

THE RIGHTS OF NON-MUSLIMS IN ISLAM (PART 13 OF 13): PROTECTION FROM FOREIGN AGGRESSION

Rating: 5.0

Description: The right of non-Muslims to be protected against outside aggression in return for paying *jizya*.

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Published on: 09 Oct 2006

Last modified on: 24 Jun 2019

Non-Muslim citizens have a similar right to be protected from external enemies just as a Muslim fellow citizen does. The payment of *jizya* ensures protection against outside aggression, defense against enemies, and ransom to be paid on their behalf if they are taken captive by an enemy.^[1]

Writing a few centuries ago, Ibn Hazm, a classical scholar of Islam, said:

'If we are attacked by an enemy nation who is targeting the People of the Covenant living among us, it is our duty to come fully armed and ready to die in battle for them, to protect those people who are protected by the covenant of God and His Messenger. Doing any less and surrendering them will be blameworthy neglect of a sacred promise.'

^[2]

History has recorded many examples of Muslims fulfilling their sacred promise towards the *dhimmi*s. The companion of Prophet Muhammad, Abu Ubayda al-Jarrah, was the leader of the army that conquered Syria. He made agreement with its people to pay the *jizya*.

Realizing the faithful loyalty of the Muslims, the Syrian people of the covenant resisted Muslim enemies and aided the Muslims against them. The residents of each town would send some of their people to spy against the Byzantines, who conveyed the news of the gathering of Byzantine army to Abu Ubayda's commanders. Finally, when the Muslims feared they would not be able to guarantee their protection, Abu Ubayda wrote to his commanders to return all the money they had collected as *jizya* with the following message for the Syrians:

'We are returning your money to you because news has reached us of the awaiting armies. The condition of our agreement is that we protect you, and we are unable to do so, therefore, we are returning what we have taken from you. If God grants us victory, we will stand by our agreement.'

When his commanders returned the money and conveyed his message, the Syrian response was:

'May God bring you back safely to us. May He grant you victory. If the Byzantines had been in your place, they would not have returned anything, they would have taken everything we own and left us with nothing.'

The Muslims were victorious in the battle. When people of other towns saw how their allies were defeated, they sought to negotiate a truce with the Muslims. Abu Ubayda entered into a truce with all of them with all the rights he had extended in the first treaties. They also requested that the Byzantines hiding among them be given safe passage back home, with their families and possessions, without any harm, which Abu Ubayda agreed to.

Then the Syrians sent the *jizya* and opened their cities to welcome Muslims. On the way back home, Abu Ubayda was met by the representatives of townspeople and villagers requesting him to extend the treaty to them as well, to which he happily complied.^[3]

Another example of Muslims' defending the non-Muslim citizens can be seen in the actions of Ibn Taimiyya. He went to the Tartar leader after they had sacked Syria for release of their captives. The Tartar leader agreed to release the Muslim prisoners, but Ibn Taimiyya protested:

'We will only be satisfied if all the Jewish and Christian prisoners are released as well. They are people of the covenant. We do not abandon a prisoner whether from our own people or from those under a covenant.'

He persisted until the Tartars released all of them.^[4]

Furthermore, Muslim jurists have stated that protecting non-Muslims from external aggression is a duty just as their protection from internal harassment. Al-Mawardi stated:

'The payment of the *jizya* entitles the people of the covenant to two rights. First, that they be left undisturbed. Second, that they be guarded and protected. In this way, they can be secure in society and protected from outside threats.'^[5]

Islam considers abandoning the protection of its non-Muslim citizens a form of wrongdoing and oppression that is forbidden. God says:

"...And whoever commits injustice among you — We will make him taste a great punishment." (Quran 25:19)

Therefore, harming or oppressing people of the covenant is considered a serious sin. Upholding treaties with them is an obligation on the Muslim Caliph and his

representatives. The Prophet promised to argue on the Day of Judgment on behalf of the *dhimmi* against someone who harms him:

"Beware! Whoever is cruel and hard on a non-Muslim minority, curtails their rights, burdens them with more than they can bear, or takes anything from them against their free will; I (Prophet Muhammad) will complain against the person on the Day of Judgment." (Abu Dawood)

All evidence in Islamic Law points towards protecting the people of the covenant. Al-Qarafi, another classical Muslim scholar, wrote:

'The covenant is a contract that has conditions that are compulsory for us, for they are under our protection as neighbors, and the covenant of God and His Messenger, and the religion of Islam. If someone harms them with inappropriate speech, defamation, any type of harassment, or is an accomplice to such actions, then he has made light of the covenant of God, His Messenger, and Islam.'^[6]

Umar, the second Caliph of Islam, would inquire from the visitors coming to meet him from other provinces about the situation of the people of the covenant and would say, 'We may know that the treaty is still being upheld.'^[7] On his deathbed, Umar is reported to have said, 'Command whoever becomes Caliph after me to treat well the people of the covenant, to uphold the treaty, to fight whoever wants to harm them, and not to overwhelm them with burden.'^[8]

The writings of Muslim scholars and the actions of many Muslim rulers demonstrate the Islamic commitment from the earliest times to this right of non-Muslims.

Footnotes:

[1]

Some parts of this article are taken from the books: '*Ghayr al-Muslimeen fil-Mujtama' al-Islami*,' by Yusuf Qaradawi and '*Huquq Ghayr is-Muslimeen fid-Dawla al-Islamiyya*,' by Fahd Muhammad Ali Masud.

[2]

Qarafi, '*al-Furuq*,' vol 3, p. 14

[3]

Abu Yusuf, '*Kitab al-Kharaj*,' p. 149-151

[4]

Qaradawi, Yusuf, '*Ghayr al-Muslimeen fil-Mujtama' al-Islami*,' p. 10

[5]

Mawardi, '*al-Ahkam al-Sultaniyya*,' p. 143

[6] Qarafi, *'al-Furuq,*' vol 3, p. 14

[7] Tabari, *Tarirk al-Tabari,* vol 4, p. 218

[8] Abu Yusuf, *Kitab al-Kharaj,* p. 1136

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