

Umar's Assurance of *Aman* to the People of Aelia (IslamicJerusalem): A Critical Analytical Study of the Greek Orthodox Patriarchate's Version

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Abstract: The first Muslim *Fatih* of IslamicJerusalem was an event both remarkable and long-lasting in its effects. It is viewed as a fundamental landmark event which reshaped the relationships between the people of diverse faiths who inhabited the region. In the few academic studies on this first Muslim *Fatih*, *Al-Uhda al-Umariyya* or Umar's Assurance of *Aman* to the people of Aelia (IslamicJerusalem) is regarded as being a major turning point in both historic and juristic terms. Far from being a study of this first Muslim *Fatih*, the objective of this article is namely to critically examine the authenticity of the Orthodox Patriarchate's version of Umar's Assurance. It focuses mainly on its longest and latest version, namely the text published by Orthodox Patriarchate in Jerusalem in 1953. It concludes that Orthodox Patriarchate's version of the Assurance is either forged or at least concocted. It is hoped that it will bring this relatively unknown text to a wider audience. Moreover, as this research focused mainly on the text published in 1953, it is hoped that this article will encourage scholars to examine the other early versions of the Assurance, develop further the reasons behind the appearance of various versions of Umar's Assurance and compare most of the available early versions of Umar's Assurance, hoping to identify the version which could be argued to be the most authentic as Umar's original text.

Key words: Umar Assurance • *Aman* • Aelia • IslamicJerusalem • Orthodox Patriarchate.

INTRODUCTION

The first Muslim *Fatih* (i.e., introducing new stage and vision) of the region of IslamicJerusalemⁱ [1] in Jumada I/II 16 AH - June/July 637 CEⁱⁱ [2] was an event both remarkable and long-lasting in its effects. It is viewed as a fundamental landmark, not merely in the history of the region, nor even in Muslim history, but 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 region's history until then. The arrival of Umar Ibn al-Khattab (d 24 AH/645 CE) - five years after the death of Prophet Muhammad (12 Rabi' al-Awal 11 AH/ 6 June 632 CE) – during the early summer of year 16 AH/ 637 CE in Aelia (the region name at that timeⁱⁱⁱ) [3, 4] marked the beginning of a new and distinguished era of safety, peace, stability, security, progress, development and prosperity in the relations between followers of Judaism, Christianity and

Islam. In addition, the arrival of Umar, who was at that time the highest political and religious authority and reference in the Muslim establishment, in the region also marked the start of a golden age and the beginning of a new era in which the region of IslamicJerusalem became a common and open space for everyone [5]. Indeed, the foundations for managing 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 *Aman* to the people of Aelia (IslamicJerusalem).

When the researcher published his initial research on this Assurance in 2000, he argued that 'a host of problems relate to the historical facts concerning the first Muslim *Fatih* and these have to be clarified and resolved. In the few academic studies on the first Muslim *Fatih* of IslamicJerusalem, 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' [6]. So, far

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from being a study of the first Muslim *Fatih* of the region of Islamic Jerusalem, the objective of this article is namely to critically examine the authenticity of the Orthodox Patriarchate's version of Umar's Assurance. This article focuses mainly on the Assurance's longest and latest version, namely 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 into Arabic of the original Greek text, which is kept in the Greek Orthodox Library in the Phanar quarter of Istanbul in Turkey. Moreover, this article will not examine the other longest version of Umar Assurance, namely al-Tabari's version. Nevertheless, the article discusses the reasons behind the appearance of various versions of Umar's Assurance.

MATERIAL AND METHOD

The researcher read the text published by the Orthodox Patriarchate in Jerusalem for the first time, in the Arabic language, in Al-Arif [7]. This text in Arabic inspired the researcher to study it as al-Arif had done, but using historical technical examination as is well known in the historical methodology. In his efforts to ascertain the authenticity of Umar's Assurance, the researcher has employed the historical methodology of examining historical sources. He has collected the most available related narrations, examining, comparing, analysing and discussing them. In other words, he used systematic historical evaluation and synthesis evidence in order to establish authenticity and reliability. In addition, the researcher verifies these narrators according to their scholarly, religious, political, tribal thoughts and attitudes.

Moreover, the researcher employed the same method of examining historical sources as that used by one of the leading Arab scholars in historical methodology, namely, Asad Rustum in his book *Historical Terminology* for ascertaining the authenticity of al-Duzdar's document. (Al-Duzdar is the commander 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 this. 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 [8]. Using both external and internal criticisms 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 its authenticity.

Some available English translations suffered from the translators not understanding the original Arabic terms. To help understand some of these important Arabic terms and to re-examine the accuracy of these translations, both transliteration and translation were often included. Moreover, when translating terminologies from Arabic into English, an attempt has been made by the researcher to strike a balance between the strength of expression in the original and its exact meaning. However, to avoid the mistranslating of any particular Arabic terminologies, the researcher employed an approach of not translating these into English but leaving them in their original Arabic language and gives his own understanding of the term. This should help to avoid any leading to different or strange understandings and interpretations. For example, the term *Aman* which could be translated as safety, does not give the right meaning of the term in Arabic. For the researcher, the term *Aman* means peaceful co-existence and mutual respect.

RESULTS AND DISCUSSION

Treaty or Assurance: Before the researcher starts to examine this document, it is vitally important to clarify its nature; is it a treaty or an assurance? Most modern Arab scholars and Orientalists, if not all discussed in this article through an examination of or a reference to their work on the first Muslim *Fatih* of the region of Aelia, have described what Umar granted to the people of Aelia as a 'treaty' or as an 'agreement'. See for example: [9-12]. Although Umar or his commanders may have negotiated the surrender terms with the inhabitants, the final product was certainly not an agreement. The researcher does not believe that the terms 'treaty' and 'agreement' appearing in their work are accurately defined.

Umar Ibn al-Khattab did not sign a treaty between two parties; rather he gave the people of Aelia an assurance of *Aman*. If it were a treaty, as has been claimed, where is the name of the second party who signed the agreement with Umar? The simple answer is that it is absent in all the available versions of the document.

What the document contains in its opening and concluding paragraphs, especially from the early accounts which provided texts of the document, such as those of Al-Ya'qubi, Eutychius and al-Tabari, highlights the fact that it is an assurance not a treaty. For example, al-Ya'qubi [13] was the first to give the text; his first paragraph reads, 'This is *Kitab* the document written by Umar Ibn al-Khattab to the people of *Bayt al-Maqdis* Islamic Jerusalem.' A similar opening was given by Said

Ibn al-Batriq [14], 'This is *Kitab* a document from Umar Ibn al-Khattab to the people of Aelia.' The al-Tabari version is not exceptional; his opening and concluding paragraphs read:

This is the assurance of *Aman* which the worshipper of God (the second Caliph) Umar (Ibn al-Khattab), the Commander of the Faithful, 'Ata has granted (gave) to the people of Aelia.

The contents of this *Kitab* assurance are under the covenant of God, are the responsibilities 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 [15].

In short, this document which Umar granted to the people of Aelia is indeed an assurance of *Aman* and not a treaty.

Early Accounts: The early accounts of Umar's Assurance, which were relatively close to the period of the first Muslim *Fatih* of the region of Islamicjerusalem, are in general short, without a date and do not include any restrictions. However, subsequent accounts that have come down to us contain actual detailed texts, some long and some short. Among the earliest historians to report the content of Umar's Assurance without any text are Muhammad Ibn Umar al-Waqidi [16], 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), who reported it from Abu Hafs al-Dimashqi [17].

Among the early historians who gave abbreviated versions of Umar's Assurance, but without al-Tabari's restrictions, are al-Ya'qubi, the explorer, historian and geographer, who died in 284 AH / 897 CE and the Patriarch of Alexandria, Euty chius (Said Ibn al-Batriq), who died in 328 AH / 940 CE. Al-Ya'qubi [13] was the first to give the text:

This is the document written by Umar Ibn al-Khattab to the people of *Bayt al-Maqdis* Islamicjerusalem. You are given *Aman* of your persons, properties and churches which will not be inhabited (taken over) or destroyed unless you cause some public harm.

A similar text was given by Euty chius [14]:

In the name of God, the most Merciful, the most Compassionate. This is a document from Umar Ibn al-Khattab to the people of Aelia. They are given *Aman* of persons, children (sons and daughters) and churches which will not be destroyed or inhabited (taken over).

Although both historians give abbreviated versions which focus on granting the people of Aelia *Aman* 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 Euty chius's version. In addition, it seems that neither text is complete as they do not refer to the *Jizya* tax, which is a crucial point in all the arrangements reached with the non-Muslims. Sakhnini [18] argues that 'the missing of this essential part' raises the question 'has al-Ya'qubi deleted other parts of the Assurance? or did these parts not reach him? so he mentions only what he knows to be the text.' The researcher argues that, if al-Tabari's restriction was authentic, which we shall discuss below, concerning the exclusion of Jews from residing in Islamicjerusalem, Euty chius would have mentioned them. He was a Christian in doctrinal disagreement with Sophronius, the Patriarch of Aelia (he took this post in December 634CE and died in 17AH/ 638CE, a few months after the *Fatih*), who followed the Chalcedonian theology. Euty chius believed in the unity of Christ, whereas Sophronius believed in the Chalcedonian principle relating to the dual nature (God and man) of Christ [19].

The longest and most famous early versions was given by al-Tabari. Below is the researcher latest translation of al-Tabari's version of Umar's Assurance:

In the name of God, the most Merciful, the most Compassionate. This is the assurance of *Aman* which the worshipper of God (the second Caliph) Umar (Ibn al-Khattab), the Commander of the Faithful, 'Ata has granted to the people of Aelia.

He has granted them an assurance of *Aman* for their lives and possessions, their churches and crosses; the sick and the healthy (to every one without exception); and for the rest of its religious communities. 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 possessions will be encroached upon or partly seized. The people will not be compelled *Yukrahuna* in religion, nor anyone of them be maltreated *Yudarruna*. {No Jews should reside with them in Aelia}

The people of Aelia must pay the *Jizya* tax like *Ahl al-Mada'in* the people of the (other) regions/cities. They must expel the Byzantines and the robbers. As for those (the first Byzantine group) who must leave (Aelia), their lives and possessions shall be safeguarded until they reach their place of *Aman* and as for those (the second Byzantine group) who (choose to) remain, they will be safeguarded. They will have to pay the tax like the people of Aelia.

Those people of Aelia who would like to leave with the Byzantines, take their possessions and abandon their churches and crosses will be safeguarded until they reach their place of *Aman*.

Whosoever was in Aelia from the people of the land (*Ahl al-Ard*) (e.g., refugees from the villages who sought refuge in Aelia) before the murder of *fulan* (name of a person) may remain in Aelia 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 are under the covenant of God, are the responsibilities 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, Amr 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) [15].

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 [20], through to that of Mujir al-Din al-'Ulaimi [21] and concluding with the Greek Orthodox version in 1953. This variation is 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, 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 *Fatih* of Islamic 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 affected the position of the People of the Book and their treatment within the Abbasid state [1]. 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 [22]. New juristic ideas and formulae were drafted in response to the new developments that occurred in Muslim periods following the first Muslim *Fatih* of Islamic Jerusalem. The well known Iraqi historian, late Abdul Aziz Duri [23] argued 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 *Fatih* and that it received juridical formulation capable of meeting new developments'.

Moreover, as is well known in the historical methodology, according to their narrators and authors, historical sources reflect the general circumstances and socio-political developments prevailing at the time they were written. Indeed, the sources are coloured by the personality of their author, the time of recording and local, political and religious interests. Early accounts, which relate the content of Umar's Assurance without any specific version of 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. Among the accounts which report the content of Umar's Assurance without giving any text, the author is inclined to accept that of Abu Hafs al-Dimashqi as quoted by al-Baladhuri, as this seems the most accurate short account. Compared with the accounts emanating from Hijaz and Kufa, the Syrian accounts of the Muslim *Futuh* 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 *Futuh* 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' [24].

If the Syrian and Hijazi accounts of Umar's Assurance are brief and general, the Kufic accounts are longer and more detailed. Indeed, 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. While the best-known Muslim historian, al-Tabari (died 310 AH / 922 CE) [15], provides a version quoted from Sayf Ibn Umar al-Asadi al-Tamimi al-Kufi (died 180 AH/796 CE), Ibn al-Jawzi (died 597 AH/1200 CE), who seems to give the same account reported by Sayf Ibn Umar via al-Tabari, provides a text which appears to be summarised from al-Tabari's version [25], but without the latter's details and his major restriction relating to the exclusion of the Jews from living in the region of 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. Some investigation needs to be made concerning this person's identity and whether he had any links with Shi'ite Islam before concluding that it was an intentional mistake. Nevertheless, the historical accounts indicate that Ali Ibn Abi Talib was not present at the first Muslim *Fatih* of Islamic Jerusalem, but was deputising for Umar Ibn al-Khattab in Madinah [16].

However, the researcher does not agree with Philip Hitti [26] and Tritton [27] in their total denial of Umar's Assurance because of disparities between some accounts of the actual text. Nor does he agree with Shlomo D. Goitein [28], who considers that Umar's Assurance is a fabrication without any basis in reality because al-Baladhuri does not mention any text for it. Indeed, it would seem to the researcher that Goitein is contradictory in his analysis 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 which, he says, provide 'general, brief texts not significantly different from al-Baladhuri's account'. The researcher agrees with Moshe Gil [29] who

argues that 'We cannot disregard him (Sayf Ibn Umar) altogether. The version itself (of Sayf Ibn Umar's account in al-Tabari) seems to be reliable.' Moshe Gil added that its 'language' and 'its details appear authentic and reliable and in keeping with what is known of Jerusalem at that time'.

Based on his previous critical analytical study of al-Tabari's version, the researcher concludes that there is no doubt that *Al-Uhda al-Umariyya* or Umar's Assurance of *Aman* to the people of Aelia (Islamic Jerusalem) existed and that Umar Ibn al-Khattab granted the people of Aelia an assurance of *Aman* for themselves, their possessions, their churches and their religion, in return for their paying *Jizya* tax. This was in line with the general trend of the Muslim attitude to other areas in *Bilad al-Sham* (Historical Syria) or concluded with the People of the Book during the period of the Muslim *Futuh*. As for additions and restrictions attributed to Umar Ibn al-Khattab, these are the products of later historical periods, resulting from socio-political circumstances that differed greatly from the time of the first Muslim *Fatih* of Islamic Jerusalem. Moreover, despite the researcher's major reservation towards one added restrictive sentence related to the Jews, he is satisfied that Sayf Ibn Umar's account which was reported by al-Tabari but without this added restrictive sentence, is Umar's original text that he wrote and witnessed.

The Orthodox Patriarchate's Version: The following is the English translation of the Orthodox Patriarchate's version of the Umar's Assurance as translated by Maher Abu-Munshar [30].

In the name of Allah, the most Merciful, the most Compassionate. Praise to Allah who gave us glory through Islam and honoured us with *Iman* and showed mercy on us with his Prophet Muhammad, peace be upon him and guided us from darkness and brought us together after being many groups and joined our hearts and made us victorious over the enemies and established us in the land and made us beloved brothers. Praise Allah O servant of Allah for his grace.

This document of Umar Ibn al-Khattab giving assurance to the respected, honoured and revered patriarch, namely Sophronious, patriarch of the Royal sect on the Mount of Olives, *Tur al-Zaitun*, in the honourable Jerusalem, *al-Quds al-Sharif*, which

includes the general public, the priest monks, nuns wherever they are. They are protected. If a *Dhimmi* guard the rules of religion, then it is incumbent on us the believers and our successors, to protect the *Dhimmis* and help them achieve their needs as long as they go by our rules. This assurance *Aman* covers them, their churches, monasteries and all other holy places which are in their hands inner and outer: the Church of the Holy Sepulchre; Bethlehem, the place of the Prophet Issa (Jesus); the big church (Cathedral); the cave of three entrances, east, north and west; and the remaining different sects of Christians present there and they are: the *Karj*, the *Habshi* and those who come to visit from the Franks, the Copts, the east Syrians, the Armenians, the Nestorians, the Jacobites and the Maronites, who fall under the leadership of the above mentioned patriarch. The patriarch will be their representative, because they were given from the dear, venerable and noble Prophet who was sent by Allah and they were honoured with the seal of his blessed hand. He ordered us to look after them and to protect them. Also we as Muslim (believers) show benevolence today towards those whose Prophet was good to them. They will be exempted from paying *Jizya* and any other tax. They will be protected whether they are on sea or land, or visiting the Church of the Holy Sepulchre or any other Christian worship places and nothing will be taken from them. As for those who come to visit the Church of the Holy Sepulchre, the Christians will pay the patriarch Dirham and a third of silver. Every believing man or woman will protect them whether they be Sultan or ruler or governor ruling the country, whether he be rich or poor from the believing men and women.

This Assurance was given in the presence of a huge number of noble companions: Abd Allah, Othman Ibn Afan, Sa'id Ibn Zayed and Abd al-Rahman Ibn Awf and the remaining noble companions' brothers. Therefore, what has been written in this Assurance must be relied upon and followed. Hope will stay with them, Salutation of Allah the righteous to our master Muhammad, peace be upon him, his family and his companions.

All praise to Allah Lord of the World. Allah is sufficient for us and the best guardian. Written on the 20th of the month of Rabi al-Awal, the 15th year of the Prophet Hijra.

Whosoever reads this Assurance from the believers and opposes it from now and till the Day of Judgment, he is breaking the covenant of Allah and deserving the disapproval of his noble messenger.

External Criticism: The researcher found the document to be written on relatively modern paper, dating perhaps back to the late Ottoman era. Although he was unable to examine its chemical composition, fibre distribution and water stamp, the researcher found it to be written in different coloured inks, including black, red and gold. Moreover, some lines are 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 in which the Muslim *Fatih* took place.

The document's foreword, body and ending all contain vocabulary, expressions and constructions not known at the time of the *Fatih*. Rather do these 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 intended to say: '*kulluman qara'a*'. These phrases do not conform to the style of writing prevalent at the time of Umar Ibn al-Khattab. As noted above, the document contains some terms that definitely date back 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'. 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 was at least translated from Greek to Arabic during the Ottoman period.

It is important to explain here that, regardless of whether this version was originally in Greek or translated into Arabic, it was undoubtedly written during the period of Ottoman rule, not during or immediately after the Muslim *Fatih* of Islamic Jerusalem. Even if there proved to be a Greek text of Umar's Assurance, this 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, as discussed later in 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 nor rely on it as being an original version because it is 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) 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 *li-ta'at*. In the Arabic palaeography, the writing of the feminine ending with *taa maftuha* instead of *taa marbuta* was indeed common during the Ottoman rule of the Arab region. In addition, the document contains many grammatical mistakes. For example, '*al-Maghara dhi (ذني) al-Thalathat Abwab*' should be '*dhat (ذات) al-Thalathat Abwab*' and '*wa yu 'addi al-Nasraniyyu ila al-Batrah Dirham (درهم)*', should read '*Dirhaman (درهما)*'. One might claim that these grammatical mistakes, which apparent departures from the grammatical norms of classical Arabic, appear in many copies of medieval Arabic manuscripts. This might be the mistakes of the individuals who were employed to copy from the original texts and modern scholars tidied up these mistakes when they edit these manuscripts. However, this text of Umar Assurance was presented to us as a literal translation into Arabic of the original Greek text, which is kept in the Greek Orthodox Library in the Phanar quarter of Istanbul in Turkey.

Internal Criticism: The researcher found that, at the time of the Muslim *Fatih*, Aelia was not known as *al-Quds al-Sharif* or 'Honourable Jerusalem' as it is referred to in the document. The name *al-Quds* was unknown at that time. Its name was Aelia, the term applied to it by Hadrian in 135CE. It would be logical for Umar Ibn al-Khattab to address the inhabitants using the region's 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 Muslim eras. In fact,

the name Aelia continued to be used long after the Muslim *Fatih*, as demonstrated by the poetry of Farazdaq [31, 32]. It is strange that the document exempts the Christians of Islamic 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 *Futuhat*. The other unusual matter is that, at the end of the document, it is stated 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 *Fatih* of Islamic Jerusalem and that he had indicated to Umar Ibn al-Khattab that he should not go in person to receive Aelia [33].

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 *Fatih* the main Christian sect in Aelia was the Greek Orthodox Church. At the time of Heraclius, which immediately preceded the Muslim *Fatih*, 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 Islamic 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 the Muslim *Futuhat*. As for the mention of 'Franks' among the sects, this raises yet more doubts about the authenticity of the document, because the term was not known until the time of the Crusaders.

Not only does this late version mention the names of Christian sects that did not exist in Islamic Jerusalem at the time of Umar Ibn al-Khattab, 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 *Fatih* 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, these are designed to give the document extra weight in support of the Orthodox sect's leadership over other Christian sects.

Moreover, his analysis of the document prompts the researcher to argue 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 Islamic 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' [34]. It was an attempt to give the Greek Orthodox Church priority and even leadership over the other Christian sects currently present in Islamic Jerusalem. As part of this struggle, it has been argued that the Greek Patriarch Theophanius (1608-1644) was aided by his nephew Gregory, who spent three years in Istanbul 'forging assurance and pacts attributed to Umar' and other Muslim rulers [30].

After the end of the British Mandate rule in Islamic 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 this was the right time to issue a new version of Umar's Assurance which would give 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 Arabs expected the ruling Hashemite family of Jordan to show sympathy with their position in Jerusalem. Moreover, the last paragraph of the Orthodox Patriarchate's version warned Muslims against opposing it, 'Whosoever reads this assurance from the believers and opposes it from now and till the Day of Judgment, he is breaking the covenant of Allah and deserving the disapproval of his noble messenger.'

CONCLUSION

The Orthodox Patriarchate's text published in Jerusalem in 1953 is the longest and most explicit versions of Umar's Assurance in which there are clear appendices and additions in the text. It also demonstrates discrepancies and restrictions. Its text contains the greatest degree of details in favour of Orthodox Patriarchate in the region. It also differs with the early account in identifying Umar's Assurance of *Aman* in its text, clauses and the peoples it covers.

The external and internal criticisms 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 during the Ottoman period.

Notes:

- 'Islamic Jerusalem (one word) is a new terminology for a new concept, which may be translated into the Arabic language as *Bayt al-Maqdis*. It can be fairly and eventually characterised and defined as a unique region laden with a rich historical background, religious significances, cultural attachments, competing political and religious claims, international interests and various aspects that affect the rest of the world in both historical and contemporary contexts. It has a central frame of reference and a vital nature with three principal intertwined elements: its geographical location (land and boundaries), its people (population) and its unique and creative inclusive vision, to administer that land and its people, as a model for multiculturalism, cultural engagement and *Aman* (peaceful co-existence and mutual respect)'. See the original definition in El-Awaisi, A. F., 2007. *Introducing Islamic Jerusalem*, Scotland: Al-Maktoum Institute Academic Press. pp. 11.
- Jumada First or Second 16 AH is June or July 637 CE (e.g., 29 Jumada First 16 AH/ 1 July 637 CE) and not March or April as stated by Al-Tel, O. I., 2003. *The First Islamic Conquest Of Aelia (Islamic Jerusalem): A Critical Analytical Study Of The Early Islamic Historical Narrations And Sources*. Scotland: Al-Maktoum Institute Academic Press, p.118.
- Aelia (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 Wilkinson, J., 1989. 'Jerusalem under Rome and Byzantium: 63 BC - 637 AD'. in *Jerusalem in History*, Ed. Asali, K.J., Essex: Scorpion Publishing. pp. 89-90. John Wilkinson argues that 'the area called Jerusalem in Aelia Capitolina was thus a very small city'. See also Al-Maqdisi, M., 1977. *Ahsan al-Ta'asim fi Ma'rifat al-Aqalim*, Baghdad. p. 173.

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