THE POSITION OF NON-MUSLIMS IN AN ISLAMIC STATE

Muddathir Abdel Rahim*

Introduction

Weak and vulnerable, almost by definition[1], minorities have all too often been oppressed and presented in many societies throughout the ages. Prominent examples in pre-modern European history include the Jews and the Muslims-especially under the Inquisition in Spain[2] and, in more recent times, the Bosnians and Kosovars in the Balkans, the Hutus in Rwanda Burundi and the Chechins in the Russian Republic.

Not infrequently however, minorities, far from being oppressed and persecuted, have themselves turned oppressors and persecutors of numerically superior but militarily weak majority groups. Recent or current examples of this second scenario include the Tutsis of Rwanda Burundi, the Zionists in Palestine and the Apartheid regime of South Africa. Rapid advances in the techniques and technologies of control, both physical and psychological, since the Second World War have rendered this hirtherto rather exceptional scenario an increasingly feasible and it is needless to say, an exceedingly dangerous possibility.

*   Dr. Muddathir Abdel Rahim is a Professor at the International Institute of Islamic Thought and Civilization (ISTAC). This paper is partly based on the author's forthcoming book on *"Minorities in Muslim and Western Societies"*

1   It is interesting to note in this connection that, having laboured for many years in order to produce a commonly accepted definition of the term *'minority'* for purposes of protection, the UN was eventually obliged to suspend the pursuit.

2   Cf: Mudathir 'Abd. Al-Rahim: *"Muslim Minorities in Western Societies: The Medieval Scene"*, published in Al-Shajarah (ISTAC), Vol. 6, No. 1, 2001.

In order to escape the many and serious cansequences of continued oppression of minorities by majorities or vice verse, and with a view to establishing a world order in which justice and therefore peace and harmony, would hopefully be guaranteed for one and all, modern humanity is called upon to carefully and assiduously examine and learn from both its numerous and varied past experiences, as well as from its present day trials and errors.

In this context the rich, and in many ways unique, heritage of Islamic civilization characterized, among other things, by its brilliant and, for well over one thousand years, unparalled success in realizing: not only peaceful coexistence but also positively creative cooperation between Muslim majorities and non-Muslim minority groups of different faiths and cultures is worthy of special and close consideration. It is needless to say that even today, when the world of Islam is no longer the leading international civilization that it used to be, and several non-Muslim majority states and communities such as Sweden, Finland and Switzerland have evolved their own distinctive models of multi-ethnic and multi-religious tolerance and coexistence, the values and principles on which the preceeding Islamic model was first founded are still living and operative, especially at the social level as distinct from the largely Westernized and mized secularized levels of state policy and legislation, in many Muslim countries.

Not surprisingly therefore, both the past experiences and the still vibrant and operational teachings in question continue to be important sources of inspiration for many, Muslims and non-Muslims alike, who are concerned with human rights and the promotion of humane and constructive relations between majority and minority groups of difficult faiths and cultures wherever they may be[3]. Thus, considering the situation as it actually stood during some of the earlier phases of Islamic civilization, the late Adam Mez stated that the first and most stricking feature that distinguished traditional Muslims societies from Christian medieval Europe was the fact that, within the borders of the former

---

3   CF. Mudathir Abd. Rahim, *"Islam and Social Integration"*, IKIM Journal, 1996.

unlike the latter, lived a large number of peoples of other faiths besides Islam and that all these peoples, as Mez put it, lived "side by side" and in an atmosphere of toleration absolutely unknown to Medieval Europe.[4]

Focusing on the underlying values and principles on which the societal facts and structures described by Mez were established, the distinguished jurist Count Leon Ostrorog pointed out that;

> *"Those Eastern thinkers of the ninth century laid down, on the basis of their theology, the principles of the Rights of Man, in those very terms, comprehending the rights of individual liberty, and of inviolability of person and property; ....[They also] elaborated a law of War of which the humane, chivalrous prescriptions would have put to the blush certain belligerents in the Great-War; [those Eastern thinkers of old moreover], expounded a doctrine of toleration of non-Muslim creeds so liberal that our West had to wait a thousand years before seeing equivalent principles adopted"*[5]

It is important to note however that the 'toleration' characteristic of Islamic societies about which Mez and Ostrorog so eloquently spoke in fact went far beyond the limited and obviously ambiguous meaning of the term as it is generally understood in English and other European languages today. Signifying, on the one hand, open mindedness, magnanimity, freedom from bigotry and prejudice and, on the other, sufferance, patience, endurance and willingness to "put-up" with people and situations as a matter of convenience based on implicit practical considerations of agreeing to live and let live rather than on conviction as a matter of faith or principle. Both the ambiguity and limitations of tolerance so conceived are the result of the fact that the term and the concept of tolerance were first pragmatically evolved during the early phases of modern European history against the background of prolonged and bitterly fought out religious wars (between, mainly, Catholics and Protestants) which ravished the continent for many years on end.

4   Adam Mez, The Renaissance of Islam, Delhi, 1979, reprint, pg. 32.

5   Count Leon Ostrorog, The Angora Reform, University of London Press, 1927, pg. 30.

Being essentially a pragmatic strategy of survival and convenience rather than a matter of faith or principle, as well as ambiguous in its meaning and connotations, it is not suprising that the said modern European doctrine of tolerance (despite all its merits and advantages) has not infrequently given way to intolerance and fanaticism on a massive scale. Among the worst examples of this in recent European history have been the genocidal programmes directed against Jews and Gypsies (especially in connection with the holocaust during the Second World War) and against Muslims who were also subjected to genocide and mass expulsion in the Caucasus during the War and, most recently, to the barbarism of so called "ethnic cleansing" in Bosnia and Kosovo.

By contrast the position of non-Muslim communities in Muslim societies and states, during even the darkest phases of their history until recent times, has been incomparably better. Far, although they did sometimes suffer, usually along with their Muslim compatriots under oppressive or unscrupulous rulers, non-Muslim monorities in predominantly Muslim societies did not only survive but often prospered and participated, not only in the social, economic and cultural life of the larger community, but also as diplomats, administrators and governors.

And this, historically speaking, has been the result of the fact that for Muslims, individually and collectively, i.e as states and societies, respecting and protecting the rights of non-Muslims were not merely a matter of strategy or convenience, but one of faith and principle. Protecting the lives, property and other rights of non-Muslims (or 'others' in general) was therefore regarded as an act of worship whereby God's pleasure was sought and a form of conduct which was expected and fully endorsed by society. Contrariwise, breaking the said system of rights of non-Muslims constituted at one and the same time, a grave sin, an immoral act and a crime punishable by law. Only a heretic or deviationist, could conceivably commit such an atrocity. And in that case the offender would be checked and held accountable for his, or her, misdeeds by society and the state here and now, as well as by God and His Apostle (p.b.u.h.) in the Hereafter.

It should not be surprising therefore, that the Muslim attitude towards non-Muslims not only transcended but actually went much further beyond mere toleration. And this, it is important to note, was a result not only of the extensive system of laws and ethical values by means of which the lives, property and other rights of non-Muslims were directly and comprehensively protected, but also, and no less importantly, because the said system of laws and values was rooted in and sustained by a worldview in the light of which non-Muslims were clearly and unambiguously seen and accepted as full members of the one and same divinely ordained to which everyone, Muslims and non-Muslims alike, belonged.

Indeed, it is not only the diversity of mankind whether in faith, culture or ethnicity that is so accepted and celebrated by Muslims; the variation and plurality of all creatures, both animals and inanimate, are likewise not only accepted and appreciated, but positively and actually celebrated by Muslims as signs of God and causes for veneration. If this deep rooted and profoundly pluralistive worldview which constitutes both the conceptual and psychological bedrock upon which the proverbial 'tolerance' of Muslims is ultimately anchored, a crucially important point which however, has eluded many commentatators including some who have expressed great admiration for its actual working and practical results.

In the following pages, the conceptual foundations of pluralism in Islam and the legal status of non-Muslims in Muslim societies (both of which have so far been briefly mentioned) will be discussed in some more detail. The actual life experience of non-Muslims in traditional Muslim societies and the extent to which the rights given to them in principle were actually upheld will then be considered. A review of the transformation of the traditional Islamic system under the impact of colonial domination, Westernization and the rise of secular nationalism, will follow together with a brief consideration of the extent to which the practice of present day Muslim states and societies can be said to constitute a continuous with that of their pre-modern predecessors.

Religious and Philisophical Foundations of Pluralism in the Islamic Worldview

Pluralism, a concept which has recently gained much controversy in Western societies and elsewhere, has been a prominent feature of both the theory and practice of Islam from its very inception in the seventh century C.E.

Of central importance for understanding pluralism in this connection is the sharply contrasting position in Islamic theology and worldview of the oneness and uniqueness of God (Allah, s.w.t) on the one hand, and the diversity of His creations-animals and inanimate, human and non human-on the other.

With regard to the oneness and uniqueness of Allah s.w.t., the Quran states categorically and unequivocally (and mankind, individually and collectively, are called upon to testify) as follows;

> *"Say; He is Allah the One and Only; Allah, the Eternal, Absolute; He begetteth not, Nor is He begotten; And there is none Like unto Him"*

> (al- Ikhlas 112 : 1-4)

And again;

> *"(He is) the Creator of the heavens and the earth .... there is nothing whatever like unto Him, and He is the One that hears and sees (all things)"*

> (al-Shura 42 : 11)

It is thus repeatedly and categorically stated that He is One, Unique, Eternal, Absolute, Creator of heavens and the earth and of all that is in existence, All living, All seeing.

To those who claim that they do believe in Him, but persist in believing that there are other gods or deities besides Him, the Quran addresses a variety of uncontestable logical arguments as well as some series of warnings and admonitions:

"If there were, in the heavens and the earth other gods besides Allah, there would have been confusion in both ...."
(al-Anbiya' 21: 22)

"Allah forgiveth not that partners should be set up with Him, but He forgiveth anything else to whom He pleaseth. To set up partners with Allah is to devise a sin most heinous indeed"
(Al-Nisa' 4: 48)

By contrast with the categorical and uncompromising assertion, again and again, of the Creator's Oneness, Omnipotence and Uniqueness, His creatures be they animate or inanimate, humans or animals are seen and described as being always numerous, diverse and varied.

"Seest thou not that Allah sends down rain from the sky? With it We then bring out produce of various colours. And in the mountains are tracts white and red, of various shades of colour, and black intense in hue. And so amongst men and crawling creatures and cattle are they of various colours. Those truly fear Allah, among His servants who have knowledge"
(Fatir 35: 27-28)

"And among His signs is the creation of the heavens and the earth, and the variations in your languages and you colours, verily in that are signs for those who know"
(Al Rum 30: 22)

But the diversity and variation which Allah s.w.t has vested in his terrestrial creatures as signs of Himself along with the creation of the heavens and the earth is not limited to mountains, animals, plants and the variation in the colours and languages of men. Even more significantly and directly in relation to the subject under consideration is the fact that Allah s.w.t tells us in several passages in the Quran that the said diversity and variation applies also to matters of faith and belief including even of unbelief.

"It is He Who has created you; and of you are some that are unbelievers, and some that are believers; and Allah sees well all that ye do"

(al-Taghabun 64: 2)

And again, and perhaps even more clearly;

...*"To each among you have We prescribed a Law and Open Way. If Allah had so willed, He would have made you a single people, but (His Plan is) to test you in what He hath given you; so strive as in a race in all virtues. The good of you all is to Allah; It is He that will show you the truth of the matters in which you dispute"*

(al-Ma'idah 5: 48)

Whereas oneness, uniqueness and inimitability are distinctive attributes of the Creator, (Allah, s.w.t) variety, multiplicity and plurality are attendant characteristics of all created being-animate and inanimate; human and non-human.

In so far as human beings are concerned, the variety and plurality that has been vested in them by their Creator is not limited to such matters as language, pigmentation and ethnicity only. It is also and more importantly manifested - by the Will of the Creator Himself - in matters of faith and belief; up to and including disbelief.

Variety and pluralism therefore are clearly and profoundly intrinsic to Islamic worldview; a worldview wherein all creatures are diverse and varied, where only the Creator alone, Allah s.w.t is One Eternal, Absolute, begetteth not, nor is He begotten and there in none like unto Him.

It is in this context that the existence of non-Muslims in Muslim societies and states is not merely "tolerated" as if on sufferances. Instead, it is unreserveredly accepted, indeed celebrated as a sign of God and in response to the divine call for one and all to *"strive as in a race in all to virtues"*.[6]

---

6   al-Ma'idah 5: 48

It is in the context of this profoundly and divinely ordained pluralistic worldview that non-Muslims in Muslim societies and states were granted and guaranted such rights and priviliges that they were, in general able not only to exist and survive, but also to prosper and participate in the economic, social, cultural and even political and diplomatic life of the Islamic states and societies in which they lived. And it is to these rights and rules that we now turn.

The Legal Status of Non-Muslims in Traditional Islamic States and Societies

It goes without saying that the basic principles which guide the conduct of Muslims in all walks of life, including the treatment of non-Muslims in conditions of peace, war and neutrality, are of course, enshrined in the Quran. The Quran for Muslims, it will be remembered, is literally the word of God (Allah s.w.t.); it is therefore immutable and absolutely binding on one and all. Next to the Quran and, in fact inseparable from it, is the Sunnah, i.e the deeds and directives of Prophet Muhammad (p.b.u.h.). For he was not only the first and most authoritative interpreter of the Quran as a text, but also the personification and exemplar in practice of the application of its values and principles in concrete historical situations.

Of cardinal importance for the treatment of non-Muslims among the basic values and principles enshrined in the Quran is the ruling *"There Shall Be No Compulsion In Matters of Faith"*.[7]

This categorical statement, which as far as the present writer has been able to ascertain to date, is unique to Islam and has no parallel or equivalent in the scriptures of other religion, forbids Muslims, be they individuals, group or states, from trying to impose their faith on any person by force. For Muslims therefore compulsion is not only a sin, it is also a crime punishable by Shariᶜah law, the punishment, under the Ottoman Empire, being death.

---

7   al-Baqarah 2: 256

Other Quranic directives buttress and elaborate on principle of inadmissibility of compulsion in matters of faith indicating, *inter alia*, that the call to Islam must be directed to the intelligence, conscience and sensibilities of men and women, that respect for the dignity and integrity of all human beings, of whatever faith or origin they may be, is essential, and that reason, compassion and courtesy should be observed in all circumstances.

This brings us to a second principle relating to the treatment of minorities and non-Muslims in Islam. It is stated in Allah's say that,

> *"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 justly with them; for Allah loveth those who are just"*
>
> (al-Mumtahinah 60: 8)

In other words, Muslims are not only to refrain from oppressing others or forcing them to embrace a faith which they may not freely wish to accept (an essentially negative ruling though a very important one indeed); Muslims are expected and called upon to be positively kind and just to all those non-Muslims who are peaceful and law abiding citizens as we would say today.

The founder and head of the first Islamic state, Prophet Muhammad (p.b.u.h.), confirmed and elaborated on the Quranically prescribed manner of just and kindly dealing with non-Muslims, not only verbally and in words but also through his actions and practice, and this in both his personal life and in his management of public affairs. Thus, among other things, he unhesitatingly engaged in business transactions jointly with non-Muslims. Indeed, he parted this world leaving his armour pawned to a Jew. More intimately, he took two wives from among non-Muslims, one being Jewish, the other Christian.[8]

---

8   One of the most widely used modern studies of Prophet Muhammad's life and message is Muhammad Husayn Haykal's Hayat Muhammad, translated by the Late Professor Ismail al-Faruqi with the title; *"The Life of Muhammad"*, Delhi, 1976. See also Martin Lings highly readable and scholarly; Muhammad - His life Based on The Earliest Sources, London, revised edition, 1991.

Politically, further more he endeavoured, not without success, to establish what came to be a characteristically multi-ethnic and multi-religious Islamic state. Thus not only the Ansar and the Muhajirun were welded, in the Charter of Madinah, into *"an Ummah distinct from all other peoples of the world"*[9], but the Jewish clans who had then allied themselves to the Prophet were described in the Charter of the Madinah as *"an Ummah (i.e community) along with Believers"*[10], while each, of course, continued to practise their own faith.

However, when the Prophet was betrayed, he again in accordance with Quranic directives, did not hesitate to defend himself, his community and the nascent state which they had forged together. For while the Quran repeatedly, and in the strongest language possible warns Muslims not to commit aggression against anyone and under any circumstances, it does emphatically urge Muslims, once aggression has been committed against them, not to turn the other cheek, or engage in appeasement, but to stand up and fight as best as they can, for their rights of the oppressed and the weak.

Allah says in the holy Quran;

"Fight in the cause of God those who fight you, but do not transgress limits, for God loveth not transgressors. And slay them wherever ye catch them, and turn them out from where they have turned you out, for tumult and oppression are worse than slaughter... fight them on until there is no more tumult or oppression and there prevail justice and faith in God, but if they cease let there be no hostility except to those who practise oppression".

(al-Baqarah 2: 190-193)

---

9   Cf. Muhammad Hamidullah, *Majmu'at al-Waltha'iq al-Siyasiyya*, Cairo, 1941, pp. 1 – 7 and his *"The First Written Constitution in the World"*, Lahore, 1981, reprint.

10   Op.cit.,

And again in another Surah, Allah says;

*"And why should ye not fight in the cause of God and those who,
being weak, are ill treated (and oppressed)? Men, women and
children whose cry is, our Lord! Rescue us from this town whose
people are oppressors, and raise for us from Thee one who will
protect; and raise for us from Thee one who will help!"*

(al- Nisa' 4: 75)

However, the Quran states;

*"... If the enemy incline towards peace, do thou (also) incline
towards peace, and trust in God ..."*

(al-Anfal 8: 61)

Peace and peaceful coexistence with others, as this Quranic precept
clearly states, is always the preferred option in Islam. And it will of course,
be remembered in this connection that the very word Islam is derived from
a root which means peace.

On the basis of Quranic directives and Prophetic precedents, some
of which have been briefly indicated above, Muslim jurists and scholars
gradually evolved a rich and elaborate structure of legal and juridical rules
and regulations for the proper management of life in all its various
aspects, including relations between Muslims and non-Muslims in
Islamic societies and states. These, as may be expected, were primarily
premised on the definition in legal terms of the rights and duties of the
parties concerned.

A basic distinction was traditionally made throughout between
non-Muslims who lived in *Dar al-Islam* (i.e territories where Islam pre-
vailed and the Shariᶜah was recognised) and those who lived elsewhere.[11]

---

11   See, for example, al-Qadi Abu Yusuf, *Kitab al-Kharaj*, Beirut, n.d., al-Shaibany, *Sharh Kitab al-Siyar
      al-Kabir*, Cairo, 1971, and al-Imam al-Sarakhsy, *al-Mabsut*, Cairo, 1324 AH. Useful modern
      studies include: Najib al-Armanazi, *al-Shar'a al-Dawly fil Islam*, Damascus, 1329 AH, 'Abd
      al-Karim Zaydan, *Ahkam al-Dhimmiyyin wa'l Must'aminin fi Dar al-Islamy*, Damascus, 1963,
      and Muhammad Hamidullah, *Muslim Conduct of State*, Lahore, 1945. The latter is probably
      the most widely used modern study of Muslim international law in English.

The latter were further subdivided in traditional Islamic International Law (*Siyar*) into two categories.

First amongst these were territories which constituted *Dar al-'Ahd* or *Dar al-Sulh* (i.e Treaty or Pact Territories) whose rulers and inhabitants (*Mu'ahidun*) had amicable or peaceful relations with *Dar al-Islam*.

On the other hand, there were territories which were actually or technically in a state of war with *Dar al-Islam*. These were said to constitute *Dar al-Harb* (i.e Territories of War); their subjects being known as *Harbis* (or enemy subjects).

Unless they happened to obtain *Aman* (i.e a pledge of security of safe conduct) *Harbis* could not enter *Dar al-Islam* without running the risk of being taken prisoner or, if they were violent, of even being killed.

In traditional Islamic international law however *Aman* could easily be obtained. For *Aman* could be given or granted not only by the *Imam* or any of his authorised representatives (as was usual in case of truce or *muwada'a/muhadana*); it could be given by any individual, male or female, or even by a child once he had reached the age of discretion. *Aman*, moreover, did not have to take the form of a written document; a mere sign would do, even if it was not intended but was so understood by the seeker of *Aman*.

Once *Aman* had by any means, been conferred on a person he became a *Must'amin* i.e a non-resident alien; one who was granted a pledge of safe conduct or security for the duration of his stay in *Dar al-Islam*.

As such he would, under Muslim law, enjoy the right to life, property, freedom of movement, marriage (to any woman who, like him, was a non-Muslim) and the right to bring up his children in a accordance with his own faith.

In addition, a *Must'amin* had the right to become a *Dhimmi* i.e a permanently resident citizen of *Dar al-Islam*. And, needless to say, he also had the right, if he wished, to become a Muslim.

Should a *Must'amin* die in *Dar al-Islam*, his property would be forwarded to his relatives in *Dar al-Harb* or *Dar al-Ahd* as the case may be.

So much for the rights of *Must'amins* or non-resident aliens. We should now turn to non-Muslims who are permanently resident, as citizens, in *Dar al-Islam*.

Non-Muslim citizens of *Dar al-Islam* have traditionally (but no longer nowadays) been designated *Dhimmis*.[12] The term *Dhimmis* or *Ahl al-Dhimma* literally means people of the pact or agreement in reference, that is, to the perpetual pact or agreement in accordance with which Muslims, individually and collectively, since the days of Prophet Muhammad (pbuh), have undertaken to respect and protect the rights of non-Muslims who are permanently resident in *Dar al-Islam*.

Originally, the non-Muslims whose rights the *Ummah* had thereby undertaken to respect and protect were *Ahl al-Kitab*, i.e 'scripturers' or 'people of the book', meaning Jews and Christians. In due course however, others including Sabaeans, Zoroastrians and Hindus, were accepted as *Dhimmis* and treated as such.

Before discussing any of the particular rights and obligations thereby guaranteed to the peoples in question, it is important to note that the *Dhimma* system through which they enjoyed protection and rights was not one in which they were merely tolerated since tolerance implies grudging or reluctant willingness to 'put-up' or coexist with others. The system went beyond mere tolerance to positive acceptance of others as a matter of religious devotion. The protection of non-Muslims and the guaranteeing of their various rights under the *Shari'a* was not only a matter of legal provisions or constitutional guarantees, it was an act of worship. Failing to uphold it was a sin as well as a crime punishable in law. Upholding it, on the other hand, was an act of piety and religious devotion through which Muslims, individually and collectively, hoped

---

12   In addition to the above-mentioned works, see *'Dhimma'* and *'Ahl al-Kitab'* in the Encyclopaedia of Islam, New Edition. Vol. II, pp. 227 – 231, pp. 264 – 266, Leiden, 1983 and 1986 reprints, respectively.

to merit divine approval and heavenly reward. This is the psychological bedrock upon which the whole system was so firmly anchored, a crucially important point which, however, has eluded many commentators including some who have expressed great admiration for its actual working and practical results.

Under Islamic law, *Dhimmis* enjoyed the rights to life, property, religious belief and practice, movement, marriage and the right to bring up their children according to their respective faiths.

This comprehensive system of rights encompassed a number of interesting features which cannot now be considered in detail. Suffice it to note, for example, that whereas a Muslim enthusiast who destroyed pigs and wines belonging to another Muslim would not have been punished (because the said items are '*haram*' for Muslims and Muslims are therefore not permitted to own or to deal in them), the offender would be liable to certain punishment and would surely be constrained to pay full compensation if the owner was a *Dhimmi* and, as such, was fully entitled, under Islamic law, to own and deal in pigs wines etc[13], since these, for the *Dhimmis*, constitute legitimate property.

Under Islamic law, moreover, *Dhimmis* enjoyed a substantial degree of autonomy or self-government which enabled members of each religious community to manage their own affairs and to settle their personal and other disputes in accordance with the rules and traditions of their respectives faiths. If they were dissatisfied with their own communal justice they had the right to seek justice and settlement of disputes in Islamic courts.

In return for all these rights, *Dhimmis* were expected to acknowledge and respect the supremacy of the Muslim state under whose protection they lived and enjoyed the said rights. They also had to pay *Jizya* or capitation tax. Unlike the Zakat or property tax which all Muslims - male or female, young or old - had to pay annually at the rate of 2.5 per cent on

---

13   Ali al-Khafif, *Ahkam al-Mu'amalat al-Shariyya*, Cairo, 1947, pg. 34.

their herds, commercial goods and cash holdings, *Jizya* was exacted only from adult males capable of bearing arms; (it was a tax in commutation of military service, women, children and monks were therefore exempted). Under the ʿAbbasid caliphate, rich males had to pay 48 drachmas, those with average means, 24 while craftsmen and peasants paid only 12 drachmas per annum.[14]

Regarding the manner in which *Jizya* was levied, it is worth quoting the classic work of Qadi Abu Yusuf addressed to Caliph Harun al-Rasheed;

> *"O Commander of the faithful! May God help thee! It is necessary that thou shouldst treat the people who were protected by the Prophet ..... with leniency and inquireth about their conditions so that they are neither oppressed, nor given trouble, nor taxed beyond their capacity, nor anything of theirs is taken from them except with a duty incumbent on them. For it is reported from the Messenger of God (that he) said; Whoever oppresseth a non-Muslim or burdens him beyond his capacity, I myself shall be his accuser (or contestant) on the day of judgement"*[15]

Beyond communal affairs and the rights and duties relating to them, non-Muslims were, in addition, allowed to participate in the social, cultural and political affairs of *Dar al-Islam*, often attaining positions of great power and influence.

This brings us to a consideration of the practical life, as distinct from the legal status or basic and duties, of non-Muslims in traditional Muslim societies. How did they actually fare?

---

14 Contrary to those who have argued that 'saghar' as it occurs in the Quranic phrase "wa-hum saghirun" implies certain physical postures on the part of those who pay *Jizya* and those who receive it, Ibn al-Qayyim convincingly argues that all such interpretations are unfounded in either Quran or Sunnah and that 'saghar' simply means acknowlegement of the prevailing laws and regulations of the state. Op.cit., Vol. I, pp. 23 – 24.

15 Abu Yusuf, op.cit., p. 122 and Hamidullah, op.cit., pg. 100.

The Life of *Dhimmis* in Traditional Muslim Societies

In broaching this aspect of the subject we would do well to recall the points made by Mez and Goitein which quoted at the beginning of this paper.[16]

In the light of what has already been said regarding the attitude of the Quran and the Prophet (p.b.u.h.) towards other faiths and peoples, it should not be surprising that Mez's point had already been well understood and fully appreciated as early as the seventh century especially by the inhabitants of those territories to the east and the west of Arabia which were destined to become the heartlands of the Muslim world. Thus it came about that the predominantly Christian peoples of Egypt and Syria, who were followers of Eastern churches and, as such, had been subjected to discrimination and even persecution by their Orthodox Byzantine rulers, welcomed the conquering Muslim Arabs as liberators from their oppressive co-religionists. The people of Iraq, who had been similarly oppressed by the dominant Zoroastrians, reacted to the Muslim Arab conquest in a way not unlike that of the Syrians and the Egyptians. Even as far away as the Iberaian peninsula, the theologically sanctioned policies of repression and forced conversion which were followed by the Catholics of Spain induced the Jews to welcome and aid the Muslim conquerers as liberators.[17]

The unprecedented tolerance of the Muslims, coupled with the freedom to administer their own affairs under the *Dhimma* system,

---

16 *Ibid.*, The sharp contrast between this position and that which maintained in Medieval Europe where Church fathers actually taught that hating and humiliating Jews, along with other infidels and heretics, was not merely permissible but a religious duty and positively meritorious is too obvious to require comment. See Benard Lazare, Anti-Semitism, London 1967, pg. 42 and James Parkes, The Conflict of Church and the Synogogue - A Study in the origins of Anti-Semitism, Philadelphia, 1961, pg. 165

17 For a carefully documented study of both the oppression of such eastern Christians as the Copts, Jacobites, Nestorians and Armenians by the Byzantines (and during the Crusades, by the Latins) and the reactions of the said peoples to Muslim-Arab conquests see Aziz S. Atiya, A History of Eastern Christianity, New York, 1991. Also "Jews and the Muslim conquerors of Spain" in Norman A. Stillman, The Jews of Arab Lands, a History and Source Book, Philadelphia, 1979, pp. 22, 54 and 152 – 6

guaranteed that none of the peoples concerned were disappointed in their expectations of a better life under the banner of Islam. But problems did occasionally arise and for reasons which are well worth pondering.

Thus the Jews of Muslim Spain (or al-Andalus, Spanish: Andalucia), especially from the reign of Abd al-Rahman III in the tenth century until the coming of Almuwahhidun (Almohads) in 1140, experienced an unprecedented cultural flowering, indeed a golden age as it has rightly and often been described, which was a direct result of their having been admitted as full partners in the then leading world civilization of Islam.[18] In addition, the Jews of Andalucia then enjoyed political power and influence which not other Jewish community was able to attain anywhere in the world, and which remained unparalleled in the history of Europe until after the Renaissance. Indeed Jewish Viziers and Courtiers such as Hasday ben Sharput and Ismail Ibn al-Naghrila (known in Hebrew as Samuel the Nagid) became so powerful and dominant in the public life of Muslim Spain that many Andalusian Muslims sincerely felt that the terms of the pact of *Dhimma* had thereby been definitely breached in favour of the Jews. Abu Ishaq al-Illbiri, a Granadan faqih, wrote a poem in 1066 which typically expressed such views:

> *How can they have any pact*
> *When we are obscure and they are prominent?*
>
> *Now we are the humble beside them*
> *As if we are wrong and they right!*
>
> *Do not tolerate their misdeeds against us*
> *For you are surety for what they do.*
>
> *God watches His own people*
> *And the people of God will prevail!*[19]

Partly incited by this poem, riots then broke out in Granada in the course of which many Jews were killed by mobs. It is important to note however that this was the only event of its kind ever recorded in the history of Muslim Spain.[20] And as Benard Lewis has pointed out "in striking contrast to the anti-Semitism of Christendom, Abu Ashaq even in his outrage (did) not refuse Jews the right to life, livelihood, and the practice of their religion".[21] As a jurist he was fully aware that these rights were guaranteed by the *Shari'ah* and incorporated in the binding pact of the *Dhimma* which the Jews, he argued, had violated thereby forfeiting the protection to which they would have otherwise been entitled.[22]

Seventy four years later (i.e in 1140) Almuwahhidun (Almohads) invaded al-Andalus. The invasion was a serious setback for the social and cultural development of both the Muslims and the Jews of al-Andalus and many, Muslims and Jews alike, including the family of the subsequently famous physician and philosopher Musa Ibn Maimum (otherwise known as Maimonides) then left Andalucia for other, mainly Muslim, lands where they could feel safe and more comfortable. But until the thirteenth century, we are authoritatively told, "Jews living under Islam fared better on the whole than those living under Christendom".[23] Things turned to the worse with the advance in Spain of the Christian reconquista especially from the thirteenth century onwards. Anti Jewish pressures from both the masses and the Church mounted until 1391 when pogroms and mass conversions heralded the collapse of the Jewish community in Spain.[24] The end came in 1492 when the last remaining Muslim principality in Andalucia (Granada) was overwhelmed. The Jews were then finally

---

20   Scheindlin, op.cit., pg. 192.

21   Lewis, loc.it.,

22   *Ibid.*

23   Scheindlin, op.cit., pg. 189. In the words of Salo Baron; "Almohade exstremism and, to a lesser extent, al-Hakim's frantic quest for total religious conformity, were but exceptions to the general rule that, under Islam, the Jews resided in their respective countries as of right, and not-merely on temporary sufferance ... (Under Islam) ... Minorities were not only tolerated but in some areas, they enjoyed almost full equality before the law, both civil and criminal". A Social and Religious History of the Jews, Columbia, 1957, Vol III, pg. 127 and 132.

24   *Ibid.*, pp. 198 – 199.

expelled from Spain, many of them taking refuge in other Muslim states such as Morocco, Tunisia, Egypt and elsewhere in the vast territories of the Ottoman Empire in East Europe, Western Asia and later, North Africa.

Jewish experience in the eastern lands of Islam was, in many respect, similar to their experience in the heyday of Muslim Spain. But there were some important differences. The most significant of these was the fact that, under the ʿAbbasid Caliphate for example, there were many more religious groups and *Dhimmi* communities than there were in al-Andalus. The Jews therefore were only one group amongst many. These included the Sabaeans who were mainly based in Harran. There were also the Zoroastrians after whom a well-known street in Baghdad was named; Darb al-Majus in which, incidentally and not insignificantly the famous Ash'ari theologian al-Baqillani resided.[25] There were many more Christian inhabitants in both Baghdad and the Caliphate at large. But they were divided into a number of eastern churches notably the Nestorians and the Jacobites. The Jews had a considerable though smaller presence than the Christians; their number in Baghdad being estimated in 1168 at about 40,000 with 28 synagogues and 10 academies of learning.[26] But they were divided into two major groups; the Karaites and Rabbanites.

With the exception of the Manicheans, who were not regarded as a protected group and later migrated to distant lands as far as China[27] all these religious communities were accepted as *Dhimmis* and thus enjoyed the right to life, property, religious faith and others which were pertually guaranteed in the *Shariʿah* for all *Dhimmis* throughout *Dar al-Islam*. Not surprisingly therefore they all flourished and in different ways, contributed to the life and culture of the characteristically multi-ethnic and multi-religious Islamic society in which they all lived.

25   Joel L.Kramer, Humanism in the Renaissance of Islam, Leiden, 1992, pg. 85.

26   *Ibid.*, pp. 77 – 78.

27   *Ibid.*, pg. 86.

Thus the Sabaeans and the Christians played a key role in transmitting the thought and culture of antiquity especially in the fields of philosophy, mathematics, medicine and astronomy.[28] The contribution of the Jews in this regard was by comparison, modest. But as *Jahabidha* (i.e bankers and financiers) they played prominent roles in the financial and business life of the greater community. It thus came about that the famous *Darb al 'Awn* street on which the banking house of Joseph Ibn Phineas and Aaron Ibn Amran was reportedly located, has been quite suitably designated, "The Wall Street of Baghdad".[29]

But business did not always go on as usual. In other words, problems did sometimes, arise. Thus the Jacobite Church of Mar Tuma, which was situated in Qati'at al-Nasara on the West Side of Baghdad, was devastated in a popular uprising in 1002.[30]

Under the Buyids, the Jews and the Shi'is developed a remarkably close friendship which benefited the Jews in the short run. The decline of the buyids was, however, attended by periodic turbulence and urban strife in the course of which (in the year 1031) houses and stores of Jews were attacked because they were friends and allies of the unpopular Buyids.[31] But such event were exceptional and Muslims as well as non-Muslims were often caught up in the urban turbulence and strife that gave rise to them.

Over and beyond the hustle and the bustle of the market place and the city street, "the most amazing feature of traditional Islamic societies" as Mez put it, was the number of non-Muslims in state service. "In his own Empire"; Mez continued, "the Muslim was ruled by Christians".[32]

---

28 *Ibid.*, pp. 76 – 77. Among the most illustrious in this regard were Hunayn ibn Ishaq who was head of the great academy, "*Dar al-Hikma*" founded by Caliph al-Ma'mun in 830 A.H and the physician Jurjis Ibn Bakhtishu': both of whom were Nestorian Christians.

29 *Ibid.*, pg. 78.

30 *Ibid.*, pg. 76.

31 *Ibid.*, pg. 79.

32 Mez, op.cit., p. 51. Also Yaacov Lev, State and Society in Fatimid Egypt, Leiden, 1991, pp. 190 – 191.

As we have already noted, strong objections to this kind of situation were raised in Granada in 1066. Similar developments induced comparable reactions elsewhere in *Dar al-Islam*, including Syria and Palestine. But Fatimid Egypt was perhaps the clearest and most extreme example of both the domination of governmental affairs by *Dhimmis* and of popular and in due course, official rejection.

For under Mu'izz, Jewish physicians and courtiers were so influential that it was correctly said that nothing could be done in his court without the help of some Jew or other.[33] Under Aziz, on the other hand, Christians were favoured while Jews continued to wield considerable power. Not idly therefore did one poet sing;

> *Become Christian, for Christianity is*
> *The true religion, our time proves it so!*
>
> *"Worry not about anything else:*
> *Yaqub the Wazir, is the Father;*
>
> *Aziz, the son*
> *And Fadl the Holy Ghost!*[34]

Another poet wrote;

> *Today the Jews have reached the*
> *Summit of their hopes and have become aristocrats*
>
> *Power and riches have they, and from among them*
> *Are councillors and princes chosen.*
>
> *Egyptian, I advise you, become Jews for the very sky*
> *Has become Jewish!*[35]

---

33   Mez, op.cit., pg. 55.

34   Loc.cit.

35   Op.cit., pg. 58.

Public opinion and emotion were thus mobilized and before long mob violence broke out resulting in the destruction of many churches and synagogues.

Much more significant in this connection however was the attitude of the Fatimid Caliph at the time, al-Hakim bi-Amrillah. An eccentric and cruel man by temperament, al-Hakim earned for himself the dubious distinction of having been described as the Nero of Islam. As if driven by a mysterious and deep rooted sense of guilt for the excessively liberal policies of his father, al-Hakim devised a series of peculiar measures whereby Jews and Christians were molested and humiliated while Muslims (especially women) were at the same time greatly discomforted by his arbitrary and senseless actions.[36] At the same time, however, al-Hakim continued the old policy of appointing *Dhimmis* to high offices of state.[37]

More balanced policies were followed by the Ayyubids, especially Salahuddin. Among his closest physicians and counsellors incidentally was the most distinguished Jewish philosopher in the middle ages, namely Maimonides whose family, it will be remembered, had left al-Andalus after the Muwahhidun invasion of 1140 but, significantly, sought refuge in other Muslim states.

Salahuddin and the Ayyubis have of course been immortalized in the annals and folklore of both Islam and Christian Europe owing to the decisive roles they played in beating back the Crusaders and restoring Jerusalem and other territories which had been occupied by the Crusaders to *Dar al-Islam*.

In this connection the fact should be borne in mind that the Crusades had a decidedly negative effect on the position of the *Dhimmis* in general

---

36　J.J Saunders, A History of Medieval Islam, London, 1993, pp. 137 – 138. See also Fatimides and al-Hakim bi-Amr Allah in the Encyclopaedia of Islam. In Aziz Atiya's words; "The glory of the Copts under Fatimid rule was darkened by one of the most senseless persecutions in medieval times by the Caliph al-Hakim, presumable a schizophrenic maniac who set himself to the blood thirsty torture and killing of Christians, Jews and Muslims in turn", op.cit., pg. 89.

37　Mez, pg. 56 and Lev, pg. 190.

and the Christians in particular. This was because several Christian communities in countries such as Syria and Egypt identified with the Crusaders and had to pay the price after the Crusaders had been defeated.[38] The Jews, of course had no liking for the Crusades but they were sometimes caught in the backlash. Non-Muslims in general were then seen as unreliable.[39]

The doubt about the loyalty of non-Muslims which were thus sown were deepened further by the Mongol occuption of the heartlands of *Dar al-Islam* including Baghdad from 1258 ownwards. They found that the Jews and the Christians could serve as useful instruments for carrying out their policies in the occupied territories of *Dar al-Islam*. In due course however, as is well known, the Mongols were won over to Islam and became dedicated defenders of the faith. Jews and Christians had, once again, to pay for their collaboration with the pagan invaders.[40]

Considered against this background, the efforts which were subsequently made by the Ottoman Turks in order to revive and restore the tolerant and traditionally amicable relations being obtained between Muslims and *Dhimmis* in *Dar al-Islam* deserve particularly warm praise. The *Firman* issued by the Ottoman Sultan Mehmed III in March 1602 is a typically clear statement of the obligation of traditional Muslim states towards *Dhimmis*. It runs thus;

> *"Since, in accordance with what Almighty God the Lord of the Universe commanded in His manifest Book concerning the communities of the Jews and Christians who are people of the Dhimma, their protection and preservation and the safeguarding of their lives and possessions are a perpetual and collective duty of the generality of Muslims and a necessary obligation incumbent on all the sovereigns of Islam and honourable rulers. Therefore it is necessary and important that my exalted and religiously inspired*

---

38   Lewis, op.cit., pg. 54

39   *Ibid.,*

40   *Ibid.*, pp. 54 - 55

> *concern be directed to ensure that, in accordance with the noble Shariʿah, every one of these communities that pays tax to me should live in tranquillity and peace of mind and go about their business, that no one should prevent them from this, nor anyone cause injury to their persons or their possessions, in violation of the command of God and in contravention of the Holy Law of the Prophet".* [41]

As the Ottoman archives amply testify the Sultans, *qadis* and governors of the Ottoman Empire were indeed true to their words and members of the non-Muslim minorities were able to count on their support whenever any of the rights guaranteed to them by the *Shariʿah* and the state were threatened or breached. [42]

By the end of the seventeenth century and the beginning of the eighteenth, however, the Ottoman Empire was already in decline. In the course of the nineteenth century it was progressively eroded by the rising tide of the new doctrines of nationalism and national self-determination.

---

41 Quoted in Lewis, op.cit, pp. 43 – 44. It is important to remember however, that the position of the Jews in the Ottoman Empire had actually been transformed generations before the time of Mehmed III. For, as Parkes has put it, Turkey, since the conquest of Constantinople in 1453, had welcomed the Jews "and changed the Balkan Peninsula from a prison, as it was under the Byzantine emperors, into a haven of refuge". To illustrate his point, Parkes then goes on to quote from the English edition of Graetz's History of the Jews, Vol IV, pg. 293 - a letter which was written in 1454, ie one year after the conquest of Constantinople by Sultan Muhammad al-Fatih, by a Jewish person named. Isaac Zarfati, to the Jewish congregations of Syria, the Rhineland, Manrovia and Hungary, inviting them to come to Turkey. " ... I have heard of the afflictions more bitter than death which have befallen our brethren in Germany, of the tyrannical laws, the compulsory baptisms and the banishments which are of daily occurrence. I am told that when they flee from one place a yet harder fate awaits them in another. I hear an insolent people raising its voice in fury against the faithful; I see its hand uplifted to strike them. On all sides I learn of anguish of soul and torment of body; of daily executions levied by merciless extortion. The clergy and the monks, false priests that they are, rise up against the unhappy people of God and say: let us pursue them even unto destruction; let the name of Israel be no more known among men. Brothers and teachers, I, Isaac Zarfati ... proclaim to you that Turkey is a land wherein nothing is lacking. The way to the holy Land lies open to you through Turkey. Is it not better to live under Muslims than under Christians? Here every man may dwell at peace under his own vine and his own fig tree. Parkes then adds, "The results of this letter was a considerable migration of Jews from Central Europe to Turkey". J. Parkes, The Jew and His Neighbour, Constable and Edinburgh University Press, 1938, pp. 13 – 14. See also Stanford J. Shaw, The Jews of the Ottoman Empire, London, 1991.

42 Lewis, pg. 44

Minorities in Contemporary Muslim Societies

By the end of World War I, the tottering Ottoman Empire had disappeared as a result of the combined forces of the fast-spreading doctrines of nationalism and national self-determination on the one hand, and of the policies, on the other, of the Allies (mainly Britain and France) who had emerged victorious from the War and then proceeded to impose their respective imperial hegemonies on the peoples and territories of the last surviving traditional Islamic state or sultanate.

By mid-century, however, Britain and France had in turn fallen victim to the same forces of nationalism which had earlier been important factors in the dissolution of the Austro-Hungarian and Ottoman Empires.

What eventually emerged in the Middle East as elsewhere in the Muslim World was a series of nation-states. And, needless to say, this is the status quo today. We shall now say a few words about it beginning with the basic fact that the logic of nationalism and the nation-state is, in many ways, quite different from that of traditional Islamic states. Insofar as minorities are concerned, two points merit special attention.

First, is the fact that, whereas in traditional Islamic states the basic factor in determining a person's identity, and hence his or her rights and duties was the faith or religion that one espoused, religion, in the usually secular nation state, far from being of such crucial or central importance, is regarded as an essentially or even entirely a personal matter. Rights and duties are, instead, ascribed to individuals in their capacity as citizens of the patria or subjects of the state. And since citizens are regarded as equal in law or principle, their rights and duties are similarly regarded, in principle, as being also identical and undifferentiated.

Considering their incomparable human heritage in the treatment of minorities it is not surprising that modern Muslims, having adopted for better or worse the now universal notions of nationalism and the nation-state, have also and with remarkable ease, adopted the principle of undifferentiated equality in law between citizens in their various countries across the globe. In traditional terminology, it is as if modern

Muslims have thereby bound themselves everywhere in a new *'ahd* or pact with their non-Muslim compatriots and fellow citizens, a pact in which all citizens have the same duties and enjoy the same undifferentiated rights.

As in days gone by, however, modes of behaviour; especially political behaviour which threaten or infringe upon the integrity of the state or the well-being of society as a whole, are resisted and the perpetrators-whether they happen to be Muslims or non-Muslims are not allowed to get away with their crimes. Thus, after the creation of Israel in 1948, tens of thousands of Jews who, centuries earlier, after the Spanish Inquisition and other forms of persecution in Christian Europe, had settled in various Arab countries in both North Africa and West Asia, suddenly found themselves in sympathy with the Zionist state. They chose to quit those countries which had sheltered them for so long but in which they were no longer able to live as loyal citizens.

Similarly, those Maronite Christians who, led by Antoine Lahd in Southern Lebanon, had allied themselves with the Israel against their fellow Arabs and were, as such, instrumental in the horrific massacre of Palestinian refugees in Sabra and Chatila, have now lost their credibility as compatriots and their position, whether in Lebanon or elsewhere in the Arab World, has accordingly become untenable.

Yet another examples is that of the Baha'is of Iran. They have likewise become outlawed in Iran on a account of their association with the Zionist state where their headquarters had been established (in Haifa).

It is important to note however that where religious minorities have kept their side of the pact or *'ahd* and steered clear of treachery, they have continued to enjoy full rights as citizens of various Muslim nation-states. This is true for instance of Egypt, where a policy of positive discrimination has since independence guaranteed the Copts a certain number of ministerial posts. (Incidentally, it was through holding such a post that the former Secretary General of the United Nations, Boutros Boutros Ghali was elevated to his distinguished position at the helm of the world body). And despite the tragic and long drawn out civil war and the constant manipulation thereof on the part of certain powers and

interests, the Sudan, with it expressly declared Islamic orientation, has gone a long was towards power sharing with non-Muslims.

But clearest examples of Muslim nation-states in which religious minorities have been able to wield considerable (some would say preponderant) power and influence are Syria and Iraq. For, as members of the ruling Ba'ath parties in the two countries, Alawis (or Nusairis), Druzes and Christians of various denominations have not only continued to live their normal lives as ordinary citizens but have assumed, and still exercise, political power at the highest levels, including in the case of Syria, that of President and Head of State.

On the whole, therefore, it can be said that by adopting the modern European notions of nationalism and state organization, Muslims today have not mistreated religious minorities living amongst them. On the contrary they have, in general, evolved policies and practices which make them worthy heirs to the distinguished precedents established by traditional Islamic states. In this connection, the words of Edward Said, one of the most perceptive interpreters of the Arab world today and himself a Christian Arab by descent, may be appropriated cited; "Islam is something all Arabs share in, and is an integral part of our identity ... I have never felt myself to be a member of an aggrieved or marginal minority ...".[43] Edward Said then goes on to buttress his argument by quoting other Christians from the contemporary Arab world.

On the other hand (and this our second point) the doctrines of nationalism and national self-determination, both in their original European homelands and as transplants in other parts of the world including the Muslim world where they were mainly adopted on account of their qualities as means of liberation from the yoke of imperialism and foreign domination, have spawned other and far less honourable

---

43   Edwards Said, The Politics of Dispossession, London, 1995, pp. 388 – 389. Commenting on the replacement of the traditional *Millet* system by modern European concepts in such countries as Cyprus and Lebanon however, the late Professor Elie Kedouri said that the changes in question "have led, not to greater welfare and security, but to insecurity and destruction". E. Kedouri "Ethnicity, Majority and Minority, in the Middle East" published in Milton J.Esman and Itimar Rabinovich (eds). Ethnicity, Pluralism and the State in the Middle East, London, 1988, pp. 29 – 31.

offspring. Among the less honourable and less loveable consequences of these celebrated doctrines as Nazism, Fascism and other forms of racism including, in this day and age, the so-called ethnic cleansing whose sheer barbarism has so savagely and tragically been perpetrated in Bosnia by the Bosnian Serbs and their supporters in Serbia and elsewhere.[44]

Similarly, these doctrines have had the effect in the Muslim World of unravelling and undoing much of what had been so carefully and assiduously built in the context of traditional Islamic civilization by way of integrating peoples of different ethnic and cultural origins and backgrounds into a characteristically multi-ethnic and multi-religious world community (*or Ummah*).[45]

Thus the champions of nationalism in various parts of the Muslim world realising that nationalism and ethnicity are closely related, were tempted in many cases, to engage in what might be called ethnic revivalism not infrequently degenerating into excessive ethnic pride, smacking, especially under the impact of European Nazism and Fascism during the thirties, of downright racism. Instead of identifying themselves as Muslims first and foremost and only secondarily as inhabitants of this or that part of *Dar al-Islam,* or as members of such and such ethnic or cultural group in a matter of fact way, priorities were now reversed, so that people tended to re-classify themselves, or otherwise be reclassified by their neighbours, as being, primarily and above all-Turks, Arabs, Kuds, Berbers, Baluchis etc, often with exaggerated pride in ethnic or national origin accompanied with bellicose presumption of superiority towards others. Since a considerable amount of mixing and innumerable cases of inter-ethnic marriages had taken place over the past decades and centuries many people, individuals, families and larger groups, now had to be torn away and arbitrarily removed from those societies in which they had been born and brought up and made to join others to which, according to the new classification, they belonged or had to belong.

---

44   See, for example, Noel Malcolm, Bosnia A Short History, London, 1966, especially Chapter 15 and 16.

45   See W. Montgomery Watt, Islam and the Integration of Society, London 1961. Also, Muddathir Abd. al-Rahim, Islam and Social Integration, *IKIM Journal,* Vol. 4. No. 1, January-June, 1996.

In spite of all such efforts and the consequent human suffering which ensued from them, it has not always been possible to relocate people to newly defined homelands. Some were completely left out because they could not permanently fit in any of the newly created territories. They therefore became and, to this day, continue to be, stateless. This applies not only to the Palestinians who have been driven out of their homes by the Zionist settler colonialists, but also to the *Bedouns* (literally 'without' i.e without nationality or homeland) of Northeast Arabia and the Gulf. Others, such as the Kurds, have been divided between as many as five states in each one of which they constitute a deeply troubled (and, in the eyes of the dominant nationality, a troublesome) minority.[46]

In North Africa, the Arabs and the Berbers (or Amazaiqs as they prefer to be called) had, for centuries been closely integrated in the context of their distinct Moorish ethos of Islamic culture and civilisation. Reacting to the spread of Arab nationalism-particularly in its secular ba'athist form-to North Africa in the course of the last four or five decades on the one hand, and encouraged by strong anti-Arab and anti-Islamic sentiments and interests in France on the other, certain Berber activists in Morocco, and more so in Algeria, developed a distinct nationalism of their own which, in its more extreme forms, has not been content with asserting a Berbar identity independent from that of the Arabs. It has also tended to be positively hostile to Arabism and to Islamic culture and civilization as well.

Meanwhile similar trends had evolved in Iran under the Pahlavis and continued until the Islamic Revolution of 1979. Alongside the dominant Iranian nationalism, nationalist sentiments have also developed among such ethnic minorities in Iran as the Kurds, the Turkomans, the Arab of Khuzistan and the Baluchis.[47] But Iran has continued to survive as a single and united state.

---

46   See, for example, Gerald Challand, ed, A People Without A Country, London, 1993.

47   Cf. Nikki R. Keddie, Iran and the Muslim World, London 1995, especially Chapter 8: "The Minorities Question in Iran".

By contrast, ethnic differences, coupled with geographical distances separating what was known as East Pakistan from the then West Pakistan, resulted (with Indian assistance) in the break-up of an Islamic state into two separate countries. Within the now existing Pakistan, as well as in neighbouring Afghanistan (even after the impressive achievements of the Mujahidin resistance against Soviet hegemonic policies there), tensions and conflicts have continued to characterize relations between various ethnic groups.

The situation in the Muslim-majority states of Southeast Asia was in many respects quite different from the scenario in either Pakistan or Afghanistan but the events which led to the secession of Singapore from Malaysia in the mid-sixties echoed the basic tensions between ethnic majorities and minorities which had existed elsewhere in the newly indpendent Muslim states of Asia, Africa and the Middle East.

The main conclusion to be drawn from these brief observations is that modern-type Muslim nation-states have, on the whole, been more successful in accommodating religious minorities than they have been in dealing with ethnic minorities. And this was in large measure due to the existence of substantial continuities between the traditional and modern values and patterns of behaviour in the case of the former, and the absence of such continuity between traditional and modern set-ups in the case of the latter.

It remains for us to add that in certain cases the gulf between majorities and minorities has been rendered much wider and correspondingly more difficult to bridge as a result, religious and ethnic minorities in question are, at one and the same time, religious and ethnic minorities. The Southern Sudan is perhaps the clearest case in point. And the complexity of the resultant situation there has been rendered even more acute by the continued interference with, and manipulation of, the problem by powerful outside forces and interests. A wide range of power sharing arrangements have, over the years been proposed, all of which, however have been rejected. Secession and the break up of the country's unity though it is obviously fraught with dangers for the Southern Sudanese themselves as well as for the neighbouring Arab and African

countries-seems to be the only solution favoured by those who pay the piper and are therefore able to call the tune.

The role of third parties not only in obstructing genuine efforts for the peaceful settlement of the prolonged and destructive conflict in the Southern Sudan, but also in destabilizing the country and indeed the continent, as a whole has been clearly felt for well over thirty years. Thus, on 3rd March 1965, Mr. Felix K. Onama, the Minister of Internal Affairs in Uganda, told the Ugandan Parliament that here was "positive action from certain nations to frustrate, not only the genuine desire of the Government of the Republic of the Sudan, but also to frustrate Uganda, in its attemps to bring the two factions in the Republic of the Sudan together... This is an example of the encouragement of external agents to disrupt the peace of Africa".[48]

More recently, a Cornell University's Professor of Government made the same point more explicitly and at a higher level of generalizaton. "Inherent in ethnic conflict", he said; "Is the propensity to attract and involve external actors and foreign interventions. External parties may choose to intervene for purely strategic reasons. For example, the Israelis assists the Southern Sudanese against a common enemy, the Arab-Muslim regime in Khartoum, and India help the ethnic Bengali revolt in order to dismember their common enemy, Pakistan. Sometimes the participants actively invite sympathetic external intervention in the form of material or diplomatic supports to strengthen their competitive position. "External intervention", he concludes; "has become a common reality in inter-ethnic conflict, much of it mischievous, cynical and purely self-interested".[49]

Since the strategic considerations in questions have thus been correctly highlighted, the discovery and development of oil in various parts of the Sudan, and especially in the southern region of the country,

---

48 Quoted in Mudathir Abd. al-Rahim, Imperialism and Nationalism in The Sudan, Oxford, 1969, pg. 8, footnote 1. Two years earlier, The Economist and The Sunday Telegraph made the same point (23 and 10 November 1963 respectively). *Ibid.*

49 Milton J.Esman, "Political and Psychological Factors in Ethnic Conflict" in Joseph V. Montville, ed, Conflict and Peacemaking in Multiethnic Societies, Lexington and Toronto, 1990, pg. 62

has further whetted the appetite of those who, for their own reasons; whether strategic or economic, would like to see the integrity of the country compromised and its unity brought to an end.

The evolving situation in the Caucusses and Central Asia since the events of September 11 is in many ways comparable to what is now going on in the Sudan and elsewhere in Africa and the Middle East.

By contrast, those Muslim-majority states which have been fortunate enough to escape the disruptive interference of hostile external forces have been able to resume building on the traditionally pluralistic foundations of classical Islamic civilization: a civilization in which to paraphrase Adam Mez's classic words, Muslims and non-Muslims lived side by side and in an atmosphere, not just of tolerance, but of positive acceptance rooted in faith. Malaysia is probably the most outstanding example of the continued flowering of this brilliant tradition in modern times.

The people of Malaysia have many achievements, administrative, economic and technological, of which they may justifiably be proud of and for which they should certainly be grateful. Their collective achievement in building and maintaining a remarkably peaceful and harmonious multi-ethnic, multi-religious and multi-cultural society is a particularly impressive achievement of which they may indeed be proud of and for which they may truly be grateful.

References

1. Edward Said, The Politics of Dispossession, London, 1995.

2. 'Abd al-Karim Zaydan, *Ahkam al-Dhimmiyyin wa'l Must'aminin fi Dar al-Islamy*, Damascus, 1963.

3. Adam Mez, The Renaissance of Islam, Delhi, 1979, reprint.

4. Ali al-Khafif, *Ahkam al-Muᶜamalat al-Shariyya*, Cairo, 1947.

5. al-Imam al-Sarakhsy, *al-Mabsut*, Cairo, 1324 AH.

6. al-Qadi Abu Yusuf, *Kitab al-Kharaj*, Beirut, n.d., al-Shaibany, *Sharh Kitab al-Siyar al-Kabir*, Cairo, 1971.

7. Aziz S. Atiya, A History of Eastern Christianity, New York, 1991.

8. Benard Lazare, Anti-Semitism, London 1967.

9. Benard Lewis, The Jews of Islam, Princeton, New Jersey, 1984.

10. Count Leon Ostrorog, The Angora Reform, University of London Press, 1927.

11. E. Kedouri "Ethnicity, Majority and Minority, in the Middle East" in Milton J.Esman and Itimar Rabinovich (eds). Ethnicity, Pluralism and the State in the Middle East, London, 1988.

12. Encyclopedia of Islam '*Ahl al-Kitab*' New Edition. Vol. II, reprints.

13. Encyclopedia of Islam, *Dhimma'*, New Edition. Vol. II, Leiden, 1983 and 1986, reprints.

14. Gerald Challand, ed, A People Without A Country, London, 1993.

15. J. Parkes, The Jew and His Neighbour, Constable and Edinburgh University Press, 1938.

16. J.J Saunders, A History of Medieval Islam, London, 1993.

17. James Parkes, The Conflict of Church and the Synogogue - A Study in the origins of Anti-Semitism, Philadelphia, 1961.

18. Joel L.Kramer, Humanism in the Renaissance of Islam, Leiden, 1992.

19. Martin Lings, Muhammad - His life Based on The Earliest Sources, London, revised edition, 1991.

20. Milton J.Esman, "Political and Psychological Factors in Ethnic Conflict" in Joseph V Montville, ed, Conflict and Peacemaking in Multiethnic Societies, Lexington and Toronto, 1990.

21. Mudathir 'Abd. Al-Rahim: *"Muslim Minorities in Western Societies: The Medieval Scene"*, published in Al-Shajarah (ISTAC), Vol. 6, No. 1, 2001.

22. _____, Imperialism and Nationalism in The Sudan, Oxford, 1969.

   _____, Islam and Social Integration, *IKIM Journal*, 1996.

   _____, Islam and Social Integration, *IKIM Journal*, Vol. 4. No.1, January-June, 1996.

23. Muhammad Hamidullah , *"The First Written Constitution in the World*, Lahore, 1981, reprint.

   _____, Majmu'at al-Waltha'iq al-Siyasiyya, Cairo, 1941,

   _____, Muslim Conduct of State, Lahore, 1945

24. Muhammad Husayn Haykal's Hayat Muhammad, translated by the Late Professor Ismail al-Faruqi, *"The Life of Muhammad"*, Delhi, 1976.

25. Najib al-Armanazi, *al-Shar'a al-Dawly fil Islam*, Damascus, 1329 AH.

26. Nikki R. Keddie, Iran and the Muslim World, London 1995.

27. Noel Malcolm, Bosnia A Short History, London, 1966.

28. Norman A. Stillman, Jews and the Muslim conquerors of Spain in, The Jews of Arab Lands, a History and Source Book, Philadelphia, 1979.

29. Raymonds P.Scheindlin, The Jews in Muslim Spain in Salma Khadra Jayyusi (ed), The Legacy of Muslim Spain, Leiden, 1992.

30. Salo Baron, A Social and Religious History of the Jews, Columbia, 1957, Vol III.

31. Stanford J. Shaw, The Jews of the Ottoman Empire, London, 1991.

32. W. Montgomery Watt, Islam and the Integration of Society, London 1961.