

Apostasy in Islam: A Critical Analysis of Traditional Islamic Sources

Sadia Khan

One of the questions most frequently raised about Islam relates to the punishment of apostasy in Islam. *Irtidād*, or apostasy, is defined as turning away from Islam or severing the ties with Islam¹ and an apostate – in Arabic, *murtadd* – is one who turns his back on religion.²

According to Fiqh – developed in the Abbasid period³ – one who accepts Islam and then abandons it should be awarded the death penalty. In this essay we shall therefore first examine the body of Fiqh.

The Position and Status of Fiqh

It is held by some scholars that the Qur’ān is eternal, while the Sunna is temporal.⁴ This is not true as far as the Sunna is concerned but, so far as Fiqh is concerned, this may be a reality.⁵ The present compilation of Fiqh has no absolute aspect to it in the sense in which the Qur’ān and the authentic Sunna are absolute. Fiqh, in fact, came into existence through the practical application of Islam in the various circumstances of particular periods; that is why imprint of the times in such application was inevitable.⁶

Fiqh was compiled at a time when Muslims had become strong political rulers. These juristic rulings are now enshrined in book form. At that time, the meaning of apostasy was not abandoning Islamic faith in the simple sense of the word; rather, the majority of the cases of apostasy were synonymous with the changing of political loyalties.⁷ In those days, apostasy generally meant rebellion.

This is why, in this matter, because of the temporal aspects of Fiqh, we find differences between the jurists. Those who saw apostasy in the light of the times -- as being synonymous with the rebellion against the state -- held that death should be the punishment. And those who took the issue of apostasy as simply being a case of a change in religious beliefs held that such an act required no legal action against the apostate.⁸

1 Peters, R, and Gert J. J. De Vries. “*Apostasy in Islam.*” *Die Welt des Islams* 17 (1976): 1-25.

2 Zwemer, Samuel M. “*The Law of Apostasy.*” *Muslim World* 14.4 (1924): 373.

3 Hasan, Ahmad. *The Early Development of Islamic Jurisprudence.* Islamabad: Islamic Research Institute, 1970. 19.

4 Al-Siba’i, Mustafa. *Al-Sunna wa Makānatuha fi al-Tashrī ‘al-Islāmī.* Beirut: Al-Maktaba al-Islami, 1985. 143.

5 Khan, Wahiduddin. *Fikr-e-Islami.* New Delhi: Goodword Books, 2008. 98.

6 Hasan, Ahmad. *The Early Development of Islamic Jurisprudence.* Islamabad: Islamic Research Institute, 1970. 23.

7 Abdullah, Saeed, and Saeed Hassan. *Freedom of Religion, Apostasy and Islam.* England: Ashgate, 2004. 56.

8 *Ibid.*, 58

The Qur'ān on Apostasy

When we look at this issue in the light of the Qur'ān, the first verse that gives us a guiding principle is: “There shall be no compulsion in religion.”⁹ This verse makes it clear that there is no religious compulsion in Islam.

Moreover, the Qur'ān clearly states: “Let him who will, believe in it, and him who will, deny it”¹⁰ and, “You are not their keeper.”¹¹ Similarly, the same point has been made in another verse in the Qur'ān: “Had your Lord pleased, all the people on earth would have believed in Him, without exception. So will you compel people to become believers?”¹²

In principle, then, it is established from these Qur'ānic verses that there is no compulsion in the matter of religion. However, it can be said that these verses refer to those who have not yet believed, and that, after the acceptance of faith, the situation changes. But the Qur'ān is not silent on this subject: in several verses apostates are explicitly mentioned, but in none of these verses are they held liable to be punished with the death penalty. Given below are some such verses: “Anyone who exchanges faith for unbelief has strayed from the right path.”¹³

Believers, if any among you renounce the faith, God will replace them by others who love Him and are loved by Him, who will be kind and considerate towards believers and firm and unyielding towards those who deny the truth.¹⁴

As for one who denies God after he has believed, with the exception of one who is forced to do it, while his heart rests securely in faith, but one who opens his heart to a denial of truth shall incur the wrath of God; such as these will have a terrible punishment.¹⁵

These verses mention clear cases of apostasy. But no worldly punishment is prescribed. The Qur'ān only states that apostates are responsible to God. Furthermore these verses also mention their natural death.¹⁶

9 *The Quran*. Trans. Wahiduddin Khan. New Delhi: Goodword Books, 2009. Ch. 2, Verse 256.

10 *The Quran*. Ch.18, Verse 29.

11 *The Quran*. Ch. 88, Verse 22.

12 *The Quran*. Ch. 10, Verse 99.

13 *The Quran*. Ch. 2, Verse 108.

14 *The Quran*. Ch. 5, Verse 54.

15 *The Quran*. Ch. 16, Verse 106.

16 *The Quran*. Ch. 2, Verse 217.

Arguments from Traditions

The aforementioned discussion makes it clear that the Qur'ān does not substantiate the stand that the punishment for apostasy is death. However, in his *Al-Muwatta*, Mālik ibn Anas quotes a tradition on the authority of Zayd ibn Aslam which reads: “The Muslim who changes his religion should be killed.”¹⁷

This *ḥadith* is not addressed to a person who has simply changed his religion but relates rather to that case of apostasy which in the present jargon is treason against the state. Had the punishment for apostasy been death in no uncertain terms, then the jurists would not be divided in their opinions.

Abu'l-Ḥasan al-Māwardi explains this *ḥadith* in his book, *The Laws of Islamic Governance*. He holds that there are two forms of apostasy.¹⁸ One is that of individuals recanting Islam without attaching themselves to any organisational structure, as which would have amounted to rebellion against the Muslim state. In such a case, there is no need to wage war against them.

Another situation is that of apostates attaching themselves to some political or organisational structure and thus posing a genuine threat to the Muslim state. In that situation, war would be waged against them. But prior to waging war, discussions would be held. Al-Mawardi, therefore, clarifies that apostasy is not liable to punishment. It is not an absolute provision but is conditional rather upon apostasy being tantamount to political rebellion or treason.

Moreover, it is reported that Muḥammad uttered these words only in Medina – during a war – after Islam had taken the form of a state. The question that faces us here is that when there were instances of apostasy in both Mecca and Medina, why did Muḥammad not say anything of this nature during the Meccan period?

Muḥammad lived in Mecca for thirteen years, after which he migrated to Medina, where an Islamic state came into existence. We learn from the books of *Sīrah* that there were some cases of apostasy in Mecca during this thirteen-year period. For instance, during this period, a caravan of believers numbering one hundred left Mecca for Abyssinia, a neighbouring country. Ubaydullah ibn Jaḥsh was one of these Muslims and Abyssinia being a Christian country he came under the influence of Christianity. So, he abandoned Islam for Christianity, and made this decision public.¹⁹

17 Ibn Anas, Malik. *Muwatta*. Beirut: Dar al-Nafais, 1971. Hadith No. 1411

18 Al-Mawardi, Abu'l Hasan. *The Laws of Islamic Governance*. Trans. Asadullah Yate. London: Ta-Ha, n.d. 83.

19 Ibn Hisham, Muhammad Abdul Malik. *Seerat Ibn Hishām*. Vol. 3. Riaz: Dar al-Buhuth, 1965. 417. 4 vols.

Muḥammad did come to know of this case of apostasy, but he did not command the killing of apostates. The difference that this command was not given during the Meccan period, but was given during the Medinan period itself makes it clear that the punishment for apostasy relates not to simple apostasy, but to the case of rebellion against the state. That is why some jurists have taken this command as a war command.²⁰

The Testimony of History

When we examine the case of apostasy in the light of history, we come across such events as certify the above mentioned conclusion. Some of such incidents are quoted below:

The people of Yemen against whom Abū Bakr, the first caliph, fought during his Caliphate were divided into two groups.

The first group were the people of the Banū Tamīm tribe who refused to give Zakāt. They did not give up Islam to re-adopt polytheism; they called themselves Muslims and also followed the other obligations of Islam such as fasting, five-time prayer, etc. They even admitted that Zakāt was one of the obligatory duties of Islam. It was only because of their niggardliness that they refused to pay it. They themselves claimed that they had not re-adopted polytheism after Islam, but were simply miserly.

However, this was tantamount to a refusal to obey the system of the Islamic government. This was why Abū Bakr had to fight them. Explaining such cases, Abū Laila writes: “If one does not pay Zakāt to the ruler of the time, though one acknowledges that it is obligatory, he will be counted among the Muslim rebels and so the Muslims will fight against him.”²¹

The second group formed a front against the Islamic state of Medina with the help of certain individuals of their tribe who claimed prophethood. Their aim was to try to put an end to the Islamic state. Overwhelmed by tribal prejudice, some of them held that political obedience to Medina meant accepting the predominance of the Quraish, which they could not countenance. They desired partnership in political power. The fact is that those who claimed prophethood,

20 Al-Asqalani, Ibn Hajar. *Fath al-Bārī*. Vol. 12. Cairo: Al-Dar al-Dayān lil Turath, 1986. 281. 13 vols.

21 Al-Mawardi, Abul Hasan. *The Laws of Islamic Governance*. Trans. Asadullah Yate. London: Ta-Ha, n.d., n.p.

and those who supported them, were governed by political rather than any religious motives. These individuals who claimed prophethood made peace among themselves and decided to fight the Muslims. The Muslim army led by Khālīd ibn al-Walīd, won. He was offered peace. One of the conditions of that treaty was that those who had participated in the war would not be killed. Khālīd ibn al-Walīd accepted the offer. Soon thereafter, he received a letter from Caliph Abū Bakr which ordered him to kill all who had taken part in the battle. But Khālīd, acting upon the conditions of the treaty, did not kill them. Later, the rebels went to Abū Bakr, in a group, and declared their allegiance to Islam to him again.

Here, it is worth considering why, if apostasy in all cases warrants the punishment of death and is absolute, these people of Yemen were forgiven?

A similar case is that of Tulaiḥa bin Khuwailid al-Asadi, one of those who claimed prophethood upon the death of Muḥammad. A large number of the Banū Asad bin Khuzaimah tribe and its allied tribes, such as Tai, Ghaṭfān and Khuzaimah, supported him. They made up a military front at Bakakha under his leadership. When Khālīd bin Walīd defeated them, Tulaiḥa fled to Syria and stayed there until Abū Bakr's death. During the caliphate of 'Umar, he came to Madina and accepted Islam and 'Umar did not hold him to account for his past actions, even though an act that warrants *ḥadd* (legal punishment) cannot be waived on the basis of repentance.²²

The above-mentioned incidents make it clear that the cases of apostasy which took place during the reign of Abū Bakr were not a matter of mere conversion but were rather a matter of political revolt against the Islamic state of Madina. If the verdict of execution on mere conversion is considered an absolute and categorical order, as it is generally accepted, then we can give no justification for those events in which the apostates were forgiven.

There are two types of punishments in Islam: punishment in the hereafter and punishment in this world.²³ Punishment in this world relates to social crimes. This type of punishment is meted out by the government, since that falls within its purview. In the Shariah, this worldly punishment has been termed *ḥudūd* and *ta'zīrāt*. *Ḥudūd* is the punishment which is laid down in the text of the Qur'ān, while *ta'zīrāt* is the punishment ordered by the ruler of the time. The other type of punishment is that which is associated with the hereafter. And God alone has the right to take a decision on this punishment. Apostasy, according to Islam, falls into the latter category.

22 Al-Tabrizi, Khatib. *Miṣḥkāt al-Masābīh*. Al-Dammam: Dar Ibn Qayyim, 2001. Hadith No. 3505

23 *The Quran*. Trans. Wahiduddin Khan. New Delhi: Goodword Books, 2009. Ch. 2, Verse 85.

Conclusion

There is no doubt that majority of Islamic jurists opine that the punishment for apostasy is death but the question that arises here is: what is the basis of this opinion? The basis is only one *ḥadīth*. But, at the same time, it is also a fact that such a commandment is not set forth in the Qur'ān. If the punishment for a crime is death that is the ultimate and extreme punishment, and it must therefore be recorded in the Qur'ān.

It is a principle that in the case of a difference between the Qur'ān and the Ḥadīth, the Ḥadīth should be explained in the light of the Qur'ān rather than explaining the Qur'ān on the basis of Ḥadīth.

It can, therefore, be concluded that the apostasy mentioned in the Qur'ān is ideological in nature, while the apostasy mentioned in the Ḥadīth is political, that is, it is rebellion against the state.