



The Pact of Umar

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The pact of Umar, or “ahd ‘Umar” [2](#) is a key document outlining the obligations of non-Muslims living in the Muslim state and defining the relationship of dhimmis with Muslims and with the state [3](#). It shows the treatment of Christians by Muslims in the Muslim state in general, and especially when Umar ibn al-Khattab was caliph. Some scholars consider this pact to be foundational for the treatment of non-Muslims and a reflection of the general teaching of Islam concerning them. This view, however, has been opposed by a number of scholars. The problem is that during some periods of Muslim history, the justification to treat Christians in a biased way was based on the pretext of implementing the negative or discriminatory aspects of the pact of Umar. However, an examination of Umar’s conduct towards non-Muslims has shown him to be extremely tolerant, and exemplary in his efforts to follow the instructions of the Qur’an and the Sunnah.

Opinions differ concerning the attribution of the pact to ‘Umar. Some jurists and historians, such as al-Khallal [d. 311 Ah / 923 CE] [4](#), Ibn Hazm [d. 456 Ah / 1063 CE] [5](#), al-Tartushi [d. 520 AH / 1126 CE] [6](#), Ibn Qudama [d. 630 Ah / 1123 CE] [7](#), Ibn Taymiyyah [d. 728 Ah / 1138 CE] [8](#) Ibn ‘Asakir [d. 571 AH / 1176 CE] [9](#), Ibn al-Qayyim [d. 751 AH / 1350 CE] [10](#), Ibn Kathir [11](#) al-Hindi [12](#) and ‘Ali ‘Ajlin [13](#), agreed that the pact could be attributed to ‘Umar. Jurists like

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- 1: Information is taken with slight modifications from: Maher Y. Abu-Munshar : “Islamic Jerusalem and its Christians – A History of Tolerance and Tensions” (Tauris Academic Studies 2007), pp. 62-80
 - 2: Known in Arabic as *al-Shurut al-Umariyyah*
 - 3: See: Cohen, Mark 1999. “What was the pact of Umar ? A Literary Historical Study” , in ‘Jerusalem Studies in Arabic and Islam, p. 100
 - 4: Al-Khallal, Abu Bakr Ahmad Ibn Muhammad. 1996 “Ahl al-Milah wa al-Ridah wa al-Zanadiqah wa Tarik al-Salah was al-Fara’d Min Kitab al-Jame”. Riyadh: Maktabet al-Ma’arif lil Nasher was al-Tawzi. Vol. 2 pp. 431-43
 - 5: Ibn Hazm, Abu Muhammad ‘Ali Ibn Ahmad. 1978. “Mratib al-Ijma’fi al-Badat wa al-Mu’amalat wa al-Mu’taqadat”. Beirut: Dar al-Afaq al-Jadida, pp. 143-35. See also Ibn Hazm, *Al-Muhalla*, Vol. 3, p. 346
 - 6: Al-Tartushi, Abu Bakr Muhammad. 1990. “Siraj al-Muluk”. London: Riyad El-Rayyas Press, pp. 401-02
 - 7: Ibn Qudama, Muwafaq al-Din. 1996. “al-Mughni”. Cairo: Dar al-Hadith. Vol. 10, Vol. 12, pp. 816-18. See also Ibn Qudama al-Maqdisi. 1996. “al-Sharh al-Kabir”. Cairo: Dar al-Hadith. Vol. 12, pp. 806-09
 - 8: Ibn Taymiyyah, Ahmad. N.d. “Majmu fatawa Shaikh al-Islam Ahmad Ibn Taymiyyah”. Saudi Arabia: al-Ri’asah al-‘Ammah Lishu’un al-Haramayn al-Sharifayn. Vol. 28, pp. 651-53. See also Ibn Taymiyya Ahmad ‘Abd al-Halim. 1996. “Eqtida’al-Sirat al-Mustaqim li mukhalfet Ashab al-Jahim” Riyadh: Maktabat al-Rushed. Vol. 1, pp. 225-26.
 - 9: Ibn ‘Asakir. ‘Ali Ibn al-Hasan. 1995. “Tarikh Madinat Dimashq”. Lebanon: Dar al-fikr. Vol. 2, pp. 174-85
 - 10: Ibn al-Qayyim al-Jawziyya, Muhammad Abi Bakr. 1995. “Akham Ahl al-Dhimma”. Beirut: Dar al-Kutub al-‘Ilmiyyah. Vol. 2, pp. 113-15
 - 11: Ibn Kathir, 1994. “Tafsir al-Qur’an al-‘Azim”. Riyadh: Maktabat Dar al-Salam. Vol. 2, p. 458
 - 12: Al-Hindi, 1998. “Kanz al-Umal fi Sunan al-Aqwal wa al-A’al” , Beirut: Manshurat Muhammad ‘Ali Baydun. Dar al-Kutub al-‘Ilmiyyah. Vol. 4. Hadith No. 11489, pp. 215-16
 - 13: Ajlin, ‘Ali. 1996. “al-‘Udha al-Umariyyah , (Dirasa Naqdiyya)” in: ‘al Hikma Journal’, No. 10 , pp.75-87

al-Salih [14](#) , Hammam Sa'id [15](#) and Zakariyya al-Quda [16](#) and orientalists such as Caetani [d. 1935] [17](#) , Tritton [18](#) and Cohen [19](#) doubted the authenticity of this attribution. The argument of each Group was grounded in textual analysis, as well as consideration of the sociopolitical context and the practical examples of Caliph Umar's treatment of Christians living in the Muslim state.

There are several versions of the Pact of 'Umar, with similarities as well as differences in vocabulary or sentence order; some differ in detail, both in their stipulations and literary structure. A number of western orientalists claim that Ibn Hazm documented the First appearance of the Pact of 'Umar in his book, "Mrath al-Ijima' fi al-'Ibadat wa al-Mu'amalat wa al-Mu'taqadat" [20](#) . This is a serious error, as I have discovered that the First version was documented by al-Khallal [21](#) . Another version, by Ibn 'Asakir, is among the earliest written records and has attracted most of the scholarly attention. It is the version most often cited in this chapter and describes *the pact* in the following way

Abd al-Rahman Ibn Ghanam [d. 78 AH / 697 CE] said as follows: When Umar Ibn al-Khattab [may God be pleased with him] accorded a peace to the Christians of al-Sham, we wrote to him as follows: In the name of God, the Merciful and Compassionate. This is a letter to the servant of God Umar [Ibn al-Khattab] , the Commander of the Faithful, from the Christians of such and such a city. When you marched against us, we asked you for safe-conduct [aman] , for ourselves, our descendants, our property, and the people of our community, and we undertook the following obligations toward you: We shall not build, in our cities or in their neighbourhood, new monasteries, churches, convents, or monk's cells, nor shall we repair, by day or by night, such of them as fall in ruins or are situated in the quarters of the Muslims. We shall keep our Gates wide open for passers-by and travellers. We shall give board and lodging to all Muslims who pass our way for three days. We shall not give shelter in our churches or in our dwellings to any spy nor hide him from the Muslims. We shall not teach the Qur'an to our children. We shall not manifest our religion publicly nor convert anyone to it. We shall not prevent any of our kin from entering Islam if they wish. We shall show respect towards the Muslims, and we shall rise from our Seats when they wish to sit. We shall not seek to resemble the Muslims by imitating any of their garments, the *qalansuwa* [cap] , the turban, footwear, or the parting of the hair. We shall not speak as they do, nor shall we adopt their *kunyas* [surnames] . We shall not Mount on saddles, nor shall we gird swords nor bear any kind of arms nor Carry them on our persons. We shall not engrave Arabic inscriptions on our seals. We shall not sell fermented drinks. We shall not clip the fronts of our heads. We shall always dress in the same way wherever we may be, and we shall bind the *zumar* [waist belt] round our waists. We shall not display our crosses or our books in the roads or markets of the Muslims. We shall use clappers in our churches only very softly. We shall not raise our voices when following our dead. We shall not show lights on any of the roads of the Muslims or in their markets. We shall not bury our dead near the Muslims. We shall not take slaves who have been allotted to Muslims. We shall not build houses overtopping the houses of the Muslims. When I brought the letter to Umar, May God be pleased with him, he added, "We shall not strike a Muslim". We accept these conditions for ourselves and for the people of our community, and in return we receive safe-conduct. If we in any way violate these undertakings for which we ourselves stand surety, we forfeit our *covenant* and we become liable to the penalties for contumacy and sedition

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- 14:** Ibn al-Qayyim, "Sharh al-Shurut al-'Umariyyah". Beirut: Dar al-'Ilm li-Imalain, pp. 1-7
- 15:** Sa'id, Hammam. 1982. "al-Wad' al-Qanwi li Ahl al-Dhimma" , Jordan University Journal, 9 (1) : 79.
- 16:** Al-Quda, Zakariyya. 1987. "Mu'ahadit fath Bayt al-Maqdis: al-'Udha al-'Umariyyah" , in 'Bilad al-Sham fi Sader al-Islam' , ed. M. al-Bakhit and I. 'Abbas. Amman: University of Jordan and University of Yarmuk. Vol 2. , pp. 278-82
- 17:** Caetani, Leone. 1910. "Annali Dell Islam". Milan: Ulrico Hoepli , Vol. 3, pp. 957-59
- 18:** Tritton, A.S. 1930. "The Caliphs and Their Non-Muslim Subjects: A Critical Study of the Covenant of Umar" . London: Oxford University Press, pp. 5-17.
- 19:** See: Cohen, Mark 1999. "What was the pact of Umar ? A Literary Historical Study" in 'Jerusalem Studies in Arabic and Islam, pp. 100-31
- 20:** Caetani, Leone. 1910. "Annali Dell Islam". Milan: Ulrico Hoepli , Vol. 3, p. 957 ; Arnold, T.W. 1913. "The Preaching of Islam: A History of the Propagation of the Muslim Faith". London: Constable & Co. , p. 59
- 21:** Al-Khallal. "Ahl al-Milah wa al-Ridah wa al-Zanadiqah wa Tarik al-Salah was al-Fara'd Min Kitab al-Jame". Riyadh: Maktabet al-Ma'arif lil Nasher was al-Tawzi. Vol. 2 , p. 94

Umar replied: “Sign what they ask, but add two clauses and impose them in addition to those, which they have undertaken. They are: ‘They shall not buy anyone made prisoner by the Muslims’, ‘whoever strikes a Muslim with *deliberate intent* shall forfeit the protection of this pact’ [22](#)

Ibn Asakir was unique in reporting five narrations of Umar’s pact [23](#) .Four of them, however, have been found to contain some problems in their chains of narrators. According to Al-Khatib Al-Baghdadi [d. 463 AH / 1071 CE] [24](#) and Al-Dhahabi [d. 748 / 1347 CE] [25](#) , the untrustworthy narrators are Abu Muhammad ‘Abdullah Ibn Ahmad Ibn Zubar [whose name appears in two of the Ibn ‘Asakir versions] and Yayha, Ibn ‘Uqba [whose name appears in the other two versions] , both of whom are notorious for fabricating the Hadith. I am therefore inclined to believe that the first four narrations are invalid. It is self-evident to Muslim scholars – indeed, to scholars in general – that a narration is more likely to be guaranteed if all the narrators in its chain are trustworthy. The fifth narration, according to ‘Ajin, “*appears*” to have a full chain of trustworthy narrators. [26](#) He examined the different chains listed by Ibn ‘Asakir and concluded that the fifth narration is the most authentic one. [27](#) Ibn Qayyim al-Jawziyya referred to three versions and commented on their narrator chains, but failed to demonstrate that he had conducted a thorough verification process. [28](#) In fact, although he seems to have had doubts about the validity of the chains, he tries to avoid discussing this by claiming that the fame of a narration rules out the need to investigate its narrator chains. [29](#) That is to say, Ibn al-Qayyim diverged from his own methodology of verification, despite being aware that fame is no proof of authenticity, especially when an important subject is at stake. Furthermore, the fame of this pact developed a long time after its assumed date of issue. Ibn al-Qayyim’s texts of the pact were subject to another problem as well [see below] . ‘Ajin agrees with Sa’id’s classification of Ibn al-Qayyim’s versions as very weak and containing unknown narrators. [30](#) In the end, Sa’id refused to accept the pact of ‘Umar as a document issued by the caliph himself. [31](#) ‘Ajin, however, seems to reject this conclusion. [31](#)

The Text of the Pact

The fifth version of Ibn ‘Asakir is similar to other versions documented by different scholars. It is narrated without specifying the name of the city – it refers “to such and such a city’, or the one that is nameless. Yet, how could such an important document omit the name of the city that it addresses ? How could Caliph ‘Umar not even ask the city’s name after modifying the document ? And why did the Christians of that city not insist on having the name of their city included ? ‘Ajin argues that this happened unintentionally, that ‘Abd al-Rahman Ibn Ghanam might have forgotten to state the name of the city because he had to issue pacts to numerous cities at that time. [32](#) But did this actually happen ? It seems unlikely. Early sources fail to offer either confirmation or denial. In addition, ‘Ajin says elsewhere in his article that the pact was written after a long negotiation between Muslims and Christians. [33](#) if this is the case, then the name of the city about which they were negotiating should have appeared in the document. One wonders also

[22](#): Ibn ‘Asakir. ‘Ali Ibn al-Hasan. 1995. “Tarikh Madinat Dimashq”. Lebanon: Dar al-fikr. Vol. 2, pp. 178-79

[23](#): Ibid. , pp. 174-81

[24](#): Al-Khatib al-Baghdadi, Abu Bakr Ahmad Ibn ‘Ali. 1997. “Tarikh Baghdad aw Madinat al-Salam”. Beirut: Manshurat Muhammad ‘Ali Baydun. Dar al-Kutub al-‘Ilmiyyah. Vol. 14 , pp. 117-18.

[25](#): Al-Dhahabi, Muhammad Ibn Ahmad. 1995. “Mizan al-‘I’tidal Fi Naqd al-Rijal”. Beirut: Dar al-Kutub al-‘Ilmiyyah. Vol. 4, p. 59. See also Al-Dhahabi, Muhammad Ibn Ahmad. 1997. “al-Mughni fi al-Du’afa”. Beirut: Manshurat Muhammad ‘Ali Baydun. Dar al-Kutub al-‘Ilmiyyah. Vol. 2 , p. 524.

[26](#): Ajin, ‘Ali. 1996. “al-‘Udha al-‘Umariyyah , (Dirasa Naqdiyya)” , Jordan University Journal , 9 (1) : 78

[27](#): Ibid. , p. 79

[28](#): Ibn al-Qayyim al-Jawziyya, “*Akham Ahl al-Dhimma*”. Beirut: Dar al-Kutub al-‘Ilmiyyah. Vol. 2, pp. 113-15

[29](#): Ibid. , p. 115

[30](#): Ajin, ‘Ali. 1996. “al-‘Udha al-‘Umariyyah , (Dirasa Naqdiyya)” in: ‘al Hikma Journal’, No. 10 , p. 79

[31](#): Sa’id, Hammam. 1982. “al-Wad’ al-Qanwi li Ahl al-Dhimma” , Jordan University Journal, p. 157

[32](#): Ajin, ‘Ali. 1996. “al-‘Udha al-‘Umariyyah , (Dirasa Naqdiyya)” in: ‘al Hikma Journal’, No. 10 , p. 83

[33](#): Ibid. , p. 83

why late scholars, for example Ibn al-Qayyim, who wrote almost 150 years after Ibn 'Asakir, was confused about the city's name. In the three versions he mentions, the first shows that the people of al-Jazira [34](#) wrote to 'Abd al-Rahman Ibn Ghanam, who then communicated with Caliph Umar. In the second version, 'Abd al-Rahman wrote directly to the caliph when he concluded a peace treaty with the Christians of al-Sham. The third version says that 'Abd al-Rahman, in a letter to Caliph Umar, described the stipulations made by the Christians of al-Sham themselves. [35](#)

Tritton argues that in a normal case, conquered people would not decide the terms on which they would enter into an alliance with their victors. He criticizes the assertion that conquered Christians forbade themselves all knowledge of the Qur'an, yet refer to it in their letter to the caliph, "until they pay the jizyah with willing submission, and feel themselves subdued". [36](#) 'Ajin argues that the reason for not allowing the Christians to teach their children the Qur'an is because if they did, they would not teach them the real meaning and would fabricate Qur'anic verses. [37](#) The text of the pact also contains some vocabulary that was uncommon in Umar's period. As an example al-Salih explains that *zumar*, a Greek word meaning a waist belt, was not well-known in the Arabian peninsula at the time. [38](#) Tritton finds it hard to believe that discriminatory laws in the pact would have been thought up by the Christians themselves. He also addresses some inconsistencies between different versions of the pact relating to the people with whom it was concluded, the place where it was signed and whether the ruler issuing the pact was Umar or one of his commanders. [39](#)

In regard to the identity of the ruler, it is worth noting that Ibn 'Asakir reported the same text of the pact in another of his 70 volumes, in the form of a letter from the Christians of al-Sham that was handed to *Abu Ubaydah*, the chief commander in Syria, instead of to *Abd al-Rahman Ibn Ghanam* [40](#)

When thou camest into our land we asked of thee safety for our lives and the people of our religion, and we imposed these terms on ourselves; not to build in Damascus and its environs church, convent, chapel, monk's hermitage, not to repair what is dilapidated of our churches nor any of them that are in Muslim quarters ; not to withhold our churches from Muslims stopping there by night or day....not to teach our children the Qur'an...we will not abuse a Muslim, and he who strikes a Muslim has forfeited his rights [41](#)

According to this narration, there is no mention at all of Abd al-Rahman, and a *new* name appears [Abu Ubaydah]. Why did Ibn Asakir name *two different people* in the same document with different narrations ? it seems that Ibn 'Asakir himself was unsure about the authenticity of this narrations.

Validity of the attribution to Umar

Did the Pact of Umar originate with this caliph ? 'Ajin was not the first to argue in favour of this. He was preceded by Ibn Taymiyyah, who asserted that the pact's conditions had been laid

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- [34](#): Al-Jazira is the name of the stretch of territory that lies between the Tigris and the Euphrates. It is bounded on the west by Asia Minor and Armenia, on the south by Syria, on the east by Iraq, and on the north by Armenia.
 - [35](#): Ibn al-Qayyim, "*Akham Ahl al-Dhimma*". Beirut: Dar al-Kutub al-'Ilmiyyah. Vol. 2, pp. 113-15.
 - [36](#): Qur'an, *At-taubah*, v. 29.
 - [37](#): Ajin, 'Ali. 1996. "al-'Udha al-'Umariyyah , (Dirasa Naqdiyya)" in: 'al Hikma Journal', No. 10 , p. 84
 - [38](#): Ibn al-Qayyim, "Sharh al-Shurut al-'Umariyyah". Beirut: Dar al-'Ilm li-lmalain, from the Introduction
 - [39](#): Tritton, A.S. 1930. "The Caliphs and Their Non-Muslim Subjects: A Critical Study of the Covenant of Umar" . London: Oxford University Press, pp. 6-15.
 - [40](#): Ibn 'Asakir. 'Ali Ibn al-Hasan. 1995. "Tarikh Madinat Dimashq". Lebanon: Dar al-fikr. Vol. 2, pp. 120-21
 - [41](#): Ibid. The English translation of Umar's pact is quoted from Tritton, "The Caliphs and Their Non-Muslim Subjects: A Critical Study of the Covenant of Umar". London: Oxford University Press, pp. 6-8

down by Umar Ibn al-Khattab. ⁴² According to Ibn Taymiyyah, the terms of the pact were constantly renewed and imposed on Christians by certain Muslim rulers, such as ‘Umar Ibn ‘Abdul Aziz, who followed the example of Umar Ibn al-Khattab very strictly. Ibn Taymiyyah said that Harun al-Rashid, Ja’far al-Mutawakkil and others had revived the terms of Umar’s pact and ordered the destruction of churches , such as those in all Egyptian lands. ⁴³ In addition, Ibn Taymiyyah asserted that the chief scholars from the well-known schools of jurisprudence discussed these terms and alluded to the need for the Imam to constrain the People of the Book and subjugate them to these terms. ⁴⁴ Ibn Taymiyyah even claimed that this pact was the most famous subject in the books of fiqh and Islamic literature, and the one that was generally accepted and agreed on by the great Muslim scholars and their companions, and indeed by the whole Muslim nation ⁴⁵

Ibn Kathir commented on the Qur’anic verse, “...and feel themselves subdued (*saghirun*) ..” ⁴⁶ by saying that the term means disgraced, humiliated and belittled. Therefore, Muslims are [according to the opinion of Ibn Kathir] not allowed to honour the people of dhimma or to elevate them above Muslims, as they are miserable, disgraced and humiliated. He added that this was why ‘Umar Ibn al-Khattab demanded that his conditions be met by the Christians. ⁴⁷

Ajin says that this pact reflects the Islamic way of treating non-Muslims, as derived from the Qur’an and the Sunnah. ⁴⁸ It seems he was trying to defend the opinions of Ibn Taymiyyah and Ibn al-Qayyim, who represent the trend of inflexibility against non-Muslims. He quoted all Ibn Taymiyyah’s comments on the Pact of Umar, and regarded Ibn Kathir’s citation of the pact as validation of its attribution to ‘Umar. On the other hand, al-Albani, a modern Hadith scholar [and a follower of Ibn Taymiyyah’s school] , has doubted the pact’s chain of narrators. ⁴⁹

Caetani doubts that this pact belongs to the Caliph ‘Umar and believes that its text was written later. ⁵⁰ Tritton likewise questions the attribution to ‘Umar. ⁵¹ He points out that the pact “...presupposes closer intercourse between Christians and Muslims than was possible in the early days of conquest...”. ⁵² He adds that a search of historical sources shows that references to the pact became common only at the beginning of the ninth century. Tritton supports his argument by referring to the sample statement, preserved in al-Shafi’is famous book *Kitab al-Umm*, that was issued to Christians whenever a Muslim leader had to conclude a peace treaty with them:

If a Muslim leader wants to conclude a peace treaty with Christians in return for their paying jizyah [poll tax] , he should start it with in the name of God, the most compassionate , the most merciful. This is a pact written by so and so the servant of God, the commander of the faithful in year so and so to the Christian so and so who live in the city so, and the Christians of the city so, I, and all Muslims, promise you and your fellow Christians security as long as you and they

⁴²: Ibn Taymiyyah, Ahmad. N.d. “Majmu fatawa Shaikh al-Islam Ahmad Ibn Taymiyyah”. Saudi Arabia: al-Ri’asah al-‘Ammah Lishu’un al-Haramayn al-Sharifayn. Vol. 28, p. 654

⁴³: Ibid. , pp. 654-55

⁴⁴: Ibid. , p. 654

⁴⁵: Ibn Taymiyyah Ahmad ‘Abd al-Halim. 1996. “‘Eqtida’al-Sirat al-Mustaqim li mukhalfet Ashab al-Jahim” Riyadh: Maktabat al-Rushed. Vol. 1, pp. 225-26.

⁴⁶: Qur’an, At-tawbah, v. 29: “Fight those who believe not in Allah nor the Last Day, Nor hold that forbidden which hath been forbidden by Allah and His Messenger, nor acknowledge the Religion of Truth, from among the People of the Book, until they pay the jizyah with willing submission, and feel themselves subdued.”

⁴⁷: Ibn Kathir, 1994. “Tafsir al-Qur’an al-‘Azim”. Riyadh: Maktabat Dar al-Salam. Vol. 2, p. 458

⁴⁸: Ajin, ‘Ali. 1996. “al-‘Udha al-‘Umariyyah , (Dirasa Naqdiyya)” in: ‘al Hikma Journal’, No. 10 , p. 85

⁴⁹: Al-Albani, Muhammad Naser al-Din. 1985. “Irrwa’ al-Ghalil fi Takhrij Ahadith Manar al-Sabil”. Beirut: al-Maktab al-Islami. Vol. 5, pp. 103-04

⁵⁰: Caetani, Leone. 1910. “Annali Dell Islam”. Milan: Ulrico Hoepli , Vol. 3, pp. 957-59

⁵¹: Tritton, A.S. 1930. “The Caliphs and Their Non-Muslim Subjects: A Critical Study of the Covenant of Umar”. London: Oxford University Press, p. 10.

keep the conditions we impose upon you. Which are: you shall be under Muslim laws and no other, and shall not refuse anything we demand of you. If any of you says of the Prophet, of God's book or His religion what is unfitting, he is debarred from the protection of God, the Commander of the Faithful, and all Muslims; the conditions on which security was given are annulled; and the Commander of the Faithful has put his property and life outside the pale of the law, like the property and lives of enemies. If one of you commits fornication with or marries a Muslim woman, or robs a Muslim on the highway, or turns a Muslim from his religion, or helps their enemies as a soldier or guide to Muslim weakness, or shelters their spies, he has broken his agreement, and his life and property are without [the protection of the] law. He who does less harm than this to the goods of honour of a Muslim shall be punished.

We shall scrutinize your dealings with Muslims, and if you have done anything unlawful to a Muslim we shall undo it and punish you; e.g. if you have sold a Muslim any forbidden thing, [such] as wine, pigs, blood, or an [unclean] carcass, we shall annul the sale, take the price from you [if you have received it] or withhold it from you [if it has not been paid]; we shall pour out the wine or blood and burn the carcass. If he [the Muslim] wishes it to be destroyed we shall do nothing to him, but we shall punish you. You shall not give him any forbidden thing to eat or drink, and shall not give him a wife in the presence of your witness nor in an illegal marriage. We shall not scrutinize nor enquire into a contract between you and any other unbeliever. If either party wishes to annul the contract, and brings a request to us, if we think that it should be annulled we shall annul it, if it is Legal we shall allow it. But if the object has been taken and lost we shall not restore it, for a sale between unbelievers has been finished. If you or any other unbeliever asks for judgement we shall give it according to Muslim law; if we are not approached we shall not interfere between you. If you kill accidentally a Muslim or an ally, Christian or not, then the relatives [of the killer] shall pay blood money, as among Muslims. For you, relatives are on the father's side. If a homicide [killer] has no relatives then his estate must pay. A murderer shall be killed unless the heirs wish to take blood money, which shall be paid at once. A thief, if his victim complains, shall pay a fine. The slanderer shall be punished if the punishment is fixed; if not, he shall be punished according to Muslim law.

You shall not display in any Muslim town the cross nor parade your idolatry, nor build a church nor place of assembly for your prayers, nor beat the nakus [ring the church bell], nor use your idolatrous language about Jesus, the son of Mary, to any Muslim. You shall wear the *zunnar* above all your clothes, cloaks and others, so that it is not hidden; you shall use peculiar saddles and manner of riding, and make your *kalansuwas* [a type of hat] different from those of the Muslims by a mark you put on them. You shall not take the crest of the road nor the chief Seats in assemblies, when Muslims are present. Every free adult male of sound mind shall pay poll tax, one dinar of full weight, at New Year. He shall not leave his town till he has paid and shall not appoint a substitute to pay it, the *jizyah* amount to be paid at the end of the year, poverty does not cancel any of your obligations nor abrogate the protection given you. If you have anything we shall take it. The *jizyah* is the only burden on your property as long as you stay in your town or travel in Muslim land, except as merchants. You may not enter Makkah under any conditions. If you travel with merchandise you must pay one-tenth to the Muslims, you may go where you like in Muslim land, except Makkah, and may stay in any Muslim land you like except the *hijaz*, where you may stay three days only till you depart. These terms are binding on him who has hair under his clothes, is adult, or has completed fifteen years before this date, of he agrees to them; if not, there is no treaty with him. Your little boys, immature lads, lunatics, and slaves do not pay *jizyah*. If a lunatic becomes sane, a boy grows up, a slave is set free and follows your religion, he pays *jizyah*. The terms are binding on you and those who accept them; we have no treaty with those who refuse them. We will protect you and your lawful [according to our law] property against any one, Muslim or not, who tries to wrong you, as we protect our own property; our decisions about it will be the same as those about our own property, and ourselves. Our protection does not extend to forbidden things, like blood, carcasses, wine and pigs, but we will not interfere with them; only you must not obtrude them on Muslims towns. If a Muslim or other buys them we will not

52: Ibid., pp. 8-10

force him to pay, for they are forbidden and have no price ; but we will not let him annoy you about them, and will not force him to pay. You must fulfil all the conditions we imposed on you. You must not attack a Muslim nor help their enemies by word or deed.

This is the treaty of God and His promises and the most complete fulfilment of promise He has imposed on any His creatures ; you have the treaty of God and His promise and the protection of N.N. [“no name”] the Commander of the Faithful, and of the Muslims to fulfil their obligations towards you. Your sons, when they grow up, have the same obligations as you. If you alter or change them then the protections of God, of N.N. the Commander of the Faithful, and of the Muslims is taken from you. He, who is at a distance, yet receives this document and approves it, these are the terms that are binding on him and on us, if he approves them ; if he does not approve, we have no treaty with him. [53](#)

With al-Shafi'i's statement in mind, Tritton argues that the Pact of 'Umar originated as “an exercise in the schools of law drawing up pattern treaties”. [54](#) He concludes that no one knew about the Pact of 'Umar, although it is known that documents carrying 'Umar's name enjoyed much fame. There is no doubt that there are a lot of similarities between the Pact of 'Umar and the al-Shafi'i version, but does this mean that Tritton is right ? If the Pact of 'Umar was an exercise in the schools of law, then the jurists would have adopted it. However, this was not the case. Imam al-Shafi'i cites another statement in his same book [al-Umm] , which is completely different from the above version in regard to how Muslims should treat Christians in religious matters:

The government must not interfere with any practice of the dhimmis, although contrary to Muslim law as long as it is not done in public notice. So, in a town where there are no Muslims living, Christians may build churches and tall houses, and no one may interfere with their pigs and festivals. A dhimmi may lend money at interest to another or contract a marriage not recognized by Muslim law, and no one can interfere... [55](#)

In Muslim literature, none of the early historians, such as al-Baladhuri, al-Waqidi, al-Ya'qubi, al-Tabari, al-Azdi, Ibn al-A'them, Ibn al-Athir and many others mentions anything about the Pact of Umar in their well-known books, even though they discuss the conquest of al-Sham and other places. For example, Ibn al-Athir [a late historian, compared to the others] , in “al-Kamil fi al-Tarikh” , refers to the peace treaty concluded by Abu 'Ubaydah with the Christians of Hims in return for their agreement to pay jizyah. He also addresses the conquest of Halab and how Muslims concluded a peace treaty with its inhabitants. He says nothing about the pact of 'Umar. [56](#)

Contemporary scholars writing about the Muslim treatment of non-Muslims have not discussed the Pact of 'Umar nor paid any attention to it. For example, Hamidullah, in his book ‘Majmu'at al-Watha'iq al-Siyasiyya Lil'ahd al-Nabawi wa al-Khilafa al-Rashida’ describes in great detail a number of political documents pertaining to *treaties*, as well as *letters*, official and otherwise, issued by the Prophet and his successors. 'Umar's Pact, despite its importance, is referred to only briefly

[53](#): Al-Shafi'i, Abu 'Abd Allah Muhammad. 1993. “Kitab al-Umm”. Beirut: Dar al-Kutub al-'Ilmiyyah. Vol. 4 , pp. 280-85. The English translation of this document is quoted, with some modifications, from Tritton, A.S. 1930. “The Caliphs and Their Non-Muslim Subjects: A Critical Study of the Covenant of Umar”. London: Oxford University Press, pp. 12-16.

[54](#): Tritton, A.S. 1930. “The Caliphs and Their Non-Muslim Subjects: A Critical Study of the Covenant of Umar”. London: Oxford University Press, p. 12.

[55](#): Al-Shafi'i, Abu 'Abd Allah Muhammad. 1993. “Kitab al-Umm”. Beirut: Dar al-Kutub al-'Ilmiyyah. Vol. 4 , p. 293

[56](#): Ibn al-Athir, Abu al-Hasan 'Ali al-Shaibani. 1998. “al-Kamil fi al-Tarikh”. Beirut: Manshurat Muhammad Ali Baydun, Dar al-Kutub al-'Ilmiyyah. Vol. 2, p. 492.

in the final two pages of this book. Hamidullah quotes the text from the Tafsir of Ibn Kathir, with the observation that Ibn Kathir's text is 'without' reference [isnad]. [57](#) Since Hamidullah paid considerable attention to the peace treaties concluded during Umar's reign , it seems he was not convinced that this pact could be attributed to Umar, or he would have included it in his book along with the other treaties from 'Umar's era. In fact , Hamidullah expressed his doubts by inserting question Marks after some sentences he quoted from the text , for example:

We will not teach our children the Qur'an ?
 We will not speak their language ? ...
 And that which has been reported by the scholars ? [58](#)

Zaydan, in his famous book, "Akham al-Dhimmiyn wa al-Musta'minyn fi Dar al-Islam" [Baghdad: Maktabat al-Quds, 1982] , discusses in great detail the situation of non-Muslims in the Muslim state. He completely ignores the Pact of Umar, which suggests he concluded that it does not belong to Umar, especially as he provides many illustrations of Umar's benign attitude towards non-Muslims – examples that clearly contradict the terms of the so-called Pact of Umar. [59](#)

Umar issued peace treaties to conquered peoples, the normal procedure when Muslims conquered any land. This is clearly shown in Muslim literature. However, it seems evicent that Umar himself did not issue the document in question. The so called Pact of Umar was developed by unknown people during Muslim history to include conditions that have no relevance or link to the period of the early Muslim conquests. These conditions can be associated with situations of the dhimma, beginning at the time of Umar Ibn 'Abdul Aziz, Harun al Rashid, through the decrees of al-Mutawakkil. [60](#) In his attempt to identify the factors behind the Pact of Umar, Safi explains that shari'ah rules underwent *drastic revision*, beginning in the *eighth century* of Islam. This was a time of great political turmoil throughout the Muslim World. The Mongols had invaded Central and West Asia, inflicting *tremendous losses* on various dynasties and kingdoms and destroying the seat of the Abbasid caliphate in Baghdad. This coincided with the Crusaders gaining control of Palestine and the coast of Syria. In the west, Muslim power in Spain was being gradually eroded. Safi concludes that it was in this atmosphere of mistrust and suspicion that a set of provisions, attributed to an agreement between Caliph Umar and the Syrian Christians, appeared in treaties written by Ibn al-Qayyim. The origin of these provisions is therefore suspect, says Safi, although their intention is clearly to humiliate Christian dhimmis and to set them apart in dress code and appearance. [61](#)

A deteriorating sociopolitical and economic situation, resulting from the conflict in Egypt between the baghdad-based *Abbasids* and the *Tolonis* [the ruling group of muslims in Egypt] , was prevalent especially at the time of the Abbasid caliphate. In addition, the dhimmis in the state had achieved very high status and also controlled large economic and political segments of the country. [62](#) All these factors created an opportunity for the so-called Pact of Umar to be created as a real document attributed to 'Umar. Its aim seems to have been the curb the 'enormous' power of the dhimmis.

[57:](#) Hamidullah, Muhammad. 1987. "Majmu'at al-Watha'iq al-Siyasiyya Lil'ahd al-Nabawi wa al-Khilafa al-Rashida". Beirut: Dar al-Nafa's, pp. 756-57.

[58:](#) Ibid. , p. 757.

[59:](#) See: Zaydan, 'Abd al-Karim. 1982. "Akham al-Dhimmiyyn wa al-Musta'minyn fi Dar al-Islam". Baghdad: Maktabat al-Quds, pp. 6-640.

[60:](#) Al-Mutawakkil [d. 232 AH / 786 CE] decreed that Christians and Jews should wear yellow garments, not white ones; that when riding they should use *wooden stirrups*; that their churches should be destroyed; that the jizyah should be doubled ; that they should neither live in a Muslim quarter nor enter into Muslim employ. See: Sell, E. 1901. "Essays on Islam". Madras: SPCK Press, p. 187.

[61:](#) Safi, Louay M. "Human Rights and Islamic Legal Reform" , <http://lsinsight.org/articles/1999/human3.html>

[62:](#) Tritton, A.S. 1930. "The Caliphs and Their Non-Muslim Subjects: A Critical Study of the Covenant of Umar". London: Oxford University Press, pp. 22-25.

Umar's conduct towards the Dhimmis

The Qur'anic verse, "let there be no compulsion in religion" ⁶³, was the cornerstone of Muslim relations with Christians in religious matters during the time of the second caliph, Umar Ibn al-Khattab. It should be clearly stated that neither Muslim jurists, Muslim chronicles, nor orientalist past or present have provided any example of an incident in which a Christian was forced to embrace Islam. In fact, Muslim history and literature cite a large number of examples confirming freedom of religion at that time. For example, Abu Ubayd, in his book "*al-Amwal*", cites the story of Caliph Umar and his personal servant Astiq, a Christian. ⁶⁴ Umar frequently tried to convince Astiq to embrace Islam, but when he refused, Umar did nothing except recite the words of the Holy Qur'an, "let there be no compulsion in religion". ⁶⁵ Astiq says that when Umar was about to die, he freed Astiq from slavery and told him he could go wherever he wanted. This bears witness to Umar's spirit of tolerance: in spite of his immense power as leader of the Muslim nation, he propagated Islam only in the form of exhortation and persuasion. Beyond that, he made it clear that nobody should be compelled to change his or her religion. This tolerance is evident in the pacts and treaties that Umar concluded with conquered peoples. ⁶⁶

A large number of incidents reported in the Muslim juristic and historical literature illustrate Umar's favourable conduct towards dhimmis. He was well-known for instructing his army commanders to deal justly with non-Muslims. For example, it was reported that Umar [after he was stabbed by a dhimmi] told his would-be successor: "I commend to the Caliph after me that he conduct good treatment to those who are under the Prophet's protection. He should keep the covenant with them, fight those who are after them, and not tax them beyond their capacity". ⁶⁷ Umar's concern for the well-being of *dhimmis* was thus shown even on his death bed.

The manner of Umar's treatment of dhimmis was supported by his interpretation of the Qur'anic verse: "...Alms are for the poor and the needy..." ⁶⁸ According to Umar, the poor ["*al-fuqara*"] were the Muslims and the needy ["*al-masakin*"] were the dhimmis, including Christians and Jews. Umar's interpretation was promulgated after the following incident reported by Abu Yusuf:

Umar passed by the door of people at which there was a beggar who was an old blind man. Umar struck his arm from behind and asked, to which People of the Book do you belong? He said, I am a Jew. Umar said: " what has compelled you to begging?" The Jewish man replied, " I am begging in order to get money to pay for jizyah and my need, as I am old ". Then Umar held his hand, and took him to his house and gave him something and some money. Umar then sent him to the Muslim treasurer [*bayt al-mal*]. Umar instructed the treasurer to take care of this man and whoever was like him. Umar added that with this man we have not done justice to him as we took jizyah from him when he was young but we forsook him when he was old. Verily, the sadaqa is for the poor and destitute. And this one is a destitute from the People of the Book. So 'Umar exempted taking the jizyah from him. ⁶⁹

⁶³: Qur'an, al-Baqarah, v. 256

⁶⁴: Abu 'Ubayd, al-Qasim Ibn Sallam. 1986. "*Kitab al-Amwal*". Beirut: Dar al-Kutub al-'Ilmiyyah, p. 39

⁶⁵: Qur'an, al-Baqarah, v. 256

⁶⁶: In addition, the conduct of Caliph 'Umar towards the Christians who were in the Muslim state clearly demonstrated full adherence to the concept of freedom of religion.

⁶⁷: Al-Bukhari, Abu Abd Allah Muhammad, n.d. "*Sahih Al-Bukhari*" Riyadh: Dar Ishbiyya. vol. 2, part 4 p. 6 Ibn Adam, n.d. "*Kitab al-Kharaj*". Beirut: Dar al-Ma'rifa, pp. 65-68 ; Abu Yusuf, n.d. "*Kitab ul-Kharaj*". Beirut: Dar al-Ma'rifa, pp. 120-21 ; Al-Tabari, 1997. "*Tarikh al-Umam wa al-Muluk*". Beirut: Manshurat Muhammad 'Ali Baydun. Dar al-Kutub al-'Ilmiyyah. Vol. 2, p. 560 ; Ibn Hajar, 1997. "*Fath al-Bari Sharh Sahih al-Bukhari*". Riyadh and Damascus: Dar al-Salam and Dar al-Fayha', Vol. 6 , p. 322, Haidh no. 3126

⁶⁸: Qur'an, al-Tauba, v. 60.

⁶⁹: Abu Yusuf, n.d. "*Kitab ul-Kharaj*". Beirut: Dar al-Ma'rifa, p. 126 ; Abu Yusuf. 1979. "*Kitab ul-Kharaj* [Islamic Revenue Code], trans. 'Ali, A. Lahore: Islamic Book Centre , p. 254

Finally, Umar combined words with deeds when he sanctioned blood retaliation [qisas] in favour of an Egyptian Coptic man against Muhammad, the son of 'Amr Ibn al-'As, ruler of Egypt. Umar uttered these historic words to 'Amr: "O, 'Amr, how could you have enslaved the people, when their mothers have born them free". ⁷⁰ This incident occurred when the son of 'Amr hit the Coptic man, saying: "I am the son of the honoured people". The Copt reported this to Umar, who did not hesitate to recall Amr and his son from Ehypt, and he told the Copt to hit 'Amr's son back". ⁷¹

The humiliating conditions enumerated in the so-called Pact of Umar are utterly foreign to the mentality, *thoughts* and *practice* of this caliph. It seems certain that the chain of narrators supporting this attribution includes untrustworthy individuals. The text's main defects are that it contains a nameless city ; it uses words alien to those prevailing at the time of Umar, such as *zunnar*, it prohibits teaching the Qur'an ; and it is not clear with whom the treaty was concluded. These deficiencies support the contention that Umar was not the originator of this document. In addition the remarkable care and concern displayed in Umar's attitude to dhimmis confirms the rejection of the so-called Pact of Umar as attributable to Caliph Umar Ibn al-Khattab. The Pact of Umar was not the work of Umar Ibn al-Khattab, and the conditions of the treaty issued to the banu Taghlib tribe did not originate with him. During his reign Umar issued several pacts and treaties, none of which was in the same style as the documents under discussion, nor did they contain similar conditions.

⁷⁰: Ibn al-Jawzi, Abu al-Farai. 2001. "Sirat wa Manaqb Amir al-Mu'minin Umar Ibn al-Khattab". Cairo: Dar al-Da'wah al-Islamiyyah, p. 89

⁷¹: Ibid. , p. 89.