Classical Islam

Examining the "classical" period of Islamic history is crucial to understanding Islam in modern times. Scholars define classical Islam as the period from the prophet Muhammad's first revelation in 610 to the fall of Baghdad at the hands of the Mongols in 1258 (Peters, 1995). After Muhammad's death, the four primary schools of Islamic jurisprudence (*fiqh*) were created. The creation of Islamic law was based on jurists' work in the second century of Islam and on the work of jurists in Muslim centres in Mecca, Medina, Basra, Damascus and Kufa (An-Na'Im, 1996). These schools (*madhabs*) were the Hanafites, Malikites, Shafi'ites and the Hanbalites. These schools had a divergent range of influence and spread in the Islamic world. North Africa and Islamic Spain adhered to the Malikite school (Peters, 2015). The Hanafites dominated central Asia. The Shafi'i school spread into parts of Syria and Egypt, but the school lost its influence during the Fatimid rule in Egypt (Khadduri, 1955).

According to all four schools (*madhabs*), the punishment for leaving the faith of Islam is the death penalty. The schools reached a consensus (*ijma*) about this penalty. According to an authentic hadith statement, the prophet said, "Let he who changes his Islamic religion kill him" (Bukhari 9:84:57). Apostasy (*ridda*) is considered a hadd crime in Islamic law. It can entail public renunciation of the faith and disrespectful acts towards the Quran (Peters, 2006). The apostate (*murtadd*) is given three days to reflect on their conversion before the sentence of execution. Despite the agreement among schools of Islamic law, there is a deal of variation among the schools of Islamic law in how apostasy is addressed. Al-Shāfi'i, founder of the Shafiʿi school of Islamic jurisprudence, held that apostates should be put to death. He says, "The apostate has committed a more serious crime than someone who has been a polytheist all along"

(Al-Alwani, 2011, p. 105). Abu Hanifa and his adherents did not classify apostasy as a punishment for which there was a divinely required punishment. Hanafite jurists declared that female apostates should not be put to death (Al-Alwani, 2011). A boy who has reached intellectual maturity is not to be killed but imprisoned. However, male adults are killed as they base this decision on the hadith but do not adduce Quranic evidence for this ruling. The Maliki ruling makes no distinction among apostates as men and women are to be put to death (Al-Alwani, 2011).

There have been many examples throughout the Islamic history of Apostasy, and not every one of these cases resulted in the apostate (*murtadd*) being executed. Ibn Hisham, one of the biographers of the prophet Muhammad, recorded that Ubayd Allah left Islam and became a Christian when he left for Abyssinia, and he remained Christian until his death. Hisham writes, "Ubayd Allah would pass by the prophet's companions in Abyssinia and say to them, "We have seen the truth whereas you are trying to gain your sight" (Al-Alwani, 2011, p. 47). The prophet Muhammad encountered early believers who left the faith but did not put them to death. The Imam Bayghi reported that "Ash-Shafi said: Some people believed and then committed apostasy and then displayed faith again and the Messenger of Allah, peace and blessings be upon him, did not kill them" (Perennial Vision, 2017).

However, some of the prophet's followers did not always show examples of clemency to those who had left the faith. Ali, the fourth caliph of Islam, burnt some atheists (*zanadiqa*). A hadith narrates that, "Some atheists (*zanadiqa*) were brought to Ali, and he burnt them. The news of this event reached Ibn `Abbas, who said, "If I had been in his place, I would not have burnt them, as Allah's Messenger forbade it, saying, 'Do not punish anybody with Allah's punishment (fire).' I would have killed them according to the statement of Allah's Messenger, 'Whoever

changed his Islamic religion, then kill him.'" (Sahih Al-Bukhari 9:84:57). In modern times, examples of apostates being killed or persecuted have reached the media's attention internationally. Abdul Rahman was an Afghani businessman who converted to Christianity while working abroad in Pakistan. He was arrested when he returned to Afghanistan, and the prosecutor wanted to inflict the death penalty (Albone, 2010). After intervention from the US Secretary of State Condoleeza Rice and Italian Prime Minister Silvio Berlusconi, he was released from jail and found asylum in Italy in March of 2006. Farag Fawdah was an Egyptian scholar killed in 1992 because radical Islamic groups condemned his teachings and viewed him as a murtadd and deserving of the death penalty (Brown, 2007). He was a proponent of the view that a secular state would be more beneficial for Egypt, which angered radical Islamists. Mahmoud Mohammed Taha was a Sudanese reformer and scholar the Sudanese government executed in 1985 for criticizing its laws. In his mind, the Numeri regime was imposing a form of Sharia law that violated the principles of Sharia law and Islam itself. Taha wrote, "These laws also jeopardize the national unity of the country by discriminating against non-muslim citizens" (An-Na'Im, 1996, p. 14). In the case of Sudan, this was an example of Islamist governments who ignored the concept of (*istitabah*), which was an invention to repent. This concept, in turn, became a legal loophole that, in many cases, prevented the punishment of Apostasy from being carried out (Amanat & Griffel, 2007).

In light of these events associated with Islamic law, what is the nature of Islam concerning human free choice? Can Islam give people the right to change or abandon their religion without the threat of imprisonment or execution? The first issue is to examine the hadith that seems to have the prophet commanding apostates to be killed. Abdullah Saeed, professor of Arabic and Islamic Studies at the University of Melbourne, notes that "given the hostility and the

state of war that often existed between the Muslims and their opponents, converting from Islam generally took a person out of the Muslim community and placed them in that of their opponents" (Saeed, 2018). Apostasy in the times of early Islamic history was filled with tribal conflicts, which was not the same thing as a person choosing to embrace another religion. It is crucial not to view apostasy from an anachronistic viewpoint.

Additionally, scholars believe the consensus of this hadith's meaning by the prophet's companions was focused more on waging war against the apostates of Abu Bakr's era and not a matter of personal choice (Saaed, 2018). The Islamic reformer Maajid Nawaz explains that "the criminalization of apostasy comes from a solitary hadith that appears to be inconsistent with other hadith and even certain passages of the Qur'an" (Nawaz et al., pg.81, 2015). The second issue is the stance that the Quran takes towards personal freedom to choose or reject the faith of Islam. Abdullah An-Naim explains, "Although apostasy (*ridda*) is condemned in the strongest terms, there is no punishment in this life" (An-Na'Im, pg.109, 1996).

The Quran in Surah 2:256 states that "there is no compulsion in religion. The right direction is henceforth distinct from error". Muslim scholars, indeed, have a wide variety of opinions on the meaning of this verse. Some scholars did believe that this command was abrogated by the command to fight in Surah 9. Another interpretation of this verse contended that it was being applied to religious minorities who were paying the poll tax (*jizya*) under the Islamic polity. This interpretation generally included Jews and Christians but later included Zoroastrians (Crone, 2016). However, many modern Islamic scholars contend that this verse allows for religious freedom, and no person should be forced to become Muslim. The Iranian scholar Naser Makarem Shirazi published a work in 1974 arguing that there was no need to convert people by force because the evidence for Islam being true was clear (Crone, 2016). The

Egyptian scholar Mahmud Shaltut commented on this verse in 1948 by saying, "We can conclude that there is no reason or justification for anyone to believe or presume that Islamic da'wah forces people to believe in Islam using the sword or combat" (Khraisha, 2012). In Surah 18:29, the Quran says, "And say the truth is from your Lord. Now whoever so wills may believe and whoever so wills will deny". Ibn Kathir, an influential scholar who wrote a commentary (*tafsir*) on the Quran, believed that this verse meant that Muslims should not "force anyone to become Muslim, for Islam is plain and clear and its evidence is plain and clear" (Kathir, 2021). The Indonesian reformer Nurcholish Madjid contends that "the matter of leaving the faith is the decision of God on judgement day, not for a state" (Esposito, 2013, p. 96).

Reformers like Madjid might be accused of being influenced by secular thinkers, but even in more conservative Islamic countries, the issue of apostasy is being revisited. Sheikh Ali Goma, the former grand mufti of Egypt, stated in a 2017 speech that an apostate must not be killed. He explained that "there are many incidents in Islamic history that prove there were cases of people converted from Islam to other religions without any punishment, like Obeidullah ibn Jahsh, who converted from Islam to Christianity and the companions of Prophet Muhammad did nothing to him (Egypt Today). Sudan, a country that has been notorious for the execution of Mahmoud Mohammed Taha and its strict Sharia law, passed an amendment in 2020. This amendment banned female genital mutilation and the death penalty for apostates and allowed non-muslims to drink alcohol (Amin, 2020).

Jihad

Another aspect of Islam that is a contentious issue is the doctrine of jihad. The Arabic word jihad comes from the Arabic root j-h-d, which means striving or effort. It is used in classical texts to refer to a struggle or fighting (Lewis, 2004). Also, as Nicolai Sinai notes,

"Perhaps surprisingly to some Western readers, the Quran assumes the expectation that the Believers will be prepared to kill and be killed for the sake of salvation to be shared by the Torah and the Gospel" (Sinai, 2017, p. 191). The first thing to note is that the concept of jihad and rules of warfare has a strong basis in the jurists of the classical era. Majid Khadurri explains that "jihad in the broad sense of exertion does not mean war or fighting since exertion may be achieved by peaceful as well as violent means" (Khadurri pg.56, 1955). Scholars believe that certain surahs of the Quran were revealed in Mecca, while others were revealed when Muhummad was in Medina. In the Meccan revelations, jihad was a struggle for peaceful persuasion that the Muslims used to convince the Quraysh to join the new movement. In the Medinan period, jihad was associated with strife and armed conflict (Khadurri,1955). For many classical jurists, jihad was missionary warfare. The jurist Ibn Rajab writes, "If they adopt our creed, well good, if not, we put them to the sword" (Crone, 2005, p. 369). Al-Halimi expressed jihad as "calling people to Islam and backing the call with violence (*qital*) when necessary" (Crone, 2005, p. 369). Jihad was seen as a duty incumbent on all Muslims. The jurist al-Shāfiʿwrote, "Responding to the call of jihad is incumbent on everyone able to engage in it" (Shafiʿi, 2015, p. 154). In classical Islamic theory, Islam and polytheism (*shirk*) cannot coexist in this world. The world, by the jurists, was divided into two worlds, the house of war (*dar al-Harb*) and the house of Islam (*dar al-Islam*), and these two spheres were always at least theoretically at war (Khadduri, 1955). However, as the scholar Patricia Crone notes, "The summons to Islam, if delivered, were meant to be peaceful, and if the non-Muslims accepted them, the war was over" (Crone, 2005, p.370). Classical scholars agreed that a summons to Islam must precede warfare (Peters, 2015).

Warfare had to follow specific rules and criteria according to classical jurists. According to a tradition in Sahih Muslim, the prophet forbade killing women in combat. The hadith reads, "It is narrated by Ibn 'Umar that a woman was found killed in one of these battles; so the Messenger of Allah forbade the killing of women and children" (Sahih Muslim 1744:8:32). Likewise, in a tradition from Imam Malik ibn Abbas, the prophet is recorded to have said, "The messenger of Allah, may Allah bless him and grant him peace, forbade those that fought Ibn Abi Huqayq to kill women and children" (Malik Ibn-Anas, 21.3). Later in the 13th century, the Hanbalite Syrian theologian Ibn Taymiyyah wrote,"Whoever has heard the summons of the messenger of God and has not responded to it must be fought" (Peters, 1995, p. 44). He reiterated the rules of warfare of earlier jurists by arguing that "As for those who cannot offer resistance or cannot fight such as women, children, monks they shall not be killed" (Peters, 1995, p.44).

What can we make of Islam today in light of a vast range of classical literature and modern terrorist movements commending warfare and the supremacy of Islam? Can Islam peacefully coexist with other religions and cooperate with secular states in today's world? It is essential to investigate the influence of what many historians call "the father" of radical Islam, Sayyid Qutb. Qutb was an educated man who admired the West as a young man. He travelled to the United States in 1949 to study educational organizations, and what he saw changed his life and thinking (Esposito, 2013). He perceived the United States to be full of materialism, greed, and an anti-Arab bias. His return to Egypt led to him joining the Muslim Brotherhood, which later resulted in his imprisonment. This was the main factor that led him to espouse the idea of a militant jihad against anti-Islamic governments, the neo-colonial West, and the Soviet Union. Qutb's writings have inspired al-Qaeda, Osama Bin Laden, al-Jihad and the Islamic State (Sivan, 1990).

The writings of Qutb, classical and medieval writers and modern-day terror groups may provide an image that jihad is a holy war against all unbelievers. However, is this the reality of what all Muslims believe, and how can jihad be understood? First, not all classical authors adhered to the notion of jihad as a duty of warfare against all unbelievers. Surah 2:216, which reads, "Fighting is proscribed for you", was taken by many classical jurists to support the duty of Muslims to fight. According to the Islamic historian al-Tabari, the 8th-century Medinan scholar Ata b. Abi Rabah took the verb *kum* translated in English as "you found in Surah 2:216 to refer only to the first generation of Muslims (Afsaruddin, 2015). For Abi Rabah, the command to fight the unbelievers in future generations did not apply to the text of the Quran. In the eleventh century, the scholar al-Wahidi echoed this view that fighting only had temporary applicability as it was referencing the pagan Arabs who were hostile to the message of Muhammad (Afsaruddin, 2015).

Secondly, examining the reception history of the doctrine of jihad is crucial. Islam, like other religions, contains a vast range of exegetical and theological opinions, which is very relevant to how Muslims today view the concept of jihad. Despite the classical doctrine that considers wars against unbelievers acceptable, since the second half of the 19th century, modernist authors have asserted that relations between Islamic and other states must maintain a peaceful relationship (Peters, 1995). For modernist writers, the militant nature of jihad in classical texts is due to the situation in the early days of Islam. One of the first modernist writers to express a different view of the doctrine of jihad was the Indian scholar Sayyid Ahmad Khan. Khan wrote, "First, what is jihad? It is war in defence of the faith", and he emphasized, "there must be a positive oppression or obstruction to the Muslims in the exercise of their faith." (Peters, 1995, p. 123).

For Khan, jihad is only essential for defensive reasons. The Syrian writer Wahbah Al-Zuhayli was a 20th-century modernist Muslim author who proposed a different view of jihad. Al-Zuhayli argues that peace should be the leading principle between Muslims and non-Muslims (E. Amin, 2015). However, the call for peace does not condone occupation by outside forces. For Al-Zuyhali, repealing outside foreign aggression, in the case of the occupation of Palestine and the American invasions of Iraq and Afghanistan, are examples where defensive military jihad is allowed (E. Amin, 2015). It's important to note that modern scholars' views on defensive jihad depend not on individual Muslims but on collaboration with other scholars (E. Amin, 2015). Islamic scholars from various locations have gathered in the Egyptian-based Supreme Council for Islamic Affairs since the 1990s onward. To explain the attitudes of Muslims towards non-Muslims in light of the September 11 attacks, a council in 2003 saw scholars from 56 different countries collectively agree that peace is essential between Muslims and non-Muslims, and war is only allowed in self-defence (E. Amin, 2015).

The 19th-century Sudanese scholar Mahmoud Mohammed Taha held a similar view in his work The Second Message of Islam. For Taha, there were two different messages of Islam. The first message of Islam is centred on when Muhammad fled to Medina, where the rules of jihad emerged. Some scholars believed that the peaceful verses of coexistence were abrogated by the verses interpreted by classical authors to legislate warfare against the unbelievers. Taha writes, "After the migration to Medina and the abrogation of the verses of peaceful persuasion, the verses of compulsion by the sword prevailed (A. An-Na'Im, 1996, p. 126). For Taha, the second message of Islam was the Meccan Quran, which was faithful Islam. Taha writes, "We must now elevate legislation by evolving and basing it on the original Quranic verses; in this way, we shall welcome the age of democracy and socialism and open the way to absolute

individual freedom through worship and humanely dealing with other people (A. An-Na'Im, 1996, p. 160). For Taha, there is no need for the concept of jihad or using force to propagate Islam because honest Islam would give freedom and deal kindly with all people. Taha believed the second message of Islam embraced social and political equality and that Islam and modernity was fully compatible through a revitalized transformation mixing tradition with modernity (Mahmoud, 2006).

Apart from the notion of self-defence, many modern Muslims see jihad as more of a spiritual struggle in the path of God as opposed to a military struggle. Linda Sarsour is a political activist and women's rights leader. She made a speech in 2017 in which she said, "I hope that when we stand up to those who oppress our communities, Allah accepts from us that as a form of jihad" (Abrams, 2017). Sarsour was making these comments in response to the election of former President Donald Trump, who, because of his election, believed that there were "white supremacists and Islamophobes reigning in the White House" (Abrams, 2017). Sarsour interprets jihad as a struggle against an unjust ruler in the United States. Afdhere Jama is a Somali American Muslim who immigrated to the United States as a teenager. Jama is the author of *Queer Jihad*, a book that describes LGBT Muslims' struggles. In *Queer Jihad*, Jama compiles the stories of homosexual Muslims and the backlash, hate and even death threats they received from conservative Muslims. For homosexual Muslims, jihad is the struggle to accept who they are while retaining their Islamic faith (Jama, 2014).

In conclusion, I am not suggesting that a majority of Islamic scholars agree that jihad is purely defensive or a spiritual struggle. A vast amount of literature from classical and modern times suggests the militant nature of jihad. However, there do exist modernist and reformist thinkers who express different views. The doctrine of apostasy has been revisited and is not

always carried out by those who leave the faith. Nor am I suggesting that Muslims have unanimously held that verses like 2:256 entailed religious freedom; the aforementioned article by Patricia Crone gives many examples of those that held different views on this verse. Despite a wide variety of interpretations, many interpreters of the Quran believe that the text does grant religious freedom to all and that apostates should not be punished with the death penalty.

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