

## Reviewing the Status of Minorities in Islamic Society

Bitá Saeedi Abdi

Department of Law, Lorestan University, Khorramabad, Iran

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**Abstract:** It can be said with the human rights approach that in Islam in the proper sense, minorities do not exist because all humans are equal in terms of human viewpoint and equal rights in having basic human rights. Thus, the minority issue raised in the Islamic law in the following issues related to civil rights-not human rights-will be checked. It should be noted that this study is not only looking at Islamic law but in all comprehensive legal topics in today, the issue of minority rights will be raised in the following civil rights.

**Key words:** Minority rights, minorities Islamic law, looking, civil right

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### INTRODUCTION

Although, it may be, in practice, in courses of history, extortions have been taken contrary to the Islamic principles on religious minorities, however, the fixed principles of Islam which have been emphasized in the Koran and tradition is that all people, including minorities are equal in human rights. When there is the discussion of humans, the Quran does not consider outsiders and insiders in observance of the rights of people. Faith in any form in society shows having more citizen's benefits, not having more human rights. The holy Quran, in showing righteous and faithful society, insists on the priority and precedence of those who subject to public interest of society and in an Islamic society where the majority of citizens are Muslims, they have priority. However, the Muslim community has the highest prejudice toward human rights for everyone, even non-Muslims. Hence, minority in the Islam is absurd in the proper sense and all are equal in human terms. Therefore, religious minority issue is the only minority of Islamic law that is examine able in the following discussion of civil rights-and not human rights. The study is not unique to Islamic law but in all today comprehensive legal schools, the issue of minority rights will be raised in the following of civil rights.

There is no doubt that the inherent superiority of Islam over other religions is untenable. Therefore, in an inter-religious and belief approach, Muslim and non Muslim are not equal but our hypothesis is that this expression does not mean the difference in humanity of no one but it refers to the piety of the people, just as the Holy Quran places the superiority in relationship to God and the believers interact with each other as piety. However, if the Islamic government establishes and places its benchmark in human services as the level of piety or mere Muslim people, it would be the wrong approach from the religious

point of view. On the contrary, the Islamic government has the authority to consider the distinctions in concessions based on the principle of "loyalty" that the foundation of any government is based on that, in some areas that we interpret as the citizenship rights; however, in favor of religious minorities-and though through positive discrimination. In a letter addressed to the 53 Nahj al-Balagha says that Imam Ali said to Malek Ashtar: "fill your heart to the people full of mercy, love and grace..., because people are either your fellow or your congener" (Imam *et al.* 2000). The word is used that primarily, the religious minorities are as a human with dignity and human rights and next as a non-Muslim citizens, they have the right to act with freedom in an Islamic country, according to their constitution, provided that they t adhere to the covenant with Islamic rule.

In Islam, the existence of other religions in Islamic society has been accepted but because having of any right entails to act a duty that the Islam has been imposed tasks and duties for them. With this introduction, reviewing and explaining the position of minorities' rights in Islam requires more explanation. So first, the status of minorities in Islam and their rights and secondly, the current situation in today Iran is studied.

### MATERIALS AND METHODS

**Rights of minorities in Islamic society:** The issue of minority rights can be examined under the following headings:

- Human dignity
- Full immunity
- Religious freedom
- Judicial rights
- Freedom of economic, social and political activities;

**Human dignity:** Non-Muslim citizens who live in an Islamic society—regardless of their opinions—since they are human beings, they are respected and revered. In reference to the Holy Quran, we face with some verses that command the Muslims be well behaved with anyone that has not conflict with them and has not kicked them out of their homes and towns “[But] God does not prevent you from those who did not fight with you for religion and kicked you out of your towns and be kind to them and have justice to them, because God loves the equitable” (al-mumtahina (60)). This verse is general and includes any non-Muslims, including the followers of other monotheistic religions as well.

Even in cases where a group oppresses Muslims and expels them from their homes, the Koran commands that, in dealing with these, do not get out of the road of justice and fairness and treat fairly in the utilization of their oppression. “Do not hatred of a people that prevented you from the Sacred Mosque and lead you to transgress and cooperate in righteousness and piety together and do not become partners in sin and transgression” (Al-Ma’idah 5:2) and hostility toward the crowd, that prevented you to come to the Holy Mosque should not force you to abuse and rape! In addition, do not cooperate in sin and aggression

The Quran commands universal to all Muslims, leaders and non-leaders and asks them to be well behaved, with all the people. “Speak with people with soft language” (al-Baqarah (2)). In this verse, the meaning of “soft language” is not particularly mellifluous but it is establishing a good relationship, including acceptable speech and behavior (Tabarsi, without date).

Accordingly, Muslims, even in dealing with the pagan idolaters, who worship hand-made idols, should not swear and profane the gods of their life and create the reaction of the pagans, in contempt of God (Anaam (6) : 108).

The importance of affection and attracting the hearts of non-Muslim is, to the extent that, according to the Quran, part of the Zakat in Islamic society can be spent in this way and to attract non-Muslim (Tobeh (9): 6).

In addition to the Qur’an, the Prophet's biography is full of reverence and respect for non-oppressor human. With the spread of Islam in the new land, the people remained faithful to their own religion. The leaders of these minorities came to the Prophet and consulted about their future life. The result of the negotiations was recorded as the contract and “treaty”. In this treaty, the Prophet of Islam committed to appreciating their dignity.

For example, in the promise of a prophet to Christians “Najran” reads: “no force or humiliation will be done about them... there will be no oppressor and no oppressed” (Sad and Kubra, 1987):

Also in his treaty with the Christians “Sinai” was supposed to be “no compulsion should be done to any of them. They should be treated with tolerance and there will be no bothering and wherever they may be, they will be dear (Tabari, without date)

As it considered people on the privileges and social duties, equal such as “tooth comb”: “People are equal as shoulder-like tooth” (Babawayh and Ali, 1977, 1983). In the manner of Imam Ali, there are dazzling passages can be seen. Ali, in Javid chapter to Malek Alashtar, in order to observe the people, without any difference between Muslim and non-Muslim, has recommended him to love the people: (Nahj al-Balagha, letter 53). Fill your heart full of mercy and love and grace to your people and do not act like a wild beast that booty eating them, because they are two groups, they are either your religious brothers or man such as you. Sometimes they slip and make mistakes and discomfort is caused to them. Deliberately or by mistake, they do the wrong things, in this case, give them your forgiveness as much as you like the God forgives you because you are their superior and your leader is your superior and God is superior to the one who put you in power. Notably, in this governmental recommendation is that Imam Ali does not command the owner only to respect the people’s rights, well behaved and the respect of appearance but more importantly, he wants him to love people from the bottom of the heart and the depth of his soul and fill his heart full of love and compassion to the people.

**All-round protection:** Life, property, honor, temples, character and dignity of non-Muslims who are living in the Muslim community are reserved and no Muslim is allowed to violate their privacy due to the non-Muslim doctrinal differences. Prophet Muhammad has pledged in the contract that has signed with the Christians of Najran:

Life, property, land and their beliefs will stay protected from any harm, both those that are ready and those who are absent. In addition, their families and temples and their properties will be safe. No priest or monk will be expelled from the church or monastery, no priests will be fired from his spiritual job and there will be no force or humiliation on them.

The army will not occupy their lands... as long as the people of Najran remain faithful to this treaty, no force will be against them (Ibn Sa'd, without date, vol. 1, p. 266)

In another treaty that was signed between the Prophet Muhammad and Christians, states: ... I promise to not change their priests and monks and not repulse people of hermit from the monastery and not prevent the passengers from traveling and not ruin their temples and homes and not bring anything from their church for our mosque. Whoever of Muslims does that breaks the God's covenant... and if their church is in need of repair, Muslims must help them (Zidane, 1954).

This governmental way has continued in Imam Ali's reign. In the case of some thugs ambushed to an area and the abduction of women's ornaments, in a magnificent sermon, Imam has considered the incident so heavy and bitter, that if a Muslim man hears it and dies, not only it is not unexpected but it is right and proper.

"I have received a confirmed report that a man from the attackers has attacked the women of the land—that some were Muslim and some were official minorities—and has taken their anklets and bracelets and necklaces and earrings. The women had cried and begged and had no defense and after all, the enemy, without any injuries and one drop of bloodshed, has returned healthy with his hands full. I swear by Allah that if a Muslim, after hearing of the tragedy, dies of grief, not only he is not reprehensible, that—in my view he needs a proportional reaction "(Nahj al-Balagha, Sermon 27)"

As we can see, in this incident, the Muslim women and non-Muslim women are affected but the Prophet, without the smallest difference between these two groups, has suffered from injustice to both and has considered that "Muslims" die upon hearing the news.

Of course, in the reign of Imam Ali, recognizing non-Muslim properties and lives is not summarized in much lamented, like the above statements. However, it was a governmental directive and the Prophet has announced to his provinces that the property of Muslims and non-Muslims under the shadow of Islamic rules should be respected and no one has the right to attack them, unless their property will be used against the Muslims. The imam has respected elsewhere the wealth and lives of non-Muslims (Jerdaq, without date, vol. 2, p. 459).

**Religious freedom:** Non-Muslims in Islamic society can be loyal to their beliefs and no one has inspected their thought and the idea and has not forced them to embrace Islam. They can express their beliefs and opinions frankly,

debate and discuss with expert Muslims. In practice, the followers of other religions can freely hold their religious ceremony. Testament prophet's letter to the Christians of Sinai, it has been emphasized on their complete freedom in the exercise of religion (Zidane, 1954).

**Legal rights:** Non-Muslims who live in Islamic society, the judiciary, have the right, which we briefly mentioned.

**Judicial Independence:** Justice and legal provisions of religions are prestigious and respected for their followers and Islam has recognized them. For example, since, marriage customs in some religions is not in accordance with marriage in Islam, some Muslims have considered their marriage illegitimate and therefore, in social interactions with them, they have begun to curse and qazf (relative inadmissible). When Imam Sadiq has observed that a Muslim cursed a non-Muslim person, he had prevented him. When he defended his work, he replied, this person has married with his intimate blends, Imam said, this marriage of their view is correct [and therefore, their marriage was legitimate and trump is not permitted (Kelimi, 2009, vol. 5, p. 574).

They can go to a court of law and ask for the elimination of hostility based on their religion or will be based on their religion or will be judged between them based on Islam rules. Ali said: "If I sit in judgment place, about the followers of the Torah, I act as the Torah's command and about the followers of the Gospel, I act as the sentence of the Gospel and about the followers of the Book of Psalms and among the followers of the Quran, I act as the Quran's command" (Mofid, Bita vol. 1, p. 30).

**Right to complain about muslims:** Although, non-Muslims who live in the Islamic community, will benefit from Muslims' goods and services but no Muslim can do violence on them to these grounds and violate their rights. If they have been oppressed, they can complain the oppressor and get their right. Peak of having this right is that, a non-Muslim can even complain against the ruler and the first part of Islamic government and filed against him. The conflict between Imam Ali and a Jew, about the Prophet's horse and their proceedings in the "Sharh judge" and his sentence in favor of the Jew, due to the lack of evidence for Imam's claims, shows astounding examples of Islamic culture and respects the rights of religious minorities in the Muslim community.

**Minorities' blood money:** Their blood money is the same as Muslims. Zurarah has narrated from Imam Sadiq: During the Prophet's time, each person of the Book that

the Prophet has accepted their obligation-and placed them under the protection of the Islamic government-their blood money was full (same as Muslims' blood money).

Zurarah asked: What is the current ruling for People of the Book. The Imam Sadiq had responded: These also are those who are considered dhimmis by the Prophet the messenger [and had full blood money].

In modern times, some scholars have the same idea with this belief and consider the blood money of the People of the Book who are citizens of the Islamic state, equal to Muslims' blood money. Ayatollah Ali Khamenei, Ayatollah Makarem Shirazi and Ayatollah Mafat are included. Based on the legal opinion of the Supreme Leader on 27/12/2003 during the Article 297 of the Penal Code, blood money of the People of the Book was equated with Muslims' blood money: According to the governmental view of the leader, the blood money of minorities recognized in the constitution of the Islamic Republic of Iran, will be determined the same as Muslims' blood money.

**Muslim's retaliation against non-Muslims:** According to jurists, one of the conditions of Muslim's execution is the consistency of the murderer and the victim in religion. Muslim can be retaliated against Muslim and retaliation of Muslim against the infidel is not permissible and possible. The frequency number of fans of this idea is to the extent that Saheb Javaher has claimed of consensus of the opinion (Najafi, *Bitā*, C 42, p. 150).

One reason for this belief is the rule "Nafi Sabil" of infidels against Muslims that if there will be a valid assumption of the Muslim retaliation against unbelievers, because of the victim's parents dominate the unbelievers on Muslim's life, infidels dominate the Muslim's life and this contrary to the rule.

## RESULTS AND DISCUSSION

**Freedom of economic, social and political activities:** On the economic aspect, possession of all property and assets of non-Muslims is their own and their ownership of the property is valid. Even the properties such as wine and pork that have no monetary value in Muslim culture, have taxes as long as they own them and if a Muslim cause a loss or defect of them, he should compensate the damage.

In the social and political freedom, the best and most articulate reason is treaties with non-Muslims. In the letter of the Prophet Muhammad to Bishop Abu Harith and the bishops and priests of Najran and his followers and monks, we read:

"In fact, what they have on hand, little and much, synagogues and houses of worship and way of worshipping God are their own and they are under God and His Messenger. No bishop will be fired from his Episcopal base, no monk will be fired from his frock and no priest will be fired from his priesthood. No right and authority of their rights and nothing that they had will be changed". (Hamidullah and Alsiasiyeh, 1998). As you can see, the Prophet has considered the determination and establishment of a ruler for the People of the Book allowable among them and this is the best reason of their political and social freedom.

**Tasks of non-Muslims in Muslim societies:** Once familiar with the rights of non-Muslims in Muslim societies, it is worth to become familiar with their duties and obligations to the Islamic government and Muslim citizens. These tasks can be summarized in four areas:

- Respect for the laws of the Islamic community
- Action to deal with the Islamic state
- Lack of cooperation with muslim enemies
- Tax or tribute

**Respect for the laws of the Islamic community:** Non-Muslim citizens have accepted to act the rules and regulations of the Islamic community and to respect them. Hence, they must understand their rights and do not oppress other citizens. Cruelty and oppression are the best examples of disrespect for the laws of society.

**Action to deal with the islamic state:** Social life and interaction between individuals and communities with each other will be formed based on contracts. The infidels that have vowed with the Islamic State, must stay firm on their promise and do not act on the contrary. Otherwise, treaties will be broken down and observing it is not required from the Islamic community. The breach should never start from the Islamic State.

The Holy Prophet, in peace, contract with the Christians of Najran, has considered his commitment based on their loyalty to the treaty and not being unjust and emphasized that no rights of theirs will be violated and their governance is reserved and what they have, are not taken away from them. [However] as long as they pass good way and accept what has been peace with them with goodness, do not accept cruelty and do not oppress (Sad and Kubra, 1987).

**Not cooperating with the enemies of Muslims:** Protecting national interest demands that all citizens of Islamic community, Muslims and non-Muslims will be loyal to

their national interests and prevent from any action that strengthens the enemies and damages the security of the Islamic community. In compliance with this requirement, Muslims and non-Muslims are equal to each other as if to live peacefully in a society needs mutual cooperation between individual citizens and the rejection of interacting with enemies.

**Tax or tribute:** Muslim citizens in the Muslim community are involved differently for the use of social services and facilities and the costs of government and by disbursement of funds as Khums, Zakat, alms and taxes per capita and will help the Islamic government in administrating the community. In the case of non-Muslims who live in the Islamic community, use the services and facilities, and are under the shadow of its security, what will be the situation? Are they as if Muslims required paying the government spending or not?

**The right to apostasy and the public sphere:** The issue of apostasy is one of the problems that are raised in the following discussion of civil rights. The meaning of apostasy, in Islamic law is getting out of the religion of Islam and Muslims who leaves Islam and becomes the infidels is called apostates. In the public domain, when the issue of apostasy has been involved in some sort of public service announcements, it will create the government intervention or prosecution law enforcement. Therefore, if, the apostasy is merely the personal opinion change, it is something between man and God. So, before reaching the stage of public notification or advertise, or to put it more precisely, sneaking a citizen's issue of belief, or principle of individual thought, in this regard to the unpopular, so that private and personal truth cannot be applied, it will be raised in the following of Basic rights and as it is clear, the expected major penalty against the offender is not due to change his religion or belief but because of insulting in the public, insulting and assaulting others believe, disturbing public order, disturbing public opinion, acting against the public interest and the like, all of which will be in the following discussion of the rights of citizens and depending on the importance of the above categories and depending on the extent of the damage that such crimes can enter public status, the government can regulate a minimum or a maximum fine. In Islamic jurisprudence, the maximum penalty in the case of apostasy is the execution of the apostate person; if the individual will be an innate apostate but for the national apostate, it has been considered remission as well as the law, in the case of women, slaves, slave girls, patients, lunatics and children are practically without punishment. The punishment applies only to people who have

changed their religion or belief desecration of others with knowledge, maturity and full understanding of all aspects and naturally, authentication of this issue are the judge's responsibility of the society.

Now, if the apostasy will be done as a group and practically the people of apostasy provide a place for themselves and openly, express their opinions and express the anti-Islamic government positions, since, the collective emergence in the public domain effects on the issue of National Security of the Islamic State, the individuals concerned, according to the International Islamic law, may be as subversive and rebellious group and face with harsh Islamic State reaction, so that their centrality in the public domain will be removed. The natural reaction of all governments was throughout history and in the area of citizenship right, because it is tied to the public safety issue, therefore it is a debatable, limitation or expansion and contraction issue but it is not negligible and overlooks.

**Minority rights and laws in Iran:** Legal guarantees and general policies, in the fight against discrimination based on religion and belief are such that, according to the constitution of the Islamic Republic of Iran, religious minorities can freely perform religious rites, religion and personal status laws. Article XII of the constitution, stipulates: "official religion of Iran is Islam and the Twelver Ja'fari school of Islam and other religions, including the Hanafi, Shafi'i, Maliki, Hanbali and Zaydi, have full respect and followers of these religions in religious ceremonies are free according to their own law and in religious education and personal status (marriage, divorce, inheritance and wills) and related litigation have formality in courts of law and in every region that the followers of each of these religions constitute the majority, local regulations will be in some powers of the council, according to the religion, with protecting the rights of the followers of other religions". In addition, article XIII of the constitution, states: Iranian Zoroastrians, Jews and Christians are recognizing the only religious minorities that are free to practice their religious in the limitation of the law and in personal affairs and religious education; they act according to their ritual. "Also, Article XIX states that: "the people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights and color, race, language, etc., would not bestow any privilege." In the twentieth article of the constitution, it is: "all citizens, both men and women have equally the protection of the law and enjoy all human, political, economic, social and cultural rights, in conformity with Islamic criteria. "In addition to the basic laws, ordinary laws, mentioned matters is emphasized, including, in a single article called" non-Shi'a Iranians complied Personal Status Act 1312 "relative to personal status, inheritance rights and wills of non-Shi'a Iranians,

that their religion is recognized, states: "the courts must respect provisions and habits of their religion, except in cases where the provisions of the law will be on public order." also Article 143 of executive regulations for the prisons and Security and corrective measures, approved in 2001 while accepting the prisoner, his religion will be inserted in a questionnaire and to strengthen the foundations of prisoners' religious and carrying out their religious rituals and ceremonies, with the aid of culture, through prison authorities, by necessary means and facilities to perform their religious obligations is provided. Articles 144 and 145 of the same statute say: Each prisoner, who has one of the official religions, can hold a holy book, a prayer book and a prayer mat for religious practice in a public or individual institution. Each prisoner, who has one of the official religions, if necessary, can ask, until after the approval of the warden, his religious representative appears in prison, directs and guides him in the implementation of the customs and rites of his religion". In order to promote the rights and participation of religious minorities in different social areas as well as their active participation in decision making, actions are carried out at local and national levels in the form of constitutions and the current rules. The following matters are including the main aspects of them. for example, religious minorities have five representatives in parliament; Armenians, two representatives; Assyrians, one representative; Jews, one representative and Zoroastrians, one representative; with regard to the population of seventy million in Iran, now it has 290 representatives but despite the small population of religious minorities-a population of about 200 thousand according to the law, five seats of parliament have been dedicated to their representatives. Also, minorities, in the case of voting, are allowed to present in the council as well. In addition, the provisioning to groups and organizations of religious minorities by the Commission of Article 10 of states parties has been carried out that, in this way, most associations, organizations and social cultural groups of minorities are officially operating in Iran. Next, the Islamic State allocates a budgetary of the number 503784, for religious minorities has attempted on their maximum protection of the Iranian community.

Also, the state grants the general and specific rights and benefits to facilitate the socio-cultural and rights of religious minorities, matched with other segments of society. For example, Iran's religious minorities, in cultural and social fields can be active in the following cases:

- Have the permission of publishing different publications
- Repair and reconstruction of the related sites
- Have special schools for minorities

- Have the permission of teaching ethnic languages
- Freedom to hold religious programs
- Benefit from the state budget
- Facilitate, for the issuance of a passport and permission to leave the country
- Choose minority managers in schools and hire them as teachers
- Teaching religion courses of Armenians with the Armenian language in Armenian schools

Supporting and freedom to carry out activities and holding worship in synagogues and churches in the country and the right to have a special school for Zoroastrians are other supports of the Islamic Republic of Iran from religious minorities. In the area of journals, Jews, Christians and Zoroastrians have the publication.

Also in the field of law, religious minorities in Iran have particular following rights

- Freedom in personal status
- Pension rights
- Equal blood money of Muslim with religious minorities;
- Modifying the inherited problem of religious minorities, with the support of 199 members of the Parliament

In addition, in order to guarantee these rights and freedoms and the implementation of the constitution and all the people, including minorities have the stipulated rights in the law, Article 570 of the Islamic Penal Code, stipulates: "Each of officials and governmental officers, that is against the law, deprive the personal liberty of the nation, or deprive them from the rights enshrined in the constitution, in addition to dismissal from service and banned from 3-5 year of governmental jobs, they will be condemned in imprisonment of six months to three years".

## CONCLUSION

As stated, minority properly is meaningless in Islam and from the perspective of Islam, everyone is equal from the perspective that they are humans. Therefore, religious minority issue is the only minority in Islamic law that can be investigated in the following of civil rights not human rights. This study is not only subjected to Islamic law but also in all today comprehensive legal schools, an issue as the minority rights is raised in the following of the civil rights.

At the same time while trying to explain about the rights of minority and express the Islamic theology right as well as international law, it should be made clear that although citizens by themselves due to a primary one being human, have a fixed right, that according to the believer's idea, it is rooted in divine natural right. However, no citizen, though a believer is not considered more human from the evil or his opponents in the enjoyment of human rights and vice versa, no unbeliever in religious society will be placed at the bottom from the perspective of the rights and privileges of citizenship. Because as mentioned earlier, the volatility of the law is not humanity but it is the loyalty to maintain collective identity and the interests of society, However, even in that case, the important difference of Islamic law with other statutes, in relation to minority returns to a tolerance of macro-Islamic law and written and authoritative of laws.

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