

## **Umar's Assurance of Safety to the People of Aelia (Jerusalem) A Critical Analytical Study of the Historical Sources**

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The first Muslim conquest of Jerusalem in Muharram 17 AH/February 638 CE was an event both remarkable and long-lasting in its effects. It may be viewed as a fundamental landmark, not merely in the history of the City, nor even in Islamic history, but also as an event which reshaped relations between the people of diverse faiths who inhabited the region. Moreover, its consequences contrasted significantly with the destruction, killing, and displacement that had characterised the City's history until then. The arrival of Umar Ibn al-Khattab in the City marked the beginning of a new and distinguished phase in the relations between followers of Judaism, Christianity, and Islam. Indeed, the foundations for future relations between the three faiths were laid down during that historical visit in the form of what is known in history as *Al-Uhda al-Umariyya* or Umar's Assurance of Safety to the people of Aelia.

In the few academic studies on the first Muslim conquest of Jerusalem, Umar's Assurance is regarded as being a major turning point in both historic and juristic terms. Nevertheless, historians, both past and present, have debated its authenticity and interpretation, while some of its versions have been used to

support particular religious or political standpoints in the current struggle to gain control of the City.

The difficulty is to adopt a neutral approach in the case of a holy city such as Jerusalem, where the competing claims of the adherents of the three world religions and the international interest met and clashed. In addition, there is a host of problems relating to historical facts about the first Islamic conquest which have to be clarified and resolved. Far from being a study of the first Muslim conquest of Jerusalem, this is a critical, analytical study of the assurance that Umar Ibn al-Khattab gave to the people of the City. It aims to examine and compare most of the available versions of Umar's Assurance, while focusing on the longest and most famous ones, namely the text given by al-Tabari and that published by the Orthodox Patriarchate in Jerusalem in 1953. In his efforts to ascertain the authenticity of these two texts, the researcher has employed the historical methodology of examining historical sources.

The researcher does not intend to discuss what are known as *Al-Shurut al-Umariyya* or Umar's Conditions by Ibn al-Qayyim al-Jawziyya, which are rejected by some researchers<sup>1</sup> and supported by others<sup>2</sup>. Nevertheless, he will attempt to find some explanation and interpretation of the questions and doubts that have arisen concerning certain versions of Umar's Assurance which contain exceptions, restrictions or conditions, in particular the exclusion of the Jews from residing in Aelia. Moreover, the study will discuss the reasons behind the appearance of various versions of Umar's Assurance. The whole study will respond to

Daniel J. Sahas's claim that the first Muslim conquest led to the "emergence of an opportunity for the Christians of Jerusalem to contain the Jews, with the help of the Muslim Arabs, through the concessions granted to them in Umar's Assurance"<sup>3</sup>.

## Early Accounts

The early accounts of Umar's Assurance, which were relatively close to the period of the first Muslim conquest of Jerusalem, are general in nature, whereas subsequent accounts that have come down to us contain actual texts, either long or short. Among the earliest historians to report the content of Umar's Assurance without any text are Muhammad Ibn Umar al-Waqidi<sup>4</sup>, a native of Madinah who joined the Abbasid court, became a judge under the Caliph Ma'mun, and died in 207 AH/822 CE, and al-Baladhuri (died 279 AH/892 CE)<sup>5</sup>, who reported it from Abu Hafs al-Dimashqi.

Among the early historians who gave abbreviated versions of Umar's Assurance, but without al-Tabari's exceptions, are al-Ya'qubi, the explorer, historian, and geographer, who died in 284 AH/897 C.E., and the Patriarch of Alexandria, Eutychius (Ibn al-Batriq), who died in 328 AH/940 C.E. Al-Ya'qubi was the first to give the text, which reads "You are given safety of your persons, properties and churches which will not be inhabited (taken over) or destroyed unless you cause some public harm"<sup>6</sup>. A similar text was given by Eutychius, which reads: "This is a document from Umar Ibn al-Khattab to the people of Aelia. They are given safety of persons, children (sons and daughters), and churches which will not be destroyed

or inhabited (taken over)"<sup>7</sup>. Although both historians give abbreviated versions which focus on granting the people of Aelia safety and full religious rights, they differ in style and expression. The part about the people of Aelia in al-Ya'qubi's version is in the second person, whereas the third person is used in Eutychius's version. The researcher argues that if al-Tabari's exceptions were authentic, which we shall discuss below, particularly that concerning the exclusion of Jews from residing in the City, Eutychius would have mentioned them. He was a Christian in doctrinal disagreement with the Patriarch of Jerusalem, Sophronius, who followed the Chalcedonian theology. Eutychius believed in the unity of Christ, whereas Sophronius believed in the Chalcedonian principle relating to the dual nature (God and man) of Christ<sup>8</sup>.

While the best-known Muslim historian, al-Tabari (died 310 AH/922 C.E.)<sup>9</sup>, provides a version quoted from Sayf Ibn Umar al-Kufi al-Asadi al-Tamimi (died 170 AH/786 C.E.), Ibn al-Jawzi (died 597 AH/1200 C.E.)<sup>10</sup>, who seems to give the same account produced by Sayf Ibn Umar via al-Tabari, provides a text which appears to be summarised from al-Tabari's version, but without the latter's expansion and exceptions – in particular the exclusion of the Jews from living in Aelia. It may be noted in Ibn al-Jawzi's narration that he substituted Ali Ibn Abi Talib as a witness to Umar's Assurance for Amru Ibn al-Aas, who was mentioned in al-Tabari's version. This may be attributable to a mistake, intentional or unintentional, committed by the person who copied the manuscript we have of Ibn al-Jawzi's book<sup>11</sup>.

Nevertheless, the historical accounts indicate that Ali Ibn Abi Talib was not present at the first Muslim conquest of Jerusalem, but was deputising for Umar Ibn al-Khattab in Madinah<sup>12</sup>.

The fame of al-Tabari's version of Umar's Assurance as quoted from Sayf Ibn Umar does not rule out the need to investigate its chain of transmitters. Fame in itself is no proof of authenticity, especially when acquired a long time after the event. Thus it is not possible to rely entirely on fame when tracing narrations. Before starting to discuss the narration of Sayf Ibn Umar, which al-Tabari quotes, it is important to know that al-Tabari was born at the end of 224 AH/839 C.E. and he began writing his history after 290 AH/902 C.E. and finished it in 303 AH/915 C.E. Moreover, the first edition of al-Tabari's history was published between 1831 and 1853<sup>13</sup>. It would seem that al-Tabari was one of a handful of historians who mentioned the version of Umar's Assurance together with its chain of transmitters. Nevertheless, he gave "a broken chain of transmitters which is without basis in the study of narration lines"<sup>14</sup>.

In short, historical sources reflect, according to their narrators and authors, the general circumstances and socio-political developments prevailing at the time they were written. The sources are coloured by the personality of their author, the recording's time and by the local, political, and religious interests.

Early accounts, which related the content of Umar's Assurance without any specific version for it come from Hijaz,

such as al-Waqidi's account, which is characterised by moderate Shi'ism, or Syrian accounts such as that of Abu Hafs al-Dimashqi in al-Baladhuri. The accounts which provide versions, whether they be short or long, are mostly Kufic in origin, such as the narration of al-Ya'qubi, who had obvious Shi'ite tendencies, or that of Sayf Ibn 'Umar, who was known for his strong bias towards his tribe of Bani Tamim. It may be that he tried to give them some prominence in his accounts of Muslim conquests. This may be what prompted Wellhausen to accuse Sayf Ibn Umar somewhat hastily of tilting many historical events in favour of his school of thought and his theories of history<sup>15</sup>. Shlomo D. Goitein's hasty accusation of Sayf as having little authenticity, and irresponsibility toward Palestinian issues and ignorance of them, based on the latter's account of the Muslim conquest of Ramla<sup>16</sup>, is undoubtedly a trumped-up distortion displaying a shameful bias. It would seem to this researcher that such bias is not based on any rational academic analysis or objective criticism of the historical sources, but rather, at the very least, on religious and political reasons linked to the struggle of the political institution currently ruling in Israel to gain control of the City. The attempt of some Israeli academics and orientalist to play down the importance of Islamic sources relating to the period of the first Muslim conquest of the City and in particular to undermine the significance of Jerusalem to Islam, seeks to eliminate other viewpoints and to rewrite the Islamic history of Jerusalem from a single biased point of view. One example of such bias is Goitein's assertion that the Arab conquest is

embellished with imaginary myths and legends, and that consequently there remain only a very few authentic accounts of the stages of Muslim conquest and the early centuries of the City's life under Islamic rule<sup>17</sup>.

The researcher is inclined to accept the account of Abu Hafs al-Dimashqi as quoted by al-Baladhuri, because it is most accurate account of Umar's Assurance. Compared with the accounts emanating from Hijaz and Kufa, the Syrian accounts of the Muslim conquests in Greater Syria are, generally speaking, outstanding narrations from the most reliable sources. Apart from containing rare and detailed information, they are closer to the places where the events occurred, so the authors had precise knowledge of the Muslim conquests and their secrets. Hussain Atwan argues that the Syrian accounts are unusually long and detailed and that "they differ from the Hijazi and Iraqi accounts in some aspects of time and place". Nevertheless, the Syrian accounts "concur a little with the Hijazi and Iraqi accounts in their historical framework and internal content, but differ widely with them on other points"<sup>18</sup>. If the Syrian and Hijazi accounts of Umar's Assurance are brief and general, the Kufic accounts are longer and more detailed, for reasons we shall discuss below.

## Discussion of al-Tabari's Version

In the name of God, the most Merciful, the most Compassionate. This is the assurance of safety *Aman* which the servant of God (the second Caliph) Umar (Ibn al-Khattab), the Commander of the Faithful, has granted to the people of Aelia (Capitolina). He has granted them an

assurance of safety for their lives and possessions, their churches and crosses; the sick and the healthy of the City (to every one without exceptions); and for the rest of its religious community. Their churches will not be inhabited (taken over) nor destroyed (by Muslims). Neither they, nor the land on which they stand, nor their cross, nor their possession will be encroached upon or partly seized. The people will not to be compelled *Yukrahuna* in religion, nor any one of them to be maltreated *Yudarruna*. **No Jews should reside with them in Aelia.**

The people of Aelia must pay the *Jizia* tax like the people of the (other) cities, and they must expel the Byzantines and the robbers. As for those who will leave (the City), their lives and possessions shall be safeguarded until they reach their place of safety, and as for those who remain, they will be safe. They will have to pay the tax like the people of Aelia. Those of people of Aelia who would like to leave with the Byzantines, take their possessions, and abandon their churches and crosses will be safe until they reach their place of safety; and whosoever was in Aelia of local people *Ahl al-Ard* (villagers refugees from the villages who sought refuge in the City) before the murder of *fulan* so-and-so may remain in the City if they wish, but they must pay the tax like the people of Aelia. Those who wish may go with the Byzantines, and those who wish may return to their families. Nothing will be taken from them until their harvest has been reaped.



The contents of this assurance of safety are under the covenant of God, are the responsibility of His Prophet, of the Caliphs, and of the Faithful if (the people of Aelia) pay the tax according to their obligations. The persons who attest to it are: Khalid Ibn al-Walid, Amru Ibn al-Aas, Abd al-Rahman Ibn Awf, and Mu'awiyah Ibn Abi Sufyan. This assurance of safety was written and prepared in the year 15 (AH).

The version given by al-Tabari, dated 15 AH, was until 1953 regarded as the longest and most explicit text, containing the greatest degree of detail and restrictions. The researcher will discuss al-Tabari's version critically and analyse the new restrictions, which are at variance with the conquest and its general trends; and prompt the researcher to have, at the very least, doubts about them. The versions preceding al-Tabari's neither mention nor support these reservations. The major restrictions mentioned in al-Tabari's version are described below:

## **I Exclusion of the Jews from Residing in Aelia**

The condition placed on Umar Ibn al-Khattab by the inhabitants of Aelia, in particular the Patriarch Sophronius, was that, "No Jew should reside with them in Aelia". This restriction or exception is not supported or even mentioned in any of the accounts preceding al-Tabari's. Moreover, it would seem to conflict with the historical events known about the Muslim conquest of Jerusalem. The researcher has found no Arab

historical sources that confirms that Umar Ibn al-Khattab forbade the Jews to reside in Jerusalem. If made during the rule of Umar Ibn al-Khattab, such a condition would have been implemented.

Karen Armstrong, in her anonymous referee's report on this article, argues that "it was the practice of the *Rashidun*, when conquering a city, simply to endorse already existing arrangements and not to introduce major changes. It has been suggested that the supposed exclusion of the Jews may simply have been an initial step: the Byzantines had banned Jews from the city ... Umar could simply have confirmed the status quo and, later, decided that it was not rational or just to exclude Jews from the City". On the other hand, Daniel J. Sahas argues that perhaps the Islamic sources "confused" Heraclius' expulsion of Jews from the City in 629 C.E., when he conquered the Persians, with the version of Umar's Assurance<sup>19</sup>. However, there is another possibility, namely, that the Muslims had nothing to do with this exclusion and that it was an invention of Christian authors or probably added by a Christian source<sup>20</sup>, such as, an anonymous Syriac chronicler Michael the Syrian, and the Christian chronicler Agapius (Mahbub) of Manbij<sup>21</sup>, within the context of the traditional conflict between Jews and Christians. A late source, al-Himyari in al-Rawad al-Mi'tar, stated that "the Christians made it a condition that Jews are not to be allowed to live with them"<sup>22</sup>. Greek sources indicate that the Christians wanted Jerusalem to remain a Christian City and this culminated in a clear sign to exclude Jews from the City<sup>23</sup>.

Jewish sources show that the Jews of Syria were “patiently awaiting” the arrival of the Muslim armies because they were groaning under the rule of the tyrannical Byzantines and suffering their cruel oppression in the fifth, sixth, and early seventh centuries C.E.<sup>24</sup> While the Jewish response to the first Muslim conquest of Jerusalem was positive, because it terminated the Byzantines’ rule, some Jewish sources go even further. They not only state that the Jews welcomed and assisted the Muslim armies during the conquest of Syria, but also claim that a group of Jews joined the Muslim armies, particularly during the siege of Jerusalem<sup>25</sup>. Moshe Gil argues that “one cannot conclude from these sources that there were Jews in the ranks of the Muslim army”<sup>26</sup>. He also rejects the claim of Patricia Crone and Michael Cook<sup>27</sup> and makes the accusation that they “exaggerate in seeing here proof of general Muslim-Jewish collaboration”.

Despite his doubts about the authenticity of the Muslim sources, Goitein describes the report of Umar Ibn al-Khattab as being accompanied by “Jewish wise men . . . as quite feasible”. He justifies his claim by saying that it was their City before the Romans destroyed it, so it was “natural” for Umar to seek the guidance of the Jews.<sup>28</sup> The researcher finds this twisted logic unsuitable for handling historical events. How could the Jews, who had been absent for five hundred years, guide Umar Ibn al-Khattab around a city which had been flattened and had its landmarks, elevations and undulations altered on more than one occasion? History confirms that the Jews, as other groups and

peoples, entered Jerusalem for a period of time and then left it. Their city disappeared conclusively, having been destroyed at least three times since the Prophet Solomon. Nebuchadnezzar destroyed the city, and the Temple, around 586 BC. The Romans destroyed the city twice and effaced even its name. The arrival of Pompey in 63 BC, according to John Wilkinson, was the "beginning of a Roman effort to control the Jews, and ended two centuries later in the expulsion of the Jews from Jerusalem"<sup>29</sup>. Titus destroyed the city and burnt the Temple around 70 CE, as did Hadrian in 135 CE. After the expulsion of the Jews from the city, Emperor Hadrian proceeded with his plan and issued his decision in 139 CE which stated that "no Jews should be allowed within the district of Aelia Capitolina"<sup>30</sup>, Jerusalem's new name<sup>31</sup>. From a religious point of view, Karen Armstrong argues that "Jerusalem is not mentioned explicitly in the Torah, the first five most sacred books of the Hebrew Bible, and it is associated with none of the events of the Exodus from Egypt. Why should Mount Zion in Jerusalem be the holiest place in the Jewish world and not Mount Sinai, where God gave Moses the Law and bound himself to his chosen people?"<sup>32</sup>.

A Jewish manuscript, preserved in Cairo Geniza and dating from the eleventh century C.E., claims that Umar Ibn al-Khattab played the role of arbitrator or forceful mediator between the Christians and Jews in Jerusalem. According to this document, Umar Ibn al-Khattab invited the Patriarch Sophronius and representatives of the Jews to a meeting he attended in person, so as to resolve the issue of Jews residing in Jerusalem.

After a long and contentious debate about the number of Jewish families who would be allowed to reside in Jerusalem, ranging from seventy on Sophronius's side to two hundred on the Jewish side, Umar decided to allow seventy Jewish families from Tiberias to settle in the south of the City<sup>33</sup>. It would seem that this document was written during the reign of the Fatimid Caliph al-Hakim Bi-Amr Allah, who made life difficult for the Christians<sup>34</sup>. It would seem, then, that the document seeks to remind the Muslims of the justice brought by the Muslim conquerors to the City and their lifting of the oppression which the Jews had suffered prior to the first Muslim conquest of Jerusalem. Fred McGraw Donner quotes some accounts which say that Umar Ibn al-Khattab negotiated sympathetically about Jewish interests. Other accounts quoted by Donner say that Sophronius imposed a condition on Umar that Jews should not live with them in the City<sup>35</sup>.

Furthermore, a letter by Solomon Ibn Broham al-Qara'i, who lived in the first half of the tenth century C.E. in Jerusalem, states that the Jews were allowed to enter and reside in the City from "the beginning of Isma'il's dominion", meaning from the first Muslim conquest of Jerusalem<sup>36</sup>. Jewish sources also claim that the Jews were allowed to pray in Jerusalem after the Muslim conquest<sup>37</sup>.

Christian sources claim that Jews resided in Jerusalem immediately after the first Muslim conquest. For example, Theophanes Confessor, who lived at the end of the eighth and the beginning of the ninth century, claimed that the Jews

indicated to Umar Ibn al-Khattab that the crosses should be removed from the major churches on the Mount of Olives<sup>38</sup>. Moreover, the traveller Bishop Arculf, who visited Jerusalem as a pilgrim in 670 C.E. during the Caliphate of Mu'awiya Ibn Abi Sufyan, recounts that he found two groups of Jews in Jerusalem: the first had converted to Christianity and the second remained Jewish<sup>39</sup>.

Michael Asif claims that small groups of Jews were already living in Jerusalem and that they increased with time. By the end of the first century A.H., according to his claims, there was a large Jewish community in Jerusalem divided into two groups, each with their own synagogues and schools<sup>40</sup>. In contrast Shafiq Jasir argues that no Jews lived in Jerusalem for the remainder of the rule of the four orthodox Caliphs. He quotes from a modern source, namely Ibrahim al-Shiriki in his book *Jerusalem and the Land of Canaan*, p.194, that the number of Jews during the Umayyad Caliphate (41 AH-132/661-750 C.E.) was about twenty males "who used to work as servants in the precincts of Al-Aqsa Mosque"<sup>41</sup>.

"It should also be noted that by the time of the Crusades", Karen Armstrong, in her anonymous referee's report on this article, argues that "al-Quds was known as a city of *Dhimmis*, because Jews and Christians were so populous and successful there. So certainly there was a strong Jewish presence in the city, even though most Jews preferred to live in Ramleh". In addition, the researcher argues that if it is true that Umar excluded the Jews from living in Aelia, how could Saladin and

other Muslim leaders allow them back? After the re-conquest of Jerusalem by Saladin in 1187, two new quarters were created within the walls of the old City: the Maghrabi quarter and the Jewish quarter with the Sharaf quarter in between<sup>42</sup>. According to Donald P. Little, the small Jewish community in Jerusalem during the Mamluk period “seems to have enjoyed the status of *Dhimmi*s granted to them in Islamic Law”<sup>43</sup>. Joseph Drory argues that the Jews “posed no threat to the Muslim character of the town and lived peacefully with the neighbors”<sup>44</sup>. Donald P. Little argues that from al-Aqsa Mosque’s documents “we learn that the Jews were able to own property in the City and to conduct business; on at least one occasion, moreover, the Shaikh of Maghribi community intervened on their behalf against governmental abuse”<sup>45</sup>.

Not only is the exclusion of Jews from residence in Jerusalem during the first Muslim conquest not historically proven, but it is also unacceptable to Islamic law. It contravenes the most basic Islamic principles concerning treatment of the People of the Book. Indeed, the reference to the Jews is out of step with and even seems to clash with the main Islamic teachings, based on the Qur’an and Sunnah. For example, the Qur’an says “God forbids you not, with regard to those who fight you for your faith nor drive you out of your homes, from dealing kindly and justly with them. For God loveth who are just. God only forbids you, with regard to those who fight you for your faith, and drive you out of your homes, and support others in driving you out, from turning to them for friendship and

protection. It is such as turn to them in these circumstances that do wrong". (Qur'an: 60/8-9) The Jews were not at that time at any stage of war with the Muslims in Jerusalem or in any part of the world. As such, how could Umar exclude them from living in the City? Although at the dawn of Islam, Muslims had conflict with the Jewish tribes in and around Madinah and later in Khaibar, they got along very well at all times afterwards, and especially in Jerusalem. In his attempt to discuss the reasons behind the contemporary conflict between Muslims and Jews, the well known leading Muslim Jurist, Yusuf al-Qaradawi, argues that "Muslims do not fight Jews because they are Jews, but because they occupied the Islamic land in Palestine"<sup>46</sup>.

Islamic teachings reject the philosophy of a conflict based on eliminating the other party so that the victor can have the stage to himself. This would mean in effect annulling the principle of plurality. On the contrary, Islam considers that plurality is the basis of everything apart from God. Indeed plurality in nations, religions and religious laws is part of the design of the universe: "O mankind! We created you from a single pair of a male and a female, and made you into nations and tribes, that you may know each other (not that you may despise each other)" (Qur'an, 49:13); "If God had so willed, He would have made you a single community". (Qur'an, 5: 48). As confirmation of that idea, Islam favoured another method, namely *Tadafu'* or counterbalance as a means of adjusting positions using movement instead of conflict: 'Counterbalance the evil deed with one which is better'. (Qur'an, 41: 34).



This conflict-free method is what Islamic teachings see as a means of preserving a non-Islamic presence in this life. *Tadafu'* is not only to preserve Islam's sacred places, but to preserve the sacred places of others, which are mentioned in the following Qur'anic verse about the chronology of religions: "... and if God had not counterbalanced *Dafu* some people's deeds by others, there would surely have been pulled down monasteries, churches, synagogues, and mosques, in which the name of God is commemorated in abundant measure" (Qur'an, 22: 40). This means that from an Islamic point of view *Tadafu'* is the means of preserving a plurality of sacred places or the plurality of religions. Perhaps this is what prompted Saladin's letter of reply to Richard the Lion Heart in 589 AH/1193 CE. Richard had demanded that the City be surrendered to him and divided between Christians and Muslims, and ruled jointly by Saladin's brother, al-Adil and Richard's sister, Queen Joanna of Sicily. Saladin replied that Jerusalem was the sacred legacy of the followers of all beliefs: "Jerusalem is to us as it is to you. It is even more important for us, since it is the site of our Prophet's nocturnal Journey and the place where the people will assemble on the Day of Judgment. Do not imagine, therefore, that we can waver in this regard"<sup>47</sup>.

This methodology is linked to a concept of justice that encompasses all without discrimination between Muslim and non-Muslim: "... and let not the enmity and hatred of others (people) make you avoid justice. Be just, that is nearer to piety". (Qur'an, 5: 8). The command to be just in this Qur'anic verse is

general without specifying any race or group above another. The other teachings of Islam conform to this methodology and concept, in terms of acknowledging other parties and determining their rights, duties, and means of co-existence. In this way, Ahmad al-Sharif argues, that the Muslim community is “an open community, where all human being could live together on the basis of equality and justice”<sup>48</sup>. Muhammad Said al-Buti, a leading Muslim jurist, argues that, “The Islamic state is not a monopoly of the Muslims alone ... The Islamic system of statehood has a religious concept with which the Muslims have to deal and implement, just as it has an organisational legal concept which encompasses Muslims and non-Muslims. Each group interacts with it according to its status, either from a religious basis stemming from belief in Islam and its tenets, or from a social, legal standpoint based on law and order”<sup>49</sup>.

The first Islamic state implemented this concept clearly in its domestic and foreign dealings with non-Muslims. On the domestic front, for example, Prophet Muhammad wrote a document known as “The Constitution of Madinah”, in which he laid down the basis of relations with the Jews who lived in the bosom of the Islamic state. On the foreign front, we find examples in the contract that he concluded with the Magian people of Bahrain and the contract that he concluded with the Christian inhabitants of Najran. What some early Muslim jurists subsequently wrote about dealing with the People of the Book has been strictly rejected by others, in particular, al-Nawawi in his book *Rawdat al-Talibin* (126-215/10), Ibn Qudama in his

book *Al-Mughni* (358-357/9), and Abu Ubayd in his book *Al-Amwal*, who warned against adopting such writings. Among the contemporary leading Muslim jurists who have written on the subject is al-Buti, who also agrees that the early rejected Muslim jurists view "conflicts vehemently with the guidance of the Messenger of God in his words and deeds, just as it conflicts with what the righteous followers did, and with the piety with which God ordered the Muslims to behave towards the People of the Book in the Qur'an"<sup>50</sup>. The researcher is inclined to argue that the contraventions, additions, or interpretations invented by some Muslim jurists were produced to please the rulers or match the general circumstances and socio-political developments that affected the position of the People of the Book during certain periods of history, especially the Abbasid state.

## II Arrangements for Residing in or Leaving Aelia

Al-Tabari's version lays down the conditions by which either the residence or exile of people from Aelia should be organised after the first Muslim conquest. They are as follows:

1. The Condition that the Inhabitants of Aelia should expel Byzantines and robbers from the City. The common factor that prompted Umar Ibn al-Khattab to put the Byzantines and robbers in the same category is that they were all thieves. The Byzantines had occupied and stolen the land and its resources, while robbers had stolen the people's possessions. It is contained in an expression the end of which almost

contradicts the beginning. The beginning affirms that the Byzantines must be expelled, while further on the text gives the Byzantines the choice of whether to leave or stay and pay the tax.

2. If the inhabitants of Aelia are given the freedom to either remain or leave with the Byzantines and robbers, the others in Aelia at the time of the Conquest (possibly visitors or villagers who were refugees from the villages who sought refuge in the City) are given the freedom to either remain or leave. This is, one could argue, contained in an expression that cannot be implemented, because it says, “and whosoever was in Aelia of local people *Ahl al-Ard* (villagers) before the murder of *fulan so-and-so*”. Zakariyya al-Quda comments on this phrase, saying: “in a blanket form, without mentioning the name of *fulan so-and-so*, or giving any clue to his identity or date of his murder. Obviously it is impossible to determine to whom this description applies, so it is impossible to implement. It is impossible that this would be the text of a binding treaty”<sup>51</sup>. The researcher argues that the term ‘treaty’ that appears in the above quotation is not accurate. Umar Ibn al-Khattab did not sign a treaty between two parties, rather he gave the people of Aelia an assurance of safety or pledge.

The researcher argues that the expression “before the murder of *fulan* so-and-so” may not refer to an unknown person, but to a very well-known person at the time of the Muslim conquest. The researcher does not rule out the possibility that the name of the victim may have been transcribed incorrectly from al-Tabari's original manuscript. It could be “*falak*” or “*falaj*” or “*falah*” and not “*fulan*”. Therefore the matter should be investigated using al-Tabari's original manuscript (which was not available for the researcher) before reaching any conclusion about the problem. Undoubtedly, the people of Aelia and the Muslim conquerors knew that person very well, and this prompted Umar Ibn al-Khattab to mention his death as an important event that occurred during the conquest and was familiar to the people at that time. It is well known that in those days the Arabs used famous events as landmarks in their calendar. Moreover, it would seem that this victim was neither an inhabitant of Aelia nor a Byzantine nor a robber, but a distinguished visitor to Aelia or someone who was a refugee during the Muslim conquest. The clue to this is that his name appeared after the expression “and whosoever was in Aelia of local people (villagers) before the murder of *fulan* so-and-so”. This means that the murder frightened the local people (villagers) and drove many of them to seek refuge in Aelia. Although the researcher cannot make a categorically statement without examining al-Tabari's original manuscript, Mujir al-Din al-Alimi (died 928 AH/1521 C.E.) in his version of Umar's Assurance does not mention al-Tabari's phrase “before the murder of *fulan* so-and-so”<sup>52</sup>.

### III Date of the Version

The date appearing at the end of Umar's Assurance, namely the year "fifteen", has undoubtedly been added to the version and is not originally part of it. It is well known that the Muslims did not start using the Hijri calendar until the fourth year of the Caliphate of Umar Ibn al-Khattab, which was seventeen years after the Hijra. It is inconceivable, as Zakariyya al-Quda argues, "that a document before this date should be dated with the Hijri date"<sup>53</sup>.

### Discussion of the Orthodox Patriarchate's Version

One of the most significant versions of Umar's Assurance in which there are clear appendices and additions is the text registered under no. 552 in the library of the Greek Orthodox Patriarchate in Jerusalem. On 1 January 1953 the Patriarchate published a new version of Umar's Assurance, claiming it to be a literal translation of the original Greek text, which is kept in the Greek Orthodox library in the Phanar quarter of Istanbul in Turkey. In order to ascertain the authenticity of this version, which is the longest and most recent, the researcher employed the same method of examining historical sources as that used by Asad Rustum in his book "Historical Terminology" for ascertaining the authenticity of al-Duzdar's document. (Al-Duzdar is the commandor of the Citadel) When the problem of al-Buraq wall (the western wall of al-Aqsa Mosque) arose between the Muslims and the Jews, an international committee was set up to investigate. A document surfaced that supported the cause of the Muslims. However, some opponents raised

doubts about the authenticity of the document, so it was submitted to Asad Rustum for a technical, historical examination<sup>54</sup>. Using both external and internal criticism that are well known in scrutinising historical sources, the researcher examined the Orthodox Patriarchate's document and found certain facts that prompted him to doubt the authenticity of the document.

### External Criticism

The researcher found that the document is written on relatively modern paper, dating perhaps to the late Ottoman or early Turkish era. Although he was unable to examine its chemical composition, fibre distribution, and water stamp, the researcher found the document had been written in different coloured inks, including black, red, and gold. Moreover, some lines were illustrated with various types of flowers. Such artistic decoration was unknown in the early centuries of Islam, especially in the first century after the Hijra, during the second decade of which the Muslim conquest took place.

The document's foreword, body, and ending all contain vocabulary, expressions, and constructions not known at the time of the conquest. Rather they date from the era of Ottoman rule. For example, the researcher found that the document begins: "To the honoured and revered Patriarch, namely Sophronius, Patriarch of the Royal sect on the Mount of Olives in Honourable Jerusalem". In the body of the text it says: "According to the obedience and submission shown by them (the *Dhimmis* or non-

Muslims)”; and, “because they gave from the dear, venerable, and noble Prophet who was sent by God ...”. In conclusion it says: “Whosoever reads (*kulluman qara'a*) this decree of ours”, as though it is intended to say: “*kullu man qara'a*”. These phrases do not conform to the style of writing prevalent at the time of Umar Ibn al-Khattab. Moreover, the document contains some terms that definitely date to the Ottoman period. In the opening of the document the term *Ahd Nama* appears, *Nama* being a Turkish word of Persian origin meaning “deed” or “covenant”. Also in the body of the text we find: “O Lord, facilitate the affairs of Hussain”, and at the end the term “this decree of ours” is repeated. All these examples confirm that the document was written or invented during the Ottoman era, perhaps in the second half of the nineteenth century, or at least was translated from Greek to Arabic during the Ottoman period.

It is important here to explain that regardless of whether this version was written originally in Greek or translated into Arabic, it was undoubtedly written during the period of Ottoman rule, not during or immediately after the Muslim conquest of Jerusalem. Even if it were proven that there is a Greek text of Umar's Assurance, it would certainly not be the original version. This text was written in a very late period, namely the Ottoman period, in an obvious ecclesiastical style for religious and political reasons that we shall discuss in another part of this article. Moreover, the researcher has found no historical account indicating that Umar Ibn al-Khattab wrote any text or document in any language other than Arabic, nor has any historian made



such a claim. Consequently, the researcher cannot depend on this document or rely on it as an original version because it was written in Greek.

Another reason for doubting the authenticity of this document is that the researcher finds its author does not adhere to the Arabic language and uses foreign expressions. The document is written in poor Arabic, using a style that was not familiar in the first century of the Hijra. The Arabs at that time wrote the word *Milla* with *taa marbuta* (ة، ة) at the end, but in this document it appears with *taa maftuha* (ت). The same applies to the following words in the document: *al-Dhimmat*, *kafat*, *hadrat*, and *al-ta'at*. The use of *taa maftuha* instead of *taa marbuta* was common during the Ottoman rule of the Arab region. In addition, the document contains many grammatical mistakes. For example, "*al-Maghara dhi* (ذي) *al-Thalathat Abwab*" should be "*dhat* (ذات) *al-Thalathat Abwab*", and "*wa yu'addi al-Nasraniyyu ila al-Batrak Dirham* (درهم)", should read, "*Dirhaman* (درهما)".

### Internal Criticism

The researcher found that at the time of the Muslim conquest the City was not known as *al-Quds al-Sharif* or "Honourable Jerusalem" as it is referred to in the document. The name *al-Quds* was not known at that time. Its name was Aelia, the term applied to it by Hadrian in 135 C.E. It would be logical for Umar Ibn al-Khattab to address the inhabitants using the City name to which they were accustomed. Even if some traditions

attributed to Prophet Muhammad are correct, the name used was *Bayt al-Maqdis* and not *al-Quds* or *al-Quds al-Sharif*, which are terms used in subsequent Islamic eras. In fact the name Aelia continued to be used long after the Muslim conquest, as demonstrated by the poetry of Farazdaq<sup>55</sup>.

It is strange that the document exempts the Christians of Jerusalem from paying the tax. The researcher has found no historical account or juristic formula that supports this exemption from the requirement applied by the Muslims after other conquests. The other unusual matter is that at the end of the document it states that the assurance was given in the presence of a number of "*al-Ikhwa al-Sahaba*", or brother companions, including Uthman Ibn Affan. It is historically proven that the latter did not attend the conquest of Jerusalem and that he had indicated to Umar Ibn al-Khattab that he should not go in person to receive the City<sup>56</sup>.

The researcher also found that the document states the names of some Christian sects, such as the Copts, the East Syrians, the Armenians, the Nestorians, the Jacobites, and the Maronites. It is known that at the time of the conquest the only Christian sect in Aelia was the Greek Orthodox. At the time of Heraclius, which immediately preceded the Muslim conquest, Aelia was part of the Byzantine state, where the teachings of the Eastern Church prevailed. Moreover, in the other versions of Umar's Assurance there is no mention of Christian sects in Jerusalem. Early versions of 'Umar's Assurance' focus on the general, without specifying one sect or another. This conforms

to the method that prevailed at the time of Muslim conquests. As for the mention of "Franks" among the sects, it raises yet more doubts about the authenticity of the document, because the term was not known until the time of Crusaders.

Not only does this late version mention the names of Christian sects that did not exist in Jerusalem at the time of Umar Ibn al-Khattab, but it also claims that these sects fell under the Greek Orthodox Patriarch. It states that they "are subject to the aforementioned Patriarch and that he has authority over them". Not content with putting the Patriarch Sophronius in charge of all other Christian sects and making them subservient to him, the document goes on to give him and successive leaders of his sect the right to collect one and a third *Dirhams* of silver from every Christian visitor to the Church of the Holy Sepulchre. This places the document in a new light. It would seem to have been invented some time after the Muslim conquest to counter sectarian dissent against the spiritual leadership of the Church of the Holy Sepulchre. As for its attribution to Umar Ibn al-Khattab and its additions to the text of Umar's Assurance, they are designed to give the document extra weight in support of the Orthodox sect's leadership over other Christian sects.

The external and internal criticism of this document have provided the researcher with several pieces of evidence that strengthen his doubts about the document's authenticity in technical and historical terms. He can conclude that the document is either forged or at least concocted. Moreover, his analysis of the document prompts the researcher to believe that

the Greek Orthodox Church published it with these additions in 1953 as part of an inter-Christian struggle for control of the Christian holy places in Jerusalem. Throughout the Ottoman period, especially in the 17th century and after, relations between Christian communities were marked by "antagonism and dissension" over their respective rights in the Holy places, which several times developed into "bloody clashes"<sup>57</sup>. It was an attempt to give the Greek Orthodox Church priority and even leadership over the other Christian sects currently present in Jerusalem. After the end of the British mandate rule in Jerusalem and the end of the war in 1948, when Jordan took control of East Jerusalem, it could be argued that the Greek Orthodox Church in Jerusalem, which represented the majority of the Christians in the City, felt in 1953 that it is the right time to issue a new version of Umar's Assurance which gave them the upper hand over the other Christian communities in Jerusalem. As Jordan was the first Arab Muslim political regime after four centuries of non-Arab rule, the Orthodox Arab expected the ruling Hashemite family of Jordan to show sympathy with their position in Jerusalem.

## Conclusion

All these versions of 'Umar's Assurance, especially Sayf Ibn Umar's account in al-Tabari and subsequent quotations from it, demonstrate discrepancies and additions. Therefore it is not possible to say with confidence which is Umar's original text that he wrote and witnessed. Despite this major reservation, the

researcher agrees with Moshe Gil, who argues that “we cannot disregard him altogether. The version itself (of Sayf Ibn Umar's account in al-Tabari) seems to be reliable”<sup>58</sup>. However, the researcher does not agree with Philip Hitti<sup>59</sup> and Tritton<sup>60</sup> in their total denial of Umar's Assurance because of disparities between some accounts of the actual text. Neither does he agree with Shlomo D. Goitein, who considers that Umar's Assurance is a fabrication without any basis in reality because al-Baladhuri does not mention any text for it<sup>61</sup>. Indeed, it would seem to the researcher that Goitein is contradictory in his analyses of Umar's Assurance. He considers al-Baladhuri's account to be the most reliable, but does not accept the accounts of al-Ya'qubi and Eutychius (Ibn al-Batriq), both of whom, he says, provide “general, brief texts not significantly different from al-Baladhuri's account”<sup>62</sup>.

Undoubtedly the versions of Umar's Assurance have been expanded and embellished with the passing of time. The development would seem to have begun with al-Tabari's version, which he transmitted from Sayf Ibn Umar, and continued with the versions quoted by Ibn Asakir<sup>63</sup>, through to that of Mujir al-Din al-Alimi<sup>64</sup>, and concluding with the Greek Orthodox version. This variation is probably related to Jewish-Christian relations, the development of Muslim-Christian relations, and Christian-Christian relations. A consideration of these versions within the framework of the developments of the social and political circumstances of the People of the Book from the time of Umar Ibn Abd al-Aziz to Haroun al-Rashid<sup>65</sup>, the resolutions of al-

Mutawakkil, and the historical events which followed, shows that the discrepancies, detailed additions, and conditions have, without the slightest doubt, nothing to do with the period of the Muslim conquest of Jerusalem, nor do they address the situation at that time. Rather they are part of the general conditions and the socio-political web that emerged there, which affecting the position of the People of the Book and their treatment within the Abbasid state, to which we have referred above. New juristic ideas and formulae were drafted in response to the new developments that occurred in Islamic periods following the first Muslim conquest of Jerusalem. Abdul Aziz Duri argues that they dealt with matters that surfaced later. This led him to conclude that, the text of Umar's assurance "was developed to include conditions which have no relevance to the period of the conquest, and that it received juridical formulation capable of meeting new developments"<sup>66</sup>.

In conclusion, the researcher is inclined to believe that there is no doubt an assurance of safety existed and that Umar Ibn al-Khattab granted the people of Aelia an assurance of safety for themselves, their property, their churches, and their religion, in return for their paying tax. This was in line with the general trend of Muslim pacts and treaties which were granted to other cities in Syria or concluded with the People of the Book during the period of Muslim conquests. As for additions and conditions attributed to Umar Ibn al-Khattab, they are the product of later historical periods, resulting from socio-political circumstances

that differed greatly from the time of the first Muslim conquest of Jerusalem.

This study totally rejects the claim made by Daniel J. Sahas that the first Muslim conquest led to the “emergence of an opportunity for the Christians of Jerusalem to contain the Jews, with the help of the Muslim Arabs, through the concessions granted to them in Umar’s Assurance”<sup>67</sup>. The question that arises here is: what grounds would the Christians of Jerusalem have for containing the Jews, when they themselves had forbidden them residence in the City for several centuries and expelled them from it? If this assertion were true, why did the Patriarch Sophronius ask Umar Ibn al-Khattab to renew Hadrian’s law and forbid the Jews residence in the City? His request was rejected by Umar Ibn al-Khattab. The concessions that the conquering Muslims granted the inhabitants of the City were not requested by the Christians of Jerusalem, but were a gift from the Caliph of the Muslims to the people of the City, based on the principles laid down by Islam for dealing with non-Muslims, particularly the People of the Book. If there had been Jews living in the City at the time of the conquest, they would have been granted the same concessions as the Christians, which may be summarised as giving them safety for themselves, their property, synagogues, and religion in exchange for paying the tax. Sahas made his claim based on a text translated from the Greek which closely resembles the Orthodox Patriarchate’s text of Umar’s Assurance. The researcher has proved that this was

fabricated or concocted to serve the political and religious aims of the Greek Orthodox sect in Jerusalem.

Even if other religions regarded the acquisition of Jerusalem as “an aim which threatened other People of the Book and competed with them”<sup>68</sup>, Jerusalem was not an exclusive city under the Muslim rule. The arrival of Umar in Jerusalem marked the start of a golden age and the beginning of a new era in which the City became an open City for all the nations. Karen Armstrong argues that Umar was “faithful to the Islamic inclusive vision. Unlike the Jews and Christians, Muslims did not attempt to exclude others from Jerusalem’s holiness”; and instead of excluding these religions in Jerusalem, “Muslims were being taught to venerate them”. In addition, Armstrong argues that, “from the first, Muslims showed that the veneration of sacred space did not have to mean conflict, enmity, killing ... and exclusion of others ... From the start, the Muslims developed an inclusive vision of Jerusalem which did not deny the presence and devotion of others, but respected their rights and celebrated plurality and co-existence. This inclusive vision of holiness is sorely needed by the people of Jerusalem today”<sup>69</sup>.

In short, the attitude of conquest, or what I shall term at the end of this article as “**the first Muslim liberation of Jerusalem**”, was contrary to that of both Jews and Christians towards the City. The Muslims liberated the Christians from the Byzantine occupiers of the City, rid the Jews of oppression at the hands of the Byzantines, and restored their presence in the City after an absence of five hundred years<sup>70</sup>. These events were in



keeping with the teachings of Islam based on the methodology of *Tadafu'* or counterbalance, the concept of justice based not only on plurality and recognition of others, but on determining their rights, duties, treatment, and means of co-existence.

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<sup>1</sup> Zakariyya al-Quda "Mu'ahadit Fatih Bayt al-Maqdis: al-Uhda al-Umariyya" in Muhammad Adnan al-Bakhit and Ihsan Abass (edes.), *Bilad al-Sham fi Sadir al-Islam*, (University of Jordan and University of Yarmuk, Jordan, 1987), vol. 2, pp. 279-283.

<sup>2</sup> Ali Ajin "Al-Uhda al-Umariyya", *Al-Hikma Journal* (no. 10, 1417 AH), pp. 75-87.

<sup>3</sup> Daniel J. Sahas "Patriarch Sophronious, Umar Ibn al-Khattab and the Conquest of Jerusalem", in Hadia Dajani-Shakeel and Burhan Dajani, *Al-Sira' al-Islami al-Faranji ala Filastin fi al-Qurun al-Wasta (The Islamic - Frankish (Ifranj) conflict over Palestine during the Middle Ages* (The Institute for Palestine Studies, Beirut, 1994), p. 54.

<sup>4</sup> Muhammad Ibn Umar al-Waqidi, *Futuh al-Sham* (Cairo, 1954), part one, pp. 214, 242.

<sup>5</sup> Muhammad al-Baladhuri, *Futuh al-Buldan* (Cairo, 1936), part one, pp. 114-145. It is interesting to note that the narrations of al-Baladhuri and Abu Ubayd (died 224 AH) - in his book *Al-Amwal* from Abdullah Ibn Salih from al-Layth Ibn Said from Yazid Ibn Abi Habib - concur that it was agreed that everything within the City walls should remain in the hands of the inhabitants as long as they paid the *Jizya* tax. The areas outside the City walls would be in the hands of the conquering Muslims. Abu Ubayed al-Qassim Ibn Salam, *Al-Amwal*, (Beirut, 1986), p. 168. This historical event undoubtedly ties in with our forthcoming discussion of Islam's attitude toward plurality, conflict, and justice. Moreover, it supports the hypothesis

of one of my postgraduate students, Haitham al-Ratrut, in his doctoral thesis on the status of al-Aqsa Mosque in Jerusalem's early Islamic architecture. From his study of the historical sources, archaeological and architectural studies, and reports on excavations in Jerusalem, al-Ratrut attempts to ascertain whether the area of Al-Aqsa Mosque, on which the Muslims built the mosque after the conquest, fell outside or within the City walls. The author is indebted to Haitham al-Ratrut for providing this information and for introducing him to the narration of Abu Ubayd in his book *Al-Amwal*.

<sup>6</sup> Al-Ya'qubi, *Tarikh al-Ya'qubi* (Beirut, 1960), part two, pp. 46, 167.

<sup>7</sup> Said Ibn al-Batriq (Eutychius), *Al-Tarikh al-Majmu'* (Beirut, 1905), part two, p. 16.

<sup>8</sup> Daniel J. Sahas "Patriarch Sophronious, Umar Ibn al-Khattab and the Conquest of Jerusalem", p. 65.

<sup>9</sup> Al-Tabari, *Tarikh al-Russul wa al-Mulwuk* (Cairo, 1960), part one, pp. 2399, 2405-2406,

<sup>10</sup> Ibn al-Jawzi, *Fada'il al-Quds* (Beirut, 1980), pp. 123-124.

<sup>11</sup> Some investigation needs to be done about the identity of that person and whether he had any links with Shi'ite Islam before concluding that it was an intentional mistake.

<sup>12</sup> Al-Waqidi, *Futuh al-Sham*, p. 236.

<sup>13</sup> Abd al-Rahman al-Azawi, *Al-Tabari* (Baghdad, 1989), p. 134.

<sup>14</sup> Ali Ajin "Al-Uhda al-Umariyya", p. 71.

15 Welhausen, *Skizzen und Vorarbeiten Heft IV*, cited by Israel Ben Zeev (Abu Zuaib), *Ka'ab al-Ahbar: Jews and Judaism in the Islamic Tradition* (Jerusalem, 1976), p. 37.

16 Shlomo D. Goitein "Jerusalem in the Arab period: 638-1099", *The Jerusalem Cathedral*, 2 (1982), p. 171. However, Moshe Gil argues that "there seems to be little justification for this very stringent attitude (of Goitein) towards a source that has been preserved for more than a thousand years". Moshe Gil, *A History of Palestine: 634-1099* (Cambridge University Press, 1992), p. 73.

17 Shlomo D. Goitein "Jerusalem in the Arab period: 638-1099", p. 169.

18 Hussain Atwan, *al-Riwayat al-Tarikhia fi Bilad al-Sham fi al-Asr al-Amawi* (Amman, 1986), pp. 231-232.

19 Daniel J. Sahas "Patriarch Sophronious, Umar Ibn al-Khattab and the Conquest of Jerusalem", pp. 70-71. For the attitude of Heraclius towards the Jews in Aelia, see Karen Armstrong, *A History of Jerusalem: One City, Three Faiths*, (HarperCollins Publishers, London, 1996), pp. 215, 233.

20 Abdul Aziz Duri "Jerusalem in the Early Islamic period: 7th - 11th centuries AD" in K.J. Asali (ed.), *Jerusalem in History* (Scorpion Publishing, Essex, 1989), p. 107.

- 21 Ibid, p. 107; see also Moshe Gil, *A History of Palestine: 634-1099*, p. 56. Gil argues that as "one might anticipate, the subject of Jews appeared important to almost all the Christian chroniclers".
- 22 Abdul Aziz Duri "Jerusalem in the Early Islamic period: 7th - 11th centuries AD", p. 107.
- 23 Daniel J. Sahas "Patriarch Sophronious, Umar Ibn al-Khattab and the Conquest of Jerusalem", p. 67. Moshe Gil, *A History of Palestine: 634-1099*, p. 70
- 24 Israel Ben Zeev (Abu Zuaib), *K'dab al-Ahbar*, p. 35.
- 25 Ibid, pp. 36-37; see also Karen Armstrong, *A History of Jerusalem: One City, Three Faiths*, p. 230.
- 26 Moshe Gil, *A History of Palestine: 634-1099*, p. 71.
- 27 Patricia Crone and Michael Cook, *Hagarism: the Making of the Islamic world* (Cambridge University Press, 1977), p. 156.
- 28 Shlomo D. Goitein "Jerusalem in the Arab period: 638-1099", pp. 171-172. Karen Armstrong, in her anonymous referee's report on this article, commented on Goitein's claim "that the Jews had acted as guides around the City" by saying that "I have never seen this argued". She argues that "Jews certainly helped the Muslim army as scouts in the countryside of Palestine, but it was the Christian patriarch who showed Umar around Aelia. But the story that Umar brought rabbis with him from Tiberias may have some historical relevance, even if not literally true. These rabbis were

not brought to show the Muslims around the *Bayt al-Maqdis*, the city, but to act as consultants about the reconsecration of the Holy Place ...".

29 John Wilkinson "Jerusalem under Rome and Byzantium: 63 BC - 637 AD" in K.J. Asali (ed.), *Jerusalem in History* (Scorpion Publishing, Essex, 1989), p. 75.

30 Ibid, p. 88.

31 The area of Aelia Capitolina (40 square miles) contained: the districts of Gophna, Herodium and the area west of Jerusalem which was called Oreine or "Hill Country". See figure 5 in Ibid, p. 89; see also Muhammad al-Maqdisi, *Ahsan al-Taqasim fi Ma'rifat al-Aqalim*, (Baghdad, 1977), p. 173. John Wilkinson argues that "the area called Jerusalem in Aelia Capitolina was thus a very small city", see p. 90.

32 Karen Armstrong "Sacred Space: the Holiness of Islamic Jerusalem", *Journal of Islamic Jerusalem Studies* (vol. 1, no. 1, Winter 1997), p. 5.

33 See the manuscript in Israel Ben Zeev (Abu Zuaib), *K'dab al-Ahbar*, p. 39; see also Karen Armstrong, *A History of Jerusalem: One City, Three Faiths*, p. 233. Moshe Gil stated that "Cairo Geniza documents occupy first place among Jewish sources, for these were written by contemporaries of the period". Moshe Gil, *A History of Palestine: 634-1099*, p. 70.

34 Mustafa A. Hiyari "Crusader Jerusalem: 1099 - 1187 AD" in K.J. Asali (ed.), *Jerusalem in History* (Scorpion Publishing, Essex, 1989),

pp. 131-132. As a result of Fatimid-Byzantium's conflict, al-Hakim in 1009 CE, for example, ordered his governor of Palestine to destroy the Church of the Holy Sepulchre in Jerusalem.

35 Fred McGraw Donner, *The Early Islamic Conquests* (Princeton University Press, New Jersey, 1981), pp. 322, 287-289; see also Moshe Gil, *A History of Palestine: 634-1099*, p. 71.

36 Neubauer, *Aus der Peterburger Bibliothek*, 109 VII, p. 12 cited by Israel Ben Zeev (Abu Zuaib), *Ka'ab al-Ahbar*, p. 40.

37 J. Mann, *The Jews in Egypt and Palestine under the Fatimid Caliphs*, pp. 43-47; Muir, *Annals of the early Califate*, p. 212; Dubnow, *Geschichte des jüdischen Volkes*, III, p. 410 cited by Israel Ben Zeev (Abu Zuaib), *Ka'ab al-Ahbar*, pp. 37-38; see also Moshe Gil, *A History of Palestine: 634-1099*, p. 71.

38 Schwabe's "Al-yahud wa al-Haram ba'd al-Fath al-Umari" *Zion Journal* (vol.2), p. 102 cited by Israel Ben Zeev (Abu Zuaib), *Ka'ab al-Ahbar*, p. 38.

39 Arculf, *Eines Pilgers Reise nach dem Heiligen Land um 670 aus dem lateinischen übersetzt und erklärt von Paul Micklethay* (Leipzig, 1917), p. 29-31 cited by Israel Ben Zeev (Abu Zuaib), *Ka'ab al-Ahbar*, p. 38.

40 Israel Ben Zeev (Abu Zuaib), *Ka'ab al-Ahbar*, p. 40.

41 Shafiq Jasir "Al-Taghayrat al-Diyughrafiyah fi al-Quds Abr Tariykhaha" in Shafiq Jasir (ed.), *Jerusalem fi al-Khitab al-Mu'asir*

(Jordan, 1999), pp. 337-338; see also Moshe Gil, *A History of Palestine: 634-1099*, pp. 71-72; see also Karen Armstrong, *A History of Jerusalem: One City, Three Faiths*, p. 233.

42 Mustafa A. Hiyari "Crusader Jerusalem: 1099 - 1187 AD", p. 170. During the Latin period only a few Jews lived in Jerusalem near the Citadel. Saladin's tolerant policy allowed the Jews to return to the City. Accordingly, they gradually began to constitute a community. According to J. Praver, three groups settled this time in Jerusalem, two of them were Jewish groups: the Jews from Morocco who fled to the East around 1198-1199, and the Jews from France – some three hundred families – who migrated in two groups in 1210. When Jerusalem was handed over to Frederick II in 1229 anti-Jewish legislation of the Crusaders was re-established and all Jews were prohibited again from living in the City. J. Praver "Minorities in the Crusader states" in *A History of the Crusades* (New York, 1964), v, p. 97; Steven Runciman, *A History of the Crusades* (London, 1965), I, p. 467; Karen Armstrong, *A History of Jerusalem: One City, Three Faiths*, pp. 298-299.

43 Donald P. Little "Jerusalem under the Ayyubids and Mamluks" in K.J. Asali (ed.), *Jerusalem in History* (Scorpion Publishing, Essex, 1989), p. 195.

44 Joseph Drory "Jerusalem during the Mamluk period: 1250-1517", *The Jerusalem Cathedra* (1981), p. 213.

- 45 Donald Little "Haram Documents related to the Jews of late fourteenth century Jerusalem", *Journal of Semitic Studies* (vol. 30, no. 2, 1985), pp. 227-264.
- 46 Yusuf al-Qaradawi "al-Quds fi al-Wa'yi al-Islami", *Journal of Islamic Jerusalem Studies* (no.1, vol. 1, Winter 1997), pp. 13-14.
- 47 Baha' al-Din Ibn Shaddad, *Al-Nawadir al-Sultaniyya wa al-Mahsin al-Yusufiyya* (Cairo, 1964), III, p. 265; see also Donald P. Little "Jerusalem under the Ayyubids and Mamluks", p. 179.
- 48 Ahmad al-Sharif, *Dirast fi al-Hadarah al-Islamiyyah* (Cairo, 1976), p. 123.
- 49 Muhammad Said al-Buti "Mu'amalit al-Dawlah al-Islamiyyah li ghayr al-Muslimin: al-Quds Namwudhjan", *Journal of Islamic Jerusalem Studies* (no. 1, vol. 3, Winter 1999), pp. 3-4.
- 50 Ibid, p. 10.
- 51 Zakariyya al-Quda "Mu'ahadit Fatih Bayt al-Maqdis: al-Uhda al-Umariyya", p. 276.
- 52 Mujir al-Din al-Alimi, *Al-Uns al-Jalil bi tarikh al-Quds wa al-Khalil* (Amman, 1977), part one, pp. 253-254.
- 53 Zakariyya al-Quda, "Mu'ahadit Fatih Bayt al-Maqdis: al-Uhda al-Umariyya", p. 276.
- 54 Asad Rustum, *Mustalah al-Tarikh* (Beirut, 1939), pp. 13-20.



- 55 Abd Allah al-Ḥakiriy al-Andalusiy, *Mu'jam ma Istu'jim* (Cairo, 1947), part one, p. 217; see also Shafiq Jasir, *Tarikh al-Quds*, (Amman, 1989), p. 19.
- 56 Ibn Kathir, *Al-Bidayah wa al-Nihayyah* (Beirut, 1978), part seven, p. 55.
- 57 K.J. Asali "Jerusalem under the Ottomans: 1516-1831 AD" in K.J. Asali (ed.), *Jerusalem in History* (Scorpion Publishing, Essex, 1989), pp. 206, 210, 221.
- 58 Moshe Gil added that the "language" of it and "its details appear authentic and reliable and in keeping with what is known of Jerusalem at that time. Moshe Gil, *A History of Palestine: 634-1099*, p. 56.
- 59 Philip Hitti, *Tarikh al-Arab* (Beirut, 1957), part three, pp. 19-20.
- 60 A.S. Tritton, *The Caliphs and their non-Muslim Subjects* (Oxford, 1930), p. 12.
- 61 Shlomo D. Goitein "Jerusalem in the Arab period: 638-1099", p. 171.
- 62 Ibid, p. 171.
- 63 Ibn Asakir, *Tarikh al-Sham* (Damascus, 1329-1332 AH), part one, pp. 563-564. 566-567.

64 Mujir al-Din al-Alimi, *Al-Uns al-Jalil bi tarikh al-Quds wa al-Khalil*, part one, pp. 253-254.

65 For example, Haroun al-Rashid ordered in 191 AH that non-Muslims in areas near the Byzantine frontiers should have a different form of address from those of Muslims for security reasons. See Ibn al-Athir, *Al-Kamil fi al-Tarikh* (Beirut, 1982), part six, p. 206.

66 Abdul Aziz Duri "Jerusalem in the Early Islamic period: 7th - 11th centuries AD", p. 107.

67 Daniel J. Sahas "Patriarch Sophronious, Umar Ibn al-Khattab and the Conquest of Jerusalem", p. 54.

68 Daniel J. Sahas "Patriarch Sophronious, Umar Ibn al-Khattab and the Conquest of Jerusalem", p. 60. Karen Armstrong argues that "The societies that have lasted the longest in the holy city have, generally, been the ones that were prepared for some kind of tolerance and co-existence in the holy city"; and "the Muslims got their City back because the Crusaders became trapped in a dream of hatred and intolerance". Karen Armstrong, *A History of Jerusalem: One City, Three Faiths*, pp. 426-427.

69 Karen Armstrong "Sacred Space: the Holiness of Islamic Jerusalem", pp. 14, 18-19. Karen Armstrong argues that "the Muslims had established a system that enabled Jews, Christians, and Muslims to live in Jerusalem together for the first time". see Karen Armstrong, *A History of Jerusalem: One City, Three Faiths*, p. 246; see also, p. 233.

70 Karen Armstrong argues that “on two occasions in the past, it was an Islamic conquest of Jerusalem that made it possible for Jews to return to their holy City. Umar and Saladin both invited Jews to settle in Jerusalem when they replaced Christian rulers there”. see Karen Armstrong, *A History of Jerusalem: One City, Three Faiths*, p. 420; for the same view, see Amnon Cohen, *Jewish life under Islam: Jerusalem in the sixteenth century* (Harvard University Press, 1984), p. 14.

