

Membership Of Non-Muslim In The Parliament Of The Islamic State, Islamic Perspective

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Abstract:

There are more than fifty Islamic countries in the world. But in these countries, non-Muslims, too, live as minority. Most of the Islamic countries have given the right of representation in their respective legislative councils (*Majlis-e-Shura*), to their non-Muslim minorities. They allocated special seats for them in their respective parliament according to the population of their minorities. Such rules are also practicing in Pakistan. Pakistan has also reserved for them 10 seats in national assembly, 4 Seats in senate, and 9, 3, 8 and 3 seats in Sindh, Baluchistan, Punjab and Khyber Pakhtunkhwa assemblies respectively. These laws are prevalent all over the world.

Now, the main question of this study is that, is it lawful for any Islamic country to reserve seats in its legislative council for minorities or not? We will try our best to search the answer of this question, in the light of the principle of the Quran and Sunnah, in this research paper.

Key words: Islamic state, Parliament, Minority, Representation.

Introduction

Most of the Islamic countries of the world have given the right of representation in their respective legislative councils (*Majlis-e-Shura*) to their non-Muslims subjects (Minorities). They have allocated seats for them in their Parliaments according to the population of minorities existing in these countries. As these rules are also practicing in Pakistan and have been allocated special seats for them. The total population of Pakistan, according to the census of 2017 conducted by The Pakistan Bureau of Statistics, is 207, 774, 520, (excluding Azad Jammu and Kashmir and

Gilgit – Baltistan), of which 96.28 % are Muslims , 1.59% are Christians, 1.60 % are Hindus, 0.22 are Qadiani(Ahmadi) and 0.32% are others. On the basis of this population special seats have been reserved for them in the constitution. According to the article 51, clause 4, of The Constitution of The Islamic Republic of Pakistan, 10 seats have been reserved for the minorities in the National Assembly of Pakistan . The article 59, clause (F), allocated 4 seats for them in senate, while article 106, clause (1) have allocated 8 seats in the provincial assembly of Punjab, 9 seats in the provincial assembly of Sindh and 3,3 seats in the provincial assemblies of Baluchistan and Khyber Pakhtunkhwa respectively for the minorities. Thus, most of the Islamic countries of the world have reserved seats in parliament for their non-Muslims members.

Now, in this research paper, we will analyze that what is it permissible for an Islamic state, according to the Sharia, to assign certain seats to its non-Muslims members in the parliament or not?

Allocation of seats for minorities in the parliament of Islamic state:

Can a non-muslim become the member of the parliament of an Islamic state or not? The Islamic scholars have different opinion in this issue.

1. Most of the Islamic scholars are of the opinion that a non-Muslim can become the member of parliament in Islamic state.
2. The opinion of some other Islamic scholars is that no non-Muslim can become member of the Islamic state's parliament.

Both of these groups present arguments on their opinion to prove their point of views.

Arguments of those Islamic scholars, who are opposed to the membership of non-Muslim in the parliament of Islamic state:

The scholars who are not convinced of the membership of non-Muslims in the parliament of Islamic state, argue from the following verses of the holy Quran,

First Verse:

”يَا يَهُوَ الَّذِينَ آمَنُوا لَا تَتَخَذُوا بَطَانَةً مِّنْ دُونِكُمْ لَا يَا لَوْنَكُمْ خَبَالًا وَ دُوَّا اَمَا عَنْمَكُمْ قَدْ بَدَتِ الْبَغْضَاءُ مِنْ افْوَاهِهِمْ وَ مَا تَخْفِي صُدُورُهُمْ اَكْبَرٌ حَدَّ بَيْنَا لَكُمُ الْاِلَيْتُ ، اَنْ كُنْتُمْ تَعْقُلُونَ “.

“O you, who believe, do not take anyone as an insider but those from among your own selves. They would spare no effort to do you mischief.

They want you to be in trouble. Malice has come out of their mouths while what is concealed in their hearts is still worse. We have made the signs clear to you, if only you understand.”

Second Verse:

”يَا يَهُودَ الَّذِينَ آمَنُوا لَا تَتَخَذُوا الْكُفَّارِ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ“ -

“O you who believe, do not take the disbelievers for friends instead of the believers.”

Third Verse:

”لَا يَتَخَذُ الْمُؤْمِنُونَ الْكُفَّارِ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ ، وَ مَنْ يَفْعُلْ ذَالِكَ فَلَيْسَ مِنَ اللَّهِ فِي شَيْءٍ“.

“The believers must not take the disbelievers as friends instead of the believers. And whoever does that has no relation with Allah whatsoever.”

Fourth Verse:

”يَا يَهُودَ الَّذِينَ آمَنُوا لَا تَتَخَذُوا أَعْدَاءَ وَ عَدُوكُمْ أَوْلِيَاءَ تَلْقَوْنَ إِلَيْهِمْ بِالْمُوَدَّةِ“ -

“O you who believe, do not take my enemies and your enemies for friends, expressing love with them.”

In this verse, Allah instructed the Muslims not to take disbelievers as their friends and those who act against this instruction have been sternly warned in the end of this verse:

”وَ مَنْ يَفْعُلْ مِنْكُمْ فَقَدْ ضَلَّ سَوَاءَ السَّبِيلُ“.

“And whoever from among you does this he has gone astray from the right path.”

Fifth verse:

”يَا يَهُودَ الَّذِينَ آمَنُوا لَا تَتَخَذُوا الْيَهُودَ وَ النَّصَارَى أَوْلِيَاءَ بَعْضَهُمْ أَوْلِيَاءَ بَعْضٍ وَ مَنْ يَتَوَلَّهُمْ فَأُنَّهُ مِنْهُمْ“ -

“O you who believe, do not take the Jews and the Christians for intimate friends. They are friends to each other. Whoever takes them as intimate friends is one of them.”

This verse of the Holy Quran prevents Muslims strongly from the friendship of non-Muslims, and those who are indulged in friendship with non-Muslims are warned sternly in the last part of the above cited verse as:

”وَمَنْ يَتَوَلَّهُمْ مِنْكُمْ فَإِنَّهُ مِنْهُمْ“ -

“And whoever takes them as intimate friends is one of them.”

Sixth Verse:

”الَّذِينَ يَتَخَذُونَ الْكُفَّارِ أُولَئِكَ مِنْ دُونِ الْمُؤْمِنِينَ، أَبْيَتُغُونَ عَنْهُمُ الْعَزَّةَ فَإِنَّ الْعَزَّةَ إِنَّمَا تَنْعَلَّمُهُ لِلَّهِ جَمِيعاً“ .

“Those who take the disbelievers for friends rather than the believers. Are they seeking honor in their company? But, indeed, all honor belongs to Allah.”

Seventh Verse:

”يَا يَاهَا الَّذِينَ آمَنُوا لَا تَتَخَذُوا أَبْعَادَكُمْ وَأَخْوَانَكُمْ أُولَئِكَ مَنْ اسْتَحْبَرُوا الْكُفَّارَ عَلَى الْإِيمَانِ، وَمَنْ يَتَوَلَّهُمْ مِنْكُمْ فَأُولَئِكَ هُمُ الظَّالِمُونَ“ -

“O you who believe, do not take your fathers and your brothers as your friends, if they prefer infidelity to faith. Those of you who have friendship with them are the wrongdoers.”

In addition to these verses of the Holy Quran, there are many other verses [i.e Surah Al-Maidah,5:57 and 81] that forbid Muslims strictly from keeping relations with non-Muslims. These scholars say that as relations and friendships with non-Muslims are forbidden as the memberships of them in the parliament of Islamic states are prohibited. Because the membership of non-Muslims in the parliament is a kind of friendship with them. These scholars present above-mentioned verses as their arguments. Moulana Idress Kandehlwi is also inclined to this opinion.

In addition to these verses, the scholars present many Ahadith and Asar as their arguments. i.e

Ibn-e-Abi Hatam narrates that once Hazrat Umar Ibn Al-Khattab was asked to appoint a non-Muslim as the scribe in his office. Because he was very intelligent and expert in this profession. Thereupon he said:

”قَدْ اتَّخَذْتُ إِذَا بَطَانَةً مِنْ دُونِ الْمُؤْمِنِينَ -“

“If I were to take him in, in that case, I will be taking an insider from among non-Muslims (which is against the Quranic injunctions).”

Likewise, Hazrat Hassan-e-Basry used to say:

”لَا تَسْتَشِيرُوْهُمْ فِي شَيْءٍ مِنْ امْرِكُمْ -“

“Don’t consult with them (non-Muslims) in any thing of your matters (Muslims' matters).”

On the basis of these verses, event of Hazrat Umar Ibn Al-Khattab and the saying of Hazrat Hassan-e-Basry, they argue that non-Muslims can not be participated in the *Majlis-e-Shura* of an Islamic state.

Analysis of the arguments:

These arguments are not clear and obvious enough to prove their point of view. It is only the result of a cursory study of these verses. But if we collect the verses of the Holy Quran relating to this subject which appear at several different places and study them deeply altogether along with its context and backgrounds, it will reveal to us that there are many details and many categories of the non-Muslim, neither every non-Muslim can be included in parliament nor can be excluded. Here we will describe the interpretation and the cause of revelation (*Sabab-e-Nuzool*) of only the one verse which will explain that what the accurate and complete meaning of this verse? And that either all the non-Muslim are not allowed to become the members of the Islamic state's parliament or some?

In the elucidation of first verse cited above [Surah Al-Imran,3:118], Ibn-e-Jarer Al Tabare, Ibn-e-Abi Hatam, Allama Samarqand, ibn-e-Kather and Jalal Ud Din Sayuti narrate from Hazrat Ibn-e-Abbas (R.A) that he says that this verse was revealed in a particular background. There were Jewish settlements in the suburbs of Madinah. They had old friendly ties with the two tribes of Ansar (Aaws and Khazraj). Individuals from these tribes (Aaws and khazraj) were also on friendly terms with other individual from the Jewish settlements of Madinah. In their tribal capacity too, Ansar were to the Jews their neighbors and allies. When these two tribes Aaws and khazraj embraced Islam, they continued to maintain their old ties with them. Individual from the Ansar (Aaws and Khazraj) saw no problem in meeting their old Jewish friends with the same sincerity and love. But, Jews so hostile to the Holy Prophet Muhammad (S.A.W), his companions and Islam that they were unwilling to be sincere and loving to anyone who had embraced Islam. So, they outwardly went along with the same old relationships with the Aaws and Khazraj, but inwardly they had turned into their enemies. Therefore, they always used to try to put Muslims in difficulties, they were looking out for opportunities to hoodwink them. They even tried to find out their organizational secrets and to convey them to the enemies of the Muslims (Quraish). Therefore Allah Almighty revealed this verse to make the Muslims aware of the hypocritical behaviors and conspiracies of the Jews.

From the above-mentioned narration of Ibn-e-Abbas, we came to the conclusion that the instruction given to the Muslims in the above-cited verses, regard to those non-Muslims, who are conspiring against the Muslims, Islam and Islamic state and those who are always on look out for opportunities to hoodwink and hurt them materially and spiritually and always plotting to harm them in this worldly life as will as to take them away from the enjoined pursuits of their faith. Those who have enmity, malice and venom in their hearts against the Muslims. So, those non-Muslims who have the aforementioned traits should not be taken as friends, confidants and advisors. It is not legitimate for any Islamic state to make such non-Muslims as member of its parliament.

But it does not mean that each non-Muslim can not become the member of Islamic state's parliament. Because if they have no the aforementioned traits. But contrary to this, they want to keep good relations with Muslims, they are loyal to state, living peaceful life, obeying the rules and regulations of state. They are exempted from the above mentioned injunction and are allowed to become the members of the Islamic state's parliament.

The arguments of those Islamic scholars, who are convinced of the non-Muslim's membership in the parliament of Islamic state:

Those Islamic scholars say that those non-Muslims, who are the citizens of an Islamic state (those who are called *Zemi*, in the terminology of Islamic jurisprudence), obeying the rules and regulations and loyal to the state. They are not antagonist to Muslims, Islam and the Islamic state. Those non-Muslims can participate in the parliament of Islamic state, provided that such participation does not harm the general body of Muslims and Islamic state. This is the essence of the teachings of the Holy Quran.

Allah Almighty say in the Holy Quran:

”لَا ينهكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يَقْاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِّنْ دِيَارِكُمْ إِنْ تَبْرُوْهُمْ وَتَقْسِطُوا إِلَيْهِمْ، إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ ۝ أَنَّمَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ قَاتَلُوكُمْ فِي الدِّينِ وَأَخْرَجُوكُمْ مِّنْ دِيَارِكُمْ وَظَهَرُوا عَلَىٰ اخْرَاجِكُمْ إِنْ تُتُولُوْهُمْ، وَمَنْ يُتُولِّهُمْ فَأُولَئِكَ هُمُ الظَّالِمُونَ ۝“

“And does not forbid you as regards those who did not fight you on account of faith, and did not expel you from your homes, that you do good to them, and deal justly with them. Surely Allah loves those who maintain justice. Allah forbids you only about those who fought you on account of faith, and expelled you from your homes, and helped (others)

in expelling you, that you have friendship with them. Those who develop friendship with them are the wrongdoers.”

These two verses elucidate the limits of relations with the non-Muslims by dividing them into two categories. The Muslims are not permitted to keep relations with the first category of non-Muslims, who are antagonist of Islam (mentioned in the ninth verse of Surah Al-Mumtahinah), and they are allowed to keep good relations with those who are not antagonist of Islam (which is the second category, and mentioned in the eighth verse of Surah Al-Mumtahinah).

Moreover, these scholars argue from the some events of the *Majlis-e-Shura* of Hazrat Umar (R.A), that some times when Hazrat Umar (R.A) summoned *Majlis-e-Shura* in his regime, he also summoned some non-Muslims (*Zemi*) for the settlement of some issues regarding them. Imam Sarakhsī has mentioned this incident in his book “Al-Mabsoot”, therefore Imam Sarakhsī, quoting to the above incident, says:

”وَفِيهِ دَلِيلٌ عَلَى أَنَّ لَا يَأْسَ سَيِّدَ الْكِتَابِ بَعْضَ أَهْلِ الْكِتَابِ مِنْ شُورَىٰ، فَإِنَّ النَّصَارَىَ الَّذِي قَالَ مَا قَالَهُ قَدْ كَانَ حَضُورٌ مِنْ مَجْلِسِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ لِلشُورَىَ، وَلَمْ يُنْكِرْ عَلَيْهِ“ -

“This incident argues that some *Ahl-e-Kitab* (non-Muslims) can be called to the *majlis-e-Shura*, because what the Christians (non-Muslim) said to Hazrat Umar (R.A) was present in the *Majlis-e-Shura* and no dislike has been pointed out on this.”

So from this incident, and some other events like this, it proves that non-Muslim can be participated in the parliament of Islamic state. Mufti Muhammad Taqi Usmani says that Islamic Jurists have declared, such non-Muslim eligible to be member of the Islamic state's parliament, as legitimate.

But in spite of all these, those Islamic scholars, who are convinced of the validity of the participation of non-Muslim in the parliament, have some conditions and limitations for this. i.e. how much representation should be given to them and which responsibilities should be assigned.

Conditions for the participation of non-Muslims in the parliament of Islamic state:

Generally, parliament has many responsibilities, among them one is legislation, which is the most important responsibility of the parliament. Parliament makes laws to run the country, that we can divide into three categories;

1: The first type of legislation is that those percepts, which have been mentioned explicitly in the Quran and Sunnah, whose interpretation do not have any differences, are to be codified in the form of law.

2: The second type of legislation is that those percepts of the Shariat, which have not been mentioned explicitly in the Quran and Sunnah rather require *Ijtehad*, or those percepts of the Holy Quran and Sunnah which are likely to differ in the interpretations, should be contemplated in the light of the principles of the Quran and Sunnah and should be codified in the form of law.

These two types of legislation will be practiced by only those Muslims, who have the required eligibility to practice it. Non-Muslims are not allowed to participate in such legislation.

3: The third type of legislation is about *Mubahat*, nowadays a large number of laws that are often made in parliament regard to this type. i.e The law of the salaries and facilities of the government employees.

In this type of legislation, the non-Muslim members of the parliament are allowed to participate in it and to give their opinion freely. But this point should also be noted here that, even in these laws, there may be a partial contradiction with the principles of Shariat, therefore, before the implementation of these laws, the Islamic scholars should review it, so that no contradicted thing can be included in it.

Moreover, the non-Muslims have the right to give their opinions in the minorities related matters, in the parliament. But they have no right to give their opinion in the collective affairs of the Muslims.

Limitations of the non-Muslim's representation in the Islamic state's parliament:

How much representation should be given to the non-Muslim in the parliament of Islamic state? In this regard, it is said that they should be given representation according to their population, only to that extant which can ensure the fulfillment of their rights and should not be given so much that disrupt the rights of the Muslims or cause the Islamic state to face difficulties.

Conclusion:

The conclusion of this study is that those non-Muslims, who are the bona-fide citizens of an Islamic state. They are obedient to Islamic state, acting upon their rules and regulations, living peacefully, have no antagonism of Islam and Muslims, and not conspire against Muslims and

Islamic state nor abet any other in conspiring against Islamic state and to be loyal to the Islamic state, can be participated in the parliament of Islamic state. Provided that their participation in parliament do not harm the general body of Muslims and Islamic state. But, in the parliament, they will have only the right to decide their own matters (minorities' matters) as well as their opinion may be sought about those matters that related to *Mubahat*. But they have no right to give their opinion in the collective matters of Muslims. But those non-Muslims, who don't have the aforementioned traits, can not be participated in the parliament of Islamic state.

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