

# **Obligations and Responsibilities of Non-Muslim Subjects During the Four Pious Caliphate Era (632-661 AD): A Critical Analysis**

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**Abstract:** *The Islamic state that was established under the leadership of the Prophet Muhammad (PBUH) in Medina was founded on the principles of equality, fraternity, and a sense of rights. It defined specific responsibilities and duties for every citizen residing within the state. During the subsequent Caliphate period, this foundational structure continued to shape state policies. By merging the concepts of religion and state, the Prophet (PBUH) laid the groundwork for a theocratic state in which non-Muslims could maintain their distinct identity while enjoying freedoms. Under the rule of the Rashidun Caliphs, the roles and responsibilities of non-Muslim citizens evolved alongside the development of the state. Non-Muslim citizens were required to pay the Jizya (security tax) and Kharaj (land tax) to access state benefits. At the same time, the state was obligated to provide all necessary services and protections to citizens who paid the Jizya and Kharaj. With the expansion of the Caliphate, changes were observed in the application of Jizya and Kharaj. The Medina-centric state structure encompassed various elements. Even before the rise of Islam, the practices of Jizya and Kharaj were prevalent in Arab society. The Romans had implemented a similar system in their territories, known as Tributum Soli and Tributum Capitis. The Muslims reformed these practices and adapted them systematically. After the rise of Islam, Muslims incorporated the Roman taxation principles into their land management system, applying the concepts of Kharaj and Jizya to non-Muslims. These were neither newly invented nor repressive measures rather systems suited to the contemporary context, through which the state provided necessary benefits and freedoms to its non-Muslim subjects in accordance with agreements.*

**Keywords:** *Caliphate, Rashidun Caliphate, Umayyad Regime, Abbasid Era, Jizya, Kharaj, Ushur*

## **Introduction**

Historical records indicate that the presence of humanity in this world coincides with the inception of human rights as articulated in Islamic teachings. The Holy Quran underscores that prior to entrusting mankind with the mantle of Caliphate, Allah Ta'ala instilled within them a profound understanding of rights and responsibilities, imparting essential principles of conduct and the means for sustenance. The governing policies of the Caliphs were predicated on the establishment of equality and brotherhood among all individuals, transcending

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distinctions of Arab versus non-Arab, affluent versus impoverished, and various ethnic or economic backgrounds, thereby safeguarding society from disorder and chaos. Islam delineates specific rights for all individuals, regardless of their religious affiliations, rooted in the principle of reciprocity. It vehemently rejects discrimination based on language or social stratification, advocating for a universal humanism that recognizes all as descendants of a single Creator, the Almighty Allah, and as heirs to the legacy of one Adam. In this context, both Muslims and non-Muslims are encouraged to cultivate unity and solidarity within the framework of their respective rights. However, the harmonious functioning of the state hinges on the fulfillment of assigned duties by its citizens. The failure to uphold these responsibilities in exchange for the privileges conferred by the state can precipitate disorder and compromise the stability of governance. Thus, the citizens of the Caliphate not only possessed inherent rights but were also bound by a collective obligation to discharge certain responsibilities, thereby contributing to the cohesive fabric of the state. This interplay of rights and duties forms the cornerstone of a balanced and just society within the Caliphate framework, underscoring the significance of mutual respect and cooperation among all its inhabitants.

### **Objectives**

The examination of the responsibilities and duties of non-Muslim citizens during the Rashidun, is of paramount significance in the context of Islamic history. This research aspires to furnish an objective and comprehensive understanding of the subject matter. The primary objectives of this study are as follows:

- To ensure the provision of equal state rights for all citizens, irrespective of their religious affiliation.
- To ascertain the amount of Jizya (security tax) through a process of negotiation with non-Muslim citizens, rather than imposing a fixed rate.
- To establish Kharaj (land tax) rates that reflect the varying fertility levels of arable land, thereby promoting equitable taxation practices.
- To facilitate the freedom of individuals of non-Muslim faiths to practice the lawful tenets of their religion in both private and public spheres, in alignment with their religious convictions.

### **Methodology**

The present research adopts a comprehensive review and analytical approach to critically examine the experiences of non-Muslim citizens who lived under the protection and authority of the Caliphs during the Caliphate era. The study aims to illuminate the responsibilities and obligations of non-Muslim subjects in exchange for the rights they were afforded within the socio-political framework of the Islamic state. Particular attention is given to the reciprocal

dynamics between these duties and the rights granted to them under the Caliph administration. This investigation is grounded in an exhaustive analysis of both primary and secondary sources, with special emphasis on seminal documentary texts authored by esteemed scholars and historians, including Ala al-Din Abu Bakr ibn Mas'ud al-Kasani, *Badai al-Sanai fi Tartib al-Shara'i*, Muwaffiq Al-Din Abu Muhammad 'Abd Allah bin Ahmad ibn Muhammad ibn Qudama, *Al-Mughni*, Abu Hasan 'Ali ibn Muhammad ibn Habib al-Basri al-Mawardi, *Al Ahkam As Sultaniyyah*, Ya'qub ibn Ibrahim al-Ansari, *Kitab al Kharaj*, Abu Ubaid al-Qasim bin Sallam, *Kitab al-Amwal*, A. H. Qasmi, *Islamic Governments*, Dr. Nejatullah Siddiqi, *Islamic Public Economic*, Dr. Mohammad Muslehuddin, *Islam and its Political System*, S. A. Siddiqi, *Public Finance in Islam* and others.

### **Responsibilities of Non-Muslim Citizens Under the Caliphate**

Drawing upon authoritative sources and robust historical documentation, this paper critically examines the responsibilities and obligations of non-Muslim citizens during the reign of the Caliphs in exchange for the rights granted to them within the state and society. It explores the conditions under which non-Muslims lived under the protection and governance of the Caliphs over centuries. Consequently, the duties of non-Muslim subjects during the Caliphate period were confined to several key areas. Their primary responsibilities were as follows:

1. Adherence to state authority.
2. Fulfillment of financial obligations through the payment of Jizya, Kharaj, and Ushur.
3. Compliance with the legal frameworks of the state.
4. Upholding deference to the religious practices, symbols, and values of the Muslim majority.

### **Acknowledgment of Loyalty to the State**

The primary responsibility of citizens towards the Caliphate state was to acknowledge their loyalty to it. One of the fundamental conditions of citizenship was the acceptance of the state's sovereignty and allegiance. By demonstrating loyalty to the state, citizens gained access to a plethora of privileges and benefits associated with their status. Moreover, by adhering to this allegiance, citizens were empowered to exercise their voting rights to elect leaders responsible for the administration of the state. Just as all citizens shared in the governance of the state, they were also obligated to contribute to its preservation, not solely through material wealth but, if necessary, by actively engaging in defence, with all able-bodied individuals prepared to participate in combat. As Allah states:

انْفِرُوا خِفَافًا وَثِقَالًا وَجَاهِدُوا بِأَمْوَالِكُمْ وَأَنْفُسِكُمْ فِي سَبِيلِ اللَّهِ ذَلِكُمْ خَيْرٌ لَّكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ

“O believers! March forth whether it is easy or difficult for you, and strive with your wealth and your lives in the cause of Allah. That is best for you, if only you knew” (Al-Quran, 09:41).

The head of state was required to make decisions regarding governance in consultation with the council of advisors, known as Majlis al-Shura.<sup>1</sup> As citizens, both Muslims and non-Muslims bore the right to comprehensive protection of their lives, property, and dignity, which the state undertook as its solemn responsibility. The head of state, while in power, was obligated to refrain from differentiating between Muslims and non-Muslims. The duty of the state and its appointed leaders was to govern based on the divine regulations bestowed by Allah Ta’ala. When the head of state administered governance in accordance with Islamic law, citizens were likely to remain loyal and offer their full support and cooperation in state affairs. Allah Ta’ala commands in the Holy Quran:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَ أَطِيعُوا الرَّسُولَ وَ أُولَى الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَ الرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَ الْيَوْمِ الْآخِرِ ۚ ذَلِكَ خَيْرٌ وَ أَحْسَنُ تَأْوِيلًا

“O believers! Obey Allah and obey the Messenger and those in authority among you. Should you disagree on anything, then refer it to Allah and His Messenger, if you ‘truly’ believe in Allah and the Last Day. This is the best and fairest resolution” (Al-Quran, 04:59).

When citizens duly accepted their obligations to the state, it retained no authority to amend or revoke the rights of non-Muslims. If the state was unable to diminish or enhance the rights of Muslims, it was equally incapable of altering the rights of non-Muslims. In essence, upon accepting the state’s allegiance, all non-Muslim citizens were granted complete autonomy to conduct their religious practices and political activities without interference. They were free to engage in their religious observances and other events without obstruction. In summary, once non-Muslim citizens acquired citizenship in the Caliphate state, they fully enjoyed all rights and privileges conferred by the state, with no distinctions made between Muslims and non-Muslims.

### Financial Responsibilities of Non-Muslims

During the era of the Caliphate, the state was committed to upholding the rights due to non-Muslim citizens. Fulfilling such commitments was regarded as an obligatory religious duty for Muslims. In Islam, the sanctity of commitments is not easily compromised. Consequently, the state assumed certain responsibilities towards

<sup>1</sup>The Arabic word ‘Majlis’ lexically means assembly, council, or organization, while the word ‘Shura’ means consultation. Thus, “Majlis al-Shura” refers to a consultative council. From a terminological perspective, Majlis al-Shura was categorized into two types: Majlis al-Aam, meaning the general assembly, and Majlis al-Khaas, meaning the special assembly. For further details, see A. H. Qasmi, *Islamic Governments*, Isha Books, Delhi, 2008, p. 88.

non-Muslim citizens, and in exchange for the various benefits and privileges they enjoyed, specific taxes were imposed upon them. The taxes that non-Muslims were obligated to pay included:

A. Jizya (Security Tax)

B. Kharaj (Land Tax)

C. Ushur (Trade Tax)

### A. Jizya (Security Tax)

The term Jizya is derived from the Arabic root word Jaza, which translates to ‘compensation’ or ‘equivalent’. In this context, Jizya refers to the wealth that is paid in exchange for the protection and responsibility accorded to non-Muslims under the auspices of the state (Ibn Manzur, 621).

According to Al-Mawardi,

فأما الجزية مشتقة من الجراء، إما جزاء على كفرهم لأخذه منهم صغاراً، وإما جزاء على أمان نالهم لأخذه  
امنهم رفقاً-

“The term Jizya originates from the Arabic root ‘Jaza’, meaning recompense or reward. In the context of an Islamic state, since non-Muslim citizens received comprehensive protection and security, the tax imposed upon them in exchange for this safeguard was termed Jizya.” (Al-Mawardi, 2006:p. 221).

During the Caliphate era, one of the primary duties of the Islamic state was the protection of the lives and property of non-Muslim citizens from enemy aggression, as well as their overall maintenance. In return for this, the state was entitled to collect a specified amount of tax, which was minimal in nature. Jizya was a military tax (Nejatullah Siddiqi, 2001: p. 26-27) imposed on non-Muslim subjects, and by paying it, they were granted the right to live freely within the Muslim state and enjoy various privileges. Essentially, Jizya was an annual per capita tax levied on all non-Muslim communities, whether they belonged to Ahl al-Kitab (Jews and Christians), Zoroastrians, or any other community, whether Arab or non-Arab. However, Islamic law stipulates that those who refuse to pay the Jizya would be subject to warfare until its payment. As the Holy Quran commands:

قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلَا يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ حَتَّى يُعْطُوا الْجِزْيَةَ عَنْ يَدٍ وَهُمْ صَاغِرُونَ

“Fight those who do not believe in Allah and the Last Day, nor comply with what Allah and His Messenger have forbidden, nor embrace the religion of truth from among those who were given the Scripture, until they pay the tax, willingly submitting, fully humbled” (Al-Quran, 09:29).

By paying Jizya, non-Muslims were granted two key rights. Firstly, it was recognized that, once Jizya was paid, Muslims would no longer engage in warfare against non-Muslims. Secondly, non-Muslims would be afforded full rights to reside within the Islamic state. Their wealth, dignity, and honour would be safeguarded, ensuring that they could live in peace and security within the state.

***Jizya: the Time of the Prophet (PBUH)***

Jizya was an annual per capita tax levied on non-Muslim subjects. It was not a novel tax, having historical precedence long before the establishment of the Medina state by the Prophet Muhammad (PBUH). In both the Persian and Roman empires, similar taxes had already been in practice. The Sassanid emperors of Persia had imposed a tax known as *Gezit*, and the Romans had levied a personal tax called *TributumCapitis* on their non-citizen subjects (Von Kremer, 1983: p. 67). During the Caliphate, non-Muslim subjects enjoyed security of life, property, and dignity in return for paying the annual Jizya tax. Muslim rulers had been fully committed to upholding their responsibilities and promises to the non-Muslim population in exchange for this tax. A key benefit for non-Muslims was their exemption from military service. Additionally, non-Muslim subjects who had participated in the military alongside Muslims, provided assistance in Jihad, or were employed in military service had been exempt from paying Jizya (Muslehuddin, 1999: p. 56).

The Muslim community was bound by treaties or agreements to provide protection to non-Muslims. Before the prophet hood of the Prophet Muhammad (PBUH), it was customary among various tribes in Arabia to enter into such security agreements. At that time, weaker Arab tribes would form defensive pacts with more powerful tribes, and, according to these agreements, the tribes would assist one another in times of peril. When the Prophet (PBUH) migrated from Mecca to Medina, he assumed the responsibility of leading the nascent state of Medina. Through the Constitution of Medina, the Prophet (PBUH) codified the rights and duties of every group within the state (R. Levy, 1969: p. 273). The Prophet Muhammad (PBUH) also entered into security agreements with the Jews and Christians of Arabia. They were referred to as “those under the protection of Allah and His Messenger”, or simply *Ahl al-Dhimma* or *Dhimmis*. Following the instructions of the Holy Qur’an, the Prophet (PBUH) imposed Jizya on non-Muslim subjects. During his time, the Prophet (PBUH) established agreements with the Jews and Christians of Arabia, requiring the payment of one dinar per person as Jizya. The amount of Jizya imposed by the Prophet (PBUH) was nominal. Exemptions were granted to children, women, the mentally ill, the poor, clergy, the disabled, the elderly, those unable to pay Jizya, and individuals suffering from chronic diseases. Adult males were required to pay one dinar per person, though the amount could be adjusted based on their ability to pay (Yahya Ben Adam’s, 1958: p. 58).



By complying with the Islamic regulations, non-Muslim citizens who paid Jizya were assured protection of their lives, property, and dignity within the Islamic state. The Prophet (PBUH) stated:

من ظلم معاهدا فأنا خصمه يوم القيامة.

“Whoever wrongs a Dhimmi (contracted non-Muslim citizen), I will be his opponent on the Day of Judgment.” (Abu Ja’far, undated: p. 44). The Prophet (PBUH) also made clear in his treaty with the people of Najran in Yemen that they would have full religious freedom with no interference in their religious activities. Their priests would not be removed from their positions, and their religious leaders and monks would not be harassed or prevented from performing their duties” (Abu ’Ubayd, 1353 AH: p. 188). Later, Muslim rulers continued to enter into similar protective agreements with non-Muslim subjects, ensuring their security and welfare.

### ***Jizya: Reign of the Rashidun Caliphs***

During the reign of the Rashidun Caliphs, Jizya was considered one of the key sources of state revenue. By paying the tax known as Jizya, non-Muslim citizens were able to enjoy socio-economic, political, cultural, and religious rights, just like Muslims, while being exempted from joining the military. The funds from Jizya were used to provide stipends for soldiers engaged in defending the state (al-Sarakhsi, p. 87). This tax was collected annually only from those capable of warfare, in exchange for being relieved from the responsibility of defending the state. Therefore, those who were incapable of fighting, or unable to participate in war, such as children, adolescents, women, the disabled, the insane, slaves, monks, clerics, beggars, non-Muslim military personnel, the elderly, and those suffering from severe and incurable diseases, were exempted from paying Jizya (al-Kasani, 1986: p. 111). Hazrat Umar ibn al-Khattab (RA) instructed his military commanders in a letter to fight only those capable of warfare, and not to kill women and children, while imposing Jizya on adults (Qudama, 1965: p.43). For commendable acts of public service, Hazrat Umar (RA) had once exempted a non-Muslim subject from paying Jizya for life. This individual had assisted Umar (RA) in selecting the location for a canal from Cairo to the Red Sea, and in gratitude, was permanently exempted from Jizya as a reward (As-Suyuti, quoted in Hamidullah, 1977: p. 114). Additionally, if the state was unable to guarantee the protection of life, property, honour, and all forms of freedom, then Jizya could not be collected from the non-Muslims, and any previously collected Jizya would be refunded (Siddiqi, 2007: p. 97). In 636 AD, when Roman Emperor Heraclius advanced to face the Muslims at the Battle of Yarmouk, Abu Ubayda, a renowned military commander, ordered his subordinate commanders to return the Jizya collected from the residents of Homs. Following Abu Ubayda’s orders, the commanders returned the collected funds (Abu Yusuf, 1979: p. 139). Historian Baladhuri describes the reaction of the non-Muslim

citizens, who, upon receiving their Jizya refund, collectively proclaimed that they were better off under Muslim rule than before. They expressed their preference for Muslim governance and justice, and pledged to fight alongside the Muslims against Heraclius. At that time, the Jews also swore an oath that no governor of Heraclius would be allowed to enter the city unless they were defeated or killed. The same situation existed in other Muslim-ruled cities. When the Romans were eventually defeated by the Muslims, the residents of these cities joyfully entered through the main gates, accompanied by musical instruments, celebrating the victory (al-Balazuri, 1901: pp. 143-144).

.However, if a non-Muslim willingly participated in warfare, they were exempt from paying Jizya and were entitled to an equal share of the war spoils (Siddiqi, 2007: p. 97). The analysis of the treaties between Muslims and non-Muslims reveals that non-Muslims were required to pay Jizya only as long as their security could be ensured. If their security could not be guaranteed, Jizya would not be collected and would be waived.

During the reign of Caliph Hazrat Abu Bakr (RA), the military commander Khalid bin Walid (RA) conquered the region of Al-Hira in Iraq. In the treaty he made with the people of that region, it was stipulated that

if any non-Muslim citizen became incapacitated due to old age, or if someone fell into misfortune, or if a previously wealthy person became impoverished due to natural calamities or other causes, to the extent that their family members had to begin providing for them through charity, then they would be exempted from paying Jizya. Moreover, the head of state would arrange for their maintenance from the Bayt al-Mal (public treasury) of the Muslims, as long as they lived in Medina or under the rule of the Islamic state (Abu Yusuf, 1979: p. 139).

If someone embraces Islam, their Jizya will be waived. Moreover, if a non-Muslim dies while still owing Jizya, it will not be collected from their remaining estate, and their heirs will not be held responsible for the unpaid amount (al-Kasani, 1986: p. 112). In light of the information mentioned in the previous line Nicolas P. Aghnides referred to Imam Abu Hanifa's citation where Imam Hanifa depicted two specific reasons for the waiver of Jizya: 1) if a Dhimmi converts to Islam, and 2) if a Dhimmi dies (Nicolas P. Aghnides, 2002: p. 404). It should be noted that Imam Abu Yusuf narrated that the Christians of the Banu Taghlib tribe and Najran were not obligated to pay Jizya. When Hazrat Umar (RA) established a treaty with Banu Taghlib, Ubadah bin Nu'man Taghlibi (a Muslim) said to Umar (RA), "Amir al-Mu'minin! You are well aware of the strength of Banu Taghlib. If they join forces with the enemy, it will increase the enemy's strength. Therefore, you may consider special provisions regarding them if you wish." Due to this, Hazrat Umar (RA) exempted them from Jizya and imposed Sadaqah on them, similar to what was imposed on Muslims (Abu Yusuf, 1979: p. 120). It should be noted that Hazrat Umar (RA) did not make this decision unilaterally. He consulted with his companions, who said



that if Banu Taghlib joined the enemy forces, the combined strength of the enemy could harm the Muslim (Jurji Zayadan, 2006: p. 31). During the Caliphate of Islam's third Caliph, Hazrat Usman (RA), after the conquest of Cyprus, Jizya was not imposed on its inhabitants, as the Caliph had doubts about whether he could protect the island from Roman attacks (Husaini, 1949: p. 38).

There was no fixed amount for the Jizya tax. The Imam or the head of state would determine its amount based on the financial capacity of the people. During the reign of the Rashidun Caliphs, special consideration was given to non-Muslims when determining the amount of Jizya. Hazrat Abu Bakr (RA) imposed a tax of one dinar and an annual amount of one Jarib of wheat as Jizya on every adult male in the only conquered city outside the Arabian Peninsula, Busra (Abu 'Ubayd, 1353 AH: pp. 30-31). Hazrat Umar (RA), during his rule, introduced reforms in various areas, including the amount of Jizya. He essentially followed the practices of the Sassanid Empire and divided the Jizya payers into three categories. During this time, wealthy non-Muslims were required to pay 48 dirhams annually, middle-class individuals 24 dirhams, and lower-class individuals 12 dirhams as Jizya (Yahya Ben Adam's, vol. I, 1958: p. 28). In some regions, Hazrat Umar (RA) imposed 50 dirhams on wealthy non-Muslims instead of 48 dirhams, based on the variation in their wealth (Abu 'Ubayd, 1353 AH: p. 40). As the extent of conquests expanded during his reign, although the amount of Jizya varied across different cities, he generally tried to maintain the aforementioned classification in all regions. During the times of Hazrat Usman (RA) and Hazrat Ali (RA), the amount of Jizya remained similar to that of Hazrat Umar (RA).

The description of the method and timing of Jizya collection during the reign of the Rashidun Caliphs indicates that the Islamic state adopted a policy of leniency rather than strictness in the collection and payment of Jizya. Jizya was collected once a year, with the calculation based on the Arabic calendar, i.e., the lunar year. Payment could be made in cash or in goods of equivalent value. However, it was not permissible to pay Jizya with dead animals, pigs, alcohol, or similar items. Sometimes, if Jizya collectors did not receive the payment, they would sell cattle, donkeys, clothing, or auction off the wealth of the non-payers to collect the required amount. However, Islamic guidelines for Jizya collection instructed that non-Muslims be given time until the harvest of their crops so that they could pay easily. The reason for this delay was to alleviate their burden. Hazrat Umar (RA) instructed that the burden on non-Muslims be eased, saying, "Lighten the burden for those who are unable to pay Jizya, and help those who are incapacitated, because we are not taking it from them for just one or two years" (Alqarzavi, Nadvi, 2010: p. 132). During the reign of Hazrat Umar (RA), when his officials once presented a large amount of Jizya, he felt it was excessive. He asked them if they had oppressed the people. They swore by Allah that they had not harmed anyone while collecting Jizya and had acted with leniency. Umar (RA) asked, "Did you use sticks or force?" They replied,

“No, we did not use sticks or force.” Upon hearing this, Umar (RA) thanked Allah that such practices were not occurring under his rule (Abu 'Ubayd, 1353 AH: p. 43).

### ***Historical and Scholarly Opinions on the Determination of Jizya Rates***

There was no fixed amount for the collection of Jizya, and it was to be levied based on the financial capacity of the individual. Most scholars opined that the head of state should determine the rate of Jizya in consultation with the non-Muslim citizens of the state. According to the Hanafi scholars, 48 dirhams were to be collected from the wealthy, 24 dirhams from the middle class, and 12 dirhams from the poor. Imam Malik held that 40 dirhams should be collected annually from the rich, while the poor were to pay 10 dirhams per year. The Shafi'i school of thought maintained that at least one dinar per person was mandatory (Al-Mawardi, 2006: p. 224; Kasani, vol. VII, 1986: p.112; ibn Qudama, vol. IX, pp. 267-268).

Western historian Adam Smith noted, “Non-Muslims would pay Jizya in accordance with their ability, in exchange for the protection and justice provided by the Muslims. This tax was a defence levy, applicable only to those capable of bearing arms” (Alqarzavi, Nadvi, 2010: p. 130).

### **B. Kharaj (Land Tax)**

The term Kharaj originates from the Syriac word Khoregia and enters Arabic through the Syriac language. In Syriac, Kharaj means a duty or tax. The Arabs adopted the term and linked it to the local Arabic word Kharaj, which, in earlier dialects, referred to rent or agricultural production (Qudama vol. II, 1965: p.26). Over time, the term came to be widely used across Middle Eastern countries to mean ‘tax’. In Arabic legal and lexicographical writings, Islamic scholars specifically used the term Kharaj to denote a land tax. Thus, its literal meaning became ‘land tax’.

In practice, Kharaj referred to the tax imposed on the land and its produce owned by non-Muslims living under an Islamic state. More precisely, when Muslims conquered regions through warfare or treaties, the land was often left in the possession of its previous non-Muslim owners or allocated to other non-Muslim settlers. In return, these lands were taxed, and the revenue collected was termed Kharaj (Alqarzavi, Nadvi, 2010: p. 8).

### ***Kharaj: the Time of the Prophet Muhammad (PBUH)***

Kharaj was a crucial source of revenue throughout Islamic history. Prophet Muhammad (PBUH) did not initially impose Kharaj as a land tax on non-Muslim citizens (Dhimmi). However, historical analysis of earlier civilizations shows that, under the Roman and Persian empires, land ownership was vested in the Monarchs. In Persia, land tax was known as ‘Kharag’, while in the Roman Empire, it was called ‘Tributum Soli’ (Von Kremer, 1983: p. 67). Over various periods,

Islamic rulers regulated the amount of Kharaj on lands and determined the tax based on land production and ownership.

In the pre-Islamic era, there was no specific economic system in the Arabian Peninsula. After the Hijrat from Mecca to Medina, Prophet Muhammad (PBUH) assumed responsibility for the Medina state. He unified the entire Arab nation under a common bond. To secure the economic system of the Islamic state in Medina, he imposed a land tax known as Kharaj. Following the conquest of the expansive region of Khaybar, the local Jewish population approached the Prophet, expressing their agricultural expertise and requesting permission to manage the cultivation of crops. In response, the Prophet Muhammad (PBUH) granted the Jews the right to cultivate the agricultural lands, provided they acknowledged their loyalty to the Islamic state and agreed to pay Kharaj (al-Marghinani, 1417 AH: p. 95.). The tax levied on non-Muslim agricultural subjects, known as Dhimmis, amounted to half of the produced goods (al-Balazuri, 1901: p. 53; al-Marghinani, 1417 AH: p. 95.).

### ***Kharaj: Rule of the Rashidun Caliphs***

The land revenue system that was prevalent during the time of the Prophet Muhammad (PBUH) was followed by the Rashidun Caliphs to determine Kharaj or land tax. However, in determining Kharaj, the head of state could, if desired, assess the size of the land and the nature of the crops to set an annual amount based on justice, or Kharaj could be levied based on the productivity of the land. The first Caliph of the Rashidun, Abu Bakr (RA), retained the land policies established by the Prophet Muhammad (PBUH). After Khalid bin Walid (RA) heroically conquered Iraq, there was a demand to distribute the land among the victorious soldiers. However, Abu Bakr (RA) declared the vast region of Iraq as state property rather than dividing it among the soldiers. He entrusted the cultivation of the land to those who had previously held it but did not impose any specific taxes on the land, except for a one-time payment (Shibli, Tr. Maulana Zafar Ali Khan, 1992: p. 242).

The second Caliph of Islam, Umar (RA), introduced various reforms in the revenue system alongside other significant changes in governance and administration. During his reign, regions such as Egypt, Iran, Iraq, and Syria were conquered. He abolished the oppressive agricultural systems of the conquered territories and introduced a revolutionary change in the revenue system. Allama Shibli Nu'mani comments—

The greatest reform, which was in fact a revolution, which Omar effected in revenue administration, and which resulted in sudden and phenomenal improvement in the prosperity and economic condition of the subject peoples, was the abolition of the oppressive agrarian system that had prevailed in the conquered countries before Islam (Shibli, Tr. Maulana Zafar Ali Khan, 1992: p. 251).

In the 16th year of Hijri, after the final conquest of Iraq, Umar (RA) focused on the Kharaj system. He faced a dilemma regarding the distribution of the vast land in

the conquered regions. Upon the conquest of Iraq, he instructed General Sa'd ibn Abi Waqqas (RA) to conduct a census of Iraq with great caution. After the census was conducted, it was observed that for every Muslim soldier, there were three non-Muslim locals. Umar (RA) then consulted the Companions on whether the land should be distributed among the soldiers. The majority advised that the land should not be divided among the soldiers and that it would be better to allocate it to the local farmers, allowing them autonomy over the land (Abu Yusuf, 1979: pp.23-24; Taqi, Tr. Syed Ahmad Ali, 1991: pp. 40-41). However, some prominent Companions, such as Abdur Rahman ibn Awf (RA) and Bilal (RA), supported the idea of creating estates (Shibli, Tr. Maulana Zafar Ali Khan, 1992: pp. 242-243; Taqi, Tr. Syed Ahmad Ali, 1991: p. 40). To resolve the issue, Umar (RA) convened a Majlis al-Shura (consultative council), where the decision was made regarding the land in the conquered regions. It was decided that the soldiers would not have ownership over the land, nor would they have the right to purchase it, and the land would never be distributed among them. The previous owners would retain ownership, while the state would receive the land revenue (Dennett, 1950: p. 20). This policy remained in place throughout the reign of Umar (RA). Once, during his rule, a Dhimmi (non-Muslim under Islamic rule) who had embraced Islam came to Umar (RA) and asked for the Kharaj to be lifted from his land. Umar (RA) responded that the land was under anwatan (a peace agreement), and as long as he managed the land, the Kharaj would still apply, with no changes to the peace agreement (Yahya Ben Adam's, 1958: p. 47). During the time of the next Caliph, Usman (RA), this restriction was lifted, and Arabs were allowed to purchase land in the conquered territories.

### ***Land Survey***

After the conquest of the region of Iraq, Caliph Umar (RA) implemented his land-related policies primarily in this territory. The land revenue system in Iraq was originally instituted by the Persian Emperor Kavad, with later enhancements introduced by Noshirwan. While Caliph Umar (RA) maintained the principles of Kavad's land revenue policy, he appointed his distinguished companion, Usman ibn Hanif, as the head of the survey department, with Hozayfah ibn al-Yaman serving as his assistant. Both individuals had resided in Iraq for an extended period, providing them with substantial knowledge regarding local land issues (Taqi, Tr. Syed Ahmad Ali, 1991: p. 46; Shibli, Tr. Maulana Zafar Ali Khan, 1992: p. 244; Afzal, 2009: p. 90). Moreover, Usman ibn Hanif was particularly adept in matters pertaining to land surveying and the determination of taxes. He dedicated several months to meticulously executing the survey across Iraq. Usman ibn Hanif efficiently surveyed an expansive area of 90,000 square miles, with a length of 375 miles and a width of 240 miles. Excluding mountains, forests, and wetlands, he identified approximately 36 million 'Jarib' (where each Jarib was roughly equivalent to one Bigha) of cultivable land. Notably, Caliph Umar (RA) personally designated the measuring instruments for the survey (Shibli, Tr. Maulana Zafar Ali Khan, vol. II, 1992: p. 245). The lands surveyed included various estates formerly

held by royal families' Crownland, ancestral lands, lands designated as waqf for fire temples, properties abandoned by fugitives, lands belonging to those who resisted authority, and properties confiscated from rebels. Additionally, land allocated for road construction and postal services, grazing lands, as well as all types of aquatic and forest lands, were declared 'Al-Fai',<sup>2</sup> thus remaining under direct government control rather than being distributed among soldiers. The annual income derived from this vast estate amounted to a total of 7 million gold coins. However, notable historian Allama Shibli Nu'mani, in his writings, described this income as seventy thousand silver coins instead of gold (Shibli, Tr. Maulana Zafar Ali Khan, 1992: p. 245). Caliph Umar (RA) allocated the revenues generated from these properties to a separate fund designated for public welfare projects. Furthermore, as the Caliphate's income increased, he established a distinct office known as "Diwan al-Kharaj" specifically for the collection and management of Kharaj, thereby enhancing the efficiency of revenue collection and administration within the Caliphate regime.

### ***Rate of Kharaj***

In determining the amount of Kharaj, Hazrat Umar (RA) imposed it on cultivable land. The rate of Kharaj varied according to the fertility of the land. Barren, uncultivable land, and houses were excluded from the scope of Kharaj (Abu 'Ubayd, 1353 AH: p. 68; Afzal, 2009: p. 147). However, if cultivable land was left intentionally fallow, paying Kharaj was mandatory. There was no distinction in Kharaj payment based on age, gender, or status; whoever held Kharaji land was required to pay the tax (Sarakhsi, vol. X, pp. 79-83). The Kharaj on Kharaji land was determined based on the type of crops. Nominal Kharaj was imposed on low-quality land. The following table illustrates the annual Kharaj rate:

Crop Name	Quantity (Jarib)	Total Amount (Dirham)
Barley	Per Jarib	1 dirham per annum
Wheat	Per Jarib	2 dirham per annum
Vegetable	Per Jarib	3 dirham per annum
Cotton	Per Jarib	5 dirham per annum
Sugarcane	Per Jarib	6 dirham per annum
Sesame/Flax	Per Jarib	8 dirham per annum
Grape	Per Jarib	10 dirham per annum
Date Orchards	Per Jarib	10 dirham per annum

**Source:** (Abu 'Ubayd, 1353 AH: pp.68-69; Taqi, Tr. Syed Ahmad Ali, 1991: p. 229)

<sup>2</sup> The state took direct possession of conquered public lands, lands without claimants, lands confiscated from rebels, uncultivated land, and forests. These lands were referred to as 'Al-Fai' or state property. The nature of 'Al-Fai' or state property did not change in any way, and such lands generated substantial revenue for the state. Al-Fai was utilized for public welfare and developmental projects. For more details, see Philip K. Hitti, *op.cit.*, p. 172; Sheikh Muhammad Lutfur Rahman, *Islam: Rashtra O Samaj (Islam: State and Society)*, Bangla Academy, Dhaka, 1977, p. 52-53.

The table mentioned above reflects the prevalent methods for determining Kharaj (land tax). However, the tax was set based on the quality of the land, variations in fertility, irrigation availability, labor costs, other expenses, and the distance of the land from cities or markets (Afzal, 2009: p. 94).

In ancient Egypt, the Pharaohs conducted land surveys and imposed land revenue, a practice continued by the Ptolemaic rulers. The levied taxes could be paid either in cash or through the crops produced. There was no consensus on which type of crop would be used to pay the tax. Kharaj could be collected from crops such as wheat, barley, dates, maize, fine barley, olives, and similar produce (Qudama, vol. II, 1965: p.39). During Roman rule, the emperors largely maintained the previous system, though a significant portion of Egypt's agricultural produce was sent to the capital, Constantinople. After the Arabs conquered Egypt, this system remained in place for a while. However, Caliph Umar (RA) conducted a new land survey and abolished the excessive taxes imposed by previous rulers. Additionally, crop production in Egypt was heavily dependent on the seasonal flooding of the Nile. Due to climatic factors, Egypt sometimes experienced an abundance of crops and, at other times, famine due to water scarcity. Consequently, calculating an average based on several years of crop production and levying taxes accordingly was not against Islamic law. Caliph Umar (RA) adopted the policy of determining the tax after assessing the annual harvest. The amount of land revenue was set at one dinar per Jarib (unit of land), and under this rate, Egypt annually collected approximately 12,300,000 dinars (al-Balazuri, 1901: p. 213). The revolutionary reforms introduced by Caliph Umar (RA) regarding land revenue were largely maintained by subsequent Caliphs, Usman (RA) and Ali (RA) (Dennett, 1950: p. 33). However, during the reign of Caliph Ali (RA), the amount of Kharaj was increased based on the classification of land (Afzal, vol. II, 2009: p. 93).

### ***Caution in Kharaj Collection***

Kharaj was to be paid individually. In determining the Kharaj amount, factors such as the land's potential productivity, quality, classification of Kharaji land, irrigation facilities, and proximity to markets and urban centres were taken into account. Kharaj was assessed based on the potential yield of each piece of land. Taxes were levied on cultivable and productive land, with careful consideration to ensure that non-Muslims were not subjected to undue hardship. Caliph Umar (RA) had appointed Hazrat Usman bin Hanif and Hazrat Hozayfah bin al-Yaman for land surveying in Iraq, recognizing their expertise. Following the completion of their survey, he established the distribution of land and the rates of Kharaj. Before his death, Caliph Umar (RA) inquired whether they had set the Kharaj according to the variations in the land's productivity. In response, Usman bin Hanif stated that even if the assessed amount were doubled, the landholders would still be capable of paying it. Hozayfah ibn al-Yaman noted that the imposed rates were already generous (Abu 'Ubayd, 1353 AH: pp.40-41).



Caliph Ali (RA), when dispatching officials to Ukbara to collect Kharaj, instructed them, “Ensure that they do not auction their cattle, buffalo, or property, and do not confiscate their winter and summer clothing; treat them with kindness! Treat them with kindness! Treat them with kindness! Should you deviate from my instructions, you shall be dismissed”(Abu 'Ubayd, 1353 AH: p.44). Similarly, Umayyad Caliph Umar ibn Abdul Aziz directed his officials to assess Kharaj based on the variations of the land and to treat the landowners kindly, ensuring that no excessive taxes were levied upon them (Abu 'Ubayd, 1353 AH: pp.46-47). Ultimately, the decisions regarding Kharaj rates rested solely with the Caliphs, who retained the exclusive authority to increase or decrease the tax amounts as they deemed appropriate (Dennett, 1950: p. 35).

### C. Ushur (Trade Duty)

The term Ushur, derived from the plural of Ushr (literally meaning “one-tenth”), refers to a tax levied on trade. During the time of the Prophet Muhammad (peace be upon him), it was not customary to impose any form of trade duty on foreign merchants entering the Islamic state. However, Muslim merchants and dhimmis (non-Muslims living under Islamic rule) were subject to a one-tenth trade duty when conducting business in neighbouring regions. Islamic economic principles historically promoted free and unencumbered trade, with the exportation of surplus goods from one country to another being encouraged, not prohibited. Following the example set by the Prophet (PBUH), no import duties were collected during the Caliphate of Hazrat Abu Bakr (RA). However, Hazrat Abu Musa Ash'ari (RA), serving under the Rashidun Caliphate, brought the issue of trade duty collection to the attention of Hazrat Umar (RA), the second Caliph (Shibli, Tr. Maulana Zafar Ali Khan, 1992: p. 256; Imamuddin, 1984: p. 35). During Hazrat Umar's (RA) reign, the territorial boundaries of the Islamic state expanded significantly to include Iraq, Syria, Egypt, and other regions. In light of these geopolitical and socio-economic changes, the imposition of trade duties became a necessity for maintaining economic equilibrium and political stability. Moreover, prior to the conquest of Mambaz, the Christian inhabitants had submitted a formal petition requesting permission to continue trading. In response, Hazrat Umar (RA) executed a binding contract, thereby granting them the right to engage in commerce (Shibli, Tr. Maulana Zafar Ali Khan, 1992: p. 256). He further instructed Hazrat Abu Musa Ash'ari (RA) to ensure that trade duties were imposed on foreign merchants at the same rates their respective states levied on Muslim traders (Kasani, vol. II, 1986: p. 35; *al-Mawsu'ah al-fiqhiyyah*, vol. XXX, p. 108). Accordingly, Ushur was imposed on the goods of Muslims, dhimmis, and foreign merchants, with the Nisab (minimum threshold for taxation) being aligned with that of Zakat. Consequently, trade goods valued below 200 dirham were exempt from taxation.

Ushur effectively functioned as a form of Zakat for Muslim traders and as a trade tariff for non-Muslim and foreign merchants. It was incumbent upon all merchants—whether Muslim, non-Muslim, or foreign—to remit the Ushur on their

commercial goods once annually. Upon payment, traders were permitted to engage in unrestricted commerce throughout the year. Hazrat Umar (RA) established different rates: foreign merchants were subjected to a 10% trade duty, dhimmi merchants to 5%, and Muslim merchants to 2.5% (Imamuddin, 1984: p. 35; Shaban, 1992: p. 19; Hitti, 1972: p. 132). Moreover, he issued explicit instructions to customs officials, emphasizing that the collection of duties should be conducted without coercion or harassment, ensuring fairness and efficiency in the process.

### **Obedience to State Laws**

One of the primary obligations of non-Muslim citizens during the Caliphate was to conduct their lives within the legal framework of the state, which was governed by Islamic Shari'ah. While residing as subjects within the Caliphate, non-Muslims were expected to adhere to this legal system, although they were not bound by the religious obligations specific to Muslims, such as Salah, Sawm, Zakat, or Jihad.

In their personal and social spheres, non-Muslims were permitted to observe the lawful tenets of their own religions, provided these practices did not directly contravene the core principles of Islamic law. If an act was deemed permissible within their religious doctrines but prohibited under Islamic law, they could not be obstructed from engaging in such practices. Islam afforded non-Muslims considerable autonomy to apply their own legal frameworks concerning personal matters such as marriage, divorce, family maintenance, and the consumption of pork or alcohol (Sabiq, vol. III, 2010: p. 32). For instance, non-Muslims could contract marriages without witnesses, enter into a second marriage during the period of Iddah, marry Muhrim women, or forgo a dowry, should these practices be valid within their respective religious traditions, even if they were unlawful for Muslims. The resolution of familial disputes among non-Muslims was conducted according to their own "Family Law and Personal Law". If they wished to seek justice through the Islamic Shari'ah courts, their cases would be adjudicated according to Islamic legal principles. In criminal and civil matters, Muslims and non-Muslims were generally subject to the same legal standards, with certain exceptions. For example, if the Dhimmis committed zina (adultery) among themselves, they were judged according to their laws. Likewise, since the consumption of alcohol was permissible in their religion, they were exempted from the Islamic penalties for its consumption, even while living under an Islamic state (Sarakhsi, vol. IX, pp. 57-58). Nonetheless, punishments for crimes such as theft, murder, robbery, and adultery were applied uniformly to both Muslims and non-Muslims. Additionally, while non-Muslims were required to follow Islamic guidelines in all commercial transactions, exceptions were made for the trade of wine and pigs, which remained legal for them.

### **Upholding Deference to the Religious Practices, Symbols, and Values of the Muslims**

Given that minority communities residing within the state were required to coexist with Muslims on a continual basis, they were precluded from engaging in any form

of anti-state activities. As citizens under the Caliphate, it was strictly impermissible for them to issue derogatory remarks concerning Allah, the Prophet (peace be upon him), or the Quran. While the practice of usury was unequivocally prohibited for both Muslims and non-Muslims, trade in wine and pigs was legally sanctioned for the minority populations. Non-Muslims were permitted to rear pigs, engage in their trade, consume them, as well as brew, drink, and trade wine within their designated townships, although such goods were strictly forbidden from being sold to any Muslim (Alqarzavi, Nadvi, 2010: p. 139). Observing the fast during the sacred month of Ramadan was among the obligatory duties of Muslims, and it was recognized that the religious sentiments of Muslims would be deeply affronted if non-Muslims openly consumed food or drink during daylight hours in their presence. Thus, the minority communities were expected to refrain from actions that could offend Islamic religious sensitivities. Similarly, the religious sentiments of non-Muslims were not to be violated, as their protection was guaranteed by the terms of their contractual relationship with the state.

## Conclusion

It is incontrovertible that the governance of the state during the Caliphate era was firmly rooted in the principles and tenets of Islam. Despite non-Muslim citizens' divergence from Islamic beliefs and values, the state remained obligated to uphold their socio-economic, religious, political, and cultural rights, ensuring their dignity and protection. Under the Rashidun Caliphate, the state undertook the responsibility of safeguarding and facilitating the needs of its non-Muslim populace, while in return, these citizens fulfilled their civic obligations, primarily through the payment of Jizya, Kharaj, and Ushur taxes. Although ethnic, linguistic, religious, and cultural minorities have historically faced discrimination across various societies, including those with constitutional provisions for minority rights, Islam uniquely ensured comprehensive freedom and protection for such groups. Throughout the Caliphate's reign, non-Muslim citizens were afforded the full benefits and privileges of the state, provided they dutifully met their prescribed obligations.

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