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The Concept of Freedom in Islam

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I come to the Ibn-Khaldun Center for Development Studies because, among other things, the center was established to provide training in accepting others and to research ways to promote democratic awareness among people. I will begin my talk with the following prefatory remarks:

1. Some matters are, for me, not open for discussion. One of them is faith. I am a Muslim. For me, faith in God is acceptance of the existence of God and the Judgment Day. This is a postulate. A postulate can neither be proven nor refuted scientifically. Therefore, an apostate who denies the existence of God, or a person who believes in God, cannot substantiate his position based on a scientific position. As far as I am concerned, apostasy or Islam is an option chosen by the individual for himself, and it is not acceptable for the leadership of a state or society to have an ideological position. Regarding this choice, I am a Muslim.

2. I also believe that Muhammad is the servant and Prophet of God, and that the book that was revealed to him is a divine revelation, from its first chapter to its last chapter. I also believe this on faith, just as I believe in God on faith, which makes me a Muslim. Thus, I am a believer who follows the message of Muhammad.

3. The revealed book is not scientific evidence. It is a guide to faith. The adherents of Muhammad's message must go outside this message to provide scientific evidence of its credibility. If the Qur'an were scientific evidence, it would suffice for us to tell anyone, "God the sublime said such and such," and the person would accept it. Thus, when the adherents of Muhammad's message address the world, they must produce evidence of the credibility of what is contained in the Qur'an from outside the Qur'an, not from it.



The mind, like an umbrella, does not work unless it is opened. If it is closed, it stops working and the person to whom it belongs dies. We must open our minds so that we do not die. However, the current Arab-Islamic culture is a traditional culture. We open books and turn on the television to cultural programs. We find Arab-Islamic culture reproducing itself and repeating itself. Why? Because it is a culture based on analogy, not innovation. We need innovation, not analogy. The Arab-Islamic culture is unable to produce knowledge at present

Now we come to concepts and values. The first value is freedom. The second value is justice. These two values lie behind all major political, economic, and social revolutions in the world. Even in revolutions of a secular nature, we find these two values. The October Communist Revolution was undertaken for the sake of justice first, then freedom. It clearly declared that it was a dictatorship. The Zanj rebellion¹ was undertaken for the sake of freedom and then justice. Some revolutions were undertaken for the sake of both freedom and justice.

From a theoretical standpoint, where do we find the concepts of freedom and justice in Arab-Islamic history? Where do we see these two concepts in the Qur'an and in the Sunna² of the Prophet Muhammad, may God bless him and grant him peace. How have these two concepts been practiced in Arab-Islamic history?

Throughout history, freedom has not had any presence in the Arab and Islamic collective consciousness. There are two reasons for this, one purely cognitive, the other political. The cognitive reason is that the word "freedom" is completely absent from the Qur'an. The only thing the Qur'an has to say about freedom is that it is the opposite of slavery. The term "freeing of a slave" appears five times in the Qur'anic suras [chapters] of Al-Nisa', Al-Ma'idah, and al-Majadalah. It appears once in the sura of Al-Baqarah, which states, "The law of equality is prescribed to you in cases of murder: the free for the free, the slave for the slave" [Qu'ran, 2:178]. Aside from these occurrences, we find no other instance of the word freedom or its derivatives in the Qur'an.

Shifting to the Prophetic Hadith,³ we find the word "Itq" ["emancipation"], which is the opposite of slavery. We find nothing about freedom. Rather, we find the opposite, such as in the last part of the Hadith of Hudhayfah Bin al-Yaman: "Listen and obey, even if the ruler seizes you and beats your back" (related by Muslim, 3435 – Al-'Alimiyah CD). The Prophet said, "You should listen to and obey your ruler even if he is a black African slave whose head looks like a raisin" (Al-Bukhari 7142). The Prophet said, "Whoever changes his religion, kill him" (Al-Bukhari 6411 – Al-'Alimiyah). The Prophet said, "It is your duty to listen and obey your rulers whether you are in difficulty or at ease, whether willingly or unwillingly and even when you do not receive what is your right" (Muslim, 1836). These Hadiths are diametrically opposed to freedom of choice.

¹ [A black-slave revolt against the Abbasid caliphate in 869–883 AD]

² [The statements and actions of the Prophet, later established as legally binding precedents in addition to the law established by the Qu'ran.]

³ [The corpus of narratives relating the deeds and statements of the Prophet and his companions]

Traditionally, Islamic literature places obedience to the ruler on a par with obedience to God and the Prophet. It also gives prominence to a historically distorted concept of “enjoining what is right and forbidding what is wrong.” Thus, we find that the cognitive aspect of “freedom” is absent in the literature. This underscores that freedom, as a value, is weak if not absent in the Arab-Islamic consciousness, confirming the need for theoretical innovation to establish “freedom” in the Arab-Islamic consciousness, because “freedom” appears in the traditional literature only in the sense of being the antonym of slavery. The literature never speaks of social and political freedom and the like. This is the main reason for the entrenchment of the institution of autocracy. The only institution that has come down to us intact through history is the autocracy, led by the political autocracy exemplified by Pharaoh, followed by the religious autocracy exemplified by Haman, Pharaoh’s minister.

The situation is different regarding “justice.” “Oppression” and derivatives of this word appear in the Qur’an more than 300 times. Justice, the antonym of oppression, is strongly present in the Arab-Islamic consciousness. If a person is said to be just and fair, we are filled with admiration, and we do not ask about his other virtues. Even ‘Umar Ibn-al-Khattab, the Commander of the Faithful,¹ used the word “freedom” in place of equality and justice, when he uttered his famous expression in the incident of Al-Qibti with Ibn-‘Amr Bin al-‘As: “[Then, he (Umar) turned to ‘Amr Bin al-‘As and said angrily:] O ‘Amr, when did you start to enslave the people, though they were born free of their mothers?” One might say that enslavement and freedom are mentioned here. I would agree, but he did not mean slavery and its antonym. Justice did not mean equality between a slave and a free person. Rather, it meant equality among free persons. The proof is that slavery was a system followed in the days of ‘Amr. A slave was sold, purchased, and leased. ‘Amr did nothing to eliminate this system. Even if the expression “freedom” meant doing something to remedy slavery, ‘Amr did not intervene. But what happened later? What happened is that, for the sake of justice, we accepted the stick of ‘Amr. ‘Amr died. The stick remained. Moreover, the stick has become larger and thicker. We have read about Harun al-Rashid² or his son Al-Ma’mun. He would disguise himself and go out to inspect the conditions of his subjects. We praise him and ask God to have mercy on him without asking how many prisoners were in his jails. We are accustomed to praising al-Hajjaj, because he provided diacritical points for the Qur’an. We forget that when he died, there were more than 66,000 prisoners in his jails according to the account of Al-Asma’i. We have accepted all of this, because “justice” means having a ruler over us. We have accepted this concept and even invented a new concept—the just dictator. Nonetheless, there have been violations of justice. When we examine historical Islam and its applied legal literature, we find that the concept of justice has been replaced by the concept of the just dictator. The ruler is not removed even if he commits an outrage or practices oppression. He is not removed even if he is depraved or deranged. He is not removed. He rules for life. This is the way in which freedom and justice appear in our collective consciousness and in books that continue to be printed to this day, and we accept it. We still applaud the ruler who disguises himself and goes out to inspect the conditions of his subjects, even though, there is no reason for

¹ [Second caliph of Islam (634-644)]

² [Abbasid caliph (1813-33)]

this now given the existence of civil society organizations and private organizations that perform this role.

We will now explain the theoretical basis of the concept of freedom as it appears in the Qur'an. Is it reasonable that God the sublime and exalted did not mention this great value and was not concerned with it? We will then explain the concept of apostasy, which is directly related to the concept of freedom. There are two terms that appear in the Qur'an. The first is "Ibad [person], and the second is "Abid" [slave/servant]. What is the difference between the two? The two terms appear in the Qur'an. Are we slaves/servants or people of God? This is the question. The response is that people are people, not slaves, in the Qur'an.

The two terms both derive from the same root in Arabic, عباد. It is among the roots in the Arabic language that expresses two opposite meanings at the same time. The verb 'abada means to obey and to disobey at the same time. In other words, a word from the same root, "Ibadiyah" means obedience and disobedience. This term appears in the Qur'an with both of these denotations. Regarding the denotation "obedience," the Qur'an¹ says, "Thee do we obey, and Thine aid we seek" (Qur'an, 1:5). Regarding the denotation disobedience, the Qur'an says, "Say: O my servants who have disobeyed against their souls, despair not of the mercy of Allah" (Qur'an, 39:53), and "Say: if Allah most gracious had a son, I would be the first to obey" (Qur'an, 43:81). Regarding the meaning of both obedience and disobedience together, the Qur'an states, "Tell my servants [both the obedient and the disobedient] that I am indeed the oft-forgiving, most merciful" (Qur'an, 15:49), "And tall and stately palm trees, with shoots of fruit stalks, piled over another as sustenance for Allah's servants [both the obedient and the disobedient]" (Qur'an, 50:10-11), and "I have only created Jinns and men, that they may obey me" (Qur'an, 51:56)—i.e., so that there will be people who obey and people who disobey based on their own free will. It is not as the Muslim theologians say, namely that God created people to pray, fast, and to be slaves/servants. Slavery was not originally required. God the sublime did not require people to be his slaves in the temporal world. Rather, he created them to be people, among whom are those who obey, fast, and pray, and among whom are those who disobey, do not fast, and do not pray. The freedom of choice embodied in the term "al-'Ibadiyah" is the word of God the sublime, which preceded the people of the earth. The very wisdom of creation is based upon it, as stated in the Qur'an: "Had it not been for a word that went forth before from thy Lord, their differences would have been settled between them" (Qur'an, 10:19, 11:110, 20:129, 41:45, and 42:14). Therefore, when we compel people to believe, or when we compel them to commit apostasy, we make God's word inferior. For this reason, the Prophet of God, may God bless him and grant him peace, enjoined holy war to ensure the supremacy of God's word. However, when we compel people to pray, even in a sacrosanct mosque, we make the word of God inferior. When we compel women to wear the veil, as in Afghanistan, or we compel them to remove the veil, we make the word of God inferior. The issue, then, is "not to coerce with respect to religion." Religion is a matter of free

¹ [Translations of Qu'ranic verses in this translation are adapted from *The Holy Qur'an - Text, Translation and Commentary*, Abdullah Yusuf Ali, Amana Corporation, 1989]

choice. If it were not, the Judgment Day and reward and punishment would be meaningless. It seems that freedom is the purpose of creation in the Qur'an.

We will now turn to the second term in the Qur'an, "Abid" [slave/servant]. This term occurs five times in the Qur'an: "For verily a law is not unjust to his servants" (Qur'an, 22:10, 3:182, and 8:51); "And your Lord is never unjust to his servants" (Qur'an, 41:46); and "I do not the least injustice to my servants" (Qur'an, 50:29).

We note that all of these references concern the Judgment Day. Why? It is because we are slaves on the Judgment Day. There is nothing we can do. Because we are slaves on the Judgment Day, we have no opinion and are not entitled to say anything in the least. In the temporal world, people believe in God or commit apostasy, or they obey or disobey, because they are people. On Judgment Day, there is no freedom of choice. Judgment Day is similar to the compulsory military draft. The disobedient are sent to Hell, and the obedient are sent to Heaven. God says "that unbelievers will be led to hell in a crowd" (Qur'an, 39:71) "and those who feared their Lord will be led to the garden in crowds" (Qur'an, 39:73). We understand from all of this that, in this world, people are people of God, and, on Judgment Day, they are slaves of God. It also becomes clear to us that the concept of freedom in the Qur'an preceded the concept of justice, as proven by the mention of oppression in connection with slaves in the five verses mentioned above. Why? Because a slave is owned. He cannot appreciate justice. Hence, oppression is linked with slavery. Free persons do not have to be mentioned regarding justice, because they can appreciate it since they are free. When a person possesses freedom of choice, the sword of coercion is lifted from him, and he becomes capable of achieving and doing justice. Here, let me say that the words "abd" and "amah" in the Qur'an do not refer to slavery. Each refers to a male and female person respectively. 'Abid" means a slave that is owned, as stated in the Qur'an: "Allah sets forth the parable of a slave under the dominion of another; he has no power of any sort" (Qur'an, 16:75).

We will now examine how historical Islamic jurisprudence understands freedom and justice regarding the issue of apostasy. When we discuss apostasy, we must distinguish between two types of apostasy, political apostasy and doctrinal apostasy. Political apostasy is an attempt to revolt against, and take control of, the government. In Britain, for example, if a person wishes to be the prime minister, what does he do? He joins a party in Britain. He then seeks to become the party chairman. He then seeks his party's victory in elections. This is the way. However, the matter differs with the Prophet, may God bless him and grant him peace. He started as a prophet and a messenger and ended as the founder of a centralized state in the Arabian Peninsula with its capital in Medina. The notion that anyone wishing to have a political role or to be a head of a state must claim prophesy became implanted in the political consciousness of the people. The first to do so in the Prophetic era was Al-Aswad al-'Unsi. The Prophet ordered that he be killed. When Musaylima, the false prophet, claimed prophesy and refused to pay the alms tax to the Caliph Abu-Bakr, there were two positions: the position of Abu-Bakr, which was an economic, political position; and the position of 'Umar, which was a religious position, namely that freedom of action and practice should be guaranteed. The position of Abu-Bakr prevailed at the time, because the alms tax was the state's only

income source. Today, after the adoption of tax systems by the state, ‘Amr’s position is in practice given greater weight, because the alms tax is no longer paid to the state. It is paid directly to the needy. However, if the population of Alexandria were to now refuse to pay the taxes levied by the central government, it would mean their secession from the state, which is political apostasy. Political apostasy is not a monopoly of Arab and Islamic societies. We are not unique in this respect. The greatest war that occurred in America between the north and the south was a war of succession and political apostasy.

An example of doctrinal apostasy is a Muslim saying that he wishes to become a Christian or Buddhist, or a Christian saying that he wishes to become a Muslim or Jew. The sentence for such a person in historical Islam is execution. Why is he executed? Some maintain that there is a Prophetic tradition that says “one who changes his religion should be killed.” The Qu’ran states, “Let him who will, believe, and let him who will, reject it” (Qu’ran, 18:29); “Let there be no compulsion in religion” (Qu’ran, 2:256); and (God speaking to His Prophet) “Therefore, admonish, for you are one to admonish. You are not one to manage men’s affairs” (Qu’ran, 22:21-22). In view of the Qu’ranic verses quoted above, how can the Prophet rightfully order the killing of an apostate, knowing that the Prophet took no measures against those who committed apostasy regarding a doctrinal concept? Some say: You have entered Islam voluntarily; no one compelled you, but you cannot now leave it. We say: Most Muslims entered Islam automatically, not voluntarily or under duress. They were born of Muslim fathers and are Muslims. Had they been born in a Buddhist country, they would have been Buddhists. I censure those who demand political reform without religious reform. This is a very difficult matter. In my opinion, there cannot be political reform separate from religious reform. The traditional mentality among people is not to be concerned with any political reform. I will give an example: There are chapters in historical Islamic law that need to be changed, including the principle of *sadd al-dhara’i*.¹ In the political sense, this chapter concerns states of emergency and customary law provisions. For example, if a woman goes out into the street, she must wear a black tent, because we fear that a man will greet her. It is not permitted to wear perfume, otherwise you will be considered a harlot. It is best for women to “stay at home” and to never go out. A second chapter that needs to be changed concerns the principle that it is better to ward off corruption than to pursue that which is beneficial. This chapter has transformed us into cowards, dolts, and lazy persons. Our relationship with the state and with life has become limited to repelling that which is corrupt without pulling closer that which is beneficial, even though the law of existence is based on both the corrupt and the beneficial, on both good and evil. Denial of one perforce means denial of the other. God says, “Every soul shall have a taste of death. And we shall test you by evil and by good, by way of trial. To Us must ye return” (Qu’ran, 21:35). A third chapter in historical Islamic law that needs to be changed concerns the principle that every loan entails a benefit, which is interest. In this regard, people have gone to the extreme in defining “benefit” and have excessively expanded the boundaries of “interest,” linking it with other rules concerning the substitution of gold for gold, silver for silver, and wheat for wheat. As a result, transactions in the commercial markets have become extremely difficult and complicated. People forget that benefit is the foundation of relations between all members of human society, including individuals,

¹ [i.e., preventing evil before it happens or blocking ways possibly leading to undesired consequences]

groups, and countries. Even the relationship with God is based on benefit. Nonetheless, we hear Friday sermons in the mosques speaking in an unrestrained manner, saying that the Prophet, may God bless him and grant him peace, died with his shield pawned to a Jew. We find it very strange. We ask: If this is true, is it not wrong? Were there not millionaires in the nation in the tribe of Quraysh, namely ‘Abd-al-Rahman Ibn-‘Awf, ‘Uthman Ibn-‘Affan, ‘Umar Ibn-al-‘As, and others? Then, we ask: what was the amount of interest collected by this Jew? History has never heard before of a Jew who makes an interest-free loan to his mortal enemy. A fourth chapter concerns laxity in the relating of Prophetic traditions that are supported by weak chains of transmission regarding the awakening of desire and intimidation. A fifth chapter, which is very important and serious, is the chapter on the consultation.¹ God ordered His noble Prophet to “consult them on the matter” (Qu’ran, 3:159). Consultation was then linked with prayer to indicate its importance in the following Qu’ranic verse: “Those who hearken to their Lord and establish regular prayer, who conduct their affairs by mutual consultation, and who spend out of what we bestow on them for sustenance” (Qu’ran, 42:38). Nonetheless, consultation is not binding on the just ruler. In other words, the ruler has been transformed into a dictator. There is nothing in the canonical law that binds the ruler to the views of others. We see this in the consultative councils of several Arab countries. If we look at consultation from an historical standpoint, we find that it is very impoverished. It has no institutions. It would be unfair to compare democracy to consultation at present, because democracy has a history and institutions, but this is not so with consultation, unless we believe that consultation is a value that requires new institutions.

Another chapter deals with enjoining good and forbidding evil, which we know today as fighting corruption. This is a serious mission that has been placed in the hand of the ruler and assigned to the state at a time when everyone knows that the state—with its money, army, security, police, and authority—has a greater need than anyone to enjoin that which is right and forbid that which is wrong. However, the issue of corruption and forbidding evil was perverted to a ridiculous extent. One Islamist propagandist states in a book that he published after leaving prison, “We trained in enjoining good and forbidding evil in the university. If we saw someone standing with a young lady, we would stop him. If she was his sister, we would let him go. If she was not his sister, we would ask him why he was standing with her and forbid evil.” In some Arab-Islamic countries, people in the markets are driven to prayer services with sticks under the heading of enjoining good and forbidding evil.

The absence of awareness of the concept of freedom, the placement of religion in the service of politics in all countries of the Islamic world, and the stunted awareness of the role of civil society organizations in consultation, and traditional laws that have no place for the ideas and interests of people—all of these factors lie behind the emergence of fundamentalism political Islam today and the extremist movements that seek to control and rule over religion, i.e., to merge the religious and political establishments into a single establishment.

¹ [Shura, the ruler’s duty under Islamic law to consult his followers in making decisions. It also refers to the assembly that meets for this purpose.]

We need political reform and civil society institutions. Popular councils, parties, unions, federations, clubs, and newspapers exist. They need to be promoted through intellectual, religious, and cultural reform. Innovation is needed to stimulate our existing institutions. The most important effort that can be undertaken in this regard is to create and promote institutions that enjoin what is right and forbid what is wrong. This cannot happen without a peaceful opposition that is led by political parties followed by the professional unions and other organizations of civil society. This state is a corruptible establishment. It needs to be enjoined to do what is right and proscribed from doing what is wrong. The best mechanisms for this are a political opposition, a free press, freedom to demonstrate peacefully, and freedom of expression. In this sense, an opposition and a free press are basic components of Islamic practice. They enjoin good and forbid evil verbally. A democratic state, with its various institutions, also enjoins good and forbids evil, and it does so through action. If the state creates an institution concerned with enjoining good and forbidding evil, that institution is an additional security branch. Based on this concept, there is no Islamic or un-Islamic party. In other words, any entity that rejects the opposition, freedom of the press, and the rotation of government is against Islam as a culture. The concept of an Islamic party here is meaningless. If an Islamic party is in power, are the opposition parties un-Islamic? In other words, the political relationship, in its ramifications, is based on the Islamic ideal, which is humanitarian and inclusive.

In other words, we must separate religion from politics. The national, leftist movements must separate between the patriotic and the political. If we examine politics throughout history, we find that it is beset by assassinations, prisons, civil war, poisoning, decapitation, and an ingrained institution of autocracy which remains alive to this day. Thus, we see that the secular, democratic state is the best state in which Islam can display its civilizational, humane face.

The principles of religious reform are the following:

1. Adoption of a new cognitive system for treating the Qu'ran and Sunna. In other words, we need a cognitive break with tradition, not a historical break. Within this system, we should reexamine all verses that contain legal provisions, particularly the provisions on killing contained in the suras of Al-Tawbah, Al-Anfal, and Muhammad. We should distinguish between the historical text and the historicalness of the text. Examples of historical texts include the story of Joseph in the Qu'ran. We derive from it exhortations and historical laws. We do not derive legal provisions from it. An example of the historicalness of a text is the law of inheritances and the law of descent and distribution. The verses on inheritance in the sura of Al-Nisa' are not historical texts. Jurists formulated this area of law. It bears a historical character. It was formulated according to the cognitive system used at the time. We must reread these verses within the framework of a new cognitive system to produce a new law on inheritances. In other words, there can be no renewal without piercing the historical constants of Islam, which were formulated by people.

2. Based on this system, we must reexamine the components of legal provisions concerning what is a duty, what is forbidden, what is permitted, what is recommended, and what is reprehensible. We must create a new classification and a new definition of these components, especially regarding what is forbidden, based on the fact that the determination of what is permitted requires no proof. This system must free people from the constant feeling that they are sinners.
3. A review of the sources of Islamic jurisprudence, which are the Qu’ran, the Sunna, consensus, and analogy. New definitions must be formulated for these four terms, especially the Sunna, consensus, and analogy. They must be redefined to permit the existence of parliaments, elections, and multiple parties.
4. A review of the pillars of Islam and faith, and the transformation of Islamic discourse into global discourse.
5. It must not be forgotten that the principles of Islamic jurisprudence and all of the divisions thereof were formulated in the Umayyad period and were recorded and completed in the Abbasid period. In other words, they are historical divisions that are not sacrosanct.
6. Elimination of entire clauses from Islamic law such as the restrictions mentioned above (e.g., the chapter on sadd al-dhara’i [preventing evil before it happens], etc.).
7. Establishment of a contemporary Islamic philosophy and a contemporary Islamic theology whose basis is that one’s lifespan and prosperity are not written in stone but are variable, and that God ordained freedom of choice before human existence.
8. Establishment of a theory on government and constitutional law. Historical Islam lacks precedents on constitutional law and the relationship of the government to the people based on a social contract. The appointment of the ruler is not God’s task. Rather, it is the task of human beings. The supplication “O God, appoint for us good rulers, not evil rulers” is meaningless.
9. Entrenchment of the value of life among people, because, over the centuries, Muslim theologians have succeeded in convincing people to view life contemptuously based on the following Prophetic tradition: “Allah will cast weakness in your hearts. They said, ‘O Messenger of Allah, what does weakness mean?’ He said, ‘Your hearts are strongly attached to the luxuries of life and you feel a strong aversion to death’” (Musnad Ahmad 21363).¹

¹ [This point is elaborated in an interview with the author at <http://pages.zdnet.com/plm/id165.html>, wherein he states (translated from the German): “Let me give you an example: Almost every week we hear people say that we are inferior because God has made us weak. This weakness is the love of life and the hatred of death. In other words, anyone who loves life and hates death should feel guilty. I love life, so I am guilty. This has become a culture that is taught not only by Bin Laden and al-Zawahiri, but also by absolutely every legal scholar. And we hear it every week on television, as if it were the most self-evident thing in the world.”]

Every person who loves life and abhors death must feel guilty. We are no longer dumbfounded by mass murder and massacres. It is as if they have become a part of our consciousness. In religious and cultural reform, the state is the weakest link. The state would rather confront the religious establishment and society than confront itself.

I will conclude my remarks with the historical adage, which says that “a ruler whose subjects fear him is better than subjects who fear their ruler.” This adage has become embedded in our collective consciousness. In order democratic reform to begin in the consciousness of the people, we must reverse this adage. Thus, “A ruler who fears his subjects is better than subjects who fear their ruler.” This is the job of all democracies in the world, namely to ensure that the ruler fears his subjects. We must move toward this goal and make it part of our creed and conscience. We need to stress the sanctification of freedom and the people’s awareness of the value of freedom. Freedom is not imposed. It is a product of cultural and religious reform. The idea of democracy by force does not differ in content from the notion of the just despot.