

JEW S AID THE MUSLIM CONQUERORS OF SPAIN (EARLY EIGHTH CENTURY)

Mughith entered Cordova's municipal palace and occupied¹ it. Then he went out the next day and besieged the uncircumcised who had taken refuge in the cathedral. Mughith maintained the siege against the uncircumcised for three months until they were worn out by it. . . . Then he demanded their unconditional surrender as captives, and he had them beheaded. That church came to be known as the Church of the Captives.

He gathered the Jews of Cordova together and made them into a garrison over the city.² He occupied the citadel himself and gave the city to his men.

He wrote to Tarih about the conquests he had made.

The troops that were sent toward Reijo subdued it. Its uncircumcised took refuge into the impenetrable mountains. They then proceeded to join up with the force headed for Elvira, which they besieged and captured. On that very day, they gathered its Jews together. It had become their custom to gather the Jews in each town and set them as a garrison over the municipality. They would leave with them a party of Muslims, while most of the men would march on. They did this in Granada, Elvira, but not in Malaga or Reijo, because they could not find any Jews in them.³

Anon., *Akhbar Majma'a*,
ed. Emilio Lafuente y Alcantara
(Madrid, 1867), pp. 12-14.

¹ Ar., *wa-dakhalu Mughith balāi Qurṭuba fa 'khattatū*. For *ikhṭatta* in the sense of "to occupy" or "to take possession of," see Reinhart Dozy, *Supplément*, vol. 1, p. 379b, where both examples are taken from this passage.

² Ar., *wa-jama'a yahūd Qurṭuba fa-dammahum ilayhā*. For *damma* in the sense of "to form a garrison" or "to organize troops," see Dozy, *Supplément*, vol. 2, p. 12a, where all the examples are from Spanish Arabic sources.

³ These last two paragraphs appear in the Arabic text immediately following the second sentence of paragraph one as a long interpolation. I have taken the liberty to rearrange them for better reading in English. There is a question whether the Muslims subdued the provinces of Reijo and Murcia in southwestern Spain at this time. See Evariste Lévi-Provençal, *Histoire de l'Espagne Musulmane*, vol. 1 (Paris and Leiden, 1950), p. 23.

THE PACT OF 'UMAR (SEVENTH CENTURY?)

'Abd al-Rahmān b. Ghannam¹ related the following: When 'Umar b. al-Khattāb—may Allah be pleased with him—made peace with the Christian inhabitants of Syria, we wrote him the following.

In the name of Allah, the Merciful, the Beneficent.

This letter is addressed to Allah's servant 'Umar, the Commander of the Faithful, by the Christians of such-and-such city. When you advanced against us, we asked you for a guarantee of protection for our persons, our offspring, our property, and the people of our sect, and we have taken upon ourselves the following obligations toward you, namely:

We shall not build in our cities or in their vicinity any new monasteries, churches, hermitages, or monks' cells. We shall not restore, by night or by day, any of them that have fallen into ruin or which are located in the Muslims' quarters.

We shall keep our gates wide open for passersby and travelers. We shall provide three days' food and lodging to any Muslims who pass our way.

We shall not shelter any spy in our churches or in our homes, nor shall we hide him from the Muslims.

We shall not teach our children the Koran.

We shall not hold public religious ceremonies. We shall not seek to proselytize anyone. We shall not prevent any of our kin from embracing Islam if they so desire.

We shall show deference to the Muslims and shall rise from our seats when they wish to sit down.

We shall not attempt to resemble the Muslims in any way with regard to their dress, as for example, with the *qalansuwa*,² the turban,³ sandals, or parting the hair (in the Arab fashion). We shall not speak as they do, nor shall we adopt their *kunyas*.⁴

We shall not ride on saddles.

¹ He died in 697.

² The *qalansuwa* was a conical cap. See Reinhart Dozy, *Dictionnaire détaillé des noms des vêtements chez les Arabes* (Amsterdam, 1845), pp. 365-71.

³ The turban (Ar., *'innāma*) came to be considered the "crown of the Arabs" (Ar., *tāj al-'arab*) and the "badge of Islam" (Ar., *simā al-Islām*). See Reinhart Dozy, *Dictionnaire des vêtements*, pp. 305-11; and W. Björkman, "Turban," *EJ* 4: 885-93.

⁴ The Arabic byname, formed with *abū* (father of, or possessor of).

We shall not wear swords or bear weapons of any kind, or ever carry them with us.

We shall not engrave our signets in Arabic.

We shall not sell wines.

We shall clip the forelocks of our head.

We shall always adorn ourselves in our traditional fashion. We shall bind the *zunnār*⁵ around our waists.

We shall not display our crosses or our books anywhere in the Muslims' thoroughfares or in their marketplaces. We shall only beat our clappers in our churches very quietly. We shall not raise our voices when reciting the service in our churches, nor when in the presence of Muslims. Neither shall we raise our voices in our funeral processions.

We shall not display lights in any of the Muslim thoroughfares or in their marketplaces.

We shall not come near them with our funeral processions.

We shall not take any of the slaves that have been allotted to the Muslims.

We shall not build our homes higher than theirs.

(When I brought the letter to 'Umar—may Allah be pleased with him—he added the clause "We shall not strike any Muslim.")

We accept these conditions for ourselves and for the members of our sect, in return for which we are to be given a guarantee of security. Should we violate in any way these conditions which we have accepted and for which we stand security, then there shall be no covenant of protection for us, and we shall be liable to the penalties for rebelliousness and sedition.

Then 'Umar—may Allah be pleased with him—wrote: "Sign what they have requested, but add two clauses that will also be binding upon them; namely, they shall not buy anyone who has been taken prisoner by the Muslims, and that anyone who deliberately strikes a Muslim will forfeit the protection of this pact."

Translated from al-Turtūshī,
Sirāj al-Mulūk (Cairo, 1289/1872), pp. 229-30.

⁵ A kind of belt. See Dozy, *Dictionnaire des vêtements*, pp. 196-98.

HOW THE JIZYA IS TO BE COLLECTED AND FROM WHOM

(SECOND HALF OF THE EIGHTH CENTURY)

The *jizya* is required of all the *ahl al-dhimma* in the Sawād (the lower half of Iraq), Hīra, and the rest of the conquered lands, namely, the Jews, the Christians, Zoroastrians, Sabaeans, and Samaritans. The only exceptions are the Christians of the Banū Taghlib tribe and the people of Najran.¹ The *jizya* is incumbent upon all adult males, but not upon women and children. For the wealthy the tax is forty-eight dirhams,² for those of medium income twenty-four, and for the poor, the agricultural workers and manual laborers, twelve dirhams. It is to be collected from them each year. It may be paid in kind, for example, beasts of burden, goods, and other such things. These are to be accepted in accordance with their value. However, no animals not ritually slaughtered, no pigs, and no wine may be accepted in payment of the *jizya*. 'Umar b. al-Khaṭṭāb—may Allah be pleased with him—had already forbidden the acceptance of such things for the *jizya*. "Leave them to their owners," he said. "They, however, may sell them, and the proceeds from the sale may then be accepted from them." This kind of payment is permissible when it is easier for the tributaries. 'Alī b. Abī Tālib—may Allah honor him—used to accept large and small needles and would count their value toward their individual tribute, according to what I have learned.

The *jizya* is not to be collected from the indigent who receives alms, nor from a blindman who has no craft and no work, nor from any invalid receiving alms, nor from any cripple. However, it is to be collected from any invalid, cripple, or blindman with means. The same goes for those monks living in monasteries when they have means, but not from those who are mendicants supported by the alms of wealthy people.

The *jizya* is not collected from a Muslim, unless he converted after the completion of a calendar year, because the *jizya* was due from him at the time of his conversion and had become part of the tribute due to the entire Muslim community, and therefore should be collected from him. If, on the other hand, a man converts before the end of a given year—whether by a day or two, or by a month or two, more or less—no part of the *jizya* at all is to be collected from him since his conversion was prior to the end of that

¹ Najran was the Christian center of Yemen in early Islamic times and the seat of the Nestorian bishop. See above, pp. 19-20.

² At this time forty-eight dirhams were equal to four dinars. Thus, the graded poll tax was: 4, 2, and 1. This is an amazing precedent, as Muhammad ordered a poll tax of "a dinar of full weight or its equivalent" in 632. See above, p. 20.

year. If a man dies before the *jizya* has been collected from him, or after only a part has been collected, another part remaining, it is not to be collected from his heirs, nor from his estate, since it is not reckoned as an outstanding debt, just as when a man converts still owing a portion of the *jizya* on his head, it is not collected.

The *jizya* is not to be exacted from an old man who cannot work and has no resources. Neither may anything be collected from anyone of unsound mind.

The *zakāt*³ does not apply to the livestock of the *Ahl al-Dhimmā*—that is, their camels, cattle, and sheep. This holds true for men and women equally.

No one of the *ahl al-dhimmā* should be beaten in order to exact payment of the *jizya*, nor made to stand in the hot sun, nor should hateful things be inflicted upon their bodies, or anything of that sort. Rather, they should be treated with leniency. They should be imprisoned until they pay what they owe. They are not to be let out of custody until the *jizya* has been exacted from them in full. No governor may release any Christian, Jew, Zoroastrian, Sabaeen, or Samaritan unless the *jizya* is collected from him. He may not reduce anyone's payment by allowing a portion to be left unpaid. It is not permissible for one person to be exempted and for another to have to pay. That cannot be done, because their lives and possessions are guaranteed safety only upon payment of the *jizya*, which is comparable to tribute money.⁴

With regard to collecting the *jizya* in the major cities, such as Baghdad, Kufa, Basra, and the like, it is my considered opinion that the *Imām* should entrust it to some man of integrity in each city, one of its good and trustworthy citizens, whose piety and fidelity can be depended upon. Assistants should be appointed for him who are to gather the adherents of the different faiths, namely the Jews, Christians, Zoroastrians, Sabaeans, and Samaritans, and collect from them in accordance with the classifications which I have already described: forty-eight dirhams from the well-to-do, such as the moneychanger, cloth merchant, the owner of an estate, merchant, the practicing physician, and anyone having a profession or a trade to live by. The *jizya* should be collected in accordance with their profession or commerce—forty-eight dirhams from the well-to-do and twenty-four from those with middle income. . . . Twelve dirhams are to be collected from such manual workers as tailors, dyers, shoemakers, and

³ The *zakāt* was the so-called alms tax incumbent upon all Muslims. See Joseph Schacht, "Zakāt," *EJ* 4: 1, 202–5; also Norman A. Stillman, "Charity and Social Service in Medieval Islam," *Societas* 5, no. 2 (Spring 1975): 106–7.

⁴ *Ar, wa l-jizya bi-manzilatī māl al-kharāj*.

cobblers, and those in similar occupations. When the tax has been collected by those in charge, it should be turned over to the Treasury.

As for collecting the *jizya* in the Sawād—you should instruct your agents who are in charge of collecting the *kharāj*⁵ to send on their authority men whose piety and fidelity can be depended upon. These men should go to each village and order its headman to gather all its Jews, Christians, Zoroastrians, Sabaeans, and Samaritans. When this is done, they should collect the *jizya* from them according to the categories outlined above. . . . Should the village headman say, "I shall make an agreement with you on their behalf and will give you a lump sum for them," the collectors are to ignore his request, because the loss of *jizya* revenues from this would be very considerable. Let us suppose the village chief made an agreement to pay five hundred dirhams. There may be enough of the *ahl al-dhimmā* to pay one thousand dirhams or more!

It is proper, O Commander of the Faithful—may Allah be your support—that you treat leniently those people who have a contract of protection from your Prophet and cousin, Muhammad—may Allah bless him and grant him peace. You should look after them, so that they are not oppressed, mistreated, or taxed beyond their means. None of their property may be confiscated, except as required by law. It has been related that the Apostle of Allah—may Allah bless him and grant him peace—said: "Whoever oppresses a protégé or taxes him beyond his means, will have me as that man's advocate."⁶

Abū Yūsuf, *Kiṭāb al-Kharāj*
(Cairo, 1382/1962–63), pp. 122–25.

⁵ *Kharāj* here is the land tax on conquered lands. See above, p. 25.

⁶ This is not a canonical ḥadīth. Notice that it is cited without any chain of transmission (*isnād*).