


## Religious Accommodation through Non-Territorial Autonomy: Assessing the Relevance of Islamic Doctrine and Traditions in Contemporary Times

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### Abstract

It appears that the growing religious diversity in the developing and developed worlds will pose a serious challenge in the near future. However, religious minorities are surprisingly understudied in the literature on the politics of accommodation. Similarly, far less emphasis has been placed on non-territorial autonomy, which has the potential to deal with territorially dispersed religious minorities. It is argued that the Ottoman millet system based on Islamic values was the first non-territorial arrangement that successfully accommodated religious differences for centuries. Therefore, this paper reviews the Islamic doctrine and traditions pertaining to religious accommodation in general and the Ottoman millet system, in particular, to examine if the case offers any valuable insights into the scheme of religious autonomy in modern times.

**Key words:** Non-territorial autonomy, minority religions, Islamic tradition, *millet* system, accommodation.

### Introduction

In the wake of ethnicity-based autonomy movements around the world, much scholarly attention is devoted to the territorial dimension of autonomy in the accommodation of diversity. This is largely because the groups seeking autonomy are geographically

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concentrated in the majority of the cases. The dispersed groups for example religious minorities are least discussed in the literature. In the same vein, far less attention is paid to the non-territorial autonomy that has the potential to deal with the territorially dispersed minorities. While religion is central to politics and political debates in many contexts, the growing religious diversification in the developing and developed world would come to be a serious challenge. In this context, the paper attempts to examine the relevance of non-territorial autonomy for the accommodation of religious diversity.

Governing diversity has been a challenge in the developing as well as the developed world. It is argued that the division of society leads to political conflict and instability<sup>1</sup>. The constitutional experts, therefore, have prescribed certain power-sharing models, essentially non-majoritarian, for such states to establish democratic institutions. The most common feature of such arrangements is granting autonomy to distinctive groups, particularly in matters related to culture, language, and religion. If the identity groups are territorially concentrated and their boundaries coincide with the boundaries of constituent units then territorial autonomy sufficiently accomplishes the purposes both in federations and consociations. However, if ethnolinguistic or religious cleavages are geographically dispersed, non-territorial autonomy is the best solution.

Surprisingly, despite its effectiveness in accommodating diversity in many places, the non-territorial autonomy has attracted meager attention. Only some recent contributions are noteworthy that have assessed its significance and relevance for managing diversity<sup>2</sup>. This paper, specifically, examines the relevancy of non-territorial autonomy for the accommodation of religious minorities that are geographically dispersed. In wake of the growing religious diversity and the recent resurgence of religion in politics, this study seems a worthwhile contribution to deal with the expected threats to the security and sovereignty of the state in the coming decades. It is now a documented fact that though religion was once ceding its influence in politics during the mid-decades of the twentieth century appears yet again to play a central role in many respects. Many societies in Asia and Africa are confronting issues related to the accommodation of religious minorities.

On the other hand, the huge influx of immigrants has changed the chemistry of modern society in many ways in Europe, North America, and Australia. It is estimated that religious minorities would grow significantly in these regions in the following decades. There is sufficient evidence to argue that managing religious diversity would become a challenge in near future, both for the religiously diverse societies of the global south and the developed world that hosts a plurality of immigrants. Thus, the literature shall pay attention to these aspects. Situated in this context, the present study aims to assess how religious traditions might be useful to mitigate religious differences. Being one of the major religious traditions, the Islamic values of religious accommodation deserve the attention of the scientific community engaged in planning workable policies to cope with issues related to religious diversity. Hence, this paper analyses the relevance of Islamic values and the practices adopted by Muslim regimes in connection to non-territorial autonomy for dealing the minority issues by taking the example of the Ottoman Millet system which is argued to be the first of its kind that successfully accommodated religious diversity for centuries.

Therefore, the paper reviews the Islamic doctrine for religious accommodation in general and the Ottoman Millet System, in particular, to examine if the case offers any valuable insights into the scheme of religious autonomy in modern times. To address this objective the paper is structured around four sections. The next section presents an overview of contemporary global religious diversity and its implications for state sovereignty. Then, the subsequent section acquaints the reader with the concept of non-territorial autonomy and its manifestation in some cases. The following section reviews the Muslim traditions of religious accommodation with special reference to the Ottoman Millet system. The final section offers some concluding remarks.

### **1. Growing religious diversity and its repercussions**

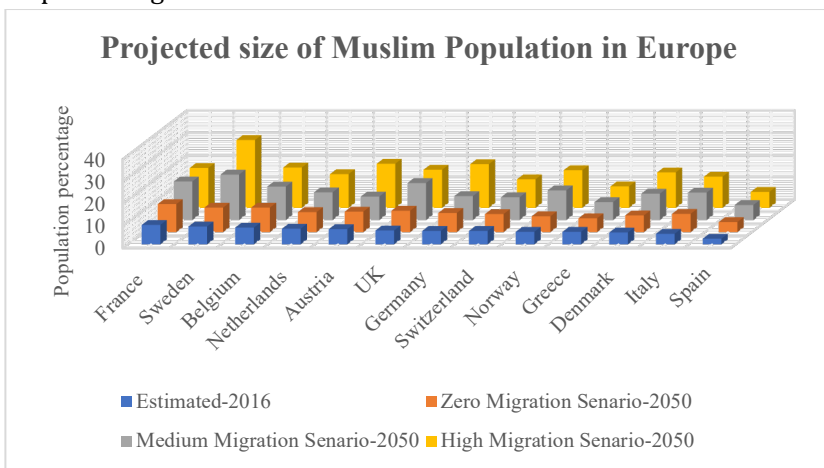
The global religious diversity index discloses the fact that not less than one-third of the population in most states belongs to the minority religions in the developing world. More worrisome are the estimates that suggest profound changes in the religious composition of the developed world on account of the contemporary migration flows. It is believed that minority religions would

significantly grow in Europe and North America in the coming decades. The data on global religious diversity suggests that it is unevenly distributed across the regions. For example, most of the Asia-Pacific and Sub-Saharan states embody greater religious diversity than the rest of the world. In this region, many states host substantial religious minorities. The Religious Diversity Index (RDI) designed by the PEW Research Center; a Washington-based organization illustrates that more than one-third of the population in many states of this region adheres to a religion (s) other than the prevailing religion<sup>3</sup>. It is noteworthy that the relations of majority and minority religions in many states of this region are not harmonious.

In contrast, the Middle East appears relatively homogenous in terms of religious affiliations but is witnessing serious intra-faith conflicts. The Report of the PEW Research Center has regarded Europe, North America, and Australia as the regions with moderate levels of religious diversity. However, it is estimated that the religious composition of these regions is going to change significantly in the coming decades. The recent migration flows, mainly because of wars in Syria, Iraq and Afghanistan and the growing poverty in the global south has fostered serious challenges to religious homogeneity in many places. Most of the migrants that came from various regions have settled mainly in Europe, North America, and Australia. It is estimated that if the patterns of immigration that Europe witnessed from 2014 to mid-2016 continue, “the Muslims could make up 14% of Europe’s population by 2050 – nearly triple the current share”. By 2050, it is assessed that the Muslim population share could be 19.7 % in Germany, 17.2 % in the United Kingdom, 18% in France, 14.1% in Italy, 30.5% in Sweden, 7.2% in Spain, 15.2% in the Netherlands, 18.2% in Belgium, 19.9% in Austria, 12.9% in Switzerland, 17% in Norway, and 16% in Denmark”<sup>4</sup>.

In North America, the religious composition of the United States has already undergone profound changes. It is reported that ‘White Christians’ were in majority in 39 out of the total 50 states of the US in 2007. But now this group has a majority in fewer than half of all states<sup>5</sup>. Though “the religious denominations would be still dominated by the Catholics and Protestants in the United States, the religious minorities would grow in size”<sup>6</sup>. In the case of Canada, it is

anticipated that the share of minority religions (Muslims, Hindus, Buddhists, and others) would increase significantly, approximately from 10% to around 30% by the 2060<sup>7</sup>. Similarly, the population estimates in the Australian Census Reports reveal sizeable growth of religious minorities. The minority religions (Muslims, Hindus, Buddhists, and others) share in the Australian population that was 0.7% in 1966 and 2.6 % in 1991, and this has grown risen to 8.2% in 2016. If this pattern continues, Australia will become a more religiously diverse society in near future<sup>8</sup>. The most prominent feature of religious diversity in the Developed world is the territorial dispersal of global faiths.



In this context the manifestation of religion-based violence and persecution of minorities in some cases of the global south is alarming. Equally, the non-accommodation of religious rituals and non-Christian faiths in the developed world has fostered discontent among the immigrants. In some way, religion is the major reason for many contemporary conflicts, particularly in the Middle East, Afghanistan, Eretria, Myanmar, Kashmir, and Northern Ireland. Correspondingly, Right-wing politics and populist regimes in many states are chasing religious minority groups for political gains. For example, in India, the Modi regime has publicly pledged allegiance to Hinduism and has espoused discriminatory policies<sup>9</sup>. The genocide of Rohingya Muslims in Myanmar during the Aung San Suu Kyi period is another case. The anti-Christian violence in Sri Lanka costs many lives. Similarly, the Sikhs in Indian Punjab were trounced. Although the conflict in most of these regions has territorial dimensions, the repercussions of these conflicts are widespread. The

religion-based persecution in any region instigates resentment among the religious diaspora groups. It is a matter of fact that the religious conflicts in the developing world are partly responsible for the prevalence of politically motivated minorities in the Developed world.

In the developed world, since the September 11 attacks in the United States and July 2005 bombings in central London, interfaith relations, at the best, are tense. Minority groups in general, and Muslims in particular are experiencing discriminatory treatment and lesser accommodation of religious differences. It is proclaimed that religious discrimination is not only present but gradually increasing in western democracies. A study of western democracies reveals that during the period between 1990 and 2014, “governmental discrimination was present against a majority of the 159 minorities throughout this period and societal discrimination was present against a majority of them by 2014”<sup>10</sup>. It is argued that religious discrimination is not limited to any particular region, and it is manifested in both, Muslim-majority states, and the Christian majority states. It is worth mentioning that religious discrimination in Muslim-majority states is “considerably more common and severe, on average” than in the Christian world”<sup>11</sup>. It is held that when the “supremacy of Islamic law is entrenched constitutionally”, the religious minorities are more likely to experience discrimination. However, there is “no evidence that Islam encourages discrimination against minorities when it is not entrenched in the constitution”<sup>12</sup>. It is worth mentioning that political mobilization among religious minorities has increased considerably over the years and across the regions. A study based on a survey of 771 religious minorities worldwide illustrates that between 2000 and 2014, “both peaceful and violent mobilization among religious minorities has increased significantly”. It is found that “While nonviolent mobilization was most prevalent among minorities residing in Western democracies and Asia, violent mobilization occurred most frequently among minorities living in Sub-Saharan Africa and Asia”<sup>13</sup>.

This growing global religious diversity accompanied by religious discrimination and the resultant religious mobilization is alarming for the inter-faith harmony and peaceful coexistence of religious communities. Therefore, more inclusive, and more accommodative policies are need of the hour. The contemporary power-sharing

models, for the most part, fall short of the requirement to establish political mechanisms for accommodating dispersed religious communities. Hence, it seems appropriate to add non-territorial devices to the existing power-sharing models to enhance their capacity to accommodate geographically dispersed religious communities. The next section describes the concept of non-territorial autonomy and its manifestation in some cases.

## **2. Non-Territorial Autonomy and its manifestation in a few cases**

Modern power-sharing models, especially federalism and consociationalism, believe in managing diversity by granting autonomy to sub-national groups. The essence of federalism is the combination of shared rule and self-rule, while the federations design power-sharing mechanisms at the federal center to espouse inclusive governance, they grant constitutionally guaranteed autonomy to the federating units in matters related to local governance. Whereas contemporary federations grant territorial autonomy in many circumstances, non-territorial autonomy is granted as a supplement in only a few cases. The Canadian and Belgian federations, for example, have granted some sort of non-territorial autonomy to their linguistic minorities. However, the federations that in effect divide powers between the federation and the federating units seem more contented with territorial than non-territorial autonomy.

On the contrary, consociationalism, however, puts more emphasis on group autonomy than regional autonomy. In federal states, it prefers homogeneous units and argues for redrawing the units' boundaries to make them more in line with the group boundaries. It offers a more viable solution for accommodating diversity in situations where identity groups are territorially dispersed. Historically, the consociational tradition has successfully bestowed non-territorial autonomy to many dispersed *pillarized* groups in several non-federal and federal settings.

Non-territorial autonomy refers to the "allocation of autonomy to the groups that are dispersed among the majority while belonging to a certain self-identified notion of group identity<sup>14</sup>". It implies the transfer of jurisdiction over the matters pertaining to culture, language, religion, education, and family laws to ethnonational, linguistic, or religious groups irrespective of their territorial

concentration. Non-territorial autonomy is also termed as cultural autonomy. While in the literature on consociationalism, it is mostly termed as segmental autonomy, it is also referred sometimes as functional or corporate autonomy<sup>15</sup>. In some way or other, territorial, and non-territorial autonomy have been central to the accommodation of diversity for ages. The Ottoman millet system was, perhaps, the first successful example of non-territorial autonomy<sup>16</sup>. In the post-ottoman period, many successor states such as Egypt, Israel, Lebanon, and Turkey espoused many features of the non-territorial autonomy arrangements of the empire.

Cyprus is a well-known case of non-territorial autonomy that designed bi-communal state apparatus in the 1960 constitution. It devolved powers to the sub-legislatures called “Communal Chambers” on a non-territorial basis<sup>17</sup>. Under the consociational arrangements, Cyprus granted non-territorial autonomy to the Greek Cypriots and Turkish Cypriots with exclusive legislative powers over religious, cultural, and educational matters<sup>18</sup>. However, this arrangement proved short-lived. Many Central and Eastern European states have adopted non-territorial autonomy to accommodate cultural and national minorities. It has been argued that non-territorial autonomy has become a prominent feature of minority politics in this region. Many states, such as Hungary, Romania, Estonia, and Russia have placed in such laws and policies that aim to accommodate territorially dispersed cultural and ethnic minorities through Non-territorial autonomy<sup>19</sup>.

In western Europe, Belgium is a classic case that espoused both territorial and non-territorial components of autonomy to deal with diversity. The Flemish demand for the protection of the Dutch language has been perhaps the major driving force that led the unitary consociational democracy of Belgium to establish the federal political institutions in the 1960s. The 1970 reforms in the Belgian Constitution defined clear territorial division between regions, and since then “the French and Flemish communities exercise exclusive authority over the territories of the Walloon and Flemish regions respectively”. However, non-territorial autonomy continued as the primary feature of the institutional arrangements in the bilingual region of Brussels, the Capital. It is proclaimed that the non-territorial arrangements in Brussels have “kept the linguistic conflict



at a tolerable level and granted a substantial degree of autonomy to each linguistic community<sup>20</sup>.

Beyond Europe, the Canadian federation grants non-territorial autonomy to some linguistic and religious groups in certain provinces. For example, the francophone communities in Canada can set up their language schools if demanded and Catholics in Ontario can establish religious schools with 'public assistance'<sup>21</sup>. In addition, consociational regimes in many places such as The Netherlands, Belgium, Austria, and Switzerland permitted the minorities to establish and run their autonomous schools fully sponsored by the government. Similarly, for religious minorities, personal laws pertaining to family matters such as marriage, divorce, inheritance, etc. have been provided in Lebanon, Cyprus, and India<sup>22</sup>.

This account suggests that non-territorial autonomy is aimed to accommodate geographically dispersed groups in multiethnic and multi-religious settings. It has been applied in certain cases and it accomplishes the purposes in many instances. It is equally under rigorous analysis and is making great strides in recent years. The next section evaluates how Islamic doctrine and traditions offer some non-territorial ways of religious accommodation with special reference to the Ottoman Millet System.

### **3. The Islamic Doctrine and Traditions of Religious accommodation**

This section surveys the Islamic doctrine and traditions of religious accommodation during the early years of Islam that provided bases for Islamic law and practices in the post-prophetic period. Specifically, it investigates how the Islamic traditions of religious accommodation contributed to the development of the millet system in the ottoman period that provided non-territorial autonomy to the non-Muslim subjects of the empire.

Generally, Islam appears quite generous and kind towards religious minorities<sup>23</sup>. The Quran and Sunnah (traditions and practices of the Holy Prophet Muhammad) are two primary sources that provide bases for the Islamic law and traditions of religious accommodation. The Quran explicitly advocates the accommodation of religious differences, and the most explicit advocacy of this principle is illustrated in verse 256 of Al-Baqara, the second surah of the Quran. The Quran commands, "there is no compulsion in religion"<sup>24</sup>.

In addition to this overarching principle, Quran also guides believers to deal with the non-Muslims through justice, tolerance, and benevolence. Islam forbids forced conversion and urges religious toleration and forbearance. Everybody has been given the right to adopt a religion or belief of his choice<sup>25</sup>. Islam disallows coercing people into adopting any religion<sup>26</sup>. It holds the sanctity of worship places of all religions. The protection of worship places has been regarded as the will and pleasure of Allah<sup>27</sup>. Quran says, “Allah does not forbid you to deal justly and kindly with those who fought not against you on account of religion and did not drive you out of your homes. Verily, Allah loves those who deal with equity<sup>28</sup>”. It is notable that Quran ensures rewards for the non-Muslims for their good deeds, “The [Muslim] believers, the Jews, the Christians, and the Sabians—all those who believe in God and the Last Day and do good—will have their rewards with their Lord. No fear for them, nor will they grieve<sup>29</sup>”.

These Quranic doctrines were practiced by the Holy Prophet Muhammad and His Pious Caliphs in letter and in spirit. After the migration of the Holy Prophet from Mecca to Medina, the “Muslim community was strengthened and consolidated” in Medina which was a “multi-religious and multi-tribal society with a strong Jewish community”<sup>30</sup>. Shortly after His arrival at Medina, the Holy Prophet negotiated an agreement with the non-Muslim that is widely known as the Charter of Medina. The nascent state of Medina, in this covenant, granted autonomy to the parties of the agreement. The Charter not only provided authority to the parties of covenant over “internal affairs” but also declared that “the Jews have their religion (*din*) and the Muslims have theirs”. This negotiated autonomy and accommodation of religious difference brought forth the argument that the state of Medina might be considered a kind of federalist state<sup>31</sup>. This *modus operandi*, partly, provided a basis for the scheme of religious tolerance and accommodation espoused in the millet system in the Ottoman Empire.

It has been argued that the Holy Prophet’s cordial relations with the Christians of his time were not attributed to the political purposes or personal aspirations, “but rather they resulted from his belief that Christians should be able to freely practice their own faith in accordance with their own will<sup>32</sup>”. The Holy Prophet and his companions entered into several agreements with the non-Muslims.

Charles Upton, in his 'forward' note to the book, *Six Covenants of the Prophet Muhammad with the Christians of His Time: The Primary Documents*, points out that the Holy Prophet signed Covenants with Christians "to protect and defend peaceful Christian communities, not attack them<sup>33</sup>". The religious accommodation of the non-Muslims continued in the Post-Prophetic Period. The Pact of Umar, as noted by Karen Barkey and George Gavrilis, spells out "the privileges and burdens of non-Muslim communities living under Muslim rule<sup>34</sup>". There are many instances in the early years of Islam when the Holy Prophet and his companions displayed much generosity to non-Muslim guests and performed religious accommodation in dire circumstances.

Considering the Islamic doctrine and its manifestation in the Holy Prophet period, it has been argued that it partly contributed to the development of the Ottoman Millet system. Barkey acknowledged the fact that it is essentially, Islamic law and its practice that governed the relationship between a Muslim state and non-Muslim "Peoples of the Book," that is, Jews and Christians in the case of the millet system<sup>35</sup>.

The Ottoman Empire was one of "the greatest, most extensive, and longest-lasting empires in the history of the world<sup>36</sup>". In course of time, it linked Asia, Europe, and Africa, and covered a vast region that today hosts more than thirty nations. It survived for more than five centuries and eventually collapsed during the First World War. It was ethnically and religiously diverse and not less than twenty identity groups were based in the empire. Religion had primacy in Ottoman society and the people were grouped, mainly in terms of Muslims and non-Muslims<sup>37</sup>. The conquest of Constantinople by Sultan Mehmed II in 1453 was the final nail in the coffin of the Byzantine Empire. Then, the Sultan established a millet system that officially recognized the three non-Muslim communities, namely the Greek Orthodox, the Arminian Orthodox, and the Jews. It has been argued that the "Christian and Jewish communities enjoyed legal autonomy in intra-communal matters" under the aegis of their spiritual leaders appointed by the Sultan<sup>38</sup>. It is worth mentioning that the millet system that recognized the groups based on religious differences did not permit "dissent within its constituent communities<sup>39</sup>".

These millets or self-governing communities were “further subdivided into various local administrative units, usually based on ethnicity and language”<sup>40</sup>. The millets were supervised by their spiritual leaders, the Chief Rabbi, and two Orthodox Patriarchs. The millet system empowered the millet groups to elect their leaders and govern themselves. The millets were organized around their dominant religious institutions, with the understanding that religious institutions would define and delimit collective life<sup>41</sup>. This system provided non-territorial autonomy to the religious groups by allowing the Christian and Jewish minorities to “administer their own affairs in specific domains, including education, religion, and family matters<sup>42</sup>”. Although, sufficient autonomy was granted to the non-Muslim communities in internal affairs, “their relations with the ruling Muslims were tightly regulated<sup>43</sup>”. Will Kymlicka refers to the Ottoman Millet system as “a federation of theocracies”? He proclaims that by means of the Millet system, the Empire not only managed to grant autonomy to the minorities in religious matters but also provided “more general freedom to govern themselves in purely internal matters, with their own legal codes and courts<sup>44</sup>”.

The millet system was so successful in managing diversity that the contemporaries and the rivals of the Ottoman Empire practiced its many principles in their own societies. For example, in the Russian Empire Muslims were provided autonomy along the lines of the Ottoman model. Similarly, in the case of the Austro-Hungarian Empire, the national cultural autonomy model had many common features with the Ottoman millet system<sup>45</sup>. The pluralistic approach of the millet system “provided opportunities for non-Muslims to preserve, maintain and express their distinctive cultural forms, lifestyles, and rights”. In due course, the millet system also “permitted the incorporation of non-Muslims into the Ottoman administrative, economic and political system<sup>46</sup>”. Barkey admires the accommodative governance of the Ottomans and pointed out that “in this broad empire, Jews fleeing persecution in Europe found a welcoming sultan and Christians were so moved by the openness of the Ottoman administration, they hoped they might convert Muslims to Christianity<sup>47</sup>”.

The Ottoman Millet system is widely commended for embracing diversity and adopting accommodative policies for religious minorities<sup>48</sup>. Braude and Lewis have rightly observed that during

Ottoman rule the Muslims, Christians, and Jews were provided cultural and religious autonomy. A variety of languages and literature flourished and equal opportunities for advancement and prosperity were provided to all the empire's subjects<sup>49</sup>. The congenial relations among different religious communities in Ottoman Empire fostered the trend of intermarriages<sup>50</sup>. In the same vein, Nuri Yurdusev admits that the Ottoman Empire espoused more autonomy than many of its counterparts<sup>51</sup>. Bhikhu Parekh also proclaims that the millet system "had great virtues including a remarkable record of religious toleration<sup>52</sup>". The renowned philosopher Michael Walzer asserts that the "autonomous arrangements of the millet system represent the most stable regime of toleration known in world history<sup>53</sup>". Similarly, Barkey has admitted that the Ottoman Empire had "succeeded in maintaining religious and ethnic toleration for the tremendous diversity it encountered within its frontiers<sup>54</sup>".

However, the Ottoman millet system has earned criticism as well. It has been argued that despite its many advantages and gains for rulers and ruled, the Millet system was "an imperfect system<sup>55</sup>". Equally, it has been asserted that the model is outdated and in its original form is not compatible with modern democratic societies<sup>56</sup>. Its relevance in modern societies is contested on the grounds that it was a non-territorial arrangement appropriate for that epoch, and "that we cannot readily emulate in order to resolve the failures of the modern, territorial state<sup>57</sup>". Benjamin Braude argues that the Ottoman Millet system was not a uniform and coherent system designed for the religious accommodation of non-Muslim subjects. He asserts that it was a series of ad hoc arrangements, "largely local, with considerable variation over time and place<sup>58</sup>".

Nevertheless, despite all its shortcomings, the Millet system arguably offers some valuable insights for planning non-territorial arrangements for granting autonomy to religious minorities in the wake of growing religious diversity in modern societies. Though this setup might not be the only possible or best arrangement to accommodate the religious diversities in the states today, it can serve as a n example. Further efforts might be required to update the system while keeping in view the democratic nature of the post-modern world of today. Lastly, literature shall aim at exploring this system as well as the non-territorial dimensions of autonomy

through the cases of religious diversities in both the so-called global south and the developed countries.

#### 4. Conclusion

To understand the worldwide manifestation of religious diversity and its implications for global peace and prosperity, it is necessary to conduct a thorough investigation into the phenomena. It would be necessary for constitutional experts to be more creative to deal with the grave challenge of accommodating religious diversity in modern societies. As part of their pursuit of a viable solution, experts should place great emphasis on learning how religious traditions might be used to assist prevent religious disputes in the future.

However, even though the evidence is inconclusive, it appears that Islamic norms of religious accommodation provide a wide framework for outlining non-territorial autonomy for religious groups that are geographically dispersed. Although the Millet system appears to be out of date at first glance, it reinforces and reminds us of the importance of accepting religious differences in modern society. As far as religious tolerance is concerned, the fundamental contribution of Islamic doctrine is that it established a standard for dealing with religious diversity by declaring that "there is no compulsion in religion." For both secular and non-secular states, it could serve as a guiding principle in the development of legal and informal mechanisms for managing religious plurality.

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- <sup>26</sup> Quran, 10: 99.
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- <sup>28</sup> Quran, 60: 8.
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