



# Prophet Muḥ ammad and Religious Freedom: An Analytical Study

Mudasir Ahmad Sofi<sup>1</sup>, Shahzad Bashir<sup>2</sup>

<sup>1</sup>Shah-i-Hamadan Institute of Islamic Studies, University of Kashmir-Srinagar (J&K)

<sup>2</sup>Shah-i-Hamadan Institute of Islamic Studies, University of Kashmir-Srinagar (J&K)

## ABSTRACT

*The term freedom includes all its aspects as freedom of religion, expression, conscience, thought etc. Islam, right from its inception, has been deeply concerned about liberating the human beings from every kind of servitude. Recognizing only these as the key to salvation, the Qur'an as well as the Sunnah have nevertheless been understood to provide enough freedom to humans to accept or reject a particular faith/ideology/interpretation on the basis of personal conviction. The decision regarding one's ultimate destiny in the hereafter has been left to God. Exception to that, however, seem some aḥ ādīth of the Prophet prescribing gravest penalties for non-profession or renunciation of faith that have created considerable debate and controversy both among the Muslim as well as non-Muslim scholarship. This paper will try to engage afresh with that debate specifically in the light of the Prophetic Sunnah, the personification of the Qur'an itself, to see if, what and how it can contribute towards a globalized and pluralistic society.*

**Key Words:** Apostasy, Freedom, Human Rights, Sunnah.

## 1. INTRIDUCTION

Islam, based on its primary sources of Qur'an and Sunnah, calls itself to be the only preserver and inheritor of the true teachings of God as well as the inheritor of the legacy of the prophets. Despite the claim that the final salvation of man lies in following the footsteps of the Prophet Muhammad, the primary texts of Islam have been humble enough to care for the basic human sensitivities. The freedom of religion is one such area wherein Qur'an as well as Sunnah guide their followers to live in peace and harmony in a world of differing ideas and inclinations. Also the Muslim jurists continuously engage in the practice of exhaustive interpretation called *ijtihād* to discern for common masses the intent of the texts wherever and whenever the need arises. The concept of freedom of religion has attracted the attention of jurists from ages and despite having a kind of consensus the issue of conversion or reversion (apostasy) has remained a debate. This study aims to find a legally prescribed punishment set down in the Qur'an and clarified in the Sunnah for apostasy in the sense this term is used. The body of evidence regarding apostasy includes the Qur'an and the words and actions of the Prophet which allows us to evaluate if there is a specified, legally prescribed punishment in Islam for the crime of altering one's beliefs. It has to be noted that the individual has not associated the act of changing his doctrinal beliefs with criminal action like rebellion against the community or its statutes, nor against its legitimate leadership, whether



political or religious. S/he has not threatened the community in any way, and has only changed his/her doctrinal position.

## 2. RELIGIOUS FREEDOM IN ISLAM

The term “freedom” is not mentioned in its literal sense in the *Qur'an*. However, the phrase *tahrīr* i.e. ‘freeing (someone)’, from the root word *Hurr*, appears five times in it.<sup>1</sup> Similarly, in *Hadith* literature, besides *Hurr*, we find another synonymous term *itq* which also implies ‘the emancipation of a slave.’<sup>2</sup> Nevertheless, for Muslims, the foundational era for the formation of ideas about freedom of belief and religion is found in the lifetime of the Prophet Muhammad (570- 632 C.E). Later developments in Islamic thought on religious freedom are based on the concepts and practices that existed and evolved during this period. Two primary sources provide insight into the understanding of religious freedom in this early period: the *Qur'an* and the *Hadith*. These sources provide the central basis for Islamic norms, values, and laws.

“There is no compulsion in religion”<sup>3</sup> is one of the clearest *Qur'anic* verses expounding the freedom regarding religious beliefs. “The Truth is from your Lord; so let him who wills believe and let him who wills disbelieve.”<sup>4</sup> Enjoining the spirit of freedom further the *Qur'an* says, “We have truly shown him the way; he may be thankful or unthankful.”<sup>5</sup> At another place it says, “Clear proofs have indeed come to you from your Lord: so whoever sees, it is for his own good; and whoever is blind, it is to his own harm...”<sup>6</sup>

The *Qur'an* also indicates that the duty of the Messenger is only to deliver the message of God and no more. “If they accept Islam, then indeed they follow the right way; and if they turn back, (then) your duty (O Prophet) is only to deliver the message.”<sup>7</sup>

The *Qur'an* tells us that it is in the natural order of things, as per the Divine scheme, that while some people believe others do not, and no human being can or should apply compulsion to others in this regard. The *Qur'an* tells the Prophet: “And if your Lord had pleased, all those who are in the earth would have believed, all of them. Will you then force people till they are believers?”<sup>8</sup>

The *Qur'an* addresses all nations and directs them to do good deeds and it is God who will have a final say in their differences:

To each among you We have prescribed a law and a clear way. If Allah willed, He would have made you one nation, but that (He) may test you in what He has given you; so strive as in a race in good deeds. The return of you (all) is to Allah; then He will inform you about that in which you used to differ.<sup>9</sup>

<sup>1</sup> Al-Qur'an, 4:92 (thrice), 5:89 (once), 58:3 (once). The word *Hurr* also appears once (2:178).

<sup>2</sup> Imam Bukhari, *Ṣaḥīḥ*, Riyadh: Darussalam, 1999, Hadith no. 2519, 2526 and 2553. Abu Dawud, *Sunan*, Riyadh: Darussalam, 2000, Hadith no. 2952. Imam Nasa'i, *Sunan*, Riyadh: Darussalam, 2000, Hadith no. 4699. See also, Raghib Isfahani, *Mufradāt*, Damascus: Dar-ul-Qalam.

<sup>3</sup> Al-Qur'an, 2:256.

<sup>4</sup> Al-Qur'an, 18:29.

<sup>5</sup> Al-Qur'an, 77:3. See also 17:7.

<sup>6</sup> Al-Qur'an, 6:104.

<sup>7</sup> Al-Qur'an, 3:20. See also 5:92, 6:107, 10:108, 13:40, 24:54, 27:92, 39:41, 64:12, 88:21.

<sup>8</sup> Al-Qur'an, 10:99.

<sup>9</sup> Al-Qur'an, 5:48.



Numerous other Qur'anic texts emphasize the Prophet's responsibility to communicate the messages he received from God, while allowing his listeners the freedom to make decisions about what to believe. There is no place for forced conversion. As far as Prophet's own approach to the issue of freedom of belief is concerned, one example of his will suffice us here and that is reflected in the famous document often referred to as the Constitution of Medina. The text, which is essentially a written agreement between the various religious communities and tribes of Medina, makes no reference to restrictions on religious freedom. The constitution accepts Medina as a multi-religious society in which each community manages its own internal affairs and follows its own religious norms and rules. For example it says:

The Jews of Banu 'Awf, together with Muslims, constitute an *umma* (group). The religion of the Jews is for themselves, the religion of Muslims for themselves. This includes both their brothers and themselves personally.<sup>10</sup>

### 3. FREEDOM OF RELIGION IN ISLAM WITH SPECIAL REFERENCE TO *IRTIDĀD* (APOSTASY)

As already seen that the Qur'an as well the *Sunnah* have allowed complete freedom to people either to adopt or reject the invitation of Islam. As far as accepting Islam and then reverting back to the former faith or simply leaving Islam by a born Muslim without necessarily accepting any other faith is concerned, the issue is a different story. The Qur'an has considered apostasy (*Irtidād*) a grave sin. There were some Muslims who rejected Islam and then returned, only to reject it a second or even a third time.<sup>11</sup> Yet the Qur'an does not mandate the death penalty in any of these cases. Instead, it specifies for them a severe punishment in the life after death.

As for one who denies God after he has believed, with the exception of one who is forced to do it, while his heart rests securely in faith, but one who opens his heart to a denial of truth shall incur the wrath of God; such as these will have a terrible punishment.<sup>12</sup>

As far as *ahādith* are concerned, there is an interesting account, both in Bukhari and Muslim, that tells us about a man from Banu Najjar who accepted Islam, recited *Surah al-Baqarah* and *Surah al-Imran*, recorded the revelation for the Prophet and then reverted back to his earlier faith. The sources make no mention of any punishment but simply tell us that the man later died as a Christian.<sup>13</sup> One more Hadith in Bukhari says that a man came to Medina and converted to Islam. Shortly after his arrival, this man wanted to return to his former religion and asked the Prophet for permission to do so. The Prophet, though denied him the permission, let him leave freely without imposing any punishment on him.<sup>14</sup> There is, however, another hadith that talks about one

<sup>10</sup> Ibn Hisham, *Sīrah al-Nabi*: Delhi: 'Iteqad Publishing House, 1982, p. 522; See also, C. Kurzman, ed., *Liberal Islam: A Sourcebook*, New York: Oxford University Press, 1998, pp. 171-173.

<sup>11</sup> Al-Qur'an, 63:3.

<sup>12</sup> Al-Qur'an, 16:106. See also, 3:90, 4:137, 5:54.

<sup>13</sup> Bukhari, *Ṣaḥīḥ*, 3617; Imam Muslim, *Ṣaḥīḥ*, Riyadh: Darussalam, 2008, Hadith no. 2781.

<sup>14</sup> Bukhari, *Ṣaḥīḥ*, 7322; See also, Saeed and Saeed, *Freedom of Religion, Apostasy and Islam*, Aldershot: Ashgate Publishing, 2004, p. 83.



Abdullah Ibn Sa'd who also recorded for the Prophet and then again joined the unbelievers. After the conquest of Makkah the Prophet instructed to kill him. But in response to Uthman's request, Prophet left him unhurt.<sup>15</sup>

However, some traditions do talk about apostasy and its severe consequences. One such Hadith is narrated by Ikrimah who reported from Ibn Abbas that the Prophet said: "Whoever discards his religion, kill him."<sup>16</sup> Another Hadith narrated by Ibn Mas'ud states:

The blood of a Muslim who bears witness that there is no God but Allah and that I am the Prophet is forbidden except one of these three persons: intentional murderer, married adulterer and one who leaves his religion and departs from the society.<sup>17</sup>

This Hadith clearly mentions that the death penalty is imposed on the apostate who does not only leave the religion of Islam but also departs from the Muslim community. Bukhari mentions another incident about some people who came to Medina and accepted Islam. Then they fell ill and Prophet advised a remedy and sent them to a place where camels were sheltered. After recovering these men killed the shepherd and stole all the camels. Upon Prophet's advice they were captured and later killed.<sup>18</sup>

Based upon this evidence as well as the "riddah wars" or "wars of apostasy" fought during the caliphate of Abu Bakr (632–634 CE), the classical exegetes and jurists almost unanimously agreed upon the strict approach taken towards apostates.<sup>19</sup> Accordingly all the major schools of Muslim jurisprudence more or less prescribed the death sentence for the one leaving the religion of Islam. It was only centuries later that jurists like al-Shawkani (d. 1834) and Ibn Taymiyyah (d. 1328) scrutinized Abu Bakr's era and its special circumstances. While upholding the death sentence for an apostate, they nevertheless observed that fatal actions were taken due to certain historical events taking place during the later times of the Prophet and the times of

<sup>15</sup> Abu Dawud, *Sunan*, 4358; Nasa'i, *Sunan*, 4069.

<sup>16</sup> Bukhari, *Ṣaḥīḥ*, 6922. See also, Nasa'i, *Sunan*, 4059. Ibn Majah, *Sunan*, 2632. Tirmidhi, *Jami'*, 1458. Abu Dawud, *Sunan*, 4351. The status of this hadith is worthy of discussion before embarking into further discussion on apostasy. Besides being *ahad* (solitary i.e. it was narrated by one person), some traditionalists claim that this hadith is also *mursal* (one with incomplete narration) and, thus, they opine, cannot be relied upon as a solid authority. Furthermore, no explanation of the circumstances that might have occasioned this hadith can be found, although it is believed that the event behind the revelation of this hadith was said to be related to the act of treason and rebellion. Certain historical events were taking place during the later time of the Prophet and during the era of Abu Bakr. Therefore, this hadith, they opine, should not be understood in a general sense as a punishment for simple apostasy. Another interesting observation by others is that this hadith could be said to have been influenced by the Jews and Christians, and it was revealed during the time where people of different denominations changed their religion one after another. Moreover, the so-called oral culture was prevalent in Hijaz and particularly dominant among the Jewish people. The hadith could have been influenced by the Jewish saying that "it was necessary to kill anyone who left Judaism." Or maybe the Prophet ordered to kill any convert with any religion and not necessarily Muslims only. Otherwise the hadith would have specifically mentioned that whoever among Muslims changes his religion, put him to death. See Taha Jabir al-Alwani, *Apostasy in Islam: A Historical and Scriptural Analysis*, London: IIIT, 2012. See also, Samuel Hosain Lamarti, *The Development of Apostasy and Punishment Law in Islam*, Ph.D. Thesis, Glasgow University, Scotland, UK, 2002.

<sup>17</sup> Bukhari, *Ṣaḥīḥ*, 6878; Ibn Majah, *Sunan*, 2631; Tirmidhi, *Jami'*, 1402; Muslim, *Ṣaḥīḥ*, 1676; Nasa'i, *Sunan*, 4057; see also, Abu Dawud, *Sunan*, 4352.

<sup>18</sup> Bukhari, *Ṣaḥīḥ*, 6804.

<sup>19</sup> However there are early voices of disagreements with the overwhelming majority like those of Umar ibn al-Khattab, Sufyan al-Thawri, Ibrahim al-Nakhi. See Taha Jabir Alwani, *Apostasy in Islam: A Historical and Scriptural Analysis*, London: IIIT, 2012, p. 10.



Abu Bakr. Their readings (nevertheless) signify that fighting the series of *riddah* wars against certain Muslim groups was, besides their apostasy, also because of their rebellion, treason and oppression that brought harm to the society.<sup>20</sup>

Accordingly, many contemporary scholars have been arguing that leaving Islam is more of a spiritual offense, and the final decision will be reserved for the hereafter.<sup>21</sup> According to Mohammad Hashim Kamali this observation is supported by the fact that the Prophet never put anyone to death for a mere renunciation of the faith. Indeed, there were cases when certain individuals apostatized after professing Islam, yet the Prophet did not penalize them, let alone condemn them to death.

He goes on to say thus the apostate must boycott the community and challenge its legitimate leadership for being subjected to the death penalty.<sup>22</sup>

The Syrian scholar late Said Ramadan al-Buti is of the view that the sanction for apostates is imposed upon those who, rather than discreetly, openly denounce their faith.<sup>23</sup> Other contemporary scholars like Abdullah Saeed and Hassan Saeed comment that:

The overall picture that emerges from a variety of verses in different contexts in the Qur'an is that apostasy is a 'sin' for which there is no temporal punishment. These Qur'anic verses and hadith passages are referring to criminals, who waged war against the early Muslim community in the ancient Arab, and not to any apostates.<sup>24</sup>

Based on the discussion above, it is clear that contemporary scholars are of the opinion that the choice of religion is a personal matter, and the state should stay away from any kind of intervention. However, a difference is to be made here between giving up a particular religion and creating a mockery of religion. The latter, that can certainly pose a threat to the established social order and would probably need a strict approach from the authorities at the helm of affairs, is beyond the scope here and demands another study.

#### 4. CONCLUSION

Freedom of Religion is a right of a person to adopt religious beliefs according to his/her own conscience and to give public expression to these beliefs in worship and teaching and can be restricted only by the requirements of public order. The Qur'an altogether excludes compulsion from the sphere of religion. In fact it is full of

<sup>20</sup> Muhammad al-Shawkani, *Nayl al-Awtār Sharḥ Mantaqa al-Akḥbār* (Achieving Aims From the Choicest Traditions), Beirut: Dar al-Ma'ārif, 1973, p. 160. See also, Ibn Taimiyyah, *al-Sārīm al-Maslūl 'alā Shātim al-Rasūl* (The Drawn Sword For One Who Insults Prophet), Beirut: Dār al-Kitāb, 1978, p. 5.

<sup>21</sup> Abdulaziz Sachedina. "Freedom of Conscience and Religion in the Qur'an." In *Human Rights and the Conflict of Cultures: Western and Islamic Perspectives on Religious Liberty*, ed. David Little, South Carolina: University of South Carolina, 1988, p. 58. See also Mahmud Shaltut, *al-Islām: 'Aqīdah wa Shari'ah* (Islam: Belief and Law), Cairo: Dār al-Shurūq, 2002, pp. 292–93.

<sup>22</sup> As cited in Mohamad Hashim Kamali. *Freedom of Expression in Islam*. Cambridge: Islamic Text Society, 1997.

<sup>23</sup> Said Ramadan al-Buti, *Hurriyyah al-Insān fī ḡill al-Ubūdiyyah Allāh* (Man's Freedom Under His Servitude To Allah) Damascus: Dār al-Fikr, 2004, p. 85.

<sup>24</sup> Abdullah Saeed, and Hassan Saeed, *Freedom of Religion, Apostacy and Islam*. Aldershot: Ashgate Publishing, 2004.



statements showing that belief in any religion is a person's own concern, and that s/he is given the choice of adopting one way or another. If s/he accepts the truth, it is for his/her own good, and that, if s/he sticks to error, it is to his/her own detriment.

Most importantly, there appears to be no single verse of the Qur'an that specifies any kind of worldly punishment for converting from Islam, let alone execution. Thus the Qur'an does not specify a temporal punishment for apostasy. This is especially significant considering that the Qur'an directly describes episodes that bear on the issue of apostasy. The absence of a this-worldly civil penalty is understandable given the Qur'an's emphasis that belief is essentially a matter between the individual and God.

Furthermore, there is no evidence to indicate that the Prophet Muhammad himself ever imposed the death penalty on any apostate for a simple act of religious conversion from Islam. If such evidence had existed it would have provided the necessary prophetic authority to back the death penalty. The right to freedom is a blessing and fundamental need of every individual to live as useful member of human society. None is allowed to misuse his/her right to freedom when especially the freedom of other individuals or the fabric of the society is harmed.

The contemporary scholars are of the opinion that the choice of religion is a personal matter, and the state should stay away from any kind of intervention. However, a difference is to be made here between giving up a particular religion/interpretation and creating a mockery of religion. The latter, that might pose a threat to the established social order and would probably need a strict approach from the authorities at the helm, is beyond the scope here and would demand another study.