

OCCASIONAL PAPERS SERIES 22

Apostates, Islam & Freedom of Faith

CHANGE OF CONVICTION VS CHANGE OF ALLEGIANCE

AbdulHamid AbuSulayman

Translated by
Nancy Roberts

Extract from the Arabic original

Al-Iṣlāḥ al-Islāmī al-Mu'āṣir: Qirā'at Manhajīyyah Ijtimā'iyyah
(Expanded and Revised Version, Cairo: IIIT and Dar al-Islam, 2011)



THE INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT

LONDON • WASHINGTON

© THE INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT
I434AH/2013CE

THE INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT
P.O. BOX 669, HERNDON, VA 20172, USA
www.iiit.org

LONDON OFFICE
P.O. BOX 126, RICHMOND, SURREY TW9 2UD, UK
www.iiituk.com

*This book is in copyright. Subject to statutory exception
and to the provisions of relevant collective licensing agreements,
no reproduction of any part may take place without
the written permission of the publishers.*

ISBN 978-1-56564-554-7

*The views and opinions expressed in this book are those of the author
and not necessarily those of the publisher. The publisher is not
responsible for the accuracy of the information presented.*

Typesetting by Sideek Ali
Cover design by Shiraz Khan

Series Editors
DR. ANAS S. AL-SHAikh-ALI
SHIRAZ KHAN

Contents

<i>Foreword</i>	v
• The Punishment for Apostasy	i
• Apostasy as it Relates to Doctrine and Law	21
• Minorities, Muslim Communities Abroad and Religious Differences	25
<i>Notes</i>	32

obeikandi.com

Foreword

IIIT's Occasional Paper 22, *Apostates, Islam and Freedom of Faith: Change of Conviction versus Change of Allegiance* by AbdulHamid AbuSulayman, explores the sensitive subject of *al-Riddah* (apostasy, or the act of exiting the Faith) and more importantly the controversial issue of capital punishment as possible penalty for those “guilty” of abandoning the religion. The essay forms part of an original larger work in Arabic entitled, *Al-Iṣlāḥ al-Islāmī al-Mu‘āṣir: Qirā’āt Manhajīyyah Ijtimā‘īyyah* (2011).

The question is one of utmost importance. Mainstream media and critics of Islam delight in pointing to the death penalty as evidence of Islam’s draconian tenets, moral flaws and flagrant disregard for human rights. This demonstrates a complete misunderstanding of what apostasy actually signifies in Islam (as many leave the faith freely and without penalty), ignorance of Islamic principles of justice, as well as failure to comprehend the manipulation of religion for political purposes. For instance the Qur’an values human life highly, so much so that taking the life of a person without just cause is, according to the Qur’an, the equivalent of killing the whole of mankind. The Qur’an also explicitly stipulates that, “There shall be no compulsion in matters of faith” (2: 256). Given this how is it possible that renunciation is supposedly a punishable offence. The position is plainly untenable.

So what is the correct perspective from an Islamic point of view? In other words where lies the evidence and how did the issue of apostasy ever historically come about? To understand this we must examine and be clear as to the fundamental teachings of the Qur'an, as well as the Sunnah of the Prophet (ṢAAS),* in addition to carefully sifting through and evaluating historical as opposed to scriptural postulates. It will be readily apparent that Islam teaches that human beings possess the freedom to choose the religion by which they wish to worship God (or not, whatever the case may be) and that the Qur'an stipulates no form of earthly punishment for apostasy whatsoever. We also discover that the Prophet never in his entire lifetime put an apostate to death.

Nevertheless much misunderstanding prevails. It is vital therefore, that in the interests of compassion, justice, and freedom of belief, this subject is clearly addressed once and for all. Muslims need not be put in a defensive position to justify what is clearly an execution not sanctioned by Islam.

For a more detailed analysis of the subject please refer to IIIT's earlier publication, *Apostasy in Islam: A Historical and Scriptural Analysis* by Dr. Taha J. Alalwani (2011).

The IIIT, established in 1981, has served as a major center to facilitate serious scholarly efforts based on Islamic vision, values and principles. The Institute's programs of research, seminars and conferences during the last thirty years have resulted in the publication of more than four hundred titles in English and Arabic, many of which have been translated into other major languages.

IIIT LONDON OFFICE

MAY 2013

* (ṢAAS) – *Ṣallā Allāhu ʿalayhi wa sallam*: May the peace and blessings of God be upon him. Said whenever the name of the Prophet Muhammed is mentioned.

The Punishment for Apostasy in Islam

THE PUNISHMENT FOR APOSTASY

AS FOR WHAT has been referred to as “the crime of apostasy” (or “the punishment for the crime of apostasy”) (*ḥadd al-riddah*), it bears noting that the Qur’an stipulates earthly penalties for all actions that have, in juristic parlance, been termed *ḥudūd*, that is, transgressions for which there are Qur’anically prescribed punishments. Among these are transgressions involving physical harm done to another, including murder (*al-qīṣās*), theft (*al-sariqah*), sexual intercourse outside the bonds of marriage (*al-zinā*), highway robbery and armed rebellion (*al-ḥirābah*), and sowing corruption in the land (*al-ifsād fī al-arḍ*). However, when it comes to apostasy (*al-riddah*), which has to do with the doctrine that lies at the heart of the religion, we find that the Qur’an stipulates no form of earthly punishment for it whatsoever. This is true even in those cases which the Qur’an refers specifically to individuals who conspire to do harm by declaring themselves Muslims, then later declaring themselves unbelievers in order to stir up doubt, suspicion, unrest and divisions in the Muslim community. We read, for example, that “a section of the People of the Book say, ‘Believe in the morning what is revealed to the believers, but reject it at the end of the day; perchance they may themselves turn back’” (*Sūrah Āl ‘Imrān*, 3:72).¹ Even in this sort of a situation, one which involves conspiracy and grave danger, the Qur’an makes no mention of an earthly punishment for such scheming, or for actions relating to embracing Islam, then rejecting it. The only kind of punishment of which the Qur’an speaks in this connection is an other-worldly one. When mention was made of an earthly penalty, it came on the lips of the Messenger

of God, in his capacity as head of state, because apostasy had to do here not with belief and unbelief but, rather, with a plot to stir up divisions in the ranks of Muslim believers.²

In fact, we find the Qur'an speaking about doctrine in an entirely different way. In numerous verses it speaks of the freedom to choose the doctrine one will embrace, stressing the importance of not forcing anyone to choose this doctrine or that. In addition, we find that the way in which the Prophet applied the Qur'anic teaching affirms this principle and this commitment to individual freedom. Hence, despite the fact that the Jews of Madinah had waged war against the Islamic state and the Messenger of God, and despite the fact that both the Messenger of God and the Islamic state possessed the power to impose their will upon the Jews, neither the Messenger of God nor the Islamic state exercised this power over either the Jews or the Christians then residing on the Arabian peninsula. On the contrary, we find the Messenger of God inviting the Christians of Najran to Islam and debating with them at his mosque with the greatest of respect and civility. He neither attacked nor disparaged their doctrine in any way, nor did he seek to persecute them, repress their faith, or force them to adopt another. Rather, he included them in the covenant God had established with him and placed them under the protection of this covenant and of the Muslims' state. He gave the Muslims explicit instructions not to disturb Christian monks in their cells. Similarly, he issued instructions for the Copts of Egypt to be treated with kindness and respect.

Furthermore, we find that the Messenger of God instructed the Muslim community to include Magians,³ who traced their origins to Persian civilization and who were believed to be "fire worshippers," within the category of "People of the Book" with respect to freedom of religion despite the fact that they were not, technically speaking, adherents of "the Book," that is, the previously revealed monotheistic faiths. In other words, they were neither Jews, that is, adherents of *al-tawrāh* (the Old Testament, or Hebrew Scriptures), nor Christians, that is, adherents of *al-injīl* (the New Testament, or Christian scriptures). In this connection the Messenger of God is

reported to have said, “Grant them (that is, the Magians) the same treatment that I have taught you to grant the People of the Book, though without marrying their womenfolk or partaking of meat they have slaughtered.”⁴ For it was obvious that the Magians were “people of the Book” in the more inclusive sense of being members of a thriving civilization. As such, they were qualified, like the Jews and the Christians, to be given the choice as to which religion they would practice. After all, it is possible that the Magian civilization, as well as other civilizations as well, were the products of authentic divine revelations that had been received at earlier stages of human history but which had then been distorted. If so, they would thereby have lost their purity and vitality and become subject to abrogation.⁵ Concerning His various messengers and messages in the broadest sense and the civilizations to which they have given rise, God declares, “Of some apostles We have already told thee the story; of others We have not” (*Sūrah al-Nisā*, 4:164).

The limited impact the Islamic message has had historically among the adherents of the Hindu religion and the religions of southeast Asia (Buddhism and Confucianism) – despite the fact that all of India was once subject to Muslim rule – may be due to the fact that their Muslim rulers treated them, both religiously and socially, as primitive pagans. These rulers were treating such people as though they were no different from the Arab polytheists of the Prophet’s day. It is thus clear that they failed to perceive the true historical basis for the exceptional attitude taken by the Islamic state toward the polytheistic Arabs of the Arabian peninsula, an attitude which should not have been extended automatically to peoples belonging to well-established civilizations (“peoples of the Book” in the broader sense) simply because they are not mentioned explicitly in Qur’anic texts as having received monotheistic revelations. The nature of the Mughal rule in India is one of a number of factors that may help to explain the fact that the majority of the peoples and civilizations in that country have remained true to their religions of origin, superstitious though they be. Under Mughal rule, these peoples lacked any opportunity for intimate contact with Muslims,

in their relations with whom they were deprived of the experience of mutual appreciation and respect. Hence, most adherents of these religions have remained isolated, both psychologically and socially, from the Islamic message and its proponents. Add to this the injustices they suffered at the hands of the brutish, overbearing Mughal rulers, who had entered Islam following their invasion of other Muslim lands.

If we take a comprehensive look at the topic of “apostasy” based on the teachings of the Qur’an itself, it will become apparent that the issue of apostasy and the type of apostasy-related conspiracy referred to by the Qur’an have nothing to do with the principle of religious freedom and the right to affirm one’s personal belief in Islam or any other doctrine, for that matter. Consequently, the conspiratorial crime to which the Qur’an makes reference poses no contradiction to Islam’s respect for human beings’ right to believe as they choose. The Qur’an states unequivocally, “Let there be no compulsion in religion” (*Sūrah al-Baqarah*, 2:256); “If it had been thy Lord’s will, they would all have believed, all who are on earth! Wilt thou then compel mankind, against their will, to believe?” (*Sūrah Yūnus*, 10:99); and “It is not required of thee (O Apostle), to set them on the right path. But God sets on the right path whom He pleaseth” (*Sūrah al-Baqarah*, 2:272).⁶ The reason the Qur’an makes such statements is that the crime to which reference was made earlier has to do with politically motivated conspiracies and attempts to bring about divisions in the Muslim community, not a decision to reject a doctrine one once embraced. Hence, the ruling on this type of crime must not be considered to nullify the freedom to choose whether to believe or not, which has to do simply with a doctrinal change of heart, not with an act of apostasy that is actually political and conspiratorial in nature.

As I see it, the reason for the confusion and lack of clarity surrounding the subject of apostasy and, as a consequence, surrounding the issue of what Muslim jurists have referred to as *ḥadd al-riddah*, that is, the Islamically prescribed punishment for apostasy, is a failure to understand the stance taken by the Qur’an and the Messenger of

God toward the Arab polytheists of his day and the war that was declared on them in order to bring them back into the fold of “Islam” (“Either Islam, or war”⁷). As a result of this misunderstanding, the aforementioned statement by the Prophet has been generalized to apply to everything that might be termed “apostasy,” as though it were a precedent that justifies forcing certain people in certain cases to embrace a given doctrine against their wills.

Many scholars have viewed the Qur’anic verses pertaining to the treatment of the Arab polytheists of the Prophet’s day, particularly the so-called “sword verse,” as abrogating the Qur’anic verses that call for religious freedom and tolerance toward non-Muslims. On the basis of the notion of abrogation (*naskh*), they have arrived at a formal solution of sorts to what they consider to be inconsistency among Qur’anic texts. In so doing, however, they have failed to note the fact that every Qur’anic text is related in some way to a particular human situation or case which is different from every other, and that some scholars see the Qur’anic references to abrogation – and rightly so – as pertaining to the message of Islam and the manner in which the Qur’an has superseded the God-given laws that came before it. The reason for this supersession is that these earlier revealed laws, which were relevant to particular peoples and earlier phases of human development, were distorted over time and outlived their usefulness, and were therefore abrogated and superseded. The present phase, unlike its predecessors, has witnessed the revelation of Islam’s final, universal message, which provides guidance of relevance to human beings everywhere, in all their circumstances and in all their current and future stages of development: “And unto thee [O Prophet] have we vouchsafed this divine writ, setting forth the truth, confirming the truth of whatever there still remains of earlier revelations and determining what is true therein” (*Sūrah al-Mā'idah*, 5:48).⁸

Hence, note should have been taken of the fact that Islam is, first and foremost, an invitation and a source of guidance for human beings, all human beings, in relation to whatever circumstances they may face in all times and places. This is why Qur’anic discourse

is global, not local. It is not addressed to a particular human being, nor is it addressed to a particular race, language group, line of descent, or social class. Rather, it addresses human beings in themselves, in all their circumstances. It addresses them as competent, responsible entities who belong to this or that human civilization. Consequently, those who study the Qur'an need to realize that the pagan Arab polytheists and their primitive, ignorant Bedouin tribes (the desert Arabs), who embodied the "days of ignorance" that reigned before the coming of Islam, represented a distinct case. As such, they differed significantly from the other peoples and nations around them, who, belonging to civilizations marked by learning and wisdom, were "culturally qualified" in a manner that far surpassed their Bedouin Arab neighbors. From this it follows that the issue of how these primitive, ignorant Bedouin tribes were to be treated had nothing to do with issue of religious or doctrinal freedom but, rather, with a lack of cultural, social and human fitness:

The Bedouin say, "We have attained to faith." Say [unto them, O Muhammad], "You have not [yet] attained to faith; you should rather say, 'We have [outwardly] surrendered' – for [true] faith has not yet entered your hearts. (*Sūrah al-Hujurat*, 49:14)

[T]he Bedouin are more tenacious in [their] refusal to acknowledge the truth and in [their] hypocrisy [than are settled people], and more liable to ignore the ordinances which God has bestowed from on high upon His Apostle – but God is all-knowing, wise. And among the Bedouin there are such as regard all that they might spend [in God's cause] as a loss, and wait for misfortune to encompass you, [O believers: but] it is they whom evil fortune shall encompass – for God is all-hearing, all-knowing. However, among the Bedouin there are [also] such as believe in God and the Last Day, and regard all that they spend [in God's cause] as a means of drawing them nearer to God and of [their being remembered in] the Apostle's prayers. Oh, verily, it shall [indeed] be a means of [God's] nearness to them, [for] God will admit them unto His grace; verily, God is Much-Forgiving, a Dispenser of grace! (*Sūrah al-Tawbah*, 9:97-99)

[They] entertained wrong thoughts about God – thoughts of pagan ignorance. (*Sūrah Āl‘Imrān*, 3:154)

Do they, perchance, desire [to be ruled by] the law of pagan ignorance? But for people with inner certainty, who could be a better law-giver than God? (*Sūrah al-Mā‘idah*, 5:50)

[T]hey who are bent on denying the truth harboured a stubborn disdain in their hearts – the stubborn disdain [born] of ignorance. (*Sūrah al-Fath*, 48:26)

And abide quietly in your homes, and do not flaunt your charms as they used to flaunt them in the old days of pagan ignorance. (*Sūrah al-Aḥzāb*, 33:33)

Hence, we must not confuse the situation of the primitive desert Arabs and the way in which they were addressed with the discourse appropriate to the Prophet’s companions, who were students of the Qur’an and seekers of the lofty wisdom embodied in the Messenger of God, or with the discourse suited to those possessed of ancient, advanced civilizations and sacred texts such as the Jews, the Christians, the Magians and others.

If we take a careful look at Qur’anic teachings with this comprehensive vision and understanding, we will find a clear explanation of the Qur’anic stance toward the primitive pagan desert Arabs of the Prophet’s day and the policy which the Prophet adopted in relation to them. This policy was based on verses found in *Sūrah al-Anfāl* (6) and *Sūrah al-Tawbah* (9), which highlight these Bedouin tribes’ social and cultural incompetence and primitiveness. We are told in these two surahs that these desert Arabs, on the whole, were still living based on the pre-Islamic mentality of pagan ignorance. They demonstrated no commitment to treaties, agreements, or pledges made, a fact which isolated them and robbed them of all stability. Hence, it was impossible either to live peacefully with them or to trust them. In this respect they were like hyenas and

wolves, as a result of which it was an exceptional humanitarian necessity that they be brought into a society that would enculturate them and instill within them the humane values embodied in the social and cultural priorities of Islam.

The two most important pillars of Islamic social organization were those of communal prayer and zakah. It was essential that the desert Arabs be organized socially by integrating them into the community of prayer, and materially by requiring them to pay zakah, which is an essential part of a community of solidarity. No one would criticize or assail them in any way so long as they took part in communal prayer and demonstrated the social solidarity embodied in the payment of zakah. Consequently, those who were held accountable for their acceptance or non-acceptance of Islam were the fighting men. Women were not asked about whether they had accepted Islam or not. In fact, the Messenger of God granted a reprieve to a group of people from the Quraysh tribe simply because, as he put it, "I feel the need to do so." This took place after Makkah had been conquered and the Islamic social system had been established among the primitive Bedouin Arab tribes of the Arabian Peninsula. Hence, granting them such a reprieve no longer posed a threat to the Islamic social system and its stability, particularly in the urban Qurayshite community of Makkah, against which war had been waged to ensure its subjection to Islamic rule only because they, along with their allies, had violated the covenant that had been made with the Muslims and their allies and committed aggression against them.

For this reason also, we find that the rightly guided caliph Abū Bakr the Righteous, being a man of distinctive foresight and perception, recognized the true significance of the verse quoted above: "The Bedouin say, 'We have attained to faith.' Say [unto them, O Muhammad], 'You have not [yet] attained to faith; you should rather say, "We have [outwardly] surrendered" – for [true] faith has not yet entered your hearts"' (*Sūrah al-Hujurāt*, 49:14). This verse, with its cultural, human, and social implications, was brought to mind at the time of the "counter-revolution" staged by certain

desert Arab tribes who refused to submit to the humane Islamic cultural and social system. This revolution began during the latter part of the Prophet's life under the leadership of a number of would-be prophets. When, following the Prophet's death, Abū Bakr became head of the Islamic state, he insisted on waging war against these desert Arabs and forcing them to submit to the Islamic cultural and social system. This insistence was based on his profound and foresightful understanding of what the Messenger of God had aimed to accomplish and the far-reaching significance of the aforementioned Qur'anic verse. In short, Abū Bakr saw that the desert Arabs' refusal to pay zakah, thereby submitting to the requirements of the solidarity-based Islamic social system, or to take part in its social arrangements [through communal prayer] had nothing to do with doctrine or faith. Rather, the magnanimous Islamic doctrine was bound to touch their hearts automatically once they had become part of Islam's social and cultural fabric.

No comparison is being made here between Islam's civilized doctrine and the primitive, pagan doctrines espoused by the Bedouin Arabs of the Prophet's day. Rather, the matter of concern here is the difference between the refined social system associated with Islam and the crude and uncivilized system, both socially and culturally, which was being perpetuated by the desert Arab tribes. However, this point became unclear to some of the Prophet's companions, including 'Umar ibn al-Khaṭṭāb due to the state of distress in which they found themselves following the Prophet's death and surrounding events, as well as the numerous dangers with which they and the Muslim community were faced at that time. Specifically, they were faced with Byzantine and Persian empires' threat to the fledgling Islamic state, and the simultaneous difficulty of resisting the uprising that had been staged by these primate Bedouin tribes which, surrounding Madinah and the fledgling Islamic state from all sides, had set the entire Arabian Peninsula on fire. For by refusing to pay zakah or to remain a part of the civilized, humane social system introduced by Islam, these tribes sought to revert to their former state of primitive backwardness, and this

despite the dangers posed by their barbarianism, racism, and the violence of a culture found on raiding, plundering and looting unchecked by morality or conscience. The sole guide for a desert Arab's conduct was loyalty to his tribe: "All I am is a member of Ghuzayyah. If Ghuzayyah is led astray, so also am I. And if Ghuzayyah should be rightly guided, rightly guided will I be."

However, thanks to Abū Bakr's composure, clear-mindedness, vision, and appreciation of the importance of confronting one's foes, he stood his ground and insisted on fighting against these renegade tribes who were in the process of nullifying their Islamic identity by not paying zakah. He refused to give any indication that the Muslims would weaken in the face of any of their foes and those who lay in wait for them, whether inside or outside the Arabian Peninsula. He stood his ground despite the confusion that had come over some of the Companions, who opposed the stance he had taken because they viewed what was happening as a matter of faith rather than a matter of outward submission despite the Qur'an's clear declaration that faith had not yet entered the desert Arabs' hearts (*Sūrah al-Ḥujurāt*, 49:14). It appears that given the many burdens they were coping with at the time, they had failed to comprehend the true extent of the danger posed by these barbaric tribes lying in wait for Madinah from before and from behind, as well as the need to rescue these tribes from their own savagery. Nor had they perceived the importance of not allowing these tribes to violate the requirements of a civilized and humane society and, therefore, of nipping their rebellion against the Islamic way of life in the bud. There were those who objected to Abū Bakr's call to wage war on the rebels, saying, "They say, 'There is no god but God'" (in other words, they affirm the doctrine of God's oneness, so why should war be waged against them?). However, Abū Bakr's response was as swift as it was decisive: "So help me God," he declared, "I will fight anyone who dares to divorce prayer from the payment of zakah!" And in fact, those who took exception to Abū Bakr's stance began coming to their senses as they realized the soundness of his point of view and reaffirmed their confidence in his

wise leadership. ‘Umar ibn al-Khaṭṭāb gave voice to this change of heart when he declared, “By God, no sooner had I seen Abū Bakr’s determination (since he, like the rest of the Muslim community, was well aware of Abū Bakr’s virtuous character) than God opened my heart [to what he intended to do].”

Hence, everyone – and foremost among them ‘Umar – realized the validity of Abū Bakr’s insight and the soundness of his vision. They came to see that the necessity of confronting the desert Arab tribes had nothing to do with a declaration of faith or the embrace of a doctrine (“The Bedouin say, ‘We have attained to faith.’ Say, ‘You have not [yet] attained to faith’...”) but that, on the contrary, it had to do with rescuing these tribes from a primitive nomadic life patterned after “the old days of pagan ignorance” and enabling them to advance by stages to the kind of civilized, humane existence without which no truly human social life is possible. (“You should rather say, ‘We have [outwardly] surrendered’ – for [true] faith has not yet entered your hearts.”) Such action would serve not only to rescue the pagan desert tribes but, also, to preserve the Islamic state and civilization from these tribes’ ignorance and primitivism. This is a fact which, unfortunately, the majority of scholars in subsequent generations failed to note. Confusing the requirements of a civilized, humane community life with the human right to freedom of religion, these scholars mistakenly concluded that it would be possible to nullify this fundamental human right – which is the foundation for human responsibility and the fundamental premise of the message of Islam and all of the divinely revealed religions, for that matter – in the service of the political interests of the state. They based this conclusion on the notion of abrogation (*al-naskh*) within the Qur’an itself. However, such a notion can never be applied to the Qur’an unless: unless, that is, we fail to realize the conceptual nature of the Qur’an, which addresses human beings in all types of situations and in a way that spans all times and places, or unless we say – God forbid – that the Qur’an contains self-corrections based on a reconsideration of statements made earlier. However, no Muslim would knowingly make such a claim, since

every verse, concept, and command it contains has to do with some situation which human beings face, whether as individuals or as a society, and whether such a situation is situated in the past, present or future, in this place or that. Hence, virtually every Muslim would agree that every one of the Qur'anic commands or admonitions must be heeded when the relevant situation requires it.

Hence, every Qur'anic reference to abrogation (*naskh*) or a causing to forget (*insā'*) is rightly viewed as pertaining to the Qur'an's relationship with the divinely revealed messages that came before it. Such messages, which were received by bygone nations in early phases of human development, were later corrupted and/or forgotten, and have now been bypassed and superseded by the final, universal Islamic message, which clarifies which aspects of them remain valid and which do not:

And unto thee [O Prophet] have We vouchsafed this divine writ, setting forth the truth, confirming the truth of whatever there still remains of earlier revelations and determining what is true therein... (*Sūrah al-Mā'idah*, 5:48)

Any message which We annul or consign to oblivion We replace with a better or a similar one. (*Sūrah al-Baqarah*, 2:106)

He it is that has bestowed upon thee from on high this divine writ, containing messages that are clear in and by themselves – and these are the essence of the divine writ – as well as others that are allegorical (*mutashābihāt*).⁹ Now those whose hearts are given to swerving from the truth go after that part of the divine writ which has been expressed in allegory (*mā tashābaha minhu*), seeking out [what is bound to create] confusion, and seeking [to arrive at] its final meaning in an arbitrary manner. But none save God knows its final meaning. (*Sūrah Āl Imrān*, 3:7)¹⁰

Clearly, then, the rebellion staged by the desert Arab tribes had nothing to do with the imposition of a given doctrine or faith; nor did it have

anything to do with their being Arabs or non-Arabs, their belonging to Muhammad's people or clan, or with their being the mainstay of the Islamic state of which he was the head. After all, none of this could alter the nature of the Islamic message, human responsibility, the Islamic call, or the Islamic discourse addressed to the world in all its diversity. Consequently, it could not, under any circumstances, annul every human's right and freedom to choose the doctrine he or she will embrace, that is, to arrive at his or her own personal convictions relating to the meaning of human existence and human responsibility.

There is no reason to fear that those who have known Islam truly, who have come to believe in God and the Last Day and who are engaged in good works in this earthly sphere, would then turn away from Islam. After all, believing individuals such as these would have no reason or motivation to revert to superstitions, new-age fads, or nihilism. On the other hand, there may be a failure on the part of the society, the state, and the institutions responsible for Islamic outreach and education to guide both the public in general, and the young generation in particular, in how to understand Islamic properly and live a truly Islamic life. Such institutions may impose excessive restrictions, prohibitions and penalties due to mistakes committed by ignorant individuals and other laypeople whose doctrine is somewhat off-track. As a result of this negligence and excess, the faith of the general populace in many countries has become little more than words that people spout, and outward appearances devoid of genuine understanding or strength of conviction.

If someone turns away from Islam and from faith in God and His messenger, yet continues to pursue good works in this world, his or her apostasy must have been either the outcome of mental illness or ignorance, or in the service of some ideological, political, or material aim. Every case of apostasy should be dealt with in the manner that best suits it. If its root cause is mental illness, the illness should be treated. If the root cause is ignorance of the facts, it should be dealt with by providing the individual with greater knowledge and insight and clarifying points that have raised doubts in his or her mind. There are many cases of this type in our day due to inconsistent discourses and inadequacies in contemporary Islamic thought,

as well as the practices observed among modern Muslims. Moreover, whether we are confronted with a case of mental illness or ignorance of the facts, there remains the possibility that the individual concerned will not respond to the treatment or approach adopted to bring him or her back into the fold of Islam. The person suffering from mental illness may not recover, and the person to whom the facts of Islam are explained with greater clarity may still not be open to what he or she has learned. Yet even in such cases, the individual must be given freedom of choice. Those who reject Islam out of pride and stubbornness must bear responsibility for their choice although, as we have explained, this is a highly unlikely choice when someone is in his right mind so long as we have done our duty to educate the individual and call him or her to re-embrace Islam, and there is no reason to fear that someone who has gained a correct understanding of Islam will turn away from it.

However, the most unfortunate situation of all, and to which we will be devoting a good deal of attention, is one in which neediness born of extreme poverty and unemployment combines with religious ignorance, the artlessness of adolescence, the rashness and wild expectations of youth, dereliction and incompetence on the part of the state, and the presence of individuals who lie in wait for the opportunity to exploit this situation for their own destructive ends. If apostasy takes place in the service of a specific end, particularly if this end is to bring harm to Muslims by spreading divisions in their ranks or falsifying the religion's teachings, then the matter becomes a very serious one, and each case must be examined based on its underlying causes and motives and its effects. The most serious cases would be classed along with armed rebellion and robbery (*al-ḥirābah*) and spreading corruption on earth (*al-ifsād fī al-arḍ*). Cases such as these would most certainly not be relevant to the issue of religious freedom. As for the punishment prescribed, it would need to be discretionary in nature, and based on the details of the situation and the outcomes to which it has led.

If the person who has committed apostasy can be assumed to have understood what Islam really is, and if the individual insists

upon rejecting Islam, whether out of ingratitude and obduracy, or due to a confused view of things, ignorance or bias, this may be regarded as an exceptional case resulting from deprivation and error that bears no relation to the kind of conspiratorial apostasy referred to above. The individual concerned must bear the burden of responsibility for the choice he or she has made, and the only recourse left to others is to work to enable him or her to see things more clearly, and call him or her back to faith: “Call thou unto thy Sustainer’s path with wisdom and goodly exhortation, and argue with them in the most kindly manner. For behold, thy Sustainer knows best as to who strays from His path, and best knows He as to who are the right-guided” (*Sūrah al-Nahl*, 16:125); and “no bearer of burdens shall be made to bear another’s burden” (*Sūrah al-An‘ām*, 6:164).

In connection with apostasy committed for a treacherous, base motive, the Qur’an makes reference to a particular case which involved treachery and conspiracy. Specifically, there were certain Jews in Madinah who pretended to believe, after which they declared themselves unbelievers with the aim of causing division among the Muslims: “A section of the People of the Book say, ‘Believe in the morning what is revealed to the believers, but reject it at the end of the day; perchance they may themselves turn back’” (*Sūrah Āl ‘Imrān*, 3:72). Nevertheless, the Qur’an mentions no earthly punishment for this crime, heinous though it was. Instead, it leaves the matter to the authority and discretion of the state in its capacity as guardian over the people. The head of state at that time was the Messenger of God, who would look into the matter and determine which punishment would be most fitting in light of the action and its surrounding circumstances: “O you who have attained to faith! Pay heed unto God, and pay heed unto the Apostle, and to those from among you who have been entrusted with authority” (*Sūrah al-Nisā’*, 4:59). According to a number of hadiths, the Messenger of God responded by threatening these conspirators, who were spreading corruption on earth and waging war on Islam and the Muslims’ state, with the death penalty, saying,

“Put to death whoever changes his religion.” This threat clearly had to do with political intrigue, not with a mere matter of human choice and freedom of religion. Be that as it may, the threat had its intended effect in that it kept the peace in the Muslim community and, at the same time, preserved the lives of the conspirators, since the conspiracy was thereby nipped in the bud.

In addition, he commanded the Muslim community to resist those who conspired against them through deception and divisiveness or through the use of the arts – particularly the art of poetry, which was the most important and well-known art form in the Prophet’s time and locale and the most effective for slandering Islam and Muslims – thereby besmirching their reputation and stirring up negative sentiments against or among them through lies and unjust claims. The Messenger of God threatened to punish those who engaged in such actions, since what they were doing had nothing to do with thought or dialogue, nor with mere objections or criticisms. The Qur’an is replete with responses to objections put forward by various individuals and the doubts raised by critics. As for the arts, be they the poetry that held such pride of place in the past, or today’s novels, drawings, songs and films, their aim is to vilify, abuse, defame, and mislead, and it is here that the matter of culpability and punishment comes in.¹¹ Laws are now in place in civilized societies based on what they view as issues of sacredness and human dignity, and which are seen to override freedom of speech. The best-known of such laws today are those that forbid one to deny the Nazi holocaust committed against the Jews of Germany in the days of Adolph Hitler. However, certain enemies of the Muslim community and Islam make use of artistic media to incite hostility and contempt against Islam, the Muslim community and what Muslims hold most sacred, bearing in mind that Muslims now represent more than one-fifth of humanity, and have a presence in virtually every country in the world.

Hence, the governments and populations of Muslim countries should exert pressure by diplomatic means and economic boycotts to prevent others from insulting Islam, besmirching its reputation,

and engaging in hate-mongering against the Muslim community, its doctrines and those things it holds sacred. In addition, they should demand that non-Muslim governments pass laws to deter those who work to spread disdain and hatred for religions and nations other than their own. But until such laws and their associated penalties are in place, it will do no good to demand apologies from this or that government. This can be seen clearly from the fact that denial of the Holocaust has now been officially criminalized. Therefore, the time has come for both Muslim and non-Muslim governments to criminalize attempts to spread hostility toward Islam as well, not in order to curb the freedom to engage in research, study, investigation and academic exchange – which, on the contrary, are welcomed heartily by Islam and Muslim scholars – but, rather, in order to prevent slander, vilification, and assaults on others' dignity in artistic contexts in which awareness, critical perception and the search for truth are knowingly suspended, facts are distorted, and the public is fed on inaccurate perceptions and unfounded convictions. The resulting slanders, insults, abuses, distorted perspectives, divisions, hatred and resentment are among the principle reasons for the tension and suspicion that have existed for decades and even centuries between Muslims and non-Muslims in the West. Such deviousness and dishonesty are a far cry from scientific investigation in search of truth and purposeful dialogue whose aim is to bring about reform and communication between the world's various nations, peoples, civilizations, religions, and cultures.

Consequently, the punishment with which the Messenger of God, in his capacity as head of the Islamic state at that time, threatened those who commit the crime of conspiring to incite rebellion or bring about divisions in Muslim society would be discretionary in nature. In other words, it would depend on the judgment of the Apostle, as the person to whom authority over the state had been entrusted, concerning which punishment would be appropriate to this or that particular case and this or that particular circumstance. As such, the punishment of which the Apostle spoke in that particular situation does not automatically apply to other situations. At the

same time, the abiding message we are to receive from this threat is that tampering with the security of Muslim society and the well-being of its citizens and institutions is, in every case, a serious crime which is classed along with armed rebellion and spreading corruption on earth, and that those guilty of committing this crime under the rule of a Muslim state may be liable to severe punishment.

It is thus clear that the punishments that pertain to crimes which are not specifically named in the Qur'an, but which have effects on society no less harmful than those caused by the crimes of murder, sexual immorality, theft armed robbery, armed rebellion, and spreading corruption on earth (all of which are referred to explicitly in the Qur'an), may be classed together with armed rebellion and spreading corruption on earth. Each individual case is to be examined based on the competence of the person who committed the crime, the motive behind it, and the consequences to which it has led, in order to determine the discretionary punishment appropriate to the case in question within the limits prescribed by the Qur'an for the crime of armed rebellion. The more severe punishment, reserved for the most serious crimes, would be execution, while lesser crimes would call for imprisonment in order to protect society from further danger. However, there is nothing to prevent a Muslim head of state from issuing a pardon if the action in question was little more than a lapse into which someone fell in the course of pursuing easy material gain. In our day we see cases such as this involving fraud on the part of individuals who promote particular causes or aims in order to deceive and entice children, the ignorant, and the uneducated poor.

It is most unfortunate that, due either to powerlessness or incompetence, most Islamic states, charitable institutions and outreach organizations do nothing to educate the deprived, poverty-stricken, ignorant sectors of their societies, particularly in countries located on the poor fringes which lack enlightened institutions capable of providing sound religious instruction. In fact, they even fail to provide them with basic life necessities and gainful employment. At the same time, such institutions have lost patience with evangelistic

organizations and the devious activities in which they engage among the common people. However, these countries' religious institutions content themselves with issuing threats and curses against those who have been taken in by such organizations, knowing full well that this alone will do nothing to improve the situation.

There are those who believe it necessary to punish everyone who publicly leaves Islam and who stubbornly persists in his unbelief, announcing that he or she has embraced some superstitious religion, racist ideology, or secular, atheistic philosophy, and that such individuals should be forced to declare themselves Muslims under the threat of dire punishment. However, those who hold this belief should know that individuals such as these are exceptional cases that represent a very small minority, and whose withdrawal from Islam has resulted from educational and societal neglect or complex psychological and material factors. Hence, it is obvious that the outcome of such coercion will not be to reestablish these people's faith in Islam. Rather, the outcome will be the formation of a handful of bitter, resentful hypocrites who have been planted against their wills in the heart of Muslim society and who are bent on revenge against Islam and Muslims. Hence, we would do well to ask ourselves what good such a policy of coercion will do, and what benefit members of the Muslim community stand to gain through these hypocrites' being trapped in their midst.

It is also important for us to realize that cases of apostasy that result from ignorance or illness differ fundamentally from those that result from studied motives. Consequently, it may be necessary and appropriate to threaten those who harbor such motives, particularly those whose motives pose a real danger to the Muslim community, with prosecution under the law for using religion as a conspiratorial means of inflicting harm on the Muslim community. In so doing, we may help deter these individuals from committing such crimes and acts of foolishness. Then, if they persist in their waywardness, they will have no one to blame but themselves. It should be remembered, of course, that this is a matter that has nothing to do with religious freedom, which the Qur'an explicitly guarantees to every human being.

From the foregoing it will be clear that the issue of faith and doctrine in the context of Islamic law must remain a matter of voluntary acceptance and personal conviction. Poverty and ignorance must be addressed in the matter most appropriate to them, while those who conspire to act on unwholesome motives must have their hands slapped.

In sum, it is clear that over the course of Islamic history, what has been termed “the crime of apostasy” or “the punishment for the crime of apostasy” (*hadd al-riddah*) has had nothing to do with doctrine or the freedom to choose one’s religion, a freedom which Islam respects and, indeed, promotes. Rather, as we have had occasion to mention, it has had to do with exceptional cases involving individual responses to ignorance, material need, illness, or ulterior motives. For the fact is that many people have entered Islam, and continue to enter Islam, of their own volition and desire. Hence, Muslim states and Islamic educational, outreach and charitable organizations must make provided the nurture, outreach, education and public assistance needed in order to safeguard the Muslim community’s doctrines and the soundness of its vision which, when understood Qur’anicly, constitutes the essence which the Muslim community must recover in full. For vision is the source of the psychological strength that generates the Muslim community’s distinctive potentials, abilities, and constructive cultural contributions.

The Muslim community should protect its young people not only from ignorance of their religion, but also from poverty, neediness, and the temptation to seek sexual gratification outside the bonds of marriage. Only in this way will it be possible to prevent those who seek to exploit religion for material gain or political advantage from exploiting young people’s poverty, neediness and immaturity by offering financial assistance to unemployed youth or illicit pleasures to adolescents and other young people who cannot tolerate sexual abstinence outside of marriage, their aim being to lead them astray and exploit them in the service of their corrupt political, pornographic, ideological or commercial agendas.

The states that govern these peoples have the obligation to stand up in the face of these unscrupulous groups, whatever form they happen to take, and to prevent them from doing harm to the Muslim community by serving its needy sectors educationally, socially, and economically rather than allowing them to fall prey to these rapacious wolves. As for those who promote Islam through honest, informed and reasoned means of persuasion and the institutions that represent them, they pose no danger to Islam. On the contrary, these institutions open the door to dialogue, communication and true Islamic compassion and solidarity.

APOSTASY AS IT RELATES TO DOCTRINE AND LAW

Another matter that remains to be discussed is the distinction between the right enjoyed by the sane adult to choose the belief system he will embrace, and psychological, legal, religious and doctrinal guardianship exercised over minors and others. Islam allows a Muslim man to marry a Christian or Jewish woman, because the natural, religious and legal authority and influence he exercises over such a woman poses no danger to her doctrinal beliefs or her religious freedom. The reason for this is that the Muslim man is commanded to respect his Christian or Jewish wife's religion and freedom of choice, since he believes in her prophets and in the sacred origin of her religion's doctrines in view of their arising from a previously revealed monotheistic religion.¹² Hence, his duty toward her consists simply in inviting her gently to embrace Islam and engaging her in respectful dialogue:

O you who have attained to faith! Hold fast unto your belief in God and His Apostle, and in the divine writ which He has bestowed from on high upon His Apostle, step by step, as well as in the revelation which He sent down aforetime: for he who denies God, and His angels, and His revelations, and His apostles, and the Last Day, has indeed gone far astray. (*Sūrah al-Nisā'*, 4:136)

Say, “We believe in God, and in that which has been bestowed from on high upon us, and that which has been bestowed upon Abraham and Ishmael and Isaac and Jacob and their descendants, and that which has been vouchsafed to Moses and Jesus, and that which has been vouchsafed to all the [other] prophets by their Sustainer. We make no distinction between any of them, and it is unto Him that we surrender ourselves.”

(*Sūrah al-Baqarah*, 2:136)

And We caused Jesus, the son of Mary, to follow in the footsteps of those [earlier prophets], confirming the truth of whatever there still remained of the Torah; and We vouchsafed unto him the Gospel, wherein there was guidance and light, confirming the truth of whatever there still remained of the Torah, and as a guidance and admonition to the God-conscious.

(*Sūrah al-Mā'idah*, 5:46)

Verily, those who deny God and His apostles by endeavouring to make a distinction between [belief in] God and [belief in] His apostles, and who say, “We believe in the one but we deny the other,” and want to pursue a path in-between – it is they, they who are truly denying the truth...

(*Sūrah al-Nisā'*, 4:150-151)

Verily, as for those who have attained to faith [in this divine writ], and those who follow the Jewish faith, and the Sabians, and the Christians, and the Magians, [on the one hand,] and those who are bent on ascribing divinity to aught but God, [on the other,] verily, God will decide between them on Resurrection Day, for, behold, God is witness unto everything.

(*Sūrah al-Hajj*, 22:17)

In matters of faith, He has ordained for you that which He had enjoined upon Noah – and into which We gave thee [O Muhammad] insight through revelation – as well as that which We had enjoined upon Moses, and Abraham, and Jesus: Steadfastly uphold the [true] faith, and do not break up your unity therein. (*Sūrah al-Shūrā*, 42:13)

The Apostle, and the believers with him, believe in what has been bestowed upon him from on high by his Sustainer. They all believe in God, and in His angels, and in His revelations, and in His apostles, making no distinction between any of His apostles; and they say, “We have heard, and we pay heed. Grant us Thy forgiveness, O our Sustainer, for with Thee is all journeys’ end!” (*Sūrah al-Baqarah*, 2:285)

Verily, those who have attained to faith [in this divine writ], as well as those who follow the Jewish faith, and the Christians, and the Sabians – all who believe in God and the Last Day and do righteous deeds – shall have their reward with their Sustainer, and no fear shall they have, and neither shall they grieve. (*Sūrah al-Baqarah*, 2:62)

And thereupon We caused [other of] Our apostles to follow in their footsteps; and [in the course of time] We caused them to be followed by Jesus the son of Mary, upon whom We bestowed the Gospel, and in the hearts of those who [truly] followed him, We engendered compassion and mercy. (*Sūrah al-Ḥadīd*, 57:27)

Indeed, [even aforesaid] did We send forth Our apostles with all evidence of [this] truth; and through them We bestowed revelation from on high, and [thus gave you] a balance [wherewith to weight right and wrong], so that men might behave with equity... (*Sūrah al-Ḥadīd*, 57:25)
Now [as for thee, O Muhammad,] We have not sent thee otherwise than to mankind at large, to be a herald of glad tidings and a warner. But most people do not understand [this]. (*Sūrah Saba'*, 34:28)

And, indeed, [O Muhammad,] We sent forth apostles before thy time. Some of them We have mentioned to thee and some of them We have not mentioned to thee. And it was not given to any apostle to bring forth a miracle other than by God’s leave. (*Sūrah Ghāfir*, 40:78)

Behold, it is We ourselves who have bestowed from on high, step by step, this reminder; and behold it is We who shall truly guard it [from all corruption]. (*Sūrah al-Ḥijr*, 15:9)

However, Islam does not allow a man who adheres to the Jewish, Christian, or any other religion than Islam to marry a Muslim woman, since it follows from his religious affiliation that he does not believe in her religion and its teachings, or in the sanctity of her prophet. Consequently, there is reason to fear that, given the woman's inborn psychological makeup, as well as the legal guardianship and authority and the psychological influence which her husband exercises over her and her children, that the husband will choose to raise the children to disbelieve in, and possibly even to despise, her religion and the sanctity of her prophet. Hence, given its concern to preserve social order and to eliminate potential causes of disagreements and conflicts that tear families apart and foment sectarian strife and social upheavals, Islam teaches that only a man who is Muslim either by birth or by conversion may be granted legal and religious guardianship and authority over a Muslim woman and their children. Moreover, the Muslim husband must understand that if he leaves Islam, having ceased to believe in its truth, its sanctity, or the sanctity of its prophet, he will thereby have violated the terms of his marital contract and forfeited his rights over his children. In short, he will not be granted the right to raise his children in a religion other than Islam, which, as a matter of principle, teaches his children to believe in and respect all divinely revealed religions, their prophets, and their original, authentic teachings. It is a child's inalienable right to be raised within Islam while, at the same time, honoring his parents by respecting his father's religion and his right to the faith he professes, as well as the religion of his mother. It goes without saying, of course, that once children come of age, they are entitled to choose the religion to which they wish to belong, whatever it may be. This is their right to freedom of religion, a right which Islam has guaranteed to all.

This religious and legal distinction is important for the security of the society and for the achievement of religious and sectarian stability, and to ensure respect for everyone's rights to their religions, their beliefs, their contracts and their commitments. Only through

such a distinction will it be possible to prevent mentally unstable and tendentious individuals from sowing discord among the various members and sectors of Muslim society.

MINORITIES, MUSLIM COMMUNITIES ABROAD, AND RELIGIOUS DIFFERENCES

It remains for us to touch on the situation of Muslim minorities in non-Muslim countries, particularly in Western countries, which are now home to growing numbers of emigrants and locals who adhere to the Islamic religion. The situation of Muslims in these countries differs from that of Muslims in Islamic countries, because the religions of the majority of the populations of Western countries – for a variety of historical reasons, including harmful practices within the churches and distortions that, in some cases, have rendered their worship little more than mythical rituals – have been marginalized, and no longer play an influential role in their activities or their understanding of life and existence. This situation obtains despite the churches' wealth and the freedom they enjoy to pursue the activities they choose.

This is why the European Union did not agree to allow reference to be made in its draft constitution to these religions and their impact on their culture despite the Pope's demand that such reference be made, because the peoples of Europe on the whole are no longer religious. Instead, they have become agnostic. That is to say, they have an innate realization of there being a Higher Power beyond the visible universe. However, given the formalism and mythical nature of their religion, they fail to find in it the kind of content or convincing, meaningful answers that they seek. Consequently, they are not atheists; neither, however, are they religious. Rather, having left the matter of religion aside, they perceive and know nothing about life's meaning or what lies beyond this earthly existence apart from what is immediate, material, and concrete. In other words, when it comes to the meaning of religion and related questions such as the unseen realm, what lies beyond life on earth,

the purpose for which life was created and its final end, they don't know and they don't care. And since they have no convincing or acceptable way to know such things, they remain agnostics. As for North America, particularly its major cities and population centers on the East and West coasts alike, the attitude of people there differs little from that of Europeans in terms of their daily pursuits, interests and concerns.

This indifferent attitude to the issue of religion has impacts and dimensions which are important in Muslims' relationships with non-Muslims in these countries, where many people, particularly women, are embracing Islam. The question that arises in these countries is: what attitude and action should be taken by the married woman who embraces Islam while her husband, out of ignorance, lack of interest, or for whatever other reason, does not become Muslim with her? Should she seek separation and divorce? This question is a difficult one, particularly if she is older and has children, as a result of which both she and they are bound to suffer the consequences of a broken family, such as being deprived of the rights she had as a married woman, and the nurture once provided by the children's father.

The question arises in the context of these non-Islamic societies because, as we have noted, most non-Muslims lend no real importance to their religion on the practical level, as a result of which it would cause them no worry or serious concern for their spouses or children to embrace whatever religion they choose. In cases such as these, we find that the woman is not concerned about her husband's psychological power or authority over her or her children; hence, she has no reason to fear that the father will neglect to take proper care of his children, or refuse to allow her to become Muslim and raise her children as Muslims. The difference in this situation between the man and the woman is simply that the woman, unlike most other people around her, now cares about her religion and her commitment to it given Islam's intimate connection to the lives of those who embrace it.

What is the proper course of action in such cases? The woman may rightly wonder what will happen to her and her children and what harm might come to her and them if she should seek separation and divorce, especially if her husband has been a good companion to her and she has no reason to fear that he would interfere with her Islamic faith or that of her children. She may also have reason to hope that, as time goes by, her husband will also become Muslim. There are, in fact, numerous cases in which this very thing has happened in Western countries because, given the good treatment they receive from their now-Muslim wives and children, many husbands and fathers have come to Islam themselves under the influences of their families.

We note here that the types of harm from which Islam seeks to protect women and children are absent from such situations. Therefore, it needs to be asked whether it would not be better, in the interests of preserving people's well-being and preventing harm, not to require such wives to separate from their non-Muslim spouses, since to do so would bring no clear benefit and, in fact, might do untold harm.¹³

Opinion has been divided on this matter. It is nevertheless clear that the situations faced by Muslims as minorities in Western countries differ significantly from those which they face in Islamic countries. Consequently, in order to achieve the higher aims of Islamic law and to serve Muslims' best interests, each individual case needs to be dealt with on its own merits. The only way to do this is for Muslim scholars to give due consideration to Muslims' concrete circumstances in the various places where they reside, including the customs and perceptions that govern people's actions and attitudes there.

If a Western woman who has converted to Islam has no reason to fear that her husband will refuse to allow her and her children to practice their new religion, it would not appear to be of any benefit for her to seek separation and divorce, since the only foreseeable outcome would be to destroy their family and deprive the children of the presence of both their parents in the home. Otherwise, she

will have no choice but to protect her religious freedom and faith and that of her children by pursuing separation and divorce and by seeking custody of the children, since this would be most beneficial to the children and their relationship with both parents. It should be stressed here once again that this situation differs from that faced by individuals living in an Islamic country, where a decision to leave Islam must be viewed necessarily as resulting from doctrinal or psychological factors, since it would make no sense for someone simply to reject Islam deliberately, ceasing to have any concern for his religion. Moreover, a husband's conversion from Islam to a religion that denies the sanctity of the Muslim mother's religion and the truth of the message brought by her Prophet places the Muslim wife and her children in a situation that differs from that of their counterparts in this or that Western country.

It should be remembered that religious guardianship over a child, and any other kind of guardianship, for that matter, should, first and foremost, serve the child's best interests, and that the best relationship a child can have with his or her parents, and not with one of them only, is one based on an Islamic upbringing, since it is Islam that will teach the child to respect both parents equally. Hence, parents should be made aware of this fact and of its critical effects on their children's psychological well-being. After all, no child should be obliged to despise either of his or her parents due to a lack of respect for that parent's religion. Rather, he or she should be encouraged to respect both parents as well as their religions as Islam commands him or her to do:

And worship God [alone], and do not ascribe divinity, in any way, to aught beside Him. And do good unto your parents, and near of kin, and unto orphans, and the needy, and the neighbour from among your own people... (*Sūrah al-Nisā'*, 4:36)

...And do good unto [thy] parents. Should one of them, or both, attain to old age in thy care, never say, "Ugh" to them or scold them, but [always] speak unto them with reverent speech. (*Sūrah al-Isrā'*, 17:23)

Now We have enjoined upon man goodness toward his parents; yet [even so,] should they endeavour to make thee ascribe divinity, side by side with Me, to something which thy mind cannot accept [as divine], obey them not. For it is unto Me that you all must return, whereupon I shall make you truly understand [the right and wrong of] all that you were doing [in life]. (*Sūrah al-ʿAnkabūt*, 29:8)

[Revere thy parents,] yet should they endeavour to make thee ascribe divinity, side by side with Me, to something which thy mind cannot accept [as divine], obey them not.; but [even then] bear them company in this world's life with kindness, and follow the path of those who turn towards Me. In the end, unto Me you must all return, whereupon I shall make you truly understand all that you were doing [in life]. (*Sūrah Luqmān*, 31:15)

Say, “O ye followers of earlier revelation! Come unto that tenet which we and you hold in common: that we shall worship none but God, and that we shall not ascribe divinity to aught beside Him, and that we shall not take human beings for our lords beside God.” And if they turn away, then say, “Bear witness that it is we who have surrendered ourselves unto Him.” (*Sūrah Āl ʿImrān*, 3:64)

...[T]hey distort the meaning of the [revealed] words, taking them out of their context; and they have forgotten much of what they had been told to bear in mind. (*Sūrah al-Mā'idah*, 5:13)

They have taken their rabbis and their monks – as well as the Christ, son of Mary – as their lords beside God, although they had been bidden to worship none but the One God, save whom there is no deity: the One who is utterly remote, in His limitless glory, from anything to which they may ascribe a share in His divinity! (*Sūrah al-Tawbah*, 9:31)

And upon thee [too] have We bestowed from on high this divine writ for no other reason than that thou might make clear unto them all [questions of faith] on which they have come to hold divergent views, and [thus

offer] guidance and grace unto people who will believe. (*Sūrah al-Nahl*, 16:64)

Call thou unto thy Sustainer's path with wisdom and goodly exhortation, and argue with them in the most kindly manner. (*Sūrah al-Nahl*, 16:125)

And who could be better of speech than he who calls [his fellow men] unto God, and does what is just and right, and says, "Verily, I am of those who have surrendered themselves to God"? (*Sūrah Fuṣṣilat*, 41:33)

In sum, we must take care to distinguish properly among the various dimensions of doctrinal and legal matters. For only then can we fulfill the higher aims of Islamic law, including the preservation of true religion, life, and honor, and the achievement of benefit and the prevention of harm both individually and collectively. Only then can we protect both the individual and the community from hardship, strife, and religious and sectarian conflicts. Those invested with authority over the community, its scholars, and those who engage in consultation on its behalf need to be aware of such distinctions, since otherwise, the society will be run by fiat, that is, on the basis of ill-conceived commands and legal rulings that lack any true basis in knowledge, investigation, learning, or an understanding of people's day-to-day circumstances. Those who lack the penetrating, comprehensive perspective required for the proper management of a society embody the mentality reflected in popular sayings such as, "As long as it's not your skin, then drag it over the thorns," and, "The one who takes the beating isn't like the one who counts the blows!"

Perhaps we would do well to ponder the story of Khawājah Naṣr al-Dīn, better known as the wise Juḥā, who wanted to teach a lesson to a narcissistic neighbor of his who cared about nothing but his own interests and never gave a thought to anyone else. Juḥā went to his neighbor's assembly room and said to him, "A cat has urinated on the wall of my house. What do you advise me to do, sir?" The neighbor replied, "You should tear it down, then build it again

seven times.” Juḥā was quiet for a moment, Then he said to the neighbor, “But it’s the wall that separates my house from yours, sir.” Taken aback at first by what he had heard, the neighbor looked at Juḥā and said, “Oh, I see. Well, then, Juḥā, a little water ought to be enough to take care of it.” To this day we don’t know whether Juḥā’s neighbor learned the lesson the wise Juḥā had wanted to teach him!

Be that as it may, the foregoing is a viewpoint which I present for consideration by minority leaders, leaders of Muslim communities abroad, and their legal consultation committees, who are encouraged to adopt whatever aspects of it they believe will help to preserve the Islamic religion and promote the best interests of Muslims, their countries, and their outreach to others.

NOTES

1. Abdullah Yusuf Ali's translation, *The Holy Qur'an: Text, Translation and Commentary*, New York, NY: Tahrike Tarsile Qur'an, Inc., 1987.

2. See *Sūrah al-Baqarah*, 2:217, 256; *Sūrah Āl 'Imrān*, 3:85-91, 100, 117; *Sūrah al-Nisā'*, 4:137; *Sūrah al-Mā'idah*, 5:54; and *Sūrah al-Nahl*, 16:106-110.

3. In a footnote on *Sūrah al-Ḥajj*, 22:17, Muhammad Asad identifies the Magians as "followers of Zoroaster or Zarathustra (Zardusht), the Iranian prophet who lived about the middle of the last millennium B.C. and whose teachings are laid down in the *Zend-Avesta*. They are represented today by the Gabrs of Iran and, more prominently, by the Parsis of India and Pakistan. Their religion, though dualistic in philosophy, is based on belief in God as the Creator of the universe" (*The Message of the Qur'an*, translated and explained by Muhammad Asad, Gibraltar: Dar al-Andalus, 1984, p. 507). [TRANSLATOR'S NOTE].

4. Narrated by Mālik in *al-Muwatta'*, as well as by al-Bukhārī and al-Bayhaqī. This hadith has been agreed upon [in this form] by all Muslim scholars with the exception of Abū Thawr Ibrāhīm ibn Khālid al-Kalbī, a companion of Imam al-Shāfi'ī and Imam Aḥmad, according to whom it was also permissible to marry Magian women and to partake of the meat of animals they had slaughtered. The prohibition against eating the meat of animals slaughtered by Magians may have been due to the fact that they did not drain off the blood of the animals they slaughtered. Being worshippers of fire, the Magians would also have presented their slaughtered animals to the fire, and in so doing, would be consecrating it to a being other than God, whereas we are instructed in the Qur'an that "He hath only forbidden you dead meat, and blood, and the flesh of swine, and that on which any other name hath been invoked besides that of God" (*Sūrah al-Baqarah*, 2:173). As for the practice of marrying Magian women, it is a known fact that religions characterized by esoteric doctrines in general, and Manichaeism in particular, are marked by an acceptance of licentious sexual practices.

5. For a brief exposition of the Magian religion as it relates to Islam, see http://www.islamreligion.com/pdf/en/zoroastrianism_part_2_of_2_5033_en.pdf.

6. See also *Sūrah al-Nahl*, 16:125; *Sūrah Muḥammad*, 47:32-35; *Sūrah al-Mu'minūn*, 23:107; *Sūrah al-Ra'd*, 13:40; and *Sūrah al-An'ām*, 6:107.

7. For more detail on this matter, see AbdulHamid AbuSulayman, *Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought*, IIIT: Washington, DC, 1986. The book's Arabic translation, undertaken by Dr. Nasser Ahmed al-Murshid al-Brayk, is entitled, *al-Nazariyyah al-Islāmiyyah li al-ʿAlāqāt al-Dawliyyah: Ittijāhāt Jadīdah li al-Fikr wa al-Manhajīyyah al-Islāmiyyah* [IIIT, 1993].

8. Qur'anic references from here on out are taken from Muhammad Asad, *The Message of the Qur'an*. [TRANSLATOR'S NOTE].

9. Both Abdullah Yusuf Ali and Asad understand the term *mutashābihāt* to refer to passages of the Qur'an that are figurative or metaphorical. [TRANSLATOR'S NOTE].

10. The Arabic term *tashābuh* cannot be taken to mean ambiguity or lack of clarity in the meaning of the Qur'an or its wording. God forbid that we should suggest such a thing concerning the book of God! On the contrary, the entire Qur'an is clear and detailed, being "a discourse in the Arabic tongue, free of all deviousness" (*Sūrah al-Zumar*, 39:28). Rather, as a number of scholars have suggested, the terms *tashābuh/mutashābih* must refer to the similarity that exists between certain Qur'anic stories, references and commands and those found in earlier sacred texts relating to historical events and divinely revealed messages which have been corrupted and adulterated with myths of one sort or another. The Qur'anic passage quoted above notes the fact that certain tendentious individuals exploit the similarity that exists between Qur'anic texts and earlier stories and references in order to interpolate myths, superstitions, fables and pagan beliefs into the Islamic message, even though it was these very elements that came to distort the thinking of earlier nations and communities and adulterated the divinely revealed messages they had received. Unfortunately, the acceptance of even a limited number of distorted texts can have the effect of corrupting the Islamic thought system and destroy many of its principles, just as a single drop of poison can destroy a heretofore healthy body in its entirety. Hence, no truck must be had with even a single text that conflicts with the universal truths, aims and principles of the Islamic thought framework. For this reason it is vital that we critique the content of the texts that come our way. Alas, however, some scholars have misunderstood the meaning of the terms *mutashābihāt/mā tashābaha* which occur in the passage above, interpreting them to refer to a lack of clarity. It was this mistaken understanding that opened the door wide in many Qur'anic commentaries, history books written by Muslim scholars, and hadiths, for the introduction of distortions, superstitions, myths, pagan beliefs and questionable Jewish lore into Islamic writings.

As we have seen, the introduction of such materials and beliefs into Islamic writings was made possible by a misunderstanding of the terms *mutashābihāt/mā tashābaha* on the part of some Muslim scholars, and by tendentious motives on the part of others. Whatever its cause, however, this phenomenon had proved highly destructive to the Muslim community, which continues to suffer its ill effects to this day. Hence, those who are engaged in attempts to weed out these destructive elements must continue in the critical study of prophetic hadiths – both their texts and their chains of transmission – from a sound Qur'anic perspective with the aim of ridding Islamic thought of false beliefs and noxious superstitions, be they overt or covert, particularly those originating from within Jewish lore, that have so undermined systematic, scientific Islamic thought.

The stories and information we encounter in the Qur'an about past nations, prophets, divinely revealed messages and events require no further detail or explanation derived from the religions or writings of bygone nations. All that should concern the Muslim is what is written in the Qur'an itself, while all further detail or interpretation – which is irrelevant to the reasons for this material's having been included in the Qur'an – should be left to God. The practice of interpreting the Qur'an based on details from previous revelations or the writings of bygone nations – which could conceivably be false or corrupted – merely opens the door to error, needless division, and backwardness. Therefore, it serves

no useful purpose for the Muslim, for if it did, such details would be found in the Qur'an itself.

The story of the Companions of the Cave told in *Sūrah al-Kahf* may serve as an example of the Qur'anic teaching on how to relate properly to the stories, events, and issues of relevance to earlier nations and the divine messages they received. God declares, "[And since the life of this world is but a test], dost thou really think that [the parable of] the Men of the Cave and of their devotion to] the scriptures could be deemed more wondrous than any [other] of our Messages?" (*Sūrah al-Kahf*, 18:9); "[And in times to come] some will say, '[They were] three, the fourth of them being their dog,' while others will say, 'Five, with their dog as the sixth of them' – idly guessing at something of which they can have no knowledge – and [so on, until] some will say, '[They were] seven, the eighth of them being their dog.'" (18:22); "And [some people assert], 'They remained in their cave three hundred years'; and some have added nine [to that number]. Say, 'God knows best how long they remained [there]. His [alone] is the knowledge of the hidden reality of the heavens and the earth: how well does He see and hear! No guardian have they apart from Him, since He allots to no one a share in His rule. And convey [to the world] whatever has been revealed to thee of thy Sustainer's writ. There is nothing that could alter His words; and thou canst find no refuge other than with Him'" (18:25–27).

11. There is a significant difference between research, study and dialogue on one hand, and vilification and defamation on the other. The former, which is based on thought, evidence and reasoned argumentation, takes place in lecture halls and forums for the exchange of knowledge, while the latter is based on nothing but insults, abuse, and assaults on others' dignity, such as when someone falsely accuses another's spouse or mother of impropriety, or hurls obscenities at what another holds most sacred, particularly if, in the process, he makes use of some sort of artistic medium – such as a song, a drawing, a poem, a novel, or some other form of written expression – to publicize his profane attack on the other's honor. In such a situation, the injured party is bound to be incensed, and may be satisfied with nothing less than seeing his attacker punished and stopped in his tracks. Many injured parties, in a moment of human weakness, might even respond by taking the law into their own hands without regard for the consequences. Hence, it is necessary to understand such dynamics and to prevent them from the outset, especially when the matter has to do with what peoples and nations hold most sacred.

12. Islam's only criticism of the religions that were revealed at the dawn of history is that they have been distorted, as a result of which it is impossible to be certain that the texts associated with them are accurate down to the last letter in their present form, and because each of the previously revealed messages came to a particular group of people, a fact which is acknowledged by researchers and scholars. The essence of what Islam calls upon all people to accept consists in the acknowledgment of God's oneness (*al-tawhīd*) and a commitment to righteous action in this earthly life: "Verily, those who have attained to faith and do righteous deeds – it is they, they who are the best of all creatures" (*Sūrah al-Bayyinah*, 98:7); "Say, 'Verily, my Sustainer has forbidden only shameful deeds, be they open or secret, and [every kind of] sinning, and unjustified envy, and the ascribing of divinity to aught beside Him – since He has never bestowed any warrant therefor on high – and the attributing to God of aught of which you have no knowledge'" (*Sūrah al-A'raf*, 7:33); "Say, 'O followers of earlier revelation! Come unto that tenet which we and

you hold in common: that we shall worship none but God, and that we shall not ascribe divinity to aught beside Him, and that we shall not take human beings for our lords beside God” (*Sūrah Āl ‘Imrān*, 3:64).

13. It may be fitting in this context to draw attention to steadily deteriorating childrearing practices and a waning sense of responsibility on the part of many parents, who neglect their children’s needs due to a preoccupation with material success and consumeristic pursuits. These phenomena reflect the Western onslaught on what remains of the stronghold of Muslim morality and social cohesion, namely, the family, as the incidence of divorce has reached unprecedented levels in Islamic societies. The issue of the family is inseparable, of course, from that of women and their role as mothers.

It is not our intention to go on at length about issues pertaining to the Muslim woman, which we have dealt with in our book entitled, *Azmat al-‘Irādah wa al-Wijdān al-Muslim* (Crisis in Muslim Will and Sentiment). As for the issue of the family and parenting, our intention is to devote an entire book to this topic, God willing. What concerns us here, however, is to refer briefly to the need to take an Islamically based legal stance that would help to prevent further deterioration of the family by curbing many young men’s tendency to rush into divorce without a thought for its consequences, especially as they impact women and children. There is an urgent need for Islamic legal councils to discuss means of restricting the possibility of obtaining a divorce to situations in which it is documented in the presence of a judge with a specialized jurisdiction over marital cases, and in which the divorce is announced to the wife or to her legal guardian.

This procedure would, first of all, require there to be deliberation and the presence of a clear, properly thought-out intention and determination prior to the occurrence of a divorce. This, together with a mandatory waiting period, would allow for careful, unhurried thought, consultation, and intervention by concerned parties. In addition, it would give the judge the right to advise the involved parties and to take action in pursuit of a reconciliation. This procedure would spell out the rights of the wife and children and document the times and places in which they apply, while ensuring that the woman is not prevented from remarrying, as may happen if the husband tells his wife that he is divorcing her, then attempts to extricate himself from the situation by denying what he said to her, thereby placing the woman in a painful and awkward position.

The statement by which a man divorces his wife has no sanctity in and of itself. Rather, its intended purpose is to express a serious intention to part with one’s spouse. Realizing the purpose for these words [that is, the words, “You are divorced,” which a man is permitted to utter to his wife in initiation of a divorce] and determined to ensure that the Prophet’s Companions did not take their use lightly, the rightly guided caliph ‘Umar ibn al-Khaṭṭāb was very strict with them about the matter of divorce. The Qur’an states clearly that in order for a divorce to be final, it must be affirmed no fewer than three times: “A divorce may be [revoked] twice, whereupon the marriage must either be resumed in fairness, or dissolved in a goodly manner” (*Sūrah al-Baqarah*, 2:229). When some [of the Companions] had the temerity to utter the declaration of divorce three times in succession, ‘Umar (may God be pleased with him) told them, “Given your haste to bring about a certain event, I will make certain that it takes place.” And of course, as ‘Umar had anticipated, the Companions began thereafter to exercise more self-restraint in this connection.

When people became lax and ignorant of many things pertaining to their religion, men began uttering the divorce pronouncement with excessive ease in a display of their authority over their wives, swearing that they would divorce them unless they got something they wanted, or if their wives did something they did not want them to do. In response to this development, the great shaykh of Islam Aḥmad ibn Taymiyyah diverged from the theretofore unanimously held view among Muslim scholars and ruled that the utterance of a pronouncement of divorce three times would be equal to a single time only. Then Muslim scholars would be required to rule on whether the pronouncement concerned had hung upon some other matter, that is, whether it had been tantamount to a vow that the man would divorce his wife [unless she complied with his wishes in connection with something or other]. If it was determined that this was the case, the man who had uttered the pronouncement would be declared guilty of a sin before God; he would then be required to offer the atonement associated with the breaking of an oath [cf. *Sūrah al-Mā'idah*, 5:89, TRANSLATOR], and no divorce would be granted. In fact, some scholars went so far as to hold that when foolish, ignorant individuals uttered pronouncements of divorce in an irresponsible, unthinking manner, the circumstances under which such pronouncements had been made were to be investigated, along with the intent behind them, in order to prevent children from being needlessly orphaned through no fault of their own. Faulty practices such as these – whose harmful effects extend beyond the family to many other, equally important areas of life – can all be addressed through sound child-rearing and education. Therefore, it is to be hoped that, by examining the circumstances of the Muslim community and their future implications in light of the higher aims and texts of Islamic law, Muslim scholars will issue rulings on vital family issues which will serve to preserve the family and protect it from the dangers that threaten it.