

REREADING THE LAW OF APOSTASY IN *HADIS*/ USING HERMENEUTICAL *TAKHRIJ* METHOD

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Abstrak

Isu membunuh orang murtad dalam Islam masih menjadi perdebatan, mengingat hal tersebut (terkesan) didukung oleh ajaran Islam. Hadis yang menyatakan '*man baddala dinahu faqtuluh*' (barang siapa yang mengganti agamanya, maka bunuhlah dia!) seringkali digunakan untuk meligitimasi hukuman mati bagi orang murtad. Sayangnya, model konvensional pembacaan teks-teks hadis yang disediakan oleh ulama hadis klasik justru mendukung hukuman kejam tersebut. Artikel ini bertujuan untuk menyelidiki isu terkait hukuman bagi orang murtad dengan mengajukan metode baru pembacaan hadis yang disebut '*Takhrij Hermeneutis*'. Penggunaan metode baru ini bertujuan untuk menyuguhkan kepada pembaca makna hadis yang lebih luas, kontekstual, dan sesuai dengan konteks kekinian. Dengan metode ini, pembacaan para ulama terhadap hadis Nabi tersebut seringkali tereduksi hanya pada masalah hukuman mati saja bagi orang murtad, sehingga menyebabkan kesalahpahaman di antara mereka. Dengan demikian, perlu upaya pembaruan pembacaan hadis Nabi melalui metode baru.

Kata kunci: *murtad, hermeneutik, ~~hadis~~ takhrij, makna*

Abstract

The issue of killing the apostate in Islam remains controversial since it (seems to be) supported by Islamic teachings. A hadis says: '*man baddala dinahu faqtuluh*' (whosoever changed his religion, kill him) oftenly used to legitimate death penalty for the apostate. A conventional way of reading texts of hadis provided by classical hadis scholars, unfortunately, supports this cruel punishment. This article aims to investigate the issue of the law of apostacy by promoting new method of reading hadith called as '*Hermeneutical Takhrij*'. This new method is used to provide reader a broader, contextual, and proper meaning of the hadis. By using this method, the scholars' reading the prophet's saying is often reduced to the issue of the death penalty for the apostates and, hence, cause misunderstanding among them. Thus, it needs to rejuvenate it by doing continues reactulization efforts through rereading the issue and developing new methods for it.

Keywords: *apostasy, hermeneutics, ~~hadis~~ takhrij, meaning*

A. Introduction

In the early 1980s, nearly 60 percent of young adults reported

attending church less frequently than they did during adolescence.¹ Moreover, broader analysis of factors that drive

people to apostate are intellectual orientation and childhood home religious experience. Specifically, their closeness to parents do influence their religious orientation² and especially their closeness to mothers who play most significant role in this regard.³ When the children grow and go to college, their college experiences play an integral part in the process whereby one "calling" is replaced by another.⁴ In short, in every stage of one's life, apostasy always becomes a serious threat haunting people whenever, wherever and however they are.

There are many concepts of apostasy. It can be seen as the process of disengagement from two major elements of religion: belief and community. According to Brinkerhoff and Mackie, doubt about church teaching is central to this process.⁵ Furthermore, Helfand sees that young Jewish alienation from Judaism together with increased participation in Christian society led them to baptismal font.⁶ In this regard, the Jewish experience in France had a unique history; the balance between integrating into French society and maintaining Jewish identity was delicate and, at times, fragile. Apostasy highlighted the weakness of that balance. To the Jews of the period it said more about their own vulnerability and failure than about the defection of the converts themselves. Missionaries and apostates were the primary targets of the polemics on conversion, but, for many, the real issue was the deculturation of Jewish life that these apostates represented in the extreme.⁷ In Islamic Ottoman history, we found that conversion to Islam for the ruling elites, was simply a way to qualify for a certain station in life: that of the ruling class.⁸ The problem arises, however, large majority of the Moslem nowadays still regard the apostate as a traitor, who should be killed, or, at least, be treated as a social outcast. Conversions of Moslems to e.g. Christianity still cause a great deal of

commotion.⁹ This makes Zwemer calls the apostasy as a challenge to brave men and women to heroism and sacrifice.¹⁰

The problem gets more striking when we found that many religious texts explicitly consider this act as "out of religion" and deserves serious socio-theological consequences. As we can find in Christian tradition, for instance, one of the most controversial passages found in Scripture particularly in Hebrew 6:4-8 where the writer of Hebrews appears to teach that a Christian who falls away from the faith (i.e., apostasy) can never regain his salvation again:

"For in the case of those who have once been enlightened and have tasted of the heavenly gift and have been made partakers of the Holy Spirit, 5 and have tasted the good word of God and the powers of the age to come, 6 and then have fallen away, it is impossible to renew them again to repentance, since they again crucify to themselves the Son of God, and put Him to open shame. 7 For ground that drinks the rain which often falls upon it and brings forth vegetation useful to those for whose sake it is also tilled, receives a blessing from God; 8 but if it yields thorns and thistles, it is worthless and close to being cursed, and it ends up being burned."

This passage is one of many in the New Testament which suggests that a person's salvation can be eliminated. Moreover, this notion of no remedy for apostasy, on the other hand, seems contradictory with God's willingness to extend salvation to any and all who seeks it in Christ. Consider the following promises from the Sermon on the Mount emphasize God's readiness to respond to those who seek him: "Ask, and it shall be given to you; seek, and you shall find; knock, and it shall be opened to you. For everyone who asks receives, and he who seeks finds, and to him who knocks it

shall be opened." (Mt 7:7-8) "Blessed are those who hunger and thirst for righteousness, for they shall be satisfied." (Mt 5:6) Such promises suggest that there is a possibility of salvation for anyone, even an apostate, as long as the person sincerely wishes to draw near to God. As James reminds us, if you "draw near to God" he will "draw near to you" (James 4:8). In dealing with these seems-contradictory passages, one way to do is harmonizing.¹¹ This harmonizing occurred only when the reader try to reread those passages and find the proper meaning behind the texts. Consider de Silva's argument in this case which sees that the impossibility of being brought back into the sphere of grace-that is, back into a patron-client bond with God through Jesus-serve the purpose of motivating the addressees to persevere in trust and obedience, so as to continue to enjoy God's beneficence and, at the last, to enjoy the greatest gift of a place in the heavenly, eternal realm.¹²

In Islamic tradition, we found that apostasy is one of a critical and controversial issue in Islamic laws. For killing the apostates is (seems to be) legalized or supported by Prophetic tradition (*ḥadīṣ*) saying: "*man baddala dīnahu faqtuluḥu*" (whosoever changes his religion, kill him!). This *ḥadīṣ* at a glance, goes against what God states clearly in al-Quran that *la-ikrahā fi-al-dīn* (there is no compulsion in religion). Many scholars take part in discussing this law and propose methodologies to understand properly behind the message to kill the apostates,¹³ in order to answer the strong justification to reconsider it.¹⁴

This article is one of the efforts to see the problem of apostasy through rereading the prophetic saying about killing the apostates as narrated in *Ṣaḥīḥ al-Bukhārī*. Moreover, this article proposes hermeneutical way of reading as the alternative way of reading this issue.

B. Reading The Texts Of *Ḥadīṣ*/ A Comparison Of Conventional and Hermeneutical Way Of Reading Text

1. Conventional Way of Reading *Ḥadīṣ*

From the early days of the development of *ḥadīṣ* sciences, scholars of *ḥadīṣ* established a method to read and analyze prophetic sayings known as "*takhrīj*." From its etymology, "*takhrīj*" means showing the original sources that contains the prophet sayings (*ḥadīṣ*), then finding out their *sanad* (chain of the transmitters) and finally judging the quality of the *ḥadīṣ*.¹⁵ This method is used to trace the roots of the transmission, to provide various redactions of the *ḥadīṣ* narrated in different sources, to judge the degree of the *ḥadīṣ*/whether the *ḥadīṣ* is accepted or rejected.

In practice, there are two steps in analyzing *ḥadīṣ*: *sanad* analysis and *matn* analysis (analyzing the text of the *ḥadīṣ*). *Takhrīj* which used to trace the roots of the transmission, is the first step of the *sanad* analysis. There are many books has been published as the guide to this *sanad* analysis: *al-Mu'jam al-Mufahras li Alfaz al-Hadīṣ al-Nabawī* written by A.J. Wensick, *al-Jamī' al-Shāghir min Ḥadīṣ al-Bashir al-Nadzi'* written by al-Suyutī, *Tahzīb al-Kamāl fi-Asma al-Rijāl* written by Jama' al-Dīn Abu al-Ḥajjaj al-Mazī and many others.

The second step in *sanad* analysis is analyzing the transmitter of the *ḥadīṣ* (*rawī*). In this step, there are three things should be done: first, listing the names of the transmitters of the *ḥadīṣ*. Second, finding out the quality of the transmitter's personality known as *jarḥ wa ta'dīl*. By this, we can conclude whether the transmitter is *ṣiqāḥ* (reliable) or *dh'if* (unreliable). If the transmitter is *ṣiqāḥ* then the *ḥadīṣ* transmitted by him/her is accepted. On the contrary, if he/she is *dh'if*, this caused the rejection of the *ḥadīṣ* transmitted by him/her. The last,

analyzing the method used by transmitter in his transmitting the *ḥadīṣ*

Based on the previous two steps, the last step then is to judge the *ḥadīṣ* whether it is *ṣaḥīḥ* (truly said by the prophet) or *ḍaʿīf* (no strong evidence to prove that the *ḥadīṣ* is said by the prophet).

The next step of analyzing *ḥadīṣ* is *matn* analysis. In this step, there are four works to be done: first is rechecking the quality of the *sanad*. This is important because some scholars of *ḥadīṣ* argue that if the *sanad* is *ḍaʿīf*, it is no need to continue to analyze the *matn*. For them, whenever the *sanad* is *ḍaʿīf* the *matn* will automatically be *ḍaʿīf* and rejected.

Second is comparing the redactions of the texts used by different transmitters. Some of the transmitters transmit the *meaning* of the *ḥadīṣ* not the text of the *ḥadīṣ* itself.

Third is analyzing the textual meaning of the *ḥadīṣ* by seeing to the scholars explanations and commentaries. And the last is judging whether the *ḥadīṣ* is *ṣaḥīḥ* (rationally understandable and support the message of the al-Qurʿan) or *ḍaʿīf* (irrational and contradictive with the message of the al-Qurʿan).

By this conventional way of reading *ḥadīṣ*, scholars of *ḥadīṣ* has provided us two important conclusion of one *ḥadīṣ*: its authenticity and its textual meaning which then helps us to decide whether this *ḥadīṣ* is applicable or not.

2. Hermeneutical Way of Reding *Ḥadīṣ*

Yusuf al-Qaradāwī, one of the contemporary established Muslim scholars, mentioned that 10% of religious texts are consisted of definite laws (*qatʿī*) which cannot negotiate with any changes around them. Besides, 90% of religious texts are consisted of negotiable laws (*ẓānnī*) which are operationally go hand in hand with social realities.¹⁶ This fact shows clearly that text and realities are inseparable. Moreover, any textual revelations (Qurʾān or *Ḥadīṣ*) are automatically stop with the death of the

prophet Muhammad. Meanwhile, realities will always continue along with the progress of human's civilization. This clearly insists a continuous effort to reread the religious texts.

In the case of reading *ḥadīṣ* we know from previous discussion that the scholars of *ḥadīṣ* has provided us a method for reading *ḥadīṣ*. This method comes up with valuable information of the authenticity and the textual meaning of the *ḥadīṣ*. However, there is one significant lacking point of this method: its ability to provide a proper understanding of the *ḥadīṣ* or of its contextual meaning.

In this section, I propose an alternative way of reading *ḥadīṣ* as the complementary of previous conventional method by taking Ricoeur's concept of distanciation, appropriation, guessing, and validation as theoretical basis of this method. This method begins with the process of autonomization of the text (distanciation) to extract what the text says about itself without taking anything around it into account. This process occurred using our ability to guess (guessing) or trying to reveal the "fore-meaning" of the text. Then it comes the process where we make our guessing more sophisticated through actualizing what have the text said about itself (appropriation). The last is validating the meaning by comparing what we got from the text with current situation.

a. Distanciation

As we mentioned before that the prophet's death constitutes the unsustainability of the dialogical process of the revelation between God, prophet, and human being. In other words, what left for us from Muhammad's sayings after his death is only what has been recorded during his life in the form of memories and texts. Here, the hermeneutical process begins.¹⁷ Means that whenever the prophet sayings are converted to the text, people begin to interpret what the prophet actually meant

to say by his sayings because we do not and cannot have direct access to the meaning that texts are supposed to convey.¹⁸ By this, we consider the text is autonomous. This is what distancing actually does to the text. It establishes the autonomy of the text with respect to its author, its situation and its original reader.¹⁹ In practical, distancing is the process when we let the texts speak by themselves.

b. Guessing

After we heard what the texts said about themselves, in this process, we actively talk to the texts in order to understand them. This process confirms what Ricoeur said that “languages do not speak, people do.”²⁰ In doing so, Ricoeur told us that we do not need to repeat the speech’s event in a similar event.²¹ All we have to do is to guess the meaning of the text. In practical, guessing is a process of psychological self-projection into texts contains a small grain of truth.²² In this regard, Gadamer reminds us that we cannot stick blindly to our fore-meaning to gain the meaning of the text.²³ Moreover, because there are no rules for making good guesses, then we need to criticize and test our guessing.²⁴ To do that, we go to the next step, appropriation.

c. Appropriation

Appropriation is the actualization of the meaning as addressed to somebody.²⁵ It concerns the way in which the text is addressed to someone. Means, to explain a text was essentially to consider it as the expression of certain socio-cultural needs and as a response to certain perplexities localised in space and time.²⁶ To apply this step means to see the socio-cultural where the text is produced.

d. Validation

Ricoeur said that validation corresponds to what Schleiermacher called as “grammatical” which sees the strong influence of the text and its originator on the reader in understanding

the scripture.²⁷ The application of this process is by comparing the meaning we got from the previous three steps with linguistic analysis of the text and everything surrounds it. Validation, furthermore, occurred by doing Rahman’s double movement: from the present situation to Quranic times (*ḥadīṣ* period which shown by *ashab al-wurūḍ*), then back to the present.²⁸

3. Introducing Hermeneutical *Takhrij*

From the previous explanations, we can conclude that both *takhrij* and hermeneutical method is complementing each other. In *takhrij*, we found one fundamental lacking point which is its inability to provide a proper and contextual meaning of the *ḥadīṣ*. For it concerns more on analyzing the textual meaning of the *ḥadīṣ* and its quality, whether it is *ṣaḥiḥ* or *ḍa‘if*. Furthermore, hermeneutical method comes to complement what lacking in *takhrij* by giving more attention to provide contextual understanding through appropriation and validation process. In conclusion, I propose here the “hermeneutical *takhrij*” as the complementary method for reading the *ḥadīṣ* to provide a comprehensive information of the authenticity of the *ḥadīṣ* plus contextual understanding of it. This hermeneutical *takhrij* applied as below:

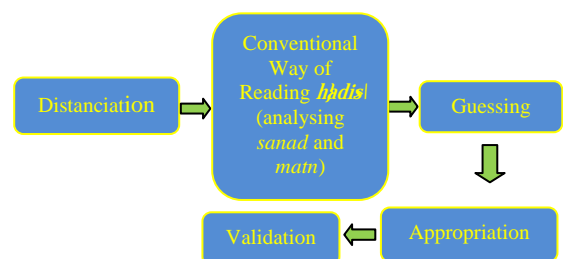


Fig. 1
Step by step of Hermeneutical *Takhrij*

C. Application Of Hermeneutical *Takhrij* In Reading Apostasy

After discussing the methods used by scholars of *h̥adis* in reading prophetic sayings, what lacks from that method, and finally introducing an alternative method of reading *h̥adis* which I call it as “hermeneutical *takhrij*” in this section I will read the phenomenon of apostasy based on this new method.

1. Distanciation

As we mentioned before that distanciation establishes the autonomy of the text with respect to its author, its situation and its original reader.²⁹ It means that in this step, I will only provide the *h̥adis* that I use as the object of analysis without further comments on it. Because the *h̥adis* is in Arabic, I will try to objectively translate it into English.

Here is the the *h̥adis*

حَدَّثَنَا أَبُو التَّعْمَانِ مُحَمَّدُ بْنُ الْفَضْلِ، حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ، عَنْ أَيُّوبَ، عَنْ عِكْرِمَةَ، قَالَ: أُنِيَ عَلِيٌّ رَضِيَ اللَّهُ عَنْهُ، بِرِئَادِقَةٍ فَأُحْرِقَهُمْ، فَبَلَغَ ذَلِكَ ابْنَ عَبَّاسٍ، فَقَالَ: لَوْ كُنْتُ أَنَا لَمْ أُحْرِقْهُمْ، لِتَهْيِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا تُعَذِّبُوا بَعْدَ اللَّهِ» وَلَقَتَلْتُهُمْ، لِقَوْلِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ بَدَّلَ دِينَهُ فَاقْتُلُوهُ»

It is narrated by Abu>al-Nu'man Muhammad ibn al-Fadl and Hammad ibn Zayd that Ayyub heard that 'Ikrimah said: there were Zanadīqah brought to Ali and he burnt them. The news of that reached Ibn Abbas and he said, ‘if it had been, I would not have burnt them, because of the prohibition of the Prophet’ who ever said: “do not punish with the punishment of God” but I would certainly killed them according to the word of the prophet: “whosoever changes his religion, kill him”

2. Sanad analysis

The first step in *sanad* analysis is tracing the source of *h̥adis* as below: This *h̥adis* mentioned in the book of al-Jami' al-S̥h̥ih al-Mukhtashr written by Muhammad bin Isma'il Abu' Abd-Allah

al-Bukhari al-Ja'fi under the section of “asking for repentance for the apostates and recalcitrant and the death penalty for them,” chapter “the law of the apostates and their repentance” *h̥adis*/no 2537 in sixth part of the book.³⁰ Furthermore, we found there are four transmitters transmitted this *h̥adis*: Abu>al-Nu'man Muhammad ibn al-Fadl, Hammad ibn Zayd, Ayyub, and 'Ikrimah. For the sake of analyzing the the quality of the transmitters' personality, 'Ikrimah will not taken into account because he is one of the prophet's fellows (s̥h̥abah). Every s̥h̥abah considered has good personality. Below the profile of the transmitters and the other ulama's commentary on them:

a. Abu>al-Nu'man Muhammad ibn al-Fadl.

His complete name was Abu>al-Nu'man Muhammad al-Sadusi>Abu>al-Nu'man al-Basri> known by name: al-Arim. He studied under various scholars and transmitters like Hammad ibn Zaid, Hammad ibn Salamah, Sa'id ibn Zaid, Jarir ibn Hazim and many others. Among his students, are: Bukhari> Ibrahim ibn Ya'qub, Ibrahim ibn Yunus, Abu>Muslim and others.³¹ According to al-Nasa'i, Muhammad ibn al-Fadl is *s̥iqah* (a trust transmitter). Also, Abu> H̥asim Muhammad ibn al-Fadl said that he is *s̥iqah*. Moreover, Sulaiman Ibn Harb explained that if Abu>al-Nu'man agreed with me, so I will not pay attention to any others who disagree with me. Al-Ijli>also admitted that Muhammad ibn al-Fadl is a *s̥h̥ih* (pious) and *s̥iqah* young man from Basrah³²

b. Hammad ibn Zayd.

His complete name was Hammad ibn Zayd Abu> Isma'il al-Azraq. He transmitted *h̥adis* from various teachers: Ayyub al-Sukhtiyani> Anas ibn Sirin, Ibrahim ibn Uqbah, Ishaq ibn suwaid and others.³³ He has many students, among them are: Abu>al-Nu'man Muhammad ibn al-Fadl, Ishaq ibn Isa, Affan ibn Muslim, and others.³⁴ About his personality, Ibn H̥ajar see Hammad ibn

Zayd as a *siqah* and *faqih* (jurist) person³⁵ This supported by Al-Nasa'i who admitted that **Hammad** ibn Zaid is *s\iqah*. Abd al-Rahman ibn Mahdi³⁶ also, mentioned that he never meet any people better than **Hammad** ibn Zayd in Islamic jurisprudence in Basrah.

c. **Ayyub**.

His complete name was **Ayyub** ibn **Abi> Tamimah Kisan al-Sukhtiyani> Abu> Bakar al-Basri>** He studied under many scholars, among them are: **Hasan al-Basri> Ibrahim** ibn Maisarah, **Ikrimah** ibn **Khalid**, **Ikrimah** maula ibn Abbas. He has many students, among them are: **Hammad** ibn Zaid, **Sufyan al-Sauri> Sufyan** ibn 'Uyaynah, **Sulaiman al-A'masy**.³⁷ About his personality, **Yahya> ibn Ma'in Ayyub** admitted that he is *s\iqah*. Also, **Muhammad** ibn Sa'ad see **Ayyub** definitely *siqah* in his work of transmitting *h̥adis* he mastered many *h̥adis* sciences and he is a honest person. According to Al-Nasa'i and ibn **Abi> Hatim**, **Hammad** ibn Zayd is a *siqah* person.³⁸

After discussing the profiles of the transmitters and scholars' arguments on their personality, then we will discuss the connection of the *sanad* (*ittishak al-sanad*) to see if the *sanad* is connected from one to another. There are many ways to see the connection of the *sanad*. In this article, I will use two methods: the analysis of teacher-student relationship among the transmitters by seeing the list of the teachers and students of the transmitters (*tatabu' al-syuyukh*) and analysis of the utterance used by the transmitters known as (*tahammul wa al-ada*).

From the previous explanation about the biographies of the transmitters, the names underlined indicates that they have teacher-student relation among them. From this we can proof that there is a work of transmitting *h̥adis* Moreover, we found two kinds of utterance used by the transmitters here: '*an'anah* and *tahlis* The form of '*an'anah* found in two levels

of transmission: **Ayyub** said '*an* **Ikrimah** and **Hammad** ibn Zayd said: '*an* **Ayyub**. Meanwhile, The form of *tahlis* also found in two levels of transmission: **Abu> al-Nu'man Muhammad** ibn al-Fadl said : *h̥addasana> Hammad* ibn Zayd. And, **Bukhari> said: h̥addasana> Abu> al-Nu'man Muhammad** ibn al-Fadl

The form of *tahlis* shows the direct connection of transmission of the *h̥adis* or directly listen it from the teacher who transmitted the *h̥adis*.³⁹ This form, for sure, showed a connected transmission. Meanwhile, the '*an'anah* form shows disconnected relation of transmission. Some scholars see this form as a sign of a disconnected *sanad*. And others still see that '*an'anah* is still considered as a connected *sanad* under some circumstances: the transmitters are *siqah* people, there is evident of the transmitters gathering, and there is no dishonesty (*tadlis*) in transmission.⁴⁰

From the above analysis of the transmission and the transmitters of the *h̥adis* we found that transmission of this *h̥adis* is connected and the transmitters are *s\iqah* people, then, we can conclude that based on *sanad* analysis, this *h̥adis* is *shahih* and may be used as supporting argument.

3. *Matn* analysis

After we know that the *h̥adis* has a *shahih* *sanad*, now we come to the *matn* analysis to see what does the *h̥adis* talks about. There are two important tasks in this analysis: first, comparing the redactions of the *h̥adis* from other transmissions and analyzing the textual meaning of the *h̥adis*.

Now, as we traced the source of the *h̥adis* "*man baddala dinahu faqtuluhu*" in the takhrij process in *sanad* analysis, we found that this *h̥adis* transmitted by **Bukhari** under the section of "asking for repentance for the apostates and recalcitrant and the killing punishment for them," chapter "the law of the apostates and their repentance." Further analysis of this *h̥adis* shows that

the *ḥadīṣ*/mentioned at least in five other places with the exactly have the same redaction:

- a. Mentioned by **Bukharī** under the section of “**Jihād** and History,” chapter “not to punish with God’s way of punishment.”
- b. Mentioned by **Bukharī** under the section of “Remain faithful to Holy Quran and Sunnah,” chapter “God saying: *wa amruhum shura> bainahum* (Quran: 42:38).”
- c. Mentioned by **al-Nasa’i** under the section of “prohibition of shedding blood” chapter “the law of the apostates.”
- d. Mentioned by **Abu> Daūd**, **ibn Majjah**, dan **al-Tirmidhi>** under the section of “the punishments” (*kitab “al-Hudud”*), but in different chapters: “the law of the apostates” and “the apsotates”

At this point, we found the problem why this *ḥadīṣ*/ appears in the different sections and different chapters? For me, this indicates two important points: first, there are different methods in classifying *ḥadīṣ*/ among *ḥadīṣ*/ scholars. Second, it explains that the *ḥadīṣ* of apostasy should be understood not in one rigid context (the death penalty for the apostates) but in various different contexts.

The second task of *matn* analysis is understanding the meaning of the unclear words and sentences mentioned in the *ḥadīṣ*. There are at least one word and two sentences need to be clarified: the word “*zanādiq*,” the sentence “*la> tu’azzib bi ‘azabillah*” and “*man baddala dinahu>*”

The word “*zanādiq*” is the plural of “*zindiq*” means the hypocrites according to **Imām Malik**. Meanwhile, **Shafi’i’s** scholars understand *zindiq* as people who show Islamic attitudes in their appearance and at the same time hide their infidelity. **Al-Nawawi** acknowledged *zindiq* as the atheists.

The sentence “*la> tu’azzib bi ‘azabillah*” literally understood as “do not punish with God’s way of punishment” means not to punish someone by burning him in fire, because only God who may punish someone by burning him.

The sentence “*man baddala dinahu>*” literally understood as who ever change his/her religion. And what means by religion here is Islam. this understanding confirms what God says in holy Quran: “If anyone desires a religion other than Islam, never will it be accepted of him” (**Ali Imraa**, 3:85)

The literal meaning of the whole *ḥadīṣ*/ shows that the apostates or who ever change his religion (Islam) should be killed. At this point, Muslim scholars show different perspectives: **Abu>Hanifah** and **al-Thauri>** argue that there is no need to kill the apostates but put them in jail. Meanwhile, **Ibnu ‘Umar**, **al-Zuhri>** and **Ibrahim** see that the apostates must be killed. Moreover, according to ‘Umar bin **al-Khattāb**, the apostates should given the change for asking repentance. if they do ask for repentance and back to Islam so his killing punishment is canceled. On the contrary, if they do not go back to Islam they must be killed. This last argument represents most of traditional Muslim scholars’ arguments.⁴¹

4. Guessing

After listening to what the text said about itself, the next process is guessing. Here, I do self projection into the texts. In doing this, I will divide myself into three different figures in front of this *ḥadīṣ*/ as an ordinary muslim believer, as a scholar of inter-religious studies, and as a member of Indonesian society.

To read this *ḥadīṣ* of apostasy as an ordinary muslim believer, for sure, will cause many confusions inside myself. This confusion will arise many personal and theological questions, like: what does it mean to change the religion? Does God really want me to kill who

change his religion? What if the one who changes his religion is the member of my family? Is my prophet really that cruel?

If I read this *ḥadis*/as scholar of inter-religious, I will guess this *ḥadis*/does not mean that Muhammad really order us to kill whosoever change his religion. Because I do believe that Muhammad has more polite way to treat the apostate. For Muhammad is the most respect persons before differences.

Lastly, as the member of Indonesian society reading this *ḥadis*/of apostasy, I will guess this *ḥadis*/does says more than an order to execute the apostates to the death penalty. Moreover, all what Muhammad wants from his saying is the unity of the people and urge us to struggle keeping our identity.

5. Appropriation

Theoretically, there are no rules for making good guesses. If so, we need to criticize and test our guessing⁴² by comparing our guessings to the socio-cultural condition when the text is produced.

From the matn analysis, we may conclude that the one who directly listen to this *ḥadis*/is Ibn Abbas. So, in order to know the socio-cultural setting when this *ḥadis*/was said, we have to consider the history of Ibn Abbas at that period. According to Ibn Hajar in *Fatḥal-Bari*, at the time that the prophet said the *hadith*, Ibn Abbas was a governor of *Baṣrah*. And that was in the period of the caliphate Ali around 35-45 of Hijria. However, the issue of apostasy in that period was not as glowing as in the caliphate Abu Bakr which then give impacts on the lacking records of how the socio-cultural situation in that period. The issues emerged in the period of the caliphate Ali more about the war and the power struggle among the followers Ali and *Mu'awiyah*.

However, still, there are historical evidents confirm my guessing that Muhammad actually does not mean to urge us to kill the apostates by this *ḥadis*/

One of them is the history when the prophet stayed in Mecca, there is one Muslim known as Ubaidillah bin Jahsh who took part in hijrah with some of prophet's fellows from Mecca to Ethiopia. When this guy arrived at Ethiopia, he converted to Christianiy and continued staying there. Prophet, at that time, known exactly what happened to bin Jahsh but he did not kill him. Another history also confirmed my guessing is the history when a bedouin came to the prophet to confess for his Islam. Unfortunately, a few moments later, the bedouin asked to cancel his confession. The prophet first rejected to do so, but the bedouin insisted to. Finally, the prophet let him went back to Medina and stayed in his belief non-Islam belief. And the prophet never killed that bedouin for choosing to stay in his own belief.

My other guessing which needs to be tested is that by saying this *ḥadis*/ Muhammad actually calls for strongly keep our identity as Muslim. If we relate this *ḥadis*/with the *ḥadis*/ *al-Islam ya 'lu>wala>yu 'la>'alayh* (Islam will always on the top and there will no anythings can surpass it) we can understand that Islam will not be on top if we cannot keep our identity as Muslim, moreover, to change it with other religion (apostasy).

6. Validation

This validation step based on what Rahman proposed as “double movement” which means that in reading the issue of apostasy we have to see this issue based on what happenes in current era, then move back to the era when this *ḥadis*/is appeared for the first time, and then move back to our current situation. In this step, I will compare what we understand so far about the issue of apostasy with our current Indonesian society.

If we see the issue of apostasy in our era of pravitizing religion, we may say that the apostasy is no longer be everyone's business. There is always a freedom to choose the religion, at the

same time, we will always find a freedom to change it. Thus, the punishment for those apostates is left to God's authority in hereafter.⁴³ In the context of Indonesia, we can find that Kitab Undang-Undang Hukum Pidana (KUHP) never mentioned converting or changing religion as a criminal act. Moreover, our constitution will guarantee a protection for all Indonesian people to be freely do their religious activities.

D. Conclusion

By rereading the issue of apostasy using hermeneutical *takhrij* method, I would say that scholars' reading the

prophet's saying "*man baddala dinahu faqtuluhu*" is oftenly reduced to the issue of the death penalty for the apostates and, hence, cause misunderstanding among them. For me, this indicates a great necessity to have a comprehensive method for reading the text.

The law of killing the apostates is, for sure, a product of *fiqh* concluded by the *fuqaha*. As *fiqh* is an understanding, it is naturally limited. Thus, we must rejuvenate it by doing continues reactulization efforts through reading and rereading the issue and developing new methods for it.

End Notes:

¹ Jeremy E. Uecker, Mark D. Regnerus, and Margaret L. Vaaler, "Losing My Religion: The Social Sources of Religious Decline in Early Adulthood," *Social Forces*, Vol. 85, No. 4, June 2007.

² Darren E. Sherkat and John Wilson, "Preference, Constraints, and Choices in Religious Markets: An Examination of Religious Switching and Apostasy," *Social Forces*, Vol. 73, No. 3 (Mar., 1995), pp. 993-1026.

³ Bruce Hunsberger and L.B. Brown, "Religious Socialization, Apostasy, and the Impact of Family Background," *Journal of the Scientific Study of Religion*, Vol. 23, No. 3 (Sep., 1984), pp. 239-251

⁴ Joseph Zelan, "Religious Apostasy, Higher Education, and Occupational Choice," *Sociology of Education*, Vol. 41, No. 4 (Autumn, 1968), pp. 370-379.

⁵ Merlin B. Brinkerhoff and Marlene M. Mackie, "Casting off the Bonds of Organized Religion: A Religious-Careers Approach to the Study of Apostasy," *Review of Religious Research*, Vol. 34, No. 3 (Mar., 1993), pp. 235-258.

⁶ Jonathan I. Helfand, "Passports and Piety: Apostasy in Nineteenth-Century France," *Jewish History*, Vol. 3, No. 2 (Fall, 1988), pp. 59-83.

⁷ Jonathan I. Helfand, "Assessing Apostasy: Facts and Theories," *Jewish History*, Vol. 5, No. 2 (Fall, 1991), pp. 65-71

⁸ Selim Deringil, "There Is No Compulsion in Religion': On Conversion and Apostasy in the Late Ottoman Empire: 1839-1856," *Comparative Studies in Society and History*, Vol. 42, No. 3 (Jul., 2000), pp. 547-575.

⁹ Rudolph Peters and Gert J. J. De Vries, "Apostasy in Islam," *Die Welt des Islams*, New Series, Vol. 17, (1976-1977), pp. 1-25

¹⁰ Samuel M. Zwemer, *The Law of Apostasy in Islam: Answering the Question Why There Are So Few Moslem Converts, and Giving Examples of Their Moral Courage and Martyrdom* (London, Edinburgh & New York: Marshall Brothers, LTD.), pp. 54.

¹¹ Robert L. Hamilton, in his article "Does Hebrew 6:6 Teach that Apostasy is Without Remedy?," (<http://www.geocities.com>) did harmonize such promises of God's willingness to bless salvation for anyone who seeks it in Christ with Hebrews 6:6 would be to affirm the above assurances that God will accept anyone who sincerely comes to him in repentance, but at the same time argue that this principle is irrelevant to the case of apostates because, as Hebrews 6:6 might be taken to suggest, apostates are simply unable to ever come again to God in repentance. Because they are unable to do so, they in fact never do so, thus no contradiction arises between the impossibility of reconversion assumed to be taught in Hebrews 6:6 and the responsiveness of God to the repentant taught elsewhere in Scripture. According to this hypothesis, apostates, once having apostatized, simply never again "ask . . . seek . . . knock," nor are they able to ever again "hunger and thirst for

righteousness" or "draw near to God;" consequently, the above promises do not come into play.

¹² David A. deSilva, "Exchanging Favor for Wrath: Apostasy in Hebrews and Patron-Client Relationships," *Journal of Biblical Literature*, Vol. 115, No. 1 (Spring, 1996), pp. 91-116.

¹³ One of them is Berger who argues that both the act of apostasy as well as its consequences, which are two entirely different issues, and their relation to the freedom of religion can be understood more clearly in light of the concept of public policy. Further discussion on this, please see: Maurits Berger, "Apostasy and Public Policy in Contemporary Egypt: An Evaluation of Recent Cases from Egypt's Highest Courts," *Human Rights Quarterly*, Vol. 25, No. 3 (August, 2003), pp. 720-740.

¹⁴ Abdullah Saeed and Hassan Saeed, *Freedom of Religion, Apostasy and Islam* (USA: Ashgate Publishing Company, 2004), pp. 167-168.

¹⁵ Mahṡud al-Tāḡḡā, *Uṡḡ al-Takhrīj wa Dirasat al-Asanīd*, p. 10.

¹⁶ Yusuf al-Qaradāwī, *al-Khaṡṡis al-ʿAmmah lil-Islam* (Cairo: Dar al-Maʿrifah), p. 220.

¹⁷ According to Ricoeur, the hermeneutical process begins when dialogue ends. Because without dialogue, one is forced to interpret without the benefit of the other, see: Paul Ricoeur, *Interpretation Theory: Discourse and The Surplus of Meaning* (Texas: The Texas Christian University Press, 1976), pp. 95-110

¹⁸ Jorge J. E. Gracia, *A Theory of Textuality: The Logic and Epistemology* (New York: State University of New York Press, 1995), p. 147

¹⁹ Ruby S. Suazo, "Ricoeur's Hermeneutic as Appropriation: A Way of Understanding Oneself In Front of the Text," available online on <http://sphinxrhuazzh.webs.com>.

²⁰ Paul Ricoeur, *Interpretation Theory: Discourse and The Surplus of Meaning* (Texas: The Texas Christian University Press, 1976), p. 13.

²¹ Ricoeur, *Interpretation Theory*, p. 75.

²² As Ricoeur said that guessing corresponds to what Schleiermacher called as "divinatory," see: Ricoeur, *Interpretation Theory*, p. 76.

²³ Hans-Georg Gadamer, *Truth and Method* (New York: Continuum, 1975), p. 271.

²⁴ E.D. Hirsch, *Validity in Interpretation* (New Haven: Yale University Press, 1967), 203 as quoted by Ricoeur in *Interpretation Theory*, p. 76.

²⁵ Ricoeur, *Interpretation Theory*, p. 92.

²⁶ Ricoeur, *Hermeneutics and the Human Sciences* (Cambridge: Cambridge University Press, 1981), p. 183.

²⁷ As we can conclude from his concept of "grammatical explication," see: Friedrich Schleiermacher, *Hermeneutics and Criticism and Other Writings* (UK: Cambridge University Press, 1998), pp. 30 and 44.

²⁸ Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (London: The University of Chicago Press, 1982), pp. 5 and 20.

²⁹ Ruby S. Suazo, "Ricoeur's Hermeneutic as Appropriation: A Way of Understanding Oneself In Front of the Text," available online on <http://sphinxrhuazzh.webs.com>.

³⁰ Al-Bukhārī, *al-Jamīʿ al-Shāḡḡ al-Mukhtaṡar* (Beirut: Dar ibn Kaṡṡ, 1987).

³¹ Yusuf ibn ʿAbd al-Raḡḡān Abu al-Ḥāḡḡ al-Mizz, *Taḡḡḡ al-Kamaḡ* (Bairut: Muʿassasah al-Risalah, 1400 H) part 27, 287.

³² Aḡḡad ibn ʿAlī ibn Ḥḡar al-ʿAsqalānī, *Taḡḡḡ al-Taḡḡḡ* (Bairut: Dar al-Fikr, 1404) part 9, p. 357.

³³ Al-Mizzi, *Taḡḡḡ al-Kamaḡ*, part 7, p. 240.

³⁴ *Ibid.*

³⁵ Aḡḡad ibn ʿAlī ibn Ḥḡar al-ʿAsqalānī, *Taḡḡḡ al-Taḡḡḡ* (Suria: Dar al-Rashīd, 1406), part 1, p. 178.

³⁶ Abu al-Walīd Sulayḡān ibn Khalaf al-Qurṡḡbī, *al-Taʿdīl wa al-Tajrīḡ (Liman Kharraja lahu al-Bukhārī fi al-jamīʿ al-Shāḡḡ)* (Dar al-Liwaʿ li al-Nashr wa al-Tawziʿ, 1986) part 1, p. 523.

³⁷ Al-Mizzi, *Taḡḡḡ al-Kamaḡ*, part 3, p. 458.

³⁸ *Ibid.*, part 3, pp. 462-463

³⁹ M. Mustafa Azami, *Studies in Hadis/ Methodology and Literature* (Indianapolis: American Trust Publications, 1992), p. 56.

⁴⁰ ṡḡḡḡ al-ṡḡḡḡ *ʿUlūḡ al-Hadis/ wa Muṡḡḡḡḡḡḡ* (Bairut: Dar al-ʿIlm, 1981H), p. 222.

⁴¹ Ibn Baṡḡḡ Abu al-Ḥāṡan ʿAlī ibn Khalaf ibn ʿAbd al-Mall, *Syarḡ/ṡḡḡḡ al-Bukhārī li Ibn Baṡḡḡ* (Riyad: Maktabah al-Rushd, 2003), p. 572.

⁴² E.D. Hirsch, *Validity in Interpretation* (New Haven: Yale University Press, 1967), 203 as quoted by Ricoeur in *Interpretation Theory*, p. 76.

⁴³ Mohammad Monib and Islah Bahrawi, *Islam & Hak Asasi Manusi dalam Pandangan Nurcholish Madjid* (Jakarta: PT Gramedia Pustaka Utama, 2011), p. 194.

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