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Tolerance and Religious Pluralism in Islamic Legal Thought: Boundaries of Regulated Coexistence in Classical and Modern *Fiqh*

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Abstract

This paper examines the development of tolerance under the Islamic juridical theory, with special interest to the theological and juridical boundaries of it as expressed in classical *fiqh* and re-expressed in modern Islamic legal discourses. The paper argues that Islamic law traditionally developed elaborate systems to manage religious diversity, such as the concepts of *ahl al-kitab*, *dhimma*, and the territorial distinction between *Dar al-Islam* and *Dar al-Harb*. These systems were embedded in a hierarchical, communitarian legal framework. Within this framework, tolerance was understood as regulated coexistence rather than equal status for all communities. By critically analyzing the works of classical jurists, such as al-Mawardi, Abu-Yusuf, al-Shafi, and Ibn-Qayyim al-Jawziyya, this paper will illustrate how tolerance was used as a juridico-political solution to the needs of imperialism and sovereignty and as an expression of communal uniqueness. The paper then compares these formulations to the contemporary Islamic legal arguments, where both reformist and traditionalist scholars are struggling with ideas of religious pluralism, minority rights, freedom of conscience, and the relationships between religions under the pressures of the nation-state, international human-rights standards, and world religious pluralism. The article draws on both primary juristic texts and modern scholarship to trace continuities and changes in defining the limits of tolerance. It argues that contemporary reinterpretations reflect not only a transformation of legal doctrine, but also a deeper shift in the ontology of law. The system is moving away from a status-based hierarchy toward a model that emphasizes universal citizenship

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and moral equality. Yet, it continues to negotiate the normative authority of the classical tradition.

Keywords: Islamic law, Religious Pluralism, Tolerance, Islamic Legal Thought, Coexistence

Introduction

The concept of tolerance toward religious others is debated, but it is rooted firmly in Islamic law. Based on Qur'anic statements about the diversity of human beings, and the centuries of juristic commentary, Islamic law (فقه) established its own paradigm of the regulation of relations between Muslims and non-Muslims. Even the Quran is accommodative of religious plurality as being part of the divine order and it states:

وَلَوْ شَآءَ ٱللَّهُ لَجَعَلَكُمْ أُمَّةً وَٰحِدَةً وَلَٰكِن لِّيَبْلُوَكُمْ فِى مَآ ءَاتَىٰكُمْ

If Allah had willed, He would have made you one community, but His Will is to test you with what He has given ˹each of˺ you.[1]

Correspondingly, the verses (لَآ إِكْرَاهَ فِى ٱلدِّينِ) which are oft-quoted, 2:256 of Qurʾan, have been used as theological jewel in the discourse on freedom of beliefs and the boundaries to moral use of coercion. However, these are scriptural statements that are alongside verses that create communal delimitation and dissimilar relations of law, like those of the People of the Book (اہل کتاب) and the political facts of war and peace (مِنَ ٱلَّذِينَ أُوتُوا۟ ٱلْكِتَٰبَ)[2] The classical Islamic jurisprudence was founded in a pre-modern society where the law was used as a tool of moral regulation, community being, and political authority. Tolerance was, thus, not expressed as a concept of an abstract right based on the principle of individual autonomy, but as a controlled legal state that facilitated coexistence without any violation of the normative hegemony of Islam. According to Wael B. Hallaq, premodern Islamic law was not about equality as much as it was about balance - balance between communities, duties, and moral orders.[3] In this context, the rights and boundaries of life of non-Muslims under the Islamic rule were organised around the juristic notions of *dhimma* (protected covenant), *Ahl al-Kitāb and the territorial division*

Al-Asr International Research Journal of Islamic Studies
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of Dār al-Islām and Dār al-Ḥarb. Although the *dhimmi* was afforded the security of life, property, and religion practices, they were legally distinct, as al-Mawardi defined them to be, as a contract of protection conditional upon adherence to the laws of Islam (al-Ahkam al-Sultaniyya).

This legal ethos was further enlightened by prophetic practice (سنة). In a covenant between the Prophet Muhammad ﷺ and the Christian community of Najran which is reported to have ensured their religious freedom and security, such as, I will not force them to abandon their religion, which was frequently used by jurists as evidence of Islam being committed to coexistence (reported in Abu Yusuf, Kitab al Kharaj)[4]. Meanwhile, the classical scholars stressed the fact that such tolerance had distinct boundaries. Ibn Qayyim al-Jawziyya has made a well-known reputation of stating that *dhimma* system was a form of Islamic justice in that it guaranteed a protective function without obliterating religious differences or identities of the *Ahl al Dhimma* (أحكام أهل الذمة). In this case, tolerance was not egalitarian but juridical.

The contemporary era has changed the setting of the interpretation and assessment of these doctrines radically. The emergence of the nation-state, the fall of the imperial system, colonial experiences, and the global domination of the human rights discourse have posed new normative demands of religious freedom, equality before the law, and citizenship. Modern Muslim intellectuals are increasingly being challenged by questions to which classical jurists were not put in such ways: Is it possible to have differentiated legal status on the basis of religion and constitutional equality in the present day? Are classical toleration limits expressions of divine norms that do not change or changes in the law (ahkami siyasiyya)? Islamic justice and the common interest (مصلحة) could be widely interpreted, and Islam was not sent to maintain inequality between people, but to create justice among them. In opposition to this, modern traditionalists tend to hold on to the belief that the classical system of *fiqh* is a divinely directed moderation, which must not be reduced to a level lower than the secular paradigm of the modern age.

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This paper states that the controversies surrounding the issue of toleration in Islamic law are not to be simplified to a debate between what we might call classical intolerance, and the contemporary pluralism. Instead, the boundaries of tolerance expressed by the Islamic legal tradition should be interpreted as a historically contingent construction due to theological adherence, forms of juristic practice and political facts. According to Talal Asad, the traditions of Islamic law are not fixed books but discursive practices of argument, continuity and disruption, which develop through argument, and continuity and disruption.[5] In juxtaposing the classical fiqh teachings to the contemporary Islamic legal discussions on religious pluralism, minority rights, and freedom of conscience, this paper will show how the classical tradition remains pertinent and that the tolerance is being reconfigured in such a dramatic way by the contemporary conditions.

The article is methodologically a comparative text and analytical articulation. It relies on the verses of Quran, Prophetic reports, and other classical texts of jurists as well as on contemporary scholarly and legal works. The paper then develops a conceptual approach to tolerance in premodern and modern law by describing a theoretical approach to tolerance, discussing classical *fiqh* on religious difference, presenting an interpretation of modern interpretations, and critically exploring the controversies today. In making this investigation, the objective is to play a role in a more refined interpretation of how Islamic law thinking has negotiated in the past and present the moral and legal definition of tolerance in a religiously pluralistic world.

Theoretical Framework and Literature Review

The Conceptualization of Tolerance: Premodern and Modern Paradigm

A serious study of the issue of tolerance in Islamic legal thinking requires a conceptual elucidation of the concept of tolerance. In the modern political and legal thought, the concept of tolerance is usually related to individual freedom, personal conscience, and equality before the law without reference to religion. The A Letter Concerning Toleration by John Locke conceptualized the notion of tolerance as the non-intervention of the state

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in beliefs by pointing out that the care of souls did not belong to the magistrate of the state[6]. Present liberal theorists also associate tolerance with substantive equality and non-discrimination, which makes it one of the fundamental principles of constitutional citizenship.

The legal systems of premodern societies, on the contrary, were organized on completely different assumptions. According to Jacob Katz tolerance during the previous times did not mean equality, but it meant permission of existence of the difference by the dominant group within specific boundaries.[7] It is in this premodern paradigm that Islamic law evolved, in which communal identity, and not autonomy of individuals was the dominant unit of legal and moral interest. On this basis, the concept of tolerance in fiqh was in practice a juridical structure in the relations between communities, rather than a moral right, which was universal.

The criticism of liberal secularism presented by Talal Asad is especially educative. He warns of retrojection of current concept of religious freedom into premodern traditions by stating that; the modern concept of religious liberty is based on a certain distribution of power, subjectivity, and law.[8] Marking this revelation, the current article considers classical teachings of tolerance as inherently logical reactions to their contexts as opposed to being partial estimations of modern liberal standards.

Pluralism of Islamic Law and Community Hierarchy

The analysts of fiqh have long stressed that fiqh represents a type of law pluralism, in contrast to contemporary multiculturalism. The existence of various religious groups living under a common political framework is one of the most famous quotes of Islamic civilization by Marshall Hodgson who characterizes it as the civilization where the different religious communities lived together under one but different political structure governed by different norms (The Venture of Islam). The institutionalisation of this structure was the system of dhimma which acknowledged both non-Muslim communities as legal and yet lower. Wael B. Hallaq states that it was impossible to separate the

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Published:
March 29, 2025

tolerance level of Islamic law toward religious others with its moral cosmology: Islamic law did not aim to eliminate the difference but to regulate it with the help of a system of rights and obligations of various degrees.[9] This pluralism, which was based on the Quranic title of Jews and Christians as ahl al-kitab, recognized a common scriptural origin but continued to reaffirm the ultimate Muslim revelation. As Qur'an says:

قُلْ يَـٰٓأَهْلَ ٱلْكِتَـٰبِ تَعَالَوْا۟ إِلَىٰ كَلِمَةٍ سَوَآءٍۭ بَيْنَنَا وَبَيْنَكُمْ أَلَّا نَعْبُدَ إِلَّا ٱللَّهَ وَلَا نُشْرِكَ بِهِۦ شَيْـًٔا وَلَا يَتَّخِذَ بَعْضُنَا بَعْضًا أَرْبَابًا مِّن دُونِ ٱللَّهِ ۚ فَإِن تَوَلَّوْا۟ فَقُولُوا۟ ٱشْهَدُوا۟ بِأَنَّا مُسْلِمُونَ.

Say, ˹O Prophet,˺ "O People of the Book! Let us come to common terms: that we will worship none but Allah, associate none with Him, nor take one another as lords instead of Allah." But if they turn away, then say, "Bear witness that we have submitted ˹to Allah alone˺."[10]

Meanwhile, clear boundaries to this forbearance were outlined in the juristic literature. Classical authors defined two categories of non-protected non-Muslims: ahl al-dhimma and ahl al-harb, usually referred to by the derogatory term, harbis. These groups were the embodiment of what Sherman Jackson terms as a moral geography of loyalty and obligation and not as expressions of hostility. Therefore, it was not absolute acceptance but conditional, which depended on the political allegiance and social order.

Classical Sources and Academic Evaluations

Classical juristic corpus is widely discussed by modern scholars who attempt to comprehend the historical experience of the Islamic approach to religious diversity. A more advanced legal vision, which is a synthesis of the Quranic ethics, prophetic precedent and administrative common sense, is found in works like al-Mawardi, Kitab al-Ahkam al-Sultaniyya, Abu Yusuf, Kitab al-Kharaj, and Ibn Qayyim al-Jawziyya, Ahkam Ahl al-Dhimma. According to Yohanan Friedmann, these documents demonstrate that there was a constant clash between universal moral postulations and the specific legal settlements.[11]

There has been a tendency to divide Western scholarship in its evaluation of this heritage. Bernard Lewis considered the dhimma system as the sign of Islamic tolerance compared

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to the situation in medieval Europe and has remarked that non-Muslims in Muslim rule tended to be more secure (Bernard Lewis, The Jews of Islam). In comparison, critics like Bat Ye'or described the system as an institutionalised discrimination. Current scholarship is less polarised and more interested in contextual analysis and the history of comparative law.

Contemporary Islamic Jurisprudence and Human Rights

Tolerance in modern Islamic legal thought has been formed largely as a response to colonialism, the establishment of modern states and international regimes on human rights. Philosophers like Muhammad Abduh and Rashid Rida tried to redefine the classical doctrines with the help of such principles as مصلحة (apparent interest) and مقاصد الشريعة (purposes of the law). Current reformist thinkers take this tendency even further. Abdullah Ahmad al-Na'im argues that the contemporary professions of freedom of religion require a complete reconsideration of classical public law, and that the Shari'a of the past cannot be enforced today without contravening its own ethics.[12] On the other hand the traditionalist scholars like Yusuf al-Qaradawi stress continuity and say that Islamic tolerance is real but within the boundaries prescribed by God which must be abided by the contemporary Muslims.

The Positioning of the Present Study

On this rich literature foundation, the current research stands in-between the apology and condemnatory interpretation of Islamic law. It takes a historically based and jurisprudentially resistant approach and acknowledges the ethical ideals and structural constraints of the idea of tolerance within the Islamic legal tradition. Comparing classical fiqh with contemporary Islamic legal practices, the article attempts to clarify how changing ideas of sovereignty, subjectivity, and law have changed the definition and boundaries of tolerance, but have left fundamental theological issues vested interest-truth, salvation, and communal identity-largely in the same place

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Published:
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Classical Fiqh of Tolerance: Foundations of Doctrines, and the Categorization of the Law and the Reason of Jurist

Quranic Foundations and Juridical meaning of Tolerance

Classical Islamic jurisprudence developed its strategy of religious difference mainly based on the Quran which both affirmed religious diversity and proclaimed the normative definitiveness of Islam. Citations like, (لَكُمْ دِينُكُمْ وَلِيَ دِينِ) for you is your religion and mine is mine (Quran 109:6) and (لِكُلٍّ جَعَلْنَا مِنكُمْ شِرْعَةً وَمِنْهَاجًا) To each of you we have given a law and a way (Quran 5:48) were common among the jurists to support the fact that non-Muslim religious practice was in fact permissible under the Muslim rule. Simultaneously, Quran provides an apparent theological superiority describing Islam as the ultimate revelation of God as it says:

إِنَّ ٱلدِّينَ عِندَ ٱللَّهِ ٱلْإِسْلَـٰمُ ۗ وَمَا ٱخْتَلَفَ ٱلَّذِينَ أُوتُوا۟ ٱلْكِتَـٰبَ إِلَّا مِنۢ بَعْدِ مَا جَآءَهُمُ ٱلْعِلْمُ بَغْيًۢا بَيْنَهُمْ ۗ وَمَن يَكْفُرْ بِـَٔايَـٰتِ ٱللَّهِ فَإِنَّ ٱللَّهَ سَرِيعُ ٱلْحِسَابِ

Certainly, Allah's only Way is Islam.1 Those who were given the Scripture did not dispute ˹among themselves˺ out of mutual envy until knowledge came to them.2 Whoever denies Allah's signs, then surely Allah is swift in reckoning.[13]

This duality recognition without relativization formed the juristic perception of tolerance as coexistence without equivalence. Classical exegetis focused on the idea that the Quranic tolerance was legalistic, but not theological. In commenting on Quran 2:256 (There is no compulsion in religion), Al-Tabari did not understand that the verse was a ban on forced conversion (as opposed to religious egalitarianism). According to him faith had to be a matter of conviction (اعتقاد) and submission to the authority of the Muslim (انقعاد) might be necessary without destruction of belief (Jami' al-Bayan). This difference constituted a basis of the fiqh: Islam did not want to coerce faith but only regulations of the social order.

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Published:
March 29, 2025

Ahl al-Kitab and Theology of Recognized Difference

Ahl al-Kitab takes a center stage in the classical jurisprudence of tolerance. Jews and Christians received a special position of law, depending on their earlier revelations as it is stated in Quran:

لَتَجِدَنَّ أَشَدَّ ٱلنَّاسِ عَدَٰوَةً لِّلَّذِينَ ءَامَنُواْ ٱلْيَهُودَ وَٱلَّذِينَ أَشْرَكُواْ ۖ وَلَتَجِدَنَّ أَقْرَبَهُم مَّوَدَّةً لِّلَّذِينَ ءَامَنُواْ ٱلَّذِينَ قَالُوٓاْ إِنَّا نَصَٰرَىٰ ۚ ذَٰلِكَ بِأَنَّ مِنْهُمْ قِسِّيسِينَ وَرُهْبَانًا وَأَنَّهُمْ لَا يَسْتَكْبِرُونَ

You will surely find the most bitter towards the believers to be the Jews and polytheists and the most gracious to be those who call themselves Christian. That is because there are priests and monks among them and because they are not arrogant.[14] This was interpreted by jurists as the theological recognition that was transformed into a legal privilege. Al-Shafi, in explicit terms, also made a distinction between the ahl al-kitab and other non-Muslims by saying that their scriptural legacy led to their being treated differently (الام). This difference meant that inter-communal dealings, concessions during the diet and marital intercourse that was not permitted with non-scripture community were permitted. But this was recognition of the circumscribed kind. Ibn Kathir warned against accepting the previous scriptures to certify their present beliefs which he termed as altered (محرف). Tolerance in this instance served as what Yohanan Friedmann calls as selective inclusion, a system that incorporated religious others in the Islamic society and ensured that Islam retained its theological primacy.[15] The People of the Book were not allowed to be treated with the same regard as all religions were equally acceptable; nevertheless they were accepted as they held an established place in the sacred history of Islam.

The Dhimma System: Covenant, Protection and Hierarchy

The dhimma system was the most tangible juridical expression of the concept of tolerance in traditional fiqh. This arrangement can be found in the Quranic background as it is commonly referred to Quran 9: 29 which orders fighting of some non-Muslims until he or she pays the jizya willingly and humbled. Classical jurists read this verse not to support the vision of an endless hostility but to form a legal system of the peaceful

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Vol 5 Issue 1 (January-March 2025)
ISSN E: (2790-7694)
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Published:
March 29, 2025

coexistence under the Muslim sovereignty. Al-Mawardi understood dhimma as a pact whereby the non-Muslims received protection of persons, property, and religion in return that they subjected themselves to the laws of the Islamic religion (al-Ahkam al-Sultaniyya). In this contract approach, tolerance was perceived as a mutual lawful relationship other than an automatic privilege. Jizya tax expressed political loyalty and exemption of military duty not as such forms of punishment as stressed by Abu Yusuf in Kitab al-Kharaj: they pay the jizya instead of defense and protection, and no form of injustice should be done with them.

The most far-reaching defence of the dhimma system was provided by Ibn Qayyim al-Jawziyya who said it was the way of Islam to be just and merciful. He said: The People of the Covenant are upon us the rights that have been made by Allah and His Messenger, whoever harms them, has defied the commandment of God (Ahkam Ahl al-Dhimma). But Ibn Qayyim at the same time demanded visible signs of difference between Muslims and non-Muslims, as it was agreed by jurists that tolerance should not be used to obscure religious lines.

Toleration Thresholds: Social Composure, Imagery, and Recreational Religion

Classical tolerance was narrowed specifically in regions that jurists thought had jeopardized Islamic public order (nizam al-am) or religious symbolics (shi'ar al-islam). Although the non-Muslims were allowed to practice their religious beliefs in their personal lives, the jurists limited their practice in the open where they might oppose or contradict the Islamic norms. Al-Nawawi indicated that dhimmis had no right to spread their ideas publicly and could not erect new houses of worship in the regions dominated by Muslims, although old ones were not usually destroyed.[16] In the same way, the freedom of conscience was not conceptualized as the right of religious transformation. Apostasy (ردة) was not a personal belief system but a social offense as it was perceived that it would jeopardize the unity of the society. The classical jurists were all in agreement in that apostasy was a punishable offense, with certain differences in the

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Published:
March 29, 2025

specifics of the procedure. This agreement defines a communitarian ethic of the Islamic law, as explained by Hallaq, where religious affiliation was indivisible to political allegiance.[17] The boundaries of tolerance were therefore not accidental but part and parcel of the classical legal system. Just as Ibn Taymiyya had argued, too much accommodation would destroy the moral authority of Islam: justice to the unbeliever should not be permission to disbelieve, nor should truth and untruth be treated in equality.

Dar al-Islam, Dar al-Harb and the Geography of Tolerance

The juristic attitudes towards religious other were further organized into the classical division of the world into dar al-islam and dar al-harb. These were not necessarily theological categories but very much political. Abu Hanifa made dar al-islam a land where the Islamic law was the predominant and where Muslims were safe, irrespective of the majority. Only in this field was institutional tolerance towards non-Muslims ensured. Tolerance was not assumed outside the Muslim rule. But even here jurists permitted treaties (عہد) and temporal protection (امان), and showed a flexibility which was pragmatic. Al-Shaybani pointed out that peaceful coexistence was better than war in all cases where the security could be provided (al-Siyar al-Kabir).

Analytical Assessment

Thus formulated, classical fiqh expressed a strong internally consistent covenantal, hierarchical, and communal ethical doctrine of tolerance. It did not require compulsory conversion and did not accept religious equality. Tolerance was a juridical strategy of dealing with the diversity and protecting Islamic moral and political power. Friedmann correctly describes the state of affairs in the classical Islamic law as tolerating religious difference but not normalizing it.[18] Before evaluating contemporary reinterpretations it is important to understand this framework on its own terms. The next part discusses how these classical boundaries are challenged, restructured or defended in radically different social and political circumstances by the contemporary Islamic legal thought.

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Contemporary Reinterpreting Tolerance: Reform, Continuity and Legal Transformation

Imperial Pluralism to Modern Citizenship

The contemporary Islamic jurisprudence of tolerance grew out of a radical break in the socio-political structure that supported the classical fiqh. Emigration of Muslim empires, introduction of colonial legal frameworks and emergence of the modern nation state radically changed the nature of the interplay between law, religion and political powers. Religious identity was also more a personal than a communal legal status in this new context, and citizenship was the new foundation of legal rights and obligations to replace the dhimma. A large number of modern Muslim thinkers believe that the classical principles governing the relationships with the non-Muslims were a localized reaction to the imperial rule, not religious imperatives. An example is Rashid Rida who insisted that the dhimma system was the product of politics of its time and the political goal of the system was justice and peaceful coexistence rather than the establishment of permanent hierarchy. He highlighted principles of justice (عدل) and human dignity (الكرامة) in the Quran as the basis of modern legal reform. Such a change in the conceptualization of tolerance between status-based pluralism to citizenship-based equality is a radical one. According to Abdullahi Ahmed An-Naajim, contemporary Islamic legal thought is increasingly coming to recognize tolerance not as a concession by the majority, but as a reciprocal right based on equal citizenship due to its formulation of tolerance to take place (Islam and the Secular State).

Reformist Strategies: Redefining the boundaries of Tolerance

The reconciliation of the Islamic legal principles with the contemporary concept of religious freedom is attempted by reformist thinkers revisiting classical decisions by using methodological instruments like maqadis al-sharia (purposes of the law), maslaha (common good), and contextualizing (tarikh al-ahkam). Muhammad Abduh claimed that the ultimate aim of Islam is the creation of justice and moral development and stated that

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everywhere there is justice, there is law of God (see Rida, Tafsir al-Manar). It is on this that reformists oppose classical limitations of public religious practice, apostasy and varied statuses of the law. They often use Qur'an 2:2 56, (لَا إِكْرَاهَ فِي الدِّينِ) There is no compulsion in religion, as a normative on conversion, but even more generally on freedom of conscience. Fazlur Rahman understood this verse as the creation of a moral axiom which restricts the coercion of the state in the realm of belief and claimed that the classical jurists narrowed down the scope of this axiom, driven by political reasons, not by theological need.[19] New interpretations of the jizya see it as an ancient fiscal system, and not a religious symbol of subordination, in a similar way. Khaled Abu El Fadl argues that it would be inconsistent with the ethical obligation of Islamism to ensure justice and dignity to maintain such distinctions in the contemporary legal systems, although the moral trend of Islamic law, according to him, is from exclusion to inclusion.[20]

Apostasy, Freedom of Conscience, and Redrawing of Boundaries

The most controversial problem in the contemporary discussion of tolerance is, perhaps, apostasy (ردة). Although it was unanimously agreed that apostasy was punishable under classical jurists, this has continued to be questioned among the modern scholars. According to reformists, apostasy used to be a political treason, not just the change of belief. Criminalization of apostasy is not only inappropriate per the Quran and the modern standards of human rights but also needs to be rethought to ensure that Islam does not lose her moral standing. This re-interpretation is based so much on the Quranic silence on the punishment of apostasy in the worldly sense, and on verses that called on each person to be responsible in the hereafter (Qur'an 18:29). Those words of the Prophet, Whoever changes his religion, kill him, are also revisited critically, with scholars like Mahmoud Mohamed Taha arguing that they were representative of certain political situations and were not a general law.

Al-Asr International Research Journal of Islamic Studies
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March 29, 2025

Traditionalist and Neo-Classical Solutions

All contemporary Islamic jurisprudence is not receptive to reformist reinterpretation. The classical boundaries of tolerance, according to the traditionalist school of thought, are God-guided and normative. Yusuf al-Qaradawi also believes that Islam provides religious freedom with certain boundaries but that pure freedom of belief without ethical boundaries is not in the spirit of the Islamic worldview.[21] To such scholars equality does not imply sameness and differentiated treatment on the basis of religion is not necessarily unjust. Neo-classical jurists frequently justify the dhimma system as more tolerant than contemporary secular systems which they say enforce homogenizing standards against the expression of religion. They point out that the classical Islamic societies gave the religious communities the freedom to self-rule as per their own laws- something that is hardly given to states today.

Change and Continuity in Contemporary Discourse

Nevertheless, even though they differ in their views, both reformist and traditionalist scholars are strongly interested in the classical tradition. The re-negotiation of fiqh and its authority and scope do not eliminate it but reinterpret it in contemporary ways. Contemporary Islamic law, as Wael Hallaq points out, functions under the circumstances of moral and institutional breakage and this compels jurists to declare tolerance within legal frameworks that are no longer based on the presumption of classical jurisprudence. Continuity and transformation are therefore seen in the way Islamic law is discussed today. The Quranic ethics of justice and coexistence continue to play a leading role, although this legal manifestation is now mediated by the idea of citizenship, constitutionalism and international standards. Tolerance is no longer discussed as the covenantal concession but the legal and moral right, but the justification of Islam on this matter is still actively discussed.

Al-Asr International Research Journal of Islamic Studies
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Analytical Transition

The new version of tolerance reveals the tension between reform and tradition, text and context, theology and law, which has not been resolved yet. These strains are most effectively summed up in the recent debates of minority rights, inter-faith relations and the frontiers of pluralism. These controversies are explored in the next section critically, bringing out the fault lines that still continue to influence the Islamic legal thinking on tolerance today.

Religious Pluralism, Minority Rights, and Social Dynamics

Equality, Dissimilarity and the Problems of Minority Rights

Among the most burning modern discussions in Islamic jurisprudence is the position of religious minorities within the Muslim-dominated societies and the possibility of preserving classical concepts of the differentiated rights and the new postulates of legal equality. Classical *fiqh* viewed minority rights in terms of protection and not equality. They are safeguarded not identical as Ibn Qayyim says, justice does not demand similarity (Ahkam Ahl al-Dhimma). This model presupposed moral superiority based on the truth of Islam, at the same time requiring the Muslim leaders to guarantee the security and respect of non-Muslims. However, as a contrast, the modern legal systems of constitutions and international law consider equality before the law as a normative principle that cannot be compromised. This stance has caused a lot of tension in the contemporary Islamic jurisprudence.

Reformist academics believe that the Quranic assertion of a human dignity-that is, (وَلَقَدْ كَرَّمْنَا بَنِيٓ ءَادَمَ) we have honored the children of Adam (Quran 17:70) provides a universal ethics which cuts across specific religious affiliations. It is based on this that various scholars like Tariq Ramadan have argued that differentiated legal status is no longer justifiable in societies which are characterized by shared citizenship, as opposed to imperial sovereignty. Traditionalist scholars, nonetheless, warn of treating equality and justice as one. Using the classical theory of law, they argue that the Islamic law

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acknowledges functional differentiation as a justifiable form of justice. The justice in Islam according to al-Qaradawi means giving every one what is due and not making everyone the same (Min Fiqh al-Dawla). The controversy, therefore, does not depend on whether Islam dictates justice or not, but rather on how justice was to be established in plural societies.

Interfaith Relations and Public Sphere

The other point of disagreement is about the level of interfaith interactions and the presence of non-Muslim religious activities in the mainstream. Classical jurists did allow individuals to practice their religion privately, but would forbid any form of expression that might weaken Islamic symbols (شعائر). In his defense of Islam, on the basis that it would destroy the moral standing of Islam, Ibn e Tayyimiyya wrote: The intent of the *dhimma* is security, not parity in the truth of publicly professed confessions (اقتداء الصراط المستقيم). However, the current plural societies exist on the premise of religious neutrality on the space of the state. The reformist intellectuals claim that to limit the religious expression of the people is contrary to the Quranic ethos which was to coexist peacefully and converse as is written in Invite to the way of your Lord with wisdom and good counsel as Qur'an says:

ٱدْعُ إِلَىٰ سَبِيلِ رَبِّكَ بِٱلْحِكْمَةِ وَٱلْمَوْعِظَةِ ٱلْحَسَنَةِ ۖ وَجَٰدِلْهُم بِٱلَّتِى هِىَ أَحْسَنُ ۚ إِنَّ رَبَّكَ هُوَ أَعْلَمُ بِمَن ضَلَّ عَن سَبِيلِهِۦ ۖ وَهُوَ أَعْلَمُ بِٱلْمُهْتَدِينَ

Invite ˹all˺ to the Way of your Lord with wisdom and kind advice, and only debate with them in the best manner. Surely your Lord ˹alone˺ knows best who has strayed from His Way and who is ˹rightly˺ guided.[22] Khaled Abou El is an advocate of the idea that the policing of religious expression is more about political panic than the theological need, and says that the fusion of faith with power is among the most corrupting elements of both. Such controversies are especially relevant to interfaith marriages, theology and symbolic representation. Although fiqh texts of classical era permitted Muslim men to marry the women of the ahl and not the other way around, modern thinkers are becoming

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more worried whether such inequalities are still necessary with modern times of legal and social equality.

Revisited: Apostasy and Moral Anxiety: Legal Authority

The most symbolically charged constraint of tolerance within the Islamic law is the apostasy problem. Classical jurists perceived apostasy as one of the threats to community and political fidelity. Al-Sarakhsi defined apostasy as a revolt under the moral order of the society (al-Mabsut), which accounts the interference of the state. The initial Islamic experience of the hurub al-ridda supported this opinion and mixed the line between faith and rebellion. According to modern critics the retention of criminal penalties against apostasy contravenes the ethical assertion of Islam to have freedom of conscience. They refer to the Quran verses that constantly ratify a voluntary belief and post-judgment to the hereafter (Quran 10:99; 88:2122). Religion becomes utterly immoral when it is made legal. The traditionalists respond by saying that the social cohesion of Islam would be torn apart by unregulated apostasy and this would open the religion to ideological fragmentation. The scandal is indicative of a more fundamental fear of power: who is authorised to set the frontiers of Islam in the era of religious individualism? The apostasy issue, therefore, summarizes the larger conflict between the ethics of community and personal autonomy in the modern Islamic jurisprudence.

Continuity, Anxiety and the Politics of Tolerance

The modern boundaries of Islamic law toleration cannot be viewed as mere conflict of doctrine; they are also influenced by the insecurity in politics, the memories of post colonialism and the asymmetries of world powers. Such researchers as Talal Asad stress that Muslim opposition to liberal pluralism can be rather the manifestation of distrust to Western universalism than the opposition to diversity as such.[23] Tolerance, here, becomes the place of political negotiation as much as theological logic. Simultaneously, a new thought on reciprocity and ethical consistency has been provoked by Muslim minorities residing in non-Muslim societies. Several scholars believe that Muslims who insist on

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religious freedom in other countries should be able to provide Islamic explanations regarding the extension of the same to their countries. That has enhanced the demand to have a principled, not purely defensive, statement of tolerance in Islamic law.

Conclusion

This paper has identified the history and restrictions of the Islamic concept of tolerance through the comparison of classical fiqh and contemporary Islamic legal discussions on religious pluralism. It has maintained that there has never been a deficiency of tolerance in Islamic law but there has never been an absolute of tolerance. Classical jurisprudence created a model of coherent coexistence which was based on covenant (dhimma), community stratify order, and distinction of morality. This model did not support forced conversion and non-Muslims were safely guaranteed security, although it specified the boundaries of protection so that the theological and political power of Islam was not undermined. The contemporary Islamic jurisprudence works on radically different conditions. The emergence of the nation-state, the constitutional citizenship and the discourse of human rights highlighted the classical status-based approach and compelled Muslim intellectuals to reconsider the underlying assumptions on equality, freedom of conscience, and minority rights. Reformist leaders indicate Quranic justice and dignity and voluntary faith ethics to justify the increased tolerance, whereas the traditionalists justify the classical boundaries as manifestations of the divinely directed balance and not injustice.

The key discovery of the article is that the boundaries of tolerance within the Islamic law are not predetermined but historical. The continuity is in the fact that Islam has always been concerned with the moral order, integrity of the community and claims of truth; the discontinuity is in the ways in which these issues are expressed legally in evolving social circumstances. This dynamic can be understood to absorb the Islamic legal tradition in a more subtle way, neither idealising it nor rejecting it, but acknowledging its ability to think principled in the face of perennial pluralism. In the end, the future of the spirit of

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tolerance in Islamic legal thought will be determined by the possibility of Muslim thinkers to formulate a jurisprudence that is loyal to the Islamic ethical principles and which responds in the current context of religious diversity to the moral reality. This would entail neither the rejection of tradition, but a critical and ethically informed re-invention of tradition.

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