

The Khilafah State and what has been called minorities (*'Aqalliyyaat*)

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About the Book

Western colonialism incited nationalistic and religious pride within the Islamic world in order to justify its interference within the affairs of the 'Uthmaani (Ottoman) Khilafah. Its ultimate plan was to bring the downfall and dismembering of the 'Uthmaani state. To fulfil this objective the West propagated poisonous thoughts falsely claiming Islam persecutes minorities and attempts to wipe them out. This is after they acted maliciously through the Orientalists and those who were enamoured and won over by them from amongst the Muslims to cause deception, misdirection and to accuse Islam within the scope of a policy that aimed to push the minorities into their embrace and to be tied to them. The West kindled nationalistic struggles between the Arabs, Persians, Turks and Kurds in addition to their meticulous efforts to generate animosity of non-Muslims against the Islamic Khilafah and thereafter against its return and re-establishment. This was despite the nature of Islam and its Shari'ah texts which contradict with and are opposed to the idea of discrimination against what has been termed 'minorities'. The Khilafah State also embraced people of other religions and guaranteed for them a dignified, honourable and secure life and history is the best witness to this. In this context the importance of this book comes to the fore as a serious and deep contribution to the subject area in order to crystallise the Islamic rulings related to the reality that has been called 'minorities' and to reveal the true facts related to the subject and all that this involves in terms of deception and misdirection.

Please note this book is a draft translation from Arabic. The original book can be viewed here: <http://www.al-waie.org/download/326/alakaleyat.pdf>

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

عَسَى اللَّهُ أَنْ يَجْعَلَ بَيْنَكُمْ وَبَيْنَ الَّذِينَ عَادَيْتُمْ مِنْهُمْ مَوَدَّةً وَاللَّهُ قَدِيرٌ وَاللَّهُ غَفُورٌ
رَحِيمٌ لَا يَنْهَاكُمْ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ
تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

“Perhaps Allah will put, between you and those to whom you have been enemies among them, affection. And Allah is most capable (of all things) and Allah is Forgiving and Merciful. Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes - from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly”

(Al-Mumtahanah, 7-8)

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Foreword

Diversity prevailed in the first Islamic State which the Nabi ﷺ established in Al-Madinah. There were the Muhaajiroon and the Ansaar present within Al-Madinah and there were Arab and non-Arab subjects, Muslim, Jewish and Mushrik subjects, and there were the Aws and Khazraaj with all that had existed between them in terms of hostility. The Nabi ﷺ laid down the foundations of the relationship between the factions of this newly born society in what was called the Watheeqah (document) of Al-Madinah. The Islamic State then expanded to encompass the whole of the Arabian Peninsula during the life-time of the Nabi ﷺ and expanded much further in the era of the Rightly Guided Khulafaa' and those who came after them in the time of the Umawiyah (Umayyad), 'Abbaasiyah (Abbasid) and Uthmaaniyah (Ottoman) States. This expansion led the diversity already existing within the Islamic State to increase when people from various tribes and nations embraced Islam on mass. In addition, people of many different Deens which were not well-known within the Arabian Peninsula submitted to the authority of Islam bringing with them all of their differing races, colours, languages, cultures and Deen. Their relationship with the State and the authority was in the most part one of harmony, conformity and mutual good side by side living and the Islamic State and Islamic society did not acknowledge the concept of minorities throughout its era expanding across centuries and centuries of time. This was until this concept leaked in from the West through the planning and direction of the Western States who held coveted ambitions within the Muslim lands in the last periods of the 'Uthmaaniyah (Ottoman) State. Therefore the Western colonial States exploited a factor of strength reflected in the great diversity that was spread throughout the 'Uthmaani State and then transformed it into a factor of weakness to strike at the Islamic State, to fragment and divide it, and then deal a decisive blow against her. This was by spreading the concept of minorities from an intellectual angle and by adopting some of the 'minorities' with material, moral and military support whilst encouraging them to rebel against the 'Uthmaani State.

In the beginning they focused upon the European peoples who fell under the authority of the Islamic State in the Balkans, Greece and other places. So they instigated amongst them nationalistic disputes, desires for separation whilst providing them with weapons and support to rebel against the State. They did this also with the Christians when they began to make contact with them in order to convince them of oppression befalling them at the hands of the Muslims and their State and that their rights were being deprived. In this way they interfered in the affairs of the 'Uthmani State using the protection of Christian religious minorities as a pretext whilst describing them as an extension to these States from a religious angle. These States continued to proceed with this issue in until they were able to break up the 'Uthmani State and instigate

trouble and hostilities within it. This continued until the matter ended with its destruction and the colonisation of most its lands by those States who during their colonisation didn't even take care of the rights of these so-called minorities and as a result they tasted the same oppression and subjugation that befell their neighbours from the majority.

It is strange that these western colonial states did not stop stirring up and inciting minorities in respect to ethnicity, Deen and language after having colonised the Muslim lands. Rather they fed them and concentrated them, in preparation for the stage that was following, represented in the establishment of nationalistic and patriotic secular States upon the ruins and debris of the 'Uthmaani State. They were very attentive whilst drawing their borders to allow the minority factor to be used as a reason to interfere in the affairs of these States and to maintain their control and dominance over them. They could then bring about troubles and incite the issue of minorities whenever the need required it. The last ninety years that have past have been full of examples related to the exploitation of the subject area of minorities for the sake of imposing colonial agendas within the Arab and Islamic lands, or generally within those lands which have been called third-world.

In our current day the Islamic world has witnessed a wave of revolutions that aimed at removing the dictatorial regimes that ruled over the people for many decades with iron and fire. Due to the partial success of these revolutions in some lands like Tunisia, Egypt and Libya, and the continuation in others like Syria, the concern and worry of the West about the future has increased. This is when the events and following realities revealed the ardent and strong desire of the people to bring the Ruling system of Islam in place of the oppressive secular regimes and systems.

And because the revolutions in the lands of Islam brought tidings of the return of the unification of these lands under a single banner, the banner of the Islamic Khilafah, the western states hastened to flare up Fitnah and internal struggles in order to divert the path of the revolutions and to stand in their face. So the project related to fragmenting and dividing the lands returned through activating the issue of minorities and their rights and by generating fear within non-Muslims living in the Islamic lands in regards to the return of Islam to the position of ruling. This strategy became clearly apparent in some of the events that happened in Tunisia, Egypt and Syria, through statements made by the western politicians. This is like the statement made by the former American Secretary of State for foreign affairs Hillary Clinton on 13/09/2011 on the occasion of the issuing of the third annual report about religion freedom in the world, when she said: *"The process (or dynamics) of democratic change in the Middle-East and North Africa have stirred the interest of the World however it has at the same time exposed the ethnic and religious minorities to new dangers."* This is similar to her statement when she met with a delegation from the Syrian opposition on 06/12/2011 after

reiterating that the change does not necessarily have to stop at the point of the departure of the regime of Bashar Al-Asad, when she said: *“This means placing Syria upon the path of law and protecting the universal rights of all of the citizens whatever their sects, ethnicity and gender are.”* She added that the (Syrian) opposition realises that the Syrian minorities are in need of being reassured that they will be in a better situation: *“Under the shade of a tolerant and free regime.”*

This is similar to the statement of the former French foreign minister Alan Joubet on 11/10/2011 in front of the National Assembly addressing the situation of Christians in the East when he said: *“You are right to mention that the Christians have been present in the East since the very first years of Christianity and even before the coming of the Prophet Muhammad”*. The President of the republic during his presentation of congratulations to the Religious authorities stated on the 7th January 2013 stated: *“That it is not possible for us to accept for this human, cultural and religious diversity which represents the measure of France and Europe to disappear from this part of the world.”* And: *“As you are aware respected representatives, France continued with the highest degrees of determination to condemn the violence directed against the Christians in the region especially in Iraq or Egypt and we only yesterday denounced the events in Cairo which led to a number of deaths and injured as has already been mentioned... The Arab spring has the ability and presents a historical opportunity for these factions in the Near East. The Arab Spring must be permitted to undertake all that is necessary for them to benefit from the building of Democracy. This is what I went to say in the Odeon Hall yesterday evening which was attended by the Syrian opposition and a number of educated Syrians, male and female. We are also struggling upon a European level. The Foreign Affairs Council last February adopted an extremely resolute stance against sectarianism and religious discrimination. This is our line that we will continue to defend. I remind you that the Prime Minister has entrusted Mr Adrian Gutiron with the task of the East and to specifically investigate the situation of the Christian minorities and has allowed for us to strengthen our positions in this area.”*

The discussion about minorities and the position of Islam towards them has increased in recent times. The secularists from those with Islamic origins and some non-Muslims have taken to stirring this subject area and have been supported in this by wide media coverage across all media platforms. This is particularly so on the satellite channels including a programme called 'Two views' which never provides the opportunity to anyone to put forward the Islamic thoughts to explain this issue to the people and how Islam deals with it and treats it. The discussion in these programmes and their like always remains restricted to an extreme secularist and another secularist (who is not considered to be extreme) and in the best of circumstances they will touch on Islam albeit without providing the Islamic view on an issue. Despite the existence of many signs indicating that the major western states and their tools in the Islamic world are standing behind these proposals and arguments, the issue however is not free from those people who hold views that are not necessarily being directly backed by the

western foreign powers. Rather they are driven by their fear of the future due to what has settled in their minds as a result of the fierce attack that has taken place against the Islamic concepts and its Ahkaam (rulings) and which has distorted the Islamic history and turned the facts upside down by stating that Islam does not guarantee the rights of non-Muslims, and that they will suffer from exclusion, oppression, deprivation and being targeted under the rule of Islam in the Khilafah State. Alongside these, the rulers whom the Ummah has turned against with the aim of stripping them of their usurped authority after having tasted all types of oppression, suppression and torture, these rulers have taken to inciting the issue of minorities in an attempt to scare them from the ruling of Islam whilst seeking to utilise this issue as a tool for applying pressure to consolidate their rule and to distance the people from the true path towards change. This is in addition to attempting to please their western masters whilst desiring that they keep them upon their seats of power.

For these reasons it is important to examine the concept of minorities, the circumstances in which it arose, to know the Islamic position in regards to this issue, how the Muslims dealt with it in the past, how the issue had developed in the present, how the issue of minorities has been invested in by the enemies, what has happened to the minorities themselves as a result of the stirring of this issue, has secularism succeeded in respect to absorbing diversity within the societies and states in the lands which initially raised this issue and in the lands of the Muslims, and does the solution to these problems lie in secularism or does it lie in Islam?

1 The concept of minorities ('Aqalliyyaat)

The word 'Aqalliyyaat' (minorities) is a translation of a foreign expression and it has been taken in the Arabic language from the root word 'Qalala' and from the meanings that fall under this word as has been mentioned in 'Al-Lisaan' (the well-known classical dictionary): Al-Qillah (little) is the opposite of Al-Kathrah (to be a lot/plentiful) and the Qull (little, littleness) is the opposite of Al-Kuthr (plenty) and Al-Qull: Al-Qillah is like Adh-Dhull (lowness) and Adh-Dhillah (lowness) (i.e. in its form not meaning) and Al-Qaleel min Ar-Rijaal (little in respect to men): The short slight of body and Al-Qull min Ar-Rijaal: Al-Khasees Fid Deen (the contemptible/low in respect to the Deen and Aqalla: Itfqara (to deprive and Iqlaal: lack of seriousness.

There are in addition many other meanings which are very far away from the intended meaning of the word 'Aqalliyyaat within its context. Even if the meanings that we have mentioned do have some connection to the expression 'Aqalliyyah they do not however explain it and clarify its reality. As such we will not depend upon the definition given by Muslims for this terminology because its reality was not known to them.

As for the westerners then many definitions have been provided: 'The Dictionary of diplomacy and international affairs' has defined Al-'Aqalliyyaat as: *"A collective from the subjects of a State who are affiliated by way of race, language or religion to other than what the majority of the population are affiliated to... the demands of the minorities are usually limited to equality with the majority in respect to civil and political rights and freedom to establish their religious symbols (rites), just as they sometimes demand the opening of schools which are specific for their children and to teach their language."*

The 'International Encyclopaedia for Social Sciences' defined minorities as: *"A group from amongst the individuals who are distinguished from the rest of the individuals of the society in terms of ethnicity, nationality, religion or language and who suffer from a proportionate deficiency in power which makes them submit to some forms of subjugation and persecution and some discriminatory treatment."*

As for the perspective of the law then the 'Permanent International Court of Justice' has defined it in its: 'Consultative paper issued on 31/07/1930 about the Greek Bulgarian collective groups' as: *"A collective of individuals who live in a region and are affiliated to an origin, religion, language, or specific customs whilst the unification of their identity depends upon one or more of these attributes. In their coming together they work to preserve their traditions, to hold on to their manner of worship and to make sure that their children are educated and raised in accordance to the spirit of these traditions whilst providing help amongst each other in regards to this."*

After the founding of the organizations of the United Nations the 'Sub-committee on Prevention of Discrimination and Protection of Minorities ' in 1950 adopted a project to define the minorities in their third round (of discussions) which they then altered in the fourth round. It was made clear in it: *“That groups that are usually defined as minorities could be affiliated to an ethnic origin, they could have religious or language based traditions or particular specificities that differ from those of the rest of the population. Groups like these must be protected by specific procedures upon two levels; nationally and internationally so that the preservation of these traditions and specificities can be facilitated and supported.”*

Then in the year 1977 a final report from the same committee (United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities) brought a definition for minorities which had been suggested by Francesco Capotorti which stated: *“Minorities are a group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.”*

In a later study the same researcher Capotorti reiterated the necessity to include race (or ethnic origin) to the definition of minorities which is represented in the *“Desire of the minority group to preserve its self-consideration in respect to its traditions and characteristics.”* He added to this: *“Each minority represents a societal and cultural personality”* and: *“The need to protect the minorities arises fundamentally from the weakness of their situation and even within the Democratic State.”*

In 1985 the 'Sub-Commission on Prevention of Discrimination and Protection of Minorities' adopted a definition of minorities which included within it: *“A group of citizens of a state, consisting of a numerical minority and in a non-dominant position in that state, endowed with ethnic, religious, or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one another, motivated, if not implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and in law.”*

In the early 1990's a new development arose in respect to the understanding of the terminology of minorities reiterating the previous elements which define its meaning and this was reflected in some of the conventions, documents and studies of that time. They include the definition of the project of the Venice Commission to agree upon the protection of minorities held on 08/02/1991 (article: 1.2): *“The term minorities means a small number in proportion to the rest of the population of a State where its members who hold the nationality of this state possess ethnic, religious or language characteristics that differ from the rest of the population and the will (desire) to preserve their culture, customs and language motivates them.”*

In the same project we find Philipson and Skutnabb Kangas in the preparation to this project suggesting the following definition: *“Minorities are a group smaller in number to the rest of the population of a State where its members possess ethnic, religious and language characteristics different to those of the rest of the population, they are led, if only implicitly, for the sake of preserving their culture, customs, religions and languages. So any group which falls within the remit of this definition must be dealt with upon the basis that they are a religious and linguistic minority.”*

On 01/02/1993 in a protocol about minorities attached to the European convention of human rights (Article one from it) and approved by Parliamentary committee of the European Council (CE) the following was stated: *“The term 'Minorities' means a group of people within a State and residing in its region, they are from its citizens and they possess old, strong and continuous ties with this State whilst exhibiting distinguished ethnic, religious and language characteristics just as they are sufficiently distinct. At the same time their number is smaller than the rest of the population of this State or a region (or province) within it and collectively they are driven to preserve their culture, customs, religions and languages.”*

In the Vienna declaration for the protection of national minorities in the European States, issued in 1993, the following was stated: *“National minorities are groups that have become minorities inside the borders of the State as a result of historical events that occurred against their will and the relationship between the likes of these minorities and the States is long-standing and their individuals are from amongst the States citizens.”*

And on 21/10/1994 The 'Group of Independent States' (C.E.I) related to the rights of people affiliated to national minorities issued a memorandum for the rights of minorities. The following was stated in its first article: *“The national minorities, they are those who live in a permanent manner in a region of a State as a party to a treaty and hold its citizenship. And they are those who are distinguished in terms of ethnic origin, language, culture, religion or traditions from the rest of the population of the State party to the treaty.”*

On the same day 21/10/1994 in Moscow the Union of independent States from the Soviet Union issued a definition for those belonging to the minorities stating that they are: *“People residing in a region in a permanent manner within a State or States who have signed a treaty and carry that states nationality (citizenship) but they have particular ethnic, language, cultural and religious characteristics which makes them distinct from the rest of the State's population.”*

Alongside this definition the addition of the following statement was made: *“It is not permitted to interpret the definition of minorities in a manner that encourages or permits*

the taking of any procedure that aims at depriving any person of permanent residency or his status as a citizen.”

On 18/11/1994 the Central European initiative in Torino issued a law for the protection of the rights of minorities and this included a definition of minorities which was similar to the other definitions where the first article mentions the following: *“The definition of the national minority means a group whose number is less than the rest of the population of the State and its members are from the States citizens whilst they possess ethnic, religious and language based characteristics which differ from the characteristics of the remainder of the population, just as they possess a desire to preserve their cultural and religious customs (practices).”*

These many definitions which have appeared at differing periods of time indicate an inconsistency in regards to the definition of the minority. In spite of the western intellectuals having dedicated a considerable portion of time and attention to the issue of minorities they have nevertheless been unable until this time to formulate a definition which is comprehensive in respect to precisely presenting an understanding of minorities.

From a technical standpoint we are unable to consider these previously mentioned definitions as being a definition of the essence or what the western thought calls: 'The true definition' i.e. that which guides to the essence of the thing. This is because each definition discusses an essence or reality which is different to the other. So sometimes they state that the minority is 'A group of individuals', at another time they say it is 'A collective which is smaller than the rest of the population of the State', that it is 'A group of citizens in a State which represents a numerical minority' and that it is 'Collective groupings that have become a minority within the borders of the State as a result of historical events that occurred against its will'. It is apparent from these that there exists an inconsistency in relation to understanding the reality that they want to define.

Similarly we are unable to consider the definitions of 'Minorities' that have been mentioned above from the angle of defining the constituents or characteristics or attributes which distinguish one thing from another. This is because the measures that they relied upon when formulating the concept of minorities are relative and not precise in addition to being numerous. So for some 'minorities' relates to the number whilst for others it is the deficiency in power and not the number. If we were to rely upon the numerical measure in respect to defining the minorities we would face a difficulty in respect to putting a finger upon a precise numerical proportion. This is because the quantity that makes us described a particular group as being a minority has not been specified. So is the group considered to be a minority if it represents a quarter of a population, a third or even nearly half? And in all of these circumstances how would we consider a collective where its percentage is less than what has been mentioned or

stated? I mean, if for instance we adopted a third as the lowest limit by which a minority is measured, then what we do in respect to those groupings which numbered less than a third of the population?

We also face a difficulty in describing the group when utilising the numerical standard in terms of whether the ethnicity is to be measured, or the religion or the language? This is because each of these calculations with the characteristics would lead to different results. If we were to rely on the religion in respect to the group then it may not be possible to describe it as a numerical minority as it might not reach the level that makes it a minority however if we were to rely upon the ethnicity or the language then it could reach the level of a numerical majority. For example, the Christians in Jordan are small in number when using the religious description however they are part of the Arab majority in terms of ethnicity and language. This is different to the case of the Circassian (Cherkess) group who represent an ethnic minority whilst at the same time they belong to the majority Muslim population.

There is a third hidden difficulty in that the numerical minority must be defined as the majority if it is not possible to envisage the existence of one in the absence of the existence of the other and this case which then would represent the majority that must be relied upon as a measure for the minority? And what if there was no majority in an extremely diverse society like that in Lebanon? If were to examine its religious make-up alone we would find that it officially consists of 18 factions or groups including: Maronites, Sunnah, Shee'ah, Druze, Romans, Armenians, Assyrians and Chaldeans amongst others. So how would we specify the minority in Lebanon and according to which group in the case where Lebanon as a whole as they claim is made up of different factions and groupings?

For the above reasons the numerical measure in respect to specifying the minority is a measure that is inconsistent and imprecise.

Similar to this is the measure relating to persecution or the weak status of a minority and its submission to a dominating (tyrannical) majority authority. This is because it is a measure which is not without exception and contradicts the reality of many lands in which the minority are in control (and authority). This is like the dominance of the whites over the black populace in South Africa during the apartheid or the dominance of the Tutsis over the Hutus in Rwanda and Burundi, or the Alawis in Syria over the majority Muslim (Sunni) population. The same can be said in respect to the measure based on ethnic, language based, cultural and religious characteristics or specificities. To begin with what is the basis upon which the specifying of these characteristics takes place? Taking language as an example, would you make the Arabic language a specificity or characteristic or would you make a single colloquial dialect within the Arabic language a specific characteristic, like the Egyptian colloquial dialect for example? Or would you go

further and differentiate based on the colloquial dialect in the Sa'eed of Egypt as compared to the dialect used in Cairo? From another angle why are these characteristics observed and paid attention to in exclusion to others when defining the minorities? Also these characteristics are on many occasions intertwined which make them lose their quality of being distinguished and their description as being characteristics which define and specify a certain minority.

In conclusion, when pursuing and examining the Western definitions which have been provided for minorities, it becomes clearly apparent that they are definitions which are not clear, vague and lacking in precision.

2 The rise and development of the concepts of minorities

The Western societies before the so called enlightenment did not know the concept of minorities as a political and legal concept. This is because the rule had been established upon the philosophy of divine right where the King or ruler would rule in the name of religion and the sovereignty in accordance to this philosophy belonged to the King and not to the people. He is the one who legislates and rules, his rule is continuous and accepted to be as such (without question) and it is for the subjects to obey and accept without any regard being given to their ethnicity and their language. Then when the Western thought began the path of liberation from the church's authority and began to rebel against it and against the religious thought that had been dominant in the middle ages, it then adopted an international direction whilst making the individual the focal point of concern. The slogans raised in the French revolution, which represented a significant historical point in the struggle between the thinkers and the church, were coloured by the words: 'Freedom, fraternity and equality'. However the Western thought encountered a crisis in regards to the political thought when they desired to apply the thoughts that they had been calling for in the State after having brought down the philosophy of the divine right. This is where they were required to bring about a philosophy that would replace the former one and be suitable to be applied and implemented. In the case where this Western thought stated that the sovereignty belongs to the people and not to the king whilst at the same time professing a certain colouring (in their slogans) they found it problematic to define the people or nation because the people, in accordance to the former model, had not held an important role from the perspective of ruling. They were defined by their relationship to the King where his subjects who were subservient to his rule represented the 'people'. After this philosophy was brought down and the people were no longer defined by their link to the King, who then would represent the people to whom the sovereignty should belong to? And is it necessary to make the world as a whole one single State where the people as a whole would represent the people? To escape from this intellectual dilemma the Western Philosophers concocted the idea of nationalism with its political meaning and they defined the people or the nation upon its basis. The nationalistic thought with this political understanding was not representative of the reality that was present on the ground but was rather an issue that was imagined in the mind alone. This was in the case where there were no French people, no English people and no German people representing a political unity in accordance to the Nationalist conception but rather there were regions which were subservient to different Kings. As such the subjects who were subservient to the French King were those by whom the French State was established whilst there were many Rulers and leaders within a single region like Germany for example. The West therefore began to envisage a people called the 'French people' within the confines and borders of the French National State whilst the other was called the 'German people' and so on... They then

provided each 'people' with characteristics and distinguishing attributes to set them apart from others represented in a single ethnic origin, language and shared history. Then when these characteristics and specificities were not present in the way that they had wished them to be, they then began to make them up whilst enforcing Nationalism upon the angle that they had concocted and imagined within a geographical and political unity. The best example of this is Germany because it had been composed of many independent small States and each region spoke in a dialect that was very different to the other dialects. There was no language that brought them all together and as such they made one of the languages the officially recognised one and then forced all of the people to study and learn it. Additionally the German thinkers, intellectuals, writers and poets ardently worked to plant the German Nationalist concept within the hearts of the people after had initially been strange to them and they attempted to talk about a single race, single language and a history that was commonly shared amongst them. Then when Bismarck came he unified the many disparate and divided regions by an iron fist, creating a unified Germany in 1871.

This elaboration in respect to explaining how the Nationalistic State was formed in the West and how peoples and nations were born upon this concept and understanding is very important in order to understand how the concept of minorities arose amongst them. When the Nationalistic State and the Nationalistic Nation became established upon definitions of race, language and history it assumed the supposition of the existence of a single race, a single language and a single history encapsulated with a single political unit and it made these definitions the formative constituent of the Ummah and the people in addition to that which protects and safeguards it, and it is what provides legitimacy to the rule and the ruler. However in the case where the reality was in opposition to their assumption and each political unit consisted of different races, various languages and contrasting histories, they had to work to incorporate these collective entities within a proposed and assumed nationalism. When this was not easy to accomplish they ended up being collectives within the nationalistic State who differed in respect to race, ethnic origin, language or history, or in respect to all of these together, from the basis upon which the nationalistic State was defined. These collective groupings then became known as minorities upon the basis of race and language and then minorities based on religion and culture amongst other defining characteristics were added to their category. As such, concepts of minorities in accordance to its political and legal understanding present within the West is the product and result of the intellectual and political developments and changes that occurred in the West. To be more precise, it is the product of the Nationalist State and the Nationalistic Nation in line with the modern political understanding and it represents a product from amongst its products or a reality from amongst its realities.

3 The error in the concept of minorities:

The concept of minorities as we have already mentioned is a branch from the nationalistic thought which arose in the West, as a political concept, is a corrupt thought for so many reasons that it is not easy to mention them all within our current context. To make clear its corruption it is enough that it came to solve a crisis within the Western political thought. As such it is not based on anything deep-rooted but rather it represents the kind of solution found at the time of desperation or necessity and is then devised and concocted. On top of that it is an imaginary idea built upon delusions and this is because the Ummah (nation) in accordance to the Western Nationalistic conception does not exist in reality and is merely imagined or envisioned alone. Additionally, building a nation from which the State is formed upon the basis of ethnic origin, race or language is incorrect because it is not permitted for the race or language to have any say in respect to the formation of the Nation and its definition. This is because it leads to struggles and disputes occurring within a single society and State. The issue of minorities is itself representative of one of these kinds of struggles and dispute and as long as the nationalist idea is corrupt then the concept of minorities which is built upon it will likewise be corrupt.

The concept of minorities in accordance to its western political and legal meaning is a very dangerous concept for human societies. It assumes the existence of a mutual aversion, discord and struggle between the minorities and the majority from one angle, and between the minorities amongst themselves from another, and that this merely due to the existence of ethnic, religious, linguistic and cultural differences. This is exactly what the communists claimed in respect to the struggle and clash between the classes within the society and between the workers and their bosses. This is in spite of these differences being a natural phenomenon within societies and is from amongst the Sunan (natural ways) that Allah has set. The existence of these differences does not necessitate the occurrence of clashes and the generation of rights and obligations in accordance to these descriptions. So where is the problem in the existence of a number of different ethnic origins within a single land which represents a single political unit or entity where harmony and agreement dominates instead of mutual aversion, discord and difference? And why do they make the assumption that the racial or linguistic aspect for example even represents a political demand?! Or that those of the majority race or ethnic origin would infringe upon other minority ethnic groupings so that the concept of minorities would then become a pretext to repel the aggression by preserving the rights of the minorities?

The Western concept of minorities lays the foundation for the fragmentation of societies and to strike at their compositions, some of its part against others and it is an announcer of the existence of a tremendous chaos within States instead of being a

factor for stabilization and stability, and even within the Western societies and States. The Western States today are those who lay down the policies of the world and they are influential in respect to the international situation. They have agreed to make the struggles that occur between them outside of their lands and there does not exist in the world today a power that works to strike at the Western States and their interests. If this was not the case then we would have seen the struggles and clashes in these lands at their strongest and most severe and particularly if there existed someone to feed and instigate them. This is because within the European States there are more than three hundred ethnic minorities in accordance to their definition and in most cases they have not attained their rights in accordance to the dictates of the concept of minorities. It is enough to see what happened to the Basque peoples in Spain and France or the Catholics in the United Kingdom and what happened in Yugoslavia in order to foresee the possible scenarios of what could happen within the realities of Europe if the issue of minorities was to be stoked.

Similarly, the general definition of the concept of minorities, the lack of determining it precisely and its being subject to interpretation makes it open to a greater expansion to encompass a plurality of groupings within the society which count themselves to be minorities and for these groupings to then demand more rights in accordance to the conception of minorities. The definitions that the Western thinkers depended upon when defining minorities are flexible and not firm as it is possible to interpret ethnic origin, language, religion and culture in a number of ways. A single ethnic origin can be made into many, a single language can be classified into many and different accents or colloquialisms, the same religion can be made into religions and schools of thought, and a single culture can become many cultures indeed. Additionally some of the groupings in the society count themselves as minorities could demand additional definitions which could grant them a greater significance amongst the groupings than they would have attained under the currently recognised definitions. These definitions could be superfluous but nevertheless hold a greater authority than the traditional definitions. So the one who follows the situation of the West and regards the western societies will notice that the bond existing between motor cycle gang members and football fans is greater and more powerful than the ethnic or religious bond that connects these people. So why then are the ethnic and religious definitions considered and given weight whilst no one pays any attention to the others? The same can be said in respect to other definitions like professional, skill-based and educational bonds. Even more significant than all of that is that the intellectual and political definitions which regulate the groupings and collectives within the society cannot possibly be made to fall under the political parties because they do not fulfil the required conditions in respect to the political parties. In this way, if we were to attempt to count the definitions that the concept of minorities could extend to encompass we would find that we would be unable to count them all due to their potential vastness and great variety. As such it becomes apparent that the definitions that the western thinkers and intellectuals have

placed down are in fact definitions which are selective and random, and they are incapable of standing up against any valid intellectual scrutiny. All of this guides to and indicates the error and incorrectness of the concept of minorities.

There is a deceptive aspect within the concept of minorities in the case where it is portrayed in the first instant that working by this understanding guarantees the rights of the minorities whilst the reality disagrees with that assertion in most cases. Let us take 'political participation' as an example for this. This provides the illusion to the minorities that they can take hold of their rights through some of their sons participating in political positions whilst they are exploited to achieve the interests of other parties within the society. So for instance Obama was elected as the first President of coloured origins in the United States of America and the 'black' vote had a significant impact in his electoral success, so what then did he do for the black minority there? And what were the demands that he met for them? And does the man really in truth represent the hopes of the black minority for realising equality between them and the 'white' people of America or is he in fact a servant to the interests of the capitalists and the implementer of their schemes and decisions regardless of the existence of the black minority and their rights?! There is also the example of the Muslims in France, Britain and Germany amongst other countries, who are called to participate in parliamentary elections under the cover or pretext of securing their minority interests. They put forward some who are affiliated to Islam in order to occupy some political positions in the name of minority participation. This is like the members of the English parliament from Pakistani origin, the ministers in the governments of Germany and France from Moroccan and Turkish origins and those in major positions of responsibility in provinces or councils in Holland and Belgium also from Moroccan and Turkish origins. Or it is like the participation within the western political parties where some of them reach leadership positions like the leader of the Green party in Germany who is of Turkish origin and so on. So what have the Muslims gained and achieved from this participation and from some of their individuals gaining positions, apart from some personal benefit these people have gained for themselves as a result of holding those positions and except for the implementation of the wants and desires of the real effective power, capitalists and decision makers? Similar to this is the invitation to vote for the Western parties which claim that they are working to protect the minorities or safeguard their rights whilst presenting themselves to the Muslims for example as representing the best guarantor for their interests when compared to the other political parties. The Muslims then move to elect them built upon this illusion however it doesn't take long for these parties to turn against them after taking what they wanted from them. The matter of the election of Bush Junior and his party, the election of Chirac in France, the election of Tony Blair in Britain and the elections of the socialist party in Germany and Austria are not far behind us and all that these parties and their representatives brought against the Muslims in terms of harm, whether inside the western nations or within the Islamic

world. So where then is the benefit and interest in terms of the participation of minorities in the political work which is claimed to be undertaken to secure their rights?

If we were then to add the colonialist dimension to the dangers of the concept of minorities which we have already mentioned then the extent of its harm to mankind and its exploitation by the Western States to sow the seeds of discord and division in the weaker states of the world in order to gain material interests is plain to see. So the thousands of wars that the West has ignited in what is called the third world, including the Islamic world, on the back of igniting sectarian and religious prejudices and inciting the issue of minorities is enough as a witness to show the hideousness of this concept. There is not a single State from amongst the current States currently in the Islamic world or in the third world which is free from the problems of minorities which had never previously been known of and which have led to the fragmentation of the States and the destructions of societies at large. The events in Sudan, Indonesia, Iraq, Afghanistan, Lebanon, Egypt, Rwanda and Burundi are only a small sample representing the calamities that have been brought through actions based on the concept of minorities.

4 The position of Islam with respect to the concept of minorities

In order to appreciate the Islamic view with respect to the concept of minorities and to fully comprehend it, it is best to first explain a few issues which Islam has come with which are related to this issue.

Firstly: The society which the Nabi ﷺ raised and the State that he established in Al-Madeenah Al-Munawwarah represents a distinguished model in respect to that which preceded it and what came after it. The Nabi ﷺ founded the Islamic Ummah upon the Islamic Aqeedah and made the bond between established upon Iman in Islam. So it did not give any regard or significance to the ethnic and linguistic angles or any other angle of differentiation but rather restricted the matter as a whole to Iman in Islam alone. So whoever became affiliated to the Islamic Ummah would become like the rest of the Muslims in every respect. Allah سبحانه وتعالى said:

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ

“Indeed the believers are but a brotherhood”

(Al-Hujuraat 10)

The Messenger of Allah ﷺ said:

الْمُسْلِمُ أَخُو الْمُسْلِمِ

“The Muslim is the brother of the Muslim.”

And in the Saheefah of Al-Madeenah it stated:

هَذَا كِتَابٌ مِنْ مُحَمَّدٍ النَّبِيِّ (رَسُولِ اللَّهِ) بَيْنَ الْمُؤْمِنِينَ وَالْمُسْلِمِينَ مِنْ قُرَيْشٍ وَأَهْلِ يَثْرِبَ وَمَنْ
اتَّبَعَهُمْ فَلَحِقَ بِهِمْ وَجَاهَدَ مَعَهُمْ إِنَّهُمْ أُمَّةٌ وَاحِدَةٌ مِنْ دُونِ النَّاسِ

“This is a letter (address/pronouncement) from Muhammad the Nabi (Messenger of Allah) between the Muslims of Quraish and the people of Yathrib and those who come after them then join them and strive alongside them, that they are one Ummah to the exclusion of all people.”

Indeed Allah 'Azza Wa Jalla sent Muhammad ﷺ to the whole of mankind as a Rahmah (mercy) to the worlds and creation.

He سبحانه وتعالى said:

وَمَا أَرْسَلْنَاكَ إِلَّا كَافَّةً لِّلنَّاسِ بَشِيرًا وَنَذِيرًا وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ

“And We have not sent you except to the whole of mankind as bringer of glad tidings and a warner however most of mankind do not know”

(Saba' 28)

And He سبحانه وتعالى said:

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

“And We have not sent you except as a mercy for the 'Aalameen”

(Anbiyaa' 106)

So the Nabi ﷺ invited and called all of the people to Islam and they entered into Islam in crowds. Salmaan Al-Faarisi (ra) embraced Islam and he was from amongst the early companions and amongst those who were near to the Nabi of Rahmah ﷺ to the extent that He ﷺ said about him: **'Salman is from us, the people of the house (Ahl ul-Bayt)'** (Al-Haakim) and 'Umar Ibn Al-Khattaab (ra) appointed him as a ruler over cities.

Bilal Al-Habashiy (ra) also embraced Islam and was from amongst the early believers and the Muqarribeen (those who were close). Suhaib Ar-Roomiy (ra) entered into Islam and was from the latter of the early and Muqarribeen. Abdullah Ibn Salaam entered into Islam who had previously been a Jew and so he embraced Islam and became one of the companions of the Messenger of Allah ﷺ.

This was not only the case at the time of the Nabi ﷺ alone but rather it continued in the time of the Khulafaa' Ar-Rashideen and those who came after them as the Muslims carried the Da'wah to Islam and succeeded in melting the different peoples and nations into the melting pot of Islam until an Islamic Ummah was formed that spread across all parts of the world. The message of Islam began in the Arabian Peninsula and it was in the Arabic language and yet despite this non-Arabs carried it after having believed in it with a conviction and enthusiasm which was no less than that of the very early Muslims from amongst the original Arabs. From amongst the non-Arabs, a number which cannot easily be counted became the most distinguished and prominent Imaams in many areas and fields. These include the likes of Imaam Abu Haneefah (rh) who was

distinguished in Fiqh, Al-Maawardi in constitutional Fiqh, Seebaweih in the field of language, Al-Bukhaari, Muslim and the compilers of the Six Saheeh books in the field of Hadeeth, Al-Aamadiy in Usool, Al-Khawaarazmiy in mathematics, Ibn Seenaa in medicine, in military leadership Salaahu ud Deen, Qutz and Baybars, in the area of history and society Ibn Khaldoon, in the area of differences in Madhaahib and issues of I'tiqaad (belief) Al-Maatureediy and Ash-Shahrastaaniy, and many others which are too many to be mentioned and counted. This is in addition to non-Arabs ruling for centuries whilst the Muslims submitted to their rule like the 'Uthmaaniyeen. It is noticeable that the Muslims did not restrict themselves to or stop at the theoretical aspect of the concept of the Islamic Ummah but rather they applied it practically until the time when the calls to Qawmiyah (nationalism) and Wataniyah (patriotism) appeared and when some of the western concepts began to creep in amongst the Muslims. As for before that, then the bond between them was the bond of the Islamic Aqeedah which was manifested in the concept and understanding of the Islamic Ummah. Islam did not restrict the concept of the Islamic Ummah to the spiritual bond but rather made it a concept with a political and law aspect acting as a bond between the Muslims in the society and the State, on the basis of which detailed rights and obligations were adopted and applied.

Secondly: Islam in its view towards the people did not differentiate or distinguish on the basis of natural constituting facts like those related to ethnicity and colour or upon the basis of language. Rather it made the basis of its view based upon the human being in his capacity as a human being and this is evident from the very first moments of Islam and in the very first Aayaat that the Wahi (divinely inspired revelation) came with when Allah سبحانه وتعالى said:

اقْرَأْ بِاسْمِ رَبِّكَ الَّذِي خَلَقَ خَلَقَ الْإِنْسَانَ مِنْ عَلَقٍ اقْرَأْ وَرَبُّكَ الْأَكْرَمُ الَّذِي عَلَّمَ بِالْقَلَمِ
عَلَّمَ الْإِنْسَانَ مَا لَمْ يَعْلَمْ

“Read in the name of your Lord who created. He created the human from a clot. Read and your Lord is the most generous. (He) who taught with the pen. Taught the human that which he did not know”

(Al-'Alaq 1-5)

The Qur'aan clearly expressed this view in more than one place so Allah سبحانه وتعالى said in Surah Al-Hujuraat:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ
عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

“O Mankind, verily We have created you from a male and a female and We have made you peoples and tribes that you may know one another. Indeed the most Noble of you with Allah is the most righteous (god-fearing) of you. Allah is all Knowing Aware”
(Al-Hujuraat 13)

And in Surah Ar-Room:

وَمِنْ آيَاتِهِ خَلْقُ السَّمَاوَاتِ وَالْأَرْضِ وَالاخْتِلافُ اَلْسِنَتِكُمْ وَالْوَالِنِكُمْ اِنَّ فِي ذٰلِكَ لآيٰتٍ
لِّلْعٰلَمِيْنَ

“And from His signs is the creation of the heavens and the earth and the differences in your tongues and colours. Indeed in that are signs for those who are knowledgeable (or give thought)”
(Ar-Room 22)

So the people in accordance to Allah سبحانه وتعالى and in accordance to the view of Islam are the same and equal and the preference amongst them is restricted to the matters that are acquired or gained by the person (external to what he has been born with) and these matters are represented in the word Taqwaa in the above Aayah. This means acting in obedience to Allah سبحانه وتعالى hoping for His mercy and pleasure and fearful of disobeying Him and from His punishment.

The Sunnah came reiterating this meaning as the Messenger of Allah ﷺ said:

يَا أَيُّهَا النَّاسُ أَلَا إِنَّ رَبَّكُمْ وَاحِدٌ ، أَلَا وَإِنَّ أَبَاكُمْ وَاحِدٌ ، أَلَا لَا فَضْلَ لِعَرَبِيٍّ عَلَىٰ عَجَمِيٍّ ،
أَلَا لَا فَضْلَ لِأَسْوَدَ عَلَىٰ أَحْمَرَ إِلَّا بِالتَّقْوَىٰ

“O people, indeed verily your Lord is one, indeed verily your father is one, indeed there is no favour to the Arab over the non-Arab, indeed there is no favour of the black over the red except by Taqwaa.” (Al-Musnad of Imaam Ahmad)

As for the differences that exist amongst people in terms of origin, colour and language then these are natural matters and they are from amongst the signs of Allah and of His

power. As such it is not permissible to view them from a negative perspective or one of preferentiality. The Qur'aan did not hold back from directing its call to the people as a whole (mankind) and has mentioned them as such in many Aayaat.

Allah سبحانه وتعالى said in Surah Al-Hajj:

يَا أَيُّهَا النَّاسُ ضُرِبَ مَثَلٌ فَاستَمِعُوا لَهُ

“O people (An-Naas) an example has been presented so listen to it”
(Al-Hajj 73)

And in Surah Aali 'Imraan:

وَلِلّٰهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا

“And (due to) Allah from the people (An-Naas) is a pilgrimage to the house for whoever is able to find a way to (performing) it”
(Aali 'Imraan 97)

Allah سبحانه وتعالى said in Surah Al-Insaan:

هَلْ أَتَى عَلَى الْإِنسَانِ حِينٌ مِّنَ الدَّهْرِ لَمْ يَكُنْ شَيْئًا مَّذْكُورًا إِنَّا خَلَقْنَا الْإِنسَانَ مِنْ نُطْفَةٍ
أَمْشَاجٍ نَّبْتَلِيهِ فَجَعَلْنَاهُ سَمِيعًا بَصِيرًا إِنَّا هَدَيْنَاهُ السَّبِيلَ إِمَّا شَاكِرًا وَإِمَّا كَفُورًا

“Has there not come upon man a period of time when he was not even a thing mentioned. Indeed we created man from a sperm-drop mixture that We may test him and We made him seeing and hearing. Indeed we guided him to the way, be he grateful or be he ungrateful.”
(Al-Insaan 1-3)

And in Surah Al-Infitaar:

يَا أَيُّهَا الْإِنسَانُ مَا غَرَّبَكَ رَبِّكَ الْكَرِيمِ

“O man, what has deceived you concerning your Lord Al-Kareem.”
(Al-Infitaar 6)

Similar to this has also been brought in the Sunnah Al-Mutahharah. Above and beyond that Islam has made distinguishing on the basis of colour, ethnic origin, language or other than these Haram (prohibited) and considered this way of distinction to be

amongst the matters of rotting Jaahiliyyah (i.e. pure sinful ignorance before the coming of Islam).

Jundub Bin Abdillah Al-Bajaliyy said: The Messenger of Allah ﷺ said:

مَنْ قُتِلَ تَحْتَ رَايَةٍ عُمِّيَّةٍ يَدْعُو عَصَبِيَّةً أَوْ يَنْصُرُ عَصَبِيَّةً فَقَتْلُهُ جَاهِلِيَّةٌ

“Whoever is killed under a flag of ignorance calling to tribalism or in support of tribalism then his death is that of Jaahiliyyah (Days of ignorance prior to Islam).” (Muslim)

And Abu Maalik Al-Ash’ariyy said: The Messenger of Allah ﷺ said:

“And whoever calls the call of Jaahiliyyah then his recompense is Jahannam (Hellfire). A man asked: O Messenger of Allah and even if he fasts and prays? He ﷺ said: Yes, even if he fasts and prays. However name yourselves with the name that Allah has named you as servants of Allah Muslims and believers.” (Ahmad in Al-Musnad)

Thirdly: Islam did not define the Islamic State upon an ethnic or linguistic basis and it did not set for it specific geographical and political boundaries or borders. Rather Islam came with the understanding or concept of Dar ul-Islam and Dar ul-Kufr where it divided the world into two homes (Dars). These two Dars were defined in respect to their Hukm (rule) and their Amaan (security) and as such it made Dar ul-Islam the land in which the Ahkaam of Islam are applied and its security is the security of Islam whilst it defined Dar ul-Kufr as the land in which the Ahkam of Kufr are applied or its Aman is other than the security of the Muslims. It was made obligatory upon the Muslims for their Dar (homeland) to be one through the unity of the State when it obliged the appointment of a single Khaleefah and thus the original position in Islam is for the borders or boundaries of Dar ul-Islam to be in conformity to the boundaries of the Islamic State. The Dar of Islam therefore constricts and expands in accordance to the retreat or the expansion of the area of land that the rulings of Islam is applied upon.

Fourthly: Despite the concept of the Islamic Ummah holding a great deal of importance in Islam it did not however make it the basis for citizenship (At-Taabi’iyyah) within the Islamic State. Rather Islam only stipulated as a condition loyalty to the State from the one holding the Islamic citizenship. The possessor of the Taabi’iyyah includes everyone who resides in the Daar of Islam and in the Islamic State on a permanent basis whether he is Muslim or non-Muslim. Everyone possessing the Taabi’iyyah is from the subjects of the Islamic State and they are those whom the State is not permitted to differentiate

between in matters of Hukm (Rule and governance) and in regards to the caretaking of the affairs. For that reason the Muslim living outside of the Islamic State does not enjoy the rights of the one who carries the Taabi'iyah (citizenship) of the Islamic State whilst the non-Muslim residing within the Islamic State enjoys the rights of the Taabi'iyah (citizenship).

These four matters explain with complete clarity that the concept of minorities is rejected by Islam as a whole and in its detail. This is because it is established upon the basis of dividing the people into ethnic origins, nationalities and languages. These divisions are not acceptable in Islam and they are not made as a basis in relation to citizenship and when defining the State. Additionally dividing the people into followers of different religions has no place in Islam within the subject of citizenship and the definition of the State. As for these differences that exist amongst the people then Islam views them from the viewpoint of variety (or diversification) and as such it permits them to speak in their languages and to follow their religions without interference. The evidence for this statement is what we find in terms of the plurality of languages and religions existing within the Islamic lands after a period of more than fourteen centuries since the appearance of Islam and its dominance.

We have said that the ethnic and linguistic aspects and the colour of skin are matters which Islam does not give any regard to at all and that it does not distinguish and differentiate amongst the people upon their basis. However Islam is a Deen and it is necessary for it to be applied within the Islamic State and this State as we have mentioned will have within it people who are not Muslims and so how will the dealings take place with them? Will they not be considered as a minority in accordance to the concept of minorities? The answer to this is that the concept of minorities does not exist in Islam and even in relation to those who are not from the Islam's adherents. However there does exist in Islam the concept of Ahlu-dh-Dhimmah and this is a concept which differs clearly from the concept of minorities.

5 Non-Muslims in the Islamic State (Ahl-udh-Dhimmah)

The existence of non-Muslims within Dar ul-Islam is an inevitable and natural matter because it is in harmony with Sunan (ways) of Allah with his creation which have decided the existence of human variety and the difference in their beliefs and it falls within the legislative Sunan of Allah which have prohibited to coerce people away from their Deen.

Allah سبحانه وتعالى said in Surah Yunus:

وَلَوْ شَاءَ رَبُّكَ لَأَمَنَّ مَنْ فِي الْأَرْضِ كُلَّهُمْ جَمِيعًا أَفَأَنْتَ تُكْرِهُ النَّاسَ حَتَّىٰ يَكُونُوا مُؤْمِنِينَ

“And had your Lord willed those on the earth would have believed, all of them in their entirety. So will you then compel the people until they are believers”

(Yunus 99)

And in Surah Hood:

وَلَوْ شَاءَ رَبُّكَ لَجَعَلَ النَّاسَ أُمَّةً وَاحِدَةً وَلَا يَزَالُونَ مُخْتَلِفِينَ

“And had your Lord willed he would have made the people one Ummah but they will not cease to differ”

(Hood 118)

And in Surah Al-Baqarah:

لَا إِكْرَاهَ فِي الدِّينِ

“There is no compulsion in respect to the Deen”

(Al-Baqarah 256)

This is a matter that is required Islamically because it is the method to guide the people to the Deen of Haqq (truth) when they submit to the Islamic rulings and come in direct contact with the justice of Islam and the correctness of its rulings leading them to enter into Islam obediently by way of consent and through conviction.

The Islamic State is a State that applies the Ahkaam of Islam internally whilst it carries Islam by way of Da'wah and Al-Jihaad externally and it takes care of the affairs of the subjects in addition to protecting its borders (from attack). The Muslims in accordance to the requirements of their Iman and their Deen are obliged to apply Islam and carry it

by way of Da'wah and Al-Jihaad in and to protect their lands just as they are obliged to undertake the caretaking of affairs in the best of manners. They are similarly obliged to submit to the Ahkaam of Islam.

In Surah Al-Ahzaab Allah سبحانه وتعالى states:

وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ
وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُبِينًا

“It is not for a male believer or a female believer when Allah and His Messenger have decided a matter, for them to have any choice about their affair. And whosoever disobeys Allah and His Messenger then he has gone astray into clear error”

(Al-Ahzaab 36)

And He سبحانه وتعالى said in Surah An-Nisaa':

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

“O you who believe. Obey Allah and obey the Messenger and those who are in authority amongst you. Then if you dispute in (any) matter then refer it (back) to Allah and His Messenger if you are believers in Allah and the last day. That is better for you and the best in result”

(An-Nisaa' 59)

Therefore the Muslim who holds the Islamic Taabi'iyah (citizenship) does not require further authentication in order to enjoy the rights of the citizenship and to abide by its obligations and this is because his Deen in itself the firmest of covenants. As for the non-Muslim who wishes to hold the Taabi'iyah of the Islamic State, then he does not believe in Islam or its Ahkaam (rulings) and he is not bound by the dictates of the Deen to defend the lands of Muslims and Dar ul-Islam. For this reason his attainment of citizenship within the Islamic State requires attaining a commitment from him towards the State. As such Islam built the presence of non-Muslims within Dar ul-Islam, whether their presence was to be temporary or non-temporary upon the thought of the 'Aqd (contract) and this is represented in the form of a contract, agreement or covenant between the two parties which requires rights and obligations to be undertaken by both contracting parties.

Allah سبحانه وتعالى said:

وَإِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّى يَسْمَعَ كَلَامَ اللَّهِ ثُمَّ أَبْلِغْهُ مَأْمَنَهُ ذَلِكَ
بِأَنَّهُمْ قَوْمٌ لَا يَعْلَمُونَ

“And if any one of the Mushrikeen (polytheists) seeks your protection then grant him protection so that he may hear the speech of Allah. Then deliver him to his place of safety. That is because they are a people who do not know”

(At-Taubah 6)

This means that if one of the people of war (Ahl ul-Harb) requests that you provide protection for him from being fought until he hears the speech of Allah then you should provide him protection or security and provide him with an agreement or a covenant in respect to that. This is because the ‘Jawaar’ (mentioned in the Aayah) means providing the person with a ‘Dhimmah’ (protection) i.e. a covenant and a guarantee which establishes the meaning of the ‘Aqd (contract).

At-Tirmidhi recorded from Abu Hurairah (ra) who said that the Nabi ﷺ said:

“Verily, whoever killed a Mu’aahid who has the covenant and the protection of Allah and his Messenger then he has broken the covenant of Allah, he shall not smell the fragrance of Paradise though its fragrance can be smelt at a distance of seventy autumns (years of distance).”

Abu Daawood related from ‘Amr Bin Shu’aib from his father from his grandfather who reported a Hadeeth from the Messenger of Allah ﷺ which included:

“The lives of all Muslims are equal; they are one hand against others; the lowliest of them can secure their protection. Beware, a Muslim must not be killed for an infidel, nor must one who has been given a covenant be killed while his covenant holds.”

And Ibn Hishaam related in his book of Seerah a narration from ‘Umar Mawlaa Ghafrah that he said that the Messenger of Allah ﷺ said: “Allah, Allah in respect to the Ahlu dh-Dhimmah, the people of Madarah, black faced and curly (hair). Verily for them is kinship and affinity.”

In the above three Ahaadeeth the expressions: ‘Al-‘Ahd’ (covenant) and ‘Adh-Dhimmah’ (protection) which provide the meaning of the ‘‘Aqd’ (contract) because the linguistic reality of these expressions are indicative of their similarity.

In 'Al-Lisaan Al-Arab' (dictionary) it states: *'Al-'Aqd: Al-'Ahd and its plural is 'Uqood and they are the firmest of 'Uhood (plural of 'Ahd)'.*

The expression 'Ahd' is from the expressions which are close to the meaning of 'Aqd' (contract) and 'Al-Jarjaaniy' said in 'At-Ta'reefaat' (definitions): *'Al-'Ahd is the preservation (hifzh) of a matter and observing it in a condition after a condition and then it was used in relation to the contract (or agreement) that must be observed'.*

'Adh-Dhimmah' is also from the words that are close in meaning and it was mentioned in 'Al-Mukhtaar As-Sihhaah' (dictionary): *'Adh-Dhimaam (plural of Dhimmah) represent that which is inviolable and the people (Ahl) of Dhimmah are the people of 'Aqd (contract).'*'

Abu 'Ubaid said: *"The Dhimmah is the Amaan (security) in his statement: 'The lowliest of them can secure their protection.'"*

The 'Aqd (contract) in accordance to the Shar'a is the binding or connecting of the Ijbaab (offer) and the Qubool (acceptance) in a legitimate manner in which its effect is apparent in its place. The Dhimmah, Amaan (security) and the 'Ahd are all contracts ('Uqood) and it includes a binding between the two sides (or parties) of offer and acceptance represented in respectively by the Muslims on one side and the non-Muslims on the other. In accordance to the contract of the Dhimmah which the non-Muslim contracts with the Islamic State, the non-Muslim acquires the Taabi'iyah (citizenship) of the Islamic State and becomes one of its subjects. He then attains the right of being taken care of, preservation and security whilst the State has the right over him in respect to him be subservient to the rulings of Islam and for an amount of money to be taken for him in return for his preservation and protection because he is not legally obliged or responsible in regards to (the obligation of) Al-Jihaad.

This is the reality of the contract of the Dhimmah and so it is a contract upon the Taabi'iyah (citizenship or right to reside within the State), preservation (Hifzh) and security (Amaan) and those who make this contract are known in the custom of Islam as Ahl-udh-Dhimmah (the people of contract). The conception of the contract of Dhimmah represents the most elevated legal form that humankind has known in order to regulate and organise the relationship between the State and those who reside within it from those who are not believers in respect to the bases that it established upon or those newcomers who wish to reside within it and take up its Taabi'iyah (i.e. become its subjects).

It is indeed surprisingly strange to see the great aversion of some of the Muslim thinkers and many non-Muslims in respect to the term 'The people of Dhimmah' in spite of its positive and moral implications in respect to what is felt encapsulated within the

connotations of the 'Ahd (covenant), Amaan (security) and the responsibility of the Islamic State to protect the Dhimmi and observe his rights. This is whilst they have adopted the term of 'Minorities' with all that is associated with it in terms of its negative suggestions and immoral consequences where the small group is made to feel weak and of little worth just as it leads to the sidelining of a group of people within a society from amongst the societies.

The entering of the non-Muslim into the Dhimmah of the Muslims makes it obligatory upon the State and the Muslims to fulfil and be loyal to the covenant and to provide him with good treatment. He is will be like the Muslims, he has what they have whilst what is upon them is also upon him within the scope of the Ahkaam Ash-Shar'i. In order to illustrate some of the rights granted in Islam to the Ahl-udh-Dhimmah in addition to the positive implications that this term carries we will now present some of the Shar'iyah texts (evidences) related to this:

Allah سبحانه وتعالى said:

لَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ
وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

“Allah has not forbidden you in respect to those who have not fought you in the Deen and not expelled you from your homes to treat them kindly and be just towards them. Verily Allah loves those who deal in justice”

(Al-Mumtahanah 8)

And He Ta'Aalaa said:

لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ

“There is no compulsion in respect to the Deen. Verily the right path has become distinct from the wrong path”

(Al-Baqarah 256)

In the book 'Asbaab An-Nuzool' Al-Waahidiy related from Sa'eed Ibn Jubair in respect to His Qawl سبحانه وتعالى:

لَا إِكْرَاهَ فِي الدِّينِ

“There is no compulsion in the Deen”

That Ibn 'Abbaas (ra) said: 'When (an Ansari) woman would not bear children who would live, she would vow that if she gives birth to a child who remains alive, she would raise him as a Jew (amongst the Jews). When Banu An-Nadeer (the Jewish tribe) were expelled from Al-Madinah some of the children of the Ansaar had been raised among them and so the Ansaar said: **'We will not abandon our children'**. So Allah revealed:

لَا إِكْرَاهَ فِي الدِّينِ قَدْ

"There is no compulsion in the Deen"

Sa'eed Ibn Jubair said: "So (after that) whoever wanted to remain with them (Banu Nadeer) attached themselves to them and whoever wished to embrace Islam did so."

Al-Bukhaari related from 'Abdullah Ibn 'Amr that the Messenger of Allah ﷺ said:

مَنْ قَتَلَ مُعَاهِدًا لَمْ يَرِحْ رَائِحَةَ الْجَنَّةِ ; وَإِنَّ رِيحَهَا تُوجَدُ مِنْ مَسِيرَةِ أَرْبَعِينَ خَرِيفًا

"Whoever kills a Mu'aahid (non-Muslim under covenant) will not smell the fragrance of Jannah and verily its fragrance is found from a distance of forty springs (years)."

And Abu Daawud related from a number of the sons of the companions of the Messenger of Allah ﷺ from their fathers from the Messenger ﷺ that he said:

أَلَا مَنْ ظَلَمَ مُعَاهِدًا ، أَوْ انْتَقَصَهُ ، أَوْ كَلَّفَهُ فَوْقَ طَاقَتِهِ ، أَوْ أَخَذَ مِنْهُ شَيْئًا بَغَيْرِ طَيْبِ نَفْسٍ مِنْهُ ، فَأَنَا حَاجِبُهُ يَوْمَ الْقِيَامَةِ

"Whoever oppresses a Mu'aahad (non-Muslim under covenant) or degrades him or burdens him above his capacity or takes something from him without good intention then I am his opponent (arguing against him) on the Day of Judgement."

Muslim related from Ibn Abi Laylaa that Qais Bin Sa'd and Sahl Bin Haneef were in Al-Qaadisyah and then a funeral procession passed by them and so they stood. It was then said to them: 'They are from the people of the earth (i.e. from the Ahl-udh-Dhimmah who remain upon their land in return for the Jizyah). So they answered: 'Verily a funeral procession passed by the Messenger of Allah ﷺ and he stood. It was then said: 'But he is a Yahoodi (Jew)!' And so he ﷺ said: 'Is it not a Nafs (person/human soul)'.

Muslim also related from 'Urwah Bin Az-Zubair that Hishaam Ibn Hakeem found a man who was in a position of authority in Homs who had been detaining some Nabateans in connection with the dues of Jizyah. He said: What is this? I heard Allah's Messenger ﷺ saying: **"Verily Allah will punish those who punish people in the life of this world."**

Abu Yousuf in 'Al-Kharaaj' mentioned the letter of the Nabiy ﷺ to the people of Najraan which included within it: **"...And to Najraan and its confidants belongs the protection (Jawaar) of Allah and the Dhimmah (responsibility of protection) of Muhammad the Nabi and Messenger of Allah upon their properties, lives, lands, religion, their absent, present, their clan, their trade and all that lies under their hands (ownership) whether big or small. And no bishop, monk or priest will be taken away from their places of practise (offices). They are not disgraced and there is no blood of Jaahiliyyah, they are not caused loss or hardship and no army will step on their land. And whoever asks from them a right then they will have amongst them justice, not oppressing or oppressed..."**

Al-Baihaqi recorded in 'Ad-Dalaa'il' a letter from 'Amr Bin Hazm which included: **'And whoever is upon Christianity or Judaism then they are not to be changed from that...'** whilst in the Seerah of Ibn Hishaam the letter of the Messenger of Allah ﷺ to the delegation of Hameer included: **"...And whoever is upon his Judaism or Christianity then he is not repelled from that and he is obliged with Al-Jizyah..."**

The above is just a small sample of the Islamic texts which discuss the rights of the Ahl-udh-Dhimmah residing within the Islamic State and the great attention and care given to their good treatment and ensuring that they are given what they are entitled to within the Shar'iyah rules is clearly apparent and evident within these texts.

6 The relationship of the State and its subjects including the Ahl-udh-Dhimmah

The relationship between the Islamic State and its subjects is clearly manifested in two aspects. The first aspect relates to the Hukm (rule) and the caretaking of the affairs and the second aspect relates to the application of the Ahkaam Ash-Shar'iyah and the Qawaaneen (laws).

As for the ruling aspect and that related to the caretaking of affairs then it is not permitted for the State to distinguish or differentiate between its subjects but rather it is obligatory for it to treat all of them in accordance to the same single treatment without any distinction based upon ethnic origin (race), colour, gender or Deen (religion). The following was mentioned in the fifth and sixth articles of a constitution deduced from the Kitaab of Allah Subhaanahu, the Sunnah of His Messenger ﷺ, the Ijmaa' of the Sahaabah (rah) and the Shar'iy Qiyaas (analogy) which Hizb ut Taahrir has presented to the Ummah in order for it to be the constitution of the Khilafah State:

'The fifth article: All of those carrying the Islamic citizenship (At-Taabi'iyah) enjoy the Huqooq (rights) and are bound by the Shari'ah obligations (responsibilities)'.

'The sixth article: It is not permitted for the State to distinguish between any of the individual subjects in the aspects of ruling or judiciary or caretaking of affairs or what is similar to these. Rather it is obligatory for it to regard all from a single perspective regardless of the race, religion, colour or any other angle'.

The evidences for these two articles are detailed in the book 'Introduction to the Constitution' within its explanation and it is enough for us to mention here that the Shar'iyah texts that have come addressing the Muslims in the areas of ruling, judiciary and taking care of the affairs are general ('Aammah) and do not differentiate between the Muslim and non-Muslim or between the Arab and non-Arab or between the white and black from amongst the people. Rather they came commanding equal application and justice as Allah سبحانه وتعالى stated in Surah An-Nisaa' (58):

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ
إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا

“Verily, Allah commands that you should render back the trusts to those, to whom they are due and that when you judge between men you judge with justice. Verily

how excellent is that which Allah instructs you with. Indeed Allah is Samee'an Baseer."

This Ayah uses the word 'Naas' (people) indicating generality (in application). And in Surah Al-Maa'idah (8) Allah سبحانه وتعالى states:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَا نُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

"O you who have believed, be persistently standing firm for Allah, witnesses in justice and do not let hatred of a people prevent you from being just. Be just, that is nearer to righteousness (Taqwaa). And fear Allah, verily Allah is fully aware of what you do."

And so justice has been made obligatory even in respect to those who are hated and so justice is closest to Taqwaa.

The Messenger of Allah ﷺ said: "The Imaam is a shepherd (caretaker) and he is responsible for his flock (subjects)." (Al-Bukhaari) and so the Imaam (ruler) has been made accountable for all of his subjects without distinction or differentiation.

And the Messenger of Allah ﷺ said: "Indeed, whoever oppresses a Mu'aahid (one under covenant) or degrade him or burdens him above more than he can bear or takes from him something in a dishonest (Haraam) manner then I am his opponent (arguing against him) on the Day of Judgement." (Abu Daawood)

This Hadeeth then specifically states the obligation of treating the people of 'Ahd (covenant) with justice and he ﷺ made himself the opponent of the one who oppresses or transgresses against them on the Day of Judgement which indicates the severity of the prohibition of this type of oppression.

The Shar'iyah texts related to this subject area are many and for this reason no difference of opinion amongst the Muslims has been known in this matter since the dawn of Islam. Ibn 'Aabideen in 'Al-Hashiyah' when explaining the meaning of refraining from harming a Dhimmi and the prohibition of backbiting him just as it is prohibited amongst Muslims said: 'This is because by the contract of the Dhimmah the same is obligated for him as is obligated for us and therefore if backbiting a Muslim is Haram then backbiting him is Haram. Indeed they said: 'The Zhulm (oppression or transgression against) the Dhimmi is of even greater severity.'

And Al-Qurafiy in 'Al-Furooq' said: *'The contract of Dhimmah obliges rights upon us for them because they are under our protection and under our watch and the Dhimmah (protection) of Allah Ta'Aalaa, the Dhimmah of His Messenger ﷺ and the Deen of Islam. So whoever transgresses against them and even if this is only by a bad word or backbiting in respect to the honour of any of them, or any kind of harm from its types or assists (others) in that then he has forfeited the Dhimmah of Allah Ta'Aalaa, the Dhimmah of His Messenger ﷺ and that of the Deen of Islam.'*

In addition Ibn Hazm said in his 'Maraatib Al-Ijmaa'' in respect to the people of Dhimmah that if the people of war came to our lands targeting him (the Dhimmi) then it is obligatory for us to meet them in battle with all that it entails of hardship and weapons and to die for that in order to safeguard the one who is in the Dhimmah of Allah Ta'Aalaa and the Dhimmah of His Messenger ﷺ as handing him over without doing that what represent a dereliction and neglect of the contract of the Dhimmah'

This relates to the ruling aspect and that of caretaking for the affairs. As for the aspect related to the legislation and the application of the laws, then Islam has come with a comprehensive system for all of the affairs of life, from the Ibadat (worships) to ruling, economics, education, foreign policy and judiciary amongst other areas. Even though this system emanates from the Islamic Aqeedah it is not however confined to the spiritual aspect but rather it also represents legislations and laws that are viable to be applied within a State. When Islam commands the application of this system it only views this from the legislative and law perspective and not from the spiritual or religious angle. As such it has commanded the application of the Ahkaam Ash-Shari'ah upon all of the subjects of the State without paying any regards to the difference in their Deens with the exception of those Ahkaam which are specific in their nature to the people of a particular Deen and in which the Deeni aspect is dominant.

So for example the Ahkaam of Salaah, Sawm, Zakaah, Hajj and others rulings are Ahkaam Shar'iyah like all other Ahkaam Shar'iyah however undertaking them requires and prerequisites Imaan (belief) in Islam and as such applying these upon non-Muslims has no basis. This is because it would represent a coercion or compulsion (Ikraah) upon them in regards to that which Islam has prohibited in accordance to the Deen. For this reason the non-Muslims are exempted from the application of these Ahkaam of 'Ibadat (worships) and they are not applied except upon the Muslims because their Imaan in the Islamic Aqeedah obliges that and as such it does not represent coercion in respect to them. By examining the Islamic texts, the actions of the Nabi ﷺ and the practice of the Khulafaa' Ar-Raashidoon it becomes evident that Islam has obligated the application of all of the Ahkaam of Islam as a whole without exception upon the Muslims. As for non-Muslims from amongst the subjects of the State then Islam has made the application of the Ahkaam Ash-Shar'i upon them the original position like the

Muslims and even if they do not believe in the basis from which they emanate from (i.e. the Islamic Aqeedah) because this belief is not a condition for its application and implementation. Some matters however are exempted from that due to a number of considerations that dictate that exemption. We can summarize these in accordance to what was mentioned in the seventh article of the (previously mentioned) draft constitution:

‘Article seven: The State implements the Islamic Shar’a upon everyone who holds the Islamic Taabi’iyyah whether they are Muslims or non-Muslims in the following manner:

- a) All of the Ahkam of Islam are applied upon the Muslims without any exception.
- b) Non-Muslims, what they believe in and worship are left within the general system.
- c) The rule of apostasy is applied upon those who have apostatized from Islam if they are the ones who have apostatized. If however they are the sons of apostates and were born as non-Muslims then they are dealt with and treated with the same treatment as non-Muslims according to the what they are upon in respect to being from the ‘people of the Book’ or ‘Mushrikeen’ (polytheists).
- d) Non-Muslims are treated in the affairs relating to food and clothing in accordance to their religions within that which the Ahkam Ash-Shar’iyah permits.
- e) The matters of marriage and divorce are dealt with amongst non-Muslims in accordance to their religions whilst they are dealt with according to the Ahkaam of Islam if they are between them and Muslims.
- f) The State implements the rest of the Ahkaam Ash-Shar’iyah and the remainder of the matters of the Islamic Sharee’ah in terms of Mu’aamalaat (societal transactions), ‘Uqoobaat (punishments), Bayyinaat (rules of testimony), the ruling and economic systems amongst other matters upon everyone. They are implemented upon the Muslims and non-Muslims equally in the same manner (without distinction) and they are also implemented upon the Mu’aahideen (those who have covenant) and the Musta’mineen (those who have been offered security) in addition to anyone who is under the authority of Islam just as they are implemented upon the individual subjects. The ambassadors and foreign messengers and their like are exempted however as they have diplomatic immunity’.

That which was mentioned in respect to b, d and e with their detailed evidences as is made clear in the book ‘Introduction to the constitution’ when explaining its seventh article represents a specification from the law of Daar ul Islam in benefit (or favour) of non-Muslims. This is as the Muslims are bound in these areas by the Ahkaam of Islam

and as such these exceptions make the living of non-Muslims within the Islamic State easy and tranquil for them. They are enabled to live in accordance to their Deen and the application of its rulings without finding any contradiction between that and the general public law of the State. They therefore do not suffer a burden or hardship nor do they feel that they are being coerced in respect to the Deen. As for the remaining Ahkaam which they are bound by then these are Ahkaam which do not touch or infringe upon their religion and as such they are not required to compromise from it or go against it. This is because these rulings which they are bound by are of a general nature and even when they were living in a non-Islamic State they would also have to submit to laws and legislations which are not from their religion but are rather man-made. So what is it then that harms the non-Muslim in the case where the applied legislation and law that is taken from an Islamic Shar'i text? And what difference would it then be in respect to him from if the law had been taken from a man-made source? So for example Islam has obliged that the currency be established upon the gold and silver standard whilst the man-made system does not currently oblige that. In this scenario what is problematic in respect to a non-Muslim submitting to this law within the Islamic State? Another example, Islam prohibits the women from engaging in any work in which her femininity is exploited whilst the man-made systems permit that and even encourage it. So would the non-Muslim in his religious description be harmed through his submission to the Islamic ruling within the Islamic State by which his honour will then be safeguarded?

7 Islamic Legislation and the Ahl-udh-Dhimmah

Some people have said that Islam distinguishes between the Muslims and the non-Muslims, providing the Muslims with rights that it did not provide to others and particularly within the area of political participation. So it is not permitted for example for the non-Muslim to become a ruler and the Jizyah is obliged upon him whilst it is not obliged upon the Muslim. Also it is stipulated that political parties be established upon the basis of Islam and as such Islam discriminates amongst its subjects giving one people whilst preventing others, providing Muslims whilst preventing non-Muslims, so how can it be claimed that Islam does not discriminate amongst its subjects?

To answer this we must first pause to understand the reality of the Islamic legislation: The Islamic legislation looks at mankind in accordance to their human description and it has made its (legislative) address directed towards the human. The 'Ulamaa of Usool have defined the Hukm Ash-Shar'iy as: *'The address of the legislator (Ash-Shaar'i) related to the actions of the 'Ibaad (servants)'* and so the Takleef (legal responsibility and jurisdiction) is related to the 'Abd (servant) and for this reason the 'Ulamaa of Usool have stated that the Kaafir is Mukallaf (in origin) with the Ahkaam of Islam because he is covered by it and even if he is not bound by all of it within the (Islamic) State.

Allah سبحانه وتعالى said:

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ إِنَّ زَلْزَلَةَ السَّاعَةِ شَيْءٌ عَظِيمٌ

“O People (mankind) fear your Lord. Verily the earthquake of the (final) hour is a great (terrible) matter”

(Al-Hajj 1)

This is directed to the people (mankind), the Muslims from amongst them and disbelievers, their males and their females and the white and the black from them. Also the statement of the Messenger ﷺ: **“Upon the hand is what it has taken until it fulfils it.”** (Related by Ahmad)

This statement is 'Aamm (general) and encompasses all of mankind.

The Islamic legislation treats all human problems in their consideration as human problems alone and not with any other consideration. Therefore it does not view the problem from an economic perspective for example but rather views it as a human problem requiring a treatment to be provided for it and as such undertakes its treatment in accordance to what is suitable for it. As such the Islamic legislation does not recognise discrimination in respect to its Ahkaam at all. This however does not

mean that it provides the same single ruling to all of the people in respect to every single issue but rather it gives consideration to the particular characteristics in its legislation that fits with the reality of the issue that is desired to be treated. So for example when Islam organised and regulated the relationship of the man with the woman it paid attention to the male and female characteristics due to their direct relation to this issue.

So it brought Ahkam which relate to the woman which differ to the Ahkam of the man in accordance to this consideration. So it made the 'Awrah of the man different to the 'Awrah of the woman whilst it specified her with Ahkaam related to menstruation (Haid), post-birth bleeding (Nifaas) and giving birth because who natural physical make-up dictates that. It also made the original position of the woman (in life) to be that of a mother, the one who manages the affairs of the house and as an honour that must be safeguarded and protected, and this is in the case where her natural physicality and disposition which differs from the man's dictates that. On the other hand Islam made it obligatory for the man to be responsible for the wife, children and the caretaking of their affairs in addition to providing maintenance for them. When Islam divided the shares of inheritance sometimes it gave the male a share equal to two females whilst observing that which has been obliged upon the man in terms of spending and maintenance upon the woman. So this difference in respect to the Ahkam does not represent discriminating amongst people but rather it represents placing matters in their right place and providing the correct solution for the issue (at hand).

So for example Islam has made Al-Jihad and the Jumu'ah prayer obligatory upon the man whilst it did not make these obligatory upon the woman. It cannot be said here that Islam has undertaken discrimination against the woman in favour of the man because the nature of their physicality and the nature of the actions which they have been charged with by the Shari'ah dictate this difference in respect to the Ahkam. And when Islam obliges the giving of Zakah upon the rich and not the poor person and obliged the Darebah (tax) at the time of its requirement upon the rich Muslims and not their poor it did not discriminate by favouring the poor at the expense of the rich. This is because it commanded that the taking of the wealth be tied and connected to the person's wealth and his capability to give it. Therefore it is not valid to oblige the collection of money or wealth from the one who does not possess it in the same way as it is obliged to be taken from the one who possesses it. When Islam made the 'Aql (mind) the basis of Takleef (legal responsibility) and made maturity and capability from its conditions, it then made rulings for the Majnoon (the absence of sound 'Aql), the one who is not mature and the incapable or unable which differ from the Ahkam (rulings) for the one who possesses a sound mind, the nature and the capable. It did not discriminate in favour of one over the other but rather it looked at these descriptions that have an effect upon the reality and then arranged a difference in respect to the Ahkam based upon that because their realities dictate the requirement of this

difference. This is because it is not valid to equalize between the one who possesses the faculty of the mind and the one who does not in respect to the legal responsibilities nor is it valid to task a person with more than he is capable of undertaking.

This in itself is what the Islamic legislation has done when it differentiated in regards to the Ahkam built upon the two descriptions of Islam (belief) and Kufr (disbelief). So for the one who scrutinizes the Ahkam in which a difference between the Muslim and the Kafir has taken place it will become apparent to him that this difference has been made a requirement due to the nature of the issue (Mas'alah) and that this was necessary however this is not discrimination. We will now take a look at some examples of this:

Islam has made belief in Islam a condition for the Haakim (ruler) whether he is the Khaleefah, Mu'aawin Tafweed (delegated assistant), Waaliy (governor) or 'Aamil (provincial ruler) whilst it has not permitted these positions to be occupied by a non-Muslim. This is because the Islamic State implements the Islamic Shar'a (legislation) internally and carries the message of Islam to the world externally by way of Da'wah (invitation) and Al-Jihaad. As such the role and work of the Hakim (ruler) within the Islamic State revolves around the application of the Ahkam of Islam and taking care of the affairs (of the people) in accordance to the Ahkam Ash-Shar'iyah (Islamic legislative rulings) in addition to the carrying of the Islamic Da'wah to non-Muslims outside of the State. These actions dictate and require by their nature that the one undertaking them already believes in Islam as an Aqeedah and Sharee'ah as it is inconceivable that Islam will be implemented and applied and that the Da'wah will be carried to the world by someone who does not believe in it. The same can also be said in respect to the Qadi (judge) because it is the role of the judge to settle disputes between people in accordance to the rulings of Islam and to pronounce the Islamic verdict and ruling so that it is enforced. Again it is inconceivable that any work or role like this could be undertaken by someone who does not believe in Islam. Is it not seen that when the Qadi who judges amongst non-Muslims in the matters relating to their marriage and divorce in accordance to the rulings of their religion, that he does not pass judgment in accordance to the rulings of Islam and that it is permissible for this Judge to not be Muslim and indeed that it is Haraam for this judge to be Muslim? Ustadh Muhammad Asad in his book: 'Minhaj Al-Islam Fil Hukm' (The methodology of Islam in ruling) states:

'It is obligatory for us not to be blinded away from the facts as we do not expect from a non-Muslim person and whatever the level of his integrity, sincerity and faithfulness and irrespective of his devotion to his land or his level of self-sacrifice in the service his citizenship, to work wholeheartedly in order to realise the ideological goals and objectives of Islam. This is due to pure Nafsiyyah (dispositional) factors that cannot be ignored. I would go as far as to say that it is not fair or just to demand that from him. There does not exist a (single) ideological system whether established upon the basis of the Deen or upon another thought basis that could possibly accept or be content with placing the position of power and authority in the hands of a person who does not

embrace the thought upon which that system is established. Would it occur to anyone for example within the Soviet Union that important political positions like that of the Presidency or Prime Minister would be given to someone who does not believe in the communist Aqeedah and system? Of course it wouldn't and this is a logical matter in the case where the communist thought remains the basis and principle upon which the political system is established. This is because those who believe in the objectives of this thought are those alone who can be relied upon to lead the people towards the realisation of their political and administrative objectives.'

Indeed many of the Secular systems in the West have gone even further than what is mentioned above in the case where they have forbidden the one who does not believe in the secular democratic principles to even become an employee of the State like a teacher or University Professor and they stipulate that the state employees or civil servants accept the principles of Democracy and memorise them in addition to compelling them to make an oath upon that for the purpose of being accepted in their positions of employment. This is whilst the Shar'a (Islamic legislation) on the other hand restricts the stipulation of Islam (i.e. in its belief) to only those positions in which their nature dictates that those who believe in Islam assume their responsibility. As for other positions of employment then it is not a condition for the State employees to be Muslims but rather it is permitted for the Ahlu-dh-Dhimmah to occupy these positions whilst not believing in Islam which is the basis upon which the State was established.

The Shar'a (Islamic legislation) has also stipulated and made it a condition for the political parties to be established upon the basis of the Islamic Aqeedah and has permitted the plurality of parties in accordance to the differences in respect to their Ijtihadaat (i.e. the rulings that they have derived from the Islamic legislative sources according to its correct process). An examination of the reality of parties makes apparent that they are organisations in which their members believe in an idea that they wish to be applied within life's reality. It is therefore inconceivable to accept the establishment of parties which promote programmes and objectives that are not established upon Islam and to then strive to see them applied and implemented. This is because this would necessarily mean (or lead to) the demolition of the State and the bases upon which it is established. As such it is not conceivable for someone who does not believe in Islam as an Aqeedah and Sharee'ah to undertake the work of parties or to participate in them because this then would be in direct contradiction with his Deen and his convictions. In the Western Secular countries they stipulate in respect to the political parties in order for them to be recognised as official political parties and in order for them to be able to participate within the political life, that the party is established upon secular democratic bases whilst forbidding the establishment of parties upon other than these bases. In addition to that, they place any person who does not believe in Democracy and is intellectually and political active under monitoring and questioning in addition causing him hardship in respect to his efforts to attain his Rizq.

Islam made Al-Jihad obligatory upon Muslim men whilst it did not make it obligatory upon the Ahlu dh-Dhimmah. This is in the case where Al-Jihad represents the exhaustion of effort in fighting the Kuffaar to raise the word of Allah high and includes within it the fighting to protect the homelands (Diyaar). As the Ahlu dh-Dhimmah are disbelievers then it does not follow that they be made legally responsible (Mukallaf) with Al-Jihad to raise high the word of Islam because this does not conform with their religion and their belief and it could lead them to engage in fighting against the sons of their own religion from amongst the enemies of the Muslims. Even though Islam did not make Al-Jihad obligatory upon them it did however permit them to fight within the ranks of the Muslim army if they decided to do that based purely on their own desire and wish without being compelled or coerced into doing so and this is particularly if the fighting was for the sake of protecting their homelands (Diyaar) and Awtaan (nations). Whilst the Muslim has been commanded with Al-Jihaad; to give his wealth and life in the way of Allah with all that the actions this includes like protecting the lands and the subjects of the Islamic State including the Ahlu dh-Dhimmah, the Dhimmi on the other hand was not obliged with Al-Jihad. Indeed Islam obliged a payment upon the Dhimmi which the capable male pays once in the year in return for being provided with protection to him and his dependants. The Muslim was not however obliged to pay this tax called Jizyah because the Muslim is obliged with must greater than that due to his obligation in respect to Al-Jihad.

In this way, if we were to examine the Ahkaam Ash-Shari'ah which stipulated belief in Islam we would have found that all of them fit into this context. Indeed there are many Ahkam Ash-Shari'ah which provide the Ahlu dh-Dhimmah with rights which are not afforded and provided to the Muslims however again this is not due to any form of discrimination or differentiation in favour of the Ahlu dh-Dhimmah and against the Muslims, but rather it is due to paying consideration to the two descriptions of Islam (belief) and Kufr (disbelief) and their connection to a particular issue. So the Shari' (Islamic legislation) has made the Zakaah obligatory upon Muslims whilst it did not make it obligatory upon the Ahlu dh-Dhimmah and this is because it is an 'Ibadah (act of worship) whilst it is not valid to oblige 'Ibaadah upon the Dhimmi. The Shari'ah has also obliged the Muslims to pay taxes in the case when there is need for that whilst it did not oblige this upon the people of the Dhimmah and as such did not go beyond that which was obligatory upon them in respect to the Jizyah. The Shar'a permitted the people of the Dhimmah to eat pigs, drink alcohol and to sell them whilst if prohibited that upon the Muslims making it a punishable offence for them. This is in addition to other Ahkaam (legal rulings), which appear in the absence of deep thought in respect to their realities, to provide more rights to the Dhimmi than they do to the Muslim. However in reality there is no differentiation or preference between and amongst the people but rather they are provided with the rights in accordance to the descriptions which have an impact upon the provision of that right.

This is not just restricted to the two descriptions of Islam and Kufr (belief and disbelief) and indeed there are many descriptions where the Shar'a provides different Ahkam in respect to them. So the Muslim who is not 'Adl (just) is not permitted to become a Hakim (ruler) or Qadi (judge) because one of the conditions of appointment to the rule and the judiciary is that of 'Adalah (justice) as they positions cannot be undertaken except with it. So whoever loses this attribute and description consequently loses his right to that appointment however this cannot be considered to be a form of discrimination between the people.

Therefore Islam does not differentiate in respect to the Huqooq (rights) in the case where there is no place for the two descriptions of Islam and Kufr to come in or any of the other descriptions. In the case where the humanity of the person is what the issue revolves around, then Islam has made the right of a dignified and pleasant life, the provision of housing, clothing, food, work, medical treatment, fair and good treatment, equality before the judiciary and caretaking of their affairs in addition to anything that is of this type, Islam has made all of this a provision for all of the subjects of the State; Muslims and non-Muslims, male and female and the young and the old.

Whilst we are talking about discrimination then the idea of discrimination within the West and secular States is a foggy idea which is undefined whilst it is frequently used outside of its context. This is in the case where the rejection of discrimination or differentiation cannot possibly mean equality amongst the people in every matter and on every level. In addition to this representing an error from an intellectual perspective it is also impossible in reality. It is not valid to equate between the knowledgeable and the ignorant in respect to knowledge and its merit, or between the young and the old from the perspective of respect, appreciation and life experience, or between the specialist and the non-specialist in areas of research. Or the male and the female in respect to nursing and taking care of children or in respect to being responsible for the household and family or in partaking in fighting and Al-Jihad. Rather the equality is in respect to the humanity because this is the aspect in which it is not permissible to differentiate. Because the West is unable to deal with this issue precisely this, its demand for example for there to be no differentiation between the man and the woman has led to calamities to befall the society and to the destruction of the family. This is because they believed that the absence of discrimination of differentiation means making the man like the woman and the woman like the man which is impossible because they are different to each other. As a result equalising between them in every matter and from every angle is a form of oppression against them and it pays no regard to that which Allah سبحانه وتعالى distinguished each one from the other with. As for in respect to their humanity, then there is no doubt that they are equal and it is not permissible to distinguish between them in this regard.

8 Minorities: The Khilafah State Vs the secular State

The secular State represents a model that the Islamic world did not become aware of except after the fall of the 'Uthmani Khilafah State and its subsequent colonisation by the Western States which then thoroughly enforced the secular State upon the Muslims. It represented a transferral of what was standing in the West despite the stark difference between the Islamic civilisation and the Western civilisation in the fundamentals and the branches. Before speaking about the secular State within the Islamic world it is best to first take a brief time to look at the secular State in the West from the angle of its initial arising. This is so that we can seek to make clear the difference between it and the Khilafah State and seek to bring clarity in respect to whether this model treats the problem of minorities:

- The model of the secular State in the West is what produced the problem of minorities and brought it into being. This is because the secular State which separates the Deen from the life was compelled to define itself by definitions of race, language and history whilst bringing the Nationalist concept to be applied upon the nation and the State. This then led to the setting aside of races, languages and defining characteristics linked to history and culture and to their exclusion. As for the Khilafah State then it does not define itself by these racial, linguistic and historical definitions, and it does not subject the Ummah (nation) or the State to the Nationalistic conception. Rather its defining regard is towards the human as a human being and it is viable as such to govern and rule the world as a whole. In this way the Khilafah State does not know of or recognise the problem of minorities.
- As a result of the secular State's nationalistic definition and all that this entails in terms of racial, linguistic, historical and cultural definitions, the existence of other races, languages and cultures other than those which the State was established upon their basis, represents a threat to the Nation State (based upon nationalism). For this reason we find that the secular nation State itself is compelled to counter and deal with others for the sake of preserving its constituent components. As such it bears pressure upon them which then compels them whether they like it or not to define themselves and to search for their own identity in terms of race, language, history and culture which is contrary to that of the nation State. The others then begin to demand their racial, ethnic, linguistic and cultural rights due to their feelings of being oppressed and excluded (or disenfranchised). As for the Khilafah State then it does not find any difficulty or problem associated with the plurality of races or languages because this does not threaten any of its constituting components. Rather it permits and allows this in a natural manner for them without having to make a law for these

rights and without minorities having to work and strive to attain them. This is because they are granted to them naturally as the Khilafah does not interfere with the existing languages.

- When the secular state built upon the capitalist ideology relied upon the concept of the majority to define what is right and made the opinion of the majority the absolute truth, they took away the right of the minority whose opinion could be more correct than that of the majority and closed the door in its face. As for the Khilafah State built upon Islam does not rely upon the opinion of the majority as the arbitrator of the truth and what is right. It rather relied upon the Shari'ah which resolves the matter whilst in the Ijtihadi issues it follows the opinion which relies upon the strongest Daleel (evidence) irrespective of the majority or the minority. It does not rely on the majority apart from in the practical issues in which the truth and the right are not examined or looked in to. As such it does not fall into the problem of excluding the minority because there is no place of existence of the minority within the State in accordance to this understanding.
- The coming about of the secular model in the West cannot be separated from the intellectual and sentimental environment which was dominant in the thinking of the West and their feelings. This is because it had been prevalent in the West to reject the one who dissents or differs and to prevent him from any rights and even to kill him. And even if this reality in the middle-ages did not take the image of minorities according to its modern political understanding, it nevertheless represented a rejection of every dissenter and even if he was from the same religion but differed in respect to an Ijtihad (or interpretation). European history is full of evidences of those who dissented and their being killed and been tortured or punished due to their mere dissent or differing. The religious wars that prevailed amongst the Christian schools of thoughts are no more than an example of the concept of the rejection of 'the other'. Even though the secular thought arose in reaction to this situation it however did not manage to get rid of its western intellectual and sentimental store and as such they remained rejecting 'the other' and excluding the one who differed. So we find that the political parties on the right and those which are hostile to Islam are secular parties and that they manage to find strong support within the Western masses which illustrates an example of the 'rejection of the other' which exists within the western collective sensation and sentiment, and this is whilst the other political parties do not in actuality differ much from them in this regard. As for the Khilafah State established upon the basis of Islam, then it regards variety and difference from the perspective of it representing an Aayah (sign) from amongst the signs of Allah سبحانه و تعالی in respect to His creation and in harmony with the Sunan (ways) of the universe and all that exists. For this reason the Khilafah State does not find any problem in respect to plurality and variety within the

realm of the general system. It also does not possess an emotional and intellectual store which breeds negativity towards the other or one who differs. The history of the Islamic State bears witness to that and in this regard the German Orientalist Sigrid Hunke said in 'The sun of the Arabs shines over the West': *'The Arabs did not force the conquered peoples to embrace Islam and so the Christians, Zoroastrians and Jews who met with the most heinous and terrible forms of religious intolerance before Islam, were now all permitted and allowed without any obstacle or hindrance to practise the rituals of their religions. The Muslims left for them their houses of worship, monasteries, clergymen and Rabbis without bringing the least of harm to them. Does this not represent the highest degree of forbearance? Where has history narrated the like of these acts? And when has this occurred (in history)?'*

- There exists a clear contradiction within the Western secular State as it claims that the society is founded upon the idea of the general freedoms where each individual within the society enjoys these freedoms irrespective of the differences in religion, thinking, customs and traditions or linguistic and cultural differences by way of the claim of minority rights. They also state the separation of the Deen (religion) from the life with all that this demands in respect to distancing the Deen from life's realm and this is whilst at the same time they call for the independence of peoples upon the basis of religious differences!
- Those who regard the secular State in the West state that the priestly or religious State was the reason and cause for the oppression of others and their exclusion. This statement has truth in it and they also say that the solution in order to attain justice and equality for all lies within the secular State which is upon a level playing field in respect to religions and beliefs, and this statement of theirs is false. This is because the secular State does not stand upon a level playing field when it comes to the religions as it has been oppressive against all religions and particularly against Islam. As for not standing upon a level playing ground in respect to the religions then this is clear and apparent in their reliance upon historical, cultural and religious defining characteristics when they defined the 'National State'. For this reason the westerners often repeat the saying that their State is a 'Christian' State and what their traditional Churches receive in terms of government support is not hidden whilst other Churches or other religions do not find the same level of support. As for their oppression of the religions then this is because they have forced religious societies (or communities) to accept the constitution and the secular democratic system in order for them then to be recognised officially as religious institutions. This is whilst this condition contradicts in the majority of times with the religious beliefs and even the beliefs of the Christians. So for example freedom of the individual is not held by Christians or Jews because both of these religions prohibit

fornication (or adultery) for example. As for Islam, then it represents a special challenge to the secular State, a challenge that they cannot possibly solve or deal with, and this is because the secular State only considers the religions from the spiritual perspective whilst Islam represents a system of life encompassing both the doctrinal and legislative aspects. If the secular State rejects it then it has rejected a Deen and prevented it and if it accepts it under its own stipulate conditions then it has changed it, transformed it and taken its people away from their Deen. For this reason the secular State in the West is in confusion and a state of bewilderment in regards to it and so they enforce upon the Muslims in order to accept them compromises in respect to fundamental matters from their Deen to make their Deen like all the rest of the Deens. There is no doubt that this contradicts with the claimed freedom of belief in addition to representing a great oppression.

As for the Khilafah State then it absorbs and takes in all of the Deens without this being problematic for it because it provides the religions with legal privacy in the areas related to their religion and provides the followers of the different religions with a wide space and room to practise their religion and to live in accordance to their beliefs. It does not oblige and enforce the followers of other religions to have Imaan (belief) in the State's constitution and to intellectually agree with it but rather it only requires from them that they do not rebel against the State and that they submit to the general system.

These then are some of the matters in which a difference between the Khilafah State and the western secular State appears in relation to the issue of minorities. As for the practical aspect then the western secular State has completely and utterly failed in respect to melting the peoples within the cauldron of its Idea and in respect to their treatment and dealing with minorities in all of their various forms. Racial prejudice is widespread in the western States and it is not restricted to the general people alone but indeed also extends to the State and governmental levels, the levels of politicians and political parties. This matter is evident and clearly apparent in the west to the point where no rational person could deny it, numerous studies have been published in this subject area and whoever lives in the Western countries can sense without the shadow of a doubt. The way that the western States deal with minorities has resulted in severe their exclusion. A study published by the European Union in 1996 under the name: 'Euro-mosaic' revealed that twenty-three of the forty-eight linguistic minorities within the European Union are on their way towards disappearing or having the very weakest of presences whilst twelve after groups are threatened in respect to their survival. In accordance to statements issued by 'The organisation for threatened peoples' there exists forty million citizens Europe whose mother language is not recognised by the European States and as such they are sidelined and marginalised whilst there remains no hope that these States will make recognition of their languages and cultures. There

are also policies in many of the European States which are hostile towards the minorities. So for example Greece denies the existence of ethnic minorities like the Albanians, Armenians and Macedonian Slavs whilst they behave prejudicially towards the Muslim minority from Turkish and Bulgarian origins. France also refuses to provide around five million citizens from a number of ethnic origins with their linguistic and cultural rights and this reality does not differ much in respect to the rest of the European States.

As for the minorities who demand their political rights then they are suppressed and driven towards taking material actions in order to then justify fighting or declaring war against them. This is what happened with the Basque minority in Spain and the Catholic minority in the United Kingdom. In regards to the ethnic minorities who are deemed to have no worth then what happens to them happens without any feeling of shame. So for instance the Gypsy minority in Europe represents a huge stigma for the Western secular State as millions of Gypsy people in the West are treated as animals are treated and are not provided with the very least of rights. Many of them are not even recognised and do not hold citizenship but are rather distributed here and there whilst attempts are made to get rid of them at any cost as was seen not so long ago in France when they kicked them out and made them return to Romania despite that being in contravention to the official European Union conventions and laws. This is in regards to Europe, as for America, then the situation is no better. The black minority still suffers until this day from marginalisation and restrictive measures and this is after centuries of the establishment of the secular democratic State whilst the fortune of the minorities coming originally from the Latin America States is no better. As for the original inhabitants and population upon that land then the United States of America exterminated them and wiped away any major trace of them whilst those who managed to remain are marginalised and hold no value or worth.

As for the Muslims in the West, then the harassment and restrictive measures against them and particularly after the events of 2001 has gone beyond all boundaries. The Muslims are not recognised by their Deen in many of the western States and are unable to build Masaajid without the most strenuous of efforts whilst many of their places of prayer are not recognised and are found in back or out of site areas and in the places of work. They are unable to obtain many of their basic natural requirements in accordance to their Deen. So the Halaal slaughtering is a big problem whilst the sacrifice on Eid Al-Adhaa is an even greater problem. Islamic graveyards are not made easily available and if they are found then they are within non-Muslim graveyards. The restrictions upon them in the affairs of their Deen like the Muslim woman's wearing of the Khimar (headscarf) and praying in schools is not restricted to the peoples but rather extends to the States which issue laws that prevent the Muslim girls from wearing the Khimar in schools or the wearing of the Niqaab in public places whilst settings punishments for those who go against that. Compelling the sons of the Muslims to

participate in swimming and sports lessons in schools which includes the requirement to reveal the 'Awrah is common and widespread. Setting up and establishing Muslim schools is a matter which is extremely complicated whilst others are given the opportunity to do so with the least amount of effort. The Eids of the Muslims are not recognised in many of the States and as such many Muslim workers are unable to take an official holiday to celebrate them. The same applies to the Jumu'ah prayer as a vast number of Muslims are unable to perform it because of their work and the same is true for students of schools who are not permitted to take a holiday for Eid. On top of all of this they are also distinguished and discriminated against in many areas like those related to work, employment, renting houses, in schools, universities and State institutions.

In addition to this and after the events of the 11th of September all of the Western States have brought laws in the name of the war against terrorism and have used them to target the Muslims. So they began to view them with suspicion and doubt and to monitor the sons of the Muslims in universities in an indiscriminate manner. They monitored the Masajid and places of prayer and listened in on them (spied) in their private lives, their homes and communication devices. Their security apparatus's investigated and interrogated many of them and opened investigative files on thousands of Muslims for the mere reason of their commitment to and practise of the Deen. They raided thousands of Muslim's houses in the name of terrorism and extremism and they issued prevention rulings against Islamic groups and organisations for the most trivial of reasons whilst they chased their members and affiliates without the least of right to do so. Their courts sentenced many of the sons of the Muslims with sentences and punishments in the absence of (real) evidence whilst they expelled a large number of the sons of the Muslims from the western States with the argument that they posed a danger to the country's security. They stripped citizenship from a number of Muslims using different excuses and many acts of injustice were committed against them that cannot be counted. This is while the Media acted in concert to that and still continues in its ferocious attacks against Islam and the Muslims, the Nabi of Islam ﷺ and the Sharee'ah of Islam. They created an atmosphere of enmity and hatred against the Muslims which was assisted by the politicians, the political parties and official channels, to the point where the Muslim became a suspect in the eyes of his neighbours and colleagues.

These events have led to daily assaults against the Muslims a number of which have ended in murder. At the same time (organised) collective groupings have come about targeting Islam and the Muslims whilst portraying Islam as an enemy to civilisation. In summary, the life of the Muslim who holds on to his or her Deen in the Western States has become very difficult. Indeed the matter could well become more worrying and escalate and particularly at the time of a sharp economic crisis which Europe is suffering from. It is not hard to perceive how the Muslims will be used as a sacrificial

lamb and the blame for all troubles will be directed towards them. It is therefore for us to question the truth and true reality about the rights of minorities in the secular western States and then compare what happens in them to what the situation was in respect to the Islamic Khilafah State in terms of how well it treated non-Muslims, so that we can see the difference between them and then know which of the two States is more capable of caring for the affairs of the people and of ruling by justice and fairness.

Everything that has been presented so far relates to the secular State in the West. As for the secular States which the West created in the Muslim lands, then their situation is even worse. This is because they combine the abuses and negatives of the secular western States that have already been mentioned with other additional abuses:

- So the secular State in the Islamic world was not born out of natural historical developments but was rather enforced by the colonial States. They did not convince the people of these lands of their secular principles but rather forced them to accept them. As a result this made the relationship of this State with its subjects a continual and constant struggle and one of mutual aversion instead of harmony and accord. This then had an effect upon both the majority and the minority and they both lost their rights.
- Following on from the above, the rulers who rule the secular States in the Islamic lands do not possess legitimacy and their authority does not go back to their Ummah and people. Rather they are rulers who have been put in their positions by the colonial States to take care of and fulfil their interests and maintain their colonialism albeit with other shapes and forms. This then led these rulers to cause clashes and struggles between some of the people and others for the sake of strengthening their own rule. So they would cause the majority to clash with the minority, the Muslim to clash with the non-Muslim, the follower of one Madh'hab to clash with the follower of another, and they did not leave one angle of potential clash or struggle except that they looked at how they could exploit it to cause problems and ruin relations amongst the people. They did not pay attention to taking care of the affairs of the people and to ensure the realisation of their interests but rather set the people as their enemies, consumed their wealth and made them taste their punishment. This affected the subjects of these States as a whole and neither the majority nor the minority were safe from it. Indeed that which has become known in respect to Hosni Mubarak's apparatus being behind the explosion of the Qadeeseen Church in Egypt with the aim of igniting Fitnah (strife) between the Muslims and Christians represents a small model and taste of what these rulers do.
- The borders of these States have been set in a way to maximize the ability to create problems between and within them. So instead of paying attention to

setting natural borders like has happened in the western States the borders in the Islamic world have been placed in a manner where the tribes and people have been divided amongst these States in a way that leads to clashes amongst these States and leads to clashes and struggles within each of the States. The best example of this was what happened when a State was brought into being in Iraq, another in Syria and a third in Turkey in addition to Iran whilst the Kurds were distributed amongst these States. As a result a problem of minorities which had never previously existed was brought into being.

- Oppression of the minority by the majority and the taking away of its right is bad however even worse than that is when the minority are able to oppress the majority, control them and remove its right. This represents the prevalent situation within the secular State in the Islamic world because the secular minority in all of these States dominate and have control over the majority who believe in Islam and do not accept any alternative to it in respect to the rule and authority. On some occasions these secular minorities are set in place just like the situation in Syria where the Alawi minority rules.
- The secular State (in the Islamic world) has opened the door wide open for the colonial States who have greedy designs over the Islamic lands wishing to loot their resources, to roam freely in the lands and feed the separatist disputes and struggles between the majority and minority. This has reached the point where not one State from the standing States is safe from sectarian strife and separatist wars and it may be that the secular democratic modern State of Iraq is the best example of this. This is the case where a state of pandemonium dominates amongst the people whilst neither the majority nor minority are safe from this. The situation is such that the killer does not know what he is killing for and the one killed does not know why he was killed. This is why the real and effective power in Iraq is: 'The secular democratic State, the spreader of human rights and defender of minorities known as the United States and her western allies'!! (As they hypocritically make claim to)

These then are some of the matters which highlight how the secular State in the Islamic world is incapable of undertaking the needs of the people or take care of their affairs in a manner guaranteeing their rights. The minorities are no exception from that and indeed it is odd to find some voices from the religious minorities, in particular, demanding the secular State and putting it ahead of the Islamic State out of fear that their rights will be swallowed up by it. It's as if they have neither knowledge of the past nor of the present! Has the secular State which as governed them after the removal of the Khilafah State dealt with them fairly and justly? Do they today receive even a tenth of the rights and fair treatment that they received in the days of the 'Uthmaani Khilafah,

in its latter part, despite the state of maladministration and decline that the State was in at that time?!

9 How did the Khilafah State treat and deal with the Ahlu-dh-Dhimmah?

We have said that the Islamic State does not differentiate between its subjects upon the basis of ethnicity, race, colour, language or Deen (religion). The different ethnicities, colours and languages have not been the subject of any doubt. As for the Deen (religion), then many western researchers and then those who followed them from amongst the educated Muslims who took (their thinking) from them and adopted their opinions without scrutiny, claimed that the Islamic State mistreated non-Muslims and practised discrimination against them. However the facts of history and solid facts associated to the present bear witness to the Ahlu-dh-Dhimmah being treated with a good treatment by the Islamic State; by the Muslims and across the eras. They were regarded as being part of the fabric of the society whilst the interaction in the societal life between them and the Muslims took place without any feelings of difference. That which did happen in terms of mistreatment in respect the Ahlu-dh-Dhimmah was not representative of a general conduct in the Islamic history and the Muslims were themselves subjected to oppression and affliction from their rulers on different occasions. It is not easy to critically review the Islamic history in detail in respect to this however will highlight some of what has been transmitted which make clear the stance and position of the Muslims in respect to the Ahlu-dh-Dhimmah in both theory and practise. Indeed the obligation of treating the Ahlu-dh-Dhimmah and 'Ahd (covenant) with good treatment and for the rulings of their religions to be given regard was a matter that was well-known and spread amongst the Islamic jurists (Fuqahaa) and scholars ('Ulamaa):

Al-Imaam Muhammad Bin Al-Hasan Ah-Shaibaani the student of Abu Haneefah mentioned in 'Fis Sair Al-Kabeer': 'It has not been transmitted from the Nabi ﷺ or from any of his Khulafaa' that he forced Islam upon any of the Ahlu-dh-Dhimmah... If Islam was forced upon anyone who it is not permissible to coerce like the Dhimmi or Musta'min and then they became Muslim (through that), then the ruling of Islam is not affirmed until there exists from them that which indicates that their Islam was voluntary. This would be like if he affirms his Islam after the coercion was removed from him. If however he was to die before that affirmation then his ruling would be that of the disbelievers. If he was to return to the Deen of disbelief it is not permissible to kill him or force him upon Islam... Our view is that he has been compelled upon that which it is impermissible to compel him upon and so the ruling is not confirmed in respect to him just like the Muslim if he compelled upon disbelief. The evidence for the Tahreem (prohibition) of Ikraah (compulsion) is the speech of Allah Ta'Aalaa:

لَا إِكْرَاهَ فِي الدِّينِ

“There is no Ikraah (compulsion) in the Deen”

(Al-Baqarah 256)

He also said: *‘We have made clear that if the Musta’min (the one under protection and security) living among us is not from the people of Man’ah (force) then his situation is the same as that of the Ahlu-dh-Dhimmah. It is therefore obligatory upon the Ameer of the Muslims to support them and repel the Zhulm (oppression) from them because they are under his Wilaayah (authority and responsibility...’*

Al-Maawardi in ‘Al-Ahkaam As-Sultaaniyyah’ said: *‘And he (the Imaam) commits to them by providing to rights: The first: To refrain from them. And the second: To protect them. This is so that they can be secure and safe through the restraint and guarded through the protection.’*

Al-Qurtubiy said when discussing ‘The Ahkaam of the Ahlu-dh-Dhimmah’: *‘Al-Musta’min is prohibited to be killed, his Nafs (life) is guaranteed and the hand that steals from his is cut.’*

These statements from A’immah (Scholars) who have been recognised in different time periods represent the model that reflects the dominant spirit that existed amongst the Muslims in respect to their treatment of and dealing with the Ahlu-dh-Dhimmah. The matter however does not stop at a presentation of ideas and viewpoints but rather the actual dealing and treatment was in line with this in the vast majority of time and instances:

So in the time of the Nabi ﷺ he appointed Abdullah Ibn Ruwaahah as the evaluator of the fruits of Khaibar. The Jews then attempted to bribe him and so he refused that and said: **“My hatred for you will not make me deal with you unjustly.”** To which they responded: **“And upon that (i.e. the justice) the heavens and the earth were established.”** (Narrated by Ahmad)

Abdur Razzaaq related in his collection a report from Ibraaheem An-Nakh’iy that a Muslim man killed a man from the Ahlu-dh-Dhimmah from the people of Heerah at the time of ‘Umar and so **‘Umar implemented (the rules of) retaliation for him’.**

Al-Muttaqi Al-Hindi related in ‘Kanz ul-‘Umaal that ‘Umar ibn Al-Khattaab (ra) wrote to his Wali (governor) in Egypt ‘Amr Ibn Al-‘Aas: ‘Know O ‘Amr that Allah sees you and sees what you do for verily He Tabaarak Wa Ta’Aalaa said in His Kitaab:

وَأَجْعَلْنَا لِلْمُتَّقِينَ إِمَامًا

“And make us leaders for the Muttaqeen (pious)”

He is intended to be followed (and emulated), (and know) that you have with you (i.e. under your responsibility) the people of Dhimmah and covenant and the Messenger of Allah ﷺ has enjoined good conduct towards them and enjoined (good treatment) to the Copts when he said: **'Adopt a position of goodness towards the Copts for verily they have a protection (Dhimmah) and mercy.'** And may they be treated with mercy because the mother of Isma'eel (as) was from them and he ﷺ did say: **'Whoever oppresses a person of covenant (Mu'aahid) or burdens him beyond what he can bear, then I will be his opponent on Yawm ul-Qiyaamah.'** Be warned O 'Amr that the Messenger of Allah ﷺ will be an opponent of yours because verily whoever opposes him is his opponent.'

Abu 'Ubaid in 'Al-Amwaaal' related about 'Umar (ra) that a great deal of money came to him from the (revenues of the) Jizyah and so he said: **"Indeed I believe that you have destroyed the people? They said: 'No, by Allah we did not take except in a light and clear manner. He asked: Without whip or hanging? They replied: Yes. He (then) said: 'Al-Hamdu Lillah Who has not made that upon my hands and upon my authority."**

Abu Yousuf related in his 'Al-Kharaaj' that Abu Bakr said: "Umar Ibn Al-Khattaab (ra) passed by the door of a people and there was a blind elderly beggar begging. So he tapped the man's upper arm from behind and said: **'Which of the People of the Book are you from?'** So he replied: **'I am a Jew.'** He ('Umar) said: **'So what has made you resort to what I am now seeing (you do)?'** He said: **'I am asked for the Jizyah and because of need and age.'** He (Abu Bakr) said: **'So 'Umar took him by his hand and led him to his house and gave him something from it and exempted Jizyah from him and those who were in a similar situation to him.'**

At-Tabari mentioned in his 'Tareekh' the treaty 'Amr Ibn Al-'Aas made with the people of Egypt and it included within it: **'This is what 'Amr Ibn Al-'Aas provided to the people of Egypt in respect to security for themselves, their religion, their properties (wealth), their churches, crosses, land and sea. Nothing is added to this and nothing is taken from them... And it is a duty upon the people of Egypt to give the Jizyah if they agree to this treaty... and whoever enters into the treaty from the Romans and the Nubians then they have the same as what they (the Egyptians) have and they are obliged with the same as them. Whoever refuses and chooses to leave then he is secured security (safety) until he reaches his place of security (safety i.e. destination) and has left our authority... upon that which is included in this document there is the covenant ('Ahd) of Allah, His Dhimmah (protection) and the Dhimmah of His Messenger, the Dhimmah of the Khaleefah the Ameer of the believers and the Dhimmah (protections) of the Muslims...'**

Abu Yousuf mentioned the letter of Khaalid Bin Al-Waleed (ra) sent to the Christians of Al-Heerah in his book 'Al-Kharaaj'. This included within it: **'I have made it so that any elderly person who is too weak for work, or the one who has been afflicted by an affliction from amongst the afflictions (i.e. disease, illness etc... that impedes ability to work or prevents it) or the one who was wealthy and then became impoverished so that the people of His Deen give charity to him, that the Jizyah be exempted from them and that they are assisted from the Muslim's Bait ul-Maal, them and their dependants (children)...**'

Al-Bukhaari that 'Umar (ra) said when he was approaching the end of his Ajal (lifespan): 'I urge the Khaleefah who follows me to treat the early Muhaajireen well, and to recognise their right for them and to safeguard for them their (place of) respect, and I urge him to act well with the Ansaar those who inhabited the Daar (Al-Madinah) and held Al-Imaan, that their righteous should be accepted from and those who do wrong from them should be pardoned, and I urge him to take care of the Dhimmah of Allah and the Dhimmah of His Messenger (i.e. those under their protection 'the Ahlu-dh-Dhimmah) and to fulfil what has been agreed with them, and to fight those who lie beyond them (i.e. unconquered lands) and to not burden them beyond what they can bear'.

Al-Bukhaari also related in 'Al-Adab Al-Mufrad' from Mujaahid who said: 'I was with 'Abdullah ibn 'Amr whilst his servant boy was flaying a sheep. So he said: **'O servant boy! When you have finished then begin (the distribution) with our Jewish neighbour.'** So a man from the people said: **'The Jew? May Allah put your affair in order!'** So he said: **'I heard the Nabi ﷺ urge good treatment of the neighbour to the point that we feared or envisaged that he would make him of those who inherit.'**

Abu Yousuf mentioned in his 'Al-Kharaaj' the exhorting advice of 'Ali Ibn Abi Taalib (ra) that he gave to his 'Aamil (Governor) responsible for the Kharaaj: **'When you go to them then don't sell to them clothing, whether winter or summer, and no Rizq (sustenance) that they eat, and no animal that they use for work. And do not strike any of them with a single lash in respect to a Dirham and step onto his toe whilst requesting a Dirham. And do not sell to any of them something from the Kharaaj. This is because indeed we have only been commanded to take from them in kindness. So if you have gone against what I have commanded you then Allah will take you (to account) for that and not me and if the news reaches me that you have gone against that then I will remove you from your position.'**

Ibn Katheer in 'Al-Bidaayah Wa-n-Nihaayah' mentioned: When the Ameer of justice 'Umar Ibn 'Abdul 'Azeez was appointed he commanded the caller to make the call: *'Verily, whoever has a Mazhlahmah (an act of injustice that has happened against him)*

then let him raise it'. So a man from the Ahlu-dh-Dhimmah stood and complained about Ameer Al-'Abbaas Bin Al-Waleed Bin Abdul Maalik in respect to an estate that Al-Waleed had appropriated from him to give to his grandson Al-'Abbaas. So the Khaleefah then judged in his favour in respect to the estate and had it returned to him.'

Abu Yousuf said when addressing Haroon Ar-Rasheed: *'It should be the case, O Ameer Al-Mu'mineen, May Allah aid you, for you to proceed with kindness (good treatment) with the people of your Prophet's Dhimmah (those under his protection and covenant) and to look into their affairs to make sure they are not oppressed, harmed, or a burden beyond their capacity is placed upon them and so that nothing is taken from their property except that which legitimately is obligatory upon them.'*

The matter of the Muslims' care and concern for the Ahlu-dh-Dhimmah reached the level and point that when the Tatars attacked the Islamic lands and captured a group of Muslims and Christians together, that Sheikh Ibn Taymiyyah demanded from them to release the prisoners. So they released the Muslims but not the Ahlu-dh-Dhimmah and said: *'We have Christians whom we took from Al-Quds and so those will not be released.'* So Ibn Taymiyyah (rh) said to the Ameer of the Tatars (as has been recorded in the Cypriot Letter): *'Indeed (you will release) all those who you have from the Jews and the Christians who are the people of our Dhimmah (protection and treaty) for indeed we will have them freed and we will not leave behind a prisoner; not from the people of our Millah (own Deen) or from the people of our Dhimmah (protection).'*

In addition, when the Khilafah State, which is a human state, fell into error and went beyond the limits, then the 'Ulamaa used to stand up to the Khaleefah whenever any of the people of the Dhimmah were oppressed or transgressed against. Examples of this are:

Ahmad related in his 'Musnad' about Ibn Hizaam that he passed by people from the Ahlu-dh-Dhimmah who had been held and made to stand in the sun in Ash-Shaam (Greater Syria also including current day Palestine, Lebanon and Jordan) and asked: 'What is going on with these people?' They said: *'There still remains from them some amount from the Kharaaj' (owed revenue).'* So he said: *'I bear witness that I heard the Messenger of Allah ﷺ say: 'Verily Allah 'Azza Wa Jalla will punish on the Day of Judgement those who punish the people'* He said: *'The Ameer over Palestine at that time was 'Umair Bin Sa'd.'* He said: *'So he (Ibn Hizaam) went to him discuss the matter with him and so as a result he let them go free on their way.'*

When the Khaleefah Al-Waleed feared the consequences of the presence of the Christians in Cyprus he expelled them from it. Ismaa'eel Bin 'Ayyaash (as mentioned in 'Futooh Al-Buldaan' by Al-Balaadhariy) said: *'So this (command) shocked the Muslims (who found it unacceptable) and the Fuqahaa made a big issue of it so when Yazeed*

bin Waleed Bin Abdul Maalik took over the rule he reversed the ruling and had them returned to Cyprus. So the Muslims saw that he acted well and regarded him as being just (and fair).'

Similarly 'Umar Ibn 'Abdul 'Azeez removed from the people of Cyprus one thousand Deenaar that had been increased by Abdul Maalik above that which had been in the treaty and agreement that had taken place in the time of Mu'aawiyah. Then after that Hishaam bin Abdul Maalik returned it to them what had been previously taken without right. Then when the Khilafah reached Ja'far Al-Mansoor he lifted the payment (altogether) from them and said (as is recorded in 'Futooh ul-Buldaan'): *'We are of more right to treat them fairly and we increased nothing by transgressing against them.'*

Abu 'Ubaid mentioned in 'Al-Amwaal' that Al-Awzaa'iy wrote to Ameer Saalih bin 'Ali when he expelled the Ahl Dhimmah from Mount Lebanon and said: 'How can you penalise the general (population) for the action of the particular (few) so that they are expelled from their homes and wealth? This is whilst it has reached us that it is the Hukm of Allah 'Azza Wa Jalla not to take to task the general for the act of the particular but rather the particular (few) can be taken to task for the act of the masses (general) and to deal with them according to their acts. The most deserved matter to be followed and to abide by is the Hukm of Allah Tabaarak Wa Ta'Aalaa and the most deserved exhortation (provided by those who came before you) to preserve is the exhortation of the Messenger of Allah ﷺ and his statement: **'Whoever oppresses (or deals unjustly with) a Mu'aahad (the one under covenant) or burdens him beyond his capability then I am his opponent'**. Whoever's blood holds sanctity then he also holds that in regards to his wealth (property) and justice has to be equally observed. They are not so far so that by transferring them from one land to another you will be provided with expanse, but rather they are the Ahraar (free) from amongst the Ahl-udh-Dhimmah.'

As for the injustices that happened upon the Ahl-ul-Kitaab and were not dealt with fairly in regards to them, then Allah 'Azza Wa Jalla, His Messenger ﷺ and Islam are innocent in respect to that. Having said that, these did not represent more than rare occurrences within an Islamic history which extended more than thirteen centuries. Indeed many impartial non-Muslims from the past and present have born witness to the justice of Islam and the forbearance and kindness of the Muslims and their State with non-Muslims from their subjects:

Al-Balaadhariy in 'Futooh Al-Buldaan' mentioned that: 'When Heraclius gathered a last host to meet the Muslims and the Muslims heard that they were coming to them for the event of Yarmook they returned what they had taken from the people of Homs in terms of Kharaaj and said (to them): *'We have become preoccupied from being able to support you and defend you and so you are upon your own affair'*. So the people of Homs said: *'Indeed your rule and justice is more beloved to us than what we were in*

before in terms of suffering injustice and oppression, indeed we will for sure drive away the soldiers of Heraclius from the city with your 'Aamil (governor)...'

Sigrid Hunke mentioned in her book: 'The Sun of the Arabs shines over the West' that: *'The Patriarch of Bait ul-Maqdis wrote to his brother in the 19th century the Patriarch of Constantinople about the Arabs: 'They are distinguished by justice; they do not treat us unjustly in the least and they do not use any force (violence) with us.'*

Doctor A S Tritton wrote in his book: 'The rights of non-Muslims in Islam': *'When it can be established in the minds that Islam is explicit in its text about the obligation of treating the people of Dhimmah well then it is (after that) possible to consider any treatment other than that as being abnormal whilst not being firmly based at all on its fundamentals. This is because this deviation does not come from the spirit of the religion but rather from other factors (not related to it).'*

Montgomery Watt in his 'Muhammad in Al-Madinah' stated: *'The main reason for the success of Muhammad was the attractiveness of Islam and its value as a religious system and societal to meet the needs of the religious and societal needs of the Arabs. And all feel, with the exception of a minority who hold no value, that they were treated well. The difference between the feeling of harmony and contentment in the Islamic Ummah and the feeling of discomfort (or anxiety) in Makkah increased and there is no doubt that that had an impact on many of the people and attracted them to Muhammad.'*

Gustav Lobon said in: 'Arab Civilisation': *'Force (or power) was not the reason for the spread of Islam... The truth is that the nations have not known merciful and forbearing conquerors like the Arabs i.e. the Muslims.'*

Bernard Lewis said in a symposium arranged by the Foreign ministry, the European council and the association of five hundred years under the title: 'Racism and Anti-Semitism': *'...This problem did not arise in the Islamic lands, because the people belonging to different religions in the Islamic lands found the possibility of living there in friendship and brotherliness and not struggle and dispute. Forbearance (tolerance) exists in the root of Islam and it is not a thought that has been since...'*

Will Durant said in 'A story of civilisation': *'The Ahlu-dh-Dhimmah, Christians, Zoroastrians, Jews and Star worshippers enjoyed a level of tolerance in the era of the Ummayad Khilafah that we have not found the like of in the Christian lands these days. They were free to practise the symbols of their religion and were able to keep their Churches and places of worship (temples).'*

The English historian Sir Thomas Arnold in: 'The invitation to Islam' wrote: *'The victorious Muslims treated the Christian Arabs with great tolerance since the first*

Islamic century and this tolerance continued in the centuries that followed. We are able to pass judgment in truth that the Christian tribes that embraced Islam embraced it by choice and free will and that the Arab Christians who live in our current time who live amongst Muslim groups are witness to this tolerance.'

And he also said: 'We have not heard of any planned attempt to force (apply pressure upon) the non-Muslim groups to accept Islam nor have we heard of any systematic persecution aiming to eradicate the Christian religion. If any of the Khulafaa' had chosen to implement one of these two paths they would have been able to eradicate Christianity with the same ease that Ferdinand and Isabella got rid of the Muslims of Spain or that employed by Louis the fourteenth against the Protestant school of thought by which he punished its followers in France or by the ease by which the Jews have been distanced from England for a period of three-hundred and fifty years.'

If we had sought to extract the testimonies of the historians about the justice of the Muslims and their fairness we would be able to gather quite a large quantity however we will suffice ourselves with what we have presented.

The good way in which Muslims treated non-Muslims particularly stands out when compared to what non-Muslims did with Muslims when they gained the upper hand. So let's see what happened in the Crusader wars in terms of killing of Muslims, expulsion and bad treatment beyond description or what happened at the hands of the Tatars against the Muslims which was no less in badness and perhaps what happened in the inquisition courts of Andalus in respect to forcing Muslims and Jews to become Christians is the best testimony to what we are saying. The situation was no better in the new and more recent crusader campaigns which occurred within the last century. It is enough to recall what the colonial western States undertook in the Arab and Islamic lands, in Algeria, Libya and Egypt, and what Russia and China have done to the Muslims or what the Serbs did in Bosnia and what the United States of America did in Iraq and Afghanistan or what the Zionist State entity has done in Palestine against its people and the neighbouring lands.

10 The (false) claims of Islam being harsh towards the Ahlu-dh-Dhimmah

Those who propagate these claims bring forth some Shari'ah texts from the Kitaab and the Sunnah containing harshness against the Jews, Christians and disbelievers in general. They say that these texts establish an atmosphere of hatred against non-Muslims and so how can it be said that Islam was fair towards the Ahlu-dh-Dhimmah and treated them well? The truth of this is that the texts which have been mentioned have been taken out of context by them and these texts are of two categories:

A category that discusses the intellectual clash and struggle between Islam and other than it in terms of thoughts and religions. In these the Shari'ah texts talk with complete frankness in respect to the correctness of Islam alone and the corruption of anything aside from it represented in the religions, beliefs, thoughts and all that which required an intellectual and sentimental distinction to be clearly made. This is a natural matter in respect to any Deen and Mabda' (ideology) and this is because Islam views that it is the absolute truth and that it is from Allah سبحانه وتعالى. For that reason it cannot be imagined that it would take the position of agreement and acceptance in respect to the other Deens (religions) and thoughts. Having said that Islam did take a specific stance in respect to the Ahlu-l-Kitaab (people of the book). Despite considering the Jews and Christians as Kuffar (disbelievers) and despite engaging in an intellectual clash and struggle with them, which is evident time and time again in the Aayaat of the Qur'an and the Ahadeth of the Nabi ﷺ, at the very same time as this it was permitted to eat the meat that they had slaughtered and marry their womenfolk. This confirms that the issue of the intellectual struggle did not necessarily have to have an effect in respect to how they are treated in their consideration as human beings.

The second category discusses the enemies of Islam from the disbelievers who engage in material war against Islam and fight the Muslims. These have Ahkam (rulings) which are different from the rulings of the Ahlu-dh-Dhimmah because they are those who are engaged in war. It is therefore invalid to take the Shari'ah texts that talk about those who are engaged in war and then apply them to the Ahlu-dh-Dhimmah because their reality is completely different. In respect to this we have already presented many quotes that make clear that the Muslims fully understood the difference between the Ahlu-dh-Dhimmah and those disbelievers who were at war. It is also worth taking note of and drawing attention to the fact that those who bring these false claims completely neglect to mention all of those Shari'ah texts that relate specifically to how the Muslims are obliged to treat the Ahlu-dh-Dhimmah well and obliges taking care of their affairs.

So in this way it is evident that Islam has demanded goodness in respect to the treatment of Ahlu-dh-Dhimmah and that what has been used to stir up suspicions has not been taken from its correct perspective.

11 The religious rights of the Aqalliyyaat (minorities)

We have said that the nature of Islam is in opposition and contradiction with the thought of minorities and specifically the ethnic (racial) and linguistic minorities. This is because it makes the Islamic Aqedah the bond between the Muslims which has completely dealt with ethnic and linguistic differences and cast them aside. However there does exist in Islam the understanding and concept of Ahlu-dh-Dhimmah who live within the Islamic State. Some consider these to be representative of a religious minority and then demand that their rights are provided to them. Those who are opposed to the rule of Islam and reject the establishment of the Khilafah State intentionally stir up fear in respect to these religious minorities losing rights under the authority of this State and particularly their political rights. They consider this as a sufficient and convincing reason for the State to be a secular, democratic and civil State where all enjoy the rights of citizenship and are far removed from religious discrimination. They regard this as a just alternative to the Islamic Khilafah State that rules by the Islamic Shar'a and is established upon the basis of the Deen (religion) and does not preserve the right of citizenship. This angle may seem to be valid and logical at first glance but a deep examination reveals that it contains deception and is a fraudulent claim.

To address this it is necessary to make clear that the religious minorities according to their definition is a minority that is brought together by a common religion that distinguishes it from others i.e. the description that makes it a minority is a religious description. Then based upon that distinguished religious description, it is then necessary to afford them the rights of the society and the State. The question that must be asked in this context is: What are the rights that must be provided to the religious minority in a manner that takes away from them the discrimination that exists between them and the others so as to make them like all the other subjects? The answer to this must rest upon the religious rights by which the religious minority is distinguished from others. This means that these rights must be above all that which has a religious flavour and this is because the minority has earned its description and its particularities that dictate these rights due to the religion. So from amongst the religious rights is to not compel and coerce them in respect to the Deen and to not seduce them from their Deen and their ability to practise their acts of worship or establish their rituals and religious manifestations in accordance to the rulings of their Deen or other matters which are connected to the matters of their Deen. In light of this Islam came with the concept and understanding of the Ahlu-dh-Dhimmah which provides non-Muslim living within the Islamic State with their full religious rights in a manner that enables them to practise their Den and the directives which their religious beliefs have set from them without coercion or compulsion. Indeed it went beyond that and provided them with rights related to marriage, divorce, foodstuffs and dress as detailed in the Islamic Fiqh.

In addition it is the right of the Ahlu-dh-Dhimmah within the Islamic State to be represented in the Majlis Al-Ummah (People's assembly) so that from themselves they appoint representatives in order to express their opinion on their behalf in respect to the misapplication of the rulings of Islam upon them and in regards to any oppression or injustice they face from the ruler(s).

Therefore the religious rights of the Ahlu-dh-Dhimmah are not taken away and they are not oppressed but rather they enjoy a secure life just like the Muslims. They are not pursued because they are Ahlu-dh-Dhimmah whilst the only ones who will be pursued within the Khilafah State are those people who propagate the thoughts and ideologies that have been imported from the West which are hostile to the Ummah and their Deen. These could include those who are in origin Muslim just as it could include non-Muslims. It can therefore be observed that there is no loss of religious minority rights whilst the real intention of those who propagate these arguments and stir them is to take them as a means to sow the seeds of division between Muslims and non-Muslims within the Islamic lands. This is despite the fact that the Ahlu-dh-Dhimmah, including the Jews and Christians amongst others, have lived amongst Muslims and alongside them for centuries and centuries without their rights be swallowed, without being marginalised from the society or being separated from the authority and without feeling estranged from the society, its peoples and the State.

Indeed everyone is aware that the rule of Islam is returning and that this is inevitable because there is no salvation for the Muslims or mankind as a whole under the oppression of secular capitalism and its proponents except for Islam. Then at that time the Ahlu-dh-Dhimmah will know the goodness of living under the authority and shade of the Khilafah State whilst regretting every moment that they lived under the secular State when they accepted to spread fear about Islam and the rule of Islam when their issue was exploited by the Liberals, Leftists and colonialists so that they would become a firm rock and obstacle in the face of the return of the State of Islam.

12 Employing the concept of 'Minorities' as a tool to divide and fragment the States

Georges Benjamin Clemenceau the former French Prime Minister (1917-20) said in his memoirs: 'Our friends, the English, preceded us in respect to being attentive to the subject of Madh'habiy and ethnic minorities in the lands of the Arab East and both our viewpoints were completely in agreement around this subject area'. Nahum Goldmann the president of 'World Jewish association' said in his address in Paris at the conference of 'Cultured Jews' in 1968: *'If we want Israel to survive and be stable within the Middle-East we must work to dissolve the peoples surrounding it into scattered minorities where Israel plays an overlooking role through that and that will happen by encouraging the establishment of an Alawi State in Syria, a Maronite State in Lebanon and Kurdish State in Northern Iraq.'*

The American military forces journal published a report in June 2006 written by Ralph Peters, a former Colonel of the American Army, in which he spoke about the division of the Middle-East from anew; to establish a Kurdish State that carves out parts of Iraq, Iran, Turkey and Syria, a Shi'ah State in the south of Iraq, Iran and other areas of Saudi, the Emirates, Kuwait and Bahrain, a Maronite Druze State in Mount Lebanon and to increase the land space of Jordan at the expense of Saudi. This is so that the large States like Turkey, Iran and Saudi can be broken up which would then be followed by the turn of Egypt, Sudan and Morocco.

And if we were to return a little back in history, before the fall of the 'Uthmani State, we would find that the Western States used the minorities card and defence of their rights and supporting them as a means to achieve their colonial interests. The following was mentioned in the book: 'The recovery (awakening) of the sick man' and makes vividly clear what happened in respect to the 'Uthmani State:

'The 'Uthmani tolerance was the window through which the foreigner entered to nurture differences and set alight the fires of Fitnah and to justify the protection (or intervention) as a result of the breakdown of the situations within the 'Uthmani Sultanate during the 19th century when the influence of the European States and their direct interference in the minority situations increased and particularly in respect to the Christians from amongst them. This was with the objective of gaining more influence and gains amongst the Turk (the sick man) who was approaching his death. As a result of European support nationalist separatist movements became active in the parts of Europe under the (Uthmani) State's authority and so Romania, Bulgaria, Serbia (Yugoslavia), Albania and Greece became independent. Britain also occupied Cyprus and then the European attack moved to North Africa and so Algeria, Morocco, Tunisia, Libya, Egypt and Sudan fell and so nothing remained apart from the Asian regions.

Then the European diplomatic pressure began in order to change the conditions of the Christians and Jews within it and many of them obtained European citizenship which granted them the right of protection in accordance to the conditions of 'Foreign privileges' which France had begun since the sixteenth century in respect to the protection of European Christians within the 'Uthmani State. It did not then take long for it to gradually expand and widen until agreements (or conventions) came to effectively include all of the Catholics which also included the Maronites of Lebanon who followed the Pope. In the latter part of the eighteenth century the Russian empire demanded similar rights and as such became the protector of Orthodox Christians within the 'Uthmani (Ottoman) State. Austria and then Italy then manifested their concern for the Latin Catholics amongst other Christian religious groups just as Britain manifested its concern with the Christians in general and convened a warm and close friendship with the Druze in Lebanon and Syria and the Jews in Palestine. The 'Uthmani society then reaped the first fruits of this protection, caretaking and concern when the fires of sectarian Fitnah erupted in Lebanon and Ash-Sham (Greater Syria (the Levant)) in 1840 followed by 1860 and the later in 1958 and 1975. Lebanon still enjoys till this day the fruits and benefits of this foreign protection and caretaking until this very day!'

To achieve their objectives the western States resorted to missionary expeditions whose work was religious on face value whilst concealing its (true) cultural and political work. They also used the Consulates which were behind most of the Fitnah (strife, bloodshed and problems) that occurred in the lands of the Muslims and particularly in the lands of Ash-Sham (the Levant/Greater Syria). Dr Susan Ismail stated as mentioned in the paper written by Dr Muhammad Moro 'The Islamic solution to the problem of minorities': *'The European missionaries directed their concern towards the infrastructure of the Christians in Ash-Sham (Greater Syria) and instigated disputes (and differences) within its ranks and the origin of their Madh'habs (Schools of thought). The competition between the Protestants and the Missionary Jesuits brought Fitnah (strife) to the lands and Madh'habi (sectarian) and social clashes. Indeed the Protestant and Jesuit missionaries actually competed in respect to the creation of instability amongst the Christian groups themselves'. She added: 'From the beginning of the nineteenth century the foreign consulates in the provinces of Ash-Sham nurtured and fed dens of intrigue and plotting and Fitnah and stirred instability through inciting religious factions and by propagating rumours which aimed to bring about sectarian and factional Fitnah (strife)'. She then summed up the political games in this paper about minorities saying: 'The European policy aimed to strengthen and make firm its foothold in the region by way of sowing the seeds of difference (and dispute) between the factions relying upon religious missions and instruction.'*

The situation was no better in Egypt as the English adopted the same method. So they sowed and spread sectarian hatred within Egypt and they sponsored conferences for the Copts for the sake of spreading the spirit of discord and disunity. In the same paper of Dr Muhammad Moro: 'The Islamic solution for the problem of minorities' it mentions

that Saalim Sayyidhim stated in regards to one of the Copts who participated in spreading the spirit of divisions said: *'This was one of the English creations in Egypt and a tool (or mechanism) which was motioned by the occupation'. And he added: 'England utilised the traitors who possessed no conscience in respect to murdering the national spirit.'*

And after the fall of the Islamic State and its division into weak feeble Statelets which were established upon a nationalistic or factional basis, the colonial western States continued to play upon the issue of minorities. So for instance they incited the people from the south of Sudan upon the basis of the existence of non-Muslim minorities and the resulting separation and division of Sudan into North and South has now actually been accomplished as a result of these efforts. They also stirred up and instigated the ethnic regional pride and supported separatists in Darfur and Kordofan amongst other regions of Sudan. Colonialism also created the problem of the Kurds in the North of Iraq from the beginning of the 50's of the last century. And since the 80's of the last century they brought about the very same problem in East Turkey whilst colonialism is also trying today to bring this reality about in Syria. The Kaafir colonialist is engaged in this current period to generate a Shi'ah problem in Iraq, a problem that had previously had no reality or existence there, and this is to prepare the ground to divide and dissect the land into three small States. In Morocco there is the Sahara issue and the Berber problem within both Morocco and Algeria whilst in Egypt there is the problem of the Copts. In Indonesia they aim to separate a number of Islands after the colonial States succeeded to separate East Timor. In 1971 these States were successful in dividing Pakistan and then called the part that separated Bangladesh. There are also projects and objectives for the further division of the small Statelets by the States of colonialism that established them (in the first place). They continue to use the minority card and their rights as a pretext for division, breaking up and dissection.

Indeed it needs to be known that the very first victim of the concept of 'Minorities' are the minorities themselves. This is because this alien concept led to the straining of their relationships with the majority which then transformed to a struggle in order to spread dominance and control and resulted in Fitan (strife) and bloodshed. In the case where the western States supported this tension and strove to bring it about, the destiny of the minorities became tied and subject to foreign interference in respect to every minor and major matter. This was expressed in the book: 'The recovery (awakening) of the sick man': 'The well-known pivotal Maronite in North Lebanon Yousuf Bik Karam in a letter to the Maronite Patriarch Paulus Mus'ad (1857), the text of which was quoted in 'The general history of Lebanon', in which he complained about the clashes (or struggles) and there linkage to international interests, said: *'Our affairs in these days have become subordinate to England or France in the case where if one person strikes his neighbour it becomes an issue related English or French to the point where it possible for England or France to rise up for the sake of the spilling of a cup of coffee upon the land of Lebanon'* (i.e. their interference is everywhere and in every detail). And

not even three years passed after this letter and sectarian strife that burned Lebanon with its fire erupted and thousands of Maronites and Druze were killed in the year 1860... Indeed it is as if in this letter he is describing the very reality that exists today in Lebanon after the passing of a century and a half.

The United States exploited the Kurdish card and incited Kurdish movements towards separation in Iraq and then it abandoned them. In the 'Pike Committee report' which the Congress formed in 1975 they decided the following: *'Our policy towards the Kurds was immoral as neither did we help them nor did we leave them to solve their problems through negotiations with the Iraqi government. Rather we incited them and then abandoned them.'* In 2004 William Saphire described this situation in an article stating: *'We abandoned Kurds to the shah in the 70's, after Mullah Mustafa Barzani placed his trust in America. We double-crossed them again after the gulf war, when their forces rose at our instigation and were decimated by Saddam's gunships. Despite this double duplicity, Kurds fought on our side with little equipment and great valor against Saddam for over a decade.'*

The concept of minorities searches for specific points of difference in collective groups from amongst the people which are integrated and harmonious with others within the framework of the public or general system within a society and a single State but are smaller in number than the others. In most cases they do not have any problems with those who are called the majority or with other human groupings, as was the case in the shade of the Islamic State. This was where the human groupings were melted in the melting pot (or crucible) of Islam and were integrated into the Islamic society without discrimination. Even after the disappearance of the Islamic State and its replacement by weak feeble cartoon like Statelets these human collectives remained in harmony with each other as a result of the existence of the traces and effects of the Islamic thoughts within their life. So for example, in Turkey, up until the 80's of the last century there did not exist a Kurdish minority problem and the Kurds did not sense or feel that they were a different people. Rather they were in harmony with their Turkish brothers and suffered from the same issues and problems that the Turks suffered from as a result of the corrupt Kufr system that was implemented and applied upon them which was contrary to their Deen and was not based upon their Aqeedah (belief). They had risen up for the sake of the system that emanated from their Aqeedah like what happened in the revolution of Ash-Sheikh Sa'eed Al-Kurdiy which was undertaken for the sake of the return of the Khilafah in the year 1926. However in the year 1984 colonialism established with help from their agents the 'Kurdish workers party' which began to incite nationalist pride amongst the Kurds and so what happened then happened. This problem is still active and the western colonialist States continue to feed and nurture it until it produces its sour fruit manifested in the separation of the Kurds from the Turks and the establishment of another secular State like the one which already exists in Turkey, thus increasing the problem and making it worse.

13 The concept of minorities does not treat or solve the problem

The concept and understanding of 'the minority' which the West has come up with and spread to the world does not actually treat what they call 'the problem of minorities'. Rather it is what has brought about the crisis and made it more complicated. This is because the concept functions to generate differences and divisions between the groupings of a single people and works to divide them. The correct and true treatment in respect to this issue is to work to bring about harmony between the different human groups because the existence of differences in regards to languages, religions, customs and traditions or in terms of ethnic origins, colours and lineage is a natural matter amongst people and has been ever since Allah سبحانه وتعالى created humankind.

If the people were to be divided upon the basis of these divisions or differences then the matter would end with the division of a single tribe into sub-tribes, a single sub-tribe being divided into families, a single Deen divided into schools of thought and a single school of thought into Ijtihadat and opinions.

The truth is that the concept of the 'Minority' has been created by the major colonial western States in particular and by their international institutions and tools. These are represented in none other than the United Nations and its international security council which issues resolutions and provides the colonial States with the permission and authority to interfere and intervene. Indeed it provides them with the authority and legitimacy to occupy lands, to impose punishments and embargos amongst other criminal acts which are committed against innocent and peaceful peoples who are capable of solving the problems themselves (if they were left alone without interference). This is in the case where these greedy colonial states, who have become accustomed to sucking the blood of innocent people and plundering their resources and natural wealth, work to establish governments which they call 'Democratic' for the sake of preserving and protecting the rights of minorities. For instance by examining the latest Western intervention in respect to the State of Iraq it becomes clearly evident what happens to minorities when the Western States interfere within the issue.

The treatment of problems that exist between human groups who are categorised by certain differences that could potentially cause problems and strife to arise amongst them or arise amongst the sons of a single grouping, does not occur by marginalising them from their brothers and separating them within a separate and independent entity as this would represent the cutting up of a single body. Rather the treatment would be by working to solve the problems and reconcile between the people after determining the root and cause of the problem and removing it. So if for example the Kurds in Turkey complain and say that our language is forbidden, it is said to them that the

'Uthmani (Ottoman) language of the Turks is also forbidden and that they were forced to change their family names as 'Utmani or Arabic family names were forbidden. Similarly their women were forbidden from wearing the Shari'ah dress whilst be forced to unveil. Their Islamic culture was forbidden and they were compelled to swallow the western culture all at once. Indeed even greater and worse than that was that their pure and true Deen was removed from life, from the State and the society and was restricted to the Masajid and some priestly ceremonial forms and manifestations. So in light of this are the complaints of the Kurds any different (in degree) from the complaints of their Turkish bothers? Indeed the solution is not by dissecting and dividing the land but rather it is only by removing that system which created these differences and disputes.

In conclusion it is necessary for us to reiterate the truth that the people must understand and fully comprehend: The problem of minorities is a manufactured problem and its treatment and solution cannot possibly come from the secular democratic State. This is because the secular State is not capable of solving the problem of minorities as it is what gave birth to it in the first place. It is also because the secular State within the Islamic world will never be secure to remain because it is contrary to what the masses are upon in terms of their Iman in Islam and their desire to live in accordance to its Ahkam (rulings). This was manifested recently in the elections that took place in some of the lands which rose up (against their rulers) where the people gave their votes to those who raised the Islamic slogans (irrespective of substance)! As such the secular democratic State cannot possibly exist upon the western model within the Muslim lands. Rather its presented face will be democratic whilst its undeclared truth will be dictatorship because it will never be able to remain unless it enforces itself by iron and fire just like the current situation within the States existing in the Islamic world today. There will also never be a solution for the problem of minorities outside of the authority and shade of the Khilafah because it is a State that is capable of melting the people within the crucible (melting pot) of Islam, a fact that history has already provided testimony for. It is a State that is capable of caretaking the affairs of the Ahlu-dh-Dhimmah in a manner guaranteeing for them a happy, stable and secure life. Therefore the educated and thinkers from the Muslims should pay attention to that just as the non-Muslims living amongst them should. As such it is not acceptable or valid for them to accept to be mere tools in the hands of the colonial States who do not undertake anything that does not fall within their selfish interests. They should be aware and take warning from the current situation of the Islamic world so that they can see whether the secular State that has ruled over them since the fall of the Islamic Khilafah has brought to them anything apart from loss, ruin and disaster?!