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David B Kopel



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**by
David Kopel
Independence Institute**

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Dhimmitude and Disarmament

By David B. Kopel

Under *shari'a* law, non-Muslims, known as *dhimmi*, have been forbidden to possess arms, and to defend themselves from attacks by Muslims. The disarmament is one aspect of the pervasive civil inferiority of non-Muslims, a status known as *dhimmitude*. This Essay examines the historical effects of the *shari'a* disarmament, based on three books by Bat Ye'or, the world's leading scholar of *dhimmitude*. As Ye'or details, the disarmament had catastrophic consequences, extending far beyond the direct loss of the *dhimmi*'s ability to defend themselves.

The disarmament is interesting to study in its own right, as a historical example of negative interfaith relations. Yet the story of disarmed and demoralized Christians and Jews also has implications for the modern United States, where there is no *shari'a* law, but some subgroups of the population have been condemned, in effect, to a disarmed and defenseless status of civil inferiority. Perhaps the ancient tragedy of *dhimmitude* has something to teach us about the modern tragedy at Virginia Tech University.

In 628 A.D., Mohammad and his followers attacked the Jews who lived at the oasis of Khaybar, over a hundred miles northwest of Medina. The Jews surrendered after a six-week siege. Mohammad allowed them to continue living at the oasis, if they gave him half the produce. He reserved the right to expel them whenever he chose.¹ Mohammad's model became a standard for treatment of conquered people, who were called *dhimmi*.

Mohammad instructed "Fight against such of those to whom the Scriptures were given as believe neither in Allah nor the Last Day, who do not forbid what Allah and his apostles have forbidden, and do not embrace the true faith, until they pay tribute (*jizya*) out of hand and are utterly subdued."² The *jizya* was a special tax on non-Muslims. Alternative translations say that the non-Muslims should be "humiliated." Scholars have debated whether the humiliation should be in the form of non-Muslims having to pay the tax personally by carrying it in hand, or whether the tax should be so high that non-Muslims are humiliated, or whether non-Muslims should be humiliated and subdued in every aspect of life.

Forced conversions were the rule for conquered pagans, but Jews, Christians, and Zoroastrians (all of whom were monotheists) were all allowed to keep their religion.

¹ BAT YE'OR, THE DHIMMI: JEWS AND CHRISTIANS UNDER ISLAM 44-45 (1985).

² *Koran* 9:29. The Pakistani scholar Ahsan Islahi (1906-1997) argued that this verse applies only to belligerent Jews and Christians who are already under Islamic rule, and does not require offensive war against Christian or Jews in non-Muslim states. He also argues that the verses requiring offensive war against idolaters applied only to the polytheistic tribes in Arabia at the time of Muhammad. Mustansir Mir, *Islam, Qur'anic*, in *ENCYCLOPEDIA OF RELIGION AND WAR* 208-09 (Gabriel Palmer-Fernandez ed., 2004), citing A.A. ISLAHI, *TADABBUR-I QUR'AN* (Reflections on the Qur'an) (Lahore, Pakistan: Anujuman-I Markazi Anjuman-I Khuddamu'l-Qur'an & Faran Foundation, 1968-1980). Whatever the scholarly merits of Islahi's interpretation, many Muslim governments have not accordingly.

Even conquered Hindus and Buddhists were given in *dhimmi* status in areas where they were so numerous that forced conversions were impossible to impose.³

Dhimmi were inferior subjects. They were forbidden to keep or bear arms.⁴ Not even a cane was allowed.⁵ The arms ban also outlawed the wearing of military clothing.⁶

Christians in recently-conquered Balkan territories of the Ottoman Turks were sometimes allowed to retain arms, if they performed Turkish military service, although the exception diminished with time.⁷ The more common method by which a Christian might bear arms was by becoming a janissary. The Muslim military would round up the best-looking and strongest Christian teenage boys in a town. The boys were taken away from their families forever, forcibly converted into Islam, and turned into elite career soldiers.⁸ The janissaries were early adopters of firearms, and were the foundation of Ottoman military strength.

There were many other restrictions on *dhimmi*, such a prohibition of *dhimmi* wearing the color green or clothes that were luxurious. The *dhimmi* could not stand on roof, lest they see a Muslim woman bathing. They could not build homes taller than Muslim homes. *Dhimmi* could not ring church bells, or pray or perform public religious ceremonies where a Muslim might see them. The construction of new synagogues or churches was banned, as was exterior repair. *Dhimmi* could not ride on horses with saddles, and sometimes could not ride horses at all.⁹ Within the *dhimmi* communities, the *dhimmi* were generally allowed to govern themselves by their own laws.

Sometimes the *dhimmi* were quite harshly persecuted. At other times, the *dhimmi* were allowed relatively tolerable living conditions.¹⁰ For example, Jews under the Ottoman Turks were often better off than Jews who lived under the European Christians. After the Jews were expelled from Spain in 1492, and after Spain coerced Portugal into expelling the Jews too, about 200,000 Iberian Jews moved to Turkey or other Ottoman lands. During the apex of Ottoman power, Jewish life and culture reached heights never previously achieved by the *Diaspora* in Christian nations.

Christians, too, sometimes fled to Islam for religious tolerance. The Byzantine Emperor Leo III the Isaurian (717-41) tried to convert the Jews by force, and also persecuted Christian dissenters from the Byzantine Orthodox Church. So Jews and

³ YE'OR, THE DHIMMI, at 45; JOHN KELSAY, ISLAM AND WAR: A STUDY IN COMPARATIVE ETHICS 45-47 (1993)(quoting *Hadith*, which are extra-Koranic stories and legends about Mohammad and Islam). In some territories which were nominally under Muslim control, well-armed groups maintained *de facto* independence, and thus the Muslims never could impose dhimmitude. The Maronite Christians around Mt. Lebanon and some Jewish tribes in the Moroccan mountains were armed and free.

Dhimmitude applied to Hindus in India and to Buddhists in Uzbekistan and southwest Kazakhstan.

⁴ E.g., BAT YE'OR, ISLAM AND DHIMMITUDE: WHERE CIVILIZATIONS COLLIDE 56 (2002), hereinafter cited as YE'OR, DHIMMITUDE; BAT YE'OR, THE DECLINE OF EASTERN CHRISTIANITY UNDER ISLAM: FROM JIHAD TO DHIMMITUDE 382 (1996).

⁵ YE'OR, THE DHIMMI, at 300 (Algeria in early nineteenth century).

⁶ YE'OR, THE DHIMMI, at 203.

⁷ YE'OR, DHIMMITUDE, at 57.

⁸ YE'OR, THE DECLINE, at 114-15, 237.

⁹ The *Dhimmi* restrictions varied from place to place. A classic formulation is the "Pact of Umar" from the early eighth century. IBN WARraq, WHY I AM NOT A MUSLIM 230 (1995).

¹⁰ YE'OR, THE DHIMMI, at 62.

Christians alike emigrated to the territories of the caliphs and sultans, who welcomed the well-educated and talented immigrants.¹¹

According to Ye'or, "The prohibition preventing specific groups from bearing arms placed the indigenous masses in a state of permanent insecurity and humiliating inferiority..."¹² Because of the arms ban and the other aspects of *dhimmitude*:

The individual, resigned to a passive existence, developed a feeling of helplessness and vulnerability, the consequence of a condition of permanent insecurity, servility, and ignorance....

Reduced to an inferior existence in circumstances that engender physical and moral degradation, the *dhimmi* perceives and accepts himself as a devalued human being.¹³

Theoretically, the *dhimmi* were entitled to protection from the state. In practice, they often had to pay special protection bribes to the local governors or gangs.¹⁴ The *dhimmi* suffered "endemic lack of security on the highways."¹⁵ Because they could not carry arms, the *dhimmi* frequently had to travel in groups accompanied by paid Muslim guards.¹⁶

A Muslim who killed a Jew might, at the most, have to pay a fine, and was frequently not punished at all. In Yemen, if a Jew who was protected by a Muslim tribe was killed, his protecting tribe would kill a Jew who was protected by the offending tribe. Thus, the Muslim killer would receive no penalty.¹⁷ Jewish testimony was generally not accepted in court.¹⁸

If a Muslim attacked or insulted a Jew, the Jew was forbidden to fight back. If a Jew did resist, the government might undertake reprisals against the entire Jewish community.¹⁹ So a crowd of Muslim boys could freely chase an elderly Jew through the streets, pelting him with rocks.²⁰

Describing Algeria and Morocco in the early nineteenth century, a Briton wrote:

Any Turk might enter the Jews' town, walk into a house, eat, drink, insult the owner, and ill-treat the women without opposition or complaint; the Jew was too happy if he escaped being beaten or stabbed. In Morocco, no Moor could be put to death for killing a Jew, though killing a Christian might be a capital offense; in fact, it not unfrequently happened, that a Jew complaining of the death of his friend or relative, was himself the person punished, while murderer was let go free. The consequence of this is, that the Jew seldom thinks of an appeal to

¹¹ YE'OR, THE DECLINE, at 126.

¹² YE'OR, DHIMMITUDE, at 56.

¹³ YE'OR, THE DHIMMI, at 143.

¹⁴ YE'OR, THE DHIMMI, at 54-55; YE'OR, THE DECLINE, at 236 (Armenian Christians in the nineteenth century paid Kurds not to attack their villages and pillage their monasteries).

¹⁵ YE'OR, DHIMMITUDE, at 56.

¹⁶ YE'OR, THE DECLINE, at 67 (the problem persisted into the twentieth century in Palestine, Syria, and Iraq).

¹⁷ YE'OR, DHIMMITUDE, at 79.

¹⁸ YE'OR, DHIMMITUDE, at 79; YE'OR, THE DHIMMI, at 56.

¹⁹ YE'OR, DHIMMITUDE, at 79; YE'OR, THE DHIMMI, at 57, 300, 303, 366 (Palestine in 1700).

²⁰ YE'OR, THE DHIMMI, at 303 (Algeria in early nineteenth century).

justice, or an attempt at obtaining satisfaction. He cringes to receive the blow, or fawns on the hand uplifted to strike.²¹

In southern Morocco, a French observer noted that Jews and their families were serfs who belonged to their master families just like physical property.²² When there was a new governor in Algeria, the military was allowed to celebrate by pillaging the Jews, unless the Jews paid an enormous bribe to be left alone.²³

Like blacks in the American South during the Jim Crow era, the *dhimmi* had to cower and simper before their persecutors. A British observer in nineteenth-century Morocco recounted:

I have, one more than one occasion, seen a Moorish boy about ten years of age step up to a Jew in the street, and, having stopped him, kick, and slap him in the face, without his venturing to lift a hand and defend himself. Should he dare to do so, his hand would be cut off, as being raised against one of the true believers. The poor man was obliged to content himself with crying out, addressing his little persecutor at the same time by the title of *side*, or master, and supplicating him to let him pass. As to the unfortunate Jew boys, they make their appearance with fear and trembling where any Moorish children may chance to be playing, being considered as fair game, much in the same light as a dog, and are sure to be well thumped and pelted.²⁴

A French diplomat in Yemen in 1910 reported a conversation in which a Turkish officer described a scene that the officer that witnessed repeatedly: “some youths had caught hold of an elderly Jew and amused themselves by pulling his sidelocks, while their victim grinned and simpered stupidly. Constantly obliged to bear these insults, the Jew has lost all sense of dignity, and has come to accept his fate; instead of fighting back, he smiles.”²⁵

Similarly, in Persia, “If a Jew is recognized as such on the streets...The passers-by spit in his face, and sometimes beat him so unmercifully, that he falls to the ground, and is obliged to be carried home.”²⁶

In Ottoman Palestine in the first half of the nineteenth century, armed mobs might fall upon a Jew, and demand “Strip yourself, Jew.” The mob would take for itself all the Jew’s clothes and belongings, as “Allah’s reward” (*kasb Allah*). A Jew venturing into market would be stoned and spat upon. A Jew attempting to barter in a trade with a Muslim would be threatened with his life, and forced to take the Arab’s price. Jews would be accosted at random, and required to carry heavy burdens for Arabs. And it was “impossible for Jewish women to venture into the streets for the lewdness of the Muslims.”²⁷

²¹ YE’OR, THE DHIMMI, at 295.

²² YE’OR, THE DHIMMI, at 52-53

²³ YE’OR, THE DHIMMI, at 299 (British observer).

²⁴ YE’OR, THE DHIMMI, at 305, 307.

²⁵ YE’OR, THE DHIMMI, at 343.

²⁶ YE’OR, THE DHIMMI, at 333 (quoting letter of Israel J. Benjamin).

²⁷ YE’OR, THE DHIMMI, at 371-72, excerpting and translating from the Hebrew, M. M. REISCHER, SHA’ARE YERUSHALAIYIM (The Gates of Jerusalem) (Warsaw: 1879)

Dhimmitude often made life nearly unbearable. A *dhimmi* could not travel to another town, or to the market in his own town, without taking a grave risk of being attacked. The Muslim attackers could be sure that the *dhimmi* victim would not have weapons, and would be forbidden even to use his limbs to fight back.

Jews in the United States, of course, never had an official inferior status. In Western Europe, the Jewish emancipation—the abolition of special legal restrictions on Jews—was accomplished in the nineteenth century through internal reform movements which drew decisive support from philo-semitic Christians. In contrast, *dhimmitude* in the Muslim world was formally ended only because of intense Western pressure on the Arab states.

The Ottoman Empire officially abolished *dhimmitude* in 1855.²⁸ The British favored the integration of the Ottoman ex-*dhimmi* into the military, “as a means of hardening populations who had been forbidden to carry weapons and whom the laws had reduced to cowardice.”²⁹

But in practice, *dhimmitude* remained in force for much longer. For example, the arms ban for Jews was still effect in Yemen during the twentieth century.³⁰ The absence of progress was seen in an 1860 report by the British consul in Kosovo, Serbia, observing that because Serbian Christians were disarmed, they were frequently attacked by Albanian Muslim brigands, and their churches were pillaged.³¹

When ex-*dhimmi* community tried to assert its new (theoretical) rights, the backlash was severe. A dispute over what taxes Christians should pay led to anti-Christian riots in July 1860 in Damascus. The Christians had managed to acquire only a few poor guns, leaving the Christians mostly defenseless against the huge Muslim mobs which murdered about ten thousand.³²

Persecution of Jews ended in Morocco, Algeria, and Tunisia only after the French colonized North Africa. The 1922 Pahlevi revolution in Persia/Iran emancipated religious minorities. The Jews in Yemen escaped from oppression only by emigrating to Israel in 1948-50.³³ After Arab governments launched and lost a 1948 war to exterminate the new state of Israel, the governments inflicted harsh reprisals on the Jews living in Muslim nations.³⁴

Among Bosnian Serbs, the “prohibition on bearing arms caused a wide movement toward Islamization.”³⁵ The effect was similar in other parts of the House of Submission. It is understandable that so many Christians and Jews emigrated if they could, or converted to Islam. The long-term effect of *dhimmitude* was to destroy many Christian and Jewish communities from Iran to Morocco. Ye’or writes that the remaining “microminorities struggle along, the last remnants of the multitudes of Christians and Jews who formerly populated those lands. Only cemeteries and ruins recall their past.

²⁸ YE’OR, THE DHIMMI, at 144.

²⁹ YE’OR, THE DECLINE, at 169.

³⁰ YE’OR, DHIMMITUDE, at 57.

³¹ YE’OR, DHIMMITUDE, at 57; YE’OR, THE DECLINE, at 417-20.

³² YE’OR, THE DHIMMI, at 263 (report of British observer: “The Christians were almost without arms. A few young men had fowling-pieces, and some few had pistols, but there was perhaps not a sword or axe among them.”)

³³ YE’OR, THE DECLINE, at 178-79.

³⁴ YE’OR, THE DECLINE, at 210.

³⁵ YE’OR, DHIMMITUDE, at 56.

Their historical, political, and cultural rights dissolve in the great oblivion of time and, in their usurped history, the profound sense of *dhimmitude* is revealed: obliteration in non-existence and nothingness.”³⁶ For the Jews and Christians of the Muslim world, disarmament was the condition precedent to destruction.

Not all Muslims behaved despicably to Jews. But the disarmament of the Jews and the other *dhimmi* gave free rein to the worst inclinations of the bullies among the Muslims. Since the *Koran*, like other major scriptures, condemns bullying and other mistreatment of the weak, it might be said that the disarmament of the *dhimmi* provided an occasion to sin for some Muslims. Had the *dhimmi* not been defenseless, the persecutors might not have been so boldly arrogant.

In many Christian nations too, Jews have been disarmed, and victimized by mob violence and by bullies. In modern Europe, Jews have been emancipated and are no longer subject to special legal disabilities. However, Western European nations such as France and Germany ban the carrying of guns or other arms for defensive purposes. As a result, Jews in those nations are often attacked by gangs of Muslim youths.

In the United States, adults in 40 states are allowed to carry handguns for lawful protection, providing that they pass a background check and, in most states, a safety course. Yet in most of the United States, adults are forbidden, by law or administrative policy, from possessing defensive arms at K-12 schools, and at universities. The prohibition does not apply merely to 21-year-old students who are attending keg parties (a reasonable restriction, and comparable to the many state laws which forbid the carrying of licensed firearms into bars). The prohibitions even forbid a 50-year-old professor, who had previously served two decades in the U.S. Army, from having a handgun in a locked container in his own office.

The consequences have been predictable. Evildoers intent on sensational mass murder have overwhelmingly targeted schools and universities, which are among the few places where killers can be sure that none of the potential law-abiding victims will have a firearm.

Ba’at Yeor’s work on *dhimmitude* shows the effect that disarmament has on potential victims. In much of the Muslim world, disarmament created a condition of learned helplessness, which eventually led to the gradual elimination of many Christian and Jewish communities. The result would not have been surprising to American’s Founders. As Joel Barlow, one of the leading intellectuals of the Early Republic, wrote, “Disarmament palsies the hand and brutalizes the mind: an habitual disuse of physical force totally destroys the moral; and men lose at once the power of protecting themselves...”³⁷ Likewise, in the centuries before the Holocaust, the vast majority of European Jews were disarmed by law—not only by overtly Christian governments in the pre-modern era, but also by the dictatorships which ruled most of Eastern Europe in the period before the Nazi conquests. Although a greater proportion of Jews fought as anti-

³⁶ YE’OR, *THE DECLINE*, at 265.

³⁷ JOEL BARLOW, *ADVICE TO THE PRIVILEGED ORDERS IN THE SEVERAL STATES OF EUROPE: RESULTING FROM THE NECESSITY AND PROPRIETY OF A GENERAL REVOLUTION IN THE PRINCIPLE OF GOVERNMENT* 45 (1956)(1st pub. 1792). Barlow was a prominent Federalist intellectual, and one of the “Connecticut Wits.” He wrote extensively about the importance of moral character in sustaining the American republic.

Nazi guerillas than did any other group, the majority of European Jews remained passive until their deaths.³⁸

At many American educational institutions, a 30-year-old medical student and a 60-year-old professor must live in a status of defenselessness. They are forbidden under any circumstances to possess defensive arms anywhere on campus, even locked box in a car trunk. The physical disarmament is made worse by the enforcement of an ideology of mandatory pacifism in many American schools. It starts with grade-school teachers drilling children with the idiotic mantra that “violence never solves anything.” (Even though, quite obviously, the violence of the passengers on United Flight 93 prevented the airplane from being crashed into the U.S. Capitol, and the violence of the Allies’ militaries in 1941-45 ended the Holocaust.) A timid and passivist mentality leads to the Virginia Tech administration not only banning guns on campuses,³⁹ but creating staff rules requiring that, in the event a violent, angry person offer to hand over his gun, the staff person should refuse to take the gun, but should instead wait for a security officer to arrive.⁴⁰

Sometimes, many lives have been saved because heroic unarmed persons have rushed a mass killer while he was changing ammunition clips. That was how the killer at a high school in Springfield, Oregon, in 1998 was stopped, and it is how the killer on the Long Island Railroad in 1993 was stopped. Sadly, the mainstream American media have made sure to ignore or downplay the story of Springfield’s heroic 17-year-old Jake Rykar.⁴¹

³⁸ See David B. Kopel, *Armed Resistance to the Holocaust*, 19 J. FIREARMS & PUB. POL’Y (2007).

³⁹ Virginia Polytechnic Institute and State University, *Campus and Workplace Violence Prevention Policy* No. 5616 Rev.: 1 (Aug. 23, 2005), <http://www.policies.vt.edu/5616.pdf>.

⁴⁰ Virginia Polytechnic Institute and State University, Environmental, Health and Safety Services, *Workplace Violence* (no date) <http://www.ehss.vt.edu/Programs/OSD/Emergency%20Planning/workplaceviolence.htm> (“Never attempt to disarm or accept a weapon from the person in question. Weapon retrieval should only be done by a police officer.”) Notably, Virginia’s Tech’s instructions for “What to Do When Violence Occurs” includes no suggestion that a person fight back in any way, under any circumstances; instead, all the advice involves how to talk to the perpetrator of the violence, along with a suggestion to move away from objects that could be used as a weapon. *Id.*

⁴¹

A year ago, 15-year-old Kip Kinkel shot and killed two of his schoolmates and wounded 22 others at Thurston High School in Springfield, Oregon. Another student, 17-year-old Jake Ryker, although wounded by Kinkel, wrestled him to the floor and disarmed him before he was able to shoot anyone else or himself. In all the discussion of what took place at Columbine High School in Littleton, Colorado, we have heard no mention of Jake Ryker, his heroic deed, or of the training that gave him the confidence and courage to carry it out.

Jake Ryker gave credit to the fact that he had taken a marksmanship and safety training program given by the National Rifle Association. He was honored at the NRA’s annual national convention last year. His father, Rob Ryker said that both Jake and his 14-year-old brother, Josh, had taken the course. They had learned enough about guns that Jake knew that he had an opportunity to put an end to Kinkel’s killing spree when he heard the click that told him that Kinkel would have to pause to reload his gun. Jake, a wrestler, took him down and disarmed him.

At the NRA convention the Ryker family was held up as proof that a good family can make it possible for good to triumph over evil.

What is surprising is how often at schools no-one fights back. After the Virginia Tech murders, Billie Loudon, a Denver deputy sheriff and army veteran wrote, in a op-ed titled “We’ve forgotten how to fight back”:

Upon hearing the number of victims in Virginia, I assumed the shooter had used an automatic rifle capable of firing many rounds per second. When I later learned he was armed with only two handguns, disbelief washed over me. It was later revealed he fired 190 rounds in about seven minutes. Being in law enforcement as well as having been in the military, I know for a fact the shooter had to have spent a great deal of time reloading and exchanging magazines. I can only wonder what was going on during these necessary pauses.

I don’t blame the victims for their own demise. I blame the non-confrontational attitude in America that may have stopped someone from fighting back....

Our kids are being taught to avoid conflict and try to reason with the unreasonable. A non-aggression mentality has been ingrained in them since gradeschool...

We have got to stop sticking our heads and our children’s heads in the sand, pretending evil does not exist. Unless we recover the fight-back spirit buried inside ourselves and pass it on to our kids, we are doomed. No one can predict or stop the next horrendous act that will surely come to be. What we can do is assure that our survival instincts will lower the number of victims.⁴²

Reading the history of Jews under *dhimmitude* who had to cower before the bullies, a modern reader might think, “How terrible. What kind of morally defective society would make into such wretched, helpless victims? I’m glad that I don’t live such a world.”

But you do live in such a world, if you or your children are part of the educational system in most of the United States—a system where law-abiding adults are disarmed, and where people of all ages are trained that they must never fight back.

Reed Irvine & Cliff Kincaid, *Does Anyone Remember Jake Ryker?* MEDIA MONITOR, June 15, 1999, http://www.aim.org/media_monitor/A3310_0_2_0_C/

⁴² Billie Loudon, *We’ve forgotten how to fight back*, DENVER POST, May 12, 2007. At least two teachers and several students did put themselves at risk, in some cases fatally, by attempting barricade or lock doors. *Virginia Tech Massacre*, WIKIPEDIA, http://en.wikipedia.org/wiki/Virginia_Tech_massacre (citing media and eyewitness reports).