

The Rights of the non-Muslim Citizens

Islam is a religion of peace and mercy to all mankind, both Muslims and non-Muslims. The Quran says about the Prophet Muhammad(SAW): “**And We have not sent you but as a mercy to all the worlds**” (21:107). He was a mercy to all the worlds, he delivered Allah's final message with his exemplary character.

When a person analyzes the legislations of Islam with an open mind, the mercy mentioned in the verse will become clear. One manifestation of this mercy is Islam's treatment of non-Muslims known as Dhimmi. It is derived from the Arabic term meaning pledge or covenant.

A non-Muslim living in an Islamic state is called a dhimmi. Dhimmi comes from the Arabic term Dhimah, which means contract or covenant. He has a covenant with Allah, His Messenger, and the believers that the Islamic state will ensure his safety, freedom, and dignity. This covenant guarantees his rights and freedom. History is witness to the tolerance of Muslims towards non-Muslims, both inside and outside Muslim lands. This fact has been acknowledged by both Muslim and non-Muslim historians.

Dr. Sharif Al Busoni in his article “Islam: Concept, Law and the world Habeas Corpus” published in the Rutgers Camden Law Journal in the fall of 1969. Briefly speaking there are two basic reasons why this analogy that Islam spread with the might of the sword is not correct. Firstly, unlike the Romans, **the Muslims do not consider themselves to be the Lords of the population of the globe, which was a predominant concept among the Romans.** Secondly, non-Muslims and those living under the Islamic state were not considered outside the jurisdiction of the law, as the Romans thought of subjugated peoples.

As indicated in the moral teachings of Islam, the Muslims regard themselves to be the servants and slaves of Allah. Secondly, non-Muslims living under an Islamic State are not regarded to be outside the jurisdiction, as we find in the Pax Romana on the subjugated people. Indeed, Islam emphasizes that the Muslim and the non-Muslim under an Islamic State are equal before the law in every aspect. The distinction between a Muslim and Dhimmi remains one of a political and legislative process and not one of human rights. The minorities under Islamic rule enjoyed more privileges than they do under the contemporary democratic systems.

Patriarch Ghetto wrote: "The Arabs, to whom the Lord has given control over the world, treat us as you know; they are not the enemies of Christians. Indeed, they praise our community, and treat our priests and saints with dignity, and offer aid to churches and monasteries".

Will Durant wrote: "At the time of the Umayyad caliphate, the people of the covenant, Christians, Zoroastrians, Jews, and Sabians, all enjoyed degree of tolerance that we do not find even today in the Christian countries. They were free to practice the rituals of their religion, and their churches and temples were preserved. They enjoyed autonomy in that they were subject to their religious laws and judged accordingly.

These just relations between the Muslims and people of other faiths were a direct result of the teachings of the religion of Islam, which preached that people of other religions are free to practice their own faith, only accepting the guidance offered by Islam by their own choice.

Allah in the Quran says: "There is no compulsion in religion..." (2:256). Not only does Islam demand their freedom to practice religion, but also that they be treated justly as any other fellow human. Warning against any abuse of non-Muslims in an Islamic society, the Prophet stated: "Beware, whoever wrongs a covenantor, or

diminishes his rights, or burdens him with more than he can bear, or takes something from him against his will, then I (Muhammad^(SAW)) will be complainant against that person on behalf of the non-Muslim on Judgment Day” (Abu Dawood).

أَلَا مَنْ ظَلَمَ مُعَاهِدًا أَوْ انْتَقَضَ أَوْ كَلَّفَهُ فَوْقَ طَاقِهِ أَوْ أَخَذَ مِنْهُ شَيْئًا بِغَيْرِ طَيِّبِ نَفْسٍ فَأَنَا حَاجِبُهُ يَوْمَ الْقِيَامَةِ.

In fact, the Quran not only stresses on tolerating non-Muslim minorities under an ideal Islamic State, but it also stresses on having cordial and friendly relationships with them. Allah wants us as Muslims to have good relationships with non-Muslims who are not fighting us and who are not hurting the cause. In the Quran Allah says: “Allah does not forbid that you be kind and just to those who did not fight against you on account of religion, nor drove you out of your homes. **Surely Allah loves those who are equitable.** Allah forbids friendship only with those who fought you over religion, expelled you from your homes, or aided your expulsion. Whoever befriends them is a wrongdoer (60:8-9).

Most importantly, whether a person is Muslim or non-Muslim he is equal before the Law. The status of Dhimmi shows that we must be more sensitive in safeguarding the rights of minorities. In other words, instead of pretending that everyone is the same, the minorities, due to the covenant, enjoy more rights. To emphasize on the status of justice in the Islamic caliphate, I will relate to you the story of the fourth caliph Ali^(RA). Someone stole the protective armor of Ali^(RA). One day he saw a Jewish person wearing it. He told him that it is his. The Jew refused to accept his claim.

Ali^(RA) filed a lawsuit to reclaim his armor from a Jewish man. Lacking sufficient proof, the court ruled in favor of the Jewish man. Impressed by the just ruling, which aligned with his scriptures regarding the final prophet's followers, the Jewish man embraced Islam and returned the armor to Ali^(RA).

In another incident, the second caliph Umar_(RA) encountered an old Jewish man begging. He asked him why he was begging. He told him that he has grown old and cannot pay jizya. Umar_(RA) ruled that this man has paid his dues, and now it is the state's duty to take care of him. A lifetime allowance was fixed for him from Bait-ul-Mall.

The Prophet_(SAW) also made a covenant with Christians in Najran and Yemen, guaranteeing them religious freedom and autonomy in personal affairs. A notable example is the covenant he gave to the monks and priests of Saint Catherine's Monastery near Mount Sinai, Egypt, which included the following terms:

- a)** The priests and monks were not to be unfairly taxed.
- b)** No bishop is to be driven out of his bishopric.
- c)** No Christian is to be forced to reject his religion or to become Muslim.
- d)** No monk is to be expelled from his monastery.
- e)** The pilgrims should not be detained from their pilgrimage.
- f)** No Church can be torn down for the sake of building mosques or homes.
- g)** Christian women married to Muslim men are allowed to fully practice their faith without pressure or intimidation.
- h)** Should the priests and monks need help to repair their churches it should be provided.
- i)** A non-Muslim who has paid his tax will not be forced for military duties.
- j)** The Prophet Muhammad_(SAW) warned against mistreating non-Muslims in Islamic states, stating that he would be their advocate on Judgment Day against anyone who wrongs them, diminishes their rights, overburdens them, or takes from them without consent.

Abdullah bin Amr_(RA) narrates that the Prophet said, "Whoever killed a person who was granted the pledge of

protection by the Muslims shall not smell the fragrance of Paradise, though its fragrance can be smelt at a distance of forty years (of traveling)”.

مَنْ قَتَلَ نَفْسًا مُعَاهِدًا لَمْ يَرَحْ رَائِحَةَ الْجَنَّةِ. وَإِنَّ رِيحَهَا يُوجَدُ مِنْ مَسِيرَةِ أَرْبَعِينَ عَامًا.

When the Prophet^(SAW) sent Muad^(RA) as a govern to Yemen which had Muslim and Christian population, he said to him, “Fear the supplication of the oppressed, there is no veil between his invocation and Allah, even if the one who is making the invocation is a disbeliever.” One of his sayings as narrated in Al-Tabarani says: “Whoever hurts a Dhimmi, he is hurting me and whoever is hurting me is hurting Allah”.

Another saying states that harming a covenanted non-Muslim invites the Prophet to be the advocate of the non-Muslim against himself, and on the Day of Judgement, he will demand justice for them.

These sayings exemplify the Prophet's teachings on this subject. Whether such tolerance and respect for others exists in the 21st century is questionable. Intolerance is ruling the world, especially against the Muslim communities.