

RIGHTS OF CITIZENS AND THE CLASSIFICATION OF PEOPLE INTO BELIEVER (*MU'MIN*) AND NON-BELIEVER (*KĀFIR*)

A summary of the speech delivered by Muhaqqiq Damad to the Congress of Peace and Security
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As a researcher in theology I am of the view that differences, struggles and conflicts among the people of religion are all due to that categorisation of citizens into “believer” and “non-believer”. Religion, through categorisation of people into believers and non-believers, is accused of dividing people, creating enmity, hostility, and eventually leading to bloodshed. With such distinctions it is natural that followers of one religion would deem followers of another religion as disbelievers and distance themselves from the other, which could eventually lead to bloody conflicts. The only route towards harmony is to abandon such divisions in matters of citizenship and instead opt for the division in terms of “one at peace” (*musālim*) and “one at conflict” (*muḥārib*).

There is no doubt that crises resulting from the categorisation of believer and disbeliever are in the interest of those global players who stand to gain from internal conflicts caused by such ideas. However, the question we need to ask is not who is benefitting from the believer-disbeliever schism, rather how the schism is created. In other words, what ideological tools and theological rationale is at play that motivates and fuels such divisions? In my view *takfīrism* is at the heart of this problem. *Takfīrism* is a theologically based ideology that legitimises the branding of the other as a disbeliever and consequently degrading their human status from being an equal to becoming lesser than a believer.

Takfīrism is a historical reality that has existed within both theistic and non-theistic faith systems. Due to this, religions are accused of being the cause of classifying people into believers and disbelievers. The followers of each faith deem their own as believers and others as disbelievers, and consequently through such a distinction classify people of state or a society as their own and the other. This distinction does not remain confined to the mind only, rather it very quickly becomes an attitude that impacts relations at a societal level; to a level that only a believer has the right to live whilst the non-believer is left with no rights at all, neither the right to live nor the right of personal ownership or freedom and ceremonial purity. Not having rights is one thing, but then it translates into religious degrees where the believers are ordained to kill, enslave, subdue and impose *jizya* (a per capita tax levied) on the non-believer subject.

The problem is further accentuated when the right to declare the other as a disbeliever becomes the prerogative of everyone. Who decides what constitutes disbelief? Worse still is when believers feel obliged to search out the non-believers within their society. Even worse than that is when the determination of belief and disbelief fall in the hands of the heads of states and politicians. This has resulted in indescribable horrors where for decades people of faith legitimised killing, plundering, and beheading the non-believers, even to the extent of butchering women and little children.

Takfīrism has claimed countless lives in the history of human kind. Socrates, four centuries prior to the common era was charged with disbelief by a jury. During the middle ages, enlightened thinkers were charged with disbelief and consequently condemned to be burned at the stake by

the Church. The interesting thing in all of this was that the people who were condemned claimed to be believers, but because understanding of faith conflicted with the interests of the Church, they were branded as non-believers.

So, we ask what is the way forward? How can this ideology be undermined, or at the very least be exposed for what it truly is?

In my view, belief and faith are matters that are confined to the hearts. They should not be influential at the level of societal interaction let alone be impactful at the level of citizenship and collective coexistence. Undoubtedly, the Qur'an does consist of the notions of belief and disbelief, however, these distinctions are only used as properties of the human soul and not in terms of societal categorization or in relation to determining the rights of citizens. I feel the gauge of distinction ought to be "one at peace" (*musālim*) and "one at war" (*muḥārib*) instead of believer and non-believer. *Musālim* is one who does not seek to fight or take up arms and does not disrupt social order or threaten the lifestyle of others. Whereas a *muḥārib* seeks to actively fight against us and disrupt our social order. It is this second group that we are commanded to fight by the Qur'anic ordinances and which is termed as defence.

I have derived this view personally from the Qur'an. It is true that the Qur'an does state:

"He it is Who has created you, then from you are those who are disbelievers and others are believers, and Allah sees all that you do." (*al-Taghabun* 64:2)

However, it is clear that this is pointing to the fact that Allah does not compel any soul:

"There is no compulsion in religion: true guidance has become distinct from error, so whoever rejects false gods and believes in God has grasped the firmest hand-hold, one that will never break. God is All-Hearing and All-Knowing." (*al-Baqara* 2:256)

In other words, God created you and through freedom of choice some of you became believers whilst others chose disbelief. God could have made you all into believers, but the wisdom of God did not allow it in the case of humans. In any case, such verses do not relate to societal relations. The following verse in particular talks of faith at a societal level:

"The nomads claim we have brought faith. Say, "You have not brought faith rather say, 'We have embraced Islam', for faith has yet to enter into your hearts. And if you are obedient to Allah and His Messenger then your deeds will not go unrewarded (i.e. your societal rights will be accorded to you), indeed Allah is Most Forgiving, Most Merciful." (*al-Hujurat* 49:14)

This verse highlights a few things: firstly, that faith belongs to the hearts and secondly that none save God can determine an individual's status of faith. Even the Prophet could only inform of what is within the hearts through God, not independently.

The other thing we find from the verse is that individuals who were not believers were allowed to be a part of the community and enjoyed full rights. This was true of even the likes of Abu Sufyan whose hypocrisy was well known to the extent that he and his children availed themselves of the equal opportunities and quickly rose to power. Another verse that clarifies this understanding is the following:

“O you who believe! When you go forth in the path of Allah, then take due care in ascertaining the status of others and do not say to one who bids you peace: ‘You are not a Muslim’ seeking the gains of worldly life, indeed Allah has many treasures. Such was your state prior to Allah bestowing upon you. Thus, take due care in ascertaining. Indeed, Allah is all-knowing and informed of what you do.”
(*al-Nisa’* 4:94)

According to this verse the criterion for coexistence is the notion of *musālim*. Through the mere act of displaying the sentiment of peace, no confrontation, and friendship, a person will be considered a part of the society. No one is permitted after that to delve deeper into a person’s inner status of faith and belief. Consider the following verse that most emphatically conveys this understanding:

“O you who believe! Enter into a state of peace (silm) altogether and do not follow the footsteps of the devil, indeed, he is an open enemy for you.” (*al-Baqara* 2:208)

The verse is addressing the believers and not the disbelievers, which implies that certain believers may also not be in a state of peace. Accordingly, Islam invites all humans, be they believers or non-believers at heart, to harmonious coexistence in a state of peace. The word *musālim* that I have chosen to use is an active participle of the word *silm* as used in the above verse. Therefore, a person in the state of “peace” (*silm*) is termed as “one in a state of peace” (*musālim*). Therefore, *musālim* is one who despite his inner beliefs chooses to peacefully coexist, as opposed to a *muḥārib* who is in a state of war and conflict with the society.

In brief, I am in my 70s at this point of my life. As a student of seventy plus I have spent the major part of my life, if not the whole of my life, in the study of religion. I suggest, in order to solve our social problems, that we instead of categorising people as believers and non-believers (which are the attributes of the soul), we distinguish them in terms of “one at peace” and “one at war”, in the sense that we embrace whoever displays peace and friendship as the Qur’an states:

“Fight (only) those who fight you and do not transgress. Indeed, Allah dislikes the transgressors.”
(*al-Baqara* 2:190)

The logical contrary inversion of this proposition would read, “do not fight those who do not fight with you.” Consequently, warfare with a non-*muḥārib* would constitute aggression and transgression whilst God dislikes the transgressors and aggressors. Those committing acts displeasing God are His enemies. We ought not to displease God, least of all in the name of God.

Conclusion

1. Belief and disbelief are the concealed attributes of the souls. Societal statuses and rights are not based on the attributes of the souls, rather, they are based upon what is displayed through actions and attitudes.
2. The governing bodies responsible for safeguarding the rights of its citizens in civilised societies should not distinguish among its people in terms of first-class and second-class citizens based on their status.
3. According to the above, within the modern world with the notion of citizenship there remains no debate for the non-discrimination and equal rights of the minorities. Minorities, whether religious or otherwise, will in addition have full rights to practice their faiths and ceremonies.

Habituate your heart to mercy for the subjects and to affection and kindness for them. Do not stand over them like greedy beasts who feel it is enough to devour them, since they are of two kinds, either your brother in religion or one like you in creation. They will commit slips and encounter mistakes. They may act wrongly, willfully or by neglect. So, extend to them your forgiveness and pardon, in the same way as you would like Allah to extend His forgiveness and pardon to you, because you are over them and your responsible Commander (Imam) is over you while Allah is over him who has appointed you. He (Allah) has sought you to manage their affairs and has tried you through them.

Ali ibn Abi Talib – Nahj al-Balagha, Letter 53: An order to Malik al-Ashtar

وأشعر قلبك الرحمة للرعية، والمحبة لهم، واللطف بهم، ولا تكونن عليهم سبعا ضارياً تفتنم أكلهم، فإنهم صنفان: إما أخيك في الدين، أو نظيرك في الخلق، يفرط منهم الزلل، وتعرض لهم العلل، ويؤتى على أيديهم العمد والخطأ، فأعطيهم من عفوك وصفحك مثل الذي تحب وترضى أن يعطيك الله من عفوه وصفحه، فإنك فوقهم، ووالي الأمر عليك فوقك، والله فوق من ولاك! وقد استكفأك أمرهم، وابتلاك بهم

– علي بن أبي طالب، نهج البلاغة