

# Apostasy in Islam: Historical and Legal Perspectives<sup>1</sup>

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**Abstract:** This paper starts from the contradiction between the concept of religious freedom in the Qur'an and the concept of apostasy (*riddah*) in classical Islamic jurisprudence. Some jurists believe that the concept of religious freedom has been reduced to a sectarian and discriminative concept, while *riddah* itself has undergone a shift in its meaning because of the hasty and out-of-context interpretation. Many jurists have established death penalties for every apostasy regardless some limitations on the concept of *riddah*. This paper presents some Islamic jurist views on *riddah*, especially in the classical jurisprudence, and also traces back the historical context of *riddah* in the past in order to understand the reasons for the rise of the death penalty for apostasy.

**Abstrak:** Tulisan ini berangkat dari persoalan kontradiksi antara konsep kebebasan beragama dalam Al-Qur'an dan konsep murtad (*riddah*) dalam khasanah fikih klasik. Beberapa ahli fikih percaya bahwa konsep kebebasan beragama telah direduksi menjadi sebuah konsep yang sektarian dan diskriminatif, sementara *riddah* itu sendiri telah mengalami pergeseran makna karena interpretasi yang tergesa-gesa dan keluar dari konteksnya. Banyak ahli fikih telah menetapkan hukuman mati bagi setiap murtad tanpa ada pembatasan pada konsep *riddah*. Makalah ini menyajikan beberapa pandangan ahli fikih tentang *riddah*, terutama masa klasik klasik, dan juga mencoba menelusuri konteks historis *riddah* di masa lalu untuk memahami mengapa munculnya hukuman mati bagi murtad.

**Kata Kunci:** *apostasy, freedom of religion, classical islamic jurisprudence, historical context.*

## Introduction

One of the most essential aspects of human rights is the freedom to choose and believe in a religion. Freedom of religion is said to be a

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special rights distinguishing human beings from other creatures. Therefore, violating freedom of religion is similar to the deprivation of human values (humanity) naturally inherent in a person.<sup>2</sup>

Islam as the last divine religion never deprives human's freedom of religion. Even God, as *Khāliq* who creates human, never forces people to embrace Islam as the only religion of Him. In the Qur'an Allah says:

“There is no compulsion in religion. Verily, the right path has become distinct from the wrong path. Whoever disbelieves in *taghut* and believes in Allah, then he has grasped the most trustworthy handhold that will never break. And Allah is All-Hearer, All-Knower.”<sup>3</sup>

On the other hand, jurists have classified *riddah* into the category of *hudūd*. It means that punishment for a *murtad* (apostate) has been determined by *naṣṣ* (Qur'an or *ḥadīth*) which can not be added and subtracted, let alone changed, because it has been determined by God. Other than *riddah*, offenses included in the category of *hudūd* *issariqah* (theft), *ḥirābah* (armed robbery), *zīnā* (adultery and fornication), *qathf* (alleging adultery), *shirb al-khamr* (alcoholic drinking) and *baghy* (rebellion). Unlike most other *hudūd* offenses, punishment for *riddah* and *shirb al-khamr* are determined based on the *ḥadīth* of the Prophet, while the Qur'an only gives sanctions in the hereafter (*ukhrawi* sanction). In case of *riddah*, jurists hold on *abad ḥadīth* (a single *ḥadīth*)<sup>4</sup> which is still debated as a source of law. Most jurists said that *abad ḥadīth* can not be used as proof, while the infidelity (*kufr*) itself could not justify for the person's blood. An apostate must be killed only when he or she acts against Islam.<sup>5</sup> However, some others remained sticking to the above *ḥadīth*, supported by Quranic verses that establish the moral and hereafter sanction.<sup>6</sup> There seems to be a contradiction between the concept of *riddah* by classical jurists which is based on the

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<sup>2</sup> Sayyid Qutub, *Fi Zilāl al-Qur'an* (Beirut: Dār Iḥyā al-Turāth al-'Arabī, 1967), III: 30.

<sup>3</sup> Q.S. Al-Baqarah (2): 256.

<sup>4</sup> An *ahādḥadīth* is one which is narrated by people whose number does not reach that of the *mutawatir*. While a *mutawatir* *ḥadīth* is one which is reported by such a large number of people that they cannot be expected to agree upon a lie, all of them together.

<sup>5</sup> See Q.S. Al-Anfāl (8): 39

<sup>6</sup> Mahmud Shaltut, *al-Islām 'Aqidah wa Shari'ah* (t.t.p.: Dar al-Qalam, 1966), pp.288-9

interpretation of the *ḥadīth*, and the rights to religious freedom upheld in the Holy Quran.

### ***Riddah* in Classical Islamic Jurisprudence**

In classical Islamic jurisprudence, *riddah* is defined as turning back from Islam to another religious belief or disconnecting (self) from Islam.<sup>7</sup> As-Sayyid Sābiq explained that *riddah* is the return of mature muslim or muslimah in disbelief without any coercion from others.<sup>8</sup>

*Riddah*, according to jurists is limited to the discharge of a muslim into non-muslim religions. So if there are non-muslims converting to another religion, it can not be categorized as *riddah*. The reason is that the transfer from and into pagan religion means the same: both are sins. Meanwhile, the conversion of Muslims to a pagan religion means the displacement of guidance and *dīn al-haqq* into apostasy and disbelief.

On this case ash-Shāfi'ī has two views. First, he said that when an infidel move out and into other pagan religion, then it is not acceptable and should get death penalties except they convert to Islam. Secondly, if there are infidels who move to the religions of other infidels of an equal or higher quality, then it is permitted. For example, if a Jew converts to Christianity, it is allowed because both religions are equally divine religions in their origin.<sup>9</sup>

Apostate can only be killed if they commit both of the following two categories: *first*, being out of Islam, leaving Islam or leaving the justification of being a muslim, and *secondly*, intending to commit a crime/felony.<sup>10</sup> Being out of Islam can happen in three ways: by actions, words, or beliefs (*i'tiqād*). Being out of Islam by actions means doing something that is forbidden by Islam on purpose or with an intention to harass muslims such as bowing heads (*sujud*) before a statue, sun, moon, or star.<sup>11</sup> Being out of Islam by words includes saying that God is more than one, denying the existence of angels, denying the prophethood of Muhammad, swearing at the Prophet or

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<sup>7</sup> Abu Bakr bin Mas'ūd al- Kasa'nī, *Bada'ī' aṣ-Ṣanā'ī fi Tartīb aṣ-Ṣarā'ī* (Kairo: Maṭba'ah al-Jamāliyah, 1910) VII: 134.

<sup>8</sup> As-Sayyid Sābiq, *Fiqh as-Sunnah* (Beirut: Dār al-Fikr, 1977), II: 381.

<sup>9</sup> *Ibid.*

<sup>10</sup> Abd al-Qādir Awdah, *at-Tashrī' al-Jinā'ī al-Islāmi: Muqārānan bi al-Qānūn al-Wad'ī*, (Beirut: Dār al-Kātib al-'Arabī, no date) II: 707, 709

<sup>11</sup> *Ibid.*, p. 707.

earlier prophets, denying the final day, saying that the Qur'an is not from God or it is irrelevant and useless for contemporary life, and so on. Being out of Islam by belief/conviction includes believing the *hudūs* of God, believing that Muhammad was a liar, believing Ali as a god or messenger, and so forth. These kinds of belief is not yet expressed in action or words. Based on the following words of the Prophet “Verily Allah forgives my ummah for what is implied in his mind, as long as not yet implemented or said<sup>12</sup>”, muslims who do not believe in the teachings of Islam, but have not shown it in actions and words, are still regarded as muslims and may not be killed. The punishment will be given by God in the hereafter.<sup>13</sup>

The second category, intending to conduct a crime, is another requirement that must be met for death penalty. Apostate can be punished if he had committed doing or saying something that could make him infidel and he did it in his full knowledge and conscience. Therefore, if someone does or says something that can bring infidelity but he does not know the meaning of the actions or words, or do not know that it was forbidden by religion, then he is not said to be an infidel (*kāfir*). It is so when something is done unintentionally, such as when someone is too troubled or too excited that he accidentally say *Allāhumma anta 'abdī wa anā rabbuka* for what he actually want to say *Allāhumma anta rabbī wa anā 'abduka*. He is not said to be an infidel.<sup>14</sup>

In the above case, al-Imām ash-Shāfi'ī said that the person should have the intention to become an unbeliever (*kāfir*) first to commit apostasy. He hold on to *ḥadīth*:

“indeed every action depends on the intention (*niyyah*)”.<sup>15</sup>

Similarly, the schools of az-Zāhirī also requires an intention in every action.<sup>16</sup>

The penalties of *riddah* can be divided into three kinds, namely: basic sanction (*al-`uqūbah al-aṣliyyah*), replacement sanctions (*al-`uqūbah al-badalīyyah*) and subsidiary sanctions (*al-`uqūbah at-tabā'iyyah*). The basic sanctions for *riddah* according to Fuqaha is death penalties, both for men and women apostates. However, Abu Hanifa believe that

<sup>12</sup>Abu` Abd Allah Muḥammad bin Ismā'īl bin Ibrāhīm bin al-Muḡirah al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*(Beirut: Dār al-Fikr, 1981), III: 119. *ḥadīth* is narrated by Abū Hurairah in *Kitāb al-`Itq*.

<sup>13</sup> Awdah, *at-Tashrī' al-Jinā'i al-Islāmi*, II: 710-711.

<sup>14</sup>*Ibid*.

<sup>15</sup> Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, III: 119

<sup>16</sup> Awdah, *at-Tashrī' al-Jinā'i al-Islāmi*, II: 719.

female apostate should not be killed but imprisoned and told to repent every day to come back to Islam, and she should remain in prison until she die if she refuses. The proof given by Abu Hanifa is the fact that Rasullullah prohibits killing woman infidel from birth (*al-kufr al-aşli*). If a woman disbeliever from birth is forbidden to be killed, this prohibition should more appropriately apply to a woman who becomes apostate/disbeliever after faith (*al-kufr at-tāri*).<sup>17</sup>

Punishment for apostate is based on the *ḥadīth*:

“Whoever gives up his religion (Islam), kill him/her”<sup>18</sup>

And another *ḥadīth*:

“It is unlawful to have the blood of a Muslim who confesses that there is no god but Allah and I am his messenger, except he/she commits the following three: killing a soul for revenge, doing adultery after marriage, and leaving his/her religion to separate from the congregation.”<sup>19</sup>

Replacement sanctions are punishments imposed after the absence of the basic sanctions because of repentance. In this case the sanctions should be replaced by the sanctions of *ta'zīr* of which stipulation is determined by the government. The sanctions can be in the forms of *jilid*, imprisonment, fines, or other penalties. The degree of the punishment depends also on the intensity and quantity of the *riddah*, especially for those jurists who believe that the command to repent should be done repeatedly. This replacement sanctions applies to the cases that are still in dispute, such as the opinion of Abu Hanifa who does not allow death penalty for women and children, and also Malik's belief to exclude children from death penalty with specific requirements.

Subsidiary sanction for apostasy is the retainment of the person's wealth and capabilities to various transactions. Restrictions to wealth are limited to the active capabilities, while the passive ownerships remain valid. Therefore apostates can still receive grants, work, and earn money, but they cannot own property from inheritance of their muslim (*dār al-Islām*) family. According to Imam Mālik, ash-Shāfi'ī, and Ahmad, the property of apostates, when they die or are killed, can be inherited by anyone, either by muslims and non-muslims. However,

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<sup>17</sup>*Ibid.*, II: 720-721.

<sup>18</sup> Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, VIII: 50. *ḥadīth* is narrated by Ibn `Abbas in *Kitāb Istitābah al-Murtaddīn wa Mu`anidin*.

<sup>19</sup>*Ibid.*, VIII: 38. This *ḥadīth* is narrated by `Abdullah in “Kitāb Diyāt”.

Imam Mālik has different opinion about the assets of a *ẓindiq* and hypocrit. In this case, the property can be inherited by the heirs of the Muslims, since the Prophet's time the wealth of hypocrites remain inherited by their Muslim family when they die.<sup>20</sup>

Actually, the most authoritative opinion of the above three schools is that *riddah* does not take away the apostate's rights to their previous property and ownership, nor does it hinder their rights to their property after *riddah* but the ownership is preserved into custody until they return to Islam. If they are killed or die in apostasy, his property is considered as *fai'*.<sup>21</sup>

According to the school of Abu Hanifa, the apostate's assets collected when they are still muslims can be inherited by their muslim heirs. However, the assets acquired after *riddah*/apostasy are considered as *fai'*. According to this school, the apostate's property in *dār al-ḥarb* obtained either before or after *riddah* is both regarded as *fai'*.<sup>22</sup> Disputes between the school of Abu Hanifa and other schools on this are rooted from their interpretation of the prophet's words: "It is forbidden for infidels to inherit from muslims and vice versa". All the three schools do not allow apostates to inheritance basically because they become non-muslims. However, Abu Hanifa, referring to the *ḥadīth*, argues that *riddah* is similar to death, so as when muslims die, his property can be inherited by his heirs.<sup>23</sup>

What is meant by the restrictions of apostate's capacity to various transactions is that the transactions such as selling, mortgaging, or giving it away would be invalid and illegal, regardless whether the property is obtained before or after *riddah*. All transactions that have been done while they were still muslims are preserved until they come back to Islam. If they finally get death penalty because they do not want to repent, those transactions are considered void.<sup>24</sup>

Disagreement occurs among schools of thought regarding issues on whether apostates should or should not be asked to repent and on how many times the advice to repentance can be done. In this context, advice to repentance becomes important because it can lead to absolute and unconditional liberation of the apostate. Sometimes, there

<sup>20</sup>*Ibid.*

<sup>21</sup>*Ibid.*

<sup>22</sup>Al-Kasānī, *Badā'i` al-Ṣanā'ī*, VII: 138.

<sup>23</sup>Awdah, *at-Tashrī` al-Jinā'ī al-Islāmī*, II: 729

<sup>24</sup>*Ibid.*

are disputes among Fuqaha within the same school so that it is quite hard to choose which view representing the school.

Many *riddahs* happen because of just little doubt in faith. Thus, the person should be given the chance to eliminate that doubt. He should be given evidences and arguments so that he can regain and increase faith in his heart. This means that advising him to repent and return to Islam is mandatory.<sup>25</sup>

On the contrary, Abu Hanifa believes that advices to repentance are not mandatory, but only preferred, because previously *da`wah* has been given to this apostate. Zāhirī jurists state that advices to repentance are neither mandatory nor preferred.

Regarding the frequency and length of the advices to repentance should be given, jurists disagree. Some jurists assert that apostates are asked to repent just once. If they neglect it, they deserve death penalty. Some others say that the advices to repentance can be given three times. Still, others state that the apostates should be given a grace period of three days to repent, while some say that such advocacy can be repeated one hundred times. Others would say that the apostates should be told to repent for ever and live.<sup>26</sup>

### **The Historical Context of *Riddah***

Based on historical data, during the time of the Prophet there were already people committing *riddah*. They can be traced from the verses of the Qur'an, the traditions of the Prophet, and historical literature.

In the last period of Mecca, for example, after *Isra Mi'raj*, many Arab Muslims in Mecca turned back into unbelievers because they doubted the truth of such extraordinary events.<sup>27</sup> The apostates were not punished because there was no direct command from God, and because the Muslim community was still very small and inferior to the power of Quraish.

At the time of the Prophet's conquering Mecca, known as *Fath al-Makkah*, the Quraish surrendered without armour fights except by a small group and they surrendered unconditionally to the Muslims who

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<sup>25</sup>Sabiq., *Fiqh as-Sunnab.*, II: 389.

<sup>26</sup>Abu Muhammad `Ali bin Ahmad bin Sa`id ibn Hazm, *al-Muḥalla* (Beirut: Dār al-Fikr, no date), VIII: 189.

<sup>27</sup>Muhammad Husain Haekal, *Sejarah Hidup Muhammad*, translated by. Ali Audah (Bogor: PT Litera Antara Nusa, 1990), p. 159.

came in a very large group. Due to his magnanimity and forgiveness, Prophet Muhammad gave amnesty to Quraish people who at that time were helpless and pleaded for forgiveness. Amnesty was granted to all Quraish Meccans and the whole population, except 17 people who received death penalties because they had committed violent crimes against Muslims.

Among them were 'Abdullah bin Abi as-Sarh, who used to have converted to Islam and wrote down God's revelation but then turned into an apostate with his Quraish fellows and announced that he had falsified the revelation when he wrote them. Also, it was Abdullah bin Khatal, who used to be a Muslim but then, after killing a slave, turned into an apostate and ordered two female slaves, Fartana and his friend, to sing and mock Muhammad. A death sentence was also given to Ikrimah bin Abi Jahl, the most violent enemy of Muhammad and the Muslims. He fought against Khalid bin Walid when he entered Mecca from different directions.<sup>28</sup>

Nevertheless, history says that not all of the 17 people were killed. 'Abdullah bin Abi as-Sarh, Ikrimah bin Abi Jahl, Safwan bin Umayya, and Hindun were pardoned after the guarantee and request from their Muslim families. Disbelievers who eventually got killed were four: Huwairid who had disturbed the Prophet's daughter Zainab while returning from Mecca to Medina; two people who had converted to Islam but committed a murder in Medina and ran away to Mecca to become infidels; and the two slaves of Ibn Khatal who always mocked the Prophet with their singing. One of them escaped and the other one was pardoned.<sup>29</sup>

Those events indicate that the Prophet practiced death penalty to the apostates not only because of their leaving Islam but more because of their doing violent crimes against Islam and endangering Muslims.

Furthermore, a *hadith* narrated that there was a group of people from Ukul tribe who had converted to Islam and came to Madina, but they found the climate harsh to them. They were unhealthy and therefore came to the Prophet in order to ask for milk for their health. Then, the Prophet sent them to a camel stock outside Madinah. They were allowed to live there and drink the milk, so that they became fat and healthy. However, in the end they overtook the oases/wells, killed the herdmen, expelled the animals, and became unbelievers again.

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<sup>28</sup>*Ibid.*, p. 457.

<sup>29</sup>*Ibid.*, p. 468.



Having got the information, the Prophet sent the troops to look for and kill them.<sup>30</sup> This *ḥadīth* shows that the apostates were killed because they had killed the camel keepers and performed a series of other violent crimes.

The principal argument most often used to impose death penalty for apostasy is a *ḥadīth* that reads: “Whoever gives up his religion (Islam), kill him/her”. However, as what is stated in *Saḥīḥ al-Bukhārī* where the *ḥadīth* is collected, apostates are categorized as those who attack and endanger Islam. So it is clear that the apostates mentioned in the above *ḥadīth* are those who give up his religion, join the enemies of Islam, and attack Muslims. By this limitation, the interpretation of the *ḥadīth* can be combined with other traditions or with the principles in the Quran.

The fact is that the concept of *riddah* has undergone such a big shift in meaning that it is now understood as converting a religion to another. A muslim converting into a non-Muslim religion or a Jew converting to Christianity or vice versa should be killed.

Such an understanding or interpretation mentioned earlier cannot be accounted to the Prophet. The above *ḥadīth* should be understood on certain conditions and limitations as previously described.

Another *ḥadīth* associated with *riddah* states:

“It is unlawful to have the blood of people who have testified that there is no god but Allah and that I (Prophet) is the Messenger of Allah, except they commit the following three: killing a soul for revenge, doing adultery after marriage, and leaving their religion to separate from the congregation”.<sup>31</sup>

This *ḥadīth* says that Muslims could be killed because of three cases and one of them is leaving his religion to separate himself (*at-tārik*) from the Islamic community (*al-jamā`ah*). Another version used the phrase *al-mufāriq li al-jamā`ah*.<sup>32</sup> This means that separation from the community is a very important requirement in *riddah* because, in doing so, they leave the Muslims and join the enemy. Therefore, the words in

<sup>30</sup>Al-Imām al-Bukhārī, *Saḥīḥ al-Bukhārī* (Beirut: Dar al-Fikr, 1401 H/1981 M), IV: 22. Hadis narrated by Anas bin Mālik, in “Kitāb al-Jihād wa as-Siyār.

<sup>31</sup>*Ibid.*, VIII: 38.

<sup>32</sup>An-Nawāwī, *Saḥīḥ Muslim bi Sharḥ an-Nawāwī* (Beirut: Dar al-Fikr, 1403 H/1983 M), XI: 164.

the *ḥadīth* emphasise more on the situation at that time: it was at a war and apostates were killed not because of leaving his religion but because of their hostility to Muslims.<sup>33</sup>

Other facts about the case of *riddah* in the Prophet's time were narrated by al-Bukhari as follows:

An Arab Bedouin came to the Prophet and converted to Islam. He then got *wa'ke* (a disease caused by extreme tiredness) in Medina and the next day he came again to the Prophet and said, "O Messenger of Allah, return my vow," but the Prophet refused. Another day he came back again and said, "Give me back my vow," but the Prophet refused. He came back again and pleaded, "Give me back my vow," but the Prophet refused and he went away. Then the Prophet said: "Medina is like a blower that removes dirt and maintains its purity."<sup>34</sup>

This *ḥadīth* states that the man had converted to Islam but the next day he thought that he was not supposed to be a Muslim, and so he came to the Prophet and requested that the oath (oath of allegiance) is returned. The above *ḥadīth* clearly shows a *riddah* case but the person is still allowed to go without being killed.

Based on several traditions of the Prophet regarding *riddah*, it is understood that *riddah* used to occur in war time between Muslims and infidels. Often, the apostates doing *riddah* joined the unbelievers and together they fought against the Muslims. Thus, the death penalty for them was because they joined the enemy and fought against the Muslims, not simply because they gave up their religion.

After the death of the Prophet, the relatively new Muslim society was still experiencing hard times and dangers. Abu Bakr who succeeded Muhammad as the top leader of the Muslim society was threatened, on the one hand, by a rift among the leaders of society and the emergence of a number of Arab tribes opposing the central political authority in Medina on the other.

The caliphate of Abu Bakr which was relatively short (632-634) was largely filled with *riddah* wars (apostasy wars). These battles

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<sup>33</sup>Such understanding is also supported by the Quranic verse which states that if the apostate fled and took refuge in a number of parts that do not make war against the Muslims, then he should not be killed. See Q.S. An-Nisa` (4): 90.

<sup>34</sup>Al-Bukhārī, *Sabīh al-Bukhārī*, VIII: 124. *ḥadīth* is narrated by Jābir bin Abdullah in "Kitab Al-Ahkām".

occurred because of the disobedience and rebellion by the people outside Hijaz.<sup>35</sup>

Some Arab tribes who unwillingly joined the Prophet's confederation tried to regain their independency. They separated themselves from the government of Abu Bakr and followed some false prophets of their own.<sup>36</sup> Many Arab tribes viewed that Islam made them under the rule of the Quraish tribe. After the Prophet had died and the Quraish still retained the power, the other Arabs saw that they would always be under the Quraishy rule so the movement to separate from Islam grew stronger and stronger. Their supports to several false prophets were merely because of the groups' interests, though they knew that these false prophets were liars.<sup>37</sup>

Defiance of those tribes was also caused by the central government's lack of communication and delegation to the tribes, while their joining with Muslim confederations during the Prophet was relatively short. As a consequence, their faith to Islam was still weak. In fact, during the Prophet's era, no more than one-third of the Arabian Peninsula had actually acknowledged the existence of Islam and submitted to Muslim authority.<sup>38</sup>

Hijaz itself, the closest place to the Prophet activities, was not totally under Islam until one or two years before his death. Delegation (*wufud*) who submitted to the Prophet's authority was not representing the entire Arabian Peninsula. At that time, all the members of a tribe were considered Muslim simply because the tribal leaders had come to the Prophet.

Some tribes in Yemen, Yamamah, and Oman were reluctant to pay *zakat* to Medina. The Prophet's death gave stronger excuses for the refusal. Jealousy on the growth of Hejaz hegemony was one of the principal motives for the refusal. Centrifugal character (separation from the center) among the Arabs supported the above motives. However, Abu Bakr remained in his stance and urged the rebels to surrender unconditionally or else they would be strongly attacked.

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<sup>35</sup>Philip K. Hitti, *History of the Arabs* (London: Macmillan Press Ltd., 1970), p. 141.

<sup>36</sup>Ira M. Lapidus, *A History of Islamic Societies* (New York: Cambridge University Press, 1988), p. 38.

<sup>37</sup>A. Salaby, *Sejarah dan Kebudayaan Islam*, translated by Mukhtar Yahya (Jakarta: Pustaka al-Husna, 1987), p. 229.

<sup>38</sup>Hitti, *History*, p. 141.

Other wars conducted by Muslim forces also occurred in areas of Bahrain, Oman, Hadramaut, and Yemen where al-Aswad is proclaimed to be a prophet. These wars were done not only because of their separation from the government, but also in order to straighten out those who have broken the limit.<sup>39</sup>

One of the core issues in the *riddah* wars was the refusal to pay *zakat* which is literally ordered by God. At the same time, the emerging Islamic government demanded authority derived from the claim as the legal representative of the Muslim community. In the early period, *zakat* which was imposed on the types of property specified in the Qur'an was not entirely treated as a charity only donated to the poor members of the community, because the charity was also used for military and political interests. This means that *zakat* (which could be used in ways similar to taxes for the government) can serve for the purposes of both moral and religious reasons, and it can therefore be interpreted as not only a religious duty but also moral obligation. Paying *zakat* is religious because it is a form of good deed to sacrifice worldly possessions that God commands, and it is a form of moral obligations because people donate property to the welfare of the community.

Some Arab tribes that have surrendered to Islam during the Prophet should pay *zakat* usually in the amounts determined through an agreement with the Prophet, which apparently they understood as purely political instead of religious duties. For this reason, after the death of the Prophet, some Arab tribes refused to continue paying the *zakat*, because they judged that their agreement with the government of Medina as automatically canceled by the death of the Prophet.

Abu Bakr demanded that they continue paying what they had promised (*zakat*) as they dealt not only with the Prophet, who was not immortal, but with God through Muhammad serving as God's Prophet. Abu Bakr was the successor of Muhammad as the leader of Medina.<sup>40</sup>

Abu Bakr argued that the penalty imposed against Arab tribes would include their open rebellion against the social order of Islam. Their separation from the reign of Abu Bakr was regarded as a betrayal

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<sup>39</sup>*Ibid.*

<sup>40</sup>David Little dkk., *Kajian Lintas Kultural Islam Barat: Kebebasan Agama dan Hak-hak Asasi Manusia*, translated by Riyanto (Yogyakarta: ACAdeMIA bekerjasama dengan Pustaka Pelajar, 1997), pp. 143-4.

of God who always guides His Prophet and his followers in fight for truth, eradicate and prevent *fitnah* (slander).<sup>41</sup>

In line with the argument above, Mahmasani Subhi said the apostasy that is done massively, promotes disintegration and disobedience to the state, or joins the enemy is considered as a *fitnah* action that endanger public safety. Muslims are allowed to fight them until they repent and return to respect the rules and sovereignty. This is what the first Caliph Abu Bakr did as he fought some Arab tribes when they ran away from religion after the Prophet's death, or when they refused to pay the zakat. Those could be categorised as a rebellion, disobedience, and slander. As we know, *fitnah* (slander) was endangering the safety of the country so that the Qur'an sees it as more serious and dangerous than murder.<sup>42</sup> Thus, it is not the *riddah an-sich* that causes people to be fought, but apostasy which is accompanied by destruction, slander, and disobedience.<sup>43</sup>

### Concluding Remarks

From the above explanation, it can be concluded that the concept of religious freedom in the Qur'an should be understood in its general meaning, in the sense that the Qur'an prohibits apostasy (*riddah*) from or into any religion. However, this does not mean that the Qur'an justifies all religions.

On the other hand, death penalties for apostasy should be understood based on its historical context. Death penalty for apostasy in the time of the Prophet is more due to the war situation and the apostate's defection to the enemy lines. The *riddah* during Khalifah Abu Bakr is caused by the rebellion against the legitimate government, in addition to the harassment of religion (Islam) such as false prophets, agreement breaking, and the refusal to pay zakat which at that time was one of the main sources of the state revenue.

Therefore, the concept of *riddah* that has been presented in classical jurisprudence need re-interpretations and re-position. The blur and lack of clarity around the concept of *riddah* have led the universal

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<sup>41</sup>*Ibid.*, p. 116. Lihat al-Mā'idah (5): 33.

<sup>42</sup>Subhi Mahmasani, *Konsep Dasar Hak Asasi Manusia*, translated Hasanuddin (Jakarta: PT Tintamas Indonesia bekerja sama dengan PT Pustaka Litera Antar Nusa, 1993), pp. 97-8.

<sup>43</sup>Maulana Muhammad Ali, *The Religion of Islam: A Comprehensive Discussion of the Sources, Principles and Practices of Islam* (Lahore: The Ahmadiyyah Anjuman Isha'at Islam, 1950), p. 595.

teachings of Islam to be misunderstood or misinterpreted by Muslim society.

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