

The Romanian Academy
The School of Advanced Studies of the Romanian Academy
The “Nicolae Iorga” Institute for History



PhD THESIS

(Summary)

***ḌIMMĪ* STATUS AS DOCUMENTED IN CLASSICAL ISLAMIC POLITICAL WRITINGS**

Coordinator:

Prof. Virgil Ciocîltan, PhD

PhD Candidate:

Andra Ramona Dodiță

OCTOBER 2020

Keywords: *ahlu d-dimma*, *dimmi*, status, non-Muslim subjects, (Islamic) political thought, ‘*ulamā*’, religion-state relation, public officials

This research explores an approach to the status of non-Muslim subjects, *ahlu d-dimma*, from the perspective of the relation between state and religion and its implicit evolution, as documented in classical Islamic political writings. For Muslim intellectuals, the interest in politics stems from the Islamic precepts. Consequently, at least in the selected historical period, one cannot consider political thought independent – in the context where critical thinking had been severely suppressed by the Muslim rulers (e.g. Mu‘tazila) –, as it was at least under the influence if not fully subordinated to traditional Islamic disciplines – where different schools of Islamic law (*madāhib*) would interpret the Qur’ānic stipulations and prophet Muḥammad’s sayings differently, which led to mutual rivalry and competition and, to a lesser extent, within the actual schools. As a result, given the Muslim scholars’ interest in the nature of the state, the types of governance, the qualifications of the rulers, the limitations and boundaries to their power, as well as the rights of the subjects, the main focus of the Islamic political thought in this historical period was the theory of the caliphate – or, in terms of Islamic jurisprudence, the theory of the imamate –, that was analysed in comprehensive treatises on jurisprudence and theology, within the framework of *ṣarī‘a*. In this context, the status of the non-Muslim subjects, and especially that of the *dimmi* civil servants – about whom Muslim intellectuals were most interested in among all *ahlu d-dimma* – emerges as a result or a by-product of the predominantly domestic dynamics and power balance between various actors: rulers (pragmatism) vs. religious experts or ‘*ulamā*’ (religious fervour), Sunni rulers vs. Shi‘a rulers, as well as rulers vs. *ahlu d-dimma* (especially public servants), and especially ‘*ulamā*’ vs. *ahlu d-dimma* (especially public servants).

The introductory chapter analyses the relation between state and religion, starting with the “State” of Medina established by the prophet Muḥammad in 622, via the split of the political leader/religious ideologist binomial authority that took place after his death and, more specifically, after the transition from *ḥilāfa* to *mulk*, then advancing to the formation of the ‘*ulamā*’ “class” – backed and empowered by the Muslim community –, following which the religious experts projected themselves as the single authority entitled to interpret *ṣarī‘a* (based firstly on the Qur’ān and the *sunna* of the prophet Muḥammad). They did so with the aim of regulating the society, on the one hand, and to counsel or criticize the political ruling power, on the other hand. This latter

evolution marked the beginning of a complicated relationship of mutual legitimation between the political and the religious elements, while also challenging how each of the two actors would relate to power. In the 9th century, religion was subjected by the political power with the aim of legitimizing the latter's authority. Later on, after the Seljuks' rise to power – in which context I examined the effects of the separation of powers in the Abbasid state upon the institution of the dichotomy between the caliph and the sultan, as well as the role of the religious experts in the new power equation – the '*ulamā*' were subordinated to the state by their massive conversion to public servants (through the *madāris* "institutions"). By the 13th and the 14th century, the steady admission in the public system had intensified, thus fuelling the professional rivalry and competition within the bureaucratic field, which led to an unprecedented intellectual focus on this field and its related concerns.

The second chapter addresses the presence – predominant in the entire empire, at least until the 10th century – and role of the non-Muslim subjects in the socio-political, ethnical and religious order of the Muslim state, which bears testimony to the fact that both the quantity and the quality of the information available about their distribution in the Muslim state were significantly higher for the urban environment compared to the rural one (overwhelming majority), as well as for the elites (*al-ḥaṣṣa*) compared to the commoners (*al-'amma*). In this context, I touched upon the caliphal decree of al-Mutawakkil from the year 850, which represents the peak of the anti-*ḍimmī* measures during the Abbasids – and, potentially, the most recognizable such set of measures in the history of Islam –, thus becoming a precedent and a source of inspiration both for future Muslim rulers and for Muslim scholars who attempted to regulate the status of the non-Muslim subjects.

Similar to followers of different faiths, Muslims in the formative, classical, medieval period didn't have a monolithic perception of their faith, which led to different groups of Muslims interpreting the Qur'ān and the *ḥadīth* in different ways, according to the historical context and the surrounding realities – and not necessarily in terms conducive to religious zeal. Even in the situation of religiously inspired restrictive norms, the historical reality testified to the rather lax conformation to and implementation of religious norms by the political power and, at times, even the Muslim religious institutions. Instead, more often than not, the reverse had been in place: the majority of Muslims lived under regimes characterized by a variable religious character and, consequently, a vacillating relation with the above mentioned norms, which translated into the

following and the implementation of *šarī'a* predominantly insofar as it suited legitimizing their authority in front of the '*ulamā*' and the Muslims.

In this context, Muslims and non-Muslims seem to have generally cohabited peacefully for centuries, despite the differences between them. Over the years, the shortcomings and the hardships that came along with the establishment and the enforcement of the *ḍimmī* status fluctuated depending on how the Muslim society – or elements that pertained to it – was feeling strong and confident or was suffering – even on a perception level – from domestic or foreign threats in front of which it would either close itself or push back. Unlike the Jews and Christians living in the Byzantine Empire that refused to submit to the authority of the pope and who were, as a result, persecuted, forced to convert or expelled, in the case of *ḍimmī* subjects, the use of force by the Muslim rulers was rare and atypical, and only caused by special circumstances. In general, however, in exchange of accepting the Muslim domination and submitting to it, as well as paying the tribute, the “protected” non-Muslims were guaranteed the right to live, to own property, to benefit from autonomy in most religious and civil aspects, on the condition of not prejudicing Islam, the Islamic society and Muslims. Furthermore, throughout the analysed historical period and especially during the Umayyad and Abbasid times, numerous Christians and Jews held important public functions in the state apparatus from simple secretaries (*kuttāb*) in the administration to governors in various provinces and even viziers, as well as physicians at the courts of several rulers.

Due to the virtually non-existent interest of Islamic medieval historiography in the empire's countryside and the limited focus on the commoners living in the urban environment, most information available about the *ahlu ḍ-ḍimma* point to the elites, and particularly to the public servants – in the context of their proximity to the caliphal institution and, consequently, to its theory, that was considered of utmost importance in the Islamic political thinking. Within this framework, in the third chapter, I've addressed the status of the *ahlu ḍ-ḍimma* between the historical practice and the theory put forward by Muslim scholars based firstly on the Qur'ān and the *ḥadīth*, departing from the two precedent-documents which have become the normative foundation for the *ḍimma* status: “The Medina Charter” and “The Pact of 'Umar”. A stipulation not explicitly listed neither in the “Charter” nor, potentially, in the “Pact” – which has stirred endless discussions starting with its authenticity – that did have a major impact on the status of the *ḍimmī* communities is the exclusion of non-Muslim subjects from the public service of the Islamic

state. Despite the normative “shortcomings” of the fundamental texts, the question of *ḍimmī* public officials had become one of the most delicate topics as depicted by the discontent and the criticism expressed in jurisprudence treaties – by principle, the legal tradition was opposed to the employment of non-Muslim subjects in positions that benefited from authority over Muslims –, in the administrative and the advice literature (“mirrors for princes”, *specula principum*, *Fürstenspiegel*), and even in a subgenre of the advice literature that specialized exclusively on this very topic (“a rather small genre”). This discourse had, however, only occasionally been summarised and turned into caliphal decrees and, even then, history bore witness to the reality that the ban on *ḍimmī* officials was one of the most difficult to implement and maintain long-term, as indicated by its very cyclical reinforcement.

The last chapter tackles three approaches – dated in different times, from different perspectives and with different motivations – to the place of non-Muslims in the Islamic society and particularly in the administration of the Islamic state, according which the *ḍimmī* subjects were obliged to respect the symbolic and the power hierarchies that stem from the superiority of Islam by showing submission towards Muslims in all interactions and relations. The three case studies are *al-Aḥkāmu s-Sulṭāniyya*, written by al-Māwardī (d. 1058), *Siyāsat-nāma/Siyar al-Mulūk*, written by Nizām al-Mulk (d. 1092) and *Aḥkāṃ ahli ḍ-ḍimma*, written by Ibn Qayyim al-Ġawziyya (d. 1350).

The relevance of *al-Aḥkāmu s-Sulṭāniyya* lays in the fact that the Shafi‘i scholar al-Māwardī – representing the “Sunni realism” – gathered together all the civil law regulations on the topic of the caliphate/imamate up until that time and organized them into one unified work, with a pioneering focus on the organization and functioning of the administration and the character of the individual running it. From the perspective of this research, *al-Aḥkāṃ* is important because it recognizes and “formalizes” the practice of employing *ḍimmī* subjects as viziers “of execution” while proclaiming the restriction of their access to the “vizirate of delegation”. Al-Māwardī’s motivation towards this topic – at most secondary in relation to the entire work – cannot be separated from the official functions and missions he held, as well as his close relationship with the Abbasid caliphs al-Qā’im and al-Qādir.

In the classical work on Islamic Middle Ages governance and the first Islamic advice work that explicitly condemned the practice of hiring non-Muslim public servants, *Siyāsat-nāma/Siyar al-Mulūk*, the statesman and intellectual – but not the scholar – Nizām al-Mulk combined the

Islamic governance ideals with the pre-Islamic, Sassanid model of right governance, according to which the ruler was in charge both for the state and the religion. From the perspective of this research, in the context of the good relations between the Seljuk vizier and various non-Muslim officials that he appointed in various public functions and where some of them attained a significant degree of influence, as well as the existence of a favourable Shafi‘i precedent (one of the two legal schools favoured by the Seljuks in the *madāris* “institutions”, also known as *nizāmiyyāt*) – although contested and ignored, later on – to this practice embodied by al-Māwardī’s opinion, I’ve shown that Nizām al-Mulk’s stance on *ḍimmī* officials was only a by-product of a larger diatribe against officials – especially Shi‘a (remainings of the Buyids) – whom he portrayed as incompatible with the public function due to various causes such as heterodoxy, corruption, incompetence, youth, lack of loyalty or greed. In this respect, the mentioning of non-Muslims in the same context with the Shi‘a Muslims – considered the main enemy by the Sunni Seljuks through their connection with the Shi‘a Buyids – was especially useful in compensating for the absence of Qur’ānic stipulations regarding the latter.

While the overall goal of the superlative work *Aḥkām ahli ḍ-ḍimma* – the first work dedicated exclusively to the regulation of the *ahlu ḍ-ḍimma* status which survived, in its entirety, until the present time and is the most comprehensive, important and well known jurisprudence source on the topic of non-Muslim subjects – was to regulate the status of non-Muslims and their relations with Muslims, in the section about the “ban on appointing Jews and Christians to any function with authority over Muslims and their affairs”, the Hanbali jurist Ibn Qayyim al-Ġawziyya abandoned the legal style that he religiously adhered to in the rest of the work, by resorting to a sequence of anecdotes – a first for the genre of Islamic jurisprudence treaties – that depict the relations between *ḍimmī* officials and ten (mostly Abbasid) caliphs, either aiming to criticize or warn the new Muslim rulers – the only such section in the entire work –, or aiming to vilify the former in the context of the competition with the ‘*ulamā*’ – with whom the author identified with – for political influence, social prestige, and financial support from the new non-Arab and freshly converted to Islam rulers – the Mamluks. None the less, although Ibn al-Qayyim doesn’t explicitly mention the ongoing defining evolutions for the region marked by the shaping of a new social structure following the reversal of the proportion of non-Muslims – thus becoming a clear demographic minority both in the Mamluk society and, more broadly, in the region – it’s highly unlikely that Ibn al-Qayyim disregarded them as one of the factors that contributed to the

elaboration of this work, in conjunction with the fears of conspiracy with the Franks towards the eradication of Islam and Muslims. In this context, departing from the selection of anecdotes, Ibn al-Qayyim rebutted the practice of hiring non-Muslim civil servants both on the basis of practical arguments (extracted from the collection of anecdotes) that consist of prejudices against Muslims and the Islamic state and on the basis of formal, theological arguments supported by a significant number of Qur'ānic verses and sayings of the prophet Muḥammad and his companions.

Despite issues pertaining to the authenticity of some normative sources and the historical lapses, symbolism outweighs facts in the collective imaginary. In this context, the non-Muslim subjects in the classical Islamic period, and especially the *ḍimmī* public servants – due to their proximity to power –, found themselves “caught” between the religious norms developed by the *'ulamā'* and the pragmatism exerted by the rulers, between the Sunni and the Shi'a rulers, as well as in direct competition first with Muslim fellow public servants and later on with the *'ulamā'* turned bureaucrats. Aside from the cyclical yet short-lived persecutions against *ḍimmī* officials either as part of a broader anti-*ḍimmī* program or simply as a measure to curb the rise to power of these professionals, the history of Islam seldom yet distinctively recorded the dismissal or sentencing to death of such clerks whenever their ambitions and endeavours would grant them intolerable powers in the eyes of their overlords, for whom the *de facto* subjecting of Muslims by non-Muslims was a red line.

In conclusion, the original elements of this research consist mainly of the approach of the status of non-Muslim subjects, *ahlu ḍ-ḍimma*, from the structured perspective of the relation between state and religion and its evolution, as well as the selection of the three case studies – influential works for this topic that are dated in different times and written from different perspectives and with different motivations –, of which *Aḥkām ahli ḍ-ḍimma* (compiled in the 14th century and published, as an edited version, in 1961) – in particular the section about the non-Muslim public servants – has exhibited the biggest potential due to its still incipient exploration (both in terms of translation as well as from an analysis and interpretation standpoint), its stylistic disruption and innovation compared both to the genre of Islamic jurisprudence treaties and to the Hanbali tradition, as well as the argumentative richness and its level of systematization.