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Review article

Review the provisions of the apostates inherent in Islamic law and jurisprudence

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ABSTRACT

Apostasy, the major issues affecting the Islamic law and jurisprudence is considered apostasy, will be divided into two kinds of national and natural and innate apostate is someone who, at the time of his conception, his parents or one of two are Muslim, and Islam is expressed during puberty, and thence out of Islam. In another part of the research, apostasy Conditions including maturity, wisdom, power, knowledge, content and intent of the word is mentioned. Well as punish the apostate repents role in the innate and examined, and at the end of feedback, and specific results are obtained.

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1. Introduction

Apostasy means go and return, and the principle of the rule, according to the Shia, in terms of law of apostasy, the coming of Islam, after the conversion to, or denial of one triple tenets of Islam namely monotheism, prophet hood and resurrection takes place, or the denial of the necessities of Islam, provided that may lead to a denial of one triple tenets of Islam (Aljabal Ameli, 1989). The mean of apostasy back from something. (Tabibian, 1997), the four Sunni schools of jurisprudence, the definition of heresy, have different interpretations. Hanafiyah and Malkyah, said that the definition of heresy, apostasy is that, after the man confessed to the Declaration of Faith, the religion of Islam, and adheres to the provisions of both the Declaration of Faith, disbelief, audit, and Shafei said, apostasy means slice of religion, faith, or speaking or blasphemous (Abdel Nasser Alfaghih , 1990). The

term blasphemy or apostasy from Islam that quote or fact is a verb. Before the definition of innate apostates, heretics must be said to be divided into two types, natural and national. National apostate, not our topic, but we will describe the

2. Concept of innate apostates

Innate apostate is one who, being born of Muslim parents, and after puberty, will move toward infidelity. (Feiz and Mohazzab, 1987), in other definition, innate apostate is someone who while closing her conception, at least one of his parents are Muslim (former reference, 1987).

In the following, we apostasy conditions:

Apostasy, with certain conditions is realized, and the rulings runs. Conditions are:

2.1. Maturity

because a minor is not required, and he was deliberately misleading statement, whether Teenager (nearly mature) or not. Imami, this condition is believed to be the consensus. But the Imami scholars, Sheikh Toosi Islam Teenager children, they are acceptable, and if his departure from Islam, apostasy sentence, and in this regard, has cited this narration, which said: If the boy was ten years, set up by the border, in full and reprise it and implement his will (Najaf, 1984), ie when the child reaches the age of ten, this is all about him, and retribution, and he wills valid will. But Imami jurists have not accepted this narrative. Some Shiite jurists, that apostates as the children are insane and should be discipline (Amini andAyati, 1996). Zeidite, Apostasy and Islam, the children, are not acceptable, and the promise of his apostasy, are deemed correct, but the implementation of it, he has been subject to that, to reach maturity. (Abdel Nasser Alfaghih , 1990). Shafei and Malekieh, the Sunni schools of jurisprudence, for apostasy, the condition has been reached, and therefore did not warrant apostasy child. But Hanafiyieh maturity for apostasy were not conditioned, and some Hnabalieh, apostasy child have a valid point. Some of them, for the age of the apostasy, seven years, ten years, and some of them have mentioned. However, according to another view, that of Ahmad ibn Hanbal narrated, apostasy child, the adult is not correct. (Abdel Nasser Alfaghih , 1990)

2.2. The perfection of wisdom

Apostasy insane laminated (that insanity is continuing), and the insane cyclical (that is, temporary insanity) are not accepted. Shiite and four Sunni schools of jurisprudence, agree with these conditions. It's insane, is not required, but financial losses, which puts the others, it is required to recover.

The Imami, apostasy Muffler person (drunk), as accepted the heresy is insane. Hanafiyah and Hnablieh and Malkieh as Imami, apostasy Muffler are not accepted. Hnablieh a her Sayings, as well Shafeih warrants have Muffler heresy, and have said that apostates will then decline drunk person, who does not repent and if he repents, must be killed (Algheravi, 1998).

2.3. Optional

As an individual, the coercion and duress, the principles of religion, or needs to take the ax, the verse " I am shy and tilled Ella assured me, "(Nahl/106), for apostasy is death. All five Shiite and Sunni schools of jurisprudence, agree with these conditions.

2.4. Knowledge of the content of the term

the individual content words that are profane language brings is knowledge. So if someone says signified what ignorance is, apostasy is death. This condition Revealed the discovery, expression, and said: " If a person is ignorant, and it is one of the essential issues of Islam, whether the existence of positive, negative, what is denied, the denial will not lead to apostasy." Jewel of the late owner, objected to this requirement, and it is considered improper (Abdel Nasser Alfaghih 1990). Some also objected to the requirement, saying: " If ignorance and denial of the problem of proving the unknown, can not comment on that. So, how ignorant can to deny it. Denial of the truth, the idea is to find the front of the case, which is not compatible with ignorance, but if more than one principal or subsidiary issues, ignorance is, like the denial of a doubt, that the mistake is found example of a doubt, attached to a non- obligatory evening prayers, be traveled, some jurists, such denials do not know the cause of

apostasy"(Feiz, 1994). The second assumption, the referent of the word heretic, as a condition of apostasy. Schools of Sunni jurisprudence, it is a necessary condition for apostasy have not.

5) going to have a literal referent, and to deny it is seriously going to have a literal referent, which is used to, and denying it seriously, if the negligence or inadvertence, or severe distress involuntarily, or without a word of wisdom to say, the provisions of apostates is not his time, as well as the person who had the dream, speak, or being unconscious uttered, can not be ignored. Also, if in anger, saying the current language is profane, apostasy is death. (Aljabal Ameli, 1989) Religions Sunni jurisprudence, did not express this requirement. But Hnablieh, the condition of the perfection of wisdom, to one heresy inaccuracies unconscious, and the sleeping person, and the person who is sick to death (Abdel Nasser Alfaghih , 1990). That these people, while they are actually in it, they are not the perfection of wisdom.

3. Punishment for an innate apostate

Innate Apostate man to Imami, in addition to murder, will have the following consequences: Separation from spouse, transferring the property to his heirs, and the rejection of his repentance is not punishment. The National apostate, the deadline to repent, and if they insist on apostasy is punishable, and if you repent of her divorce decree and the stone will be removed. In all these sentences belong to man is a heretic, but an apostate woman sentenced to life imprisonment, with the rigor that was, and if repentance is released (Ameli, 2010) for the sentences, the consensus number Narratives are (Horror Ameli, 1988 and Koleini, 2000), the punishment of apostates at the national and indigenous, Sunni jurists, leave no difference between them., and Being asked to repent necessary to both know, that should be killed if they do not repent. However, the details of their sentences as being necessary or desirable, the deadline for the apostate to repent and how to divide property, have disagreements.

4. Role of innate apostate repents

"And kill that was for breaks and does not accept his repentance and show him his wife and unaccustomed to death and inherited his money after spending a debt that was alive and survived" (If a person's innate apostate [men] will be killed and his repentance will be accepted, and his wife separated from him, and keeps people died, and his property after paying their debts, to be divided among the heirs, if What [for lack of a righteous king, or the extension should not] be kept alive.

The majority Shiite jurists, that apostate are two types: national and natural.

Some Shia scholars such as Eskafi and Ibn Jonaid, as well as Sunni scholars, divided into two kinds of national and natural apostate, do not agree, and believe that all forms of heresy, what about the woman or the man, has the same sentence. according to the Quran, the difference between men and women, apostates, heretics, and between national and not innate, but a national apostate and Shiite traditions as inherently different, so the majority of jurists, according to the accounts of apostates divided into two kinds of national and natural have. Innate Apostate someone say that, at the time of her conception, her parents, or one of them are Muslims, and Islam is expressed during puberty, and then gets out of Islam. Imami jurists say, Innate Apostate is a man, is not repentance, but is killed, despite the many Shiite jurists, such as Eskafi and Ibn Jonaid, and Saheb Masalek, Saheb Orveh and Saheb Jovhar, and attached to the acceptance innate apostate repents men (Najafi and Mohammad Hasan, 1984). Shia jurists, a few stories to prove murder apostates refer. Verse 74 of Surah Tobeh, explicitly indicate Repentance is a heretic. Allocate these verses mentioned by tradition is difficult, it is better, the narratives and verses, to be collected, if the innate apostate apostasy is death, because the apostasy, the judge did not prove, or even apostasy proved to judge, but judge for not hand much detail, but his repentance will be accepted.

4 - In order to accept the repentance, not only would overturn the punishment hereafter, and to sentence them abomination and falsehood our prayers, or repentance in this matter, than he would be accepted.

Concerning Repentance, sayings are:

First theory: Some scholars believe that the public, the punishment for apostasy in any case, it is murder, whether the apostate repents, or to insist on his vanity.

Second theory: the majority of Sunni scholars believe that every heretic, including men, women, indigenous, national, his repentance is accepted, therefore, before the punishment should be given to repent, and if they do not repent the punishment for killing her on the run be. The third theory: Most religions Imamiyeh between innate

apostate national distinction and said: If a national apostate must be repentance, and Islam will be offered to him, and if not accepted, will be killed. Innate Apostate is a man, how to repent or it refuses to be killed, so ask him to repent will be significant. It is worth noting that, the jewelry God's mercy, after quoting this theory claim that this theory does not oppose, but the jurist's consensus.

5. Conclusions

The word apostasy, Imami jurisprudence simply means defection from Islam. Is divided into innate and national apostasy, which in terms of punishment and consequences vary, and repent innate apostate is not accepted by men, but also women and national apostate is accepted, and if we invite them to repent, as did women in prison and men are killed. Innate apostasy, when will be realized, at least one of the parents of apostates, during its conception, is a Muslim.

Apostasy other issues in their own lives, creates, Fall actions, dispossession, deprivation of parity, the stripping away the cleanliness of the province, including theirs. And also the most toys apostasy, blasphemy and beliefs are heretical, denying prophecy, and the audacity to insult the prophets, and the Shiite Imams, their innocence and courage to claim prophecy, and to provide new books and exaggerated.

With regard to the issue of apostasy, and decisive judgment on apostates of Islam 's innate, it is suggested, the cultural authorities - Educational country arrangements reflect a textbook education, questions of conscience, to introduce an indirect manner, and to appropriate response should be given to the students of religious thought, to be built in such a way that, at higher levels (university or seminary), in dealing with religious questions, in addition to having strong and steadfast beliefs that underlie achieving apostasy away.

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