



# The Contract of Citizenship

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*In the Name of Allah, Lord of Mercy,  
Giver of Mercy*

❖ **I only want to put things right as far as I can.  
I cannot succeed without Allah's help: I trust in  
Him, and always turn to Him....❖ (Hud: 88)**





*In the Name of Allah, the Most Merciful, the Most Compassionate*

## **Introduction**

All Praise is due to Allah, the Lord of all worlds. May Allah's Peace and Blessings be upon our Master Prophet Muhammad Ibn 'Abdullah, the Last of Prophets and Messengers, and upon his Household, Companions and those who follow his guidance to the Last Day!

It is a well-established fact among all scholars that the interests of homelands cannot be isolated from the purposes of religions, and that the homeland is owned by all its sons. They all are equal before the law in their rights and duties.

The Conference of Contract of Citizenship held by the Supreme Council for Islamic Affairs in



Cairo on 11-12 Rajab 1443 AH, corresponding to 12-13 February 2022, under the title: “Contract of Citizenship and its Impact on achieving Societal and Global Peace” is marked with the depth of its themes that did not limit the concept of citizenship to the theme of religious tolerance alone as it was common in the previous decades. Despite the importance of this theme and the conference’s focus on it, the current conference looked at the issue of citizenship in a deeper and more comprehensive manner, and this was clearly reflected in its recommendations that are presented at the beginning of this Book.

I have selected eight of the research papers presented in this conference, along with a paper I wrote on the legality of the national state, through which we collectively shed light on one of the most important issues of our modern time and most influential in achieving societal security and global peace, namely the issue of equal citizenship. We hope that this book will




contribute to consolidating and strengthening the foundations of citizenship among the people of the same country, and promote and enhance the foundations of common human coexistence among all people without any discrimination on the basis of religion, colour, gender or race, and in full respect for man's humanity as a human being honored by the Almighty Allah Who says, "We have Honored the Children of Adam" (Al-Israa: 70), with full respect for the law and the Constitution, and an equitable exchange of rights and duties between citizens and the State, and between citizens themselves in order to achieve social security and global peace.

***Prof. Dr. Muhammad Mukhtar Jum'ah***

Minister of Awqaf (Endowments),  
Head of Supreme Council for Islamic Affairs,  
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## **Recommendations of the 32nd International Conference of the Supreme Council for Islamic Affairs**

### **“The Contract of Citizenship and its Impact on Achieving Societal and Global Peace”**

1. Emphasizing that the concept of state is a flexible and a developed concept, and that the attempt to limit the concept of the state to a specific historical model as a fixed pattern is a state of ultimate radicalism and stagnation and walking against the movement of history, which constitutes a paralysis of the movement of life, because development is a law set by Allah in His universe.
2. As scholars decide that Fatwa may change with the change of time, place, or situation, the broadest field for this principle is the field of political system of Shari’ah in building states and management systems.



3. The authority that Islamic shari'ah allows for the ruler to act in the light of preserving the fundamentals of Shari'ah is a very flexible and broad field, which embodies the greatness of the Shari'ah, and its pursuit to preserve the interests of the country and people. Wherever the public interest and welfare is achieved, there is Allah's sacred Law.
4. Citizenship is a fundamental concept in Islam that goes beyond philosophical theorization to be a concept of practical behavior. True citizenship does not lead to exclusion of citizens. Islamic thought guarantees, with its richness and experiences, building civilization based on real citizenship regardless of creed, color or race.
5. Emphasizing that the national state is the basis for the safety of all societies, and that working to achieve the interactive, positive and comprehensive citizenship is the duty of our time. Building and maintaining the state is a reli-



gious and national duty to achieve people's security, safety and stability of their life.

6. Emphasizing that the relationship between an individual and his homeland is a mutual relationship, regardless of this individual's creed or race, and it is a relationship that regards the privacy of individuals as a right, and respects the right of the society as a duty moreover, it cares for and respects the public right.
7. The necessity of paying attention to the programs of social protection for the classes and groups that deserve help. The Conference highly appreciates the benefits and efforts of the Egyptian states in social programs, and in particular the "Decent Life (Haya karima) initiative" launched by His Excellency president Abdel Fattah El Sisi, president of the Arab republic of Egypt for the development of the Egyptian country.
8. Developing a culture of citizenship among young people, starting from their early child-




hood; training national cadres, especially youth, to create awareness on the impact of citizenship and respecting the other, and stressing on the freedom to choose their beliefs and their right to practice the rituals of their religion.

9. Emphasizing that our homelands are a trust and that we, as individuals, institutions, peoples, and governments must protect them with all our strength, capabilities and thought.
10. The necessity of focusing on religious and media discourse to spread the ethics of dealing with the digital community, and educate all citizens not to publish or promote news that would threaten security or spread seditions. There should be grave penalties for these crimes in order to achieve behavioral discipline and deter those who deviate from the right path.
11. Training Imams, teachers and presenters of cultural and media programs in order to in-



culcate the values of tolerance, peace coexistence and the common human values.

12. Consolidation of global efforts to deconstruct the hate and racist discourses and correct misconceptions that may fuel conflicts among humans. In addition, the texts used by radical groups should be explained in the authentic and correct way.
13. Emphasizing the legal and supervisory role of the parliaments in consolidating the citizenship state in which there is no exclusion among citizens on the basis of religion, race or color, and which believes in pluralism and respects diversity as a means to enrich the society.
14. The state should be regarded first, then through the state all rights are recognized. The state of citizenship is the foundation upon which common and global peace is built, and any loss of the state or its integrity and stability



is a problem to societal and global peace and security. The loss of the state gives opportunity for terrorist groups and sectarian militias to spread corruption and havoc in the land.

15. Using the distinguished experience of Egypt under the leadership of His Excellent president Abdel Fattah El Sisi, president of the Republic in the recovery and preservation of the national state, in the face of terror, in order to consolidate the citizenship state and build a new republic that provides the quality of life for all citizens, and equal rights and duties among them, regardless of their religion. The doors of participation are wide open to all members of society on an equal footing.

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## Cairo Peace Declaration

It is on Sunday 12 Rajab, 1443 AH corresponding to February 13, 2022 AD., and at the conclusion of the work of the 32nd Conference of the Supreme Council for Islamic Affairs under the title “Citizenship Contract and its Impact on Achieving Societal and Global Peace” which was held in Cairo on 11-12 Rajab 1443 AH corresponding to 12 - 13 February, 2022 AD, with a wide international presence of ministers of religious affairs, Muftis , scholars, thinkers, intellectuals, partners, media professionals, writers, Muslims and others from different countries of the world; the participants unanimously agreed to issue Cairo Peace Declaration; a message of peace from the land of Kinanah (Egypt) on the banks of the Nile of Egypt, from the heart of Cairo to the whole world, implying that:


1. Achieving peace is a legal, national and humanitarian necessity that every person seeks



to achieve, and it is a well-established principle in our noble Shari'ah.

2. Dialogue between individuals is equal to understanding between institutions and negotiation between states. Achieving this in the real world supports global and societal peace.
3. Calling for the issuance of an international binding charter that criminalizes abusing sacred matters and religious symbols, and confronts hate speech and racism as crimes that threaten international peace and security.
4. The peace that we pursue is the peace of the barve, which is based on truth, justice and fairness, stemming from the wise force that protects and does not seek to attack anyone. Peace is only made by the strong and brave, and the courage of peace is not less than the courage of war and confrontation; both of which require will and determination.
5. Peace does not mean the state of non-war, but rather it means that a person should not harm





his fellow human being. Each of us must be careful not to cause harm of any kind -material or moral- to others, or try to undermine their national or religious beliefs and principles. Each of us should respect the cultural, social peculiarities, customs and traditions of the other. Each country must stop interfering in the international affairs of other countries, and stop any attempt to thwart, weaken, or undermine them. On the basis of treating people as you would like them to treat you, without arrogance or prejudice.

6. If humanity were to spend on spreading peace, solving environmental problems, limiting the impact of climate change, and helping the countries that are subject to danger and the vulnerable regions and the regions that need improvement, with tenth of what it spent on wars, the face of the world would have been changed and that would contribute to promote global peace for all.



7. Efforts must be increased to spread the culture of peace, and to transform it from the culture of the elite to the culture of societies, nations and peoples. This would turn the culture of peace into rooted beliefs and established values among all peoples of the world regardless of their different faiths and cultures, in order to achieve the general human good, and to replace the culture of enmity, war and fighting with the culture of cooperation, integration and peace.

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## The Concept of National State<sup>(1)\*</sup>

The issue of awareness of the homeland is one of the key pillars of shaping a good personality, and one of the most important factors that guarantees loyalty and affiliation with the homeland, preserving its capabilities and defending it against any external or internal aggression that the country may face.

In order to understand the concept of a national state, its legitimacy and its peculiar features that distinguish it from other entities, we will consider the formation of the State and political power, the concept of the State and its basic key components. Also, we will address the concept of citizenship and patriotism in order to participate in building a national generation that is sci-

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(1)(\*) Counselor Dr. Ali Imara, President of the Criminal Court and the Supreme State Security of the Cairo Court of Appeal.



entifically and intellectually empowered in order to contribute effectively to issues that face their homeland and to achieve security, peace and integration between all the citizens of the country and the human family.

## **The National State and its Pillars**

### **State Formation and Political Power:**

Man by nature is a social being, as humanity knew the first groupings and entities through the family system and then the tribe, which necessitates the presence of a head of the tribe who applies to them the laws and customs they have concluded.

With the development of human societies, kingdoms, states and empires emerged. The Glorious Qur'an spoke about the Kingdom of Sheba, which existed in the 11th century BC. It can be said that human history, according to the



circumstances and data of ancient times, realized the concept of a state based on its three pillars, namely: people, region, and political power.

### **Importance of the State:**

The State is a social necessity. This feature becomes clear and evident through the functions performed by the State. It is a tool for achieving justice and achieving equal opportunities for members of society. It is responsible for distributing wealth in accordance with legal controls. It is the entity responsible for maintaining social and national peace through the mechanisms available to it, as it raises man through multiple means in order to balance his thinking and behavior, and match his desires with the wishes of others. Moreover, it uses its authority in the event of non-compliance with the values and principles that society has accepted in the light of mainstream regulations and laws.



The State is also a civilizational necessity, as it can highlight and clarify the approach through which human energies can be utilized to put man in his normal position in terms of human civilization, and even save him from all sorts of dispersion and loss. It seeks seriously to secure individual and social life in a balanced way by reconciling self-motivation with social values and interests. This is achieved through providing an ethical education that enhances the individual's affiliation to the society, develops human emotions and feelings, and fosters moral principles and values.

### **The Concept of the State and Its Key Pillars:**

In the face of the emergence of deviant groups at the beginning of the last decade that occupied parts of the Arab and Islamic world and gave themselves a fake title of a "State" in the name of Islam, claiming -falsely- to be a caliphate, using violence, murder, arms and terrorism in the face



of the other, we found it necessary to discuss the definition of the state and its key pillars.

### **Definition of the State:**

According to constitutional jurisprudence, a State is defined as a group of individuals who live in a particular territory, and it has an organizational form that gives the group against individuals a commanding and regulating authority.

There are different opinions in the Islamic jurisprudence on the concept of the state in Islam. Islam did not set a rigid form for the system of governance that cannot be neglected. Thus, jurists did their best to give their opinions. There is no room here to present these opinions, but the most preferred view is that the state in Islamic jurisprudence is “A group of individuals living on a territory, and they inevitably and unequivocally adhere to divine rules, provisions and controls within the scope of faith and Shari’ah, and they submit to a political authority.”



## **Basic Pillars of the State:**

From the above-mentioned definition of a state, it can be said that the State has three basic elements:

1. **The People:** For the establishment of the State, there must be a large number of individuals who constitute the people. They are the ones who reside and settle in one geographical territory, the territory of the State, and they form: employees who serve members of the people, officers and members of the military and police who are responsible for the security of the homeland externally and internally. They all surrender to the authorities and laws of the State.
2. **Territory or land:** The stability of the people in a geographical territory is one of the pillars of the state and an essential condition for the independence of its political power. The territory of the state is a source of strength and





invulnerability, including its natural wealth, multiple and different topography.

3. Political Authority: The establishment of the State requires a higher authority to which members of the people surrender. Political authority is considered the most important pillar in the formation of the State and the cornerstone of any political organization.

The sovereignty of the State is manifested through external relations, the right to law enforcement, justice, currency issuance and the establishment of a strong army. Each State should have its own constitution and should be independent and should not surrender to any other state, no matter how great it is.

The state exercises a range of competencies undertaken by the political authority in the state in order to ensure its independence. Among the requirements of this, jurists require that the ruler should fortify the borders with all means and pre-



ventive force by building a strong army equipped with the latest air, land, sea and other weapons to defeat enemies and defend the homeland.

**A state is distinguished from other entities by:**

If the main pillars of the state are the people, territory and political authority, other entities such as: militias and terrorist groups who declare themselves as caliphs or rulers falsely and out of their ignorance do not meet the description of the state. They do not understand the meaning of the state or the methods of governance. Rather, they are a mixture —mercenaries— of different areas who have left their homelands and countries and came under the temptation of money to help enemies against the states of the East. Moreover, the lands on which they reside are usurped, and Shari’ah provisions and international laws criminalize and prohibit usurping lands.

The concept of state in Islam is also different from the concept of a religious state that pre-



vailed in Western jurisprudence in the Middle Ages, which is seen as a state in which the ruler (they claimed) is of a divine nature — a God — or he is chosen directly or indirectly by God Almighty, which was known as the theory of the Divine right. It follows that the ruler is put in a high position that no member of the people will live up to, his words or actions are not objected to, and no one has rights or obligations from him. Rather, all the people must submit completely to his will. They have no right to object to or oppose him. It is this model that prevailed in medieval Europe, which is contrary to the concept of the state in Islam and its concept in modern thought.

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## Citizenship and Patriotism

### Citizenship

Citizenship means enjoying equal rights and duties among people living in the same homeland, regardless of their religions, beliefs, color or gender, as deemed necessary due to their human dignity. Human dignity is established since the beginning of creation for the sons of Adam regardless of their races, colors, origins and languages or their religions.

The fact of human dignity established by Islam for humans is a fence of preservation imposed by Islam to protect human blood from being shed, their honor from being violated, their money from being usurped wrongfully, their homes from being attacked and to protect them against any attempt to force them out of their homelands.



Although Islam calls for peaceful coexistence among all people —Muslims and non-Muslims— and calls for faith in all previous heavenly messages and in all Prophets, these violent and extremist groups in their quest to tear states try to destroy such concepts, especially the concept of citizenship. They decontextualize Qur’anic verses in order to undermine this concept. They attempt to tear the community and establish isolated islands ready to explode with the children of the whole society, whether Muslims and non-Muslims. Among the concepts they attempt to destroy is: The concept of “the other.” The other in their view is the non-Muslim. Thus, the relationship between Islam and the other is based on conflict, struggle and demolishing, which means the struggle for existence, either for Islam or the other.

These terrorist groups have adopted the approach of sectarianism which is based on intolerance, extremism, Takfir, (labeling others disbelievers)



terrorism and violence against the other, and neglecting the other's religious and worldly rights approved by Islam. They reject to deal with the other, which is against the Islamic principles.

Consequently, the extremist groups, that falsely claim defending Islam, do not accept difference and diversity in religion, customs and traditions between human beings. It is either to follow them or they will kill you, and usurp your properties and honor. This, in fact, collides with the provisions of Islam. Diversity is the norm that Allah the Almighty has put in the creation, as He (Glory be to Him) created people different in religion, race, color, abilities and social and economic levels.

The genuine definition of citizenship entails that all the parties that make up society respect each other and tolerantly accept this diversity that marks the society. In fact, Islam calls for such approach, especially as it stipulates then one of the



articles of faith is to believe in all Prophet (Peace be upon them all) and believe in all the previous Scriptures sent down by the Almighty Allah, Who said, ﴿**The Messenger believes in what has been sent down to him from his Lord, as do the faithful. They all believe in God, His angels, His scriptures, and His messengers. ‘We make no distinction between any of His messengers,’ they say, ‘We hear and obey. Grant us Your forgiveness, our Lord. To You we all return!**﴾<sup>(1)</sup>

Islam does not force anybody to accept it. The Almighty Allah said, ﴿**There is no compulsion in religion.**﴾<sup>(2)</sup> Moreover, Islam is a religion that co-exists with all religions in safety and peace as the Almighty Allah said, ﴿**He does not forbid you to deal kindly and justly with anyone who has not fought you for your faith or driven you out of your homes.**﴾<sup>(3)</sup> Islam calls for the protection of

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(1) Al-Baqara: 285.

(2) Al-Baqara: 256.

(3) Al-Mumtahanah: 8.





the people of Dhimmah (Christians and Jews living with Muslims) and those who received a contract of protection from the state. The Prophet (PBUH) said, “He who kills a Mu’ahad (protected one) will not smell the fragrance of Paradise, even though its fragrance may be detected from a distance of forty years.”<sup>(1)</sup>

Thus, we conclude that respecting the national State means respecting the citizenship contract between the person and the State, defending land, and adhering to equal rights and duties among the different citizens of the country. Loyalty to the land, homeland and the State is an integral part of loyalty to Islam.

## Patriotism

Patriotism is a psychosocial phenomenon linking the individual to his country. It is based on the love of the country in terms of its land, heritage

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(1) Sahih al-Bukhari, Book of “Blood Money,” Hadith No. 6914.



and population. Land is the biological home of a person; heritage is his past; and the population is its present reality. Thus, the individual becomes an integrated part of the destiny of his country. As all the virtues of the members of the country stem from the most important virtue, namely, the virtue of loving the country and being loyal to it, there is a fascinating phenomenon that draws attention. This phenomenon is that the greater one loves his country, the more he loves himself. This may be because that social peace is the proper atmosphere for virtues, and it shall not be given to those who hate their country.

But why do people love the homeland? People love their homeland because it is the abode that safeguards their lives and interests; It is the beautiful nest that carries their memories.

Since the national State is based on respecting citizenship contract among the individual and the State, this means that adhering to equal rights



and duties among all citizens of the country without any discrimination based on religion, colour, race, gender or language strengthens the love of the country and implants it in the souls of its children.

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## **Patriotism and the Philosophy of Citizenship**

### **A Modern Theoretical Vision <sup>(1)\*</sup>**

The Arabic word watan (lit. homeland) refers to the place where a person lives in and resides in it, whether this place is the place of his birth or not. The linguistic root of the word watan carries various forms of relations between the individual and his homeland. One form is softness represented by loving this homeland and having affiliation with it. Another form is strength represented by being strong against those who want to harm this homeland. The third form is a moderate degree between softness and strength and this one is represented by being cautious with those who claim to love it, but they act against it.

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(1)(\*) Prof. Awad Isma'il, Dean of the Faculty of Islamic and Arabic Studies, Al-Azhar University.



Homeland is a place that carries all memories of one's his life whether these memories are hopes or pains, joys or troubles, love or hatred. It is like another memory of man. This is why the relationship between a person and his homeland is based on Love, nostalgia and belonging. This relationship is a common sense that is almost implanted in all living things, and the man, who is honored by the Almighty Allah, is not different. Every person with sound sense loves homeland whether it is his house, village, town or country. It is only the foolish and ignorant who neglect this relationship.

When contemplating the essence of the message of Prophet Muhammad, one finds it completely consistent with human instinct. For example, the Glorious Qur'an tells us about Prophet Ibrahim when he asked his Lord (Glory be to Him) to give security and provision for his family when they, by the command of Allah, moved to Mecca. The Qur'an said, ﴿Abraham said, 'My



**Lord, make this land secure and provide with produce those of its people who believe in God and the Last Day.** ﴿<sup>(1)</sup> The word land (in Arabic “balad”) comes here in the indefinite form, but when people came and gathered around the well of Zamzam, the word balad came in the definite form, as we read in the verse, 14:35 ﴿**Remember when Abraham said, ‘Lord, make this town safe! Preserve me and my offspring from idolatry.**﴾<sup>(2)</sup>

Our Prophet (PBUH) gave us a wonderful example for patriotism when he was about to emigrate from Mecca after its people tortured him.<sup>(3)</sup> He said, “By Allah, you are the best land of Allah, and the dearest of the land of Allah to me. By Allah, had I not been expelled from you I would never have left.”<sup>(4)</sup> Even after he reached Medina and settled there, he asked Allah saying, “O Al-

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(1) Al-Baqarah: 126.

(2) Ibrahim: 35.

(3) See: Yaqout al-Hamawi, Mu’jam al-Buldan, 2/255.

(4) Sunan al-Tirmidhi, Section of ‘Merits,’ Book of “The Merits Mecca,” Hadith No. 3925.



lah! Make us love Medina as You made us love Mecca, or more, and transfer the fever that is in it, to Al-Juhfa. O Allah! Bless our Mudd and our Saa' (kinds of measurements).<sup>(1)</sup> Moreover, it was reported that whenever Allah's Messenger (PBUH) returned from a journey, he, upon seeing the high places of Medina, would make his she-camel proceed faster."<sup>(2)</sup> Ibn Hajar said in Fath al-Bari: "This is a proof for loving one's homeland."<sup>(3)</sup>

In this context, we also saw the Islamic history commemorates the cities of certain Companions by attributing them to these cities, for example: Bilal al-Habashi, Suhaib al-Rumi, Salman al-Farsi, and Tufail Ibn Amr al-Dawsi. Also, we have certain person with names like: So-and-so al-Kufi, or al-Basri, al-Masri, al-Shami, the Moroccan, etc.

### **Manifestations of patriotism include:**

- The passionate love in the hearts that gives the person a sense of responsibility towards

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(1) Sahih al-Bukhari, Book of "Invocations," Hadith No. 6372.

(2) Sahih al-Bukhari, Book of Hajj, Hadith No. 1802.

(3) Fath al-Bari, 3/621.






his homeland, and drives him towards the horizons of progress and advancement in all areas of life.

- Longing for homeland, as it is said, “If you want to know the man, then see how he yearns for his homeland and longs for it, and how he feels nostalgia for the past of his time.”<sup>(1)</sup>
- Having a sense of responsibility of building, developing and advancing homeland in all fields.
- Protecting homeland from those who want harm it and from those who cause **unrest in it in any way. There are perverted, and corrupt thoughts, there are malicious rumors, and there are attempts to demolish symbols and leaders, undermine national institutions and raise doubts about them. There are some people who under-**

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(1) Ibn Abd Rabbih, Al-'Iqd al-Fareed, 4/31.



estimate the achievements of our homeland and put obstacles on the path of its progress. All this makes it necessary for those who love their homeland to stand firm to defend their homeland and protect it with all possible means.

- Standin against conspirators, who betray the nation, because treachery is a heinous crime. The Almighty Allah said, “Believers, ‘Do not betray Allah and the Messenger, or **knowingly betray [other people’s] trust in you.**”<sup>(1)</sup>

### **Philosophy of Citizenship**

Citizenship requires participation and interaction between a citizen and his homeland, and among all citizens of the same homeland.

1- Citizenship between man and his country:

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(1) Al-Anfal: 27.




This requires that a person have a sense of the life of his homeland in his heart, and that his homeland, which he lives on his land is shaded by its sky is not just roads, streets, walls, factories, schools, universities, or institutions, but rather, it is a living being that one interacts with it. It is the moments of pain and hope, joy and happiness that one experiences. A person feels mutual love, giving and belonging with his homeland. In general, citizenship means that a person merges into his homeland just as the homeland merges into him to produce sincere affiliation and true loyalty to the homeland. Therefore, a citizen strives -as much as he can- to provide the best to contribute to the progress for his homeland and prevent harm against it with all his strength, and with all his precious possessions.

- 2- True citizenship should be based on sincere interaction between a citizen and the homeland that hosts him, within the framework of



fulfilling rights and performing duties; the rights that the homeland guarantees to its people, and duties that citizens abide by towards it. Such sincere relationship will surely result in the citizens' care for the safety and security of this homeland, searching for the means of its revival, and advancement, the unity of its people against every sinful aggressor attempting to undermine it and its stability. Such meanings emanate only from a pure heart and faithful soul that loves the soil of its homeland. The strength and safety of a homeland is a national and religious duty. Whoever falls short in achieving this duty is considered a criminal against his homeland and deserves to be deprived of the title of a citizen.

- 3- Citizenship among all the people of the country: It is an interaction based on the principle of equality, with which any religious, ethnic, sectarian, or tribal differences disappear. Everyone has the right to life on the land of the



country equally, in light of the full and complete commitment of everyone to rights and duties among citizens, and between them and their homeland.

This meaning has its religious basis as deduced for the Qur'an and the Sunnah of our Prophet (PBUH). The Almighty Allah said, **﴿People, We created you all from a single man and a single woman, and made you into races and tribes so that you should recognize one another. In Allah's eyes, the most honored of you are the ones most mindful of Him: Allah is All Knowing, All Aware.﴾**<sup>(1)</sup> This verse addresses all humans that the Almighty Allah has created them to communicate with one another, not to struggle and combat against each other. This requires that everyone recognizes his rights and duties. This is the concept of the general citizenship in land.

**﴿Then, we have a special address for believers as in the saying of Allah, "Allah does not**

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(1) Al-Hujurat: 13.



**forbid you to deal kindly and justly with anyone who has not fought you for your faith or driven you out of your homes: Allah loves the just. But God forbids you to take as allies those who have fought against you for your faith, driven you out of your homes, and helped others to drive you out: any of you who take them as allies will truly be wrongdoers.** ﴿١﴾<sup>(1)</sup> The verse carries a clear call that a homeland is for all its citizens, as they all should enjoy its safety, as long as they all commit to rights and duties. By this, the complete harmony shall be achieved among all categories of the society.

When we review the concept of citizenship and its practical application in the Sunnah of the Prophet (PBUH), we find the true meaning of citizenship embodied in its most beautiful form in Medina, where the Charter of Medina set by the Prophet (PBUH) as a contract and constitution

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(1) Al-Mumtahanah: 8-9.



for the aim of regulating the relationship between the various members of society in Medina. Scholars and historians analyzed it and found that it included fifty-two items set by the Messenger of Allah (PBUH), of which twenty-five are related to the affairs of Muslims, and twenty-seven are related to the relationship between Muslims and followers of other religions who did not believe in the message of Islam.

All of these items are based on laying the foundations for coexistence among all residents in Medina. The foremost of these items is the right to equality among everyone -Muslims and others- in the public interests. The Charter also laid the foundation for freedom of belief and personal freedoms regarding customs and traditions. Therefore, the first item of the Charter was (They shall constitute a separate nation (Ummah) as distinguished from all the people (of the world).” Then, the Charter established a set of rules based on this text. It stipulates the right to life, and that



everyone's blood is infallible. Everyone who lives on Medina, whether Muslim or non-Muslim, is equal in that. It also guaranteed the right to freedom of belief, and therefore there is no compulsion for anyone to change his religion or his belief. This right guarantees the protection of places of worship for the people of other faiths. The Charter stipulates the protection of personal property, that is no one can unjustly usurp the properties of others in any way, and that everyone has the right to earn properties through his work as long as this work is lawful. The Charter also stipulates the preservation of everyone's honor, as this is a right for all people.

This Prophetic Charter guaranteed the right of coexistence among all residents of Medina, and with all its provisions, it represents a model to follow and practical embodiment of the meaning of peaceful coexistence among all sects of the one nation, regardless of their different religions, races, and customs. Everyone is subject to one





system that can be expressed by the national unity of the state.

The Prophet's Companions followed the same path. Ali Ibn Abu Talib said, "The soul of every one who has a protection from us is like our own souls, and their blood-money is like ours."<sup>(1)</sup> Also, when Amr Iban al-'Aas ruled Egypt, he promised its people that their properties and lands would not be taken from them. Also, Umar Ibn al-Khattab in his treaty with the people of Aelia stated, "This is the assurance of safety which the servant of God, 'Umar, the Commander of the Faithful, has given to the people of Aelia. He has given them an assurance of safety for themselves, for their property, their churches, their crosses, the sick and healthy of the city and for all the rituals which belong to their religion. Their churches will not be inhabited by Muslims and will not be destroyed. Neither they, nor the land on which they

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(1) Sunan al-Daruqutni, Book of "Hudud and Blood Money,"  
Hadith No. 3296.



stand, nor their cross, nor their property will be damaged. They will not be forcibly converted.”<sup>(1)</sup>

As a result of these practical applications of peaceful coexistence and community peace, which Islam has approved in the Glorious Qur’an and the Sunnah of the Prophet, the manifestations of citizenship among people were based on two main aspects:

First: Equality and giving equal opportunities for all citizens, as the meaning of citizenship can only be achieved by this principle. Everyone is equal in rights and duties towards the homeland, and the difference is only in matters related to the provisions of laws and beliefs. Everyone has the right to practice his faith. The area of equality is so wide as it applies to matters of buying and selling, financial and commercial transactions and partnerships of all kinds, as well as jobs with their terms and controls regulated by the State

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(1) Al-Tabari, Tareekh al-Umam wa al-Mulouk, 3/609.



and approved by law and the constitution. This also applies to equality in education, health care, and all the services provided by the State.

Second: Respecting the State's laws, legislation, and provisions that regulate people's lives in all its aspects, whether political, economic, social, etc. All citizens have only to respect the system of the State and its constitution, which everyone has accepted, as a method for regulating their movement on the land of the country.

It emerges from these two aspects of true citizenship that there is a general bond that brings together all the members of the nation in a close relationship. This relationship transcends any other relationships; it is the general relationship between the people of the homeland through which they express their loyalty and belonging to the place where everyone enjoys living, and enjoys its capabilities and gains. Homeland belongs to everyone, and therefore defending and preserving it is the duty of everyone.





## **The Concept of Citizenship and its Historical Development <sup>(1)\*</sup>**

Citizenship and security are two sides of the same coin. Citizenship is one of the most important sources of human rights. It is one of the recurrent issues that impose itself when addressing any dimension of development in the comprehensive humanitarian concept in particular, and reform and development projects in general. Therefore, the Universal Declaration of Human Rights approved a number of principles, perhaps the most prominent of which is the affirmation of the need for security, which remains one of the priorities that guarantees the right of citizenship.

Perhaps the concept of citizenship is one of the terms that requires deep exploration, study-

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(1)(\*) Dr. Mohamed Adel Abdel Hakam, Lieutenant-Colonel,  
Ministry of Interior, Egypt.



ing and understanding to be then embodied. Affiliation is a need inherent in the nature of the human soul. A person deprived of a homeland is lost, and a homeland without citizens is “abandoned” and has no meaning. Therefore, the concept of citizenship was associated from the old time with the existence of the human being himself, and his connection to the homeland or the place where which he lives.

### **First - The Concept of Citizenship**

The concept of “citizenship” is a relatively a recent one, and it derives its origin from the basic principles of human rights. Citizenship is a social contract between man and his homeland.<sup>(1)</sup> It is not an abstract political or legal concept, and it is not words that are repeated without awareness of their content and essence, but rather a moral

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(1) Abdel-Fattah Siraj, Al-Muwatanah wa al-Amn al-Qawmi, , a research published on

<http://nm1771971.moontada.com/t5-topic#6>, P. 54.



affiliation and a feeling of need for a connection to a place where a person feels his existence, and accordingly feels the importance of defending this place, meeting its needs, and giving priority to its public interests over limited personal or family interests.<sup>(1)</sup> Therefore, even if citizenship is born with the individual, it gradually grows, flourishes, and takes root with his awareness of his rights and duties.<sup>(2)</sup>

We must admit that there is great difficulty in establishing a specific definition of the concept of citizenship, and that most of the attempts made in this framework have succeeded only in approaching the basic elements of this concept. This is due to the complexity of this concept. Therefore, there are many definitions

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(1) Al-Muwatanah wa al-Amn al-Qawmi, p. 56ff.

(2) Nurhan al-Sheikh, Al-Ajhizah al-Amniyyah wa Da'm Maf-houm al-Muwatanah, a paper presented to the symposium (The Role of the Ministry of Interior in Strengthening Human Rights), Police Research Center, Police Academy, February 2008.



of citizenship according to the perspective from which it is dealt. These include:

**Political Aspect:** From this aspect, citizenship refers to the rights guaranteed by the state to those who hold its nationality, and the obligations it imposes on them. The individual's participation in the affairs of his homeland makes him feel affiliation to it.<sup>(1)</sup> Citizenship in this sense is a set of rights that are exercised in an institutional manner.

**Legal Aspect:** Some have defined citizenship as: a relationship that is identified by the constitution and the laws emanating from it, which carries and guarantees equality between citizens, and the consequent balance between rights and duties, and between the public and the private affairs.

Others have defined citizenship as: the legal framework that defines the relationship between

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(1) Batoul Hussein Ali, *Al-Muwatanah fi al-Fikr al-Islami al-Mu'asir*, p. 21, PhD thesis, University of Baghdad, College of Political Science, 2006 AD.





the individual and the state and his relationship with other individuals. This framework is represented in the set of rights and duties in the economic, social and political fields.<sup>(1)</sup>

Social Aspect: Citizenship is defined in the Dictionary of Sociology as: a status or social relationship between a natural individual and a political community (the state), through which the first party (the citizen) provides loyalty, and the second party (the state) assumes protection, and this relationship between the individual and the state is determined by the existing systems of governance.<sup>(2)</sup>

Some defined citizenship as, “The source of social relationships, based on the idea that relations are based on a political foundation

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(1) Eman Sharif Qa'ed, *Munahadat al-Ta'dhib wa Huqouq al-Muwatanah*, p. 109, a paper submitted to the Conference of Citizenship, organized by the National Council for Human Rights, Cairo, November 2007.

(2) Muhammad Atef Ghayth, *Qamous Ilm al-Ijtima'*, p. 560, Dar al-Ma'rifah al-Jami'iyyah, Alexandria, 1999 AD.



(affiliation) and not on a religious basis in a democratic society.<sup>(1)</sup>

**Psychological Aspect:** Citizenship means tolerance, respect, acceptance and appreciation for different ideas. Diversity leads to “strong immunity,” and thus to a stronger society. Tolerance does not mean concession or leniency. Rather, it means taking a positive attitude that recognizes the right of others to enjoy their rights.<sup>(2)</sup> Citizenship also means a feeling of belonging and loyalty to the homeland and to its leadership and official institutions, which are the source of fulfilling basic needs, and protection from fateful dangers.

**Philosophical Aspect:** This aspect tends to define the homeland as the spiritual environment to which man’s national emotions are directed.<sup>(3)</sup>

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(1) Al-Sayyid Yassin, *Al-Muwatanah fi Zaman al-'Awlamah*, p. 22 ff, Egyptian Lebanese House, Cairo, 2002 AD.

(2) Thanaa Fouad Abdullah, *Aaliyyat al-Taghyier fi al-Watan al-Arabi*, p. 68, Beirut, 1997.

(3) See: Jamil Saleeb, *Al-Mu'jam al-Falsafi*, Dar al-Kitab al-Libnani, Beirut, 1979.



In another and more precise expression, we can say, “It is the place where the individual usually resides with the intention of stability.” Citizenship is measured based on a basic criterion, namely, the nationality as a bond of affiliation and submission between the individual and the state.

**Normative Aspect:** As for the normative aspect of citizenship, it means a psychological, national and cultural state that reflects the relationship between the homeland and the citizen. Citizenship is an essential element that unifies the nation. The unity of the nation should not be based only on the relationship of the citizen with the state, which is based on rights and duties, but also on the relationship between citizens and each other, which is based on a sense of the cultural identity of the group. Citizenship is related to political thought and social traditions based on belief in nationalism, and recognition of the other who must participate.



It is clear from the above review that citizenship means performing specific duties and enjoying certain rights. On the other hand, citizenship means affiliation with a state and to the people living in that state. It is also a description given to the legal relations existing between the homeland and the citizen, and this relationship is based on the exchange of rights and duties in order to ensure that the state performs its primary function in leading society.

### Second: The Historical Development of the Concept of Citizenship

Citizenship has existed since the formation of human and societal gatherings. However, the closest form to its contemporary concept in ancient history goes back to the Greeks' city-state among, where the democratic practice of Athens constituted an application of it. However, the beginning of the principle of citizenship in Europe dates back to the beginning of the emergence of rational and experimental political thought, and



the increase of its influence as a result of the religious reform movement and the subsequent renaissance and enlightenment movements in political life.

### **The rights of citizenship among ancient Egyptians**

Ancient Egyptians allowed foreigners to practice their own religious beliefs without interference. French researcher Elizabeth Lavon says, "Tolerance was one of the prominent features in the relations during the pharaonic civilization to the degree that the ancient Egyptians knew the right to social solidarity, which was based on is extending a helping hand to everyone in need, relieving the distressed, and protecting the weak. One of the acts that the ancient Egyptian law stated based on the duty of solidarity between the sons of the people was obliging the rescuing of anyone who is seriously harmed. If a person was unable to do so, he must inform the responsible authorities. The wise person among the ancient



Egyptians were paid much attention to the right to education.<sup>(1)</sup>

Ancient Egyptians approved many rights of citizenship, as was represented in their recognition of the right to life, freedom, gender equality, freedom of religious belief, social solidarity, education, property, and the right to honor. They also recognized the rights of the elderly and adults. In return, they committed themselves to fulfilling their duties such as paying taxes, performing military service, or complying with the laws. All of the above is the essence of citizenship.

### **Citizenship in Ancient Greek Democracy**

The ancient Greek democracy was built on the basis that the city ruled for the sake of the majority, and freedom was the principle of public life. The Greek government was in its nature a

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(1) Samir Morqus, *Al-Muwatanah wa al-Atghyier: Dirasah Aw-waliyyah Hawl Ta'siel al-Mfhoum wa Taf'iel al-Mumarasah*, p. 40, Al-Shorouk International Library, 2006 AD.



civil state, and the bonds between the citizens were close to a large degree because of the ties of kinship, friendship and neighborliness, and their participation in the daily public life. They were united by one language and one religion, and their gatherings and discussions would take place in the market. Thus, the citizens spent most of their time in the city, and all this led to the Greek citizen's loyalty to the city-state, and not to a particular group or to his family, his clan, or his town. <sup>(1)</sup>

Greek citizenship was considered a hereditary right confined to the Athenian males, and residency was not a credible qualification for obtaining the right of citizenship. Resident aliens, children and women were excluded from the right of citizenship.<sup>(2)</sup> Given the nature of the direct democracy that prevailed in the ancient

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(1) See: 'Allam Sallam and Wissam al-Sabban, *Dawr al-Shurtah fi Takries al-Muwatanah*, p. 5, Police Academy, College of Graduate Studies, 2010.

(2) See: *ibid*, p. 6 ff.



Greek society, we find that citizens enjoyed many rights equally,<sup>(1)</sup> as citizenship had early signs in the ancient Latin democracy, although it was not complete, because it was restricted to only some groups of people who would meet the conditions of Latin citizenship, namely, to be a male and a free Athenian citizen.<sup>(2)</sup> Thus, the status of citizenship was given to about one-sixth of the Athenian society. Moreover, the ancient democracy did not know freedom in its modern sense.<sup>(3)</sup>

Despite the shortcomings of the concept of Athenian citizenship because it was conditional and limited, it was an effective democratic practice that many historical experiences have missed over entire eras of humanity.<sup>(4)</sup>

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(1) See: Ibid, p. 7.

(2) Mustafa al-Nashar, Al-Muwatanah wa Huqouq al-Insan fi Zill al-Mutaghiyyrat al-Dawliyyah al-Rahinah, p. 104.

(3) Abd al-Fattah Hussein al-Adawi, Al-Dimoqratiyyah wa Fikr al-Dawlah, p. 14-16, The Arab Record Foundation, The Thousand Book Series, 1964 AD.

(4) Mustafa al-Nashar, Al-Muwatanah wa Huqouq al-Insan fi Zill al-Mutaghiyyrat al-Dawliyyah al-Rahinah, p. 107.





## Citizenship in Roman Civilization

The concept of citizenship developed under the Roman Empire. After it was a hereditary right for the sons of Rome, the right of citizenship expanded after the issuance of an imperial decree in 212 AD to include all the lands and territories of the Roman Empire. After the fall of the Roman Empire, the concept of citizenship declined, and during the feudal period until the end of the Middle Ages -which extended between 1300-1400 AD- citizenship in Europe was an exclusive right for landowners and according to the social and political status of the individual.<sup>(1)</sup>

The ancient Roman law contributed to the establishment of the concept of citizenship in the Roman Empire. Full citizenship included four advantages, some of which were considered

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(1) Ali Abd al-Mu'ti Muhammad, *Al-Fikr al-Siyasi al-Gharbi*, pp. 85-86, Alexandria, Dar al-Ma'rifah al-Jami'iyyah, 2005 AD.



public rights, namely: service in the army, voting in the council, holding public jobs, and the right to sue and appeal. There were two other advantages that were private rights, namely, marriage and trade with other citizens.

These rights were initially not authorized for non-citizens. Under the feudal society, every fief became a political, economic and social unit based on the bond of subordination to the feudal lord, in addition to the bond of regional or presence on the land of the fief. All other concepts such as kinship, religion and language disappeared as determinants of the concept of citizenship. At a later stage, after personal loyalty prevailed for a long period, sovereignty returned to the people, and the idea of citizenship was established on the basis of the common will of the group, which made the idea of citizenship a link between the individual and the state.



## Citizenship and the social contract

Some thinkers and philosophers such as “Hobbes, Locke, Rousseau, and Montesquieu” suggested that citizenship is based on the social contract between members of society and the state or authority. Though the logic of this idea differed from one thinker to another, they all agreed that this contract arranges rights and duties, which is the basis of citizenship. Accordingly, the concept of citizenship prevailed.<sup>(1)</sup> A citizen turned into a subject entitled to get rights and an independent entity, after the tribe, clan, or organic unit was the framework in which the individual’s relations with others are linked based on the balance of power and the logic of predominance.<sup>(2)</sup>

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(1) Antonid Nejri and Michael Hardt, *Empire - The Empire of the New Globalization*, pp. 14-16, Arab Record Foundation, The Thousand Books Series, 1964 AD.

(2) Khaled Mustafa Ali Fahmy Idris, *Hawl al-Muwatanah wa Huqouq al-Insan*, p. 115.



## **Modern Concept of Citizenship**

The concept of citizenship has developed in the modern era. The basis of the concept of citizenship has become the idea of the people who own sovereignty, and the idea of having basic rights for the individual as a human being first, and then as a citizen. The concept of citizenship continuously underwent development during the previous centuries for nearly two hundred years since the French Revolution, the emergence of America, and the emergence of the nation-state till the present day. Such development has been increasing considering that the people are the source of authority and sovereignty. Therefore, the concept of citizenship became an undisputed right, and extended to include categories of citizens who did not enjoy the right of citizenship, such as: “women”, who became entitled to enjoy the right to political participation in collective decision-making, but that happened only in the twentieth century. In Britain, women did not ob-



tain the right to vote until 1929 AD, and in France in 1945 AD. The dimensions of the concept of citizenship varied and included social, economic and environmental aspects, and was not limited to political and legal aspects.<sup>(1)</sup>

### **Citizenship in National Thought**

Citizenship in its modern sense appeared in the folds of the nation-state. States came to be formed on a national basis based on the unity of the land and the historical and cultural experience. Citizenship, thus, has regional and national boundaries, ways of equality and justice, and stipulated rights that rulers abide by and that citizens enjoy.<sup>(2)</sup>

The concept of citizenship remained closely related to the nation-state until the end of the twentieth century, with the appearance of supra-

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(1) Ibid.

(2) Ali Lailah, *Al-Muwatanah wa Huqouq al-Insan fi Zill al-Mutaghiyrat al-Dawliyyah al-Rahinah*, p. 60.



national forms of citizenship. The concept gained increasing attention in contemporary legal and constitutional thought as a result of the prevalence of the concept of globalization, exceeding the borders of the nation state, narrowing of the gap between nations and peoples, and the increasing cultural influences coming from abroad, which some believe may weaken citizenship and reduce a person's sense of affiliation with his homeland.

Organizations such as the European Union are an example of this in terms of establishing European citizenship for each citizen of the countries joining the Union. It can be considered a transnational citizenship, in addition to being a citizen of a specific European country such as France, the Netherlands or Belgium. Under the European Union, the concept of citizenship has changed as we now have a European citizen, and European identity, which transcends the borders of the nation-state.<sup>(1)</sup>

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(1) Al-Sayyid Yassin, *Al-Muwatanah fi Zaman al-'Awlamah*, the Coptic Center for Social Studies, Citizenship Series, 2002 AD.



## The Development of the Concept of Citizenship among Arabs

Some believe that the word homeland in the Arabic language was not used in the sense of the state except in the modern era. For example, Lisan al-Arab, mentions that the word “Watan” (homeland) means a house.<sup>(1)</sup>

Citizenship among Arabs has gone through several stages that represent radical turning points in its concept and dimensions. It began as an incomplete citizenship that achieve limited participation and is guaranteed to some groups of society, then there was equality limited to members of a specific class, race or gender, but it was not a fair equality between the various groups of society, and its sects.<sup>(2)</sup> The subordination of

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(1) Yahya al-Rifai, Al-Muwatanah al-Masriyyah wa Mustaqbal al-Dimoqratiyyah, vol. 1, p. 35.

(2) Suheir Abd al-Salam, Azmat al-Muwatanah Bayn al-Dawlah al-Qawmiyyah wa al-'Awlamah, p. 4, a paper submitted at the Philosophical Society Conference, December 2006.



many Arab countries to colonialism, occupation or protectorate systems has in turn affected the citizenship status of Arab citizens in these countries in terms of depriving them of their political, economic and social rights.

However, citizenship changed after these Arab countries gained their independence in the early 1950s, although countries varied in providing the opportunity for their citizens to fully enjoy the fruits of citizenship according to the national political system that was established, the extent of its democracy, and the degree of their openness and acceptance of pluralism or rejecting it.<sup>(1)</sup>

### **History of citizenship in Egypt**

A group of scholars who studied the development of society and politics in Egypt argue that the concept of Egyptian citizenship began with the establishment of the modern state at the hands of “Muhammad Ali,” and the

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(1) Al-Muwatanah fi Zaman al-'Awlamah, p. 65.





strengthening of the national and constitutional struggle for the independence of the nation and the sovereignty of the citizen.<sup>(1)</sup>

A reader of modern history can notice the advancement of the homeland proceeded and the ability of the Egyptian citizen to practice citizenship. We can monitor the movement of citizenship in modern and contemporary Egypt, up and down, as well as the relation between this movement and citizens' attitudes towards the foreign occupier.<sup>(2)</sup> We can say that the movement towards citizenship in Egypt was the result of internal interactions on the one hand, and an attempt to achieve national independence on the other.<sup>(3)</sup>

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(1) A paper on Citizenship Rights, Information and Decision Support Center, p. 15, Public Opinion Poll Center in the Council of Ministers, 2006 AD

(2) Samir Morqus, Al-Muwatanah al-Masriyyah wa Mustaqbal al-Dimoqratiyyah, Vol. 2, pp. 1051-1052, Center for Political Research and Studies, Cairo University, 2005 AD.

(3) See: Nihal al-Menoufy, Al-Muwatanah al-Masriyyah, Vol. One, p.29, Center for Political Research and Studies, Cairo, 2005 AD.



Finally, citizenship has gone through many stages throughout history, in which rights of citizenship appeared and its concept developed and was linked to the development of societies; starting with the civil state in Greece, then the concept of citizenship versus aliens among the Greeks, and the law of tolerance among the ancient Egyptians, then the rule of feudalism in the Roman era, then in the modern era -nearly two hundred years ago- and the emergence of the nation state. It went through a bitter struggle to achieve citizenship, obtaining political rights of freedom, equality, social justice, participation in holding public positions, getting government privileges, and fulfilling their duties such as the defense, taxes, obedience to laws, and affiliation.

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## The Legality of the National State<sup>(1)\*</sup>

In a healthy intellectual context and atmosphere, a well-established principle does not need evidence to prove it. However, the hijacking of religious discourse at the hands of extremist groups and their monopoly over it and its interpretations made the taken-for-granted principles in need of demonstration and proof. They cast doubts about the project of the national state as if it is not a well-established principle. Indeed, the legitimacy of the national state is beyond argument or question; it is a well-established and indispensable principle in our contemporary reality. In this regard, trustworthy scholars affirm that defending homelands is one of the core objectives of our religion. This is due to the fact that the religion must have a homeland to protect

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(1)\* Prof. Muhammad Mukhtar Jum'a, the Minister of Endowments, the Chief of the Supreme Council of Islamic Affairs.



and support it, otherwise, the jurists would not have decided that if an enemy invades a Muslim country, jihad and repelling the enemy become an individual obligation on the people of this country, men and women, old and young, strong and weak, armed and unarmed. Each one must defend the country according to his ability and sources even if all of them perished. Accordingly, defending the homeland is one of the most important objectives of Sharia, otherwise, they would have been allowed to leave their homelands to save themselves and their religion.

The nation-state means to respect the citizenship contract between the citizen and the state, and to have full commitment to the equal rights and duties among all the people of the nation without any discrimination based on religion, color, race, gender or language. However, these extremist, deviant groups that trade in religion do not have loyalty to a homeland or a national state. Most of these groups either do not believe



in the national state at all, or their ideological and organizational loyalty is above all other national and non-national loyalties. The organizational space of these groups is much broader than the national state and its space.

These extremist groups propagate that they are the protectors of the religion and only seek to implement the rule of Allah, the Almighty, and establish His Sharia. However, how far Allah's Sharia is from the killing, bombing, destruction, bloodshed, violation of honor, the enslavement of women, appropriation of property, and intimidation of peaceful people carried out by these groups!

What these extremist groups do is a sheer crime against Islam, for the distortion of Islam's image at the hands of these criminals, out of their foolishness, is more effective than any similar trials at the hands of its lurking enemies throughout history. The enemies of Islam have



used the members of these extremist and terrorist groups, who wrongly exploit religion and values, to achieve their goals. These groups twisted the meanings of the religious texts and distort the true meaning of the words. Likewise, the enemies of Islam also used some of the immoral traitors and agents who sell their religion and their homelands for a cheap price.

Some points need to be emphasized here, including:

First: Islam did not set a rigid template for the system of governance that can't be violated; rather, it has laid foundations and standards. Whenever they are achieved, the governance is considered good and Islamically approved. The foremost of these standards are establishing justice and equality and striving to realizing the interests of the country and people. When these standards are met, the names and forms do not matter, as what matters is the meanings and the contents, not the names and the forms.



Second: wherever there are interests, building and reconstruction, there lie the Law of Allah and true Islam. On the other hand, wherever there are demolition, vandalism and destruction, there are the work of Satan and the groups of sedition, destruction and ruin.

Third: working to strengthen the national state and consolidate its foundations is a legal and national demand. Accordingly, it is a crime against Islam and the homeland to try to undermine the structure of the state, disrupt its progress, destroy its infrastructure, or terrorize its peaceful citizens.

Fourth: we are in an urgent need to consciously and meticulously re-read our intellectual heritage in order to differentiate between the static and the dynamic, and between what is classical jurist's views - which was appropriate for their time, and place - and what our age and modern developments require, that is, a new reading of



heritage. Carried out by scholars and specialists, such a reading would solve the problems of our age in accordance with its circumstances, challenges and requirements, while preserving the principles of Shari'ah.

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## Islam...and Citizenship<sup>(1)\*</sup>

The Encyclopedia Britannica, the International Book Encyclopedia and the American Collier's Encyclopedia unanimously define citizenship as full membership arising from a relationship between an individual and a state as determined by the law of that state, and with the duties it entails such as paying taxes and defending the country, and with the rights it grants such as the right to vote and to assume public positions.<sup>(2)</sup> In contemporary Arab thought, it is defined as an alliance based on refusing any discrimination among free people, and the exercise of their national rights and duties regardless of their differences or the degree of their faith.

The concept of citizenship is neither modern nor innovative in Islam, for our Master Muham-

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(1)\* Dr. Wajdi Zain al-Din, the Wafd editor in-chief.

(2) Ibrahim Ghalyoon, Naqd As-Siyasah Wa al-Din Wa Ad-Dawlah, p. 146.



mad (PBUH) established the noblest society with the foundations of the highest values, including good citizenship. These values make each individual a good member in his society, and have the qualities of loyalty, affiliation, and good action and behavior. Among the values of citizenship in the Prophet's time are the following:

Loving the homeland, defending it in times of peace and war, protecting it from dangers, repelling rumors about it, preserving its security and stability, confronting those who sow discord and division in it, caring for its higher interests and not betraying it. The Prophet, Allah's Peace and Blessings be upon him, established these principles until he made the Prophetic City an oasis of security and safety. He resolutely confronted any malicious attempt to destabilize the city internally or externally.

- Building a positive relationship between the nation's institutions and individuals. It should be based on the mutual rights and duties entrusted



to each party, such as loyalty, respect, reverence, bringing about benefits and repelling harm.

- Respecting the order and law: Islam has established this aspect to protect society from disorder and chaos. The Prophet, Allah's Peace and Blessings be upon him, has elevated the spirit of law and justice in society. Thus, there should be no injustice, chaos, or favoritism.
- Peaceful coexistence: Islam made the preservation of souls, honor, property, and homelands among the necessities that must be preserved, and prohibited aggression against them. The Prophet, Allah's Peace be upon him, made covenants that achieve peace in society and laid the foundations for peaceful relations between Muslims and others.
- Achieving love, harmony and solidarity among the members of society: Islam legislated several laws for this objective, such as offering and returning the greeting of peace and gifts, visiting



each other, and avoiding the causes of division and disagreement and what provokes hatred and quarrels. Allah, the Almighty, praised the Ansar for having the quality of love; The Most High said:

﴿**They love those who emigrated to them**﴾<sup>(1)</sup>

- Social solidarity; the society should play its role towards its members in terms of taking care of them and supporting them financially and morally. The Prophet, Allah's Peace and Blessings be upon him, established the values of kindness, righteousness, relieving distress and compassion. Furthermore, he legislated zakat, charity, endowment, and charity work. He also gave special care to the weak groups such as the poor, orphans, widows, and the elderly. Consequently, the prophetic society became united as one body.
- Building sublime human relations. To achieve that objective, public and private rights were

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(1) Al-Hashr: 9.



legislated in Islam, such as the rights of the relatives, neighbors, guests, friends, and others.

- Caring for the family. Being the pillar of society that preserves the individuals, Islam consolidated the relationship between the spouses and established it on the basis of affection and love. Moreover, it clarified the rights of spouses and children. The Prophet, Allah's Peace be upon him, was a role model in fulfilling these rights by caring for his family and serving them. Thus, his family was a model family that everyone could emulate.

Building the individual scientifically. Removing the scientific illiteracy is a key to good citizenship. Good education is one of the most important means that enables the individual to help his society and contribute to building his economy. Islam has exalted the value of science, and the Prophet, Allah's Peace and Blessings be upon him, gave it great care. Accordingly, education in the Prophet's era achieved an astonishing spread,



and science and knowledge became a prominent feature in the prophetic society.

- Adherence to good morals. The Prophet, Allah's Peace and Blessings be upon him, was the best example, as Allah, the Almighty, described him, saying: **﴿And indeed, you are of a great moral character.﴾**<sup>(1)</sup> He established the pillars of morals in society, and gave it great care that every individual in society became an example of nobility and high moral standard.
- Bearing responsibility, and having self-censorship, vigilance of conscience, good fulfillment of trust, and mastery of work. Every individual is responsible for his actions, first, before Allah, the Almighty, and, second, before the law and society. The Prophet, Allah's Peace and Blessings be upon him, established this principle in many hadiths. By so doing, every individual could be watchful over himself, urging it to do good and shunning it from evil.

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(1) Al-Qalam: 4.



- Voluntary work: Islam purified and disciplined the individual; developed in him the spirit of sacrifice and altruism; purified him from greed and excessive love of the material; and promised him to obtain compensation from Allah, the Almighty, in this world and the Hereafter. The Prophet, Allah's Peace and Blessings be upon him, established these values in society since his arrival to Medina when everyone volunteered to build the Prophetic Mosque.
- Preserving the environment: the Prophet, Allah's Peace and Blessings be upon him, urged the Muslims to clean, and protect the environment; and to preserve its vital resources; to give care to animal and plant wealth; and to prevent any waste and extravagance. He legislated animal rights, which reflects the highness of Islamic civilization since its dawn.
- Adherence to moderation and tolerance, and rejecting extremism and excessiveness in religion. That is the characteristic of the Islamic society



in the Prophet's era until the emergence of deviating groups that did not follow his beautiful teachings. Consequently, they went into extremism, labeled other Muslims as disbelievers and attacked them. Thereupon, the honorable Companions confronted them scientifically to raise their awareness and to bring them back to the right path. They also confronted these groups militarily when the latter took up arms unjustly and aggressively against the Muslims and insisted on fighting and shedding blood.

These are simple radiant aspects of the values of citizenship in the Prophet's era, whose lights do not dim, and their suns do not disappear. They reflect the beauty of a great human civilization that extremists unsuccessfully tried to distort, and block its radiance. It only increases its brilliance in the eyes of every just observer.

Islam has enshrined the concept of man's loyalty to his homeland in its intellectual, cultural and creedal system. Furthermore, it has been a






forerunner in emphasizing the value of the homeland and the upholding of citizenship, considering those who were killed for protecting their land, and country as martyrs. It is the religion of the pure human nature that came to perfect the noble morals, including the love and defense of the homeland, its sanctity, geographical borders, holy places, and inhabitants. This is due to the fact that preserving homeland is a responsibility that falls on its inhabitants; they must defend it with all their strength and valor. Jihad in the cause of Allah has been legislated in defense of religion, country, land and honor. Thus, whoever is killed in defense of his homeland is a martyr in the cause of Allah, the Almighty.<sup>(1)</sup>

The establishing the legal foundation of the concept of citizenship stems from the following points:

1-The unity of the human origin: all people are equal in their origin and species. In this re-

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(1) See: Al-Want wa Al-Mowatanah Fi Al-Mandhur Al-Islami, Mayadeen website, 20/12/2018 C.E.



gard, Allah, the Almighty, says: “O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. ﴿1﴾

2-Unity of human pure nature: All people are equal in their innate human inclination that Allah, the Almighty, has created them upon. All of them are equal in their innate inclinations that entails adherence to citizenship and love of the homeland. In this vein, Allah, the Almighty, made expulsion from the homeland equivalent to killing oneself, saying, ﴿**And if We had decreed upon them, “Kill yourselves” or “Leave your homes,” they would not have done it, except for a few of them.**﴾<sup>(2)</sup>

Furthermore, when Allah, the Almighty, commanded His Prophet, Allah’s Peace and Blessings be upon him, to migrate from Mecca to Medina,

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(1) Al-Nisà: 1.

(2) Al-Nisà: 66.



he meditated upon Mecca and looked at it, saying: ‘By Allah, you are the best land of Allah, and the dearest of the land of Allah to me. By Allah, had I not been expelled from you I would never have left.’”(1)

Unity of common interests, hopes and pains: the homeland is a home of citizenship, for it has unified interests and hopes, that is, to become strong, prosper, fortified and invulnerable. This prompts the citizens to stand together and cooperate as one hand to raise the status of the nation, preserve its honor and dignity, develop and defend it. This makes the homeland a place for all citizens to settle.

As citizenship is one of the important matters in Islam, it was recognized from the era of prophecy. Islam has been a forerunner to announce the concept of citizenship before its emergence

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(1) Sunan al-Tirmidhi, Chapter of Virtues, the Virtue of Makkah, Hadith No. 3925.



in the contemporary regional state. This radiant precedence is represented in a famous achievement that Prophet, Allah's Peace and Blessings be upon him, made after his migration to Medina, namely, recognizing citizenship in all its meanings, and foundations. He emphasized the rights and duties that citizenship requires. That achievement is writing the document that is known historically and in the Prophet's biography as "Sahifat al-Madina". He concluded it immediately after his migration to Medina, that is, in the first year of migration.

Finally, the importance of citizenship, which Islam established and consolidated its concept by words and actions, crystallizes as a necessity and a need for building the modern state because it is linked to the civil, political, economic, social and cultural rights of citizens. The civil and political rights include everything that aims to secure human material and moral safety, protect from discrimination, and exercise his rights guaranteed



by the constitution and the law. On the other hand, the economic rights include the citizen's right to a decent standard of living, and social security. As for the social and cultural rights, they mean participation in the life of the community and its cultural and social identity. These rights affect the various aspects of an individual's life, and contribute to the development of his abilities and self-realization

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## **Rights and Duties in the Citizenship Contract<sup>(1)\*</sup>**

The citizenship contract is a reality and a binding matter to codify the relationship between the individual and his homeland. Like all other contracts, it has necessary pillars, namely: consent, the subject matter and the reason. It has provisions that must be respected. The jurisprudential principles do not go against that contract just because it does not take the form of the traditional relation in different contracts, as this does not affect the consideration of it as a contract. This is due to the fact that the consent in those contracts differs in its form and content according to the subject matter, the

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(1)\* Prof. Abd Allah Mabruk al-Najjar, Professor of Shariah and Law in Al-Azhar University, member of the Islamic Research council of Al-Azhar, member of the International Islamic Jurisprudence Council, Jeddah.



circumstances of the contracting parties, and the relation that it regulates.

The circumstances of the contracting parties differ according to these aspects and others. Consequently, it is unnecessary that the contract in question meets the normal form as long as the consent exists. This harmonizes the will of the two parties, and removes from their hearts the causes of conflict that may arise from competition in the right to the subject matter. Thus, jurists recognized a kind of consent in the field of contractual ties that can be called “the presumed consensual”, or “hypothetical” contract, which is a kind of consent that combines the will of two parties on a particular matter. This matter can be the subject of competition or dispute, but they coexist in peace, prosperity and acceptance of the reciprocal rights granted by each party to the other without a written contract or document between them in the traditional manner or form.

The examples of those contracts are many, including, but not limited to, the extension of the





effects of contracts to a certain successor, such as the heir or the one bequeathed to him in the ownership, rent and other contracts.

The citizenship contract is a full-fledged contract, and it is not defected by its non-existence in the traditional contracts; even if it does not correspond to the traditional form, it is correct in its content. It assumes consent of the two parties it, and acceptance of bearing its consequences and fulfilling its rights. Such consent assumed in contractual ties is sufficient in acknowledging the mutual right and being satisfied with it. This is because the human right itself is a subject of disagreement among the majority of jurists of Sharia and law. Out of the changing nature of the human rights, they differed about formulating its definition in an all-encompassing manner.

Building on the changing, unstable nature of the rights, there are increasing number of rights in the national association, and thus what is required in the contract between the governing



system and the citizen is satisfaction with what the two parties agree on. They should accept the responsibility assigned to each of them. In this way, the citizenship contract can be defined as: “A relationship between two parties, namely: the inhabitants of the homeland and the governing system that aims to protecting it from any internal or external aggression, and sharing rights and duties in it according to the rules of justice and equality.” In the light of this definition, the rights and duties are determined in the citizenship contract.

### **Duties of the Citizenship Contract:**

Legally, and rationally, the duties related to the citizenship contract are considered prior to the rights therein. This is according to the maxim: warding off corruption takes precedence over bringing about the interest. Definitely, warding off the corruption of losing the homeland - and the loss of the lives of its people subsequently - takes precedence over reaping its fruits, enjoying



its bounties, and feeling happy within its villages, and cities. This is because if it is lost, no one will gain anything from those bounties; everyone will suffer shame and loss.

In accordance with that logical pattern, elaborating the duties in the contractual ties regulating the rights and duties in the citizenship contract takes priority over the rights therein. These duties can be broadly rooted as follows:

**First: defensive duties:**

Defense duties come at the top of the list of duties imposed by the citizenship contract on every citizen if he is able to fulfil this duty and is not among those exempted from the duties of defense according to Sharia for their inability to do so according to specific and precise criteria that guarantee objectivity and fairness in the exemption from that sacred duty.

Although a person's soul and blood are inviolable in the Law of Allah, the Almighty, and the



laws of people, the love of the homeland and defending it take precedence over that. This is because if defending the homeland is not prioritized, and the people of the country underestimate it, its sovereignty will be lost and, subsequently, everything else; and the objective of religion and worldly interests will be destroyed. For this reason, Allah, the Almighty, has enjoined the citizen to defend his homeland, and sacrifice his soul to protect it. This meaning is clear in Allah's Words, **“Indeed, Allah has purchased from the believers their lives and their properties [in exchange] for that they will have Paradise. They fight in the cause of Allah, so they kill and are killed. [It is] a true promise [binding] upon Him in the Torah and the Gospel and the Qur'an. And who is truer to his covenant than Allah? So, rejoice in your transaction which you have contracted. And it is that which is the great attainment.”** ﴿١﴾<sup>(1)</sup>

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(1) Al-Tawbah: 111.



The verses mentioned in the context of the obligation of defending the homeland with the soul and property are many and varied. In Islamic jurisprudence, they serve as proofs for the matter in question. Although the soul is precious and preserved, it is sacrificed and regarded cheap for the sake of protecting the homeland. As for its owner who does this great deed, he gets the honorable merit and status of martyrdom. If sacrificing the soul for the sake of the homeland is an obligatory sale for the sake of Allah, the Almighty - despite the fact that it is sanctified by Him- then sacrificing one's property and children for its sake is an obligation as well.<sup>(1)</sup>

The duty to defend the homeland has changed today; it is no longer a confrontation with traditional weapons, or a direct meeting in a battlefield where the combatants fight with contemporary means of armament. Rather,

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(1) Abd Allah al-Najjar, *Al-Intimaa' fi Zill al-Tashree' Al-Islami*, Modern Arab Institution, 1988 C.E.



there are some new means of defense such as digital and media defense against the enemies. These means of defense protect the minds of the people of the country from the influence of discouraging rumors and various false propaganda. Psychological immunization against enemies' rumors has become a manifestation of strength and armament at confrontation time, not to mention the activation of international channels and diplomatic communications through ambassadors and decision-makers. This has become a major factor of strength and support, especially when describing combat activities and issuing international condemnation statements that raise the moral strength against the aggressors, and threaten them with economic sanctions or a technological boycott.

They are other means of defense that are indispensable for determining the outcome of defensive confrontations in our days. In this regard, it has become one of the rulings that



every legitimate means that leads to victory and the protection of the homeland must be used and it is forbidden to leave it. It is a legitimate means for a legitimate end. There is no doubt that the duty of defending the homeland in this way must be fulfilled. This, in turn, is a fulfillment of the contract of citizenship, and the right of the homeland over its inhabitants.

This diversity and development in the use of defense tools are evidenced in Allah's Saying, ﴿And prepare against them whatever you are able of power and of steeds of war by which you may terrify the enemy of Allah and your enemy.﴾<sup>(1)</sup> This noble saying indicated the necessity of preparing the force to defend the homeland with all the available defensive means, even that which can be discovered in the future. Regarding the distant future of these means shouldn't stop the defenders from using the available ones if they are currently useful in resolving the confrontation, or

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(1) Al-Anfal: 60.



supporting the defenders. This matter should be determined by those in charge of defense affairs.

### **Duties Regarding the Public Facilities:**

It is the right of the homeland over its inhabitants - pursuant to the citizenship contract - to preserve its public facilities, and to deal with them as they deal with their private property and with even more care. Fulfilling this obligation requires taking into account several things, including the following:

#### **1- Respect the regulations of the use of public facilities:**

Every citizen must respect the systems and legislation that determine the ways of using public utilities and be bound to implement them. This is due to the fact that when people use these rights, they are like passengers of one ship united by a common goal and one fate. The Prophet, Allah's Peace be upon him, made it clear, saying, "The likeness of the man who observes the lim-





its prescribed by Allah and that of the man who transgresses them is like the people who get on board a ship after casting lots. Some of them are in its lower deck and some of them in its upper (deck). Those who are in its lower (deck), when they require water, go to the occupants of the upper deck, and say to them: 'If we make a hole in the bottom of the ship, we shall not harm you.' If they (the occupants of the upper deck) leave them to carry out their design they all will be drowned. But if they do not let them go ahead (with their plan), all of them will remain safe."<sup>(1)</sup>Therefore, everyone must preserve the ship of the homeland, and its public facilities.

## **2- Respect the Right of Others to Use Public Utilities:**

One of the characteristics of public utilities is that they branch off from the Rights of Allah, the Almighty. In this regard, Al-Taftazani says,

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(1) Al-Bukhari, Sahih, Book of Partnership, Hadith No. 2493.



“Attributing the “right” to Allah is an honor for that whose neglecting it a strong danger, its benefit is great, and its bounty is for all people who generally benefit from it without any specialization or monopolization. Being the Right of Allah implies that no one is permitted to prevent others from benefiting from it, to monopolize it or to claim it for himself without anyone else”.<sup>(1)</sup> Maintaining and using of public utilities soundly and making it available for all people are rights prescribed by Allah, the Almighty.<sup>(2)</sup>

### **3- Circulation of Usufruct of Public Utilities:**

One of the characteristics of using public utilities and their connection to the Right of Allah, the Almighty, is that benefiting from them is in harmony with Allah’s assignment to man to be the vicegerent on earth. From the beginning of his creation, mankind acted as a vicegerent, with

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(1) Al-Talwih, Sharh Al-Tawdih, Subaih Library, Vol.2 P. 151.

(2) Ta’rif Al-Haqq and Mi’yar Tasneef al-Huquq, p. 147.



generations succeed others. Thus, public rights include all generations because they are required to build the homeland, and this objective is not limited to one generation. Rather, it extends through all generations, for it is fair and just for the present generation to leave to its successor what they received of public utilities from their predecessor. If we failed in this mission, it would bring about corruption in the land and the loss of religion that result from the loss of homelands. The Prophet, Allah's Peace be upon him said, "If the Hour is about to commence and one of you is holding a sapling - if he is able to plant it before it commences, then let him plant it."<sup>(1)</sup>

Moreover, Allah, the Almighty, has added the property of the fay' to Allah and His Messenger, Allah's Peace and Blessings be upon him. This indicates that it should be used for public interest like the public utilities. Then He, the Almighty,

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(1) Musnad Ahmad, Hadith No. 12902



clarified His Ruling, that is, Fay' should be for all generations, and it should not be limited to the rich people to the exclusion of succeeding generations. He, the Almighty, said, ﴿And what Allah restored to His Messenger from the people of the towns - it is for Allah and for the Messenger and for [his] near relatives and orphans and the [stranded] traveler - so that it will not be a perpetual distribution among the rich from among you.﴾<sup>(1)</sup>

That is why Umar Ibn Al-Khattab, may Allah be pleased with him, said, ﴿There is no one left of the people in the present and the future except that he has a right to those public funds and has been included among the deserving ones.﴾<sup>(2)</sup> The Muslims have unanimously agreed that it is the right of future generations to have a share of the property and wealth of the present generation.

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(1) The Quran, 59: 7

(2) Qurtubi, Ahkam Al-Quran, Vol. 18, p. 12.



This consensus is recorded by Ibn Qudamah in Al-Mughni as well as other scholars.<sup>(1)</sup>

### **Third: Financial Obligations:**

Among the obligations that must be fulfilled in accordance with the citizenship contract is that the rich do what they owe towards the country such as general taxes and prescribed fees. The totality of what is paid in this regard helps in establishing of state utilities, protecting its borders, and maintaining what needs to be renewed from its essential elements.

Certainly, withholding these national dues or circumventing their fulfillment is one of the crimes of appropriating public property. It is unlawful devouring of the right of those who need those funds to maintain or establish the necessary means of life and preserve their dignity. It is a form of injustice and corruption for the lives

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(1) Ibn Qudamah, Al-Mughni, Vol. 5, P. 62.



of those who need the rights of the state in the property of the rich people who made their wealth out of its abundant wealth. In this vein, the Prophet, Allah's Peace and Blessings be upon him said, "Allah decrees the (Hell) Fire and debars Jannah for the one who usurps the rights of a believer by taking a false oath."<sup>(1)</sup>

#### **Fourth: Cultural and historical obligations:**

The history of the homelands is a cosmic verse that tells the stories of people and their actions, and the consequences thereof. These actions coupled with their results are practical results of human experiences that are more valuable than the expensive scientific experiments to invent what sustains people's lives and protects them from perishing. Thus, history can be regarded as Allah's cosmic verses that people must learn therefrom. Whoever does not consider history will put himself in a life experience of unknown

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(1) Sahih Muslim, Book of Faith, Hadith No. 137.



results, and he may come out of it as a loser. On the other hand, if he considers what corresponds to his experience in the history of his predecessors, he will avoid many factors of failure, and achieve many aspects of success. Thus, whoever does not consider the history of his predecessors will have unlikeable or impossible success.

The ancient civilizations are a visible record of their history. We can contemplate on certain traces of these civilizations and learn from them what we may not acquire from several volumes in a number of disciplines. For this reason, preserving and protecting the monuments is an Islamic duty, not only a national or human duty. This is because they are a source of beneficial knowledge that encourages man to work fruitfully; and means of expression produced by the great thinkers, the greatest intellectuals and creative artists. Thus, the level of artistic taste in the expression underlying its components rises, and its extent reaches different races and all spectra, as it does



not need a language to read. Everyone understands the carved drawing and the manuscript as soon as he looks at them, and realizes what he can perceive according to his artistic taste and innate sense.

Hence, attention must be paid to that history as it is a national heritage that represents a material importance - which can bring about progress - and a literary value in the eyes of all peoples. The underlying contribution goes beyond the national scope to the global level. Thus, the whole world can benefit from it, and the homeland that produced it is considered beneficial and respected by all.

Undoubtedly, the duties related to fulfilling the citizenship contract are not limited to the mentioned ones; rather, they go beyond that. Generally, nevertheless, what is mentioned here is the rooting of their duties, and any other duty that goes in line with that rooting is included.





The right of the homeland is great, and the duty to fulfill it is greater.

### **Rights arising from the citizenship contract:**

The citizenship contract entails rights that must be accessible to the holder. That is because the party claiming it has a special nature, as it supports the right holder in the ordinary contract, until he obtains it. As for the national contract, that party is required to fulfill certain rights. Hence, it is the opponent and the judge at the same time. Therefore, the methods of binding in that contract differ from in the case of an ordinary contract. The constitution often regulates the method of fulfilling these rights and ensuring their fulfillment. For this reason, talking about rights requires dividing it into two branches, the first: to clarify the content of the rights stipulated in the citizenship contract, and the second: to indicate the means for fulfilling those rights and



these guarantees, as follows:

### **1- Content of the rights stipulated in the citizenship contract:**

The rights mentioned here are not final, as they differ with the multiplicity of political systems, philosophical theories governing the legislative system, the norms of societies and their cultures and the successive historical stages. According to the jurists' writing on legal politics, it seems that the reason for these rights in terms of their content is due to two things: establishing security and achieving justice.

### **2- Guarantees of fulfillment of citizenship rights:**

The guarantees for the fulfillment of citizenship rights are represented in the competence of the system responsible for them, and in the national laws that guarantee their fulfillment and accountability for inaction or neglecting them.



Hence, the guarantees of those rights are represented in two things, the first: the state guarantees those rights, and the second: constitutional and legislative oversight, which should be clarified:

**First: The state guarantees the rights of citizens:**

It is known with contemplation and induction of the glorious laws of Allah and His cosmic verses that the state is more capable than the individual to accomplish the interests, and that it has means of protecting rights and managing the sources. Moreover, it has administrative and supervisory means and executive agencies that make its decisions effective. The Prophet, Allah's Peace and Blessings be upon him, demonstrated the concept of the state, the independence of its entity, and its capacity to communicate, deal with others, respect its rights and fulfil its duties; That is clear in the letters he sent to the kings



and heads of states contemporary to him, such as Heraclius, Muqawqis, Khosrau, the kings of Yemen, Oman, the king of the Ghassanids, and others. This indicates the actual existence of the state that exercises its authority and sovereignty over its land and its people. That constitutes clear guarantee of fulfilling their right.

It is taken for granted that the people appreciate the state at the international and local levels, and this indicates that it is trustworthy in what it decides and committed to fulfilling its duties. That - in and of itself - is sufficient to guarantee the fulfillment of the rights of its citizens, especially because it is they who choose the officials who adhere to that fulfillment.<sup>(1)</sup>

### **Second: Constitutional and Legislative Oversight:**

Among the most important guarantees that citizens fulfill their public and private rights are

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(1) Al-Wilaya Ash-Shar'iyah li al-Amn fi al-Haramayn al-Sharifayn, P. 124.



the executive, practical and constitutional guarantees for those rights. The guarantees can be highlighted through the following two matters:

- 1- Constitutional guarantees: In any contemporary state, the constitution is considered the document regulating the rights of citizens and providing guarantees for the fulfillment of those rights. It is certain that any violation of the constitution regarding the squandering of citizens' rights represents a violation of Allah's Law, and wrongdoing. For example, the constitution of the Republic Arab Egypt issued in the year 2014 C.E. and amended in 2019 C.E. stipulated the private and public rights of citizens, and obliged their protection and preservation. Article 4 stipulated that sovereignty belongs to the people alone; they exercise and protect it. Moreover, they constitute the source of authority and the protectors of national unity, which is based on the principles of equality, justice and equal opportunities for all citizens.



Article 11 stipulated that the state guarantees the achievement of equality between men and women in all civil, political, economic, social and cultural rights in accordance with the provisions of the constitution. That is followed by texts establishing the right to work, that is, the state guarantees social insurance services (Article 17), and that every citizen has the right to health care, education, and freedom of scientific research and ensuring equal opportunities. The state is committed to protecting and increasing the agricultural area and criminalizing aggression against it, protecting fisheries and supporting fishermen (Article 19, 23, 29, 30). The state is also committed to preserving and exploiting natural resources and not depleting them; and observing the rights of future generations in them (Article 32).<sup>(1)</sup> Preserving national security is a duty and a national responsibility upon all citizens guar-

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(1) This established the idea of the right of succeeding generation, which is one of the characteristics of the public rights or the Rights of Allah.



anted by law; and defending the homeland and protecting its land is an honor and a sacred duty (Article 86).

As it appears from the implications of these texts, they guarantee citizens' clear rights, and impose obligations on the state to fulfill them, which include the existence of an honorable, dignified, respected person on his homeland. The state must also regulate guarantees of fulfilling those rights. Certainly, defining rights and the guarantees of their fulfillment is the basis for achieving and activating the benefit of those rights.

2- Executive and practical guarantees: One of the elements of the national bond between the state and its citizens is the existence of a contract based on the sound and flawless consent between them represented in the state's organs. These organs consist of three authorities, namely: the executive authority, the legislative authority, and the judicial authority, the



latter is independent and is not subject to the interference of anyone who will stand before it to judge for them or against them. This is because it should enjoy impartiality and independence.

As for the executive authority, it is determined by the constitution and law of each state. As far as the legislative authority is concerned, the individuals have the choice to elect those who represent them as much as they take care of their interests. The reality of the election is that it is a contract between the elect, who are members of the people, and those who choose them to be the holder of the legislative authority to take care of their interests and rights, and to preserve their country. This is a common denominator in all the constitutions in force in Islamic countries. Although it is not literally derived from Islamic Sharia, it does not depart from its principles and does not contradict its rulings. It is considered a contemporary application of what was previously





decided by the jurists as they define the parameters of the relationship between state authorities, specifically between the ruler and the subjects.<sup>(1)</sup>

In conclusion, fulfilling the rights of citizenship and fulfilling its obligations is not a secondary act devoid of control, definition and accountability. Rather, they are organized legal acts and issues governed by the principles of Islamic legislation. They are also based on the general principles of human relations. These rights and duties represent the contract that is based on consensual agreement between the two parties within the national bond or the citizenship contract.

Accordingly, the contemporary constitutional and legislative organization is considered a contemporary application and derivation of the principles of Islamic Sharia. Both of them agree on the objectives, namely: to preserve the country

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(1) See: *Al-Wilaya Ash-Shar'iyah li al-Amn fi al-Haramayn al-Sharifayn*, P. 105.



and the people, not only in Egypt, but in all the countries of the Islamic world, and at the international level.

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## **Principles of Coexistence under Citizenship Rights in Islam<sup>(1)\*</sup>**

The principles or rules of coexistence in Islam can be identified by the contract between individuals, the people and the state, where everyone lives in the Islamic state and feels satisfaction with its identity and system. Coexistence is a charter that regulates relations between people in the state regardless of religious affiliations, nationality, ethnicity or anything else. It is also a contract between the ruler and the subjects, also between Muslims and non-Muslims. They must respect, obey and fulfill this charter. This charter divided into three covenants.

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(1)\* Prof. Muhammad al-Shahhat al-Jindi, Head of the Egyptian University for Islamic Culture, Nour Mubarak in Kazakhstan.



## **This charter divided into three types of bonds:**

First; The Islamic bond: this is a faith bond based on the fundamental practice of principles of belief among Muslims. Islamic bond depends on the five pillars of Islam, namely, the declaration of faith (shahada), prayer (salah), alms-giving (zakat), fasting (sawm) and pilgrimage (hajj) – and the Pillars of Faith – these pillars are believing in Allah, his Angels, his Books, his Messengers, and The Last Day.

Islamic bond is the strongest and most confirmed one, because it implies close relations among Muslims that make them supportive to each other, love each other, and be equal with each other. Each of them needs the other in matters of religion and life, as mentioned in the Hadith: “The similitude of believers in regard to mutual love, affection, and fellow-feeling is that of one body; when any limb of itches, the whole



body aches, because of sleeplessness and fever.”<sup>(1)</sup>

Through this bond, social peace prevails among members of society, and rights are fulfilled in it through the religious motifs, conscience, and hearts becomes closer. This is what the Muslims agreed upon the Almighty’s saying: ﴿And hold firmly to the rope of Allah altogether and do not become divided. And remember the favor of Allah upon you – when you were enemies and He brought your hearts together and you became, by His favor, brothers....﴾<sup>(2)</sup>

This is the clear evidence of peace and safety that prevailed between the two tribes Al-Aws and Al-Khazraj after adopting the religion of Islam, and also between some of the immigrants from the Quraysh who had enmities before accepting Islam. The value of this bond can only be realized by the one who is aware of the state of Arabs before Islam. This is why Allah (Glory be to Him)

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(1) Musnad Ahmad, Hadith no. 18380.

(2) Aal ‘Imran: 103.



said, ﴿And [He] brought together their hearts. If you had spent all that is in the earth, you could not have brought their hearts together; but Allah brought them together. Indeed, He is exalted in Might and Wise.﴾<sup>(1)</sup>

This bond resulted in strengthening the social relations and true commitment. We can see that when Umar Ibn al-Khattab assumed the position of a judge. He spent a year without receiving any cause. He asked Abu Bakr to relieve him of this post. Abu Bakr said to him: Are you tired of judiciary? Umar replied: no, Caliph of the Messenger of Allah, but I have nothing to do among those who believe in Allah. Each one of them realizes his right so they did not ask more than their rights. They also did not neglect in their duties, because they know it very well. Each of them loves for his brother what he loves for himself. If one of them is absent they check him; if he is sick, they visit him; if he is poor, they help him; if he is in need,

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(1) Al-Anfal: 63.



they help him; if he is in a distress, they console him. Their religion is based on advice, and their morals are based on enjoining good and forbidding evil, so why do they dispute?”<sup>(1)</sup>

Certainly, this report consolidates the value of faith that Islam instilled in the hearts of its followers. Islam implanted the conscience of faith in hearts and minds, so they became loving and righteous citizens with an unprecedented degree in human history. This was what happened between the Muhajireen and the Ansar. Allah said, ﴿They give them preference over themselves, even if they too are poor.﴾<sup>(2)</sup>. this bond has consolidated rights in various fields, that it surpassed the rights of contemporary citizenship.

Second bond: the bond of monotheism among the followers of heavenly religions. This bond is based on faith, which aims to create a religious

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(1) Tareekh Umar Ibn al-Khatab, p. 61.

(2) Al-Hasher: 9 .



alliance between the followers of the heavenly religions in the light of an inclusive relationship between Muslims and non-Muslims from among the People of the Previous Scriptures, and those who believe in God and the Hereafter. Allah (Glory be to Him) said, ﴿(Indeed, those who have believed [in Prophet Muhammad] and those [before Him] who were Jews or Sabeans or Christians – those [among them] who believed in Allah and the Last Day and did righteousness – no fear will there be concerning them, nor will they grieve.﴾<sup>(1)</sup>

This is a bond of faith established by the Qur'an among Muslims and non-Muslims who believe in these religions, united in believing God and the last day and the beneficial work. This is a recognition of the freedom of its followers to embrace the religion they accept, and they have the right to practice their own religious rites. In addition, they have the right to enjoy basic and

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(1) Al-Màidah: 69





human rights. They are subjects and citizens in the state, and they are one of the religious components in the society.

Islamic texts also established the right of equality for non- Muslims. They share with Muslims the duty of worshipping Allah and monotheism. The Almighty Allah said, “O People of the Scripture, come to a word that is equitable between us and you - that we will not worship except Allah and not associate anything with Him and not take one another as lords instead of Allah.” But if they turn away, then say, ﴿Bear witness that we are Muslims [submitting to Him]﴾.<sup>(1)</sup> They are all subject to Allah, equal in legal status, have the same citizenship, and all are equal before the law.

Islam always approve the basic material and moral rights. Allah (the Most High) said, ﴿Allah does not forbid you from those who do not fight

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(1) Aal 'Imran: 64.



you because of religion and do not expel you from your homes – from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly. ﴿١﴾ “Being righteous toward them,” implies giving them their rights which include peaceful coexistence. Shari‘ah proofs supports this attitude, as it was applied and called for by the Prophet (PBUH) in more than one occasion. ﴿٢﴾ This clearly implies the good treatment for non-Muslims and having peaceful coexistence with them. From that we conclude that the right of coexistence with them and the fulfillment of their rights without distinction or discrimination are a religious and social duty, that applies to all different fields of life.

Third bond: The national bond applied with all the people in the state from among the followers of man-made beliefs. It is a bond imposed by the national interest and the fact of being partners

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(1) Al-Mumtahnah: 8.

(2) Sunan Ibn maga , the Book of Mortgage, Hadith no. 2436.



in the same homeland, a matter which is not limited to Muslims and the followers of Heavenly religions, but it extends to cover others who live in the state and have loyalty to it. Their presence in the state and their affiliation with it historically, geographically, ethnically, nationally, or any other connection makes them partners with Muslims in this country. Those citizens who reside or live in the state are subjects of the Muslim state, and they are partners in it. Their affiliation with the state is an ancient, original and not accidental. Rather, it is their right and an obligation on the Muslim state to fulfill the covenant of citizenship to them. They must hold its nationality, and citizenship rights are guaranteed to them as long as they are loyal to the state, and they preserve its Islamic system and ideology, as the Almighty Allah said, ﴿So as long as they are upright toward you, be upright toward them. Indeed, Allah loves the righteous [who fear Him].﴾<sup>(1)</sup>

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(1) Al-Tawbah: 7.



Those who reject this principle saying, “The belief of this group completely contradicts the Islamic beliefs, so, how would they engage with Muslims in the state and enjoy with the right of citizenship?”<sup>(1)</sup> This objection is not consistent with the purposes of Islam and its universal philosophy that is based on the freedom to choose religion as long as one respects the public order. Islam is a universal religion in its nature, accessible for all humanity, and respects their differences. Islam accepts such partnership and acts with those citizens according to the principle of common ground, cooperation and confronting enmity and hatred among peoples of the world. This is a deeply rooted principle in Islam as the Almighty Allah said, ﴿And we have not sent you except comprehensively to mankind as a bringer of good tidings and a warner.﴾<sup>(2)</sup> Also, Allah said,

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(1) Ibn Hazm, *Al-Fisal fi al-Milal wa al-Ahwaa wa al-Nihal*, vol. 2, p. 17.

(2) *Sabà*: 28.



﴿Excepted are those with whom you made a treaty among the polytheists and then they have not been deficient toward you in anything or supported anyone against you; so complete for them their treaty until their term [has ended]. Indeed, Allah loves the righteous [who fear Him].﴾<sup>(1)</sup>

Imam Ali said, ﴿People are of two types: a brother in your religion or your brother in humanity.﴾<sup>(2)</sup>

From that we conclude the following:

1. When non-Muslims who adhere to their religions, without being hostile to Islam choose to coexist in the Muslim state, this choice motivates them to work cooperatively. So, they become entitled to enjoy the national bond which is guaranteed for all the partners of the homeland. One of the results of coexistence

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(1) Al-Tawbah: 4.

(2) Nahj al-Balaghah, p. 211.




is building the national unity without barriers or obstacles whether these barriers are: the religion, gender, race, language, or nationalism. The Glorious Qur'an stated that Muslims should secure the polytheists who got a security of the covenant, as Allah said, ﴿(And if any one of the polytheists seeks your protection, then grant him protection so that he may hear the words of Allah. Then deliver him to his place of safety.﴾<sup>(1)</sup>

2. Islam respects the value of the homeland. When any territory joins the Muslim state, this does not change the demographic structure in it, this does not allow the authority to expel anyone who chooses to adhere to his belief, or to drive him out of the state. This compulsion is rejected by the Shari'ah. The Almighty Allah said, ﴿And if we had decreed upon them, "Kill yourselves" or "Leave your

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(1) Al-Tawbah: 6.



homes,” they would not have done it, except for a few of them. But if they had done what they were instructed, it would have been better for them and a firmer position [for them in faith]. ﴿<sup>(1)</sup> “Leaving one’s homeland” is a crime equal to killing an innocent person, which Allah has forbidden. This means that adherence to the homeland is an inherent right that cannot be violated.

3. The Muslim state, throughout ages, has maintained the demographic nature in the countries and regions it reached, considering their peoples a part of the Muslim people, and granted them citizenship even if they were following a different faith. The proof of this is what happened in Medina with some idol worshipers, and what the Rightly-Guided Caliphates did, then the Umayyad and Abbasid States. Non-Muslims -regardless of their sects,

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(1) Al-Nisà: 66.



racés, ethnicities and nationalities- mixed with Muslims, and all of them formed the people of the state.<sup>(1)</sup>

Finally, the adherence to the identity of the Islamic nation or world does not negate citizenship. The misconceptions promoted by some radical movements and groups about the relationship with non-Muslims inside and outside Muslim homelands, must be corrected, as these groups express only their evil thoughts, which do not actually represent the genuine understanding of Islam.

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(1)Morgan, *Lost History: The Enduring Legacy of Muslim Scientists, Thinkers, and Artists*, p. 16.






## **The Role of Military Forces in Establishing the Rights of Citizenship<sup>(1)\*</sup>**

Citizenship is a mutual relationship between citizen and the state, according to which the state provides social, economic and politic rights to its citizens. The state also imposes a set of obligations that lead to the provision of all main needs to the individuals, so that the citizen gives the public interests preference over personal ones.

The individual became a citizen when he feels the affiliation toward his nation, and this is the main aim of any country. Therefore, the governmental and non-governmental institutions in the state intervene using all the means to establish the value of citizenship.

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(1)\* Major General/ Ayman Ezz al-Din Hashish, Advisor to the Nasser Higher Military Academy & Faculty member at the National Defense College.



## Values of citizenship

These are a set of rules that govern the relation between the state and its citizens. This set implants within the individual a sense of patriotism and belonging to the homeland, in order to make the individual knows his responsibilities, and gives these responsibilities precedence to any ethnic and cultural differences.

### **Military society and the establishment of citizenship**

- The individual is an important component in building any state. As long as this component remains strong, the whole society will be strong. Military life is a social institution that cares about the individual, raises his level and provides him with all his needs. At the same time, the individual carries out his duties in the light of a set from a strict military laws and regulations.



- Military society has a special characteristic that distinguishes it from other social institutions. It is an organized and disciplined society, that has its hierarchical order in a very accurate manner that allows the leader to control his members and monitor their behavior.
- Family plays the most important role in shaping the life of the individual. The family cares for the child from the beginning of his life, shaping his behavior and his personality. It also helps him to know the value of his state and its beliefs and the good behavioral patterns that contribute much to the process of control in the society.
- When a child reaches his young age, he reaches the top of his physical and mental strength. Young people are the backbone of any country and they play an effective role in developing their country. They join military service and leave their families and civil society. They must adapt to military life and play a role in this new society.



- Individuals in the military community wear the same uniform and are distinguished from one to another only by seniority in joining its rank. They are equal in rights and the performance of their duties regardless their religions, cultures, educations and the places where they live. Only the national moral commitment is the criterion of the system of rights and duties.
- To be a citizen means to be a socially connected to your heritage, history, culture and country. Therefore, the armed forces adopt a culture policy implemented by department of moral affairs through holding awareness meetings in the units. These awareness meetings contribute to increase one's knowledge, correct misconceptions and develop a sense of belonging and identity. This makes individuals gain an accumulation of knowledge and their awareness of their duties towards the society increases.



## **Principles to enhance citizenship in the military society**

In order to prepare a good citizen according to the Egyptian values, certain rules are set in the military society, including:

- Working together and participating in performing duties.
- Rejecting terrorism and ignoring any religious or cultural differences among individuals.
- Giving the public interest a priority over personal interest, and adhering to principles of ethics and discipline.
- The nature of the exercises -both practical and theoretical- instils within the individual the love of the land in which he lives, and urges him to play an active role in building and protecting his own country, and sacrifices his life for its sake.

The constitution enhances the role of the armed forces to establish the value of citizenship to include the civil society:



The role of the armed forces has extended to include supporting the State in development projects, and to intervene strongly to prevent the monopolization of goods in order to fulfill the needs of citizens regardless their religious beliefs, intellectual beliefs and political affiliations. Article (200) in the Egyptian constitution states that: (The armed forces belong to the people. Their duty is to protect the country, and preserve its security and territories. The state is exclusively mandated to establish armed forces. No individual, entity, organization or group is allowed to create military or para-military structures, groups or organizations.).

This article aims to consolidate the armed forces role in protecting and preserving the constitution and the principles of democracy, and preserving the state's civility. These forces stand always with the people, support its choices, and preserve the viability of the state and its institutions.



## **Implementing the citizenship rules within the military society:**

- **Affiliation:** Engaging in military life **makes** the individual has a sense of his identity, be proud of his country, and he works sincerely to defend it.
- **Rights:** The armed forces provide all the privileges to its members including health care, food, drink, and clothing.
- **Duties:** It is to implement the laws and regulations, defend the state and sacrifice oneself for the sake of the state.
- **Society participation:** Individual's participation in the affairs of his society and the achievement of its renaissance through the participation of the armed forces in development projects, because neglecting such participation opens the way for those who do not carry the values of citizenship to tamper with the interests of the nation.



- Public values: It means that the individual carries good morals (honesty, sincerity, honesty, etc.), and these values are the basic characteristics of the military personnel.

At the end, the armed forces accommodate the participation of all members of society in the structure of a strong army that defends the state and participates in development plans.

Active citizenship requires the availability of basic qualities among citizen that make them influential figures in public life. The armed forces recruit millions of young people and melt them into one entity filled with loyalty to their homeland. Armed forces are the main source to supply the state with a good citizen who represents the greatest supporter of development plans. Therefore, the armed forces play a leading role towards internal stability, providing the appropriate climate for development, in addition to its primary role in protecting the homeland.

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## **Tolerance and its Effect on International Relations<sup>(1)\*</sup>**

Islam attempts to raise the value of tolerance, unity and human cooperation; it calls for love and solidarity, rejects all forms of fanaticism, and directs its followers to the path of goodness and honor. Islam attempts to reconcile between conflicting people and gather them under the bond of tolerance and interdependence, without differentiating between them, but foster equality between everyone in rights and duties. History shows how Islam has achieved these teachings and established the principle of tolerance in a wonderful and clear picture that carries a clear indication of the greatness of Islam's tolerance, a tolerance that no one can deny unless he hates the truth.

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(1)\* Prof. Usamah al-Abd, Secretary General of the Association of Islamic Universities.



Islam is a universal call for all the mankind. It attempts to promote justice and good conduct and forbid immorality and bad conduct and oppression. It is a call for peace and positive coexistence among all the people regardless of their nationalities, colors and beliefs. All the mankind created from one soul, as the Almighty Allah said, ﴿O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allah, through whom you ask one another, and the wombs. Indeed Allah is ever, over you, an Observer.﴾<sup>(1)</sup>

### **World's need for tolerance:**

Our world is in a dire need for tolerance and active coexistence among humans. Cultures are coming to be closer to one another, and the interaction between civilizations increases day by day given the information and technological

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(1) Al-Nisà:1.



revolution which turned our world into a big village.

through its principles and teachings, Islam seeks to promote tolerance towards all cultures and religions. Allah made humans vicegerents on earth as they are responsible for developing land materially and morally. Allah said, ﴿He has produced you from the earth and settled you in it.﴾<sup>(1)</sup> This means that Allah asked us to develop the earth and create civilization. In it in order to fulfill our duty and carry out our responsibilities in this life, Allah gives us mind and armed us with science.

The Glorious Qur'an directs its speech to human mind, which is the greatest blessing from Allah for man. At the same time, the Qur'an asks man to make use of his freedom that Allah has given him, which represents the ground for his responsibilities, commanding him to abuse it to harm others.

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(1) Hud: 61.



Freedom drives man to help others practice their freedom because they enjoy the same rights he enjoys. This means that human world we seek to have will not go on the right path except when tolerance prevails among its members, every individual shall love for his brother which he loves for himself.

### **Religious tolerance:**

Interreligious dialogue will not succeed unless tolerance prevails among those practicing it. Islam aims to promote tolerance among religions by making it an essential element in the Islamic beliefs. All heavenly religions, from Islamic perspective, represent connected circles of one religion, as the Almighty Allah said, ﴿The Messenger has believed in what was revealed to him from his Lord, and [so have] the believers. All of them have believed in Allah and His angels and His books and His messengers, [saying], ﴿We make no distinction between any of His messengers.”



And they say, “We hear and we obey. [We seek] Your forgiveness, our Lord, and to you is the [final] destination.”<sup>(1)</sup>

When it comes to interreligious dialogue, the attitude of Islam is marked with complete openness to the other. From its beginning, Islam approved religious and cultural diversity, as it was clear and evident in Medina society that was established on religious and cultural diversity after the immigration of Prophet Muhammad. After that, Muslims practiced religious and cultural pluralism practically over their history.

Over history, Muslims did not force anyone to accept Islam. One of the principles in Islam is to approve religious freedom to others. The Almighty Allah said, ﴿There shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong.﴾<sup>(2)</sup> Al-

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(1)Al-Baqarah: 285.

(2) Al-Baqarah: 256.



lah also said, ﴿So whoever wills - let him believe; and whoever wills - let him disbelieve.﴾<sup>(1)</sup> One of the basics principles in Islam in dealing with the people of the Previous Scriptures is, “They enjoy the same right that we enjoy, and have the same duties that er have.”

### **Islamic tolerance in the relationship among Muslims:**


Islam is keen to foster tolerance and forbearance among all categories in Muslim state. Examples of this include:

- 1- Relations among Muslims in general: Islam has made a strong bond among Muslims who firmly believe in Allah. The Almighty Allah said, ﴿The believers are but brothers, so make settlement between your brothers. And fear Allah that you may receive mercy.﴾<sup>(2)</sup> Al-Bara’

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(1)Al-Kahf: 29.

(2)Al-Hujurat: 10.



Ibn ‘Azib reported: The Messenger of Allah (PBUH) commanded us to do seven things: to visit the sick, to follow the funeral (of a dead believer), to invoke the Mercy of Allah upon one who sneezes (i.e., by saying to him: Yarhamuk- Allah), to support the weak, to help the oppressed, to promote the greeting of ‘al-Salamu ‘alaykum’, and to help those who swear to do something to keep their oaths.”<sup>(1)</sup> Abu Hurairah reported that the Messenger of Allah (PBUH) said, “By Him in Whose Hand my soul is! You will not enter Jannah until you believe, and you shall not believe until you love one another. May I inform you of something, if you do, you love each other. Promote greeting amongst you (by saying al-salamu ‘alaykum to one another).”<sup>(2)</sup>

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(1) Sahih al-Bukhari, the Book of “Seeking Permission,” Hadith no. 6235.

(2) Sunan Ibn Majah, The Book of “Etiquettes,” Hadith NO. 3692.



2- Relations with women: Islam honors the woman in all stages of her life, whether she is a daughter, a sister, a wife and a mother. It protects her from anything that hurts her dignity and tempers her shyness. Islam orders men to deal kindly with women. Abd Allah Ibn Umar reported that the Messenger of Allah (PBUH) said, “The best of you are those who are the best to their wives.”<sup>(1)</sup> It was narrated that Anas said, “The Messenger of Allah (PBUH ) said, ‘In this world, women and perfume have been made dear to me, and my comfort has been provided in prayer.’”<sup>(2)</sup> Umm al-‘Alaa reported that the Messenger of Allah (PBUH) visited me while I was sick. He said: Be glad, Umm al-Alaa’ for Allah removes the sins of a Muslim for his illness as fire removes the dross of gold and silver.”<sup>(3)</sup>

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(1) Sunan Ibn Majah, The Book of “Marriage,” Hadith no. 1978.

(2) Sunan al-Nasai, The Book of “Kind Treatment of Women,” Hadith no. 3939.

(3) Sunan Abu Dawud, The Book of “Tribute, Government, and Spoils,” Hadith no. 3093.





Is there anything indicates tolerance in the treatment of women more than such expressions of goodness, love, and the Prophet's (PBUH) visiting patient women?!

3- Relations with Muslims children: Childhood is an important stage it represents a very important category in society. If this stage received the due care and education it would produce a good generation that would contribute in the progress and advancement of the society.

Given the significance of this stage, Islam put much attention to children, showing the most proper manner that suits them. It is a manner based on kindness and tolerance. This is understood from the words of Allah on the tongue of Luqman, as he directs his son to the right path in a kind and tender manner saying, ﴿And [mention, O Muhammad], when Luqman said to his son while he was instructing him, 'O my son, do not associate [anything] with



Allah. Indeed, association [with him] is great injustice.’ ﴿١﴾

There are many Hadiths reflect this kindness and good treatment. Anas Ibn Malik said that “Once he was walking with the Prophet (PBUH). They met children, so the Prophet (PBUH) greeted them.”<sup>(2)</sup> Abu Qatadah narrated that the Messenger of Allah (PBUH) said, “Be kind to your children, and perfect their manners.”<sup>(3)</sup> Also Abu Qatadah said, “I saw the Prophet leading the people in prayer with Umamah -daughter of Abu al ‘As- on his shoulder. When he bowed, he put her down, and when he got up after the prostration, he put her back.”<sup>(4)</sup>

This is the verbal and practical Prophet guidance in treating children, which implied tolerance, kindness and sympathy.

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(1) Luqman: 13.

(2) Sahih Muslim, The Book of “Greetings,” Hadith no. 2168.

(3) Al-Mundhiri, Al-Targheeb wa al-Tarheeb, vol. 3, p. 86-87.


(4) Sahih Muslim, The Book of “Mosques and Places of Prayer, Hadith no. 1241.



## **Tolerance in the relations with non-Muslims:**

Tolerance in dealing with non-Muslims has two aspects:

- 1- Muslims relation with the People of the Previous Scriptures: Islam is keen to spread global peace between Muslims and all peoples, and between Muslims and those who believe in God the Almighty, even if they follow another religion. Allah said about Jews, ﴿Indeed, We sent down the Torah, in which was guidance and light. The prophets who submitted [to Allah] judged by it for the Jews, as did the rabbis and scholars by that with which they were entrusted of the Scripture of Allah, and they were witnesses thereto. So do not fear the people but fear me, and do not exchange my verses for a small price. And whoever does not judge by what Allah has revealed - then it is



those who are the disbelievers. ﴿<sup>(1)</sup> Allah also said about Christians, ﴿And we sent, following in their footsteps, Jesus, the son of Mary, confirming that which came before him in the Torah; and we gave him the Gospel, in which was guidance and light and confirming that which preceded it of the Torah as guidance and instruction for the righteous. And let the People of the Gospel judge by what Allah has revealed therein. And whoever does not judge by what Allah has revealed - then it is those who are the defiantly disobedient. ﴿<sup>(2)</sup>

The Messenger and his companions set the most wonderful examples of tolerance in the relationship with the People of the previous Scriptures. For example, the Prophet (PBUH) used to accept invitation from the People of Book, visit them, console them in their calamities, visit their patients, and hold different transactions

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(1) Al-Mâidah: 44.

(2) Al- Mâidah: 46-47.




with them. He would borrow money from them. This was not because of the poverty of his companions, as many of them were wealthy, and all of them would be happy to lend the Messenger of Allah. However, he (PBUH) did do to teach his nation to practically confirm what Islam calls for in terms of peace and harmony.

The Companions understood this tolerant approach with the People of the Scripture, and they followed this approach. During the caliphate of Abu Bakr al-Siddiq, Khalid Ibn al-Walid made a treaty with the people of al-Hira not to demolish their churches or fort. They would not be prevented from striking their bells, or taking out crosses on the day of their fest, provided that they would support the disbelievers against Muslims, and not to spy for the interest of disbelievers. The Treaty stated that the elders who are unable to work are exempted from tribute, and in addition, they would be assisted to provide for their families from the Muslim treasury as long as they reside with Muslims.



Early Muslims who speared across the land followed this attitude. They lived with the sons of other nations including the Romans, the Persians, the Turks, the Daylams and the Berbers in tolerance, without rejecting any pattern of living or custom, as long as it does not contradict the Islamic creed or rituals. Such tolerance is not strange in Islam, as it is the religion of mercy, and its Prophet is the Messenger of mercy, and everyone who follows his approach will be guided by mercy to the straight path of Allah.

2- Muslims relationship with polytheists: Islam is religion of mercy to all the mankind regardless their religions. Islam calls its followers to treat those who do not fight Muslims kindly and justly. The Almighty Allah said, ﷻAllah does not forbid you from those who do not fight you because of religion and do not expel you from your homes - from being righteous toward them and acting justly toward them.



Indeed, Allah loves those who act justly.﴿<sup>(1)</sup>﴾  
The Relationship between Muslims and polytheists is marked by tolerance and peace as long as they do not attack Muslims, their religion or lands.

This is the approach of Islam in tolerance. Therefore, good treatment, friendly relations, and pure ties are an established feature of man's good nature and close relation with his Lord and with all people.

At the end, Muslims in every State must respect the rights of non-Muslims. All people must know that Islam and its Prophet (PBUH) have treated non-Muslims in good way which is based on tolerance and leniency because they are partners in humanity and the homeland. Hence, we became sure that Islam is the religion of tolerance and it does not carry any hatred and aggression to non-Muslims.

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(1) Al-Mumtahanah: 8.



Indeed, our religion is a religion of tolerance that directly affects souls, and thus it is reflected on the relations between individuals, groups and countries.

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