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The Rights of Dhimmis in Islam

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Abstract:

This research is concerned with the definition of Dhimmis, their rights, how Islam deals with them, and how does it contribute to protect rights of minorities in all spheres of life.

The research includes the definitions of Dhimmis under Islamic rule and their rights, guaranteed by the Holy Quran.

Keywords: Dhimmis, Jizyah¹, protection, freedom of religion, Rights of Dhimmis, Zakat

1. Dhimmis in Terms of Language

It has been mentioned in linguistics in several meanings¹:

- The covenant and the contract, and that's the reason for them to be called "contract or covenant people".
- Guaranty, as Ali -peace be upon him- said, I hardly commit my word, and I guarantee him.
- Security, this is the reason for the one who make the covenant to be called Dhimmi, because he has been given the protection for his money, religion, and honor.
- Right and sanctity: it's said that someone has Dhimma; this refers to the right, that this person owns a right from the other.

1.1. Dhimmis in Terms of Meaning

Jurists have defined Dhimma with different notions, but all of them can be included in the following definition. "A permanent peace treaty with non-Muslims to settle in Islamic region under the rule of Islam, paying Jizyah, and have a Perpetual Dhimma on their lives, honor, and money by Muslims². Since Dhimma is considered as an insurance contract unconditioned with a specific time, as long as Jizyah is paid. Alqrafi have said: whoever assaulted them, even if it's a stupid word in their honor, any kind of harm, or being a help for such behaviors, has lost Allah's Dhimma, prophet's and Islam³. Furthermore, Dhimmis are also called saved people, because they became protected perpetually⁴ by the nation of Prophet Mohammed -peace and blessings are upon him-, there are many things that ensures the above statement such as, what was included in the contact between Khalifa Abu Baker and people of Najran, the testament of Khalifa Omar Bin Alkhattab to the chosen after him to rule, and the way Muslims treated Dhimmis during the period of Rashidun Caliphate and other periods⁵.

Some non-Muslim historians have tried to provide a definition of Dhimmis with motivation of ignorance and a state of anger. "libston" has defined Dhimma as protection in terms of inequality, since Jewish and a Christians must accept that Islam is the controller upon both of them and must obey of whatever they are asked, also to agree on discrimination, and finally they have to pay Jizyah to protect their properties; so they can practice their customs⁶.

1.2. What does Islam think about Dhimmis?

Islam has always coexisted with whoever lived under its rule and made an ideal relation between Muslims and people of other religion, especially people of the book⁷. As well as, Islam has carried values of justice and well treatment for Dhimmis even to wives from them. On other hand, Islam has prevent injustice and ordered to fund whose became old, moreover, according to what's said about Jizyah, it's a simple amount of money and can never be compared to Zakat imposed on Muslims, it has been imposed on Dhimmis to protect them and to keep them safe, and in case Muslims have failed to protect them, they returns their money. History attests to this.

¹Moheb Aldeen Mortada Alzoubaidy: the book named "Taj Al'arous min jwahr Alqamous" chapter (8) Dar Libya, Benghazi, Page 301, Jamal Aldeen Mohammed Ibin Mandour: Lisan Alarab, chapter (15), Dar Al'elm, 1980, pp. 111-111.

²Ali bin Abdul Rahman Al Tayyar: The Rights of Non-Muslims in the Islamic State 1, 1425 AH / 2004. P.20

³Shihab Aldeen Alqrafi. "Alfurouq" chapter 3. Beirut. World of Books.

⁴Wahba al-Zuhaili, Islam and non-Muslims, Dar al-Kutbi, Damascus, Syria first flour, 1418 AH / 1998 pp. 60-61

⁵Saleh Hussein Al-Abed. The Rights of Non-Muslims in the Land of Islam, fourth floor, 1429 AH / 2008. P. 10

⁶Nehemiah Leptzion, Jews and Christians under the Rule of Islam, Hebrew translation Harun Amir, Jerusalem, p. 399

⁷The people of the Scriptures; Those who believe in the "Torah" or the "Gospel"

In addition, the notion of Dhimmis can possible the meaning of non-Muslims who refused to follow Islam, but they wanted to stay under the rule of Islam and to enjoy Muslim's protection of their religion, blood, money and honor, whether they are part of countries that became under the rule of Islam or non-Muslims who came for this protection on the base of having a contract between them and the state of Islam known as "contract of Dhimma"⁸ this contract includes rights and duties imposed on both parties, must be fulfilled. There are some categories that are valid for "contract of Dhimma"; people of the book, Jewish and Christian, there also Magi⁹. It has been agreed upon this.

As for those who worshiped idols, scholars have argued concerning them. Is it permissible for them to hold Dhimma or do they have only Islam or war? A group of scholars is likely to enter Dhimma¹⁰.

The presence of Dhimmis in the state of Islam is based on a contract between Dhimmis who may be recognizable in the Muslim countries and the Islamic state, according to which Dhimmis shall pay. They also abide by the provisions of Islam that differs from their own beliefs and worship, in addition to that, they do not refrain from doing so, and in return they have safety and protection.

It has reached the attention of Muslims to the fulfillment of what they have contracted with religious minorities in their country that the Prophet Mohammed ordered Muslims to treat them good treatment, he said: "Whoever killed a soul of a covenant do not even dream of smelling Paradise and that anyone will deserve it against the good work of forty years. Al-Bukhari¹¹ has added in his book, saying: it's a great sin whoever kills a covenant. Ibn Hajar¹² said in his commentary: "It is the intention of the one who has a covenant with the Muslims, whether it is a contract of Jizyah or a truce from authority or security from a Muslim".

Accordingly, Dhimmis had many rights that were settled by Islamic law. They enjoyed within the Muslim community many rights guaranteed by the Holy Quran and the Sunnah, namely:

2. Rights of Religion and Ideology

One of the most important characteristics of Islam (freedom of belief and religion) for non-Muslims, whether they are from people of the book or not, Since It is not valid to force anyone to enter Islam, even if the forcing is a father who wanted his children to be Muslims, or a son who has no doubt of his father's sympathy¹³. It's not over yet, Islam has allowed them to practice religious rites and preserve their places of worship.

3. Right to Protection against Abuse

Islamic law has ranked the protection of human's life at the top of priorities even non-Muslims. This protection includes protecting them from Muslims themselves, due to according to Dhimma contract they have the same rights of Muslims as well as duties, and moreover it includes the protection of any external aggression, so that they be blessed with security and stability. The guardian has the legitimate and military authorities of his power to provide them with such protection; since the Jizyah is being paid in return of protection and defense, and their duty to bear arms is not an option anymore¹⁴.

4. Protection of Blood, Money and Honor

This right for Dhimmis includes protection of blood, money and honor as well as their wives and families, since these things are prohibited as mentioned in Holy Quran, Sunnah and scholars agreement. According to protection of money, Muslims were asked to protect their money even if it's illegally gained; such as alcohol and pork, these two items are forbidden as Islam orders, while these things is considered type of money according to Dhimmis, therefor, whoever spoiled such things must pay as compensation¹⁵

5. Right to Work and Ownership

Dhimmis had the freedom of work and gaining money by contracting with other or being entrepreneurs of whatever they want, or any type of economic activity. Like others living in the Islamic state¹⁶.

6. Safety

This means that the sanctity of the home, freedom of movement, and freedom of thought, since Non-Muslims can live anywhere without Makka and Hejaz, and the sanctity of their homes means that their homes are not allowed to be entered without their permission. As for freedom of ideology, Dhimmis have the right to express their opinion in writing and speech. They also have the right of education and establishing their own schools. Furthermore, they're allowed to meet on their occasions, provided they do not violate Muslims in their public policies and not be faced with a religious abuse, which hurts Muslims' feelings¹⁷.

⁸See Kuwait Juridical Encyclopedia, Kuwaiti Ministry of Awqaf, d. T, C 7, pp. 121-122

⁹ denotes followers of Zoroastrianism or Zoroaster

¹⁰ See Ibn al-Qayyim al-Jawzi, The Rulings of Ahl al-Dhimma, by Yusuf Ahmad al-Bakri, chapter 1, Dar al-Ilm for millions, Beirut, 1997, pp. 87-90.

¹¹ Narrated by al-Bukhari, Book of Diaries No. 6403

¹² Ibn Hajar al-Askalani, Fath al-Bari, Chapter 12, Investigation: Moheb alddin Khatib, Cairo, Dar Al Rayyan. 1407 e. P. 259

¹³ Saleh Al-Abed: The Rights of Non-Muslims in the Land of Islam, p.25

¹⁴ Al-Qarafi: Alforouk, chapter 3, p.14. Mustafa Al-Rafi: Islam is a Human System, Alhayah Library, Beirut Lebanon, second floor, p.23

¹⁵ Yusuf Al-Qaradawi: Non-Muslims in the Muslim Community, fourth floor, Al-Resalah company 1405 AH / 1985. P.12.15

¹⁶ Saleh Al-Abed: The Rights of Non-Muslims in the state of Islam, p. 18.

¹⁷ Shaukat Alyan: The Rights of Non-Muslims in Muslim Society, p. 108-109.

7. Human Dignity

Allah has honored mankind no matter was he Muslim or disbeliever. Allah says "And we have certainly honored the children of Adam". [Al-Esraa':70] Allah also says "and we have made you into nations and tribes, so that you might come to know one another. [16] Verily, the noblest of you in the sight of God is the one who is most deeply conscious of Him. Behold, God is all-knowing, all-aware." [Al-Hujurat.13]. in terms of preserving dignity of non-Muslims they have the right of respect their feelings and arguing them respectfully. "And argue not with the people of the Scripture; (Jews and Christians)" [AL 'Ankabut. 46]. As well as, not to underestimate their beliefs, and insulting their gods if they were idolaters, according to the fact that respecting human's feeling towards the things he sanctifies is a respect for his dignity¹⁸.

What is should be mentioned is that people have felt their dignity and humanity under the rule of Islam, even a slap from someone to another with no right to do so, would be punished for that, due to people's faith that their rights will never lost and someone's complain will get a notable response¹⁹.

8. Right of Justice

Allah commanded us to be fair and practice justice with everyone. Allah says "O ye who believe! stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety: and fear Allah, for Allah is well-acquainted with all that ye do." And finally Islamic care toward non-Muslims has extended to the justice of judging, if they facing

9. Right of Well Treatment

Holy Quran has called for good treatment of non-Muslims. Allah says "Call unto the way of thy Lord with wisdom and fair exhortation, and reason with them in the better way." [An-Nahl.125]. In Sunnah also has been a call for good treatment of non-Muslims. It happens that a group of Christians came to Prophet Mohammed -peace and blessings are upon him- he welcomed them in the masjid and served them generously by himself²⁰.

The treatment of non-Muslims in the Islamic society has turned into practical behavior in the life of Prophet Mohammed and his companions after him, in selling and buying; neighborhood, patient's visiting, and charity for the poor, there are many events and situations that history witnessed that stresses Muslim's ideology, kindness, good treatment, and welcoming to other religious communities, even disbelievers who didn't fought with Muslims. Allah says "Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes - from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly."

The research can be summed up by saying:

The historical legal characterization of existence people of the Book in the state of Islam is being part of Dhimma contract; which means they are protected by Muslims in terms of all means; by virtue of this contract they are exempted of military service. At a time when Muslims pay zakat, Dhimmis pay Jizyah, and in terms of civil rights, the people of the book enjoy the rulings of the Islamic rule on Muslims and others. Prophet Mohammed says "they have the rights that we have as well as duties²¹".

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¹⁸ Saleh Al-Abed: The Rights of Non-Muslims in the state of Islam, pp. 18-21.

¹⁹ Yusuf Al-Qaradawi: Non-Muslims in the Muslim Community. 30 -31

²⁰ Khadija Al-Nabarawi: Encyclopedia of Human Rights, pp. 589-590.

²¹ Abd al-Karim Zaidan, The Rulings of Dhimmis. Dar al-Islam, Dar Baghdad, 1976, p. 70, 78, 81. And beyond.