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Freedom of Conscience in the Qur'an and Hadith Author(s): Aisha Y. Musa

Source: *Journal of Islamic and Muslim Studies*, Vol. 4, No. 1 (May 2019), pp. 129-134

Published by: Indiana University Press

Stable URL: <https://www.jstor.org/stable/10.2979/jims.4.1.10>

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Discussion and Debate Forum

Freedom of Conscience in the Qur'an and Hadith

Aisha Y. Musa

Abstract: This essay is intended to be part of a larger scholarly response to claims made by those whom Todd Green describes as “professional Islamophobes” that currently dominate the public narrative of Islam. The particular claim addressed in this essay is the claim that “Sharia does not permit freedom of conscience.” The essay addresses the meaning of “sharia” and its relationship to law, and then examines relevant verses from the Qur’an, together with Qur’anic commentary and Hadith texts, and contemporary scholarship in order to discover what the sacred texts say and how Muslims have understood them, on the issue of freedom of conscience and religion. This examination makes it clear that while some modern Muslim nations curtail religious freedoms, it is not because “Sharia does not permit freedom of conscience.” It is because those contemporary Muslims who exhibit a totalitarian supremacist mindset are influenced in their thinking by modern Western ideas rather than by the rich and extensive history of the Islamic intellectual tradition. Those scholars, both Muslim and non-Muslim who engage that tradition show that freedom of conscience is integral to it.

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Journal of Islamic and Muslim Studies, Vol. 4.1, pp. 129–134

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Introduction:

The original inspiration for the research on the topic of this essay was an article written by former House Speaker Newt Gingrich in 2010, during the debates over the proposal to build a Muslim community center at 51 Park Place in Mahattan. In his article opposing the building the center, Gingrich stated: “Sharia does not permit freedom of conscience; it prohibits Muslims from renouncing their Islamic faith or converting to another religion. Sharia does not support religious liberty; it treats non-Muslims as inferior and does not accord them the same protections as Muslims.”

It is on this basis that Gingrich argues that “sharia is explicitly at odds with core American and Western values.”¹ Gingrich is what Professor Todd Green describes as a “professional Islamophobe” one of “a cadre of conservative politicians, right-wing activists and bloggers, and even disgruntled Muslims or ex-Muslims who make a career of demonizing Muslims and Arabs.”² The circtical importance of recognizing and addressing the on-going efforts of professional Islamophobes who are active on various social media is highlighted by Ahmed and Matthes’ meta-analysis of media representations of Muslims from 2000-2015, in which they note that “who favored online media sources for their news consumption showed greater negative attitudes towards Muslims as compared to those who preferred traditional media.”³ In a previous issue of this journal, an essay in this forum highlighted the need for scholars of Islamic studies to take on the task of addressing claims made by professional Islamophobes.⁴ This essay is meant to be an example of that by interrogating Islamic primary texts about freedom of conscience and religion.

Sharīʿa and its Relationship to Law

The word “*sharīʿa*” means “way” or “path.” In pre-Islamic Arabia, it refered to the path to the watering hole. Because water is both the source of life and essential to its continued existence, the watering hole is a desired destination. Thus, the word has come to refer to the way one follows to reach God, who is for Muslims, the source of life and the ultimate destination of humanity. It is on the basis of this, that *sharīʿa* is associated with “law.” The concept of *sharīʿa*, however, does not mean “law” as it is understood and applied today, and the legal systems in Muslim countries today bear no resemblance to those that emerged during the formative and classical Islamic periods.⁵ Therefore, while some Muslim countries do limit religious freedom and treated non-Muslims unequally and claim religious rationale for doing so, such claims must be scrutinized. Instead, they are readily accepted and promoted as “Islamic” by the politicians, activists, bloggers, and other professional Islamophobes.

Freedom of Religion and Conscience in the Quran and Hadith

The two scriptural sources recognized by the vast majority of Muslims are the Qur'an, which is seen as the word of God, revealed directly to Muhammad through the angel Gabriel, and the Hadith, which are stories relating the words, actions, and tacit approvals of Muhammad, known as the Sunna. The Qur'an takes precedence over the Sunna, and the Sunna is used to understand how to implement the Qur'an. These, along with consensus and analogy, are the four sources from which religious legal rulings are derived.

The Qur'an says very directly in Chapter 2, verse 256, "There is no compulsion in religion." The Arabic, *la ikraha fid-din* is an absolute negation, which means it is an emphatic denial of the subject of the negation—in this case compulsion in religion. Muslim scholars turn to Hadith that explain the circumstances in which the verse is believed to have been revealed to understand the significance of the Qur'anic declaration. One of the earliest and best known Qur'an commentators and the first to make extensive use of Hadith in his commentary, al-Tabari (d. 923), lists a number of Hadith regarding the circumstances of its revelation.⁶ Some of the Hadith he includes say that the verse was a command to Muhammad's followers in Medina who had raised their children as Christians or Jews and now wanted to force them to convert to Islam. When they expressed this desire to the Prophet Muhammad, the declaration "there is no compulsion in religion" was revealed.

Another very interesting Hadith that al-Tabari relates deals not with parents who wished to force their children to convert from Judaism or Christianity to Islam, but with the father of children who converted from Islam to Christianity. According to this Hadith, Christian oil merchants from Syria came to Medina to trade. While they were in Medina, the two sons of one of Muhammad's followers approached them and the merchants invited them to convert to Christianity, which they did. The sons then returned to Syria with the merchants. When their father sought permission from the Prophet to go after his sons and demand their return, the Prophet responded by reciting: "There is no compulsion in religion." The story goes on to say that the man held this against the Prophet, which led to the revelation of verse 65, in chapter 4:⁷ "But nay, by thy Lord, they will not believe (in truth) until they make thee judge of what is in dispute between them and find within themselves no dislike of that which thou decidest, and submit with full submission" (Pickthall translation). So, no matter how much the Muslim father wished to demand that his sons return to Medina and Islam, the Qur'anic command that there is no compulsion in religion prevailed.

Some Hadith assert that Qur'an 2:256 was later abrogated, but this is problematic. First, because as John Burton and Abu Yousuf al-Corentini have demonstrated, there are a number of serious issues related to the question of abrogation itself, not the least of which is that there has never been agreement among Muslim scholars on the existence of abrogation within the Qur'an, let alone on the issue of which specific verses are abrogating, and which are abrogated.⁸ Moreover, for those scholars who accept the existence of abrogation within the text of the Qur'an, a key criterion is the chronological order of revelation: earlier verses are abrogated by later verses.⁹ The last chapter revealed dealing with the issue of religions is chapter 5. Verse 69 of chapter 5 declares:

Lo! those who believe, and those who are Jews, and Sabaeans, and Christians - Whosoever believeth in Allah and the Last Day and doeth right - there shall no fear come upon them neither shall they grieve. (Pickthall translation).

Some argue that this verse was abrogated by Qur'an 3:85.¹⁰ "Whoever seeks a religion other than *al-islām* it will not be accepted from him, and on the Last Day, he will be among the losers" (Hilali and Khan translation). However, the idea of abrogation here is also problematic because according to both Muslim and non-Muslim chronologies of the Qur'an, chapter 5 was revealed *after* chapter 3.¹¹ Moreover, the Qur'an refers to the followers of earlier prophets, such as Moses and Jesus as "muslim," and in the story of Noah, he is commanded to be among "the muslims,"¹² suggesting a broader and more general meaning of the term *al-islam* in the Qur'an as "submission" to the One God. Indeed, both Pickthall and Yusuf Ali chose this translation of *al-islam* in Quran 3:85. Reading the Qur'an with the more general understanding of *al-islam* and looking at the earliest community, Fred Donner has argued that Muhammad and his first followers were an ecumenical "believers movement" that included Jews and Christian, and that it was only later that Muslims developed a separate confessional identity distinct from other monotheists.¹³ Even after such a distinction was commonplace, Jews and Christians freely practiced their religion and governed their own communities in Muslim lands on the basis of such verses as Qur'an 2:256 and 5:69.

Abdulaziz Sachedina takes the issue one step further: "Extracting relevant passages that deal with the vision of a universal humanity and of interfaith relations—treats the entire Koran as a unified text, not divided into Mekkan and Medinan periods of revelation."¹⁴ For Sachedina, this holistic approach to reading the Qur'an shows that "the Koran's theology of religious tolerance cannot be ascribed to the earlier Mekkan period of revelation when Muslims lived as a minority in the midst of a hostile majority of the unbelievers,"¹⁵ and Qur'an 109:5 declared "To you your religion, and to me my religion!" Instead,

Sachedina argues that it was in Medina that the “Koran responded creatively” to “formative moments in the development of intercommunity relations between Islam and other religions of the Book.”¹⁶ Sachedina supplements his holistic reading of the Qur'an with other Muslim sources, and his analysis leads him to assert that “freedom of conscience in matters of faith is cornerstone of the Koranic notion of religious pluralism, both interreligious and intrareligious.”¹⁷

While non-Muslims living in Muslim lands were subject to practices that would be viewed as discriminatory today, such as wearing distinctive clothing, they had their own autonomous religious communities and were not subject to Islamic law.¹⁸ It is only at the end of the twentieth century that some Muslim countries abandoned the Islamic tradition of allowing religious communities to govern their own affairs, in favor of what Daniel Pipes describes as “not just modern but Western ideas and institutions.” In his essay, “The Western Mind of Radical Islam,” Pipes summarizes the effects of this abandonment of the Islamic tradition:

Even as the militants pay homage to Islam's sacred law, they turn it into a Western-style code, and three age-old characteristics of the Shari'a disappear: its elaboration by independent scholars, its precedence over state interests, and its application to persons rather than territories.¹⁹

Newt Gingrich, who boldly asserted that “sharia is explicitly at odds with core American and Western values,” does so after specifically referring to “radical Islamists,”²⁰ without recognizing the break from the Islamic past and the clear influence of Western ideas and institutions that Pipes identified long before the debate over the Park 51 project in which Gingrich was engaged.

Studying the Qur'an, the Hadith, and a millenium and a half of Muslim scholarship, makes it clear that while some modern Muslim nations curtail religious freedoms, it is not because “Sharia does not permit freedom of conscience.” It is because, as Daniel Pipes has so aptly demonstrated, contemporary Muslims who exhibit a totalitarian supremacist mindset are influenced in their thinking by modern Western ideas rather than by the rich and extensive history of the Islamic intellectual tradition. Those scholars, both Muslim and non-Muslim who engage that tradition show that freedom of conscience is integral to it.

Endnotes

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