

Religious Freedom in the Quran and Islamic Tradition

The Quran is held as the literal word of God among over a billion Muslims in the world.¹ Accordingly, a thoughtful analysis of issues relating to freedom of religion provided by this text is appropriate. Although the Quran is held in such high regard among traditional followers of Islam, a close examination reveals a profound disconnect between the principles and rights provided in the verses of the Quran and the current practices and doctrines dominating the minds and actions of devout Muslims all around the world. If the Muslim world upheld the Quran alone without injecting other sources for interpretation and doctrine, religious freedom would prevail.

In order to get a better picture of why traditional Islam lacks freedom of religion, it is important to first examine the doctrinal sources of the traditionalists, who primarily rely on collections of documents called Hadith.² After reviewing these documents, it is also important to examine their current role in various governments around the world. This will be followed by a look at religious minority rights through the lens of Hadith. At this point, it would then be beneficial to look within the Quran itself and examine the overall status of religious liberty. As a side discussion, it is also helpful to briefly look at the Quran's reasoning behind divine consequences of disbelief, as opposed to human imposed consequences. Finally, the matter of religious minorities and their rights under the Quran's rule is inspected.

There are many translations of the Quran available, but for this paper the translation of the late Dr. Rashad Khalifa is used. Additionally, much of the analysis and positions taken here are among those held by Dr. Khalifa. Dr Khalifa was an Egyptian-American biochemist who

¹ MUSLIMS AND ISLAM: KEY FINDINGS IN THE U.S. AND AROUND THE WORLD, <http://www.pewresearch.org/fact-tank/2016/07/22/muslims-and-islam-key-findings-in-the-u-s-and-around-the-world/>.

²GUIDE TO RESEARCHING ISLAMIC LAW, <http://guides.library.harvard.edu/c.php?g=309902&p=2070117>.

decided to translate the Quran into English.³ As a result of his efforts, he became the first native Arabic speaker to translate the Quran into English. The conclusions he reached as his translation progressed were contrary to that of traditional Muslims and their belief system due to his language abilities and the absence of outside influence from documents such as Hadith. It is particularly appropriate to use Dr. Khalifa's work here because he himself was murdered as a result of the research here in the United States by an individual who clearly did not believe in religious liberty.⁴

It is important to point out that although Dr. Khalifa's work is a unique translation, the verses I refer to here are essentially identical in verbiage to those of other translators. There are many verses that are in fact significantly different when comparing Dr. Khalifa's work with that of others. However, the verses I use here which primarily deal with matters related to the concept of religious liberty, do not significantly differ.

When we consider the status of freedom of religion within the framework of traditional Islam, it is important to consider what documents are used to reach a particular conclusion. The Quran is clearly a fundamental source of authority for all Muslims. However, it is important to keep in mind that for the followers of traditional Islam, this is not the only source.⁵ Documents referred to collectively as *Hadith & Sunna* are reports of alleged sayings and actions of the prophet Muhammed. These documents were compiled in writing after nearly three centuries of oral transmissions of hearsay.⁶ Various authors then compiled what allegedly was said and done by the prophet Muhammed generations before. Traditional Islam holds these sources in high regard. However, it is important to note that these documents prescribe and dictate a much

³ RASHAD KHALIFA, *QUR'AN: THE FINAL TESTAMENT* (1989).

⁴ Paul Brownfield, *Briefly a rising Star, Forever a Mourning Son*, N.Y. TIMES, January 1, 2013, at B9.

⁵ ALBERT KENNETH CRAGG, *Hadith*, ENCYCLOPÆDIA BRITANNICA, <https://www.britannica.com/topic/Hadith>.

⁶ *Id.*

different approach when dealing with various matters. Thus, the overall outcome of using these sources instead of the Quran leads to distinct outcomes in terms of freedom of religion. It is important to also note that throughout his work, Dr. Khalifa emphasized the importance of avoiding these alternate sources and upholding the laws and commands prescribed in the Quran alone.⁷ Before an examination takes place of relevant verses in the Quran and their position in relation to freedom of religion, it is important to first provide some examples from *Hadith* to show its stance and provide a source for which to contrast with that seen in the Quran. The word *hadith*, in English, can be used as both singular and plural.⁸

It appears that freedom of religion is not readily available under the laws and positions held by the *Hadith*. This is particularly true when dealing with individuals who change their religion. The *Hadith* prescribes the death penalty for anyone who commits this act.⁹ Although all Muslims in the world insist on following *Hadith*, the actual *hadith* they follow depends on their sect. Sunni Islam accounts for almost 90% of the Muslim population.¹⁰ Among the most “authentic” *hadith* for followers of Sunni Islam are those of *Sahih Bukhari*.¹¹ *Sahih Bukhari* is one of the books included in the *Kutub al-Sittah*, or “The Six Books”. These books were written by six authors of *Hadith* and are almost universally accepted within Sunni Islam as part of the official canon.¹² Another highly regarded author among the six books for the Sunni tradition is *Sahih Muslim*. *Sahih Bukhari* and *Sahih Muslim* are the two most relied upon *Hadith* sources

⁷ RASHAD KHALIFA, *QUR’AN: THE FINAL TESTAMENT* (1989).

⁸ *Hadith*, *Online Etymology Dictionary*, Dictionary.com, <http://www.dictionary.com/browse/hadith>.

⁹ MUSLIM IBN AL-HAJJAJ, *SAHIH MUSLIM* 1676.

¹⁰ *Mapping the Global Muslim Population*, PEW FORUM, <http://www.pewforum.org/2009/10/07/mapping-the-global-muslim-population>.

¹¹ Aslihan Bulut, *Middle Eastern Law: Research Sources*, <http://guides.library.harvard.edu/c.php?g=310127&p=2077362>.

¹² SCOTT C. LUCA, CONSTRUCTIVE CRITIC, *HADITH LITERATURE, AND THE ARTICULATION OF SUNNI ISLAM* 106 (2004).

within Sunni Islam¹³, together accounting for around 16,500 *hadith*, with *Sahih Bukhari* being considered more authentic than *Sahih Muslim*.

Within the Muslim tradition, *hadith* are ranked based on how “authentic” they are.¹⁴ This is determined by Muslim scholars through the process of examining their origin and chain of narration. Unfortunately, as “authentic” as a given *hadith* may be, the overall concept and method of transmission to written record can be seen as similar to a game of telephone where over hundreds of years hearsay is passed down over several generations. Thus, the fact that a given *hadith* is considered more “authentic” does not necessarily indicate its being true. This is made evident by the fact that many blatantly contradictory *hadith* exist. For example, some *hadith* claim that the prophet Muhammad never urinated in a standing position¹⁵, while others claim the opposite.¹⁶ Nevertheless, *hadith* are held in high regard and in most cases greatly respected and obeyed.

Upon reading through *hadith*, one will notice particularly harsh punishments emphasized for those who leave Islam. Some have attempted to justify the call for the death of apostates by equating this act with the more modern concept of treason and the harsh punishments it can receive.¹⁷ They argue that the early followers of Muhammad were part of a small select group of people fighting for survival. Thus, if someone were to leave this group, they would be committing treason. It has been assumed that anyone who changed their religion would leave the

¹³ JONATHAN A.C. BROWN, MISQUOTING MUHAMMAD: THE CHALLENGE AND CHOICES OF INTERPRETING THE PROPHET'S LEGACY 257. [...] the Sahihayn, the two authentic Hadith compilations of Bukhari and Muslim bin Hajjaj that Sunni Islam has long declared the most reliable books after the Qur'an. (2014).

¹⁴ IBN AL-SALAH, MUQADIMAH IBN AL-SALAH 101, (Dar al-Ma'arif, Cairo).

¹⁵ AL-NAḌĀḌĪ, AL-SUNAN AL-SUGHRA VOL. 1, BOOK 1, HADITH 29.

¹⁶ MUHAMMAD AL-BUKHARI, SAHIH AL-BUKHARI 224.

¹⁷ Rachel Ford, *Al-Azhar: Muslims who renounce faith must repent or face death*, CHRISTIAN TODAY, <http://www.christiantoday.com.au/article/egypt.islamic.authority.says.apostates.must.repent.or.face.death/21823.htm>.

group and potentially provide secrets to the enemy forces undermining the standing of the Muslims. Regardless of how it is examined or justified, the killing apostates would be a severe violation of religious liberty. In one *hadith*, we read:

“Some Zanadiqa (atheists) were brought to `Ali and he burnt them. The news of this event, reached Ibn `Abbas who said, "If I had been in his place, I would not have burnt them, as Allah's[God's] Messenger (ﷺ) forbade it, saying, 'Do not punish anybody with Allah's[God's] punishment (fire).' I would have killed them according to the statement of Allah's[God's] Messenger (ﷺ), 'Whoever changed his Islamic religion, then kill him.'”¹⁸

Here, the argument is regarding how to execute the apostates and whether the use of fire is permitted. Another *hadith* describes a situation where a man has reverted to Judaism:

“A man embraced Islam and then reverted back to Judaism. Mu`adh bin Jabal came and saw the man with Abu Musa. Mu`adh asked, "What is wrong with this (man)?" Abu Musa replied, "He embraced Islam and then reverted back to Judaism." Mu`adh said, "I will not sit down unless you kill him (as it is) the verdict of Allah[God] and His Apostle.”¹⁹

Here, an authorized religious leader during the time of Muhammed is allegedly saying that it is God's decree that those who change their religion must be killed.

Sahih Bukhari is not the only source for “authentic” *hadith*. As mentioned earlier, *Sahih Muslim* is also held in high regard. In a narration describing the three acceptable situations to take another's life, we read:

“Abdullah (b. Mas'ud) reported Allah's[God's] Messenger (Peace be upon him) as saying: It is not permissible to take the life of a Muslim who bears testimony (to the fact

¹⁸ MUHAMMAD AL-BUKHARI, SAHIH AL-BUKHARI 6922.

¹⁹ *Id.* at 7157.

that there is no god but Allah[God], and I am the Messenger of Allah[God], but in one of the three cases: the married adulterer, a life for life, and the deserter of his Din[Religion] (Islam), abandoning the community.”²⁰

As seen here, under the *hadith*, the abandoning of religion is seen as the abandonment of the community. This is a serious offense within the overall context of the *Hadith*. Thus, under such a circumstance, being put to death is deemed appropriate.

Outside of the six main *hadith* books held in high regard within Sunni Islam, another source that is greatly respected and followed is *Muwatta Imam Malik*.²¹ *Muwatta* is the earliest documentation of *hadith*, being written around the middle of the 8th century.²² There are two *hadith* narrations that deal with apostasy in the *Muwatta*. The first one states:

“Yahya related to me from Malik from Zayd ibn Aslam that the Messenger of Allah[God], may Allah[God] bless him and grant him peace, said, ‘If someone changes his deen[religion] – strike his neck!’”²³

Clearly, this particular narration leaves no room for compromise. However, the second *hadith* from *Muwatta* dealing with this matter, provides for a three-day respite for apostates prior to having them killed:

“Malik related to me from Abd ar-Rahman ibn Muhammad ibn Abdullah ibn Abd al-Qari that his father said, "A man came to Umar ibn al-Khattab from Abu Musa al-Ashari. Umar asked after various people, and he informed him. Then Umar inquired, 'Do you have any recent news?' He said, 'Yes. A man has become a kafir[disbeliever] after his Islam.' Umar asked, 'What have you done with him?' He said, 'We let him

²⁰ MUSLIM IBN AL-HAJJAJ, SAHIH MUSLIM 16:4152.

²¹ MUHAMMAD ZUBAYR SIDDIQI, THE HADITH FOR BEGINNERS (2006 reprint).

²² *Id.*

²³ MALIK IBN ANAS, MUWATTA IMAM MALIK 36.18.15.

approach and struck off his head.' Umar said, 'Didn't you imprison him for three days and feed him a loaf of bread every day and call on him to tawba [repent] that he might turn in tawba[repentance] and return to the command of Allah[God]?' Then Umar said, 'O Allah[God]! I was not present and I did not order it and I am not pleased since it has come to me!'"²⁴

“Umar” in this *hadith* is in reference to Umar ibn Al-Khattāb, who was one of the closest companions of the prophet Muhammad.²⁵ This particular *hadith* suggests that once a person becomes a disbeliever, rather than killing them immediately, imprisonment for three days prior to their execution is also acceptable. Although this narration is in contrast with the majority of *hadith* dealing with apostasy, which call for the swift putting to death of apostates, it nevertheless endorses execution as the proper response to such an act.

Sunan Ibn Mājah is another one of the six main *hadith* books.²⁶ It was written by Ibn Mājah and contains roughly over 4000 narrations. In it we read:

It was narrated from Ibn`Abbas that the Messenger of Allah[God] (ﷺ) said: “Whoever changes his religion, execute him.”²⁷

A major hurdle facing hadith apologists who attempt to justify the *hadith* for modern day use is that unlike the verses of the Quran, narrations in *hadith* must and can only be looked at individually. This makes it very difficult to interpret a particular *hadith* in multiple ways. Also, the lack of context provided in *hadith* makes it so that even if a given narration were true, the particular situation in which something was said is not wholly clear. This is in contrast to the verses of the Quran which can be examined by looking at verses preceding, as well as those

²⁴ *Id.* at 36.18.16.

²⁵ *Umar*, ENCYCLOPÆDIA BRITANNICA, <https://www.britannica.com/biography/Umar-I>.

²⁶ GIBRIL, HADDAD GIBRIL, VARIOUS ISSUES ABOUT HADITHS (2003).

²⁷ SUNAN IBN MĀJAH Vol. 3, Book 20, Hadith 2535.

following, the particular verse in question. Nevertheless, with things being as they are, the statement “Whoever changes his religion, execute him”, appears quite unambiguous.

Additionally, most traditional scholars of Sunni Islam agree, and do not dispute the punishment of death for apostates.²⁸

Although enforced infrequently, apostasy nevertheless remains a capital offense today in many countries, including Afghanistan, Brunei, Mauritania, Qatar, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen.²⁹ These countries typically either have the crime and punishment clearly spelled out in their penal codes or have it written in their penal codes that certain crimes be dealt with by the religious authority and jurisprudence of that country. For example, Article 1 of the Afghan Penal Code requires that crimes such as apostasy be handled by Islamic scholars.³⁰ The consensus of said scholars in Afghanistan is that apostates are to be killed.³¹

Interestingly, Saudi Arabia is a country that does not have a penal code.³² Instead, the country is exclusively ruled under a *Sharia* system.³³ This is a type of legal system that is supposed to be based on the Quran and Islamic traditions such as *Hadith and Sunna*.³⁴ Thus, in Saudi Arabia, although there is no penal code, the jurists in its religious courts unanimously uphold the death penalty for apostasy.³⁵

²⁸ ABDUL RASHIED OMAR, *THE RIGHT TO RELIGIOUS CONVERSION: BETWEEN APOSTASY AND PROSELYTIZATION* 179–194 (Lexington Books 2009).

²⁹ LAWS CRIMINALIZING APOSTASY IN SELECTED JURISDICTIONS, <http://www.loc.gov/law/help/apostasy/apostasy.pdf>.

³⁰ *An Introduction to the Criminal Law of Afghanistan*, STANFORD LAW, 2009, <https://www-cdn.law.stanford.edu/wp-content/uploads/2015/12/Intro-to-Crim-Law-of-Afg-2d-Ed.pdf>

³¹ *Id.*

³² *Saudi Arabia: Criminal Justice Strengthened*, HUMAN RIGHTS WATCH, <https://www.hrw.org/news/2010/01/14/saudi-arabia-criminal-justice-strengthened>.

³³ JOHN L. ESPOSITO, *ISLAM AND POLITICS* 111 (1998).

³⁴ CHRISTIAN CAMPBELL, *LEGAL ASPECTS OF DOING BUSINESS IN THE MIDDLE EAST* 265 (2007).

³⁵ *Saudi Arabia: International Religious Freedom Report 2010*, U.S. State Department (2010).

Sudan is a country ruled under Islamic tradition and also has a penal code, which addresses apostasy.³⁶ Article 126.2 of the Penal Code of Sudan³⁷ reads: “Whoever is guilty of apostasy is invited to repent over a period to be determined by the tribunal. If he persists in his apostasy and was not recently converted to Islam, he will be put to death.” Interestingly, the law in Sudan does not call for swift execution, nor does it set a three-day respite as found in *Hadith*. Instead, it calls for an invitation-to-repent period, to be set by the tribunal. This is an important observation because it shows the lack of unity among traditional Muslim scholars and nations, even within the same sect or tradition of Islam, regarding the upholding of *hadith*.

Thus far, the *hadith* examined have been within the fold of the Sunni tradition of Islam. The other main sect of traditional Islam is known as Shia or Shi’ite Islam, from *Shī’atu ‘Alī*, or “followers of Ali”.³⁸ These make up approximately 10% of the world’s Muslim population³⁹ and are the other major sect behind Sunni Islam in size. This group tends to reject *hadith* followed by Sunnis. Instead, they uphold their own set of *hadith* of Muhammad as well as *hadith* allegedly originating from the descendants of the prophet Muhammad through his nephew and son in law Ali ibn Abi Talib.⁴⁰ Additionally, the Shia hold a series of Shi’ite religious scholars as authority in documentation of *hadith*. Because Shia Muslims do not rely on Sunni *hadith*, matters dealing with freedom of religion would be addressed within their own *hadith* books.⁴¹ The main sources

³⁶ Nesrine Malik, *Sudan's haphazard sharia legal system has claimed too many victims*, THE GUARDIAN, <https://www.theguardian.com/commentisfree/2012/jun/06/sudan-sharia-legal-system>.

³⁷ LAWS CRIMINALIZING APOSTASY IN SELECTED JURISDICTIONS, <http://www.loc.gov/law/help/apostasy/apostasy.pdf>.

³⁸ TOYIB OLAWUYI, ON THE KHILAFAH OF ALI OVER ABU BAKR 3 (2014).

³⁹ Mapping the Global Muslim Population, PEW FORUM, <http://www.pewforum.org/2009/10/07/mapping-the-global-muslim-population>.

⁴⁰ MOOJAN MOMEN, INTRODUCTION TO SHI’I ISLAM 174 (Yale University Press, 1985).

⁴¹ JOHN ESPOSITO, WHAT EVERYONE NEEDS TO KNOW ABOUT ISLAM 40 (Oxford University Press, 2002).

of Shia *Hadith* are contained in the *Al-Kutub Al-Arb'ah*, translated as “The Four Books”.⁴² They are comprised of *Kitab al-Kāfi*, written by Muhammad ibn Ya'qub al-Kulayni al-Razi, and containing 16,199 narrations, *Man la yahduruhu al-Faqih*, written by Muhammad ibn Babawayh, and containing 9,044 narrations, *Tahdhib al-Ahkam*, written by Shaykh Muhammad Tusi, containing 13,590 narrations, and *Al-Istibsar*, also written by Tusi, containing 5,511 narrations. There are also a series of other works serving as *Hadith* for Shia Islam. The most famous of which is known as the *Nahj al-Balagha*. This is a collection of sermons, letters, interpretations, and narrations attributed to Ali.⁴³

Within the narrations among *hadith* deemed acceptable to Shia Muslims, the issue of apostasy seems to be addressed in a similar fashion to that of their counterpart Sunni *hadith*. A *hadith* on the matter, which appears in multiple highly regarded Shia sources, states:

“Shaykh al-Kulayni narrates a hadith from `Ammār as-Sābāti who said: I heard (Imam) Abu `Abdullāh (as-Sādiq) (a.s.) saying, "A Muslim from among the Muslims who renounces Islam and rejects the prophethood of Muhammad and considers him untrue, then verily his blood is lawful (mubāh) for anyone who hears that from him, his wife is to be separated from him the day he became murtad[apostate], his wealth will be divided among his heirs, and his wife will observe the `idda[period of time] of a widow (i.e., four months). The Imam is obliged to kill him, and not ask him to seek forgiveness."⁴⁴

This *hadith* appears in three of the “Four Books” held in high regard by Shia scholars. It is interesting to note that Shia sources go beyond what we have seen in the Sunni *hadith* that simply call for the apostate to be killed. In this instance, anyone is welcome to carry out the

⁴² *Shii Islam in Oxford Islamic Studies Online*, Oxfordislamicstudies.com.

⁴³ *Ali*, ENCYCLOPÆDIA BRITANNICA, <https://www.britannica.com/biography/Ali-Muslim-caliph#toc260779>.

⁴⁴ *Furu al-Kāfi*, vol. 7, p. 257., *Man la Yahdhuru al-Faqih*, vol. 3, p.89, *Tahdhibu 'l-Ahkām*, vol. 10, p. 136.

death penalty, as opposed to the sentence being limited for carrying out by some type of judicial body. The Shia sources also go a step further by even addressing the allocation of wealth of the individual killed for apostasy, as well as clarifying the status of his widow, if applicable. It is said that she must wait an interim of four months before she can remarry after the death of her husband.

Another *hadith* from Shia sources on apostasy is also from one of the “Four Books”, namely the *Tahdhibu 'l-Ahkām*. It reads:

“Shaykh at-Tusi narrates a *sahih* *hadith* from al-Husayn bin Sa`id who said: I read (a question) in handwriting of a person addressed to (Imam) Abu 'l-Hasan ar-Rizā (a.s.): "A person born as a Muslim, then becomes an unbeliever (*kāfir*), polytheist (*mushrik*), and leaves Islam--should he be asked to seek forgiveness, or should he be killed and not be asked to seek forgiveness?" The Imam (a.s.) wrote: "He should be killed."⁴⁵

This *hadith* is particularly relevant to Shia Muslims because it is allegedly a narration quoting Imam ar-Rizā. Imam ar-Rizā is the 8th of 12 Imams, or religious leaders, which are also all descendants of the prophet Muhammad.⁴⁶ Shias hold him in very high regard. Thus, a statement he allegedly made on the matter of apostasy contained in one of the “Four Books” is highly significant and pertinent to Shia theology on the subject.

Interestingly, in today’s world, the only *true* theocratic state is one ruled under Shia Islam in Iran.⁴⁷ It so happens that Iran is also the only country that is governed by the Shia tradition. Prior to 1979, Iran had always been a monarchy. This changed in 1979 with the takeover of the country by Ayatollah Khomeini.⁴⁸ He helped install a Shia theocracy and ruled according to such

⁴⁵ *Tahdhibu 'l-Ahkām*, vol. 10, p. 139.

⁴⁶ *Alī al-Rezā*, ENCYCLOPÆDIA IRANICA, <http://www.iranicaonline.org/articles/ali-al-reza>.

⁴⁷ *The Structure of Power in Iran*, <http://www.pbs.org/wgbh/pages/frontline/shows/tehran/inside/govt.html>.

⁴⁸ *Id.*

a system. Other countries, such as Saudi Arabia and Sudan, also incorporate *Sharia*, or Islamic Law, into their governmental systems. However, they are ultimately lead by a monarch and president, respectively. Under Shia governed Iran, freedom of religion has all but disappeared. It is worth noting that the Iranian Penal Code does not specifically mention the crime of apostasy. However, the system does allow for discretion to be provided to the religious courts when dealing with such a matter. This allows for rulings to be made in accordance with legal opinions and decrees issued by Shia scholars.⁴⁹ However, what is explicitly punishable by death under Iran’s penal code is blasphemy.⁵⁰ Article 260 of the Iranian Penal Code calls for any person who “insults the Prophet of Islam or other Great Prophets” to be punished by execution.⁵¹ This article has also been upheld for those who have converted or have expressed views inconsistent with Shia Islam. They have been put to death under such a framework, despite not specifically having “insulted” one of the prophets.⁵²

In practice, the death penalty for apostasy has been used infrequently in Iran.⁵³ Nevertheless, it has served as an effective tool for the regime to clamp down on dissenters and keep an eye on religious objectors, as well as members of religious minorities, occasionally harassing or arresting individuals with such views.⁵⁴ Additionally, simply having capital punishment in existence for faith based offenses can serve as an effective deterrent in keeping

⁴⁹ 2013 HUMAN RIGHTS REPORTS: IRAN, U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, <http://www.state.gov/j/drl/rls/hrrpt/2013/nea/220352.htm>; EUROPEAN CENTRE FOR LAW AND JUSTICE, WRITTEN OBSERVATIONS OF THE EUROPEAN CENTRE FOR LAW AND JUSTICE, http://eclj.org/pdf/eclj_iran_amicusbriefrbgmbvturkey_090416.pdf.

⁵⁰ MAJMU’AH QAVANINI JAZAI [CODE OF CRIMINAL LAWS], art. 260 (Iran).

⁵¹ *Id.*

⁵² BERKELEY CENTER FOR RELIGION, PEACE & WORLD AFFAIRS, NATIONAL LAWS ON BLASPHEMY: IRAN <https://berkeleycenter.georgetown.edu/essays/national-laws-on-blasphemy-iran>.

⁵³ IRAN HUMAN RIGHTS DOCUMENTATION CENTER, APOSTASY IN THE ISLAMIC REPUBLIC OF IRAN (2014).

⁵⁴ *Id.*

people away from religious discussion and dialogue altogether, out of fear that they may commit a punishable offense.

Thus far, the status of apostates who leave traditional Islam, either Shia or Sunni, has been examined. As has been observed, such individuals are provided virtually no religious liberty. However, it would also be appropriate to examine the status of the rest of the people in a society ruled according to *Hadith*. Apart from Muslims and those who leave their religion, other people would include those of another religion, as well as those with no belief at all. Thus, all people are covered. Those who fall into the category of “another religion” can potentially include Christians, Muslims, Hindus, Buddhists, and members of other religions. Those without belief would include agnostics, atheists, as well as people not part of any particular established religion.

Traditionally, Jews and Christians have been included in a group known as “the people of the scripture”.⁵⁵ These include adherents to religions which are based on various texts of the Bible, such as the book of Genesis, the Psalms, the New Testament, etc.⁵⁶ The reasoning is that since the Quran recognizes the legitimacy of these texts, ultimately these people incorporate the worship of the same God as Muslims, and thus deserve a certain level of respect. On several occasions, various *hadith* within the Sunni tradition describe the circumstances which shall rule over these people. Living under Muslim rule, they are referred to as *Dhimmi*, or collectively, as *Dhimma*.⁵⁷ Problematically, the *Hadith* portrays an inconsistent image with regard to how the *Dhimma* should be treated. Consider the following example from *Sahih Muslim*, an “authentic” source:

⁵⁵ ISLAM: EMPIRE OF FAITH, PEOPLE OF THE BOOK, <http://www.pbs.org/empires/islam/faithpeople.html>.

⁵⁶ *Id.*

⁵⁷ *Dhimmi*, Merriam-Webster.com, <https://www.merriam-webster.com/dictionary/dhimmi>.

“It has been narrated by 'Umar b. al-Khattib that he heard the Messenger of Allah[God] say:

I will expel the Jews and Christians from the Arabian Peninsula and will not leave any but Muslim.”⁵⁸

Here, we are presented with the view that the mere presence of any Jews and Christians will not be tolerated in the Arabian Peninsula. This is problematic because it appears to show that such people must either convert to Islam or be banished, thus providing them with zero religious freedom. Other narrations, however, allow for Jews and Christians to exist in Muslim land with the exception that they pay a particular type of tax, called *Jizya*, due to their religious status.

Muwatta Malik narrates in this regard:

“Yahya related to me from Malik that he had heard that Umar ibn Abd al-Aziz wrote to his governors telling them to relieve any people who payed the jizya from paying the jizya if they became muslims.

Malik said, "The sunna[tradition] is that there is no jizya due from women or children of people of the Book, and that jizya is only taken from men who have reached puberty. The people of dhimma and the magians do not have to pay any zakat[obligatory charity] on their palms or their vines or their crops or their livestock. This is because zakat[obligatory charity] is imposed on the muslims to purify them and to be given back to their poor, whereas jizya is imposed on the people of the Book to humble them. As long as they are in the country they have agreed to live in, they do not have to pay anything on their property except the jizya. . .”⁵⁹

⁵⁸ MUSLIM IBN AL-HAJJAJ, SAHIH MUSLIM 1767.

⁵⁹ MALIK IBN ANAS, MUWATTA IMAM MALIK 17/46.

The term “magians” here is in reference to the followers of Zoroastrianism, a dominant religion of Persia at the time. They are seen here to be subject to the same conditions as Jews and Christians when being ruled over. The *dhimma* are said here to be subject to taxation as a means to “humble them”.

Members of polytheist religions are addressed in a famous *hadith* by *Sahih Muslim*, which provides for three courses of action when dealing with them:

“. . .When you meet your enemies who are polytheists, invite them to three courses of action. If they respond to any one of these, you also accept it and withhold yourself from doing them any harm. Invite them to (accept) Islam; if they respond to you, accept it from them and desist from fighting against them. Then invite them to migrate from their lands to the land of the Muhajireen[Emigrants] and inform them that, if they do so, they shall have all the privileges and obligations of the Muhajireen[Emigrants]. If they refuse to migrate, tell them that they will have the status of Bedouin Muslims and will be subjected to the Commands of Allah[God] like other Muslims, but they will not get any share from the spoils of war or Fai'[another type of spoils of war] except when they actually fight with the Muslims (against the disbelievers). If they refuse to accept Islam, demand from them the Jizya. If they agree to pay, accept it from them and hold off your hands. If they refuse to pay the tax, seek Allah's[God's] help and fight them.”⁶⁰

Thus, under *Hadith*, the polytheists are also subject to the same rules that govern the *Dhimma*.

They must pay the *jizya* and if they refuse, fighting them is prescribed. This is an interesting

⁶⁰ MUSLIM IBN AL-HAJJAJ, SAHIH MUSLIM 1731.

point to note because technically the polytheists may maintain their presence and religion if they agree to pay the tax.

The status of atheists, agnostics, and nonbelievers of any religion, is not addressed in the *Hadith*. It is possible that they are understood to be included with the *Dhimma* under *Hadith*. Nevertheless, modern states, claiming Islamic rule, have routinely subjected such people to harsh treatment.⁶¹ Additionally, it is important to note that in societies today which are governed mainly by Islamic law, non-Muslims not conforming to certain rules can be punished.⁶² For example, pork products are not permitted in Saudi Arabia, and anyone involved with such is at risk of being punished.⁶³ Another example deals with a dress code. All women in Iran, for instance, are required to wear loose fitting clothing and a headscarf in public.⁶⁴ This is enforced regardless of a particular woman's religious views or beliefs. As has been witnessed, religious liberties under the rule of *Hadith*, are greatly diminished, if not totally unavailable. Unlike the *Hadith*, however, the Quran does provide for indisputable religious freedoms to those under its rule.

Thus far, freedom of religion has been examined through the lens of traditional Islam by way of viewing its status under that which is prescribed in the *Hadith*. It is important to now delve into the Quran and identify relevant subject matter. Despite providing complete religious liberty, the Quran in some verses, may appear as if that is not the case. On the one hand, the Quran states that disbelief will result in severe punishment and retribution. There are many

⁶¹ INTERNATIONAL HUMANIST AND ETHICAL UNION, YOU CAN BE PUT TO DEATH FOR ATHEISM IN 13 COUNTRIES AROUND THE WORLD (March 2015).

⁶² Rishi Iyengar, *A Non-Muslim Has Been Punished Under Shari'a Law in Indonesia for the First Time*, TIME, <http://time.com/4291832/indonesia-aceh-christian-muslim-sharia-law-alcohol/> (2016).

⁶³ *Saudi Arabia*, United Nations Office on Drugs and Crime.

⁶⁴ FARZANEH MILANI, *VEILS AND WORDS: THE EMERGING VOICES OF IRANIAN WOMEN WRITERS* 19 (Syracuse, New York: Syracuse University Press, 1992).

examples of this in the verses of the text. One such example is in 3:177 where it reads: “Those who choose disbelief, instead of belief, do not hurt GOD in the least; they have incurred a painful retribution.”⁶⁵ On the other hand, the retribution described in such verses is not proscribed as an act of punishment to be carried out by humans against the disbelievers. The punishments for disbelief, spoken of in the verses of the Quran, deal exclusively with conditions dictated by God Himself that disbelievers must face either in this world, or in the hereafter. This means that disbelief will result in consequences for the individuals at a personal level because of a system God has created. For example, verse 3:56 says “As for those who disbelieve, I will commit them to painful retribution in this world, and in the Hereafter. They will have no helpers.”⁶⁶ The usage of the first-person singular, “I”, in this verse, indicates that God alone is responsible for dealing with a person’s disbelief. God is said to punish people for their disbelief in this world and in the hereafter based on a system He has put in place.

Freedom of religion is guaranteed by the Quran. Nowhere in the Quran do we see any command for believers to restrict or limit the ability of others to exercise this freedom. Instead, many verses are found ensuring the people’s right to choose their own paths freely, and without intervention on the part of any person. Verse 2:256 of the Quran is a fairly well-known example among academics on this concept. The first sentence of this verse states: “There shall be no compulsion in religion: the right way is now distinct from the wrong way.” The Arabic word for “compulsion” here is “ik'rāha” from the triliteral root kāf rā hā.⁶⁷ One of the definitions for the root includes “do something against will”.⁶⁸ It is clear then, from the verse, that religion cannot be imposed on people. Another clear and straightforward verse on this matter is 10:99. It reads:

⁶⁵ *Holy Quran*, 3:177.

⁶⁶ *Holy Quran*, 3:56.

⁶⁷ LANE'S LEXICON, 2666 <http://ejtaal.net/aa/#q=krh>.

⁶⁸ *Id.*

“Had your Lord willed, all the people on earth would have believed. Do you want to force the people to become believers?” Again, the verse reiterates the basic concept of freedom of religion in the Quran. By means of questioning the act of forcing people to believe, the Quran here provides the inference that allowing people to freely choose to believe or to not believe, without compulsion involved, is the appropriate approach.

Verses 2:256 and 10:99 provide the basic concept of freedom of religion made available in the Quran. However, there are more complex examples that help us reach the same conclusion. Consider the following verses:

“Why should you divide yourselves into two groups regarding hypocrites (among you)? GOD is the one who condemned them because of their own behavior. Do you want to guide those who are sent astray by GOD? Whomever GOD sends astray, you can never find a way to guide them.

They wish that you disbelieve as they have disbelieved, then you become equal. Do not consider them friends, unless they mobilize along with you in the cause of GOD. If they turn against you, you shall fight them, and you may kill them when you encounter them in war. You shall not accept them as friends, or allies.

Exempted are those who join people with whom you have signed a peace treaty, and those who come to you wishing not to fight you, nor fight their relatives. Had GOD willed, He could have permitted them to fight against you. Therefore, if they leave you alone, refrain from fighting you, and offer you peace, then GOD gives you no excuse to fight them.”⁶⁹

⁶⁹ *Holy Quran*, 4:88-90.

These verses deal with a situation that may arise for believers in dealing with hypocrites and disbelievers in time of war. The verses do not directly address the matter of freedom of religion within them. However, upon closer examination, the concept can be attained from an understanding of the contextual circumstances described. Specifically, the last sentence states that if the disbelievers “leave you alone, refrain from fighting you, and offer you peace, then God gives no excuse to fight them.” In other words, their lack of belief alone, cannot be used as an excuse to attack them. Here, the Quran lays out the basic concept that harm cannot be done to others whom are not causing someone else harm. This is consistent with other verses in the Quran such as 2:193 that specifically prohibits aggression against non-aggressors: “You may also fight them to eliminate oppression, and to worship GOD freely. If they refrain, you shall not aggress; aggression is permitted only against the aggressors.” Incidentally, this verse happens to also be a verse advocating for freedom of religion. Specifically, the verse provides believers with permission to fight against oppression to help foster and create an environment in which God can be worshiped freely. The importance and value in being able to have the freedom to worship is thus recognized. Another verse that is quite relevant in the discussion on religious liberty in the Quran is 18:29. It reads as follows:

“Absolute Freedom of Religion

Proclaim: ‘This is the truth from your Lord,’ then whoever wills let him believe, and whoever wills let him disbelieve. We have prepared for the transgressors a fire that will completely surround them. When they scream for help, they will be given a liquid like concentrated acid that scalds the faces. What a miserable drink! What a miserable destiny!”⁷⁰

⁷⁰ *Id.* at 18:29.

Dr. Khalifa has provided an appropriate subtitle for this verse. The concept of “absolute” freedom of religion comes from the portion of the verse which says “and whoever wills let him disbelieve.” Freely allowing one to disbelieve, without any restrictions, provides for absolute freedom of religion. It is also important to note the emphasis in the verse on God being the one who deals with the consequences of disbelief.

It would be helpful at this point to briefly address the issue of divine detriments and consequences for disbelief within the context of the Quran. This is a topic that Dr. Khalifa has spent considerable time analyzing. The conclusions he reached were findings that came as a result of his continual analysis and studying of the Quran. They are summarized here.

As violent as some verses like 18:29 may appear, the Quran uses an allegorical approach when describing Heaven and Hell. Clearly, disbelief in God, according to the Quran, has serious consequences. However, those consequences are said to be due to the system that God has established in the universe⁷¹. The Quran teaches that God created all that exists.⁷² He is the source of all power and the sole entity worthy of worship.⁷³ The system that God has put in place calls for the recognition of God as the supreme being that He is.⁷⁴ Additionally, it requires that one reject any hint of idolatry by way of worship or creation of a deity other than God.⁷⁵ To do so would constitute a major offense.⁷⁶ Additionally, such an act would indicate a high level of arrogance and ignorance.⁷⁷ Someone who denies the ultimate power of God, the system contends, is not deserving of His closeness and energy.⁷⁸ Thus, one who “disbelieves” in God is

⁷¹ *Id.* at 40:85.

⁷² *Id.* at 2:29.

⁷³ *Id.* at 40:3.

⁷⁴ *Id.* at 2:107.

⁷⁵ *Id.* at 16:51, 40:14, 43:64.

⁷⁶ *Id.* at 2:165.

⁷⁷ *Id.* at 27:14, 39:64.

⁷⁸ *Id.* at 56:1-56.

in fact moving away from God. This concept is analogous to distances from heat and light. As the disbeliever moves further and further away from God, it is said he is moving further and further away from God's energy, or for comparison, heat and light. Beyond a particular distance, the absence of heat and light can become painful. Similarly, for the disbelievers, the absence of God's energy is ultimately "Hell".⁷⁹ This entails an existence without energy. The suffering that follows is a direct result of the immense distance from God.⁸⁰ One who denies God and chooses disbelief in Him will also cause himself to be denied of any energy from God, resulting in constant suffering. This is an explanation for the condition commonly referred to as "Hell". Thus, in light of the recognition of this divine system, one is provided the freedom to choose his or her own path. In a sense, God is not "punishing" anyone, rather, the individual is seeing the consequences of his decision being manifested in a divine system.⁸¹ This system can be somewhat comparable to the laws of physics relating to fire. The system under the laws of physics is such that physical touching of fire by humans results in burning which causes pain and harm. No person disputes the truth behind this law. Belief or disbelief in this law would be irrelevant to one's experience with it. However, it is accepted as a law of physics in the system governing our universe. Similarly, the Quran teaches that there are laws that govern our souls under a divine system. Whether one believes or disbelieves in the system will not impact their being positively or negatively affected by those laws. As mentioned previously, the Quran explains that this divine system requires of the humans reverence and the worship of God, recognizing Him as the sole deity. The rejection of this requirement is thus analogous to one putting their hand in fire and getting burned. Nevertheless, throughout the Quran, the freedom to

⁷⁹ *Id.* at 25:34.

⁸⁰ *Id.* at 4:145.

⁸¹ *Id.* at 3:177.

disbelieve, is provided. However it is also constantly portrayed as the wrong decision which will lead to major consequences for anyone making deciding in this way.⁸² Despite this, the costs of disbelief are to be administered solely by God, and no actions are called for by people to inflict upon the disbelievers for their disbelief.⁸³

As has been so far demonstrated, unlike the *Hadith*, the Quran allows for and advocates freedom of religion. Throughout the Quran, the peaceful coexistence of believers and non-believers is promoted. One such example is provided by Chapter 109 of the Quran, titled “The Disbelievers”. It reads:

In the name of God, Most Gracious, Most Merciful

Say, "O you disbelievers.

"I do not worship what you worship.

"Nor do you worship what I worship.

"Nor will I ever worship what you worship.

"Nor will you ever worship what I worship.

"To you is your religion, and to me is my religion."

This chapter provides a framework under which a believer may address the disbelievers. There is no call for the believer to harm or threaten the disbelievers. This concept is further strengthened by two verses that deal with relations with disbelievers:

GOD does not enjoin you from befriending those who do not fight you because of religion, and do not evict you from your homes. You may befriend them and be equitable towards them. GOD loves the equitable.

GOD enjoins you only from befriending those who fight you because of religion, evict

⁸² *Id.* at 35:39.

⁸³ *Id.* at 74:10-11.

you from your homes, and band together with others to banish you. You shall not befriend them. Those who befriend them are the transgressors.⁸⁴

Thus, if one is not being attacked by the disbelievers because of his religion, friendship is permitted. Given such guidelines, it becomes clear that attacking someone solely because of their religion is not admissible.

It is also important to take a look at the overall status of Jews and Christians in the Quran. The *Hadith* identified these people as *dhimma* who were required to pay taxes to be allowed to live peacefully in Muslim land. The Quran sets no such requirement. The word *jizya* appears only one time in the Quran, and it is in reference to the polytheists during the time of Muhammad:

O you who believe, the idol worshipers are polluted; they shall not be permitted to approach the Sacred Masjid after this year. If you fear loss of income, GOD will shower you with His provisions, in accordance with His will. GOD is Omniscient, Most Wise. You shall fight back against those who do not believe in GOD, nor in the Last Day, nor do they prohibit what GOD and His messenger have prohibited, nor do they abide by the religion of truth among those who received the scripture, until they pay the due tax, willingly or unwillingly.⁸⁵

Because the verse refers to “this year”, it can reasonably be understood to pertain to a particular point in time. Dr. Khalifa has translated *jizya* as “the due tax”. This verse is part of the second to last chapter revealed to Muhammad, thus making it part of the 113th chapter, chronologically, out of 114 chapters in total.⁸⁶ Because of this, it was historically revealed close to the time of

⁸⁴ *Id.* at 60:8-9.

⁸⁵ *Id.* at 9:28-29.

⁸⁶ MASJID TUCSON.ORG, CHRONOLOGICAL SEQUENCE OF REVELATION, <http://www.masjiduntucson.org/quran/appendices/appendix23.html>.

Muhammad conquering the city of Mecca. After this event, Muhammad and his companions ruled over this city and installed their form of governance.⁸⁷ It is very likely that some collective body was created to provide services to the citizens in the region. Under such a scenario, taxation would be expected. Obviously, remnants of the idol worshipers, who had been previously at war with Muhammad, would not accept such an arrangement. Thus, the verses state that if attacked, Muhammad and his followers are permitted to “fight back” until the the enemies start to pay “the due tax”.

Throughout the Quran, unity with “the people of the scripture” is emphasized. For example, we read:

“Do not argue with the people of the scripture (Jews, Christians, & Muslims) except in the nicest possible manner-unless they transgress- and say, ‘We believe in what was revealed to us and in what was revealed to you, and our god and your god is one and the same; to Him we are submitters.’”⁸⁸

Kindness when dealing with “people of the scripture” is greatly emphasized. Another important verse on this matter states:

“Surely, those who believe, those who are Jewish, the converts, and the Christians; any of them who (1) believe in GOD and (2) believe in the Last Day, and (3) lead a righteous life, have nothing to fear, nor will they grieve.”⁸⁹

The fact that the Quran makes the statement that certain Jews and Christians will be redeemed, heavily supports the idea that such people must be provided freedom of religion. Aside from verses that emphasize unity between believers in their worship of the one same God, there also

⁸⁷ INSIDE ISLAM: DIALOGUES & DEBATES, IMPORTANT EVENTS: THE CONQUEST OF MECCA, <http://insideislam.wisc.edu/2012/04/important-events-the-conquest-of-mecca/>.

⁸⁸ *Holy Quran*, 29:46.

⁸⁹ *Id.* at 5:69.

exist verses supporting friendship with people outside of believers in the Quran. For example, we find in a verse:

“. . .And you will find that the closest people in friendship to the believers are those who say, "We are Christian." This is because they have priests and monks among them, and they are not arrogant.”⁹⁰

Despite what is said within the *Hadith*, the Quran does not call for the segregation of society based on religious belief. Instead, as seen here, the Quran promotes friendship and respect among people of different beliefs.

The world continues to witness many horrible things done in the name of Quran. Traditional Muslims continue to insist that the political systems they support based on their understanding of Islam are consistent with the Quran. However, a closer examination reveals that the Muslims continue to misuse texts from the Quran and ignore any parts that go against their interpretations. Furthermore, they have decided to heavily rely on non-Quranic doctrine such as Hadith. Within such documents, they find justifications for denying religious liberty to people living under their rule. The lack of religious freedom that results is detrimental to all citizens regardless of their own personal beliefs. Despite this, when examining the Quran itself with regard to religious liberty, we find great support for this concept. The Quran ensures freedom of religion for all people regardless of their background or beliefs. Nowhere in the text do we find any verse backing compulsion in religion. If Islamic nations around the world distanced themselves from documents such as Hadith, which oppose religious liberty, and instead upheld the Quran alone, religious freedom would thrive. The Quran holds in high regard the allowance

⁹⁰ *Id.* at 5:82.

of people to freely decide what they want to believe and practice. Such a concept can greatly benefit Muslim or non-Muslim communities alike.