

**JIZYAH  
AND  
THE SPREAD OF ISLAM**

**Harsh Narain**

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# CHAPTER I

## PRESUPPOSITIONS OF JIZYAH

The Muslim psyche is of a peculiar making, vis-à-vis its attitude towards non-Muslims. According to the Prophet, every child is born in Islam, but its parents make it a non-Muslim.<sup>1</sup> The Qur'an declares the Muslims to be the best community and raised up to guide and govern humanity<sup>2</sup> as viceregents of God on earth,<sup>3</sup> and Islam to be the chosen religion<sup>4</sup> destined to triumph over all other religions.<sup>5</sup> The Quran also says that 'the earth belongs to Allah. He causes it to be inherited by whom of His servants He will'.<sup>6</sup> On the basis of it all the Prophet rules that all land belongs to God or himself,<sup>7</sup> the natural corollary being that all land belongs, through God and the Prophet., to the Muslims. In their bid to conquer Spain, a contingent of the Arabs under Tariq landed on its shores, and Tariq burnt the ship which carried them. On the soldiers' protest as to how they would return to their homeland, Tariq burst out, in Iqbal's words:

*"Har mulk mulk-i ma'st ki mulk-i Khuda-i ma'st"*

That is, 'All land belongs to us, because it belongs to our God.' This serves to vouchsafe to the Muslims the moral right to grab lands in Jihad from non-Muslims. Indeed, as Ibn Taymiyyah, the 14<sup>th</sup>-century Muslim jurist-theologian, would have it, Jihad simply restores lands to the Muslims, who enjoy a kind of Divine right over these.

Besides, the Quran commands the Muslims to despise

idol-worshippers as unclean (*najas*) and, therefore, not to allow them to draw near the Ka'bah<sup>8</sup> or to inhabit God's mosques, for their works go waste and they are doomed to be consigned to the hellfire for all time to come.<sup>9</sup> This is perhaps why the Prophet taught the Muslims to reside at such a distance from Kafirs' colony that the latter's light remains invisible to the former.<sup>10</sup> The Quran teaches that a Muslim slave is better than an idolater, howsoever good the latter appear to the Muslims.<sup>11</sup>

Are idolaters unclean in body, in faith, or in both? According to Imam Malik as also to Hasan Basari, idolaters' body is unclean, so that, if an idolater put his hand into water, the water would become unclean. On the contrary, according to the Hanafites, idolaters are unclean in faith. And there is a third school, led by Anwar Shah Kashmiri, according to whom idolaters are unclean in body and faith both. He claims that even Imam Abu Hanifah subscribes to this view when he rules: 'If a Kafir falls into a well, all its water will have to be drawn out, even though he is pulled out of the well alive.'

The Quranic verse adjudging idolaters unclean disallows them to draw near the Ka'bah. The question is: Are they forbidden to draw near other mosques, too? Imam Malik's reply is in the affirmative. Qadi Abu Bakr ibn al-Arabi adds that, though the verse refers to the Ka'bah only, the ground of 'being unclean' given therein helps generalize the provision to cover all mosques.

Prior to 9 A.H., the year in which the above verse was revealed, idolaters did enter and stay in mosques, but there is no such precedent during the rest of the Prophet's life.<sup>12</sup>

It would be pertinent to point out that, according to Ayat Allah Khomeini, 'Eleven things are unclean: urine, excrement, sperm, blood, a dog, a pig, bones, a non-Muslim man and woman, wine, bear, perspiration of the camel that

eats filth. The whole body of a non-Muslim is unclean, even his hair, his nails, and all secretions of his body. A child below the age of puberty is unclean if his parents and grand parents are not Muslims....<sup>13</sup>

Again, the Quran forbids the Muslims to take the Kafirs for their friends<sup>14</sup> and to be their helpers.<sup>15</sup> It exhorts the former to fight the latter to the finish, so that Islam gets the better of Kufr (infidelity/disbelief) for good,<sup>16</sup> wherever possible;<sup>17</sup> but it commands them to migrate from a place dominated by unruly Kafirs,<sup>18</sup> in case they feel powerless to deal with them otherwise.

In fact, Islam nowhere encourages, prescribes, or envisages friendly coexistence with the Kafirs, who, according to it, are not to be tolerated, much less respected.

It is preposterous to hark back to certain seemingly contrary provisions in the earlier part of the Quran. One such verse is: 'To you your religion and to me my religion' (*La kum dinu-kum wa liya din*).<sup>19</sup> Another: 'There is no force in religion' (*La ikraha fi 'd-din*).<sup>20</sup> According to competent classical commentators, the first verse gives expression to the Prophet's mood of reluctant tolerance of Kufr, for want of the needed strength to subdue it. As regards the second verse, Shah Wali Allah appears to construe it to mean that use of force after proclamation of Islam is no use of force. Besides, classical commentators maintain that these and many such other verses stand abrogated by the verse of Jihad.<sup>21</sup> Indeed, Abu Bakr ibn al-Arabi, a leading classical commentator, contends that the verse has abrogated 124 verses teaching forbearance with Kufr.<sup>22</sup> Same is the case with the teaching that the Prophet's duty is plain communication of the message of God rather than behave as a tyrant (*jabbar*)<sup>23</sup> or guard (*Hafiz*)<sup>24</sup> to compel people to embrace Islam.

Indeed, the Muslim psyche rules out the possibility of

lasting peaceful coexistence with the Kafirs, so that al-Marghinani, the celebrated author of the *Hidayah*, appears to be right when he contends that war with the Kafirs is the norm and peace, contingent upon circumstances beyond the control of the Muslims.

Indeed, Jihad is prescribed in the Torah also, which the Quran nowhere repudiates. **The Jihadic spirit remains dormant in the Meccan Quran, viz. the part of the Quran revealed in Mecca and becomes manifest in the Medinan Quran.**

Well, the Quranic attitude towards other religions and communities appears to have passed through the following successive stages:

1. Peaceful coexistence and equal respectability of all Semitic religions.

2. Reluctant tolerance of even idolatrous polytheism, for but a few days, though.<sup>25</sup>

3. Treatment of the Jews of Banu Awf at Medinah as forming a single nation (*ummah wahidah*) with the Muslims.<sup>26</sup>

4. Defensive Jihad / Crescentade (holy war).

5. Offensive Jihad.

6. Extraction of Jizyah agreed upon in a no-war pact (*Jizyah Sulhiyyah*).

7. Extraction of Jizyah from a conquered non-Muslim community (*Jizyah qahriyyah*).

8. Reduction of all Jizyah-paying individuals and communities to the status of *Ahl adh-Dhimmah* / *Dhimmis* (protectorate/protected people), viz. servile subjects of the Muslim state.

9. Exclusion of all non-Muslims from the Arabian peninsula.

The quintessence of the Quranic commands to the Muslims vis-à-vis the Kafirs, as perceived, preached, and practised by the Prophet, his Companions and Followers, and later Crescentadors and theologians, can be put as under:

1. Try to convert the Kafirs to Islam.

2. If any of them resist,

(i) try to consign them to the grave before God consigns them to the hell-fire, plunder and loot their property (*al-anfal/al-ghana'im*) movable and immovable (*al-amwal wa al-amlak*), enslave them, menfolk (*usara'*) and womenfolk and children (*sabaya*) alike;

(ii) or, where imposition of Jizyah is permissible, let the Kafirs escape death and compound their offence of *Kufr* by disgracefully paying Jizyah, abjectly surrendering to the brute force of Islam, and suffering all sorts of indignities and humiliations as *Dhimmis*;

(iii) or, again, if you find yourselves too weak to deal with the Kafirs as above, take recourse to hejira (*hijrah*) and bide your time.

Jihad is said to have four forms, as culled by responsible theologians from the sayings and doings of the Prophet:<sup>27</sup>

1. Jihad by heart (*Jihad bi I-qalb*)

2. Jihad by tongue (*Jihad bi I-lisan*)

3. Jihad by hand (*Jihad bi I-yad*)

4. Jihad by sword (*Jihad bi S-sayf*)

Which form of Jihad to adopt depends upon the particular situation which the Muslim finds himself in.

Jihad is virtual genocide with a difference, and the difference is made by Jizyah, as we shall see, in the sequel.

**Footnotes:**

1. Bukhari, I, Kitab al-Janaiz, H.1295.
- 2 Al Imran (3) 110.
- 3 An-Nur (24) 55; an-Naml (27) 62.
- 4 Al Imran (3) 19, 85; al-Maidah (5) 3.
- 5 At-Tawbah (9) 33; al-FatH (48) 28; as Saff (61) 9.
- 6 "Inna 'I-arDa li-' llah-i; yurithu-ha mañ yyasha'u min 'ibadi-hi" Al-A'raf (7) 128.
- 7 "A 'Iamu ann al-arDa li 'llah-i wa rasu-ih". Bukhari, II, Kitab al-Jihad wa s-Siyar, H.406.
- 8 At-Tawbah (9) 28.
- 9 Ibid., 17.
- 10 Shah Wali Allah, *Hujjah Allah al-Balighah, II*, Unwan al-Hudud (50), Karachi, n.d., p. 468.
- 11 Al-Baqarah (2) 221.
- 12 For a detailed discussion of the concept of 'unclean', see Anwar Shah Kashmiri, *FayD al-Bari* (on Bukhari), I, pp. 361-363.
- 13 Bat Ye'or, *The Dhimmi*, tr. from the French by David Masel, Paul Fenton, & David Littman (rev. & enl. English ed., Rutherford: Madison: Teaneck: Fairleigh: Dickinson University Press; London & Toronto: Associated University Press, 1985), pp. 396-397.
- 14 Al Imran (3) 28, 118; an-Nisa (4) 144; al-Maidah (5) 51,54,57, 80; at-Tawbah (9) 16, 23.
- 15 Al-Qasas (28) 86.
- 16 Al-Baqarah (2) 193; al-Anfal (8) 39; at-Tawbah (9) 5.
- 17 Al-Tawbah (9) 5.
- 18 Al-Anfal (8) 72-75; at-Tawbah (9) 20.
- 19 Al-Kafiun (109) 6.
- 20 Al-Baqarah (2) 156.
- 21 The verse of Jihad is: at-Tawbah (9) 5.
- 22 Jalal ad-Din as-Suyuti, *Al-Ittiqan fi Ulum al-Quran, II*, Urdu tr. by Muhammad Halim Ansari Daulwi (Firozpur: Faiz Bakhsh Steam Press, 1908), Naw' (chapter) 47, 61-62.
- 23 Qaf (50) 45.

24 Al-Anam (6) 108.

25 Recall the verses revealed in praise of the idols of the Ka'bah, later rejected by the Prophet as Satanic verses. It is reported that, when the Prophet was in a mood to woo the Qurayshites, he received in revelation and recited a whole Surah in praise of the leading idols of the Ka'bah, thereby befriending the Qurayshites. Those of his followers who had migrated to Ethiopia got wind of it and returned. Their optimism was short-lived, however, as the Prophet recanted before long, declaring the verses as put into his mouth by the Satan. Nevertheless, excepting Ibn Masud who wended his way back to Ethiopia, all the migrants settled in Mecca. See Muhammad ibn Sa'd Kitab al-Waqidi, generally known as Ibn Sa'd, *Kitab at-Tabaqat al-Kabir*, generally referred to as *Tabaqat* Ibn Sa'd, Urdu tr. by Abdu 'Ilahu'I-Imadi, Part I, Hyderabad, 1944, pp. 308-311. This is the background of al-Hajj (22) 52 of the Quran, which reads thus: 'Never sent We a messenger or a prophet before thee but when he recited (the message) the Satan proposed (opposition) in respect of that which he recited thereof. But Allah abolisheth that which the Satan proposeth. Allah is Knower, Wise.'

26 Ibn Hisham, *Sirah Sayyida-na Muhammad*, Urdu tr. by Abdu 'I-Jalil Siddiqi & Ghulam Rasul Mihr under the title *Siratu 'n-Nabiyy-i, Kamil*, Delhi, 1982, Vol.I, p. 554.

27 See, for example, Abu Muhammad bin Hazm al-Undulsi, generally known as Ibn Hazm, *Kitab al-Fasl fi 'I-Milal wa 'I-Ahwa' wa 'n-Nihal*, Cairo, 1321 A.H., IV, p. 135.

## CHAPTER II

# JIZYAH AND ITS ASSOCIATIONS - IMPLICATIONS

Little research appears to have been attempted on the role of Jizyah in the spread of Islam or even on Jizyah in general. We are aware of only one monograph on it, by Daniel C. Denett.<sup>1</sup> An article, '*Al-Jizyah*', in Urdu from the pen of Shibli Numani (d. 1916) was hailed by Abul Kalam Azad as a major breakthrough of the modern age in Islamic studies.

Shibli, Denett, and others are inclined to trace the origin of the term and concept of Jizyah to Aramaic '*gizit*'/'*gizyat*' (Shibli)<sup>2</sup> or '*gzitha*' known to have been in vogue from before the time of Khusrau Anushirwan (531-579 AD). It was a kind of capitation tax or poll tax, payment of which amounted to a badge of degradation and a mark of social inferiority. Therefore, privileged classes, such as ruling, military, priestly and educated aristocracy were exempt from it.<sup>3</sup> For Jizyah, the Byzantine Empire had its own counterpart, *tributum capitis*, from before *circa* 290 AD. Constantine (274-337 AD) is reported to have exempted the urban pleb from it. By and by the poll tax became, after fourth century, a burden uniquely assessed on the colonus and identified with this class of society, and that to this tax

a stigma, "*injuria*", was attached, as in the phrase "*a plebeiae capitationis injuria*".<sup>4</sup> We shall see that payment of Jizyah as prescribed by the Quran also carries a stigma with it.

The Quran prescribes Jizyah in a Jihadic verse, revealed about 631 AD, i.e. about a year after the capture of Mecca by the Prophet in 630 AD, envisaging compounding of refusal to embrace Islam by paying Jizyah. We quote the verse in full, in original; 'Qatilu 'I-ladhina la yu'muna bi 'llahi, wa la bi 'l-yawmi 'l-akhiri, wa la yuHarrimuna ma Harrama 'Ilahu wa rasulu-hu, wa la yadinuna dina 'I-Haqqi mina 'I-ladhina utu 'I-Kitaba, hatta yu'Tu 'I-jizyata 'añ yyadiN wwa hum Saghiruna.<sup>5</sup> Mohomed Marmaduke Pickthall translates it thus: '*Fight against such of those who have been given the Scripture as believe not in Allah nor the Last Day, and forbid not that which Allah hath forbidden by His messenger, and follow not the religion of truth, until they **pay the tribute readily, being brought low.***' This represents the common run of translations of the verse by Muslims and non-Muslims alike. The verse so translated leaves the course of paying Jizyah, as alternative to conversion and death, open to the scripturaries, people of the book, only. And **the Quran recognizes only two communities (*Ta'ifatayn*), viz. Jews and Christians, as scripturaries.**<sup>6</sup> Imam Shafi'i, one of the four great jurists of Islam, includes the Magians (Zoroastrians) among the scripturaries, on the basis of a precedent set by the Prophet in accepting Jizyah from the Magians of Bahrin, Hajar, Qatar, Qatif, and Umman. Umar, the second Caliph, accorded this status to the Magians of Persia and Sabaeans of Mesopotamia, Uthman to Berbers of Tunisia, Algeria, and Morocco (all in North Africa), and Muhammad bin Qasim under the Governor Hajjaj bin Yusuf and the Caliph Walid bin Abd al-Malik to the Hindus and Buddhists of Sindh. According to Imam Malik, another of the four great jurists, the verse of Jizyah is applicable to all non-Muslims excepting apostates (*murtadd-s*). Imam Abu Hanifah, a third

great jurist out of the four, applies it to all excepting the idolaters of Arabia. All non-Jizyah-paying infidels deserve death as a rule.

Our interpretation of the Jizyah verse is entirely different. We are inclined to believe that the doors of paying Jizyah are open to scripturaries and non-scripturaries alike. Let us examine the verse closely.

The verse in question prescribes Jihad against non-Muslims of the following two categories:

1. Those who do not believe in God, the Last Day, and the distinction between the tabooed (*Haram*) and the non-tabooed (*Halal*) drawn by God and His apostle.

2. Those of the scripturaries who do not accept Islam.

The people referred to under the first category cannot be scripturaries, for the simple reason that all scripturaries believe in God, the Last Day, and the taboo-non-taboo distinction. Hence only non-scripturaries come under that category. This is why we maintain that the verse applies to non-Muslims of both the categories. We would, accordingly, propose retranslation of the verse thus: '*Fight against those who believe not in Allah nor the Last Day, and taboo not what Allah and His apostle have tabooed, and against such of those who have been given the scripture as follow not the religion of truth, until they pay Jizyah with their own hand, being brought low.*'<sup>7</sup> It is significant that this verse belongs to Surah at-Tawbah/al-Bara'ah (Surah 9) revealed on the eve of and for the Great Hajj (*Hajj al-Akbar*) as the Quran calls it,<sup>8</sup> which concerned the idolaters much more than others,<sup>9</sup> for from then on the rule of *Jahiliyyah* (paganism) yielded place to Islam. It is also to be noted, incidentally, that in the Meccan treaty, concluded in circa 623 A.D., i.e. about eight years before revelation of the verse under consideration, between the Aws and the Khazraj tribes, to which the Jews were allowed to adhere, no Jizyah nor any other disability

was imposed, save the stipulation that, if they took part in a war fought by the Muslims against the Kafirs, they must share the expenses in the joint action.

Well, the thrust of the Jizyah-verse and its implications as worked out and codified in course of time boil down to the following significant points:

1. Jizyah is primarily a Jihadic impost, not a fiscal one, as sought usually to be made out.

2. In the matter of liability for Jizyah, scripturaries and other non-Muslims share the same fate, with the reservation, however, that the Prophet is traditioned to have willed (*awSa*) and commanded (*amara*) at the time of his death that there should be no non-Muslims in Arabia any longer,<sup>10</sup> thereby ruling out the concession of Jizyah for them.

3. It presupposes Islam's Eminent Domain over all other communities.

4. It presupposes the principles

(i) that the world is meant for and belongs to the Muslims to the entire exclusion of the Kafirs, and

(ii) that thereby life and property of the communities conquered by the Muslims in Jihad is entirely at the disposal of the latter, who could plunder, enslave, or kill them at will.<sup>11</sup>

5. It involves no obligation (*dhimmah*) on the part of Islamdom towards Jizyah-paying individuals or communities called *Dhimmi*-s save of course the negative one of non-extermination and of not grudging them bare subsistence, as though as hewers of wood and drawers of water. *Dhimmah* or *Dhimmi*-hood is survival on ransom (Jizyah and allied imposts).

6. Different theories are there in the field as regards the purpose of the Quranic provision for imposition of Jizyah,

such, for example, as

(i) satisfaction (*jaza'a* = he gave satisfaction),

(ii) compensation,

(iii) rental for residence,

(iv) price for protection (*aman*),

(v) exchange for military service,

(vi) price for exercise of religion,

(vii) punishment for unbelief,

(viii) humiliation for persistence in darkness or contempt for rival faith, and, by way of a secondary motive,

(ix) love of power and pelf at the cost of others, which includes, *inter alia*, pauperization of the latter, as at any rate was the case under the Sultanate in medieval India. Imposition of Jizyah is, thereby, an engine of exploitation.

To put things straight, we may highlight the following principal motives for imposition of Jizyah:

1. It is meant to be an alternative to killing, plunder, enslavement, ransom, forcible conversion, as well as to be a penalty for Kufr. Thereby, it transpires to be a kind of composition fine, an indulgence tax. It is fiscal Jihad, so to speak.

2. It is a badge of humiliation for being a non-Muslim, of utter servility to Islamdom, of abject surrender to the brute force of Islam. Islam is absolute surrender to the will of God; liability to pay Jizyah, abject surrender to the will of Islamdom. The amount of Jizyah does not matter much. The great Persian poet Bedil's poetic verdict is memorable:

*"Ilaj-I nist dagh-i bandagi ra*

*Agar besham wa gar kam afridand"*

That is, 'There is no cure for the blot of servility. It

matters not whether it is more or less.'

3. The long-term policy behind it appears to be to compel or motivate the *Dhimmi*-s slowly to turn to Islam and embrace it. They were let live in the hope of their conversion in course of time. It is thereby a camouflaged engine of repression.

4. It opens the door to levy of other humiliating taxes on the *Dhimmi*-s, such for example as pilgrimage tax, for petty concession to them in the observance of their religious ceremonies etc. It is also a prelude to Kharaj (land-tax) into the bargain.

We cannot resist the temptation of quoting Mujaddid-i Alf-i Thani, the second-millennium reviver/rejuvenator of Islam during Jahangir's reign, on the purpose of imposition of Jizyah: 'The real purpose of imposing Jizyah on them (the Kafirs) is their humiliation. And the humiliation goes to the extent that for fear of Jizyah they may not put on good dress and live with dignity/in prosperity and they may always live in fear trembling.' (*Wa maqSud-i aSli az jizyah giriftan az ishaN khari-i ishan ast. Wa in khari ba-Hadd-i 'st ki az tars-i jizyah jamah-i khub na mi-tawanand poshid, wa ba-tajammul na mi-tawanand bud, wa hamishah tarsaN wa larzaN mi-bashand*).<sup>12</sup> Indeed, levy of Jizyah is a long-term exercise in controlled compulsion for conversion.

This is theory. Let us look into history,

How did Jizyah come to be introduced? It was Najran, a district of Yaman and the greatest centre of civilization and Christianity in the Arabian peninsula. Long before the pretensions of the Quraysh of Mecca whose nobility came to be recognized only after their Islamization and mainly because of their kinship with the Prophet, the Najranites were esteemed as the wealthiest and noblest of the Arabs by all, including poets. Having emerged as the biggest power in Arabia, the Prophet began to send squads of

missionaries far and wide to spread Islam. When one such squad reached Najran, in 629 A.D., the Christians there began to question the validity and authenticity of the Quran, which the illiterate missionaries of Islam had not visualized. The Christians drew their attention to the blunder in the Quranic description<sup>13</sup> of Mary, Jesus's mother, as the sister of Moses and Aaron. Mughirah bin Shu'bah, the leader of the mission, failed to reply and reported the matter to the Prophet. The Prophet called the Christians. Their delegation started in horror, with the following verses on their lips: 'We are appearing before you in such a way that even the embryo in our camel's womb is feeling restless. His religion is opposed to that of the Christians.'<sup>14</sup> When they drew near the Prophet, he turned his face from them and did not talk to them. Next morning he invited them to embrace Islam, which they rejected. There was a virtual debate between him and the Christians. The Prophet criticised their doctrine of the Christ's Sonship of God. Upon this, the Christians asked him who in his opinion was the father of Jesus. The Prophet could not reply. After some time, however, a revelation came to him to the effect that the birth of Jesus was akin to that of Adam.<sup>15</sup> As regards the Christians' question about Mary, the Prophet said nothing beyond the statement that the Israelites sometimes named their members after the names of their forbears.<sup>16</sup> When the Prophet failed to satisfy them, however, he challenged them to settle the dispute by the old Arab method sanctioned by the Quran, of reciprocal curses (*mubahalah*).<sup>17</sup> The Christians disapproved of it and withdrew, as the New Testament forbids cursing. Then the Prophet dictated his terms, asked them to embrace Islam, and, upon their refusal, to accept his suzerainty and pay Jizyah. They were made subjects of the Prophet and had Jizyah imposed upon them perforce.

The treaty concluded by the Prophet with the Najranites

served as a model for future treaties with scripturaries. According to it, the Najranites were to enjoy protection of life, property, and religion, 'till God ordained otherwise, in return for the payment of an annual Jizyah of two thousand garments (*Hullah-s*) of a specified value plus one *uqiyyah* (40 dirham-s/ one pound, more or less) of silver, with each garment, together with the provision of board and lodging to the Prophet's envoys for upto a month. It was also incumbent upon the Najranites to lend thirty coats of mail, thirty horses, and thirty camels in the event of a war with al-Yaman and refrain from usury.<sup>18</sup>

The first Caliph, Abu Bakr, honoured the agreement, but Umar, the second Caliph, took advantage of the clause to the effect that the agreement was valid till God ordained otherwise and the Prophet's will that there should be no non-Muslims in Arabia, and banished the Najranites after buying up their property. He also gave them a writ to the effect that they must be provided with land for residence and cultivation in Syria and Iraq. Thereafter, they had to disperse and seek asylum in Syria and Kufah. In Kufah, they founded a town named An-Nairaniyyah. When Uthman, the third Caliph, came into power, it was represented to him that Umar's writ served to deprive the original land-holders of their land. He, therefore, decreased their Jizyah by two hundred garments. The Najranites' untold suffering constrained them to represent to Ali, the fourth Caliph, to let them revert to Najran in terms of their agreement with the Prophet reduced to writing by Ali himself. But to no effect. They in due course approached the fifth and sixth Caliphs, who decreased their Jizyah further by two hundred garments. Later, Hajjaj bin Yuasuf, governor of Iraq, tyrannized over them and enhanced their Jizyah beyond endurable limits. When Umar bin Abd al-Aziz became Caliph, they complained to him that they were virtually ruined and that they remained only one

tenth of their population. The Caliph reduced their Jizyah to two hundred garments.<sup>19</sup>

This in short is the tale of the finest civilization of the Arabian peninsula uprooted and thrown out of history for good, by what is flaunted as the religion of peace.

Jizyah remained an instrument of motivation towards conversion throughout the history of Islam. Besides, believe it or not, it sometimes operated as a stumbling block in the path of conversion. It became an instrument of exploitation at the hands of greedy rulers, so much so that it came sometimes to be levied on neo-Muslims as well, outside Arabia. This became the order of the day during the Umayyad regime. It was Umar bin Abd al-Aziz, (d.720 A.D.), one of the Umayyad Caliphs themselves, who abolished it altogether. There appears, however, to have been a relapse of the malaise during the regime of Hisham bin Abd al-Malik soon after. One of his governors did exempt the neo-Muslims from the liability to pay Jizyah, but it came to be reimposed when its abolition began to affect the exchequer adversely. Umar, the second Caliph, had earlier practised the anomaly of imposing double Zakat on the Christians of Bane Taghlib, even though Zakat is due from the Muslims only, according to the Qur'adn. This led to complications, religious as well as political. The Caliph did propose to impose Jizyah on them, but they considered it beneath their dignity to be rendered liable to pay Jizyah, and threatened exodus from the *Dar al-Islam*. Upon this, Umar was advised not to antagonize that extremely warlike Arab tribe and he levied Zakat on them instead of Jizyah. The tribe preferred it to Jizyah.<sup>20</sup>

Jizyah continued to be used with varying degrees of emphasis for compelling conversion. Twenty-four thousand Christians embraced Islam, when Al-Hafs bin al-Walid, the deposed governor of Egypt, took advantage of the Umayyad family revolution to regain his office and

proclaimed (in 744 A.D.) that converts to Islam would be exempted from Jizyah. The same thing happened in 751 A.D., when the Abbasid governor of Egypt held out the same promise.<sup>21</sup>

Sometimes, the Jizyah gun misfired. We have seen how the Christians of Banu Taghlib accepted liability for double Zakat and rejected levy of Jizyah as humiliating. A Christian named Jabalah offered to pay Zakat but not Jizyah. Umar did not agree. Then he left the *Dar al-Islam* for some territory under the Roman empire along with thirty thousand people. Umar relented and requested them to return and pay whatever they had offered to. But they did not accede to his request and the Caliph was deprived of an important source of revenue.<sup>22</sup>

Unlike the other Umayyads who were interested more in Jizyah than in the spread of Islam, Umar bin Abd al-Aziz was all for the latter. His governor of Egypt, Hayyan, wrote to him: 'O Commander of the Faithful! If things continue as they are now in Egypt, all the "Protected Peoples" will soon become Muslims and then we shall cease to get money (taxes) from them.' Whereupon Umar sent him a messenger saying: 'Go down to Egypt and give Hayyan thirty stripes with a whip upon his head as a punishment for that which he has written and tell him as follows: "Take care, O Hayyan! whosoever has become a Muslim, do not ask poll-tax from him. I only wish that the whole bunch of them would become converted. Verily! Allah has sent MuHammad as a preacher, not as a tax-gatherer.'" (al-Wasiti, alive 1292).

Umar bin Abd al-Aziz's governors and Jizyah-collectors tried, however, to circumvent his dispensation. The governor of Khurasan planned to keep the number of Jizyah assessees as high as possible by laying down conditions of circumcision to be certified by a staff appointed for the purpose, of memorizing at least one

chapter of the Quran, of proving by word and deed loyalty to the Muslims, and so forth, with the result that the great majority of neo-Muslims had to keep bearing the burden of Jizyah.

Thus, though Jizyah has played enormous role in the spread of Islam, it sometimes helped retard it as well. When a tribe found that acceptance of Islam failed to save it from Jizyah and other humiliations accompanying it, it saw no point in continuing in Islam or embracing it. Sometimes, they had to revert to their ancestral religion. Thus, the Sughdi-s of the trans-Amu region had become Muslims for exemption from Jizyah but had later to revert to their native religion in thousands on finding themselves still under the yoke of the same disabilities and indignities as ordained for non-Muslims. Sometimes, again, even exodus took place for fear of Jizyah. During the regime of Umar bin Abd al-Aziz himself, when Asharas, the governor of Khurasan, reimposed Jizyah on neo-Muslims, seven thousand of them left Samarqand in search of a Jizyah-free abode.

In fact, not only Jizyah but also booty (*nafal/ghanimah*) in war with non-Muslims was responsible for retarding the process of conversion to Islam. A couple of the Quranic verses prescribe plunder or booty as an integral part of Jihad and legitimate source of income.<sup>23</sup> And plunder is of three kinds:

1. Property, movable and immovable (*amwal wa amlak*)
2. Women and children, especially women (*sabaya*)
3. Prisoners, especially male prisoners (*usara'*)

Booty in war with non-Muslims proved so gainful to the Muslims even during the Prophet's time that, when a Companion of the Prophet planned to attack a non-Muslim tribe and the tribe not only surrendered but also, on a

promise being held out by him to save their life and property on embracing Islam, did embrace Islam, his comrades took him to task for thus depriving the Muslims of booty.<sup>24</sup> Umar, the second Caliph, wrote to Sa'd when he conquered Iraq: 'Anyone who obeys you and accepted Islam prior to the battle is one of the Muslim, owning what they own and having a share in Islam. But he who obeyed you after the battle and the defeat, is (also) one of the Muslims; however, his property goes to the people of Islam because they acquired it before the conversion to Islam. The people of any town subjugated by force who embrace Islam prior to the division of spoils are considered free people, but their properties go to the Muslims.'<sup>25</sup>

This is itself a licence to loot neo-Muslims.

Sometimes, however, temptation of direct plunder is found to have been resisted with an eye to more substantial gains expected to accrue otherwise. So, when Umar conquered as-Sawad (south Iraq), he proceeded to take a census with a view to dividing its land-holdings among the Muslims. But Ali dissuaded him from confiscating these as booty, on the plea that the non-Muslim cultivators would prove a better source of income as Jizyah- and Kharaj-payers.<sup>26</sup>

What was the rate of Jizyah? The Quran gives no guidance in this behalf. The Prophet levied Jizyah usually at the rate of one *dinar* (five rupees) and one *jarib* (about 20 kilograms) of wheat per major male and female. In al-BaHrin, however, he made a compromise on half the quantity of dates and coms.<sup>27</sup> Umar, the second Caliph, established three grades of Jizyah:

1. Rupees six on major workers, cultivators, and artisans
2. Rupees twelve on the middle classes
3. Rupees twenty-four on the rich.

He exempted children, women, old persons, and monks from Jizyah. In addition to Jizyah, cultivators of the countryside had to pay Kharaj (land-tax) also, and inhabitants of uncolonised suburbs of cities had to make provisions of ration, olive oil, honey and vinegar for Muslim armies stationed there. His Egyptian governor, Amar bin al-As added clothing to the list and increased the rate of Jizyah from six rupees to ten rupees, extorting ration etc. at a higher rate into the bargain. Later, under Umar's own dispensation, the rate of Jizyah for Syria, Iraq, and Egypt was increased to twenty rupees plus a lot of provisions in kind at a highly enhanced rate and hosting of Muslim wayfarers and armies for three days.<sup>28</sup> It was also made incumbent upon the Jizyah-payers of Iraq to guard the paths and bridges and repair these at their own cost. The loss sustained by these *Dhimmi*-s consequent upon movement of Muslim armies was never compensated for.<sup>29</sup> During Umar's time, a trade and commerce tax called Ushur was also levied on the *Dhimmi*-s.<sup>30</sup> Till the time of the fourth Caliph, Ali, eight sources of revenue to the state exchequer had come into vogue:

1. Spoils of war/booty/plunder (*anfal/ghanimah*)
2. Jizyah
3. Kharaj (land-tax)
4. Fai' (tax due in respect of a treaty)
5. 'Ushur or the tithes (trade and commerce tax)
6. Sawafiyy (estates and villages deserted by non-Muslim in the event of attack by Muslim armies or left by the former after death, set apart for the Caliph)
7. The farms and oases of Banu NaDir, Fadak, Khaybar, and Mecca, the income from which accrued to the Muslim state from the time of the Prophet
8. Zakat

The Umayyads added certain minor sources of revenue to the list.

Out of these, Muslims came ultimately to bear the burden of only the following:

1. Zakat,

2. Kharaj, usually but not always, in the event of retaining their land after conversion to Islam. Umar bin Abd al-Aziz exempted the Khurasanites from Kharaj on their conversion to Islam.<sup>31</sup>

3. An infinitesimal part of 'Ushur, leaving all else to the *Dhimmi-s*.

Abu Yusuf prescribes Kharaj on *Dhimmi-s* at double the rate thereof on Muslims.<sup>32</sup> As regards Zakat, which is flaunted as a liability upon Muslims juxtaposed to Jizyah, it is noteworthy that, though Muslims were expected to pay 40% of their total income of a whole year as Zakat, yet it ceased to be irksome inasmuch as

1. it was not realized by the state, at any rate the way Jizyah was,

2. it was meant for charitable purposes,

3. it was supposed to earn religious merit (*thawab*), and

4. it was a matter of individual conscience.

Thus, Jizyah implies and involves a lot more than the so-called paltry sum of a few rupees yearly per taxable head. It opens the door to unlimited exploitation, and addition of insult to injury, into the bargain. It kept *Dhimmi-s* exposed to victimization when the state stood in need of money. On the towns surrendering by peaceful treaties, such as Hira, Ullays, Ayn at-Tamr, and Baniqiyah in south Iraq (*as-Sawad*), and Damascus, Balabakk, HimS, and Jerusalem in Syria, imposition of collective Jizyah became the order of the day, so much so that, while those who died or became

Muslims were freed of Jizyah, the sum total of Jizyah on each town remained constant, the remaining *Dhimmi-s* bearing the burden of the Jizyah paid earlier by the deceased while alive and the converts to Islam before their conversion. For instance, by death or conversion the population of Najraniyyah, founded in Iraq by the Christians of Najran on being driven out of their homeland by the Arabs, dwindled, but neither Muawiyyah nor others would easily reduce the quantum of Jizyah. Yahya bin Adam (757-818) rules: 'All of them are charged with whatever was peaceably agreed upon, taking into consideration their ability to pay from their properties and lands, but nothing will be deducted following death or conversion to Islam of any of them, as the whole should be collected from the rest in accordance with their ability to pay and to be charged.'<sup>33</sup>

Umar bin Abd al-Aziz had the conscience to abolish the cruel system and enforced a uniform rule that each *Dhimmi* had to pay Jizyah on his own head.<sup>34</sup> On the other side, when the burden of the ever-increasing liability for the others' Jizyah on the *Dhimmi-s* became intolerable, Hajjaj bin Yusuf, the governor of Iraq, reimposed Jizyah on the converts.

Sometimes, assessees of Jizyah found themselves under the painful necessity of selling their women and children to be able to pay Jizyah. Accordingly, Umar bin al-As levied collective Jizyah of thirteen thousand dinars on the residents of Barqah near Alexandria and gave them the option of raising money by selling their women and children for payment of Jizyah.<sup>35</sup>

The classical jurist-theologians give us the Covenant of Umar, preserved in the form of a letter submitted by the Christians of Syria as *Dhimmi-s* to Abu 'Ubaydah, which Umar ratified. The letter contains the following terms, ostensibly on behalf of the Christians:

1. 'not to build in Damascus and its environs church, convent, chapel, monk's hermitage;
2. 'not to repair what is dilapidated of our churches nor any of them that are in Muslim quarters;
3. 'not to withhold our churches from Muslims stopping there by night or day;
4. 'to open doors to the traveller and the wayfarer;
5. 'not to shelter there nor in our houses a spy, not to hide one who is a traitor to the Muslims;
6. 'to beat the naqus only gently in our churches;
7. 'not to display a cross on them;
8. 'not to raise our voices in prayer or chanting in our churches;
9. 'not to carry in procession a cross or our book;
10. 'not to take our Easter or Psalm Sunday processions;
11. 'not to raise our voices over our dead, nor to show fires with them in the markets of the Muslims, nor bring our funerals near them;
12. 'not to sell wine nor parade idolatry in companies of Muslims;
13. 'not to entice a Muslim to our religion nor invite him to it;
14. 'not to keep slaves who have been the property of Muslims;
15. 'not to prevent any relative from entering Islam if he wishes it;
16. 'to keep our religion wherever we are;
17. 'not to resemble the Muslims in wearing the qalansuwah (hat of a Greek priest), the turban, shoes, nor in the parting of the hair, nor in the way of riding;

18. 'not to use their language nor be called by their names;

19. 'to cut the hair in front and divide our forelocks;

20. 'to tie the zunnar round our waists;

21. 'not to engrave Arabic on our seals;

22. 'not to ride our saddles;

23. 'not to keep arms nor put them in our houses nor wear swords;

24. 'to honour Muslims in their gatherings, to guide them on the road, to stand up in public meetings when they wish it;

25. 'not to make our houses higher than theirs;

26. 'not to teach our children the Koran;

27. 'not to be partners with a Muslim except in business;

28. 'to entertain every Muslim traveller in our customary style and feed them in it three days;

29. 'We will not abuse a Muslim and he who strikes a Muslim has forfeited his rights.'<sup>36</sup>

All the four leaders of Muslim law agree that no new construction of places of worship by *Dhimmi*-s is permissible in cities and big towns of *Dar al-Islam*. Those other than Imam Abu Hanifah do not permit such construction anywhere else as well. Imam Abu Hanifah permits it to scripturaries at a distance at least of one mile from the fortifications of a town. Imams other than Imam AHmad ibn Hanbal permit repairs of churches and synagogues in case their site had been gifted to the *Dhimmi*-s. Ibn Hanbal appears generally to be opposed to repairs of all kinds, though he sometimes opines otherwise also.

The *Dhimmi* suffered from legal disabilities as well, in matters of testimony, criminal law, marriage, inheritance,

etc. He could not inherit from a Muslim. In the event of his wife's conversion, he was required to be converted or to divorce her. If he was employed in the army, he could get allowances but no legal share in the spoils (*ghanimah*).<sup>37</sup> Besides, there were certain extra-constitutional disabilities and indignities to which the *Dhimmi*-s were subjected without scruples. Muslims used to gather fruits from the former's orchards and gardens, pastured their cattle on their fields, took *begar* from them. Zayd bin Sa'sa'ah told the governor of BaSrah (36-40 A.H.) that Muslims knocked at the doors of *Dhimmi*-s, and, if the doors were not opened, broke them open, took out the coats therein, and slaughtered them for food at will.<sup>38</sup> Indeed, non-Muslims found Jizyah as the most degrading of the disabilities and indignities under the Muslim rule. That is why many non-Muslim rulers and tribes were prepared to open the doors of their treasuries to the Muslim armies but shuddered to think of paying Jizyah. The offer of the Byzantine governor to the Muslims referred to above is an instance in point. Indeed, in history the dread of Jizyah on the part of the non-Muslims consisted in not only the quantum of the tax and of all other discriminatory fiscal liabilities that it implies but also and more so in its being a symbol of utter servility and abject surrender and subjection demonstrated by the procedure, written and unwritten, laid down for paying Jizyah and thereby becoming a *Dhimmi*.<sup>39</sup>

We have seen that sometimes liability to pay Jizyah did not cease even after conversion. A strange phenomenon indeed. But a stranger phenomenon is the plight of neo-Muslims even if not assessed to Jizyah. Even after conversion to Islam, a non-Arab continued to suffer a number of humiliations and disabilities. Under the Umayyads, no non-Arab convert to Islam could marry an Arab girl. Under Hajjaj bin Yusuf's dispensation, no such convert could lead the prayer assembly in a mosque in al-

Kufah, nor could he be appointed as a judge (*qaDi*). In many matters he was ill-treated like a *Dhimmi*. Non-Arab converts to Islam were called *MawAli* (singular *Mawla*), like manumitted slaves, who, too, were called *MawAli*. We cannot go into details here. Suffice it to add that, in his *Murawwaj adh-Dhahab*, Masudi quotes a verse to the effect that 'Whoever wants to see degradation, infamy, and disgrace cumulatively at one place would do well to see a *Mawla*.'

Till the conquest of Mecca by the Prophet in 8 A.H., there had been no concept of non-Muslim subjects. There were only treaties with non-Muslims on specific terms and conditions. The idea of their subject-hood came to the fore thereafter, with *Jizyah*. Non-Muslims could become part of the protectorate under Muslims and save their life and property to a given extent and their religion, too, to some extent by paying *Jizyah*. The non-Muslims so protected, called *Dhimmi-s*, were not citizens - yes, neither first-class citizens nor second-class citizens - but miserable subjects of the Muslim state, with no political rights, or even fundamental rights worth the name. Maududi writes: 'During the times of the Prophet and the 'legitimate' Caliphs, no example is available of a *Dhimmi* having been appointed as a member of the Advisory Council (*majlis-i shura*), a governor of some region, a judge of some place, a minister or administrator of some department, or a commander of some army, or of a *Dhimmi* having been given an opportunity to take part in the selection of a Caliph; although *Dhimmi-s* did exist during the age of the Prophet, and during the times of the legitimate caliphs their population ran into crores.'<sup>140</sup>

Indeed, *Dhimmi-s* were just a tolerated mass managing their own affairs according to a schedule imposed upon them against their will.

There is, however, a silver lining in the dark cloud.

Sometimes, Jizyah was refunded in the event of the Muslims leaving the *Dhimmi*-s to fend for and defend themselves against the onslaught of a superior power. When, for example, Abu Ubaydah gave way to Heraclius in Hims (Syria), he is said to have refunded the Jizyah collected by him from the *Dhimmis* of the city, on the ground that he was no longer in a position to protect them from their enemies, even though the *Dhimmis* protested that they preferred the Muslims' to the Greeks' rule.<sup>41</sup> C. H. Beeker and L. Caetani reject this story, however, on the ground that the Arabs at that period had not the intelligence to make the connection between tribute and protection. Caetani thinks it unlikely that the Arabs could have collected Jizyah during the period of the Greek occupation.<sup>42</sup> But Denett refers to an anonymous Syrian chronicle, which tells us that during the period before the battle of Yarmuk the tribute of Damascus as well was refunded.<sup>43</sup>

It is also noteworthy that the Christian tribe of al-Jarajimah in the neighbourhood of Antioch were exempted from Jizyah and required to take part in Jihad.<sup>44</sup>

It must, however, be borne in mind that, such exceptions apart, *Dhimmi*-s could hardly consider it morally imperative to cooperate with the Muslims in the latter's bid to exterminate the former's own religions and communities. The war fought by the Muslims was far from being an ordinary war; it was a war often against what the *Dhimmis* held dear. In such a war no non-Muslim would like to side with the Muslims, unless he chooses to turn a traitor to his own religion. And, if the Muslims do find such a one, they would naturally welcome him. Exemption from Jizyah is nothing compared with the stakes involved. And the fact that the Muslims did succeed in finding such *Dhimmi*-s on occasion serves to betray the amount of torture the latter must have been subjected to, turning them practically

against themselves to enable them to heave just a sigh of relief.

Let us wind up the discussion with a quotation from a contemporary writer on the Islamic law of war and peace: 'The question has been raised as to whether it is not inconsistent with Islam's objective, seeking ultimate supremacy of the true religion, to accept payment in money for persistence in unbelief. Sarkhasi<sup>45</sup> held that the object is not pecuniary consideration, but the invitation of unbelievers to Islam in the most gentle manner. By being allowed to live among Muslims, the Dhimmi-s will be attracted by the beauties of the Muslim faith, and they may willingly accept it.'<sup>46</sup>

### Footnotes

1. Daniel C. Denett, *Conversion and Poll Tax in Early Islam*, Historical Monographs, No.XXII (Cambridge: Harvard University Press, 1950).

2 Shibli Nu'mani, 'Al-Jizyah', *Rasa 'I-i-Shibli* (Delhi: Rahmani Press, n.d.), p. 76.

3 Denett, p. 15.

4 Ibid., pp. 45-55.

5 Al-Tawbah (9) 29.

6 Al-An'am (6) 157.

7 According to M.J. Kister, 'yad' signifies wealth, ability, or resources, vide *Arabica*, XI (1964), p. 278. M.M. Braymann takes it to mean 'benefaction', vide his *The Spiritual Background of Early Islam* (Leiden: E. J. Brill, 1972), pp. 199-212. Though these meanings do fall within the signification of the term as used in pre-Islamic poetry, its interpretation in the Quranic context appears to be unwarrantably far-fetched, involving translation of the term 'Jizyah' in the second case as reward.

8 At-Tawbah (9) 3.

9 See Ibn Hisham, pp. 655 ff.

10 Bukhari, II, *Kitab al-Jihad wa's-Siyar*, Hadith-s 300, 405, pp. 144, 196; *Kitab al-Maghazi*, Hadith 1557, p. 694.

11 cf. al-AnfAl (8) 41, 69.

12 Mujaddid-i Alf-i Thari, *Maktubat-i Imam-i Rabbani* (Kanpur: Nawalkishore Press. n.d.), I, Letter No. 163, p. 166.

13 Maryam (19) 28.

14 *Ilay-ka taghdu qaliqan waDinu-ha*

*Mu'arriDan fi baTni-ha janinu-ha*

*MukhAlifan dina 'n-NaSara dinu-ha*

In translating it we are guided by the translation of the *Tabaqat Ibn Sa'd*, III, p. 148.

15 Al Imran (3) 59.

16 Muslim, II, Kitab al-Adab, Hadith 502.

17 Al Imran (3) 61.

18 Anmad bin YaHya bin Jabir ash-Shabir bi 'I-Baladhuri, usually referred to as al-Baladhuri, *Futuh al-Buldan*, Urdu tr. by Sayyid Abu 'I-Khayr Mawdudi (Karachi: Nafis Academy, 1962), pp. 106 ff.; Imam Abu Yusuf, *Kitab al-Kharaj*, pp. 72-73.

19 Ibid., pp. 110-113.

20 Ibid., pp. 268-271.

21 Denett, p. 86.

22 Al-Baladhuri, p. 205.

23 Al-AnfAl (8) 41; al-FatH (48) 15.

24 Shibli Nu'mani, *Siratu 'n-Nabiyy*, III, ed. & enlarg. by Sulayman Nadwi (3rd impression, Azamgarh: Daru 'I-Musannifin, 1339 A.H.), p. 528.

25 YaHya bin Adam (757-818 A.D.), *Kitab al-Kharaj*, ed. & tr. under the title *Taxation in Islam* by A. ben Shemesh (Leiden: E.J. Brill, 1958), Art. 49-50, p. 3 1.

26 Al-Baladhuri, p. 382.

27 Ibid., p. 129.

28 Khrushid Ahmad Fariq, *Tarikh-i Islam* (Delhi: Jamal Printing Press, n.d.), pp. 80,116,120,

29 Ibid., p. 121.

30 Ibid., p. 133.

31 Al-Baladhuri, p. 606.

32 Ibid., p. 132.

33 YaHya bin Adam, Art 20, p. 26.

34 Al-Baladhuri, pp. 111-112.

35 Ibid., p. 324.

36 Ibn 'Asakir, *Tarikh*, I, p. 149, tr. in A.S. Tritton, *The Caliphs and Their Muslim Subjects* (London, 1930), pp. 6-8. There are other versions, given in Tritton, pp. 5-6. 'Shafi'i gives perhaps the most elaborate text, embodying the provisions of the Covenant of Umar, which he suggests should be the model treaty between a Muslim ruler and scripturaries. See Shafi'i, *Kitab al-Umm*, IV, p. 118. For a translation of this text see Tritton, op. cit., pp. 12-16.' Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore: John Hopkins Press, 1955), p. 194, fn.

37 Shafi'i, IV, p. 177, and Mawardi, *Kitab al-Ahkam as-Sultaniyyah*, pp. 250-251, cited in Khadduri, p. 198.

38 Fariq, p. 570.

39 Even a mystic-philosopher like al-Ghazzali prescribes a harsh enough procedure for realizing Jizyah, vide his *Kitab al-Wajiz*, II, p. 200.

40 Abu 'I-A'la Maududi, *Islami Riyasat* (2nd impression, Lahore: Dacca: Karachi: Islamic Publications Ltd., under the auspices of Idarah-i Ma'arif-i Islami, 1967), p. 353.

41 Al-Baladhuri, pp. 206-207.

42 Denett, pp. 56-57.

43 Ibid., p. 57.

44 Al-Baladhuri, p. 237.

45 As-Sarkhasi, *Kitab al-Mabsut*, X, p. 77, cited in Khadduri, p. 177.

46 Khadduri, p. 177.

## CHAPTER III

# JIZYAH IN INDIA

Arab inroads upon the North-West frontiers of India, upon Sindh, or/and upon Baluchistan began as early as the time of Umar, the second Caliph, and continued in the caliphate of Uthman, Ali, Muawiyah, and later on as well. Under Hajjaj bin Yusuf's orders, Muhammad bin Qasim, a nineteen year old Arab, conquered Sindh in 712 A.D. and imposed Jizyah on the Hindus and Buddhists unwilling to embrace Islam, excepting, however, Brahmans and ascetics. For the purpose the Jizyah assessees were divided into three classes, the highest class being liable to pay 48 dirhams of silver (24 silver rupees) per head, the middle class 24 dirhams, and the lowest class 12 dirhams. MuHammad bin Qasim made it clear to the Hindus and Buddhists: 'Those among you who become Mussalmans and come within the fold of Islam shall have their tribute remitted, but those who are still inclined to be of their own faith, must put up with injuries (*gazand*) and tribute (*jizia*) to retain the religion of their fathers and grandfathers.'<sup>1</sup>

Upon this, some took to flight 'in order to maintain the faith of their ancestors' and 'their horses, domestics, and other property were taken away from them.'<sup>2</sup>

MuHammad bin Qasim took a census of the merchants and artisans and levied a Jizyah of 12 dirhams of silver on each of them, 'as they had already lost their property by

plunder.'<sup>3</sup>

When defeated by Subuktigin, JaipAl offered Jizyah and Kharaj to him.<sup>4</sup>

During the twelve centuries intervening between the invasion of Muhammad bin Qasim and the death of Aurangzeb, Jizyah remained in force in the India of those days with varying degrees of emphasis but with brief intervals, as we shall see in the sequel.

'Ulama' advised Sultan Iltutmish as well as certain other Sultans not to levy Jizyah on idol-worshipping Hindus but give them an ultimatum of choosing between the alternatives of Islam and death. In view, however, of the overwhelming majority of the Hindus, the Sultans dared not do so and rested satisfied with Jizyah.

QaDi Mughith ad-Din told Sultan 'Ala'u 'd-Din Khalji: 'If the Jizyah-collector ask a Hindu for silver, the latter should offer gold in all humility. If the collector wishes to spit into his mouth, the latter should open his mouth without demur, so as to enable the former to spit into it.'<sup>5</sup> Ala'u 'd-Din is notorious for having pauperized the Hindus to the utmost limit, but it is not known if he acted upon the QaDis advice.

Like everywhere else, in India, too, a large number of non-Muslims chose Islam for fear of Jizyah. Firoz Shah Tughluq promulgated an ordinance imposing Jizyah on the Hindus including the BrahamaNa-s and exempting them therefrom on conversion. He writes that as a result of the ordinance 'the Hindus thronged in clusters after clusters and groups after groups and were glorified by the glory of Islam. And likewise to this day of ours, they come from far and wide, embrace Islam, and Jizyah is off from them.' (*fawj fawj wa jama'at jama'at Hunud amadand wa ba sharf-i Islam musharraf shudand. Wa hamchunin ila yawmi-na hadha az aTraf mi ayand, wa iman mi arand, wa jizyah az Ishan dur mi shawad.*)

The BrahmaNa-s went on hunger-strike and threatened immolation, on the ground that they were never assessed to Jizyah in the past. The Sultan was adamant and told them that he cared a whit even if they all immolated themselves. At long last, other castes took upon themselves to pay for them and the matter came to an end.<sup>7</sup>

Akbar was the first emperor to abolish Jizyah with one stroke of pen, along with all its associations and implications, including the distinction of Muslim and *Dhimmi* into the bargain. His son and grandson followed his example in regard to Jizyah, generally speaking, but reimposed upon the Hindus all the other restrictions and disabilities suffered by them before.

In 1679, Aurangzeb reintroduced Jizyah at the usual rates of 48 dirhams on the rich, 24 on the middle class, and 12 on the poor, the rich being those earning ten thousand dirhams or more a year, the middle those earning over two hundred, and the poor those earning less. Following the tradition, he also stipulated that the *Dhimmi* should carry the Jizyah with his own hand and should come on foot. He should pay it standing, while the Jizyah-collector is sitting. The *Dhimmi*-s hand should be below that of the collector, who should snatch away the Jizyah from the former's hands with the remark, 'Pay the Jizyah, O *Dhimmi*!'.<sup>8</sup>

The emperor turned a deaf ear to the Hindus who gathered together by the hundreds of thousands at Delhi and piteously cried for withdrawal of Jizyah. Next day, he ordered elephants to be driven through the mass of men and trample them down, and many did get trampled down. They continued to gather in large numbers for some days more, but to no effect.

Along letter of remonstrance was addressed to the emperor against the reimposition of Jizyah. Its authorship

is ascribed to four different persons. 'The Royal Asiatic Society Ms 71, ascribes the authorship to Shivaji, A.S.B.Ms 56, to Shambhuji (sic), Orme's Fragments, 252, to Jaswant Singh, and Tod I, 323, to Rana Raj Singh of Udaipur.'<sup>9</sup> This, too, failed to have any effect.

From the letter it appears that 'the Emperor of India, envying the bowls of beggars, takes Jizya from Brahmans, Jain monks, Yogis, *Sannyasi-s*, *Bairagi-s*, paupers, beggars, ruined wretches, and the famished.'<sup>10</sup> In the 37<sup>th</sup> year of Aurangzeb's reign, however, a parwanah was issued exempting some of the Christian priests of Agra from Jizyah.<sup>11</sup> Again, once finding the people of Hyderabad incapable of paying Jizyah, the emperor granted them exemption for one year.<sup>12</sup>

In spite of ordinances from Delhi for or against the imposition of Jizyah, independent and quasi-independent rulers and governors of certain regions continued to have their own way. So, even after the lifting of Jizyah by Akbar, Jizyah continued to be in force in Bijapur. We shall see that the Sultans of Kashmir were independent enough to strike their own lines in this regard. It is also found that the Sultans had a hard nut to crack so far as goes the question of collection of Jizyah. Their Jizyah-collectors were often driven away by the local Hindu chiefs and landlords. Even Aurangzeb laments that he is finding it difficult to realize Jizyah.

Another invidious tax that the Hindus had to pay under Aurangzeb's dispensation was duty on commercial goods at double the rate charged from the Muslims.

Aurangzeb's granting his servants, civil and military, exemption from Jizyah meant little in practice. He was out to debar Hindus from government service, and had to relent at times only when compelled by political exigencies and paucity of suitable Muslim talent.<sup>13</sup>

Another factor, conscription in the hour of military urgency, is made much of as a liability upon the Muslims and not upon non-Muslims and as a consequent vindication of the latter's liability for Jizyah. In India, at least, this principle was followed more in its breach than in its observance. In such an empire as India, large standing armies had to be maintained and manned by Muslims and non-Muslims alike, often more by the latter than by the former, who were few and far between as compared with the Hindus.

In Kashmir, Sikandar Butshikan (1389-1413) imposed Jizyah on the Hindus for the first time. Prior to him, right from Shah Mir (1339) down to Qutub ad-Din (1389), Kashmir knew no Jizyah. Jizyah was finally lifted there in 1586, during the regime of Yusuf Shah, when Akbar annexed Kashmir to his empire; though its realization had been suspended by Yusuf Shah for seven years prior to it, i.e. from 1578 till the date of Kashmir's annexation to the Mughal empire. However, between Sikandar Butshikan and Yusuf Shah comes the golden age of Kashmir, inaugurated by Sultan Zayn al-Abidin (1419-1470), who first reduced the rate of Jizyah and then abolished it outright. Jizyah was reimposed by Daulat Chak, the prime minister of Sultan Islam Shah (1538-39), upon the Brahmans, who happened to be the only Hindus living in the then Kashmir.

The rate of Jizyah levied by Sikandar Butshikan was two *pala*-s (about 1 *tola* and 6 *masha*-s) of silver a year. Zayn al-'Abidin first reduced it to one *masha* (and that, too, was seldom realized) and then finally abolished it. But Daulat Chak realized 40 *pala*-s annually from each male Brahman when he was invested with the sacred thread (*yajñopavita*).

For Jizyah, Jonaraja uses the terms '*durdanda*' (the ignoble tax/penalty)<sup>14</sup> and *turuska-danda* (the Turk/Muslim-imposed tax/penalty).<sup>15</sup> For imposition of

Jizyah, he uses the expression *danda-sthiti*.<sup>16</sup>

Jizyah has played an enormous role in the spread of Islam in India as everywhere else. Amir Khusrau appears to be right when he says that, had Hanafite law (which alone of the four schools of Muslim law allows to polytheists the concession of survival on payment of Jizyah) not prevailed in India, the Hindus would have vanished root and branch:

*Ba-dhimmah gar na budi rukh Sat-i shar'*

*Na maNdi nam-i Hindu zi 'Sl ta far'*<sup>17</sup>

Literally translated, 'Did the Dhimmi-s not enjoy the concession of the Shari'ah, all trace of the Hindus would vanish root and branch.'

A unique feature of the situation in Kashmir was that Sikandar Butshikan levied even Zakat on the Hindus, along with Jizyah. Yusuf Shah exempted only boatmen (*mallaH-s*) from Zakat.<sup>18</sup>

We cannot resist the temptation of concluding this chapter with an unusual assessment of the Indian situation today by maintaining that the so-called majority community is still paying something as good or as bad in effect as Jizyah, viz. that part of the taxes paid by the majority which is used exclusively in the interests of the so-called minorities.

### Footnotes

1. Ali Kufi, *The Chachnamah*, tr. from the Persian by Kalichbeg Fredunbeg, reprint, Delhi, 1979, p.165

2 loc.cit.

3 loc.cit.

4 MuHammad Qasim Firishtah, *Tarikh*, Urdu tr. by Abdul Ha'i Khwaja, Deoband, 1983, 1, p. 90

5 *Diya' ad-Din Barani, Tarikh-i Firozshahi, Sayyid Athar Abbas Rizwi, selected Hindi tr., in his Khalji-Kalin Bharat, Aligarh, 1955, p.*

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6 Firoz Shah Tughluq, *FuthuHat-i Firozshahi*, ed. by Shaikh Abdur Rashid, Aligarh, 1954, pp. 16-17.

7 Shams Siraj Afif, *Tarikh-i Firozshahi*, in *Khalji-Kalin Bharata*, pp. 150-151.

8 Mirza MuHammad Hasan alias Ali MuHammad Khan Bahadur *Mirat-i Ahmadi*, ed. by Sayyid Nawab Ali, Gaekwad's Oriental Series, No. XXXIII, Baroda, 1928, I, pp. 296-297.

9 Zahiruddin Faruki, *Aurangzeb and His Times*, reprint, Delhi, 1980, p. 158.

10 Hafeez Malik, *Moslem Nationalism in India and Pakistan*, Washington, 1963, p. 295.

11 Faruki, p. 157.

12 Ibid., p. 154.

13 Mohammad Yasin, *A Social History of Islamic India*, Lucknow, 1958, pp. 44-49.

14 Jonaraja, *Rajatarangini*, ed, with Hindi tr. by Raghunatha Singh, Varanasi, 2028 Vikrami, stanza 606.

15 Ibid., p. 609.

16 Ibid., p. 653.

17 Amir Khusrau, *Mathnawiyiy-i Dawal Rani KhiDir Khan* (also known as *Ashiqah*, *Ashiqiyyah*, *Ishqiyah*, *Sahiah-i Ishq*), ed. by Rashid Ahmad Ansari, Aligarh, 1917, p. 46.

18 Jonaraja, tr.'s note on stanza 818, p. 462 based on certain Mss.