

Analyzing Maududian Discourse on Minorities in an Islamic State

- Showkat Ahmad Wagay

Abstract

Recent decades have witnessed the rise of Islamic movements in several parts of the Muslim world. These movements convey that Islam is the sole solution to the political, social and economic crisis emerging from the post colonial nation- states in the Muslim world. Islamists have avidly been calling for the Islamization of society and formation of an Islamic state governed by the divine texts. This scheme of the Islamists has met with argumentation on the part of Orientalists and secularists on several grounds, one of which is its concealed implications for the status and rights of religious minorities. In their analysis, Islamization would involve, among other things, prejudice against non- Muslim citizens and their waning to a second-class status. This postulation is based on the fact that traditional Islamic law, places a limitation on the rights enjoyed by non-Muslims living within the sphere of Islamic state and denies them equal status with Muslims. This article briefly present the definition of minorities in an Islamic state and analyzing in more detail Maududi's discourse on minorities in an Islamic state.

Keywords: Maududi, Minority rights, Islamic state.

Introduction

The rise of ISIS, who sought to kill, exile, or enslave others on the basis of fundamental religious differences. These mortifying actions led to the issue of minorities to the forefront of international concerns. However, the contemporary wave of Islamic resurgence in diverse regions of the world, coupled with Islamization of state apparatuses, have made non-Muslims, oppose their Muslim compatriots fervently. Muslims, they observe, have not succeeded in persuading non -Muslims that the *shariah*, as practiced and interpreted after the demise of Prophet Muhammad, can guarantee equality in the treatment of Muslims and non-Muslims under an Islamic government. However, with the triumph of liberal democracy in promising, in theory, the equal citizenship rights to all of its citizens and accusing Muslims about minority status under Islamic rule, put traditional discourse on minorities at some odds.

Divided into two parts, the paper will begin with a definition of minorities, and then analyzing the Maududi's discourse on Minorities, concludes by referring to the challenges of modern times.

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According to Islamic canon law, those members of an Islamic state who do not embrace Islam are guaranteed freedom of religious life and protection of their life and property. The membership of the Islamic state is accorded to non-Muslims under the Arabic term *ahl al-dhimma*, or *dhimmis*. They are also called *al-mu 'ahadun* which means the contractees or holders of the covenant¹ or the original meaning of *al-dhimmah*, however, meant protection, and it was often short for *dhimmat – Allah wa-rasūlih*, the “protection of God and His Prophet”. In short, the concept originally had a divine connotation, or a meaning that was directly related to the power of God. However, the concept soon morphed into a technical legal term with the progression of classical scholarship, and it consequently lost its transcendent dimension. As a result, *al-dhimmah*, or people of the *dhimmah*, has become a legal term and not a reference to the recipients of divine protection; *dhimmah* was rooted in religious minorities paying a tax that exempted them from military service².

Maududi: A Brief Biographical Sketch

Syed Maududi, an influential figure in the intellectual and political history of South Asia, is considered one of the “chief architects” of the contemporary Islamic reawakening, was born in 1903 at Aurangabad, India.³ He received his early education in traditional Islamic disciplines through private tutors at home. Later he was admitted to Darul-Ulum college of Hyderabad for his matriculation studies. He suffered extreme financial difficulties when his father had severe attack of paralysis. In 1928, he wrote his first book, a masterpiece on the subject of Islamic war namely *al-Jihad fil Islam*⁴, which was acclaimed by great scholars. In 1932, he decided to publish his own journal, namely *Tarjumanul Quran* as⁵, a mouth piece for the dissemination of Islamic teachings. In 1941, he founded *Jamat-e Islami*, a socio-political organization. He led the *Jamat-e Islami* with his effective leadership and wrote extensively in simple and lucid Urdu on fundamental aspects of Islam and contemporary issues faced by Muslims. Most of his books have been translated into English, Arabic and other languages. Among his most well-known writings is a massive commentary of the Quran titled *Tafhim ul Quran* which took him 30 years to complete. It achieved widespread popularity both in and outside South Asia.⁶ A few years later, he fell seriously ill and was taken to USA for medical treatment where he died in 1979 at the age of 76. He was buried in Lahore.

Maududi's discourse on Minorities

Shariah in Maududi's view is not just a set of directives limited to govern individual's private relation with God, but a complete scheme of life, an overarching divinely ordained system applicable to all aspects of human life⁷. However, his views on Islam as a holistic religion makes him to critique secular systems of governance and regarded western ideologies "inherently rotten because of the falsity of its foundational principles"⁸. His critique of secular ideologies led him to formulate his theory of state as an alternative ideological system. It is imperative to mention here, his alternative state building on Islamic principles emerged in response to colonial legacy, he reintroduced the concept of Islamic governance model which was lost in haze of Muslim intellectual legacy. His theses on the state, politics and Islam, managed to influence a number of movements in the world. He was resolved about the need to gain state power to enforce his principles of an Islamic state, but endorsed that the society first needed to be Islamized.

Maududi profoundly deplored the process of secularization, because he saw it a continuing erosion of religion and its influence from public life, with the diminish of impact of religion, he felt there would be wane in morals, ethics and human decency. He was convinced that Islam is a holistic religion and Islam gainsay the separability of religion from politics and consider political power as an indispensable mechanism to achieve the ends of Islam. Hence argues:

However, the positive, constructive, and healthy reforms which Islam wants to bring about cannot be carried out merely by sermons. Political power is essential for their achievement . . . the struggle for obtaining control over the organs of the State ,when motivated by the urge to establish the *Din* [religion] and the Islamic *shariah* and to enforce the Islamic injunctions, is not only permissible but is positively desirable and as such obligatory. Those who regard such an endeavour as something mean and this worldly or characterize it as 'power-seeking' are totally mistaken. If a person strives for personal glory and wants to gain power for personal ends, that is certainly to be condemned. It is un-Islamic. But if power is being sought to establish the *Din of Allah*, then it is an undisputed act of Godliness and piety and must not be confused with power-thirstiness⁹.

The above is the general gist of Maududi's belief that he advocated throughout his life. To him political institution is an unavoidable for achieving the ends of Islam. His principal intellectual challenge was to devise a state that would be an alternative of modern state which is distinctly European in origin. Hence he developed a state based on number of necessary premises, the first and foremost premise is that, it must affirm the supreme sovereignty of God¹⁰. Second it is an ideological state, free from all traces of nationalism, based on certain principles, under this citizenship is not confined to geographical boundaries of state but should be common to those who shares this ideology¹¹.

However, in Maududi's state non Muslims would enjoy complete freedom of religion, culture, and education. They shall be granted legal right to administer all the matters concerning with personal law in accordance with their own customs, religious codes, usages¹². Notwithstanding, they could not be eligible for key positions .

It is conspicuous from the ideological nature of state, that those who believe in Islamic ideology should be given primarily a responsibility to run the vital affairs of state. Minorities can cooperate in administration with the Muslims if they like so. But can't be entrusted with the responsibility of policy making. However, the place of decision making should be given to those who believe in the ideological underpinnings of state... The vital affairs and policy-making in a national state always remains in the hands of the majority community In reality the minorities have nowhere any say in important matters of the State¹³.

The vital affairs of state, rests on those who believe in the ideology of state is apparent when the *Jamaat-e-Islami* in Pakistan, along with other Islamic groups, used street demonstrations to place overwhelming pressure on the Pakistani leadership to remove Ahmadi's from government service and make the sect a non-Muslim minority. Maulana Maududi was among those jailed for instigating the riots because he wrote a pamphlet called *Qadiani Mas'ala* (The Qadiani Problem) in which he endeavored to evince that Qadianis were non-Muslims¹⁴.

The rights granted to non-Muslim citizens depend partly on the manner in which they have acquired the status of *dhimmi*. Mawdudi thus further divides non-Muslim citizens of an Islamic state into three categories:

- (a) *Contractees*: non-Muslims who become *dhimmis* by accepting willingly the supremacy of an Islamic state, or who in the course of a combat submit to the terms of a treaty. Such a treaty is binding on an Islamic state. In other words, it is obliged to treat the parties to the agreement according to its terms and conditions and barred from arbitrarily changing any of its mutually agreed upon conditions, such as the amount of *jazyah* levied on the non-Muslim signatories.
- (b) *The conquered*: non-Muslims who are persistently combative with Muslims until they are defeated and their territories are conquered by a Muslim army. These are made *dhimmis* as soon as they agree to pay the *jizyah*. This is levied only on those who in reality fought or are, potentially able to combat against an Islamic state, with the amount fixed according to their financial position. And while under such circumstances an Islamic state can appropriate the places of worship of the conquered, it is considered more pious to renounce this right.
- (c) The third category comprises non-Muslims who become populace of an Islamic state by ways other than the two mentioned above¹⁵.

Nevertheless, with respect to their general rights, all *dhimmi's* are to be treated equally¹⁶. In addition, with regard to economic, employment opportunities, education and other civil rights, Maududi contends that non-Muslims enjoy the same rights as Muslims¹⁷.

For Maududi, non-Muslims residing in an Islamic state have the right to freedom of belief and conscience, they have the right to hold back their beliefs or embrace the religion of their choice. He concede them the right to expression of any misgiving or reservations they have about Islam so long as it is done in a reverential manner¹⁸. Moreover, the right to freedom of belief and conscience is however the prerogative of non-Muslims who retain their 'false' beliefs; once they convert to Islam, they are not allowed to change their religion. The same applies to those born of Muslim parents¹⁹.

For Maududi, Muslims who choose to renounce Islam are considered apostates, a crime that Maududi contends is punishable by death in Islam and went little further on in the same work, equates apostasy with treason. His rationale is that since an Islamic state is an ideological state, an apostate by abandoning Islam does not simply renounce a personal belief but also the very ideology on which the state is established. Moreover, Maududi further justifying his stance on this issue, argues that the killing of political dissidents is not limited

to Islam and that the laws of other states, including some democratic ones, consider “high treason” a capital offense and as such make it subject to capital punishment²⁰. However, it is apparent that the law against apostasy adversely affects another right of non-Muslim citizens, namely, the right to propagate their faiths in an Islamic state:

Nevertheless, there is a contradiction in his statement, because to grant other religions the right to propagate and then to declare a Muslim’s change to another religion a crime are affirmations that apparently contradict each other²¹.

As far as the *jaziyah* is concerned, he would recall the *jaziyah*, a quid pro quo for the protection provided by an Islamic state to non-Muslims and for their exemption from military service. His justification for excluding non-Muslim citizens from military service is that only those who adhere to the ideology of the state would be sincere in fighting in its defense and that only they would respect the moral laws laid down by Islam for battle and war²².

It is pertinent to mention here, the western scholarship and secularists have raised the allegations that rights of minorities in an Islamist conception of state is constructed on inequality, they further argue Islamic rule means intolerance, deprivation of freedom of belief, non-Muslims were subjugated by the special taxes forced upon them as 'protected-people', which were designed to force them to convert to Islam and forcing Islamic religious law on non-Muslims and asserts that religion should be separated from state. Moreover, for them contemporary liberal democracy grants equal rights to all, without taking into consideration of religion and went on to argue that secular forms of governance has a more relevance in contemporary times than Islamist model of state. However, while responding to these allegations, Maududi contends the moral superiority of an Islamic state over other political orders with respect to the treatment of minorities. Unlike others, who pursue a deceptive policy by proclaiming the equality of all citizens on paper while discriminating against minorities in practice, an Islamic state is honest and forthright. It openly states its true position vis-a-vis its non-Muslim citizens by clearly indicating which rights they can enjoy and which ones they will be denied²³. In fact, it reveals that he was familiar with the several problems concerning the treatment of minorities in nation states and its hypocritical policy of equating all its citizens on paper and still in reality perpetuating the unfair discrimination between the majority and minority. A national state, on the other hand [unlike Islamic governance], generally adopts one or more of the following courses for the solution of this

minority problem: (i) to slowly annihilate the separate entity of the minority community ; (ii) to eliminate it physically by means of genocide ; or (iii) to allow them to exist as untouchables.” We can see, for example, in France that while it rejects discrimination against Muslims on the basis of freedom of religion, Fernando an Associate Professor of Anthropology at the University of California, argues that laws of banning pertaining to praying in public or women from wearing the headscarf are manifestations of inherent majoritarian biases of the conceptualization of religion and freedom of religious practice itself²⁴. According to Saba Mahmood, this is done more explicitly in countries like Egypt. For example, with the making of various courts for citizens of different religions, or debate over whether or not Christians should be given mandatory seats in parliament—these are essentially debates and problems that result from the state’s needing to resolve minority-majority interests, which it does by asserting its sovereignty by defining the boundaries of concepts like genuine religion and public order²⁵. These are both instances of secular states resorting to their own secular power to solve these legal and social problems, in the name of public order. The state’s need to define the secular, Maududi argues, results in one of three outcomes or a combination, of which there are many pertinent examples in western democracies: assimilation of the minority, genocide, or ‘untouchable status,’ i.e., the giving of certain rights subject to the opinion of the majority but treated as outsiders, such as with Muslims in France or Coptic Christians in Egypt. While from a liberal perspective, there is no doubt a problem with Maududi’s minority arrangement. Maududi’s argument is that this is in fact the only perspective that would object to his Islamic state. While this is the case, it is worth noting that it is merely an early attempt to point out and evade the criticism that the state uses coercive power to limit difference under the guise of legal concepts like public order. However, the fear of Islamic rule over ethnic minorities in its land, argues Sayyid Qutb, is a way of casting in appropriate blame, since no religion in the world, and no regime on earth guarantees the freedoms, dignity, and ethnic rights of these minorities the way Islam has done in its long history²⁶.

In a similar vein, Maududi responds to those opposed to applying Islamic law in Pakistan, who voiced the argument that there must be consideration for the non-Muslim minorities:

The law with which we have been and are concerned here is the 'law of land' and not the personal law of a community. In personal matters, every community is welcome to adopt its own personal law. Indeed it is only Islam which guarantees this right in the most liberal manner to all the minorities living in the Islamic State²⁷.

According to Qardawi, anybody who wants to comprehend the merit of Islamic tolerance and the tolerance of the Muslims uprightly should read about what [the adherents of the] other religions and faiths have done throughout history to those who disagreed with them... Moreover, they should read about the stance of adherents of the modern non-religious faiths and ideological revolutionary propagandists in the twentieth century to see how they have treated their rivals... They have all regarded it as a revolutionary obligation to persecute, terrorise, and mass annihilation of their opponents as a, a condition for achieving their goals and creating the world that they yearning²⁸. Moreover, he points to the viciousness of the Christian church rule that tried to force its religious faith on others and obliterated its opponents in a war of annihilation; the bloody struggles waged between Christian sects over theological issues; and the paths of Communism, Stalin, and Nazis²⁹.

However, it is worth noting, with the emergence of nation states which is exclusively built on secular premise, with no official religion and concedes equal political rights for all put traditional view of minorities in some odds. Within this context, many islamist scholars reformulated the traditional view and made discernible efforts to deal with the challenges posed by the contemporary reality with the complex questions involved in applying the tradition model of relations with non-Muslim 'protected people' in the modern Islamic state to be established in our day. These modern Islamic reformist scholars remain committed to making *ijtihad* from within the Islamic tradition, such as Yusuf al-Qaradawi, Fahmi Huwaydi and Tariq al-Bishri, who continue to offer a fundamentally different view of minorities in an Islamic state.

Conclusion

To sum up, Maududi regard the classic *dhimma* framework as the basis for relations between Muslims and non-Muslims in the Islamic state. In any case, his set of guidelines basically expresses the traditional approach in this matter. However, in terms of realistic thinking, which is ever more vital in contemporary Islamist discourse, here and there one

finds perceptive of the need to reformulate his doctrinaire framework and to try to refresh it without contradicting it, whether by expanding it and adding elements to which the attention of the *dhimmi*s may be focused, or by finding temporary alternatives. In any case, new ideas will be based on legitimizing precedents from the past and will themselves provide a new interpretation of the situation of Islam today. Nevertheless, this traditional discourse of religious minorities is not adequate in a modern society; necessitate is to evolve and engage in rethinking the issue,

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²¹ Ibid.,22.

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²⁷ idem

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