

:

*

):

):⁽²⁾
(⁽³⁾

:

:

(1)

"

"

"

"

.2008/10/7

2007/4/30

*

:

:

:

:

:

:

:

:

:

:

(4)»

:

(5)

:

:

(6)

:

(7)

(12)

/

2009 ©

:

:

:

:

-1

(8)»

":

-

-

":

(9)»

-

-

(10)

":

(11)»

(13)

":-

(26)

:

(14)"

" :

-

-

" :

(27)"

" :

:

" :

(15)"

:

-2

(16)

(28)

:

-3

(29)

(17)

(30)

:

-4

(18)

(19)

:

-5

(31)

(20)

(21)

:

(32)

(22)

:

-6

(33)

(34)

(23)

(35)

:

(24)

(36){

" :

(25)

(49) { (37) } :
) : - -
 " :- (50) - - (38)

(51) " ... (39)

" : (52) (40)
 (53) " :

(54) (41)

(55) :
 (56) , (42)
 " :-
 (57) "

" : (43)
 : -7

(58) " : (44)

(59) (45) : -8
 (46)

(60) : (47)
 : -9

-1 : -10

(48)

(75)

(61)

(76)

(62)

(77)

(63)

(78)

(64)

-5
(79)

(65) ...
(66)

(80)

(67)

(81)

(69)

(70)

(83)

(82)

(71)

(72)

(84)

(73)

(74)

(85) ".....

(94) (86)

(95) (87)
(96)

":

(97) " ...

(88)

":
- - - -
(89) " : -
" :
"

(98) (90)

(91)

(99)

(100) (92)

- - - - " :

(93)

":
-1
-2
"

(102) (101)

"

-3

(108)

" :
"

(109)

: :

)

(103)((

(110)

(104)

" :-
"

(111)"

(112)"

(113)

(105)

(106)

(107)

(114)

(115)

-3
-5

-4

-2 -1

(116)

(128)

(129)

(117)

(118)

(119)

(120)

(130)

(131)

(132)»

(121)

(133)

(122)»

(134)

(135)

(123)»

» (124)»

» :-

(136)

(125)»

(127)

(126)

(147) (148) (137)

() :

() :

- : - - -6

" : - (149) :

- -7 :

... " : (150) - :

: - (-) -8 - - -1

() (139) ... "

- - -2

(151) " :

(152) " : (140) " :

- : -9 (141) " :

- - (142) " :

(153) (143)

- - - -10 : -3

- - (154) : :

(155) - - (144)

- - -4

(156) " : - :

- - (145) ... :

- - -11 (146) : -5

... :

(157)

(167) : :

(158) -

(168))) :- - -12

(159) -

-6

(169) :

-7 -

(170) :

(160)((:

-1

(171) " :

(161)_n -2

(172) () (162)

-3

(163)_n ... -4

(173) : -

(164) ...

-1

(165)

-5

(166) :

:

:

" :

" : (174) "

(177)

(178)

-3

:

-4

(175)

-2

:

... :

:
(176)

(179)

(186)

-5

:

" :

(187)

(188)»

:

(189)

(180)

:

(190)

(181)

:

-

(191)

-6

(192)

" :

(193)»

:

-

(194)»

:

: " :

(182)

(195)

:

:

:

:

:

(183)

(196)

(184)

:

:

(197)

-

(185)

(198)

(211)〃

(199)

∴ (212) -2

(200)

(213)

〃 (201) ...

(202)〃

(203)

(214)

(205)

(204)

(215)

((206))

-1

(216)

(217)

()

(207)〃

) ∴

(218)

(

(219)

(208)

(209)

∴ -

〃 ∴-

(220)

(210)

〃 ∴ 〃 〃

(223)

" " :

" " :

:" "

" :

" :

(224)»

" :

(221)»

(225)

" :

(222)»

-1

»(226)

" :

: -2

(227)

"

" :-

(238) " .

" :

(228) " .

"

(229) .

- - -

:

-5

- -

- : (230)

... " :

(231) -

:

:-

(232) " .

(239) " .

(233) _

-6

:

(234)

(235)

: :

(240) .

(236)

- - -

. - - -

- - -

: -7

: - - -

: (241)

(237) " ...

: (242)

(243)

()

()

"

(252)

:

- : - " : (244)»

(253)

:

: :

- - - - -

: " " : (245) (246)

(254)

:

:

(255)

(247) ...

- - - (248)

-8

" : -9

(256)

"

(249)

:

(257)

(250)

(251)

(263)

:

:

:

:"

":

(258)

(264)

(265)

-)

(286)

:

(266)

} :-

:

- -1
(267){

(259)"

:

:

(268)

(269){

}:

-2

-

-

(270)_

(271)

(272)

()

-3

-

":

-

-

"

":

:

"

(273)

-4

(261)

(260)

(262)

(274)

(275)

" ...

":

"..."

":

-

:

:

(276)

(277)

" "

(278)

(286)

(279)

()-

(280)

(287)

(281)

-1

(282)

(288)

" : ()

(283)"

()

(284)

-2

"... " :

"... " :

"... "... " :

(285)

：
" : (295)" ...
" :
：(289)
(296)" " :
：
： (290)" " :
：
-1
：
(297)
：
(298)
... " :
(299) "
-2
：
(300)
-3
：
(301) (291)
-4
-2
-3
-5
(292)
" :
(293)"
-4
(294)
" :
-5

-3

-4

-5

-6

-7

-8

-9

-1

-2

.133/4 -	-	.217 -	(1)
68/6	:	.256 -	(2)
-	134/4	.29 -	(3)
64/10	25	.218 -	(4)
279/6	13/12	.213 -	(5)
	431/4	.149 -	(6)
541/8	131/8	.107 -	(7)
.786/14	-	53-	(8)
" "	:	(12) :	-(2697) 5-
.151/1		640/5	
431/4	:	(13) 8-	30
461/4	280/6	:	-(1718-17)
174/4	64/10	(14)	-256/6
-	132 -131/8	.256-180-146/6 :	
544/8	153-152	(27375) 413/6	(9)
	.326/10	" "	" :
49 -	(14)	18-	
(2528) 6-		-36) 6-	
-	83-	:	-(1480)54
400/13 -463/5	:(-6664) 15	144/6	351/5
1-			.(434)
:	-(127-201) 58 -	" "	:" (10)
	.423/1	" "	:" (10)
-	:	174/4 () ()	(11)

		225/10	(37)		40	30	
		.152/8	(38)				
185	-	408/4	(39)		-		(15)
	.34/12	152/8		:	-(209)	60-	
	.35 34/12	151/8	(40)			.430/1	
	.35 34/12	151/8	(41)	544/8		279/6	(16)
	.37/12		(42)	:			
	.186 -		(43)	:	435.436/4		(17)
	" :					132-131/8	
		" :	"		544/8	153-152	
		" :	"			.65/10	(18)
						.9 - -	(19)
	" :			28/6		134/7	(20)
"				436 435/4		280/6	
			:	11/4		395/7	
280/6	:	280/6	(44)	204/6	2308	-408/11	
.544/8		64/10		153 -152 -			
	.66.65 :	-	(45)	.150/8		544/8	
.124/4	30		(46)		.181 -		(21)
	49-20 -		(47)		.64 -		(22)
	65/10	392/3		:			(23)
102/44	395/7	134/4					
.15/4	95/20		(48)		.51 -		(24)
.15/4	95/20		(49)	65/10	433-432/4		(25)
	.5 -		(50)	544/8	279/6		
	: 2-		(51)				
106/1	-(25)	17-				-	(26)
-	1-					150/8	(27)
		: -(22-36)8				102 -	(28)
279/2 (3429)		234/1		:			(29)
4/5 (2608)	27/1 (71)			57/6		289/2	
	.231/1	(6293)				(3175)	
442/2	208/4	19/3	(52)			(2189)	
	.38 -					.135/8	
	1-		(53)			66 -	(30)
-(82-134)	35-			63/12	151-150/8	:	(31)
	347/1				151/8		(32)
(7523)		255/4 (4126)			176/14		(33)
:	(8587) (7597)			279/6	34/12	151/8	(34)
				384/2	279/6		
	.548/8		(54)			.185 -	
208/4	17.18/3	:	(55)	432/7		67/12	(35)
	153-152 -					.152/8	97/13
548/8	444/2	319/1				.102 -	(36)

					...	:
	503/5 (28409)				.366/19	
	- 76/2				.48 -	(56)
	132 -131/8		(66)	3-		(57)
		.544/8		:(-128)	49-	
.308/14	:	:	(67)	305-304/1		
		:	(68)	1-		
		:		-(32-53)	10-	
		-		.54/1	:	
		-		-62/2 (1420)		(58)
		-		230/1 (461)		
	:	-			-	
					449/1 (1401)	
					-	
					316/5 (22745)	
					:(3946)	
	.326/12	176-175/7			:(18860)	
		123/10	(69)		.20/3 -	
13/12	134/7	282		348/1	:	(59)
40/12		72/10			.447/2	20/3
.194/10		326/12		.358/10	190/6	:(60)
-40/21	.106 -		(70)	132 -131/8	:	(61)
	:	" :41		-331/3	544/8	
				.435/4	-413-406/11	
	"			60-		(62)
				53-	(3451)	50-
-				25-	81-	(3479)
	"	" :-		-170/7	:(-6481)	(6480)
	:			49-		106/195*13
	208/8	327/12		:	-(2756)	4-
	81/10			269/2 (7675)		81/9
		.516/8		.353/9 (9758)		(4255)
		.327/12	(71)	.309/4	136/4	(63)
	.28 -		(72)	-		(64)
.328-327/12	194/10		(73)	-1 2043	-659/1	
282 -		123/10	(74)	56/2		
	.146/8	329/12		(370)		(497)
		.329/12	(75)			198/2
				28/1		
				:		
				...		
					(1430)	
				250/6		
.330-329/12	:			93 -		(65)
				-76/2-		

	40-40/10	72/10		.564/8		146/8	(76)
	.94/10	332-331/12					(77)
180/13	309/4	:	(79)				
.546/8	136/4			-(1)	1 -	-1-	
134/7	77/6		(80)	-	:	-20	
70-63	-62/8	386/2		-49-		-(54)	41
424/6	1319 -1	-168/6		(2529)		-6-	
	.70 63	62/8		-		-63-	
.395/7	134/4		(81)	-67-		-(3898)	45 -
	.205 200/10	:	(82)		(5070)	5-	
	.(75)		(83)	-23-			-836-
		:	(84)				:(6689)
		.190		144/10	631/7	464/5	15·183/1
	144-101/6		(85)	33-			428/13
-		268/5		45-"	" :-		-
	(3432)				:		-(1907-155)
-		-		(1647)	(2210)		61/7
(148)		(2041)		159-1580/6	60-85/1		(2427)
	(4400)	366/75		25·43/1	(401)		31/7
	(142)			222-115/2		42/8	
		59/2				.(201) (17)	
.176/4	134/7		(86)			.146/8	(78)
.71/10	148/8		(87)				
123/10	134/7		(88)		" :		
71/10	407/4					...	
176/4	39/12			172/3		:"	
27-26/4	148-147/8			9-	2-		
211/11	556/8			(21) 14-			(16)
	.504/7	425/6		-42-		78-	
-42-			(89)	-		89-	(6041)
-322/5	:	-(2375) -14-		1-			(6941) 1
(547)	149/3	(2986) 323		(43-67)	15-		
	.341/6	417/1		(4989)			(2626)
238/5 (3026)	25/3 (3671)		(90)				(4033)
351/2	:			-	-		
:	(7220)	389/1 (1698)					..." :
		.123/10	(91)				
93/12	72-71/10		(92)	-89 -			."
27-26/4		147/8				.(6943) -	
504/7	331/10	556/8					
	.426/6						
-439/4	23/12		(93)				
" :(29/12)				146/8	:		

		.77/10						
	.59- 58/12	20/4	(106)	"				
	.33 -		(107)			.148-147/8		(94)
	280/6	30/12	(108)	.137/4		72-71/10		(95)
.200/10	394/7	446/4			148-147/8	388/2		(96)
	.141-140/8	:	(109)				.425/6	
	.38 -		(110)	:				(97)
(4250)	154/10		(111)	(709)	-108-107/3			
1419/2	30-	37-				474-/5	(1366)	
	150/10	(10281)		211/11	"	"	:	
	.97/1(108)		(112)	.144/7	"	"	:	
			(113)	134/7	123-	122/10	:	(98)
		.(138)		284-281/6		18-17-15/12		
:			(114)		.17/15/4	62/2		
	.35		(115)	39/12	71/10		:	(99)
	.109 -		(116)		345/10	379/7		
		:				.15/12	424/6	
283/12				153 -		122/10		(100)
	.1	363*364/19				122/10		
			(116)	134/7	123-10		:	(101)
:	-			-282/6		406/4		
153 -		408/3		-144/8	443-44/4	13/12		
	40 -38 -37 -26-	81/12			565-564/8	145		
-282 -279/6		286-285	282/8			.(256) -		(102)
1363/3		285		1-	24-			(103)
-4 384/2		365 -			56-	(1399)		
-51-50 -49/12	440 -439	-438/4		102-	-	-		
76-75/10		68 -67 -52			88-	(2946)		
285/12		177/4			(6924)	3-		
557/8		364/19		-		96		
		126/8			-(7284*7285)	2 -		
.(137)			(117)	277/14	212/4*6/4			
.37 -		:	(118)		1-	175/15		
	.137 -		(119)	:	-(21)38-33) (20)32)	8-		
			(120)		232/1			
	(158)			1295/223927)	8/2	(2223)		
				23-	93/2)1556)			
.77/6	-			-(2603)	10-	:		
-						.96/9	:	
-	"	" :-				103-102/7		(104)
-		:		282/6	68/8			
-	" :-			426/6	317-316/7	143/8		
					123/10	139-135/7		(105)
	.54/3	:		59 -58/12	43/12	150/5		

		.39/12	(135)		260•261/4	:	(121)
	.62		(136)	448/1		256•257/1	
		.462-461/1	:	(137)		.51•52/12	
:				.(7)	20	:	-84/3(2762) (122)
							(123)
						60/4(1460)	
:						114/3(112)	
				:	401/4		184/10
47/3		461/1	:		:(153/8)	(3688)	
	.350/3	188•189/11					:
	.48/12	99 -98/10	(138)		189/9	247-136/8	(124)
	-88 -		(139)		(28982)	383/1	
	(6922)	-2-			.166/2(860)	190/1	
-149 -		-56 -				136/8	(125)
		-(3017)			453•561/5	-(28980)(27912)	
		267/14 -258/6				.187/23	
	195/8	(2551) -282/1		-	-		(126)
/4 -25		-					
		(1458) -59					:
	(29006)	-564/5					
:		.(18706)					
		"... "			140/4(53)		-
						244/4(7514)	
						40/6	
							.141/9
						.153/8	(127)
					.60/7(13154)	129/4(4362)	(128)
							(129)
							.(150)
-301/2				61	-		:
	(2535)	-848/2	(3522)			.11/4	128/8
		(108) -113/3			135-134/7	99 -98/10	(131)
-311/11		-(.843) -214/1			281/6	40 -39/12	
	275/8	-(.11835)		-1361/3		281/6	
(3526)		-.261/6	-(.8623)		437 -436/4	1362	
		.195/8	-.302/2	593/2		48 -47/3	
87			(140)	196 -195/6			
-(6878)	6"...	" :		5/4		124/8	46/12
	183/14				192 -189-188/11	350/3	
							.(2195)
	6 -		-28 -	.(166)	°		(132)
		:	(1676-25)			201/8	(133)
			179/6			.190/11	
:			(4352)			.38 -	(134)

-		(149)	(1402)	19/4	(10)...	
	128/4 (4360)		291/2		-	
103/7 (4053)			-		(23479)	
	.204/8		(2534)		-847/2 ...	
440/6(32751)		(150)			.213/8	
	:		/		-	(141)
	(10575)				291/2 (3480)	
	:	(151)			83/3	
:	:		(27902)	452/5	-189	-
.197/3	:		.216/1 (1543)			393/4
: -	129/4 (4361)	(152)				
112/3 (102)	352 351/3		-		-	
:	394/4 (8044)			291/2 (3480)	/	
			-		83/3	
	304/2 (3533)		(27902)	452/5	-189	-
	.351/11 (11984)		216/1 (1543)			393/4
303/2 (3531)		(153)			.184/14	(142)
319/5	196/8		180/6		:	(143)
:	(4358)				.276/6	
)	-88	-		(144)
.((:	-(6923)
-28 -		(154)	-33-			267/14
	-(1846)	-28-	.(1733-15)	-3-		
-15-		536/4		-		(145)
	-(1357-450)84 -		:	-		170/4 (4502)
		.141/5	-		460/4 (2158)	
	143/5	(155)		292/2 (3482)		
	.58/4		-(2446)		-	
.66		(156)			:	
	.()	(157)				567/8
118/3		(158)		:	-	18/8
	203/8					.185 184/14
:	-					(146)
	.351 -350/3	56/4		:	-	:
	.8 -	-				.449/1
(2762)		(159)		:		(147)
		(160)				
		84/3				
205/5 (8675)			.453/1	:	-	
211/9	236/11 (4879)				86 -	(148)
439/6 (32742)			6804 6803 6802)	16 -		
	.317/3		.65/14			(6805)
440/6 (32744)		(161)				
	12/9				:	(4229)
112/2		:				.295 294/2

	110/8	3	-921/2		97/7		:
. 1347-1	-318-317/4		67/7				
	.291/1		(214)		:	-	-
	.256	-	(215)	-		-	"...
.315/2			(216)				-288
	-280/3		(217)		:	.(6933)	-
-231/1		-3	-233/1			.295/14	
386/1		1	-319/2		.299-296/14	-	
.388/1		470/1					
	58/3	(2682)	(218)			-12-	-
.304/6(11049)			(219)	:	-(1062-140)	-46-	
	280/3		(219)		167/4		
		.233/1				.201/11	
.280/3	:	9/3	(220)			.224	- (207)
	.(2195)	/11	(221)			.308/14	: (208)
	.281/2		(222)	-54-			(209)
	.321/2		(223)	15-			
	:		(224)			-(2732 2731)	
:	185-184/14		-	-		678/5	
.(1)	19	:	276/6		.(1785-94)	-34-	32
	.186-185/14		(225)	-	-		: (210)
	.180/6		(226)	-(2360 2359)		-7-	-42
	.50-46/2		(227)	:	307/5		
2/271/19			(228)		43-		
267/1 (124)				-(2357-129)		36 -	
	238/8		384/4		.118/8		
	(324)		(545)	-88-		-	: (211)
-					-7-		
243/7	31-30	-	:			.295/14	
						.256	- (212)
							(213)
	.56	-	(229)				
:			(230)				
. 2000 1	112/15	-	:		"...":		
			(231)		"	...	
-					32-		
			.585/4		:	-(1731-3)	2-
-29-			(232)	33-32	-	:	279/6
-	(1883)	10-					
	(7209)	45-					-117/4
50-	(7211)	-47-		:	40	-	373/2
96-		(7216)			573/10		
						-217/4	
:	(7322)	16-		-110/1		201/2	

	.7 -	(245)	113 584·15·111-4	
	.59 -	(246)	-15 -	2000 118·23
	.16 -	(247)	-489) 88 -	
.159/4	450/13	:	(248) .166/5	(1383
	.72 -	(249)		.112-111/15 (233)
		:	(250)	.112-111/15 (234)
	.95 -			.168/5 (235)
	.97 -	(251)	-93 -	(236)
	578/1	:	(252)	.(7211) 41-
	.163/1	291/1		(237)
	.167/1	(253)	-(3617)	-61-
	.168/1	(254)	333/7	:
.291/1	167/1	(255)	-14) 50 -	
:		(256)	.138/9	: - (2781
. 112 -			32 -	(238)
	.54 -	(257)	-93) 34-	
	299/1	:	(258)	.377/6 : -(1784
	48/1	65/1		54- - :
		.193/1	:	(2712-2711) 1-
	-222/3	(259)	.1 654/5	(2732) -2713) 15-
:	" " :	" :	657/5 654/5	:
	.317/4			.
	.17 -	(260)		.383-382/6 (239)
	321/15	:	(261)	.1 :
	.784 -			.108 - (241)
:		:	(262)	.217 - (242)
				.90 - (243)
1362/3		:	(263)	- (244)
44/12 48/3	383/2			-
279/12	65 -62/21			-31- -86-
543-542/8	124/8			: -(6830)
361/6	78/10			-29- 109/14
	.109 108 -			-(1691-15) -4-
	136-135/7 111/10	(264)	.207-206/6	:
	.280/12 48/3			
	.111/10	(265)	-19-	
45-44/12	111/10	:	(266)	: -(2574) -26-
	.280/12 124/8			
:	-1- :			608-607/8
:				-270/4 -
	: -2 .			211/8 (7145)
:	-3 .			-360/4

		.456/3					
124/8	41-40/12	:	(284)	"	"		
		.351-350/3					
	.108/10		(285)			(137)	(267)
	.35/7	:	(286)			.185 -	(268)
	.41-40/12	:	(287)	.350/3		284/12	: (269)
	.124/8	58/12	(288)			.(150)	(270)
1	223/14	:	(289)			.(156)	(271)
1363/3			279/6			.(160)	(272)
195	194/11		48-47/3	5/12		284/12	: (273)
	.351/3		(2195)			.351-350/3	
	.(137)		(290)			.124/8	(274)
	.73 -		(291)			.284/12	(275)
	.29 -		(292)			.108/10	: (276)
242/11	(11617)		(293)			.41-40/12	: (277)
	.351/					.123 -	(278)
	.256		(294)			.108/10	(279)
	.(138)		(295)			.108/10	(280)
	-		(296)	5/12		284/12	: (281)
184/14	:	291/2 (23479)				.351-350/3	
		.185		-56-			(282)
	.282/5		(297)	:	-(3015)	-148-	
	282/5		(298)			.257/6	
	16		(299)		338/2		(283)
	.396		(300)	.280/12		-	
286-			(301)		"	:	
-(6788)	21-						"
	.38/14					:	
				7-6/4		:	

. 1994

. 1982

. 1961

. 1980

.2 .1

.1
.1355

2000

.1415 .1

.1326

.1962

2000

1392

()

.1324 1

.1976

.1975

3

.1949 -

.1974

.2

()

1966

.2 1967 -

.1390 1997

1 1999

.1387

.1

.1958

1995 1415 1

.1

. 1998 2

1968

1991

. 2002

1995

. 1996

.1994 1

. 1957

1

.1

. 1992

Ruling and Punishment of Apostasy in Islamic Jurisprudence

*Mohammad Abu Lail**

ABSTRACT

This research deals with the topic of Apostasy in Islam. Apostasy threatens the spiritual existence of the Islamic Nation (Ummah'); it leads/guides the social basis subjecting it to breakdown/collapse. Consequently, the punishment of apostasy (in the form of capital punishment) cannot be considered a form of compulsion in religion; rather, it is a punishment dictated for the sake of combating or resisting a crime that penetrates/disseminates poison, division and uncertainty within and through the social fabric of society and the foundation on which it is based, which is religion (Deen). I have made an attempt through this research to remedy some of the rulings dealing with apostasy through the process of defining apostasy, its rulings and the conditions that must be met in an apostate so that Shariah law maybe applied. I have also presented and demonstrated various scholarly opinions emanating from the various schools of thought (Mathahib) with regards to the punishment of apostasy. I have come to the conclusion that punishment must be applied within the scope of Islamic jurisprudence in society taking into account all fronts and social activity. Finally, I have approached some rulings dealing with apostasy, such as the ruling with regards to a female apostate. I have also considered the punishment of apostasy as a form of consolidation or reinforcement to faith, and the opinion of scholars to that regard.

Keywords: Apostasy, Punishment, Islamic Jurisprudence.

* Faculty of Shari'a, University of Jordan. Received on 30/4/2007 and Accepted for Publication on 7/10/2008.