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Religious Minorities in Islam: Between Tolerance and Extremism

Dr. Asmahane Bouaicha

Faculty of Islamic Sciences, University Of Batna 1 - Hadj Lakhdar, Algeria

Email : ismahane.bouaicha@univ-batna.dz

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ABSTRACT :

This study analyzes and extrapolates the situation of religious minorities or what Muslim jurists call them Dhimmis under Islamic domination.

and this study concluded that their situation varied between gentleness and cruelty, freedom and persecution. this result was based on different attitudes, circumstances and versions . but most are generally and mainly related to political reasons, whims ,religious and sectarian conflicts. Furthermore, these doctrinal provisions of the dhimmists were developed on the basis of Omar covenant , which some hadithic studies question its authenticity, in addition the textual comparisons of the different versions of the document, as well as its comparison with the agreement of Omar with Elijah people reinforces this suspicion.

Keywords :Dhimis, Omar Custody, Churches, Crosses.

INTRODUCTION:

Islamic jurisprudence books use the term *Ahl al-Dhimma* to refer to religious minorities, and it is often claimed that the followers of various religions and sects in the Arab and Islamic world only experienced prosperity and freedom under the Islamic Caliphate.

It is also known in our Islamic history that the People of the Book held various political positions, such as governorships, roles in the military, and, most notably, ministerial positions. Some of them oversaw administrative affairs in Islamic states such as the Umayyad, Abbasid, Andalusian, and other Islamic entities. These positions appear to be of higher status than parliamentary roles in the modern political system. Islamic history also records the participation of Muslim's and some of their rulers in the celebrations and festivals of religious minorities.

On the other hand, Islamic history also documents through certain authoritative sources serious violations in which the human and religious rights of minorities were confiscated. For example, church bells were banned, Christians were forced to conceal their crosses, signs were hung around the necks of *dhimmis* as a mark of exemption from paying the *jizya*, their hands were stamped, they were required to wear clothing distinct from that of Muslim's, belts (*zannar*) were imposed upon them, their women were forbidden from riding in *hawdaj* (camel litters), they were not allowed to use saddles on their mounts, and Caliph al-Mutawakkil ordered that they ride only mules and donkeys instead of horses. He also required that their houses display wooden images of devils on the doors, that they not build their homes higher than those of Muslim's, and that the *dhimmi* rise from his seat when a Muslim entered as a sign of the Muslim's superiority over others in the community. In light of the above, it is difficult to determine the rights of people of other religions and sects under the Islamic state, as the religious texts, juristic interpretations, and historical events vary between fanaticism, exclusion, tolerance, and the protection of the rights of religious minorities. Based on this, the following questions arise: **Did the Islamic state guarantee the rights of minorities? Or did it waver between persecution and tolerance? What role did the 'Umarian Pact play in establishing the jurisprudence of *Ahl al-Dhimma*? How credible is this document? And what are the manifestations of Islamic tolerance toward *Ahl al-Dhimma*?**

Section One: Conceptual Framework

The Quran defined the legal status of the People of the Book from among the inhabitants of the Arabian Peninsula even before the conquest that incorporated groups of treaty-bound People of the Book into Dār al-Islām. These individuals were allowed to reside among Muslim's without converting to Islam. They enjoyed the protection of Muslim's and were exempt from military service, on the condition that they submitted to Islamic rule and paid the *jizya*. Therefore, they were called *Ahl al-Dhimma* and *dhimmis* ¹.

In the present day, the term *Ahl al-Dhimma* refers to religious minorities.

Hence, before addressing the rights of *Ahl al-Dhimma* and how those rights are applied, it is necessary to:

- Define the concept of *Ahl al-Dhimma*,
- Identify who is included under this term,

- Clarify their obligations toward the state under which they live.

Subsection One: Linguistic Definition of Dhimma

The word Dhimma (with a kasrah) refers to a covenant, guarantee, protection, or security. Its plural is dhimām. A dhimmi is so named because he is a treaty-bound non-Muslim who has been granted a covenant that secures his wealth, honor, and religion.

Ahl al-Dhimma are called so because they entered into the protection and covenant of Muslim's ².

Subsection Two: Technical Definition of Dhimma

In Islamic legal terminology, *Dhimma* refers to a permanent peace treaty concluded with non-Muslim's, allowing them to reside in *Dār al-Islām*. They live under Islamic rule, pay the *jizya*, and enjoy perpetual protection over their lives, honor, and wealth from Muslim's ³.

Subsection Three: Those Concerned by the Dhimma Contract

There is a difference among jurists regarding who is included under the Dhimma contract. However, Imam Mālik and the school of al-Awzai permit the conclusion of the Dhimma contract with all categories of non-Muslim's, including Jews, Christians, Magians, Sabians, and Samaritans. The jizya is to be levied upon free, rational men among them, excluding women, children, the mentally ill, slaves, and hermaphrodites ⁴.

Other jurists hold that Dhimma is to be granted only to the People of the Book and the Magians ⁵.

According to the views of some legal schools, Ahl al-Dhimma are defined as non-Muslim residents of Dār al-Islām, who are rational, free individuals capable of bearing arms and who have accepted to live under Islamic rule. They are granted perpetual protection over their lives, honor, wealth, and religious practices. In return, they commit to paying a financial amount known as jizya and abiding by the general Islamic laws and public order. They live in peace under Muslim protection by virtue of the Dhimma contract, and are considered subjects of the Islamic state as a result of that contract ⁶.

Subsection four: Obligations of ahl al-dhimma

When Islamic lands extended from Spain to China between the 8th and 14th centuries, Christians of various denominations, jews, Buddhists, Magian's, Manichaeans, and Hindus lived under Islam. Islam guaranteed them their beliefs and traditions through the *ahl al-Dhimma* system.⁷

In return for living under the protection of the Islamic state, ahl al-Dhimma were required to pay an annual amount known as jizya, based on the verse: ﴿قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلَا يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ حَتَّى يُعْطُوا الْجِزْيَةَ عَنْ يَدٍ وَهُمْ صَاغِرُونَ﴾ [al-tawbah 29]

Ibn al-qayyim considered that jizya was imposed either as compensation for sparing blood or as a form of humiliation of the people of the book.⁸ extremists cite this verse to argue that jizya is meant to humiliate ahl al-dhimma, although one interpretation suggests it simply means that islamic rulings apply to them.⁹

Although Islam imposes jizya only on males, abu yusuf (d. 182 ah), the author of al-kharaj, exempted the poor who receive charity, the blind, the crippled, and poor monks living in monasteries. In such

cases, the jizya was to be taken from the monastery's owner. If the monastery owner denied having resources and swore by allah, nothing was taken from him.¹⁰

Al-mawdudi explained that the reason Islam requires able-bodied non-Muslim's capable of bearing arms or working to pay jizya is that they were not conscripted into the Islamic army responsible for defending and securing their safety. Defense of the land was the duty of Muslims alone. This is because the modern democratic nation-state differs from the Islamic religious state: the former relies on its ethnic citizens, while the latter depends on those who believe in its religious principles.¹¹

From all of the above, it appears that ahl al-Dhimma are treaty-bound non-Muslim's living in the islamic state in return for paying jizya, a financial amount that grants them permanent protection over their wealth, lives, and religion.

Section Two: The Position of Islamic Political Authority Toward Ahl al-Dhimma

Despite the tolerance shown to Ahl al-Dhimma during the time of the Prophet Mohammed, his Companions, and most of the caliphs, there were periods in which they were subjected to injustice and harsh treatment at the hands of political authorities. This was supported by certain jurisprudential classifications that developed a system specifically for Ahl al-Dhimma, a system that included many unfair provisions against them.

These jurists based their rulings on what became known in Islamic history as al-wathiqah al-'Umariyya (the 'Umari Document). To understand the contents of this document, we will present its commonly cited version, followed by scholarly commentary from hadith specialists. We will then analyze and examine some of its clauses and compare them to the 'Umari Pact given to the people of Jerusalem (Ahl Iliya'). Finally, we will provide a general overview of the political stance toward Ahl al-Dhimma.

Subsection one: Contents of the 'Umari document

This is the document signed by 'umar ibn al-khattab – may allah be pleased with him – in exchange for Muslim protection granted to ahl al-dhimma. It was transmitted through various narrations, including what was reported by al-bayhaqi from the chain of yahya ibn uqbah ibn abi al-ayzar, from Sufyan al-thawri, al-Walid ibn nuh, and al-sari ibn musarraf, who mentioned from talhah ibn musarraf, from masruq, from abd al-rahman ibn ghanm, who said: "i wrote for 'umar ibn al-khattab – may allah be pleased with him – when he made peace with the people of al-sham:

In the name of allah, the most merciful, the most compassionate. This is a letter from abd allah 'umar, commander of the faithful, to the christians of such-and-such city.

When you came to us, you requested protection for yourselves, your children, your wealth, and your religious community.

We agreed to the following conditions:

- Not to build in our city or its surroundings any monastery, church, cell, or hermitage for monks;
- Not to repair what has fallen into ruin or restore what once existed in Muslim areas;
- Not to prevent Muslim's from entering our churches at any time;

- Not to expand the doors of our churches to passersby or travelers;
- To host any Muslim who passes by for three days and provide him with food;
- Not to shelter any spy in our churches or homes;
- Not to conceal any deceit against Muslim's;
- Not to teach our children the quran;
- Not to display shirk or invite anyone to it;
- Not to prevent any of our relatives from converting to islam if they choose;
- To respect Muslim's and give up our seats to them if they wish to sit;
- Not to imitate Muslim's in dress, such as wearing caps, turbans, shoes, or hair styles;
- Not to speak in their manner or use their names or titles;
- Not to ride saddled horses, wear swords, carry weapons, or engrave Arabic on our rings;
- Not to sell wine;
- To shave the front part of our heads;
- To wear our traditional clothing wherever we are;
- To tie belts (zunnar) around our waists;
- Not to display our crosses or religious books in Muslim streets or markets;
- Not to show crosses on our churches;
- Not to ring bells in our churches in the presence of Muslim's;
- Not to conduct palm sunday (shaanin) or easter (ba'utha) processions;
- Not to raise our voices at funerals or display torches in Muslim pathways;
- Not to transport our dead through Muslim roads;
- Not to own slaves captured by Muslim armies;
- To guide Muslim's who ask for directions;
- Not to look into the homes of Muslim's.

When I brought this document to 'umar – may allah be pleased with him – he added: 'we also will not strike any Muslim. We accept these terms on behalf of ourselves and our religious community in exchange for safety. If we violate any of these conditions, we take responsibility, and our protection (dhimma) will be revoked, and you may deal with us as you would with those who oppose and rebel.'¹²

Al-Albani commented on this narration, saying: "Its chain of transmission is very weak due to Yahya ibn Uqbah. Ibn Ma'in said: 'He is nothing.' In another narration: a wicked liar, enemy of Allah.' Al-Bukhari said: 'His hadith is rejected.' Abu Hatim said: 'He fabricates hadith.'"¹³

Ibn al-Qayyim commented on this document after mentioning several versions of it that generally agree on most of its clauses, though differing in some details. He said: "The scholars accepted it, mentioned it in their books, cited it as evidence, and the conditions of the 'Umari pact have continued to be quoted in their writings. Some caliphs even enforced it and acted upon it." ¹⁴

In contrast, **Subhi al-Salih** noted that Ibn al-Qayyim's narration of the document includes conflicting reports in certain details. He added that Ibn al-Qayyim accepted its chain without his usual scrutiny. Moreover, the narrator did not specify the city in which the pact was made, leaving ambiguity and uncertainty. It is unlikely that it was in cities like Jerusalem, Damascus, or Homs, as these cities had treaties that clearly reflect Islam's tolerance and openness toward different religions. Furthermore, the references to distinctive clothing and forcing dhimmis to wear the zunnar were not mentioned by leading Muslim historians such as al-Tabari and al-Baladhuri. In fact, the treaty of Umar, may Allah be pleased with him, remained unknown during the first Hijri century and only appeared in the late second century. ¹⁵

Although the 'Umari document signed for the people of al-Sham became a reference point for jurists in establishing some later strict rules regarding Ahl al-Dhimma, some Western scholars question its authenticity and consider it a fabricated document. Their evidence includes:

- It is unusual for the defeated party to dictate terms acceptable to the victor.
- It is odd that Christians would forbid themselves and their children from reading the Quran, especially as some narrations about this pact in Islamic jurisprudential texts quote verses from Surah al-Tawbah.
- The name of the city where the treaty was signed is not mentioned.
- The treaty that Umar personally gave to the people of Jerusalem does not appear in such detailed form. ¹⁶

The following is the text of the treaty between Umar ibn al-Khattab and the people of Jerusalem: "In the name of Allah, the Most Gracious, the Most Merciful. This is what the servant of Allah, Umar, Commander of the Faithful, granted the people of Aelia in terms of security. He granted them safety for themselves, their wealth, their churches and their crosses, the healthy and the sick, and the entire religious community. Their churches shall not be inhabited nor demolished, nor shall anything be taken from them or from their precincts, nor from their crosses, nor anything from their property. They shall not be coerced in their religion, and none of them shall be harmed. No Jews shall reside with them in Aelia. The people of Aelia must pay the jizya like the people of other cities. They must expel the Romans and the thieves (i.e., bandits). Whoever leaves among them shall be safe in his person and property until he reaches his safe haven. Whoever stays shall also be safe, and will be subject to what the people of Aelia are subject to in terms of jizya. Whoever among the people of Aelia wishes to leave with the Romans, taking with them their property and leaving behind their churches and crosses, shall be safe for themselves, their churches and their crosses, until they reach their safe haven. Whoever among the local inhabitants was present before the killing of so-and-so, may stay if he wishes, and be subject to the same conditions as the people of Aelia in terms of jizya. Whoever prefers to leave with the Romans may do so, and whoever wishes to return to his people may do so without being taken or charged until they reap their harvest. This document bears the

covenant of Allah, the protection of His Messenger, the guarantee of the caliphs, and the guarantee of the believers provided they fulfill their obligation in terms of jizya.”¹⁷

When comparing Umar ibn al-Khattab’s treaty may Allah be pleased with him with the people of Aelia, with the Levantine document, one notices a major discrepancy between the two. The former reflects the principles of religious tolerance that characterized Islam, unlike the latter. This opens the door to doubt regarding the attribution of the Levantine document to Umar ibn al-Khattab may Allah be pleased with him since the document of Aelia indicates strong relations between Muslims and Christians at the beginning of the conquest. Moreover, the restrictions later imposed on Christians in the Levant and other parts of the Islamic world have no clear evidence that they were enforced in the Levant during Umar’s time.¹⁸

The phenomenon of forging texts and attributing them to unrelated individuals is a known aspect of human history. Several treaties have been attributed to the Prophet Mohammed which he supposedly concluded with the People of the Covenant. Among them is a treaty attributed to the Prophet Mohammed with the people of Salman al-Farisi may Allah be pleased with him from among the Magians, both those who accepted Islam and those who did not. It granted them security over their lives, property, religion, and houses of fire (temples), exempted them from the jizya, and protected them from being obliged to wear distinguishing clothing. Another treaty allegedly concluded by the Prophet with certain Jews contains many historical inaccuracies and errors.¹⁹

Louis Cheikho, the Jesuit scholar, after his many travels in Eastern countries such as Iraq, India, Egypt, the Levant, Mesopotamia, as well as visits to the museums and libraries of Paris and London, found several treaties attributed to the Prophet Mohammed and the Rightly Guided Caliphs, especially Abu Bakr and Umar ibn al-Khattab, written for the Christians. After careful examination, he found numerous discrepancies in wording, meaning, additions, and omissions, while noting that they seemingly originated from a single unknown source. He also compiled some of the various copies attributed to the Prophet, allegedly concluded with Christians, including a treaty with the people of Armenia, another Jacobite Syriac and Coptic version, and a Turkish version also addressed to the people of Armenia. Cheikho provided several remarks regarding the structural and historical errors these documents contain.²⁰

Moreover, the Umar ian Covenant appeared in third-century Hijri books as a narrative of events from the first century Hijri. As for the well-known version of the Umar ian Covenant, it emerged in sources written during the time of the Crusades. The issues related to the People of the Covenant, both in terms of legal framework and historical practice, are diverse and generally fall under the broader topic of self and other perception. The system concerning the People of the Covenant developed progressively and gradually, as the Quran, in relation to this system, only mentions the jizya without specifying its amount.²¹

The Constitution of Medina also considered Jews and Muslims as one nation. Ibn Ishaq narrated that the Messenger of Allah Mohammed wrote a document between the Muhajirun and the Ansar, in which he also made a pact with the Jews, affirmed their religion and property, and declared that the Jews are a nation along with the believers: “To the Jews their religion and to the Muslims their religion.”²²

Radwan al-Sayyid interprets the meaning of human equality in value as expressed in the Quranic verse: ﴿يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ﴾... [An-Nisa: 1]

As for the Islamic state in which jurists developed the details of the Ahl al-Dhimma system, it, like other systems, was primarily concerned with stability. In the first two Islamic centuries, the state paid special attention to Christians, considering them an essential economic component. Their elites held administrative and financial responsibilities. However, as the number of Christians declined and the state's dependence on them lessened, repressive practices against them increased.²³

From all that has been presented, it becomes clear that the document attributed to Umar ibn al-Khattab for the people of al-Sham is surrounded by questions regarding its chain of transmission. It also contains certain contradictions and inconsistencies, whether in its specific details or in its discrepancies with other treaties granted by the Companions to followers of other religions most notably, the 'Umari Pact to the people of Jerusalem. In general, it conflicts with the tolerant image of Islam.

Second Section: The Position of Muslim Caliphs Regarding the People of the Covenant (Ahl al-Dhimma)

The accounts are conflicting regarding the strictness or leniency of Muslim caliphs toward the People of the Covenant, as reported in Islamic sources and those of minorities. While Ibn al-Qayyim attributes hostile positions toward religious minorities to some caliphs, other Islamic and Christian sources mention attitudes marked by tolerance toward other religious communities, especially Christians. To gain a general idea of this contradictory and ambiguous stance, we present some positions and events reported in various Islamic and Christian sources.

Khalid ibn al-Walid, during the caliphate of Abu Bakr al-Siddiq, made peace with the inhabitants of some areas in the Levant under the condition that no church or monastery would be demolished, and that they could ring their bells at any time of the day or night except during prayer times. They were also allowed to display crosses during their religious feasts. Among the terms agreed upon by Abu Ubayda ibn al-Jarrah during the caliphate of Umar ibn al-Khattab, may Allah be pleased with them both, with the Christians of the Levant was to allow their churches and monasteries to remain, but they were not to build new ones, nor to raise crosses among Muslims, nor to bring pigs from their homes into Muslim public spaces, nor to ring their bells before or during the Muslim call to prayer. They also requested from Abu Ubayda a specific day in the year to take out their crosses without banners, which he approved. When the People of the Covenant saw the Muslims' fulfillment of their promises and their good treatment, they became allies in the fight against the Byzantines.²⁴ The Christian historian Ibn al-Batriq mentions that Christian servants of the Melkite sect, who were working for Abd al-Aziz ibn Marwan, requested permission to build a church, which led to the construction of the Church of St. George in Hadoun. Abd al-Aziz also had a Jacobite scribe named Athanasius who asked for permission to build a church inside the Palace of Candles, which he granted. As a result, the Church of St. George was built, followed by the Church of Abu Qir. Abd al-Malik ibn Marwan also summoned the Christians of Damascus and asked for the Church of St. John, which was adjacent to the mosque. They brought him a document from Khalid ibn al-Walid, may Allah be pleased with him. He offered them a large sum of money to build another church elsewhere in

Damascus, but they refused, so he left them alone.²⁵

When al-Walid ibn Abd al-Malik took part of the aforementioned church in Damascus to build the Umayyad Mosque, Umar ibn Abd al-Aziz, upon becoming caliph, ordered parts of the mosque to be demolished and returned to them. The jurists then approached the Christians and proposed that they give up all the churches in the Ghouta area held by Muslims in exchange for the Church of St. John and to stop demanding it. The Christians agreed and were pleased.²⁶

He also ordered that no taxes be imposed on the endowments of churches and bishops. The Christians lived in safety and peace until his stance changed. When Yazid ibn Abd al-Malik assumed the caliphate, he increased taxes and ordered the destruction of crosses and the removal of images from churches. During the reign of his successor Hisham ibn Abd al-Malik, there was peace. He was fond of people, especially Christians, and the Orthodox Church in Damascus was adjacent to his palace. He did not mind hearing church hymns and praises at night and provided support to churches and Christian institutions. The condition of Christians during the Abbasid era also fluctuated between harshness and leniency depending on the governors of Egypt. Some periods witnessed the construction of churches in Fustat. Most instances of hardship against Christians were due to financial reasons, such as governors' desire to collect money and taxes or due to bribes paid by some Christians to be appointed bishops over their people by force.²⁷

Byzantine sources uniquely described the reign of al-Mansur as one of persecution toward the People of the Covenant. Apparently, these measures targeted Christians who were previously under Byzantine rule. Moreover, his reign was not characterized by tolerance even toward Muslims, especially at its beginning.²⁸ Bells were imposed on them to be hung around their necks when entering public baths so that they would be recognized as People of the Covenant.²⁹ The governor of al-Jazira during al-Mansur's time required them to wear lead tags around their necks as a sign of their status. It is worth noting that even Muslims did not escape his oppression.³⁰

Under Harun al-Rashid, the requirement for the People of the Covenant to wear distinguishing clothing was lifted when he disapproved of his physician entering dressed as a dhimmi. Some Syriac Christian sources indicate that al-Ma'mun was known for his favorable stance toward Christians.³¹

While some sources attribute the demolition of churches to al-Rashid, the same sources also state that some Muslims accused Christians before him of treason and demanded the demolition of the Great Church and the abolition of bells. However, the caliph expelled the Muslims instead of listening to them. Al-Ma'mun forbade the demolition of two churches in Harran or any church without his permission. He also canceled taxes on Christian-owned shops and inns and generalized the decision before later revoking it. Some Syriac sources report that after Muslims accused the Bishop of Tikrit and the church leader of insulting the Prophet Mohammed, al-Ma'mun ordered their imprisonment and the cancellation of Christian rituals.³²

Al-Ma'mun also allowed his servants to build a church, which led to the construction of the Church of the Romans on Mount al-Muqattam. When drought struck Egypt, Jews, Christians, and Muslims prayed for rain together.³³

The hostile measures attributed by Ibn al-Qayyim to al-Mahdi actually belong to al-Mansur, not him.³⁴

Some Islamic sources refer to instances of intolerance and exclusion against the People of the Covenant. Ibn al-Qayyim mentioned that Umar ibn Abd al-Aziz ordered the demolition of newly built

Christian churches. During al-Mahdi's reign, when the strength of the People of the Covenant increased, Muslims objected, and he appointed Muslims to replace the Christians in administrative roles. Harun al-Rashid dismissed the People of the Covenant from government jobs, destroyed churches, altered their clothing, and was advised by Islamic scholars to do so. Al-Ma'mun also removed some of them from Muslim affairs and imprisoned 2,800 of them. He also signed a decree that stated: "The vilest of nations are the Jews, and the vilest of the Jews are the Samaritans, and the vilest of the Samaritans are the sons of so-and-so. Remove their names from the army and tax registries, God willing."

Under al-Mutawakkil, the People of the Covenant were dismissed from official posts, their clothing was changed, and he ordered Christians and Jews to wear saffron-colored garments and prohibited them from wearing fine clothes to prevent them from resembling Muslims. Their mounts were to be made of wood. Newly built churches were to be demolished. The jizya (poll tax) was strictly enforced. They were not allowed to enter Muslim bathhouses and were assigned separate ones with dhimmi staff. They were also forbidden from employing Muslims in their personal services, and a special official was appointed to monitor them.

Under al-Muqtadir Billah, Christian clerks and officials were dismissed, and no dhimmi was to be employed. Likewise, under al-Radi Billah, the People of the Covenant were removed from office. All these actions followed complaints from Muslims about the oppression of the People of the Covenant.

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During the reign of Sultan al-Nasir Muhammad ibn Qalawun in Egypt, as the People of the Covenant became increasingly luxurious in their lifestyle, riding horses and ornamented mules and wearing fine garments, and holding prestigious positions, a minister from the Maghreb visited Egypt and was disturbed by the situation. He expressed his disapproval and criticized the Christians before Emirs Baybars and Salar, which affected them. A decree was issued requiring Jews and Christians to wear turbans of different colors to distinguish them from Muslims, prohibiting their employment in the Sultan's or Emirs' offices, and forbidding them from riding horses and mules. The general public attacked and destroyed their churches based on a fatwa from a jurist. During the Mamluk period, they were also forbidden from entering the sanctuary of Hebron in Jerusalem, a right they previously held.³⁶

From the foregoing, it appears that there were varying and conflicting attitudes by Muslim caliphs and rulers toward the People of the Covenant. However, it is noticeable that early sources such as Abu Yusuf's *Kitab al-Kharaj*, who was the vizier of Harun al-Rashid, provide a more tolerant and open image toward the dhimmis, unlike later sources such as Ibn al-Qayyim's *Ahkam Ahl al-Dhimma*, which was written during a distinct historical period when the Islamic state was facing the dangers of the Crusades and Mongol invasions circumstances that fostered a mentality of conflict and hostility between Muslims and the People of the Covenant.

Third Requirement: Aspects of Tolerance Toward Minorities in Islamic History

The Quran makes it clear that there is no objection for a Muslim to live a life of tolerance and peace with any person who differs from him in religion and belief, as long as the other party does not show enmity toward the Muslim through hostility, incitement, abuse, or betrayal. This peaceful coexistence

is based on justice and kindness. Allah says: ﴿لَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ﴾ (Al-Mumtahina, 8).³⁶

This principle is also evident in the Prophet's dealings with the Christians of Najran when he established principles of coexistence and treaties.³⁷

From the Islamic side, this principle of tolerance toward the other continued, and one historical event reflects these intentions: Caliph Harun al-Rashid sent an envoy to the court of Emperor Charlemagne, which encouraged the latter to express a similar desire for tolerance and coexistence.³⁸

Section One: Freedom of Belief

The dhimmi (non-Muslim under Islamic rule) had freedom of belief, as the Prophet acknowledged the Jews of Khaybar and their temples, and the same was done by the Rightly Guided Caliphs. Khalid ibn al-Walid, during the caliphate of Abu Bakr al-Siddiq, made peace with the inhabitants of some areas in the Levant under the condition that no church or monastery would be demolished, and that they could ring their bells at any time of day or night except during prayer times, and that they could display their crosses during their feasts.

Something similar was agreed upon by Abu Ubayda ibn al-Jarrah during the caliphate of Umar ibn al-Khattab, may Allah be pleased with them both, with the Christians of the Levant.³⁹ Christians in the time of Harun al-Rashid used to raise their crosses during religious holidays.⁴⁰ This shows that the prohibition of raising or displaying crosses during feasts was a later development. As for most juristic opinions, they tend to prohibit the construction of new churches in Islamic lands. The more strict among them hold the view that if such churches are built, they must be demolished, and that it is only permissible to rebuild what has been destroyed from their old churches.⁴¹

Section Two: Human and Financial Rights

1. The Right to Protection of Their Lives, Property, and Honor:

Muslims are obligated to protect the lives, honor, and wealth of the People of the Covenant as long as they are under Muslim protection, and regardless of whether the aggressor is from among them, from the Muslims, or from the belligerent enemies. As Ali – may Allah be pleased with him – said: “They have paid the jizya so that their wealth becomes like our wealth and their blood like our blood.”⁴²

One of the last things the Prophet said was: “Protect those under my protection.”⁴³ The Messenger of Allah (peace be upon him) said: “Whoever wrongs a person under covenant, diminishes his rights, burdens him beyond his capacity, or takes something from him without his consent, I will be his adversary on the Day of Judgment.”⁴⁴

The Prophet (peace be upon him) also recommended good treatment of the Copts, saying: “When you conquer Egypt, treat the Copts well, for they have a covenant and kinship with us.”⁴⁵

In the book al-Kharaj by Abu Yusuf, student of Abu Hanifa and Chief Judge of his time, a set of recommendations and instructions written at the request of Caliph Harun al-Rashid includes the following: “O Commander of the Faithful, may Allah support you, you should order gentleness with the People of the Covenant of your Prophet and cousin Muhammad (peace be upon him), and be concerned with their affairs so that they are not oppressed or harmed or burdened beyond their

capacity. Nothing should be taken from their property except that which is rightfully due. It has been narrated from the Messenger of Allah (peace be upon him) that he said: ‘Whoever wrongs a person under covenant or burdens him beyond his capacity, I will be his adversary.’”

Among the last things spoken by Umar ibn al-Khattab – may Allah be pleased with him – before his death was: “I urge the caliph after me to fulfill the covenant of the Messenger of Allah (peace be upon him) with the People of the Covenant, to honor their agreements, and to fight on their behalf, and not burden them beyond their capacity.”

He also forbade one of his governors in the Levant from torturing dhimmis who could not pay the jizya, after the governor had made them stand in the sun and poured oil over their heads. Umar reminded him of the Prophet’s saying: “Indeed, those who torture people in this world will be tortured in the Hereafter.” He also waived the jizya from a poor elderly Jewish man. ⁴⁶Freedom of Movement and Residence:

The People of the Covenant are allowed freedom of movement and residence in the lands of Islam wherever they wish, except for the Sacred Mosque and the Hijaz. ⁴⁷

The Hijaz here refers to Mecca, Medina, and al-Yamama. ⁴⁸

This is based on several hadiths, including: “Aisha said: The last thing the Messenger of Allah (peace be upon him) commanded was: ‘Let there not remain two religions in the Arabian Peninsula.’” ⁴⁹

As for the reason for preventing them from entering and residing in the Sacred Mosque, it is based on the verse: *يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْمُشْرِكُونَ نَجَسٌ فَلَا يَقْرَبُوا الْمَسْجِدَ الْحَرَامَ بَعْدَ عَامِهِمْ هَذَا وَإِنْ خِفْتُمْ عَيْلَةً فَسَوْفَ يُغْنِيكُمْ* ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْمُشْرِكُونَ نَجَسٌ فَلَا يَقْرَبُوا الْمَسْجِدَ الْحَرَامَ بَعْدَ عَامِهِمْ هَذَا وَإِنْ خِفْتُمْ عَيْلَةً فَسَوْفَ يُغْنِيكُمْ﴾ (Al-Tawbah: 28). (Al-Tawbah: 28).

Section Three: Social Relations

1. Visiting the People of the Book:

The Prophet visited Abu Talib while he was a polytheist, and a Jewish boy who used to serve him. Islamic scholars differed on the permissibility of this act between complete allowance and prohibition. ⁵⁰

2. Attending Their Funerals:

It was reported that the Messenger of Allah – peace be upon him – once stood when a funeral passed by him. He was told, “It is a Jewish funeral.” He said, “Was it not a soul?” ⁵¹

Ibn Abbas held the opinion that it is permissible to attend the funeral of a dhimmi and to bury him. ⁵²

Section Four: Employing the People of the Covenant in Islamic Government Positions

The conquerors preserved the existing administrative system as they found it. Abu Musa al-Ashari appointed a Christian scribe. ⁵³

This was despite Umar ibn al-Khattab’s – may Allah be pleased with him – prohibition of employing the People of the Book in Muslim affairs. Ibn Taymiyyah held that it is obligatory to prevent them from having authority over Muslims, and that employing someone less capable but a Muslim is more beneficial for Muslims in their religion and worldly matters. ⁵⁴

The Umayyads and Abbasids appointed some Christians to administrative posts.⁵⁵

Although the reign of Caliph al-Hakim was known for its harshness toward the People of the Covenant churches were demolished, their contents looted, scribes had their hands cut off, and strict dress codes were imposed he still employed a Christian scribe.

Al-Amir bi-Ahkam Allah in the year 519 AH appointed a Samaritan Jew as his chief secretary, and a Christian monk as his financial officer.⁵⁶

During the Ikshidid period, al-Mu'izz in the year 380 AH appointed a Christian Jew as his vizier.⁵⁷

This confirms that harsh treatment of the People of the Covenant was subject to the whims of rulers, often supported by jurists.

In general, the People of the Covenant in some cases enjoyed civil, political, and social rights, although certain violations of their rights occurred due to legal fatwas and political motives aimed at appeasing public unrest and satisfying the masses.

CONCLUSION:

After this brief overview of the general situation of religious minorities in early islamic history which generally fluctuated between manifestations of tolerance and persecution due to various factors, including the influence of rulers, the ambitions of officials regarding the wealth of churches and monasteries, the whims of jurists, the agitation of the masses, the internal conflicts among religious sects, and military conflicts such as the crusades it becomes clear that these elements played a significant role in shaping the rulings concerning ahl al-Dhimma in islamic jurisprudence. These rulings evolved over time due to the aforementioned motives, shifting from a state of peace and tolerance to one of exclusion and persecution.

in light of this, the study concludes with the following findings:

- Ahl al-Dhimma experienced periods of prosperity, security, and stability. However, despite this honorable position of religious minorities in our islamic history, they also endured periods of persecution and injustice due to the whims of some rulers and governors, and the bias of certain jurists.
- There are conflicting positions among islamic sources regarding the actions attributed to some caliphs, such as 'umar ibn al-khattab, toward ahl al-dhimma. This has led some orientalist and western scholars to investigate his stance on this matter.
- The 'umari pact granted to the people of greater syria is characterized by ambiguity and vagueness, lacking some essential details and containing discrepancies among its various versions. Moreover, some hadith-based studies question its authenticity. In contrast, the pact written by 'umar ibn al-khattab (may allah be pleased with him) for the people of jerusalem aligns more closely with the image of islam as a tolerant religion toward followers of other faiths.
- The fluctuation in historical accounts of the conditions of ahl al-Dhimma between periods of prosperity and persecution stems from differences in how the sources were documented. Older

sources tend to depict a state of religious freedom and peace, while later sources often emphasize disparagement and hostility toward ahl al-dhimma.

- Islamic history witnessed conflicts among various christian sects, which led the ruling islamic authority to intervene in pursuit of political aims, sometimes favoring one sect over another. Many also suffered injustices at various times, whether for worldly reasons aimed at seizing the wealth of churches and monasteries, or for religious and political purposes fueled by the masses and certain jurists. In such cases, Muslim rulers would suppress unrest by imposing punishments and injustices on ahl al-dhimma. Furthermore, cruelty and oppression were sometimes a general condition under certain rulers and their governors, affecting both Muslim's and ahl al-Dhimma through the imposition of burdensome taxes.

Recommendations:

- there is a need for laboratory-based manuscript studies to examine the authenticity of the available versions of the 'umari pact preserved in christian monasteries and churches, especially since recent developments in religious studies have made significant progress in adopting this method within the humanities.
- it is essential to conduct scientific hadith and jurisprudential studies on the texts of the 'umari pact preserved in islamic books, and to compare these with available external sources, specifically ancient documents and writings belonging to religious minorities.

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