

# DHIMMITUDE AND DISARMAMENT

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## INTRODUCTION

Islamic law, *shari'a*, forbids non-Muslims, known as *dhimmi*, from possessing arms and defending themselves from attacks by Muslims.<sup>1</sup> The disarmament is one aspect of the pervasive civil inferiority imposed on non-Muslims, a status known as *dhimmitude*.<sup>2</sup> This Article examines the historical effects of the *shari'a* disarmament, based on three books by Bat Ye'or, the world's leading scholar of *dhimmitude*.<sup>3</sup> As Ye'or details, the disarmament has had catastrophic consequences, extending far beyond the direct loss of the *dhimmi*'s ability to defend themselves against Muslim attack.

The study of the disarmament provides an interesting historical example of negative interfaith relations. Yet, the disarmament story and the second-class status imposed on Christians and Jews have implications for the modern United States, where there is no *shari'a* law, but some subgroups of the population have been condemned, in effect, to a disarmed and defenseless status of civil inferiority. Perhaps the ancient tragedy of *dhimmitude* has something to teach us about the April 2007 tragedy at Virginia Tech University.<sup>4</sup>

## I. A HISTORICAL PERSPECTIVE ON DISARMAMENT

### A. *The Status of the Dhimmi and the Prohibition on Bearing Arms*

In 628 A.D., Mohammad and his followers attacked the Jews who lived at the oasis of Khaybar, over a hundred miles northwest of Medina.<sup>5</sup> The Jews surrendered

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<sup>1</sup> BAT YE'OR, ISLAM AND DHIMMITUDE: WHERE CIVILIZATIONS COLLIDE 56 (2002).

<sup>2</sup> *Id.*

<sup>3</sup> YE'OR, *supra* note 1; BAT YE'OR, THE DECLINE OF EASTERN CHRISTIANITY UNDER ISLAM: FROM JIHAD TO DHIMMITUDE (1996) [hereinafter YE'OR, DECLINE]; BAT YE'OR, THE DHIMMI: JEWS AND CHRISTIANS UNDER ISLAM (1985) [hereinafter YE'OR, DHIMMI].

<sup>4</sup> On April 16, 2007, a man murdered thirty-two students and teachers at the Virginia Polytechnic Institute and State University, in Blacksburg, Virginia. Doug Donovan, *As the Gunshots Shifted Closer, Next Move was Clear: Get Out*, BALTIMORE SUN, Apr. 17, 2007, at 1A, available at 2007 WLNR 7782709.

<sup>5</sup> YE'OR, DHIMMI, *supra* note 3, at 44.

after a siege.<sup>6</sup> Mohammad allowed the Jews to continue living at the oasis, if they gave him half the dates from their orchards.<sup>7</sup> Mohammad reserved the right to expel the Jews whenever he chose.<sup>8</sup> Mohammad's behavior became a standard for treatment of conquered Jews and Christians, called *dhimmi*.

Mohammad instructed:

Fight against such of those to whom the Scriptures were given as believe neither in Allah nor the Last Day, who do not forbid what Allah and his apostles have forbidden, and do not embrace the true faith, until they pay tribute (*jizya*) out of hand and are utterly subdued.<sup>9</sup>

The *jizya* was a special tax on *dhimmi*.<sup>10</sup> Alternative translations of Mohammad's instructions state that the *dhimmi* should be humiliated.<sup>11</sup> However, scholars have debated whether the humiliation should be in the form of non-Muslims having to pay the tax personally by carrying it in hand, whether the tax should be so high that non-Muslims are humiliated,<sup>12</sup> or whether non-Muslims should be humiliated and subdued in every aspect of life.<sup>13</sup>

Forced conversions were the rule for conquered pagans;<sup>14</sup> however, Jews, Christians, and Zoroastrians (all of whom were monotheists) were allowed to keep their religion, if they accepted *dhimmi* status.<sup>15</sup> Even conquered Hindus and Buddhists were given *dhimmi* status in areas where they were so numerous that forced conversions were impossible to impose.<sup>16</sup>

*Dhimmi* were inferior subjects. They were forbidden to keep or bear arms.<sup>17</sup> Not even a cane was allowed.<sup>18</sup> The arms ban also outlawed the wearing of military clothing.<sup>19</sup>

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*; NORMAN A. STILLMAN, *THE JEWS OF ARAB LANDS: A HISTORY AND SOURCE BOOK* 18 (1979).

<sup>8</sup> YE'OR, *DHIMMI*, *supra* note 3, at 44.

<sup>9</sup> *Koran* 9:29. The Pakistani scholar Ahsan Islahi (1906-1997) argued that this verse applies only to belligerent Jews and Christians who are already under Islamic rule, and does not require offensive war against Christian or Jews in non-Muslim states. He also argues that the verses requiring offensive war against idolaters applied only to the polytheistic tribes in Arabia at the time of Muhammad. Mustansir Mir, *Islam, Qur'anic*, in *ENCYCLOPEDIA OF RELIGION AND WAR* 208-09 (Gabriel Palmer-Fernandez ed., 2004). Whatever the scholarly merits of Islahi's interpretation, many Muslim governments have not complied with that interpretation.

<sup>10</sup> YE'OR, *supra* note 1, at 41.

<sup>11</sup> YE'OR, *DHIMMI*, *supra* note 3, at 53; *Koran* 5:18, 9:29, 62:5.

<sup>12</sup> The high tax is a manifestation of the *dhimmi*'s civil inferiority.

<sup>13</sup> YE'OR, *DECLINE*, *supra* note 3, at 236.

<sup>14</sup> Pagans could not hold *dhimmi* status. If a pagan refused to convert to Islam, he was either killed or enslaved.

<sup>15</sup> YE'OR, *DHIMMI*, *supra* note 3, at 44.

<sup>16</sup> JOHN KELSAY, *ISLAM AND WAR: A STUDY IN COMPARATIVE ETHICS* 45-47 (1993) (quoting *Hadith*, which are extra-Koranic stories and legends about Mohammad and Islam). In some territories which were nominally under Muslim control, well-armed groups maintained *de facto* independence, and thus the Muslims could not impose *dhimmitude*. The Maronite Christians around Mt. Lebanon and some Jewish tribes in the Moroccan mountains were armed and free. *Dhimmitude* applied to Hindus in India and to Buddhists in Uzbekistan and southwest Kazakhstan.

<sup>17</sup> YE'OR, *supra* note 1, at 56. See also BERNARD LEWIS, *THE JEWS OF ISLAM* 36 (1984).

Finally, there was a third consideration, which became more important and perhaps dominant in the later centuries: the desire to humiliate, to remind the *dhimmi* of his inferiority, and to punish him if he ever tried to forget his quality and his place.

There were some exceptions to the ban on arms. Christians in newly-conquered Balkan territories of the Ottoman Turks could retain arms, if they performed Turkish military service, although the exception diminished with time.<sup>20</sup> The more common method by which a Christian might bear arms was by becoming a *janissary*, a captive career soldier.<sup>21</sup> The Muslim military would round up the best-looking and strongest Christian teenage boys in a town.<sup>22</sup> The boys were taken away from their families forever, forcibly converted into Islam, and turned into elite soldiers.<sup>23</sup> The *janissaries* were early adopters of firearms and a foundation of Ottoman military strength.<sup>24</sup>

*Shari'a* law imposed many other restrictions on *dhimmi*, including a prohibition of *dhimmi* wearing the color green, the traditional color of Islam, or luxurious clothing.<sup>25</sup> The *dhimmi* could not stand on a roof, lest they see a Muslim woman bathing.<sup>26</sup> They could not build homes taller than Muslim homes.<sup>27</sup> *Dhimmi* could not ring church bells, pray, or perform public religious ceremonies where a Muslim might see the *dhimmi*.<sup>28</sup> *Shari'a* law banned the construction of new synagogues or churches, as well as exterior repair.<sup>29</sup> *Dhimmi* could not ride on horses with saddles, and sometimes could not ride

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Of rather more significance are the regulations designed to show, and indeed to stress, that the *dhimmi*s do not belong to the arms-bearing classes. The *dhimmi* must ride an ass, not a horse; he must not sit his beast astride but sidesaddle, like a woman. Most serious of all, he must carry no weapons, and is therefore always at the mercy of any who choose to attack him. While armed assault on *dhimmi*s is comparatively rare, there is always a sense of danger, as well as of inferiority, for those who may not bear arms in a society where it is normal to do so. The *dhimmi* was not alone in this disability, which also affected some other social groups, notably in the Arabian peninsula. He was, however, the most vulnerable. The *dhimmi* cannot and indeed may not defend himself even against such petty but painful attacks as stone throwing, done mainly by children—a form of amusement recorded in many places from early until modern times. The *dhimmi* had to rely on the public authorities to protect him from attack or other harm, and while this protection was often, indeed usually, given, it inevitably faltered in times of trouble or disorder. The resulting feeling of endangerment, of precariousness, is frequently expressed in *dhimmi* writings.

*Id.*

<sup>18</sup> YE'OR, DHIMMI, *supra* note 3, at 300.

<sup>19</sup> *Id.* at 203.

<sup>20</sup> YE'OR, *supra* note 1, at 57. See also A. S. TRITTON, THE CALIPHS AND THEIR NON-MUSLIM SUBJECTS: A CRITICAL STUDY OF THE COVENANT OF 'UMAR 185-86 (1970)(some early examples of Christians, and one example of Jews, being allowed to possess arms in military contexts, with the approval of the Muslim authorities).

<sup>21</sup> *Id.* at 60; YE'OR, DECLINE, *supra* note 3, at 115.

<sup>22</sup> YE'OR, *supra* note 1, at 60; YE'OR, DECLINE, *supra* note 3, at 115.

<sup>23</sup> YE'OR, DECLINE, *supra* note 3, at 114-15, 237.

<sup>24</sup> See 2 CHARLES OMAN, A HISTORY OF THE ART OF WAR IN THE MIDDLE AGES 357 (Methuen & Co. 1924).

<sup>25</sup> YE'OR, DHIMMI, *supra* note 3, at 203, 215.

<sup>26</sup> See *id.* at 62, 128, 183; YE'OR, DECLINE, *supra* note 3, at 92.

<sup>27</sup> YE'OR, DHIMMI, *supra* note 3, at 62.

<sup>28</sup> See *id.* at 59-60, 196, 341.

<sup>29</sup> *Id.* at 57-58.

horses at all.<sup>30</sup> However, within the *dhimmi* communities, the *dhimmi* were generally allowed to govern themselves by their own laws.<sup>31</sup>

Sometimes the *dhimmi* were harshly persecuted. At other times, the *dhimmi* were allowed relatively tolerable living conditions.<sup>32</sup> For example, Jews under the Ottoman Turks were often better off than Jews who lived under the European Christians. After the Jews were expelled from Spain in 1492, and Spain coerced Portugal into expelling the Jews from Portugal, about 200,000 Iberian Jews moved to Turkey or other Ottoman lands.<sup>33</sup> Christians, too, sometimes sought religious tolerance by fleeing to Islamic lands.<sup>34</sup> The Byzantine Emperor Leo III the Isaurian (717-41) tried to convert the Jews by force, and also persecuted Christian dissenters from the Byzantine Orthodox Church.<sup>35</sup> So Jews and Christians alike immigrated to the territories of the caliphs and sultans, who welcomed the well-educated and talented immigrants.<sup>36</sup>

#### B. *The Effects of Disarmament on the Dhimmi*

According to Ye'or, “[t]he prohibition preventing specific groups from bearing arms placed the indigenous masses in a state of permanent insecurity and humiliating inferiority . . . .”<sup>37</sup> Because of the arms ban and the other aspects of *dhimmitude*,  
The individual, resigned to a passive existence, developed a feeling of helplessness and vulnerability, the consequence of a condition of permanent insecurity, servility, and ignorance . . . . Reduced to an inferior existence in circumstances that engender physical

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<sup>30</sup> *Id.* at 63, 323; YE'OR, *supra* note 1, at 96-98. The *Dhimmi* restrictions varied from place to place. A classic formulation is the “Pact of Umar” from the early eighth century. IBN WARRAQ, WHY I AM NOT A MUSLIM 230 (1995); Ibn Warraq, *Islamic Intolerance*, FREE INQUIRY, Summer 1993, at 48, 52 (*Dhimmi* accepted that “We shall not wear swords or bear weapons of any kind, or ever carry them with us.” And “anyone who deliberately strikes a Muslim will forfeit the protection of this pact.”).

There are various versions of the Pact of Umar, which generally served as the standard template for *dhimmitude*. The pact is ostensibly in form of a proposal from some Christians to Umar I, the second caliph to succeed Mohammed, but the historical origins are murky at best. *See* TRITTON, *supra* note 20, at 5-9 (listing Christian, Jewish, Magian [a form of Zoroastrianism], Samaritan [an offshoot of Judaism], and Sabian [a group of monotheists mentioned in the Koran] religions as allowed to exist under Islamic rule); MAJID KHADDURI, WAR AND PEACE IN THE LAW OF ISLAM 193-95 (2006) (although the historical origins of Pact of ‘Umar are dubious, it was regarded as the definitive expression of law regarding *dhimmi*s; “several of these clause are the product of intolerance and oppression, not of toleration.”).

<sup>31</sup> YE'OR, DECLINE, *supra* note 3, at 69.

<sup>32</sup> YE'OR, DHIMMI, *supra* note 3, at 62. *See also* STILLMAN, *supra* note 7, at 61-62 (describing the years 900-1200 A.D.):

Islamic civilization was an amalgam of cultural elements that included Islamic religion, Arabic culture with its strong pre-Islamic roots, Greek humanism, and subtle remnants of the ancient heritage of the Near East. For a few brief centuries, Greek humanism and Islam's own universal tendencies combined with a dynamic mercantile economy to produce a relatively open society in which more often than not Muslims and non-Muslims could participate, if not on an entirely equal footing, at least with near equality in those spheres of activity that were not specifically religious, particularly in the marketplace, in certain scientific and intellectual circles and, to an extent, in the civil service.

<sup>33</sup> YE'OR, DECLINE, *supra* note 3, at 229.

<sup>34</sup> *Id.* at 126.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> YE'OR, *supra* note 1, at 56.

and moral degradation, the *dhimmi* perceives and accepts himself as a devalued human being.<sup>38</sup>

Theoretically, the *dhimmi* were entitled to protection from the state. In practice, they often had to pay special protection bribes to the local governors or gangs.<sup>39</sup> The *dhimmi* suffered “endemic lack of security on the highways.”<sup>40</sup> Because they could not carry arms, the *dhimmi* frequently had to travel in groups accompanied by paid Muslim guards.<sup>41</sup>

A Muslim who killed a Jew might, at the most, have to pay a fine, and frequently did not face any punishment at all.<sup>42</sup> In Yemen, if a Muslim killed a Jew protected by a different Muslim tribe, the slain Jew’s protecting tribe would kill a Jew protected by the offending tribe.<sup>43</sup> Thus, the Muslim killer would receive no personal penalty.<sup>44</sup> In addition, the Muslim courts generally did not accept Jewish testimony.<sup>45</sup>

If a Muslim attacked or insulted a Jew, *Shari’a* law prohibited the Jew from fighting back.<sup>46</sup> If a Jew used force to resist the attack, the government might undertake reprisals against the entire Jewish community.<sup>47</sup> So a crowd of Muslim boys could freely chase an elderly Jew through the streets, pelting him with rocks.<sup>48</sup>

Describing Algeria and Morocco in the early nineteenth century, a Briton wrote: Any Turk might enter the Jews’ town, walk into a house, eat, drink, insult the owner, and ill-treat the women, without opposition or complaint; the Jew was too happy if he escaped being beaten or stabbed. In Morocco, no Moor could be put to death for killing a Jew, though killing a Christian might be a capital offense; in fact, it not unfrequently happened, that a Jew complaining of the death of his friend or relative, was himself the person punished, while the murderer was let go free. The consequence of this is, that the Jew seldom thinks of an appeal to justice, or an attempt at obtaining satisfaction. He cringes to receive the blow, or fawns on the hand uplifted to strike.<sup>49</sup>

In southern Morocco, a French observer noted that Jews and their families were serfs who belonged to their master families, similar to physical property.<sup>50</sup> When there was a new governor in Algeria, the military was allowed to celebrate by pillaging the Jews, unless the Jews paid an enormous bribe to be left alone.<sup>51</sup>

<sup>38</sup> YE’OR, DHIMMI, *supra* note 3, at 143.

<sup>39</sup> *Id.* at 54-55; YE’OR, DECLINE, *supra* note 3, at 236 (Armenian Christians in the nineteenth century paid Kurds not to attack their villages and pillage their monasteries). *But see* TRITTON, *supra* note 20, at 186 (“[M]onks must have had arms of some sort, for monasteries were able to defend themselves when attacked,” according to the *Chronicle* of the thirteenth-century monk Bar Hebraeus).

<sup>40</sup> YE’OR, *supra* note 1, at 56.

<sup>41</sup> YE’OR, DECLINE, *supra* note 3, at 67 (the problem persisted into the twentieth century in Palestine, Syria, and Iraq).

<sup>42</sup> *See id.* at 82. *See also* TRITTON, *supra* note 30, at 178-79 (“The balance of opinion was against the execution of a Muslim for murder of a *dhimmi*.”).

<sup>43</sup> YE’OR, *supra* note 1, at 79.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*; YE’OR, DHIMMI, *supra* note 3, at 56.

<sup>46</sup> YE’OR, *supra* note 1, at 79.

<sup>47</sup> *Id.*; YE’OR, DHIMMI, *supra* note 3, at 57, 300, 303, 366.

<sup>48</sup> YE’OR, DHIMMI, *supra* note 3, at 303.

<sup>49</sup> *Id.* at 295.

<sup>50</sup> *Id.* at 52-53.

<sup>51</sup> *Id.* at 299.

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

I have, on more than one occasion, seen a Moorish boy about ten years of age step up to a Jew in the street, and, having stopped him, kick, and slap him in the face, without his venturing to lift a hand and defend himself. Should he dare to do so, his hand would be cut off, as being raised against one of the true believers. The poor man was obliged to content himself with crying out, addressing his little persecutor at the same time by the title of *sidi*, or master, and supplicating him to let him pass. As to the unfortunate Jew boys, they make their appearance with fear and trembling where any Moorish children may chance to be playing, being considered as fair game, much in the same light as a dog, and are sure to be well thumped and pelted.<sup>52</sup>

A French diplomat in Yemen in 1910 reported a conversation in which a Turkish officer described a scene that the officer had witnessed repeatedly:

some youths had caught hold of an elderly Jew and amused themselves by pulling his sidelocks, while their victim grinned and simpered stupidly. Constantly obliged to bear these insults, the Jew has lost all sense of dignity, and has come to accept his fate; instead of fighting back, he smiles."<sup>53</sup>

Similarly, in Persia, “[i]f a Jew is recognized as such on the streets . . . [t]he passers-by spit in his face, and sometimes beat him so unmercifully, that he falls to the ground, and is obliged to be carried home.”<sup>54</sup>

In Ottoman Palestine in the first half of the nineteenth century, armed mobs might fall upon a Jew, and demand “Strip yourself, Jew.”<sup>55</sup> The mob would take for itself all the Jew’s clothes and belongings as “Allah’s reward” (*kasb Allah*).<sup>56</sup> A Jew venturing into market would be stoned and spat upon.<sup>57</sup> A Jew attempting to barter in a trade with a Muslim would be threatened with his life and forced to take whatever price the Arab offered.<sup>58</sup> Jews would be accosted at random and required to carry heavy burdens for Arabs.<sup>59</sup> And it was “impossible for Jewish women to venture into the streets for the lewdness of the Muslims.”<sup>60</sup>

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

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<sup>52</sup> *Id.* at 305, 307.

<sup>53</sup> *Id.* at 343.

<sup>54</sup> YE’OR, DHIMMI, *supra* note 3, at 333.

<sup>55</sup> *Id.* at 371.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.* at 372.

<sup>60</sup> Letter from M. M. Reischer, Sha’are Yerushalayim (The Gates of Jerusalem) (Paul Fenton trans., Warsaw 1879) in YE’OR, DHIMMI, *supra* note 3, at 372.

C. *The Nominal End of the Dhimmitude*

Jews in the United States never had an official inferior civil status. In Western Europe, the Jewish emancipation—the abolition of special legal restrictions on Jews—was accomplished in the nineteenth century through internal reform movements which drew decisive support from philo-semitic Christians.<sup>61</sup> In contrast, *dhimmitude* in the Muslim world was formally ended only because of intense Western pressure on the Arab states.<sup>62</sup>

The Ottoman Empire officially abolished *dhimmitude* in 1855.<sup>63</sup> The British favored the integration of the Ottoman ex-*dhimmi* into the military, “as a means of hardening populations who had been forbidden to carry weapons and whom the laws had reduced to cowardice.”<sup>64</sup>

However, in practice, *dhimmitude* remained in force for much longer. For example, the arms ban for Jews was still in effect in Yemen during the twentieth century.<sup>65</sup> The absence of progress was seen in an 1860 report by the British consul in Kosovo, Serbia; the report commented that because Serbian Christians were disarmed, they were frequently attacked by Albanian Muslim brigands, and their churches were pillaged.<sup>66</sup>

When an ex-*dhimmi* community tried to assert its new (theoretical) rights, the backlash was severe. A dispute over what taxes Christians should pay led to anti-Christian riots in July 1860 in Damascus.<sup>67</sup> The Christians had managed to acquire only a few poor guns, leaving the Christians mostly defenseless against the huge Muslim mobs which murdered about three thousand Christians.<sup>68</sup>

Persecution of Jews ended in Morocco, Algeria, and Tunisia only after the French colonized North Africa.<sup>69</sup> The 1922 Pahlavi revolution in Persia/Iran emancipated religious minorities.<sup>70</sup> The Jews in Yemen escaped from oppression only by immigrating to Israel in 1948-50.<sup>71</sup> After Arab governments launched and lost a 1948 war to exterminate the new state of Israel, the governments inflicted harsh reprisals on the Jews living in Muslim nations.<sup>72</sup>

Among Bosnian Serbs, the “prohibition on bearing arms caused a wide movement toward Islamization.”<sup>73</sup> The effect was similar in other parts of the House of

<sup>61</sup> YE’OR, DECLINE, *supra* note 3, at 165-66, 201.

<sup>62</sup> YE’OR, *supra* note 1, at 98.

<sup>63</sup> YE’OR, DHIMMI, *supra* note 3, at 144.

<sup>64</sup> YE’OR, DECLINE, *supra* note 3, at 169.

<sup>65</sup> YE’OR, *supra* note 1, at 57.

<sup>66</sup> *Id.*; YE’OR, DECLINE, *supra* note 3, at 417-20.

<sup>67</sup> PARLIAMENTARY PAPERS, CORRESPONDENCE RELATING TO THE AFFAIRS OF SYRIA: 1860-1861: DUFFERIN (BEIRUT) TO RUSSELL (LONDON) (Sept. 23, 1860), No. 146, [2800] LXVIII (1861), *reprinted in* YE’OR, DHIMMI, *supra* note 3, at 263.

<sup>68</sup> *Id.* at 263, 267 (“The Christians were almost without arms. A few young men had fowling-pieces, and some few had pistols, but there was perhaps not a sword or axe among them.”).

<sup>69</sup> YE’OR, DECLINE, *supra* note 3, at 178.

<sup>70</sup> *Id.* at 179.

<sup>71</sup> *Id.*

<sup>72</sup> *Id.* at 210.

<sup>73</sup> YE’OR, *supra* note 1, at 56.

Submission.<sup>74</sup> It is understandable that so many Christians and Jews emigrated if they could, or converted to Islam. The long-term effect of *dhimmitude* was to destroy many Christian and Jewish communities from Iran to Morocco. Ye'or writes that the remaining microminorities struggle along, the last remnants of the multitudes of Christians and Jews who formerly populated those lands. Only cemeteries and ruins recall their past. Their historical, political, and cultural rights dissolve in the great oblivion of time and, in their usurped history, the profound sense of dhimmitude is revealed: obliteration in non-existence and nothingness.<sup>75</sup>

For the Jews and Christians of the Muslim world, disarmament was the condition precedent to destruction.

Not all Muslims behaved despicably to Jews and Christians. But the disarmament of the Jews and the other *dhimmi* gave free rein to the worst inclinations of the bullies among the Muslims. Since the *Koran*, like other major religious texts, condemns bullying and other mistreatment of the weak,<sup>76</sup> it might be said that the disarmament of the *dhimmi* provided an occasion to sin for some Muslims. Had the *dhimmi* not been defenseless, the persecutors might not have acted with such bold arrogance.

## II. NEO-DHIMMITUDE IN THE WEST

Historically, in many Christian nations, Jews were also disarmed and as a result were victimized by mob violence and by lone bullies. In modern Europe, Jews have been emancipated and are no longer subject to special legal disabilities. Nevertheless, Western European nations, such as France and Germany, ban the carrying of guns or other arms for defensive purposes.<sup>77</sup> As a result, gangs of Muslim youths or neo-Nazis often attack Jews in those nations.<sup>78</sup>

In the United States, adults in forty states are allowed to carry handguns for lawful protection, providing that they pass a background check and, in most states, a safety course.<sup>79</sup> Yet, in most of the United States, law or administrative policy forbids adults from possessing defensive arms at elementary schools, middle schools, high schools, and colleges and universities. The prohibition does not apply merely to twenty-one year-old students who are attending keg parties (a reasonable restriction and comparable to the many state laws which forbid the carrying of licensed firearms into bars). The prohibitions even forbid a fifty year-old professor, who had previously served

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<sup>74</sup> "Islam" literally means "submission." Islamic thought divides the world into "dar al-islam," the house of submission, and "dar al-harb," the house of war—the place where wars against infidels will occur until the entire world has submitted. *E.g.*, KELSAY, *supra* note 16, at 33.

<sup>75</sup> YE'OR, DECLINE, *supra* note 3, at 265 (emphasis added).

<sup>76</sup> See *Koran* 49:13.

<sup>77</sup> Don B. Kates, *Gun Laws Around the World: Do They Work?*, AM. GUARDIAN, Oct. 1997, available at <http://www.nraila.org/Issues/Articles/Read.aspx?ID=72>.

<sup>78</sup> See, e.g., Colin Nickerson, *Anti-Semitism Seen Rising Among France's Muslims*, BOSTON GLOBE, Mar. 13, 2006, at A1, available at 2006 WLNR 4180235; Mark Krikorian, *Muslim Invasion?*, NAT'L REV. ONLINE, Apr. 17, 2002, available at <http://www.nationalreview.com/comment/comment-krikorian041702.asp> (listing some recent notorious attacks in France and Germany); U.S. Dep't of State, Bureau of Democracy, Human Rights, and Labor, *Report on Global Anti-Semitism* (Jan. 5, 2005), available at <http://www.state.gov/g/drl/rls/40258.htm>.

<sup>79</sup> Dave Kopel, *The State (by State) of Right-to-Carry* (July 28, 2006), available at <http://www.nraila.org/Issues/Articles/Read.aspx?id=198&issue=03>.

two decades in the U.S. Army, from having a handgun in a locked container in his own office. The consequences have been predictable. Evildoers intent on sensational mass murder have very often targeted schools and universities, which are among the few places where killers can be sure that none of the potential law-abiding victims will have a firearm.

In addition to the violence perpetrated against on the disarmed segments of the population, there is another harm inflicted by disarmament: the negative psychological effects, as detailed in Ba'at Ye'or's work on *dhimmitude*. In much of the Muslim world, disarmament created a condition of learned helplessness, which eventually led to the gradual elimination of many Christian and Jewish communities. The result would not have been surprising to America's Founders. Joel Barlow, one of the leading intellectuals of the Early Republic, wrote that disarmament "palsies the hand and brutalizes the mind: an habitual disuse of physical force totally destroys the moral; and men lose at once the power of protecting themselves . . . ." <sup>80</sup> Likewise, in the centuries before the Holocaust, the vast majority of European Jews were disarmed by law—not only by overtly Christian governments in the pre-modern era, but also by the dictatorships which ruled most of Eastern Europe in the period before the Nazi conquests. <sup>81</sup> Although a greater proportion of Jews fought as anti-Nazi guerillas than did any other ethnic group, the majority of European Jews remained passive until their deaths. <sup>82</sup>

At many American educational institutions, a thirty year-old medical student and a sixty year-old professor must live in a status of defenselessness. Either through state statute or a university rule, students and professors are forbidden under any circumstances to possess defensive arms anywhere on campus, even in a locked box in a car trunk. The physical disarmament is made worse by the enforcement of an ideology of mandatory pacifism in many American schools. It starts with grade-school teachers drilling children with the ridiculous mantra that "violence never solves anything." <sup>83</sup> A timid and passivist mentality leads to the Virginia Tech administration not only banning guns on the school's several campuses, but creating staff rules requiring that in the event a violent, angry person offers to hand over his gun to a member of the staff, the staff member should refuse to take the gun and, instead, wait for a security officer to arrive. <sup>84</sup>

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<sup>80</sup> JOEL BARLOW, *ADVICE TO THE PRIVILEGED ORDERS IN THE SEVERAL STATES OF EUROPE: RESULTING FROM THE NECESSITY AND PROPRIETY OF A GENERAL REVOLUTION IN THE PRINCIPLE OF GOVERNMENT* 45 (Cornell University Press 1956) (1792). Barlow was a prominent Federalist intellectual and one of the "Connecticut Wits." He wrote extensively about the importance of moral character in sustaining the American republic.

<sup>81</sup> See Stephen P. Halbrook, *Nazi Firearms Law and The Disarming of the German Jews*, 17 ARIZ. J. INT'L & COMP. L. 483, 484 (2000).

<sup>82</sup> See David B. Kopel, *Armed Resistance to the Holocaust*, 19 J. ON FIREARMS & PUB. POL'Y 144, 155 (2007).

<sup>83</sup> Even though, quite obviously, the violence of the passengers on United Flight 93 prevented the airplane from being crashed into the U.S. Capitol, and the violence of the Allies' militaries in 1941-45 ended the Holocaust. See generally, David B. Kopel, *Two Cheers for Violence*, LIBERTY, Sept. 2004, available at <http://davekopel.org/2A/Mags/Two-Cheers-for-Violence.htm>.

<sup>84</sup> Virginia Polytechnic Institute and State University, *Campus and Workplace Violence Prevention Policy*, Aug. 23, 2005, available at <http://www.policies.vt.edu/5616.pdf>.

## CONCLUSION

Sometimes, many lives have been saved because heroic unarmed persons have rushed a mass killer while he was changing ammunition clips. That was how the killer at a high school in Springfield, Oregon, in 1998 was stopped, and it is how the killer on the Long Island Railroad in 1993 was stopped.<sup>85</sup> Sadly, the mainstream American media made sure to ignore or downplay the story of Springfield's heroic 17-year-old Jake Ryker.<sup>86</sup>

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

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

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

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

We have got to stop sticking our heads and our children's heads in the sand, pretending evil does not exist. Unless we recover the fight-back spirit buried inside ourselves and pass it on to our kids, we are doomed. No one can predict or stop the

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<sup>85</sup> Richard T. Pienciak, *Finding Strength after LIRR Tragedy*, DAILY NEWS (N.Y.), Dec. 7, 2003, available at 2003 WLNR 16675384 (LIRR); Reed Irvine & Cliff Kincaid, *Does Anyone Remember Jake Ryker?*, MEDIA MONITOR (June 15, 1999), available at [http://www.aim.org/media\\_monitor/A3310\\_0\\_2\\_0\\_C](http://www.aim.org/media_monitor/A3310_0_2_0_C) (Oregon).

<sup>86</sup> Irvine & Kincaid, *supra* note 85::

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

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

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

## DHIMMITUDE AND DISARMAMENT

next horrendous act that will surely come to be. What we can do is assure that our survival instincts will lower the number of victims.<sup>87</sup>

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

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

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<sup>87</sup> Billie Loudon, *We’ve Forgotten How to Fight Back*, DENVER POST, May 12, 2007, at A33, available at 2007 WLNR 9110776. At least two teachers and several students did put themselves at risk, in some cases fatally, by attempting barricade or lock doors. E.g., Matt Chittum, *A Life Mourned*, ROANOKE TIMES (Va.), May 8, 2007, at A1, available at 2007 WLNR 8735310; Donovan, *supra* note 4; *Israeli Lecturer Died Shielding Virginia Tech Students from Gunman*, HAARETZ, Apr. 17, 2007, available at <http://www.haaretz.com/hasen/spages/849070.html>.