

THE MYTH OF JIZYA

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ABSTRACT

European scholars exhibit bias while discussing Islamic economics and finances. Western scholars have spread canard about the Jizya tax pitting its origin to Islamic expansionism and oppression of the conquered non-Muslim subjects. Jizya is represented as oppressive measure to force the subject races against their will to embrace Islam in order to escape the burden of this tax. The quick expansion of Islam is attributed to the operationalization of Jizya. The paper examines the notion from multi-pronged sources and in the process reflects upon an important aspect of Islamic economics.

Keywords: ahl al-dhimmah , Caliphate, dirham, Jizya, , Kharaj(land tax), zakah.

Introduction

The Arabic word Jizya has come to be generally used with a technical meaning; but originally it was used in the general sense of tribute. According to *Qamas*, "Jizya is a tax on land and a capitation tax imposed on non-Muslim subjects". But neither the author of the *Qamas* nor Johri discuss the etymological roots. *Harsh Narain* suggests association between Arabic word jizya and the Aramaic word gizit/gizyat.¹ *Edward William Lane* in English-Arabic dictionary² suggests two possible derivations: either (a) it is derived from 'Jaza' ,exchange or compensation or (b) it is the Arabic form of Persian word *gizyah*. The latter derivation was copied by *Bustn Burus ibn Blus* in his edition of the *Muhit-ul-muhit*(1867), though he was not convinced. In the Persian lexicon under the word 'gazit' , Jizya is said to be the Arabic form. In *Burhan-i-Qati* , 'gazit' is money collected by the officers of a Government from its subjects and is also called *Khiraj* (tribute). Also, it means money levied on non-Muslims subjects, as the poet *Nizami* said " *Sometimes Peking sends him the tribute of China and sometimes Caesar sends him the religious tax (gazit-i-din)*". The vulgar pronunciation is *aizyat* and the word appears in Arabic under the prevalent form *Jizya* . The second meanings of the term given in the *Burhan-i-Qati* gets support from *Syed Jamaluddin*, the author of *Furhang-i- Jahangiri*, who quotes the following verse by *Hakim Sozni*, " *We will not read our sacred book, nor act in accordance with it, that Jizya may not be imposed upon us, as on the people of the book*".

There is not the slightest doubt that Jizya is a word of Persian origin. There is strong historical proof, besides the evidence of lexicons. It is certain that the word Jizya was in vogue in Arabia much before the advent of Islam and quite evident that in the Persian language the *gazit* expressed just the same meaning. The historical sources indicate that King *Noshirvan* might be the first who made regulations for the collection of Jizya and subsequently the rule devised in Persia at that time got extended across Yemen and the surrounding country. The word *gazit* came to be introduced into Arabia in its technical legal sense only in later times and assumed the more Arabic form of *Jizya*. The change was effected by the alteration of a single letter and some vowel points. The Arabic tongue has borrowed more words from Persian than from any other foreign language and a conquered people would naturally first adopt the technical administrative terms of its conquerors.

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The laws relating to tribute and Jizya, which we find across Arabia and Persia under slightly altered forms can be traced back to the reign of the King Noshirwan. Ibn-ul-Athir in his account of the rules laid down by Noshirwan respecting the tribute and the army wrote that , " *Noshirwan caused a survey to be made of all the country, fixed the rates of the revenue and imposed Jizya on each of his subjects with the exception of those who were serving in the army or were connected with nobles of the Court. The various rates of this Jizya were 12, 8, 6 or 4 dirhams (1 dirham is equal to 5 pence) a head.*"³

After this account of the tribute, the historian adds that Omar followed the same rules. In the same author's account of *Jizya*, he mentions that Omar exempted from this tax all those below the age of 20 and above that of 50. Noshirwan's reason for this exception was as follows " *Those who served in the army were defenders of their country and risked their lives for its sake: it was then only right that the rest of the subjects of the crown should contribute some fixed amount in order to compensate them for their services*". This account of Ibn-ul-Athir is confirmed by the following verses of Firdausi. " *All the governors gathered themselves together and measured out the land and imposed a tax (gazit) in dirhams, provided that the husband was in prosperous condition: Six dirhams on fruitful vineyards and the same on date gardens. He who had wealth but no land and had not to spend himself in tilling must pay a tax (gazit) of 10 to 4 dirhams every year.*"⁴ But the ministers and the courtiers were exempt. The two accounts do have certain discrepancies.

According to the laws of Islam, every Musalman might at any time be called upon to serve in the army. All Muslims were being looked upon as belonging *ipse facto* to the army. On this account, they were exempted from the payment of *Jizya*. It is another matter that men fit for army duty often made an escape to evade tough military duty. Islam claimed no right to forcibly lay the burden of military service on any non-Muslim who happened to be a subject of any Muslim State and whose life and property were under its protection. Provided that non-Muslims were not desirous of service in the army, it was only just that they could pay some tax for their protection and this tax was the *Jizya*. But if any non-Muslim tribe joined the army or promised to do so, it was at once released from the payment of *Jizya*. It was just treatment that made many Christian tribes to prefer Islamic rule. Emperor Constantine II sent secretly a messenger to the Christians residing in the Islamic state, exhorting them: "Here is a good opportunity: rise up against your government and I will also at the same time dispatch an army so that we may drive out this common enemy". The Christians replied: These enemies of our religion are preferable to you."⁵

Both in theory and practice, protection was looked upon by the Muslims as the legitimate equivalent of the *Jizya*. This may explain why etymologists never looked to Persian sources for any historical explanation of the word. They derived it from *Jizya* (exchange or compensation) and explained it as being taken in compensation for certain services rendered. However incorrect this may be from philological point of view, yet it certainly harmonizes with historical facts. Many treaties drawn up by the Prophet and Caliphs which have been preserved to us *verbatim* in historical works, show clearly that *Jizya* was given in return for protection. The Prophet himself, in an order addressed to the Governor of Eiltah, states that, " *inhabitants should be protected and defended against the enemies*". Among the admonitions given by Omar on his death bed was the principle that " *non- Muslims who are our subjects and are under our protection, it is the duty of every Muslim to resist their enemies in their defence*". The translation of some of the treaties would point further how *Jizya* was the tax paid in return for protection given, and that non-Muslims tribes paid it upon this very assumption. The objects on which the sums of money raised by the *Jizya* were spent on the following items of expenditure: maintenance of army; construction and maintenance of forts; construction and maintenance of roads and bridges; digging, maintenance and repairs of wells, construction of sarai (rest houses).⁶

These are words of Khalid-Ibn Walid to Saloba Bin Nastona and his tribe, " *I have made an agreement*

with you in respect of Jizya and protection. The responsibility of protecting you lies upon us. So long as this protection is given to you, we have right to receive Jizya; otherwise we have not." It was written in the month of Safar, A.H.12.

The following extract from an agreement which bears the signatures of several companions of Prophet, which was drawn up between the Governor of Mesopotamia and the people of that district, reveals the reason behind jizya: - *"To those who have consented to pay Jizya at such and such dates and with whom Khalid Ibn Walid has made peace, this is the charter of freedom. The sum agreed upon by Khalid and the other Muslims in the treaty has been duly received. If any other governor attempt to alter the terms of peace lay down by Khalid, do you compel him to desist, on condition that you continue to pay the Jizya. To those, to whom you grant quarter, we will grant quarter also; with those with whom you make peace, we will make peace also".* To which the people of Mesopotamia returned with the answer that, *"We have paid the amount of Jizya which was agreed upon with Khalid, on condition that if any Muslim or the people of any other nation do us any wrong, the Musalman people with its General will be responsible for our protection".*

From similar historical instances, it can be safely adduced that the institution of *Jizya* as it is found in Muslim times rested on the very same principle as Noshirwan had laid down. In the reign of Umar, the Second Caliph (634-644C.E.)- Abu Ubaidah Amin, the General of the Army, wrote at once to the governors of the conquered towns of Syria that *"refund to the people all the money that has been collected as tribute and Jizya and tell them that all that we took in this way was taken on the condition that we should protect them against their enemies, but owing to our present circumstances we are unable any longer to undertake such a charge"*. Abu Ubaidah also addressed the Christians that, *"the money which we took from you we return, because we have heard that a strong force is advancing against us. The agreement between us was that we should protect you from enemies, but as we no longer able to fulfill our part of the agreement, we return what money we took from you."*⁷

This order was fully carried out and large sums from the State treasury were returned to the Christians. The return of *Jizya* by the Muslims at the time of war, when actually funds were needed most, was an unprecedented act. It speaks of extraordinary sense of responsibility of the Islamic state towards its non-Muslims protectorates. Normally during war, any government is expected to extract more money but the above event suggests that the early Islamic state did not raise funds just for the sake of fund-raising. The bilateral agreements were followed in letter and spirit even in the most critical times. It is reported that when these sums were returned, the Christians called down blessing on the Muhammadans and said, *"May God give you rule over our town again. The Romans on such an occasion, instead of giving us back our money, would have robbed us of all our possession."*

Jizya was a compensation for protection. It is evident also from the fact that if any non-Muslim tribe accepted military service, it was exempt from *Jizya* just like any Musalman tribe. In the tribe of Uthman, when Habib Ibn Muslimah conquered the Jarajimah tribe, they elected to join the Muslim Army in times of emergency and for this reason the whole tribe was exempted from the payment of *Jizya*. Not only the Jarajimah but many other tribes and clans of the surrounding country joined the army and thus released themselves from the payment of *Jizya*. In the reign of Caliph Wathiq Billah Abbasi, the Governor of these territories imposed *Jizya* on these tribes by mistake. They accordingly laid a complaint before the Caliph, who gave a decision in their favour. It is amply demonstrated that *Jizya* was taken from non-Muslims in exchange for the protection given to them against their enemies, both internal and external; and that when the Muslims were no longer able to give that protection they returned the money and that tribes taking military service, thereby made themselves exempt from the payment of *Jizya*.

Zakah is imposed only on sahib al-nisab (the possessors of certain minimum wealth) Muslims irrespective of age, sex or profession but jizya is not levied on non-Muslim women, children, old, infirm and monks. Further, the amount of zakah ranges between 1/40th and 1/5th proportion of the material wealth. Particularly, zakah on agricultural produce is collected (at the rate of five percent or ten percent depending upon irrigation facilities) every time a crop is harvested, be it twice or thrice in a year. Shariah prohibits zakah payers from enjoying even the distant benefits accruing from the payment of zakah to the state, while jizya payers can benefit from protection and development expenditure.⁸

There are also reported instances when the collection of jizya was waived due to the poor economic conditions of protectorates. It happened during the period of Caliph Umar that he found an old Jew begging in the streets of Medina. On his personal enquiry, Caliph Umar found that the clearance of jizya due had made him to beg. Caliph Umar took him to the treasury and fixed his pension, remarking that it is unbecoming of a Muslim (caliph/ruler) that Jizyah should be collected when non-Muslims are healthy and capable of earning and that they should be left to suffer during their old age. Caliph Umar had advised Uthman bin Hanif and Hudhaifah bin Yaman, the noted surveyors, that they should study properly the conditions of regions and their people before deciding their rates of kharaj (land tax) and Jizyah.⁹

During the period of Ali (656-661 C.E.), the fourth Caliph, the non- Muslims ahl al-dhimmah (protectorates) were classified in four categories for the purpose of Jizya collection.

Table:1

No.	Category	Amount of Jizya
1	General public	12 dirhams per head
2	Businessmen	42 dirhams per head
3	Middle class	42 dirhams per head
4	Landlords	48 dirhams per head ¹⁰

It is clear that protectorates paying Jizya were put into different categories based upon their personal wealth. It is also evident that Jizya was a charge on persons according to their respective riches. Wealth was taken as merely an index of ability to pay.¹¹ Another positive aspect of Jizya administration during the times of righteous caliphs Umar and Ali was that the wealth was taxed at moderately progressive rates. This treatment delivers a message that personal wealth should also be taxed progressively, albeit moderately¹².

Islamic historians argue that Jizya accrued benefits to Muslims, but it was a price for Muslims fighting the battles to save the countries subject to them from all manners of dangers. Since, non-Muslim nations benefitted from the blood their rulers shed in these wars; it was not at all unjustifiable for the Muslim communities to reap some benefit from the property of the former.

Beside, in the sum rose exclusively from Muslims for alms (*sadqa*), non-Muslims had equal share. Omar gave instructions to the chief officer of the State treasury to keep remembering the words of Allah, viz., "Alms are for the poor and the needy", and the word "needy" included both Christians and Jews. Persons below 20 and above 50 years of age, women, the palsied, the maimed, the blind, the insane and the poor who possessed not more than 200 dirhams were entirely exempt from the payment of Jizya. When this classification is studied along with other exempted categories such as non-Muslim military personnel, the clergy, etc., it is safe to argue that a major proportion of the non-Muslim population would not pay any Jizya. On the contrary, the entire segment of this population would enjoy the benefits flowing from numerous welfare-oriented programmes of

the state. The righteous caliphs, on the whole, exercised much restraint and care in the collection of Jizya.¹³

Can a tax so light, the payment of which relieved men from the dangers of military service and an institutions which can be traced back to Noshirwan the Just, be the object of much hatred and the cause of oppression as some Europeans have represented in historical writings? Would anyone abandon his religion merely to gain exemption from so light a tax? Could any man think his religion worth less than so trifling an impost? If there were any such, his conversion to another faith seems hardly to be a matter for regret. The above observations place the levy of Jizyah on a very sound and civilized footing and, possibly, dispel all doubts and false allegations against it. The Prophet and the faith of Islam have nothing to do with the misuse of Jizya by some over zealot rulers and their administrative and religious deputies.

In India, no Delhi Sultans tried to rule according to Shariat and none of them gave highest priority to the Ulemas. The Bhakti Movement flourished during this period and the people enjoyed complete expression of freedom. The Sultans faked as fanatic sometimes ---which they were not --- only to warn the Ulemas from playing the usurper role. Their policies revolved around filling State coffer. At times, the Sultans turned into iconoclast to force Hindu Rajas into submission. But, they never indulged into large scale conversion of Hindu subjects into Islam lest Jizya got reduced.

The Concept of Ahl Al-Dhimmah

Prophet Muhammad(570-632 C.E.) adopted a very personal approach to people he invited for conversion to the faith of Islam. He would speak to his family members, close confidants, relatives and friends and then to others. Many a times, he spoke to single person, at other times he addressed groups of persons. On several occasions, from amongst his followers, he deputed some one to far-off places to publicize his message. Similarly, he wrote numerous letters to the rulers of different countries and tribal chieftains asking them to embrace Islam. But, many rulers and tribal chieftains not only refused the appeal, they also imposed wars against the Prophet, threatening the very existence of the faith and newly established Islamic city-state at Medina

Prophet Muhammad's mission was to preach the message of Qur'an and to bring people to the right path. But, he had to face a very hostile and violent reaction. "It was the vicious and violent opposition to his mission that forced him to resort to arms. He was compelled to organize his followers to protect their faith. The practical way to do was to establish a state and take upon himself the burden of a ruler. It is this state that the Muslims cherish as a model." ¹⁴

Consequently, he too fought several wars. In almost all cases, the Prophet overpowered his opponents. Consequent of this, several treaties were concluded. The people of conquered territories were granted the status of ahl al-dhimmah (people of pledge). They, when not entering into the Islamic fold, were asked to pay Jizya because zakah cannot be imposed upon them. The Prophet is reported to have said: "*If you fight with a people and overcome their resistance and they agree to pay you tribute (according to another tradition: enter into a treaty with you) then you must not levy upon them a pie more than the stipulated amount*"¹⁵. Prophet Muhammad was quite stern in his message to not fleece subjects with heavy taxation and warned that the same would cause the wrath of Allah. Prophet said, "*Beware that anyone who tyrannizes over a pledged man or curtails his rights or puts burden on him beyond his endurance or obtains a thing from him without his consent, I shall myself be an accuser against him on the Day of Judgment*"¹⁶. The cloak of misrepresentations against Jizya needs to be historically corrected through post-orientalist gaze.

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