

Jizyah: A Misunderstood Levy

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Abstract. In the context of certain developments in some areas of Pakistan and Afghanistan, the levy of *jizyah* is making news, mainly for the wrong reasons⁽¹⁾. In the popular English press in India and elsewhere, there is a strong protest against this move. There was a huge condemnation without understanding the essence of *jizyah*. In this brief note, an attempt is made to put *jizyah* in its right perspective.

Resource Mobilisation

The faith of Islam ensures sufficient resource mobilization to finance the welfare-oriented role of the government. The levies collected by the early Islamic state were⁽²⁾: *zakah* [on items of gold, silver, articles of trade, agricultural produce, and livestock], *ushur*, land tax, levy on mines, *jizyah*, etc. The Islamic *shariah* is also not averse to the introduction of new taxes in order to meet revenue requirements of changing time and space, provided they are imposed and collected by the Islamic state in a "just manner".

Of the levies mentioned above, *zakah* is a religious levy and it is one of the five fundamental articles of belief. The revenue raised through *zakah* cannot be spent on the heads not mentioned in the Qur'an which

(1) In popular English press these developments are known as *talibnization*

(2) The period of 622-661 C.E. is considered as the era of early Islamic state. It is commonly looked upon by Muslims as having set the standards worth emulating, both in public and private affairs. The period is also known as the period of pristine purity. The era according to general reckoning represents also the true spirit of Islamic democracy where the state played an instrumental role in creating an ideal society as conceived in the Qur'an and Sunnah.

are eight in number⁽³⁾. Neither, its rates nor the *nisab*⁽⁴⁾ level can be changed. Therefore, the early Islamic state financed its administrative and other such expenditures out of revenue from secular levies of which land tax [*kharaj*] was most significant.

Unlike other Islamic imposts, *jizyah* is a most misunderstood levy. In fact, many historians, due to their biased and prejudiced approach, have interpreted incorrectly the essence of *jizyah*⁽⁵⁾. Some argue that *jizyah* levied on non-Muslims is a rental and others maintain that it is a form of punishment for their disbelief. These interpretations have caused much mistrust and widened the gulf of misunderstanding amongst communities. Citing the *jizyah* levy, detractors say that non-Muslims are discriminated against, but omit to say that Muslims are also required to pay several levies, especially *zakah*.

Meaning of *Jizyah*

The word *jizyah* is derived from the word *jaza* which means compensation. This is to mean a payment made for living in an organized society, *a la* tax, which is expected to provide protection to its members and control disturbances affecting their day-to-day economic activities. The Muslim subjects of an Islamic state contribute to the national exchequer by paying *zakah* and other imposts, the non-Muslims too are required to contribute their share. Since *zakah* is a form of *ibbadah* (worship) and an integral part of the Islamic faith, its scope cannot be extended to cover non-Muslims. *Zakah* is purely a non-secular impost and it is to be paid by the eligible Muslims only. This, according to Aghnides, is the most remarkable feature. He writes: "The outstanding

(3) These are: the poor, needy, collectors of *zakah*, reconciliation of hearts [of persons sympathetic to the faith of Islam and neo-converts], freeing of slaves, indebted persons, in the cause of God and wayfarers.

(4) *Nisab* means a certain minimum of wealth or other productive and unencumbered assets under the possession of an adult Muslim for one full year. Those who do not own *nisab* are not required to pay *zakah*. On the contrary, they are entitled to receive assistance from the government.

(5) For a balanced explanation one may refer to **Nicolas Aghnides'** *Muhammedan Theories of Finance*, Idarah-I Adabiyat-e Delli, Delhi, Reprint, (2002). This work was done especially on the encouragement from Professor E.R.A Seligman, one of the authorities on public finance. In the Preface of his book, Aghnides writes: "The author wants to take this opportunity to express his thanks to Professor **E.R.A Seligman** for whose encouragement this work might never have seen the light". Aghnides has sought to treat with absolute impartiality all of the topics that he has considered.

feature of Mohammedan financial theory is, if one may put it so, its dual nature due the distinction between religious and secular revenue..."⁽⁶⁾.

The whole problem of imposition of *jizyah* must be understood in its historical perspective⁽⁷⁾. In the primitive socio-economic set-up, imposition of *jizyah* was possibly the best choice, because it was consistent with the principle of natural justice. Every subject of the state must be provided with security of life and property, and he/she in turn should bear the cost of protection, not necessarily in proportion to it. Asking Muslims to pay *zakah* and other levies and excluding non-Muslims was perhaps against this natural justice.

The Concept of *Ahl Al-Dhimmah*

While inviting people to the faith of Islam the Prophet (570-632 C.E.) adopted a very personal approach. First, he spoke to his family members, close confidants, relatives and friends and then to others. Sometimes he spoke to one 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. As expected, many rulers and tribal chieftains not only refused the appeal of the Prophet but they also imposed wars on the Prophet, threatening the very existence of the faith and newly established Islamic city-state at Madinah⁽⁸⁾. The Prophet did not intend to set himself as a ruler, nor did his predecessors aspire. His mission was to preach the message of Qur'an and to bring people to the right path. "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"⁽⁹⁾.

As is well-known, from day one of the declaration of the Prophethood, the Prophet had to face a very hostile and violent reaction.

(6) **Aghnides Nicolas P.**, *op.cit.* 527.

(7) **Mannan, M.A.**, *Islamic Economics: Theory and Practice*, Idarah-i-Adbiyat-i-Delli, 1980, pp: 275-276.

(8) The early Islamic state came into existence immediately after the migration of the Prophet from Makkah to Madinah (622 CE).

(9) **Zakaria, Rafiq.**, *Struggle Within Islam*, Viking Books, 1988, p. 20.

Consequently, the Prophet too fought several wars in self-defence. In almost all cases, the Prophet overpowered his opponents. Consequent of this, several treaties were concluded. The peoples 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 *jizyah* 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”⁽¹⁰⁾. “Beware that any one 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”⁽¹¹⁾.

Once an agreement was signed between Muslims and non-Muslims then in the true Islamic spirit there was “no increase in agreed taxes, no appropriation of their lands or buildings nor will they be subjected to harsh penal laws, nor will there be an interference in the religious matters and nor any attack on their honour and dignity. In fact, the doctors of Islam have agreed upon the principle that such people will be dealt with strictly in accordance with the terms of the treaty. Only that will be taken from them which is agreed upon in the treaty and (treaty) will be strictly observed without any subsequent addition...”⁽¹²⁾.

Mention could be made here of a few well-known treaties. During the caliphate of Abu Bakr [632-634 C.E.], Khalid bin Walid made an agreement with the Christian members of Himyar. An article of agreement was: “I have declared it as rightful to suspend collection of *jizyah* from a person who because of his old age is unable to work; who is afflicted by a disease or a calamity; a person who was previously very rich and now is so poor that his coreligionists are giving him alms. Security to him and his family will be arranged from *bayt al-mal* so long

(10) **Abu Dawood**, *Kitab al Jihad*, quoted by **Siddiqi S.A.** *Public Finance in Islam*, Adam Publishers and Distributors, Delhi, 1982. P.92.

(11) *ibid.*

(12) **Siddiqi S.A.**, *Public Finance in Islam*, Adam Publishers and Distributors, New Delhi, 1982, p. 92.

he is in the vicinity of *dar al-Islam* and *dar al-hijrah*”(13). Another treaty was made between Khalid bin Walid and the inhabitants of Qyss al-Natif. It was clearly mentioned in the treaty: “You and your people shall enjoy protection, in return of which you shall pay us *jizyah* but if we fail to provide protection we shall not be entitled to receive *jizyah* from you until we meet our contractual obligations”(14).

It happened during the period of Umar the Second Caliph, (634-644 C.E.), that one of his most trusted and prominent generals by name Abu Obaydah had ordered his treasury officer, to refund *jizyah* collected from Syrian Christians as the Muslim army was not confident of defending them against the Roman attack. Umar had instructed the officer in-charge of *bayt al-mal* to find out poor and needy *dhimmis* and fulfil their basic requirements. Abu Yusuf writes: “Once Umar passed in front of a house. He saw a blind old man begging. Umar hammered from sides and asked: ‘Which religion you follow?’ ‘In which revealed books you believe?’ The old beggar replied that he was a Jew. Umar further asked: ‘What has made you to beg?’ He replied: ‘I am begging because of old age, destitution and to clear *jizyah*’. The narrator reports that Umar got hold of his hand and took him to his home. He gave some articles to the blind Jew. He then called the treasurer and ordered: “Take care of this (blind old) person and others like him. I swear by Allah that it is not just that we should collect (*jizyah* from them) while they are young and leave them to fend for themselves in their old age”(15).

During the reign of the fourth Caliph Ali (656-661 C.E.), a civil war broke out among the Muslims who had by that time occupied vast territories of the Byzantine Empire, thus providing an ideal opportunity to the Romans to get them back. 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

(13) **Abu Yusuf**, *Kitab al-Kharaj*, Matbah al-Salfiyah, Cairo, 1346 A.H. p.172. For further discussion one may refer to **M.N.Siddiqi's** *Islamic Public Economics*, Idarah Adbiyat-I Dilli, Delhi, 2001, pp: 84-85.

(14) **Oran, Ahmed** and **Salim Rashid.**, “Fiscal Policy in Early Islam”, in: **Sayed Afzal Peerzade's** (ed.) *Readings in Islamic Fiscal Policy*, Adam Publishers and Distributors, 1996, p. 88.

(15) **Abu Yusuf**, *Kitab al Kharaj*, *op.cit*, pp:150-151.

are preferable to you"⁽¹⁶⁾. The underlying message was that they felt secured and well protected under the Islamic rule. They knew that Ali had declared: "Whosoever is our protectorate (*dhimmi*), his blood is as sacred as our own and his property is as inviolable as our property"⁽¹⁷⁾.

It appears from the above that the payment of *jizyah* was conditioned to the provision of security. The return of *jizyah* by the Muslims at the time of war when actually funds were needed most was an unprecedented act. Till today, and also in the years to come, it will remain unparalleled. 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.

Jizyah and other taxes were not paid in money only, for example, during the period of the Prophet the community of non-Muslims living at Najran provided 2000 dresses, coats of mail, horses, camels and arms and arranged for 30 days' provisioning of Muslims. Communities living at Maqna provided commodities, horses and coats of mail. In total, during the times of the Prophet, 1,65,010 *dirhams* were collected in *jizyah*⁽¹⁸⁾. Other forms of commitments were also included, *e.g.*, a part of the tax to be paid in services such as road repairs and construction of bridges and canals, *etc.*

***Jizyah* Exemptions**

The humane nature of *jizyah* is still more clear when the following exemptions are noted:

1. Non-Muslim women, children, old, blind and other disabled persons including young ones.
2. Religious priests who are old and poor.
3. Such non-Muslims who offer their military services in order to defend Islamic state.

(16) **Hamidullah, Muhammad.**, "Tolerance in the Prophet's Deeds at Medina", print copy of lecture organized by UNESCO, 1980.

(17) *ibid.*

(18) **Hasan uz Zaman S.M.**, *The Economic Functions of the Early Islamic State*, International Islamic Publishers, Karachi, 1981. p.180.

Zakah is imposed only on *sahib al-nisab* (the possessors of certain minimum wealth) Muslims irrespective of age, sex or profession but *jizyah* is not levied on non-Muslim women, children, old, infirm and monks⁽¹⁹⁾. 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 5 percent or 10 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 *jizyah* payers can benefit from protection and development expenditure. *Zakah* sans *quid pro quo* relation. “Now if it is believed that the holy Prophet had prescribed only these two levies, one for Muslims and the other for non-Muslims, it will imply that he treated non-Muslims as a more privileged and superior class of citizens...”⁽²⁰⁾.

Jizyah Rates

The kind and considerate approach of the Islamic state towards its protectorates continued in later years too. Uthman bin Hanif, who undertook survey of *kharaji* lands during the period of Caliph Umar recommended *jizyah* collection at the rate of 48, 24, and 12 *dirhams* from the rich, average and poor non-Muslims respectively. This had the approval of Caliph Umar. It is necessary here to know who among the protectorates is "poor" and "rich". There is no *zahir al riwayah* (reliable transmission) but Al-Tahawi in his commentary says that a person owning 10,000 *dirhams* and more is rich, the person owning more than 200 *dirhams* but less than 10,000 *dirhams* belongs to the middle class and finally a person owning less than 200 *dirhams* is considered as poor⁽²¹⁾.

Table 1. Jizyah Rates During the Caliphate of Umar.
(amount in *dirhams*)

S. No.	Category	Size of wealth	Rate
1	Poor	less than 200	12
2	Average	less than 10,000	24
3	Rich	more than 10,000	48

Source: Aghnides (2002), p. 402.

(19) *Nisab* means a certain minimum of wealth or other productive and unencumbered assets under the possession of an adult Muslim for full one year. Those who do not own *nisab* are not required to pay *zakah*. On the contrary, they are entitled to receive any type of assistance from the government.

(20) Hasan uz Zaman S.M., *The Economic Functions of the Early Islamic State*, op.cit., p. 170.

(21) Nicolas P. Aghnides, op.cit., p.402.

An important point to be noted here is that the basis of charge, as in the case of *zakah*, is ownership of assets expressed in terms of certain minimum *dirhams*. In other words, *jizyah* was an impost on wealth/capital and not on incomes of protectorates. The levy, therefore, corresponds to non-Muslims as what *zakah* is to Muslims.

There are also cases when the collection of *jizyah* was waived because of 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 Madinah. On his personal enquiry, Caliph Umar found that the clearance of *jizyah* due had made him to beg. Caliph Umar took him to the treasury and fixed his pension remarking that it is not becoming 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 peoples before deciding their rates of *kharaj* (land tax) and *jizyah*⁽²²⁾.

During the period of Ali (656-661 C.E.), the fourth Caliph, the non-Muslims *ahl al-dhimmah* (protectorates) were classified as under for the purpose of *jizyah* collection.

Table 2. Classification of *Ahl al-dhimmah* for the Purpose of *Jizyah*.

No.	Category	Amount of <i>Jizyah</i>
1	General public	12 <i>dirhams</i> per head
2	Businessmen	42 <i>dirhams</i> per head
3	Middle class	42 <i>dirhams</i> per head
4	Very rich persons and landlords	48 <i>dirhams</i> per head

Source: *Nahj al-Balagha (The Peak of Eloquence)*, p.75.

From the above Table 2 it is clear that protectorates paying *jizyah* were put into different categories. The categorization was according to their personal wealth. It is also clear that *jizyah* was a charge on persons according to their respective riches. It means that wealth was taken as an index of ability to pay. In the case of middle class persons and businessmen, the amount of *jizyah* is same; however, categories of persons are different. The most surprising aspect of *jizyah* administration during the times of righteous caliphs Umar and Ali was that the wealth

(22) **Abu Ubayd**, *Kitab al Amwal*, Urdu translation by **Abdur Rahman Tahir Surti**, Idarah-e-Tahqiqat-e-Islami, Islamabad, 1986, p. 62.

was taxed at moderately progressive rates. This treatment delivers a message that personal wealth should also be taxed progressively, *albeit* moderately.

During the caliphate of Ali, revenue from *jizyah* was earmarked for the following items of expenditure⁽²³⁾: 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). There were express orders from Ali that no *jizyah* should be collected from persons falling in the following categories⁽²⁴⁾: those who were above 50 years of age; those who were below 20 years of age; all women folks; all paralytics; all disabled persons; all blind persons, all mentally retarded persons.

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 *jizyah*. 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 *jizyah*. Their approach was very humane and flexible.

The Umayyad Caliph Umar bin Abdul Aziz (717-720 C.E.) also set the example of collecting *jizyah* with justice and kindness. One of his governors wrote: "If things continue in Egypt as present, the Christian will without exception embrace Islam and the state will lose all its revenue (from *jizyah*). Umar bin Abdul Aziz replied: "I would regard it as a great blessing if all Christians were converted, for God sent His Prophet to act as an apostle and not as a tax collector"⁽²⁵⁾. The general policy regarding the collection of *jizyah* as set by Umar bin Abdul Aziz is further clear from a letter recorded in *Kiatb al-Amwal*: "Let it be known that the Almighty, Glorified be His Name, allowed *jizyah* to be taken from those who decline to embrace Islam and prefer the great loss of polytheism. However, you should exempt those who are unable to pay

(23) *Nahj al-Balaghah: (Peak of Eloquence) Sermons, Sayings and Letters of Imam Ali ibn Abu Talib*, (edited by **Sharif al-Radi**), Tahrik-e-Tarsile Qur'an, New York, 1996, *op.cit.*, p.75.

(24) *Ibid.*

(25) **K.D. Bhargava**, *A Survey of Islamic Culture and Institutions*, Kitab Mahal, Allahabad, 1981, p. 30.

and encourage people to reform and plough their lands, for tilled land adds to their happiness and reinforces their energy to fight against their enemies. I want you to check the status of each and every individual among *ahl al-dhimmah* and whosoever you find to be too old, too feeble to earn a living or impoverished for any reason...to each of them allocate money as is necessary to ease their financial plight⁽²⁶⁾.

Some Aspects of *Jizyah* Administration

The above explanation in general and the traditions of the Prophet pertaining to *jizyah*, in particular, bring out the following important points concerning its administration:

1. There should be a clear agreement between Muslim rulers and non-Muslim subjects on the terms and conditions of imposition and collection of *jizyah*.
2. The agreement should be followed strictly and Muslim rulers should not demand a penny more than what is agreed to.
3. *Jizyah* should be imposed keeping in view the ability to pay of the protectorates. In other words, rates should not be too high to be termed as regressive and discriminatory.
4. Protectorates should not be tyrannized and nothing should be collected from them without their consent.
5. It is a duty of the state to provide them equal protection, safety and security.
6. The state should not do any thing to suppress their rights particularly religious rights.
7. On the Day of Judgement, the Prophet himself shall be an accuser against a Muslim ruler who destroys the spirit of agreement in one way or the other. This warning is of the most severe type as there is no way to attain salvation once accused by the Prophet himself.

The experiments made in the area of *jizyah* suggest that the Muslim countries should not make a tax the test of endurance of their subjects. Further, personal circumstances of taxpayers should be adequately taken into account. Currently for Muslim countries, *jizyah* may not be an important source of revenue; still it has a lot to offer in improving their

(26) **Abu Ubayd**, *Kitab al-Amwal*, *op.cit.*, p.120.

tax administration. It suggests that the tax rules should be followed in letter and spirit, these should not be made convenient tools in the hands of tax administrators. In addition to that, wealth (in its different forms not covered for *zakah* purposes) should be charged at moderately progressive rates. While taxing personal wealth, a system of slabs should be administered.

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 *jizyah* by some over zealot rulers and their administrative and religious deputies. This sometimes has happened in the past and may happen at present.

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الجزية: الضريبة التي أسيء فهمها

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المستخلص. في سياق تطورات معينة في بعض مناطق باكستان وأفغانستان، فإن فرض الجزية أصبح من الأخبار المتداولة، وذلك أساساً لأسباب خاطئة. ففي الصحف الإنجليزية الشعبية في الهند وغيرها، هناك احتجاجات قوية ضد هذه الخطوة. وكانت هناك إدانة كبيرة دون فهم لجوهر الجزية. في هذه المذكرة الموجزة محاولة لوضع الجزية في إطارها الصحيح.