

Medieval Sourcebook: Pact of Umar, 7th Century

The Status of Non-Muslims Under Muslim Rule

After the rapid expansion of the Muslim dominion in the 7th century, Muslims leaders were required to work out a way of dealing with Non-Muslims, who remained in the majority in many areas for centuries. The solution was to develop the notion of the "dhimma", or "protected person". The Dhimmi were required to pay an extra tax (the jizya), but usually they were unmolested. This compares well with the treatment meted out to non-Christians in Christian Europe. The Pact of Umar is supposed to have been the peace accord offered by the Caliph Umar to the Christians of Syria, a "pact" which formed the patten of later interaction.

We heard from 'Abd al-Rahman ibn Ghanam [died 78/697] as follows: When Umar ibn al-Khattab, may God be pleased with him, accorded a peace to the Christians of Syria, 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], Commander of the Faithful, from the Christians of such-and-such a city. When you came 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 neighborhood, new monasteries, Churches, convents, or monks' 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 passersby and travelers. 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 bide 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 it.

We shall show respect toward 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, the turban, footwear, or the parting of the hair. We shall not speak as they do, nor shall we adopt their kunyas.

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 clip the fronts of our heads.

We shall always dress in the same way wherever we may be, and we shall bind the zunar round our waists

We shall not display our crosses or our books in the roads or markets of the Muslims. We shall use only clappers in our churches 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 [dhimma], and we become liable to the penalties for contumacy and sedition.

Umar ibn al-Khittab 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," and "Whoever strikes a Muslim with deliberate intent shall forfeit the protection of this pact."

from Al-Turtushi, Siraj al-Muluk, pp. 229-230.

[This was from a hand out at an Islamic History Class at the University of Edinburgh in 1979. Source of translation not given.]

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Another Version of the same Pact of Umar

THE Pact of Umar is the body of limitations and privileges entered into by treaty between conquering Muslims and conquered non-Muslims. We have no special treaty of this sort with the Jews, but we must assume that all conquered peoples, including the Jews, had to subscribe to it. Thus the laws cited below and directed against churches apply to synagogues too. The Pact was probably originated about 637 by Umar I after the conquest of Christian Syria and Palestine. By accretions from established practices and precedents, the Pact was extended; yet despite these additions the whole Pact was ascribed to Umar. There are many variants of the text and scholars deny that the text as it now stands could have come from the pen of Umar I; it is generally assumed that its present form dates from about the ninth century.

The Pact of Umar has served to govern the relations between the Muslims and "the people of the book," such as Jews, Christians, and the like, down to the present day.

In addition to the conditions of the Pact listed below, the Jews, like the Christians, paid a head-tax in return for protection, and for exemption from military service. Jews and Christians were also forbidden to hold government office. This Pact, like much medieval legislation, was honored more in the breach than in the observance. In general, though, the Pact increased in stringency with the centuries and was still in force in the 20th century in lands such as Yemen. The Pact is in Arabic.

In the name of God, the Merciful, the Compassionate!

This is a writing to Umar from the Christians of such and such a city. When You [Muslims] marched against us [Christians]; we asked of you protection for ourselves, our posterity, our possessions, and our co-religionists; and we made this stipulation with you, that we will not erect in our city or the suburbs any new monastery, church, cell or hermitage; that we will not repair any of such buildings that may fall into ruins, or renew those that may be situated in the Muslim quarters of the town; that we will not refuse the Muslims entry into our churches either by night or by day; that we will open the gates wide to passengers and travellers; that we will receive any Muslim traveller into our houses and give him food and lodging for three nights; that we will not harbor any spy in our churches or houses, or conceal any enemy of the Muslims. [At least six of these laws were taken over from earlier Christian laws against infidels.]

That we will not teach our children the Qu'ran [some nationalist Arabs feared the infidels would ridicule the Qu'ran; others did not want infidels even to learn the language]; that we will not make a show of the Christian religion nor invite any one to embrace it; that we will not prevent any of our kinsmen from embracing Islam, if they so desire. That we will honor the Muslims and rise up in our assemblies when they wish to take their seats; that we will not imitate them in our dress, either in the cap, turban, sandals, or parting of the hair; that we will not make use of their expressions of speech, nor adopt their surnames [infidels must not use greetings and special phrases employed only by Muslims]; that we will not ride on saddles, or gird on swords, or take to ourselves arms or

wear them, or engrave Arabic inscriptions on our rings; that we will not sell wine [forbidden to Muslims]; that we will shave the front of our heads; that we will keep to our own style of dress, wherever we may be; that we will wear girdles round our waists [infidels wore leather or cord girdles; Muslims, cloth and silk].

That we will not display the cross upon our churches or display our crosses or our sacred books in the streets of the Muslims, or in their market-places; that we will strike the clappers in our churches lightly [wooden rattles or bells summoned the people to church or synagogue]; that we will not recite our services in a loud voice when a Muslim is present; that we will not carry Palm branches [on Palm Sunday] or our images in procession in the streets; that at the burial of our dead we will not chant loudly or carry lighted candles in the streets of the Muslims or their market places; that we will not take any slaves that have already been in the possession of Muslims, nor spy into their houses; and that we will not strike any Muslim.

All this we promise to observe, on behalf of ourselves and our co-religionists, and receive protection from you in exchange; and if we violate any of the conditions of this agreement, then we forfeit your protection and you are at liberty to treat us as enemies and rebels.

Source

Jacob Marcus, *The Jew in the Medieval World: A Sourcebook, 315-1791*, (New York: JPS, 1938), 13-15

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