

HUMAN RIGHTS  
AND TOLERANCE  
IN ISLAM



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- *Human Rights In Islam*

Syed Abul A'la Maududi

- *Tolerance In Islam -An Abridged  
Version Of The 1927 Lecture-*

M. M. Pickthall

- *Foundation of Religious Freedom in  
Islam*

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# FOUNDATIONS OF RELIGIOUS FREEDOM IN ISLAM

*-Approach With The  
Perspective of The  
Muslim Social Theology-*



RECEP ARDOGAN

I would like to thank Prof. Ibrahim Ozdemir (The dean of the Faculty of Humanities and Social Sciences in Uskudar University) for his contributions.  
(R Ardogan)

'Freedom of religion' is the freedom of choice and action of the individual -of his/her own will without any pressure or hindrance- regarding religious beliefs and practices. This freedom includes:

This freedom guarantees the following discretionary powers of the individual:

- to choose between belief or not to believe in a transcendent existence,
- and to adopt or not to adopt a religion and sect,
- and to perform or not to perform the acts based on his/her belief freely, individually, or together as a community.

Religion is a phenomenon seen in all human societies. It has a vital role in the individual's feelings, inner life, and observable life. Religion is a prominent factor in the meaning of human existence and life, in the formation of the personality and character of the individual. It has undeniable effects on shaping society's mentality, culture, and behavior. Every positive or negative approach to religion affects people's mentality, feelings, sensations, thoughts, and behaviors. For this reason, freedom of religion is one of the fundamental dynamics of the existential situation of human beings.

This importance of religion for the individual and society reveals that freedom of religion is a human and vital value. However, while freedom of religion ensures the development of religion in the social field with its beliefs and practices, it can also be made a tool that justifies the violation of human rights and freedoms. This situation brings up the problem of establishing religious freedom. For this reason, the determination of the principles that underlie freedom of religion in Islam is an essential issue of social theology [i.e., ilm al-qalam al-ictimai].

For this reason, below, it will be helpful to clarify the fundamen-



tals of Islam that transform the freedom of religion into an intellectual and social, political, and legal obligation.

## 1. BELIEF IN THE DIVINE TRIAL

It is the fact that the belief in the divine trial makes freedom and responsibility an essential condition. The Qur'an's teaching of creation emphasizes that Almighty Allah took a promise (al-Misaq) from human beings, So, human was entrusted with the existential trust and came to earth to experience a divine test process:

**"Who created death and life to test you [people] and reveal which of you does best. He is the Mighty, the Forgiving (اللّٰدِي خَلَقَ الْمَوْتَ وَالْحَيَاةَ لِيَبْلُوَكُمْ أَيُّكُمْ أَحْسَنُ عَمَلًا وَهُوَ الْعَزِيزُ الرَّحِيمُ)"<sup>1</sup>**

**"We created man from a drop of mingled fluid to put him to the test; We gave him hearing and sight (إِنَّا خَلَقْنَا الْإِنْسَانَ مِنْ نُطْفَةٍ أَمْشَاجٍ نَبْتَلِيهِ فَجَعَلْنَاهُ سَمِيعًا بَصِيرًا)"<sup>2</sup>**

**"We have adorned the earth with attractive things, so that We may test people to find out which of them do best (إِنَّا جَعَلْنَا مَا عَلَى الْأَرْضِ زِينَةً لَّهَا لِنَبْلُوَهُمْ أَيُّهُمْ أَحْسَنُ عَمَلًا)"<sup>3</sup>**

The testing process, in which man is responsible in the presence of God, naturally necessitates free will and freedom with its civil, legal-political aspects.

In divine testing, 'individual freedom' is combined with 'individual responsibility'<sup>4</sup> In many verses, it is emphasized that human will can-

<sup>1</sup> al-Mulk 67/2.

<sup>2</sup> al-Insan 76/2.

<sup>3</sup> al-Kahf 18/7.

<sup>4</sup> an-Naam 53/38-39; al-Muddessir 74/38; al-An'am 6/164; al-Fatir 35/18; al-Dhumar 39/7; al-Fussilah 41/46.

not be prevented in the field of belief.<sup>5</sup> Therefore, respect for freedom of religion is also respect for the divine wisdom in creation.

It is necessary to abide by divine wisdom and act in accordance with human dignity and honor in conveying the message of Islam and directing the society to the good and the ideal lifestyle.

**"Had your Lord willed, all the people on earth would have believed [in Him]. So can you [Prophet] compel people to believe ( وَلَوْ شَاءَ رَبُّكَ لَأَمَنَّ مِنَ فِي الْأَرْضِ كُلَّهُمْ جَمِيعًا أَفَأَنْتَ تُكْرَهُ )**

**”؟(النَّاسَ حَتَّىٰ يَكُونُوا مُؤْمِنِينَ“<sup>6</sup>**

**" Say, '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 ( وَقُلِ الْحَقُّ مِنْ رَبِّكَ فَمَنْ شَاءَ فَلْيُؤْمِنْ وَمَنْ شَاءَ )**

**...”(فَلْيَكْفُرْ“<sup>7</sup>**

The divine will has made room for human freedom of will (al-iradah al-kulliyah, covering all available options) and choice (al-iradah al-cudh'iyah). Because pressure and coercion take the place of human will, choice, and free actions, the divine test event cannot take place. For this reason, even God does not control man by force, contrary to his will.

Therefore, man could use his will contrary to the Creator's (c.c.) "legislator/commanding (judgmental) will". This possibility is the criterion of man's true freedom:

**"If your Lord had pleased, He would have made all people a single community, but they continue to have their differences ( وَلَوْ شَاءَ رَبُّكَ لَجَعَلَ النَّاسَ أُمَّةً وَاحِدَةً وَلَا يَزَالُونَ )**

<sup>5</sup> Yunus 10/108. Also, see al-Dhumar 39/41.

<sup>6</sup> Yunus 10/99. See also al-An'am 6/149.

<sup>7</sup> al-Kahf 18/29.

(مُخْتَلِفِينَ)."<sup>8</sup>

Therefore, Allah's absolute will has given the human will the "opportunity to choose between different options". This truth is one of the foundations of religious freedom.

In this world of Divine Test, it is not reasonable to keep people under tutelage in religion and creed and abolish their free will.

Religiosity is an individual phenomenon before its social consequences, and from this aspect, it can only be the subject of an other-worldly judgment:

**"... your duty is only to deliver the message: the Reckoning is Ours (فَإِنَّمَا عَلَيْكَ الْبَلَاغُ وَعَلَيْنَا الْحِسَابُ)."**<sup>9</sup>

Behavior can only be judged legally regarding its consequences for other people. According to Islam, what is essential in sins and crimes is postponing their punishment to the hereafter. Because being punished in this world is contrary to the meaning that man was created to be tested in the life of this world. The fact that there is a section of "uqubat" in Islamic jurisprudence books and worldly sanctions are determined for the acts defined as crimes are because these acts harm others.<sup>10</sup> In simple terms, harming others in an environment where everyone is being tested also means breaking the calm of the test.

Then, the belief in the divine test requires that people should not be brought to justice in this world because of their beliefs and their ways and actions that do not harm others. The [Divine] Supreme Court will be established on the Day of Judgment.

Some liberal or utilitarian thinkers base tolerance on skepticism

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<sup>8</sup> Hûd 11/118.

<sup>9</sup> al-Ra'd 13/40. Bk. Hûd 12; al-Taghâbun 64/12.

<sup>10</sup> al-Merginani, *el-Hidaye Tercemesi*, II, 327.

and agnosticism. Also, Western thought's social-political pluralism (i.e., pluralistic society) is based on the claim that truths are relative. Accordingly, since there is no moral truth, no one can attempt to impose a particular moral understanding on another.

Freedom of religion in Islam is not grounded in the relativity of truth or religious skepticism or agnosticism, or theological pluralism. On the contrary, it is based on the absolute truth coming from Allah. However, skepticism is not a condition for establishing tolerance in the inner world of the individual or freedom in society.

Also, the natural result of skepticism, agnosticism or multi-truth may be indifference and evaluation rather than tolerance because skepticism, relativism, and agnosticism recognize no moral, philosophical, religious truth, or spiritual criterium. It equates and blurs them ethically, epistemically, and spiritually.

**It should be noted that freedom of religion from the point of view of Islam,**

- **relativity of values,**
- **ignorance of the truth**
- **or not justified by multi-truth.**

According to the Qur'an, the truth itself is not relative. However, individuals' understanding of truth can be relative. Individuals have different abilities, tendencies, expectations, educational and cultural levels, personal characteristics, social conditions, etc. Because of all these different factors, truth is not grasped in the same way by everyone. Not every human will is at the same distance from the truth. Striving for them to find the right path loses its meaning if it turns into pressure, coercion, and threat. In addition, relativity should be evaluated because the truth is rediscovered for each individual. For example, differences of opinion arise in understanding religion and its interpretation in terms of new practices. The individual should look for the one with strong evidence by comparing different opinions. In other words, he should construct the truth in his mental universe

based on the evidence.

Islam did not recognize an infallible authority such as the council and the papacy, which had the exclusive right to interpret the scriptures and determine the correct creed. Accordingly, it is necessary to avoid the exclusionary concept of the 'single and necessary truth', especially the 'takfir (adjudging that else one had gone outside of Islam)' and 'tabarri (cutting off relations with another person and excluding him, considering this attitude a requirement of Islam)', which are common among the Kharijites.

Indeed, to regard a person or a tradition as the source and criterion of truth implies the idea that it cannot be surpassed. This implication causes thought to lose its dynamism, stagnate, regress, and become outdated. In Islam, belief in tawhid separates divine will from human will. Tawhid requires keeping the 'absolute knowledge of Allah and man's relative and partial knowledge separate. The Qur'an emphasizes Allah's absolute, all-encompassing knowledge; He recognizes Allah as the sole source of truth and the absolute authority of knowledge. In this case, human knowledge, which reflects divine wisdom and mercy, is relative.

The existence of God means the existence of non-relative, absolute truth. The relative is not the truth itself but the human understanding of truth.

In summary, religious freedom in Islam

- is established not on the unknowability, relativity, or multiplicity of the truth but with the 'clearness of the truth.'

- is based not on irresponsibility, aimlessness or indifference, and apathy, but the 'individuality of religious responsibility.'

### **1.1. CLARITY OF TRUTH AND THE RIGHT WAY**

Islam rejects the idea that there is never absolute truth, even if the

individual has convictions that he accepts as truth. Freedom of religion in Islam is based on the apparent existence of Absolute Truth. In other words, freedom of religion in Islam is not based on the assumption that there are no criteria of truth for human knowledge, thought, belief, and behavior. The will to admit or deny the truth exists with the clarity of the truth itself:

**“There is no compulsion in religion: true guidance has become distinct from error ( لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ )...”<sup>11</sup>**

According to the verse, religious belief must be established in one's mind, understanding and will. Acceptance of Islam should not originate from external compulsion but rational clarity and understanding. Acknowledgment and surrender resulting from compulsion cannot be counted as true faith.<sup>12</sup>

The relative is not the truth itself but the human understanding of truth. The existence of God means the existence of non-relative, absolute truth.

**“If your Lord had pleased, He would have made all people a single community, but they continue to have their differences (وَلَوْ شَاءَ رَبُّكَ لَجَعَلَ النَّاسَ أُمَّةً وَاحِدَةً وَلَا يَزَالُونَ مُخْتَلِفِينَ)”<sup>13</sup>**

Freedom and socio-political pluralism in Islam occur when God's absolute will give the human will the opportunity and time. It is not necessary to argue that there is no absolute truth for different beliefs and opinions in society.

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<sup>11</sup> al-Baqarah 2/256.

<sup>12</sup> See al-Maturidi, *Te'vilât al-Qur'ân*, I, 594-595.

<sup>13</sup> Hud 11/118.

## 1.2. PRINCIPLE OF INDIVIDUAL RESPONSIBILITY

In Islam, every human being is responsible as an individual. He also has responsibilities towards society, but as an individual. He must undertake his responsibilities willingly and voluntarily:

**“IO Prophet!! We have sent down to you the Book for mankind with the truth. Then whoever adopts the right way, will do so for his own soul, and whoever goes astray, injures his own soul. You are not their custodian**

إِنَّا أَنْزَلْنَا عَلَيْكَ الْكِتَابَ لِلنَّاسِ بِالْحَقِّ فَمَنِ اهْتَدَىٰ فَلِنَفْسِهِ وَمَنْ ضَلَّ فَإِنَّمَا يَضِلُّ عَلَيْهَا وَمَا ( أَنْتَ عَلَيْهِمْ بِوَكِيلٍ ”<sup>14</sup>

This verse states that man is responsible as an individual and that he will see the reward for his actions as an individual. It is only possible for a person to take personal responsibility for himself with the freedom of religion. According to the Qur'an, the individual must take responsibility; He should act with his own mind and will in making sense of his existence and determining his lifestyle. Therefore, pressure and tutelage on the individual is against Islam.

The choice of belief in the truth or denial of it by his will is the main subject of the divine test. For this reason, the way of faith is not an external pressure and coercion, but a person's acceptance of it with all his inner feeling and sincerity; For this

- understanding with one's mind,
- voluntarily choosing
- and adopting it as the most top identity is required. This truth is stated in a related verse as follows:

**“...He (Noah) said, ‘O my people, tell me: if I have clear evidence from my Lord and He has favoured me with grace from Himself, which you have been unable to rec-**

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<sup>14</sup> al-Dhumar 39/41.

### ognize, can we force it on you against your will? ( فَعَمِيَّتْ )

”﴿عَلَيْكُمْ أَنْزُرْمُكُومَهَا وَأَنْتُمْ لَهَا كَارِهُونَ﴾<sup>15</sup>

Belief and identity should not be imposed on the individual from outside; The individual must comprehend with his mind and believe by feeling with his heart. It should form self-consciousness and identity consciously and voluntarily. At this point, the Qur'an encourages people to listen to different ideas but to receive the most correct and beautiful one.

Just as faith is based on the individual's mind and conscience, his sense of responsibility (taqwa) also stems from motives such as love of Allah (hubb Allah) and humility. As an individual, he is the bearer of these motives, and he also undertakes the consequences of them as an individual. An individual must have the consciousness of responsibility and innate humanitarian (i.e., fitrah) freedom in devotion to Allah at the same time.

Islam commands us to follow "burhan (conclusive evidence)", not "ruhban (clergy)". Accordingly, a person's creed and consciousness are not under the supervision and tutelage of the clergy. His opinion and belief are not shaped by the purpose, point of view, and interpretation of others; it does not pass through the distillation and censorship of the teachings of others. The individual cannot leave his awareness and conscience to the volition of another; He cannot transfer his mind and freedom to other authorities. He said, "I am coming out of the divine test." Just as he cannot say, he cannot renounce his freedom, which is necessary for this test. The individual responsibility emphasized by the Qur'an is the opposite of escaping from freedom. Therefore, the individual should be resilient and take responsibility for himself, rather than transferring his responsibility to others or looking for ready-made solutions. He should attempt to fulfill the

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<sup>15</sup> Hud 11/28.



requirements of his responsibility with analytical and constructive logic.

## 2. THE APPROACH OF FAITH THAT DOESN'T ACCEPT PRESSURE AND FORCING

Freedom of religion begins with the individual assuming or being able to take responsibility for himself. Thus, the purpose of true religion is not to force people to surrender but to make people, who are God's servants by nature, become servants to God by their own choice. Because the goal of religion is not obligatory behaviors; on the contrary, its goal is willingly and voluntary behaviors. Therefore, coercion and imposing sanctions in the field of beliefs and worships is prohibited in Islam:

**"There shall be no compulsion in religion: true guidance has become distinct from error ( لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ**

**الرُّشْدُ مِنَ الْعَيِّ**"<sup>16</sup>

By their very nature, religious beliefs and practices do not accept coercion. For a behavior to have a moral and religious value, that is, to acquire the quality of "good deed" and "worship" depends on certain conditions:

- First of all, the mind should grasp the consequences of the action in advance.

- The verb must not be involuntary; contrary, it must be based on one's free will and intention. Not accepting coercion is a fundamental feature that combines moral behavior and religious practice (al-Amal al-Salih). A believer should do it voluntarily and consciously without being subjected to pressure, coercion, or hindrance.

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<sup>16</sup> al-Baqarah 2/256.

- While committing an act, one should expect otherworldly rewards from Allah in return and hope for the forgiveness of sins.

These will be explained in detail below.

## **2.1. UNDERSTANDING AND GROUNDING RELIGIOUS BELIEF WITH REASON**

Instead of imitating faith, Islam commands foundationalism, relying on evidence, thinking, comprehending, analyzing, and building knowledge. It removes faith and devotion from the category of prejudice and presupposition. According to this understanding, belief based on reasoning (Verification and justification) is also above imitation belief. A critical discussion point specific to Islamic thought is whether it is sufficient to adopt basic beliefs such as belief in Allah and prophethood through imitation. Muslim theologians (al-mutakallimun) emphasize that it is a religious obligation (al-wajib) to justify the principles of belief with a reasoning process.

Since Islam is a religion suitable for human nature (al-fitrah), it surrenders the right of reason and will. The individual moves away from the ready-made reception and passive affirmation that results from the pressure of the tradition and society and tends towards scrutiny instead of taqlid and assimilation instead of memorization.

As a result of moving away from methodical thinking and imitation, creeds are exposed to the danger of turning into habits and memorization. The result of this is bigotry, building a wall of self-prejudice and self-absorption. Because a person who adopts a culture or belief through imitation approaches the new and different with reactivity. It cannot show the courage to open communication channels with other cultures, thoughts, and understandings. faith in Islam

- the dimension of knowledge based on reasoning and evidence,
- volitional dimension integrated with emotions
- It has a motivating feature for good deeds. These structural fea-

tures of faith enable the believer to realize that religion is reflected in all areas of life and forms the basis for his set of values. In addition, the Muslim believer realizes the two facts: the one is that he is not ideal and perfect.

Moreover, second, it is his duty to tolerate other individuals who have the same responsibility and freedom during the divine test process.

## 2.2. FREE WILL AND VOLUNTEERING IN PIETY

*"A Muslim's intention is better than his deeds."*<sup>17</sup>

*"Deeds are evaluated according to genuine intentions, there are for each individual only quid pro quo of his intention..."*<sup>18</sup>

The moral and religious value of a behavior depends on the intention and motive. Freedom is a condition for behavior to gain both moral and religious value. Even if it gives good results, an act that is not done with free will and goodwill does not deserve the judgment of 'good' or 'deed of piety (al-Amal al-Salih)'.

During the Meccan period of conveying Islam, pressure and torture were applied to Muslims to make them apostatize from their religion. Ammar's (Yasir's son) parents were martyred due to torture in front of his eyes. In the end, Ammar had to say that he had left Islam. Later, he felt great remorse and expressed his sadness by telling the incident on the Prophet Muhammad (Divine blessings and peace be upon him). Thereupon, the above verse was revealed. Therefore, a

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<sup>17</sup> al-Bayhaqi, *Shu'abu'l-Iman* (i.e., The Abridgement of the Branches of Faith), V, 343.

<sup>18</sup> Sahih al-Buharî, *Bad'ül-Wahy* (i.e., Revelation), 1.

person who verbally expresses a belief contrary to Islam because of compulsion is excused. However, a person who truly believes in falsehood is not excused even if it is the result of compulsion. Likewise, the voluntary transfer of one's mind and will to another authority does not remove his individual responsibility.

On the other hand, morality cannot apply in a lawless and disorderly world. For this reason, the law creates an application area for morality by preventing people from attacking each other and ensuring social order and peace. However, political power cannot suspend human rights and freedoms in the name of morality. For example, Islam encourages the individual to adopt the trait of self-sacrifice and preference for others (al-i'saar). Although this is a religious-moral virtue, the individual cannot be forced to do it without his consent.

### 2.3. THE EXPECTATION OF DIVINE REWARD (AL-IHTISAAB)

For an action to be "good deed" and "worship", it is necessary for a person to hope for a reward from Allah while doing that action.

In addition, a person should act out of fear of otherworldly torment and hope for forgiveness and reward from Allah, not because of fear and external coercion against any state agency. He should guide his actions and behaviors with the feelings of "fear and hope" in front of Allah's mercy and justice. Motivation for good deeds, an essential feature of faith, is the result of this state of mind, which is realized through a free and sincere choice.

Leaving people in the dilemma of either converting to Islam or being killed means seeing their denial as a reason for slaughter and murder (fighting and killing). However, the view that the cause of war is 'denial (kufr)' or 'polytheism (shirk)' contradicts the prohibition of killing women who do not fight, religious men who do not participate in the war, and the destructing their temples:

**"Permission to fight is granted to those who are at-**

**tacked, because they have been wronged -God indeed has the power to help them-. They are those who have been driven out of their homes unjustly, only because they said, 'Our Lord is God.'**"<sup>19</sup>

The existence and activity of the clergy and temples of other religions mean the possibility of disbelief to continue its existence and spread. If denial of Islam was a cause of war, it should have been ordered first to kill that clergy and destroy their temples. However, the verse mentioned above strictly forbids this.

Anas b. Malik gave us the following information:

"The Messenger of Allah said to someone, '**Become a Muslim**'. He said, "I see that (being a Muslim) does not please my soul." He (Anas) said: This verse was revealed about this event."<sup>20</sup>

According to this information, the provision of the verse mentioned above has general validity.

To put pressure on people about religion means to come between Allah and His servant. Violation of freedom of religion is, in this respect, a terrible perversion and persecution:

**"Who could be more wicked than someone who prevents God's name from being mentioned in His places of worship, and seeks to bring about their ruin ( وَمَنْ أَظْلَمُ مِمَّنْ )**

**..? (مَنْعَ مَسَاجِدِ اللَّهِ أَنْ يُذَكَّرَ فِيهَا اسْمُهُ وَسَعَى فِي خَرَابِهَا**"<sup>21</sup>

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<sup>19</sup> Hajj 22/39-40.

<sup>20</sup> Yazır, *Hak Dini Kur'an Dili*, II, 167-168.

<sup>21</sup> al-Baqarah 2/114.

### 3. ISLAMIC PERSPECTIVE ON THE PROPHECY MISSION

*"Freedom is the grace of the Most Gracious because it is a feature of sincere faith."<sup>22</sup>*

The use of the concepts of 'rasul (رسول)' in the sense of 'messenger/ ambassador' and 'nabi (نبي)' in the meaning of 'the one which informs, brings news' for the prophets in the Qur'an explains their mission. Prophecy is a divine call for man to be a conscious agent of history and a divine help and guidance in this regard. Many prophets have come in history, and that Muhammad is the last Prophet indicates that the human mind has reached a certain level of maturity, not the end of history. From now on, man will make history not with the face-to-face guidance of the prophets but with his mind that has reached an advanced level. This situation makes freedom of religion even more critical.

Since a person must take her own responsibility in the process of divine testing, prophecy is not seen as a duty or right of guide people by force:

**"...And whoso goeth right, goeth right only for (the good of) his soul; and if any stray, say: 'I am only a Warner' (فَمَنْ اهْتَدَىٰ فَإِنَّمَا يَهْتَدِي لِنَفْسِهِ وَمَنْ ضَلَّ فَقُلْ إِنَّمَا أَنَا مِنَ الْمُنذِرِينَ)<sup>23</sup>**

**"...if they turn away, then it is thy duty only to convey the message (unto them) (وَإِن تَوَلَّوْا فَإِنَّمَا عَلَيْكَ الْبَلَاغُ)<sup>24</sup>**

<sup>22</sup> Nursi, *Munadharât (Debates)*, 59.

<sup>23</sup> al-Naml 27/92.

<sup>24</sup> Al-i Īmran 3/20. Ayrıca bkz. al-Baqarah 2/119, 272; al-Noor 24/54; Yasin 36/16-17; Âl-i Īmrân 3/20; al-Mâidah 5/99; al-An'am 6/48; al-Qasas 27/92; al-Ra'd 13/7.

The value of a person's belief and behavior depends on his or free pursuit of the Truth. For this reason, just as even a prophet cannot force a person to accept the Truth, there is no justification for placing obstacles in front of religious freedom by political or legal authorities and punishing people for their beliefs. In verse on this subject, it is said:

**"...So he who follows the Right Way does so to his benefit, and he who goes astray, shall hurt only himself by straying. You are (not deputy over them) and not accountable on their behalf ( إِنَّا أَنْزَلْنَا عَلَيْكَ الْكِتَابَ لِلنَّاسِ بِالْحَقِّ فَمَنْ**

**اِهْتَدَىٰ فَلِنَفْسِهِ وَمَنْ ضَلَّ فَإِنَّمَا يَضِلُّ عَلَيْهَا وَمَا أَنْتَ عَلَيْهِمْ بِوَكِيلٍ**."<sup>25</sup>

A 'deputy' is someone who trusts and makes his/her regent. The expression 'you are not a deputy over them' means 'you have not been appointed as a deputy of tens, and you are not their protector'.<sup>26</sup> The verses mentioned above emphasize that the Prophet did not have the authority to make decisions on behalf of/instead of other individuals. Because, as stated in the 54th verse of Isra, the Prophet is not someone who is made a proxy for their affairs in a way that will force people to believe or punish them for not believing, but only a warner.<sup>27</sup>

Also, no one, including the prophets, has the power to make another walk on the right path.<sup>28</sup> In this respect, no one can have more authority and right than notification and explanation. Whether this person has undertaken to convey the divine message to people or someone who has been entrusted with political power or a public duty does not change this situation. Because, in terms of Islam, there is no human authority that has the authority to take over the individual re-

<sup>25</sup> al-Dhumer 39/41. Ayrıca bk. al-An'am 6/107, 66; al-Shura, 42/48; al-İsra 17/54; al-Furqan 25/43.

<sup>26</sup> al-İsfahani, *al-Mufradat*, 834.

<sup>27</sup> al-Baidawi, *Anwar al-Tanzil wa asrar al-ta'wil*, I, 574.

<sup>28</sup> al-Qasas 28/56; al-Nahl 16/9.

sponsibilities of people and the freedoms that form the basis of them.

In terms of the Qur'an, the understanding of prophecy and communiqué determines two rules for freedom of religion. The first is to avoid coercion, as explained above. The other is to avoid insensitivity. As a religious-moral value in Islam, Tolerance does not mean turning a blind eye to everything with a nonchalance and indifference that strays from the sense of responsibility. Just as we should avoid interfering with someone else's inner life, we should also avoid indifference to anything and indifference to other people.<sup>29</sup>

Individual responsibility is not limited to one's conscience and intention but also requires civil sensitivity, public awareness, human interest, and social participation. It is a natural tendency for people to want their ideas and beliefs to be accepted, strive for this, and argue with different views. His tendency will be stronger, especially when the individual believes that his creed is the unique reason for the salvation of all humanity. Because it is a religious and moral responsibility of the believer, he struggles with the aim that other people accept his creed. However, it is necessary to be aware that it is natural for everyone to whom the divine message is told not to believe. "No matter how hard you fall for it, most people will not believe it." The verse<sup>30</sup> emphasizes this point. According to this, divine testing is required for people to determine their purpose of existence and lifestyle with their minds and free will. The natural result of free will conflicts between people. Therefore, the Qur'an emphasizes dialogue and persuasion instead of coercion:

**"Call to the way of your Lord with wisdom and fair exhortation and reason with them in a way that is best**

**” (أَدْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ وَجَادِلْهُمْ بِالَّتِي هِيَ أَحْسَنُ) ”<sup>31</sup>**

<sup>29</sup> cf. Duzgun, *Din, Birey ve Toplum*, 169.

<sup>30</sup> Yusuf 12/103; See al-Nahl 16/37.

<sup>31</sup> al-Nahl 16/125.



Respect for the other's right to be different loses its value when it turns into nonchalance, regardlessness, and indifference. However, according to the Qur'an, a person cannot remain indifferent to human matters and the people around him. Nevertheless, he cannot try to force them to adopt the divine Truth.

#### 4. REJECTION OF THE CLERGY'S CONTROL AND GUARDIANSHIP OVER THE INDIVIDUAL

In terms of the Qur'an, both being under the tutelage and keeping others under tutelage are extremely negative attitudes:

**"If God had willed, they would not have associated anything with Him. We did not appoint you over them as their keeper, nor are you their guardian ( وَلَوْ شَاءَ اللَّهُ مَا أَشْرَكُوا وَمَا أَنتَ عَلَيْهِم بِوَكِيلٍ**

**جَعَلْنَاكَ عَلَيْهِمْ حَفِيظًا وَمَا أَنتَ عَلَيْهِم بِوَكِيلٍ**"<sup>32</sup>

**"...We know best what those who deny the truth say. You are not there to force them: so remind, with this Quran, those who fear My warning ( وَمَا أَنتَ عَلَيْهِم بِجَبَّارٍ فَذَكِّرْ )**

**بِالْقُرْآنِ مَنْ يَخَافُ وَعِيدِ**"<sup>33</sup>

**"So, [O Prophet] exhort them: your task is only to exhort, you are not their keeper ( فَذَكِّرْ إِنَّمَا أَنتَ مُذَكِّرٌ لَّسْتَ عَلَيْهِم**

**بِمُصَيِّرٍ**"<sup>34</sup>

In Islam, there is no authority to dominate or interfere with the conscience, creed, and worship. Interfering with an individual's belief and worship is incompatible with the condition that a sincere belief is based on reason, free choice, free thought, and evidence. Therefore,

<sup>32</sup> al-An'am /107.

<sup>33</sup> Qaaf 50/45.

<sup>34</sup> al-Ghashiye 88/21-2.

imitation, which means that the individual is under the tutelage of tradition, is not the right way in belief. As a matter of fact, Muslim theologians (Ash'ariyyah, Maturidiyyah, Mutezilite), with some exceptions, emphasized that imitation in faith is not a correct and sufficient way. According to them;

- Faith in God is obligatory for every rational person.

- faith is needed to know the truth.

- Knowing Allah is only possible by reasoning and realizing the evidence. So, belief must be based on rational evidence.

- Therefore, it is obligatory for every rational person to reason for this purpose.

In that case, it is necessary both to avoid dominating the mind and conscience of others and to take on the individual freedom and responsibility given by Allah.

The principle of tawhid in Islam presupposes an unmediated communication with Allah and a sincere servitude towards Allah directly. The reflection of this in the social field should be a law structure. The individual is freed from being under tutelage, assumes the legal consequences of his actions individually, and his freedom is secured with all conditions.

It is seen that the monasticism/monkery and hermitage emerged as a possibility of practicing their religion in historical periods when people were prosecuted and subjected to severe punishments because they believed in a different religion. Zamakhshari defines 'monkery/monasticism (رَهْبَانِيَّة)' as escaping from fitnah (فِتْنَةٌ, i.e. oppression and torture) in religion and giving oneself to worship in seclusion in the mountains.<sup>35</sup>

Regarding the emergence of the monasticism/monkery, it is said

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<sup>35</sup> Zamakhshari, *al-Kashshaf*, IV, 67.

in the Qur'an:

**"...We gave him the Gospel and imbued the hearts of those who followed him with compassion and mercy. But We did not prescribe monasticism for them: that was their own innovation by which they sought to please God. But then, they did not observe it in the way that it should have been observed ( وَجَعَلْنَا فِي قُلُوبِ الَّذِينَ اتَّبَعُوهُ رَأْفَةً وَرَحْمَةً )**

**...”<sup>36</sup> (وَرَهْبَانِيَّةً ابْتَدَعُوهَا مَا كَتَبْنَاهَا عَلَيْهِمْ إِلَّا ابْتِغَاءَ رِضْوَانِ اللَّهِ فَمَا رَعَوْهَا حَقَّ رِعَايَتِهَا**

Monasticism was a solution to get rid of the corrupt religion of the kingdom and its oppression and sedition. However, later, it was brought to a point that rejected the necessities of humanitarian/civilized life. Thus, a theological foundation was formed that defines human maturity (spiritual development of personality) with the suffering monastic life. Over time, the monastic life in pursuit of freedom regressed as a hierarchical structure developed and as a result, the church organization became stronger. In other words, the monastic life left its place in the organization of the clergy. The priesthood has gained a new meaning and has taken a position opposed to freedom of religion. Because of the priesthood's tutelage feature over the people, the clergy perceive individual freedom as a threat to their institutional power because one manifestation of the conflict of authority-autonomy is the restriction of the individual's freedom.

## **A. RELATIONSHIPS BETWEEN FREEDOM OF RELIGION AND CLAIM TO REPRESENT THE TRUTH**

The claim to carry holiness and represent God provides a solid mental base for oppressing and exploiting people. We can observe this in the history of Christianity.

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<sup>36</sup> al-Hadîd 57/27.

The doctrine of the clergy, which developed later in Christianity, is based on a passage in the Bible. In this passage, Jesus (blessings be upon him) says to his eleven apostles: "Here I am with you to the end of the world."<sup>37</sup> This statement has been interpreted as the Church's integration with the spiritual existence of Jesus and His continued existence in history.

The clergy also claimed to be under the supervision of the "Holy Spirit". He characterized the Pope as the representative of earthly Christianity and the vicegerent of Jesus. The clergy based their decisions and policies on divine will with this dogmatic framework. The church-king relationship was also shaped in line with the political interests of both sides. The "Two swords" passage in the Bible was also used to justify this. The Church was good at providing a sense of obedience to the king; The empire was good at making other societies accept the dogmas and teachings of the Church through political force. The empire was the guard of the clergy's influence and tutelage over the consciences and reasons of others.

## **B. CONFLICT BETWEEN FREEDOM OF RELIGION AND MONOPOLY IN RELIGIOUS THOUGHT**

The clergy saw themselves representing the religion, the holy spirit, and sacred values. On this basis, he monopolized the right to interpret scriptures. He saw in himself the authority to impose his understanding of religion on the people. In this understanding, the power of ordinary individuals to understand scriptures cannot be trusted. This monopolistic mentality of the clergy stems from the idolization of the ego. The point of this is to regard his own opinion as absolute Truth.

The recognition of this right to individuals in the Christian West

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<sup>37</sup> Matthew, 28/20.

resulted from the Reformation. Martin Luther (d. 1546) and his followers struggled to grant laic individuals the 'right to understand and interpret religious texts' and eventually succeeded.

However, in Islam and the mind's eye, "Truth and trewth cannot be under someone's monopoly." (Nursi, Letters, I, 378.).

Two main features of the Qur'an require the freedom of the mind:

1. Divine messages have come in a way that requires reflection and inference.

2. The verses of the Qur'an invite people to think, understand and evaluate.

Reasoning and inferring are the way to ground belief and reach tahqiq (evidence-based faith), and therefore it is an obligation (wajib) on every individual. Also, there is an effort to deeply comprehend the basis of fiqh science (i.e., Islamic jurisprudence). In this respect, freedom of thought is not only a right but also a necessity for believers. The development of religious sciences and the renewal and progress of religious thought is possible with investigating, valuing, and interpreting the Islamic principles and their evidence.

In Islam, it is not the monopoly of the government or an official class to explain and interpret scriptures or holy texts. Like this, ijti-had, that is, to make new provisions about current issues from religious directives, is not the clergy's monopoly. On the contrary, the door of ijti-had is open to anyone with scientific competence.

Believers who have scientific competence, that is, scholars, do not have a role arising from religious authority in the field of society and politics. The role of scholars is to warn and educate the community. The Qur'an emphasizes that some of the Muslim community must "acquire religious knowledge with its proofs and depth" to educate other people:

**"Yet it is not right for all the believers to go out [to battle] together: out of each community, a group should go out to gain understanding of the religion, so that**

**they can teach their people when they return and so that they can guard themselves against evil ( وَمَا كَانَ )**

الْمُؤْمِنُونَ لِيَنْفِرُوا كَأَفْئَةٍ فَلَوْلَا نَفَرَ مِنْ كُلِّ فِرْقَةٍ مِّنْهُمْ طَائِفَةٌ لِّيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنذِرُوا  
الَّذِينَ لَمْ يَرْجَعُوا إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ.<sup>38</sup>

While giving the duty of warning the society to the scholars, Islam ensures that science and thought are not trapped in a section. As a result, the distance between the ordinary members of the society and their scientific and moral leaders does not turn into a chasm. Education and guidance bridges feed social and political equality and strengthen equal opportunity.<sup>39</sup> It contributes to the spread of freedom to all strata of society.

In addition, the function of ijtihads and books by scholars is to explain the meanings of the Qur'an and to bring attention to its details. They should not be seen as tutelars and representatives of the divine message in a way that casts a shadow over the Qur'an. In this context, Islam emphasizes the individual's autonomy instead of authoritarianism and tutelage over the individual.

### **C. RELATIONSHIPS BETWEEN FREEDOM OF RELIGION AND THE VIEW OF THE UNIQU TRUTH**

According to a widespread opinion, the 'single-truth' view/belief risks leading to intolerance towards different beliefs and restricting freedom of religion. Because in epistemology, which argues that there is only one Truth, certain concepts and ideas are presented indeed. It is hoped/expected that everyone will obey them. The relativity of Truth is denied. The risk of this approach is to sharpen and exclude differences and not give freedom to opposed beliefs. On the other

<sup>38</sup> Tawbah 9/122.

<sup>39</sup> Fazlur Rahman, Allah'ın Elçisi ve Mesajı -Makaleler I-, 23.

hand, relativist thought argues that there is no absolute truth. On the other hand, Pluralist thought is ready to accept opposing views as Truth simultaneously, and this exception is contrary to logic.

The question is whether it is possible to accept the only Truth and give freedom to different beliefs. Islam is the only religion that shows that this is possible in history. It gives religious freedom that it considers superstitious and adopts social pluralism.

The solution here is to distinguish between the view of unique truth and the view of the coercive Truth (i.e., the doctrine which it is in people's favor to be imposed on them, and so, it must be imposed on people).

#### **D. CONFLICT BETWEEN FREEDOM OF RELIGION AND THE VIEW OF THE COERCIVE TRUTH**

In Islam, Necessary Existence (Vâcibu'l-Wujud) has predestinated human will and freedom. Therefore, individual autonomy is grounded on absolute will (of God) and excludes the idea of 'coercive to truth'.

According to the dogma of 'necessary truth', the Truth is only and must be accepted by everyone, it can and must be imposed on people by political power through pressure and coercion. This understanding, in medieval Christian theology, St. It is based on Augustine's biblical interpretation. The Gospel of Luke says:

17 Jesus replied: "A certain man was preparing a great banquet and invited many guests. 17 At the banquet, he sent his servant to tell those who had been invited, 'Come, for everything is now ready.'

18 "But they all alike began to make excuses. The first said, 'I have just bought a field, and I must go and see it. Please excuse me.'

19 “Another said, ‘I have just bought five yoke of oxen, and I’m on my way to try them out. Please excuse me.’”

20 “Still another said, ‘I just got married, so I can’t come.’”

21 “The servant came back and reported this to his master. Then the owner of the house became angry and ordered his servant, ‘Go out quickly into the streets and alleys of the town and bring in the poor, the crippled, the blind and the lame.’”

22 “‘Sir,’ the servant said, ‘what you ordered has been done, but there is still room.’”

23 “Then the master told his servant, ‘Go out to the roads and country lanes and compel them to come in, so that my house will be full. 24 I tell you, not one of those who were invited will get a taste of my banquet.’”<sup>40</sup>

According to Augustine's interpretation, the Truth revealed in Jesus Christ is necessary for the salvation of all humankind. It is necessary, then, to use all means to keep people in this Truth and to pressure them to subordinate to the creed of Christianity. This thought gave rise to the ideology of “necessary truth”. As a result, the clergy saw in themselves the authority to dominate individuals' hearts and consciences and decide their right to pursue happiness and their right to live. The Church acquired the authority to convert people to Christianity by coercion and force. For centuries, it did not give non-Christians the right to life, leaving them between being Christian and dying.

The thinkers who pioneered the idea of religious freedom in the West reacted. According to them, religious authority is harmful, the power of the clergy should be limited and its pressure on the con-

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<sup>40</sup> Bible, *Luqa*, 14:16-24.



science should be removed.

According to John Locke (d. 1704), the well-being of souls cannot be entrusted to civil-political administration by God nor by humans:

...Because it appears not that God has ever given any such authority to one man over another as to compel any-one to his religion. Nor can any such power be vested in the magistrate by the consent of the people; because no man can so far abandon the care of his salvation, as blindly to leave it to the choice of any other, whether prince or subject, to prescribe to him what faith or worship he shall embrace.<sup>41</sup>

In these lines, Locke points to a principle related to faith's nature, which Muslim theologians have emphasized for millennia. According to this principle, the cognitive basis of faith can only be reached through reasoning and inferring. Therefore, in order to have faith, one must first grasp what he is going to the affirmation (tasdiq) with his mind and be sincerely convinced of its Truth:

All the life and power of true religion consists in the inward and full persuasion of the mind; and faith is not faith without believing.

Therefore, "no man can, [even] if he would conform his faith to the dictates."<sup>42</sup>

The cognitive element of belief and the principle that faith is upon the voluntarily choosing also to explain why religious belief cannot, and should not be, under the tutelage of political power.

However, it should be noted here that it is not impossible at all to instill faith in an ordinary person through brainwashing that is short-term or long-term and traumatic subconscious mechanisms. There-

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<sup>41</sup> Locke, "A letter Concerning Toleration", 14.

<sup>42</sup> Locke, "A letter Concerning Toleration", 14.

fore, while grounding the necessity of tolerance and freedom of religion, it is necessary to rely on the fact that coercion is wrong, not that a belief, opinion, and idea cannot be obtained by force.

Forcing people to accept a particular thought or belief means seeing a divine authority in oneself. Besides, compulsion in religion leads to hypocrisy, and causes the discord between belief and life, intention and action, value and judgment. The typical result of this is a kind of social schizophrenia. At the same time, the condition of sincerity in faith is that the individual has the right to adopt and express an idea or belief in line with his mind and will.

For these reasons, political power in Islam cannot determine the religion and sect of the individual. It cannot impose a particular belief or philosophical view. As a legal issue, freedom of religion is not in the hands of political power. Because in Islam, the political power does not make the law; it obeys the law (or jurisprudences) that emerged with the civil effort to discover fairly provisions. Freedom of religion is a fundamental human right. Its limits in practice are also determined by legal criteria, not by the will of the political power.

## 5. THE PERCEPTION OF THAT THE INDIVIDUAL'S RELIGIOUSNESS IS A VALUE

Religious freedom and tolerance have emerged as modern concepts in the West. Freedom of religion developed with the evolution of freedom of thought and expression. Both the church and the clergy, and the royal family did not recognize the freedom of religion until recently. The demand for freedom of religion came primarily from scientists and philosophers who went beyond church dogmas. They also demanded the freedom of science and thought, not the complete freedom of religion. They thought of the freedom of religion as an expansion of the freedom of opinion.

Two factors are noteworthy in the development of freedom of religion in the West:

First, freedom of religion was accepted due to violent struggles arising from sectarian differences, such as the thirty years of war in the West. From this point, it was used as an excuse for intervention to remove the church's influence in domestic politics and to weaken governments in foreign policy.

Secondly, it was a form of concession for Western countries to grant these freedoms to other nations. It was a political necessity due to having to rule the Muslim, Hindu, and Buddhist majority during the colonial period.

Whereas exploitation is illegitimate in Islam, freedom of religion is not a concession made to facilitate exploitation, unlike in the West. Freedom of religion is an essential principle in Islam; it is a human right from the very beginning; It is one of the foundations of Islamic society. Because God values people's ability to freely determine their beliefs and behaviors more than people's "forming a single, conflict-free society." Therefore, differences in thought, belief, and ideals among people are natural and inevitable. Since it is a natural phenomenon for people to disagree, it would be wrong to force people to grasp the truth. In verse on this subject, it is said:

**"Say, 'The conclusive argument belongs to God alone.**

**Had He so willed He would have guided you all.'** ( **قُلْ فَلِلَّهِ الْحُجَّةُ** )

**﴿الْبَالِغَةُ فَلَوْ شَاءَ لَهَدَاكُمْ أَجْمَعِينَ﴾<sup>43</sup>**

According to Islam, piety is a value. Freedom of religion is a prerequisite for realizing this value, namely piety. For this reason, freedom of religion is a requirement of the concepts of "*religion*," "*Islam*," and "*iman (faith)*." Therefore, it is defined as a sublime value. This value also has a priority in society and politics. Freedom of re-

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<sup>43</sup> al-An'âm 6/149.

ligion is so precautionary that it is necessary to fight for it. The order of hijra to find a place for religious freedoms<sup>44</sup> also proves the importance of religious freedom:

**...the angels asked:**

**'In what circumstances were you?'**

**They replied:**

**'We were too weak and helpless in the land.'**

**The angels said:**

**'Was not the earth of Allah wide to emigrate (thus, you used to be avoided from coercion, wrong and evil)?'**

Violation of freedom of religion is also sedition that hurts people's dignity and targets their minds and consciences. For this reason, the Qur'an orders that violations of religious freedom should be prevented. For this cause, he even accepts fighting as legitimate when it is necessary:

**"Those who have been attacked are permitted to take up arms because they have been wronged -God has the power to help them- those who have been driven unjustly from their homes only for saying, 'Our Lord is God.'**

أُذِنَ لِلَّذِينَ يُقَاتَلُونَ بِأَنَّهُمْ ظَلَمُوا وَإِنَّ اللَّهَ عَلَىٰ نَصْرِهِمْ لَقَدِيرٌ الَّذِينَ أُخْرِجُوا مِن دِيَارِهِمْ بِغَيْرِ  
إِذْنٍ...<sup>45</sup> "إِلَّا أَن يَقُولُوا رَبُّنَا اللَّهُ"

Islam is the only religion that reveals religious tolerance and freedom of religion as a requirement of religious teaching. Freedom of religion was never put forward as a basic principle in religions before Islam. However, in the Qur'an, right after 'Ayat al-Kursi,' in which it is emphasized that Allah's dominance over all beings; and the divine knowledge and power that encompasses everything, and that all human knowledge cannot encompass anything from Allah's knowledge,

<sup>44</sup> al-Nisa 4/97-100.

<sup>45</sup> al-Hajj 22/39-40

"*There is no compulsion in religion...*"<sup>46</sup> was called.<sup>47</sup> freedom of religion is a religious necessity in Islam; It has become a jurisprudence and a creed.

Since Islam accepts "religiosity-piety" as a "value," it has recognized, from its very beginning, the freedom of religion with its deep (i.e., subjective, psychological) and apparent (i.e., objective, sociological) dimensions. Freedom of religion means the right of the different to exist together with their difference. Islam also accepted the reflection of the principle of religious freedom in the social sphere as pluralism (not religious pluralism but social pluralism).

## 6. PERCEPTION OF FAITH AND THE SCOPE OF RELIGIOUS FREEDOM

Islam does not consider religious belief to consist of dogmatic knowledge or a conviction whose function ends with a confession. For this reason, it envisages the recognition of freedom of religion with all its expansions.

There are no restrictions on the right of individuals to express their beliefs in different ways, practice their faith, and worship individually or collectively.

In addition, non-Muslims have the right to proclaim their faith and use religious symbols. In the covenant that Khalid bin Walid, one of the Companions of the Prophet Muhammad (PBUH), made with the people of Hira, has been noted the following:

- None of the temples, churches, and sanctuaries they took refuge in during the enemy attack would be destroyed.

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<sup>46</sup> al-Baqarah 2 /256.

<sup>47</sup> See "*Tolerance in Islam -An Abridged Version Of The 1927 Lecture-*", by Muhammad Marmaduke Pickthall, in this book, p. 70.

- They will not be prevented from ringing their bells and wearing up their crosses during their holydays.<sup>48</sup>

Islam also guarantees the collective dimension of religious freedom. In this dimension, there are freedoms of each religion and sect to express themselves in different ways, bring their demands to the public sphere, discuss, make a statement, and invite and broadcast. The rights of Muslims to criticize other religions will be granted to non-Muslims in terms of criticism of Islam, provided that they remain at the level of thought and not insult or provoke. The 61st verse of Al-i Imran was revealed in the discussion of the Christian Najran delegation with the Prophet of Islam about tawhid and the nature of Jesus (PBUH).<sup>49</sup> In this regard, the function of political power is to ensure that members of various sects and religions do not put pressure on other communities and do not violate the law while criticizing others.<sup>50</sup>

The freedom of non-Muslims to assemble, think, learn about their own religion, and primarily teach their children is not clearly and directly expressed in the two primary sources of Islam. However, all these activities have always been seen within the scope of religious freedom in the Muslim mentality. Since the state provides no compulsory education in the Muslim tradition, religious education is a fundamental right that has not been subject to restrictions. The Jews had an educational institution called 'Baytu'l-Midrās (beth midrash ; בית מדרש)' on Madina during the time of The Prophet.<sup>51</sup> It can be called Baytu'l-Midrās, the first example of non-Muslims establishing institutions to provide religious education for their children.

In Islam, a certain autonomy is given to religious communities,

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<sup>48</sup> Turnagil, *İslâmiyet ve Milletler Hukuku*, 245-246.

<sup>49</sup> Balâdhurî, *Futûhu'l-Buldân*, 75; See Zamahsherî, *al-Kashshaf*, I, 434.

<sup>50</sup> See Maududî, *Islamic Law*, 318.

<sup>51</sup> Hamidullah, *İslâm Peygamberi*, I, 187, 571.

and their temples and clergy are not interfered with. Muslims' tolerance in this context is embodied in the exemplary life of the Prophet Muhammad (PBUH). As a result of a need, the Prophet Muhammad allowed the Christian Najran delegation to perform their prayer in the Prophet's Mosque.<sup>52</sup> Throughout history, it has been seen that both a mosque and a church are located in the same neighborhood in Islamic countries. In the treaty that the Messenger of Allah (PBUH) made with the Christian people of Najran, it was recorded that their current status and rights would be protected and that no one from the clergy would be changed or removed from their current position.<sup>53</sup>

Another consequence of the autonomy that Islam gives to different religious and ethnic groups is that the dispositions and transactions permitted by their religions are considered valid, even if they are contrary to the requirements of Islam.

In the Islamic civilization, one of the guarantees of religious freedom and social pluralism has been poly-legality exclusive to private life and legal autonomy. Non-Muslim citizens, in the traditional understanding, are the same as Muslims in matters concerning public order, except for the religious obligations, private life, and family law to which Muslims are bound. In other words, there is judicial autonomy for non-Muslims in matters. (Such as civil and personal law, family law, and inheritance law directly related to religious belief.

The basis of the understanding of legal autonomy exclusive to the field of Personal status is that subjecting people to regulations contrary to their beliefs in matters directly related to their beliefs will restrict their freedom of religion. According to Imam Malik, an agreement (of the dhimma/guarantee) was made with them to leave them alone with their own beliefs and cultures. Their freedoms include

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<sup>52</sup> Ibn Qayyim, *Zad al-Ma'ad*, IV, 1534.

<sup>53</sup> Al-Balâdhurî, *Kitab al-Futuh al-Buldan*, 76; Abu Yusuf, *Kitab al-Kharaj*, 72-73; Ibn Sallam, *Kitab al-Amwal*, 182, etc.

every item of their belief and culture; interference in this means compulsion in religion.<sup>54</sup> Therefore, non-Muslims can act according to the necessities of their religion and preserve their cultural characteristics in matters such as marriage, divorce, alimony, and inheritance, which are called personal status (*ahval-i shahsiyyah*). However, in this matter, it is necessary to act following the concept of *maruf* to not cause a social conflict.<sup>55</sup>

The limit of legal autonomy is also freedom of religion. This means that autonomy, religious or ethnic identity should not come to the point of ignoring the freedoms of the individual. Because this autonomy, with all its requirements, is aimed at securing freedom of religion. For this reason, it cannot reach a dimension that violates individuals' rights and interferes with their private life. For example, people belonging to communities with legal autonomy within the specified framework will be able to choose the law they will be subject to without the community's pressure.<sup>56</sup> In short, the principle that determines the purpose, scope, and limits of this legal autonomy is the individual's freedom of religion.

Therefore, legal autonomy or poly-legalism is a solution to protect the religious freedom of non-Muslims. It guarantees the full scope of freedom of religion in matters not related to the public. Otherwise, it is not a very legal system to be interpreted as legal inequality. It cannot be applied contrary to the universal principles of law, such as equality and freedom. The Messenger of Allah (PBUH) abolished the unequal structure between Bani Quraidha and Bani Nadir in the matter of ransom.<sup>57</sup>

In summary, Islamic law, in order to protect the religious free-

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<sup>54</sup> al-Ghannushi, *Hukuku'l -Muvatanah*, 110; Sabiq, *Fiqhu's-Sunna*, 604.

<sup>55</sup> See Fazlur Rahman, *İslâmî Yenilenme*, 111.

<sup>56</sup> Hamidullah, *İslâm Peygamberi*, II, 918-919.

<sup>57</sup> See Abu Dawud, *Aqdiye*, 10; Nesai, *Qasame*, 7-9.



doms of non-Muslims,

- It exempts non-Muslims from the religious obligations of Muslims.

- recognizes and guarantees for non-Muslims the rights and freedoms granted to Muslims in front of the law.

- It also resolves the disputes between the individual community or communities with the principles of rights and freedom.

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