

Series of Questions Addressed to the Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqh)

Answer to Question:

The Kaffir Reverting from his Religion

To: Said Abu-unus

(Translated)

Question:

Assalamu Alaikum wa Rahmatullahi wa Barakatuh, Sheikh, I am not familiar with Arabic, but I have a question:

What is the ruling in the Islamic state, on those who change religion from the people of Dhimmah, for example, a Christian who changes to Judaism or vice versa? He is not called an apostate (Murtad), but does he have the rule of the apostate and is it not accepted from him except Islam?

Answer:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

Your question is clear, and Allah bless you in making the effort to write the question in Arabic.

The answer to your question is as follows:

There has already been a previous answer issued in the matter stating that the hadith of ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا مَنْ يَرْتَدِدْ مِنْكُمْ عَنِ دِينِهِ فَسَوْفَ يَأْتِيَ اللَّهُ بِقَوْمٍ يُحِبُّهُمْ وَيُحِبُّهُنَّ أَذْلَّهُ عَلَى الْمُؤْمِنِينَ أَعَزَّهُ عَلَى الْكَافِرِينَ يُجَاهِدُونَ فِي سَبِيلِ اللَّهِ وَلَا يَخَافُونَ لَوْمَةَ لَائِمٍ ذَلِكَ فَضْلُنَّ اللَّهِ يُؤْتِيهِ مَنْ يَشَاءُ وَاللَّهُ وَاسِعٌ عَلَيْهِ﴾ "He who changes his religion (i.e. apostates), kill him." is only applicable to a Muslim who reverts from Islam and does not apply to a Kafir who leaves his religion to another religion of Kufr, and for a more detailed answer, I say, and Allah is the guardian of success:

1- According to Shariah, an apostate (Murtad) "is a person who reverts from the religion of Islam". The Almighty said: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا مَنْ يَرْتَدِدْ مِنْكُمْ عَنِ دِينِهِ فَإِنْتُ وَهُوَ﴾ "O you who have believed, whoever of you should revert from his religion - Allah will bring forth [in place of them] a people He will love and who will love Him [who are] humble toward the believers, powerful against the disbelievers; they strive in the cause of Allah and do not fear the blame of a critic. That is the favor of Allah; He bestows it upon whom He wills. And Allah is all-Encompassing and Knowing." [Al-Ma'ida: 54]

﴿وَلَا يَزَّلُونَ يُقَاتِلُونَكُمْ حَتَّىٰ يَرُدُوكُمْ عَنِ دِينِكُمْ إِنْ اسْتَطَاعُوا وَمَنْ يَرْتَدِدْ مِنْكُمْ عَنِ دِينِهِ فَإِنْتُ وَهُوَ﴾ "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-Baqara: 217]

Thus, the word "Murtad" (apostate) is specific to the Muslim who leaves Islam to another religion.

2- The one who leaves his religion, being a non-Muslim, to another religion or non-religion is referred to by the Islamic jurists as "Muntaqil" (convert). The Kuwaiti Encyclopedia of Fiqh reads: (... and the relationship between the Muntaqil and the Murtad is that both of them came out of their religion; however, the Murtad came out of the religion of Truth to falsehood; whereas the Muntaqil came out from falsehood to falsehood.)

3- The rule of the apostate (Murtad) in this sense, i.e. the one who leaves the religion of Islam to Kufr, is to be killed after being given the opportunity to repent by the ruler. And there are clear hadiths which talk about killing him including:

- Bukhari narrated from Ikrimah on the authority of Ibn Abbas that the Messenger of Allah (saw) said: «مَنْ بَدَّلْ دِينَهُ فَاقْتُلُوهُ» “He who changes his religion (i.e. apostates), kill him.”

- Bukhari narrated from Abdullah saying: The Messenger of Allah (saw) said: امْرِئٌ مُسْلِمٌ يَشْهُدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنِّي رَسُولُ اللَّهِ إِلَّا بِإِحْدَى ثَلَاثٍ النَّفْسُ بِالنَّفْسِ وَالثَّبِيبُ الزَّانِي وَالْمَارِقُ مِنَ الدِّينِ التَّارِكُ لِلْجَمَاعَةِ “It is not permissible to shed the blood of a Muslim who bears witness to La ilaha illalla (there is none worthy of worship except Allah) and that I am the Messenger of Allah, except in three cases: a person who has been married and then commits adultery, a life for a life, and the one who reverts from the religion (Islam) and leaves the Jama'ah (Muslim community).”

And the Hadith according to Muslim's narration: امْرِئٌ مُسْلِمٌ يَشْهُدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنِّي رَسُولُ اللَّهِ إِلَّا بِإِحْدَى ثَلَاثٍ التَّبَّابُ الزَّانِي وَالنَّفْسُ بِالنَّفْسِ وَالثَّارِكُ لِدِينِهِ الْمُفَارِقُ لِلْجَمَاعَةِ “It is not permissible to shed the blood of a Muslim who bears witness to La ilaha illalla (there is none worthy of worship except Allah) and that I am the Messenger of Allah except in three cases: a person who has been married and then commits adultery, a life for a life, and the one who leaves his religion (Islam) and splits away from the Jama'ah (Muslim community).”

4- The hadiths mentioned in item (3) do not apply to the person who converts from one religion of kufr to another religion of kufr or to no religion. The hadith of the Prophet (saw) said: «مَنْ بَدَّلْ دِينَهُ فَاقْتُلُوهُ» “He who changes his religion (i.e. apostates), kill him.” does not mean to change from any religion, but it means the one who changes from the religion of Islam and reverts to others, and this is supported by:

- The Prophet's words as in the narration of Bukhari: وَالْمَارِقُ مِنَ الدِّينِ التَّارِكُ لِلْجَمَاعَةِ “and the one who reverts from the religion (Islam) and leaves the Jama'ah (Muslim community).”

And his (saw) saying as in the narration of Muslim: وَالثَّارِكُ لِدِينِهِ الْمُفَارِقُ لِلْجَمَاعَةِ “and the one who leaves his religion (Islam) and splits away from the Jama'ah (Muslim community).”

And leaving the Jama'ah is leaving the Muslim community, which means that he is a Muslim who apostates from the religion of Islam.

- Al-Tabaraani narrated in Al-Kabeer from Behz bin Hakim, from his father, from his grandfather, he said: The Messenger of Allah (saw) said: مَنْ بَدَّلْ دِينَهُ فَاقْتُلُوهُ، لَا يَقْبَلُ اللَّهُ تَوْبَةً عَبْدٍ كَفَرَ “Whoever changes his religion kill him, Allah does not accept the repentance of a person who disbelieved after he became a Muslim”

Al-Haythami said about this hadith: His men are trustworthy. In this narration, the last part of the hadith interprets the first part, that is, the one who changes his religion is the one who disbelieved after he became a Muslim.

- Al-Tabaraani narrated in Al-Kabeer from Mu'adh ibn Jabal, that the Messenger of Allah (saw) said to him when he sent him to Yemen: أَيُّمَا رَجُلٌ ارْتَدَّ عَنِ الْإِسْلَامِ فَأَذْعَهُ، فَإِنْ تَابَ، فَأَقْبَلَ مِنْهُ، وَإِنْ لَمْ

«إِنَّمَا رَجُلٌ ارْتَدَّ عَنِ الْإِسْلَامِ فَادْعُوهُ إِذَا أَتَتْهُ عَادَتْ وَإِنْ فَاضْرَبْتَ عَنْهَا...»
If a man turns away from Islam invite him back to Islam. If he repents, he does, if he does not repent, decapitate him...

Ibn Hajar mentioned in Fath al-Baari, the hadith of Mu'adh: (It was narrated in the hadith of Mu'adh that the Prophet (saw), when he sent him to Yemen, he said to him: «إِنَّمَا رَجُلٌ ارْتَدَّ عَنِ الْإِسْلَامِ فَادْعُوهُ إِذَا أَتَتْهُ عَادَتْ وَإِنْ فَاضْرَبْتَ عَنْهَا...» **If a man turns away from Islam invite him back to Islam. If he returns, he does, if not decapitate him. If a woman turns away from Islam invite her back to Islam. If she returns, she does, if not decapitate her.**” And the Sanad (chain of narration) of this hadith is classified Hassan). It is clear from the hadith that the speech is about the Muslim who reverts from the religion of Islam.

5- Therefore, the provisions of apostasy from Islam do not apply to the convert from a religion of disbelief to another religion of disbelief or non - religion, and therefore, the convert from Judaism to Christianity or to another religion of kufr will not be punished for his moving from kufr to kufr, as well as he will not be forced to accept Islam, unless he embraces Islam by his choice. Note that the one who converts from the people of the book: the Jews and Christians, from his religion to non-Judaism or Christianity, such as if he converts to the Magi or leaves his religion to non-religion, in this case Muslims are not allowed to eat his sacrifices. And if the one who converts from the people of the Book is a woman and she converts to another kufr religion other than the religion of the people of the Book, it is not permissible for a Muslim man to marry her because those who Muslims are permissible to eat their sacrifices and marry their women and are not the people of Islam are the people of the Book: the Jews and the Christians only. As long as a person has converted from Judaism or Christianity to other faiths of kufr, then he comes out of the circle of those who we are allowed to eat their sacrifices and marry their women. Allah (swt) says: ﴿الْيَوْمَ أُحِلَّ لَكُمُ الطَّيَّابَاتِ وَطَعَامُ الَّذِينَ أَوْتُوا الْكِتَابَ حَلٌّ لَّهُمْ وَأَمْحَصَنَتْ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتِ مِنَ الَّذِينَ أَوْتُوا الْكِتَابَ مَنْ قَبَلَكُمْ إِذَا آتَيْتُمُوهُنَّ أُجُورَهُنَّ مُحْصَنَاتٍ غَيْرَ مُسَافِحَاتٍ وَلَا مُتَخَذِّلَاتٍ﴾ “This day [all] good foods have been lawful, and the food of those who were given the Scripture is lawful for you and your food is lawful for them. And [lawful in marriage are] chaste women from among the believers and chaste women from among those who were given the Scripture before you, when you have given them their due compensation, desiring chastity, not unlawful sexual intercourse or taking [secret] lovers.” [Al-Ma’ida: 5]

6- The opinion that is most likely to us on the subject with regards to the convert in the sense shown is what we have mentioned above, and there are other views of the scholars on this issue which can be referred to in the books of Fiqh. But as I said earlier, what we consider likely with regards to the convert is what we mentioned above according to the evidence that we have shown. I hope the matter has become clear.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

15th Ramadan 1440 AH

20/05/2019 CE

The link to the answer from the Ameer's Facebook page:

<https://web.facebook.com/122848424578904/posts/1064183347112069/>