

A Model Solution for Al-Quds: Justice & Umar's Assurance of Safety

The city of al-Quds has always been a matter of debate between Jews, Christians and Muslims throughout the centuries. The reason for this is its great sanctity attributed by these three congregations due to the occurrence of important events in the region. The history of the city, therefore, is the history of a periodical handover between Jews, Christians and Muslims, and between cruelty and peace. For the last century, the city has been witnessing the period of handover and cruelty again.

The history of al-Quds extends back to 3500 BCE, and the first known inhabitants are the Canaanites. Then Prophet and King David took control over the city and established the Kingdom of Israel in 1000 BCE. Then the Babylonian Empire occupied the region until Alexander the Great took over in 332 BCE. This continued until the reign of Umar b. Khattab which started in 637 and marked a new period in the unfortunate history of the city and the inhabitants until that time. By the time of Umar, the control over the city had been exchanged between the Jews, pagans and the Christians, resulting in the expulsion of the other when one came to power. Accordingly, the Jews were not allowed to enter into the city in the period of the Roman Empire. When Umar integrated al-Quds to the then Islamic state and took control over the region, he allowed the Jews to reenter the city after centuries of prohibition put by the Christians. In this period, the people of different religions were granted religious freedom and al-Quds became a cradle of civilizations under Islam's just rule for centuries. This period of peaceful coexistence continued for centuries till 1917, if the short period of Crusaders between 1099 and 1187 is left out.

The first just rule in al-Quds and peaceful coexistence of Jews, Christians and Muslims came as a result of a small document which is called Umar's Assurance of Safety. At the dawn of the Islamic civilization and state, Umar b. Khattab became the second caliph (634-644) after the death of Prophet Muhammad ﷺ following Abu Bakr as-Siddiq (632-634). During Umar's time, there were a number of significant conquests especially towards the northwest and northeast of Medinah. Among these, Umar's conquest of al-Quds in 637 marked an important point not only for the fate of the infant Islamic state and society, but also for the other people living in the region at that time and the region itself as well. In the wake of the conquest, Umar's prominent Assurance of Safety (*Eman*) emerged which is a declaration from Umar to the non-Muslim residents of the city, particularly the Christians and the Jews, granting them an assurance of safety "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." [1] This document has become the symbol of Islam's pacific understanding of international and social relations.

There are some misunderstandings regarding this document as well. Umar's Assurance of Safety to the people of Aelia [2] is most of the time qualified as a 'pact'. This can be true only if it is used in the meaning of *ahid* which is something unilateral, not of *muâhede* which is bi- or multilateral. The inclination to call it a 'pact' in the latter sense is incorrect, for we cannot encounter with anything neither a name nor a signature concerning the other party. Another problematic issue regarding the text of the Assurance is that we have various versions of it which were transferred or cited by a number of people such as Yakubî, Ibn-ul Bitrik and Al-Taberî –whose text we handle in this text-, Muhammad b. Umar Al-Vakidî and lastly Christian Orthodox Patriarchate. For this reason, there are many people who do not accept the legitimacy of the text to them which we can never be sure about. There is another tendency which is just the opposite; to accept the text without any interrogating. These are the two extremes in approaching this important text. What is to be done is to compare the content of the text with the content of Islam and other related practices. Through this methodology, we can better understand the imperfections of any dubious historical text. Within this scope, when this method is applied to the text of Assurance, we see that there is an inconsistency between the text –which neglects the Jews in the city- and the Islamic approach to the non-Muslims. For Islam, Jews and Christians belong to the same group of people called *ahl-i kitab*. Which means that the legal provisions adjudicated to the Christians are completely the same with those of Jews. Although Jews are not mentioned in the text, they were included in this Assurance of Safety in practice. Because Islam accepts diversity and pluralism as the main rule of human life and one of the *sunnatullah* in the universe, and rejects the dominance of any specific ethnicity or religion over the other. Hence, this Assurance emphasizes this vision of Islam, and attempts to create a peaceful pluralist society.

In the Assurance, the one basic issues stand out: the attempt to create a new society and environment and regulate them on the basis of Islamic understanding of peaceful coexistence. Umar granted an assurance of security for the lives, properties and beliefs of all the people living in the city regardless of

their identities. While Jews and Christians reciprocally destroyed the holy places of one another when taken control over the other, Islam granted religious freedom to the people as witnessed in the text: "Their churches will not be inhabited (taken over) nor destroyed (by Muslims)" [3]. Beyond this, Umar himself and the Muslims in the city cleaned the holy places of the Jews dirtied and used as a dump by the Christians. They would not be compelled to convert to Islam as well. Concisely, this Assurance explains the responsibilities of the Muslim administration towards the people of Aelia, and the duties of the latter for the former. The first and foremost of these duties of the *dhimmis*[4] is to give *jizyah*[5]. The other is to obey the rules laid down by Muslim administration to be able to preserve the stability and peace in the region. It is obvious that this tax did not constitute a burden for the non-Muslim population.

Umar's Assurance of Safety allowed the non-Muslims of al-Quds freedom in every sense of the word. More specifically, it is the first and most prominent guarantee of religious freedom not only in the history of al-Quds, but also in world history. For the next centuries, it constituted the basis of Muslim rule in the region and the long-awaited pacific life. But in the twentieth century, with the arrival of the Zionists to the region, despite the harsh opposition of Muslims, Jews and Christians together, the period of peace was gradually halted leaving its place to intolerance, exclusion of the other, suppression and everlasting conflict between the people who once peacefully coexisted. The reason for the current century-old ongoing atrocities is mostly the total recession of justice from the region, the exclusion of the local people from where they live for centuries, the constriction of the rights of the people which are not represented by the illegitimate ruling authority. Taking over the country illegally, exiling the Palestinians, building walls between the people, seizing the Muslims' private properties, houses and lands, and the recent announcement of assigning the capital status of Israel to al-Quds are all practices which are just the opposite of what the Muslims had done when they took control of the city. For the last century, al-Quds has been witnessing one of the cruelest periods of its history again. The only thing that the city and the people living in the region need is justice. So justice is both the remedy for the current problems and the one key to possess the city in the long-run.

[1] See. Abd al-Fattah El-Awaisi (trns.), "Umar's Assurance of Aman to the people of Aelia (IslamicJerusalem): A Critical Analytical Study of al-Tabari's Version".

[2] Aelia is the short Arabicized version of 'Aelia Capitolina' which was the name given to al-Quds by Romans during Roman Empire. See. Ömer Faruk Harman, "Kudüs", *Diyanet İslam Ansiklopedisi*, XXVI, 324.

[3] Abd al-Fattah El-Awaisi, *ibid.*

[4] The non-Muslim people living in the Muslim lands.

[5] The tax which is paid by the *dhimmis* in exchange for the assurance of safety. But this has conditions. For instance, poor people do not have to give and the amount is lesser than the previous tax burden charged by Byzantine. And in some cases, lesser than the various taxes that Muslims pay.