

# **Minorities from the perspective of Islamic law**

## **Abstract**

The status of minorities is a topic within Islamic law that goes back to its very beginnings. At the same time, it is a dynamic topic, continuously evolving throughout the history of Islam. This thesis analyses the sources of Islamic law as well as prominent legal documents related to the status of minorities in Muslim countries, including scholarly works and treatises by Muslim jurists and experts. In addition, it attempts comparative comparisons of the approaches of Muslim jurists and scholars to the issues outlined, setting them in relevant historical events. Particular attention is paid to the status of *dhimmīs*, the obligations to pay specially designated taxes by non-Muslims, and treaties of protection, including the status of minorities within the Muslim community. The issues discussed are also relevant today, reflecting on national political issues of individual Muslim states and societies, as well as on the drafting of international documents. The present work initially defines basic concepts and outlines the sources of Islamic law. It will also focus on selected specifics of Islamic law, key to a deeper understanding of minority law. It will then describe the historical development and theoretical approaches of Islamic law towards religious minorities and elaborate on their obligation to pay taxes. It will then introduce the basic division of minorities, consisting of the division between religious minorities and those within the Muslim community. In the case of religious minorities, the key comparison will be between the status of Judaism as an Abrahamic faith and Hinduism. Studied groups within the Muslim community will be sexual minorities and Muslim minorities living in non-Muslim territory. The last part of the thesis will be the conclusion. In terms of methodology, it is important to note that the subject of the research is Sunni legal theory. The aim of the thesis is to provide a comprehensive view of the position of minorities in Islamic law, the development of this branch of law and also the ways in which the rights and obligations of minorities have been implemented in Islamic law.

**Key words: Islamic law, minorities, dhimmī**