

THE CHARTER OF MADINAH AND RELIGIOUS FREEDOM

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Assalamu alaykum wa rahmatullahi wa barakatuh.

First, let me thank the organizers for this very important conference which shines the light on one of the most visionary documents in the history of Islamic *praxis*¹: The relationship between faith and freedom.

The Madinah Charter was executed by the Prophet Muhammad (PBUH) on the one hand, and the various Muslim and Jewish tribes on the other. He had immigrated to Madinah, upon the invitation of its community, because his life was being threatened in Makkah due to his religious beliefs. The Madinah community liked the Prophet's message and wanted to give it a home in its own city. So the Prophet experienced firsthand religious oppression and knew very well the importance of religious liberty.

The Charter of Madinah is an integral part of the *sunnah*² of the Prophet. The role of the *sunnah* is to shed further light on the revelation itself, embodied in the Noble Qur'an. Thus, it is no surprise to know that the Qur'an itself states clearly and succinctly that "There shall be no compulsion in religion." (2:256)

لا إكراه في الدين

Further, the Noble Qur'an connects this state of religious liberty with the state of political maturity of the community. For, it continues to say: "the mature course is clearly distinct from the oppressive one."

قد تبين الرشد من الغي

In the last part of this verse, the Qur'an also affirms that those who believe in God, and reject the tyrant or oppressor (طاغوت), have the most secure handhold (العروة الوثقى) that never fails. But to believe in God is to believe in all the values and liberties God declared and guaranteed in the Qur'an. As hard as observing these liberties may be, this is part of the Islamic message as emphasized by the Charter of Madinah. Moreover, as the Qur'an tells us, these freedoms are in fact a source of political maturity and stability in Muslim societies.

¹ Putting Qur'anic principles into practice.

² The words and practice of the Prophet.

While there are many other verses in the Qur'an that support this fundamental principle of religious liberty, I would like to limit myself to two additional observations: first, I would like to focus on one very simple Qur'anic verse which states: "We have given dignity to the Children of Adam." (17:70)

ولقد كرمنا بني آدم

Note that the verse is very inclusive. Dignity is given to ALL the children of Adam, not only to Muslims or men or whites or the rich. It is part of the dignity of a human being to be able to think and worship freely. This is one of the important foundations on which the Charter of Madinah rests.

Second, I would like to note that the Qur'an repeatedly states that the core of Islamic praxis is Justice. Or to put it differently: The whole creation of the Heavens and Earth was based on Justice.

بالعدل قامت السموات والأرض

This notion of Justice is explained throughout the Qur'an to be a restorative one based on compassion and forgiveness, not a distributive one whose only goal is to punish.

Putting all this together, it is clear that in a just Muslim society that respects the dignity of each of its members, the right to freedom of thought and belief ranks very high. It is also no surprise that Thomas Jefferson, the American Founding father, who owned a copy of the Qur'an, argued against compulsion in religion and adopted a similar approach to religious freedom. His approach led to the adoption of the 1786 Virginia Statute for Religious Freedom, a precursor of the First Amendment in the US Constitution. So over a thousand years later, the principles articulated in the Qur'an and the Charter of Madinah remain as fresh and relevant as they were in the early days of Islam.

But what do these liberties entail? The Charter of Madinah came to detail for us these liberties within the context of that society, constituted predominantly of both Muslim and Jewish tribes. It is important to note that it was the Prophet who initiated this constitutional contract between him and the Madinah tribes. So, let me turn to some of the details in the Charter.

The religious tribal structure of Madinah required the Prophet to devise a special legal structure in order to protect the religious liberty of the diverse religious tribes, and promote peace in the overall Madinah community. So, he devised a "federalist" model amongst them, Muslim and Jewish alike. This federalism preserved for each group its own identity, customs, and internal relations. The Charter actually names each tribe and extends to it specifically these protections. All members of the "federation" were then joined together in common defense and peacemaking. The Charter referred collectively to the tribes, Muslim and Jewish, as "one people," (أمة واحدة من دون الناس) and asserted that: "to each their own religion." (لليهود دينهم وللمسلمين دينهم).

By becoming part to the Charter, Jewish tribes became entitled to both succor and equality. (النصر والإسوة). They had the same standing in the community as Muslims and were entitled to Muslim loyalty. If wronged, the Charter stated that they must be helped.

The signatories to the Charter, both Muslim and Jewish, had a duty and a right to mutual assistance and consultation.

(النصر على من حارب أهل هذه الصحيفة: والنصح والنصيحة: والبر والإحسان [لهم])

Both groups were required to bear their portions of the communal (defense) expenses, whenever the city was at war.

The statement, made centuries later, by George Washington in a letter to the Hebrew congregation in Newport, Rhode Island, echoes some of the ideas present in the Charter of Madinah. It states:

...For happily the government of the United States, which gives to bigotry no sanction, to prosecution no assistance, requires only that they who live under its protection demean themselves as good citizens, in giving it on all occasions their effective support.

The Charter of Madinah repeatedly emphasized its governing principles of fairness and equity. For example, no one was to be punished for the wrong committed by another, even if an ally. Every tribe was required to deal with the other tribes on the basis of what is customary and just. All believers were required to be against anyone who sought to spread injustice, sin, enmity or corruption among them, even if that person was the son of one of them. (ولو كان ولد أحدهم) They were not permitted to shelter an evil-doer.

This Charter was not devised by the Prophet to meet a temporary situation. As stated earlier, it was part and parcel of the Qur'anic message. This fact is underlined by another document executed by the Prophet with the Christians of St. Catherine Monastery in Sinai. There, he made extensive commitments and extended broad protections to all Christians in the Eastern and Western parts of this world (not just those in the monastery). He required all Muslims to observe these commitments and ensure these protections till the end of time, and cursed those who would violate his directives. But that is a story for another conference.

Let me conclude my statement by pointing out that the bloodshed and violence we are witnessing today is heart breaking for many reasons. Besides the extensive loss of life, both Muslim and non-Muslim, the current state of affairs underscores the fact that some groups falsely raising the flag of Islam have decided to replace Islamic values with their own anti-humanistic ones.

They do not see dignity in God's creation, nor sanctity in the Prophetic commitments and directives. They have ushered a return to the Age of Ignorance (pre- Islamic Jahiliyyah) and took with them many of our gullible youth who did not know any better. To them I say: Islam is not about earthly power struggles, the killing of humanity, or shocking denials of basic

liberties, religious or otherwise. Islam is about spirituality, peace and harmony. It is about giving each his due, and being a good steward of this earth, including its humans, animals and even trees and plants --- all covered by the *sunnah* of our Prophet.

May God forgive us our sin for not having been sufficiently diligent in transmitting this message to our youth.

رَبَّنَا لَا تَأْخُذْنَا إِنْ نَسِينَا أَوْ أَهْطَأْنَا

Wassalaam 'Alaykum.