

Muslim and non muslim laws



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Islamic law and non-Muslims Some pro-Israeli opinion cite traditional interpretations of sharia (Islamic law) which requires, among other things, that Muslim territory encompass all land that was ever under Muslim control, as a source for the Arab-Israeli conflict. Since the territory of Israel, prior to being the British Mandate of Palestine, was once part of the Ottoman caliphate, some Islamic clerics believe it is unlawful for any portion of it to remain 'usurped' by non-Muslims. By contrast, pro-Arab opinion points at the pronounced religious tolerance of the caliphates, where Christians and Jews coexisted "harmoniously" with Muslims and were granted limited self-autonomy. Resentment of Israeli Jews, this argument concludes, only emerged as a result from and after the rise of the Zionist enterprise in Palestine. Pro-Israeli views, however, often dismiss this explanation with the argument that Muslim Arab hostility towards Israel is largely derived from the sharia dictation that Jews or Christians are not to be considered equal to Muslims. Pro-Arab commentator view this as running counter to the tradition of tolerance towards "People of the Book" in Islam. They also point towards the long tradition of Palestinian Christians in their resistance to Israel and its policies, including such noted figures as Edward Said and George Habash, and the various Palestinian secular movements such as the PLO itself. In turn pro-Israeli proponents refer to a declining Christian Palestinian population (along with those of most Arab Christians) as, at least in part, a product of Muslim hostility towards non-Muslims, in general. According to a report published in December 2001 by the Foundation for the Defense of Democracies think tank. The Christian Exodus from the Middle East (http://www.defenddemocracy.org/usr_doc/Christian_Exodus.pdf), in December 1997 The Times noted: "Life in (PA ruled) Bethlehem has become <https://assignbuster.com/muslim-and-non-muslim-laws/>

insufferable for many members of the dwindling Christian minorities." The report also states that " Christians in the Palestinian territories have dropped from 15% of the Arab population in 1950 to just 2% today." Some Palestinian Christian are of the opinion that the Israeli-Palestinian conflict has led to the diminishment of their population[[8] (http://christianactionforisrael.org/antiholo/hate_jews.html)][[9] (http://www.amconmag.com/2004_05_24/article.html)]. Others, like Abe Ata, a Palestinian Christian, are of the opinion that American Christians have " turned their backs" on them by supporting Israel [[10] (http://www.natcath.com/NCR_Online/archives/112202/112202r.htm)]. The Anglican bishop of Jerusalem, Riah Abu El-Assal, is recorded as being " intemperate in his attacks on Israel"[[11] (http://christianactionforisrael.org/antiholo/hate_jews.html)]. Many Palestinian Christians have complained about Israel's treatment of them. One such complaint is that Israel does not give Palestinian Christians permission to visit holy places [12] (http://www.amin.org/eng/daoud_kuttab/2005/may20.html). Traditionally, where Jews and Christians and other non-Muslims were under Muslim rule, they were considered dhimmi, or protected people. Historian Benny Morris of Ben-Gurion University writes that the dhimma — the " writ of protection," also called the Pact of Umar after Muhammad's successor, the second caliph Umar 'ib al-Khattab (643-44) — was intended to embody Qur'anic sentiments toward Jews and Christians. The dhimmi communities were traditionally obliged to pay a poll tax known as the jizyah, and another tax called the kharaj, which was imposed by the Muslim conquerors on non-believers whose lands became part of the Muslim state. So long as they paid these taxes, writes Morris, the dhimmi were allowed to live on the land under <https://assignbuster.com/muslim-and-non-muslim-laws/>

Muslim protection and with limited self-autonomy, though following a later revisions of the Dhimmi status, some Muslim rulers began to dishonour those rules and traditions, at times, expelling these protected communities. Under the writ, the dhimmi were not allowed to strike a Muslim or carry arms; were allowed to ride asses only, not horses or camels, and then only sidesaddled; were not allowed to build new houses of worship or repair old ones; and for brief periods, under particularly repressive regimes, even had to wear distinctive clothing. The historian Elie Kedourie described the attitude toward the dhimmi as one of " contemptuous tolerance." Muslims " treated the Dhimmi, and especially the Jews, as impure," writes Morris (2001). This opinion is disputed by the Muslim scholar, Muhammad Hamidullah, who writes in the Journal of Muslim Minority Affairs that: " If Muslim residents in non-Muslim countries received the same treatment as Dhimmi in the Islamic regime, they would be more than satisfied; they would be grateful." Citing accounts of a number of massacres by Muslims against Jews between 1033 until the 1940s, Morris write that, despite the dhimmi pact, Muslims rose up against Jewish communities since between they exhibited "[an]underlying attitude, that Jews were infidels and opponents of Islam, and necessarily inferior in the eyes of God, prevailed throughout Muslim lands down the ages (Morris 2001). The status of the dhimmi, Morris notes, improved marginally with the rise of the Ottoman empire, especially when the Sublime Porte of 1856 declared that all Ottoman subjects were equal, but conditions worsened again when the empire collapsed. Morris gives as an example of the treatment of the dhimmi, the phenomenon of stone-throwing at Jews by Muslim children, which, he says, amounted to a local custom in Yemen and Morocco. The Jewish dhimmi were forbidden, under pain of death, to defend

themselves by striking the children. The Syrian delegate to the United Nations, Faris el-Khoury, told the U. N. in 1947 that: " Unless the Palestine problem is settled, we shall have difficulty in protecting and safeguarding the Jews in the Arab world, (New York Times, February 19, 1947). Scholars such as Hamidullah, respond that this represents an historically distorted understanding and interpretation of the dhimmi status. Moreover, they point that, at the event, it remains strictly limited to the realm of history, since currently no Muslim nation imposes these laws on its non-Muslim citizens (though Saudi Arabia does require all citizens to be Muslim). They also argue that Qur'anic passages regarding relations with non-Muslims are often taken outside of their proper context, and assert that the tolerance of Muslims toward Jews was one of the reasons why Jews fled to Palestine to escape European persecution. Muslims say that the dhimma, or writ of protection, only applies when Muslims are rulers, and as Muslims have not ruled Jews in Israel during the current conflict, they maintain that any purported connection between the conflict and the history of the dhimmi is impertinent. Most Arabs deny that historical grounds can justify the existence of a Jewish nation today, holding that the fact that Jews dominated the area 1, 800 years ago gives them no valid claim over it after 1, 800 years in which almost all Jews lived elsewhere, and does not justify evicting the Palestinians from their homeland. Some contrast the case with that of other ethnic groups which fled their homelands two millennia ago or less (such as the Celtic Bretons from Britain, the Roma or " Gypsies" from India, or the Kalmyks from Mongolia) noting that such groups do not typically attempt to reclaim their former homelands, and arguing that their doing so would rightly be rejected as unfair to the present inhabitants. Advocates of this position do not

necessarily reject the current existence of Israel, but do reject attempts to justify its founding and expansion as "return". Their opponents argue that the continued Jewish presence in the area throughout the past three millennia, and the deep religious ties maintained by Judaism with the Land of Israel, give Jews a continuing and valid claim to it which cannot reasonably be compared with other cases; they also emphasize that the destruction of a Jewish state and demographic changes there were due to foreign conquests. They also point out that since antiquity, Jewish beliefs were frequently branded as "obsolete" (see Against Apion, Supersessionism). It may also be noted that historical grounds are not the only reasons given for the establishment of a Jewish state. In 2002, Saudi Arabia offered a peace plan in the New York Times based on UN Security Council Resolution 242 and Resolution 338. These resolutions call for withdrawal from occupied territories in return for termination of belligerency and "acknowledgement of the sovereignty, territorial integrity and political independence" of Israel by the other states in the area. The Saudi proposal went much further in the same direction, essentially calling for full withdrawal in return for fully normalized relations with the whole Arab world. This proposal received the unanimous