

...ILLĀ BI-ḤAQQIHI..  
A STUDY OF AN EARLY ḤADĪTH

*In memory of my friend Dov 'Iron*

The revolt of the tribes in the Arabian peninsula after the death of the prophet Muḥammad, the so-called *ridda*, endangered the very existence of the Muslim community in Medina and the survival of the nascent commonwealth set up by the Prophet. The rebellious tribes, aware of the weakness of the new leadership of the Medinan community, strove to sever their ties with the new authority in Medina, broke their allegiance to the newly elected Caliph, Abū Bakr, and declared that the agreements they had concluded with the Prophet were null and void. They sought to regain their separate tribal existence, and to rid themselves of the authority of Medina. Thus, returning to the type of relations with Mecca which were in effect during the Jāhiliyya, they were willing to negotiate over agreements with the Medinan leadership which would be based on the principle of non-aggression. Some chiefs of tribes proposed to defend Medina, and to protect the city against attacks by other tribes, in return for certain payments they would get. Abū Bakr refused to negotiate with the chiefs of the tribes and decided to fight the hostile forces in the vicinity of Medina. The Muslim troops dispatched by Abū Bakr succeeded in crushing the revolt and in bringing the tribes of the peninsula under the authority of Medina. Abū Bakr thus assured the survival and the perpetuation of the commonwealth of Medina. Having brought the tribal forces under the control of Medina and having laid a solid foundation for their unity and loyalty, he sent tribal troops under Medinan command towards the northern and the eastern borders of the Arab peninsula, thus initiating the powerful Muslim conquests in the Persian and Byzantine empires.

An examination of some data incorporated in the reports about the *ridda* may help in elucidating certain economic aspects of the revolt. The scrutiny of a *ḥadīth* which is often quoted in the story of the *ridda* may enable us to get a glimpse into the ideas held by certain groups of Muslim scholars concerning the conditions imposed on those willing to embrace Islam after the death of the Prophet, the status of the *ridda* people, and the question whether it was right to make war on them.

The term *ridda*, apostasy, applied in the sources to the rebellious movement of the tribes, was questioned by Western scholars who pointed out the political and social aspects of the revolt.<sup>1</sup> The economic factors leading to the rebellion were clearly expounded by Shaban,<sup>2</sup> who emphasized the struggle which the tribes, whether allied to Medina or not, carried against the Medinan hegemony and the commercial interests which played a major part in intertribal relations.

The economic effect of conversion to Islam can indeed be noticed in some early traditions. Al-Shāfi'ī carries a report that (members of -K) Quraysh used to travel to Syria and Iraq with their merchandise. Upon their conversion to Islam they spoke to the Prophet of their fear that their income might suffer as a result of their break with unbelief and of their having become Muslims, a step which might displease the rulers of Syria and Iraq. The Prophet allayed their anxiety by predicting that the end of Persian and Byzantine rule was near.<sup>3</sup> The unrest in Mecca after the death of the Prophet, the feeling of uncertainty and the fear of losing their means of sustenance if they remained loyal to Islam and kept their obligations seem to have cast a shadow over the city;<sup>4</sup> the inhabitants wavered in face of the tribal revolt and were reluctant to pay their taxes. Suhayl b. 'Amr<sup>5</sup>

<sup>1</sup> See e.g. A. J. Wensinck, *The Muslim Creed*, London 1965 (repr.), pp. 11-12; J. Wellhausen, *Das Arabische Reich und Sein Sturz*, Berlin 1960 (repr.), pp. 14-15; C. Brockelmann, *History of the Islamic Peoples*, New York 1947, pp. 45-6 (... "In this religious motives played scarcely any role at all; there was simply a desire to be rid of the troublesome rule of the Muslims in Medina."); W. Montgomery Watt, *Muhammad at Medina*, Oxford 1956, pp. 79-80, 147-150.

<sup>2</sup> M. A. Shaban, *Islamic History, A new interpretation*, Cambridge 1971, pp. 19-23.

<sup>3</sup> Al-Shāfi'ī, *al-Umm*, Cairo 1321 (repr. 1388/1968), IV, 94; al-Ṭahāwī, *Mushkil al-āthār*, Hyderabad 1333, I, 214 (from al-Shāfi'ī); and see the *ḥadīth: idhā halaka kisrā...: al-Ṭahāwī, Mushkil*, I, 212-217; al-Suyūfī, *al-Khaṣā'is al-kubrā*, ed. Khalīl Harrās, Cairo 1387/1967, II, 412; Ibn Kathīr, *Nihāyat al-bidāya wa-l-nihāya*, ed. Muḥammad Fahīm Abū 'Ubayya, Riyāḍ 1968, I, 9-10; idem, *Shamā'il al-rasūl*, ed. Muṣṭafā 'Abd al-Wāḥid, Cairo 1386/1967, p. 352; idem *al-Bidāya wa-l-nihāya*, Beirut 1966, VI, 194; Abū l-Maḥāsīn Yūsuf b. Mūsā al-Ḥanafī, *al-Mu'taṣar min al-mukhtaṣar*, Hyderabad 1362, I, 248-249.

<sup>4</sup> Several reports stress however that Mecca was not affected by the *ridda* movement; see e.g. al-Ṭabarī, *Ta'rikh*, Cairo 1357/1939, II, 475; al-Maqdisī, *al-Bad' wa-l-ta'rikh*, ed. Huart, Paris 1899, V, 151 inf.; al-Shawkānī, *Nayl al-auṭār*, IV, 135; al-'Aynī, *Umdat al-qārī*, VIII, 244, l. 11 from bottom.

<sup>5</sup> See on him e.g. al-Zubayr b. Bakkār, *Jamharat nasab quraysh wa-akhbār ihā*, Ms. Bodley, Marsh 384, fols. 189a-190a; Muṣ'ab b. 'Abdallāh, *Nasab quraysh*, ed. Lévi-Provençal, Cairo 1953, pp. 417-418; Anonymus, *al-Ta'rikh al-muḥkam fīman intasaba ilā l-nabīyyi ṣallā llāhu 'alayhi wa-sallam*, Ms. Br. Mus. Or. 8653, fols. 196a-197a; al-Dhahabī, *Siyar al'ālam al-nubalā'*, ed. As'ad Ṭālas, Cairo 1962, III, 32, I, 141-142; idem, *Ta'rikh al-islām*, Cairo 1367, II, 15; Ibn Ḥajar, *al-Iṣāba*, ed. 'Alī Muḥammad al-Bijāwī, Cairo 1392/1972, III, 212, no. 3575; Ibn 'Abd al-Barr, *al-Istī'āb*, ed. Muḥammad al-Bijāwī, Cairo 1380/1960, pp. 669-672, no. 1106; Ibn al-Athīr, *Uṣd al-ghāba*, Cairo 1280, II, 371-373; al-Ḥākim, *al-Mustadrak*, Hyderabad 1342, III, 281-282; Ibn al-'Arabī, *Aḥkām al-qur'ān*, ed. 'Alī al-Bijāwī, Cairo 1387/1967, II, 951 inf. = 952.

ascended the *minbar* and addressed Quraysh; stressing the extent of his wealth he urged them to hand over their *zakāt* to the governor and promised to compensate them for any *zakāt* payment should the regime of Medina collapse.<sup>6</sup> Al-Jārūd, the leader of 'Abd al-Qays, promised his people to repay double the losses they would incur if they remained faithful to Islam.<sup>7</sup> The tribes' unwillingness to pay the tax, the *zakāt*, is plainly reflected in the recorded speeches of the tribal leaders and in the verses of their poets. It is noteworthy indeed that when the leaders of the rebellious tribes were captured and brought before Abū Bakr accused of apostasy, they defended themselves by saying that they had not become unbelievers, but were merely stingy with their wealth (i.e. they were reluctant to pay the *zakāt* from it — K).<sup>8</sup>

Another aspect of the secession movement was the tribal leaders' contention that their allegiance was confined to the Prophet; they had concluded their agreements with him, had accepted his authority and had given him the oath of allegiance; they had no commitment to Abū Bakr.<sup>9</sup> The arguments of the secessionist tribes, who stressed the incompetence of the successor of the Prophet and claimed that they were exempted from paying the *zakāt*, are recorded in some commentaries of the Qur'ān. They are said to have based themselves on Sūra IX, 103: "...Take alms of their wealth to purify them and to cleanse them thereby and pray for them, thy prayers are a comfort for them...". It is the Prophet who is addressed in this verse and ordered to collect the tax; and it was the Prophet who was authorized to purify and cleanse them and to pray for them in return for

<sup>6</sup> Muḥammad b. Ḥabīb, *al-Munammaq*, ed. Khurshīd Aḥmad Fāriq, Hyderabad 1384/1964, pp. 260-261; al-Balādhurī, *Ansāb al-ashraf*, ed. Muḥammad Ḥamīdullāh, Cairo 1959, p. 304: ...*wa-anā ḍāminun, in lam yatimma l-amru, an aruddahā ilaykum...* Cf. Ibn al-Aṭhīr, *Usd*, II, 371 penult: *anna rasūla llāhi lammā tuwuffiya irtajjat makkatu limā ra'at Qurayshun min irtidādi l-'arabi wa-khtafā 'attābu bnu asīdin al-umawiyyu, amīru makkata li-l-nabiyyi(s) fa-qāma suhaylu bnu 'amrin khaṭīban...*; and see Ibn Hishām, *al-Sira al-nabawiyya*, ed. Muṣṭafā I-Saqā, Ibrāhīm al-Abyārī, 'Abd al-Ḥāfiẓ al-Shalabī, Cairo 1355/1936, IV, 316: ...*anna akthara ahli makkata, lammā tuwuffiya rasūlu llāhi(s) hammū bi-l-rujū'i 'an al-islāmi wa-arādū dhālika ḥattā khāfahum 'attābu bnu asīdin fa-tawārā, fa-ḡama suhaylun...*; 'Abd al-Jabbār, *Taḥbīt dala'il al-nubuwwa*, ed. 'Abd al-Karīm 'Uthmān, Beirut 1386/1966, p. 317; and cf. pp. 227-228.

<sup>7</sup> Ibn Abī l-Ḥadīd, *Sharḥ nahj al-balāgha*, ed. Muḥammad Abū l-Faḍl Ibrāhīm, Cairo 1964, XVIII, 57.

<sup>8</sup> Al-Shāfi'i, *op. cit.*, IV, 134: ...*wa-qālū li-abī bakrin ba'da l-isāri: mā kafarnā ba'da imānina wa-lākin shahāhnā 'alā amwālinā...*; al-Bayhaqī, *al-Sunan al-kubrā*, Hyderabad 1355, VIII, 178; al-Kalā'i, *Ta'rīkh al-ridda*, ed. Khurshīd Aḥmad Fāriq, New Delhi 1970, p. 42; cf. *ib. op. cit.* p. 149, 170.

<sup>9</sup> See e.g. al-Shāfi'i, *op. cit.*, IV, 134; al-Ṭabarī, *Ta'rīkh*, II, 417: *aṭā'nā rasūla llāhi mā kāna wasṭanā: fa-yā 'ajaban mā bālu mulki abī bakri*; Ibn al-'Arabī, *op. cit.*, II, 994; Ibn Kathīr, *al-Bidāya*, VI, 313; al-Khaṭṭābī, *Ma'ālim al-sunan*, Ḥalab 1933, II, 4; al-Bayhaqī, *al-Sunan al-kubrā*, VIII, 178.

their payment. Consequently they considered themselves dispensed from their obligations towards the Prophet, as his successor had not the ability to grant them the compensation mentioned in the Qur'ān.<sup>10</sup> It is rather doubtful whether the leaders of the seceding tribes indeed used arguments based on the interpretation of Qur'ānic verses when they debated with the Muslim leaders; the recorded interpretation reflects however the idea held by the seceding tribal leaders that their obligations and allegiance were only binding towards the Prophet, not towards his successor.

It is noteworthy that the Muslim tradition which emphasizes the religious aspects of the *ridda* secession also provides a clue to a better evaluation of the intentions of the rebellious tribes. Certain late compilations of *ḥadīth* and of *fiqh* are of importance for the elucidation of a number of terms occurring in the traditions. Wensinck quotes the commentary of al-Nawawī (d. 676 H) on Muslim's (d. 261 H) *Ṣaḥīḥ* in which it is said that there were three kinds of resistance in Arabia: there were two groups of unbelievers (viz. the followers of the false prophets and people who gave up religion altogether — K) and a group who did not renounce Islam, but refused to pay the *zakāt*. Wensinck puts forward a very similar division: "those who followed religious or political adventurers and therefore turned their backs on Medina and Islam and those who cut the links with Medina without associating themselves with any new religious leader. This latter group did not, in all probability, reject Islam; for their attachment to religion must have been too insignificant a fact. What they rejected was *zakāt*."<sup>11</sup>

The division, as recorded by al-Nawawī, can however be traced back to a period some four and half centuries earlier. Al-Shāfi'ī (d. 204 H) gives a similar division of the seceding groups, drawing a clear line between those who fell into unbelief like the followers of Musaylima, Ṭulayḥa and al-Aswad al-'Ansī and those who refused to pay the *zakāt*, while remaining faithful to Islam.<sup>12</sup> It is significant that al-Shāfi'ī, in analyzing the problem whether it is permitted to fight and kill members of these groups, raises doubts whether the term *ahl-al-ridda*, "people of apostasy", can be applied to both of them. He finally justifies it by referring to their common usage of Arabic, in which *irtadda* denotes retreat from former tenets; this

<sup>10</sup> Ibn al-'Arabī, *op. cit.*, II, 994; al-Qaṣṭallānī, *Irshād al-sārī li-sharḥ ṣaḥīḥi l-bukhārī*, Cairo 1327, III, 6; al-Qurṭubī, *Tafsīr* (= *al-Jāmi' li-aḥkāmī l-qur'ān*), Cairo 1386/1967, VIII, 244-245; Ibn Kathīr, *al-Bidāya*, VI, 311.

<sup>11</sup> Wensinck, *op. cit.*, p. 13.

<sup>12</sup> Al-Shāfi'ī, *op. cit.*, IV, 134.

includes, of course, both: falling into unbelief and the refusal to pay the taxes.<sup>13</sup>

When al-Shāfi'ī analyzes the status of the second group, he remarks that in their refusal to pay the *zakāt* they acted as if they were interpreting the verse Sūra IX, 103 in the way mentioned above. Shāfi'ī is concerned with the problem of the false interpretation of the verse (*al-muta'awwilūn al-mumtani'ūn*) and seeks to establish that fighting this group and killing its members is lawful, by comparing it to the group of Muslims rebelling unjustly against a just ruler (*al-bāghūn*). He ultimately justifies without reserve the war-action taken by Abū Bakr against the group which refused to pay the *zakāt*.<sup>14</sup>

The status of this group is discussed at length by al-Khaṭṭābī (d. 384 H) who states that they were in fact unjust rebels (*wa-hā'ulā'i 'alā l-ḥaqqiqati ahlu baghyin*) although they were not given this name at the time; this name became current at the time of 'Alī.<sup>15</sup> He remarks that among this group there were some factions who were ready to pay the tax, but who were prevented from doing so by their leaders. He further stresses that they were indeed not unbelievers (*kuffār*); they shared the name *ahl al-ridda* with the unbelievers because like them they refused to carry out certain duties and prescriptions of the faith.<sup>16</sup> The argument of this group in connection with the verse Sūra IX, 103 is here recorded in a peculiar context, revealing some details of later polemic over religious and political issues in connection with the decision of Abū Bakr to fight those who refused to pay the *zakāt*. Al-Khaṭṭābī identifies explicitly the people who passed sharp criticism on Abū Bakr's action; those were certain people from among the Shī'ī *rawāfiḍ*, who stated that the tribes refusing to pay the *zakāt* merely held a different interpretation for the verse mentioned above (Sūra IX, 103): it was the Prophet who was addressed in the verse and only the Prophet could purify them and pray for them.<sup>17</sup> As a consequence it was not right to fight them and Abū Bakr's military action was oppressive and unjust. A certain Shī'ī faction argued indeed that the group which had refused the *zakāt* payment suspected Abū Bakr and considered him unworthy of being entrusted with their property (scil. of having it handed over to him as tax — K). Al-Khaṭṭābī refutes these arguments and marks them as lies and

<sup>13</sup> Al-Shāfi'ī, *op. cit.*, *ib.* (...*fā-in qāla qā'ilun: mā dalla 'alā dhālika wa-l-'āmmatu taqūlu lahum ahu l-ridda...*).

<sup>14</sup> Al-Shāfi'ī, *op. cit.*, IV, 134.

<sup>15</sup> Al-Khaṭṭābī, *op. cit.*, II, 4; and see p. 6: ...*fa-ammā māni'ū l-zakāti minhum l-muqimūna 'alā aṣli l-dīni fa-innahum ahu baghyin...*; cf. al-Shawkānī, *Nayl al-aṭṭār*, Cairo 1372/1953, IV, 135-137 (quoting al-Khaṭṭābī).

<sup>16</sup> Al-Khaṭṭābī, *op. cit.*, II, 6.

<sup>17</sup> Cf. above, note 10; and see al-Shawkānī, *Nayl*, IV, 136.

calumnies. Al-Khaṭṭābī argues that the verse was actually addressed to the Prophet, but that it put an obligation on all the believers and that it is incumbent upon all the believers at all times. Cleansing and purification will be granted to the believer who hands over the *zakāt* and it is recommended that the *imām* and the collector of taxes invoke God's blessing for the payer of the tax. Further al-Khaṭṭābī strengthens his argument by a *ḥadīth* of the Prophet. According to this tradition the last words of the Prophet were: "Prayer and what your right hands possess." This *ḥadīth* is usually interpreted as a bid to observe the prayer and to take care of one's dependents; but al-Khaṭṭābī's interpretation is different; according to him "*mā malakat aymānukum*", "what your right hands possess" refers to property and possessions and has to be understood as an injunction to pay the *zakāt* tax.<sup>18</sup> According to this interpretation *zakāt* goes together with prayer. Consequently al-Khaṭṭābī deduces that *zakāt* is as obligatory as prayer and that he who is in charge of prayer is also in charge of the collection of *zakāt*. This was one of the considerations which induced Abū Bakr not to permit that prayer be separated from tax and to set out to fight the group loyal to Islam, but refusing to pay the *zakāt*. Finally al-Khaṭṭābī compares Abū Bakr's attitude towards this group and the rules which would apply nowadays should such a group, or a similar one arise. In the period of Abū Bakr the aim was merely to compel the rebels to pay the tax; they were not killed. The leniency shown towards them took into consideration their ignorance since they had been in Islam only for a short period. But a group who would deny *zakāt* nowadays would be considered as falling into unbelief and apostasy and the apostate would have to be killed.<sup>19</sup>

The discussions concerning the lawfulness of Abū Bakr's decision to fight this group can thus be understood as a later debate with the aim of a positive evaluation of Abū Bakr's action against the rebellious tribes, and providing convincing proof that his action was in accordance with the prescriptions and injunctions of the Qur'ān and with the *sunna* of the Prophet. The precedent of Abū Bakr had to serve as an example for dealing with similar cases of revolt in the contemporary Muslim Empire.

The Sunnī assessment of Abū Bakr's action is put forward in an utterance attributed to al-Ḥasan al-Baṣrī and recorded by Abū Sukayn (d. 251

<sup>18</sup> See both interpretations in Ibn al-Athīr's *al-Nihāya* s.v. mlk; *L'A* s.v. mlk; and cf. e.g. Ibn Sa'd, *Ṭabaqāt*, Beirut 1376/1957, II, 253-254; 'Abd al-Razzāq, *al-Muṣannaf*, ed. Ḥabīb al-Raḥmān al-A'zamī, Beirut 1392/1972, V 436 (*ittaḥū llāha fī l-nisā'i wa-mā malakat aymānukum*); Nūr al-Dīn al-Haythamī, *Majma' al-zawā'id*, Beirut 1967 (reprint) IV, 237.

<sup>19</sup> Al-Khaṭṭābī, *op. cit.*, II, 6-9; cf. Ibn Kathīr, *Tafsīr al-qur'ān*, Beirut 1385/1966, III, 488.

H)<sup>20</sup> in his *Juz'*.<sup>21</sup> Al-Ḥasan evaluates the crucial events in the history of the Muslim community according to the actions of the men who shaped the destiny of the community for ever. Four men set aright the Muslim community. al-Ḥasan says, and two men impaired and spoilt it. 'Umar b. al-Khaṭṭāb set it aright on the Day of the Hall of the Banū Sā'ida, answering the arguments of the Anṣār who demanded an equal share in authority with Quraysh. He reminded the assembled that the Prophet ordered Abū Bakr to pray in front of the people (thus establishing his right to rule the people — K) and that the Prophet uttered the bidding saying: "The leaders are from Quraysh" (*al-a'immatu min quraysh*). The Anṣār convinced by the arguments of 'Umar dropped their claim for a Qurashī-Anṣārī duumvirate of two amīrs. But for 'Umar people would litigate upon the rights of the Caliphate until the Day of Resurrection. Abū Bakr set aright the Muslim community during the *ridda*. He asked the advice of the people (i.e. the Companions of the Prophet — K) and all of them advised him to accept from the rebelling tribes their commitment of prayer and give up their *zakāt*. But Abū Bakr insisted and swore that if they withheld even one string which they had been in the habit of paying to the Messenger of Allah he would fight them. But for Abū Bakr, says al-Ḥasan, people would stray away from the right path until the Day of Resurrection. 'Uthmān saved the community like 'Umar and Abū Bakr by the introduction of the single reading of the Qur'ān. But for 'Uthmān people would go astray on the Qur'ān until the Day of Resurrection. Finally 'Alī like his predecessors set aright the community by refusing to divide the captives and spoils of his defeated enemies after the Battle of the Camel, thus establishing the rules which apply in a case when factions of the believers (*ahl al-qibla*) fight each other. In contradistinction to these four righteous Caliphs two men corrupted the Muslim community: 'Amr b. al-'Āṣ by the advice he gave to Mu'āwiya to lift the Qur'āns (at Šiffīn — K) which caused the *khawārij* and their *taḥkīm* to appear; this (fateful split of the community — K) will last until the Day of Resurrection. The other wicked man is al-Mughīra b. Shu'ba, who advised Mu'āwiya to appoint his son (Yazīd) as Caliph, thus establishing a hereditary rule. But for al-Mughīra the *shūrā* principle of election would have persisted until the Day of Resurrection.

The utterance of al-Ḥasan al-Baṣrī expounds clearly the Sunnī view about the role of the four Guided Caliphs in Muslim historiography. It is an adequate response to the Shī'ī accusations directed against the three

<sup>20</sup> Zakariyā b. Yaḥyā al-Kūfī; see on him Ibn Ḥajar, *Tahdhīb al-tahdhīb*, III, no. 627; al-Khaṭīb al-Baghdādī, *Ta'riḫ baghdād*, VIII, 456, no. 4569.

<sup>21</sup> Ms. Leiden Or. 2428, fols. 4b-5a (not recorded by Sezgin); cf. Abū l-Mahāsīn Yūsuf b. Mūsā, *op. cit.*, I, 222.

first Caliphs. The credit given to Abū Bakr in establishing the *zakāt* as a binding prescription lasting until the Day of Resurrection is ignored in the Shī'ī commentaries of the Qur'ān: it is true that *zakāt* is a fundamental injunction imposed on every believer; but the prerogative of the Prophet mentioned in Sura IX, 103 (purification and cleansing) was transferred to the *imām* (i.e. the Shī'ī *imām* — K). Accordingly people need the *imām* to accept their alms in order to gain purification; the *imām*, however, does not need their property (handed over to him — K); any one who claims that the *imām* is in need of the wealth of the people is a *kāfir*.<sup>22</sup>

In support of the notion that Abū Bakr's decision to fight the people of the *ridda* was right, Sunnī tradition states that the revolt and Abū Bakr's steps are foretold in the revelation of the Qur'ān (Sura V, 54): "O believers, whosoever of you turns from his religion God will assuredly bring a people He loves and who love Him"... The people whom God loves and who love God refers to Abū Bakr and the men who aided him in the struggle against the *ridda* revolt.<sup>23</sup>

Shī'ī traditions maintain that the verse refers to 'Alī and his adherents, to whom the description of people loving God and loved by God is applied. 'Alī and his adherents were thus ordered to fight the people who had

<sup>22</sup> Al-Baḥrānī al-Tauball al-Katakānī, *al-Burhān fī tafsīrī l-qur'ān*, Qumm 1393, II, 156: al-'Ayyāshī, *al-Tafsīr*, ed. Hāshim al-Rasūlī al-Maḥallātī, Qumm 1371, II, 106, no. 111; and see about the case of payment of the *ṣadaqa* to the governors of Mu'āwiya during the struggle between him and 'Alī: al-Majlisī, *Bihār al-anwār*, Tehran 1388, XCVI, 69-70, no. 45 (...*laysa lahu an yanzila bilādanā wa-yu'addiya ṣadaqata mālihi illā 'aduwwinā*); cf. *ib.* p. 68, no. 41 (*al-mutaṣaddiqū 'alā 'adā'inā ka-l-sāriqī fī harāmī llāhī*); and see the argument establishing that it is lawful for the Shī'ī *imāms* to receive the *zakāt*, because they were deprived of the *khums*: *ib.*, p. 69 no. 44. Comp. Ibn Bābūyah al-Qummi *'Ilal al-sharā'i*, Najaf 1385/1966 p. 378 (about receiving of the *khums* by the Shī'ī *imām*: ...*innī la-ākhdhu min aḥadikum l-dirhama wa-innī lamin akthari ahli l-madīnati mālan, mā urīdu bi-dhālika illā an tuṭṭaharū*).

<sup>23</sup> Al-Ṭabarī, *Tafsīr*, ed. Shākir, Cairo 1957, X, 411-414 (nos. 12177-12187), 418 (no. 12201), 419-420; al-Qurṭubī, *op. cit.*, VI, 220; 'Abd al-Jabbār, *Tathbīt dald'il al-nubuwwa*, ed. 'Abd al-Karīm 'Uthmān, Beirut 1386/1966, pp. 417 inf. -418, 424 (and see 'Abd al-Jabbār's refutation of the claim of the *zanādiqa* that Abū Bakr was an apostate, p. 418); Abū l-Layth al-Samarqandī, *Tafsīr*, Ms. Chester Beatty 3668, I, 165a; al-Tha'labī, *Tafsīr*, Ms. Br. Mus. Add. 19926, p. 389; al-Naysābūrī, *Gharā'ib al-qur'ān wa-raqā'ib al-furqān*, Cairo 1381/1962, VI, 114; al-Khāzin, *Lubāb al-ta'wīl*, Cairo 1381, II, 54 (see *ib.*: *wa-qāla abū bakr b. 'ayyāsh: sami'tu abā ḥusayn yaqūlu: mā wullida ba'da l-nabiyyi afdalu min abī bakrin l-ṣiddīqī; laqad qāma maqāma nabiyyin min al-anbiyā' fī qitāli ahli l-ridda*); al-Baghawī, *Ma'ālim al-tanzīl* (on margin of al-Khāzin's *Lubāb*) II, 53-54; Abū Ḥayyān, *al-Baḥr al-muḥīṭ*, Cairo 1328, III, 511; al-Suyūfī, *al-Durr al-manthūr*, Cairo, II, 292-293; Ibn Kathīr, *Tafsīr*, II, 595. According to other traditions the verse refers to some tribal groups of al-Yaman (Kinda, Ash'ar, Tujīb, Sakūn), to the Anṣār, to the people who fought at Qadisiyya, to the Persians who will embrace Islam. And see Ibn Kathīr, *al-Bidāya*, VI, 312; Ibn Ḥajar al-Haytamī, *al-Ṣawā'iq al-muḥriqa*, ed. 'Abd al-Wahhāb 'Abd al-Laṭīf, Cairo 1375, pp. 14-15.

broken their vow of allegiance (*al-nākithīn* — i.e. Ṭalḥa and al-Zubayr), the people who strayed away from the true faith (*al-māriqīn* — i.e. the *khawārij*) and the unjust (*al-qāsiṭīn* — i.e. Mu‘āwiya and his adherents).<sup>24</sup>

The various interpretations recorded in the Qur’ān commentaries expound the diverse views about the *ridda* revolt, evaluate the decision of Abū Bakr to fight the rebellious tribes and try to establish the legal base of his fight, emphasizing his sound judgment, his courage and devotion to the faith of Islam.

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The widely current tradition about Abū Bakr’s decision to fight the rebellious tribes is connected with the interpretation of an utterance of the Prophet concerning the creed of Islam and the conditions of conversion. Abū Bakr is said to have discussed the intent of the utterance with ‘Umar and to have succeeded in convincing ‘Umar that his interpretation was the right one. Consequently ‘Umar and the Companions joined Abū Bakr who declared war on the tribes who, though claiming allegiance to Islam, refused to pay the prescribed tax of *zakāt*. This crucial report is rendered by Wensinck as follows:

When the Apostle of Allah had departed this world and Abū Bakr had been appointed his vicegerent, and some of the Beduins had forsaken Islam, ‘Umar ibn al-Khaṭṭāb said to Abū Bakr: How is it possible for thee to make war on these people, since the Apostle of Allah has said: I am ordered to make war on people till they say: There is no God but Allah? And whoever says: There is no God but Allah has thereby rendered inviolable his possessions and his person, apart from the duties which he has to pay. And it belongs to Allah to call him to account. Thereupon Abū Bakr answered: By Allah, I shall make war on whomsoever makes a distinction between the *ṣalāt* and the *zakāt*. For the *zakāt* is the duty that must be paid from possessions. By Allah, if they should withhold from me a string which they used to pay to the Apostle of Allah, I would make war on them on account of their refusal. Thereupon ‘Umar said: By Allah, only because I saw that Allah had given Abū Bakr the conviction that he must wage war, did I recognize that he was right.<sup>25</sup>

This report with its different versions, was the subject of thorough analysis and discussion by Muslim scholars. The significant feature of this tradition is the single *shahāda*: “There is no deity except Allah.” Acting

<sup>24</sup> Al-Baḥrānī, *op. cit.*, I, 478-479; al-Naysābūrī, *op. cit.*, VI, 114 inf. -115; al-Ṭabarsī, *Tafsīr* (= *Majma‘ al-bayān fī tafsīri l-qur‘ān*) Beirut 1380/1961, VI, 122-124 (quoting *sunni* traditions as well).

<sup>25</sup> Wensinck, *op. cit.*, pp. 13-14.

according to the *ḥadīth* cast in this way would indicate that the single *shahāda* declaring the oneness of God, without complementing it with the *shahāda* of the prophethood of Muḥammad, is sufficient as a declaration of faith, preventing any Muslim to attack or harm the person uttering it and protecting that person and his possessions from any injury and damage. There are indeed some traditions in which it is prohibited to fight people uttering the *shahāda* of belief: *lā ilāha illā llāh*. “If one of you draws the spear against a man and the spearhead reaches already the pit of his throat, he has to withdraw it if the man utters the *shahāda* of *lā ilāha illā llāh*.”<sup>26</sup> This injunction is supplemented by a decision of the Prophet in a hypothetical case brought before him by al-Miqdād b. ‘Amr. “If an unbeliever fighting me would cut off my hand, then he would utter *lā ilāha illā llāh*, shall I spare him or kill him?” — asked Miqdād. “You should spare him”, answered the Prophet. “After he had cut off my hand?” — interpellated al-Miqdād. The Prophet said confirming his prior utterance: “Yes. And if you were to kill him (scil. after he had uttered the single *shahāda* — K) you would be in his position before his utterance (i.e. you would become an unbeliever — K).”<sup>27</sup> Another case is recorded in connection with the Prophet himself: a man talked secretly with the Prophet. Then the Prophet gave the order to kill him. When he turned back the Prophet called him and asked him: “Do you attest that there is no deity except Allah?” “Yes”, answered the man. The Prophet then ordered to release him and said: “I have been merely ordered to make war on people until they say *lā ilāha illā llāh*: when they do their blood and possessions are inviolable by me.”<sup>28</sup> It is noteworthy that the phrase of exception *illā bi-ḥaqqihā* is not recorded in this version. It is however recorded by al-Ṭaḥāwī<sup>29</sup> and by Ibn Mājah himself in two other traditions recorded by him.<sup>30</sup>

This tradition according to which the mere utterance of the oneness of God was sufficient as proof of conversion to Islam and granted inviolability of person and property was of paramount importance to scholars of Muslim jurisprudence in establishing the terms of conversion. It is obvious that these scholars could hardly agree with the formula of one *shahāda* as a condition of conversion.<sup>31</sup> Some of the commentators of this tradition

<sup>26</sup> See e.g. al-Muttaqī al-Hindī, *Kanz al-'ummāl*, Hyderabad 1364, I, 76, no. 369 (and cf. e.g. *ib.*, pp. 38-41, nos. 111, 112, 118, 119, 120, 123, 124, 126, 127, 130-132, 136...).

<sup>27</sup> Al-Ṭaḥāwī, *Sharḥ ma'ānī l-āthār*, ed. Muḥammad Zuhri l-Najjār, Cairo 1388/1968, III, 213; Abū l-Maḥāsīn Yūsuf b. Mūsā, *op. cit.*, I, 215-217; al-Bayhaqī, *al-Sunan al-kubrā*, VIII, 195.

<sup>28</sup> Ibn Mājah, *Sunan al-muṣṭafā*, Cairo 1349, II, 458.

<sup>29</sup> Al-Ṭaḥāwī, *Sharḥ ma'ānī l-āthār*, III, 213.

<sup>30</sup> Ibn Mājah, *op. cit.*, II, 457; al-Muttaqī l-Hindī, *op. cit.*, I, 77, no. 373.

<sup>31</sup> In a similar story recorded by Ibn Ḥajar, *al-Iṣāba*, VI, 419, Nūr al-Dīn al-Haythamī, *op. cit.*, VI, 262. The man who apostatized three times and finally converted to Islam

tried to attach to the *shahāda* of the oneness of God the implied sense of the *shahāda* of the prophethood of Muḥammad; the *ḥadīth* in the recorded version is merely an allusion (*kināya*) to the open announcement of conversion to Islam (*izhār shi'ār al-islām*) and includes in fact the *shahāda* about the prophethood of Muḥammad and the acceptance of the tenets of his faith.<sup>32</sup> Some scholars regarded those who uttered the *shahāda* of the oneness of God as Muslims who shared the rights and obligations of other Muslims.<sup>33</sup> Other scholars maintained that the utterance of the *shahāda* itself did not indicate conversion to Islam; it merely indicated a renunciation of the former belief. It could however not be concluded that they had embraced Islam; they might have joined another monotheistic faith which, though attesting the oneness of God, is yet considered unbelief (*kufṛ*). As a result it was necessary to suspend fight against such people until it was made clear that there was an obligation to make war on them. It could thus be deduced that this tradition refers to polytheists, who had to utter the *shahāda*.<sup>34</sup> It is evident that the injunction of the *ḥadīth* does not apply to Jews, who are monotheists and who uphold the oneness of God as a tenet of their faith. Hence when the Prophet handed over the banner to 'Alī and bade him fight the Jews of Khaybar, he enjoined him to fight them until they utter both *shahādas*: of the oneness of God and of the prophethood of Muḥammad.<sup>35</sup> But the utterance of both *shahādas* by the Jews is not sufficient in the opinion of al-Ṭaḥāwī, as it does not confirm beyond doubt the Jews' conversion to Islam. It is, namely, possible that they attest the prophethood of Muḥammad besides the oneness of God while they believe that Muḥammad was sent as Messenger to the Arabs only.<sup>36</sup> The utterance of the two *shahādas* by Jews denotes that they have renounced their faith; but it does not necessarily mean that they have embraced Islam. The Muslims fighting them are therefore obliged to cease fighting until they ascertain what is the real intention of the Jews, exactly as in the case of the polytheists uttering the sole *shahāda* of the oneness of God. In both cases there is no evidence that the people making the declaration have joined Islam; conversion to Islam cannot be affected without the renunciation of the former faith of the convert; in the case of the Jews an additional

uttered, however, the double *shahāda*: of the oneness of God and of the prophethood of Muḥammad.

<sup>32</sup> Al-Sindī, *Hāshiyā* (= al-Nasā'ī, *Sunan*, Cairo 1348/1930) V, 15; idem, *Hāshiyā* (= Ibn Mājah, *op. cit.*, II, 457).

<sup>33</sup> Al-Ṭaḥāwī, *Sharḥ ma'ānī*, III, 213, penult: *qāla abū ja'far: fa-qad dhahaba qaumun ilā anna man qāla lā ilāha illā llāhu faqad šāra bihā musliman, lahu mā li-l-muslimīna wa-'alayhi mā 'alā l-muslimīna wa-ḥtajjū bi-hādhihi l-āthāri.*

<sup>34</sup> Al-Ṭaḥāwī, *Sharḥ ma'ānī*, III, 214.

<sup>35</sup> Muslim, *op. cit.*, VII, 121.

<sup>36</sup> Al-Ṭaḥāwī, *Sharḥ ma'ānī*, III, 214.

stipulation was added: to ascertain that they have fully accepted the tenets of Islam without reservations. A peculiar case of this kind is reported in a tradition about two Jews who uttered the two *shahādas*, but were reluctant to follow the Prophet because the Jews believe that Dāwūd prayed to God asking that prophethood remain among his descendants; had those two Jews joined the Prophet the other Jews would have killed them.<sup>37</sup> The confession of the two Jews and their declaration of the prophethood of Muḥammad was insufficient to make them Muslims and they remained Jews. The Prophet did not order to fight them so as to force them to commit themselves to all the injunctions and tenets of Islam, as stated by al-Ṭahāwī.<sup>38</sup>

In harmony with the idea that conversion to Islam implied the convert's renunciation of the former faith was a tradition attributed to the Prophet according to which one who utters the *shahāda* of oneness of God and renounces the gods which he had worshipped before — God will make inviolable his person and property (literally: *ḥarrama llāhu damahu wa-mālahu*) and it is up to God to call him to account.<sup>39</sup> It was, of course, essential to establish in which period the Prophet uttered *ḥadīths* of this type in which the condition of conversion to Islam was confined to the *shahāda* of the oneness of God and to assess their validity. Sufyān b. 'Uyayna maintained that this utterance was announced at the beginning of Islam, before the prescriptions of prayer, *zakāt*, fasting and *hijra* were revealed.<sup>40</sup> One can easily understand why some Muslim scholars tried to establish the early date of this tradition and state that as a result it must have been abrogated after the imposition of the above mentioned injunctions. This can be deduced from the comment of Sufyān b. 'Uyayna. Ibn Rajab tries to undermine the validity of the *ḥadīth* and also of Ibn 'Uyayna's comment. The transmitters of the *ḥadīth*, says Ibn Rajab, were the Companions of the Prophet in Medina (i.e. not in the first period of Islam, in Mecca — K); some of the persons on whose authority the *ḥadīth* is reported converted to Islam in the late period (scil. of the life of the Prophet — K); therefore the soundness of the tradition as traced back to Sufyān is a moot question (*wa-ft̄ ṣiḥḥatihi 'an sufyāna nazar*) and his opinion has to be

<sup>37</sup> See e.g. al-Dhahabī, *Ta'riḫh*, Cairo 1367, I, 223; Ibn Kathīr, *Shamā'il al-rasūl wa-dalā'il nubuwwatihi...* ed. Muṣṭafā 'Abd al-Wāḥid, Cairo 1386/1967, p. 333; Ibn al-Athīr, *Jāmi' al-uṣūl min aḥādīthi l-rasūl*, ed. Muḥammad Ḥāmid al-Fiḡī, Cairo 1374/1955, XII, 96, no. 8899; Ibn Abī Shayba, *Ta'riḫh*, Ms. Berlin 9409 (Sprengrer 104), fol. 5a-6a; al-Ṭahāwī, *Sharḥ ma'ānī*, III, 215.

<sup>38</sup> Al-Ṭahāwī, *Sharḥ ma'ānī*, III, 215.

<sup>39</sup> Muslim, *op. cit.*, I, 40 sup.; Ibn Rajab, *Jāmi' al-'ulūm wa-l-ḥikam*, ed. Muḥammad al-Aḥmadī Abū l-Nūr, Cairo 1389/1970, I, 180.

<sup>40</sup> Ibn Rajab, *Jāmi'*, *ib.*

considered weak. Ibn Rajab examines further the phrase *'aṣamū minnī dimā'ahum wa-amwālahum* (they will cause their blood and property to be inviolable by me) in the tradition, arguing that this phrase indicates that the Prophet had already been ordered to make war on those who refused to convert to Islam; this injunction was revealed to the Prophet after his *hijra* to Medina.<sup>41</sup> According to the arguments of Ibn Rajab the Prophet uttered this *ḥadīth* after his *hijra* to Medina.

Ibn Rajab puts forward a different assumption about the persistent validity of the tradition, and explains its origin on the background of the Prophet's custom and conduct with regard to conversion to Islam. The Prophet used to be satisfied with the mere recitation of the two *shahādas* by a convert to Islam; he would then grant the convert the right of inviolability for his person and regard him as Muslim. He even rebuked Usāma b. Zayd for killing a man who uttered only the *shahāda* of the oneness of God. The Prophet, argues Ibn Rajab, did not stipulate with converts prayer and the payment of *zakāt*. There is even a tradition according to which he accepted the conversion of a group who asked to be dispensed from paying the *zakāt*. Further, Ibn Rajab quotes from Aḥmad b. Ḥanbal's *Musnad* the *ḥadīth* (recorded on the authority of Jābir b. 'Abdallāh) reporting that the delegation of Thaḳīf stipulated (in their negotiations with the Prophet — K)<sup>42</sup> that they would not pay the *ṣadaqa* nor would they participate in the expeditions of the holy war, *jihād*; the Prophet (agreed and — K) said: "They will (in the future — K) pay the *ṣadaqa* and will fight."<sup>43</sup>

Another tradition recorded by Ibn Ḥanbal and quoted by Ibn Rajab states that the Prophet accepted the conversion of a man who stipulated that he would pray only two prayers (instead of five, during the day — K). Ibn Ḥanbal also records a tradition reporting that Ḥakīm b. Ḥizām gave the Prophet the oath of conversion on the condition that he would not perform the *rak'a* during prostration.<sup>44</sup> Basing himself on these traditions Aḥmad b. Ḥanbal concluded that conversion to Islam may be accomplished despite a faulty stipulation; subsequently, the convert will be obliged to carry out the prescriptions of the law of Islam.<sup>45</sup>

<sup>41</sup> Ibn Rajab, *Jāmi'*, *ib.*; cf. idem, *Kalimat al-ikhlāṣ*, ed. al-Shawīsh and al-Albānī, Beirut 1397, pp. 19-21.

<sup>42</sup> Cf. *JSAI* (= Jerusalem Studies in Arabic and Islam) I (1979), 1-18, "Some Reports Concerning al-Ṭā'if."

<sup>43</sup> Ibn Rajab, *Jāmi'*, I, 180; the version quoted is in some traditions followed by the phrase: *idhā aslamū*.

<sup>44</sup> Ibn Rajab, *Jāmi'*, I, 180-181.

<sup>45</sup> Ibn Rajab, *Jāmi'*, I, 181: ...*wa-akhadha l-imāmu aḥmadu bi-ḥādhihi l-aḥādīthi wa-qāla: yaṣīḥḥu l-islāmu 'alā l-sharḥi l-fāsiḍi; thumma yulzamu bi-sharā'i'i l-islāmi*.

Ibn Rajab joins Ibn Ḥanbal in his opinion and sums up the subject as follows: The utterance of the two *shahādas* by itself forms the conversion and is sufficient to turn the convert inviolable; when he enters Islam he has to carry out the obligatory prescriptions of the Muslim law including, of course, prayer and *zakāt*. If he performs them, he shares in the rights and duties of the Muslim community. If a group of converts does not carry out any of these fundamental obligations, they should be fought and compelled to carry them out.<sup>46</sup>

It may be assumed that the utterance of the Prophet promising inviolability to the person and property of converts who utter the *shahāda* of the oneness of God, as quoted by ‘Umar in his discussion with Abū Bakr, was contrasted by traditions according to which the convert had to utter the *shahādas* of oneness of God, and of the prophethood of Muḥammad and renounce the tenets of his former faith. There was a clear tendency to bridge over the divergent traditions. The question of ‘Umar as to how Abū Bakr could fight the people (*al-nās*) since the Prophet had stated that he would make war on them only until they utter the single *shahāda* of the oneness of God was explained as a misunderstanding. ‘Umar referred in his question to the unbelievers, as *al-nās* denoted in his perception idol worshippers; the utterance of the Prophet referred, of course, to these people. But Abū Bakr intended to fight also people who refused to pay *zakāt*, but did not renounce Islam; thus the word *al-nās* included in his opinion this category of people as well. Both Abū Bakr and ‘Umar did not remember during their talk the *ḥadīth* transmitted by ‘Abdallāh, the son of ‘Umar, in which conversion to Islam was explicitly said to depend upon the utterance of both *shahādas*, the performance of prayers and the payment of *zakāt*.<sup>47</sup> Abū Bakr based himself on the last phrase of this utterance and replied: “By God I shall make war on those who make a distinction between prayer and the *zakāt*-tax, as the *zakāt* is a duty imposed on property”; ‘Umar seems not to have noticed the phrase of exception: *illā bi-ḥaqqihi* at the end of the utterance. This phrase was rendered by the commentators: *illā bi-ḥaqqi l-islāmi* and explicated as referring to murder, refusal to perform the prayer, refusal to pay the *zakāt* by false interpretation (of the verses of the Qur’ān — K) and other things (i.e. either the committing of crimes or negligence to carry out the prescriptions of the Muslim law — K). Abū Bakr thus explained to ‘Umar that the person uttering the *shahāda* of the oneness of God is in fact granted the inviolability of body and property and should not be fought except on the ground of

<sup>46</sup> Ibn Rajab, *Jāmi’*, I, 181-182,

<sup>47</sup> See the tradition e.g. Ibn Rajab, *Kalimat al-Ikhlās*.

the Islamic law, which makes it necessary to fight people committing crimes or grave religious sins. As there was unanimity among the Companions that the non-performance of prayer was a grave sin, it was the duty of a Muslim ruler to make war on groups refusing to carry out this prescription. Abū Bakr, stating that he will make war on people who would separate prayer from *zakāt*, based himself on the principle of *qiyās*, analogy, putting *zakāt* on a par with prayer, *ṣalāt*.<sup>48</sup>

Some other aspects in connection with the legitimacy of the war against the *ridḍa* people are pointed out by al-Jaṣṣāṣ. Abū Bakr decided to fight the people of the *ridḍa* not because they did not pray, or because they did not pay *zakāt*; the decision to fight people for not paying the *zakāt* cannot be taken in the period of the year when people are not expected to pay; and people cannot be fought because they do not pray, as there are special times for prayer. The right reason for Abū Bakr's decision to make war on the people of the *ridḍa* was the fact that they refused to commit themselves to pay the *zakāt*; by this refusal they renounced (*kafarū*) a verse of the Qur'ān (scil. a prescription of the Qur'ān) which was in fact a renunciation of the whole Qur'ān. This was the basis for the decision of Abū Bakr to fight them, since they turned apostates by this renunciation.<sup>49</sup>

Another problem discussed by al-Jaṣṣāṣ is the person authorized to levy the tax. Some of the tribal leaders were ready to collect the tax and accept the injunction of the Qur'ān as obligatory; they were however reluctant to hand over the tax to the Caliph or his officials. But Abū Bakr adhered to the precedent of the Prophet, demanded that the *zakāt* be delivered to the Caliph and considered war against people who refused to deliver it as justified.<sup>50</sup> This argument was, of course, closely connected with the practice which was followed in the Muslim empire towards rebellious groups who refused to hand over the collected tax to the official of the Caliph.

Some Muslim scholars drew weighty conclusions from the story about the discussion between Abū Bakr and 'Umar about the way in which utterances of the Prophet circulated during that early period. These scholars assume that Abū Bakr and 'Umar were not familiar with the utterance of the Prophet in which prayer and the *zakāt* were explicitly mentioned as necessary concomitants of conversion. It is presumed that Ibn 'Umar who transmitted this tradition (i.e. in which prayer and *zakāt* were mentioned as fundamental conditions for conversion to Islam — K) did not attend their conversation. It can further be deduced, according to some scholars, that even great men among the *ṣaḥāba* could have been ignorant of a *sunna*,

<sup>48</sup> Cf. Ibn Rajab, *Jāmi'*, I, 184 inf. -185.

<sup>49</sup> Al-Jaṣṣāṣ, *Aḥkām al-qur'ān*, Quṣṭantīniyya 1338, III, 82-83.

<sup>50</sup> Al-Jaṣṣāṣ, *op. cit.*, III, 82 inf. -83 sup.

while others might have known it. Hence one should not lend weight to personal opinions of men if they may contradict a reliable tradition about a *sunna*. The word *uqātil* served as argument for some scholars, who concluded that people refusing to pay the *zakāt* should be fought until the *zakāt* is collected from them; there is no permission to kill them; others maintained that it is lawful to kill.<sup>51</sup>

The interpretation of the crucial expression *illā bi-ḥaqqihi* (or: *bi-ḥaqqihā*) seems to have been closely connected with the commentaries on Sūra VI, 151: *wa-lā taqtulū l-nafsa llatī ḥarrama llāhu illā bi-l-ḥaqqi* “and that you slay not the soul God has forbidden, except for right”. Al-Qurṭubī states that the verse constitutes a prohibition to kill a person whose killing is forbidden, whether a believer or an ally (*mu'minatan kānat* [i.e. *al-nafs*] *aw mu'āhidātan*) except on the basis of (a prescription of) Muslim law, which bids to kill him.<sup>52</sup> Al-Qurṭubī, basing himself on Qur'ān verses and on *ḥadīths*, enumerates the cases in which the execution of sinners is mandatory: murderers, fornicators, rebels, usurpers and homosexuals; the list includes people refusing to perform the prescribed prayers and to pay the *zakāt*; the *ḥadīth*: *umirtu...illā bi-ḥaqqihi* is quoted as reference for the indication of *illā bi-ḥaqqihi*.<sup>53</sup>

Slightly different is the explanation given to the expression *illā bi-ḥaqqihā*, appearing in another version of this *ḥadīth*.<sup>54</sup> The personal suffix *hā* in this version refers to *dimā'uhum wa-amwāluhum*, “Their blood and property” (literally: *their blood and properties*) and is explained by saying that their blood and possessions are inviolable except when they are convicted of crimes or sins or unfulfilled religious prescriptions (like abandonment of prayer, or the non-payment of *zakāt* — K); “*bi-ḥaqqihā*” indicates

<sup>51</sup> See the discussion: Ibn Ḥajar, *Fatḥ al-bārī, sharḥ ṣaḥīḥ al-bukhārī*, Būlāq 1300, I, 71-72; al-'Aynī, *'Umdat al-qārī, sharḥ ṣaḥīḥ al-bukhārī*, n. p. 1348 (repr. Beirut), I, 110 inf., 179-183, VIII, 235-236, 244-277; al-Qaṣṣāllānī, *Irshād al-sārī*, III, 6-7; cf. Mahmūd Muḥammad Khaṭṭāb al-Subkī, *al-Manḥal al-'adhb al-maurūd sharḥ sunan abī dāwūd*, Cairo 1390, IX, 114-123; Ibn Rajab, *Jāmi'*, I, 185-188; al-Qurṭubī, *Tafsīr*, Cairo 1387/1967, VII, 331-332.

<sup>52</sup> Al-Qurṭubī, *Tafsīr*, VII, 133... *au mu'āhidatan illā bi-l-ḥaqqi lladhī yūjibu qatlahā*. Cf. al-Ṭabarī, *Tafsīr* (ed. Shakīr) XII, 220: *...bi-l-ḥaqqi, yu'nā bi-mā abāha qatlahā bihi* (murder, fornication of a married woman and apostasy are mentioned); al-Naysābūrī, *Gharā'ib al-qur'ān*, VIII, 56 inf; al-Suyūfī, *al-Durr al-manthūr*, III, 54-55.

<sup>53</sup> Al-Qurṭubī, *op. cit.*, VIII, 133.

<sup>54</sup> See e.g. al-Nasā'ī, *Sunan*, ed. Ḥasan Muḥammad al-Mas'ūdī, Cairo 1348/1930 (repr. Beirut) VI, 6; Aḥmad b. 'Alī al-Marwazī, *Musnad abī bakr al-ṣiddīq*, ed. Shu'ayb al-Arnā'ūṭ, Beirut 1390/1970, pp. 145-146, no. 77 (comp. another version: pp. 208-209, no. 140); al-Muttaqī l-Hindī, *op. cit.*, I, 78, no. 375 (and see *ib.*, pp. 76-79, nos. 265-285), VI, 294-295, nos. 2256-2259; al-Qurṭubī, *Tafsīr*, VIII, 74-75; al-Bayhaqī, *al-Sunan al-kubrā*, VIII, 19, 176-177, 196, 202; Nūr al-Dīn al-Haythamī, *op. cit.*, I, 24-26; Ps. Ibn Qutayba, *al-Imāna wa-l-siyāsa*, ed. Ṭāhā Muḥammad al-Zaynī, Cairo 1387/1967, I, 22 inf. -23 (2 different versions of Abū Bakr's answer).

the obligations and duties imposed on the person and property of the believer. The preposition “*bi*” (in *bi-ḥaqqihā*) is explained as equal to ‘*an* or *min*, “on the ground”, “on the base”, “on account.”<sup>55</sup> Another explanation states that “*bi-ḥaqqihā*” refers to the declaration of the oneness of God; consequently, *illā bi-ḥaqqihā* has to be rendered except on the grounds of the (unfulfilled) duties incumbent on the person and on the property, according to this declaration.<sup>56</sup>

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It is noteworthy that the authenticity of the tradition in which the *shahāda* of the oneness of God is maintained as sufficient and which has caused some difficulties of interpretation<sup>57</sup> was not questioned by scholars, whereas the one which speaks of two *shahādas* and which mentions the obligations of the Muslim was subject to suspicion, its reliability being put to doubt.<sup>58</sup> Al-Jāḥiẓ rightly states that both Shī‘ī and Murjī‘ī scholars accepted the report about the conversation between Abū Bakr and the Companions in which they quoted the *ḥadīth* of the Prophet with the *shahāda* of the oneness of God, and about Abū Bakr’s decision to wage war against the tribal dissidents basing himself on the final phrase of the *ḥadīth*. Only the extremist *rawāfiḍ* denied this report.<sup>59</sup> According to a report recorded by al-Jāḥiẓ both the Anṣār and the Muhājirūn urged Abū Bakr to concede to the demands of the *ahl al-ridḍa* and proposed to exempt them for some time from paying the *zakāt*.<sup>60</sup> The other report recorded by al-Jāḥiẓ says that it was the Anṣār who tried to convince Abū Bakr to concede to the demands of the *ridḍa* people.<sup>61</sup> The first report says the Abū Bakr reminded the people who came to him of the final phrase: *illā bi-ḥaqqihā*; in the other report the people themselves quoted the utterance with the final sentence and Abū Bakr merely stated that the *zakāt* is part of the *ḥaqq* (obligation, duty) imposed on it. The tendency of recording both traditions can be seen in the comments and conclusions drawn by al-Jāḥiẓ:

<sup>55</sup> Al-Munāwī, *Fayḍ al-qadīr*, Cairo 1391/1972, II, 188-189, no. 1630 (*illā bi-ḥaqqihā, ay al-dīmā’ wa-l-amwal, ya’nī hiya ma’sūmatun illā ‘an ḥaqqin yajibu fihā ka-qawadin wa-riḍḍatin wa-ḥaddin wa-tarki ṣalātin wa-zakātin bi-ta’wilin bātilin wa-ḥaqqin ādamiyyin*).

<sup>56</sup> Al-Munāwī, *op. cit.*, II, 189.

<sup>57</sup> See e.g. Ibn Ḥajar, *Fath al-bārī*, I, 71 sup.; al-‘Aynī, *‘Umdat al-qārī*, I, 183; Ibn Abi Ḥātim, *‘Ilal al-ḥadīth*, Cairo 1343, II, 147 (no. 1937), 152 (no. 1952); and comp. *ib.*, II, 159 (no. 1971); al-Jarrāḥī, *Kashf al-khafā wa-muzīl al-ilbās*, Cairo 1351, I, 194, no. 586; al-Maqdisī, *al-Baḍ’ wa-l-ta’rīkh*, V, 153; ‘Abd al-Razzāq, *al-Muṣannaḥ*, VI, 66-67, nos. 10020-10022; Abū l-Maḥāsīn Yūsuf b. Mūsā l-Ḥanaffī, *al-Mu’taṣar*, I, 130 ult. -132.

<sup>58</sup> See e.g. al-‘Aynī, *op. cit.*, I, 183, 11. 6-8: ...*qultu: wa-min hādihā qāla ba’duhum: fī ṣiḥḥati ḥadīthi bni ‘umara l-madhkūri naẓarun...*; and see Ibn Rajab, *Jāmi’*, I, 184 inf. -185 sup.

<sup>59</sup> Al-Jāḥiẓ, *al-Uthmāniyya*, ed. ‘Abd al-Salām Hārūn, Cairo 1374/1955, pp. 81-82.

<sup>60</sup> Al-Jāḥiẓ, *op. cit.*, p. 81; Ibn ‘Abd al-Barr, *Jāmi’ bayān al-‘ilm*, al-Madīna al-munawwara, n.d. (reprint), II, 85, 102; ‘Abd al-Jabbār, *Tathbīṭ*, pp. 227-228.

<sup>61</sup> Al-Jāḥiẓ, *op. cit.*, p. 82.

Abū Bakr, who knew things which others (of the Companions) did not know, interpreted the utterance of the Prophet in the proper way and got the approval of it by all the people of the *ṣahāba*. The two reports of al-Jāhīz are certainly a sufficient answer for the slanders circulated by the *rawāfiḍ*.

Moreover: according to a tradition it was 'Alī who encouraged Abū Bakr to take his decision concerning the *ahl al-ridda*, stating that if Abū Bakr gave up anything collected by the Prophet from them he would have acted contrary to the *sunna*.<sup>62</sup> It is obvious that this tradition serves as an argument against the *rawāfiḍ*,<sup>63</sup> emphasizing as it does the friendly relations between Abū Bakr and 'Alī, 'Alī's participation in the decisions of Abū Bakr and 'Alī's full approval of Abū Bakr's action against *ahl al-ridda*.

Sunnī scholars tried to extend the ideological basis of Abū Bakr's utterance. He had recourse, they said, not only to *qiyās* (analogy); he based himself also on an explicit injunction (*naṣṣ*) of the Qur'ān (Sūra IX, 11: "Yet if they repent and perform the prayer and pay the alms, then they are your brothers in religion...") and on inference (*dilāla*). When Abū Bakr decided to fight the *ahl al-ridda* he acted in accordance with the injunction given in this verse; hence 'Umar could say: *mā huwa illā an sharaḥa llāhu ṣadra abī bakrin li-l-qitāli wa-'arāftu annahu l-ḥaqq*.<sup>64</sup> But the utterance of 'Umar and his approval of Abū Bakr's decision seems to have been criticized, probably by some Shī'ī circles, and designated as *taqlīd*. This was firmly denied by Sunnī scholars.<sup>65</sup> The link between the revealed verse: Sūra IX, 11 and the decision of Abū Bakr is sharply pointed out in the Muslim tradition: this verse was one of the latest verses revealed to the Prophet before his death.<sup>66</sup>

A trenchant reply to the *rāfiḍī* scholars was made by Ibn al-'Arabī: Had Abū Bakr been compliant with the demands of refusal of *zakāt*, their force would have become stronger, their wicked innovations would have gained

<sup>62</sup> Al-Muḥibb al-Ṭabarī, *al-Riyāḍ al-naḍira fī manāqib al-'ashara*, ed. Muḥammad Badr al-Dīn al-Na'sānī al-Ḥalabī, Cairo n.d., I, 98; cf. 'Abd al-Jabbār, *op. cit.*, p. 418.

<sup>63</sup> About their arguments see e.g. Ibn 'Arabī, *op. cit.*, p. 995: *...wa-bi-hādihā 'taraḍat al-rāfiḍātu 'alā l-ṣiddīqi, fa-qālū: 'ajila fī amrihi wa-nabadha l-siyāsata warā'a ḥazrihi wa-arāqa l-dimā'a*.

<sup>64</sup> See al-'Aynī, *op. cit.*, VIII, 246: *...bi-l-dalīl lladhī aqāmahu l-ṣiddīq naṣṣan wa-dilālatan wa-qiyāsan...*; cf. Ibn al-'Arabī, *Aḥkam al-qur'ān*, p. 995; and see al-Ṭabarī, *Tafsīr*, XIV, 153, no. 16518.

<sup>65</sup> Al-Bayhaqī, *al-Sunan al-kubrā*, VIII, 177, ll. 8-12; al-'Aynī, *op. cit.*, VIII, 246: *...fa-lā yuqālu lahu innahu qallada abā bakrin li-anna l-mujtahida la yajūzu lahu an yuqallida l-mujtahida... wa-fīhi dilālātun 'alā anna 'umara lam yarji' ilā qauli abī bakrin taqlīdan*.

<sup>66</sup> See e.g. al-Ṭabarī, *Tafsīr* (ed. Shakir) XIV, 135, no. 16475: *...wa-tasḍīqu dhālika fī kitābi llāhi fī ākhiri mā anzala llāhu; qāla llāhu: fa-in tābū...; al-'Atā'iqī, al-Nāsikh wa-l-mansūkh*, ed. 'Abd al-Hādī l-Faḍlī, Najaf 1390/1970, pp. 52-53; cf. al-'Aynī, *op. cit.*, I, 178; Hibatullah b. Salāmah, *al-Nāsikh wa-l-mansūkh*, Cairo 1387/1967, p. 51.

hold in the hearts of people and it would have been difficult to turn them to obedience; Abū Bakr decided therefore to act quickly and resolutely in order to prevent it. It is certainly better to shed blood in order to strengthen the foundations of Islam than in order to gain the Caliphate, Ibn al-'Arabī observed.<sup>67</sup> A significant report corroborating this view is recorded by al-Jāḥiẓ: Abū Bakr is said to have stated that any concession granted to one of the tribes would bring about demands from other tribes, as a consequence of which the strength of Islam would ultimately be shattered.<sup>68</sup>

The refusal to pay the *zakāt* was prompted by feelings of tribal independence opposed to the control and authority of Medina. The Medinan community being the only body politic which represented the legacy of the Prophet, it was bound to serve as the target for the struggle of the seceding tribes. The problem was not one of theological formulations seeking to establish who is a believer. We may not suppose Abū Bakr to have discussed the meaning of Qur'ānic verses with tribal leaders. A few years later, when knowledge of Qur'ān was set up as a criterion for the division of booty, the Muslim warriors demonstrated a rather poor knowledge of the Qur'ān; well-known warriors could only quote the *basmala*.<sup>69</sup> The concise confession of the oneness of God: *lā ilāha illā llāhu* seems to have from the very beginning served as a token of adherence to the Muslim community; the testimony of the prophethood of Muḥammad was probably very shortly afterwards added to it. It is mentioned in the very early compilations of the *sīra* and in the biographies of the Companions<sup>70</sup> and it was supplemented by the addition of various stipulations and injunctions during the first century of Islam. The fact that there were in circulation numerous traditions which were more detailed and more elaborate, and in which the various obligations of conversion were enumerated and that these nevertheless could not undo the short formula of the *shahāda* of the oneness of God, seems to be a convincing evidence that this tradition is one of the very earliest *ḥadīths*. The efforts of the commentators to establish the time of this utterance, its contents and circumstances indicate that it was a rather difficult task to harmonize between the tradition and later practice,

<sup>67</sup> Ibn al-'Arabī, *op. cit.*, p. 995.

<sup>68</sup> Al-Jāḥiẓ, *al-'Uthmāniyya*, p. 83.

<sup>69</sup> Abū l-Faraj al-Iṣfahānī, *Aghānī*, XIV, 39.

<sup>70</sup> See e.g. Ibn Sa'd, *op. cit.*, I, 279; Muḥammad Ḥamidullah, *Majmū'at al-wathā'iq al-siyāsiyya*, Cairo 1376/1956, p. 245, no. 233; cf. *ib.*, p. 90, no. 67; *ib.*, p. 159 no. 120; Ibn Ḥajar, *al-Iṣāba*, VII, 211, no. 10114; Ibn al-Athīr, *Usd al-ghāba* V, 225; Nūr al-Dīn al-Haythamī, *Majma' al-zawā'id*, I, 29, III, 64; Muḥammad Ḥamidullah, *op. cit.*, p. 98, no. 77 (and cf. on Abū Shaddād: Ibn Abī Ḥātim, *al-Jarḥ wa-l-ta'dīl*, VII, no. 1830 (= IX, 389); al-Sam'ānī, *Ansāb*, V, 373, no. 1616; Yāqūt, *al-Buldān*, s.v. al-Damā; but see the opinion of Wensinck, *op. cit.*, pp. 11-12.

and it seems to have been difficult to explain its validity for the time of the *ridda*.

The socio-economic factors behind the *ridda* movement can be glimpsed between the lines of those reports which relate how certain tribal leaders refused to levy the prescribed *zakāt*<sup>71</sup> while others had collected the *zakāt* but were requested to return it to their people after the death of the Prophet.<sup>72</sup> The obligation to pay the collected *zakāt*-tax to the rulers said to have been imposed on the *ridda*-people, seems to have been questioned as late as the end of the second century of the *hijra*; certain scholars had the courage to recommend not to hand it over to the rulers (who were considered vicious and unjust and liable to squander the tax on unworthy causes) or to their officials, but to distribute it among the poor of the community.<sup>73</sup>

The concise *shahādas* of the oneness of God and of the message of Muhammad enabled the masses of the conquered peoples to join Islam. These *shahādas* could even be rendered easier and more concise for the convenience of aliens converting to Islam.<sup>74</sup> The vague expression *illā bi-ḥaqqihā*<sup>75</sup> secured that the converts would faithfully carry out the prescriptions of Islam.

<sup>71</sup> See e.g. al-Muḥibb al-Ṭabarī, *op. cit.*, I, 67: ...irtaddati l-'arabu wa-qālū: lā nu'addi zakātan...; *ib.*, I, 98; al-Muttaqī l-Hindī, *op. cit.*, VI, 295, no. 22588... irtadda man irtadda min al-'arabi wa-qālū: nuṣallī wa-lā-nuzakkī...

<sup>72</sup> Ps. Wāqidi, *Akhbār ahli l-ridda*, Ms. Bankipore XV, 108-110, no. 1042, fol. 9a: ...fa-qāla lahu rajulun min qaumihi: yā hādhdhā, nahnū wa-llāhi aulā bi-ṣadaqātina min abī bakrin, wa-qad jama'nāhdhā ilayka wa-dafa'nāhdhā li-tamḍī bihdhā ilā muḥammadin (ṣ)fa-rudda ṣadaqātina, fa-ghaḍiba l-zibriqān...; al-Kalā'ī, *op. cit.*, p. 51-52, 161.

<sup>73</sup> See e.g. 'Abd al-Razzāq, *op. cit.*, IV, 46, no. 6923: ...'an ibn ṭāwūs 'an abīhi qāla: lā yudfa'u ilayhim idhdhā lam yaḍa'ūhdhā mawāḍi'ahā...; p. 48, no. 6931: 'an makḥūlin sami' tuhu yaqūlu: lā tadfa'hā ilayhim, ya'nī l-umarā'a...; no. 6932: ...kāna ibnu 'abbāsīn wa-bnu l-musayyibi wa-l-ḥasanu bnu abī l-ḥasani wa-ibrāhīmu l-nakha'īyyu wa-muḥammaḍu bnu 'aliyyin wa-ḥammādu bnu abī sulaymāna yaqūlūna: lā tu'addū l-zakāta ilā man yajūru fihā...; Ibn Abī Shayba, *Muṣannaḥ*, ed. 'Abd al-Khāliq al-Afghānī, Hyderabad 1387/1968, III, 156: ...qāla bnu 'umara: dfa'ū zakāta amwālukum ilā man wallāhu llāhu amrakum, fa-man barra fa-li-nafsihi wa-man athima fa-'alayha... *ib.*, idfā'ha ilayhim wa-in akalū bihdhā luḥūma l-kilāb...; p. 158: ...'an ṭāwūs qāla: ḍa'hā fī l-fuqarā... Ibn 'Umar: lā tadfa'hā ilayhim fa-innahum qad addū l-salāt...

<sup>74</sup> See e.g. al-Shabrakhīṭī, *Sharḥ alā l-arba'ina l-nawawiyya*, Beirut, Dār al-fikr, n.d., p. 126: ...wa-'lam annahu lā yushṭaratu fī ṣiḥḥati l-īmāni al-talaffuẓu bi-l-shahādatayni wa-lā l-nafyu wa-l-ithbātū, bal yakft an yaqūla: llāhu wāḥidun wa-muḥammadun rasūlu llāhi...

<sup>75</sup> See e.g. al-Jaṣṣāṣ, *op. cit.*, III, 197 ult. -198 sup. (commenting on wa-ātī dhā l-qurbā ḥaqqahu...): qāla abū bakrin [i.e. al-Jaṣṣāṣ]: al-ḥaqqu l-madhkūru fī ḥādhihi l-āya mujmalun muftaqarun ilā l-bayāni wa-huwa mithlu qaulihi ta'ālā: wa-fī amwālihim ḥaqqun... wa-qauli l-nabiyyi (ṣ) umirtu an uqātīla... illā llāhu fa-idhā qāluhdhā 'asamū... illā bi-ḥaqqihā fa-hādhdhā l-ḥaqqu ghayru zahiri l-ma'nā fī l-āyati, bal huwa mauqūfun 'alā l-bayāni...