

Apostasy, Human Rights, Religion and Belief

by Ibn Warraq (January 2016)

The very notion of apostasy has vanished from the West where one would talk of being a lapsed Catholic or non-practising Christian rather than an apostate. There are certainly no penal sanctions for converting from Christianity to any other religion. In Islamic countries, on the other hand, the issue is far from dead.

The Arabic word for apostate is *murtadd*, the one who turns back from Islam, and apostasy is denoted by *irtidad* and *ridda*. *Ridda* seems to have been used for apostasy from Islam into unbelief (in Arabic, *kufr*), and *irtidad* from Islam to some other religion.^[1] A person born of Muslim parents who later rejects Islam is called a *Murtadd Fitri* – *fitri* meaning natural, it can also mean instinctive, native, inborn, innate. One who converts to Islam and subsequently leaves it is a *Murtadd Milli*, from *milla* meaning religious community. The *Murtadd Fitri* can be seen as someone unnatural, subverting the natural course of things whose apostasy is a wilful and obstinate act of treason against God and the one and only true creed, and a betrayal and desertion of the community. The *Murtadd Milli* is a traitor to the Muslim community, and equally disruptive.

Any verbal denial of any principle of Muslim belief is considered apostasy. If one declares, for example, that the universe has always existed from eternity or that God has a material substance, then one is an apostate. If one denies the unity of God or confesses to a belief in reincarnation, one is guilty of apostasy. Certain acts are also deemed acts of apostasy, for example treating a copy of the Koran disrespectfully, by burning it or even soiling it in some way. Some doctors of Islamic law claim that a Muslim becomes an apostate if he or she enters a church, worships an idol, or learns and practises magic. A Muslim becomes an apostate if he defames the Prophet's character, morals or virtues, and denies Muhammad's prophethood and that he was the seal of the prophets.

KORAN

It is clear quite clear that under Islamic Law an apostate must be put to death. There is no dispute on this ruling among classical Muslim or modern scholars, and we shall return to the textual evidence for it. Some modern scholars have argued that in the Koran the apostate is threatened with punishment only in the next world, as for example at XVI.106, "Whoso disbelieveth in Allah after his belief –save him who is forced thereto and whose heart is still content with the Faith but whoso findeth ease in disbelief: On them is wrath from Allah. Theirs will be an awful doom." Similarly in III.90-91, "Lo! those who disbelieve after their (profession of) belief, and afterward grow violent in disbelief, their repentance will not be accepted. And such are those who are astray. Lo! those who disbelieve, and die in disbelief, the (whole) earth full of gold would not be accepted from such an one if it were offered as a ransom (for his soul). Theirs will be a painful doom and they will have no helpers."

However, Sura II.217 is interpreted by no less an authority than al-Shafi'i (died 820 C.E.), the founder of one of the four orthodox schools of law of Sunni Islam to mean that the death penalty should be prescribed for apostates. Sura II.217 reads: "... But whoever of you recants and dies an unbeliever, his works shall come to nothing in this world and the next, and they are the companions of the fire for ever." Al-Thalabi and al -Khazan concur. Al-Razi in his commentary on II:217 says the apostate should be killed ^[2] .

Similarly, IV. 89: "They would have you disbelieve as they themselves have disbelieved, so that you may be all like alike. Do not befriend them until they have fled their homes for the cause of God. If they desert you seize them and put them to death wherever you find them. Look for neither friends nor helpers among them..." Baydawi (died c. 1315-16), in his celebrated commentary on the Koran, interprets this passage to mean: "Whosoever turns back from his belief (*irtada*), openly or secretly, take him and kill him wheresoever ye find him, like any other infidel. Separate yourself from him altogether. Do not accept intercession in his regard".^[3] Ibn Kathir in his commentary on this passage quoting Al Suddi (died 745) says that since the unbelievers had manifested their unbelief they should be killed.^[4]

Abul Ala Mawdudi [1903-1979], the founder of the Jamat-i Islami, is perhaps the most influential Muslim thinker of the 20th century, being responsible for the

Islamic resurgence in modern times. He called for a return to the Koran and a purified *sunna* as a way to revive and revitalise Islam. In his book on apostasy in Islam, Mawdudi argued that even the Koran prescribes the death penalty for all apostates. He points to sura IX for evidence:

“But if they repent and establish worship and pay the poor-due, then are they your brethren in religion. We detail our revelations for a people who have knowledge. And if they break their pledges after their treaty (hath been made with you) and assail your religion, then fight the heads of disbelief Lo! they have no binding oaths in order that they may desist.”(IX: 11,12)^[5]

HADITH

Here we find many traditions demanding the death penalty for apostasy. According to Ibn Abbas the Prophet said, “Kill him who changes his religion,” or “behead him.”^[6] The only argument was as to the nature of the death penalty. Bukhari recounts this gruesome tradition:

“Narrated Anas: Some people from the tribe of Ukl came to the Prophet and embraced Islam. The climate of Medina did not suit them, so the Prophet ordered them to go to the (herd of milch) camels of charity to drink their milk and urine (as a medicine). They did so, and after they had recovered from their ailment they turned renegades (reverted from Islam, *irtada*) and killed the shepherd of the camels and took the camels away. The Prophet sent (some people) in their pursuit and so they were caught and brought, and the Prophet ordered that their hands and legs should be cut off and that their eyes should be branded with heated pieces of iron, and that their cut hands and legs should not be cauterised, till they die.”^[7]

Abu Dawud has collected the following saying of the Prophet:

“‘Ikrimah said: Ali burned some people who retreated from Islam. When Ibn Abbas was informed of it he said, ‘If it had been I, I would not have them burned, for the apostle of Allah said: ‘Do not inflict Allah’s punishment on anyone.’ But would have killed them on account of the statement of the Apostle of Allah, ‘Kill those who change their religion.’”^[8]

In other words, kill the apostates (with the sword) but certainly not by burning them, that is Allah's way of punishing transgressors in the next world. According to a tradition of Aisha's, apostates are to be slain, crucified or banished.^[9] Should the apostate be given a chance to repent? Traditions differ enormously. In one tradition, Muadh Jabal refused to sit down until an apostate brought before him had been killed "in accordance with the decision of God and of His Apostle."^[10]

Under Muslim law, the male apostate must be put to death, as long as he is an adult, and in full possession of his faculties. If a pubescent boy apostatises, he is imprisoned until he comes of age, when if he persists in rejecting Islam he must be put to death. Drunkards and the mentally disturbed are not held responsible for their apostasy. If a person has acted under compulsion he is not considered an apostate, his wife is not divorced and his lands are not forfeited. According to Hanafis and Shia, a woman is imprisoned until she repents and adopts Islam once more, but according to the influential Ibn Hanbal, and the Malikis and Shafiites, she is also put to death. In general, execution must be by the sword, though there are examples of apostates tortured to death, or strangled, burnt, drowned, impaled or flayed. The caliph Umar used to tie them to a post and had lances thrust into their hearts, and the Sultan Baybars II (1308-09) made torture legal.

Should attempts be made at conversion? Some jurists accept the distinction between *Murtadd fitri* and *Murtadd milli*, and argue that the former be put to death immediately. Others, leaning on sura IV.137, "Lo! those who believe, then disbelieve and then (again) believe, then disbelieve, and then increase in disbelief, Allah will never pardon them, nor will he guide them unto a way," insist on three attempts at conversion, or have the apostate imprisoned for three days to begin with. Others argue that one should wait for the cycle of the five times of prayer and ask the apostate to perform the prayers at each. Only if he refuses at each prayer time is the death penalty to be applied. If he repents and embraces Islam once more, he is released.^[11]

The *murtadd* of course would be denied a Muslim burial, but he suffers other civil disabilities. His property is taken over by the believers, if he returns penitent he is given back what remains. Others argue that the apostate's rights

of ownership are merely suspended, only if he dies outside the territory under Islam does he forfeit his property to the Muslim community. If either the husband or wife apostasizes, a divorce takes place *ipso facto*