

The Forgotten Millions

**The Modern Jewish Exodus from
Arab Lands**

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CASELL

London and New York

Cassell

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London WC2R 0BB

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New York
NY 10017-6550

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First published 1999

British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library.

ISBN 0-304-70078-9

Typeset by York House Typographic Ltd, London
Printed and bound in Great Britain by Cromwell Press Ltd, Trowbridge, Wiltshire

The *Dhimmi* Factor in the Exodus of Jews from Arab Countries

BAT YE'OR

The *dhimmi* condition can only be understood in the context of *jihad* because it originates from this ideology. From the eighth and ninth centuries, Muslim theologians and jurists had endeavoured to give to the *jihad* (war of conquest) a religious and legal structure. Living during and after the great wave of Arab-Muslim expansion on mainly Christian lands, they based themselves on the Koran and the *hadith* (the words and acts attributed to the prophet Muhammad). Thus they elaborated the concept and doctrine of *jihad* that established the relationship between Muslims and non-Muslims in terms of belligerency, hostility or submission. The aims, tactics and strategies of *jihad* were defined, as well as the rules concerning the troops, the compulsory conditions for treaties, the treatment of prisoners and the apportionment of the booty. This conceptualization of war led to a considerable literature that constituted the classical doctrine of *jihad* which was fixed, from the mid-eighth century onward, in comprehensive theological and legal treatises.

According to this doctrine, the right to rule the world belongs only to the *umma* (the Islamic community of Allah) because it is elected above all others (Koran III, 106: 'You are the best nation ever brought forth to men'). It allows what is good, forbids what is wrong and possesses the divine revelation transmitted by Muhammad, the Apostle of God and his last messenger. Islam is Allah's religion (Koran III, 17). Muslim theologians expounded that *jihad* is a collective, religious obligation (*fard 'ala al-kifaya*) binding the community and each individual (*fard 'ala al-ayn*) in different ways according to situations and circumstances.

Here are two definitions of *jihad* by recognized authorities: Abu Muhammad Abdallah Ibn Abi Zayd al-Qayrawani (d. 966) and Ibn Khaldun (d. 1406).

Jihad is a precept of Divine institution. Its performance by certain individuals may dispense others from it. We Malikis [one of the four schools of Muslim jurisprudence] maintain that it is preferable not to begin hostilities with the enemy before having invited the latter to embrace the religion of Allah except where the enemy attacks first. They have the alternative of either converting to

Islam or paying the poll tax (*jizya*), short of which war will be declared against them.¹

In the Muslim community, the holy war is a religious duty, because of the universalism of the (Muslim) mission and (the obligation to) convert everybody to Islam either by persuasion or by force. Therefore, caliphate and royal authority are united (in Islam), so that the person in charge can devote the available strength to both of them (religion and politics) at the same time.²

Jihad may be exercised by pen or speech (propaganda); at other times by money (corruption); and, whenever possible, by arms: terrorism, guerilla and open warfare. According to the *jihad* doctrine, the 'enemies' are those who oppose the establishment of Islamic law and its sovereignty over the non-Muslim world – that is, all the infidels who constitute the world of unbelief. This world is considered as one entity, as is stressed in article 22 of the 1988 Charter of the Islamic Palestinian Movement, Hamas. The whole region of infidelity is called the *dar al-Harb* (region of war), because all acts of war are allowed there until, through *jihad*, it will come under Islamic rule. The war between the region of Islam (*dar al-Islam*) and the region of war is supposed to be an eternal one, so long as unbelief prevails (Koran II, 189). There can be peace treaties extending for up to ten years. There can also be a situation of no peace, no war, allowing coexistence in cases where Muslim victory through warfare is doubtful, but this situation is temporary and is usually accepted in exchange for the payment of a tribute. In fact, it is the situation of war that is normal, and the peace situation is only brought on by conjunctural necessities.³

Among the infidel peoples there are differences. Those who do not possess Revealed Scriptures have, in theory, the choice between Islam or death. The others – principally the Jews and Christians – are granted protection status, according to the modalities of the conquest, henceforth becoming *dhimmis* – people protected by the law of Islam.

In fact, the jurists leave the freedom of decision to the ruling imam or caliph:

1. He can kill all the vanquished males, whatever their religion, and enslave their women and children.
2. He can also enslave the males if he so chooses.
3. He can grant the *dhimmi* status to all those in possession of Revealed Scriptures.⁴

It is an historical fact that all the Muslim countries around the southern and eastern Mediterranean were Christian lands before being conquered by *jihad* during a millennium. The vanquished populations were then 'pro-

tected', providing they submitted to the Muslim ruler's conditions. Therefore, in the context of a conquest, 'protection' results from a war and this situation determines specific consequences.

The main characteristics of the *dhimmi* condition which developed from this situation are: in the legal domain – the Islamic concept of protection/submission; in the economic domain – the concept of *fay* (booty); in the social domain – the concept of vilification. All three characteristics are integrated into the doctrine of *jihad* that encompasses the world.

The system of dhimmitude

Political aspects

The concepts of protection and toleration are linked: he who protects also tolerates, and toleration depends on the rules laid down by the protector for conceding his protection. In the context of *jihad*, the non-Muslim living in the region of war (a *harbi*) has no rights; his life and goods are at the mercy of any Muslim because of the situation of war between his land (the *dar al-harb*) and the land of Islam.⁵ He obtains rights only if he submits to the Muslim ruler without fighting. It is therefore in a context of war – where there is a total negation of rights – that 'rights' are conceded to Jews and Christians by the Muslim community (*umma*) as defined by it.

On an individual base, security is granted on special conditions to a foreigner (*harbi*) coming to a Muslim land. Any Muslim can give him this protection (*aman*), which cannot exceed one year unless the *harbi* becomes a *dhimmi* by paying the *jizya*, a Koranic poll tax. In both cases, it is the Muslim community that concedes rights to the non-Muslim.

Protection status is provided through the Islamization of conquered lands. The vanquished scriptural peoples are granted security for their life and possessions by the Muslim authority, as well as a relative self-autonomous administration and permission to worship according to the modalities of the conquest. These rights are subject to two conditions: the payment of the *jizya*, and submission to the provisions of the Islamic law. On these conditions – and only on these conditions – Jews and Christians were tolerated and were relatively secure in their native countries, now conquered by *jihad* and governed by Islamic law. Their acceptance of Muslim toleration guaranteed safety to them. This status is still clearly expressed in the Palestinian Hamas Charter (articles 6 and 31) and by other Islamist movements that base themselves on similar traditional doctrines.

In the *jihad* doctrine, the Muslim community is the only source and guarantor for the legitimacy of the *dhimmi*'s rights. Christians and Jews share the same Islamic theological and legal category, referred to in the Koran as

the 'People of the Book'. The legal status common to the Jewish and Christian indigenous populations in the lands conquered by *jihad* and subjected to Islamic law I have called the 'regime of dhimmitude', the 'laws of dhimmitude', the 'world of dhimmitude', the 'mentality of dhimmitude' and the 'policy of dhimmitude'.

It is important to stress, however, that these concepts of warfare and protection were common in the socio-political context and mentalities of pre-Islamic Arabia. This conception of pagan intertribal relationship was enlarged after the seventh-to-eighth-century Arab conquests into a universal political ideology expressed in a religious framework.

The first 'right' is the right to life, which was conceded on payment of the *jizya* (Koran IX, 29). Life is not considered a natural right. It is a right which each Jew and Christian must repurchase annually by paying the poll tax with humility to the *umma*. Only then are their lives 'protected'. The concept of toleration is linked to a number of discriminatory obligations in the economic, religious and social fields, imposed by Islamic law on the *dhimmis*. There are different opinions among the jurists concerning which transgression of these obligations can be considered as breaking the protection pact (*dhimma*), and which sanctions should be applied. Usually the refusal to pay the *jizya* is considered by all jurists as a rupture of the *dhimma*, which automatically restitutes to the *umma* its initial rights of war – to kill and to dispossess the *dhimmi* because he has returned to his former status of being a *harbi*, an unsubjected infidel. The renowned eighth-century jurist Abu Yusuf Ya'qub wrote:

The *wali* [governor of a province] is not allowed to exempt any Christian, Jew, Magean, Sabaen, or Samaritan from paying the tax, and no one can obtain a partial reduction. It is illegal for one to be exempted and another not, for their lives and belongings are spared only because of payment of the poll tax.⁶

In a few regions – for instance, in Iran at some periods – one finds the concept of collective responsibility applied to an individual act. This meant that the whole Jewish or Christian community could be made responsible for the alleged misbehaviour of one of its members, and would suffer the abrogation of the community's protection.

Protection is abolished if the *dhimmis* rebel against Islamic law, give allegiance to a non-Muslim power, refuse to pay the *jizya*, entice a Muslim from his faith, harm a Muslim or his property, or commit blasphemy. Blasphemy includes denigration of the prophet Muhammad, the Koran, the Muslim faith, the *shari'a* by suggesting that it has a defect and by refusing the decision of the *ijma*, which was the consensus of the Islamic community (Koran III, 106), and later of its scholars. The moment the 'pact of protection' is abolished the *jihad* resumes, which means that the lives of the *dhimmis* and

their property are forfeited. Today, some Islamists in Upper Egypt who kill and pillage Copts consider that these *dhimmi*s have forfeited their 'protection' because they no longer pay the *jizya*.

Clearly, this notion of protection is different from the concept of individual rights. Islamic protection established a bilateral relationship between the Muslim conqueror who concedes rights defined by him to the subjected *dhimmi*. This means that rights have a beginning – the moment the protection is given; and, consequently, they can have an end – the eventual abolition of the protection. It is therefore a hierarchic relationship between a superior, who grants rights to an inferior, who is grateful to receive them. On the other hand, the concept of human rights implies that all human beings are born with fundamental and inalienable rights. The opposition between these two concepts appears very clearly in the situation of the Baha'i religion, which is not a protected religion in Iran. In 1994 two Muslims kidnapped and killed a Baha'i. The Islamic court held that as the Baha'is were 'unprotected infidels . . . the issue of retribution is null and void'.⁷ This means that an infidel has no human rights whatsoever, unless he is protected by the provision of Islamic law. Islam, in this context, is conceived as the only theological and juridical source that rules, legitimizes and guarantees the rights of non-Muslims.

In the context of its time, the protection system presented both positive and negative aspects. It provided security and a measure of religious autonomy, but *dhimmi*s suffered many legal disabilities intended to reduce them to a condition of humiliation, segregation and discrimination. These rules, established from the eighth to ninth centuries by the founders of the four schools of Islamic law, set the pattern of the Muslim community's social behaviour toward *dhimmi*s.

The economic aspects

In the economic domain, there is a somewhat contradictory attitude concerning the *dhimmi*s. All the jurists state that they should be treated according to the conditions stipulated in their treaty of submission, that their lives and possessions should be respected and protected against looting and expropriation. Several Koranic verses and many *hadith* are invoked to implement this peaceful policy that was in theory the norm. However, another interpretation was expressed after the conquests – this is the theory of *fay*, specified in the *jihad* doctrine. *Fay* is the collective booty acquired through *jihad* and kept as a *waqf* (holy endowment) for the *umma*. This point is well explained by the second caliph, Umar Ibn al-Khattab, in his replies to the Muslims who demanded the sharing out of the lands of Iraq, Syria and Palestine among the conquerors.

But I thought that we had nothing more to conquer after the land of Kesra [Persia], whose riches, land, and people Allah has given us. I have divided the personal possessions among those that conquered them after having subtracted a fifth, which under my supervision was used for the purpose for which it was intended. I thought it necessary to reserve the land and its inhabitants, and levy from the latter the *kharaj* by virtue of their land, and the capitation [*jizya*] as a personal tax on every head, this poll tax constituting a *jay* in favor of the Muslims who have fought there, of their children and of their heirs.⁸

*Dhimmi*s should not be reduced to slavery which would disperse them, but should be considered as an economic asset, used to increase the welfare and the strength of the *umma* – and to advance the interests of Islam. This is their 'service', a service which is due to the *umma*. We read in the *History of the Patriarchs of the Coptic Church of Alexandria* that:

'Omar [the caliph Umar b. Abd al-Aziz (717–720)] commands, saying: *Those who wish to remain as they are, and in their own country, must follow the religion of Muhammad as I do; but let those who do not wish to do so, go forth from my dominions.*' Then the Christians gave him all the money that they could, and trusted in God, and rendered service to the Muslims, and became an example to many. For the Christians were oppressed by the governors and the local authorities and the Muslims in every place, the old and the young, the rich and the poor among them; and Omar commanded that the poll-tax should be taken from all men who would not become Muslims, even in cases where it was not customary to take it. But God did not long respite him, but destroyed him swiftly, and granted him the government no longer, because he was like Antichrist. Then Yezid reigned after him; but we have no wish to relate nor describe what happened in his days, on account of the miseries and trials; for he walked in the path of Satan, and deviated from the paths of God.⁹

I give this example because the idea of rendering services to the Islamic cause should not be viewed as a past condition of the *dhimmi*'s existence, as even today it is still a basic principle of the Eastern *dhimmi* Churches and of Eastern Christians in general. Since 1993, some Israeli politicians have also invoked 'services' that Israel could provide (medical, economical, technological) as a means to facilitate its integration into the Arab-Muslim world. From this viewpoint, Israel's acceptance is not to be achieved by the recognition of its legitimacy, but by the 'services' it can grant to the *umma* in exchange for the latter's toleration. Conversely, the notion of rendering service to other nations in order to obtain recognition of rights of existence is never expressed by the *umma*. The 'service syndrome' has grown out of an asymmetrical relationship and a situation of vulnerability, both of which are typical of the status of *dhimmitude*.

Socio-religious aspects

The third domain of the *dhimmi* legal status is social and religious, and here we find an infinite and extremely minute set of regulations, whose aim was to reduce the *dhimmi* to a state of vilification and vulnerability hardly imaginable today. Here are only two examples: a *dhimmi* had no right to defend himself if he was physically assaulted by a Muslim; he could only beg for pardon. A *dhimmi* could not testify against a Muslim in a lawcourt as his testimony was refused. These interdictions stripped him of two fundamental rights: the right of self-defence against physical aggression, and the right to defend himself under the law.

It should be stressed that none of these regulations are mentioned in the Koran. The codification and institutionalization of *jihad* were carried out by medieval jurists. Likewise, the numerous humiliatory rules and discriminations developed later in the course of history. In this complex picture, one may distinguish a classical pattern common to the whole of the *dar al-Islam*, as well as regional rules emerging from specific geographical or political contexts, such as the extremely severe conditions of Jews, bordering on slavery, in isolated Yemen and semi-desert areas of North Africa.

Whereas 'toleration' and 'dhimmitude' refer to the same historical domain, they express two different views on history. The first is of a theological nature: static and monolithic, affirming the point of view of the *umma*, which embodied the ideological and juridical source of tolerance for Jews and Christians. Rights which do not conform to the Islamic system of toleration are considered illegal, as being against Allah's will, and should therefore be suppressed. The second (dhimmitude) is an analytical concept, referring to the historical experience of the *dhimmi* peoples, those who incarnated the human material of dhimmitude throughout the centuries. Therefore, each represents a different perception of history due to different sensibilities. The *umma* considers that its toleration was 'just' according to its own Islamic values – and this justice is only conceived in terms of Islamic justice.

Dhimmitude is, in effect, a study of the ideology of *jihad* and of the jurisdiction that was imposed on the vanquished peoples on the bases of the modalities of battles and conquests. For traditional Muslim jurists, the modalities of conquest of each land or city will determine for all time the jurisdiction to be applied there. Here are two examples.

In the early fourteenth century, churches and synagogues were closed in Cairo and a legal opinion on this matter was requested from Ibn Taymiya, a renowned hanbali jurist from Damascus. He confirmed the legality of the closure by referring to the conditions of Egypt's conquest in the seventh century by the Muslim army.¹⁰ Another example comes from Morocco five

centuries later. In 1836 to 1837, the Jews of Fez had asked the Sultan Abd ar-Rahman for permission to build a *hammam* (public bath) in their quarter. The most learned judges (*qadis*) were consulted; they produced twelve *fatwas* on the subject, going back to ancient chronicles that described the conditions of the Islamic conquest of the Maghreb more than a thousand years earlier. All of them – with one exception, who was called a donkey by his colleagues – ruled that Jews could not be granted the right to build a *hammam* because of the manner in which the conquest of the Maghreb had taken place in the seventh century. As late as 1898, the same request was again refused to the Jews.¹¹

So one sees that, throughout the ebb and flow of history, dhimmitude is composed of a fixed structure – either ideological or legal – and of circumstantial, transient factors. Dhimmitude encompasses various types of relationships on all levels between the Muslim ruler and the dominated and tolerated *dhimmis*. Since the status of dhimmitude lasted from a period of 500 years to thirteen centuries, dependent on regions, it allows one to study the cases of many peoples, all theoretically subjected to the same Islamic jurisdiction, with some differences here and there.

In those Islamic lands where Muslims were in a minority among the native *dhimmis* (Spain and European Turkey), the laws of dhimmitude were less severe. The worst oppression developed in rural areas, causing the flight, extermination or expropriation of the numerous Jewish and Christian peasantry of the Middle East. Likewise in the provinces, which were barely controlled by the central Islamic power and where anarchy was endemic, *dhimmis* were subjected to continual extortion and survived only by paying ransom money to tribal chieftains, as in Kurdistan, the Levant, and especially Palestine and some regions of the Maghreb. The worst condition of dhimmitude persisted in Iran, Yemen and the Maghreb until the twentieth century. In Palestine, Jews could barely survive in their homeland, but conditions improved from the 1840s after European consuls were allowed to reside in Jerusalem, and during the 1860s reported to their ambassadors in Constantinople on the infringements of the sultan's religious reforms, guaranteed by treaty. *Dhimmis* preferred large towns where Islamic protection could be more effective, as they could appeal to honest and learned Muslim judges and to the central authorities for redress.

The system of dhimmitude is composed of a theological frame, economic factors and political contexts. The three domains interrelate and interact with one another in the dynamic of history, but each played a dominant role in circumstantial contexts. In relation to the theological frame, one should stress that religious prejudices and oppression were current in all societies and were not limited to Islam. Over the centuries and up to the present there were constant borrowings, interactions and a mutual influence of Islamic

and Christian religious intolerance, either in military confrontation – *jihad* from the seventh century for a millennium; and its Christian reaction, the crusades from 1096 for two centuries – or joined in a united alliance against dissident Churches or later against Zionism.

Reading through the sources from various periods provides interesting information on the *dhimmi* mentality and the psychological distortion brought about by oppression. It also reveals opinions held by others on the *dhimmis*. Here are two noteworthy examples.

In rural Yemen, before their mass exodus to Israel in 1948, Jews were protected only if they belonged to Arab tribes, in conformity with the pre-Islamic Arabian custom of *jiwar*. Here it is clear that 'protection' is linked with the suppression of rights. Rights to life and to security are only guaranteed to a Jew who is under 'protection'. If a Muslim killed a Jew, the criminal would not be brought to trial because Muslim blood was considered superior to Jewish blood. Hence, the *lex talionis* practised by Islam could only be applied between equals – that is to say, between Muslims – but not between a Muslim and a *dhimmi*, whether Jew or Christian, whereas the talion would be applied between these two non-Muslim groups. Thus, if a Jew belonging to tribe A is killed by a Muslim from tribe B, then a Jew from tribe B would be killed by a Muslim from tribe A. So two Jews are killed without the Muslim murderer being arrested, a game that could go on for generations as a form of retaliation. In this legal system the Jew, like an object or a camel, is excluded from human justice. His disappearance is felt as a deprivation for his Arab master, who obtains retribution by depriving another Arab of his Jewish asset. What is doubly interesting is that this information is provided in an article published in 1953 by a distinguished Cambridge University scholar, the late Professor Robert Serjeant, as an example of and a testimony to Islamic justice and tolerance.¹² This means that he himself accepted the concept that a person, because he is a Jew, can be deprived of all his rights in a system that reduces his life to 'protection' and 'services'.

Jewish life in the Djabal Nefusa in Tripolitania provides a related example. Jews there were treated as serfs or slaves belonging to their master. When the Arab or Berber master died, his heirs inherited their Jews. If there was only one Jew and several heirs, each person would inherit a part of the Jew. The Ottomans liberated the Jews from this condition when they took control of Libya in 1858.¹³

The world of the *dhimmi* is one of silence, as Islamic law refuses his testimony against a Muslim. Likewise, confronted with the Islamic historical version of tolerance, the *dhimmi's* historical testimony of dhimmitude is refused. Moreover, since religion, law and politics are all bound together in Islam, any criticism of Muslim law or Islamic politics is considered

blasphemous. The *dhimmi* mentality is characterized by a feeling of gratefulness toward the power that tolerated this humiliated and threatened existence, what I have called the '*dhimmi* syndrome'. Hence, vulnerability led to a lack of revendication against injustice, a hapless state that caused resignation. Jews would say: 'We are in *galut* [exile]; we have to suffer.' They, like the Monophysite Christians, lived their trials through the spiritual world of the Bible.

Sources on *dhimmitude* abound. First, there are the Islamic sources: legal, religious and historical. The literature on *jihad* by Muslim historians is quite extensive. It describes the conquest and the process of Islamization of Christian lands. Then there are the *dhimmi* sources: Jewish, Christian, Coptic, Syriac, Nestorian, Armenian, Greek and Slav. These sources are not uniform: some are very meagre because of the utter destruction of its peoples, while some are more abundant.

Pattern of dhimmitude

Dhimmitude covers more than a millennium of Christian and Jewish history, and is a comprehensive civilization encompassing customs, legislation, social behaviour and prejudices. Numerous laws were enacted over the centuries in order to implement its principles. The geographical panorama of *dhimmitude* shows two aspects: one displays a permanent and uniform structure in the economic, religious, social and legal domains; the other discloses regional practices resulting from specific local conditions. The former constituted the classical legal status of *dhimmis*, prescribed by all jurists at different periods, and obligatory throughout the lands of Islam. Its various constituents were constantly imposed with lesser or greater severity depending on circumstances – they may be found as much in the Balkans, in Anatolia, and further afield, in the Levant, Persia, Yemen and the Maghreb.

Classical elements

The first major achievement of *jihad* was a territorial expropriation of the native people by transferring possession of the conquered lands to the conqueror. The *jizya* was mandatory under threat of jail, conversion, slavery, the abduction of *dhimmi* children or death. *Dhimmis* paid double the taxes of the Muslims and were subjected to the most degrading corvées. In North Africa and Yemen, repugnant obligations, such as executioner, gravedigger, cleaner of public latrines and the like, were forced on Jews, even on Saturdays and holy days. In 1894 to 1896, in Mesopotamia, after the first genocidal massacres of Armenians, Jews were often obliged in many places to bury the corpses. Religious restrictions were numerous, ranging from prohibitions in building, repair and enlargement of synagogues and churches

to regulations imposing humility, silence and secrecy in prayer. The takeover and Islamization of synagogues, and more often churches, was common.

In the legal sphere, the law ordained permanent inferiority and humiliation for *dhimmis*. As their blood was valued at half that of a Muslim, contempt for their life was expressed through inequality of punishments for the same offence. The penalty for murder was much lighter if the *dhimmi* was the victim. The murderer of a *dhimmi* was rarely punished, as he could justify his act by accusing his victim of blasphemy against Islam or of having assaulted a Muslim. The *dhimmi* could hardly defend himself since *qadis* accepted only a Muslim's testimony. *Dhimmis* were forbidden to possess or carry arms, to have authority over Muslims, to possess or buy land, to marry a Muslim women, to have Muslim slaves or servants, and, in theory, to write in Arabic.

In the social domain *dhimmis* had to be recognized by their discriminatory clothes whose shape, colour and texture were prescribed from head to foot; likewise, their houses (colour and size) and their separate living quarters. *Dhimmis* were forbidden to ride a horse or a camel, since these animals were considered too noble. A donkey could be ridden outside towns but only on a pack-saddle, the *dhimmi* sitting with both legs on one side and dismounting on sight of a Muslim. A *dhimmi* had to hurry through the streets, always passing to the left (impure) side of a Muslim, who was expected to force him to the narrow side or into the gutter. He had to walk humbly with lowered eyes, to accept insults without replying, to remain standing in a meek and respectful attitude in the presence of a Muslim and to leave him the best place. If he was admitted to a public bath, he had to wear bells to signal his presence. Stoning Jews and Christians – especially in Arab-populated regions – was not unusual; likewise disdain, insults and disrespectful attitudes toward them were customary. Some regional rules represent an aggravation of this pattern. In Morocco and Yemen, Jews were forbidden footwear outside their segregated quarter. In Yemen, a Jewish child whose father had died was taken from its family and placed with Muslim foster-parents or in an orphanage. The profanation of the tombs of *dhimmis*, especially in North Africa, was common.

These laws are the basic regulations set down in the classical texts on *dhimmis* and they had to be enforced throughout the lands of *dhimmitude*. Jurists strongly condemned the alleviation of these measures when it temporarily occurred. This comprehensive system lasted for over thirteen centuries in some regions. Its archetype – the dehumanized *dhimmi* – has permeated Islamic civilization and culture and is being revived in some aspects today through the Islamist resurgence and the return of the *shari'a* in some countries. *Dhimmitude* constitutes an ideological, sociological and political reality. This is proved by its geographical development, its historical perenniality and its present resurgence.

Modern period

In their struggles to regain their liberty and dignity, *dhimmi* nations were compelled, by history or geography, to adopt different paths. Christians from the European provinces of the Ottoman Empire fought for national goals; this policy was also chosen later by the Armenians and the Jews. The Eastern or Arab Christians, however, chose assimilation in an alleged secularized Arab society. The national liberation of *dhimmi* peoples meant that the jurisdiction of dhimmitude imposed by *jihad* was abolished. Their land and they themselves were no longer considered as booty (*fay*), nor as a *waqf* land at the disposal of the Muslim community. They were no longer forbidden to have a position that might give them equality or superiority over a Muslim. They could revive their prohibited language, as well as their history and their culture. They were no longer dehumanized *dhimmis*, deprived of the right to speak, to defend themselves and to preserve their own history. The national liberation of a *dhimmi* people meant the abolishment of the laws of dhimmitude for native populations on their historical homelands.

In the nineteenth century, the world of dhimmitude (Islamic supremacy) was shaken by three political movements: territorial independence for some ethnic *dhimmi* peoples (Greeks and Slavs); the theoretical emancipation of the *dhimmis* imposed by Europe (Ottoman Empire); and colonialism (Maghreb and Levant). In the last two cases, the *shari'a* law was replaced by European jurisdiction. The abolition of discrimination against Christians and Jews by secular, non-Islamic rules introduced by Europeans increased Muslim frustration and hatred against their former *dhimmis*. Christian independence and emancipation from the rules of dhimmitude led, during the whole of the nineteenth century and later, to bloody reprisals by the *umma*. Jews, too fearful to take advantage of their new rights, were spared.

The nineteenth-century Christian wars of national liberation and the later Arab-Israeli wars fit into the same pattern of *dhimmi* rebellions. *Dhimmi* lands, conquered by *jihad*, belonged to the *umma* as *fay* land (i.e. the collective booty of the *umma*, as reiterated in the 1988 Palestinian Hamas Charter). Regarding rebellious *dhimmis*, according to Muslim jurisconsults, the ruler was duty-bound to execute the males, reduce their women and children to slavery, and appropriate their possessions.¹⁴

Muslim reprisals against Christians in distant provinces far from the military fronts – who had not participated in the Christian rebellions – were motivated by many factors. Two are relevant here: Christian *dhimmis* were accused of having appealed to foreign powers for help; Christians in the Ottoman Empire were suspected of sympathizing with the rebels.

For Muslim jurists, these two reasons justified the expulsion or the execution of the *dhimmis*. The accusation of collusion with the infidels

abolished the protection of their life and goods. Thus, during the Balkan wars in the nineteenth century until the genocide of the Armenians during the First World War, Christian *dhimmi* communities were terrorized and hence were hostile to the Christian rebels. The Muslim hostility towards them was similar to modern Arab anti-Israeli and anti-Jewish prejudices.

In the context of Zionism, Jews from Arab countries suffered reprisals for the same reasons. Palestinian emissaries travelled through Muslim lands to arouse anti-Jewish fanaticism. Their propaganda of hate relied on terror as a deterrent. In distant Yemen, for instance, the influence of Palestinian emissaries in the 1920s was responsible for the severe deterioration of Jewish life, especially regarding the law obliging the abduction of orphans of a Jewish father. As Jews did not rebel against the Arab regimes, nor attack Muslims, they were now accused of harbouring sympathy for the Jewish struggle in Palestine. It is under this accusation that Jews, as *dhimmi*s, suffered extortion, imprisonment, rape, expropriation and massacre in Arab countries, although some Arab rulers – especially Muhammad V of Morocco – endeavoured to protect them.

The validity of the *dhimmi* status in modern times was acknowledged at the Fourth Conference of the Academy for Islamic Research, held in September 1968 at Al-Azhar University in Cairo, when Egyptian Sheikh Muhammad Abu Zahra stated:

It may be said that they (the unbelievers) are non-Muslim subjects, living in our midst, and therefore we have to take care of them. Within this group are cited the Jews, residing in certain Muslim states, the head of which, together with men in authority, favour them with amity and shield them from the masses of Muslims. But we say to those who patronize the Jews that the latter are 'dhimmis', people of obligation, who have betrayed the covenant in conformity with which they have been accorded protection. . . . These people have broken their covenant and violated their pledges; how, then, are we going to retain our obligation to protect them?¹⁵

This quotation illustrates the conflict between a rigorist interpretation of the law and the more liberal policy of some Muslim governments. It should be stressed that secular Turkey dissociated itself from the Arab League's *jihad* against Israel. Likewise, under the last Shah of Iran, religious prejudices against non-Muslims were strongly condemned and minorities were protected against fanaticism.

The Charter of Hamas states in its articles 6 and 31 that peace for Jews and Christians is only possible if they are under the rule of Islam. Independence and nationhood are denied them:

Under the shadow of Islam, it is possible for the members of the three religions – Islam, Christianity and Judaism – to coexist in safety and security. Safety and security can only prevail under the shadow of Islam, and recent and ancient history is the best witness to that effect. (Article 31)

Thus, in some Arab countries which had just obtained their independence, Jews were considered as *dhimmi*s in conformity with tradition. Discrimination and insecurity prompted them to leave in tragic circumstances from 1945 to 1975, stripped of all their belongings, while suffering brutality and humiliation. In other countries like Syria, thousands were kept until recently as a hostage population.

The return of dhimmitude

Today, all the aspects of dhimmitude mentioned above are still active or potential political forces. It is therefore important to know these aspects in order to recognize them and thus to realize that the situation of Jewish *dhimmi*s and of the State of Israel is not exceptional. It belongs to a fixed, political, Islamic constellation that includes many nations and peoples and whose evolution affects its components altogether, as can be seen in the Islamist ideology. Thus each *dhimmi* community can learn from the other. For Israel, the study of *jihad*, and particularly of Christian dhimmitude – the mechanism for transforming a national entity into a *dhimmi* minority – is essential.

Although the Jewish *dhimmi* condition is not exceptional, having been shared by millions of Christians and others over the centuries, nonetheless Israel's fight for survival as a sovereign state in its ancestral homeland is unique. This struggle implies overcoming not only traditional Islamic prejudices – the *jihad* and *dhimmi* concepts concerning Jews – but also European and Eastern Christian judaeophobia which led to a policy of Jewish territorial dispossession and debasement in exile. Israel's legitimacy has not yet been fully acknowledged by the World Council of Churches, while the Vatican has adopted an ambiguous position, balancing its recognition of Israel in 1993 by a similar attitude to the Palestinians. However, there is no relationship between the Church's policy to the Jews during sixteen centuries and its support for Arab Palestinians, since Palestine is a geographical entity created in its modern boundaries by Britain in 1923 under its League of Nations Mandate.

The rules concerning Christians in modern Muslim states are inspired by the traditional rules of dhimmitude relating to the laws of blasphemy, mixed marriage and apostasy; those concerning the building and repairing of churches and for religious processions; discrimination in employment, in education, as well as in penal cases which exclude the testimony of a non-Muslim when an Islamic punishment is applicable (Pakistan). Muslim criminals pay half of the compensation stipulated by law when the victim is a non-Muslim (as in Pakistan). In Iran, the financial reparation for injury and crimes is less severe if the victim is a non-Muslim, while the punishment for any crime is stricter.¹⁶

The study of dhimmitude necessitates an examination of the joint condition of both Jews and Christians because they form a single category under Islam, the People of the Book. They are complementary: the rules concerning one also concern the other. However much Christians object to this common destiny, Muslim doctrine has linked them to the Jews.

Zionism, however, was different from the struggle by Christian peoples for national liberation from dhimmitude, because on theological grounds the Church had condemned the Jewish people – and only them – to abasement in their ancestral homeland and exile from Jerusalem. This exceptional policy placed the Jews in a unique category in their own country. Early Christian doctrine professed that the Jews were a deicidal people, condemned by God to dispersion and suffering. Church Fathers had considered it a pious act to defile their religious shrines and humiliate them in the Land of Israel, as 'proof' of their rejection by God. This Christian doctrine prevailed until the 1965 *Nostra Aetate* statement of the Ecumenical Council of Vatican II.

For a century, Arab Christians – foremost among them the Palestinian clergy – were in the vanguard of anti-Zionism and theological judaeophobia. When, after the Holocaust, some European Christian theologians fought within the Church to suppress the deicidal accusation, they were strongly opposed by the Eastern churches and Islamic-Arab pressures. Later, these Eastern bishops attempted to block the Vatican's efforts of reconciliation before and after Vatican II (1962–65) and fought to retain the deicidal accusation.¹⁷ George Habash, Nayef Hawatmeh, Wadi Haddad, Kamal Nasser, Father Sakkab, the Syrian Melkite Bishop Hilarion Capucci and others militated in the most extreme PLO terrorist movements. The killing of Jews was their sacred Christian 'service' to the *umma*.¹⁸ Some of them collaborate now with the Islamist movements.

Consequently, Christian anti-Jewish theology and the Islamic policy of dhimmitude constituted a solid common ground that cemented the Islamic-Christian alliance against Zionism from its beginning.¹⁹ This war against the Jews and Zionism throughout the twentieth century adopted multifaceted aspects: from a policy of mass extermination and pillage, to camouflaged tactics behind the Palestinian cause, with media support. Commenting on the restoration of the new state of Israel and its secularist basis, the Vatican newspaper, *Osservatore Romano*, declared in 1948: 'for this reason the Holy Land and its sacred places belong to Christendom, the true Israel.'²⁰ Among other calumnies against the new state, the official bulletin of the French Catholic Church, *La Documentation Catholique*, proclaimed in 1949 that it could only agree 'that Zionism is Nazism in a new guise' – a cynical defamation, later used by Arab propaganda and recently by the Palestinian Hamas movement.²¹

It is the *dhimmi* condition of total insecurity that motivated Eastern

Christians to promote a secular society (Arab nationalism) in which they would feel integrated. They saw in anti-Zionism a tool to cement an Islamic-Christian solidarity in a common war against Israel. Arab Christians were afraid – and still are – that a Jewish-Christian reconciliation would endanger them and provoke Muslim retaliations. In this context, the interference from Islamic powers have kept alive conflictual issues between Jews and Christians by using the Eastern Christians as hostages.²² This is not the only example and it explains the general taboo which the Eastern churches tried to impose in order to conceal *dhimmi* history, thereby separating themselves from any ties with the Jews.²³ But this silence contributed to the return of religious intolerance and the *jihād* mentality, expounded by Islamists, whose victims today are the Eastern Christians and reformist Muslims.

One may contrast the Palestinian Churches' opposition to Israel, rooted in the deepest prejudices against the alleged deicidal people, with the pro-Zionist Christian Lebanese trend. Indeed, Zionism has deep roots also in some Christian movements. The Lebanese current, represented by Maronite patriarch Antun Arida and Archbishop Ignace Mubarak in the 1930s and 1940s, fully understood the common fate of Jews and Christians in relation to Islam. It therefore claimed from the international community the recognition of two independent states liberated from dhimmitude: a Christian state in Lebanon and a Jewish state in Palestine.

In his powerful plea to the 1947 UNSCOP Committee of Enquiry Archbishop Mubarak clearly exposed the problematics of dhimmitude for Jews and Christians, and their intrinsic solidarity to face it. The pro-Zionist Catholic trend in Lebanon was smothered by the Vatican and strongly opposed by the Arab churches, especially the Palestinian churches allied with the PLO. This internecine Christian war continued until the destruction of the Christian Lebanese political power by the PLO and its Muslim and Christian allies.²⁴ It is not the only example where a Christian anti-Jewish policy is diverted from its target, harming Christians themselves.

The recognition of Israel by the Vatican in December 1993 came too late for those Lebanese Christians who were pleading for a strong alliance of the People of the Book against the rules of dhimmitude. As for Europe, it supported the Arab *jihād* in its Palestinian garb. As Bechir Gemayel affirmed in his last speech just before his assassination: 'Europe, driven by its antisemitism, preferred to mutilate itself by sacrificing the ancient Lebanese Church rather than supporting Israel.'²⁵ European backing for the Palestinians against the Lebanese-Israeli alliance was intended to strengthen Eastern Christians, as well as buttressing an Islamic-European-Christian solidarity against Israel. Towards this goal, Europe and the Arab Palestinian Churches provided strong anti-Israeli propaganda on an international level.

In the context of dhimmitude, the position of the Israelis – a people

liberating its land from the laws of dhimmitude – differs from similar Christian movements. Israel had to struggle against the Christian theological curse that led to the Holocaust, and also against dhimmitude.

The history of dhimmitude has yet to be accepted by the Muslim intelligentsia, although they should acknowledge that the peoples whom they subjugated in their imperial onslaught on three continents have the right to evaluate their own history from their sources, their viewpoint and their values. Indeed, many Koranic verses recommend tolerance, and Muslim rule over a vast multi-religious and multi-ethnic empire, when Muslims were a minority, could only be maintained by a degree of political tolerance. But this tolerance was contingent on political, economic and social factors. The principle of religious tolerance is enshrined in the Muslim Revelation and is a well-known fact. However, it is not this principle that Muslim theologians and political leaders are discussing even today, but its limitations.

Dhimmitude should be recognized, not only on a human and moral level, but also as a grave modern political problem. As long as the prejudices and the ideologies that have justified dhimmitude for Jews, Christians and other religious groups are not clearly denounced in the Muslim world, they will continue to influence Muslim politics and perceptions of these peoples. The reactions will be more detrimental to the Muslims themselves, especially those living in Western countries. It is therefore important that Muslim religious and political leaders denounce the sources of intolerance in their own culture, in order to build the bridges of a universal reconciliation. The study of dhimmitude – and especially its Jewish aspect, because it also involves Christian judaeophobia – is essential, so as to eliminate religious prejudices in the triangular relationship of the three monotheistic faiths.

Notes

1. Ibn Abi Zayd al-Qayrawani (d. 966), *La Risāla (Épître sur les Eléments du dogme et de la loi de l'Islam selon le rite mālikite)*, French trans. by L. Bercher (5th edn Algiers, 1960), p. 163. English version, in Bat Ye'or, *The Dhimmi: Jews and Christians under Islam* (London, Associated University Presses, 1985), p. 161.
2. Ibn Khaldun, *The Muqaddimah. An Introduction to History*, trans. from the Arabic by F. Rosenthal (New York: Pantheon Books, 1958), Vol. 1, p. 473. Quoted in Bat Ye'or, *The Dhimmi*, p. 162.
3. The institutionalization of *jihād* as a religious injunction has produced an extensive juridical literature. For references, see Bat Ye'or, *The Decline of Eastern Christianity under Islam. From Jihad to Dhimmitude: 7th to 20th Century* (London, Associated University Presses, 1996), p. 455, n. 10; *Juifs et Chrétiens sous l'Islam: les dhimmis face au défi intégriste* (Paris, Berg, 1994), p. 24, n. 33; Rudolph Peters, *Jihad in Classical and Modern Islam: A Reader* (Princeton, Markus Wiener, 1996); Al-Azhar University (ed.), *The Fourth Conference of the Academy of Islamic Research, 1968* (Cairo, Government Printing Offices, 1970).

4. See Ibn Taimiyya (d. 1328), in Henri Laoust, *Le Traité de Droit Public d'Ibn Taimiya*, French trans. of the *Siyasa Šar'iya* (Beirut: Institut Français de Damas, 1948); an-Nawawi, *Minhâdj At-Tâlibîn (Le Guide des Zélés Croyants, Manuel de Jurisprudence musulmane selon le rite de Châfi'i)*, French trans. by L. W. C. van den Berg (Batavia, Imprimerie du Gouvernement, 1883), Vol. 3, pp. 255, 264–5. For English quotations from Abu Yusuf Ya'qub, Ibn Taimiyya and al-Mawardi, see Bat Ye'or, *The Dhimmi*, pp. 165–80.
5. Abu Yusuf Ya'qub, *Le livre de l'impôt foncier (Kitâb al-Kharâdj)*, French trans. by E. Fagnan (Paris, Geuthner, 1921), p. 293; see Bat Ye'or, *Juifs et Chrétiens*, p. 40, n. 13; Peters, *Jihad*, pp. 30–1; Alfred Morabia, *Le Gihad dans l'Islam Médiéval, Le 'Combat Sacré' des origines au XIIe siècle*, Preface by Roger Arnaldez (Paris, Albin Michel, 1993).
6. Abu Yusuf Ya'qub, *Le livre*, p. 189. For text in English, see Bat Ye'or, *The Dhimmi*, p. 168, n. 1.
7. Pedro C. Moreno (ed.), *Handbook on Religious Liberty around the World* (Charlottesville, VA, Rutherford Institute, 1996), p. 277.
8. Abu Yusuf Ya'qub, *Le livre*, p. 40. English translation (excerpts) in Bat Ye'or, *The Dhimmi*, p. 165; Ibn Taimiyya, *Le Traité*, pp. 35–6. For the goods of the infidels destined to become 'booty', see the opinion of the Andalusian jurist Ibn Hazm (eleventh century) in Roger Arnaldez, 'La Guerre Sainte, selon Ibn Hazm de Cordoue', in *Etudes d'Orientalisme dédiées à la mémoire de Lévi-Provençal* (Paris, Maisonneuve et Larose, 1962), Vol. 2, p. 457: 'God has established an ownership for infidels over their possessions, only for the institution of booty for the Muslims.' See Bat Ye'or, *Juifs*, p. 46, n. 30 (English trans.).
9. Patrologia, *History of the Patriarchs of the Coptic Church of Alexandria, III: Agathon to Michael I (766)*, English translation by B. Evetts, in *Patrologia Orientalis* (Paris, Firmin-Didot, 1910), Vol. 5, fasc. 1, p. 72.
10. M. Schreiner, 'Contribution à l'histoire des Juifs en Egypte', *Revue des Etudes Juives* (Paris, 1895), Vol. 31, pp. 9–10. English translation in Bat Ye'or, *The Dhimmi*, pp. 194–6.
11. Paul Paquignon, 'Quelques Documents sur la condition des Juifs au Maroc', *Revue du Monde Musulman* (Paris, 1909), Vol. 9, pp. 112–19. The *fatwas* mention all the humiliations imposed on the tributaries: for the interdiction to wear shoes outside the *mellah*, *ibid.*, pp. 119–23. See Bat Ye'or, *Juifs*, p. 106.
12. Robert B. Serjeant, 'A Judeo-Arab House-Deed from Habbân (with notes on the former Jewish communities of the Wahidi Sultanate)', *Journal of the Royal Asiatic Society* (London, October 1953), reprinted in *ibid.*, *Customary and Shariah Law in Arabian Society* (London: Variorum Reprints, 1991), Vol. VIII, p. 113. See Bat Ye'or, *Juifs et Chrétiens*, pp. 74–5. For the condition of the Jews of Yemen in the first half of the nineteenth century, see Tudor Parfitt, *The Road to Redemption: The Jews of the Yemen 1900–1950* (Leiden, Brill, 1996).
13. Harvey E. Goldberg, *The Book of Mordechai: A Study of the Jews of Libya* (Philadelphia, Institute for the Study of Human Issues, 1980), p. 74.
14. An-Nawawi, *Le Guide*, Vol. 3, p. 287; Abu Yusuf Ya'qub, *Le livre*, pp. 329–31; see also Bat Ye'or, *Juifs et Chrétiens*, p. 54.

15. Muhammad Abu Zahra, 'The Jihad', in Al-Azhar, *The Fourth Conference*, p. 59, reprinted in D. F. Green (ed.), *Arab Theologians on Jews and Israel: Extracts from the Proceedings of the Fourth Conference of the Academy of Islamic Research* (Geneva, Editions de l'Avenir, 3rd edn, 1976), p. 61.
16. Moreno, *Handbook*. 'Pakistan', pp. 95–104, 'Iran', pp. 276–83; Nina Shea (ed.), *In the Lion's Den: A Shocking Account of Persecution and Martyrdom of Christians Today and How We Should Respond: Based on Eyewitness Accounts!* (Nashville, Broadman & Holman, 1997).
17. Henri Tincq, *L'Etoile et la Croix. Jean-Paul II – Israël: l'explication* (Paris, Lattès, 1993), pp. 31–41; William Nicholls, *Christian Antisemitism. A History of Hate* (Northvale, NJ/London, Jason Aronson, 1993).
18. Christian obligation to serve Muslim interests was vigorously expounded by Christian Arab nationalists, especially by Michel Aflak, co-founder of the Ba'ath party, and by Christian Palestinians. It was strongly affirmed as a sacred duty in the writings of Father Yoakim Moubarak.
19. Negib Azoury, *Le Réveil de la Nation Arabe dans l'Asie Turque. En Présence des Intérêts et des Rivalités des Puissances Etrangères, de la Curie Romaine et du Patriarcat oecuménique: Partie Asiatique de la Question d'Orient et Programme de la Ligue de la Patrie Arabe* (Paris, Plon, 1905). In his book, Azoury outlined the ideological and political bases of Arab nationalism, a movement that would unite Christians and Muslims in a secular Arab nation. In the Preface, he explains that the doctrine of Arab nationalism 'from a triple point of view: diplomatic, political and economical' will be completed by a complementary study called *Le Péril Juif Universel: Révélations et études politiques*. This work never appeared, but its title resembles what was soon to become known as *The Protocols of the Learned Elders of Zion*, first published in a Russian edition in 1905.
20. Friedrich Herr, 'The Catholic Church and the Jews today', in *Midstream*, New York, Theodor Herzl Foundation, May 1971), p. 22.
21. *Ibid.*, p. 23.
22. Tincq, *L'Etoile*, p. 40; George Emile Irani, *Le Saint-Siège et le Conflit du Proche-Orient* (Paris, Desclée de Brouwer, 1991), pp. 30–1.
23. See the lecture by Father Michel Hayek given on 6 March 1967, 'Nouvelles approches de l'islam' (*Les Conférences du Cénacle*, Beirut, 1968, Nos. 9–10, XXII année, p. 11: 'Why not admit it clearly, so as to break a taboo and a political interdict, which is felt in the flesh and the Christian conscience – that Islam has been the most appalling torment that ever struck the Church. Christian sensibility has remained traumatised until now.' Quoted in Bat Ye'or, *Juifs et Chrétiens*, p. 309, n. 45 (English trans.). See also 'Actes du Colloque des Chrétiens du monde arabe (CMA) à Paris', in *Les Chrétiens du Monde Arabe: Problématiques Actuelles et Enjeux*, Preface by Pierre Rondot (Paris, Maisonneuve & Larose, 1989).
24. See Walid Phares, *Lebanese Christian Nationalism, The Rise and Fall of an Ethnic Resistance* (Boulder, CO/London: Lynne Rienner, 1995).
25. Quoted in Bat Ye'or, *Juifs et Chrétiens*, p. 252.