	<p><b>THE STUDY OF RELIGION AND HISTORY</b></p> <p><b>Vol.3, No.3, 2025</b></p>	<p>ISSN P: <a href="#">3006-3329</a> ISSN E: <a href="#">3006-3337</a></p>
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## ***Islamic Jurisprudence and Minority Citizenship: Sikh Communities in Contemporary Muslim States***

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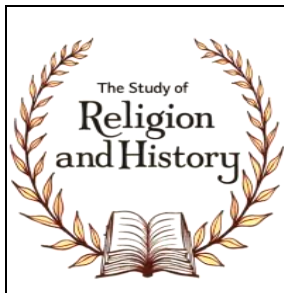
### ***Abstract***

*The question of minority citizenship within Muslim-majority states has increasingly attracted scholarly attention in contemporary legal and theological discourse. This article critically examines the intersection between Islamic jurisprudence and modern conceptions of citizenship, with particular reference to Sikh communities residing in Muslim states, especially Pakistan. While classical Islamic legal frameworks historically articulated the concept of protected non-Muslim subjects, contemporary nation-states necessitate a reconfiguration of these doctrines within egalitarian constitutional paradigms. Employing a doctrinal and socio-legal methodology, this study explores Qur'ānic principles, Prophetic traditions, and juristic interpretations that establish the normative foundations for minority protection. It further juxtaposes these principles with modern constitutional arrangements and international human rights standards. The Sikh community is utilized as a focal case to assess the practical implementation of these legal norms. The findings suggest that Islamic jurisprudence, when interpreted through the lens of Maqāṣid al-Sharī'ah, offers a robust ethical and legal basis for inclusive citizenship. However, structural and administrative challenges continue to affect full realization. The study concludes with policy recommendations aimed at harmonizing Islamic legal heritage with contemporary citizenship models in plural societies (An-Na'im, 2008; Kamali, 2008).*

**Keywords:** *Islamic Jurisprudence, Minority Citizenship, Sikh Communities, Muslim States*

### **1. Introduction**

**1.1 Contextualizing Minority Citizenship in Muslim States:** The evolution of citizenship within Muslim-majority societies presents a complex interplay between inherited legal traditions and modern constitutional frameworks. Historically, Islamic governance structured social relations through religious classifications, whereas contemporary states emphasize juridical equality among citizens regardless of faith affiliation. Within this paradigm, the Sikh community occupies a distinctive position, particularly in Pakistan, where sacred geography intersects with national identity. Cities such as Nankana Sahib and Kartarpur serve not only as religious centers but also as symbols of intercommunal coexistence. Despite this, the conceptual alignment between Islamic jurisprudence and modern citizenship remains a subject of academic debate (Modood, 2013).

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**1.2 Research Problem:** A fundamental tension persists between classical Islamic legal categories—such as dhimma—and the egalitarian ethos of modern citizenship. This raises critical questions regarding the legal and moral status of non-Muslim minorities, including Sikhs, within contemporary Muslim polities.

**1.3 Research Questions:** How does Islamic jurisprudence conceptualize minority protection?

Can classical doctrines be reconciled with modern citizenship models?

What insights does the Sikh experience offer in this regard?

## 2. Conceptual Framework: Citizenship and Minority Rights

**2.1 Citizenship in Modern Legal Thought:** Modern citizenship is predicated upon the principles of equality, participation, and legal protection. It denotes a formal relationship between the individual and the state, encompassing civil, political, and social rights. Scholars argue that inclusive citizenship frameworks are essential for maintaining social cohesion in plural societies (Marshall, 1950).

**2.2 Minority Rights in International Law:** International human rights instruments provide a comprehensive framework for minority protection. The Universal Declaration of Human Rights (1948) emphasizes freedom of religion, while the International Covenant on Civil and Political Rights (1966) affirms the rights of minorities to practice their cultural and religious traditions (ICCPR, Art. 27).

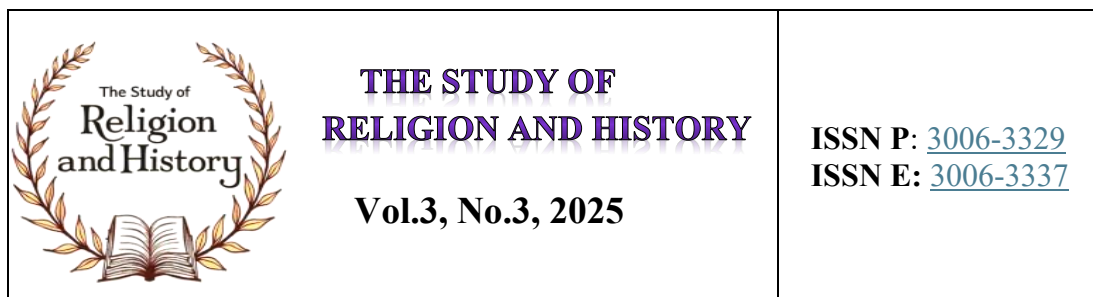
**2.3 Islamic Conception of Community and Belonging:** Islamic legal thought conceptualizes society through the notion of Ummah, a moral community grounded in shared ethical values. While historically inclusive of diverse religious groups, its translation into modern nation-state structures requires reinterpretation to ensure parity among citizens (Kamali, 2019).

## 3. Foundations of Minority Protection in Islamic Jurisprudence

**3.1 Qur’ānic Principles of Religious Freedom:** The Qur’ān articulates a foundational principle of non-coercion in matters of faith: “**There is no compulsion in religion**” (Qur’ān 2:256). This verse has been widely interpreted as affirming the autonomy of religious belief and the legitimacy of pluralism within Islamic thought (Esposito, 2011). Furthermore, the Qur’ān emphasizes justice and equitable treatment: “Allah commands justice and excellence” (Qur’ān 16:90). These ethical imperatives extend to all members of society, irrespective of religious identity.

**3.2 Prophetic Practice:** Prophetic traditions reinforce these principles through practical governance models. The Charter of Madinah is frequently cited as an early constitutional document recognizing the rights of diverse religious communities within a unified polity (Peters, 2005).

**3.3 Classical Juristic Interpretations:** Classical Islamic jurisprudence developed elaborate frameworks governing the rights and responsibilities of non-Muslims. Jurists across the Hanafi, Maliki, and Shafi’i schools recognized the inviolability of life, property, and religious practice for protected communities. While the dhimmi system has been critiqued in modern discourse, many scholars argue that it represented a progressive legal arrangement for its historical



context. Contemporary reinterpretations seek to transcend its hierarchical elements while preserving its protective ethos (Hallaq, 2009).

#### **4. Reinterpreting Islamic Law in Contemporary Context**

**4.1 From Protection to Equality:** Modern Muslim scholars advocate a transition from the notion of protection to one of equal citizenship. This shift aligns Islamic legal thought with contemporary constitutional norms and international human rights standards.

**4.2 Maqāṣid al-Sharī‘ah as a Framework:** The objectives of Islamic law (maqāṣid al-sharī‘ah)—including the preservation of religion, life, intellect, and dignity—provide a normative basis for inclusive governance. These principles support the recognition of minority rights within a holistic ethical framework (Auda, 2008).

#### **5. Sikh Communities in Muslim States**

**5.1 Pakistan as a Central Case:** Pakistan represents a unique context where Sikh heritage and Muslim majority identity converge. The presence of major religious sites, including Nankana Sahib, underscores the historical interconnectedness of communities.

**5.2 Global Dimensions:** Beyond Pakistan, Sikh minorities in other Muslim contexts have experienced varying degrees of integration. These experiences highlight the importance of state policies and societal attitudes in shaping minority citizenship.

#### **6. Legal Status of Sikh Minorities in Pakistan**

The Constitution of Pakistan guarantees religious freedom and minority rights. Articles 20 and 22 explicitly safeguard the right to practice religion and prohibit compulsory religious instruction. Institutional mechanisms, including administrative bodies and security agencies, play a crucial role in preserving Sikh religious heritage and ensuring community protection. These frameworks reflect an evolving commitment toward inclusive citizenship.

#### **7. Emerging Challenges**

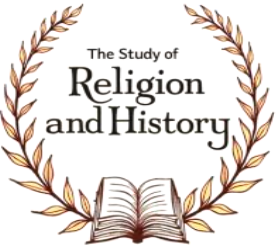
Despite legal protections, Sikh communities face challenges related to social integration, educational access, and economic opportunities. These issues necessitate comprehensive policy interventions that go beyond formal legal guarantees.

#### **8. Preliminary Discussion**

The analysis thus far indicates that Islamic jurisprudence possesses inherent flexibility to accommodate modern notions of citizenship. However, the effectiveness of these principles depends on their practical implementation within state institutions and societal structures.

#### **9. Field Insights: Interfaith Governance and Administrative Practice**

Empirical observations reveal that the operationalization of minority rights in Pakistan is not confined to constitutional provisions but extends into administrative praxis. District-level governance structures actively facilitate religious harmony through coordinated institutional engagement. During the 2024 celebrations of Guru Nanak Dev Ji’s birth anniversary in

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Nankana Sahib, state authorities implemented comprehensive arrangements ensuring both security and accessibility for Sikh pilgrims. These arrangements demonstrate the evolving synergy between Islamic ethical imperatives and modern governance structures (Nasr, 2012).

### **9.1 Interview: Deputy Commissioner Nankana Sahib**

Respondent: Mr. Tasleem Akhtar Rao (Deputy Commissioner),

Location: Nankana Sahib,

**Q:** How does the district administration ensure religious freedom for Sikh pilgrims?

**A:** The administration adopts a facilitative approach grounded in constitutional obligations and ethical responsibility. Security, accommodation, and logistical arrangements are coordinated to provide a seamless experience for international pilgrims.

**Q:** What role does interfaith coordination play?

**A:** Interfaith harmony is central. Representatives from different religious communities collaborate through district peace committees to maintain mutual respect and coexistence.

This interview highlights the institutionalization of minority protection at the local governance level.

### **9.2 Interview: District Police Officer (DPO) Nankana Sahib**

Respondent: Mr. Syed Nadeem Abbas Shah,

**Q:** What measures are taken to ensure security during Sikh religious events?

**A:** Multi-layered security protocols are implemented, including surveillance, controlled entry points, and coordinated patrol units. The objective is to ensure that pilgrims feel secure throughout their stay.

**Q:** How do international pilgrims perceive these arrangements?

**A:** Many pilgrims have expressed satisfaction, often noting that they experience a sense of safety comparable to, or exceeding, expectations.

These observations align with broader studies emphasizing the role of state institutions in fostering minority confidence (Fair, 2014).

### **9.3 Interview: Gurdwara Administration Representative**

Respondent: Syed Atiq Gilani Shah (Former Caretaker),

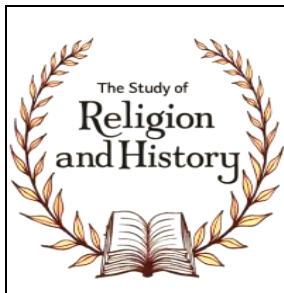
Location: Gurdwara Janam Asthan,

**Q:** How does the administration coordinate with state institutions?

**A:** There is continuous coordination with civil administration and security agencies. This ensures smooth management of religious activities and pilgrim services.

**Q:** How would you describe interfaith relations?

**A:** Relations are characterized by mutual respect. Local Muslim communities actively assist in facilitating Sikh religious practices.

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#### 9.4 International Sikh Pilgrims' Perspectives

Interview 1: Harjit Singh (Amritsar, India)

Interview 2: Manpreet Kaur (Ludhiana, India)

Both respondents expressed appreciation for the hospitality and security arrangements in Pakistan. One respondent remarked that the environment fostered a sense of belonging transcending national boundaries.

Interview 3: Gurpreet Singh (Birmingham, UK)

Interview 4: Amarjeet Kaur (Toronto, Canada)

Diaspora participants highlighted the symbolic importance of visiting sacred sites in Pakistan, noting that the experience reinforced interfaith harmony and cultural continuity.

#### 10. Comparative Analysis: Muslim States and Sikh Minorities

While Pakistan offers a relatively structured framework for Sikh religious engagement, other Muslim-majority contexts present varied experiences. Historical Sikh populations in Afghanistan, for instance, have faced significant challenges due to political instability. This comparative perspective underscores the importance of stable governance and inclusive legal frameworks in ensuring minority protection. It also highlights Pakistan's potential role as a model for interfaith coexistence within the Muslim world (Talbot, 2015).

#### 11. Legal and Policy Reforms

**11.1 Toward Inclusive Citizenship:** Legal reforms must prioritize equality and inclusivity, moving beyond symbolic recognition toward substantive participation. This includes enhancing minority representation in decision-making processes.

**11.2 Educational Reform:** Curriculum development should incorporate minority religious perspectives, enabling Sikh students to access structured knowledge about their own traditions alongside national subjects.

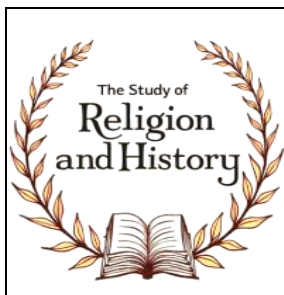
**11.3 Institutional Strengthening:** Administrative bodies responsible for minority affairs require enhanced resources and autonomy to effectively implement protective measures.

#### 12. Theoretical Implications

The Sikh case illustrates the adaptability of Islamic jurisprudence when interpreted through contemporary frameworks. It demonstrates that legal traditions rooted in ethical principles can evolve to accommodate modern notions of citizenship. This reinforces the argument that Islamic law is not inherently incompatible with human rights discourse but requires contextual reinterpretation (Sachedina, 2009).

#### 13. Discussion

The intersection of Islamic jurisprudence and minority citizenship reveals a dynamic legal landscape shaped by historical legacies and contemporary realities. The Sikh community's experience highlights both progress and ongoing challenges. Importantly, the integration of theological principles with administrative practices creates a hybrid model of governance that balances tradition and modernity.

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#### 14. Conclusion

This study demonstrates that Islamic jurisprudence, when interpreted through its ethical objectives, provides a viable foundation for inclusive citizenship in Muslim-majority states. The Sikh community in Pakistan serves as a compelling case illustrating both the potential and limitations of this framework. Future policy directions should focus on strengthening institutional mechanisms, promoting educational inclusivity, and fostering interfaith dialogue. Such efforts will not only enhance minority protection but also contribute to broader societal harmony.

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