# Islam on Ikrah (coercion)

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***Abstract***

*Humans face myriads of challenges on this planet in the course of their life. There are issues where the Qur'an and the Sunnah issue very explicit directives. On the other hand, the issues where the first two primary sources of Islam are silent, the requisite details and specifics are missing, the scholarly consensus of the Muslim community (Ijma) guides. Another method of resolving the issues is recourse to qiyas (in Islamic law, analogical reasoning as applied to the deduction of juridical principles from the Qur'an and the Sunnah). But some new issues are identical to those whose injunctions are available in Shariah. In such a case, the new issues and the causes of the established commandments and precedents are searched. If the causes of the new and the old issues are analogous, the established injunction is applied to the new issue. If no Shariah injunction is found on an emerging issue, no similar problem-cum-solution exists, no precedents are existing, then the nature of the Qur'an and the Sunnah are observed in arriving at the solution; then Istihsan (among Muslim theologians, the use of one's own judgment to determine the best solution to a religious problem that cannot be solved by citing sacred texts) or masalihamursala (considerations of public interest) are made guiding principles for laying down laws. Indeed, no man can survive alone, cut off from the entire society. Living with others, humans face problems which they must overcome to spend their life peacefully on the face of the earth. Islam, a complete code of life, presents effective solutions to such issues. The article on Ikrah (compulsion) given below is related to a situation which may crop up in one's life. It guides us on how to behave when one is cornered and finds no way out.*

**Keywords:** Islam, Ikrah (coercion), Ijma, Qiyas, Istihsan

**Introduction:**

**Definitions:**

Some definitions of *ikrah* (using threat or violence to force a person to act against his or her will) are given in the following lines:

1. اسم لفعل يفعله المرء بغيره ينتفي به رضاه او يفسد به اختياره.[1]

*Ikrah* isrefers to an action to which someone subjects another person, thereby putting an end to his will or choice.

2. الاكراه بانه فعل يفعله الانسان بغيره فيزول رضاه أو يفسد اختياره.[2]

*Ikrah* is an action which a human carries out towards another person and thereby eliminates his will or choice.

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3. هو فعل يفعله الانسان بغيره فيزول به الرضا.[3]

An act which someone performs towards another fellow, so that the former puts a stop to the latter's choice.

4. حمل الانسان على امر لايريده طبعاً او شرعاً.[4]

Subjecting someone to a matter which he does not desire mentally or religiously.

5. Literally, *Ikrah* refers to the perseverance of something undesirable. *Karahat* is a deed which persists through its author. In Shariah, *Ikrah* refers to threatening someone (with evil consequences) with some conditions in order to compel him to perform a certain action.[5]

6. Inducing someone to perform an action which one's heart does not cherish is called *Ikrah.*[6]

**Parts of *Ikrah* (compulsion):**

There are four parts of *Ikrah*:

1. *Mukrih* (Someone who compels)
2. *Mukrah* (Someone whose freedom of choice is ended)
3. *Mukrahalayhi* (A word or deed which one is constrained to abide by)
4. *Makruh* (The evil consequence with which one is forewarned).[7]

**Concession:**

Islam grants concession in some measure to someone who is left with no choice but to perform an undesirable activity, but the concession comes with some conditions. Apostasy in Islam is a major sin, but even this is permissible if one has fears for one's safety as is evidenced by the Qur'an verse:

مَن كَفَرَ بِٱللَّهِ مِنۢ بَعۡدِ إِيمَٰنِهِۦٓ إِلَّا مَنۡ أُكۡرِهَ وَقَلۡبُهُۥ مُطۡمَئِنُّۢ بِٱلۡإِيمَٰنِ وَلَٰكِن مَّن شَرَحَ بِٱلۡكُفۡرِ صَدۡرٗا فَعَلَيۡهِمۡ غَضَبٞ مِّنَ ٱللَّهِ وَلَهُمۡ عَذَابٌ عَظِيمٞ[8]

*With the exception of those who are forced to say they do not believe, although their hearts remain firm in faith, those who reject God after believing in Him and open their hearts to disbelief will have the wrath of God upon them and a grievous punishment awaiting them.*

In like manner, the Prophet (Allah bless him and give him peace) is reported to have said regarding someone who is denuded of choice and volition:

1. انّ الله تجاوز لي عن امّتي الخطاء والنسيان وما استكرهوا عليه.[9]

Indeed, Allah has overlooked my people's mistakes and forgetfulness, and what they are forced to do against their will.

2. انّ الله وضع عن امّتي الخطاء والنسيان وما استكرهوا عليه.[10]

Certainly, Allah has rid my community of (the burden of the sin committed out of) inadvertence and forgetfulness, and what they are forced to do against their will.

**Types of *Ikrah:***

The books of Islamic jurisprudence have recorded many kinds of *Ikrah* (compulsion) which are summarized in the following lines.

**1. Comprehensive compulsion:**

It is a form of compulsion which thoroughly ends the will and the choice of the person who is terrorized into compliance. For example, murder, cutting off a limb and a blow which may result in the loss of life or a limb, no matter if the blow is gentle or hard.[11]

**2. Incomplete compulsion:**

This type of compulsion puts an end to one's pleasure although not power; it does not contain a threat to the loss of one's existence. This is also known as*ikrahghayrmulji*(a state of compulsion not forced actually). This coercion includes imprisonment, binding someone with fetters of iron and such a beating which may not bring about loss of life. In this *Ikrah*, there is no limit of involuntary state excepting that the helpless person is subjected to imprisonment, fetters and cares and worries.[12]

**3. Practical compulsion:**

In this form of compulsion, intimidation and threats to hurt are put into action.[13]

**4. Visible compulsion:**

Through this form of *Ikrah*, one is obliged to perform an action visibly, for instance, consuming illicit edibles or beverages, using swear words or uttering a stream of profanities, and in case one fails to comply, then one is threatened with suffering the consequences of one's actions.[14]

If the person who is forced flatly refuses to verbalize unbecoming words outwardly and he is put to death, he will be held accountable for his inflexible attitude in the afterlife. It is so because, by his denial to acquiesce, he contributes to his own destructions, which is scripturally forbidden:

وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ[15]

*And let not your own hands throw you into destruction.*

**5. Invisible compulsion:**

This compulsion expects the occurrence of a hazard[16] together with the coercer's ability to carry out the threat and the threatened one is has a conviction that he will suffer terribly if he does not give in to the bully's demands.[17]

**6. Legal compulsion:**

In this kind of *Ikrah*, an individual is enjoined to perform a certain act and is also bullied into doing as he is told. For example, entering into a marital contract, the dissolution of marriage, setting a slave free, swearing an oath of allegiance, making a vow, *zihar* (the pre-Islamic Arabian custom whereby a husband could divorce his wife by simply declaring, "You are [henceforth as unlawful] to me as my mother's back"]), *ila(*an oath of abstinence from sexual relationship with one's wife for a stipulated period of time), purchase and sale, *hibah* (a deed of property), *ijara* (a type of lease compatible with Islamic law), absolving someone of one's rights, *kafala* (adoption), *shufa* (pre-emption) and demand of forgoing the right of pre-emption.[18] Describing the concept of legal compulsion, Thanaullah Panipati writes:

Such *tasarufaat* are based on words, and the inward desire is not imperative, as they are uttered altogether under compulsion. Still the Shariah lawyers (*fuqaha*) are of the view that the verbal consent suffices for the validity of the contract of marriage and just verbal utterances necessitate the dissolution of connubiality. Also, freeing a slave verbally will set him free.[19]

**7. Permissibility**

In this type of compulsion, eating the flesh of a dead animal and swine and drinking blood and wine are included. If someone is compelled to the extent that he has no choice but to use them, then the prohibition order turns into permissibility.[20] The holy Scripture refers to such lawfulness:

وَقَدْ فَصَّلَ لَكُم مَّا حَرَّمَ عَلَيْكُمْ إِلَّا مَا اضْطُرِرْتُمْ إِلَيْهِ[21]

*Seeing that He has so clearly spelled out to you what He has forbidden you (to eat) unless you are compelled (to do so).*

The one who is forced by hunger pangs to transgress, without wilful leanings towards wrong, his consuming even illicit items is licit.

**8. Concession:**

In this form of *Ikrah*, someone utters words of disbelief vis-a-vis any of the articles of Islamic faith under duress, while his heart is at rest in his faith. In like manner, if someone makes a recantation of his belief in the Prophet (Allah bless him and give him peace) orally whereas he still holds him in great reverence, or if he reviles a believer, his heresy is remittable.[22] The Qur'an refers this state of affairs:

مَن كَفَرَ بِاللَّهِ مِن بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ[23]

*As for anyone who denies God after having once attained to faith, and this, to be sure, does not apply toone who does it under duress, while his heart remains true to his faith.*

The example of such a great deal of pressure is the story of Ammar b. Yasir, who in order to save himself, had to make remarks nasty remarks about the Prophet (Allah bless him and give him peace). Subsequent to the misadventure, when Ammar told the Prophet (Allah bless him and give him peace) what transpired between him and the disbelievers, he, granting him concession, instructed:

> If they ever again misbehave with you again, you may repeat the same words.[24]

**9. Compulsion with a choice:**

If someone under duress is offered a choice of undertaking two unpleasant activities, he should choose the lesser of two evils.

i. Someone may be forced either to eat carrion or to slay a Muslim. If he takes the life of a human being, then the offender will have to face the consequences of his action. He should partake of the carrion—which is lawful in such dire need—so that he may be redeemed.[25]

ii. If the coerced person has two options—defect from Islam or do away with a fellow believer—and he kills, then analogy dictates the murderer will be put to death

by way of retributive justice for manslaughtering because he was capable of not doing him in, but he preferred the absolute prohibition to what was allowable.[26]
On this subject, al-Kasani has given the view of Imam Muhammad, who said the coerced person will not be held liable for the crime because of *istihsan*(the use of one's own judgment to determine the best solution to a religious problem that cannot be solved by citing sacred texts) and will not be killed by way of *qisas* (retributive justice). It will be assumed that the killer who was driven to murder believed that blaspheming was a graver iniquity than homicide. Under the circumstances, the forced killing turned into a crime similar to killing, and similarities annul the enforcement of the law of retribution.[27]

**Conditions of *Ikrah* (compulsion):**
*Ikrah* will be established provided the following conditions are met:

1. The treat is serious—that is, if it is not heeded, one may run into serious trouble.
2. The ruler's injunction will be deemed compeller when its transgression may result in capital punishment, a violent beating or long imprisonment.
3. A forceful command, coupled with threat, is issued for carrying out a prohibited act.
4. The threat is meant to inflict the injury immediately.
5. The intimidator is perfectly capable of executing the word of warning.
6. Also, the one who is compelled to an act believes with certainty that if he does not heed the command the compeller will not hesitate to translate the intimidation into reality.[28]

***Ikrah* (compulsion) is a state of need:**

When someone is subjected to bullying and threats, his will comes to an end. Though he has choice in the matter, he has not much choice: he has to commit a crime and harm someone, or he, refusing to go along with the oppressor, has to bear his own personal loss. In either case, he should consider well and choose the option where lesser degree of loss is involved as experts in Islamic jurisprudence hold:

الضرر الأشد يزال بالضرر الأخف.[29]

The greater loss will be removed by means of the smaller loss.

So it follows if the browbeaten person fears a lethal blow in case he does not submit, he ought to go for minor crimes, such as stealing, calumny, a swear word or profligate spending. The commission of any one of these offences, to safeguard one's life, is a lesser degree of damage, and the transgression will be excusable.[30]

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