Political Equality and The Issue of Citizenship Rights in Contemporary Islamic Thought

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Abstract

Some intellectual challenges have arisen in the semantic system of Muslims since the introduction of the semantic indications of modern discourse into the Muslim world. "Nationalist Citizenship" and its resulting rights is one of the categories used as an indicator for measuring political justice in contemporary societies. This indication has not yet been fully adapted to the semantic system of Muslims intellectually. In some Islamic states, especially in countries with more religious minorities, efforts have been made to address this challenge. However, the question remains theoretically unanswered. Using a semiotic approach, the present paper seeks to examine the conceptual dimensions of membership in the Muslim political community and to pinpoint the intellectual efforts of some contemporary Muslim thinkers to address this issue through a review of the emerging challenges in Muslim semantic system as a result of the introduction of citizenship political rights. Some modernist Muslim thinkers are trying to pave the way to overcome these challenges by moving over some anthropological conceptual dualities. This article aims to examine the extent to which these theoretical efforts have been adapted in the overall Islamic semantic system.

Keywords

Introduction

"Citizenship" is a special relationship between man, society, and the state by which some rights and obligations are conferred on the individual as a "citizen." Citizenship has many dimensions that can be examined from three angles. First, citizenship as a legal matter, in the sense that the citizen has a number of rights and can adjudicate them. Second, the perception of the citizen as a political agent and present in the political institutions of society. Third, citizenship as membership in the political community as a source of distinct identity (Leydet, 2011). In the ontology of modern times, the evolution of human status shapes legitimate and anthropocentric perceptions of concepts such as citizenship that have highlighted its legal dimension. Since the anthropology of the new era is often based on the assumption of human equality, all individuals in society must be equally entitled to access to the position of sovereignty (governing).

Since the arrival of modern thinking in Iran and the Islamic world, Islamic political thought has faced a number of challenges. One of the major challenges in the political and social arena of Muslim societies, raised at the level of knowledge in the field of jurisprudence and political law, is the issue of political equality under the discussion of citizenship rights. This issue is sometimes at odds with the new political thought, given the acceptance of inequality based on the two components of religion and gender in classical political jurisprudence. The resolution of this conflict is necessary for the adaptation of Islamic thought in the contemporary era, given the acceptance of a few od new democratic political systems in the Islamic world in the form of a constitution or a republic. The present paper, therefore, addresses the issue of citizenship rights at the political level and the intellectual challenges arising from it in contemporary Islamic thought, and then briefly review their solutions to adapt the contemporary Muslim semantic system by reviewing the views of non-Muslim intellectuals.

Equalitarian Citizenship

The issue of equality between citizens at different social and legal levels is

one of the major challenges in contemporary Islamic discourse, formulated after the introduction of modern discourse and semantic systems into the Iranian and Islamic world, in the network of vocabulary and symbols in the semantic field of constitutionalism and law. Since then, there have been some difficulties in dealing with the issue at hand jurisprudentially and intellectually in a traditional and formerly manner usually formulated within the framework of the sultanate jurisprudence. Previously, people in the community were seen in relation to the government as "subjects" rather than citizens who did not enjoy their rights in their modern sense in the form of a traditional semantic system. The kings protected their subjects as a divine deposit in some matters out of goodness as well as a moral divine obligation. This notion was rooted in the tradition of the Iranian monarchy and continued in post-Islamic Iran, especially in the discourse of maxims. Furthermore, traditional governments in the Islamic world, including Iran, did not generally recognize anindication called "right" for the people, based on Islamic Shari'ah and in its semantic and semiotic fields. Instead, they spoke of the "expediency" of the people as recognized by the rulers.

Another challenge raised by the question of equality for contemporary Islamic thought is that the citizens of the state and members of the Islamic community were categorized as Muslims and non-Muslims following the classical Islamic tradition. It was perhaps from the second century AH that a pessimistic, othering-based view was formed with them as the "disobedient infidel (i.e., infidel deserving to be fought with)" after the expansion of the war between the Muslims and the Roman Empire, i.e., the Christians. On the contrary, in this semiotic system, words such as "Dhimmi (i.e., non-Muslim nationals of a Muslim state paying some form of usually regular tribute to that state)," "Mu'ahid (i.e., a person who is granted the pledge of protection by the Muslims), " etc. were used to refer to Christians and followers of other heavenly religions who lived in the Islamic State coexisting with Muslims. Nonetheless, after the formation of the constitutional discourse in Iran, key indications in this semantic system were rejected by some scholars and jurists (jurisconsults). One of these indications was the issue of equality

between Muslim and non-Muslim nationals. As one prototype of this attitude, *Sheikh Fazlollah Noori* opposes the constitution on the basis of this indication.

> One of the clauses in that letter of aberration [Amendment to the Constitution] is that the people of the country have equal rights. The last edition read: "Iranians will have equal rights under state law". The word "equality", " شاع و ذاع حتى خـرق الاسـماع [It was spread until it pierced the ears]" is one of the pillars of the constitution that will disappear if it is disturbed. The Islamic state will not be constitutional because it is impossible to enjoy equal rights with Islam. Now, O religious brother! Reflect on the extent to which Islamic rulings have distinguished between the subjects of adults bound to perform religious percepts in worship, transactions and commerce, and politics from mature and non-mature and Muslim, infidel paying tribute and infidel deserving to be fought, original unbeliever, apostates, national and innate apostates, and so on. مما لايخى على الفقيه الماهر (Zargarinezhad, 2008).

In contrast to this approach, modernist Muslim thinkers provide an opportunity to develop new concepts and indications in the Muslim semantic system through the development and establishment of their own intellectual and jurisprudential system, and in some ways through the principled ijtihad arising from theological principles such as inherent good and evil. For this reason, "intellectual properties" have a high place in the epistemic system of modernist jurists such as Mirza Mohammad Hussein Naini Gharavi. Islamic precepts (ordinances) are, therefore, based on a set of principles that undoubtedly not contradict the findings of certain knowledge. He claims that "the principles of Islamic civilization and politics" and not all of its civilization and its details have been put forward in religion, and that human reason, i.e., common sense, fails to achieve those principles. Nevertheless, it is not incapable of understanding every intellect (reason). Therefore, it is possible that some intellects outside the confines of religion may achieve these principles. Thus, our failure to receive these principles is due to a lack of proper understanding of religion, not because of a defect (deficiency) in

religion (Feirahi, 2015). On this basis, Naini opens a door to accepting principles such as freedom and equality in the Muslim semantic system. According to Naini, the principle of equality in government means the equality of all people of the nation with one another and with the governor of all sorts and considers it to be the just rule. Indeed, equality is regarded as a prerequisite for justice. He believes that the constitutional opposition's argument about equality and freedom derives from some fallacies (false reasoning) and distorts them. This fallacy stems from the ambiguity in the concept of freedom and equality that can be resolved through its subjectology. In his view, equality in typical affairs and the public sphere should not be equated with equality in religious precepts (decrees). Opposition to the constitution considers equality before any law as equality in Shari'ah (religious) laws and ordinances, without separating them from religious and customary law (also, consuetudinary or unofficial law). Hence, they say that Islam and equality do not come together. By accepting the difference in religious decrees, he considers equality as equalitybefore state law, as well as the equal application of all laws, including religious decrees, without any interference outside the jurisdiction (Feirahi, 2015). In Naini's words:

> The law of equality is one of the highest auspicious laws derived from Islamic politics and the basis of justice and the spirit of all those laws. Its fact in pure Shari'ah is that any decree (ordinance) that is arranged on any subject matter lawfully and on totalityaspect, is applied with respect to its instances and individuals equally without any differencein application stages. The personal aspects and specific surplusage are directly disregarded, and the authority to impose, overcome, neglect, and deprived of forgiveness (remission), and the doors towards violation, bribery, and arbitrary sovereignty are completely blocked (Feirahi, 2015).

As Naini's phrase implies, equality in politics has nothing to do with religious differences and the like. In the earlier paragraphs, he said, "The principle of the basic command is just one of the ways to record the conduct of the officers, to limit their domination, to determine their obligations, and recognizing the required typical obligationsis anexception." Moreover,

detailed instructions are either a set of purely customary policies prescribed to maintain a system or laws between the general public and correspondent between unions" (Feirahi, 2015). Naini seeks to overcome the suppression of this indication in the semantic field and the traditional Islamic thought system by introducing the principle of equality in the semantic field of 'Islamic politics' and distinguishing it in two areas of political and typical affairson the one hand, and in the field of religious law (precepts) on the other.

In general, many semiotic and semantic tensions have been taking place in the Muslim world since the introduction of this problem that has continued. In this context, numerous debates and controversies have arisen to bring the concept of modern citizenship into conformity with the modern Islamic legislation in the political arena, and have led to a great deal of ijtihad in the Islamic world, especially since the second half of the twentieth century. Some historians of Islamic thought consider the emergence of contemporary Islamist discourse since 1970 to be replaced by Islamism as the most active engine of social forces since the death of Gamal Abdel Nasser in Egypt as the leader of Arab nationalism (Arkoun, 2015). However, in the 1960s and 1970s, when Islamic movements grew significantly, Islamic doctrine was regarded as the axis and source of identity that was intended to implement the Islamic Shari'ah. Contrary to modern Western views, these movements emphasized beliefbefore human beings. Thus, the concept of the individual citizen, national of a given state with certain sovereignty in which all citizens were equal, was absent. In this semantic system, particular individuals and affiliations within the state-nations and internal societies all melted to provide the interests of the Islamic Ummah. Here, the citizen was not regarded as a person, but as a Muslim. Therefore, the requirement of adherence to the Islamic doctrine made the distinction between a faithful believer and an uncommitted Muslim. The former was regarded as a real person and possessed of all rights while the latter was not. In Lebanon, people like Muhammad Mahdi Shams al-Din (or spelled Mohammad Mehdi Shamseddine) likened the second group to the Qur'anic interpretation " الحمار الذييحمل اسفارا" in their first intellectual period at that time (Rahal, n.d.). In that

sense, such people were not considered human. In the book '*Bain al-Jahiliya Wa al-Islam* (بـين الجاهليـة والإسـلام), ' he strongly emphasizes these positions and views the indications of Western civilization as material and infidel, with the bipolarization between Islam and the West, he argues that Muslims should revive their Islamic identity based on religious affiliations and outside the framework of Western thought, by abandoning these indications. According to one Arab writer, at this stage, the ideas of Islamists such as Shams al-Din cannot accept any relations of a national and patriotic nature (Ibid., 114-115). In fact, the idea of the unity of the Islamic world and the Islamic Ummah under an Islamic state was seen as the main ideal of the Islamist thinkers who saw it as a religious truth that had been overthrown by the phenomenon of colonialism. Practical engagement with post-colonial nation-states was therefore not a matter of theoretical acceptance, but of political and pragmatic necessity. Naturally, the indications of the new system were not recognized either.

Nevertheless, after two decades, socio-political realities have led some Islamists to compromise with some Western notions of new homeland and citizenship. As a matter of fact, nation-states were not established in the Islamic semantic system but were regarded as indications that had to be temporarily dealt and coexist with, such as secondary rules. Therefore, the indication of national citizenship and equality between citizens, Muslim and non-Muslim, have no place in this discourse, i.e., the discourse of the unity of the Islamic Ummah.

Nonetheless, this is quite natural. Furthermore, in Western experience, full legal equality between citizens, even in the theoretical field, has been a gradual process. Essentially, the focal position of man in the semantic system of modern times, at the philosophical and anthropological level, that ultimately led in some way to individuality, is the basis for the development of the concept of modern citizenship and its rights. Indeed, it was after the emergence of a new conception of man's place in existence and society that the 'national sovereignty and popular sovereignty' debate became prominent as key indicators of Western intellectual culture and system. As a result of

this event, the discussion of the relationship between the individual, the state, and society emerged as new citizenship with equal rights before the law, which was based on a humanistic notion of justice, human freedom, especially political freedom, such as the right to choose and be chosen and participating in political power. Undoubtedly, in the new nation-states, the identity is derived from the Westphalian model that characterizes a nation and considers it the source of law and consequently citizenship. Here, before addressing some of the new readings of the indications of the new semantic system, a brief overview of the question of membership of the Islamic community and the citizenship of Islamic State in classical jurisprudential thought seems necessary.

1. Membership of the Islamic Community

Membership of the Islamic community and the acceptance of Islamic State authority by the 'Covenant of Medina' in the time of the Prophet (PBUH) evolved into either being a Muslim or contractable (capable of being concluded a treaty with) (i.e., Mu'ahid and Dhimmi). In this way, the condition for membership in the Islamic political community and enjoying the rights derived from it could be fulfilled in two ways: first, being a Muslim, second, accepting DhimmiTreaty by 'People of the Book' non-Muslims. In Medina, the Muslim Ummah and the Jewish Ummah created a united political community while maintaining the religion and independence of their religious community. After the revelations of the surah of At-Tawba and the legislatingDhimmi Treaty, the covenant membership went beyond the Jews and included the rest of the People of the Book. After the Prophet (PBUH) passed away and the territory of the Islamic State expanded, members of the Islamic political community - not the Islamic Ummah - were identified solely on the basis of the two above-mentioned conditions without involving their ethnic, linguisticcharacteristics, and so forth. This process continued even after the unity of the Caliphate, i.e., in the era of numerous caliphs. As such, the Muslim's dependence on and sense of belonging to land under specific de facto rule did not cause him to face legal restrictions on

foreigners in other Islamic caliphates. Each caliph actually ruled over part of the Islamic land (in a de facto manner) but regarded himself as the caliph of the Prophet (PBUH) and thus ruled over all Muslims (Daneshpouzh, 2013). Moreover, rebel members of the Islamic community were regarded as "unruly" in the Islamic land who had some membership rights. Thus, in this semantic subsystem, indications such as "Islamic land" are defined as the antithesis of "land of blasphemy" or "land of war", "Muslim" versus "infidel", "People of the Book", and "Dhimmi" in the semantic field of "Islamic Ummah".

2. Equality and Inequality in Rights and Responsibilities

The type of rights and obligations of the Muslims and Dhimmis varied widely in a few areas, especially in the political arena. There have been disagreements among the jurists even about who Dhimmis are. Nevertheless, as to who is considered Dhimmi, most Muslim jurists often assume that Jews, Christians, i.e., the People of the Book, and the Magi act as Dhimmi contract. Notwithstanding, there are different opinions in this regard. The Hanafis consider all non-Muslims, except idolaters, to be Dhimmi. For Shafi'is, Hanbalis, and Zahiris, it is not correct to conclude a Dhimmi contract with individuals not belonging to the People of the Book and the Magi. Malikis and the Zaidis believe that it is correct to conclude a Dhimmi contract with all non-Muslim guilds even idolaters (Jabir, 2011). According to famous Shiite jurists, the conclusion of the Dhimmi contract is unique to followers of monotheistic faiths, and other infidels can live temporarily and for a limited time in the Islamic land, not as Islamic State citizens but merely as foreign residents (Daneshpajouh, 2013). In Islamic jurisprudence, Dhimmis enjoy certain rights only because of their residence in the Islamic land and the criterion of religion applies only to Muslims. In this case, the existence of a religious state creates divisions among humans based on their relation to Islam. For this reason, Muslims, Dhimmis, and musta'mins are those who can continue to live in Islamic-dominated land under the jurisprudential rules.

Concerning the obligations, in the Islamic community, the classical jurists

exclude Dhimmis from the circle of positions and obligations which are inherently religious in character, distinguishing between two types of obligations. For example, Dhimmis cannot assume the positions of judgment, caliphate, command of jihad, and so on. Actually, the existence of the Islamic doctrine is the prerequisite forattaining these professions. Nevertheless, there are three views on non-religious positions and obligations such as technical, administrative, etc. among public jurists. First, the absolute prohibition, *al-Jassas*, a Hanafi jurist, Malikis, and some Hanbalis like *Ibn Qayyim*, as well as Zahiris such as *Ibn Hazm*, have decreed this view. Second, absolute license (permit) except for cases there is consensus on such as the Great Imamate, which is the opinion of many contemporary scholars as well. Third, to quote in detail, permit (permission) or non-permit (non-permission) is different depending on the type of job. Some Hanafi scholars, such as Ibn Hammam and Ibn Kathir, al-Buhuti, a Hanbali scholar, as well as al-Mawardi, a Shafi'i scholar, tend to take this view (Jabir, 2011). It goes without saying that some of the affairs that are defined in classical religious thought in the semantic field of "task" or "obligation", such as the officeadministration, etc., are now meaningful in the new semantic system in the field of "Right, " especially citizenship rights. Therefore, human beings will enjoy some rights, essentially because of their equality in the creation and in being considered as God's creation. These rights cover many things related to the private sphere as well as personal affairs. Nonetheless, since some affairs in the public domain are generally regarded as 'religious obligations' by Muslims or the Muslim community, non-Muslim members have been dropped out. On the other hand, these obligations are seen as a kind of civic virtue, such that the person would enjoy dignity and, in some cases, greater rights in doing so. Thus, as can be seen, there is a sense of membership of the Islamic community similar to the republican citizenship model.

3. Political Rights and the Gender Issue

Another challenge to the issue of equality and, consequently, modern citizenship for contemporary Islamic thought has been the discussion of

women's rights, especially in the political and social spheres. In classical terms, women have a position different from Muslim men. On the whole, equality between men and women in terms of their existential value, munificence, and human dignity are seen as an obvious matter in Islamic teachings, especially the Holy Quran. Following these teachings, this value equality is often accepted also in post-Quranic knowledge. Nevertheless, there are differences between men and women even in the Qur'an regarding some civil and criminal laws such as inheritance and blood money (atonement). There are also differences between them in terms of social affairs, such as judgment and testimony, and so on. However, restriction and deprivation of women prevail in traditional discourse. Nonetheless, this difference is more significant and fundamental in the area of political rights, especially political participation. In the classical semantic system, 'right' and 'political rights' are not fundamentally keywords, but political concepts and vocabulary are formulated in the semantic field of obligation and obligation. Nevertheless, these indications do not apply to women even as obligations. In reality, since women do not have the "legal capacity (competence)" necessary to carry out these obligations, they havebasically no placein this semiotic system. It goes without saying, however, that there is no distinction between men and women in this sense in the Quran's semantic system.

Nevertheless, in the contemporary jurisprudential discourse, one can distinguish two general views on women's political rights: First, Islam does not accept equality between men and women in political rights. In this regard, verses such as "الرجـال قوامـون علـى النسـاء: Men are the protectors and maintainers [qawwamun] of women (Holy Quran, An-Nisa, 34)" and the like, and some narrations about respecting the entry of women into certain affairshave been cited. Proponents of the second view argue that Islam has recognized women's political rights but they have not been realized because Islamic communities have so far been unable to accept them. One of the principles advocated by proponents of this view is the "Quranic principle of Human Dignity" (Jabir, 2011). The first approach is rooted in the reality of traditional societies. In their semantic system, masculinity is a key indicator in the

political and sometimes social semantic field. Therefore, no socio-political role and position are conceivable for women. In this regard, traditional jurists extend the subordination of women in the family to the sphere of society and politics, using verses such as verse 34 of Sura an-Nisa and so on. Nonetheless, in the second approach, under the influenceof the new semantic system, in which exclusion of women from the social and political sphere is perceived as being incompatible with the dignity and honor of women, the verses and narratives in question are intended to be reread.

4. Political Rights and Land Issue

In classical Islamic political thought, the plurality of governments in the Muslim world was not widely accepted theoretically, and the land issue was essentially in the "unthinkable" domain (Feirahi, 2004); nevertheless, Muslim jurists were inevitably limited to a specific geographical territory called "Islamic land", to think of the concept of "Islamic State". All Muslims were regarded as citizens of this government, though they were not resident there. With the arrival of Western indications, especially European law, into the Muslim world, the concept of 'Citizenship' gradually departed from the semantic circle of Islam and faith and was given meaning by the birthplace and residence criteria (Daneshpajouh, 2013). Thus, the question of land (land issue) as a criterion for the enjoyment of nationality and citizenship rights became one of the stressful indications in the Muslim semantic system. Notwithstanding, modernist thinkers such as Naini defined the boundaries of power in Islamic State not in terms of belief or religion, but based on nationality and national borders, in defense of the constitutional and nation-state, and defined citizenship in relation to place. Here, public law is distinct from private law, and thus its criterion is nationality and typical interests. Nevertheless, according to these theories, non-Muslim citizens are still unable to participate in the general policies and positions of the Islamic State (Feirahi, 2004).

5. Political Rights of Non-Muslim Citizens

One of the issues at stake between contemporary scholars and jurists is the issue of 'non-Muslim citizens' or the discussion of the possibility of political participation at the level of membership in the councils or parliaments of Islamic countries, in classical Dhimmi terms, is one of the instances of citizenship rights. Political rights encompass a wide range of citizens' rights in relation to their respective governments; however, the most important of these is undoubtedly the right to participate in the administration of public affairs which is emerged on the basis of the right to choose and to be chosen in democratic systems. Equality between citizens at this level is seen as one of the key pillars of democratic governance. Some contemporary Islamic writers, who attempt to justify inequality between Muslim and non-Muslim citizens, are looking to the classical tradition, seeking to escape these semiotic tensions by taking advantage of some of the indications of that tradition. According to al-Mawardi's distinction between the 'Ministry of Authorization' and the 'Ministry of Delegation, '*Yasser Jabir* believes that the participation of non-Muslim citizens in the administration of the country in matters related to the Ministry of Delegation is permissible. He completely rejects the view of those who think that there is no absolute domination of a person in the new, rule-of-law state, and therefore non-Muslims can achieve their desired positions even at the highest political level (Jabir, 2011). Concerning the rights of the inhabitants of the Islamic State, distinguishing between Muslim men, Dhimmis, and women, he believes that the first exclusive right of Muslim men is the right to the Imamate. There is consensus on the prerequisites of Islam and masculinity in the Imam among all jurists based on various arguments such as the Qur'an, Sunnah, and Consensus (Ijma'). Nonetheless, a Muslim loses his/her citizenship rights by apostasy. Furthermore, masculinity and Islam are considered as one of the prerequisites for participation in jihad; for this reason, only the Muslim man is obliged to participate in jihad (Jabir, 2011).

By distinguishing between the indications of the two semantic systems, another group of writers believes in non-compliance of modern citizenship

with the indications of membership of the Islamic community. InBurhan Ghalioun's view, the religious state, either Islamic or Christian, is essentially a feature of pre-modern society. Therefore, a nation-state with a religious background has a conceptual refusal. Therefore, mere talk of Islamic State impedes the development of individualistic citizenship thinking because it is incubated based on the same community of religion rather than individuality. From this point of view, even the notion of Islamic citizenship will be eliminated. According to people, the term 'citizenship' emerges as free and equal beings and nothing else (Ghalioun & al-Awa, 2004). *Mohammed Arkoun* believes that the concept of the 'political community' in Islam cannot provide the basis for citizenship. Thus, not only are the requirements necessary for the emergence of the rule of law provided but also the emergence of civil society is not realized (al-Afandi, 2001). On the other hand, another group of thinkers believes that the term "Muslim" in the Islamic system of thought is the exact equivalent for a citizen in Western thought, meaning that 'Muslim' is a person who has full membership in the Islamic political community with some rights and obligationsaccordingly, including participation in public life. Citing the Prophet (PBUH) tradition:" المسـلمون ذمتهم واحدة ويسعى بذمتهم أدنـاهم و مـن أحقـر مسـلماً فعليـه لعنـة الله والملائكـة والنـاس أجمعين", proponents of this view argue that the word "Dhimmi ذمـه" signifies a collective commitment used insubsequent passagesto signify the "low" position of non-Muslims in Islamic community. From this perspective, the form of the individual's relationship with the state and with society is no different. That is to say, othering and identification take place based on that relationship. It is the only basis of citizenship in Islamic thought that differs from contemporary Western thought; that is, religion is the basis of full membership and participation (involvement) in community affairs in the Muslim semantic system, but it is based on the existence of a historical relationship between the individual and a specific geographic location within the new citizenship base, what has made the 'criterion of citizenship'to be assumed a certain issue based on historical belonging to a particular land by covenants on civil and political rights, etc. (al-Afandi, 2001). By rejecting the

essential relationship between democracy, nation-state, and secularism on the one hand, and citizenship on the other, Rachid al-Ghannouchi considers the emergence of this relationship in the West merely as a historical event that could take place in another way. Nevertheless, he argues that one example of a breach of this essential relationship in the present era is the British monarchy, which enjoys democratic citizenship despite not being secular. He also cites the Prophet (PBUH)'s government in Medina (al-Ghannouchi, 2010).

According to Abdel Wahab Al Afandi, until there was no distinction between the political community and the religious community, there was essentially no question of "citizenship". All Muslims, at least on a theoretical level, were entitled to equal rights as members of the political association/community and were required to actively participate in the administration of community affairs through "Enjoining what is Good (al-Ma'roof) and Forbidding what is Evil (al-Munkar) (or Promoting Virtue and Preventing Vice)." However, the case was different in the real world as most Muslims were deprived of political participation for practical and political reasons. AlAfandi believes that practical difficulty is related to the expansion of the territory of the Islamic State. From this point of view, during the time of the Prophet (PBUH), whose government was based in Medina, most Muslims living in Medina, even a large population of women, were fully involved in running the affairs. They were present five times in a day at the al-Masjid an-Nabawī (al-Nabi mosque) for saying the prayer. As a matter of fact, the same mosque was the seat of the Prophet (PBUH)'s rule. Nonetheless, with the development of the Islamic State in the time of the caliphs, the demands and grievances of the citizens in the remote areas of the caliphate, such as Iraq and Egypt, led to the emergence of violence and demands were followed up by themselves. This strife and violence gave rise to issues related to the rights of Muslims while non-Muslims were protected by the states because of their reliance on "resident foreigners" and the failure to put forward their political demands. This continued until moderntimes. With the advent of the new era with the intervention of Western governments in

Islamic lands, non-Muslim minorities gained the opportunity to seek greater privileges from Muslim governments. Sometimes, they got special privileges somewhere. However, this led to reversed results and made non-Muslims residing in Islamic lands regarded as foreigners under the protection of foreign forces (al-Afandi, 2001).

New Readings from Existing Indications

Some Islamist thinkers take advantage of the existing indications in the Islamic thought and semantic system, often taken from books and traditions, to evade the pressure of the indications of Western thought, and call them out of Islamic intellectual heritage and reread them. Using the "brotherhood" relationship among believers, the Holy Quran offers a metaphorical interpretation of this and has interpreted it from mere kinship to a link in the field of faith and belief (Holy Quran, al-Hujurat, 10). Therefore, some scholars have read out the text from the perspective of this indication. *Yusuf al-Qaradawi* believes that Islam and other religions fundamentally consider religious affiliations superior to other ones, such as kinship, territorial, racial or class affiliations. Nevertheless, this means that other affiliations are recognized, but religious affiliation is superior to other affiliations. Referring to verses from the Holy Quran that mention the divine prophets as brothers of his folks, Qaradawi also considers brotherhood to mean ethnic affiliation and relationship. They denied some of their prophets known as "brother أخ". Therefore, according to this verse, non-believers are also recognized as ethnic brothers. In asurvey, Qaradawi was questioned about the legal permission to nominate non-Muslims residing in an Islamic State for parliamentary or council seats, as well as the possibility of Muslims voting for them. He replies that: This is not a representation by a part of the people in a specific area or representation for it, in terms of the seigniory (Imarat) or the governorship (Wilayah), the desire or the greed for which is denouncedby the HolyTradition. Therefore, the delegate is neither the Amir, the minister (Vazir) nor the governor, but represents his constituency in the parliament (Majlis) that audits the emirs, ministers, and governors. He has a

share in the legislature for the Ummah for which there isno strong scripture (nass), namely, the "منطقـة العفـو (Amnesty or Al)" for which there is either noscripture or there is a speculative scripture. Thus, if there are a number of non-Muslim citizens in the Islamic State, there is no religious barrier to their entry into these parliaments to represent a certain proportion as long as the majority of the Majlis is Muslim (Ali, 2011).

1. Rethinking the Concept of Islamic Ummah

Two decades after the rise of Islamism, i.e., the 1980s and 1990s, the question of citizenship gradually acceded to a modern semantic field with its semiotic implications, in the minds of some Islamist thinkers. The obvious example can be seen in the views of Shiite intellectuals such as *Muhammad Mahdi Shams al-Din* in Lebanon. This was documented in two basic sources: First, a set of conceptual tools evolved by Sunni political jurisprudence, especially in the minds of modernist thinkers such as Mohammad al-Ghazali, Yusuf al-Qaradawi, Hassan al-Turabi, and Rachid al-Ghannouchi. Second, a return to some of the Islamic historical data that was absent in the past discourse, such as "Sahifa Medina." Indeed, what was highlighted in Sahifa Medina was the acceptance of establishing a political community on the basis of a general agreement between Muslims and non-Muslims to coexist, jointly defend this community, as well as respect and recognize the personal affairs of each group. In addition to granting the Prophet (PBUH) a leadership role, it enabled Islamists to break through the traditional discourse that only recognized the unified Islamic Ummah, with an interdiscourse citation and in keeping with the Islamic semiotic and semantic system. As a matter of fact, Sahifa Medina had founded a state with its own sovereignty, geographic boundaries, and certain people within its territory, and these were regarded as the requirements of the modern state that obtained religious legitimacy from within the Islamic experience and it was in line with the Islamic semantic system. In reading the Constitution of Medina, Shams al-Din presented two conceptions of the concept of the Islamic Ummah. The first conception is an Ummah based on unity in

religious affiliation; this kind of Ummah can be organized and united into a single political body or emerged in multiple political boards. Second, an Ummah, which becomes united in line with a political project and plan, and united in a political epicenter. This type can be single or varied in terms of religious affiliation (Rahal, n.d.).

Moving over the classical Islamic epistemological framework, Shams al-Din distinguished between building a sultanate Islamic state in Islamic history and building a modern, bureaucratic, contract-based government, criticizing the Islamic historical state from this point of departure. Understanding bureaucratic governance, he believes that a broker cannot be a decision-maker in the contemporary Islamic state, but merely a carrier of decisions, unlike the classical government in which the broker had absolute sovereignty. With the help of Sunni political jurisprudential articles, he acceded topermitting non-Muslims to take positions in the Islamic State within the framework of "equality" as one of the foundations of modern citizenship. Here, like some of his fellow Sunni contemporaries, he cites *al-Mawardi*'s separation between the Ministry of Authorization and the Ministry of Delegation. Nonetheless, the challenge remains because the discussion of non-Muslim practice is in the Muslim state, not in a contractual state that represents the values of the parties. Therefore, equality is within the framework of the executive governanceof a government guided by Islamic general values. Therefore, non-Muslims cannot make personal decisions and take precedence over Muslims in state agenciesthat must follow Islamic general values (Rahal, n.d.).

Shams al-Din believes that Muslims outside the Islamic political community who did not migrate to Islamic land do not enjoy Islamic State citizenship rights, citing verse 72 of Surah al-Anfal. Therefore, they must migrate to Islamic land to enjoy these rights. In his view, the acquisition of Islamic State citizenship is traditionally necessary in the present world to enjoy citizenship rights and thus organizeshis thinking in the semantic domain of the nation-state. He regards the word "home country" as a customary human concept that is one of the Islamic concepts, in the sense

that its Islamism is signed by the Shari'ah. Thus, he attributes citizenship rights to his home country and accedes some of its requirements. Raising the question "Is there a need for a central Islamic state to qualify for citizenship or not?" he believes that it is now possible to accept the plurality of Islamic states based on their position, in accordance with the rules of jurisprudence (Shams al-Din, 2001).

2. Rethinking the Indications of Dhimmis and Jizya

The Islamist perspective is gradually and slowly evolving towards accepting full citizenship of non-Muslims. People like *Fathi Osman* have played an important role in this shift. Having controversy over terms such as "Dhimmi, " he insists on the need to move over old classifications based on the term. In his view, due to the globalization and inability of Muslims to avoid this process and the need to engage with non-Muslims, Muslims will not be able to defend Muslim minorities in non-Islamic lands if they continue their traditional inequality (al-Afandi, 2001).

Other Muslim thinkers believe that the concept of 'Jizya' is not applicable at present. *MostafaSabaei* states that non-Muslim residents of the Islamic State currently do not have to pay Jizya because it was applied to those who fought Islam in the past. *Abdul Karim Zaidan* (also spelled abd al-karim Zedan) believes that no Jizya istaken from Dhimmis in an Islamic State. Moreover, *Mohammad Salim al-Awa* believes that Dhimmisdo not have to pay Jizya in the present moment. *Muhammad Mustafa al-Zuhayli* also believes that the situation has changed in the present era and taking Jizya is not applicable. Furthermore, in *Zakaria Biomi*'s opinion, Jizya should not be taken from Dhimmis because it was intended to be inappropriate, that is, humiliation, and this contradicts human rights principles. *Muhammad Hamidullah* also believes that Jizya should not be taken from Dhimmis (Jabir, 2011). Likewise, *Rachid al-Ghannouchi* does not consider the concept of 'Dhimmi' to be an obligatory Shari'ah term. Therefore, he believes that words such as 'citizenship' can be used in accordance with the Islamic principle of "equality between citizens" rather than the term Dhimmi, in

order to avoid wrong. Drawing on the views of jurists such as Yusuf al-Qaradawi and Abd Alkarim Zedan, he considers the term 'Jizya' as a substitute for military service that has now lost its cause of revelation and existential philosophy with regard to the nation-state and national citizenship (al-Ghannouchi, 2010). As can be seen, in the semantic system of this group, it is possible to pass on words such as Dhimmis and Jizya due to their requirements and there are still some semiotic and semantic tensions.

Among contemporary Shiite scholars, for example, Shams al-Din first conveys the compilation of Islamic jurisprudence on the subject of Dhimmis to a historical situation that is not present in contemporary times. In his view, these conditions are the result of intellectual and political strife at times in the history of Islamic communities, once during the war with the Byzantines and once with the Crusaders. In this way, he invalidates the effects of former Dhimmi rulings. Secondly, he defends an Islamic doctrine, i.e., the "Principle of Relationship with the People of the Book, " and that they are in the service of Muslims, as a legal obligation between the two groups in a single political community. On the other hand, he re-reads the concept of the Dhimmi, believing that the literal implication of this concept and word refers to sublimity and munificence, not to inferiority. Shams al-Din argues that a Christian and Jewish being Dhimmi means to identify religious diversity and to accept different beliefs and cultures of Muslims within civil society, but, in contrast, appointment and membership of the same political community accredited by citizenship like Muslims. In his view, the negative meaning of the term 'Dhimmi' is a consequence of the use of Orientalist views that have infiltrated the term in the minds in its present form with the negative connotation they have given to it (Rahal, n.d.).

Other scholars have entered this sphere and provided similar opinions, for example, *Fahmi Huwaidi*, *Tarek El-Bishry*, *Mohammad Salim al-Awa*, and *Rachid al-Ghannouchi*. *Huwaidi* believes that the indications in the Islamic semiotic system like Dhimmis were regarded as advanced in their own time; however, these traditional words remain after the emergence of the concept of equalitarian citizenship and new developments. He calls for the application

of the basic principles of the Qur'an and the current age of dense Islamic traditions and early interpretations of these sources (Huwaidi, 2004). Huwaidi is fully trying to move over classical indications, especially the middle ages, and to introduce a modern semiotic system based on citizenship and human rights in line with the Qur'an's semantic system and its early interpretations.

This view has been suggested by some other Muslim thinkers as well. In a detailed book and essay on the subject of 'citizenship in Islam, ' stating that words such as Jizya are not applicable under the present circumstances, *Mohammad Hashim Kamali* attributes this to the particular historical conditions under which hostility and discursive othering prevailed among Muslims and Christian governments. In the semantic field of "Islamic land" as the antithesis of "land of war", the symbols of Dhimmi and Jizya were used to regulate Islamic State's relations with non-Muslim citizens. As such, Kamali also believes that full inequality among citizens in the Islamic State is a historical matter. By examining the words 'Wala (friendship) ولاء' and 'Mawali (friends) مـوالى' as second-class citizens of the Islamic community, who were not Arabs and later became Muslims, he also considered it contradictory to the egalitarian teachings of the Qur'an which were historical and rooted in Arab ignorant traditions. In Kamali's view, the fundamental norm and value of the Shari'ah for all citizens, Muslim and non-Muslim alike, is equality. According to verse 70 of the surah al-Isra, Imam Ali (AS)'s words and the Prophet (PBUH)'s tradition about how to behave withDhimmis leads to human dignity as a basis for equality of citizens. In his essay, Kamali calls for a rethinking of some jurisprudential rules, some indications of the classical semantic system in the discussion of non-Muslim citizens, as well as the Islamic State's treatment of other states, such as the "land of war", and searches for the semantic implications of it in the semiotic system of antagonistic medieval discourse that must now be revisited (Kamali, 2009).

Rachid al-Ghannouchi, leader of Tunisia's *Ennahda* party, believes that human beings enjoysome fixed rights in the Islamic State, regardless of their religion and gender, which warrant their dignified life. Nevertheless, he/she

is free to accept the objectives and foundations of the Islamic State. If he/she accepts them, he/she will be no different from other Muslim citizens in terms of rights and obligations, if he is a Muslim citizen. Nonetheless, if he/she does not believe in the objectives and principles of the Islamic State, he/she must accept and obey its legitimacy to obtain its citizenship rights. That is, he/she should not threaten the Islamic State by taking up arms and assisting its enemies. Non-Muslim citizens are free in their personal affairs (status), food, and marriage, and, in contrast, are deprived of certain rights compared to Muslims. For example, they cannot take over key positions in government like Muslim citizens. al-Ghannouchi believes that full citizenship can be achieved in Islamic State by fulfilling two requirements: one being Muslim and the other living in the Islamic State's sovereignty. Now, if one satisfies one of these two requirements, that is to say, a Muslim outside the territory of the Islamic State or a non-Muslim within the territory of the Islamic State, he/she will only enjoy some rights. He stipulates assisting Muslims outside the realm of Islamic State to the capabilities of the Islamic State (al-Ghannouchi, 1993). al-Ghannouchi's point of view seems to be the popular one among Muslim jurists. Due to the restrictions on Muslim governments, he excludes this category from all rights. The opposite concept is that the Islamic State should provideother Muslims with all citizenship rights if it is able to do so. However, regarding non-Muslims living in Islamic land, al-Ghannouchi also adopts the traditional view based on depriving them of taking high-level positions such as chief of state or commandant. Nevertheless, unlike Maududi who did not accept non-Muslim participation in parliament, he rejects many of these restrictions. al-Ghannouchi argues that as long as many high-level positions in the new government are bound by the law and that the holder of the position does not have absolute power, and that his power is balanced by other institutions, the delegation of important positions to non-Muslims is not harmful. Thus, modern citizenship is not yet theoretically justified. Taking advantage of al-Mawardi's distinction between the two departments "the Ministry of Authorization" and "the Ministry of Delegation," he views the former as the absolute domination of the supreme leader while

considering the latter limitedso that even a non-Muslim can take a position in the ministry of delegation, *Tarek El-Bishry* believes that none of the positions are absolute in new democratic governments. Therefore, all citizens, both Muslims, and non-Muslims, must be able to assume all positions and enjoy full citizenship rights (al-Afandi, 2001).

Conclusion

Citizenship is considered to be one of the most complex, important, and challenging issues in contemporary Islamic political thought. The most important challenge in this regard can be the issue of legal and political equality of citizens. This equality is one of the values of key importance, along with values such as justice and freedom as the basis for citizenship rights, in the modern semiotic system. In addition to the modern anthropological foundations of this concept, its dimensionality is another reason for the complexity and ambiguity of citizenship. Essentially, the conceptual ambiguities of citizenship rights have not yet been fully resolved in the Muslim world. From the very beginning of the constitutional discourse in Iran and the Islamic world, this indication has been met with a number of reactions from some Muslim scholars.

The issue of the right to full political participation, irrespective of gender, faith, and religion, and solely with regard to territorial belonging, is one of the most controversial issues followingthe emergence of "citizenship rights" and "political equality" in contemporary Islamic political thought. Political participation in Islamic thought becomes significant in the semantic field of "religious obligation, " and every Muslim should strive to do it to the best of his/her ability. In classical Islamic literature, this obligation has been mentioned in terms such as allegiance, the exhortation of the Imams of the Muslims, the Shura (council), and the promotion of virtue and prevention of vice. Indeed, in the modern semantic system, political participation is one of the levels of citizenship rights in the semantic field of "right to self-determination". The challenge for contemporary Muslim scholars is to find a legitimate basis for the political participation of all the citizens of the Islamic State as citizens.

Many efforts have been made in this regard by Muslim thinkers, both Shiites, and Sunnis. Modern Muslim thinkers have always strived to provide a religious context that can reduce the tensions arising from the collision of modern and Islamic semantic systems in the Iranian and Islamic worlds, using the logical possibilities of some Islamic concepts, particularlyQuranic concepts likes human dignity.

As mentioned in the text, a group of modernist Muslim thinkers attempted to extract new meaning from the words and indications of the classical Islamic semantic system in a trade-off between Islamic scriptures, especially the Holy Quran, and contemporary realities to get rid of epistemological and theoretical constraints of the issue of citizenship rights or to marginalize those words in the new semantic system. For example, one can point to new understandings of the concept of "Ummah" or "Ikhwah (brotherhood)" and moving over concepts such as "Dhimmi", "land of war" and so on. The present paper attempted to provide a sufficient semiotic overview of the issue of citizenship rights in Islamic thought so that the particular audience could understand the dimensions of the problem, and measure the coherence of the epistemological and theoretical solutions of Muslim thinkers. Obviously, a more detailed discussion of the different points of view should be pursued in separate articles.

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