ISLAM AND RELIGIOUS FREEDOM

A SOURCEBOOK OF SCRIPTURAL, THEOLOGICAL, AND LEGAL TEXTS

Religious Freedom Project

BERKLEY CENTER FOR RELIGION, PEACE & WORLD AFFAIRS

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As it stands today, religious freedom is a contested human right within Islam. While Qur’an 2:256 famously states that there is to be “no coercion in religion,” other texts seem to endorse contradictory principles, appearing to enjoin coercion, sometimes even violent coercion, in matters of conscience and religious practice. Modernist Muslim interpreters increasingly advocate an approach toward the Qur’an and Islamic jurisprudence that would place Islam on a path toward broader appreciation of religious freedom, including equality under the law for all religious individuals and groups. On the other hand, some Islamists invoking these same texts urge a return to an earlier, “purer” Islam that forbids conversion from Islam, as well as proselytization on the part of non-Muslims. This interpretation of Islam denies both non-Muslims and disfavored Muslims equal status in law and society.

Modern legal texts are just as unclear. The Universal Islamic Declaration of Human Rights (1981) and the Cairo Declaration on Human Rights in Islam (1990) nominally affirm the idea of religious freedom but limit its protections to conscience and worship. Indeed, these documents limit the protection of all human rights, including freedom of belief and worship, through the requirements of traditional Islamic law.

i. The understanding of religious freedom adopted by the Religious Freedom Project is robust and has two parts. First is the right to believe or not (freedom of belief or of conscience), to worship, alone or with others, and to exit religious groups because of belief or conscience. These components of religious freedom are essentially interior (belief and conscience) or private (worship). As such, they are, or ought to be, virtually absolute. There is no legitimate rationale for their restriction by any human agent, including governments. The second element entails both individuals and groups, and has distinctive public dimensions. It includes the rights of individuals and groups to act in civil and political society on the basis of religious conscience or belief, within very broad limits equally applied to all—religious or not. This two-part understanding of religious freedom, with its robust public components, is not present within any religious tradition or nation until the modern era. Even then, the degree of religious freedom present in any given nation was, and continues to be, contingent on historical and contemporary forces that may or may not be related to the dominant religious tradition. Restrictions on religious freedom, especially in its public forms, result from a variety of conditions, including communism, religious nationalism, violent religious extremism, and aggressive modern secularism.
Furthermore, freedom of belief and worship has often been understood—and practiced—differently for Muslims than for non-Muslims. This has historical roots in the concept of *dhimma*, a protected but inferior status for non-Muslims granted in traditional Islamic law. Reconciling an Islamic understanding of religious freedom with the growing modern insistence on equal rights for all people—as witnessed in the 1948 Universal Declaration of Human Rights, for example—has therefore proven somewhat challenging.\(^2\) As we shall see, strains of thought in strong tension with a robust conception of religious freedom have been present in the Islamic tradition from the beginning, and they continue to exercise an important influence in many Muslim-majority societies.

Scholars disagree, then, on the extent to which the idea of religious freedom developed in Islam. However, the broad textual outlines of a developing Islamic understanding of religious freedom, especially the limited idea of freedom of belief and private worship, are discernible. As we shall discuss in the following sections, the concept evolved progressively throughout Islamic history. This sourcebook presents the challenges concerning religious freedom within the Islamic tradition, while also illuminating currents of possibility and reform.
For Muslims, the foundational era for the formation of ideas about freedom of belief and religion is found in the lifetime of the Prophet Muhammad (ca. 570-632). Later developments in Islamic thought on religious freedom were based (at least in theory) on the concepts and practices that existed and evolved during this period. Two primary sources provide insight into the understanding of religious freedom in this early period: the Qur’an and the hadith (the oral traditions of and about Muhammad). These sources provide the central basis for Islamic norms, values, and laws.3

During Muhammad’s early ministry in Mecca (ca. 610-622), Islam had relatively few followers, and Muslims lived as a persecuted minority. The Qur’anic texts associated with this period frequently suggest values of commitment, patience, perseverance, steadfastness in the new religion, non-violence, and freedom of belief. For example, the Qur’an supports a concept of individual freedom of belief when it says, “Now the truth has come from your Lord: let those who wish to believe in it do so, and let those who wish to reject it do so” (18:29). A similar passage emphasizes the responsibility of the individual to believe or not: “Now clear proof has come to you from your Lord: if anyone sees it, that will be to his advantage; if anyone is blind to it, that will be to his loss” (6:104).

Despite the severe persecution that Muslims experienced in Mecca—including the deaths of some who were not protected by their masters or clans, and attempts to drive Muslims from the Meccan marketplace—the first Muslims remained steadfast in their new religion. Islamic legal scholar Mohammad Hashim Kamali observes that this period of Islam’s textual development suggests a conviction that individuals must possess the freedom to believe in God and in the new religion of the Prophet.4 Numerous Qur’anic texts emphasize the Prophet’s responsibility to communicate the messages he received from God, while allowing his listeners the freedom to make decisions about what to believe (see Qur’an 88:21; 10:108; 27:92). Such texts indicate that forced conversion is no conversion at all.
The Prophet’s migration from Mecca to Medina in 622 marked an important turning point in the life of the early Muslim body politic, and it was in this new context that the early Muslim community was strengthened and consolidated. Many residents of Medina converted to Islam, and large numbers of Muslim migrants travelled from Mecca to join the growing religion. At the same time, Medina was a multi-religious and multi-tribal society with a strong Jewish community, and the Prophet’s message of religious tolerance appears to have continued into this period. In fact, there is no major shift in the language of the Qur’an on this issue until around the ninth year (ca. 630-631) of the Prophet’s presence in Medina.

The Prophet’s initial approach to the issue of freedom of belief is reflected in the extra-Qur’anic document often referred to as the “Constitution of Medina.” The text, which is essentially a written agreement between the various religious communities and tribes of Medina, makes no reference to restrictions on religious freedom. The constitution accepts Medina as a multi-religious society in which each community manages its own internal affairs and follows its own religious norms and rules. For example:

The Jews of Banu ‘Awf, together with Muslims, constitute an *umma* (group). The religion of the Jews is for themselves, the religion of Muslims for themselves. This includes both their *mawla* (brothers/kin) and themselves personally.⁵

The constitution does, however, spell out the obligations of the various parties in specific circumstances where conflict could occur: for example, when inter-tribal issues take place; when crimes are committed against other parties; or when the security of the entire town is threatened. Freedom to exit a religion, including Islam, is not explicitly addressed in the constitution.

As the Muslim community continued to grow and consolidate, Qur’anic conceptions of religious freedom became more complicated. This is particularly evident in the last of the revelations communicated to Muhammad.⁶ The mainstream classical interpretation of these final revelations held that the attitude of the Qur’an toward people of other faiths turned hostile, proposing war against people of other religions and Arab pagans in particular. Qur’an 9:29 is well known in this regard:

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⁶ For a comprehensive overview of the final revelations and their interpretations, see Clifford6 James, *The Kitāb al-Tawāfiq al-Jāmi‘: A Study of the Final Disclosures of Prophet Muhammad* (Al-Maktaba al-Islamiyya, 1997).
Fight those of the People of the Book who do not [truly] believe in God and the Last Day, who do not forbid what God and His Messenger have forbidden, who do not obey the rule of justice, until they pay the tax and agree to submit.

However, an alternative reading of this and related Qur’anic material seeks to locate these verses within their political context. As the Islamic state strengthened around its nucleus in Medina, Muhammad’s opponents in Mecca resorted to desperate measures to destroy him and the emerging Muslim community. To achieve this end, the Meccan forces collaborated with a range of tribes outside Medina, some of which had peace treaties with the Prophet but were prepared to renege if this meant increasing their power (9:8). In this political context—years nine and ten of the Prophet’s presence in Medina—Qur’an 9:29 urged and even commanded Muslims to wage war against those who failed to respect the peace treaties in force and who were prepared to destroy the Muslim community, whether they were from the People of the Book, pagans, or those outwardly Muslim but inwardly otherwise (see Qur’an 2:244; 4:89; 9:12-14). In this interpretation, these Qur’anic verses urge Muslims to wage war on opponents because they threatened to destroy the Muslim community, and not necessarily because they adhered to a different religious tradition per se.

THE QUESTION OF ApostASY

Other textual sources from the formative period indicate that, while Muslims believed that each individual must have freedom of belief, including the freedom not to enter Islam, Muslims ought not to possess the freedom to exit Islam. This latter issue—that of leaving Islam, or apostasy (ridda)—remains a matter of controversy and negotiation in Islam, as do many other contemporary facets of religious freedom. Although no temporal punishment is prescribed in the Qur’an, and though the Prophet appears to have allowed some converts to Islam to leave the faith, advocates of the death penalty for apostasy have often cited the canonical hadith, “Whoever changes his religion, kill him.” On the basis of this hadith and similar traditions, the early Islamic schools of jurisprudence constructed a law of apostasy, which prescribed the death penalty for offenders. Many Muslims thus hold that the death penalty for leaving Islam is “divine law,” based on the teachings of the Qur’an and the practice of the Prophet Muhammad.

However, this interpretation is questionable. As suggested previously, numerous verses in the Qur’an support freedom of belief and worship, one of
the most important examples being, “Let there be no compulsion in religion” (2:256). Other verses of the Qur’an assert that all human beings are free to believe or not to believe in God or in any particular religion: “Whoever chooses to follow the right path does so for his own good. Say to whoever deviates from it, ‘I am only here to warn’” (27:92). Many verses clearly state that the role of the prophets was to show people the true path, not to compel them to believe (see Qur’an 88:21-22). The Qur’an repeatedly reminded Muhammad that he did not have the power to force people to convert to Islam; rather, conversion was a choice that individuals should make for themselves (see Qur’an 24:54). In addition, the Qur’an teaches that different religious traditions will always exist, implying there will always be believers in the one God as well as non-believers (see Qur’an 10:99).

Most importantly, there appears to be no single verse of the Qur’an that specifies any kind of worldly punishment for converting from Islam, let alone execution.9 Thus the Qur’an, the most important text of Islam, does not specify a temporal punishment for apostasy. This is especially significant considering that the Qur’an directly describes episodes that bear on the issue of apostasy. One of these concerns those Muslims in the Medinan period who professed Islam outwardly but attempted to destroy the community from within by discrediting the Prophet. For all practical purposes, from a Qur’anic point of view, these people should have been considered “apostates.”10 There were also Muslims who rejected Islam and then returned, only to reject it a second or even a third time, vacillating between Islam and their former religions (see Qur’an 63:3). The Qur’an does not mandate the death penalty in any of these cases. Instead, it specifies for them a severe punishment in the life after death. The absence of a this-worldly, civil penalty is understandable given the Qur’an’s emphasis that belief is essentially a matter between the individual and God.

Furthermore, there is no evidence to indicate that the Prophet Muhammad himself ever imposed the death penalty on any apostate for a simple act of religious conversion from Islam. If such evidence had existed it would have provided the necessary prophetic authority to back the death penalty. On the contrary, one hadith in the collection of al-Bukhari (one of the most important and reliable collections of hadith for Sunni Muslims) details a man who came to Medina and converted to Islam.11 Shortly after his arrival, this man wanted to return to his former religion and asked the Prophet for permission to do so. The Prophet let him leave freely without imposing the death penalty or any other punishment.12
Nevertheless, the position on freedom of belief for Muslims reflected in the Qur’an and in the actual practice of the Prophet was sidelined in the development of classical Islamic law. In the classical legal texts written during the first four centuries of Islam, all surviving Islamic schools of law argued that the apostate should be put to death.

**RELIGIOUS FREEDOM OF NON-MUSLIMS IN THE POST-PROPHETIC PERIOD**

The period of the Islamic conquests commenced in earnest following the death of Muhammad in 632, particularly during the era of the first three caliphs, Abu Bakr (d. 634), Umar (d. 644), and Uthman (d. 656), and continued into the Umayyad period. Islamic legal thinking on the question of freedom of belief for people of other faiths was significantly shaped during this period, although precedents deriving from the time of the Prophet continued to exert influence as well. During this period Muslims entered into a large number of peace treaties with people of other religions. Many of these agreements were for a specific city (for example, Damascus and Jerusalem), rather than an entire state.

According to classical jurists, the terms of these treaties depended on whether the town or city was conquered by force or through negotiation. If conquered by force, the townspeople gained very little. In theory, their property and belongings became the property of the Muslim state, and the Muslim state could do whatever it wanted in the town. Yet some level of religious tolerance was granted in this context. For example, forced conversion was not generally practiced by the Muslim state. However, restrictions on religious practice were sometimes imposed, including the destruction of some places of worship or refusal of permission for places of worship to be repaired or rebuilt. On the other hand, if a town was conquered through negotiation, more favorable terms were usually granted. Often an explicit provision concerning freedom of belief and worship was included, such as permission for people to maintain their religious traditions, institutions, and teachings.

These peace treaties formed an important basis on which classical Muslim jurists developed their ideas about freedom of religion for non-Muslims in a Muslim state. One of the most influential documents in this respect is the so-called “Pact of Umar.” Although this pact is usually attributed to Umar the second caliph, there are doubts about its attribution. If authentic, it most likely should be attributed to Umar II, the Umayyad caliph Umar.
b. Abd al-Aziz (d. 720), if not to a later period. Many of its provisions are hostile and restrictive toward non-Muslims. They included terms about the impermissibility of building places of worship, repairing existing places of worship, manifesting particular practices of the religion (such as displaying crosses, raising voices when reciting scriptures), or wearing clothing similar to that worn by Muslims. If any of these provisions of the pact were violated, the protected peoples (usually Christians or Jews) would forfeit their covenant (dhimma) and become liable to the penalties for contumacy and sedition. Many classical Muslim jurists argued that this pact should form the basis upon which freedom of belief for non-Muslims might be maintained in Muslim states and empires.
Document Title: The Qur’an
Date: ca. 610-632

**MECCAN SURAS**

Qur’an 6:106-108

106 Follow what has been revealed to you from your Lord, there is no God but Him. Turn away from those who join other gods with Him. 107 If it had been God’s will, they would not have done so, but we have not made you their guardian, nor are you their keeper. 108 [Believers], do not revile those they call on beside God in case they, in their hostility and ignorance, revile God. To each community we make their own actions seem alluring, but in the end they will return to their Lord and He will inform them of all they did.

Qur’an 6:164

164 Say, “Should I seek a Lord other than God, when He is the Lord of all things?” Each soul is responsible for its own actions; no soul will bear the burden of another. You will all return to your Lord in the end, and He will tell you the truth about your differences.

Qur’an 10:19

19 All people were originally one single community, but later they differed. If it had not been for a word from your Lord, the preordained judgment would already have been passed between them regarding their differences.

Qur’an 10:40-43

40 Some of them believe in it, and some do not: your Lord knows best those who cause corruption. 41 If they do not believe you, say, “I act for myself, and you for yourselves. You are not responsible for my actions nor am I responsible for yours.” 42 Some of them do listen to you: but can you make the deaf hear if they will not use their minds? 43 Some of them look at you: but can you guide the blind if they will not see?
Qur’an 10:69-70
Say, “Those who invent lies about God will not prosper.” They may have a little enjoyment in this world, but then they will return to us. Then we shall make them taste severe punishment for persisting in blasphemy.

Qur’an 10:99-100
Had your Lord willed, all the people on earth would have believed. So can you compel people to believe? No soul can believe except by God’s will, and He brings disgrace on those who do not use their reason.

Qur’an 10:108
Say, “People, the truth has come to you from your Lord. Whoever follows the right path follows it for his own good, and whoever strays does so to his own loss: I am not your guardian.”

Qur’an 11:118-119
If your Lord had pleased, He would have made all people a single community, but they continue to have their differences—except those on whom your Lord has mercy—for He created them to be this way, and the word of your Lord is final: “I shall definitely fill Hell with both jinn and men.”

Qur’an 15:95-96
We are enough for you against all those who ridicule your message, who set up another god beside God—they will come to know.

Qur’an 16:82
But if they turn away, your only duty is to deliver the message clearly.

Qur’an 16:125-126
Call to the way of your Lord with wisdom and good teaching. Argue with them in the most courteous way, for your Lord knows best who has strayed from His way and who is rightly guided. If you have to respond to an attack, make your response proportionate, but it is best to stand fast.

Qur’an 26:3-4
Are you going to worry yourself to death because they will not believe? If we had wished, We could have sent them down a sign from heaven, at which their necks would stay bowed in utter humility.
Qur’an 27:80-81
80 You cannot make the dead hear, you cannot make the deaf listen to your call when they turn their backs and leave, 81 you cannot guide the blind out of their error: you cannot make anyone hear you except those who believe in our signs and submit.

Qur’an 27:92
92 Whoever chooses to follow the right path does so for his own good. Say to whoever deviates from it, “I am only here to warn.”

Qur’an 29:46
46 Argue only in the best way with the People of the Book, except with those of them who act unjustly. Say, “We believe in what was revealed to us and in what was revealed to you; our God and your God are one; we are devoted to Him.”

Qur’an 35:23-24
23 You are only here to warn them—24 We have sent you with the Truth as a bearer of good news and warning—every community has been sent a warner.

Qur’an 38:65-67
65 [Prophet] say, “I am only here to give warning. There is no god but God the One, the All Powerful, 66 Lord of the heavens and earth and everything between, the Almighty, the Most Forgiving.” 67 Say, “This message is a mighty one, 68 yet you ignore it. 69 I have no knowledge of what those on high discuss: 70 it is only revealed to me that I am here to give clear warning.”

Qur’an 39:41
41 We have sent the Scripture down to you [Prophet] with the Truth for people. Whoever follows the guidance does so for his own benefit, whoever strays away from it does so at his own peril: you are not in charge of them.

Qur’an 50:45
45 We know best what the disbelievers say. You [Prophet] are not there to force them, so remind, with this Qur’an, those who fear My warning.

Qur’an 88:21-24
21 So [Prophet] warn them: your only task is to give warning, 22 you are not there to control them. 23 As for those who turn away and disbelieve, God will inflict the greatest torment upon them. It is to Us they will return, 24 and then it is for Us to call them to account.
Qur’an 109:1-6
1 Say [Prophet], “Disbelievers: I do not worship what you worship, you do not worship what I worship, I will never worship what you worship, you will never worship what I worship: you have your religion and I have mine.”

MEDINAN SURAS

Qur’an 2:62
62 The [Muslim] believers, the Jews, the Christians, and the Sabians—all those who believe in God and the Last Day and do good—will have their rewards with their Lord. No fear for them, nor will they grieve.

Qur’an 2:109
109 Even after the truth has become clear to them, many of the People of the Book wish they could turn you back to disbelief after you have believed, out of their selfish envy. Forgive and forbear until God gives his command: He has power over all things.

Qur’an 2:111-113
111 They also say, “No one will enter Paradise unless he is a Jew or a Christian.” This is their own wishful thinking. Say, “Produce your evidence, if you are telling the truth.” 112 In fact, any who direct themselves wholly to God and do good will have their reward with their Lord: no fear for them, nor will they grieve. 113 The Jews say, “The Christians have no ground whatsoever to stand on,” and the Christians say, “The Jews have no ground whatsoever to stand on,” though they both read the Scripture, and those who have no knowledge say the same; God will judge between them on the Day of Resurrection concerning their differences.

Qur’an 2:135-136
135 They say, “Become Jews or Christians, and you will be rightly guided.” Say [Prophet], “No, [ours is] the religion of Abraham, the upright, who did not worship any god besides God.” 136 So [you believers], say, “We believe in God and in what was sent down to us and what was sent down to Abraham, Ishmael, Isaac, Jacob, and the Tribes, and what was given to Moses, Jesus, and all the prophets by their Lord. We make no distinction between any of them, and we devote ourselves to Him.”

Qur’an 2:190-194
190 Fight in God’s cause against those who fight you, but do not overstep the limits: God does not love those who overstep the limits. 191 Kill them wherever you encounter them, and drive them out from where they drove you out, for persecution is more
serious than killing. Do not fight them at the Sacred Mosque unless they fight you there. If they do fight you, kill them—this is what such disbelievers deserve—\(^\text{192}\) but if they stop, then God is most forgiving and merciful. \(^\text{193}\) Fight them until there is no more persecution, and worship is devoted to God. If they cease hostilities, there can be no [further] hostility, except towards aggressors. \(^\text{194}\) A sacred month for a sacred month: violation of sanctity [calls for] fair retribution. So if anyone commits aggression against you, attack him as he attacked you, but be mindful of God, and know that He is with those who are mindful of Him.

Qur’an 2:216-218

216 Fighting is ordained for you, though you dislike it. You may dislike something although it is good for you, or like something although it is bad for you: God knows and you do not. 217 They ask you [Prophet] about fighting in the prohibited month. Say, “Fighting in that month is a great offence, but to bar others from God’s path, to disbelieve in Him, prevent access to the Sacred Mosque, and expel its people, are still greater offences in God’s eyes: persecution is worse than killing.” They will not stop fighting you [believers] until they make you revoke your faith, if they can. If any of you revoke your faith and die as disbelievers, your deeds will come to nothing in this world and the Hereafter, and you will be inhabitants of the Fire, there to remain. 218 But those who have believed, migrated, and striven for God’s cause, it is they who can look forward to God’s mercy: God is most forgiving and merciful.

Qur’an 2:256

256 There is no compulsion in religion: true guidance has become distinct from error, so whoever rejects false gods and believes in God has grasped the firmest hand-hold, one that will never break. God is all hearing and all knowing.

Qur’an 3:75

75 There are People of the Book who, if you [Prophet] entrust them with a heap of gold, will return it to you intact, but there are others of them who, if you entrust them with a single dinar, will not return it to you unless you keep standing over them, because they say, “We are under no obligation towards the gentiles.” They tell a lie against God and they know it.

Qur’an 3:84-85

84 Say [Muhammad], “We [Muslims] believe in God and in what has been sent down to us and to Abraham, Ishmael, Isaac, Jacob, and the Tribes. We believe in what has been given to Moses, Jesus, and the prophets from their Lord. We do not make a distinction between any of the [prophets]. It is to Him that we devote
ourselves.” 85 If anyone seeks a religion other than [Islam] complete devotion to God, it will not be accepted from him; he will be one of the losers in the Hereafter.

Qur’an 3:110-115

110[Believers], you are the best community singled out for people: you order what is right, forbid what is wrong, and believe in God. If the People of the Book had also believed, it would have been better for them. For although some of them do believe, most of them are lawbreakers—111 they will not do you much harm: even if they come out to fight you, they will soon turn tail: they will get no help—112 and, unless they hold fast to a lifeline from God and from mankind, they are overshadowed by vulnerability wherever they are found. They have drawn God’s wrath upon themselves. They are overshadowed by weakness, too, because they have persistently disbelieved in God’s revelation and killed prophets without any right, all because of their disobedience and boundless transgression. 113 But they are not all alike. There are some among the People of the Book who are upright, who recite God’s revelations during the night, who bow down in worship, 114 who believe in God and the Last Day, who order what is right and forbid what is wrong, who are quick to do good deeds. These people are among the righteous 115 and they will not be denied [the reward] for whatever good deeds they do: God knows exactly who is conscious of Him.

Qur’an 3:199-200

199 Some of the People of the Book believe in God, in what has been sent down to you and what was sent down to them: humbling themselves before God, they would never sell God’s revelation for a small price. These people will have their rewards with their Lord: God is swift in reckoning. 200 You who believe, be steadfast, more steadfast than others; be ready; always be mindful of God, so that you may prosper.

Qur’an 4:59

59 You who believe, obey God and the Messenger, and those in authority among you. If you are in dispute over any matter, refer it to God and the Messenger, if you truly believe in God and the Last Day: that is better and fairer in the end.

Qur’an 4:88-91

88[Believers], why are you divided in two about the hypocrites, when God Himself has rejected them because of what they have done? Do you want to guide those God has left to stray? If God leaves anyone to stray, you [Prophet] will never find the way for him. 89 They would dearly like you to reject faith, as they themselves have done, to be like them. So do not take them as allies until they migrate [to Medina] for God’s cause. If they turn [on you], then seize and kill them wherever you encounter them. Take none of them as an ally or supporter. 90 But as for those who seek refuge with people with whom you have
a treaty, or who come over to you because their hearts shrink from fighting against you or against their own people, God could have given them power over you, and they would have fought you. So if they withdraw and do not fight you, and offer you peace, then God gives you no way against them. You will find others who wish to be safe from you, and from their own people, but whenever they are back in a situation where they are tempted [to fight you], they succumb to it. So if they neither withdraw, nor offer you peace, nor restrain themselves from fighting you, seize and kill them wherever you encounter them: We give you clear authority against such people.

Qur’an 4:136-138
136 You who believe, believe in God and His Messenger and in the Scripture He sent down to His Messenger, as well as what He sent down before. Anyone who does not believe in God, His angels, His Scriptures, His messengers, and the Last Day has gone far, far astray. 137 As for those who believe, then reject the faith, then believe again, then reject the faith again and become increasingly defiant, God will not forgive them, nor will He guide them on any path. 138 [Prophet], tell such hypocrites that an agonizing torment awaits them.

Qur’an 5:5
5 Today all good things have been made lawful for you. The food of the People of the Book is lawful for you as your food is lawful for them. So are chaste, believing, women as well as chaste women of the people who were given the Scripture before you, as long as you have given them their bride-gifts and married them, not taking them as lovers or secret mistresses. The deeds of anyone who rejects faith will come to nothing, and in the Hereafter he will be one of the losers.

Qur’an 5:32-34
32 On account of [his deed], We decreed to the Children of Israel that if anyone kills a person—unless in retribution for murder or spreading corruption in the land—it is as if he kills all mankind, while if any saves a life it is as if he saves the lives of all mankind. Our messengers came to them with clear signs, but many of them continued to commit excesses in the land. 33 Those who wage war against God and His Messenger and strive to spread corruption in the land should be punished by death, crucifixion, the amputation of an alternate hand and foot, or banishment from the land: a disgrace for them in this world, and then a terrible punishment in the Hereafter, unless they repent before you overpower them—in that case bear in mind that God is forgiving and merciful.
Qur’an 5:51
You who believe, do not take Jews and Christians as allies: they are allies only to each other.

Qur’an 5:57-58
57 You who believe, do not take as allies those who ridicule your religion and make fun of it—whether people who were given the Scripture before you—and be mindful of God if you are true believers. 58 When you make the call to prayer, they ridicule it and make fun of it: this is because they are a people who do not reason.

Qur’an 5:69
69 For the [Muslim] believers, the Jews, the Sabians, and the Christians—those who believe in God and the Last Day and do good deeds—there is no fear: they will not grieve.

Qur’an 8:39-40
39 [Believers], fight them until there is no more persecution, and all worship is devoted to God alone: if they desist, then God sees all that they do, 40 but if they pay no heed, be sure that God is your protector, the best protector and the best helper.

Qur’an 8:60-61
60 Prepare whatever forces you [believers] can muster, including warhorses, to frighten off God’s enemies and yours, and warn others unknown to you but known to God. Whatever you give in God’s cause will be repaid to you in full, and you will not be wronged. 61 But if they incline towards peace, you [Prophet] must also incline towards it, and put your trust in God: He is the All Hearing, the All Knowing.

Qur’an 9:5-6
5 When the forbidden months are over, wherever you encounter the idolaters, kill them, seize them, wait for them at every lookout post; but if they turn (to God), maintain the prayer, and pay the prescribed alms, let them on their way, for God is most forgiving and merciful. 6 If anyone of the idolaters should seek your protection (Prophet), grant it to him so that he may hear the word of God, then take him to a safe place for him, for they are a people with no knowledge (of it).

Qur’an 9:12-14
12 But if they break their oath after having made an agreement with you, if they revile your religion, then fight the leaders of disbelief—oaths mean nothing to them—so that they may stop. 13 How could you not fight a people who have broken their oaths, who tried to drive the Messenger out, who attacked you first? Do you fear
them? It is God you should fear if you are true believers.

Qur’an 9:29
29Fight those of the People of the Book who do not [truly] believe in God and the Last Day, who do not forbid what God and his Messenger have forbidden, who do not obey the rule of justice, until they pay the tax and agree to submit.

Qur’an 22:17
17As for the believers, those who follow the Jewish faith, the Sabians, the Christians, the Magians, and the idolaters, God will judge between them on the Day of Resurrection; God witnesses all things.

Qur’an 22:39-40
39Those who have been attacked are permitted to take up arms because they have been wronged—God has the power to help them—40those who have been driven unjustly from their homes only for saying, “Our Lord is God.” If God did not repel some people by means of others, many monasteries, churches, synagogues, and mosques, where God’s name is much invoked, would have been destroyed. [...]

Qur’an 24:27-28
27Believers, do not enter other people’s houses until you have asked permission to do so and greeted those inside—that is best for you: perhaps you will bear this in mind. 28If you find no one in, do not enter unless you have been given permission to do so. If you are told, “Go away,” then do so—that is more proper for you. God knows well what you do.

Qur’an 60:7-9
7God may still bring about affection between you and your present enemies—God is all powerful, God is most forgiving and merciful—8and He does not forbid you to deal kindly and justly with anyone who has not fought you for your faith or driven you out of your homes: God loves the just. 9But God forbids you to take as allies those who have fought against you for your faith, driven you out of your homes, and helped others to drive you out: any of you who take them as allies will truly be wrongdoers.
Document Title: Sahih al-Bukhari, On Jewish Funerals  
Author: Muhammad b. Isma‘il al-Bukhari  
Date: ca. 845  

Narrated ‘Abdur Rahman bin Abi Laila: Sahl bin Hunaif and Qais bin Sad were sitting in the city of Al-Qadisiya. A funeral procession passed in front of them and they stood up. They were told that the funeral procession was of one of the inhabitants of the land (i.e. of a non-believer), under the protection of Muslims. They said, “A funeral procession passed in front of the Prophet and he stood up. When he was told that it was the coffin of a Jew, he said, ‘Is it not a living being (soul)?’” (Volume 2, Book 23, Number 399)

Document Title: Sahih al-Bukhari, On the Treaty of Hudaibiya  
Author: Muhammad b. Isma‘il al-Bukhari  
Date: ca. 845  
Source: M.M. Khan, trans., The Translation of the Meanings of Sahih Al-Bukhari, Volume 3 (Delhi: Kitab Bhavan, 1984), 536; http://www.usc.edu/org/cmje/religious-texts/hadith/bukhari/049-sbt.php

Narrated Al-Bara bin ‘Azib: When Allah’s Apostle concluded a peace treaty with the people of Hudaibiya, Ali bin Abu Talib wrote the document and he mentioned in it, “Muhammad, Allah’s Apostle.” The pagans said, “Don’t write: ‘Muhammad, Allah’s Apostle,’ for if you were an apostle we would not fight with you.” Allah’s Apostle asked Ali to rub it out, but Ali said, “I will not be the person to rub it out.” Allah’s Apostle rubbed it out and made peace with them on the condition that the Prophet and his companions would enter Mecca and stay there for three days, and that they would enter with their weapons in cases. (Volume 3, Book 49, Number 862)

Document Title: Sahih al-Bukhari, On Jihad  
Author: Muhammad b. Isma‘il al-Bukhari  
Date: ca. 845  
Narrated Abdullah bin Masud: I asked Allah’s Apostle, “O Allah’s Apostle! What is the best deed?” He replied, “To offer the prayers at their early stated fixed times.” I asked, “What is next in goodness?” He replied, “To be good and dutiful to your parents.” I further asked, “What is next in goodness?” He replied, “To participate in jihad in Allah’s cause.” I did not ask Allah’s Apostle anymore and if I had asked him more, he would have told me more. (Volume 4, Book 52, Number 41)

Document Title: Sahih al-Bukhari, On Non-Muslim Minorities  
Author: Muhammad b. Isma‘il al-Bukhari  
Date: ca. 845  

Narrated ‘Amr bin Maimun: Umar (after he was stabbed), instructed (his would-be-successor) saying, “I urge him (i.e. the new Caliph) to take care of those non-Muslims who are under the protection of Allah and His Apostle in that he should observe the convention agreed upon with them, and fight on their behalf (to secure their safety) and he should not over-tax them beyond their capability.” (Volume 4, Book 52, Number 287)

Document Title: Sahih al-Bukhari, On Criminal Apostates  
Author: Muhammad b. Isma‘il al-Bukhari  
Date: ca. 845  

Narrated Anas: Some people from the tribe of ‘Ukl came to the Prophet and embraced Islam. The climate of Medina did not suit them, so the Prophet ordered them to go to the (herd of milch) camels of charity and to drink, their milk and urine (as a medicine). They did so, and after they had recovered from their ailment (became healthy) they turned renegades (reverted from Islam) and killed the shepherd of the camels and took the camels away. The Prophet sent (some people) in their pursuit and so they were (caught and) brought, and the Prophets ordered that their hands and legs should be cut off and that their eyes should be branded with heated pieces of iron, and that their cut hands and legs should not be cauterized, till they die. (Volume 8, Book 82, Number 794)
Narrated by ‘Abdallah: Allah’s Apostle said, “The blood of a Muslim who confesses that none has the right to be worshipped but Allah and that I am his Apostle, cannot be shed except in three cases: in *qisas* for murder, a married person who commits illegal sexual intercourse, and the one who reverts from Islam and leaves the Muslims.” (Volume 9, Book 83, Number 17)

Narrated ‘Ikrima: 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 Apostle forbade it, saying, ‘Do not punish anybody with Allah’s punishment (fire).’ I would have killed them according to the statement of Allah’s Apostle, ‘Whoever changed his Islamic religion, then kill him.’” (Volume 9, Book 84, Number 57)

Narrated Sahl bin Sa’d As-Sa’idi: A man peeped through a hole in the door of Allah’s Apostle’s house, and at that time, Allah’s Apostle had a midri (an iron comb or bar) with which he was rubbing his head. So when Allah’s Apostle saw him, he said, “If I had been sure that you were looking at me (through the door), I would have poked your eye with this (sharp iron bar).” Allah’s Apostle added, “The asking for permission to enter has been enjoined so that one may
not look unlawfully (at what there is in the house without the permission of its people).” (Volume 9, Book 83, Number 38b)

**Document Title:** Sahih al-Bukhari, On the Fallible Judgment of Muhammad
**Author:** Muhammad b. Isma‘il al-Bukhari
**Date:** ca. 845

Narrated Um Salama: The Prophet heard the voices of some people quarreling near his gate, so he went to them and said, “I am only a human being and litigants with cases of disputes come to me, and maybe one of them presents his case eloquently in a more convincing and impressive way than the other, and I give my verdict in his favor thinking he is truthful. So if I give a Muslim's right to another (by mistake), then that (property) is a piece of fire, which is up to him to take it or leave it.” (Volume 9, Book 89, Number 295)

**Document Title:** Sahih al-Bukhari, On the Apostasy Wars
**Author:** Muhammad b. Isma‘il al-Bukhari
**Date:** ca. 845
**Source:** M. M. Khan, trans., *The Translation of the Meanings of Sahih Al-Bukhari, Volume 9* (Delhi: Kitab Bhavan, 1984), 286-287; http://www.usc.edu/org/cmje/religious-texts/hadith/bukhari/092-sbt.php

Narrated Abu Huraira: When Allah’s Apostle died and Abu Bakr was elected as a Caliph after him, some of the Arabs reverted to disbelief. ‘Umar said to Abu Bakr, “How dare you fight the people!” But Allah’s Apostle said, “I have been ordered to fight the people till they say ‘None has the right to be worshipped but Allah.’ And whoever says: ‘None has the right to be worshipped but Allah,’ waives his wealth and his life from me unless he deserves a legal punishment, and his account will be with Allah!” Abu Bakr said, “By Allah, I will fight him who discriminates between Zakat and prayers, for Zakat is the compulsory right to be taken from the wealth by Allah, if they refuse to give me even a tying rope which they use to give to Allah’s Apostle, I would fight them for withholding it.” ‘Umar said, “By Allah, It was nothing, except I saw that Allah had opened the chest of Abu Bakr to the fight, and I came to know for certain that was the truth.” (Volume 9, Book 92, Number 388)
Narrated Jabir bin ‘Abdullah As-Salami: A bedouin gave the pledge of allegiance for embracing Islam to Allah’s Apostle, and then he got an attack of fever in Medina and came to Allah’s Apostle and said, “O Allah’s Apostle! Cancel my pledge.” Allah’s Apostle refused to do so. The bedouin came to him again and said, “Cancel my pledge,” but he refused again, and then again, the bedouin came to him and said, “Cancel my pledge,” and Allah’s Apostle refused. The bedouin finally went away, and Allah’s Apostle said, “Medina is like a pair of bellows (furnace), it expels its impurities while it brightens and clears its good.”

(Volume 9, Book 92, Number 424a)

Narrated Abu Huraira: The people of the Book used to read the Torah in Hebrew and then explain it in Arabic to the Muslims. Allah’s Apostle said (to the Muslims), “Do not believe the people of the Book, nor disbelieve them, but say, ‘We believe in Allah and whatever is revealed to us, and whatever is revealed to you.’”

(Volume 9, Book 92, Number 460)

It is reported on the authority of Ibn ‘Umar that the Messenger of Allah said: “Any person who called his brother: ‘O unbeliever!’ (has in fact done an act by which this unbelief) would return to one of them. If it were so, as he asserted
It has been reported from Sulaiman b. Buraid through his father that when the Messenger of Allah (may peace be upon him) appointed anyone as leader of an army or detachment he would especially exhort him to fear Allah and to be good to the Muslims who were with him. He would say: “Fight in the name of Allah and in the way of Allah. Fight against those who disbelieve in Allah. Make a holy war; do not embezzle the spoils; do not break your pledge; and do not mutilate the (dead) bodies; do not kill the children. When you meet your enemies who are polytheists, invite them to three courses of action. If they respond to anyone of these, you also accept it and withhold yourself from doing 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 Muhajirs and inform them that, if they do so, they shall have all the privileges and obligations of the Muhajirs. 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 like other Muslims, but they will not any share from the 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 help and fight them. When you lay siege to a fort and the besieged appeal to you for protection in the name of Allah and his prophet, do not accord to them the guarantee of Allah and his prophet, but accord to them your own guarantee and the guarantee of your companions for it is a lesser sin that the security given by you or your companions be disregarded than that the security granted in the name of Allah and His Prophet be violated. When you besiege a fort and the besieged want you to let them out in accordance with Allah’s command, do not let them out in accordance with His command, but do so at your own command, for you do not know whether or not you will be able to carry out Allah’s behest with regard to them.” (Volume 3, Book 19, Number 4294)
It has been narrated on the authority of Ibn Umar that the Jews of Banu Nadir and Banu Quraiza fought against the Messenger of Allah (may peace be upon him) who expelled Banu Nadir, and allowed Quraiza to stay on, and granted favour to them until they too fought against him. Then he killed their men, and distributed their women, children and properties among the Muslims, except that some of them had joined the Messenger of Allah (may peace be upon him) who granted them security. They embraced Islam. The Messenger of Allah (may peace be upon him) turned out all the Jews of Medina. Banu Qainuqa’ (the tribe of ‘Abdullah b. Salim) and the Jews of Banu Haritha and every other Jew who was in Medina. (Volume 3, Book 19, Number 4364)

It has been narrated on the authority of ‘Auf b. Malik that the Messenger of Allah (may peace be upon him) said: “The best of your rulers are those whom you love and who love you, who invoke God’s blessings upon you and you invoke His blessings upon them. And the worst of your rulers are those whom you hate and who hate you and whom you curse and who curse you.” It was asked (by those present): “Shouldn’t we overturn them with the help of the sword?” He said: “No, as long as they establish prayer among you. If you then find anything detestable in them, you should hate their administration, but do not withdraw yourselves from their obedience.” (Volume 3, Book 20, Number 4573)

The almighty God by entrusting your affairs to me has given me a right over you.
And as I have a right over you so you have a right over me. [...] The greatest of these reciprocal rights is that of a ruler on the ruled and that of the governed on the governing authority. The almighty Lord has made them obligatory on both. This obligation when discharged forges a link of affinity and love between the ruler and the governed, it raises the prestige and honor of their religion and enhances the happiness and contentment of the subject. But remember that no subject will be happy and contented unless the system of government is sympathetic, human, and congenial. And no ruler can introduce a good form of government unless the subject is ready to meet their obligations readily, sincerely, and faithfully.

Document Title: Ali ibn Abu Talib on Treaties
Author: Sharif Razi (compiler)
Date: ca. 1000

If your enemy invites you for such a treaty that it will be agreeable to the Lord then never refuse such an offer, because peace will bring rest and comfort to your armies, will relieve you from anxieties and worries, and will bring prosperity and abundance to your people. But even after such treaties be very careful of the enemies and do not place too much faith in their promises, because they often resort to peace and treaty to deceive and delude you and take advantage of your negligence, carelessness, and trust. At the same time, be very careful, never break your promise with your enemy, never forsake the protection or support that you have offered to him, never go back upon your words and never violate the terms of the treaty. You must risk even your life to fulfill the promises given and terms settled. Because of all the obligations laid by the mighty Lord upon man (in respect to other men) there is none so important as to keep one’s promises when made. Though people may differ in their religions and ideologies and may have different views upon various problems of state yet they all agree that promises when made must be fulfilled. Even the heathens take care to keep the promises made among themselves, because they have seen and realized the evil effects of promises made and broken. Therefore, you take very particular care of promises made, never go back upon the words given, never attach or take up an offensive, without previously challenging and giving an ultimatum. Deception and fraud even against your enemy is a deception against God and none but a wretched sinner would dare do that.
Then the Quraysh showed their enmity to all those who followed the Apostle; every clan which contained Muslims attacked them, imprisoning them, and beating them, allowing them no food or drink, and exposing them to the burning heat of Mecca, so as to seduce them from their religion. Some gave way under pressure of persecution, and others resisted them, being protected by God. ...

When the Apostle saw the affliction of his companions and although he escaped it because of his standing with Allah and his uncle Abu Talib, he could not protect them, he said to them: “If you were to go to Abyssinia (it would be better for you), for the king will not tolerate injustice and it is a friendly country, until such time as Allah shall relieve you from your distress.” Thereupon his companions went to Abyssinia, being afraid of apostasy and fleeing to God with their religion. This was the first hijra in Islam. ...

When the Quraysh saw that the Prophet’s companions were safely ensconced in Abyssinia and had found security there, they decided among themselves to send two determined men of their number to the Negus to get them sent back, so that they could seduce them from their religion and get them out of the home in which they were living in peace. So they sent ‘Abdullah b. Abu Rabi’a and Amr b. Al-‘As b. Wa’il. They got together some presents for them to take to the Negus and his generals. ...

Muhammad b. Muslim al-Zuhri from Abu Bakr b. Abdul-Rahman b. al-Harith b. Hisham al-Makhzumi from Umm Salama d. Abu Umayya b. al-Mughira wife of the Apostle said, “When we reached Abyssinia the Negus gave us a kind reception. We safely practiced our religion and we worshipped God, and suffered no wrong in word or deed. When the Quraysh got to know of that, they decided to send two determined men to the Negus to give him presents of the choicest wares of Mecca.” [...] Then they (i.e. Quraysh) were to give their presents to Negus and ask him to give the men up before he spoke to them. (...) The Negus was enraged and said: “No, by God, I will not surrender them.
No people who have sought my protection, settled in my country, and chosen me rather than others shall be betrayed, until I summon them and ask them about what these two men allege. If they are as they say, I will give them up to them and send them back to their own people; but if what they say is false, I will protect them and see that they receive proper hospitality while under my protection.” […]

Then he summoned the Apostle’s companions, and when his messenger came they gathered together, saying one to another, “What will you say to the man when you come to him?” They said, “We shall say what we know and what our Prophet commanded us, come what may.” When they came into the royal presence they found that the king had summoned his bishops with their sacred books exposed around them. He asked them what was their religion for which they had forsaken their people, without entering into his religion or any other. Ja’far b. Abu Talib answered, “O king we were an uncivilized people, worshipping idols, eating corpses, committing abominations, breaking natural ties, treating guests badly, and our strong devoured our weak. Thus we were until God sent us an apostle whose lineage, truth, trustworthiness, and clemency we know. He summoned us to acknowledge God’s unity and to worship him and to renounce the stones and images which we and our fathers formerly worshipped. He commanded us to speak the truth, be faithful to our engagements, mindful of the ties of kinship and kindly hospitality, and to refrain from crimes and bloodshed. He forbade us to commit abominations and to speak lies and to devour the property of orphans, to vilify chaste women. He commanded us to worship God alone and not to associate anything with him, and he gave us orders about prayer, almsgiving, and fasting (enumerating the commands of Islam). We confessed his truth and believed in him, and we followed him in what he had brought from God, and we worshipped God alone without associating aught with him. We treated as forbidden what he forbade, and lawful what he declared lawful. Thereupon our people attacked us, treated us harshly and seduced us from our faith to try to make us go back to the worship of idols instead of the worship of God, and to regard as lawful the evil deeds we once committed. So when they got the better of us, treated us unjustly and circumscribed our lives, and came between us and our religion, we came to your country, having chosen you above all others. Here we have been happy in your protection and we hope that we shall not be treated unjustly while we are with you, O King.”
The Apostle had not been given permission to fight or allowed to shed blood before the second ‘Aqaba. He had simply been ordered to call men to God and to endure insult and forgive the ignorant. The Quraysh had persecuted his followers, seducing some from their religion, and exiling others from their country. They had to choose whether to give up their religion, be maltreated at home, or to flee the country, some to Abyssinia, others to Medina.

When the Quraysh became insolent towards God and rejected his gracious purpose, accused his Prophet of lying, and ill-treated and exiled those who served him and proclaimed his unity, believed in his Prophet, and held fast to his religion, he gave permission to his Apostle to fight and to protect himself against those who wronged them and treated them badly.

The first verse which was sent down on this subject from what I have heard from ‘Urwa b. al-Zubayr and other learned persons was: “Permission is given to those who fight because they have been wronged. God is well able to help them—those who have been driven out of their houses without right only because they said God is our Lord. Had not God used some men to keep back others, cloisters and churches and oratories and mosques wherein the name of God is constantly mentioned would have been destroyed.” […] The meaning is: “I have allowed them to fight only because they have been unjustly treated while their sole offence against men has been that they worship God. When they are in the ascendancy they will establish prayer, pay the poor tax, enjoin kindness, and forbid iniquity.” Then God sent down to him: “Fight them so that there be no more seduction” (i.e. until no believer is seduced from religion). “And the religion is God’s” (i.e. until God alone is worshipped).
he made a friendly agreement with the Jews and established them in their religion and their property, and stated the reciprocal obligations, as follows: “In the name of God the Compassionate, the Merciful. This is a document from Muhammad the Prophet (governing the relations) between the believers and Muslims of Quraysh and Yathrib, and those who followed them and joined them and labored with them. They are one community to the exclusion of all men. […]

A believer shall not take as an ally the freedman of another Muslim against him. The God-fearing believers shall be against the rebellious or him who seeks to spread injustice, or sin or enmity, or corruption between believers; the hand of every man shall be against him even if he be a son of one of them. A believer shall not slay a believer for the sake of an unbeliever, nor shall he aid an unbeliever against a believer. God’s protection is one; the least of them may give protection to a stranger on their behalf. Believers are friends one to the other to the exclusion of outsiders. To the Jew who follows us belong help and equality. He shall not be wronged nor shall his enemies be aided. The peace of the believers is indivisible. […]

The Jews shall contribute to the cost of war so long as they are fighting alongside the believers. The Jews of the Banu ‘Auf are one community with the believers (the Jews have their religion and the Muslims have theirs), their freedmen and their persons except those who behave unjustly and sinfully, for they hurt but themselves and their families. The same applies to the Jews of the B. al-Najjar, B. al-Harith, B. Sa‘ida, B. Jusham, B. al-Aus, B. Tha’lab, and the Jafna, a clan of the the Tha’lab and the B. al-Shutayba. Loyalty is a protection against treachery. The freedmen of Tha’lab are as themselves. The close friends of the Jews are as themselves. None of them shall go to war save with the permission of Muhammad, but he shall not be prevented from taking revenge for a wound. He who slays a man without warning slays himself and his household, unless it be one who has wronged him, for God accepts that. The Jews must bear their expenses and the Muslims their expenses. Each must help the other against anyone who attacks the people of this document. They must seek mutual advice and consultation, and loyalty is a protection against treachery. […]

If any dispute or controversy likely to cause trouble should arise it must be referred to God and to Muhammad the Apostle of God.
Mirba b. Qayzi who said to the Apostle when he passed through his garden on his way to Uhud: “I do not allow you Muhammad to pass through my garden even if you are a prophet.” He took a handful of dirt and said: “By God, if I did not know that I might throw it on others I would throw this dirt at you.” The people pressed on him to kill him and the Apostle said: “Let him alone. For this blind man is blind of heart and blind of perception.”

A deputation from the Christians of Najran came to the Apostle. There were sixty riders, fourteen of them from their nobles of whom three were in control of affairs, namely the ‘Aqib, the leader of the people, a man of affairs, and their chief advisor whose opinion governed their policy […] and their bishop, scholar, and religious leader who controlled their schools, Abu Haritha b. ‘Alqama, one of B. Bakr b. Wā’il.

Abu Haritha occupied a position of honor among them, and was a great student, so that he had an excellent knowledge of their religion, and the Christian kings of Byzantium had honored him and paid him a subsidy and gave him servants, built churches for him and lavished honors on him, because of his knowledge and zeal for their religion. […]

Muhammad b. Ja’far b. Al Zubayr told me that when they came to Medina they came into the Apostle’s mosque as he prayed the afternoon prayer clad in Yamani garments, cloaks, and mantles, with the elegance of men of B. al-Harith b. Ka’b. The Prophet’s companions who saw them that day said they never saw their like in any deputation that came afterwards. The time of their prayers having come they stood and prayed in the Apostle’s mosque, and he said they were to be left to do so. They prayed toward the East. […]
When the two divines spoke to him the Apostle said to them, “Submit yourselves.” They said, “We have submitted.” He said, “You have not submitted, so submit.” They said, “Nay, but we submitted before you.” He said, “You lie. Your assertion that God has a son, your worship of the cross, and your eating pork hold you back from submission.” […]

Thus he invited them to justice and deprived them of their argument. When there came to the Apostle news of Jesus from God and a decisive judgment between him and them, and he was commanded to resort to mutual invocation of a curse if they opposed him, he summoned them to begin. But they said: “O Abu ’l-Qasim, let us consider our affairs; then we will come to you later with our decision.” So they left him and consulted with the ‘Aqib who was their chief advisor and asked him what his opinion was. He said: “O Christians, you know right well that Muhammad is a prophet sent (by God) and he has brought a decisive declaration about the nature of your master. You know too that a people has never invoked a curse on a prophet and seen its elders live and its youth grow up. If you do this, you will be exterminated. But if you decide to adhere to your religion and to maintain your doctrine about your master, then take your leave of the man and go home.” So they came to the Apostle and told him that they had decided not to resort to cursing and to leave him in his religion and return home. But they would like him to send a man he could trust to decide between them in certain financial matters in dispute among them. […]

Muhammad b. Ja’far said that the Apostle said, “If you come to me this evening I will send a firm and trusty man.”

**Document Title:** The Conquest of Mecca  
**Author:** Ibn Ishaq  
**Date:** ca. 800  

The Apostle had instructed his commanders when they entered Mecca only to fight those who resisted them, except a small number who were to be killed even if they were found beneath the curtains of the Ka’ba. Among them was ‘Abdullah b. Sa’d, brother of the B. ‘Amir b. Lu’ayy. The reason he ordered him to be killed was that he had been a Muslim and used to write down revelation; then he apostatized and returned to Quraysh and fled to ‘Uthman b. ‘Affan whose foster-brother he was. The latter hid him until he brought him to the Apostle after the situation in Mecca was tranquil, and asked that he
might be granted immunity. They allege that the Apostle remained silent for a long time until finally he said yes. When ‘Uthman had left, he said to his companions who were sitting around him, “I kept silent so that one of you might get up and strike off his head!” One of the Ansar said, “Then why didn’t you give me a sign, O Apostle of God?” He answered that a prophet does not kill by pointing.

**Document Title:** Muhammad’s Final Command  
**Author:** Ibn Ishaq  
**Date:** ca. 800  

On the same authority I was told that the last injunction that the Apostle gave was in his words, “Let not two religions be left in the Arab peninsula.” [...] When the Apostle was dead the Muslims were sore stricken. I have heard that ‘A’isha used to say, “When the Apostle died the Arabs apostatized and Christianity and Judaism raised their heads and disaffection appeared. The Muslims became a sheep exposed to rain on a winter’s night through the loss of their prophet until God united them under Abu Bakr.”

**Document Title:** On the Christians of Najran  
**Author:** Muhammad al-Shaybani  
**Date:** ca. 800  

Whoever of the Muslim [officials] may be present among them shall support them against whoever may do them injustice, for they are a people who have been granted the status of *dhimmis*. Their *jizya* is waived for twenty-four months after they have arrived [at their new home] and they shall not be obligated to pay it until after they have settled down, nor shall any injustice be done to them, nor shall they be oppressed. Witnessed and written by ‘Uthman [b. Affan] and Mu‘ayqib. [...]  

[Shaybani] said: The decree that God issued to them through the Prophet Muhammad should be fulfilled. Neither their old men nor their boys are subject to the poll tax (*jizya*), whether in the form of garments or otherwise, nor should they be prevented from building chapels, monasteries, or churches in the lands.
The people of Makna made terms with the Prophet, agreeing to offer one-fourth of what they fish and spin, one-fourth of their horses and coats of mail, and one-fourth of their fruits. The inhabitants of Makna were Jews. An Egyptian told me that he saw with his own eye the statement that the Prophet wrote them on a red parchment, the writing on which was partly effaced, and which he copied and dictated to me as follows:

“In the name of Allah, the compassionate, the merciful. From Muhammad, the Messenger of Allah, to the banu-Habibah and the inhabitants of Makna: peace be with you. It has been revealed unto me from above that you are to return to your village. From the time this my letter reaches you, you shall be safe; and you have the assurance of security from Allah and from his Messenger. Verily, the Messenger of Allah has forgiven you your sins and all blood for which you have been pursued. In your village, you shall have no partner but the Messenger of Allah or the Messenger’s messenger. There shall be no oppression on you nor hostility against you. Against whatever the prophet of Allah protects himself, he will protect you. Only to the Prophet of Allah shall belong your cloth-stuff, slaves, horses and coats of mail, save what the Prophet or the Prophet’s messenger shall exempt. Besides that, you shall give one-fourth of what your palm trees produce, one-fourth of the product of your nets, and one-fourth of what is spun by your women; but all else shall be your own; and God’s prophet has exempted you from all further poll-tax or forced labor. Now if you hear and obey, it will be for the Prophet to do honor to the honorable among you and pardon those among you who do the wrong. Whoever of the banu-Habibah and the inhabitants of Makna bethinks himself to do well to the Muslims, it shall be well for him; and whosoever means mischief to them, mischief shall befall him. You are to have no ruler save your number of the family of the Prophet. Written by Ali ibn Abu Talib in the year 9.”

Document Title: On Muhammad’s Treaty with the Christians of Najran
Author: Al-Baladhuri
Date: ca. 875
Al-Husain from Yahya ibn Adam who said: “I copied the statement of the Prophet to the people of Najran from that of a man who took it from al-Hasan ibn-Salih. These are the words: ‘In the name of Allah, the compassionate, the merciful. The following is what the Messenger of Allah, Muhammad, wrote to Najran, at whose disposal were all their fruits, their gold, silver, and domestic utensils, and their slaves, but which he benevolently left for them, assessing on them two thousand robes, each having the value of one *aukiyah*, one thousand to be delivered in Rajab every year. Each robe shall be one *aukiyah*; and whatever robes cost more or less than one *aukiyah*, their overcost or deficiency shall be taken into consideration; and whatever coats of mail, horses, camels or goods they substitute for the robes shall be taken into consideration. It is binding on Najran to provide a board and lodging for my messengers for one month or less and never to detain them for more than a month. It is also binding on them to offer as loan thirty coats of mail, thirty mares and thirty camels, in case of war in al-Yaman due to their rebelling. Whatever perishes of the horses or camels, lent to my messengers, is guaranteed by my Messengers and is returned by them. Najran and their followers are entitled to the protection of Allah and to the security of Muhammad the Prophet, the Messenger of Allah, which security shall involve their persons, religion, lands and possessions, including those of them who are absent as well as those who are present, their camels, messengers, and images. The state they previously held shall not be changed, nor shall any of their religious services or images be changed. No attempt shall be made to turn a bishop from his office as a bishop, a monk from his office as a monk, nor the sexton of a church from his office, whether what is under the control of each is great or little. They shall not be held responsible for any wrong deed or bloodshed in pre-Islamic times. They shall neither be called to military service nor compelled to pay the tithe. No army shall tread on their land. If someone demands of them some right, then the case is decided with equity without giving the people of Najran the advantage over the other party, or giving the other party the advantage over them. But whosoever of them has up till now received usury, I am clear of the responsibility of his protection. None of them, however, shall be held responsible for the guilt of the other. And as a guarantee to what is recorded in this document, they are entitled to the right of protection from Allah and to the security of Muhammad the Prophet, until Allah’s order is issued, and so long as they give the right to counsel (to Muslims) and render whatever dues are bound on them, provided they are not asked to do anything unjust. Witnessed by abu-Sufyan ibn Harb, Ghailan ibn ‘Amr, Malik ibn Auf of banu Nasr, al-Akra ibn Habis al-HAnzali and al-Mughirah.”
The bishop who had provided Khalid with food at the beginning of the siege was wont to stand on the wall. Once Khalid called him, and when he came, Khalid greeted him and talked with him. The bishop one day said to him, “Abu Sulaiman, your case is prospering and thou hast a promise to fulfill for me; let us make terms for this city.” Thereupon, Khalid called for an inkhorn and parchment and wrote: “In the name of Allah, the Compassionate, the Merciful. This is what Khalid would grant to the inhabitants of Damascus if he enters therein: he promises to give them security for their lives, property and churches. Their city wall shall not be demolished; neither shall any Muslim be quartered in their houses. We give to them the pact of Allah and the protection of his Prophet, the caliphs and the believers. So long as they pay the poll tax nothing but good shall befall them.”

It is reported that when Mu‘awiyah ibn-abi-Sufyan came to power, he desired to add the church of St. John to the mosque in Damascus; but the Christians refused. So he refrained. Later when Abd-al-Malik ibn Marwan was in power, he made the same request for the enlargement of the mosque offering them money in exchange; but they refused to deliver the church to him. In his turn, al-Walid ibn ‘Abd-al-Malik called the Christians and offered them large sums for the church, and when they refused, he threatened them saying, “If you do not agree, I will surely tear it down.” To this someone replied, “He, Commander of the Believers, who tears down a church will lose his wits and be affected with some blight.” Al-Walid, being angered at what was said, ordered that a spade be brought and began demolishing the walls with his own hand, while he had a robe of yellow silk on him. He then called workmen and house-razers and they pulled the church down. Thus it was included in the mosque. When ‘Umar ibn ‘Abd al-Aziz became caliph, the Christians complained of what al-Walid had done. ‘Umar wrote to his ‘amil ordering him to return to the Christians
that part which he had added to the mosque from the church. The people of Damascus disliked the idea saying, “Shall we destroy our mosque after we have called to prayer and held service in it? And can a Christian church be returned?” Among the Muslims were at that time Sulaiman ibn-Habib al-Muharibi and other canonists. They then came to the Christians and proposed to turn over to them all the churches of al-Ghutah that had been taken over to them by force and were in the hands of Muslims, provided they give up the church of St. John and cease to assert their claim on it. The Christians rather seemed to favor the proposition and consented to it. Umar’s ‘amil communicated the news to ‘Umar who was pleased to sign the agreement.

Document Title: On Christians and Jews Preferring Islamic Rule
Author: Al-Baladhuri
Date: ca. 875

When Heraclius massed his troops against the Muslims and the Muslims heard that they were coming to meet them at al-Yarmuk, the Muslims refunded to the inhabitants of Hims the *kharaj* they had taken from them saying, “We are too busy to support and protect you. Take care of yourselves.” But the people of Hims replied, “We like your rule and justice far better than the state of oppression and tyranny in which we were. The army of Heraclius we shall indeed, with your ‘amil’s help, repulse from the city.” The Jews rose and said, “We swear by the Torah, no governor of Heraclius shall enter the city of Hims unless we are first vanquished and exhausted!” Saying this, they closed the gates of the city and guarded them. The inhabitants of the other cities—Christian and Jew—that had capitulated to the Muslims did the same saying, “If Heraclius and his followers win over the Muslims we should return to our previous condition, otherwise we shall retain our present state so long as numbers are with the Muslims.” When by Allah’s help the unbelievers were defeated and the Muslims won, they opened the gates of their cities, went out with the singers and music players who began to play, and paid the *kharaj*.

Document Title: On Muhammad and the Early Caliphs Accepting the Poll Tax (*jizya*) from Zoroastrians and Others
Author: Al-Baladhuri
Date: ca. 875
The Magians and Jews, however, refused Islam and preferred the payment of the poll tax. Upon this, the hypocrites among the Arabs remarked, “The Prophet pretended that he would accept the poll tax from none outside the People of the Book, but here he is accepting it from the Magians of Hajar who are not People of the Book.” On this occasion the text was revealed, “O ye that have believed! Take heed to yourselves. He who errs shall not hurt you when you have guidance” (Q 5:104). According to certain reports, the Prophet sent al-‘Ala’ at the time he sent envoys to the kings in the sixth year.

Muhammad ibn Musaffa al-Himsi from al-‘Ala’ ibn-al-Hadrami who said, “The Prophet sent me to al-Bahrain and I used to come as a wall between brothers (i.e. try to create discord) some of whom have been converted. From the Muslims among them, I would take the tithe, and from the polytheists, the kharaj.” […]

In the time of the Prophet, no fight took place in al-Bahrain, for some of the people accepted Islam, and others made terms with al-‘Ala’, agreeing to give half the grains and dates. […]

Al-Husain from Al-Hasan ibn Muhammad: The Prophet wrote to the Magians of Hajar, inviting them to Islam and providing that if they are converted, they will have the rights we have, and be under the obligations we are under; but those who refuse Islam will have to pay the tax, and we will not eat what they slaughter nor marry their women.

Al-Husain from Sa’id ibn-al-Musaiyib: The Prophet exacted tax from the Magians of Hajar, ‘Umar exacted it from those of Persia, and Uthman from the Berbers. A similar tradition was communicated by al-Husain on the authority of al-Zuhri. […]

‘Abbas ibn Hisham al-Kalbi from ibn ‘Abbas: The Prophet having written to al-Mundhir ibn-Sawa, the latter accepted Islam and called the people of Hajar to it, some of whom accepted and others did not. As for the Arabs, they became Muslims, but the Magians and Jews accepted the tax and it was exacted from them.

Document Title: Hadith on Coptic Christians
Author: Al-Baladhuri
Date: ca. 875
The Prophet said: “If you conquer Egypt, treat the Copts favorably, because they have dhimmah and a blood relationship.”

**Document Title:** On the Treatment of Zoroastrians  
**Author:** Al-Baladhuri  
**Date:** ca. 875  

‘Amr al-Nakid from Ja’far ibn Muhammad’s father: the emigrants had a sitting place in the mosque in which ‘Umar used to discuss with them the news he received from the different regions. One day he said, “I know not how to treat the Magians.” Upon which Abd-al-Rahman ibn ‘Auf rose and said, “I bear witness that the Prophet said, ‘Treat them according to the same law with which you treat the People of the Book.’”

**Document Title:** On the Treatment of Buddhists  
**Author:** Al-Baladhuri  
**Date:** ca. 875  

The yard-arm was shot and broken, and the consequent dismay of the unbelievers was great. Then Muhammad, upon their making a sortie against him, attacked them, and drove them clear back in flight. […] The city was thus conquered by force, and Muhammad kept up the slaughter of the inhabitants for three days. Dahir’s governor fled from the place, but the custodians of the house of their god were killed. […]

Muhammad ibn Yahya says, “Mansur ibn Hatim an-Nahawi, freedman of the family of Khalid ibn Asid, related to me that he saw the yard-arm, which was on the minaret of the budd broken, and that ‘Anbasah ibn Ishak al-Dabbi, who ruled over as-Sind in the caliphate of al-Mu’tasim-billah, tore down the top of this minaret, and made a prison of it; and began the rebuilding of the city with the stones of this minaret which were torn down.” […]

Muhammad ibn Kasim went to al-Birun, whose inhabitants had sent two Buddhist monks of their number to al-Hajjaj and had made a treaty with him. They supplied Muhammad with provisions, received him into their city, and had the treaty confirmed. Muhammad brought to terms every city he came to, until he crossed a river this side of the Mihran, where some monks of Sarbidas came to him and made a treaty with him in behalf of the people they represented. He imposed the kharaj
Al-Rur is as far as Muhammad advanced. It is one of the cities of al-Sind, and is on a mountain. He besieged its inhabitants some months, but finally reduced the city by capitulation, the terms being that he should not put anyone to death, nor interfere with their temples. He said, “The budd are like the churches of the Christians, the synagogues of the Jews, and the fire-temples of the Magians.” He imposed the kharaj upon them in ar-Rur and built a mosque. […]

Then he crossed over the Bayas river to al-Multan. The people of al-Multan resisted him, but Za’idah ibn ‘Umair al-Ta’i covered himself with glory and the polytheists fled and entered the city. Muhammad besieged them. The supplies of the Muslims became so low that they ate the asses. Then a man came to them, asking for protection, and guided them to the place where the water of which the people drank entered. It was water flowing from the Basmad river, and was collected in a reservoir like the pool in al-Madinah. They called it al-Balah. He shut it off, and when they became thirsty, they surrendered at discretion. Muhammad put to death the men of fighting age, and enslaved the women and children, and made captives of the custodians of the budd, numbering 6,000. He obtained much gold.

Document Title: On the Jerusalem Treaty
Author: Muhammad b. Jarir al-Tabari
Date: ca. 900

It was said that the reason for ‘Umar’s coming to Syria was the following: Abu ‘Ubaydah besieged Jerusalem. Its people asked him to conclude peace with them on the conditions of the Syrian cities and asked that ‘Umar b. Al-Khattab be responsible for the treaty. Abu ‘Ubaydah wrote to ‘Umar about it, and ‘Umar made the journey from Medina. […]

According to Khalid and ‘Ubadah: ‘Umar made peace with the people of Jerusalem in al-Jabiyah. He wrote for them the peace conditions. He wrote one letter to all the provinces (of Palestine) except to the people of Jerusalem:

“In the name of God, the Merciful, the Compassionate. This is the assurance of safety which the servant of God, ‘Umar, the Commander of the faithful, has granted to the people of Jerusalem. He has given them an assurance of safety for themselves, for their
property, their churches, their crosses, the sick and the healthy of the city, and for all
the rituals that belong to their religion. Their churches will not be inhabited and will
not be destroyed. Neither they, nor the land on which they stand, nor their crosses,
or their property will be damaged. They will not be forcibly converted. No Jew will
live with them in Jerusalem. The people of Jerusalem must pay the poll tax like the
people of the other cities, and they must expel the Byzantines and the robbers. As for
those who will leave the city, their lives and property will be safe until they reach their
place of safety; and as for those who remain, they will be safe. They will have to pay
the poll tax like the people of Jerusalem. Those of the people of Jerusalem who want
to leave with the Byzantines, take their property, and abandon their churches and their
crosses will be safe until they reach their place of safety. Those villagers who were in
Jerusalem before the killing of so-and-so may remain in the city if they wish, but they
must pay the poll tax like the people of Jerusalem. Those who wish may go with the
Byzantines, and those who wish may return to their families. Nothing will be taken
from them before their harvest is reaped. If they pay the poll tax according to their
obligations, then the contents of this letter are under the covenant of God, are the
responsibility of His Prophet, of the caliphs and of the faithful. The persons who attest
Abi Sufyan. This letter was written and prepared in the year 15/636-637.”

Document Title: On al-Mutawakkil’s Decree on Non-Muslims
Author: Muhammad b. Jarir al-Tabari
Date: ca. 900
Source: J. Kramer, trans., The History of al-Tabari, Volume XXXIV: Incipient

In this year, al-Mutawakkil ordered that the Christians and all other dhimmis wear
yellow hoods (tayalisah) and zunnar belts, ride on saddles with wooden stirrups,
affix two pommels at the rear of their saddles, and place two buttons to the caps
(qalanis) of those who wore them, which were to be of a different color from the
cap worn by Muslims. [He also ordered them] to put two patches on their slaves’
outer garment, the color of which was to differ from that of the outer garment,
that one of the patches be in front of his chest and the other on his back, and
that each patch be four fingers (eight cm.) in diameter and be yellow. [Those
dhimmis] who wore a turban (‘imamah) should wear one whose color was also
yellow. The [dhimmi] women who went out and showed themselves in public
should only appear in a yellow wrap (izar). Al-Mutawakkil also ordered that their
slaves wear zunnar belts and prohibited them from wearing those of a decorative
variety (manatiq). In addition, he ordered that their renovated places of worship
be destroyed, and that one-tenth of their residences be seized. If the location was
sufficiently spacious, it was to be turned into a mosque. If it was not suitable for a mosque, it was to be [destroyed and] the area made an open tract of land.

And he ordered that wooden images of devils be nailed to the doors of their houses in order to distinguish between their residences and those of the Muslims.

Al-Mutawakkil prohibited the employment of *dhimmis* in government bureaus and in official functions, in which their authority would be exercised over Muslims. He prohibited their children from studying in Muslim elementary schools (*katatib*), or being taught by Muslims. And he prohibited their displaying crosses on their Palm Sundays and holding religious processions. In addition, he ordered that their graves be made level with the ground so as not to resemble the graves of the Muslims.

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**LEGAL AND POLITICAL TEXTS**

Document Title: On Apostasy Law  
Author: Malik ibn Anas  
Date: ca. 750  

Yahya related to me from Malik from Zayd ibn Aslam that the Messenger of Allah, may Allah bless him and grant him peace, said: “If someone changes his religion—then strike off his head!”

The meaning of the statement of the Prophet, may Allah bless him and grant him peace, in our opinion—and Allah knows best—is that, “If someone changes his religion—then strike off his head!” refers to those who leave Islam for something else—like heretics and such like, about whom that is known. They are killed without being called to repent because their repentance is not recognized. They were concealing their disbelief and making their Islam public, so I do not think that one should call such people to repent and one does not accept their word. As for the person who leaves Islam for something else and divulges it, he is called on to repent. If he does not turn in repentance, he is killed. If there are people in that situation, I think that one should call them to Islam and call on them to repent. If they repent, that is accepted from them. If they do not repent, they are killed. That does not refer as we see it, and Allah knows best, to those who convert from Judaism to Christianity or from Christianity to Judaism, nor to someone
who changes his religion from any of the various forms except for Islam. Whoever comes out of Islam to something else and makes that known, that is the one who is referred to, and Allah knows best!

**Document Title:** On the Poll Tax  
**Author:** Abu Yusuf  
**Date:** ca. 775  
**Source:** A. Ben Shemesh, trans., *Abu Yusuf’s Kitab Al-Kharaj* (Leiden: Brill, 1969), 84-85.

The *jizya*-tax lies on all inhabitants, except women and children, of the *Ahl al-Dhimma*, in al-Sawad, al-Hira, and other places (i.e. on Jews, Christians, Majus, Sabis, and Samaritans, but not to the Christians of Banu Taghlib and Najran). The tax amounts to forty-eight dirhams on the wealthy, twenty-four on the middle class and twelve dirhams on the poor ploughman-peasant and manual worker. It is collected once a year and may be paid in kind (i.e. in beasts of burden, goods, and similar property which is accepted according to its value). However, no carrion, pigs, or wine can be accepted in payment of *jizya*. ‘Umar b. al-Khattab ordered that such things should not be accepted, but advised that they should be sold and the tax paid from the proceeds of such sale. […]

*Jizya* is not collected from the poor on whom the *sadaqa* is spent, nor from a blind man without craft or occupation, nor from a cripple; however, from those of the blind, the paralyzed and the crippled who are wealthy, the tax is collected. Similarly, it is collected from wealthy monks but not from the poor ones supported by wealthy benefactors. […]

A person converted to Islam a day or two or a month or two before the end of the year is exempt from the payment of *jizya*. […] Similarly, if a *dhimmi* still owed a part of his *jizya* when converted, such a balance cannot be collected. Exempt from *jizya* are also old poor people who cannot work and the insane.

*Jizya* payers should not be beaten, nor exposed standing in the sun, nor burdened with heavy weights or mistreated by similar acts, but should be treated with leniency. If they do not pay they should be kept in jail until the *jizya* is paid, and no governor is entitled to release from prison any Christian, Jew, Majus, Sabi, or Samaritan before collecting the *jizya*, nor to exempt one of them from part or the whole of it. Their lives and properties were secured in consideration of the payment of the *jizya*, which has thus become a general tax. […]
It is appropriate, O Commander of the Faithful, that you should treat with leniency those under the protection of our Prophet Muhammad, and not allow that more than what is due be taken from them or more than they are able to pay, and that nothing should be confiscated from their properties without legal justification. It was transmitted that the Prophet said: “He who robs a dhimmi or imposes on him more than he can bear will have me as his opponent.” ‘Umar b. al-Khattab before his death said: “I recommend to my successor to comply with the covenants made with those under the protection of the Prophet, to protect them from those who persecute them and abstain from charging them with more than they can bear.”

**Document Title:** Traditions About the Poll Tax  
**Author:** Abu Yusuf  
**Date:** ca. 775  
**Source:** A. Ben Shemesh, trans., *Abu Yusuf’s Kitab Al-Kharaj* (Leiden: Brill, 1969), 86-87.

On the way from Syria ‘Umar b. al-Khattab once saw some people standing in the sun with someone pouring hot oil on their heads. When it was explained to him that this was done to make the people pay the jizya, which they claimed they were unable to pay, he said: “Do not charge them with more than they can bear. I have heard the Prophet saying that those who torture people in this world will be tortured by God in the other world.” He then ordered them to be set free.

Some of our old masters told me a tradition about the Prophet appointing ‘Abd Allah b. Arqam as collector of the jizya and warning him: “He who robs a dhimmi or charges him with more than he can bear or deprives him of his rights or takes away from him anything against his will, will find me as his opponent on the Day of Resurrection.” […]

Waraqa’ al-Asadi—Abu Zibyan: When we were with Salman al-Farisi in a raid, he scolded a man who plucked some fruits from a garden of a dhimmi and shared them with his friends. The man, who did not know Salman, first retorted but then apologized and asked him how to behave and treat the Ahl al-Dhimma. Salman replied: “Act on three principles: (1) That they are the cause for your passing from blindness to the right way; (2) from poverty to riches, and (3) that if you have a friend amongst them you may share his food and ride with him, without following his leanings.”[…]

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*ISLAM AND RELIGIOUS FREEDOM*
‘Umar b. al-Khattab once met a blind old man begging him and asked him how he came to this state. When he informed him that he was a Jew of the *Ahl al-Dhimma*, and that the demands of the authorities for the payment of his *jizya* coupled with his needs and old age had brought him to this state, he took him by his hand and ordered the treasury officials to allow him something. He then ordered the treasurer to look after such people incapacitated by old age, citing: “The *sadaqat* are for the poor and destitute.” (Q 9:60); by “poor,” Muslims are meant and by “destitute,” those of the *Ahl al-Kitab*. He ordered the *jizya* to be remitted from him and his likes. Said Abu Bakr: “I was present when ‘Umar acted thus and saw the old man.” […]

When ‘Umar b. al-Khattab was told about people worshipping fire, who were neither Jews nor Christians nor in possession of a religious book, he did not know how to deal with them. ‘Abd al-Rahman b. ‘Awf then informed him that the Prophet had ordered that they should be treated as *Ahl al-Kitab*.

**Document Title:** On Apostates and Arab Polytheists  
**Author:** Abu Yusuf  
**Date:** ca. 775  
**Source:** A. Ben Shemesh, trans., *Abu Yusuf’s Kitab Al-Kharaj* (Leiden: Brill, 1969), 92.

From apostates, Arabs or non-Arabs, no *jizya* is collected, as only accepting Islam or death is offered to them and to the nomadic Arab pagans. If they fight the Muslims and their women and children are captured, they are forced to accept Islam as Abu Bakr did with the children of the renegades of the Banu Hunayfa tribe and others, and as ‘Ali did with the Banu Najiya following Abu Bakr’s example. No *jizya* is levied on them, but if they repent before the battle, or before they are vanquished, their lives and properties are spared and their children and women are not captured. However, if they repent after being vanquished their lives will be spared, their females and children will become slaves, and the males prisoners. […] Male pagans and apostates who do not repent cannot be taken prisoner nor allowed to pay *jizya*. If they do not accept Islam they are killed, their children taken prisoner and their properties divided amongst the Muslims present at the battle after deducting the “Fifth.”
Although a range of restrictions on religious freedom as we now understand it was imposed throughout Islamic history, these practices differed from state to state according to the religious composition of the communities in question and the political issues faced by the authorities. During the Fatimid period (909–1171), for instance, the Shi’a showed considerable tolerance toward non-Shi’a Muslims and non-Muslims, and even allowed some Christian churches to be restored. This behavior may have been the result of the political and social reality of their community: the Fatimids were a small minority of Shi’a ruling over a large number of Sunni Muslims and non-Muslims, so it may be argued that it was only practical for them to accommodate most of the religious beliefs and practices of the majority. Similar allowances were made in regions such as Islamic Spain, where the state often deliberately left the issue of religious freedom open and fewer restrictions were imposed on non-Muslims most of the time. Thus, Muslim attitudes toward freedom of belief and worship depended heavily on the social and political conditions in which the state functioned.

During the Ottoman period (1299-1923), the empire ruled over a vast array of societies, communities, and lands, effectively spanning three continents. One of the ways the Ottoman rulers managed the issue of religion was through the millet system, which allowed some minority religious communities to function with relative freedom and govern themselves according to their own norms and values. The millets had their own courts and collected their own taxes. Moreover, in some local contexts, local Muslim and non-Muslim authorities reached agreements that allowed churches and monasteries to be repaired, redecorated, or even constructed anew. This system granted some religious communities a significant degree of autonomy.

In a sense, the Ottoman Empire controlled and managed the religious diversity within it by providing non-Muslims with a degree of religious tolerance that was unusual for the times. It often had the effect of preventing uprisings, particularly before the nineteenth century. Although the dominance of the Muslim state was seen as necessary, there was no requirement for non-Muslims to give up their religious traditions and become Muslim. Authorities frequently condemned coercion and emphasized the voluntary dimensions of faith.
It is well known that the popular mind leans toward the sensible world, and has an aversion to the world of abstract thought which is only understood by highly educated people, of whom in every time and every place there are only a few. And as common people will only acquiesce in pictorial representations, many of the leaders of religious communities have so far deviated from the right path as to give such imagery in their books and houses of worship, like the Jews and Christians, and, more than all, the Manichaeans. These words of mine would at once receive a sufficient illustration if, for example, a picture of the Prophet were made, or of Mekka and the Ka’ba, and were shown to an uneducated man or woman. Their joy in looking at the thing would bring them to kiss the picture, to rub their cheeks against it, and to roll themselves in the dust before it, as if they were seeing not the picture, but the original, and were in this way, as if they were present in the holy places, performing the rites of pilgrimage, the great and the small ones. [...]

Since, however, here we have to explain the system and theories of the Hindus on the subject, we shall now mention their ludicrous views; but we declare at once that they are held only by the common uneducated people. For those who march on the path toward liberation, or those who study philosophy and theology, and who desire abstract truth which they call sara, are entirely free from worshipping anything but God alone, and would never dream of worshipping an image manufactured to represent him.

Document Title: On Theological Debate in ‘Abbasid Baghdad
Author: Al-Humaydi
Date: ca. 1050

One day he [Ibn Abi Zayd] said to him [Ibn Sa’di]: “Did you attend the gatherings of the theologians?” He replied: “Yes, indeed. I attended them twice, then I stopped going to their gatherings, and never went back to them.” Abu Muhammad asked him: “Why was that?” He replied: “As to the first gathering I attended, I found myself in an assembly that included people of every persuasion: Muslims—both Sunnis and heretics, and unbelievers—Zoroastrians, materialists, Manichaeans, Jews, Christians, and other kinds of unbelief. Each group had a leader who engaged in disputation according to his doctrine and defended it in argument. When the leader of any group arrived, all present stood for him until he sat down, seating themselves when he did. When the assembly was full, and they saw that there was no one they were still waiting for, one of the unbelievers spoke as follows: “You have come together to engage in disputation. So the Muslims should not adduce their scripture or the words of their prophet as proof against us, since we don’t believe in this or affirm it; we engage in disputation only with rational proofs and on the basis of reason and analogy.” Then they [the Muslims] respond: “Sure, we grant you that.” Abu ‘Umar [further] said: “When I heard that, I didn’t go back to that gathering. Then I was told that there was another gathering for theology. So I attended it, and I found that they behaved just like the other lot. So I stopped going to the gatherings of the theologians, and didn’t go back to them.”

Abu Muhammad b. Abi Zayd asked: “And did the Muslims consider such words and deeds acceptable?” Abu ‘Umar replied: “That’s what I saw with my own eyes.” Abu Muhammad was shocked at this, and said: “The [true] scholars have vanished, and the honour of Islam and its rights are no more! How could Muslims allow disputation between Muslims and unbelievers when such a course is not permissible [even] with heretics, who are Muslims and affirm [their belief in] Islam and Muhammad, peace be upon him? [Even] a heretic among those who profess to follow Islam can only be called upon to return to the tradition and the community; if he does so, it is accepted from him, and if he refuses, he is beheaded. As for unbelievers, the only course is to summon them to Islam; if they accept it, they are to be let be, and if they refuse, but pay the jizya in a context where it is acceptable, they are [likewise] let be, and this is accepted from them. But as for [the idea] that one should engage in disputation
with them on the basis that our book and our prophet should not be adduced as proofs against them, that cannot be allowed!"

**Document Title:** On Accusations of Unbelief  
**Author:** Abu Hamid al-Ghazali  
**Date:** ca. 1100  

Know that a full explanation of the grounds on which a person may or may not be branded an unbeliever would require a long and detailed discussion covering all of the various doctrines and schools of thought along with the proofs and pseudo-proofs adduced by each, as well as the manner in which they depart from the apparent meaning of scripture and the degree to which they rely on figurative interpretation. Several volumes would not be enough to cover all this. Nor do I have time to explain it all. So, for the time being, content yourself with a piece of advice and a maxim.

As for the advice, it is that you restrain your tongue, to the best of your ability, from indicting people who face Mecca (on charges of unbelief) as long as they say, “There is no god but God, Muhammad is the messenger of God,” without categorically contradicting this. And for them to contradict this categorically is for them to affirm the possibility that the Prophet, with or without an excuse, delivered lies. Indeed, branding people unbelievers is a serious matter. Remaining silent, on the other hand, entails no liability at all.

As for the maxim, it is that you know that speculative matters are of two types. One is connected with the fundamental principles of creed, the other with secondary issues. The fundamental principles are acknowledging the existence of God, the prophethood of his Prophet, and the reality of the Last Day. Everything else is secondary.

Know that there should be no branding any person an unbeliever over any secondary issue whatsoever, as a matter of principle, with one exception: that such a person rejects a religious tenet that was learned from the Prophet and passed down through diffusely congruent channels (*tawatur*). Even here, however, regarding some matters he may simply be subject to being deemed wrong, as is done with legal issues. Or he may be subject to condemnation for unsanctioned innovation (*bid’a*), such as with wrong ideas regarding the caliphate and the status of the companions.
Know, however, that error regarding the status of the caliphate, whether or not establishing this office is a (communal) obligation, who qualifies for it, and related matters, cannot serve as grounds for condemning people as unbelievers. Indeed, Ibn Kaysan denied that there was any religious obligation at all; but this does not mean that he must be branded an unbeliever.

Document Title: On Defaming Muhammad
Author: ‘Iyad ibn Musa
Date: ca.1125

Know that all who curse Muhammad, may Allah bless him and grant him peace, or blame him or attribute imperfection to him in his person, his lineage, his deen (religion) or any of his qualities, or alludes to that or its like by any means whatsoever, whether in the form of a curse or contempt or belittling him or detracting from him or finding fault with him or maligning him, the judgment regarding such a person is the same as the judgment against anyone who curses him. He is killed as we shall make clear. The judgment extends to anything which amounts to a curse or disparagement. We have no hesitation concerning this matter, be it a clear statement or allusion. […] All of this is the consensus of the ‘ulama and the imams of fatwa from the time of the Companions until today.

[…] As for a dhimmi, who, by making a clear curse or a curse by allusion, makes light of the Prophet’s worth or describes him in any way other than the way by which he would normally reject him in his deen (religion), there is no disagreement about him being killed unless he becomes a Muslim, because he has not been given protection (dhimma) or a treaty in order to allow him to do this. Most of the ‘ulama say this, except for Abu Hanifa, al-Thawri and their followers among the people of Kufa. They said that he is not killed because his shirk is a much worse offence. He is disciplined and flogged.

Document Title: On Religious Identity
Author: Jalal al-Din Rumi
Date: ca. 1250

What is to be done, O Moslems? For I do not recognize myself. I am neither Christian, nor Jew, nor Gabr, nor Muslim.
I am not of the East, nor of the West, nor of the land, nor of the Sea;
I am not of Nature’s mint, nor of the circling heavens.
I am not of the earth, nor of water, nor of air, nor of fire;
I am not of the empyrean, nor of the dust, nor of existence, nor of entity.
I am not of India, nor of China, nor of Bulgaria, nor of Saqsin;
I am not of the kingdom of ‘Iraqain, nor of the country of Khorasan.
I am not of this world, nor of the next, nor of Paradise, nor of Hell;
I am not of Adam, nor Eve, nor of Eden and Rizwan.
My place is the Placeless, my trace is the Traceless;
‘Tis neither body nor soul, for I belong to the soul of the Beloved.
I have put duality away, I have seen that the worlds are one;
One I seek, One I know, One I see, One I call.

Document Title: On Qur’an 2:256 (“There is no compulsion in religion…”)
Author: Ibn Kathir
Date: ca. 1350 CE

“There is no compulsion in religion,” meaning, “Do not force anyone to become Muslim, for Islam is plain and clear, and its proofs and evidence are plain and clear. Therefore, there is no need to force anyone to embrace Islam. Rather, whoever Allah directs to Islam, opens his heart for it and enlightens his mind, will embrace Islam with certainty. Whoever Allah blinds his heart and seals his hearing and sight, then he will not benefit from being forced to embrace Islam.”

It was reported that the Ansar were the reason behind revealing this ayah, although its indication is general in meaning. Ibn Jarir recorded that Ibn ‘Abbas said [that before Islam], “When (an Ansar) woman would not bear children who would live, she would vow that if she gives birth to a child who remains alive, she would raise him as a Jew. When Banu An-Nadir (the Jewish tribe) were evacuated [Al-Madinah], some of the children of the Ansar were being raised among them, and the Ansar said, ‘We will not abandon our children.’ Allah revealed, ‘There is no compulsion in religion. Verily, the right path has become distinct from the wrong path.’”

Abu Dawud and An-Nasa’i also recorded this hadith. As for the hadith that Imam Ahmad recorded, in which Anas said that the Messenger of Allah said to a man, “Embrace Islam.” The man said, “I dislike it.” The Prophet said, “Even if you dislike it.”
First, this is an authentic hadith, with only three narrators between Imam Ahmad and the Prophet. However, it is not relevant to the subject under discussion, for the Prophet did not force that man to become Muslim. The Prophet merely invited this man to become Muslim, and he replied that he does not find himself eager to become Muslim. The Prophet said to the man that even though he dislikes embracing Islam, he should still embrace it, “for Allah will grant you sincerity and true intent.”

**Document Title:** On the Treatment of Hindus (in Tarikh-i Firuz Shahi)  
**Author:** Ziauddin Barani  
**Date:** ca. 1350  
**Source:** H.M. Eliot and J. Dowson, *The History of India as Told by Its Own Historians: The Muhammadan Period, Volume 3* (Lucknow: Kitab Mahal, 1968), 182-185.

After the promulgation of these interdicts, the Sultan requested the wise men to supply some rules and regulations for grinding down the Hindus, and for depriving them of that wealth and property which fosters disaffection and rebellion. There was to be one rule for the payment of tribute applicable to all, from the *khuta* to the *balabar*, and the heaviest tribute was not to fall upon the poorest. The Hindu was to be so reduced as to be left unable to keep a horse to ride on, to carry arms, to wear fine clothes, or to enjoy any of the luxuries of life. [...] 

One day, when the efforts were being made for the increase of the tribute and of the fines and imposts, the Sultan told the *Kazi* that he had several questions to ask him, and desired him to speak the plain truth. [...] The Sultan then asked, “How are Hindus designated in the law, as payers of tribute (*kharaj-guzar*) or givers of tribute (*kharaj-dih*)?” The *Kazi* replied, “They are called payers of tribute, and when the revenue officer demands silver from them, they should, without question and with all humility and respect, tender gold. If the officer throws dirt into their mouths, they must without reluctance open their mouths wide to receive it. By doing so they show respect for the officer. The due subordination of the *zimmi* (tribute-payer) is exhibited in this humble payment and this throwing of dirt into their mouths. The glorification of Islam is a duty, and contempt of the Religion is vain. God holds them in contempt for he says, ‘Keep them under subjection.’ To keep the Hindus in abasement is especially a religious duty, because they are the most inveterate enemies of the Prophet, and because the Prophet has commanded us to slay them, plunder them, and make them captive, saying, ‘Convert to Islam or kill them, enslave them and
spoil their wealth and property.’ No doctor but the great doctor (Hanifa), to whose school we belong, has assented to the imposition of the *jizya* (poll-tax) on Hindus. Doctors of other schools allow no other alternative but ‘Death or Islam.’”

**Document Title:** On Theological Debate in the Court of Akbar I (in Muntakhab al-Tawarikh)

**Author:** Abd al-Qadir Bada’uni

**Date:** ca. 1595


And later that day the emperor came to Fatehpur. There he used to spend much time in the Hall of Worship in the company of learned men and shaikhs and especially on Friday nights, when he would sit up there the whole night continually occupied in discussing questions of religion, whether fundamental or collateral. The learned men used to draw the sword of the tongue on the battlefield of mutual contradiction and opposition, and the antagonism of the sects reached such a pitch that they would call one another fools and heretics. The controversies used to pass beyond the differences of Sunni, and Shia, of Hanafi and Shafi‘i, of lawyer and divine, and they would attack the very bases of belief. […]

And *samanas* (Hindu or Buddhist ascetics) and *brahmans* [...] brought forth proofs, based on reason and traditional testimony, for the truth of their own, and the fallacy of our religion […]

Learned monks also from Europe, who are called Padre, and have an infallible head, called Papa, who is able to change religious ordinances as he may deem advisable for the moment, and to whose authority kings must submit, brought the Gospel, and advanced proofs for the Trinity. His majesty firmly believed in the truth of the Christian religion, and wishing to spread the doctrine of Jesus, ordered Prince Murad to take a few lessons in Christianity under good auspices, and charged Abu’l Fazl to translate the Gospel.

**Document Title:** Ten Things That Nullify One’s Islam

**Author:** Muhammad ‘Abd al-Wahhab

**Date:** ca. 1775

Know that the greatest matters which nullify your Islam are ten:

1) Ascribing partners (shirk) in the worship of the one God who has no partners. The indication of that is in his saying in Qur’an 4:116, “God does not forgive setting up partners with Him but He forgives whom He pleases for sins other than that.” This includes slaughtering animals in the name of someone other than God, as in slaughtering in the name of the jinn or graves.

2) Setting up intermediaries between oneself and God, making supplication to them, or asking their intercession with God is unbelief by the consensus of the community.

3) Anyone who does not consider the polytheists to be unbelievers, or who has doubts concerning their unbelief, or considers their way to be correct, is an unbeliever by consensus.

4) Anyone who believes in guidance to be more perfect than the Prophet’s, or a decision other than his to be better, is an unbeliever. This is like those who prefer the rule of evil (taghut) to his rule.

5) Anyone who hates any part of what the messenger of God has brought, even though he may act in accordance with it, is an unbeliever by consensus. The indication of this is that God has said in Qur’an 47:9, “This is because they hate what God has sent down, so He has made their deeds fruitless.”

6) Anyone who ridicules any aspect of the religion of God, or any of its rewards or punishments is an unbeliever. The indication of that is in the saying of God, most high, in Qur’an 9:65-6, “Say: Was it God and His signs and His Messengers that you were mocking? Make no excuse; you have disbelieved after you had believed.”

7) The practice of magic. Included in this, for example, causing alienation or attraction [between people]. Doing such things or getting pleasure from them is unbelief. God, most high, said in Qur’an 2:102, “But neither of these two [angels, Harut and Marut] taught anyone magic until they had said, ‘Indeed, we are a trial; then do not disbelieve.’”

8) Supporting and aiding polytheists against the Muslims. The indication of that is the saying of God, most high, in Qur’an 5:51, “Whoever among you who takes them as allies is surely one of them. Truly, God does not guide the
wrongdoers.”

9) Anyone who believes that some people are not required to follow Muhammad is an unbeliever and that leaving its shari’a is possible just as al-Khidr left the shari’a of Moses is an unbeliever.

10) To turn completely away from the religion of God neither learning its precepts nor acting upon it. The indication of that is the saying of God in Qur’an 32:22, “And who does greater wrong than he who is reminded of the revelations of his Lord and turns aside there from. Truly, we shall exact retribution from the guilty.”

In all of these errors, it makes no difference whether such violations are committed as a joke, in seriousness or out of fear, except when done under compulsion. All of these are the most severe perils and the worst things that can occur. Every Muslim must be on their guard against them and fear them for the sake of his soul. We seek refuge in God from such deeds as entail his wrath and severe punishment. May the prayers of God be upon Muhammad.

LEGAL AND POLITICAL TEXTS

Document Title: Al-Turtushi’s Version of the Code of ʿUmar b. al-Khattab
Author: Al-Turtushi
Date: ca. 1050

We heard from ʿAbd al-Rahman b. Ghanam as follows: When ʿUmar b. al-Khattab, may God be pleased with him, accorded a peace to the Christians of Syria, we wrote to him as follows:

“In the name of God, the Merciful and Compassionate. This is a letter to the servant of God ʿUmar b. al-Khattab, Commander of the Faithful, from the Christians of such-and-such a city. When you came against us, we asked you for safe conduct for ourselves, our descendants, our property, and the people of our community, and we undertook the following obligations toward you:

We shall not build, in our cities or in their neighborhood, new monasteries, churches, convents, or monks’ cells, nor shall we repair, by day or by night, such
of them as fall in ruins or are situated in the quarters of the Muslims.

We shall keep our gates wide open for passersby and travelers. We shall give board and lodging to all Muslims who pass our way for three days.

We shall not give shelter in our churches or in our dwellings to any spy, nor hide him from the Muslims.

We shall not teach the Qur’an to our children.

We shall not manifest our religion publicly nor convert anyone to it. We shall not prevent any of our kin from entering Islam if they wish it.

We shall show respect toward the Muslims, and we shall rise from our seats when they wish to sit.

We shall not seek to resemble the Muslims by imitating any of their garments, the qalansuwa, the turban, footwear, or the parting of the hair.

We shall not speak as they do, nor shall we adopt their kunyas.

We shall not mount on saddles, nor shall we gird swords nor bear any kind of arms nor carry them on our persons.

We shall not engrave Arabic inscriptions on our seals.

We shall not sell fermented drinks.

We shall clip the fronts of our heads.

We shall always dress in the same way wherever we may be, and we shall bind the zunnar round our waists.

We shall not display our crosses or our books in the roads or markets of the Muslims. We shall only use clappers in our churches very softly. We shall not raise our voices in our church services or in the presence of Muslims, nor shall we raise our voices when following our dead. We shall not show lights on any of the roads of the Muslims or in their markets. We shall not bury our dead near the Muslims.

We shall not take slaves who have been allotted to the Muslims.
We shall not build houses overtopping the houses of the Muslims.

We accept these conditions for ourselves and for the people of our community, and in return we receive safe-conduct.

If we in any violate these undertakings for which ourselves stand surety, we forfeit our covenant, and we become liable to the penalties for contumacy and sedition.”

‘Umar b. al-Khattab replied: “Sign what they ask, but add two clauses and impose them in addition to those which they have undertaken: ‘They shall not buy anyone made prisoner by the Muslims,’ and ‘Whoever strikes a Muslim with deliberate intent shall forfeit the protection of this pact.’”

**Document Title:** On Dhimmi Contracts  
**Author:** Abu al-Hasan al-Mawardi  
**Date:** ca. 1050  
**Source:** W. Wahba, trans., *Al-Mawardi's The Ordinances of Government* (Reading, UK: Garnet, 1996), 159-161.

It is, therefore, the duty of the man in power to impose the tribute on the persons of those People of the Book who enter into a covenant to settle in Muslim territory. By paying it, they gain two rights: cessation of hostilities against them, and positive protection, so that they would enjoy both peace and security. […]

There are two sets of conditions to include in a tribute contract: one obligatory and the other desirable. The requisite conditions are six in number: first, to refrain from any defamation or distortion of God’s Almighty Scripture; second, not to talk of the Apostle, God bless him and grant him salvation, in terms of denial or disparagement; third not to talk of the Islamic faith in derogatory or slanderous language; fourth, not to commit adultery or enter into an unauthorized marriage with a Muslim female; fifth, not to entice a Muslim to renounce his faith, encroach on his property or assault his religion; sixth, not to assist the enemies of Islam or maintain cordial relations with their associates. These six conditions are compulsory even if not mentioned in so many words. […]

The desirable conditions are also six in number: first, to change their appearance by wearing distinctive apparel and belts; second, not to build higher buildings than those of Muslims but maintain heights that are equal to them or lower;
third, not to impose on Muslim ears with the ringing of their church bells, recitation of their books, or talk of Ezra and Christ; fourth, not to flaunt their drinking, their crosses, or their swine; fifth, to bury their dead unobtrusively, refraining from all public show of mourning or lamentation; sixth, to refrain from riding thoroughbreds or horses in general, but not from riding mules or donkeys. These six commendable acts do not have to be included in the protection agreement, but once they are they must be observed. Violating them after the stipulation, however, does not constitute a breach of the treaty, although the offending party must be forced to desist and otherwise disciplined and chastised. No chastisement is incurred, however, if the conditions are not included among the terms of the accord.

Document Title: On Jihad
Author: Taqi al-Din ibn Taymiyyah
Date: ca. 1300

Whoever gets the message of the Prophet to believe and practice the religion of God which He has revealed to him, but does not respond to it, we are to fight him “till obstruction is removed and the religion of God prevails” (2:193). When God sent His Messenger and commanded him to call people to His religion, He did not allow him to fight or kill anybody for it or wage war against him, until he migrated to Madinah. At that time He allowed it to him and to the Muslim community saying, “To those against whom war is made, permission is given (to fight) because they are wronged; verily God has all the powers for their aid. They are those who have been expelled from their homes in defiance of right, (for no cause) except that they say, ‘Our Lord is God.’ Had not God checked one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues, and mosques in which the name of God is commemorated in abundant measure. God will certainly aid those who aid (His) cause. For verily God is Full of Strength, Exalted in Might. They are those who if We establish them in the land, establish regular prayer and give regular charity, enjoin the right and forbid the wrong. With God rests the end (and decision) of all affairs” (22:39-41).

Sometime later God made fighting incumbent on them in these words: “Fighting is prescribed for you, and you dislike it, for it is possible that you dislike a thing which is good for you, and that you love a thing which is bad for you. But God knows, and you know not” (2:216). In other Madinan surahs, He underlined
its imperative character, emphasized its importance, and condemned those who did not participate in it, dubbing them hypocrites and sick in the heart […]

[...] War has been instituted only in the form of jihad, for it seeks to put the entire life in control of God’s religion and make His word prevail over all other words. That is why those who refrain from Islam expose themselves to war; this is completely agreed upon among the Muslims. However, those who are not belligerents and do not participate in war, such as women, children, hermits, old men, the blind, the chronically ill, and the like, shall not be killed, except when they participate in war with their words or actions…God has allowed the taking of lives only to the extent necessary for the well-being of people. He has said, “Insult and oppression are worse than slaughter” (2:191), that is to say, killing people is certainly evil, but the mischief that the unbelievers create is far worse. [...] However, war will be carried out against the People of the Book and the Zoroastrians till they either accept Islam or pay the jizyah submitting (to the Islamic authority). As for others, jurists differ whether jizyah should be levied on them or not; the Arabs, however, are exempted by the majority.

If from among the Muslims any group defies any rules of Shari’ah which are categorical and well-established they are to be fought till the whole religion of God comes into force. Abu Bakr al-Siddiq and with him all other Companions fought those who refused to pay zakah. To be sure, some Companions did waver about it at first, but they soon agreed with Abu Bakr. [...] From the Qur’an, the Sunnah, and the consensus of the ummah, it is clear that we may fight those who go out of the Islamic Shari’ah, even though they may be confessing to the unity of God and the prophethood of Muhammad. Jurists have differed only with regard to the sunnah ratibah (the supererogatory works which the Prophet did very regularly and recommended to us in strong words, without, however making them obligatory) such as offering two rak’at before the dawn prayer, whether we should fight those who refuse to offer them. But as for duties which are obligatory or things which are clearly forbidden and known to all, everyone agrees that those who do not offer them should be fought till they submit, establish regular prayers, pay zakah, fast during Ramadan, make hajj, and refrain from forbidden things like marrying two sisters, eating foul things, or taking the life and property of a Muslim, and so on.

War against such people is a duty and may be initiated after they are told why the Prophet has called for war against them. But if it is they who start a war against the Muslims, it becomes all the more necessary to fight them. I have already said that
we should fight against those who do not submit to Islamic authority, commit mischief, and rob the wayfarers. *Jihad* against the infidels who reject Islam and those (Muslims) who refuse to comply with any part of the Islamic Shari’ah, like the refusers of zakah or the Khawarij, is much more incumbent. We can go on the offensive in the war as well as repulse their attack. In the case of the former, *jihad* will be a collective duty (*fard al-kifayah*), that is, if some people perform the task others will be exempted from the responsibility. The honor will, however, go to those who participate in *jihad*. […]

If any enemy attacks the Muslim community, fighting them is a duty on all those who are directly attacked, as it is a duty of others that are not attacked to aid them. […]

**Document Title:** On Apostasy Law  
**Author:** Ahmad ibn Naqib al-Misri (d. 1368)  
**Date:** ca. 1350  

When a person who has reached puberty and is sane voluntarily apostasizes from Islam, he deserves to be killed. In such a case, it is obligatory for the caliph to ask him to repent and return to Islam. If he does, it is accepted from him, but if he refuses, he is immediately killed. If he is a freeman, no one besides the caliph or his representatives may kill him. If someone else kills him, the killer is disciplined.

**Document Title:** A Charter of Rights between the Ottomans and Bosnian Franciscans  
**Author:** Sultan Mehmet II  
**Date:** 1463  

I, Sultan Muhammad Khan, announced to all the people that the recipients of this imperial *firman* [official mandate], the Bosnian Clergy, are held by me in my great esteem, and I therefore order that: No one should disturb or meddle with them or their churches. They are to live in peace in my Empire. Those who have fled should feel free and secure. They should return and settle again
without fear in their monasteries. They must not be disturbed either by My High Majesty, or by my viziers, employees, subjects or any other inhabitants of my Empire. No one should attack, insult or endanger either them, or their lives, or property, or their churches. And if they wish to bring some person from foreign lands into my state, they are allowed to do so. Having made this imperial order, I make the following sacred pledge: By the Creator of earth and heavens, who feeds all his creatures, by the seven sacred books, by our great Prophet, and by the sword which I wear, I swear that no one shall act against what has been written here while this clergy remains subject to my service and faithful to my rule.

Document Title: Decree on Jews and Christians  
Author: Sultan Mehmed III  
Date: 1602  

Since, in accordance with what Almighty God the Lord of the Universe commanded in His Manifest Book concerning the communities of Jews and Christians who are people of the dhimma, their protection and preservation and the safe-guarding of their lives and possessions are a perpetual and collective duty of the generality of Muslims and a necessary obligation incumbent on all the sovereigns of Islam and honorable rulers, therefore it is necessary and important that my exalted and religiously inspired concern be directed to ensure that, in accordance with the noble Shari’a, every one of these communities that pays tax to me, in the days of my imperial state and the period of my felicity-encompassed Caliphate, should live in tranquility and peace of mind and go about their business, that no one should prevent them from this, nor anyone cause injury to their persons or their possessions, in violation of the command of God and in contravention of the Holy Law of the Prophet.
The modern period has witnessed enormous upheaval in nearly every corner of the globe, but Muslim-majority countries have undergone particularly transformative experiences. The final collapse of the Ottoman Empire and the end of the caliphate in 1924, as well as the division and expropriation of some Islamic lands by colonial powers, have all presented profound challenges to the global Islamic community, or ummah. Many scholars point to the twentieth century in particular as a period of confrontation between Islam and modernity.

One important dimension of modernity is a growing emphasis on human rights, including religious freedom. The spectrum of Muslim reactions to modern developments in religious freedom has been broad. On one end, intellectual leaders such as Nasr Hamid Abu Zayd, Abdurrahman Wahid, and Mohammad Hashim Kamali, to cite only a few examples, have advocated significant reforms in how Muslims conceive of religious freedom. On the other end, the twentieth and twenty-first century Muslim world has also experienced a resurgence of Islamist movements that effectively consider political regimes legitimate only insofar as they reflect a literal reading of the Qur’an and classical sharia—a position that entails serious restrictions on religious freedom and often leads to religious persecution. The vast majority of Muslims do not fit neatly within this dichotomy, and the meaning of the concept “religious freedom” remains contested. As in other religious traditions and communities, strong currents pull in various, often incompatible, directions. Consequently, there are both positive and negative developments in religious freedom within Islam since the medieval and early modern periods.

Many modern Muslim-majority countries include nominal guarantees of “religious freedom” or of non-discrimination based on religion within their constitutional documents. However, these constitutional guarantees are at times qualified with the stipulation that sharia is to be the primary authority in matters of national legislation, a qualification that in effect undermines religious freedom protections for both Muslims and non-Muslim minorities. As stated previously, this contradiction is evident in Islamic human rights documents like the Universal Islamic Declaration of Human Rights (1981) and the Cairo Declaration on Human Rights in Islam (1990).
Nevertheless, in global legal terms there has been some movement toward broader Muslim acceptance of freedom of religion as expressed in major international human rights documents. For example, Article 18 on religious freedom in the United Nations’ International Covenant on Civil and Political Rights (1966), which closely resembles and expands on Article 18 of the Universal Declaration of Human Rights (1948), has been signed and even ratified by many Muslim-majority countries:

1. Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions. 

Although a few Muslim-majority states entered reservations against the article, stating that it conflicts with their understanding of Islam and sharia, the majority have accepted it without reservation, committing themselves, at least legally, to the ideal of religious liberty.

Many Muslim thinkers continue to approach the concept of religious freedom exclusively in its interior and private manifestations—that is, in terms of freedom of belief or conscience and in terms of private worship. The only substantial Muslim discourse on the public manifestations of religious freedom centers on questions of apostasy, blasphemy, and defamation. There has been only limited consideration of the role of religious ideas and religious actors in public life, civil society, and politics on the basis of full equality under the law. However, as Muslim-majority states grapple with the problems presented
by democratic forms of governance, they inevitably confront the question of religion’s institutional relationship to the state and the question of access by all religious groups to the democratic process.

In addition, the proliferation of violent Islamic extremism in recent decades has caused a dramatic rise in religious persecution. Older extremist movements such as Saudi Wahhabism and Salafist elements of the Muslim Brotherhood, as well as contemporary jihadist movements such as Al-Qaeda, the Taliban, Boko Haram in northern Nigeria, al-Shabaab in Somalia, and most recently, the Islamic State in Iraq and Syria, have attempted to impose a very strict form of Islam through violence and a brutal suppression of basic civil and religious liberties.

Although the doctrinal foundations and genealogies of these movements remain highly contested within the Islamic world, their worldview is at least partially inspired by a puritanical strain of Islam that developed during the medieval era. In this regard, the legacy of the Syrian scholar Taqi al-Din ibn Taymiyya (d. 1328) has been quite significant. His prolific writings on the need to return to an earlier, purer, and more stringent Islam influenced both rulers of his own time and self-styled reformers for centuries to come. In the eighteenth century, Mohammad ibn Abd al-Wahhab’s views were closely tied to Ibn Taymiyya’s, and references to his literary corpus can be commonly found in the declarations of Osama bin Laden and other jihadists today. As this sourcebook underscores, a strain of extreme puritanism runs through the Islamic tradition, as it has through many other religions, even as the resources for more liberal and democratic interpretations also remain.

**RETHINKING APOSTASY IN THE TWENTIETH CENTURY**

The position that apostasy is punishable by death or other judicial measures remains influential across the Muslim-majority world, and, in general, strong religious freedom protections for those Muslims who convert from Islam are lacking. However, significant opposition to the classical legal position on the death penalty for apostasy has emerged in the second half of the twentieth century. Several Muslim scholars have argued that the classical position on conversion from Islam, as well as its penalty, should be discarded. For example, Mohammad Hashim Kamali, a respected legal scholar based in Malaysia, says that “the Qur’an prescribes absolutely no temporal punishment for apostasy, nor has the Prophet, peace be upon him, sentenced anyone to death for it.” An increasing number of leading Muslim scholars and thinkers express
similar views. For these scholars, the classical laws concerning conversion and punishment are human interpretations that need to be re-examined in a way that is faithful to the Qur’an and to the example of the Prophet Muhammad. In fact, more and more Muslim thinkers today appear in theory, if not in practice, to be adopting the Qur’anic view of freedom of belief, and in many Muslim-majority countries the classical Islamic law prescribing death for conversion is not enforced. Nevertheless, a division remains among both political and religious leaders as well as Muslim populations worldwide.

Whether formally sanctioned by law or not, violence against Muslims who leave Islam continues to plague societies throughout the Muslim world. Even when the death penalty is neither legally mandated nor enforced, converts face a wide range of extra-judicial threats, including mob violence, honor killings by family members, and discrimination against themselves and their families in housing, employment, education, and social life. These threats apply not only to actual converts, but to Muslims who call into question tenets of the Islamic faith or who seek to re-interpret them in non-traditional ways. In a well-known case, Egyptian theologian and professor Nasr Hamid Abu Zayd (d. 2010) was forcibly divorced from his wife on account of his humanistic beliefs. Examples abound of similar kinds of treatment experienced by apostates—mob violence, discrimination, and social ostracism—as retribution for speech deemed blasphemous, defamatory, un-Islamic, or insulting to the Prophet.

Debates on the religious freedom of non-Muslims and Muslims in Muslim-majority states will continue for the foreseeable future. While some trends in Islamic thought today seek to return to a more restrictive view of religious freedom and classical Islamic legal conceptions, others are developing in a direction more in accord with contemporary international human rights standards.
The ideas that Islam is essentially rigid and inaccessible to change; that its laws, religious, political, and social, are based on a set of specific precepts which can neither be added to, nor taken from, nor modified to suit altered circumstances; that its political system is theocratic; and that in short the Islamic code of law is unalterable and unchangeable, have taken a firm hold of the European mind, which is never at any trouble to be enlightened on the subject. The writers of Europe do not deeply search the foundations of Islam, in consequence of which their knowledge is not only superficial in the highest degree, but is often based on unreliable sources. I have endeavored to show in this book that Muhammadanism as taught by Muhammad, the Arabian prophet, possesses sufficient elasticity to enable it to adapt itself to the social and political revolutions going on around it. The Muhammadan Common Law, or *shari’a*, if it can be called a Common Law, as it does not contain any Statute Law, is by no means unchangeable and unalterable. The only law of Muhammad or Islam is the Qur’an, and only the Qur’an, which in comparison with the Muhammadan Common Law, the Rev. MacColl himself admits to be a code of purity and mercy. […]

This account of some of the important and main schools of jurisprudence will be sufficient to prove that none of the systems was imposed as finite or divine, and that neither the founders of these sundry systems intended them to be so, nor wished their own to bear precedence over others. Every system was progressive, incomplete, changeable, and undergoing alterations, and capricious speculations which were adhered to for want of information in the beginning were wholly done away with in after days, in the system of legislation. […] Ahmad ibn Hanbal, the last of the four orthodox imams, wholly disregarded the fourth principle of Muhammadan legislation, that is, analogical reasoning
or deductive judgment. About a century later, the Zahiri school set aside the third principle also, that is, the *ijma* or the unanimous consent of the Doctors of Law in a certain epoch, as the former *ijma*‘s on several points of legislation did not well suit the altered circumstances of later ages. Consequently, the legislation of Muhammadan Common Law cannot be called immutable; on the contrary, it is changeable and progressive. […]

There is no doubt that the several codes of Muhammadan jurisprudence were well suited to the then existing state of life in each stage of its development, and even now where things have undergone no changes, they are sufficient enough for the purpose of good government and regulation of society. But there are certain points in which the Muhammadan Common Law is irreconcilable with the modern needs of Islam, whether in India or Turkey, and requires modifications. The several chapters of the Common Law, [such] as those on political institutes, slavery, concubinage, marriage, divorce, and the disabilities of non-Muslim fellow subjects are to be remodeled and rewritten in accordance with the strict interpretations of the Qur’an, as I have shown in the following pages.

**Document Title:** On the Punishment of the Apostate According to Islamic Law  
**Author:** Abu’l-A’la Mawdudi  
**Date:** 1943  
**Source:** S. Husain and E. Hahn, trans., *The Punishment of the Apostate According to Islamic Law* (1994); http://www.answering-islam.org/Hahn/Mawdudi/

To everyone acquainted with Islamic law it is no secret that according to Islam the punishment for a Muslim who turns to *kufr* (infidelity, blasphemy) is execution. Doubt about this matter first arose among Muslims during the final portion of the nineteenth century as a result of speculation. Otherwise, for the full twelve centuries prior to that time the total Muslim community remained unanimous about it. The whole of our religious literature clearly testifies that ambiguity about the matter of the apostate’s execution never existed among Muslims. The expositions of the Prophet, the Rightly-Guided Caliphs, the great Companions (*Sahaba*) of the Prophet, their Followers (*Tabi’un*), the leaders among the *mujtahids* and, following them, the doctors of the *shari’ah* of every century are available on record. All these collectively will assure you that from the time of the Prophet to the present day one injunction only has been continuously and uninterruptedly operative and that no room whatever remains to suggest that perhaps the punishment of the apostate is not execution.
Some people have been influenced by the so-called enlightenment of the present age to the point that they have opened the door to contrary thoughts on such proven issues. Their daring is truly very astonishing. They have not considered that if doubts arise even about such matters which are supported by such a continuous and unbroken series of witnesses, this state of affairs will not be confined to one or two problems. Hereafter anything whatever of a past age which has come down to us through verbal tradition will not be protected from doubt, be it the Qur’an or ritual prayer or fasting. It will come to the point that even Muhammad’s mission to this world will be questioned. In fact a more reasonable way for these people, rather than creating doubt of this kind, would have been to accept as fact what is fact and is proven through certified witnesses, and then to consider whether or not to follow the religion which punishes the apostate by death. The person who discovers any established or wholesome element of his religion to conflict with his intellectual standards and then tries to prove that this element is not really a part of the religion, already proves that his affliction is such that, “You cannot become a kafir (infidel); since there is no other choice, become a Muslim.” In other words, though his manner of thought and outlook has deviated from the true path of his religion, he insists on remaining in it only because he has inherited it from his forefathers. […]

Which law will be more worthy to be called Muslim: the law which was in use during the rule of the Prophet and the four Rightly-Guided Caliphs and which was accepted with full agreement and without break for thirteen hundred years by the whole Muslim community’s judges, magistrates and legal scholars or the law formulated at present by some persons who have been influenced and overcome by non-Islamic studies and non-Islamic culture and civilization and who have not obtained even a partial education in Islamic disciplines?

**Document Title:** On the Rights of Non-Muslims in an Islamic State  
**Author:** Abu’l-A’la Mawdudi  
**Date:** 1948  

The blood of the *dhimmi* is considered as sacred as that of a Muslim. If a Muslim kills a *dhimmi*, retribution and restitution will have to be made just as for killing a Muslim. A Muslim killed a *dhimmi* during the days of the Holy Prophet. The Holy Prophet ordered his execution saying: “I am responsible for obtaining redress for the weak.” […]
Even in purely Muslim areas, the non-Muslim places of worship built in the past are not to be desecrated, and if they are damaged or destroyed, the dhimmis have the right to rebuild or repair them. But they are not entitled to build new places of worship. In places which are not purely Muslim areas, however, this restriction does not stand. Similarly, even in such purely Muslim areas where Friday and 'Id congregation prayers are not held any longer, the dhimmis can build their own places of worship and perform their religious rites freely. Ibn 'Abbas has said: “In towns founded by the Muslims, the dhimmis have no right to build fresh places of worship or to blow conchs in the market or on roads or to sell wine or pork openly. But in cities originally established by non-Muslims and only subsequently conquered by the Muslims, the rights of non-Muslims after their occupation by the Muslims are decided by a treaty and it is obligatory on the Muslims to abide by them.”

The use of force in the realization of jizya or kharaj is also prohibited and kindness and benevolence are enjoined for this purpose to. It is also forbidden to impose heavy amounts which may be beyond their means. Caliph ‘Umar had ordered that they should not be made to pay more than what they could easily afford, and even for that they were not to be unduly inconvenienced. […] In regard to the defaulters of jizya, the Muslim jurists have only permitted that they can be punished with simple imprisonment as a corrective punishment. […]

In an Islamic state, all non-Muslims will have the same freedom of conscience, of opinion, of expression and through speech as well as written material and of association as enjoyed by the Muslims themselves, subject to the same limitations as imposed by the law on the Muslims. Within those limitations, they will be entitled to criticize the government and its officials, including the head of state. They will also enjoy the same rights of criticizing Islam as the Muslims will have to criticize their religion. They will likewise be fully entitled to propagate the good points of their religion, and if a non-Muslim is won over to another non-Islamic creed, there can be no objection to it. As regards Muslims, none of them will be allowed to change creed. In case any Muslim is inclined to do so, it will be he who will be taken to task for such conduct, and not the non-Muslim individual or organization whose influence might have brought about this change of mind. The dhimmis will never be compelled to adopt a belief contrary to their conscience, and it will be perfectly within their constitutional rights if they refuse to act against their conscience or creed, so long as they do not violate the laws of the land. […]

With the exception of a few key posts, all other services will be open to them without prejudice. The criteria of competence for Muslims and non-Muslims will be the same and the most competent persons will always be selected without any discrimination.
A list of key posts can be easily drawn up by a body of experts. We can only suggest as a general principle that all posts connected with the formulation of state policies and the control of important departments should be treated as key posts.

Document Title: On the Nature of Jihad  
Author: Sayyid Qutb  
Date: 1964  

Thus according to the explanation of Imam Ibn Qayyim, first of all Muslims were restrained from fighting against the polytheists and unbelievers, then permission was accorded them to fight, then they were commanded to fight against the aggressors and ultimately they were commanded to fight all the polytheists and the unbelievers. These clear verses of the Holy Quran, the traditions of the Holy Prophet prompting and inciting to *Jihad*, the Islamic wars of the early period, rather the entire Islamic history replete with the description of *Jihad*—are such eloquent testimonies in the presence of which every Muslim’s heart will abhor to accept the commentary about *Jihad* conceived by minds having been defeated by the pressure of unfavorable conditions and treacherous propaganda of the Orientalists. Can such a person claim to be an intellect who may have listened to the clear commandments of God, perused the distinct sayings of the prophet of God, seen the historical records full of Islamic victories, but still labors under the misconception that the entire scheme of *Jihad* is a temporary injunction, related only to changing conditions and transient circumstances and only that aspect of the scheme has a perpetual effect which is concerned with the defense of the borders? […]

The reasons and purposes enumerated by the Quran were always kept in view by the Muslim warriors. There is not a single instance where a Muslim warrior may have been questioned about the purpose of *Jihad* and he may have replied: “Our country is in danger. We are up for its defense,” or “We have come out to checkmate the aggressive designs of the Persians and the Romans against the Muslims,” or “We want the expansion of our country and we wish to amass more and more spoils of war.” Conversely their reply was the same which Rab’i bin Aamir, Huzaifa bin Mohsin, Mughira bin Shuba gave to the Persian general Rustam when he asked them one by one separately for three days continuously before the commencement of the battle of Qadisiyyah, “For what purpose have you come here?” But the reply of them was all the same: “God sent us so that we should take out, whom He likes, from the servitude of men into the submission of One God alone, from the narrowness of the world into the vastness of this world; and from the tyranny of religions into the justice of Islam. For this purpose God, Most High, has sent His
Messenger with his religion towards His creatures. Hence who accepts our religion, we shall acknowledge his submission, and turn back leaving the country to him, and fight against those who will rebel until we are martyred or become victorious.”

Document Title: On Article 18 of the Universal Declaration of Human Rights Concerning Religious Freedom  
Author: Sultanhussein Tabandeh  
Date: 1966  

There are also difficulties in accepting this clause in that it affirms the individual’s freedom to change his religion and confession. Egypt’s representative, in his speech in the General Assembly of the United Nations on this clause, went fully into one of these difficulties. He said that the decision to change religion may be forced on a person under pressure and duress: or again it may be induced by false motives like the desire to get a divorce under the easier conditions of some other doctrine. [...] His argument was fine as far as it goes. There is, however, a still more important and fundamental objection to the freedom to change religion. No man of sense, from the mere fact that he possesses intelligence, will ever turn down the better in favor of the inferior. Anyone who penetrates beneath the surface to the inner essence of Islam is bound to recognize its superiority of other religions. A man, therefore, who deserts Islam, by that act betrays the fact that he must have played truant to its moral and spiritual truths in his heart earlier. [...] The Canonists call that man a “Fetri” apostate whose parents are Muslims, and who was born into the Islamic “Fetre” or tradition, but after coming of age turns from his religion. For him there is no repentance, since he has deserted his natal faith and traditional philosophy. He is like a diseased member of the body politic, gangrenous, incurable, fit only for amputation, and must be executed.

Document Title: On Reforming Apostasy Law  
Author: S.A. Rahman  
Date: 1972  

Our study of the relevant Qur’anic verses establishes that the punishment for apostasy is postponed to the Hereafter, in the same way as that for original
disbelief. There is absolutely no mention in the Qur’an of mundane punishment for defection from the faith by a believer, except in the shape of deprivation of the spiritual benefits of Islam or of the civil status and advantages that accrue to an individual as a member of the well-knit fraternity of Muslims. He should, however, be free to profess and propagate the faith of his choice, so long as he keeps within the bounds of law and morality, and to enjoy all other rights as a peaceful citizen of the state, in common with his Muslim co-citizens. […]

A survey of the relevant incidents that occurred in the Holy Prophet’s lifetime reveals no departure from the Divine norms, and this indeed was to be eminently expected of the Perfect exemplar. Some reported sayings of the Prophet, which appear to be couched in general terms and whose circumstantial antecedents are not clearly known, must receive specific interpretations such as would involve factual presumptions for bringing them into conformity with the words of the Qur’an. […] Indeed, some positive instances in which the Prophet of God refrained from action against apostates have been found to exist, and thisfortifies the suggested assumptions underlying the reported general sayings. In the face of such instances, it is difficult to postulate that the Prophet had enunciated a general rule prescribing the death penalty for apostasy *simpliciter*.

The occurrences during the regimes of the four Rightly-Guided caliphs, on which the thesis of the capital punishment for apostasy partly rests, have also been examined, and the inference emerges that they were illustrations of requital for active hostility or social disruption and not merely for peaceful dissent from the true faith, after its initial acceptance.

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**Document Title:** On Qur’an 2:256 (“There is no compulsion in the religion...”)

**Author:** Muhammad Husayn al-Tabataba’i

**Date:** ca. 1975

**Source:** Sayyed Akhtar Rizvi, trans., *Tafsir al-Mizan* (Qum: World Organization for Islamic Services, 1983); [http://www.almizan.org/](http://www.almizan.org/)

“‘There is no compulsion in the religion” negates and disapproves compulsion and coercion in religion. Religion is a set of truths which are believed in, and some of them are then acted upon. In short, religion is belief and faith, it is a matter of conscience, and such a thing cannot be created by coercion and compulsion. One may force someone to do a certain physical action against his will but he cannot be forced to believe against his will. Belief follows reason and understanding; and nothing but reason and understanding can create it. […]
“Truly the right way has become clearly distinct from error”: As mentioned above it gives the reason for the prohibition of compulsion. A wise person resorts to compulsion only when the truth of the order cannot be explained, either because the person to be coerced has no capacity to understand it or for some other reasons. But there is no need for compulsion in an important matter whose advantages and disadvantages are clearly defined and the reward and punishment of accepting and rejecting well-explained. A man, in such a clear matter, should be free to choose his course of action himself—whether he takes it or rejects it, whether he wants the rewards of obedience or is prepared to take the punishment. The realities of religion have been explained, and its path well-laid; the divine revelation and prophetic explanation have illuminated this highway to the utmost degree. It has now been made clear that the religion is truth, that the only right thing is to accept it and follow it; and that if one deviates from this road he will fall in perdition. Why should anyone, after all these clarifications, compel others to follow the religion?

It is one of the verses that shows that Islam is not based on the sword and killing, and that it does not allow Muslims to compel or coerce others to accept Islam. It is contrary to the view held by many Muslims and non-Muslims alike that Islam is the religion of the sword. They bring as their evidence the legislation of jihad which is one of the pillars of Islam.

We have already clarified, while writing the commentary on the verses of fighting, that the fighting ordained by Islam is not for the purpose of material advancement nor for spreading the religion by force. It was ordained only for reviving the truth and defending the most precious treasure of nature—the faith of monotheism. Where monotheism is accepted by the people—even if they remain Jew or Christian—Islam does not fight with them. Therefore, the objection arises from clouded thinking.

The verse, “there is no compulsion in religion,” is not abrogated by the verse of the sword, although some writers think so. The order is followed by its reason, “truly the right way has become clearly distinct from error.” Such an order cannot be cancelled unless and until its reason is also abrogated. So long as the reason is valid the rule must remain valid. There is no need to emphasize that the verse of the sword cannot negate the clear distinction of the right way from error. For example, the verses…and kill them wherever you find them (4:89) and fight in the way of Allah (2:190) have no effect whatsoever on the clear distinction of truth from falsehood; and therefore they cannot abrogate an order based on that distinction.
In conformity with this strong rejection of exclusivism and election, the Qur’an repeatedly recognizes the existence of good people in other communities—Jews, Christians, Sabaeans—just as it recognizes the people of faith in Islam: “Those who believe [Muslims], the Jews, the Christians, and the Sabaeans—whosoever believe in God and the Last Day and do good deeds, they shall have their reward from their Lord, shall have nothing to fear, nor shall they come to grief.” (Qur’an 2:62; cf. 5:69)

In both verses, the vast majority of Muslim commentators exercise themselves fruitlessly to avoid having to admit the obvious meaning: that those—from any section of humankind—who believe in God and the Last Day and do good deeds are saved. They either say that by Jews, Christians, and Sabaeans here are meant those who have actually become “Muslims”—which interpretation is clearly belied by the fact that “Muslims” constitute only the first of the four groups of “those who believe”—or that they were those good Jews, Christians, and Sabaeans who lived before the advent of the Prophet Muhammad—which is an even worse tour de force. […] The logic of this recognition of universal goodness, with belief in one God and the Last Day as its necessary underpinning, demands, of course, that the Muslim community be recognized as a community among communities.

**Document Title:** On Apostasy and Non-Muslims  
**Author:** Ayatollah Ruhollah Khomeini  
**Date:** 1981  

*Apostasy*

1—Apostasy is leaving Islam and accepting infidelity. One who turns from Islam to infidelity is called an apostate and that is of two kinds: 1) innate-apostate, and that is a person that one of his father or mother was Moslem when his seed was being jelled, and who embraced Islam following puberty
and then left Islam; 2) National apostate, and that is a person whose father and mother are infidels when his seed was being jelled and he has expressed infidelity after puberty, and became an original infidel (kafar i aslee), then he embraced Islam and later has returned to infidelity; such as a person who originally was a Christian and became a Moslem and then returned to Christianity.

2—Innate-apostate’s [embracing of] Islam is apparently unacceptable and, if a man, his ruling is execution and, if a woman, she is condemned to prison for life and [with] beating when praying and straitening of livelihood, but for her repenting is acceptable and she will be freed if she repents.

3—A national apostate will be caused to repent and in case of refusing to repent will be executed. And it is preferable to give a 3 day reprieve and to execute him on the fourth day if he refused.

The Rights of Minorities

Tributary Peoples: Those Who Live Under the Protection of Islam

1—Those who live under the shelter and protection of Islam (Tributary People) consist of the Jews and the Christians, who are people of the Book, and the Zoroastrians, who resemble People of the Book, without a difference to the religions and the sects that they have within themselves, such as the Catholics and Protestant sects and others.

2—Groups of infidels and idolaters and star worshipers and others, whether they be Arabs or Persian (non-Arabs) and whether affiliated with book-owning prophets such as His Holiness Abraham and His Holiness David (Salutations) or others, similarly, embracing Jewish, Christian, and Zoroastrian [religion] by a person who was not originally from one of these religions, and after the abrogation of the books of these three religions by Islam, is not acceptable. Further, they will be counted among the hostile groups.
tables of imperialism, be it Crusaderism, or Communism, or Zionism. They carry nothing from Islam but their names, even though they pray and fast and claim to be Muslims. (“) It is a well-established rule of Islamic Law that the punishment of an apostate will be heavier than the punishment of someone who is by origin an infidel (and has never been a Muslim), and this in many respects. […] Hence, it is the view of the majority (of jurists) than an apostate has to be killed, and this is in accordance with (the opinions held in) the Schools of Law of Malik, Al-Shafi’i and Ahmad (ibn Hanbal). (”)

The leading scholars of Islam agree that a group of people who refuse to carry out part of the clear and reliably transmitted duties of Islam have to be fought when they (publicly confess to be Muslim) by pronouncing the Islamic confession of Faith (“There is no god but God and Muhammad is His Apostle”) but (at the same time) refuse to carry out the prayer ceremonies and (to pay) the zakat tax, and (to keep) the Fast of the month of Ramadan, or to (carry out) the pilgrimage to the Ancient House (the Ka’bah), or to judge between themselves according to the Book (of God) and the Example (of the Prophet), or (refuse) to forbid abominations or wine, or conclude marriages between persons whose consanguinity precludes a marriage according to Muslim law, or freely take life and property without having a right to do so, or (take) usury, or gamble, or (refuse to) fight the infidels, or (refuse to) impose the head tax on the People of the Book (Jews and Christians) and similar points from the precepts of Islam—then they have to be fought until the whole religion belongs to God. […]

Some of them say that the right road to the establishment of an (Islamic) State is (nonviolent) propaganda (da’wah) only, and the creation of a broad base. This, however, does not bring about the foundation of an (Islamic) State. Nevertheless, some people make this point the basis for their withdrawal from (true) jihad. […]

Concerning this question it is proper that we should refute those who say that jihad in Islam is defensive, and that Islam was not spread by the sword. This is a false view, which is (nevertheless) repeated by a great number of those who are prominent in the field of Islamic missionary activities. The right answer comes from the Apostle of God—God’s peace by upon Him—when he was asked: “What is jihad for God’s cause?” He then said: “Whosoever fights in order to make the word of God supreme is someone who (really) fights for God’s cause.” To fight is, in Islam, to make supreme the Word of God in this world, whether it be by attacking or defending…
Non-Muslim minorities within an Islamic state do not enjoy rights equal to those of the Muslim majority. Some apologist Muslim writers have tended to misrepresent Shari‘ah, the historical religious law of the Muslims, in order to minimize the seriousness of discrimination against non-Muslims. Such an approach is futile not only because the misrepresentation can easily be exposed, but also because current public opinion is unwilling to tolerate any degree or form of discrimination on grounds of religion or belief. On a practical level, although most of the constitutions of modern Muslim states guarantee against religious discrimination, most of these constitutions also authorize the application of Shari‘ah. As such, these constitutions sanction discrimination against religious minorities. This is inconsistent with the constitutions’ own terms. The existence of such contradictions, and the underlying tensions they reflect, call for urgent and candid discussion of this problem. […]

In view of this extremely serious ambivalence, it becomes imperative that the precise implications of religious liberty and the rights of religious minorities be authoritatively discussed and settled within the Islamic tradition. The Muslims are not to be allowed to treat religious minorities in this way because they believe that their own religious law authorizes them to do so. Otherwise, we would have to accept not only similar mistreatment of Muslim minorities in non-Islamic states, but also the complete negation of all the achievements of the domestic civil liberties and international human rights movement. If this type of argument is allowed, all forms and degrees of human rights violations, including torture and even genocide, may be rationalized or justified with reference to alleged religious or cultural norms.

Cultural relativism can never be allowed to go this far. This cannot be justified today even if the above-mentioned principles of Shari‘ah represent Islam’s final word on non-Muslims. I do not believe, moreover, that these principles of Shari‘ah are Islam’s final word. I do believe that Islamic Shari‘ah can be reformed from the fundamental sources of Islam to fully accommodate and even contribute to the further development of the current universal standards.
This discussion has emphasized the fact that the Qur’an explicitly declares freedom of religion to be one of the principles of Islam. The Qur’anic declaration to this effect, found in Sura al-Baqarah 2:256, is consistently endorsed and substantiated in numerous other contexts in the Holy Book. Unfortunately, there are those who have promoted a misleading and politically motivated discourse, which declares that Islam denies the freedom of religion, and that the Qur’anic passages which advocate this freedom were subsequently abrogated and overruled by its other provisions on the subject of jihad. The proponents of this view have used abrogation, itself a highly controversial issue, as their primary tool in an attempt to whittle away at one of the cardinal principles in the Qur’an. The warlike outlook espoused by this group may have sympathizers among the conquerors and military strategists of history, but this view has never commanded general acceptance or support. This school of thought lacks sound reasoning and has been less than convincing in its attempt to overshadow the essence of the Qur’anic message concerning the freedom of the conscience. The unequivocal recognition of this freedom in the constitutions of the present day Muslim nations bears testimony to a decisive movement in favor of the basic rights of the individual, including the freedom to follow the religion of his or her choice. A consensus opinion has thus emerged among the Muslims of the twentieth century in support of the universal validity of the freedom of religion in the Shari’ah and contemporary constitutional law.

Though all Muslims are bound by the Qur’an’s basic teachings, Muslim traditional theology developed in a way that, for historical reasons, does not, in my opinion, always fit in with the spirit of the Qur’an. […] Let us first point out that the hadith upon which the penalty of death essentially rests [“Anyone who changes his religion must be put to death.”] is always more or less mixed with rebellion and highway robbery in the Tradition books. The cited cases
of “apostates” killed during the Prophet’s life or shortly after his death are all without exception of persons who as consequence of their “apostasy” turned their weapons against the Muslims, whose community at that time was still small and vulnerable. The penalty of death appears in these circumstances as an act of self-defense in a war situation. It is undoubtedly for that reason that the Hanafi school of *fiqh* does not condemn a woman apostate to death, “because women, contrary to men, are not fit for war.”

Further, the hadith authorizing the death penalty is not, technically, *mutawatir*, and consequently it is not, according to the traditional system of hadith, binding. […]

We can never stress too much that religious liberty is not an act of charity or a tolerant concession towards misled persons. It is, rather, a fundamental right of everyone. To claim it for myself implies ipso facto that I am disposed to claim it for my neighbor too. But religious liberty is not reduced to the equivalent of atheism. My right and my duty also, are to bear witness, by fair means, to my own faith and to convey God’s call. Ultimately, however, it is up to each person to respond to this call or not, freely and in full consciousness.

From a Muslim perspective, and on the basis of the Qur’an’s basic teachings, whose letter and spirit we have tried to adduce, religious liberty is fundamentally and ultimately an act of respect for God’s sovereignty and for the mystery of God’s plan for humanity, which has been given the terrible privilege of shaping entirely on its own responsibility its destiny on earth and hereafter. Ultimately, to respect humanity’s freedom is to respect God’s plan. To be a true Muslim is to submit to this plan. It is to put one’s self, voluntarily and freely, with confidence and love, into the hands of God.

**Document Title:** On Rethinking Blasphemy  
**Author:** Mohammad Hashim Kamali  
**Date:** 1997  

I have thus summarized Ibn Taymiyyah’s treatment of the Qur’anic evidence concerning the death penalty for blasphemy, and I venture to say that it does not sustain the conclusions that he has drawn from it. To recapitulate, Ibn Taymiyyah’s categorical statement that killing the perpetrator of blasphemy is a Qur’anic obligation was founded primarily on some Qur’anic passages wherein
God Most High has cursed those who vilify Him and his Messenger. From these Ibn Taymiyyah concludes that God curses only those who have renounced Islam and whose life is no longer sacrosanct, that the perpetrators of blasphemy are liable to death and that their repentance is of no account. The tone and tenor of this analysis are dominantly speculative and it does not, with due respect to Ibn Taymiyya's unquestionable erudition and piety, stand the test of accuracy which is normally observed by the commentators (mufassirun) on the Qur’an. The Qur’an has made no reference to the death penalty for blasphemy, and the text does not warrant the conclusion that it is a Qur’anic obligation, or a prescribed punishment or a mandate. On the contrary, we would submit that that the general language of the Qur’an can only sustain the broad conclusion that the perpetrator of blasphemy disgraces himself and invokes the curse of God upon himself, and that it is a criminal offense which carries no prescribed or mandatory punishment, and, as such, automatically falls under the category of ta’zir offenses, whose punishment may be determined by the head of state or competent judicial authorities. […]

The scholastic doctrines of the madhahib treated blasphemy and apostasy on the same footing and viewed blasphemy as an extension of apostasy, a position which is no longer justified. Furthermore, due to a change in the character of the nation-state, they can no longer be seen as political crimes in the first place, nor do they present a serious challenge to the security of the state. It would therefore be eminently justified for these changes to be reflected in the law that is applied to blasphemy and apostasy respectively.

**Document Title:** On Conflicting Islamic Views on Human Rights

**Author:** Muhammad Sai’d al-‘Ashmawy

**Date:** 1998


It is necessary to realize that Muslims have neither one unified attitude toward Islamic law nor one clear understanding about human rights. Actually, in the Islamic world today, there are two movements, each one with its understanding of Islamic law and human rights. As previously discussed, the first is fanatical, extremist and militant; the second is liberal, intellectual, and enlightened.

The first movement, namely the fanatical, extremist, militant, believes that Islamic rights are primary to human rights. What are the Islamic rights? It is
a question answered only by the fanatics, the extremist and the militants, and specifically defined and detailed by their leaders, who believe they monopolize the truth and are entitled by God to impose the truth, even by the sword in jihad or holy war. They believe that Islamic law is revealed from God, without making any distinction between Islamic law and Islamic jurisprudence. […]

The second group believes that not all the legal rules mentioned in the Qur’an are permanent, that some of them are temporary. A very specific example is slavery and slavery harems. Slavery and slave harems were mentioned in the Qur’an; as previously cited, they were not abrogated, yet they are not applied today and are forbidden by law. Even though the principle was not clear to him and to the Muslims of his time, the second caliph, ‘Umar, stopped applying certain rules from the Qur’an.

This movement believes that everyone has a share in political life. Public discussions and laws should be implemented only after extensive discussion and an open and free process of voting. Democracy is a must at every level and in every unity of society. […]

This movement believes that all people have the right to choose their own faith without being threatened by the death penalty. Verses stating freedom of choosing one’s faith have not been and never were abrogated from the Qur’an. According to the Qur’an, forcing someone to be or become a Muslim against his will is distorting the meaning and the Islam and is a denial of human rights. […]

**Document Title:** The World Islamic Front’s Declaration of Jihad  
**Authors:** Osama bin Laden, Ayman al-Zawahiri, Abu Yasir Rif’ai Ahmad Taha, Sheikh Mir Hamza, Fazlur Rahman  
**Date:** 1998  

Praise be to God, revealer of the Book, controller of the clouds, defeater of factionalism, who says in His Book: “When the forbidden months are over, wherever you find the polytheists, kill them, seize them, besiege them, ambush them.” Prayers and peace be upon our Prophet Muhammad bin Abdallah, who said, “I have been sent with a sword in my hands so that only God may be worshipped, God who placed my livelihood under the shadow of my spear and who condemns those who disobey my orders to servility and humiliation.” […]
There is now no longer any debate about three well acknowledged and commonly agreed facts that require no further proof, but we will repeat them so that people remember them. They are as follows: Firstly, for over seven years America has occupied the holiest parts of the Islamic lands, the Arabian peninsula, plundering its wealth, dictating to its leaders, humiliating its people, terrorizing its neighbors and turning its bases there into a spearhead with which to fight the neighboring Muslim peoples. […]

Secondly, despite the great devastation inflicted upon the Iraqi people at the hands of the Judeo-Crusader alliance, and despite the terrible number of deaths—over one million—despite all this, the Americans are trying to repeat these horrific massacres again, as if they are not satisfied with the long period of sanctions after the vicious war, or with all the fragmentation and destruction. Today they come to annihilate what is left of this people and humiliate their Muslim neighbors.

Thirdly, while these wars are being waged by the Americans for religious and economic purposes, they also serve the interests of the petty Jewish state, diverting attention from its occupation of Jerusalem and its murder of Muslims there. […]

All these American crimes and sins are a clear proclamation of war against God, his Messenger, and the Muslims. Religious scholars throughout Islamic history have agreed that jihad is an individual duty when an enemy attacks Muslim countries. This was related by Imam ibn Qudama in “The Resource,” by Imam al-Kisa’i in “The Marvels,” by al-Qurtubi in his exegesis, and by the Sheikh of Islam28 when he states in his chronicles that, “As for fighting to repel an enemy, which is the strongest way to defend freedom and religion, it is agreed that this is a duty. After faith, there is no greater duty than fighting an enemy who is corrupting religion and the world.”

On this basis, and in accordance with God’s will, we pronounce to all Muslims the following judgment: To kill the Americans and their allies—civilians and military—is an individual duty incumbent upon every Muslim in all countries, in order to liberate the al-Aqsa mosque and the Holy Mosque from their grip, so that their armies leave all the territory of Islam, defeated, broken, and unable to threaten any Muslim. This is in accordance with the words of God Almighty: “Fight the idolaters at any time, if they first fight you;” “Fight them until there is no more persecution and until worship is devoted to God.” […]
With God’s permission we call on everyone who believes in God and wants to comply with His will to kill the Americans and seize their money wherever and whenever they find them.

**Document Title:** On Being Accused of Apostasy  
**Author:** Nasr Hamid Abu Zayd  
**Date:** 2004  

I live in exile. Some of the facts surrounding the case which led to my exile are widely known. Other facts have not been well publicized. This is what happened: in May 1992, I applied to the Department of Arabic at Cairo University for promotion to full professor. I submitted my publications (eleven papers and two books) to the University Tenure and Promotion Committee. This committee gave the material to a subcommittee of three professors to evaluate. Those professors were Dr. Abd al-Sabur Shahin, professor in the College of Dar al-Ulum and a fundamentalist preacher in the Amr ibn al-As Mosque in Old Cairo; Dr. Muhammad Ali Makki, professor of Andalusian Studies at Cairo University; and Dr. Awni Abd al-Ra’uf, professor of linguistics at ‘Ayn Shams University. The job of the University Tenure and Promotion Committee was to write a report, based on the report from the subcommittee, and then to send it, with their recommendation, to the dean of the faculty.

Seven months later, December 3, 1992—four months longer than the usual period of time to decide such things—I learned that the committee had rejected my bid for promotion. […] Of the three experts consulted by the committee, two gave a positive report on my work. Shahin did not. According to him, my writing demonstrated an “atrophy of religious conscience,” while engaging in “intellectual terrorism.” He likened my work to “cultural AIDS” and a “Marxian-secularist attempt to destroy Egypt’s Muslim society.” […]

Besides his job as professor at Cairo University, Shahin is a preacher in Amr ibn al-As Mosque in old Cairo. On Friday, April 2, 1993, not long after I was officially denied my promotion, Shahin, from the pulpit of this mosque, declared me an apostate. The following Friday, April 9, preachers in mosques all over the country followed Shahin’s lead, including the preacher in a small mosque in Quhafa, my home village. […] Once I had been declared an apostate from the pulpit, Muhammad Samida Abd al-Samad, an Islamist lawyer, along with six of his colleagues, brought a case against me before the Personal Affair
Department of the Giza Court of the First Instance on June 10, 1993. They wanted to separate me from wife, Dr. Ebtehal Younes, an associate professor of French at Cairo University, on the grounds that I was an apostate. [...] So my case went before the Personal Affair Court through use of a ninth-century principle called hisba. Hisba allows any Muslim to sue before a court of law if he or she believes Islam is being harmed. The person who sues need not be personally involved in the case. [...] 

Abd al-Samad and his entourage charged me with publishing material that reputable scholars declared put me outside Islam. If the court were to find my writings blasphemous, not only would my marriage be officially dissolved, but proceedings could begin to have me fired from my teaching post at the university. [...] On June 14, 1995, just two weeks after Cairo University decided to promote me to full professor in spite of all the controversy surrounding me and my work, the Cairo Court of Appeals ruled that my writings proved I was indeed an apostate. Since Islamic law prohibits the marriage of a believer to an apostate, the courts declared my marriage to Ebtehal null and void. As if that were not enough, a fatwa issued by Ayman al-Zawahiri from al-Jihad, the underground terrorist group responsible for assassinating Anwar Sadat, decreed that it was an Islamic duty that I be killed. A week later a group of scholars, known as the Front of Al-Azhar Scholars, in an effort to force my repentance, called on the government to carry out the legal punishment for apostasy—death.

**Document Title:** Open Letter to His Holiness Pope Benedict XVI  
**Authors:** Thirty-eight Islamic Scholars  
**Date:** 2006  
**Source:** ammanmessage.com/media/openLetter/english.pdf

You mention that “according to the experts” the verse which begins, *There is no compulsion in religion* (al-Baqarah 2:256) is from the early period when the Prophet “was still powerless and under threat,” but this is incorrect. In fact this verse is acknowledged to belong to the period of Qur’anic revelation corresponding to the political and military ascendance of the young Muslim community. There is no compulsion in religion was not a command to Muslims to remain steadfast in the face of the desire of their oppressors to force them to renounce their faith, but was a reminder to Muslims themselves, once they had attained power, that they could not force another’s heart to believe. *There is no compulsion in religion* addresses those in a position of strength, not weakness. The earliest commentaries on the Qur’an (such as that of Al-Tabari) make it
clear that some Muslims of Medina wanted to force their children to convert from Judaism or Christianity to Islam, and this verse was precisely an answer to them not to try to force their children to convert to Islam. Moreover, Muslims are also guided by such verses as *Say: The truth is from your Lord; so whosoever will, let him believe, and whosoever will, let him disbelieve.* (al-Kahf 18:29); and *Say: O disbelievers! I worship not that which ye worship; Nor worship ye that which I worship. And I shall not worship that which ye worship. Nor will ye worship that which I worship. Unto you your religion, and unto me my religion* (al-Kafirun 109:1-6). […]

We would like to point out that “holy war” is a term that does not exist in Islamic languages. Jihad, it must be emphasized, means struggle, and specifically struggle in the way of God. This struggle may take many forms, including the use of force. Though a jihad may be sacred in the sense of being directed towards a sacred ideal, it is not necessarily a “war.” Moreover, it is noteworthy that Manuel II Paleologus says that “violence” goes against God’s nature, since Christ himself used violence against the money-changers in the temple, and said “Do not think that I came to bring peace on the earth; I did not come to bring peace, but a sword …” (Matthew 10:34-36). When God drowned Pharaoh, was He going against His own Nature? Perhaps the emperor meant to say that cruelty, brutality, and aggression are against God’s Will, in which case the classical and traditional law of *jihad* in Islam would bear him out completely.

You say that “naturally the emperor knew the instructions, developed later and recorded in the Qur’an, concerning holy war.” However, as we pointed out above concerning *There is no compulsion in religion*, the aforementioned instructions were not later at all. Moreover, the emperor’s statements about violent conversion show that he did not know what those instructions are and have always been. The authoritative and traditional Islamic rules of war can be summarized in the following principles:

1. Non-combatants are not permitted or legitimate targets. This was emphasized explicitly time and again by the Prophet, his Companions, and by the learned tradition since then.

2. Religious belief alone does not make anyone the object of attack. The original Muslim community was fighting against pagans who had also expelled them from their homes, persecuted, tortured, and murdered them. Thereafter, the Islamic conquests were political in nature.
3. Muslims can and should live peacefully with their neighbors. And if they incline to peace, do thou incline to it; and put thy trust in God (al-Anfal 8:61). However, this does not exclude legitimate self-defense and maintenance of sovereignty.

Muslims are just as bound to obey these rules as they are to refrain from theft and adultery. If a religion regulates war and describes circumstances where it is necessary and just, that does not make that religion war-like, any more than regulating sexuality makes a religion prurient. If some have disregarded a long and well-established tradition in favor of utopian dreams where the end justifies the means, they have done so of their own accord and without the sanction of God, His Prophet, or the learned tradition.

God says in the Holy Qur’an: Let not hatred of any people seduce you into being unjust. Be just, that is nearer to piety (al-Ma'idah 5:8). In this context we must state that the murder on September 17th of an innocent Catholic nun in Somalia—and any other similar acts of wanton individual violence—“in reaction to” your lecture at the University of Regensburg, is completely un-Islamic, and we totally condemn such acts.

Document Title: On Apostasy: Major and Minor
Author: Yusuf al-Qaradawi
Date: 2006
Source: http://www.onislam.net/english/shariah/contemporary-issues/islamic-themes/413125.html

In my point of view, as the scholars have differentiated between major and minor innovations in religion and between mere innovators and those who spread and call for their innovations in religion, we can also differentiate between major and minor apostasy, and between apostates who do not wage war against Islam and Muslims and those who proclaim their apostasy and call for it.

The death penalty with regard to apostasy is to be applied only to those who proclaim their apostasy and call for others to do the same. Islam lays down this severe punishment in order to protect its unity and the identity of its community. Every community in this world has basic foundations that are to be kept inviolable, such as identity, loyalty,
and allegiance. Accordingly, no community accepts that a member thereof changes its identity or turns his or her loyalty to its enemies. They consider betrayal of one’s country a serious crime, and no one has ever called for giving people a right to change their loyalty from a country to another whenever they like. […]

Some contemporary writers who are not versed in religious knowledge object to the penalty of proclaimed apostasy being death by saying that this penalty is not mentioned in the Qur’an. It is only mentioned in a hadith ahad (hadith that is narrated by people whose number does not reach that of the mutawatir, which is hadith that is narrated by such a large number of people that they cannot be expected to agree upon a lie, all of them together); and hadiths ahad, according to them, are not taken as evidences for the legal punishments prescribed by Shari`ah.

But this objection is refutable in many aspects as follows. First, according to the scholarly consensus, the authentic Sunnah is a source for applied rulings in Shari`ah. Almighty Allah says, [Say: Obey Allah and obey the Messenger] (An-Nur 24:54). He also says, [Whoso obeyeth the Messenger obeyeth Allah] (An-Nisaa’ 4:80). As for the hadiths specifying the death penalty for apostates, they have been proven to be authentic. Besides, they were put into effect by the Companions in the era of the Rightly-Guided Caliphs.

**Document Title:** Fatwa On Apostasy  
**Author:** Grand Mufti Ali Gomaa  
**Date:** 2011  
**Source:** T. al-Ghawhary and N. Friedlander, trans., *Responding from the Tradition: One Hundred Contemporary Fatwas by the Grand Mufti of Egypt* (Lexington: Fons Vitae, 2011), 83-85.

The issue of executing apostates is misunderstood by Westerners who think that Islam compels people to follow it. They disregard the Muslim doctrine of freedom of belief expressed by God’s words, “There is no compulsion in religion. Truth stands out clear from error (2:256).”

The issue of executing apostates may be examined from two vantage points. The first is the theoretical legal text that permits the execution of Muslims who leave their religion and divide the community. The second examines both the implementation of the law and the method of dealing with apostasy in the time of the Prophet and the early Caliphs.

In his own time, the Prophet did not have `Abdullah ibn Ubay executed even though he said, “If we were to return to Medina, the mightier would expel the
weaker.” Likewise, he did not execute Dhu al-Khuwaysirah al-Tamimi for his words, “Be just! You have not been just.” He also did not order the execution of the person who told him, “They say you eschew transgression, but transgression is your constant companion.” [...] All of these utterances constitute apostasy, for they involve accusations that negate the integrity and justice of the Prophet.

[...] During the reign of the rightly guided caliphs, and more specifically during the reign of ‘Umar al-Faruq, it is related that Anas returned from Tustar and was approached by ‘Umar who asked him, “What happened to the six men from Bakr ibn Wa’il, who apostasized from Islam and joined the polytheists?” He responded, “O Commander of the Faithful, a group of people apostasized from Islam, joined the polytheists, and were killed in battle.” ‘Umar said, “Verily, we are unto God and to Him we are returning.” Anas asked, “Was their fate other than to be killed?” ‘Umar replied, “Yes, I would have given them the chance to renew their Islam, and if they refused, I would have put them in prison.” ‘Umar did not think it was necessary to have them executed even though they were apostates and fought against Islam.

These examples from the age of legislation caused Muslim jurists to understand the issue of “executing apostates” as being unrelated to freedom of belief, freedom of thought, or persecution. The source texts that strictly called for the imposition of such a punishment do not refer to leaving Islam as much as coming out against Islam. Coming out against Islam is considered a crime against the public order of the state, just as it represents a coming out against the rulings of the religion that have been embraced by the community. In this case, apostasy is tantamount to high treason, which is forbidden by all legal systems, constitutions, and laws. [...] 

The execution of apostates was not just for apostasy. Rather, it was due to an additional factor that divides the Muslim community: using apostasy to cause Muslims to leave their religion.

**Document Title:** On Anti-Defamation Legislation  
**Author:** Abdurrahman Wahid  
**Date:** 2011  

Sanctions against freedom of religious inquiry and expression act to stop the
developmental process of religious understanding dead in its tracks. They conflate the sanctioning authority’s current, limited grasp of the truth with ultimate Truth itself, and thereby transform religion from a path to the Divine into a “divinized” goal, whose features and confines are generally dictated by those with an all-too-human agenda of earthly power and control.

We can see this process at work in attempts by the Organization of the Islamic Conference (OIC), the United Nations General Assembly, and the UN Council on Human Rights to restrict freedom of expression and institute a legally binding global ban on any perceived criticism of Islam, to prevent so-called “defamation of religion.” Whether motivated by sincere concern for humanity or political calculations, such efforts are woefully misguided and play directly into the hands of fundamentalists, who wish to avoid all criticism of their attempts to narrow the scope of discourse regarding Islam, and to inter 1.3 billion Muslims in a narrow, suffocating chamber of dogmatism.

While hostility toward Islam and Muslims is a legitimate and vital concern, we must recognize that a major cause of such hostility is the behavior of certain Muslims themselves, who propagate a harsh, repressive, supremacist, and often violent understanding of Islam, which tends to aggravate and confirm non-Muslims’ worst fears and prejudices about Islam and Muslims in general.

**Document Title:** On Interpreting Jizya  
**Author:** M.A.S. Abdel Haleem  
**Date:** 2012  

Jizya is discussed in the *Encyclopaedia of the Qur’an* under the title ‘Poll Tax’, which immediately brings in connotations and associations of a much-resented and failed foreign system. In fact ‘poll tax’ does not translate the Arabic word *jizya*. It is also inaccurate because women and old men, clerics, and children normally did not have to pay the *jizya*, nor did anyone who could not afford to pay, unlike a poll tax, which by definition is levied on every individual (poll = head) regardless of gender, age, or ability to pay. Such inaccurate translations can contribute to a negative image of Islam. The root verb of *jizya* is *j-z-y*, ‘to reward somebody for something’, ‘to pay what is due in return for something’ and, as will be explained later, it has a positive connotation. The important question now is, ‘what was the *jizya* paid in return for?’ Many exegetes and Western
scholars take this to mean that it was in return for allowing Christians and Jews to live in the Muslim state, practising their religion and being protected. However, the Prophet’s treaty with the Christians of Najran stipulates that they should not be obliged to join the Muslim army. From the practice of the early Muslim community, it is known that Christians and Jews were not obliged to join the Muslims in fighting to defend the state, and this was right, because military *jihad* has an Islamic religious connotation and should not be imposed on them. As Muhammad ‘Imara puts it, ‘those who did volunteer to fight with the Muslims against the Persians and Byzantines were exempted from the *jizya* and shared the battle gains with the Muslims.’ *Jizya* in this sense can be considered, as ‘Imāra states, ‘*badal jundiyya*’ (‘in exchange for military service’), not in exchange for the People of the Book being allowed to keep their own faith.

**Document Title:** Jihad and the Islamic Law of War  
**Author:** Caner Dagli  
**Date:** 2013  

One source of controversy is the so-called sword verse, which reads:

> Then, when the sacred months have passed, slay the idolaters wherever you find them, and take them, and confine them, and lie in wait for them at every place of ambush. But if they repent, and establish prayer and pay the alms, then leave their way free. God is forgiving, merciful. (Al-Tawbah, 9:5)

There is no disagreement that indeed this verse commands the Muslims to kill the polytheists, but the question remains as to whether they are to be killed because they are disbelievers or because of their enmity towards the Muslims. Are they to be fought because they are hostile to the Muslims or because they reject Islam? The second part of the verse, which names repentance and the performance of the prayer and the giving of alms as a condition by which the polytheists can save themselves from the Muslims, would seem to indicate that it is their unbelief, not their hostility, which is a motivation for Muslims to kill them. However, the next verse reads,

> And if any one of the idolaters seeks your protection, then grant him protection so that he might hear the words of God and afterward convey him to his place of security—that is because they are a people who do not know. (Al-Tawbah, 9:6)
This second verse commands Muslims to receive a polytheist if he seeks asylum, to preach the truth to him, and then to let him go safely. It sets no condition that he should repent or accept Islam. It is not a condition for the asylum seeker’s safe return that he become a Muslim. Indeed, these two verses present not one but two possibilities for the non-Muslim to escape armed conflict with the Muslim community: the first is to accept Islam, as mentioned in the first verse, and the second is to seek asylum with the Muslims, as mentioned in the second verse.

Some have tried, creatively and erroneously, to assert that the second verse is abrogated by the first, but this is an abuse of the principal of abrogation, and twists verses of the Qur’an to mean what we want them to mean. In fact, it would be impossible for Al-Tawbah, 9:5 to call for fighting against others solely based on their belief without it abrogating no less than 140 other verses calling for peace with those who do not fight against the Muslims, even if they are pagans. Indeed, it would have to abrogate the verse immediately following it, 9:6. The verse There is no coercion in religion is not a command, but a statement of fact, of the same grammatical form as There is no god but God. Recall that this verse, according to one account, was revealed in the context of people over whose religious preferences the Muslims had no control—children of theirs who were among an exiled tribe. It is a description of what religion is in relation to the human will. In Qur’anic exegesis, only commands can be abrogated, not truths.

**LEGAL AND POLITICAL TEXTS**

**Document Title:** Islahat Fermani (Reform Decree)  
**Author:** Sultan ‘Abdulmecid  
**Date:** 1856  

I have therefore resolved upon, and I order the execution of the following measures: The guarantees promised on our part by the Hatti-Humayoun of Gulhane, and in conformity with the Tanzimat, to all the subjects of my empire, without distinction of classes or of religion, for the security of their persons and property, and the preservation of their honor, are today confirmed and consolidated, and efficacious measures shall be taken in order that they may have their full entire effect.
All the privileges and spiritual immunities granted by my ancestors *ab antiquo*, and at subsequent dates, to all Christian communities or other non-Mussulman persuasions established in my empire under my protection, shall be confirmed and maintained. […]

As all forms of religion are and shall be freely professed in my dominions, no subject of my empire shall be hindered in the exercise of the religion that he professes, nor shall he be in any way annoyed on this account. No one shall be compelled to change their religion. […]

The equality of taxes entailing equality of burdens, as equality of duties entails that of rights, Christian subjects, and those of other non-Mussulman sects, as it has been already decided, shall, as well as Mussulmans, be subject to the obligations of the law of recruitment. […]

The taxes are to be levied under the same denomination from all the subjects of my empire, without distinction of class or of religion. The most prompt and energetic means for remedying the abuses in collecting the taxes, and especially the tithes, shall be considered.

**Document Title:** The Basic Law of the Ottoman Empire  
**Author:** The Ottoman Government  
**Date:** 1876  

Article 3: The eminent Ottoman sultanate, which includes the Supreme Islamic Caliphate, belongs according to the rules established *ab antiquo*, to the eldest child of the descendants of the House of Osman.

Article 4: The Person of His Majesty the *Padishah* [Emperor] is according to the Caliphate the protector of the religion of Islam and He is the sovereign and Padishah of the totality of the Ottoman subjects. […]

Article 10: Personal liberty is wholly inviolable. No one can suffer punishment, under any pretext whatsoever, except in cases determined by law, and according to the forms prescribed by it.

Article 11: The religion of the Ottoman State is the religion of Islam. But, while maintaining this principle, the free exercise of all faiths known in the Ottoman lands, and the continued existence of religious privileges granted to different
communities as they used to be, on condition of public order and morality not being interfered with, are under the protection of the State. […]

Article 17: In the face of the law and in view of the rights and duties of the country all Ottomans are equal without prejudice to their religion and confession.

**Document Title:** Universal Islamic Declaration of Human Rights  
**Author:** Islamic Council in Paris  
**Date:** 1981  

**Foreword**  
Islam gave to mankind an ideal code of human rights fourteen centuries ago. These rights aim at conferring honour and dignity on mankind and eliminating exploitation, oppression and injustice.

Human rights in Islam are firmly rooted in the belief that God, and God alone, is the Law Giver and the Source of all human rights. Due to their Divine origin, no ruler, government, assembly or authority can curtail or violate in any way the human rights conferred by God, nor can they be surrendered.

Human rights in Islam are an integral part of the overall Islamic order and it is obligatory on all Muslim governments and organs of society to implement them in letter and in spirit within the framework of that order. […]

**X. Rights of Minorities**  
(a) The Qur’anic principle ‘There is no compulsion in religion’ shall govern the religious rights of non-Muslim minorities.

(b) In a Muslim country religious minorities shall have the choice to be governed in respect of their civil and personal matters by Islamic Law, or by their own laws. […]

**XII. Right to Freedom of Belief Thought and Speech**  
(a) Every person has the right to express his thoughts and beliefs so long as he remains within the limits prescribed by the Law. No one, however, is entitled to disseminate falsehood or to circulate reports which may outrage public decency,
or to indulge in slander, innuendo or to cast defamatory aspersions on other persons.

(b) Pursuit of knowledge and search after truth is not only a right but a duty of every Muslim.

(c) It is the right and duty of every Muslim to protest and strive (within the limits set out by the Law against oppression even if it involves challenging the highest authority in the state.

(d) There shall be no bar on the dissemination of information provided it does not endanger the security of the society or the state and is confined within the limits imposed by the Law.

(e) No one shall hold in contempt or ridicule the religious beliefs of others or incite public hostility against them; respect for the religious feelings of others is obligatory on all Muslims.

XIII. Right to Freedom of Religion
Every person has the right to freedom of conscience and worship in accordance with his religious beliefs. […]

Explanatory Notes
1. In the above formulation of Human Rights, unless the context provides otherwise:

(a) the term ‘person’ refers to both the male and female sexes;

(b) the term ‘Law’ denotes the Shari’ah, i.e. the totality of ordinances derived from the Qur’an and the Sunnah and any other laws that are deduced from these two sources by methods considered valid in Islamic jurisprudence.

Document Title: Cairo Declaration on Human Rights in Islam
Author: Organization of Islamic Conference
Date: 1990

Article 1
(a) All human beings form one family whose members are united by submission to God and descent from Adam. All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination
on the grounds of race, color, language, sex, religious belief, political affiliation, social status, or other considerations. True faith is the guarantee for enhancing such dignity along the path to human perfection. […]

**Article 10**
Islam is the religion of unspoiled nature. It is prohibited to exercise any form of compulsion on man or to exploit his poverty or ignorance in order to convert him to another religion or to atheism. […]

**Article 22**
(a) Everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the Shari’ah.

(b) Everyone shall have the right to advocate what is right, and propagate what is good, and warn against what is wrong and evil according to the norms of Islamic Shari’ah

(c) Information is a vital necessity to society. It may not be exploited or misused in such a way as may violate sanctities and the dignity of Prophets, undermine moral and ethical values or disintegrate, corrupt or harm society or weaken its faith.

(d) It is not permitted to arouse nationalistic or doctrinal hatred or to do anything that may be an incitement to any form or racial discrimination. […]

**Article 24**
All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari’ah.

**Article 25**
The Islamic Shari’ah is the only source of reference for the explanation or clarification of any of the articles of this Declaration.

**Document Title:** The Basic Law of Saudi Arabia  
**Author:** The Kingdom of Saudi Arabia  
**Date:** 1992  
**Source:** http://www.saudiembassy.net/about/countryinformation/laws/The_Basic_Law_Of_Governance.aspx

**Article 1**
The Kingdom of Saudi Arabia is a sovereign Arab Islamic State. Its religion
is Islam. Its constitution is Almighty God’s Book, The Holy Qur’an, and the Sunna (Traditions) of the Prophet (PBUH). Arabic is the language of the Kingdom. The City of Riyadh is the capital. […]

**Article 7**
Government in the Kingdom of Saudi Arabia derives its authority from the Book of God and the Sunna of the Prophet (PBUH), which are the ultimate sources of reference for this Law and the other laws of the State. […]

**Article 23**
The State shall protect the Islamic Creed, apply the Sharia, encourage good and discourage evil, and undertake its duty regarding the Propagation of Islam (Da’wa). […]

**Article 26**
The State shall protect human rights in accordance with the Sharia.

**Document Title:** The Blasphemy Laws of Pakistan  
**Author:** Islamic Republic of Pakistan  
**Date:** Amended through ca. 2006  

295 (B) Defiling, etc., of copy of Holy Quran.  
Whoever willfully defiles, damages or desecrates a copy of the Holy Quran or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.

295 (C) Use of derogatory remarks, etc., in respect of the Holy Prophet.  
Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (PBUH) shall be punished with death, or imprisonment for life, and shall also be liable to fine. […]

298 (A) Use of derogatory remarks, etc., in respect of holy personages.  
Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of any wife (Ummul Mumineen), or members of the family (Ahle-bait), of the Holy Prophet (PBUH), or any of the righteous Caliphs (Khulafa-e-Rashideen) or Companions (Sahaaba) of the Holy Prophet shall be punished with imprisonment of either description for a term which may
extend to three years, or with fine, or with both.

**Document Title:** Religious Freedom Restrictions in the Egyptian Penal Code  
**Author:** The Egyptian Government  
**Date:** 1937, amended through 2006  
**Source:** http://www2.ohchr.org/english/issues/opinion/articles1920_iccpr/docs/Hossam_Nairobi.pdf

*Article 98 (f)*  
Whoever exploits religion in order to promote extremist ideologies by word of mouth, in writing or in any other manner, with a view to stirring up sedition, disparaging or contempt of any divine religion or its adherents, or prejudicing national unity shall be punished with imprisonment between six months and five years or paying a fine of at least 500 Egyptian pounds.

**Document Title:** The Blasphemy Laws of Iran  
**Author:** The Islamic Republic of Iran  
**Date:** 1991, amended through 2012  

*Article 262*  
Anyone who swears at or commits *qazf* against the Great Prophet [of Islam] (peace be upon him) or any of the Great Prophets, shall be considered as *Sāb ul-nabi* [a person who swears at the Prophet], and shall be sentenced to the death penalty. (Note: Commission of *qazf* against, or swearing at, the [twelve] Shi‘ite Imams (peace be upon them) or the Holy Fatima (peace be upon her) shall be regarded as *Sab-e nabi.*)

*Article 263*  
When the accused of a *sabb-e nabi* (swearing at the Prophet) claims that his/her statements have been under coercion or mistake, or in a state of drunkenness, or anger or slip of the tongue, or without paying attention to the meaning of the words, or quoting someone else, then s/he shall not be considered as *Sāb ul-nabi* [a person who swears at the Prophet].

(Note: When a *sabb-e nabi* [swearing at the Prophet] is committed in the state of drunkenness, or anger or quoting someone else, if it is considered to be an insult, the offender shall be sentenced to a ta‘zir punishment of up to seventy-four lashes.)
Article 2
Islam is the religion of the State and Arabic is its official language. The principles of Islamic Sharia are the main source of legislation.

Article 3
The principles of Christian and Jewish Sharia of Egyptian Christians and Jews are the main source of legislations that regulate their respective personal status, religious affairs, and selection of spiritual leaders. […]

Article 7
Al-Azhar is an independent Islamic scientific institution, with exclusive competence over its own affairs. It is the main reference for religious sciences and Islamic affairs. It is responsible for calling to Islam, as well as, disseminating religious sciences and the Arabic language in Egypt and all over the world.

The State shall provide sufficient financial allocations thereto so that it can achieve its purposes.

Al-Azhar’s Grand Sheikh is independent and may not be dismissed. The Law shall regulate the method of appointing the Grand Sheikh from amongst the members of Council of Senior Scholars. […]

Article 64
Freedom of belief is absolute. The freedom of practicing religious rituals and establishing worship places for the followers of Abrahamic religions is a right regulated by Law.

Description: The Islamic State’s Declaration of the Caliphate
Author: The Islamic State (IS)
Date: 2014
Source: https://ia902505.us.archive.org/28/items/poa_25984/EN.pdf

Here the flag of the Islamic State, the flag of *tawhid* (monotheism), rises and flutters. Its shade covers land from Aleppo to Diyala. Beneath it, the walls of the *tawaghit* (rulers claiming the rights of Allah) have been demolished, their flags have fallen, and their borders have been destroyed. Their soldiers are either killed, imprisoned,
or defeated. The Muslims are honored. The *kuffar* (infidels) are disgraced. *Ahl us-Sunnah* (the Sunnis) are masters and are esteemed. The people of *bid’ah* (heresy) are humiliated. The *hudud* (Sharia penalties) are implemented—the *hudud* of Allah—all of them. The frontlines are defended. Crosses and graves are demolished. Prisoners are released by the edge of the sword. The people in the lands of the State move about for their livelihood and journeys, feeling safe regarding their lives and wealth. Wulat (plural of wali or “governors”) and judges have been appointed. Jizyah (a tax imposed on kuffar) has been enforced. *Fay’* (money taken from the kuffar without battle) and *zakat* (obligatory alms) have been collected. Courts have been established to resolve disputes and complaints. Evil has been removed. Lessons and classes have been held in the masajid (plural of masjid) and, by the grace of Allah, the religion has become completely for Allah. There only remained one matter, a *wajib kifai* (collective obligation) that the *ummah* sins by abandoning. It is a forgotten obligation. The *ummah* has not tasted honor since they lost it. It is a dream that lives in the depths of every Muslim believer. It is a hope that flutters in the heart of every *mujahid muwahhid* (monotheist). It is the *khilafah* (caliphate). It is the *khilafah*—the abandoned obligation of the era.

Therefore, the *shura* (consultation) council of the Islamic State studied this matter after the Islamic State—by Allah’s grace—gained the essentials necessary for *khilafah*, which the Muslims are sinful for if they do not try to establish. In light of the fact that the Islamic State has no *shari’i* (legal) constraint or excuse that can justify delaying or neglecting the establishment of the *khilafah* such that it would not be sinful, the Islamic State—represented by *ahl ul-halli-wal-aqd* (its people of authority), consisting of its senior figures, leaders, and the shura council—resolved to announce the establishment of the Islamic *khilafah*, the appointment of a *khalifah* for the Muslims, and the pledge of allegiance to the *shaykh* (sheikh), the *mujahid*, the scholar who practices what he preaches, the worshipper, the leader, the warrior, the reviver, descendent from the family of the Prophet, the slave of Allah, Ibrahim Ibn ‘Awad Ibn Ibrahim Ibn ‘Ali Ibn Muhammad al-Badri al-Hashimi al-Husayni al-Qurashi by lineage, as-Samurra’i by birth and upbringing, al-Baghdadi by residence and scholarship. And he has accepted the *bay’ah* (pledge of allegiance). Thus, he is the imam and khalifah for the Muslims everywhere. Accordingly, the “Iraq and Sham” in the name of the Islamic State is henceforth removed from all official deliberations and communications, and the official name is the Islamic State from the date of this declaration. […]

So rush O Muslims and gather around your *khalifah*, so that you may return as you once were for ages, kings of the earth and knights of war. Come so that you may be honored and esteemed, living as masters with dignity. Know that
we fight over a religion that Allah promised to support. We fight for an *ummah* to which Allah has given honor, esteem, and leadership, promising it with empowerment and strength on the earth. Come O Muslims to your honor, to your victory. By Allah, if you disbelieve in democracy, secularism, nationalism, as well as all the other garbage and ideas from the west, and rush to your religion and creed, then by Allah, you will own the earth, and the east and west will submit to you. This is the promise of Allah to you.
ENDNOTES

1. Abdullah Saeed is the Sultan of Oman Professor of Arab and Islamic Studies at the University of Melbourne, where he also directs the National Centre of Excellence for Islamic Studies. He has written on Qur’anic hermeneutics, Islam and human rights, Islamic law reform, Islamic finance, Muslim communities in Australia, and Islam and religious freedom. His publications include Reading the Qur’an in the Twenty-First Century (Routledge, 2014), The Qur’an: An Introduction (Routledge, 2008) and, with Hassan Saeed, Freedom of Religion, Apostasy and Islam (Ashgate, 2004). Born in the Maldives, Professor Saeed received his B.A. in Arab/Islamic Studies from the Islamic University (Saudi Arabia) and his Ph.D. in Islamic Studies from the University of Melbourne.

2. According to Article 18 of the Universal Declaration of Human Rights, “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

3. Following categories utilized in all Religious Freedom Project sourcebooks, and due to their unique authority within the Islamic tradition, hadith sources have been placed in the “Official Religious Text” section of the Formative Period. For an introduction to hadith literature, see Jonathan A.C. Brown, Hadith: Muhammad’s Legacy in the Medieval and Modern World (Oxford: Oneworld Publications, 2009).


6. Sura 9 is usually believed to be among the final revelations received by Muhammad.


8. Sahih Al-Bukhari Volume 9, Book 84, Number 57.


10. For the Prophet and the Qur’an there was no legal difference between a hypocrite and an apostate; cf. Saeed and Saeed, Freedom of Religion, Apostasy, and Islam, 82.


12. Sahih al-Bukhari Volume 9, Book 92, Number 424A.


14. Several examples of these treaties from early Muslim historians like al-Baladhuri (d. 892) and al-Tabari (d. 923) are included in this sourcebook.

15. An important version of this document, included in this sourcebook (p. 58), is found in B. Lewis,
16. For all sources in this book, editors may have made minor modifications for stylistic uniformity and clarity.


23. Afghanistan, Albania, Algeria, Azerbaijan, Bangladesh, Burkina Faso, Chad, Djibouti, Gambia, Guinea, Indonesia, Iran, Iraq, Jordan, Kyrgyzstan, Kuwait, Lebanon, Libya, Maldives, Mali, Morocco, Niger, Pakistan, Senegal, Sierra Leone, and Somalia formally signed and ratified the International Covenant on Civil and Political Rights. Bahrain, Egypt, Pakistan, and Mauritania introduced reservations explicitly related to Islamic law. Among more populous Muslim-majority countries, only Saudi Arabia and Malaysia have refrained from signing or ratifying the covenant. Cf. Z. Meral, *No Place to Call Home: Experiences of Apostates from Islam, Failures of the International Community* (Surrey: United Kingdom, 2008), 7-11.


25. Beyond Mohammad Hashim Kamali, other authors explicitly arguing against the death penalty for apostasy in this sourcebook include S.A. Rahman (p. 74), Mohamed Talbi (p. 81), and to a lesser degree, the former Grand Mufti of Egypt, Ali Gomaa (p. 90).

26. Several accounts of communal and family violence in response to an individual’s conversion from Islam can be found in Z. Meral, *No Place to Call Home: Experiences of Apostates from Islam, Failures of the International Community* (Surrey: United Kingdom, 2008), 60-67.


28. Taqi al-Din ibn Taymiyya (d. 1328)
About the Religious Freedom Project

The Religious Freedom Project (RFP) at Georgetown University’s Berkley Center for Religion, Peace and World Affairs is the nation’s only university-based program devoted exclusively to the analysis of religious freedom, a basic human right restricted in many parts of the world. Under the leadership of Director Thomas Farr and Associate Director Timothy Shah, the RFP engages a team of international scholars to examine and debate the meaning and value of religious liberty; its importance for democracy; and its role in social and economic development, international diplomacy, and the struggle against violent religious extremism.

The RFP began in 2011 with the generous support of the John Templeton Foundation. In 2014 that support continued, while the project also began a three-year partnership with Baylor University and its Institute for Studies of Religion under Director Byron Johnson.

About the Berkley Center for Religion, Peace & World Affairs

The Berkley Center for Religion, Peace, and World Affairs at Georgetown University, created within the Office of the President in 2006, is dedicated to the interdisciplinary study of religion, ethics, and public life. Through research, teaching, and service, the Center explores global challenges of democracy and human rights; economic and social development; international diplomacy; and interreligious understanding. Two premises guide the Center’s work: that a deep examination of faith and values is critical to address these challenges, and that the open engagement of religious and cultural traditions with one another can promote peace.