

Apostasy: between the Death Penalty and the Freedom (Criticizing the Thought of Jamāl al-Bannā)

Ahmad Riyadi
UIN Sunan Kalijaga Yogyakarta
E-mail: m4yd4773@gmail.com

Abstract:

The death penalty for apostasy remains a contentious issue. Contemporary scholars view it as a violation of individual rights, particularly the freedom to choose or change one's religion. They argue that the punishment stems from historical interpretations of Islamic law, often influenced by political considerations, rather than authentic religious sources. One such critic, Egyptian scholar Jamāl Al-Bannā, rejects the death penalty for apostates, contending that it has no basis in the Qur'an, hadith, or the practices of the Companions of the Prophet. This paper critically analyzes Al-Bannā's arguments against the death penalty and evaluates the hadiths he uses to support his position. The analysis concludes that the Qur'an and authentic (ṣaḥīḥ) hadiths are not in contradiction. Rather, the misinterpretations of the hadiths in Al-Bannā's reasoning reflect a failure to reconcile them with the broader Islamic message. Thus, his critique does not hold up against a proper understanding of the texts.

Keywords: apostasy, freedom, death penalty, hadith criticism

Introduction

Freedom of thought and belief is a fundamental right that is inherent in every individual human being. Therefore, no one should be forced to adopt or convert to a particular religion or belief. This freedom is part of human rights, which are protected by law. Thus, individuals are free to enter or leave any religion or belief without interference from any party.

This phenomenon is widespread in modern societies and has even become a trend and lifestyle. It is often found that there are multiple religions within a single family, including in Indonesia.

Indonesia is a country that, by law, recognizes and guarantees the freedom of religion and belief as part of human rights. This is stated in the 1945 Constitution, Article 28E, and also in Article 29, paragraph 2.

Islam is a religion that highly values freedom of thought and belief, where every Muslim is prohibited from forcing others outside Islam to embrace the Islamic faith (QS. Al-Baqarah: 256). In Islam, Muslims are even permitted to do good to non-Muslims who do not fight them (QS. Al-Mumtahanah: 8). Furthermore, Islam

still commands children to be dutiful to their parents, even if they differ in religion and belief (QS. Luqman: 15).

The clearest illustration of how Islam grants and respects freedom is evident in the Medina Charter, where several Jewish tribes, who were not part of the Muslim community, were recognized as one ummah (community), meaning that both Jews and Muslims had equal standing.

The death penalty for apostates—those who leave Islam—seems to contradict the freedom that Islam upholds. Some argue that the practice of executing apostates actually shows that Islam does not truly allow freedom in choosing one's religion. It seems unjust when Islam opens the door to entry but closes the door to exit.

One Muslim scholar from Egypt, Jamāl Al-Bannā, through his controversial views, asserts that the death penalty for apostates is merely a product of fuqahā' (Islamic scholars) that has no foundation in the Qur'an or the Hadith. He states that the normative basis used by fuqahā' to legitimize the death penalty for apostates is limited to just four narrations, all of which he critiques. Jamāl goes so far as to argue that the hadith in Ṣaḥīḥ al-Bukhārī, which advocates for the execution of apostates, is actually a weak (ḍa'īf) hadith.

The issues concerning the Qur'an and hadith are always interesting to discuss, as both are sources and determinants of truth agreed upon by all Muslims. Is it true that the death penalty for apostates is solely a product of fuqahā' without normative foundation, based only on four hadiths? How does Jamāl Al-Bannā approach hadith criticism, leading him to conclude that the hadith "man baddala dīnahu faqṭulūh" is a weak (ḍa'īf) hadith?

These two issues serve as the background for this paper. In addition, the author also analyzes the arguments presented by Jamāl to demonstrate that Islam provides absolute freedom for every individual to choose and change the religion and belief they hold.

Literature Review

Ghanea (2004), in a chapter from the book *Facilitating Freedom of Religion or Belief*, discusses the issues surrounding apostasy and religious freedom. This issue has multiple facets, such as the face-to-face clash between cultural relativism (orthodox beliefs, political ideologies, religious solidarity) on one hand, and the universality of human rights on the other. Ghanea seems to conclude that a state may enact laws to protect all of its citizens.

Dahlan (2008), using a thematic hadith approach, demonstrates that apostasy, combined with rebellion against the state and hostility towards Islam (bughāt), is the only situation that warrants a death penalty; and this can be executed once the state has decided.

Baderin (2010), cited in Rahmat (2014), mentions that in the United Nations Universal Declaration of Human Rights, the phrase "the right to change one's

religion" was removed and replaced with the words "according to their own choice" following the objections of Islamic countries, especially Egypt, Yemen, Saudi Arabia, and Afghanistan. These countries were concerned that the phrase "the right to change one's religion" would encourage apostasy, aggressive proselytization, atheism, and anti-religious propaganda. A compromise was reached in the UN Human Rights Committee and General Assembly, and this revised formulation was accepted by the Islamic countries' delegations based on proposals from Brazil and the Philippines.

M. Syafi'ie (2011), without addressing apostasy directly, asserts that the right to religious freedom is guaranteed in the 1945 Constitution and several human rights regulations in Indonesia. Religious freedom is stated to be on par with other fundamental rights such as the right to life, freedom from torture, the right to freedom of thought and conscience, the right not to be enslaved, the right to legal recognition, and the right not to be prosecuted under retroactive laws. Religious freedom should apply universally and without discrimination.

Budiyono (2014) states that religion or religious freedom in international human rights documents does not stand alone but is tied to other freedoms, such as freedom of thought and conscience. Two key elements in religious freedom and belief issues are Internal Freedom and External Freedom. Internal freedom is fully guaranteed, while external freedom may be restricted by regulations that protect five aspects: public safety, public order, public health, public morals, and the protection of the rights and freedoms of others.

Iqbal Hasanuddin (2017), similar to M. Syafi'ie (2011) without addressing apostasy, argues that the right to freedom of religion and belief (FRB) is considered normative, and the consensus is still political, lacking an ethical-philosophical basis. Through arguments based on justice from John Rawls' philosophy and the ownership argument from Robert Nozick, his article provides a moral foundation for the respect and protection of religious freedom or belief.

METHOD

This article is written based on a review of several literatures related to the death penalty as a punishment for apostasy and the freedom of individuals to choose their religion. The sources quoted provide discussions on both issues. The dynamic discourse that has developed is centered on two main areas:

1. **Jamāl Al-Bannā's Thoughts:** This part explores Jamāl Al-Bannā's position and the discourse he offers through his approaches in the fields of tafsir (Qur'anic exegesis) and hadith criticism. Al-Bannā's views, which are considered controversial by some, reject the death penalty for apostasy. His critical analysis of the Qur'an and Hadith, especially the hadiths used to justify apostasy punishment, forms the core of the discussion. This section also examines his method of reconciling the apparent contradiction between Islamic texts and the notion of religious freedom.
2. **Apostasy and Religious Freedom:** The second part discusses various works that address apostasy and religious freedom in relation to the ideas

of Jamāl Al-Bannā. It highlights how apostasy is treated in Islamic jurisprudence and the ongoing debates around the legitimacy of the death penalty for apostates. The literature is reviewed to show how the concepts of religious freedom, autonomy, and human rights intersect with Islamic legal traditions and how these ideas are challenged or reinforced in the contemporary context.

The methodology used in this article involves a critical literature review, combining both traditional and modern perspectives on the subject. This approach allows for an in-depth examination of the arguments presented by Jamāl Al-Bannā, as well as an analysis of broader discussions on apostasy, human rights, and religious freedom. The sources referenced in this article provide a comprehensive understanding of the issue, including the legal, philosophical, and ethical dimensions of apostasy in Islam.

RESULTS AND DISCUSSION

Brief Biography of Jamāl Al-Bannā

Jamāl Al-Bannā's real name is Aḥmad Jamāl al-Dīn. He was born on December 15, 1920, in Maḥmūdiyyah, a village located in the Buhayrah Province of the Arab Republic of Egypt. This contemporary Islamic thinker was the youngest of eight siblings in the Al-Banna family. His elder brother, Hasan Al-Banna, was the founder of the Muslim Brotherhood (Jamiyyah Ikhwān al-Muslimīn). His father, Aḥmad bin 'Abd al-Raḥmān bin Muḥammad al-Bannā, was commonly known as Sheikh al-Bannā, and his mother was Umm Sa'ad Saqār. It is said that his parents named him Aḥmad Jamāl al-Dīn in hopes that he would become a revolutionary figure in the Islamic reform movement, like Jamāl al-Dīn al-Afghānī. His father even occasionally called him al-Afghānī.

Jamāl Al-Bannā began his political and intellectual career by founding the Hizb al-'Amal al-Waṭanī al-Ijtimā'ī (National Socialist Labor Party) in 1946, which was primarily composed of youth and workers. He and his party members were very active in distributing pamphlets that demanded the government address the rights and welfare of the working class. His activities often brought him into conflict with the police, leading to the party's eventual dissolution by the Egyptian government. After his party was dissolved, his brother Ḥasan al-Bannā offered him a position in the Muslim Brotherhood, but he declined the offer.

Al-Iḥyā' Al-Islāmī Da'wah (Islamic Revivalism Movement)

After the dissolution of the party, Jamāl Al-Bannā shifted his focus and began a revolutionary intellectual movement, calling it the Da'wah Al-Iḥyā' Al-Islāmī (Islamic Revivalism Movement). This movement aimed to reconstruct three key Islamic knowledge systems: tafsir (Qur'anic exegesis), hadith, and fiqh (Islamic jurisprudence). This was marked by the completion of the third volume of his magnum opus in 2000, entitled *Naḥw Fiqh Jadīd* (Towards a New Jurisprudence).

Another significant catalyst for this movement was when he witnessed the injustice and the suppression of individual rights by the Egyptian government. This was particularly evident when the Egyptian court ruled that Abu Zayd must divorce his wife, Ibtihāl Yūnus, due to the judge's declaration that Abu Zayd had apostasized.

Thus, one of the themes promoted by Jamāl Al-Bannā in his movement was *ḥurriyah* (freedom). This can be seen in the works he wrote from 1972 to 2000. Among the books he authored are *Ḥurriyah al-I'tiqād fī al-Islām*, *Lasta 'Alaihim bi Muṣaytir: Qaḍiyyah al-Ḥurriyyah fī al-Islām*, *Kallā Tsumma Kallā: Kallā li Fuqahā al-Taqlīd wa Kallā li Ad'iyā' al-Tanwīr*, *Khamsah Ma'āyir li Miṣdaqiyat al-Ḥukm al-Islāmī*, *Al-Islām wa al-Ḥurriyyah wa al-'Ilmāniyyah*, and *Ḥurriyat al-Fikr wa al-I'tiqād fī al-Islām*.

According to Jamāl Al-Bannā, freedom is the fundamental foundation for achieving a prosperous and progressive civilization. Conversely, if this freedom is suppressed, a nation will remain in backwardness. Jamāl Al-Bannā argued that Muslim societies, especially Egypt, were in dire need of freedom, which had been denied to them for three thousand years by the ruling regimes. One of the seven points of freedom he outlined in his book *Maṭlabunā al-Awwal Huwa al-Ḥurriyah* was the freedom of thought and belief, in order to reject the anarchistic behavior of the government in the name of religion through the accusation of apostasy.

Therefore, Jamāl was strongly opposed to the death penalty for apostates. He believed this punishment to be a form of suppression of individual freedom, which is a part of human rights granted by Islam. Islam has granted absolute freedom to all humans to think and believe, including the freedom to choose or change one's religion or belief. The death penalty for apostasy is in direct contradiction with the messages conveyed in the Qur'an and Hadith.

The Qur'an and Freedom

In his book *Hurriyat al-Fikr wa al-I'tiqād*, Jamāl presents several verses related to the theme of freedom. In discussing these verses, Jamāl does not offer any commentary, but rather groups them into five more specific themes. Among the verses he cites is Surah Al-Baqarah, verse 256:

"There is no compulsion in religion; indeed, the right course has become distinct from the wrong. So whoever renounces false gods and believes in Allah has certainly grasped the most trustworthy, unfailing hand-hold. And Allah is All-Hearing, All-Knowing." (Qur'an 2:256)

Then, Surah Ar-Rum, verse 44:

"Whoever denies, upon him is [the consequence of] his denial; and whoever does righteous deeds - for themselves they prepare." (Qur'an 30:44)

After presenting these verses, Jamāl comments:

"I am not sure if any advocate of freedom can offer a concept of freedom as the Qur'an does in the verses above. The Qur'an states that belief and disbelief are personal matters, with no connection to public law." He then touches on the duties of the Prophets, stating, "The Qur'an also asserts that the Prophets, who brought revelation and were the most knowledgeable about faith and disbelief, had no prerogative other than to convey [the message], nothing more."

Furthermore, Jamāl says:

"The Qur'an also emphasizes that guidance comes from Allah, and the Prophets were not burdened with providing guidance to those they loved. Human differences and diversity are a reality willed by Allah. If Allah had so willed, He would have made humanity one community. The Qur'an repeatedly mentions apostasy clearly, but it does not prescribe any worldly punishment. Allah repeatedly emphasizes that He alone will judge on the Day of Judgment regarding the matters in dispute."

After concluding his explanation of the verses, Jamāl comments on the views of the fuqahā (Islamic jurists) and mufassir (Qur'anic commentators) who claim that these verses were abrogated (mansūkh) by the sword verses (ayat sayf). Jamāl says:

"This view is very weak and unreasonable. If these verses had been abrogated, what benefit would it have been to keep them in the mushaf? How could people be expected to read them if they were abrogated? The idea of *nasikh* (abrogation) and *mansūkh* (abrogated) is misguided and misleading."

Lastly, Jamāl critiques the interpretation by scholars of Surah Al-Baqarah, verse 256, which states that the verse pertains to Jews and Christians. He considers this interpretation as a distortion of the clear meaning of the text, influenced by the social and cultural context of the time and by narrow-minded individuals. Understanding the Qur'an by deviating from its apparent meaning or clear interpretation towards a different, even contradictory, meaning is a form of playing with the Qur'an.

Hadiths on Freedom of Religion and Belief
Jamāl quotes from the book "*al-Salafiyah al-Mu'aşirah Ilā Ayna?, Man Hum Ahl al-Sunnah*" written by Muḥammad Dhakī Ibrāhīm. He refers to five narrations showing the prevalence of apostasy during the time of the Prophet, yet no one was executed or asked to repent. The first narration Jamāl refers to is about the apostasy of some Muslims during the time of the Prophet, either individually or in groups. Some of them apostatized multiple times, but no one among them was killed.

The second narration discusses the apostasy of another man, who was once one of the scribes of revelation for the Prophet. He openly made an inappropriate statement, as narrated by al-Bukhārī and others. He said: "Muhammad knows nothing except what I write for him." Jamāl comments on this narration by saying that despite his apostasy and lying about the Prophet, the Prophet allowed him to be free and accepted his intercession until death took him.

The third narration Jamāl mentions is about twelve Muslims who apostatized during the time of the Prophet and then left Medina to go to Mecca. One of them was al-Ḥārith bin Suwayd al-Anṣārī. Jamāl comments that the Prophet did not execute any of them but simply referred to the Quranic verse (QS. Ali Imran: 85). The fourth narration concerns the apostasy of 'Ubaydillāh bin Jaḥsh after he reached the land of Habasha during his migration, where he converted to Christianity.

The final narration tells of two young men who converted to Christianity, leading to the revelation of verse 256 of Surah Al-Baqarah. Hadiths on the Death Penalty for Apostasy After presenting these five narrations that describe the practice of religious freedom during the time of the Prophet, Jamāl then tries to refute the arguments used by the fuqahā (Islamic jurists) in imposing the death penalty for apostasy. According to Jamāl, the fuqahā have no valid evidence to justify the death penalty for apostates except for four narrations. These four narrations are critiqued, both in terms of their chain of transmission (sanad), content (matan), and understanding.

Jamāl's critique of these narrations, despite their being reported by al-Bukhārī and Muslim, stems from his views on the relationship between the Quran and the Hadith. According to Jamāl, Hadiths serve to clarify the meanings of ambiguous or vague parts of the Quran, such as explaining the method of prayer, the rules of zakat, and others. In other words, what is explained in Hadith must be grounded in the Quran because only Allah is the lawgiver, and Allah commands obedience to His Messenger, which is considered obedience to Allah. Therefore, Jamāl argues that the Hadith cannot stand alone without the Quran. His point is that since there is no Quranic basis for the death penalty for apostasy, if any Hadiths discuss it, they must be interpreted metaphorically or rejected. The four narrations Jamāl critiques are as follows:

1. The Hadith of the *'Uranīyīn* reported by al-Bukhārī and Muslim and others. This narration tells of a group of people who came to pledge allegiance to the Prophet and settled in Medina. After some time, they complained of illness due to the climate in Medina. The Prophet advised them to drink camel's milk and urine as medicine. However, after they were cured, they killed the camel herder and stole the camels. They were later caught, and the Prophet ordered their execution. Jamāl comments that their execution was not solely because of apostasy but also due to their crimes of murder and theft. If they had not apostatized, they would still have been executed for their criminal actions.
2. The Hadith that says a Muslim may only be killed for one of three offenses: killing another Muslim, committing adultery after marriage, or abandoning the Muslim community. Jamāl argues that this Hadith does not suggest that a Muslim should be killed for leaving Islam, as often claimed. He explains that the phrase *"separating from the Muslim community"* refers to joining groups hostile to Muslims.
3. The Hadith about Mu'adh, whom the Prophet sent to Yemen for a missionary mission. The Prophet said to him: "If anyone among the men apostatizes, call him to repent, and if not, kill him. If anyone among the women apostatizes, call her to repent, and if not, kill her." Jamāl asserts that

this narration cannot be used as evidence, as it contains a weak chain of transmission, citing the critic Ibn Hajar, who regarded one of the narrators, Muhammad bin ‘Abdillāh al-Arzāmī, as unreliable.

4. The Hadith most frequently cited by fuqahā in support of the death penalty for apostates, found in *Ṣaḥīḥ al-Bukhārī* from Ibn ‘Abbās, which states: “*Whoever changes their religion, kill them.*” Jamāl criticizes this Hadith on the grounds that both its chain of transmission and its content are flawed. In addition to these four narrations, Jamāl also refers to a story about the liberation of the city of Tastur during the time of ‘Umar. Some members of the Muslim army killed someone for apostasy, and the news reached ‘Umar. However, ‘Umar condemned their action, saying they should not have killed the apostate.

Analysis of Jamāl's Argument Against the Death Penalty for Apostates in the Quran

From Jamāl's explanation of verses related to freedom, the writer concludes that Jamāl bases his rejection of the death penalty for apostates on two main reasons:

1. **The Quran guarantees absolute freedom of religion** and forbids compulsion, which contradicts the idea of executing apostates.
2. **Although many verses discuss apostasy**, there is no verse that explicitly commands the death penalty for apostates.

These two points form Jamāl's conclusion regarding Quranic verses. His argument is based on his method of interpreting the Quran, where he selects verses and isolates them from their context, as well as from the Hadiths that explain their meaning. Jamāl also does not consider the interpretations of classical scholars, believing that their exegesis is a product of their time and, according to him, a barrier for Muslims in understanding the intended meaning of the Quran. He argues that classical interpretations prevent a proper understanding of the Quran's message.

This method of interpretation, however, has its flaws. If the Quran is understood only through human reasoning without considering the context of the verses and the supporting evidence, individuals could freely interpret the Quran according to their own interests. Such an approach risks turning the Quran into a tool for manipulation by groups without expertise in its true meaning.

Jamāl's approach becomes evident when he discusses verses such as Surah an-Nisā' (4:137) and Surah at-Tawbah (9:74), along with other verses related to hypocrites (*munāfiqūn*). He seems to equate apostasy in the context of hypocrites with the open apostasy some Muslims showed during the Prophet's time. However, his interpretation does not adequately address the specific context of these verses or the doctrinal understanding of the hypocrites, which is crucial to interpreting the relevant verses correctly.

Freedom in Hadith (Sunnah)

When discussing Hadiths related to religious freedom and belief during the time of the Prophet, Jamāl quotes narrations in a general manner without providing detailed explanations. He tends to ignore aspects of these narrations that are closely related to the context, which could lead to misunderstandings. Consequently, the Hadiths he presents to show the practice of religious freedom during the Prophet's time may actually indicate the opposite.

For example, the first narration Jamāl cites from *"as-Salafīyyah al-Mu'āṣirah ilā Ayna wa Man Hum Ahl al-Sunnah"* is about the apostasy of some Muslims, both individually and in groups, including those who apostatized multiple times. Jamāl implies that the Prophet allowed people to leave and return to Islam. However, this narration is not referenced in the source Jamāl mentions. Upon further investigation, this narration does not appear in the cited book, and the subsequent narrations are also absent. It is possible that Jamāl is referring to the situation of the hypocrites during the Prophet's time, which he describes in his explanation of the religious environment in Medina.

The hypocrites (*munāfiqūn*), as described by Allah in the Quran (e.g., Surah at-Tawbah: 74), were people who outwardly appeared Muslim but concealed their disbelief. Although they were considered apostates by their secret rejection of Islam, the Prophet did not execute them. Jamāl suggests that the Prophet did not kill them despite their apostasy, possibly to avoid greater *fitnah* (trials) that could harm the community. However, if the first narration Jamāl presents refers to the hypocrites, it still leaves unresolved issues.

Jamāl does not distinguish between the apostasy of the hypocrites and the apostasy as discussed in the Hadiths. The hypocrites were not overtly labeled as such except for the fact that they hid their disbelief and outwardly presented themselves as Muslims, as explained in various Quranic verses (e.g., Al-Baqarah: 8-9, 14; Āli 'Imrān: 119). Their disbelief was known to the Prophet, but not all the companions were aware of it. Therefore, if the Prophet had executed them, it could have led to greater turmoil within the community. This is why the Prophet refrained from executing them, as seen in the Hadith narrated by al-Bukhārī and Muslim, where Umar requested permission to kill Abdullah bin Ubayy bin Salūl (the leader of the hypocrites), but the Prophet forbade him, saying:

"Let him be, so that people will not say that Muhammad kills his companions." (Sahih al-Bukhārī)

This indicates that the Prophet refrained from executing hypocrites to avoid creating division and chaos within the Muslim community. Thus, this context further complicates Jamāl's argument, as the distinction between public apostasy and the complex situation of the hypocrites needs to be better understood.

Correction of Jamāl's Conclusion on the Prophet's Response to Apostates

Jamāl's conclusion that the Prophet allowed the hypocrites (*munāfiqūn*) to apostatize repeatedly is inaccurate. Several Quranic verses and Hadiths indicate that the Prophet held the hypocrites accountable, but their punishment was not executed due to their oaths, as mentioned in Surah an-Nisā' (4:62) and Surah at-Tawbah (9:74).

One example of the Prophet's response to the hypocrites is narrated in *Sahih al-Bukhārī* by Zayd bin Arqam, where he recounts a situation where Abdullah bin Ubayy (the leader of the hypocrites) expressed his intent to undermine the Prophet's leadership. Upon Zayd's report of this treasonous statement, the Prophet summoned Abdullah bin Ubayy and his companions. They swore their innocence, and despite Zayd's report, the Prophet believed the hypocrites and dismissed Zayd's claim. This caused Zayd great distress, but later, Allah revealed verses from Surah al-Munāfiqūn (63:1) confirming Zayd's account, which led to the Prophet reconfirming that Zayd had spoken the truth.

The Error in Combining Two Different Narrations

Jamāl makes a significant error by conflating two separate Hadiths into one narrative. In his work, Jamāl claims that a man who was once a scribe for the Prophet apostatized and publicly mocked the Prophet's knowledge. However, Jamāl combines details of two distinct Hadiths, creating confusion:

1. **First Narration** (from *Sahih al-Bukhārī* and *Sahih Muslim*): This refers to a man from the tribe of Banī al-Najjār who had converted to Islam and later apostatized, dying in his apostasy. His body was reportedly rejected by the earth, signaling divine disfavor.
2. **Second Narration** (from Abū Dāwūd and al-Nasā'ī): This pertains to 'Abdullāh bin Abī Sharḥ, who apostatized but later repented and returned to Islam during the conquest of Makkah, before meeting the Prophet.

Jamāl suggests that the Prophet allowed the apostates to remain free and even accepted their intercession until their death. However, in the case of '**Abdullāh bin Abī Sharḥ**', the Prophet did not allow him to continue living freely in his apostate state; rather, the man fled to Makkah. Upon his return and repentance, the Prophet forgave him, showing that there was no blanket amnesty for apostasy.

Correction of Apostasy and Fleeing from Medina

Jamāl's assertion that the Prophet "allowed apostates to be free" is further contradicted by the actions of those who apostatized and fled Medina. If the Prophet had truly allowed apostates to remain freely in Medina, there would have been no reason for them to escape the city. For example, '**Abdullāh bin Abī Sharḥ** and **the man from Banī al-Najjār** both fled Medina after their apostasy. This suggests that the Prophet's stance was more complex than Jamāl's portrayal. Apostates who fled were not given a free pass—they were leaving to escape punishment, which in itself indicates a form of accountability.

The Case of the Twelve Apostates

Jamāl cites the case of twelve individuals who apostatized and fled to Makkah, including **‘Abdullāh bin Suwayd Al-Anṣārī**. He claims that none of them were executed. However, this claim misrepresents the situation. The twelve apostates, like **‘Abdullāh bin Abī Sharḥ**, left Medina, indicating that the Prophet’s policy on apostasy was not one of absolute freedom. **‘Abdullāh bin Suwayd** eventually repented and returned to Islam, which is why he was not punished. The key detail is that the Prophet did not "let them go free"—they had to flee because apostasy had consequences, and their repentance was a critical part of their return to the community.

The Case of ‘Abdullāh bin Jaḥsh

Jamāl also mentions the apostasy of **‘Abdullāh bin Jaḥsh** in Abyssinia. If this narration is authentic, it occurred during the Makkī period, where the legal rulings for apostasy (ḥudūd) had not yet been established. Therefore, this case cannot be used to claim that the Prophet allowed apostasy freely. It is important to note that during the early period of Islam, the legal system was still evolving, and the ḥudūd punishments were only fully established later in Medina.

The Misinterpretation of Surah Al-Baqarah 256

Finally, Jamāl’s interpretation of Surah Al-Baqarah 256, which he cites as evidence for religious freedom, is problematic. He references a story of two young men who converted to Christianity and their parents’ complaint to the Prophet. Jamāl seems to imply that these men embraced Christianity after being Muslims, but the truth is that they were Christians before the Prophet’s migration to Medina. Their conversion to Christianity was not a case of apostasy from Islam; therefore, this cannot be used to support Jamāl’s argument that the Prophet condoned apostasy.

In conclusion, Jamāl’s interpretation that the Prophet allowed apostates to act freely and without consequence is flawed. The Hadiths and Quranic context show that apostasy was taken seriously, with consequences for those who abandoned Islam. The Prophet’s approach to hypocrites, those who apostatized, and those who repented reflects a nuanced and context-dependent policy. Simply relying on selected verses and Hadiths without considering the broader historical and jurisprudential context can lead to misleading conclusions.

Apostasy During the Time of the Prophet

The first hadith is the hadith of the *Uraniyīn*, which tells of a group of people from the tribes of ‘Ukl and Uraynah who pledged allegiance to the Prophet but later apostatized and betrayed him. As mentioned by Jamāl, this hadith is narrated by al-Bukhārī, Muslim, and other imams. In Jamāl’s view, the group of people who were ordered to be executed by the Prophet were not killed solely due to apostasy but because of other criminal actions they committed, such as the murder of the Prophet’s camel herder. Jamāl reinforces his conclusion by noting that in the majority of narrations of this story, it is not explicitly stated that they were killed because of apostasy. This is also supported by the fact that Muslim included this

hadith in *Bāb al-Muhāribīn wa al-Murtaddīn*, and al-Syawkānī in *Bāb al-Muhāribīn wa Qutṭa' al-Ṭurūq*.

However, the conclusion drawn by Jamāl raises issues. If those who were killed during the Prophet's time were not executed solely because of their apostasy, but due to other criminal acts, then what about 'Abdullāh bin Abī Sharḥ? What criminal act did he commit that led to him being included in the list of those to be executed during the conquest of Makkah? If his execution was due to the objectionable statements that Jamāl mentioned, then those statements were not actually made by 'Abdullāh bin Abī Sharḥ. There is no narration indicating any criminal act committed by Abdullah bin Abi Sarh during his apostasy.

The second hadith is about the prohibition of killing a Muslim except in three cases, one of which is *al-tāriku li-dīnīhi al-mufāriq li-l-jamā'ah* (an apostate who separates from the community). Jamāl weakens this hadith due to a difference in wording. He seems unwilling to attempt to reconcile the two meanings that appear contradictory. Jamāl exaggerates this difference by introducing another possible interpretation and then states: "وما جاز فيه الاحتمال بطل به الاستدلال" (if there are two contradictory possibilities in a proof), then the proof cannot be used. This clearly contradicts the reasoning methods of the scholars, as many proofs would be invalidated if Jamāl's method were applied.

The third hadith is *man baddala dīnahu faqtulūh* (whoever changes his religion, kill him), which Jamāl considers the strongest evidence for the jurists in legitimizing the death penalty for apostates. Although this hadith is narrated by al-Bukhārī, and the Muslim community has agreed on its authenticity, Jamāl does not accept it as such. According to Jamāl, the hadith is weak because one of its narrators, 'Ikrimah, is considered a liar. Jamāl states:

"As for the chain of narration, many reports meet at one narrator, namely Ikrimah from Ibn Abbas. Although Ikrimah was the best narrator from Ibn Abbas, Imam Muslim avoided his narrations, not accepting any from him except one hadith in the book of Hajj, which is accompanied by a narration from Said bin Jubair. Imam Muslim left him (Ikrimah) due to some scholars' censure of him, considering him a liar with Kharijite views and accepting gifts from rulers." As stated by the author of the book *al-Ḥadīth wa al-Muḥaddithūn*, al-Shaykh Muḥammad Abū Zahw, who is known for being very cautious in evaluating narrators."

Through this reasoning, Jamāl seeks to portray 'Ikrimah not only as a weak narrator but as a liar unworthy of narrating hadith. Jamāl's quote from the book *al-Ḥadīth wa al-Muḥaddithūn* implies that Muḥammad Abū Zahw, whom he views as a pious jurist, also considered 'Ikrimah a liar. However, Muḥammad Abū Zahw merely explained why Muslim did not accept hadith from 'Ikrimah. Before and after this explanation, Abū Zahw made a positive evaluation (ta'dīl) of 'Ikrimah. In fact, at the end of his discussion on Ikrimah, Abū Zahw stated: "From the explanation above, it is clear that if a trustworthy narrator transmits a hadith from 'Ikrimah, it should not be doubted (in its authenticity)."

Jamāl is aware of his weakness in the method of hadith criticism, so he admits: "Although hadith scholars do not explain hadith as we do by listing 'suspicions' or remarks about the narrators, and they do not consider these remarks as proof, it is acceptable for you to withhold judgment when it comes to matters of execution. Why should you be hesitant in this matter as Imam Muslim was with Ikrimah?"

Jamāl's stance on 'Ikrimah's narration, based on Muslim's approach, also needs to be questioned. Was it true that Muslim did not narrate hadith from the chain of Ikrimah due to the censure of certain scholars? Furthermore, Abū Zahw's statement about the censure of Ikrimah, as quoted by Jamāl, does not provide detailed information on which scholars are meant. The issue with Imam Muslim's stance on not narrating hadith from Ikrimah does not necessarily indicate that Ikrimah had a defect in his narration, as this is merely the personal opinion of Abū Zahw, which Jamāl has quoted.

Moreover, Muslim narrated hadith from a less reputable narrator than Ikrimah, namely Suwayd bin Sa'id. Therefore, the stronger view regarding Muslim's decision to avoid Ikrimah's narration is that the information received by Ikrimah was not the same as what was received by al-Bukhārī and other imams, and this is common in hadith scholarship, as explained by al-Mu'āllimī in his book *al-Anwār al-Kāshif*.

As for the reports about the criticism (jarh) from some scholars towards Ikrimah, not all of them are authentic. Additionally, hadith scholars who gave a positive evaluation (ta'dīl) of Ikrimah include balanced scholars such as al-Bukhārī and Aḥmad; even stricter scholars praised Ikrimah and narrated from him, such as Yaḥyā bin Ma'īn and Abū Ḥatim.

CONCLUSION

Based on the analysis of Jamāl's reasoning for rejecting the death penalty for apostates, the author concludes that the arguments presented by Jamāl are not as he claims. In other words, the evidence used by Jamāl to depict absolute freedom of religion actually points in the opposite direction, and the evidence he rejects regarding the death penalty for apostates is not affected by Jamāl's weak method of hadith criticism. His attempts to apply certain principles of hadith scholars to weaken a hadith fail because those same scholars uphold the authenticity of the hadiths that Jamāl attempts to discredit.

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