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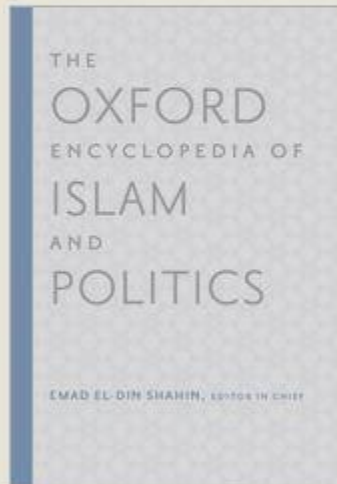
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Emad El-Din Shahin is a Professor at The American University in Cairo. Shahin's research looks at the foundations for democracy and political reform within Islamic law, philosophy, and political practice. His books include *Contemporary Islamic Movements in North Africa*, and *Through Muslim Eyes: Muhammad Rashid Rida and the West*, as well as the co-edited volumes *The* [More](#)

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the role of Islam in the elevation of mankind and bring Muslims closer to their faith.

Toward the end of the twentieth century the ministry of Islamic affairs blended in with the ministry of justice in several countries, although most Muslim countries preferred to separate the two. In Saudi Arabia, for example, the ministry of justice administered Shari'ah law and the provision of legal services although in most Muslim countries, such administration was usually undertaken by Islamic affairs offices. Because Saudi Arabia hosted the holy cities of Mecca and Medina, the ministry's full name in the kingdom was the Ministry of Pilgrimage (*Hajj*) and Endowments (*Awqāf*), whereas in most Muslim countries, and to avoid schisms as well as emphasize tolerance and forgiveness, the more common nomenclature of *wazarat al-shu'un al-islamīyah* (Islamic affairs) was formally updated to *shu'un dīniyah* (religious affairs).

For many Muslim countries, the ministry of Islamic affairs was responsible for the organization of the annual pilgrimage to Mecca although, for Riyadh, the burden was somewhat different: to be accountable for the provision of facilities for the visit of all Muslim pilgrims to the holy cities. For most ministries, however, the chief mission was to assume responsibility for building and maintaining mosques throughout their respective countries, as well as the administration of land held by religious trust, which was often significant.

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#### MINORITIES IN MUSLIM STATES.

Generally speaking, the term "minority" refers to a group of people within a community or country differing from the main population in religion, language, ethnicity, political persuasion, etc. The modern usage of "minority" emerged in a European context in the mid-nineteenth century and expresses the notion of a vulnerable and marginalized specific group within a society. According to a United Nations definition offered in 1977, a minority is: "A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members—being nationals of the State—possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language" ("Minority Rights: International Standards and Guidance for Implementation," UN Human Rights Commission, Office of the High Commissioner New York and Geneva, 2010, p. 2).

In premodern Islamic states the concept of a minority was mainly traced back to the religious minorities and the condition of non-Muslims. In general terms modern Muslim states approved newly founded civil societies instead of religious society in which the Muslims and people of different faiths enjoyed equal rights as equal citizens.

Notwithstanding in Muslim societies the minority issue continues to be sensitive, raising considerable controversy due to a widespread attitude to refuse to recognize non-religious concepts in this respect. Scholarship in the field of the religious minorities in Islam has tended to treat the issue as linked to traditional views, regarding it as unchanged over time, up to the present. Curiously there is a convergence of views between two apparently conflicting factions in this regard: On the one hand there are the Islamist political movements, such as al-Jihād in

Egypt, and Muslim scholars, who are hostile toward non-Muslims and advocate the reimposition of the *dhimma* regulations; and on the other are some Western scholars and ideologues who are critical toward Islam, which is regarded by them as a monolith. Both of them advocate the traditional practice of the *dhimma* agreement as applied unchangingly over all the times and places of the Islamic era.

Indeed the status and treatment of minorities is something different with respect to their status under Islamic law (*fiqh*). Islamic juristic discourses on political issues are a natural product of the historical processes of the Islamic political and legal experience. Traditional views, classical Islamic thinking, and regional practice are often confused: It is the historical conditions that tend to produce religious tolerance or intolerance, not only the theological dimension. Indeed the study of the minorities in the Islamic world has up until now suffered from either an exclusively theoretical legalistic approach based upon the classical insights in the *fiqh*, both in terms of academic dissertations and Western and Islamic public opinion debates. As a part of anti-Islamic discourses Western European media seem to show a particular interest in the treatment of religious minorities in Muslim states, within the frame of a human rights debate, which perpetuates a stereotyped and ahistorical view of Muslim world as unrelated to history.

Prevailing classic Islamic thought of pluralism is inclusive, and recognizes religious minorities which enjoy Qur'anic protection with a secondary status. Islam has traditionally been tolerant of religious differences within the Islamic community (*ummah*) and to a certain extent even encouraged them (for purposes that were fiscal, conviction, and so on). But, as in premodern states, the minority groups are still classified exclusively by religious affiliation within the dichotomy Muslim/non-Muslim.

The status of non-Muslims in Muslim societies, territorially defined as "Abode of Islam" (*dār al-islām*), has varied greatly over time and space. Legal theory has never been uniform throughout the Muslim world and has often been far removed from practice. The population of the first Islamic empires (Umayyad, 'Abbāsīd, and so on) was heterogeneous in religion, language, and social structure. As the faith of the Muslim sovereigns and of the ruling elite, Islam was the dominant religion, but the non-Muslim minorities retained an important place within the political structure of the state. There was also a substantial population of non-Christian roots, such as the Druze, the Hindus, or the several Jewish sects. Linguistic groups were as varied and overlapping as the religious communities. Moreover, Islam has a Sunnī majority (85 percent) and a Shī'ī minority (15 percent). But, as a legal and political discipline of minority, these kinds of differences were hardly taken into account. In other words there does not seem to be any rule about homogeneity according to the origin or activity of the inhabitants, except in those cases where a district was inhabited by a community of a distinct religious or ethnic minority. Therefore during Islamic history special rights are granted only to non-Muslims.

**Islamic Theory and Practice.** Muslim people emerged as a minority, persecuted and forced to flee from Mecca to Medina because of their new religion. Following the death of the Prophet Muḥammad in 632, Islam emerged over the decades after a period of gestation. Islamic society took shape through a process of dialogue with the other religious traditions. New territories were annexed to the growing Islamic state and the Muslims living within its borders were a minority. It took them several centuries to become the majority: It was in the three centuries that followed the 'Abbāsīd revolution (750) that non-Muslims were reduced to minority status in most areas of the Near and Middle East.

The basis of the classical juridical treatment of non-Muslims in Islam depends on Islamic sources, like the Qur'ān and the Prophetic tradition (Sunnah), but also on secondary sources. According to the rules of *fiqh* the world is divided into two main territorial entities, the *dār-al islām* ("Abode of Islam"), and the *dār-al ḥarb* ("Abode of War").

The inhabitants of the *dār-al islām* were divided into three main categories: Muslims, having access to state positions; non-Muslim subjects living under Islamic jurisdiction, who were granted a legal protection (the *dhimmah*); and foreigners living temporarily in Islamic territory (*mustamin*). Although they belonged normally to enemy territory, they were granted a safe-conduct protecting their property and lives, together with the practice of their religion, respecting the Qur'ānic principle "No compulsion in religion" (*sūrah* 2:256).

The "people of the book" were required to pay two tributes: a land tax (*kharāj*) and a poll tax (*jizyah*). The various schools of law varied considerably as to the definition of the legal rights and obligations of the protected people (*dhimmīs*). On the basis of the Qur'ānic injunctions Muslim scholars advocate that the religious persecution of a confessional minority is a justification for war.

#### **Early Modern Islamic Attitudes Toward Minorities: The Ottomans as a Case Study.**

The policies of the Muslim states of the past toward their non-Muslim subjects were based on the precedent of the early Islamic states, but with certain innovations in this respect. The Islamic empires of the early modern age, like the Ottoman, the Ṣafavid, and the Moghul, were a mosaic of ethnic and religious groups governed by a Muslim elite, dominating the army and the administration, heterogeneous conglomerates of lands and peoples. They administered large non-Muslim populations which, in many areas, outnumbered Muslims.

Non-Muslim residents were tolerated as long as they lacked public visibility. In different times many Christians and Jews reached positions of power, but non-Muslims, as groups, did not enjoy full equality. This paradigm of hierarchical structure was challenged in the mid-nineteenth century, when there was a process of legal codification (*tanzimat*) toward formal individual equality before the civil law. The three leading non-Muslim monotheistic religious communities—the Jewish, the Greek Orthodox, and the Armenian—were established as recognized *dhimmī* (in Ottoman Turkish, *zimmi*) communities, known as *millet*s (from the Qur'ānic term *millah*, meaning in Ottoman Turkish "nation") and led by their proper religious dignitary. Within each *millet* communities were responsible for educational and fiscal issues, as well internal personal legal matters (marriage, divorce, inheritance, etc.). Recent scholarship on the Ottoman Empire has debated the origins of the institution of the *millet*. New historical evidence suggests that the institution of *millet*, as a centralized institution, first appeared only in the seventeenth century and became prevalent only in the nineteenth century.

As the Turkish scholar Selim Deringil has pointed out, in the end of their history the Ottomans adopted the archimperialist mind-set of their European enemies, conceiving its periphery as a colonial setting. The peoples of distant peripheries, such as the nomadic Turkmen tribes of eastern regions and the Bedouins of Arab provinces, were construed as uncivilized and savage and in need of a civilizing mission. It was a new type of rule about homogeneity according to the origin of the inhabitants, considered an ethnic minority even in an Islamic context.

**Dhimmitude.** Recent political Islamophobia, under the impact of political Islam linked to the ideas of war on terror and the security state, which especially emerged after 11 September 2001, revamped the Islamophobic Orientalist

approach of Western scholars of the nineteenth century. Despite Europe's growing Muslim minority population—as a faith group it is a minority in democratic secular states, with protected rights, including the right to practice their religion—there is a widespread attitude to demonize them as the unassimilable and disloyal inner enemy.

In 1982 the Maronite Lebanese president Bachir Gemayel (Bashīr al-Jimayal) had coined the Islamophobic neologism “dhimmitude.” The term was later introduced into pseudo-academic and polemic discourse by the Egyptian writer Bat Ye'or, who devoted several of her writings to the topic of persecution and ill treatment of minorities in all the Islamic world at all times. Her clear message is that Islam is not a tolerant religion, fostering aggressive actions toward those populations who do not embrace Islam. She based her works upon a documentation of Islamic sources and various dhimmi communities from all areas of Muslim rule, but she also ignored all those sources supporting the opposite view. In other words sources like those proposed by the Egyptian writer can be used to prove exactly the contrary of what Bat Ye'or has tried to demonstrate. Even leading contemporary scholars of the history of the Jewish communities of medieval Islam, such as Mark R. Cohen and Abraham Udovitch, have criticized the term “dhimmitude” as misleading and Islamophobic.

The minority issue in Muslim countries raises serious questions in the West resulting in much negative press for Islam as a religion. The constitutions of many Muslim countries are thought to contradict the Universal Declaration on Human Rights and to ignore civil rights standards. At the other end of the spectrum, there are Muslim intellectuals seeking ways to legitimize full legal and political equality of Muslims and non-Muslims in Islamic terms. They clearly look at the public good (*maṣlaḥah*) and claim the need for a

radical *ijtihād* (individual effort into legal issues) that takes into account the intentions of the norms of the past, rather than the technical details of *fiqh* and the letter of the law. Their primary concern is to avoid the public disorder (*fitnah*).

**The Minority Issue in Modern Muslim States.** The balance of power between different Islamist trends, as well as the degree to which regimes are under pressure from Islamist groups, have a major part to play in determining the status of non-Muslims in the modern Islamic world, where very few Muslim countries claim to have an Islamic constitution.

For instance in modern Egypt al-Azhar Islamic University contributed to the Islamic debate, highlighting the concept of citizenship in the Islamic discourse. Prominent Sunnī religious reformists, such as Muḥammad 'Abduh (1849–1905) and one of his disciples, Maḥmūd Shaltūt (1893–1963), focused on the traditional status of the protected (*dhimmī*) community associating it with the concept of citizenship. The term *muwāṭin*, in its literal sense, has been often used as meaning a non-Muslims sharing the same *waṭan* (homeland) as Muslims, but not as citizens sharing the same legal and political status. In 1985 the renowned Egyptian political analyst Fahmī Huwaydī tried to find the causes and solutions to tension between Muslims and non-Muslims in Islamic countries by putting on the same level the concepts of *dhimmī* and *muwāṭin*. More recently the Grand Mufti of Egypt, 'Alī Jum'a (Gomaa), has said that what he calls the “paradigm of al-Azhar” is a traditionally inclusive approach that accommodates and contrasts drastically Islamism as a polarizing and exclusivist force.

Another example is Pakistan, which is a country created for Muslims out of the subcontinent of India and is constitutionally declared an Islamic state. Despite recent legislative attempts to Islamize society, the country remains essentially secular

in character. There the minority issue is a question of Islamist rhetoric to obtain the support of the masses, as is evident by the fact that the Ministry of Minorities is usually headed by a minister who is either Christian or Hindu.

The Republic of Turkey's unique history as a secular democracy with a Sunnī majority creates interesting institutional patterns with regard to its policies on religious minorities, both non-Sunnī and non-Muslim. According to the 1923 Treaty of Lausanne, the Republic of Turkey does not grant the minority legal status to Muslim minorities, both ethnic and linguistic, such as the Kurds or the Alevis, which constitute the largest of minorities.

Today one-third of Muslims live as minorities in the non-Muslim world. In nations where Muslims are in a minority, such as southern Thailand or the Philippines, many young Muslim women have adopted Islamic dress to indicate their resistance to the prevailing national political culture.

There is a convergence of opinion within the Muslim-Christian encounter debate to consider modern confessionalism, by its nature, as undermining national unity and obstructing democratic development. The prevailing opinion in the dialogue circles is that the citizens of a united nation, no matter which confession they are part of, must join in dialogue to solve their common problems.

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