



# **THE RULING REGARDING APOSTASY IN ISLAAM**

Shaykh Rabee' bin Haadee al-Madkhali

## SHAYKH RABEE' BIN HAADEE 'UMAYR AL-MADKHALEE

*(hafidhahullaah)*

### ON THE 'FATWA' OF THE MUFTI OF EGYPT ALLOWING APOSTASY FROM ISLAAM!<sup>1</sup>

20<sup>TH</sup> SHA'BAAN 1428 AH/2<sup>ND</sup> SEPTEMBER 2007 CE

#### WITH A SPOTLIGHT BY SALAFIMANHAJ.COM ON THE RECENT MODERNIST INTERPRETATIONS OF THIS ISSUE MENTIONED IN THE MEDIA

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<sup>1</sup> From <http://www.salafyoun.com/showthread.php?t=3618> and also <http://sahab.net/forums/showthread.php?t=350713>

When we discuss apostasy and its punishment in Islamic law, tradition and scholarship we in no way suggest that the common Muslim has the right to implement its punishment whenever he feels like within a non-Muslim country, or for vigilante Muslim groups to search out those who commit this crime in order to enact the punishment within a non-Muslim or Muslim country. Rather, we highlight its strong basis within Islaam due to the evidences and based on it being something which the Muslim leader and ruler implements as it is a crime against an Islamic state. Now one may ask with regards to us translating this into English: “**Yes, but why is a Muslim discussing the Islamic punishments within the UK?**”, there are a number of aspects to this:

1. Is it illegal to discuss Islamic laws? No it is not, so what's the problem?
2. Some non-Muslims frequently discuss the Islamic laws and Islamic punishments, indeed some have even made a career out of discussing them and misinterpreting them! Hence, the need by Muslims to clarify.
3. Some Muslim youth have misconceptions and really do think that the Islamic punishments can be carried out within non-Muslim countries, upon non-Muslims and on Muslims after making *takfeer* of them – again emphasising the need for Muslims who are qualified to clarify their reality and where such legislation should be rightly established.
4. Furthermore, some Muslims are quick to make *takfeer* of other Muslims based upon *baatil* (falsehood) and brand them as being apostates at a whim. For example, the blind follower of Aboo Hamza al-Misree, Aboo 'Abdillah Atilla al-Qubrusee frequently referred to a certain Muslim organisation in the UK as being the '*Murtad Council of Britain*' (!!) making *takfeer* of them based on his desires, *ghuloo*' and *baatil* – hence the need to clarify issues of apostasy so that Muslims are aware of the balanced understanding between the extremes.

[Translator's Note]

All praise is due to Allaah and may peace and blessings be upon the Messenger of Allaah, his family, his companions and those who follow his guidance.

To proceed:

I read an article that was published by the newspaper *al-Madeenab* in its supplement entitled *ar-Risaalah* dated: Jumu'ah 13 Rajab 1428 AH corresponding to 27 August 2007 CE regarding the *fatwa* of the Mufti of Egypt wherein he allows new Muslims to apostatize back to Christianity.<sup>2</sup>

The points made in the article are

1. **“The fatwa was made by the Egyptian Mufti Dr 'Ali Juma’<sup>3</sup> wherein he allowed apostasy from Islaam for the Egyptian religious establishment which controls three main authorities: al-Azhar (as the highest religious body in Egypt),<sup>4</sup> the Ministry of Endowment which is responsible for da’wah and supervises the (Imaams on the) minbars and then the Egyptian Daar ul-Iftaa’ which is linked to the Egyptian Ministry of Justice.”**
2. The Mufti of Egypt said, as is reported in the article: **“From a religious perspective, the act of abandoning one’s religion is a sin punishable by Allaah on the Day of Judgement. If the case in question is one of merely rejecting eemaan, then there is no worldly punishment. If however, the crime of undermining the foundations of the society is added to the sin of apostasy, then the case must be referred to a judicial system whose role is to protect the integrity of the society. Otherwise, the**

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<sup>2</sup> The article was firstly published in English for the *Washington Post* and *Newsweek*, but then when it got back to 'Ali Juma he tried to retract the statement and said that he was misquoted! So when he presented his words to a Western audience there seems to be a degree of pandering for their benefit but when this gets back to Arab Muslim readers some try to change the tune! So the likes of these *fataawaa'* are just to please and pander to Western audiences. See: <http://www.metimes.com/storyview.php?StoryID=20070726-084057-8959r> also see: <http://www.almasry-alyoum.com/article.aspx?ArticleID=75920> for more on this debate taking place in Egypt. [TN]

<sup>3</sup> Sometimes spelt in English as “Ali Gumaa”. [TN]

<sup>4</sup> It seems to be a regular occurrence for *al-Azhar* to issue some of the strangest *fataawaa'*, just recently Ezzat Atiya head of the *Department of Hadeeth* at *al-Azhar* (!!?) stated that a man can suck on the breasts of a woman in order for her to become *mahram* to her and thereby allow her to be secluded with a man in the workplace for example!!!? The university president Ahmed at-Tayib sacked Ezzat Atiyah after the fiasco. Atiyah stated that if a man sucked on a woman’s breast several times a day she could remove her *hijab* in front of him and he could be alone with her, as she would become his mother by *Ridaa’aa*!!!? It was widely reported in the Arabic and Middle-Eastern media and even prompted a debate in the Egyptian Parliament. See: <http://weekly.ahram.org.eg/2007/851/profile.htm> [TN]

matter is left until the Day of Judgement and is not to be dealt with in the life of this world.”

3. He also said in his *fatwa*, as mentioned in the article: **“These Christians and apostates from Islaam, as defined by fiqh, their civil rights are a matter for the state administration (to decide upon) and do not go back to the Shar’i view depending on the benefits and harms. The approval of this is for the constitution and existing laws (to implement) and (they also take into consideration) the extent of its impact on national security and safety. All of this is related to the lives of the citizens and the administration is responsible for this regardless of the religious judgement in the issue.”**
4. The reporter of the article then transmitted the position of those supporting this fatwa saying: **“A number of fuqahaa, liberal thinkers and law specialists in Egypt agreed with the new fatwa which views that there is no had punishment for apostasy. And the Prophetic hadeeth which indicates that the apostate is to be executed then the intent was as a political punishment due to treachery against the nation and not a punishment due to belief.”**

I say: it is from the strange signs of the times that the likes of this *fatwa* and its likes from the Mufti of Egypt are issued, who is a Mufti of a large Islamic country. You will also find that this *fatwa* has supporters from *fuqahaa*, thinkers, liberals and law specialists due to it saying that there is no *Hadd* punishment for apostasy within Islaam.<sup>5</sup> The situation gets even worse when you find

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<sup>5</sup> **Translator’s Note:** There are some further points that we can add to this issue and in dealing with those who constantly object to the Islamic *Hadd* punishment for apostasy:

1. Within the West there are certain crimes which were/are punishable by execution such as piracy, high treason and for burning any of the Queen’s ships and dockyards in the UK - all these were punishable by death in the UK up to the 1970s, even though capital punishment was abolished in the UK in 1965 CE. Furthermore, the crime of giving away secrets to other nations is also punishable by death in many Western countries up to this day. Julius and Ethel Rosenberg, Jewish American Communists, were executed for espionage in 1953 for passing nuclear weapons secrets to the Soviet Union.
2. The fact that someone would commit open apostasy in a country where the punishment for it is well known is like a political statement of rebellion. In Islaam there is no separation between religion and state so rebellion against the religion is considered to be rebellion against the state. Moreover, it causes socio-political disruption within the Islamic society. But as for an apostate who keeps it to themselves and this is found out then such an individual is taken to court and asked about their situation, but there are no inquisition courts or the like. Moreover, the one who apostates and moves to another country then the Islamic state does not go out searching the whole world for that individual, and the same is for

out that due to this *fatwa* 400 Muslims apostatized back to Christianity as they found an open door in front of them to whoever wanted to abandon Islaam within a Muslim country. And the one who opened the door for them was none other than the Mufti of Egypt and his supporters in this matter based on their claim that there is no *Hadd* punishment for apostasy in Islaam and most of these people speak in the name of Islaam. the Mufti also considers that the issue of apostasy is not an Islamic concern, rather a security concern and I do not know if this is down to their ignorance of the Sharee'ah or their feigning ignorance of it.

The statement of the Mufti, if it is correct that he said this, is that clearly that neither Allaah and His Messenger nor the *deen* has a legal judgement on those who commit the crime of apostasy in the *dunya* and that the ruling of this issue is referred to the constitution and man-made laws which are influenced by democracy and disbelieving Western constitutions. These are laws which give people personal freedom in religion and behaviour as long as he does not conflict with these misguided laws – which opposed the Islamic Divine Legislation of the seal of the Prophets. With this, the Mufti and those with him opposed the texts from the Qur'aan, the Prophet and the *ijmaa* of the 'Ulama of the *Ummah*.<sup>6</sup> Allaah says in clarifying the position of His prophet,

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anyone who openly apostatized outside of the Muslim world it is not for the Islamic state to send out executioners, this is not from Islaam and never occurred in Islamic history. As a result, the so-called '*fataawaa*' from the likes of al-Khomeini against certain apostates in the West were rejected as it based on an incorrect understanding of applying the Islamic *hadd* punishment for apostasy.

3. The child or insane person is not executed for apostasy because they are exempted and the Prophet (*sallallaahu 'alayhi wassallam*) said; "*The pen is lifted from three: the child until he matures, the sleeping person until he awakes and the mad person until he comes to his senses.*" Reported by Aboo Daawood and Imaam al-Albaanee (*raheemahullaah*) graded it *Saheeh* in his checking of *Sunan Abee Daawood*. The *hadeeth* is also reported by at-Tirmidhee in his *Sunan* and Imaam Ahmad in *al-Musnad*.
4. As the saying goes "people in glass houses should not throw stones" and it is rather odd for people to object to this law yet say absolutely nothing about the thousands upon thousands that are killed via atom bombs being dropped on them, oppressed by occupying forces, raped, pillaged and the likes, so where is the 'justice' here then??

<sup>6</sup> It is common to hear he claims that the Salafis are a recent phenomena who disregard a millennia's worth of Islamic tradition and scholarship, yet when the likes of such back-bending '*fataawaa*' are given by those from the so-called 'traditional Islamic centres' not a word is said about them neglecting, over-looking and ignoring hundreds of years of Islamic tradition and scholarship. Indeed, it is only the Salafis who are defending and supporting the rights of what the religion says along with explaining the correct context of the issues at hand.  
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**“But no, by your Lord, they will not [truly] believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission.”**

{*an-Nisaa* (4): 65}

And Allaah says,

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**“So let those beware who dissent from the Prophet’s order, lest fitnah strike them or a painful punishment.”**

{*an-Noor* (24): 63}

And Allaah says,

**“And whatever the Messenger has given you take; and what he has forbidden you refrain from.”**

{*al-Hasbr* (59): 7}

Allaah instructed us in many verse of the Qur’aan to obey Him and His Messenger and to follow His Messenger and what was revealed to him. So where are you O Mufti and those with you from the saying of the seal of the Prophets (*sallallaahu ’alayhi wassallam*) which was reported by a number of trustworthy companions, such as:

1. The hadeeth from Ibn 'Abbaas (*radi Allaahu 'anhu*) is relayed by a number of Imaams such as Imaam al-Bukhaaree who said in his *Sabeeh* in the chapter *Kitaab Istataabat ul-Murtaddeen wa'l-Mu'aaniddeen wa Qitaalabum* [Dealing with the Apostates and Those who Stubbornly Hate Islaam and Confronting Them], hadeeth no.6923; Imaam Shaafi'ee in *al-Umm* under the title '*al-Murtaddeen 'an il-Islaam*' [Those who Apostate from Islaam], vol.1, p.257 and he discusses the ruling upon the apostate and says that the apostate is to be executed after making repentance and he mentioned the relevant verses and *abaadeeth* about apostasy and the apostates; al-Humaydee in his *Musnad* mentioned this hadeeth from Ibn 'Abbaas, hadeeth no.533; Aboo Daawood in *Kitaab ul-Hudood*, the chapter on the ruling of those who apostatize; an-Nisaa'ee also in the chapter on the ruling of the apostate, hadeeth no.4059; at-Tirmidhee in his chapter on 'What has Arrived Regarding the Murtad' and it includes the text of the full hadeeth: Imaam al-Bukhaaree (*raheemahullaah*) said: Aboo 'Uthmaan Muhammad bin al-Fadl narrated to us: Hamaad bin Zayd narrated to us: from Ayyoob from 'Ikrimah who said: the heretics were brought to 'Ali (*radi Allaahu 'anhu*) and he executed them by fire and this news reached Ibn 'Abbaas who said: "If it was me I wouldn't have executed them by fire due to the forbiddance of doing this by the Messenger of Allaah (*sallallaahu 'alayhi wassallam*): "Do not punish with what Allaah punishes with (i.e. fire)." I would have executed them on account of what the Messenger of Allaah said when he stated "whoever changes his religion – kill him (i.e. execute)"." This was reported by al-Tirmidhee via another route via Ayyoob from 'Ikrimah and then said about the hadeeth: **"It is Hasan Saheeh and the Ahl ul-'Ilm acted on this in regards to the Murtad and they differed in regards to the woman who apostatizes from Islaam. a group of Ahl ul'Ilm said: she is to be executed and this was the view of Imaams al-'Awzaa'ee, Ahmad and Ishaaq bin Raahawayh. Another group of Ahl ul-'Ilm said: she is to be imprisoned and not executed and this was the views of the Imaam Sufyaan ath-Thawree and others from the people of Koofah."** Tirmidhee's saying **"Ahl ul-'Ilm acted on this"** is in regards to the male apostates and he did not mention any difference of opinion in this regard and only mentioned a difference of opinion in regard to the female apostate. This benefits us in that we see that the *'Ulama* had a consensus on the execution of the male apostate.
2. Where are you O Mufti and those with you from the saying of the Messenger of Allaah (*sallallaahu 'alayhi wassallam*) which was relayed by the glorious companion Ibn Mas'ood

(*radi Allaahu 'anhu*): "The blood of a Muslim person who bears witness that there is no god worthy of worship except Allaah and that I am the Messenger of Allaah is not permitted to shed except in three instances: for committing the crime of murder (killing a soul); committing adultery and for abandoning his *deen* and leaving the *Jama'ah*." Meaning here: the apostate from Islaam, the hadeeth is agreed upon and was narrated by al-Bukhaaree in *Kitaab ud-Deeyaat* [Book of Blood Money] in the chapter on the saying of Allaah 'an-Nafs bi'n-Nafsin wa'l-'Aynu bi'l-'Ayn' [a soul for a soul and an eye for an eye], hadeeth no.1878. Al-Bukhaaree stated: Aboo Bakr bin Abee Shaybah narrated to us: Hafs bin Ghiyaath, Aboo Mu'aawiyah and Wakee' narrated to us: from 'A'mash: from 'Abdullaah bin Marrah: from Masrooq: from 'Abdullaah (Ibn Mas'ood) who said: The Messenger of Allaah (*sallallaahu 'alayhi wassallam*) said "The blood of a Muslim person is not permissible to shed." Muslim reported in a chapter *Maa yubaah bibi Damm ul-Muslim'* hadeeth no.1676 via the route of Ibn Mas'ood; an-Nasaa'ee reported the hadeeth in his *Sunan* in *Kitaab ul-Tabreem id-Damm* [Book of the Prohibition of Shedding Blood] in the chapter *'Ma yabill bibi Damm il-Muslim'*, hadeeth no.4016 from Ibn Mas'ood; at-Tirmidhee mentioned in his chapters on blood money had a chapter on 'What has arrived regarding the blood of a Muslim person which is not permissible to shed except in three instances', hadeeth no.1402; an-Nasaa'ee reported in *Baab ul-Qawd*, hadeeth no.4721 with an *isnad* from Shu'bah from Sulaymaan (meaning al-'A'mash) who said: I heard 'Abdullaah bin Marrah from Masrooq from 'Abdullaah (Ibn Mas'ood) from the Messenger of Allaah (*sallallaahu 'alayhi wassallam*); an-Nasaa'ee reported the hadeeth in his *Sunan* and said: Ishaq bin Mansoor informed us: 'AbdurRahmaan informed us: from Sufyaan: from al-'A'mash from 'Abdullaah bin Marrah; from Masrooq; from 'Abdullaah. An-Nasaa'ee said: I told Ibraaheem this hadeeth and he told me the same (that he reported) from al-Aswad from 'Aa'ishah.

3. Then he said: 'Amru bin 'Ali informed us saying: Yahyaa narrated to us: Sufyaan narrated to us; Aboo Ishaq narrated to us from 'Umar bin Ghaalib who said: 'Aa'ishah said: From what I know the Messenger of Allaah (*sallallaahu 'alayhi wassallam*) said; "The blood of a Muslim person is not permissible to shed except a man who is an adulterer after he has preserved himself (from *zinaa*), or commits disbelief after his Islaam or (when taking) a soul for a soul." And Zuhayr agreed with him. I say (i.e. Shaykh Rabee'): Zuhayr here contradicted Sufyaan ath-Thawree in his narration from Ibn Ishaq.....
4. Then he (al-Bukhaaree) mentioned the hadeeth of 'Uthmaan in this issue saying, Ibraaheem bin Ya'qoob narrated to me: Muhammad bin 'Eesaa narrated to me saying:



Hammaad bin Zayd narrated to us saying: Yahyaa bin Sa'eed narrated to us saying: Aboo Umaamah bin Sahl informed me and 'Abdullaah bin 'Aamir bin Rabee'ah said: 'Uthmaan said: "I heard the Messenger of Allaah say *"The blood of a Muslim person is not permissible to shed except a man who commits disbelief after his Islaam or is an adulterer after he has preserved himself (from zinaa), or (when taking) a soul for a soul."* By Allaah I have not committed *zinaa* neither during *Jaabiliyyah* nor in Islaam; I have not changed my *deen* since Allaah guided me and I have not killed a soul." This *hadeeth* is *Sabeeh* and so is its *isnad*.

5. The hadeeth of Mu'aadh bin Jabal and Abee Moosaa al-'Ash'aree (*radi Allaahu 'anhum*). Imaam al-Bukhaaree stated in his *Sabeeh* in *Kitaab Istitaabat ul-Murtaddeen* [Dealing with the Apostates], hadeeth no.6923: Musaddad narrated to us: Yahyaa narrated to us: from Qurrah bin Khaalid who said: Humayd bin Hilaal narrated to me saying: Aboo Burdah narrated to us from: Abee Moosaa who said: "I came to the Prophet (*sallallaahu 'alayhi wassallam*) along with two men (from the tribe) of Ash'ariyeen, one on my right and the other on my left, while Allah's Apostle was brushing his teeth (with a siwaak), and both men asked him for some employment. The Prophet, (*sallallaahu 'alayhi wassallam*) said, "O *Abaa Moosaa* (or O *'Abdullaah bin Qays!*)" I said, 'By Him Who sent you with the Truth, these two men did not tell me what was in their hearts and I did not feel (realize) that they were seeking employment.' As if I were looking now at his Siwaak being drawn to a corner under his lips, and he said, "*We never (or, we do not) appoint for our affairs anyone who seeks to be employed. But O Abaa Moosaa! (or 'Abdullaah bin Qays!) Go to Yemen.*" The Prophet (*sallallaahu 'alayhi wassallam*) then sent Mu'adh bin Jabal after him and when Mu'aadh reached him, he spread out a cushion for him and requested him to get down (and sit on the cushion). There was a fettered man beside Aboo Moosaa. Mu'aadh asked, "Who is this (man)?" Aboo Moosaa said, "*He was a yaboodee and became a Muslim and then reverted back to the deen of the yabood.*" Then Aboo Moosaa requested Mu'aadh to sit down but Mu'aadh said, "I will not sit down till he has been executed. This is the judgment of Allaah and His Messenger and repeated it thrice. Then Aboo Moosaa ordered that the man be killed..." the *hadeeth*. Muslim also reported this *hadeeth* in *Kitaab ul-Imaarab*, *hadeeth* no.1733 saying: 'Abdullaah bin Sa'eed and Muhammad bin Haatim narrated to us saying: Yahyaa bin Sa'eed al-Qattaan narrated it to us.

All of these authentic hadeeth affirm the ruling of Allaah and His Messenger in regards to executing the apostate which the *Ummah* has practiced and the *ijmaa'* on this will soon be mentioned. So do we take the ruling of Allaah and His Messenger along with the *ijmaa'* of the

*Ummah*, or take the *fatwa* of the Mufti of Egypt which opposes all of this and relies on the constitution and existing man-made laws?! Allaah says,

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**“It is not for a believing man or a believing woman, when Allāh and His Messenger have decided a matter, that they should [thereafter] have any choice about their affair. And whoever disobeys Allāh and His Messenger has certainly strayed into clear error.”**

{*al-Abzaab* (33): 36}

## **THE CONSENSUS OF THE COMPANIONS ON THE ISSUE OF EXECUTING THE APOSTATE**

Al-Bukhaaree (*rabeemabullaab*) said in *Kitaab Istitaabat ul-Murtaddeen* [Dealing with the Apostates] in the chapter '*Baab Qatala man Abaa Qubool al-Faraa'id wa Maa Nasaboo ila'r-Riddah*' [Chapter: execution of the one who turns away from the Obligations and those who have apostatized], *hadeeth* no.6924: Yahyaa bin Bukayr informed us: Labeeb informed us from 'Aqeel: from Ibn Shihaab: 'Ubaydullaah bin 'Abdullaah bin 'Utbaah informed me: that Abaa Hurayrah (*radi Allaahu 'anhu*) said: When the Prophet died and Aboo Bakr became his successor and some of the Arabs reverted to disbelief, 'Umar said, “O Abaa Bakr! How can you fight these people although the Messenger of Allaah said, *I have been ordered to fight the people till they say: 'None has the right to be worshipped but Allah, 'and whoever said, 'None has the right to be worshipped but Allaah', Allaah will save his property and his life from me, unless (he does something for which he receives legal punishment) justly, and his account will be with Allaah?*” Aboo Bakr said, “By Allaah! I will fight whoever differentiates between prayers and Zakat as Zakat is the right to be taken from property (according to Allaah's Orders). By Allaah! If they refused to pay me even a kid they used to pay to the Messenger of Allaah, I would fight with them for withholding it.” 'Umar said, “By Allah: It was nothing, but I

noticed that Allaah opened Aboo Bakr's chest towards the decision to fight, therefore I realized that his decision was right."

Imaam Muslim reported the *hadeeth* aswell in *Kitaab ul-Eemaan, Baab al-Amr bi-Qitaal an-Naas Hatta yuqoolu 'la ilaha il-Allaah' wa yuqeemu Salah...* [The Command to Fight the People Until they Profess That There is No God Worthy of Worship Except Allaah and Establish the Prayer...], *hadeeth* no.20. Imaam Muslim said: Qutaybah bin Sa'eed informed us: Layth ibn Sa'd informed us: from 'Aqeel: from az-Zuhree who said: 'Ubadullaah bin 'Abdillaah bin 'Utbah bin Mas'ood narrated to me that Aboo Hurayrah said... – then he mentioned the hadeeth.

At-Tirmidhee reported the *hadeeth* aswell in his chapters on *eemaan, hadeeth* no.2607 with the same *isnad* as Imaam Muslim which he also agreed with in terms of its trustworthiness. An-Nasaa'ee also reported the hadeeth in *Kitaab ul-Jihaad in Baab Wujoob ul-Jihaad* [Chapter: The Obligation of Jihaad], hadeeth nos. 3091, 3092, 3093 via az-Zuhree. An-Nasaa'ee also mentioned the *hadeeth* in *Kitaab ut-Tabreem, hadeeth* nos. 3970 and 3971 with the *isnad* of Imaam Muslim. Tirmidhee mentioned the *hadeeth* with his *isnad* via Sufyaan from az-Zuhree. Aboo Daawood mentioned the hadeeth in *Kitaab uz-Zakab, hadeeth* no.1556 with the *isnad* of Imaam Muslim and at-Tirmidhee, and other Imaams reported the hadeeth also.

Imaam an-Nawawee mentioned al-Khattaabee's explanation of the hadeeth and mentioned that the *Murtaddeen* who the *Sabaabah* fought against were of different types: two types which apostatized from Islaam and some of these went back to the worship of idols and another type of apostate who followed Musaylimah and al-Aswad al-Ansee and believed them in their enmity against the Prophethood. A third type were those who made a distinction between *Salah* and *Zakab* and accepted *Salah* but rejected *Zakab* and among these were those who did not prevent *Zakab* to be paid but their leaders did prevent it from being paid.

## **THE CONSENSUS OF THE SCHOLARS ON THE ISSUE OF EXECUTING THE APOSTATE**

Imaam Aboo Bakr Muhammad bin Ibraaheem bin al-Mundhir (d.318 AH/930 CE) mentions in his book *Kitaab ul-'Ijmaa* in the chapter on the *Murtad* (p.186):

Ahl ul-'Ilm have agreed that two witnesses have to be present for an apostasy case to be accepted and the apostate is executed with the presence of two witnesses, if he doesn't return

back to Islaam. Only al-Hasan (al-Basree) stated that there has to be four witnesses with regards to apostasy, but he agrees with them (that an apostate should be executed) and only differs in regards to the number of witnesses.

Imaam Muwaffaquddeen Ibn Qudaamah al-Maqdisee al-Hanbalee (d.620 AH/1223 CE) in his book *al-Mugnee* (vol.12, p.264) stated in the chapter concerning the apostate (*Kitaab ul-Murtad*):

Al-Murtad (the apostate): the one who goes back on Islaam and converts back to kufr, Allaah says,

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                  أ    أ    أ            ا    آآ

**“And they will continue to fight you until they turn you back from your religion if they are able. And whoever of you reverts from his religion [to disbelief] and dies while he is a disbeliever for those, their deeds have become worthless in this world and the Hereafter, and those are the companions of the Fire, they will abide therein eternally.”**

{*al-Baqarah* (2): 217}

And the Prophet (sallallaahu 'alayhi wassallam) said: “Whoever changes his religion – kill him (i.e. execute).” The people of (Islamic) knowledge have agreed on the obligation of executing the apostates and this is relayed from Aboo Bakr (radi allaahu 'anhu), 'Uthmaan, 'Ali, Mu'aadh, Abee Moosaa, Ibn 'Abbaas, Khaalid and other Sahaabah. This is not denied by anyone and was the consensus.

Abu'l-Waleed ibn Rushd (d. 595 AH/1199 CE) stated in *al-Bidaayat ul-Mujtabid* (vol.2, p.459):

The apostate, if he is caught before he escapes, is according to broad agreement, to be executed due to the saying of the Prophet (sallallaahu 'alayhi wassallam): “Whoever changes his religion – kill him (i.e. execute).” The scholars differed over executing the woman and if her repentance is accepted or not and the majority (jumhoor) of the scholars said: she is to be executed. Aboo Haneefah (raheemullaah) said she is not to be executed and he compared her to a female disbeliever (in her original condition of kufr), but the majority depend on the general understanding that has been relayed in this issue. An odd view was also stated which is that she is executed even if she goes back to Islaam.

Muhammad Husayn al-'Aqabee stated in *Takmilat ul-Majmoo' li'n-Nawawee fi'l-Madhdhab ish-Shaafi'ee* (vol.18, p.10) and he relays the *ijmaa'* on the execution of the apostate: "If a free woman or a slave woman apostates then she has to be executed." Then he mentioned the difference of opinion over the execution of a woman and says that the most correct opinion is that she be executed.

This is the *hukm* of Allaah and His Messenger O Muslims with regards to those who apostatize from Islaam and the consensus of the *Sabaabah* and the 'Ulama of the *Ummah* from every *madhdhab*. O 'Ulama of Islaam, intelligent ones and rulers comprehend the danger of democracy and comprehend its dangerous effects, comprehend what the enemies of Islaam want in the attempts to destroy Islaam and judge it and its beliefs and rulings! What do they want by them spreading their *manaahij* (methodologies) and their ideas among the Muslims? They merely want the Muslims to leave their *deen* and make them slaves to them in all areas whether that be in creed, actions or mannerisms. So comprehend the danger of those who run towards this and behind them are those who speak in the name of "freedom of religion", "brotherhood of religions" and "veneration of all religions". Allaah has warned us about the plots of the *kuffaar* and mentioned the goals (of some of them) when he said,

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**“And never will the Jews or the Christians approve of you until you follow their religion. Say, “Indeed, the guidance of Allāh is the [only] guidance.” If you were to follow their desires after what has come to you of knowledge, you would have against Allāh no protector or helper.”**

{*al-Baqarab* (2): 120}

And Allaah says,

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**“Many of the People of the Scripture wish they could turn you back to disbelief after you have believed, out of envy from themselves [even] after the truth has become clear to them. So pardon and overlook until Allāh delivers His command. Indeed, Allāh is over all things competent.”**

{*al-Baqarab (2): 109*}

And Allaah says,

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**“O you who have believed, if you obey a party of those who were given the Scripture, they would turn you back, after your belief, [to being] unbelievers.”**

{*Aali-'Imraan (3): 100*}

The whole *Ummah* including governments and peoples have to hold firm to this great Islaam which is over all other messages and comprehensive for all what people need, from the good in this life and also in the Hereafter. It is also comprehensive over all other '*aqaa'id* and *manaahij* and,

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“Falsehood cannot approach it from before it or from behind it; [it is] a revelation from a [Lord who is] Wise and Praiseworthy.”

{*Fussillat (41): 42*}

O Muslims hold fast to this complete *deen* in all matters and hold firm to it altogether and strive to achieve the reasons for honour and respect and connect this adherence with Islaam and ruling by it in all affairs and arenas from creed to *ahkaam* to *akblaaq*.

*O Allaah grant honour to your deen and elevate Your Word, O Hearer of du'a'*

Written by al-'Allaamah, Shaykh Rabee bin Haadee 'Umayr al-Madkhalee

20 Sha'baan 1428 AH

## **SALAFIMANHJ.COM SPOTLIGHT ON THE RECENT MODERNIST VIEWS REGARDING APOSTASY REPORTED IN THE MEDIA <sup>7</sup>**

Indeed, all praise is due to Allaah, we praise Him, we seek His aid, and we ask for His forgiveness. We seek refuge in Allaah from the evil of our actions and from the evil consequences of our actions. Whomever Allaah guides, there is none to misguide and whoever Allaah misguides there is none to guide. I bear witness that there is no god worthy of worship except Allaah and I bear witness that Muhammad is the servant and messenger of Allaah.

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<sup>7</sup> For example, see the Online version dated July 27 2007 CE, it is as if the newly-found modernists were the main supporters of the *fatwa* of 'Ali Juma, 'Ali Juma's statement which al-'Allaamah Rabee' refuted was also published on the same blog:

[http://newsweek.washingtonpost.com/onfaith/muslims\\_speak\\_out/2007/07/usama\\_hassan.html](http://newsweek.washingtonpost.com/onfaith/muslims_speak_out/2007/07/usama_hassan.html)

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**“O you who have believed, fear Allaah as He should be feared and do not die except as Muslims (in submission to Him).”**

*{Aali-Imraan (3): 102}*

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**“O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allaah through whom you ask things from each other, and (respect) the wombs. Indeed Allaah is ever, over you, an Observer.”**

*{an-Nisaa (4): 1}*

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**“O you who have believed, fear Allaah and speak words of appropriate justice. He will amend for you your deeds and forgive your sins. And whoever obeys Allaah and His Messenger has certainly attained a great attainment.”**

*{al-Abzaab (33): 70-71}*



To proceed:

Of late a number of individuals have been expressed views which indicate that they are now of the modernist persuasion, along with blindly mimicking Hamza Yusuf Hanson. A variety of obscure concepts have been asserted which claim that a number of odd opinions are valid ranging from stating in a *BBC Hardtalk* interview in early September 2007 CE that

**“...not all authorities obligate the headscarf, especially modern authorities who say that you can dress modestly without wearing the headscarf. The Qur’anic teaching is to dress modestly and you have the traditional view which says that it is prescribed including the headscarf. Now that is the debate that we are having within the Muslim community and it does need to be widened...”**

So here then, the individual says that it is a valid and authoritative Islamic opinion that the *hijaab* does not have to be worn and that the hair does not have to be covered!? This view is given credence when it is stated that “modern authorities” hold this view, but those who hold this view bring feeble evidence and are not authoritative in the slightest.<sup>8</sup> The imprudence of the statement, from one who is held by many as being some sort of ‘intellectual’, is manifestly evident as modesty differs from place to place and from people to people, so one’s person modesty is another’s nakedness. So for example, ‘modesty’ could be understood by some as being to wear a mini skirt, tight figure-hugging tank-tops and high heels!! For it to be left so open like this without fully explaining the matter is reckless to say the least, not to mention that it is a modernist interpretation which is needs not to be mentioned.<sup>9</sup> Certain individuals have of late,

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<sup>8</sup> For example, Refer to the interview here: <http://news.bbc.co.uk/1/hi/programmes/hardtalk/6970298.stm>

<sup>9</sup> In 2005 there was even support for the call for there to be a ‘moratorium’ (or a suspension) on the *Hudood* punishments!? Other Muslim modernists such as Inayat Bungawala have also questioned the validity of the punishments for apostasy within Islaam. Muhammad Hashim Kamail’s book *Freedom of Expression in Islam* (Cambridge: Islamic Texts Society, 1997) is another book which water’s down many of the rulings with regards to apostasy and refers to sources which can be questioned. For example, he refers to scholars who were from al-Andalooos (Andalusia) such as Abu’l-Waleed al-Baajee (d.474 AH/1081 CE) and Aboo Hayyaan al-Andaloosee (d. 756 AH/1355 CE) but some of their rulings were possible due to their context of living with large Christian and Jewish communities, but they cannot over rule the main ruling of the Prophet and Companions which is mentioned in the *hadeeth* that have been relayed by al-’Allaamah Rabee’ in his critique of the *fatwa* of ‘Ali Juma’. So we see that some people claim to be following ‘traditional Islam’ and the likes yet clearly reject, deny and water down certain rulings and then refer to obscure views when it suits the political climate of the West. See here for example: <http://apostasyandislam.blogspot.com/> where you will find that when it comes to the

for some strange reason, presented themselves as being those who represent Islamic scholarship in the UK and as **“being on the frontline in the intellectual fight against Muslim extremism”** (!!?).<sup>10</sup> This we question, not only due to their modernist interpretations, but mainly due to the fact that it's false as most of them are not known to have a grassroots connection to the Muslim youth at all, let alone be a reference point for them in issues related to *takefeer*, *irhaab*, *ghuloo'* and the likes. So how can one have any credibility among the Muslim youth when one totally denies the fact that the Muslim woman has to cover her hair and that it is okay to pray behind *Rawaafid*, as one of them stated recently!<sup>11</sup>

An article was featured in the *Washington Post* which assessed the issue of apostasy in Islaam, then we will transmit it in full here, the individual stated (the questions that were posed are in capitals):

2. HOW DOES ISLAM DEFINE APOSTASY? IS IT PERMISSIBLE FOR A MUSLIM TO CONVERT TO ANOTHER FAITH? HOW CAN LAWS AGAINST APOSTASY AND BLASPHEMY BE RECONCILED WITH THE KORANIC INJUNCTION OF "NO COMPULSION IN RELIGION"?

Classically, apostasy referred to a Muslim adult renouncing their religion and/or converting to another, and carried the death penalty in most schools of Islamic Law, **although there was some debate as to whether this punishment was automatic and compulsory or left to the discretion of government.**<sup>12</sup> A tiny minority of jurists even applied this penalty to apostasy amongst other religions, e.g. Jews converting to Christianity or vice-versa, although not to converts to Islam!

The incidence of apostasy was always negligible, partly because of the punishment but also because of the nature of the Islamic message. **The basic formula of Islam is, “There is no god but**

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contemporary period the “scholars” who they refer to are questionable to say the least in terms of their understanding and implementation of Islaam, not to mention the fact that some of the not even Islamic scholars.

<sup>10</sup> This was stated in a recent BBC Hardtalk interview in August 2007 CE with an individual who has fallen prey to this.

<sup>11</sup> It has been suggested that this was stated this during a recent *JIMAS* conference in Leicester in Summer 2007 CE.

<sup>12</sup> This is not entirely correct as we have seen from al-'Allaamah Rabee's critique of the Mufti of Egypt 'Ali Juma. The *ikhtilaaf* among the early 'Ulama was over the woman apostate and also on the way the punishment was to be meted out.

**God**<sup>13</sup>: faith in this is enough to make a person Muslim and one actually has to renounce this belief to commit apostasy. The Prophet Muhammad confirmed the message of monotheism, Unity and submission to God brought by Abraham, Moses, Jesus Christ and other Messengers of God, to whose stories lengthy sections of the Koran are devoted. The Koran teaches that Muhammad is the Seal of the Prophets, the last of the Messengers of God, and it is a simple fact of history that no religious figure even remotely-comparable to Muhammad has appeared since his time. Muslims who understood their religion have always accepted the identical truths found in other religions and seen no reason to commit apostasy, since Islam affirms the brotherhood of all the Prophets of God.

**The death penalty for apostasy is not from the Koran, but based on a teaching of Muhammad**<sup>14</sup> where he said that executing a Muslim was only allowed for three crimes: (1) murder; (2) adultery when married and (3) “one who forsakes his religion and abandons the community.” The political ramifications of apostasy are clear in this Prophetic teaching; **in the past, your faith-community was also your political community**<sup>15</sup> – all Muslims had to pledge allegiance to the Caliph or to one of his representatives, for example. **Furthermore, to abandon Islam was to renounce the Muslim body-politic.** Thus, apostasy was akin to treason, especially since religious wars featured prominently in the ancient and medieval worlds. Even today, treason during war carries a possible death penalty under English law.

**The predominant modern Muslim view no longer regards apostasy as a crime,**<sup>16</sup> based on the above-mentioned interpretation of the Prophet’s teaching and upon the injunction, “Let there be no compulsion in religion,” (Koran, 2:256) and affirms the freedom of

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<sup>13</sup> This is not the correct translation of the ‘basic’ formula, as La ilaha il-Allaah is correctly translated as ‘there is no god worthy of worship except Allaah’. Furthermore, the individual oddly forgot to add “wa Muhammadur-Rasoolullaah”?!

<sup>14</sup> The person has to be very careful in what he is saying here as it is as if he is denigrating the hadeeth of the Messenger of Allaah (*sallallaahu 'alayhi wassallam*) and relegating it. This in itself is one of the hallmarks of the modernist school of thought, via relegating the words of the beloved Prophet (*sallallaahu 'alayhi wassallam*) it is to try and show that he was a just a man without revelation. Recently, a modernist book was authored entitled *Hayaat-e-Muhammad* [The Life of Muhammad] and it contains no salutations made on the Prophet (*sallallaahu 'alayhi wassallam*) and it denigrates him. It also seeks to equalise their own 'aql (intellect) and place this on par with the transmitted statements from the Prophet (*sallallaahu 'alayhi wassallam*).

<sup>15</sup> This is stated as if it is not the case today, the reality is that allegiance and obedience still has to be made to Muslim leaders even though they may not be *Khulafaa'*.

<sup>16</sup> Pay attention to this, the individual has to explain this in detail as he does not state whether it is a correct opinion or not, we will deal with this in our analysis later.

religious belief.<sup>17</sup> This is the view of many leading experts and authorities in Islamic law throughout the world.

Laws against blasphemy are tricky since the protection of values that are sacred to any society is important. For example, there are laws against Holocaust-denial in many European countries and political scientists who criticize democracy are treated as heretics in secular, liberal societies.<sup>18</sup> Finally, it should be noted that any laws against apostasy and blasphemy are almost-impossible to enforce fairly in modern, complex societies. **Islamic law, which has always been flexible and dynamic although based on core values, must adapt as usual to changing conditions.**

There are a number of aspects to append to all of this:

### **1) Uncritical acceptance of the premise of the questions**

It was asked in the interview: UNDER WHAT CONDITIONS DOES ISLAM SANCTION THE USE OF VIOLENCE?

But some critical thinking has to be applied here and replace Islam with any other religion, ideology, country, political system etc in order to illustrate to the reader that Islam does not have a monopoly on the use of violence. Although the question itself may be innocent and merely inquisitive the point needs to be made why is it that Islam has to justify or elucidate upon its concept of violence whilst the main perpetrators of violence of today are not asked similar questions? Indeed, why the certain partisan elements make a fuss over the Muslims and the 'human rights' of the one who commits apostasy, then what about the 'human rights' of those millions of people (not a few insignificant apostates craving to be "Westernised") around the world. There are people as we speak that are not getting their rights fulfilled and this apparently goes against the *Universal Declaration of Human Rights* which states in Article 5:

**No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.**

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<sup>17</sup> We will assess this interpretation of the verse later!

<sup>18</sup> This is true, so what happened to "human rights of the individual" here then? For the *Universal Declaration of Human Rights*, and we do not say that all of it is correct but as it is one of agreements that some people claim to champion and uphold we will refer to it to see the truthfulness of their self-righteous claim, says under Article 19: **"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."** We will mention more about their *Universal Declaration of Human Rights* later.

So what's happened to this then? Why should the Muslims be forced to pander to others when those others themselves do not implement their own declarations which they sign to!? There are even manuals and detailed instruction books on how to conduct torture, many of which were not written by Muslims, especially those authored in the past. So why don't people make a fuss over this?

What is also observable is how many of the apostates and former-Muslims were from heretical *Rawaafid* and *Baatiniyyah* backgrounds to begin with so they had misconceptions from the start. In fact, Most of the partisan organisations of *kufr* such as *Former Muslims*, *Apostates of Islam* and the recently UK founded *Council of Ex-Muslims of Britain* are exemplified by mainly being Iranians:

1. Parvin Darabi (author of *Rage Against the Veil*);
2. Maryam Namazie -Tehran-born founder of the *Council of Ex-Muslims of Britain*, she was also the Director of the 'Worker-Communist Party' (WPI) of Iraan who she still has links with. Some of the neo-cons support her oddly enough, apparently unaware of her hardcore Communist background which gets overlooked when she attacks Islaam and Muslims and she is praised as being a "liberal" who "defends women's rights". Namazie and her cohorts as Communists obviously had difficulty in getting their agenda across and as a result of this they had to re-invent themselves as "human rights advocates" and "secular liberals" in order to achieve notoriety in the West, as the appalling human rights record of the Communists the world over is well known to *Bani Aadam*. Namazie claims to call for tolerance yet some of her writings have demonstrated very intolerant views which come to fruition in the manifesto of the *Council of Ex-Muslims of Britain*. In an article entitled *Unveiling the Debate on Secularism and Rights* she states about the Muslim women's dress that it is: **"comparable to the Star of David pinned on Jews by the Nazis to segregate, control, repress and to commit genocide"**. Refer to the full article here: <http://www.butterfliesandwheels.com/articleprint.php?num=80>
3. Ali Sina" (founder of the 'Faith Freedom' website).

The *Council of Ex-Muslims of Britain* state within their 'manifesto':

**Whilst religion or the lack thereof is a private affair, the increasing intervention of and devastation caused by religion and particularly Islam in contemporary society has necessitated our public renunciation and declaration. We represent a majority in Europe and a vast secular and humanist protest movement in countries like Iran.**

There are a number of important issues to append to the 'manifesto' of the *Council of Ex-Muslims of Britain*:

- ✓ Firstly, they are very closely connected to the *National Secular Society* of the UK and were sponsored by the *British Humanist Association*; as a result blindly follow the assertion that Islaam in particular is responsible for causing devastation in contemporary society when the reality is that Islaam was not responsible for the horrific acts of Hiroshima, Nagasaki or Cambodia or the use of chemical weapons such as *Agent Orange* on Vietnam. What about the devastation caused by the Communists Stalin, Mao and Lenin??! Has it really been **“Islam in contemporary society”** which has devastated the environment and the climate, polluted the Ozone layer, obliterated various animal species, annihilated the natural world, caused world debt problems, facilitated the world’s sex slave industry and promoted world poverty? For the partisan likes of the *Council of Ex-Muslims of Britain* the answer is emphatically: “yes”!!?
- ✓ Secondly, why did not these injustices also lead them to make a “public renunciation and declaration”? So only Islaam is fair-game for a “public renunciation and declaration”? As for the oppression and bombing of the Muslims, and non-Muslims, within Palestine, 'Iraq and many other secular countries of the Middle-East, not to mention the unjust abuse of Muslims within *Abu Gbraib Prison* for example, then all of this is neatly brushed under the carpet by these self-proclaimed “activists”. In fact, they probably may even support such measures.
- ✓ Thirdly, *Council of Ex-Muslims of Britain* boldly claims in a rather pompous manner that they represent “a majority in Europe”?! This is one of the hallmarks of the contemporary people of deviation that they claim to **“represent the majority”** and it is becoming rather tedious to hear this empty, unjustified and frankly untrue contention. Incidentally, the *Sufi Muslim Council* also claims to represent the **“silent majority”** of British Muslims!?:<sup>19</sup>

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<sup>19</sup> This claim to **“represent the vast majority of Muslims”**, whether it emanates from the apostates, the *Sufi Muslim Council* or from those who claim that **“numbers and quantity counts”** or that their *da'wah* reaches **“thousands around three continents around the world”** – all contradict the advice and prophecy of the Prophet Muhammad (*sallallaahu 'alayhi wassallam*). For it has been authenticated in the *Musnad* of Imaam Ahmad and the *Sunan* of Abee Daawood from Thawbaan (*radi Allaahu 'anhu*) who said that the Messenger of Allaah (*sallallaahu 'alayhi wassallam*) said: *“The nations will soon invite each other to attack you, just as people invite each other to eat from a dish.”* Someone asked: *“Will that be because of our small numbers at that time?”* He (*sallallaahu 'alayhi wassallam*) replied, *“No, you will be numerous at that time, but you will be like scum, like the scum and filth carried by a torrent, and Allaah will take fear from the hearts of your enemy and will place wahn into your hearts.”* Someone asked, *“What is ‘wahn’ O Messenger of Allaah?”* He (*sallallaahu 'alayhi*

- ✓ Fourthly, we can clearly seek the Iranian *Sbi'ee* context which thus led them to this extreme in the first instance.
- ✓ Fifthly, their website indicates that none of them were born and raised in the UK and thus it is rather ingenious for them to somehow represent British Muslims, they are also very out of touch with Muslim women and Muslim youth within the UK.

They also have a list of 10 demands which they claim to uphold but there seems to be a contradiction, as their first demand is for **“universal rights and citizenship for all...”** and that they are opposed to **“intolerant beliefs”**. But their third demand is for **“freedom of religion”**, yet one person’s religion can be another person’s “intolerant belief”, so this is a discrepancy. Their other futile “demands” likewise state that they are opposed to any state support for religion (ninth “demand”), or any religious practices which **“are incompatible with or infringe people’s rights and freedoms”** which is their fifth “demand”, all of this is left rather open and can be open to various interpretations. The *Council of Ex-Muslims of Britain* also claims that the media in the UK is too soft on Islaam!!? Furthermore, what is the point of them calling themselves the ‘*Council of Ex-Muslims of Britain*’ if they no longer believe in it then why do they still wish for the appellation to be in the name of their organisation? This does not really indicate that they want to be free from Islaam as they still find it important and necessary to include as their title. Surely, they should just refer to themselves as the “Council of Secularists”, or the “Council of Atheists” or the “Council of Humanists” as for attaching ‘Islaam’ and ‘Muslim’ to their shenanigans this is nothing more than a publicity stunt by Maryam Namazie and her cohorts to attain mass appeal.

Or it is the case that the identities of the so-called “ex-Muslims” are mysterious and thus their claims and agendas are dubious to say the least.<sup>20</sup> They all claim a connection to Islaam yet

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*wassallam*) replied, “*Love of the dunya and hatred for death.*” So the numbers and rallying around it, uniting all and sundry under a partisan banner based on false principles just for the sake of numbers and quantity - is not what will assist the Muslims towards the end of days.

<sup>20</sup> Such as Ibn Warraq, Wafa Sultaan (who was not actually even a Muslim but rather a Syrian 'Alawi – which even the *Rawaafid* of Iraan reject! For an expose of her see: <http://www.infocusnews.net/content/view/4009/135/>); Walid Shoebat (who also has an unknown, dubious and obscure background, see: [http://www.salafimanhaj.com/pdf/SalafiManhaj\\_Shoebat.pdf](http://www.salafimanhaj.com/pdf/SalafiManhaj_Shoebat.pdf)) The best of example of this in the contemporary context is the one who sings from the same script of Shaytaan, ‘Ayaan Hirsi Ali’, it was just a matter of time before she would be exposed, we will put her name in inverted commas as this is the name that she calls herself and is not her full real name, as we do not know what her real name is, we will put it in inverted commas. ‘Ayaan Hirsi Ali’ is a Somaalee apostate pseudo-feminist, a former right-wing Dutch MP for the Dutch VVD party and self-confessed immigration cheat!! Yet chosen by *Time* magazine as being **“one of the most influential people of 2005”**?! Influential for whom and for what we ask? For being a self-confessed

immigration cheat? After many Muslims were initially concerned about some of her wild claims and her false propaganda, the country to where she 'fled' has now exposed her deception and has stripped her of her beloved Dutch passport and citizenship! (This was a documentary on a program entitled *Zembla* that is aired in Holland) 'Hirsi 'Ali' rose to notoriety in the West after her extremist claims about Islaam and by calling upon non-Muslim governments to do more to stand up for western values in order to fight against Islaam. Her extremist opinions, which were not justified with any evidence, and her open *kufir* regarding Islaam was given much media focus. A few years ago, on TV, 'Ayaan Hirsi 'Ali' exclaimed that she had **"not been Muslim for five years"**, she reiterates this in her interviews. Yet in her recent book *The Caged Virgin: An Emancipation Proclamation for Women and Islam*, she regularly and dishonestly says **"we Muslims"**!? On *BBC2's Newsnight* (aired in the UK) in June 2006 she also made herself look utterly pathetic by claiming that she is arguing as a Muslim, but then the interviewer asked her how on earth she could have a Muslim audience when she was an atheist!? In *The Caged Virgin* she demonstrates not only utter ignorance of Islaam and poor research, but also presents a meagre understanding of history. She states for example: **"Every Muslim, from the beginnings of Islam to the present day, is raised in the belief that all knowledge can be found in the Koran."** **"For Muslim children the study of biology and history can be very confusing."** So here she is either absolutely ignorant of Islaam or being deceptive, as the Muslim scholars note that knowledge of the mundane affairs can be sought, the only distinction that they make is that it is not as praiseworthy, but it can still be sought based on the hadeeth of the Prophet (*sallallaahu alayhi wassallam*), found in the 'Book of Knowledge' in *Saheeh al-Bukhaaree*, where he said to the people who were artificially inseminating the date-palms *"you know better about your dunya affairs."* Furthermore, many of the bona-fide Islamic scholars have noted that worldly knowledge and sciences for human endeavour is a collective responsibility to acquire For more on this see Imaam 'Uthaymeen's (*raheemahullaah*) words about knowledge: <http://www.salafimanhaj.com/pdf/Knowledge.pdf> So her claim that history and biology can be "confusing for Muslim children" (!!?) is again totally false, as the Muslims have studied these subjects for centuries with no difficulties whatsoever, in fact in Muslim Spain for example it was part of the curriculum to study these subjects, and if it was so "confusing for Muslim children" why are the subjects studied today in Muslim countries and within Islamic schools in Europe and the US?! So 'Ayaan Hirsi Ali' hasn't got a clue what she is talking about. She also argues that Islaam has obstructed individual freedoms and that the individual is not valued in Islaam?! Another clear indication of her deceptive methods is in discussing the issue of female genital mutilation, she states that the practice was "spread by Islam" when anyone who has even an atom's weight of knowledge of this issue knows that it goes back to the Pharaonic period and even according to the *United Nations Population Fund*, FGM is practiced in sub-Saharan Africa by Animists, Christians (Coptic and other), Muslims and Ethiopian Jews. However, only Islaam is impugned within the simplistic, biased and poorly researched writing of the one called 'Ayaan Hirsi Ali', yet what can be expected from a self-confessed immigration cheat? She also states in *The Caged Virgin* that Muslim women are in some way incapable of speaking up for themselves and need Western women to do that for them, or Westernised/Naturalised Euro or US women at least to speak up for them?! This in itself indicates the extent to which 'Ayaan Hirsi Ali' has internalized Orientalist thinking, she states, in an example wherein she puts herself forward as some sort of reference point for Muslim women, **"The [reason] I am determined to make my voice heard is that Muslim women are scarcely listened to, and they need a woman to speak out on their behalf."** Women during the epoch of the *salaf* were referred to by men for Islamic knowledge and asked to settle disputes over issues related to *'ilm*, this was during the epoch of early Islaam, which 'Hirsi Ali' is obviously ignorant about. The book, *Caged Virgin*, is rather an insult to Muslim women, if indeed it is even directed to them, how such a poorly researched and factually inaccurate piece of work can somehow be taken as rallying cry for Muslim women in the West is beyond many Muslim women. 'Ayaan Hirsi Ali' was the one who



kicked off a *fitnah* in Holland/the Netherlands and increased the oppression of the Muslims there has she initiated a 'play' in Holland wherein verses of the Qur'aan were used in a despicable manner and Muslim women were in fact mocked. This is what many non-Muslims do not realise, is that 'Ayaan Hirsi 'Ali' claims to represent Islaam, yet the majority of Muslim women were utterly appalled by her disgusting play! This resulted in the assassination of the director of the play, Theo Van Gogh in 2004 the grandson of the world famous artist and ironically was vocally opposed to feminism! After this, the Muslims in that country were subject to a variety of draconian legislations all in order to suppress and restrict the development of Islaam and the Muslims there. In any case, the Dutch have a history of turning the tables on its 'minority communities' and during World War 2, 80% of Dutch Jews were deported to concentration camps and subsequently gassed or massacred by the Nazis. The Dutch Jews were often escorted to the Nazis by the Dutch themselves as the Dutch wanted to free themselves from the Jews and avoid being conquered by the Nazis. Subsequently, 'Hirsi Ali' fled to America for three months and then was under 24 hour guard and police protection in *The Hague*. Her similitude therefore, was of one who held the West to be intrinsically liberated and as a result the West was obviously her desire and ambition whilst she was in East Africa. Initially 'Hirsi 'Ali' had claimed that she came to Europe as a refugee in 1992, fleeing from a forced marriage in war-torn Somalia, however a recent exposé of 'Hirsi 'Ali' uncovered that she was actually living in a middle-class area in Nairobi, Kenya with her rich family, and the so-called 'forced marriage' was actually an *arranged* marriage with a Somaalee man from Canada and they divorced normally, as her own brother and other (female) family members informed! Indeed, Professor Jytte Klausen, a just female Danish researcher of comparative politics at Brandeis University and author of *The Islamic Challenge: Politics and Religion in Western Europe* (New York: Oxford University Press, 2005) noted recently that: **"She wasn't forced into a marriage. She had an amicable relationship with her husband, as well as with the rest of her family. It was not true that she had to hide from her family for years."** She did not arrive from war-torn Somalia, but had rather spent substantial periods of time in Kenya (where she spent most of her life), Ethiopia, Saudi Arabia and Germany! Furthermore, her name 'Ayaan Hirsi 'Ali' is false and is not her real name, rather her real name was something else!? She therefore fabricated her refugee story in order to seek asylum and residence in Europe, and then later get a passport, which she did get in 1997! This is the kind of lying individual that some people in the West were propping up as an 'Islamic specialist' and some *kuffaar* in England were even claiming that she should be supported as an 'Islamic moderate'!!? *Time Magazine* even listed her as one of the most influential thinkers of 2005 CE!! 'Ayaan Hirsi 'Ali' attended the *American Jewish Committee* centennial meeting in Washington!? ("A woman of valour" in *The Jewish Chronicle*, May 12 2006) After the cartoons controversy, the fraud 'Hirsi 'Ali' supported the printing of the cartoons. Crying on Dutch TV in disgrace, she admitted that she lied (Dutch: "Ik heb gelogen"), and that her birth date and name on her Dutch passport were all false, going against Holland's immigration laws! At the same time, 'Hirsi 'Ali' supported Holland's anti-refugee policies!! She has said that she will join the *American Enterprise Institute*, one of the hardcore right-wing neo-con think-tanks and spin-labs in the USA! So it looks as if she will get another nationality soon, as long as she panders enough to her pay-masters and fabricates more *baatil* against Islaam. In any case the US right wingers are against homosexuality, abortion and euthanasia, all the things that 'Hirsi Ali' calls to, so it looks as if she may not be there long!! Her political party began to view her as more and more of a liability and one of her former colleagues from her political party declared that 'Ayaan Hirsi 'Ali' **"is not a Dutch national"**!! So much for pledging allegiance to the enemies of Islaam and blindly following them in everything for name and fame, and so much for European right-wing politicians finding token black mascots to attack Muslims. Condemned by even some non-Muslim journalists who branded her extreme, she is in tears, in disgrace, humiliated with no home (except in Kenya, but she despised Africa in any case and would not return there), her political reputation in

as their backgrounds are unknown their claims to Islaam cannot be totally verified at all, they have only gained infamy in the West. And as we have seen with the case of 'Ayaan Hirsi Ali' honesty, integrity and reliability are not hallmarks of the so-called "former Muslims"! Furthermore, they are all distinctly characterized by crediting the West solely for "emancipating their minds", along with providing them with citizenship out of their "third world" countries of origin. As a result, they are the most vehement in their opposition to Islaam along with their blind praise of all things European or American. Indeed, they are also known for sharing podiums with known Zionists and being propped up by their media, a damning indication of their aims if there ever was one! So for example, 'Ayaan Hirsi Ali' and Irshad Manji have absolved Israel from any blame, yet have strongly criticized the Palestinians.

Some of them also have rather perplexing and ominous agendas which seeks to position themselves close to politicians and yet have absolutely no connection to the Muslim communities they reside whether they are the youth, Muslim women or the general community. So they are not really serious in gaining any kind of understanding or dialogue whatsoever, only to claim that Islaam is intrinsically wicked and then seek to find support from certain partisan political elements.

Let's look at some further articles of the *Universal Declaration of Human Rights* which seem to be neglected by those who blindly try to force the Muslims to adhere to it, yet do not follow it themselves:

**Article 9**

**No one shall be subjected to arbitrary arrest, detention or exile.**

**Article 10**

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tatters, her credibility called into question by her own people, stripped of her beloved nationality, 'Ayaan Hirsi Ali' has been exposed by her own hands, indeed as the Qur'aan says,

**كَذَلِكَ الْعَذَابُ وَالْعَذَابُ الْآخِرَةُ أَكْبَرُ لَوْ كَانُوا يَعْلَمُونَ**

**"Such is the punishment (of this world). And the punishment of the Hereafter is greater, if only they knew."**

{*al-Qalam (68): 33*}

Hirsi Ali retained her Dutch citizenship however after being supported by the neo-cons, Zionists and right-wing Dutch governmental sympathizers who all launched a worldwide campaign to defend her.

Everyone is entitled in full equality to a fair, and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

#### Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

Are these implemented by the so-called “enlightened”, “liberal” and “progressive” “defenders of human rights” today?! Or is it rather the case that self-interests of a nation are put over all of these human rights when they see fit? Indeed, this has even been admitted by themselves!<sup>21</sup>

In regards to the issue of “Islam using violence which is demonstrated in its apostasy laws” then the Bible also includes some interesting examples of retribution for “those who do not believe”:

**“And the Lord said, “Go through the city, and smite; let not your eye spare, neither have you pity. Slay utterly the old and young, both maids and little children, and women”.**”  
{Ezekiel 9: 5}

**“And the Lord said unto Moses, “Avenge the children of the Midianites,” They warred against the Midianites, as the Lord commanded Moses, and they killed the males. And they took all of the women as captives, and their children, and took the spoil of their cattle, and took all of their flocks, and all of their goods. And they burnt all their cities wherein they dwelt, and all their goodly castles with fire. Moses said, “Have you kept all of the women alive? Now kill every male among the children, and kill every woman that has known a man by lying with him, but keep all of the young girls for yourselves”.**” {Numbers 31: 1}

**“When you draw near to a city fight against it, offer terms of peace to it, and if its answer to you is peace and it opens to you, then all of the people that are found within it shall do forced labour for you and shall serve you. But if the city does not make peace with you, then you shall besiege it...you shall put all its males to the sword, but the women and the**

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<sup>21</sup> Refer to the documentary entitled *The War on Democracy* by reported John Pilger shown in the UK in August 2007 CE wherein he interviews someone who says **“We will do whatever it takes in order to defend our national interest...”** The logical implication of this is that torture, oppression, transgression, chicanery and treachery are all above board when it suits them. See:

<http://www.youtube.com/watch?v=MYjl2fSJ6Zc&mode=related&search=>

children, the cattle and everything else in the city, all its spoil, you shall take as booty for yourselves; and you shall enjoy the spoil of your enemies.” {Deuteronomy 20: 10-17}

Herein, the Bible, which some hold to be the words of the Creator of the Heavens and the Earth, orders the killing of women, children and livestock in a certain context and such is not found at all in the Qur'aan, the opposite in fact is found in the Qur'aan and the example of the Prophet Muhammad (*sallallaahu alayhi wassallam*)! Not to mention the suicide mission of Samson also being praised in the Bible! Now one may object and say “Yes, but that’s the Old Testament”, we can respond to this by saying: well not really, Paul of Tarsus approved of the death of idolaters, homosexuals and other sinners:

19 Because that which may be known of God is manifest in them; for God hath showed *it* unto them. 20 For the invisible things of him from the creation of the world are clearly seen, being understood by the things that are made, *even* his eternal power and Godhead; so that they are without excuse: 21 **Because that, when they knew God, they glorified *him* not as God, neither were thankful; but became vain in their imaginations, and their foolish heart was darkened. 22 Professing themselves to be wise, they became fools, 23 And changed the glory of the uncorruptible God into an image made like to corruptible man, and to birds, and four footed beasts, and creeping things. 24 Wherefore God also gave them up to uncleanness through the lusts of their own hearts, to dishonour their own bodies between themselves: 25 Who changed the truth of God into a lie, and worshipped and served the creature more than the Creator, who is blessed for ever. Amen. 26 For this cause God gave them up unto vile affections: for even their women did change the natural use into that which is against nature: 27 And likewise also the men, leaving the natural use of the woman, burned in their lust one toward another; men with men working that which is unseemly, and receiving in themselves that recompense of their error which was meet. 28 And even as they did not like to retain God in *their* knowledge, God gave them over to a reprobate mind, to do those things which are not convenient; 29 Being filled with all unrighteousness, fornication, wickedness, covetousness, maliciousness; full of envy, murder, debate, deceit, malignity; whisperers, 30 Backbiters, haters of God, despiteful, proud, boasters, inventors of evil things, disobedient to parents, 31 Without understanding, covenant-breakers, without natural affection, implacable, unmerciful: 32 Who knowing the judgment of God, that they which commit such things are worthy of death, not only do the same, but have pleasure in them that do them.**

It was also asked: **HOW CAN LAWS AGAINST APOSTASY AND BLASPHEMY BE RECONCILED WITH THE KORANIC INJUNCTION OF "NO COMPULSION IN RELIGION"?**

This is plainly a loaded question in that it assumes that there is a contradiction between the Islamic Laws pertaining to apostasy and blasphemy and the above Qur'anic verse hence requiring reconciliation. Reconciliation is only required in cases of contradiction - if the verse is understood correctly in accordance with the *tafseer* of the *Salaf* such claims of reconciliation would not need to be entertained. We mentioned beforehand some points regarding the issue of apostasy in Islaam which are very important in addressing those who object to it:

1. Within the West there are certain crimes which were/are punishable by execution such as piracy, high treason and for burning any of the Queen's ships and dockyards in the UK - all these were punishable by death in the UK up to the 1970s, even though capital punishment was abolished in the UK in 1965 CE. Furthermore, the crime of giving away secrets to other nations is also punishable by death in many Western countries up to this day. Julius and Ethel Rosenberg, Jewish American Communists, were executed for espionage in 1953 for passing nuclear weapons secrets to the Soviet Union.
2. The fact that someone would commit *open* apostasy in a country where the punishment for it is well known is like a political statement of rebellion. In Islaam there is no separation between religion and state so rebellion against the religion is considered to be rebellion against the state. Moreover, it causes socio-political disruption within the Islamic society and can bring about danger, hence the punishment. But as for an apostate who keeps it to themselves and does not get involved in espionage, treachery or inciting people against Islaam, then such an individual is not on the same level as one who gets involved in anti-Islamic propaganda and treason yet would probably be asked to leave. If this is found out then such an individual is taken to court and asked about their situation and given time to reflect, but there are no inquisition courts or the like. Moreover, the one who apostates and moves to another country then the Islamic state does not go out searching the whole world for that individual, and the same is for anyone who openly apostatized outside of the Muslim world, it is not for the Islamic state to send out executioners, this is not from Islaam and never occurred in Islamic history.<sup>22</sup> As a result, the so-called '*fataawaa*' from the likes of al-Khomeini against certain apostates in the

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<sup>22</sup> Refer to a concise explanation of this by Dr Abu Ameenah Bilal Philips here: <http://www.youtube.com/watch?v=IBJmm-nfEow>

West were rejected as it based on an incorrect understanding of applying the Islamic *hadd* punishment for apostasy.

3. The child or insane person is not executed for apostasy because they are exempted and the Prophet (*sallallaahu 'alayhi wassallam*) said; “*The pen is lifted from three: the child until he matures, the sleeping person until he awakes and the mad person until he comes to his senses.*” Reported by Aboo Daawood and Imaam al-Albaanee (*rabeemabullaah*) graded it *Sabeeh* in his checking of *Sunan Abee Daawood*. The *hadeeth* is also reported by at-Tirmidhee in his *Sunan* and Imaam Ahmad in *al-Musnad*.
4. As the saying goes “people in glass houses should not throw stones” and it is rather odd for people to object to this law yet say absolutely nothing about the thousands upon thousands that are killed via atom bombs being dropped on them, oppressed by occupying forces, raped, pillaged and the likes, so where is the ‘justice’ here then??

## **2) Implying that the Sunnah has lesser value than the Qur’aan**

The interviewee said; “**The death penalty for apostasy is not from the Koran, but based on a teaching of Muhammad**”.

Why would one make the separation between the orders of the Prophet (*sallallaahu 'alayhi wassallam*) and those of Allaah? Is it not the case that what the Prophet (*sallallaahu 'alayhi wassallam*) ordered is no different to what Allaah Himself ordered?

**“And whatever the Messenger has given you take; and what he has forbidden you refrain from.”**

{*al-Hasbr* (59): 7}

The fact that the penalty of apostasy is not mentioned explicitly in the Book of Allaah but instead in the authentic *hadeeth* does not necessitate a decrease in the value of the order – that is an idea that is propagated by Orientalist tradition.

## **3) Apologetic/Placating tone**

The claim that: The **“predominant modern Muslim view no longer regards apostasy as a crime”** does not make it correct, since all views are weighed according to the Qur'an, Sunnah and understanding of the *Salaf*. Moreover, he does not state whether it is a correct opinion or not, even though it obviously is incorrect whether it is a **“predominant modern Muslim view”** or not. Indeed, could it be said that the belief that the Qur'aan is created was a “predominant Muslim view”? What about suicide bombing? Is it a “predominant modern Muslim view”? How about forced marriages? Is this a “predominant modern Muslim view”? Or visiting the graves of the dead? Is it a “predominant modern Muslim view”? All of these one could say, and some even do say, are “predominant modern Muslim views” and as a result have value. However, Islaam is not based on what the “predominant modern Muslim view” is but rather Islaam is based on what is in the Qu'aan, Sunnah and understandings of the *Salaf*, everything else we throw against the wall!

The interpretation of the verse **“Let there be no compulsion in religion”** is also incorrect. The verse means that there is no compulsion in terms of joining Islaam, so no one is compelled or forced to become a Muslim. When a person does become a Muslim then a person is obliged to stick to it as a serious, true and definite choice, and this is why Islaam is not interested in trying to gain as many converts as it can. In Islamic history, when the apostasy laws were implemented by the Prophet Muhammad (*sallallaahu 'alayhi wassallam*) there were many of the Jewish tradition who were embracing it and then leaving it in order to shake the *eemaan* of the Muslims and as a result this open apostasy and calling to it was punishable by execution. In the same way, recently in Egypt it has been suggested that some of the Christians are also playing and toying with Islaam by doing this and receiving support from Zionists in this aswell.<sup>23</sup> The organisation *MEMRI* for example is quick to pick up on the issue of apostasy in Muslim countries such as Egypt for example and vainly spread the issue all around the globe.<sup>24</sup>

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<sup>23</sup> There are some Christian Satellite channels such as *al-Hayat* and *Agaphy* which try to incite Muslims to react, see: <http://yaleglobal.yale.edu/display.article?id=6535>

<sup>24</sup> As for the *'Middle-East Media Research Institute (MEMRI)'* then it is a non-profit organisation established by Colonel Yigal Carmon, a twenty-two-year veteran of military intelligence in Israel with the goal of exploring the Middle East “through the region’s media.” *MEMRI* focuses on the following areas: Egypt, Iraq, Iran, Jordan, Palestine, Persian Gulf, Saudi Arabia, Syria, Lebanon and Turkey. Laila Lalami has highlighted that there are three general observations that can be made about *MEMRI*'s work. One is that it consistently picks the most violent, hateful rubbish it can find, translates it and distributes it in e-mail newsletters to media and members of Congress in Washington. The second is that *MEMRI* does not translate comparable articles published in Israel, although the country is not only a part of the Middle East but an active party to some of its most main conflicts, indeed if not the main conflict! For instance, when the right-wing Israeli politician Effi Eitam referred to Israel's Palestinian citizens as a “cancer,” *MEMRI* did not pick up this story. The third is that this organization is now the

#### **4) Saying that Sharee'ah has to adapt to changing conditions**

The notion that the *Sharee'ah* has to adapt implies that it is not perfected for *Bani Aadam*, this is in complete opposition to the saying of Allaah,

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**“This day I have perfected for you your religion and completed My favour upon you and approved for you Islaam as a religion.”**

{*al-Maa'idah* (5): 3}

Furthermore, the individual has to be clear here as to what he is insinuating, does he mean that rulings may change due to different issues that may arise over time? Which can be sanctioned as long as the *manhaj* of referring back to the primary Islamic sources of the Divine Legislation and Law do not change, or is he asserting that the *manhaj* of deriving rulings and regulations has to change to adapt to changing conditions? The modernist *manhaj* is usually based on science and we find that some of the new-found modernists are specialised in fields such as physics, astronomy, engineering and the likes, thus such individuals have deep scientific and rationalist influences, this method is likewise utilised when approaching the Islamic source texts. Moreover, this questioning of the *Sharee'ah* and its application is itself one of the hallmarks of the *Mu'tazilee* modernist-rationalist school of thought.

Shaykh, Dr Muhammad Moosaa Nasr (*hafidhabullaah*), a contemporary Muslim scholar from Jordan who was one of the main students of Imaam al-Albaanee (*rabeemabullaah*) and has memorised the whole Qur'aan along with other recitations and has various *ijaa'zahs*, stated with regards to the rationalist school of thought:

They attach themselves to the rational intellect as they judge everything according to the intellect even the unseen matters that do not usually agree with the rational intellect. They do not make the Divine Legislation as the judging criterion rather the intellect is the decisive factor over everything within the Divine Legislation and the religion. As a result, whatever agrees with their intellects they accept and whatever opposes their intellects they reject even if it is found within the Book of Allaah which does not have any *baatil* within it. Therefore, they utilise their intellects in order to attempt to refute the texts which, they claim, contradict the rational mind and intellect. **In reality,**

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main source of media articles on the region of Islaam, a far greater and far more diverse whole than the individual countries it lists.



the texts contradict their own corrupted intellects not the healthy and sound intellects, such as the intellects which are free from doubts and desires and thus do not oppose the authentic transmitted texts. The 'lords' of this corrupt school of thought were influenced by the falsities of Western civilisation. Most of them are from those who took their knowledge from the West and studied at the hands of the Orientalists. Furthermore, they studied philosophy, 'Ilm ul-Kalaam, philosophical rhetoric and became satisfied with the opinions of the people of innovation such as the Mu'tazilah and others.

They became bedazzled by that and were thus tested by what had arrived in Western societies, such as technological development and advancement. They began to strive for mutual understanding between Islaam and western heritage and culture, despite its contradictions and distance (from Islaam), like the distance between the east and the west. Thus, they call for the waiving of sound and firmly established principles and they also work in order to cut off from the Divinely Legislated texts or by denying or interpreting them with a false and corrupt interpretation. They have opened up a new shameful path for themselves to gather contradictions. They therefore judge and ridicule many of the texts according to their whims, desires and corrupted stagnant useless opinions to the pleasure of their Orientalist and westernised teachers and whosoever is similar to them. They do all of this out of ignorance and misguidance, to the extent that you will see that one from them will not know anything about the deen except its name, and will not know anything from the Qur'aan except its writing.<sup>25</sup> They neither rectify their outer selves nor their inner selves from deviation, doubts and misguidance.

You will also see that they do not know the Divine Legislation of Allaah and do not adhere to the teachings of Allaah and do not view that *eemaan* is something that is firmly established in the heart without whatever is apparent with the limbs. This is the *madhdbab* of the *Murji'ab* of old and of the present; it is the *madhdbab* of the *Murji'ab* of the rationalists who understand the Divine Legislation far from the revelation of the Qur'aan and *Sunnab* and the path of the scholars from the Imaams and the firmly grounded scholars in every era and epoch. So this is school of the rationalists that rejects many of the Divinely Legislated texts using as a proof the idea that the texts oppose the intellect and the 'current situation.' For example, some of the rationalists are not convinced that a fly has in its wings a disease on one and a cure on the other and so that if it is dipped into a vessel they see this as being disgusting. But if a doctor verifies and affirms this one day the rationalists would applaud him and believe him. If a scholar from the *kuffaar* scholars comes and verifies that this is really the case, that a fly has a disease on one of its wings and a cure on the other, they would praise him and prostrate to him and say: "Yes now we believe in the

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<sup>25</sup> But in some cases you will find that the new-found modernists have even actually memorised the whole Qur'aan!?

*hadeeth* of Aboo Hurayrah (*radi allaabu anhu*) which is also found in one of the most authentic books after the Book of Allaah, that being Saheeh ul-Bukhaaree.” With this similitude they also do not enumerate many *abadeeth* which they therefore attempt to refute through proposing the rational intellect as the ultimate definitive judge over the Divine Legislation of Allaah.

**FROM THE MORE PROMINENT FEATURES OF THIS SCHOOL OF THOUGHT ARE:**

1. Their increased efforts in attempting to refute the Prophetic *Sunnab* in total or partly and therefore the *deen* with them is according to their desires and their minds. They do not understand that the *deen* agrees with what has come in the Book of Allaah and the *Sunnab* of the Messenger of Allaah (*sallallaahu alayhi wassallam*), as they differentiate between the *Sunnab* and the Qur'aan, as the Prophet (*sallallaahu alayhi wassallam*) said: “*Let me not find one of you reclining on a couch when one of my commands comes to him from one of my commands and prohibitions and say: “Rather I have the Book of Allaah so whatever permissible I find within it I deem it permissible and whatever prohibited thing I find within it I deem it unlawful.” However, I have been given the Qur'aan and something similar along with it.*”<sup>26</sup> . . . . .
2. Also from the features of this of thought is that its leaders make the rational intellect as the foundation of understanding the texts and make the textual evidences subject to the rational intellect. Therefore, if a text comes and agrees with the rational mind they accept it and if a text arrives, meaning from the Book of Allaah and the *Sunnab*, that opposes the rational mind they reject and discredit it.
3. Likewise they do not hold any importance to the correct *'aqeedab*, and rather view it as an opposing ideology and thus they do not call to becoming firmly grounded in the *'aqeedab* that the Prophets, *peace be upon them*, began with. As all of the Prophets came and said, **“O people worship Allaah, you have no deity other than Him”** {*al-Hood (11): 50*} What is it with them that they oppose the Prophetic methodology?! This is the ruling that they establish upon their own selves.<sup>27</sup>

Finally, those who drone on about the apostasy laws in Islaam and complain about “personal freedoms”, “human rights” and “individual expression” are inconsistent and self-contradictory. For if they truly believe in “freedom of belief” they have little causes to seek to try and change, or force or coerce, Muslims to give up what they believe in. Indeed, in some instances the blond followers of human rights accords have clearly stated that if religious belief gets in the way of human rights then the religious belief has to be done away with, so the rights of the religious

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<sup>26</sup> Verified by Imaam ash-Shaafi'ee in *ar-Risaalah* (295) and Ahmad in *al-Musnad* (8/6) and Aboo Daawood in *as-Sunan* (no.4605); Tirmidhi made it *hasan* in *al-Jaamee'* (2665); Ibn Maajah in the introduction to his *Sunan* (no. 13) and al-Haakim authenticated it in *al-Mustadrak* (108, 109/1).

<sup>27</sup> From Dr Muhammad bin Moosaa Aal-Nasr, *Al-'Aql wa Manzilatuhu fi'l-Islaam* ('Ammaan: Daar ul-Athaariyyah, 2005), p.85-96. See trans: <http://www.salafimanhaj.com/pdf/rationalist.pdf>

adherents goes totally out of the window here. Here then, one can only believe in what agrees to the invented terms that changes according to the desires of those who claim to want to implement human rights around the world and is approved by them. Essentially what they say is that before one ascribes to a religious belief, a person should check first with the human rights experts to attain whether the belief agrees with the contemporary prevailing human rights legal definitions!?<sup>28</sup> A contradiction in itself! This then, is an unjust division. For human rights and

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<sup>28</sup> Ann Elizabeth Mayer for example is a proponent of this view, an Associate Professor of Legal Studies in the *Department of Legal Studies and Business Ethics* at the *Wharton School of the University of Pennsylvania*. She has been one of the voices who suggests that Islamic law should be suspended and overruled when it conflicts with international law and human rights codes. She has written a number of works on law and human rights specialises in the Islamic world, she studied Arabic as an MA at the *University of Michigan*. She is fairly balanced, criticising the Islamophobes such as Ibn Warraq, Oriana Fallaci, Franklin Graham and the likes, yet she does press on the need for Muslims to suspend the Divine Legislation of Allaah when it conflicts with human rights and she also sympathises with “progressive” interpretations of religion, including Islaam. Mayer responded to some of her critics including John Strawson who we have referred to in the footnote below, see her paper here: <http://lgst.wharton.upenn.edu/mayera/Documents/strawsonass18b.pdf>

Mayer has written extensively on women’s rights within the Muslim world and it is here wherein she argues that the Divine Legislation should be relegated when it conflicts with international human rights which have been formed in the West, see: <http://lgst.wharton.upenn.edu/mayera/Documents/frankfurtmayo3edit.pdf>

Mayer states in a paper entitled *Reconsidering the Human Rights Framework for Applying Islamic Criminal Law*:

In the few Muslim countries where Islamic criminal law in some form is already in force, charges have been made that human rights are thereby being violated. As demands rise in some other countries for reinstating Islamic criminal law, objections are raised that this will lead to conflicts with international law. As a review of the contemporary discussions of Islamic criminal law and international human rights law can confirm, many of those expressing opinions on the merits of applying and/or reviving Islamic criminal law neglect to consider how criminal justice systems actually function in contemporary Muslim countries and the need to reform them in the interests of achieving justice.

But there seems to be an imbalance here as surely there are more charges made which complain of the torture taking place in secularised and westernised legal systems as opposed to the very few places where Islamic laws are implemented to make a fuss over? Refer to Mayer’s paper: <http://lgst.wharton.upenn.edu/mayera/Documents/mayerislamabado5.pdf>

She does admit however that:

As an American, I realize that my expressions of concern regarding the human rights violations that can result from applying Islamic criminal law in current circumstances are inevitably associated with hypocritical U.S. government stances regarding human rights and the gross double standards applied by the United States in judging human rights issues involving Muslims and Muslim countries. It is admittedly awkward to be talking about the deficiencies of the criminal justice systems of other countries at a time when under U.S. auspices so many Muslims have been casually and/or arbitrarily accused of involvement in terrorism, incarcerated in horrendous conditions in which they must endure severe indignities, and denied the basic elements of due process -- even being subjected to appalling abuses like the ones exposed at Abu Ghraib and reported by detainees held at Guantanamo.

international law is “seen only in a positivist framework, with definite, undisputed, norms”<sup>29</sup> and Islamic law and the Divine Legislation is de-legitimized due to this Orientalist approach. John Strawson, a Reader of Law at the *School of Law of The University of East London* superbly noted under ‘modernism’:

Islamic law is presented as incomplete and inadequate especially when compared to ‘modern’ European and, by extension, international law. The de-legitimising effect on Islamic law has its mirror image in the representation of European law as a complete, established and definite legal system, legitimate in all respects. This is what Said means by European culture gaining ‘strength and identity by setting itself off against the Orient’. I have argued that with regard to international law, Mayer and others can be challenged from within its own jurisprudence. For European law as whole, it is necessary to consider carefully the implication that it is the legitimate system.<sup>30</sup>

Furthermore, Muslims are not concerned in just trying to gain “numbers of converts”, for one has to be aware that for one to become a Muslim that within Islamic law in an Islamic state if one was to leave Islaam then the punishment could be certain death, then this in itself signifies that Islaam is not at all interested in people merely embracing Islaam at a whim only for them to reject it after. As for the verse in the Qur’aan which the modernists try to use as a proof that apostasy is not punishable and that Islaam has no problem then it is part of the *ayah*,

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**“...so whoever wills let him believe; and whoever wills let him disbelieve.”**

{*al-Kahf* (18): 29}

First of all this is not the full *ayah*, and the remainder of it is quite clear in its regard of the ones who disbelieve,

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<sup>29</sup> John Strawson, “*Encountering Islamic Law*” a paper which was originally presented at the *Critical Legal Conference* held in *New College*, Oxford, September 9 - 12 1993 CE. See Online version: <http://www.witness-pioneer.org/vil/Articles/shariah/jsrps.html>

John Strawson is currently a Reader of Law in the *School of Law* at the *University of East London*, he works in the area of law and postcolonialism with special references to the Middle East, Islam and International Law. He is a member of the *European Consortium* supporting the *Birzeit University of Law* and is currently engaged on a collaborative research project on legal reform in Palestine partly funded by the *British Academy*. He broadcasts on international law, the Middle East and Islamic legal issues, He is currently completing a book on the Palestinian-Israeli conflict. See: <http://www.uel.ac.uk/law/staff/johnstrawson.htm>

<sup>30</sup> John Strawson, “*Encountering Islamic Law*”.



regression in light of evolution and secular theories, but such a historical context cannot be applied to the Muslim world. In this way, the shift from the guidance of God toward the “guidance” of man led this small group of humanity to develop and lay down principles which they claimed were “universal” (when they were only actually based upon their own unique experiences) and then seek to implement these views and “universal principles”, often by force and coercion, onto the rest of Bani Aadam. Strawson states:

Like most other writers in the areas of international law and constitutional law, the break point is the European Enlightenment. This has been the basis for the development of modern European law. Mayer, takes to task many of the Middle Eastern regimes for not being based on democracy and pluralism. Her entire standpoint is ‘western superiority’. The assumption that European law is a fully developed system is rather difficult to accept within the European world let alone the ex-colonial territories. This perception of the superiority of European law, as we have seen, is a common theme of administrators and scholars. In the nineteenth and early twentieth centuries the project was Europeanization. **In the last decade of the twentieth century it is the promotion of human rights, democracy and pluralism. Defects within Islamic culture must be made good.** My difficulty with this project is the character of the European experience. **How precisely can Europeans claim this superiority, particularly in the fields of human rights, democracy and pluralism, when our entire societies have been founded on the systematic denial of these benefits to the population of the colonized world until well into the second half of this century?**

The European systems of law have been used to imprison many who fought for these principles in the colonial world. The European age of the Enlightenment produced the American constitution that permitted slavery, and confined the vote to white male property-holders of the Christian religion. The western Human Rights movement even today is largely a male rights movement. European societies ( and here I include the United States) moved extremely slowly to extend the formal vote to women. Indeed France, the home of the Enlightenment, did not grant women the right to vote until after the Second World War.

**In the West, the principles of democracy and pluralism appear to be a twentieth century phenomena.** They were not the obvious ‘civilised’ systems of government for George Washington or William Gladstone. Indeed Europe for much of the twentieth century has been characterised by regimes which stood opposed to any conception of human rights, democracy or pluralism; German Nazism, Russian Stalinism, Iberian Fascism, and variants of these systems in Greece and Rumania are very much part of the European tradition. It is very significant that in the debate over the legitimacy of law under Nazi Germany, German law has found many a vigorous defender. One cannot but think this is the result of Germany being a European state and that the

holocaust notwithstanding, it is its Europeaness that is important. Islamic law is oriental, and its orientalism is held against it.<sup>31</sup>

Strawson further highlights:

**In the fields of constitutional law and international human rights, it is also no longer possible to rest the case for a basically Western and secular system on the axiomatic positions, as Mayer does. A series of political and theoretical factors nourished the growth of the idea, among millions of people, that sacred law should be the basis of national and indeed global order. This adds another dimension to the insecurities which have become evident in the West with the modernist project. Within the Islamic world struggling with various aspects of post-coloniality, this is a response both to past colonial experiences and to the current 'new world order' framework. Religion has returned to the agenda of national and international societies - and their academies. Post-modernity, it seems, is a condition which requires re-engagements with discourses which the modernists had consigned to closure.**<sup>32</sup>

Allaah says,

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ä ä  
ä ä ä ä ä ä  
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“Allāh wants to make clear to you [the lawful from the unlawful] and guide you to the [good] practices of those before you and to accept your repentance. And Allāh is **Knowing and Wise.**

Allāh wants to accept your repentance, but those who follow [their] passions want you to **digress [into] a great deviation.”**

{*an-Nisaa* (4): 26-7}

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<sup>31</sup> John Strawson, *op.cit.*

<sup>32</sup> *Ibid.*