

Till They Pay Jizyeh with Willing Submission and Themselves Feel Subdued: A Study of Explication and Jurisprudence

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Abstract

The study aims to refute the claim that Islam oppresses and humiliates the dhimmis by forcefully imposing Jizyeh (tribute) on them after their countries have been conquered. The study comprises two topics: the first is concerned with Allah's saying in the Holy Quran: "Till they pay Jizyeh with willing submission and themselves feel subdued". The topic summarizes opinions of explicators starting from their head, Al-Tabari, up till now. It demonstrates that, "Al-Saghar" mentioned in verse number (129) of chapter (9) Al-Tawbeh (repentance), most likely doesn't mean oppression or revenge.

The second topic focuses on Islamic jurisdiction summarizing doctrines of jurists on the issue of tribute and the way dhimmis pay it.

The findings revealed a conformity between Judicial and explicatory interpretations which unveiled shariah truthfulness, dominance, and justice.

Keywords: Jizyeh (Tribute); willingly: subdued feeling

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1.0 Introduction

Some researchers take revenge of Islamic law because of the Jizyeh system (tribute system) by which the Islamic government levies money from the conquered non-Muslim countries willingly or unwillingly.

Such researchers consider collecting Jizyeh from non-Muslims as a way of forcing them to do what they don't like.

This study introduces the Jizyeh system through presenting the attitudes of the Holy Quran explicators and jurists who deduce laws by

comprehending Quranic and Sunnah texts. The study, thus, endeavors to elucidate the system to remove skepticism from one of Islamic regulations that none of world tax systems match in Justice.

The study comprises two topics:

The first: Explicators attitudes of interpreting verse (129), chapter (9) of the Holy Quran which reads: "Till they pay Jizyeh with willing submission and themselves feel subdued".

The second: a Jurisdical approach for the same verse.

1.1 Objectives of the study

These can be outlined in the following:

- 1- To divulge how the Quranic term has been precise in expressing what is required.
- 2- To refute critiques of the Quranic text in this respect.
- 3- To confirm absolute concordance between theory and practice in Islamic Jurisdiction.
- 4- To unveil the penal homogeneity between Quranic texts and the Sunnah (sayings and actions of the prophet).

1.2 Statement of the problem

Many interpretations were given by jurists and explicators to the Quranic verse: "Till they pay Jizyeh with willing submission and themselves feel subdued", for those interpretations highlighted the range of suffering and bad circumstances the dhimmis encountered in paying the Jizyeh. In fact, such a thing contradicts with shariah purposes of tolerance and lessons learnt from paying tribute in Islam. Such an issue prompted the researchers to conduct this study in an attempt to distinguish between chaff from chubby concerning that.

1.3 Questions of the study

- 1- How do we understand "Till they pay Jizyeh with willing submission" and "Themselves feel subdued"?
- 2- What do explicators and jurists say on the issue?

1.4 Study methodology

The study adopted the following:

- 1- Inductive approach by which it inductively traced relevant texts and sayings.
- 2- Analytical approach by which it analyzed texts and sayings.
- 3- Comparative approach by which it compared different schools, methods of thinking, in addition to the ways to be tackled.

1.5 Study plan

This included:

- Statement of the problem

- Study questions
- Study methodology

First topic: Interpretations of a variety of explicators

The researchers start with what the Sheikh (head) of explicators, Mohammed Al-Tabari. (310 A.H) said on paying Jizyeh as follows:

- 1- From Jizyeh payee to the one to whom it is paid.
- 2- To pay it standing while the receiver is sitting.
- 3- Payees to pay it unwilling.

Ibn Abee Hatim. (227 A.H) presented different views on the issue of willing submission:

First: Payees are able to pay.

Second: They pay it forcefully.

Third: They deliver it by hand not through others.

He also listed several viewpoints on "Saghiron" with willing submission in the following:

- 1- without being desired
- 2- As serviles
- 3- Move reluctantly
- 4- Hand it standing while the collector is sitting with a whip pointed at the head of the giver.

Al-Samaani: (an Islamic scholar), (489 A.H) pointed out that "An Yadin" (with willing submission implies):

- Oppression and humiliation
- Giving by hand

In other words, affirming benefaction of Muslims.

As for the meaning of "Wahum Saghiron" (Feeling subdued) the meanings as Al-Thaalabi. (1427 A.H) understood it are:

- They don't send it (Jizyeh).
- They move draggily with it.

As for (Saghiroon), the meanings implied could be:

- When handing it, the payee is slammed at the back of the neck.
- Giving it is the subdue.
- Received neither via message, nor through deputy.

Al-Zamakhshari. (538 A.H) elaborated on the meaning of “Yad” (hand) which implies willing submission to mean:

- A hand willing to give peacefully without objection.
- From one hand to another; giver and receiver.

As for (Saghiroon), Az-Zamakhshari didn't deviate from what other explicators said, but added:

- 1- The Jizyeh payee is asked to pay it while being seized from his collar moving draggingly.

Ibn Attiye (542 A.H) didn't confirm anything, but added some elaborations. (by hand) linguistically denotes:

- Benefaction and good deed
- Power
- Submission

With regard to the term (Saghireen), he didn't go any further than what the others said in this respect. The meaning of the term is limitless among which is the receiver takes it while sitting, the giver, the dhimmis, standing.

Abu Hayyan (745 A.H), author of “Al-Bahr Al-Muheet” (Ocean) adopted Al-Zamakhshari's attitude and added:

- (An Yad) from a group which implies that nobody is exempted being part of the group. “Yad” (hand) here means groups. It is said that the community is on one hand which means that they are united as if having one hand.
- (An Yad) also implies being able and rich, won't be taken from the poor.

As for the term (Saghiroon), Abu Hayyan marked it as a circumstantial case which denotes giving Jizyeh as serviles and tackies. He alluded that

all interpretations of the preceding explicators are not more than different ways of understanding what those said.

When the Almighty Allah said (Saghiroon), he did give a specific meaning.

Another scholar, Ibn Al-Qayyem, (75 A.H) followed another track that copes with tolerance of Islam and general principles of Sharia (legislation) in dealing with humans. He added that what was mentioned with regard to ways of taking Jizyeh and treatment of dhimmis had no evidence in the stated verse, nor was it narrated by the prophet (peace be upon him) or by his companions”.

With regard to (Saghiroon), Ibn Al-Qayyem interpreted it as: the dhimmis abide by Alla's rules, giving it is the submission.

Al-Naisaboori (850 A.H) despite agreeing with Al-Zamakhshari and others on the meaning of (an Yad) (with hand), he added some of the hows to the meaning of (Saghiroon). He said that the receiver of Al-Jizyeh orders the dhimmis to pull out the hand from his pocket, bow with a nodding head pouring out the money he had in the palm of the scale. But he commented that such an act though favored, yet not obligatory. He confirmed that this way of paying Jizyeh leads to absolute opposite results because it arouses grudge that eventually leads to hatred for the tolerant religion.

Al-Qasimy reiterated the same opinion that tolerance and mercy of Islam reject such a humiliating behavior.

In the interpretation of the verse (Wahum Sahgrisoona), Abdul Karim Al-Khatib (n.d). adopted a parallel technique of interpreting the verse. His attitude might be outlined as follows:

- The Jizyeh in Islam was not imposed to be a means of dictatorship or a whim for authoritarianism.
- Had the purpose been despotism, it would have been achieved by sword.
- Jizyeh is a remedy for a disease, a surgical operation to eradicate a detrimental disease; there is no harm in taking a bitter medicine for remedy.

Al-Khatib noted a significant thing in the verse “Till they pay Jizyeh with willing submission

and themselves feel subdued”, that it implies Muslims empowerment over their foe because of the might they possess. “Al-Yad” (hand) in this verse symbolizes their supremacy.

As for “Saghiroon”, the term is used to encourage Muslims to gain the power which saves them from humiliating situations the conquered suffer from. This is the way and ordinance of life.

Sayyed Qutub. (1385 A.H), another renowned Muslim scholar, approached Jizyeh legislation to be the final procedure to achieve several objectives:

- 1- The Jizyeh payee avows submissiveness by not resisting the call for the right religion.
- 2- Jizyeh helps the payee defend himself, money, and dignity.
- 3- Contributes to the house of Muslim money which secures livelihood and security.

Sayyed Qutub sees that such an issue is considered now historic, not real because Islamic ruling is non-existent today as influential as it was in the past.

Al-Shaarawi. (1418 A.H), another Muslim scholar, considered imposing Jizyeh a blessing and an opportunity; blessing because it helps avoid bloodbath, protect dhimmis dignity and money, and an opportunity for them to reconsider their belief. He elicited three determinants to give Jizyeh (an yad) by hand from their perspective:

- 1- Be loyal, not to break the covenant.
- 2- To be brought by the payee himself, not through a deputy.
- 3- The handicapped who is unable to pay will be exempted from Jizyeh payment. This is “Saghar” “Wahum Sahgiroon”, subdued.

The preceding interpretations provide a variety of explications for the two words in the verse “an yad” (by hand) and “Saghiroon” (subdued).

Weighing and rating previous interpretations

From the survey the researchers provided regarding attitudes of explicators, they might outline the explications into two tracks:

First track: The hard-line explicators who presented different methods to support their stances.

Second track: The moderate counterparts who provided their justifications.

The first track: “Till they pay Jizyeh with hand” (pay with willing submission). The word “Yad” (hand) was given different interpretations by explicators which the researchers outline as follows:

- 1- For some “Yad” implies ability and richness on the part of the giver. Both tracks agree on that.
- 2- For others “Yad” incorporates ability and benefaction on the part of the giver. Such an interpretation created a variety of methods for taking Jizyeh.
- 3- For a third group “Yad” (hand) was interpreted as the group which acts collectively or barter hand in hand without any delay or through any deputy.

Second: “Wahum Saghiroon” (They feel subdued).

This part of the verse was given two interpretations by explicators:

The first: servile and humiliated in different ways summarized as follows:

- 1- The payee has to give the Jizyeh hand in hand while standing and the receiver setting.
- 2- To hand the Jizyeh hand in hand, not through a deputy.
- 3- The payee be slammed on the back of his neck.
- 4- To hand it unwillingly or forcefully.
- 6- Payees should come in groups.

Commentary

- There are no evidences from the Quran or Sunnah that support any of these interpretations. This is what Ibn Al-Qayyim (751 A.H) came up to.

The above-listed methods humiliate and downgrade humans and that contradicts with Quranic texts as stated in the following verse: “We have honored the sons of Adam; provided them with transport on land and sea, given them for sustenance things good and pure, and given them special favors above a great part of our creation”. (Israa, chapter 17, 70)

- Islamic law is founded on tolerance and mercy. Where is mercy if the Jizyeh payee has to come walking, not riding. How about if he was sick or coming from faraway places? Why this obstinacy if the major objective of collecting Jizyeh is to serve public interests?

- Those methods contradict with Quranic texts which call for good treatment for non-fighters from people of the book as stated in verse (8) of chapter (60) which reads "Allah forbids you not with regard to those who fight you not for (your) faith, nor drive you out of your homes, from dealing kindly and justly with them: For Allah loveth those who are just".

Second track:

This track highlights the meaning of the two segments of the sentence: "an yad" (with hand) and "Wahum saghiroon" (feeling subdued). They both imply that the dhimmis willingly submit as they are given a chance to think about justice and tolerance of Islam opening up a wide gate for them to convert to Islam.

Words of the verse itself consolidate such a proposition as seen in the following: "an yad" (with hand) whether on the part of the giver who in this case is able or rich. The sick and the poor are not required to pay. How come then Islam persecutes or humiliates them!

- If "an yad" (with hand) implies benefaction, this means that Allah bestowed on dhimmis His benefaction from which they pay Jizyah in return for protecting them, their progenies and their fortune within just Islamic laws. How come then that it requires them to do so and so things, which are acts of humiliation!

As for the segment "Wahum Saghiroon" (feeling subdued), the waw (wa), an Arabic alphabet is here used as a circumstantial letter as seen in the verse: "wa laqad nasarakum Allah bi-Badr wa antum athelah" Verse (123), chapter (2). This means (Allah had helped you at Badr when you were helpless. Then fear Allah: Thus, may ye show your gratitude.

What is implied here is the circumstance in which dhimmis were, subdued by a foreign new system. It is natural that they won't easily accept

that, but the circumstances have changed, turning them into ruled over instead of being the rulers of their own country.

An elaboration on the verb "Saghara", the root of "Saghiroon" (subdued) and its meaning in Quranic and linguistic contexts

First: Linguistically the verb "Saghara" as presented in "Lisan Al-Arab" (Arabic Tongue) a book on Arabic philology, the word "Sighr" is antonym of "Kibr" (Littleness) antonym of "bigness"; "Saghar" means humiliation and "Sagher" one who accepts humiliation.

Ibn Manthoor (711 A.H) added that the "Sagher" is the one who accepts humiliation as exemplified in verse (124) of chapter (6) of the Quran: (So will the wicked be overtaken by humiliation before Allah, and a severe chastisement, for all their plots). This is a humiliation that contrasts with their pride which they had in this life before.

Al-Raghib, (245 A.H) confirmed that "Sagher" is the one who accepts lower position in this life as stated in verse (29) "Till they pay Jizyah with willing submission and themselves feel subdued". Thus, his status in life has changed by accepting the new status under a new regime in which he has no option but to abide by its regulations.

Second: "Saghara" in Quranic context

The word "Saghara" is mentioned in five situations in the Quran of which the researchers chose the following:

1- Allah says, in verse (13), chapter (7), addressing satan: "Get thee down from it, it is not for thee to be arrogant, for thou art of the meanest (Sagher) of creatures. This is a chastisement for satan who was arrogant, therefore humiliated.

Another example from the same chapter verse (19): "So they were vanquished, there and then and turned humble". (Sagher).

In this verse, the reference is to pharaoh and his group who were great, but turned into humiliated group.

Another example in verse (37) of chapter (34) about kingdom of Spā where Allah says “Go back to them, and be sure we shall come to them with such hosts as they will never be able to meet: we shall expel them from there in disgrace and they will feel humbled”. (Saghiroon). Serviled and humbled after they lost the life of luxury, they had in the kingdom of Spā. “Sahgiroon” captives and serviles.

To recapitulate, “Saghar” which means humiliated might be the outcome of several reasons outlined by Al-Raghib, (425 A.H) as follows:

- Change of social status and might
- Victory or defeat
- Switch from life of luxury and dignity to life of humiliation and acceptance of the new life.

Thus, both the linguistic and Quranic texts go side by side with the second track of interpreting the verse under discussion.

Second topic: A Jurisdical study of the relevant verse “Till they pay Jizyah with willing submission and themselves feel subdued”

Islam is the religion of mercy even in fighting the enemy as demonstrated in the orders given to the army in (12 A.H) by Abu Baker Al-Siddeeq (the first caliph), on its way to Al-Madina Al-Munawara, a holy city for Muslims, before conquering the Levant as referred to in the relevant human rights document discussed by Basyooni (2003).

Abu Baker instructed his army saying: “O men! Let me give ten pieces of advice which you have to abide by: Be honest, don’t be extremists, don’t betray others, don’t deform dead bodies, don’t kill any child, old people, or women. Don’t kill palm trees or burn them, don’t slaughter a sheep, cow, or camel except for food. You will pass by people isolating themselves in hermitages, leave them to what they devoted themselves to. You will meet people who will bring you a variety of dishes to eat, when you eat mention the name of Allah”.

In the preceding speech the first caliph, Abu Baker, identified duties and objectives for the army. Such a speech was based on the guidance of the prophet Mohammed (peace be upon him) that

injustice against anyone, irrespective of his religion, or doctrine, is a taboo.

As for what is known as the Cypriote letter that Imam Ibn Taymiyeh sent to Sargon, the Cypriote king at that time (1285-1324 A.H), the Imam said: “It has been known to all Christians that when I addressed the Tartars to release the captives, Ghazan did. I addressed my lord who gave permission to release Muslims. Imam added but we have Christian captives we brought with us from Jerusalem who shouldn’t be released. The lord gave orders to release all dhimmis and all other captives. The Imam in that was following the advice of prophet of mercy as stipulated on in the Quran to favorably feed the poor, the orphan, and the captive. This illustrates how Islam treats non-Muslims with justice and mercy.

The researchers in the following shed light on Jizyeh regarding: meaning, types, philosophy, payees, amount, rights of dhimmis who pay it, etc.

Jizyeh in Islamic Jurisdiction

The term Jizyeh was mentioned in one verse (29) in chapter (9) “Tawbeh” (repentance): “Fight those who believe not in Allah nor the Last Day, nor hold that forbidden which hath been forbidden by All and His Messenger, nor acknowledge the religion of Truth, from among people of the Book, until they pay the Jizyeh with willing submission and feel themselves subdued”.

It is the money the dhimmis accept to pay.

Jurisdictionally, it is the money levied from the non-believers every year in exchange for living in Muslims countries.

This money taken from non-Muslims is a substantial evidence on their submission to Islamic law and their acceptance to live under its umbrella in exchange for protecting them, their fortunes, and dignity. They are not forced to convert to Islam, nor were they prevented from practicing their religious rituals.

They are never prohibited from eating or drinking things their religion allows like drinking wine or eating pork. They are not also required to fight with Muslims.

Types of Jizyeh

They are two: coercive and conciliatory. The first is the one imposed on non-believers after their countries were conquered by force, while the second is that one which the other party (the conquered people) accept willingly for the sake of protection and to avoid bloodshed: other religions should be retained outside Arabian peninsula. Whoever converts to Islam from them doesn't have to pay Jizyeh.

Philosophy of Jizyeh Islam

Jizyeh is not a chastisement for dhimmis who are given sometime without paying it, hoping that through mingling with Muslims observing their good behavior and treatment, they might convert and thus don't have to pay Jizyeh. If any of them paid Jizyeh for two years in advance, but converted the second year, he will be refunded for that year. This is the essence of Jizyeh which some debunked presenting it distorted and deformed. In fact, it is the counterpart of Zakat (tithe) the Muslim has to pay.

Who pays Jizyeh

Jurists agreed that certain conditions should be available to make Jizyeh eligible. These are: adulthood, freedom, masculinity. No Jizyeh is levied from women, boys, or idiots. Jurists also agree that the following are also exempted from paying Jizyeh. These are: people with chronic diseases, the blind, the crippled and the old. In addition, the poor person who doesn't work is also exempted and priests who live in seclusion as well.

The amount of Jizyeh

Each of the four main schools of Islam: Maliki, Shafii, Hanbali, and Hanafi set a certain amount the summary of which are: the poor pays one dinar each year, the medium rich pays two dinars, and the rich pays four. In Dirhams, the amount is: 12, 24, and 48 respectively.

Rights of the dhimmis who pay Jizyeh

These rights are outlined as follows:

1- To acknowledge staying on Muslim lands except for the Meccan sanctuary.

2- To protect them and to cease warring them due to the commitment by Muslims. According to the Hadith (sayings of the prophet: "Ask them for Jizyeh. If they obey, then give them safe haven").

3- Don't object to their churches, wine, or pigs unless they openly expose them. If they don't and a Muslim damages them, they will be compensated.

Jurists explication of the verse: "Till they pay Jizyeh with willing submission and themselves feel subdued".

There were strange interpretations by certain explicators and historians for verse (29) of chapter (9) which reads: "Fight those who believe not in Allah nor the Last Day, nor hold that forbidden which hath been forbidden by Allah and His Apostle, nor acknowledge the religion of truth (even if they are) of the people of the book, until they pay the Jizyeh with willing submission, and feel themselves subdued." The odd interpretation for this verse provides orientalist and enemies of Islam an opportunity to claim that Islam persecutes non-Muslims whose lands were opened peacefully or by force. The researchers, impartially, will present some explications of how tolerant Islam is with non-Muslims known as, dhimmis or blasphemous (non-believers). It is worth mentioning that the word blasphemous is not even an abuse, but a description of the status of non-believers who don't believe in Islam, but deny it as well. The Muslim who doesn't believe in Christianity or Judaism from the perspective of dhimmis, is blasphemous.

In his book. The Mother, Imam Shafii confirms that the legal acceptable meaning he heard from scholars regarding the sentence "Wahum Saghiron" means that they are subjected to laws of Islam.

If the Imam besieges a country without taking its people captives for any reason and they offer to pay Jizyeh on condition that they should be subjected to Islamic laws, then he has to accept it, but if they offer paying it without being subjected to Islamic laws, he doesn't have to accept that. In such a case, he had to fight them till they become Muslims or pay Jizyeh and themselves subdued in the sense of accepting Islamic laws.

Ibn Al-Qayyim referred to certain interpretations of the word "Saghiron" such as:

paying Jizyeh while stranding and who takes it sitting; the payee has to come walking, not riding, etc. He pointed out that none of them has an evidence to support that interpretation, neither in the Quran, nor in the sunnah (actions and sayings of the prophet). In fact, neither the prophet nor anyone of his companions did that. "Saghar" simply means abiding by laws of Islam. If the dhimmi does that then that is the "Saghar".

In the "Sultan Rules" for Mawardi, he says that the word "Saghiroon" has two interpretations: subdued, the first meaning; abide by Islamic rules, the second. The ruler has to take Jizyeh from them so as to live in peace and protection of Islamic state. Once they pay it, such things change into rights for them. Jizyeh, as mentioned previously, is levied only from free sensible men, but women, children, slaves, boys, or idiots because they are followers and off springs are exempted.

There are historical events that stand as positive evidences of how Muslims dealt with the conquered countries. Abu Yusuf, Yaqoub Ibn Ibrahim (1979) narrated that Muslim conquerors did not destroy churches of hermitages of the conquered countries in compliance with terms of reconciliation to pay Jizyeh in exchange for handing their places of worship and for avoiding bloodshed. Conquering the Levant is an example on that. When dhimmis saw Muslims fulfilling their promises, they became stout supporters for Muslims. Every city that reconciled with Muslims sent its men to spy at the Romans. Those brought news back that the Romans had amassed an unparalleled army. Rulers of cities wrote to Abu Obeida who gave orders to pay back the Jizyeh for everyone who paid it. He told them that they were given back their money in compliance with the terms of reconciliation according to which if Muslims weren't able to protect them, then they had to pay back the Jizyeh. The dhimmis wished Muslims to win hoping that they would return victorious.

From what preceded, one can conclude that Jizyeh was not a revenge from Muslims against others, neither it was a method of degrading humanity of non-Muslims. It was an economic method of state sovereignty that could help the state to shoulder its responsibilities. The Zakat (tithe) was imposed on Muslims and whoever declined was chastised. Because Zakat was a kind of worship (one

of the pillars of Islam), it could never be imposed on non-Muslims who paid Jizyeh instead as elaborated upon in the current study. Land tax and Zakat are levied from Muslims and Jizyeh from non-Muslim could help the Islamic state give every citizen his rights. At the present time Zakat and Jizyeh are substituted by taxes. If one compares Zakat and Jizyeh on one hand with taxes on the other, he will find that the former was less costly than the latter.

Conclusion and Recommendations

Conclusion

After a detailed and extensive discussion of the focal point of the study, the researchers came up to the following:

- 1- There are a lot of contradictory attitudes that books of jurisdiction and explications contain with regard to the meaning of the word (Saghir). The authors see that the positive meaning outweighs the negative one. Thus, the meaning is that the Jizyeh payee abides by rules and regulations of the Islamic state which protects him justly without any kind of persecution.
- 2- There was a consensus among jurists that only dhimmis who have to pay Jizyeh are those who work and can afford it, but those who don't are exempted.
- 3- Jizyeh is one of the major sources of income for the Islamic state from non-Muslims, besides Zakat (tithe) that is levied from Muslims.

Recommendations

The researchers would like to recommend the following:

- 1- To have more academic contacts with scholars of the orient and their counterparts in the occident to solve out many of the differences between the two cultures.
- 2- The researchers call for reconsidering views of old orientalists in order to rebuild their stances on modern scientific bases, benefiting from contemporary scientific and cultural openness and the efforts exerted by old just occidental researchers.

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