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Status of Minorities in Islam

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Abstract:

Islam has not ignores the status of minority. Minority is one of the top priorities of Islam. This article brings to the fore the very status which Islam gives to the minorities and which they enjoyed while living in the Islamic social set up. Islam not only gives minorities the right to live in an Islamic society but gives them protection. The idea\word “Dhimmis” gives minorities the protection in an Islamic society which they never entertain in their own. Whether it was the time of the holy Prophet, the Caliphs, the Abbasid’s or Umayyad everywhere in the Islamic society they enjoyed not only as minorities but they were allowed to build churches, join Islamic forces and to become vizirs etc.

Keywords: Islam, Minority, Social set up, Dhimmis, Abbasid, Umayyad, Caliphs

Status of minorities has remained one of the most perplexing dilemmas of human civilization since the dawn of history. In spite of widespread education, enlightenment, and constitutional guarantees which are written practically in every constitution of the world, ethnic, religious, linguistic and cultural minorities, are not yet free from harassment, discrimination and persecution. Race riots are in many countries a permanent feature of the political and social life of the people. It is for this reason that treatment of minorities is such a critical dimension of international diplomacy, and nearly every document that has been compiled in recent history contains special provisions for men who are permanently living in societies where they are discriminated because they differ in race and religion from the majority.

The history of Muslim civilization was not free from this dilemma, but under the principles laid down in the Quran and guidance provided by the holy Prophet, it was handled with maximum judiciousness.

Non-Muslims living under Muslims rule were treated with great tolerance and many of them rose to the highest positions in the state and made tremendous contributions to the growth and development of Islamic civilization. “Whatever restriction existed in theory was often relaxed in practice. Their relationship with the majority community was not a secular treaty but a religious covenant, and the only time, violence took place against them, was when they were alleged to have broken the terms of the contract.”(1)



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Sometimes there would be popular protest against non-Muslim minorities if the Muslims felt that all the positions of power and prestige in the Muslim kingdom were being monopolized by them or that they were spying on behalf of the enemies of Islam. But in spite of all this, minorities under Islam were accorded complete freedom in their religious and personal affairs. Karl Weintraub, while commenting on Voltaire's Understanding of Islam says, "Islam moreover was tolerant. The Arabs and Turks were among the world's mildest conquerors. The sultans permit Christian churches in their lands, what Christian ruler tolerates mosques on his sole?" (2)

Islamic literature is rich in material in which detailed principles have been laid down regarding the treatment of minorities. "Compendiums of Hadith, and books on Muslim jurisprudence are replete with discussion on the subject but the primary source of guidance as in all other matters, still remains the Quran". (3)

The most important minority to which the holy Book has made repeated references, of course are the people of the Book or the people of the Scripture. They are generally listed in the commentaries as Jews and Christians, who had been given revealed books, but according to the Quran, "they had so mutilated the original message of their prophets, that many of their beliefs, rituals and practices were heretical and totally sacrilegious".(4)

Jewish and Christian colonies were sprinkled practically over the whole of Arabia, and since the Quran had completely ruled out compulsion in matters of religion, it was essential to lay down certain and fully articulated principles so that the believers of the new faith and non-Muslims could live in mutual harmony and cordiality. "They were expected to enter into contracts which would give the contracting parties enough legal and moral elbow-room to respect each other's religious sensitivities" (5)

The Quran says :

(قُلْ يَا أَهْلَ الْكِتَابِ تَعَالَوْا إِلَى كَلِمَةٍ سَوَاءٍ بَيْنَنَا وَبَيْنَكُمْ أَلَّا نَعْبُدَ إِلَّا اللَّهَ وَلَا نُشْرِكَ بِهِ شَيْئاً وَلَا يَتَّخِذَ بَعْضُنَا بَعْضاً أَرْبَاباً مِنْ دُونِ اللَّهِ)

Say: O people of the scripture, come to an agreement between us and you: that we shall worship none but Allah and that we shall ascribe no partner unto Him, and that none of us shall take others for lords beside Allah. (6)

Another passage of the holy Book says that Muslims must show indulgence to the minorities, even if they try to change your belief into disbelief.



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Many of the people of the Scripture long to make you disbelievers after the truth has become manifest unto them. Forgive and be indulgent (towards them) until Allah gives command. Lo Allah is able to do all things. (7)

Muslims are dissuaded from entering into arguments with non-Muslims unless it becomes absolutely essential.

And argue not with the people of the scripture unless it be in (a way) that is better, save with such of them as do wrong, and say, we believe in that which has been revealed unto us and revealed unto you, our God and your God is one, and unto Him we surrender. (8)

There is also a passage in the holy Quran in which the Muslims have been enjoined upon to fight those disbelievers who have no faith in God, and the Day of Judgment and show distrust of the truth embodied in the message of the Prophet. They are spared, however, if they pay some kind of tribute to the Muslim treasury. "The spirit of the Quranic law was amply manifested in all the political and diplomatic transactions of the holy Prophet".(9)

The most authentic testimony is "The pact of Madina" which is an instrument for policy-makers in a Muslim kingdom. Article 16 of this document states "The Jews who follow us shall have aid and equality, except those who do wrong or aid the enemies of the Muslims".(10) And article 37 says, "The Jews shall bear their expenses and the Muslims shall bear theirs, and they shall render mutual aid to whoever wars against the people of this document. There shall be mutual advice and consultation, and honorable behavior without treachery." (11) In the later history of Islam rulers and statesmen continued to abide by the liberal guidelines enunciated in the Quran and practiced by the holy Prophet.

Abu Yousaf and Baladhuri two leading scholars of Islamic history have mentioned several treaties which the holy Prophet made with the non-Muslim tribes of Tabala, Jarash, Adhruh, Maqna, Khyber, Najran and Ayla, in which he gave them positive assurance about the protection of their life and property in return for Jizya. (12)

During the caliphate of Hazrat Umer I, the rapid spread of Islam necessitated more detailed covenants and treaties with the Christians and other religious minorities. After accepting one of the treaties from his commanders, Hazrat Umer I made the following remarks.

You may therefore impose (the dhimmis) on them the Jizya, never to take them as prisoners, nor to do any injustice or harm to them or to take any of their property unless you have a claim to it. You must fulfill the obligations you accepted in accordance with your agreement with them. (13)



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It is said that Khalid-bin-Walid in a treaty with the conquered people of Damascus, laid down the following privileges for them.

This is what Khalid-bin-Walid gave to the inhabitants of Damascus. He gave them security of their persons, property, churches and the wall of their city. None of their houses shall be destroyed on these terms they have alliance with God, and the protection of his Prophet, the Caliphs and believers nothing but good shall befall them if they pay tribute. (14)

Some writers tried to prove at length the charges leveled against Muslim rulers that they forced their non-Muslims subjects to be converted to Islam are entirely baseless. Such a course of action would have been entirely against the principles of the Quran which in strict terms has said “(لا إكراه في الدين), There is no compulsion in religion.”(15)

Sir Arnold described Islam’s tolerance towards other religions in the following words.

The toleration extended toward the Christian Arabs by the victorious Muslims of the first century of the Hijrah and continued by succeeding generations, we may surely infer that those Christian tribes that did embrace Islam did so of their own choice and free will. When the Muslim army reached the valley of Jordan and Abu Ubaydah pitched his camp at fihl, the Christian inhabitants of the country wrote to the Arabs saying, O Muslims, We prefer you to the Byzantines though they are of our own faith, because your deep better faith with us and are more merciful to us and refrain from doing us injustice and your rule over us is better than theirs for they have robbed us of our goods and our homes.(16)

Immediately after the conquest of Syria and Persia, the Muslims did not make any radical change in the administration. Arabic was used as a language for official record only during the reign of Abdul Malik “Sarjun was secretary of Muawiyya and he was succeeded by his son Mansur in the same position, and administration was never free from Christian employees.”(17) Under Yazid a Christian by the name of “Theodosius” was perfect of Alexandria, a position which was second only to the Arab commander”. (18)

Under Abu Jafar Mansur, the founder of the Abbasside dynasty, “Musa, a Jew, was one of the two collectors of revenues in the state.” (19) Occasionally a caliph like Mutawakkil or prime minister like Nizam-ul-Mulk would be alarmed at the large-scale infiltration of non-Muslims in government offices, and they would adopt remedial measures like dismissals and demotions, but the Muslim administration provides ample testimony that seldom there was an administration in a Muslim kingdom which was entirely free from minorities.



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Particularly professions like medicines were often dominated by Jews and Christians, and they were paid handsome salaries by the state. Even Mutawakkil who is known to be intolerant, could not dispense with the services of non-Muslim doctors. Bukhtishu bin Jibrail, his doctor was held in great esteem by him and was paid a very high salary. (20)

The status of non-Muslims, however, was not uniform in every Muslim kingdom. It often varied from country to country and sometimes from one ruler to another in the same dynasty. There were instances of severity, as were instances of extraordinary liberalism, “but on the whole, compared to other civilizations, the record of Islam shows more tolerance, better understanding and greater humanitarianism on the eternally difficult issue of minorities.”(21)

The learned jurist wrote about the general trend of Islamic thinking, a model document, which in his opinion would contain rights and obligations of minorities in a Muslim state. “In his opinion minorities which have been accorded the status of dhimmis need to be protected by a covenant in which the ruler and the Muslim community as a whole undertake a responsibility to provide them aman” (safe-conduct).(22) In return minority communities are expected to fulfill according to the following condition.

- . To accept the authority of Islam and abstain from recognizing any other authority which is contrary to it.
- . Any conscious disrespect to the Prophet, the Quran, and its message would mean forfeiture of the status of dhimma (protection). (23)

Along with the above mentioned fundamental conditions, the great jurist laid down general behavioral pattern for non-Muslims in their social interaction with the Muslims. For instance they are forbidden to sell a Muslim, thing like wine, pig and such other articles which Muslim are not allowed to possess by law. For all other moral crime and illegal actions they are subject to punishment like the rest of the citizens. In return for the compliance of the above mentioned provisions, non-Muslims would have the following privileges.

We shall not supervise transactions between you and your coreligionists or other believer nor inquire into them as long as you are content. If the buyer of the seller among you desires the annulment of a sale and comes to us to ask for this, we shall annul it and uphold it in accordance with the provisions of our law. But if payment has been made and the purchase consumed, we shall not order restitution, for this would count as a completed sale between polytheists. If one of you or any other unbeliever applies to us for judgment, we shall adjudicate



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according to the law of Islam. But if he does not come to us, we shall not intervene among you. (24)

The matter which has been a source of unending controversy, and Western writers have criticized Islam tirelessly for it, is Jazia or poll tax which only non-Muslims population had to pay to the Muslim treasury. The Western writers have labeled it as a gross discrimination and flagrant violation of fundamental human rights. Such an estimate, however, does not represent the spirit of the Quranic provisions, nor does it fully indicate the rigors of the tax or the numerous benefits which it conferred on minorities. According to strict principles of the doctrine all Muslims are subject to being drafted in the military at any time in defence of the faith. The payment of Jazia granted the minorities exemption from this very arduous and costly responsibility, and also every Muslim government was under religious obligation to defend the life and property of the non-Muslims. "Moreover, the amount they were asked to pay was very nominal, and in many cases this was the only tax they paid to the state."(25)

Children, slaves, people of unsound mind were exempted and historians have also recorded instances where women and old men were also not asked to pay this tax. Hazrat Umar wrote a letter to Abu Ubayda. It stated:

leave these lands which God has granted you as booty in the hands of their inhabitants and impose on them a poll tax (Jazia) to the extent they can bear and divide the proceeds among the Muslim. Let them till the soil, for they know more about it and are better at it than we are. Neither you nor the Muslims who are with you should treat the nonbelievers as a booty and share them out, because of the peace established between you and them and because you take poll tax from them. If you take the poll tax from them, you have no claim on them or rights over them and do not enslave them and do not let the Muslims oppress them or harm them or devour their property except as permitted, but faith-fully observe the conditions which you have accorded to them and all that you have allowed them. (26)

It is said that the Muslims rulers were intolerant towards the construction of new churches and monasteries. A.S. Tritton, however, concludes that:

"Rulers like Mutawakkil would sometimes issue orders for the demolition of a newly built church, but he is skeptical if such orders were really enforced. He says Manun allowed some of his chamberlains to restore the church of the Virgin at Kantara and two of his attendants got permission to build a new one on Mount Mukattam". (27)



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Treatment meted out to the minorities in this matter used to vary from one ruler to another and the political conditions at a particular time also acted as a major determinant. One thing is evident that the government kept a strict watch on the working of the churches and the activities of the priests, but the freedom granted by the sacred law was seldom curtailed. Many non-Muslim historian have tried to depict the behaviour of the Islamic rulers in lurid colours. But more often they did not quote instances from the reigns of rulers who were despotic and tyrannical even towards their Muslim subjects. A.S. Triton who is highly critical about the conduct of Muslims rulers towards dhimmis has made the following remarks.

It is only fair to say that the conduct of the rulers was often better than the law demanded. Places of worship were built in purely Arab town, were only fined instead of being put to death, men of various faiths studied under Muslim masters. Jews and Christians were always to found in public service, indeed they something held the highest posts. (28)

The history of Islam provides ample evidence that, except for small periods when minorities were persecuted, the overall principle of tolerance and kindness towards non-Muslims, remained the most important aspect of Muslim polity.

Albert Hourani is of the opinion that Nestorian Monotheists were living under better conditions in the Muslim kingdom than in the orthodox Christian Byzantium. In fact rulers were more intolerant to the heretical sects within Islam than to Christians or Jews living amid a vast majority of Muslims. They could not refrain from imbibing certain Islamic influences, but they were the result of their own choice. In popular ethics and social life they were somewhat Islamized but there was no coercion involved in it.(29)

Majid Khadduri narrates a tradition of the holy Prophet, “whoever wrongs one with whom a contract has been made (i.e.a dhimmi) and lays on him burden beyond his strength, I will be his accuser.” (30)

In recent history of Islam the most vivid example of religious tolerance is the “Millet system of the Ottoman empire”(31) The rule of the Ottomans which at one time engulfed the entire Turkish peninsula, eastern Europe, Arabia and North Africa had diverse communities in its jurisdiction. Following the traditions of previous caliphs of Islam and the rules of Sharia, “They instituted a system which would give religious minorities maximum freedom in their personal life. The Institution was called the Millet System”.(32) The Ottoman political philosophy was very autocratic in nature. The entire power of the state rested with the hereditary Sultan whose authority in theory at least was absolute. He was the head of the Ottoman Empire as well as caliph of the Muslim world. He exercised his authority over this sprawling empire through two



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parallel hierarchies, one military other religious. The military hierarchy consisted of Janissaries, a corp of professional soldiers and the religious hierarchy included learned scholars of Islam headed by a Sheikh-al-Islam. “These ulemas (religious scholars) were the custodians of Sharia, and in their capacity as Qazis and Muftis presided enactments of the government to see that they were not against the spirit of the religious doctrine.”(33) Although the Ottoman Empire was technically a religious state, all accounts agree that tolerance was one of the fundamental principles of public policy. In fact they were even more tolerant than their predecessors. Formely the Muslim rulers would accommodate the Christians and the Jews but they would not tolerate heretical sects within Islam. The Ottomans on the other hand allowed Druzes in Lebanon and Always in Syria to enjoy local autonomy.

After the fall of Constantinople, “Sultan Mohammad the conqueror allowed the Greek orthodox Patriarch of the city to stay as the civil and religious head of his Christian nation (millet)”.(34) with the passage of time the Christian and Jews throughout the empire were given similar kind of autonomy. The millets were entitled to choose their own local and central officials. They were, however, expected to have the Sultan’s approval, before the nominees could assume their official responsibilities. Each millet had its representative stationed at the capital where he had a right to the audience of the Sultan and acted as an ambassador of his community before the sublime court. H.Luke has described the working of the Millet system in the following words.

The autonomy of the millets was based on ancient custom which was reinforced in the nineteenth century by specific edicts. Their government was conducted by the head of the millet, generally assisted by a council composed of clerical and lay members. The millets were autonomous in spiritual and in certain administrative and judicial matters. Their jurisdiction embraced in the religious sphere, clerical discipline, in the administrative sphere, the control of their properties including cemeteries, education and churches, in the judicial sphere, marriage, dowries, divorce, and alimony, civil rights and in some millets, testamentary disposition. Sentences pronounced by the courts of the millets, if within their competence were executed on their behalf by the state.(35)

The millet system gave Christian and Jewish minorities tremendous advantages in social and economic life of the empire. It helped them to maintain their communal identity and strengthened their social status. “Christians and Jews played a very decisive role in the commercial and financial life of the empire. For instance, for a long time the entire financial activities in Egypt were dominated b the Copts”(36)



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Most historians of the Ottoman Empire agree that the religious minorities had much more freedom under the Sharia law, which had been further liberalized by edicts of the Sultan or the administrative decisions of the sublime Court.(37)

Countless instances can be listed which show how generous and liberal the Ottoman sultans were towards their religious minorities. Sultan Mohammad the conqueror, after the conquest of Constantinople in 1453 made the patriarch of the Orthodox Church the sole arbitrators of the affairs of his community. He was allowed to organize his court and in a separate quarter of the city, he ran his own prison. The records show that the patriarch had the maximum civil jurisdiction over the members of his church. The chief Rabbi of the Jews was also installed with similar powers and privileges.

The partitions of the minorities, economically and politically, improved so fast in the empire, that their migration from Christian lands to the Muslim kingdom remained a regular feature for a long time.

It should be borne in mind that there continued to exist within the Islamic society churches, monasteries, synagogues, and temples. These survived, not as a ghost communities or depressed classes, but as communities of living men and women who pursued their callings, professed their faith openly, and entered into polemics' in defenses of their faiths, continued to develop their religious, philosophical and scientific legacies, and were at all times in communication with their Muslim neighbors.

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