

Appointment of Non-Muslims on Vital Positions in a Muslim state

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Abstract:

In an Islamic state Non-Muslim habitants are able to get a lot of religious and social rights. On the basis of these rights they can spend their lives as free citizens of a Muslim state and also can practice on their religious beliefs. Islam instructs its followers to present the best example of the beauty of behavior by developing social relations and ties with non-Muslim subordinates. In the same way the non-Muslims in an Islamic state are allowed to establish social ties with Muslims. Muslims should have a distinction between the hostile non-Muslims and non-hostile non-Muslims and have kind behavior with the ones that never caused them harm. There are some official and non-official designations In an Islamic state. On those positions capable and eligible persons should be appointed. Now the question is whether non-Muslims who live in an Islamic state can be appointed on those positions or not? In this paper two types of designations are discussed, important official designations and non-official designations which are related to administration.

According to the Islamic point of view, the official designations of any citizen regardless of being Muslim or non-Muslim are not their rights, but entrusted to them and should be handed over to the people who are eligible and live up to all the terms and conditions of the designation. It is the decree of Allah that:

﴿إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا﴾⁽¹⁾

“Allah commands you to deliver trusts to those worthy of them.”

The well-known *Mufassir Abu Hayān Andulasi* and some other *Mufassirs* in the interpretation of this verse have copied this statement of *Ibn Abbās*:

”نزلت في الأمراء ان يؤدوا الأمانة فيما ائتمهم الله من امر رعيته“⁽²⁾

“This verse has ascended about the rulers in which they have been given a decree that Allah have entrusted them about their subjects and they shall hand over what is entrusted to the responsible.”²

Ibn Taimiyāh in the interpretation of this verse states:

"فيجب علي ولي الأمر ان يولي علي كل عمل من اعمال المسلمين اصلح من يجده لذلك
العمال"⁽³⁾

"It is necessary for a ruler that among the things of trust of Muslims (in designations), the each of responsibility (in designations) should be granted to the most eligible person among the ones available."

Therefore, giving official designations and positions to the eligible person is returning them what was entrusted. Granting any position or designation only on the base of political, racial, national or family standards, is not right.

Maulāna Moudūdī regarding this writes:

"One of the basic errors of *Banī Isrāel* was that in their time of the peak, the things entrusted, namely the designations of responsibility, religious affairs and political leadership were given to the people who were illegible, people of lesser minds, ill mannered, dishonest and characterless. As a result, in the leadership of heinous people, the whole nation went on the path of corruption. Muslims are being instructed that they shall not do the same and the things of trusts should be transferred to the one that are eligible. The ones who are worthy and able to take bear the weight of trust."⁽⁴⁾

The importance regarding the trust and responsibility of official designation can be guessed from the following hadith:

"عَنْ أَبِي ذَرٍّ، قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ، أَلَا تَسْتَعْمِلُنِي؟ قَالَ: فَضْرَبَ بِيَدِهِ عَلَى مَنْكِبِي، ثُمَّ قَالَ: «يَا أَبَا ذَرٍّ، إِنَّكَ ضَعِيفٌ، وَإِنَّهَا أَمَانَةٌ، وَإِنَّهَا يَوْمَ الْقِيَامَةِ حِزْبِي وَنَدَامَةٌ، إِلَّا مَنْ أَخَذَهَا بِحَقِّهَا، وَأَدَّى الَّذِي عَلَيْهِ فِيهَا»⁽⁵⁾

It has been narrated on the authority of Abu Dharr who said: I said to the Prophet (ﷺ): Messenger of Allah, will you not appoint me to a public office? He stroked my shoulder with his hand and said: Abu Dharr, thou art weak and authority is a trust. and on the Day of judgment it is a cause of humiliation and repentance except for one who fulfils its obligations and (properly) discharges the duties attendant thereon.

The *Prophet* tapped famous *Sahābi*, *Miqdām Bin Ma'di Karb* on the shoulder getting his attention not to accept the designation.⁽⁶⁾

This is a principle that any political or administrative post according the fair justice to the person who is eligible and lives up to the terms and conditions. In an Islamic state,

there are some designations that are related to the preaching and distribution of *Shariā* and being a man of faith and Muslim is the fundamental condition to be an officer for that. Whereas entrusting that office to a non-Muslim is intellectually and documentarily unjust, is also a kind of abuse having him do a job that is against his faith. The biggest purpose of Islamic government is to establish the Islamic system and its legal orders. For this, in many fields of government, the acquaintance with Islamic instructions is necessary.

An Islamic state is an ideological state and in any ideological state the key designations are given only to those people or citizens who accept that fundamental ideology. In an ideological state, the merit is not just a name for academic eligibility and capacity but the ideology upon which the state is established, understanding the spirit of that and applying it with complete honesty is a compulsory part as well. In Islamic state, there are some key designations of which possession; it is the necessary for the candidate to be a Muslim. For Instance, for the leader of Islamic state namely the *Khalifātūl Mūslimin* the conditions the *Fuqahā* have declared, being a Muslim is on the top of those conditions and legislature. It is obvious that a citizen does not possess that characteristic, is not eligible for *Khilāfāh* either. Islamic state according to its nature is a principle state. It is necessary regarding the matters of principle and *Shariāh* that its leader is a practice example of Islam and is prominent according to religious character or at least should be living up to the conditions for a pious believer. Allah says:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ﴾⁽⁷⁾

“Believers! Obey Allah and obey the Messenger, and those from among you who are invested with authority.”

According to *Fuqahā* and *Mufassarin* “*Ulū al Amar*” means the leaders and officials. And in the verse “*Minkum*” word explains that it is necessary for “*Ulū al Amar*” to be from the people of faith. According to many verses and decess of *Qurān* the non-Muslims are not allowed into secrecy of the national affairs, then how a non-Muslim can be allowed to be a leader of *Khalifā*. The biggest purpose of Islamic state is to enforce the Islamic system and the person who does not believe it at all, how will he enforce and establish it. No nation in the world will allow anyone on a post of responsibility that refuses to believe its basic constitution. The same applies for being a member of *Majlis e Shurā* or in the modern language, the national assembly. Even regarding that, the words of *Qurān* are: “Include them in consents about religious

affairs.”⁽⁸⁾ And “who conduct their affairs by consultation.”⁽⁹⁾ In Islamic state, in the affairs of national assembly the interpretation and description of the latest problems and establishment of practical approach of Islamic establishment is included. So the person who is not even a Muslim, how can he be given that important responsibility? For every ideological state, admitting to the fundamental ideology of the state is necessary. For that it is necessary for the ambassador of *Muslim Ummah* to have resolute faith on the commands of *Tauhid*, the prophet hood, and *Qurān* and *Sunnāh*. The same way, being Muslim of the governor is necessary as well. *Allāmā Māwri* regarding its qualities and condition writes:

“ويعتبر في تقليد هذه الوزارة شروط الإمامة”⁽¹⁰⁾

“For the position of prime minister the conditions are same as for the *Imām and Khalifā*.”

Therefore, all the key designations and posts for which Islam is necessary for the eligibility or if that post is about the establishment of Islam or policy, will not be allocated to non-Muslims. In this regard, *Fuqahā* have recognized the following principle:

“أَمَّا الْأَشْغَالُ وَالْوُظَائِفُ الْعَامَّةُ، فَمَا يُشْتَرَطُ فِيهِ الْإِسْلَامُ كَالْخِلَافَةِ، وَالْإِمَارَةِ عَلَى الْجِهَادِ، وَالْوِزَارَةِ وَأَمْثَالِهَا، فَلَا يَجُوزُ أَنْ يُعْهَدَ بِذَلِكَ إِلَى ذِمِّيٍّ، وَمَا لَا يُشْتَرَطُ فِيهِ الْإِسْلَامُ كَتَعْلِيمِ الصِّغَارِ الْكِتَابَةَ، وَتَنْفِيذِ مَا يَأْمُرُ بِهِ الْإِمَامُ أَوْ الْأَمِيرُ، يَجُوزُ أَنْ يُمَارَسَهُ الذِّمِّيُّونَ”⁽¹¹⁾

“About the political positions and affairs, the ones that have condition of Islam, for example the leadership of *Jihād*, *Wazārāh*, and such key posts, they cannot be allocated to any *Dhimmī* and the posts that do not have the condition of Islam such as teaching the children reading and writing, or enforcing any decree of *Imām* or *Amir*, can be employed by *Dhimmīs*.

Dr. Yusuf Qardāvi about assigning the political posts to the non-Muslims states:

Dhimmīs just like Muslims have a right to assume any political office except the institutes that deal with religious affairs, or example the leadership, ruling the state, leading the arms, court of justice among Muslims and distribution of the charity etc. Hence, the leadership or the *Khalifā* in *Deen and Duniyā* is the name of *Khalifā* and lieutenancy of the *Prophet* and it is not allowed for anyone else than Muslims to be *Khalifā* or the lieutenant of the *Prophet*. Neither it is possible for a non-Muslim to

establish the system of Islam and operating this. In the same way, the leadership of the army is not just a job of citizenship or nationality but it is one of the basic duties from the *Ibādāh* of Islam because *Jihād* is considered one of the highly regarded duties in Islam. The court of justice among Muslims means the decisions of the Islamic *Sharāh* nature and it cannot be asked of a non-Muslim to hold the decision of such things that he does not even believe in. The same conditions apply on the collection of charity and such religious affairs.⁽¹²⁾

The reason behind not giving non-Muslims the key affairs is the principles constitution of an Islamic state from *Quran & Sunnāh* and no state in the world can go against its constitution. Considering this principles, the *Rāshid* caliph *Umar Farooq* in his letter to his functionaries wrote:

أَمَّا بَعْدُ، فَإِنَّهُ مَنْ كَانَ قَبْلَهُ كَاتِبٌ مِنَ الْمُشْرِكِينَ فَلَا
يُعَاشِرُهُ وَلَا يُوَارِزُهُ وَلَا يُجَالِسُهُ وَلَا يَعْتَضِدُ بِرَأْيِهِ، فَإِنَّ
رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يَأْمُرْ بِاسْتِعْمَالِهِمْ،
وَلَا خَلِيفَتُهُ مِنْ بَعْدِهِ. (13)

“After the Exalt and Salutation! The functionary who already has a secretary from infidels, should not keep them along regarding the governing affairs and neither make them minister and nor make them sit near and should not (blindly) trust and verily, the *Prophet* did not consigned them any official position and neither *Abū Bakar*, the caliph after.”

About not giving the non-Muslims the official posts, what was the methodology of *Umar*, can be guessed through these incidents:

1: *Wasq Rūmi* says: I was a slave of *Umar Bin Khatāb*. He used to ask me to ‘Become Muslim. That if you became Muslim, he would assign me some position of trust regarding Muslims as it is not right for me to assign a non-Muslim on the posts of trust about Muslims.’ But I did not embrace Islam. And then he used to say ‘No compulsions in Islam.’ And when the time of his death came, he freed me and told me to go wherever I wished to.⁽¹⁴⁾

2: Once, *Umar* was told that a Christian man from *Hirāh* is a very good writer and calligrapher. It would be better if he kept him as secretary. *Umar* replied that he would not make any non-Muslim the secretary over Muslims leaving other people of faith behind.⁽¹⁵⁾

3: Once *Abū Mūsā Ash'ari* sent a letter to the court of *Farooq* in which it was written that in *Basrā* no one can post the accounting of tribute better than a Christian. Regarding that requirement, that Christian should be allowed to be assigned as caretaker of the collections. Umar replying that letter order him to stop from doing so and asked to think as if that Christian has died. And make the arrangement if there were in the case of his death.⁽¹⁶⁾

Allāmā Shiblī writes in “*Al Farooq*” has discussed the consenting with *Dhīmmīs* regarding the state affairs in the chapter “The Rights of *Dhīmmīs* Subjects”:

“A massive right that the subjects could attain is that they should be allowed into the state affairs. *Umar* never took actions without these arrangements. When the states of *Iraq* took place, the non-Arab superiors were summoned and the financial affairs were discussed. The arrangements that were made in Egypt, the opinion of Cyrus were acquired.”⁽¹⁷⁾

The same way, at the time of Umar, the non-Muslims were recruited into army as well. *Allāmā Mausūf* discussing the “Affairs of Forces” of *Umar* has written that in the army of *Umar*, the non-Arabs such as Romans, Indians and Jews were included as well. Then telling the names of some non-Muslim officers have also written that they earned the proper salaries. More he writes:

“Jews and Romans soldiers were in the armies as well. Consequently in the conquest of Egypt, five hundred soldiers from them took part and when *Amr Bin Al Aās* populated Fustat, they habituated different towns. This sequent did not lack Jews either and a thousand men from them were a part of Islamic forces at the time of conquest of Egypt. Moreover, the flexibility that *Umar* gave the art of war, no other country had that specialty that even that there was no discrimination regarding nation or religion. In the volunteer army, even thousands of Zoroastrians were the part who got the same benefits as Muslims.”⁽¹⁸⁾

One of the thinkers of the contemporary age, *Syed Maudūdi* has enlightened the aforementioned topic candidly. Discussing this matter he writes:

“As a key principle we can say that the services which were related to making the policies and controlling the institutes are all the key positions and in a principle system can give only to those people who truly believe its ideology. Excluding these services,

all the other system and administrative posts can be assigned to the eligible people according to their capacity, for example there is no objection appointing them as Accountant General or Chief Engineer or Post Master General. The same way in the army, only the military services will be considered as reserved posts whereas the other military fields that are not directly related to battle and warfare would be open to *Dhimmīs*.⁽¹⁹⁾

The same way, *Syed Maudūdi* explains the logical reason of not giving the key position to *Dhimmīs*:

“In Islamic government, any non-Muslim cannot be the possessor of any key position such as President, Prime Minister, Chief of Arms, or Judge where he can be directly the part of governing policies. The reason of that is not any religious bias but the clear and direct reason of it is that Islamic state is based on an ideology and can only be given to the person who truly understands that and believes in its truth and accuracy. Islamic state consequently is based on sincerity and honesty so it does not like to emerge the mercenary spirit in its non-Muslim subjects. On the contrary it says, that if you understand our ideology and principles right and openly embrace its authenticity, the chances of being a part of the governments are open to you and if you do not believe in its authenticity, then do not come only for the sake of filling your belly and growing your status to run and promote the system that you consider wrong in your faith.”⁽²⁰⁾

Syed Moududi also on the rights of *Dhimmīs* regarding the exception from military affairs has written:

“*Dhimmī* soldiers are exempted from the service and the protection of the borders from the enemy is duty only for the Muslims. The reason of that is that the state that is found on an ideology, for that only those people can and should fight who truly believe in that ideology. Then only they can also follow the rules and regulations of the war. Other people if would fight to protect the states, they would just fight as mercenaries and would forget to follow the ethical rules and regulations established by Islam. That is why Islam has excluded the *Dhimmī* soldiers from the war and only the duty of taking part on the essentials for protection has been set. This is the actual status of tribute. That is not only the sign of submission but also the alternative for military services and the compensation for the protection of the country. The tribute is only asked of the men who are able to fight, and if for some reason Muslims are not able to protect the *Dhimmīs*, the tribute will be returned.”⁽²¹⁾

Allāmā Muhammad Asad as well is in favor of not assigning non-Muslim citizens onto the key posts such as Ruler of the State. He writes:

“Although this reality can be accepted that a non-Muslim citizen can be rich with the qualities of honesty and can prove to be completely loyal to the Islamic state, however, based on psychological aspects, it is futile to expect such thing from them that he will with true fulfill the duties regarding Islamic ideologies and neither ethically it can be expected from them. Can it be imagined of a non-capitalist will be given a political or key post?⁽²²⁾

The official designations for non-Muslims

The posts that are related with the administrative affairs can be allocated to non-Muslims as long as the live up to the criteria of eligibility. In that matter, the principle of *Fuqahā* is:

"وَمَا لَا يُشْتَرَطُ فِيهِ إِلَّا سَلَامٌ كَتَعْلِيمِ الصِّغَارِ الْكِتَابَةَ،
وَتَنْفِيذِ مَا يَأْمُرُ بِهِ الْإِمَامُ أَوْ الْأَمِيرُ، يَجُوزُ أَنْ
يُمَارَسَهُ الدِّمِيُّونَ"⁽²³⁾

“And the posts and designation where the condition is not of Islam, for example teaching the children reading and writing or enforcing a decree of a leader or *Imām*, such positions can be allocated to *Dhimmīs*.”

In the *Ghazwā Badr* the non-Muslim prisoners who could not afford to pay the *Fidyāh* and knew how to read and write, the *Prophet* made their *Fidyāh* that if they taught ten Muslim children each to read and write. *Zaid Bin Thābit* got the education in the same batch.⁽²⁴⁾

Regarding allocating administrative affairs to non-Muslims, the authors of *Al Mausuātul Faqeeh al Kuwaitiyāh* have issued a *Fatwā* on under the title of '*Ist'āna*' that:

“Collectively the *Ist'āna* with non-Muslims either they are from the people of the book or the ones other than them, in the matters except of prayer and worshipping are allowed. For example reading and writing, accounting, the education of proper art and poetry, construction of Mosques and houses etcetera are not forbidden according to the Islamic legislation. In the same way, the *Ist'āna* with them regarding the religious duties such as *Adhān*, *Hajj*, teaching of *Qurān*, is forbidden. The same way the matters

in which seeking their help Islamic legislation has prevented is not allowed, such as making them rulers on Muslims or on their kinship.”⁽²⁵⁾

Allāmā Māwrđi has written in the discussion of “*Wazārāh Tanqeed*” that the secretary, between the *Imām* and their subjects and the functionaries there is only a medium. His job is only to deliver the decree and orders that *Imām* has issued. To provide information of assignment of the other officials, preparing the armies, current affairs and ominous accidents to the *Imām* and get the orders of *Imām* related to that. His job is to obey the orders of *Imām* and not to issue his own orders.⁽²⁶⁾

Dr. Yusuf Qarzāvi considers these posts among the official posts to be excluded for non-Muslims that are dominated by the religious colors and about the other designations has written:

“*Dhīmmīs* like any other Muslims have right to assume the posts with the exclusion of the ones dominated by the colors of religion such as *Imāmat*, leadership, armed leadership, and the distribution of *Qadā* and charity etc.... Other than these exceptions the administrative designations can be allocated to *Dhīmmīs* on the condition of proving their honesty, merit, and loyalty with the state and are not amongst the people with prejudice that have proven their hostility against the Muslims and the ones who come under this decree of Allah⁽²⁷⁾:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا بِيَدِيكُمْ مِنْ دُونِكُمْ لَا يَأْتُونَكُمْ خَبْرًا وَلَا دُورًا مَا عِنْتُمْ قَدْ بَدَتِ الْبَغْضَاءُ مِنْ أَفْوَاهِهِمْ وَمَا تُخْفِي صُدُورُهُمْ أَكْبَرُ ۗ قَدْ بَيَّنَّا لَكُمُ الْآيَاتِ ۗ إِنْ كُنْتُمْ تَعْقِلُونَ﴾⁽²⁸⁾

“Believers! Do not take for intimate friends those who are not of your kind. They spare no effort to injure you. Indeed they love all that distresses you. Their hatred is clearly manifest in what they say, and what their breasts conceal is even greater. Now we have made our messages clear to you, if only you can understand (the danger of their intimacy).”

From this verse, the fact also comes to light that the prevention of sharing the secrecy with non-Muslims is not non-Muslims absolute but is confined with their hatred and prejudice. If a non-Muslim does not express any hatred, he can be trusted and can be given an administrative designation.

Conclusion

It is important for the habitant of *Muslim* state to have resolute faith on the commands of *Tauhid* and the prophet hood. There are some key designations of which possession; it is the necessary for the candidate to be a Muslim. For Instance, for the leader of Islamic state the conditions the *Fuqahā* have declared, being a Muslim is on the top of those conditions and legislature. There are some designations that are related to the preaching and distribution of *Shariā* and being a man of faith and Muslim is the fundamental condition to be an officer for that. Whereas entrusting that office to a non-Muslim is intellectually and documentarily unjust, is also a kind of abuse having him do a job that is against his faith. Therefore, all the key designations and posts for which Islam is necessary for the eligibility or if that post is about the establishment of Islam or policy, will not be allocated to non-Muslims. Albeit, the posts that do not have the condition of Islam such as teaching the children reading and writing, or enforcing any decree of *Imām* or *Amir*, can be employed by Non-Muslims. The posts that are related with the administrative affairs can be allocated to non-Muslims as long as the live up to the criteria of eligibility.

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