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The Pact (*amāna*) between Mu'āwiya ibn Abī Sufyān and 'Amr ibn al-Āṣ (656 or 658 CE): 'Documents' and the Islamic Historical Tradition*

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The limits of uncritical approaches to the Islamic historical tradition are now widely accepted. However, a consensus about the transmission of accurate information about the first decades of Islam within that tradition has proved elusive.¹ Where there has long been agreement is that *some* copies of very early 'documents' (the quotation marks indicate their secondary nature) survive, reproduced as later copies in the late eighth and ninth century sources. The most famous example is the so-called 'Constitution of Medina' of c. 622 CE; a strong case can also be made for other early 'documents', notably the 'Šiffīn arbitration agreement' of c. 657.² Beyond these, however, there is little consensus about early 'documentary' material.³ (The situation is better for the period after the mid-eighth century, although here, too, there is still disagreement.⁴) Indeed, it might be argued that the systematic study of purported 'documentary' material in the Islamic tradition for the very early period has yet to begin in earnest.

This article is concerned with one purportedly very early 'document' recorded, uniquely, in the *Kitāb al-Ṭabaqāt* of Ibn Sa'd (d. 845).⁵ It is presented as a copy of the agreement made during the first *fitna* (656–61) between 'Amr b. al-Āṣ (d. c. 663) and Mu'āwiya b. Abī Sufyān (d. 680).⁶ As it is presented by Ibn Sa'd, the agreement between 'Amr and Mu'āwiya took place after the murder, in Dhū al-Ḥijja 35/June 656, of the third caliph, 'Uthmān b. 'Affān (r. 644–56). 'Amr b. al-Āṣ had been deprived of his governorship of Egypt by the same 'Uthmān in c. 25–9/645–9.⁷ After 'Uthmān's murder, 'Amr is said to have hesitated over whether to support the new caliph 'Alī b. Abī Ṭālib, or to join Mu'āwiya, the governor of Syria, who had held back his pledge of allegiance. 'Amr decided to ally with Mu'āwiya in exchange for a guarantee that he would be

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granted the governorship of Egypt, should they both be victorious against °Alī.⁸ A treaty document was drawn up, of which Ibn Sa°d claims to record a copy (*nuskha*).

...Then (°Amr) departed, with his two sons, until he reached Mu°āwiya b. Abī Sufyān. He made a pledge to him (*bāya°ahu °alā*) to seek blood-vengeance for °Uthmān, and they wrote this contract (*kitāb*) between the two of them, a copy (*nuskha*) of which (follows):

§1 “In the name of God, the Beneficent, the Merciful: This is what Mu°āwiya b. Abī Sufyān and °Amr b. al-°Āṣ covenanted between them (*ta°āhada*) on the Temple Mount at Jerusalem (*Bayt al-Maqdis*) after the killing of °Uthmān b. °Affān.

§2 Each one of the two took upon himself the obligation of faithfulness with respect to his counterpart (*wa-ḥamala kull wāḥid min-humā ṣāḥibahu al-amāna*):

§3 There is between us the covenant of God concerning (*inna baynanā °ahd Allāh °alā*) mutual aid in war (*al-tanāṣur*), reciprocal sincerity and advice (*al-takhāluṣ wa'l-tanāṣuḥ*) regarding God’s will and Islam (*fī amr Allāh wa'l-Islām*).

§4 Neither one of us will withdraw his help from (*yakhdhulu*) his counterpart on account of anything, nor take up a close confidante without him (*wa-lā yattakhidhu min dūnihi walījatan*), nor will a son nor a father ever intervene between us while we live, in so far as we are able.

§5 If Egypt is conquered (*futiḥat*), then °Amr will rule over its land and its administration, to which the Commander of the Believers [i.e °Umar b. al-Khaṭṭāb] appointed him, and reciprocal advice, assistance and support (*al-tanāṣūr wa'l-tawāzur wa'l-ta°āwun*) are between us in what we have delegated (to one another) as far as government is concerned (*baynanā... °alā mā nābanā min al-umūr*).

§6 Mu[°]āwiya is *amīr* over [°]Amr b. al-Āṣ with regard to the people and the generalities of the government (*fī'l-nās wa-[°]āmmat al-amr*) until God unites the *umma*.

§7 When the *umma* comes together, then they will both participate in the best of its government (*aḥsan [°]amrihā*), according to the best which is between them both regarding God's will, which is (also) between them both (*[°]alā aḥsan alladhī baynahumā⁹ fī amr Allāh alladhī baynahumā*) with respect to the conditions which are in this document (*min al-sharṭ fī hādhihi al-ṣaḥīfa*).

§8 Wardān wrote in the year thirty-eight [June 658–May 659].”

As Wilferd Madelung put it, ‘The pact which turned the primary accused in the murder ... [of [°]Uthmān] overnight into the official public prosecutor intrigued contemporary observers and early historians.’¹⁰ However, little has been made of this text in modern scholarship. In the introductory notes to his 1908 edition of this section of Ibn Sa[°]d's *Kitāb al-Ṭabaqāt*, Julius Lippert noted the presence of the ‘word-for-word’ copy of the pact between [°]Amr and Mu[°]āwiya.¹¹ In 1926, Leone Caetani translated it into Italian in his *Annali dell Islam, s.a.* 36 AH/656–7 CE, but did not remark upon it beyond noting its unlikely date, and that, although it lacked an *isnād*, it was ‘certainly’ transmitted to Ibn Sa[°]d by the man for whom he worked as a secretary, al-Wāqidī (d. 823).¹² However, for Erling Petersen, who published his *Alī and Mu[°]āwiya* in 1964, the ‘document’ was in fact a product of early ninth-century, written by Ibn Sa[°]d himself, in order to ‘concretize...[°]Amr's initiative’ (in offering his support to Mu[°]āwiya in return for the fulfilment of his material ambitions in Egypt) in ‘epistolary form’.¹³ More recently, Michael Lecker has accepted the ‘document’ as authentic in a 1989 article on an early Islamic inscription in the Negev, as has Abdul Aziz Duri in an article on Jerusalem published in the same year.¹⁴ In 1997, Wilferd Madelung did not discuss this text at all—merely suggesting that an agreement between the two was ‘made public’, but noting the volume of ‘evident fiction’ generated about the events.¹⁵

Thus, the current state of play is unsatisfactory: such opinion as there is remains divided and, although Lippert, Petersen, Lecker and Duri have all taken positions on the authenticity of the text, none has supported his ideas with even a cursory analysis of the

‘document’ itself. In what follows an attempt is made to pursue more thoroughly the question of the text’s provenance, and, in so doing, to suggest methods of more general relevance to the question of interpreting such ‘documents’ in the Islamic tradition.

There are three possibilities about the ‘document’. First, that it is indeed the text—partial or complete—of an agreement between Mu[°]āwiya and [°]Amr. Second, that it is a later fabrication, made at any time between 656 and 845;¹⁶ Third, that it is between the two: a more-or-less distorted version of some original text. Two complementary approaches must be brought to bear in attempting to decide between these possibilities: (i) criticism of form and content and (ii) analysis of its historiographical context.

The first of these approaches entails comparisons with other similar materials in the historical tradition, and with genuine documentary materials: distinctive parallels with genuinely seventh-century material might support the idea that this text is early too; anachronistic content or vocabulary would impeach the text (or at least be proof of interpolation). Likewise, unusual formal characteristics—odd opening and closing formulas, for example—might be indicators of an altered or even an entirely fictional text, or alternatively might be a marker of something genuinely ‘pre-classical’. The second approach demands that parallels elsewhere in the tradition are examined in order to cast light on the transmission of an original and authentic text or the later creation of a fictional one. The representation in the Islamic tradition of the first *fitna*, and of [°]Amr and Mu[°]āwiya themselves, is a related historiographical question which would also help to make sense of the presentation of the text, be it real or imagined.

What emerges from this analysis is that the ‘document’ does closely resemble similar agreements that almost certainly do date from the early-to-mid seventh century, and it too may in fact preserve features of an original treaty agreement. However, complete certainty about its provenance and authenticity is impossible. Some of the wider implications of this analysis are considered in the final conclusions of the article.

i. Form and content

The terse style of the text closely resembles similar ‘documentary’ material that is known to be seventh century.¹⁷ In contrast, ‘documents’ produced by the ruling elite for similar

purposes from the mid-eighth century and later tend to be much longer and more verbose, with more elaborate and extended Qurʾānic allusion and even quotation.¹⁸ They also sometimes include additional written elements, notably the terms of oaths and lists of witnesses; both appear to have been oral and unrecorded in the earlier agreements (as here).¹⁹ For example, a spurious version of the *ʿahd* (‘covenant’) of the Umayyad caliph Sulaymān for the succession was far longer and more elaborate than most eighth-century texts, reflecting its actual tenth-century origins.²⁰ Thus, if the ‘document’ in question here is not authentic, it is at least a convincing length, and lacks the extended Qurʾānic flourishes and scribal elaborations found in ‘documents’ of the mid-eighth century and later. (Although, like other seventh-century texts, it does use Qurʾānic vocabulary.) That is, either it was produced within two or three generations of its purported origin, or it was invented later, but by someone with an eye for seventh-century style.

Its form, phrasing and vocabulary are worth analysing more closely, under the rubrics of the paragraph numbers introduced above.

§1 *bismillāh al-Raḥmān al-Raḥīm hādhā mā taʿāhada ʿalayhi Muʿāwiya b. Abī Sufyān wa-ʿAmr b. al-ʿĀṣ bi-Bayt al-Maqdis min baʿd qatl ʿUthmān b. ʿAffān* (‘In the name of God, the Beneficent, the Merciful: This is what Muʿāwiya b. Abī Sufyān and ʿAmr b. al-ʿĀṣ covenanted between them on the Temple Mount in Jerusalem after the killing of ʿUthmān b. ʿAffān’).

The opening *basmala* is, of course, as old as Islam itself: it appears in every Qurʾānic *sūra* bar one, and opens many of the earliest surviving Islamic inscriptions and documents, as well as demonstrably early material such as the ‘Constitution of Medina’ and the ‘Şifḥīn Arbitration Agreement’.²¹ The *basmala* also had some parallels in pre-Islamic Arabian epigraphic practice, from which it diverged in phrasing, and which it seems to have replaced immediately.²²

After the *basmala*, the content of the document is introduced by a formula that parallels the ‘Şifḥīn Arbitration Agreement’. This treaty was made within a few months of the purported date of our text and also involved ʿAmr and Muʿāwiya (Hinds’ ‘Version A’; hereafter SAA). Thus, SAA, *hādhā mā taqāḍā ʿalayhi ʿAlī b. Abī Ṭālib wa-Muʿāwiya*

b. *Abī Sufyān* and §1, *hādhā mā ta‘āhada ‘alayhi Mu‘āwiya b. Abī Sufyān wa-‘Amr b. al-‘Āṣ. Hādhā mā* is followed in both cases by a reciprocal verb of the form *tafā‘ala* (‘form VI’) taking *‘alā* before its object, and the two parties (‘Alī and Mu‘āwiya and Mu‘āwiya and ‘Amr, respectively) follow as its subject. (Seniority in position in such documents was, according to the tradition, yet to be firmly established, although it is interesting that in both cases one might take seniority to be respected.²³)

With this opening, both SAA and §1 deploy the ‘objective’ (as opposed to the ‘subjective’) formula, which later scholars would describe as most appropriate where a new and original agreement was being drawn up between two parties.²⁴ The same formula is said to have been used by ‘Abd al-Muṭṭalib in a pre-Islamic, mid sixth-century *ḥilf* made with a branch of Khuzā‘a: *hādhā mā taḥālaḥa ‘alayhi ‘Abd al-Muṭṭalib wa-rajulāt banī ‘Amr min Khuzā‘a*.²⁵ In this respect, all three texts (our text, SAA and ‘Abd al-Muṭṭalib’s *ḥilf*) differ from the ‘Constitution of Medina’ which begins *hādhā kitāb min Muḥammad al-nabī bayna ‘l-mu‘minīn...* ‘This is a document from Muḥammad the Prophet between the Faithful...’ This latter formula is unusual, and appears to express the particular position of Muḥammad in the ‘Constitution’ as the arbitrator among a new community based on a treaty-agreement.²⁶

None of the three texts provide a parallel for the next phrase, which specifies that the agreement was made in Jerusalem, after the killing of ‘Uthmān (*bi-Bayt al-Maqdis min ba‘d qatl ‘Uthmān b. ‘Affān*). Both of these references are somewhat unusual. There is some evidence that in eighth- and ninth-century Arabic texts *Bayt al-Maqdis* refers specifically to the Temple Mount at Jerusalem (whence the translation given here), whereas in later ones it simply denotes the city of Jerusalem.²⁷ That the Temple Mount was already an important sacred site for the Muslims is well known, and Mu‘āwiya very likely concluded other pledges there, probably in 40/660.²⁸ However, Īlyā’—the Arabised form of Aelia, the Roman name for Jerusalem—is the standard name for the city in seventh-century Islamic epigraphy relating to Jerusalem.²⁹ Furthermore, although the taking of pledges at sacred locations was a well-established practice among the Arabs that continued into Islam,³⁰ the location of the agreement was not usually mentioned in the text of the treaty.

The reference to the agreement having taken place ‘after the killing of °Uthmān’ is also an unusual feature, which might be explained by its particular circumstances: this was the *casus belli* for both Mu°āwiya and °Amr. The absence of titles or pious formulas around °Uthmān’s name has precedents in the very early period to which the ‘document’ purportedly belongs, whereas it would be quite unusual in a later text.

§2 *wa-ḥamala kull wāḥid minhumā šāḥibahu al-amāna* (‘Each one of the two took upon himself the obligation with respect to his counterpart’).

This recalls both pre-Islamic precedent in *ḥilf* agreements and the Qur°ānic language of contract, covenant and trust. *Amāna* (or its plural, *amānāt*), appears six times in the Qur°ān. In four places it refers to pledges and agreements in general, and once specifically to God’s covenant with Humanity. Thus, Q 8.27, *wa-takhūnū amānātikum* (‘Nor be ye unfaithful to the trusts committed to you’), Q 23.72, *innā °araḍnā al-amāna °alā °l-samawāt ... wa-ḥamalahā al-insān* (‘Verily we offered the trust to the heavens ... but man took it upon himself’).³¹ Likewise, the root *ḥā°-mīm-lām*, which relates to the bearing of loads, appears in the Qur°ān in 7 places, always with the meaning of undertaking an agreement.³²

This is also the one place in the text in which a precise parallel exists with material about the agreement between Mu°āwiya and °Amr found elsewhere in the Islamic historical tradition: these important parallels are discussed under ‘ii’, ‘historiography’, below.³³

§3 *inna baynanā °ahd Allāh °alā°l-tanāṣur wa°l-takhāluṣ wa°l-tanāṣuḥ fī amr Allāh wa°l-Islām* (‘There is between us the covenant of God concerning mutual aid in war, reciprocal sincerity and advice regarding the will of God and Islam’).

The particle *inna* with which this section begins indicates that here and in the following clauses we are dealing with the terms of the *amāna*. The general terms are set out here, and more specific ones follow in §4–§7. A second notable formal feature is that this paragraph and the one following it are in the 1st person plural rather than the 3rd person

singular and dual found in the rest of the text. A parallel for this is found in SAA, where the introductory clauses are in the 3rd person, and the content of the agreement in the 1st: *hādhā mā taqādā ... akhadhnā* [‘This is what they both agreed by treaty ... we imposed’]). The return to the 3rd person in subsequent clauses is for clarity. Again, this finds a parallel in SAA.

The content of the clause is notable for its intertextuality with other early written agreements. *Inna baynanā ʿahd Allāh ʿalāʿl-tanāṣur waʿl-takhāluṣ waʿl-tanāṣuḥ fī amr Allāh waʿl-Islām* (‘There is between us the covenant of God concerning mutual aid in war, reciprocal sincerity and advice regarding God’s will and Islam’) recalls, among other texts, SAA’s *inna kitāb Allāh baynanā wa-baynakum ... wa-akhadhnā ʿalayhimā ʿahd Allāh wa-mīthāqihī* (‘God’s book is between us and you ... and we impose on them both [the two arbitrators] God’s covenant and compact’).³⁴ In the ‘Constitution of Medina’ the term *bayna* (‘between’) is also used, but to indicate mutual obligations upon parties to an agreement.³⁵

The *ʿahd Allāh* is a standard feature of many subsequent political contracts.³⁶ That it stands alone here is slightly unusual; it is more often paired with *mīthāq* as in the phrase from SAA cited above. *ʿAhd Allāh* occurs eight times in the Qurʾān, and the noun *ʿahd* 29 times in all.³⁷ It was understood to be the primordial covenant between God and Man, invoked in political contracts as guaranteeing all agreements between men.³⁸

The obligation of *al-tanāṣur* (‘mutual aid in war’) was fundamental to most pre-Islamic alliances—see, for example, ʿAbd al-Muṭṭalib’s treaty document: *taḥālafū ʿalāʿl-tanāṣur waʿl-muʿāsāh* (‘They made a treaty for mutual help in war and mutual assistance’); later in the same text *al-nuṣra* (‘aid in war’) is reiterated as the obligation incumbent upon both parties;³⁹ the same word occurs in the copies of treaties that the Prophet is said to have made with the Arabian tribes.⁴⁰ *Al-naṣr* (‘aid in war’) is central to many of the clauses of the ‘Constitution of Medina’.⁴¹ The consonantal root also occurs in the Qurʾān, with similar meanings.⁴²

The same is true for *takhāluṣ* (‘reciprocal sincerity’) and *tanāṣuḥ* (‘reciprocal sincere advice’). The consonantal roots of both words appear in various forms in the Qurʾān, some of which carry closely related meanings of sincere, uncompromised advice or devotion.⁴³ The nouns *nuṣḥ* and *naṣīḥa* (‘sincerity’, ‘sincere advice’) also appear once

each in the ‘Constitution of Medina’, in a clause that apparently refers to the obligations of the Jews (*wa-inna baynahumu ’l-nuṣḥ wa’l-naṣīḥa*).⁴⁴ Of course, ‘sincere advice’ also has a very long pre-Islamic history as a staple of treaty-texts alongside obligations of military service.⁴⁵

In the agreement between °Amr and Mu°āwiya, these mutual obligations relate to *amr Allāh wa’l-Islām* (‘God’s will and Islam’). *Amr Allāh* appears in many places in the Qur’ān. (*Amr* and *umūr* can also stand alone, or in other constructions, as they do elsewhere and in other clauses of this text. The plural, *umūr*, appears later in this text at §5. °*Āmmat al-amr* occurs at §6, and *amr Allāh* again at §7.⁴⁶) The translation of *amr* depends on context. In the Qur’ānic construction in this clause, it is often understood to have the sense ‘command’, or ‘will’, of God.⁴⁷ Here, paired with Islam, it implies that the co-operation of °Amr and Mu°āwiya is to take place in furthering God’s will and His religion, Islam. (Where *amr* or *umūr* stand alone (as they do later, at §5, §6 and §7), ‘matter’ and ‘affairs’ are often probably better translations; by extension, they can also be translated as ‘the government’ as they are at §6 and §7.)

It is also worth noting that, were this an authentic seventh-century text, this would be a very early attestation of the term *islām* outside the Qur’ān (where it occurs 8 times).⁴⁸ One of the earliest secure attestations in a documentary or epigraphic context is the inscription in the Dome of the Rock (c. 72/692).⁴⁹

§4 *wa-lā yakhdhulu aḥadunā ṣāḥibahu bi-shay’ wa-lā yattakhidhu min dūnihi walījatan wa-lā yaḥūlu baynanā walad wa-lā wālid abadan mā ḥayyaynā fī mā istaṭa’nā* (‘Neither one of us will withdraw his help from his counterpart on account of anything, nor take up an associate to his exclusion, nor will a son nor a father ever intervene between us, in so far as we are able’).

Much of this language has Qur’ānic and other early seventh century precedents.

khadhala means to ‘withdraw help from’ at Q 3.160 (where God is the subject of the verb). Elsewhere, false gods and Satan ‘withdraw help’ (Q 17.22, Q 25.29). That is, *khadhla*, ‘desertion’, is the opposite of the *naṣr* expected of allies.⁵⁰

walījah appears once in the Qurʾān (Q 9.16), meaning God, His Messenger and the Muslims, who are taken as the exclusive ‘familiar’ or ‘associates’ of ‘those who strive’ (*jāhadū*). The verb *ḥāla* is Qurʾānic, although it does not refer to the breaking of agreements in the Qurʾān.⁵¹

The specification about the superiority of the agreement over kinship ties recalls the reservation about punishing miscreants in the ‘Constitution of Medina’: *wa-law kāna walad aḥadīhim* (‘even if he is the son of one of them’).

The reservation *fī mā istaṭaʿnā* (‘in so far as we are able’) is found in a number of contexts, notably *ḥadīths* about the *bayʿa* (‘pledge of allegiance’) taken to Muḥammad that assert that the *bayʿa* was ‘for hearing and obeying’ or, ‘for hearing and obeying in so far as you are able’.⁵² These *ḥadīth* can probably be dated to the early eighth century in their current form.⁵³ The verb itself is Qurʾānic, and it is often used to refer to similar limits on obligations there, but this precise formula is not found in the Qurʾān.⁵⁴

§5 *fa-idhā futiḥat Miṣr fa-inna ʿAmran ʿalā arḍihā wa-imāratihī [sic] allatī ammarahu ʿalayhā amīr al-muʾminīn wa-baynanā al-tanāsuḥ waʾl-tawāzur waʾl-taʿāwun ʿalā mā nābanā min al-umūr* (‘If Egypt is conquered, then ʿAmr will rule over its land and its administration, to which the Commander of the Believers appointed him, and sincere reciprocal advice, assistance and support are between us in what we have delegated [to one another] as far as government is concerned’).

At this clause we arrive at what was said to have been the crux of the agreement between ʿAmr and Muʿāwiya: ʿAmr was to receive the lucrative governorship of Egypt, to which ʿUmar b. al-Khaṭṭāb (presumably the ‘Commander of the Believers’ intended here) had appointed him and from which he is said to have resented being removed by ʿUmar’s successor, ʿUthmān.

The use of *futiḥat* for the ‘conquest’ of Egypt might appear slightly unusual in that it appears to refer to the conquest of territory that is already largely Muslim. However, it is used elsewhere in the traditions about the *fitna* with the same sense—where actors understand God to be on their side, *fataḥa* is used; *ghalaba* is used of their enemies.⁵⁵

This ‘conquest’ of Egypt by °Amr and Mu°āwiya took place in two phases according to the tradition: first in 36/June 656–July 657, when they failed, and in Sha°bān 38/January 659, when they succeeded. In the Islamic tradition, the Egyptians were divided between °Alī and °Uthmān (though the latter did not necessarily support Mu°āwiya).⁵⁶ According to the near-contemporaneous Armenian source, Pseudo-Sebeos, a substantial group of Muslims ‘negotiated with the king of the Greeks, concluded a peace with him and went over to his side’ during the first *fitna*. This is not mentioned in other sources.⁵⁷

Here, as in the ‘Constitution of Medina’, *bayna* is used to express mutual obligation (see above, §3). *Al-tanāsuḥ* (‘sincere mutual advice’) reappears from §3. *Al-tawāzur* (‘reciprocal assistance’) and *al-ta°āwun* (‘reciprocal support’) are, however, new. Of the three, only *al-tanāsuḥ* is echoed in the ‘Constitution of Medina’ (see §3, above).

Again, there is no precise Qur°ānic parallel for any of the three words, but the consonantal roots, and some near synonyms, are found for *al-tanāsuḥ* and *al-tawāzur*;⁵⁸ the 3rd-person plural form *ta°āwanū* does appear in the Qur°ān, meaning ‘to give mutual help’.⁵⁹

§6 *wa-Mu°āwiya amīr °alā °Amr b. al-°Āṣ fi°l-nās wa-fi° āmmat al-amr ḥattā yajma°a Allāh al-umma* (‘Mu°āwiya is *amīr* over °Amr b. al-°Āṣ with regard to the people and the generalities of the government (*amr*) until God unites the *umma*’).

The title *amīr* is pre-Islamic, and can refer to any leader.⁶⁰ It quickly gained a prominent place in Islam as the title for army commanders and governors and is attested in early epigraphy.⁶¹

Here *al-umma* appears to refer to the Muslims as a whole. In the Qur°ān it is used more generally to refer to any ‘people’ united by religion, although some progression towards an emphasis on the Muslim community in particular has been suggested.⁶² The scope of the term in the ‘Constitution of Medina’ is disputed, but it is usually understood to imply this later, more specific sense, in the ‘Constitution of Medina’.⁶³

That Mu[°]āwiya is the senior partner only ‘until God unites the *umma*’ is a notable clause: along with the use of *amīr*, rather than *amīr al-mu[°]minīn* or *khalīfat Allāh* (‘Commander of the Faithful’ or ‘God’s Caliph’), it appears to fit a context in which Mu[°]āwiya has yet to publicly claim the caliphate as his own.

§7 *fa-idhā ijtama[°]at al-umma fa-innahumā yadkhulāni fī aḥsan amrihā °alā aḥsan alladhī baynahumā⁶⁴ fī amr Allāh alladhī baynahumā min al-sharṭ fī hādhihi ‘l-ṣaḥīfa* (‘When the *umma* comes together, then they will both participate in the best of its government (*amrihā*), according to the best which is between them both regarding God’s will, which is (also) between them with respect to the conditions which are in this document.’)

This clause affirms the plan division of the spoils established at §5 and reasserts the binding nature of the document under God. It also builds on the previous clause, looking forward to the moment when the *umma* is united and securing a share in the benefits of rule for °Amr. It also echoes the *khabar* which precedes the ‘document’, with its reference to participation in the government (*amr*): whereas °Amr has no hope of gaining a share in power from °Alī (he is, ‘without partners in any aspect of his command (*amr*)’), he has negotiated a lucrative governorship from Mu[°]āwiya.

Much of the terminology of this clause echoes §4. However, two more words are worth noting: *ṣaḥīfa* (‘document’) is Qur[°]ānic, and also occurs in the ‘Constitution of Medina’ and SAA;⁶⁵ *sharṭ* is the standard term in the later, classical texts for a conditional agreement, or contract. It occurs in Abbasid-era political contracts, but does not seem to be common in earlier ones.⁶⁶ It is also used of this particular agreement by al-Ya[°]qūbī (d. c. 905), who does not, however, reproduce the text itself.⁶⁷

§8 *wa-kataba Wardān sana thamān wa-thalathīn* (‘Wardān wrote in the year thirty-eight [June 658–May 659]’).

Early inscriptions and documents often end with a similar formula naming the scribe and giving the date at which he wrote, as do ‘documents’ found in the later sources.⁶⁸ The

scribe Wardān is clearly the *mawlā* of °Amr b. al-°Āṣ, who is mentioned throughout the tradition in relation to this event. One would expect a month too (though not a day).⁶⁹ What is initially more surprising here is the year itself—38/June 658–May 659; a point that was noted by Caetani in 1926.⁷⁰ In the material that frames the document, as elsewhere in the historical tradition, the implication is that this agreement was made shortly after the murder of °Uthmān; °Amr pledged allegiance to Mu°āwiya, before their first, failed attempt to conquer Egypt, in 36/30 June 656–18 June 657, and before the battle of Şifḫīn.⁷¹ The same assumption has been made by modern scholars who have looked at the document.⁷² Thus, given that the battle at Şifḫīn probably took place after prolonged manoeuvring in early Şafar 37/July 657, and this is also the date given for Şifḫīn by Ibn Sa°d elsewhere in his *Ṭabaqāt*,⁷³ one would expect the document to be dated 36/30 June 656–16 June 657, not 38/9 June 658–27 May 659).⁷⁴

On the one hand, if the document is indeed largely a genuine seventh-century text, then there are two possible explanations for this anomaly. The first is that a later copyist of the manuscript has copied the date incorrectly, giving 38 where it should be 36. Alternatively, the document was in fact written *after* the battle of Şifḫīn, but *before* the subsequent arbitration between the two sides (at Dūmat al-Jandal or Adhrūḫ, depending upon the tradition). This arbitration appears to have been originally scheduled for Ramaḫān 37/February–March 658 (as in SAA⁷⁵), but only actually to have taken place in Sha°bān 38/January 659.⁷⁶

On the other hand, if the ‘document’ is a later forgery, then there are three more possibilities: the date is again due to a copyist’s error, it is the error of its forger, or it is the date deliberately given to the ‘document’ by the forger—perhaps intending the text to belong to the period after Şifḫīn.

Whether or not the ‘document’ is genuine or a later composition, if we accept that the date was originally deliberately given as 38/658–9 then the ‘document’ has been ‘misplaced’ in the chronological sequence of *akhbār* material; it would in fact have been drawn up (or, if forged, have been said to have been drawn up) *in the wake* of Şifḫīn, and so it would relate exclusively to preparations for the second (and successful) attempt to conquer Egypt, in Şafar 38/9 July–6 August 658.⁷⁷ This makes some sense: the focus of the agreement is on °Amr’s rights to Egypt and the planned sharing of the spoils of

victory one the *umma* is united. If this interpretation is correct, then the sequence of events has been simplified in the historical tradition, so that the agreement for loyalty in return for Egypt has been made and written in 36/656. Ibn Saʿd’s text also explicitly links the agreement to events that immediately follow the death of ʿUthmān, despite its date. Against this reading of 38 as ‘correct’, one might cite §1’s *baʿd qatl ʿUthmān* ‘after the killing of ʿUthmān’, since this would be a reference to something that happened two years earlier. The best explanation for this is that ʿUthmān’s assassination remained a key point of reference for the two parties as their *casus belli*.

ii. Historiography

The ‘document’ is introduced by *nuskhatuhu* (‘a copy of it’), without an *isnād*. The preceding *khobar* is a fragment because of a lacuna in the published MS, and so also lacks an *isnād*.⁷⁸ Given the uneven use of *isnāds* in historical material, does not carry weight regarding the authenticity of the text. Thanks to other evidence, it does remain possible to reconstruct some of the transmission of the ‘document’, which appears (after Caetani) to have reached Ibn Saʿd via the traditionist al-Wāqidī (d. 823).

In his *Fihrist*, Ibn al-Nadīm (d. 995 or 998) states that Ibn Saʿd worked as a secretary for al-Wāqidī and composed his books from al-Wāqidī’s collections (*taṣnīfāt*); indeed, Iḥsān ʿAbbās and Stefan Leder have both suggested that we should suppose that a *Kitāb al-Ṭabaqāt* by al-Wāqidī was the basis for his secretary’s work of the same name.⁷⁹ It is also worth noting in connection with this particular ‘document’ that al-Wāqidī is said to have composed a *Kitāb al-Mubāyaʿāt* (‘Book of Pledges of Allegiance’) and a *Kitāb Ṣiffīn*, both now lost.⁸⁰ It might be objected that if al-Wāqidī was the source for this text one would also expect it to appear elsewhere. However, Ibn Saʿd’s privileged access to al-Wāqidī’s materials might explain this absence.

A second way to approach the provenance of the *kitāb* is to examine parallels with the material that immediately precedes it. The ‘document’ is unique to Ibn Saʿd, but the fragment of the *khobar* that precedes it is not—on the contrary, variants of it are widespread and well known. This suggests that two separate traditions were combined at some point. Thus, one important aspect of the document’s context is not to so much to

provide a plausible named transmitter or composer for it, but rather to establish a likely *terminus post quem* for its combination with better-known material.

The fragmentary *khbar* that precedes the ‘document’ in the published MS is the tail end of a widely disseminated account that describes °Amr’s consultation with his two sons about the problem of whether to make the *bay°a* to °Alī or Mu°āwiya. In what remains of Ibn Sa°d’s version, it begins where °Amr is answering his two sons, Muḥammad and °Abd Allāh, on their advice about siding with either Mu°āwiya or °Alī. Wardān, his *mawlā*, is also present.

°Amr b. al-°Āṣ

‘... [lacuna] ...and the more sound thing for my religion (*dīn*). As for you, O Muḥammad, you have commanded me to (do) what is more sensible in my worldly affairs (*dunyā*) and worse for me in my other-worldly ones. As for °Alī, the pledge of allegiance (*bay°a*) had already been given to him, with him relying on his priority (*sābiqa*) and without partners in any aspect of his command (*amr*). Set out, Wardān!’

Then (°Amr) departed, with his two sons, until he reached Mu°āwiya b. Abī Sufyān. He made a pledged to him to (*bāya°ahu °alā*) seek blood-vengeance for °Uthmān, and they wrote this contract (*kitāb*) between the two of them, a copy (*nuskha*) of which (follows)...

In this story, °Abd Allāh b. °Amr stands for ‘piety’ in counselling his father to give a pledge of allegiance to °Alī, whereas Muḥammad (where we join the story in the MS fragment) counsels the worldly course of following Mu°āwiya: *wa-amma anta yā Muḥammad fa-amartanī bi’lladhī anbahu lī fī dunyāya wa-asharru lī fī ākhiratī* (‘As for you, Muḥammad—you have commanded me to [do] the more sensible thing for me in my worldly affairs and the worst thing for me in my other-worldly ones’). °Amr, in keeping with his later image in the historiography, of course chooses ‘worldliness’, and sets out to meet Mu°āwiya.

There are near-exact parallels for these lines in a lengthy *khobar*, which is found in al-Ṭabarī's (d. 923) *Ta'rikh*. Al-Ṭabarī gives his source as Mūsā b. °Uqba (d. 758), via al-Wāqidī.⁸¹ The two relevant passages are the following:

... °Amr said, 'Summon Muḥammad and °Abd Allāh to me!' So they were both summoned to him. He said, 'What has reached both of you about the killing of °Uthmān—may God be pleased with him—, about the pledge of allegiance to °Alī, and about Mu°āwiya lying in wait on account of °Alī's transgressions, has happened.' He said, 'What are the opinions of the two of you? As for °Alī, there is no good in him; he is a man who is relying upon his priority (*sābiqa*), while he is without partners in any aspect of his command' ...

... °Amr said, 'As for you, O °Abd Allāh, you have commanded me to (do) what is best for me in the Other World and (to do) the more sound thing for my religion (*dīn*); as for you, O Muḥammad, you have commanded me to do what is more sensible in my worldly affairs (*dunyā*) and worse for me in my other-worldly ones. Then °Amr b. al-°Āṣ departed, with his two sons, until he reached Mu°āwiya. He found the Syrians urging Mu°āwiya to seek blood-vengeance for °Uthmān ...'⁸²

In al-Ṭabarī's version, however, °Amr goes on to be influential in persuading Mu°āwiya to seek blood vengeance. The *khobar* concludes, 'Mu°āwiya made peace with him and inclined to him' (*fa-ṣālahahu Mu°āwiya wa-°aṭafa °alayhi*).⁸³

One element found in Ibn Sa°d's text but missing from al-Ṭabarī/al-Wāqidī/Mūsā b. °Uqba is the expression, 'Set out, Wardān!' (*irhal yā Wardān*). This line is found in al-Minqarī's (d. 827–8) *Kitāb Waqa'at Šiffīn*, on the authority of °Umar b. Sa°d b. Abī al-Šayd al-Asadī (d. c. 796) and Muḥammad b. °Ubayd Allāh al-Qurashī.⁸⁴ It also occurs in a very close parallel of al-Minqarī's material, found without an *isnād* in al-Ya°qūbī's (d. c. 905) *Ta'rikh*, in Ibn A°tham's (fl. tenth-century?) *Kitāb al-Futūḥ*,⁸⁵ and in Ibn °Asākir's (d. 1176) *Ta'rikh Dimashq*.⁸⁶ Al-Balādhurī reports related material on the authority of °Īsā b. Yazīd al-Kinānī (Ibn Da°b, fl. c. 786), via al-Madā'īnī (d. c. 840–50).⁸⁷

Thus, it is likely that the framing material for Ibn Saʿd’s document derives from al-Wāqidī: much of it is found word-for-word on al-Wāqidī’s authority in the *History* of al-Ṭabarī. However, Ibn Saʿd’s version is not identical to al-Ṭabarī’s. It also betrays an awareness of other traditions about the same events found in other sources; all go back to late eighth-century transmitters. Hence, the *terminus post quem* for the ‘document’s’ integration with existing traditions is also probably the late eighth or early ninth century (although an earlier date for their combination cannot, of course, be *completely* excluded). As we have seen, if the date of 38/658 is accepted as correct, then the ‘document’ has been incorrectly placed in a context that implies it was composed in 36/656, rather than two years later, on the eve of the conquest of Egypt.

A third, related, approach to the provenance of the document is to look for parallels for its content in the rest of the historical tradition. Besides the formulaic features of all such treaties set out in ‘i’, which one would expect to be similar, there are almost none. However, there is one telling phrase at §2: *wa-ḥamala kull wāḥid minhumā ṣāḥibahu al-amāna* (‘Each one of the two took upon himself the obligation with respect to his counterpart’). In a *khabar* on the authority of ‘other than ʿUmar’ (*wa-fi ḥadīth ghayr ʿUmar*), al-Minqarī gives:

Muʿāwiya wrote (*kataba lahu kitāban*), “On condition that no condition is violated in obeying,” and ʿAmr wrote, “On condition that obedience is not violated by a condition,” and each one of the two schemed against his counterpart (*wa-kāyada kull wāḥid minhumā ṣāḥibahu*).⁸⁸

Al-Minqarī’s implication is that each party sought to make the conditions advantageous to themselves, Muʿāwiya by making ʿAmr’s obedience to him unconditional, ʿAmr by insisting on Egypt as a condition for his obedience. What is more important for our purposes is that the phrase *wa-[verb] kull wāḥid minhumā ṣāḥibahu* is an exact parallel with part of §2 in Ibn Saʿd’s ‘document’. In the ‘document’, the sense of the phrase is transformed by the change of the verb from *kāyada* to *ḥamala*: from an anecdote about the devious nature of the two parties to the agreement, it becomes a mutually beneficial arrangement; the terms of the treaty amount to a plan for the division of the spoils.

The passage from al-Minqarī is one of at least four places where the phrase *kull wāḥid minhumā ṣāḥibahu* occurs in the historical tradition in relation to these events. The same expression, *wa-kāyada kull wāḥid minhumā sāḥibahu* is also found in: al-Minqarī/°Umar b. Sa°d/Muḥammad b. °Ubayd Allāh;⁸⁹ in the anonymous mid-tenth-century (?) *Kitāb al-Imāma wa'l-Siyāsa*;⁹⁰ and in Ibn °Asākir, in an ‘elaboration’ attributed to ‘al-Kalbī’ (*wa-zāda al-Kalbī fī ḥadīthihi*).⁹¹ There is no mention of the writing of the treaty document in al-Ṭabarī/al-Wāqidi/Mūsā besides the verb *ṣālahahu* (‘[Mu°āwiya] made peace with him’). Al-Bālādhurī/al-Madā’inī/Ibn Da°b includes the contradictory conditions of the two parties, but not the crucial phrase about each one scheming against the other.⁹²

This precise textual parallel suggests that the tradition about the ‘document’ preserved by Ibn Sa°d, and the *khbars* from both the ‘Syrian’ and the ‘Iraqi’ provenance recorded in the previous generation by al-Minqarī, are interrelated. The question is exactly how. There are three possibilities: either the tradition derives from the document, or the document derives from the tradition, or both the extant document and the tradition derive from a now lost third source. Such a lost third source of course remains hypothetical, is unnecessary to explain the evidence and so need not detain us for long, although it remains a possibility. Given that the ‘document’ occurs only in Ibn Sa°d, one might suspect the second explanation: that it was by an author who was very familiar with all the traditions about °Amr and Mu°āwiya and who was influenced, consciously or unconsciously, by some of the material deriving from the late eighth-century traditionists. This would place the ‘document’s’ provenance in the late eighth or early-to-mid ninth century, and probably in Iraq. However, it is certainly quite possible that the reverse has in fact occurred, and that the anecdotal traditions have modified a line from the ‘document’: in favour of this hypothesis is the way that the traditions have transformed the meaning of a formulaic phrase in the original agreement into a critical commentary on Mu°āwiya’s and °Amr’s motives in making the pact. This would conform with a pattern of legendary Abbasid-era material about the *fitna* that denigrates the Umayyads.⁹³

The only other parallels with the content of the document occur in the later *History* of al-Ya°qūbī (d. c. 905), who summarizes the drawing-up of the agreement at the end of material closely related to that found in al-Minqarī/°Umar b. Sa°d/Muḥammad

b. °Ubayd Allāh.⁹⁴ His summary appears to echo Ibn Sa°d’s version of the agreement in two places: *wa-kataba lahu bi-Miṣr sharṭan wa-ashhada lahu shuhūdan wa-khatama al-sharṭ wa-bāya°ahu °Amr wa-ta°āhadā °alā°l-wafā°* (‘[Mu°āwiya] wrote a document about Egypt for him, had it witnessed for him and sealed the dispositive conditional agreement. °Amr pledged allegiance to him and they both made a covenant that they would fulfil their obligations.’).⁹⁵ The verb for the agreement is the same as in §1 (*ta°āhada ... °alā°*) and, as in §7, the agreement is described as a *sharṭ*. It seems likely that al-Ya°qūbī had access to a wide range of the late eighth and early ninth-century material, including Ibn Sa°d’s account, but suppressed the document itself—something that is not unusual in his very concise universal history.

iii. Conclusions

The pact between °Amr and Mu°āwiya is a salutary lesson in the difficulties with writing the history of the first century of Islam, and in particular about the caution that must be exercised in using purported ‘documents’ preserved only in the later tradition as evidence for historical events. With the present state of knowledge, it is impossible to arrive at a definite conclusion about the authenticity of the ‘document’. However, the range of possibilities can be narrowed, and seven main conclusions arrived at.

1. First, there is the question of the date given at the end of the ‘document’. It is 38/658–9 where, on the basis of both the immediate context and the rest of the tradition, one might expect 36/656–7, or 37/657–8. If this is not a chance copyist’s error, then it indicates that the document, real or imagined, was originally associated with events *after* Ṣiffīn, when Mu°āwiya sent °Amr to conquer Egypt. Given that °Amr had presumably already pledged his allegiance to Mu°āwiya (perhaps prior to his participation in an earlier attempt to conquer Egypt in 36/656–7, and certainly before his presence at Ṣiffīn in 37/657), our ‘document’ becomes a second agreement, publicly reaffirming the rights of the two men on the eve of the second attempt to gain control of Egypt, in 38/658. This suggests that, authentic or not, the ‘document’ may not have originally belonged in the context Ibn Sa°d assigned to it. Further, given the silence of the historical tradition about any such pledged agreement between °Amr and Mu°āwiya in 38/658, this unusual date is

probably a point in favour of the authenticity of the ‘document’: a forger would have been inventing a ‘document’ for a context that has left no other trace of such an agreement in the tradition. Against this interpretation is the sheer amount of work that it demands of the date: a simple copyist’s error (albeit a slightly unusual one) would invalidate this interpretation.

2. Second, there is the question of the transmission of the text. Although Petersen suggests that it was composed by Ibn Sa‘d himself, and this might seem plausible since it is unique to his work, it is much more likely, after Caetani, that it reached Ibn Sa‘d from al-Wāqidī. First, there is al-Wāqidī’s known interest in pledged agreements (*mubāya‘āt*). Second, there is the location of the ‘document’, embedded as it is in material that, according to al-Ṭabarī, also largely derives from al-Wāqidī. Finally, there is the unusual date of the document, which might betray a different original context to that given it by Ibn Sa‘d.

3. There is no doubt that if the ‘document’ is a later forgery it is a very careful one, which bears some particularly close resemblances in its archaic formulas and structure to the ‘Ṣiffīn Arbitration Agreement’, the authenticity of which is much more certain. The language of the pact echoes both this agreement and the ‘Constitution of Medina’: it is Qur’ānic but does not quote the Qur’ān, nor *ḥadīth*, and it lacks the verbose quality of late Marwanid documents, let alone Abbasid ones. It also fits the historical context quite precisely, perhaps very precisely indeed if the ‘unusual’ date of 38/658 is accepted. Thus, a strong possibility remains that it is indeed a chance survival of an authentic treaty agreement, shorn of any details about its transmission and extant only in Ibn Sa‘d’s *Kitāb al-Ṭabaqāt*.

4. However, given the available evidence, it of course remains very possible that the ‘document’ is in fact an eighth- or early ninth-century composition, again most likely by al-Wāqidī. As we have seen, the main point that might be taken in favour of forgery is the precise textual parallel found in other *akhbār* about the agreement between ‘Amr and Mu‘āwiya, *wa-kāyada kull wāḥid minhumā ṣāḥibahu* (‘each one of the two schemed against his counterpart’).⁹⁶ It is this phrase that is paralleled very closely at §2: *wa-ḥamala kull wāḥid minhumā ṣāḥibahu al-amāna* (‘Each one of the two took upon himself the obligation with respect to his counterpart’). Furthermore, it is strange that no other

eighth or ninth century traditionist reproduced it anywhere. Here the ‘Šiffīn Arbitration Agreement’ is a useful comparator—it is all over the early tradition.⁹⁷ There are also a handful of other features which are a little dubious: *Bayt al-Maqdis* (‘Temple Mount’?) instead of the Īlyā° (‘Aelia’) that might be expected at §1; the reminder of the murder of °Uthmān in the same clause (which perhaps somewhat contradicts the unusual date at the ‘document’s’ end); even, perhaps, the presence of the term *Islām* itself at §3.

5. It is now quite widely accepted that al-Wāqidī had a tendency to ‘reshaping and the creation of narrative material’, and that this was by no means unique to him among early and mid-Abbasid era scholars.⁹⁸ However, the degree of creativity exercised by *akhbārī* scholars is still much disputed. If this *is* an entirely invented ‘document’ then it is further evidence of the potential for a very considerable degree of creativity on the part of eighth and ninth century *akhbārīs*.⁹⁹ Indeed, the entire story of the written agreement may be a later fiction. As Petersen observes, in its extant form the ‘document’ functions as a vivid representation of an encounter between two of the major participants in the first *fitna*, and an effective element in late eighth or early ninth-century Abbasid propaganda against their Umayyad precursors. In this, it resembles the large amount of purportedly ‘documentary’ material cited by traditionists about the first *fitna*: letters and sermons abound, alongside texts like the SAA.¹⁰⁰ Some may be genuine, but the great majority were almost certainly invented purely to serve a narrative function.

The use of purported primary material—dialogue, public speech, letter or, as here, treaty-text—for narrative effect is a common feature of most pre-modern historiography. The vast bulk of the extant early Islamic historical tradition was composed in Abbasid Iraq in the late eighth and early-to-mid ninth centuries and it is clear that in its surviving form, this is history as court literature: it was composed to entertain, edify and, crucially, to argue. Both Ibn Sa°d and al-Wāqidī would have had motives for elaborating upon the venal basis of the Umayyads’ success with this document. Both were present in Baghdad at the court of al-Ma°mūn (and, in the case of Ibn Sa°d, his successors, al-Mu°tašim and al-Wāthiq), and both appear to have had sympathy with Hāshimite ideas about caliphal legitimacy. Petersen’s characterization of the two scholars as ‘pro-°Alid’ and ‘Mu°tazilī’ in outlook and his model of regional ‘schools’ in historiography require some revision.

Nonetheless, it remains the case that they would appear to have had strong motives for the denigration of Mu[°]āwiya and his allies.¹⁰¹

7. There is also a third, middle position between authenticity and outright invention: a reasonably accurate memory of the composition of such a text may have been transmitted, making al-Wāqidī's text an imaginative (and impressive) recreation of what such a document might have looked like, based on a greater or lesser knowledge of the original. Madelung has already noted the 'dubious' quality of the anecdotal evidence for the encounter between [°]Amr and Mu[°]āwiya, while at the same time observing that in 'substance' all of the material is similar. For Madelung, this is a reason to trust the outline of events: 'contemporary observers' were 'intrigued'.¹⁰²

With these seven points, we reach the current limits of reasonable certainty. However, in the opinion of this author, the balance of probability does lie against Petersen and with Lippert, Lecker and Duri, in favour of authenticity rather than not. It seems more likely that the short parallel phrase in the tradition derives from the 'document' rather than the other way around: the reformulation of the phrase in the tradition turns a neutral clause into a critical commentary on the motives of [°]Amr and Mu[°]āwiya. Furthermore, its archaic form and style, the close parallels with the 'Ṣiffīn Arbitration Agreement', the absence of any obvious anachronisms and the unusual 'incorrect' date are all important points in its favour. Against the possibility that the date is merely a scribal error, there is the argument that it would be an unusual one: the Arabic words for 'six' and 'eight' are not easily confused, even when unpointed (whereas, for example, 'seven' and 'nine' are). The absence of the text from the rest of the tradition when compared to the 'Constitution of Medina' and the 'Ṣiffīn Arbitration Agreement' may be explained by its comparative unimportance compared to these texts, which involved the Prophet Muḥammad and the first Shi[°]ī Imam, [°]Alī, respectively.

Where does this leave the use of 'documents' in writing the history of early Islam? First, each text needs to be examined carefully on its own merits and in the context of other, similar texts and the wider tradition. Often, however, this will not be completely conclusive, as we have seen. Indeed, except where real confidence is possible, as with much of the 'Constitution of Medina', and the 'Ṣiffīn Arbitration Agreement', it

is better, as I have argued elsewhere, to observe patterns of form and structure rather than to rely on the authenticity of any single ‘document’, let alone any specific feature of any one such a text.¹⁰³ Our ‘document’, real or imagined, does conform to patterns found in other similar seventh century ‘documents’ of which we can be certain.

To put it another way, there is an identifiable evolution in the form and content of written political agreements in the literary sources between the seventh and the ninth centuries, against which this and other ‘documents’ can be tested. That such an evolution can be identified does suggest both a real tradition of political covenant and also the survival of real documents in some cases.¹⁰⁴ Against the most sceptical readings of the tradition, it seems very likely indeed that at least some mid-to-late eighth- and ninth-century formulas for such agreements are authentic, and that, in some cases, much more than just the formulaic material is real.¹⁰⁵ Some very early ‘documents’ do also appear to survive: as noted above, the ‘Constitution of Medina’ is one such authentic document; the ‘Şiffin Arbitration Agreement’ is almost certainly another (the latter transmitted accurately by ʿUmar b. Saʿd, a key informant on our agreement between ʿAmr and Muʿāwiya). This author would cautiously add our pact to this list. Between them, these texts indicate that the written record of political contracts was an established practice among the early Muslims. They also suggest that the importance and development of ‘contract’ and ‘covenant’ in early Islamic religio-political thought and practice would repay further investigation.

¹ The *locus classicus* for the sceptical position has long been P. Crone, *Slaves on Horses: The evolution of the Islamic polity* (Cambridge 1980), 3–17. A recent assessment of the situation can be found in C.F. Robinson, *Islamic Historiography* (Cambridge 2003), 50–4. Some of the biggest recent advances have been made by those seeking materials outside that tradition, in archaeology, papyrology and epigraphy, or in non-Arabic literary sources: see, e.g. R.G. Hoyland, *Seeing Islam As Others Saw It: A Survey of Christian, Jewish and Zoroastrian Writings on Early Islam* (Princeton 1997); idem, ‘New documentary texts and the early Islamic state’, *BSOAS* 69 (2006), 395–416; P. Sijpesteijn, L. Sundelin, S. Torallas Tovar, A. Zomeño (eds), *From al-Andalus to Khurasan: Documents from the Medieval Muslim World* (Leiden 2006).

² There is an extensive literature on the ‘Constitution of Medina’, e.g. R.B. Serjeant, ‘The “Constitution of Medina”’, *Islamic Quarterly* 8 (1964), 3–16; F.M. Denny, ‘Ummah in the Constitution of Medina’, *JNES* 36 (1977); R.B. Serjeant, ‘The *Sunna Jāmi‘ah*, Pacts with the Yathrib Jews, and the *Tahrīm* of Yathrib: Analysis and Translation of the Documents Comprised in the So-called “Constitution of Medina”’, *BSOAS* 41 (1978), 1–42; U. Rubin, ‘The “Constitution of Medina”: Some Notes’, *Studia Islamica* 62 (1985), 5–23; F.M. Donner, ‘From Believers to Muslims: Confessional Self-Identity in the Early Islamic Community’, *al-Abhāth* 50–1 (2002–3), 9–53; M. Lecker, *The “Constitution of Medina”: Muḥammad’s First Legal Document* (Princeton 2004). On the ‘Şifḥīn arbitration agreement’ see M. Hinds, ‘The Şifḥīn Arbitration Agreement’, *JSS* 17 (1972), 93–113.

³ For a sceptical assessment of peace treaties from the conquest period for the Jazīra: C.F. Robinson, *Empire and Elites after the Muslim Conquest: The Transformation of Northern Mesopotamia* (Cambridge 2000), 1–32.

⁴ For a collection of ‘documentary’ material in later sources, see A.Z. Şafwat, *Jamharat rasā’il al-‘ārab fī ‘usūr al-‘Arabīya al-ẓāhira*, 2nd edn, 4 vols (Cairo 1971). On later Umayyad ‘state letters’, see, e.g. P. Crone and M. Hinds, *God’s Caliph: Religious authority in the first centuries of Islam* (Cambridge 1986), 116ff. and the review by N. Calder, ‘Review: Patricia Crone and Martin Hinds, *God’s Caliph: Religious Authority in the first Centuries of Islam*, Cambridge University Press, 1986’, *JSS* 22 (1987), 375–8;

Wadad al-Qadi, '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), 215–76; A. Marsham, *Rituals of Islamic Monarchy: Accession and Succession in the First Muslim Empire* (Edinburgh 2009), 145–67. On similar documents from the early Abbasid period, see, e.g. W. Madelung, 'New documents concerning al-Ma'mūn, al-Faḍl b. Sahl and 'Alī al-Riḍā', in Wadad al-Qadi (ed.), *Studia Arabica et Islamica: Festschrift for Ihsan Abbas* (Beirut 1981), 333–47; R.A. Kimber, 'Hārūn al-Rashīd's Meccan Settlement of AH 186/AD 802', *Occasional Papers of the School of Abbasid Studies* 1 (1986), 55–79; Tayeb El-Hibri, 'Harun al-Rashid and the Meccan Protocol of 802: A plan for division or succession?', *IJMES* 24 (1992), 461–80; idem, *Reinterpreting Islamic Historiography: Hārūn al-Rashīd and the Narrative of the 'Abbāsīd Caliphate* (Cambridge 1999); Marsham, *Rituals*, 219–49, 294–308.

⁵ Abū 'Alī Muḥammad b. Sa'd, *Kitāb al-Ṭabaqāt al-Kabīr*, ed. E. Sachau (Leiden 1904–1940), iv.2, 2–3 (hereafter 'Sachau'); Ibn Sa'd, *Kitāb al-Ṭabaqāt al-Kubrā li-Ibn Sa'd*, ed. I. 'Abbās (Beirut 1957), iv, 254 (hereafter 'Abbās'; this latter reproduces the same text as the Leiden edition by Sachau.) The text does not appear in Ṣafwat's collection (above, n. xx).

⁶ On this agreement, see the brief outline in Abū Ḥanīfa Aḥmad b. Dāwūd al-Dīnawarī, *Akbār al-ṭiwāl*, ed. V. Guirgass (Leipzig 1888), 167ff. Some other, fuller narratives are found in: Naṣr b. Muzāḥim al-Minqarī, *Waqa'at Ṣiffīn*, ed. M.H. 'Abd al-Salām (Cairo 1981), 34–44; Aḥmad b. Yaḥyā al-Balādhurī, *Ansāb al-ashraf*, ed. M.B. al-Maḥmūdī (Beirut 1974), ii, 282–8; al-Balādhurī, *Ansāb al-Ashraf*, ed. M. Schloessinger (Jerusalem 1971), iva, 78–80; Abū'l-'Abbās Aḥmad b. Abī Ya'qūb al-Ya'qūbī, *Ta'rikh*, ed. M.J. Houtsma (Leiden 1883), ii, 214–17; Abū Ja'far Muḥammad b. Jarīr al-Ṭabarī, *Ta'rikh al-rusul wa'l-mulūk*, ed. M.J. de Geoje (Leiden 1879–1901), i, 3249–50, 3252–4; Pseudo-Ibn Qutayba, *Kitāb al-Imāma wa'l-siyāsa*, ed. Ṭ.M. al-Zaynī (Cairo 1967), i, 87–8; Abū Muḥammad Aḥmad A'tham al-Kūfī, *Kitāb al-Futūḥ*, ed. M.A. Khan (Hyderabad 1968–75), ii, 382–91; Thiḡat al-Dīn Abū'l-Qāsim 'Alī b. Abī Muḥammad (Ibn 'Asākir), *Ta'rikh Madīnat Dimashq*, ed. 'U. b. Gh. al-'Amrawī (Beirut 1995–2000), xlvi, 166–7,

167–8; °Izz al-Dīn Abū'l-Ḥasan °Alī b. al-Athīr, *al-Kāmil fi'l-Ta'rikh* (Beirut 1965), ii, 274–6. There is no mention of the agreement by Khalīfa b. Khayyāṭ, who simply recounts °Amr's support (and that of his son, °Abd Allāh) for Mu°āwiya and his seizing power in Egypt: Khalīfa b. Khayyāṭ al-Uṣfūrī, *Ta'rikh*, ed. A.Ḍ. al-°Umarī (Baghdad 1977), 178, 192, 195, 201. Some early Armenian and Syriac sources are similarly aware of the alliance between °Amr and Mu°āwiya, but do not mention the pact itself: Pseudo-Sebeos, *The Armenian History Attributed to Sebeos*, trans. and ann. R.W. Thomson, J. Howard-Johnston, T. Greenwood (Liverpool 1999), i, 154; A. Palmer et al., *The Seventh Century in the West-Syrian Chronicles* (Liverpool 1993), 183 ('Dionysius Reconstituted'). There is no mention of °Amr in Theophanes, who at this point relies on the Syriac source, the 'Chronicle of 750': Theophanes, *The Chronicle of Theophanes Confessor: Byzantine and Near Eastern History AD 284–813*, ed. C. Mango and R. Scott (Oxford 1997), lxxxii–lxxxvii, 483–5.

⁷ On the various dates of his dismissal: M. Lecker, 'The Estates of °Amr b. al-°Āṣ in Palestine: Notes on a New Negev Arabic Inscription', *BSOAS* 52 (1989), 29.

⁸ See Wellhausen, *The Arab Kingdom and Its Fall*, trans. M.G. Weir (Calcutta 1927), 76, 135.

⁹ *baynahum* in Lippert's ed.

¹⁰ W. Madelung, *The Succession to Muḥammad: A Study of the Early Caliphate* (Cambridge 1997), 197.

¹¹ Ibn Sa°d, *Ṭabaqāt* (Sachau), iv.2, xxvii–xxviii.

¹² L. Caetani, *Annali dell Islam* (Milan 1905–26), ix, 238, §327.

¹³ E. Petersen, *°Alī and Mu°āwiya in the Early Arabic Tradition* (Copenhagen 1964), 90: 'The contract between Mu°āwiya and °Amr is given an entirely new semblance in epistolary form drawn up by °Amr's *mawlā* Wardān, whereby °Amr's initiative is concretized; the two parties promise each other unconditional aid against °Amr's being promised Egypt.'

¹⁴ Lecker, 'The Estates of °Amr b. al-°Āṣ', 29, 30 and n. 61, where he notes the existence of the agreement, that it was made in Jerusalem and written by Wardān; A.A. Duri, 'Jerusalem in the Early Islamic Period seventh–11th Centuries AD', in K. Asali (ed.),

Jerusalem in History (Essex 1989), 108–9 and n. 52, where he notes, ‘Ibn Sa°d gives the text of this pact’.

¹⁵ Madelung, *Succession*, 196–7, and n. 246.

¹⁶ Since Ibn Sa°d’s work is extant only in later versions, it is not impossible (though unlikely) that the text is even later than 845. The transmitter of the text, al-Ḥārith b. Muḥammad al-Tamīmī died in 895. Furthermore, without seeing all the MSS, the possibility that it is later still cannot be completely discounted. The Sachau edition bases this section of the text on only one MS, ‘Wetzstein II, 349’: Ibn Sa°d, *Ṭabaqāt* (Sachau), iv.2, v ff. This is followed by the °Abbās edition. On the various MSS, see O. Loth, *Die Classenbuch des Ibn Sa°d: Einleitende Untersuchungen über Authentie und Inhalt nach den handschriftlichen Überresten* (Leipzig, 1869), 12ff., 38, 39; W. Ahlwardt, *Verzeichniss der arabischen Handschriften von W. Ahlwardt Bd. 9*, ‘Die Handschriften-Verzeichnisse königlichen Bibliothek zu Berlin Bd. 21’, 195–6, no. 9650 (Berlin, 1897); Ibn Sa°d, *Ṭabaqāt* (Sachau), esp. iii.1, xl–xlīii; *ET*², ‘Ibn Sa°d’ (J.W. Fück); F. Sezgin, *Geschichte des arabischen Schrifttums. Band 1. Qur’ānwissenschaften, Ḥadīth, Geschichte, Fiqh, Dogmatik, Mystik bis ca. 430 H.* (Leiden 1967), 300-1.

¹⁷ See above, n. xx.

¹⁸ See above, n. xx.

¹⁹ Marsham, *Rituals*, 107–8, 240. On the structure of related *amān* and *shurūṭ* texts, see J. Wansbrough, ‘The safe-conduct in Muslim chancery practice’, *BSOAS* 34 (1971), 20-35; Marsham and Robinson, ‘The Safe-Conduct’, 261, 276; Marsham, *Rituals*, 231.

²⁰ C.E. Bosworth, ‘Rajā° b. Haywa al-Kindī and the Umayyad Caliphs’, *Islamic Quarterly* 16 (1972), 62–6.

²¹ Hoyland, *Seeing Islam*, 687ff.

²² See, e.g. Abraha’s inscription in Epigraphic South Arabian inscription at Ma°rib in W. Seipel, ed., *Jemen: Kunst und Archäologie im Land der Königen von Saba°* (Vienna 1998), 406; the Ghassanid inscription at Qasr al-Ḥayr al-Gharbī cited in R.G. Hoyland, ‘The Emergence of Arab Identity’, in Sijpesteijn et al., *From al-Andalus to Khurasan*, 229, citing L. Jalabert and R. Mouterde, *Inscriptions grecques et latines de la Syrie* (Paris 1929–<1993>), 2553bd.

- ²³ S. Bashear, *Arabs and Others in Early Islam* (Princeton 1997), 35; Marsham and Robinson, ‘The Safe-Conduct’, 262.
- ²⁴ J. A. Wakin, *The Function of Documents in Islamic Law: The Chapters on Sales from Ṭahāwī’s Kitāb al-Shurūṭ al-Kabīr* (Albany 1972), 44 and n. 3.
- ²⁵ Muḥammad b. Ḥabīb al-Baghdādī, *Kitāb al-Munammaq fī akhbār Quraysh*, ed. A.F. Khurshīd (Hyderabad 1964), 90–1 (see 90, n. 4 re. *rajulāt*); al-Balādhurī, *Ansāb al-ashrāf*, ed. M. Ḥamīd Allāh, ‘Dhakā’ir al-‘arab, 27’ (Cairo 1959), i, 71–2 = al-Balādhurī, *Ansāb al-ashrāf*, ed. M. Fardūs al-‘Aẓm (Damascus 1997–2004), i, 83; Muḥammad b. ‘Umar al-Wāqidī, *Kitāb al-Maghāzī li’l-Wāqidī*, ed. M. Jones (Oxford 1966), ii, 781–2; Marsham, *Rituals*, 27.
- ²⁶ That is, it is also different from the ‘subjective’ formula *hādha kitāb min... li...* common in the extant dispositive documents, which recognizes an agreement ‘in favour of’ (*li*) one of two parties: G. Khan, *Bills, Letters and Deeds: Arabic Papyri of the seventh to 11th Centuries* (Oxford 1993), 63–4.
- ²⁷ *EI²*, ‘al-Ḳuds. A. 2. Names’ (O. Grabar).
- ²⁸ Marsham, *Rituals*, 86–90.
- ²⁹ *EI²*, ‘al-Ḳuds. A. 2. Names’ (O. Grabar); Duri, ‘Jerusalem’, 111–12; K. Cytryn-Silverman, ‘The Fifth mīl from Jerusalem: another Umayyad milestone from southern Bilād al-Shām’, *BSOAS* 70 (2007), 605.
- ³⁰ See, e.g. the declaration of Yathrib as a *ḥaram* in the ‘Constitution of Medina’ (Lecker, ‘*Constitution*’, 37, §49, 165ff.), the vow ‘under the tree’ at Q 48.18, and the famous pledges at the Ka‘ba under Hārūn al-Rashīd (Marsham, *Rituals*, 220).
- ³¹ Lane, s.v. *amāna*; cf. Q 2.283, Q 4.58, Q 23.8, Q 70.32.
- ³² Q 33.72 (quoted above) and Q 2.286, Q 16.25, Q 24.54, Q 29.12–3 and Q 62.5; Lane, s.v.
- ³³ See below, xx.
- ³⁴ SAA, §1, ll. 9, 15.
- ³⁵ Lecker, ‘*Constitution*’, 32, §1.
- ³⁶ Marsham, *Rituals*, 170–75, 237–39.
- ³⁷ *‘Ahd Allāh*: Q.2.27, Q.3.77, Q.6.152, Q.13.20, Q.13.25, Q.16.91, Q.16.95, Q.33.15.

³⁸ For a discussion of the ‘primordial covenant’ in the Qurʾān and in later Islamic tradition, see Wadād al-Qāḍī, *The Primordial Covenant and Human History in the Qurʾān*, ‘The Margaret Weyerhaeuser Jewett Chair of Arabic Occasional Papers, 2006’ (Beirut 2006).

³⁹ al-Wāqidī, *Maghāzī*, ii, 281–2; Ibn Ḥabīb, *Munammaq*, 90–1; al-Balādhurī, *Ansāb* (Cairo 1959) i, 71–2 = al-Balādhurī, *Ansāb* (Damascus 1997–2004), i, 83; Marsham, *Rituals*, 27.

⁴⁰ Marsham, *Rituals*, 64.

⁴¹ Lecker, “*Constitution*”, 8, §18, §25, 9, §48, §54, §55.

⁴² M.F. °Abd al-Bāqī, *Muʿjam al-mufahras li-alfāz al-Qurʾān al-karīm* (Cairo 1945) s.v.

⁴³ E.g. *khalasū* at Q 12.80 (‘they conferred together’), *lahu mukhliṣūn* at Q 2.139 (‘exclusively devoted to Him’, cf. Q 7.29 *et al.*, ‘making religion pure for Him’); other instances relating more strictly to the related concepts of purity and exclusivity include: Q 2.94, Q 4.146, Q 6.139, Q 7.32, Q 16.66, Q 33.50, Q 38.46, Q 39.2, Q 39.3, Q 39.11, Q 39.14. ‘Election’ is another related field of meaning, e.g. Q 12.24 *et al.* For *naṣaḥa* and related terms: Q 7.21, 62, 68, 79, 93, Q 9.91, Q 11.34, Q 12.11, Q 28.12, Q 28.20.

⁴⁴ Lecker, “*Constitution*”, 9, §46, 37, §46.

⁴⁵ E.g. J. B. Pritchard, *Ancient Near Eastern Texts relating to the Old Testament*, 3rd rev. edition (Princeton 1969), 535.

⁴⁶ For *amr al-nās*, see SAA, §3. For an extensive discussion of the pre-Islamic and early Islamic meanings of *amr* and *umūr*, see M.M. Bravmann, ‘Heroic Motives in Early Arabic Literature’, *The Spiritual Background of Early Islam* (Leiden 1972), 39-63. *EI*², ‘Amr’ (S. Pines), is concerned with later philosophical and exegetical interpretations of the term.

⁴⁷ See, °Abd al-Bāqī, s.v.

⁴⁸ Q 3.19, Q 3.85, Q 5.3, Q 6.125, Q 9.74, Q 39.22, Q 49.17, Q 61.7.

⁴⁹ Hoyland, *Seeing Islam*, 699.

⁵⁰ *khadhl* and related terms are common in the pre-Islamic poetry, see A. Arazi and S. Masalha, *al-ʿIqd al-thamīn fī dawāwīn al-shuʿarāʾ al-sitta al-jāhiliyyīn* (Jerusalem 1999) s.v.

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- ⁵¹ Q 8.24, Q 11.43, Q 34.54.
- ⁵² Abū °Alī Aḥmad b. Muḥammad b. Ḥanbal, *al-Musnad*, ed. A. M. Shākir (Cairo 1949–56), viii, §5541.
- ⁵³ Marsham, *Rituals*, 100.
- ⁵⁴ °Abd al-Bāqī, s.v.
- ⁵⁵ E.g. al-Minqarī, *Waqa°at Siffīn*, 45–6.
- ⁵⁶ Wellhausen, *Arab Kingdom*, 93–8.
- ⁵⁷ Ps-Sebeos, *Armenian History*, i, 154; Hoyland, *Seeing Islam*, 342, n. 21, 559, n. 63; Hoyland, ‘New documentary texts’, 398.
- ⁵⁸ °Abd al-Bāqī, s.v.
- ⁵⁹ *ta°āwanū*: Q 5.2 (in two places).
- ⁶⁰ T. Nagel, ‘Some Considerations Concerning the pre-Islamic and Islamic Foundations of the Authority of the Caliphate’, in J.H.A. Juynboll (ed.), *Studies on the First Century of Islamic Society* (Carbondale and Edwardsville 1982), 195; K. Athamina, ‘The Pre-Islamic Roots of the Early Muslim Caliphate’, *Der Islam*, 76, 1999, 10–11.
- ⁶¹ Hoyland, *Seeing Islam*, 690ff.
- ⁶² *EI*², ‘Umma’ (F. M. Denny).
- ⁶³ See above, n. xx.
- ⁶⁴ Lippert’s ed. *baynahum*.
- ⁶⁵ Lecker, ‘*Constitution of Medina*’, 9, l. 64; Hinds, ‘*Ṣiffīn*’, §3, l. 7, §4, l. 21.
- ⁶⁶ It occurs in Ibn Ishāq’s preamble to the ‘*Constitution of Medina*’, but not in the ‘*Constitution itself*: Lecker, ‘*Constitution*’, 7. See further, Wakin, *Function*, *passim*; Marsham, *Rituals*, 238, 240. Khan, ‘Pre-Islamic Background’, 223, notes that the Arabic *sharṭ* may be derived from the Aramaic *s°ṭar*.
- ⁶⁷ al-Ya°qūbī, *Ta°rīkh*, 217.
- ⁶⁸ Marsham, *Rituals*, 241–3.
- ⁶⁹ Marsham, *Rituals*, 242.
- ⁷⁰ See above, xx, and n. xx.
- ⁷¹ al-Ṭabarī, *Ta°rīkh*, i, 3233ff.; Wellhausen, *Arab Kingdom*, 93–7.
- ⁷² See above, n. xx.

⁷³ Ibn Sa[°]d, *Ṭabaqāt* (°Abbās), iii, 32.

⁷⁴ See, e.g. al-Minqarī, *Waqa[°]at Ṣiffīn*, 45–6; Abū Mikhnaf/al-Ṭabarī, *Ta[°]rīkh*, i, 3397, “When he had given Mu[°]āwiya the oath of allegiance to fight against °Alī b. Abī Ṭālib, °Amr b. al-°Āṣ had made an agreement (*kāna ṣālahā*) with Mu[°]āwiya, that Egypt would be his while he lived, as an incentive (*tu[°]matan*)”. For the date of Ṣiffīn: Wellhausen, *Arab Kingdom*, 77–8 and 78, nn. 1, 2; Petersen, °*Alī and Mu[°]āwiya*, 10–11; *EQ*, ‘Ṣiffīn, Battle of’ (M. M. Dakake). Caetani places his discussion of the ‘document’ *s.a.* 36/656-7, see above, n. xx.

⁷⁵ Hinds, ‘Ṣiffīn’, 115, §4, l. 9.

⁷⁶ Wellhausen, *Arab Kingdom*, 83–90; Petersen, °*Alī and Mu[°]āwiya*, 10–11, 30–1, 36, 38–9, 86.

⁷⁷ On the conquest of Egypt, see above, xx, and n. xx.

⁷⁸ On the MSS, see above, n. xx.

⁷⁹ Abū’-Faraj Muḥammad b. Abī Ya[°]qūb b. Ishāq al-Nadīm, *Fihrist*, ed. R. Tajaddad (Tehran 1971), 111; I. °Abbās, ‘Muḥammad b. Sa[°]d wa-Kitāb al-Ṭabaqāt’, in Ibn Sa[°]d, *Ṭabaqāt* (°Abbās), 9; *EF²*, ‘al-Wāqidī’ (S. Leder).

⁸⁰ Ibn al-Nadīm, *Fihrist*, 111; *EF²*, ‘al-Wāqidī’ (S. Leder).

⁸¹ al-Ṭabarī, *Ta[°]rīkh*, i, 3252–4; Sezgin, *Geschichte*, i, 286.

⁸² al-Ṭabarī, *Ta[°]rīkh*, i, 3252–3, ll. 17–3, 3253, ll. 8–12. As one might expect, the same material is repeated verbatim in Ibn al-Athīr, *Ta[°]rīkh*, iii, 274–6, but without the *isnād*.

⁸³ al-Ṭabarī, *Ta[°]rīkh*, i, 3253–4.

⁸⁴ al-Minqarī, *Waqa[°]at Ṣiffīn*, 40. On °Umar b. Sa[°]d b. Abī al-Ṣayd al-Asadī, see Sezgin, *Geschichte*, i, 311. For Muḥammad b. °Ubayd Allāh, see Madelung, *Succession*, 197, n. 288, and 411.

⁸⁵ al-Ya[°]qūbī, *Ta[°]rīkh*, ii, 215; Ibn A[°]tham, *Kitāb al-Futūḥ*, ii, 384. It is notable, in the light of other transmitters mentioned in the *isnāds* of parallel sources that al-Ya[°]qūbī cites °Īsā b. Yazīd b. Da[°]b, Abū Mundhir al-Kalbī and ‘al-Wāqidī from Mūsā b. °Uqba’ among his sources at the beginning of the second part of his *Ta[°]rīkh* (ii, 3–4). On these traditionists see nn. xx.

⁸⁶ Ibn ʿAsākir, *Taʾrīkh*, xlvī, 168 (Ibrāhīm b. al-Ḥusayn from ʿAbd Allāh b. ʿUmar from ʿAmr b. Muhammad from al-Walīd al-Balkhī).

⁸⁷ al-Balādhurī, *Ansāb* (Beirut 1974), ii, 286. Al-Balādhurī notes of a later element of this report, ‘Hishām b. ʿAmmār used to say, ‘This is a forged report (*ḥadīth maṣnūʿ*).’ On Ibn Daʿb, see Madelung, *Succession*, 197, note 246, citing al-Balādhurī, *Ansāb* (Beirut 1974), ii, 289, 310.

⁸⁸ al-Minqarī, *Waqaʿat Ṣiffīn*, 45–6.

⁸⁹ al-Minqarī, *Waqaʿat Ṣiffīn*, 42.

⁹⁰ Pseudo-Ibn Qutayba, *al-Imāma waʾl-siyāsa*, i, 87-8: *wa-kāyada kull wāḥiduhuma ṣāhibahu*; he does not cite the ‘document’.

⁹¹ Ibn ʿAsākir, *Taʾrīkh*, xlvī, 167. This is most likely Hishām Abū Mundhir b. al-Kalbī (d. 819 or 821), who appears in the list of al-Yaʿqūbī’s sources alongside al-Wāqidī, Mūsā b. ʿUqba and ʿĪsā b. Yazīd b. Daʿb (above, n. xx) and who was also an important source for al-Ṭabarī’s account of the *fitna*: e.g. al-Ṭabarī, *Taʾrīkh*, i, 3235. He is often referred to both as al-Kalbī and Ibn al-Kalbī. The early traditionist, Abū Janāb al-Kalbī (*fl. c. 700*), who transmitted material on Ṣiffīn, is unlikely because he is a little early for such a synthetic account: Wellhausen, *Arab Kingdom*, 90; Petersen, *ʿAlī and Muʿāwiya*, 199.

⁹² al-Balādhurī, *Ansāb* (Beirut 1974), ii, 288.

⁹³ Petersen, *ʿAlī and Muʿāwiya*, 67ff. (although Petersen assumes that the ‘document’ itself is also later invective); Madelung, *Succession*, 196–7.

⁹⁴ al-Yaʿqūbī, *Taʾrīkh*, 217.

⁹⁵ al-Yaʿqūbī, *Taʾrīkh*, 217.

⁹⁶ See above, xx.

⁹⁷ Hinds, ‘Ṣiffīn’, 103.

⁹⁸ S. Leder, ‘The Literary Use of the *Khabar*: A Basic Form of Historical Writing’, in A. Cameron and L.I. Conrad (eds), *The Byzantine and Islamic Near East: Problems in the Literary Source Material* (Princeton 1992), 314; R.S. Faizer, ‘The Issue of Authenticity Regarding the Traditions of al-Wāqidī as Established in his *Kitāb al-Maghāzī*’, *JNES* 58 (1999), 106.

⁹⁹ See the debate summarized by Faizer, ‘Issue of Authenticity’, 96 *et passim*. Cook, Crone and Hawting have all tended to see al-Wāqidī as the author of entirely new material (M. Cook, *Muhammad* (Oxford, 1983), 63–4; P. Crone, *Meccan Trade and the Rise of Islam* (Princeton 1987), 223–4; G. Hawting, ‘Al-Ḥudaybiyya and the Conquest of Mecca’, *JSAI* 8 (1986), 17); Lecker tends to see him as transmitting accurately but does concede the extent to which selection and synthesis generated what amounted to new material (M. Lecker, ‘The Death of the Prophet Muḥammad’s Father: Did al-Wāqidī Invent Some of the Evidence?’, *ZDMG* 145 (1995), 9–27; idem, ‘Wāqidī’s Account of the Status of the Jews of Medina: A Study of a Combined Report’, *JNES* 54 (1995), 15–32). Faizer himself emphasizes the polemical and literary dimension of this process.

¹⁰⁰ E.g. ‘Uthmān’s purported letter to the Muslims assembled for the *ḥajj* in 36/656: al-Ṭabarī, *Ta’rīkh*, i, 3040–5; R. S. Humphreys, ‘Qur’ānic Myth and Narrative Structure in Early Islamic Historiography’, in F. M. Clover and R. S. Humphreys (eds), *Tradition and Innovation in Late Antiquity* (Madison 1989), 271–90.

¹⁰¹ Petersen, ‘*Alī and Mu‘āwiya*’, 83–92. On al-Wāqidī’s ‘Shī‘ī’ inclination, see M. Jones’s introduction to his edition of al-Wāqidī, *Maghāzī*, 16–18, On Mu‘tazilism and Shī‘ī ideas in this period, see: *EF*², ‘Miḥna’ (M. Hinds); *EF*², ‘Mu‘tazila’ (D. Gimaret). For criticism of the theory of regional ‘schools’ in Islamic historiography, see A. Noth and L.I. Conrad, *The Early Arabic Historical Tradition: A Source-Critical Study* (Princeton 1994).

¹⁰² See above, n. xx.

¹⁰³ Marsham, *Rituals*, 151–4.

¹⁰⁴ Marsham, *Rituals*, 152, 231, 302–3.

¹⁰⁵ For the sceptical position: N. Calder, ‘Review’, *JSS*, 22 (1987), 375–8; El-Hibri, *Reinterpreting*. For a recent case in favour of the authenticity of much of the surviving material: Marsham, *Rituals*, 151–2, 223–7, 230ff., 294ff.