

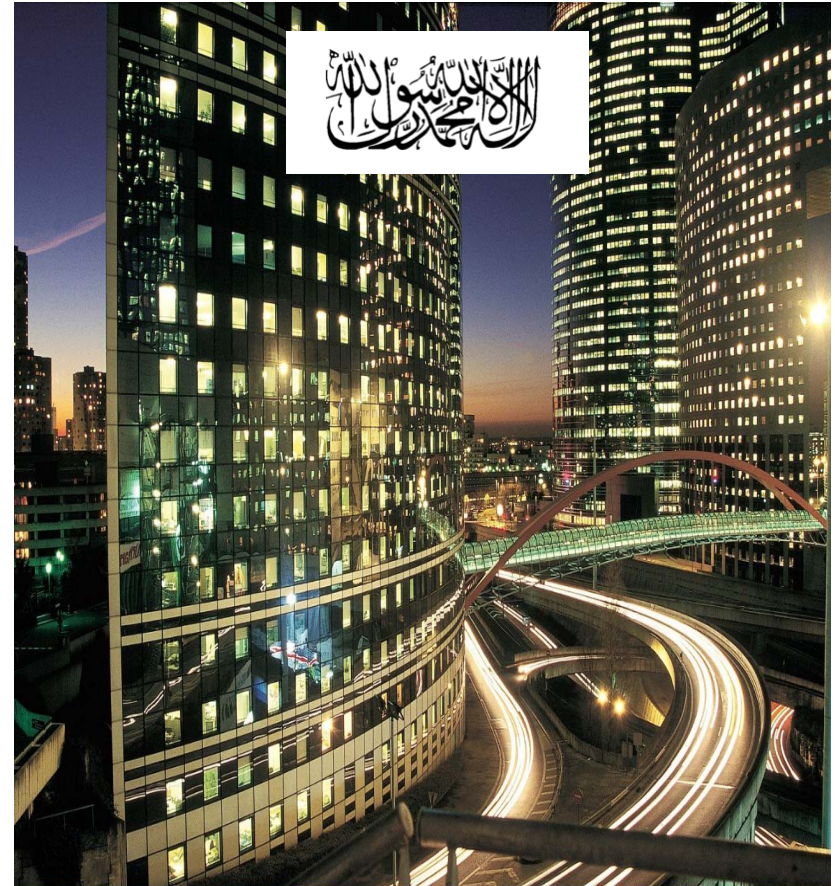
Policy towards Non-Muslim Citizens

Series: How the Caliphate will work ?

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Introduction



Tony Blair on 16th July 2005 said, *“They demand the establishment of effectively Taleban states and Sharia law in the Arab world en route to one caliphate of all Muslim nations. We don't have to wonder what type of country those states would be. Afghanistan was such a state. Girls put out of school. Women denied even rudimentary rights. People living in abject poverty and oppression. All of it justified by reference to religious faith.”*

If we consult the Islamic legal books (The Holy Qur'an and the sayings of Muhammed (saw)) we find a completely contrary view to what is portrayed nowadays of an Islamic State. Also if we take a recourse to history, and look to the Islamic State (Caliphate) that existed for more than a millennia we begin to form a unique insight in to what the future holds for people living under a 21st century Caliphate.



Church of the Holy Sepulchre



The keys to the Church of the Holy Sepulchre in Jerusalem have been held for centuries by the Nusseibeh Muslim family who open and close the church doors on a daily basis. This Church and its Christian worshippers were protected by the previous Islamic State and will be protected by the future Islamic State.

What is a *Dhimmi*?

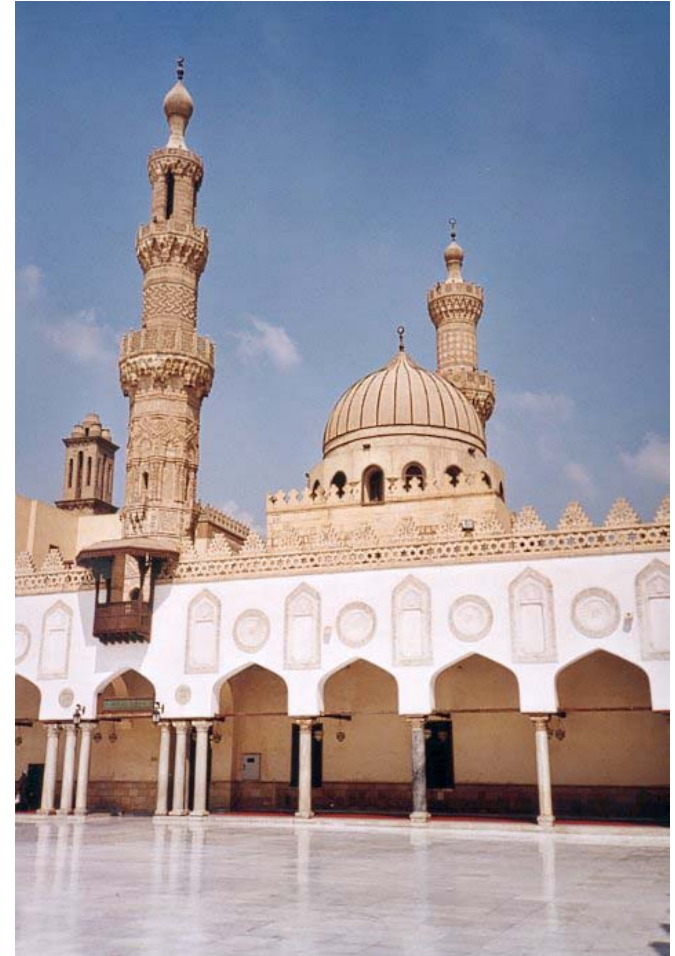
The non-Muslim citizens are referred to in Islamic Law as *dhimmi*. The term *dhimmi* is an Arabic word derived from the word *dhimma*, which means “**obligation to fulfil a contract.**” Their legal rights are enshrined within the Islamic legal texts and as such cannot be violated. Any individual or government official found guilty of violating the rights of a *dhimmi* will be punished by the judiciary.



The Islamic State views all people living under its authority as “citizens” and treats them with equal status. Regardless of whether these citizens are Muslim, non-Muslim, black or white, the Islamic State must secure their rights and look after their affairs. There is no concept of “ethnic minorities” in an Islamic State and discrimination against its citizens is considered a criminal offence.

Legal Status

Imam Qarafi (Islamic Legal Expert) summed up the responsibility of the Islamic State to the *dhimmi* when he said: **“It is the responsibility of the Muslims to the People of the *Dhimma* to care for their weak, fulfil the needs of the poor, feed the hungry, provide clothes, address them politely, and even tolerate their harm even if it was from a neighbour, even though the Muslim would have an upper hand. The Muslims must also advise them sincerely on their affairs and protect them against anyone who tries to hurt them or their family, steal their wealth, or violates their rights.”**



Al-Azhar, Cairo

Beliefs

لَا إِكْرَاهَ فِي الدِّينِ

“ Let there be no compulsion in religion ”

[Qur'an: Chapter 2, verse 256]

The above verse makes it clear that the Islamic State is not allowed to force any non-Muslim to abandon his/her belief. Rather the non-Muslims should accept Islam after being intellectually convinced of the Islamic belief. This is proven by the fact that to this day there are still communities of Jews and Christians living throughout the Middle East even though the Islamic State ruled that area for over 1300 years.

We can see this rule being applied during the time of the Ottoman Islamic State. T. W. Arnold, in his book “The Preaching of Islam,” points out that the Christian Patriarch and the Grand Synod could decide all matters of faith and dogma without any interference of the State. This was never the case under the Byzantine emperors.

Private Life

In their personal life, the Non-Muslims are allowed to follow their religions within the framework of public order.

So as long as these matters are kept private and do not enter the wider society, the Islamic State will not interfere in these personal matters. But if for example, a *dhimmi* opened a shop to sell alcohol then he would be arrested and sent to court.

Marriage and divorce among Non-Muslims are settled according to their religions. The non-Muslims are allowed to marry each other according to their own religions. They can get married to each other in a Church or a Synagogue by a Priest or Rabbi. They can also get divorced according to their own religions.



Imam Abu Hanifah's Legal School of Thought says: **"It is agreed upon in Islam that the People of *Dhimma*, could drink liquor, eat pork and do what their religion allows for them within the scope of the Shari'ah (Islamic Law)."**

Immigration

In Islamic Law there is legal principle:

“Non-Muslims from the People of the Book deserve whatever the Muslims deserve from the Bait ul-Mal.”



Consequently, the poor *dhimmi* would get help from the Bait ul-Mal (State Treasury). This is contrary to the West where immigrants are seen as economic burdens and face racism and harsh measures to prevent them from entering.

The Islamic State does not share this view. Anyone who agrees to be a citizen of the Islamic State has the same rights and privileges as all other citizens.

Jewish Immigration

Cecil Roth, in his book “The House of Nasi: Dona Gracia,” mentions that the treatment of the Jews at the hands of the Ottoman State attracted Jews from all over western Europe. The land of Islam became the land of opportunity. Jewish physicians from the school of Salanca were employed in the service of the Sultan and the Viziers (ministers). In many places glass making and metalworking were Jewish monopolies, and with their knowledge of foreign languages, they were the greatest competitors of the Venetian traders.



The Ottoman ruler Sultan Bajazet II, is reported to have said with reference to the expulsion of the Jews by Ferdinand, the Catholic King of Spain, “**How can you call this Ferdinand ‘wise’ - he who has impoverished his dominions in order to enrich mine?**” The Sultan welcomed the Jewish refugees with open arms. Likewise, the Jews had been welcomed in Turkey as soon as Muhammad The Opener opened Constantinople to Islam. To this day Jews still live in Istanbul.

Government – *Majlis ul-Ummah*

The Majlis is formed of individuals representing the opinion of the people at large, to whom the head of state (Caliph) can consult on various issues. This council takes a leading role in accounting the Caliph and the other government officials.



It is permitted for non-Muslim citizens to be members of the Council in order to file complaints against any injustice perpetrated against them by the rulers or against any error in the implementation of Islam upon them.

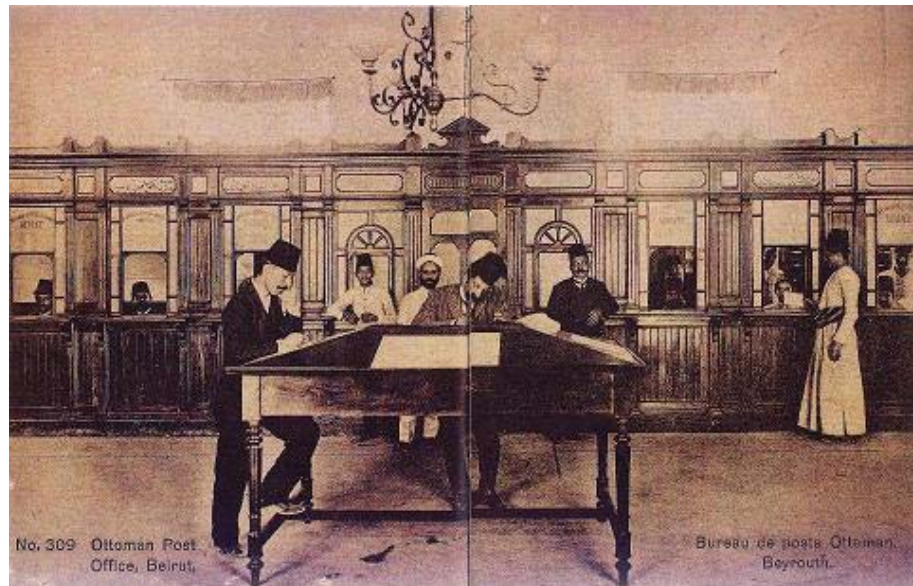
However, non-Muslims would not be allowed to voice their opinion in matters related to legislation, because the Islamic legislation emanates from the Islamic belief. The non-Muslim embraces a doctrine that is alien and contradictory to the Islamic belief, and his viewpoint. For this reason his opinion is not sought in matters of legislation.

T. W. Arnold, in his book “The Preaching of Islam” mentions concerning the Greek patriarch after Constantinople was opened to Islam that **“The patriarch was also empowered to bring to the attention of the government and Sultan acts of unjust governors.”**

Government – Civil Servants

Anyone who holds citizenship and is competent, man or woman, Muslim or non-Muslim is eligible to be appointed as a director or employee of any administrative department.

The Messenger of Allah (saw) himself once hired a man from Banu Ad-Deel who was a non-Muslim. This indicates that it is permitted to hire a non-Muslim just as it is to hire a Muslim.



Economy – *Jizya* Tax

Non-Muslims are required to pay a yearly tax called *Jizya* to the Islamic State. In return the State promises to protect them. Ali (ra) said, **“Surely, by giving the *Jizya*, their wealth becomes as valuable as ours and their blood like ours.”**

The *Jizya* is taken from the men who are sane and mature. It is not taken from the youth, the insane or the women. The level of *Jizya* is not fixed but the amount is left to the opinion and *Ijtihad* of the Caliph. The Caliph takes in to consideration the aspect of prosperity and poverty in a way that does not overburden the *dhimmi*.

It was related from the Messenger of Allah (saw) that he appointed Abdullah b. Arqam over the *Jizya* of the people of dhimmah and when he was leaving, he (saw) called him back and said: **“Surely, whoever oppresses a person under covenant (*Mu’ahid*) or imposes upon him more than he can afford and humiliates him or takes anything from him without his consent I will challenge him (i.e. the oppressor) on the day of judgment.”** [Narrated in the Hadith book of Abu Dawud]

Example of the *Jizya* in the time of the second Caliph of Islam - Umar bin al-Khattab:

Category	Amount in Dinars	Amount in Sterling
Rich	4 dinars	£ 108.00
Middle Class	2 dinars	£ 54.00
Poor	1 dinar	£ 27.00

Economic Progress

Jizya is not an oppressive tax, as compared to the taxes people pay in the West today like income tax and VAT. Financially, the *dhimmi* prospered under the Islamic State and set up many businesses and engaged in much trade.



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Judiciary



In the eyes of the judiciary there can be no bias against the non-Muslims in favour of Muslims. The judge (*Qadi*) is concerned with legal and nothing else. There are many examples of cases where the non-Muslim was ruled in favour over a Muslim.

During the rule of Umar bin al-Khattab, certain Muslims had stolen a piece of land belonging to a Jew and then constructed a mosque upon it. This clearly violated the rights of the Jew who was a *dhimmi*. Umar ordered the demolition of the mosque and the restoration of the land to the Jew.

In another case, during the rule of Imam Ali, a Jew stole a shield from the him. Ali took the matter to court and brought his son as a witness. The judge ruled against Ali even though he was the head of state (Caliph), and stated that a son cannot be a witness for a father in court. When the Jew witnessed such fairness he voluntarily confessed that he stole the shield and embraced Islam.



Foreign Policy – Treaty of Aelia

In the name of Allah ar-Rahman ar-Raheem

This is what the servant of Allah, Umar, the Amir of the believers has granted to the people of Aelia (Al-Quds) for safety: He has granted them security for themselves, their belongings, their churches and crosses, their sick and healthy and all their co-religionists. Their churches shall not be taken for residence and shall not be demolished, nothing shall be damaged from them or from their surroundings, nor shall their crosses be removed or anything taken from their property. They shall not be harassed because of their religion, and none of them shall be harmed. No Jew will be allowed to live with them in Aelia.

The people of Aelia will have to pay Jizyah (tax) as the dwellers of cities pay. They have to eject from Aelia the Romans and thieves. Those of them who leave shall have safety for themselves and their belongings until they reach a safe destination, anyone from them who wants to stay in Aelia shall be safe provided they pay the Jizyah like the people of Aelia.

If any of the people of Aelia want to leave with the Romans and take their belongings with them they and their churches and crosses shall be safe until they reach a place of safety. Any of the people of the land who were in Aelia before the slaying of its last leader shall have the option of either staying provided they pay the tax like the people of Aelia or if they so wish, they shall be allowed to leave with the Romans or go back to their original homes. No tax shall be collected from them until they are able to pay it.

The promise of Allah, His Messenger, the Khalifah, and the believers is therefore given to abide by the contents of this treaty as long as the people pay their due tax.

Witnessed by: Khalid ibn al-Walid, Amr ibn al-'As, Abdur Rahman ibn 'Auf, Mu'awiah ibn Abi Sufyan.

Written in the year 15 AH.

[Tarikh al-Tabari, v3 609]

Foreign Policy - Byzantines

In his book “Kitab Al-Kharaj” Abu Yusuf gives the following report:

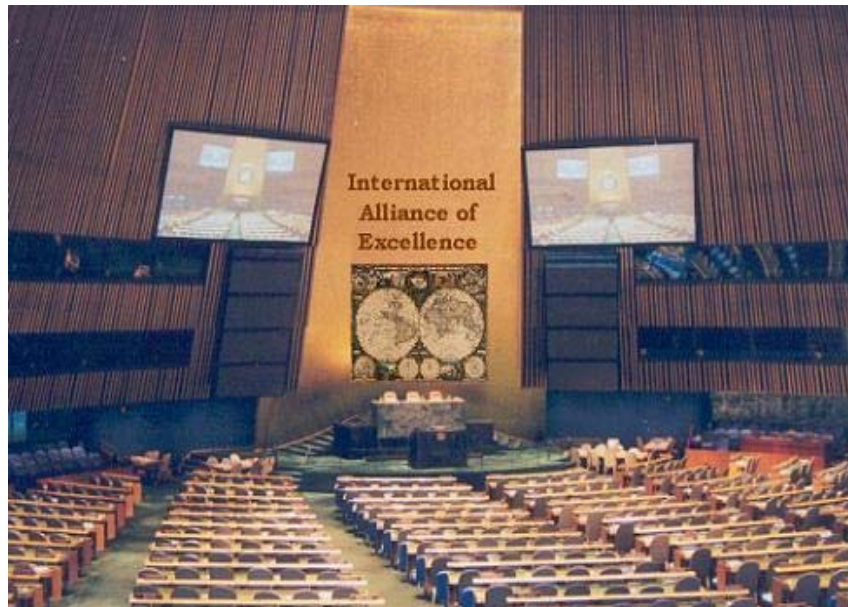
“After getting on peaceful terms with the people of Syria and collecting the dues of the *Jizya* and the *Kharaj*, news reached Abu ‘Ubeida that the Byzantines had amassed their troops to attack him. The effect of this was great on Abu ‘Ubeida and the Muslims. He sent messages to the rulers of cities with whose citizens he had made peace, asking them to return to their subjects the paid dues of the *Jizya* and *Kharaj* with an instruction to tell them: ‘We hereby return to you the money you have paid us, because of the news of the enemy troops amassed to attack us, but, if God grants us victory against the enemy, we will keep up to the promise and covenant between us.’ When this was delivered to the *dhimmis* and their money returned to them, they told the Muslims: ‘May God bring you back to us and grant you victory over them!’”



Byzantinischer Krieger und Reichsfürstler.

International Alliance of Excellence

A new international organisation may be created by the Caliphate called the "International Alliance of Excellence". The IAE unlike the UN will not be dominated by colonial nations with the right of veto that impose sanctions and laws on weaker nations. The IAE will be a body that promotes dialogue and cooperation between states on issues such as Poverty, Environment and Trade. This is similar to the Pre-Islamic Arab alliance called '*Hilf Al-Fudul*' that the Prophet (saw) praised.



Military Service

The protection of the *dhimmi* is the responsibility of the Muslims. The *dhimmi* are not obliged to join the army and fight to defend the Islamic State.

Ibn Hazm said, **“That one of the rights of the People of Covenant is that if Dar ul Islam is attacked and the People of the Covenant reside in that part of the land then Muslims have to die to defend them. Any leniency in this regard would be leniency in the rights of the People of Dhimma.”**

If they choose to, non-Muslims can be part of the Islamic army and be paid a wage for this. But they are not allowed to hold positions of authority within the army.

It was narrated in the Seerah of Ibn Hisham: **“There was amongst us a strange man, nobody knew who he was, it is said that his name was Kuzman. The Messenger of Allah (saw) said, when his name was mentioned to him, ‘indeed he is of the people of fire.’ He said ‘at the day of Uhud, Kuzman fought so ferociously that he alone killed seven to eight of the Mushrikeen...’”**



Integration

After this discussion it is apparent that the non-Muslims integrated successfully in to the Islamic society. The religions of the Jews, Christians and others only have laws covering the relationship between man and his Creator and man with himself. The Islamic Law in these two relationships allows the non-Muslims to follow their own rulings on these matters. Therefore there is no conflict with the non-Muslims. Regarding the relationship of man with others i.e. the societal relationships, non-Muslims have no laws on these matters.



Because of this the non-Muslims must adopt a system to live by in society. The Islamic system when implemented, was by far the most successful system in integrating the non-Muslims in to the Islamic society. The rebellion and disunity caused by the non-Muslims living under the Islamic State in the past like the Greeks and the Christians in Lebanon, only came about due to Britain and France encouraging and supporting rebellion in an effort to destroy the Islamic State.

The Caliphate will Return



The Prophet (saw) said:

The Prophethood will be among you as Allah wills, then He will eliminate it if He so wills. Then a Caliphate on the model of prophet hood will prevail so long as Allah wills, then He will eliminate it if He so wills. Then there will be a biting monarchy as long as Allah wills, then He will eliminate it if He so wills. Then there will be an oppressive monarchy as long as Allah wills, then He will eliminate it if He so wills. Then a Caliphate on the way of prophet hood will prevail. ‘And and he kept silent’.