

Appendix II: Jizyah and the Zimmî

The imposition of jizyah on a vanquished infidel population being one of the five fundamentals of jihād, besides forcible conversions, mass slaughter and the two kinds of ghanîmah (=plunder), a short discussion of this tax on religion is essential for a full understanding of the doctrine of jihād. Needless to say, every single aspect of jihād is aimed at the ultimate Islamic objective of conquering the whole world for Islam, but jizyah has a very special role to play in attaining that objective. It is the only activity connected with jihād which may be called bloodless. As such this topic merits the closest attention.

It is astonishing that most Muslim historians of our times are out to dismiss jizyah as a nominal tax on non-combatant non-Muslims imposed more as a benevolent gesture than as a punishment for infidelity. The reasoning behind this propaganda seems to run somewhat on the following lines: in an Islamic state it is the Muslim population alone which is burdened with compulsory military duty; the infidels are relieved from that arduous task by making nominal payment of a trumpery sum; ergo, jizyah is the ultimate expression of the Islamic state's ultimate benevolence towards its infidel subjects.

The only flaw in this shining piece of reasoning is its utter failure to answer a simple but inescapable question: why should the Islamic state be so hard upon its own people while it showers so much benevolence on the accursed infidels? Muslim historians have never attempted to answer this straightforward question.¹

In truth, jizyah has nothing to do with military duty or exemption from it. On the contrary, it is one of the worst devices thought out by Allah in one of his blacker moods for crushing the unbelievers without actually slaughtering them. As the Koran puts it: 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 (9/29).

This verse has already been explained in Chapter One, where it was mentioned that jizyah, according to the letter of the Koran, is intended only for Jews and Christians - the so-called People of the Scripture (or the Book). The extension of the tribute to idolaters outside Arabia was a development of later times and is nowhere expressly mentioned in the Koran. But here I must point out that the above verse, if it means anything, certainly does not mean any concern with military duty from which the People of the Scripture were to be exempted. It simply pronounces a dire punishment upon Jews and Christians for not embracing Islam the moment they are called upon to do so. As everybody knows, Jews and Christians do believe in a single God even though they do not call him Allah. Also, they emphatically believe in the Last Day. The verse in question, however, seems to allege that not all of them cherish these beliefs and are to be punished for that very reason. This would seem to imply that the concern here is with atheists born of Jewish and Christian parentage rather than with believing Jews and believing Christians. But when in the same breath the verse finds fault with these putative atheists for failing to forbid what Allah forbids by His Messenger and goes on to couple them with those who follow not the religion of truth, the intention becomes clear enough. The verse actually refers to all monotheists who have not embraced Islam and would not do so willingly. For such people Allah himself pronounces jizyah as a punishment, which is a punishment for infidelity and nothing else. This is the plain meaning of the verse.

But this is not all. The verse indeed mentions non-Muslim monotheists specifically, but by its very wording leaves room for including any and every non-Muslim who does not follow the religion of truth. Indeed such an extension is implied by the concluding words of the verse itself. These concluding words emphatically specify the tax as a mark of degradation for the payer, who - as the verse goes on to say in so many words - is to be brought low in paying it. Other renderings of the verse include an addition

which says that the tax is to be paid with one's own hands - implying that jizyah can never be sent through a messenger or an intermediary, however exalted the social position of the infidel may be. In other words, the Koran makes little concession to the position of Kitābīs (People of the Book, i.e. Jews and Christians) in the Islamic scheme of things. It pronounces degradation on all non-Muslims to the uttermost limit.

The Addition in the Sunnah

Nevertheless the Koran, in explaining jizyah as a mark of degradation for non-Muslims, does not exhaust the subject. For one thing, it nowhere mentions the rate of the taxation. Rather, surprisingly, the Hadis literature also does not discuss it with the fullness which it bestows on other topics. Sahih Muslim, for example, has only a single hadīs concerned with this all-important subject. Beyond mentioning that if they refuse to accept Islam, demand from them the Jizya (No. 4294), it seems to avoid the topic altogether. To fill in the gap, we have to examine the biographical ahādīs for further information on jizyah.

But even these ahādīs do not mention any uniform rate of taxation. As mentioned in the course of this book, the Jews of Khaibar were the first people to be treated as *kharājguzārs*, that is to say, the payers of the poll-tax. But the tax imposed on these people consisted in leaving them as tenants in their own lands - the rate of taxation, according to Sir William Muir, being half the produce of these lands. This rate was not applied to the Christian governor of Aila whom the Prophet vanquished during the course of the Tabuk campaign (630 AD). The Christian subjects of this monarch were called upon to pay a gold piece (*dīnār*) per head per annum. According to D.S. Margoliouth, the Jews of Aila had to pay a higher rate - one-quarter of their produce. Margoliouth contrasts this rate with the rate of *zakāt* (=alms or poor-due) imposed on Muslims and says that twenty-five percent of the produce means ten times the amount imposed on the Muslims as alms. On this reckoning, the Jews of Khaibar had to pay a poll-tax twenty times the amount of the corresponding *zakāt* money.

Jizyah in the Shariat

The non-uniform rate of taxation imposed by the Prophet on the various non-Muslim tribes of Arabia (and beyond) was a source of endless controversy among the jurists of the ensuing ages; the Caliphs, starting with Umar, did not follow the divergent practices of the Prophet but sought to bring in a measure of uniformity in their own practice. The school of jurisprudence according to Imam Hanīfah, enjoined their practice as canonical. Umar divided the infidel population of his empire into three classes - the rich, the middling, and 'the labouring poor'. On the first class he imposed a tax of 48 dirhems per head per annum, on the middling that of 24, and on the labouring poor 12 dirhems. As the *Hidāyah* puts it, The common rate is fixed by the Imam imposing upon every avowedly rich person a tax of forty-eight dirms per annum or four dirms per month; and upon every person in middling circumstances, twenty-four dirms per annum or two dirms per month; and upon the labouring poor twelve dirms per annum or one dirim per month. 2

It is not clear whether this fixed rate of taxation was intended for all time to come or whether a percentage on the total income was contemplated by the jurists of the school of Hanīfah in their calculation of the rate. Certainly, the Mughal emperor Aurangzeb imposed the same rate upon the Hindus of India in the seventh decade of the seventeenth century. But even with the possible rise of the price index since the first imposition of this rate, the poorest section of the non-Muslim population had to bear the brunt of this benevolent imposition. Jadunath Sarkar in his *History of Aurangzeb* discusses this

question at some length and says: In violation of the modern canons of taxation, the jaziya hit the poorest portion of the population hardest. It could never be less than Rs. 3 1/3 on a man, which was the money for nine maunds of wheat flour at the average market price at the end of the 16th century. The State, therefore, at the lowest incidence of the tax, annually took away from the poor man the full value of one year's food as the price of religious indulgence. Such was the benevolent nature of jizyah in Aurangzeb's time.

Jizyah as Retribution Money

Incidentally, the *Hidāyah* brings out the true character of jizyah with transcendent clarity. The capitation tax, it declares, is a species of punishment, inflicted upon infidels on account of their infidelity, whence it is termed *Jizyat*, which is derived from *Jizya*, meaning retribution. Again, Capitation tax is a sort of punishment inflicted upon infidels for their obstinacy in infidelity. ³ The author continues this reasoning to its logical end and gives his own gloss on the all-important Koranic verse (9/29). He says in so many words: Whence it is that it cannot be accepted of the infidel if he send it by the hands of a messenger, but must be exacted in a mortifying and humiliating manner, by the collector sitting and receiving it from him in a standing posture; (according to one tradition), the collector is to seize him by the throat, and shake him saying Pay your tax, *Zimmee*. ⁴ The *Hidāyah* thus makes short work of the modern Muslim apologist's attempt to hold up jizyah as the expression of the Islamic state's ultimate benevolence to infidels.

Indeed, the *Hidāyah* makes no bones about the long-term objective of jizyah, which is nothing short of forcing the helpless *kharājguzār* into the fold of Islam. If a person becomes a Musulman, who is indebted for any arrear of capitation tax, such arrear is remitted. The Prophet has declared that capitation tax is not incumbent upon Musulman. (Hence this) temporal punishment for infidelity is remitted in consequence of the faith. Shaikh Burhanuddin Ali has explained the real intention of jizyah with luminous perspicuity.

It is not that the military intention is wholly absent from the minds of the authors of the Shariat. The retribution money extorted from non-Muslims can be put to many an Islamic use, one of which is doubtless the mounting of newer and fresher jihāds for bringing over newer and fresher countries under the umbrella of Islam. The *Hidāyah* recognises this aid to the troops of Islam as a lawful use of jizyah, and rationalises the division of the *kharājguzārs* (=payers of jizyah) into the three classes mentioned above by arguing that capitation tax is due in lieu of assistance (in jihād) with person and property; but as property is different with respect to being more or less, so in the same manner is its substitute (i.e. *jizya*) different. ⁵ This is the only species of exemption from military duty recognised by the Shariat - it is for the replenishment of war-treasury, not for sparing non-Muslims from arduous military duty.

The Meaning of *Zimmî*

In Islam, the *kharājguzārs* (=payers of jizyah) are termed *zimmîs*. The literal meaning of this Arabic expression is people under tutelage - in other words, people whom the Islamic state holds as hostages to earn an adequate amount of retribution money by exploiting them till the end of their days except when the paying of the tribute is terminated by voluntary conversion. The term itself is an insulting one, but the various disabilities imposed on *zimmîs* by the Shariat leave one wondering whether the plain meaning of the term was not a hundred times preferable to the provisions of the Shariat. Before we discuss some of these provisions, a preliminary word is necessary.

The notion of zimmî is not Koranic, and even the Hadis mentions it only in passing. Like so many oppressive measures against non-Muslims, this notion in its fullness is credited to Umar who, on the strength of these very measures, has come to occupy a place among Islamic heroes which is second only to that of the Prophet. It was Umar who defined the zimmî's place in an Islamic state in a document which has been quoted in full in Volume VI of *The History and Culture of the Indian People* edited by R.C. Majumdar. I shall not discuss this document here, but set forth only some of its provisions in the language of the *Hidāyah*.⁶

(1) In the first place, the distinction between a Muslim and a zimmî is one of the basic tenets of the Islamic state. This distinction has to be maintained at all levels not excluding such matters as dress or equipage. According to the *Hidāyah*, It is not allowable for Zimmies to ride upon horses, or to use armour, or to use the same saddle and wear the same garments or headdresses as Muslims. (Also) the Zimmies must be directed to wear (a woollen rope called) *Kisteej*⁷ openly, on the outside of their clothes. They must be directed, if they ride any animal, to provide themselves a saddle like (that) of an ass. (This is because) the Muslims are to be held in honour, contrary to Zimmies who are not to be held in honour. And if there were no outward signs to distinguish Muslims from Zimmies, these might be treated with the same respect, which is not allowed. (This is why) the insignia incumbent upon them to wear is woollen rope, and not a silken belt.

(2) The *Hidāyah* mentions many other modes of discrimination. It is requisite that the wives of Zimmies be kept separate from the wives of Muslims, both in the public roads and also in the baths. And it is also requisite that a mark be set upon their dwellings, in order that beggars who come to their doors may not pray for them. The learned have also remarked that it is fit that Zimmies be not permitted to ride at all except in cases of absolute necessity. (And if he rides) he must alight wherever he sees any Muslims assembled.

(3) Can the zimmî be allowed to observe his religious practices? Says the *Hidāyah*: The construction of churches or synagogues in the Muslim territory is unlawful; but if places of worship originally belonging to Jews and Christians be destroyed or fall into decay they are at liberty to repair them. If however they build them in (a new) situation, the Imam must prevent them.

It is not necessary to enumerate all the other disabilities incumbent upon a zimmî in an Islamic state. These few restrictions are an adequate indication of his status in any country under the umbrella of Islam. It has often been said that zimmîs are second class citizens. The foregoing account shows that they are actually non-citizens in a state of degradation worse than that of the beasts of burden.

The Modern Glorification of the Status of Zimmîs

It is interesting but hardly surprising to find that Muslim scholars who have held up *jizyah* as the expression of Islam's ultimate benevolence to non-Muslims, have also hailed the status of zimmî in the Islamic state as one of much consequence and considerable dignity. One such scholar has even described the curse of zimmihood incumbent on a non-Muslim in an Islamic state as a process of raising the unbeliever to the dignity of zimmie. Such monstrous idealisation of such a monstrous doctrine inevitably raises the question: does it not indicate Islam's utter loss of self-confidence in preaching the truth about itself to a world which would reject its pretensions the moment that truth comes to be examined in the court of objective and disinterested scholarship?

This is a question the reader must answer for himself. I would only remark that as early as 1916 Jadunath Sarkar had taken note of this newfangled idealisation of *jizyah* and zimmî in his monumental work on

Aurangzeb, and demolished it with prodigious wealth of historical facts and masterly presentation from which those facts originated. But even he failed to kill the false propaganda regarding the meanings of jizyah and zimmi, which in our times has become all the more impudent and universal. This would seem to indicate that the proverbial nine lives of the cat are as nothing compared to the life-span of Islam's propaganda gimmick. Such persistent falsification of well-known facts about Islam can be combated only by an equal persistence with the truth regarding those facts. Jizyah and zimmihood are two of the monotonous gifts of Islamic statecraft to the annals of human history, and they have to be shown up again and again for what they truly represent, till an unmindful world takes note and makes adequate preparation for preventing any repetition of mischievous misrepresentation.

Footnotes:

1 The theory of some modern writers that the jizya was only commutation money paid for exemption from military service is not borne out by history, for it was as late as 10th May, 1855 that the jizya as a tax on the free exercise of religion was replaced by a tax for exemption from military service even in European Turkey (Jadunath Sarkar, History of Aurangzeb, Chapter 34).

2 The Hedaya, Book IX, Chapter 8. The author adds: (This) doctrine is adopted from Omar, Othman and Ali.

3 Ibid. Emphasis added.

4 Ibid.

5 Ibid.

6 See also Jizyah by Harsha Narain.

7 A woollen band.