The Bases of Good Conduct towards Non-Muslims under Shariah

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Abstract:-The Islamic legislation is meant for all nations and creeds and aims at the good of humanity. Sometimes the Shariah bans anything that begets no profit to mankind and when it approves of anything it is beneficial to both Muslims and non-Muslims. Under Shariah justice is dispensed to all irrespective of faith, tribe or colour. Shariah is against persecution and threaten to punish anyone who contemplates using it as a means of achieving undesirable ends. The Glorious Qur’an is explicit on human rights that people often campaigned for. Some of these are right to own property, right to social security and state provision of basic necessities like food, clothing, housing, medical, right to choice of religion and decent living. Islam is generally a complete way of life it conceives social justice as all forms of righteous deeds that precipitate a peaceful co-existence in the human race regardless of what religion one believes in. Hence, Shariah prescribes justice towards friends and enemies alike. Muslims are required by it to deal with all people with kindness, tolerance and generosity. This paper seeks to highlight Islam’s mission to establish peace and justice on earth under the law of Allah. And secondly, to expand the Ummahdemographically and consolidate its existing constituencies.

I. INTRODUCTION

The religion of Islam is framed on human nature while man has been created as a social being as rightly pointed out by Ibn Khaldun. Thus social life is indispensable for human beings, hence they have been directed to be just and righteous. Islam is built upon the principles of freedom of choice, as the Qur’an says:

“Let there be no compulsion in the religion” (Qur’an 2: 256).

This is because compulsion and Islamic Shariah are incompatible, as Islam depends upon faith and will, which would be meaningless if induced by the use of force or coercion. Truth and falsehood have clearly been shown by Shariah.

Islam is a complete code of life which consists of no dichotomy in what a Muslim has to do in secular transactions, such as his actions for individual or social interest, national demands, or international brotherhood.

The directives of Shariah explain to the Muslim what is good or bad, beneficial or harmful as individuals or the society at large. They cover human aspects, which Muslims are expected to cultivate and encourage. Shariah gives no room for division between what is spiritual and what is mundane. Therefore, the Muslim’s faith is best measured if he follows the dictates of Shariah. Almighty Allah says in the Glorious Qur’an:

“Then, we put thee on the right way of religion so follow you that (way) and not the desires of those who knew not” (Qur’an 45:18).

This and many other similar verses of the Glorious Qur’an are indicative of the need for Muslims to strictly comply with the dictates of Shariah.

II. NON-MUSLIMS UNDER SHARIAH

Within the purview of Islamic Shariah, all human beings are equal before Allah, regardless of their colour, race or tribe. This is because Shariah believes in the origin of mankind as descendants of Adam and Eve. However, this sameness of source and origin is punctuated by ideological affiliation, more ever precisely, the Muslim and Non-Muslims. It is logical to say that though human beings are from the same source, there difference of thought and belief notwithstanding. Islamic law guarantees and protects the right and privileges of all.

Protection of Non-Muslim

Moreover, Islam has stressed the protection of the Christians, Jews and everyone under the protection of the Muslim country and allowed them to practice their rituals freely.

This good treatment has been reiterated in many places of the Quran and hadith as well as the conduct of Muslim leaders throughout the Islamic history.

Prophet Muhammad (peace be upon him) said,

“Beware, if anyone wrongs a Mu`ahid (a person who is granted the pledge of protection by the Muslims), or diminishes his right, or forces him to work beyond his capacity, or takes from him anything without his consent, I shall plead for him on the Day of Judgment.” (Abu Dawud)

The same action happened again at the time of the second Caliph, Umar ibn Al-Khattab while conquering Jerusalem. He signed a document between him and the people of the city, as the pastor Colin Chapman quoted a part of it in his book Whose Glorious City?: Jerusalem and the Israeli-Palestinian Conflict.
It reads,

“In the name of Allah, the Most Gracious, the Most Merciful, this is a guarantee granted to residents of “Elijah” by Allah’s slave ‘Umar. He guarantees them and their goods, churches, crosses and their worship in general. Their churches should neither be confiscated nor destroyed. There will be no restrictions upon them in matters of their religion and none of them will be subjected to any harassment.” (Angelus)

The view of the Jews to this document is recorded by the historian in his book *Histoire de Palestine* (The history of Palestine) as he said:

“We must recognize that such a declaration, at the beginning of the Middle Ages, which all Islamic armies have been committed to is full of equity indeed. It breathes fairness and tolerance. Actually, none of the Byzantium emperors or the bishops of the church never expressed similar feelings, even in the name of the one who invited them to the religion of love. The document of the Caliph ‘Umar was enough to cause a profound impact, not only in the spirit of the Jews, but also in the spirit of the Christians of Syria and Palestine. Some of those people were suffering from injustice and tyranny. Others suffered from the oppression of the state church if concealing beliefs that differed from the church’s course, not to mention the high taxes upon everyone in the country.”

Abul ala Muadudi (1986), classifies people living within a given community into two, in the light of their belief and disbelief. In other words, the people are classified into Muslims who believe in the ideology of an Islamic state and Non-Muslims who believe in that ideology. He said that in the nature of an Islamic state the responsibility to run the state lies with the majority i.e. the Muslims and the non-Muslims should be asked to cooperate. The task of guidance, policy making shall always remain in the hands of the majorities. To ensure cooperation and peaceful co-existence among various members of the community, the inalienable rights of each person should not be trampled upon. It is on this premise that the Ulama and other concerned stake holders in Shariah are trying every now and then, to allay the fears of non-Muslim on possible imposition of Islam on them.

Abdullahi M. M. (2001) asserts that Muslims are admonished to be polite and tolerant towards their non-Muslims neighbours/citizens. He quoted a verse of the Glorious Qur’an to buttress this point which says “And do not dispute with the people of the book but in the best manner”. This is the normal conduct of a Muslim with regard to people of other religions. Muslims are implored to be tolerant and accommodating their attitude to adherents of other religions.

Prophet Muhammad (SAW) is advised in the Qur’an to adopt very generous and tolerant behavior towards the people of the Book, i.e. the Christians and Jews, because many of them are ignorant of the truth. Allah SWT says in the Glorious Qur’an. Hold to forgiveness, command what is right and turn away from the ignorant.

Allah comforted his Messenger and drew his attention to the following three important things that serve as catalysts in carrying out his divine assignment successfully. They are to forgive injuries insults and persecutions, to declare the Faith and act in accordance with it in all their dealings with friends and foes, and not to give attention to ignorant who raises doubts or difficulties.

The extent to which ignorance has eaten deep into the fabric of some Muslims and Non-Muslims is so alarming that majority need to be educated and informed about the legality of interpersonal relations between them. Therefore, under Shariah, special considerations are made for the non-Muslims, including polytheist concerning the extension of good gesture and hospitality. And on the ground of promoting good interaction and neighborliness, it is made lawful to the Muslims to eat the food of the people of the Book, share the meat they slaughter and marry their women as stated in Qur’an, where Allah says:

“The food of those who were given the scripture (before you) is permitted to you and your food is permitted to them. And lawful to you in marriage are chaste women from among the Believers and chaste women from those who were given the scripture before.” (Qur’an 5:6)

The above Qur’anic verse indicates that the people of the Book have been given special status by the Qur’an and are considered closer to the hearts of Muslims. Muslims resident in area where Shariah is implemented are supposed to live under special protection of the authority concerned. They should be allowed to enjoy special privileges just like the Ahl-Al-Dhimmah or Dhimmies, meaning those whom Allah and his Apostle and the community have made covenant with that they may live in safety and security under Islamic legal system or government.

In modern terminology, Dhimmah could mean the non-Muslim citizens in a particular area that have entered into covenant with the authority that they are ready to live in tranquil peace with the majorities (Muslims).

The Prophet (PBUH) emphasized the duties of Muslims towards this category of people as follows:

“He who hurts Dhimmi hurts me. He who hurts a Dhimmi. I am his adversary and I shall be his adversary on the day of resurrection.”

In line with the above Prophetic tradition, the rightly guided Caliphs and some prominent leaders among the successors of the companions of the Prophet safeguarded the rights’ and sanctities of non-Muslims resident in their domains. A renowned Malik jurist Imam Al-Qarafi says:
“The covenant of protection imposes upon us certain obligations towards the AHL-AL-DHIMMAH. They are our neighbours, under our shelter and protection upon the guarantee of Allah, His messenger peace be upon him and the religion of Islam. Whoever violates these obligations against anyone of them, either through abusive words slandering his reputation or by doing him some injury or assisting in it, has breached the guarantee of Allah, his Messenger (PBUH) and the religion of Islam.”

There are guidelines in the Qur’an and the Sunnah of the Prophet that speak of strengthening relationship between Muslims and non-Muslim citizens. The basic foundation of relationship is referred to in the Qur’an in the following words:

“Allah forbids you not with regard to those who fight you not for your faith nor drive you out of your homes from dealing kindly. And justify with them for Allah loves those who are just. Allah only forbid you with regard to those who fight you for your faith drive you out of your homes and support others in driving you out from twining to them in these circumstances that do wrong."

According to the above verses, Muslims are asked to deal with non-Muslims kindly and justly as was shown by the example of the Prophet Muhammad in the treaty of Hudaybiyah, unless they (non-Muslims) are out to destroy Muslims and their faith.

The religion of Islam and the Shariah have emphasized a great deal the rights of the non-Muslims, so much so that any Muslim who violates it shall be brought to book. Shariah is against all men made distinctions even if they are given religious colouring. All men are given due considerations in Islam, and even if one does not choose to allow the religion of Islam, he has the right to live in peace and in a Muslim state or where they constitute a majority and decide to widen the scope of Shariah legal system. The non-Muslims are to be honoured as rightful citizens, with rights and privileges. Neither the religion of Islam nor Shariah is on the sanctity of a legal process to guarantee security of life, liberty, property and honour of every human being. The non-Muslims will surely appreciate the intent of Shariah if they would mind to study its provisions with an open mind.

III. APPOINTMENT OF NON-MUSLIMS INTO SENIOR POSITIONS

Multiplicity of faith is never an impediment to Shariah implementation. The question whether or not non-Muslims in a state where Shariah is implemented or where Muslims constitute the majority should be allowed to hold senior state positions, Sayyed Qutb (undated), a celebrated scholar of the Qur’an is of the opinion that allowing non-Muslims to hold senior state position is a matter related to capacity and skill. These criteria should be devoid of emotional attachment, hatred, religion or ancestry/family relation, wealth or prestige. He said position of Imam and the commander in chief of the Armed forces, which is traditionally known as Amirul Muminina should be exclusively reserved for the Muslims. Apart from this, non-Muslims should be allowed to join consultative assembly through a general vote.

Going by the above, it will not be an overstatement to say that the real fundamental human right is best guaranteed by the Islamic faith. A good example of harmonious working relationship that existed between Muslims and non-Muslims was the one exhibited by late Sir Ahmadu Bello the Sardauna of Sokoto, premier of Northern region who brought together Muslims and non-Muslims under high degree of tolerance and understanding. It is therefore, expected of all sincere stakeholders in Shariah implementation to emulate the exemplary leadership of the late Premier.

IV. BASIC HUMAN RIGHTS IN ISLAM

Islam has provided all rights to every human being which is essential for his dignified life. The first thing that we find in Islam, in this connection, is that it lays down some rights for man as a human being. In other words, it means that every man whether he belongs to this country or that, whether he is a believer or unbeliever, whether he lives in some forest or is found in some desert, whatever be the case, he has some basic human rights simply because he is a human being, which should be recognized by every Muslim. In fact, it will be his duty to fulfil these obligations. There is no doubt in saying this that Islam had given all rights to human beings which are necessary for their better life. All the issues have been included in the book of Allah, the Glorious Qur’an, and the Prophet Muhammad SAW (Salallahu ‘AlaihiWassalam) love these things and declare that Hadith. Now, Muslims need nothing they have everything in advance (Bielefeldt, 2000). Following is the basic human rights in Islam: First,

the Right to Life. The first and the foremost basic right in Islam is the right to live and respect human life. The Glorious Qur’an states,\

On that account. We ordained for the children of Israel that Whosoever kills a human being without (any reason like) man slaughter, or corruption on earth, it is as though he had killed all mankindand if any one saved a life . will be as if he saved the life of a whole mankind . then although there came to them our Apostles with clear signs, yet even after that , many of them continued to commit Excesses in the land (Q5:32).
Islam has provided all rights which are needed for development of human growth and prosperity. It’s a religion of peace, tranquility, world brotherhood, mutuality, and cooperation. It has given social, political, economic, cultural, and civic rights to all human beings without consideration of colour, family, and birth etc. Islam gave to mankind an ideal code of human rights fourteen centuries ago. These rights aim at conferring honored dignity on mankind and eliminating exploitation, oppression, and injustice. Prophet Muhammad SAW (Salallahu’Alaihi Wassalam or peace be upon him) says:

“No Arab has any superiority over a non-Arab, nor does a non-Arab have any superiority over an Arab. Nor does a white man have any superiority over a black man, or the black man any superiority over the white man. You are all the children of Adam, and Adam was created from clay” (cited in Hamidullah, 1957).

So, it’s a clear declaration here that Islam does not create any difference among people on the basis of colour, caste, family, rather Islam talks about equality for all without any distinction. Islam preached the concept of equality, liberty, justice, before 14th centuries ago. So, saying human rights is the Western creation would be somehow illogical.

V. CONCLUSION

Islam cherishes freedom and abhors compulsion under every circumstance. The Islamic concept of freedom applies to all activities of man in all walks of life. Islam guarantees for the Muslims as well as the non-Muslims a right to life and freedom of existence. As stated by the Prophetic Hadith, every man is born free on the Fitra or in a pure state of nature free from subjugation, sin, inherited, inferiority etc. the question of freedom with regard to belief, worship, conscience, is of paramount importance in Islam. Every man under Islamic law is entitled to exercise his freedom of belief.

Therefore, non-Muslim’s right under Shariah is an inalienable one and should be protected by the authorities concerned. Islam is against all acts of injustice, irrespective of the religious affiliation of the victim.

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