PAKISTAN, TERRORISM AND ISLAM

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Abstract: Post nine eleven scenario resulted into all loss most dominantly for Pakistan as she became most terror-hit nation in the world. The National Internal Security Policy document (Dawn: February 24, 2014) says 48994 people were killed in 13721 incidents of suicide bombing, bomb blasts, target killing etc. from 2001 to November 2013. This toll is more than Iraq and Afghanistan in these years. Apart from the human loss worth billions of dollars properties and infrastructure of the country were damaged. Pakistan, although is titled to be Islamic Republic, with dominant majority (97%) of Muslims even then, almost 3975 citizens were victimized every year by their fellow Muslim terrorists. How and why this happened? Almost ten persons lost their lives every day. The killers are members of Tehrik-i-Taliban Pakistan.

Emergence of Taliban in Afghanistan

Afghanistan had been battle field of Russian and US backed and sponsored forces for ten years between 1979 and 1989. Mujahidin designated defeated Soviet Forces and forced them to withdraw from the occupation of Afghanistan. US left Afghanistan putting her in the lurch. It became a no man's land and victim of the greed of neighboring countries. At least seven groups of Mujahidin, which played crucial role in the resistance against Russian onslaught, namely Jamiat Islami, Hizb Islami (Hikmat Yar), Hizb Islami (Khalis), Itihad Islami, The Afghan National Front, Harkat Ingilab Islami, Mahaz Milli Islami were involved in the tug of war for occupation and political rule of the country (Rais, 1994: 178-186). This drama continued for about five years. A small group of Madrasa students emerged in Eastern province of Afghanistan - Kandahar to mend law and order position in their surroundings. Their successes encouraged them to formally organize them in a warring group - the Taliban. Taliban is meant to be students of religious school. They were formally acknowledged by Pakistan as a power group in 1994 and Government of Pakistan pledged to co-operate with them rather

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- (73) The Constitution of Jordan Article 14
- (74) The Constitution of Malaysia Article 3



- Fatāwā Ibn Taimiyyah, Vol.28, Dār al 'Ālam-al-Kutub, Riyadh, Saudia Arabia, 1991, p.565-570; Abu Bakr al-Jaṣṣās, Aḥkām al Qur'ān, Vol. 2, Dar Ihyah al Turāth, Beirut, 1985, pp.409; Mahmood ibn 'Umar Imam al Zamakhsharī, Tafsīr al Kashshāf, Vol. 4, Kutub Khana Mazharia, Karachi; Ibn Kathīr, Tafsīr Ibn Kathīr, Vol. 1, Shaīkh Safi-ur Rahman al-Mubarakpūrī, Riyadh, Darussalam, 1st Edition, 2000, Pp.406
- (42) Hamidullah, Muhammad *The Muslim Conduct of State*, Sh. Muhammad Ashraf, Lahore, 1977, Pp. 174
- (43) Al Būṭī, Muḥammad Said Ramaḍan *Al-Jihād fil Islam*, Dar Fikr, Damascus, 1993, Pp. 108
- (44) Abūl A'la Al Maūdūdī *Murtad ki saza*, Islamic Publications, Lahore, June 1999 Pp .9
- (45) Ibid: p .44,45
- (46) Ibid: p.54-61
- (47) See Fatwa of al-Qardawi tilted "Apostasy: Major & Minor"
- (48) Syed Muhammad Rizvi, Apostasy in Islam (Irtidåd),p. 4,5
- (49) Ibid: Pp. 6
- (50) Article 2 (2) of the Constitution of Afghanistan
- (51) Article 2A of the Constitution of Bangladesh
- (52) Article 40 of the Egyptian constitution
- (53) Article 46 of the Egyptian constitution
- (54) Article 12 of the Constitution of the Islamic Republic of Iran
- (55) Article 13 of the Constitution of the Islamic Republic of Iran
- (56) International Religious Freedom Report for 2011United States Department of State
 Bureau of Democracy, Human Rights and Labor
- (57) Article 11(1) of the Constitution of Malaysia
- (58) Article 11(3) of the Constitution of Malaysia
- (59) see Articles 5&6 of the Constitution of Saudi Arabia
- (60) "Social values, Science and Technology", (PDF), Eurobarometer. June 2005
- (61) United Nations Population Fund; "Turkey", International Religious Freedom Report for 2011, U.S, Department of State
- (62) Article 24 (1) of the Constitution of turkey
- (63) Article 24 (2) of the Constitution of turkey
- (64) Article 24 (3) of the Constitution of turkey
- (65) Article 24 (5) of the Constitution of turkey
- (66) Article 20 of the Constitution of Pakistan
- (67) 2014 PLD SC 699;2014 PLD SC531;2012 PLD SC 679
- (68) Article 22 Constitution of Bahrain
- (69) Article 29 (2) of the Constitution of Indonesia
- (70) Article 13 (F) of the Constitution of Iraq
- (71) Article 2 of the Libyan Constitution
- (72) Article 35 of the Constitution of Kuwait

- (21) Qur'an: 60:8
- (22) Qur'an: 64:12
- (23) Qur'an: 67:25, 26
- (24) Fatḥī 'Uthmān, Huqūq al-Insān Bain al-Sharī'ah al-Islāmiyyah wal-Fikr al-Qānūni al-Gharbī, p. 91
- (25) Qur'an: 9:6
- (26) Qur'an: 6: 108
- (27) M. M. Ahsan, Human Rights in Islam: Personal Dimensions, Hamdard Islamicus, Karachi, Vol. 13, No. 3, Autumn 1990, p. 6-8; M. Cherif Bassiouni, The individual Human Rights and Habeas Corpus Islam, Jami'ah al Falāh Publications, Karachi, July 1972, p.557 & 558
- (28) Muhammad Sharif Chaudhry, Human Rights in Islam, All Pakistan Islāmic Education Congress, Lahore, 1993. p.30, 31
- (29) Nizām-ul Hukm fil Sharī'ah wal Tārīkh al Islāmī Vol.1 P.58
- (30) Syed Muzaffar-ud-din Nadvi, Human Rights and Obligations, S.M. Zaheerullah, Dacca, Bangladesh, 1st Edition, 1966, p.110
- (31) Abūl A'la Al Maūdūdī, Human Rights in Islām, Dawah Academy, International Islamic University, Islamabad, 1998, Pp. 122; Şalaḥuddīn Ayyūbī Wajuhūdo-hu-fil-Qaḍa 'Ala al-Daūlah al-Faṭmiyyah wa Tahrīr Bait al Maqdas, Vol.2, Pp.283.
- (32) Muhammad Encyclopedia of Sīrah, Vol.2, The Muslim School Trust, London, 2nd Edition, 1985, p. 365, 366; Wasim Fateh Ullah, Al-Wajīz fi-Aḥkām al-Zimmah, Vol.1, Pp.17; Abūl A'la Al Maūdūdī, The Islamic Law and the Constitution, Islamic Publications Ltd., Lahore, 1969
- (33) Imam Al-Shaf'i (150-204 H); Al-Umm الأم, vol 4, Dar ul Ma'rifah, Beirut, Pp136; Abu Ja'far Muhammad ibn Jarīr al-Ṭabarī (محمد بن جرير طبرى, Ṭārīkh al-Rusul wa al-Mulūk(تاريخ الرسل والملوك) or Ṭārīkh al-Ṭabarī, vol 5, Dar al Kutub al 'Ilmiyyiah, Beirut, Lebonon, 1st Edition, 1407 AH
- (34) Qur'an: 29:46
- (35) Mutawalli, Mabadi', p. 287
- (36) Abū Zahrah, Tanzīm al-Islām lil-Mujtama', p.190; al-Tli, al-Hurriyyah al-`mmah, p. 330; Ibn Hazm, al-Muhallā , 1:196 Ibn Hajar in Taghlīq al-Ta`līq (2:131)
- (37) al-Ili, al-Hurriyyah al-'Āmmah, p. 330,356; Rashīd Rida, Tafsīr al-Manār XI, 484
- (38) Ibn Qudāmah, al-Mughnī, VIII, 144
- (39) Azzam. ed., *Universal Islamic Declaration*, p. 11, The Islamic Council of Europe, 1981; Maududi, *Islamic Law and Constitution*, p. 333
- (40) As it is mentioned in the Hadith that Allah's Messenger said, أمرت أن أقاتل الناس حتى يشهدوا أن لا إله إلا الله وأن محمدا رسول الله فإذا فعلوا ذلك عصموا مني دمائهم وأموالهم

"I have been ordered to fight the people till they say: La ilaha illallah (There is no god but Allah), and whoever said La ilaha illahllah, Allah will save his property and his life from me."-- Sahih al-Bukhari 6924; Sahih Muslim 33

(41) Al-Hafiz Muḥammad ibn Ali al-Shaūkānī (d.1250/1834), Nail al Aūtār, Vol.8.p.4,5; Taqiuddīn Abu al 'Abbas Aḥmad ibn Abdul Ḥalīm, Majmū'ah

interfere in the state affairs they would be treated as non- combatants and their life and property would be protected by the state.

The illusion regarding forcible embracing of Islam is fabricated propaganda unleashed by anti Islamic forces, will not succeed to mar the true face of Islam. Islam is the true flag bearer of religious freedom which not only respects the dissenting views but respects the difference of opinions as well.

Notes and References

- (1) Fathi 'Uthman, Huquq al-Insan Bayn al-Shari'ah al-Islamiyyah wa'l-Fikr al-Qanuni al-Gharbi, p. 91; Al-Alusi, Ruh al-Ma'ani fi Tafsir al-Qur'an al-'Azim, V, 144
- (2) Yūsuf Ali, The Holy Qur'ān, note 5347; Abū Zahrah, Tanzīm al-Islām lil-Mujtama', p.190; al-'Ili, al-Ḥurriyyah al-'Āmmah, p. 330; Ibn Qudāmah, al-Mughnī, VIII, 144
- (3) Muhammad Sharif Chaudhry, Human Rights in Islam, All Pakistan Islamic. Education Congress, Lahore, 1993, p. 34-39; Tahir Mahood, The Islāmic Law on Human Rights, Genuine Publications Ltd., New Delhi, 1st Edition, 1993, Pp.53; M. I. Patwari, Human Rights in Islamic Law and International Law: A Comparison, Tahir Mahmood (ed.), Islamic Law on Human Rights, Genuine Publications Ltd., New Delhi, 1st Edition 1993, p.54, 82; Allama Shiblī Nuʿmānī, Al Fārūq, Maktaba Rahmania, Lahore, 1939p.288, 289
- (4) Qur'an: 2:256
- (5) Ibn Kathīr,-English translation, in explanation of Ayah 256 of Sūrah Al-Baqara
- (6) Towards Understanding Qur'ãn in explanation of Ayah 256 of Sūrah Al-Baqara
- (7) 7.Qur'an:5:92
- (8) Qur'an: 5:99
- (9) Qur'an: 3: 20
- (10) Qur'an:5:99
- (11) Qur'an:18:29
- (12) Qur'an:10:99
- (13) Qur'an: 6:107
- (14) Qur'an: 11:28
- (15) Qur'an: 16:82
- (16) Qur'an: 17:53, 54
- (17) Qur'an: 24:54
- (18) Qur'an: 36:16, 17
- (19) Qur'an: 39:41
- (20) Qur'an: 42: 48

- 1) "Freedom of conscience is absolute. The State guarantees the inviolability of worship, and the freedom to perform religious rites and hold religious parades and meetings in accordance with the customs observed in the country" 68.
- 2. "The State guarantees all persons the freedom of worship, each according to his/her own religion or belief" 69.
- 3. Each Iraqi has the right to freedom of thought, conscience, and religious belief and practice. Coercion in such matters shall be prohibited⁷⁰.
- 4. Islam is the religion of the State and Arabic is its official Language. The state protects religious freedom in accordance with established customs⁷¹.
- "Freedom of belief is absolute. The State protects the freedom of practicing religion in accordance with established customs, provided that it does not conflict with public policy or morals"⁷²
- 5) "The State shall safeguard the free exercise of all forms for worship and religious rites in accordance with the customs observed in the Kingdom, unless such is inconsistent with public order or morality"⁷³.

"Every religious group has the right -(a) to manage its own religious affairs;(b) to establish and maintain institutions for religious or charitable purposes; and(c) to acquire and own property and hold and administer it in accordance with law".⁷⁴

Conclusion:

The doctrine of religious freedom and liberty is embedded in the philosophy of Islam. Islam is a great proponent of respecting the individual's discretion and aspiration for the adoption of a particular religion, dogma, or school of thought. It vehemently rejects the notions of coercion and forcibility as regards to the religious liberty. It envisages the complete freedom of adoption of religion solely on the discretion of any person. Islam firmly believes in appealing the individual's hearts and minds by extending its message with convincing logics and rationale, and inviting the people to come in its folds through peace full ways and means.

The Holy Qur'an unambiguously propounds the concept of free will, either to become faithful or to become unbeliever is totally left at the discretion of individual as the two paths have been clearly shown to the mankind for guidance. As long as nonbelievers remain peaceful and do not

The remaining part of its population belongs to various beliefs and religions i.e. Christianity Judaism, Yezidism and many other non-religious groups. The non-Muslim minorities have constitutional protection for their rights and religious freedom⁶¹.

"Everyone has the right to freedom of conscience, religious belief and conviction"⁶².

"Acts of worship, religious services, and ceremonies shall be conducted freely, provided that they do not violate the provisions of Article 14⁶³.

"No one shall be compelled to worship, or to participate in religious ceremonies and rites, to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions" 64

"No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political influence, or for even partially basing the fundamental, social, economic, political, and legal order of the State on religious tenets" 65

The Islamic Republican of Pakistan is a state of Muslim majority with Islam as its official religion. The Constitution of the Islamic Republic of Pakistan (1973) states on the subject under discussion as follows:

"Subject to law, public order and morality-

- (a) every citizen shall have the right to profess, practice and propagate his religion; and
- (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions⁶⁶

The Pakistani judiciary has also played very important role in recognizing and enhancing the idea of freedom of religion in Islam⁶⁷.

Similarly the Constitutions of Iraq, Jordan, Bahrain, Indonesia, Malaysia and many other Muslim Countries have given recognition to the religious freedom to the individual citizens irrespective of their faith and creed. The relevant provisions of the constitutions of such countries are under:

the limits of the law, are free to perform their religious rites and ceremonies and to act according to their own canon in matters of personal affairs and religious education"⁵⁵.

The government of the Islamic Republic of Iran is under an official obligation;

"to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights. This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran"

Malaysia a country of Muslims majority is a state of complex religion. It is a country comprising of "28.3 million people with a 60 percent of the population of Muslims. It has 19 percent Buddhism; 9 percent Christianity; 6 percent Hinduism; and 3 percent Confucianism, Taoism, and other traditional Chinese religions. Other minority religious groups include animists, Sikhs, and Bahais" 56

While guaranteeing the religious freedom it constitution speaks as:

"Every person has the right to profess and practice his religion and, subject to Clause (4), to propagate it" ⁵⁷.

The Constitution further states as:

"Every religious group has the right -

- (a) to manage its own religious affairs;
- (b) to establish and maintain institutions for religious or charitable purposes; and (c) to acquire and own property and hold and administer it in accordance with law"58.

The Saudi Arabia is a country of theocratic monarchy with Islam as its official religion. Though its law does not permit the non-Muslims to enter and reside in two cities of Madina and Makkah according to the Islamic injunction, however, it does permit them to reside anywhere other than these aforementioned cities. But no where the non-Muslim can be compelled to embrace Islam without their will, rather they are free to practice their religion⁵⁹.

Turkey is a country of approximately 99.0% of Muslim population, however, with a secular state system 60

The Constitution of Afghanistan with almost 100% Muslim population and with its official state religion as Islam, while guarantying religious rights for other religions reads as under:

"Followers of other religions are free to exercise their faith and perform their religious rites within the limits of the provisions of law". 50

The Constitution of Bangladesh, a thickly Muslim populated country, while declaring Islam as the state religion, also guarantees the followers of other religions to practice their faith. The relevant provision of its constitution speaks on the subject as:

"The state religion of the Republic is Islam, but the State shall ensure equal status and equal right in the practice of the Hindu, Buddhist, Christian and other religions" ⁵¹

Egypt is predominantly a Muslim population country. Its constitution declares Islam as the state religion but it provides to the followers of all other religions an absolute freedom to believe and practice the religion of their own choice. The relevant provisions of the Egyptian Constitution on the subject are as below.

"All citizens are equal before the law. They have equal public rights and duties without discrimination due to sex, ethnic origin, language, religion or creed" And "The State shall guarantee the freedom of belief and the freedom of practicing religious rights" is

The Iranian society is based on the norms and principles of Islam. The Constitution of the Islamic Republic of Iran reflects the Islam in its advanced and progressive form after its Islamic Revolution.

The official religion of Iran is Islam and the Twelver Ja'fari School. However, the other religious schools also enjoy full respect and;

"..their followers are free to act in accordance with their own jurisprudence in performing their religious rites. These schools enjoy official status in matters pertaining to religious education, affairs of personal status (marriage, divorce, inheritance, and wills) and related litigation in courts of law" 54

The non-Muslim minorities in Iran have also been given constitutional protection to practice their beliefs. However, "Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within

then the Messenger, and then the Qur'an occupy the highest positions. Tawhid, nubuwwa, and qiyama form the constitution of Islam. Just as upholding and protecting the constitution of a country is sign of patriotism, and undermining it is a form of treason - in the same way open rejection of the fundamental beliefs of Islam by a Muslim is an act of treason. Apostasy, i.e., the public declaration of rejecting the fundamentals of Islam, has also negative influence on the Muslim society; it is indeed a major fitna. And that is why Islam has prescribed harsh punishment for irtidad"⁴⁹

It is pertinent to correctly interpreting in true perspective whereby the Messenger (SAW) states that:

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أمرت أن أقاتل الناس حتى يشهدوا أن لا إله إلا الله وأن محمدا رسول الله فإذا فعلوا ذلك عصموا مني
دمائهم وأموالهم
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"I have been ordered to fight with the people until they embrace Islam or words to that effect."

In depth insight of this Hadith suggests that Islam is not prone to fight with those who would remain peaceful and do not demonstrate any nuisance and disruption in the order of society. This narration does not reflect coercion or forcibility towards accepting Islam, However Islam while capturing a particular territory would certainly establish its own order and will allow non believers to continue living there as Dhimmī and pay Jizya. As long as they pay Jizyah, security and protection of their life and property would remain the responsibility of the state.

Incorporation of Religious Freedom in the Constitutions of Muslim Countries

Under the influence of aforesaid teachings of Islam the Muslims states have also given recognition to the rights of non-Muslims in their states and at present almost all the Muslim states have incorporated the provision that everyone has the right to have a faith of his own choice and no one can be compelled or forced to have a faith against his will. In this regard a brief study of some important Muslim countries is as follows:

What this verse actually means is that: "There is no compulsion in [accepting] the religion [of Islam] ...no one can be forcefully brought into the fold of Islam; Islam cannot be imposed on any person or society...Once a person enters into the fold of Islam, the rules change. As soon as you become a Muslim by your own choice, you are expected to submit yourself to Allah totally and completely. "O You who believe! Enter into submission,kaffatan!" (2:208) Kaffatan gives the sense of "all" "completely". Once a person becomes a believer, he surrenders the right of making decisions to Allah and the Messenger: "No believing man and no believing woman has a choice in their own affairs when Allah and His Messenger have decided on an issue." (33:36) Even the question of Apostasy, irtidad or deserting of one's faith, for a Muslim, is a religious (shar'i) issue and even in this issue he is governed by the laws of Islam. And Islam clearly says: No! You cannot become an apostate. After coming into the fold of Islam, rejection of the fundamentals is not tolerated. If there are doubts in your mind about the fundamental beliefs of Islam, then question, discuss, debate, study, and solve them BUT you are not allowed to leave Islam or desert your own fitra!48

Speaking on the logic why does Islam not allow Apostasy? he argues that:

"Apostasy or irtidad in Islam is equal to treason. The Western world limits treason to political and military terms. In the USA, treason consists "only in levying war against Americans, and in adhering to their enemies, giving them aid and comfort." However, sometimes even the Western world stretches the concept of political treason to include things which are nonpolitical or non-military matters. For example, in England, treason includes violating the King's consort, or raping the monarch's eldest married daughter, as well as the sexual violation of the wife of the eldest son and heir. Even now, "polluting" the Royal bloodline or obscuring it is included in the definition of treason. Why has England included such non-political and non-military matters in treason? It has done so because the Royal family and the purity of its bloodline is one of the most significant parts of the British society and culture. In Islam, the concept of treason is not limited to political and military aspects; it also has a spiritual and cultural dimension to it. In the Islamic order of sacredness, Allah,

this matter as awkward and subject of state interference as robbery, prostitution, using narcotics and getting poison". 44

He further states in this regard that:

"To copy the consecutive writings of all the lawyers from the first to the fourteenth century A.H. would make our discussion very long. Yet we cannot avoid mentioning that however much the four Schools of Law may differ among themselves regarding the various aspects of this problem, in any case all four Schools without doubt agree on the point that the punishment of the apostate is execution."⁴⁵

Strengthening his point of view on the issue he gives the example of the laws of states such as the United Kingdom and United States of America where a person being disloyal to the state (the King) is guilty of high treason, deserving the punishment of death. In an Islamic State in which the sovereignty belongs to Allah, a person negating his belief in Him commits High Treason against Allah and thus should be punished by death penalty. This is the exclusive right of Islam because it is the only true religion of Allah.⁴⁶

Another well-known Muslim Egyptian scholar Dr. Yūsuf al-Qaraḍawi asserts that:

"The duty of the Muslim community — in order to preserve its identity — is to combat Apostasy in all its forms and wherefrom it comes, giving it no chance to pervade in the Muslim world." Similar to Maulana Abūl A'la Al Maūdūdī, he also claims Ijmā' on this: "That is why the Muslim jurists are unanimous that apostates must be punished. ... Apostasy is a criminal act."⁴⁷

Essentially the same arguments are given by a Shī'ah Islamic scholar, Sayyid Muhammad Rizvi. His views in this regard seem to be convincing and logical which require to be discussed in some detail.

In support of his reasoning that the death penalty is to be imposed upon an apostate he argues that:

"The Qur'an clearly says that, "There is no compulsion in the religion." (2:256)

many others are of the same view as that of the rightly guided Caliphs and of the classical jurists of Islam.

In this regard Dr. Muḥammad Ḥamīdullah while justifying the penalty of death for Apostasy in Islam speaks as:

"The basis of Muslim polity being religious and not ethnological or linguistic, it is not difficult to appreciate the reason for penalizing this act of Apostasy. For it constitutes a politico-religious rebellion. The greater the harm of a given rebellion to a polity, the greater is the severity of repression. Every civilization, not the least the Modern Western one-both in the communistic and capitalistic manifestations- has provided capital punishment against violating the integrity of what it considers its very raison d'etre; and one cannot deny that right to Islam. As an Independent organic community, Islam will have the liberty to determine what points should be dearer to it: colour of one's skin, language spoken by its subjects, ideology which animates its existence. As a passing remark, let us recall that the Byzantine law of the epoch of the Messenger also punished with death the Apostasy from the Byzantine sect of Christianity"⁴²

In the view of Dr. Būţī;

"Apostasy is one of the extreme kinds of Haraba because it makes other people doubtful in their belief in the Islamic ideology. He said that Apostasy deceits Islam and the Muslims so an apostate is punished in order to nip the evil in the bud". 43

Abūl A'la Al Maūdūdī, one of the most influential religious thinkers of the Muslim World in the 20th century, criticizing the lucid understanding of the law of Apostasy, by the Modern ethnologists and legal experts states that:

"Islam is not a religion but a whole way of life. It claims absolutely that only true way, ideology and civilization for human race is that which it holds itself. It thinks itself the right and the best way to salvation and other religions as leading men astray to an eternal doom. He thinks an apostate is like a man who is going to commit suicide so the Divine Law prohibits him forcefully. To become a renegade is not an individual "right" according to him. He declares

the freedom of religion and proscribe all oppression and violation of the integrity of this freedom³⁵

All the rightly guided caliphs strictly followed the said principle of freedom in its true letter and spirit. Once a Christian woman came to the second Caliphs of the Muslims, Umar ibn Al-Khattab, whom he gave the invitation of Islam, which was refused by her. On becoming conscious of it that the invitation by him for Islam might not be taken by her as compulsion, he immediately spoke as:

"O my Lord, I did not intend to compel her, as I know that there is no compulsion in Islam"³⁶

The Muslim jurists have developed a consensus on the issue that confession to faith is not valid if it is made under compulsion or without the free will of the believer³⁷

In this regard Ibn Qudamah is of the view that a non-Muslim dhimmi will not be treated as a Muslim unless it will be established that he has embraced Islam with his own choice. Thus in case of the death of such a person he will be considered a non-Muslim until it is proved that no compulsion was made to force him to embrace Islam³⁸

The aforesaid mentioned views of Islamic Jurists are also endorsed by the *Universal Islamic Declaration* and a recent International Conference on Islamic law, both of which reached to a similar conclusion that everyone is free to have a faith of his own choice and cannot be compelled to embrace a religion under compulsion³⁹

There are two important aspects encompassing the whole some concept of religious freedom in Islam, need to be academically discussed in its correct perspective, which are Apostasy and a right to fight with the people unless and until they embrace Islam with the declaration of Tow hid. (Oneness of Allah)⁴⁰

Concerning the issue of Apostasy all the Rightly Guided Caliphs of the Messenger of Allah have the consensus on the issue of Apostasy and its punishment. The majority of the classical juristic opinion, based on the Qur'anic injunctions and traditions of the Messenger of Allah [SAW], mandate death as the penalty in case of Apostasy⁴¹.

Among the contemporary scholars of Islam Dr. Muḥammad Ḥamīdullah, Dr. Būṭī, Abūl A'la Al Maūdūdī, Dr. Yūsuf al-Qaraḍawi, Dr.S.M Rizvi and