



Ro'aya

CHURCH PROTECTIO IN ISLAM

Edited and Introduced by

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Dedication

We are deeply pleased to dedicate this book to his Excellency Mr. President /Abdel Fattah EL-Sisi, the president of the Arab Republic of Egypt, may Allah protect him and Give him Success and good health!

- It comes in appreciation of his international efforts to combat extremism and terrorism, and in appreciation of his insightful vision in renewing religious discourse
- At last, in partly fulfillment of his due right in support of moderate thinking and enhancing the principles of peaceful coexistence among all peoples.

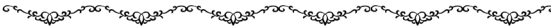
This book is a new achievement that the Ministry of Awqaf presents in fulfillment of its duty to correct misconceptions and explore new legal incidents and modern issues from a highly developed perspective originated from the conscious understanding of the spirit of Islamic tolerance and the great human civilization of Islam.

Prof. Muhammad Mukhtar Gomaa

Minister of Awqaf

Prof. Shawqi Allam

Mufti of Egypt





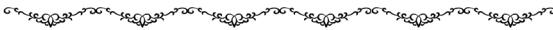
Foreword

Praise be to Allah, the Lord of all worlds. May Allah's Peace and Blessings be upon the last of all prophets and messengers, Muhammad Ibn 'Abdullah and upon his Family, Companions and those who follow them righteously until the Last Day!

We believe it is necessary to revive religious discourse and consider thoroughly all new legal incidents and modern issues. In vision, this endeavors aim to highlight the civilized and tolerant image of Islamic pure faith and, in reality, it allows qualified specialized scholars and jurists to address difficult problems in wisdom and valor.

This study also attempts to entrench the principles of perfect contemporary citizenship without discrimination and to provide foundations for human shared coexistence without being involved in any discrimination of any kind, on the ground of religion, color, race, gender or language.

It is a translation of our belief in the Qur'anic principles of freedom and diversity. Allah, the Almighty, says,



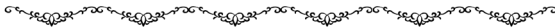


“There shall be no compulsion in [acceptance of] the religion” (the Qur’an, 2: 256). Diversity is even one of Allah’s Laws in the universe, Allah, the Almighty, says, **“And if your Lord had willed, He could have made mankind one community; but they will not cease to differ except whom your Lord has given mercy, and for that He has created them.”**⁽¹⁾

The book also initiates a way to escape narrow-mindedness and embrace a broad and a tolerant Islamic approach, which respect the other. It also highlights the rights of others on us in due fairness and provides a theoretical framework for the principle of mutual respect. It also refutes extremism and asserts the tolerance of Islam. Malicious campaigns to distort the facts of Islamic tolerance are entirely groundless and have no connection whatever to Islam.

The book of “Church Protection in Islam” comes to meet all these needs. An elite number of specialized scholars, noted for their leading intellectual enlightenment, wrote the book. Moreover, I, as well as the Grand Mufti of Egypt Professor Shawqi ‘Allam, edited it.

1 The Qur’an, 11: 117-118.





It is another issue in the Supreme Council for Islamic Affairs' published series and encyclopedias, which explore large numbers of modern issues to study new issues and correct misconceptions.

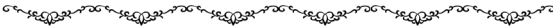
May Allah grant us guidance, acceptance and success! He is the Only One we beseech for this wish and He is the Omnipotent. May Allah help us be on the right path of Guidance!

Professor Muhammad Mukhtar Gomaa Mabruk

Minister of Awqaf

Member of the Islamic Research Academy

President of the Supreme Council for Islamic Affairs



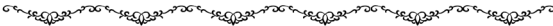


Introduction

All praise is due to Allah! May Allah's Peace and Blessings be upon our master, the Messenger of Allah, and upon his Family, Companions and those who follow him sincerely!

The message of Islam emanates from a lofty value upon which all the Shari'ah is built. It is the value of universal mercy extended to all the creation. The Qur'an mentions this fact and epitomizes the message of prophethood saying: **"And We have not sent you except as a mercy to the worlds."** (The Quran, 21: 107) Mercy is the highest value dominating the Islamic discourse in faith, laws and ethics.

As such, the Islamic legal system is permanently valid beyond times, localities, persons and conditions. It forms the open pattern adequately able to assimilate all cultures and civilizations and to deal with different religions while preserving the Islamic identity in full respect of the cultural and civilizational idiosyncrasies. Religion is really

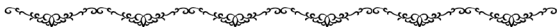




wider than all schools and is a manifestation of the Divine Universal Mercy encompassing all the creation.

The Noble Qur'an addresses humankind in general for the common grounds they share, which make the opportunities of their rapprochement and cooperation for human welfare and righteousness very strong. It reminds all peoples of their common origin regardless of their religions and lineal ancestors. Allah, the Almighty, says, **“O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allah, through whom you ask one another, and the wombs. Indeed Allah is ever, over you, an Observer.”** (The Quran, 4: 1)

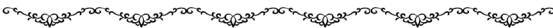
Allah addresses all peoples of different races, cultures and origins and invites them to approach and know one another for peaceful coexistence. Allah, the Almighty, says, **“O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted.”** (The Quran, 49: 13.)





The Islamic Shari'ah safeguards man's humanity and dignity. Indeed, all of the Shari'ah objectives are centered on preserving man without discrimination among the members of human community. It keeps human life, soul, wealth, mind, honor and dignity in perfect harmony with human pure nature that calls for preserving human rights and maintaining human dignity. The human right to the freedom of belief and worship according to man's own choice of schools and religions is perfectly guaranteed in Islam, since each human being is personally responsible for his/her choices before Allah. The Qur'an clearly states that there is no compulsion in accepting any belief: **"There shall be no compulsion in [acceptance of] the religion; the guidance has become clear from misguidance."** (The Quran, 2: 256.)

As such, the protection of followers of heavenly revealed religions and their places of worship are parts of the higher objectives of Islamic civilization. Allah, the Almighty, says, **"And was it not that Allah checks the people, some by means of others, there would have been demolished monasteries, churches, synagogues, and mosques in which the name of Allah is**

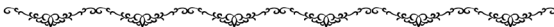




much mentioned. Surely, Allah will support those who support Him. Indeed, Allah is Powerful and Almighty” (the Qur’an, 22: 40). Indeed, human wide varieties of religions and races provide a large space for the perfection of human civilization in this world.

Over long times, Muslims lived in different communities and various civilizations since the early age of the prophet’s mission. The Prophet’s biography presents four examples of coexistence with different systems. The first was noted for its hostility to Muslims. Then, Muslims had to strive in order to acquire their right to freedom of worship. Later, they moved to the phase of equal coexistence revealing a form of positive integration in a community with a different religion during their migration to Abyssinia. There, they took part in developing their community and proved tolerant in their treatment with the religious rites of others.

When moved to Medina, they defended human right to freedom of worship according to human faiths and beliefs. Examples and cases are so many to support such fact insomuch that during the Year of Delegations the Prophet (May Allah’s Peace and Blessings be upon him)

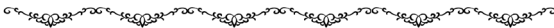




allowed the Christian Delegation of Najran to offer their prayers inside his mosque. The mosque is Allah's House in which Muslims offer their prayers, what then about their churches in which they offer their worships and rites? Muslims admit others the right to retain their places of worship. The duty to preserve and protect the right to worship is dully greater and more important.

'Umar Ibn al-Khattab, the Rightly-Guided Caliph, proved insightful when he refused to take the Christian churches of Jerusalem. Instead, he safeguarded them and held a treaty with them, which came to be known as the Pact of 'Umar. Over the honorable history of Muslims, they followed the tradition of 'Umar revealing their pure civilization and tolerant noble ethics.

Since the early times, two famous scholars of Egypt: al-Layth Ibn Sa'd, a great encyclopedic Imam, traditionalist and jurist, and 'Abdullah Ibn Lahee'ah, the judge of Egypt, asserted that Egypt's churches were built after the Islamic liberation of Egypt. Musa Ibn 'Isa, the governor of Egypt, issued orders to rebuild the churches that were demolished in the past and financed their building from





the public treasury. Al-Layth and Ibn Lahee'ah were the best and most knowledgeable scholars of their times.⁽¹⁾

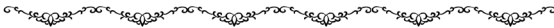
This unveils the significance of this book issued by the Egyptian Ministry of Awqaf. It highlights some brilliant sides of Islamic religion, which are symbolic of tolerance and lofty morals in treatment with followers of other religions, especially the People of the Book. Islam allowed them practicing their rites in their places of worship and guaranteed the safety of their places of worship. It also paid special care for them and forbade all forms of violation against them.

Over their remarkable history, Muslims of all generations followed this honorable example in expression of their pure civilization and noble, tolerant ethics whereby they conquered the hearts of people before they liberated their lands.

Professor Shawqi Allam

The Grand Mufti of Egypt

1 Al-Kindi, *al-Wulat wa al-Qudat*, [The Provincial Rulers and the Judges], (Beirut: Jesuit Fathers Press, 1908), p. 132.





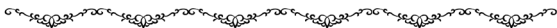
Church Protection is an Expression of Islamic Tolerance⁽¹⁾

I would like to introduce three introductory facts, which form a theoretical framework for the issue.

First: Whenever the religion is abused for the achievement of political purposes, this kind of abuse always incurs destruction to humankind and to the relationship between citizens of different religions. Historical experiences of all times show the tragedies that befell humanity because of the abuse of religion by some denominations for some political ambitions.

Second: Human perfect freedom is one of the fundamental principles of Islamic law; man can freely accept any law and believe in any heavenly revealed book of this law and the Prophet who brought forth this book. Simply, Allah will call all people for accountability. Only the Muslim must believe in Allah and in all of His angels,

1 By Professor Muhammad Salem Abu 'Asi, the Dean of the Faculty of Islamic and Arabic Studies for Girls, Al-Azhar University, Sadat City.



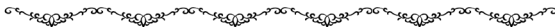


books and prophets without discrimination or distinction between them. We read the following verse, which stresses this fact; Allah, the Almighty, says, **“There shall be no compulsion in [acceptance of] the religion; the guidance has become clear from misguidance.”**(The Quran, 2: 256)

This verse is equal in power to an authoritative norm. It means that freedom from coercion to accept a belief or a religion guarantees the continuity of a safe and well-balanced life free from tension, turmoil, disorder, fear, terror and intimidation.

In Surat Yunus, we read the Qur’an addressing the Chosen Prophet (May Allah’s Peace and Blessings be upon him): **“And had your Lord willed, those on earth would have believed –all of them entirely. Then, would you force people to become believers?”** (The Quran, 10: 99)

It is enough to note that the Will to accept faith is only with the Lord of Might and Decree. The verse implies that no one shall force anyone to accept a religion, because this compulsion goes against the Will of Allah, Who willed





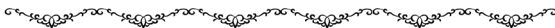
people to hold various beliefs. He, the Almighty, says, **“And if your Lord had willed, He could have made mankind one community; but they will not cease to differ.”** (The Quran, 11: 118) Apparently, compulsion of any group to accept a certain faith goes against the Will of the Merciful Lord.

It is one of the most significant principles of Islam that all non-Muslim citizens living in the Muslim State have the right to maintain their beliefs, customs, tradition and rites and the Muslim State must protect them and their specificities.

In his study on Islamic tolerance, Dr. Edmon Rabat said, “Under the rule of Islam, peoples had the right to keep their beliefs, customs and tradition. This freedom was given in a moment when the dominant principle was to compel citizens to embrace the religion of their kings.”⁽¹⁾ The Qur’an and Sunnah assert this principle and the practices of the Rightly-Guided Caliphs and their successors embodied it.

Third: The Qur’an affirms that the rules of treatment with the People of the Book are Benevolence and Jus-

1 Al-Sabah Magazine, issue (31), March 20, 1981 CE.

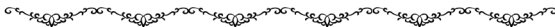




tice. Allah, the Almighty, says, **“Allah does not forbid you to deal kindly and justly with anyone who has not fought you for your religion or driven you out of your homes: Indeed, Allah loves those who act justly. (8) But Allah only forbids you to take as allies those who have fought against you for your religion, driven you out of your homes, and helped others to drive you out: any of you who take them allies will truly be wrongdoers.”** (The Qur’an, 60: 8-9)

Under these two verses, the followers of other religions are two groups:

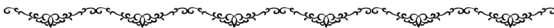
1. The first group refers to the peaceful people, who do not fight Muslims because of religion and do not drive them out from their homes. They have right to be treated with kindness and justice. Such is the case of the Christians in Egypt.
2. The second group takes a hostile stand against Muslims; they fight Muslims and expel them from their homes and help others to drive them out. It is forbidden to make allies of this group. Examples of this group include the polytheists of Mecca. The





text implies that kindness and justice are permitted in treatment with peaceful people. Enemies were and are always working through several means on partitioning our home “Egypt” sowing dissension among people. What is most dangerous is their endeavors to incite conflicts and disruption among the citizens of the same home in the name of Islam and Christianity. When the enemies succeed in dismantling this universal fabric of civilization in our Arab communities, destruction will afflict both Muslims and Christians alike.

In conclusion, these three facts prove that religion shall not be used as a means for partisan and political purposes and that freedom of belief and prevention of compulsion are the key Islamic principles and non-Muslims have full right to the freedom of belief and worship under the rule of Islam. The State must protect these rights. Building bridges to coexistence between Muslims and other nations is a noble goal. If we know these governing principles, they will guide us to the right opinion in the issue of “church protection.”



Before presenting the legal proofs that protecting churches is a religious obligation and violating them is a crime, I would like to say that fatawa and legal rulings related to major issues of the Muslim State and Ummah should have a mechanism of communication and coordination for the sake of harmony and systemization.

The fatawa of muftis and verdicts of judges shall be harmonious. Or else, people may face discrepant and contradictory decisions, which provoke disruption and disorder in the State. For me, the reasons that some ignorant people, who have no good understanding, may be involved in violation against the non-Muslim places of worship are as follows:

1. Immature understanding of legal indication and lack of juristic integration in relation to the rulings of the people of the Book in the Islamic law, especially on the part of extremist groups
2. Absence of a standard approach and an ideal method for studying the rulings of the people of the book, which can highlight the differences between the work of a mufti and the work of the one who just

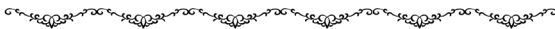


cites rulings from traditional references. In addition, it is important to know the difference between the unanimously agreed-upon legal rulings and the debatable rulings and between the missionary rulings and the rulings within the area of the Shari'ah-oriented political system. Speakers, who are not well versed in Islamic sciences, on issues related to the People of the Scripture lack this knowledge.

3. Inconsideration of changes in conditions, times, persons, circumstances and necessities as well as new information whereas the legal rulings follow their rationales in presence and absence.

I can now present the basic guidelines for the issue of church protection in the following legal indications:

- “Allah, the Almighty, says, **“And was it not that Allah checks the people, some by means of others, there would have been demolished monasteries, churches, synagogues, and mosques in which the name of Allah is much mentioned”** (the Qur’an, 22: 40). Anyone who is well aware of the Arabic tongue knows that Allah has mentioned the

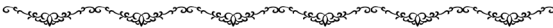




demolition of monasteries, churches, synagogues and mosques in the context of dispraise joining them together by the conjunction “waw (and),” which means that all those matters joined together share the same ruling. As such, violation of mosques or disruption of religious services is forbidden and the same rule is equally applicable to monasteries, churches and synagogues. Allah’s statement “there would have been demolished monasteries”⁽¹⁾ means that they would have been demolished during the days of the Prophet (may Allah’s Peace and Blessings be upon him). Allah’s name is mentioned in these places and they are not like the places of idolatry. More amazing indeed is the interpretation that Imam al-Razi cited from al-Kalbi and Muqatil on the verse “Mosques in which the name of Allah is much mentioned.” They said that Allah’s name is much mentioned in all places of worship in the verse; namely, in monasteries, churches, synagogues and mosques as really take place.⁽²⁾

1 The Qur’an, 22: 40.

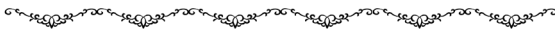
2 Al-Tafseer al-Kabeer, 23: 40-41.





- The Prophet's tradition indicates that he held a peace treaty with the people of Najran in which he wrote: "In the Name of Allah, the Gracious, the Merciful. This is the pact of Mohammad, the Prophet and Messenger of Allah, to the people of Najran under his rule. The lives of the people of Najran and its surrounding area, their land, property, their religion, and those of them who are present or absent, and their places of worship are under the protection of Allah and guardianship of His Prophet. Their present state shall neither be interfered with, nor their rights meddled with. No bishop or priest shall be removed from his office. They shall not be compelled to do military service. Neither shall Ushr (tithe) be imposed on them."⁽¹⁾
- The Pact of 'Umar Ibn al-Khattab to the people of Jerusalem asserts their religious freedom and the sanctity of their places of worship and rites. It reads, "This is the assurance of safety, which the servant of Allah, 'Umar, the Commander of the Believers, has given to the people of Jerusalem. He has given them an assurance of safety for themselves, their property,

1 Abu 'Ubayd, al-Amwal, 1: 244.



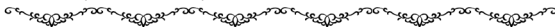


their churches, their crosses and for all the rituals of their religion. Their churches will not be inhabited by Muslims and will not be destroyed. Neither they, nor the land on which they stand, nor their cross, nor their property will be damaged. They will not be forcibly converted. No Jew will live with them in Jerusalem.”⁽¹⁾

- ‘Umar even responded to the request of the people of Jerusalem, entered the city, and wrote them this charter of peace, then he purposefully went to remove the dirt and dust from the Rock, which he rubbed by his own clothes. Muslims and non-Muslims followed his example and began to clean the Rock.⁽²⁾
- What ‘Umar wrote in the peace treaty and did afterwards was a translation of the Islamic law and a judgment to build bridges of kindness and justice between Islam and the People of the Book and amongst the Christians and the Jews as well.
- Building these bridges is one of the noble objectives of Islamic law. Several legislative laws assert it. For example, a Muslim is emphatically recommended

1 Al-Tabari, Tareekh, al-Ma‘arif Press, 3: 609.

2 Al-Bidayah wa al-Nihayah, 7: 56.

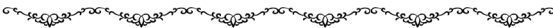




to congratulate his acquaintances, neighbors and relatives for any grace they may have regardless of their different religions. A Muslim shall also console non-Muslim neighbors and friends for their loss of any of their kin and shall visit them in their sickness. The Prophet is authentically reported to have visited the young Jew in his sickness as narrated in the authentic tradition. This kind of harmonious coexistence between Muslims and the People of the Book was a manifestation of the Divine legislative command.

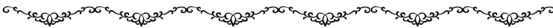
- Second: Blocking the means to evils is one of the basic principles of Islamic law. It is derived from the Book of Allah. Accordingly, it is necessary to coordinate the stairs of human benefits and base them on a legislative and ethical approach. Under this principle, a person is prevented from action, though he may apparently has the right to, when his action turns from yielding a personal benefit to the violation of the rights of others. It is a legal and ethical sound principle known to the positive laws as well. The civil communities themselves act upon it and call it “Abuse of Right.”⁽¹⁾

1 Muhammad Sa'eed Ramadan al-Buti, *Ishkaliyyat Tajdeed Usul al-Fiqh*, p. 280.





- Several Qur'anic verses provide grounds for this legislative principle. For example, Allah, the Almighty, says, “[Believers], **do not revile those they call on other than Allah, lest they revile Allah in their hostility without knowledge.**” (The Qur'an, 6: 108) Any violation or desecration of the churches provides an excuse for the Christians to attack Muslims and violate the sanctity of their mosques, so it is prohibited.
- Third: The Prophet's Companions conquered many territories but they never demolished any church. This permanent course of action approved by the Companions and their succeeding scholars and jurists asserts the right of the Christians to maintain their churches and indicates the impermissibility of demolishing them.
- Fourth: It is the duty of the Muslim ruler to protect the church from any violation following the legal maxims of the Shari'ah-oriented theories of politics, which work on securing the objective of Shari'ah, the benefits of people and make balance between possible





benefits and evils and between benefits and evils in case of conflict.

- Fifth: Since the Muslim conquers, the Consensus of Muslims approve of keeping the churches of non-Muslim throughout the territories that Muslims liberated by means of peace-treaties. Ibn Qudamah said, “The Consensus has already been held on that, for they [churches] were found in non-Muslim land without objections.”⁽¹⁾ Peace-treaties embrace all charters and conventions between Muslims and non-Muslims in the past and the present including the current conventions, charters and constitutions approved by human communities. They all must be respected.
- In the light of the abovementioned indications, explicit and implicit, necessarily or rationally understood, it is plain that Islam guarantees the freedom of belief for all people. It is absolutely forbidden to force any person to accept Islam. Accordingly, it is clear that guaranty of security to the place of worship for the People of

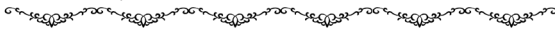
1 Al-Mughni, 9: 284.



the Book living in Muslims States is an obligation. It is prohibited to violate their places of worship as the Pact of ‘Umar states: “An assurance of safety for themselves, their property and their churches. Their churches will not be inhabited by Muslims and will not be destroyed.”⁽¹⁾

- Evidently, there is much evidence for the impermissibility of violating the places of worship, e.g., churches and other places. The texts of the Qur’an and peace treaties concluded by Prophet Muhammad (may Allah’s Peace and Blessings be upon him) and by his Companions and caliphs indicate that Islam preserved the lives of the People of the Book and respected their churches and right to worship. Over long centuries, the experience of Islam is rich with real examples in support of this universal principle. It is another aspect of Islamic tolerance, civilizational progress and fairness in dealing with the followers of different religions, especially the Jews and the Christians.

1 Ibn Abi Shaybah, al-Musannaf, 6: 467.





Church Protection in Islam⁽¹⁾

Protection of church is a legal requirement based on several Islamic principles as follows:

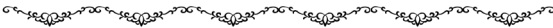
1. Preservation of religion: Religion refers to all the revelation sent down by Allah to his prophets since our father Adam to the last Prophet, Muhammad (may Allah's Peace and Blessings be upon him). The entirety of this revelation is called religion. As to the message of each prophet to his people, it is called Shari'ah (code of laws), such as the Shari'ahh of Ibrahim, of Musa, of 'Isa and of Muhammad (may Allah's Peace and Blessings be upon them all). The codes of laws revealed to all prophets agree in principles, such as the belief in Allah, His angels, Books, Messengers and the Last Day as well as the preservation of human benefits. Indeed, Allah revealed His religion to His Prophets and Messengers (may Allah's Peace and Blessings


1 By Professor Abdullah al-Najjar, the Former Dean of the Faculty of High Studies, Al-Azhar University and Member of Islamic Research Academy.



be upon them all) to preserve the human benefits, including their religion, life, mind, honor and wealth. These benefits form the five universal necessities that no human generation can do without. Likewise, all the revealed laws agree on preserving them. They are a unanimously agreed upon in all laws. All laws also agree on the preservation of human values and high morals, such as keeping one's word, generosity, telling the truth and honesty among other lofty ethics. They also agree on forbidding opposite vices, such as betrayal, stinginess, dishonesty and the like. As such, these religious values have the agreement of all laws; they all see it a duty to protect them and forbid any sort of ignorance or violation against them. If the religious necessities and ethical principles form a common ground shared by all heavenly revealed laws and a basic part of the religion, the preservation of religion extends to include all religious values in any given revealed law, which necessitates the protection of its places of worship.

2. Remembrance of Allah is equally required from a Muslim and from a non-Muslim alike, even from those who follow no religion. In his commentary on the Qur'anic





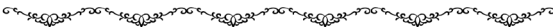
verse: “Allah, the Almighty, says, **“And was it not that Allah repels some people by means of others, there would have been demolished monasteries, churches, synagogues, and mosques in which the name of Allah is much mentioned”** (the Qur’an, 22: 40),” al-Qurtubi said, “Allah mentioned the places of worship of past religions, e.g., monasteries, churches and synagogues in addition to the mosques of Muslims. Simply, they are the places of worship for peoples with heavenly revealed past books and they have what must be protected.⁽¹⁾ To sum up, the places of worship that belong to a heavenly revealed religion must be protected and shall not be demolished. Likewise, mentioning Allah is required from all human beings and any helpful means to this act is necessarily entailed. Evidently, the means to achieve a necessary end is also necessary.


3. Allah forbids forcing any human being to believe in Him even if belief in Allah is a duty, but it must be the result of freedom, volition and conviction. **“There shall be no compulsion in [acceptance of] the**

1 Al-Qurtubi, al-Jami’ li-Ahkam al-Qur’an, (General Egyptian Book Organization), 2: 72.



religion; the guidance has become clear from misguidance.” (The Qur’an, 2: 256) It goes against Allah’s grace of human freedom to incite anyone against them to demolish their places of worship. If some individuals do that, they violate the laws of Allah and His Prophet and even falsely take hold of some divine rights by introducing obligations on people besides the commitments of their Lord, the Creator. Demolishing the non-Muslim places of worship is a sort of shameful sacrilege and an infamous forbidden compulsion in religion. It also goes against the ultimate aim of Allah’s creation of humankind. Allah creates humankind as free beings; they can freely believe and become responsible for the liabilities of their faith. Compulsion in religion is explicitly forbidden in the text of the Qur’an, Allah, the Almighty, says, **“There shall be no compulsion in [acceptance of] the religion; the guidance has become clear from misguidance.”** (The Qur’an, 2: 256.) This noble verse directly conveys the proscription; you shall not force anyone to accept the religion of Allah. Anyone who forces another by any means, such as demolition





of churches, commits a religiously forbidden act in religion and law that must not be done.

4. It is the right of non-Muslims to maintain their churches as a part of Muslims' peace treaties with them. The traditional jurists expressed this meaning in contexts of the territories that made peace with Muslims, such as Egypt. Egypt welcomed and cooperated with the Muslim liberation. As such, the places of worship in Egypt are inviolable; they must be protected and non-Muslims may maintain and renovate them when demolished.⁽¹⁾

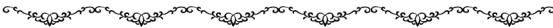
The peace treaty in the juristic language, which is the foundation for the inviolability of places of worship, has developed in our times. It takes the form of constitutional principles. Under these constitutional principles, the citizens of the same home are all equal and no discrimination whatever may take place between them due to religion or any other reason, such as race, color, language or any other thing that may be taken as a basis for discrimination in the

1 Ibn al-Qayyem, *Ahkam ahl al-Dhemmah*, pp. 121-130, 135 ff.



Muslim communities. This principle is one of the basics of citizenship that all citizens equally share. This citizenship forms a base for the unity of citizens in kind and fair endeavors and against sin and aggression. The constitutional principles form the agreement among the citizens of the same community regardless of the accidental differences or those beyond the origin of humanity. As such, this agreement is binding and must be respected, for Allah, the Almighty, says, **“O you who believe, fulfill your contracts.”** (The Qur’an, 5: 1.) In conclusion, it is unlawful to demolish churches or take them by force.

5. The policy of building churches is contingent upon the public welfare of people. Only the ruler can decide on this benefit and assess it in the light of the objective considerations apart from religious persecution. If the number of the Christians increases and needs new churches, the ruler may allow that but if there is no need, he may decide on the issue in correspondence with the public welfare of the nation without the least violation of man’s absolute freedom of belief.





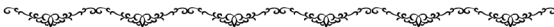
The Prophet and his caliphs left churches necessary for non-Muslims' religious services.⁽¹⁾ Ibn al-Qayyim said, "The final word in that is: the Imam shall do the most beneficial to Muslims in line with the numbers of Christians, be they small or large in number. When their number is small, he shall keep a number of churches sufficient for their services and if large, he must provide enough number of churches according to their needs."⁽²⁾


6. Shari'ah indications on the impermissibility of demolishing churches are so many as clear in the Qur'an and Sunnah as well as in the tradition of the Prophet's Companions as follows:

- A. The Qur'an: **"Allah, the Almighty, says, "And was it not that Allah repels some people by means of others, there would have been demolished monasteries, churches, synagogues, and mosques in which the name of Allah is much mentioned."** (The Qur'an, 22: 40) The verse

1 Ibid. p. 129.

2 Ibid. p. 131 adapted.





clearly proves that Allah told of His enactment of laws for his servants to protect all places of worship, which belong to the followers of the heavenly revealed religions, from violation. He furnished each with those who protect them from violation and damage. Was it not that willed that, they would have been demolished and their relics would have disappeared.⁽¹⁾ This predicate sentence conveys a demand; defending the places of worship is necessary and demolishing them is forbidden.

- B. The Sunnah: ‘Urwah Ibn al-Zubayr (may Allah be pleased with them both) said, “The Prophet wrote a letter to the people of Yemen that any follower of Judaism or Christianity must not suffer any persecution to abandon it.”⁽²⁾ In this narration, the Prophet forbids persecution of non-Muslims; no one shall disrupt their course of practicing religion following their own beliefs as in cases of demolishing churches. As such, under this prophetic statement, the demolition of churches is forbidden.

1 Al-Qurtubi, p. 70.

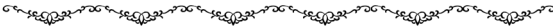
2 Abu ‘Ubayd, al-Amwal, p. 35.



C. Companions' Tradition: It is narrated that 'Umar Ibn al-Khattab made a peace treaty with the people of Homs in which he gave them assurance of safety for themselves, their property, the wall of their city and their churches. Likewise, in his pact with the people of Jerusalem, he gave them assurance of safety for themselves, their property, their churches and their crosses. Their churches will not be inhabited by Muslims and will not be destroyed. Neither they, nor the land on which they stand, nor their crosses, nor their property will be damaged. They will not be forced to convert and no one shall suffer any harm.⁽¹⁾ Likewise, the convention written by 'Amr Ibn al-'Ass to the Egyptian states, "In the Name of Allah, the Gracious, the Merciful. This is the pledge of assurance that 'Amr Ibn al-'Ass gave to the people of Egypt for their lives, their religion, their property, their churches, their crosses, their land and sea, nothing to be taken from that or disregarded."⁽²⁾

1 Al-Blazuri, *futuh al-Buldan*, pp. 148 ff.

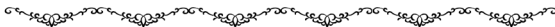
2 Al-Nujum al-Zahirah, (Egyptian Book House) 1: 24.





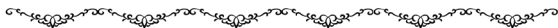
7. Any text that may be apparently in conflict with these clearly explicit indications and approved principles is only applicable in cases of armed conflicts between the two parties. However, it is no longer a time for such conflicts. The Muslim relationship with non-Muslims is governed by international conventions, which prevent aggression against all parties. These conventions assert everyman's right to equal life inside and outside homes. It is needless to mention the noted relationship between Muslims and Christians in Egypt since the ancient times; it is a relationship based on love and peace for the prosperity and protection of our homeland.

It is well known that ijihad-based rulings change following the changes in times, localities and circumstances. If so is true, the past narrow rulings are no longer authoritative. As such, protecting the church shall not be a matter of debate. Odd fatawa issued by the followers of ISIS and others, who take the verses of Allah in ridicule and subject the religious laws for the interest of serving their shameful whims, are all mere deviations and have nothing to do the essence of the religion.





They have no connection whatever with the authentic laws or the proper understanding of religion. Therefore, it is unlawful to be inclined to their delusion, which drove them to demolish the churches. This delusion is false and contrary to the principles and proofs of religion. To conclude, under the authentic laws and proofs of Shari'ah, it is obligatory to protect the church of non-Muslims from destruction and devastation.





Church Protection in Islam⁽¹⁾

The Islamic tolerance in treatment with followers of different beliefs and rituals proved so developed inso-much that Islam allowed them the freedom of belief and worship. No one was forced to convert. In this regard, Allah, the Almighty, says, **“There shall be no compulsion in [acceptance of] the religion; the guidance has become clear from misguidance. Anyone who denounces evils and believes in Allah has taken hold of a support most unfailing, which shall never give way. Surely, Allah is All-Hearing, All-Knowing.”** (The Qur’an, 2: 256.) This is the view of the highly well-versed scholars. In his commentary on this verse, Ibn Katheer said, “Do not force anyone to embrace Islam; Islam is very plain and clear in indications and evidence inso-much that it is in no need of coercion of anyone to accept it. Instead, anyone that Allah guides will open their heart and en-

1 By Professor Muhammad ‘Abd Al-Sattar al-Gebali, a Tenured Professor of Islamic Jurisprudence at the Faculty of Sharia and Law, Al-Al-Azhar University, Cairo.



lighten their insight to accept it with an assured proof.”⁽¹⁾ Islam has allowed non-Muslims practicing their religious rites and protected their monasteries and churches from demolition and their crosses from damage. It is based on the universal rules governing the rights of non-Muslim citizens:

- Their rights are the same we have and their obligations are equal to ours
- We shall give them freedom of religion

These rules are repeatedly asserted by jurists and have several early Muslim traditions in their support:

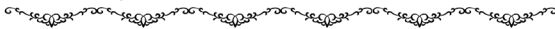
(1)The charter of ‘Umar Ibn ‘Abd al-‘Azeez (may Allah be pleased with him): “No synagogue or church shall be demolished and no place for fire worship shall be demolished after making peace.”⁽²⁾

(2)‘Ataa was asked about demolition of churches? He said, “They shall not be demolished.”

According to the principle of citizenship, which is equally shared by Muslims and non-Muslim in the country,

1 Ibn Katheer, (Maktab al-Turath al-Islami), 1: 310.

2 Ibn Abi Shaybah, Kitab al-Jihad, Dar al-Fekr Press.



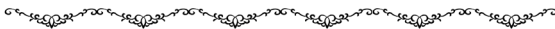


followers of Judaism and Christianity have full right to practice their rituals in their synagogues and churches. They shall not suffer any violation in their lives or places of worship. They even have the right to build new churches after getting the permission of the ruler analogically to the territories that Muslims dominated by peace treaties when the Muslim leader admits them this right. As such, Muslim jurists permitted non-Muslims to build new churches by the permission of those in authority. This ruling follows the jurisprudence of Shari'ah-oriented politics that works on securing the objectives of the Shari'ah and consideration of public interests.

Originally speaking, they must have freedom of belief, consequently the freedom to practice the beliefs they regard of their rituals, such as ringing their church bells and reciting the Torah and the Gospel. Evidently, this right is only feasible when they have places of worship and thus it is unacceptable to allow their demolition.⁽¹⁾

In other words, if the jurists maintain that they shall not be prevented from observing the rituals of

1 Al-Kasani, *Bada'i' al-Sana'i'*, 5: 4336; al-Hedayah, 2: 162.



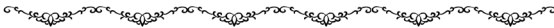


their religions according to their beliefs, it is untrue to allow the demolition of their places of worship. Non-prevention implies non-demolition. As such, the view permitting demolition goes against the truth of Islamic principles that debar from destroying any monastery or church. This is also the Prophet's way as also followed by the Companions in word and deed.

For example, during his last days, 'Umar Ibn al-Khattab (may Allah be pleased with him) recommended Muslims to take care and do well with the non-Muslim citizens. He said, "I strongly advise the caliph who will succeed me to do the best to the non-Muslim citizens and to fulfill their conventions and protect them from aggression without burdening them beyond their capacity." Likewise, during his office in caliphate, he used to command his governors to take care of the non-Muslim citizens and used to ask the delegations about them to be assured of giving them kind and good treatment.⁽¹⁾

We should not overlook Muslims' kind treatment with the citizens of the countries, which they liberated.

1 Al-Tabari, Tareekh al-Umam wa al-Muluk, 2: 449.



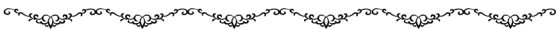


Muslims gave them equitable and just treatment and protected them from all violations. ‘Amr Ibn al-‘Ass, for example, saved the Copts of Egypt from persecution and grievances. He never burdened them with duties beyond their capacities until he won their hearts and they obeyed him willingly and liked his government.

Indeed, Muslims were highly concerned with the Egyptian Christians, because of the Prophet’s kind recommendation about the Egyptians: “When you open Egypt, treat its inhabitants “the Copts” kindly, because they have a pledge of citizenship and blood ties or relationship of marriage (with them)”⁽¹⁾

The non-Muslims attained a legal status of citizenship whereby they coexisted and shared the same land with their fellow Muslims without the least discrimination in rights and obligations. If this is the Prophet’s stance on non-Muslim citizens, how can we accept the disruptive claims that drive wedges among the citizens of the same nation and order the demolition of churches or attacking

1 Al-Hakim, al-Mustadrak, 2: 553. Al-Hakim said, “It is authentic following the conditions of both sheikhs i.e. al-Bukhari and Muslim.”

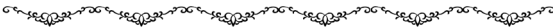




them? Indeed, the jurists did not settle for clarifying their views on the People of the Book but addressed the Muslim rulers to act kindly towards them. For example, Imam Abu Yusuf wrote a letter to caliph Haroon al-Rasheed advising him to pay due care for non-Muslims and inquire about their conditions, so that they shall not be oppressed, persecuted or burdened beyond their capacities. Whenever any Muslim ruler initiated an action, which seemed to wrong non-Muslims, the jurists used to condemn that.

In the light of these facts, it is actually wrong to demolish their places of worship. The State's commitment to protect them is not confined to protecting them against any domestic attacks but also to protect them against any international aggressions. Al-Layth (may Allah be pleased with him) issued a fatwa to the effect that when anyone of them is taken captive, "I see that the payment of ransom must fall upon the public treasury and they shall be assured their right to citizenship."

Again, it is completely wrong to demolish their places of worship while Islam asserts the human freedom of



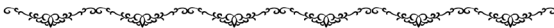


belief and forbids Muslims from forcing anyone to accept Islam. Although Islam invites all humankind to embrace it, but promoting the message of Islam is entirely different from coercion to accept a thing by force. The first is permissible but the second is a sort of pressure and force, which is forbidden by Allah's statement: **“There shall be no compulsion in [acceptance of] the religion.”** (The Qur'an, 2: 256)

The freedom of belief is a fundamental guaranteed right in Islam. The Prophet (may Allah's Peace and Blessings be upon him) also told one of his miraculous prophecies to his Companions saying: “You would soon liberate Egypt, a land in which al-qirat (a unit of measurement of areas of land) is mentioned. So when you liberate it, treat its people kindly. For they have a pledge of citizenship and have a right of kinship on you.”⁽¹⁾

Note that the Prophet commanded them to act kindly towards the people of Egypt although they were then Copts. This is the Islamic edict concerning the non-Muslim citizens. These are unquestionable indications

1 Al-Hakim, al-Mustadrak, 2: 553. al-Hakim said, “It is authentic following the conditions of both sheikhs i.e. al-Bukhari and Muslim.”

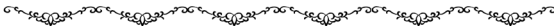




to the pure Islamic tolerance, kindness and mercy with them.

'Amr Ibn al-'Ass (may Allah be pleased with him) also implemented this tolerance practically when he liberated Egypt. He gave the Copts full freedom of religion and reinstated Patriarch Benjamin to his Seat after thirteen years of his deposition. He even issued orders to welcome him and celebrate his arrival at Alexandria. It is another sign of the Islamic tolerance with non-Muslims giving them freedom of religion. As such, they freely practiced their rituals and their churches were protected from demolition and other kinds of aggressions.

This is the Islamic stand on this subject as must be reflected in modern fatawa.





Church Protection in Islam⁽¹⁾

Based on the universal objectives of Shari'ah and the holistic rules of the Noble Qur'an on tolerance, mercy, forgiveness, pardon, lenience and cooperation for the public welfare and righteousness, we beseech Allah for success and say that demolition or any sort of aggression against churches or their visitors is forbidden for the following indications:

First: No indication in the Noble Qur'an or the Honorable Sunnah command Muslims to do that. Conversely, they command Muslims to maintain and preserve them as a right to the followers of the heavenly revealed religions. It is also a major objective of Shari'ah, which all codes of law assert. Allah, the Almighty, says, **“And was it not that Allah repels some people by means of others, there would have been demolished monasteries, churches, synagogues, and mosques in which the name of Allah is much mentioned.”** (The Qur'an, 22: 40) As

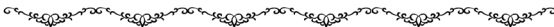
1 By Professor Muhammad Nabeel Ghanayem, a Tenured Professor of Islamic law at the Faculty of Dar al-'Ulūm, Cairo University.



such, demolishing churches and other places of worship is unlawful, for they are places in which the name of Allah is much mentioned. Allah checks some peoples by means of others to safeguard the world from corruption.

Second: The Prophet's treatment with the People of the Book in Medina, Arabia and Yemen: No tradition told that he ordered to demolish or act hostilely against any church. Rather, the Prophet forbade Muslims to demolish monasteries or to kill monks, women and children in all battles.

Third: The Rightly-Guided Caliphs (may Allah be pleased with them) followed the example of the Prophet (may Allah's Peace and Blessings be upon him). No one of them demolished a church or allowed any aggression against it. Instead, they maintained the churches and awarded non-Muslims freedom to look after their churches as 'Umar Ibn al-Khattab did upon the liberation of Jerusalem. He prayed outside the church, so no one may violate it or take it as a mosque. 'Umar prayed outside the church just to protect it and wrote a pledge of safety to ensure the protection of the places of worship and the rights of citizens.

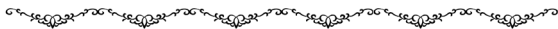




Fourth: The Prophet's Companions and governors of the Rightly-Guided Caliphs protected and maintained the churches in Egypt, Syria, Iraq and other territories after they liberated them. For example, no historic account tells that Sa'd Ibn Abi Waqqas in Iraq, Khalid Ibn al-Walid in Jordan, Abu 'Ubaydah Ibn al-Jarrah in Syria and 'Amr Ibn al-Ass in Egypt among several others in other regions ever ordered to demolish churches or acted aggressively against them. Instead, they maintained them.

In fact, no historic account relates that Muslims, over fifteen centuries, demolished or attacked churches or other places of worship. Only the savage people, like the Tartar, did when they destructed the Muslim lands but no Muslim, a ruler or a subject ever did the like.

Fifth: The Islamic command to act kindly towards the People of the Book is very clear; they as well as we have equal rights and obligations. Anyone who harms a non-Muslim citizen has already harmed Allah and His Prophet; Allah and His Messenger are free from any obligation whatever to him. Fair treatment and justice must prevail. Allah, the Almighty, says, **“So if they come to**

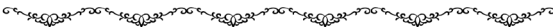




you (Prophet Muhammad), judge between them or turn away from them. And if you turn away from them – never will they harm you at all. Yet, if you judge, judge between them with justice. Indeed, Allah loves those who act justly.” (The Qur’an, 5: 42)

For example, a Muslim may marry a Christian or a Jewish woman and must give her freedom to visit her place of worship and follow her faith. It is also permissible to eat their food. Allah, the Almighty, says, **“And the food of those who were given the Scripture is lawful for you and your food is lawful for them. And [lawful in marriage are] chaste women from among the believers and chaste women from among those who were given the Scripture before you, when you have given them their due compensation, desiring chastity, not unlawful sexual intercourse or taking [secret] lovers.”** (The Qur’an, 5: 5)

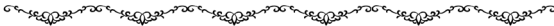
Sixth: Churches and their visitors are part of the same nation and people whose national, cultural and emotional unity becomes a reality backed by cooperation and solidarity. They all form one inseparable family. It is vanity to let it suffer divisions and conflicts. The right to





worship is an admitted right to all. We shall maintain the national unity of Muslims and non-Muslims to be united against the external enemies. Let us all live in peace and security with equal rights and obligations.

Seventh: The legal rule states that assault is only tolerable against the aggressors. Allah, the Almighty, says, **“Whoever has assaulted you, then assault him in the same way that he has assaulted you.”** (The Qur’an, 2: 194) Actually, no Egyptian Christian attacked our mosques. Rather, they defend and maintain them. Some of them even aid in building mosques. As such, we have to maintain and protect their churches in affirmation of justice and kind treatment. Allah, the Almighty, says, **“Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes – from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly.”** (The Qur’an, 60: 8) Acting righteously refers to all sorts of good deeds, kind treatment, love and justice as a basis for a balanced world.





Church Protection in Islam⁽¹⁾

In the Name of Allah, the Gracious, the Merciful

“All praise is due to Allah, who has sent down upon His Servant (Prophet Muhammad) the Book and has not made therein any deviance. He has made it straight to warn of severe punishment from Him and to give good tidings to the believers who do righteous deeds that they will have a good reward.”(The Qur’an, 18: 1-2.) May Allah’s Peace and Blessings be upon Prophet Muhammad, the One sent with glad news and warnings, and upon His family and Chosen Companions! He came to invite to Allah, by His Leave, as a source of light and enlightenment! He explained all things and eliminated all traces of ignorance.

It is no doubt that there are some hidden hands instigating disorder between Muslims and Christians from time to time exploiting extremism and ignorance. As such,

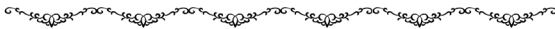
1 By Professor ‘Abd al-Haleem Mansur, Vice-Dean of the Faculty of Sharia and Law. Tafahna Al-Ashraf, Daqahliyyah.



we may see some extremists attacking churches in some Muslim countries, e.g., what the ISIS terrorists do in Syria, Iraq and other countries. They demolish churches and set fire to them as well as violate properties and dishonor people. Other terrorist organizations and fanatic groups believe in this ideology, which may create tension and lead to enormous disputes between the Muslims and the Christians.

Some shadowy hands from inside and outside are attempting to drive wedges between Muslims and Christians. They provoke conflicts and sedition, incite such issues and may even do them and falsely attribute them to some fool young extremists. The doers of these reckless incidents may cite some weak and groundless quotations improper for building legal injunctions thereon. It is necessary to clarify the legal decision concerning the commitment of any aggression against churches and non-Muslim places of worship.

At first, it is fair to say that Islam proscribes all sorts of aggression against the places of worship, e.g. churches, monasteries, mosques and others. Legal indications in support of this ruling are as follows:





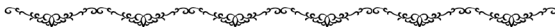
First: Islam guarantees the freedom of belief

It is well known for all that Islam secures the freedom of belief for all humankind and forbids compulsion to accept religion. Allah clearly states, **“There shall be no compulsion in [acceptance of] the religion; the guidance has become clear from misguidance.”** (The Qur’an, 2: 256) He also says, **“Then, would you force people to become believers?”** (The Qur’an, 10: 99) The two Qur’anic verses prove that no one shall even force anyone to accept Allah’s religion. As a corollary of this principle, the freedom of worship and practice of rites in religious places are all guaranteed as well as the protection of places of worship.

Second: Maintaining Places of Worship is an Obligation

Textual indications to this principle include the following:

- (1) Allah, the Almighty, says, “Permission to defense has been given to those who are being fought, because they were oppressed. Indeed, Allah is All-Powerful to give them victory. And was it not that Allah checks the

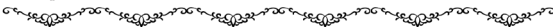




people, some by means of others, there would have been demolished monasteries, churches, synagogues, and mosques in which the name of Allah is much mentioned. Surely, Allah will support those who support Him. Indeed, Allah is Powerful and Almighty.”(The Qur’an, 22: 39-40) The verses clearly mention the demolition of monasteries, churches, synagogues, and mosques in the context of dispraise, which means that it is impermissible to demolish any of them.

(2)The Prophet (may Allah’s Peace and Blessings be upon him) said, “There shall be no infliction of harm on oneself or others.”⁽¹⁾ In this tradition, the Prophet forbids all sorts of infliction of harm on oneself or others. Actually, denying a person his/her right to worship is a form of abhorrent harm that must be eliminated.

1 Ibn Majah, 2: 784, (No. 2340) on the authority of Ibn ‘Abbas; al-Menawi, Fayd al-Qadeer, 12: 6484, (No. 9899); al-Daraqutni, Sunan, 3: 77, (No. 288) on the authority of Abu Sa‘eed al-Khudri. This narration adds “Whoever afflicts others with harm will suffer divine afflictions”; Misbah al-Zujajah, (3: 48) and said, “This chain of transmitters is trustworthy but the chain is interrupted”; al-Bayhaqi, al-Sunan al-Kubra, 6: 156.



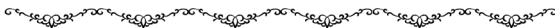


(3) Fulfillment of Obligations under the Convention: Since the early times of the Prophet and his companions and successors, no one ever demolished or attacked any church or monastery. As such, it is unlawful to demolish the churches in Muslim Lands because they were found during the times of the Companions and their successors when they entered these cities and they maintained them.⁽¹⁾

(4) As to the new churches, the whole issue depends on agreement and coexistence. The charters made by the Prophet and his Caliphs and Companions gave assurance and security for the non-Muslims concerning their lives, property, families, monasteries and churches that no one may demolish or damage them. The following are just examples of these charters:

- The Prophet's peace treaty with the people of Najran: 'Ubaydillah Ibn Abi Humayd narrated from Abu al-Maleeh al-Hudhali that the Prophet held a peace treaty with the people of Najran in which he wrote:

1 Sharh Fath al-Qadeer, 6: 58 ff.

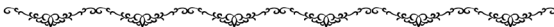




“In the Name of Allah, the Gracious, the Merciful. This is the book of Mohammad, the Prophet and Messenger of Allah, to the people of Najran under his rule. The protection of Allah and the guaranty of the Prophet Muhammad, extend on Najran and its neighborhood, on their houses, their wealth, their worship, their monasteries, their monks, and their bishops, absent and present. No bishop will be moved from his episcopal seat or a monk from his monastery, nor a priest from his cure. Neither will they be mobilized for war nor subject to tithe.”⁽¹⁾

(5)The Pact of ‘Umar Ibn al-Khattab to the people of Jerusalem reads, “In the Name of Allah, the Gracious, the Merciful. This is the assurance of safety, which the servant of Allah, ‘Umar, the Commander of the Believers, has given to the people of Jerusalem. He has given them an assurance of safety for themselves, their property, their churches, their crosses, for the sick and healthy of the city, and for all the rituals of their religion. Their churches will not be inhabited

1 Al-Khattabi, Ghareeb al-Hadeeth, 1: 497; Abu ‘Ubayd, al-Amwal, 1: 244.





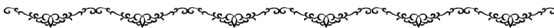
by Muslims and will not be destroyed. Neither they, nor the lands, on which they stand, nor their cross, nor their property will be damaged. They will not be forcibly converted. No one of them shall suffer any harm.”⁽¹⁾

- Al-Ya‘qubi also narrated the account of this treaty in his history as follows: “In the Name of Allah, the Gracious, the Merciful. This is the assurance of safety given by ‘Umar Ibn al-Khattab to the people of Jerusalem. You are given assurance of safety for your lives and wealth; your churches will not be inhabited or destroyed but you should not provoke a public rebellion. He then has some persons to witness it.”⁽²⁾
- The charter of ‘Umar Ibn ‘Abd al-‘Azeez (may Allah be pleased with him): “No synagogue or church shall be demolished and no place for fire worship shall be demolished.”⁽³⁾ This tradition clearly proves the inviolability of all non-Muslim places of worship;

1 Al-Tabari, Tareekh, 2: 449.

2 Al-Ya‘qubi, Tarikh, 3: 147.

3 Ibn Abi Shaybah, Kitab al-Jihad, 6: 437, (No. 32983), Bab: Ma Qalu Fi Hadm al-Beya‘ wa al-Kana’is wa Buyut al-Nar.



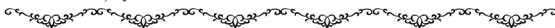


otherwise, the pledges of safety given by the Prophet and his Companions would be meaningless. Simply, pledges of safety preclude any claims to demolish or violate them and grant them sanctity.

- Blocking the Means⁽¹⁾ to Evil: Really, any aggression against the places of worship that belong to non-Muslims may lead non-Muslims to attack and violate Muslim mosques; anything that leads to evil must be blocked and prevented. Allah, the Almighty, says, “[Believers], do not revile those they call on other than Allah, lest they revile Allah in their hostility without knowledge.” (The Qur’an, 6: 108)

At last, this brief discussion on clarifying the legal

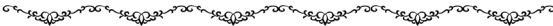
1 Dharee’ah i.e. a means or a medium, refers to anything employed to do something else. Blocking the means signifies the elimination and preclusion of ways to evils. It is generally defined as any means employed to reach another thing regardless of the permissibility or impermissibility of the means or the end desired. See Muhammad al-Sa’eed ‘Abd Rabbihi, *al-Adillah al-Mukhtalaf Feeha*, p. 194 ff.; for al-Mazari, it is the prevention of a lawful thing to escape an unlawful corollary that follows it. See Muhamamd al-Taher Ibn ‘Ashur, *Maqasid al-Sharee’ah al-Islamiyah*, (Jordan: Dar al-Nafa’is, 1412 AH / 2001 CE), p. 220.





ruling aggression against non-Muslim places of worship, such as churches and the like, shows clearly the following:

- There is no legal text that permits any sort of violation, demolition or aggression against them.
- Several texts from the Qur'an and the peace treaties made by the Prophet and his Companions indicate that Islam maintains and protects the lives, faith and churches for the People of the Book as documented in the history of Islam.
- Contemplating the early books of jurisprudence prove that jurists approved the wills made to maintain and renovate churches. They also speak of the road-churches, a developed ritual form entirely unexplored in modern literature on urbanization. We hope that the fanatic groups will be aware of that and come back to the moderate course of Islam noted for wideness and ease. Allah, the Almighty, says, "Indeed in that is a reminder for whoever has a heart or who listens while he is present." (The Qur'an, 50: 37)





Church Protection in Islam⁽¹⁾

In the Name of Allah, the Gracious, the Merciful

Praise be to Allah, the Lord of all worlds. May Peace and Blessings be upon the most honorable of all Prophets, our master Muhammad, and upon his family, Companions and those who follow them sincerely to the Last Day! Islam is really a religion of coexistence whose principles go against compulsion and violence. As far as Islam is concerned, this introductory sentence is conclusive and decisive. Whenever the pure spirit of Islam has access to hearts, hearts know no hate. This fact depends on the Qur'anic verse: **“There shall be no compulsion in [acceptance of] the religion; the guidance has become clear from misguidance.”** (The Qur'an, 2: 256) Allah also says, **“And say, “The truth is from your Lord, so however wills – let him believe; and whoever wills – let him disbelieve.”** (The Qur'an, 18: 29) Allah, the

1 By Dr. Magdi 'Ashur, the Academic Advisor of the Grand Mufti of Egypt.



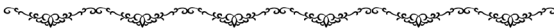
Almighty, also says, **“For you is your religion, and for me is my religion.”** (The Qur’an, 109: 6)

Non-Muslim Treatment is based on Kindness, Benevolence, Mercy and Justice

Allah commands Muslims to declare their kindness, mercy and fairness towards the non-Muslims. Allah, the Almighty, says, **“Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes – from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly.”** (The Qur’an, 60: 8)

Over their remarkable history, Muslims of all generations followed this honorable example in expression of their pure civilization and lofty tolerant ethics whereby they conquered the hearts of people before they liberated their lands since the time of the Rightly-Guided Caliphs until today.

The Pact of ‘Umar ibn al-Khattab with the people of Jerusalem asserts their freedom of religion and the sanctity of human lives and churches. It reads, “In the Name of Allah, this is the assurance of safety, which the

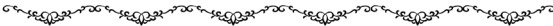




servant of Allah, ‘Umar, the Commander of the Believers, has given to the people of Jerusalem. He has given them an assurance of safety for themselves, their property, their churches, their crosses, and for the sick and healthy of the city and for all the rituals of their religion. Their churches will not be inhabited by Muslims and will not be destroyed. Neither they, nor the land on which they stand, nor their cross, nor their property will be damaged. They will not be forcibly converted. No one of them shall suffer any harm. Then, the conditions of this pact are made under the covenant of Allah and their fulfillment is the responsibility of His Prophet, the caliphs and the believers, if they pay their taxes according to their obligations. Khalid Ibn al-Waleed, ‘Amr Ibn al-‘Ass, ‘Abd al-Rahman Ibn ‘Awf and Mu‘awiyah Ibn Abi Sufyan stood as witnesses to this pact; written in 15 AH.”⁽¹⁾

Likewise, he gave another assurance of safety to the people of al-Ludd (Lod) in which he states, “In the Name of Allah, the Gracious, the Merciful. This is the assurance of safety, which the servant of Allah, ‘Umar, the

1 Al-Tabari, Tareekh, (Dar al-Kutub al-‘Ilmiyyah), 2: 449.



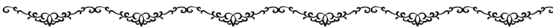


Commander of the Believers, has given to the people of al-Ludd and others who join them from all the people of Palestine. He has given them an assurance of safety for themselves, their property, their churches, their crosses, and for the sick and healthy of the city and for all the rituals of their religion. Their churches will not be inhabited or destroyed. Neither they, nor the land on which they stand, nor their cross, nor their property will be damaged. They will not be forcibly converted. No one of them shall suffer any harm.”⁽¹⁾

When ‘Umar arrived at Jerusalem, the time of Noon Prayer was due while he was inside a church. He asked for a place to pray, the archbishop said: “Pray in your place.” However, he refused and went out to offer the prayer individually at the threshold of the church. After ending his prayers, he said to the archbishop: “If I made the prayer inside the church, some Muslims may have a claim to take it after my death saying: It is here where ‘Umar prayed.”⁽²⁾

1 Al-Tabari, Tareekh, (Dar al-Kutub al-‘Ilmiyyah), 2: 449.

2 Ibn Khaldun, Tarikh, Dar Ihya al-Turath al-‘Arabi, 2: 225.

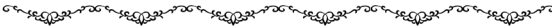




Orientalists expressed their admiration of this event and cited it in their books. For example, Emile Dermenghem cited it and said, “The Koran (sic) and the hadiths are replete with counsels of tolerance. The first Mussulman (sic) conquerors followed this advice on the whole faithfully... When ‘Omar entered Jerusalem, he ordered the Christians not to be molested, neither them nor their churches... When the patriarch invited him to pray in the cathedral he refused only because he feared that this might be used later as a pretext for seizing the church.”⁽¹⁾ Khalid Ibn al-Waleed (may Allah be pleased with him) gave a similar written assurance of safety to the people of Damascus for their churches.⁽²⁾ Likewise, Shurahbeel Ibn Hasanah (may Allah be pleased with him) did the same with the People of Tiberias; he gave them an assurance of safety to their lives and churches.⁽³⁾

When the people of Baalbek asked Abu ‘Ubaydah Ibn

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- 1 Saleh al-Husayn, *al-Tasamuh wa al-‘Udwaniyyah bayn al-Islam wa al-Gharb*, (Riyadh: Muassasat al-Waqf al-Islami, 1429 AH), pp. 120-121.
 - 2 Al-Blazuri, *futuh al-Buldan*, (al-Bayan al-‘Arabi Committee Edition), pp. 120.
 - 3 Al-Blazuri, *futuh al-Buldan*, p. 115.





al-Jarrah (may Allah be pleased with him) to give them assurance of safety for their lives and churches, he wrote them a charter to that effect.⁽¹⁾ He also did the same with the people of Homs and Aleppo.⁽²⁾ ‘Iyad Ibn Ghunm (may Allah be pleased with him) also gave an assurance of safety to the people of Al-Raqqah for their lives and churches and wrote them a charter to that effect.⁽³⁾

Habeeb Ibn Maslamah (may Allah be pleased with him) also did the same with the people of Dabeel, a city in Armenia. He gave them an assurance of safety for themselves, their property, their churches and synagogues of the Christians, Jews and Magi, and for the present and the absent. He wrote them a charter to that effect during the time of the Rightly-Guided Caliph ‘Uthman Ibn ‘Affan (may Allah be pleased with him).⁽⁴⁾

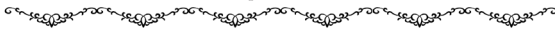
Ubay Ibn ‘Abdullah al-Nakha‘i said, “The charter of ‘Umar Ibn ‘Abd al-‘Azeez (may Allah be pleased with him)

1 Al-Blazuri, *futuh al-Buldan*, p. 129.

2 Al-Blazuri, *futuh al-Buldan*, pp. 130-146.

3 Al-Blazuri, *futuh al-Buldan*, p. 172.

4 Al-Blazuri, *futuh al-Buldan*, p. 199.





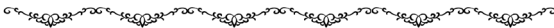
came to us with the following command: “No synagogue or church shall be demolished and no place for fire worship shall be demolished after making peace.”⁽¹⁾ ‘Ataa was asked about demolition of churches? He said, “They shall not be demolished unless they are in the sacred zone of Mecca.”⁽²⁾ Whenever any break of these pledges accidentally occurred, the just caliphs soon restored the right to those worthy of it. ‘Ali Ibn Abi Hamalah, for example, said, “The non-Arabs of Damascus filed a case against us in front of ‘Umar Ibn ‘Abd al-‘Azeez (may Allah be pleased with him) on a church that a person endowed to Banu Nasr in Damascus. ‘Umar immediately expelled us from it and restored it to the Christians.”⁽³⁾

All forms of aggression against the Churches are forbidden: Since Islam grants people freedom of belief and right to worship and practice their rites in their places of worship, Islam also guarantees the safety of their places of worship. Islam pays great attention to the places of wor-

1 Abu ‘Ubayd al-Qasim Ibn Sallam, *al-Amwal*, Dar al-Fekr, p. 123.

2 Ibn Abi Shaybah, *al-Musannaf*, (No. 32984).

3 *Al-Amwal*, p. 201.

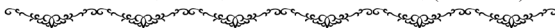




ship and forbids all forms of aggression against them. As far as the Qur'an is concerned, the Muslim domination of others is only made as means to relieve people from tyranny and protect them from aggression. This kind of divine empowerment conferred on the believers must be a way to preserve the places of worship from demolition and guarantee their safety and the safety of their worshippers. The Qur'an evidently expresses this fact as Allah says, **“And was it not that Allah repels some people by means of others, there would have been demolished monasteries, churches, synagogues, and mosques in which the name of Allah is much mentioned. Surely, Allah will support those who support Him. Indeed, Allah is Powerful and Almighty. Those who, if We give them power in the land, establish prayer and give charity and enjoin what is right and forbid what is wrong. And to Allah belongs the outcome of all matters.”** (The Qur'an, 22: 40-41)

Ibn 'Abbas said, “The monasteries are places where monks live and synagogues are the Jewish places of worship whereas the churches belong to the Christians and the mosques to Muslims.”⁽¹⁾

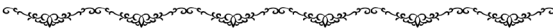
1 Ibn Abu Hatem, Tafseer, Maktabat Nizaar al-Baaz, (No. 13970).





In his commentary on the verse, Muqatil said “All followers of these religions mention Allah’s name much in their places of worship. Allah, then, orders Muslims to defend these places of worship.”⁽¹⁾ Imam al-Qurtubi said, “Without the laws that Allah has enacted for the Prophets and the believers permitting them to fight against enemies, the disbelievers would have dominated the land and stopped the rites at the places of worship. However, Allah ordains fight to impose the freedom of worship for worshippers. The honorable Sunnah also affirms this rule. The Prophet wrote a letter to the Archbishop of Bani al-Harith Ibn Ka’b and other priests, parsons, followers and monks stating, “It belongs to them all that they have, little or much, including their monasteries, churches, and religious communities. They have the protection of Allah and that of His Messenger that no bishop will be removed from his Episcopal seat or a monk from his monastery, nor a priest from his cure. They will be neither mobilized for war nor subject to tithe. There shall be no change in their assigned rights and jurisdictions or in any of their past conditions, so

1 Muqatil Ibn Sulayman, Tafseer, Dar al-Kutub al-‘Ilmiyyah, 2: 285.





long as they fulfill their responsibilities in sincerity and reformation without burdening others with injustice or being unjust.”⁽¹⁾ Here, it is clear that destroying or bombing the churches or killing or intimidating worshippers are all abhorrent forbidden crimes. The Shari’ah is openly against such crimes, which are stark violations of the pledges given in the Name of Allah and that of His Prophet. Doers of such acts will have the Prophet as their opponent on the Day of Resurrection.⁽²⁾

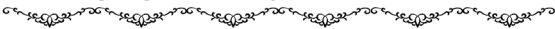
1 Abu ‘Ubayd al-Qasim Ibn Sallam, *al-Amwal*, Dar al-Fekr, p244; Abu ‘Umar Ibn Shabbah al-Numayri, *Tarikh al-Madeenah al-Munawwarah*, Dar al-Fekr, 2: 584-586; Ibn Zanjawayh, *al-Amwal*, Faisal Center for Research, 2: 449; Ibn Sa’d, *al-Tabaqat al-Kubra*, Dar Sader, 1: 226; al-Bayhaqi, *Dala’il al-Nubuwwah*, Dar al-Kutib al-‘Ilmiyyah, 5: 389; Muhammad Ibn al-Hasan al-Shaybani, *Kitab al-Siyar*, al-Dar al-Muttahidah for publication, 1: 266.

2 Safwan Ibn Sulaym reported from a number (according to Ibn Zanjawayh and al-Bayhaqi from thirty) of the children of the Prophet’s Companions from their fathers (who were relatives of each other) that the Messenger of Allah said:

“Behold, if anyone wrongs a non-Muslim citizen, violates their right, forces them to work beyond their capacity, or takes from them anything without their consent, I shall plead for them on the Day of Judgment.”

According to Ibn Zanjawayh and al-Bayhaqi:

“The Prophet pointed his finger at his chest and said: “Behold,





Citizenship Right Fulfillment

It is unhidden that aggression against churches or Christians in Egypt or in other countries forms a revocation of the convention of citizenship. They are citizens and enjoy the rights of citizenship. Those citizens have concluded conventions of coexistence with Muslims to live in peace and security. Any aggression, harassment, or intimidation, let alone shedding their blood or demolishing their churches forms a break of the convention and a denunciation and loss of Muslim pledges, which the Shari'ah's texts deny outright and command the opposite. Allah, the Almighty, says, **“O you who believe, fulfill your contracts.”** (The Qur'an, 5: 1)

anyone who kills a non-Muslim citizen who enjoys the protection of Allah and that of His Prophet, Allah will not smell the fragrance of Paradise, even though its fragrance may be detected from a distance of seventy years.”

In his commentary on “al-Tabsirah wa al-Tadhkirah (p. 191)”, the Memorizer al-Iraqi said, “This chain of transmitters is good even if some transmitters are anonymous. Simply, they a number of the children of the Prophet's Companions whose number accords to the standard of mass-transmitted reports whose trustworthiness is not a requisite.” See, e.g., Abu Dawud, sunan, (No. 3052); Ibn Zanjawayh, al-Amwal, (No. 621); al-Bayhaqi, al-Sunan al-Kubra, (No. 18731).

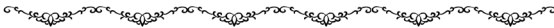


Al-Bukhari narrated in his authentic collection of Hadith from ‘Abdullah Ibn ‘Amr Ibn Al-Ass (May Allah be pleased with them) that the Prophet (may Allah’s Peace and Blessings be upon him) said, “Whosoever has these four characteristics is a sheer hypocrite; and anyone who has one of them has a characteristic of hypocrisy until he gives it up. These are: when he is entrusted with something, he proves dishonest; when he speaks, he tells a lie; when he makes a covenant, he proves treacherous; and when he quarrels, he utter fool language.”⁽¹⁾ According to another narration, “If a man gives an assurance of safety to another for his life and then kills him, I (the Prophet) is entirely free from the killer even if the victim is a disbeliever.”⁽²⁾

‘Ali (may Allah be pleased with him) narrated that the Prophet said, “The assurance of safety given by Muslims is one insomuch that if the humblest of them gives it, it must be respected. And whoever breaks the covenant made by a Muslim, let the curse of Allah, of his angels,

1 Narrated by al-Bukhari and Muslim.

2 Al-Bayhaqi, al-Sunan al-Kubra, (No. 18422).





and of the whole people be upon him, and neither an obligatory act nor a supererogatory act (i.e. no act whatever) would be accepted from him as recompense on the Day of Resurrection.”⁽¹⁾

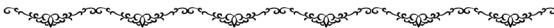
“The assurance of safety” refers to Muslim covenants, pledges and protection. “The humblest of them” means that anyone or group, even if very humble, may declare a pledge for security and no one can break it. Hence, the pledges of rulers are most respected.

It is unhidden that leaving churches without protection or intimidating their people are sorts of treachery, murder and aggression against civilians, which are all forbidden. Abu Hurayrah (may Allah be pleased with him) narrated that the Prophet said, “Faith prevents assassination; Faith prevents assassination. (a true believer cannot assassinate).”⁽²⁾

In other words, the right faith restrains a believer from murder. This prohibitive statement is an indirect proscription, because murder is indicative of plots and

1 Al-Bukhari, Saheeh, (No. 1870).

2 Abu Dawud, Sunan, (2769).



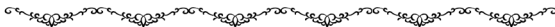


tricks or forms a direct prohibition that a believer must not assassinate.

The Prophet also gave a special recommendation to act kindly towards the people of Egypt. Um Salamah, the Mother of the Believer, narrated that when the Prophet was in his deathbed, he said: “[Fear] Allah, [fear] Allah regarding the Copts of Egypt; you will dominate them and they would be your supporters and allies for the cause of Allah.”⁽¹⁾

Musa Ibn Jubayr narrated from the elders of Medina that ‘Umar Ibn al-Khattab wrote to ‘Amr Ibn al-‘Ass, the governor of Egypt, a letter in which he said: **“Know, ‘Amr, that Allah sees you and sees your work. He, may He be Glorified, says in His Book: “And make us a leading example for the righteous.”** (The Qur’an, 25: 74) With you are a people who have a right to citizenship and a pledge to security. The Prophet (may Allah’s Peace and Blessings be upon him) also commanded to act kind-

1 Al-Tabarani, al-Mu‘jam al-Kabeer, (No. 561). In Majma‘ al-Zawa‘id (Hadith Number: 16678), the Memorizer al-Haythami said, “Its transmitters are all from the transmitters of the Authentic Collection.”



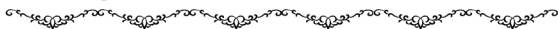


ly towards them and to the Copts when he said: “Be kind to the Copts, for they have a pledge of citizenship and have a right of kinship on you.” The kinship is that the Mother of Ishmael (Peace be upon him) was one of them. The Prophet (may Allah’s Peace and Blessings be upon him) also said, “Beware, if anyone wrongs a non-Muslim citizen or forces him to work beyond his capacity, I shall plead for him on the Day of Judgment.” Beware, ‘Amr, lest the Prophet should plead against you, for anyone against whom the Prophet pleads is a loser!⁽¹⁾

Review of history proves the truth told in the Prophet’s statement. The Copts welcomed the Muslim emancipators giving them kind treatment. They lived together in security and peace. Egypt then made the deepest historical successful experience of coexistence and partnership among followers of different religions in the same homeland.

Indeed, leaving churches without protection or threatening churchmen goes against the directions of Shari’ah. Under the Shari’ah, it is obligatory to maintain

1 Al-Muttaqi al-Hendi, *Kanz al-Ummal*, Muassasat al-Resalah, 5: 760.

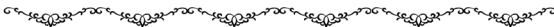




and protect five things whose preservation is affirmed by all religions. These five matters are: religions, souls, minds, honors and properties, which form the five Shari'ah objectives.

Evidently, these criminal offenses violate some of the higher objectives whose protection is necessary. For example, the preservation of lives is necessary and the victim of murder is an innocent citizen whose life is inviolable and must be safeguarded. Allah, the Almighty, has grandly honored the human life when saying: **“Whoever kills a soul unless for a soul or for corruption in the world, it is as if he had slain mankind entirely. And whoever saves one soul– it is as if he had saved mankind entirely.”** (The Qur'an, 5: 32.)

The evils of these crimes are not hidden; they present a deformed image of Islam in the east and the west and enhance the false image that enemies of Islam try to fix in minds of people worldwide. The enemies draw Islam as a religion thirsty for blood, which is a groundless claim. Moreover, they provide pretexts for latent enemies to interfere with our domestic affairs unjustly.

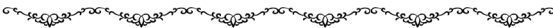




Allah, may He be Exalted, commands the blocking of all means to blasphemous declarations against Allah, an act which is originally permissible. Allah, the Almighty, says, **“And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge. Thus, We have made pleasing to every community their deeds. Then to their Lord is their return. So, He will inform them about what they used to do.”** (The Qur’an, 6: 108)

Imam al-Razi said, “This verse indicates that it is impermissible to do an act against the disbelievers that drives them further away from the truth and turns them more persistent in their rejection. If it was permissible to do that, it would be also permissible to command it. As such, Allah would neither prohibit us from what is mentioned nor would He have commanded kindness to the disbelievers at times of invitation; He said to Moses and Aaron: **“And speak to him [Pharaoh] with gentle speech that perhaps he may be reminded or fear [Allah].”** (The Qur’an, 20: 44)⁽¹⁾ This is indeed if the act itself is permissible but what if it is originally impermissible.

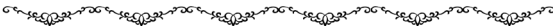
1 See Mafateeh al-Ghayb, (Dar al-Kutub al-‘Ilmiyyah edition), 13: 115.





In conclusion, Islam preserves the right of non-Muslims to live honorably amid Muslims and protects their places of worship from all threats under the convention of citizenship. It is no doubt that these legal rulings formed a source from which modern States borrowed their systems in entrenchment of the principle of coexistence and fulfillment of the contract of citizenship commonly shared by all nationals, Muslims and non-Muslims alike.

They all submit to the same law and are equal before its authority. They do their duties and civil jobs and have equal rights and obligations. In this way, all citizens feel the value of national affiliation and devote their various abilities, faculties and specialties for the construction of the State's different facilities. At last, all praises are due to Allah, the Lord of all worlds!





Contents

Foreword	3
Professor Muhammad Mukhtar Gomaa	
Minister of Awqaf Introduction	5
Professor Shawqi Allam Church Protection as an Expression of Islamic Tolerance	9
Prof. Muhammad Salem Abu 'Asi Church Protection in Islam	15
Professor 'Abdullah al-Najjar Church Protection in Islam	29
Professor Muhammad al-Gebali Church Protection in Islam	41
Professor Muhammad Nabeel Ghanayem Church Protection in Islam	49
Professor 'Abd al-Haleem Mansur Church Protection in Islam	55
Dr. Magdi 'Ashur Table of Contents	65

