

The Judgments against Blasphemy of Prophet Muhammad (peace be upon him) in the light of *Kitāb 'l-Shifā*

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Abstract: Qadī Ayyād malkī was a famous scholar of the west. He compiled his famous book under the title of "*al-Shafā bit'arīf-e-huqūq-e-mustafā*" for defending the rights of the Prophet (peace be on him). The miracles given to the prophet together with their special characteristics are also explained in a very splendid way. The obligation to believe, to love, to praise, to respect, to honour the Prophet (peace be on him) and obey him and follow his way (sunna) is described logically and beautifully in this book. Qadī Ayyād, in last chapter of *al-Shifā*, presented different aspects of the legal judgments as for the one who disparages or reviles the Prophet (peace be upon him). This article is about the judgment on those who blaspheme the Prophet Muhammad (peace be upon him) in the light of book "*al-Shafā bet'arīf-e-huqūq-e-mustafā*". It explains what is considered a blasphemy when mentioning Prophet (peace be upon him) and ruling against those who harm him, cut him off, blaspheme or curse him. It specifies the punishment and the way to repent on this action. The ruling is also discussed against the person who blaspheme Allah almighty, His Prophets (peace be upon them), their families and companions to conclude this article.

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Introduction

Praise and exaltation be upon the Almighty Allah, who has bestowed honor upon the Holy Prophet (peace be upon him) and integrated it within the Qur'an. The Almighty, in His divine decree, left no room for inadequacy in His condemnation of the insolent. He commanded humanity to venerate the Prophet (peace be upon him) in all respects. Tafseer Baghwi elucidates in its explanation of verse number 9 of Surah Fatah that no endeavor should be spared in the service and exaltation of the Prophet (peace be upon him).

Regarding the punishment for those who show insolence toward the Prophet, during his prophethood and immediately thereafter in the era of the Companions, and in the Muhammadan Sharia, it remains that death is the ultimate penalty for such insolence. A comprehensive and lucid discussion on this subject is a fundamental part of education, preserving its recognized vocabulary while maintaining a balanced tone, neither augmenting nor diminishing it. Those who ridicule or show disrespect towards Prophet Muhammad (Peace be upon him) will encounter severe consequences both in this life and the hereafter. The Prophet stands as the final Messenger of Allah, and his words and teachings demand reverence. Those who fail to exhibit respect will face significant punishment in this life and the hereafter. Allah has pledged paradise to those who adhere to the guidance of Prophet Muhammad (Peace be upon him) and follow his commandments. Conversely, those who mock or disrespect him will confront the torment of hellfire due to their disregard for one of the paramount figures in Islamic history. Respect for the Holy Prophet Muhammad (Peace be upon him) stands as a fundamental principle in Islam. It is imperative to exhibit profound reverence for him to truly embody the essence of being a Muslim. Numerous Hadiths underscore the paramount significance of honoring and respecting the Holy Prophet Muhammad (Peace be upon him). Among these is:

﴿وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ سَبِيلِ الْمُؤْمِنِينَ نُوَلِّهِ مَا تَوَلَّىٰ وَنُصَلِّهِ ۖ
جَهَنَّمَ ۖ وَسَاءَتْ مَصِيرًا﴾¹

"Whoever disobeys the Messenger after guidance has become clear to him, and follows other than the way of the believers, we will turn him over to what he has chosen and make Hellfire a fitting punishment for him."

¹ al-Qur'an 4:115

The retribution of those who mock the Prophet Muhammad ﷺ

The esteemed Islamic scholar, Al-Qadi Abul Fazal (R.A), meticulously employs the Holy Quran, Hadith, and the collective consensus of religious scholars to elucidate the multitude of responsibilities inherent in honoring and venerating the Prophet (Peace be upon him). He expounds upon the tremendous rewards awaiting those who dutifully fulfill these obligations. Simultaneously, he delineates the severe punishment and unequivocal censure directed towards those who dishonor the Prophet (Peace be upon him). Allah Almighty Says:

﴿إِنَّ الَّذِينَ يُؤْذُونَ اللَّهَ وَرَسُولَهُ لَعَنَهُمُ اللَّهُ فِي الدُّنْيَا وَالْآخِرَةِ وَأَعَدَّ لَهُمْ عَذَابًا مُهِينًا﴾

"Verily those who mock Allah and His Messenger (Peace be upon him) Allah has cursed them in this world, and in the Hereafter, and has prepared for them a humiliating torment"²

﴿وَالَّذِينَ يُؤْذُونَ رَسُولَ اللَّهِ لَهُمْ عَذَابٌ أَلِيمٌ﴾

"And those who insult Allah's Messenger (Muhammad (Peace be upon him)) will have a painful torment,"³

﴿وَمَا كَانَ لَكُمْ أَنْ تُؤْذُوا رَسُولَ اللَّهِ وَلَا أَنْ تُنكِحُوا أَرْوَاجَهُ مِنْ بَعْدِهِ أَبَدًا إِنَّ ذَلِكَ كَانَ عِنْدَ اللَّهِ عَظِيمًا﴾

"And it is not (right) for you that you should offend Allah's Messenger ((Peace be upon him)), nor that you should ever marry his wives after him (his death). Verily, with Allah that shall be a great transgression."⁴

Allah Almighty Also shows us how to show immense respect to his beloved he says:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقُولُوا رَاعِنَا وَقُولُوا انْظُرْنَا وَاسْمَعُوا وَلِلْكَافِرِينَ عَذَابٌ أَلِيمٌ﴾

"O you who believe! Do not say (to Muhammad (Peace be upon him)) Ra'ina (Listen to us! As the Jews would say) but say, 'unzurna' (make us understand) and hear. And for the disbelievers there is a painful torment."⁵

² al-Qur'an 33:57.

³ al-Qur'an 9:61.

⁴ al-Qur'an 33:53.

⁵ al-Qur'an 2:104.

The rationale behind Allah Almighty's prohibition of a particular word was due to its usage by the Jews with intent to disrespect. This word conveyed the meaning of "Listen to us and then we will listen to you," implying their reluctance to accept anything the Prophet (Peace be upon him) had to convey unless he accepted them first. To deter emulation of such discourteous behavior, Allah Almighty prescribed a far more appropriate word that demonstrates respect, honor for the Prophet (Peace be upon him), and goodwill from the speaker. This is elucidated in the aforementioned Ayah (Unzurna). Furthermore the prophet peace be upon him at the time also prohibited anyone from holding his blessed nickname as mentioned in the hadith:

قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ أَبُو الْقَاسِمِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ «تَسَمَّوْا بِاسْمِي، وَلَا تَكْنَوْا بِكُنْيَتِي»

"Let you be named by my name, but don't hold my nickname"

The rationale behind this directive was to protect Hazrat Muhammad (Peace be upon him) from potential insults. An incident transpired where a man called out to the Prophet (Peace be upon him) in a disrespectful manner by using the phrase "Oh Abul Qasim." Subsequently, he denied having addressed the Prophet (Peace be upon him) amidst others who also bore this nickname, leading to confusion in the Prophet's presence. Consequently, the Prophet (Peace be upon him) prohibited anyone from adopting this nickname to prevent interactions with hypocrites who might mock him or sarcastically call out alongside those who shared the name "Abul Qasim." The objective was to avert any confusion, hence he exclusively reserved the nickname for himself during his lifetime. However, later scholars deemed it permissible for others to use his nickname..

The View of scholars of holding the nickname of Prophet (ﷺ)

Certain scholars advocate the permissibility of using the Prophet's (Peace be upon him) nickname as a means of elevating and venerating his status. They regard adopting this nickname as not only permissible but also desirable and commendable as it serves to honor him.

6- Abu Abdullah Muhammad bin Yazeed ibn Maja Qazwini, al- Sunan, Darul taseel, (Arabi 1435 H) Hadith: 3735.

Contrarily, Allah Almighty Himself has prohibited people from directly adopting the Prophet's (Peace be upon him) nicknames, as mentioned in the Holy Quran. This divine prohibition stands as a clear directive against self-identification with the Prophet's distinctive names or titles. as he mentions in the Holy Quran

﴿لَا تَجْعَلُوا دُعَاءَ الرَّسُولِ بَيْنَكُمْ كَدُعَاءِ بَعْضِكُمْ بَعْضًا﴾

"Make not the calling of the Messenger [Muhammad ((Peace be upon him))] among you as your calling between one another."⁷

During that time, Muslims would often address the Prophet by saying 'O Allah's Messenger' or 'O Allah's Prophet,' and occasionally, they would refer to him by his nickname 'Abul Qasim'.

In correlation with this Quranic verse, Hazrat Anas (May Allah be pleased with him) indicated a discomfort with people being named after the Prophet (Peace be upon him). This discomfort stemmed from the concern that individuals might neglect their responsibility to honor the Prophet (Peace be upon him) directly and, instead, inadvertently show disrespect indirectly. Hazrat Anas (RA) says:

وَقَدْ رَوَى أَنَسٌ رَضِيَ اللَّهُ عَنْهُ عَنْهُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَا يَدُلُّ عَلَى كَرَاهَةِ التَّسْمِي بِاسْمِهِ وَتَنْزِيهِهِ عَنِ ذَلِكَ إِذَا لَمْ يُوقَرَّ، فَقَالَ تُسْمُونَ أَوْلَادَكُمْ مُحَمَّدًا ثُمَّ تَلْعَنُونَهُمْ⁸

"Do you name your children Muhammad and then curse them?"

Hazrat Umar (RA), in an effort to prevent potential disrespect, dispatched a letter to the people of Al Kufa (Iraq), instructing them not to name individuals with any of the names of the Prophet (Peace be upon him). This incident is narrated by Al Ja'fary Muhammad Bin Sa'd. It is reported that Hazrat Umar (RA) took action when he witnessed a man named Muhammad being cursed by another individual, who uttered derogatory phrases like "O Muhammad, Allah has inflicted such and such upon you"!

In response, Hazrat Umar (RA) expressed to his nephew, Zaid bin Al Khattab, "I refuse to witness Muhammad (Peace be upon him) being cursed due to your name. By Allah, as long as I am alive, you will not be called 'Muhammad.'" Subsequently, he named him Abdur-Rahman.

Moreover, the Prophet (Peace be upon him) has foretold that 'Al

⁷- al-Qur'an 24:63.

⁸- Abu Abd-Allah Muhammad ibn Abd-Allah al-Hakim al-Nishapuri, al-mustadrik ala sahiheen (Beirut: Dar alfikar elmia, 1411 H) Hadith: 7795

Mahdy' would also bear his name and nickname, implying the permissibility of holding his name.

Additionally, the Prophet (Peace be upon him) himself bestowed his name upon several companions. For instance, companions such as Muhammad bin Talha, Muhammad bin 'Amr bin Hazm, Muhammad bin Thabit bin Qais, and numerous others were named by the Prophet (Peace be upon him).

The Prophet (Peace be upon him) also states:

مَا ضَرَّ أَحَدَكُمْ أَنْ يَكُونَ فِي بَيْتِهِ مُحَمَّدٌ وَمُحَمَّدَانِ وَثَلَاثَةً⁹

“None of you will be harmed if his house comprised of one, two or three people named 'Muhammad' (or 'Ahmad')”

The verdict of scholars upon blasphemy of Prophet Muhammad ﷺ

If an individual ever engages in abusive, mocking, or offensive behavior toward the Holy Prophet (Peace be upon him) through implicit speech or gestures, such actions are perceived as an assault on our faith. Consequently, the perpetrator is considered an outcast and a person of ill repute. The prescribed punishment for such offenses, agreed upon by the consensus of esteemed scholars and jurists among the blessed companions (May Allah almighty be pleased with them all), is the penalty of death, without any hesitation or uncertainty.

Malik bin anas, Al-Laes, Ahmad, Ishaq and the imam Shafi's school of jurisprudence adopt the verdict of Abu Bakr bin al Mundhir he says

أَجْمَعَ عَوَامُ أَهْلِ الْعِلْمِ عَلَى أَنْ مَنْ سَبَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُقْتَلُ وَمَنْ قَالَ ذَلِكَ مَالِكُ بْنُ أَنَسٍ وَاللَّيْثُ وَأَحْمَدُ وَإِسْحَاقُ وَهُوَ مَذْهَبُ الشَّافِعِيِّ قَالَ الْقَاضِي أَبُو الْفَضْلِ وَهُوَ مُفْتَضَى قَوْلِ أَبِي بَكْرٍ الصَّدِيقِ رَضِيَ اللَّهُ عَنْهُ وَلَا تُقْبَلُ تَوْبَتُهُ عِنْدَ هَؤُلَاءِ،¹⁰

“The majority of scholars unanimously agreed on inflicting the judgment of killing on the one who curses the Prophet ((Peace be upon him))”

Moreover, it's worth noting that Imam Abu Hanifa and his fellow companions, alongside the people of Al Kufa and Al Awzai, also

⁹- Abul fadal Muhammad bin al muqadasi shabani, masaalat us tasmia, (Jaddah, maktaba tus sahaba, 8 zol haja 1431H), 3.

¹⁰- Taqi udin Ali bin abdul kafi as sabki, As saf ul maslol ala man sabba rasool (uman, dar ul fath 1421H), 166.

endorse this judgment. They assert that such actions amount to 'Apostasy,' signifying that the perpetrator goes against Islam and is consequently regarded as a disbeliever.

Furthermore, numerous scholars like Al Walid bin Muslim and Mohammed bin Sahnun have shed light on these rulings and share similar viewpoints, aligning with the perspectives of Imam-e-Azam and Imam Malik.

Matters and evidence regarding to shedding the blood of the abuser/apostate.

Numerous regions, predominantly under Muslim control, have a unanimous consensus on the execution of the offender, considering them as an apostate. This consensus is supported by the account of Hussain bin Khalid, who narrates an incident involving the esteemed companion and warrior, Khalid Ibn Walid. Khalid Ibn Walid executed a man named Malik bin Nuweirah due to his blasphemous remarks directed at the Prophet (Peace be upon him).

A narration by Hazrat Usmanin Al-mabsut:

وَفِي الْمُبْسُوطِ عَنْ عُثْمَانَ بْنِ كِنَانَةَ مَنْ شَتَمَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنَ الْمُسْلِمِينَ قُتِلَ أَوْ صُلِبَ حَيًّا وَلَمْ يُسْتَتَبْ¹¹

“Whoever abuses, reviles or dishonours the Messenger of Allah ((Peace be upon him)), is to be killed or crucified alive, without being asked for repenting, and the ruler has the option either to crucify him alive or kill him.”

In the Book compiled by Muhammad bin Ibrahim, it is said: the companions of Malik told us that he said

مَنْ سَبَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَوْ شَتَمَهُ أَوْ عَابَهُ أَوْ تَنَقَّضَهُ قُتِلَ: مُسْلِمًا كَانَ أَوْ كَافِرًا وَلَا يُسْتَتَبُ¹²

“Whoever reviles the Prophet ((Peace be upon him)) or any of the Prophets; whether he is a Muslim or an infidel is to be killed, without being asked for repentance.”

Abu Al-Mus'ab and Ibn Abu Uwais narrates

“We heard Malik saying: whoever reviles and abuses or offends the messenger ((Peace be upon him)), is to be killed, whether he is a Muslim or a disbeliever, without being asked for repentance”

Ahmad bin Sulaiman, the companion of Sahnun, said

13: مَنْ قَالَ إِنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ أَسْوَدَ، يُقْتَلُ

11- Taqi udin Ali bin Abdul Kafi as Sabki, As Saf ul Maslul ala Man Sabba Rasool (uman, dar ul fath 1421H), 127

12- Abu Muali Mahmood Shakri bin Abdullah al Alosy, Ghayatul Amani fi Raddi ala Nabhani, (Saudi Arabi Maktaba Tur Rushd 1422H) 487.

13- Taqi udin Ali bin Abdul Kafi as Sabki, As Saf ul Maslul ala Man Sabba Rasool (uman, dar ul fath 1421H), 407

Whoever says, 'the Prophet ((Peace be upon him)) was (of) black (complexion) (so as to disparage and offend him), is to be killed. Considering the aforementioned narrations, it can be deduced that scholars unanimously advocate the verdict of capital punishment(Killing) for those who dishonor or blaspheme Hazrat Muhammad (Peace be upon him) without any dissent or disagreement.

The Proof of Making it incumbent to kill the One Insulting or Dishonouring the Prophet (ﷺ).

According to the evidence presented from the Qur'an, it is clear that Allah curses those who insult the Prophet (Peace be upon him) in both the worldly life and the Hereafter. Moreover, associating anything derogatory with the Prophet (Peace be upon him) is regarded as an affront to Him. This conclusion underscores the unanimous agreement regarding the execution of individuals who abuse the Prophet (Peace be upon him). It's understood that Allah's Curse is upon the disbeliever, and thus, the legal ruling concerning them is capital punishment.

Allah almighty also says:

﴿إِنَّ الَّذِينَ يُؤْذُونَ اللَّهَ وَرَسُولَهُ لَعَنَهُ اللَّهُ فِي الدُّنْيَا وَالْآخِرَةِ وَأَعَدَّ لَهُمْ عَذَابًا مُهِينًا﴾

“Verily, those who annoy Allah and His Messenger ((Peace be upon him)) Allah has cursed them in this world, and in the Hereafter, and has prepared for them a humiliating torment”¹⁴

Allah Almighty also says

“If the hypocrites, and those in whose hearts is a disease and those who spread false news among the people of Medina stop not, we shall certainly let you overpower them: then they will not be able to stay in it as your neighbors but a little while”

﴿مَلْعُونِينَ أَيْمَانُنْهُمُ أَخَذُوا وَقَتْلُوا تَقْتِيلًا﴾

“The cursed ones they shall be seized wherever found, and killed with a (terrible) slaughter”¹⁵

Allah the Supreme also says:

¹⁴⁻ al-Qur'an 33:57.

¹⁵⁻ al-Qur'an 33:60-61.

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَرْفَعُوا أَصْوَاتَكُمْ فَوْقَ صَوْتِ النَّبِيِّ وَلَا تَجْهَرُوا لَهُ بِالْقَوْلِ كَجَهْرِ بَعْضِكُمْ لِبَعْضٍ
أَنْ يَحْبُطَ أَعْمَالُكُمْ وَأَنْتُمْ لَا تَشْعُرُونَ﴾

"O you who believe! Raise not your voices above the voice of the Prophet ((Peace be upon him)), nor speak aloud to him in talk as you speak aloud to one another, lest your deeds should be rendered fruitless while you perceive not. "¹⁶

وَلَا يُحِبُّ الْعَمَلُ إِلَّا الْكُفْرَ وَالْكَافِرَ يُقْتَلُ 17

"Nothing renders the deeds fruitless but disbelief, and the disbeliever is to be killed"

Allah Almighty also says

﴿وَمِنْهُمْ الَّذِينَ يُؤْذُونَ النَّبِيَّ وَيُقُولُونَ هُوَ آذَنٌ﴾

"And among them are men who annoy the Prophet [Muhammad ((Peace be upon him))] and say: "He is (lending his) ear (to every news)." Say: "He listens to what is best for you; he believes in Allah, his faith in the believers, and is a mercy to those of you who believe. Likewise Allah the Supreme said,

﴿وَلَيْن سَأَلْتَهُمْ لَيَقُولُنَّ إِنَّمَا كُنَّا نَخُوضُ وَنَلْعَبُ قُلْ أَبِاللَّهِ وَآيَاتِهِ وَرَسُولِهِ كُنْتُمْ تَسْتَهْزِئُونَ﴾

"If you ask them (about this) they declare: "We were only talking idly and joking" Say: "Was it at Allah, and His Ayat(proofs, evidences, verses, lessons, signs, revelations) and His Messenger((Peace be upon him)) that you were mocking?"

﴿لَا تَعْتَذِرُوا قَدْ كَفَرْتُمْ بَعْدَ إِيمَانِكُمْ إِنَّ نَعْفَ عَنْ طَائِفَةٍ مِنْكُمْ نُعَذِّبُ طَائِفَةً بِأَنَّهُمْ كَانُوا مُجْرِمِينَ﴾

"Make no excuse; you disbelieved after you had believed. If we pardon some of you, we will punish others amongst you because they were disbelievers (disbelievers, polytheists, sinners, comma). "¹⁸

In another sound narration Al Hussain bin ali narrates through his father that the prophet (Peace be upon him) said

مَنْ سَبَّ نَبِيًّا فَاقْتُلُوهُ، وَمَنْ سَبَّ أَصْحَابِي فَاصْرِبُوهُ

Whoever reviles a Prophet, kill him, and whoever reviles my companions, flog him with the prescribed penalty (of cursing others falsely). ¹⁹

16- al-Qur'an 49:2.

17- Siraj ud din abu hafz umar bin ali bin ahmed ashasei, al-todeeh sharh al-jamia sahih (damishq,darun nawadir 1429H),543.

18- al-Qur'an 9:65-66.

19- Jalal ud din sayuti, Jam ul jawame(Al Qahira ,Jamhoriya misr ul arabiya,1426H),21698.

In another sound hadith

The Prophet ((Peace be upon him)) commanded to kill Ka,b bin Al-Ashraf saying

مَنْ لِكَعْبِ بْنِ الْأَشْرَفِ فَإِنَّهُ يُؤْذِي اللَّهَ وَرَسُولَهُ

"Who can assume the mission of killing him, for he offends Allah and His Messenger,"²⁰

Certainly, he dispatched an individual who assassinated Kab bin Al Ashraf without offering him any warning or opportunity to repent, unlike the polytheists who were typically cautioned and given the chance to seek repentance before being killed. The reasoning provided was that Kab bin Al Ashraf was targeted for his offense, indicating that his assassination was due to his transgression against the Prophet (Peace be upon him), not for polytheism.

In another narration

A man used to curse the Prophet ((Peace be upon him)), so he (Peace be upon him) asked

مَنْ يَكْفِينِي عَدُوِّي،

"Who avails me against my enemy²¹ (i-e- who can slaughter him) Then Khalid said "It is me" Then he sent him to kill the man.

Ibn Qani' reported a man came to the prophet (Peace be upon him) and said

فَقَالَ يَا رَسُولَ اللَّهِ سَمِعْتُ أَبِي يَقُولُ فِيكَ قَوْلًا قَبِيحًا فَقَتَلْتَهُ فَلَمْ يَشُقَّ ذَلِكَ عَلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ²²

I heard my father saying an offensive statement against you so I killed him then the Prophet ((Peace be upon him)) did not object to that (for his father committed an act of infidelity).

Abu Barza Al-Aslami narrated:

"While I was sitting in the presence of Abu Bakr As-Siddique (may Allah be pleased with him) one day, he got angry with a Muslim man"

Al Qadi Ismail, along with several Imams, have narrated this hadith and asserted that the man cursed Abu Bakr.

Imam Nasai recounts an incident where Abu Barza confronted a Muslim man with a stern admonition, to which the man responded

²⁰- Abu Muhammad Mahmood bin Ahmed Alghetabi, Umdatul Qari Sharh sahih ul bughari (Beruit: daru ihya ut turas ul arabi).

²¹- Abu bakar Abdur Razzaq Bin Hammam As Sanaani, Musannaf Abdur Razzaq, (Beirut: dar ut taseel ,1437H),10309.

²²- Abul Fadal al qadi ayad bin musa alheisbi , ashifa bit tarref haqooq Mustafa, (Beirut: Dar ul fikr 1409H),222.

with an equally disrespectful retort. Abu Barza, in response, suggested taking severe action against the offender. However, Abu Bakr intervened, stating that the prescribed penalty was to be inflicted solely for the act of cursing Allah's Messenger (Peace be upon him).

Al-Qadi Abu Muhammad bin Nasr emphasizes that none of the companions objected to this execution. Consequently, scholars consider this narration as evidence that anyone who insults or abuses the Prophet (Peace be upon him) warrants the penalty of execution. Likewise the letter dispatched by 'Umar bin Abdel-Aziz to his governor in Al-Kufa

when he informed him about a man who detested Umar bin Al-Khattab (may Allah be pleased with him), and thereby, Umar wrote it saying

أَنَّهُ لَا يَجِلُّ قَتْلُ امْرِئٍ مُسْلِمٍ بِسَبِّ أَحَدٍ مِنَ النَّاسِ إِلَّا رَجُلًا سَبَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَمَنْ سَبَّهُ :
فَقَدْ حَلَّ دَمُهُ²³

It is not lawful to slaughter a Muslim who curses any of the people but in the case of insulting the Messenger ((Peace be upon him)), he is to be killed

Harun Ar-Rasheed (the Abbasid caliph) asked Malik bin Anas about the religious verdict concerning a man, who hated the Prophet ((Peace be upon him)), and told him that the religious jurists of Iraq gave the verdict that he was to be lashed and Malik upon hearing this got angry and said

يَا أَمِيرَ الْمُؤْمِنِينَ مَا بَقَاءَ الْأُمَّةِ بَعْدَ شَتْمِ نَبِيِّهَا؟ مَنْ شَتَمَ الْأَنْبِيَاءَ قُتِلَ وَمَنْ شَتَمَ أَصْحَابَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ جُلِدَ

“O commander of the faithful believers, how can the nation last after its Prophet is being insulted?”²⁴

مَنْ سَبَّ نَبِيًّا فَاقْتُلُوهُ، وَمَنْ سَبَّ أَصْحَابِي فَاضْرِبُوهُ!

Whoever insults the Prophets is to be killed, and whoever reviles the Prophet's companions to be whipped according to the prescribed penalty of cursing others (falsely).²⁵

²³- Abul Fadal al qadi ayad bin musa alheisbi , ashifa bit tarref haqooq Mustafa , (Beirut: Dar ul fikr 1409H),223.

²⁴- Abul Fadal al qadi ayad bin musa alheisbi , ashifa bit tarref haqooq Mustafa , (Beirut: Dar ul fikr 1409H),223.

²⁵- Jalal ud din sayuti, Jam ul jawame(Cairo: Jamhoriya misr ul arabiya,1426H),21698.

Al-Muhajir bin Ummayyah, who held the position of commander in Yemen, reported to Abu Bakr As-Siddiq (may Allah be pleased with him, the caliph at that time) regarding a woman who renounced Islam and composed songs disparaging the Prophet (Peace be upon him). In response, her punishment was the amputation of her hand and the extraction of her tooth. Abu Bakr (may Allah be pleased with him) endorsed this action.

لَوْلَا مَا فَعَلْتَ لِأَمْرَتِكَ بِقَتْلِهَا لَأَنَّ حَدَّ الْأَنْبِيَاءِ لَيْسَ يُشْبِهُ الْحُدُودَ²⁶

"But for what you have done, I would have commanded you to slaughter her, for the penalty prescribed for insulting the Prophets is unlike that of cursing others (people)."

Furthermore to mention

Al-Qadhi Abul Fazal (may Allah have mercy upon him) asserts that Malik's narration has been corroborated by multiple narrators. However, he remains uninformed about the jurists who provided Haroon Rasheed with the judgment in Iraq. He posits that the jurists endorsing the view of lashing might have been unreliable or mistakenly associated slander with someone else, hence suggesting the punishment of flogging. Nonetheless, the predominant consensus remains to execute those who insult the Prophet (Peace be upon him), as previously indicated.

Upon deep contemplation, it has been concluded that it is obligatory to execute those who commit blasphemy against the Prophet (Peace be upon him). Such individuals are deemed ill-hearted and malevolent, leading the majority of scholars to assert their apostasy from Islam. This viewpoint is endorsed by Malik and Al Awzay, influenced by Ath-Thawry, Imam Azam, and the scholars of Kufa.

Regarding defamation, the stance is to administer the death penalty in accordance with the Quranic penalty mentioned. While not instantly considered a disbeliever, continual engagement in such sin may eventually lead to being classified as one. Furthermore, any form of slander directed at the Prophet (Peace be upon him) warrants the death penalty as it is regarded as an act of disbelief and insult.

As Allah almighty mentions in the Holy Quran

﴿يَخْلِفُونَ بِاللَّهِ مَا قَالُوا وَلَقَدْ قَالُوا كَلِمَةَ الْكُفْرِ وَكَفَرُوا بَعْدَ إِسْلَامِهِمْ﴾

"They swear by Allah that they said nothing (bad), but really they said the word of disbelief."²⁷

²⁶- Abul Fadal al qadi ayad bin musa alheisbi , ashifa bit tarref haqooq Mustafa , (Beirut: Dar ul fikr 1409H),222.

²⁷- al-Qur'an 9:74.

Scholars and experts in Islamic exegesis (Mufasssireen) have thoroughly examined this Quranic verse. They express concern that if what the Prophet (Peace be upon him) stated in this verse holds true, then whoever engages in such an act of blasphemy would be deemed inhuman, even worse than a donkey. Thus, their counsel is to abstain from committing such blasphemy out of reverence and caution.

The reason why the prophet ﷺ showed mercy to some people whom had insulted him

In recorded instances, it is documented that the Prophet (Peace be upon him) exhibited forgiveness toward several individuals who harbored ill intentions against him. This may prompt the question as to why this mercy was extended only to specific individuals and not universally to everyone. For instance, there was an incident involving a Jewish man who had expressed a wish for death upon the Messenger by saying, 'As Sam' be upon you'. To which the messenger of Allah responded

قَدْ أُذِيَ مُوسَىٰ بِأَكْثَرٍ مِنْ هَذَا فَصَبَرَ²⁸

Musa (Moses) was offended by what surpasses that, and he endured patiently, or kill the hypocrites who used to inflict harm upon him in most cases?

So take heed and may Allah guide you and us to success this was a way to bring the hearts of those against him towards islam as he was sent as a mercy to mankind below verses show the commands he was sent from Allah Almighty The prophet (Peace be upon him) to his companions he would tell them.

إِنَّمَا بُعِثْتُمْ مُبَشِّرِينَ وَلَمْ تُبْعَثُوا مُنْفِرِينَ²⁹

“Verily, you have been sent with the glad tidings, and you have not been sent to turn people away”

يَسِّرُوا وَلَا تَعْسِرُوا، وَسَكِّنُوا وَلَا تُنْفِرُوا³⁰ "

28- Abu Bakar bin shaba, musnad ibn e abi shihab (Riyad: dar ul watan, 1997),227.

29- Rasheed Ahmed alkankohi ,alkokab ud dury ala jami e tirmizy ,(Lakh Nao: matbaata nudwat ul ulama e hind 1395H),381.

30- Abu Abdullah Muhammad bin Ismail al bukhari, sahih ul bukhari,(Damascus: dar ul yamama,1414H),5774.

Facilitate the things to people (concerning religious matters) and do not make it hard for them and make people be pleased and do not cause them to run away (from Islam),"

the Prophet (Peace be upon him) revealed these verses on specific occasions due to a prevailing circumstance wherein many individuals were not following the religion. In an effort to instill love and compassion in their hearts, the Prophet (Peace be upon him) displayed mercy, ultimately contributing to the substantial growth of Islam's followers. However, despite these endeavors, the Prophet (Peace be upon him) faced threats and occasional insults that he endured without remorse. Notably, there was an incident where the Prophet (Peace be upon him) did not show mercy and executed a man named Ibn Khattal, renowned for consistently offending him.

Moreover, the Prophet (Peace be upon him) commanded the shedding of blood of those who insulted him until they surrendered and embraced Islam, paving the way for forgiveness. Many among these individuals were hypocrites who would utter insults while denying malicious intent. Scholars in Baghdad suggest that although the Prophet (Peace be upon him) was aware of their hypocrisy and ill intentions, he refrained from executing them. These hypocrites, outwardly practicing Islam, covertly attempted to divert people from the faith, creating a challenge in distinguishing between the righteous and the deceitful. The Prophet (Peace be upon him) refrained from such actions to avoid potential accusations against him.

As reported by Malik bin Anas, may Allah have Mercy upon him, the Prophet (Peace be upon him) refrained from eliminating these hypocrites to prevent accusations that he was killing his own companions. The Prophet (Peace be upon him) explicitly mentioned, "Those (hypocrites) are the ones whom Allah prohibited me to kill." This sheds light on why the Prophet (Peace be upon him) exercised mercy in various instances. Muhammad bin Al-Mawaz said reports Had the hypocrites showed their hypocrisy, the Prophet ((Peace be upon him)) would have killed them.

Allah Says

﴿لَيْسَ لَكَ مِنَ الْمُتَفِقُونَ وَالَّذِينَ فِي قُلُوبِهِمْ مَّرَضٌ وَالْمُرْجِفُونَ فِي الْمَدِينَةِ لَنُغْرِيَنَّكَ بِهِمْ ثُمَّ لَا

يُجَاوِرُونَكَ فِيهَا إِلَّا قَلِيلًا مَلْعُونِينَ أَيْنَمَا ثَقِفُوا أُجْدُوا وَقَتِلُوا قَتِيلًا سَنَّةَ اللَّهِ ﴿٣١﴾

31- al-Qur'an 33:60-62.

"If the hypocrites, and those in whose hearts is a disease (evil desire for illegal sex), and those who spread false news among the people in Medina stop not, we shall certainly let you overpower them: then they will not be able to stay in it as your neighbours but a little while. Accursed, they shall be seized wherever found, and killed with a (terrible) slaughter"

Furthermore to mention some things weren't considered as an insult to the prophet (Peace be upon him) in the case of As Sham isn't considered as a clear insult because death will eventually be upon everyone so it wasn't taken as something offensive.

Imam Bhukari has full Chapter with regards to the slander from the non-Muslims named

(باب إِذَا عَرَّضَ الدَّمِيَّ أَوْ غَيْرَهُ بِسَبِّ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ)

Al bukhari has written about avoiding any struggle with the khwarij in order to allow them to see light and repent so that they may return back to islam. The khwarij would poison and use magic against the prophet (Peace be upon him) eventually until allah almighty helped the muslims to defeat them by allowing them to kill by destroying their homes. Allah ordered the muslims to take the jews out of their homes and to take all the lands to show dominance above them.

Hazrat Aisha RA says

مَا أَنْتَقَمَ لِنَفْسِهِ فِي شَيْءٍ يُؤْتَى إِلَيْهِ قَطُّ إِلَّا أَنْ تُنْتَهَكَ حُرْمَةُ اللَّهِ فَيَنْتَقِمَ اللَّهُ³²

"That the Prophet-Allah's Blessings and Peace be upon him - didn't avenge himself at all, unless the harm offended Allah's Holiness"

Indeed, this underscores the principle that the Prophet (Peace be upon him) sought retribution solely for the sake of Allah, not for personal reasons. However, this shouldn't obscure the fact that the Prophet (Peace be upon him) did not penalize those who slandered him. Calling the Prophet (Peace be upon him) a liar indirectly disparages Allah Almighty and His words. Despite this, if someone insulted the Prophet (Peace be upon him) personally or caused harm to his physical being, he refrained from seeking vengeance.

In many instances involving Bedouins or individuals who raised their voices towards the Prophet (Peace be upon him), he regarded it as their ignorance and chose to forgive them. Nonetheless, scholars have issued a decree that even causing harm to the Prophet (Peace be upon

³²- Al Imam Ahmed bin hanbal ,Musnad al imam ahmed bin hanbal (Egypt: muassasa tur risala ,1421),25485.

him) is strictly forbidden.

Allah says

﴿إِنَّ الَّذِينَ يُؤْذُونَ اللَّهَ وَرَسُولَهُ لَعَنَهُمُ اللَّهُ فِي الدُّنْيَا وَالْآخِرَةِ وَأَعَدَّ لَهُمْ عَذَابًا مُهِينًا﴾

Verily those who annoy Allah and His Messenger ((Peace be upon him)) Allah has cursed them in this world, and in the Hereafter,"³³,

The Legal Judgment as for the One who reviles the Prophet (ﷺ) without Intention or Belief

Al-Qadi's verdict indicates that those who inadvertently insult the Prophet (Peace be upon him) without any deliberate intent to offend, like denying his knowledge or attributing sins to him, might reject the teachings conveyed to his followers. In such instances, even if a person is under the influence of drugs or alcohol, the prescribed punishment remains death. However, if an individual was coerced into making such statements while maintaining genuine love and faith in their heart, the circumstances might be different.

In the book Al Masur Ibn Sahnun says he says that

"Whoever insults the Prophet when he is with his enemies must be killed, unless he is forced to say so or he is a non-Muslim"

Abu Hassan Al Qabesy says

فِيمَنْ شَتَمَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي سُكْرِهِ يُقْتَلُ لِأَنَّهُ يُظَنُّ بِهِ أَنَّهُ يَعْتَقِدُ هَذَا وَيُنْفَعُهُ فِي صَحْوِهِ

"Even the one who offends the Prophet ((Peace be upon him)) while being intoxicant must be killed, because it means that he believes in this and does so during wakefulness" ³⁴

The reasoning behind penalizing individuals who consume alcohol is that they are fully aware that their judgment will be impaired, thereby being held accountable for their actions. This aligns with the perspective that when one drinks alcohol, they are cognizant that their mental faculties will be affected, and consequently, they are responsible for their behavior.

However, it's essential not to perceive this viewpoint as contradicted by a hadith narrated by Hamza, wherein he addressed some individuals, saying, "Aren't you but slaves for my father?" Upon hearing this, the Prophet (Peace be upon him) discerned that Hamza

³³- al-Qur'an 33:57.

³⁴- Abul Fadal al qadi ayad bin musa alheisbi , ashifa bit tarref haqooq Mustafa ,(Beirut: Dar ul fikr 1409H),232.

was under the influence of alcohol. Instead of punishing him, the Prophet (Peace be upon him) departed from the gathering, acknowledging that consuming alcohol was not yet deemed sinful at that time.

Does one become an Unbeliever or Traitor?

It is stipulated that anyone who outright denies the message of Allah or harbors even the slightest doubt about His message, or becomes an apostate (murtad) by leaving Islam, is deemed a disbeliever and thereby subject to the death penalty. If such an individual later retracts their denial, they are still regarded as an apostate. There exists a debate regarding whether forgiveness and the opportunity to repent should be extended.

One perspective posits that despite repentance, it does not absolve the individual from the death penalty. Additionally, if the individual does not explicitly renounce their earlier statements, they will continue to be deemed an atheist.

The view of Imam Azam (Abu Hanifa)

من برئ من مُحَمَّدٍ أَوْ كَذَبَ بِهِ فَهُوَ مُرْتَدٌ حَلَالُ الدَّمِّ إِلَّا أَنْ يَرْجِعَ

“Anyone who denies the messages of the Prophet ((Peace be upon him)) or disbelieves in him, he is an apostate, and must be punished by death unless he repents”³⁵ so they hold the view that repentance is an option.

The view of the Maliki’s

The Maliki school of thought also upholds the stance that an apostate or anyone who denies the prophethood of the Prophet (Peace be upon him) should be subjected to the death penalty, while also being given the opportunity to repent. This viewpoint is articulated by Ibn Al Qasim.

Regarding individuals who lay claim to prophethood, they are deemed akin to apostates due to their disbelief in the Quran. The prescribed punishment for them is likewise death, unless they publicly repent and renounce all their claims. This principle is derived from Ashab, who narrated an incident where a Jewish man falsely claimed prophethood. The verdict was that he must renounce all his claims and openly repent. Failure to do so would result in his

³⁵- Abul Fadal al qadi ayad bin musa alheisbi , ashifa bit tarref haqooq Mustafa ,(Beirut: Dar ul fikr 1409H),233.

execution because of his open denial of the teachings of the Prophet (Peace be upon him).

لَا نَبِيَّ بَعْدِي

"No Prophet will come after me"³⁶

So this concludes that one in fact does become a disbeliever and apostate from the religion and his recompense is death penalty. One must not be taken lightly and must be considered as a disbeliever and apostate.

The judgement upon whether one is insulting or not

It is of utmost importance to discern whether a statement is insulting or not. This determination hinges on various factors such as the scenario, nature, or behavior of the individual involved. Verdicts are meticulously analyzed before reaching a final judgment, considering circumstances where some may argue that the individual did not warrant the penalty of death, among other factors.

For instance, Ibn Sahnun was questioned about a man who uttered, "Allah does not pray upon those who pray upon the Prophet (Peace be upon him)." Ibn Sahnun opined that the man was not guilty, explaining that the statement was made in a fit of anger towards his opponent and was not intended as an insult to the Prophet (Peace be upon him). This perspective was supported by Abu Ishaq Al Barqy and Asbagh bin al Farag, who shared a similar view. Conversely, Al Harith Bin Mikeen contended that the individual deserved the death penalty.

Abu Al Hasan Al Qabesy emphasized the need for certain evidence to shed the blood of a Muslim. He highlighted that statements made should have a clear intent of insult in their meaning. He cautioned against assumptions unless it is later proven to have been intended as either good or bad.

Similarly, Abu Muhammad ibn Abu Zaid addressed a case where a man cursed by saying, "May Allah's curse be upon Arabs, the offspring of Israel, along with all human beings," excluding pious individuals and prophets and specifically targeting unjust humans. Instances of forgiveness were noted in cases where the intent was not to cause harm, such as an individual saying, "You are the son of a thousand pigs." The warning here is to refrain from such statements

³⁶- Alauddin ali bin hassam ud din alhindi albarhanfori ,kanzul ummal fi sunan il aqwal wa afaal ,(Egypt: muassa tur risala ,1401H),724.

and exercise caution unless there is an explicit intent to include prophets, in which case severe consequences might be warranted.

Additionally, Abu Musa bin Menas stipulated that if a person curses someone and extends it to all their relatives until Adam, such an individual should face the penalty of death.

In another case of double meaning and dispute of opinion between scholars. A man responded to his accuser saying "Do you accuse me?" to which he responded "Even the prophets are being accused so why not you?" imam abu ishaq says that he must be killed but Al Qadi Muhammad bin Mansur said that it could be double meaning with no intent of bad.

To conclude every verdict can have endless possibilities of meanings and must be approached accordingly and verdicted correctly.

The legal judgement upon those who claim prophetic attributes

A person who does not intend to directly insult the Prophet (Peace be upon him) but rather appropriates certain attributes of the Prophet (Peace be upon him) to elevate their own status should be subject to imprisonment and discipline until they repent and amend their behavior. Instances where individuals claim qualities of the Prophet (Peace be upon him) with the aim of considering themselves superior or of higher rank than others should be addressed sternly. For instance, statements like "I can be insulted because even the prophets got insulted," though seemingly innocent, can carry double meanings and be construed as disrespectful.

Numerous poets have also expressed such sentiments in their verses, inadvertently leading to disrespect towards the Prophet (Peace be upon him) and disbelief in Allah. For instance, the poet Al Me'ary in his poem conveyed lines that could be interpreted as disrespectful towards Prophet Moses (AS). In one part, he wrote: "Like Moses to whom came Shu'aib's daughter, You are, yet, both of you are not poor." Here, the term "poor" could be seen as an insult, demeaning Hazrat Musa (AS).

Further in the same poem, he wrote: "But for the Revelation stopped after Muhammad, We shall say Muhammad is his father's substitute. He is like him as to all his excellent virtues, Yet, Gabriel didn't come to him with a message." This verse implies that the Prophet (Peace be upon him) lacked the eminence of prophethood or the divine

message, and it also suggests an equality between the Prophet's (Peace be upon him) father and himself in virtuous traits.

Such expressions, even if unintentional, can carry deep implications and may sow seeds of disrespect and disbelief, warranting correction and disciplinary action to deter any unintended yet harmful implications.

These poems alongside many more clearly show how some poets mindlessly and mockingly end up dishonouring the holy messenger of Allah they don't value nor do they see the greatness of this misdeed they are indulging in. Allah almighty regarding these type of people says in the holy Quran "You counted it a little thing, while with Allah it was very great". This type of poetry to conclude is not allowed although it doesn't insult the prophets nor the angels. But the lack of honour and praise within the poems is not good as we are ordered to always glorify and speak highly and to not speak loudly. The legal punishment for these type of people would not be death rather they should be imprisoned and disciplined until he repents. This verdict was also established by Qadi Abu Muhammad Bin Mansur as he dealt with a case of a man whom had said that 'all humans have flaws' which could've included the prophet (Peace be upon him) therefore the punishment for him was to be imprisoned and disciplined until he repents and changes his ways.

What is the Legal Judgment as for those who narrate these Statements?

The legal stance regarding individuals who reiterate or quote such disrespectful statements or verses holds different implications based on the intent behind their actions. If someone writes or cites such statements to refute or educate others about these reprehensible comments, aiming to bring disapproval or counteract them, it is considered a commendable action. However, if someone quotes with malicious intent or to mock, it becomes the responsibility of all who cherish the Prophet (Peace be upon him) to reject and defend the honor of the Prophet (Peace be upon him).

Abu Muhammad bin Abu Zaid responded to a query about a witness repeating such statements, stating that if the intention is to achieve justice, the person is blameless. However, if the motive is mockery, it is strictly prohibited. Similarly, Abu 'Ubaid Al-Qassim bin Slam emphasized that memorizing or repeating verses of poems that insult the Prophet (Peace be upon him) leads one to disbelief. Therefore, it

is advised against reiterating any poems or verses that disparage the Prophet (Peace be upon him).

The permissible cases required for educational purposes:

Those things which can be attributed to the prophet (Peace be upon him) and also those things which cannot be attributed towards him. We can demonstrate the number of tribulations the prophet (Peace be upon him) was put through by Almighty Allah and the strength he displayed seeking the happiness. He (Peace be upon him) had gone through a lot of difficulties such as even being persecuted by his enemies.

Allah Almighty in a surah says

مَا مِنْ نَبِيٍّ إِلَّا وَقَدْ رَعَىٰ غَنَمًا³⁷

"All Prophets worked as shepherds".

Indeed, the attributes attributed by the All-Mighty to Musa (Moses) (Peace be upon him) are entirely acceptable and respected. These descriptions neither belittle nor diminish the status of any individual. It was a common profession among the Arabs at that time, including the prophets. However, these divine attributions serve to elevate their status and underscore their elevated rank in the sight of Allah.

Similarly, Allah Almighty portrays the Prophet Muhammad (Peace be upon him) as an orphan, not to demean him but to highlight his incredible blessings and divine favor despite facing hardships. It signifies his esteemed leadership surpassing all nations and high-ranking individuals, demonstrating clear evidence of his prophethood, as he received divine guidance and support from Allah. Furthermore, being identified as illiterate, if attributed to someone else, might be viewed as derogatory. Yet, in the case of the Prophet (Peace be upon him), it signifies his exceptional rank and virtue. It is proof of his prophethood, as he was the conduit for the Holy Quran, chosen by Allah Almighty to impart wisdom and knowledge to the world. This transformation of weakness into greatness sets him apart. Scholars advise against intending to belittle the Prophet (Peace be upon him) and warn of severe consequences for such actions. They also caution against fabricating false hadiths. Malik emphasized the authentication of hadiths for acceptance and rejected those with doubts or lacking a credible basis. This discernment ensures the

³⁷- Malik Bin Anas ,Muaata Imam Malik,(Kuwait: al muder ul aam bil inaba, abu zeibi 1445H),3560.

preservation of authentic teachings and guards against any misconstrued intentions.

At the time the prophet (Peace be upon him) would tell people his hadith but due to their being a lot of foreigners whom could not understand properly there was a lot misinterpretation because the prophet (Peace be upon him) spoke in high level eloquent Arabic this then ultimately led to false hadith and sayings which also misguided. So, these types of hadith should be analyzed carefully.

The Morals one should implement when narrating hadith.

When referencing the Prophet (Peace be upon him), it's crucial to maintain the utmost respect and honor towards him. The choice of language and tone must reflect deep consideration and gentleness, particularly when recounting his trials and tribulations. Moreover, one should cherish and revere the things he loved and hold disdain for those he detested, all with sincere reverence.

There are instances where one may recount hadiths that portray the Prophet's (Peace be upon him) infallibility. During such moments, it's imperative to exercise extreme caution with language, striving to refine and adorn the narration, avoiding any insinuations of malice. The aim should always be to exalt his stature and not inadvertently belittle his esteemed status.

The hadith of the prophet (Peace be upon him) says

(إِنَّ مِنَ الْبَيَانِ لَسِحْرًا)

"Eloquence is miraculous".³⁸

Indicating that the prophet (Peace be upon him) can't be ascribed with anything that may disregard his eloquence. Early scholars when reading the Quran would lower their tones on ayah which would talk about how they enemies would disrespect and falsely accuse him out of humility and fear from Allah almighty.

³⁸- Al Qadi Nasir ud Din Abdullah Bin Umar Al Bedawi, *tuhfat ul abrar sharh masabih us sunnah* (Kuwait wizarat ul ouqaf w ashaon ul islamia, 1433H), 1200.

The legal judgment of the abusers of the Prophet (ﷺ) & the legal punishment they received and how they repented

It is widely acknowledged, both by scholars and through historical consensus, that anyone who defames or disrespects the Prophet faces a severe penalty, commonly agreed upon as capital punishment. Additionally, the Imam holds the authority to decide whether to execute or crucify the offender.

In circumstances where an individual seeks repentance for such transgressions, the prevailing opinion among scholars, particularly Imam Malik and his contemporaries, affirms that repentance does not absolve the offender from legal consequences. This statute is deemed irredeemable, unaffected by repentance, whether the accused individual confesses due to trial proceedings or does so voluntarily. Even if someone who insults the Prophet (Peace be upon him) or disbelieves in Allah, His Prophet, or the afterlife repents, Ibn Sahnun maintains that repentance does not exempt them from facing the death penalty. This stands true for atheists or those who renounce faith.

Regarding conflicting opinions on the acceptability of repentance, the case of Abu Al-Hassan Ibn Al-Qassar is notable. Some scholars believe his confession warrants execution due to his apprehension of being exposed, while others view his repentance positively despite ambiguous intentions.

It's crucial to understand that expressing remorse doesn't absolve disbelievers of accountability, especially if their actions were previously disclosed. Ibn Al-Monzer bin Abu Talib's case illustrates diverse opinions; while some consider his repentance acceptable, scholars like Abu Hanifa and Abu Yusuf hold differing views on this matter.

Judge Abu Muhammad bin Nasser presented a contrasting perspective, considering repentance in distinguishing between those who disparage Allah, the Ever Majestic, and those who disparage the Prophet (Peace be upon him). He emphasized that while the Prophet (Peace be upon him) is human and fallible, Allah is infallible, transcending any specific race. Offending the Almighty has incomparable severity.

Similar to an apostate who may repent but continue other crimes, such repentance may be acceptable. The only belief carrying a death

sentence is atheism. To underestimate or vilify a revered Prophet is a severe sin, opposing the sacred.

Al-Qadi Abul-Fadl pointed out that repentance's acceptance is at Allah's discretion. Disparaging the Prophet (Peace be upon him) doesn't inherently imply atheism but rather scorn and hostility. Although true sincerity lies in Allah's knowledge, the offender's remorse may signify a shift towards atheism, necessitating judicial action.

Denying the Prophet's exalted status granted by Allah could lead to execution if the accused denies the accusation or falsely claims repentance. While such individuals may not be entirely classified as atheists, they might receive a similar penalty due to their denial of recognized crimes, despite acknowledging the Oneness of Allah and the Prophethood of Muhammad (Peace be upon him).

If an individual persists in denying a recognized crime and asserts it was an error, seeking guidance and expressing remorse, despite strong evidence against them, they might not necessarily face the death penalty. However, those who refuse to confess their sins and persist in making false accusations against the Prophet (Peace be upon him) are considered atheists by their confession and may face execution due to violating the sanctity of Almighty Allah and the Prophet's purity.

What judgment the apostate should receive if he repents eventually

The authenticity of an apostate's repentance finds unanimous support among leading experts. Ibn Al-Qassar asserted that a significant majority of companions, including 'Uthman, 'Ali, Ibn Masud, 'Ata' bin Abu Rabbah, Al-Nakhy, Al-Thaury, Malik and his followers, Ishaq, and scholars from Kufa, agreed with 'Umar's ruling on accepting apostates' repentance, while Ibn Sahnun held a contrasting view.

Most experts concur that male and female apostates pose an equal threat. 'Ali, may Allah be pleased with him, stated that female apostates shouldn't be executed but enslaved, as narrated by 'Ata' and Qatada. Ibn Abbas advocated for exempting women from the death penalty, a view followed by Abu Hanifa. Conversely, Malik opined that all, regardless of gender or status, should face death for apostasy. The consensus among scholars suggests a three-day imprisonment period during the repentance period for apostates. This viewpoint

was shared by Ash-Shafi'i, Ahmad, Ishaq, and Malik, emphasizing the significance of persistence and constancy in repentance.

Accounts illustrate that Abu Bakr As-Siddiq urged a female apostate to repent before resorting to her execution upon refusal, aligning with Al-Mazny's accord with Ash-Shafi'i's stance on unrepentant apostates facing death.

Regarding the duration of repentance, Abu Hanifa proposed three Fridays, while Ali suggested several months. In contrast, Al-Nakhy advocated for repentance until death, a view shared by Ath-Thaury, who deemed it applicable to all seeking repentance.

Al-Zuhary also stated that an apostate should be given the option to convert to Islam or face execution.

Muhammad bin Al-Qassim suggested a specific protocol for dealing with an apostate: summoning them to Islam three times and, upon rejection, applying corporal punishment to the neck. Moreover, the apostate should be given the option of severe punishment or a warning to encourage repentance.

Malik emphasized the importance of not depriving an apostate of food or drink during the repentance process.

According to Al-Asbagh, while an apostate is in the process of embracing Islam and seeking forgiveness, the threat of death should be looming over him.

Al-Asbagh further articulated that the place of imprisonment or whether the apostate is held in solitary confinement is inconsequential. If they are not entrusted with Muslim affairs, their wealth should be allocated to charity. Additionally, if the apostate reverts from Islam, they should remain in a state of repentance indefinitely.

Whoever does not turn to God or make amends for His apostasy will be subject to the legal judgement.

An apostate's fate hinges on various factors: the Imam's discretion, witness credibility, the degree of disparagement towards Islam, and even considerations about the individual's mental state.

Malik and Al-Awza'y regarded apostasy as a grave offense, advocating harsh punishment unless the apostate genuinely repents. However, Sahnun, following Malik's perspective, advocated for sparing the apostate from punishment upon sincere repentance.

For those deemed of sound mind, severe punishment is prescribed, including confinement and enduring unbearable torments that

hinder normal breathing and prayer. This punishment is enacted prior to a potential death sentence, serving as a postponement in case of genuine repentance. The intensity of torments varies depending on the circumstances.

A lighter sentence is considered for an apostate if the sin lacks admission by more than two witnesses who might hold resentment. In such cases, the Imam is entrusted to exercise sound judgment and reason when delivering the sentence.

The legal sanctions for non-Muslim liars or violators

We've already provided examples of the judgement Muslims must endure. However, if it is committed by non-Muslims who dare to disparage, minimise, or attribute any evidence of atheism to the Prophet ((Peace be upon him)), it is undeniable that they should be executed until they convert to Islam because doing so would be a breach of the commitment they swore to us.

The majority of academics share this perspective, with the exception of Abu Hanifa, Ath Thauri, and their supporters among the Al-Kufa scholars, who hold the opposite view and claim that they should be punished and pardoned despite having committed serious polytheism. Several of our sheikhs cited a verse from the Quran

﴿وَإِنْ كُنْتُمْ أَيْمَانُهُمْ مِنْ بَعْدِ عَهْدِهِمْ وَطَعْنُوا فِي دِينِكُمْ﴾

"But if they violate their oaths after their covenant and taunt you for your faith."³⁹

The non-Muslims may argue that adopting Islam eliminates the death penalty because Islam abolishes everything that comes before it, in contrast to Muslims who defame the Prophet ((Peace be upon him)) and then repent. The hatred of Islam by a non-Muslim is well recognised.

﴿قُلْ لِلَّذِينَ كَفَرُوا إِنْ يَنْتَهُوا يُعْفَرْ لَهُمْ مَا قَدْ سَلَفَ﴾

"Say to the unbelievers, if now they desist from unbelief, their past would be forgiven them."⁴⁰

However it was decided that even if a non-Muslim converted to Islam, this did not absolve him or her from death because this was the Prophet's ((Peace be upon him)) right and it was done in an effort to denigrate and dishonour him. Thus, he ought to be put to death.

³⁹- al-Qur'an 9:12.

⁴⁰- al-Qur'an 8:38.

Additionally, as it is improper for a Muslim to disparage the Prophet ((Peace be upon him)), a non-remorse Muslim ought to be rejected as well.

In contrary to this Ibn Al-Qassim Muhammad, Ibn Sahnun, and Asbagh stated that while we shouldn't pressure someone to convert to Islam, his repentance is acceptable if he does.

Muslims, however, are still subject to death notwithstanding their repentance because when they defame the Prophet, their latent intentions become clear ((Peace be upon him)).

Ibn Sahnun also related Abu Al-remark Qassim's that a non-Muslim, whether Jewish or Christian, should be executed if he insults the Prophet ((Peace be upon him)) in addition to not believing in him. Additionally, Muhammad bin Sahnun stated that the reason a non-Muslim should be murdered even though Muslims themselves disparage and reject him is because it violated the commitment they swore to Muslims. They should not also murder any Muslims or seize their possessions. Therefore, even if killing a Muslim was permitted by their faith, a non-Muslim who does so should still be put to death. The same is true when disparaging the Prophet ((Peace be upon him)). Nothing exempts them from death, he said, not even paying the head tax.

The legal judgement of Ibn Al-Qassim that reduced his legal punishment conflicts with Sahnun's legal view, according to Al-Qadi Abul-Fadl.

A Christian woman was sentenced to death for denying the Prophethood of Muhammad and the Monotheism of Allah, the Mighty, the Ever-Majestic, according to the religious ruling of 'Ubaidullah bin Yahia and Ibn Lubaba, two Andalusian scholars who were among our early scholars. They applauded the woman's denial of Jesus' ((Peace be upon him)) Prophethood and the Monotheism of Allah ((Peace be upon him)). But after she became an Islamist, she was spared from being killed.

Al-Qadi Abu Muhammad related a story of a non-Muslim who insults the Prophet ((Peace be upon him)) and afterwards repents, and is therefore immune from death. Ibn Sahnun, however, asserted that slander is still illegal under Islamic law since it violates the rights of others, especially prophets, and that becoming an Islamic convert does not make it any less wrong.

In light of this, if a non-Muslim slanders the Prophet ((Peace be upon him)), he shall be subject to the same legal sanctions as those who do so.

Regarding the inheritance of someone who receives a death sentence for defaming the Prophet (ﷺ), washing his body, and praying upon him

The question of who should be slain for defaming the Prophet divided scholars ((Peace be upon him)). Since he was a member of the Islamic community before doing so, according to Sahnun, he is now a member of another religion or is an atheist. Asbagh, however, stated that if the act was committed in secret, the inheritors should be Muslims, and if it was committed in public, the perpetrator should be put to death and his remorse would not be recognised.

He should be inherited by his family among the Muslims, according to Ali Abu Talib, May Allah be pleased with him, Ibn Mas'ud, Ibn Al-Mussayib, Al-Hassan, Al-Shaby, 'Umar bin 'Abdel 'Aziz, Al-Hakam, Al-Awza'y, Al-Laith, Ishaq, and Abu Hanifa. That holds true for the possessions he acquired before to abandoning Islam. But if he did earn them later, they need to go to Muslims.

In addition, Abu Al-Hassan disagrees with Sahnun and Asbagh over Malik's religious judgement regarding the atheists' inheritance. Once, he agreed to give his family an inheritance among Muslims after repenting, adding that either way, he shows his faith in Islam and should therefore be subject to the same legal sanctions as the hypocrites among the Prophet's contemporaries ((Peace be upon him)). Ibn Nafi related that his inheritance should go to Muslims because, if he were to lose his life, he should also lose his inheritance. In addition, a number of his companions—including Ashab, Al-Mughira, 'Abdel Malik, Muhammad, Sahnun, and Ibn Al-Qassim—agreed with him, saying that he isn't permitted to leave his money to heirs if he admits to the witnessing slander and repents. When asked if a Christian who was executed for defaming the Prophet ((Peace be upon him)) should be inherited by members of his religion or by Muslims, he responded that it should go to Muslims. It's not a bequest, though; rather, it's a fee for breaking his oath of allegiance to the Muslims because people of various religions aren't permitted to inherit one another.

Regarding anybody who disparages Almighty Allah, His angels, Prophets, the Holy Scriptures, the Prophet's (ﷺ) Book, as well as His Wives and Companions

It is undisputed that whoever calumniates Almighty Allah among the Muslims is an atheist whose blood should be shed and his repentance is argued about. Ibn Al-Qassim said about Malik: Whoever calumniates Almighty Allah among Muslims should be killed and his repentance isn't accepted unless he converts to another religion and then reveals his repentance. In that case, it's accepted. The same was agreed upon by Mutraf, 'Abdel Malik, Al-Makhzumi, Muhammad bin Musalama, Ibn Abu Hazem: A calumniator shouldn't be punished by death unless he repents and the same applies to the Jews and Christians who won't be exempted from death unless they are converted to Islam and they should undergo a course of repentance because it renders them apostates.

The religious ruling of Abu Muhammad bin Abu Zaid states that a person who slandered another person and disparaged Almighty Allah and said, "I wanted to blaspheme Satan but it was a slip of the tongue," is not forgiven unless Almighty Allah pardons him.

Because of this, it is utterly odd for Almighty Allah to forgive someone who disparages His Supreme Being but doesn't confess disbelief or switches to a different religion.

People whose repentance is rejected, however, cannot be excused from this obligation since they conceal their unbelief and expose Islam in the same way as atheists. According to the agreement of scholars, including Malik, whomever converts to another religion is disengaged from Islam and is subject to the punishment of apostates, in contrast to the first person who holds firmly to Islam who is capable of repentance.

Proving the legal verdict received by anyone who attributes shortcomings to the All-Powerful Allah due to their own reasoning or error of judgement.

The early scholars and their religious successors disagreed about charging those who uphold that incorrect belief of atheism, including Malik and his companions, with atheism. This is because those who attribute any shortcomings to Almighty Allah do so out of misinterpretation or misjudgment that could cause uncertainty or

because they attribute any indication of fallibility to Allah, the Exalted in Might, rather than out of calumny, apostasy, or atheism.

They thought he ought to turn from his ways or else be put to death because he adheres to a school of scholars that disavows Sunnite doctrines. But since he is not accused of atheism when he follows his own judgment rather than adhering to a certain organization, he should not be put to death. However, in light of what 'Umar, May Allah be pleased with him, did to Sobygh, he should be severely punished and imprisoned until he shows devoutness, and this was agreed upon by Muhammad bin Mu'az, 'Abdel Malik Ibn Al-Magehun, Sahnun, Malik. ' They should repent, according to Umar bin 'Abdel-'Aziz, or else they will be executed when the Islamic sect that upheld man's free will and opposed Divine Predestination is judged.

Ibn Al-Qassim stated that whomever asserts that Musa (Moses ((Peace be upon him))) wasn't that to whom Allah spoke directly, has to repent or else he should be slain. This was endorsed by 'Umar Ibn 'Abdel-'Aziz. Additionally, according to Ibn Habib and other scholars, individuals who adhere to the Al-Khawarij (the Revolters who dissented from religion and revolted against Ali bin Abu Talib), the Al-Qadariyah school, and the Disobedient Separatists (Al-Mu'tazilah school) schools should also be accused of atheism.

Al-Qadi Isma'il stated: Malik's verdict concerning a man's Free Will, advocates, and fabricators that they should repent or else they will be slain since it might produce harm throughout the earth according to the depiction of the adversaries of Islam in the Holy Quran. "Execution, crucifixion, the cutting off of hands and feet from opposite sides, or banishment from the land, are the punishments for those who wage war against Allah and His Messenger and strive mightily and for mischief throughout the realm. They should be put to death, in the Imam's opinion, since they destroy lives and property, support falsehoods, distort Islam, and incite unrest and unrest among Muslims.

Conclusion.

Respect of the Holy Prophet Muhammad (peace be upon him) is a central and key rule in Islam. Muslims are required to show the utmost respect to the Prophet Muhammad, both in words and in deeds. This includes refraining from any sort of disrespectful speech or behavior towards him. Moreover, Muslims are also expected to

follow the Prophet's example in their own lives and strive to emulate his character as much as possible. The reason for this is that the Prophet Muhammad is considered to be the greatest role model for all Muslims. He is someone who perfectly embodied the Islamic teachings and was able to convey them to others in an effective manner. As such, he is deserving of the highest level of respect from all Muslims. Those who do not show proper respect towards the Prophet Muhammad are guilty of a grave sin in Islam. Not only do they disrespect him, but they also disobey Allah by not following His commands. This can lead to serious consequences both in this life and in the hereafter. Therefore, it is essential that all Muslims learn to show proper respect towards the Holy Prophet Muhammad and strive to follow his example in their own lives.

Anyone who does not respect the Holy Prophet Muhammad is not a true believer and will be punished in this world and the hereafter. The Quran says, "O ye who believe! Raise not your voices above the voice of the Prophet, nor speak aloud to him in talk, as ye may speak aloud to one another, lest your works should be rendered vain while ye perceive not." (49:2) The hadith of the Prophet Muhammad states, "Whoever does not show proper respect to Allah's Messenger has indeed disbelieved in Allah." (Tirmidhi) This means that we must always show the highest level of respect to the Holy Prophet Muhammad and never do anything that would disrespect him. We should also make sure to never miss an opportunity to gain his blessings and barakah.

It is of utmost importance that we respect the Holy Prophet Muhammad (peace be upon him). He is the Messenger of Allah and our guide in this life. Without proper respect for him, we cannot hope to please Allah or follow His path correctly. Many people do not realize how important it is to show respect to the Prophet Muhammad. They think that as long as they believe in Allah and pray, they will be fine. But this is not the case. We must also respect and obey the Messenger of Allah if we want to lead good lives and earn Allah's pleasure. The Quran tells us to "Obey Allah and His Messenger" (4:59). This means that we should listen to what the Prophet Muhammad says and do what he tells us to do. It is not enough to just believe in Allah; we must also follow His Messenger. The Prophet Muhammad is our role model in this life. We should strive to emulate his character and conduct in every way possible. This includes showing him the proper respect and reverence that he deserves. We must never forget that without the Prophet

Muhammad, we would not have Islam or know the correct way to live our lives. We owe him a great debt of gratitude and should always remember to show him the proper respect.

Those who mock the Prophet Muhammad (Peace be upon him) will face retribution. This is because the Prophet Muhammad (Peace be upon him) is a highly respected figure, and those who disrespect him will be held accountable. The Prophet Muhammad (Peace be upon him) is a symbol of peace and justice, and those who mock him are insulting the values that he represents. This is not only disrespectful, but it is also dangerous. Those who mock the Prophet Muhammad (Peace be upon him) should be prepared to face the consequences of their actions.

Mocking the Prophet Muhammad (Peace be upon him) is a serious offense that will not be tolerated. Those who do so will be met with severe retribution. The Prophet Muhammad (Peace be upon him) is a highly respected figure, and anyone who mocks him will be dealt with harshly. This is a warning to all those who would dare to make fun of the Prophet Muhammad (Peace be upon him). You will be dealt with severely if you do not show the proper respect that is due to him. Death is the only decision for those who insolently disrespect the Holy Prophet Muhammad ((Peace be upon him)). There is no other way to deal with such people according to Islamic law. This is because the Prophet Muhammad ((Peace be upon him)) is the most revered and respected figure in Islam, and any insult or disrespect towards him is considered a grave offense. There are many Hadith that mention the punishment for those who disrespect the Prophet Muhammad ((Peace be upon him)), and they all agree that death is the only appropriate punishment. Therefore, anyone who disrespectful towards the Prophet Muhammad (Peace be upon him) should be prepared to face death as their only option.

Recommendation.

1. Media entities should fulfill their ethical obligations by accurately disseminating the authentic significance of the reverence for Hazrat Muhammad (Peace be upon him) and delineating the legal consequences for those engaging in blasphemy.
2. A robust investigative framework and stringent legal measures are imperative for individuals who autonomously adjudicate cases of blasphemy.

3. Leaders of Islamic nations ought to advocate for resolutions aimed at restricting the scope of freedom of speech, with the objective of curbing instances of blasphemy against Prophet Hazrat Muhammad (Peace be upon him).
4. Engaging in diplomatic efforts to encourage foreign governments to adopt and enforce legal measures against the promotion of blasphemous material targeting Prophet Hazrat Muhammad (Peace be upon him) within their jurisdictions.
5. Promoting international collaboration to formulate standardized legal protocols addressing transnational instances of blasphemy against Prophet Hazrat Muhammad (Peace be upon him)
6. Establishing a comprehensive framework for monitoring and regulating online content to promptly identify and address instances of blasphemous material related to Prophet Hazrat Muhammad (Peace be upon him).
7. Implementing stringent cybersecurity measures to safeguard against the dissemination of blasphemous content on digital platforms, ensuring swift action against offenders.
8. Developing advanced algorithmic tools for content moderation on social media platforms, specifically tailored to detect and remove content that may be deemed blasphemous against Prophet Hazrat Muhammad (Peace be upon him).
9. Instituting educational programs and awareness campaigns to foster a nuanced understanding of the legal consequences associated with blasphemy, thereby discouraging such actions.

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