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## RIGHTS OF MINORITIES IN ISLAM

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#### Abstract

The rights of minorities are a highly discussed discourse of the modern period. International institutions not only discuss ideologically but also pay attention to the situation of minorities across the world. Besides debates, resolutions, and agreements, the safety and security of minorities are still a big challenge. To some extent, day by day, the concern of being unsafe, insecurity, and injustice are increasing in minorities of the world. In most of the discussions, Islamic Ideology is targeted as one of the reasons that causes of the problem of minorities, meanwhile, Islam gives special attention towards it and has a bright history of the protection of minorities which was acknowledged even by some orientalists like T. Arnold.

Islam is a way of life (Deen) that covers every part of the life. It has its permanent socio-politico-economics system. When a state is ruled by Islamic shari'ah, the minorities are being treated based on equality and justice; otherwise, it would not be an Islamic state. It is a great need of the contemporary Islamic scholars to carry out a comparative study and present boldly the rights of the minorities and their protection in an Islamic state. Today, it is being highly discussed among religious groups after the defeat of America and coming back of Imarat-e-Islamiya (Islamic Emirate) in Afghanistan.

Keywords: Minority, Contemporary, Islamic Shari'ah, Discourse, Acknowledge.

## **DEFINITION OF MINORITY**

The very first question which comes forward in the discussion of minority is its definition. In the bundle of different definitions, taking the united nation's definition will be better than any others. According to UN definition,

An ethnic, religious or linguistic minority is any group of persons which constitutes less than half of the population in the entire territory of a State whose members share common characteristics of culture, religion or language, or a combination of any of these. A person can freely belong to an ethnic, religious or linguistic minority without any requirement of citizenship, residence, official recognition or any other status.<sup>1</sup>

After presenting the above definition, UN clarifies more about a person when he recognized a member of a minority. It is summarized in three points.

(a) Indigenous peoples may constitute linguistic, religious or ethnic minorities in the States in which they find themselves. Both are not mutually exclusive, nor undermine any applicable rights as a minority or indigenous people.

<sup>1</sup> https://www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/ConceptMinority.aspx

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- (b) The "territory" to consider in determining whether or not a group is a linguistic, religious or ethnic minority is the entire territory of a State, and not one of its political or territorial subunits;
- (c) One of the main objective criteria for determining whether a group is a minority in a State is a numerical one. A minority in the territory of a State means it is not the majority. Objectively, that means that an ethnic, religious or linguistic group makes up less than half the population of a country.<sup>2</sup>

The above definition of UN declaration of the rights of minorities does not cover all the parts of the meanings regarding minorities. This definition tells one thing that a group of less than half of a population in a territory called minority. But when a minority group became dominant in territory, what we say about the majority? The UN definition gives no answer.

The definition of encyclopedia Britannica is more inclusive.

A culturally, ethnically, or racially distinct group that coexists with but is subordinate to a more dominant group. As the term is used in the social sciences, this subordinacy is the chief defining characteristic of a minority group. As such, minority status does not necessarily correlate to population.<sup>3</sup>

After looking in to the above definitions we could say that minority is a group of people, either it is less or more than half of a population, who leave under a dominant group.

## HISTORY OF THE CONTEMPORARY CONCEPT OF MINORITY RIGHTS

The history of modern concept of the rights of minorities is not very old. Academically, it has only two hundred years' history but the discussion of its implementation as minority rights came in to existence in legal framework just in 1992 after UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

The congress of Vienna raised the issue of minority rights very first in to the discussion about the Jews in 1814. The Congress also expressed its hope that other countries like Prussia and Russia would pay attention of tolerance and protection to their minorities, but they rejected it. In fact, before the 1950s, there was little or no international attention found regarding the treatment of the minorities.

The protection of minority rights, internationally, was first included after World War I, by the League of Nations' Minority Treaties. However, the League of Nations was dissolved in 1946. After 1950s, attention was given in UN convention on the prevention and punishment of the crime of genocide and the *International covenant on civil and political rights* in which minority rights protection had been included.

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<sup>&</sup>lt;sup>2</sup> ibid

<sup>&</sup>lt;sup>3</sup> https://www.britannica.com/topic/minority



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Some important articles of ICCPR would be suitable.

## **ARTICLE 4**

- 1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin.
- 2. No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision.
- 3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

#### ARTICLE 18

- 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
- 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
- 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
- 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

## **ARTICLE 26**

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

## ARTICLE 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to

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enjoy their own culture, to profess and practice their own religion, or to use their own language.4

In political and social context, some above points were made part of ICCPR. But, due to constant increasing crimes against minorities, UN had to focus more about the rights and protection of minorities and granted this matter a legal framework by the *Declaration on the rights of persons belonging to national or ethnic, religious and Linguistic Minorities* which adopted in 1992.

The purpose of the above discussion is to know the history and struggle for the rights of minorities and their protection in modern age, from starting to its legal framework. Besides making laws and passing resolutions, the atrocities against minorities, persecution, their feelings of deprivation and inferiority complex are increasing day by day. Rohingiya Muslims, Augur Muslims, Indian minorities and Muslims of Kashmir are burning topics and unsolved issues in the presence of all national and international institutions and their preachers.

#### **ISLAM AND MINORITIES**

In comparison to modern concept of minority rights, Islam had not only granted rights to their minorities but also made a sound mechanism to protect them which could not be imagined in modern world. 14 years ago, the first Islamic state of Madinah had given all rights in written form by Mithaqe Madinah (treaty of Madinah). It was not only a treaty but also a written constitution. Dr. Hamidullah writes:

It was not only the first written constitution of the first Islamic state but also in the world history.<sup>5</sup> In this constitution, non-Muslims had got special importance. Some important points regarding Non-

Muslims are presented here; it will be so long to present all points.

- > The security from God is equal for all groups.
- ➤ Non-Muslim members have equal political and cultural rights as Muslims.
- > They will have autonomy and freedom of religion.
- ➤ Non-Muslims will not be obliged to take part in religious wars of the Muslims.<sup>6</sup>

# **DIVISION OF MUSLIM AND NON-MUSLIM**

The creation of mankind had come in to existence by a man and women. In comparison to other creations of the universe, God conferred him choice of accepting guidance given from his Lord or leave it and follow his wishes. Quran says:

Whosoever wills, let him believe; and whosoever wills, let him disbelieve.<sup>7</sup>

Islam divides mankind in two categories. One who accepts instructions of God and one who rejects Him or His guidance. The first will be distinct than that who denies and disbelieve Him (God). The disbelievers deny the eternal reality of one God of the universe that is why they could not get same position as believers got, even thou they could leave a respectful life under the shadow of Islamic

<sup>&</sup>lt;sup>4</sup> https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx

<sup>&</sup>lt;sup>5</sup> Hamidullah, Dr. Muhammad, *Paighamber-e Islam*, p. 203

<sup>&</sup>lt;sup>6</sup> Ali, Imtiaz, *Meesaq Madina*, p. 13

<sup>&</sup>lt;sup>7</sup> Al-Quran, 18: 29



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state. This act of division is a need and just for exploring the relationships among them. Having different belief of two persons makes different level of relations between both. Behaving with good manners to parents is a basic fundamental of Islam, but when they compel to leave the straight path of God then that could not be accepted. Nevertheless, they preserve the right of good manner from their sons. Same as a disbeliever son of a believer parent could not get the belongings and heritage after death.

It's not mean that Islam creates hate and differences among human being. Islam teaches its followers to treat people in the best way of respect. Caring and struggling for the welfare of their Non-Muslim brothers are duty of Muslims and they would be asked on the day of resurrection. The reality of some differences is that they only belong to a kind of legal perspectives. It is a long discussion which could not be possible here because my paper deals with the rights of minorities and their protection under an Islamic state.

Before discussing minorities rights, knowing about the nature of Islamic state is very important. Without understanding it, any discussion in this regard would not be fruitful.

#### THE NATURE OF ISLAMIC STATE

At present, discussing about Islamic state is very hard because a phobia was created that it means cruelty, barbarism injustice, prohibition to all kind of freedom and oppression against minorities etc. but a historical fact that Islamic state was established on the earth and remained more than one thousand years in major parts of the world. All kind of minority groups would have been living peacefully with their identity, culture and religion and enjoying citizenship rights. There would never been compelled any minority for accepting Islamic ideology.

An Islamic state is different from any national, secular and democratic states. It is an ideology based state. Peace and justice for all citizens are its basic responsibility. Fear of God and piety form the core of religion. Fear of God coerces man to abide by morality and law and cooperate in establishing just social order. Unfortunately, fear of God is no longer as dynamic in present day systems. Culture, color, race and other divisive things got importance that is why clashes inside a country are increasing. In Islamic state justice and piety would get preference in every condition. First of all, we should know the nature and distinctive features of an Islamic state. A renowned Islamic Scholar, Mawdoodi describes the differences between Islamic state and other systems of governance as follows.

- 1. Islamic state divides people living inside its borders as those who accept its ideology and principles or reject it. While a nation state divides them as who are belong to their nation who run the government and those who do not belong to it (nation). At present, the term of Minority and Majority is used for that.
- 2. To run Islamic State is responsibility of those people who believe in its principles. They can take help to Non-Muslims but they cannot get key post of guidance. On the other hand, a nation state shows confidence only for its people. Minorities could be counted in its citizens but could not gain confidence. This might not be clearly said but practical situation is as told.
- 3. Islamic state had to clear the differences on first day that what rights he will give to Non-Muslims and vice versa. While a nation state gives equal rights to all on paper but practically, he deprived minorities from their rights.

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- 4. Islamic state solves the problem of minorities by giving them guarantee of their rights and closes the door of intervention in its basic system. A nation state solves the problem of its minorities by three ways. First, it tries constantly to eras their identity and assimilates them in majority. Second, it tries to eras them by persecution and genocide. Third, it makes them untouchables and weightless. All three ways were being used in modern secular and democratic world, even today witness it.
- 5. Islamic state has to give all rights to minorities which Islamic law grants them. No one can minimize them or snatch. In nation state, all rights of minorities were given by the majority. That majority has right to minimize them or tack back any time.<sup>8</sup>

#### KINDS OF MINORITIES

Non-Muslims living in an Islamic state called 'Dhimmis'. This term's connotation has been very much distorted in modern times. Telling something about it is considered equal to torture, oppression, humiliation, deprivation and helplessness, while Dhimah is a term which connotes responsibility, guarantee and pledge of the state regarding the rights of its Non-Muslim population.

Ibne Manzoor writes:

سمى أهل الذمة ذمة لدخولهم في عهد المسلمين و أمانهم

People of Dhimma are called Dhimmi and are so called because they have entered into a pledge and peace treaty with Muslims.<sup>9</sup>

It is further stated:

الذمة هي الأمان. لهذا سمى المعاهد ذميا لأنه أعطى الأمان على ذمة الجزية التي تؤخذ منه.

"*Dhimma* means giving protection. This is the reason why *Muahid* is called *Dhimmi*. It is because protection is lent to him on the basis of *Jizya* collected from him." <sup>10</sup>

Islamic Sharia divides Non-Muslims in three categories. One, who were defeated in war, second, those who assimilate themselves to the Islamic state by agreement, and third those who become citizens of Islamic state by any third way than war and agreement.

All three kinds have equal rights in general, but there is little difference in the law regarding first two groups.

#### **MUAHID**

Those who accept rule of law without war or in mid war and make agreement with conditions to Islamic state and got reservation that they will be treated according to the conditions of that agreement. After agreement, Islamic state has no right to distort it. It will be great sin for it. Prophet Muhammad (PBUH) clearly said:

If you confront any nation and get victory upon them and that nation get ready to give you Khiraj to protect their lives (in other narration, get ready for agreement) then taking more Khiraj than that what was fixed in the agreement would not be permissible for you.<sup>11</sup>

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<sup>&</sup>lt;sup>8</sup> Maudoodi, Abul Alaa, *Islami Riyasat*, p. 575-577 (concisely)

<sup>&</sup>lt;sup>9</sup> Ibne Manzoor*, Lisan Al-Arab,* Maadah (ذم م)

<sup>&</sup>lt;sup>10</sup> Ibne Manzoor, *Lisan Al-Arab*, Maadah (نم م)

<sup>&</sup>lt;sup>11</sup> Sajistani, Sulaiman bin Ashas, *Sunan Abu Daud*, Hadith 3051.



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In another narration, Prophet Muhammad (PBUH) says:

Be ware! One who persecute a Muahid or snatch his rights or burdened him more than his capacity or take any without his will, I will stand against him on the day of judgment.<sup>12</sup>

The words are common of the both above narrations and there comes out a law that doing anything with Muahid Dhimmis other than what conditions had been written would be unlawful. The Prophet will stand for oppressed people beside their belief on the day of resurrection. Imam Abu Yusuf says: يؤخذ منهم ما صولحوا عليه ويوفى لهم ولا يزاد عليهم

They will have been taken what was written in the agreement. The condition of treaty will be fulfilled and nothing will be added more. $^{13}$ 

To fulfill the promise and protect them are a big responsibility of the state as the fourth Caliph Ali once addressing people said:

I advise him to uphold the responsibility that Allah and His Messenger have entrusted him with towards the Dhimmis, to fulfill the promise given to them, to wage war in their defense when they are attacked and to impose on them the burden of Jizya to the extent that they can easily carry.<sup>14</sup>

## MAFTOOHEEN (CONQUERED NATION)

The second are of those who have been fighting Islamic army till last time and laid down their weapons when they were totally defeated. When such kinds of people become part of the state they got some special rights. The detail information could be seen in the books of Jurisprudent. Here are concisely, those rights presented in points.

- 1. When Imam (chief of the state) starts taking Jizya, the protection of their lives and property will be obliged on the Muslims. After that Imam or Muslims cannot take anything from their property or enslave them. The second caliph Umar wrote to Ubaida As: فاذا اخذت منهم الجزية فلا "When you have accepted taking Jizya then you have no right to oppress" شيء لك عليهم ولا سبيل them."15
- 2. After strengthen of the covenant, they will be owner of their lands. Their property will transfer to their inheritance and they have complete right of selling or gifting them. Islamic state could not interfere them.
- 3. The amount of Jiziya will be according to their income. The higher class will pay more than middle class. And those who are poor or have no source of income will be exempted from it.
- 4. Jizya will be collected only to combatants. Nom-combatant will get exception to it like children, handicaps, custodians of religious places and olds etc.
- 5. Muslims can capture religious places of those cities which conquered by force but leaving them are better as they were. All religious places had been left on their condition in the age of Caliph Umar.

<sup>&</sup>lt;sup>12</sup> Ibid, Hadith No, 3052

<sup>&</sup>lt;sup>13</sup> Abu Yusuf, Yaqoob bin Ibrahim, Kitab Al-Khiraj, p. 37

<sup>&</sup>lt;sup>14</sup> Bukhari, Muhammad bin Ismail, Sahih Al-Bukhari, 7300

<sup>&</sup>lt;sup>15</sup> Maudoodi, Abul Alaa, *Islami Riyasat*, p. 581



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## **COMMON RIGHTS OF MINORITIES (DHIMMIS)**

The rights of Minorities (Dhimmis) in an Islamic state in general are taken up for discussion here.

## Right to life

- The life of every human being is invaluable. Unjustified killing of a man in general is the biggest crime in Islam. Quran says:
- Anyone killed a person not in retaliation of murder, or to spread mischief in the land, it would be as if he killed all mankind.<sup>16</sup>
- Prophetic narration specifies that killing minority (Muahid) person is unforgivable. Narrated Abdullah bin Amr that The Prophet said:
- Whoever killed a person having a treaty with the Muslims, shall not smell the fragrance of paradise though its smell is perceived from a distance of forty years.<sup>17</sup>
- In another narration, the Prophet (PBUH) said:
- If anyone kills a man whom he grants protection unjustifiably, Allah will forbid him to enter paradise.18
- Islam not only gives warnings and announces punishment on the Day of Judgment but also makes law of punishment of murder. Quran says:
- Do not kill any person whom Allah has forbidden to kill, except with right. We have granted the heir of him who has been wrongfully killed the authority to (claim retribution); so let him not exceed in slaying. He shall be helped.19
- Quran justifies the law of retribution as:
- People of understanding, there is life for you in retribution that you may guard yourselves, against violating the law.<sup>20</sup>
- A renowned Islamic scholar Jalaluddin Umri writes:
- The concept of equality is embedded in 'Qisas'. That is, the life of one is equal to that of another. No discrimination is allowed. The victim may be small or big, rich or poor, a man of status or a man of no status but he will be avenged and his murderer will pay the price with his life and there will be no consideration of extraneous conditions like his rank or status in society or the absence of status. The killer has forfeited his right to the protection of his life by his dastardly act.<sup>21</sup>
- There is a long discussion in Jurisprudence that this order would be applicable to a Minority (Dhimmi) or not? A group of Jurists say that a Muslim will not be killed if he kills an unbeliever. But he has to pay ransom. On the other hand, a group of Jurists says that no difference will be made between Muslim and Non-Muslim. The Prophet (PBUH) says:
- من كان له ذمتنا فدمه كدمنا و ديته كديتنا
- The blood of Dhimmi (Minority) is equal to our blood; his blood money, equal to ours.<sup>22</sup>
- The opinion of the second group is stronger and nearest to Quran than the first one. Jalaluddin **Umri writes:**
- If the Islamic state takes the stance that Qisas will be taken from a Muslim on behalf of a Dhimmi

<sup>17</sup> Bukhari, 3166

<sup>&</sup>lt;sup>16</sup> Al-Quran, 5: 32

<sup>&</sup>lt;sup>18</sup> Abu Daud, 2760

<sup>&</sup>lt;sup>19</sup> Al-Quran, 17: 33

<sup>&</sup>lt;sup>20</sup> *Al-Quran*, 2:179

<sup>&</sup>lt;sup>21</sup> Umri, sayed Jalaluddin, *Relationship with Non-Muslims and their rights*, p. 220

<sup>&</sup>lt;sup>22</sup> Musnad Asshafai, 1467



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and the Muslim will be killed for killing a Dhimmi, then that stance will not be a weak one as there are as many reinforcing arguments in its favor as there are in its disfavor.<sup>23</sup>

• Muslims and Minorities (Dhimmis) are equal in criminal and civil laws. There will be no difference between them except wine and eating meat of pork. Dhimmis have right to make, drink and sell wine and pork. This act will not be punishable.

## PROTECTION OF PROPERTY

- The protection of the property of minorities is basic responsibility of Islamic state. No one could be permitted to take forcible possession of their money, property, assets. The Prophet (PBUH) said:
- الا لا تحل أموال المعاهدين الا بحقها
- Listen, it is illegal to touch the property of the people who have signed a treaty with us; it is the right (of the state) to take what is legally due to it.<sup>24</sup>
- Once a Jew had complained to the Prophet that his animals were being slaughtered, fruits were being plucked, and women were being assaulted. The Prophet became angry and delivered a sermon in which He said:
- Allah has not permitted you to enter the houses of the people of the book without permission, or beat their women, or eat their fruits when they give you that which is imposed on them.<sup>25</sup>
- The above traditions clear that the protection of the properties of the minorities will be the priorities of the state. In the words of Jalaluddin Umri:
- The Islamic state provides full protection to the economic assets of a Dhimmi so that he carries on his economic activities without any risk and fear and with utmost confidence.<sup>26</sup>

#### PERSONAL LAWS OF MINORITIES

Dhimmis(Minorities) have full right to exercise their personal Laws and solve their problems according to it. The Islamic court will deliver its decisions in their matters according to their own laws even that thing is not permissible in Islam. It has been tradition of righteous Caliphs and later islamic governments. Once, Umar bin Abdul Aziz asked Hasan Basari that why true Caliphs gave permission to Dhimmis of eating pork and drinking wine? Hasan Basari replyed:

They had accepted paying Jizya to get freedom of faith and living according to their own way. Besides creating new things you have to follow them.<sup>27</sup>

Nevertheless, if both parties request to Islamic court to judge their matter according to Islamic law, the court will deliver its decision according to Islamic laws.

# PROTECTION OF PLACES OF WORSHIP

There is widely propagated that Muslims had been destroying the places of worships of opponents when they conquered a city. This claim requires historical facts. If there were any incident was happened in the history then that would not be justified. Islamic teachings of protection of the

<sup>&</sup>lt;sup>23</sup> Umri, sayed Jalaluddin, *Relationship with Non-Muslims and their rights*, p. 225

<sup>&</sup>lt;sup>24</sup> Abu Daud, 3806

<sup>&</sup>lt;sup>25</sup> Ibid, 3050

<sup>&</sup>lt;sup>26</sup> Umri, sayed Jalaluddin, Relationship with Non-Muslims and their rights, p, 236

<sup>&</sup>lt;sup>27</sup> Maudoodi, Abul Alaa, *Islami Riyasat*, p, 587



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worship places are very clear. It is one of the objectives of Jihad to protect worship places. Quran says:

If Allah were not repel some trough others, monasteries and churches and synagogues and mosque wherein the name of Allah is much mentioned, would certainly have been pulled down. Allah will most certainly help those who will help him. Verily Allah is immensely Strong, Overwhelmingly Mighty."<sup>28</sup>

Islamic state has no right to demolish any place of worship. The minorities can rebuild them when need arises. Abdullah bin Abbas narrated:

When Allah grants victory to Arabs and they reach a town established and populated by non-Arabs, their heritage should not be damaged by the Arabs.<sup>29</sup>

But one question arises. Could minorities be permitted to build new worship places in Muslim majority areas? There are differences among scholars of jurisprudence on this issue.

Addressing this question, scholars answers such as that the urban areas which constructed by Islamic state for the fulfillment of its objectives, Dhimmis will not be permitted to build their worship places there. They can construct worship places only in rural areas where they have large populations.

At a glance the above answer is not suiting the sprite of Islamic teachings given in the context of minority rights, while it has no strong evidences of Quran and Prophetic traditions. The implementation of the ancient scholar's opinion is quite difficult in pluralistic society. Jalaluddin Umri gives a sound opinion in the present day context.

The opinion of these scholars must have been formed under the influence of the political consideration of their era. It goes without saying that these opinions are out of sync with the concept of religious freedom. If a city or an area is to all intents and purposes a cantonment or has been constructed for special political needs, then it falls under a different category altogether. Otherwise, in modern era, habitations are marked by ethnic diversity and, if any community proposes to build a place of worship, then they should have full freedom to do so. Denial of such a freedom cannot be proved from the noble Quran or any authentic Tradition.<sup>30</sup>

## SOME IMPORTANT THINGS IN THE CONTEXT OF MINORITY RIGHTS

- Performing religious ritual and expressing identify in public places are permissible for minorities in their society as scholars mentioned.
- Minorities have exempted from armed services. The defense of the country is responsibility
  of Muslims. The reason is that the defense of an ideological state can be done only by those
  who follow its ideology. Moreover, following the ethics of war in the battle is compulsory
  which can be carried out by its followers. Minorities only can participate in war expenses
  and that is Jizya which collected from them.
- Soft behavior will be shown in collecting Jizya. If they could not pay it their properties will not be harmed.

<sup>&</sup>lt;sup>28</sup> Al-Quran, 22:40

<sup>&</sup>lt;sup>29</sup> Umri, sayed Jalaluddin, *Relationship with Non-Muslims and their rights*, p. 253

<sup>&</sup>lt;sup>30</sup> Umri, sayed Jalaluddin, *Relationship with Non-Muslims and their rights*, p. 254



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- They have equal rights to run their businesses.
- They have right to express good things of their religion.
- They will not be compelled to accept any religion.
- Education system will be equal for all but minority have right to get their religious education in separate.
- Except some key posts, they have right to become part of the government services.
- All the above rights, minorities will enjoy them because Islam grants them, not a person or any institution. If a neighbor country deprives Muslim minority rights, Islamic state cannot deprive its Non-Muslims from their rights in revenge.

## **CLOSING COMMENTS**

Discussion of equal rights and justice for all in the context of Minority Rights is considered a modern phenomenon which came in to exist after 1950s and got legal framework by UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities. Besides this declaration, the issue of minorities is still in need of more practical actions. Minorities are still facing of persecution, atrocities, lack of justice, safety and security.

It's highly propagated that Islam does not recognize minorities' rights. So whenever discussion starts about Islamic state, it looks like cruelty and persecution is going to start. It's totally baseless propaganda against Islam which has been spreading for centuries. While, Islam has a 14 hundred years' history in which minorities have been enjoying their rights granted by Islam. The very first Islamic state of Madinah had given their rights in Mithaq-e Madinah and implemented it in the society.

Besides fearing to an Islamic State, it has to be a topic of discussion how Islamic state tackles the issue of minorities and on the other side world has to demand Muslim countries to give their minorities all rights given by Islam.

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