

*Discussions on Topics Regarding*  
***Apostasy in Islam***



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*(February 2017)*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

## **Discussions on Topics Regarding Apostasy in Islam**

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All praise is due to Allah alone. We praise Him believing that He is All-Knowing, All-Wise and that out of His mercy, He sent guidance for the benefit of mankind. May peace and blessings be upon the best example for all humanity, the Seal of Prophethood, Muhammad ﷺ who was sent as a mercy to all creation. To proceed:

Having been asked about the punishment for apostasy in Islam, I have decided to write something seeking to offer clarity regarding discussing this matter. This paper is only meant to serve as an introduction to this subject and surrounding matters and is aimed at the lay reader. Despite the length, it is not intended to be comprehensive or even academic in nature.

Before mentioning the subject matter directly, I think it best that I raise my own contentions. I begin by pointing out that I don't recall ever walking up to a police officer and asking a question such as, "Why do you arrest people?" Nor have I ever thought of writing a judge and asking him his thoughts and opinions on the sentencing guidelines for any particular crime. This is not to say that I don't have my own opinions on crime and punishment or that I have never discussed those opinions with friends and colleagues, I have. But it is not something that I randomly bring up for discussion and debate. I know people who are activists who look for opportunities to discuss injustices in the system and become energized when they find someone to discuss the matter with, but this is due to their efforts at working against the system in order to right perceived wrongs. Also, these topics may come up between teachers and students when pertinent. However, in general, I have not found the system of crime and punishment to be a random topic of discussion, much less debate and argument, except when they seek to do so on social media. I don't believe this is because people understand the system well or because they are satisfied, believing it works well. Rather, I believe it is due to two primary causes. The first is that people understand that it is a system which is part of a greater system and the second is that they understand that it is outside of their realm of concerns and, very often, outside of their understanding.

Yet, when it comes to the Shariah, we find Muslim and non-Muslim laypersons alike discussing an entire system of law arbitrarily. Often, a single matter is picked at random and focused upon for "debate" as though it is a light matter for general consumption. In my estimation, that one even asks about the apostasy laws in Islam is itself an indication of ignorance. It is an indication that the questioner does not understand that the Shariah is a system of systems of law that covers the rules and regulations related to worship, civil laws (that is personal and interpersonal interactions), family laws (such as marriage, divorce and inheritance), criminal law (dealing with crimes and punishment), state laws (dealing with the limits of authority), and even international law. The Shariah is not some barbaric code of survival of the fittest passed down as though in writ. It is an entire legislative system developed by erudite scholars throughout the world for the last fourteen centuries based upon primary objectives, principles and maxims. The Shariah has primary sources, secondary sources and tertiary sources that need to be understood well, if one wishes to understand the rulings well. But more than that, one should understand that it is completely unrelated to anarchy or vigilantism, having an entire system of court procedures which demand a plaintiff, witnesses, evidence and well educated and qualified judges who weigh situations and circumstances before issuing verdicts.

If we were to ask the average U.S. citizen in general, or a resident of Texas specifically regarding the "Law of Parties" more than likely they would not have a clue what we were referring to. They wouldn't know what the law was for, what it is built upon or its consequences. How then could they formulate a judicious opinion on the matter? To be clear, this is a law that holds everyone who is deemed an accomplice to a crime as an equal participant in that crime, even if they had no intent to commit it. There is a man on death row in Texas today for a murder that he did not do, never intended to do and did not know was going to occur. Now, the reader may have feelings regarding this particular case and transfer those feelings to the "Law of Parties" itself, but any opinion would be strictly based on their limited knowledge of the law and their feelings towards this particular case and hence, not only would it be uneducated but, also biased. Similarly, people hear of cases or rulings under the Shariah which they do not know any details surrounding, they don't know the circumstances, the laws governing them, or why a particular ruling was arrived at and yet they formulate opinions, despite their lack of knowledge. Ultimately, they espouse opinions based on little more than emotionally induced biases.

It is due to this that I wanted to begin by highlighting that arriving at opinions, asking random questions and engaging in open discussion regarding laws pertaining to crime and punishment is most often due to ignorance of, and emotional biases directed at, the very word Shariah itself.

After this, there is a second contention that fits neatly with the first. As was mentioned, discussions of laws, at any level, are generally discussed by those who are directly related to certain fields. These topics and the issues surrounding them are the realm of students and teachers, activists and arbiters, lawyers and prosecutors, judges and legislators, and those in the law enforcement community. This is understood in our society. It would be odd to find a plumber or a chef getting into a heated, detailed discussion of state regulations that did not directly pertain to their occupation. That friend who talks o out sovereign citizenship and likes discussing the maritime history of federal law and how it should not apply to the average citizen is most often looked at skeptically and ignored. This reaction isn't due to ignorance. Perhaps it is the case that the plumber, the chef or the friend are well versed in the laws due to one reason or another. The issue isn't that they are ignorant but rather, we recognize that it isn't their realm of influence.

In Islam there are specialized sciences and there are levels of scholarship. An Islamic scholar who has specialized in Exegesis of Qur'an and arrived at a high level in his field is not automatically qualified to issue legal rulings, despite his level of scholarship. Similarly, a scholar of Islamic Creed is not automatically qualified to discuss detailed analysis of the Hadith Sciences. A scholar of history is not one best suited to expound upon the topic of eschatology. And though a scholar may have arrived at a high level of scholarship having studied a range of Islamic Sciences, he has not necessarily arrived at the level of qualification to be a Judge. This is with regard to Islamic scholarship. How much less right, then, does the biologist, the doctor or the engineer have to expound on these detailed sciences? How much less, then, does the lay person, be they Muslim or non-Muslim, who has not even arrived at the foundational understandings of the basic sciences of Islam<sup>1</sup>?

There are those who have never sat with a teacher to learn the correct pronunciation of the Fat'ha and kasra, let alone the ض or the ق yet they wish to debate Islamic laws regarding state policy. There are those who could not tolerate being corrected in their recitation of Qur'an and so they gave up on pronouncing it correctly, but they have not given up discussing the policies regulated by international laws in the Shariah. There are those who have not yet learned the foundational knowledge every Muslim is required

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<sup>1</sup> Perhaps it is beneficial to note here that, in this instance, despite their level of education, the doctor, biologist, physicist and engineer are all equally "lay persons" to the carpenter, plumber or chef.

to know, yet they wish to debate crime and punishment in Islam. How does one expect to swim in an ocean if they never learned to stay afloat near the shores? Splashing around in a wading pool is not the same as swimming.

The Prophet ﷺ said what means, "From the excellence of one's Islam is their leaving that which isn't meant for them." To see the many discussions regarding specific legal regulations within the Shariah is seeing a clear indication that many do not understand their own place in the world. How many are those who have yet to weed out the bad character traits within themselves or to plant within their hearts and characters true virtue, yet they wish to argue crime and punishment despite not even understanding what suffices as evidence in a criminal case? How many have not yet learned that their choices are all that they truly own in this life and so, due to this, have not yet even begun training themselves in making good intentions, and yet, they wish to argue about legal rulings without understanding how such rulings are derived from the source texts? How many have yet to understand that the Prophet ﷺ is truly the best example for humanity and so have not yet sought to deliberately follow him in all facets of their lives, yet, they seek to bring up issues they are fully unqualified to discuss, having no understanding of even the foundational matters that allow for understanding of the matter they have raised. How many are the Muslims and non-Muslims alike who do not even know what is meant when we say "Allah", yet they wish to opine, argue and debate regarding the principles of law which He regulated.

After having expressed these contentions I would hope that the layperson takes the "hint" and leaves off from concerning themselves with matters that do not pertain to them. Now, having tried to (diplomatically) point out that most of the opinions formulated regarding the Shariah, in general or any specific regulation therein, are normally based on ignorance, emotion and bias, I will proceed with the topic at hand.

It is best to enter the discussion of the laws pertaining to apostasy in the Shariah by establishing some foundational understanding of the Shariah itself. In Islam, the Lawgiver is One. Allah, the Almighty God Who created the heavens, earth and all that is between them, alone has the right to deem what is lawful and what is unlawful. As Muslims, we understand God to be All-Knowing. That knowledge is a perfect knowledge of all that is, was and will be. He knows what wasn't, is not, and never will be. It is a knowledge of that which is necessary, impossible and possible. He knows and is aware of His creation as a complete whole and as separate independent units, all simultaneously. He knows and is aware of all of His creation without the construction of time so that He knows the first and the last, all simultaneously before He ever created. He knows all peoples, every person, every era and the situations and circumstances of every place that ever was and ever will be without any ignorance or forgetfulness. That is the perfection of the knowledge of our Lord. We also believe Him to be Just and Merciful, and that He is Loving towards His creation.

Similarly, as Muslims, we believe that God sent guidance to mankind in the form of scriptures revealed upon men chosen by Him to be His Emissaries. These were human men, protected from ever willfully disobeying God, necessarily endowed with the traits of truthfulness, trustworthiness and the delivering of the message which they were sent with. In this way, any falsehood or treachery is not conceivable regarding them and they delivered to their people everything they needed to be delivered from Hell and entered into the Gardens of Bliss. We believe that the Qur'an was the final revelation for mankind and that Muhammad ﷺ was the Final Messenger and the Seal of Prophethood. Amongst the responsibilities of Allah's Messenger ﷺ was that he expound upon the Qur'an, exemplifying it in his words, deeds and character traits, that we may know how to live accordingly. The Qur'an established the principles, the framework, the skeletal structure and it was the Sunnah of Allah's Messenger ﷺ that fleshed it out. In this

way we know how to live our declaration of "There is no true God other than Allah" according to our declaration "Muhammad is His Messenger." In this way, the two primary sources for the Shariah are the Qur'an and the Sunnah (the words, deeds and tacit approvals of Allah's Messenger ﷺ).

The Qur'an itself has precedent as the primary source and cannot be abrogated by the Sunnah, as it is the role of the Sunnah to expound upon and clarify that which is established in the Qur'an. Still, the Sunnah stands as an independent source of law itself and is second only to the Qur'an. That being said, in the lifetime of Allah's Messenger ﷺ, we find verses of the Qur'an would be revealed that would alter previous rulings established either in the Qur'an itself or in the Sunnah but, today, any abrogation to either primary source is not a possibility. Understanding this, we, as Muslims, understand that the basis of the entire system of the Shariah is build upon the revealed guidance to mankind from their Lord.

After this there are secondary sources which are resorted to when nothing clear is found in the Qur'an or Sunnah. From those secondary sources is the scholarly consensus of the companions of Allah's Messenger ﷺ and then the absolute consensus of scholars after them. This is because it is believed that the companions who lived with the Messenger of Allah ﷺ best understood the message, it's context and its spirit, having learned experientially at the hand of the Prophet ﷺ. As such, it is viewed as inconceivable that they would all come together, in consensus, upon error or falsehood as Allah told us in the Qur'an, these are a people who are pleased with their Lord and He is pleased with them. As for the scholars after them, it is not conceivable that scholarship in any age would unanimously arrive at error without even a single dissenting voice. Still, any form of consensus, itself, would only be considered due to its being clearly established upon the principles of the Qur'an and Sunnah and, without any contradiction or opposition to that which is clearly established therein. Similarly, juristic Analogy may be resorted to if no consensus is found, but it must never contravene or oppose what is clearly established. Juristic Analogy has its own rules and regulations governing it and this is the second of the secondary sources of the Shariah.

The tertiary sources include principles, maxims, aims and objectives derived and understood by the Imams and Scholars of the Jurisprudential Schools. From amongst those aims and objectives is the establishment and protection of the God-given, inalienable rights afforded every single human being, regardless of race, age, gender or creed. The Shariah establishes and defends that every human being has the right to faith, life, intellect, honor, lineage, wealth, and property. Every single rule and regulation, every command and prohibition established within the Shariah is there to protect one or more of these rights. In this way, the entirety of the Shariah is there for the benefit of mankind and is not meant, in any way, to oppress or constrict their affairs. However, understanding that this life is temporary while the life to come is eternal, it must be understood that what is perceived to be of benefit in this life is not truly beneficial if it is detrimental to one's Hereafter. It is the core aim of the Shariah, and Islam as a whole, that mankind establish, protect and perfect their relationship with their Creator and that they establish, protect and perfect their relationship with His creation. All of the rites, rules and etiquettes are their in order to facilitate these.

With this being established, let us then discuss, "What is apostasy?". Apostasy itself is a turning away from and abandoning of one's Islam - and this is specific to Islam. The Islamic review regarding others can be seen as leaving one form of falsehood for another or, simply exchanging one darkness for another. On the other hand, leaving Islam is to remove one's self from light to become shrouded in darkness. With that said, there are conditions for even the accusation of apostasy.

To commit the act of apostasy has prerequisites, without which, it is not truly apostasy. The first has already been mentioned - a person must first be a Muslim as the rules of apostasy only apply to Muslims.

After this, the person must be of an age of legal and moral responsibility. That is, they must be pubescent, showing the signs of puberty as understood by the Shariah. These signs include the emission of semen, the growth of pubic hair and menstruation or pregnancy for women. The development of facial hair, acne, the dropping of the voice or, for females, the development of breasts, are not indications of puberty according to the Shariah. If none of the indications are seen, then the age of responsibility is researched according to the norm of the people. Most scholars limit it to 18, though today the norm is, perhaps, closer to 16. The third condition is that the individual be sane. Sanity is the ability to clearly and consistently distinguish between benefit and harm or right and wrong. If one is bereft of mental faculties, even if it is due to a temporary loss, they cannot be held criminally or morally responsible according to the Shariah. Finally, the person must also have committed the act of their own choice, without being forced or coerced. If any of these four conditions are lacking, the charge of apostasy (or most other violations of law) will not stand.

Also, apostasy has four main categories which are: to renege on one's faith, to turn away by one's actions, to abandon one's obligations and to speak words which amount to blasphemy. Each of these have their own sub-groupings, details and consequences. If an individual who has met the four conditions and has also committed an act which falls under the four broad categories of apostasy, they are subject to civil law, criminal law, or both. Depending on what category of apostasy had been committed, who committed it, the evidence surrounding the matter and if there are any further acts done in relation to this crime, a Judge would then decide on whether it falls under the criminal statutes, civil statutes, both, or neither and what the ramifications of the case are. The well known ruling in Islam, that which is raised, discussed and debated, is that the apostate is to be sentenced to death. We will discuss that ruling but let us first mention that such a blanket depiction returns us to point out a level of assumptions based on ignorance regarding the system of laws established in the Shariah sciences. It should be clear to the reader by now that it is not as "cut and dry" as some may seek to make it seem.

Here I ask for the reader's patience as I digress briefly into another contention. As a citizen, when is the last time you or one of your peers have pulled over a vehicle for speeding? When is the last time you have heard of another citizen doing this? We all know speeding is a crime, yet we have never sought to pull over a fellow driver or to cite them the laws regarding this. I imagine that we have certainly never attempted to fine or detain them. Why? There are, of course, several reasons which include a recognition that such authority was not given to us and a recognition that the accusation of speeding must be established by sound evidence such as the use of radar. This is the reality despite this law and its possible punishments being well established and known to us all. I mention this because it seems as though people who discuss the laws of apostasy specifically, and other rulings of the Shariah in general, visualize some type of mob rule, bereft of courts, judges, evidence and witnesses. If we understand that a person who speeds in our society cannot be pulled over and given citations by their fellow citizen, how much less of a right does an average citizen have to rule on a criminal case, issuing a verdict and sentence? This digression is in order to dispel from the reader any notion of anarchy under the Shariah so that perhaps you may see it as it is, an entire system of law.

Having said this, it should be mentioned that there are different categories of punishment in the Shariah. There are those that are "fixed" (hadd), which are punishments prescribed by Allah in this life for crimes committed. These punishments, under normal situations, cannot be lightened, made heavier or pardoned. It is the right of Allah that these punishments are to be carried out for the betterment of society. Generally speaking, there are six such hudood (crimes with fixed punishments) agreed upon in the Shariah. Other than these crimes with fixed punishments, there are crimes such as murder which permit for retaliation, the payment of blood monies, or forgiveness by the victim's family. Still, the vast majority of crimes fall into an area where the judge has a wide breadth of discretionary punishments (Ta'zir) at his

disposal, including admonitions, public disclosures, fines, flogging, imprisonment and even the death sentence. When it comes to the discretionary punishments, by definition, they are issued at the discretion of a Judge based upon the weight of the crime, the circumstances surrounding it, the evidence against the defendant, the social ramifications and other matters he may take into consideration.

Returning to the specific topic of apostasy, let us ask, "Is the matter of apostasy one of fixed punishment or discretionary?" Let's begin with the assumption that the act was committed by one who met the prerequisites making them legally responsible in order that we can arrive more quickly to the heart of the matter. For the last fourteen centuries it has been the unanimous opinion of the scholars of all four schools of Islamic Jurisprudence that the apostate is to be killed. It is seen as a matter of not only fixed punishment but also capital punishment<sup>2</sup>. It is only after western forces entered the lands of Islam and both, Sultanates and the Caliphate, were dismantled that we find anyone differing with this established ruling. Even then, the real differing is, itself, limited to Muslim intellectuals as opposed to those scholars who specialize in the sciences of Shariah. To be even more critical, it is often found posited by those intellectuals who have studied under orientalist scholars or in western influenced universities. It is not an opinion found amongst the scholars who have learned from scholars who have learned in a traditional Islamic system of learning with sound chains in their particular sciences.

What this means is that it meets the condition of classical consensus.

It also was the consensus of the Rightly Guided Caliphs. Under each of the four there were cases of death being meted out by a Judge in cases of apostasy. This consensus, however, is not "independent". It is based upon clear evidence found in the prophetic narrations. It is true that no worldly punishment is clearly established for apostasy in the Qur'an, however, scholars have used certain verses to make allusions to the death sentence for an apostate. What is more, despite there being nothing clearly established in the Qur'an regarding this, we find in the prophetic narrations the same is not the case. Several narrations make the matter clear but we will limit our discussion to two. These two narrations have been investigated and have received detailed scrutiny and it has always been found that they are both sound and there is no doubt regarding their authenticity and so, they qualify as a foundation upon which to establish legal rulings in the Shariah (a hukm Shari'). Put another way, they serve as independent sources for legislation.

Because these narrations have reached this level of soundness, to reject them or disparage them is tantamount to rejecting revelation from Allah, as it is known that the Prophet ﷺ did not speak except that it was revelation from his Lord. The first of these narrations is found in the collection of Imam Al-Bukhari on the authority of Ibn Abbass (may Allah be pleased with him) who reported that Allah's Messenger ﷺ said, "Whoever changes his Deen (way of life based on their faith), kill him." The second of these narrations is likewise found in the collection of Imam Al-Bukhari, as well as that of Imam Muslim, on the authority of Abdullah Ibn Mas'ud (may Allah be pleased with him), who reported that the Messenger of Allah ﷺ said, "The blood of a Muslim is not lawful except in three cases: the married person who commits adultery, a life for a life, and one who forsakes his religion and abandons the community." These two narrations make it clear that, despite the sanctity of life in Islam and the sacredness of the blood of a Muslim, these become forfeit due to apostasy that rises to a criminal level (vs that which remains at a civil level). These two narrations form the basis of an unbroken consensus of Muslim scholars for over fourteen hundred years.

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<sup>2</sup> As will be seen, this there are two levels of apostasy - the civil act and the criminal act. The criminal act is what is being spoken of here. The civil act does remain open to discretionary judgement but, it also remains open to the possibility of capital punishment.

As for those intellectuals who disagree with this, what they are saying amounts to the claim that all of the great scholars throughout the history of Islam were wrong and it is only in the last hundred years that the truth has been discovered. What they say rises to the claim that the companions of Allah's Messenger ﷺ, their followers and the followers of their followers - that is, the Salaf As-Saliheen (pious predecessors) - all misunderstood the words of Allah's Messenger ﷺ and it is only the orientalist schools and the modernist intellectuals who have arrived at the correct interpretation. This is not only arrogance, it is not only a ludicrous claim, it borders on transgression by way of fabricating lies against Allah and His Messenger ﷺ. It can easily be seen as an attempt to undermine the authority of the Sunnah and classic Islamic scholarship by proponents of modernist thought. But, this then begs the question, upon what basis do they stake their claims?

Those who claim the death penalty does not apply to the apostate in Islam put forward varying arguments. Some point out that, in the Qur'an, Allah only mentions punishments in the Hereafter for those who turn back from their faith and, since Allah has not issued any punishments in this life, no one else has the right to issue such a punishment. This position is weightless as it ignores the fact that the Sunnah is an independent source of Islamic law. To add to this, to establish the death sentence on an apostate in no way contradicts that they will be met with the wrath of Allah in the Hereafter and so one cannot disregard the clear and sound narration on such grounds<sup>3</sup>.

Another argument put forward is based on reason. They claim that, at the beginning of Islam, every Muslim was deemed a soldier and hence, if they abandoned their faith, it was similar to a soldier abandoning his post. They went farther to say that such apostates were like spies and sentenced to death for treason rather than anything that was in their hearts. Since today we have standing armies, such a sentence no longer applies unless a similar situation is returned to. There are many problems with this claim, even if we accept that they were seeking to be intellectually honest. The first of which is that, despite there being no standing army at the time, every man was not considered a warrior. What is more, this is not the circumstances we find in the cases where apostates were killed in the time of the rightly guided Caliphs, or other periods of the Salaf As-Saliheen (Pious Predecessors). Rather, what we can find is that, during the early stages of the Islamic state in Medinah there were Jews who would strategically enter Islam, spend time amongst the Muslims, ask questions and engage in dialogues before leaving Islam under some pretense of doubts so as to create doubts in the hearts of the common folk. In fact, it was directly in relation to these folk that Allah revealed the ayaat regarding the punishment in the Hereafter for those who abandon their faith. This is established by all the classical Qur'anic exegetes including Imam Al-Qurtubi, An-Nasafi, and others, as well as most modern exegetes, all of which upheld the ruling of death for one who apostates.

There are other reasons offered to support the claim that the death sentence does not apply for apostasy but each becomes weaker than the last. It seems they all arrive back to the point of the modernist intellectual holding fast to a western view of "human rights" and what it means to uphold them. This is unfortunate since our perspectives should be imbued by our faith in Allah and His Messenger ﷺ and not liberal academia. What is worse, many of these intellectuals have no need to speak on such affairs. They are not Judges in Islamic Courts, they are not legislators in Islamic lands, they have no position under an authoritative Muslim State (sultan), nor are most of them even specialized in the field of Shariah Sciences. Many hold positions in western universities or are self-proclaimed Da'i<sup>4</sup> who take it upon themselves to

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<sup>3</sup> To be very clear, the point here is that the consensus in no way violates the principles of the Qur'an and so, the ruling by consensus, based upon the prophetic narrations, can not be disqualified using such a claim.

<sup>4</sup> Da'i - someone who does Da'wa. Da'wa is inviting to Islam and hence, a Da'i is one who invites.



make public their opinions on matters; opinions which are often only given weight due to letters they carry behind their names or their status as “influencer” on social media. This is unfortunate as they not only encourage the lay person to continue enquiring about irrelevant matters, they go on to become sources of confusion and misguidance amongst Muslims. Based on their skewed views, they become sources of division used by the enemies of Islam.

Still, back to the topic at hand. Let us look directly at the questions, “What about the one charged and found guilty of apostasy? What happens? What is the ruling for such a person?”. Recall that there are four categories of apostasy and that one found guilty may face criminal charges, civil charges or both. The nature of apostasy, in general, is that it is a civil matter in which the person may be detained, their crime publicly disclosed and perhaps they are even imprisoned for some time. All of this is in order to afford them time to repent and if they repent, the crime goes away. However, if matters are explained clearly and they go on, adamantly rejecting faith, a Judge has the discretionary right to sentence them to death or issue a lighter sentence (according to the majority of scholars). But, as a consequence of this civil crime, if they were married, the marriage becomes nullified instantly, their rights to inherit are similarly nullified, and their ownership of property is nullified, be it movable (such as currency) or immovable (such as property). These are consequences of their apostasy that may or may not be revoked upon their repentance.

If, however, the act of apostasy is mixed with spreading corruption in the land, this is another matter. Now the act of apostasy has not only civil consequences but also criminal consequences. If, for example, a professor commits apostasy in his faith by rejecting the authority of the Sunnah and claims that we hold fast to the Qur'an alone, disparaging the Sunnah and spreading doubts in the hearts of students, he has committed a social crime as his apostasy has trespassed beyond the private realm.

Similarly, if a Mu'adhin (caller to prayer) or an Imam (the one who leads the prayer) commits apostasy outwardly, in his actions, by committing clear acts of Shirk (ascribing partners or equals to Allah), such as becoming a Christian, and he then goes on to proselytize his new faith amongst his community, again, the actions have trespassed the private realm.

If a person ceases to fulfill their personal obligations, rejecting them as such, this is one matter. If, however, they then go on to bar their wives, their children or others from covering properly, praying, reciting the Qur'an or the like, they have committed a criminal act by spreading their mischief.

Also, if one apostates and then goes on to say words that are tantamount to apostasy, ridiculing the Deen and the Muslims for financial benefit, such as doing so in the media or to sell a book or the like of these, they too have trespassed the limits of civil ramifications, making it a criminal act.

These examples represent the four main ways one may apostate, in faith, in deed, neglecting obligations and by words spoken. What is more, they are examples of trespassing the limits of civil law and entering into the domain of criminal law through sowing the seeds of corruption in the land. It is by this sowing of corruption that the faith, lives, intellect, honor, lineage, wealth, and property of others become endangered...and these are rights of every human being protected by the Shariah. It is for the protection of society that such an individual faces Capital punishment, and it is in this exact light that this sentence was first instituted in the life of Allah's Messenger ﷺ.

Still, to be clear, if a Muslim commits apostasy and flees to the lands of the disbelievers, to live amongst them and be with them, there is no basis for sending a task force to extradite them, let alone execute them. Such individuals would only be pursued if there are extenuating circumstances such as actual state secrets or the like. Otherwise, sentencing is only established and carried out after they return to lands under the

authority of Muslims, the case is heard and the Judge issues his verdict. This point is very important today as so many Muslims from traditional lands of Islam leave those lands to absorb themselves in Kufr<sup>5</sup>. Some of these immigrants leave off their obligations, reject their faith, speak ill of Islam and/or even take up clear acts of disbelief. They do most of this based on their materialistic love of for this world and its affairs. They seek the enjoyments of this life and place no weight on death or what occurs after it. They are completely controlled by their nafs (ego/lower self) so that all of their decisions are based upon the primary character traits of fear and want. They have fallen into the nightmare of apostasy due to blindly chasing the so called "American Dream" or its equivalent in other lands.

Their apostasy becomes clear and known so why is nothing done? Why are they not forced to repent? Why is their property not seized? Why are they allowed to live? The answer to this is simple and it has been stated clearly throughout this paper - the Shariah is a system of laws. There are aspects of the Shariah which every Muslim is obliged to uphold, regardless of time and place. Some of these include rules related to worship, such as establishing the Islamic prayer and observing the month of Ramadhan. Some of these include civil laws, such as making sure one's nakedness is covered. Some of these include family laws, such as the laws governing marriage, inheritance and custody. Some of these include business laws, such as the prohibition of selling intoxicants or dealing in interest. However, when it comes to laws pertaining to crimes and punishment, state policy or even international laws (such as war), the individual Muslim, the Muslim family and a small Muslim community are not permitted to establish these laws without the proper authority (Sult) which is absent when they live amongst the disbelieving people. This is not to say that they are free to commit crimes prohibited by the Shariah. Rather, it means they are not free to enforce these laws upon others or carry out punishments against those who violate them. Establishing the laws which deal with crime and punishment, state policy and international affairs (such as diplomacy) can only come with Sult.

It is partially for this reason that Muslims have been forbidden to leave the lands of Muslims to set up residencies where they will be under the authority of the disbelievers. It is also due to these reasons that Muslims in these lands should seek to establish regions of semi-autonomy in order to attain enough recognized authority to establish amongst themselves civil courts to hear and enforce cases pertaining to civil, family and business matters, as well as establish for themselves emissaries to represent them. Still, even with this level of semi-autonomy, the matters of crime and punishment are only the domain of a fully autonomous state authority.

Why mention these final points? This was in order to point out that the discussion of rules pertaining to the punishment for apostasy amongst the laity is frivolous speech in and of itself, but how much more so when it becomes a topic of discussion amongst the laity who do not even live under a system in which the Shariah is the system of law of the land and hence, the topic is, in reality, null and void. It is two layers of frivolousness and perhaps can be described as taking one's religion as play and amusement as the topic is debated loosely as though it is inconsequential.

Understand well that having an evil opinion of your Lord, His Messenger ﷺ, the pious predecessors, those who sacrificed to preserve the sacred sciences, and the Muslims in general is a great sin and of far more consequence in one's life than their opinion of apostasy. Yet, it seems that many are oblivious to the negative consequences regarding these weighty matters which debating the issue of apostasy may have on the opinions held by Muslim and non-Muslim observers. Perhaps we should end with a reminder that we should all beware speaking about matters about which we have no knowledge lest we fall into enormities!

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<sup>5</sup> Kufr is ingratitude to one's Lord, disbelief in His guidance and rejection of the message of Islam.

In conclusion, I will point out that I have not quoted the Qur'an a single time, though I have made references. Similarly, I have only mentioned three prophetic narrations in this entire work, though I alluded to others. I have also not quoted a single scholar of Islam, classical, contemporary or even modernist. Instead, throughout this paper I made reference to these things only. This is not because I am ignorant or lack access to these sources, rather, this paper has been written not for the scholar or the student of knowledge in mind; this paper is aimed at the pseudo-student and laity, those who debate and argue about the religion as though it has no depth. Anything that has been said has its proofs and evidence well established and easily accessible. It is my hope that what has been written suffices for the reader to have a clear understanding, not of the rules of apostasy themselves per sé, but the issues governing the discussion of this topic. Again - clarifying that even the discussion itself has rules which govern it.

Hopefully, having made this clear, we will close this work with a single verse of the Qur'an, reminding the reader of our boundaries.

وَمَا كَانَ لِلْمُؤْمِنِينَ وَلَا الْمُؤْمِنَاتِ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ  
وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُبِينًا

*"It is not fitting for a Believer, man or woman,  
when a matter has been decided by Allah and His Messenger  
That they have any opinion about their decision.  
If anyone disobeys Allah and His Messenger,  
he is indeed on a clearly wrong Path."  
(33:36)*

And truly, with Allah alone  
is every success.