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Rethinking the Fiqh of Apostasy: Contemporary Perspectives on Capital Punishment and Religious Freedom

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Abstract

The relationship between Islamic jurisprudence and freedom of religion remains a significant issue in contemporary human rights debates, particularly concerning the punishment for apostasy. Although classical Islamic jurisprudence has often been interpreted as prescribing the death penalty for apostasy, contemporary Muslim thinkers have challenged this interpretation through alternative approaches to Islamic legal reasoning. This article examines how Mustafa Akyol and Muhammad Hashim Kamali reinterpret the legal status and punishment of apostasy, focusing on their respective arguments against capital punishment for individuals who leave Islam. Using a qualitative, library-based research method, the study analyzes the writings of both thinkers through the framework of negotiative hermeneutics to explore how their intellectual backgrounds and sociocultural contexts shape their interpretations of Islamic legal texts and traditions. Although Akyol and Kamali employ different argumentative approaches, both reject the imposition of capital punishment solely on the basis of apostasy and oppose coercion in matters of religious belief. By examining both their convergences and differences, this article contributes to contemporary debates on fiqh, capital punishment, and freedom of religion. It also highlights the significance of contextual and hermeneutical approaches in reassessing established interpretations of apostasy within contemporary Islamic legal thought.

Keywords
apostasy; capital punishment; religious freedom; hermeneutics; Islamic criminal law

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Introduction

The issue of the death penalty for Muslims who leave their faith (apostasy) is increasingly considered irrelevant in modern society. Classical Islamic law traditionally took a strict stance against apostasy, categorizing it as a crime (*jarīmah*) punishable by death.[1] However, this penalty appears to conflict with universal human rights values and the principles of legal pluralism. Consequently, there are diverse interpretations regarding the application of the death penalty for apostasy, especially within the context of contemporary religious life.[2] Furthermore, from a

[1] ʻAbd al-Raḥman al-Jaziri, *Kitāb Al-Fiqḥ ʻAla Mażaḥib al-Arbaʻaḥ*, 3rd ed. (Beirut: Dar al-Kutub al-Ilmiyyah, 2003); Rudolph Peters and Gert J. J. De Vries, "Apostasy in Islam," *Die Welt Des Islams* 17, no. 1 (1977): 5; Man Baker, "Capital Punishment for Apostasy in Islam," *Arab Law Quarterly* 32, no. 4 (2018): 440.
[2] David A. Jordan, "The Dark Ages of Islam: Ijtihad, Apostasy, and Human Rights in Contemporary Islamic Jurisprudence," *Washington and Lee Journal of Civil Rights and Social Justice* 9, no. 1 (2003): 55–71.

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socio-historical perspective, Islam emerged within a heterogeneous community. As Harry Munt explores, the social heterogeneity is evident in the multiple beliefs embraced by the Arab community at that time. Thus, Islam as a religion intersected with preexisting religions and belief systems.[3] Given this social reality, the lives of Muslims have been intertwined with other religious communities from the very beginning. One significant consequence of this social-religious interaction is the possibility of theological conversion from one religion to another.[4]

The death penalty enshrined in classical Islamic law has prompted contemporary scholars to reinterpret the application of these punishments in the public sphere from various perspectives. In 2021, the Oslo Coalition initiated an interdisciplinary study on the issue of apostasy, involving many scholars from different countries and backgrounds.[5] In its conclusion, the scholars involved in the research project agreed that there needs to be a reinterpretation of the application of sanctions for apostates in the modern era. This book suggests that the discussion regarding apostasy and its sanctions is not an outdated issue that should be abandoned. Besides the Oslo Coalition, many other scholars discuss the topic of apostasy, such as Hasan Saeed in collaboration with Abdullah Saeed,[6] Abdullahi Ahmed An-Nai'm,[7] and Mohsen Kadivar.[8]

In the initial exploration, unlike the aforementioned scholars and coalitions, Mustafa Akyol provides practical steps to address the issue of apostasy. He also questions the authenticity of the Prophet's hadith referenced in this context, as well as the urgency of applying the death penalty for apostates during the classical era. Similarly, Muhammad Hashim Kamali argues that religious texts addressing this issue must be reinterpreted. A key difference is that Kamali's interpretation draws on concepts within usul fiqh, such as the general (*'āmm*) and specific (*khāṣṣ*), as well as the decisive (*qaṭ'ī*) and speculative (*ẓannī*) categories. Despite these similarities and subtle distinctions, I propose at least two reasons for choosing these two intellectuals as the focus of this study. First, there is a lack of critical scholarship highlighting their contributions, in stark contrast to the other figures mentioned above. Second, the cultural contexts in which these thinkers developed their ideas differ significantly, which may influence their perspectives on apostasy. Based on these issues, this article raises two questions: how do the aforementioned modern Islamic thinkers rethink classical ideas on apostasy, and how can so-called negotiative hermeneutics better explain the concepts advanced by both thinkers?

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[3] Harry Munt, "'No Two Religions': Non-Muslims in the Early Islamic Hijaz," *Bulletin of the School of Oriental and African Studies* 78, no. 2 (2015): 252.
[4] Mulyadi, "Konversi Agama," *Tarbiyah Al-Awlad: Jurnal Kependidikan Islam Tingkat Dasar* 9, no. 1 (2019): 31.
[5] Abdullah Saeed et al., *Freedom of Expression in Islam* (London: I.B Tauris, 2021).
[6] Abdullah Saeed and Hassan Saeed, *Freedom of Religion, Apostasy and Islam*, 2nd ed. (London: Routledge, 2016).
[7] Abdullahi Ahmed An-Na'im, *Toward an Islamic Reformation* (Syracuse: Syracuse University Press, 1996).
[8] Mohsen Kadivar, *Blasphemy and Apostasy in Islam; Debates in Shi'a Jurisprudence* (Edinburgh: Edinburgh University Press, 2021).

Previous Studies

One of the important works in the discourse on apostasy and human rights is the book by Abdullah Saeed and Hassan Saeed.[9] This book is among many that comprehensively discuss apostasy. It is therefore understandable when another article attempts to compare how Abdullah Saeed and Fazlur Rahman reconcile Islamic tradition with human rights.[10] The approach employed by the Saeeds is also widely used by other Muslim thinkers, such as Taha Jabir al-'Alwani, who applies historical and textual analysis to the issue of apostasy.[11] Another prominent scholar is Abdullahi Ahmed an-Naim, who examines apostasy from the Sudanese context, discussing its applicability—or lack thereof—in modern life.[12] Furthermore, other intellectuals have extensively addressed apostasy, as previously noted, including Mohsen Kadivar, particularly within the Shia tradition.[13]

In a comparative study, Mohamed Mahmoud El-Gammal et al. examine the case of apostasy, emphasizing that modern interpretations should operate within the framework of maqasid sharia and distinguish between mere apostasy and rebellion.[14] Similarly, Razi H. Quadir attempts to categorize the various forms of apostasy, elaborating on differing views among Muslim intellectuals and school Imams regarding the issue.[15] Other research models focus on specific cases, such as the case of Parwiz Kambakhsh, which is the central topic of Lutforahman Saeed's monograph.[16] Likewise, Ozcan Keles explores the evolution of Hizmet's stance on apostasy sanctions, noting that whereas it once supported extreme punishments, it now rejects worldly penalties for those who change their beliefs.[17]

In general, there is limited critical research examining the perspectives of Akyol and Kamali on this topic. One related study was conducted by Moh. Khasan; however, Khasan reviewed Kamali's views on Islamic criminal law in a broad context rather than focusing specifically on the issue of apostasy. His findings indicate that Kamali's central ideas revolve around two key points: the restoration of

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[9] Saeed, *Freedom of Religion, Apostasy and Islam*.
[10] Gaes Rizka Nugraha and Haringun Trisiwi Adhi Rachmawati, "Hermeneutics of Apostasy: Fazlur Rahman and Abdullah Saeed on Reconciling Islamic Tradition with Modern Human Rights," *Mafatih* 4, no. 1 (2025): 1–19.
[11] Ṭaha Jabir al-'Alwani et al., *Apostasy in Islam: A Historical and Scriptural Analysis* (London: International Institute of Islamic Thought, 2011).
[12] Abdullahi Ahmed An-Na'im, "The Islamic Law of Apostasy and Its Modern Applicability: A Case from the Sudan," *Religion* 16, no. 3 (1986): 197–224.
[13] Moḥsen Kadivar, *Blasphemy and Apostasy in Islam: Debates on Shi'a Jurisprudence*, In Translation, Modern Muslim Thinkers (Edinburgh: Edinburgh University Press, 2021).
[14] Mohamed Mahmoud El Gammal et al., "The Apostasy Penalty in Contemporary Islamic Jurisprudence: A Comparative Analysis and Contextual Interpretation," *Ahkam: Jurnal Ilmu Syariah* 26, no. 1 (2026): 149–64.
[15] Razi H. Quadir, "Apostasy in Islam: An Overview of Sources and Positions," in *Religiously Exclusive, Socially Inclusive*, 1st ed., by Bernhard Reitsma and Erika Van Nes-Visscher (London: Routledge, 2025).
[16] Lutforahman Saeed, *Islam, Custom and Human Rights: A Legal and Empirical Study of Criminal Cases in Afghanistan after the 2004 Constitution*, Interdisciplinary Studies in Human Rights, volume 7 (Cham: Springer, 2022).
[17] Ozcan Keles, *Rethinking Islam and Human Rights: Practice and Knowledge Production in the Case of Hizmet*, 1st ed. (Oxford: Oxford University Press, 2023), 5.

jarīmah hudūd and the harmonization of sharia.[18] In contrast to Khasan's study, this research has two distinguishing features. First, in terms of the material object, this study not only analyzes Kamali's views but also compares them with Akyol's perspectives on apostasy sanctions. Second, regarding the formal object, the article employs what is known as negotiative hermeneutics—a concept derived from Khaled Abou El-Fadl's theories.

Research Methodology

Research Design

This study is qualitative in nature, employing a research methodology grounded in library research. Generally, qualitative research is used to investigate issues related to social life, human activities, and similar phenomena. The findings of qualitative research typically consist of in-depth descriptions, including written texts, verbal statements, and observable occurrences.[19] This study is classified as qualitative because it aims to explore how Akyol and Kamali renegotiate the sanctions for apostasy. Consequently, it draws upon representative works by both authors. Additionally, the study references both classical and contemporary texts to examine the discourse on apostasy within a broader context.

Data Sources

Two types of data are utilized in this study: primary and secondary. The primary data are drawn from Akyol's books, *Islam Without Extremes: A Muslim Case for Liberty* (W.W. Norton & Company, 2011) and *Reopening Muslim Minds: A Return to Reason, Freedom, and Tolerance* (St. Martin's Essentials, 2021). Additionally, the ideas of Kamali are sourced from his books, *Freedom of Expression in Islam* (Cambridge University Press, 1997) and *Crime and Punishment in Islamic Law: A Fresh Interpretation* (Oxford University Press, 2019). These works explicitly represent the perspectives of Akyol and Kamali regarding sanctions for apostasy. The secondary sources for this research include books, scholarly journals, articles, research reports, and edited volumes. The primary and secondary data are interconnected and complementary, as the use of both types enables a comprehensive exploration of the research topic.

Analytical Framework

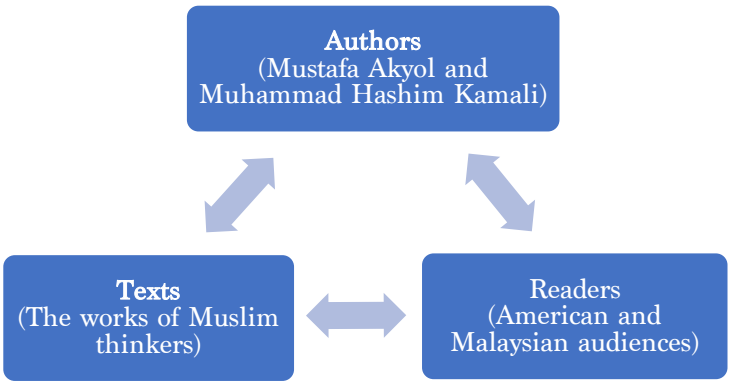
To enrich and deepen the analysis, the negotiative hermeneutics framework developed by Khaled Abou El Fadl is employed. This theory is used to examine the relationship among three entities commonly addressed in hermeneutics: the author, the text, and the reader. Negotiative hermeneutics is not merely concerned with uncovering the meaning of a text; rather, it aims to reveal underlying interests and

[18] Moh. Khasan, "Pemikiran Hukum Pidana Islam Mohammad Hashim Kamali dan Relevansinya dengan Pembangunan Hukum Pidana di Indonesia," (PhD diss., Universitas Islam Negeri Walisongo Semarang, 2022).
[19] I Made Laut Mertha Jaya, *Metode Penelitian Kuantitatif dan Kualitatif* (Yogyakarta: Anak Hebat Indonesia, 2020), 6.

propose strategies to control arbitrary interpretations.[20] The emphasis of negotiative hermeneutics lies in the negotiation among these three entities, ensuring that all are balanced without any one dominating the others.[21]

In the initial conceptual framework of El Fadl's theory, the term "text" refers to hadith.[22] In this research, however, the text specifically denotes the works of Akyol and Kamali. Consequently, the authors are Akyol and Kamali themselves. Meanwhile, the readers are the Muslim community, specifically those who constitute the initial audience for the works of Akyol and Kamali. Next, we examine how negotiation occurs among these three entities, focusing on the relationships between the author and the text, the author and the reader, and the reader and the text. Additionally, this theoretical framework highlights three key variables: text and authority, the construction of authoritarianism, and the anatomy of authoritarian discourse.

Figure 1. The Integration of the Author, Textual Production, and Audience Reception



Source: Author's elaboration, 2026.

The text and authority are analyzed more extensively to explore the relationship between the text (the works of Akyol and Kamali) and its authorship process. Furthermore, as El Fadl's review suggests, meaning is not determined solely by the author, the text, or the reader. Instead, a comprehensive, interactive, dynamic, and even dialectical process occurs among all three entities.[23] In this context, the text does not occupy a passive position; rather, it actively participates in constructing and transforming the community of meaning. Specifically, the text plays a crucial role in shaping its reading community, namely the Muslim community.[24] Another key concept is the construction of authoritarianism. Authority holders generally tend to lean toward and become trapped in authoritarian attitudes. This authoritarian tendency can be mitigated by applying five conditions: honesty, self-control,

[20] Alvan Fathony, "Hermeneutika Negosiatif Khaled Abou El Fadl: Menangkal Otoritarianisme Tafsir Agama dalam Hukum Islam," *At-Turāṡ: Jurnal Studi Keislaman* 6, no. 11 (2019): 128.
[21] Ahmad Suhendra, "Hermeneutika Hadis Khaled M. Abou El Fadl," *Mutawatir: Jurnal Keilmuan Tafsir Hadith* 5, no. 2 (2015): 352.
[22] Khaled M. Abou El Fadl, *Atas Nama Tuhan: Dari Fikih Otoriter Ke Fikih Otoritatif*, trans. R. Cecep Lukman Yasin (Depok: Serambi, 2004), 150.
[23] El Fadl, *Atas Nama Tuhan: Dari Fikih Otoriter Ke Fikih Otoritatif*, 185.
[24] El Fadl, *Atas Nama Tuhan: Dari Fikih Otoriter Ke Fikih Otoritatif*, 186.

sincerity, comprehensiveness, and rationality.[25] Moreover, to avoid falling into authoritarianism, Islamic law is treated as a dynamic product.[26]

Third, the anatomy of authoritarian discourse in this case involves three key elements. First, it concerns the consistency of legal reasoning.[27] Specifically, it is necessary to examine the consistency between Akyol and Kamali regarding the method (*istinbāṭ*) that led them to the same conclusion. Second, it involves a selective attitude in choosing evidence. This practice is not an effort to seek God's command but rather to seek legitimacy for a predetermined command. Therefore, this selective approach violates the obligation to be honest, earnest, and comprehensive in analyzing evidence.[28] Third, it requires balancing various interests and employing transparent reasoning. Openness or transparency in reasoning is essential and cannot be overlooked. Moreover, balancing diverse interests is a critical aspect in this matter.[29] Figure 1 illustrates that three entities are engaged in negotiation. In this context, the thoughts of Akyol and Kamali will be examined through three key variables: text and authority, the construction of authoritarianism, and the anatomy of authoritarian discourse.

Results

Akyol's Hermeneutics on Apostasy: Hadith Criticism, Historical Context, and Political Authority

Given the fact that Akyol believes that the issue of punishment for apostasy is agreed upon by scholars among both Sunni and Shia, he does not hesitate to state that classical Islamic law plays a significant role in this matter.[30] He also did not miss citing the hadith of the Prophet that is the basis for the majority of those schools of thought. There are two hadiths with different wording but the same essence. The first hadith is worded as "Whoever renounces Islam, kill him." The sequel is worded more extensively as "The blood of a Muslim is not lawful to spill except in three cases: a married adulterer, a murderer, or one who leaves Islam." Both are hadiths included in the book Sahih al-Bukhari, the most authoritative hadith collection for Sunni Muslims.[31]

According to Akyol, Islam is a religion that allows free entry but not free exit.[32] While the Muslim holy book does mention a punishment for apostasy, it is exclusively of an afterlife nature. Akyol emphasizes that the legal basis for the death penalty for apostates does not originate from the Qur'an but rather from later traditions (hadith). In contrast, the Qur'an contains verses that adopt a more flexible approach to religious choices. Implicitly, Akyol references verse 29 of Al-Kahf.

[25] El Fadl, *Atas Nama Tuhan: Dari Fikih Otoriter Ke Fikih Otoritatif*, 206.
[26] El Fadl, *Atas Nama Tuhan: Dari Fikih Otoriter Ke Fikih Otoritatif*, 213.
[27] El Fadl, *Atas Nama Tuhan: Dari Fikih Otoriter Ke Fikih Otoritatif*, 258–62.
[28] El Fadl, *Atas Nama Tuhan: Dari Fikih Otoriter Ke Fikih Otoritatif*, 264.
[29] El Fadl, *Atas Nama Tuhan: Dari Fikih Otoriter Ke Fikih Otoritatif*, 280.
[30] El Fadl, *Atas Nama Tuhan: Dari Fikih Otoriter Ke Fikih Otoritatif*, 202.
[31] See Mustafa Akyol, *Reopening Muslim Minds: A Return to Reason, Freedom, and Tolerance* (New York: St. Martin's Essentials, 2021), 203.
[32] Mustafa Akyol, *Islam Without Extremes: A Muslim Case for Liberty* (New York: W. W. Norton & Company, 2011), 360.

Unfortunately, this perspective conflicts with mainstream Islamic sects that abrogate these verses promoting freedom.[33] In fact, the primary basis for the death penalty for apostasy is the hadith of the Prophet. When reinterpreting the application of the apostasy penalty, Akyol refers to the two aforementioned hadiths, which he labels as suspicious. It is interesting to observe how Akyol positions both of them:

> Now while all hadiths may be questioned, there are some specific reasons to suspect these two. First of all, even by their collector, they were classified as *āḥād*, which means having a single source, in comparison to *mutawātir*, which means coming from multiple sources and being more reliable.[34]

One reason is that the hadiths were codified two centuries after the Prophet's death. Before their codification, these hadiths were often mixed with other non-hadith traditions and narratives. Another reason is that, although the compilers of these hadiths claimed to have identified the authentic ones, this does not eliminate their shortcomings. According to Akyol, not only deficiencies but also biases could occur. Many "untrustworthy" hadiths were accepted because they aligned with the doctrines the compilers believed to be true.[35]

Using this principle, Akyol attempts to challenge these two hadiths with three specific arguments. First, both hadiths are classified by their narrators as *aḥād* hadiths, meaning they have only a single chain of transmission. Unlike mutawātir hadiths, which are transmitted through multiple independent sources and are therefore more reliable, *aḥād* hadiths are less convincing. Furthermore, according to Akyol, the narrator of the first hadith—Ikrimah bin Abu Jahal—was a controversial figure, even by the standards of classical hadith scholarship. Second, the two hadiths cited at the beginning are taken out of context. In his view, they lack any contextual background. The Prophet is reported to have ordered the killing of the apostate, but the details of the incident are not provided. Additionally, there are no supporting narratives that confirm the Prophet's decision.[36] Moreover, Akyol points out several accounts in which the Prophet remained silent regarding apostasy, as he describes:

> One is a Bedouin who came to Medina, asked the Prophet, "Cancel my pledge," meaning religious allegiance, and left the scene without anyone following him. Another instance, reported in the Qur'an, is a group "from the people of the book" who said to each other, "At the beginning of the day, believe in what has been revealed to these believers [Muslims] then at the end of the day reject it." This seems to be not even mere apostasy, but apostasy with the clear intention of confusing Muslims. Yet still, the Qur'an only ordered a mild verbal response— to say, "True guidance is the guidance of God"—and we have no narration that the Prophet did anything different.[37]

Another, more extreme example is cited by Akyol from Ali 'Imran 3:72, in which some People of the Book would tell each other to convert to Islam in the morning and then revert to their original faith at night. This is not a common form

[33] Akyol, *Islam Without Extremes: A Muslim Case for Liberty,* 362.
[34] Akyol, *Islam Without Extremes: A Muslim Case for Liberty,* 362.
[35] Akyol, *Islam Without Extremes: A Muslim Case for Liberty,* 362.
[36] Akyol, *Islam Without Extremes: A Muslim Case for Liberty,* 204.
[37] Akyol, *Islam Without Extremes: A Muslim Case for Liberty,* 204.

of apostasy but rather an act of insincerity or mockery. However, the Qur'an advocates a gentle approach and does not prescribe the death penalty for such cases. Another narrative involves a Muslim named Husayn, who had two sons that converted to another faith. After their conversion, both sons went to Syria. Their father then approached the Prophet Muhammad and asked him to pursue them and invite them back to Islam. However, the Prophet did not pursue the two who had converted. According to tradition, this narrative also serves as the *asbāb al-nuzūl* (occasion of revelation) for Al-Baqarah 2:256.[38] Third, the fundamental point raised by Akyol concerns the questioning of the hadith, as clearly expressed in his straightforward statement:

> There is something more bizarre about the apostasy hadiths: we don't hear them being quoted in the key disputes in early Islam in which apostasy was the burning issue. The first of these was the major incident during the rule of the first caliph, Abu Bakr—*ridda*, or the refusal of some Arab tribes to pay tribute to the Muslim state in Medina. As we have noted, the incident provoked controversy in Medina, where the caliph favored a hawkish response, whereas others such as Umar pleaded for leniency. The curious point is that the caliph is on the record for asserting his own opinion, but not for quoting any hadith.[39]

According to Akyol, hadiths concerning apostasy are not found or cited during the early phase of Islam. At that time, apostasy was a significant issue faced by Caliph Abu Bakr. He was dealing with individuals who were disobedient and refused to pay zakat. However, there is no record indicating that Abu Bakr referred to those two hadiths in this context. Instead of relying on hadith, he based his decisions on his personal judgment.[40] Later legal experts used this historical fact to argue that apostasy was not merely a political rebellion but a rebellion against Islam itself. This historical account indicates that these individuals did not abandon their loyalty to Islam; rather, they ceased their commitment to Medina as the capital. This had implications for their refusal to pay zakat.[41]

According to Akyol, these three reasons suggest that the hadith regarding the execution of apostates did not exist during the prophetic era but emerged later, around the time when hadith collections such as Sahih al-Bukhari were compiled. Based on this, Akyol argues that early jurists like Ibrahim Al-Nakha'i and Sufyan al-Thauri did not impose the death penalty on apostates—a view overshadowed by the more prominent opinions of later schools of thought.[42] Akyol then elaborates on two applications of the death penalty doctrine. The first relates to the religious entity itself. In the premodern era, religion was not considered separate from political loyalty; rather, religion and political authority were closely intertwined. Consequently, a person who converted away from Islam was seen not only as renouncing the faith but also as betraying political loyalty and sovereignty. To illustrate this, Akyol references the Christian Byzantine Empire, which he believes also lacked an awareness of religious freedom. This is exemplified by the Justinian

[38] Akyol, *Islam Without Extremes: A Muslim Case for Liberty*, 364.
[39] Akyol, *Reopening Muslim Minds: A Return to Reason, Freedom, and Tolerance*, 204.
[40] Akyol, *Reopening Muslim Minds: A Return to Reason, Freedom, and Tolerance*, 204.
[41] Akyol, *Islam Without Extremes: A Muslim Case for Liberty*, 363.
[42] Akyol, *Reopening Muslim Minds: A Return to Reason, Freedom, and Tolerance*, 205.

Code of 534 AD, which required all citizens to embrace Christianity, the official religion of the kingdom. Those who remained loyal to Judaism or paganism were ostracized, had their property confiscated, and were often executed.[43] Thus, loyalty to religion and the state was unified at that time. Interestingly, scholars like Ibn Taymiyyah were also aware of this context. According to Akyol, Ibn Taymiyyah's view on apostasy confirms that apostasy was not merely leaving Islam but represented the highest form of betrayal against the political community—such as joining enemy forces—rather than simply changing one's belief.[44]

Another use of severe sanctions against apostates is as an effective means for rulers to silence dissenters—those critical of their power. Akyol cites examples of critical-thinking scholars who were often accused of apostasy. During the Umayyad Empire, scholars such as Ghailan Al-Dimasyqi and Ma'bad Al-Juhani defended free will against the regime. He also references Al-Ghazali's verdict against the philosophers. Subsequently, the term "*kafir mengkafirkan*," or similar phrases, emerged, implying that a Muslim could be declared an apostate and deserving of death. Akyol mentions the 17th-century Hanafi scholar Syaikhzadeh, who was sentenced to apostasy for views such as "stating that the Qur'an was created" and "the eternity of the world"—two positions well-known among the Mu'tazilah and Muslim philosophers.[45] These examples are elaborated by Akyol to support his thesis regarding the punishment for apostasy. This further strengthens the argument that the punishment for apostasy not only lacks a normative basis but is also heavily influenced by political interests, especially when a person's religion is inseparable from their attitude and loyalty.

To provide practical guidance on dealing with apostasy, Akyol employs a rhetorical question: How would Muslims respond if another religion imposed a similar punishment on those who leave and join Islam, or, for instance, condemned those who convert to Islam? He offers an intriguing hypothetical scenario: How would we react if someone like Yusuf Islam (formerly known as Cat Stevens), who converted to Islam in 1977, were tried in a British court and given three days before execution for converting to Islam?[46] If that is considered excessive, then—according to Akyol—the punishment for apostasy is also excessive. He proposes that, to address this issue, Muslims should embrace the golden rule. In conclusion, Akyol quotes the Tunisian-born Muslim thinker and politician Rached Ghannouchi. His moderate stance exemplifies the success of Tunisia following the Arab Spring in 2010–2011. In *Public Freedom in the Islamic State* (1993), Rached Ghannouchi argued that if Muslims have the right to preach to non-Muslims, then the same right should be granted to non-Muslims.[47] However, if Muslims fear that their faith will waver, then what needs to be strengthened is the internal community of faith and the deepening of

[43] Akyol, *Reopening Muslim Minds: A Return to Reason, Freedom, and Tolerance,* 206-7.
[44] Akyol, *Islam Without Extremes: A Muslim Case for Liberty*, 365.
[45] Akyol, *Reopening Muslim Minds: A Return to Reason, Freedom, and Tolerance*, 206.
[46] Akyol, *Islam Without Extremes: A Muslim Case for Liberty*, 267.
[47] Refer to Rached Ghannouchi, *Public Freedoms in the Islamic State* (New Haven: Yale University Press, 2022).

that faith. The only way to counter differing views is to offer an alternative that is better and more reliable.[48]

Kamali's Hermeneutics of Apostasy: Quranic Interpretation, Legal Reasoning, and Religious Freedom

In *Freedom of Expression in Islam*, Kamali begins the discussion in Chapter IX, titled "Freedom of Religion" (*Al-Ḥurriyah al-Dīniyyah*). He explicitly states that:

> One of the manifestations of personal liberty is the freedom of the individual to profess the religion of his or her choice without compulsion. Everyone must also have the freedom to observe and to practice their faith without fear of, or interference from, others. Freedom of religion in its Islamic context implies that non-Muslims are not compelled to convert to Islam, nor are they hindered from practicing their own religious rites.[49]

This freedom clearly implies that non-Muslims cannot be forced to convert to Islam or hindered in their worship. Everyone—whether Muslim or non-Muslim—has an equal right to practice and spread their religion. At the same time, individuals are permitted to protect their faith from attacks. Indeed, religious freedom is one of the most sensitive and controversial aspects of the broader concept of freedom. However, like freedom in general, religious freedom aims to safeguard individuals from interference or coercion by more powerful forces. Kamali, in this context, cites Fathi Osman, who asserts that no authority in an Islamic state can justify compelling someone to convert to Islam. He further emphasizes that a fundamental role of an Islamic state is to oversee and prevent all forms of coercion.[50]

Previously, in *Crime and Punishment in Islamic Law: A Fresh Interpretation*, Kamali elaborated on the topic of apostasy. He emphasizes the need for a clear and precise definition of apostasy. Without this clarity, there is a risk of contradicting the Qur'an, as is commonly seen in many Muslim countries. Specifically, he refers to the hudud law of the state of Kelantan, which is considered to provide an expansive definition—broader than that found in classical fiqh tradition. As Kamali quotes, the Kelantan law defines apostasy as any action or statement by a Muslim *mukallaf* that, according to sharia, contradicts the creed and religion of Islam. According to Kamali, this interpretation is overly broad and requires further scrutiny because it lacks precision. Throughout the regulation, there is no clear distinction between apostasy and blasphemy (insult). Moreover, this definition attempts to conflate fundamentally different concepts.[51]

Unlike Akyol, Kamali does not emphasize a critical and skeptical attitude toward hadith but rather focuses on the Qur'an, which he views as containing verses that support religious freedom. According to him, there is no verse in the Qur'an that explicitly endorses the death penalty for apostates. On the contrary, several verses in

[48] Akyol, *Islam Without Extremes: A Muslim Case for Liberty,* 208.
[49] Mohammad Hashim Kamali, *Freedom of Expression in Islam* (Cambridge: Islamic Texts Society, 1997), 87.
[50] Kamali, *Freedom of Expression in Islam, 87.*
[51] Mohammad Hashim Kamali, *Crime and Punishment in Islamic Law: A Fresh Interpretation* (Oxford: Oxford University Press, 2019), 141.

the Qur'an advocate for freedom of religion, such as Al-Baqarah 2:256 and Yunus 10:99. These verses are substantively supported by Pakistani scholars who drafted a document titled "Basic Principles of an Islamic State." This draft includes a clause stating that every citizen must be granted their rights, including freedom of religion. Kamali emphasized that this stance aligns with the Universal Declaration of Human Rights (UDHR).[52]

In addition, Kamali frequently draws on the views of earlier scholars, incorporating their perspectives into his own analysis. One such scholar is al-Mutawalli, whose views on religious freedom are particularly noteworthy. In discussing a Quranic verse, al-Mutawalli argues that the fundamental teaching of the Qur'an on religious freedom is that belief in a religion should be based on conscious choice and reflection, rather than on imitation or uncritical acceptance. Kamali also cites an account by Abu Zahrah concerning an encounter between Caliph 'Umar ibn al-Khattab and a Christian woman who was begging for alms. After giving her some assistance, 'Umar invited her to embrace Islam, but she declined. He subsequently became concerned that his invitation might be perceived as coercive. Expressing his regret and invoking God's name, 'Umar acknowledged that, as he understood it, there could be no compulsion in religion.[53]

To strengthen his thesis, Kamali cites S.A. Rahman in his book the *Punishment of Apostasy in Islam*, which states that the Qur'an does not extensively address this topic. The reason for this, Rahman suggests, is the hadith of the Prophet: "*man baddala dinah faqtulūh*" ("Whoever changes his religion, kill him"). However, Rahman, as quoted by Kamali, identifies several weaknesses in the transmission (*isnād*) of this hadith. Furthermore, the Prophet himself never executed an apostate. In fact, none of the Prophet's companions compelled others to convert to or embrace Islam. Because of this, Kamali argues, it is not surprising that prominent scholars throughout history have held the view that apostasy is not classified as a criminal offense and does not warrant punishment. In his two books, Kamali mentions Ibrahim Al-Nakha'i and Sufyan al-Thauri—two scholars also referenced by Akyol. Both maintained that apostates should always be invited to return to Islam and should not be sentenced to death. This invitation must be continuous as long as there is hope for their return. Al-Nakha'i even elaborated that the invitation to apostates cannot be limited in duration. Therefore, the invitation must be ongoing, a view also supported by Abu Zahrah.[54]

As further reinforcement, Kamali cited a statement from Syams al-Din al-Sarakhshi that is somewhat less explicit on this matter. Sarakhshi stated that hudud punishments cannot be postponed merely because of regret; similarly, in the case of robbery, the punishment cannot be delayed simply because the perpetrator regrets the act. Therefore, apostasy cannot be classified under hudud because it can be annulled if the apostate repents and returns to Islam. Nevertheless, Sarakhshi concluded that the rejection of faith and conversion constitute a vertical violation (between God and the servant). Consequently, the punishment for apostates is

[52] Kamali, *Freedom of Expression in Islam*, 89.
[53] Kamali, *Freedom of Expression in Islam*, 92.
[54] Kamali, *Crime and Punishment in Islamic Law: A Fresh Interpretation*, 146.

deferred until the Day of Judgment. In other words, there is no worldly punishment for apostasy, only an afterlife punishment. For this reason, Sarakhshi did not include apostasy as a matter of hudud. [55]

There are three 20th-century Muslim scholars whose views were also referenced by Kamali: ‘Abd Hakim Hasan al-‘Ili, Ismail al-Badawi, and Abu Zahrah. They asserted that during the time of al-Nakha‘i, Islam held a strong position, and there were no significant conflicts or hostilities with non-Muslims or apostates. These scholars further indicated that al-Nakha‘i interpreted the apostasy hadith as containing political nuances and was intended to counteract the enemies of Islam. This perspective is supported by the Grand Sheikh of al-Azhar, Mahmud Shaltut, who explained that the apostasy hadith has elicited diverse responses from scholars. Most agree that *aḥād* hadith cannot be used as evidence in cases within the scope of hudud. In other words, *ḥudūd* punishments cannot be established based solely on solitary hadith. Shaltut concludes that the application of such punishments is intended to limit aggression and hostility toward believers and to prevent incitement against the state and religion.[56]

In other words, the underlying issues concern public security and community defense. As evidence, Kamali cited two respected scholars, Subhi Muhammasani (Lebanon) and Salim al-Awa (Egypt). Both have observed that the death penalty for apostasy is not simply based on declaring a conversion from Islam. It is only applicable when apostasy is accompanied by political treason.[57] Kamali stated that although the ruling is *qaṭ‘ī* (definitive) regarding a specific issue, other aspects remain at the *ẓannī* (speculative) stage. Therefore, in this case, interpretation or exegesis is still valid.[58] Moreover, the well-known hadith related to apostasy is further clarified by another hadith. One hadith states that it is not permissible for someone to profess the shahada—declaring that there is no god but Allah and Muhammad is His messenger—unless they belong to one of three groups: those who commit adultery, murder, or leave their religion and separate from their community (*al-tārik li-dīnih mufāriq li al-jamā’ah*). This further clarifies that apostasy is punishable by death only when it is accompanied by defection from the community and rebellion against the legitimate leader.[59]

What is particularly interesting about Kamali is his use of Quranic verses to strengthen his arguments. In *Freedom of Expression in Islam*, Kamali frequently cites numerous Quranic verses, including those mentioned above. He also references Al-Maidah 5:44 as evidence of the existence of other religions. According to him, the Qur’an acknowledges the goodness in the religions revealed before Islam. Verse 44 of Al-Maidah is followed by verses 46-47, which serve as a continuation. These two verses confirm the teachings contained in the Torah, specifically addressing the mission of Jesus and the revelation of the holy book, the Gospel.[60] Kamali then

[55] Kamali, *Freedom of Expression in Islam*, 94.
[56] Kamali, *Freedom of Expression in Islam*, 95.
[57] Kamali, *Crime and Punishment in Islamic Law: A Fresh Interpretation*, 147.
[58] Kamali, *Crime and Punishment in Islamic Law: A Fresh Interpretation*, 143
[59] Kamali, *Freedom of Expression in Islam*, 96.
[60] Kamali, *Freedom of Expression in Islam*, 101.

explains that these earlier teachings—the Gospel and the Torah—are affirmed by verse 48 of the same surah. In this verse, God reveals a book to Prophet Muhammad, bringing truth and confirmation to the previously revealed scriptures. Kamali further elaborates that the acknowledgment of these verses is not limited to Christians and Jews but also includes the teachings of the prophets who came before Moses and Jesus. Thus, belief in the earlier prophets becomes an integral part of a Muslim's faith. To reinforce this point, Kamali quotes Ali 'Imrān 3:84. Reason: The revision improves clarity and flow by restructuring sentences and enhancing vocabulary. It corrects punctuation and capitalization errors, such as italicizing the book title and properly formatting Quranic references. The revised text also ensures technical accuracy in describing the Quranic verses and their significance, making the argument more coherent and accessible.[61]

According to Kamali, the affirmation of religious freedom is a central theme in the Qur'an. This theme is reiterated throughout many parts of the holy book. Consistently, the Qur'an confirms that Islam does not deny the freedom of those who adhere to different beliefs. This aligns with the conclusions drawn by Quranic commentators (*mufassirūn*). Kamali also cites Fathi Osman, who stated that Islam rejects all forms of coercion, even as a last resort to embrace Islam. According to Osman, servitude to God and the implementation of His law cannot be genuinely achieved if it is based on fear.[62] Consequently, Kamali argues that the Qur'an consistently affirms religious freedom. This supports the conclusion that the objectives of Sharia cannot be properly fulfilled without respecting an individual's freedom of religion and belief, as well as the freedom to express those beliefs.[63]

To summarize, Kamali presented several verses related to the figure of the Prophet and his methods of inviting people to embrace Islam. The quoted verse includes a portion of Ali 'Imran 3:20, which essentially states that the Prophet's primary duty is to convey the message. If the people being invited embrace Islam, it means they have received guidance. It does not matter if they choose to turn away, because the Prophet's main responsibility is simply to convey the message. This aligns with Al-Ghashiyah 88:21-22, which advises the Prophet to merely give a warning. However, as stated in verse 22, the Prophet does not have power over them. A similar position is found in Ash-Shura 42:48, which states that when people turn away, the Prophet is not sent to oversee them. Like the previous verses, this one reiterates that the task of prophethood is solely to convey the message. Kamali also quotes two other verses to emphasize this point: Al-Maidah 5:92 and 5:99.[64]

Based on this reasoning, Kamali concluded that many verses in the Qur'an emphasize that the invitation to believe must be extended in a wise and polite manner. It should be grounded in reasoning and effective persuasion, rather than coercion. In fact, several verses in the Qur'an support the principle of freedom of religion. However, according to Kamali, this view is challenged by those who apply abrogation (*naskh*) for political motives. As a result, the verses advocating freedom

[61] Kamali, *Freedom of Expression in Islam*, 102.
[62] Kamali, *Freedom of Expression in Islam*, 102.
[63] Kamali, *Freedom of Expression in Islam*, 103.
[64] Kamali, *Freedom of Expression in Islam*, 103.

are often overshadowed or replaced by others, such as those related to jihad. In response, 20th-century Muslim scholarship has emerged as a counter-discourse, offering stronger support for religious freedom from both Sharia and contemporary constitutional law perspectives.[65]

Discussion

In the preface to the Malay edition of *Islam Without Extremes*, Akyol openly states his intention to combat Islamophobia in the West. This is understandable given the negative perception of Islam in Western societies, especially following the tragedy of September 11, 2001, which introduced a new term: terrorism.[66] The association of Islam with violence in the eyes of many Westerners naturally provoked Akyol. He argues that this negative perception can only be dismantled through critical and comprehensive studies of classical Islamic doctrine. In Malay, the phrase used in the book's introduction is *berhujah untuk kebebasan* (arguing for freedom).[67] Thus, Akyol essentially aims to reintroduce a friendly and positive understanding of Islam to Western audiences and to promote it. Kamali, in his book *Freedom, Equality, and Justice in Islam*, explicitly states that equality and justice are meaningless without freedom. [68] On another occasion, he emphasized that human rights are a manifestation of human dignity. By quoting Kofi Annan, former Secretary-General of the United Nations, Kamali highlights that human rights affirm the dignity of every person and their inviolable rights.[69] Kamali's extensive discussion of human rights in his works demonstrates his full commitment to this important issue.

As previously mentioned, the re-examination of the death penalty for apostasy has attracted the attention of many scholars. Among them are Akyol and Kamali, as well as Abdullah Saeed, a professor at the University of Melbourne, Australia. Abdullah Saeed co-authored a book titled *Freedom of Religion: Apostasy and Islam* with Hassan Saeed. Additionally, in 2011, Abdullah Saeed published two articles specifically addressing the issue of apostasy. The first article, titled *The Quranic Case Against Killing Apostates*, explores the compatibility of Islam and human rights.[70] Saeed illustrates that the situation regarding conversion varies from country to country. In some nations, individuals are free to announce their conversion without restriction, while in others, they are not. He candidly acknowledges that the issue of conversion is complex and difficult to address. Typically, in many Muslim-majority countries, conversion is associated with persecution, intimidation, and even execution.[71] In his second article, Saeed discusses apostasy and its relation to hadith. It is widely recognized that the primary basis for the death penalty for apostates comes from

[65] Kamali, *Freedom of Expression in Islam*, 105.
[66] Amir Latif and Hafiza Sabiha Munir, "Terrorism and Jihad, An Islamic Perspective," *Journal of Islamic Studies and Culture* 2, no. 1 (2014): 70.
[67] Mustafa Akyol, *Islam Tanpa Keekstreman* (Kuala Lumpur: Islamic Renaissance Front, 2016), 35.
[68] Kamali, *Freedom, Equality and Justice in Islam*, ix.
[69] Mohammad Hashim Kamali, *The Dignity of Man: An Islamic Perspective* (Cambridge: Islamic Text Society, 2002), ix.
[70] Abdullah Saeed, "The Quranic Case Against Killing Apostates," Public Discourse, 2011.
[71] Christine Schirrmacher, *"Let There Be No Compulsion in Religion" (Sura 2: 256)* (Verlag fur Kultur and Wissenschaft, 2016), 362.

hadith, not the Qur'an. He emphasizes that the Qur'an prescribes only spiritual sanctions, not worldly punishments.[72] When interpreting hadith, Saeed adopts a more contextual rather than strictly textual approach. In summary, the act of apostasy punishable by death is not solely triggered by conversion but rather by desertion, specifically apostasy accompanied by rebellion (*ḥirābah*). This conclusion aligns closely with the views expressed by Akyol and Kamali.

In his discussion of the death penalty for apostasy, Akyol presents himself as an authority on the text he authored. Similarly, Kamali, who holds a comparable position, is also an authority. Based on the intellectual backgrounds of these thinkers, it is clear that they are speaking within their areas of expertise. Akyol is deeply engaged with issues related to Islam and liberalism and can be classified among those who believe that the religious values he upholds align with modern principles such as freedom.[73] Akyol's position essentially parallels that of Kamali, although Kamali more fundamentally asserts that the Qur'an guarantees individual rights, including justice, equality, and others.[74]

From their works, it is evident that they seek to establish authority while also engaging in a form of resistance. The book *Islam Without Extremes* by Akyol, along with its Malay translation, serves as a form of resistance. This book was written in response to the Malaysian government's rejection of his lectures. As an intellectual strategy, the institution where Akyol facilitated the free publication of *Islam Without Extremes* in Malay played a crucial role.[75] A discussion of Malaysia's sociological conditions is closely and directly related to the second thinker, Kamali. Malaysia is widely recognized as a country that firmly upholds classical Islamic traditions. In fact, it is one of the few neighboring countries with a standardized official mufti.[76] In *Freedom of Expression in Islam*, Kamali cites the case of Jamaluddin bin Otsman, who was prosecuted for violating national security.[77] Additionally, in *Crime and Punishment in Islamic Law*, Kamali addresses the Kelantan law concerning apostasy.[78] These examples demonstrate that Islamic teachings are a significant determining factor in Malaysia.

This serves as an argument that Kamali intends to renegotiate the death penalty for apostasy as a challenge to the authority of the Malaysian government. Similarly, Akyol reinterprets this death penalty to assert that there is no contradiction between Islamic values and freedom. Interestingly, these two thinkers employ relatively different approaches, yet they arrive at the same conclusion. Their differing methods are undoubtedly influenced by the contexts of their audiences (Malaysia and America). As previously noted, Kamali not only supplements his argument with

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[72] Christine Schirrmacher, *"Let There Be No Compulsion in Religion" (Sura 2: 256),* 366.
[73] Refer to https://www.cato.org/people/mustafa-akyol
[74] Yusuf R. Yanuri, "Muhammad Hashim Kamali: Pakar Hukum Islam Pembaru Ushul Fikih," *Ibtimes.id*, 2022.
[75] Akyol, *Reopening Muslim Minds: A Return to Reason, Freedom, and Tolerance*, 10-11.
[76] Azam Mohamed Adil, "Standardisation of Fatwa In Malaysia: Issues, Concerns and Expectations," *Islam and Civilasition Renewel* 6, no. 2 (2015): 196–211; Zaini Nasohah et al., "Standardisation of Fatwa in Malaysia: Management and Problems," *Advances in Natural and Applied Sciences* 6, no. 6 (2012): 923–30.
[77] Kamali, *Freedom of Expression in Islam*, 90.
[78] Kamali, *Crime and Punishment in Islamic Law: A Fresh Interpretation*, 141.

relevant verses from the Qur'an concerning religious freedom but also employs methodological frameworks in Islamic law, specifically usul fiqh. The readings within these usul fiqh frameworks certainly take into account the realities of the readers or audience.

In this context, the author, as the primary authority over the text, engages in a process of negotiation. In other words, he does not simply impose a text (sanction for apostasy) according to his own will. First and foremost, he is sensitive to the realities of the readers that necessitate this approach. Malaysian culture, closely tied to classical Islamic traditions, is an important consideration. This is evident in both of Kamali's books, where the interpretations he employs accommodate the opinions of scholars ranging from classical to contemporary. More specifically, he holds the view that general verses, in certain contexts, require specification (*takhṣīs*). He also adds that *ḥudūd* punishments cannot be based on hadiths with a single transmission chain (*āḥād*). This contrasts with Akyol, who, when interpreting the penalty for apostasy, almost detaches it from the methodological framework of Islamic law. Akyol bases his argument on three main points related to the hadith: doubting the reliability of the first narrator, questioning the context of the hadith, and noting the absence of the apostasy hadith's use during the early phase of Islam. This last argument aligns with Joseph Schacht's argumentum e silentio—one of the theories proposed by the Polish-born professor of Arabic and Islamic Studies. Essentially, this theory states that the existence or non-existence of a hadith during a certain period can be examined based on whether that hadith was referenced in legal discussions at that time.[79]

It is important to note that Akyol quotes relatively fewer verses from the Qur'an compared to Kamali. Nevertheless, he does not omit references to Ibrahim Al-Nakha'i, Sufyan al-Thauri, and Ibn Taymiyyah—names also cited by Kamali in his two books. These differences can be understood by considering Mustafa Akyol's initial audience: the Muslim community in the West. In that context, engagement with discourses such as Human Rights is common. Therefore, there is less need for a methodological framework strictly aligned with the principles of Islamic jurisprudence, as the readers do not demand it. This demonstrates a negotiation process between the author, the text, and the reader. Simultaneously, it reflects how the pattern and process of establishing law depend on the social reality of the person exercising ijtihad. An interesting point arises in how to address those who commit apostasy. While Akyol applies what he calls the "golden rules," Kamali emphasizes the use of wise persuasion. Both arrive at the same conclusion: dealing with apostates should not involve coercion or intimidation to compel reversion to Islam.

Akyol, for example, posed a rhetorical question: What if a convert to Islam were threatened with the death penalty by their former religion? If that is considered excessive, then the death penalty for those who leave Islam should also be treated the same way. The golden rule that Akyol refers to is "treat others as you want to be treated," which necessitates full freedom in diversity, and everyone must respect that.

[79] M. Ihsan Fauzi, "Joshep Schacht dan Teori-Teori Skeptisisme Tentang Hadis Serta Bantahan Terhadapnya," *Al-Afkar: Journal for Islamic Studies* 6, no. 1 (2023): 18.

Kamali emphasized that if it is necessary to invite someone back to embrace Islam, it should be done with wise persuasion—without coercion or intimidation. This is a negotiation with readers or the Malaysian Muslim community, where authorities are considered to have the right to address religious deviations. It is interesting to note that Akyol was once a victim of that authority. He opens the book *Reopening Muslim Minds* with a story of his detention by the Malaysian authorities, whom he referred to as the religious police.[80] Both, based on their respective historical intellectual backgrounds, can be classified as authoritative figures qualified to discuss this matter. Speaking of authority, it is important to quote two forms of authority as mentioned by El Fadl. While the first authority relies on structural position, the second is based on competence. The analogy made by Khaled is useful to distinguish between the two: it is like our obedience to the police and to a plumber.[81] The former is obeyed because of their structural position in society, while the latter is obeyed because of their competence in fixing pipes. At this point, both Akyol and Kamali occupy positions as authorities. The key difference lies in the form of authority each possesses.

As previously explained, Akyol is a journalist and senior researcher at the Cato Institute, which means he does not hold a formal position within the government. Therefore, he lacks coercive authority that would make his ideas readily accepted by the public. The authority he wields is purely persuasive, based on the excellence of his intellectual career. Although Kamali holds a similar position, he offers a different perspective. It cannot be denied that Kamali also possesses the competence and authority to discuss this matter. The difference lies in the fact that Kamali's persuasive authority is accompanied by coercive authority. This is evident in two ways: first, through Kamali's role as a university lecturer; second, through the title of Dato' awarded to him by Sultan Nazrin Muizzuddin Shah. These positions grant him coercive authority to disseminate his ideas by leveraging his societal status. Beyond the formation of this authority, there is a hermeneutic process that involves a reinterpretation of the hadith concerning apostates. The differing styles adopted by Akyol and Kamali are necessitated by the realities of their respective audiences.

Conclusion

Although Mustafa Akyol and Mohammad Hashim Kamali arrive at similar conclusions regarding the punishment of apostasy, they follow substantially different intellectual paths. Akyol approaches the issue primarily through arguments concerning religious freedom, individual liberty, and the historical interpretation of Islamic sources, paying comparatively little attention to the methodological intricacies of usul fiqh. In contrast, Kamali engages more directly with the established principles of Islamic legal theory, including distinctions between *ʻāmm* and *khāṣṣ*, *qaṭʻī* and *ẓannī*, and the evidentiary authority of *mutawātir* and *āḥād* hadith. These differences reflect not only their respective interpretive approaches but also the distinct social and intellectual contexts in which their arguments are

[80] Akyol, *Reopening Muslim Minds: A Return to Reason, Freedom, and Tolerance*, 8.
[81] El Fadl, *Atas Nama Tuhan: Dari Fikih Otoriter Ke Fikih Otoritatif*, 37-8.

formulated and received. As a senior scholar associated with the Cato Institute, Akyol articulates his arguments within an intellectual environment where individual liberty and religious freedom occupy a prominent place in public discourse. Kamali, whose academic career has been closely associated with Malaysia, develops his arguments in a context where Islam holds a significant position in the country's legal, political, and social institutions. These contexts shape the ways in which both thinkers engage with Islamic legal traditions and reconsider the legitimacy of worldly punishment for apostasy.

This comparison demonstrates that rethinking the fiqh of apostasy involves more than revisiting scriptural evidence or reassessing the validity of specific hadith reports. It also requires attention to the interpretive methods through which legal arguments are constructed, the intellectual and institutional contexts in which they arise, and the audiences who engage with and negotiate their meanings. Akyol and Kamali illustrate different approaches to rethinking the fiqh of apostasy: the former emphasizes individual liberty and the compatibility of Islam with religious freedom, while the latter develops his position through a more sustained engagement with the methodological resources of Islamic jurisprudence. Their convergence on the question of apostasy, despite their differing approaches, underscores the plurality of interpretive possibilities within contemporary Muslim thought. Viewed through the relationship between author, text, and reader, their works reveal that the reinterpretation of Islamic law is neither solely a textual exercise nor an exclusively doctrinal process. Rather, it emerges through the interaction of legal reasoning, authorial positioning, and the social contexts in which religious texts are interpreted and received. In this sense, rethinking the fiqh of apostasy offers a framework for examining how contemporary Muslim thinkers renegotiate the relationship between inherited legal traditions and modern understandings of religious freedom.

This study has several limitations. First, it focuses on the writings of Akyol and Kamali, providing a basis for comparing two contemporary approaches to apostasy but not capturing the full spectrum of positions within contemporary Islamic legal thought. Second, the analysis centers on selected texts and their interpretive arguments rather than systematically examining how different audiences actually read, receive, or contest these arguments. Consequently, the relationship between author, text, and reader serves primarily as an analytical framework for interpreting the texts, rather than an empirical account of readers' responses. Third, although the study considers the American and Malaysian contexts in which the two thinkers operate, it does not offer a comprehensive comparative analysis of their respective legal systems, political institutions, or religious publics. Future research could address these limitations by examining a broader range of Muslim scholars across diverse intellectual and national contexts, including those who defend, qualify, or reject the conventional legal position on apostasy. Additionally, it could investigate how contemporary Muslim audiences, religious authorities, and legal institutions receive and negotiate arguments for rethinking the fiqh of apostasy. Comparative studies that combine textual analysis with interviews, ethnographic research, or analyses of public and legal discourse would be particularly valuable for tracing how reinterpretations of apostasy extend beyond scholarly texts and influence

contemporary debates on religious freedom, Islamic legal authority, and the relationship between Islamic jurisprudence and modern legal norms.

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