



SOUTH ASIAN JOURNAL OF  
SOCIAL SCIENCES & HUMANITIES

ISSN: 2582-7065 (Online)

SAJSSH, VOL 2, ISSUE 3, PP. 96- 104

# **Riddah (Apostasy) in Islamic Jurisprudence: The Views of The Jurists**

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**Received:** 3<sup>rd</sup> January 2021

**Accepted:** 6<sup>th</sup> May 2021

**Published:** 3<sup>rd</sup> June 2021

## **ABSTRACT**

Islam is a religion that recognizes the freedom of thought and faith. That is why there is no single incidence where force is used so as to convert others throughout the history. Thus, any person feels and willingly accepts it, is not allowed to go out, i.e. to commit 'riddah' (apostasy). This paper is an attempt to highlight on 'riddah', its conditions before it is established; mode of its evidence(s); its punishment and the mode of execution; based on the nusus as well as the opinions of the Fuqaha (jurists). Thereupon, the paper postulates that the basic aim and objective behind the punishment of apostasy is the preservation of Islamic faith, because the whole bedrock of the religion (Islam) and its laws rests on faith. So, by committing the crime (of apostasy) many issues are involved: the issue of withdrawal from the dominion of the Almighty God, there is blasphemy; heresy; and mockery to Islamic community. Considering all these, the crime (of apostasy) is made punishable in order to close all avenues that will humiliate the blessed nation of Islam.

## **KEYWORDS**

Apostasy, Islamic Jurisprudence, Juristic Views

## INTRODUCTION

The religion of Islam recognizes freedom of both thought and faith. That is why it is stated in the Glorious Qur'an that:

﴿البقرة: ٢٥٦﴾ □ □ □

Let there be no compulsion in religion  
(*al-Baqarah*, 2:256)

That is why in the history of Islam, there is no single incidence or case where force is used in order to convert people. Therefore, any person who feels and or willingly accepts the religion (of Islam) is not allowed to go out, that is to commit *Riddah* (apostasy). Bambale (1999) aptly stated that:

“Apostasy is classified among the seven major crimes that may be committed by any Muslim. One basic aim and objective of the Shari'ah behind the punishment of the apostasy is the preservation of the Islamic faith, because the whole bedrock of Islam and *Shari'ah* rests on faith. By committing the crime of *Riddah* (Apostasy) a lot of issues are involved. There is the withdrawal from the dominion of Allah (S.W.T.'s) blasphemy, heresy and mockery to Islamic community. Viewing all these, the crime of *Riddah* (Apostasy) is made punishable so as to close all doors that will debase the sacred nation of the Islam” (p. 172).

### Definition of Apostasy (*Riddah*)

The Arabic equivalence for apostasy according to al-Maghribi (2008) and Siddiq (1979) is *Riddah* or *Irtidad* from the root *Radd* which, among other connotations means to retract, to retire, to withdrawn from or fall back from. In the context of Islamic jurisprudence, it is equated with renunciation or abandonment of Islam by one who professes Islamic faith (Khalil, 2004). The apostate is called *Murtadd*. They further express that:

“According to Muslim jurists, apostasy may be committed with reference to belief, word or deed, or even by failure to observe certain obligatory practices” (p. 325).

El-Awa (1998:49) states that the Arabic word for apostasy is “*Riddah*” or “*Irtidad*”, which literally means “turning back”. According to him, the former is usually used to signify turning back from Islam to another religion or to unbelief, while the latter has this meaning in addition to others, a person who forsakes Islam for unbelief or for another religion is called *Murtadd*.

Doi (2007) says that *al-Riddah* means rejection of the religion of Islam in favour of any other religion either through an action or through words of the mouth. The act of apostasy thus puts an end to one's adherence to Islam. He further explains it is:

“When one rejects the fundamental principles of faith (*Iman*) like faith in the Existence of Allah or the Messengership of His Prophet Muhammad as contained in the creedal statement of Islam, the *Kalimah al-Shahadah*. Similarly, the rejection of the belief in the Qur'an as the Book of Allah or the belief of the message contained in it, other belief in the Day of Resurrection, or Reward and the Punishment of Allah will all amount to apostasy” (p. 265).

Similarly, al-Ajuz (1969:249) adds that the rejection of the obligatory ritual practices like *Salat* (prayers), *Zakat* (giving out poor dues), *Siyam* (fasting of the month of Ramadan), as well as *Hajj* (Pilgrimage) will also amount to acts of *Irtidad*. Likewise, one initiates the practices of non-Muslims in their prayers, etc. it will be considered as an act of *Riddah*.

Ibn Rushd (1996:552) and Bambale (1999:173) agreed that, the Arabic equivalent for Apostasy is '*Riddah*' or '*Irtidad*' derived from the root '*Radda*', which means to retreat, to retire, to withdraw from or pull back from. They further define *Riddah* from the legal perspective, as the renunciation or abandonment of the Islamic faith by one who profess it to any other religion. The person who forsakes Islam for unbelief or for another religion is called a *Murtadd*.

Abi al-Azhari (n.d : 278), al-Ribataniy (n.d: 371) and Bambale (1999:174) further explains that, the crime of apostasy is committed with reference to belief, words or deeds, or even failure to observe certain obligatory practices or the tenets of Islam. Some are the following:

- a) The saying of words in contradiction or denying openly the fundamental teachings of Islam, i.e. the five pillars of Islam.
- b) Throwing the Glorious Qur'an in filth.
- c) Abuse or say Noble Prophet Muhammad (S.A.W.) is not the last Prophet or abuse of other Prophets of Allah before Muhammad.
- d) To say the unlawful is lawful like *Zina* (adultery or fornication), wine drinking, or eating of pork meat, etc.
- e) To allege being a Prophet of Allah, or of receiving revelation from Allah etc.

From the above discussions it can be said that *Riddah* is the dis-association from Islam either with the intention of *Kufr* (atheism) or with the words of *Kufr* or with an act of *Kufr*. In Islamic law, it means turning from Islam after being a Muslim. Not only does it occur when a person declares his







Putting the above traditions into cognizance in the case *Riddah*, no distinction is made between a Muslim born of Muslim parents and a convert. Similarly, there is no difference between accepting Judaism or Christianity, atheism or idol – worshipping or any other non-Islamic faith. There is also no difference between a free man and a slave in regard to the punishment of *Riddah*. According to *Imam* Malik, the punishment of apostasy is death sentence. Since apostasy is basically a state of mind, the culprit will be given the opportunity to reconsider his position and repent to Allah. He should be given a chance to make repentance within a period of three days. If he mends his ways within this period, he will be asked to pronounce the *Kalimah* – i.e. “there is no god but Allah, and Muhammad is His Messenger”. Therefore, asking the apostate to repent was stipulated by *Imam* Malik as a condition prior to his execution on the bases of what was related from Umar (R.A.) the second Caliph as in Ibn Rushd, (1996:552) and al-Jaziri (2004: 328):

وروى عن سيدنا عمر بن الخطاب رضى الله تعالى عنه أن رجلاً أتاه من قيل أبى موسى الأشعري، فقال له "هل من معربة خير؟ فقال: نعم، رجل إرتد عن الإسلام فقتلناه، فقال له: هلا حبستموه في بيت ثلاثة أيام، وأطعمتموه في كل يوم رغيفاً، لعله يتوب، ثم قال: اللهم إني لم أحضر، ولم أمر، ولم أرض". فتبرى سيدنى عمر من فعلهم يقتضى وجوب الإمهال ثلاثة أيام قبل موت المرتد، فإن تاب ونطق بالشهادتين أو كلمة التوحيد، حل سبيله، وإن لم يتب وجب قتله بالسيف فوراً.

“It was reported from Umar bn Khattab (R.A.) that a man from Abu-Musa al-Ash’ari came and said to Umar: Is there any benefit with regard to asking question? Umar (R.A.) then said to him yes, the man then said: A man became apostate we then killed him. Umar then said to him (man): Why did you not lock him in a room up to three days; giving him food may be he repent? The man said (to Umar): Really, I did not do that and I did not order (any one) to do. Umar (R.A.) then show his dismay with the decision taken by the man of not given him a grace of three days...” (p. 328).

The above tradition, therefore, indicates the reason why *Imam* Malik said an apostate should be given three days as a grace for him to repent that is to re-testify that there is no god but Allah and Muhammad is His Messenger. But if he refuses after the expiration of three days he is to be killed with a sword immediately.

To sum it up here, there are two divergent opinions on the punishment of death sentence for *Riddah*. The first one is that of the classical schools of Maliki and others in which there is unanimity of opinions, that the punishment for *Riddah* is death. This applies to all cases. Scholars based their decisions on the tradition which says “Slay those who change their religion” (Ibn Rushd, 1996:552).

### **Mode of Execution**

*Imam* Malik as in Ibn Rushd (1996:552) opines that a male apostate if he becomes captive before his declaration of war is to be persecuted, this is because of the following statement of the Prophet (S.A.W.):

... عن مالك عن زيد بن أسلم، أن رسول الله صلى الله عليه وسلم قال: من غير دينه فاضربوا عنقه (إمام مالك، 61 – 758 P. Vol. 2).

“... Narrated from Malik on the authority of Zaid Bin Aslam that the Messenger of Allah (P.B.U.H) said: Whoever changes his religion (i.e. Islam) cut off his neck” (*Imam* Malik, pp. 758 – 61).

## CONCLUSION

To sum up here, considering the fore-going discussions together with the explanations given by the jurists, Islam sees *Riddah* as a very- heinous offence and has recommended capital punishment for it. The details which could be found in the Prophetic traditions and practices followed by the rightly guided caliphs. Even though, the religion of Islam recognizes both freedom of thought and faith, man has to be careful of his actions and utterances.



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