

- [Fadl-Ullah](#) bin Ruzbihan Isfahani (1456 - 1521) - Shafi'i jurist, said this in his *Muslim Conduct of State: Suluk ul-Muluk*, summarizing Shafi'i and Hanafi law:

61 A brief account of the duties which are obligatory on the Imam and the Sultan with regard to (their offices of) the Imamate and the Sultanate.

62 His sixth duty is to fight with those who opposed Islam. But before taking such action he should invite them to surrender and if they refuse then fight with them until they surrender or are obliged to compromise.

377 When adultery is proved with witnesses or confession, and all the conditions which have been mentioned above are fulfilled, and the woman with whom one has committed adultery is chaste, the judge should command one to be stoned to death.

391 Whenever a sensible adult steals ten dirhams or a commodity equal to a multiple of that sum there is no doubt that in this case it is an obligation to cut off his hand.

398 If once again he commits a theft, as he is obviously without his right hand, his left foot should be cut off. If once again he commits a theft, his left hand should be cut off. If he commits theft a fourth time his right foot should be cut off. If, for a fifth time, he commits a theft, he should be punished. [...] It is a Sunna to hang one's severed hand around one's neck for some time.

455 You must be aware, that the literal meaning of Jihad is "to strive" or "to endeavor according to one's ability and strength." But in the religious sense it means "to strive in war against the non-believers according to one's ability and strength."

457 Imam A'zam (Abu Hanifa) has reason to believe that whenever the laws of Islam are enforced in a land, and so long as some of those laws are still executed in that land, it will be regarded as a Dar-ul-Islam.

462 You must be aware, that Jihad against the non-believers is an obligation. As regards the Hanafite opinion it has been cited in the *Hidaya* that Jihad is a duty in general on all the Muslim community. If a group of Muslims observe this duty the rest of them are exempt from it; and if none of them observe it the whole community commits a sin for their negligence. Whenever there is a general call for Jihad it will become a duty for all. A general call may be put in this way; that, on account of the strength of the non-believers, an Imam calls all the Muslims to arms so that they may drive the non-believers out of the land of Islam. The fight against the non-believers is an obligation even if they do not commence fighting. But the Jihad is not lawful against children, slaves, women, the blind, the crippled and he who has not come to the battle-field. If enemies invade one of the lands of Islam, the Jihad will become an obligation to all Muslims for their self-defense.

463 As regards the Shafi'ite laws of Jihad, it has been cited in the *Anwar* that during the lifetime of the Prophet, the Jihad was an obligation in general on all the Muslim

community. In our days there are two kinds of Jihad as it is an obligation on each and every Muslim and at the same time an obligation in general on all the community. Whenever the non-believers invade one of the lands of Islam or besiege one of our towns with the intention of its conquest, it is the duty of the inhabitants of that town to repel the invaders at any cost.

464-5 The second kind of Jihad is an obligation in general on all the Muslim community. For example, if the non-believers who are well-established in their own country intend to fight against the Muslims, and they refuse to check them, the whole community commits a sin. But if some of the Muslims, whose strength is sufficient to repel the enemy, come forward, the rest of the Muslims will be exempted from Jihad. The sufficiency is achieved by two means. Firstly, the Imam should block the incursion of the non-believers by appointing a group of the soldiers well enough to face the non-believers on the opposite side. Moreover, he should build forts, dig trenches and take similar other steps. [...] Secondly, the Imam himself should lead incursions into the Dar-ul-Harb or send someone capable of carrying out this business. The minimum number of incursions in a year is one. It is not permissible to abandon Jihad and let a year pass without an incursion except, God forbid, for the reason of weakness in the Muslims, the large number of the enemies and finally the lack of fodder for the horses on the way.

466 It has been cited in the Hidayah that whenever the Muslims invade a Dar-ul-Harb and besiege a town or fort they should first of all invite the besieged to embrace Islam. If they accept Islam the Muslims should give up fighting. If they refuse to accept Islam they should be asked to pay the Jizya, but this choice is only for those non-believers on whom the Jizya may be imposed. The Jizya should not be imposed on the apostates and Arab idolators. There is no need for collecting Jizya from them.

467 If the non-believers refuse to accept the terms of Jizya, the Imam should seek the help of God and fight against them. [...] If the Imam finds it necessary, he should throw hot water upon them and destroy their trees and crops.

468 When the women and children of infidels are taken prisoners, they will be regarded as slaves and the laws of booty will apply on them. As regards their male prisoners, the Imam has the right to kill them, set them free, ransom them or enslave them, according to the need of the time.

470 It is lawful to destroy the buildings of infidels and cut their trees, provided it is necessary in the war, or the victory can only be achieved in that way, or the Muslims believe that they will not be able to become their owners; but it is far better to spare them.

471 In the opinion of the Ulama there are four classes of Jihad, firstly, the Jihad against one's own soul; secondly, against Satan; thirdly, against the non-believers and fourthly, against the hypocrites. [...] As far as the Jihad against the non-believers and hypocrites is concerned, it too, has four grades, namely, mental, oral, financial and bodily Jihad.

[...] Altogether, there are thirteen categories of Jihad, and one who does not participate in any of them, has a sign of hypocrisy.

474 When [Muhammed] used to despatch an expedition, he used to advise the commander that before starting to fight he should lay a choice before the non-believers, either to accept Islam or leave that place. If they refused to accept Islam, they should be asked to pay the Jizya. If they refused all these terms, seek help from God the Excellent and start fighting.

495 As for the Hanafi laws, which deal with confirmed apostates, it has been mentioned in the Hidaya that when, (God forbid) a Muslim turns his back from Islam, the authorities should ask him to accept Islam. If he has some doubts they must be removed and he should be sent to prison for three days. If during this period he accepts Islam, it is well, but if not, he must be slain. [...] As regards the Shafi'ite law, it has been cited in the Kitab-i-Anwar that it is permissible to shed the blood of an apostate. If he does not repent it is an obligation of the Muslims to slay him. [...] It is not necessary to grant him a respite of three days.

506 [Hanafite] The collection of Jizya from the idolators of Arabia and the Arab renegades is not allowed, as they have the choice between Islam or sword. Whenever they surrender to the Muslims, their women and children should be spared but those of their men who do not accept Islam should be put to death.

509 You must be aware, that the contract of the Dhimmat is signed for the reason, that they may live among the Muslims and by regulating their relations with them their hearts may incline to accept the Muslim faith.

513 [Hanafite] [9:29] According to some of the commentators (of the Qur'an), the collection of the Jizya itself is their humiliation, as they seek surety for their lives with money. Indeed it is humiliating for them if they do not pay a dinar, they cannot live: and when they pay a dinar, they live. This means that the value of their lives is worth a dinar. It is very shameful and degrading to live in the world in this state.

According to some of the jurists apart from collecting the Jizya they must be put to shame. [...] According to another tradition, his shawl should be taken off his chest; moreover he should be mocked and commanded, "O Dhimmi pay the Jizya"; as it is said that the Jizya must be collected after humiliating and insulting them. [...]

[Shafi'ite] It is a pleasing act if the Jizya is collected after he has been humiliated in this way, that he should stand before a seated Muslim, with his head bent and back bowing and put the money in the scale. He who receives the money should hold his beard with his hand, and give a blow in the back of his ear.

517 [Hanafite] The Dhimmis should not ride a horse or carry any weapon. [...] the Dhimmis should distinguish themselves by wearing a few thick strings (i.e. girdle) which should be tied around their waists over their dress. [...] Whenever they ride a horse

instead of an ordinary saddle they must use a pack-saddle as a sign of humiliation. Whenever Muslims meet them they should not start greeting them. Instead of this they should obstruct their way. It is essential for them to have a special sign by which they can be distinguished from the Muslims. [...] Similarly, their women should distinguish themselves from Muslim women and there should be special marks in their streets and on their baths and houses; so that a Muslim beggar may not pray to God for their forgiveness. According to the Ulama it is lawful to prevent them from riding horses except when necessity demanded it.

518 His contract is not broken unless he joins the non-believers of the land of the non-Muslims, invades a village of the Muslims or starts fighting against the Muslims. When a Dhimmi breaks his contract he should be regarded as an apostate and we should sentence him to death. [...]

[Shafi'ite] They are bound on five scores. First of all, they should not express their grievance against the Muslims. [...] Secondly, they should build their houses lower than the houses of the Muslim neighbors, and if their houses exceed the houses of the Muslims in height, they must be demolished as the Muslims have justification for this act.

519 Thirdly, they are not supposed to ride a horse, mule or an ass while there is a saddle on them [...]. They should be stopped from wearing a sword at their sides, from carrying other kinds of weapons with them or using silver or gold reins. Moreover (the Muslims) must not show respect to them, and they should not be given higher places in private meetings. It is forbidden to have them as friends and mix with them. [...] Fourthly, they must wear Ghiyar. This means that they must wear an overall having a special colored mark and its color must be varied with their dresses. It is best for the Jews to adopt yellow, the Christians blue or khaki and the Zorastrians black or red. [...] Whenever they visit a bath which the Muslims also visit very frequently they must carry bells with them and should wear a locket with iron, (not of silver or gold), beads around their necks. It is emphasized that they must have a girdle and Ghiyar at the same time. [...] It is not permissible for their women to mix with the Muslim women in the baths. Fifthly, they must obey those of our laws which are similar to their own laws regarding crimes, such as adultery, theft, drunkenness and marriage with close relatives. If they commit such a crime, the laws of Islam should be applied to them. Moreover, it is essential for them to control their tongues and not to speak about their polytheism before the Muslims or their belief in the Trinity, in Jesus and Uzair or their views on wine, pork, horn and their festivals. Similarly they are not supposed
520 to recite the Bible and the Torah with a loud voice before the Muslims, to build churches, to raise their spires or to abandon the use of the Ghiyar.

521 It should be made clear to the Dhimmis that they must conceal the burials of their dead and must not mourn for them (in public). Moreover, they are not supposed to offer wine to the Muslims, to speak loudly before them or to employ them in their service on terms of payment or as statute laborers.

522 [Hanafite] According to some of the jurists, the Dhimmis should be prevented from rebuilding their temples in cities as well as in villages, as this is against some of the Muslim rites. [...]

[Shafi'ite] It has been mentioned in the Kitab-i-Anwar that after the conclusion of their contract, the Dhimmis are not supposed to build churches or fire temples. If we find that a church has been built after the settlement of the Muslims, it should be pulled down."

(Fadl-Ullah bin Ruzbihan Isfahani, *Suluk ul-Muluk*. Trans. Muhammad Aslam as Muslim Conduct of State (Lahore: University of Islambad Press, 1974.) [Faith Freedom International Quotes from Islamic jurists](#)