

# Lecture No. 26: Islamic Culture & Civilization – IV

## (Module 1(109): Rights of Orphans, Widows, the Poor and the Destitute)

Allah's Messenger (PBUH), while describing the virtue of the one who takes care of an orphan, said: "I and the guardian of an orphan will be close in this way in Paradise, and the Prophet (PBUH) told this through his index and middle fingers."

The rights of orphans have been described in a comprehensive manner in the Holy Quran:

وَيَسْأَلُونَكَ عَنِ الْيَتَامَىٰ قُلْ إِصْلَاحٌ لَهُمْ خَيْرٌ وَلَنْ نُخَالِفُكُمْ بِأَمْوَالِكُمْ وَاللَّهُ يَعْلَمُ الْمُفْسِدَ مِنَ الْمُصْلِحِ وَلَوْ شَاءَ اللَّهُ لَأَعْتَبْتُمْ لَئِنْ اللَّهُ عَزَّ وَجَلَّ (البقرة ٢: ٢٢٠)

“(Your meditation should be) on (matters relating to) this world and the Hereafter. And they ask you about orphans. Say: ‘It is meritorious to set (their affairs) right. And if you associate them with yourselves (in subsistence and business), then they are also your brothers. And Allah distinctly recognizes the one who is destructive from the other who is constructive. And if Allah willed, He would put you in distress. Verily, Allah is All-Mighty, All-Wise.’”

all the rights of orphans that belong to society have been described in the Quran: Protection of the property inherited from the father, concern about their education, handing over their wealth and means to them after they get adults, marrying them

When a father of a child dies, his property should be documented in the presence of a few Muslims, and the property of the orphan should be handed over to the trustee until the orphan becomes a sane adult.

وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَامًا وَارْزُقُوهُمْ فِيهَا وَاكْسُوهُمْ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا (النساء ٥: ٥)

**And do** not entrust to the mentally deficient your (or their) assets which Allah has made a means of stability for your economy. However, feed them out of it and clothe them, and say to them good and nice words.

إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا وَسَيَصْلُونَ سَعِيرًا (النساء ٤: ١٠)

Indeed, those who eat up the property of orphans unjustly fill their bellies but with fire, and soon will they fall into a Blazing Fire.

Hazrat Abu Huraira (R.A) says that a man complained to the Holy Prophet (PBUH) about the hardness of his heart. The Prophet (PBUH) said, "Run your hand over the head of the orphan and

feed the poor." (Musnad Ahmad: 7577) Hazrat Basheer bin Aqrba Jahni (RA) says that on the day of the Battle of Uhud, I met the Holy Prophet (PBUH), and I asked him what happened to my father. He told me that he received martyrdom. I started crying after hearing this. The Holy Prophet (PBUH) held me, put his hand on my head, made me ride with him on his horse, and said, "Are you not satisfied that I become your father and Aisha your mother?"

### **Educating the Welfare and Benevolence of Widows:**

Before Islam, when a woman became a widow, the relatives of the deceased considered her a part of the property and took possession of her, and she was also deprived of her share in the inheritance and other rights. In this way, marriage with widows was not liked in Arabia, due to which they suffered from economic and social insecurity. The Prophet (PBUH) ended this evil custom by marrying widows himself. The Prophet (PBUH) described the virtue of paying their rights as follows: "He who strives for widows and the poor is like the one who does Jihad in the way of Allah or one who fasts during the day and worships at night."

### **Rights of the Poor and Needy in Islam:**

Prophet Muhammad (PBUH) taught good behavior towards the poor and the needy. Whenever he saw the poor and needy suffering, he would not be satisfied until their suffering was resolved. The rights of the poor and the needy have been mentioned in several places in the Holy Qur'an, and the people of high status in society have the right to their economic recovery, the payment of which is necessary for the believers:

يَسْأَلُونَكَ مَاذَا يُنْفِقُونَ ۖ قُلْ مَا أَنْفَقْتُ مِنْ خَيْرٍ فَلِلَّهِ الدِّينُ وَالْأَقْرَبِينَ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ (البقره ٢: ٢١٥)

They ask you what they should spend (in the way of Allah). Say: 'Whatever wealth you spend (is right), but the deserving ones are your parents and close relatives and orphans and the needy

وَإِذَا حَضَرَ الْقِسْمَةَ أُولُو الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينُ فَارْزُقُوهُمْ مِنْهُ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا - (النسا ٤: ٨)

If the relatives (other than heirs) and the orphans and the indigent are present on the occasion of the division (of inheritance), give them also something out of it and say to them good and nice words.

### **The Same Teaching was also given in the Blessed Hadiths:**

It was narrated from Hazrat Huzaifah that the Holy Prophet said: There was a person in the earlier people to whom an angel came to take give him death. He asked him if he had made any good deed. He said he does not know except that he used to trade with people. And when he had to demand a loan from them, he would give respite to the rich and forgiveness to the poor, so Allah admitted him to Paradise. It was narrated by Hazrat Abu Hurairah that the Holy Prophet said that there was a person who used to lend money to people. He had instructed his servants to relieve the person who is in need. Perhaps in this way, Allah forgive us. When he met Allah, He forgave him. Hazrat Abu Qatadah said: The Messenger of God (PBUH) said: "Whoever wants

Allah to relieve him from the hardships of the Day of Resurrection, he should give respite or forgiveness to the needy." "It is narrated from Hazrat Abu al-Yasr that he said: I heard the Holy Prophet (PBUH) saying that whoever gives respite or forgiveness to a needy person, Allah will give him a place in His shadow."

## **(Module 2(110): Rights of Disabled and Elderly Persons**

People with disabilities are a part of human society that deserves more attention than the general population. No civilized society can imagine ignoring the disabled or depriving them of a respectable place in society. Islam is a religion that respects humanity. Since disabled people deserve special attention for their identity and dignity in society, Islam has given special teachings in this regard. It should be clear here that all the rights that are available to the general population of society are also available to disabled people. However, in addition to the rights available to ordinary people, the details of the rights that Islam has given to the disabled are as follows:

### **Right to Special Attention:**

Islam has given equal status to every individual in the affairs of life, regardless of race, colour, or social status. It is a common social attitude that people with disabilities are ignored in the normal affairs of life and social interaction. The Holy Qur'an strongly condemns this approach and has declared humans worthy of honor and dignity. Once, the Holy Prophet (PBUH) was preaching to the leaders of the polytheists when his blind companion, Hazrat Abdullah bin Umm Maktoum (RA), came to his service. Being busy while talking with others, the Prophet (PBUH) could not turn his attention to Hazrat Abdullah bin Umm Maktoum, so the following verses were revealed to him:

عَبَسَ وَتَوَلَّى - أَنْ جَاءَهُ الْأَعْمَى - وَمَا يُدْرِيكَ لَعَلَّهُ يَزَكِّي أَوْ يَذْكُرُ فَتَنْفَعَهُ الذِّكْرَى (عبس ٨٠: ١-٢)

A feeling of uneasiness came upon his (holy) face, and he turned aside his (radiant) face because a blind man approached him (who interrupted his discourse). And what do you know? Perhaps he would be purified (further owing to your attending to him).

In these blessed verses, the Ummah was taught through the Messenger of Allah (PBUH) that: People with disabilities deserve more attention than other members of society; they should not be ignored in favour of others. The level of honour and dignity should not be determined by looking at social status, but personal character, piety, reformation, and the spirit of goodness should be the criteria for it.

### **Right to Exception in Enforcement of Society Law:**

Islam has provided law and order for social life as well as other spheres of life. Clear rules have been given for daily living and visits to the homes of relatives and friends. However, it is worth noting that in the Holy Qur'an, the disabled have been exempted from these regulations:

لَيْسَ عَلَى الْأَعْمَى حَرْجٌ وَلَا عَلَى الْأَعْرَجِ حَرْجٌ وَلَا عَلَى الْمَرِيضِ حَرْجٌ وَلَا عَلَى أَنْفُسِكُمْ أَنْ تَأْكُلُوا مِنْ بُيُوتِكُمْ أَوْ بُيُوتِ آبَائِكُمْ أَوْ بُيُوتِ أُمَّهَاتِكُمْ أَوْ بُيُوتِ إِخْوَانِكُمْ أَوْ بُيُوتِ أَخَوَاتِكُمْ أَوْ بُيُوتِ أَعْمَامِكُمْ أَوْ بُيُوتِ عَمَّاتِكُمْ أَوْ بُيُوتِ خَالَاتِكُمْ أَوْ مَا مَلَكَتْهُنَّ أَوْ صَدِيقِكُمْ لَيْسَ عَلَيْكُمْ جُنَاحٌ أَنْ تَأْكُلُوا جَمِيعًا أَوْ أَشْتَاتًا فَإِذَا دَخَلْتُمْ بُيُوتًا فَسَلِّمُوا عَلَى أَنْفُسِكُمْ تَحِيَّةٌ مِنْ عِنْدِ اللَّهِ مُبَارَكَةٌ طَيِّبَةٌ كَذَلِكَ يَبَيِّنُ اللَّهُ لَكُمْ الْآيَاتِ لَعَلَّكُمْ تَعْقِلُونَ (النور ٢٤: ٦١)

There is no restriction on the blind, nor any blame on the lame, nor is there any sin on the sick, nor (any harm) for you if you eat (food) from your own houses or from the houses of your fathers, or the houses of your mothers, or the houses of your brothers, or the houses of your sisters, or the houses of your fathers' brothers, or the houses of your fathers' sisters, or the houses of your mothers' brothers, or the houses of your mothers' sisters, or the houses whose keys are in your charge (i.e., whose owners have permitted you for any use. Nor is there any harm to eat food) from your friends' houses. There is no sin on you whether you all eat together or separately. Then, when you enter the houses, greet (the members of) your (family) with the greeting of peace and security. (This) is a blissful and pure greeting from Allah. Thus Allah makes clear His Verses for you so that you may understand (the commands of the Shariah and the manners of life).

### **Right to Exemption from Jihad and Defense Obligations:**

The Holy Qur'an described participating in jihad for the promotion of the Islamic state and the struggle for the supremacy of religion as a test of faith and steadfastness and declared the escape from this basic responsibility as a cause of punishment. However, disabled persons were exempted from this fundamental obligation:

لَيْسَ عَلَى الْأَعْمَى حَرْجٌ وَلَا عَلَى الْأَعْرَجِ حَرْجٌ وَلَا عَلَى الْمَرِيضِ حَرْجٌ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ وَمَنْ يَتَوَلَّ يُعَذِّبْهُ عَذَابًا أَلِيمًا (الفتح ٢٨: ١٧)

There is no blame on the blind or the lame or the sick (for their disability to fight). And He who obeys Allah and His Messenger (blessings and peace be upon him), He will admit him to the Gardens with streams flowing under them. But whoever turns away (from obedience), He will punish him with a grievous torment.

Special concessions and facilities are granted to the Muslims with excuses under the rules of Sharia. Facilitation of ablution in case there is no control over urination, or passing of wind running of blood, etc. Tayammum and Masah are allowed for the injured.

### **Rights of the Elderly in Islam:**

Elderly people have a special position in Islamic society. Its basis is the universal teachings given by Islam, in which the elderly people have been declared a source of blessing and mercy and worthy of honour and respect. The Holy Prophet (PBUH) advised respect for the elderly. It is their right that the younger ones respect them. He (PBUH) said: "He is not among us who does not show mercy to our younger ones and respect our elders."

### **Right to Dignity in Social Affairs:**

The Prophet (PBUH) instructed to respect elders in ordinary social matters. Hazrat Abdullah bin Sahl and Muhaisa bin Masoud reached Khyber, and they separated from each other in the two gardens. While Abdullah bin Sahl was killed, Abd al-Rahman bin Sahl and Mas'ud's sons Hawaisah and Muhaisah attended the service of the Holy Prophet (PBUH). The younger one started the talk. On this, the Holy Prophet (PBUH) said: "Take care of the rank and honour of the elder." Allah Almighty also respects the modesty of an old Muslim with white hair.

### **Right to Priority in the Provision of Living Facilities:**

Islam also gives the elderly the right to priority in providing the facilities of life. This right is clear from the following verses of the Holy Quran:

وَلَمَّا تَوَجَّهَ تِلْقَاءَ مَدْيَنَ قَالَ عَسَى رَبِّي أَنْ يَهْدِيَنِي سَوَاءَ السَّبِيلِ وَلَمَّا وَرَدَ مَاءَ مَدْيَنَ وَجَدَ عَلَيْهِ أُمَّةٌ مِنَ النَّاسِ يَسْقُونَ وَوَجَدَ مِنْ دُونِهِمُ امْرَأَتَيْنِ تَذُودَانِ قَالَ مَا خَطْبُكُمَا قَالَتَا لَا نَسْقِي حَتَّى يُصْدِرَ الرِّعَاءَ وَأَبُونَا شَيْخٌ كَبِيرٌ فَسَقَى لَهُمَا ثُمَّ تَوَلَّى إِلَى الظِّلِّ فَقَالَ رَبِّ إِنِّي لِمَا أَنْزَلْتَ إِلَيَّ مِنْ خَيْرٍ فَقِيرٌ (القصص ٢٨: ٢٢-٢٤)

And when he moved towards Madyan, he said: 'I hope my Lord will show me the straight path (to take me to the desired destination).' And when he arrived at the watering (well) of Madyan, he found there a crowd of people watering (their flocks). And on a side, he saw two women, withdrawn, holding back (their goats. Musa [Moses]) asked: 'Why are you (standing) in this condition?' Both said: 'We cannot water (our goats) till the shepherds take back their flocks and our father is an aged man.'

### **Blessings are from Elders:**

In a hadith narrated by Hazrat Abdullah bin Abbas (R.A) it is said: "You are blessed with your elders." Hazrat Abu Darda Ra narrates that the Prophet (PBUH) said: "Look for me among your weak people because it is because of the weak people that you are provided with sustenance and you are helped." Hazrat Abu Saeed Al-Khudri narrates that the Prophet (PBUH) said: "Seek goodness from the middle-aged and show mercy to the young." It is said by Hazrat Muhammad (PBUH): "Son of Umm-e-Saad! May your mother lose you? You are given sustenance and you are helped because of your elders."

### **Right to Exemption from Excessive Burden:**

It was narrated from Hazrat Abu Huraira that the Prophet (PBUH) said: "When one of you leads the people in prayer, let him lead it lightly because among them are the weak, the sick, and the old, and when one of you leads the prayer alone, let him prolong it as much as he likes." Hazrat Anas bin Malik narrates that the Holy Prophet (PBUH) said: "Indeed, Allah the exalted is ashamed not to grant such an old Muslim who steadfastly adheres to the Sunnah and asks from Allah."

Therefore, the welfare of this world and the hereafter lies in honouring and serving the elders. If

a person does not respect the elderly, then he is excluded from the people of the Holy Prophet (PBUH). Therefore, we should serve the elderly every moment and respect their rights.

### (Module 3(111): Women's Rights in Islam)

In Islam, not only have the rights of women been established, but their position and status have actually been recognized. They have the right to life, the right to upbringing, the right to education, the right to marry, the right to receive dowry and due expenses from husbands. They have the right to do business, the right to possess property, the right to have honour and dignity, and the right to criticize and asking for accountability.

#### **The Right to Chastity:**

In order to ensure the respect of women in society, it is necessary to protect their right. Islam gave women the right to protect their chastity and obliged men to protect their chastity.

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ-(النور ٢٤: ٣٠)

Direct the believing men to keep their eyes always lowered and guard their private parts. That is purer for them. Surely, Allah is Well Aware of (the works) which they are busy doing.

يَا أَيُّهَا الَّذِينَ آمَنُوا لِيَسْتَأْذِنَكُمْ الَّذِينَ مَلَكَتْ أَيْمَانُكُمْ وَالَّذِينَ لَمْ يَبْلُغُوا الْحُلُمَ مِنْكُمْ ثَلَاثَ مَرَّاتٍ مِنْ قَبْلِ صَلَاةِ الْفَجْرِ وَحِينَ تَضَعُونَ ثِيَابَكُمْ مِنَ الظَّهِيرَةِ وَمِنْ بَعْدِ صَلَاةِ الْعِشَاءِ ثَلَاثُ عَوْرَاتٍ لَكُمْ لَيْسَ عَلَيْكُمْ وَلَا عَلَيْهِمْ جُنَاحٌ بَعْدَهُنَّ طَوَافُونَ عَلَيْكُمْ بَعْضُكُمْ عَلَى بَعْضٍ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ الْآيَاتِ وَاللَّهُ عَلِيمٌ حَكِيمٌ(النور ٢٤: ٥٨)

O believers! Your (male and female) slaves and your children who have not yet attained puberty must seek your permission (to come to you) on three occasions: (first) before the Fajr (Dawn) Prayer, (second) when you put off your clothes at noon (for rest), and (third) after the 'Isha' (Night) Prayer (when you go to bed for sleep. These are) the three (times) of privacy for you. Other than these (times), there is no sin on you or them (because during remaining hours they) keep coming and going frequently where you are from one to the other. That is how Allah makes the Revelations clear for you, and Allah is All-Knowing, All-Wise.

#### **Right to Education and Training:**

The Holy Prophet (PBUH) has declared the education and training of women as important and necessary as that of men. In Islamic society, it is in no way appropriate that a person neglects the education and training of a girl by giving her a lower status than that of a boy. The Prophet (PBUH) said: "Acquiring knowledge is obligatory for every Muslim (male and female)." On another occasion, he said: "Knowledge and wisdom are the lost possessions of the believer, so he is more entitled to get them wherever he finds them." The Prophet (PBUH) said: "If a man has a slave girl, then he should educate her, and it should be a good education. And teach her manners, and these are good manners. Then, if he frees her and marries her, there is a double reward for that person. (Bukhari, Sahih, Kitab al-Jihad, Chapter Fazl min Aslam, 3: 1096, Number: 2849)

That is, one reward is that he gave her a good education and taught her good manners, and the other reward is that he freed her, married her, and thus raised her status. It is evident from this that if Islam considers it a reward to equip even slaves with the jewel of education, then how can it justify depriving free boys and girls of education?

### **The Right to Fair Treatment:**

The Holy Prophet (PBUH) taught good behavior towards women and advised them to treat women with kindness and compassion in general matters of life. It was narrated from Hazrat Abu Huraira that the Holy Prophet (PBUH) said: He who believes in Allah and the Day of Resurrection should not hurt his neighbour, and accept my instruction about doing good to women. They are born from the rib. And the uppermost rib is the most crooked; if you try to straighten it, you will break it, and if you leave it as it is, it will always be crooked, so accept my commandment about being good to women. Love."(Bukhari, Al-Sahih, Kitab al-Nikah, Chapter Al-Wasat al-Nisaa, 5: 1987, Number: 4890)

### **Right to Ownership and Property:**

Islam gave women the right to property as well as men. She can not only earn by herself but also become the owner of inherited property. The divine statement is:

لِّلرِّجَالِ نَصِيبٌ مِّمَّا اكْتَسَبُوا وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا اكْتَسَبْنَ (النسا ٣: ٣٢)

Men will have a share of what they earn, and women will have a share of what they earn.

A woman's right to property remains intact even in the case of divorce. Ibn-i-Qudama has written about the reversionary divorce: if the husband divorces his wife during an illness that threatens to kill him and then dies of the same illness during the Idda period, the wife will be his heir, and if the wife dies, the husband will not be her heir. The same opinion was also narrated by Hazrat Umar and Hazrat Uthman (Ibn Qudama, Al-Mughni, 6: 329).

### **Right to Sanctity of Marriage:**

Islam highlighted the rights of women, declared marriage with certain relationships haram, and gave its entire list. The divine saying is:

حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ وَعَمَّاتُكُمْ وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ وَبَنَاتُ الْأُخْتِ وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُمُ مِنَ الرَّضَاعَةِ وَأُمَّهَاتُ نِسَائِكُمْ وَزَوَّجْتَكُمْ اللَّاتِي فِي حُجُورِكُمْ مِّنْ نِّسَائِكُمُ اللَّاتِي دَخَلْتُم بِهِنَّ فَإِنْ لَّمْ تَكُونُوا دَخَلْتُم بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ وَحَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ وَأَن تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ. (النسا ٣: ٢٤)

Forbidden to you are your mothers and your daughters and your sisters and your father's sisters and your mother's sisters and your brother's daughters and sister's daughters and your mothers (who) have suckled you, your foster sisters and mothers of your wives. And (similarly) your stepdaughters brought up under your parentage born of your women with whom you have had

marital relations (are also forbidden to you.) If you have not had martial relations, then there is no harm (in marrying their daughters). Also forbidden are the wives of your real sons who are of your loins, and having (in marriage) two sisters together, except what has passed in the days of ignorance.

### Right to Marry:

Before Islam, women were considered the property of men, and they did not have the right to marry. Islam gave the right of marriage to a woman who is orphaned, widowed, or divorced. While living within the rules and regulations prescribed by the Sharia, she cannot be deprived of the right to marry.

وَإِذَا طَلَّقْتُمُ النِّسَاءَ فَلَمْ تَغْضُلُوهُنَّ أَنْ يَكُنَّ أَرْوَاحَهُنَّ إِذَا تَرَاضَوْا بَيْنَهُنَّ بِالْمَعْرُوفِ (البقره ٢: ٢٣٢)

And when you divorce the women and they reach (the completion of) their waiting period, then do not prevent them from remarrying (their former or latter) husbands when they have mutually agreed according to Islamic law.

وَالَّذِينَ يَتُوفُونَ مِنْكُمْ وَيُذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَلَا جُنَاحَ عَلَيْكُمْ فِيمَا فَعَلْنَ فِي أَنْفُسِهِنَّ بِالْمَعْرُوفِ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ (البقره ٢: ٢٣٣)

And those of you who die and leave (their) widows behind shall keep themselves in waiting for four months and ten days. So, when they arrive at (the end of) their waiting term, there shall be no responsibility on you for whatever they do for themselves according to Islamic law. And Allah is Well Aware of what you do.

وَاتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِنْ طِبَّنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا (النسا ٤: ٤)

And pay the women their dower with a pleased heart. Then if they forgo for you some (of the dower) out of their own pleasure, you may consume it as pleasant and favorable (for you).

Although, in view of many social reasons, Islam gave men the right to have more than one woman in marriage, but it made it conditional on justice and fairness between wives, and in case men could not maintain justice in more than one marriage, they are advised to have a single marriage:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَاثَ وَرُبَاعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أَدْنَىٰ أَلَّا تَعُولُوا (النسا ٤: ٣)

And if you have the apprehension that you will not be able to treat the orphan girls justly, then marry the women you like and who are lawful for you, two or three or four (but this sanction is conditional on justice). But if you fear that you will not be able to treat (more than one wife) justly, then (marry) only one woman or the maids who have come under your possession



Churches have been existing under Islamic rule since ever. They have never been brought down to damage, but the government has protected them and provided facilities for non-Muslims to perform worship in them. How much importance has been given to the rights of minorities in

Islamic society can be seen from this saying of the Holy Prophet (PBUH): Beware! Whoever wronged a non-Muslim who is in agreement with the state or usurped his right, caused him pain more than he could bear, or took something from him without his consent, then on the Day of the Resurrection, I will contest him on behalf of non-Muslim.

### **Equal Status of Minorities in the Eyes of the Law:**

Imam Abu Yusuf writes in his famous work "Kitab Al-Kharaj" that in the era of the Prophet and the Rashidah Caliphate, the status of Muslim and non-Muslim minorities was equal in both Tazeer and civil law. A Muslim once killed a non-Muslim during the reign of the Holy Prophet (PBUH). The Holy Prophet (PBUH) ordered the killing of this Muslim in retribution and said: "Protecting the rights of non-Muslims is my most important duty."

Numerous examples of the implementation of this teaching of the Holy Prophet (PBUH) are also found in the ear of rightly guided caliphs. A Muslim who had killed a non-Muslim was brought to Hazrat Ali. All the evidence was there. That was why Hazrat Ali (R.A.) ordered the killing of this Muslim in Qisas (retribution). The relatives of the murderer convinced the brother of the murdered to forgive the murderer by paying compensation. When Hazrat Ali came to know about it, he said to him: "Perhaps these people threatened you and asked you to forgive him." He said: "No, the fact is that my brother is not coming back, and now they are giving me compensation money (Diyat), which will be enough for the survivors to some extent. Therefore, of my own free will and without any pressure, I forgive him. On this, Hazrat Ali said: Well, as you wish. You understand better. However, this is the policy of our government. That the blood of one of our non-Muslim subjects is equal to our blood, and his Diyat (compensation money) is like our Diyat.

Once, the son of Hazrat Amr bin As, the governor of Egypt unjustly punished a non-Muslim. When a complaint was brought to Hazrat Umar, the Caliph publicly punished the son of the governor of Egypt by that non-Muslim Egyptian and said: "Since when have you considered people your slaves even though their mothers gave birth to them as freemen?" During the caliphate of Hazrat Umar, a person from the tribe of Bakr bin Wail killed a dhimmi of Hira. He gave the ruling that hand him over to the relatives of the murdered. If they wish, they may kill him or forgive him. So, he was given to the heirs of the deceased, and they killed him.

### **The Right to Equality in the Application of Law:**

In the Islamic State, Dhimmis and Muslims have equal status in law. Even in civil law, there is perfect equality between Dhimmis (non-Muslims under the protection of an Islamic state) and Muslims. The meaning of Hazrat Ali's words, "Amwaluhum ka amwalina," is that their property should be protected in the same way as the property of Muslims. The rights of dhimmis have been considered so much that if a Muslim destroys their wine or even their pigs, then compensation money will be given to him. In Dar al-Mukhtar it is written: "The Muslim will pay for his wine and his pig if he destroys them."

Hurting a Dhimmi with the tongue, hands, or feet, abusing him, beating him, or backbiting him is impermissible in the same way as it is impermissible against a Muslim. "It is obligatory to prevent torture on a non-Muslim just as it is forbidden to backbite against a Muslim."

### **Right to Private Life and Personal Privacy:**

In the Islamic State, every person has the right to live a private life. No one can enter his house without his permission and consent, because every person's house is the center of his private and personal affairs. Encroachment on this right is an encroachment on the individual's personality, and it is not permissible in any way. There is an explicit prohibition against entering houses without permission. Allah the exalted said:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّى تَسْتَأْذِنُوا وَتُسَلِّمُوا عَلَى أَهْلِهَا ذَلِكَ خَيْرٌ لَكُمْ لَعَلَّكُمْ تَذَكَّرُونَ فَإِنْ لَمْ تَجِدُوا فِيهَا أَحَدًا فَلَا تَدْخُلُوهَا حَتَّى يُؤْذَنَ لَكُمْ وَإِنْ قِيلَ لَكُمْ ارْجِعُوا فَارْجِعُوا هُوَ أَزْكَى لَكُمْ وَاللَّهُ بِمَا تَعْمَلُونَ عَلِيمٌ (النور ٢٧: ٢٨)

O believers! Do not enter houses other than your own until you obtain their permission. And greet their residents (immediately after you enter). This (advice) is better for you so that you may contemplate (its rationale). Then, if you do not find anyone in these (houses), do not enter them until you are granted permission (for that). And if it is said to you: 'Go back,' then do go back. That is purer for you, and Allah is Well Aware of what you do.

In an Islamic state, minorities also have the same right to private life and personal privacy as Muslims. Because Islamic law has set the principle for them that the rights that Muslims have, they have the same right, and the responsibilities that have been imposed on Muslims are also on them. According to Hazrat Ali, jizya is taken from them so that their lives and property can be protected in the same way as our lives and property are protected. They will be invited to Islam but not coerced. Islam calls for the worship of God alone, but it does not pressurize the people of other religions to change their beliefs and accept Islam, nor does it use coercion. Invitation to Islam and coercion are completely different. The Qur'an-e-Hakim described the message of Islam as follows:

أَدْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُكْمِ وَالْمَوْعِظَةِ الْحَسَنَةِ وَجَادِلْهُمْ بِالَّتِي هِيَ أَحْسَنُ إِنَّ رَبَّكَ هُوَ أَعْلَمُ بِمَنْ ضَلَّ عَنْ سَبِيلِهِ وَهُوَ أَعْلَمُ بِالْمُهْتَدِينَ (النحل ١٦: ١٢٥)

(O Glorious Messenger!) Invite towards the path of your Lord with wisdom and refined exhortation and (also) argue with them in a most decent manner. Surely, your Lord knows well the one who strayed away from His path, and He also knows well the rightly guided.

### **Right of Minorities in Collective Sponsorship:**

It is narrated by Hazrat Zayd bin Had: "Indeed, Hazrat Safiyyah, the wife of the Holy Prophet gave charity to her relatives, even though they were both Jews, who were sold for thirty thousand dirhams."

Disabled people belonging to non-Muslim minorities had been receiving regular allowances from the Islamic Baitul-Mal. Hazrat Umar once saw a Jew who had become blind, so he fixed a monthly stipend for him. In the eyes of the Islamic government, there is no difference between Muslims and non-Muslims in the right to collective sponsorship and public rights; rather, they are equal citizens.

### **Right to Freedom of Employment:**

In an Islamic state, every person, including minorities, has the right to do whatever he wants to do in trade, industry, and agriculture, provided he does not come close to things that are forbidden by the Sharia. He should keep in mind moral values and stay within legitimate limits. He should not harm the trade or industry of another because of his business. This is illegal under Islamic law. When a person does a lawful deed, his reward and fruit will be his because it is his hard work. Allah Almighty said:

وَأَنْ لَّيْسَ لِلْإِنْسَانِ إِلَّا مَا سَعَى (النجم ٥٣: ٣٩)

And that man (according to justice) will get only that for which he strives. (As for bounty, no one has any right to it. That is merely Allah's bestowal and pleasure, granting as much as He wills to whom He pleases.)

### **Right to Safety and Security:**

The Islamic State is responsible for the protection and security of minorities. If the Islamic State has an agreement with another nation, then the responsibility for the protection and security of that nation will also fall on the Islamic State.

وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَدِيَّتُهُ مُسْلَمَةٌ إِلَى أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ (النسا ٤: ٩٢)

That between you and them there is a (peace) treaty, then blood compensation must be delivered to his family, and freeing a Muslim (male or female) slave is also mandatory.

The sanctity of the lives of minorities is evident from this hadith of the Holy Prophet (PBUH). "The religion of the Jew, Christian, and every Dhimmi is like the religion of the Muslim."

### **The Right of Minorities to Cultural and Social Freedom:**

On the other hand, even if nikah with prohibited women (Mohramaat) is practiced in their cultural rites, they will be tolerated and ignored. Once, Hazrat Umar bin Abdul Aziz asked Hazrat Hassan Basri (may Allah have mercy on him) why the righteous caliphs had allowed Dhimmi to marry their Mohramaat, perhaps he wanted to ban it as this is so abominable in terms of decency that nature does not accept it at all. In response, Hazrat Hasan Basri (may Allah have mercy on him) wrote: "They have given the jizya so that they are left to their beliefs, and you are the followers of the righteous caliphs and not the creators of a new way."

In an Islamic state, they can live anywhere they want except the Haram. Similarly, they have the right to leave their place. Haram refers to Makkah, and the ban on entry of polytheists into it is proven by the text, so they will not be able to stay there. In Islamic society, Muslims also had the responsibility to treat minorities based on goodness, justice, and kindness.

لَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ  
(الممتحنة ٦٠: ٨)

Allah does not forbid you to be good to them and treat them with equity and justice who did not fight against you on (the question of) Din (Religion), nor did they drive you out of your homes (i.e., homeland). Surely, Allah likes those who conduct themselves with equity and justice.

The protection of minorities is the responsibility of the Islamic State. The Islamic State provides protection of life, property, and honour to minorities and does not impose any defense responsibility on them. Therefore, in return, the minorities contribute financially to the Islamic state, which is called jizya in Islamic law. Justice in imposition of Jizya Hazrat Umar wrote to the leaders of the army:

"Do not collect Jizya from women and children, and only collect Jizya on those men who have grown (puberty) hair (have become adults)."

#### **Hazrat Umar's Inquiry After Seeing the Old Blind Jew Begging:**

Hazrat Umar asked him, "What made you do this? He said: "I am old and needy, and Jizya must be paid. Hazrat Umar took his hand, brought him home, and gave him something from his house. He then sent him to the treasurer of Baitul Mal and ordered to take care of him and others like him, and stop taking Jizya from them. Because it is not a matter of justice that we collected jizya from them in their youth and now disgrace them in this way in their old age.

It is forbidden to torture dhimmis, even in determining the amount of jizya. It is the will of Hazrat Umar. Don't give them the trouble of paying for whatever wealth is beyond their power.

Their property cannot be auctioned for Jizya.

#### **Hazrat Ali's Advice While Sending His Agent:**

"Not to sell their dry summer clothes, their food, and the animals with which they farm for the sake of collecting tribute, do not whip anyone to collect dirhams nor punish anyone by making him stand, do not auction anything to collect tribute, for we, who have been made their rulers, and we are to receive it gently. If you act against my command, Allah will punish you instead of me, and if I hear about your violation, I will depose you."