



GUARDIANS OF THE PLEDGE: JUSTICE FOR MINORITIES IN ISLAM AND INTERNATIONAL LAW

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Abstract

The protection of minority rights is a cornerstone of both Islamic governance and modern international human rights law, though the philosophical foundations and legal mechanisms differ. This study, examines the principles, historical precedents, and contemporary frameworks safeguarding the rights of non-Muslims. From an Islamic perspective, the Qur'an, Sunnah, and covenants established by the Holy Prophet Muhammad (PBUH) affirm justice, equality, and protection for all communities under Muslim rule. Historical examples, including the Charter of Madinah and subsequent treaties, demonstrate a commitment to religious freedom, security of life and property, and social participation for minorities. In parallel, contemporary international law is enshrined in instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) sets global standards for the protection of minority groups, emphasizing non-discrimination, cultural preservation, and equal access to resources.

Through a comparative analysis, this research highlights areas of convergence, such as the right to life, property, and religious freedom, alongside divergences rooted in differing legal traditions and interpretative frameworks. While Islamic provisions derive authority from divine revelation and historical practice, international law operates within a secular, consensus-based order. The paper concludes that meaningful dialogue between these systems can strengthen global commitments to minority rights. Recognizing the shared ethical principles and bridging interpretive gaps can pave the way for a more inclusive and universally respected framework for justice.

Keywords: *Religious freedom, non-Muslim minorities, Islamic law, International human rights law, Qur'an and Sunnah.*

Introduction

Across civilizations, the treatment of minorities has served as a litmus test for the moral integrity and legitimacy of governance. In both the Islamic legal tradition and modern international human rights law, the protection of minority rights emerges as a core principle which are rooted in justice, dignity, and the preservation of human diversity; however, grounded in markedly different philosophical and legal foundations. This study examines the normative principles, historical precedents, and contemporary frameworks that shape minority protections, with a particular focus on the rights of non-Muslims in Islamic governance and their parallels in international law. Moreover, the Qur'an, the Sunnah, and the covenants of the Prophet Muhammad (PBUH) and Islamic jurisprudence enshrines binding obligations to safeguard life, property, and religious freedom, as evidenced by the Charter of Madinah and subsequent treaties.

In contrast, international human rights law, embodied in instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), advances these protections through secular, consensus-based principles of equality, non-discrimination, and cultural autonomy. Through comparative analysis, this research highlights



significant areas of convergence as well as divergences shaped by differing legal principles. It argues that constructive engagement between these systems can bridge interpretive divides, amplify shared ethical commitments, and pave the way for a more inclusive and universally endorsed framework for justice.¹

Origin of the concept

In ages past, there were no human rights. Then the idea emerged that people should have certain freedoms. And that idea, in the wake of World War II, resulted finally in the document called the **Universal Declaration of Human Rights** and the thirty rights to which all people are entitled.² According to United Nations, these thirty rights collectively called Human Rights. Universal Declaration of Human Rights (UDHR) which is the world most widely accepted document on the subject. But it's the long time coming. Human Rights regime has been divided into three phases: first phase called ancient phase ranging from almost 2000 BCE to 100 BCE, second phase called middle-ages ranging from 6th to 18th Century, and Modern phase constitute from 18th Century to 20th Century. These phases do include another called most modern phase starting from 1950s.³

Human rights are the right you have simply because you are human. Human rights are based on the principle of respect for the individual such as, right to live freely, to speak to your mind and to be treated equal. Their fundamental assumption is that each person is a moral and rational being who deserves to be treated with dignity. They are called human rights because they are universal. Whereas nations or specialized groups enjoy specific rights that apply only to them, human rights are the rights to which everyone is entitled, for example, kids, poor people, old people, basketball player, garbage man, teachers, applicants, Indians, Albanians, Christen, Muslims and even next-door neighbor etc.—no matter who they are or where they live.

Susan Moller Okin defines “human right as a claim to something of crucial importance for human life.” **Jurist Ronald Dworkin** regarded ‘right as trumps’ that set limits on state action whenever it encroaches on the individual’s protected sphere. **Dr. Purohit:** Human Rights are the basic values which underlie that human beings, born in any part of the world, are equal in dignity and rights.

In general, Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights are standards that recognize and protect the dignity of all human beings. Human rights govern how individual human beings live in society and with each other, as well as their relationship with the State and the obligations that the State have towards them. Human rights law obliges governments to do some things, and prevents them from doing others. Individuals also have responsibilities: in using their human rights, they must respect the rights of others. No government, group or individual person

¹ Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Harvard University Press, 2010), 1–24.

² United Nations General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, United Nations, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

³ Lynn Hunt, *Inventing Human Rights: A History* (New York: W. W. Norton & Company, 2007), 15–30.



has the right to do anything that violates another's rights.⁴ Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.⁵

Human Rights: The West and Islam

Natural rights are necessarily those rights that have been bestowed upon human beings by Nature. The very fact that a being has been created by nature vests in that being certain rights. The most basic of these natural rights are the right to life and the right to Liberty. By this reckoning, the concept of Human Rights has to be of Universal application. That is to say, there cannot be a different set of human rights for one part of the humanity and other for a different part of the humanity. Since humans are social animals, they established for themselves organizations known as the society or politically speaking, the state

Western Approach:

Human Rights in an ancient one and can be traced back in time to the Greek City-States whose citizens enjoyed such rights as freedom of speech and equality before the law. The concept of Human Rights leader also found favor with the Romans when the center of Civilization shifted from the Greek Peninsula to Rome.⁶

However, these rights were not entirely rooted in civil law but also in a higher level namely natural law. By the term 'natural law' the Greek philosophers meant the embodiment of those elementary principles of justice that any rational mind could discern without any kind of divine revelation. Like the Greeks the Stoics of Rome, who were jurist rather than philosophers upheld the same idea. Natural right, as we know, is thus an idea with the vigorous past which was very much in vogue in the ancient world.

Islamic Approach:

Concept of human rights was clearly ordained in the Holy Qur'an and the Sunnah of Prophet Muhammad of Islam (PBUH). This concept of Human Rights contained in the Qur'an and further articulated by the sunnah was later elaborated by Muslims in the most scientific manner under a two-fold division, namely, the rights of God (*Haquq Allah*) and rights of individual (*Haquq al ibad*). The latter included not only the rights of Muslim subject but also the rights of non-Muslim (*dhimmis*) living in the Islamic state.⁷

When we speak of Human Rights in Islam, we speak of those rights which have been granted by God and not by any mortal liking or by any Legislative Assembly. Consequently, whereas the rights granted by king or an assembly can be withdrawn in the same manner in which they were conferred, the right conferred by God cannot be withdrawn. No King, Dictator, Legislative Assembly, government or any other authority on earth can abrogate or amend in any manner the right conferred by God. All Muslims be they ordinary citizens or administrators shall have to accept, recognize and enforce the rights guaranteed by God without any amendment or

⁴ Micheline R. Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era*, 2nd ed. (Berkeley: University of California Press, 2008), 45–70.

⁵ Muhammad Abdul Basit, *Human Rights (Federal Law House, 2019)*, 4-6.

⁶ Ibid, 233.

⁷ Ahmad ibn Hanbal, *Musnad Ahmad*, Hadith 2346, trans. Nasiruddin al-Khattab (Riyadh: Darussalam, 2012), <https://sunnah.com/ahmad/4>.



changes. In short, this means that if the temporal authorities regard their laws of decisions as overriding those given by God, they shall be regarded as disbelievers. This is clear from the following verse of the Holy Qur'an:⁸ "If any do fail to judge by (the light of) what Allah has revealed, they are (no better than) Unbelievers."⁹

Mithaq-e-Madina (Constitution of Madina)

By 622, the Holy Prophet (PBUH) had migrated to Madina, after having established the first mosque in Madina and obtaining residence with Abu Ayyub al-Ansari (594-674). The mosque not only became a spiritual center for worship, but also the political and military headquarters for the new state, soon it develops in an institution of learning where discussions and seminars were held and a social institution where Muslims learnt and practiced discipline, unity and brotherhood.¹⁰ He then set about the establishment of a pact known as the Constitution of Madina. This document was a unilateral declaration by the Holy Prophet (PBUH), deals almost exclusively with the Civil and Political relations of the citizens among themselves and with the outside. The source of authority was transferred from public opinion to God. **Bernard Lewis (1918-2016)** writes that the community at Madina became a new kind of tribe with the Holy Prophet (PBUH) as its president, while at the same time having a religious character. Lewis opines that the Holy Prophet (PBUH) assumption of the role of statement was a means through which the objectives of Prophethood could be achieved.¹¹

The signing of the Constitution could be seen as indicating the formation of United community in ways similar to Federation of Nomadic clans and tribes, as the signatories were bound together by a solemn agreement. The community, however, now also had a religious basis. The Constitution was created to end the bitter intertribal fighting between the rival clans of Banu Aws and Banu Khazraj in Madina and to maintain peace and co-operation among all Medinan groups. Establishing the role of Holy Prophet (PBUH) as the mediating authority between the two groups and the other in Madina was central to the ending of Medinan internal violence and was an essential feature of the Constitution.¹²

Features of Constitution

The document ensured freedom of religious beliefs and practices for all citizens who "follow the believers." It assured that representative of all parties, Muslim or non-Muslims, should be present when consultation occurs or in case of negotiation with foreign states. It declared "a woman can only be hosted by a host with the consent of her family" and imposed a tax system for supporting the community times of conflict. It declared the role of Madina as a *haram* ("sacred place"), where no blood of the people included in the pact can be spilled. Peace was achieved in Madina not through the might of arms or the scale of wealth, but through the unique principle of Islam-tolerance, pluralism, dialogue and a Belief in God whether the God in the Bible, the Qur'an, or

⁸ Al-Maidah 5:44. Also see Al-Maidah 5:45,47.

⁹ Jamshed Ahmad Hamid, *Human rights in Islam and Contemporary International Law* (Shairah Academy Publication, 2010), 17-18.

¹⁰ Ibid, 57.

¹¹ Hafiz Karim Dad Chughtai, *Islamic Studies* (Lahore: Caravan Book House, 2016), 157.

¹² Ibid.



Torah.¹³ The Madina Charter arguably the first charter ever written, shows that Islam rejects the use of compulsion in religion and violence and that over centuries of human existence. The most effective way to resolve conflicts come through mediation.¹⁴

Minority rights in Islam

Human rights are the set of principles laid down by universal instinct of being human. Human rights are the rights which are guaranteed protections against any kind of violations in the form of inequality, discrimination and any behavior threatening to dignity of any human. Human rights are the rights ensuring equal treatment among humans irrespective of race, gender, language, color or nationality. Islam has provided the complete set of protection of human rights and comprehensive code of conduct through different sources such Holy Qur'an and Sunnah of Holy Prophet. Holy Prophet (SAW) has been declared a blessing of all mankind, not only for only Muslims but also a role model for existing human race, as Allah said in Holy Qur'an in Surah Al-Anbiya, verse 107:

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

We have sent you 'O Prophet' only as a mercy for the whole world. (21: 107)¹⁵

Muslims are obligated and guided to follow certain principles in daily lives; however, it does not mean that non-Muslims have nothing to follow or guided by this religion. In Islam, non-Muslims have been discussed as a significant part of society and even a protected part of Muslim society if not fighting against Muslims. Islam has protected right of non-Muslim to profess any religion without compulsion as Allah said in Surah Al-Baqarah, verse 256:

لَا إِكْرَاهَ فِي الدِّينِ

Let there be no compulsion in religion. (2:256)¹⁶

However, Human rights of Muslim community are equally important in non-Muslim jurisdictions. Unfortunately, human rights of Muslims have been violating in non-Muslim jurisdiction, not from today but traced back from history and this violation of human rights are constituting violation of internationally recognized norms. Historical evidence is going to provide the glimpses helps to develop the understanding of background of today's modern technological world practices which often led to human rights violations of Muslim community or minorities in non-Muslim states. Study historical background of violations would help to propose a framework that could help to improve the international human rights law and applicable standards because when the history or roots of the problem are known, the improvement in existing system is possible by identifying and working on relevant loopholes overall improving human rights protection.¹⁷

For instance, history provide the evidences of persecution of Muslim by the pagans, their malicious resistance towards spread of Islam, extreme hatred against Muslims and violation of

¹³ Ibid, 163.

¹⁴ Malik ibn Anas, *Muwatta Malik*, Book 45, Hadith 17, trans. Aisha Abdurrahman Bewley (London: Diwan Press, 2011), <https://sunnah.com/urn/415810>

¹⁵ Surah Al-Anbiya, 21:104.

¹⁶ Surah Al-Baqarah, 2: 256.

¹⁷ Muhammad ibn Isma'il al-Bukhari, *Sahih al-Bukhari*, Book 43, Hadith 622, trans. Muhammad Muhsin Khan (Riyadh: Darussalam, 1997), <https://sunnah.com/bukhari:622>.

basic human rights.¹⁸ In contrast, these ill-practices were countered through peaceful resolutions by practicing morals and perseverance such as migration to Madina and treaty of Hudaibiyah. Establishment of the state of Madina set practiced example for protection of non-Muslims' rights living in Muslim state. By the enactment of Madina's Charter or Constitution of Madina instituted by Holy Prophet (PBUH) guaranteed generous inclusion, representation and recognition of Jewish tribes of Madina. The Constitution of Madina has set a significant example of a peaceful resolution, inclusion of non-Muslims by protecting their rights as minorities in a newly established state which is the core reason to refer Madina as a successful state model.¹⁹

Historical aspect of Rights of Non-Muslims in Islamic State:

The shariah not only regulates relations of Muslims with MUSLIMS, but also with non-Muslims in order to safeguard the rights of all irrespective of their creed and religious denomination. The People of the Book (Jews and Christians) have certain rights vis-à-vis Muslim by virtue of the covenant of protection – the *dhimma*: it is the duty of Muslims to safeguard these 'protected communities' living under Islamic government and to honor their rights in return for the special tax (*jizya*) which they pay as a contribution towards the state's expenditure on services, including the provision of security, as they are exempted from military obligations. However, in modern Muslim countries, *Jizya* is not levied on the non-Muslims since they are being inducted in military services and, enjoy complete equality and absolute freedoms albeit practice is different from theory.²⁰

Non-Muslims enjoy the right to have their civil and criminal cases tried according to their religion and personal laws. They also have the right to be protected, by force of arms, if necessary, from any domestic or foreign aggression. The Prophet (PBUH) consistently advocated tolerance with respect to the followers of revealed religions and warned against their oppression. The Prophet (PBUH) said: '*He who oppresses one of the persons to whom a pledge has been made (al-dhimmi), denies him his rights, requires him to do what is beyond his capability, or takes from him something against his will, will have me as his antagonist on the Day of Judgement*'²¹

Types of Non-Muslim Subjects/Citizen:

- 1. Contractees:** those who have entered into a treaty or agreement with the Muslims at the time of their submission, which determine their rights and responsibilities: they are known as "contractees".²² A hadith of Holy Prophet (PBUH) has enjoined. "If you fight a non-believing people and overpower them and they enter into a treaty with you, agreeing to pay

¹⁸ "The persecution of Muslims by the pagans," Rafed: For cultural development, accessed: May, 16, 2025, <https://en.rafed.net/article/---The-Persecution-Of-The-Muslims-By-The-Pagans>.

¹⁹ Hafiz Muhammad Arif Siddiqi, et.al, "Common Attributes of the Constitution of Madina And Magna Carta: Analytical Study from a Historical Perspective," *Russian Law Journal* 11, no 10 (2023): 663.

²⁰ Muhammad ibn Isa al-Tirmidhi, *Jami` al-Tirmidhi*, Book 13, Hadith 1403, trans. Abu Khaliyl (Riyadh: Darussalam, 2007), <https://sunnah.com/tirmidhi:1403>.

²¹ Abu Dawud Sulayman ibn al-Ash'ath al-Sijistani, *Sunan Abi Dawud*, Book 19, Hadith 3052, in *Sunan Abu Dawud*, trans. Nasiruddin al-Khattab (Riyadh: Darussalam, 2008).

²² Abu al-Hasan al-Mawardi, *Al-Ahkam al-Sultaniyya* [The Ordinances of Government], trans. Wafaa H. Wahba (Reading, UK: Garnet Publishing, 1996), 183–190.



annual tribute (kharja) in order to save their lives and properties, and of their progeny, then do not take a penny more than fixed amount, because it is not permissible.” Again, “Whosoever is hard or cruel towards such people (i.e. “contractees”) or curtail their rights or burdens them with more than they can endure or demands something from them against their free will, I shall myself be a complainant against him on the Day of Judgement.²³

2. **Conquered:** Those non-Muslims who submit to the Muslims after a defeat in the war, they are known as “Conquered”. When they pay *jizya* or poll tax to the Islamic state, they too become “*Dhimmis*” and their lives and properties come under the protection of Islamic state.²⁴
3. **Dhimmis:** *Dhimmis* are those non-Muslims who have submitted to the Islamic state, neither through any defeat in war, nor by an agreement or treaty. But their submission is a proof that they have accepted its supremacy. They too have to pay *jizya* or poll tax.²⁵

Covenant of Prophet Muhammad (PBUH) with Monks of Mt. Sinai, Egypt

The *Covenant of Prophet Muhammad (PBUH) with Monks of Mt. Sinai* is a document which was written by Syedna ‘Ali during the fourth year of the Hijrah /625; some scholars put it 630. The monks from St. Catherine’s Monastery based in Sina, Egypt, consistently upheld its authenticity since the early days of Islam. In this covenant, the Prophet (PBUH) granted following securities and rights to the Christians for all times to come.

Isma’il ibn Kathir (1301-1373), the hadith scholar, Qur’anic commentator, jurist, and historian, describes the document in meticulous and minute detail, paraphrasing every single article. Speaking of the period right after the *Treaty of Hudaibiyyah*, he relates the following in his *Qasas al-anbiya* (Stories of the Prophets):

“The Prophet (PBUH) granted to the monks of the Monastery of St. Catherine, near Mount Sinai, Egypt, his liberal charter by which they secured for the Christian noble and generous privileges and immunities. He undertook himself and enjoined his followers, to protect the Christians, to defend their churches and the residences of their priests and to guard them from all injuries. They were not to be unfairly taxed: no bishop was to be driven out of his diocese; nor Christian was to be forced to reject his religion; no monk was to be expelled from his Monastery; no pilgrim was to be stopped from his pilgrimage; nor were the Christian churches to be pulled down for the sake of building mosques or houses for the Muslims. Christian women married to Muslims were to enjoy their own religion and not to be subjected to compulsion or annoyance of any kind.

If the Christians should stand in need of assistance for the repair of their churches or monasteries, or any other matter pertaining to their religion, the Muslims were to assist them. This was not to be considered as supporting their religion, but as simply rendering them assistance in

²³ Ibn Qayyim al-Jawziyya, *Ahkam Ahl al-Dhimma*, ed. Yusuf ibn Ahmad al-Baqa (Beirut: Dar al-Kutub al-‘Ilmiyya, 1997), 1:23–45.

²⁴ Yohanan Friedmann, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition* (Cambridge: Cambridge University Press, 2003), 85–110.

²⁵ Khalid Abou El Fadl, *The Great Theft: Wrestling Islam from the Extremists* (San Francisco: HarperSanFrancisco, 2005), 209–215.



special circumstances.²⁶ Should the Muslims be engaged in hostilities with outside Christians, no Christian resident among the Muslims should be treated with contempt on account of his creed. The Prophet (PBUH) declared that any Muslim violating any clause of the charter should be regarded as a transgressor of Allah's commandments, a violator of His testament and neglectful of His faith".²⁷

Umariyya Covenant with Christians of Jerusalem (637)

In early April 637, Caliph Umar arrived in Palestine to conclude a pact known as the **Umariyya Covenant**. It granted guarantees of civil and religious liberty to Christians in exchange for *jizya*. It was signed by caliph Umar on behalf of the Muslims, and witnessed by Khalid bin al-Waleed, Amr bin al-Aas, Abdur Rahman bin Awf, and Muawiyah bin Abi Sufyan. For the first time, after almost 500 of oppressive Roman rule, Jews were once again allowed to live and worship inside Jerusalem. It has been recorded in the annals of Muslim history, that at the time of Zuhr prayers, Sophronius invited Caliph Umar to pray in the rebuilt Church of the Holy Sepulchre. Caliph Umar declined, fearing that accepting the invitation might endanger the church's status as a place of Christian worship, and that Muslims might break the treaty and turn the church into mosque. Thus, the second Caliph Umar, also granted a charter of protection of life and property to the Christians of Elia (Old Jerusalem).²⁸

This is the charter of security granted by Umar, the servant of God and Amir ul Mumineen, to the citizens of Elia. Protection is guaranteed to their life, property, churches and crosses, to every citizen, healthy or sick. Their churches shall not be made places of residence for others, nor shall they be demolished or damaged. No injury shall be inflicted on their property, or their crosses. No religious pressure shall be put on them and no one shall be harassed. The blood of the *Dhimmi* is regarded as sacred as that of the Muslims. In case a *dhimmi* is killed or injured by a Muslim, the deceased relative has the right to treat the Muslims in the same manner.²⁹

Nature of relationship between the Islamic State and its non-Muslim citizens

Qur'an says that humanity will never follow one single creed, and therefore rituals and dogmas and modes of worship will continue to be different.

²⁶ *The Covenant of the Prophet Muhammad with the Monks of Mount Sinai*, Saint Catherine's Monastery, Sinai, Egypt, accessed August 12, 2025,

<https://www.sinaimonastery.com/en/index.php/history/prophet-muhammad-s-covenant>.

²⁷ Muhammad ibn Abdullah, *The Covenant of the Prophet Muhammad with the Monks of Mount Sinai*, 628 CE, in Anton F. Haddad, trans., "The Charter of Privileges Granted by Prophet Muhammad to the Christians of Saint Catherine Monastery," in *The Muslim World* 24, no. 4 (1934): 391–395.

²⁸ Al-Tabari, *The History of al-Tabari, Volume XII: The Battle of al-Qadisiyyah and the Conquest of Syria and Palestine*, trans. Yohanan Friedmann (Albany: State University of New York Press, 1992), 191–193.

²⁹ "The Covenant of Umar with the Christians of Jerusalem (637 CE)," in Al-Mawardi, *Al-Ahkam al-Sultaniyya*, trans. Wafaa H. Wahba (Reading, UK: Garnet Publishing, 1996), Appendix A.

Surah Al-Maidah, 5:48

أَلْحَقْ لِكُلِّ جَعَلْنَا مِنْكُمْ شِرْعَةً وَمِنْهَاجًا ۚ وَلَوْ شَاءَ اللَّهُ لَجَعَلَكُمْ أُمَّةً وَاحِدَةً وَلَٰكِن لِّيَبْلُوَكُمْ فِي مَا آتَيْنَاكُمْ فَاسْتَبِقُوا الْخَيْرَاتِ ۚ إِلَى اللَّهِ مَرْجِعُكُمْ جَمِيعًا فَيُنَبِّئُكُمْ بِمَا كُنْتُمْ فِيهِ تَخْتَلِفُونَ ٤٨

To each of you We have ordained a code of law and a way of life. If Allah had willed, He would have made you one community, but His Will is to test you with what He has given 'each of' you. So compete with one another in doing good. To Allah you will all return, then He will inform you 'of the truth' regarding your differences.

1. **Right to life and Property:** Islamic state recognizes the right of its non-Muslim citizens to life and property. This can be illustrated by the charters which the Holy Prophet (PBUH) granted to the Jews of Medina and to the Christians of Najran.³⁰ The Charter of Medina says:

The Jews of Bani Awf shall be considered as a community along with the Muslims. The Muslims shall defend them against all aggressors. Their relations shall be based of good-will and mutual benefit. The allies of the Jews shall be treated as the allies of the Muslims and anyone oppressed irrespective of his creed shall be helped.” The **Charter granted to the Christians of Najran by the Holy Prophet (PBUH)** declared:

“The Christian tribe of Najran shall be under the protection of God and His Prophet (PBUH). Their life, their property, their territory, are guaranteed to be respected and protected, and this protection shall extend to those persons present and to those not present, including their property and also to those under the protection of this tribe, whether they belong to the tribe or not.”³¹

2. **Freedom of Religion and Worship:** The non-Muslims in an Islamic State have the same freedom of religion and worship in their own way, as have the Muslims. Use of force or pressure for the propagation of Islam is strongly prohibited by the Qur’an. Muslims have been required to present Islam to the non-Muslims in a human and rational manner and by their good behavior and manners.

Surah Al-Nahl 16:125

أَدْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ ۚ وَجَادِلْهُمْ بِالَّتِي هِيَ أَحْسَنُ ۚ إِنَّ رَبَّكَ هُوَ أَعْلَمُ بِمَنْ ضَلَّ عَنْ سَبِيلِهِ ۚ وَهُوَ أَعْلَمُ
بِالْمُهْتَدِينَ ١٢٥

Invite 'all' to the Way of your Lord with wisdom and kind advice, and only debate with them in the best manner. Surely your Lord 'alone' knows best who has strayed from His Way and who is 'rightly' guided.

³⁰ Ibn Sa‘d, *Kitab al-Tabaqat al-Kabir*, vol. 1, trans. S. Moinul Haq (Karachi: Pakistan Historical Society, 1967), 227–229.

³¹ “Charter Granted to the Christians of Najran by the Prophet Muhammad,” in A. Guillaume, *The Life of Muhammad: A Translation of Ibn Ishaq’s Sirat Rasul Allah* (Oxford: Oxford University Press, 1955), 270–272.

In religious controversies, Muslims are forbidden to call names and pour incentives on their opponent's modes of worship or their objects of reverence. The Qur'an warns that by such abusive denunciation the Muslims will invite retaliation with similar weapons:

Surah al-Anam 6: 108

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ كَذَلِكَ زَيْنًا لِكُلِّ أُمَّةٍ عَمَلُهُمْ ثُمَّ إِلَىٰ رَبِّهِمْ مَرْجِعُهُمْ فَيُنَبِّئُهُمْ بِمَا كَانُوا يَعْمَلُونَ ١٠٨

O believers! Do not insult what they invoke besides Allah or they will insult Allah spitefully out of ignorance. This is how We have made each people's deeds appealing to them. Then to their Lord is their return, and He will inform them of what they used to do.

3. **Payment of Jizya:** The non-Muslims have to pay jizya or poll tax to the Islamic State in lieu of military service and also due to their exemption from the payment of zakat, which Muslims are obliged to pay. But the jizya is much lower tax than zakat.³²

Exceptions: Moreover, many classes of the *Dhimmi*s are exempted from this tax altogether such as the poor, priests, monks, widows, sick and old, etc. Once Caliph Umar (R.A) saw an old dhimmi begging in the street; on inquiry, he was informed that he was doing so in order to collect enough money to pay *jizya*. The Caliph at once ordered that no *jizya* was to be collected from him: "By God, it is not just that a man who has paid *jizya* in his youth should be required to pay it when he was grown old and sick." (pensionary and old age benefit of minorities)

4. **Protection of non-Muslim places of Worship:** Islamic state has the responsibility to guarantee protection of the places of worship of its non-Muslim citizens. Muslims are duty-bound to protect their places of worship, whether they are synagogues, churches, temples, etc.

Surah Al-Hajj 22: 40

الَّذِينَ أُخْرِجُوا مِنْ دِيَارِهِمْ بِغَيْرِ حَقٍّ إِلَّا أَنْ يَقُولُوا رَبُّنَا اللَّهُ ۗ وَلَوْلَا دَفْعُ اللَّهِ النَّاسَ بَعْضَهُمْ بِبَعْضٍ لَهَدِمَتْ صُومِعُ وَبِيعَ وَصَلَوَاتُ الْمَسَاجِدِ يُذَكَّرُ فِيهَا اسْمُ اللَّهِ كَثِيرًا ۗ وَلَيَنْصُرَنَّ اللَّهُ مَنْ يَنْصُرُهُ ۗ إِنَّ اللَّهَ لَقَوِيٌّ عَزِيزٌ ٤٠

They are those who have been expelled from their homes for no reason other than proclaiming: "Our Lord is Allah." Had Allah not repelled the aggression of some people by means of others, destruction would have surely claimed monasteries, churches, synagogues, and mosques in which Allah's Name is often mentioned. Allah will certainly help those who stand up for Him. Allah is truly All-Powerful, Almighty.

In this verse, it may be noted that Allah has enjoined the protection of mosques after the churches of the Christians, synagogues of the Jews and temples of the Pagans. Islamic States throughout history have always complied with this Qur'anic commandant. This was one of the

³² Yohanan Friedmann, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition* (Cambridge: Cambridge University Press, 2003), 77–85.



reasons that in some Muslim empires, the places of worship of the non-Muslims outnumbered the mosques, as for example, in the Mughal Empire in Medieval India and Muslim rule in Spain!³³ The messenger of Allah practiced religious tolerance towards non-Muslims and did not use force to compel people of other religions to embrace Islam as it would have been against the commands of the Qur'an: "Let there be no compulsion of the Qur'an." (2:256)

Muslims are commanded here not to force Islam on people of other religions, because belief in any religion depends on faith, and faith cannot be induced by force. In Islam, religious tolerance is so highly recommended that there is no room for any compulsion to accept Islam; only argument and logic can be used to show others the guidance of Islam. The Qur'an advocates a just and kind treatment for non-Muslims. The Holy Prophet (PBUH) was commanded by Allah to grant asylum to any unbeliever who asked for it.³⁴

In fact, in safeguarding the rights of non-Muslims, an Islamic state has gone to such extremes as to give them the liberty of maintaining even those practices which are entirely opposed to the teachings of Islam. For example, the consumption of alcohol is forbidden to Muslims, yet the non-Muslim inhabitants of the country have the liberty to consume, manufacture, import and sell alcohol. The same is true of games of chance and contracts involving usury. Islam insists on kind treatment of non-Muslims. The Holy Prophet (PBUH) said: "If anyone wrings a man to whom a treaty has been granted, or burdens him above his strength, I will advocate against him on the Day of Judgement."³⁵

Hazrat Abu Bakr said: "If a province or people receive you, make an agreement with them and keep your promise. Let them be governed by their laws and established customs; and take tribute from them as is agreed between you. Leave them in their religion and their land."³⁶ Hazrat Umar treated non-Muslims very kindly and justly. While imposing taxes upon them, he was very careful that enough was left for their maintenance. Even on his deathbed, he left instruction that non-Muslims should be treated justly and not overburdened with taxes. Such were the injunctions of the Holy Prophet (PBUH) and immediate successors about the rights of non-Muslims.³⁷

³³ Richard Eaton, *The Rise of Islam and the Bengal Frontier, 1204–1760* (Berkeley: University of California Press, 1993), 287–289; Thomas F. Glick, *Islamic and Christian Spain in the Early Middle Ages*, 2nd ed. (Leiden: Brill, 2005), 97–100.

³⁴ Ovamir Anjum, "Dhimmi Citizens: Non-Muslims in the New Islamist Discourse," *ReOrient* 2, no. 1 (Autumn 2016): 31–50.

³⁵ Abu Dawud, *Sunan Abi Dawud*, Kitab al-Kharaj wa al-Imara wa al-Fay', Hadith no. 3052, in *Sunan Abi Dawud*, ed. Muhammad Muhyi al-Din 'Abd al-Hamid (Cairo: al-Maktabah al-Salafiyah, 1952), 3:170.

³⁶ Al-Tabari, *The History of al-Tabarī, Volume X: The Conquest of Arabia*, trans. Fred M. Donner (Albany: State University of New York Press, 1993), 158.

³⁷ Abu Yusuf, *Kitab al-Kharaj*, trans. A. Ben Shemesh (Leiden: Brill, 1969), 126–128; Al-Tabari, *The History of al-Tabarī, Volume XIV: The Conquest of Iran*, trans. G. Rex Smith (Albany: State University of New York Press, 1994), 120–121.

Minority Rights in Contemporary International Law

UDHR is well established document and have great appreciation in world. However, the writers, creators and member states totally throw into oblivion the contribution of Islam in the crystallization of this concept in the religion itself centuries before the advent of modern democracies and evolution of the concept of Human Rights in the west.³⁸ It has been rightly stated, “that the people in the West have the habit of attributing good to themselves and try to prove that it is because of them that the world got this blessing otherwise the world was stepped in ignorance and completely unaware of all these benefits.”³⁹ Following are the ten articles to be discussed in the light of Qur’anic verses and Sunnah of Holy Prophet (PBUH):

Article 2 of UDHR: Freedom from Discrimination

“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.”⁴⁰

The rights in the UDHR belong to everyone, no matter who we are, where we are from, or whatever we believe. Following verses clearly mentions that Allah does not create people to be divided in different sects and people despite belonging from different religion would have good reward on doing good and will be saved from any grief.

وَلَا تَكُونُوا كَالَّذِينَ تَفَرَّقُوا وَاخْتَلَفُوا مِنْ بَعْدِ مَا جَاءَهُمُ الْبَيِّنَاتُ ۗ وَأُولَٰئِكَ لَهُمْ عَذَابٌ عَظِيمٌ ١٠٥ *And do not be like those who split 'into sects' and differed after clear proofs had come to them. It is they who will suffer a tremendous punishment.*⁴¹

إِنَّ الَّذِينَ ءَامَنُوا وَالَّذِينَ هَادُوا وَالصَّالِحِينَ وَالصَّابِرِينَ مَنْ ءَامَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَعَمِلَ صَالِحًا فَلَهُمْ أَجْرُهُمْ عِنْدَ رَبِّهِمْ وَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ يَحْزَنُونَ ٦٢ *Indeed, the believers, Jews, Christians, and Sabians—whoever 'truly' believes in Allah and the Last Day and does good will have their reward with their Lord. And there will be no fear for them, nor will they grieve.*⁴²

Hadith: Prophet Muhammad (PBUH) said: "O mankind, your Lord is One and your father is one. You all descended from Aadam, and Aadam was created from earth. He is most honored among you in the sight of God who is most upright. No Arab is superior to a non-Arab, no colored person to a white person, or a white person to a colored person except by Taqwa (piety)."⁴³

³⁸ Basit, *Human Rights*, 236.

³⁹ Abu al-‘A’la Mawdudi, *Al-Tawhid Journal* IV no. 3, Rajab-Ramadan 1407, Ch. 1.

⁴⁰ Article 2, United Nations, *Universal Declaration of Human Rights*, UN General Assembly Res. 217 A (III), December 10, 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

⁴¹ Al-Imran, 105; 3:105.

⁴² Al-Baqarah, 62; 2:62.

⁴³ Jami` at-Tirmidhi 3076, Book 47, Hadith 128.

Article 2 of ICESCR: Right to Non-Discrimination and the right of effective remedy

“1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.”⁴⁴

In brief: Each State Party undertakes to take steps to the maximum of its available resources to achieve progressively the full realization of the rights in this treaty. Everyone is entitled to the same rights without discrimination of any kind.

Surah Al-Imran, 3:195

فَأَسْتَجَابَ لَهُمْ رَبُّهُمْ أَنِّي لَا أُضِيعُ عَمَلَ عَمَلٍ مِّنْكُمْ مِّنْ ذَكَرٍ أَوْ أَن تِي بَعْضُكُمْ مِّنْ بَعْضٍ فَالَّذِينَ هَاجَرُوا وَأُخْرِجُوا مِنْ دِيَارِهِمْ وَأُوذُوا فِي سَبِيلِي وَقَاتَلُوا وَقُتِلُوا لَأُكَفِّرَنَّ عَنْهُمْ سَيِّئَاتِهِمْ وَلَأُدْخِلَنَّهُمْ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ تَوَابًا مِّنْ عِنْدِ اللَّهِ وَاللَّهُ عِنْدَهُ حُسْنُ التَّوَابِ
١٩٥

195. Then their Lord accorded approval to their supplication (and said:) ‘Certainly, I do not waste the wages of any laborer, whether man or woman; you all are from one another. So those who have emigrated (for the cause of Allah) and have been driven out of their dwellings (for Him alone) and have been offended in My way and fought for My sake and were slain, I shall verily erase their sins from their record of works, and admit them to the Gardens beneath which rivers flow. This is the reward from Allah, and (even) better reward (than this) lies with Allah alone.’⁴⁵

Charter of Madina: Article 3

[3] The emigrants from the Quraish shall be (responsible) for their own ward; and shall pay their blood-money in mutual collaboration and shall secure the release of their own prisoners by paying their ransom from themselves, so that the mutual dealings between the believers be in accordance with the principles of goodness and justice.⁴⁶

Article 18 of ICCPR: Right to freedom of thought, conscience and religion

⁴⁴ Art 2, United Nations, *International Covenant on Economic, Social and Cultural Rights*, UN General Assembly Res. 2200A (XXI), December 16, 1966,

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

⁴⁵ Surah Al-Imran,3:195 (translation taken from <https://www.irfan-ul-Qur'an.com/english/Surah-Al-i-Imran-with-english-translation/195>).

⁴⁶ Ibn Hisham, *Al-Sirah al-Nabawiyyah*, ed. Mustafa al-Saqqa et al. (Cairo: Mustafa al-Babi al-Halabi, 1955); W. Montgomery Watt, *Muhammad at Medina* (Oxford: Clarendon Press, 1956).



1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.⁴⁷

The collective spirit of ICCPR Article 18, UDHR Article 2, and ICESCR Article 2 reflects a universal commitment to safeguarding freedom of thought, conscience, religion, and non-discrimination for all individuals, including minorities. These provisions establish not only the right to hold and manifest one's beliefs but also the obligation of states to ensure such rights without prejudice on the basis of religion, ethnicity, or any other status. Remarkably, the Islamic legal tradition already rooted in Qur'anic injunctions, the Prophetic Sunnah including Charter of Madina and the practices of the Rightly Guided Caliphs were anticipated many of these principles centuries earlier by guaranteeing non-Muslims security of life, property, and places of worship, as well as the freedom to practice their faith. Both frameworks converge on the moral imperative of protecting vulnerable communities, underscoring that the dignity and rights of minorities are not merely political concessions but foundational elements of a just and harmonious society.⁴⁸

Comparative Analysis of Islamic Principles and International Treaty Provisions on Minority Rights

The protection of religious minorities occupies a prominent place both in Islamic legal tradition and in contemporary international human rights law. While these two frameworks arise from different historical contexts as is one rooted in divine revelation and classical jurisprudence, the other in modern secular legal discourse. They converge on several core principles: the inviolability of religious freedom, the imperative of equality before the law, and the safeguarding of communal identity and worship.

In the Islamic context, these protections are derived from the Qur'an, the Sunnah of the Prophet Muhammad (PBUH), and centuries of juristic elaboration. Foundational principles include the prohibition of coercion in matters of faith (Qur'an 2:256), the guarantee of justice for all communities regardless of belief (Qur'an 5:8), and the recognition of the *dhimmi* covenant, which

⁴⁷ Art 18, United Nations, *International Covenant on Civil and Political Rights*, UN General Assembly Res. 2200A (XXI), December 16, 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

⁴⁸ Hafiz Muhammad Arif Siddiqi et al., "Common Attributes of the Constitution of Madina and Magna Carta: Analytical Study from a Historical Perspective," *Russian Law Journal* 11, no. 10s (2023): 663–679, <https://doi.org/10.52783/rlj.v11i10s.1796>.



historically provided security and autonomy to non-Muslim citizens of the Islamic state. Furthermore, the Prophet’s treaties with Christian and Jewish communities, such as the Constitution of Medina and the Charter to the Christians of Najran, stand as precedent for peaceful coexistence and institutional protection of minority rights.

Modern international law, as articulated in instruments like the **Universal Declaration of Human Rights (1948)** and the **International Covenant on Civil and Political Rights (1966)**, enshrines similar protections, albeit in secular terms. These instruments guarantee freedom of thought, conscience, and religion, prohibit discrimination on the basis of faith, and obligate states to protect the cultural and religious identity of minority groups. The table below illustrates these parallels, showing how key Islamic principles align with binding and non-binding international treaty provisions:

Aspect	Islamic Principles	International Treaty Provisions
Freedom of Religion	“ <i>No compulsion in religion</i> ” (Qur’an 2:256); respect for religious autonomy in Constitution of Medina; protection of worship places.	UDHR Art. 18 – Freedom of thought, conscience, and religion; ICCPR Art. 18 – Same, legally binding.
Equality & Non-Discrimination	Qur’an 49:13 – All humans equal in dignity; justice mandated regardless of faith (Qur’an 5:8).	UDHR Art. 2 – No discrimination based on religion; ICCPR Art. 2 & 26 – Equal protection under the law.
Protection of Religious Minorities	<i>Dhimmi</i> status in classical <i>fiqh</i> : guaranteed safety, property, worship rights; prohibition of forced conversion.	ICCPR Art. 27 – Minorities shall not be denied right to practice religion; UN Minority Rights Declaration (1992) – Protect identity and culture.
Protection of Religious Institutions	Prophet’s treaties safeguarded churches, synagogues, and temples; penalties for violating their sanctity.	The Hague Convention (1954) – Protection of cultural property in conflict; ECHR Protocol 1 – Right to peaceful enjoyment of property, including religious property.
Justice & Reciprocity	Qur’an 16:90 – “Allah commands justice, doing good”; principle of reciprocity (<i>al-mu’amala bil-mithl</i>) in treatment of others.	UN Charter (1945) – Calls for equal rights among nations; principle of reciprocity embedded in diplomatic relations and human rights obligations.

This comparative framework reveals two important points. First, the Islamic legal tradition offers protections that are not only consistent with international human rights standards but, in some respects, historically predate them. Second, the principle of **reciprocity** are well established in Islamic ethics through *al-mu’amala bil-mithl*, suggests that if Muslim-majority societies are held to these obligations, then non-Muslim jurisdictions must equally guarantee the rights of Muslim minorities under their governance. Recognizing this shared moral and legal responsibility could serve as a foundation for more consistent and impartial enforcement of human rights across cultural and political boundaries.



Conclusion

Muslims believe in all previous messengers and all of them are held in equal esteem. For a Muslim, Allah is none other than the God of Hazrat Musa and Hazrat Isa. The followers of these messengers are called the 'People of the Book' in the Qur'an. The Holy Prophet (PBUH), therefore, gave them special consideration and status in the Islamic State of Madinah and freedom to practice their religions. He showed immense goodwill and understanding towards them. Their scriptures and places of worship were respected. They enjoyed complete security and protection of their lives, property and religion. No synagogue or church was destroyed. They were allowed to maintain and repair their places of worship and also to construct new ones. They were granted judicial autonomy. Their civil cases were decided according to their own laws and by their own courts. In addition, they were allowed to seek justice in a Muslim court, if they so desired. The Muslim authorities were not allowed to interfere with their personal laws.

The protection of minority rights occupies a central position in both Islamic legal tradition and contemporary international human rights law, albeit grounded in distinct epistemological and normative frameworks. Islamic jurisprudence, as derived from the Qur'an, Sunnah, and the Prophet Muhammad's (PBUH) covenants, articulates a binding moral and legal duty toward non-Muslims, ensuring their safety, dignity, and religious freedom. Historical precedents such as the Charter of Madinah underscore Islam's early institutionalization of pluralism and contractual protection. Similarly, modern international instruments, including the UDHR, ICCPR, and ICESCR which seek to secure the rights of minorities through codified principles of equality, non-discrimination, and cultural autonomy. While international law is rooted in consensual state obligations within a secular framework, it nonetheless converges with Islamic law on fundamental human values.

The comparative analysis reveals that divergences are primarily interpretive and procedural rather than ethical in essence. Bridging these conceptual gaps requires fostering dialogue between Islamic scholarship and international human rights discourse, thereby enhancing both cultural legitimacy and universality. Such an integrated approach not only strengthens the protection of minorities but also reinforces the moral foundations of justice across civilizations. Ultimately, recognizing the shared commitments between these systems transforms the discourse from one of perceived incompatibility to one of complementary reinforcement, offering a robust and inclusive paradigm for safeguarding minority rights in the modern world.

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