

## Rulings of Mocking Prophet Mohammed Peace Be Upon Him (PBUH)

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### Abstract

This research deals with the issue of mocking the prophet Mohammed (PBUH) regarding the dogmatic rulings in terms of faith and disbelief in accordance with the worldly rulings associated with the application of punishment .

The research presents the Holy Qur'an's approach in dealing with mocking and the prophet's (PBUH) own method in dealing with the mockers.

The research concludes that the directives of the Holy Qur'an call for forgiveness, remission and turning away in dealing with the mockers in Mecca and Madina stages showing that the prophet's (PBUH) method in dealing with the mockers completely complies with the directives of the Holy Qur'an.

The research favors the saying that those who mock him (PBUH) from the non-Muslim citizens in the Muslim country should not be executed just for mocking unless they revolt and fight against the state.

The research uses the descriptive approach in showing the Qur'an's approach in dealing with the mockery issue and the prophet's (PBUH) method in dealing with the mockers and the inductive approach in followings-up the sayings of the scholars about the rulings of mockery. The research also depends the analytical approach in favoring what deserves favoring.

**Keywords:** Mocking, Mecca Stages, Madina Stages, Apostate, Dhimmis, Warriors.

### أحكام الاستهزاء بالنبي محمد صلى الله عليه وسلم

#### ملخص

تناول هذا البحث أحكام الاستهزاء بالنبي محمد صلى الله عليه وسلم فيما يتعلق بالحكم على المستهزئ بالردة، ومن حيث الحكم بإيقاع العقوبة عليه. وقد عرض البحث منهج القرآن الكريم في التعامل مع الاستهزاء، كما عرض طريقته صلى الله عليه وسلم في التعامل مع المستهزئين. وخلص البحث إلى أن توجيهات القرآن الكريم اعتمدت الصلح، والمغفرة، والإعراض طريقاً للرد على المستهزئين في المرحلتين المكية، والمدنية، وأن طريقة النبي صلى الله عليه وسلم في التعامل مع المستهزئين منسجمة تماماً مع توجيهات القرآن. وقد خلص البحث إلى ترجيح القول بأن المستهزئين به صلى الله عليه وسلم من مواطني الدولة المسلمة من غير المسلمين لا يقتلون لمجرد الاستهزاء إلا إذا ضموا إليه الخروج على الدولة ومحاربتها. وقد استخدم البحث المنهج الوصفي في بيان منهج القرآن في التعامل مع قضية الاستهزاء، وطريقة النبي صلى الله عليه وسلم في التعامل مع المستهزئين، والمنهج الاستقرائي في تتبع أقوال الفقهاء في أحكام الاستهزاء، كما اعتمد البحث المنهج التحليلي في ترجيح ما رآه راجحاً.

**الكلمات المفتاحية:** الاستهزاء، المرحلة المكية، المرحلة المدنية، المرتد، أهل الذمة، المحاربون.

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**Introduction:**

Praise be to Allah, prayer and peace be upon the Messenger of Allah, his family, companions and allies.

The incident of the French newspaper Charlie Hebdo sparked jurisprudential controversy about the rulings of the mockers of the prophet Mohammed (PBUH) since the incident was condemned by the official and religious institutions in both the Arabic and Islamic worlds, while some people tried to justify what happened and supported it from a doctrinal point of view.

This research is an objective scientific attempt to understand the Qur'an's approach in dealing with the issue of mocking the prophet and his (PBUH) method in dealing with mockers as well as the views of the scholars on the issue in terms of the dogmatic rulings concerning faith and disbelief in light of the secular rulings and the application of punishment.

**Nature of the subject:**

The research is a jurisprudential rooting and compared study of the issue of mocking the prophet Mohammed (PBUH) through:

**Importance of the Research:**

The importance of the research lies in its having no individual dimensions since it deals with the relationship between the Islamic nation and other nations considering that the adoption of the ruling providing for the execution of the curser of the prophet (PBUH) may spark wars with other countries and wars and strives inside the Muslim society. The issue may also be connected with the reputation of Islam, embracing or alienating it.

Added to the above, the spread of the notion that the punishment of the mocker is limited to execution. This notion should be corrected despite the saying agreed on by some people that there is no another opinion towards the issue.

All the above considerations stress the need for carrying out a jurisprudential comparative study in an accurate and objective manner to back up the view which complies with the Holy Qur'an's logic and the Sunnah's approach and serve the reputation of Islam and the interests of Muslims.

**Research Problem:**

The problem of the research lies in clarifying the position of the Holy Qur'an, the Sunnah and the sayings of the Jurisprudents towards the mockers of the prophet (PBUH) due to the spread of mockery and the attempt to know the rulings on that mockery for soldiers and residents of the Muslim country who are not-Muslims.

**Research Questions:**

1. Has the Holy Qur'an presented a clear position towards the mockers of the prophet Mohammed (PBUH)?
2. How did prophet Mohammed (PBUH) deal with the mockers in the Mecca and Madina stages?
3. Is it true that the Jurisprudents agreed on a ruling on the mockers without differentiation among them?

**Research Hypotheses:**

The research is based on a set of hypotheses including:

1. The Qur'an has a clear position towards mockers.
2. Prophet Mohammed (PBUH) was exposed to mockery but he had his own way in dealing with mockers in accordance with the position of the Qur'an which did not differ in both the Meccan and Madina eras.
3. The Jurisprudents did not agree on the rulings on the mockers and they differentiated among the kinds of these rulings.

**Research Goals:**

1. Showing the position of the Holy Qur'an towards the mockers of the prophet (PBUH).
2. Showing the way in which the prophet (PBUH) dealt with his mockers in Mecca and Madina stages.
3. Transfer the sayings of the jurists about the positions of mockers.

**Research Mythology:**

The research uses the descriptive approach in showing the Qur'an's approach in dealing with the mockery issue and the prophet's (PBUH) method in dealing with the mockers and the inductive approach in following-up the sayings of the scholars about the rulings of mockery. The research also depends on the analytical approach in favoring things.

**Research Structure:**

Introduction.

**The first study:** Definition of mockery, features of the Qur'anic approach in dealing with mockers and the prophet's approach in dealing with mockers which includes three demands.

- First demand: Definition of mockers and examples of mockery to which the prophet (PBUH) was exposed to.
- Second demand: Features of the Qur'anic approach in dealing with mockers.
- Third demand: The prophet approach in dealing with mockers.

**The second study:** The sayings of the jurists about the ruling on mockers including two demands.

- First demand: Dogmatic ruling on the mockers of the prophet (PBUH).
- Second demand: worldly rulings on the mockers of the Prophet (PBUH).
- Conclusion: It contains the results and recommendations.

**The First study: Definition of mockery and its kinds, features of the Qur'anic approach in dealing with mockers and worldly dealing with the mockers**

**The first demand: Definition of mockery and the models of mockers which the prophet (PBUH) was exposed to:**

**What is Meant by Mocking the Prophet (PBUH):**

Mocking the prophet means any attempt to offend him either by words or action, whether this action was imitating, depicting or any other form of mockery.

**Models of Mockery of the Prophet in Mecca:**

The mockery of the prophet took place in words in Mecca in various forms. In some cases they accused him of madness. Allah says, "And they say, **"O you upon whom the message has been sent down, indeed you are mad"** [Surat Al Hijr: 6]. Others accused him of being a poet . Allah says, **"And it is not the word of a poet, little do you believe"** [Surat Al Haqqah: 41]. Others accused him of soothsaying. Allah says, **"Not the word of a soothsayer, little do you remember"** [Surat Al Haqqah: 42]. Others accused him of falsely making up the Qur'an. Allah says (Or do they say, **"He has made it up"? Rather, they do not believe**) [AL Tour: 33]. The fifth group accused him of being a magician. Allah says, **"But the disbelievers say, "Indeed this is an obvious magician),** [Surat Yunis:2].

They exaggerated in insulting and cursing him to the extent that they changed his name from Mohammed which signifies praise and thanks to Mothamam which signifies dispraise on the pretext that the religion which he called for aimed to change the religion of their fathers, a matter which deserves dispraise. He (PBUH) said,

“Don’t you wonder how Allah protected me from the insults and curses of Quraish. They cursed and insulted Muthamam and I am Mohammed.”<sup>(1)</sup>

When the verse "**may the hands of Abu Lahab be ruined and ruined is he**". [Surat Al-Masad: 1] was revealed and Om Jameel heard what was revealed about her husband she said: "We reject Muthaman, we detest his religion and disobey his order"<sup>(2)</sup>.

Regarding actual mocking of him (PBUH), it is known that Al Hakam Ibn Abi Al Aas used to imitate the Prophet's (PBUH) way of walking and moving<sup>(3)</sup>. They used to sit with the Prophet and if he said anything they shivered their faces<sup>(4)</sup>.

The Qur'an actually reported some of their mockery indeed and some of their movements. They mockingly nodded their heads to the messenger of Allah when he called them for faith and belief in his message<sup>(5)</sup>. Allah the Almighty says: "And they say, who will revive us?" Say, "He who brought you forth the first time, **Then they will nod their heads toward you**" [Surat Al Isra': 51].

### **Models of Mocking the Prophet (PBUH) in Madina:**

If mocking in Mecca was practiced by the idolaters, it was also practiced in Madina by two factions: The first was the Jews who were at that time Dhimmis (living under a treaty and covenant with Muslims). The second was the hypocrites who pretended to be Muslims and the Muslim rulings were applied on them. As in Mekka Mockery took place in word and action in Madina. As part of mockery in words the Jews came to the Prophet to greet him by saying "As-Sam-u- Alaikum ". Aisha (may Allah be pleased with her) said, "The Jews used to greet the Prophet (PBUH) saying "As-Sam-u- Alaikum". Aisha understood their saying and said to them death be upon you and curse. The Prophet (PBUP) said, "Hey Hey Aisha, Allah loves kindness in every matter. She said, "O Prophet of Allah did not you hear what they said? "

He said to her, (Didn't you hear that I replied to this saying “And upon you”<sup>(6)</sup>. Allah informed his prophet of their mockery. He says, **“When they come to you, they greet you with that [word] by which Allah does not greet you”** [Surat Al Majadila: 8].

They also used to come to him (PBUH) using in their address to him a word including mockery and disparage saying, "Ra'ina (observe us) concealing frivolity. This was a word used by the companion meaning care<sup>(7)</sup> which means that the prophet should pay more attention to them and be interested in listening to them. Therefore Allah banned Muslims from saying, "Ra'ina (observe us) so that the Jews may not take this as a pretext to insult the prophet (PBUH)<sup>(8)</sup>. Allah Says, “O you who have believed, say not [to Allah 's Messenger], "Ra'ina" but say, "Unthurna" "[Baqqara: 104].

The most famous mockers of the prophet (PBUH) among the Jews was Ka'b Ibn Al Ashraf. The messenger of Allah complained of the abuses of Ka'b Ibn Al Ashraf and said that he had harmed Allah and his messengers<sup>(9)</sup> But the offenses of the hypocrites and their lampooning of the prophet were abundant. Sometimes

<sup>(1)</sup> Al Bukhari, Mohammed Ibn Ismael Ibn Ibrahim, Al Jami' Al Sahih, Investigator: Mohammed Zuhair Al Nasser(Beirut: Lifeline House, edition(1), 1422 A.H) Kitab Al Manaqib (virtues Book), chapter what was said about the names of the Messenger of Allah (PBUH), volume(4) P.185, hadith no. 3533.

<sup>(2)</sup> Ibn Al Arabi, Mohammed Bin Abdull Al Ashbili, Provisions of the Qura'n: investigated by: Mohammed Ata(Beirut: Scientific Books House, edition(3)1424 A.H. /2003 A.D. part 2 p.(401)

<sup>(3)</sup> Al Zahabi, Shams Eddin Mohammed Ibn Ahmed, Biographies of Heraldry, investigated by Shaib Al Arnaout (Beirut, Al Risala Foundation, edition (3), 1985 A.D. part 2 p. 108.

<sup>(4)</sup> Al Baihaqi, Ahmed Ibn Al Hussein Ibn Ali, Prophecy Signs, investigated by Dr. Abdul Mu'ti Qala'ji (Beirut: Scientific Books House, edition(1) 1988 A. D) Part 6, P. 239.

<sup>(5)</sup> Al Baghawi, Al Hussein Ibn Masoud, Tafsir ( Interpretation) Al Baghawi (Beirut: Inheritance Revival House, edition 1,1 420 A.H., Part 2, P. 264.

<sup>(6)</sup> Al Bukhari, Al Jama' Asahih, Literature Book, Humane Chapter of Kindness in the Whole Matter, Part (8), P. 12, Hadith no. 6024 .

<sup>(7)</sup> The Baghawi, Tafsir Al Baghawi, Part 1, P. 641.

<sup>(8)</sup> Ibn Kathir, Ismael Ibn Omar, Tafsir Ibn Kathir, achieved by Mohammed Hussain Shams Edden (Beirut Scientific Books House, edition (1) 1419 A.H., part (1), P. 256.

<sup>(9)</sup> Al Bukhari, Al Jama' Al Sahih, Mortgage Book, Weapon's Mortgage Chapter, part (3), P. 142, Hadith no. 2507.

they alleged that he was just an ear who listens to everybody<sup>(10)</sup> and he was not shrewd. Allah says, “And among them are those who abuse the Prophet and say, **“He is an ear.”**” [Surat Al Tawbah: 61]. Their abuse to him (PBUH) amounted to calling him servile and they were determined to drive him out of Madina. These words were not only said by one person, but by a group headed by Abdulla Ibn Saloul<sup>(11)</sup>. Mocking the Prophet (PBUH) they said if Mohammed was true in the eyes of our brothers who are our masters and elite then we are worst than donkeys. We and Mohammed are as the saying says, “Fatten your dog, it will eat you”<sup>(12)</sup>

As part of their mockery, they accused him of being unfair and dishonest. They defamed and disgraced him in the distribution of charities saying that Mohammed only gives those he loves and does equally divides. They said that in his face<sup>(13)</sup>.

As regards actual mockery the hypocrites used to turn their heads aside in mockery and turn away from his speech showing arrogance towards his call on them and contempt to what he said to them<sup>(14)</sup>. Allah says “And when it is said to them, “Come, the Messenger of Allah will ask forgiveness for you,” they turn their heads aside and you see them evading while they are arrogant.”

### **Second demand: Features of the Qur'anic approach in dealing with mockers:**

#### **Features of the Qur'anic Approach in Dealing with Mockers:**

#### **The Qur'anic approach in dealing with mockery based on a set of directives of the prophet (PBUH) and a group of Muslims behind him:**

Allah has directed his prophet that He is aware that he is annoyed with their cursing and insults to him and what he is bringing to them He directed him not to abandon that, take refuge in prayers and worship and stick to his religion until he dies. Allah says, “And we already know that your breast is constrained by what they say. So exalt (Allah) with praise of your Lord and be of those who prostrate (to him). **And worship your Lord until there comes to you the certainty (death).**” [Surat Al Hijr: 97].

This directive to stick to the religion was repeated in more than one place in the Qur'an. Allah the Almighty says ordering his prophet to follow what is revealed to him and evade the idolaters. **“Follow, (O Mohammed), what has been revealed to you from your Lord – there is no deity except Him and turn away from those who associate others with Allah.”** [Surat Al Ana'm: 106].

The Qur'an confirmed that mockery does not remove the villainy of the mockers and it does not degrade the believers. Allah says, **“They say, “If we return to Al Madina the more honored (for power) will surely expel there from the more humble” And to Allah belongs (all honor) and to his messenger, and to the believers, but the hypocrites do not know.”** [Surat Al Monafiqeen: 8].

After these directives He ordered his prophet to go ahead on the path of his call reminding him and to ignore this mockery and He promised him to protect him from those mockers. He says, **“Then declare what you are commanded and turn away from the polytheists. Indeed, We are sufficient for you against the mockers”**. [Surat Al Hijr: 94]. He says, **“So remind (O Mohammed, for you are not by the favor of your Lord a soothsayer or a madman.)** [Surat Al Tour: 29]. Allah also attracted the attention of Muslims to the purpose of this mockery which is aimed to turn the people away from embracing the religion of Allah. Allah says, **“And a faction of the people of the scripture say (to each other)” Believe in that which was revealed to the believers at the beginning of the day and reject at its end that perhaps they will abandon their religion.** [Surat Al Omran: 72].

Allah ordered his prophet to forgive and turn away. He says, **“ Take what is given freely, enjoy what is good, and turn away from the ignorant.** [Surat Al A'raf: 199]. Allah reminded his prophet with his past

<sup>(10)</sup> Al Baghawi, Tafsir Al Baghawi, Part (2), P. 264.

<sup>(11)</sup> Tabari, Mohammed Ibn Jareer Tabari Tafsir, achieved by: Ahmed Shaker (Beirut: Risala Foundation, edition (1), 2000 A.D., Part 23, P. 399).

<sup>(12)</sup> Al Shokani Mohammed Ibn Ali, Feteah Al Qadeer (Damascus: Ibn Kathir House, edition (1) 1414 A.H., part (2), P. 236).

<sup>(13)</sup> Al Baghawi, Tafsir Al Baghawi, Part 2, P. 358.

<sup>(14)</sup> Ibn Kathir: Tafsir Ibn Kathir, part 8, P. 151.

history when He ruined those who mocked the prophets before him. He says, **“And already were messengers ridiculed before you, but those who mocked them were enveloped by what they used to ridicule.”** [Al Anbiya: 41]. He showed his prophet that the punishment waiting these mockers is otherworldly and not worldly. He says, **“when they come to you, they greet you with that [word] by which Allah does not greet you”** [Surat Al Majadila: 8] and says, **“Indeed, those who abuse Allah and His Messenger - Allah has cursed them in this world and the Hereafter and prepared for them a humiliating punishment”**. [Surat Al Ahzab: 57]. While He tells them of the punishment of the hereafter He threatened them to inflict worldly torment on them by His prophet but he did not do that and He reneged on his threat<sup>(15)</sup>. He says, **“If the hypocrites and those in whose hearts is disease and those who spread rumors in Al-Madina do not cease, We will surely incite you against them”** [Surat Al Ahzab: 60].

Together with telling them about the punishment prepared for them in the hereafter and threatening to inflict worldly torment on them, he asked them to leave mockery, stop it and accept what Allah promises them. He says, “Among them there are some who find fault with you concerning the zakat. If they are given some of it, they are pleased but if they are not given any, they are angry. If only they had been pleased with what Allah and His Messenger had given them and had said, **‘Allah is enough for us. Allah will give us of His bounty as will His Messenger. It is to Allah that we make our plea.’** [Surat At-Tawba, 58-59]

He corrected their mockery by returning them to the right which they ignored. He says, “Among them are men who molest the Prophet and say, "He is (all) ear." Say, **"He listens to what is best for you: he believes in Allah, has faith in the Believers, and is a Mercy to those of you who believe."** [Surat At-Tawba: 61].

The mockery of the mockers of the messenger of Allah increased to include the Muslim society as a whole as they said about the readers of the Qur'an, “We only see that our readers are the emptiest abdomens, the liest tongues and the most coward on the day of meeting .

The issue is submitted to the messenger of Allah (PBUH) and he discussed it with them and only accepted their apology when they said, “we were only jesting”<sup>(16)</sup>

The Noble Qur'an was revealed to denounce their saying but does not arrange for a worldly torment. He says, “The Hypocrites are afraid lest a Sura should be sent down about them, showing them what is (really passing) in their hearts. Say: **"Mock ye! But verily Allah will bring to light all that ye fear (should be revealed)."** [Surat At- Tawba: 65]. Sometimes the Qur'an does not add to the exposure of the mockery of these mockers and their lies, their bad morals and their cowardice as happened with their saying in the battle of the parties (Ahzab), “Mohammed promises us of opening Sham and Persian palaces but any of us cannot make one trip .

This is Allah’s vanity<sup>(17)</sup>. Allah the Almighty says, “And [remember] when the hypocrites and those in whose hearts is disease said, " Allah and His Messenger did not promise us except delusion,"And when a faction of them said, **"O people of Yathrib, there is no stability for you [here], so return [home]."** And a party of them asked permission of the Prophet, saying, **"Indeed, our houses are unprotected," while they were not exposed. They did not intend except to flee”**. [Surat Al Ahzab: 12-13]. Thus the Holy Qur'an goes ahead with dealing with the mockers based calling for patience, tolerance, pardon and forgiveness and the call on these mockers to leave their mockery, stop it and correct their mockery by returning them to the right which they forgot and urge Muslims to adhere to their religion and to increase the efforts of the call to Allah. Thus, we find that this Qur'anic approach was free from the call for any punitive response except confirmation of the punishment what Allah prepared for the mockers in the next world. This approach is in consistence with the Mecca and Madina stages as we see in the verses telling the story of mockery.

<sup>(15)</sup> Ibn Jazi, Ismael Ibn Omar, Tasheel Lolom Atanzeel, (Beirut, Scientific Books House, edition 1, 1995 A.D) part 2, P. 197.

<sup>(16)</sup> Ibn Kathir, Tafsir Ibn Kathir, part 4, P. 151 .

<sup>(17)</sup> Al Baghawi, Tafsir Al Baghawi, Part 6, P. 332 .

### **Third demand: The prophet approach in dealing with mockers:**

#### **The Prophet's Dealing with the Mockers:**

Despite the abundance of mockery which the prophet had been exposed to whether in Mecca or Madina we found that he (PBUH) did not step up his response to these mockers in line with the directives of the Noble Qur'an to him to forgive and pardon. We had previously referred to those insults and the directives of the Holy Qur'an to him (PBUH) to be patient and forgive .

For example the mockery of the Jews by greeting him with what is not similar to the greetings of Allah when they say As-sam-u-Alaikum instead of As-salam-u-Alaikum (peace be upon you), the prophet did not meet this with more than saying wa alaikum (Let it be upon you). This was narrated by Aisha the mother of the believers (may Allah be pleased with her)<sup>(18)</sup>

In his response to the mockery of these who accused him of not being fair and honest in the alms saying to him "O Mohammed, "Be fair" The messenger of Allah (PBUH) did not add to the previous forgiveness and pardoning confirming the Islamic values as he said, "Woe, who is fair if I am not fair, I will be disappointed and loser if I don't be fair". Omar Bin Al Khatab may Allah be pleased with him said, "O messenger of Allah, let me kill this hypocrite". He (PBUH) said, "Allah forbids" "I fear that people will say that I kill my companions<sup>(19)</sup>". Thus his approach (PBUH) in dealing with mockers continues in consistence with the directives of the Noble Qur'an which did not differ in both the Mecca and Madina stages. As regards the cases in which it was said that the messenger of Allah (PBUH) killed the mockers, they will be discussed later in the jurisprudential debate about the mocker's rule .

### **The second study: The sayings of the jurists about the ruling on mockers including two demands**

#### **First demand: Dogmatic ruling on the mockers of the prophet (PBUH):**

##### **Dogmatic Ruling on the Mockers of the Prophet(PBUH):**

Ruling on the mocker in terms of his belief or what is called the dogmatic ruling and the worldly punishment on him. What will be discussed in this paragraph is the ruling in terms of fidelity and infidelity. Before presenting the evidences of the ruling on the mocker, it is noteworthy to indicate that mocking a person is contrary to docile to him and love to him. Docile and love are signs of homage and honor while mockery is insult and humiliation which are opposites and do not agree with one another. Once one of them enters the heart, the other is exiled. Just knowing that mockery of the prophet (PBUH) contradicts with belief is just like contradiction between the opposites<sup>(20)</sup>. This ruling decided in the mind was confirmed by Sharia as several verses in the Qur'an announced the infidelity of whoever mocks the prophet (PBUH). Among these evidences: The saying of Allah, **"They swear by Allah that they did not say [anything against the Prophet] while they had said the word of disbelief and disbelieved after their [pretense of] Islam"**. [Surat Al Tawbah: 74]. The word of infidelity they said and disbelieved in it was a proof of their mockery of the prophet (PBUH)<sup>(21)</sup>.

Allah says "They hypocrites are apprehensive lest a surah be revealed about them, informing them of what is in their hearts. Say, "Mock [as you wish]; indeed, Allah will expose that which you fear." And if you ask them, they will surely say, **"We were only conversing and playing." Say, "Is it Allah and His verses and His Messenger that you were mocking?" Make no excuse; you have disbelieved after your belief."** [Surat Al Tawbah: 64, 65, 66]. The verses frankly indicate the infidelity of the mocker .More than one scholars quoted

<sup>(18)</sup> Al Bukhari, Al Jami' Al Sahih, Literature Book, Chapter of Kindness in the whole matter, Part 8, P. 12, Hadith no. 6024.

<sup>(19)</sup> Imam Muslim, Muslim Ibn Al Hajaj, Sahih Muslim, achieved by Mohammed Fuad Abdul Baqi, (Beirut: Inheritance Revival House, Zakat Book, Chapter of the Kharijities and their attributes, Part 2, P. 740, Hadith no. 1063).

<sup>(20)</sup> Ibn Tamiyyah, Ahmed Ibn Abdul Hamid, Asarim Al Masloul, achieved by Mohammed Muhyi Eddin Abdul Hamid, (Saudi Arabia, National Guard, P.521).

<sup>(21)</sup> Al Nasfi, Abdullah Bin Ahmed Al Nasfi, Tafsir Al Nasfi, achieved by Yusif Bidaiwi, (Beirut: Good Words House, edition (1), 1998 A.D, Part (1), P. 695).

the consensus on the infidelity of whoever insults the prophet (PBUH) <sup>(22)</sup> except those who said that belief is the hearty belief only. Those who say this mean that people may believe in their hearts and do not show the evidence of this belief or shows the opposite of the belief in their hearts. Their evidence of this their saying that belief is believing by heart only though they declare disbelief and idolatry. This saying contradicts with the consensus of Muslims <sup>(23)</sup> Alqadhi Al Ayadh said: Some phenomena lists referred to difference over the infidelity of the mocker <sup>(24)</sup>.

#### **Claim of Jest in Mockery:**

The allegation of jesting in mockery is not accepted. If somebody says that he was jesting in mockery, his allegation will not be accepted because the human being is not be asked about his intention. Mockery is frank in infidelity as in the saying of Allah, “And if you ask them, they will surely say, **“We were only conversing and playing.” Say, “Is it Allah and His verses and His Messenger that you were mocking?” Make no excuse; you have disbelieved after your belief.**” [Surat Al Tawbah: 65]. It includes the significance that the jester and the serious are equal whether in showing the word of infidelity or any other kind of coercion <sup>(25)</sup>. The saying of the mocker may be serious or in jest but in both cases it is disbelief. Mocking in disbelief is disbelief without any difference about this in the nation <sup>(26)</sup>.

#### **Second demand: worldly rulings on the mockers of the Prophet (PBUH):**

##### **Worldly Ruling on the Mocker of the Prophet (PBUH):**

The worldly ruling on the mocker of the prophet (PBUH) differs according to the mocker’s position. If the mocker is a Muslim, his mockery means that he sentenced himself to apostasy which requires the application of the ruling of the apostate. But if he is an infidel he may be either a free non – Muslim under Islamic rule (Dhimmi) or warrior and each of them has its own ruling.

##### **Mockery by Muslims:**

As previously mentioned mockery by a Muslim means that he sentenced himself to apostasy. In this case shall we apply the ruling of apostasy in general, or is apostasy resulting from mockery considered a special one which requires special rulings?

Some scholars do not differentiate between apostasy caused by mockery or another, so the apostate was sentenced to death after being asked to repent and they did not differentiate between men and women. In view of his saying (PBUH), “whoever changes his religion, kill him <sup>(27)</sup>. Because he does not find any difference between apostasy from mockery and other regarding repentance. This is the saying of the Shaafai's <sup>(28)</sup>. Imam Shafi said, “If a man or a woman apostates from Islam, the one who apostates is asked to repent <sup>(29)</sup> saying that asking the apostate to repent is absolute whether this apostasy is resulting from insulting or otherwise is the ruling adopted in this school <sup>(30)</sup>.

Some of the Shaafi’ scholars differentiated between insulting the prophet (PBUH) by frank slander (defaming his honor) or insulting him in another way. They said that frank slander does not drop the death sentence if he repents. If he insults him without slander and he repents, the death sentence will be dropped.

<sup>(22)</sup> Ibn Tamiyyah, Asarim Al Masloul, P. 521, Al Qadi Ayadh, Abu Al Fadel Ayadh Al Yahsabi, Al Shifa in the Definition of the Rights of Al Mustafa (Prophet), (Beirut: Dar Al Fikr, edition of 1988 A.D), Part 2, P. 259.

<sup>(23)</sup> Ibn Hazim, Ali Ibn Ahmed, Al Mahali ( Beirut: Dar Al Fikr, DTDI, Part 2, P. 435)

<sup>(24)</sup> Al Qadi Ayadh, Al Shifa in the Definition of the Rights of Al Mustafa (Prophet), Part 2, P. 259.

<sup>(25)</sup> Al Razi Al Jasas, Ahmed Ibn Ali, Provisions of Qura’n, achieved by Abdul Salam Shahin Beirut: Scientific Books House, Edition (1), 1994 A.D, Part 3, P. 183.

<sup>(26)</sup> Ibn Al Arabi, Provisions of Qura’n, Part 2, P. 542.

<sup>(27)</sup> Al Bukhari, Al Jami’ Al Sahih, Chapter of the Ruling on the Apostate, Part 9, P. 15, Hadith no. 6922.

<sup>(28)</sup> Al Khatib Al Sharbini, Mohammed Ibn Ahmed, Aleqnaa, Dar Al Fikr – Beirut: D.T.D.I Part 2, P. 551.

<sup>(29)</sup> Al Shafi’I, Mohammed Ibn Idris, Alaum, Beirut: Dar Al Ma’rif, D.I 1990, A.D, Part (1), P.295.

<sup>(30)</sup> Ibn Hajar Al Haitami, Ahmed Ibn Mohammed Ibn Ali, Tuhfat Al Mahtaj Fi Sharah Almunhaj, Egypt, Grand Commercial Library, DT, 1983 A.D part 9, p 96.

Nevertheless Al Qafal, one of the Shafi Scholars, disagreed with this. He said, "He disbelieved by cursing and he averted execution by Islam. Al Saidalani Also said, " Death sentence is averted but the slander Hadd punishment is indispensable."<sup>(31)</sup>

Will he be asked to repent obligatorily or voluntarily. The Shafi's have two opinions regarding this matter: The first of them is that it is not necessary because if he was killed before being asked to repent the executor will not be responsible for him. But if asking for repentance is required he will be responsible for him. The other opinion is that it is due in view of what was narrated that Omar denied executing the apostate without being asked to repent. He said, "I did not testify, I did not order and I would not have accepted it, if I had been informed of it" Regarding the period in which the apostate is asked to repent there are two opinions of the Shafi's: One of them is to give him three days and the second is to ask him to repent immediately and should not be postponed for three days<sup>(32)</sup> and he should be asked to repent if he repeats his apostasy **"Say to those who have disbelieved [that] if they cease, what has previously occurred will be forgiven for them"** [Surat Al Anfal: 38]<sup>(33)</sup>. The Shafi's justified the necessity for asking for repentance saying that before his apostasy he was respected due to his Islam and it is not allowed to execute him. The Shafi's justified the need to repent by saying, "Before his apostasy he was respected by Islam and his blood was infallible and if suspicion is seen, it is just sheer futility." If he says at the time of the execution that I can see a suspicion you should remove it so that I may repent he should be debated because reasoning is preferred to sword<sup>(34)</sup>. Some of the Shafis exempt that who fights from repentance because he should be asked to repent. In this case there is an answer to the question. What did not the prophet ask the Alornyeens (A group who apostatized, fought and killed some of the companions) to repent? It is clear that repentance is necessary even for those who fight because the necessity to execute them does not drop asking them to repent in order to escape eternity in hell. There is an objection to this opinion and the question why didn't the prophet (PBUH) ask the Alornyeens to repent? What made the repentance of the fighting apostates necessary is a potential possibility? He (PBUH) knew that they did not repent or he knew that they were from the people of hell<sup>(35)</sup>. Others went on to say that apostasy resulting from mockery is a special kind of apostasy which has no repentance without difference between men and women. Any man or woman apostatizes by mockery must be killed immediately without being asked to repent .

This is the opinion of the Maliki's. Ibn Al Qassem (a Maliki scholar) said, "Whoever insults the messenger of Allah (PBUH), curses, defames or belittled him should be killed if he is a Muslim without being asked to repent<sup>(36)</sup>. This is the opinion of their school though some of the Maliki scholars considered mockery as apostasy and should involve repentance<sup>(37)</sup>.

The Malikis only exempted coercion. If the Muslim is forced to insult the prophet he can do that and he will not become disbeliever for doing that though they preferred that he should be patient and if he is killed he will be reattributed<sup>(38)</sup>.

The saying of the Malkis that who curses the prophet should not be killed was also adopted by the Hanbalis. Imam Ahmed Ibn Hanbal was asked, "Will the one who insults the prophet (PBUH) be asked to repent<sup>(39)</sup>?" He

<sup>(31)</sup> Al Nawawi, Abo Zakaria Mohueddin Yahya Ib Sharaf, Almagmoo Sharah Al Muhazab Betakmelat Shiekh Mutehi, Beirut: Dar Al Fikir D.T Part 19, P. 472.

<sup>(32)</sup> Al Sherazi, Ibrahim Ibn Ali, Al Muhazab (Beruit: Scientific Books House, D.T.D.I), part 3, p. 275.

<sup>(33)</sup> Al Khatib Al Sharbini, The Conviction, part 2, p. 551.

<sup>(34)</sup> Ibn Hajar Al Haithami, Tuhfat Al Muhtaj Fi Sharah Al Munhaj, part 9, p. 96.

<sup>(35)</sup> The previous reference

<sup>(36)</sup> Ibn Rushd, Mohammed Ibn Ahmed, Al Bayan and Tahseel, achieved by Dr. Mohammed Hiji, (Beirut: Al Gharb Al Islami House, edition 2, 1988 A.D, part 16, P. 413).

<sup>(37)</sup> Ibn Abdul Al Bar, Yusef Ibn Abdullah, Al Kafi in the Fiqh of the People of Madina, achieved by Mohammed Al Moritani (Riyadh: Riyadh Modern Bookshop, edition 2, 1980 A.D, part 2, P.1091).

<sup>(38)</sup> Al Qarawani Abdullah Ibn Abi Zeid, Abdul Rahman Al Nafari, Nawader wa Ziyadat (Beirut: Dar Al Gharb, edition (1), 1990 A.D, part 10, P. 248).

said "No, he should not be asked to repent." Abu Al Khattab (one of the Hanbali scholar ) was quoted as saying that there are two opinions regarding this matter: One of them said, "No, it should not be accepted because what necessitates his execution is cursing and slandering which are not dropped by repentance as the slander had punishment. The second is that it should be accept because it is not more than saying that Allah has a wife and a son which was called by Allah as cursing. The prophet (PBUH) said quoting his Lord as saying, "The son of Adam cursed me and he should not curse me. He cursed me when he said "I have a wife and a son"<sup>(40)</sup>". Repentance in this case is accepted by agreement of the scholars<sup>(41)</sup>. If the repentance of the one who insults Allah is accepted, so the repentance of the one who curses his prophet is to be accepted<sup>(42)</sup>. Some of the Hanbali scholars differentiated between apostasy resulting from insulting Allah and apostasy owing to insulting the prophet. They said that the one who curses Allah will be asked to repent from apostasy because of cursing Allah and he is not asked to repent from apostasy if he curses the prophet justifying this saying that cursing the prophet (PBUH) is a human right which is not known when it is dropped and it is accepted if he insults Allah because Allah accepts repentance as it is His own right<sup>(43)</sup>.

The Hanbalis exempted repentance under duress as Allah the Almighty says, "**Except for one who is forced while his heart is secure in faith.**" [Surat Anahl: 106]. As regards the question of whether to accept repentance, the apostate is asked to repent three times in which he is called for Islam. If the apostate repents, his repentance will be accepted and he should be released<sup>(44)</sup>. The repentance includes testifying that there is no God but Allah and that Mohammed is the Messenger of Allah except that who believes that Mohammed was sent to Arabs only or allege that Mohammed is a prophet sent but not our prophet (PBUH) and in this case his repentance is not valid until he certifies that our prophet Mohammed is a prophet who was sent to all the people and disown in addition to the shahada from every other religion which contradicts with Islam<sup>(45)</sup>. If he insists on apostasy and doesn't repent he shall be killed and nobody shall kill him except the Imam. This execution is necessary to the right of Allah the Almighty. The Imam may kill him and his execution without his permission is an insult and enhances the infringement on the Imam<sup>(46)</sup>. The Hanifis believe that the apostate woman due to mockery or other reasons should not be executed because they see that apostasy is not punishable by death. The man is killed after asking him to repent voluntarily and not obligatorily. Giving him a grace period is up to the Imam, if he asks for postponement he gives him three days. But if he does not want him to repent and he does not ask for his postponement he may execute him immediately. The repentance of the apostate is accepted even if this repeated. But the Hanafis say, "If he repents for the fourth time the Imam beats him and releases him". Abu Hanifa was quoted as saying that if he repents in the third time he will be jailed by the Imam and refrains from releasing him until he sees the effects of the humble repentance and sincerity on him<sup>(47)</sup>. The Hanifis support their opinion not to execute the apostate woman what they saw from Ibn Abbas who was the narrator of the Hadith: (who changes his religion, kill him) who saw that the apostate woman should not be killed<sup>(48)</sup> and he

<sup>(39)</sup> Ibn Bahram, Ishaq Ibn Mansour, Issues of Imam Ahmed and Ishaq Ibn Rahawia (Madina: Scientific Research Deanship in the Islamic University, edition (1), 2002 A.D, part 7, P.3395).

<sup>(40)</sup> Al Bukhari, Al Jami' Al Shahih, chapter of they said Allah Took a Son, part 6, P. 19, Hadith No. 4482.

<sup>(41)</sup> Ibn Qudama Al Maqdisi, Mowafaq Eddin Abdullah Ibn Ahmed, Al Kafi in the Fiqh Imam Ahmed, ( Beirut: Scientific Books House, edition 1, 1994 A.D, part 4, P.62).

<sup>(42)</sup> Ibn Miflih Ibrahim Ibn Mohammed, Al Mubdi, (Beirut: Scientific Books House, edition 1, 1977 A.D, Part 7, P. 487).

<sup>(43)</sup> Ibn Miflih, Mohammed Ibn Miflih, the Branches, achieved by Abdullah Al Turki, (Beirut: Risalla Foundation, edition 1, 2003 A.D, part 10, P. 194).

<sup>(44)</sup> Ibn Qodama Al Maqdisi, Al Kafi in fiqh Imam Ahmed, part 4, P. 59.

<sup>(45)</sup> The above reference, part 4, P.62.

<sup>(46)</sup> The same above reference .

<sup>(47)</sup> Al Kasani, Abu Bakr Ibn Masoud Ibn Ahmed Alaa Eddin, Badi' Asana' Fi Tarteeb Asharai, (Beirut: Scientific Books House, edition 2, 1986 A.D, part 7, P. 134.)

<sup>(48)</sup> Abu yousief, Yaqoub Ibn Ibrahim, Variation of Abu Hanifa, Ibn Abi Layla, (India: Committee for the revival of knowledge NUMANIYA, India, D.t i 1) p. 199.

limited the Hadith to the man only because the prophet (PBUH) forbade the execution of women<sup>(49)</sup>. They said that this will protect the evidences from contradiction<sup>(50)</sup>. The Hanafis made an exception saying that “If the Muslim was forced to insult the prophet because there is something threatening himself or any of his organs, he is excused to do that. “If he is forced under the threat of prison, tying or beating, he shall not do that<sup>(51)</sup>.”

**Accordingly there are three opinions regarding this matter:**

1. The mocking Muslim should be asked to repent necessarily. If he repents, his repentance is accepted otherwise he should be killed whether a man or woman.
2. He is not asked to repent and he is killed immediately whether a man or woman.
3. He should be asked to repent voluntarily. If he repents his repentance will be accepted whether a man or woman but if he does repent, the man is executed only and not the woman. Accordingly, the execution of the mocking apostate is unanimously agreed by the scholars. Al Qadhi Ayadh quoted the consensus on the execution of whoever insults the prophet (PBUH) from Muslims but the difference is on his repentance as mentioned above. But Qadhi Ayadh said that Al Rashid had asked Imam Malik about a man who insulted the prophet (PBUH) and said that Iraq scholars agreed to lash him, but Al Qadhi commented “I don’t know these scholars in Iraq who gave a fatwa to Al Rashid to do so”. Perhaps they are from those who are not known for their knowledge, from those whose fatwa is not trustworthy, or those who are influenced by their whim. Or maybe what he said was not for insulting and the question is whether it is insulting or non – insulting or he might have repented for his deed<sup>(52)</sup>.

**Mockery By a disbeliever:**

As regards committing mockery by a disbeliever, it should be noted if he is a warrior then there is no use of discussing the issue because the warrior is subject to the rules of warriors whether he is a mocker or otherwise. He is not subject to the rules of a Muslim state because he is not committed to its rules. There is no punishment or blood money on the warrior because he is not committed<sup>(53)</sup>. The difference is if the warrior embraces Islam and commits himself to the Islamic rules. Will he be killed for insulting the prophet (PBUH) before entering Islam or his Islam invalidates the past. Nawawi said, “If he insults the prophet (PBUH) and then he repents by becoming a Muslim, his repentance should be accepted by consensus”. Some scholars were quoted as saying that the person who insults the prophet should be killed even if he embraces Islam<sup>(54)</sup>. But there is a difference over if he was a Dhimmī . Some of the scholars consider his mockery as violating the Dhimmī’s contract and he should be killed for his mockery until he enters Islam. This is also the opinion of Malikis<sup>(55)</sup> but they did not consider every insults on part of the Dhimmī necessitating execution .

They did necessitate the execution for the saying of the Dhimmī that Mohammed was not sent to us and that Moses is their prophet or Jesus and others, there is nothing against them. Allah the Almighty accepted this in return for their freedom. But if he insults or belittles him he must be killed for that<sup>(56)</sup>. The Malikis consider mockery by Dhimmī as breach of the covenant . They said that in his covenant it should be stipulated not insult the prophet (PBUH) openly in the presence of a Muslim and if he does he should be killed for breaching the covenant<sup>(57)</sup>.

<sup>(49)</sup> Al Bukhari, Al Jami’ Al Sahih, Chapter of the execution of women at the time of war, part 4, P.61, Hadith no. 3015.

<sup>(50)</sup> Al Kasani, Badi’ Asana’ Fi Tarteeb Al Shara’, part 7, P. 135.

<sup>(51)</sup> Al Zubaidi, Abu Baker Ibn Ali Ibn Mohammed, Al Jawhra Al Naniyra on Mukhtaser Al Qadouri Charity Printing House, edition (1), 1322 A.H, part 2, P. 255).

<sup>(52)</sup> Al Qadhi Ayadh, Al Shifa by Identification of the Rights of the Al Mustafa (Prophet), part (2), P. 233.

<sup>(53)</sup> Al Khatib Al Sharbini, Conviction, part 2, P. 537, 528, 497.

<sup>(54)</sup> Al Nawawi, , Almagmoo Sharh Al Mohathab, completed by Sheikh Al Muti’I, part 19, P. 426.

<sup>(55)</sup> Al Qarawani, Nawader and Al Ziyadat, part (14), P. 531.

<sup>(56)</sup> The previous reference, part 14, P-530.

<sup>(57)</sup> Ibn Abdul Al Bar, Al Kafi in fiqh the people of Madina, part 2, p.1092.

The Shafis agree with Malikis in the previous rulings, “ The Dhimmis should be killed if he insults the prophet (PBUH) and the Dhimmis should disassociate themselves from him<sup>(58)</sup>. They said that any of the people of the covenant and Dhimmis should be killed if he insults the prophet until he becomes a Muslim<sup>(59)</sup>.”

Among Al Shafi’I evidences on the need to breach the covenant of the Dhimmis for defamation and that it invalidates the belief in the right of the Muslim and also the safety in the right of the Dhimmis but fortiori because it is less than this<sup>(60)</sup>.

The saying of the Hanbalis words are inconsistent regarding the rulings on the one who insults the prophet from the Dhimmis. Some of them said that the Imam has the choice regarding him as a prisoner of war between execution, slavery and redemption<sup>(61)</sup>. Some of them restricted this choice to the repentance of the Dhimmis<sup>(62)</sup>. The saying of Hanbalis differs when the person who insults is from the Dhimmis. Some of them said that his execution is denied in view of the saying of Allah the Almighty, **“Say to those who have disbelieved [that] if they cease, what has previously occurred will be forgiven for them”**. [Surat Al Anfal: 38]. And the saying of the Prophet(PBUH) "Islam in validates which precedes it<sup>(63)</sup>" and some of them decreed to kill him even if he converted to Islam<sup>(64)</sup>.

But if he belittles him by slander he shall be immediately executed<sup>(65)</sup> but if he stopped and asked to be given a covenant again, this will not save his blood<sup>(66)</sup>. The covenant of his women and children will not be breached because the breaching took place without them so the ruling is applied on him only<sup>(67)</sup>. Ibn Taiymiah summed up the difference among the Hanablis. He said "We may sum up that our companions have three opinions concerning the curser: The first is to execute the curser in any case and this was supported by all of them and it was indicated by the words of Imam Ahmed and also most of their investigators made no mention of any other story. The second is to absolutely accept his repentance. The third provides for the acceptance of the repentance of the disbeliever and not to accept the repentance of the Muslim<sup>(68)</sup>. The Hanafis see that Dhimmis should not be executed for mockery because his mockery is not considered as breaching of the covenant and as his mockery does not add to his blasphemy and the covenant remains infidelity but with increase<sup>(69)</sup>. Close to the above they said that insulting the prophet is blasphemy by the Dhimmis and the compared disbelief does not protect him (the covenant) as the new circumstances do not stop it<sup>(70)</sup>. Since the insult of the prophet (PBUH) is similar to the insult of Allah the Almighty. They abuse Allah the Almighty and say He has a son<sup>(71)</sup> but they said that he should be rebuked for cursing the prophet (PBUH)<sup>(72)</sup>. The evidence

<sup>(58)</sup> Al Nawawi, Almagmoo Sharh al Mohzab completed by Sheikh Al Muti', Part 19, p. 428..

<sup>(59)</sup> Al Nawawi, Almagmoo Sharh al Mohzab completed by Sheikh Al Muti', Part 19, p. 428. See: Al Ansari Zakaria Ibn Mohammed, Al Ghorar Al Bahiya, Al Magmania printing press D.T. D.I,part 5, P.147.

<sup>(60)</sup> Azili, Fakhreddin Othman Ibn Ali, Tabyeen Al Haqaik Sharh kenz Al Dakaiq (Cairo, the Grand Amiri Printing press, edition 1, 1313 A.H. part (3),p.281.

<sup>(61)</sup> Al Ba'li Al Khalouti, Abdul Rahman Ibn Abdulla, Kshf Almokdraat, (Lebanon, Dar Al Bashaer Edition(1),2002 A.D., Part (1), p. 356, Ibn Badran, Mohammed Ibn Bader Eddin Ibn Abdul Al Haq, Akhsar Al Mukhtasarat, achieved by Mohammed Nasser Al Ajami (Beirut, Dar Al Bashaer, edition(1), 1416 A.H. P.162.

<sup>(62)</sup> Al Bahouti, Mansour Ibn Younis, Al Road Al Muraba' (Beirut: Al Risala Foundation, D.T.D.I) P.303, Al Rahibani: Mustafa Ibn Said, Matalib Oli Al Nahi, (Beirut: Islamic Office, edition(1).1994 A.D., part 2, p.624.

<sup>(63)</sup> Al Bali Al Khalouti, Kshf Almokdraat, part(1), P.356

<sup>(64)</sup> Al Bahoutii, Al Rawdh Al Muraba', p-303, Al Rahibani, Matalib Oli Al Nahi, part 2, p624.

<sup>(65)</sup> Al Ba'li Al Khalouti, Kshf Almokdraat, part(1), p.356.

<sup>(66)</sup> Ibn Taiyahmia, Asaarim Al Masloul, p.521.

<sup>(67)</sup> Ibn Qodama Al Maqdisi, Al Sharh Al Kabir Ala Matn Al Muqna' (Lebanon, Arab Book House.), part 1, p 635.

<sup>(68)</sup> Ibn Taiyahmia, Asaarim Al Masloul, p.306.

<sup>(69)</sup> Al Kasani, Bada' Al Sana' Fi Tarteeb Al Shara' part 7, p.113

<sup>(70)</sup> Al Marghinani, Ali Bin Abi Baker Ibn Abdul Jalil : Al Hidayah Fi Sharh Bidayat Al Mubtach, investigated by Talal Yusuf (Lebanon, Inheritance Revival House, D.T.D.T) part 2, p.405.

<sup>(71)</sup> Al Zubaidi, Al Jawhara Naira Al Mukhtaser Al Qadoori, part2, p. 276.

<sup>(72)</sup> Al Manbaji, Ali Ibn Yahia Ibn Zakaria Ibn Masoud: Allihab Fi Al Jami' between Sunnah and Kitab investigated by Dr. Mohammed Al Murad Damascus, Dar Al Qalam edition 2, 1994, part 2, p.765.

provided by the Hanafis that the Dhimmi should not be executed for mockery what was narrated by Aisha, may Allah be pleased with her that "the Jews used to greet the prophet (PBUH) saying As-sam-u-alaikuom. Aisha noticed their saying and said "alaikuom a sam and curse". The prophet (PBUH) said take it easy Aisha, Allah loves kindness in all this matter. She said O, prophet of Allah didn't you hear what they said. He said "didn't you hear that I returned this to them? By saying waalaikum"<sup>(73)</sup>. The prophet did not punish them for that<sup>(74)</sup>.

Their evidence is the story of the Jewish woman who tried to kill the prophet by the poisoned sheep. The prophet (PBUH) did not permit to shed her blood and so is the declaration of the insult of the prophet (PBUH)<sup>(75)</sup>.

The Hanafis discussed that who said to execute the Dhimmi for insulting the prophet quoting the talk of Ibn Omar that a man said to him, "I heard a monk insulting the prophet (PBUH). He said, "Had I heard him I would have killed him, we did not give them the covenant for that. (The ascription of this Hadith is weak). Maybe it was stipulated that they should not show their insult to the prophet (PBUH)<sup>(76)</sup>. Abu Hanifa was quoted as saying to infer that they should not be execute for mockery, "their disbelief is stronger"<sup>(77)</sup>.

Some of the Hanafi scholars decreed to kill those who continue to insult the prophet (PBUH) from the Dhimmi specially if they show their goal of rebellion, indifference, disparage and arrogance over Muslims to the extent that they become rebellious<sup>(78)</sup>. Abu Hanifa decreed not to kill the Dhimmi if he insults the prophet. This what Al Thawri and Al Ozai<sup>(79)</sup> said. But Ibn Al Munir said that it may look as if it is the choice of Al Bukhari<sup>(80)</sup>.

The Repentance of the Prophet's Insulter and Benefiting from it the Hereafter Insulting the prophet (PBUH) is a sin. But if he repents sincerely between him and his God his repentance is accepted and he will be forgiven for the sin of defaming the messenger of Allah as he believes in him<sup>(81)</sup>. His repentance will benefit him before Allah<sup>(82)</sup> because the repentance obliterates all sins even polytheism. There is no doubt in view of the saying of Allah, "**Indeed, Allah forgives all sins**".[Surat Al Zumr: 53]. The difference between the scholars not concerning the acceptance of the repentance of the curser and his benefit from his repentance before Allah on the Day of Resurrection but it is in lifting the worldly ruling on him in accordance of the above paragraph.

### Discussion and Overbalance of Views:

Discussion Through presenting the Quran's approach in dealing with the issue of mockery and the prophet's approach (PBUH) in dealing with the mockers and the presentation of the opinions of the scholars on the issue and their discussions and replies, the researcher overbalances the views of the Hanafis who decreed not to kill the Dhimmi mocker because the bulk of the proof presented by those who decreed to kill the Dhimmi was narrated from the prophet (PBUH) that he had executed some of his mockers. In order to ensure this opinion it is necessary to take into consideration two matters: First: Prove the validity of this story and the second is to prove that the prophet had killed them for mockery and not for anything else they added to mockery. Both matters cannot be proved on investigation. The story of the man who suffocated the Jewish woman who

<sup>(73)</sup> Al Bukari, Al Jami' Asahih, Literature Book, Chapter of Kindness in the Whole Matter, part 8, p.12 Hadith no. 6024.

<sup>(74)</sup> Al Manbaji, Ali Ibn Yahia Ibn Zakaria Ibn Masoud: Allihab Fi Al Jami' between Sunnah and Kitab investigated by Dr. Mohammed Al Murad Damascus, Dar Al Qalam edition 2, 1994, part 2, p.765.

<sup>(75)</sup> The pervious reference.

<sup>(76)</sup> The pervious reference, part (2), P. 766.

<sup>(77)</sup> Alabadi, Mohammed Shams Al Haq Abu Taib, Aun Al Ma'boud, Sharh Sunan Abu Dawood and with him, Ibn Al Qayyim Footnote, (Beirut, Dar Al Fikr, edition 2, 1415 A.D), part 12, P.11.

<sup>(78)</sup> Ibn Abdin, Mohammed Aladdin Afandi, Radd Al Mukhtar Ala Adurr Al Mukhtar Sharh Tanweer Al Absar, (Beirut: Dar Al Fikr, edition 2, 1992 A.D), part 41, P. 215.

<sup>(79)</sup> The pervious reference, part 4, P. 233.

<sup>(80)</sup> Ibn Hajar, Fateh Al Bari, Sharh Sahih Al Bukhari (Beirut: Knowledge House, 1379 A.H) part 12, P. 281.

<sup>(81)</sup> Ibn Taymiyah, Saarim Al Masloul, p. 494.

<sup>(82)</sup> Al Qadhi Ayyadh, Al Shifa in the Dentition of the Right of Al Mustafa (prophet), part 2, P. 259.

insulted the prophet (PBUH) and he (PBUH) decreed that no diya (a sum of money usually paid for the family of the killed person) is due to her blood is a weak one<sup>(83)</sup>. And also the story which was narrated from Ibn Omar who said that a man said to him, “I heard a monk insulting the prophet (PBUH), he said “Had I heard him I would have killed him”, we did not give them covenant for this”. The ascription of this is weak. It is possible that it was stipulated in the covenant not to show the insult of the prophet (PBUH)<sup>(84)</sup>. As regards the saying that he (PBUH) killed Ka’b Ibn Al Ashraf for mocking him is not true because the messenger of Allah (PBUH) killed him because he fought and he revolted against the state and made a covenant with him not to help anybody against him but he violated his covenant card and took the side of the warriors against him<sup>(85)</sup>. Ka’b is from Bani Nadear which is a big Jewish tribe in Madina with whom the prophet (PBUH) made peace after his arrival to Madina provided that they do not fight him or support his enemy but they breached the covenant. Ka’b walked with them in a procession including 40 people to Qureish and he made an alliance with them<sup>(86)</sup>. So he deserved execution for fighting and not just for mockery. This justification is enhanced by the fact that he did not kill Ka’b when he first showed his mockery. Surely he repeated his mockery and the prophet (PBUH) turned away from him. But when he fought he deserved death. Saying that he said he (PBUH) killed him for mockery when he said, (who will support Ka’b Ibn Al Ashraf who harmed Allah and His messenger<sup>(87)</sup>) so he will not escape in view of his (PBUH) saying that he hurt Allah and his messenger is more important and comprehensive than mockery as hurting is more comprehensive than mockery and the proof of the broader does not require the proof of the narrower .

As regards the claim that amnesty for mockers is limited to him (PBUH) is not valid. Originally the non privacy principle should prevail and the privacy claim needs evidence<sup>(88)</sup>. The general rule is seen in the saying of Holy Qur'an, **“There has certainly been for you in the Messenger of Allah an excellent example”** [Surat Al Ahzab: 21].

### Weighting:

Accordingly the saying that the disbeliever mocker should not be executed for the considerations in the discussion above and because this saying is supported by the Qur'anic approach which did not include any reference to the execution despite the abundance of the stories about mockers. The time was a time of statement and the rule is that it is not permissible to delay the statement until after the time of need<sup>(89)</sup>. Because this view is confirmed by this conduct (PBUH) and his behavior towards mockers the prophet did not order to kill anyone of them just for mockery. Had the execution been the punishment for the prophet’s mockers in saying he would not have delayed it after the time of need. Because this view reflects an image of Islam which encourages people to like and embrace it. This is what was meant by the prophet (PBUH) when he said, “Allah forbids people to talk about me and say that I kill my companions<sup>(90)</sup>”.

<sup>(83)</sup> Al Bani, Mohammed Nasser Edin, The Weak of Abu Dawood, The source of the book: Modern Investigation Systems Program produced by Nour Al Islam Center for Quran and Sunnah Researchers in Alexandria. Comprehensive Library website, part 9, P.362.

<sup>(84)</sup> AL Munbaji, Al Libab in Gathering the Sunnah and Kitab, part 2, p.766.

<sup>(85)</sup> Al Nawawi: Mohiuaddin Yahya Ibn Sharaf, Sharh Al Nawawi on Muslim (Beirut: Inheritance Revival House, edition 2,1392, part 12, p. 161).

<sup>(86)</sup> Al San’ani, Mohammed Ibn Ismael Al Amir, Pathways to Peace, (Cairo, Al Halabi Printing Press, edition 4, 1960 A.H, part 4, P.63).

<sup>(87)</sup> Al Bukhari Al Jami’ Asahih, Mortgage Book, Chapter of Weapon Mortgage, part 3, P. 142, Hadith no. 1507.

<sup>(88)</sup> Ibn Al Hamam, Kamal Eddin Mohammed Al Suwasi, Fateh Al Qadeer, (Beirut: Dar Al Fikr.), part 3, P. 239.

<sup>(89)</sup> Al Jawani, Abdul Malik Ibn Abdullah Ibn Yusef, Al Burhan, investigated by Salah Eddien Ibn Mohammed Ibn Owaidha, (Beirut: Scientific Books House, edition 1, 1997 A.D), part 1, P. 42.

<sup>(90)</sup> Imam Muslim, Sahih Muslim, Zakat Book, chapter of Dissidents and Their Attributes, part 2, P. 740, Hadith no. 1063.

### What about the incident of the French magazine "Charli Hebdo"?

According to the previous presentation concerning the Quran's and prophet approaches in dealing with the mockers of the prophet, the researcher states that the action done against the above mentioned magazine does not comply with the Islamic Shari'a for the following reasons:

1. This action contradicts with the instructions of the Holy Quran which call for tolerance and forgiveness.
2. It also contradicts with the prophet's approach and conduct in dealing with the mockers which depends on patience and tolerance.
3. The mockers are not living in Muslim countries, so the Islamic rules and laws are not applied on them. Even if they live in a Muslim country, they should not be killed.

### Conclusion:

This research is an objective scientific attempt to understand the Qur'an and Sunnah approach in dealing with the issue of mockery and follow up the sayings of the scholars on this issue. The research concludes the following:

1. The directives of the Noble Qur'an and Sunnah are to adopt the principle of pardon forgiveness and a version as a pathway to respond to the mockers in Mecca and Madina stages.
2. The prophet's method (PBUH) in dealing with the mockers completely complies with the directives of the Noble Qur'an.
3. The researcher tends to accept the saying that the non – Muslim citizens living in a Muslim state are not executed for mockery unless they revolt against the state and fight it.

### Recommendations:

1. The researcher recommends to spread the culture of respect for religion, prophets and religious persons.
2. The researcher calls for the jurisprudential awareness for the ruling of the prophet's mockers.

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