Coexistence with Non-Muslims in The Prophetic Traditions: An Analytical Study



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Abstract

This paper aims to clarify and study the position of the Prophetic traditions (Hadith) on coexistence with non-Muslims. It addresses the importance of dialogue, and the principles of coexistence found in the primary Islamic sources, to formulate a model to be emulated in the present era. The research used the inductive method to gather the Ahadith and traditions related to the topic, the deductive method to trace and authenticate the relevant traditions as well as to formulate a conceptual framework for dealing with non-Muslims according to the prophetic approach, and the analytical method to analyse the concept of peaceful coexistence with non-Muslims. The results of this study show that the Prophetic traditions acknowledge the rights of non-Muslims, permit mixing with them and coexisting with them, guarantee them freedom of belief and freedom of practicing their religion, grant them freedom of opinion and expression, freedom of education, freedom of work and trade, and ensure for them justice, protection from aggression, and good treatment. Islam advocates the policy of tolerance and coexistence and opposes extremism and sectarianism. The Prophet (PBUH) was tolerant and kind towards the people of other faiths. He engaged in dialogue with non-Muslims in the best manner and ensured that they lived in the Muslim society peacefully, respectfully, and with dignity. This study also concludes that being firm in belief and strict adherence to religion do not mean rudeness and misbehaviour with people of other faiths, nor does it contradict the teachings of being kind and showing good manners to non-Muslims while engaging with them in dialogues or debates.

Keywords: Ḥadīth, Prophet, coexistence, dialogue, good behavior, non-Muslims.



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Introduction

Allah Almighty created human beings and divided them into various nations, races, and tribes, who live and interact with each other. Allah Almighty has His wisdom in everything that He does. He could have made all humans one nation if He had wanted, but He divided them into

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different groups. This difference represents one of the aspects of man's test and trial in this universe. This is how humanity has been designed; man cannot change this even if he wants to. Rather, he is required to accept and submit to the Will of God and to live and function in this setting seeking guidance from Allah and His Prophet (PBUH), so that his dealings with people of different opinions, beliefs, faiths, and religions may be governed by the divine knowledge revealed to Prophet Muhammad (PBUH).

The Prophet's biography, the Qur'anic verses, and the Prophetic traditions are the primary sources from which we can derive the Islamic principles that regulate the interaction of Muslims with non-Muslims. These sources clarify for us the position of Islam, its tolerance towards other religions, and its treatment of people of other faiths. Accordingly, this paper attempts to explore the stance of Islamic Sharī'ah concerning dealing with non-Muslims in the light of Prophetic traditions. It will do so by gathering, authenticating, analysing, and explaining the prophetic traditions related to the topic. The paper is divided in the following subtopics:

Good Treatment of Non-Muslims

Islam is a religion that emphasizes good manners, good behaviour, and good treatment with all. Allah Almighty described His Prophet as having outstanding moral character, saying: "Verily, you are on an Exalted Character" [Al-Qalam, 68: 4].

This verse affirms that the Prophet (PBUH) was at the highest moral standard. Commenting on this verse, Ibn 'Āshūr writes: "The word 'khuluq' (used in the verse for character) refers to the nature of the soul, and it is most often used to refer to good natures if it is not followed by a description... And 'al-khuluq al-'azīm' (exalted character) is the most noble type of character, the one that is most perfect and praiseworthy among human traits. The Prophet (PBUH) had combined all the noble qualities of human character, he treated people well in different circumstances that required good treatment. So, 'al-khuluq al-'azīm' (exalted character) is on higher level than mere good character." (Ibn 'Āshūr, 2000)

Good morals encompass forgiveness, kindness, generosity, and good treatment of others. Since Allah made His Messenger perfect in his moral character, his followers must also follow the same path of excellent moral values. This applies to every noble quality that is considered a moral value, such as forbearance, justice, patience in the face of hardships, humility, chastity, mercy, coexistence, harmony, and good behaviour. A Muslim is required to treat other Muslims as well as people of other faiths who cohabitate with him with respect. He must uphold all these moral qualities so that the beauty of Islam and its tolerant and kind nature become apparent to all. When it comes to non-Muslims, it becomes obligatory on Muslims to stick to good treatment and behaviour. As Allah said in the Holy Qur'an: "And do not argue with the People of the Scripture except in a way that is best." [Al-'Ankabūt, 29:46]

Al-Zuḥaylī comments on this verse, saying: "Argumentation, debate, and discussion with the People of the Book (must not be done) except a way that is best, i.e. except in the best manner possible, such as countering harshness with gentleness, anger with restraint and self-control, quarrel with advice, and drawing attention to the signs and proofs of God." (Al-Zuḥaylī,

1418 AH). When such is the treatment of common non-Muslims, treating the *dhimmīs* (non-Muslim subjects of the Islamic state) well and with kindness is much more important, since Muslims have a contract with them.

One may ask, "What is the wisdom behind the presence of the People of the Book in the lands of Islam?" The answer is, in the words of Ibn Qayyim, "Despite their disbelief, they testify the prophethood, monotheism, the Last Day, Paradise, and Hell. In their books there are glad tidings of our Prophet and mentions of his attributes and qualities and the attributes of his nation, which are signs of his prophethood and proofs of his messengers, and which are proofs of the truthfulness of the First and the Last. This wisdom is specific to the People of the Book." (Ibn Qayyim, 1998).

Following are some examples of good treatment with respect to *dhimmīs* that are emphasized in the Prophetic traditions:

Gentleness

Gentleness is the opposite of rudeness, hardheartedness, and cruelty. Allah Almighty says in the Qur'an addressing Prophet Muhammad (PBUH): "It is out of Allah's mercy that you 'O Prophet' have been lenient with them. Had you been cruelling or hard-hearted, they would have certainly abandoned you." [Āl-'Imrān, 3:159]

Gentle treatment and friendly behaviour attract people and bring them closer, whereas bad behaviour repulses people and makes them go away. The above verse addresses the Messenger of Allah who has the best morals among all humans, and yet he was instructed to adopt a friendly behaviour, so we can only imagine others whose moral standing is not even close to him.

Many prophetic traditions prove the importance of gentle and kind treatment of the people of the book. It was narrated from Asmā', she said: "My mother came to me seeking some act of kindness from me during the treaty of the Quraish (at Hudaibiyyah). While she hated Islam, and she was a polytheist. I asked, O Messenger of Allah! my mother has come to me because she hates Islam, and she is a disbeliever. May I do an act of kindness to her? He replied, "Yes, do an act of kindness to her." (Al-Bukhārī, 1987 & Abū Dāwūd, 2009).

This narration signifies gentle behaviour with one's close ones, as Asmā's mother was still a disbeliever, but the Messenger of Allah (PBUH) instructed her to be kind to her mother. There is nothing harsher than breaking a mother's heart by keeping her children away from her. So, the Messenger (PBUH) was kind to the mother and showed his perfect morals by ordering the daughter to main ties with her mother despite her disbelief.

In another ḥadīth, it was also narrated on the authority of 'Urwah ibn al-Zubayr that Hishām ibn Ḥakīm ibn Ḥizām found a man in Ḥimṣ who was punishing some Copts for not paying the jizya. He said: "What is this? I heard the Messenger of Allah, may God bless him and grant him peace, say: 'God Almighty torments those who torment people in this world." (Ahmad ibn Hanbal, 1999).

These two stories reflect Islam's gentleness and leniency towards *dhimmīs* despite them being on their disbelief. The first story exhibits kindness in familial relations between a Muslim daughter and her disbelieving mother and implies the significance of not breaking the mother's heart. The second story manifests kindness in political and economic affairs. This makes it clear that kindness and leniency should be the policy even when it concerns economic and monetary dealings. This is the type of harmony and mannerism that is cultivated by Islamic ethics.

Kindness

Kindness is also one of the beautiful moral values that ensure coexistence and harmony among people, whether relatives or strangers, Muslims or non-Muslims, *dhimmīs* or people of different faiths. Ibn 'Āshūr defines it as: "Kindness (*al-birr*) is the breadth of benevolence, the intensity of contentment, and the complete and comprehensive goodness. This is why, it is associated to strong actions, and it is said: '*birr al-wālidayn*' (kindness to parents) and *birr al-Ḥajj*." (Ibn 'Āshūr, 2000).

Kindness is not limited to dealings between Muslims only, but extends to all of humanity, as understood by everyone with sound nature and confirmed by Islamic law. Al-Qarāfī explains the meaning of being kind and just while dealing with non-Muslims: "Be kind to their weak, fulfil the needs of their poor, feed their hungry, clothe their naked, speak to them gently out of kindness and mercy, not out of fear and humiliation, tolerate their harm in the neighbourhood despite having the ability to remove it, out of kindness from us to them, not out of fear and respect, pray for their guidance and that they be made among the fortunate ones, advise them in all their affairs be it related to religion or worldly life, protect them in their absence if someone tries to harm them, protect their wealth, their children, their honour, and all their rights and interests, and help them to defend themselves against injustice, and deliver them all their rights." (Al-Qarāfī, 1998).

Another example of being kind to *dhimmīs* is being gentle with them when collecting the *jizyah*, although there is a difference of opinions among the Muslim jurists which emanates from their difference in interpreting the verse: "*Until they pay the tax, willingly submitting, fully humbled.*" [Al-Tawbah, 9:29]

There are mainly two opinions:

The first opinion is that the collector of *jizyah* should be kind to *dhimmīs* when doing the collection. He should take *jizyah* from them gently without resorting to torture or beating. He should give them time to harvest their crops. He should give them the option to pay in instalments or to pay money in exchange for commodity. So, the holders of this opinion see the humbleness mentioned in the above-mentioned Qur'anic verse "*fully humbled*" as referring to their full adherence to the rules of Islam. (Ibn Qayyim, 1998).

The second opinion is held by majority of jurists from all four schools of jurisprudence that the *jizyah* should be collected from *dhimmīs* by making them humble and humiliated. They go with the literal meaning of the Qur'anic verse "*Until they pay the tax, willingly submitting, fully humbled.*" (Ibn Qayyim, 1998).

However, the first opinion seems stronger, and the reason is explained by Ibn Qayyim. He says: "All of this is something for which there is no evidence - that is, their humiliation and degradation even if they pay the jizyah - nor is it implied by the verse, nor was it transmitted from the Messenger of Allah or from his companions. The correct interpretation of the verse is that the humbleness mentioned here is their commitment to execute the rulings of Allah Almighty and to pay the jizyah, because this commitment means their humbleness. The same has been said by Al-Shāfi'ī." (Al-Qannawjī, 1992).

One form of kindness is to help non-Muslims by giving them charity. It has been narrated that Jābir bin Zayd was asked, 'to whom the charity should be given?' He replied, 'to poor Muslims and the people of the *dhimmah*', and then he said: "The Messenger of Allah used to distribute one fifth of the charity among the people of the *dhimmah*." (Ibn Abī Shaybah, 1409 AH).

Charity is the essence of kindness, as no return or compensation is expected from the charity. Rather, it entails assisting the needy for the sake of Allah. And the act of charity towards *dhimmīs* is even more appreciable as the intention is to soften their hearts and bring them closer to Islam.

Justice

The significance of justice in judgments and the divine command to uphold it are mentioned at five places in the Holy Qur'an, all of which talk about judgment between disputants. One of them is: "And when you judge between people, judge with justice" [Al-Nisā', 4: 58].

The divine command to do justice is not limited to Muslims only, but it extends to all people irrespective of whether they are Muslims or non-Muslim. According to Al-Sa'dī, "This includes judging between them in matters of blood, money, and honour, be it small or big, and whether they are relatives or strangers, righteous or wicked, friends or enemies. The meaning of justice that Allah has commanded us to judge with is what Allah has legislated through the tongue of His Messenger, that is, the *ḥudūd* and other Islamic legal injunctions, and this requires knowledge of justice to judge with it." (Al-Sa'dī, 2000).

When justice is achieved, fairness prevails; the weak and the oppressed receive their rights; the strong do not suppress the weak; security, stability, and peace prevail. In short, the divine command of fulfilling trust and judging with justice contains abundant goodness.

Justice is one of the essential pillars of a stable state. *Dhimmīs*, who reside in Islamic lands, are one of the components of the Islamic state. So, they must also be treated with justice and fairness. Allah Almighty commanded His Messenger to judge justly between the people of the book and the people of the *dhimmah* if they seek his arbitration in their matters, and if they do not seek, then they should be judged according to their religious law. Allah says: "So if they come to you 'O Prophet', either judge between them or turn away from them. If you turn away from them, they cannot harm you whatsoever. But if you judge between them, then do so with justice. Surely Allah loves those who are just." [Al-Mā'idah, 5:42].

Allah Almighty left the matter to His Messenger to decide when the people of the book and the people of the dhimmah came to him for arbitration. If he wishes, he may judge, or he may otherwise leave it. But if he decides to judge, he must be just and fair.

The story behind the revelation of this verse is narrated from Ibn 'Abbās. He says: "Allah sent down the verse about two groups among the Jews. During the time of Jahiliya, one of them had defeated the other. As a result, they made a treaty that they would pay blood money totalling fifty Wasaq (of gold) for every dead person from the defeated group killed by the victors, and a hundred Wasaq for every dead person the defeated group killed by the victors. This treaty remained in effect until the Prophet came to Al-Madinah and both groups became subservient under the Prophet. Yet, when the mighty group once suffered a casualty at the hands of the weaker group, the mighty group sent a delegation demanding a hundred Wasaq. The weaker group said, 'How can two groups who have the same religion, one ancestral lineage, and a common land, have blood money that for some of them is half of that of the others? We only agreed to this because you oppressed us and because we feared you. Now that Muhammad has come, we will not give you what you asked.' So, war was almost rekindled between them, but they agreed to seek Muhammad's judgment in their dispute. The mighty group among them said (among themselves), 'By Allah! Muhammad will never give you double the blood money that you pay to them compared to what they pay to you. They have said the truth anyway, for they only gave us this amount because we oppressed and overpowered them. Therefore, send someone to Muhammad who will sense what his judgment will be. If he agrees to give you what you demand, accept his judgment, and if he does not give you what you seek, do not refer to him for judgment.' So, they sent some hypocrites to the Messenger of Allah to try and find out the Messenger's judgment. When they came to the Messenger, Allah informed him of their matter and their plot. Allah sent down the verses from "O Messenger! Let not those who hurry to fall into disbelief grieve you—those who say, 'We believe'", (5:41) until "And those who do not judge by what Allah has revealed are 'truly' the disbelievers.". (5:47) (Aḥmad ibn Ḥanbal, 1999).

Based on this, some scholars believe that if *dhimmīs* commit a crime that requires *hadd* punishment, then Muslims should not rule against them until they bring their case to Muslims and agree to their judgment. If they brought their case to them, the Muslim ruler would have a choice: if he wished, he could refuse to be the judge in their case, or if he wished, he could issue the judgment. These scholars have based their opinion on the above-mentioned verse of the Holy Qur'an that says: "So if they come to you 'O Prophet', either judge between them or turn away from them" [Al-Mā'idah, 5:42]. But another group of scholars disagreed and opined that the Muslim ruler must judge among *dhimmīs* the way he has to judge among Muslims, and he must apply the Islamic law to them. Therefore, he must enforce the *hadd* punishment if they commit a crime that begets *hadd* according to Islamic law, except for things that are allowed in their religion, like drinking wine. As for punishments other than the *hadd*, the *dhimmīs* are equal to Muslims in this regard, and the Muslim ruler must implement them on *dhimmīs* even if they do not refer to him for judgment just as he is obligated to enforce these punishments on Muslims even if they do not come to him for judgement. (Al-Ṭaḥāwī, 1994).

This ruling is based on the principles of fairness and justice ingrained in the Islamic legal system that obligates the judges to be fair between the two parties, regardless of their religion or beliefs.

One significant example of the Muslim ruler being fair to non-Muslim subjects is the following incident about Caliph 'Umar narrated by Khālid bin Yazīd bin Abī Mālik, narrating from his father: "Muslims were in Jābiyah, (Yāqūt al-Ḥamawī, n.d.). and among them was 'Umar ibn al-Khaṭṭāb, when a man from the people of the *dhimmah* came to him and told him that the people had rushed to collect his grapes. 'Umar went out until he met one of his companions carrying a shield with grapes on it. 'Umar said to him: And you too? He said: O Commander of the Faithful! We have been afflicted with famine. 'Umar turned and ordered that the owner of the vineyard be given the value of his grapes." (Ibn Zanjawayh, 1986).

The judgment given by 'Umar of paying back the value of grapes to the owner reflects fairness and justice which protected his right to property as a non-Muslim subject of the Islamic state.

Mercy

Islam has come as a mercy for all the living beings, both humans and non-humans. The Prophet of Islam (PBUH) was also sent as the prophet of mercy. So, compassion and mercy are among the most important characteristics of Islam and its Prophet (PBUH) which fully manifests in the moral character of the Prophet and then his companions after him. There are numerous examples of his merciful and compassionate behaviour towards all, including non-Muslims and *dhimmīs*, that are found in the Sunnah of the Prophet, his biography, and stories of his companions.

One such example is the following incident about Caliph 'Alī narrated by Abd al-Malik bin 'Umair. He says: A person from Thaqīf tribe told me: "'Alī ibn Abī Ṭālib appointed me over Bazraj Sapur and said: Do not whip a man for collecting a dirham and do not sell their provisions, nor winter or summer clothes, nor an animal they ride on, and do not make a man stand in search of a dirham. He said: I said: O Commander of the Faithful! Then I will return to you as I left you (empty handed), he said: Even if you return as you left, woe to you, we were only commanded to take from them *al-'afw*, meaning the surplus." (Al-Bayhaqī, 2003).

Jizyah is imposed upon *dhimmīs* as a tax in exchange for providing them security and protection during wars as well as in times of peace. Yet the Almighty ordered that the *jizyah* must be collected from them with kindness and compassion because Islam is a religion of mercy, not of harshness and rudeness. As for the wording of the Qur'anic verse "وهم صاغرون" (and they are humbled), its meaning and the preferred opinion that the exegetes have adopted in this regard have already been discussed.

Another form of kindness to *dhimmīs* is to protect them from feeling lonely and alienated, and this is achieved through peace and friendliness. After living among Muslims, they should feel personal security in addition to political security.

One way to show friendliness is to greet them upon meeting them. Shu`ayb ibn al-Habhab narrates: "I was with 'Alī ibn Abdullāh al-Barqī, and a Jew or Christian passed by us carrying a load of food, so 'Alī greeted him. I said: He is a Jew or a Christian. So, he recited to me the last verse of Surah Al-Zukhruf: "And (Allah is Aware of) the Prophet's cry: "O my Lord! Indeed, these are a people who persist in disbelief." So, bear with them and respond with peace. They will soon come to know." [Al-Zukhruf, 43: 89] (Ibn Abī Shaybah, 1409 AH).

This is also supported by the actions of Abu Hurairah. On the authority of Ja`far ibn Burqan, he said: Ma`mar told us: "I was informed that Abu Hurairah passed by a Jew and greeted him. It was said to him: He is a Jew. He said: O Jew! Return my greeting, and I will pray for you. He said: I have returned it. He said: O Allah, increase his wealth and children." (Ibn Abī Shaybah, 1409 AH).

Allah says in the Holy Qur'an: "And when you are greeted, respond with a better greeting or at least similarly. Surely Allah is a 'vigilant' Reckoner of all things." [Al-Nisā, 4:86] It was narrated from `Aisha: (the wife of the Prophet) A group of Jews entered upon the Prophet (PBUH) and said, "As-Samu-Alaikum." (i.e. death be upon you). I understood it and said, "Wa-Alaikum As-Samu wal-la'n. (death and the curse of Allah be Upon you)." Allah's Messenger (PBUH) said "Be calm, O `Aisha! Allah loves that one should be kind and lenient in all matters." I said, "O Allah's Messenger (PBUH)! Haven't you heard what they (the Jews) have said?" Allah's Messenger (PBUH) said "I have (already) said (to them) "And upon you!" (Al-Bukhārī, 1987).

Anyone who contemplates the traditions cited above will see that kindness is normal human behaviour, and being kind towards the creation of Allah is something that no one would deny except a cold-hearted and merciless person whose heart is deprived of mercy and compassion. Moreover, these teachings are about all human beings, so the *dhimmīs* who took the assurance of security from the Muslim state deserve compassionate behaviour even more.

Another example of compassion shown to non-Muslims by the Islamic state was what 'Umar ibn al-Khaṭṭāb did with the elderly people of the *dhimmīs*. It was narrated that 'Umar saw an old Jewish man begging, so he asked him: Who are you, old man? He said: A man from the people of the *dhimmah*. So, he said to him: "We have not been fair to you, we have eaten up your youth and abandoned you in your old age." 'Umar ordered to start for him a regular stipend from the public treasury, and he said to his servant: "Search for this man and his likes and give them stipend from the public treasury." (Ibn Zanjawayh, 1986).

Another manifestation of being merciful to the *dhimmīs* is the opinion of a group of jurists that the *jizyah* should be waived for them if the *jizyah* of two or more years becomes due. According to Abū Ḥanīfah, if a year passed on the *jizyah* and the second one began, then the *jizyah* overlaps, so the *jizyah* of the past years is waived and that of the current year is collected. It is because the *jizyah* is imposed in exchange for protection of their lives in the future, so if the life of a *dhimmi* was protected in the past year, the *jizyah* will not be taken for it because the protection for past year is not needed anymore. Then, if it is not collected until another year enters, there remains no anticipated risk to his life. But since it remains in the future, the *jizyah* is taken for the coming year." (Alī ibn Nāyif, 2012).

Benevolence

In addition to the previously mentioned moral values of good treatment and harmonious coexistence with non-Muslims, benevolence is considered the highest and most prominent moral value. The reward for being benevolent is also very significant, that a benevolent person is loved by Allah Almighty. Allah says: "Be charitable: Allah loves those who are charitable" [Al-Baqarah, 2:195]

There are numerous examples of benevolence towards the people of the *dhimmah* in the Prophet's biography and Islamic history which highlight Islam's care for the *dhimmīs* and its fulfilment of the covenant given to them.

Among the acts of benevolence is visiting their sick. Anas reported: "A young Jewish boy used to serve the Prophet (PBUH) and he became sick. So, the Prophet (PBUH) went to visit him. He sat near his head and asked him to embrace Islam. The boy looked at his father, who was sitting there; the latter told him to obey Abul Qasim (nickname of Prophet Muhammad) and the boy embraced Islam. The Prophet (PBUH) came out saying: "Praises be to Allah Who saved the boy from the Hellfire." (Al-Bukhārī, 1987). This ḥadīth proves that visiting a sick person from non-Muslims and inviting him to Islam is permissible.

In the Holy Qur'an, Allah Almighty has urged His servants to act kindly to their relatives, if they do not fight or engage in war with them. It says: "Allah does not forbid you from dealing kindly and fairly with those who have neither fought nor driven you out of your homes. Surely Allah loves those who are fair." [Al-Mumtaḥanah, 60: 8] Imam al-Biqā'ī says: "Since some of those who did not fight the believers may have helped in their expulsion, the Qur'an said: {nor driven you out} and restricted it with {from your homes}, meaning that Allah does not forbid you from {being kind to them} with any of the apparent types of kindness, for that is not explicit in the intention of friendship, {and be just} meaning that you be just with the highest degree of fairness, by removing the injustice and oppression, and deliver that justice {to them} indicating that the act of justice includes delivering it, and that it should not harm them, even if they undertook to deliver it to them from afar as the Almighty has permitted them to do, for that is part of gentleness and Allah loves gentleness in all matters." (Al-Biqā'ī, 1998). In fairness and justice there is complete benevolence, as it ensures that there is no injustice based on belief, nor based on differences in religion.

Islam's command to its followers to be benevolent to non-Muslims is clear and evident in the actions of the Prophet (PBUH) and his companions who are rightly named the best of generations. The opposite of benevolence is cruelty and aggression which are forbidden in Islam, regardless of who is being attacked. Further, aggression against someone who has a covenant of security is a more serious sin, because it combines two sins: the sin of aggression and the sin of betraying the covenant. However, giving a covenant to the *dhimmīs* and being benevolent to them require the same from them. If Islam stresses upon being kind to the people of the *dhimmah* and being gentle with them, and upon protecting their wealth and honour, then Islam has also taken care of the aggression coming from their side and has imposed severe punishment for that. In a tradition: "A Christian passed by 'Arafah bin Al-Ḥarith Al-Kindī and

'Arafah invited him to Islam. The Christian said some insulting words about the Prophet (PBUH). 'Arafah raised his hand and crushed his nose. The matter was taken to 'Amr ibn Al-Āṣ, and 'Amr said: We have given them protection. 'Arafah said: God forbid that we give them protection on the condition that they would openly insult the Prophet, peace and blessings be upon him. We only gave them protection on the condition that we would leave them alone with their churches and they would say whatever they wanted in them, that we would not burden them with what they could not bear, that if an enemy wanted to attack them, we would fight the enemy along with them, and we would leave them alone with their rulings, unless they agree with our rulings, then we would rule between them with the ruling of Allah and the ruling of His Messenger. If they leave us, we will not interfere with them." 'Amr said: You have spoken the truth. And 'Arafah had company with the Prophet (PBUH).

Islamic law did not prohibit dealing with the People of the Book and the People of the *dhimmah*. Rather, it ordered Muslims to be kind, righteous, and fair in their dealings with them. Moreover, it permitted eating their slaughter, permitted marrying their women, and permitted buying and selling to them. Allah says: "The food of the People of the Book is permissible for you and yours is permissible for them. And 'permissible for you in marriage' are chaste believing women as well as chaste women of those given the Scripture before you." [Al-Mā'idah, 5:5]

In addition to permitting dealing with them, the Islamic Sharī'ah has also given clear instructions regarding the etiquette of dealing with them, and what was mentioned above is only the gist of it.

Muslims ought to learn the etiquettes of addressing non-Muslims from the Qur'an itself, as the Holy Book always addresses them as "O People of the Book" [Āl 'Imrān, 3: 65] or "O you who have been given the Scripture" [Al-Nisā', 4: 47] if the non-Muslims are from the People of the Book. This indicates that their religion is a true heavenly religion, and the point of unity between them and the Muslims is that the source of the message is one, and all the prophets of God delivered the same message, without denying that some distortion and modifications have occurred in those scriptures.

The benevolence emphasized in Islam also includes using the best approach in inviting non-Muslims to Islam. Allah says: "Do not debate with the people of the Book unless it is in the best manner, except with those of them who commit injustice. And say, 'We believe in what is sent down to us and sent down to you, and our God and your God is One, and to Him we submit (ourselves)." [Al-'Ankabūt, 29:24] This is to erase enmity and hatred, even though Muslims are on the right path.

Although the verse addresses all the People of the Book in a way that includes those who are at war with Muslims as well as those with whom they have treaties, the Noble Sunnah of the Prophet (PBUH) has explained its meaning and given the People of the *dhimmah* an advantage over all other People of the Book who are at war with Muslims or those who reside outside the lands of Islam. In a ḥadīth recorded by Al-Bayhaqī, the Prophet (PBUH) said: "Whoever oppresses a man who has made a covenant, or humiliates him, or burdens him beyond his capacity, or takes something from him without his consent, then I will be his

opponent on the Day of Resurrection." And the Messenger of Allah (PBUH) pointed to his chest with his finger. "Whoever kills a man who has made a covenant who is in the protection of Allah and the protection of His Messenger, Allah will forbid him the fragrance of Paradise, even though its fragrance can be smelt at a distance of seventy years." (Al-Bayhaqī, 2003).

After the Prophet (PBUH), his companions followed his path in preserving the rights of the *dhimmīs*, treating them kindly, and repelling injustice from them.

Safeguarding The Public Interest in Dealing with Non-Muslims

Anyone who analyses the rulings of Islam concerning the *dhimmīs* and their connection with Muslims will conclude that, in principle, they have the same rights and duties as we have. There are many traditions narrated from the predecessors (*salaf*) and companions (*ṣaḥābā*) that support this assertion. For instance, 'Alī ibn Abī Ṭālib has been reported to have said: "They have agreed to the covenant of *dhimmah* so that their property would be like our property and their blood would be like our blood." (Al-Kāsānī, 1982).

Even if this rule is not universal for all jurisprudential rulings, as each issue must be evaluated and examined separately to draw its solution from the Qur'an, the Sunnah, the consensus of Islamic scholars, the actions of the Companions, and other sources of Islamic jurisprudence, but it indicates the common rights of the *dhimmīs* living under the Islamic jurisdiction. The most prominent rights are Protection from aggression and Protection of property, life, and offspring. All of this serves the public interest of Muslims and other citizens of the Islamic state. Below, we highlight some of the public interests that Islam recognizes concerning non-Muslims.

Unity

Political Unity

When the Prophet (PBUH) came to this world, tribal way of life was the prevailing system of Arabian society. Every tribe was headed by a tribal chief, and most of the times tribes would fight each other. Bloodshed and killing were common occurrences. Although there were some instances where two tribes signed peace treaties, these treaties would fail as soon as two persons from two different tribes had a conflict. Sometimes the conflicts would be as small as a camel drinking from the well of another tribe or grazing from another tribe's field. Such small conflicts would often start a war, as the name and reputation of the tribe was above everything else. This fanaticism did not allow the nation to unite or establish a state leaving the differences behind, despite having the same faith and belonging to the same race. After the advent of Islam, the motive for unity among the tribes was to confront the existing danger facing them, which was the threat to their beliefs and gods.

However, Islam's concept of unity differs from this fanatic view of pre-Islamic era that called for unity based on common interests. Although it is obligatory for a believer to support

another believer based on religion, Islam also established unity between Muslims and non-Muslims who resided within the Islamic state, whether they had a treaty or were *dhimmīs*, to preserve the unity and security of the state. This objective is achieved through the divine mechanism of check and balance manifested in repelling the aggression of some people through others, which implies that the existence of one group of people depends on the other, and one party cannot do without the other if they inhabit one land and one state. Allah says: "Had Allah not been repelling some people by means of some others, the monasteries, the churches, the synagogues and the mosques where Allah's name is abundantly recited would have been demolished." [Al-Hajj, 22:40]

Al-Zuḥaylī commented on this verse: "Then Allah Almighty mentioned His established law: the law of repelling some by the means of others to preserve the balance of power among people. Had the Almighty not been pitting some humans against others thereby preventing the evil of one group through another and had fighting for the survival of the believers and of the divine sanctities not legalized, the places of worship would have been destroyed, whether they belonged to the Jews, Christians, or Muslims." (Al-Zuḥaylī, 1422 AH).

This system forms the basis of a state as it seeks to preserve the unity and cohesion of its people, while safeguarding their public interest. All races and religions that are under the jurisdiction of that state are considered components of that state, so the state or the government must not discriminate against one group or give preferential treatment to any section of society. To preserve unity and cohesion, the government must consider the material and spiritual needs of all its people. This is the foremost duty of a state because if there are conflicts and dissatisfactions among the citizens, the unity and the respect for the law is gone.

Another way to ensure political unity is to protect non-Muslim's places of worship. 'Abdullāh ibn 'Abbās narrated: "The Messenger of Allah (PBUH) concluded peace with the people of Najrān on condition that they would pay to Muslims two thousand suits of garments... and in turn, no church of theirs will be demolished and no clergyman of theirs will be turned out. There will be no interruption in their religion until they bring something new or take usury." (Abū Dāwūd, 2009). The Prophet (PBUH) gave protection to the pre-existing churches of Najrān and made this protection contingent on the protection given to the people of Najrān. So, if the conditions of this treaty are violated, by inventing something new or taking usury, then this protection given to the churches will become void along with the protection of their lives.

The Muslim state is also responsible for eliminating the risk of potential enmity that may arise between Muslims and non-Muslims residing under its jurisdiction, to fulfil the promise of protection given by the Messenger of Allah.

Political unity is essential for the stability and internal security of the state, because any threat to the security of the state will put everyone's life, property, family, and interests at risk, irrespective of whether they are Muslims, Christians, or *dhimmīs*.

Social Unity

In addition to political unity, Islam also seeks to establish social unity between Muslims and *dhimmīs*. First, Islam permitted Muslims to eat the food of, and the animals slaughtered by, the People of the Book. Allah says in the Holy Qur'an: "Today all good, pure foods have been made lawful for you. Similarly, the food of the People of the Book is permissible for you and yours is permissible for them." [Al-Mā'idah, 5:5]

Secondly, Islam permitted its adherents to buy, sell, and trade with non-Muslims. `Aisha narrated: "The Prophet (PBUH) bought some foodstuff from a Jew on credit for a limited period and mortgaged his Armor for it." (Al-Bukhārī, 1987). This ḥadīth proves that dealing with non-Muslims and doing business with them is permissible. It also proves that it is allowed to give a weapon to non-Muslims as mortgage for a loan. (Zayla'ī, n.d.).

The strongest evidence to emphasize the importance of social unity between Muslims and *dhimmīs* is the permissibility of intermarriage. Marriage is a contract that Qur'an has named 'the firm commitment'. Allah said: "And 'permissible for you in marriage' are chaste believing women as well as chaste women of those given the Scripture before you". [Al-Mā'idah, 5:5] While commenting on the verse, Ibn 'Abbās said: "When this verse was revealed: "Do not marry polytheistic women until they believe" [Al-Baqarah, 2:221], people stopped marrying them until the following verse came down: "And 'permissible for you in marriage' are chaste women of those given the Scripture before you", so people started marrying the women of the People of Book." (Al-Ṭabarānī, n.d.).

According to Ibn Kathīr, several of Prophet's companions married Christian women and did not see anything wrong with that. They took the latter verse as having limited the scope of the former verse that prohibits Muslims from marrying polytheistic women. That too if the women of the book are considered as included in the prohibition. Otherwise, there is no contradiction between the two verses, because the People of the Book is a different category of non-believers from polytheists, and the proof is that the People of the Book are mentioned separately from the polytheists at many places in the Holy Qur'an, indicating that they are a separate group. For example, Allah says: "The disbelievers from the People of the Book and the polytheists were not going to desist 'from disbelief' until the clear proof came to them." [Al-Bayyinah, 98:1] (Ibn Kathīr, 1419 AH).

Once two families intermarry and the strong bond of nikāh is established between them, then this strong connection makes them like one family. As a result, the familial relationship established between Muslims and *dhimmīs* from among the People of the Book strengthens the social unity in the Islamic state.

Equality

Before discussing the concept of equality in Islam and the instances where Islamic Shariah has ensured equality between Muslims and *dhimmīs*, it must be noted that equality and justice are not the same thing.

Justice is one of the moral values that Islam emphasizes in all aspects of human life, bet it governance, politics, economics, or even in emotions. Justice is also one of the attributes of Allah as He is always just in His affairs. As far as men's justice is concerned, it relies on apparent proofs and evidence presented before the judge, so it is subjective to some extent. The Qur'an has stressed upon being just and fair in more than one places. In one verse, Allah says: "Indeed, Allah commands justice, grace, as well as generosity to close relatives. He forbids indecency, wickedness, and aggression. He instructs you so perhaps you will be mindful." [Al-Nahl, 16:90]

Equality, on the other hand, stands for giving the same political, social, economic, and cultural rights to everyone in the society, without discriminating against anyone based on religion, race, or colour. Equality ensures that general interests of Muslims are preserved. So, equality and justice converge in some respects and diverge in others. However, that is out of the scope of our discussion for now.

The focus of our discussion here is the equality between Muslims and the non-Muslim subjects of the Islamic state that has been acknowledged by Islamic law. This equality has several dimensions derived from the Prophetic traditions, the noble biography of the Prophet, and the actions of the Prophet's companions and their successors, which are as follows:

Political Equality

Political equality refers to equal right to citizenship, security of life and property, as well as the right to seek political asylum in Islamic countries. Allah says in the Holy Qur'an: "Fight those who do not believe in Allah and the Last Day, nor comply with what Allah and His Messenger have forbidden, nor embrace the religion of truth from among those who were given the Scripture, until they pay the tax, willingly submitting, fully humbled." [Al-Tawbah, 9:29]

Ibn Qayyim stated: "Jizyah is a tax imposed on disbelievers. There is disagreement about its derivation. Al-Qāḍī said in *Al-Aḥkām Al-Sulṭāniyah* that its name is derived from the word "*jazaa*" (reward), so either it is a reward for their disbelief as it is taken from them with humiliation, or it is a reward for the security provided by us to them, so it is taken from them with kindness." (Ibn Qayyim, 1998).

This interpretation is closest to the real concept of *jizyah*, as it is a punishment and a reward at the same time; The punishment for not accepting Islam, and the reward for granting them security, citizenship, and protection from the Muslim state.

The political equality between Muslims and *dhimmīs* lies in the fact that both enjoy political protection, residency, and a national ID or passport provided by the state. So, the equality between them is based on citizenship. Now, one may object that imposing the *jizyah* violates this equality. The answer is that a Muslim qualifies for citizenship rights and protection because of his faith, and the Islamic faith is more honourable without a doubt. The *dhimmī*, on the other hand, is of a lower status because he is not a Muslim. So, by paying the *jizyah*, he qualifies for equal rights and equal treatment in the eyes of the law. Moreover, imposing the *jizyah* also encourages *dhimmīs* to enter the fold of Islam.

In the present era, however, equality is based on paying taxes and other state-imposed payments. Since the concept of citizenship came into existence and non-Muslims began to participate with Muslims in serving and protecting the country, the *jizyah* no longer exists. As for holding government positions by non-Muslims and their right to vote and elect the ruler, we touched on this issue when we discussed their right to work and freedom of opinion.

Cultural and Religious Equality

Once the covenant is made with dhimmīs, as was in the past, or citizenship rights are established, as is the case today, then that will come into effect with all its implications. They will be left alone to practice their religion, worship their Gods, and have their own culture and lifestyle, if they do not disturb peace or cause harm to the state. As for leaving their temples and churches in their own hands, the jurists of the four schools of jurisprudence differed in this regard. (Ibn Qayyim, 1998). However, the preferred view is that non-Muslims' places of worships will be left in their own hands. During the caliphate of 'Umar, some restrictions were imposed upon Christians gathering for prayer every Sunday. Among them were: "We will not go out to perform our prayers, nor raise our voices with our dead, nor show fires with them in the markets of the Muslims." This ruling does not imply the prohibition of their gathering inside Churches, rather the prohibition of them openly praying in congregation in the Muslim lands or taking out processions in the markets or on roads. There is an addition in the narration of Ya'qūb ibn Bukhtān: "It was asked whether they can set up tents on the road on Sundays? He replied: No, unless it is a city that was taken through treaty, as in that case they will have rights as agreed upon in the treaty." The reason is that setting up tents on roads on non-Muslim festivals is tantamount to open display of the signs of disbelief, which Islam does not tolerate. But when they do it inside Churches, they are not to be bothered. (Tāhā, 2002 & Ibn Qayyim, 1998).

This makes it clear that in Islamic law, there is equality between Muslims and non-Muslims in terms of practicing religion, performing religious rituals, keeping the places of worship safe, the right to celebrate their festivals, and not face any interference if they are doing it inside their places of worship; all of which translates to cultural equality.

Moreover, there are numerous other types of equalities bestowed upon non-Muslims in the Islamic law, the examples of which are abundant in the Islamic history. Among them are economic equality, which reflects in the right of *dhimmīs* to enjoy the state's public facilities; and judicial equality, which manifests in the equal right to seek justice from the court, as stated in the Qur'an: "But if you judge between them, then do so with justice. Surely Allah loves those who are just." [Al-Mā'idah, 5:42]

Solidarity

Solidarity, or mutual support, among the members of one nation is necessary to preserve the public interest, even if they belong to different sects or religions. Solidarity means eliminating

harm and bringing benefits, serving the weak and supporting the oppressed, taking special care of the needy and the weak, regardless of race, religion, and gender.

As far as Islam is concerned, in addition to urging Muslims to have a symbiotic relationship as one nation united by the ties of faith, Islam did not limit solidarity to Muslims only, rather it bound all of humanity, regardless of their faiths and religions, in a joint liability to look for each other. Allah Almighty said: "Allah does not forbid you from dealing kindly and fairly with those who have neither fought nor driven you out of your homes. Surely Allah loves those who are fair." [Al-Mumtaḥanah, 60: 8] Therefore, Islam's solidarity encompasses everyone who does not show hostility or aggression towards Muslims and thus includes all of humanity. Islam honours all humans, and this honour comes from their dignity as a human being. Allah said: "Indeed, we have dignified the children of Adam, carried them on land and sea, granted them good and lawful provisions, and privileged them far above many of Our creatures." [Al-Isrā', 17:70] So, achieving the common good and realizing the interest of all humanity is the main goal of the principle of solidarity.

Solidarity among the residents of one country is utmost important, especially if there is a covenant that binds those individuals together, as is the case with Muslims and *dhimmīs* residing in the Islamic state that they are bound by the covenant of *dhimmah*. This covenant also establishes a relationship between these two groups based on joint liability and mutual support. Thus, the solidarity displayed by Muslims with respect to the needy or distressed among the *dhimmīs*, is part of the covenant of security, and fulfilling the covenant is a religious duty in Islam.

Furthermore, solidarity with non-Muslims is a form of kindness that is considered one of the main principles of Islam. Explaining the kindness with which the People of the Covenant must be treated, Al- Qarāfī said: "As for kindness towards them without inner affection, it is assisting their weak, filling the need of their poor, feeding their hungry, clothing their naked... and protecting their wealth, their children, their honour, and all their rights and interests, and that they should be supported in repelling injustice from them, and to give them all their rights." (Al-Qarāfī, 1998).

The following are some examples of solidarity with non-Muslims:

Social Solidarity

It is one of the most important forms of solidarity. Social solidarity encompasses all the social services that a *dhimmī* residing among the members of the Muslim community can benefit from, such as helping the needy, serving the poor, showing compassion to the weak, and showing mercy to the distressed. All these falls under the category of mercy with which Allah Almighty described His Prophet (PBUH) in the Qur'an: "And We have not sent you [O Muhammad] except as a mercy to the worlds" [Al-Anbiyā', 21: 107]. Allah Almighty described him as a mercy to the worlds, not just to the Muslims, and it is even more important to be merciful to those who took a covenant of safety from him.

A similar explanation was given by the Mālikī jurist, Al-Kharashī: "Preventing harm and removing injury from Muslims, or those who are considered to be like Muslims in the eyes of the law, that is, *dhimmīs*, are collective obligations, such as feeding the hungry and clothing the naked, when charity or the public treasury are not sufficient for that." (Al-Kharashī, n.d.).

One example of social solidarity with *dhimmīs* in the life of Prophet's companions is what Khālid bin Al-Walīd wrote to the Christians of Al-Ḥīrah: "I have ordered that any old man who is too weak to work, or is afflicted with an affliction, or was rich and became poor and the people of his religion began to give him charity, his tax to be waived, and he and his family are to be supported from the treasury of the Muslims." (Abū Yūsuf, 1984).

Kinship Ties

Islam has not only urged to maintain ties of kinship among the Muslims and attached great importance to it, but it also ordered to maintain kinship ties with non-Muslim relatives who did not fight or openly display enmity. Rather, Islam stressed being kind to non-Muslim relatives and ordered them to be fair in treating them. The Qur'an says: "Allah does not forbid you from dealing kindly and fairly with those who have neither fought nor driven you out of your homes. Surely Allah loves those who are fair." [Al-Mumtaḥanah, 60: 8]

Regarding the context of revelation of this verse, Imām Aḥmad recorded on the authority of 'Abdullāh ibn Zubayr, who said: "Qutaylah bint 'Abd al-'Uzzā came to her daughter Asmā' bint Abū Bakr and brought her gifts of raisins, dates, and clarified butter. Qutaylah being an idolater, Asmā' refused to accept her gifts or admit her into her house. So 'Aysha asked the Prophet (PBUH) and Allah Almighty sent down the verse "Allah does not forbid you from dealing kindly and fairly...". The Prophet (PBUH) ordered her to accept the gift and admit her mother into her house." This story suggests that Allah does not forbid you from doing good to disbelievers who did not fight you for your religion, like women and the weak, that you treat them fairly and justly. (Aḥmad ibn Ḥanbal, 1999).

Financial Assistance to the Elderly and the Poor

The elderly are the most prominent part of a society that need attention and care the most. It is people who have served society in their youth when they were capable to contribute, so society must also take care of them when they reach the stage of disability, as a way of returning the Favor. The same applies to the poor. They have contributed to the community by paying taxes and other monetary contributions when they were rich, so it is not right to abandon them when they are poor. Moreover, this return of Favor is not limited to Muslims but also includes *dhimmīs* and residents of other faiths within the Muslim land.

One example of assistance to the elderly *dhimmīs* is the story of 'Umar ibn al-Khaṭṭāb mentioned earlier, that upon seeing an old Jewish man begging, he said: "We have not been fair to you, we have eaten up your youth and abandoned you in your old age." Then, he wrote to his officials ordering them not to take Jizyah from the elderly. Then, 'Umar mentioned Allah's

words in the Holy Qur'an: "Alms are only for the poor and the needy" and said: "The poor are Muslims, and this man is from the needy among the people of the book." And he dropped the Jizyah from him and other poor people like him.

'Umar also ordered his officials: "Whoever finds it hard to pay the Jizyah, reduce it for him, and whoever is incapable of pay, help him." In Jābiyah, he passed by some *dhimmīs* who were suffering from leprosy, so he ordered that they be given the Muslims' alms and that they be provided food from the public treasury.

These general principles mentioned above are normal human behaviour and are found in all those whose conscience and humanity dictate that they care for their fellow human being. But before all that, these are the principles introduced by this true religion, Islam.

Conclusion

This paper attempted to explore the treasure of Prophet traditions to bring about the gems of Prophetic teachings, their reflections in the actions of his companions, and the overall position of Islam regarding the treatment of non-Muslims and the rules of coexisting with them. This exploration of Prophetic traditions concluded in several principles that form the basis for a model Islamic society that treats its non-Muslim members with equal dignity and respect and ensures peaceful coexistence with people of different faiths. Those principles are as follows:

Civil liberties: Non-Muslims have freedom of belief, and freedom of residing in the Islamic state but with some conditions, freedom of work, freedom of trade, and freedom of employment within Islamic countries. Moreover, they enjoy freedom of education, freedom of speech and expression of opinion by tongue, pen, or image – if they do not attack or insult Islam.

The right to justice: Non-Muslims residing in Islamic countries have right to justice, whether they are *dhimmīs*, protection holders, or *musta'mins*, and whether it is social justice, cultural justice, political justice, economic justice, judicial justice, health justice, or sports justice.

Common interests of the state must be considered in dealing with non-Muslims. Among the common interests approved by Islam are unity in defending the country and its interests, equality, and solidarity among the individuals of one nation.

The right to protection from aggression: Defending non-Muslims against aggression and defending their wealth, honour, and family is the duty of the Muslim state and its army. They enjoy this right by virtue of the covenant made between them and the Islamic state. In Islam, violating a covenant is a major sin – except when the other party becomes an oppressor, aggressor, or traitor.

The sanctity of home: Islam has given sanctity to the homes of non-Muslims, so this sanctity must not be violated. Islam has also given them the right to privacy, so no one can enter their homes without the permission of the owners. A home is considered the safest place for every individual, where he deserves privacy and needs to feel secure for himself, his family, and his wealth.

Good treatment: Islam is the religion of morality, good manners, good treatment, and humane values. It emphasizes forgiveness, kindness, generosity, and good behaviour. Particularly, Islam insists on adopting best manners when dealing with non-Muslims, such as patience, justice, forbearance, humility, chastity, mercy, kindness, righteousness, fairness, leniency, good treatment, and harmonious coexistence, so that the beauty of Islam and the tolerance, kindness, and sincerity of this religion become visible to everyone.

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