

Rights of non-Muslims in the Muslim Society

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Abstract: Islam has secured several rights and guarantees for non-Muslims who live in the Muslim society. Allah The Almighty has enjoined Muslims to observe these rights in the Noble Quran. Moreover, Prophet Muhammad (Peace and blessings be upon him) has secured several rights and guarantee for non-Muslims who live in Muslim countries. These guarantees aim to achieve security and safety for non-Muslims who live in a Muslim country. Also, they aim to attain preserving human rights and achieve complete freedom for the non-Muslims in the Muslim states. The rights of non-Muslims that Islam has secured are six in general: Freedom of belief; safety of the non-Muslims' places of worship in the Muslim countries; freedom of practicing the acts of worship; good relationship and kind treatment; observing justice in dealing with them and protecting them from oppression and social solidarity. This research will touch upon these six rights in detail pointing out the evidences of the Quran and honorable prophetic Sunnah as well as the opinions of the jurisprudence scholars of Islam.

Key words: Rights of non-Muslims, Muslim society, freedom, belief, Islam

INTRODUCTION

What can really substantiate the civilized and cultural values of the Islamic nation are the brilliant human principles that it achieves to go beyond its boundaries to include others in its humanity, even if they have different religions, races and languages. Allah The Almighty has chosen our Prophet Muhammad (Peace and blessings be upon him) to the message and made him a mercy for all humans. Accordingly, Islam is the first universal message that went beyond the limits of times, places, languages and races. However, Allah The Almighty decreed according to His will and wisdom, to create man as a unique creature distinguished with ability of choice. So, Allah The Almighty decreed that people are to be divided into Muslims and non-Muslims. Thus, difference of people concerning religion is a decree of Allah The Almighty and His established law that should be fulfilled. The questions rise here are:

- What about the fate of the non-Muslims?
- How does Islam deal with those who hold different religions?
- How does it treat them if they are living in the countries of Muslims?

This research aims to answer these questions through studying the rights of non-Muslims in the Muslim society. This will be done in the light of the texts of the Noble Quran and honorable Sunnah and

understanding their meanings through the guidance of the jurisprudence scholars of the nation and the applications of our righteous predecessors throughout the victorious centuries of Islam in which they dominated the whole world and which were, in general, a practical answer for these questions. Actually, their commendable reasoning and discretion were an embodiment to the fair system of Islam in dealing with the non-Muslims.

In fact, non-Muslims, who live in the Muslim countries enjoy a number of guarantees and rights that the Muslim society has granted them, acting upon the guidance of the Book of Allah The Almighty and Sunnah of the Prophet Muhammad (Peace and blessings be upon him). As for the guarantees that the Muslim society has secured for non-Muslims are as follows:

FIRSTLY; GUARANTEEING THE FREEDOM OF BELIEF

Muslims, throughout their great civilized history, have never intended to practice compulsion against the nations or individuals under their authority. That is because of applying a number of the Islamic principles that rooted deeply this conduct in them.

Inevitability of difference and its nature: Plurality and diversity of creatures are one of the established laws of Allah The Almighty (that never changes) in the universe. That is to say that the nature of existence in universe is based on diversity and plurality and Allah The Almighty

has created humanity according to this universal law. Consequently, humans have become different races and different natures. Moreover, their difference in religion is occurred according to the universal will of Allah The Almighty and related to His wisdom. Allah The Almighty says (what means):

For each We have appointed a divine law and a traced-out way (Quran 5: 48)

This is a report about the nations that have different religions according to what Allah The Almighty has sent His honorable Messengers of different legislation regarding rulings but agree on the same idea of Islamic Monotheism. As long as difference and plurality is one of the miracles of Allah The Almighty, then difference in beliefs has to be acknowledged (Ibn Katheer, 1999).

Divine honor for humans: Allah The Almighty has honored the human beings over all other creatures. Amongst the forms of honor, that Allah The Almighty endowed human with, is mind with which he can differentiate between the truth and the falsehood. Due to it, Allah The Almighty granted humans freedom and free will of choosing whatever they please. Also, Prophet Muhammad (Peace and blessings be upon him) and the companions after him affirmed respecting the human soul and observing its honor, freedom and even choice.

There shall be no compulsion in acceptance of the religion: According to what was mentioned earlier of free will and choice, one can choose whatever belief he pleases. Allah The Almighty says (what means):

There is no compulsion in religion (Quran 2: 256)

Meaning do not practice compulsion against anyone to make him enter into Islam.

SECONDLY; GUARANTEEING THE SAFETY OF THE PLACES OF WORSHIP

If it is proved that Islam does compel people to enter it; then, it makes people free to keep adopting their religion. The first requirements of this is that it does not object the practice of others to their worship. It is even allow them to do so and guarantee the safety of the places of worship.

Actually, this what Muslims have guaranteed in their covenants that they gave to the nations that became under their authority or guardianship. The rightly-guided Caliphs who came after Prophet Muhammad (Peace and blessings be upon him) also adhered firmly to this lenient guidance. ‘Umar ibn al-Khattaab guaranteed it in the al-‘Uhdah al-‘Umariyyah (The covenant of Umar) to the people of al-Quds (Jerusalem): In the name of Allah, the

Entirely Merciful, the Especially Merciful. This is an assurance of peace and protection given by the servant of Allah ‘Umar, commander of the believers to the people of Iliaa (Jerusalem). He gave them an assurance of protection for their lives, property, church and crosses as well as the sick and healthy and all its religious community.

Their churches shall not be occupied, demolished nor taken away wholly or in part. None of their crosses nor property shall be seized. They shall not be coerced in their religion nor shall any of them be injured. To the contents of this covenant here are given the Covenant of Allah, the guarantees of His Messenger, the Caliphs and the Believers (At-Tabari, 1407).

Furthermore, the Noble Quran and honorable Sunnah are full of instructions that call for toleration. The earlier Muslim conquerors have applied these instructions accurately. For example, when ‘Umar entered al-Quds, he issued his commands to Muslims not to make any disturbance to the Christians or their churches. When the patriarch invited him to pray in the church of Qiyaamah (i.e., the church of the holy sepulchre also called the church of the resurrection), ‘Umar declined, fearing that accepting the invitation might endanger the church’s status as a Christian temple and that Muslims might break the treaty and turn the temple into a mosque (Ibn Khaldoun, 1991).

THIRDLY; GUARANTEEING THE FREEDOM OF PRACTICING WORSHIP

Scholars of jurisprudence have imposed the assurance of the rights of non-Muslims in worship guarantee of not occupying them at their times and protection of the choice of the non-Muslim in doing all that is permissible in his religion. Safety of Adh-Dhimmi (A free non-Muslim subject living in a Muslim country) in the Muslim society is applied to his property and belief. In this effect, scholars of jurisprudence convey the consensus of Muslims regarding the freedom of the Ahl Adh-Dhimmah in eating swine meat, drinking wine and the like of what is permissible in their religion. They have agreed that Muslim governor cannot prevent Ahl Adh-Dhimmah from drinking wine, eating swine meat and taking the houses that they gave covenant on if it is a place that does not have Muslim people (i.e., in their country in which they are the majority) (Ibn Al-Qayyim, 1408).

This was decided by the scholars of jurisprudence during the time of the glory and power of the Islamic states. The Muslim rulers and governors complied with these rulings as much as they comply with the other teachings of their religion. Thus, the civilians of non-Muslims lived under the protection of the Islamic

state; while, they were enjoying the freedom of worship and performing their religious rites. In this regard, Durant (1964) said:

Jews in the nearest East welcomed the Arabs who liberated them from the oppression of their previous rulers. Under the authority of the Arabs, they become enjoy complete freedom in their lives and practicing their religious rituals. Furthermore, Christians were free in celebrating their festivals openly and the Christians pilgrims used to come in multitudes to visit the Christian shrines in palestine. Rather, the Christians who do not belong to the church of the Byzantine state who used to suffer from many forms of oppression on the hands of patriarchs of constantine, jerusalem, Alexandria and Antakya, become now free and safe under the authority of Muslims

Translator of civilization of the Arabs conveyed to us the words of Robertson in his book entitled, History of Sarlken, as saying:

Muslims alone are those who combined both their protective jealousy to their religion and spirit of toleration towards the followers of the others religions. They left those who do not want to enter into Islam free in adopting their religious teachings

As for Arnold (1974), the English historian, he said:

The victorious Muslims dealt with the Christian Arabs in great toleration since the first century of Hijrah (Immigration from Makkah to Medina). This toleration persisted in the successive centuries

FOURTHLY; GUARANTEEING GOOD RELATIONSHIP AND KIND TREATMENT

Allah the Almighty has commanded Muslims in the Noble Quran to deal kindly and have good relations with non-Muslim individuals who do not cause them harm nor fight them. Actually, this applies to our civilians of other religions and so do the people of all other non-Muslim countries. All of these categories are included in the saying of Allah the Almighty:

Allah forbiddeth you not those who warred not against you on account of religion and drove you not out from your homes, that ye should show them kindness and deal justly with them. Lo! Allah loveth the just dealers (Quran 60: 8)

At-Tabari (1405) said:

Allah does not forbid you from those who do not fight you because of religion concerning all categories of beliefs and religions from being righteous towards them and acting justly towards them. For indeed, Allah loves those who act justly, i.e., those who deal justly with people and give them their due from themselves. So, they deal kindly with those who deal kindly with them and do good to those who do good with them

Amongst the forms of good relationships and kind treatment are visiting the sick. Prophet Muhammad (Peace and blessings be upon him) visited his Jewish neighbor when he was sick and sat at his head. In another incident, a Jewish individual invited Prophet Muhammad (Peace and blessings be upon him) to eat barley bread with him, the Prophet answered his invitation and ate with him.

Amongst the other forms of kind treatment that aims at attracting hearts is gift. Prophet Muhammad (Peace and blessings be upon him) gave gifts to non-Muslims. The Messenger of Allah (Sallallahu alayhi wa sallam) gave Abu Sufyaan a gift of dates when he was in Makkah. Moreover, Prophet Muhammad (Peace and blessings be upon him) accepted the gifts that the kings gave him he accepted the gift of al-Muqawqis and Kisra. Ibn Qudaamah (1405) said:

It is permissible to accept the gift of non-Muslims of the people of war because the Prophet accepted the gift of al-Muqawqis the king of Egypt

Also, the Prophet gave a gift of expensive garment to ‘Umar ibn al-Khattaab and then the latter gave it to his brother in Makkah; while, he was non-Muslim at that time. An-Nawawi (1392) said:

This is a proof on the permissibility of dealing kindly and doing good with the non-Muslim relatives and the permissibility of giving gift for the non-Muslims

When the scholars of jurisprudence spoke about the rights of the guest, they viewed that it is obligatory for every guest, whether he is Muslim or non-Muslim. Abu Ya’la (2000) said:

It is incumbent upon Muslims to observe hospitality with Muslims and non-Muslims for the general meaning of the statement of the Prophet Muhammad (Peace and blessings be upon him): The food for a night for the guest is

obligatory on each Muslim host. This indicate that Muslims should observe hospitality with Muslims and non-Muslims. The statement includes Muslims and non-Muslim

Right of hospitality entails honoring the guest according to everyone capacity. This was performed by the Prophet when 'Adyy ibn Haatim came to him. 'Adyy said:

I went up to the Messenger of Allah. He was in the Masjid (Mosque). The people said: This is 'Adiyy ibn Hatim. I said: I came without having a covenant of safety nor an agreement. When they took me to Him. He took me by the hand and went with me until we reached his home. There He got a leather cushion filled with palm fiber, gave it to me said: Sit on this! (At-Tirmidhi, 1998)

Amongst the greatest forms of kind treatment is the supplication of the Prophet Muhammad (Peace and blessings be upon him) for non-Muslims. It is a form of his mercy to all worlds. This includes his supplication to the tribe of Daws when at-Tufyl ibn 'Amr ad-Dawsi and his friends came to him and said: 'O Messenger of Allah, tribe of Daws disbelieved and rejected adopting Islam, so supplicate Allah The Almighty against them. The people then said: Daws was finished (i.e., it will be destroyed because of his supplication). Contrary to the people's expectations, the Prophet said: 'O! Allah bestow Your guidance for the tribe of Daws and bring them forward (Al-Bukhaari, 1987).

Also, when it was said to the Prophet in another place: 'O Messenger of Allah, supplicate Allah against the polytheists. Upon this the Prophet: I have not been sent to curse people but as a mercy to all mankind.

FIFTHLY; GUARANTEEING JUSTICE IN DEALING WITH THEM AND PROTECTING THEM FROM OPPRESSION

Allah The Almighty sent the Prophet Muhammad (Peace and blessings be upon him) with the high moral standards. Amongst the most important of these high moral standards which Prophet Muhammad (Peace and blessings be upon him) came with is the justice which is very simple to be fulfilled if the matter is related to the brotherhood of religion, kinship or the like of what the humans feel sympathy for it. However, the truthfulness of this attribute only appears clearly when the religions differ and interests are not the same and this is what we consider in this research. What is the rulings of Islam concerning observing justice with the non-Muslims? Have Muslims achieved what their religion called them for or violated it?

In the Noble Quran, Allah The Almighty has commanded observing justice and made special affirmation of observing justice with those who adopt another religion for one may oppress them due to the difference of religion. Allah The Almighty Says (what means):

'O ye who believe! Be steadfast witnesses for Allah in equity and let not hatred of any people seduce you that ye deal not justly. Deal justly, that is nearer to your duty. Observe your duty to Allah. Lo! Allah is Informed of what ye do (Quran 5: 8)

Al-Qurtubi (1372) said:

The Ayah (Verse) has indicated that the disbelief of non-Muslim people does not prevent from observing justice with them

Furthermore, Allah The Almighty has informed the believers that He loves those who deal justly with those who adopt another religion and do not cause them any harm or fight them saying (what means):

Allah forbiddeth you not those who warred not against you on account of religion and drove you not out from your homes, that ye should show them kindness and deal justly with them. Lo! Allah loveth the just dealers (Quran 60: 8)

Accordingly, observing justice with others brings about the love and pleasure of Allah The Almighty with his Muslim worshipers.

Prophet Muhammad (Peace and blessings be upon him) warned against oppressing Ahl Adh-Dhimmah and diminishing their rights and made himself the defender to the wronged party saying:

Beware, if anyone wrongs a contracting man; or diminishes his right; or forces him to work beyond his capacity; or takes from him anything without his consent, I shall plead for him on the Day of Resurrection

In addition, Prophet Muhammad (Peace and blessings be upon him) affirmed that oppressing the non-Muslim individual brings about the punishment of Allah The Almighty who accepts his complaint and supplication on the Muslim individual who oppressed him. In this regard, He said:

Fear the prayer of the oppressed, even he is non-Muslim, for between it and Allah there is no barrier

This was practically applied when Prophet Muhammad (Peace and blessings be upon him) concluded the treaty with people of Najraan, as he said:

No right, authority of them or whatever they used to do shall be changed as long as they give the right counsel (to Muslims) and render whatever due on them provided they are not asked to do anything unjust (Ibn Sa'd, 1968)

SIXTHLY; GUARANTEEING THE SOCIAL SOLIDARITY

The most important assurance that Islam provides to the non-Muslims who live in the Muslim society is including them within the system of Islamic social solidarity. Allah The Almighty sent His Prophet Muhammad (Peace and blessings be upon him) as a mercy to all worlds. Also, Prophet Muhammad (Peace and blessings be upon him) commanded Muslim to adhere firmly to the attribute of mercy in their dealings among themselves, others and even with animals. In this regard, Prophet Muhammad (Peace and blessings be upon him) said:

Allah The Almighty will not be merciful to those who are not merciful to mankind (Al-Bukhaari, 1987)

As we observe that the word mankind is a general word and thus includes everyone, regardless of their races or religions. This Hadeeth urges adopting mercy for all creatures and thus it applies to Muslims non-Muslims, animals; the owned and disowned of them.

Islam has encouraged and enjoined Muslims to observe kindness and leniency in dealing with whoever does not assault Muslims. Moreover, Islam has made paying zakaah (Obligatory almsgiving) to Muslims and others as one of its main pillars. Allah The Almighty says (what means):

The alms are only for the poor and the needy (Quran 9: 60)

Al-Qurtubi (1372) said:

The general meaning of the word the poor does not entail confining to Muslim away from Ahl Adh-Dhimmah

Ikrimah said:

The word the poor refers to the poor among Muslims and the word the needy refers to the poor among the people of the scripture (Al-Qurtubi, 1372)

Furthermore, the Noble Quran has enjoined and encouraged giving charity to non-Muslims. Abu 'Ubaid (1395) reported that some Muslims had kinship and

relatives from the tribe of Quraydhah and An-Nadeer. They used to avoid giving charity to them and want them to adopt Islam and thus Allah The Almighty revealed:

The guiding of them is not thy duty (O Muhammad) but Allah guideth whom He will. And whatsoever good thing ye spend it is for yourselves when ye spend not save in search of Allah's countenance and whatsoever good thing ye spend it will be repaid to you in full and ye will not be wronged (Quran 2: 272)

Accordingly, jurisprudence scholars were of the opinion of the permissibility of giving charity to Ahl Adh-Dhimmah. Also, they (Jurisprudence scholars) allowed one to make Waqf (Endowment) for non-Muslims and deemed it one of the forms of goodness that Allah loves. Muhammad ibn al-Hasan Ash-Shaybaani said:

It is permissible to make a Waqf to Ahl Adh-Dhimmah because they have respectable ownership. Also, giving charity to them is allowed and if giving charity to them is allowed, then making Waqf for them will be allowed like Muslims. It was reported that Safiyyah (May Allah be pleased with her) the wife of the Prophet Muhammad (Peace and blessings be upon him) made a Waqf to her Jewish brother, because making Waqf is permissible among Ahl Adh-Dhimmi and Muslims, i.e., if a non-Muslim makes Waqf for a Muslim then this will be valid. Also, if a Muslim make a Waqf for a non-Muslim then this will be valid. Rather, if the non-Muslim individual makes a Waqf for whoever visits their churches or the passers-by or merchant who go to their churches, then this will be valid

Imaam al-Qaraafi gave a detailed explanation of kindness and justice that are commanded to be observed in dealing with the non-Muslims saying:

As for observing kindness without having inner love to them, it is to show kindness to the weak of them satisfy the need of the poor of them feed the hungry of them give clothes to the naked of them protect their properties, children, honors and all of their rights and interests. Also, they are to be supported to alleviate oppression against them and giving them all of their rights

Warding off damage and relieving Muslims and the like of them such as Ahl Adh-Dhimmah from harm is one of the collective obligations such as feeding the hungry and giving clothes to the naked when the charities and bayt al-maal (Muslim public treasury) do not satisfy this.

‘Umar ibn ‘Abdul Azeez, the rightly-guided Caliph, wrote the following instructions to his governor ‘Adiyy ibn Arta‘ah:

Consider the conditions of those who become old aged, have weak body and become unable to earn (their livelihood) among Ahl Adh-Dhimmah and thus give him of the Bayt Maal al-Muslimeen what is suitable to him (Abu ‘Ubaid, 1395)

This unique care has been recorded by the Russian orientalist Bartold (1981) saying:

The Christians were in better conditions under the authority of Muslims. That is because Muslims adopted in their religious and economical dealings with Ahl Adh-Dhimmah the principles of care and leniency

CONCLUSION

At the end of the research, the researcher has reached several results and they are as follows: Firstly, non-Muslims who live in the countries of Muslims enjoy several guarantees and rights that Islam has granted them. These guarantees and rights were established by proofs from the Book of Allah The Almighty, Sunnah of the Prophet Muhammad (Peace and blessings be upon him) and the opinions of the scholars of Islam; secondly, guarantee of the freedom of the belief. Islam secures for non-Muslims the freedom of will and choice concerning belief and there shall be no compulsion in acceptance of the religion; thirdly, guarantee of the safety of the places of worship. Islam did not compel non-Muslims to enter into Islam and let the people free to remain on their religions. It also did not object the practice of others to their worship and allowed them to do so. Rather, it guaranteed for them the safety of their places of worship; fourthly, guarantee of the freedom of practicing worship. Scholars of jurisprudence have imposed on Muslims to secure the rights of non-Muslims in worship and assure not occupying them at the times of their worships and maintain the choice of the non-Muslims in doing what is permissible in his religion and belief; fifthly, guarantee of good relationship and kind treatment. Allah The Almighty has commanded Muslims in the Noble Quran to deal kindly and have good relation with non-Muslim individuals who do not cause them harm nor fight them. Actually, this applies to our civilians of other religions and so do the people of all other non-Muslim countries; sixthly, guarantee of the justice in dealing with them and protecting them from oppression. The Noble Quran has commanded observing justice with those who adopt

another religion; seventhly, guarantee of the social solidarity. The most important assurance that Islam provides to the non-Muslims, who live in the Muslim society is including them within the system of Islamic social solidarity. Allah The Almighty sent His Prophet Muhammad (Peace and blessings be upon him) as a mercy to all worlds. Also, Prophet Muhammad (Peace and blessings be upon him) commanded Muslim to adhere firmly to the attribute of mercy in their dealings among themselves and those who adopt other religions.

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