APOSTASY IN ISLAM
A HISTORICAL and SCRIPTURAL ANALYSIS

لَآ إِكْرَاهَ فِي الدِّينِ

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The IIIT Books-In-Brief Series is a valuable collection of the Institute's key publications written in condensed form designed to give readers a core understanding of the main contents of the original. Produced in a short, easy to read, time-saving format, these companion synopses offer a close, carefully written overview of the larger publication and it is hoped will stimulate readers into further exploration of the original.

What is the legally prescribed penalty, if any, for apostasy (*al-riddah*), and how does this relate to the demand for religious tolerance as stipulated in verse 2:256 of the Qur'an "There shall be no compulsion in matters of faith"?

This is an abridged edition of Taha Jabir Alalwani's important study, **Apostasy in Islam: A Historical and Scriptural Analysis**, first published in 2011. It is an established fact that the Prophet never, in his entire life, put an apostate to death. Yet, the issue remains one of the most controversial to have afflicted the Muslim world down the centuries. It is also the source of much damaging media coverage today as Islamic jurisprudence stands accused of a flagrant disregard for human rights and freedom of expression.

The subject of this book is a highly sensitive and important one. The author rightly concentrates on rigorous evidence, to examine the historical origins of the debate in detail, as well as the many moral and contextual issues surrounding it. Disputing arguments put forward by proponents of the death penalty he contends that both the Qur'an and the Sunnah promote freedom of belief including the act of exiting the Faith and do not support capital punishment for the *sin* of *al-riddah*. Note that attention is on the word sin, for there is qualification: as long as one's apostasy has not been accompanied by anything else that would be deemed a criminal act, particularly in terms of national security, then according to the author, it remains a matter strictly

between God and the individual. Of interest is the fact that the Qur'an significantly refers to individuals repeatedly returning to unbelief after having believed, but does not mention that they should be killed or punished. Islam teaches that humans are free to choose the religion by which they wish to worship God. This basis for human responsibility is a choice that will be judged in the hereafter, not in this life.

This work has been written at a time of great complexity and vulnerability when a true understanding of the higher intents and values of the Qur'an and the Sunnah, *maqāṣid al-sharīʿah*, is sorely needed. The author employs a strong evidence-based approach examining in detail the Qur'an and authentic Hadith, taking into consideration traditional approaches to the study of the Islamic textual sciences and other fields of knowledge, as well as analyzing scholastic interpretation.

Taking the life of a person without just cause is according to the Qur'an equivalent to the killing of the whole of mankind. It is vital therefore, that in the interests of compassion and justice, as well as freedom of belief, this subject is clearly addressed once and for all.

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INTRODUCTION

This study aims to demonstrate a lack of consensus concerning the existence of a legally prescribed punishment, set down in the Qur'an and clarified in the Sunnah, for apostasy in the sense this term is used. The body of evidence regarding apostasy includes the words and actions of the Prophet (ṢAAS)* as transmitted to us in relevant hadiths and traditions, attributed to his Companions, which allows us to evaluate if there is or is not a specified, legally prescribed punishment in Islam for the crime of altering one's beliefs, so long as no other criminal action is associated with it. In essence, the Qur'an and practices of the Sunnah confirm the freedom enjoyed by humans regarding their wills, intentions, thoughts, expressions, and actions.

To this end, the study also analyzes various juristic schools of thought, wherein the majority of Muslim jurists have based their claim that the apostate must be put to death on the verbal Sunnah and consensus. This study's methodological approach is philosophical, analytical, and inductive/historical, including traditional approaches to the study of Islamic textual sciences and other relevant fields of knowledge. The Qur'an is the foundational source for all rulings on basic principles and foundations. The Sunnah is treated as the source that clarifies the meaning of the Qur'an in a binding manner.

In seeking to determine the meanings of linguistic terms that appear in the Qur'an, the following criteria are used: the Qur'an's own usage of such terms; the Prophet's explanatory statements in the Sunnah; and the Arabs' customary usage of such terms in their various dialects, literary styles, and rhetoric. By following this order of priority, one

*(ṢAAS) – *Ṣallā Allāhu ʿalayhi wa sallam*. 'May the peace and blessings of God be upon him.' Said whenever the name of the Prophet Muhammad is mentioned.

ensures that Arab linguistic usages of terms are not allowed to determine the meanings of the Qur'an. Finally, Islamic law's governing values and intents are universal, lighting the path for those seeking the truth and meanings of particular texts regarding apostasy.

To address such a controversial question as punishment for apostasy, Muslim jurists engage in the practice of exhaustive interpretation, or ijtihad. The fundamental issue addressed in this study is individual apostasy: a change in an individual's doctrinal beliefs and a resulting modification in thought, conceptions, and behavior. The individual has not associated the act of changing his doctrinal beliefs with rebellion against the community or its statutes, nor against its legitimate leadership, whether political or religious. He has not threatened the community in any way, and has only changed his doctrinal position. Rather than become a public advocate of his newly adopted position, he has kept his apostasy to himself.

This study addresses the following questions: Has God established death as the legally sanctioned punishment for such a person, with or without the community's first having urged him to repent? And is it, therefore, the duty of the Muslim community, represented by its rulers, to carry out the penalty by putting him to death for no reason but that he has changed his beliefs? And is this the case even if the change in this person's beliefs has not been accompanied by any other crime such as those we have mentioned? If some member of the Muslim community were to kill this individual, would he be exempt from punishment or retaliation for anything other than having taken the law into his own hands?

Similarly, is it the Muslim community's duty to compel this person and others like him to return to Islam by force? Or does the Qur'an deny the legitimacy of such compulsion? Further, has there been unanimous agreement since the dawn of Islam that it is the Muslim community's duty to put the apostate to death? Or has this view been the subject of disagreement that has not been brought sufficiently to light? Is apostasy to be viewed as a mere departure from Islam, or as an act of aggression against it? Do the majority of those who support the death penalty for apostasy view it as a political crime, or as a felony? Moreover, assuming that it is a legally prescribed penalty and that, as is stated explicitly in authoritative Islamic texts, the legally prescribed penalties serve to atone for a person's sin, is the death penalty for apostasy to be considered a form of purification or atonement?

The aim of this study is to provide a methodology to serve as a model which one can use to place Islamic tradition under the authority of the Qur'an, thereby bringing it into full conformity with Qur'anic teachings.

Chapter One
Is Apostasy a Capital Crime?

Despite a lack of consensus over the Islamic legal ruling on apostasy (*al-riddah*) during the first three centuries of Islam, those who maintain the existence of a legally prescribed death penalty for apostasy in Islamic law claim that such a consensus existed. In so doing, they have sought to divert attention from the fact that individuals of weight like the Prophet's Companion ʿUmar ibn al-Khaṭṭāb, Ibrāhīm al-Nakhʿī, Sufyān al-Thawrī and other scholars did not support such a penalty. They have sought to forestall any rethinking of this penalty on the part of later thinkers.

In dealing with acts of apostasy, should priority be given to the individual's right to express one's personal views and beliefs, or to the community's right to preserve and protect those things it holds most sacred? In 2006, Afghani citizen Abd al-Rahman Abd al-Mannan made world news headlines for his conversion to Christianity and subsequent divorce, loss of custody of his children, and imprisonment. Amid pressure from world leaders, he was eventually released and received political asylum in Italy. His case shone a spotlight on the issue of apostasy in Islam, and its treatment around the world.

Nations typically subscribe to a set of unchanging values that they carefully strive to preserve, especially the value of national identity. Prior to the present age, nearly every nation considered its religion to be the most vital component element of its identity. The existence, structure, and identity of nations were tied up with their having adopted and identified themselves with a specific religion or spiritual belief system. Muslim scholars counted religion among the five essential human needs, as the basis for numerous important rulings in Islamic law; foremost among such rulings was that concerning jihad, which is viewed in part as a means of defending and protecting the Islamic religion at the national level.

The legally prescribed punishment for apostasy, according to some, applies on both the individual and collective levels, since it is said to

be based on the need to protect the religion from those who would seek to harm, manipulate, or rebel against it. In issuing rulings to this effect, Muslim scholars have perceived no contradiction between the unanimously recognized principle of religious freedom as enshrined in the Qur'an's declaration that "There shall be no coercion in matters of faith," and their affirmation of a death penalty for apostasy. Through the various periods of our Islamic history, this affirmation has constituted the prevailing point of view. The views of prominent early scholars who disagreed with the overwhelming majority – including individuals of weight and influence such as Companions ʿUmar ibn al-Khaṭṭāb (d. in 644 CE), Ibrāhīm al-Nakhʿī (d. 811 CE), and Sufyān al-Thawrī (d. 777 CE), and other illustrious figures – did not receive publicity or wide circulation.

Therefore, transmitters of Islamic jurisprudence promoted the claim that there was a 'consensus' concerning the ruling that had been adopted by the majority of fiqh scholars, that the apostate must be compelled to return to Islam on pain of death. The perceived purpose behind this ruling was to protect the religion from attempts to undervalue it or to undermine its function as the foundation on the basis of which the Muslim nation came into being, the foundation of the state's legitimacy, and the source of Islamic doctrine, law, and all related life systems within the Muslim state.

This ruling conflicts with the human right to choose a belief doctrine and religion, and to express one's beliefs freely without compulsion, a discussion of which was originally opened by reformers Jamal al-Din al-Afghani, Muhammad Abduh, Rashid Rida, and others. These thinkers were concerned that Islam taught the necessity of forcing an apostate to return to Islam on pain of death, implying compulsion in Islam and a disregard for the freedom of belief and expression. Al-Afghani's famous book, *Al-Radd ʿalā al-Ḍāhiriyyīn* affirmed the need for Muslims to obey the Qur'anic injunction to debate peaceably with those who disagree with them, respond to their claims, and confute the doubts or arguments they raise with Islamic proofs and evidence. However, the matter was not settled at that time and remained controversial, while skeptics did not go public with their point of view.

Fast-forward to 1985, when president of Sudan Jafar Numayri enforced rulings in Islamic law in ordering the execution of Mahmud Muhammad Taha. This was followed by the Salman Rushdie affair and subsequent order for his execution by Iran's Imam Khomeini. Both cases entered

the international spotlight, and Islam was declared hostile to the highest of all values in the contemporary West: freedom. Fatwas and books that followed the Rushdie affair perpetuated the status quo ruling on the punishment of apostasy by death. More cases occurred in Egypt, sowing dissent among Egypt's educated elite while the United Nations, its satellite institutions, and other organs of the new world order continued launching offensives on Islam. How, then can Muslims deal with this difficulty that continues to plague them, and that has alienated people from Islam and brought it under attack?

In keeping with the custom of Muslim jurists, this study uses the term *ḥadd* (plural *ḥudūd*) to describe God's laws and rulings. Arabs have tended to use the linguistic term *ḥadd* in the sense of a barrier between two things. The terms employed by Muslim jurists and scholars of the methodology of jurisprudence have tended to be dominated not by 'the Qur'anic tongue' but, rather, by 'the Arabic tongue.' A salient example of this may be seen in the use of the term *ḥadd* and its plural, *ḥudūd*. This term occurs in fourteen verses of the Qur'an. In two of these, it is used in the sense of 'God's law and commands,' with regard to the practices of fasting, marriage and divorce, and inheritance. In none of the verses does *ḥudūd* refer to punishment, but instead affirms the necessity of adhering to God's ordinances and laws.

The Qur'an stresses the importance of adhering to God's laws having to do with family-related issues, so one wonders how Muslim jurists shifted the use of this Qur'anic term, restricting its meaning to the realm of the penal system. The term *ḥadd*, linguistically, means prevention, or prohibition. Also, the penalties mentioned in the Qur'an for theft and sexual misconduct do not use the term *ḥadd*. What lies behind this blatant contravention of Qur'anic usage?

A ruler looks upon the penal system as the most important means of imposing order, commanding respect, and achieving aims. The most formidable penal system is one whose authority can be attributed to God, since it is through this type of system that the ruler can reap the greatest benefit for his regime. Consequently, pious scholars such as Imam Mālik, Abū Ḥanīfah, al-Shāfiʿī, Aḥmad ibn Ḥanbal, al-Ḥasan al-Baṣrī, Sufyān al-Thawrī, and others frequently denounced rulers for misusing the penal system and exploiting it for their own tyrannical and capricious ends. The written corpus of Muslim heritage contains such denunciations in jurists' sermons and exhortations to rulers, as well as in their epistles, lessons, and juristic writings. Indeed, in our

own age some proponents of 'political Islam' reduce Islam and Islamic law in their entirety to the penal system alone. Consequently, when many such individuals speak of applying Islamic law, what they mean by 'Islamic law' is nothing but its associated penalties. Likewise, some regimes are quick to apply certain penalties in order to demonstrate their religious rigor and their commitment to the Shariʿah.

The religion's purity starkly contrasts with the distortions that result from human religiosity and ways of understanding the religion. Such distortions despoil the religion's concepts, which are emptied of their legitimate content and given other meanings. God declares that He has sent His messengers so that people might not have any argument against Him, but also affirms the human capacity to protest and argue and the instinctive desire to seek evidence and proof. The Qur'an gives Islam horizons that renew themselves with the passing of the ages; it provides firm grounding for Islam's ageless doctrine and clarifies the principles of its law. The Sunnah constitutes an application of the Qur'an that reflects the highest, most accurate degree of understanding.

The Sunnah, taken as a whole, offers the methodology of emulation of the Prophet. Hence, we should realize the major differences between emulation and obedience on the one hand, and imitation and uncritical acceptance on the other. Emulation and obedience are processes that rest upon the authoritative nature and persuasiveness of the evidence and one's knowledge and understanding thereof. As for imitation and uncritical acceptance (*al-taqlīd*), they are a kind of unthinking mimicry not preceded by any examination of or reflection on relevant evidence.

Ijtihad is a distinctive feature of Islamic law, a basic, essential feature of independent reasoning and reform. Reflecting on the Sunnah as that which clarifies, explicates and applies the Qur'an likewise requires ijtihad. This important process of exegesis is a means to acknowledge the world's diversity in peoples and opinions over time, and to address important issues.

Chapter Two

The Qur'anic Description of Apostasy

The Qur'an presents fundamental features of the concept of apostasy. In sum, apostasy and a lack of repentance or acceptance of Islam and

God lead to punishment in the hereafter. The person who commits apostasy hurts only himself. Those who turn away from their faith repeatedly will not be able to attain God's forgiveness no matter what they do.

Apostasy committed by someone who has done so under duress, and who therefore had no other choice, does not affect one's actual faith. The only way in which apostasy can affect one's actual faith is for one to open his or her heart consciously and willingly to a denial of the truth. Weak faith, lack of certainty and failure to worship God with a pure heart are among the most important entry points for apostasy. Any works performed by the person who denies the truth will come to nothing, and this is the outcome he or she must expect.[1] The term 'apostasy' conveys the sense of turning away from Islam and faith after one's having accepted them in accordance with what God has commanded.

The terms *al-riddah* and *al-irtidād* in the Qur'anic understanding represent a return to something one had left from something one had reached. However, none of the varied Qur'anic contexts referring to apostasy speaks of it as a withdrawal from Islam alone, or as a withdrawal relating to the spiritual plane alone. Rather, the Qur'an uses the term inclusive of both the spiritual and the material, in combination with the verb *radda*, to avert or turn away. *Riddah* in the Qur'an is an explicit retreat from and abandonment of Islam to unbelief. While warning, these verses also urge everyone who has entered Islam to cling to it steadfastly because it is the true guidance: the most authoritative, solid basis for life and living.

Given this clarification of the concept of apostasy, or *riddah,* in the Qur'an, we can see how the Qur'an has put this linguistic term to use to convey a variety of meanings by employing it as a verbal noun related to the religion. The verbal noun *al-riddah* is used to refer to a retreat from Islam. A person abandons his faith if he denies the truth after having surrendered himself to God through Islam. *Riddah* has been used over the centuries to refer unambiguously to a retreat from religion, and specifically, from the religion of Islam.

None of the verses referred to above – which include everything the Qur'an has to say concerning either *riddah* or *irtidād* – makes any mention of an earthly punishment for the sin or crime of apostasy; nor do they refer, whether explicitly or implicitly, to the need to force an

apostate to return to Islam or to kill him if he refuses to do so. As portrayed in the Qur'an, the term *riddah* reflects the psychological and mental state that brought the individual concerned to the point of apostasy.

Human freedom is one of the supreme values of Islamic law, and one of its most vital intents. Indeed, one of the most noteworthy roles played by faith, and by the affirmation of God's oneness in particular, is to free human beings from superstition, paganism, and the worship of created entities and to link them with God Almighty. Many Qur'anic verses were revealed in support, defense, and protection of this freedom. Indeed, the many Qur'anic verses devoted to religious freedom support one another in asserting this right and the obligation to protect and preserve it from any external intervention or interference.

Foremost among these verses is the one that declares "There shall be no coercion in matters of faith."[2] When unbelievers in Makkah waged war on Muslims in 4 AH, and some Companions asked the Prophet's permission to compel children who had embraced Judaism to enter Islam, thereby preventing them from living with the Jews, the Prophet refused to allow them to do so. In an issue more related to politics than religion, it was customary among the followers of some religions, and Christianity in particular, to force people to convert to their faith.[3] Many Qur'anic verses make clear to the Prophet that compulsion and the imposition of beliefs on others are of no use.[4]

A distinction might be drawn between the Qur'anic attitude toward continuing in 'original unbelief', that is, the unbelief of someone who has never had faith, and its attitude toward the unbelief of someone who abandons faith for unbelief after having believed. Such a distinction acknowledges the freedom that the Qur'an accords to the person who is still in a state of original unbelief, while denying the same freedom to someone who abandons faith after having believed.

As for questions relating to repentance following apostasy and whether or not such repentance will be accepted, all these are matters of divine prerogative. As long as one's apostasy has not been accompanied by anything else deemed a criminal act, it remains strictly between God and the individual, and is not the province of earthly rulers or anyone else.

Chapter Three
Apostasy During the Prophet's Life

In Islam, there is an axiomatic truth, namely, that the Qur'an is the foundational source for every one of the doctrines, laws, systems, principles, and rules that comprise the religion of Islam. The Sunnah is a clarification and explanation of the Qur'an, an exemplar of how to submit to its teachings, and an application by the Prophet of what the Qur'an has enjoined. There are numerous differences between the Qur'an and the Sunnah. The Qur'an, to begin with, is a foundational source for Islamic legal rulings, whereas the authentic Sunnah is a binding source of clarification of what is stated in the Qur'an. The Qur'an and the Sunnah are mutually supporting sources of evidence. There can be no conflict, contradiction, inconsistency, or disagreement between them, nor could any part of the Sunnah abrogate or nullify what is stated in the Qur'an. The Sunnah clarifies anything affirmed in the Qur'an.

The principles and epistemic methodology of the Qur'an clearly specify the unqualified nature of religious freedom. The Qur'an states clearly that the punishment to be meted out to the unbeliever or the apostate is one that will take effect in the afterlife. The Prophet's era witnessed literally hundreds of those who believed, then became hypocrites or committed apostasy. In fact, their apostasy reached the point where it represented a source of harm to the Messenger of God and the Muslim community. However, he refrained from doing them any harm lest it be said that "Muhammad kills his Companions," imposes his doctrine on people, or forces them to embrace his religion. In no case did the Prophet respond by calling for death, unless an individual was accused of a separate crime warranting such punishment.

For example, the majority of historians and scholars of the Prophet's biography mention that some of the people who had earlier embraced Islam committed apostasy after the Messenger of God spoke of what had happened to him on the night he was taken on his miraculous journey from Makkah to Jerusalem, after which some Muslims apostatized, leaving the religion they had previously embraced. Any instances during the Prophet's lifetime where any apostates were put to death, as related by a variety of sources in the hadith, were due to the individuals' participation in war crimes or murder, not due to their apostasy.[5] God indeed commanded the Prophet to strive against the deniers of the truth and hypocrites.

There is no divinely revealed punishment in accordance with which everyone who reverts to unbelief after having believed is to be put to death. In neither the Qur'an nor the actions of the Prophet will we find any indication that the Prophet was aware that God had laid down a prescribed penalty for apostasy. For, if he had been aware of such a penalty, he would not have hesitated to carry it out, since he was forthright in calling for punishment for specific crimes in other cases.

When Muslim jurists saw that the Qur'an contains nothing that could be viewed as a legally prescribed punishment for apostasy, that the Sunnah – including both the Prophet's words and his actions – is likewise devoid of any such penalty, and that the freedom to choose what one will believe is a supreme value of Islam set forth in nearly two hundred verses of the Qur'an, they supported their claim that the apostate must be put to death – which they viewed as resting on a consensus of the Prophet's Companions – by resorting to an incompletely transmitted hadith concerning a statement attributed to the Prophet and a number of traditions, not one of which is free of questionable elements.

An additional instance worth noting during the Prophet's life involved a peace treaty between the Muslim community and the Quraysh tribe in Makkah in 627 CE, in which the parties agreed to cease warfare for ten years. The Truce of Hudaybiyyah was to remain in effect for ten years but held only for two as it was violated by the Quraysh. The Truce of Hudaybiyyah is a good indication of the Prophet never prescribing punishment for the act of committing apostasy, because a key condition of the agreement would have forced him to ignore this principle, if it ever existed, and of course he would never violate any directive of Allah whether for the sake of political expediency or any other reason. According to the treaty anyone choosing to leave the Muslim camp would be allowed to return to the Quraysh, freely without reprisal. The treaty offered an important prospect for peace without violating any command of Allah. This fact cannot be ignored. In addition, anyone attempting to circumvent this clear indication that punishment was not prescribed for apostasy by claiming it to have been legislated after the treaty took place would be manifestly wrong, because no clear historical evidence exists to indicate the time it was supposedly legislated, or even that it was ever legislated at all.

It is an established fact that never in his entire life did the Prophet put an apostate to death. If he had known that he had been commanded to kill those who apostatized from his religion and that this was a ruling

from God, he would not have hesitated to carry out this ruling for any reason whatsoever. As for the instances cited in this study and which involved the killing of apostates, these were instances in which apostasy was coupled with numerous other crimes. In cases such as these, apostasy was tantamount to a declaration of rebellion against the community and of enmity toward it.

Chapter Four
Response to Apostasy in the Verbal Sunnah

The verbal Sunnah, which is composed of statements by the Prophet, contains solitary hadiths that contain the command to kill the apostate. One of the most salient hadiths of this type and the most widely cited among Muslim jurists, most of whom have relied on this specific hadith in arguing for the death penalty for apostates, states, "If anyone changes his religion, put him to death." This hadith became widely known after the early days of Islam. Before that time, however, it was just a solitary hadith (*ḥadīth āḥād*), which was considered to be incompletely transmitted.

This particular hadith is connected with a situation where Jewish leaders were working to undermine the Prophet, Revelation, and his mission in every way possible, by spreading falsehoods about Muslims in Madinah, plotting divisions, and undermining the group's security overall. This was not a case where a Muslim believed in Islam, committed apostasy, then professed belief in Islam again. Not once did the Prophet put to death someone in the latter situation. Yet this hadith perpetuated as an example of Islam supporting punishment by death for apostasy. This study rejects the confused story which has been attributed to Imam ʿAlī as a basis for interpreting the hadith. The following was revealed in the Qur'an regarding the tensions between the communities:

> Thus it is: If the hypocrites, and they in whose hearts is disease, and they who, by spreading false rumors, would cause disturbances in the City [of the Prophet] desist not [from their hostile doings], We shall indeed give thee mastery over them, [O Muhammad] – and then they will not remain thy neighbors in this [city] for more than a little while: bereft of God's grace, they shall be seized wherever they may be found, and slain one and all. Such has been God's way with those who [sinned in like manner and] passed away aforetime – and never wilt thou find any change in God's way! (33:60–62)

These verses from the Qur'an were revealed to stop this type of conspiracy against Islam's internal front and attempts to rend it asunder. Hence, if the hadith according to which the Apostle said, "If anyone changes his religion, put him to death" is sound, he will have had this serious security situation in mind when he uttered the words in question.

A harmful and frequent habit regarding our Islamic jurisprudence is placing the hadith, at least on the level of practice, above that which is stated explicitly in the Qur'an. In so doing, the hadith is elevated from the status of clarifying and explicating the Qur'an (that which clarifies being subordinate to that which is clarified) to the status of that which is equal or parallel to the Qur'an. The end result of this process, not surprisingly, has been to allow hadiths to reign supreme over the Qur'an and pass judgment on it. For this reason this study quotes the hadith as it has been passed down to us with its varied chains of narrators and in all its different versions, as well as textual evidence in support of it and what scholars have had to say about it.

In so doing, one will be able to see how scholars have put it to use, bringing it out from the realm of that which merely explicates the Qur'an into the realm of that which rules over it and issues verdicts which are not found in the Qur'an itself. One finds, for example, that this hadith implies approval of the destruction of the human life that the Qur'an takes great care to preserve and safeguard, and whose destruction it seeks to prevent by all means possible.

Also, nearly two hundred verses of the Qur'an reject the principle of coercion in matters of faith and stipulate absolute human freedom to choose what one will believe and what religion one will profess. As has been seen, the Qur'an affirms there is no earthly penalty whatsoever for the decision to change one's religion (so long as the individual concerned is not guilty of some other crime). On the contrary, what the Qur'an affirms is that the right to declare the penalty for simple apostasy (that is, apostasy not associated with any other crime) belongs to God alone. When one views this hadith in light of Qur'anic verses whose meanings are definitive and clear, it presents no difficulty. However, when the various versions of the hadith are cited in isolation from the Qur'an, and when some narrators connect these accounts with other events and stories, the hadith may become incomprehensible. In addition, chains of narration may be incomplete and/or weak with some hadith, and therefore such hadiths are not reliable sources.[6]

In addition to noting the problems in these accounts' chains of transmission, it should be remembered that many of them are related by a single narrator. Some of the accounts that mention the act of burning apostates or unbelievers with fire make no mention of whether the burning took place after these people had been put to death by the sword, or whether they were burned alive. Additionally, we note that many of these accounts are marked by severe confusion and inconsistencies. This study has also sought to show the importance of allowing the Qur'an to reign supreme over the Sunnah. In other words, it is the Qur'an which verifies the truthfulness of the Sunnah, and not vice-versa. This emphasis was strengthened in Islam's early days by the attitudes and policies of the two rightly guided caliphs Abū Bakr and ʿUmar ibn al-Khaṭṭāb, who were committed to the guidance brought by the Qur'an and the Sunnah.

Chapter Five
Muslim Jurists' View on the Penalty for Apostasy

The next step in this discussion is to look at the stance taken in this matter by Islamic jurisprudence and its jurists, and the evidence on which they have based this stance. Muslim jurists base their positions on this issue on two foundations: the verbal Sunnah, and the erroneous view that the hadith, "If anyone changes his religion, put him to death" is sound. In addition, it rests on a generalized application of this hadith to everyone who changes his religion, whether or not he has waged war on Islam and Muslims.

The second foundation, the claim to consensus, is faulty: even with scholars' differing points of view concerning what constitutes a 'consensus,' Islam's schools of jurisprudence have differed widely on this point. Most recognized schools of jurisprudence have confused apostasy in the political sense with apostasy in the sense of a change in personal beliefs and convictions. Some schools have held that apostasy from Islam is a crime for which there is a divinely ordained punishment that must be enforced without any lenience. Others believe apostasy is a crime with simply a discretionary punishment, while a third group has maintained that the punishment for apostasy falls within the realm of 'Islamic legal policies,' and that Muslim rulers are free to apply it according to their own interpretations, in order to preserve law, public order, and community unity.

Confusion between 'political' treason and 'religious' apostasy arose in an oral culture that was prevalent in the Hejazi environment mentioned previously, one that was influenced by the Jewish culture of oral tradition which viewed it necessary to kill anyone who left Judaism. Also, the Islamic conquests brought many countries – all with their own systems, customs, cultures, and laws – within the jurisdiction of the Muslim nation. Such laws related, for example, to the shifting of allegiances, rebellion against the political and legal order, and so forth. The Byzantines, the Persians and others all had well-established laws and regulations that generated customs and cultures in the conquered lands, and which in turn pervaded the Muslim environment. These laws, regulations, customs and cultures thus came to color the Muslim juristic mindset.

The causes behind the 'wars of apostasy' during the caliphate of Abū Bakr (632–634 CE) were not precisely defined. Although they were based on the political dimension, the religious dimension was referred to in statements by Abū Bakr such as, "I will most surely wage war against anyone who separates ritual prayer from zakah!" Moreover, because Abū Bakr relied on a conception of 'religion' in its comprehensive sense in which legislation, authority, public order, and governance all play a part, and because all of these things are included under the rubric of Shariʿah, no clear division was laid down between doctrine and law. The purpose of the wars of apostasy was to oblige citizens who had abandoned their obligations and duties as members of the Islamic Ummah, or as citizens of a state, to meet such obligations, which derived their legitimate force from the religion, and from the patriotic duty the religion imposed on citizens in its capacity as the source of legality and legitimacy.

Among the four Sunni schools of Islamic jurisprudence, the Ḥanafī School did not classify apostasy among the crimes for which there are divinely prescribed punishments, but rather, discussed it in its writings under the heading of *siyar*, or the theme of jihad and related topics. Ḥanafī jurists declare without exception that the female apostate is not to be put to death. A boy who has reached the age of discretion and commits apostasy is not to be killed, but imprisoned. They hold that it is necessary to put the adult male apostate to death, although they produce no Qur'anic evidence for this position and cite the aforementioned hadith, "If anyone changes his religion, put him to death." They support this hadith based on the consensus that existed among the Prophet's Companions concerning the necessity of waging war on apostates

during the caliphate of Abū Bakr, as a way to prevent social chaos. Ḥanafī jurists tend to view apostasy in political terms.

In the Mālikī School, apostasy falls under the same category as violations such as *al-zinā*, or unlawful sexual intercourse, but this School does not hold that apostasy is a crime for which there is a divinely ordained punishment. Imam Mālik referred to Islamic legal policy and incomplete hadith, versus divine ordination, when stating that unrepentant apostates must be killed. The Mālikī position on this issue is that the apostate must be put to death, man or woman.

The Shāfiʿī School based its approach on Qur'anic verses discouraging polytheism, stating that no Muslim's life can lawfully be taken except in one of three cases: the reversion to unbelief after coming to faith, adultery, and murder. Imam al-Shāfiʿī approached the issue of apostasy in light of the four following Qur'anic verses: (1) "And fight against them until there is no more oppression and all worship is devoted to God alone" (8:39); (2) "…slay those who ascribe divinity to aught beside God wherever you may come upon them, and take them captive, and besiege them, and lie in wait for them at every conceivable place. Yet if they repent, and take to prayer, and render the purifying dues, let them go their way; for, behold, God is Much-Forgiving, a Dispenser of grace" (9:5); (3) "But if any of you should turn away from his faith and die as a denier of the truth – these it is whose works will go for nought in this world and in the life to come; and these it is who are destined for the fire, therein to abide" (2:217); and (4) "And yet, it has already been revealed to thee [O man,] as well as to those who lived before thee, that if thou ever ascribe divine powers to aught but God, all thy works shall most certainly have been in vain: for [in the life to come] thou shalt most certainly be among the lost" (39:65). The first verse Imam Shāfiʿī cited affirms the legitimacy of armed conflict as a means of protecting freedom of belief and warding off attempts to oblige people to change their religion by force. The Shāfiʿī school contends that apostasy is punishable by death, because it is more serious and more abhorrent than original unbelief based on the fact that apostasy results in one's works on earth losing all of their value, and the loss of the possibility of divine forgiveness. However, nothing in any of the four verses he cites would indicate the necessity of a divinely ordained punishment for apostasy in the Qur'an.

In the Ḥanbalī School, the apostate should be killed for his unbelief, not as a divinely ordained punishment, based on the hadith "If anyone changes his religion, put him to death."

Some of these positions reveal a clear confusion between apostasy in the political sense, and apostasy in the sense of a change in personal belief and creed. Moreover, the differences among these schools over most details relating to this matter are clear evidence of the nonexistence of an explicit text that, in keeping with the principles of Islamic jurisprudence, will support the claim that there is a divinely prescribed death penalty for apostasy. The positions advocated by many Muslim jurists contain allusions to interests relating to the security of the state and society and the protection of the society's internal front based on the link which, as we have seen, is assumed to exist between apostasy and the act of waging war on the Muslim community and/or state.

The Imamite Shia School holds that there are two types of apostate: an apostate who was born into Islam, and an apostate who had previously converted to Islam from another religion. The first type is to be put to death immediately and not given any opportunity to repent. If the person takes the initiative to repent, his repentance is not to be accepted; hence, he is not allowed to enter Islam again. The second type of apostate is to be given an opportunity to repent; if he repents, his repentance will be accepted, and if not, he is to be killed. A woman is not to be killed, but imprisoned. Adherents of this school do not view apostasy as a crime for which there is a divinely prescribed penalty; instead, they classify it among crimes with discretionary punishments.

The Zahirite School states that apostasy is a crime with a divinely prescribed punishment, claiming that the Qur'anic verse "There shall be no coercion in matters of faith" was abrogated, because until the end of his life, the Messenger of God insisted that the pagan Arabs either embrace Islam or die by the sword. Therefore, that verse would apply only to certain people – that is, to Jews and Christians.

The Zaydite School believes the apostate should have the opportunity to repent before the death penalty is carried out. The school views apostasy as a declaration of war on the apostate's Muslim nation, if not in actual fact, then in its potential.

Differing little from the other juristic schools, the Ibāḍī School stipulates the death penalty if the apostate does not repent.

The confusion observed in scholars' manner of dealing with this matter has resulted from numerous causes: an overly broad concept of 'religion' that encompasses the legal system and the need to apply it to all citizens

without regard for their differing beliefs; and confusing a change in one's beliefs with the act of altering the pillars of the religion itself, or the tendency to associate a change in belief with enmity and hostility toward the Muslim Ummah and community, such that the apostate becomes an enemy combatant.

The Qur'an acknowledges the many types of differences that distinguish people from one another, including differences in belief. Hence, it declares that those who wish to believe, may believe, while those who wish to disbelieve, may disbelieve. The Prophet forbade Muslims even so much as to think of coercing people into faith, for God had said to him: "...had thy Sustainer so willed, all those who live on earth would surely have attained to faith, all of them: dost thou, then, think that thou couldst compel people to believe...?" (10:99)

Freedom of belief is protected and preserved in the Qur'an. Moreover, given that this is the stance of the Qur'an, it is likewise the stance of the Sunnah. The Qur'an makes clear that the punishment for a change in belief is one that will take effect in the life to come, while the Sunnah likewise makes clear that although a change in belief unaccompanied by anything else may have been interpreted to imply hostility against the Ummah and as a threat to its citizens and interests, there is, nevertheless, no prescribed punishment for it in this earthly life.

Rather, the penalty for it pertains to the afterlife alone, since in such a case, it touches exclusively upon a right that belongs to the Creator, and it is He who will collect His due, as it were, in the abode of eternity. And God knows best.

Chapter Six
Muslim Scholars Accused of Apostasy

Some rulers during certain periods of our history have exploited this 'punishment' for which there are no grounds – by transforming it into a weapon they could brandish in the faces of their opponents. Such opponents included prominent scholars who had resisted certain tyrants and, in an attempt to rein in their absolute powers, had exhorted, commanded, and prohibited them. In response, however, such despots became even more oppressive. The Muslim nation has never discovered the mechanism and tools needed to implement the kind of mutual

consultation that God required in the most definitive manner of the Prophet and of the Muslim community after his death. Some God-fearing scholars attempted to perform, though modestly, the function that mutual consultation could have performed. However, most rulers attempted to silence such voices, despite the fact that such scholars' aim was to prevent themselves, the Muslim nation, and its tyrannical rulers from being plunged into the abyss of authoritarianism.

Throughout Islamic history, scholars have sought to make themselves into a force that could stand on a par with those in authority and act as a kind of rear guard. Hence, they have interpreted the Qur'anic phrase, *ūlī al-amr* ('those entrusted with authority') to mean both rulers and scholars. With the end of the era of the rightly guided caliphs – who had combined political vision with authority, the ability to draw sound conclusions from the Qur'an and the Sunnah, and the will to discern what would serve the common good through mutual consultation and all other means at their disposal – scholars were keen not to allow those in power to manage the nation's affairs alone. As scholars with a spiritual vision were excluded from participation in public affairs, a kind of individualism of the ruling elite was consecrated and solidified.

Over the course of its history, the Muslim community has witnessed numerous afflictions as a result of disunity, disagreements, disregard for the Qur'an and the living example of the Prophet, and a trend toward dissociating the Qur'an from the Sunnah rather than recognizing the vital link that binds one to the other. Add to this the trend to separate the Qur'an and the Sunnah from jurisprudence; Islamic doctrine from Islamic law; and the jurisprudence of earlier scholars from the jurisprudence of later ones; as well as a tendency to view the writings of the founding imams (Abū Ḥanīfah, Aḥmad ibn Ḥanbal, al-Shāfiʿī and Imam Mālik) as though they were on a par with the words addressed to us by the Lawgiver himself.

From the time the Muslim community abandoned the Qur'an and was overcome by confusion and error, its unity was lost. It began with the uprising that took place in the days of the third Caliph and led to his martyrdom, then continued with the sedition and intrigue that attended the Battle of the Camel and events at Siffin, followed by the emergence of sects and differing schools of jurisprudence and the succession of uprisings and conflicts between families that aspired to rule and did rule. On up to modern times, innumerable conflicts plague us between

Sunni and Shia, Sufi and Salafi, the Salafis and the rest of the Muslim community, and traditionalists and modernists, not to mention the ongoing struggle among the various Islamic political sects and parties. An overview of the phenomenon of accusing others of apostasy and unbelief yields a long list of victims that spans all of Islamic history and that continues to grow, since people have yet to return to a commitment to the Qur'an. A search within books devoted to recording the biographies of Muslim scholars and the history of the Muslim nation would unearth untold number of stories of scholars, mystics and jurists who were persecuted, exiled and accused of apostasy, atheism, and deviation from the religion. The real reasons behind what they suffered, of course, lie in the fact that they had crossed this or that ruler or had adopted views and teachings that conflicted with those favored by those in power and by scholars of ill repute. However, if people hold fast to the Qur'an and refuse to depart in any way from what is stated therein, they will strengthen the Muslim community and the religion it professes and prevent it from suffering the painful fate to which it continues to be subjected. And God knows best.

CONCLUSION

The essence of the trust human beings have been assigned, on the basis of which they merit the task of being God's vicegerents on earth, rests on complete, unadulterated freedom of choice: "There shall be no compulsion in matters of faith" (2:256); "…thy duty is no more than to deliver the message; and the reckoning is Ours" (13:40); and "Say, 'The truth [has now come] from your Sustainer: Let, then, him who wills, believe in it, and let him who wills, reject it'" (18:29).

It would be impossible for the Qur'an to affirm human beings' freedom of choice in more than two hundred verses, then punish those who exercise this freedom with such a stern penalty, particularly when they have done nothing to hurt anyone but themselves. Muslim jurists who affirmed the death penalty for apostasy generally did so based on the fact that, in the ages in which they lived, apostasy in the sense of a change in personal beliefs was frequently the result of a comprehensive shift away from allegiance to the Muslim community and rejection of its associated systems, laws and culture. This being the case, disbelief in the religion was viewed as tantamount to a total rejection of everything upon which the Muslim community was founded.

This study has aimed at providing a model for much-needed, serious studies devoted to the review of Islamic heritage by Muslims themselves. When a true understanding of the intents and higher values of the Qur'an and the Sunnah begins to spread, this will constitute a source of strength of the sort that can never come from mere bigotry and a blind rush to defend Islam; instead, it will provide Muslims with the tool of an informed, purposeful awareness that commands the respect of Islam's foes and detractors.

The Author

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Notes

1 The Qur'an addresses apostasy in 2:217; 3:86; 3:90-91; 3:98; 3:106; 3:177; 4:137; 5:54; 16:106; 22:11; and 47:32.

2 2:256.

3 A notable example being the Spanish Inquisition a Roman Catholic tribunal which by the 12th century raged throughout Central and Western Europe known for the severity of its punishments for heresy. Royal decrees issued by monarchs Ferdinand and Isabella in 1492 (the Alhambra decree) and 1501 ordered Jews and Muslims to convert or leave Spain.

4 For example, 6:107 and 10:99.

5 For specific examples of other apostates and their treatment by the Muslim community during the Prophet's lifetime, consult the full edition of this study.

6 For specific examples of hadith transmissions, and weak hadith referring to apostasy, please refer to the full-length study.