

Al-Shafi'i, *Kitab al-Umm*¹

This is a template for a standard set of guarantees that the Imam, the supreme religious leader of Islam (then the Abbasid caliph in Baghdad), might make to Jews and Christians living under his care in a specific city. It dates from the 700s to the 800s.

If the Imam wishes to write a document for the poll tax (*jizya*) of non-Muslims, he should write:

In the name of God, the Merciful and the Compassionate. This is a document written by the servant of God so-and-so,² Commander of the Faithful, on the 2nd of the month of Rabi'l, in the year such-and-such, to so-and-so son of so-and-so, the Christian, of the descendants of such-and-such, of the people of the city of so-and-so.

I accord to you and to the Christians of the city of so-and-so that which is accorded to the *dhimmis*, in conformity with what you have given to me and the conditions I have laid down concerning what is due to you and to them, and I have agreed to your request and accorded to you and to them, on behalf of myself and of all the Muslims, safe-conduct [*aman*], for as long as you and they maintain all that we have required of you, namely:

You will be subject to the authority of Islam and to no contrary authority. You will not refuse to carry out any obligation which we think fit to impose upon you by virtue of this authority.

¹ Al-Shafi'i, *Kitab al-Umm*, cited in Bernard Lewis, ed. and trans., *Islam from the Prophet Muhammad to the Capture of Constantinople*, Vol. 2, *Religion and Society* (New York: Oxford University Press, 1987), 219-23; from Richard Lim and David Kammerling Smith, ed. *The West in the Wider World: Sources and Perspectives*, Vol. 1. From Antiquity to Early Modernity (New York: Bedford/St. Martin's, 2003), 207-210.

² This means, "insert name here," with similar placeholders throughout the text.

If any one of you speaks improperly of Muhammad—may God bless and save him—of the Book of God, or of His religion, he forfeits the protection [*dhimma*] of God, of the Commander of the Faithful, and of all the Muslims; he has contravened the conditions upon which he was given his safe-conduct; his property and his life are at the disposal of the Commander of the Faithful, like the property and lives of the people of the house of war [*dar al-harb*].

If one of them commits fornication with a Muslim woman or goes through a form of marriage with her or robs a Muslim on the highway or subverts a Muslim from his religion or gives aid to those who made war against the Muslims by fighting with them or by showing them the weak points of the Muslims, or by harboring their spies, he has contravened his pact [*ahd*], and his life and his property are at the disposal of the Muslims.

If he commits some lesser offense against the property or the honor of a Muslim or against an infidel under Muslim protection, with a pact or safe-conduct, he shall be punished.

We shall supervise all your dealings with Muslims. If there is anything in which you are engaged which is not lawful for a Muslim, we shall reject it and punish you for it. If you sell a Muslim something we hold forbidden, such as wine, pig, blood, or carrion, and the like, we shall annul the sale, confiscate the price if it has been paid, and not return the thing to you if it still exists, but pour it out if it is wine or blood and burn it if it is carrion; if the purchaser has already consumed it, we shall not oblige him to pay for it, but we shall punish you for it.

You shall not give a Muslim anything to eat or drink which is forbidden, nor marry him in the presence of witnesses chosen from among you nor by wedding rites we hold to be invalid.

We shall not supervise transactions between you and your co-religionists or other unbelievers nor inquire into them as long as you are content. If the buyer or seller among you desires the annulment of a sale and comes to us to ask for this, we shall annul it or uphold it in accordance with the provisions of our law. But if payment has been made and the purchase consumed, we shall not order restitution, for this would count as a completed sale between polytheists.

If one of you or any other unbeliever applies to us for judgment, we shall adjudicate according to the law of Islam. But if he does not come to us, we shall not intervene among you.

If you commit manslaughter against a Muslim or a protected person [*mnahad*], whether protected by you or by others, your clan is liable for the blood price as with the Muslims...

You may not display crosses in Muslim cities, nor proclaim polytheism, nor build [new] churches or meeting places for your prayers, nor strike clappers, nor proclaim your polytheistic beliefs on the subject of Jesus, son of Miriam, or any other to a Muslim.

You shall wear the girdle [*zunnar*] over all your garments, your cloaks and the rest, so that the girdles are not hidden. You shall differentiate yourselves by your saddles and your mounts, and you shall distinguish your and their headgear [*qalansuwa*] by a mark which you shall place on your headgear. You shall not occupy the middle of the road or the seats in the market, obstructing Muslims.

Every free adult male of sound mind among you shall have to pay a poll tax [*jizya*] of one dinar, in good coin, at the beginning of each year. He shall not be able to leave his city until he pays his poll tax or appoints someone to pay it on his behalf, with no further liability until the beginning of the year. The poor among you is liable for the poll tax, which should be paid for him. Poverty does not free you from any obligation, nor does it abrogate your pact [*dhimma*]... You are subject to no taxes on your money other than the poll tax as long as you stay in your country or travel around in the lands of the Muslims otherwise than as a merchant. You may in no circumstances enter Mecca. If you travel for trade, you shall pay to the Muslims a tenth part of all your merchandise. You may go wherever you wish in the lands of the Muslims, except Mecca, and reside wherever you wish in the lands of the Muslims, except the Hijaz,³ where you may only stay for three days in any city, after which you must leave...

We owe you protection, for yourselves and for property which it is lawful for you to hold according to our laws, against anybody, Muslim or other, who seeks to wrong you, as we would protect our own persons and property, and we administer justice to you in matters under our jurisdiction as we do with our own property. But no one among you can ask us to protect any forbidden thing which you own, such as blood, carrion, wine, or pigs, as we would protect lawful property. We shall not prevent you from having them, but we shall not allow you to display them in the cities of the Muslims. If a Muslim or any other buys such merchandise, we shall not compel him to pay the price, because these are forbidden things and

³ A region covering the Western Arabian peninsula; this was the original Muslim "heartland" and the location of several of the holiest sites in Islam.

therefore have no price which could be legally enforced. But we shall restrain him from troubling you in this, and if he persists he shall be punished, though not by enforcing payment for what he took from you.

You must observe all the conditions which we have imposed. You may not deceive a Muslim nor give aid to their enemies by word or deed. This is the pact and covenant of God, and the greatest obligation to respect this covenant which God has ever imposed on any of His creatures. You have the pact and covenant of God, the protection [*dhimma*] of so-and-so, Commander of the Faithful, and the protection of the Muslims to carry out their obligations toward you.

Those of your children who reach the age of puberty are in the same position as you are, in regard to what we have given to you and in the obligation to observe all the conditions which we have laid down for you.

If you change or modify anything, then the protection of God, of so-and-so the Commander of the Faithful, and of the Muslims shall be withdrawn from you. If anyone of those to whom we gave this was not present when we wrote it, and hears of it and accepts it, the conditions stated in it are binding on him and on us. If he does not accept it, we cast him out.

(Then list the witnesses).

Note: The two sources given here are essentially different versions of the same text; the Pact of Umar is included because it clarifies some points that are unclear in the Kitab al-Umm.

The Pact of Umar, 800s

The Pact of Umar is the body of limitations and privileges entered into by treaty between conquering Muslims and conquered non-Muslims. The Pact was probably originated about 637 by Umar I after the conquest of Christian Syria and Palestine. Over time the Pact was extended; it is generally assumed that its present form dates from about the ninth century. In addition to the conditions of the Pact listed below, subject peoples paid a head-tax in return for protection, and for exemption from military service. Jews and Christians were also forbidden to hold government office.⁴

In the name of God, the Merciful, the Compassionate!

This is a writing to Umar from the Christians of such and such a city. When You [Muslims] marched against us [Christians]: we asked of you protection for ourselves, our posterity, our possessions, and our co-religionists; and we made this stipulation with you, that we will not erect in our city or the suburbs any new monastery, church, cell or hermitage; that we will not repair any of such buildings that may fall into ruins, or renew those that may be situated in the Muslim quarters of the town; that we will not refuse the Muslims entry into our churches either by night or by day; that we will open the gates wide to passengers and travellers; that we will receive any Muslim traveller into our houses and give him food and lodging for three nights; that we will not harbor any spy in our churches or houses, or conceal any enemy of the Muslims.

That we will not teach our children the Qu'ran;⁵ that we will not make a show of the Christian religion nor invite any one to embrace it; that we

will not prevent any of our kinsmen from embracing Islam, if they so desire. That we will honor the Muslims and rise up in our assemblies when they wish to take their seats; that we will not imitate them in our dress, either in the cap, turban, sandals, or parting of the hair; that we will not make use of their expressions of speech, nor adopt their surnames; that we will not ride on saddles, or gird on swords, or take to ourselves arms or wear them, or engrave Arabic inscriptions on our rings; that we will not sell wine; that we will shave the front of our heads; that we will keep to our own style of dress, wherever we may be; that we will wear girdles round our waists.

That we will not display the cross upon our churches or display our crosses or our sacred books in the streets of the Muslims, or in their market-places; that we will strike the clappers in our churches lightly; that we will not recite our services in a loud voice when a Muslim is present; that we will not carry Palm branches [on Palm Sunday] or our images in procession in the streets; that at the burial of our dead we will not chant loudly or carry lighted candles in the streets of the Muslims or their market places; that we will not take any slaves that have already been in the possession of Muslims, nor spy into their houses; and that we will not strike any Muslim.

All this we promise to observe, on behalf of ourselves and our co-religionists, and receive protection from you in exchange; and if we violate any of the conditions of this agreement, then we forfeit your protection and you are at liberty to treat us as enemies and rebels.

⁴ Adapted from Jacob Marcus, *The Jew in the Medieval World: A Sourcebook, 315-1791* (New York: JPS, 1938), 13-15. Accessed via Internet Islamic History Sourcebook, <http://legacy.fordham.edu/halsall/jewish/jews-umar.asp>

⁵ Some nationalist Arabs feared the infidels would ridicule the Qu'ran; others did not want infidels even to learn the language.