

The question of freedom to change religion, regarded as a “universal right”, brings particular problems for members of the religion that someone leaves; for them it is often regarded as apostasy. This article grew out of a briefing paper written by Chris Hewer to help Christians understand apostasy from a Muslim perspective. It was taken up by Professor Khalid Alavi who, in the late 80s, was a visiting professor at the Centre for the Study of Islam and Christian-Muslim Relations in Birmingham but later became the Director of the Da’wah Academy at the International Islamic University in Islamabad, Pakistan. The article was published in *Dawah Highlights*, Islamabad: Da'wah Academy, 2004.

Apostasy in Islam

Background

From time to time, various Christian groups and others raise the question of the punishment of apostasy in the Shari’a. Attention is drawn frequently to the Universal Declaration of Human Rights, Article 18, which declares that all people should be free to change their religion. It is often noted simply that the death penalty is a generally accepted punishment for apostasy in Islamic law, without seeking to acknowledge the subtlety that is there in all schools of Shari’a. Often “liberal Muslims” are called to make common cause with Christians and all people of good will “to have the Shari’a reinterpreted” on this point.

This is not only a 21st century question. The Christian missionary and polemicist Samuel Zwemer, working around a century ago, claimed that it was fear of being executed for apostasy that was holding back Muslim people from converting to Christianity. The tendency is to draw out only the harsher instances of the punishment of apostasy without giving due weight to other trends and exploring the general principles that underlie the question.

In this article based exclusively on English-language texts, Dr Chris Hewer, a Christian working in Christian-Muslim relations in Britain for many years, explores the issue originally in an attempt to help his Christian readers better understand the Islamic position on apostasy, including all its subtlety and nuance, and then considers what might be the best strategy for Christians to adopt in dealing with Muslims on this question. The article is reproduced here for the benefit of Muslim readers.

Islamic law on apostasy

We proceed under five heads:

1. Underlying principles

2. Qur'anic verses on apostasy
3. Apostasy in the Hadith
4. The positions of the five schools of law
5. Trends in contemporary thought.

Underlying principles

There are four underlying Islamic principles that are relevant to understanding the Muslim position on apostasy:

1. The natural state of the human being. The Islamic understanding is that God created all human beings in the state of *islam*, that is in perfect harmony with God and the rest of creation based on total submission and obedience to the will of the creator. This applies to all human beings throughout the ages from the dawn of creation onwards. This message of *islam* was taught by all earlier Prophets, including Abraham, Moses and Jesus. This concept of *din al-fitra* means that the human being is most perfectly human when in the state of total submission to the will of God. The clearest guidance to living in this state of *islam* is contained in the Qur'an and the lived example and teaching of Muhammad (the *Sunna*). Remnants of this guidance are still to be found in the Peoples of the Earlier Revelations (*Ahl al-Kitab*), e.g. Jews and Christians. However, the "Straight Path" of God's guidance stands out in contrast to the "meandering by-ways" based on what remains of the earlier revelations. The Qur'anic principle "Truth stands out clear from error" applies (Q. 2:256). Not surprisingly then, to leave the "Straight Path" for anything else is highly inadvisable, it will not gain the support of Muslims, and is in a sense opting for a less fully human form of existence as one is liable to be less in harmony with the divine will. Christians, particularly those who teach the critical importance of adult baptism, can understand this position; the one who turns back from the Way is not worthy of the Kingdom.
2. "Freedom" is not a value-free concept in Islam. The human being is endowed with the gift of freewill, as the highest dignity of creation but this is to be used freely to accept and embrace the divine will. Islam lays great emphasis on the human being acting out of personal conviction, from the heart, and ultimately we are all accountable individually for our response to the divine call and our actions. Christians, reflecting on Jesus in Gethsemane as their model of perfect freedom, will be able to understand that there is no concept in Islam of it being part of human dignity that "freedom" means "free to do whatever one likes". Freedom is value-laden and orientated towards a set end: that of seeking and obeying the will of God.

3. When the Qur'an says, "There is no compulsion in religion" (Q. 2:256, 10:99) this develops this notion of freedom. Ultimately one is "free" to reject and disobey the divine guidance, and to face the consequences of this action before the Throne of Judgement. Such rebellion against the expressed will of God is liable to lead one to Hell, save for the mercy of God. Human beings do not live in isolation but in community. The actions of one person can influence others. Even if an individual is "free" to reject God's guidance, does that mean that she or he can be permitted by the community that strives to follow that guidance to lead others astray? As with the Christian excision of the heretic before the community is polluted, so Islam, working on the principle of the duty "to command the good and forbid the wrong" (Q. 3:104, 110), sees a duty upon the community not to allow deviation from the "Straight Path" to be promoted; thus Christians and other religions were not allowed to seek converts in the classical Islamic Empire.
4. The relationship between "religion and state" in Islamic understanding means that the state is the collective extension of people who are following the "Straight Path" of Islam. To rebel against the guidance of God, may well entail rebellion against the state. We are in a similar mindset to 16th century Christian Geneva and the role of the Magistrate, and need to remind ourselves that treason was still punishable by death in England until 1998. A constant question running through the examination of apostasy in Islam is the distinction between "simple apostasy" and "apostasy compounded by treason, vilification and leading others astray".

Qur'anic verses on apostasy

The Qur'an refers to apostasy on several occasions and reference needs to be made to the following list of verses. Bear in mind that the overwhelming majority of these verses date from the Madinan period when the Qur'an was laying down guidance for a Muslim polity based on a city-state.

Sura al-Baqarah 2:214, 217, 256; Sura al-'Imran 3:71-73, 80-91, 106, 177-178; Sura an-Nisa 4:90-91, 136-137; Sura al-Ma'idah 5:33-34, 54, 59; Sura at-Tawbah 9:67; Sura an-Nahl 16:106, 108-9; Sura al-Hajj 22:11; Sura Muhammad 47:32; Sura at-Tahrim 66:9.

From an examination of these verses, the following points emerge:

1. The natural death of the apostate is often taken for granted rather than any indication of unnatural termination.

2. A time of repentance is often mentioned. At times this period is extended until the time immediately before the “deathbed” (N.B. a “deathbed repentance or conversion” is not accepted in Islam, see Q. 4:18).
3. The judgement of the apostate is left to God on the Day of Judgement where such can expect to be denied the rewards of Paradise (Q. 88:21-26).
4. The Qur’an envisages the possibility of repeated apostasies and reversions during one human lifetime thus indicating that apostasy does not automatically meet with the death penalty.
5. The apostate loses both in this world, generally interpreted as being the loss of the benefits of being a member of the Muslim community, and in the next.
6. Apostasy does not hurt God or in any way frustrate the purposes of God.
7. When apostasy is compounded by treason, murder, aggravated robbery or armed attacks against Muslims then such compounded actions merit the death penalty.
8. Muslims are required to “strive hard” against apostates and hypocrites but not to kill them unless they wage war on the Muslim community.
9. It would appear that there was a group of Jews in Madina (cf. Q. 3:72), who sought to weaken new converts to Islam by feigning conversion and apostasy within the course of a single day, thus ridiculing Islam and the Muslim community.

S.A. Rahman, the former Chief Justice of Pakistan, concludes that the Qur’an sees simple apostasy as a sin against the *huquq allah*, the Rights of God, for which there is no earthly punishment provided that it is not compounded by treason, vilification of the Qur’an or Prophet, etc., in which case it becomes a crime against the *huquq al-‘Ibad*, the Rights of Human Beings, and become liable to the earthly courts. Thus, he says that the Qur’an tolerates but disapproves of variants from the “Straight Path”, provided that they are not compounded by active hostility to the community (Rahman, 1996, p. 130f).

M.H. Kamali, Professor of Islamic Law at the International Islamic University in Kuala Lumpur, concludes his treatment of the question by saying that, “the Qur’an has explicitly declared freedom of religion as a norm and principle of Islam... The unequivocal recognition of this freedom in the constitutions of present-day Muslim nations bears testimony to a decisive movement in favour of the basic rights of the individual, including the freedom to follow the religion of his or her choice. As a result there appears to be a consensus of opinion emerging amongst the Muslims of the 20th century in support of the universal validity of the freedom of religion in the Shariah and contemporary constitutional law.” (Kamali, 1994, p. 101f)

Apostasy in the Hadith

The Hadith are the secondary source of Islam being drawn from the teachings and actions of the Prophet Muhammad. Here we read “whoever changes his religion, slay him”. This is linked with the death penalty for those who “fight against Allah and His Messenger”. However it is reported that Muhammad knew apostates and took no action against them, and that he forgave apostates, even when they had opposed Muslims and Islam (cf. Rahman, 1996, p. 67ff).

Abu Sulayman sets the context to which these Hadith first apply. It was one in which the real goal of those who opposed Islam was to destroy the Muslim community and that apostasy was the means that was used, as in the case of the Jews in Q. 3:72-73. It was the time of the Islamization of the Arabian clans, when they were being brought under the political rule of Islam. In the infamous “War of Apostasy” or *Riddah* following the death of Muhammad in 632, people apostatised not as an act of rebellion against God or a change of faith but as a political act against the centralisation of authority in Madina and the payment of *zakat*.

El-Awa argues that the linguistic construction of the term “kill him” is not an imperative but an indicative, thus arguing that the penalty is there if judged appropriate but is not *hadd* (prescribed) (El-Awa, 1982, p. 53-55). He concludes that he supports the death penalty only in the case of an apostate who compounds the act by ridicule or joining the enemy in battle as both undermine the foundations of the Islamic state.

M.H. Kamali sees the indicative Hadith to be that, “it is permitted to kill a Muslim who... has abandoned his religion [and is] *mufariq li al-jam'ah* (one who boycotts and challenges the community and its legitimate leadership)”. He is in agreement with the judgement of the classical Hanbali jurist ibn Taimiyyah, who sees this as a reference to high treason and not apostasy (Kamali, 1994, p. 93).

The positions of the five schools of law

In the earliest period of Islam, the time of the Rightly-Guided Caliphs (632-661), apostasy entailed treason, rebellion against the state, the breaking of treaties and attacks against Muslims. It was not possible to leave the Islamic faith without “going over to the enemy”. This led to a discussion about whether the apostate-traitor should be killed at once or given time to respond to a number of calls to repentance. This led to a position in Law of a statutory waiting period to give the opportunity for repentance. How long this should be varies from three days (Shafi’is and some Hanafis), to two months (Jafaris), to a lifetime (some Hanafis).

The Hanafi School and the majority of the Shafi'i said that repentance of apostasy should be accepted up to a maximum of four occasions and on each repeated lapse into apostasy, the apostate must be given the statutory waiting period with invitations to repent (Kamali, 1994, p. 226).

Whilst the Shafi'i, Hanbali, Maliki and Zaidi schools applied the law equally to men and women, the Hanafis and Jafaris ruled that women should be imprisoned but not executed, basing their argument on the rules about not killing women in war as they cannot bear arms and thus threaten the Muslim community. This stresses the concept of "compounded apostasy" as distinct from "simple apostasy" (Rahman, 1996, p. 61).

El-Awa notes that Zwemer had interpreted the action of Muhammad in sentencing to death the 'Ukal group as an action prompted by their being apostates. He argues that the text itself and the unanimous opinion of Muslim jurists hold that they were sentenced to death for armed robbery (*hiraba*), and thus compounded apostasy (El-Awa, 1982, p. 51). He goes on to argue that jurists have generally tried to avoid execution by resorting to legal devices such as "sufficient doubt" or "lack of stringent proof" (op.cit., p. 53).

Kamali notes that ibn Taimiyyah regarded the death penalty as being available for compounded apostasy but not mandatory (Kamali, 1994, p. 91).

Trends in contemporary thought

The growing consensus of the 20th century that there should be freedom of religion under Islamic law and thus an acceptance of simple apostasy has already been noted in the writings of Kamali, the Professor of Islamic Law at IIU, Kuala Lumpur. He stands on the same ground taken by Mahmud Shaltut, the Shaykh al-Azhar of his generation (Kamali, 1994, p. 91 and Rahman, 1996, p. 44). Nasr points out that the huge number of Christian converts from Islam in Indonesia, West Africa and the Subcontinent demonstrates that the law was in effect hardly ever applied (Nasr, 2002, p. 49).

Islamic law has always recognised that three criteria are necessary to be an apostate, viz. to be an adult, *compos mentis* and to be free from coercion (EI, "murtadd"). It remains true that there are civil consequences to apostasy, viz. the denial of Muslim burial, the voiding of marriage and the apostate's property being treated either according to the laws of bounty (*fai'*) or in Hanafi and Shafi'i schools, the *qadi* (Islamic judge) allocating them to the heirs according to the laws of inheritance.

A strategy of Christian response

Might I suggest four elements in developing a Christian response to the apostasy question in Islam:

1. That we respond in such a way that demonstrates to Muslims an understanding of the deeper principles at stake that provide the context in which the discussion takes place. This would include also speaking about these issues within our own Christian tradition to demonstrate that they are shared themes and thus establish a basis of mutual concern rather than polarisation.
2. That we accept that the polemic approach is most likely to drive scholars that are open to explore the points raised above back into a corner and set back the development of the trends that we wish to encourage. To refer to scholars like ibn Taimiyyah and the authorities of the Hanafi School as “liberal Muslims” is nonsense; they are quintessentially mainstream. To brand those who work in this direction “liberal” is to alienate them and cause them to defend their “orthodoxy” by adopting more trenchant positions.
3. That we encourage Muslim scholars to explore the distinction between “simple apostasy” and “compound apostasy” as outlined above and thus to pave the way for the judgement on anyone changing their religion without treason, vilification of the Prophet or the Qur’an etc. to be left to God alone, in accordance with the Qur’anic position.
4. That we accept within our own tradition, and encourage Muslims to do likewise from within theirs, that “there is no compulsion in religion” and thus to allow “freedom to change one’s religion” whilst accepting and acknowledging that, as people of faith, neither community can be *laissez faire* about a decision no longer to walk in the Way or to follow the Straight Path.

Useful references

The only monograph dealing exclusively with the topic in English would appear to be that by the former Chief Justice of Pakistan:

Rahman, S.A., *Punishment of apostasy in Islam*, Delhi: Kitab Bhavan, 1996

A new work just published but too late to be used in this article:

Saeed, Abdullah and Hassan Saeed, *Freedom of religion, apostasy and Islam*, London: Ashgate, 2004.

Survey articles can be found in:

Encyclopaedia of Islam, 1st series, “murtadd”, vol. VI, p. 736f

Encyclopaedia of Islam, 2nd series, “murtadd”, vol. VII, p. 635f (largely reprints 1st series)

The most helpful general discussion:

Kamali, M.H., *Freedom of expression in Islam*, Kuala Lumpur: Berita, 1994, p. 89-109 and 225-241.

From a leading Egyptian scholar:

El-Awa, M.S., *Punishment in Islamic Law*, Indianapolis: American Trust, 1982, chap. II.

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Zwemer, S.M., *The law of apostasy in Islam*, London: Marshall Bros., 1924

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Akhtar, S., *Be careful with Muhammad: the Salman Rushdie affair*, London: Bellew, 1989, p. 72ff.

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Khadduri, M., *War and peace in the law of Islam*, Baltimore: Johns Hopkins, 1955, p. 149ff

Nasr, S.H., *The Heart of Islam*, New York: Harper Collins, 2002, p. 46-54

Peters, R., *Jihad in classical and modern Islam*, Princeton: Markus Wiener, 1996, p. 59-101 (on the thought of Shaykh al-Azhar, Mahmud Shaltut).

Abu Sulayman, Abdul Hamid, *The Islamic theory of international relations: new directions for Islamic methodology and thought*, Herndon (VA): IIIT, 1987, chap. IV, esp. p. 99-105.