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## **Apostasy and Blasphemy**

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### **Abstract**

Apostasy is defined as refusing to follow a previous faith. It is an abandonment of previous loyalty. The act of apostasy is embracing new ideas and concepts contrary to previous faith. Apostasy is sometimes just abandonment of previous faith and becoming indifferent. It is not necessary to follow a new faith. Becoming an atheist after previously believing in some religion is an example where someone does not accept any other established religion and faith, and just abandon his own faith and believe in nothing specific. In some cases an apostate openly challenge his previous beliefs and embrace another faith while questioning the truthfulness of his previous faith. Apostasy is considered a form of blasphemy in Abrahamic religions. It is considered a major sin according to the religious teachings, but with the increased emphasis on freedom of religion it is no more a crime except the Islamic countries/societies. Islam considers apostasy as a rebellious act against the foundations of Islam and an act of blasphemy against the sanctity of Islam.

**Key words:** Apostasy, Blasphemy, Abrahamic religions, Islam, Penal consequences

### **Concept of Apostasy in different religions**

Apostasy in some religions and societies is still a crime. Although the Universal Declaration of Human Rights provides with religious freedom, which means everyone is free to change their religion. Freedom of religion is considered to be a fundamental human right by many people and most of the nations. Broadly speaking, freedom of religion in a country generally means that the religious practices of different religions (along with the state religion if any) are not restricted at all, the believers of other faiths and religions do not face or fear any sort of penal consequences. It is pertinent to mention that freedom of belief is different from freedom of religion. The concept of freedom of belief means that a person, group, or religion is allowed to believe whatever they want to but there is no condition to practice this religion or belief publically (or freely without any restrictions). The concept of apostasy is basically related more to freedom of belief than freedom of religion, but its connection with freedom of religion cannot be overlooked. The concept of apostasy is same in all religions, but the consequences are different in nature.

Judaism is oldest of all the Abrahamic religions. In Judaism, apostasy refers to the rejection of Judaism and possible conversion to another religion by a Jew. Apostates are classified in different categories in Judaism. According to the Jewish scholars, *mumar* is literally "the one who is changed", changed out of his faith. *Poshea Yisrael* literally means "the transgressor of Israel", and *kofer* literally means "the denier".

There are also some similar terms including *meshumad* which literally means "the destroyed one", and *min* or *epikoros*, which denote the negation of God and Judaism, implying atheism (Kohler & Gottheil, 2021).

Once a Christian and later rejecting the Christianity for any other belief/religion or for no other belief/religion is considered apostasy in Christianity. The Greek word *apostasia* meaning defection, departure, revolt or rebellion is root of this term. Apostasy in Christianity is not only an act of willful falling away but also a declaration of rebellion against Christianity. It is a voluntary act of abandoning the faith in God, and denying or if not utterly denying but not completely believing in Jesus Christ. According to the New Testament a Christian may be tempted by the old ways of before embracing Christianity like idolatry, sexual immorality, and covetousness. A Christian may also be tricked by false prophets, or by the frivolous teachings that seduce him away from his true and wholesome devotion to the Christ. Finally a Christian may be harassed or threatened by the authorities or powerful governing bodies to give up his faith. Many Christians were threatened with certain death if they would not deny Christ (Oropeza, 2000). The classic canon law considers apostasy as a *fide*, which means completely refuting the Christian faith. The penal consequences suggested by decretist jurists are very harsh, i.e. death by fire (Mitchell, 2017). There are three types of apostasy was recognized by Hostiensis, a 13th century theologian. The conversion of another faith is the most heinous one and could be punished by confiscation of property or even the death penalty. The second is breaking of major commandments. The third one is breaking the vows of religious orders. The second and third kind of apostasy could be punished by expulsion from home or imprisonment (Polack, Kania, & Chadwick, 2016).

The last one among established Abrahamic religions is Islam. The concept of apostasy is very detailed and lengthy in Islam. In Islam, apostasy means abandonment of Muslim faith by words or through a deed. It includes converting to another religious faith or renouncing Islam to become an atheist. A person born in a Muslim family or who had previously accepted Islam and later on abandons Islam is considered to be an apostate under Islamic teachings. Apostasy in Islam includes not only an explicit renunciation of the Islamic faith (whether for another religion or atheism), but also any act or speech which imply unbelief, such as one denying a "fundamental tenet or creed" of Islam (Peters & De Vries, 1976).

The concept of apostasy is also discussed in Holy Quran;

“Whoever disbelieved in Allah after his belief, except him who is forced thereto and whose heart is at rest with Faith but such as open their breasts to disbelief, on them is wrath from Allah, and theirs will be a great torment.” (The Holy Quran 16:106)

And;

“Indeed those who disbelieve after having accepted faith, and advance further in their disbelief - their repentance will never be accepted; and it is they who are the astray.” (The Holy Quran 3:90)

Apostasy is not only a sin but a crime as well according to Islamic teachings. It is a religious and social issue at the same time. Any Muslim who has understood and professed the oneness of Allah and finality of prophet-hood of Muhammad (PBUH) while having a sound mind and age of puberty is supposed to have the necessary knowledge of Islamic values. The deliberate rejection and negation of basics of Islam is apostasy according to the teachings of Islam. Questioning the existence and oneness of Allah, doubting the finality of prophet-hood of Muhammad (PBUH), symbolically or expressly considering any other object as God, and mocking or not believing in Holy Quran are some of the acts that are considered apostasy in Islam.

### **Islam, Apostasy and Blasphemy**

According to the different schools of thought in Islam, apostasy is a sin and crime and should be punished. There is a difference of opinion among different schools of thought regarding the execution of punishment. Three days of imprisonment before execution is recommended by Hanafi school of thought, although the delay before killing the Muslim apostate is not compulsory. The apostate men must be executed while women must be held in solitary confinement for three days so they may repent and return to Islam. The philosophy behind this three days delay is to give an apostate a chance to repent and become a Muslim again (Peters, The classical doctrine, 2005). The Maliki school of thought also suggests death penalty but it allows up to ten days for repudiation. The waiting period is three days according to the Shafi'i school of thought. After the wait, the recommended punishment is execution. The punishment is the same according to the Hanbali school of thought although the waiting period is not necessary but may be granted to repent. According to the teachings of Islam, the act of blasphemy is considered apostasy.

If a person says inappropriate words against the dignity and respect of Prophet Muhammad (PBUH) then this act of blasphemy will also be considered apostasy. If someone has been accused of blasphemy and apostasy, and he denies it then this denial may be considered as his repentance. According to some other Muslim jurists, if a Muslim commits an act of blasphemy intentionally or unintentionally, he/she must be punished and no repentance shall be accepted.

There are different views regarding the act of apostasy. In the context of history, all the major religions in world either had recognized the act of apostasy as a crime or still consider it a crime. For some religions and societies with the development of modernism, the act of apostasy may not be a crime anymore but still it is considered a sin according to the religious fractions. The concept of apostasy is generally only taken in the reference of religion but actually Apostasy is a complex social matter, not only religious. A positive relationship with religion and religious teachings is significant. Religious environment plays a vital role when it comes to apostasy. An environment with religious fanaticism or an environment with not so much emphasis on religion, both may lead to apostasy. A positive relationship between emphasis on religion/faith in the childhood home and later religiosity of children. The religious environment at home plays an important part in the apostasy process, such that weaker emphasis on religion and religious practices is related to a greater probability of apostasy later in life. Sometimes kids hate their parents and everything related to them especially if the parents try to force religious teachings on their kids against their will. In this case, the kids start to dislike religion and may become indifferent or choose apostasy (There are some research work done for this argument. It is very much obvious that sometimes apostasy is not religious nature but of social nature where the kids show rebellious behavior against their parents.)(Wuthnow & Glock , 1973). The social environment is a major factor for the kids who choose apostasy later in their life, but for the children and even for the adults, there is also a theory of ‘push’ and ‘pull’. Sometimes a person is so much pressurized under his own religious setup that he considers himself a misfit. It is like he is being pushed away from his own religion. He is unable to cope up with the pressure and decides to leave his own religion. Then there is another aspect, sometimes a person is very much attracted towards another religion or ideology that he considers it better than his own. It is like he is pulled towards or attracted towards that particular ideology or religion.

One important question that must be answered is that if there is freedom of religion then why an apostate should be punished for changing his religion, especially Islam. Every religion is basically a contract between the religion itself and its followers where a follower agrees to obey teachings and guidelines provided by the religion. Therefore, those who freely accept Islam, unilaterally undertake wholeheartedly to enter Islam, specifically including the clause never to renounce the faith. This is a contractual issue and is not controversial if a person enters freely into the contract. According to the Islamic point of view, to become a Muslim, one consciously and freely has to make the ‘two declarations’, cognizant that this act formally enters one into a binding Covenant with God. The Covenant imposes binding obligations. The primary obligation of interest here is a key term of the Covenant, that having freely accepted it, one may never repudiate the Covenant. That is, while acceptance of the Muslim Covenant is voluntary, once adopted, it is unilaterally binding, as with any other unilateral contract. So if an adult of a sane mind willfully enters into a contract then it is binding upon him(Wood, 2012). Simply a person entering into a religion is just like a person entering into a contract, as all the clauses of a contract are binding upon parties, so the religious commands. Another relevant question is about someone who was born in a Muslim family and a Muslim. It is just like when someone is born in a country, and he has the citizenship, so the laws of that country must be applied to him. Actually, Apostasy is the crime of repudiating Islam—that is, of a Muslim declaring that he is not a Muslim anymore. In the early days of Islam, apostasy represented treason and alliance with the enemies of the Muslims, and required military suppression(Zuhur, 2008).Also there is a possibility that the apostate will break within the Muslim community and takes up arms against it (Alawani & Roberts , 2011). Being more specific, apostasy is considered treason from religion, similarly to the laws of high treason in a country which are applicable to all its subjects. It is specific under Islamic teachings that the punishments related to apostasy are not applicable before the age of adulthood. If someone choose to be an apostate before the age of adulthood then there should be no punishment for him.

As it has been discussed above, the act of apostasy means when someone repents from a faith, he was practicing or following and change to another faith. The act of apostasy is considered a kind of blasphemy against the religion where a person negates the established values of a religion and go against them. According to some Muslim scholars, the legally prescribed punishment for apostasy applies to both, at the individual and collective levels, since it is said to be based on the need to protect the religion from those who would seek to do it harm, manipulate it, or rebel against it(Alawani & Roberts , 2011).

Here the element of manipulation is very important. The act of blasphemy is actually a manipulation and rebellion against the established values of religion. According to the Islamic teachings, apostasy is not only a separate crime and sin but it is also connected with the act of blasphemy. A person committing apostasy is denying the truthfulness of Islam and denying the truth conveyed to all Muslims by the Holy Prophet Muhammad (PBUH). This way he is committing an act of blasphemy by denying the truthfulness of the Holy Prophet Muhammad (PBUH).

Apostasy is a capital offence in many Muslim majority countries. But sentencing is dependent and conditional on the behavior of apostate even where it is a capital offence. In case of repentance, the charges of capital punishment are dropped. For example, in Afghanistan, Brunei, Sudan, and Yemen, a conviction for apostasy can be turned down if the apostate becomes Muslim again. In Mauritania, an apostate is given an opportunity to repent both before and after his conviction. The Supreme Court of the country has the authority to reduce the sentence in case of repentance after conviction. In some countries, such as Saudi Arabia, the act of apostasy is a crime as a result of the complete assumption and applicability of Islamic law. The criminalization of apostasy as a capital offence is statutory in many countries, either directly or indirectly. The offense is a part of Mauritania's 1983 Criminal Code, the United Arab Emirates' Penal Code of 1987, Sudan's Penal Code of 1991, Yemen's Penal Code of 1994, Qatar's 2004 Penal Law, and Brunei's 2013 Criminal Code (however, in Brunei the provision on apostasy is not yet in force). Afghanistan (Under the Hanafi interpretation of Islamic law, as applied in Afghanistan, the crime of apostasy constitutes a hudud crime, a class of crimes that stipulates fixed punishments. Article 1 of the 1976 Afghan Penal Code states that hudud crimes must be punished in accordance with provisions of uncodified Islamic religious law as applied by Hanafi religious jurisprudence. Similarly, article 130 of the Afghan Constitution states that while processing a case, courts must apply provisions of Hanafi jurisprudence if there is no provision in the Constitution or other laws regarding a specific case. Prevailing Hanafi jurisprudence, as applied in Afghanistan, prescribes the death penalty for the crime of apostasy. A person charged with apostasy can avoid prosecution and/or punishment if he recants. That hudud crimes must be punished in accordance with provisions of uncodified Islamic religious law as applied by Hanafi religious jurisprudence. Similarly, article 130 of the Afghan Constitution states that while processing a case, courts must apply provisions of Hanafi jurisprudence if there is no provision in the Constitution or other laws regarding a specific case. Prevailing Hanafi jurisprudence, as applied in Afghanistan, prescribes the death penalty for the crime of apostasy. A person charged with apostasy can avoid prosecution and/or punishment if he recants.), and Qatar has also incorporated the crime of apostasy into their criminal laws. Legislatures of some Islamic countries are still discussing this issue; for example, in Pakistan, a draft bill making apostasy a capital offense was proposed in 2007, but never adopted. In Iran a draft Penal Code containing a provision on apostasy was initially adopted by the country's Parliament in 2008, but later on rejected. Although Iran's current Penal Code does not formally criminalize the act of apostasy but courts have prosecuted individuals for apostasy based on their understanding of Islamic law and legal opinions issued by religious leaders. Same had happened in Jordan, where apostates are prosecuted in the religious courts.

## Conclusion

There are basically two major outcomes of the act of apostasy. One is rebellion against the established religion. and the second is committing blasphemy against the religion. The aspect of rebellion is that when a person enters into a religion and later on he wants to leave it, by this he may instigate others to do the same. The act of apostasy is considered blasphemy when a person leaves a religion, and by leaving that religion, he is clearly negating the fundamentals of that religion and disrespecting it. For example, when someone is a Muslim, he believes in the oneness of God and that Prophet Muhammad (PBUH) is the last Prophet and messenger of God. When he commits apostasy, he denies the finality of the prophet-hood of Muhammad (PBUH). This is considered an act of blasphemy under Islamic values.

The right to freedom of religion doesn't mean that it is freedom from religion. Religion is a vital part of the social fabric of many societies. The act of apostasy is principally negating the established values of a religion. Apparently, it seems not justified to criminalize apostasy as everyone is free to choose his/her religion, but if there is no coercion or force involved in accepting a religion then the rules regarding apostasy should be applied to a person. Once a person has accepted to follow a specific religion then he is bound to the rules and regulations of that particular religion. It is simply relatable with joining of an organization, if someone has joined an organization at his free will, then the rules and regulations of that particular organization will be applicable to him.

The same is the case with religions, if someone has accepted a religion at his free will, then the rules of that particular religion will be applicable on him. If a religion considers apostasy as a crime then it is a crime, for its followers. The crime of apostasy is only applicable to the followers of a particular religion who had accepted that religion and accepted to follow its teachings. The application of apostasy under one religion cannot be enforced on the members of other religions as they are beyond the scope of it. For example, if a Muslim states that the Prophet Muhammad (PBUH) is not the last messenger of Allah, then he is not only an apostate but has also committed the act of blasphemy. Also, in the same manner, if he commits blasphemy against the Prophet Muhammad (PBUH), then he will be considered an apostate. If a non-Muslim says something like this, then it will not be considered apostasy or blasphemy as he had never believed in the finality of the prophet-hood of Prophet Muhammad (PBUH) in the first place. The recent developments in the area of freedom of religion may support apostasy, but it is a religious matter and should be dealt with according to the religious teachings. If a religion doesn't criminalize the act of apostasy then it is not a crime, but if a religion does then it is not only a crime but also strictly applicable to its followers.

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