

RIGHT TO FREEDOM OF RELIGION IN ISLAM

Atique Tahir *

Ataullah Khan Mahmood **

Most of the Western thinkers are of the considered opinion that Islam opposes freedom of religion. They are of the view that the only obligation of a true believer in Islam is to just have a blind faith on whatever is revealed unto him through the Messengers and to obey what is laid down in it, without any rationale and reservation. But the true understanding of Shari‘ah speaks otherwise. The Qur’ān, the book of Islam, not only declares it explicitly that there is no Compulsion in Islam, rather it considers it as the basic right of individuals to express their views and rationalize what they believe.

Freedom of choice is one of the greatest gifts of Allah Almighty for the mankind. Islam believes in the choice of faith by the free will of person and does not compel the others to profess Islam under coercion, duress or compulsion, but leaves it at the discretion of every individual either to accept it or reject it at his own free will, without any compulsion.

The Muslim scholars have consensus on the issue that a non-Muslim cannot be forced to embrace Islam except with his free will and choice. Neither the Qur’ān nor the Sunnah of the Messenger of Islam (SAW) approves it to compel the people to profess Islam by threat or compulsion. Thus in Islamic state no one has the right, neither the government itself nor any person under the authority of the government to coerce people to profess Islam. The Islamic state is under religious obligation to provide its citizens –either Muslim or non-Muslim a protection to lead their lives according to their faith of choice¹

* Associate Professor, Faculty of Shari‘ah and Law, International Islamic University, Islamabad, Pakistan

** Assistant Professor (Law), Faculty of Shari‘ah and Law, International Islamic University, Islamabad, Pakistan

In Islam belief is considered as the concern of an individual choice. It is left to every individual to accept or reject it by his own choice and free will. A man's faith under coercion, threat or use of force is unacceptable by Shari'ah².

In fact, Islam appears to afford a high degree of freedom to all kinds of non-Muslim communities. Islam gives this right to all human beings, either they are Muslims or non-Muslims, citizens of an Islamic state or not. The solemn words, in which the Qur'ān proclaims this principle, are unique in religious literature³

The teachings of Qur'ān and Sunnah of the Messenger (SAW), the conduct of the companions of the Messenger of Allah (RA) and of the whole ummah of Muhammad (SAW) is evident of it that throughout the history of Muslims non-Muslims were not compelled to embrace Islam by coercive measures. The Holy Qur'ān makes it crystal clear that that the people have full right of choice in accepting or rejecting something as their faith.

The Qur'ānic proclamation sufficiently demonstrates that Islam gives the right of freedom of conscience and conviction to all and it is totally against compulsion and coercion in matters of religion. No one is authorized to force his religious beliefs on others. The right to exercise free choice in matters of belief is unambiguously endorsed by many of the ayat of the Qur'ān. Some of its āyah in this regard are as follows:

“لا إكراه في الدين قد تبين الرشد من الغي”

“There is no compulsion in religion. Surely the right direction has become distinct from error”⁴.

The above mentioned ayah of the Holy Qur'ān may well be interpreted in the light the statement made by Ibn Kathīr, a well-known commentator of the Qur'ān. He speaks on the subject as follows:

“لا إكراه في الدين” (There is no compulsion in religion) stands for that:

"Do not force anyone to become Muslim, for Islam is plain and clear, and its proofs and evidence are plain and clear. Therefore, there is no need to force anyone to embrace Islam. Rather, to whom Allah directs to Islam, opens his heart for it and enlightens his mind, will embrace Islam with certainty. Whoever

Allah blinds his heart and seals his hearing and sight, he will not benefit from being forced to embrace Islam”⁵

Syed Abūl A’la Al Maūdūdī while commenting on this ayah states that:

“The āyah means that the system of Islam, embracing belief, morals and practical conduct cannot be imposed by compulsion. These are not things to which people can be yoked forcibly”⁶

Other relevant āyat of the Qur’ān on the subject under discussion are as follows:

“وَأَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَاحْذَرُوا فَإِن تَوَلَّيْتُمْ فَأَعْلَمُوا أَنَّمَا عَلَى رَسُولِنَا الْبَلَاغُ الْمُبِينُ”

“And obey Allah and obey the Messenger and be cautious. But if you turn back then know that the duty of Our Messenger is only a clear deliverance of the message”⁷

“ماعلى الرسول الا البلاغ والله يعلم ماتبدون وماتكتمون”

“The Messenger’s duty (i.e. Our Messenger Muhammad SAW whom we have sent to you, (O mankind)) is but to convey (the Message). And Allah knows all that you reveal and all that you conceal”⁸

“أفانت تكره الناس حتى يكونوا مؤمنين ”

“So if they dispute with you, say ‘I have submitted my whole self to Allah, and so have those who follow me.’ And say to the People of the Scripture and to the unlearned: ‘Do you also submit yourselves?’ If they do, then they are on right guidance. But if they turn away, your duty is only to convey the Message. And in Allah’s sight are all of His servants.”⁹

فَإِن حَاجُّوكَ فَقُلْ أَسْلَمْتُ وَجْهِيَ لِلَّهِ وَمَنِ اتَّبَعَنِ . وَقُلْ لِلَّذِينَ أُوتُوا الْكِتَابَ وَالْأُمِّيِّينَ أَسْلَمْتُمْ . فَإِن أَسْلَمُوا فَقَدِ اهْتَدَوْا . وَإِن تَوَلَّوْا فَإِنَّمَا عَلَيْكَ الْبَلَاغُ . وَاللَّهُ بَصِيرٌ بِالْعِبَادِ .

The Messenger’s duty is but to proclaim (the Message)¹⁰

It is pertinent to mention here that the above mentioned ayat (Nos. 3:20&5:99) of the Holy Qur’ān were revealed in Madinah, where the Muslims were in power.

“وقل الحق من ربكم فمن شاء فليؤمن ومن شاء فليكفر”

“And say: The truth is from your Lord, then whosoever wills, let him believe; and whosoever wills let him disbelieve”¹¹.

وَلَوْ شَاءَ رَبُّكَ لَأَمَنَّ مَنْ فِي الْأَرْضِ كُلَّهُمْ جَمِيعًا . أَفَأَنْتَ تُكْرِهُ النَّاسَ حَتَّىٰ يَكُونُوا مُؤْمِنِينَ

“If it had been your Lord’s will, all of the people on Earth would have believed. Would you then compel the people so to have them believe?”¹²

وَمَا جَعَلْنَاكَ عَلَيْهِمْ حَفِيظًا . وَمَا أَنْتَ عَلَيْهِمْ بِوَكِيلٍ

“We have not made you their keeper, nor are you (of your own choice) a guardian over them”¹³

قَالَ يَقُومُ آرَاءُكُمْ إِنْ كُنْتُ عَلَىٰ بَيِّنَةٍ مِّنْ رَبِّي وَآتَيْتُكُمْ رَحْمَةً مِّنْ عِنْدِي فَعَمَّيْتُ عَلَيْكُمْ أَنْلِزُكُمْ مَوْجَاهَا وَأَنْتُمْ لَهَا كُرْهُونَ

(Noah to his people) He (Noah) said "O my people! think over it! If I act upon a clear direction from my Lord who has bestowed on me from Himself the Merciful talent of seeing the right way, a way which you cannot see for yourself, does it follow that we can force you to take the right path when you definitely decline to take it?"¹⁴

فَإِنْ تَوَلَّوْا فَإِنَّمَا عَلَيْكَ الْبَلْغُ الْمُبِينُ

“But if they turn away from you, (O Messenger remember that) your only duty is a clear delivery of the Message (entrusted to you)”¹⁵.

وَمَا أَرْسَلْنَاكَ عَلَيْهِمْ وَكِيلاً

“We have not sent you (Unto men O Prophet) with power to determine their Faith”¹⁶.

وَمَا عَلَىٰ الرَّسُولِ إِلَّا الْبَلْغُ الْمُبِينُ

“The Messenger duty is only to preach the clear(message)”¹⁷

قَالُوا رَبُّنَا يَعْلَمُ إِنَّا إِلَيْكُمْ لَمُرْسَلُونَ وَمَا عَلَيْنَا إِلَّا الْبَلْغُ الْمُبِينُ

“(Three Messengers to their people)Said (the Messengers), Our Sustainer knows that we have indeed been sent unto you, but we are not bound to more than clearly deliver the Message entrusted to us”¹⁸

إِنَّا أَنْزَلْنَا عَلَيْكَ الْكِتَابَ لِلنَّاسِ بِالْحَقِّ فَمَنِ اهْتَدَىٰ فَلِنَفْسِهِ وَمَنْ ضَلَّ فَإِنَّمَا يَضِلُّ عَلَيْهَا وَمَا أَنْتَ عَلَيْهِمْ
بِوَكِيلٍ

“Assuredly, We have sent down the Book to you in right form for the good of man. Whoso guided himself by it does so to his own advantage, and whoso turns away from it does so at his own loss. You certainly are not their keeper”¹⁹

فَإِنْ أَعْرَضُوا فَمَا أَرْسَلْنَاكَ عَلَيْهِمْ حَفِيظًا إِنْ عَلَيْكَ إِلَّا الْبَلْغُ

“But if they turn aside from you (do not get disheartened), for We have not sent you to be a keeper over them; your task is but to preach”²⁰

لَا يَنْهَيْكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

“Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loveth those who are just”²¹

وَأَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ فَإِنْ تَوَلَّيْتُمْ فَإِنَّمَا عَلَىٰ رَسُولِنَا الْبَلْغُ الْمُبِينُ

“Obey God then and obey the Messenger, but if you turn away (no blame shall attach to our Messenger), for the duty of Our Messenger is just to deliver the message”²²

قُلْ إِنَّمَا الْعِلْمُ عِنْدَ اللَّهِ وَإِنَّمَا أَنَا نَذِيرٌ مُبِينٌ

“Say, the knowledge of it (hereafter) is verily with God alone, and verily I am but a plain warner”²³

In the light of these Ayat of the Holy Qur’ān Fathi Uthman expresses his views as:

“Islam rejects compulsion even if it be the only way to Islam itself... for worshipping Allah and the enforcement of His law cannot be properly achieved unless man is free from fear”²⁴

Islam asks his followers to fight against religious persecution and help the persecuted by granting them safe passage and even asylum if they demand it.

“وَإِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّىٰ يَسْمَعَ كَلَامَ اللَّهِ ثُمَّ أَبْلِغْهُ مَأْمَنَهُ ذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا
يَعْلَمُونَ”

“If one amongst the pagans asks them for asylum grant it to him so that he may hear the Word of Allah and then escort him to where he can be secure”.²⁵

Islam not only forbids coercion in the matter of faith but the use of abusive language against the deities of other religions is also prohibited.

The Qur’ān states in this regard as follows.

“وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِن دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ”

“And insult not those whom they worship besides Allah, lest they insult Allah wrongly without knowledge”²⁶

The above mentioned āyat of the Holy Qur’ān speak about one of the fundamental truths of Islam that no one can be compelled to embrace Islam, except without his free will. In the light of such and other teachings of Islam Muslims are under obligation not to force any one to enter into Islam without his free will and conscience. The history is evident of it that on the basis of aforesaid teachings of Islam the non-Muslim community has enjoyed their religious freedom and practiced their religious beliefs under the Muslims states throughout the history of Muslims.

Islam respects other religions and enjoins tolerance towards them. That is why, Dhimmis (non-Muslims) in Islamic regimes always enjoyed complete protection in respect of their life, property and religion. They had full liberty to practice their religion as they liked²⁷

History bears witness that Islam has spread through preaching and not by force or sword. The Messenger Muhammad (SAW) was sent with the mission of only plain conveyance of the message of Allah. Whether anyone believes or not, was not his responsibility. So no one can be forced to accept Islam against his free will. None can produce even single example of forced conversion to Islam during the reign of the Messenger (SAW) and the rightly guided caliphs.²⁸

The extent to which regard was paid to this principle can be observed by instances from the history of the Righteous Caliphate. Ashaq was a Christian slave of Hazrat Umar whom he often persuaded to accept Islam. When he refused, Hazrat Umar could only say:

“لا إكراه في الدين لما حضرته الوفاة أعتقه وقال: اذهب حيث شئت”

RIGHT TO FREEDOM OF RELIGION IN ISLAM

“There is no compulsion in religion”. “He freed the slave before his death and said: "you are free to go anywhere"²⁹

Other religions owed their expansion to some mighty emperors and powerful rulers; Christianity had its Constantine, Buddhism its Asoka and Zoroastrianism its Cyrus, each lending to his chosen cult the mighty force of secular authority; not so Islam³⁰

A student of history knows that when the Crusaders captured Jerusalem they killed the Muslims mercilessly and demolished the mosques; including the “mosque of Umar. But when Salauddin, defeated the Crusaders and recaptured Jerusalem, he granted general amnesty to the Christians and left their churches unmolested. Herein lies the basic difference between Jihad and other wars³¹

Regarding religious rights of non-Muslim, Islam extends to them full freedom to observe their respective religions. It ensures all types of social rights to non-Muslims. Non-Muslims enjoy full security of their lives and properties. Similarly, they enjoy full rights of educational facilities. They also have maximum political rights³²

This order is not merely limited to the people of the Scriptures, but applies with equal force to those following other faiths³³

Muslims are enjoined to invite people to embrace Islam, but no force will be applied in order to compel them to accept it. Whoever accepts it he does so by his own choice. Muslims will welcome such a convert to Islam with open arms and admit him to their community with equal rights and privileges. But if somebody does not accept Islam, Muslims will have to recognize and respect his decision, and no moral, social or political pressure will be put on him to change his mind. Islam does not prohibit people from holding debate and discussion on religious matters, but it wants that such discussions should be conducted in decency. The Qur’ān says in this regard as:

“وَلَا تُجَادِلُوا أَهْلَ الْكِتَابِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ“

“Do not argue with the people of the Book unless it is in the politest manner”³⁴

The precedent and attitude of the Rightly-Guided Caliphs reflects the correct understanding of the norms of the *Shari'ah* which clearly recognize

the freedom of religion and proscribe all oppression and violation of the integrity of this freedom³⁵

All the rightly guided caliphs strictly followed the said principle of freedom in its true letter and spirit. Once a Christian woman came to the second Caliphs of the Muslims, Umar ibn Al-Khattab, whom he gave the invitation of Islam, which was refused by her. On becoming conscious of it that the invitation by him for Islam might not be taken by her as compulsion, he immediately spoke as:

“O my Lord, I did not intend to compel her, as I know that there is no compulsion in Islam”³⁶

The Muslim jurists have developed a consensus on the issue that confession to faith is not valid if it is made under compulsion or without the free will of the believer³⁷

In this regard Ibn Qudamah is of the view that a non-Muslim dhimmi will not be treated as a Muslim unless it will be established that he has embraced Islam with his own choice. Thus in case of the death of such a person he will be considered a non-Muslim until it is proved that no compulsion was made to force him to embrace Islam³⁸

The aforesaid mentioned views of Islamic Jurists are also endorsed by the *Universal Islamic Declaration* and a recent International Conference on Islamic law, both of which reached to a similar conclusion that everyone is free to have a faith of his own choice and cannot be compelled to embrace a religion under compulsion³⁹

There are two important aspects encompassing the whole some concept of religious freedom in Islam, need to be academically discussed in its correct perspective, which are Apostasy and a right to fight with the people unless and until they embrace Islam with the declaration of Tow hid. (Oneness of Allah)⁴⁰

Concerning the issue of Apostasy all the Rightly Guided Caliphs of the Messenger of Allah have the consensus on the issue of Apostasy and its punishment. The majority of the classical juristic opinion, based on the Qur’ānic injunctions and traditions of the Messenger of Allah [SAW], mandate death as the penalty in case of Apostasy⁴¹.

Among the contemporary scholars of Islam Dr. Muḥammad Ḥamīdullah, Dr. Būṭī, Abūl A’la Al Maūdūdī, Dr. Yūsuf al-Qaraḍawī, Dr.S.M Rizvi and

RIGHT TO FREEDOM OF RELIGION IN ISLAM

many others are of the same view as that of the rightly guided Caliphs and of the classical jurists of Islam.

In this regard Dr. Muḥammad Ḥamīdullah while justifying the penalty of death for Apostasy in Islam speaks as:

"The basis of Muslim polity being religious and not ethnological or linguistic, it is not difficult to appreciate the reason for penalizing this act of Apostasy. For it constitutes a politico-religious rebellion. The greater the harm of a given rebellion to a polity, the greater is the severity of repression. Every civilization, not the least the Modern Western one-both in the communistic and capitalistic manifestations- has provided capital punishment against violating the integrity of what it considers its very *raison d'etre*; and one cannot deny that right to Islam. As an Independent organic community, Islam will have the liberty to determine what points should be dearer to it: colour of one's skin, language spoken by its subjects, ideology which animates its existence. As a passing remark, let us recall that the Byzantine law of the epoch of the Messenger also punished with death the Apostasy from the Byzantine sect of Christianity"⁴²

In the view of Dr. Būṭī;

"Apostasy is one of the extreme kinds of *Haraba* because it makes other people doubtful in their belief in the Islamic ideology. He said that Apostasy deceits Islam and the Muslims so an apostate is punished in order to nip the evil in the bud".⁴³

Abūl A'la Al Maūdūdī, one of the most influential religious thinkers of the Muslim World in the 20th century, criticizing the lucid understanding of the law of Apostasy, by the Modern ethnologists and legal experts states that:

"Islam is not a religion but a whole way of life. It claims absolutely that only true way, ideology and civilization for human race is that which it holds itself. It thinks itself the right and the best way to salvation and other religions as leading men astray to an eternal doom. He thinks an apostate is like a man who is going to commit suicide so the Divine Law prohibits him forcefully. To become a renegade is not an individual "right" according to him. He declares

this matter as awkward and subject of state interference as robbery, prostitution, using narcotics and getting poison”.⁴⁴

He further states in this regard that:

"To copy the consecutive writings of all the lawyers from the first to the fourteenth century A.H. would make our discussion very long. Yet we cannot avoid mentioning that however much the four Schools of Law may differ among themselves regarding the various aspects of this problem, in any case all four Schools without doubt agree on the point that the punishment of the apostate is execution."⁴⁵

Strengthening his point of view on the issue he gives the example of the laws of states such as the United Kingdom and United States of America where a person being disloyal to the state (the King) is guilty of high treason, deserving the punishment of death. In an Islamic State in which the sovereignty belongs to Allah, a person negating his belief in Him commits High Treason against Allah and thus should be punished by death penalty. This is the exclusive right of Islam because it is the only true religion of Allah.⁴⁶

Another well-known Muslim Egyptian scholar Dr. Yūsuf al-Qaraḍāwī asserts that:

"The duty of the Muslim community — in order to preserve its identity — is to combat Apostasy in all its forms and wherefrom it comes, giving it no chance to pervade in the Muslim world." Similar to Maulana Abūl A'la Al Maūdūdī, he also claims Ijmā' on this: "That is why the Muslim jurists are unanimous that apostates must be punished. ... Apostasy is a criminal act."⁴⁷

Essentially the same arguments are given by a Shī'ah Islamic scholar, Sayyid Muhammad Rizvi. His views in this regard seem to be convincing and logical which require to be discussed in some detail.

In support of his reasoning that the death penalty is to be imposed upon an apostate he argues that:

“The Qur’ān clearly says that, “There is no compulsion in the religion.” (2:256)

RIGHT TO FREEDOM OF RELIGION IN ISLAM

What this verse actually means is that: “There is no compulsion in [accepting] the religion [of Islam] ...no one can be forcefully brought into the fold of Islam; Islam cannot be imposed on any person or society...Once a person enters into the fold of Islam, the rules change. As soon as you become a Muslim by your own choice, you are expected to submit yourself to Allāh totally and completely. “O You who believe! Enter into submission, kâffatan!” (2:208) Kâffatan gives the sense of “all” and “completely”. Once a person becomes a believer, he surrenders the right of making decisions to Allāh and the Messenger: “No believing man and no believing woman has a choice in their own affairs when Allāh and His Messenger have decided on an issue.” (33:36) Even the question of Apostasy, irtidād or deserting of one’s faith, for a Muslim, is a religious (shar‘i) issue and even in this issue he is governed by the laws of Islam. And Islam clearly says: No! You cannot become an apostate. After coming into the fold of Islam, rejection of the fundamentals is not tolerated. If there are doubts in your mind about the fundamental beliefs of Islam, then question, discuss, debate, study, and solve them BUT you are not allowed to leave Islam or desert your own fitra!⁴⁸

Speaking on the logic why does Islam not allow Apostasy? he argues that:

“Apostasy or irtidād in Islam is equal to treason. The Western world limits treason to political and military terms. In the USA, treason consists “only in levying war against Americans, and in adhering to their enemies, giving them aid and comfort.” However, sometimes even the Western world stretches the concept of political treason to include things which are non-political or non-military matters. For example, in England, treason includes violating the King’s consort, or raping the monarch’s eldest married daughter, as well as the sexual violation of the wife of the eldest son and heir. Even now, “polluting” the Royal bloodline or obscuring it is included in the definition of treason. Why has England included such non-political and non-military matters in treason? It has done so because the Royal family and the purity of its bloodline is one of the most significant parts of the British society and culture. In Islam, the concept of treason is not limited to political and military aspects; it also has a spiritual and cultural dimension to it. In the Islamic order of sacredness, Allah,

then the Messenger, and then the Qur'ān occupy the highest positions. Tawhid, nubuwwa, and qiyāma form the constitution of Islam. Just as upholding and protecting the constitution of a country is sign of patriotism, and undermining it is a form of treason - in the same way open rejection of the fundamental beliefs of Islam by a Muslim is an act of treason. Apostasy, i.e., the public declaration of rejecting the fundamentals of Islam, has also negative influence on the Muslim society; it is indeed a major fitna. And that is why Islam has prescribed harsh punishment for irtidād”⁴⁹

It is pertinent to correctly interpreting in true perspective whereby the Messenger (SAW) states that:

أمرت أن أقاتل الناس حتى يشهدوا أن لا إله إلا الله وأن محمدا رسول الله فإذا فعلوا ذلك عصموا مني
دمائهم وأموالهم

“I have been ordered to fight with the people until they embrace Islam or words to that effect.”

In depth insight of this Hadith suggests that Islam is not prone to fight with those who would remain peaceful and do not demonstrate any nuisance and disruption in the order of society. This narration does not reflect coercion or forcibility towards accepting Islam, However Islam while capturing a particular territory would certainly establish its own order and will allow non believers to continue living there as Dhimmī and pay Jizya. As long as they pay Jizyah, security and protection of their life and property would remain the responsibility of the state.

Incorporation of Religious Freedom in the Constitutions of Muslim Countries

Under the influence of aforesaid teachings of Islam the Muslims states have also given recognition to the rights of non-Muslims in their states and at present almost all the Muslim states have incorporated the provision that everyone has the right to have a faith of his own choice and no one can be compelled or forced to have a faith against his will. In this regard a brief study of some important Muslim countries is as follows:

RIGHT TO FREEDOM OF RELIGION IN ISLAM

The Constitution of Afghanistan with almost 100% Muslim population and with its official state religion as Islam, while guarantying religious rights for other religions reads as under:

“Followers of other religions are free to exercise their faith and perform their religious rites within the limits of the provisions of law”.⁵⁰

The Constitution of Bangladesh, a thickly Muslim populated country, while declaring Islam as the state religion, also guarantees the followers of other religions to practice their faith. The relevant provision of its constitution speaks on the subject as:

“The state religion of the Republic is Islam, but the State shall ensure equal status and equal right in the practice of the Hindu, Buddhist, Christian and other religions”⁵¹

Egypt is predominantly a Muslim population country. Its constitution declares Islam as the state religion but it provides to the followers of all other religions an absolute freedom to believe and practice the religion of their own choice. The relevant provisions of the Egyptian Constitution on the subject are as below.

“All citizens are equal before the law. They have equal public rights and duties without discrimination due to sex, ethnic origin, language, religion or creed”⁵². And “The State shall guarantee the freedom of belief and the freedom of practicing religious rights”⁵³

The Iranian society is based on the norms and principles of Islam. The Constitution of the Islamic Republic of Iran reflects the Islam in its advanced and progressive form after its Islamic Revolution.

The official religion of Iran is Islam and the Twelver Ja'fari School. However, the other religious schools also enjoy full respect and;

“..their followers are free to act in accordance with their own jurisprudence in performing their religious rites. These schools enjoy official status in matters pertaining to religious education, affairs of personal status (marriage, divorce, inheritance, and wills) and related litigation in courts of law”⁵⁴

The non-Muslim minorities in Iran have also been given constitutional protection to practice their beliefs. However, “Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within

the limits of the law, are free to perform their religious rites and ceremonies and to act according to their own canon in matters of personal affairs and religious education”⁵⁵.

The government of the Islamic Republic of Iran is under an official obligation;

“to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights. This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran”

Malaysia a country of Muslims majority is a state of complex religion. It is a country comprising of “28.3 million people with a 60 percent of the population of Muslims. It has 19 percent Buddhism; 9 percent Christianity; 6 percent Hinduism; and 3 percent Confucianism, Taoism, and other traditional Chinese religions. Other minority religious groups include animists, Sikhs, and Bahais”⁵⁶

While guaranteeing the religious freedom its constitution speaks as:

“Every person has the right to profess and practice his religion and, subject to Clause (4), to propagate it”⁵⁷.

The Constitution further states as:

“Every religious group has the right –

- (a) to manage its own religious affairs;
- (b) to establish and maintain institutions for religious or charitable purposes;
- and (c) to acquire and own property and hold and administer it in accordance with law”⁵⁸.

The Saudi Arabia is a country of theocratic monarchy with Islam as its official religion. Though its law does not permit the non-Muslims to enter and reside in two cities of Madina and Makkah according to the Islamic injunction, however, it does permit them to reside anywhere other than these aforementioned cities. But no where the non-Muslim can be compelled to embrace Islam without their will, rather they are free to practice their religion⁵⁹.

Turkey is a country of approximately 99.0% of Muslim population, however, with a secular state system⁶⁰

RIGHT TO FREEDOM OF RELIGION IN ISLAM

The remaining part of its population belongs to various beliefs and religions i.e. Christianity, Judaism, Yezidism and many other non-religious groups. The non-Muslim minorities have constitutional protection for their rights and religious freedom⁶¹.

“Everyone has the right to freedom of conscience, religious belief and conviction”⁶².

“Acts of worship, religious services, and ceremonies shall be conducted freely, provided that they do not violate the provisions of Article 14⁶³.

“No one shall be compelled to worship, or to participate in religious ceremonies and rites, to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions”⁶⁴

“No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political influence, or for even partially basing the fundamental, social, economic, political, and legal order of the State on religious tenets”⁶⁵

The Islamic Republic of Pakistan is a state of Muslim majority with Islam as its official religion. The Constitution of the Islamic Republic of Pakistan (1973) states on the subject under discussion as follows:

“Subject to law, public order and morality-

- (a) every citizen shall have the right to profess, practice and propagate his religion; and
- (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions⁶⁶

The Pakistani judiciary has also played very important role in recognizing and enhancing the idea of freedom of religion in Islam⁶⁷.

Similarly the Constitutions of Iraq, Jordan, Bahrain, Indonesia, Malaysia and many other Muslim Countries have given recognition to the religious freedom to the individual citizens irrespective of their faith and creed. The relevant provisions of the constitutions of such countries are under:

1) “Freedom of conscience is absolute. The State guarantees the inviolability of worship, and the freedom to perform religious rites and hold religious parades and meetings in accordance with the customs observed in the country”⁶⁸.

2. “The State guarantees all persons the freedom of worship, each according to his/her own religion or belief”⁶⁹.

3. Each Iraqi has the right to freedom of thought, conscience, and religious belief and practice. Coercion in such matters shall be prohibited⁷⁰.

4. Islam is the religion of the State and Arabic is its official Language. The state protects religious freedom in accordance with established customs⁷¹.

“Freedom of belief is absolute. The State protects the freedom of practicing religion in accordance with established customs, provided that it does not conflict with public policy or morals”⁷²

5) “The State shall safeguard the free exercise of all forms for worship and religious rites in accordance with the customs observed in the Kingdom, unless such is inconsistent with public order or morality”⁷³.

“Every religious group has the right -(a) to manage its own religious affairs;(b) to establish and maintain institutions for religious or charitable purposes; and(c) to acquire and own property and hold and administer it in accordance with law”.⁷⁴

Conclusion:

The doctrine of religious freedom and liberty is embedded in the philosophy of Islam. Islam is a great proponent of respecting the individual’s discretion and aspiration for the adoption of a particular religion, dogma, or school of thought. It vehemently rejects the notions of coercion and forcibility as regards to the religious liberty. It envisages the complete freedom of adoption of religion solely on the discretion of any person. Islam firmly believes in appealing the individual's hearts and minds by extending its message with convincing logics and rationale, and inviting the people to come in its folds through peace full ways and means.

The Holy Qur’ān unambiguously propounds the concept of free will, either to become faithful or to become unbeliever is totally left at the discretion of individual as the two paths have been clearly shown to the mankind for guidance. As long as nonbelievers remain peaceful and do not

RIGHT TO FREEDOM OF RELIGION IN ISLAM

interfere in the state affairs they would be treated as non-combatants and their life and property would be protected by the state.

The illusion regarding forcible embracing of Islam is fabricated propaganda unleashed by anti-Islamic forces, will not succeed to mar the true face of Islam. Islam is the true flag bearer of religious freedom which not only respects the dissenting views but respects the difference of opinions as well.

Notes and References

- (1) Fathi 'Uthman, *Huquq al-Insan Bayn al-Shari'ah al-Islamiyyah wa'l-Fikr al-Qanuni al-Gharbi*, p. 91; Al-Alusi, *Ruh al-Ma'ani fi Tafsir al-Qur'an al-'Azim*, V, 144
- (2) Yūsuf Ali, *The Holy Qur'ān*, note 5347; Abū Zahrah, *Tanzīm al-Islām lil-Mujtama'*, p.190; al-'Ili, *al-Ḥurriyyah al-'Āmmah*, p. 330; Ibn Qudāmah, *al-Mughnī*, VIII, 144
- (3) Muhammad Sharif Chaudhry, *Human Rights in Islam*, All Pakistan Islamic Education Congress, Lahore, 1993, p. 34-39; Tahir Mahood, *The Islāmic Law on Human Rights*, Genuine Publications Ltd., New Delhi, 1st Edition, 1993, Pp.53; M. I. Patwari, *Human Rights in Islamic Law and International Law: A Comparison*, Tahir Mahmood (ed.), *Islamic Law on Human Rights*, Genuine Publications Ltd., New Delhi, 1st Edition 1993, p.54, 82; Allama Shiblī Nu'mānī, *Al Fārūq*, Maktaba Rahmania, Lahore, 1939p.288, 289
- (4) Qur'ān: 2:256
- (5) Ibn Kathīr, -English translation, in explanation of Ayah 256 of Sūrah Al-Baqara
- (6) Towards Understanding Qur'ān in explanation of Ayah 256 of Sūrah Al-Baqara
- (7) 7.Qur'ān:5:92
- (8) Qur'ān: 5:99
- (9) Qur'ān: 3: 20
- (10) Qur'ān :5:99
- (11) Qur'ān:18:29
- (12) Qur'ān:10: 99
- (13) Qur'ān : 6:107
- (14) Qur'ān: 11:28
- (15) Qur'ān: 16:82
- (16) Qur'ān: 17:53, 54
- (17) Qur'ān: 24:54
- (18) Qur'ān: 36:16, 17
- (19) Qur'ān: 39:41
- (20) Qur'ān: 42: 48

- (21) Qur'ān: 60:8
- (22) Qur'ān: 64:12
- (23) Qur'ān: 67:25, 26
- (24) Fathī 'Uthmān, Huqūq al-Insān Bain al-Sharī'ah al-Islāmiyyah wal-Fikr al-Qānūni al-Gharbī, p. 91
- (25) Qur'ān: 9:6
- (26) Qur'ān: 6: 108
- (27) M. M. Ahsan, Human Rights in Islam: Personal Dimensions, Hamdard Islamicus, Karachi, Vol. 13, No. 3, Autumn 1990, p. 6-8; M. Cherif Bassiouni, The individual Human Rights and Habeas Corpus Islam, Jami'ah al Falāh Publications, Karachi, July 1972, p.557 & 558
- (28) Muhammad Sharif Chaudhry, Human Rights in Islam, All Pakistan Islāmic Education Congress, Lahore, 1993. p.30, 31
- (29) Niẓām-ul Hukm fil Sharī'ah wal Ṭārīkh al Islāmī Vol.1 P.58
- (30) Syed Muzaffar-ud-din Nadvi, Human Rights and Obligations, S.M. Zaheerullah, Dacca, Bangladesh, 1st Edition, 1966, p.110
- (31) Abūl A'la Al Maūdūdī, Human Rights in Islām, Dawah Academy, International Islamic University, Islamabad, 1998, Pp. 122; Ṣaḥāhuddīn Ayyūbī Wajūhūdo-hu-fil-Qaḍa 'Ala al-Daūlah al-Faṭmiyyah wa Tahrīr Bait al Maqdas, Vol.2, Pp.283.
- (32) Muhammad Encyclopedia of Sirah, Vol.2, The Muslim School Trust, London, 2nd Edition, 1985, p. 365, 366; Wasim Fateh Ullah, Al-Wajīz fi-Aḥkām al-Zimmah, Vol.1, Pp.17; Abūl A'la Al Maūdūdī, The Islamic Law and the Constitution, Islamic Publications Ltd., Lahore, 1969
- (33) Imam Al-Shaf'i (150-204 H); Al-Umm al-ām, vol 4, Dar ul Ma'rifah, Beirut, Pp136; Abu Ja'far Muhammad ibn Jarīr al-Ṭabarī (محمد بن جرير طبري), Ṭārīkh al-Rusul wa al-Mulūk (تاريخ الرسل والملوك) or Ṭārīkh al-Ṭabarī, vol 5 , Dar al Kutub al 'Ilmiyyah, Beirut, Lebanon, 1st Edition, 1407 AH
- (34) Qur'ān: 29:46
- (35) Mutawalli, *Mabadi'*, p. 287
- (36) Abū Zahrah, *Tanzīm al-Islām lil-Mujtama'*, p.190; al-'Ili, al-Hurriyyah al-'ammah, p. 330; Ibn Ḥazm, al-Muḥallā ,1:196 Ibn Ḥajar in *Taghliq al-Ta'liq* (2:131)
- (37) al-'Ili, al-Hurriyyah al-'Āmmah, p. 330;356; Rashīd Riḍa, *Tafsīr al-Manār* XI, 484
- (38) Ibn Qudāmah, al-Mughnī, VIII, 144
- (39) Azzam. ed., *Universal Islamic Declaration*, p. 11, The Islamic Council of Europe, 1981; Maududi, *Islamic Law and Constitution*, p. 333
- (40) As it is mentioned in the Hadith that Allah's Messenger said,
 أمرت أن أقاتل الناس حتى يشهدوا أن لا إله إلا الله وأن محمدا رسول الله فإذا فعلوا ذلك عصموا مني
 دماءهم وأموالهم
 "I have been ordered to fight the people till they say: La ilaha illallah (There is no god but Allah), and whoever said La ilaha illallah, Allah will save his property and his life from me."-- Sahih al-Bukhari 6924 ; Sahih Muslim 33
- (41) Al-Hafiz Muḥammad ibn Ali *al-Shāukānī* (d.1250/1834), *Nail al Aūtār*, Vol.8.p.4,5; Taqiuddīn Abu al 'Abbas Aḥmad ibn Abdul Ḥalīm, *Majmū'ah*

RIGHT TO FREEDOM OF RELIGION IN ISLAM

- Fatāwā Ibn Taimiyyah, Vol.28, Dār al ‘Ālam-al-Kutub, Riyadh, Saudi Arabia, 1991, p.565-570; Abu Bakr al-Jaṣṣās, Aḥkām al Qur’ān, Vol. 2, Dar Ihyah al Turāth, Beirut, 1985, pp.409; Mahmood ibn ‘Umar Imam al Zamakhsharī, Tafsīr al Kashshāf, Vol. 4, Kutub Khana Mazharia, Karachi; Ibn Kathīr, Tafsīr Ibn Kathīr, Vol.1, Shaikh Safi-ur Rahman al-Mubarakpūrī, Riyadh, Darussalam, 1st Edition, 2000, Pp.406
- (42) Hamidullah, Muhammad *The Muslim Conduct of State*, Sh . Muhammad Ashraf, Lahore, 1977, Pp. 174
 - (43) Al Būṭī, Muḥammad Said Ramaḍān *Al- Jihād fil Islam*, Dar Fikr, Damascus, 1993, Pp. 108
 - (44) Abūl A’la Al Maūdūdī *Murtad ki saza*, Islamic Publications, Lahore, June 1999 Pp .9
 - (45) Ibid: p .44,45
 - (46) Ibid: p.54-61
 - (47) See Fatwa of al-Qarḍawi titled "*Apostasy: Major & Minor*"
 - (48) Syed Muhammad Rizvi, *Apostasy in Islam (Irtidād)*, p. 4,5
 - (49) Ibid: Pp. 6
 - (50) Article 2 (2) of the Constitution of Afghanistan
 - (51) Article 2A of the Constitution of Bangladesh
 - (52) Article 40 of the Egyptian constitution
 - (53) Article 46 of the Egyptian constitution
 - (54) Article 12 of the Constitution of the Islamic Republic of Iran
 - (55) Article 13 of the Constitution of the Islamic Republic of Iran
 - (56) International Religious Freedom Report for 2011 United States Department of State
● Bureau of Democracy, Human Rights and Labor
 - (57) Article 11(1) of the Constitution of Malaysia
 - (58) Article 11(3) of the Constitution of Malaysia
 - (59) see Articles 5&6 of the Constitution of Saudi Arabia
 - (60) "Social values, Science and Technology", (PDF), Eurobarometer. June 2005
 - (61) United Nations Population Fund ; "Turkey", International Religious Freedom Report for 2011, U.S, Department of State
 - (62) Article 24 (1) of the Constitution of turkey
 - (63) Article 24 (2) of the Constitution of turkey
 - (64) Article 24 (3) of the Constitution of turkey
 - (65) Article 24 (5) of the Constitution of turkey
 - (66) Article 20 of the Constitution of Pakistan
 - (67) 2014 PLD SC 699; 2014 PLD SC 531; 2012 PLD SC 679
 - (68) Article 22 Constitution of Bahrain
 - (69) Article 29 (2) of the Constitution of Indonesia
 - (70) Article 13 (F) of the Constitution of Iraq
 - (71) Article 2 of the Libyan Constitution
 - (72) Article 35 of the Constitution of Kuwait

- (73) The Constitution of Jordan Article 14
- (74) The Constitution of Malaysia Article 3

