

TOLERANCE FOR ISLAM

IN THE EARLY AMERICAN REPUBLIC

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Keith Ellison, America's first Muslim congressman, received permission from the Library of Congress to use Thomas Jefferson's copy of the Qu'ran on which to take his personal oath of office.

This request led me to think of similar option for politicians who are religious liberals. They could request to use Jefferson's own version of the Bible, a New Testament from which all reference to miracles, the Book of Revelation, and Paul's letters were deleted.

A right-wing radio hack, claiming that he was all for religious freedom, attacked Ellison, insisting that even he as a Jew would have to swear on the Bible, because it is America's scripture. Critics had to be reminded that the public oath is made to the Constitution by those assembled in the House, and that the Constitution proscribes any religious test for holding office.

A Republican colleague from Virginia welcomed Ellison to House with a threat to deport him, assuming that his constituents had mistakenly elected a terrorist who had illegally entered the country. The fact is that Ellison's family has been in this country since 1742.

Muslims have lived in America since the importation of slaves from West Africa. Jefferson once defended the sacrifice of lambs, which most likely indicated that some of his slaves were Muslims celebrating the feast of Eid.

Jefferson's copy of the Qu'ran, published in 1764, in was translated by George Sale. In his commentary he condemns Muhammad as an "infidel" and "an imposter." After he got this off his chest, Sale offered Jefferson and other readers a fairly accurate description of the Islamic religion that does not support either charge.

First, Sale rejects the idea that Islam was spread primarily by the sword. Indeed, he reminded Jews and Christians of their own violent histories. Sale also translated the passage from the Qu'ran that states that there is no compulsion in religion.

Second, Sale praises Mohammad for "bringing pagan Arabs to the knowledge of the one true God," a remarkable contrast to most Christians today who believe that Allah and Jehovah are completely separate deities. We need only think of Lt. Gen. William G. Boykin, who told his Virginia congregation that his god was bigger than Allah.

Third, Sale admits that Mohammad was a virtuous man: he was pious, truthful, humble, and charming.

Fourth, Sale acknowledges that Islam rejects the Trinity, a doctrine that many liberal Christians at the time also denied.

More than anything, it was Islam's Unitarianism that impressed many Christian liberals of the time. The famous Philadelphia doctor Joseph Priestly believed that Christian monotheism had been undermined by what he took to be a return to pagan polytheism. Jefferson maintained that the Trinitarian "paradox that one is three, and three but one, is so incomprehensible to the human mind, that no candid man can say he has any idea of it."

James H. Hutson, chief of the Manuscript Division of the Library of Congress, did a search of his documents and has offered the following instances of tolerance for Muslims in the early American Republic:

On June 7, 1776 the Continental Congress passed a resolution declaring that "true freedom embraces the Muslim and the Hindu as well as the Christian."

In 1786 the Virginia legislature, by a large majority, voted against attempts to exclude Jews and Muslims from a bill protecting religious freedom.

In 1780 representatives of the people of Massachusetts made sure that their constitution gave "the most ample liberty of conscience . . . to Deists, Muslims, Jews, and Christians."

Hutson also cites a petition from citizens of Chesterfield County, Virginia, who were concerned about “not becoming our own enemies and weakening this infant state” by excluding Jews and Muslims.

This expression of tolerance is remarkable considering the fact that America’s first foreign enemies were Muslim terrorists, the Barbary pirates of the Mediterranean. Fear mongers spread rumors that these pirates would invade America and sell their captives into slavery.

When the American diplomat Joel Barlow reported that there were no European governments followed the federal system that Americans needed, Barlow should have looked a little farther east. This is surprising because he had some knowledge of Muslim culture, having helped draft the Treaty of Tripoli of 1796.

The earliest Muslim form of government was a federation of Muslims, Jews, and pagans that Mohammad brought together for “common defense and peacemaking,” much like the “common defense” and “domestic tranquility” that our own federal government is charged to provide.

This Muslim Constitution is called the Charter of Medina of A.D. 626. It provided for religious freedom and the “right not to be found guilty because of the deeds of an ally,” a decisive break from ancient laws that made the sins of others your own. In addition, the people of Medina were secure in their own homes, similar to our Fourth Amendment protections.

There is no evidence that our founders had knowledge of the Charter of Medina, but one has to admit that the language of peace and common defense is strikingly similar. The election of the early caliphs was also by a process that we would call an electoral college.

Early Muslim government was based on elections, broad deliberation (including women) and consensus, the protection of minorities, and appeal to the wisdom of experience and learning. While the emphasis on reasoned deliberation has not been completely lost, the rule of force dramatically came into the play with the assassination

of the third caliph in A.D. 656, and a switch to hereditary rule, which has been the norm in Muslim countries for centuries.

So, with regard to the question of whether Muslim countries can become democracies, the answer is definitely affirmative, as long as they recover the ideals of the Charter of Medina and the democratic principles embedded in the Qu'ran. Indeed, Bangladesh, Indonesia, and Malaysia are well on their way in doing just that.

I'm indebted to Azizah Y. al-Hibri's article "Islamic and American Constitutional Law: Borrowing Possibilities or a Historical Borrowing?" *Journal of Constitutional Law* 1:3 (Spring, 1999), pp. 492-527; and James H. Hutson, "The Founding Fathers and Islam: Library Papers show early Tolerance for Muslim Faith" at www.loc.gov/loc/lcib/0205/tolerance.html.