

# **The Legal Status of Non-Muslims in Islamic State: An Assessment from Islamic Thought<sup>1</sup>**

**By**

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## **Abstract**

The misunderstanding and prejudice among some modern and contemporary researchers about the legal status of non-Muslims in Islamic states led them to imagine that Islam did not give legal rights to non-Muslims in Islamic state. However, with a careful assessment of the scriptures of the Qur'an and especially the constitution of Madinah by the Prophet Muhammad (SAW), including the opinions of Muslim scholars, it appears that non-Muslims including Christians or Magians were been given their legitimate rights, freedom of religion, culture, life, property, movement in addition to education without hindrance, even their civil cases were also decided with reference to their own personal law. The goal of this paper therefore is an attempt to explain conceptual definition of the term human rights in Islam. It furthermore discusses the basis of human rights and dignity from Islamic thought. It then assesses the status of non-Muslim in Islamic state in the light of the constitution of Madinah. The paper underlines some strategies which are significant for peaceful co-existence among Muslims and Christians in our contemporary Muslim society. The paper ends with conclusion. In writing this paper the researcher adopts critical analytical method.

## **Introduction**

In Islamic thought, Islam can not only be described as a complete code of life of mankind, but it is a religion that has its own system for organizing worldly affairs and spiritual matters which creates peaceful co-existence among Muslims and non-Muslims in Islamic State. The human right issues in Islamic thought is fundamentally based on justice, respect and dignity of human being regardless of colour, racial and class which people belonged to, these are clearly been emphasized in the Qur'an and Sunnah. Besides, through the Qur'an, the constitution of Madinah was penned to consolidate among the citizens' peaceful-coexistence and cooperation – despite their differences in cultures and religions. This research therefore is about the legal status of non-Muslims in Islamic state; an assessment from Islamic thought. It discusses the major contribution of Islam in creating dialogue and harmony between Muslims and non-Muslims. In analyzing the segments of the paper through critical analytical method the researcher provides some suggestions which will be relevant to our contemporary situation today.

## **Conceptual Clarification of the Terms**

It is vital to make some conceptual clarifications on the key terms in this paper. First of all, the term legal status of a person denotes his legal position or condition in society which allows him or her to enjoy his or her basic rights and duties. The person has to be treated fairly and not in a cruel way, especially by their government.<sup>3</sup> But who are the non Muslims in an Islamic state?

**Non-Muslims:** Are the persons who are not Muslims and who live in an Islamic state and enjoy all their human rights which are codified in Islamic law, they are called *Ahl al-Dhimmah* or *Dhimmis*, (the covenanted) people. The *Dhimmis* that are living in Islamic state are granted the

protection of their life, property and honour similar to Muslims. The term *Dhimmah* literally means pledge (*al-Ahd*), guarantee (*al-Daman*) safety (*al-Aman*).<sup>4</sup>

The non-Muslims are called *Dhimmi*s because they are under the pledge of Allah, the pledge of the Messenger of Allah and the pledge of the Muslim community so that they can live under the protection of Islam. In other words, they are under the protection of Muslims and the guarantee of their human rights. The pledge of security and guarantee given to the non-Muslim is like the political nationality given in the modern times on the basis of which people acquire all their responsibilities.<sup>5</sup> The *Dhimmi*s from this point of view are “the people of the abode of Islam (*ahlDar al-Islam*)<sup>6</sup> and they are the possessors of Islamic nationality<sup>7</sup>.

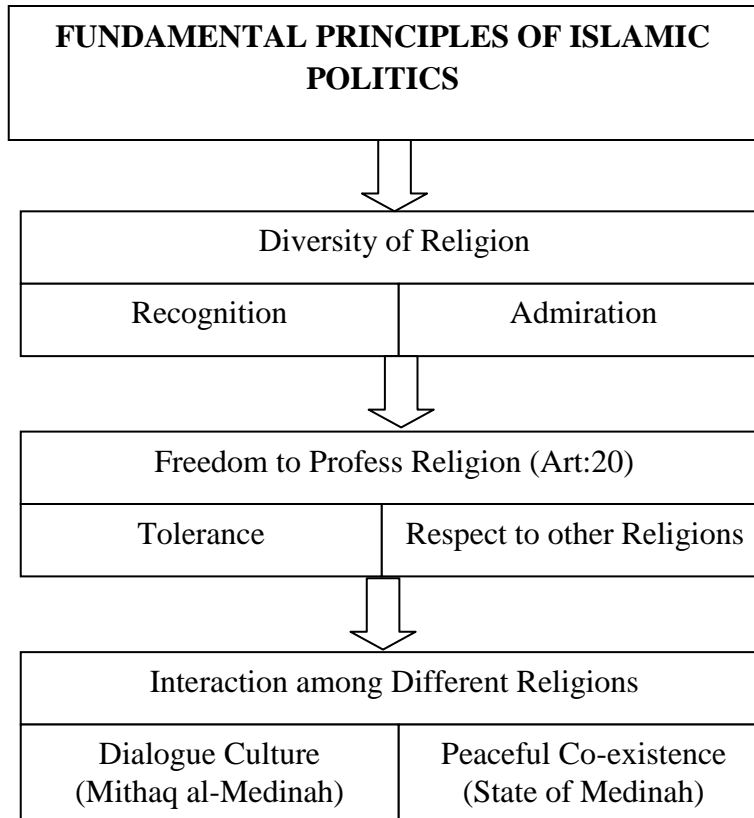
**Islamic State:**An Islamic state (*dawlah islamiyyah*) is a type of government primarily based on the application of Islamic law dispensation of justice, maintenance of law and order.<sup>8</sup>It means, it is a khalipha ruling by what Allah has revealed and carrying Islam as a message to the entire world. Allah has ordered that Islamic state should be the method to implement the shariah rules and carry Islam by way of Daawah and sincerity as a message of guidance and light to the whole world.<sup>9</sup>

### **The Concept of Human Rights in Islamic Thoughts**

The concept of “*Al-Haqq*”, the right is an important term in Islamic thought because it is among the beautiful names of Allah (*Asmaulahi al-husna*)<sup>10</sup> In Islam, *Huquuq al-Insaan* (human rights) denote the rights which have been granted by Allah alone to mankind, thus, nobody and non authority have right to abrogate or withdraw them therefore, the concept of human rights in Islamic thought is fundamentally based on the values of dignity, respect and freedom and with consciousness. Besides, if a person can study, compare and contrast the universal declaration of

human rights to the human rights in Islamic thought, a person can clearly understand that there is some significant moral ground that was achieved by Islam before the universal declaration of human rights.<sup>11</sup> On the other hand, Islamic law which is legal and moral code of Islam, does not restrict itself to providing rights to Muslims only, but also the general principles of Islam, is that non Muslims also have the same rights and duties as Muslims in Islamic state.<sup>12</sup> Thus, the principles of humanism “*insaniyyah*” (brotherhood) *musawaat*(equality), *Adl*(justice) and *Huriyyah*(freedom) of action were made to play an active part in this political unit.<sup>13</sup> So, the principle which provides an axiological basis for human rights in Islam, is the value of equity and *adl* or *justice*. It begins from the point that a human being must act with justice, towards others and cause no harm or danger to his or her own self. It also requires the observance of justice towards parents, spouses, children, servants, neighbor, in strangers who may be in need of assistance. In addition to this, Allah asks Muslims to apply justice among Muslims and non-Muslims in Islamic state in this context Allah says “O you who believe, stand fast witnesses for Allah in equity and let not hatred of any people deviate you from justice that you deal not justly. Deal justly that is near to your duty (*taqwa*). Observe your duty to Allah. “Allah is informed what you do”.<sup>14</sup>

According to the above verse, justice is a backbone of human rights practices among Muslims and non Muslims in Islamic state. Surely, the benefits of justice are for individuals and all members in society regardless of cultures, colour denomination or economic and political status.



Source: Naseem Razi IJSBAR (2015)

Theologically, Allah does not litigate and is free from any need. Muslim jurists used *Huquq Allah* to refer to the well being of society that the Imam or Ruler must uphold in the sight of his emporium over society. In the light of this juristic usage, the phrase “right of Allah” is used here as a term to represent the social good that must be effected by the Imam or leader.<sup>15</sup>

### **Legal Status of Non-Muslims in Islamic State**

The basic foundation of legal status of non-Muslims in Islamic statue referred to the Qur’an where 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 dealing kindly and justly with them. Indeed, Allah loves those who act justly. Allah only forbids you from those who fight you because of religion

and expel you from your homes and aid in your expulsion (forbids) that you make allies of them. And whoever makes allies of them, then it is those who are wrongdoers”<sup>16</sup>

In the above verses legal status of non-Muslims in Islam, has been well explained in the Qur’an. Al-Iman Al-Qarafi, the classical Muslim theologians underlined the best way to deal with non Muslims in Islamic state. It is all about a kind of gentleness toward the weak, providing clothing to cover them, and soft speech which must be done with affection and mercy, not by intimidation or degradation.

Furthermore, tolerating the fact that they may be bothersome neighbors whom you could force to move, but you do not out of kindness towards them, not out of fear or financial reason. Also, praying they receive guidance and (thus) join the ranks of the blessed with external reward, advising them in all worldly and spiritual matters, protecting their reputation if they are exposed to slander, and defending their property, families, rights and concerns. Assisting them against oppression and getting them their rights.”<sup>17</sup>

Allah’s instructions and advice that were given to Muslims to be kind to non-Muslims in Islamic state were towards clear and were not just verses to be recited, but “divine will to be acted upon”.

The Prophet (SAW) himself was the first person to put Allah’s instruction about non-Muslims in practice.<sup>18</sup> Followed by his caliphs and general population of believers. The life-story of the Prophet of Islam gives many instances of his kind, tolerant co-existence with non-Muslims. Some of his neighbors were non-Muslims and the Prophet would be generous towards them and exchange gifts. The Prophet of Islam (SAW) would visit them when they fell sick and do business with them. There was a Jewish family he regularly gave charity to and the Muslims after his death maintain his charity towards them.<sup>19</sup>

Among the best examples of good treatment of non Muslims by the Prophet (SAW) can be seen in the life time of the Prophet (SAW). In the early days of Islam, Muslims had to migrate from their place of birth because of the persecution at the hands of non-Muslims pagan meccan Qutailah bint abd al-Uzza, the mother Asma bin Abubakar and the wife of Abubakr, who later became the second Caliph, did not migrate from Mecca to Medina in 622 A.D nor did she accept the religion of Islam. After the treaty of Hudaibiyah, when Meccans visited Medina, Qutailah came to Medina to see her father. Abdallah bin Zubair, the illustrious son of Asma narrates that Asma first refused to see her non-Muslim mother. When she asked the Prophet whether or not she could see her non Muslim mother, the Prophet permitted her to see her and treat her well.”<sup>20</sup>

As far as the people of book that is, Jews and Christians are concerned, they have been given a special position in the Qur’an since their religions originally were based on the divinely revealed books like *Injil* (Bible).<sup>21</sup>

### **Dimension of Socio-Religious Pluralism and Civic Rights in the Constitution of Medina**

Finding final agreement to resolve tensions and conflicts between tribes, religious groups, ethnics or nations has become a difficult task for diplomats and peace makers in the world, so what are the strategies to be used for an effective mediation and dialogue between Muslims and non-Muslims in our contemporary Muslim states especially in Nigeria today?

The constitution of Medinah can serve as one of the strategies for resolving tensions between tribes and nations, because in Medina and where this constitution was written, peaceful coexistence and religious pluralism were achieved without military intervention but rather through respect, acceptance and dialogue. What is the constitution of Medinah? What were the

goals of this constitution and can it be as an example for solving our contemporary differences among the tribes or nations? These questions are answered below:

### **The Famous Constitution of Madinah**

The famous constitution of Madinah (*Dustur al-Madinah*) also known as the charter of Madinah or *sahifat al-Madinah* or *Mithaq al-Madinah*, the first written constitution in the world; an important document the time of the Noble Prophet (SAW) was drafted down by the prophet (SAW) himself shortly after his arrival at Madinah “yathrib” in 622CE/1AH. Following the Hijra from Mecca.<sup>22</sup>

Prophet Muhammad (SAW) penned the constitution of Madinah as a minority sovereign. His express goal was to govern a multi religious pluralistic society, in a manner that allowed religious freedom for all of them. The charter consists of different clauses which set forth the formation of a sovereign nation state with a common citizenship for all communities. The charter protects fundamental human rights for all citizens including equality, cooperation, freedom of conscience and freedom of religion. Clause 25 specifically states that Jews, Christians and Pagans among Arab are entailed to practice their own faith without any restrictions and harassment. According to Hamidullah Muhammad, the constitution of Madinah was the first written in the world.<sup>23</sup>

The famous constituting of Madinah that Prophet Muhammad (SAW) gave to the citizens of the newly founded state was not merely a treaty of alliance but a written constitution which has to do with people’s welfare.



## **Aims and Objectives of the Constitution of Madinah**

1. Definition of the rights and duties of his own as well as those of the local inhabitants
2. Arrangements for the rehabilitation of the Meccan refugees
3. An understanding with the non-Muslims of the city, particularly the Jews
4. Arrangements for political organization and military defence of the city
5. Compensation for the loss of life and property suffered by the refugees at the hands of the Quraish of Mecca.<sup>24</sup>

In view of these aims and objectives, the Holy Prophet (SAW) a few weeks or months after his arrival in Madinah, has a deed drawn up, which has been referred to as a Kitab and sahfah in the deed itself, and which obviously was written after consultation with the people concerned.<sup>25</sup>

The document which has been referred to as Kitab and sahfah, meaning a code of action or chart of right and duties. In fact, it amounted to a declaration of the city of Madinah as a city – state for the first time and to the laying down of a code for its administration among the articles of the constitution that insisted on human rights as follow:<sup>26</sup>

“And verily it is not be lawful for any believe who has accepted the contents of this document (sahfah) and as faith in Allah and in the last day, to give help or protection to any murderer and verily whoever gives help or protection to such a person, Allah’s curse and wrath shall be on him on the Day of Resurrection and no expense or compensation will be accepted from him (i.e. from the protector of the murderer to exonerate him)”.<sup>27</sup>

And verily no one violates the pledges of his ally (halif), and verily help shall be given in favour of the oppressed.<sup>28</sup>

And verily there shall be aid between the (i.e. the Muslims and the Hews) against those who invade yathrib.<sup>29</sup> The above clauses show the existence of pluralism in Islamic thought.

### **Dimension of Pluralism in Islamic Thought**

- 1) Pluralism: Is the existence of many different groups of people in one society, for example people of different races or different political or religious beliefs. Cultural/political pluralism
- 2) The belief that it is possible and good for different groups of people to live together in peace in one society.<sup>30</sup> However, the concept of pluralism is strongly correlated with the concept of human rights, protection of minorities, civil society engagement, social conditioning, democracy, political engagement and balance of power among others.<sup>31</sup>

### **Types of Pluralism**

There are six types of pluralism:

1. Ethnic Pluralism: It refers to a plurality of racial groups in a polity, enjoying the same rights and equal opportunities indiscriminately.<sup>32</sup>
2. Religious Pluralism: It implies tolerance of multiple religions in a polity. Everyone has the right to profess any faith and practice its rituals. There are three types of religious pluralism, namely exclusivist, inclusivist and pluralist. The first asserts that only one religion is true and all others are false. The second maintains that one faith is true but others are also allowed their space to practice and the third propounds that all faiths are true and are different paths to the same truth. In this regard Islam is inclusivist, maintaining its claim to be the divine truth but at the same time allowing other faiths their space.<sup>33</sup>

3. Linguistic Pluralism: It is plurality of and non discrimination between languages in a polity.<sup>34</sup>
4. Political Pluralism: It refers to the multiplicity of political views and groups that exert influence within a polity.<sup>35</sup>
5. Cultural Pluralism: It is strongly bound to religious pluralism in the sense that cultures foster under the influence of religious and the conception of ethics and values are often rooted in religion. In this context, cultural pluralism implies equal space for different cultures in a polity.<sup>36</sup>
6. Legal Pluralism: It refers to plurality and co-existence of multiple legal systems in a polity. The state law works together with other laws such as personal and religious laws, each having a legal basis and well-defined jurisdictions.<sup>37</sup>

These types of pluralism are vital to mention in this paper because they indicate clear the place of Islamic thought in pluralism which has been applied during an Islamic state. The pluralism still remain as an important strategies from peace existence in society and for transformation of conflict in the world.

Islamic teachings plurality is a distinguishing feature of all creation and it acknowledges and encourages pluralism as long as the social order is not violated or results in chaos and anarchy.<sup>38</sup>

Briefly, the Qur'an stance on the different types of pluralism discussed above is presented.<sup>39</sup>

Allah says: "O men behold, we have created you all out of a male and a female, and have made you into nations and tribes, so that you might come to know one another. Verily, the noblest of you in the sight of Allah is the one who is not deeply conscious of Him. Behold, Allah is all knowing, all-aware<sup>40</sup> (Ethno-Cultural Pluralism). Allah also says in other verses "Among His wonders is the creation of the heavens and the earth and the diversity of your tongues and

colours, for in this, behold, there are messages indeed for all who are possessed of (inner) knowledge”.<sup>41</sup> (Ethno-linguistic pluralism) Allah says further: “And had your Lord worked, those on earth would have believed all of them entirely. Then, (O Muhammad) would you compel the people in order that they become believers?”<sup>42</sup> (Religious Freedom).

Allah says again, (Had Allah willed, he would have made you one nation (united in religion) but (He intended) to test you in that He has given you, so race to (all that is) good. To Allah is your return all together, and He will (then) inform you concerning that over which you used to differ”<sup>43</sup> (religious, political and legal pluralism). He also says:

“And if your Lord willed, He could have made mankind one community, but they will cease to differ except whom your Lord has given mercy and for that He created them)<sup>44</sup> (cultural and political pluralism)

### **Islamic Thought and Pluralism Evidences from the Quran**

The position of Islamic thought towards religious pluralism is based on the Qur’anic verses which generally are interpreted as an example for religious pluralism and peaceful coexistence between Muslims and non-Muslims in Islamic State.

Allah says: “If Allah so will;, He would have made you a single people, but His plan is to test each of you separately, in what He has given to each of you, so strive in all virtues as in you are in a race. The goal of all of you is to Allah. It is He that will show you the truth of the matters in which ye dispute”.<sup>45</sup> This verse of the Qur’an supports the peaceful coexistence and pluralism in society. Allah says “and do not argue with the people of the scripture except in a way that is best, except for those who commit injustice among them and say: “We believe in that which has been

revealed to us and revealed to you. And our God and your God is one, and we are Muslims (in submission) to Him.”<sup>46</sup>

### **Some Qur’anic Sources as basis for Islamic policies toward non-Muslims in Islamic State**

In the Qur’an, there are many verses which can be considered as a basis for Islamic policies toward non-Muslims in Islamic state. Allah says:

“Indeed, those who believed and who were Jews or Christians or sebeans (before prophet Muhammad (SAW) those (among them) who believed in Allah and the last day and did righteousness-have their reward with their Lord and no fear will there be concerning them, nor will they grieve”.<sup>47</sup>

The verse here, is served to justify the tolerated position accorded to the followers of Christianity, Judaism and sabianism under Muslim rule.<sup>48</sup> Another Qur’anic source which served as a basis for Islamic policies toward non Muslims in Islamic state, Allah says:

“There shall be no compulsion in (acceptance of) the religion. The right course has become clear from the wrong.”<sup>49</sup> In understanding the above verse in the light of theological dimension, is to say thatthe followers of other religions should not be forced at all to accept Islam. However, forcing a person to adopt a faith is a kind of “*taklief bimaa la yutaaq*” which is rejected absolutely by Islamic thought. In the same vein, Allah asks the Prophet to say to other followers of the religion, Christians, Jews and Sabina “for you is your religion and for is my religion”.<sup>50</sup>

The verse shows clear religious pluralism and peaceful co-existence in society. This should be used among our contemporary Muslim society.

## **Sunnah of the Prophet (SAW)**

In the Sunnah of the Prophet Muhammad (SAW), there are many Aihadithwhich tolerate the Christians, Jews and Sabians and emphases on peaceful coexistence between Muslims and other religious groups, among these *Ahadith*are as follows:

“whoever killed a *Mu’ahid* (a person who is granted the pledge of protection by the Muslims) shall not smell the fragrance of paradise though its fragrance can be smell at a distance of forty years of traveling). This hadith, is considered to be a foundation for the protection of people in Islamic states.<sup>51</sup>

In the same vein, and in respect of the status of the *dhimmi*: the Prophet (SAW) says “whoever wrongs one with whom a compact (treaty) has been made (i.e, a *dhimmi*) and lays on him a burden beyond his strength, I will be his accuser”<sup>52</sup>

## **Spot light on the legal status of non-Muslims by the constitution of Madinah**

The status of non-Muslim was formally legalized during the time of Prophet Muhammad (SWA)and his famous contribution of Madinah declared that non-Muslims including Jews, Christians and pagans had the following rights.

- The security of Allah is equal for all groups
- Non-Muslims members have equal political and cultural right as Muslims
- Non-Muslims have autonomy and freedom of religion

## **Strategies Underlined in our Discussion of Non-Muslim Rights in Islamic State**

Islam teaches that, in the right of Allah, all men are equal, but they are not necessarily identical. There are differences of abilities, potentials, ambitious, wealth and so on. Yet none of these differences can by itself establish a status of superiority of one man or race to another. The collection of man, the colour of his skin, the amount of wealth he has and the degree of prestige he enjoys have no bearing on the character and personality of the individual as far as Allah is concerned. The only distinction which Allah recognizes is the distinction in piety, and the only criterion which Allah applies is the criterion of goodness and spiritual excellence. In the Qur'an, Allah says "O mankind, verily We have created you from a single (pair) of a male and a female and have made you into nation and tribes that you may know each other. Verily the most honoured of you in the sight of Allah is the sot righteous".<sup>53</sup>From the above the verse, it can be stressed that, "the foundations of the Islamic value of equality are deeply rooted in the structure of Islam. It stems from basic principles such as the following:

- All men are created by one and the same eternal (God), Allah, the Supreme Lord of all
- All mankind belong to the human race and share equally in the common parentage of Prophet Adam and his wife Hawa (Eve)
- Allah judge every person the basis of his own merits and according to his own deeds.
- Allah is just and kind to all his creatures. He is not partial to any race, age, or religion. The whole universe is His dominion and all people are His creatures.
- Allah has conferred on man, man as such, a title of honour and dignity
- All people are born equal in the sense that none brings any possession with him and they die equal in the sense that they take back nothing of their worldly belongings. "that means human life is sacred and inviolable and every effort shall be made to protect it.

Islam provided the right to life to all humans irrespective of their religion, cast or sex. The differences of race, colour, or social status are only accidental. They do not affect the true stature of man in the sight of Allah.<sup>54</sup>

- 1- Every person has the right to live and respect human life
- 2- Social security is a fundamental human need: the state must be conscious about the social security of the citizens
- 3- Zakat (poor due) is the principal component of Islamic approach to social security
- 4- Liberty and equality is the birth right of all human beings
- 5- Every person has the freedom of opinion, expression and religion
- 6- Every person has a right to receive education in accordance with his natural capabilities irrespective of sex
- 7- Every person has the right to food, shelter, clothing and necessary medical care consistent with the resource of the community
- 8- Land, property and housing rights are the rights of all human beings.
- 9- Every person has a right to ‘protection against torture’.<sup>55</sup>

### **Suggestions**

It is recommended that the dialogue should not focus on history, instead, it should pay attention to the development of man’s present and future, avoid the intolerance that is sadly, increasing in various walks of life, and denounce wars, oppression and despotism.<sup>56</sup> We should hold dialogue amongst ourselves first, criticize ourselves before criticizing others and ask ourselves what we have done to ourselves and to others to make them doubt or misunderstand us. In this way, dialogue, culture and peaceful coexistence will promote a positive relationship between Muslims and non-Muslims. It is also suggested that the contribution of the Prophet (SWA) in creating



dialogue culture and peaceful co-existence should also be admired at large by the non-Muslims intellectuals, writers and UNO on the basis of his (SAW) scientific political approaches and wise steps due to which he successfully established a peaceful society and succeeded to create a peaceful co-existence between Muslims and non-Muslims.<sup>57</sup>

## **Conclusion**

The study has attempted to explain conceptual definition of the terms. It has also assessed clearly the status of non-Muslims in Islamic state in the light of the constitution of Madinah. Furthermore, the study has underlined some strategies that should be taken into account for enhancing serenity, harmony and tranquility in society. The position of Islamic thought towards non-Muslims in Islamic state is that the Qur'an was revealed to assure peace and harmony to humanity and through of these guidelines the state of Madinah were established where all citizens were living in peaceful co-existence and co-operation with their differences in cultures and religions, undoubtedly, if the divine ordinance of equality and dignity is fully respected in our contemporary society, there will be no chance for people to harass one another. Beside, since the world has become closer together as a result of wonderful developments in the technology of communication, transportation and online transactions, global diversity has become a reality that has to be accepted intellectually and morally. Islamic thought in this regard, has considered for longtime ago that minority groups, the non-Muslims in Islamic state have full rights to participate and contribute with Muslims to society and yet maintain their differences in religious and cultures.

## END NOTES/REFERENCES

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<sup>1</sup> Submitted at 2018 Conference on Islam in Nigeria (COIN) under the theme: Islamic Theocracy and Modernism: Issues and Challenges. Organized by Islamic Welfare Foundation in Collaboration with Crescent University, Abeokuta – Nigeria. 3 – 6 December, 2018.

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<sup>3</sup> Read this term in the Law Dictionary, Featuring Black’s Law Dictionary, free online, legal Dictionary 2<sup>nd</sup> ed. <https://thelawdictionary.org> on 28-10-2018. Or Oxford Advanced Learner’s Dictionary, Oxford University Press 2010. P. 1169 and p. 586.

<sup>4</sup> Al-Qardawi, Yusuf, Ghayr al-Muslimin fi mujtama al-Islami, Cairo 1977, p. 7. See more in A. Doi, Shariah: The Islamic Law, London, Taha Publishers, (1984/1404h) p. 426.

<sup>5</sup> Ibid

<sup>6</sup> Al-Sarakhsi, Sharh al-Siyar al-Kabir, vol. 1,p.140, Ibn Qudamah, Al-Mughi, vol. 5, p. 516

<sup>7</sup> Audah, Abd al-Qadir, Al-Tashri al-Janai al-Islam, vol. 1, p. 307. See again, Zaidan, Abd al-Karim, Ahkam al-Dhimmiyyin wal musta’minin fi Dar al-Islam, pp. 63-66.

<sup>8</sup> Ashgar, Ali (2006), The State in Islam: Nature and the scope Pinnacle Technology. P. 91. ISBN 9781618299822. See again, Islamic State Sunday, 25<sup>th</sup> July 2009. On <http://www.Khalifa.com/index.php/thekhalifa/issues/5090-IslamicState>. Visited on 13 – 11 – 2018

<sup>9</sup> Ashgar Ali, The State in islam: Nature and the scope, Pinnacle Technology, 2006, p.91

<sup>10</sup> Ibrahim Anis, Al-Mu’jam al-Wassit, Cairo 1972 p. 210

<sup>11</sup> The Declaration of the United Nations Read carefully the preamble and different articles of the declaration. Retrieved from [www.un.org/universaldeclaration-humanrights](http://www.un.org/universaldeclaration-humanrights) on 04-11-2018

<sup>12</sup> Muhammad Hamidullah, the First Written Constitution in the world, Ibid, p. 25

<sup>13</sup> Ibid

<sup>14</sup> Qur’an 5:8

<sup>15</sup> A. Emon, Huquq Allah and Huquq al-Ibad, A legal heuristic for a national rights Regime’ in Islamic law and society, vol 3:13, Leiden:Brill, 2006, p.329

<sup>16</sup> Qur’an 60: 8-9.

<sup>17</sup> Al-Qarafi, al-Furuq, vol. 3, p. 15.

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<sup>18</sup> Go back to the first written constitution in the world: and important document of the time of the Holy Prophet”. Edited by Muhammad Hamidullah, 2<sup>nd</sup> ed. Ashraf edition, Lahore, 1975, p. 35.

<sup>19</sup> Abu Ubayd, al-Amwal, p. 613

<sup>20</sup> You can read this incident in Musnad Ahmad, Buhari and Muslim, also see the detail in maududi’s Tafhīm al-Qur’an Undu Delhi 1975, p. 433 – 434. Again in Abdurrahman I. Doi, Shari’ah: The Islamic Law, p. 428

<sup>21</sup> Qur’an 29:46

<sup>22</sup> The constitution of Madina, was introduced by Hamidullah Muhammad, 3<sup>rd</sup> Revised edition 1975, Ashraf Press, Lahore, Pakistan. See again, Watt, William Montgomery (1956), Muhammad (SAW) at Madina on <https://archive.org/details/Muhammadatmedia029655mbp> Karachi New York: Oxford University Press. ISBN 978-0-19-577307-1

<sup>23</sup> See Hamidullah Muhammad *ibid.* read again in Alislam.org for more detail.

<sup>24</sup> The first written constitution in the world: An important document of the time of the Holy Prophet, introduced by Hamidullah Muhammad, *Ibid*, p. 15.

<sup>25</sup> *Ibid*, p. 12

<sup>26</sup> *Ibid*, p. 13

<sup>27</sup> *Ibid*, p. 34-35

<sup>28</sup> *Ibid*, p. 35

<sup>29</sup> *Ibid*, p. 35

<sup>30</sup> Oxford Advanced Learners Dictionary, 2000, Oxford University Press, p. 894

<sup>31</sup> Auda, M. R., *At-Taddudiyah As-Siyasiyah fil al-Miytama Al-Islami*. Al-Jauf University, 2012, p. 65.

<sup>32</sup> Collate, G. (ed), *Identity and Pluralism: Ethnicity, Religious and values*. Studies in Applied Ethics, (2010) p. 14–16.

<sup>33</sup> Kamali, M. H. *Diversity ad Pluralism: A Qur’anic Perspective, Islam and Civilization Renewal*, 2009, p. 34

<sup>34</sup> Moola, S., *Language Pluralism and Social Cohesion, the Share Societies Project Background papers responding to social cohesion challenges*, p. 28.

<sup>35</sup> Kamali, A. H. (2009) *Ibid*, 43 – 45

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<sup>36</sup> Collate, G. (ed) identity and pluralism: Ethnicity, Religious and Values. Studies in applied ethics, 12

<sup>37</sup> Ibid, p. 50. See more Ahmed Muzakkir Syed, and Zulgernain Haider Subhani, in their “pluralism, constitutionalism and Islamic political thought: presented at India International Islamic Academic Conference from 8 – 9 October, 2016, India Islamic Cultural Culture, New Delhi, India, 2016, p. 10 – 11.

<sup>38</sup> Imara, M. (1997), p. 4.

<sup>39</sup> Translation from the message of the Qur’an by Muhammad Asad, Dar Al-Andalus Gibraltar, 1980 and the Holy Qur’an by Abdullah Yusuf Ali, King Fahd Quran printing Complex, 1987

<sup>40</sup> Qur’an 49:13

<sup>41</sup> Qur’an 30:22

<sup>42</sup> Qur’an 10:99

<sup>43</sup> Qur’an 5:48

<sup>44</sup> Qur’an 11: 118 – 119

<sup>45</sup> Qur’an 48

<sup>46</sup> Qur’an 29-46

<sup>47</sup> Qur’an 2:62

<sup>48</sup> See for more details in Lewis, Bernard, the Jews of Islam, Princeton: Princeton University Press, ISBN 0-691-00807-1984, p. 13

<sup>49</sup> Qur’an 2:256

<sup>50</sup> Qur’an 109:6

<sup>51</sup> Sahih al-Bukhari, 9:83:49

<sup>52</sup> Majid Khadduri quoted this hadith in his book: war and peace in the law of Islam, p. 175, see again, al-Zuhayli, wahbah, athar al-harb fil – fiqh al-Islami: Dirasah muqaarinah, Damascus: Dar al-Fikr, 1998, ISBN: 1-57547-453-0, p. 708

<sup>53</sup> Qur’an 49:13

<sup>54</sup> Abroo Aman Andrabi (Dr.), Human rights in Islamic perspective, International Journal of Humanities and Social Science Research ISSN: 2455-2070: Impact Factor: RJIF5.22, vol. 2, Issue 5, May 2016, p. 21-22.

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<sup>55</sup> See Abroo Aman Andrabi (Dr.) Ibid, p. 26. See again Article 5. Universal Declaration of Human Rights, by United Nations [www.un.org/en/universal-declaration-of-human-right](http://www.un.org/en/universal-declaration-of-human-right). visited on, 09-11-2018. Read more Cairo Declaration on Human Rights in Islam (CDHR)

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<sup>57</sup> Naseem Razi, (Dr.), Peaceful Co-existence between Muslims and Non-Muslims: An Analysis of Pakistani Society in the light of Seerah Muhammad (PBUH), International of Sciences, basic and Applied Research (IJSBAR), ISSN 2307-4531, print & online, p. 332.