ONE

Conquest history and its uses

The literary material upon which one must base a seventh- and eighth-century history of the Jazira and Mosul generally dates from the ninth and tenth; with the exception of al-Azdī's history, it was also written by non-Jazirans and non-Mosulis. To use this material, which is clustered in accounts concerned with the conquests of the 630s and 640s, the two civil wars of the 650s and 680s, and the Abbasid Revolution of 750, we need to know something of how it came together and how it was understood. In general terms, the approach taken here is thus source and form critical, and if varieties of source and form criticism are hardly new to the field,[1] the implications of much of this work continue to be wished away. In part this is because the criticism has more frequently served to undermine credulous reconstructions of the tradition than it has to erect sound reconstructions of its own. It is positive results that most historians want, however: Dennett's views on early Islamic taxation have staying power not so much because his criticisms of Becker were fatal, but rather because his reconstructions were put so boldly and concisely; Dennett was (and remains) extremely useful.[2] If it is uncharitable to say that source and form criticism has been its own worst enemy, it remains fair to say that its tools must now be handled differently.

This is what I propose to do. In the following I shall play the role of critic and architect: in criticising conquest accounts, one can begin to describe not only the emergence of the historiographic tradition, but something of the social and political milieu in which it emerged; as we shall see, this was a competitive and (sometimes) fractious milieu of local and imperial élites.

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[1] For two recent – and quite different – examples, see N. Calder, *Studies in Early Muslim Jurisprudence* (Oxford, 1993); and Albrecht Noth, *The Early Arabic Historical Tradition: A Source-critical Study* (Princeton, 1994; second edn, in collaboration with Lawrence I. Conrad (originally published 1973)).

[2] See D. C. Dennett, *Conversion and the Poll Tax in Early Islam* (Cambridge, MA, 1950). Cf. A. Noth, 'Die literarisch überlieferten Verträge der Eroberungszeit als historische Quellen für die Behandlung der unterworfenen Nicht-Muslime durch ihre neuen muslimischen Oberherren', in T. Nagel *et al.*, eds., *Studien zum Minderheitenproblem im Islam I* (Bonn, 1973), pp. 282–314; and K. Morimoto, *The Fiscal Administration of Egypt in the Early Islamic Period* (Kyoto, 1981), Introduction.

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2   Empire and Elites after the Muslim Conquest

We can begin with a chapter in the *Kitāb al-Kharāj* attributed to the jurist
Abū Yūsuf (d. 182/798), a legal work concerned primarily with taxation issues
and their origins in the conquest period.[3] The chapter in question, 'On the
land of Syria and the Jazira', is in fact only about the latter, and it opens with
the work's conventional response to the caliph ('O Commander of the
Faithful, concerning what you asked about . . .'), and then unconventionally
– and somewhat apologetically – turns to an invaluable description of how our
author worked. To answer questions about conquest history, Abū Yūsuf typ-
ically relies on *fiqh* – here knowledge of the past transmitted more or less con-
tinuously by reputable authorities; but in this section he relies instead on an
anonymous native of the Jazira, who himself disclaims any such transmitted
knowledge:

I have written to a learned man from the Jazira (*shaykh min ahl al-Jazīra*)[4] who pos-
sesses knowledge (*ʿilm*) about the matter of the conquests of the Jazira and Syria,
asking him about this. He wrote me [the following]: 'May God preserve you and your
health! I have compiled for you what I happen to know about Syria and the Jazira (*mā
ʿindī min ʿilm al-Shām wa'l-Jazīra*);[5] it is nothing that I learned orally (*ḥafiẓtuhu*) from
any jurists (*fuqahāʾ*), nor from anybody who can provide it with a chain of authorities
to any jurists (*wa-lā ʿamman yusniduhu ʿan al-fuqahāʾ*). It is merely one of many reports
from one who can be described as possessing knowledge in this matter (*ḥadīth min
ḥadīth man yūṣaf bi-ʿilm dhālika*), and I have not asked any of them [i.e. the jurists] to
provide a chain of authorities for it.

Our *shaykh* is unsure of what he knows. Precisely how good is his knowledge?
Two pages later he suggests part of an answer. The commander of the con-
quering armies of the Jazira, ʿIyāḍ b. Ghanm, is said to have imposed a uni-
versal capitation tax that consisted of one dīnār, two *mudd*s of wheat and two
*qiṣṭ*s of oil and vinegar.[6] Our authority cannot vouch for the reliability of the
report, in part for reasons already stated (he does not have access to formally
transmitted accounts), but also because he 'was not told if this [arrangement]
was based on a *ṣulḥ* text, on a practice that I can verify (*amr uthbituhu*), trans-
mission from jurists, or an authoritative chain of authorities (*isnād thābit*)'.[7]
What he means by this is clarified on the same page. Discussing a distinction
between city and rural folk introduced by the early caliphs (*fa-ammā man*

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[3] Abū Yūsuf, *Kitāb al-Kharāj* (Būlāq, 1302). As will become clear, I have learned a great deal
from Calder's discussion of Abū Yūsuf (*Studies*, chapter 6; for Jaziran material, pp. 137ff.), but
I remain unpersuaded by his redating and reattribution of the text. For some criticisms, see
M. Q. Zaman, *Religion and Politics under the Early ʿAbbāsids: The Emergence of the Proto-
Sunnī Elite* (Leiden, 1997), pp. 91ff.; and cf. H. Motzki, 'The prophet and the cat: on dating
Mālik's *Muwaṭṭaʾ* and legal traditions', *JSAI* 22 (1998), pp. 18–83.

[4] Abū Yūsuf, *Kitāb al-Kharāj*, p. 39; I follow the reading in the Taymūriyya manuscript; see also
the edition by I. ʿAbbās (Beirut and Cairo, 1985), p. 136.

[5] So the Salafiyya edition (Cairo, 1927); ʿAbbās's edition reads *min al-ʿilm bi-amr al-Jazīra wa'l-
Shām*.

[6] In early Islamic Iraq, a *mudd* was approximately 1.05 litres (of dry measure), and a *qiṣṭ* between
1.07 and 2.14 kg. (W. Hinz, *Islamische Masse und Gewichte* (Leiden, 1955), s.vv.).

[7] Abū Yūsuf, *Kitāb al-Kharāj*, p. 41.

waliya min khulafāʾ al-muslimīn),[8] he writes that 'a learned man who claims expertise in this matter' (*baʿḍ ahl al-ʿilm mimman zaʿama anna la-hu ʿilm bi-dhālika*) argues that the rural folk must provide for armies (*arzāq al-jund*) because they are producers; this explains why city folk, who are not producers, are exempt from this obligation. The argument is then clinched with an appeal to shared ignorance:

By way of proof, learned people argue (*fa-ahl al-ʿilm bi'l-ḥujja yaqūlūna*): our right is in our possession, and those before you held us to it; it is [also] established in your records (*wa-huwa thābit fī dawāwīnikum*). You are now ignorant, as we are now ignorant, of how things were at the beginning (*wa-qad jahiltum wa-jahilnā kayfa kāna awwal al-amr*). How can you see fit to impose on us something for which you can provide no established precedent, and how can you break from this practice, which is verifiable in our records, and according to which we still operate?[9]

The local authorities upon which this *shaykh* draws – here almost certainly Edessan urban notables – thus resist attempts to change their fiscal status by appealing to shared ignorance of 'how things were at the beginning'. As Calder points out, the (presumably) Edessan appeal can only be a response to an earlier, positive assertion about 'the beginning', which he takes to be a government claim that the *ṣulḥ* reached at Edessa stipulated that taxes were to be yielded according to one's ability to pay.[10] The parties to the dispute may, or may not, be the government on the one hand and locals on the other. There can be no question, however, that this fiscal controversy generated conflicting claims about conquest history, and that a party to the dispute argued on the strength of a *ṣulḥ* treaty, one probably in text form.[11]

Here comparing Abū Yūsuf with Ibn Isḥāq (d. 144/761), Sayf b. ʿUmar (d. 180/796), Abū ʿUbayd (d. 223/837) and the sources quoted by al-Balādhurī (d. 279/892) is instructive. Abū Yūsuf's informant is confident that the battle of Edessa ended with a *ṣulḥ* agreement, but he suspends judgement on the crucial question of fixed versus flexible tribute, stressing instead that the determined resistance of the Edessans persuaded ʿIyāḍ to agree to their terms: 'He [ʿIyāḍ] entered into a *ṣulḥ* with them on the terms they requested. Only God knows more than that a *ṣulḥ* was concluded, according to which

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[8] These would apparently include Muʿāwiya, who transformed a levy (*wazīfa*) into *jizya* (see al-Balādhurī, *Futūḥ al-buldān* (Leiden, 1866), p. 173), as well as ʿAbd al-Malik b. Marwān (as I suggest below). The earliest instance of the term *wazīfa* in the literature is probably found in Ibn al-Muqaffaʿ, *Risāla fī al-ṣaḥāba*, ed. and trans. C. Pellat as *Conseilleur du calife* (Paris, 1976), pp. 59/58, where it is a calculation levied upon districts (*kuwar*); see also F. Løkkegaard, *Islamic Taxation in the Classic Period* (Copenhagen, 1950), pp. 126f.; and C. E. Bosworth, 'Abū ʿAbdallāh al-Khwārazmī on the technical terms of the secretary's art', *JESHO* 12 (1969), p. 139.

[9] Abū Yūsuf, *Kitāb al-Kharāj*, p. 41. Cf. Calder, *Studies*, p. 139, who calls it a 'genuine echo of arguments produced at either Edessa or Harran expressing objections to reforms in taxation'.

[10] Calder, *Studies*, p. 139.

[11] Cf. an Egyptian case recorded in a papyrus (dated 90/709), where the appropriate 'documents' (*kutub*) cannot be adduced; see A. Grohmann, *Arabic Papyri in the Egyptian Library* (Cairo, 1934–), III, pp. 19ff.

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the city was conquered; [about this latter point] there is no doubt.'[12] He cites
no text; indeed, he implies that all claims based on treaty proofs are bogus:
'You are now ignorant, as we are now ignorant, of how things were at the
beginning.' Meanwhile, Ibn Isḥāq and Sayf knew that Edessa's *ṣulḥ* was
granted in exchange for payment of the *jizya*;[13] Abū 'Ubayd had access to an
Edessan treaty text, which was then reproduced by Ibn Zanjawayh (d.
251/865),[14] and al-Balādhurī knew no fewer than three (and possibly four)
treaty texts.[15] The first of these, which is attributed to the Jazarī scholar
Sulaymān b. 'Aṭā' al-Qurashī (d. 195/810), is only summarised;[16] but the
next two al-Balādhurī cites in full, the first on the authority of al-Wāqidī
(d. 208/823),[17] and the other on the authority of a Raqqan *qāḍī*, Dāwūd b.
'Abd al-Ḥamīd, here transmitting on the authority of his father and grand-
father.[18] Both have 'Iyāḍ stipulate the terms, and both are directly germane
to the controversy to which Abū Yūsuf's informant is speaking; while the
first specifies a tribute (one *dīnār* and two *mudd*s of wheat), the second does
not (*idhā addū al-ḥaqq alladhī 'alayhim*) ('if they yield that owed by them').[19]
This second one is almost certainly a fuller version of that cited by Abū
'Ubayd.[20]

Now Calder argues that the final redaction of Abū Yūsuf is a product of
the 860s, hearing in it echoes of the fiscal crisis of the Sāmarrā' period;[21] Hill
would presumably argue that all notice of fixed tribute belongs in 'Umar's
reign, and that Abū Yūsuf has faithfully recorded history;[22] I see nothing in
this part of the text that cannot be reconciled with a late Umayyad milieu, and
no reason to doubt a middle to late eighth-century *floruit* for our anonymous
informant. Why then does he fail to adduce a treaty text – such as that known

12 Abū Yūsuf, *Kitāb al-Kharāj*, p. 40.
13 Al-Ṭabarī, *Ta'rīkh al-rusul wa'l-mulūk* (Leiden, 1879–1901), I, pp. 2505 and 2507; I leave aside
    exactly what *jizya* means here.
14 Abū 'Ubayd, *Kitāb al-Amwāl* (Cairo, 1968), p. 298; Ibn Zanjawayh, *Kitāb al-Amwāl* (Riyadh,
    1986), p. 474.   15 See al-Balādhurī, *Futūḥ*, pp. 172ff.
16 And so too in Qudāma b. Ja'far, *Kitāb al-Kharāj wa-ṣinā'at al-kitāba* (Baghdad, 1981), p. 312,
    which is heavily indebted to al-Balādhurī.
17 The account begins at *Futūḥ*, p. 172:9 (I take the *qālū* of p. 174:2 to refer to al-Wāqidī). Ibn
    A'tham al-Kūfī (*Kitāb al-Futūḥ* (Hyderabad, 1968–1975), I, pp. 326ff.) seems to be drawing
    loosely on al-Wāqidī too; he reports a *ṣulḥ* with a four-*dīnār* tribute.
18 The account begins at *Futūḥ*, p. 174:14. Little can be said about Dāwūd, a Kufan native and
    qāḍī who settled in al-Raqqa, except that he appears fairly frequently as a source for al-
    Balādhurī (thus *Futūḥ*, pp. 57, 167, 468; and al-Balādhurī, *Ansāb al-ashrāf*, V (Jerusalem,
    1936), p. 313 where he reports on the authority of *mashāyikh min al-Qaysiyyīn*), and that in
    ḥadīth matters he was considered *ḍa'īf* or *munkar al-ḥadīth*; see Ibn Abī Ḥātim al-Rāzī, *Kitāb
    al-Jarḥ wa'l-ta'dīl* (Beirut; reprint of Hyderabad, 1953), III, p. 418; and Ibn Ḥajar, *Lisān al-
    mīzān* (Hyderabad, 1331), II, pp. 420f.   19 Al-Balādhurī, *Futūḥ*, p. 174.
20 Abū 'Ubayd, *Kitāb al-Amwāl*, p. 298; Ibn Zanjawayh, *Kitāb al-Amwāl*, p. 474. It is addressed
    in Abū 'Ubayd's version 'to the people of Edessa', and in al-Balādhurī's to 'the bishop of
    Edessa'.
21 Calder, *Studies*, pp. 147f., where he tentatively proposes that the work is to be credited to al-
    Khaṣṣāf (d. 261/874).
22 D. R. Hill, *The Termination of Hostilities in the Early Arab Conquests AD 634–656* (London,
    1971), pp. 95 and 98.

to both Dāwūd and Abū ʿUbayd – in support of his argument? It could be
argued that our informant did know of existing ṣulḥ texts, but that he chose
to suppress them, or, very differently, that although appropriate ṣulḥ texts did
exist, he was simply ignorant of them. Both explanations are unpromising,
however: one suppresses not all ṣulḥ texts, but rather only those that do
damage to one's argument; and Abū Yūsuf – who was, after all, Hārūn al-
Rashīd's chief qāḍī – chose his informant precisely because he *was* so learned
in his province's history.

One is attracted to the conclusion that provincial authorities' knowledge of
early Islamic history grew over time.[23] Much of this growth probably took
place in early Abbasid al-Raqqa,[24] which dominated Jaziran learning in this
period. This is the impression created not only by al-Balādhurī's frequently
Raqqan sources (e.g. Sulaymān b. ʿAṭāʾ, Dāwūd b. ʿAbd al-Ḥamīd,[25] Abū
Ayyūb *al-muʾaddib*, ʿAmr al-Nāqid, Abū ʿAffān and 'learned men from
among the Raqqan scribes'), but also by Abū ʿUbayd's treaty text, which
comes on the authority of another Raqqan native, Kathīr b. Hishām (d.
207/822),[26] who transmitted from his teacher and fellow Raqqan, Jaʿfar b.
Burqān (d. 151/768).[27]

To judge by the *Kitāb al-Kharāj*, knowledge of an increasingly remote past
was thus at once both obscure and deeply controversial. Abū Yūsuf lacks exper-
tise in Jaziran traditions, so he writes to an anonymous local *shaykh*, who clearly
does not; but his testimony suggests that the problem is systemic, for it turns out
that he too suffers from a dearth of information. This is a pattern discernible

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[23] The production of knowledge in this period is certainly not unique to the Jazira: for an argu-
ment that biographical details of the Prophet's life grew during the late eighth and early ninth
centuries, see M. Cook, *Muhammad* (Oxford, 1983), pp. 62f.; and for a response, M. Lecker,
'The death of the Prophet Muḥammad's father: did Wāqidī invent some of the evidence?',
ZDMG 145 (1995), pp. 9–27.

[24] Cf. M. Abiade, *Culture et education arabo-islamiques au Šām pendant les trois premiers siècles
de l'Islam* (Damascus, 1981), p. 174 (which shows a clear Raqqan predominance in the Jaziran
authorities cited by Ibn ʿAsākir). On some scholarship in al-Raqqa in this period, see now J.
van Ess, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra* (Berlin and New York,
1997), II, pp. 471ff. (which provides an overview of Sulaymān al-Raqqī and Raqqan Shīʿism).

[25] Since the famous *kātib* ʿAbd al-Ḥamīd is said to have left descendants in al-Raqqa (thus al-
Ṣafadī, *al-Wāfī biʾl-wafayāt* (Leipzig, Istanbul and Beirut, 1931–), XVIII, p. 86), it is tempt-
ing to finesse the obvious chronological difficulties and identify Dāwūd as his (long-lived) son;
W. al-Qāḍī ('Early Islamic state letters: the question of authenticity', in A. Cameron and L. I.
Conrad, eds., *The Byzantine and Early Islamic Near East I: Problems in the Literary Source
Material* (Princeton, 1992), p. 236) does precisely this.

[26] See Ibn Saʿd, *Kitāb al-Ṭabaqāt al-kubrā* (Leiden, 1905–40), VII², p. 76; al-Mizzī, *Tahdhīb al-
kamāl fī asmāʾ al-rijāl* (Beirut, 1992), XXIV, pp. 163ff.; Ibn Ḥajar, *Tahdhīb al-tahdhīb*
(Hyderabad, 1327), VIII, pp. 429f.

[27] See Ibn Saʿd, *Kitāb al-Ṭabaqāt*, VII², p. 181; al-Mizzī, *Tahdhīb al-kamāl*, V, pp. 11ff. (where he,
along with the Syrians and Jazirans, is said to have transmitted from al-Zuhrī while the latter
was resident at Hishām's court in Ruṣāfa); Ibn Ḥajar, *Tahdhīb*, II, pp. 84ff.; al-Dhahabī,
Tadhkirat al-ḥuffāẓ (Hyderabad, 1958), pp. 171f.; al-Qushayrī, *Taʾrīkh al-Raqqa* (Damascus,
1998), pp. 86ff.; see also M. Lecker, 'Biographical notes on Ibn Shihāb al-Zuhrī', *Journal of
Semitic Studies* 41 (1996), pp. 31f. It is hard to see how Jaʿfar, as some authorities would have
it, was actually illiterate; thus al-Mizzī, and see also M. Cook, 'The opponents of the writing
of Tradition in early Islam', *Arabica* 44 (1997), p. 495, note 516.

elsewhere in the north,[28] and should give us reason to pause when we read Iraqi versions of Jaziran history. The problem is not only that the historical tradition is in some measure discontinuous (which it clearly is);[29] it is that our informant seems to have belonged to the last generation in which historical *naïveté* of this kind was intellectually possible. Thus the length of ʿIyāḍ's siege at Edessa escapes him, which is perhaps not so surprising; in and of itself, the duration of a siege was of no lasting legal significance – in the long run, it simply did not matter. But so too do the specifics of the *ṣulḥ* treaty escape him, and this is surprising, since Edessa, as we shall see, frequently plays a paradigmatic role for the conquest of the Jazira. When pressed for precedents, our informant rejects all representations of this past as spurious, explaining fiscal arrangements with reference to contemporary practice. A generation or two later he almost certainly would have provided historical precedents of his own.

Treaties: forms and functions

That an Edessan treaty seems to have come into being well after the conquest of Edessa can hardly be taken to mean that no treaties existed in the aftermath of the conquest, that all treaty texts preserved in our historical sources are forgeries, or, of course, that the conquest of Edessa did not end with a treaty of some kind.[30] The élites of northern Mesopotamia were accustomed to bargaining and negotiating terms for their cities: treaties were a common feature of the great Persian–Byzantine wars of the late sixth and early seventh centuries;[31] and local Arabs, *foederati* and otherwise, appear in treaties frequently enough that one must infer that they understood their significance.[32] Indeed, there is every reason to think so, for there was a practice of Jāhilī treaty writing

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[28] In the case of Mosul too it seems that local authorities knew less about conquest history than did those living (and learning) in the centres of scholarship in the south; for al-Azdī's reliance on second-century Iraqi authorities for the conquest history of his own town, see chapter 6.

[29] The argument for discontinuity in historical transmission is most vigorously put by P. Crone, *Slaves on Horses* (Cambridge, 1980), chapter 1; and more recently, Lawrence I. Conrad, 'The conquest of Arwād: a source-critical study in the historiography of the early medieval Near East', in Cameron and Conrad, eds., *The Byzantine and Early Islamic Near East*, esp. at p. 363.

[30] On treaties of the very early period, see M. Muranyi, 'Die Auslieferungsklausel des Vertrages von al-Ḥudaibiya und ihre Folgen', *Arabica* 23 (1976), pp. 275–95; Noth, 'Verträge'; Noth/Conrad, *Early Arabic Historical Tradition*, pp. 63ff.; and W. al-Qāḍī, 'Madkhal ilā dirāsat ʿuhūd al-ṣulḥ al-islāmiyya zaman al-futūḥ', in A. al-Bakhit and I. Abbas, eds., *Proceedings of the Second Symposium on the History of Bilād al-Shām during the Early Islamic Period up to 40 AH/640 AD* (Arabic articles) (Amman, 1987), pp. 193–269.

[31] See, *inter alia*, the 'document' that the bishop of Sergiopolis sets down at Khusraw's request (Procopius, *A History of the Wars*, ed. and trans. H. B. Dewing (London and New York, 1914–1940), II.v.30); and the events that followed Qawād's unsuccessful siege of Amida, when the city folk demanded compensation for the foodstuffs and wine that his Sasanian army had confiscated: see ps.-Zacharias Rhetor, *Historia ecclesiastica Zachariae Rhetori vulgo adscripta*, ed. and trans. E. W. Brooks (Paris, 1919, 1921, 1924; *CSCO* 83–4, 87–8), II, pp. 25f./16f. (Syr./translation). According to one early sixth-century chronicle, the signing of peace treaties is said to have triggered huge outpourings of joy among the people of the north; see ps.-Joshua, *The Chronicle of Joshua the Stylite*, ed. and trans. W. Wright (Cambridge, 1882), pp. 90f./75f.

[32] For examples, see J.-B. Chabot, ed. and trans., *Synodicon Orientale ou Recueil de synodes Nestoriens* (Paris, 1902), pp. 526f./532f. (from a synod of 484); I. Shahid (Kawar), 'The Arabs

among the Arabs of the Peninsula,[33] which was apparently sanctioned by the
Qur'ān itself,[34] and put into practice by the so-called 'Constitution of Medina'.
It may be credulous to think that the caliph 'Umar possessed a trunk crammed
full of treaty documents;[35] but this is not the same as saying that commanders
would not have thought to give written form to conquest arrangements.

In formal terms, one can distinguish in Jaziran accounts between treaty con-
ditions enumerated as part of continuous narrative and those reproduced as part
of a treaty document. The first is signalled by the form 'and he [the commander]
reached a *ṣulḥ/amān* agreement on the (following terms)' (*fa-ṣālaḥa(ū)-hu(hā)*
ʿalā . . . /wa-āmana(ū)-hu(hā) ʿalā); the conditions (sometimes unilateral, some-
times bilateral) are then enumerated, after which the narrative moves directly on,
usually in itinerary fashion, to the next battle. The second type purports to
record the treaty *verbatim*, and its most distinctive feature is a striking con-
cern with authenticity. It generally begins with a *praescriptio* consisting in a
basmala and names of the addresser and addressee,[36] and marks its end with
concluding formulae of various kinds (e.g. *wa-kafā bi'l-llāh shahīdan*). It is occa-
sionally prefaced or followed by the compiler's attestation to authenticity (e.g.
wa-khatama ʿIyāḍ bi-khātimihi; wa-kataba la-hum kitāb nasakhtuhu).[37] Despite

in the peace treaty of AD 561', *Arabica* 3 (1956), pp. 192ff.; I. Shahid, *Byzantium and the Arabs
in the Sixth Century*, I, part 1 (Washington, D.C., 1995), pp. 266ff. Cf. ps.-Joshua, *Chronicle*,
pp. 82/69f., where five Arab chiefs (*rīshānē*; Wright translates 'shaikhs') are executed for failing
to follow orders; the *foederati* are clearly involved here too.

[33] On Jāhilī treaty writing, see G. Schoeler, 'Schreiben und Veröffentlichen. Zu Verwendung und
Funktion der Schrift in den ersten islamischen Jahrhunderten', *DI* 69 (1992), pp. 2ff.; J.
Pedersen, *The Arabic Book*, trans. G. French (Princeton, 1984), p. 10; cf. G. Khan, 'The pre-
Islamic background of Muslim legal formularies', *Aram* 6 (1994), pp. 193–224; and for literacy
in Medina, see now M. Lecker, 'Zayd b. Thābit, "A Jew with two sidelocks": Judaism and lit-
eracy in pre-Islamic Medina (Yathrib)', *JNES* 56 (1997), pp. 259–73.

[34] E.g. Qur'ān 5: 1 and 2:282, the latter calling explicitly for the writing down of contracted debts;
on this, and some of the relevant *ḥadīth*, see J. A. Wakin, *The Function of Documents in Islamic
Law* (Albany, 1972), pp. 5f.

[35] See M. Ḥamīd Allāh, *Majmūʿat al-wathāʾiq al-siyāsiyya li'l-ʿahd al-nabawī wa'l-khilāfa al-
rāshida*, 4th edn (Beirut, 1983), p. 24. For a brief survey of conquest treaties, see W. Schmucker,
*Untersuchungen zu einigen wichtigen bodenrechtlichen Konsequenzen der islamischen
Eroberungsbewegung* (Bonn, 1972), pp. 24ff.

[36] A relatively full example appears in ps.-Wāqidī, (*Futūḥ al-Shām* (Calcutta, 1854), II, p. 94), and
concerns Ḥimṣ: *min Abī ʿUbayda b. al-Jarrāḥ al-Fihrī ʿāmil amīr al-muʾminīn ʿUmar b. al-
Khaṭṭāb ʿalā al-Shām wa-qāʾid juyūshihi*.

[37] Thus al-Balādhurī, *Futūḥ*, pp. 173f. Cf. the account preserved by Ibn Aʿtham (*Futūḥ*, I, p. 327),
which has the bishop of al-Raqqa insist that ʿIyāḍ give written form to his spoken offer of safe
passage; ʿIyāḍ does so, duly authenticating it as well (*fa-kataba la-hu ʿIyāḍ amān wa-baʿatha
ilayhi manshūr qad khatamahu bi-khātimihi*). Abū ʿUbayda first folds, then seals, his letter to
ʿUmar: ps.-Wāqidī, *Futūḥ al-Jazīra, Libri Wakedii de Mesopotamiae expugnatae historia*
(Göttingen, 1827), p. 1; cf. Qur'ān 21: 104; and, for a discussion of the relevant techniques of
folding and storing papyri and parchment, N. Abbott, *The Ḳurrah Papyri from Aphrodito in the
Oriental Institute* (Chicago, 1938), pp. 14f. This ps.-Wāqidī is one of several Iraqi conquest texts
ascribed to al-Wāqidī, none of which appears to be early. In addition to the Göttingen MS, there
is a Copenhagen MS (no. 137; for a discussion and partial translation of the Göttingen MS, with
notes to the Copenhagen, see B. G. Niebuhr and A. D. Mordtmann, *Geschichte der Eroberung
von Mesopotamien und Armenien* (Hamburg, 1847)), and now an edition, based on photographic
copies of an Istanbul MS (*Taʾrīkh futūḥ al-Jazīra wa'l-Khābūr wa-Diyār Bakr wa'l-ʿIrāq*
(Damascus, 1996)). In general, see Brockelmann, *GAL*, I, p. 136; and Sezgin, *GAS*, I, p. 296.

the apparent artificiality of the second type, which in its essentials conforms to the *amān* letters prescribed by Ibn Qutayba (d. 276/889),[38] it is facile to assume that form can predict authenticity – that, in other words, the less concerned a text is with authenticity, the more authentic it is likely to be. In fact, sometimes the opposite might be argued: in al-Wāqidī's account of the conquest of Edessa it is the treaty representation of the first type that falls foul of Noth's criteria for authenticity,[39] while the accompanying treaty text is in some respects promising.[40]

Here it bears remembering that while inauthenticity can be demonstrated relatively easily, ascertaining that a treaty is both authentic and original is in practice extremely difficult, and generally requires a control of some kind.[41] An illustration comes in an account concerning the conquest of Edessa, which is attributed to Sulaymān b. ʿAṭāʾ, one of several Jaziran natives involved in building the tradition.[42] On the one hand, it arouses suspicion on at least three counts: it includes transparently legendary ingredients (ʿIyāḍ is mounted on a chestnut-brown horse),[43] apparently classical features of Muslim–non-Muslim relations ('if they fail to fulfil any of these conditions, they will forsake their protected status (*dhimma*)'), and it has the treaty for Edessa function paradigmatically for the entire Jazira.[44] On the other hand, none of these criticisms can clinch an argument for secondary forging, especially in the light of the report's reassuring imprecision (*fa-in tarakū shayʾ mimmā shuriṭa la-hum*); it contains no identifiable anachronisms.

Considering that independent control on the Islamic tradition appears so infrequently, we might subordinate questions about the authenticity of conquest treaties to questions about their social function; in other words, we should concern ourselves less with their truth value and more with two related questions of post-conquest history. First, how were treaties perceived to govern relations between local Muslims and Christians on the one hand, and imperial authorities and local Christians on the other? Second, what is the consequent literary effect of the treaty on the text in which it was finally deposited? Of the

[38] Ibn Qutayba, ʿ*Uyūn al-akhbār* (Cairo, 1925), II, p. 225.

[39] See his 'Verträge', esp. p. 312 (where the *ad hoc* character of the tax is taken to signal an early date), and Noth/Conrad, *Early Arabic Historical Tradition*, pp. 63ff.

[40] The prohibition of 'committing offences' (*wa-lam yuḥdithū maghīla*), along with the Syriacism (*baʿūthā*; cf. Thomas of Marga, *The Book of Governors*, ed. and trans. E. A. Wallis Budge (London, 1893), pp. 237/447) must have been as obscure to ninth-century readers as it is to modern ones.

[41] Cf. Conrad, 'The conquest of Arwād', p. 399, note 213. For one effort to control the Arabic conquest tradition with an early Syriac source, see C. F. Robinson, 'The conquest of Khūzistān: a historiographical reassessment', in L. I. Conrad, ed., *History and Historiography in Early Islamic Times: Studies and Perspectives* (Princeton, forthcoming).

[42] Al-Balādhurī, *Futūḥ*, p. 172.

[43] Given as *faras kumayt*, but reports naturally differed about the precise colour: cf. al-Qushayrī, *Taʾrīkh al-Raqqa*, pp. 24f. (*maḥdhūf aḥmar*).

[44] The idea is ubiquitous in the literature; for jurists' examples, see Abū ʿUbayd, *Kitāb al-Amwāl*, p. 298; Ibn Zanjawayh, *Kitāb al-Amwāl*, p. 474; Qudāma b. Jaʿfar, *Kitāb al-Kharāj*, p. 313; Abū Yūsuf, *Kitāb al-Kharāj*, pp. 39ff. Cf. Calder, *Studies*, pp. 138f.

second issue I have relatively little to say, since my intentions here are stubbornly
conservative; suffice it to say, the choice of one or the other treaty form was pre-
sumably conditioned by the availability of exemplars *and* desired narrative
effect, treaty texts providing a documentary authority that *isnād*less *akhbār* so
frequently lacked. It is on the first of the two questions that I should like to con-
centrate, for historical narrative seems to have had an archival function; and
this, more than fire or the ravages of time, probably explains why virtually no
treaties survive independently.[45] Whether copied *verbatim*, loosely paraphrased
or excerpted,[46] the texts preserved in the historical tradition had played crucial
roles in the hurly-burly of politics and social relations in early Islamic towns.

They might appear fixed and immutable, but treaties had first and foremost
been living documents, their lives extended by recopying[47] and, of course,
forging.[48] Copies seem to have been retained by Christian and Muslim author-
ities in the provinces, the former apparently storing theirs in church archives;[49]
one infers from Abū Yūsuf's passage that imperial authorities kept theirs in

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[45] Cf. M. Chamberlain, *Knowledge and Social Practice in Medieval Damascus, 1190–1350*
(Cambridge, 1994), pp. 2f.

[46] Thus Abū 'Ubayd (*Kitāb al-Amwāl*, p. 297; Ibn Zanjawayh, *Kitāb al-Amwāl*, p. 473) preserves
the operative section of Khālid b. al-Walīd's treaty with the Ḥimṣīs, along with its close; but
the material between the two he did not bother to record.

[47] For a particularly good example, see Abū Yūsuf, *Kitāb al-Kharāj*, p. 54, where Mūsā b. Ṭalḥa
volunteers his confusion ('*indanā kitāb katabahu al-nabī (ṣ) li-Mu'ādh aw qāla nuskha aw
wajadtu nuskha hākadhā*). The Prophet's letter concerning the Thaqīf is said to have been
written on a *ṣaḥīfa*, the copying of which was witnessed by 'Alī, Ḥasan and Ḥusayn, whereas
his letter to the people of Dūmat al-Jandal, written on vellum, was simply copied word by word,
without witnesses; see Ibn Zanjawayh, *Kitāb al-Amwāl*, pp. 456ff.

[48] The treaty of Khaybar was particularly notorious among medieval authorities: presented with
a text purporting to come from the Prophet's hand, Ibn al-Furāt detected *tazwīr* on dating
grounds – the city actually fell sixty-seven days after the date recorded in the letter; see Hilāl
al-Ṣābi', *Kitāb Tuḥfat al-umarā' fī ta'rīkh al-wuzarā'* (Leiden, 1904), pp. 67f.; cf. al-Ṣafadī, *al-
Wāfī bi'l-wafayāt*, I, pp. 44f. On Khaybar (and its forgeries), see A. Noth, 'Minderheiten als
Vertragspartner im Disput mit dem islamischen Gesetz: Die 'Nachkommen der Juden von
Ḥaibar' und die Ǧizya', in H. R. Roemer and A. Noth, eds., *Studien zur Geschichte und Kultur
des Vorderen Orients* (Festschrift for B. Spuler) (Leiden, 1981), pp. 289–309, esp. 294f.; M. Gil,
A History of Palestine, 634–1099, trans. E. Broido, rev. edn (Cambridge, 1992), p. 152; and M.
Schöller, *Exegetisches Denken und Prophetenbiographie* (Wiesbaden, 1998), pp. 334ff. and
433ff.

[49] Khalīfa b. Khayyāṭ (*Ta'rīkh* (Beirut, 1995), p. 77) tells us that the *ṣulḥ* contracted by 'Iyāḍ was
retained by the inhabitants of the Jazira, but not precisely where; cf. the case of Mayyāfāriqīn
(C. F. Robinson, 'Ibn al-Azraq, his *Ta'rīkh Mayyāfāriqīn*, and early Islam', *JRAS* 3, 6, 1 (1996),
p. 22), where a church is specified. A yellowed copy of the Najrān treaty, bearing the Prophet's
stamp, is said to have been found in 265/878 in a *daftar* in the possession of Ḥabīb the monk,
who claimed that it came from the *Bayt al-Ḥikma*; see the *Histoire Nestorienne*, II (2) ed. and
trans. F. Nau in *PO* 13 (1919), pp. 601ff. The Latin loan word used here (*sijill*) had already
entered Arabic via Aramaic by the time of the Qur'ān, and it appears in Syriac conquest
accounts too; thus Michael the Syrian, *Chronique de Michel, patriarche jacobite d'Antioche
(1166–1199)*, ed. and trans. J.-B. Chabot (Paris, 1899–1924), xi.vii ('livre'.'chapitre') (the doc-
ument 'Umar writes for Sophronius, bishop of Jerusalem, forbidding a Jewish presence in the
city). One can fairly assume the existence of state archives from the Marwānid period, but these
remain difficult to describe; cf. M. M. Bravmann, 'The State archives in the early Islamic
period', *Arabica* 15 (1968), pp. 87ff., which is reprinted in his *The Spiritual Background of Early
Islam* (Leiden, 1972), pp. 311ff.

the capital. Abū ʿUbayd's Edessa treaty text is said to have come to light when the caliph ʿUmar II (r. 717–720) directed one of his subordinates to 'ask the people of al-Ruhā [Edessa] if they have a *ṣulḥ*', whereupon 'their bishop' (*usqufuhum*) promptly produced one, stored in a cylindrical container of some kind: 'This is the letter (*kitāb*) from ʿIyāḍ b. Ghanm and those Muslims with him to the people of Edessa: "I have granted them security (*amān*) for their lives, possessions, children and women, their city and their mills, provided they pay what they rightly owe."'[50] According to one of al-Balādhurī's Takritī *shaykh*s, a conquest treaty (*kitāb amān wa-shuraṭ la-hum*) had been in the possession of the people of Takrit until a certain al-Ḥ/J/Kh-r-sh-ī ripped it up;[51] the person in question is almost certainly Yaḥyā b. Saʿīd al-Ḥarashī,[52] who was appointed governor of Mosul in 796, and whose methods in levying taxes were as destructive as they were effective.[53] In shredding the Takritī treaty, Yaḥyā b. Saʿīd was not so much rejecting a specific treaty stipulation as he was announcing that the rules had changed: he was now going to exact what he liked, regardless of what this or any other treaty stipulated. In any case, the event was probably a bit of theatre: when al-Maʾmūn's tax agents later tried to modify *kharāj* practices in Mosul, they claimed ignorance of the written precedent upon which city notables had insisted; at this point, a copy of the document was kept in the *dīwān* in Baghdad.[54]

Treaty copies were retained (and produced) in part because they were held to govern the character and amount of tribute to be levied on Christian subjects. We have already seen that the informant quoted by Abū Yūsuf reflects a local controversy regarding the rate and method of taxation. He concedes that Edessa fell according to a *ṣulḥ* treaty, but disputes the existence of a surviving text, since it apparently prescribed a tax arrangement contrary to his interests. If the existence of a text was not in question, the issue then frequently turned on who was liable to pay, and, in the language of the classical jurists, whether the amount of tribute was specified (*ʿalā shayʾ musammā/sammawhu*),[55] or variable according

[50] Abū ʿUbayd, *Kitāb al-Amwāl*, p. 298; Ibn Zanjawayh, *Kitāb al-Amwāl*, p. 474; see also al-Qushayrī, *Taʾrīkh al-Raqqa*, p. 26. Cf. the case in Damascus, where fifteen churches are said to have been specified in the city's *ṣulḥ*; when one of these is confiscated, the Christians take their grievance to ʿUmar II, who rebukes Ḥassān b. Mālik al-Kalbī: 'If this is one of the fifteen churches which are in their treaty (*ʿahd*), then you have no claim on it' (*fa-lā sabīl la-ka ilayhā*); see Ibn Manẓūr, *Mukhtaṣar taʾrīkh madīnat Dimashq* (Damascus, 1988), I, p. 290.

[51] Al-Balādhurī, *Futūḥ*, p. 333; de Goeje reads 'al-Jurashī', but his name is frequently garbled: see p. 311, note c; al-Azdī, *Taʾrīkh al-Mawṣil* (Cairo, 1967), p. 286, note 3; and Crone, *Slaves*, p. 145.

[52] Cf. M. Morony, *Iraq after the Muslim Conquest* (Princeton, 1984), p. 200, note 123, and 'The effects of the Muslim conquest on the Persian population of Iraq', *Iran* 14 (1976), p. 52, note 133, where he is taken to be a Khārijite.

[53] Al-Azdī, *Taʾrīkh*, pp. 286f. and 32 (for Yaḥyā's father in the service of Hishām in 112/731). On al-Ḥarashī, see also P. G. Forand, 'The governors of Mosul according to al-Azdī's *Taʾrīkh al-Mawṣil*', *JAOS* 89 (1969), pp. 97f.

[54] Al-Azdī, *Taʾrīkh*, pp. 410f. (in this case, the document in question was not a conquest treaty, but an Abbasid-era tax document).

[55] One occasionally comes across variants, e.g. *kharāj maʿlūm* (Ibn Zanjawayh, *Kitāb al-Amwāl*, p. 187).