

# Reinterpreting Dhimmitude

*A Reconsideration of Its Social and Political Functions in the Modern Context*

*Jamil Akhtar* | ORCID: 0000-0001-9884-4348

Assistant Professor, Urdu Encyclopedia of Islam, University of the Punjab,  
Lahore, Pakistan

*jamillahori@gmail.com; jamil.uei@pu.edu.pk*

*Mubasher Hussain* | ORCID: 0000-0001-8955-8403

Assistant Professor, Sheikh Zayed Islamic Centre, University of the Punjab,  
Lahore, Pakistan

*mubasher.szic@pu.edu.pk*

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## Abstract

The historical and scholarly understanding of dhimmitude, which describes Muslim rulers' governance over religious minorities, continues to spark intellectual conversations in academic circles. Traditional scholarship defines dhimmitude as a legally protected system between non-Muslim communities while they maintained their social position through their submission to Islamic rule. Previous interpretations about this legal arrangement tend to disregard the diverse ways dhimmitude operated as a multifunctional social and political framework throughout various Muslim communities. This paper evaluates dhimmitude through an analysis of its origins along with its changed significance across time while highlighting its present-day characteristics. This research investigates dhimmitude history to break down the traditional view that minority rights exist as either full or no inclusion. Contemporary discussions about religious diversity and minority rights in Islamic countries use outdated dhimmitude ideas to form their arguments. This paper reviews how dhimmitude inclusion is perceived in current Islamic thought through an enlightened analysis of modern minority status and contemporary social and political dynamics. By participating in these discussions, the paper adds value to the current dialogue about how religious minorities can contribute to building inclusive communities.

## Keywords

dhimmitude – modern reinterpretation – Muslim societies – political functions – religious minorities – social inclusion

### 1 Introduction

The *dhimmah* has been a highly influential but highly controversial construct in the history of Islamic law and politics, regulating the position of non-Muslim minorities under Muslim rule. Based on the Qur'anic terms and juristic elaboration, *dhimmah* provided non-Muslims, mainly Jews and Christians (*ahl al-kitab*), with a secured status in the Islamic polity in return for paying *jizyah* and accepting Muslim political hegemony. The juridical and practical implementation of this framework differed over time, by dynasty, region, and school of law. Contemporary representations of dhimmitude, a term that first appeared in the more recent polemic literature, have tended to represent it as a monolithic and innately oppressive system. This paper reinterprets the concept of dhimmitude with greater subtlety, rejecting the notion of it as a fixed legal construct but rather as a socio-political system that represented different things at different times in Islamic history and which might even provide an ethical model to guide modern inter-religious coexistence. The conventional Islamic legal literature understood *ahl al-dhimmah* to refer to communities that had signed a covenant (*'aqd al-dhimmah*) with the Islamic state, receiving religious freedom and communal security in exchange for certain fiscal and social responsibilities. The Qur'an expressly recognizes this covenant: "*Fight those who do not believe in God ... of those to whom the Scripture has been given, until they pay the jizyah willingly whilst being humbled*".<sup>1</sup> Although the verse speaks of submission, classical jurists did not understand the *dhimmah* contract as a matter of humiliation, but as a political treaty to guarantee peace and order. Al-Shafi'i (d. 204/820) regarded the *jizyah* as a just alternative to military service that Muslims were required to render, whereas the *dhimmis* were not.<sup>2</sup> Similarly, al-Qurṭubi emphasized that *jizyah* is the symbol of submission, but not slavery, and that its purpose is to differentiate citizens without breaching their dignity.<sup>3</sup> This category of law is quite broad and flexible, but its contours have been

<sup>1</sup> M.A.S. Abdel Haleem, trans., *The Qur'an* (Oxford University Press, 2010), 9:29.

<sup>2</sup> al-Shafi'i, Muhammad ibn Idris. *Kitab al-Umm* (Dar al-Fikr, 2002), vol. 4, 214.

<sup>3</sup> al-Qurṭubi, Abū 'Abd Allah. *Al-Jami' li-ahkam al-Qur'an* (Dar al-Kutub al-Miṣriyyah, 1967), vol. 8, 114.

blurred by the contemporary categories of thinking, which view minority rights as either complete equality or exclusion. Theorists such as Bat Ye'or have developed the term *dhimmitude* to describe a state of institutionalized discrimination and humiliation, reflecting Muslim societies as intrinsically intolerant.<sup>4</sup> However, this essentialist portrayal has been challenged by more nuanced historians and theologians who observe the practical diversity and flexibility of the *dhimmah* system.<sup>5</sup> Mark R. Cohen provides counter-evidence that Jews in Islamic rule frequently had more security and autonomy compared to when they were under Christendom. Similarly, Milka Levy-Rubin emphasizes that *dhimmah* contracts might indicate strategic collaboration and mutually beneficial interests in frontier zones.<sup>6</sup>

Even with these revisions, there is still a tendency in both the mainstream academic and policy-related discourse to recycle fixed interpretations of Islamic governance that ignore the sociopolitical pragmatism of classical Islamic intellectual tradition. This paper reconsiders the concept of *dhimmitude* theoretically and contends that, besides being a legal protection of non-Muslims in the past, *dhimmitude* was a political system of co-existence, negotiation, and organized pluralism. Theoretical perspectives conceptualising inclusion as existing along a continuum, as opposed to being an absolute, help us to unravel this complexity. The discussion of Islamic public reason by Abdullahi Ahmed An-Na'im suggests contextual reinterpretation of Islamic inclusionary frameworks as a way of advancing Islamic normative commitments without repudiation.<sup>7</sup> The moral imperative of justice ('*adl*) in classical Islamic sources was regarded as crossing confessional lines. The constitution of al-Madinah (*Şahifat al-Madinah*), written by the Prophet Muhammad and regarded by some as the first Islamic political document, expressly granted Jews communal autonomy in religious and internal matters: "*To the Jews their religion and to the Muslims theirs ... They are one community (ummah) distinct from others*".<sup>8</sup> This definition of *ummah* as a plural political community is at odds with subsequent essentialist arguments that Islam requires uniformity of belief to be a prerequisite to political belonging. Indeed, Qur'anic morality always confirms

<sup>4</sup> Bat Ye'or, *The Dhimmi: Jews and Christians under Islam* (Fairleigh Dickinson University Press, 1985), 45.

<sup>5</sup> Cohen, Mark R. *Under Crescent and Cross: The Jews in the Middle Ages* (Princeton University Press, 2008), 219–221.

<sup>6</sup> Levy-Rubin, Milka. *Non-Muslims in the Early Islamic Empire: From Surrender to Coexistence* (Cambridge University Press, 2011), 156–158.

<sup>7</sup> An-Na'im, Abdullahi Ahmed. *Islam and the Secular State: Negotiating the Future of Shari'a* (Harvard University Press, 2008), 117–119.

<sup>8</sup> Ibn Hisham, *Sirat Rasūl Allah*, ed. Muştafa al-Saqqa et al. (Dar al-Hadith, 1955), vol. 1, 502.

the worth of religious otherness as a will of God: “*If God had willed, He could have made you one community. But He tests you in what He has given you*”.<sup>9</sup> The necessity of reinterpretation (*ijtihad*) can be understood once the historical application of the *dhimmah* contract is considered. Throughout the Islamic dynasties, the Islamic rulers performed with discretion in applying or suspending the legal norms governing *jizyah*, based on political expediencies or social transformations. For example, the Ottoman millet system formalized a communal autonomy founded on religious identity, whereby Christian and Jewish leaders governed internal affairs with considerable freedom under the auspices of *dhimmah*, thus establishing a functional form of legal pluralism. Contemporary researchers, such as Noah Feldman, have pointed out that these systems provided a proto-form of constitutionalism, which created a balance between state power and religious freedom equally.<sup>10</sup>

Western liberal discourses tend to look at the inclusion of minorities in terms of homogeneous citizenship and religious neutrality. Nonetheless, the Islamic mode of political belonging has long been historically situated in a communitarian spirit in which justice was emphasized by differentiation, not assimilation. In this respect, the *dhimmah* system was not one of attempting to efface non-Muslim identities but rather of codifying them under a specialized juridical canopy to allow a controlled space of alterity (otherness) within a wider Islamic moral universe. The Qur’ānic concept of non-coercion, “*There is no compulsion in religion*”,<sup>11</sup> was not just a matter of doctrine but carried real legal and administrative consequences in early Islamic communities. This study attempts to decolonize the discussion on dhimmitude through recovering the sociopolitical imagination in Islamic jurisprudence. Instead of considering *dhimmah* an anachronism that is irreconcilable with modern citizenship, one can theorize it as a pre-modern form of organized pluralism. It is a matter of reinterpreting the three basic values—justice, mutual responsibility, and protection—as ethical tools of all-inclusive governance, instead of the legal instruments of exclusion. This theoretical framing is especially crucial to the modern Muslim majorities, where the discussion of religious freedom, minority rights, and Islamic governance continues to be at the center. The appeal to historical category, as in the case of dhimmitude in societies like Pakistan, Egypt, and Iran, frequently aims at an ideological or a sectarian purpose without their ethical ramifications being properly explored. A reconstruction of

<sup>9</sup> Qur’ān 5:48.

<sup>10</sup> Feldman, Noah. *The Fall and Rise of the Islamic State* (Princeton University Press, 2008), 52–55.

<sup>11</sup> Qur’ān 2:256.

these categories with a critical Islamic approach will enable a principled but context-sensitive discussion of coexistence. The *maqaṣid al-shari‘ah* (objectives of Islamic law), such as preservation of life (*hifz al-nafs*), religion (*hifz al-din*), intellect (*hifz al-‘aql*), property (*hifz al-mal*), and dignity (*hifz al-‘ird*), can be an effective moral guide in reconsidering how minorities are treated in contemporary Islamic societies.

A critical synthesis of Islamic sources, historical evidence, and contemporary theoretical knowledge bases and insights allows establishing the framework of dhimmitude reevaluation as a morally pertinent and flexible model. The aim would be not to recover medieval legal categories naively, but rather to recover their normative capacity to answer contemporary questions of diversity, inclusion, and political theology along an Islamic discursive paradigm.

## 2 Literature Review

Recent studies have shifted essentialist interpretations of *dhimmah* to more sophisticated approaches based on legal pluralism and political sociology. Anver Emon has argued that the so-called *dhimmī* rules are neither uniquely symptomatic of Islamic tolerance nor oppression, but reflect the general complexities encountered by any legal system trying to regulate pluralistic societies.<sup>12</sup> This contribution by Emon places Islamic jurisprudence in the comparative context by demonstrating how limitations on minorities were based on structural conditions rather than doctrinaire expressions of ethno-religious hate.<sup>13</sup> Similarly, Mark R. Cohen has now amended the historio-graphical narrative: though certain sectors of medieval Muslim territories did grant Jews a generally respectable status, the facts on the ground differed widely by locale and time.<sup>14</sup> These texts demonstrate that dhimmitude in a post-colonial interpretation is not a matter of a primitive paradigm of coercion versus coexistence. More recent debates expand political-legal reform. Ovamir Anjum shows, through an analysis of contemporary Islamist discourses, that prominent leaders such as Yusuf al-Qaradawi and Fahmi Huwaydi have promoted the idea of reinterpreting *dhimmī* identity as one that is completely consis-

<sup>12</sup> Emon, Anver M. *Religious Minorities and Islamic Law: Accommodation and the Limits of Tolerance* (Oxford University Press, 2012), 47–50.

<sup>13</sup> Emon, Anver M. *Religious Pluralism and Islamic Law: Dhimmīs and Others in the Empire of Law*, Oxford Islamic Legal Studies (Oxford, 2012; online ed., Oxford Academic, September 20, 2012), <https://doi.org/10.1093/acprof:oso/9780199661633.001.0001>.

<sup>14</sup> Cohen, *Under Crescent and Cross*, 219–221.

tent with active citizenship to expand the parameters of political membership in an Islamic polity.<sup>15</sup> This position contradicts secularist discourses that perceive Islamic legal terms as being hostile to democracy, narratives challenged by scholars like Hallaq and Agrama.<sup>16</sup> The latest issue of 'Muslim World' features concerned essays by Islamic traditionalists who wish to reconsider the *dhimmi* status. The thesis pursued by these authors is the reclamation of the *dhimmi* covenant as a historical source of contemporary inter-religious morals, beyond the mindless polemic.<sup>17</sup> The tendency is on the rise in interdisciplinary approaches to medieval pluralisms; e.g., William H. McNeill and others who consider Convivencia in al-Andalus as a prototype of intercultural governance, though imperfect.<sup>18</sup>

Classical sources offer an Islamic theological view of *dhimmah* as a covenantal construct, instead of divine humiliation. According to Bernard Lewis, Muslim subjecthood allowed non-Muslims the freedom to retain personal law and property rights: "They were known as the 'protected ones' (*dhimmi*) ... local autonomy ... more religious freedom".<sup>19</sup> The golden-age jurists like al-Mawardi drew particular attention to the fact that *jizya* was an alternative to military service and an indicator of political, rather than moral, hierarchy.<sup>20</sup> By contrast, the orientalist readings tended to de-contextualize legal norms with regard to social and political circumstances, a fact criticized also by contemporary Islamic thinkers such as Mohammad Ali Amir-Moezzi. The geographical case studies display the context-specific applicability of the *dhimmah* system. The adaptation of Islamic law by the state authorities in Ottoman studies, as explained by İlber Ortaylı and subsequently Fahmy,<sup>21</sup> to control non-Muslim revolts and rights serves as an example of how the law was utilised as

<sup>15</sup> Anjum, Ovamir. "Dhimmī Citizens: Non-Muslims in the New Islamist Discourse." *ReOrient* 2, no. 1 (October 2016): 22–25.

<sup>16</sup> Hallaq Wael B. and Maher Agrama, eds., *ReOrient* 2, no. 1, special issue, *ReOrient: The Journal of Critical Muslim Studies*, 2018.

<sup>17</sup> Williams, Timothy S. "Islamic Traditionalists: 'Against the Modern World'?" *Muslim World* 113, no. 1 (January 2023): 12–34. <https://doi.org/10.1111/muwo.12475>.

<sup>18</sup> Akasoy, Anna. "Convivencia and Its Discontents: Interfaith Life in Al-Andalus," *International Journal of Middle East Studies* 42, no. 3 (August 2010): 489–499, <https://doi.org/10.1017/S0020743810000516>.

<sup>19</sup> Lewis, Bernard and Buntzie Ellis Churchill. *Islam: The Religion and the People* (Wharton School Publishing, 2008), 146.

<sup>20</sup> al-Mawardi, Abū al-Hasan. *Kitab al-Āḥkam al-Sultaniyya wa al-Wilayat al-Diniyya* (Dar al-Ma'arif, 2000), vol. 4, 266.

<sup>21</sup> Ortaylı, İlber and Samy Fahmy. "Rebellion, Sovereignty, and Islamic Law in the Ottoman Age of Revolutions," *Law and History Review* 40, no. 1 (2022): 1–28.

a sovereignty instrument and not a theological absolutist system.<sup>22</sup> Similarly, the Christian millet communities in late medieval Anatolia practiced internal self-governance, which indicates the existence of legal pluralism, as opposed to monolithic dhimmitude.<sup>23</sup> However, other scholars have asked whether tolerance is still an analytically productive category. According to Emon, Cohen, and others, because tolerance presupposes an inequality of power, a covenantal perspective focuses on negotiated freedom in mutual political norms. The examples of early Islamic raided frontiers studied by Milka Levy-Rubin can show how the system of *dhimmah* might be used as a strategy: sometimes, non-Muslims might enjoy positive mobility, the right to hold land, and religious office-related taxation.<sup>24</sup>

Such historical and theoretical texts place crucial emphasis on significant gaps in existing literature. One is simply the further Islamic-theological work that still needs to be done, i.e., how Qur'ānic standards such as *lā ikrāha fi d-dīn*<sup>25</sup> and the covenant of the Prophet with the People of the Book may be reclaimed in ethical ways in our modern contexts. Second, there are very few but informative cross-cultural empirical studies comparing the Ottoman, Indian, and Chinese historical experiences. Third, not many analysts combine contemporary political theory, like communitarian pluralism, with classical Islamic doctrines. This gap in the approach of An-Na'im<sup>26</sup> is instructive, though its extension to *dhimmi* frameworks is still underdeveloped. The dhimmitude should be re-interpreted not as a relic of ingroup supremacy but as a pre-modern paradigm of plural civic peace: conditional, flexible, and founded on justice. Islamic pluralism thus historically represented a balance between collective autonomy and political unity, unlike the universalist models of French *laïcité* or Western liberal neutrality, seek to separate religion and politics. Filling an intellectual gap, therefore, this paper will utilize the Islamic legal theory and current political thought to provide a conceptual framework to integrate religious minorities into Muslim-majority politics, with reference to *maqaṣid al-shari‘ah*, particularly *hifz al-din*, *nafs*, *mal*, and *ird*.

Accordingly, the scope of literature reviewed here shows that even though the current scholarship has long since abandoned the essentialist conceptual-

<sup>22</sup> Smiley, Will. "Rebellion, Sovereignty, and Islamic Law in the Ottoman Age of Revolutions." *Law and History Review* 40, no. 2 (2022): 229–259, <https://doi.org/10.1017/S0738248021000535>.

<sup>23</sup> Peacock, A.C.S., Bruno De Nicola, and Sara Nur Yıldız, eds. *Islam and Christianity in Medieval Anatolia* (Routledge, 2015), 12.

<sup>24</sup> Levy-Rubin, *Non-Muslims in the Early Islamic Empire*, 160.

<sup>25</sup> Qur'ān 2:256.

<sup>26</sup> An-Na'im, *Islam and the Secular State*, 121.

ization of *dhimmi* status, it is still troubled about how to make its paradigm ethically realizable in the context of contemporary constitutional republics. The paper aims to fill this gap by reconstructing the legal-historical, Islamic-ethical, and political-theoretical aspects of dhimmitude as an asset to a revived pluralist polity, instead of a vestige of oppression.

### 3 Historical and Jurisprudential Background of Dhimmitude

The jurisprudential basis of *dhimmah* reaches profoundly within Qur'ānic injunctions and their exegetical expansion. The Qur'ān defines the premise of *jizya*, the poll-tax agreement, as part of the *dhimmah* covenant: "*Fight against those who do not believe in Allah ... until they pay jizya willingly, being humbled*".<sup>27</sup> Other exegetes, such as al-Raghib al-Isfahani (d. 1108), describe *jizya* as a pure tax imposed on *dhimmīs* ... in exchange for the protection they are granted.<sup>28</sup> Traditionally, the burden of the poll-tax was shouldered by free and adult males, while the women, children, the elderly, enslaved persons, and the disabled were exempted, indicating a graded fiscal regime. These texts indicate that the legal form of *dhimmah* aimed at practical inclusivity within the hierarchies of society, not so much subjugation as an incorporation by formalized conditions. These theoretical foundations of *dhimmah* were enhanced further in early Islamic practice, most visible in the Pact of Umar. Even though the historicity and chronology of this treaty is disputed by scholars, some assigning it to the second Caliph Umar ibn al-Khattab (r. 634–644) and others to canon law usage in the later ninth century, it came to form part of Maliki and Hanbali jurisprudence as a normative text on co-religious co-existence. Its provisions, covering everything from self-rule to separate dress codes, were not necessarily meant to humiliate as much as they were aimed at marking communal identities within Muslim polities in line with the early fiqh focus on maintaining social order via legal symbolism.

During the early centuries of *uṣūl al-fiqh* (principles of jurisprudence), jurists such as al-Shafi'i (d. 820) and his inheritors incorporated Qur'ānic verses and Prophetic traditions to present the citizenship and social contract models. Following Anver Emon, the classical jurists acknowledged that the law had to balance textual authority and political necessities, and *dhimmah* was one of the viable implementations of this philosophy.<sup>29</sup> Such a practice indicates

<sup>27</sup> Qur'ān 9:29.

<sup>28</sup> al-Raghib al-Isfahani, *Mu'jam Mafāhīm al-Qur'ān*, vol. 4, 40.

<sup>29</sup> Emon, Anver M. "Pluralizing Religion: Islamic Law and the Anxiety of Reasoned Delibera-

the practicality of *dhimmah* as a flexible system that promoted political stability in religiously diverse societies. With the spreading of the Islamic empire, the juridical interpretations of *dhimmah* changed. Non-Muslims serving in the administrative and mercantile capacity enjoyed considerable local autonomy under Umayyad rule, especially in the areas of justice and communal affairs.<sup>30</sup> The Abbasids further established a multicultural bureaucracy, consisting of Christian and Jewish officials, among others, who occupied high posts in financial administration, showing that *dhimmī* status did not exclude high status and involvement in the ruling regime. The Ottoman millet system is still widely used as an example of juridical pluralism based on *dhimmah*. Within the Islamic suzerainty, religious groups (millets) had the shared responsibility of law, education, and worship, and they paid taxes. Scholars like Samy Fahmy note that this was not an antiquated relic but rather a thriving legal pluralism into the nineteenth century, in which the state reconciled religious pluralism with central authority using frameworks drawn from *dhimmah*.<sup>31</sup> It therefore typifies how *dhimmah* might serve as a proto-constitutional process, in which autonomy and unity are balanced.

The taxation of *dhimmah* also shows its sophisticated social rationale. According to the modern fiscal historians, non-Muslim subjects in places such as Abbasid Baghdad typically paid 12–48 *dirhams* per year, which was usually less than or equal to the *zakat* paid by Muslims, perhaps even providing an economic benefit.<sup>32</sup> This comparative data questions simplifications of *dhimmah* as a tool of financial exploitation; rather, it points to a calibrated fiscal contract that would allow all sorts of economic participation and maintain political viability. However, *dhimmah* was never taken as a fixed universal paradigm in Islamic jurisprudence. Fakhri Bsoul notes that the concept of *dhimmī* in early Islamic legal theory was that of a bearer of Islamic nationality who was party to a legal covenant, with rights to protection and dignity as well as responsibilities, which was radically at odds with orientalist images of

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tion." In *After Pluralism*, eds. Courtney Bender and Pamela Klassen (New York: Columbia University Press, forthcoming), <https://ssrn.com/abstract=1472726>.

<sup>30</sup> Parayanganam, Aboobacker. "Tolerance and Coexistence in Muslim Communities: Studying Concept of Dhimmitude." *Islamonweb*, accessed May 9, 2025, <https://en.islamonweb.net/tolerance-and-coexistence-in-muslim-communities-studying-concept-of-dhimmitude>.

<sup>31</sup> Fahmy, "Rebellion, Sovereignty," 13.

<sup>32</sup> Nasir, Nazirudin Bin Mohd. "Socio Historical Contexts in the Interpretation of Religious Doctrines in Classical and Contemporary Islam." *Pergas Blog*, June 1, 2016, accessed May 10, 2025, <https://blog.pergas.org.sg/socio-historical-contexts-in-the-interpretation-of-religious-doctrines-in-classical-and-contemporary-islam/>.

subordination alone.<sup>33</sup> This co-existence between such forward-looking conceptions and the constraining and symbolic legal identifiers of certain schools points to the strains and heterogeneity of classical *fiqh*. This flexibility in the application of *dhimmah* both in the fringes and in the cosmopolitan caliphates implies a jurisprudential flexibility centered on *maqaṣid al-shari‘ah* (objectives of Islamic law). The aims of preserving religion, life, intellect, lineage, and property contributed to the formulation of policies that had to balance communal unity and the safety of non-Muslims. The role of Qur’ānic precepts such as “*There is no compulsion in religion*”<sup>34</sup> and covenants of *hadīth* such as the *Şahifat al-Madinah*, which had granted autonomy to People of the Book, were central to the conception of *dhimmah* as a framework for structured co-existence, rather than forced assimilation.

Overall, the historical and jurisprudential dhimmitude legacy demonstrates that the normative system was constructed based on legal agreements, the rise of protected pluralism, and political expediency. It was not a monolithic mode of domination but an evolving legal-political social structure, whose Islamic theology and jurisprudential instruments of rule were entrenched. This cumulative knowledge highlights the prospect of *dhimmah* to guide modern paradigms of inclusion that are founded on Muslim tradition as well as on normative justice, the implications of which should be further examined in theory.

#### 4 Theoretical Framework: Rethinking Inclusion, Authority, and Citizenship

The theoretical reconstruction of *dhimmī* inclusion requires taking up political-theoretical formations of contract, sovereignty, and civic identity. Modern researchers such as Munazza Batool emphasize that the original *dhimmah* was not enslavement, but a contractual relationship (*muwahadah*), and highlight the equality of obligations of protection and allegiance in it, not their inequality.<sup>35</sup> This understanding is also in line with the thinking of post-Islamist theorists like Asef Bayat, who posits the shift of ritualized hierarchy to religious

33 Bsoul, Non-Muslims ..., 100–117; Deal, Robert Don. *The Origin and Development of the Dhimma in Islamic Law* (PhD diss., Columbia International University, October 1, 2023).

34 Qur’ān 2:256.

35 Batool, Munazza. “From Dhimmah to Dhimmitude: A Theoretical Analysis of the Interpretations and Models of the Inclusion of Non-Muslims under an Islamic State.” *Pakistan Journal of Social Research* 4, no. 3 (September 2022): 380–385.

democracy where Islam would lead in supporting rights-based citizenship that is underpinned by the pluralistic intent.<sup>36</sup>

Within this schema, the juridical constructs such as *dhimmī* need to be reworked culturally and ethically to produce inclusive and multiplex polities grounded on Islamic traditions. Another prism is provided by political theology in Islam: the Qur'ān and the Hadīth support sacrosanct autonomy of belief and legal pluralism. As Qur'ān claims, "*There is no compulsion in religion*";<sup>37</sup> and orders to be just to People of the Book.<sup>38</sup> Islamic jurists have made the counterargument that these verses employ transcendent moral imperatives as opposed to legal modalities that are restricted. In his works on *al-siyasa al-shar'iyya*, Ibn Taymiyya stressed that the governing should be focused on *hifz al-din* (protection of religion) through justice and societal well-being, instead of the imposition of doctrinal conformity. This implies that being integrated into Islamic systems is not towards assimilation but rather a collaborative citizenship based on mutual spiritual and moral principles.

Minority jurisprudence (*Fiqh al-aqalliyat*) proposes jurisprudential systems of adaptive governance of plural societies. Taha Jabir al-'Alwani described Islamic legal decisions as being sensitive to the actuality of minority Muslim situations, and *maqasid al-sharia*, including protection of property and honor, should be weighed against situational imperatives. Sheikh Yusuf al-Qaradawi also proposed a similar idea that the people of the Book (ahl al-kitab) might be reclassified as full citizens, and thus the spirit of mutual responsibility, which is embodied in the early Islamic polity, might be preserved. These frameworks combine to feature norm-dynamic legalism, such as binding tradition and contingent reality. The contemporary political theory can assist in putting Islamic inclusion into perspective. Communitarians such as Charles Taylor and Bhikhu Parekh have advocated the prosperity of cultural and religious communities under a shared political order, a paradigm that Islamic arguments of communal rights within state sovereignty have also supported. Islamic political philosophers like Zulqernain Haider Subhani and Ahmed Muzakkir Syed have argued and discussed pluralism in a maqasid-based constitutionalism, in which functional identities, including religious ones, must guide governance without sacrificing the overall unity.<sup>39</sup> This model echoes constant plural-

36 Bayat, Asef. *Making Islam Democratic: Social Movements and the Post-Islamist Turn* (Stanford University Press, 2007), 25.

37 Qur'ān 2:256.

38 Qur'ān 5:48.

39 Syed, Ahmed Muzakkir and Zulqernain Haider Subhani. "Pluralism, Constitutionalism and Islamic Political Thought" (paper presented at the International Islamic Academic

ism within historical cases such as the Ottoman millet and the covenant of Medina.

This synthesis is advanced by theological analysis. The *daman* (protected responsibility) of Qur'an 9:6 is an indication of a divine protection of non-Muslim communities. Islamic scholars such as Fahmi Huwaydi and Tarek al-Bishri re-examine the Constitution of Medina, commenting upon the fact that it established no humiliation but legal equality between Jews and Muslims. Modern reinterpretations have tended to view this charter as a model of citizenship (*muwatanah*), that breaks the *dhimma* model and readjusts to the contemporary political alignments. Anver Emon reiterates this notably by arguing that *dhimma* in classical jurisprudence was fundamentally a social contract conducted in the conditions of political realism.<sup>40</sup> However, Western liberal forms of citizenship are based on egalitarianism and secularism, which can be in certain conflict with Islamic paradigms, where religious status is accepted as part of identity. Historians like those of *The New Cambridge History of Islam* claim that Islamic states in the post-colonial world are dependent on the existing communal hierarchy, and they must align it with contemporary constitutional demands.<sup>41</sup> The problem then is not to discard the issue of religious difference but to transform it into a factor of unity. This has been backed by theorists, such as Omar Subhani, who insists that constitutional frameworks can accommodate religious autonomy and strengthen the ties of collective civic engagement.

The reconsideration of inclusion in the Islamic political thought follows a triple theoretical grid: reinterpretation of *dhimmi*, as a citizen instead of a subject; embedding communal pluralism in the Islamic constitutional order, based on maqasid; and the confrontation with the contemporary citizenship theory, aimed at designing a religious-pluralist civic identity. This conjunctive strategy creates a normative gap where Muslims and non-Muslims can live together under a common sovereignty, shared responsibility, and equal access to rights and representations. My critique does not view *dhimma* as an obstacle, but a treasury of precedents of plural political republics in Islamic ethical traditions. It is grounded in the past but looks to the future, and this framework hopes to influence political debate in Muslim-majority states that struggle with the challenges of diversity and democracy.

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Conference [IIAAC], New Delhi, India, October 8–9, 2016), in *Pluralism, Constitutionalism and Islamic Political Thought*, 2021.

<sup>40</sup> Emon, *Religious Minorities and Islamic Law*, 37.

<sup>41</sup> Oxford Reference, s.v. "Dhimma," accessed May 17, 2025, <https://www.oxfordreference.com/display/10.1093/oi/authority.2010803095745324>.

## 5 Dhimmitude as a Multifunctional Framework: Social and Political Dimensions

Dhimmitude was not only a legal condition in the past; it was a multidimensional system, a political, economic, cultural, and administrative structure that defined the coexistence between Muslims and non-Muslims. The word *dhimmi* is the literal translation of the word, which means “protected one”. This title was given to non-Muslims by the Islamic state, which granted the Islamic state the right to protect the life, property, and the religion of the non-Muslims in exchange for *jizya* and their allegiance.<sup>42</sup> Notably, this requirement did not isolate *dhimmīs* from civic life; Islamic law exempted them from military service and *zakat*, and permitted them to engage in property, contract, and commercial rights under *shari‘ah*. According to the *Encyclopedia of the Islamic World*, these protection provisions enabled non-Muslims to enjoy “their own law and communal self-governance”.<sup>43</sup> Islamic economies frequently revolved around the economic functions of *dhimmīs*. Within the Ottoman realm, non-Muslim subjects functioned as tax-farmers (*iltizam*), bankers, artisans, and retailers. These trades stimulated local and imperial trade, and *dhimmī* merchants made up key interconnections in the Mediterranean trade networks.<sup>44</sup> Furthermore, recent studies of the Ottoman court records in Damascus indicate that *dhimmīs* routinely appeared in property and inheritance disputes in *sijills* (court records), showing their proactive civil agency and legal interaction with Muslims.<sup>45</sup>

One of the central examples of the institutional flexibility of dhimmitude is the Ottoman millet system of administration. With this system, religious groups were given the power to govern internal matters, personal status cases, education, and charity according to their religious laws, though under Ottoman supervision. According to the Oxford Bibliographies entry, “millets were entrenched in early Islam,” and their implementation meant the assimilation

42 Durie, Mark. “The Dhimmitude of the West: A New Trajectory?,” *Middle East Forum*, December 1, 2021, reprinted in *Perspectives on Islam and Politics*, ed. Ruth Nicholls, Occasional Papers in the Study of Islam and Other Faiths, no. 9 (MST Press, 2021), 85–95.

43 An-Na‘im, Abdullah A. “Beyond Dhimmihood: Citizenship and Human Rights.” In *The New Cambridge History of Islam*, ed. Robert W. Hefner (Cambridge University Press, 2010), 314–334.

44 al-Mashriqi, Abd al-Ḥaqq. “The Status of Dhimmīs in the Ottoman Empire.” *The Fountain Magazine*, no. 40 (October–December 2002), <https://fountainmagazine.com/all-issues/2002/issue-40-october-december-2002/the-status-of-dhimmīs-in-the-ottoman-empire>.

45 Al-Qattan, Najwa. “Dhimmīs in the Muslim Court: Legal Autonomy and Religious Discrimination.” *International Journal of Middle East Studies* 31, no. 3 (1999): 429–444, <http://www.jstor.org/stable/176219>.

of diversity into the state sovereignty.<sup>46</sup> That is an example of *dhimmi* communities operating as juridico-political corporations in harmony with Islamic rule, thereby demonstrating the socio-political sophisticated nature of the system, rather than mere subordination. Such complexity also manifests itself in administrative shadows. The Islamic courts exhibit judicial pluralism as Ottoman *Qadīs* (Muslim judges) routinely adjudicated *dhimmi*s' cases on property disputes and contract enforcement. In certain areas, *dhimmi*s were allowed to serve even in municipal councils and advisory boards (Divan), and thus played a role in governance and social order. This level of involvement destroys the stories that exile the non-Muslims to the realm of the public institutions and instead exposes dhimmitude as it is fashioned by functional integration.

Dhimmitude also has cultural aspects that strengthen its multidimensional character. *Dhimmī* communities had their own educational institutions, liturgy, and art. Christian and Jewish thinkers in al-Andalus and the Levant produced translations and commentaries on Arabic philosophic and scientific texts within the Islamic intellectual contexts, leading to cross-confessional intellectual dialogue.<sup>47</sup> Such interactions show *dhimmi*s' presence not in isolation but as part and parcel of the broader Islamic learning cultures. The Tanzimat reforms (1839–1856) were a reflection of continuity and discontinuity of dhimmitude. The Edict of Gulhane and the Imperial Reform Edict gave equal legal protection to non-Muslims and eliminated *ejrat* (traditional privileges), moving towards equality of citizens before a secularized legal system rather than legal distinctiveness.<sup>48</sup> However, during this modernizing era, the communal institutions inspired by millet continued to play a significant role and followed the newly rising national identities. The conversion highlights the flexibility of dhimmitude as it adapts and defines the normative limits of dhimmitude in transforming polities.

Social signs, such as different clothing, forbidden occupations, and spatial separation codified in the Pact of Umar, were imposed despite the flexibility of dhimmitude. According to the Islamic viewpoint, these identifiers were not meant to be punitive but symbolic: they distinguished religious identities without depriving them of their dignity, and plurality was situated within the ethical coexistence. They were not dehumanizing caste positions but legal differences under a general Islamic moral law. According to the Islamic theological perspective, dhimmitude could be explained in terms of *maqaṣid al-shari‘ah*, par-

<sup>46</sup> Aviv, Efrat. "Millet System in the Ottoman Empire." *Oxford Bibliographies in Islamic Studies*, ed. Tamara Sonn (Oxford University Press, 2016), 76.

<sup>47</sup> Yetişgin, Memet. "Multiculturalism in the Ottoman Empire," *Academia.edu*, 2016.

<sup>48</sup> Efrat, "Millet System," 38.

ticularly the protection of religion (*hifż al-din*), property (*hifż al-mal*), life (*hifż al-nafs*), intellect (*hifż al-‘aql*), and dignity (*hifż al-‘ird*), which are frequently used in classical fiqh. Institutional social integration is also manifested in the charitable logic of *waqf* systems, which sometimes financed communal institutions that served both Muslims and non-Muslims, as indicated by economist Siraj Sait and Hilary Lim.<sup>49</sup> The *dhimmi* system consequently corresponds with those charitable frameworks that move beyond religious frameworks.

The contemporary Western scholarship is still uncovering the operational multiplicity of dhimmitude. Amy Singer, in her study of Ottoman Damascus, emphasizes the fact that Muslims and *dhimmīs* equally appeared before the courts, which makes the asymmetry of power more complicated. Ottoman historian Suraiya Faroqhi notes that *dhimmi* engagement with state institutions—from conscription alternatives to municipal representation—speaks of a negotiated, plural polity.<sup>50</sup>

This table 1 reframes *dhimma* as a multi-functional institution that cannot be reduced to a single oppressive category. Each dimension indicates not only the structural role of non-Muslim communities but also their interpretive value in shaping Islamic socio-political ethics. Rather than a static legal mechanism, dhimmitude functioned as a dynamic covenant, merging theology with social pragmatism. This reading challenges orientalist portrayals of unidirectional subordination and underscores how *dhimmīs* often engaged as active partners in governance and culture.

The political aspect of dhimmitude encompassed allegiance to the Muslim polity as well as realistic alliances. The *dhimmi* populations, in frontier zones and trade centers, bargained for high positions in return for military or diplomatic service, making little distinction between minority and collaborator.<sup>51</sup> In other instances, economic integration preceded conversion to Islam, indicating that there was social mobility under dhimmitude unless one was content to remain in a condition of permanent subordination. Dhimmitude appears as a result of the historical and juridical investigation, not as a dead relic but as a multi-faceted and normative tool for organizing multi-confessional Muslim politics. It combined collective self-determination and political unity, symbolic differentiation and legal equality, ethical pluralism and sovereignty. The fact that it has long been embedded in Islamic ideas of divine justice and societal

49 Sait, Siraj and Hilary Lim. *Land, Law and Islam: Property and Human Rights in the Muslim World* (Zed Books; UN-HABITAT, 2006), 22.

50 Faroqhi, Suraiya N. *The Ottoman Empire as a World Power, 1453–1603* (Cambridge University Press, 2012), 77.

51 Levy-Rubin, *Non-Muslims in the Early Islamic Empire*, 54.

TABLE 1 Illustration of multi-functionality of dhimmitude

Dimension	Functional role	Islamic-theological justification	Authorial interpretation
Economic	Tax-farming, artisan guilds, integration in trade networks	Protection of property ( <i>hifz al-mâl</i> )	Economic agency of dhimmis demonstrates functional reciprocity rather than mere subjugation.
Judicial/Admin	Participation in courts, advisory roles in divisional <i>dīwān</i>	Covenant obligations, justice ('adl)	Their involvement reflects an early experiment in pluralistic governance under Sharī'a.
Communal Governance	Local millet councils, religious courts, waqf administration	Autonomy doctrine ( <i>dhimmah</i> as covenant/contract)	Dhimmī autonomy reveals negotiated self-rule rather than imposed hierarchy.
Cultural	Religious scholarship, education, inter-communal intellectual exchange	Respect for diversity ( <i>lā ikrāha fi al-dîn</i> )	Cross-cultural contributions helped shape Islamic civilization beyond binary categories.
Military/Defense	Conditional exemptions, occasional auxiliary service, financing of campaigns	Principle of covenantal protection ('ahd <i>al-amān</i> )	The fiscal-military exchange illustrates <i>dhimmah</i> as socio-political contract, not servitude.
Social/Ethical	Charity participation, shared urban life, inter-communal solidarity	Qur'ānic vision of justice and compassion ( <i>rahma</i> , 'adl)	Dhimmīs contributed to public good, complicating narratives of exclusion.

well-being is attested by Islamic sources, ranging from the Qur'ān and Ottoman *waqfs*. The flexibility and adaptability throughout the centuries are supported by modern historiography. The understanding of the multifunctional character of dhimmitude provides theological and theoretical precedence to reconfigure the inclusive citizenship in Muslim-majority states today.

## 6 Modern Reinterpretations: Dhimmitude and Contemporary Minority Rights

Over the past decades, Islamic scholars and modern Muslim intellectuals have reinterpreted the concept of dhimmitude in expressing the contemporary ideals of citizenship, religious freedom, and minority rights. The main idea of this reconsideration is that *dhimmah* was originally a contractual and moral covenant (*muwahada*) between Muslims and non-Muslims, and was not a permanent hierarchical injunction, which, via *ijtihad*, could be reexamined to permit complete civic participation. The shift is well demonstrated by Yusuf

al-Qaradawi, one of the leaders of the *Wasatiyya* (centerist) movement. Despite the conventional view that *dhimmi*s need not participate in politics, al-Qaradawi insists that the Qur'an establishes the principle of *lā ikrāha fi d-dīn* (there is no compulsion in religion),<sup>52</sup> and the Prophet's constitutional document, the Constitution of Madinah, both promote justice and protection without necessarily excluding non-Muslim citizenship.<sup>53</sup> In 2010, Qaradawi made an explicit suggestion to substitute the term "*dhimmi*" with "non-Muslim citizen", thus effectively bringing the norms of Islamic law into line with the modern state citizenship frameworks, a breakthrough in terms of reconciling traditional fiqh with democratic pluralism. Other reformist thinkers replicate this trajectory. Adil Hussain Bhat describes the arguments of scholars such as Fahmi Huwaydi and Tariq al-Bishri that *dhimmah* is a temporal agreement and not a divine commandment and can therefore be withdrawn in those cases where modern nation-states demand equal citizenship. Based on Qur'anic ethics and historical evidence, their reinterpretation indicates that Islamic jurisprudence can abolish *jizyah* and other discriminatory marks in favor of civic rights among all citizens. Huwaydi explicitly emphasizes that the concept of *ahl al-dhimmah* existed before Islam and was pragmatically incorporated into Islamic legal frameworks, which emphasizes the fact that it can be modified or eliminated in different circumstances.<sup>54</sup>

These reformist opinions criticize both the traditionalist interpretations and the Western secular criticism. Timothy William Waters examines the position of the contemporary human rights paradigms, which emphasize universal equality but tend to reject religiously founded systems such as the *dhimmi*. Waters tantalisingly hints that a model of *dhimmi* incorporation with human rights might produce a subtly fantastic paradigm of minority protection based on divine legitimacy as opposed to secular universalism, albeit with the proviso that restrictions on political involvement need to be dealt with.<sup>55</sup> Such suggestions are also strengthened by proposed frameworks of *fiqh al-aqalliyat* (minority jurisprudence). This jurisprudential perception, originally formu-

52 Qur'an 2:256.

53 Warren, David H. and Christine Gilmore. "One Nation under God? Yusuf al-Qaradawi's Changing Fiqh of Citizenship in the Light of the Islamic Legal Tradition." *Contemporary Islam* 8 (2014): 217–237, <https://doi.org/10.1007/s11562-013-0277-4>.

54 Bhat, Adil Hussain. "Analysing the Islamist and New Islamist Discourse on Minorities in an Islamic State." *International Journal of Islamic Thought* 23 (June 2023): 1–10, <https://doi.org/10.24035/ijit.23.2023.250>.

55 Waters, Timothy William. "Reconsidering Dhimma as a Model for a Modern Minority Rights Regime." Indiana University Maurer School of Law (October 31, 2006). SSRN, <https://ssrn.com/abstract=941553>.

TABLE 2 Reinterpretation of dhimmah in modern thought

Scholar & year	Key proposal	Islamic basis
Huwaydi & al-Bishri (2023)	Abolish jizyah; view dhimmah as temporary civic contract	Pre-Islamic tribal practice; Shari'ah ethics
Qaradawi (2010)	Replace "dhimmi" with "non-Muslim citizen"	Q 2:256, 5:48; Madinah Charter
Waters (2006)	Synthesize dhimmī model with human rights frameworks	Divine covenant + human rights critique
al-'Alwani / fiqh al-aql (1990)	Promote integration paradigms adaptable to minority contexts	Maqāṣid Shari'ah; civic welfare

lated by Taha Jabir al-'Alwani regarding the Muslim minorities in the West and subsequently advanced by al-Qaradawi, facilitates the adaptation of the Islamic norms to allow "integration without assimilation" principle, which can also be applied to the minorities. *Fiqh al-aqalliyat* opens the door to rethinking *dhimmah* not as a second-class existence, but as a covenantal basis of equal citizenship by placing the welfare of the people, justice, and protection above the adherence to form and returning to the Qur'ān and Sunnah the central place that was taken away in the *fiqh* of adoption.

Two contemporary intellectuals, Fazlur Rahman and Asef Bayat, although they did not discuss the issue of *dhimmī* status directly, provide supportive frameworks. Rahman focuses on dynamic interpretation and Qur'ānic morality as means of social justice in plural contexts.<sup>56</sup> A similar post-Islamist theory emerged in work by Bayat, who contends that Islam needed to transform itself via democratization and religious freedom, with which the reasoning of reinterpreting *dhimmah* to suit modern citizenship underlines.<sup>57</sup>

56 "Dhimmī Status and Religious Minorities," *Religions of the West Class Study Guide*, Fiveable Library, accessed May 24, 2025; Waters, *Reconsidering Dhimmah*, 33.

57 While this table 2 highlights dominant trajectories within Sunni-majority reinterpretations, it is important to note that non-mainstream Muslim groups have also engaged with the question of dhimmitude in distinct ways. For instance, contemporary Ismā'īlī scholarship—as represented in the writings of the Institute of Ismaili Studies—tends to frame the *dhimma* not as a rigid juridical status but as part of Islam's broader ethic of coexistence and covenantal responsibility, emphasizing pluralism within historical Muslim empires [See: Daftary, Farhad. *The Ismā'īlīs: Their History and Doctrines* (Cambridge: Cambridge University Press, 2007), 219–223]. Similarly, certain Twelver Shi'i perspectives have re-examined *dhimma* through the lens of Imāmī legal theory, particularly in light of modern nation-state contexts, with scholars such as Abdulaziz Sachedina arguing for the Qur'ānic principle of *wilāya* (moral guardianship) as a more inclusive framework for interfaith relations [See: Sachedina, Abdulaziz. *The Islamic Roots of Democratic Pluralism*

There are also empirical examples that demonstrate the increased use of those ideas. The Marrakesh Declaration 2016,<sup>58</sup> which was signed by more than 700 Muslim leaders, scholars, and activists, promotes the idea of protecting religious freedom and equality within an Islamic framework on the basis of *dhimmah* principles reinterpreted as the demand for full citizenship rights of religious minorities. Indonesian *Nahdlatul Ulama*, interestingly, did not accept *dhimmah* and substituted *muwaṭṭan* (citizen) in its place, a phenomenon that shows jurisprudential speech in national performance. Still, there is much scholarly controversy. Waters observes that the incorporation of an ijtihad-driven reinterpretation of *dhimmah* to contemporary polities might come into conflict with secular legal systems, particularly in democracies which espouse political neutrality. The proposal of equal political rights by Al-Qaradawi still preserves jizyah as a symbolic fiscal pillar, which critics claim that it perpetuates the inequality, regardless of whether it is rhetorically justified by historical analogy. Notwithstanding the paradox between civic equality and ritual-symbolic differences, the reformist plans dialectically envision a theological-legal rationale of transforming *dhimmah* into a pluralistic model of citizenship. Its transformative potential is the result of: (1) viewing *dhimmah* as contractual rather than caste-based, (2) identifying its conditional status in Islamic law, and (3) thinking of it in conjunction with modern equality and governance frameworks via *maqaṣid al-shari‘ah*. Such re-imagining can be promising to the Muslim-majority states that struggle with the integration of religious minorities and the confirmation of their ethical tradition.

This part shows that contemporary academic and theological language is growing within a framework that views dhimmitude as a conceptual fulcrum (with historical depth but with a future orientation) to the extension of minority rights within Islamic contexts. The problem has been to render these reinterpretations into contextually acceptable, democratically viable, and ethically rooted legal and political practice.

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(Oxford: Oxford University Press, 2001), 133–138]. Although these developments remain less visible in mainstream debates, their presence underscores the diversity of Muslim intellectual engagement with the legacy of dhimmitude.

<sup>58</sup> While the Charter of Medina remains primarily a historical and normative reference rather than a binding legal framework in contemporary Muslim societies, the Marrakesh Declaration (2016) has similarly functioned more as a moral and intellectual manifesto than as enforceable law. Although Morocco has echoed its spirit in policy discourse on religious minorities, no signatory state has translated its principles into comprehensive legal frameworks, leaving these initiatives closer to aspirational charters than to binding instruments of governance.

## 7 Dhimmitude and the Future of Inclusive Communities in Islam

The re-conceptualization of dhimmitude towards inclusive communities is increasingly becoming common among Muslim activists, intellectuals, and scholars. Following centuries-old traditions, including those embodied in the Charter of Medina, advocates of inclusion suggest that the Islamic tradition has its own patterns of religious pluralism and common civic identity. The alternative to the problem of minority status, as reaffirmed in the 2016 Marrakesh Declaration, lies in the Muhammad model of governance in Medina, which did not recognize minorities and majorities but, rather, all signatories to the agreement belonged to a single *Ummah* with equal rights and duties to each other.<sup>59</sup> In the Declaration, which was signed by more than 250 Muslim scholars and leaders, including King Mohammed VI, religious freedoms and equal citizenship were guaranteed to be absolutely safe under the Islamic ethics and universal human rights. This historic declaration is an indicator that inclusive citizenship is not a Western import into Islam but a product directly out of its earliest forms of governance. The key to this resurgence is the Islamic legal-ethical paradigm of *maqaṣid al-shari‘ah*, which is mainly the preservation of religion (*hifz al-din*), life (*nafs*), intellect (*‘aql*), progeny (*nasl*), and wealth (*māl*). These goals, rather than doctrinal purity, constitute the moral rubric that promotes the good of the community and protects one another. In this account, the pre-modern *dhimma* is reinterpreted as a moral-political agreement to coexist with other religious differences with the view of maintaining social order. According to modern scholars such as Suud Sarim Karimullah, the flexibility of Islamic law consists in a matching of institutional forms to a universal justice that opens room to maneuver both in religious fidelity and in a pluralistic civil society.<sup>60</sup>

The modern constitutional theorists within the Muslim-majority contexts go even further in this motion by bringing the Charter of Medina to the forefront as the model of the plural society. According to the interpretation of Abdallah Bin Bayyah, the Medina governance model ensured equality of all members of the society despite their differences because it created national

59 *On the Rights of Religious Minorities in Muslim Majority Lands: A Legal Framework and a Call to Action*, Marrakesh Declaration Concept Paper (Marrakesh: Forum for Promoting Peace in Muslim Societies/Ministry of Endowments and Islamic Affairs, 2018), 47–613, PDF, <https://www.abc-usa.org/wp-content/uploads/2021/05/Marrakesh-Final-04-12-18.pdf>.

60 Karimullah, Suud Sarim. “The Implications of Islamic Law on the Rights of Religious Minorities in Muslim Majority Countries.” *MILRev: Metro Islamic Law Review* 2, no. 2 (November 9, 2023): 90–114, <https://doi.org/10.32332/milrev.v2i2.7847>.

cohesion through equality of rights.<sup>61</sup> Such an inclusivist model was renewed by the high-level support of Morocco to the Marrakesh Declaration, in which religious minorities are accepted as true citizens and governmental partners, not as tolerated subjects. In order to imagine the future of inclusive Islamic communities, four emerging domains are helpful to analyze:

1. Legal-Civic Integration: Islamic jurisprudence is being re-equipped, through structures such as *fiqh al-aqalliyat*, to allow multi-faith citizenship. Researchers like Taha Jabir al-Alwani and Yusuf al-Qaradawi insist on transforming Islamic standards of inclusion of religious minorities into energetic legal frameworks of citizenship. As an example, the rebalancing of *dhimmah* by al-Qaradawi in the direction of “non-Muslim citizenship” is a firm step towards legal equality and civil citizenship. The purpose of this redefinition is to put an end to vestiges of hierarchization, including the *jizya* tax, to admit taxation systems and common fiscal burdens.
2. Normative Theology and Political Ethos: Islamic claims to inclusive citizenship are theologically anchored in Qur’anic principles, such as, “*there is no compulsion in religion*”<sup>62</sup> and “[To each] has We prescribed a law and a method”.<sup>63</sup> In support of pluralism, contemporary theology refers to these verses, which justify the rule. Theorists of jurisprudence such as Bin Bayyah posit that these principles, as well as the Medina Charter, affirm a citizenship model that supersedes religious identity and establishes joint civic belonging.<sup>64</sup>
3. Institutional Transformations: Both national and international initiatives show how dhimmitude can guide modern policy. The Marrakesh Declaration seeks legal changes to entrench religious equality through political changes. Countries like Morocco are considering the models whereby the millet-style autonomy is being reshaped into a model of civic equality, which implies a shift in the concept of community-based autonomy mandates to the rights-based model of citizenship.<sup>65</sup>
4. Public Engagement and Interfaith Solidarity: The contemporary Islamic civil society is also mobilizing towards inclusive public spheres beyond

61 *Marrakesh Declaration Concept Paper*, 152.

62 Qur’ān 2:256.

63 Qur’ān 5:48.

64 *Marrakesh Declaration Concept Paper*, 237.

65 Garba, Ahmed Salisu. “The Prospects and Problems of the Marrakesh Declaration on the Rights of Religious Minorities in Muslim Majority Communities.” *The Review of Faith & International Affairs* 16, no. 4 (Winter 2018): 47–59, <https://doi.org/10.1080/15570274.2018.1535038>.

TABLE 3 Medieval vs. contemporary participation paradigms

Dimension	Pre-modern dhimmitude	Modern inclusive citizenship	Authorial commentary
Status of Minorities	Dhimmah covenant: hierarchical protections, security through subordination	Muwaṭṭana: equal citizenship in nation-state	From hierarchy to equality, but both claim to preserve communal survival.
Fiscal Obligations	Jizya, tax substitutes, symbolic tribute	Universal taxation, redistribution via welfare	Fiscal obligations show continuity in linking taxation to protection and solidarity.
Legal Participation	Limited access to Muslim courts, political exclusion	Full participation in electoral, judicial, and legislative structures	Reflects transition from covenantal legal pluralism to universal rights frameworks.
Public Policy Role	Community autonomy via millets, advisory petitions	Minority participation in policy-making through parliaments and NGOs	A move from corporate representation to individual-based rights advocacy.
Cultural Integration	Distinct religious identity, educational autonomy	Shared civic identity, interfaith dialogues, inclusive educational policy	Marks shift from religious pluralism to secularized pluralism.
Security & Belonging	Dhimmis as protected yet outsiders, sometimes scapegoated in conflicts	Citizenship entails equal protection under law, albeit with challenges	Highlights enduring tension between protection and belonging across contexts.

the state apparatus. Places like the Muslim Voices Public Scholarship Project in North America are taking an active role in engaging with interfaith cooperation as a way of battling Islamo-phobia and promoting co-creative citizenship.<sup>66</sup> These projects help to highlight the idea that pluralistic citizenship in Islam is not merely juridical but also cultural, integrating respect, empathy, and solidarity into daily life.

This table 3 illustrates how historical *dhimmah* structures and modern citizenship models share overlapping functions, even though they operate within different epistemic frameworks. The *dhimmah* paradigm balanced protection with hierarchy, while contemporary citizenship emphasizes equality yet often struggles with multicultural tensions. By contrasting the two, one sees how Muslim societies can reinterpret the *dhimmah* legacy not as a relic of subordination but as a resource for inclusive civic imagination, bridging covenantal ethics with universal human rights.

66 Muslim Voices Public Scholarship Project. "A Message for 2024." *Muslim Voices* (blog), December 31, 2023, Indiana University, <https://blogs.iu.edu/muslimvoices/2023/12/31/new-year-post/>.

Heiner Bielefeldt and Abdullahi Ahmed An-Na'im lament the possible conflict between community-based legal paradigms and universal human rights and demand systems that integrate religious establishments and constitutional securities. In a parallel concern, researchers issue the caveat that unless carefully pursued, reformist principles are likely to provoke an institutional backlash or to politicize religious identity. In order to maintain the progress, the theoretical rigor should be grounded in practical involvement. Legal adoption may be complemented by civil education campaigns that enable them to interpret the citizenship with an Islamic-ethical prism. Religious organizations such as the Islamic Scholarship Fund can enable this kind of educational change by nurturing leaders who advocate a religion-based pluralism in policy and media discussions.<sup>67</sup>

The ability to reprise the pluralistic moral tradition of Islam without returning to the historical hierarchies is the future of inclusive Islamic communities. The *dhimma*, transformed into a protection and mutual welfare contract, can become the launching pad to societies in which both Muslims and non-Muslims will be respected members, dedicated to civic prosperity. Appealing to the religious tradition as much as to the contemporary political theory, this vision dares to imagine a state in which Muslim-majority societies can be ethically grounded and socially vibrant at the same time, in which inclusion is not an addition but the baseline of community living.

## 8 Conclusion

A rethinking of dhimmitude in a theologically, historically, and socio-politically contextualized way demonstrates a complex institution that was not necessarily discriminatory, fixed, or unchanging. Instead, it was a practical way of ruling in the pluralistic societies, based on Islamic principles of *'adl* (justice), *ta'ayush* (coexistence), and *karamah* (dignity). This article addresses the classical Islamic jurisprudence and the current scholarly debate with a critical edge to show that dhimmitude, instead of being a vestige of subjugation, can be rethought as a set of rights and duties in a flexible mutual relationship determined by the contingencies of history and demands of moral imperative. The Qur'anic focus on human dignity, the Prophetic agreements with Christian and Jewish populations, and the pluralistic Charter of Madinah all indicate that

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67 Islamic Scholarship Fund. *Islamic Scholarship Fund: Home*, accessed May 31, 2025, <https://islamicscholarshipfund.org/>.

Islam imagined a form of polity in which religious diversity was acknowledged and given protection in law indicate that Islam conceived of a form of polity in which religious diversity was to be acknowledged and given legal safeguards. By combining Islamic normative sources and modern human rights theory, this paper has suggested that *dhimmah* cannot be interpreted in a narrow sense of orientalist criticism or fundamentalist apologetics. Rather, it should be reviewed in terms of *maqaṣid al-shari‘ah* that uphold the sanctity of life, religion, intellect, lineage, and property of every citizen irrespective of their creed. Contemporary reformulations, including the Marrakesh Declaration, point to a developing scholarly and political desire in the Muslim world to develop inclusivist citizenship on the basis of Islamic morality. Thus, the paper argues that dhimmitude, reinterpreted through the prism of the changing principles of equality and pluralism, can provide some insights on building inclusive and morally concerned Muslim societies in the modern context. This reinterpretation is legal, but it is more of a moral urgency to make the Qur‘ānic dream of coexistence a living reality in the contemporary world.

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