

Why Did Islamic Law Put Restrictions On Dhimmis?

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The term *dhimmi* was used in classical Islamic law for certain non-Muslim subjects who lived under Muslim rule through a protected legal status. The Arabic expression *ahl al-dhimma* means “people of the covenant” or “people under protection.” Jews and Christians were the communities most consistently included, although some Muslim states extended comparable arrangements to Zoroastrians, Hindus, and other groups. In return for recognizing the authority of the Muslim state and paying the *jizya* poll tax where applicable, protected communities generally received security of life and property, permission to practice their religion, and a degree of communal autonomy (Friedmann, 2003; Levy-Rubin, 2011).

The original essay correctly recognizes that protection existed together with inequality. Dhimmi status was not modern equal citizenship. Muslims occupied the politically privileged position, while non-Muslims could face taxes, restrictions on public religious expression, limitations involving officeholding or testimony, and regulations intended to mark subordinate status. However, it is inaccurate to describe one fixed set of restrictions as if it operated identically in every Islamic land and century. Legal doctrine, political practice, local custom, economic need, and relations among communities varied greatly. Some restrictions were strongly enforced in one period, ignored in another, and disputed among jurists (Cohen, 1994; Friedmann, 2003).

Why Did Islamic Law Establish Dhimmi Status?

Dhimmi status developed as Muslim-ruled territories expanded and came to include large Christian, Jewish, Zoroastrian, and other populations. Early Muslim governments needed a legal and fiscal framework for communities that did not convert to Islam. Immediate forced conversion would have been administratively disruptive, economically damaging, and inconsistent with important scriptural and legal traditions permitting recognized religious communities to retain their faith. The covenant system allowed the state to claim political sovereignty while leaving many internal religious and family matters to communal authorities (Qur’an 2:256; Levy-Rubin, 2011; Friedmann, 2003).

The institution should therefore be understood through several connected purposes: political control, taxation, religious hierarchy, social order, and pragmatic coexistence. It gave rulers revenue and loyalty while giving minority communities formal protection. The same arrangement also expressed the belief of classical Muslim jurists that Islam and the Muslim community possessed a superior public status. Protection did not remove hierarchy; it organized hierarchy (Friedmann, 2003; Cohen, 1994).

Political Sovereignty and Loyalty

One reason for restrictions was to make political authority visible. Muslim rulers governed territories containing populations that sometimes had historic connections with rival empires, including Byzantium. Rules concerning military service, weapons, public symbols, or official authority could be justified as security measures, especially during war. The state wanted to distinguish protected subjects from political enemies while ensuring that non-Muslim communities did not develop independent armed power (Levy-Rubin, 2011; Friedmann, 2003).

This explanation should not be treated as proof that every dhimmi was suspected of disloyalty. Jews and Christians served Muslim states as physicians, translators, financiers, administrators, diplomats, craftspeople, and merchants. Their expertise could make them indispensable. Political rulers regularly balanced ideological hierarchy against practical need, which helps explain why legal restrictions and actual employment often differed (Cohen, 1994; Friedmann, 2003).

The Jizya and Fiscal Organization

The *jizya* was a tax associated with protected non-Muslim status. Qur'an 9:29 became a foundational text in later legal discussion, but jurists disagreed about assessment, collection, exemptions, and the groups to whom it applied. Women, children, monks, the poor, older people, disabled persons, and others were exempted in various legal formulations, though practice differed. Muslims were subject to other fiscal duties, including *zakat*, and land taxes operated through additional systems (Qur'an 9:29; Friedmann, 2003).

The original essay interprets *jizya* mainly as a conquering and humiliating mechanism intended to encourage conversion. Taxation certainly expressed submission to the state and could create an economic incentive to convert, especially where Muslim status reduced the personal tax burden. Yet rulers sometimes resisted mass conversion because it reduced revenue, demonstrating that fiscal and religious incentives were not always aligned. Tax collection could be oppressive, moderate, symbolic, or negotiated according to time and place (Friedmann, 2003; Levy-Rubin, 2011).

Some legal writers described collection in language of subordination, while others rejected deliberate humiliation and emphasized lawful payment. A careful historical essay should distinguish scriptural text, juristic interpretation, administrative practice, and abuses by particular officials rather than treating them as one thing (Friedmann, 2003).

Preserving a Muslim Public Order

Classical Islamic law generally assumed that the public order of a Muslim state should visibly reflect Islam. This assumption contributed to restrictions on constructing or prominently displaying new houses of worship, conducting loud processions, ringing bells, proselytizing Muslims, or using public

symbols in ways jurists considered a challenge to Muslim authority. Existing churches, synagogues, and temples were often permitted to continue, but rules on repair and new construction varied considerably (Friedmann, 2003; Levy-Rubin, 2011).

The purpose was not primarily to prevent Christians and Jews from losing their own culture, as the original essay suggests. It was more often to protect Muslim religious predominance and prevent public competition for converts. Minority communities preserved their beliefs because they were permitted internal worship, schools, courts, and leadership, but restrictions were designed from the perspective of the ruling religious order rather than as a modern policy of multicultural preservation (Cohen, 1994; Friedmann, 2003).

Rules of Social Distinction

Later texts associated with the so-called [Pact of Umar](#) list distinctions involving clothing, housing, riding animals, weapons, public behavior, and worship. Historians debate the origin and development of this document. It should not be treated as a complete agreement issued in one final form by Caliph Umar and universally enforced from the first conquests. The restrictions developed through later legal and political history and were interpreted differently (Levy-Rubin, 2011; Friedmann, 2003).

Rules that limited horses, required distinctive garments, or prohibited houses from exceeding Muslim homes made hierarchy visible. Horses could carry military and elite significance, while clothing identified communal membership. Such regulations resemble status distinctions found in other premodern societies, but similarity does not make them equal or harmless. They could expose minorities to humiliation and reinforce the idea that religious identity determined civil rank (Friedmann, 2003).

Enforcement was inconsistent. Economic life required interaction among Muslims, Christians, and Jews, so the statement that dhimmis were not allowed to mingle with Muslims is too broad. People traded, lived as neighbors, shared languages, worked in government and medicine, and participated in urban culture. Social boundaries existed, but complete separation was neither the universal rule nor practical reality (Cohen, 1994).

Marriage and Family Law

Classical Islamic law generally prohibited a Muslim woman from marrying a non-Muslim man. Muslim men were commonly permitted to marry Jewish or Christian women under rules concerning the People of the Book. These asymmetrical rules reflected patriarchal assumptions that the husband shaped household religion and legal affiliation. The system was designed to prevent Muslim women and their children from entering a household governed by another faith (Friedmann, 2003).

Dhimmi communities often retained authority over marriage, divorce, inheritance, and internal

religious matters, although individuals sometimes used Muslim courts when doing so offered an advantage. Legal pluralism allowed communal continuity but could also produce unequal rights within communities, particularly for women or dissenting members (Cohen, 1994; Levy-Rubin, 2011).

Conversion and Proselytization

Non-Muslims were generally prohibited from converting Muslims away from Islam, and apostasy from Islam carried serious legal consequences in classical doctrine. These rules protected the religious boundaries of the Muslim community. By contrast, conversion to Islam was recognized and sometimes rewarded socially or fiscally (Friedmann, 2003).

The presence of incentives does not mean every conversion resulted directly from coercion. People converted for religious conviction, marriage, social mobility, political participation, taxation, language, family change, or gradual cultural integration. Conversion occurred at different rates across regions and often took centuries. Historical explanation requires more than the claim that humiliation forced everyone toward Islam (Friedmann, 2003; Levy-Rubin, 2011).

Protection and Inequality

Dhimmi status protected minority communities from certain forms of arbitrary violence and recognized their right to continue religious life. In periods of stable government, Jewish and Christian communities could maintain institutions, scholarship, commerce, and worship. Some experienced greater security under particular Muslim rulers than under previous governments or rival Christian states. Jewish communities, for example, participated significantly in the economic and intellectual life of cities across the Islamic world (Cohen, 1994).

Protection was nevertheless conditional and unequal. Minorities depended on rulers honoring the covenant, and periods of political crisis could bring persecution, forced conversion, confiscation, or destruction. The quality of life differed between regions and dynasties. It is therefore misleading either to present dhimmi status as perfect religious tolerance or to reduce all Islamic history to uninterrupted oppression (Cohen, 1994; Friedmann, 2003).

Modern equality is based on citizenship without legal privilege determined by religion. From that perspective, many dhimmi restrictions are discriminatory. Historical analysis can acknowledge this fact while also examining the institution within the political assumptions of its time. Explanation is not justification, and moral criticism does not require inaccurate generalization (Friedmann, 2003).

Was the System Designed to Preserve Islamic

Superiority?

The original essay argues that restrictions maintained Islam as the superior religion. This conclusion is substantially supported by classical legal hierarchy. Muslims held the dominant public status, and some regulations were explicitly intended to prevent non-Muslim religious communities from appearing politically or symbolically equal. Jurists commonly understood the state as an Islamic order rather than a religiously neutral government (Friedmann, 2003).

However, “superiority” operated alongside practical interdependence. Muslim rulers relied on non-Muslim taxpayers, administrators, physicians, translators, and merchants. Protected communities possessed their own scholarly and religious traditions. Daily life could involve cooperation even when law described unequal status. The historical reality was therefore a changing negotiation among doctrine, governance, economy, and local relationships (Cohen, 1994; Levy-Rubin, 2011).

Why Is Male Circumcision Important in Islam?

The original essay adds a separate question concerning male circumcision. Circumcision is widespread in Muslim communities and is commonly associated with purification, the tradition of the Prophet Abraham, and the practices of natural disposition known as *fitra*. It is important to correct the claim that the Qur’an explicitly commands circumcision. The Qur’an does not contain a direct verse ordering Muslim males to be circumcised. The practice is based primarily on prophetic tradition, the example of Abraham in broader religious memory, jurisprudence, and inherited communal practice (Sahih al-Bukhari, Book of Dress, traditions on *fitra*).

Circumcision and Fitra

Hadith collections identify circumcision together with practices such as trimming the moustache, clipping the nails, removing underarm hair, and removing pubic hair as elements of *fitra*. These practices are associated with cleanliness, bodily care, and religious identity. The list explains why circumcision is often discussed in chapters concerning purification rather than only through one command (Sahih al-Bukhari, Book of Dress, traditions on *fitra*).

The original essay correctly connects circumcision with these grooming practices, but it should not suggest that the five are simply marks of male social respectability. They belong to a religious framework of bodily discipline and cleanliness. Some items apply to women and men, while legal discussion of circumcision differs by sex and school (Sahih al-Bukhari, Book of Dress, traditions on *fitra*).

Differences Among Schools of Law

Muslim jurists have not been unanimous about the legal classification of male circumcision. The Shafi'i and Hanbali schools commonly treated it as obligatory, while many Hanafi and Maliki jurists regarded it as a strongly emphasized practice or communal religious symbol rather than an individual obligation carrying the same legal consequences. Contemporary scholars continue to reflect these differences (Friedmann, 2003).

This diversity means the statement that “all texts agree on it as an obligation” is inaccurate. Muslim communities overwhelmingly practice circumcision, but legal reasoning varies. A responsible discussion should distinguish widespread observance from complete doctrinal unanimity (Friedmann, 2003).

Timing

The Qur'an and hadith do not establish one universally binding age. Circumcision may occur in infancy, childhood, or before puberty according to family and regional custom. Some communities celebrate it as a public rite of passage; others perform it shortly after birth as a medical procedure. Jurists often emphasize completion before a boy becomes fully responsible for ritual duties, but practices differ considerably (Sahih al-Bukhari, Book of Dress, traditions on *fitra*).

Religious Meaning and Medical Claims

For believers, circumcision is primarily a religious and communal practice. Medical organizations have examined possible health benefits and risks, but medical evidence should not be used to invent a religious command. The procedure carries potential benefits in some settings and also requires safe technique, pain control, hygiene, and competent care. Religious importance does not remove the responsibility to protect the child's health.

The original essay states that circumcision ensures “bodily integrity,” but the expression is controversial because critics use bodily integrity to question non-consensual procedures on children. Within Islamic ethics, supporters understand circumcision as part of religious upbringing and purification. Modern discussion should recognize that ethical debate exists while describing the tradition accurately.

Distinguishing Historical Law From Modern Citizenship

Premodern Islamic law developed in a world where political communities were commonly organized

through religion, dynasty, status, and corporate groups rather than equal individual citizenship. Christian European states also imposed serious restrictions on religious minorities, and at times expelled or forcibly converted them. This comparison provides context but does not excuse discrimination in either tradition (Cohen, 1994; Friedmann, 2003).

Modern Muslim-majority states have adopted different constitutional arrangements. Some define equal citizenship regardless of religion, while others preserve religious distinctions in family law, officeholding, or public practice. Classical dhimmi doctrine cannot simply be transferred into modern nation-states without examining constitutional rights, international law, and contemporary understandings of equality (Friedmann, 2003).

Muslim scholars who support equal citizenship often argue that the historical covenant achieved protection within its own context and that modern constitutional citizenship can fulfill the higher objectives of justice and security under changed conditions. Others defend aspects of classical doctrine. The debate demonstrates that Islamic legal thought is not frozen in one medieval rulebook.

Conclusion

Islamic law developed dhimmi status as a framework through which recognized non-Muslim communities could live under Muslim rule. The arrangement offered protection, property rights, worship, and communal autonomy in return for political submission and taxation. It enabled practical coexistence across large and religiously diverse empires (Cohen, 1994; Friedmann, 2003; Levy-Rubin, 2011).

The system also established legal inequality. Restrictions on public worship, conversion, marriage, dress, riding, buildings, arms, and officeholding expressed Muslim political and religious predominance. These restrictions varied across schools, dynasties, regions, and historical periods, and many were enforced inconsistently. Dhimmis were not universally forbidden from interacting with Muslims, and minority communities often played major roles in economic and intellectual life (Cohen, 1994; Friedmann, 2003; Levy-Rubin, 2011).

Male circumcision is important in Islam through prophetic tradition, the Abrahamic example, *fitra*, and communal practice, not through an explicit Qur'anic command. Legal schools differ on whether it is obligatory or strongly recommended and on questions of timing. Both parts of the essay therefore illustrate the importance of distinguishing religious sources, juristic interpretation, and historical practice. Accurate analysis recognizes hierarchy and discrimination without turning a diverse legal history into one unchanging system (Sahih al-Bukhari, Book of Dress, traditions on *fitra*; Friedmann, 2003).

References

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Qur'an 2:256; 9:29.

Sahih al-Bukhari, Book of Dress, traditions on *fitra*.