

The Islamic Context of Citizenship

Wahbah az-Zuhaylî (*)

Citizenship in the Past:

‘Citizenship’ was not an issue for discussion or debate in the various stages of Islam’s past history, nor in the regions where Muslims lived quite contentedly and peacefully with non-Muslims. This is because Islam has very clearly defined how Muslims are to interact with non-Muslims. It has laid down the guidelines and how they are to be implemented, and affirmed the human integrity of all individuals whether they live within the Muslim orbit or elsewhere. All Muslims, be they in positions of political power or just ordinary people, are scrupulously committed to the *Sharî‘ah* of Islam especially with respect to sensitive issues. Whether among themselves or before the outside world, they are strongly motivated

to project a good image of Islam's mission, and express its winsome message in a manner where mutual interaction becomes the means whereby others will be drawn to accept the message of Islam, its ways of doing things and its discipline.

Citizenship in Our Day:

In our day and age citizenship has topped the list of issues stimulating debate and discussion in Muslim lands and elsewhere. The waters of the Islamic position internationally and among the people generally have been muddied and made more opaque by the introduction of western notions, by increasing populations and by the paucity of resources.

Islam was the first major dispensation that called for universal human suffrage and unity. In its perspective people are to live in mutual understanding, amity, cooperation, security and stability. There are many texts to this effect. For example, God Almighty said, "O people, be devout toward your Lord who created you from one common soul." (*Qur'ân*,

Sûrah 4:1) The Prophet Muhammad said, “O people, your Lord is one, and your ancestor is one. You all belong to Adam, and Adam was formed from dust. Those most to be honored among you so far as God is concerned are those who are most devout. An Arab or a non-Arab is not to be preferred except on the grounds of devotion.”(1)

The Native Son and the Citizen:

There is a distinction to be drawn between one whom we may call a ‘native son’ and the other who is a ‘citizen’. The first is a descendant of the original population of a state, born, brought up and nurtured in a particular province of a country; the second is one who has acquired citizenship, holds a particular country’s passport, has become a subject and become one of its people.

A Definition of Citizenship:

The modern definition of citizenship and the democratic state is that a person belongs to a specific state. The definition requires that a state exist in the contemporary meaning of that

term. It also requires the specification of a country or a defined specific region in which certain things are done and certain things are achieved. There is a social contract between the individual and the state characterized by a commitment to peaceful coexistence among the various members of society, their sharing both rights and obligations, their respect for the state system and their constitutional, legal, political, social, economic and cultural relationship to the head of state so that citizens of a state may freely express their opinions and speak of their interests under openly declared safeguards.

The Foundations of Citizenship:

Citizenship is founded upon two principles: The *first* is freedom and presupposes a government that is not tyrannical. The *second* is equality. All citizens, without regard to religion, sect or social status, have the same rights and obligations. These two conditions will not pertain unless there is a political system in place that serves democracy — a government of the people, for the people, and

by the people. It must be a government that recognizes a citizen's human rights and obligations, and upholds a social order based upon love of country and the rights of that country. The approved pattern of behavior must respect the claims of state upon its citizenry. They must stand to defend its sovereignty, the rights of all its citizens, and the cause of the state as such.

Islam and Secular Democracy:

These essential preconditions for citizenship as Islam would phrase them do not at all clash with western notions of what constitutes a citizen. There is no contradiction between Islam understood as a system of discipline, law and order— whether expressed within Muslim lands or beyond — and the western system of democratic government, even one that is secular and non-Islamic. In its essence secularism does not stand in opposition to religion, nor does it contend against morality and humanity's highest values. Secular democracy presumes that national unity is a necessary precondition for pursuing the public

good for all citizens. What we may observe by way of deviant or eccentric actions by some secularists are misapplications or corruptions of the principles of national unity. Islam constructively coexists with all denominations, sects, and religions under the rubric of respecting public order for the common good of all. It respects the civilized behavior, the systems of belief and the patterns of behavior particular to followers of every religion or religious system. We misconstrue secularism if we think that it, inevitably, yields to atheism or opposition to religion as such.

Characteristics of Citizenship:

Citizenship in the Muslim context is a political and civic notion. It upholds the notion of 'brotherhood' among all Muslims. Islam thereby has achieved a balance in its definition of citizenship in society without the prejudice of race or religion or culture. By contrast, the notion of citizenship in other societies has precipitated racial, religious and cultural conflicts. The West itself typifies these kinds of conflict because it linked citizenship to race,

and it expressed this in two world wars during the 20th century.

Furthermore, the notion of citizenship in Islam does not clash with loyalty to the Muslim commonwealth (*al-ummah al-islâmiyyah*) and its essential integrity. Those Muslims who oppose the Muslim notion of nationalism and the notion of the limited sense of loyalty to country have misconstrued it as the sort of racism Islam opposes. Furthermore, they have exacerbated the problem of non-Muslim minorities in some Muslim societies. In so doing they stand in direct contradiction to the Muslim *Sharî'ah*, justifying the principle of prejudice among the people of the one country. Within its compass, citizenship in the Muslim context embraces *all* citizens. It does not denigrate the rights of non-Muslim (or in non-Muslim lands, Muslim) minorities. And it certainly does not approve the racist underpinnings of Tauranic, Kurdish, Berber or even Arab nationalisms and their like.

In Islamic perspective, given its principle of tolerance, citizenship guarantees to *all* citizens

equal rights as human beings. It respects the foundational principles not just as clichés. It constructively promotes stability and does not lend itself to disruption, bigotry and the creation of problems as is all too often the case in the West. Fundamentally, it is an idea that exalts freedom and equality.

Citizenship in Islam is a serious and insistent call to commonality, consensus, and security in concord for all. The Holy *Qur'ân* puts it thus: “O people, we have created you, male and female, and ordered you into peoples and tribes so that you might come to know one another.” (*Qur'ân, Sûrah 49:13*)

This resonates with the notion of a pluralistic society composed of many religions, cultures, ethnicities and races. Even beyond Muslim domains there is no threat to citizenship from the Muslim message. God Almighty has said, “Among his ‘signs’ are the creation of the heavens and the earth. Your speech differs as does your skin color.” (*Qur'ân, Sûrah 30:22*) Another verse we have already quoted: “... he created you peoples and tribes so that you

might come to know one another.” Still another verse: “... you make your oaths a mechanism for deception between yourselves, noting one community is more numerous than another.” (*Qur’ân, Sûrah 16:92*) This affirms that there can be many communities even within the Muslim state because there is no distinction to be drawn between citizens; differences of race, denomination, class and religion dissolve away. What is affirmed is the principle of equality. Everyone has the same rights and responsibilities and humanity is one. The call is for full integration and universal justice in the cause of one community and the need to preserve national unity and protect its larger interests.

What we must do is address the matter of citizenship from the Islamic perspective in order to lay to rest problems, and to set aside issues like cultural diversity, religious pluralism, racism and the like.

The Link Between the Notion of Citizenship and the Muslim Perspective:

The rooting of the notion of citizenship in Islamic law relates to the following:

1. The Common Root of Humanity or Humanity's Natural Instincts:

Everyone, regardless of origin, gender or natural predilections, is moved toward citizenship and love of country. Leaving one's homeland is like committing suicide. The Almighty has said, "Were we to command them to kill themselves or leave their homes, none but a few would do that." (*Qur'ân, Sûrah* 4:66) Commitment to homeland or to national belonging is a strong force, a human instinct, a natural thing residing in the human soul. The Caliph 'Umar once said, "Were it not for love of homeland, evil would destroy a country." A person needs to be patriotic even if one's country is poor and its people are wrongdoers.

When God Almighty ordered his Prophet to emigrate from Mecca to Madînah, the Prophet looked at Mecca and said, "By God! I love you more than any other country. Had not your people cast me out I would not have gone." To

console him, God Almighty revealed, “He who burdened you with the *Qur’ân* will bring you home.” (*Qur’ân, Sûrah 28:85*)

To defend one’s homeland, the Holy *Qur’ân* says, is to struggle (*jihâd*) in the cause of God Almighty. It says, “He [God] knows those who practice hypocrisy; it has been said to them: Come, fight in God’s cause or [at least] stand in defense.” (*Qur’ân, Sûrah 3:167*) This indicates that zeal for the homeland that springs from a person’s love for it urges one even to hazard death in its defense. It is analogous to the struggle to exalt God’s Word.

2. Shared Interests, Hopes and Suffering Are One:

The homeland is the vessel of citizenship. Its interests are one. The hopes upon which it is built, that endow it with strength, dignity, sovereignty and strong defense, are one. All share the injurious sufferings that may expose it to danger. This motivates the citizen to link up with all other citizens on the basis of one plan, a united effort, be that in the cause of

liberation from an occupying intruder, or to build up the homeland on strong foundations and principles that will defend it from all types of aggression and backwardness, protecting it from crises and setbacks. What is good is good for all; misfortune or evil strike everyone. This draws all citizens into one phalanx that works to prosper the cause of the homeland and guard its dignity and honor. The vessel of citizenship, the homeland, then truly becomes the place where all citizens may dwell.

3. The General Definition of Citizenship:

It is known that the Muslim is like a fish in water. In the broader sense, he or she has no homeland. All countries where the Islamic *Sharî'ah* is in force and Muslim regulations are applied are homelands for the Muslim. Reconciling loyalty to homeland and loyalty to the Muslim commonwealth (*al-ummah al-islâmiyyah*) as Islam conceives them is both easy and clear. Islam laid down a clear system for defending the existence of the homeland from the outset with the people of Madînah and their small homeland in view. This then

expanded into neighboring regions, then the next closest and the next until it embraced all lands and regions of the Muslim world, East to West.

Affection for the homeland in the narrow provincial sense does not occlude affection for united commonwealth in Muslim thought and doctrine. Citizens in the narrower homeland are partners in the benefits as well as in the losses in the wider commonwealth. The narrow homeland is the first circle of identity. Then the circle widens so as to encompass the unity of Muslims and their strength, protect their glory and sustain their honor. This eventually embraces the whole of the Muslim commonwealth and it requires constant cooperation.

Each circle of cooperation places a burden on the next. Social life cannot be guarded without a sequence of defense plans, the one linked to and dependent upon the next. The benefit from this, in the end, is spread around for everyone's benefit.

Belief in one set of principles and source of authority and the coordinated application of Muslim principles makes of the Muslim brotherhood a capstone for a sense of security that is both strong and able to defend itself. This works out to the benefit of the people of the more narrowly defined homeland in dealing with enemies who cast avaricious glances their way. There is no clash between the broader sense of Islamic brotherhood and the special bonding between the people of the smaller homeland. The one supports the other.

The Muslim commonwealth stands upon the structure of a society made up of a variety of confessions, races and predilections that exists in any Muslim region that adheres to a common creed, that takes shelter under one *Sharî'ah*, and that is bound together by one sense of spiritual kinship. As the Almighty has said, "The believers are brothers and sisters." (*Qur'ân, Sûrah 49:10*) Therefore it is one eternal commonwealth that will persist throughout history. Small issues of local interest will not disrupt it. Peripheral issues

will not disrupt its cohesion. The Muslim slogan is ‘the one commonwealth’ (*al-umamah ul-wahidah*) and not ‘the one people’ (*as-sha‘ab ul-wâhid*).

The idea of citizenship in Islam, essentially, has no narrow geographical or regional frontiers when defining the Muslim homeland. Every Muslim or allied non-Muslim is a citizen because he or she is a member of the Muslim commonwealth. Each one has the same rights and the same obligations.

The First Models: The Covenant of Madînah:

Since the days of the Prophet, Islamic intimations have prefigured the articulation of what citizenship means well before the treaty of Westphalia in 1648 that prefigured the emergence of the modern nation state and its subsequent elaboration in the UN charter of San Francisco and the adoption of the universal declaration on human rights on December 10th, 1948.

This stellar precedent is resident in the historically well-known document that emerges from the biography of the Prophet and is known as the ‘Covenant of Madînah’ (*sahîfat-ul-madînah*). The Prophet promulgated it after his emigration to Madînah in 622, thirteen years after he had taken up his prophetic task. It testifies to two developments. First, the Muslim state was born in a new homeland. Second, a civil society was welded together into a new commonwealth made up of a variety of cultures, religions (Muslims, Jews and pagans of the tribes of Aws and Khazraj who were not believers), and races (the émigrés from Mecca were ‘Adnânis, their allies were from Qahtânî tribes, and the Jews were Semites).

The Articles of the Covenant, the Document Affirming Citizenship:

In modern parlance we might call this ‘the constitution of the state’. At the age of 53 and in the first year following his migration from Mecca, in 622 AD, the thirteenth year since he was called to the prophetic office, the Prophet

promulgated a document or a treaty between the Muslims and the various factions of Madînah. It was the first Islamic political document and contains forty-seven articles or paragraphs. I choose from its text the following twenty-three:

This document is between the Prophet Muhammad and those who have offered protection (*al-mu'manîn*) and the Muslims of Quraysh and Yathrib and their client communities who joined them and fought at their side:

1. These form one exclusive commonwealth (*ummatun wâhidatun min dîn in-nâs*).
2. A polytheist shall not offer money or person to the Quraysh and shall not oblige any other 'protector' (*mu'min*) to do so.
3. Those of the Jews who follow us, theirs shall be the victory and the example; none shall oppress them; none shall claim victory over them.

4. The Jews of Banî ‘Awf belong to the commonwealth with the protectors (*al-mu’minûn*). The Jews — their clients and they themselves — have their religion; the Muslims have theirs. The exception shall be those who offend and do wrong. In that case only they and their house shall be destroyed.

5. So long as they fight, the Jews will benefit just as all those who have offered protection.

6. The Jews will support themselves as will the Muslims.

7. The Jews of Banî-l-Hârith shall be treated like the Jews of Banî ‘Awf.

8. The Jews of Banî-n-Najjâr shall be treated like the Jews of Banî ‘Awf.

9. The Jews of Banî Sâ‘idah shall be treated like the Jews of Banî ‘Awf.

10. The Jews of Banî Jusham shall be treated like the Jews of Banî ‘Awf.

11. The Jews of Banî Tha‘labah shall be treated like the Jews of Banî ‘Awf.

12. The Jews of Banî-l-Aws shall be treated like the Jews of Banî ‘Awf.

13. The freed people of Tha‘labah are as Banî Tha‘labah themselves.

14. Banî-s-Shatîbah shall be treated like the Jews of Banî ‘Awf, so long as they act rightly and do not offend.

15. The clients of Tha‘labah will be treated as they are.

16. They will share in victory over those who fight against the folk of this covenant.

17. Among themselves they have their own counsel and advice and righteousness without wrongdoing.

18. A person shall not wrong a person to whom he or she has made a pledge.

19. The oppressed shall be vindicated.

20. Access to Yathrib [i.e. Madînah] is a sacred right of those who participate in this covenant.

21. If there is an occurrence or an action among the people of this covenant that threatens to undermine it the matter shall be referred to God and Muhammad, the Prophet of God.

22. None may act in a neighborly manner toward Quraysh or their allies.

23. They shall have the victory together against those who attack Yathrib, ... [and] this document does not protect the oppressor or the wrongdoer(2).

This constitutional document dealt with issues of citizenship, the rights of citizens and their obligations. It also incorporated an agreement to form a military alliance between all segments of Madînan society against the common enemy, forbidding any cooperation between polytheists and Muslims.

The First Article [in this nomenclature] ... articulates the principle of national unity among all citizens. All segments of Madînan society are people of the state (if we may use a modern term) or the raw material of what constitutes the commonwealth.

The Second Article ... warns the people of Madînah against cooperating with the Meccan polytheists of Quraysh, be that through protecting individuals, or providing security for money, or general economic endeavors.

The Third Article ... declares it necessary to protect Jews and their rights among the ‘protectors’ (*al-mu’minûn*) against their enemies.

The Fourth Article ... declares, in the context of justice, national unity between the ‘protectors’ and the Jews. There is to be no oppression or aggression. The oppressor will drink to the dregs the consequences of his oppression.

The Fifth Article ... announces the principle that Muslims and Jews bear equally the

economic burden of the state in fighting the enemy, and that they must remain constant in prosecuting the war.

The Sixth Article ... distributes the economic burden upon the Muslims and the Jews.

The Seventh Through the Fifteenth Articles ... in the original, articles 26-35, clarify equality of rights and obligations between Muslims and Jewish tribes that are in alliance with the Jews of Banî ‘Awf.

Articles Sixteen and Seventeen ... define the priorities the people of the covenant must keep in mind to overcome their enemies. This defines military and defensive measures, stressing the need for cooperation. The parties must express their opinions frankly, give their advice and consult together. This is one of the principle definitions of citizenship in society.

The Eighteenth Article ... talks about and gives grounding for the principle of personal or individual responsibility for one’s behavior or criminal dealings. This is one of the points of Muslim pride. God Almighty said, “A

burden-bearer shall not bear the burden of another.” (*Qur’ân, Sûrah 6:164*) And, “Each person is accountable for what he or she gets.” (*Qur’ân, Sûrah 52:21*) And, “Each human soul is hostage to its own gains.” (*Qur’ân, Sûrah 74:38*)

The Nineteenth Article ... clarifies the grounds of the legal process, the definitions of adjudication and decision-making.

The Twentieth Article ... defines the geographical scope of citizenship.

The Twenty-first Article ... identifies the recourse in how to settle conflicts or legal cases. In essence it is what God Almighty has written and the practice of his Prophet. That is to say, the adjudication belongs to God and to his Prophet because the Muslim *Sharî’ah* has parochial application.

The Twenty-second Article ... requires that military cooperation with Quraysh and its allies be broken off.

The Twenty-third Article (according to our numbering) ... is a general statement concerning the requirement that Madînah (Yathrib) be defended. Victory will be manifest in the establishment of truth and justice, not of oppression and wrongdoing. Citizenship is not a claim to immunity or preference because Islam supports truth against falsehood.

This means that all citizens are clearly dealt with on the basis of equality. There is no 'first class citizen' in a context where others are second or third class. Everyone is equal before the law. None is immune before the force of the system or the criminal law and other constitutional, administrative, or international laws.

This document is a model for the dignity of citizenship. It specifies the rights of citizens and founds them clearly upon their equality and their bearing their responsibilities without granting some of them anything resembling preferential privileges. This contrasts sharply with what was being applied in non-Muslim

lands in times past where some citizens were granted special privileges. The same sort of discrimination, even in our day, is articulated in the constitutions of some countries. Where it is not specified it is practiced as a matter of custom or in more a subtle manner.

1. Loyalty or Devotion to the State and Homeland:

What makes the homeland a blessing and a good thing for all is love ... love of homeland. Those who live with Muslims are exposed, with them, to all the misfortunes and dangers, and they all benefit as well from what may be gained. God Almighty said, “After the confession of faith, we have written in [David’s] Psalms (*zabûr*) that the righteous inherit the earth. This is a proclamation to a people who know what it means to worship.” (*Qur’ân, Sûrah 21:105-106*)

Loyalty to enemies, however, is a genuine transgression. It precipitates nothing but evil, misfortune and suffering. In this regard God Almighty imposed an interdict upon those

loyal to the enemy. He said: “O you who have found safety, do not make friends of my enemies and your enemies, expressing affection for them. Those who do so blaspheme against the truth.” (*Qur’ân, Sûrah 60:1*) The Glorious One also said, “The one who is loyal to them is one of them. God does not guide the wrongdoers.” (*Qur’ân, Sûrah 5:51*)

Those who ally themselves with enemies and promote their cause against the vital interests of their own state, commonwealth and homeland are traitors of the first water, squandering the rights of their country. Any traitor lives eternally in an emaciated existence, having no ‘face’. He or she is among history’s rejects — discarded, ejected and punished. God Almighty said, “O you who received protection, do not betray God or the Prophet. Doing so you betray your own security and you would do so knowingly.” (*Qur’ân, Sûrah 8:27*) Another verse says, “God has no love for the treacherous.” (*Qur’ân, Sûrah 8:58*) And still another says,

“God does not guide the machinations of the treacherous.” (*Qur’ân, Sûrah 12:52*)

2. Defending the Homeland:

Defending the homeland is a holy obligation. The homeland belongs to all. What is good in it and what is wrong affects everyone. Those able to bear arms, therefore, must do so for the sake of the rest. History will record their names on the honor roll of those wounded or killed. They are among the immortals. Speaking of the martyrs and their status, God Almighty has said, “Do not think of those killed in the cause of God as dead. They live with their Lord and are rewarded. They rejoice in the rewards that God gives to them.” (*Qur’ân, Sûrah 21:169-170*)

Spilling one’s blood is of little value if it is done to protect the integrity, dignity and honor of the homeland and of the country, protecting it always from its enemies. As for the agents of its enemies, they are condemned to oblivion.

Resistance to the enemy — in blood, in property or through public expression (the

media war) — is pegged to what the Prophet has said: “Fight against the polytheists materially, in laying down your lives, and through what you say.”(3)

If a citizen reneges on the obligation to resist, males must pay a ‘ransom’, a tax that the Holy Qur’ân calls the ‘*jizyah*’ of one *dinâr* a year. If one fights or is unable [although willing] to fight that tax and others are foregone.

3. Respect for the State and its Constitution:

Respect for the state and its constitution is the basis for society’s security. On that basis there is respect for freedom, a system for communication, a basis for economic interaction and the prosperity of the commonwealth. It forestalls chaos, and, so far as possible, uproots corruption. It does away with all evidence of backwardness, ruin and sabotage.

Devotedly worshipping their Lord, citizens are committed to their religious, social, security, economic, health and cultural

obligations. Worship purifies the soul, cleanses the heart of its ills, and engenders love for that which is good. It stands against evil. True worship gives people the ability to protect their families, to nurture their children and teach them, to imbue them with the virtue of morality, inspire them with those values that are good, with love for those who differ from them, and with the ability to acquire the good and side-step that which is evil.

The citizen must support the regime and its covenant with the people, and give that regime his or her support. A citizen's obligation is to protect the interests of the broader commonwealth, to work for security, and to help develop economically the agricultural, industrial, mercantile and other sources of revenue. He or she must help develop culture, acquire knowledge, promote sciences (not least of all in this age of technological revolution), protect the environment, other people's financial assets, and their material and spiritual rights. The citizen must fight corruption and moral disintegration, press for

social solidarity and mutual support, do battle against all those things that cause personal injury such as drugs, and, generally speaking, promote those things that make for the country's progress, lift its image and make of it a first-rate nation. In this respect the Muslim *Sharî'ah*, as with other modern day laws, is a parochial law. It applies to all citizens as well as to a country's constitution.

Citizen Rights in a Muslim State:

Citizen rights in a Muslim state are far more than obligations. They resemble to a great extent the basic and secondary rights enshrined in international documents that largely resonate with the spirit of the *Sharî'ah*.

1. The Right to Life, to Earning an Income, and to Private Property:

The right to preserve one's self and to hold property is a basic principle of the *Sharî'ah*. It forbids aggression against the human individual in the homeland, be that person a Muslim or a non-Muslim, a citizen or a newcomer(4). The sanctity of blood is a major

affirmation in Islam except, in the case of a deliberate criminal act, when chastisement or even capital punishment might be applied in the cause of security and stability. God Almighty said, “A protector may not kill another protector (*mu'min*), even though mistakes can happen.” That injunction includes non-believers. God Almighty continued, “But the punishment for one who intentionally kills a protector deliberately is eternal hell. That person has earned the wrath and curse of God. For such a one horrendous torment has been prepared.” (*Qur'ân, Sûrah 4:92-93*) God Almighty also said, “For that purpose we instructed the Children of Israel that whoever kills another except for murder or for polluting the earth, it is as though that person had killed all humankind; and whoever gives life to an individual, it were as though that person gave life to all humanity.” (*Qur'ân, Sûrah 5:32*)

Among religions only Islam says that killing an individual is like killing all humankind and saving a life is like giving life to all humanity.

And material possessions are also connected to the soul.

In his farewell sermon, a public and authenticated statement, the Prophet said, “Your blood, material possessions and honor you must treat as sacrosanct just as this day is holy in this your country and in this your [holy] month [or pilgrimage].”(5)

The blood, honor and property of non-Muslims is as those of the Muslims. They cannot be violated. This is what the Prophet practiced and that has been the norm for Muslim practice down through history. Those who relate the Prophetic *Hadîth* record that a Muslim killed a man from among those protected under covenant (*ahl-ud-dhimmah*), and the incident was reported to the Prophet. He said, “I am the most truthful among those who have given pledge.” He then commanded that the murderer be executed(6). The Rightly-Guided Caliphs adhered to this policy not least of all during the reigns of ‘Umar and ‘Alî.

The matter of *jihâd* comes under a law governing exceptions particularly to repel aggression very much in line with ‘just war’ theories both in times past and in modern times. The conditions for *jihâd* are as follows:

1. It is to repel aggression. The Almighty said, “Fight in the cause of God against those who fight you. Do not yourselves be aggressors; God does not love aggressors.” (*Qur’ân, Sûrah 2:190*)

2. It is to vindicate the weak. The Almighty said, “You cannot but fight in God’s cause and the cause of the weak, be they men, women or children?” (*Qur’ân, Sûrah 4:75*)

3. It is to combat the freedom of the Muslim mission or the killing of its missionaries; or in the case of a Muslim rebelling against his or her religion. The Almighty said, “Those who have been persecuted have a right to fight. God will grant them victory.” (*Qur’ân, Sûrah 22:39*)

Safety in Muslim lands always embraces Muslims and their allies, as well as those

(foreign non-Muslims) who entered into our lands peacefully and have been granted safety. The Almighty said, “If a polytheist asks you [Muhammad] for sanctuary, give it. Preach the word of God, and then convey him or her to a place of safety. That is because they are a people who do not know any better.” (*Qur’ân, Sûrah 9:6*)

2. The Right of Human Dignity:

God Almighty has endowed all people, Muslim and non-Muslim, with honor. They are made creatures of God. Describing the human person, God Almighty said, “We created the human being in the best way possible.” (*Qur’ân, Sûrah 95:4*) In his Holy *Qur’ân* God Almighty has expressed the honor in which he holds the human race, saying, “We endowed the children of Adam with honor, upholding them on land and sea. We have given them good things, and precedence over much that we have created.” (*Qur’ân, Sûrah 17:70*)

Evidence of the divine favor in which humanity is held is the command God

Almighty gave to the angels to bow before our forefather, Adam. The verse says, “When we said to the angels, ‘Bow down to Adam,’ they all did so. Only Iblîs (Satan) refused.” (*Qur’ân, Sûrah 20:113*)

This and other similar verses in the Holy *Qur’ân* point to our absolute obligation to show honor to the human soul both in life and in death. We know that, in times past, Islam proclaimed the unity of the human race. “O people, devote yourselves to your Lord who created you from one soul,” says the Holy *Qur’ân*. (*Qur’ân, Sûrah 4:6*) God Almighty commanded that peoples and tribes come to know one another not so that they might deny each other or struggle and fight. The verse says, “O people, we created you, male and female, and formed you into peoples and tribes so that you might come to know one another.” (*Qur’ân, Sûrah 49:13*) And the Prophet Muhammad reinforced this in his farewell sermon, saying, “O people, your Lord is one and your Father is one.”(7)

The Holy *Qur'ân* has bound Muslims, when they debate non-Muslims, to debate only with dignity. God Almighty has said, “Do not debate with the People of the Book except in the best way possible.” (*Qur'ân, Sûrah 29:46*)

The Holy *Qur'ân* — avoiding conflict, or precipitating problems and igniting conflict — never sanctions the cursing of the gods of the polytheists. The Holy *Qur'ân* says, “Do not curse those who have no god. They only curse God in ignorance.” (*Qur'ân, Sûrah 6:108*)

One of the occasions for honoring people was when the Prophet was watching a Jewish funeral pass. Someone said to him, “It’s only a Jew!” He responded, “Is that not a human soul?”(8) And the Prophet never passed a human corpse without ordering that it be buried with solemnity in recognition of the dignity of the human soul.

‘Umar Ibn-ul-Khattâb once punished the son of ‘Amr-ibn-il-‘Âs and his father for the son’s having struck a Copt with a whip because he had walked in front of him. He, ‘Umar, said,

“Look to me, son of the high-minded!” and struck the father, the governor of Egypt, on his bald pate because the son had exploited his father’s influence. The Caliph said to the Copt: “Here’s the whip. Strike the son of the so-called ‘more noble’.” ‘Umar then said, “Now rest the whip on the bald pate of ‘Amr. By God, none struck you except on his authority!” Then he turned to ‘Amr and said, “O ‘Amr, when did you enslave a people whose mothers have born their children to be free?” (9)

Some of the most eloquent expressions in the Holy *Qur’ân* have to do with respecting the opinion of the other, and calling those who hold them to contemplate and think about truth and its structure, committing one’s self to the gracious art of dialogue so as to honor the dignity of people. The *Qur’ân* articulates this in the verse which says, “Say: Who has enriched you from heaven or from earth? Reply: God! Either you or we have it straight or are clearly misled.” (*Qur’ân, Sûrah 34:24*)

In commentary az-Zamakhsharî said, “This is a fair statement that everyone, affirming or

denying, has said to the person addressed: Your friend may have told you the truth. In the same vein a person says to a friend: Either you or I have the knowledge of God. One of us is a liar.”(10)

3. Freedom of Religion and Other Freedoms:

Islam has forbidden that anyone be coerced into accepting Islam. The Almighty has said, “There is no compulsion in religion. Wisdom and delusion can be distinguished from each other.” (*Qur’ân, Sûrah 2:256*) God forbade his Prophet, as leader of the commonwealth (and what God said to Him applies to every individual in the commonwealth), from exerting any pressure or coercion to force change in any individual’s religion. He said, “If your Lord had wished, everyone in all the earth would be believers. Now *you* want to coerce people into becoming believers?” (*Qur’ân, Sûrah 10:99*)

For Islam guidance and the opening of the heart come at God Almighty’s initiative. God

knows when any soul is ready to accept the truth and reject that which is false. God Almighty said, “He [God] has reconciled their hearts. Though you might expend everything in the earth, you would still not achieve reconciliation. Only God reconciles hearts.” (*Qur’ân, Sûrah 8:63*)

The Holy *Qur’ân*’s definition of freedom is not confined to the freedom to believe as one chooses. In its political order, recognizing that public order may not be disrupted, it has embraced all freedoms: the freedom to be critical, the freedom to oppose, the freedom of movement, the freedom to work, and the freedom to practice one’s religion. The Imâm ‘Alî said, “They [the People of the Book] willingly pay the *jizyah* so that their possessions may be on the same footing as ours, their blood the same as our blood.”(11) The scholars of Islamic law, with respect to the allied ‘people of the covenant’ (*ahl-udh-dhimmah*), have said: “They have what we have; their obligations are the same as ours.”

All treaties between Muslims and non-Muslims have stipulated the established right of the latter to conduct their religious business without opposition or interference, and have recognized their freedom. An example is in the Prophet's letter to the Christians of Najrân whom he housed in his own mosque when they came as his guests. The letter reads in part:

“For Najrân and its dependencies God is their neighbor and Muhammad the Prophet and Apostle of God gives his pledge with regard to their properties, their lives, their land, their community, those of them who are absent and those present, their tribe, their churches and all they possess, little be it or much. A bishop will not be deposed, a monk will not be stripped of his orders, a priest will not be debarred from his priesthood, nor, if the act is inadvertent, will he be held to account for manslaughter or the shedding of blood. They will not be stripped of possessions nor pressured. No army will tread on their land. If justice is requested of them adjudication is between

themselves; they will neither oppress nor be oppressed.”(12)

Another example of that is the ‘Contract of ‘Umar’ between the Caliph ‘Umar and the people of Jerusalem at al-Jâbiyyah. It guaranteed, after the city surrendered, the security of their lives, their property, their churches, and their crosses. There was also the peace treaty Khâlid Ibn-ul-Walîd made with the people of Hîrah and Homs, as well as the peace treaty ‘Amr-ibn-al-‘Âs made with the Muqawqas [ruler] and the Copts of Egypt.

Non-Muslims in Muslim lands have the right to govern according to their own religion in matters of the family, of marriage, and of annulment or divorce. There are no obstacles with respect to what they think legitimate such as the drinking of wine and the eating of pork.

Among the most exquisite examples is the revelation of verses dealing with human rights and absolving a Jew from the accusation of having stolen a suit of armor. The guilty party was actually Tu‘mah bin-Abrîq who stole it

from his neighbor, Qatâdah an-Nu‘mân. Tu‘mah and his clan wanted to stick the accusation of the theft of the armor on a Jew named Zayd ibn-us-Samîn. The verses are these: “We have truly revealed the Book to you so that you might judge the people by what God shows to you. Do not you be one who pleads the cause of the treacherous.” (*Qur’ân, Sûrah 4:105*)

Those of our allies who seek justice from us have the freedom to adjudicate their case in a Muslim court. There the verdict in their case must be truthful and just. God Almighty has said, “If they come to you, either judge the matter or disclaim jurisdiction. If you disclaim jurisdiction, they can do you no harm. But if you judge in their case, do so with fair-mindedness. God loves the fair-minded.” (*Qur’ân, Sûrah 5:42*)

4. The Right to Justice:

Islam demands that litigation between people be exercised truthfully, fairly and justly, without partiality, prejudice or bias in favor of

a Muslim at the expense of an allied non-Muslim or visa versa. Islam is the religion of truth and justice. The heavens and earth were founded on justice. Justice is the foundation of government. God Almighty has said, “God commands you to give assurance of security to those who deserve it. If you judge between people, let your judgment be just. In this God graciously admonishes you. God hears; he also sees.” (*Qur’ân, Sûrah 4:58*)

Under no circumstances may a Muslim judge compromise the principle of justice even in the case of an enemy. God Almighty said, “O believers, stand up for God, insist upon fair-mindedness, and do not let another people, by their aggressiveness, subvert you to outrage so that you do not do justice. Do justice. That is the nearest kin to devotion. So be devoted to God! God knows what you do.” (*Qur’ân, Sûrah 5:8*) The pursuit of justice is exemplified in the contest between the Imâm ‘Alî and a certain Jew over the ownership of a suit of armor before an insightful judge who judged the evidence inconclusive. Examining

the evidence, he rejected the witness of Hasan in his father's behalf. He then judged that the armor belonged to the Jew. He [the Jew] said, "The Commander of the Faithful led me before *his* judge, and his judge has decreed against him. I bear witness that this religion advocates the truth. I witness that there is no god but God alone, that Muhammad is the Apostle of God, and that the armor is yours, O Commander of the Faithful. It fell off of you one night."

An example of justice done on behalf of non-Muslims is when the Caliph 'Umar bin-'Abd-ul-'Azîz judged in a case concerning a non-Muslim ally (*mu'âhid*) from the people of Homs concerning al-'Abbâs ibin-al-Walîd ibin-'Abd-ul-Malik's expropriation of the ally's land, and which al-Walîd had awarded to al-'Abbâs. 'Umar said, "God's Book is more truthful than what al-Walîd ibin-'Abd-ul-Malik has written. Stand before me! O Ibn-'Abbâs, I return to him [the ally] what he has lost." There is a similar judgment of 'Umar bin-'Abd-ul-'Azîz against the war leader,

Qutaybah bin-Muslim al-Bâhilî, obliging him to leave Samarkand with his army after he had entered it without any military justification. As a result a great many in Samarkand came to confess Islam.

What confirms the Holy *Qur'ân*'s approach and the practical application is what has been established in the Prophet's *Sunnah* [*Hadîth*] reporting stern directives with respect to abiding strictly by the principle of justice. Among these is that which has been related by Abû-Dâ'ûd and al-Bayhaqî concerning the Prophet when he said, "Listen up! Anyone who has oppressed an ally, or demeaned him, or lumbered him with more than he can bear, or improperly taken from him something ... against that person I will stand as an accuser on the Day of Resurrection."

5. The Right of Equality:

Non-Muslim allies have the same rights as Muslims with respect to employment save in those affairs that are defined by understandable conditions involving the

majority such as the presidency of the state or sensitive positions such as leadership of the army. This is no different than is the case in all modern countries throughout the world.

In all other things they enjoy equal rights and responsibilities be that in their absolute security and protection from any aggression or their right to life, their religious rights and the manner in which they practice it. Other sorts of freedoms include equality before the law, the right to a passport, the right to use their own language, the right not to integrate fully with the Muslim majority, and the right to apply their own laws with regard to issues of the family, of divorce and other matters.

Ibn-‘Âbidîn has said, “If they accept the *jizyah* (a protective tax in the amount of one Dinâr on every able-bodied individual), they have what we have and they are obliged as we are to do what is right (to do justice and be fair-minded). That is, they and we are similarly obliged if our lives and possessions are similarly under threat.

Al-Mâwardî said, “In paying the *jizyah* they gain two rights: The first is that they have the right to be left unmolested; the second is their right to protection. In being left alone they have security; in being protected they know safeguards are in place.” Nâfi‘ reported that Ibn ‘Umar said: “The last thing that the Prophet said was, ‘Keep my memory alive in my oath keeping.’”

An example of the equality between [non-Muslim] allies and Muslims is the decision by a body of legal scholars. They said, “It is a rule of war that should people of the covenant (*ahl-ud-dhimmah*) from a Muslim country be captured, they may not be enslaved because they are free folk.”

The bedrock of these rights is the practical *Sunnah* of the Prophet. In his book, *kitâb-ud-dhimmah [The Book of Covenant]*, Qubaylah, a scholar of Tâ’if, wrote, “If someone speaks evil of an enterprising group or tries to oppresses them, that oppressor shall not be obeyed with regard to either property or life. The Prophet will vindicate them against their

oppressor, as will the believers and all those who hate people who annoy them. They will not be bothered. Buying and selling is in the consumption of the houses [i.e. a matter of economic freedom]. None shall rule over them but one of themselves. The Banî Mâlik have their own ruler; the al-Akhlâf have their own ruler.” This is very similar to some of the systems of self-rule we know today.

There is a consensus regarding the rule for defending the people of the covenant against any aggression against their persons or their property. Juwayrî bin-Qudâmah relates: “I heard ‘Umar Ibn-ul-Khattâb. We said, ‘Advise us, O Commander of the Faithful.’ He answered, ‘I advise you to abide by God’s covenant which is also the covenant of your prophet and the inheritance of your families.’”

In his narrative, al-Bukhârî relates: “One of the things ‘Umar Ibn-ul-Khattâb said as he lay dying was, ‘I advise my successor as Caliph to abide by the covenant of the Prophet of God. He must fulfill to the people of the covenant

the pledge. He must fight for them and not burden them with more than they can bear.”

‘Abd-Allâh bin ‘Amr-ibn-ul-‘Âs related that the Prophet said, “One who kills a [non-Muslim] ally without cause will not smell the fragrance of Paradise. Its fragrance endures for forty years [i.e. forever].”

The occasional barring of a non-Muslim ally from holding high public office is the same as applies to a Muslim. It is all a matter of the public interest as the person in charge of the government (the president of the state fulfilling his constitutional responsibilities) or his specialists assess it.

‘Umar Ibn-ul-Khattâb appointed as the heads of his court Orthodox Christians. The next two Caliphs, ‘Uthmân and ‘Alî, and the kings of Banî Umayyah followed his example in this regard. It was the Umayyad ‘Abd-ul-Malik bin-Marwân who switched supervision of the court from a Greek to an Arab. The ‘Abbâsids and other Muslim kings entrusted matters of state to Jews, Christians and Sabaeans. Among

these were matters of medicine and practical education. The Ottoman state, when it appointed ambassadors and representatives to foreign governments, regularly appointed Christians.

This makes clear that the non-Muslim allies who resided permanently in Muslim lands were not second-class citizens, as some antagonistic Orientalists would claim. Everyone was in one class together.

It is also clear that commitments made through alliances with non-Muslims in Muslim lands cannot be made to resemble what is called imperialism. The Muslim system is founded upon the principles of freedom, equality and humanism. For its part, imperialism is based upon denying freedom, and exploiting the defeated party's property and productive capacity.

The enlightening model of how to deal with non-Muslims is God Almighty's saying, "God does not block you from relations with those who do not contest with you on matters of

religion and who do not exile you from your homes. You may treat them as innocent and be fair to them. God loves those who practice fair dealing. However, with those who fight you on the grounds of religion and unjustly cast you out of your homes God commands you shun them. Those who befriend them join the oppressors.” (*Qur’ân, Sûrah 60:8-9*)

Let us observe that the Orientalist, Scott, contemporary of the shaykh Muhammad ‘Abduh, claimed that the *dhimmî* did not have the freedoms the Muslim enjoyed especially with respect to the place of dwelling, the manner of dress, and opportunities to earn a living.

As we have earlier noted, the response to Scott is that the *dhimmî* enjoys full equality with the Muslim. We do note some well-known but superficial variances in mode of dress and greeting. These have to do with specific and time-conditioned circumstances and local cultural variants related to past history.

Hanafî jurists have said, “In their dealings the people of the *dhimmah* are on the same footing as Muslims. What the Muslim can do with his possessions is permitted to the *dhimmî*. What the Muslim cannot do the *dhimmî* cannot do either.”

We have shown that the people of the covenant come under the overall authority of the state. The Muslim law applies to them save for those issues involving religious beliefs and laws of personal status. This has to do with the fact that the law is the law of the majority. The application of the Muslim *Shari‘ah* is region wide and not tailored to the individual. *Dhimmîs* are considered to be citizens along with all others. As a community they are not an exception. As it were, they have a ‘Muslim passport’.

6. The Right to Protection:

As we have already noted, the Muslim state is obliged to protect non-Muslims in its territory from any outside enemy because, like their Muslim compatriots, they have the right

to be defended from that which might harm them. Here's an example: Abû-'Ubaydah ibn-ul-Jarrâh, as is reported by Abû-Yûsuf in his book, *al-kharâj*, made a peace treaty with the people of Syria at the time of the Muslim conquest of Syria on condition that they pay the *jizyah*. When the people of the covenant (*ahl-ud-dhimmah*) saw the good faith of the Muslims and their proper conduct toward them, they came to stand passionately against the enemy of the Muslims. They actually helped the Muslims against their foes even to the extent of spying out news concerning the Byzantines and their emperor.

When the Byzantine threat against the Muslims intensified, Abû-'Ubaydah commanded that the *jizyah* and the *kharâj* (land tax) be returned to the Christians in Homs and other towns. The Muslims returned to them the money they had collected. They said, "You have restored our faith in God and may he give you victory over your enemies. Had it been they instead of you, they would have returned nothing to us, instead they

would have stripped us of whatever we had left.” This popular rejoicing was repeated, centuries later, when Crusader rule in Homs and elsewhere was ended.

If some allies are captured among the enemy, the Muslims must release them. Here’s an example: When the Tatars overran Syria, the well-known shaykh, Ibn-Taymiyyah, went to speak to ‘Qutlû Shâ’ requesting the release of prisoners. The Tatar leader agreed to release the Muslim prisoners but would hold on to prisoners from among the people of the covenant. Ibn-Taymiyyah said, “We will not accept the deal unless you release all the prisoners including the Christians and the Jews. They are people to whom we are bound by covenant. We will not leave any prisoner behind be that person a person of the covenant or from our Muslim community.” When the Tatar saw his determined insistence, he released them all to him.

As we have already discussed, this goes back to the counsel of the Prophet and the counsel of the Rightly Guided Caliphs concerning the

people of the covenant. Among the requirements are the following: refrain from doing harm, persecution or aggression against them. The Prophet said, “The one who harms a *dhimmî* has done harm to me; whoever does me harm has tried to harm God.” He also said, “I am the opponent of anyone who harms a *dhimmî*. Any opponent of mine I will speak against on Resurrection Day.” And, “Take note: Anyone who persecutes a person of the covenant, over-burdens that person or takes something from that person against his will, I will be his prosecutor on Resurrection Day.”

This is to say that it is the fundamental duty of the Muslim state to protect the non-Muslim from any harm. Al-Qarâfî said, “Contracting a covenant has given them rights upon us. They are our neighbors and under our protection. We have a responsibility to guard them. It is a covenant with God Almighty, with the Prophet, and with the religion of Islam. Anyone who commits aggression against them, be that only with a bad word or impugning the honor of any one of them or

any sort of harm or the threat of doing harm ... that person has done violence to the covenant of God Almighty, the covenant of his Prophet, and the covenant of Islam.”

7. The Right to Personal Things:

In accord with the directives of their religion and their *Shari‘ah* and under the principle, ‘We command you to give them elbowroom not least of all in their religious commitments’, Muslims relate to non-Muslims in accord with the very highest principles. In Muslim lands their freedom in doctrine, in religion, and in their interactions with others is recognized. They are not to be interfered with in any of this. Muslims respect their rights in matters of belief and the practice of their religious observances — prayers, sacraments, and what have you. They have the right to what they think is a moderate consumption of intoxicating beverages and to the eating of pork. They have the right to celebrate their religious festivals and high holy days, to hold their wakes, bury their dead, and greet each other on those occasions. They are under no

obligation other than that which they impose upon themselves. They may repair their churches and build new ones when they are needed.

All this they are free to do within the bounds of the regulations, the rules governing public order, and that which is appropriate under the various current rules. But they are not to violate basic Islamic rules or sacred things — the *Qur'ân*, the Prophetic Tradition, or doctrine, manner of worship and ethical values — or historical precedents. They may not curse, vilify, mock, sneer, incite to religious dissension, defame Islamic values, history or culture, or transgress against its dignity and honor.

8. The Right to Learn and to Teach:

Non-Muslims have the right to learn about their religion and its history, and the right to teach the emerging generation in their schools, homes, churches and elsewhere. Islam encourages the acquisition of knowledge and information, the enrichment of an educated

citizenry, the progress of culture, renaissance and civilization, and whatever benefits society as a whole. That can only redound to the benefit of the whole community and contribute toward overcoming the factors of backwardness. It is a factor of strength, promotes dignity, and repels aggression, both internal and external.

There is no obstacle to irenic and intentionally constructive dialogue, and even civilized debate with non-Muslims. What is not acceptable is inflaming discord, inciting to conflict, planting the seeds of malice, extremism, hatred, or collaborating with enemies and sympathizing with them at the expense of the homeland's honor. God Almighty said, "With wisdom and civilized admonition call [them] to your Lord's cause, and debate them with utmost decorum ..."
(*Qur'ân, Sûrah 16:125*)

Emphatically, the Holy *Qur'ân* is a clear text on the issue of dialogue with the People of the Book (Jews and Christians). The Almighty said, "Do not debate the People of the Book

except with utmost decorum, not even those among them who have engaged in oppression. Say: ‘We believe in what was sent down to us and what was sent down to you. Our God and your God is one God, and to him we have submitted ourselves.’ (*Qur’ân, Sûrah 29:46*)

It is just common sense that they [the Muslims] ought not fan the flames of apostasy, atheism, religious dissension, or the defamation of religion or the divine revelation. That is just the way Muslims are — that would not be beneficial but rather it would be destructive, divisive and a cause for all sorts of problems.

They must also sustain national unity so as to assure security for all and achieve stability. The progress of the community depends upon confidence, peace of mind, and rising above the kind of fanaticism and partisanship that damages, and that does injury to the sense of unity and the maintenance of community and national interests.

9. Working Well Together:

Good will and building confidence requires building of social, economic and political bridges between Muslims and others. It is in the common interest to support the integrity and good will of the other party. This happens through good will visits, through the giving and receiving of gifts, through exchanging amiable greetings on special occasions that are recognized as socially appropriate. These include respectful visits and well wishes on occasions that do not violate doctrinal sensitivities. It is also pious and good to express compassion in times of distress, sadness, and the loss of a loved one. That will only inspire an environment of social interaction redolent with a lively spirit of interactive confidence yielding healthy cooperation for the sake of the community and for the homeland.

The basis of this is the *qur'ânic* statement that we have previously quoted: “God does not block you from relations with those who do not contest with you on matters of religion and who do not exile you from your homes. You

may treat them as innocent and be fair to them. God loves those who practice fair dealing. However, with those who fight you on the grounds of religion and unjustly cast you out of your homes God commands you shun them. Those who befriend them join the oppressors.”
(*Qur’ân, Sûrah 60:8-9*)

This expresses two very important social principles. First, there is the principle of righteousness, affection, goodwill, doing good and trust. But then there is the principle of morally condemning all expressions of cooperation with, working for and advancing the cause of enemies.

Righteousness takes the virtue of good relations one step further. The Prophet used to visit the sick of the People of the Book and was good to them. He used to exchange loans with them and conduct business with their merchants, and he used to receive them and give them guest facilities in his own mosque as he did with the Christian delegation from Najran and the Christian delegation from Ethiopia.

Even more eloquent and clear is the consensus of some of Islam's religious scholars in the classical period. They defined the objective of righteousness [toward the people of the covenant] as al-Qarâfi summarized: "Islamic righteousness toward the people of the covenant is to companion their weak, meet the lack of their poor, and clothe their naked. It is to speak gently to them in a dignified, polite and compassionate manner, not with fear-inspiring threats or crude suggestions that they might suffer their neighborhoods being broken up through their being chased from their homes. They are our friends. Fear and greed play no part. Righteousness is wishing them well with good advice and making them happy, giving them counsel in all they do both in their spiritual lives and in their mundane affairs. They must be shielded from slander when someone proposes to injure them. Their material possessions, their families, their honor and all their rights and privileges are to be protected. They may not be persecuted, and their claim to

their rights must be upheld ...” and so on in the same vein(13).

This perspective has been consistently sustained down through history. It was the overall system applied by Muslim Caliphs, princes and the Muslim faithful whether in the East or in the West. Muslims treated the Jews fleeing the pogroms in al-Andalus (15th century Spain) with dignity. They gave them refuge and protection, and forbade their being harmed or injured. In his book, *The Call of Islam*, Arnold has commented about the people of the covenant: “They sought refuge under Islamic governments, and found there a hearty welcome. Muslim rulers, furthermore, sustained their ancient practice of open-hearted tolerance toward people of other religious persuasions.”(14)

Protecting the principle of citizenship, it is well known that Islam rejects the culture of racial hatred, and trains up Muslims in the culture of intending good to others.

10. Social Security:

Non-Muslims in Muslim countries were given health coverage and social security. Their poor were cared for. They received permanent stipends no matter if they were advanced in years or unable to work or unemployed and unable to earn a legitimate living.

Following are examples from history that illustrate in a practical way how this principle was sustained with respect to non-Muslims:

*There is the story of the Caliph ‘Umar and an old Christian man: ‘Umar Ibn-ul-Khattâb once encountered an elderly man of the people of the covenant. On the gates of the mosques he asked about the reason for the *jizyah*, destitution and aging. The Caliph answered, ‘We have treated you justly. When you were young we took from you the *jizyah* and we lost that when you grew old.’ He then ordered the treasury to give the old man what he needed. He granted him immunity from the *jizyah*, taxes and other similar things. In this the Caliph was guided by the *qur’ânic* verse dealing with the *jizyah* wherein God Almighty

said, “Alms are for the poor and miserable.”
(*Qur’ân, Sûrah 9:60*)

In this verse, the ‘poor’ are the Muslims and the miserable are the People of the Book.

*There is the story of Khâlid and the people of Hîrah: In the document of the peace treaty between Khâlid Ibn-ul-Walîd and the people of Hîrah in Iraq, it is stated: “Thus I have provided for them: Any old man unable to work, or who has been struck down by some misfortune or other, or who once was rich but has become impoverished and whose story his coreligionists confirm, for that person I have suspended the *jizyah*, and he has a claim upon the Muslim treasury, he and his family, whatever is generated in foreign parts or in Muslim lands.”

*There is the story of ‘Umar bin-‘Abd-ul-‘Azîz and what he did in Basrah: ‘Umar bin-‘Abd-ul-‘Azîz wrote to ‘Adî bin-Urtâh with respect to Basrah, saying, “You must look to your folk from among the people of the covenant. Those advanced in age, those less

able than once they were, and those reduced in means must receive from the treasury what they need.”

This represents only part of the rights that non-Muslims enjoy in Muslim lands as history has recorded them in eminently clear language and eminent examples. These rights have their grounding in the *Qur'ân*, in the prophetic *Sunnah*, and in the record of Muslim history. They portray a clear record of how Islam honors human rights.

Minorities in the Rest of the World:

We continue to monitor the clear disparity between the condition of minorities within the Muslim world and the condition of minorities in non-Muslim lands.

From East to West in the Muslim world, non-Muslims are part of the Muslim commonwealth. They enjoy the dignity of being citizens; they have, as it were, a ‘Muslim passport’ and the rights and privileges pertaining thereto. With full equality they enjoy the same rights of citizenship as do

Muslims. The only thing that is different is the nomenclature. *Zakât* [alms-giving] is something Muslims must pay to participate in the Muslim social security system. It is levied on five kinds of income: cash income as well as income from commerce, agricultural profits, flocks and herds, and cash reserves and precious metals. It taxes in excess of 20% of income. The tax on cash income is 2.5%.

As for what is called the *jizyah*, you might just as well call it *zakât*, or a contribution, or a tax. The Christian Arabs of Banî-Taghlab, for instance, refused to pay the *jizyah* but accepted to pay a contribution. Alternatively, they accepted the term, *jizyah*, if by that they would be exempted from military service. In any case, the *jizyah* was assessed at one *dinâr* for every able-bodied male. By contrast, today, whatever you call it, non-Muslims and Muslims alike in modern nation states pay in tax a whole lot more per year than one *dinâr* per head!

By contrast the Muslim minorities scattered across the world, East and West, who exceed

six hundred million, do not enjoy real rights as citizens. They are treated with something far short of respect. Even though they may practice their religion to a great extent, they are constrained in those matters regarding the Muslim *Shari'ah's* administration of family law. And, in fact, they are not treated with equality with respect to many things having to do with the economy, politics and society.

With regard to sensitive issues Muslims are treated badly in non-Muslim lands both with regard to the way government works and with respect to basic human rights. Examples of this are legion whether in Medieval or in modern times. There are outrages, woundings and evil deeds. They happened in the past and they happen now. Only look at the campaigns, the attacks, the things actually done — vicious and destructive acts. We all know them:

*There are the satirical caricatures of the Muslim Prophet published on September 30, 2005. The rest of the western press picked them up and even some of the Arabic press, be that with good intent or ill. The excuse was

that it had to do with the freedom of expression or the freedom of the press with which the government could not interfere.

- There was also an enterprise to stage a play concerning the Lord Christ, knowing that we [Muslims] honor him along with all God's apostles.

- *There have been any number of prevaricative and outright distorting events concerning Islam and its Prophet in the centers of western academia. These have been published in the book, "Islam". It is their invention.

- *Radio campaigns have been launched with the goal of permanently crippling Islam and subverting its ability to interact with others.

- *Media sources have been subverted to sustain a campaign of slander against Islam and undermine the way in which it interacts with the rest of the world.

*Media programs have been engaged to slanderously and falsely portray all Muslims as terrorists.

*Crimes have been committed in Iraq. Napalm bombs have been dropped, cluster bombs, and even selective atomic weapons. They have used all manner of technological, biological and chemical weapons that international conventions forbid.

*They have been burrowing under the foundations of the al-Aqsâ Mosque, threatening it with certain danger.

These are only a few of the examples of the threats to which Muslim minorities in non-Muslim countries are exposed. Where now do we look for stability in our world and for security, and for respect for what we mean when we talk about 'citizenship'?

In Light of the Notion of Citizenship in Muslim Lands, What Authority Is There?

The laws that are in force define authority in the world. Virtually all these laws, including

the Muslim *Shari'ah*, are regional in their application. They are not defined by the identity of the individual. But, as we have noted, there are exceptions that govern the application of what we mean by 'citizenship'.

Islam, for its part, looks upon non-Muslims in a positive way that has far-reaching implications. Islam is a religion of mercy for all people. In application it denigrates no non-Muslim. As we have said, its principles are founded upon the principles of truth, justice, and doing what is right so far as interaction and equality are concerned.

It is absolutely essential to know how to address those things that might create problems under the Islamic umbrella:

First, we must conduct a serious and intentional dialogue of cultures that is grounded in our respect for the other local cultures and our respect for what others think.

Second, we must hold to the Islamic principle of tolerance (*tasâmuḥ*). That is what makes for security and stability. It is the

safeguard against all varieties of extremism, enmity and hatred against other people.

Third, we must hold to peace, security and moderation. We must have nothing to do with extremism, fanaticism or immoderation. We must strive to extirpate from other minds the urge to plant seeds of error or mythical perceptions. We must oppose extremism and fanaticism. We must fight terrorism and uproot it internationally.

Fourth, we must sustain our call for world relations that are based upon the love of that which is good and upon those things that make for peace. We must work for that which ends instability, armed conflict, and armed intervention in others' affairs. We must curb the instinct to aggression, fight against occupation, and oppose those who violate and plunder that which belongs to Muslims.

This — the anchoring of what it means to be a citizen — cannot be achieved by one side alone. Non-Muslims must subscribe to the four points we've made above so as to make clear

what we mean by responsible citizenship, adhering to both rights and obligations, be that in Muslim lands or in non-Muslim countries. They must also grasp Islam in its true dimensions, rejecting those misguided ideas about Islam. In the end everyone must attend to the word of truth, of justice, of equality, of commitment to the principles of high morality, wherein all parties attend to the voice of conscience and our common existential commitment. God, indeed, speaks the truth; He it is who guides us on our path.

References:

*) Wahbah az-Zuhaylî is a Muslim religious scholar (*faqîh*) and intellectual from Syria.

[1]- The biography of Ibn Hishâm and other sources.

2- A fuller text of the ‘Covenant of Madînah’ may be found in English translation in A. Guillaume, *The Life of Muhammad: a Translation of Ibn Ishaq’s Sirat Rasul Allah* (London: Oxford University Press, 1955), pp. 231-235.

3- A *Hadîth* attested by a variety of authorities.

4- It is known that five principles govern the *Sharî‘ah*: Preservation of religion, of human life, of the rational mind, of human dignity, and of material possessions.

5- Quoted from *Sahîh-ul-Bukhârî*, 2:191. [TR] See variant in A. Guillaume, *The Life of Muhammad*, p. 651.

6- Related in his collection of *Hadîth* by ad-Dâr Qutnî, 3:135.

7- Quoted from the *Hadîth* collection of Ahmad 12:226. [TR] The text of the

Prophet's farewell address has many redactions.

8- From *Sahîh al-Bukhârî*, 2:87.

9- 'Alî at-Tantâwî, *Stories of 'Umar [akhbar 'umar]*, p. 155ff.

10- Zamakhsharî's *al-Kashshâf*, 3:289.

11- From '*nasb-ur-rayah fî takhrîji-ahadîth-il-hidahah*' 3:381.

12- From *al-Kharâj* by Abî-Yûsuf, p. 72.

13- Al-Qarâfî, 3:15. The Prophet said: "Make the welfare of the people of the covenant your intention."

14- There is no reference to the work quoted in the original text. [TR]