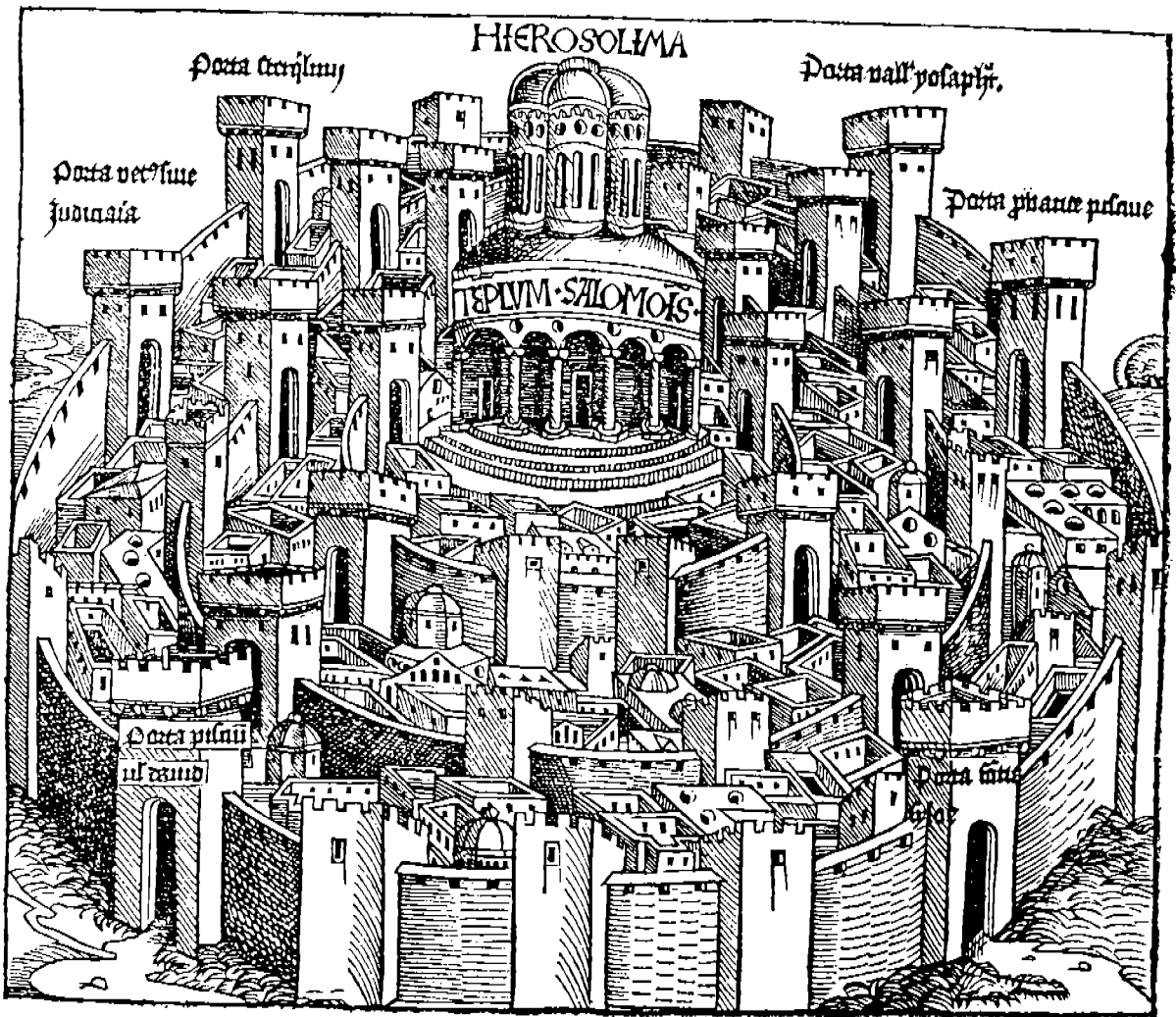


# THE JERUSALEM QUARTERLY



## Islam and the *Dhimmis*

Bat Ye'or

In his article, 'Islam and the Jews: Myth, Counter-Myth, History',<sup>1</sup> Mark Cohen enquires whether, in the Middle Ages, Jews under Islamic rule were 'treated better than their brethren in Europe'. He then posits two opposing theses: the 'myth' of Judeo-Islamic harmony and its 'counter-myth', referring to my recent book<sup>2</sup> as 'a classic example of this revisionist trend'. Cohen's article has the merit of opening a debate on factual comparative history and its validity as a basis for value judgments. I will endeavor to examine these two aspects, but will first make a few necessary corrections to some of his statements.

My book is not limited to an exclusively Jewish perspective, but rather encompasses all aspects of the *dhimmi* condition. Consequently, Cohen has quoted me out of context in relation to my expression: 'thirteen centuries of sufferings and humiliations', since it refers to the experiences of both Jews and Christians.

The association of Jews (and Christians) with the Devil is not uncommon in Islam. Numerous Koranic verses and *hadiths* associate the Jews and Christians with both Hell and Satan; Ibn Abdun (d. 1134), a Muslim jurist from Spain, quoted from the Koran (58:20) to this effect in his legal treatise.<sup>3</sup> The decree of

<sup>1</sup> Bat Ye'or, born in Egypt, has written a study on Egyptian Jewry (1971; Hebrew 1974) and a number of articles on non-Muslims under Islam. Her main work is *The Dhimmi: Jews and Christians under Islam* (French, 1980; English, 1985; Hebrew, 1986).

<sup>2</sup> *The Jerusalem Quarterly* 38 (Spring 1986), pp. 125-137.

<sup>3</sup> *The Dhimmi: Jews and Christians under Islam*, Fairleigh Dickinson University Press/Associated University Presses, New Jersey, London, Toronto, 1985.

<sup>3</sup> *The Dhimmi*, document 10 (p. 187).

Caliph Mutawakkil (850) illustrates this association, whereby 'wooden images of devils be nailed to the doors of their homes to distinguish them from the homes of Muslims'.<sup>4</sup> Moreover, Jewish and Christian cemeteries were considered a part of Hell, to which the *dhimmi*s were destined.

The notion of collective guilt is encountered in Muslim legal texts and led to collective reprisals. It is clear from the account of Joseph Ibn Aqnin (d. 1220) and Marrakushi (d. 1224) that Jewish converts to Islam were not only persecuted, but also their children could be abducted and entrusted to Muslim custodians.<sup>5</sup> Jews did become the property of Muslim rulers in Morocco, in the Saharan regions of North Africa, in Kurdistan, in Bukhara, and elsewhere.

As for the economic function of the Jews which Cohen notices in Christendom but not in Islam, it seems to me to be at the very root of the *dhimmi* status, as defined in the Koran (9:29) and in the *hadith* relating to the Jews of Khaybar and the Christians of Sawad. Moreover, this is also the origin of the *jizya* (poll tax), as well as of the higher taxation paid by *dhimmi*s and of the fiscal oppression to which they were subjected. Numerous legal texts link the *dhimmi*s' existence to their economic utility, concerning which history has preserved several examples. The *jizya* did not only have an economic function, but the degradation attached to the tax itself was intended to debase the *dhimmi*s.

I also disagree with Cohen's arbitrary periodization (640-1240) because this methodology is specious, despite the apparent chronological parallel. Different civilizations do not necessarily evolve along similar lines. Besides, a comparison between Christendom and Islam during any other time-segment (e.g., the Age of Emancipation and Enlightenment) would provide a completely different picture. But even if one adopts Cohen's *chosen* period, the expulsions of Jews from Christian Europe to which he refers occurred after 1240 (e.g., 1290, 1306, 1394, 1492-97), while under Islam they occurred during that period (and after). It should also be recalled that the *auto-da-fé* of the Talmud that took place in Paris under St. Louis (1240) was instigated by Nicholas Donin, a renegade Jew, and was in fact the indirect result of a Jewish controversy between rabbinical literalists opposing the rationalists of the school of Maimonides.

The first three centuries of Islam in the East overlapped the Carolingians in Christian Europe (747-987), a period recognized by Cohen as one when European Jewry 'experienced a considerable degree of security and prosperity'. Rare indeed are the extant documents from the first two centuries of Arab conquest. Muslim chroniclers later described the ongoing *jihad*, involving the des-

<sup>4</sup> *The Dhimmi*, document 8 (pp. 185-186).

<sup>5</sup> *The Dhimmi*, documents 12, 94, 98, 99 et al.

truction of whole towns, the massacre of large numbers of their populations, the enslavement of women and children and the confiscation of vast regions. This picture of catastrophe and destruction corresponds to the period of the gradual erosion of Palestinian Jewry. According to Baladhuri (d. 892), 40,000 Jews lived in Caesarea alone at the Arab conquest, after which all trace of them is lost. Indeed, this period (640–1240) witnessed the total and definitive destruction of Judaism and Christianity in the Hijaz and the decline of the once flourishing Christian and Jewish communities in Palestine (particularly in Galilee for the Jews), in Egypt, Syria, Mesopotamia, and Persia. In North Africa, the Christians had been virtually eliminated by 1240 and the Jews decimated by Almohad persecutions. It is perfectly true that during much of the earlier Umayyad rule in Spain the situation of Jews was, on the contrary, prosperous; similarly, in Egypt and beyond, the Shi'ite Fatimids reigned with tolerance. However, notwithstanding some brighter intervals, these six centuries witnessed a dramatic demographic reversal whereby the Arab-Muslim minority developed into a dominant majority, resorting to oppression in order to reduce the numerous indigenous populations to tolerated religious minorities. The emergence of a rich class of merchants should not obfuscate the overall picture of marked deterioration.

Cohen has chosen Northern Europe as his 'point of comparison with Islam, so that the contrast will be sharpened with more meaningful distinctions' (instead of southern Europe where the Jews had a long indigenous presence, as in the Islamized lands). In all fairness, he should have compared this alleged European Christian heartland to its equivalent – the Islamic heartland: Arabia, North Africa, the Sahara, rather than to the Islamized Byzantine regions, with their ethnic and religious pluralism. Jews and Christians were expelled and forbidden to reside in Arabia. Christianity was eliminated and Judaism could only survive in degradation on the fringes of the Arab heartland (Yemen). This is because Islamic legislation distinguishes between Arab land and *kharaj* land (i.e., the conquered land of the *dhimmi*), and accordingly stipulates different regulations concerning the indigenous non-Muslim peoples. Only within *dhimmi* lands (i.e., conquered territory), with its Judeo-Christian cultural heritage, was pluralism tolerated for economic and political reasons. Pluralism is not indigenous to Islamic culture (a concept which needs to be defined), but an element incorporated by conquest into Muslim dominions where a Scriptuary (*ahl al-kitab*) population resided.

The alleged non-application of the Pact of Umar on the basis of its innumerable renewals is a classic argument whose logic escapes me. On the contrary, I consider this frequent renewal and the attempts to enforce its strict application as proof of the Muslim authorities' determination to reimpose it in every generation.

The sources that I have consulted, including British diplomatic correspondence up to the end of the 19th century, confirm this situation.

Another classic argument is that the Jewish *dhimmis* suffered less since they shared their status with the Christians. Either it means that Jews allegedly suffered less because Christians were also oppressed – which is not only untrue but spurious; or it means that Christians suffered more than Jews – which is true, but this argument is irrelevant to the comparison between the status of the Jews in Christendom and in Islam. Besides, it does not prove that Jews did not suffer.

Referring to A.L. Udovitch's point that the stipulations concerning the Jew are 'incorporated subject by subject into the conventional categories of the classical Islamic law codes', Cohen concludes: "This stands in sharp contrast to the isolation of Jewry law provisions in the law of medieval Christian states and is a reflection of the greater degree of integration of the Jew in medieval Muslim society'. For my part, I find in these approaches merely a difference of method in the classification of legal matters by Christian and Muslim jurists. This disparity appears in all aspects of their respective laws and is not restricted to the subject of Jews. It is not the arrangement of laws on a folio, 'subject by subject', which determines the degree of social integration of the persons involved, but the very substance of the laws themselves and, even more so, the actual behavior in real life.

Cohen criticizes me for 'characterizing every bleak aspect of the Judeo-Islamic experience as "the *dhimmi* condition"'. Having defined the terms *dhimma* and *dhimmi* in my book, I shall not reiterate my analysis here, it being understood that *dhimmis* designate the Jews and Christians – and sometimes others – under Muslim rule. Just as the history of Western Jewry is studied against its Christian background, so too the history of the *dhimmis* should be understood in its Islamic environment, rather than in a vacuum.

The analytical method of comparison often masks certain snares. Thus, in view of the differing attitude of Christianity and Islam on the subject of usury, Cohen concludes that the West – but not Islam – degraded the Jews by forcing them to practise usury which was repugnant to the Christians. Yet in Muslim countries the most degrading tasks were set aside for the Jews: executioners, grave-diggers, head-salters of rebels, cleaners of latrines, etc. Consequently, it was not the principle of social degradation which differed from East to West, but the nature of the impositions.

This brings us to the fundamental issues. What scientific value is there in an arbitrary time division that proposes a value judgment embracing thirteen centuries while considering only a single period? Surely Jewish emancipation, equal rights, human rights,

and secularization are also part of Christian societies. Human societies not being static, they must be considered as evolving entities of dynamic interactions, concerning which periodization should exclude generalizations. Besides, should one's judgment be on a short- or long-term basis?

Moreover, the historian who wants to express a value judgment must establish preliminary criteria for evaluations. What is tolerance? Should one judge the dogmas that are subject to diverse interpretations, or the historical facts based on complex elements of a circumstantial and temporary nature? Supposing the concept of tolerance can be defined, should one speak of relative tolerance, i.e., towards one people (the Jews), whereas other peoples may be exterminated, or of absolute tolerance?

Cohen's analysis emanates from a specific European perspective, ignoring realities which are exclusively Islamic: for example, the devastating effect of invading nomads, and a bellicose Bedouin mentality, upon Jewish (and Christian) rural populations with sedentary cultures; the *jihad* rules, such as the obligatory billeting of Muslim soldiers on *dhimmi* peasantries; military slavery; the peculiarities of Muslim justice and government; the repercussions for *dhimmi* communities of the Muslim doctrine that all children are born Muslim.

Cohen's article only quotes antisemitic features which are peculiar to Christianity, and this leads him to conclude that since Muslims did not have Christological reasons for oppressing Jews, the latter were *ipso facto* better treated. But reality is not so simple, nor so logical. Why should there not have been other original forms of oppression in the Islamic world which were absent in European societies? Cohen has tried to show that the West had a greater motivation to persecute the Jews; he has not proven that Jews were in fact less oppressed under Islam. These two propositions are not necessarily linked.

It would certainly be interesting to pore over the demographic statistics, comparing the percentages in absolute and proportional terms of Jewish converts and martyrs, respectively in the East and West, according to year and country – that one presumes Cohen has used to infer that European Jewry confronted with persecutions often preferred martyrdom, while Oriental Jewry chose conversion to Islam.

Many of Cohen's assertions are subjective opinions and pure hypotheses, since it is impossible to apprehend thirteen centuries of a history spanning Europe, Asia and Africa. In fact, the futility and inadequacy of this sort of comparison are evident. The criteria for comparative studies are inevitably chosen from among the register of Jewish sufferings in the West, and never the reverse. Thus it can be asked: what is the Christian equivalent – say for the fifteenth century – of Jewish (and Christian) girls being abducted for Muslim harems; the *devçirme* system (enslavement

and forced conversion of Christian children); the Turkish collective deportation of Jews and Christians which followed similar earlier Arab practices; the legalization of their enslavement (including women and children) during warfare, revolts, or for economic reasons (impossibility of paying the *jizya*); the obligation for a Jew or a Christian to dismount from his donkey on sight of a Muslim; the obligation in some regions for Jews to walk barefoot outside their quarters; the prohibition for Jews of Persia to remain outdoors when it rained for fear of polluting Muslims. And when does one find in Islam a current similar to the Christian philosemitic movement after the sixteenth-century Protestant Reformation? The list of such 'disputations' is endless.

My book was not written in order to destroy a flimsy 'myth'. The discarding of the amorphous image of a 'golden age', allegedly spanning thirteen centuries and three continents, was an indirect consequence of my research on *dhimmi* history, in which I distinguish historical stages, and the diversity and complexity of its interdependent aspects. I voluntarily refrained from moral judgments based on fallacious comparisons, for the Christian and Islamic civilizations are coherent and systemic entities, from which one cannot arbitrarily extract one particular element without taking into account the whole historical and cultural context which makes it comprehensible. Moreover, these comparisons serve no other purpose than to prove the superiority of Islam – or of Christianity – which for an historian is pointless. For my part, I do not consider myself a referee who awards points and penalties. Students of history know full well that there is nothing more widely shared among mankind than cruelty and barbarity, but it has not been my task to determine who outdid whom.

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