

# Treatment of Minorities: the Islamic Model

by Syed Mumtaz Ali

*(Text of an address given by Syed Mumtaz Ali, Barrister & Solicitor, President, The Canadian Society of Muslims, in the months of Aug.-Sept., 1993 on the occasion of the Milad celebration in Toronto, Ottawa and Edmonton.)*

The theologians define Islam as belief in and practice of its creed that **"there is no God, if not God Himself."** In a more elaborate form Islam is defined as: the Belief in One God, in His Angels, in His Revealed Books, in His messengers and prophets, in the Last Day and Resurrection, and in the determination of good and evil by God.

This same definition is no less applicable to Muslim law from the point of view of international jurists.<sup>1</sup> All else stems from this foundation. Islam enjoins on its followers a constant struggle for the well-being of the entire humanity, as the Qur'an affirms that: "... *mankind was but one nation, but differed later.*"<sup>2</sup> (Qur'an 23:53)

## Basic Notions

With this aim in mind – an aim it shares with international law – Islam adheres to certain basic notions. These are:

1) With respect to life in this world, Muslim jurists have always advocated extending the greatest equality possible to both "relatives" (Muslims) and "strangers" (non-Muslims). However, with respect to the life of the Hereafter, the believers and the unbelievers cannot be equals. The former will be granted paradise while the latter will inherit Hell.<sup>3</sup>

2) The Qur'an (2:256) prescribes religious tolerance by clearly and emphatically stating that there should be no compulsion in religion. This means that non-Muslim residents of, as well as travellers who are travelling through, a Muslim state have assurances regarding their safety and their liberty of conscience.<sup>4</sup>

3) In relation to issues of hospitality and asylum, there is a well-known verse of the Qur'an (9:6) which states that: "*And if anyone of the pagans seeketh asylum (O Muhammad), then give him asylum ... and afterwards convey him to his place of safety...*" The entire fabric of Muslim international law is intended for non-Muslims. Under Islamic law, Muslims, regardless of geographical

location constitute one single *Ummah*. The Qur'an (10:19) affirms: "*Verily this Brotherhood of yours is a single Brotherhood.*" Consequently founders of Muslim International law sought to codify as to how to deal with other, that is, non-Muslim, states. Justice, even to the detriment of self-interest (Qur'an, iv:134), is enjoined on Muslims in all their conduct. This includes the conduct of Muslims in Foreign and War offices.<sup>5</sup> It is but natural that one should make a distinction, and even a discrimination, between the near and the distant, between the 'relative' and the 'stranger'.

Therefore Islamic law does make a distinction among different non-Muslim communities. It divides them into what might be called: 'developed' and 'primitive'; or, those who believe in One God and follow Divine laws revealed to the founders of their religions, and those who do not operate on the basis of revealed law (such as idolaters, pagans, atheists, animists, etc.). Everyone – both developed and primitive – is a subject who enjoys equal protection with regard to liberty of conscience and life. Yet, a Muslim in his private life approaches each group differently. For example, a Muslim man can marry a 'developed' non-Muslim (Christian, Jewish) woman, but not a 'primitive' pagan. A Muslim woman, on the other hand, cannot be the wife of a non-Muslim irrespective of whatever category (developed or primitive) to which he may belong.<sup>6</sup>

As is true in every other political or social system, and as was stated earlier in this paper, Islam makes a distinction between 'relatives' and 'strangers', but there are two features of this differentiation which are peculiar to Islam:

1) The first feature concerns the facility with which one can cross the barrier between stranger and relative. Islam emphasizes the realm of ideas – a thing which depends on the choice of human beings – as the source of the themes which bind together and unite members of society. Islam rejects mere accidents of nature and hazards of birth (such as colour of skin, place of birth, language or blood relationship) as factors which should

bind society.

2) Secondly, there is only a marginal inequality between the two categories ('developed' and 'primitive') in relation to treatment with respect to the affairs of the world.<sup>7</sup>

### **Equality Principle**

The principle of law at the heart of international relations is repeated in every compendium of Muslim law. This principle maintains that: "*in sufferings (i.e., affairs) of this world, Muslims and non-Muslims are equal and alike.*" Even the most orthodox Muslim authors of international law are all unanimous on this basic principle.

This approach to international law serves the function of a pivot. It is a point which balances all the detailed rules regulating the protection of the spectrum of legitimate interests of the minorities. They are the 'protected' community of non-Muslims.

### **Minority Autonomy: Judicial, Social, Cultural**

One of the most characteristic features Of Islam is the award of judicial, social and cultural autonomy to these communities. As a result, they are routinely referred to as the *dhimmis*, in the technical terminology of the law. The word *dhimma* means a compact which a believer agrees to respect and the violation of which makes him liable to *dham* (blame).<sup>8</sup> The other meaning of the word is guarantee of safety (*aman*).<sup>9</sup> Legally, the term refers to certain rights which must be protected by the state.<sup>10</sup> The people whose rights are protected are known as *dhimmis* or protected subjects.

Let us take a quick look at the nature of judicial autonomy under Islamic law. Far from imposing Qur'anic laws on everybody, Islam permits and even encourages every group (Jewish, Christian, Magian or other) to establish its own tribunals presided over by its own judges. Each group should seek to apply its laws to all branches of human affairs.<sup>11</sup> Thus, judicial autonomy is intended to encompass not only individual, private matters (involving personal status) but also for all the affairs of life: civil, penal, religious and others.<sup>12</sup>

As far as issues of social and cultural autonomy are concerned, the safeguard of the rights of non-Muslims in Islamic territory goes even to the extent of giving them the liberty of practising customs entirely opposed

to those of Islam. For instance, manufacture, importation, sale and consumption of alcoholic drinks is permitted to non-Muslims. The same is true of games of chance, marriage with close relatives, contract entailing interest, etc.<sup>13</sup>

To establish liberty of conscience in the world was one of the aims and objectives of the Prophet Muhammad. Therefore the concept of 'holy war' in Islam cannot be employed for the purpose of imposing Islam on non-Muslims or compelling anyone to become Muslim. The spirit of *Jihad* is one of sacrifice to ensure that the word of God and the practices entailed by that word are not extinguished and, therefore, are available for those who wish to follow the Divine Word and concomitant practices. Waging war for any other reason is illegal. There is absolutely no question of waging war in order to compel people to embrace Islam. This would be an unholy war.<sup>14</sup>

Islamic law expressly recognizes the right of non-Muslims to preserve their beliefs. However, while it categorically forbids all recourse to compulsion in converting others to Islam, Islamic law maintains a rigorous discipline among its own adherents.

For instance, a Christian or Jewish wife of a Muslim is given her liberty to conserve, practise and act in accordance with what her religion permits. Consequently, she may go to church or synagogue, drink wine, gamble, etc.<sup>15</sup>

On the other hand, some of these liberties are not extended to Muslims. They are not permitted alcohol, nor can they gamble. Nonetheless, one should not forget the great practical importance attached to the fact that Muslims obey their system of law as something of Divine origin, and not merely the will of the majority of the leaders of the country. Due to its Divine origin, there is greater stability in the Muslim law than any other secular legislation of the world.<sup>16</sup>

The foregoing discussion presents the main features of a general picture of Muslim law dealing with non-Muslims. That discussion draws heavily from two main sources: *Introduction to Islam* and *The Muslim Conduct of State* both by Dr. M. Hamidullah. For a better understanding and a more comprehensive coverage of the subject, I would highly recommend and refer you to these two books. They are widely recognized as authoritative works of long standing.

Much of the following discussion also is based on material from these two works.

In *The Muslim Conduct of State*, Dr. Hamidullah points out, with respect to the Islamic model for treating minorities, that: "I have tried to explain the reasons of these rules. I am not writing on what, according to modern average Muslims, ought to be the Muslim law, but what has always been considered to be the Muslim law."<sup>17</sup> It is always useful to remind ourselves to make a distinction between the Muslim Law and the laws of the Muslims. Before I proceed to the next section of my paper, let me cite a passage from another author, Professor Sheikh Showkat Hussain, who in his own way reflects the position outlined by Dr. Hamidullah in the previous discussion. Dr. Hussain states:

"The *dhimmi*s or the protected subjects enjoy protection of life, liberty, property, and honour.<sup>18</sup> Full freedom of conscience is given to them.<sup>19</sup> They are exempted from compulsory military service and payment of *zakat*.<sup>20</sup> However, their able bodied males have to pay *jizyah* in lieu of military service. Islamic state deals with the *dhimmi*s of all denominations as members of a community, not as individuals. *Shari'ah* governs the relations of the *dhimmi*s with both individual Muslims and the Islamic state on the basis of religious distinction. All the internal relations of the *dhimmi*s are left to be regulated by the laws of the religion to which they adhere. Hence it (the *Shari'ah* or Islam) regards the adherents of each religion as a community controlled by guardians of its sacred traditions. The individual *dhimmi*s are to be obliged by the Islamic state to follow its tradition relating to internal relationship of the individuals and the community.<sup>21</sup> They are exempted from application of Islamic penal laws to the extent these are not in conformity with their religious perceptions.<sup>22</sup> Due to this unique position which the *dhimmi*s enjoy in Islamic law their legal status has been subject of a great controversy."<sup>23</sup>

## A Model for Minorities

Dr. Hussain has given expression to the kind of most compassionate and fair treatment non-Muslim minorities should receive at the hands of the Muslim majority, according to the Muslim law. In fact one might be so bold as to propose that because the Islamic model for treatment of minorities serves Muslims so well, it also may be capable of serving other nations and countries as well by providing a universal code of conduct and general model for the treatment of minorities.

*Muslim minorities can expect this kind of fair treatment from non-Muslim states only if the latter are prepared to offer a system of treatment similar to what is the case in Islam with respect minority treatment. History shows that, in the absence of such a system, good or bad treatment of Muslim minorities depended more on the unpredictable whims of the rulers of non-Muslim governments.*

## Treatment of Muslims: Good and Bad Examples

Cases of good and bad treatment of Muslim minorities in the early days of Islam are innumerable. First, let us take two cases during the life time of Prophet Muhammad (p.b.u.h.). One of good treatment of Muslims by a non-Muslim ruler while the other one exemplifies bad treatment of Muslims by a non-Muslim ruler.

During the time of the Prophet, certain Muslims had taken refuge in Abyssinia from their Meccan persecutors. In Abyssinia the Muslims enjoyed perfect freedom of conscience. They worshipped according to their rites and celebrated daily religious services. Nobody maltreated them or abused them with unpleasant words. The Negus of Abyssinia assured the Muslims they were safe in his territory and refused to extradite them at the demands of the Meccans.<sup>24</sup>

On the other hand, at approximately the same period the Negus was protecting the rights of Muslim minorities in Abyssinia, the Byzantine governor of Ma'an embraced Islam. On learning of the governor's conversion the Emperor ordered the governor to abjure his religion. When the governor refused, the Emperor beheaded him. Muslim historians also mention another case of a high church dignitary. This official was lynched by a Byzantine mob upon hearing of his declaration of embracing Islam.<sup>25</sup>

Cases pointing out the practical need for Muslim authorities to come to terms with non-Muslim states even after the Prophet's time date back as early as 31 Hijrah. For instance, in this year a pact was concluded between Muslims and the King of Nubia. The pact stipulated that no objections would be raised by the King if Muslims visited his country or celebrated their services in the mosque in Dongola, the capital of Nubia. Some provision for extradition of criminals was also made in the treaty.<sup>26</sup>

Dr. Hamidullah gives several other cases of good and bad treatment of Muslim minorities in non-Muslim jurisdictions. The following two cases provide some additional insight:

In the time of al-Hajjaj Ibn Yusuf, many persecuted Muslims fled Iraq and wanted to take refuge in Malabar (India), but the Hindus prevented them from landing. However, the Hindus finally agreed to let the Muslims land and settle in Malabar provided the Muslims would completely blend in with the local population.

For example, one condition imposed on the Muslims was the obligation to follow certain Hindu customs, such as adopting the manner of dress of this country and 'as the country, so the dress,' they took to wearing the Hindu costume. In addition, they were required to perform *adhan* and recitation of the Qur'an in secret.<sup>27</sup>

A different perspective is given by Buzurg Ibn Shariyar, an author of the 4th century H. He writes that theft was generally punished in India by death. If the thief was a Muslim, the case was adjudicated by the Hunarman, a *Qadi*-like official of the Muslims who judged according to Muslim law. There was a custom in India that non-Muslim rulers would consult (for advice) a Muslim Hunarman, i.e., a *Qadi*, for criminal offenses committed by a Muslim. Evidence of this kind of an arrangement was confirmed by Ibn Hauqal. He wrote: "This custom I have found in many other countries now under non-Muslim occupation, like Khazar, Sarir, Lan, Ghanah and Kughah. In all these countries the Muslim community does not accept its chief, its judge and the witnesses in its disputes to be anyone except Muslims, this even when their number is very small."<sup>28</sup>

Regarding people near the Caspian Sea, Mas'udiy records that, in the capital of Khazar, there were seven judges, two of whom were Muslims, two Khazarites, two Christians, one for Slavs and Russians and all the rest. If any difficult question arose, they referred it to the

Muslim judges and abided by what the Muslim law provided. Similar privileges were enjoyed by Muslims in Lithuania and Poland in the 15th and 16th century.<sup>29</sup> The foregoing cases provide a glimpse into the treatment of Muslim minorities in earlier times, many centuries ago.

### Modern Age

Let us take a quantum leap forward to our own age, now commonly referred to as the postmodern era. The predicament and promise of post-modernism is the subject of a recent work, *Postmodernism and Islam*, by Akbar S. Ahmed, Professor of Anthropology at Cambridge University, England. Professor Ahmed has also produced *Living Islam*, a series of television presentations by the BBC of England.

"As Muslims, we will live in the postmodern world which is just beginning to shape our lives; therein lies the Muslim predicament: that of living by Islam in an age which is increasingly secular, cynical, irreverent, fragmented, materialistic and, therefore, for a Muslim, often hostile. However, postmodernism also promises hope, understanding and toleration – and this is where it connects with Islam. In an age of cynicism and disintegration, Islam has much to offer."<sup>30</sup>

### Western Media and Knowledge Vacuum

A related theme which he investigates is the ubiquitous presence of the media. He forcefully brings it to our attention that: the Western media are all around, stimulating, corrupting, influencing, shaping and challenging us. We cannot hope to understand Muslims without first understanding the nature of the Western media.<sup>31</sup>

He maintains that he himself is ambivalent about the media. Although aware of its dangers (both in its destructive powers and seductive charms) he is also conscious of its great potential to assist in understanding and explaining the differences between disparate peoples. Its capacity to help bridge gaps is immeasurable. Future endeavour, whether academic, cultural or political, must take developments in this audio-visual media and recent communications technology into account; henceforth no one can be an island ever again.<sup>32</sup> Professor Ahmed further asserts that the present encounter, with its universal Western culture and pervasive technology, is perhaps the most forceful of onslaughts on Muslim civilization yet. Precisely because it is so amorphous and because it appears in the

most unexpected places, Islam appears so threatened and vulnerable. The VCR and TV need no passport or visa. They can invade the most isolated homes and challenge the most traditional values, and in their character and origin they are part and parcel of Western civilization.<sup>33</sup>

Even a Muslim like His Highness the Agha Khan, who, according to this author, scrupulously avoids political controversy and is known to be sympathetic to the West, is concerned about the relationship between Islam and the West, feels that the perception of Islam as a threat to order, as darkness, is never far from the Western mind: "With Islam encompassing a large area of the world with significant populations,"<sup>34</sup> Western society can no longer survive in its own interest by being ill informed or misinformed about the Islamic world. They have to get away from the concept that every time that there is a bush fire, or worse than that, it is representative of the Islamic world. So long as they make it representative of the Islamic world, they damage both themselves and their relations with the Islamic world itself because they are sending erroneous messages back. There is what I call a 'knowledge vacuum'. It is hurting everyone."<sup>35</sup> We cannot, therefore, even in our modern or post-modern age, ignore or disregard what traditionalists have believed to be necessary. More specifically, for the traditionalists, the larger message of Islam, rather than the narrower sectarian or personal quibbles, is of paramount importance. As a result they believe both in the universal message of God as well as in inter-faith dialogue. Seyyed Hossein Nasr has pointedly underlined this need in the following way:

"There is also the very important task which lies ahead for Muslims to try to make peace on a theological level, not only a political level, with other religions in the West, to extend a hand, which Islam has always done, to Judaism and Christianity and to other religions."<sup>36</sup>

This need to create better understanding and to eliminate the aforementioned 'knowledge vacuum,' assumes an even greater urgency in the light of a variety of recent developments. For example, all one needs to do is consider the atmosphere surrounding the Rushdie affair and the enmity it has generated, or, even more tragically, the situation in the Balkans with its policy of 'ethnic cleansing,' to realize how desperate is the need for communication and tolerance. The author of *Postmodernism* says in relation to this need that: "Indeed, even the hope and promise of the modern and post-modern era seem to be losing their appeal and any claim to tolerance, liberal-mindedness and *laissez-faire*

seems a hollow and spent force. 'To each his own thing' type of thinking, which was supposed to be changing the world, is not so in practice and reality.

"In their shrill intolerance of opposing voices, some of these labelled 'post-modernist' authors sound suspiciously like other more conventional authors of earlier times. We saw how lines were drawn in the Rushdie affair at many points, stereotypes negated and paradoxes created. Many staunch Christian priests were totally supportive of Muslims, while many liberal intellectuals sounded like Inquisition Priests in their shrill and blanket condemnations. In the one case, a millennium of hostility to Muslims was set aside; in the other, a century of liberal philosophy."<sup>37</sup>

Ahmed continues on: "In their emphasis on ethnicity, many postmodernist political movements generate racial violence which is as barbaric as any we know of from primeval tribal warfare. Ethnicity is the unprimed and potentially most explosive reality of human society, as we see in the disintegrating communist states. Its links with postmodernism are still to be discovered clearly. Muslims and Marxists slit the throats of fellow Muslims and fellow Marxists; ethnicity in these cases overrides larger ideological loyalties. Our age is littered with notorious examples."<sup>38</sup>

Even in Canada, a country with a longstanding bilingual and bicultural historical background, as well as a constitutional commitment to ethnic equality and multiculturalism, things seem to have come to a dead stop. When efforts are made to persuade the powers that be to implement the theory of multiculturalism and to put it into practice, one finds no evidence of any sincere enthusiasm on the part of officials for bringing forth any realistic practical measures. A great deal of heat and hot air created in sheer rhetorical terms is all that one finds in plentiful measure.

In practice, the alleged liberal-mindedness of Canadians and their claim to world leadership as international brokers of peace and peace-keeping or as champions of fairness and equality, etc., etc., seem to amount to no more than platitudes meant only for foreign consumption and packaged to please the ears of the international community.

### **Guidelines for Minority Living**

In the concluding part of my address, I would like to give some helpful hints and suggest some broad practical

guidelines for Muslims living as a minority in non-Muslim countries.

Basically, I will give a condensed and somewhat abridged version of what Maulana Manzoor Nomani, a well-known religious scholar of India, has said on this subject. I will deal with only half a dozen major points of his discussion, and I will try to retain as much of his own wording as possible, as put forth in his book: *Islamic Faith and Practice*. Maulana Nomani says: "Muslims, who, in the modern world, are feeling despondent and frustrated at being placed in the position of a weak minority in the countries of their birth (in our case, countries to which we have migrated) have for them a special message of courage and hope in Swa-i-Yusuf in the Qur'an."

"The story of Hazrat Yusuf teaches us the moral that however weak be the numerical or political position of Muslims in a country (they may even be in the minority of one and isolated completely from the rest of the people, religiously as well as racially) if they are true in their faith and righteous in their habits and are also ready to render whatever service they can to fellow-citizens and to the state, they are bound to carve out a position of honour and trust for themselves and win the respect and admiration of its inhabitants for their religion. On being questioned by his brothers how a person whom they had pushed into the well could come to rise to such great heights, Hazrat Yusuf offers this explanation from the Qur'an (12:90): *'Behold, he that is righteous and patient – never will God suffer the reward to be lost, of those who do good.'*"<sup>39</sup>

Unfortunately, the spectacle that Muslims are presenting today is quite in contrast to the foregoing examples. While they are eager to take recourse to all sorts of agitational methods for the solution of their political difficulties – methods which are totally the products of the materialistic frame of mind and from which no good has ever accrued or can ever accrue, they are not prepared to give a trial to try the remedy prescribed by the Qur'an. Indeed, it would seem their current state of mind is identical to that of the unenlightened group among the Israelites of old which is described in the Qur'an as: *"And if they see the way of right conduct, they will not accept it as the Way; but if they see the way of error, that is the Way they will adopt."*

Muslim minorities in non-Muslim lands can also draw a most valuable lesson from the episode of Hudaibiyah in the life of the holy Prophet. Why had the Prophet agreed

to the seemingly humiliating arrangements provided for in that treaty? In point of fact, the Prophet had wanted channels of contact to be established between Muslims and the people of Mecca. History records that it was this very treaty, shameful and degrading as it looked at first sight, which paved the way for the Meccans to embrace Islam.<sup>40</sup>

The unique advantage to which the Prophet turned the apparently hopeless Treaty of Hudaibiyah provides guidance and inspiration for Muslim populations today in most non-Muslim countries. Whether Muslims are wise enough to make use of this guideline is another question.

Nevertheless, the Maulana stresses the point that: "But, with all this, Muslim minorities living in non-Muslim countries cannot manage to ignore the realities of the situation as prevailing in their countries. They will have to determine their attitude after giving the most careful thought to all the aspects of the problem and with this dictum of the *Shar'iah* as their guiding principle: *"wherein lies most of good and least of evil,"* implying that if the circumstances be such that it may not be possible to conform **wholly** to the requirements of the *shariat*, the course which promises to bear forth the greatest amount of good and the least amount of evil should be adopted (I.F.P.: 145).

Also of interest in this connection are the comments made by Ibn Taimiyah while elucidating a principle of the *Shar'iah* which recommends the aforementioned dictum that one should pursue that course of action: "Wherein lies most of good and least of evil." He says, "When the war between the Romans and the Persians was being fought during the lifetime of the Prophet the successes of the Romans gave much joy to the Prophet and the Companions, as is confirmed by Sura-i-Rum in the Qur'an (12:7), although both the parties were polytheists. The reason was that the Romans being Christians were nearer to Muslims than the fire-worshipping Persians. Similarly, Hazrat Yusuf had agreed to serve as a deputy to the Pharaoh in spite of the fact that the latter along with the entire Egyptian nation was a polytheist, and used the power thus acquired to invite people to God and establish justice and righteousness to the best of his capacity." These remarks by Ibn Taimiyah are very clear and decisive in respect of the subject under discussion.

## Personal Law

*"Finally, Muslim Personal Law is a part of the religious structure of Islam and no non-Muslim government has the right to interfere with it. Muslims living under non-Muslim systems are, as such, required to make every possible effort for the recognition of this principle by their governments." (I.F.P.: 149)*

The Prophet ordered the non-Muslim residents to observe Muslim law wherever they might be.<sup>41</sup> We may refer in this connection to the oft-quoted instruction of the Prophet in which he commanded:

***"Ask them to embrace Islam. If they comply, molest them no more but ask them to migrate to the territory of migration. If they do that, they will have the same rights as the Migrants (i.e., Muslims) and same obligations as they. If they refuse to migrate, inform them that they will be considered like the wandering or non-resident Muslims. They will have, however, to observe the Divine laws even as all the believers."***<sup>42</sup>

Hence the dictum of Abu Yusuf:

*"A Muslim is bound to regulate his conduct according to laws of Islam wherever he may be."*<sup>43</sup>

It goes without saying that this depends upon the liberty enjoyed in foreign countries. According to the Qur'an (12:75), in Egypt at the time of Joseph, the Patriarch administered justice to foreigners, even in criminal cases, according to their own personal laws (M.C.S.:218, footnote 33). In spite of the insistence of Muslim jurists on Muslims being bound by their own laws wherever they may find themselves, it cannot be denied that Muslims in foreign territories live there on sufferance and they are subject to twofold restrictions. Firstly, Muslim law itself reduces their legal capacity. For instance, such a Muslim cannot give quarter (i.e., protection, asylum), during his stay abroad, to a non-Muslim so as to bind the Muslim state, although he could do this had he done so in Muslim territory. Secondly, such Muslims have to accommodate themselves to the laws of the country where they are living.<sup>44</sup>

With respect to the Muslim international law, there are

many points on which Muslim law is at variance with the modern Western international practice. Consequently, it is up to Muslim States to see if their heritage could not be proposed to others with convincing arguments for universal application.<sup>45</sup>

## **Conclusion**

*In conclusion, I would like to stress the following point. From the previous discussion, it is quite clear that not only historically but also from a sheer practical, common sense point of view, Muslim minorities living under non-Muslim governments are the authors of their own fortunes. By making efforts, by struggling along as Muslims throughout history have done, Muslim minorities share the opportunity and the responsibility to seek the best standard and the best possible quality of life they can acquire by all lawful means available to them. Evidently, to each according to his merit.*

*As the Qur'an exhorts us, "Man can have nothing but what he strives for." (53:39) In addition, the Qur'an reminds us that "Verily never will God change the condition of a people until they change it themselves (with their own souls)." (Qur'an,13:11) Depending on how they negotiate with governments of their adopted non-Muslim homelands, Muslims either can live the best kind of lives, or reduce themselves to the worst possible level of existence. The examples given in my presentation are meant only to point out this fact of life and this reality.*

But one must also be realistic enough to acknowledge that being a Muslim has meant different things to different groups in different situations. In some instances, it is true, this simply means loyalty to an arbitrary set of ethnic and cultural symbols. The Turks of the former U.S.S.R. are a case in point. After a passage of time in which they were subjected to intense persecution, and access to the sources of Islamic knowledge was closed on them, their perception of identity became limited to the ritual observance of certain birth, marriage and death ceremonies. "The ancient Chinese Muslim Community is another example where an Islamic identity came to rest solely on abstention from the consumption of pork. (Barbara Bilsbury, Mosque and Pagoda: The Muslim Chinese).

## **Advice to Minorities**

In our situation, i.e., for those living in Canada and other

Western countries, I offer this advice to you in the words of the late Dr. Syed Z. Abedin, a devout Muslim, with the deepest love for Islam and Muslim minorities, who has passed away only three months ago in the month of *Zilhaj*. He was the Director of the Institute of Muslim Minority Affairs and the Chief Editor of the Journal of that Institute. Professor Akbar S. Ahmed has recently paid tribute to the high quality and calibre of the journal as "one of the most serious academic journals" (dealing with minority issues) in his book and even more recently in his BBC documentary series '*Living Islam*.'<sup>46</sup>

I quote: "In the matter of gathering information and seeking solutions to minority problems, it is also absolutely essential for the Ummah to realize that minority living is a two-way street. You talk and you listen. You take, but you also give. You respect first and then you gain respect and attain credibility and dignity. There cannot, absolutely cannot, be any discussion of minority problems with only one side present. Dialogue is the essence even of dawah. It needs above all moral courage of the highest Islamic order, especially in present times when religious and political polarisation has reached lethal proportions." [46]

### **Pluralistic World – Challenge of the Times**

Obviously, therefore, Muslims must operate within the framework of the Canadian laws and the laws of the Western countries they happen to be living in. With intellectual and moral evolution, there is a tendency in human society to facilitate the assimilation of the foreigner.<sup>47</sup> Modern, liberal-minded Western countries, particularly those with democratic forms of governments, are becoming increasingly convinced of the need for adopting a humanitarian notion of social unity as the basic tie of society. One by one, these countries are rejecting the conceptions of "national unity" based on accidents of nature, the notions which belong more to the animal instincts rather than to the rationality of man. Blood relationship, colour of skin, language, place of birth, are all accidents and hazards of birth. These primitive bases of assimilation are being replaced more and more by the basis identity of ideas. Such a notion of unity and assimilation depends on the choice of man and is therefore closer to reason and more practical. It is common knowledge that Islam has always followed this method of assimilation, showing how to live one's life in peace and tranquillity.

In closing, let me then reiterate two fundamental points: Islam enjoins on its followers a constant struggle for the

well-being of the entire humanity, as the Qur'an makes it clear that '*mankind was but one nation, but it differed later*' (23:53).

Secondly, the dictum of law that: "In sufferings (i.e., affairs) of this world, Muslims and non-Muslims are equal and alike."

As-Salaam Alaikum.

### **ENDNOTES**

Source abbreviations used in citations appearing in the following endnotes:

**M.C.S.:** Muhammad Hamidullah, *The Muslim Conduct of State*, Lahore, Pakistan: Sheikh Muhammad Ashraf, 1977.

**I.I.:** Muhammad Hamidullah, *Introduction to Islam*, Lahore, Pakistan: Sh. Muhammad Ashraf, 1974.

**H.I.:** Sheikh Shoukat Hussain, "*Status of Non-Muslims in Islamic State*," an article in **Hamdard Islamicus** (Journal), Pakistan: Hamdard Foundation, pp. 67-79.

**P.I.:** Akbar S. Ahmed, *Postmodernism and Islam*, London, New York: Routledge, 1992.

**I.F.P.:** M. Manzoor Nomani, *Islamic Faith and Practice*, Lucknow, India: Islamic Research and Publications, 1973.

1. M.C.S., para. 18.
2. Ibid., para. 25.
3. I.I., para. 411.
4. Ibid., para. 412.
5. M.C.S., para. 133.
6. I.I., para. 439.
7. Ibid., para. 408.
8. Khadduri, *War and Peace in the Law of Islam*, Baltimore: The Johns Hopkins Press, 1955, p. 198 (vide H.I., p. 67).
9. Yusuf Al-Qardhawi, *Ghyar al-Muslimeen Fi Maujtama al-Islami*, Cairo, 1977, p. 7 (vide H.L, p. 67).
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11. I.I., para. 321.
12. Ibid., para. 430.
13. Ibid., para. 438.
14. Ibid., para. 442.
15. Ibid., para. 439.
16. Ibid., para. 409.
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18. Ibid., para. 201.
19. DOI, Abdul Rahman, *Non-Muslims Under Shariah*, Lahore, Pakistan, 1981, pp. 73- 74 (vide H.L, p. 70).
20. Ibid., 1977, p. 112 (vide H.L, p. 70).
21. Gib and Brown, *Islamic Society and the West*, Oxford, 1957, Vol. I, p. 212 (vide H.L, p. 70).
22. Abdul Kadir Audah, *Al-Tashrih al-Jinai al-Islam* (Urdu), Lahore, 1979, p. 212 (vide H.I., p. 70).
23. H.I., p. 70.
24. Ibn Hisham, pp. 217ff, 71ff (vide M.C.S., 220).
25. Tabari, *History*, 1, 1567 (vide M.C.S., 221).

26. Maqriziy, *Khitat*, ed. Bulaq, 1, 200 (vide M.C.S., 224).
27. Abdul Jabbar Khan, *Mahboobal-Watan*, p. 40 (vide M.C.S., 225).
28. M.C.S., para. 231.
29. *Ibid.*, para. 236.
30. P.I., Preface.
31. *Ibid.*, p. vii.
32. *Ibid.*, p. vii.
33. *Ibid.*, pp. 97-98.
34. Distribution of an estimated one billion Muslims in the world, 1/4 of this number living as minorities in non-Muslim states (there are about the same number of Christians):

South Asia (India, Pakistan, Bangladesh) – 250-300 million  
 Africa – 200 million  
 Arab Countries – 180 million  
 Southeast Asia – 170 million  
 Europe (out of this, 6 million in Western Europe, 1 million in the United Kingdom – 65 million  
 Iran – 50 million  
 Central Asia – 50 million  
 China – 50 million  
 Afghanistan – 15 million  
 North America – 6 million  
  
 South America – 3 million  
 Australia – 1 million

Source: *Boston Sunday Globe*, reprinted by *The Globe and Mail*, July 14, 1993.

35. Ahmed, 1991 g, vide P.I., p. 97.
36. Vide P.I., p. 158.
37. P.I., p. 261.
38. *Ibid.*, p. 262.
39. I.F.P., pp. 143-150.
40. Details of the incident are available in Ibn-e Hisham, Vol. I, p. 361, *Al-Badayah- wan-Nahaya*, Vol. m, p. 79; and *Sharh-i-Seer-i-Kabir*, Vol. m, p. 187 (vide I.F.P. 149-footnote).
41. M.C.S., para. 218.
42. *Sahih of Muslim*, V, 139-140 (vide M.C.S., 199).

43. Cited by as-Sarakhsy, 'AI-Mubsut', X, 95 (vide M.C.S., 218).
44. M.C.S., para. 219.
45. Ibid., Preface to Fourth Edition.
46. Syed Z. Abedin, "*A Word About Ourselves*," Journal Institute of Muslim Minority Affairs, Vol. XII (1), London, U.K.: Institute of Muslim Minority Affairs, 1991.
47. Ibid., Vol. XIII (1), p. xiv – More than 80% of the nation states in the modern world (including Muslim nations) are pluralistic; they lack ethnic, racial, cultural or religious homogeneity.