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FINANCIAL PRIVILEGES OF MINORITIES IN AN ISLAMIC STATE

Dr. Amir Hayat¹, Dr. Syeda Sadia², Dr. Sumera Rabia³

¹ Assistant Professor, Institute of Arabic and Islamic Studies, GC Women University Sialkot

² Incharge Institute of Arabic and Islamic Studies, GC Women University, Sialkot

³ Assistant Professor, Institute of Arabic and Islamic Studies, GC Women University Sialkot

Email: ¹amirhayat5817@gmail.com, ²sayeda.sadia@yahoo.com,

³Sumera.rabia@gcwus.edu.pk

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ABSTRACT

Islam is a religion that stands for justice and peace for all humanity. It advocates for the rights to all members of the society regardless of their religious faith. To participate in economic activities is vital for the sustenance of individuals. An Islamic state does provide opportunities to participate in economic activities to earn respectable livelihood and minorities are no exception. The current paper is focused on the elaboration of economic rights of minorities in an Islamic state. The paper is built on the argumentation based on the basic sources of Islam and from the early Islamic history. Moreover, all the economic rights of minorities in Islam provided in Islamic teachings are seen in special perspective of current situation of minorities in Pakistan and way forward is suggested. The turbulent and vibrant environment of Pakistan has opened new avenues to study rights of minorities. The paper is constructed on the extensive review of basic sources of Islam to find Islamic principles of economic rights of minorities in the verses of the glorious Quran, traditions of the Holy Prophet, and current literature available on Islamic principles minority rights. The current research is aimed at highlighting economic rights of minorities in Islam to bridge the gap between Muslims and minorities. The conclusions shall help in creating inter-faith harmony in Pakistan.

INTRODUCTION

In today's world minorities all around the world are feeling insecure in terms of their due rights. Especially, the debate of rights of minorities in Islam is a part of long discussion in the West to malign the Islamic attitude towards non-Muslims. In Islamic law religious minorities refer to those people who reside in

an Islamic state permanently. In Islamic legal terminology these people are called 'dhimmis'. 'Dhimma' is a contract between non-Muslim minority and the state to pay a poll tax (jizya) to reside peacefully according to their religious faith. Islam is a religion that protects the rights of minorities in all respects. However, in the recent past due to some reasons, the rights of minorities are violated to some extent in Pakistan by the general public. For this reason the rights of minorities in an Islamic state are come to lime light with special reference to Pakistan.

The minorities in Pakistan estimate loosely around 4 percent of the total population, however, exact figures may not be available as many people do not wish to show their religious identity. The non-Muslim minorities include segments from Hindus, Christians, Sikhs, Ahmadis and Buddhists. There is ever growing sense of insecurity and hostility among the minorities of Pakistan. There is feeling on the side of minorities that they have less chances of participation in the economic spheres of country. Minorities thought they are kept out of employment opportunities in the state institutions and business activities. These feelings are creating conflict among the Muslims and non-Muslims.¹

Pakistan is facing many challenges regarding intolerance in the society. The gap between Muslims and minorities has been witnessed to be widened. It has also an impact on the economic discrimination in minorities. The current research is aimed at highlighting economic rights of minorities in Islam to bridge the gap between Muslims and minorities. There is general literature available on the rights of non-Muslims and minorities in Islam. However, economic rights of non-Muslim minorities in an Islamic state, is a neglected dimension of research. To fill this research gap this article is written to highlight the economic rights of minorities in an Islamic state, especially Pakistan. In this perspective the importance of this study could be observed. The basic research question is what kind of economic rights are available in an Islamic state? The study is carried out to test the two hypotheses. First hypothesis is that Islam does not provide economic rights to minorities. The second hypothesis is that Islam provides all basic economic rights to minorities. The article is conceptual in nature. The qualitative approach has been used in this article to test the hypotheses. Extensive review of related literature is carried out to assess the economic rights of minorities.

The article is divided into two parts. In the first part general status of minorities in an Islamic state is discussed. In the second part the rights of minorities; especially the economic rights are highlighted in the light of Quran, sayings of the Holy Prophet Muhammad (peace be upon him) and from examples of the history. In the end study is concluded and summarized. At the end some recommendations are mentioned.

¹ Iftikhar H. Malik, Dr., Religious Minorities in Pakistan, Minority Rights Group International, September, 2002: 11-12

Status of minorities in Islam

It is general perception that modern states provide equal rights to minorities with the majority of the state, while Islam treats minorities as second position in the state affairs. In essence Islamic state is an ideological state that is based upon some fundamental principles. All its state affairs are governed by the Divine guidance provided in the form of Glorious Quran and the Sunnah of the Holy Prophet. Unlike minority and majority concept of national government, Islam divides its population into two segments; believers and non-believers. As for as issue of rights of minorities is concerned first of all let us understand their position in an Islamic state. Non-believers in an Islamic state are divided into three main categories:

1. The people who accepted the Islamic state and become part of it with a certain treaty or contract.
2. The people who fought against Islamic armies till defeated and become part of Islamic state after complete defeat.
3. The people who have become part of an Islamic state besides the above two reasons.

These all three types of non-believers share equal rights in an Islamic state with minute differences. One significant difference between the rights of non-Muslims is between the people of belief in Holy Books and people who do not believe in the Divine Books. The 'People of the book' is the term which has been used for Christians and Jews in the Glorious Quran. Muslims are allowed to marry Christian and Jewish women only; to marry women belonging to other religions are strictly prohibited in Islam. Besides this difference all other rights granted to non-Muslims are equal in all respect. Moreover, their legal, moral and social rights are same as those of the Muslims.²

It is true that an Islamic state does not provide equal status to minorities in all respects, but equally false that an Islamic state does not provide equal opportunities in all spheres of life. In some parts of life an Islamic state distinguishes between Muslim population and non-Muslim population, however in some spheres of life there is complete equal treatment with Muslim and non-Muslim minorities in Islam. An Islamic state does not offer totally equal rights to non-believers; however, it provides them some guaranteed rights which are safeguarded in all conditions and circumstances. It is not permissible for any Islamic state to decrease the rights provided in Islamic law. On the other hand, it can offer some extra rights to its non-believer population to the extent that are not violation to the Islamic rules.³

Islam is a religion that stands for human dignity and prestige. Islamic teachings require equal treatment of all segments of society. There is no single principle in Islam which is contradictory to the dignity of human beings-and of course non-Muslims are no exception. In an Islamic state all non-Muslim majorities

² Maududi, Abul Aa'la, Syed, *Islami Riyasat*, Lahore: Islamic Publications Ltd., 1995: 601-603

³ Maududi, *Islami Riyasat*, Lahore: 596

enjoy all those fundamental rights which Muslim majority enjoys.⁴ The fundamental principle in the debate of rights of minorities in Islamic teachings is negation of compulsion and oppression. It is stated in the Glorious Quran:

لَا إِكْرَاهَ فِي الدِّينِ ۚ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ ۚ فَمَنْ يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِن بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَىٰ - لَا انْفِصَامَ لَهَا ۗ وَاللَّهُ سَمِيعٌ عَلِيمٌ⁵

“There is no compulsion in Faith. The correct way has become distinct from the erroneous. Now, whoever rejects the Taghut (the Rebel, the Satan) and believes in Allah has a firm grasp on the strongest ring that never breaks. Allah is All-Hearing, All-Knowing.”

Muslims are advised not to compel anyone to embrace their faith by the help of force or oppression. Their duty is to present Islamic teachings to non-Muslims and let them decide willingly to accept or reject this message. In Quranic teachings it is insisted on just relationship with non-Muslims:

لَا يَنْهَىٰكُمْ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِّن دِيَارِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ ۗ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ ﴿٥٧﴾ إِنَّمَا يَنْهَىٰكُمْ اللَّهُ عَنِ الَّذِينَ قَاتَلُوكُمْ فِي الدِّينِ وَأَخْرَجُوكُم مِّن دِيَارِكُمْ وَظَهَرُوا عَلَىٰ إِخْرَاجِكُمْ أَن تُولَّوهُمْ ۚ وَمَن يَتَوَلَّهُمْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ ﴿٥٨﴾⁶

“Allah does not forbid you as regards those who did not fight you on account of faith, and did not expel you from your homes, that you do good to them, and deal justly with them. Surely Allah loves those who maintain justice.”

In these verses of the Glorious Quran it becomes clear that Muslims are allowed to fight against those people who were active enemies of Muslims, persecuted them and compelled them from their homes. The hostility of Muslims to other religious groups always remains their enmity with Islam and Muslims and not their disbelief in Islam. Islam does not make it permissible to act inappropriately to the people just because they are not Muslims. It is commanded to Muslims to make distinction between the non-hostile non-Muslims and hostile non-Muslims.⁷ If non-Muslims have treated Muslims evilly in the past then Muslims have the right to treat them accordingly, however, if non-Muslims have never treated Muslims unjustly then Muslims also have no right to violate their rights. Rather Muslims are made obligatory to fulfill the human rights of all non-believers of the society.

The people who are under the safeguard of Islamic state have complete rights like other Muslims of the society. Islam gives much importance to the minorities living in an Islamic state which is reflected in the following saying of the Holy Prophet Muhammad (ﷺ).

⁴ Tahir-ul-Qadri, Islam mein Insani Huqooq, Lahore: Minhaj-ul-Quran Publications, 2004: 521

⁵ Al-Baqarah, 2: 256

⁶ Al-Mumtahina, 60: 8-9

⁷ Maududi, Abul Aa'la, Syed, Tafheem-ul-Quran, Lahore: Idara-e-Tarjuman-ul-Quran: 102/6

الا من ظلم معاهداً ا انتقصه او كلفه فوق طاقته او اخذ منه شيئاً بغير طيب نفس فاننا حججه يوم القيامة⁸

“Behold, he who oppressed any (moahid), or unjustly violate his right or burdened him with undue suffering, or take his commodity without his consent than I shall argue for him on the Day of Judgment.”

Moreover the Prophet said:

من قتل معاهدا لم يرح رائحة الجنة و ان ريحها توجد من مسيرة اربعين عاماً⁹

“the one who killed the person with whom there is contract shall not smell the air of paradise although its air is smelled from forty years.”

This warning from the Prophet Muhammad (peace be upon him) is to ensure the protection of rights of minorities in Islamic state. To override the danger of misuse of majority of people against the minorities of the society the Prophet of Islam strictly advised his followers to take care of the rights of minorities.

In the era of Holy Prophet (peace be upon him) and his following successors Muslims and non-Muslims were equal in the eyes of law. A Muslim killed a non-Muslim in the era of Prophet Muhammad (peace be upon him). The Prophet ordered to kill the Muslim involved in this act. He has been reported to have said:

أنا أحق من أوفى بدمته¹⁰

“To secure the rights of non-Muslims is my foremost obligation.”

One of the bases of establishment of Islamic state is establishment of a society where human rights of every one are protected without exception of their religion and other differences.¹¹ This is the reason that rights of non-Muslim minorities are completely protected in an Islamic state.

Economic rights of minorities in Islam

All the human rights of minorities are equally safeguarded in Islam. Their social, political, legal, and economic rights are fully protected in an Islamic state. Minorities are allowed to play their role actively in the economic development of society. In this part only the economic rights of minorities are discussed:

⁸ Abu Dawood, Sunan, The Book of Kharaj, Fai and Imarah, Chapter 31,33: Levying The ‘Ushur on Ahl Adh-Dhimmah If They Deal in Trade, (3052): 527/3

⁹ Bukhari, Al-Sahih, (2995): 212/3

¹⁰ Al-Baihaqi, Abu Bakr Ahmad bin Husain, Al-Sunan al-Kubra, Makkah: Maktaba Dar-ul-Baz, 1994: 30/8

¹¹ Ashraf, Hafiz Muhammad, Dr., Islam aur Bunyadi Insani Huqooq, Lahore: Punjab University press, 2013: 186

Right of Ownership

The right of ownership of non-Muslims is fully accepted in an Islamic state. In the era of Umer (may Allah please with him) one condition of contract between Muslims and non-Muslims was that: The ownership of non-Muslims on their lives, wealth and land shall be accepted by the state.¹² The non-Muslim minorities can sell, transfer and gift their wealth, agricultural or residential land, and other material possessions. There is no restriction imposed on their economic activities and ownership rights. Even if they refuse to give 'jizya' or violate contract with Islamic state, or commit blasphemous offence, there ownership rights remained functional.¹³

Security of Wealth and Property

The wealth and property of non-Muslims are wholly protected in an Islamic state. The fourth Caliph of Islam Hazrat Ali (R. A.) has been reported to have said:

أنما قبلوا عقد الذمة لتكون أموالهم كأموالنا و دماؤهم كدماننا.¹⁴

“They have entered into the contract just for the reason that their (minorities) wealth becomes just like our wealth and their blood just our ones.”

This saying signifies the importance of protection of wealth and other belongings of non-Muslim minorities. The properties and wealth of non-Muslims are as safe as that of Muslims in an Islamic state. It is worth noting that even those commodities that are un-lawful in Islamic code are also protected. In case a Muslim destroys Alcoholic stuff or Pug, (that are highly prohibited in Islamic shariah) he would be liable to pay back the destroyed thing or its amount. It is written in the Durr-il-Mukhtar:

و يضمن المسلم قيمة خمره و خنزيره اذا اتلفه.¹⁵

If a Muslim destroys the pig or alcohol of a non-Muslim he shall pay the requisite amount.”

If a Muslim steals anything of a non-Muslim, he will be punished according to Islamic law which may lead to the cutting of his hand.

Right of Business and Trade

All the means and methods of business and trade that are legally available to Muslims are also available to non-Muslims. Likewise all those forms of business that are unlawful in Islamic sharia are also unlawful for Muslims

¹² Hameedullah, Muhammad , Dr., Al-Wasaiq-al-Siyasiah, Beirut: Dar-ul-Irshad, Labanon, 1969: 358

¹³ Maududi, Islami Riyasat: 603

¹⁴ Ibn Qudamah, Abu Muhammad bin Ahmad, Al-Mughni fi Fiqh al-Imam Ahmad bin Hanbal, Beirut: Dar-ul-Fikr, Labanon, 1980: 289/9

¹⁵ Shami, ibn Abidain, Muhammad bin Muhammad, Radd-ul-Muhtar ala Al-Durr-ul-Mukhtar, Quetta: Maktaba-e-Majdiah, 1978: 273/3

except the trade of alcohol and pigs. Otherwise, unfair means of running business including interest (riba) are prohibited for non-Muslims also as are prohibited for Muslims. The Prophet Muhammad (peace be upon him) wrote to ahl-e-Najran:

اما أن تذرُوا الربا و اما أن تأذنُوا بحرب من الله و رسوله.¹⁶

“Stop interest dealings otherwise be prepared for war against Allah and His messenger.”

It is clear from the above saying of the Holy Prophet (peace be upon him) that interest is equally prohibited for non-Muslims as that for Muslims. Besides this they are free to choose any form of business in an Islamic state and there is no restriction upon them.

Employment opportunities

Employment opportunities are opened for non-Muslims in an Islamic state. There is no hint of discrimination in employment of person on the basis of religion. The principle is right person for the right job. It is also certain that there is nothing wrong to employ any non-Muslim on job or take benefit from his skills and expertise. All professions are lawful for non-Muslims. There is only one restriction in this regard; non-Muslim could not be appointed on such positions that can alter the Islamic policies of a state. For example non-Muslims could not be elected as President or Prime Ministers of any Islamic state or such influential positions. Otherwise there is no restriction on their appointment on any positions in the state.¹⁷ As an Islamic state is governed according to the Islamic principles therefore, its leadership shall be in the hands of those people who accept and conform to the Islamic principles. Non-believers can participate in state governance and all other activities but they cannot alter or make policies which are not in accordance with the Islamic teachings.

Collective welfare

The weak and poor non-Muslims are capable of receiving grants and aid from Islamic government treasury (Bait-ul-ma'l). It is permissible for those non-Muslims who become old so that not be able to take part in economic activities to be helped from government sources besides giving 'jizyah'. Saeed bin al-Mussayab has reported:

أن رسول الله ﷺ تصدق صدقه على اهل بيت من اليهود فهي تجرى عليهم.¹⁸

“The Messenger of Allah gave charity to the dependents of a Jew family which is continued (even after the death of Messenger of Allah).”

¹⁶ Jassas, Abu Bakr Ahmad bin Ali Razi, Ahkam-ul-Quran, Lahore: Isma'il Academy, Pakistan: 89/4

¹⁷ Maududi, Islami Riyasat: 624

¹⁸ Ibn Adam, Yahya Qarshi, Kitab al-Amwal, Lahore: Al-Maktaba-tul-Ilmiyah: 1992

The wife of Prophet Muhammad (peace be upon him) Safia (may Allah please with her) used to give charity to her relatives even then they were Jews.¹⁹ The Islamic history is full of examples of giving alms and charity to needy non-Muslims.

Just amount of Jizyah

Jizyah is a form of tax imposed upon those non-believers who are defeated in the battlefield and accept to give it for the protection of their lives and properties. When a Muslim ruler accepts to take 'jizyah' from a non-believer then it is not permissible for him to make him slave or take unjustly their properties. Hazrat Umer (may Allah please with him) has been reported to report to his governor Abu Obaidah:

فاذا اخذت منهم الجزية فلا شيء لك عليهم ولا سبيل.²⁰

“Once Jizyah is collected from them (non-Muslims) then there is no obligation upon them nor is it allowed to oppress them.”

The amount of Jizyah is not fixed and was calculated according to the paying conditions of the people. The rate of Jizyah was proportionate according to the status of non-believers. It was not imposed on all people, only those were bound to pay it that have the capacity to pay. The old men, children, women, disabled persons, religious workers, saints and ill personnel were exempted from that tax.

Leniency, kindness and mercy in collection of Jizyah

It is forbidden in Islamic law to collect 'jizyah' with harshness and cruelty. Muslims are ordained to cooperate with non-Muslims while collecting 'jizyah'. Caliph Umer has been reported to have said:

لا يكلفوا فوق طاقتهم.²¹

“do not unduly burdened the non-Muslims”

The fourth Caliph Ali ordered one of his governors, not to take clothes, eating material, livestock of non-Muslims in lieu of 'jizyah'. Do not beat them or punish them unduly otherwise I shall step you down.²²

It has been reported on the authority of Hisham bin Hakam:

ان الله عزوجل يعذب الذين يعذبون الناس في الدنيا.²³

¹⁹ Abu Ubaid, Kitab-ul-Amwal: 1992

²⁰ Abu Yousuf, Ya'qub bin Ibrahim, Kitab al-Kharaj, Beirut: Dar-ul-Ma'rifa, Labanon, 1979: 2

²¹ Ibid: 8

²² Ibid: 9

²³ Abu Dawood, Sunan, Kitab al-Kharaj, fai' and Imarah, Chapter 30, 32: Harshness in Taking Jizyah, (3045): 524/3

“Verily, Allah will punish those persons who punish people in this world.”

The legal experts of Islamic law have only permitted to sentence to the jail to the non-Muslim defaulters.

SUMMARY AND CONCLUSION

The study was carried out to test two hypotheses, firstly, there are no economic rights of minorities in an Islamic state, secondly, in an Islamic state economic rights of minorities are completely safeguarded. The article started with the general overview of status of minorities in an Islamic state and their certain divisions. It was observed that Islam ranks high the minorities living in an Islamic state. The Holy Quran and the Prophet Muhammad ordained their followers to observe the rights of minorities. There legal, social, personal and economic rights were declared to be as noble and honored as that of Muslims. In the second part of the article especially the economic rights of minorities were studied. It was observed that non-Muslim minorities have complete rights of ownership, business and trade, employment; participation in state affairs, and collective welfare. Moreover, Islam insisted upon just and kind behavior with the minorities, looking after them and protects their human rights. It was observed that Islam provides complete economic rights to minorities and safeguards their socio-economic interests. Therefore, it recommended that an Islamic state such as Pakistan must take necessary actions to safe the economic rights of minorities. It is not only the legal responsibility of the state but also is the Divine calling. There is also need to create awareness through various mediums to safeguard their rights.

NOTES AND REFERENCES