermore, Allah did not entrust the man to practice the rule on the apostate, so no one has to kill him or punish him, but to Allah.

Also, these generous verses stipulate that the apostate does not deserve the support for guidance for his injustice, but rather he deserves the curse and immortality in the fire on the doomsday if he dies on it, but if he repents from his apostasy and reforms before death, God will be merciful. Moreover, then the verses state that the apostates and the bidders in their apostasy and disbelief did not realize their repentance accompanying the righteousness of the situation, so that they were not repentant in what they remained in order to be unable to repair the corrupt, because they are misguided, and do not prescribe a specific penalty for the apostates in the world.

Unlike the verses to which we have referred, the Holy Quran explicitly provides for the killing of the apostate if his apostasy is accompanied by an exit from the Islamic regime and an attempt to corrupt the earth. Allah Almighty said: *{The punishment of those who wage war against God and His Apostle, and strive with might and main for mischief through the land is, execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land; that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter}*. This verse does not belong to the apostates, but to the apostates and others who have committed what it contains, not to consider the cause, but to consider in general the word. The verse went down in the bandits as many interpreters and jurists said. So, Al-Shawkani says (know that this is true of all those who have done it, whether Muslim or infidel, in Egypt or other than Egypt, every few or many, great or despicable).

Al-Qasimi said: "The reward for those who fight God and His Messenger (i.e. they disagree them, disobey them, and help in the earth corruptly meaning they work in the ground with disobedience, which is to kill and take money unjustly) is to kill, crucifixion, or the cutting off of hands and feet from

opposite sides”.

Allah Almighty said: *{O Prophet! Strive hard against the unbelievers and the hypocrites and be firm against them. Their abode is Hell, an evil refuge indeed. ▪ They swear by God that they said nothing (evil), but indeed they uttered blasphemy, and they did it after accepting Islam; and they meditated a plot which they were unable to carry out; this revenge of theirs was (their) only return for the bounty with which God and His Apostle had enriched them! If they repent, it will be best for them; but if they turn back (to their evil ways), God will punish them with a grievous penalty in this life in the Hereafter; they shall have none on earth to protect or help them}* Allah Almighty ordered with Jihad against these infidels and practicing the mandatory punishments on them, because they deserved that. Therefore, the mundane punishment of those, is murder, because their apostasy was coupled with corruption on the earth, and not murder in this verse also for the mere purpose of apostasy, as is evident from the aforementioned verses.

Through the preceding verses, we have found that there is no apparent provision in the Holy Quran to estimate the punishment of apostasy in the world. There are also many Quranic verses that contain a statement of freedom of belief in which has been conferred on Quranic guarantees that do not include the rule of apostasy, and there is no mundane punishment for the apostate except the warrior and the bandits. So, the penalty of apostasy guaranteed by Allah Almighty in Hereafter.

Second Topic: Apostate's Rule in the Sunnah

The evidence of criminalization of apostasy and killing of apostates, is found in many Prophets' sayings including:

- Al-Bukhari Hadith of Ikramah, he said: “ some people apostatized after accepting Islam, and Ali burned them with fire. Ibn Abbas said: “If it had been me, I would not have burned them, the Messenger of Allah (SAW) said: “No one should be punished with the punishment of Allah”. If it had been me, I not allow this and said “” so I would have killed them; the Messenger of Allah (SAW) said: “Whoever changes his religion, kill him}.
- Abu Musa said: Messenger of Allah (SAW) said to him: Go to Yemen. The Prophet then sent Mu'adh bin Jabal after him and when Mu'ad reached him, he spread out a cushion for him and requested him to get down (and sit on the cushion). Behold: There was a fettered man beside Abu Muisa. Mu'ad asked “who is this (man)?” Abu Muisa said, “He was a Jew and became a Muslim then reverted back to Judaism”. Then Abu Muisa requested Mu'adh to sit dawn but Mu'adh said, “I will not sit dawn till he has been killed. This is the judgment of Allah and His Apostle (for such cases) and repeat it thrice”.
- Abdullah Ibn Morah from Masroq from Abdullah said that the Messenger of Allah (SAW) said, “It is not permissible to take the life of a Muslim who bears testimony (to the fact that there is no god but Allah, and I am the Messenger of Allah, but in one of three cases: the married adulterer, a life for life, and the deserter of his Din (Islam), abandoning the community).
- Jarir reported the Prophet as saying, “When a slave runs away and reverts to polytheism he may lawfully be killed”.
- It was narrated from Ibn Abbas that the Messenger of Allah said: “Whoever denies a Verse of the Quran, it is permissible to strike his neck (i.e., execute him) Whoever says, Lailaha illallahu wahduhu la sharika lahu, wa anna Muhammadan abduhu wa rasuluhu (None has the right to be worshiped but Allah (SWT) alone, and Muhammed (SAW) is His slave and Messenger), no one has any was of harming him, unless he (does something which) deserves a legal punishment, and it is carried out on him”.

Al-Zulmi says that from the sum of the narrations of the Hadiths, we conclude that:

1. The companions' narration agreed that the apostate of his religion was being killed.
2. Most of the narrations were compared to the abandonment of religion by the leaver of the group (i.e., the abandonment of his religion, or Islam by the leaver of the group), in the narrations of Bukhari (And the one who reverts from Islam (apostate) and leaves Muslim"; as well as in a narration by Aisha (may Allah bless her); and Ibn Hajr Al-Asqlani reported in ' Fateh Albari': (group meaning Muslim community).
3. Narrations in which the conversion of religion is made must be strictly restricted by the restriction contained in the restriction, by interpreting the unrestricted by the restricted of their union of cause and judgement, as required by the general rule of fundamentalism.
4. The companions' narrations agreed that the apostate of his religion was being killed, but that the companions' act or statement was not an argument.

Third Topic: Apostate's Rule in Doctrines & the Opinions of Contemporaries

I: Apostate's Rule in Doctrines

Al- Zulmi says "after the cessation of jurisprudence in the Islamic Sharia and the conversion of schools of jurisprudence into doctrines in which replace of the Holy Quran in the operation of Sharia provisions. The associate of those doctrines almost agree that the apostate is killed absolutely, whether the apostasy is in the sense of exiting from or on Islam; whether the cause of the killing is mere apostasy or apostasy with dangerous work against Islam, Muslim society and the Islamic regime. There is no difference, but the disagreement in the repentance of the apostate before he was killed or not.

The apostasy in the Islamic Sharia is punishable by two penalties:

- a. **Original punishment:** Shari'a jurists held that the apostate's penalty was murder. However, the scholars went on to say that it should make him repent before the sentence was imposed, but they disagreed in determining the duration of the sentence, some see that the apostate must be repent immediately, while others see that the matter of repentance is optional for the apostate so if he does not repent, he be killed.

According to the scholars, apostasy is a general punishment for every apostate either is a man or woman. However, Abu Hanifa sees that a woman is not killed by apostasy but is forced on Islam as well as an understanding boy if his Islam is according to his parents and he reaches the apostasy. or if he enters Islam when he was in young age and then reaches an apostasy, or if he bounces at a young age; as well as the rule of Coptic in Islam country, he is sentenced to Islam according to the country as if he were born among Muslims.

- b. **The consequential punishment:** it has two types in which are:
 1. **Confiscation of the apostate's money,** as the scholars indicated that the money of the apostate in which he had collected before his apostasy if he died or killed by apostasy, this money will be for Muslims. While Zaidiya agreed with this matter, Al-Dhahria went on to say that the apostate's money was inherited by the infidels.
 2. **Lack of competence:** The opinion of scholars that apostasy affects the apostate's competence to dispose of his property whether the money is earned before or after apostasy, his actions are not effective, but stop until he repents and returns to Islam, and if he dies on his apostasy, his actions are invalid because it affects money attached to the right of others. While, Abu Yusuf and Mohammed went on to say that the property of the apostate does

not disappear or be an endowment by apostasy. Just by the death or going to war, the property will disappear, thereby making the apostate's conduct permissible in his own money, as in the case of the Muslim.

II: Apostate's Rule in the Opinions of Contemporaries

Some modern scholars have taken different directions from those of Islamic Sharia jurisprudence, and these some of their opinions:

- Sheikh Mohammed Rashid Reza says: "In the Holy Quran, it is not an order to kill the apostate, it is an indication that peaceful apostates who do not fight Muslims and do not derail the obedience of the Government".
- Sheikh Mahmoud Shaltut raised a series of questions concerning the punishment of the apostate in his book *'Islam is a Faith & Sharia'* and then presented his opinion: The point of view on this issue may change if it is noted that many scholars consider that the mandatory punishments are not established by the talk of one's own, and that disbelief itself is not permissible for blood, but for blood is the fight against Muslims, aggression against them, and attempt to fascinate them from their religion, and that the phenomena of the Holy Quran in many verses refuse to coerce religion.
- Dr. Salim Al-Awa says that the killing in the hadiths that demonstrate the apostasy killing are not due to abstract apostasy, but because of the added deviations from the group's regime and security. The abstract intellectual response to departures from the State and its regime does not require the punishment of murder, but rather a punishment that, in the Governor's view, may amount to murder. Dr. Salim Al-Awa's opinion is summarized: "There is no indication in the Holy Quran of a mundane punishment of the apostate, especially murder, and the adoption of scholars in the apostasy judgment based on the Sunnah only.
- Sheikh Jamal Kotb, former Chairman of the Advisory Committee of Al-Azhar (Kotb), rejected all previous opinions of jurists stating that the apostate should be killed, stressing that Islam was based on freedom of belief, and that the apostate's killing was only in a specified period under the apostle. He interprets this hadith (*He who changes his religion (I.e. apostates) kill him*) as it was in a certain period of Prophet's life in Al-Madinah. Kotb explained that it was the battle of the Messenger of Allah (PBUH) with the last categories of Jews in Al-Madinah, Bani Qereqa who lived in ne of Al-Madinah's neighborhoods, so that there was the possibility of polarizing the weak souls to change their religion, so the Messenger of Allah (PBUH) (*He who changes his religion (I.e. apostates) kill him*), but the general origin in Islam is that (No coercion in religion), because Allah Almighty is not worshipped forcibly, and it also asserted that the killing of the apostate was never a limit but a decision called a legitimate policy of a specific order at a specific time, which may not be applied at present.
- Dr. Mustafa Al-Zulmi says: "The innocence of the Quran from the blood of the un-warrior apostate, the conscious reader of Holy Book cannot and will not find the rule of killing the un-warrior apostate, and will not find even one basis for this crime, but quite the opposite. Allah Almighty said: *{Let there be no compulsion in religion; truth stands out clear from Error}*. This generous verse is the general rule guaranteeing freedom of belief and does not accept that anyone be compelled to enter into any religion by any means of coercion.
- Allah Almighty said: *{And remember Abraham said: "My Lord, make this a City of Peace, and feed its People with fruits, - such of them as believe in God and the Last Day". He said: (Yea), and such as reject Faith, - for a while will I grant them their pleasure, but will soon drive them*

to the torment of Fire, - an evil destination (indeed)!. In this verse, we find that Allah has made the rule of the infidel generally the fire of the afterlife. It is explicit, and it has not been called any punishment for blasphemy in the world.

- Dr. Al-Zulmi said: “The rule of killing the un-warrior apostate, and what even the Messenger of Allah applied in his lifetime, and not with his companions. So, how some scholars themselves have not been guardians of Allah and His religion? How does Allah enact an explicit rule in His Holy Book of theft and Adultery, and the rule of apostasy killing is not expressly established in His Book, to be drawn by scholars from a special discourse of driving, let us choose right and satisfy in our religion and follow it.

Fourth Topic: A Fundamentalist Approach to Apostate’s Rule from the Perspective of Al- Zulmi.

1. Interpreting the Unrestricted by the Restricted:

The **unrestricted** is a special term that indicates a common individual or individuals as a matter of communism who has not adhered to some qualities.

The **Restricted** is a special term indicating a common individual restricted by some qualities.

Interpreting the Unrestricted by the Restricted means a statement of the **unrestricted** by the **restricted** or restriction of the **restricted** by **unrestricted**, and scholars are on the permissibility of the **unrestricted** by the **restricted**, but they disagree in cases where this is true. One of the cases agreed upon by fundamentalist scholars to interpret the **unrestricted** by the **restricted** to unite **unrestricted** and **restricted** in judgement and reason. Their judgement is that to interpret the **unrestricted** by the **restricted** by the scholars’ agreement, because the restriction is not control by un-restriction. The **unrestricted** and **restricted** should not differ with the union of cause and judgement, because the single cause requires the incompatible simultaneously, and who will work by **unrestricted**, will work also by **restricted**. While who works by **restricted** and can’t work by **unrestricted**, it should gather them. For example, as Al-Zulmi said: the hadiths related in the matter of killing the apostate:

1. **First Hadith:** *{He who changes his religion (I.e. apostates) kill him}*.
2. **Secnd Hadith:** *“It is not permissible to take the life of a Muslim who bears testimony (to the fact that there is no god but Allah, and I am the Messenger of Allah, but in one of three cases: the married adulterer, a life for life, and the deserter of his Din (Islam), abandoning the community).* The murder in this hadith is not mere apostasy but the restriction is to leave the group. And from the agreed fundamentalist rules that, if one word repeated in two texts, in one that is **unrestricted** and in the other that is **restricted**, the cause and judgement will be one in both, is to interpret the **unrestricted** by the **restricted**.

Al-Zulmi says accordingly, it is restricted to saying *{He who changes his religion (I.e. apostates) kill him}* by leaving the group in which is to act by word, deed or writing against the supreme interests of Muslims and to try to corrupt the land. In addition, according to other texts, the Messenger of Allah is also *(He who changes his religion (I.e. apostates) kill him)* in a special circumstance, that some of the infidels converted to Islam and learned about the secrets of Muslims, and then become apostates and transmitted those secrets to the infidels.

In view of this, Allah Almighty said: *{Forbidden to you (for food) are, dead meat, blood, the flesh of swine, and that on which hath been invoked the name of other than God}* , also He said *{Say: “I find not in the Message received by me by inspiration any (meat) forbidden to be eaten by ne who wishes to eat it, unless it be dead meat or blood poured forth}*”. So, the word “blood” is contained in the first verse is **unrestricted** while in second verse is **restricted** by the fact that it is poured forth. The judgement

in the two verses is the inviolability of blood intake. The reason for the judgement is one, which is the damage caused by blood intake so it is to interpret the **unrestricted** by the **restricted**; blood here means liver, spleen, and blood left in flesh and veins, they are all permissible not forbidden.

Another example for '*tayammum*' (dry ablution): Almighty said: {*And rub therewith your faces and hands*} also He said: {*And ye find n water, then take for yourselves clean sand or earth, and rub therewith your faces and hands*}, the reason in the two verses is one which is the will to pray, and the judgment is also one which is the obligation to rub, so that it is to interpret the **unrestricted** by the **restricted**, and the obligation in '*tayammum*' is to rub the face and hands with clean dust not unclean.

2. Indefinite in the of Negative & Imperative Context:

- In order to understand the sources of Islamic legislation (the Book and the Sunna), which are the reference for each deduction and the legal document of each evidence, so, it is necessary to know the linguistic rules on interpretation of texts. The fundamentalists have taken care of the statement of these rules after their extrapolation of Arabic language methods and the use of words in their meanings, and the semantics of meaning. These rules are called fundamentalists by 'fundamentalist rules', they are necessary to interpret any legal text written in Arabic which is subject to the understanding of its words and expressions of these balances and controls. These rules relate to the wording of texts on the one hand to their use of meanings, and to the word "fundamentalists" in terms of the meaning and its relationship with it, is divided into several sections, including putting the word to the meaning and the word in general.

Generality linguistically: is to encompass a multiplicity of things, verbal or otherwise, and **idiomatically:** it is the word that takes all that works for it from individuals, or it is the word that takes all that works for it according to a single situation without restriction.

Generality has many words and formulations in the indefinite in the of negative & imperative context. One example in the negative context is as Allah Almighty said: {*Let there be no compulsion in religion; Truth stands out clear from Error*} Dr. Al-Zulmi said: "The term" *compulsion* "is an indefinite in which become in negative position as scholars of jurisprudence agreed unanimously, and thus includes the coercion of a non-Muslim to Islam as well as the coercion of the apostate to return to Islam. In other words, the apostate may not be compelled, coerced or assaulted to return to Islam again. He also agrees with the view of the general fundamentalist that coercion is a general term that includes all people, whether Muslim or non-Muslim, and does not concern non-Muslims.

In view of this, Allah Almighty said: {*Nor do thou ever pray for any of them that dies*}, it is pervading all hypocrites, lay the word "anyone" in the context of negative. The Prophet said: {*No father is to killed in retaliation for his son*}. And {*No bequest must be made to an heir*}. It generally includes each bequest because it is in negative context except if the heirs allow that as some narrations said: {*There is no injury nor return of injury*}. It generally benefits if does not have '*ma*' (who), (who) has certainly said it and cannot be interpreted, such as your saying: '*ma rayet mn regal*' (I did not see any man), '*ma gany mn ahd*' (No one came to me).

3. Dependency as one of the sources of Islamic legislation

This is matter is problematic among the fundamentalist audience (Sahabi's saying): The Companion among the fundamentalist is the one who met the prophet (PBUH) with faith in him, and stayed with him for a long time. While among hadith scholars, the companion is who became Muslim in the Prophet time, and died on his Islam, whether or not he was accompanied the Prophet.

After the death of the Prophet (PBUH), his companion, who knew the knowledge and jurisprudence, made a fatwa and judgement between the people, and whose opinions and jurisprudence were conveyed to us. Can we consider these opinions and cases as a source of jurisprudence to which the diligent adheres, and do not go beyond them if the question is not judged, either in the book, or in the Sunnah, or in unanimity? That's what scholars disagree with.

It is not an absolute excuse, and it is the doctrine of Al-Asharah, Al-Matzla, Shi'ah, and Shafi'i, in saying that is acceptable by who Shafia and Ahmad in a narration about him, and he is chosen by some late Al-Hanfiah and Malika. But Ibn Hazem is a denier of the companion fatwa based on the fact that no one can imitate, neither from the companions nor others.

The persons who disagreed to don't take evidence from the Sahabi doctrine, have reasons which are:

1. The Book: Almighty said: *{Take warning, then O ye with eyes (to see)}* Allah Almighty ordered the owners of wisdom to work in *ijthad* (jurisprudence), which is the opposite of imitation, because jurisprudence is the search for evidence, and imitation is to take others' sayings without evidence.: If the doctrine of Sahabi should be followed, it should be presented on measurement, because it is dependent on transmission and hearing, and the thing that is based on transmission is provided on measurement, but the measurement is provided by scholar in inferring on the doctrine of Sahabi as it is known, as it is ranked fourth after Quran, Sunna and Consensus.
2. The companions were unanimous on the permissibility of the violation of each other's rights. If one had said an argument, each of them would have to follow the other, and the denial would therefore fall on the contrary.
3. The companions are from the *ijthad family* and the diligent may be wrong and overstepped. Neither the hardworking subordinate nor the aftermath must work in his doctrine, which it recounts does not rise to the level of the news raised. Therefore, the doctrine of Sahabi is not an independent forensic proof of pure *ijthad*, because the hard-worker may be wrong. It has not proved that the companions bound others with their words, even if it is a great honor of companionship. The place of companionship is undoubtedly great, but it is in virtue, high degree and greatness.

Therefore, the narrations of the companions that the apostate is killed is not an argument, as Dr. Al-Zulmi says, because the Sahabi's words or actions on the weighty saying are not a legitimate binding argument, as Imam Al-Ghazali says in his book '*Al-Mastsfa*' under the title of Sahabi's saying: "It is not an argument, meaning it is not considered a source of Islam jurisprudence, and this is inferred by purely logical mental evidence. It argued that the Sahabi doctrine was an absolute argument and argued that if it disagreed with the analogy, he argued that the argument in Abu Bakr and Omar was special for Messenger saying: *{Take as examples the two after me from my Companions. Abu Baker and Umar}*, and pointed out that the argument was to say rightly guided caliphs if they agreed. From the other hand, there is no argument as to how they argue with the permissibility of the error and how they are called without a frequent argument and how they perceive the infallibility of a people who may disagree and how the infallible people disagree? How did the companions agree that they could infringe on their companions? Abu Baker and Umar didn't deny those who disagree with their jurisprudence, they obligated each *mjtahd* to follow his own jurisprudence. The absence of evidence of infallibility and the fact that they disagree with their permissibility contravened three conclusive evidence the untruthfulness of Sahabi's saying.

If the agreement of the rightly guided caliphs is not an argument, it is better to don't be an argument to say by other companions, followers and doctrines of jurisprudence.

Conclusion

At the end of this research, the researcher found that it is necessary to review the most important findings or conclusions as follows:

1. In combating crimes, Islamic Sharia takes care of both the religious and the mundane aspect. It is more concerned with the preventive aspect with the punitive aspect as well.
2. Islamic Sharia is characterized by a unique system of punishment for crimes of all kinds and circumstances. The appropriate punishment is determined. Any harm must be inflicted as a result of its harm. The Islamic Sharia, when sanctioned, did not aim at aggression, torture of human beings or harm, but rather at reforming human beings and protecting them from vice and corruption, spreading security and stability in Islamic society.
3. The punishment in the Islamic Sharia is aimed at preventing the crime before it occurs, and at achieving the justice after it occurs.
4. The punishment in the Islamic sharia was not self-intended, but for a wisdom God wanted.
5. The purpose of the punishment in Islamic criminal legislation is to prevent human beings from committing crimes and avoiding their evils. Islam's objective in the penal legislation, both within the mandatory punishments and condolence, is to deter those who weaken their faith and seek in the land corruption in order to achieve their wishes and appeals.
6. The apostasy in the Holy Quran refers to the refusal to Islam expressly more than once, and the apostasy and its people in the world and the Hereafter, but it differs in the estimation of its mundane punishment, some of which are not punishable by apostasy, some of which are punishable by murder, such as the punishment of the warrior.
7. Through Quranic verses about apostasy, we have been shown that there is no apparent provision in the assessment of apostasy punishment in the world. And there are also many Quranic verses that include a statement of freedom of belief. Freedom of belief has been conferred on Quranic guarantees that do not include apostasy and do not find a mundane punishment for the apostate except the warrior and the bandits, and the apostate's punishment is guaranteed by God Almighty in the afterlife.
8. We must differentiate between the apostate of Islam and the apostasy on Islam. The Holy Quran also gives each one a certain judgement. Firstly, warrior must be fought. Secondly, a free apostate has penalty in Hereafter. We may not give both a certain judgement.
9. The Messenger of Allah (PBUH) explained the rule of apostasy in many hadiths, sometimes as unrestricted as sometimes as unrestricted. So, it should be to interpret the unrestricted by the restricted as the fundamentalists say if they are united in reason and judgment.
10. Killing in the narrations that indicate to kill the apostate, are not for just apostasy, but because of the additional derogation from the community's system and security. The abstract intellectual apostasy to derogation from the State and its regime does not require the punishment of murder, rather, a punishment of sanction may amount to murder, as the Governor considers it, and there is no indication in the Holy Quran of a mundane punishment of the apostate, in particular murder, The adoption of scholars in the apostasy rule is based only on the Sunnah.
11. According to Dr. Mustafa Al-Zulmi: The innocence of the Quran from the blood of the un-warrior apostate, and that the rule of killing the un-warrior apostate, is not judged by God, and what even the prophet applied in his lifetime, nor his dignified companions, some scholars

themselves have not been guardians of God and His religion. How does God make an explicit judgement in His Holy Book of theft and adultery, and the judgment of the apostate's murder is not expressly established in His book, for scholars to emulate from special narrations of driving.

12. Dr. Mustafa Al-Zulmi says, it is restricted to saying *{He who changes his religion (I.e. apostates) kill him}* by leaving the group in which is to act by word, deed or writing against the supreme interests of Muslims and to try to corrupt the land. In addition, according to other texts, the Messenger of Allah is also *(He who changes his religion (I.e. apostates) kill him)* in a special circumstance, that some of the infidels converted to Islam and learned about the secrets of Muslims, and then become apostates and transmitted those secrets to the infidels.
13. Allah Almighty said: *{Let there be no compulsion in religion; Truth stands out clear from Error}* Dr. Al-Zulmi said: "The term" *compulsion* "is an indefinite in which become in negative position as scholars of jurisprudence agreed unanimously, and thus includes the coercion of a non-Muslim to Islam as well as the coercion of the apostate to return to Islam. In other words, the apostate may not be compelled, coerced or assaulted to return to Islam again. He also agrees with the view of the general fundamentalist that coercion is a general term that includes all people, whether Muslim or non-Muslim, and does not concern non-Muslims.
14. The narrations of the companions that the apostate is killed is not an argument, as Dr. Al-Zulmi says, because the Sahabi's words or actions on the weighty saying are not a legitimate binding argument.

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