

Legal and Theological Foundations of Conversion to Islam (Ihtida) in Islamic Jurisprudence (fiqh)*

Araştırma Makalesi

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Abstract

This study explores *iẖtidā* (conversion to Islam) as a legal, theological, and ethical phenomenon within Islamic jurisprudence, analyzing its doctrinal foundations, procedural frameworks, and socio-legal implications. Beyond a personal or theological transformation, *iẖtidā* is a structured legal process that redefines the convert's rights, obligations, and social status. Classical *fiqh* sources regulate conversion through pre-*shahāda* and post-*shahāda* considerations, addressing intent (*niyya*), sincerity, coercion (*ikrāh*), and its effects on personal status, including marriage, inheritance, and criminal liability. Beyond legal formalities, this study explores the ethical dimensions of conversion, analyzing how post-conversion obligations (*tatabbu'āt al-iẖtidā*) shaped the responsibilities of converts within Islamic society. While classical *fiqh* sources establish the normative framework, historical applications demonstrate how conversion was formalized within judicial and administrative structures. Historical records reveal institutionalized procedures such as witness testimonies, state oversight, and the issuance of official certificates, serving both as legal instruments and means of social integration. Methodologically, this research employs a comparative legal-historical approach, integrating doctrinal analysis with case studies drawn from primary legal texts and historical court records. It further contributes to contemporary discussions on religious identity, legal pluralism, and the intersection of Islamic law and state authority, offering insights into how legal traditions managed conversion across different historical and political contexts. The findings reveal that, in the Islamic legal tradition, *iẖtidā* was not merely a matter of personal choice but was subject to formal procedural requirements such as witness testimony, judicial oversight, and the issuance of official documents. These mechanisms aimed, on one hand, to attest to the sincerity of the conversion, and, on the other, to prevent abuses manifested in forms such as evading debts, circumventing inheritance laws, or escaping criminal liability. This study bridges the gap between classical Islamic jurisprudence and the socio-legal history of *iẖtidā*, approaching it in a layered manner as both a spiritual transformation and a regulated legal process.

Keywords: Islamic law, Converted Muslim, Conversion to Islam, Law of Conversion, Religious Identity, Regulation of Conversion.

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İslam Fıkhdında İhtidânın Hukukî ve Teolojik Temelleri^{*}

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Öz

Bu çalışma, ihtidâ olgusunu hukuki, teolojik ve ahlaki boyutlarıyla ele alarak İslâm'a intisap etmenin doktriner temellerini, usulî çerçevesini ve sosyo-hukukî yansımalarını incelemektedir. İhtidâ, bireysel veya itikadî bir dönüşümün ötesinde mühtedinin haklarını, yükümlülüklerini ve toplumsal statüsünü de yeniden tanımlayan yapısal bir hukuki süreçtir. Klasik fıkıh kaynakları, şehâdetten önceki ve sonraki aşamaları niyet, samimiyet, cebir (ikrâh) ayrıca ihtidânın evlilik, miras ve ceza hukuku gibi alanlardaki etkileri bakımından ele almaktadır. Tarihî uygulamalar, ihtidânın yalnızca bireysel bir tercih değil, aynı zamanda devlet otoritesi ve toplumsal yapıyı alakadar eden bir süreç olarak ele alındığını göstermektedir. Hem mühtedinin hukukî statüsünü güvence altına almak hem de toplumsal entegrasyonunu sağlamak amacıyla tanık beyanları, devlet denetimi, resmî belgelerin düzenlenmesi gibi kurumsallaşmış prosedürler geliştirilmiştir. Disiplinler arası bir yöntem benimseyen bu araştırma esas itibarıyla hukuk metinleri üzerinden ihtidâ sürecinin kurumsal yönlerini analiz etmektedir. Böylece dinî kimlik, hukukî çoğulculuk ve İslam hukuku ile devlet otoritesi arasındaki ilişki bağlamında çağdaş tartışmalara katkı sunmayı amaçlamaktadır.

Anahtar Kelimeler: İslâm Hukuku, Mühtedi, İhtidâ, Fıkhu'l-İhtidâ, Dini Kimlik, İhtidanın Düzenlenmesi.

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Summary

This article provides a comprehensive analysis of *ih̥tidā* (conversion to Islam) as a legal, theological, and ethical phenomenon in Islamic jurisprudence, situating it within both classical *fiqh* traditions and historical applications, particularly in the Ottoman legal system. While conversion is often perceived as a personal spiritual transformation, Islamic legal discourse has historically treated it as a structured legal process that carries significant ramifications for the convert's rights, obligations, and social status. Through an interdisciplinary approach combining doctrinal legal analysis with historical case studies, this research seeks to elucidate the legal, procedural, and ethical dimensions of *ih̥tidā*, demonstrating its role in shaping Muslim legal traditions and governance.

The research begins by establishing the doctrinal foundations of conversion in Islamic jurisprudence. Islamic law categorizes *ih̥tidā* as a momentous legal act that affects various domains, including personal status law, inheritance rights, and criminal liability. The discussion is framed through key juridical concepts such as *niyya* (intent), *ikrāh* (coercion), and the sincerity of belief, all of which are central to the validity of conversion in Islamic thought. Classical legal texts, including *al-Mabsūṭ* by al-Sarakhsī, *Al-Majmūʿ* by al-Nawawī, and later scholar Ibn ʿĀbidīn's *Radd al-Muḥtār* are examined to outline the juristic perspectives on conversion procedures and their implications.

Islamic jurists generally agree that conversion must be a voluntary and sincere act, though they diverge on the extent of formal requirements. While the majority position asserts that mere recitation of the *shahāda* suffices for conversion, some legal traditions emphasize the necessity of circumstantial verification, particularly in cases where insincerity or ulterior motives are suspected. Moreover, the study examines the relationship between conversion and *tatabbuʿāt al-ih̥tidā* (post-conversion obligations), highlighting how Islamic legal frameworks sought to ensure the genuine integration of converts into the Muslim community.

Beyond doctrinal theory, the study investigates the procedural mechanisms employed by Islamic legal institutions to regulate conversion. The Ottoman State serves as a focal point for this inquiry, given its sophisticated judicial and administrative structures for managing religious conversions. The analysis draws extensively on *sijillāt al-sharʿiyya* (Islamic court records), which document the formalization of *ih̥tidā* through judicial proceedings. These records reveal how Ottoman courts institutionalized conversion through witness testimonies, state oversight, and the issuance of official conversion certificates.

Ottoman legal practice required new converts to publicly affirm their faith before judicial authorities, ensuring transparency and mitigating the risk of coercion or insincere conversions for legal or material gain. The study further explores how conversion was regulated in multi-confessional societies under Ottoman rule, balancing the principles of religious inclusivity with the legal imperatives of an Islamic polity.

In addition to legal formalities, the study examines the ethical discourses surrounding conversion in Islamic jurisprudence. While legal scholars provided guidelines for recognizing valid conversions, they also addressed concerns regarding the misuse of conversion for personal benefit, such as evading debts, bypassing inheritance laws, or escaping criminal prosecution.

Classical Islamic thought, as represented in the works of al-Ghazālī, Ibn Qayyim al-Jawziyya, and Tahir ibn ‘Āshūr, underscores the ethical responsibilities of the Muslim community toward new converts. This includes providing religious education, fostering social integration, and ensuring that converts are not subjected to exploitation or marginalization. Such ethical imperatives reinforce the broader Islamic principle that conversion should be a genuine spiritual transformation rather than a mere legal maneuver.

A crucial dimension of this study is its engagement with the intersection of *ihtidā*, religious identity, and legal pluralism. Islamic law historically operated within pluralistic societies where religious minorities retained distinct legal identities under the *dhimma* system. The study explores how Islamic governance managed religious conversion within this pluralistic framework, addressing legal dilemmas such as the status of apostates, interfaith marriages, and jurisdictional conflicts between Islamic and non-Islamic courts.

In particular, the Ottoman experience illustrates how Islamic law negotiated the complexities of religious identity in a multi-ethnic empire. The application of *ihtidā*-related laws was shaped not only by fiqh doctrines but also by pragmatic considerations of governance, diplomacy, and social harmony.

By bridging classical jurisprudence with historical case studies, this research offers a nuanced understanding of *ihtidā* as both a deeply personal transformation and a legally regulated process. The study concludes by reflecting on the contemporary relevance of these historical insights, particularly in discussions on religious identity, legal pluralism, and the regulation of conversion in modern legal systems.

While Islamic legal traditions have long provided structured frameworks for managing conversion, contemporary debates often grapple with issues of religious freedom, human rights, and state intervention in religious affairs. The study suggests that historical Islamic approaches to *ihtidā*-with their emphasis on procedural safeguards, ethical considerations, and community responsibilities-offer valuable perspectives for contemporary legal and theological discussions on conversion in pluralistic societies.

Geniş Özet

Bu çalışma, İslâm dinine intisap demek olan *ihtidâyı* hukukî, itikadî ve ahlâkî boyutlarıyla ele almakta hem klasik fıkıh gelenekleri hem de tarihî uygulamalar çerçevesinde incelemektedir. *İhtidâ*, çoğunlukla bireysel ve ruhani bir dönüşüm olarak algılansa da İslâm hukuk doktrininde, mühtedinin hukukî statüsünü, haklarını ve sorumluluklarını doğrudan etkileyen, yapılandırılmış bir süreç olarak ele alınmıştır. Bu çalışma, fikhî doktrin incelemesini tarihî vaka analizleri ile birleştirerek *ihtidânın* hukukî, prosedürel ve etik boyutlarını detaylandırmayı, bu çerçevede Müslüman hukuk gelenekleri ve yönetim anlayışının şekillenmesine katkılarını ortaya koymayı hedeflemektedir.

Çalışmanın ilk bölümü, *ihtidânın* İslâm hukukundaki doktriner temellerini incelemektedir. İslâm hukukunda *ihtidâ*, yalnızca bireysel bir inanç değişimi olarak değil, aynı zamanda şahsın hukukunu, miras haklarını ve cezai sorumluluğu etkileyen önemli bir hukukî fiil olarak ele alınmıştır. Bu bağlamda niyet, ikrâh ve ihlâs kavramları üzerinde durularak, *ihtidânın* geçerliliği için öngörülen şartlar tartışılmaktadır.

Klasik fıkıh kaynakları, özellikle de Serahsî'nin *el-Mebsût*'u, Nevevî'nin *el-Mecmû*'u ve müteahhirinden İbn Âbidîn'in *Reddû'l-Muhtâr*'ı, fıkıh mezheplerinin *ihtidâ* prosedürüne dair yaklaşımlarını anlamada temel alınmaktadır. Genel görüş, şehâdet kelimesinin söylenmesinin *ihtidâ* için yeterli görmekte birlikte, bazı hukuk ekolleri, özellikle *ihtidâda* samimiyetin şüpheli olduğu durumlarda, ek doğrulama mekanizmalarının gerekliliğini vurgulamaktadır. Çalışma, ayrıca *tetebbu'âtu'l-ihtidâ* (*ihtidâ* sonrası yükümlülükler) kavramını ele alarak, İslâm toplumlarında mühtedilerin sosyal entegrasyonunu sağlamaya yönelik hukukî ve toplumsal düzenlemeleri incelemektedir.

Bu bölüm, İslâm hukuk kurumlarının *ihtidâ* süreçlerini nasıl düzenlediğini tarihî belgeler ışığında incelemektedir. Özellikle Osmanlı Devleti, *ihtidâ* süreçlerini hukukî ve idarî mekanizmalarla yöneten bir sistem kurmuş olması açısından önemli bir örnek teşkil etmektedir.

Osmanlı *şer'iyye sicilleri* incelendiğinde, mahkemelerin *ihtidâ* vakalarını resmî kayıt altına aldığı, tanık beyanları ve devlet nezaretinde gerçekleşen *ihtidâların*, tasdik edilerek mühtedilere resmî belgeler verildiği görülmektedir. Kadı ve müftülerin, *ihtidâların* meşruiyetini teyit etme görevini üstlendiği, böylece zorla veya menfaat temin etmek amacıyla yapılan *ihtidâların* engellenmeye çalışıldığı anlaşılmaktadır. Çalışma ayrıca, Osmanlı Devleti'nin çok dinli toplumsal yapısı içerisinde,

ihtidâ hukukunu nasıl uyguladığını, dinî hoşgörü ile İslâm hukukunun bağlayıcılığı arasında nasıl bir denge kurduğunu incelemektedir.

Çalışma, *ihtidânın* hukukî formalitelerinin ötesinde, ahlâkî ve toplumsal yönlerini de ele almaktadır. İslâm hukukçuları, *ihtidâ* ile ilgili hükümlerin belirlenmesi sürecinde yalnızca zahirî beyanları yeterli görmemiş, aynı zamanda samimiyet meselesini de dikkate almışlardır. Zira *ihtidâ*, yalnızca bir din değişimi değil, aynı zamanda bireyin hukukî statüsünü, miras hakkını ve cezaî sorumluluğunu etkileyen önemli bir süreçtir. Bu bağlamda, fıkıh âlimleri, *ihtidâ* kararının suistimal edilmesini engellemek için çeşitli mekanizmalar geliştirmişlerdir.

Özellikle borçlardan kurtulmak, miras hukukunu istismar etmek veya cezaî sorumluluktan kaçınmak amacıyla yapılan *ihtidâların* önüne geçilmesi, hukukî güvenliği sağlamak açısından kritik bir mesele olarak değerlendirilmiştir. Bu tür suistimalleri önlemek için bazı İslâm hukuk ekolleri, *ihtidâ* beyanlarının belirli prosedürlere bağlanmasını, hatta kimi durumlarda bir bekleme süresi uygulanmasını öngörmüştür. Fıkıh literatüründe, özellikle borç ilişkileri, miras paylaşımı ve ceza hukuku bağlamında *ihtidânın* etkileri tartışılmış; kişinin niyetinin samimiyetini sinamaya yönelik bazı kriterler ortaya konulmuştur.

Bu çerçevede, İslâm hukukçularının *ihtidâ* süreçlerini şekillendirirken yalnızca hukukî değil, aynı zamanda ahlâkî ve toplumsal hassasiyetleri de gözettiği görülmektedir.

İslâm düşüncesinin büyük isimlerinden Gazzâlî, İbn Kayyim el-Cevziyye ve Tahir b. Âşûr'un eserleri, mühtedilere yönelik dinî eğitimin, topluma kazandırma sürecinin ve hakiki *ihtidâları* teşvik edici unsurların önemini vurgulamaktadır. Gazzâlî, bireyin iç dünyasını ve samimi bir inanç dönüşümünü merkeze alırken, İbn Kayyim el-Cevziyye, *ihtidâ* sürecindeki psikolojik ve ahlâkî motivasyonları ele alarak, mühtedilerin karşılaştıkları zorlukları ve bu zorlukların nasıl aşılabileceğini tartışmıştır. Tahir b. Âşûr ise modern bağlamda *ihtidânın* sosyal bütünleşme boyutuna dikkati çekmiş, mühtedilerin toplum içinde etkin ve sağlıklı bir şekilde yer edinmeleri için gerekli dinî ve ahlâkî desteğin sağlanmasının önemini vurgulamıştır.

Çalışmanın bir diğer önemli boyutu, *ihtidânın* dinî kimlik ve hukukî çoğulculuk ile olan ilişkisini ele almasıdır. İslâm hukukunun tarihsel olarak farklı dinî toplulukları içeren toplumlarda uygulanmış olması, *ihtidâ* ile ilgili hukukî meseleleri daha da karmaşık hale getirmiştir. *Zimmîlik* sisteminde *ihtidâ* eden bireylerin statüsünün nasıl şekillendiği, *ihtidâ* eden kişinin aile hukukundaki yeri, din değiştirme süreçlerinin mahkemeler arası yetki uyuşmazlıklarına nasıl yol açtığı gibi meseleler bu çerçevede değerlendirilmektedir.

Osmanlı Devleti örneği, İslâm hukukunun çok dinli bir imparatorluk içerisinde nasıl uygulandığını gösteren önemli bir vakadır. Hukukun teorik boyutlarının ötesinde, siyasi ve toplumsal istikrarı sağlamak için *ihtidâ* kurallarının nasıl şekillendiği çalışmada ayrıntılı olarak ele alınmaktadır. Bu yönüyle *ihtidâ*, salt bir inanç meselesi değil, aynı zamanda bir hukuk ve yönetim meselesi olarak değerlendirilmelidir.

Bu araştırma, klasik İslâm hukuk doktrinini tarihî belgelerle birleştirerek, *ihtidâyı* hem bireysel bir dönüşüm hem de hukukî düzenlemelere tabi bir süreç olarak ele almaktadır. Çalışmanın sonunda, tarihî bağlamda ortaya konan bu yaklaşımların, günümüzde dinî kimlik, hukukî çoğulculuk ve inanç özgürlüğü tartışmalarına nasıl katkı sunabileceği değerlendirilmektedir.

İslâm hukuk gelenekleri tarih boyunca *ihtidâyı* belirli prosedürel ve etik çerçeveler içinde yönetmiş, bu süreçte bireysel haklar, toplumsal düzen ve devlet otoritesi arasındaki dengeyi gözetmiştir. Çalışma, modern hukuk sistemlerinin din değiştirme konusundaki düzenlemelerine dair tarihsel perspektif sunarak, çağdaş tartışmalara ışık tutmaktadır.

Introduction

The process of *iẖtidā* (conversion to Islam) holds profound legal, theological, and ethical significance within Islamic jurisprudence (*fiqh*). As a transformative act, *iẖtidā* is not merely a personal spiritual decision but a formalized legal process with far-reaching implications on personal status, rights, and obligations. At the core of this transformation lies the *shahada* —the public declaration of faith— which serves as both a theological affirmation and a legal marker of transition into the Muslim community.¹ The legal traditions of Islam have meticulously outlined the conditions, procedures, and consequences of *iẖtidā*, ensuring that conversion is both a recognized and regulated act.

Islamic school of thoughts (*madhabs*) have played a central role in shaping the jurisprudence of *iẖtidā*, offering diverse interpretations on its prerequisites, validity, and consequences. While the fundamental principle of welcoming new adherents remains undisputed, jurists have debated the necessary conditions for a valid conversion, including the role of intention (*niyya*), the presence of witnesses, and the extent of state involvement in verifying sincerity.² Furthermore, the legal consequences of *iẖtidā*—ranging from marital status and inheritance rights to criminal accountability—illustrate how Islamic law integrates new Muslims into the religious and legal fabric of society.³ These legal and procedural dimensions are further enriched by theological discussions found in introductory principles of conversion (*mukaddimāt al-iẖtidā*) and post-conversion obligations (*tatabbu'āt al-iẖtidā*), which address both the doctrinal and ethical responsibilities of the convert.⁴

A particularly insightful perspective on *iẖtidā* as a formalized legal process emerges from the Ottoman legal system, which systematically recorded conversions in Islamic court registers (*sijillāt al-shar'iyya*). These records provide critical insights into the formal registration of conversions, the verification mechanisms employed by judges, and the administrative role of the state in documenting and legitimizing *iẖtidā*. By analyzing these historical practices, this study aims to illuminate how Islamic law has historically managed and structured religious conversion within a legal framework.

¹ Rudolph Peters, *Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-First Century* (Cambridge: Cambridge University Press, 2005), 125.

² Wael B. Hallaq, *Sharia: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009), 88.

³ Khaled Awdeh, *Islamic Legal Principles and Their Applications* (London: Routledge, 2020), 214.

⁴ Ibn Qayyim al-Jawziyya, *Zād al-Ma'ād fī Ḥadyi Khayr al-'Ibād* (Beyrut: Mu'assasat al-Risāla, 1997), 2/415.

In the *Mālikī* school, al-Kharshī's commentary on *Mukhtaṣar Khalīl* presents a procedural and rigid framework, emphasizing the formality of the conversion act and reinforcing prohibitions against apostasy (*riddah*).⁵ Al-Dasūqī extends this analysis by focusing on the marital and legal consequences of conversion, particularly concerning mixed-faith unions and the impact on inheritance and guardianship laws.⁶

The *Shāfiʿī* perspective, as articulated in al-Nawawī's *Minhāj al-Ṭālibīn*, underscores the internal and external dimensions of conversion, requiring both *niyya* (intent) and public declaration. This school is particularly concerned with the legal status of the convert and the evidentiary requirements for validating religious affiliation.⁷

The *Hanbalī* viewpoint, represented in Ibn Qudāmah's *al-Mughnī*, adopts a more stringent position, especially in regard to apostasy punishments and the protection of communal religious boundaries.⁸ Ibn Taymiyya's *Majmūʿ al-Fatāwā*, although occasionally departing from strict Hanbalism, explores the judicial responsibility in supervising new Muslims and mitigating opportunistic conversions motivated by worldly gain rather than sincere belief.⁹

Beyond jurisprudential obligations, ethical and communal responsibilities toward converts are also developed in classical thought. Al-Ghazālī's *Ihyāʾ ʿUlūm al-Dīn* proposes a moral roadmap for converts and emphasizes *taʿlīf al-qulūb* (reconciliation of hearts) as an ethical obligation upon the Muslim community.¹⁰ In contrast, Ibn Qayyim al-Jawziyya in *Iʿlām al-Muwaqqiʿīn* presents a critique of forced conversions and stresses the necessity of *ikhtiyār* (free choice) in authenticating religious transformation.¹¹

The Ottoman legal system institutionalized *ihtidā* by documenting conversions through Islamic court registers (*sijillāt al-sharʿiyya*), providing a structured legal process for the acceptance of new Muslims. Specific examples of such documentation are analyzed by Colin Imber in

⁵ Muḥammad ibn ʿAbd Allāh Al-Kharshī, *Sharḥ Mukhtaṣar Khalīl* (Cairo: Dār al-Fikr, 2000).

⁶ Aḥmad ibn Muḥammad al-Dasūqī, *Hāshiya al-Dasūqī ʿalā al-Sharḥ al-Kabīr* (Cairo: Dār al-Fikr, 1997).

⁷ Yaḥyā ibn Sharaf al-Nawawī, *Minhāj al-Ṭālibīn* (Batavia: Imprimerie du Gouvernement, 1882–1884).

⁸ Muwaffaq al-Dīn ʿAbd Allāh ibn Aḥmad Ibn Qudāmah, *al-Mughnī* (Imbābah, Cairo, 1986).

⁹ Ibn Taymiyya, *Majmūʿ al-Fatāwā*, vol. 32 (Damascus: Dār al-Fikr, 1994), 107.

¹⁰ al-Ghazālī, Abū Ḥāmid. *Ihyāʾ ʿUlūm al-Dīn* (Beyrut: Dār al-Maʿrifā, 2000).

¹¹ Shams al-Dīn Muḥammad b. Abī Bakr Ibn al-Qayyim, *Iʿlām al-Muwaqqiʿīn ʿan Rabb al-ʿĀlamīn*, ed. Ṭāhā ʿAbd al-Raʿūf Saʿd (Beirut: Dār al-Jil, 1973).

his research on Ottoman judicial practices, where he underscores the *qāḍī*'s role in verifying the sincerity and legality of conversions.¹²

David Powers, in *Law, Society, and Culture in the Maghrib*, draws useful parallels between Ottoman and Maghribi approaches to conversion, particularly in the interplay between *sharīʿa* and *qānūn* (Islamic and secular law), demonstrating local legal adaptations.¹³

Further socio-legal insights are offered by Haim Gerber, who explores Jewish-Muslim relations in the Ottoman Empire, illuminating the broader societal context in which conversions occurred.¹⁴ Fahd Kasumović's work on conversions before the Sarajevo Sharia Court in the early 19th century reveals both the frequency of *ihtidā* and the socio-demographic profile of converts, enhancing our understanding of lived legal realities.¹⁵

In contemporary discourse, scholars such as Mohammad Fadel and Anver M. Emon have revisited classical *ihtidā* rulings through the lens of modern human rights norms, particularly concerning freedom of religion and the legal status of apostasy. Their contributions mark an ongoing effort to reconcile traditional Islamic jurisprudence with international legal standards and evolving conceptions of individual rights.¹⁶

1. Theoretical and Legal Foundations of *Ihtidā* in Islamic Jurisprudence (*fiqh*)

1.1. *Pre-Shahāda* Considerations: The Preconditions of Conversion

Islamic jurisprudence (*fiqh*) treats *ihtidā* (conversion to Islam) as a legally significant act, requiring specific conditions to ensure its validity. The pre-*shahāda* phase involves assessing the convert's legal competency, intent, freedom from coercion, and adherence to formal requirements for declaring faith. These factors ensure that conversion is not only a theological commitment but also a legally binding transformation within the framework of Islamic law.

¹² Colin Imber, *Ebu's-Su'ūd: The Islamic Legal Tradition* (Stanford: Stanford University Press, 1997).

¹³ David S. Powers, *Law, Society, and Culture in the Maghrib, 1300–1500*. (Cambridge: Cambridge University Press, 2002).

¹⁴ Haim Gerber, *Crossing Borders: Jews and Muslims in Ottoman Law, Economy and Society* (İstanbul: Isis Press, 2008).

¹⁵ Fahd Kasumović, "Understanding Ottoman Heritage in Bosnia and Herzegovina: Conversions to Islam in the Records of the Sarajevo Sharia Court, 1800-1851", *Belleten* 80/288 (Ağustos 2016), 507-530.

¹⁶ Mohammad Fadel, "Muslim Modernism, Islamic Law, and the Universality of Human Rights", *Emory International Law Review* 36 (2022), 713; Anver M. Emon, *Islamic Law and International Human Rights Law* (Oxford: Oxford University Press, 2012).

1.1.1. Legal Competency (*Ahlīyya*) and Intent (*Niyya*)

The validity of *ihtidā* (conversion to Islam) hinges on the convert's legal competency (*ahlīyya*) and sincere intent (*niyya*). Islamic law recognizes *ahlīyya* as a prerequisite for engaging in legally consequential acts, including religious conversion.¹⁷ Jurists distinguish between full legal capacity (*ahlīyyat al-adā' al-kāmila*), possessed by sane and mature individuals, and partial legal capacity (*ahlīyyat al-adā' al-nāqiṣa*), applicable to minors and those of diminished mental faculties. The majority of jurists agree that a legally incompetent person—such as a child or someone under duress—cannot effectuate a valid conversion.¹⁸

Intent (*niyya*) is another foundational requirement, as conversion must be undertaken with genuine belief in Islamic tenets. The *Ḥanafī* school, for instance, emphasizes the declarative nature of *shahāda* but allows for implicit belief without a verbal pronouncement, whereas the *Mālikī*, *Shāfi'ī*, and *Ḥanbalī* schools generally require an explicit declaration.¹⁹

1.1.2. The Role of Coercion and Free Will (*Ikrāh* and *Riḍā*) in Conversion

A key legal concern in *ihtidā* (conversion to Islam) is the presence of coercion (*ikrāh*). Islamic law broadly upholds the principle that religious belief must be embraced voluntarily, citing *Lā ikrāha fī al-dīn*²⁰ jurists distinguish between absolute coercion (*ikrāh muljī*), where physical force or threats of death are applied, and relative coercion (*ikrāh ghayr muljī*), involving indirect pressure.²¹ In this context, the term *ikrāh* is more accurately translated as coercion, rather than compulsion, as it encompasses both physical and psychological forms of duress that impact legal responsibility and moral agency.

In cases of forced conversion, the majority of jurists nullify the conversion, considering coercion (*ikrāh*) as a factor that invalidates genuine religious commitment. They argue that faith (*īmān*) necessitates sincerity and volition, which cannot be present under duress. This position is primarily upheld by *Mālikī*, *Shāfi'ī*, and *Ḥanbalī* scholars, who maintain that a conversion obtained through coercion lacks legal and theological validity.²²

¹⁷ Hallaq, *Sharia: Theory, Practice, Transformations*, 112.

¹⁸ Ibn Qayyim, *Zād al-Ma'ād*, 3/185.

¹⁹ al-Sarakhsī, *al-Mabsūṭ*, 1/207.

²⁰ “There is no compulsion in religion,” (Qur'an 2:256).

²¹ Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 2011), 73.

²² Ibn Rushd, *Bidāyat al-Mujtahid wa Nihāyat al-Muqtasid* (Cairo: Dār al-Ḥadīth, 2004), 2/221; al-Māwardī, *al-Ḥāwī al-Kabīr fī Fiqh Madhhab al-Imām al-*

However, *Ḥanafī* scholars adopt a more nuanced approach. While they acknowledge that inward faith cannot be compelled, they differentiate between internal belief (*i'tiqād*) and outward legal compliance (*ẓāhir al-islām*). According to *Ḥanafī* jurisprudence, if an individual under duress utters the *Shahāda* (Islamic declaration of faith) or formally adopts Islamic identity, the conversion is apparently legal (*ṣaḥīḥ ẓāhiran*), even if the individual internally dissents. This is based on their broader principle that legal rulings are primarily based on apparent actions rather than internal convictions.²³

This distinction aligns with the *Ḥanafī* school's emphasis on public order and legal stability, ensuring that outward conformity to Islamic law suffices for legal recognition. Furthermore, the allowance for inward dissent echoes the Qur'ānic principle of *taqiyya* (dissimulation under duress), as seen in Qur'ān 16:106, which permits verbal compliance to avoid persecution.²⁴ This approach also has historical implications, particularly in contexts where forced conversions were later reassessed by Islamic courts, sometimes allowing individuals to revert to their original faith if coercion was proven.²⁵

1.1.3. Conditions for a Valid *Shahāda*

Jurists across the major Islamic school of thoughts have long debated the formal requirements for a valid *shahāda*, particularly whether it must be verbally pronounced or if internal conviction alone suffices. The *Shāfi'ī* and *Hanbalī* schools maintain that an explicit verbal profession of faith is essential for legal recognition, viewing public articulation as necessary evidence of sincere conversion. In contrast, the *Ḥanafī* school adopts a more flexible approach, holding that inward belief is sufficient even if the *shahāda* is not outwardly declared, especially in cases where public disclosure might entail harm.²⁶

The question of whether witnesses are required to validate *ihtidā* also reveals variation among the legal traditions. While the presence of witnesses is generally recommended across the schools, it is not deemed obligatory by all. The *Mālikī* school, however, insists on public testimony

Shāfi'ī (Beirut: Dār al-Kutub al-'Ilmiyya, 1999), 14/128.

²³ al-Sarakhsī, *al-Mabsūṭ*, 10/145; Ibn 'Ābidīn, *Radd al-Muḥtār 'alā al-Durr al-Mukhtār* (Beirut: Dār al-Fikr, n.d.), 4/224.

²⁴ al-Ṭabarī, *Jāmi' al-Bayān 'an Ta'wīl Āy al-Qur'ān* (Cairo: Maktabat Ibn Taymiyya, 2001), 14/142; al-Qurṭubī, *al-Jāmi' li-Aḥkām al-Qur'ān* (Cairo: Dār al-Kutub al-Miṣriyya, 1964), 10/180.

²⁵ Ibn Nujaym, *al-Baḥr al-Rā'iq Sharḥ Kanz al-Daqā'iq* (Beirut: Dār al-Kutub al-'Ilmiyya, 1997), 5/133.

²⁶ Yahyā b. Sharaf an-Nawawī, *al-Majmū' Sharḥ al-Muhazzab* (Beirut: Dār al-Kutub al-'Ilmiyya, 2002), 1/298.

in situations where conversion has legal consequences-such as changes in marital status, inheritance rights, or tax obligations-thereby ensuring communal acknowledgment and legal certainty.

Although all Islamic school of thoughts affirm the theological necessity of the *shahāda*, they diverge in their procedural stipulations. For instance, the *Mālikī* tradition places particular emphasis on judicial oversight and formal documentation, especially in cases involving social or economic ramifications. These divergences reflect the broader interpretive plurality within Islamic jurisprudence regarding the interface between personal conviction and public legal order in the process of conversion.

1.1.4. State and Judicial Oversight in Conversion

The legal validity of *iẖtidā* (conversion to Islam) often involves state and judicial structures. In Islamic governance, the *qāḍī* (judge) plays a crucial role in registering and verifying conversions, ensuring proper documentation in court records (*sijillāt al-sharʿiyya*).²⁷ The Ottoman State institutionalized conversion through formal procedures, often requiring official testimony before a judge to prevent insincere conversions driven by social or economic incentives. One reason why conversion into Islam is subject to serious procedures and formal requirements is the potential application of the *ḥadd* punishment for apostasy (*riddah*), namely the death penalty. However, this penalty was not reflected in *kānūnnāmes* (legal codes); cases involving heresy, blasphemy against Islam and its Prophet, or apostasy were handled either in the *Dīvān-ı Hümāyūn* (Imperial Council) or the Grand Vizier's council.²⁸

1.2. Post-*Shahāda* Consequences: Legal and Social Effects of *Ihtidā*

Once an individual embraces Islam, they undergo significant legal and social transformations. These changes affect not only their personal legal status but also their integration into the Muslim community and the consequences of potentially renouncing the faith. Classical Islamic jurisprudence developed detailed rulings addressing each of these dimensions, illustrating how conversion functions as both a spiritual and juridical act.

One of the immediate legal implications of *iẖtidā* is the alteration of personal status laws, particularly concerning marriage, guardianship, and inheritance. Islamic law generally prohibits a Muslim woman from marrying a non-Muslim man, while permitting Muslim men to marry

²⁷ İnalcık, *The Ottoman Empire*, 215.

²⁸ Uriel Heyd, *Studies in Old Ottoman Criminal Law* (Oxford: Oxford University Press, 1973), 262.

Christian or Jewish women (*ahl al-kitāb*). Therefore, when a non-Muslim husband converts to Islam, the marital bond is typically preserved. However, if only the wife converts to Islam and the husband remains non-Muslim, jurists differ: some consider the marriage automatically annulled (*faskh*), while others view it as temporarily suspended (*ta'liq*) pending the husband's decision to convert.²⁹ Conversion also has ramifications for inheritance. According to the majority of jurists, non-Muslims cannot inherit from Muslim relatives. Nonetheless, the *Ḥanafī* school allows for limited inheritance through *waṣīyya* (bequests),³⁰ offering some flexibility in cases of interfaith family ties. Moreover, criminal liability can shift following conversion. For example, a convert may become subject to *ḥadd* penalties such as for theft (*ḥadd al-sariqa*) under certain conditions.³¹ In some instances, conversion has functioned as a form of legal rehabilitation, offering immunity from penalties incurred under previous non-Muslim status.

Beyond personal status, *ihtidā* also entails incorporation into the religious and legal fabric of the *ummah*. Converts acquire the rights and responsibilities of Muslim citizens, including access to communal support and new fiscal obligations. In the early Islamic period and into the Ottoman era, integration was often formalized through *walā'* (patronage), a system by which a convert was affiliated with a Muslim family or public authority acting as a sponsor.³² This mechanism facilitated the convert's entry into Muslim society, especially for non-Arab or marginalized individuals. Economically, the transition to Islam eliminated the obligation to pay *jizya* (poll tax on non-Muslims), replacing it with the duty to pay *zakāt* (alms tax), thus signaling a shift in both religious identity and fiscal status.

However, the legal framework also addresses the possibility of reversion from Islam, known as *riddah* (apostasy). Classical jurists considered apostasy a severe offense with legal consequences. The majority upheld the application of the death penalty based on the prophetic *ḥadīth*, "Whoever changes his religion, kill him."³³ Yet, this ruling was not without nuance. For instance, *Ḥanafī* jurists typically provided an opportunity for repentance before execution³⁴, highlighting a procedural leniency not always present

²⁹ Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Clarendon Press, 1982), 156.

³⁰ Awdeh, *Islamic Legal Principles*, 219.

³¹ Peters, *Crime and Punishment in Islamic Law*, 129.

³² Hamilton A. R. Gibb, *Studies on the Civilization of Islam* (Princeton: Princeton University Press, 1962), 73.

³³ Muḥammad b. Ismā'īl al-Bukhārī, *Ṣaḥīḥ al-Bukhārī: al-Jāmi' al-Ṣaḥīḥ* (İstanbul: Çağrı Yayınları, 1982). "Jihad", 149.

³⁴ al-Sarakhsī, *al-Mabsūṭ*, 10/97.

in other schools. In modern contexts, reformist scholars such as Ṭāhīr ibn ‘Āshūr have revisited these rulings, arguing that apostasy should only be punishable when it involves political rebellion (*ḥirāba*).³⁵ This perspective aligns more closely with evolving human rights frameworks and recognizes the complexity of religious belief in pluralistic societies.

In sum, the legal consequences of *ihtidā* extend well beyond the act of pronouncing the *shahāda*. From personal status changes to communal integration and the threat of penal sanctions for apostasy, the convert undergoes a multilayered transformation governed by jurisprudential and social norms.

2. Theological and Ethical Dimension on *Ihtidā*

The process of conversion to Islam is not merely a legal transition but also a profound ethical and theological transformation deeply rooted in Islamic thought. Across various theological traditions, scholars have debated the nature of divine guidance, the scope of human agency, and the obligations placed upon converts within the Muslim community. This section explores the preliminary justifications for conversion (*mukaddimāt al-ih̥tidā*), the ethical ramifications of becoming Muslim (*tatabbu ‘āt al-ih̥tidā*), and the role of the state in ensuring a structured and sincere integration.

2.1. Mukaddimāt al-Ihtidā: Preliminary Theological Justifications for Conversion

Islamic theology regards *ih̥tidā* (conversion to Islam) as ultimately rooted in divine guidance (*hidāya*), yet different theological schools interpret the dynamics between divine will and human response differently. The Ash‘arī school posits that guidance is entirely an act of God’s will (*irāda*), independent of human initiative. In contrast, the Māturīdī school acknowledges that while guidance originates from God, the human intellect is capable of perceiving religious truth and accepting faith voluntarily.³⁶ This distinction shapes legal debates regarding disbelief—whether non-Muslims who have never encountered Islam bear legal or moral responsibility for disbelief

Ibn Qayyim al-Jawziyya offers a more dynamic view by emphasizing the interaction between divine grace and human effort (*ijtihād*). He critiques theological fatalism and argues that sincere striving toward truth invites divine guidance, thereby portraying conversion as an active moral journey rather than a passive reception of grace.³⁷

³⁵ Muḥammad Ṣādiq ibn ‘Āshūr, *Maqāṣid al-Sharī‘a al-Islāmiyya* (Tunus: Dār al-Salām, 2013), 47.

³⁶ Richard M. Frank, *Creation and the Cosmic System: Al-Māturīdī and Ash‘arī Discourse* (Leiden: Brill, 1991), 72.

³⁷ Ibn Qayyim, *Zād al-Ma‘ād*, 1/234.

These theological perspectives intersect with legal debates, particularly concerning *taklîf* (legal responsibility) and *fiṭrah* (natural disposition). Jurists have debated the extent to which converts should be held accountable for their past actions. Although *taklîf* becomes fully applicable after the declaration of faith, classical scholars often allowed leniency in matters such as prior debts, missed religious obligations, or unlawful behavior prior to conversion.³⁸

The concept of *fiṭrah* (innate disposition), derived from the *ḥadīth* in Ṣaḥīḥ Muslim (2658), affirms that every human being is born with an innate inclination toward Islam. According to the *Ḥanbalī* and *Mālikī* traditions in particular, this idea frames conversion not as an adoption of a new religion, but rather a return to one's original spiritual state, thereby justifying the immediate legal consequences of embracing Islam.³⁹

2.2. Tatabbu'āt al-Ihtidā: Consequences and Ethical Obligations of Conversion

Once an individual embraces Islam, they assume a range of ethical and communal responsibilities. These include participation in *'ibādāt* (acts of worship)-such as *ṣalāh*, *zakāt*, and *ṣawm*-as well as the expectation of social integration and spiritual mentorship in accordance with the principle of *ta'līf al-qulūb* (reconciliation of hearts). Recognizing the challenges facing new Muslims, classical jurists often permitted gradual implementation of religious duties, granting converts time to internalize and learn Islamic practices before being held fully accountable.⁴⁰

Historically, early Islamic governance developed support mechanisms to assist converts both materially and spiritually. The Qur'anic directive in 9:60 specifically mentions *ta'līf al-qulūb* as a legitimate category for financial assistance, reinforcing the community's ethical responsibility to aid newcomers. The Ottoman state institutionalized this principle through official stipends and structured educational programs aimed at easing the transition into Muslim communal life.

Conversion also entails profound spiritual and moral implications. Classical scholars such as al-Ghazālī and Ibn al-Jawzī depict *ihtidā* as a divine blessing (*ni'ma*) that cleanses the convert of prior transgressions. In this framework, conversion constitutes a spiritual rebirth, and the appropriate response from the community is not suspicion or punitive oversight, but compassion, mentorship, and integration. This ethical orientation underlines the moral imperative to welcome converts with dignity and care, especially during the initial phase of their transformation.⁴¹

³⁸ Abū Ḥamid al-Ghazālī, *Iḥyā' 'Ulūm ad-Dīn* (Beirut: Dār al-Ma'rifa, 2000), 2/301.

³⁹ Kamali, *Principles of Islamic Jurisprudence*, 98.

⁴⁰ Ibn 'Ābidīn, *Radd al-Muḥtār*, 5/148.

⁴¹ al-Ghazālī, *Iḥyā' 'Ulūm ad-Dīn*, 2/287.

A further ethical consideration concerns the visibility of conversion. While Islamic law does not mandate public proclamation of the *shahāda*, public acknowledgment may trigger communal responsibilities and legal implications. Jurists have discussed cases in which individuals embraced Islam privately, often due to fear of persecution or social backlash. Some authorities hold that sincere internal belief suffices to establish religious obligation, even in the absence of public disclosure. Others emphasize the role of manifest faith in affirming communal accountability.⁴² This debate illustrates the subtle interplay between individual conscience and the public dimensions of religious identity in Islamic legal and ethical discourse.

2.3. The State's Role in Ethical Oversight of Converts

Islamic governance historically played an active role in guiding converts through structured legal and social mechanisms.

The principle of *shūrā* (consultative governance) extended to converts through designated community advisors. Ottoman religious institutions provided structured mentorship to ensure smooth integration.⁴³

Ottoman bureaucratic structure, the *sijillāt al-sharʿiyya* (legal registers) meticulously documented conversions, detailing testimonies, witnesses, and judicial confirmations. These records ensured authenticity and prevented conversion for opportunistic motives, such as escaping taxation.⁴⁴

The ethical and theological dimensions of *ihtidā* reveal the deep interplay between faith, legal responsibility, and communal integration. By examining classical theological discourse, legal principles, and historical governance, the nuanced perspectives on divine guidance, moral obligations, and the convert's role in the Muslim community is seen. Future research may explore contemporary applications of these principles, particularly in secular legal systems that address religious conversion.

3. Comparative Perspectives: Ottoman Legal Practices on *Ihtidā*

The Ottoman legal system institutionalized *ihtidā* through judicial documentation, codified regulations, and a pragmatic administrative structure. While grounded in classical Islamic jurisprudence and informed by Mamluk and Abbasid precedents, the Ottoman approach distinguished itself through systematic record-keeping and bureaucratic oversight.

The Ottoman judicial system meticulously recorded conversions in court registers, providing crucial insights into the legal and administrative processes surrounding *ihtidā*. *Qāḍīs* (judge) played a central role in verifying conversions by overseeing formal procedures meant to establish

⁴² Hallaq, *Sharia: Theory, Practice, Transformations*, 154.

⁴³ Heyd, *Studies in Old Ottoman Criminal Law*, 202.

⁴⁴ İnalcık, *The Ottoman Empire*, 219.

the sincerity and legal transition of the convert. Converts were required to pronounce the *shahāda* before the qāḍī in the presence of witnesses. While some classical jurists emphasized internal conviction, the Ottoman system prioritized external verification. These events were carefully documented, including details such as the convert's prior identity, motivations for conversion, and resulting legal consequences. These records ensured that *ihtidā* was not undertaken for strategic advantages, such as evading non-Muslim taxation (*jizya*).⁴⁵ In cases involving political or economic stakes—such as inheritance disputes or tax exemptions—higher judicial authorities, including the Imperial Council (*Dīwān-ı Hümāyūn*), sometimes reviewed the case.⁴⁶

An analysis of *sijillāt* (court registers) from cities such as Istanbul, Bursa, and Damascus reveals patterns in the documentation of conversions. Economic and social incentives were often factors, with some individuals motivated by relief from obligations such as the *jizya* (tax). However, judicial mechanisms were designed to ensure the authenticity of religious commitment.⁴⁷ Cases involving the conversion of women frequently gave rise to legal disputes related to marriage and guardianship. Ottoman courts, in line with *Ḥanafī* jurisprudence, provided resolutions within the framework of established *madhabs*.⁴⁸ Although classical jurisprudence condemned coerced conversions, Ottoman court records contain cases in which social pressure appeared to influence a person's decision to convert. Legal mechanisms were in place to distinguish between voluntary and involuntary conversions, and to allow claims of coercion to be examined and adjudicated accordingly.⁴⁹

Beyond court procedure, the Ottomans integrated *ihtidā* into *qānūn*, the body of imperial administrative law designed to complement the religious framework of *fiqh*. Converts received immediate recognition as Muslims, which affected their personal legal status regarding marriage, inheritance, and guardianship. The flexibility of the *Ḥanafī* school enabled Ottoman judges to navigate these changes with procedural efficiency.⁵⁰ Conversion also entailed new fiscal obligations. Converts were exempted from paying *jizya* and were instead made liable for *zakāt*. To prevent abuse of this

⁴⁵ İnalcık, *The Ottoman Empire*, 213.

⁴⁶ Heyd, *Studies in Old Ottoman Criminal Law*, 189.

⁴⁷ Hüseyin Yılmaz, *Caliphate Redefined: The Mystical Turn in Ottoman Political Thought* (Princeton: Princeton University Press, 2018), 145.

⁴⁸ Leslie Peirce, *The Imperial Harem: Women and Sovereignty in the Ottoman Empire* (Oxford: Oxford University Press, 1993), 112.

⁴⁹ Madeline C. Zilfi, *Women and Slavery in the Late Ottoman Empire: The Design of Difference* (Cambridge: Cambridge University Press, 2010), 94.

⁵⁰ Imber, *Ebu's-Su'ūd*, 89.

change, the state instituted mechanisms to verify and document sincere conversions.⁵¹ Although *ḥadd* punishments for apostasy (*riddah*) formally remained in place, the Ottomans often resorted to *ta'zīr* (discretionary penalties), adopting a more pragmatic approach to religious enforcement.

Sultanic decrees (*fermāns*) were occasionally issued in response to specific *ihtidā* cases, particularly when the individuals involved held political or social prominence. High-profile conversions were subjected to heightened legal scrutiny to prevent manipulation or destabilization. At the same time, while the Ottomans encouraged conversion, they avoided coercive assimilation policies and sought to maintain stability within non-Muslim **millet** communities.⁵²

Ottoman approaches to *ihtidā* developed in dialogue with earlier Islamic legal traditions, particularly those of the Mamluk and Abbasid periods but introduced distinct administrative refinements. Judicial scrutiny in Mamluk courts, shaped by *Shāfi'ī* and *Ḥanbalī* interpretations, often required multiple confirmations of conversion before granting full legal recognition, reflecting a cautious and procedural approach to verifying religious sincerity.⁵³ The Mamluk state provided financial stipends to new Muslims, echoing Ottoman *ta'rifal-qulūb* practices but with less systematic oversight.⁵⁴ Conversions among Mamluk military elites were sometimes motivated by strategic considerations, affecting their legal interpretation.⁵⁵

Abbasid precedents offer further context. Abbasid judges developed formal procedural requirements for conversion that were later adopted and refined by the Ottomans.⁵⁶ However, the Abbasid Caliphate tended to apply *riddah* laws more stringently, whereas Ottoman legal authorities generally demonstrated greater discretion and flexibility in handling apostasy.⁵⁷

Conclusion

This study has investigated the legal, theological, and ethical dimensions of *ihtidā* (conversion to Islam) through an in-depth analysis of classical

⁵¹ Suraiya Faroqhi, *The Ottoman Empire and the World Around It* (London: I.B. Tauris, 2004), 247.

⁵² Azmi Özcan, *Pan-Islamism: Indian Muslims, the Ottomans and Britain (1877–1924)* (Leiden: Brill, 1999), 77.

⁵³ Jonathan Berkey, *The Transmission of Knowledge in Medieval Cairo: A Social History of Islamic Education* (Princeton: Princeton University Press, 1992), 158.

⁵⁴ Carl F. Petry, *Protectors or Praetorians? The Last Mamluk Sultans and Egypt's Waning as a Great Power* (Albany: SUNY Press, 1994), 214.

⁵⁵ David Ayalon, *Mamluk Military Society* (London: Variorum, 1994), 332.

⁵⁶ Wael B. Hallaq, *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005), 66.

⁵⁷ Patricia Crone - Michael Hinds, *God's Caliph: Religious Authority in the First Centuries of Islam* (Cambridge: Cambridge University Press, 1986), 87.

Islamic jurisprudence (*fiqh*), Ottoman legal records, and comparative historical frameworks. By examining pre-*shahāda* requirements, post-conversion legal ramifications, ethical obligations, and Ottoman administrative practices, the research highlights the structured yet adaptable nature of *iẖtidā* as both a juridical process and a spiritual transformation.

The findings demonstrate that *iẖtidā* is far more than a verbal declaration of faith; it constitutes a multi-dimensional process embedded in Islamic legal traditions. Classical *fiqh* sources emphasize the necessity of *ahḻyya* (legal competency) and *niyya* (intent), while procedural requirements- such as the presence of witnesses or involvement of judicial authorities-vary across Islamic school of thoughts. The legal consequences of *iẖtidā* extend to personal status, criminal liability, and financial obligations, particularly in relation to inheritance and taxation. Ethical discussions surrounding conversion, especially within the frameworks of *mukaddimāt* and *tatabbu'āt al-iẖtidā*, underline the interplay of divine guidance, personal responsibility, and communal duty to support the convert's integration.

The Ottoman Empire's approach to *iẖtidā* reflected both fidelity to classical Islamic jurisprudence and administrative innovation. Through court registers (*sijillāt al-shar'iyya*), state regulation (*qānūn*), and bureaucratic mechanisms, the Ottomans institutionalized conversion as a legally verifiable and socially consequential act. Comparative insights from Mamluk and Abbasid precedents reveal both the continuities and distinct refinements in how the Ottomans applied Islamic law to conversion cases.

The discourse on *iẖtidā* cannot be adequately addressed without its theological and ethical foundations. While legal scholars debated the scope of procedural oversight, theological perspectives focused on *hidāya* (divine guidance) and the innate human inclination toward Islam (*fiṭrah*). Ethically, the process of conversion implicates not only the individual's sincerity but also the community's responsibility to facilitate integration and education. Historical case studies demonstrate that although formal legal systems provided structure, the lived experience of *iẖtidā* was profoundly shaped by social, political, and cultural variables.

Although deeply rooted in pre-modern jurisprudence, *iẖtidā* remains relevant in contemporary legal and socio-political discourse. One critical area for further exploration is the gendered dimension of conversion. While classical *fiqh* formally recognized the legal equality of male and female converts, Ottoman court records suggest that women's conversions often entailed additional legal complications, particularly regarding marriage, guardianship, and family rights. A closer examination of these gendered dynamics could provide valuable insights into both historical practice and present day challenges faced by female converts.

Another pressing topic involves the legal and social consequences of *ih̥tidā* in modern Muslim-majority states. Contemporary jurisdictions vary widely in their treatment of religious conversion, with some imposing legal or social barriers to changing one's religious status. In some contexts, *ih̥tidā* may affect inheritance rights, identity documentation, or even criminal liability under apostasy laws. A comparative analysis of modern legal systems alongside classical jurisprudence could yield important contributions to debates on religious freedom, legal pluralism, and human rights in the Muslim world.

Additionally, regional variations in Ottoman *ih̥tidā* policies merit further investigation. Conversions in the Balkans, Arab provinces, and other Ottoman regions were often shaped by local legal culture, administrative priorities, and interreligious dynamics. Such studies would enhance our understanding of how Ottoman legal theory was applied on the ground and how conversion was experienced across different provincial settings.

Drawing on classical legal texts, judicial practice, and historical records, particularly from the Ottoman period, this study has examined how *ih̥tidā* was operationalized as both a deeply personal decision and a legally regulated status. Continued research into modern reinterpretations may further clarify how Islamic law negotiates the balance between religious freedom and legal authority in contemporary settings.

In conclusion, *ih̥tidā* represents a legally regulated, theologically significant, and ethically complex process that bridges personal faith and institutional authority. By examining both normative sources and historical implementations, this study contributes to a more nuanced understanding of how Islamic law has conceptualized and managed religious transformation, past and present.

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