

Right n. 50: The Right of Those Under the Protection of Islam

حق أهل الذمة

وَأَمَّا حَقُّ أَهْلِ الذِّمَّةِ فَالْحُكْمُ فِيهِمْ أَنْ تَقْبَلَ مِنْهُمْ مَا قَبِلَ اللَّهُ، وَتَفِي بِمَا جَعَلَ اللَّهُ لَهُمْ مِنْ ذِمَّتِهِ وَعَهْدِهِ وَتَكْلُهُمْ إِلَيْهِ فِيمَا طَلَبُوا مِنْ أَنْفُسِهِمْ وَأُجْبِرُوا عَلَيْهِ وَتَحْكَمْ فِيهِمْ بِمَا حَكَّمَ اللَّهُ بِهِ عَلَى نَفْسِكَ فِيمَا جَرَى بَيْنَكَ [وَبَيْنَهُمْ] مِنْ مُعَامَلَةٍ وَلْيَكُنْ بَيْنَكَ وَبَيْنَ ظُلْمِهِمْ مِنْ رِعَايَةِ ذِمَّةِ اللَّهِ وَالْوَفَاءِ بِعَهْدِهِ وَعَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ - حَائِلٌ فَإِنَّهُ بَلَّغَنَا أَنَّهُ قَالَ «مَنْ ظَلَمَ مُعَاهِدًا كُنْتُ خَصْمَهُ» فَاتَّقِ اللَّهَ. وَلَا حَوْلَ وَلَا قُوَّةَ إِلَّا بِاللَّهِ.

And the right of those under the protection of Islam is that you should accept from them what God has accepted from them, and fulfill what God has established for them under His protection and covenant, and entrust them to Him in what they are required to carry out, and are obliged to do.

And you should judge among them with the judgments of God that He commanded for you regarding the conditions of dealing with them, and do not wrong them as long as they honor God's covenant and fulfill their pledge. And the pledge of the Prophet, may God's peace be upon him and his household, is a barrier¹ since it is reported that he said: "I am the adversary of whoever oppresses one who has a treaty." Therefore, fear God. And there is no power but in God.

The Arabic word 'Dhimma' means a pledge or a covenant. It has appeared in the following verses, for example:

كَيْفَ وَإِنْ يَظْهَرُوا عَلَيْكُمْ لَا يَرْقُبُوا فِيكُمْ إِلَّا وَلَا ذِمَّةً يُرْضُونَكُمْ بِأَفْوَاهِهِمْ وَتَأْبَىٰ قُلُوبُهُمْ وَأَكْثَرُهُمْ فَاسِقُونَ

“How (can there be such a league), seeing that if they get an advantage over you, they respect not in you the ties either of kinship or of covenant? With (fair words from) their mouth they entice you, but their hearts are averse from you; and most of them are rebellious and wicked.”
[The Holy Qur’an, al-Tawbah 9:8]

لَا يَرْقُبُونَ فِي مُؤْمِنٍ إِلَّا وَلَا ذِمَّةً وَأُولَئِكَ هُمُ الْمُعْتَدُونَ

“In a believer they respect not the ties either of kinship or of covenant! It is they who have transgressed all bounds. [The Holy Qur’an, al-Tawbah 9: 10]

“Those under the protection of Islam” refers to the Jews and the Christians who live under the rule of an Islamic government and have a covenant with the Muslims. There are two references to this in the Holy Qur’an.² We read in *Nahjul Balaghah* the following regarding the various social classes: “And there are people amongst them who pay taxes and tribute.”³

The people of the Book are the non-Muslims who adhere to one of the Divine Books that are mentioned in the Qur’an. These people are considered to be under the protection of Islam. They must pay taxes to the state in order to benefit from the support of the government while living in an Islamic country. Then the Islamic government protects their lives and their property using this revenue.

According to Islamic jurisprudence, the people of the Book who live under the protection of Islam can rely on their own religious jurists regarding their divine affairs, and can go to Muslim judges regarding their personal or economic affairs. The Muslim judge will judge between them according to Islamic principles. In such cases, the people of the Book under the protection of Islam can rely on their own religious authorities, too.⁴

Our Duties towards the People of the Book

It was stated that Jews and Christians who live in an Islamic country are under the protection of Islam. Now let us see that based on the Qur’an, what duties we have towards the people of the Book. Consider the following verse in this regard:

قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ
وَلَا يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ حَتَّى يُعْطُوا الْجِزْيَةَ عَنْ يَدٍ وَهُمْ
صَاغِرُونَ

Fight those who believe not in God nor the Last Day, nor hold that forbidden which has been forbidden by God and His Apostle, nor acknowledge the Religion of Truth, (even if they are) of the people of the Book, until they pay the Jizya⁵ with willing submission, and feel themselves subdued. [The Holy Qur'an, al-Tawbah 9:29]

We see that Islam has established an in-between law for them – something between that for Muslims and Infidels. This is because the people of the Book who follow the principles of a divine Holy Book are somewhat similar to Muslims, but in some respects, they are close to the infidels.

It is for this reason that we are not permitted to kill them. However, we are only allowed to accommodate them in the Muslim society if they agree to peacefully live with Muslims, respect the Muslims, and do not rebel against the Muslims.

Poll-tax

Poll-tax is a form of tax that is taken from non-Muslims who live under the protection of Islam. They pay this tax so that the Islamic government can protect their lives and their property.⁶ Some people believe that the origin of the Arabic word used for poll-tax is derived from ancient Persia.

At that time, a certain type of tax was levied to strengthen the army. Others believe it to be a purely Arabic word that refers to tax taken to provide security for religious minorities.⁷ In chapter seven we referred to the text of the covenant between Khalid ibn Walid and Salvaba, the elder of the Christians regarding the imposition of tax in return for being under the protection of Islam.

Pre-Islamic Poll-Tax

Some believe that the first instance of poll-tax is related to the Sasanian king Anushiravan. It is certainly known that Anushiravan was the first ruler to levy taxes on the nation. He charged taxes to all non-governmental workers between the age of twenty and fifty. He charged 4, 6, 8 or 12 Dirhams per person. It is known that the philosophy behind this tax was to collect money in order to defend the country and its independence. To accomplish these objectives some personally participate in the defense activities, while others support them through paying annual taxes.

The age of tax payers being between twenty and fifty years implies that it was levied only on those who could carry weapons and participate in the defense activities, but did not do so because of their

engagement in a job. Muslims do not have to pay such taxes because all Muslims are required to participate in a holy war when needed, but non-Muslims are not obliged to participate in a holy war; but they must pay taxes. The other reason supporting this idea is the exemption of the children, women, old men and the blind men from religious minorities. Therefore we realize that this form of tax is a form of financial assistance provided by the people of the Book in return for the protection that the Muslims offer them to safeguard their lives and property.⁸

Therefore, those who consider this form of tax as payment to a conqueror have not paid attention to the real meaning behind it. They should realize that the people of the Book receive full protection under an Islamic government by paying this tax. In addition, they become totally exempt from having to participate in defense activities or engaging in holy wars. In the verses cited above we read: "... until they pay the Jizya with willing submission and feel themselves subdued." This implies that the payment of this tax is a sign of their submission to Islam and the Holy Qur'an. In other words, it implies their readiness to peacefully live as a religious minority among the ruling majority.⁹

The Jurisprudence Ruling on Poll-Tax

The first questions on the jurisprudence ruling on poll-tax is on who should pay this tax. Then it deals with how much they should be charged and the conditions for that. In *Shara'i al-Islam* by Muhaqqiq we read: "Take it from those who confess to their religion being the Jews, the Christians and those who are thought to follow the Holy Book being the Magians."¹⁰ The Commander of the Faithful said: "The Magians are attached to the Jews and the Christians, and are treated the same regarding the poll-tax and the blood compensation issues since they have had a Divine Book in the past."¹¹

There are traditions which state that the Prophet of the Magians was named "Damast" and their book was called 'Jamast' which was recorded on twelve thousand cow skins. These were all burnt.

The poll-tax cannot be taken from those other than the people of the Book. The Qur'an says the following regarding the Pagans:

فَاَقْتُلُوا الْمُشْرِكِينَ حَيْثُ وَجَدْتُمُوهُمْ

"Then fight and slay the Pagans wherever ye find them." [The Holy Qur'an, al-Tawbah 9:5]

The case of the idol-worshippers is also clear. Therefore, the poll-tax can only be taken from these three groups of religious people if they adhere to the conditions of the covenant. There is no distinction between the Persians or the Arabs in this regard. No taxes can be charged to children or the mentally ill.

The Amount of Poll-Tax

What is known from the companions¹² is that there is no fixed amount for this tax. The amount is based on the opinion of the leader, and the financial ability of the tax-payers to pay it. What we understand from Islamic history is that it is set to be a very small amount, sometimes about one Dirham, or what the tax-payer can pay.

The Conditions of the Poll-Tax

There are six conditions for the poll-tax as follows:

- 1 – They should accept the payment of this tax.
- 2 – They should not do anything that violates the conditions of submission and security such as deciding to engage in war with the Muslims.
- 3 – They should not hurt the Muslims, financially harm them, or sexually harass the Muslims. If any of them vilifies the Prophet , he would be killed.
- 4 – They should not publicly engage in the Islamically forbidden acts such as drinking wine, eating pork, or marrying those who are forbidden to marry. The covenant is violated if any such deeds are done.
- 5 – They should not build any synagogues in Muslim lands, ring the synagogue bell, or build their houses to be taller than the houses of the Muslims.
- 6 – They should be subject to the decrees of Islam.

The jurists have expressed these six conditions for the poll-tax. These have been discussed in detail in books on Islamic jurisprudence. We only made a few remarks to clarify the rights of the people under the protection of Islam as expressed by Imam Sajjad . Now let us see the moral and humane aspects of the rights of the people under the protection of Islam.

The Responsibilities of the Muslims

In a sermon to the people of the Kufa, Imam Ali said:

وَلَقَدْ بَلَّغَنِي أَنَّ الرَّجُلَ مِنْهُمْ كَانَ يَدْخُلُ عَلَى الْمَرْأَةِ الْمُسْلِمَةِ وَالْأُخْرَى الْمُعَاهِدَةَ
فَيَنْتَزِعُ حِجْلَهَا وَقَلْبَهَا وَقَلَائِدَهَا وَرُعَائَهَا مَا تَمْتَنِعُ مِنْهُ إِلَّا بِالْأَسْتِرْجَاعِ وَالْأَسْتِرْحَامِ
ثُمَّ أَنْصَرَفُوا وَافْرَيْنَ مَا نَالَ رَجُلًا مِنْهُمْ كَلِمٌ وَلَا أَرِيقَ لَهُمْ دَمٌ، فَلَوْ أَنَّ امْرَأَةً مُسْلِمَةً
مَاتَ مِنْ بَعْدِ هَذَا أَسْفًا مَا كَانَ بِهِ مَلُومًا بَلْ كَانَ بِهِ عِنْدِي جَدِيرًا.

“I have been informed that their men (soldiers from the army of Mu`awiyah) would enter the house of the Muslim woman, and the woman under the protection of Islam, snatching their anklets, bracelets, necklaces and earrings. She could not put up any resistance to them but to recite the verse of: ‘We are from God and to Him shall we return’ (2: 156), and to ask them for mercy. Then they would leave laden with wealth, with not a man among them suffering a cut or their blood being shed. If a Muslim would die in grief after this, he would not be blameworthy; in fact, in my opinion, it would be worthy of him.”¹³

When we see how much the leader of the Muslims gets upset when a person under the protection of Islam is oppressed, then we realize how important it is to respect these rights. When Imam Ali saw an old Christian man who was begging, he asked who he was. When they told him that he was a Christian, he said: “You used him when he was young, but have abandoned him in these conditions now that he is old and unable to work?”¹⁴ Then Imam Ali issued an order for the state to support him financially.

Respecting the Covenant

One of the main moral issues regarding the people under the protection of Islam is respecting their covenant as expressed by Imam Sajjad . God has said the following in the Holy Qur’an:

وَأَوْفُوا بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا

“And fulfill (every) engagement, for (every) engagement will be enquired into (On the Day of Reckoning).” [The Holy Qur’an, Bani Israil 17:34]

He has also said:

وَالَّذِينَ هُمْ لِأَمَانَاتِهِمْ وَعَهْدِهِمْ رَاعُونَ

“Those who faithfully observe their trusts and their covenants.” [The Holy Qur’an, al-Mu’minun 23:8]

Respecting the covenant is stressed in these two verses of the Holy Qur’an. This is considered one of the salient characteristics of believers. One will be held responsible for this and questioned about it in the Hereafter. We can also recognize the importance of this issue from traditions from the Noble Prophet and the Immaculate Imams .

Ali ibn Ibrahim narrated that he heard Imam Sadiq say:

عِدَّةُ الْمُؤْمِنِ أَخَاهُ نَذْرٌ لَا كَفَّارَةَ لَهُ.

*“The believer’s promise to his brother is a vow that has no expiation.”*¹⁵

One must honor a promise just as one honors a vow. The Noble Prophet said:

مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلْيُفِ بِوَعْدِهِ.

*“Whoever believes in God and the Resurrection Day should honor his promise.”*¹⁶

He also said:

أَقْرَبُكُمْ مِنِّي غَدًا فِي الْمَوْقِفِ أَصْدَقُكُمْ فِي الْحَدِيثِ وَأَدَاكُمْ لِلْأَمَانَةِ وَأَوْفَاكُمْ بِالْعَهْدِ
وَأَحْسَنُكُمْ خُلُقًا وَأَقْرَبُكُمْ مِنَ النَّاسِ.

*“The nearest of you to me tomorrow, at the station (in the Hereafter), will be the most truthful of you in speech, the best of you in delivering the deposits entrusted to you, the most faithful of you in promise, the best of you in nature, and the nearest of you to people.”*¹⁷

Be it a Muslim or a Pagan

The Prophet of God said:

ثَلَاثٌ لَمْ يَجْعَلِ اللَّهُ تَعَالَى فِيهِنَّ رُحْصَةً: أَدَاءُ الْأَمَانَةِ إِلَى الْبَرِّ وَالْفَاجِرِ، وَالْوَفَاءُ
بِالْعَهْدِ لِلْبَرِّ وَالْفَاجِرِ، وَبِرُّ الْوَالِدَيْنِ بَرِّينَ كَانَا أَوْ فَاجِرَيْنِ.

“There are three things in which God, the Exalted, has not given any concession:

- 1 – Delivering the deposit entrusted to you, whether to the virtuous or the evildoer.*
- 2 – Fulfilling the promise, whether to the virtuous or the evildoer.*
- 3 – Goodness to parents, whether they are virtuous or evildoers.”*¹⁸

What is understood from the verses and the traditions is the meaning of Imam Sajjad’s recommendations regarding the rights of the people under the protection of Islam. Therefore, anyone who honors these rights has indeed honored the rights of God and His Prophet . Anyone who does not

honor these rights has oppressed the people who have a covenant with him. The Prophet has said that he will be the adversary of such people in the Hereafter. The Holy Qur'an instructs us not to mistreat those opponents of Islam who do not mistreat us. Consider the following verse of the Holy Qur'an:

لَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِّنْ دِيَارِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

إِنَّمَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ قَاتَلُوكُمْ فِي الدِّينِ وَأَخْرَجُوكُمْ مِّنْ دِيَارِكُمْ وَظَاهَرُوا عَلَىٰ إِخْرَاجِكُمْ أَن تَوَلَّوهُمْ وَمَن يَتَوَلَّهُمْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

“God 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 God loveth those who are just. God only forbids you with regard to those who fight you for (your) Faith, and drive you out of your homes, and support (others) in driving you out, from turning to them (for friendship and protection). It is such a turn to them (in these circumstances), that do wrong.” [The Holy Qur’an, al-Mumtahana 60:8-9]

The Holy Qur'an invites the people of the Book to be in harmony with the Muslims on ideological issues, and admonishes them against disunion as we can read in the following verse:

قُلْ يَا أَهْلَ الْكِتَابِ تَعَالَوْا إِلَىٰ كَلِمَةٍ سَوَاءٍ بَيْنَنَا وَبَيْنَكُمْ أَلَّا نَعْبُدَ إِلَّا اللَّهَ وَلَا نُشْرِكَ بِهِ شَيْئًا وَلَا يَتَّخِذَ بَعْضُنَا بَعْضًا أَرْبَابًا مِّنْ دُونِ اللَّهِ فَإِن تَوَلَّوْا فَقُولُوا اشْهَدُوا بِأَنَّا مُسْلِمُونَ

Say: “O’ People of the Book! Come to common terms as between us and you that we worship none but God; that we associate no partners with Him; that we erect not, from among ourselves, Lords and patrons other than God.” If then they turn back, say ye: “Bear witness that we (at least) are Muslims (bowing to God’s Will).” [The Holy Qur’an, Al-i-Imran 3:64]

1. Protecting them.

2. Qamus al-Qur’an, v.3, p.24.

3. Nahjul Balaghah, letter no.53.

4. International Private Rights, p. 108.
5. Tribute, a poll-tax levied on those who did not accept Islam, but were willing to live under the protection of Islam, and were thus tacitly willing to submit to its ideals being enforced in the Muslim state.
6. Mufradat, Raghīb, Article on Poll-tax.
7. Tafsir-i-Namunah, v.7, p.356.
8. Tafsir-i-Namunah, v.7, p.356.
9. Ibid. p.355.
10. Shara'i al-Islam, Muhaqqiq, Book on Jihad, Chapter on Poll-tax.
11. Jawahir al-Kalim, v.21, p.229.
12. Of the Prophet .
13. Nahjul Balaghah, sermon no.27.
14. Wasa'il al-Shi'ah, v. 11, p.49.
15. Usul al-Kafi, v.2, p.364.
16. Ibid.
17. Tarikh Ya'qubi, v.2, p.392.
18. Ibid.

Source URL:

<https://www.al-islam.org/divine-perspective-on-rights-a-commentary-of-imam-sajjads-treatise-of-rights/right-n-50-right-those>