

Thoughts on 'Apostasy in Islam'

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Thoughts on ‘Apostasy in Islam’

From ‘A Series of Discussions on New Issues in Islamic Theology’ “Apostasy and Freedom”

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For the Imam as-Sadiq Research Institute headed by his eminence, Ayatullah Shaykh Mirza Ja’far Subhani

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يَا أَيُّهَا الَّذِينَ آمَنُوا مَنْ يَرْتَدَّ مِنْكُمْ عَنْ دِينِهِ فَسَوْفَ يَأْتِي اللَّهُ بِقَوْمٍ يُحِبُّهُمْ وَيُحِبُّونَهُ أَذِلَّةٍ عَلَى الْمُؤْمِنِينَ أَعِزَّةٍ عَلَى
الْكَافِرِينَ يُجَاهِدُونَ فِي سَبِيلِ اللَّهِ وَلَا يَخَافُونَ لَوْمَةَ لَائِمٍ ۚ ذَٰلِكُمْ فَضْلُ اللَّهِ يُؤْتِيهِ مَن يَشَاءُ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ

“O you who have faith! Should any of you desert his religion, God will soon bring a people whom He loves and who love Him, [who will be] humble towards the faithful, stern towards the faithless, wage jihad in the way of God, not fearing the blame of any blamer. That is God’s grace which He grants to whomever He wishes, and God is all-bounteous, all-knowing.” (al-Qur`an 5:54)

Literally, the word al-Irtidad means to return back (from something) and the word al-Murtad comes from this same root meaning ‘the person who returns back’. However when we look at this word from the Qur`anic and the Islamic understanding, it means to go from belief to disbelief (Islam to Kufr).

The late Imam Khumayni has noted that this word means;

المرتد هو من خرج عن الاسلام واختار الكفر

“The Murtad (apostate) is the person who has left (the faith of) Islam and has chosen disbelief (Kufr).” – Tahrir al-Wasilah (v. 2, pg. 366)

Ibne Qudamah, one of the well known Jurists of the Ahlus Sunnah writes:

“The Murtad (apostate) is the one who gone from the faith of Islam towards disbelief (Kufr).” – Al-Mughni of Ibne Qudamah (v. 10, pg. 74)

The Jurists of the Shia faith have divided the apostate into two categories – Milli and Fitri. The ‘Murtad-e-Fitri’ is the one who is born into a family in which either one or both parents are Muslims and after he/she reaches to the age of maturity and willfully accepts Islam, then leaves the faith. However, the ‘Murtad-e-Milli’ is the person who was born into a family in which neither of his parents were Muslims and after reaching to the age of maturity and willfully accepting Islam then leaves Islam to another tradition.

In regards to the ruling for being an apostate, the Jurists of the Shia differentiate between the male and female apostate. As for the woman who apostates – whether of the ‘Fitri’ or ‘Milli’ – if she repents, her repentance will be accepted and the penalty for apostasy will be removed from her. However, if she does not repent and recant, then she is to be flogged and imprisoned.

However for the man who apostates – either the Fitri or the Milli – there are different rulings. The most well known position of the Jurists is that the repentance of the Murtad-e-Fitri is not accepted and thus his ruling is that he is to be executed. However the Murtad-e-Milli can repent and recant his statement of apostasy and if he does so, he will not be subject to the death penalty.

It is important to note that the meaning of repentance in this discussion, as we have noted, is the ‘open’ and ‘apparent’ act of asking for forgiveness and recanting ones’ statements which must be done in the presence of an Islamic judge (Hakim-e-Shari). How often it may happen that a person may repent however definitely, deep within him, he has not given up on his apostasy.

However in any event, his apparent repentance will be accepted for all outward rulings in regards to him – however the inner repentance and recanting is only known to Allah and it is only He who knows if the person is sincere in his display of remorse. Thus, the punishment of this world will be lifted from him, however the punishment of the next life is in the hand of Allah. However as for the Murtad-e-Fitri, his repentance will absolve him of the punishment of the next life – however he must face the punishment of this world for his actions.

A majority of the Jurists of the Ahlus Sunnah do not differentiate between the ruling of an apostate when it comes to the person’s gender nor do they differentiate between the Murtad-e-Fitri and Murtad-e-Milli. Thus, they state that the repentance is accepted and prevents the punishment from being enacted however if the person does not repent, then his penalty is death. Abu Hanifah, Shafi-I, Malik and a number of other Jurists hold this opinion.

Ibne Qudamah, one of the most well-known Jurists of the Ahlus Sunnah writes:

انه (المرتد) لا يقتل حتى يستتاب... هذا قول أكثر أهل العلم

“Indeed he (the apostate) is not executed as long as he repents ... and this is the opinion of a majority of the people of knowledge [scholars of the Ahlus Sunnah].” (al-Mughni of Ibne Qudamah, v. 10, pg 76)

A Summary of the beliefs of the Shia Jurists in Regards to Apostasy

1. Accepting the teachings of the faith of Islam and entering into it and the subsequent act of acquiring its teachings and acting according to them once a person has accepted the faith is all based upon research, investigation, pondering and thought.
2. Possessing doubts, questions, satanic whispers and then going forth to remove the doubts and answering the questions is without a doubt, one of the necessities of the thought process of a human being and as long as doubts and questions remain with a person and they force him to reach a level of knowledge and certainty on those issues, such things remain blessed and praiseworthy.
3. Doubts, misgivings and questions in regards to the teachings of the faith do not automatically result in apostasy. Rather, apostasy is denial – with full knowledge – of the principles of the religion (Usul ad-Din) or one of the necessities (Dharuriyat) and clear and accepted (Badihiyat) teachings of the faith such that the denial of those clear and accepted things would lead to a denial of the Usul ad-Din and the person who is denying such things is fully aware of this relationship (between denying the necessities (Dharuriyat) and clear and accepted (Badihiyat) teachings of the faith) and being considered as an apostate.
4. In the event that the denial (of such things) by a person is confirmed to have occurred due to confusion and question in the principles (Usul) or the necessities (Dharuriyat) of the faith, such a person would not be considered to be an apostate and such theological doubts would not lead to the implementation of the penalty (hadd) for apostasy. The way to deal with such individuals is through discussions – and not to deal with such a person through actions (such as the penalty for apostasy).
5. The ruling for apostasy does not go against the principle of freedom of thought as if the who is conducting research does so with the purpose of searching out the truth and even if he does not reach to the realities – he would be considered as one who is not blameworthy (Qasir) – not culpable (Muqassir). In the presence of Allah, he would be pardoned, rather, he would be rewarded (for his efforts).

The ruling for apostasy also does not go against the freedom of speech. The person who becomes an apostate is able to, without openly expressing his apostasy, pose questions and present his own proofs (in regards to the rejection of faith) at religious gatherings and can request the scholars to provide

answers to his questions.

There is no ideology or religious tradition, even within the human formed ideologies and the secular belief systems such as liberalism which accepts complete freedom and thus, they have laid down limits and conditions (for the freedom of speech and expression). The liberals consider the limits of freedom for an individual to be that he must observe the rights of others which live around him and what is best for the entire society.

Observing the rights of Allah over His creations; what is best for the entire Islamic society; and the rights of the other Muslims are three sides of the triangle of freedom (in Islam) and each individual must work amongst these.

With careful attention to the conditions of (a person entering into) apostasy, we arrive to this conclusion that the apostate (Murtad) is the person who, while is fully aware of the beliefs and the truth of the faith of Islam, still due to his aversion and with willful obstinacy, rises up to oppose it and with a illogical way of working, seeks to destroy the character of the Islamic society and its theological foundations.

Thus, the ruling for apostasy has been put into place to prevent the destruction of the identity of the Islamic society and to protect the religious beliefs of the people from ill- intentioned, confused individuals. A cursory glance at the files of the apostates throughout the course of history would make this issue clear.

The source for determining the apostasy of an individual and the implementation of the ruling of the apostate is the Mujtahid Jami' al- Shara'it and thus, no Muslim is able to pass judgment on the apostasy of another Muslim nor is he permitted to implement the ruling of apostasy upon him.

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