

## **Exploring the Rights and Responsibilities of Non-Muslims in an Islamic State: A Short Analytical Review**

Mesut Idriz\*

idrizmesut@yahoo.com

### **Abstract**

The subject of Muslims and non-Muslims (*dhimmi*s), and the rights and responsibilities of non-Muslims in a Muslim state in particular, have long been discussed as well as in some cases disputed among researchers and practitioners at various levels. In addition, the concerns related to the “conversion” and the “assimilation” of non-Muslims in a majority Muslim state or society are often unfortunately a cause of consternation among either groups in recent world history. Looking back to the history of Islamic civilisation, this short study aims to find out whether Muslims and non-Muslims lived in isolation from one another; would a non-Muslim be the neighbour of a Muslim from all levels such as an *imam*, a *mudarris*, or even a *qadi*; were all occupations open to non-Muslims such as artisans, craftsmen, cultivators, traders; were non-Muslims subjected to violence and oppression by the authorities and the masses of the Muslim world; did the Muslim courts

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\* PhD and Professor of Islamic History and Comparative History of Civilisations, and Chairperson of the Department of History and Islamic Civilisation at the University of Sharjah, United Arab Emirates.

protect non-Muslims' rights against Muslims and the rich and powerful in particular. In answering such questions, this concise yet comprehensive study will be illustrating with the support of examples from the Muslim history by referring to the archival documents preserved in the Muslim world and the Ottoman court records in particular.

### Keywords

Non-Muslims; Muslim State; conversion; assimilation; rights and responsibilities.

*Dhimmi* is an Arabic word derived from *dhimmah*, which literally means pledge, guarantee, and safety. Generally, a non-Muslim subject in the vocabulary of Islamic law is called *dhimmi*, a term applied to all non-Muslim subjects under a Muslim government. The term *dhimmah* designates the sort of indefinitely renewable contract through which the Muslim community accords hospitality and protection to members of other religions on the condition that they acknowledge the domination of Islam. Hence, the beneficiaries of the *dhimmah* are called *dhimmis*, and are collectively referred to as *ahl al-dhimmah*.<sup>1</sup> The principal guidelines for the treatment of non-Muslims are illustrated in several places of the Qur'ān and the *Sunnah* of the Prophet, which speak of strengthening and cementing relationships between Muslim and non-Muslim inhabitants.<sup>2</sup> Besides this, the principles upon which non-Muslims are to be dealt with by Muslim rulers evolved in the early centuries of Muslim history, and are variously defined by jurists of the different schools of law. However, these jurists had based their opinion on the attitude of the Prophet to the other

1. Claude Cahen and Chafik Chehata, "Dhimma", *Encyclopaedia of Islam*, vol. 2 (Leiden: Brill, 1954–2005), 227, 231; A. I. Doi, *Non-Muslims Under Shari'ah* (Islamic Law) (Kuala Lumpur: A. S. Noordeen, 1994), second printing, 22; Benjamin Braude and Bernard Lewis, eds. *Christians and Jews in the Ottoman Empire*, vol. 1, (New York & London: Holmes & Meier Publishers, Inc., 1982). [This is the Editor's notes at the introductory part of the volume and no author/chapter].
2. For instance, see the following Qur'anic verses: *al-Ankabūt* (29): 46; and *al-Mumtahinah* (60): 8–9.

*Exploring the Rights and Responsibilities of Non-Muslims (Dhimmis)*

religions with which he was acquainted, and to the problem of opposition to his mission. Thus, by the terms of his contract with the non-Muslims, a Muslim ruler had to guarantee their safety, liberty and property, and to allow them to practise their religion in peace.<sup>3</sup>

With slight differences in the practice and cultural denominations throughout the history of the Islamic civilisation, Muslim administrations from the time of the Rightly Guided Caliphs (*Khulafā' al-Rāshidūn*) until the era of the Ottoman Empire, had considered non-Muslim subjects to be autonomous but dependent peoples whose internal social, religious, and communal life was to be regulated by their own religious organisations, but whose leaders were appointed by, and responsible to, a Muslim state. Muslims in general and the Ottomans in particular seemed to have made separate arrangements with local branches of Christian and Jewish communities which gave them a measure of local autonomy and administrative responsibility.<sup>4</sup>

When studying the issues related directly or indirectly to the non-Muslims in a Muslim state, besides the historical works compiled during the history of Islamic civilisation, the documented sources pertaining to non-Muslim communities are primarily archival materials, where the *sijillat al-shar'iyyah* (*sharī'ah* court records) are considered the primary ones. These court records constitute an extensive collection and, are in general, perhaps the most important source for information about social life and actual legal status of non-Muslims under the Muslim rule. This happened not only because the non-Muslims were under the jurisdiction of *qādis* ("judge") in so many areas of the law, but also because they often preferred to seek a *qādi's* decision or certification. The use of Muslim courts provided greater assurances, or the means to escape the more rigid stipulations of their own religious laws in such matters

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3. Cahen and Chehata, "Dhimma", *EI*, vol. 2, 227, 231; Doi, *Non-Muslims Under Sharī'ah*, 22; Braude and Lewis eds., *Christians and Jews*, vol.1, 5.
  4. Halil Inalcık, "Ottoman Archival Materials on *Millets*", in *Christians and Jews in the Ottoman Empire*, ed. by Braude and Lewis, vol.1, 437f.

as marriage, divorce, and division of inheritance, which were supposed to be under the exclusive jurisdiction of their own Christian or Jewish authority. At any rate, the court records are abound with court decisions, as well as contracts, transactions, certificates and other kinds of documents, drawn up not only between Muslims and non-Muslims but also between non-Muslim parties.<sup>5</sup>

The non-Muslims under the Muslim rule, for instance, performed their marriage contracts in the local court and enjoyed the right to exercise their own religious and traditional practices. After having sealed their marriage contract according to their own religious beliefs in their church or synagogue, the couple would then attend court for their official marriage contract which was then recorded in a court book.<sup>6</sup>

In Islamic law, although not favoured and is generally frowned upon, divorce has always been permitted. Muslim societies the world over enjoy this right, although it has been easier for men to divorce their wives than the other way round. Contrary to this, until at least the middle of the 19th century, divorce was, for all intents and purposes, illegal in many Christian countries, in particular, Roman Catholic countries.<sup>7</sup> Interestingly, non-Muslim (*dhimmi*) societies that were under Muslim rule enjoyed the rights of divorce based on Islamic law and they were permitted to exercise this right in the courts

5. Ibid., 437; and Osman Çetin, *Sicillere Göre Bursa'da İhtida Hareketleri ve Sosyal Sonuçları* (1472–1909) (Ankara: Türk Tarihi Kurumu Basımevi, 1994), Introductory pages or introduction [because the whole introduction deals with this issue].

6. For numerous examples from the history of Muslim administrations, see Mesut Idriz, *The Balkan City of Ottoman Manastir (Bitola): A Model Paradigm for Applied Shari'ah with Reference to Ottoman Judicial Records* (Kuala Lumpur: Pelanduk, 2010).

7. Marriage is regarded by the church as ordained by God and thus indissoluble. In Italy, for example, divorce has been permitted by law since 1970, but the church does not recognise the legitimacy of civil divorce. In the Orthodox churches, divorce is permitted, but, as in Roman Catholic countries, divorces granted in civil courts are not necessarily recognised by the church. Jewish religious law, contrary to that of Christian, permits a man to divorce his wife at any time for any reason. In the religious traditional views of the Hindus, marriage is considered as indissoluble. See Walter Francis Willcox "Divorce", *Encyclopaedia Britannica*, 11th. Edition 1911., vol. 8 : 334–46.

*Exploring the Rights and Responsibilities of Non-Muslims (Dhimmis)*

when necessary. The non-Muslims benefited from this right, since they could not legally practise it in their churches. Hence, the Muslim courts served them well in this sense.<sup>8</sup>

It is also interesting to note that there was a large number of inheritance cases recorded in the Muslim courts that belonged to non-Muslims.<sup>9</sup> The documents containing inheritance (*mīrāth*) cases dealing with non-Muslims generally follow the same pattern as Muslim examples. In addition to this, the rules of inheritance (*mīrāth*) and the division (*qassam*) of the portions to the heirs were exercised and followed according to the standards of Islamic law, which, indeed, is a fascinating practice.

In this regard, some very provocative questions may be raised. The non-Muslims were free to practise their religious duties and to exercise their religious laws, especially those pertaining to family, such as marriage, divorce and inheritance. Why did the non-Muslim inheritance cases follow the same pattern as the Muslim ones? Having their own religious rights and freedom of practice, why did many practice Islamic laws of inheritance in the court? Why was their division of portions to heirs exercised according to the rules and standards of Islamic law? Were they being forced to do so in this regard, to come to court and to follow the Islamic laws of inheritance, or were they willing participants? These questions will hopefully be answered in subsequent studies in order to quell the current trend and belief among scholars of history that the non-Muslim population was indeed forced to comply with their Muslim rulers.

However, two points are to be considered the most important and at the same time crucial matters, conversion and assimilation. Some historians have always been unduly critical on these two matters. Generally, both “conversion” and “assimilation” have long been disputable subjects among sociologists and scholars of religion. The former, conversion, has been much more controversial than the latter. The question

8. See for details and examples, Mesut Idriz, *The Balkan City of Ottoman Manastir (Bitola)*.

9. Ibid.

as to why people convert to Islām has always generated intense feelings. A number of earlier generation European scholars believed that conversion to Islām was made at the point of a sword and that conquered peoples were made to choose between conversion or death. It is apparent that conversion by force was, in fact, rare. Muslim conquerors ordinarily wished to dominate rather than convert, and most conversions to Islam were voluntary.<sup>10</sup>

In Islamic literature, a person belonging to another religion, an idol-worshipper, or an atheist who chooses the religion of Islām is called a “*muhtadī*” (rightly-guided). The process of changing from the former to the religion of Islām is called “*ih̄tida*” (arriving at the right-path).<sup>11</sup> The term *ih̄tida* in European languages, such as English and French, is understood to mean “conversion”.<sup>12</sup>

The spread of Islām over such a vast portion of the globe was due to various causes, namely religious, social and political. One of the most powerful factors at work in the rapid spread of Islām has been the unremitting labours of Muslim missionaries, who, with the Prophet himself as the Muslims greatest example, devoted themselves to the work of converting unbelievers. The impact of missionary work was not an afterthought in the history of Islām, but was enjoined by believers from the beginning, as a number of verses from the Qurʾān prove.<sup>13</sup>

10. Ira Lapidus, *A History of Islamic Societies* (Cambridge: Cambridge University Press, 1988), 243–244.

11. Both “*muhtadī*” and “*ih̄tida*” are derived from the Arabic word “*hidāya*”. Hayati Hökelekli, *Đin PsikoloĐisi* (Ankara: Türkiye Diyanet Vakfı Yayınları, 1993), 290.

12. The term conversion does not signify and refer only to the contexts with regard to a religion but also to the contexts that fall under the fields of sociology, psychology and others. For details see W. H. Clark, *The Psychology of Religion* (New York: Macmillan, 1958), 191; and Hökelekli, *Đin PsikoloĐisi*, 290–293. But here, it is strictly referred to the aspect of religion only.

13. See, for instance, the following verses: *al-Baqarah* (2): 19, 99–100; *al-Tawbah* (9): 6, 11; *al-Nahl* (16): 126; *al-Hājj* (22): 66–67; and others.

*Exploring the Rights and Responsibilities of Non-Muslims (Dhimmis)*

Thus, from its very inception, Islām was a missionary religion, both in theory and in practice, for the life of the Prophet Muḥammad exemplifies the same teaching. The Prophet himself stood at the head of a long series of Muslim missionaries who had won entrance on behalf of Islām into the hearts of unbelievers. It was not by cruelties or by the prosecutions of fanatical fury that one should look for evidence of the missionary spirit of Islām, any more than in the exploits of that mythic personage, the Muslim warrior with sword in one hand and Qur’ān in the other, but in the quiet, unobtrusive labours of the preacher and the trader who carried the religion of Islām into every quarter of the world. Such peaceful methods of preaching and persuasion were strictly enjoined in numerous passages of the Qur’ān.<sup>14</sup> Based on these verses, it shows how this ideal was realised in history and how these principles of missionary activity were put into practice by the exponents of Islām.

By way of comparison, in the history of Christian missionary activity, contrary to the former, it is seen to be intermittent, where an age of apostolic fervour may be succeeded by a period of apathy and indifference, or persecution, where forced conversions replaced preaching of the word. Thomas Arnold, for instance, in *The Preaching of Islam*, cites many examples of such cases.<sup>15</sup> In this regard, in Muslim history, however, one may find the ebb and flow of Muslim missionaries who were not guided by the savage utterances of propagandist methods. We are informed that Marwan, the last of the Umayyad caliphs, for instance, had said in one of his public preachings: “Whosoever among the people of Egypt does not enter into my religion, pray as I pray and follow

14. See, for instance, the following verses: *al-Muzzammil* (73): 10–11; *al-Nahl* (16): 35, 82; *al-Ankabūt*, (29): 46; *al-Shūra* (42): 48; *Yūnus* (10): 99; *Sabā* (34): 28; *al-Baqarah* (2): 256; *al-Taghābūn* (64): 12; *al-Nūr* (24): 54; *al-Hājj* (22): 49; *al-Fāth* (48): 8–9; and others.

15. Thomas W. Arnold, *The Preaching of Islam: A History of the Propagation of the Muslim Faith* (London: Darf Publishers Limited, 1986), 7–8.

my tenets, I will slay and crucify him.”<sup>16</sup> In comparison with Christianity in general, as it was indicated earlier and as it will be elaborated further, however, it is widely believed that such an extremist position like the one of Marwan’s appears to be less practised in Muslim history.<sup>17</sup>

Although a clear distinction may be drawn between conversion as the result of persecution, and a peaceful propaganda by means of methods of persuasion, it is not that easy to ascertain the motives that may have induced a convert to rebel against his former faith, or to discover whether the missionary was wholly animated by a love for souls and by high ideals. In Islām, there have at all times been earnest souls to whom the religion has been the supreme reality for their lives. This absorbing interest in matters of the spirit found expression in that zeal for the communication of cherished truths and for the dissemination of doctrines and systems they deemed perfect, which constituted the vivifying force for missionary movements. There have likewise been those outside the pale, who responded to their appeal and have embraced the new faith with a like fervour. In addition, Islām appealed to converts by other methods and conditions—social, political and economic—which were also attractive to them. However, it has not always been possible to discover whether political, social, economic or purely religious motives determined conversion, though occasional reference may be made to the operation of one or the other influence.<sup>18</sup>

With regard to the subject of conversion, Muslim archival materials contain vast information. This allows for a great opportunity for the researcher to follow and study. However, the court records are considered the primary and

16. *Ibid.*, 8. Few other examples are cited also before this period by A. S. Tritton, where among them is the one that “al-Asbagh, son of ‘Abdul ‘Aziz, the governor of Egypt, forced Butrus, an important official in upper Egypt, to be converted”, see his *The Caliphs and Their Non-Muslim Subjects* (London: Frank Cass & Co. Ltd., 1970), 35.

17. *Ibid.*, 8–9.

18. Arnold, *The Preaching of Islam*, 8–10; and Çetin, Sicillere Göre Bursa’da, 60–65.



*Exploring the Rights and Responsibilities of Non-Muslims (Dhimmis)*

the most important source in this field. In the judicial records, whether directly or indirectly, one encounters a large number of records pertaining to the conversion of non-Muslims to Islām. Although they contain a large number of conversion cases, it is difficult, however, to determine the actual reasons for each case, because there is no indication in almost all the records stating the reasons for conversion. Nevertheless, some general remarks may be made. Osman Çetin, a Turkish scholar, cited four main reasons for conversion: a) cultural influence; b) economic conditions; c) psychological effects; and d) the appeal of Islām itself through individual missionary work.<sup>19</sup> Of the four, Cetin assumed the last to be the most significant, and was the key to most conversion cases.<sup>20</sup>

Some narratives have been quoted in several European writings, where one who was a captive among a group of non-Muslims for 22 years that the Ottoman Muslims “compelled no one to renounce his faith” has said it.<sup>21</sup> Similar statements are borne by a few others. An English gentleman who visited the Muslim lands under the Ottoman rule in the early part of the 17th century told that “there was seldom any compulsion of conscience, and then not by death, where no criminal offence gives occasion.”<sup>22</sup> A few decades later, during the second half of the 17th century, Johannes Scheffler, the author of *Türcken-Schrifft: von den Ursachen der Türkischen Ueberziehung und der Zertretung des Volckes Gottes*, said that the Ottoman Muslims won converts by craft more than by force, and snatched away Christ by fraud out of the hearts of men. For the Ottomans, he continued, it was true, on the one hand, at the present time did not compel by violence any country to apostatise, but they used other means whereby imperceptibly they rooted out Christianity. On the other hand, the Christians were

19. Çetin, *Sicillere Göre Bursa'da*, 60–73.

20. *Ibid.*, 73.

21. *Turchicae Spurcitiae et Perfidiae Sugillatio et Confutatio*, (Paris, 1516), fol. xvi (a), quoted in Arnold, *The Preaching of Islam*, 157.

22. Henry Blount, *A Voyage into the Levant: A Brief Relation of a Journey Lately Performed by Master Henry Blount, Gentleman*, 1634–1636, (A Collection of Voyages and Travels, London, 1745), vol. 1, 548, quoted in *ibid.*, 158.

neither expelled from the country, nor were they forced to embrace Islām, hence, it must have been that they themselves converted to Islām.<sup>23</sup> Though there might have been some cases of forced conversion in some parts of the Muslim lands, there was no systematic persecution. In the beginning, some Christians converting to Islām continued to observe some customs and practices, such as baptism, worship of saints, the celebration of Easter, and other customs which were adopted from Christianity and continued to be practiced even after conversion to Islām.<sup>24</sup>

With some minor differences in expression, documents pertaining to conversion in the court records confirm the following *modus operandi*: a) the convert's old and new names; b) voluntarily leaving a prior religion embracing the religion of Islām; c) reciting the Muslim testimony of faith (*kalimah al-shahādah*, *kelime-i şehâde*); d) the date of conversion; and e) the names of witnesses.

After conversion to Islām, converts traditionally bore the title “*ibn ‘Abdullāh*” or “*binti ‘Abdullāh*” next to their new names. However, it should not be assumed that all those people who bore the title “*ibn ‘Abdullāh*” or “*binti ‘Abdullāh*” next to their names were converts, unless a person's biography was known or was reflected or is clearly indicated in the court records or other documents. This is because the name “*‘Abdullāh*” has always been common among Muslims the world over and it has also been praised by Islām. Thus, the children of parents, whose names were “*‘Abdullāh*”, naturally became “*ibn ‘Abdullāh*” for a son, and “*binti ‘Abdullāh*” for a daughter. Despite this, some historians claim that whenever the name “*ibn ‘Abdullāh*” appears in all the documents, especially the Ottoman ones, it

23. J. Scheffler, *Türcken-Schrift: von den Ursachen der Türkischen Ueberziehung und der Zertretung des Volckes Gottes*, (1664) 51, 53, quoted in *ibid.*, 158.

24. Lapidus, *A History of Islamic Societies*, 309; and Alexandar Lopasic, “Islamization of the Balkans with Special Reference to Bosnia”, *Journal of Islamic Studies* (JIS) 5, no. 2 (1994): 175–176.

*Exploring the Rights and Responsibilities of Non-Muslims (Dhimmis)*

reflects that that person is a convert, which is simply not true.<sup>25</sup>

Reversion from Islām to former faiths or other faiths by converts, and conversion from Islām to other faiths in general was absolutely forbidden by Islam. The Muslims did not care if non-Muslims converted to a religion other than Islām because this did not affect their status as non-Muslims in the Muslim state, and most of the time, there was no bureaucratic necessity for doing so.<sup>26</sup>

From the earliest days of the spread of the religion of Islam, Muslims exercised authority over non-Muslim (*dhimmi*) subjects in general, Christian subjects in particular, but it was not until Constantinople (Istanbul) fell in 1453 that relations between the Muslim Government and the Christian Church were definitely established. One of the first steps taken by Sultan Mehmed II the Liberator (*al-Fātiḥ*), after the liberation of Constantinople and the re-establishment of order, was to secure the allegiance of Christians, by proclaiming himself protector of the Greek Church. Persecution of Christians was strictly forbidden, and a decree was granted to the newly-elected patriarch that secured the enjoyment of the old privileges, revenues and exemptions enjoyed during the former rule to him, his successors and the bishops under him. In addition, not only was the head of the Church treated with the utmost respect he had been accustomed to from Christian emperors, he was also invested with extensive civil power. The patriarch's court could convene to decide all cases between

25. Among the people who hold this opinion are: Aleksandar Stojanovski, "Kolonizacija i Islamizacija", in *Istorija na Makedonskiot Narod*, vol. 1: 237; and Gligor Todorovski, *Demografskite Procesi i Promeni vo Makedonija od krajot na XIV vek do Balkanskite Vojni*, 67, 71, 86–89, *passim*; and M. Sokolovski, "Turskite izvorni podatoci od XV i XVI vek za gradot Bitola", in *Glasnik na Institut za Nacijonalna Istorija (GINI)*, Skopje, VII–3 (1963): 149–150, *passim*.

26. For instance, such a kind of conversion did occur in Kayseri during the early 17th century, where two cases are cited in Ronald C. Jennings, "Zimmis (Non-Muslims) in Early 17th Century Ottoman Judicial Records", in *Journal of Economic and Social History of the Orient (JESHO)*, vol. XXI, part III, (1978): 242.

Christians, impose fines, imprison offenders in a prison built specially for their purpose, in some cases it could even sentence a criminal to capital punishment, while government officials were directed to carry out judgments handed down by the court.<sup>27</sup>

As a recognised officer of the central government, the head of the Church could do much for the oppressed, by bringing the acts of unjust governors to the attention of the Sultan. Christian bishops in the provinces, in turn, were treated with great consideration and were entrusted with much jurisdiction in civil affairs. Until later periods, they acted almost as if they were Muslim prefects in their dioceses having jurisdiction over the orthodox population, effectively replacing the old Christian aristocracy which had been made extinct by the Muslims. Moreover, the higher ranking clergy were generally more active as Ottoman agents than Greek clergy or other priests, for they always taught their people that the Sultan possessed divine sanction, as the protector of the church. Sometimes, a charter was announced securing for the orthodox the use of churches which had not been confiscated and turned into mosques. The charter would further authorise them to celebrate their religious rites publicly according to their national culture.<sup>28</sup>

Muslim dominion, according to some European historians, was certainly better governed and was more prosperous than most of Christian Europe. The Christian masses who engaged in cultivation of the soil enjoyed a larger measure of personal liberty and the fruits of their labour, under the government of the Muslim ruler than did their contemporaries under the rule of Christian monarchs.<sup>29</sup> Even in Italy, there were men who would gaze longingly towards the

27. Arnold, *The Preaching of Islam*, 145–146.

28. *Ibid.*, 146–147.

29. George Finlay, *A History of Greece, from its Conquest by the Romans to the Present Time*, vol. 5 (Oxford: Clarendon Press, 1877), 5, 123; Walter Frederic Adeney, *The Greek and Eastern Church* (Edinburgh: T & T Clark, 1908), 311; and S. Gerlach, *Tage-Buch der von zween... Römischen Kaysern... an die Ottomanische Pforte... Abgefertigten... Gesandtschaft*, (Frankfurt, 1674), 413, all quoted in Arnold, *The Preaching of Islam*, 148–149.

*Exploring the Rights and Responsibilities of Non-Muslims (Dhimmis)*

Muslims in the hope that they, too, might enjoy the freedom and toleration they had been deprived of under their Christian government.<sup>30</sup>

While studying the process of Islāmisation of the various communities in the Muslim world, three points need to be remembered. Firstly, the people, both Muslims and non-Muslims, lived for centuries together side by side in villages and towns. Secondly, the impact of Muslim institutions, laws and legal infrastructure in society as a whole was great. Finally, a sophisticated Muslim culture that was being perceived and emulated as being a “prestige culture” by the native peoples inevitably had an impact on the local culture as well, and consequently on religion itself. All these factors were the channels of “acculturation” of non-Muslims, and not “assimilation”.<sup>31</sup> However, it is not right to assume that only the native peoples were impacted by the Muslims, who, in turn, borrowed and adopted various things from the local inhabitants, such as the methods of agriculture, norms relating to their daily routine and the arts.

Islāmic culture impacted strongly on language, the arts, and in general on the daily routine. Thus, it may be said that with the domination by the Muslim state, folk cultures of the non-Muslims were enriched by their association with the Muslim culture. The best testimony to this process of enrichment are the languages of many non-Muslim populations. For instance, there are literally a large number of words (including Arabic, Ottoman-Turkish and Persian) which were borrowed by the non-Muslim Balkan and Central Asian languages.<sup>32</sup> These words were, and still are, mostly used in daily social and cultural interactions, although the number of words may vary depending on the region.

However, apart from other factors, language is considered a key element of assimilation. After a millennium

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30. Ibid., 157.

31. Halil İnalcık, “The Turks and the Balkans”, in *TRBS*, 1 (1993): 26–27.

32. For the case of Bosnians and Albanians, for instance, see Alexander Lopasic, “Islamization of the Balkans with Special Reference to Bosnia”, *JIS* 5, no. 2 (1994): 176–179.

of Muslim rule, not only non-Muslims but also Muslims still had their native languages preserved. In addition, there was no such thing as Arabicised Christians, Jews, or even Muslims, except if some communities willingly accepted the Arabic language (or other Muslim languages) as it could have been a “prestige language” as English is today.<sup>33</sup>

Another important fact is the names of people. Detailed tax registers and other related documents in the court records and other sources reveal that many non-Muslims (*dhimmis*) still bore their own names and did not use Arabic ones. Apparently, the language and names indicate that assimilation in the negative sense did not exist in non-Muslim communities during the Muslim rule. Apart from these two points, there was not a single barrier to indicate that assimilation was considered in the negative sense. Therefore, it was acculturation rather than assimilation, as the following suggests.

Muslims and non-Muslims (*dhimmis*) did not live in isolation from one another, and there were no ghettos.<sup>34</sup> Non-

33. For the Macedonian cities in general, see Aleksandar Stojanovski, “Kolonizacija i Islamizacija”, in *Istorija na Makedonskiot Narod*, vol. 1, 238. For some of the Anatolian cities, see Ronald C. Jennings, “Zimmis (Non-Muslims) in Early 17th Century Ottoman Judicial Records”, in *JESHO*: 278–279; Braude and Lewis (eds.), *Christians and Jews in the Ottoman Empire*, vol. 1, 26–28. By way of comparison, the Jews of Fatimid Cairo, and presumably throughout much of the contemporary Mediterranean world, spoke Arabic language as their “native tongue”, although they often wrote with Hebrew script. In the 11th and 12th centuries, Arabic was even the language of Jewish courts, see S. D. Goitein, *A Mediterranean Society*, vol. 2, (Berkeley: University of California Press, 1971), 14 f.

34. By way of comparison, S. D. Goitein informs about the Fatimid Cairo that “the massive and reliable testimony of the Geniza documents proves that Muslims, Christians, and Jews lived in the closest proximity to one another, to a far higher degree than could have been assumed on the basis of our literary sources”. He further illustrates that “there were many neighborhoods predominantly Jewish, but hardly any that were exclusively so”. And “as far as our documents indicate boundaries, we see that even in the Jewish neighborhoods, at least half the houses had gentile neighbors”; see his *A Mediterranean Society*, vol. 2, 289, 290, 293. In addition, Jennings shows that it was most likely the same with the case of Ottoman Kayseri, see his “Zimmis (Non-Muslims) in Early 17th Century Ottoman Judicial Records”, in *JESHO*, 280–282.

*Exploring the Rights and Responsibilities of Non-Muslims (Dhimmis)*

Muslims not only lived in houses next to those of Muslims but also cultivated fields and vineyards next to them. A non-Muslim (*dhimmi*) might have been the neighbour of an imam, a mudarris, or even a qadi, apart from an ordinary Muslim. Non-Muslims also lived in houses once occupied by Muslims and vice versa. The names of neighbouring property owners were usually noted in the legal documents when property adjacent to theirs was being transferred or was otherwise involved in litigation.

Based on the legal documents and other sources, all occupations seem to be open to non-Muslims, who were artisans, craftsmen, cultivators, and so on. Muslims did not scorn any trade. A study of the cases indicates that Muslims and non-Muslims participated in the same occupations. Non-Muslims were only forbidden to be part of the military and some administrative posts.

Generally, violence and oppression towards non-Muslims by the authorities and the masses was foreign to major parts of the Muslim world. In conceding both the limitations and the different emphasis of available sources, there is still considerable evidence to suggest that the Muslim courts protected non-Muslims even against the rich and powerful.<sup>35</sup>

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Moreover, three fatwas (*fatwâ*) of the Ottoman jurist Ebussuud take for granted that *dhimmis* live adjacent to Muslims but preclude them from living immediately adjacent to mosques, see M. E. Düzdağ, *Seyhülislam Ebussuud Efendi Fetvaları* (Istanbul: Enderun Kitabevi, 1972), 94, no. 403–404; 95, no. 405; and 97, no. 413.

35. An example of this is that during the first decade of the second half of the 18th century, a *fermân* issued by the Porte ordering that the *dhimmis* of Manastir (together with Muslims) should be protected from the troubles caused by Papas oğlu Dimitri. See the sijil: #54-12b-1 cited in Idriz, *The Balkan City*, 230–231.

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*Exploring the Rights and Responsibilities of Non-Muslims (Dhimmis)*

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