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ANALECTA
— 254 —

CONTACTS AND INTERACTION

*Proceedings of the 27th Congress
of the Union Européenne des Arabisants et Islamisants
Helsinki 2014*

edited by

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Türkiye Diyanet Vakfı İslam Araştırmaları Merkezi Kütüphanesi	
Dem. No:	280604
Tas. No:	297.03 CON.11

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LEUVEN – PARIS – BRISTOL, CT
2017WHY NON-MUSLIM SUBJECTS
ARE TO PAY THE JIZYACHRISTOPHER MELCHERT
Oxford

The question here addressed is why the *jizya* tax is levied on non-Muslim subjects. A new rationale seems to have become popular in the 20th century, having to do with exemption from military service. The standard scholarly work on the *jizya*, by Daniel C. Dennett, is concerned mainly with the historical disengagement of *kharāj* and *jizya* (classically taxes on land and persons, respectively) and the different tax régimes of different regions, drawing mainly on chronicles.¹ The standard scholarly work on the law of non-Muslim subjects, by Antoine Fattal, offers this summary:

The Arab authors find the legitimation of this tax in the very etymology of the word *jizya*, which may be a synonym of *jazā'*: retribution, remuneration, compensation. According to them, the *jizya* is the result of a fiscal contract: the contract of *jizya* or *dhimma*. It is the price, the remuneration that the Infidels pay to save their lives, to obtain the right to reside in the territory of Islam, to remain in infidelity, and to benefit from public security and the protection of the state.²

Fattal cites half a dozen Sunni treatments of the law, representing the Shāfi'i, Māliki, and Ḥanbali schools.

He goes on to review at greater length the treatment of a major Ḥanafī jurist, Muḥammad b. Aḥmad al-Sarakhsī (d. 483/1090–1?), who first refutes the objection that one should not permit the practice of polytheism for money. Sarakhsī asserts that the purpose of the *jizya* is not to raise money for the state but to procure for the infidels an occasion of becoming acquainted with Islam as it really is; to live among the Muslims and so see the beauties of the true faith. At the same time, the *jizya* is a punishment for infidelity and an instrument of humiliation. In the third place, it is redemption from the obligation of military service that falls on

¹ D. C. DENNETT, *Conversion and the Poll Tax in Early Islam* (Harvard Historical Monographs 22), Cambridge, Mass., 1950.

² A. FATTAL, *Le statut légal des non-Musulmans en pays d'Islam* (Recherches publiées sous la direction de l'Institut de lettres orientales de Beyrouth 10), Beirut, 1958, p. 266.

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01 Ekim 2020