‘Umar Assurance of Safety to the People of Aelia
and Executive Aspect of Muslim Concept of Sovereignty

By
Dr. Aminurraasyid Yatiban
Fatimatumzahra Abd Rahman

Abstract
This paper attempts to investigate executive aspect of Muslim concept of sovereignty in light of a historical and remarkable document, namely ‘Umar Assurance of Amān (Safety) to the people of Aelia. This document was creatively initiated by ‘Umar al-Khattab (13-23 AH/ 634-644 CE), the second Muslim Caliph during the first Muslim conquest of Islamicjerusalem or also known as Aelia, purposely to determine future relationships among the people of the region. Since ‘Umar Assurance was in the heart of Muslim government during that time, it seems vital for the researcher to investigate how did ‘Umar implement executive aspect of Muslim sovereignty over the people of the ‘newly-conquered’ region of Aelia. Indeed, the executive body of the Muslim government represents an essential part within the societal affairs and organisation of the region. This paper also endeavours to examine the responses of local inhabitants to the new Muslim rulers. This is very exciting as the inhabitants of the region consist of multiracial and multireligious communities, namely Christians, Jews and others with Christians were still remaining the majority.

Keywords:  ‘Umar Assurance of Safety, Islamicjerusalem, sovereignty, executive aspects, multireligious communities.
**Introduction**

This paper attempts to investigate executive aspect of Muslim concept of sovereignty in light of a historical and remarkable document, namely ʿUmar Assurance of *Amān* (Safety) to the people of Aelia. This document was creatively initiated by ʿUmar al-Khattab (13-23 AH/ 634-644 CE), the second Muslim Caliph during the first Muslim conquest of Islamicjerusalem or also known as Aelia, purposely to determine future relationships among the people of the region. Since ʿUmar Assurance was in the heart of Muslim government during that time, it seems vital for the researcher to investigate how did ʿUmar implement executive aspect of Muslim sovereignty over the people of the ‘newly-conquered’ region of Aelia. Indeed, the executive body of the Muslim government represents an essential part within the societal affairs and organisation of the region. This paper also endeavours to examine the responses of local inhabitants to the new Muslim rulers. This is very exciting as the inhabitants of the region consist of multiracial and multireligious communities, namely Christians, Jews and others with Christians were still remaining the majority.

**An Analysis on the First Significant Part of ʿUmar Assurance of Safety to the People of Aelia**

The researcher argues that the ʿUmar Assurance of safety to the people of Aelia implicitly presented the basic understanding of the Muslim concept of executive sovereignty over the people.

 Cooke (2005) states that the assurance of safety (Amān) which the servant of God (the second Caliph) ʿUmar (Ibn al-Khattāb), the Commander of the Faithful, has granted to the people of Aelia. 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…ʿ(al-Ṭabarî 1997: (2) 449, El-ʿAwaisî 2005: 72)

It can be seen that the executive sovereignty of ʿUmar over the people of Islamicjerusalem has been implicitly highlighted in the Assurance. On the one hand, the word *Amīr al-Muʾminīn* (Commander of the Faithful) indicated that he had authority over the Muslims as he was the Caliph for the whole...
of the Muslim territories during that time. Thus, he had the right to implement the concept of sovereignty over all Muslims since he was the successor of the Prophet as mentioned in the Qur’ān: "O believers obey Allāh and obey the Messenger and those in authority among you…” (4:59).

On the other hand, the researcher found that there was also an indication that he had sovereignty over the non-Muslim inhabitants of Islamicjerusalem. This can be seen from the use of the word 'aṭā’ (granted), which refers to ʿUmar. Although this is only one short word, the researcher argues that it is imbued with deep meaning. This is due to the fact that only the one with authority could make this Assurance meaningful. In other words, if the Assurance had been given during that time by other individuals such as Heraclius (610-641 CE/ 13 BH-20 AH) or Sophronius, it will not have been effective because they no longer had sovereignty over the people of Aelia. In short, ʿUmar had established his sovereignty over the non-Muslims of Islamicjerusalem by virtue of the Assurance that had been accepted by them.¹

Furthermore, it can be found that ʿUmar used the word ʿAbd Allāh’ (a servant of Allāh) to address himself. Explicitly, this can be understood how humble ʿUmar was as an individual. His simplicity and humility of appearance and manners could also be seen during his arrival at the Walled City of Islamicjerusalem to receive in person the submission of the City (Abū Munshār 2003: 135). However, the researcher argues that the word could also bear a meaning beyond the usual interpretation. It could possibly show the foundation of the Muslim executive concept of sovereignty. On the one hand, ʿUmar could possibly intend to emphasize the importance of the principle of equality in accordance with the core Muslim teachings. Accordingly, although ʿUmar had executive power over the people of Islamicjerusalem, he himself and his subjects had equal rights before the law. By the same token, while the executive had the rights to execute...

¹ The researcher has not found any historical account that reports any kind of resistance from the people of Aelia against that Assurance of safety.
jurisdiction over his subjects, the people of Islamicjerusalem also had their rights that needed to be respected such as rights of expression, citizenship rights, freedom of beliefs and basic human rights.

On the other hand, the Assurance could also indicate that the sovereignty that ʿUmar had had was executive sovereignty which could also be defined as limited sovereignty (Zaydān 1970: 25). What, then, are the things that could limit the sovereignty of ʿUmar over the people of Aelia? The researcher argues that Muslim core sources, namely the Qurʾān and Sunnah only, could limit the sovereignty, possessed by a Muslim ruler such as ʿUmar. In other words, if there is anything in the Assurance, which is not in accordance with the core Muslim teachings, it would be considered ineligible. The researcher could not find a single thing within the Assurance that goes against the core Muslim sources. Even a historical studies on the various versions of ʿUmar's Assurance, conducted by Abū Munshār, proved that the authentic contents throughout the Assurance were appropriately fitting the theoretical framework of the Muslim treatment of others except for the exclusion of Jews (2003 :136, 147-148, 160). Although al-Tabarī's (d. 310 AH/ 922 CE) version includes the exclusion of the Jews from residence in the region, El-ʿAwaisī's analytical and critical study has proved that, this condition is indefensible, '…these are the products of later historical periods, resulting from socio-political circumstances that differed greatly from the time of the first Muslim conquest of Islamicjerusalem.' (El-ʿAwaisī 2005: 103).

Thus, the researcher agrees with El-ʿAwaisī (2005: 119) who argues, that exclusion not only could not be proven historically, but is also unacceptable to the core Muslim teachings. This is because exclusiveness contradicts the creative inclusive vision of Islamicjerusalem, which is based on Qurʾānic sources. For instance, Allāh says, " We delivered him and (his nephew) Lūt (and
directed them) to the land that We have *barakah* for everyone in the universe” (21:69-71). Undoubtedly, 'everyone in the universe' here does not exclusively mean one nation or the Muslim nation only; it includes all nations inclusively regardless of their race, belief and colour. The content of the Assurance also seems justifiable as it has been witnessed by four companions of Prophet Muhammad, namely, Khālid Ibn al-Walīd, Mu‘āwiya Ibn Abī Sufyān, ʿAmr Ibn al-Ās and ʿAbd al-Rahmān Ibn ʿAwf, and possibly other companions as well with no objection from them (al-Tabarī 1997: (2) 449). If there is anything against the core Muslim teachings, would have been objected to by them or other Muslims since Muslims during that time were known for their bravery in correcting anything said against the Muslim core sources, even if this came from the ruler. For instance, ʿUmar himself was corrected by an ordinary Muslim woman when he suggested to his people not to inflate in paying *mahr* (dowry). Instantly, the woman reminded him of a Qur'ānic verse (4:20), and ʿUmar finally admitted his mistake after deliberating the woman's argument. Therefore, it can be concluded that the basic understanding of the Muslim concept of sovereignty over the people of Islamicjersalem could possibly be derived from the ʿUmar Assurance of Safety to the people of Aelia.

**An Analysis on the Second Significant Part of ʿUmar Assurance of Safety to the People of Aelia**

In addition, there is another significant part of the Assurance that shows how the Muslim sovereign approached people from other backgrounds. '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 exception), and for the rest of its religious community...' (al-Tabarī 1997: (2) 449, El-ʿAwaisī 2005: 72) This kind of statement emphasizes how ʿUmar appreciated the different lives of others particularly those of the multi-religious communities. The researcher argues that his attitude towards others was not only a manifestation of his personal approach, but was also
strongly influenced and guided by the core Muslim teachings. This is nearly similar to the Prophet Muhammad's approach in establishing a relationship with the Jews in Yathrib (Madīnah). Ibn Hishām (d. 218 AH/ 833 CE) (1999: (2) 108) cites the early part of the Madīnah Constitution:

"In the name of Allāh, the most compassionate and merciful. This is a pledge given by Muhammad to the believers and Muslims of Quraysh, Yathrib, and those who followed them, joined them, and fought with them..."

Apparently the Jews in Madīnah did accept the constitution and they were able to freely practise their religious rituals in Madīnah. Implicitly, the Muslim rulers' approach in dealing with others they had conquered can highlight the objective behind their having sovereignty over them. The researcher argues that the Muslim objective in conquering Islamicjerusalem and obtaining sovereignty over its people was to ensure their safety and to inculcate justice among them. In other words, the power to rule the people of Islamicjerusalem, obtained through the conquest, was purposely utilised to return their rights to them and develop a secure environment for their lives.

The first Muslim conquest of Islamicjerusalem was remarkable in that it witnessed notable changes with regard to the implementation of the Muslim concept of sovereignty. The researcher agrees with Fātimatuzzahrā' ʿAbd Rahmān's argument that the change occurring in Islamicjerusalem regarding the sovereignty during that time can described as radical (ʿAbd Rahmān 2004: 40-41). This was due to the fact that the sovereignty held by the Roman Emperor was transferred to the Muslims, who were committed to realizing the Muslim concept of sovereignty. One can argue; to what extent did the inhabitants of Islamicjerusalem really need to be governed by Muslim sovereignty? Why did Muslims strive to change the existing sovereign and introduce their concept of sovereignty? What were the benefits to the people in this change?

It is important for the researcher to briefly examine the communal situation of Islamicjerusalem under the Byzantine rulings in order to discover whether the people really needed to change their
sovereign. Aelia had been ruled by the Byzantines since 63 BCE up until the Muslim conquest. According to Runciman (1991: 6), under the rule of the Byzantines, Christians had become the majority group among the communities in Islamic Jersalem. This situation had come about due to the policy of the Byzantine Emperors who had attempted to foster Christianity throughout their territory. Goddard (2000: 12) claims that ‘Part of the reason for Constantine’s decision to accept Christianity himself was his hope that the Christian religion might serve as a focus for unity and thus bring about renewed strength within the empire.’ However, the Christianity that was employed to intentionally unify the people of Islamic Jersalem did not work as expected. Māher Abū Munshar (2003: 125) quotes Abū ‘Iyān’s claim that, even though they had a similar religion, they were divided into various groups and sects due to ‘instability in the religious life of the Christians in Aelia.’ This instability, which came about due to disagreements between the Monophysites and the Greek-Orthodox, prompted the Byzantine Emperors such as Heraclius to use their power in imposing their own beliefs over all the Christians in the region. Runciman (1991: 6) states that Christianity had been forcefully utilised as a ‘unifying force to bind all the subjects of the region to the government’. Unfortunately, this aggressive approach could not resolve the problem but only caused more tensions and pressures.

On the other hand, under the Byzantine rulers, the Jews had also experienced persecution and exclusion. Wilkinson (2002: 94-95, Brown 1989: 174) claims that this can be seen from the Byzantine policies towards the Jewish communities based on Hadrian’s decree of expelling and discriminating the Jews. Goddard (2000: 8) elaborates on this situation:

‘... at the start of the fourth century, Christianity became the official religion of the Roman empire, the power of the state also began to be used against Jews, so that the burning of synagogues was sanctioned and the forced conversion of Jews to Christianity was legitimised.’

In short, the situation for the inhabitants of Islamic Jersalem was one full of conflict, clashes and disagreements, accompanied by maltreatment for those who did not follow the empire’s beliefs
The researcher argues that the intolerant approach employed by the Byzantines affected the existence of others, who suffered greatly from the forceful and exclusive government policy.

The researcher argues that the viciousness of the Byzantine emperors may have been caused by their understanding which embraced the absolutist concept of sovereignty. They followed the concept that the Emperor was the highest reference to rule and he could decide on every single thing without limitation. Hence, it seems reasonable to accept ‘Umar's statement when he put the Byzantines' position at the same level with the robbers since the Byzantines had occupied the land and confiscated the people’s wealth, in addition to denying them their rights and regulating persecution. Therefore, in the text of the ‘Umar assurance itself, there is a clear condition that the inhabitants of Aelia should expel the Byzantines and robbers from the region. 'The people of Aelia… must expel the Byzantines and the robbers.' (al-Tabarî 1997: (2) 449, El-'Awaisî 2005: 73).

El-'Awaisî (2005: 78) argues that the common reason which had driven ‘Umar to put the Byzantines and robbers in a similar category was that they were all thieves since the Byzantines had occupied the land and appropriated its wealth, and the robbers had stolen people’s belongings. In short, the inhabitants of Aelia needed a radical change, that is, the implementation of a more appropriate and just concept of sovereignty, far from tyrannical Byzantine oppression, leading to a peaceful environment and a harmonious situation. The researcher agrees with Fâtimatuzzahrâ‘Abd Rahmân (2004: 41) that the Muslims’ serious efforts to bring about a change was justifiable, striving as they did to liberate the people from total obedience being treated with consideration in the Muslim executive sovereignty, that was based on creative inclusive vision and guided by core Muslim teachings. Armstrong (1997b: 18-19) argues that, '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.' Therefore, the researcher argues that the inhabitants of Islamic Jerusalem were really in need of liberation from their oppressions and
the persecutions that denied them fundamental human rights. They really needed alternative rulers who would govern them with the inclusive vision of Islamic jerusalem.

Furthermore, the researcher argues that possessing power was of crucial importance for implementing the inclusive vision of Islamic jerusalem. This necessitated the establishment of sovereignty over the people with in depth understanding of the vision. Although one could argue that expelling the Byzantines from the region was not totally in line with the Muslim inclusive vision, it seems to the researcher that this kind of decision was reasonable as the inclusiveness of Islamic jerusalem could never make a compromise with oppressors and thieves. El-‘Awaisī (2005: 21) argues that both groups needed to be expelled since their presence would cause instability and problems within the communities in Aelia. These problems might lead to negative implications for the efforts to establish peace and stability within the region. Moreover, Muslims gave an option to the people of Aelia, either to stay in the region under Muslim sovereignty or to leave with the Byzantines away from Muslim rule. Muslims did not intend to force people to live under their sovereignty; they even gave them a fair choice in making their decision. The Muslim attitudes towards those who opted to depart with the Byzantines could be described as 'wonderful' since they attempted to make them safe from any kind of aggression along their way to their destination outside the region. 'As for those who will leave, their lives and possessions shall be safeguarded until they reach their place of safety…'(al-Tabarī 1997: (2) 449).

In addition, the researcher argues that implementing the Muslim concept of sovereignty was rather important in Islamic jerusalem in that situation, since this could play an influential role in enhancing efforts to reshape the foundation of the future community and provide defensible protection for people. Furthermore, the researcher argues that the final part of the assurance highlights a distinguished feature of the Muslim concept of sovereignty. 'The contents of this assurance of safety are under the covenant of Allāh, 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 …’ (al-Tabarī 1997: (2) 449, El-‘Awaisī 2005: 73-74). In other words, the contents of the Assurance were under the protection of Allāh. As such, all other parties mentioned, which include the Prophet, the Caliphs and the faithful are responsible for ensuring that all its conditions are respected and applied effectively.

Implicitly, all parties have their responsibilities to implement the Muslim concept of sovereignty. While, the Muslim rulers were responsible for executing command and making their subjects safe, the people had responsibilities for utilising their controlling rights to ensure that the rules, terms and conditions were well-followed and nicely implemented. The researcher argues that Muslim rulers’ strong and continuous commitment to preserve the presence of others in Islamic jerusalem was a significant impact of this final part of the Assurance.

**Conclusion**

From the perusal of the above analysis, the researcher concludes that ‘Umar Assurance of Amān (Safety) to the people of Aelia has remarkable outlines regarding the implementation of concept of sovereignty over the inhabitants of the region. While, this assurance emphasizes on the role of the highest authority, it has clearly defined significant limits and also highlights the guaranteed rights of the people regardless of their religions, races, colours and background. This has undoubtedly shown why people of Aelia responses were encouraging towards the newly-coming ‘conquerors’, far from what might be expected by them before the first Muslim conquest of the region.

**Bibliography**


