The Islamic State and Religious Minorities

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The Taliban are gone but they have left us with several serious questions about the future of religious minorities in Islamic states in particular and religious states in general.

Today there are at least three major conceptions of religious states – Jewish, Islamic and Hindu. Israel strongly identifies itself as a Jewish state; Nepal is a Hindu state and India under the growing influence of Hindu Nationalism is toying with the idea of Ram Rajya – Hindu statehood. Iran, Pakistan, Saudi Arabia, Malaysia, Sudan and Afghanistan under Taliban claimed to be Islamic states.

Religious states face a significant challenge from diversity. They seek to advance and establish a specific normative social agenda. In order for these states to be successful it is important that the population share the ideological beliefs of those who hold power. The presence of diversity and difference of opinion between the populace makes it necessary for the state to privilege one element of the citizenry over others thereby institutionalizing discrimination and intolerance.

The Challenge of Diversity

Islamic states inevitably treat non-Muslim citizens as less than equal curbing their access to power and religious freedom. Even in Israel, which is a democracy, religious minorities face discrimination. In 1976 when Israel captured Jerusalem, 28% of its population was Christian and now only 2% of Jerusalem’s inhabitants are Christians. Christians may become extinct in their own holy city and the primary reason for this is the religious importance of Jerusalem to Jewish state. This is a sobering example of how in spite of democracy a religious state can marginalize religious minorities.

Malaysia is an example where religious ideology and democracy mix very well. Malaysia is 65% Muslim and strongly identifies itself as an Islamic state. It is a very active member of OIC (Organization of Islamic Conferences). In spite of its Islamic identity, Malaysian Muslims share power and wealth with Christians, Buddhists and Hindus who are all equal citizens of the country and have equal rights and duties.

But religious minorities in some Islamic states, such as Afghanistan under the Taliban, suffer institutionalized discrimination because of these states’ legalist orientation and their obsession with the Islamic jurisprudence. Some of the legalist positions in Islamic states are so strict that non-Muslim minorities find it a challenge to live normal lives. Blasphemy laws and apostasy laws are well known for the problems they cause minorities. Narrow interpretation of the role of women in Islamic societies has also restricted the scope of possibilities for non-Muslim women.
The Objectives of an Islamic Society

The Maqasid al Shariah (the objective of the Islamic law/way) are falah (welfare) and hayat-e-tayyabah (good life) for the members of the community. But when contemporary Islamists operationalize this divine vision of the Islamic state, they define the Islamic state as that which implements the Islamic law. Islamic law is divine in its origin, and since God does not need the consent of his creation, Contemporary Islamists insist on imposing Islamic law even without consent. Due to colonization, and prior to it, due to the decline of Islamic intelligentsia, Islamic legal tradition remains fossilized and is still struck in the middle ages. Islamic state therefore becomes a reduced to a coercive institution seeking to enforce a system of laws that were deduced from Islamic sources several centuries ago.

The irony of this reality is that in seeking to impose Islamic law and create an Islamic state, Islamists are actually in direct opposition to the spirit and letter of the Quran. The Quran is very explicit when it says “there is no compulsion in religion,” (Quran 2: 256). Elsewhere the Quran exhorts Jews to live by the laws revealed to them in the Torah. In fact The Quran expresses surprise that some Jews sought the arbitration of the Prophet of Islam (peace be upon him) rather than their own legal tradition (5:43). The Quran also orders Christians to live by their faith; “So let the people of the Gospel judge by that which Allah has revealed therein, for he who judges not by that which Allah has revealed is a sinner,” (Quran 5:47). From these verses it is abundantly clear that an Islamic state must advocate religious pluralism even to the extent of permitting multiple legal systems.

Democratic polities are much better at dealing with minorities who do not subscribe to state ideology because they are based on constitutional guarantees of human rights conceived at the level of the individual – the smallest minority. In a sense on some issues, such as the bill of rights in the American system – the individual over rules even the majority opinion. Contemporary Islamic states have yet to develop a legal framework that ensures that there is no compulsion in religion and no discrimination against religious minorities even though the above-identified sources provide a clear Quranic foundation for guaranteeing religious freedom beyond even the scope of the American bill of rights.

Lessons from Medina

Unlike the present day Islamists, Prophet Muhammad (pbuh), when he established the first Islamic state in Medina – actually a Jewish-Muslim federation extended to religious minorities the rights that are guaranteed to them in the Quran. Prophet Muhammad’s Medina was based on the covenant of Medina, a real and actual social contract agreed upon by Muslims, Jews and others that treated them as equal citizens of Medina. They enjoyed the freedom to choose the legal system they wished to live under. Jews could live under Islamic law, or Jewish law or pre-Islamic Arab tribal traditions. There was no compulsion in religion even though Medina was an Islamic state. The difference between Medina and today’s Islamic states is profound. The state of Medina was based on a real social contract that applied divine law but only in consultation and with consent of all citizens regardless of their faith. But contemporary Islamic states apply Islamic law without consent or consultation and often through
It is a sad commentary on contemporary Islamists that while democracy is a challenge to contemporary Islamic states, it was constitutive to the first Islamic state in Medina established by the Prophet of Islam.

1 [http://theamericanmuslim.org/tam.php/features/articles/the_islamic_state_and_religious_minorities](http://theamericanmuslim.org/tam.php/features/articles/the_islamic_state_and_religious_minorities)

2 [http://www.ijtihad.org/islamicstate.htm](http://www.ijtihad.org/islamicstate.htm)