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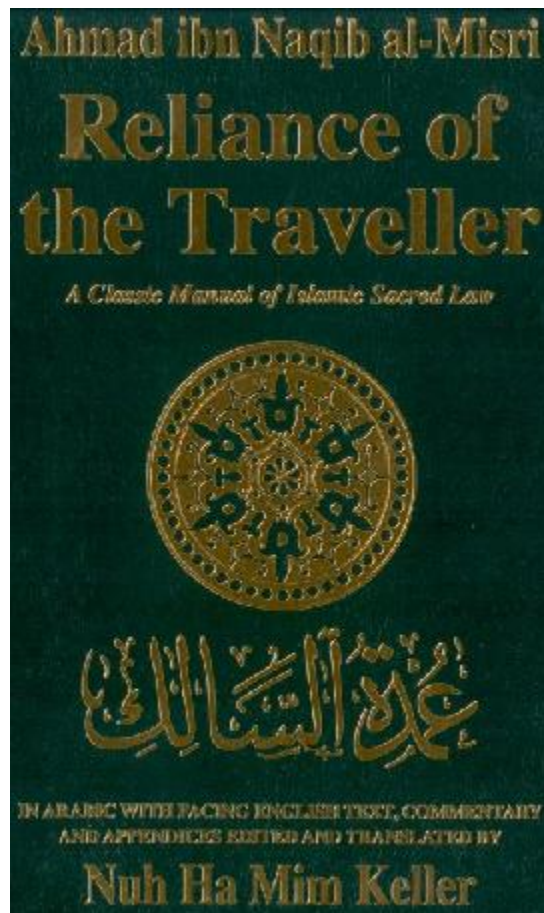
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RULE OF SHARIA

Death penalty for those who abandon Islam (apostates)
(Sections o8.0 – o8.6)



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o7.2 If an aggressor is trying to take one's money or property, it is permissible to defend it but not obligatory. If the aggressor intends one's womenfolk (O: such as one's wife or son's wife), it is obligatory to defend them.

o7.2 وإن قصد ماله جاز الدفع ولا يجب.
وإن قصد حريمه (كزوجته وزوجة ولده) وجب الدفع.

o7.3 To defend means to use the minimum amount of force required. If one knows that shouting will repel the aggressor, one may not strike him. If a hand is enough, a stick may not be employed. If a stick will do, a sword may not be used. If cutting the other's hand will suffice, one may not kill him. (O: Mawardi states that this precedence order is for crimes that are not indecencies. As for when an aggressor is raping someone whom it is unlawful for him to have sexual intercourse with, it is permissible to kill him forthwith.) Someone who knows (O: i.e. believes) that an aggressor cannot be dissuaded by anything short of killing him may kill him and is not accountable for it.

o7.3 ويُدْفَعُ بالأسهل فالأسهل .
فإن عرف أنه يندفع بالصياح فليس له ضربة . أو باليد فليس له بالعصا . أو بالعصا فليس له السيف . أو بقطع اليد فليس له قتله . (وقال الماوردي هذا التدريج في غير الفاحشة أما من أُلج في الفرج المحرم فيجوز أن يبدأ بالقتل) فإن تحقق أنه لا يندفع إلا بقتله فله قتله ولا شيء عليه (والمراد بالتحقق غلبة الظن).

o7.4 When one has warded off an aggressor, it is unlawful to take further measures against him.

o7.4 وإذا أتدفع حرم التعرض له.

*

o8.0 APOSTASY FROM ISLAM (RIDDA)

(O: Leaving Islam is the ugliest form of unbelief (kufr) and the worst. It may come about through sarcasm, as when someone is told, "Trim your nails, it is sunna," and he replies, "I would not do it even if it were," as opposed to when some circumstance exists which exonerates him of having committed apostasy, such as when his tongue runs away with him, or when he is quoting someone, or says it out of fear.)

o8.0 الردة

(وهي أقيح أنواع الكفر وأغلظها . فقد يكون استهزاء كأن قيل له : قص أظفارك فإنه سنة ، فقال : لا أفعله وإن كان سنة ، بخلاف ما لو اقترن به ما يخرج عنه الردة كسبق اللسان أو حكاية أو خوف).

o8.1 When a person who has reached puberty and is sane voluntarily apostatizes from Islam, he deserves to be killed.

o8.1 من ارتد عن الإسلام وهو بالغ عاقل مختار استحققت القتل.

o8.2 In such a case, it is obligatory for the caliph (A: or his representative) to ask him to

o8.2 ويجب على الإمام استنابته

repent and return to Islam. If he does, it is accepted from him, but if he refuses, he is immediately killed.

o8.3 If he is a freeman, no one besides the caliph or his representative may kill him. If someone else kills him, the killer is disciplined (def: o17) (O: for arrogating the caliph's prerogative and encroaching upon his rights, as this is one of his duties).

o8.4 There is no indemnity for killing an apostate (O: or any expiation, since it is killing someone who deserves to die).

o8.5 If he apostatizes from Islam and returns several times, it (O: i.e. his return to Islam, which occurs when he states the two Testifications of Faith (def: o8.7(12))) is accepted from him, though he is disciplined (o17).

o8.6 (A: If a spouse in a consummated marriage apostatizes from Islam, the couple are separated for a waiting period consisting of three intervals between menstruations. If the spouse returns to Islam before the waiting period ends, the marriage is not annulled but is considered to have continued the whole time (dis: m7.4).)

ACTS THAT ENTAIL LEAVING ISLAM

o8.7 (O: Among the things that entail apostasy from Islam (may Allah protect us from them) are:

(1) to prostrate to an idol, whether sarcastically, out of mere contrariness, or in actual conviction, like that of someone who believes the Creator to be something that has originated in time. Like idols in this respect are the sun or moon, and like prostration is bowing to other than Allah, if one intends reverence towards it like the reverence due to Allah;

(2) to intend to commit unbelief, even if in the future. And like this intention is hesitating

فإن رجع إلى الإسلام قبل منه وإن أبى قتل في الحال.

o8.3 فإن كان حراً لم يقتل إلا بالإمام أو نائبه. فإن قتل غيراً عزر لانتباهه وتعديه على السلطان لأن هذا من وظيفته).

o8.4 ولا دية عليه (ولا كفارة أيضاً) لأنه قتل مستحق (وإن كان عبداً فليس له قتل).

o8.5 وإن تكررت ردة وإسلامه قبل منه (الرجوع إلى الإسلام ويكون حاصلًا بالنطق بالشهادتين) ويعزر.

الأمور التي تحصل بها الردة

o8.7 (تبيينه) في أمور تحصل بها الردة والعياذ بالله منها: (السجود لصنم سواء كان على جهة الاستهزاء أو العناد أو الاعتقاد كمن اعتقد حدوث الصانع. ومثل الصنم الشمس والقمر ومثل السجود الركوع لغير الله فيكفر به إن قصد تعظيمه كتعظيم الله. ومنها نية الكفر ولو في المستقبل ومثل نية الكفر