

27. Muslims as Minorities

The Prophet (p) and early Muslims lived as a minority in Mecca before and after the Prophet's migration (Hijrah) to Medina when the Prophet (p) was about 53 years old. Some lived in Mecca under non-Muslim rule during the period of the Treaty of Hudaibiyah. Others lived as minorities in Abyssinia and elsewhere from the time of the Prophet (p) and his Companions right until today.

What are the responsibilities of Muslims minorities? Do Muslim minorities living within non-Muslim states need to honour any terms of residence?

While the Prophet (p) and his early Companions lived in Mecca, they respected its polytheist leadership and laws, so long as these did not require them to disobey any categorical injunctions of Islam. The main reason why the Prophet (p) and his Companions fled and migrated to other places was primarily to escape persecution and the threat to their lives¹; and not because they were living as Muslim minorities in a society ruled by non-Muslims. Even after fleeing from Meccan persecution, the first immigrants (*muhajirun*) were ordered by the Prophet (p) to seek refuge under Christian rule in the kingdom of Abyssinia (Habasha).² Again during the period of

¹ In a statement made by the Prophet (p) when fleeing Mecca for Medina, he said, "(O Mecca!) You are the most beloved place to me. If not because your people chased me out, I would not live in a place apart from you" – *Sunan al-Tirmidhi*, hadith no.3926; *Musnad Ahmad*, hadith no.18717.

² For more, see: Tariq Ramadan, *In the Footsteps of the Prophet*, Oxford University Press, New York, 2007, p.59-62; Adil Salahi, *Muhammad, Man and Prophet: A Complete Study of the Life of the Prophet of Islam*, The Islamic Foundation, Markfield, UK, 2002, pp. 123-144.

the Treaty of Hudaibiyyah, some Muslims lived in Mecca, and under its leadership as dictated by the Treaty agreement endorsed by the Prophet (p).³

A Muslim living anywhere in the world belongs to the *Ummah* (community of believers), and provided he or she is granted the right to his/her identity and the freedom to practice Islam, it is in the view of most scholars and as seen in the lives of the Prophet (p), his Companions and the earliest Muslims, permissible for a Muslim to reside, study or work in non-Muslim lands.

Based on the geo-political realities of the times, Muslim jurists developed various ways, concepts and terms for classifying the world and where Muslims could or could not reside and the sort of international relations more appropriate for each community. These included but were not limited to “*Dar al-Harb*” (Territory/Abode/Land of War), “*Dar al-Kufr*” (Abode of Disbelief/Rejection of Islam), “*Dar al-Sulh*” or “*Dar al-‘Ahd*” (Abode of Treaty), “*Dar al-‘Amn*” (Abode of Security), “*Dar al-‘Adl*” (Abode of Justice), “*Dar al-Shahadah/Da’wah*” (Abode of Witnessing Islam) and “*Dar al-Islam*” (Abode of Islam/Peace), etc.

These divisions, terms and political concepts are not found by name either in the Qur’an or the Hadith, but are the product of the diverse juristic reasoning (*ijtihad*) of scholars in various contexts of Islamic history. Furthermore, there is no categorical statement by Allah or the Prophet (p) demarcating the world into two bipolar domains of only “*Dar al-Harb*” (Abode of War) and “*Dar al-Islam*” (Abode of Islam) as presented by some scholars. Instead, the concepts arose from classical

³ For more, see: Tariq Ramadan, *In the Footsteps of the Prophet*, Oxford University Press, New York, 2007, p.149-163; Adil Salahi, *Muhammad, Man and Prophet: A Complete Study of the Life of the Prophet of Islam*, The Islamic Foundation, Markfield, UK, 2002, pp. 495-530.

jurists who sought to classify the known world in which they lived, in order to deduce appropriate juridical rulings for political and strategic relations with others outside the Caliphate. Through examining the geographical divisions and power alliances that existed in their times, they were able to theoretically carve out an Islamic space within which their rulings applied. These divisions also allowed them to distinguish between Muslims who were living within and under Islamic rule, and those who were travellers or residing abroad who required specific rulings.⁴

Generally, Muslims were advised by scholars to avoid living in environments that were hostile to, or at war with Muslims (Land of War or *Dar al-Harb*). They were however permitted and even encouraged to travel to and live - as did the Prophet and his Companions – as law-abiding citizens in lands that were tolerant of Islam, had a significant respect for the Rule of Law, justice, and security, and where Muslims had the freedom to practice their faith without fear of persecution.

Ibn Hajr cites the view of al-Mawardi that if a Muslim is able to practice Islam openly in a non-Muslim land, then that land becomes *Dar al-Islam* (the Abode of Islam) by virtue of his settling there, and living there is preferable to moving away from it as other people may be attracted to Islam merely by their interaction with him.⁵ According to al-Mawardi, “The public acts of worship (*sha`a’ir*) of Islam such as group prayers in mosques and call for prayers are the criteria by which the Prophet, peace be upon him, differentiated between the Land of Islam and the Land of Disbelief.”⁶

⁴ Tariq Ramadan, *To Be a European Muslim*, The Islamic Foundation, Leicester, UK, 1999, pp.123-124

⁵ Ibn Hajar al-Asqalani, *Fath al-Bari*, Dar al-Fikr, Beirut, vol.7, p.230.

⁶ Al-Mawardi, *Al-Ahkam al-Sultaniyah*, vol.1, p.275.

The criterion of “the achievement of justice”, is so central in the Islamic concept of ‘Land or Abode of Islam’ to the extent that the term ‘land of justice’ (*Dar al-‘Adl*) is very often used interchangeably with the term ‘Land of Islam’ (*Dar al-Islam*) in numerous sources.⁷

In fact, Imam Abu Hanifa states: “The purpose (*maqsud*) of calling a certain land a ‘Land of Islam’ or a ‘land of disbelief (*kufr*)’ is not Islam versus *kufr*. It is security versus insecurity.”⁸

Mecca itself – according to Imam al-Bayhaqi for example – became a ‘Land of Islam’ after its ‘conquest’ only because of its newly found sense of security. He writes: “Mecca became a ‘Land of Islam’ and ‘land of security’ after its conquest because no one there was forced against his/her religion. Any other land is likewise if it acquires the same kind of security.”⁹

It is clear from the classic definitions too that security itself is a means to the end of freedom to practice the Islamic ‘public acts of worship’ (Arabic: *sha`a’ir al-Islam*). In fact, several scholars have mentioned that Muslims who have enough security and freedom to practice *sha`a’ir al-Islam* actually live in a ‘Land of Islam’, even if they were the minority.

⁷ For example: Ibn Taymiyah, *Kutub wa Rasa’il*, vol.28, p.146; Rashid Rida, *Al-Khilafah*, p.50 & 62; Al-Mawardi, *Al-Ahkam al-Sultaniyah*, vol.1, p.22; Al-Sarakhsi, *al-Usul*, vol.9, p. 182; Al-Kasani, *Bada’i` al-Sana’i`*, vol.7, p.80; Ibn Qudamah, *Al-Mughni*, vol.9, p.14; Al-Nawawi, *Rawdat al-Talibin*, vol.10, p.49; Al-Zar`i, *Al-Jawab al-Kafi*, vol.1, p.101; Ibn Abidin, *Hashiyat Raddul-Mukhtar*, vol.4, p.45; Al-Alusi, *Ruh al-Ma`ani*, vol.18, p.91; Nizam, *Al-Fatawa al-Hindiyah*, vol.2, p.179.

⁸ Al-Kasani, *Bada’i` al-Sana’i`*, vol.7, p.131

⁹ Al-Bayhaqi, *Sunan al-Bayhaqi*, vol.9, p.16.

Al-Razi writes that "If the Islamic acts of worship are evident in streets and public places, this certainly entails that Islam is dominant."¹⁰ Ibn Taymiyyah equally wrote that, "The public acts of worship (*sh`a'ir*) of Islam are the true signs that a certain land is a Land of Islam."¹¹

For Muslims visiting or planning to reside in non-Muslim countries, it is usually a prerequisite that in order to be granted entry, he/she must agree to abide by certain terms and conditions, whether for visa or migration purposes. A Muslim who is born in a non-Muslim land is usually given automatic citizenship and is naturally bound by the terms and conditions of citizenship.

Often, these terms and conditions are already part of international or inter-governmental treaties and agreements between Muslim countries and others. Muslim citizens are bound to respect these agreements, as did the Companions when the Prophet endorsed the Treaty of Hudaibiyyah, even though some of the conditions of that Treaty were unfavourable to the short-term interests of Muslims.

All believers are characterized as those "*who are faithful to their trusts and to their pledges*" (Qur'an 23:8). Once a Muslim chooses to remain a citizen or resident (rather than migrate to another land), he is required to acknowledge the nation's legislation and conduct himself within the scope of the law. Upon acceptance of these conditions of residence, a Muslim is bound by them, as stipulated in the hadith and adopted as an Islamic legal maxim, "*al-muslimun 'inda shurutihim*"¹²

¹⁰ Al-Razi, *Al-Mahsul*, vol.4, p.43.

¹¹ Ibn Taymiyyah, *Al-Nubuwwat*, vol.1, p.197.

¹² Bukhari, *Sahih Bukhari*, hadith no.2273

(i.e. “Muslims are bound by their conditions”).¹³ This obligation on Muslim minorities in non-Muslim lands illustrates Islam’s endorsement of peaceful interfaith co-existence. It, however, does not prevent Muslims from seeking legal reform towards achieving justice and a better society.

Moreover, a Muslim should not just be dutiful to his host country but actively contribute towards improving it. This is because Muslims are enjoined to be “*the best nation ever raised for mankind*, enjoining right and forbidding wrong...” (Qur’an 3:110) ‘Ikrimah explained this verse, saying, “In the past, people were not secure in other people’s lands, but as Muslims, people of any colour feel secure among you...”¹⁴, while Abu al-Su’ud elaborates that, “You are the best community for people, which clearly means helpful to other people.”¹⁵ Al-Khatib also says, “A feature of the Muslim nation is that it should not keep any beneficial advantage to itself but should share its benefit with other human societies.”¹⁶ These explanations accord with the Prophet’s statement, “*The best among you is the best towards people*,”¹⁷ and the example of Prophet Yusuf (peace be upon him), who was a foreigner residing in Egypt, and even offered his services at the level of government (Qur’an 12:54-55).

¹³ Tariq Ramadan, *To Be a European Muslim*, The Islamic Foundation, Leicester, UK, 1999, p.173

¹⁴ *Tafsir Ibn Abi Hatim*, vol.1, no.472; cited in Taha Jabir al-Alwani, *Towards a Fiqh for Minorities: Some Basic Reflections*, International Institute of Islamic Thought, London, 2003, p.27

¹⁵ *Irshad al-‘Aql al-Salim ila Mazaya al-Qur’an al-‘Azim*, vol.2, p.70; cited in Taha Jabir al-Alwani, *Towards a Fiqh for Minorities*, International Institute of Islamic Thought, London, 2003, p.28

¹⁶ Abd al-Karim al-Khatib, *Al-Tafsir al-Qur’an*, vol.4, p.548; cited in Taha Jabir al-Alwani, *Towards a Fiqh for Minorities*, International Institute of Islamic Thought, London, 2003, p.28

¹⁷ Muhammad bin Salamah, *Musnad al-Shihab*, Mu’assasah al-Risalah, Beirut, 1407AH, hadith no.1234

Shaykh Abdullah bin Bayyah, a highly distinguished scholar serving on many international *fiqh* councils and one of the contemporary world's leading authorities in *Usul al-Fiqh* (Principles of Islamic Jurisprudence), explains the obligations of Muslims in non-Muslim lands in the following remarks:

“...the relationship between Muslims living in this land and the dominant authorities in this land is a relationship of peace and contractual agreement – of a treaty. This is a relationship of dialogue and a relationship of giving and taking... It is absolutely essential that you respect the laws of the land that you are living in... We have to maintain those things that are particular to us as a community, but we also have to recognize that there are other things that are not particular to us but rather general to the human condition that we can partake in.”¹⁸

Examples of this friendly yet faith-retaining integration may be found throughout the history of Muslim minority groups in non-Muslim lands. Muslims in China, for instance, are celebrated for successfully constructing an indigenous Muslim identity within the country and making significant contributions to their homeland.¹⁹

¹⁸ Shaykh Abdullah bin Bayyah, "Muslims Living in Non-Muslim Lands", http://sunnah.org/articles/muslims_in_nonmuslim_lands.htm, 2005

¹⁹ See Ibrahim Ma Zhao-Chun, "Islam in China: The Internal Dimension" in *Journal of the Institute of Muslim Minority Affairs*, UK, July 1986, vol.7, no.2, pp.373-383.