

RIGHTS OF CITIZENS IN AN ISLAMIC STATE

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Abstract: Generally, there is a misconception among the people, that is in fact propagated by Western Media, that in Islamic Political System is a totalitarian one and there will be no rights for citizens, especially for non-Muslims, in that. The following article is intended to clarify the misconception in the light of Quran. The interpretation and explanations are taken from the works of great modern Islamic thinker Maulana Abul Ala Maududi.

Introduction : An Islamic state guarantees certain fundamental rights to the citizens. These rights cannot be violated by the state. These right are available to all the citizens. The Islamic state do not discriminate on the basis of religion with regard to these rights.

Main Content: These rights can be classified into two section namely Civil and Economic Rights and Political Rights.

1 - Right to Life: The Islamic State, writes Maududi, guarantees the right to life for all the inhabitants, irrespective of their religion and sex. According to the Qur'anic provisions, no one can be deprived of his life, except as punishment in certain crimes.¹ The Qur'an says:

“Nor take life - which Allah has made sacred - except for just cause. And if anyone is slain wrongfully, We have given his heir authority (to demand *Qisas* or to forgive): but let him not exceed bounds in the matter of taking life; for he is helped (by the law).”²

If anyone violates the provisions, it invokes capital punishment in *Qisas*, retaliation.³ However, according to Maududi, the Islamic state may sanction capital punishment for certain crimes,⁴ viz., murder,⁵ apostasy,⁶ adultery after marriage, and armed rebellion or conspiracy against the Islamic state,⁷ provided that the allegation is proved by due legal process.

2 - Right to Privacy: According to Maududi the Qur'an strictly prohibits encroachment upon the privacy of the citizens; even the state authorities may not peep in to the private affairs of the individuals unnecessarily.⁸ He quotes following verse from Qur'an:

“O ye who believe! Avoid suspicion as much (as possible): for suspicion in some cases is a sin: and spy not on each other, nor speak ill of each other behind their backs.”⁹

3 - Right to Property: Maududi acknowledges the right to property.¹⁰ According to him, the Islamic state cannot deprive the Individuals of their property. However, he, like the proponents of welfare state, permits forcible nationalisation of certain industries or fields of production and monopoly over such fields if it is necessary in public interest, after paying its compensation to the owners. However, Maududi doesn't permit state-monopoly over all means of production.¹¹ Further, the state can forcibly collect taxes levied by *Shariat* such as *zakāt*, *jizya* etc.¹²

4 - Right to Protection of Honour and Dignity: According to Maududi, no one can be deprived of his honour and dignity for any reason. The Qur'an instructs, writes Maududi, the individuals not to laugh or make fun of each other; nor they should defame nor be sarcastic to each other. He argues that this a legal right of individuals:¹³

“O ye who believe! let not some men among you laugh at others: it may be that the (latter) are better than the (former): nor let some women laugh at others: it may be that the (latter) are better than the (former): nor defame nor be sarcastic to each other, nor call each other by (offensive) nicknames: ill-seeming is a name connoting wickedness, (to be used of one) after he has believed: and those who do not desist are (indeed) doing wrong.”¹⁴

5 - Right to Religious Tolerance: According to Maududi, the Qur'an guarantees the protection of the sanctity of the Holy personalities and places of worship of non-Muslims. He quotes the following verse from the Qur'an:¹⁵

“Revile not ye those whom they call upon besides Allah, lest they out of spite revile Allah in their ignorance.”¹⁶

¹ A.A. Maududi, *Khilāfat wa Mulookiat*, p. 43.(Henceforth *Khilafat*) See also A.A. Maududi, *Islami Riyasat*, (Henceforth *Islami Riyasat*) pp. 554-556., A.A. Maududi, *Al Jihad fil Islam*, pp. 23-34 (Henceforth *Al Jihad*)

² *Qur'an*, 17:33., See also A.A. Maududi, *Understanding the Qur'an*, vol. V. pp. 40-42, (Henceforth *Understanding*)

³ *Islami Riyasat*, p. 555

⁴ *Ibid.*, pp. 665-666

⁵ *Qur'an*, 2:178, 5:4., See also *Understanding* vol. I. pp. 139-140; vol. II. p. 166

⁶ *Ibid.*, 9:12 See also *Understanding* vol. III. p. 193

⁷ *Ibid.*, 5:33., See also *Understanding*, vol. II. pp. 156-157

⁸ *Khilāfat*, p. 43., See also *Islami Riyasat*, p. 565

⁹ *Qur'an*, 49:12

¹⁰ *Khilāfat*, p. 43

¹¹ *Islami Riyasat*, pp. 620

¹² A.A. Maududi, *Islamic Law*, p. 249. 6(Henceforth *Islamic Law*)

¹³ *Islami Riyasat*, p. 564

¹⁴ *Qur'an*, 49:11., See also, A.A. Maududi, *Tafhim ul Quran*, vol. V. pp. 85-86(Henceforth *Tafhim*)

¹⁵ *Islami Riyasat*, pp. 567-568

¹⁶ *Ibid.*, 6:108., See also *Understanding the Qur'an*, vol. II. pp. 262-263

Moreover, according to Maudūdi, the Qur'ān provides the non-believers with the right to retain, practice, profess and inherit their religion to their kin.¹⁷ It guarantees that there will be 'no compulsion in religion'.¹⁸ They can construct their places of worship in cities inhabited by them.¹⁹ Maudūdi advocates that the non-Muslims should be treated according to their own personal law in matters related to their personal life as the Qur'ān explicitly ordains:²⁰

"To you be your religion, and to me mine."²¹

"But why do they come to thee for decision, when they have (their own) law before them? Therein is the (plain) command of Allah; yet even after that, they would turn away. For they are not (really) People of Faith."²²

6 - Right to Equality before Law: According to Maududi, the Qur'ān regards the entire humanity as descendants of a single couple, Adam and Eve. Hence, it disregards any sort of inequality on the basis of the birth, cast, race, language, colour, tribe etc.²³ All the inhabitants, Muslims and non-Muslims, of the Islamic state are equal before the law. The blood of the non-Muslim citizens is as sacrosanct as that of Muslim citizen and his property is as inviolable as of Muslim. If a Muslim kills a non-Muslim citizen retribution and restitution will have to be made just as for killing a Muslim.²⁴ The Qur'ān in unequivocal words, according to Maududi, ordains not to distinguish between man and man:

"O Mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full Knowledge and is well acquainted (with all things)."²⁵

7 - Right to Association: According to Maudūdi, the Islamic state will provide the right to form association and organization for righteous persons. The Qur'ān ordains that:²⁶

"Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong: they are the ones to attain felicity."²⁷

However, according to Maudūdi, this right must not be used to encourage dissidence and chaos in the society.²⁸

8 - Right to Equality: According to Maudūdi, the Islamic state will not discriminate among its citizens. The citizens have the right to be treated equally before the law, irrespective of their religion.²⁹ The Qur'ān declares the entire humanity as descendants of a single couple, Adam and Eve. Hence, it disregards any kind of inequality on the basis of birth, caste, race, language, colour, tribe etc.

However, Maudūdi approves authoritative position for men over women in the institution of marriage and the institution of slavery.

9 - Right to free from responsibility of other's deeds: According to Maududi, in the Islamic state each and every one is responsible for his own acts and no one can be accused for other's deeds. The Qur'ān in unequivocal words, says Maududi, declares that everyone has to bear his own deeds:³⁰

"Every soul draws the meed of its acts on none but itself: no bearer of burdens can bear the burden of another."³¹

10 - Right to fulfil the necessities: According to Maudūdi, the needy and destitute, in the Islamic state, have the right to demand the fulfillment of their necessities from the state.³² He envisages that even a person of an alien nation comes to the Islamic state it is the duty of the Islamic state to fulfill his basic necessities as long as he remains here.³³ Maudūdi's description reminds the 'right to work' of modern terminology.³⁴

II. Political Rights:

Certain rights in Islamic state, according to Maudūdi, are enjoyed exclusively by the believers. These are basically political rights. For Maudūdi, ideological nature of the Islamic state is the main reason behind this discrimination. He fully convinced that any system can be administered by only those who have faith in it.³⁵

Right to hold Public office: The Public offices in the Islamic state, for Maudūdi, can be held by Muslims alone. The Qur'ān instructs to follow only those who follow the God, not their own whims:

¹⁷ *Islami Riyasat*, pp. 587-588

¹⁸ *Qur'ān*, 2:256., See also *Understanding the Qur'ān*, vol. I. p. 199

¹⁹ *Islami Riyasat*, pp. 589

²⁰ *Ibid.*, pp. 586-587

²¹ *Qur'ān*, 109:6., See also, *Tafhim*, vol. VI. pp. 507-509

²² *Ibid.*, 5:43., See also *Understanding the Qur'ān*, vol. II. pp. 163-164

²³ *Islami Riyasat*, pp. 558-559

²⁴ *Ibid.*, p. 523

²⁵ *Ibid.*, 49:13., See also *Tafhim*, vol. V. pp. 407-408

²⁶ *Islami Riyasat*, pp. 568-569

²⁷ *Ibid.*, 3:104., See also *Understanding the Qur'ān*, vol. I. p. 276

²⁸ *Khilāfat*, p. 44

²⁹ *Ibid.*, p. 46.

³⁰ *Ibid.*, pp.45-46., See also *Islami Riyasat*, p. 569

³¹ *Qur'ān*, 6:164, 39:7, 53:38. See also *Understanding the Qur'ān*, vol. II. pp. 298., See also *Tafhim*, vol. IV. p. 375; vol. V. pp.214-219

³² *Khilāfat*, p. 46.

³³ *Islami Riyasat*, p. 557

³⁴ For further details see Maududi, A.A. *Insan ke Bunyadi Huquq*, pp. 5-16

³⁵ *Islami Riyasat*, pp. 486-487

“Nor obey any whose heart We have permitted to neglect the remembrance of Us, one who follows his own desires, whose case has gone beyond all bounds.”³⁶

Right to propagate the religion: The Qur’ān provides the right to retain, practice, profess and inherit their religion to all including the non-Muslims but the right to propagate the religion is enjoyed exclusively by Muslims.

II. Exclusive Rights of Non-Muslims:

According to Maududi, non-Muslims of the Islamic state enjoy certain exclusive rights that are not available to Muslims. These are:

1- Right to change their Religion: Non-Muslims can change their religion. They can adopt any religion of their choice. There is no restriction over them in this regard, while as if any Muslims change his religion he will be prosecuted and sentenced to death. The Qur’ān initiates the non-Muslims to change their religion.

2- Freedom from religious obligation: The non-Muslims enjoy the freedom to follow or ignore their religious rituals and obligations. In other words, they may practice their religion or just ignore it, while as it is obligatory upon the Muslims to follow the religious obligations incumbent upon them by the Qur’ān or *Sunnah*.

The Islamic state is obliged to respect and protect these rights. It cannot abrogate, alter, or amend these rights. It is obliged to respect and protect the rights guaranteed by the *shariah*. These are inalienable and the Islamic state cannot alter or amend them. Except perhaps certain warnings against possible scriptuary intrigues, the Qur’ān imposes no other restrictions; indeed the Qur’ān and the Hadith stress Muslim obligations not only to tolerate but also to protect the Scripturaries from possible attack and molestation if they maintained peaceful relations with Islam.

According to Maudūdi, the non-Muslims will be treated according to their own personal law in their personal matters. However, they will be dealt with the Islamic Law in civil and criminal matters. However, there will be exemption in certain civil matters concerned to liquor, porke, and interest.³⁷

Maudūdi provides equal rights to *dhimmis* in the matters of freedom of expression, conscience, opinion, and association. According to him, the non-Muslims enjoy the same right to criticism against Islam as the Muslims enjoy against their religion. They can perform their religious rituals publicly in their own cities but with regard to Muslims cities the Islamic state enjoys discriminatory power to permit them. Similarly, they can continue to and repair their existing places of worship even in Muslim cities but cannot construct new ones. However, in their own cities they are at liberty to do so.³⁸ The doors of industry, agriculture, trade, and all other professions are open to all Muslims and Non-Muslims.

Conclusion : After going thought the above lines one reach to the conclusion that an Islamic state is neither totalitarian nor authoritarian but a democratic one, well in the modern sense of the term, that guarantees political and civil rights to its citizens.

³⁶ Qur’ān, 18:28., See also 2:26, 3:118, 10:99, 39:9, 76:24., *Understanding the Qur’ān*, vol. I. pp. 56, 280, vol. IV. pp. 67., vol. V. pp. 103., *Tafhim*, vol. IV. pp. 363; vol. VI. p. 202

³⁷ *Islami Riyasat*, pp. 584-586., See also *Islamic Law*, p. 286

³⁸ *Ibid.*, pp. 587-590., See also *Islamic Law*, pp. 287-288., for further details see, *Islami Hukumat mein Dhimmion ke Huquq*, Eng. tr. *Rights of Non-Muslims in an Islamic State*. pp. 4-15