Non-Muslims in the Early Islamic Empire

The Muslim conquest of the East in the seventh century entailed the subjugation of Christians, Jews, Zoroastrians, and others. Although much has been written about the status of non-Muslims in the Islamic empire, no previous works have examined how the rules applying to minorities were formulated. Milka Levy-Rubin's remarkable book traces the emergence of these regulations from the first surrender agreements in the immediate aftermath of conquest to the formation of the canonic document called the Pact of ʿUmar, which was formalized under the early ʿAbbāsids in the first half of the ninth century. What the study reveals is that the conquered peoples themselves played a major role in the creation of these policies, and that these were based on long-standing traditions, customs, and institutions from earlier pre-Islamic cultures that originated in the worlds of both the conquerors and the conquered. In its connections to Roman, Byzantine, and Sasanian traditions, the book will appeal to historians of Europe as well as Arabia and Persia.

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From Surrender to Coexistence

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and the National Library of Israel

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In memory of my father

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Preface

As many do, this book started from an article. Actually, before that, it started, as many new ideas do, in the classroom, in a course on non-Muslims under Muslim rule in the first centuries of Islam. In the beginning it seemed as if when tackling the question of the status of *ahl al-dhimma* I would be treading a path that had been trodden by many before me. Using the fruits of former studies, I was therefore quite sure that I was covering ground that was new for students, but not otherwise.

It was while reading and re-reading the sources and bibliography that I discovered that there are still questions that are unasked and unanswered, and there are new avenues of research to follow. I discovered that though there was ample work on the subject of *Shurūṭ ʿUmar* and the status of the *dhimmī*s, it still did not provide an answer to one main question: how and why had these 'Conditions of ʿUmar' come about? In other words, what was their *Sitz im Leben*, what was their main purpose, and what were their sources of inspiration? I was especially interested in the question of intercultural exchanges that may have played a part throughout the process of their formation. That is, what were the cultural traditions that stood at the basis of this development? Were they mostly Muslim, as had usually been presumed, or did traditions and institutions of the conquered populations have a meaningful part in this as well?

Having first tackled the question of the immediate circumstances in which the document of the *Shurūṭ* was formed (Chapter 2), I was drawn to try and trace the process that took place between the time in which the small Muslim minority had taken over huge territories with millions of inhabitants which had formerly been under Byzantine and Sasanian rule,

and the moment in which a new comprehensive set of rules relating to this new population had been established.

Upon entering new and untrodden ground, I found myself in need of much information and advice. Many scholars generously shared their erudition with me, and I therefore owe great thanks to many who assisted me throughout this long journey.

I have a great debt to Amikam Elad, who has been guiding and supporting me in my work for many years, and has read the drafts of several chapters in this book and commented upon them with meticulous care.

I benefited greatly from the comments and suggestions of many scholars who were generous enough to invest their time in reading various versions of the manuscript. I owe much to Patricia Crone, who read the complete manuscript from cover to cover and commented on it page after page – originally anonymously, but who has since consented to be identified. Her wise comments and suggestions have greatly improved the final product.

Several people read the last chapter, which centres mostly upon Sasanian history and culture and provided me with important insights and comments. First of these is Zeev Rubin, who gave me much advice and support while writing this chapter. It saddens me greatly that this great scholar, who was always pushing the boundaries of knowledge, relentlessly studying a myriad of cultures and languages, is no longer with us. I also owe many thanks to Shaul Shaked and to Jamsheed Choksy, who were kind enough to devote time to read and comment on this chapter. They all assisted me in establishing a stronger basis on issues related to Iranian culture and society.

Mark Cohen was kind enough to read the whole manuscript, commented upon it, and shared his thoughts with me. I would also like to thank Robert Hoyland, with whom I had enlightening conversations on various issues during his stay in Jerusalem in the past year; he also read several chapters and provided me with important insights. Julia Rubanovich and Vera Moreen kindly assisted me in the translation of the Persian. Yohanan Friedmann patiently assisted me with several matters. Ruth Jacoby generously shared with me the cover illustration which she and David Yerushalmi found while researching Jewish apparel in Persian society. Finally, I would like to thank all of those who made the production of this book possible: the people from Cambridge University Press, including Marigold Acland, Mary Starkey and Helen Wheeler, and Leigh Chapman here in Jerusalem, who toiled over the index and the proofs. It

was a real pleasure to work with them, and I thank them all. Needless to say – errors remain mine alone.

I also owe many thanks to the Center for Advanced Judaic Studies of the University of Pennsylvania, where I was a member of a research group in 2006–7, and to its director, David Rudermann, for giving me a year free of cares. It was during this year that a major part of this book was written.

My greatest debt is to my father, Moshe Weinfeld, a great scholar of the Bible and the ancient Near East, who shared with me his great curiosity, his love of knowledge, and, most importantly, his endless pursuit of historical and cultural ties and contacts, and provided me with a rich and complex view of the ancient world. He passed away in April 2009, and I am greatly sorrowed by the fact that he is not here with me to see this book published.

I want to express my love and gratitude to Buni, my husband and partner, my constant companion, who was always there listening patiently to my thoughts and my doubts, shared with me his insights and advice, and supported me all the way to the finish line.