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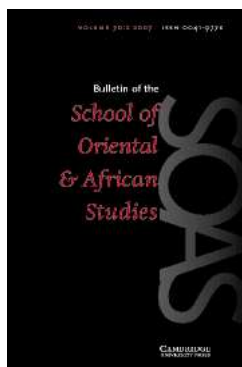
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The safe-conduct for the Abbasid ʿAbd Allāh b. ʿAlī (d. 764)*

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Abstract

In his *Taʿrīkh al-Mawṣil*, al-Azdī (d. 945) records the safe-conduct (*amān*) said to have been written for the surrender of the Abbasid ʿAbd Allāh b. ʿAlī (d. 764) to his nephew, the caliph al-Manṣūr. This text has been overlooked in discussions of early Abbasid history and in studies of the work of Ibn al-Muqaffaʿ (d. c. 756), who is widely credited with its production. This article presents an annotated translation of the *amān* and considers its transmission, authenticity, attribution and significance. Parallels with epigraphic, documentary and literary sources suggest that it was indeed originally composed in the early Abbasid period and that it conforms to developing conventions for *amāns*. Thus, it is important evidence for political theory and practice in the mid-eighth-century caliphate. Furthermore, it probably substantially reflects the agreement between the caliph and his uncle and may indeed be the work of Ibn al-Muqaffaʿ.

In the surviving section of the *Kitāb al-Wuzarāʾ waʾl-kuttāb* by al-Jahshiyārī (d. 942) the reader comes upon an account of how a safe-conduct (*amān*) from the caliph Abū Jaʿfar al-Manṣūr was secured on behalf of his uncle, ʿAbd Allāh b. ʿAlī (d. 764), who had unsuccessfully made a bid for power in 136–137/754.¹ The relevant sections of the account read as follows:²

* The authors wish to thank Geert Jan van Gelder, Geoffrey Khan and Everett Rowson for reading and improving upon a draft of this article, and Nicola Clarke for assistance. Errors that remain belong to the authors.

1 The events are neatly summarized in al-Khaṭīb al-Baghdādī, *Taʿrīkh Baghdād* (Cairo, 1931), x, 8 f.; al-Ṣafadī, *al-Wāfī biʾl-wafayāt* (Leipzig, Istanbul and Beirut, 1931–), xvii, 321; P.M. Cobb, *White Banners: Contention in ʿAbbasid Syria, 750–880* (Albany, 2001), 23 ff.; F.A. Tuḡan, “ʿAbd Allāh b. ʿAlī: a rebellious uncle of al-Manṣūr”, *Studies in Islam* 6, 1969, 1–26; J. Lassner, *The Shaping of Abbasid Rule* (Princeton, 1980), 35 ff.; H. Kennedy, *The Early Abbasid Caliphate: A Political History* (London, 1981), 58 ff.; T. Nagel, *Untersuchungen zur Entstehung des abbasidischen Kalifats* (Bonn, 1972), 49.

2 (For the sake of convenience, we have added numbering here and to the accounts translated below.) See al-Jahshiyārī, *Kitāb al-Wuzarāʾ waʾl-kuttāb* (Cairo, 1938), 103 f. A French translation of this section, which differs in some respects, can be found in D. Sourdel, “La biographie d’Ibn al-Muqaffaʿ d’après les sources arabes”, *Arabica* 1, 1954, 314 f. The text is reproduced in A. Ṣafwat, *Jamharat rasāʾil al-ʿArab* (Cairo, 1937), iii, 20 f. (no. 19).

§1 When ‘Abd Allāh b. ‘Alī fled from Abū Muslim in defeat and made for his two brothers, Sulaymān and ‘Īsā, who were in Basra, he entered it *incognito*.³ Sulaymān and ‘Īsā then wrote to Abū Ja‘far requesting that he grant him a safe-conduct, and Sulaymān dispatched his scribe, ‘Umar b. Abī Ḥalīma, for this purpose. When it was settled that he would be granted the safe-conduct, Abū Ja‘far dispatched Sufyān b. Mu‘āwiya b. Yazīd b. al-Muhallab, ordering him to coerce and put pressure on them so that they would send ‘Abd Allāh b. ‘Alī to appear before him.⁴

§2 Ibn al-Muqaffa‘ was serving as the scribe for ‘Īsā b. ‘Alī, so ‘Īsā then ordered him to make a draft of the safe-conduct for ‘Abd Allāh. He made one, making it binding and safeguarding it from any alternative readings.⁵ Correspondence was exchanged over the draft by Abū Ja‘far and them,⁶ until it was fixed in the restrictive language they wished. So restrictive was Ibn al-Muqaffa‘’s language that there was no possibility of Abū Ja‘far concocting a ruse. What really galled Abū Ja‘far was that he [Ibn al-Muqaffa‘] said in the draft: “He signs [off on what follows] at the bottom of the safe-conduct” (*an qāla fi’l-nuskha yuwaqqf bi-khaṭṭihi fī asfal al-amān*):

§3 If I bring to bear any reprehensible thing, major or minor, upon ‘Abd Allāh or anyone whom he sends ahead, or if I harm any one of them, covertly or openly, in whatever way, through clear intention or indirectly, or by any ruse, then I am disowned by Muḥammad b. ‘Alī b. ‘Abd Allāh,⁷ and shall be of illegitimate birth. It shall become lawful for all of Muḥammad’s community to depose, fight and become freed of any obligation to me. Muslims shall bear no oath of allegiance towards me, nor any covenant or guarantee, rebellion against me, and aiding anyone of all of God’s creation who attacks me, having become obligatory for them. There shall be no loyalty of

3 *mustatiran*. That the threat came from the caliph instead of Abū Muslim is made explicit by al-Ya‘qūbī, *Ta’rīkh* (Leiden, 1883), ii, 439 (*wa-amara Abū Muslim allā ya’tarīdahu aḥad*), where ‘Abd Allāh remains hidden in Basra under the governor’s protection. Cf. al-Ṭabarī, *Ta’rīkh al-rusul wa’l-mulūk* (Leiden, 1879–1901), iii, 93; al-Balādhurī, *Ansāb al-ashraf*, ed. A. Duri (Bibliotheca Islamica, 28c, Wiesbaden and Beirut, 1978), iii, 111 f.; al-Mas‘ūdī, *Murūj al-dhahab* (Beirut, 1965–79), vi, 177; al-Azdī, *Ta’rīkh al-Mawṣil* (Cairo, 1967), 163 ff.; and al-Fasawī, *Kitāb al-Ma’rifā wa’l-ta’rīkh* (Beirut, 1981), i, 119.

4 In Ramaḍān of either 137 or 139, or in 138 (see below). On Sufyān and his family, see P. Crone, *Slaves on Horses: The Evolution of the Islamic Polity* (Cambridge, 1980), 133 ff.; M. Hinds, *An Early Islamic Family from Oman: Al-‘Awtabī’s Account of the Muhallabids* (Journal of Semitic Studies Monograph, 17, Manchester, 1991), 82–4.

5 *fa-‘amilahā wa-wakkadahā wa’ḥtarasa min kull ta’wīl yajūz an yaqa‘a ‘alayhi fihā*; cf. the *amān* text itself below (*wa-qalladahum tawkīdahā*). The language is quranic; see Q 16.91. Of course exacting language was necessary in such documents; cf. al-Qalqashandī, *Ṣubḥ al-a‘shā* (Cairo, 1918), xiii, 339 (*lā yatadākhlahu ta’wīl*). On this, see further the commentary below.

6 One understands the three uncles.

7 In other words, he forsakes his claim to the imamate by virtue of succession; see below.

clientage between me and any Muslim. He⁸ shall be relieved of all power and open to the charge, should this happen, that he is an infidel with respect to every religion, who will meet his Lord with neither religion nor religious law, whose food and drink, wives, mount, slaves, property and clothing are proscribed in all respects. I have written [this] with my own hand and clear intention, may God accept from me only it. And fulfilment [of it] is through Him.

§4 Abū Jaʿfar said, “This *amān* will be valid [from the moment] when I set eyes upon him, because I am insecure about granting it to him without seeing him first, lest he make for the countryside and spread corruption against me”⁹ – thus was he [Abū Jaʿfar] able to get around it. He also asked, “Who is writing this *amān* for him?” Whereupon it was said, “Ibn al-Muqaffaʿ, ʿĪsā b. ʿAlī’s scribe”. Abū Jaʿfar then said, “Is there no-one who can take care of him for me?”¹⁰

The account continues for some pages, but of ʿAbd Allāh and his safe-conduct we hear nothing more. This is because al-Jahshiyārī’s interests lay not in the events of the rebellion or the fate of ʿAbd Allāh, who would die after a captivity of some seven or eight years. They lay instead in the role played in the events by Ibn al-Muqaffaʿ (b. c. 723; d. c. 756), the celebrated essayist and translator, who is here (and elsewhere) credited with composing the text of the safe-conduct, and who would famously come to a very sticky end, one version of which al-Jahshiyārī duly provides. Indeed it was the text of the *amān* that may have sealed Ibn al-Muqaffaʿ’ s fate; as F. Gabrieli put it: “Ibn al-Muqaffaʿ is said to have been ordered by his patrons to draft the text of the *amān*...; and the secretary had performed this task with such zeal, hemming in with such binding commitments and such solemn oaths the promise of pardon to the rebel which the caliph himself was to sign, that it aroused the resentment of the suspicious al-Manṣūr”.¹¹ As it happened, this was a “safe-conduct” of the most lethal

8 An awkward shift into the third person may suggest an interpolation; if so, it is an extremely cumbersome one; cf. a similar shift in both versions of the *amān* for Ibn Hubayra, translated below.

9 *Wa-yasʿā ʿalayya biʾl-fasād*: cf. Q 5.33, *wa-yasʿawna fiʾl-ard fasādan*; also Q 2.205; Q 5.32; Q 5.64; Q 8.73; Q 11.116; Q 28.77; Q 28.83; Q 30.41; Q 40.26; Q 89.12.

10 This last paragraph is composed of two traditions concerning remarks attributed to al-Manṣūr about the *amān*. A version of the first is transmitted by al-Balādhurī in his *Ansāb al-ashraf* ([Wiesbaden and Beirut, 1978], iii, 112): “Al-Manṣūr had written a *tawqīʿ* on the safe-conduct (*qad waqqāʿa fiʾl-amān*): ‘This safe-conduct is (only) valid (*nāfidh*), when I have seen ʿAbd Allāh’. When he approached him and came to his door, he [the caliph] said to Abū al-Azhār al-Muhallab b. al-Ubaythir, ‘When I order you to admit ʿAbd Allāh b. ʿAlī, do not show me his face’. When he entered the *maqṣūra*, he did so, and appointed a guard for him. The Banū ʿAlī spoke to him about him and he interrupted, ‘I entreat you not to speak to me about him – he wanted to corrupt our caliphate (*amr*) against us and against you.’” Cf. Sourdél, “La biographie”, 315, “Abū Ḡaʿfar dit alors: « Cet *amān* ne sera valable que lorsque j’aurai vu ʿAbd Allāh b. ʿAlī de mes yeux: je craindrais, si je le lui accordais avant de l’avoir vu, qu’il ne s’en aille en quelque région travailler contre moi, profitant de l’occasion qui lui serait ainsi offerte. »”

11 *EP*, s.v. *Ibn al-Muqaffaʿ*.

sort: whether or not it contributed to Ibn al-Muqaffa's death, it certainly failed to protect 'Abd Allāh, who would die under the walls of a building that had been deliberately undermined, either at the caliph's orders or at least with his tacit approval.¹² In other words, the caliph had pledged to do no harm to 'Abd Allāh in secret or by any ruse, and that is precisely what later Muslims held him accountable for doing.¹³ With 'Abd Allāh's death the *amān* thus became a very embarrassing text, for the caliph had opened himself to the charge of having perjured himself before God, and to having betrayed the very oaths, as we shall see, upon which he made his rule contingent. This, in any case, is what we can reasonably infer, for al-Jahshiyārī's account does not preserve the safe-conduct in full.

Our interests do not coincide with al-Jahshiyārī's, but they do overlap. In what follows we propose to tackle the murky history and historiography of 'Abd Allāh's *amān*. At the centre of this study sit a translation and discussion of what is conspicuously absent in al-Jahshiyārī's account – the *amān* itself. In fact, we present what appears to be the only surviving complete version of the text of the safe-conduct, which comes on the authority of al-Madā'inī *apud* Yazīd b. Muḥammad al-Azdī (d. 945) in his *Ta'rīkh al-Mawṣil*. Published in 1967 on the basis of a single manuscript, the *Ta'rīkh* became available well after the foundational work on Ibn al-Muqaffa's *corpus* had been carried out;¹⁴ it has generally been ignored in subsequent discussions, even where there is much speculation about the circumstances of 'Abd Allāh's arrest and execution.¹⁵ Nor has it been brought to bear as evidence for early Islamic documentary culture.

It almost goes without saying that problems of interpretation abound – and not just because al-Azdī's version is unique (aside from the stray sentence or two in other sources) and the edition of his *Ta'rīkh* itself based on a *unicum*. It is an unfortunate (if well-known) fact that precious little documentary material survives from the early period, and what does remain is concentrated in Egypt and on the lower strata of the empire's administration. With the publication of more material from Egypt and

12 According to several accounts (e.g. al-Ṭabarī, *Ta'rīkh*, iii, 330), the house was built on foundations of salt, onto which water was subsequently poured.

13 Thus al-Ṭabarī, *Ta'rīkh*, iii, 329 f., 440; al-Mas'ūdī, *Murūj*, vi, 215 ff. (where 'Abd Allāh is strangled and placed in a compromising position, whereupon the house is razed); al-Ṣafadī, *Wāfī*, xvii, 321 (*wa-'amila 'alā qatlihi sirran*); al-Nuwayrī, *Nihāyat al-arab fī funūn al-adab* (Cairo, 1923–98), xxii, 93 f.

14 In addition to the sources cited above, see, *inter alia*, F. Gabrieli, "L'opera di Ibn al-Muqaffa", *Rivista degli Studi Orientali* 13 (1931–32), 197–247; M. Cooperson, "Ibn al-Muqaffa", in S.M. Toorawa and M. Cooperson (eds), *Arabic Literary Culture, 500–925* (Dictionary of Literary Biography, 311, Detroit, 2005), 150–63.

15 J. van Ess, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra: Eine Geschichte des religiösen Denkens im frühen Islam* (Berlin and New York, 1991–97), ii, 25, and J.D. McAuliffe (trans.), *The History of al-Ṭabarī: 'Abbāsīd Authority Affirmed* (Albany, 1995), 56, n. 264, both briefly note the presence of the *amān* in al-Azdī's work; cf. also M. Chokr, *Zandaqa et zindiqs en islam au second siècle de l'hégire* (Damascus, 1993), 194. It is remarkable that nothing is made of it in Lassner, *Shaping*, which is otherwise relatively full.

the East,¹⁶ the situation is improving, but there is little reason to suppose that we shall ever happen upon a caliph's letter, contract or deed. For such things, it is the historiographic tradition, for better or for worse, that must provide the evidence. Strictly speaking, then, it is impossible to know what an eighth-century caliphal *amān* is supposed to look like,¹⁷ and the reader should bear this in mind on arriving at our argument for the text's authenticity. All of this said, we have brought to bear such comparable material as exists, paying special attention to two versions of an *amān* that is said to have been written on behalf of Ibn Hubayra in 132/750 during negotiations with the future al-Manṣūr, when he was the representative of Abū al-ʿAbbās (al-Saffāh) at the siege of Wāsiṭ. One version is found in ps-Ibn Qutayba's *Kitāb al-Imāma wa'l-siyāsa* (hereafter, Ibn Hubayra I), the other in Ibn Aʿtham's *Kitāb al-Futūḥ* (Ibn Hubayra II); for the sake of convenience and comparison, we also translate both of these below.¹⁸ As will be made clear, we believe that what follows is an adequate reconstruction of the text that al-Madā'inī and al-Azdī had to hand in the ninth and early tenth centuries, and that it is probably fairly close to what it purports to be. Our study is thus as much an exercise in recovery as it is of analysis.

The text

The account and text of the safe-conduct may be translated as follows:¹⁹

In it (138 AH) Sulaymān b. ʿAlī b. ʿAbd Allāh b. al-ʿAbbās came from Basra to Abū Jaʿfar and sought a safe-conduct for his brother, ʿAbd Allāh b. ʿAlī. Abū Jaʿfar granted him everything that he had requested, and wrote a document (*kitāb*) for him, in which he called for

16 See, for example, P. Sijpesteijn and L. Sundelin (eds), *Papyrology and the History of Early Islamic Egypt* (Islamic History and Civilization: Studies and Texts, 55, Leiden and Boston, 2004); N. Sims-Williams, *Bactrian Documents from Northern Afghanistan: Pt. 1, Legal and Economic Documents* (Oxford, 2000).

17 The historiographic issues are very thorny. Cf. the comments in A. Noth and L. I. Conrad, *The Early Arabic Historical Tradition* (Princeton, 1994), 63–76; F. M. Donner, *Narratives of Islamic Origins: the Beginnings of Islamic Historical Writing* (Princeton, 1998), 1–5 and *passim*; and C. F. Robinson, *Islamic Historiography* (Cambridge, 2003), 143 ff. We leave aside a small handful of earlier and later *amāns*, which purport to date from the conquest period, the second *fitna*, the end of the Umayyad caliphate and the subsequent Abbasid period, e.g. Ṣafwat, *Jamharat rasā'il*, ii, nos 47, 126, 502, iii, 301.

18 "Ibn Hubayra I": ps-Ibn Qutayba, *Kitāb al-Imāma wa'l-siyāsa*, ed. T. M. al-Zaynī (Beirut, 1967), ii, 126–9. Our translation below is on the basis of Ṣafwat's edition in his *Jamharat rasā'il*, iii, no. 2, 2–5, with additional material from al-Zaynī's edition marked by brace brackets. Another edition of the same text has recently been made by K. al-Manṣūr (Beirut, 1997, 301 f.). This version of the safe-conduct is very similar to that found in al-Zaynī's edition. "Ibn Hubayra II": Ibn Aʿtham al-Kūfī, *Kitāb al-Futūḥ* (Hyderabad, 1975), viii, 203–4.

19 See al-Azdī, *Ta'rīkh al-Mawṣil*, 167, l. 14–170, l. 14; Chester Beatty 3030 (dated 654/1256), 145, l. 10–148, l. 14 (the MS is paginated continuously).

witnesses for himself and gave oaths for what it contained.²⁰ Muḥammad b. al-Mubārak al-ʿAskarī reported to me, on the authority of Aḥmad b. al-Ḥārith al-Khazzāz,²¹ on the authority of Abū al-Ḥasan al-Madāʿinī, who said: [The following is] a copy of the safe-conduct (*amān*)²² that al-Manṣūr wrote for his paternal uncle, ʿAbd Allāh b. ʿAlī:

§1 In the name of God, the Beneficent, the Merciful: This is a letter (*kitāb*) from ʿAbd Allāh b. Muḥammad b. ʿAlī b. ʿAbd Allāh b. al-ʿAbbās, God’s caliph over the Muslims and non-Muslims (*muʿāhadīn*), over whom He gave him authority,²³ to ʿAbd Allāh b. ʿAlī b. ʿAbd Allāh b. al-ʿAbbās,²⁴ granting him safe-conduct (*āmanahu*) and expressing his [the caliph’s] sincerity of intention.²⁵

§2 He has called [the following] as witnesses: God, other than Whom there is no god, knowledgeable of the hidden and the seen, the Beneficent, the Merciful,²⁶ in Whose hand are the forelocks of mankind,²⁷ since He hears the sound of [the quietest] speech (*jars al-kalām*),²⁸ and His knowledge of the past is like His knowledge of the future,²⁹ Jibrīl, Mīkāʾil, Isrāfīl and the Angel of Death, those who throng round the throne, the Cherubim, who are among the angels closest to God,³⁰ the prophets sent by God, and His righteous [human] servants.

§3 Concerning his granting him safe-conduct, he has given him over himself the covenant and legal sanction [imposed by] God (*ʿahd Allāh wa-ḥaddahu*) – His greatest, most forbidding, most powerful and most

20 *ḥalafa bi-mā taḍammanahu*.

21 Following the editor, A. Ḥabība (the MS reads al-Ḥarār); on the two transmitters, see below.

22 This is al-Madāʿinī’s and al-Azdī’s word; the verb appears in the document itself (below §1), but it does not use the substantive. On Ibn al-Muqaffaʿs (apparently unique) use of *amān* in the sense of “rule” (“règlement”), see C. Pellat (ed. and trans.), *Risāla fī l-ṣaḥāba* (Paris, 1976), §11 and “glossaire” (hereafter P/IM).

23 *khalīfat Allāh ʿalā man wallāhu amrahu min al-muslimīn waʾl-muʿāhadīn*; cf. P/IM, “glossaire”, s.v. *w-l-y*. On the covenant, see below. For *al-muʿāhadīn* as non-Muslims, see the commentary, below.

24 Following Ḥabība (the MS reads: ʿAbd Allāh b. ʿAlī b. ʿAbd Allāh b. ʿAlī).

25 Correcting Ḥabība (*akhlāṣa fī dhālika al-niyya*).

26 See Q 59.22 (*huwa Allāh alladhī lā ilāh illā huwa ʿālim al-ghayb waʾl-shahāda huwa al-rahīm al-rahīm*). Cf. E. W. Lane, *An Arabic-English Lexicon* (London, 1863–93), s.v. *shahāda*, citing Q 6.73 (*ʿālim al-ghayb waʾl-shahāda*). See also Q 9.94, Q 9.105, Q 13.9, Q 23.92, Q 32.6 (in two places), Q 62.8 and Q 64.18. Cf. Ibn Hubayra I, §2 (= Ṣafwat, *Jamharat rasāʾil al-ʿArab*, ii, 3, ll. 3–4) and Ibn Hubayra II, §1 (= Ibn Aṯtham, *Kitāb al-Futūḥ*, 203, ll. 8–9) for parallels to this description of God.

27 *nawāṣī al-anām*; cf. Q 11.56 (*mā min dābba illā huwa ākhiḍh bi-nāṣiyatihā*); see also Q 96.15–16.

28 Or so we read and translate; this (apparently) unusual expression is not quranic.

29 *Hā* in place of the usual *hu* is common in early documents (G. Khan, personal communication); see also W. Wright, *A Grammar of the Arabic Language*, third ed. (Cambridge, 1933), ii, 299.

30 Correcting Ḥabība (who reads *al-karuwiyīn*, which makes no sense), and following the MS’s *al-karrūbiyyīn min al-malāʾika al-muqarrabīn*.

merciful one – and his guarantee (*dhimmatahu*), the betrayal, breaking or neglect of which Muslims would find illicit.³¹ Through this, bloodshed is prevented,³² and by it the heavens and the earth have been established eternally.³³ Because of its severity,³⁴ the heavens found it loathsome and turned away from it; the lands and the mountains found it burdensome, and so disdained to bear it and shunned it.³⁵ [The caliph has also pledged to him] the guarantee of the chosen, elected, approved, illiterate Prophet (may God bless him and grant him salvation) the guarantee of Jibrīl, Mīkāʿil and Isrāfīl, the guarantee of the Angel of Death and of those angels and Cherubim who throng around the throne [of God], the guarantee of Ibrāhīm, the Friend of God, the guarantee of Mūsā and Hārūn, the guarantee of the Spirit of God and His Word, ʿĪsā b. Maryam,³⁶ the guarantee of Ismāʿīl, Ishāq and Yaʿqūb, and the guarantee of the Prophet’s successors to come and of his sound predecessors in the past.³⁷

§4³⁸ He has made a covenant with God³⁹ about what he sets out in this document,⁴⁰ and has given him a covenant which will be inquired of,⁴¹ and on keeping whose conditions he will meet God,⁴² not breaking [it], nor violating [it], nor perjuring himself. After [agreeing to] these covenants and guarantees, he has further pledged the sacred things by which God supports his caliph and fortifies religion,⁴³ which He has preferred⁴⁴ by making him on earth a guide for Muslims and an exemplar (*tibyān*) for the community of Muḥammad – may God bless him and grant him salvation – [in his capacity as] a leader and

31 *lā yastahill al-muslimūn ikhfārahā*; cf. P/IM, §14 and §34.

32 *biḥā huqūnat al-dīmāʾ*. This is not quranic, although Q 2.84 links avoiding the shedding of blood to the covenant; cf. too Q 2.30). See also Aḥmad b. Ḥanbal, *Musnad* (Cairo, 1895), iv, 111 (where ending the shedding of blood is described as part of the Prophetic mission carried out by Muḥammad). Cf. al-Qalqashandī, *Ṣubḥ*, ix, 366 (ʿahd for al-Riḍā as al-Maʿmūn’s successor); see also Ibn Hubayra I, §3 (=Ṣafwat, *Jamharat rasāʾil*, ii, 3, l. 11).

33 Cf. Q 35.41; for *qāmat...an tazīl*, see Wright, *Grammar*, ii, 27; see also P/IM, “glossaire”, s.v. *z-w-l*; cf. Ibn Hubayra I, §3 (=Ṣafwat, *Jamharat rasāʾil*, ii, 3, l. 10).

34 *shiddatihā*; see P/IM, “glossaire”, s.v.

35 Cf. Q 33.72; Ibn Hubayra I, §3 (=Ṣafwat, *Jamharat rasāʾil*, ii, 3, ll. 10–11).

36 See Q 4.171.

37 *dhimmat khulafāʾihi al-bāqīn wa-aslāfihi al-ṭayyibīn al-mādīn*. Cf. Ibn Hubayra I, §3 (=Ṣafwat, *Jamharat rasāʾil*, ii, 3, ll. 8–9 and 11–12 and al-Zaynī, ii, 127, ll. 10–12).

38 There is very similar material to this clause in Ibn Hubayra I, §6 (=Ṣafwat, *Jamharat rasāʾil*, ii, 3, l. 17–4, l. 2).

39 For man’s contracts with God, see Q 9.7, Q 9.75, Q 16.91, Q 33.15, Q 33.23 and Q 48.10; cf. too Q 2.100, Q 2.177, Q 8.56, Q 9.1 and Q 9.4 (which may not be with Him). When God makes covenants, He uses the verb *ʿahida*.

40 *ibtidaʾa bihi min dhālika*.

41 *ʿahdan masʿūlan*; see Q 17.34 and Q 33.15.

42 Following Ḥabība (the MS is very unclear) and Ibn Hubayra I, §6 (=Ṣafwat, *Jamharat rasāʾil*, ii, 4, l. 1).

43 *thumma jaʿala baʿd hādhihi al-ʿuhūd waʾl-dhimam ḥuram mā aḍama Allāh bihi khalīfatahu wa-saddada bihi al-dīn*.

44 Reading *faḍḍalahu*; cf. P/IM, “glossaire”, s.v.

warner (*imāman wa-munabbihan*),⁴⁵ and through whom He has a proof for them in a gravely important matter.⁴⁶

§5 Moreover, he accepts [responsibility for] all of these oaths (*al-aymān*) in [all] the claims [they make upon him], in their sanctity, binding nature, gravity, the constancy and understanding [required by him]⁴⁷ and [their] public dissemination⁴⁸ throughout the territories of Islam and far-flung regions.⁴⁹

§6 He permits him to come to him safely, confidently, protected, shielded (*mastūran*) and guarded from his doing [him] harm and his betraying [him] – [indeed from his] command or prohibition, innocent (*bari'an*)⁵⁰ of any hostile act that anyone of God's Creation might commit against anyone else because of [some] sin, crime, lapse, bloodwit or oversight, be it great or small, in the past, nor because of any suspicion or dispute in the future.⁵¹

§7 He makes safe for him all of the routes from Basra, beyond it to Madīnat al-Salām al-Hāshimiyya, and what is behind it – wherever his letters circulate, and his authority is effective over the people of Islam and the non-Muslims with whom a covenant has been made, and the people of each confession (*milla*) and religion (*qibla*). He allows him to travel in ships and routes on water as he wishes, safe⁵² from their treachery and trickery. He permits him to stay where he likes in Madīnat al-Salām al-Hāshimiyya and elsewhere – in houses, boats, camping-places and staging-posts – and wherever the one whose security has been guaranteed wishes [to stay] of these [places] – all according to his guarantees at the top of his letter.⁵³

§8 He pledges to him that no-one of God's Creation will make for his place, abode, stopping-place, sleeping-room, night-shelter or resting-place, be he alone or in company, sleeping, or awake, standing, or sitting, with [any of the following]: anything of iron used [as a weapon] by people,⁵⁴ or of the earth's vegetation that God (may He be praised and glorified) has made to grow, or that He formed from stone or clay; or by which warriors⁵⁵ defend themselves; or heat, collapsing building, or any destruction; or anything designed for treachery or deceit.⁵⁶

45 Following Ḥabība.

46 Cf. Q 2.150; Q 4.165; Q 6.83 and Q 4.165. Cf. P/IM, "glossaire" s.v. *ḥ-j-j*. See also Ibn Hubayra I, §6 (=Ṣafwat, *Jamharat rasā'il*, ii, 4, l. 1).

47 *bi-ḥuqūqihā, wa-ḥurmatihā wa-tawktīdihā wa-ʿuzmihā wa-thubūtihā wa-maʿrifatihā*; cf. P/IM, "glossaire", s.vv. *thabt; ʿazuma*.

48 Following Ḥabība (the MS is equivocal).

49 *fī'l-buldān wa'l-khalq wa'l-Islām wa'l-āfāq*.

50 Following Ḥabība. For parallels to the beginning of this phrase, see Ibn Hubayra I, §5 (= al-Zaynī, ii, 127, ll. 19–20).

51 Reading *yaʿtadī...bi-tuhma...*. For parallels to this phrase, see Ibn Hubayra I, §4 (= al-Zaynī, ii, 127, ll. 16–7).

52 Following Ḥabība's *mu'amman* (the MS is illegible).

53 Cf. Ibn Hubayra I, §3 (=Ṣafwat, *Jamharat rasā'il*, ii, 3, l. 6), *wa-man ammantuhu fī aʿlā kitābī hādihā*.

54 Such as a forged sword.

55 Following Ḥabība (MS reads *muḥāribīn*).

56 Reading *naqd*.

§9 He calls as witnesses God, His angels, His prophets, His messengers and His scriptures to what he has covenanted (ʿāhada ʿalayhi), contracted (ʿaqada) and granted in this [to ʿAbd Allāh].

§10 He pledges to him that [ʿAbd Allāh b. ʿAlī] will not⁵⁷ see any shame, annoyance, shunning or aversion in sitting at [the caliph’s] court, nor will he be averse to his food, drink, oil, perfume, clothes or textiles – all this [treatment of him] being far removed from any humiliation or disgrace, that which is reprehensible or libellous, backbiting and the other things that follow from it.⁵⁸

§11 If ʿAbd Allāh b. Muḥammad, the Commander of the Faithful, does not fulfil⁵⁹ [the pledge] he has given to God, violates or breaks his covenant, perjures himself, is treacherous or transgresses, plans or decides upon, or is excessive in, [anything] other than what he has pledged to him,⁶⁰ or, [even] before [agreeing to this letter] puts in place something that results in harm, then may God not accept from him requital or ransom.⁶¹ He will be cut off from Muḥammad b. ʿAlī b. ʿAbd Allāh b. al-ʿAbbās.⁶² [For this] he calls upon God as a witness, and whomever He created and His knowledge and power encompass in the way of *jinn* and humans, whoever is in the seven heavens, the worlds and whatever is between them both,⁶³ and everything to which God – may He be praised and glorified – said, “Be” and so it was,⁶⁴ [all of] which God knows, but which is hidden from mankind!

§12 [He will also be] cut off from God, His messengers, His angels and His scriptures. [He will hold that] what the Loyal Spirit, Jibrīl (peace be upon him) revealed with the permission of God (may He be praised and glorified) to His messenger (God bless him and peace be upon him) is lies and falsehoods. He will cease to believe in what was revealed to Ibrāhīm, Ismāʿīl, ʿĪsā and Mūsā (peace be upon them), and he will say what the Jews have said – [that] “ʿUzayr is the son of God”, and what the Christians have said – [that] “the Messiah is the son of God”,⁶⁵ insisting on it and confessing it [openly]. God will seize

57 MS: *an lā*. Close parallels for this section can be found in Ibn Hubayra I, §5 (= al-Zaynī, ii, 127, ll. 5 ff.) and §9 (=Šafwat, *Jamharat rasāʿil*, ii, 4, ll. 7–9).

58 Reading the more usual *siwā*.

59 Following Ḥabība; cf. Ibn Hubayra I, §11 (=Šafwat, *Jamharat rasāʿil*, ii, 4, ll. 10–11) and Ibn Hubayra II, §6 (=Ibn Aʿtham, *Kitāb al-Futūḥ*, viii, 204, l. 5).

60 Following Ḥabība.

61 Following Ḥabība: Cf. Ibn Hubayra I, §11 (=Šafwat, *Jamharat rasāʿil*, ii, 4, ll. 15–6) and Ibn Hubayra II, §6 (=Ibn Aʿtham, *Kitāb al-Futūḥ*, 204, l. 7). Although this formula is not precisely quranic, it alludes to Q 2.123 (*wa-lā yuqbalu minhā ʿadlum*) and is found elsewhere (e.g. in the so-called “Constitution of Medina”: Ibn Hishām, *Kitāb Sīrat Rasūl Allāh*, ed. F. Wüstenfeld [Göttingen, 1859], 342).

62 The father of Ibrāhīm b. Muḥammad, Abū al-ʿAbbās al-Saffāh and Abū Jaʿfar al-Manšūr. Cf. Ibn Hubayra I, §11 (=Šafwat, *Jamharat rasāʿil*, 4, ii, l. 16); and see also below.

63 Q 5.17–18 *et al.*

64 Q 6.73; Q 16.40; Q 19.35; Q 36.82; Q 40.68.

65 Ḥabība gives Q 5.30 (actually, Q 9.30). ʿUzayr is often identified with the biblical Ezra: *EF*, s.v. (H. Lazarus-Yafeh).

him for that, and He will settle his account with him based on it, and He will interrogate him about it until He draws it out of him.

§13 He will [also] owe God thirty *ḥajj* pilgrimages, which he will make from Madīnat al-Salām al-Hāshimiyya by way of Kufa and the land of Iraq to His Sacred House, which is in Mecca, walking barefoot,⁶⁶ until he touches the black stone – but [even so] God will not reward him for that. And he will owe God thirty⁶⁷ minor pilgrimages, making them from the furthest parts of the land to the Sacred House of God, which⁶⁸ is in Mecca. They will be performed for God (may He be praised and glorified), one at a time, according to their [proper] rites, as God (may He be praised and glorified) stipulated them. And everything that he owns in the way of slaves, clothes, goods, vessels, beasts of burden and [his] landed property,⁶⁹ whether he possesses it or someone else entrusts it to him – will be [taken as] alms for the poor [who come] from the ends of the earth, East and West.⁷⁰

§14⁷¹ Each slave or concubine that he owns or [has received as] alms, a gift, or a present, or a bequest of any kind, will be freed for the sake of God⁷² (may He be praised and glorified). Each of his wives will be divorced three times, irrevocably – a divorce of interdiction. He will throw off Islam and all sects (*al-adyān*). Muslims as a generality will on the basis of [their] consensus be completely freed from the oath of allegiance incumbent upon them to him, and relieved of the oaths (*aymān*) regarding it – nothing else will do for them.

§15 He will have freed in these oaths the Muslims' armies, their commanders, their [military] detachments and their champions.⁷³ He calls upon the people of Islam and the country, the chiefs of the garrison-towns and others who pray to the *qibla* on land or sea, plain or mountain, in the world's east and west – wherever they might be.⁷⁴ And to them he has entrusted the ratification and carrying out of [what is stipulated by] these [oaths] according to the safe-conduct [given by] God – whoever they may be,⁷⁵ their forefathers, their children and their families, they are all the same with regard to them.

66 Cf. Ibn Hubayra I, §12 (=Şafwat, *Jamharat rasā'il*, ii, 4, l. 17–5, l. 1).

67 The MS reads *thalāthūn*.

68 With Ḥabība, this is quite clearly *allatī* in the MS, which we retain.

69 There are options: *ʿuqda* is a synonym for *ḍayʿa* and *ʿaqār* (Lane, *Arabic–English Lexicon*, s.v.), thus correcting Ḥabība (who reads *ʿaqārihi*) because the *tāʿ marbūta* is very clear; cf., however, al-Ṭabarī, *Taʾrīkh*, iii, 1478 (the *bayʿa* to al-Muntaşir, which has *ʿaqār* in a similar context).

70 Cf. Q 7.137.

71 For parallels, see Ibn Hubayra I, §12 (=Şafwat, *Jamharat rasā'il*, ii, 5, ll. 1–4); see also the discussion in the commentary, below.

72 *Li-wajh illāh*, which is a standard expression in early documents of manumission (personal communication, G. Khan); cf. Q 76.9.

73 Following Ḥabība.

74 Cf. Q 7.137.

75 Ḥabība notes that the MS is obscure here.

§16 In [all] of this, God is a protecting shepherd, looking after him and them. And God suffices as a witness.⁷⁶

So ʿAbd Allāh b. ʿAlī came to Abū Jaʿfar with this guarantee of security after he had sworn by it and had it witnessed upon himself. But when he came into his presence, he imprisoned him. He then remained in his prison until the house that had been built for him fell upon him in the year [one hundred and forty] seven. I will mention this, God willing, in that year.⁷⁷

Transmission

To understand what the text is and how it came to be preserved, we can usefully work backwards.

When writing non-local history, al-Azdī worked from written sources, citing them either directly or indirectly via intermediaries; as commonly is the case in historiography, the terminology of transmission in his *Taʿrīkh* obscures the use of notes, notebooks and historical works in general. As al-Azdī makes clear in the *isnād* that introduces it, the account in question comes on the authority of al-Madāʿinī (d. c. 830–850), the prolific compiler whose work lies behind so much of the surviving ninth- and tenth-century historical tradition. Although al-Azdī occasionally cites him directly, he much more frequently cites him via intermediaries, in this case Muḥammad b. Mubārak al-ʿAskarī (fl. late ninth and early tenth century) and Aḥmad b. al-Ḥārith al-Kharr/zzāz (d. 256 or 8/872 or 4). Al-ʿAskarī’s name appears frequently in the preserved section of al-Azdī’s history, no fewer than seven times transmitting al-Madāʿinī’s work, but aside from the fact that al-Azdī calls him a *mawlā banī Hāshim*, he is otherwise obscure.⁷⁸ One presumes that he was a Mosuli scholar who, for all his occasional utility to al-Azdī (who had access to al-Madāʿinī’s work in a number of different ways), failed to merit inclusion in the prosopographical literature of Iraq and the East more generally. Although Aḥmad b. al-Ḥārith appears nowhere in al-Ṭabarī’s *Taʿrīkh*, he is altogether better known, both as a student and transmitter of al-Madāʿinī’s work, as well as an author in his own right.⁷⁹ This said, there is no reason to think that he authored a work that he falsely ascribed to his more famous predecessor. If he has a role to play in our story, it may be that he transmitted what would become an unpopular recension of one of al-Madāʿinī’s works; since Aḥmad is so widely known across the tradition as a transmitter of al-Madāʿinī’s works, one presumes that such a putative recension commanded some respect.

76 Q 4.79; Q 4.166; Q 10.29; Q 13.43; Q 17.96; Q 29.52; Q 46.8; and Q 48.28.

77 Which he duly does; see al-Azdī, *Taʿrīkh*, 203.

78 Al-Azdī, *Taʿrīkh*, 165.

79 In addition to the sources cited in G. Rotter, “Zur Überlieferung einiger historischer Werke Madāʿinīs in Ṭabarīs Annalen”, *Oriens*, 23–4, 1974, 110, and C. F. Robinson, “A local historian’s debt to al-Ṭabarī: the case of al-Azdī’s *Taʿrīkh al-Mawṣil*” (forthcoming in *JAOS*); see Yāqūt, *Kitāb Irshād al-arīb, ilā maʿrifat al-adīb* or, *Dictionary of Learned Men*, ed. D. S. Margoliouth (London, 1923–31), v, 309 and 312.

But in which of al-Madā'inī's many, many works was the *amān* transmitted? It is impossible to know, there being several possibilities amongst those listed by Ibn al-Nadīm and others. The most promising are his history of the caliphs, which ended with the reign of al-Muṭaṣim, and his *Kitāb al-Dawla al-ʿabbāsiyya*, which was unknown to Ibn al-Nadīm, but which is described by Yāqūt as "a large book that comprises several chapters".⁸⁰ For his part, al-Jahshiyārī regrettably throws no direct light on this problem. Given that the *tawqīf* paraphrases material found in §3, §5, §6, §7, §8 and §10–§15 of al-Madā'inī *apud* al-Azdī, we can fairly assume that he had access to a detailed text of one sort or another; it may even be that it came from Madā'inī, whom he cites at least twice elsewhere in the *Wuzarā'*.⁸¹ But there is no way to be sure. Whatever the exact provenance of the text, it is reasonable to think that, in addition to al-Jahshiyārī, other ninth- and tenth-century historians had access to copies of the *amān*, perhaps especially as preserved by the ubiquitous al-Madā'inī. After all, al-Azdī's command of non-Mosuli sources was not especially voluminous,⁸² and al-Madā'inī was invaluable in providing material on the early Abbasid period, including detailed accounts of Ibn al-Muqaffa' and 'Abd Allāh b. 'Alī, across the historiographic spectrum, such as in al-Balādhurī's *Ansāb* and al-Ṭabarī's *Ta'rīkh*.⁸³

The absence of the *amān* from the Baghdadi tradition and its tributaries therefore requires an explanation. The most promising explanation is that material embarrassing to the second Abbasid caliph was suppressed. Certainly there are other instances of the suppression of early Abbasid material. Versions of another embarrassing safe-conduct that was composed on behalf of al-Manṣūr for [Yazīd b. 'Umar] Ibn Hubayra (one of which is credited to al-Madā'inī) appear only in such marginal sources as Ibn A'tham al-Kūfī's *Kitāb al-Futūḥ* and the anonymous Andalusian *Kitāb al-Imāma wa'l-siyāsa*; Elad has demonstrated that accounts were suppressed by the pro-Abbasid tradition, which also neatly explained away al-Manṣūr's betrayal.⁸⁴ Of course material is suppressed or conveniently ignored when the circumstances suggest prudence or at least discretion; such circumstances could be said to have held in ninth- and early

80 Ibn al-Nadīm, *al-Fihrist* (Tehran, 1971), 114 ff.; Yāqūt, *Muʿjam al-udabā'*, v, 313 ff.; Rotter, "Werke", 128 ff.

81 Some of his sources are discussed by J. Latz, *Das Buch der Wezire und Staatssekretäre* (Walldorf-Hessen, 1958), 9 ff.

82 On al-Azdī and his sources, see C.F. Robinson, *Empire and Elites after the Muslim Conquest: The Transformation of Northern Mesopotamia* (Cambridge, 2000), 127 ff.; and *idem*, "A local historian's debt".

83 Al-Balādhurī, *Ansāb al-ashraf* (Wiesbaden and Beirut, 1978), iii, 105, 220 ff.

84 See A. Elad, "The siege of Wāsiṭ (132/749): some aspects of 'Abbāsīd and 'Alīd relations at the beginning of 'Abbāsīd rule", in M. Sharon (ed.), *Studies in Islamic History and Civilisation: in honour of Professor David Ayalon* (Jerusalem and Leiden, 1986), 59–90. On the date of Ibn A'tham's work, see *EP*, s.v. "Ibn A'tham al-Kūfī" (M. A. Shaban) and J. Meisami and P. Starkey (eds), *Encyclopedia of Arabic Literature* (London, 1998), s.v. (L.I. Conrad); on the *Imāma*, D. S. Margoliouth, "Review of *Kitāb al-Imāma wa'l-siyāsa*", *JRAS*, 1905, 423 f. and G. Lecomte, *Ibn Qutayba* (mort en 276/889), *L'homme, son oeuvre, ses idées* (Damascus, 1965), 174 ff.

tenth-century Baghdad. On the other hand, material suppressed or ignored in one set of circumstances may be attractive in another. In al-Azdī, a historian working in tenth-century Mosul, where effective power lay in the hands of the Ḥamdānids, and, moreover, relations with the Abbasid family were frequently uneasy, we have an author with good reason to reproduce al-Manṣūr's safe-conduct in all its inglorious detail. Having experienced Abbasid rule at its cruellest, the local tradition upon which al-Azdī drew was at times patently hostile to the Abbasids, and al-Azdī himself does not hesitate to adduce accounts of Abbasid perfidy elsewhere in his *Ta'rikh*. None other than the caliph's brother, Abū al-ʿAbbās, had an indirect hand in killing thousands of Mosulis in the massacre of 133 AH, accounts of which were suppressed by the Iraqi tradition.⁸⁵ He also had a direct hand in the Umayyad massacres at Nahr Abī Fuṭrus, which were as much as written out of the historical record of early Abbasid rule.⁸⁶ Early Islamic historiography may provide a fair amount of *Kaiserkritik*, but historians working under direct or indirect Abbasid patronage knew where their bread was buttered.

Precisely how al-Madā'inī had come upon the text is unknowable. The documentary stream is relatively full in the ninth century, but it is only a trickle in the eighth, when civil war, revolution and peripatetic courts seem to have taken their toll. We know that material in provincial *dīwāns* could survive the Revolution for subsequent transmission by local historians,⁸⁷ but we know of no sure evidence for an archive in al-Hāshimiyya, nor that any of its documents made it to Baghdad. It is certainly hard to see why the caliphs' bureaucrats would take any special care to preserve this particular document. For these and other reasons, it may be more likely that al-Madā'inī secured the text not from a state archive – such as it was – but from a scholar's private collection. For the document not only had notoriety going for it, but it also displayed a prose style that would become exemplary in many quarters, and which, credited to Ibn al-Muqaffa', was valuable enough to look after.⁸⁸

This being the only version of the *amān* to have survived, we cannot know for certain whether it is recorded here in full. This appears to be the case, however, or at least very close to it. The text is exceptionally rich by the standard of other *amāns*, and compares favourably in length with other

85 Robinson, *Empire and Elites*, 127 ff.

86 See S. Moscati, "Le massacre des Umayyades dans l'histoire et dans les fragments poétiques", *Archiv Orientalní* 18/2, 1950, 88–115.

87 Thus Yaḥyā b. Bukayr (d. 846) secured a copy of an order for a *barā'a* from the reign of Marwān b. Muḥammad [b. Marwān] *fī dīwān banī Umayya*, "in the Umayyads' chancery" [in Egypt]; see al-Kindī, *Kitāb al-Wulāt wa'l-quḍāt*, ed. R. Guest (E. J. W. Gibb Memorial Series, 19, London, 1912), 354.

88 On the importance of such documents as literary artifacts, see W. al-Qādī, "The religious foundation of late Umayyad ideology and practice", in M. Marin and M. García-Arenal (eds), *Saber religioso y poder político en el Islam: Actas del Simposio Internacional...1991* (Granada, 1994), 235; see also Ibn al-Nadīm, *al-Fihrist*, 140, where Ibn al-Muqaffa' is included in two lists of masters of literary style, and A. Marsham, "The *Bay'a* to the caliph in early Islam (c. 50–251 A.H. (c. 670–865 A.D.))" (D.Phil. Thesis, University of Oxford, 2004), 90–2.

documents that survive in the early historical tradition. Meanwhile, nothing in the *tawqīʿ* in al-Jahshiyārī (§3) cannot be said to draw upon the contents we have. (For what it is worth, it is described as a *nuskha*, or “copy” – a term usually applied to texts in which traditionists had some confidence.⁸⁹) It is true that both original and transmitted documents, including the odd one from earlier periods, would lead one to expect a date and perhaps, too, the name of a scribe,⁹⁰ and so it may be that both dropped off the text in the course of its transmission, as they so frequently did elsewhere.⁹¹ On the other hand, if we accept the uncommon circumstances of composition – in particular, that the *amān* was composed in Basra for a caliph resident somewhere near Kufa – it may be that the text never had either a date or a scribe’s name.⁹² For the document’s date might have been understood to function to mark the moment from which it was effective, which in this case was only possible upon the caliph’s approval, and this he apparently signalled by penning a *tawqīʿ* at its end, as al-Jahshiyārī tells us. As far as the absence of a scribe’s name is concerned, if it was one thing to assent to the procedure of granting safe-conduct according to terms stipulated by its recipient (in this case, his defeated uncle), it would have been quite another to advertise the fact by including the name of the Basran secretary who composed it, whether Ibn al-Muqaffa^c or not. No doubt caliphs were compelled or persuaded to agree to terms more frequently than they would have preferred; but they would generally insist upon being seen to set them.

In sum, what al-Madā’inī and al-Azdī tell us they have preserved is a copy of the *amān* as al-Manṣūr would have seen it before adding his *tawqīʿ*, which, following al-Jahshiyārī’s account, would have made it effective. There are no *prima facie* reasons to take issue with their claims. But are things as they seem?

They seem to be – with a caveat or two. Although things can and will be said about style, especially passages that display some genuine literary ambition, the text is principally legal and documentary in character: the safe-conduct pledges the caliph’s protection for ‘Abd Allāh b. ‘Alī, calls forth witnesses to that pledge, and describes the consequences that will follow if the caliph fails to fulfil the conditions that it sets out. In some respects the text conforms to what the much later authority on scribal

89 Cf., e.g., al-Ṭabarī, *Ta’rīkh*, ii, 1755 ff. and iii, 474, 654 ff.; Marsham, “The Bay^c’a”, 89.

90 See, for examples, M. Hinds and H. Sakkout, “A letter from the governor of Egypt to the king of Nubia and Muqurra concerning Egyptian-Nubian relations in 141/758”, in W. al-Qādī (ed.), *Studia Arabica et Islamica: Festschrift for Iḥsān ‘Abbās on His Sixtieth Birthday* (Beirut, 1981), 224, ll. 68–9; Y. Rāḡib, “Sauf-conduits d’Égypte omayyade et abbaside”, *Annales Islamologiques* 31, 1997, 143–68, *passim*. For some documents in the tradition, see al-Balādhurī, *Ansāb al-ashraf*, ed. M. al-Firdaws al-‘Azam (Damascus, 1997–2003), vii, 546; al-Ṭabarī, *Ta’rīkh*, ii, 1764, iii, 666.

91 On the “erosion” that occurs in the transmission of religious epistles, see M. Cook, *Early Muslim Dogma: A Source-Critical Study* (Cambridge, 1981), 124 ff.

92 Many copies of documents in the historical tradition also lack scribes’ names and dates, and not all seem to be spurious; see, for some examples, al-Balādhurī, *Ansāb al-ashraf* (Damascus, 1997–2003), vii, 496; al-Ṭabarī, *Ta’rīkh*, ii, 1754; I. ‘Abbās, ‘*Abd al-Hamīd b. Yaḥyā* (Amman, 1988), 297–9; Ṣafwat, *Jamharat rasā’il*, iii, 143–5. Cf. Marsham, “The Bay^c’a”, 21–105.

matters, al-Qalqashandī (d. 1418), describes (and prescribes) for *amāns*, whether or not one wishes to follow al-Qalqashandī in positing their origins in the earliest practice of Muḥammad or his distinction between those intended for infidels and those intended for Muslims, particularly rebels.⁹³ (It is obviously into this latter category that ʿAbd Allāh b. ʿAlī would fit.) It is more useful to compare what purports to be an eighth-century document with eighth-century documents, rather than with an early fifteenth-century manual for secretaries, however. Indeed, useful comparisons can be made of structure, formulae and lexicon with several such documents, which survive either in papyri or as cited in literary and historical sources from subsequent periods.

These comparisons suggest two conclusions. We have already alluded to the first: in the absence of clear anachronisms and in the presence of eighth-century indicators, the *amān* appears to be what it purports to be – almost. Given the course of subsequent events, the inclusion of a “collapsing building” amongst the prescriptions in §8 naturally arouses suspicion; we accordingly assume that it is an interpolation. And given that the witnessing statement of §9 seems to paraphrase the witnessing statement already given in §2, there are grounds for seeing a larger disruption at this point; prudence thus dictates that it, too, should be regarded as an interpolation. Nothing else in the text arouses such suspicions, however, and we believe that it can probably be added to the small corpus of seventh- and eighth-century documents of which the tradition preserves largely accurate copies.⁹⁴ The second conclusion, which follows from the first, is that the text allows us to discern ingredients of an implicit template for very early Abbasid *amāns* – and thus, presumably late Umayyad antecedents.⁹⁵

Commentary

Both of these conclusions emerge from our commentary, which is keyed to the *amān*'s structure:

1. Introduction (§1)
2. Summoning of witnesses (§2, §9)
3. Covenants (§3–§5)
4. Terms (§6–§8, §10)⁹⁶
5. Consequences (§11–§15)
6. Conclusion (§16)

93 Al-Qalqashandī, *Subḥ*, xiii, 321 ff.; the section is usefully summarized by J. Wansbrough, “The safe-conduct in Muslim chancery practice”, *BSOAS* 34, 1971, 25 ff.; on *amān*, *ʿahd* and *jiwār*, see *EP*, s.v. *amān* (J. Schacht).

94 See below.

95 Cf. the formulae for petitions, and for Umayyad letters in general, in G. Khan, “The historical development of the structure of medieval Arabic petitions”, *BSOAS* 53, 1990, 8–9, and for the formulae for private documents composed in the second Islamic century, G. Khan, “The pre-Islamic background of Muslim legal formularies”, *Aram* 6, 1994, 193–224.

96 §9 is omitted for reasons already stated.

Introduction (§1)

The opening formula (*bismillāh al-rahmān al-rahīm hādhā kitāb min...li...*), is familiar from the extant papyri and signals their role as dispositive documents;⁹⁷ in those papyri, which include several safe-conducts from the Umayyad and early Abbasid periods,⁹⁸ one also finds that the more senior party is identified first.⁹⁹ One similarly finds the same combination – *basmala* + caliph’s name [“God’s caliph”] + recipient’s name, including the pairing of “Muslims” and “non-Muslims” (*muḥādīn*) – in ps-Ibn Qutayba’s version of Ibn Hubayra’s *amān*; it is therefore tempting to emend Ibn Aṯham’s version, which reads *mujāhidīn*, accordingly.¹⁰⁰ Our *amān* diverges from both versions of the *amān* for Ibn Hubayra in that al-Manṣūr is now caliph, not merely “brother of the Commander of the Faithful”.¹⁰¹ It is also noteworthy that he is described here as *khalīfat Allāh* and not *amīr al-mu’minīn*, as he is referred to later in the same text, and as Abū al-ʿAbbās is described in the *amāns* for Ibn Hubayra,¹⁰² indeed, his status as God’s appointed deputy is emphasized by the explicit statement that God has given al-Manṣūr authority to rule (*wallāhu amrahu*). *Amīr al-mu’minīn* is the more common epithet, although *khalīfat Allāh* is not out of place, especially in a mid-eighth-century document, when a maximalist view of caliphal authority was still current.¹⁰³ The idea that the *amān* is offered sincerely is found in both versions of the *amān* for Ibn Hubayra, although the precise expression, with its use of “intention” (*al-niyya*), is not; the term

97 On *hādhā kitāb min* as a formula in “high-level official correspondence ...[that]...frequently had the function of dispositive documents” (that is, records of official decisions or decrees), see G. Khan, *Bills, Letters and Deeds: Arabic Papyri of the 7th to 11th Centuries* (Oxford, 1993), 63–4; Khan, “Pre-Islamic background”, 203. For parallels in Byzantine legal formulae of the cheirographon type, Khan, “Pre-Islamic background”, 203 f. Cf. the roughly contemporaneous quittance-pass (168 AH) and pass (116 AH) in W. Diem, “Einige frühe amtliche Urkunden aus der Sammlung Papyrus Erzherzog Rainer”, *Le Muséon* 97, 1984, 137 ff.; and passes nos I (99–101 AH), III (116 AH) and V–VIII (133 AH) in Rāgīb, “Sauf-conduits d’Égypte”. This opening formula was naturally attributed to the Prophet; see K. Jahn, “Vom frühislamischen Briefwesen. Studien zur islamischen Epistolographie der ersten drei Jahrhunderte der Hīgra auf Grund der arabischen Papyri”, *Archiv Orientalní*, 9, 1937, 153–200.

98 For an overview, see S. Schaten, “Reiseformalitäten im frühislamischen Ägypten”, *Bulletin de la société d’archéologie copte* 37, 1998, 91–100; and Rāgīb, “Sauf-conduits”.

99 A debate about the order in which letters should be addressed, with the Prophet favouring the form adopted in these documents, is found in the *ḥadīth*; see S. Bashear, *Arabs and Others in Early Islam* (Studies in Late Antiquity and Early Islam), viii (Princeton, 1997), 35.

100 See below, Ibn Hubayra II, §1. For *muḥād*, see *EP*, s.v. *katl* (J. Schacht), iv, 768a. This reading is supported by the use of ahl al-dhimma *for what appears to be the equivalent group in Ibn Hubayra I*, §3.

101 The formula in Ibn Hubayra I, *walī amr al-Muslimīn*, refers here to his role as senior commander at the siege; cf. P/IM, s.v. *w-l-y*; cf. al-ʿAnbarī’s letter to al-Mahdī, in M. Wakīʿ, *Akhbār al-quḍāt*, ed. ʿA. M. al-Marāghī (Cairo, 1947–50), ii, 105. For the *wulāt amrihi* as God’s *khulafā’ fi’l-ard*, see Abū Yūsuf, *Kitāb al-Kharāj* (Cairo, 1927), 6.

102 See §11; Ibn Hubayra I, §4, §11; and Ibn Hubayra II, §1, §6.

103 See further below.

is, however, found in other copies of documents from very early Abbasid times in the later historical tradition.¹⁰⁴

Summoning of witnesses (§2)

Contracts commonly include the names of those who are present to witness their exchange. As the Quran and tradition make clear, God, his angels and righteous men can bear witness.¹⁰⁵ Just as the order of sender and recipient reflects hierarchy, so too are the witnesses adduced according to their ontological status: God, angels (the highest to lowest, from the named to the unnamed), prophets and, finally, “righteous human servants”; a hierarchy reflected in inscriptions from the first two centuries of Islam.¹⁰⁶ (§9, which may be regarded as an interpolation, mirrors the same hierarchy, but distinguishes at the lowest end between “prophets” and “messengers”, and adds the scriptures to the list as well, in an echo of Q 2.285 [*sūrat al-Baqara*]).¹⁰⁷ In introducing the penalties for violating the *amān*, §11 calls upon God, *jinn*, humans and “whoever is in the seven heavens, the worlds and whatever is in between” as witnesses.¹⁰⁸ The idea of a celestial and earthly hierarchy can naturally be found in other late antique communities.¹⁰⁹ However, as in early Islamic inscriptions, God is described in what appear to be distinctly quranic terms:¹¹⁰ the quotation from *sūrat al-Ḥaṣhr* and the allusion to *sūrat Hūd* emphasize God’s place at the top of the celestial hierarchy and his role as an omniscient and omnipotent witness.¹¹¹ God is described in very similar terms in both Ibn Hubayra I and II,

104 E.g. in al-Manṣūr’s letter to the provinces of 145/764 and the document for the deposition of ʿĪsā b. Mūsā in 160/776 in Ṣafwat, *Jamharat rasāʿil*, iii, 143–5 and al-Ṭabarī, *Taʾrīkh*, iii, 474 ff., respectively.

105 Thus Q 3.18 and Q 82.11.

106 Such as on an epitaph from al-Fuṣṭāṭ dated to 190/806 (“This is what ʿAlī b. Salama b. al-ʿAlāʾ testifies – and God testifies to it too, along with His angels, the bearers of His throne, His prophets, His messengers and all of His creation, and God suffices as a witness – he testifies that ...”); E. Combe, J. Sauvaget and G. Wiet, *Répertoire chronologique d’épigraphie Arabe* I (Cairo, 1931), no. 77, first cited in R. Hoyland, “The content and context of early Arabic inscriptions”, *Jerusalem Studies in Arabic and Islam* 21, 1997, 83, note 35. The relative status of angels and prophets was debated, and the precedence of angels here conforms to what was later described as a Muʿtazilī and “philosophical” interpretation; see F. Jadaane, “La place des anges dans la théologie cosmique musulmane”, *Studia Islamica* 41, 1975, 23–61, 58 f.; and *EP*, s.v. *Malāʾika* (D. B. MacDonald and W. Madelung).

107 That is, the list in §9 echoes four of the five elements of the classical Muslim declaration of the faith, or *imān*, derived from Q 2.285, though it places Messengers before scriptures (the “Last Day”, absent here, was added to the *imān* from Q 60.6); see *EP*, s.v. *Imān* (L. Gardet); Jadaane, “La place des anges”, 31.

108 Q 5.17–18 *et al.*

109 E.g. the sixth-century Neoplatonist Christian, pseudo-Dionysius the Areopagite, *Pseudo-Dionysius: the Complete Works*, tr. C. Luibheid and P. Rorem (New York and Mahwah, New Jersey, 1987).

110 Cf. Hoyland, “Content and context”, 82–4. Q 59.22 does not feature in the inscriptions cited there, but similar verses do, such as Q 2.255.

111 *Tafsīrs* make it clear that these verses were closely associated with God’s omnipotence: e.g. al-Ṭabarī, *Tafsīr* (Cairo, 1955), xv, 363–4; al-Ṭabarī, *Tafsīr* (Cairo, 1902–3), xxviii, 54.

although the reference to the forelocks in God's hand and the unusual reference to "the sound of (the quietest) speech" (*jars al-kalām*) are both absent there.

The sequence of named angels (Jibrīl, Mīkā'īl and Isrāfīl) is attested elsewhere, such as in an inscription from Ḥafnat al-Abyaḍ (near Karbala), which is dated to 64/683–4.¹¹² The same sequence also occurs in Ibn Hubayra I. Jibrīl and Mīkā'īl are both quranic, of course, and their appearance in early Islamic inscriptions and documents should hardly surprise since they also appear in Late Antique Christian and Jewish contexts,¹¹³ such as Aramaic incantation bowls.¹¹⁴ The "Angel of Death" is also quranic; here, as there, he is not mentioned by the name (ʿIzrā'īl) given to him by Tradition.¹¹⁵ The non-quranic Isrāfīl is identified in Tradition as the angel who blows the trumpet signalling the Final Hour; as the angel who reads the "preserved tablet", he certainly makes sense as a guarantor for the *amān*.¹¹⁶ The unnamed angels who "flock round the throne" and the cherubim, "among the angels closest to God" are also found in the Quran, in Tradition and in Jewish and Christian material.¹¹⁷ Whatever the angels' relative standing and associations, style is clearly at work here: the named angels (Jibrīl, Mīkā'īl and Isrāfīl) present an opportunity for assonance, and the adjectivals that follow (*karūbiyyīn*, *muqarrabīn*, *mursalīn* and *ṣāliḥīn*) offer another one for rhyme. Indeed, to judge by the parallel sections of the surviving versions of Ibn Hubayra's *amān*, style prevails here.

Covenants (§3–§5)

Early Islamic societies were commonly held together by personal ties of obligation, service, obedience and loyalty, which were conventionally expressed in oaths and acclamations that range from the solemn to the hyperbolic.¹¹⁸ Since God's compact with man underlies life and order, since

112 ʿI.D. al-Ṣandūq, "Hajar Ḥafnat Abyaḍ", *Sumer* 11, 1955, 213–7; R. Hoyland, *Seeing Islam as Others Saw It* (Princeton, 1997), 693.

113 For Jibrīl, see Q 2.97–8 and 66.4; for Mīkā'īl (Mīkā'l), see Q 2.98; for angels watching humanity, Q 82.10. For late antique and early Islamic angelology in general (Michael and Gabriel seems to have been especially prominent), see E. F. Bishop, "Angelology in Judaism, Islam and Christianity", *Anglican Theological Review*, 46, 1964, 142–54; cf. "The celestial hierarchy" in *Pseudo-Dionysius*, tr. Luibheid and Rorem, 144–91; G. Peers, "Apprehending the Archangel Michael", *Byzantine and Modern Greek Studies* 20, 1996, 100–21; and F. Cumont, "Les Anges du Paganisme", *Revue de l'Histoire des Religions* 72, 1915, 159–82.

114 J.B. Segal and E.C.D. Hunter, *Catalogue of the Aramaic and Mandaic Incantation Bowls in the British Museum* (London, 2000), 59 (017A), where they join Raḥmiel, Naṭriēl, Raphael and Metatron.

115 Q 32.11; *EF*, s.v. *Malā'ika* (D. B. MacDonald and W. Madelung).

116 *EF*, s.v. *Isrāfīl* (A. J. Wensinck). Cf. Q 39.68 and Q 69.13.

117 For the angels "who throng around the throne" (*al-malā'ika ḥāffīn min ḥawl al-ʿarsh*), see Q 39.75. On *al-karūbiyyūn*, see, for example, al-Bayḍāwī, *Tafsīr* (Leipzig, 1846), i, 243; and Lane, *Arabic-English Lexicon*, s.v.; cf. Q 4.172 (*al-malā'ika al-muqarrabūn*). Cf., too, Ibn Hubayra II, §2 (= Ibn Aṯḥam, *kitāb al-Futūḥ*, viii, 203, ll. 11–12).

118 See, for example, R. P. Mottahedeh, *Loyalty and Leadership in an Early Islamic Society* (rev. ed., Princeton, 2001), 40 ff.

He always keeps His word and, finally, since it is to God that man was ultimately accountable, men typically entered into commitments with other men before God and His agents.¹¹⁹ “Through this [God’s compact], bloodshed is prevented, and by it the heavens and the earth are established eternally ... He [the caliph] has made a covenant with God about what he sets out in this document, and has given Him a covenant which will be inquired of, and on account of which he will meet God, not breaking [it], nor falling short, nor perjuring himself” (*ghayr khāfir, wa-lā nāqid wa-lā-nākith*; the English does no justice to the parallelism).¹²⁰ The quranic allusions are to *sūrat al-Malāʾika* (Q 35.41) and *sūrat al-Isrāʾ* (Q 17.34) or *sūrat al-Aḥzāb* (Q 33.15). Much the same lexicon is found in a near-contemporaneous papyrus of 141/758, which refers to a prior agreement (*ṣullḥ* and *ʿahd*) between the governor of Egypt and the (Christian) Nubian king:

You know that on the basis of which a peace agreement was made with you and that which you took upon yourselves to fulfil, so preserving your blood and your property if you fulfil [it]. God, blessed and exalted is He, says in His book “Fulfil the compact of God when you make a compact, and do not break the oath after it has been affirmed and you have made God your guarantor; verily God knows what you do” (*wa-awfū bi-ʿahd allāh idhā ʿahadtum wa-lā tanquḏū al-aymān baʿd tawkīdihā wa-qad jaʿaltum allāh ʿalaykum kafīlan inna allāh yaʿlam mā tafʿalūn*; Q 16.91). And He said “Fulfil my compact and I shall fulfil your compact; so fear me” (Q 2.40).¹²¹

Although Q 16.91 and 2.40 are not quoted *in extenso* in our document, we do find their vocabulary in its clauses, notably *ʿahd Allāh* (§3), *n-q-d* (§3, §4), *al-aymān...tawkīdihā* (§5), *w-f-y* (§11), *Allāh ʿalā ... kafīlan* (§16).

In effecting safe-conduct through bearing witnesses and swearing oaths, our *amān* does its job as we would expect it to do it. In this respect, it is exemplary and relatively unremarkable in Islamic letters and history. Still, the *amān* also reflects a relatively short and early stage of Islamic history, one in which the caliph was held to be God’s representative on earth and the effective linchpin in society’s moral and institutional order.¹²² This is the heyday of the caliph’s temporal power and spiritual authority: Abū Jaʿfar is “God’s caliph over the Muslims and non-Muslims over whom He gave him authority”; he has “superior merit”, and functions as a “guide for Muslims and an exemplar for the community of Muḥammad...a leader and warner...a proof”. In this connection, it is worth emphasizing that, according to an *amān* that God’s caliph is said to have agreed to sign, God’s

119 “Fulfillment of covenants” is seen as central to Islam in ʿA. al-Dumayjī, *al-Imāma al-ʿuzmā ʿinda ahl al-sunna waʾl-jamāʿa* (al-Riyāḏ, 1987), 210, citing Q 5.1; Q 17.34; Q 16.91.

120 This part of the *amān* is closely paralleled in Ibn Hubayra I. Note, however, the rhetorical effect of the parallel forms concluding the quotation and absent in I.

121 Hinds and Sakkout, “A letter from the governor of Egypt”, 209–29 (for the text and translation, see 218, 226).

122 P. Crone and M. Hinds, *God’s Caliph: Religious Authority in the First Centuries of Islam* (Cambridge, 1986).

favour remained conditional: al-Manṣūr “pledged the benefits by which God supports” him. Thus, the covenant clauses allude to the most serious consequences of breaking the “oaths” (*al-aymān*) which, as they are enumerated later in the document (§11–§15), include the provision that, should he break the *amān*, al-Manṣūr would fall into unbelief, and the Muslims’ *bayʿa* to him would be void. The implications of this are discussed under “Consequences (§11–§15)”, below. Here it may be noted that these commitments are to be made public: in §5, al-Manṣūr guarantees that the *amān* will be promulgated throughout the caliphate. Writing “to the provinces” (*al-āfāq*) is how the historical tradition commonly describes the promulgation of *bayʿas* and other communications.¹²³

Terms (§6–§8, §10)

The *amān* guarantees ʿAbd Allāh b. ʿAlī’s safety en route to al-Hāshimiyya and at al-Manṣūr’s court there. The substantive terms of the safe-conduct are introduced by the formula *adhina la-hu*, familiar from the papyri.¹²⁴ This is followed by a statement of the extent of the protection afforded to ʿAbd Allāh b. ʿAlī in general, and comprehensive, terms (§6). The repetition has stylistic merits (*āminan muṭmaʿinnan makhfūzan mastūran maknūfan ... zallatin aw saqṭatin ... jalīlatin aw ḥaqīratin*), but there is legal substance here, too: ʿAbd Allāh b. ʿAlī will not just be safe, but also confident, protected, shielded and guarded;¹²⁵ nothing will befall him either through deliberate action, or because of accident or oversight. Nor will he be held accountable by the caliph for other deeds in the past, or will he be treated with suspicion by the caliph in the future. ʿAbd Allāh b. ʿAlī’s security is virtually unconditional.¹²⁶

These general terms set the context for the next three clauses that are concerned with the journey to al-Hāshimiyya, and freedom of movement in general (§7), protection from violence and deceit (§8) and his security and status at the caliphal court (§10).¹²⁷ In these concerns, they parallel both versions of the *amān* for Ibn Hubayra. Here, the references to Basra and al-Hāshimiyya link the text with the (southern Iraqi) circumstances of ʿAbd Allāh b. ʿAlī’s rebellion, as the version in II is linked to the specific circumstances of Ibn Hubayra’s surrender.¹²⁸ The reference to a “collapsing

123 Al-Balādhurī, *Ansāb al-ashrāf*, ed. I. ʿAbbās (Wiesbaden and Beirut, 1979), i va, 356 and 358; al-Balādhurī, *Ansāb al-ashrāf* (Damascus, 1997–2003), vii, 164, 493–4; al-Yaʿqūbī, *Taʾrīkh*, ii, 404, 488. For a text which was to be read out to “your army and your flock”, see the letter of Hishām to Yūsuf b. ʿUmar, when the latter was in Yemen, in ʿAbbās, *ʿAbd al-Hamīd*, 275. On the proper way to respond to a letter from the caliph read out in public, see al-Ṭabarī, *Taʾrīkh*, ii, 870.

124 Rāḡib, “Sauf-conduits d’Égypte”, nos. III, V–VIII.

125 The use of the *mustatiran* (“veiled”, *incognito*) to describe ʿAbd Allāh b. ʿAlī’s entry into Basra in al-Jahshiyārī’s account appears to describe a rather different situation – ʿAbd Allāh b. ʿAlī travelled in secret to Basra.

126 For past sins being disregarded see Ibn Hubayra I, §4 and Ibn Qutayba, *Kitāb ʿUyūn al-akhbār* (Cairo, 1925–30), ii, 226.

127 On the assumption that §9 is an interpolation.

128 Unlike the anachronistic reference to Baghdad in al-Khaṭīb, *Taʾrīkh Baghdād*, x, 8. Al-Hāshimiyya of our text is of course al-Manṣūr’s foundation near al-Kūfa; see *EP*, s.v. *al-Hāshimiyya* (J. Lassner).

building or ... destruction” (*wa-lā tahaddum wa-lā tabār*) apparently alludes to *subsequent* events; as mentioned above, we assume this to be an interpolation. Much of the rest of the material has an effect as much rhetorical as legal, especially by virtue of parallel morphological forms (*allā yarā min mujālasatihi ihtishaman wa-lā inqibādan wa-lā mubāyanatan wa-lā izwirāran*). In fact, parallelism is arguably the most salient stylistic feature of the text.

The content of §10, echoed in Ibn Hubayra I (and, to a lesser extent, in Ibn Hubayra II), is less concerned with safety than it is with rank and status at the court (*mujālasa*): not only will ʿAbd Allāh be safe from harm, but he will also be entitled to the material benefits of close association with the caliph, including honourable treatment and the fitting marks of rank and status.¹²⁹ Both ʿAbd Allāh’s life and his standing were being guaranteed. Hierarchy and status were naturally of great significance to the Abbasid elite in general (as they were to many others), as numerous anecdotes from the period indicate;¹³⁰ given the family politics of very early Abbasid rule, one imagines that the core members of the Abbasid family would have been especially sensitive to such issues. The luxuries listed here are items associated with the person: food and drink, unguents, perfume and clothing and textiles. They are all clear badges of prestige life at the Abbasid court in general and at the caliph’s *majlis* in particular.¹³¹ For the *majlis al-khāṣṣa* typically involved the consumption of fine food and wine,¹³² and unguent or oil (*duhn*) was used for cosmetic functions.¹³³ Perfume, another luxury item, was typically worn by the elite.¹³⁴ Of course, clothes and textiles were one of

- 129 Whereas in Ibn Hubayra I, §9 the reference is clearly to ʿAbd Allāh b. ʿAlī’s standing at court, in Ibn Hubayra I, §5 and Ibn Hubayra II, §4, the reference to “food, drink and clothing” is in the context of threats to his person, not loss of status. On the *majlis* in a slightly later period, see D. Brookshaw, “Palaces, pavilions and pleasure gardens: The context and setting of the medieval *majlis*”, *Middle Eastern Literatures* 6, 2003, 199–223.
- 130 See, for example, the various accounts of the death of al-Manṣūr in al-Balādhurī, *Ansāb al-ashrāf* (Wiesbaden and Beirut, 1978), iii, 273 ff.; al-Ṭabarī, *Ta’rīkh*, iii, 388 ff. and 451 ff.; Brookshaw, “Palaces, pavilions and pleasure gardens”, 200 f.
- 131 For high-status gifts and luxuries in medieval Islam, including, among many others, all the items mentioned in the *amān*, see Ibn al-Zubayr, *Kitāb al-Dhakhā’ir wa’l-tuhaf*, ed. M. Hamidullah (Kuwait, 1959); tr. and com. G. al-Hijāwī al-Qaddūmī, *The Book of Gifts and Rarities (Kitāb al-Hadāyā wa al-Tuhaf)* (Harvard Middle Eastern Monographs, 29, Cambridge, Mass., 1996).
- 132 On food and drink at the caliphal court, see, e.g. M. M. Ahsan, *Social Life under the Abbasids 170–289 AH 786–902 AD* (London and New York, 1979), esp. 152–64, and G.J.H. van Gelder, *God’s Banquet: Food in Classical Arabic Literature* (New York, 2000), *passim*.
- 133 *Duhn* refers specifically to oil used for anointing and on the person, especially in the hair: thus Lane, *Arabic–English Lexicon*; and R. Dozy, *Supplément aux dictionnaires arabes* (Leiden, 1881), s.v. For the cosmetic use of oil on the skin, see H. Grotzfeld, *Das Bad im arabisch-islamischen Mittelalter. Eine kulturgeschichtliche Studie* (Wiesbaden, 1970), 81.
- 134 On perfume, see, for example: P/IM, §25; ps.-al-Jāhiz, *Le livre de la couronne*, ed. and tr. C. Pellat (Paris, 1954), 74–5; al-Yaʿqūbī, *Ta’rīkh*, ii, 493, 559; al-Ṭabarī, *Ta’rīkh*, iii, 865; E. Tyan, *Institutions du droit public musulman* (Paris, 1954–56), i, 345 ff.; O. Grabar, “Notes sur les cérémonies umayyades”, in M. Rosen Ayalon

the main currencies of honour and respect in Islam as they had been earlier and would be later.¹³⁵

Consequences (§11–§15)

The covenants invoked in §3–§5 mean that the *amān* has the character of a vow made before God,¹³⁶ and in clauses §11–§15, the consequences of violating that vow are made explicit through the taking of oaths. According to al-Qalqashandī, *amāns* could be characterized by oath-taking, but no other extant *amāns* that we have seen include them.¹³⁷ Indeed, al-Qalqashandī remarks that such oaths taken by a caliph were extremely unusual, on account of the caliph's status (*li-ʿulūw rutbatihī wa-irtifāʿ maḥallihī*), but that when a caliph did take such oaths, they tended to pertain to things precious to him, such as “becoming quit of the caliphate and divested of it” (*al-barāʿa min al-khilāfa waʾl-inkhilāʿ min-hā*). This, he continues, is something that is found only in the correspondence (*tarassul*) of al-Ṣābī, from a time when authority was contested between caliphs (*wa-dhālika ḥīna kāna al-amr maʿdūqan biʾl-khulafāʾ*).¹³⁸

Here, as in the *amān* for Ibn Hubayra that is preserved in ps-Ibn Qutayba, it is indeed “things precious to the caliph”, including “becoming quit of the caliphate”, that are the subject of the oaths. Indeed, here we find nothing less than the “oaths of the *bayʿa*”, which take their name from their conventional appearance in *bayʿa* documents and ceremonial.¹³⁹ (It is notable in this connection that al-Ṣābī classifies *amāns* alongside *bayʿas*, although his *amān* does not include these oaths.¹⁴⁰) In our text the loosing of the ties between Man, God and caliph is described in considerably more detail than it is in most early Abbasid documents. Rather than list the “oaths of the *bayʿa*”, Ibn Aʿtham's version of Ibn Hubayra's *amān* describes the “binding and terrible oaths upon [Abū Jaʿfar]” (*wa-ʿalayhi min muḥarrijāt al-aymān al-mughallaḏa*),¹⁴¹ which suggests a paraphrasis, introduced either at the moment of initial drafting (to be filled in

(ed.), *Studies in Memory of Gaston Wiet* (Jerusalem, 1977), 57–8; R. Hamilton, *Al-Walīd and His Friends: An Umayyad Tragedy* (Oxford Studies in Islamic Art, 6, Oxford, 1988), 75 f.; Brookshaw, “Palaces, pavilions and pleasure gardens”, 208 f.

135 On clothing, see, for example, Hilāl al-Ṣābī, *Rusūm dār al-khilāfa* (Baghdad, 1964), 93 ff.; Tyan, *Droit*, i, 344 ff.; R. B. Serjeant, *Islamic Textiles* (Beirut, 1972); Ahsan, *Social Life*, 68 ff.; D. Sourdel, “Robes of honor in ʿAbbasid Baghdad during the eighth to eleventh centuries”, in S. Gordon (ed.), *Robes and Honor: The Medieval World of Investiture* (New York, 2001), 137–45.

136 On the parallels with vows, see Mottahedeh, *Loyalty and Leadership*, 64–5.

137 Al-Qalqashandī, *Ṣubḥ*, xiii, 351, where he refers to his chapter on oaths (*Ṣubḥ*, xiii, 200 ff.); cf., the *amāns* in Ṣafwat, *Jamharat rasāʾil*, above, note 17).

138 See al-Qalqashandī, *Ṣubḥ*, xiii, 216 (“oaths sworn by caliphs”); Wansbrough, “Safe-conduct”, 31; and Mottahedeh, *Loyalty*, 54 ff. for oaths between caliphs and emirs during the Buyid period.

139 For the term “oaths of the *bayʿa*”, see al-Jahshiyārī, *Wuzarāʾ*, 272, where it is clear that the expression means “very binding oaths”.

140 Al-Ṣābī, *Ghurar al-Balāgha* (Cairo, 1983), 168, gives a template for an *amān* invoking God's covenant, and other covenants, on behalf of the caliph.

141 See below, Ibn Hubayra II, §6.

subsequently?) or possibly by subsequent transmitters. The “oaths of the *bayʿa*” do indeed seem to function here as *aymān muḥarrija* – “binding oaths” – closely associated with the pledging of the covenant of God as the guarantee to an agreement, and the implied exclusion from the *umma* that violating the covenant would entail. Unlike in our text, they are sometimes left implicit or vague.¹⁴²

It is hard to exaggerate the stakes: the oath-breaker becomes an infidel (§11 and §12), and suffers the complete loss of property (including, naturally, his slaves) and wives (§13 and §14), together with the severing of the ties of loyalty and obedience that hold the ruling elite together (§11 and §15). Given the date of the purported *amān*, §11 is naturally of special interest: there we read that al-Manṣūr will be “cut off” from his ancestor, Muḥammad b. ʿAlī b. ʿAbd Allāh b. al-ʿAbbās – before, it should be noted, we read (in §12) that he will also be “cut off from God, His messengers, His angels and His scriptures”. The stipulation could be read in such a way as to support the view that the caliphs’ claim to legitimacy turned on designation (*naṣṣ*), via the *waṣīya* of Abū Hāshim for Muḥammad b. ʿAlī, before it was replaced with (or complemented by) a claim based on descent from al-ʿAbbās and Hāshim during the reign of al-Manṣūr’s son, al-Mahdī (775–85). On the other hand, the description of Muḥammad b. ʿAlī’s ancestry back to al-ʿAbbās could be read as an assertion based on this very genealogy; Muḥammad b. ʿAlī may have been singled out simply as the first Abbasid to have actually *claimed* the imamate.¹⁴³ Depending on one’s view of its date of composition, that the *amān* is open to both readings may suggest that they complemented each other at a fairly early stage. What is clearer (§12) is that al-Manṣūr risks being cut off from all sources of salvation – God, His angels and His messengers;¹⁴⁴ if he breaks his pledge to guarantee ʿAbd Allāh b. ʿAlī’s safety and standing, he will hold the false beliefs embraced by Jews and Christians in the Quran (Q 9.30). The last three clauses are more typical of such texts, although they are still characterized by elaborate language and quranic allusion.¹⁴⁵ al-Manṣūr’s

142 Cf., al-Ṭabarī, *Taʾrīkh*, ii, 1753, iii, 71–2; al-Balādhurī, *Ansāb al-ashāf* (Damascus, 1997–2003), vii, 495; Anonymous, *Kitāb al-ʿUyūn* (Leiden, 1869), 125.

143 See M. Hodgson, “How did the early Shīʿa become sectarian?” *JAOS* 75, 1955, 1–13; *EP*, s.v. Hāshimiyya (B. Lewis); M. Sharon, *Black Banners from the East: The Establishment of the ʿAbbāsīd State – Incubation of a Revolt* (Jerusalem and Leiden, 1983), 99; S. S. Agha, *The Revolution Which Toppled the Umayyads: Neither Arab nor Abbasid* (Islamic History and Civilization, 50, Leiden, 2004), xviii–xix. For the latter view, see A. Chejne, *Succession to the Rule in Islam with Special Reference to the Early ʿAbbāsīd Period* (Lahore, 1960), 63–77; E. Daniel, “The anonymous ‘History of the Abbasid Family’ and its place in Islamic historiography”, *International Journal of Middle East Studies* 14, 1982, 430; P. Crone, “On the meaning of the Abbasid call to al-riḍā”, in C. E. Bosworth *et al.* (eds), *The Islamic World from Classical to Modern Times* (Princeton, 1989), 95–111.

144 On the (Umayyad) caliphs’ claims for authority from the prophets and the Prophet, see R. Rubin, “Prophets and caliphs: the biblical foundations of the Umayyad authority”, in H. Berg (ed.), *Method and Theory in the Study of Islamic Origins* (Leiden, 2003), 73–99.

145 E.g. *mashāriq al-arḍ waʾl-maghārib* (Q 7.137). Thus it also conforms to al-Ṭahāwī’s preference for the quranic sequence in private legal contracts; see Khan, “Pre-Islamic background”, 208.

rights to marriage and property (§13), including slaves (§14), will be lost. Cut off from religion, the *bayʿa* owed to him by the Muslims will be invalid (§14 and §15). Responsibility for the execution of these stipulations is entrusted to all Muslims (§15).

The “oaths of the *bayʿa*” in early Abbasid *amāns* thus signal a covenantal relationship between ruler and ruled. The oaths were not merely conditions imposed upon those giving the oath of allegiance: the ruler was himself subject to their penalties if he violated God’s covenant. In breaking the *amān*, al-Manṣūr would have violated the covenant with God that guaranteed it, and so would be outside His *umma*, dissolving the Muslims’ *bayʿa* to him as caliph. In this way, the continued effectiveness of the *bayʿa* owed to the granter of the *amān* is tied to his fulfilling his pledges in it. Such an understanding of authority was neither altogether new, or unique: in 126/744 Yazīd III is said to have made the continued validity of the *bayʿa* given to him conditional upon his good governance;¹⁴⁶ and in 186/802 Hārūn al-Rashīd bound his sons by the covenant of God to observe the strictures he imposed on them.¹⁴⁷

Al-Qalqashandī has it that the “oaths of the *bayʿa*” had been introduced by al-Ḥajjāj, when taking the *bayʿa* to ‘Abd al-Malik, and were continued by the Abbasids until his own time (1355–1418).¹⁴⁸ Although the attribution of such developments to al-Ḥajjāj and ‘Abd al-Malik in a late source is suspicious, all the evidence does point to the late seventh century: the “oaths of the *bayʿa*” are prominent in *akhbār* for the Marwānid period but only appear in documents from the early Abbasid period. In such cases, they are usually associated with the taking of the *bayʿa*, or with loyalty more generally.¹⁴⁹ ‘Abd Allāh’s *amān* thus yields the earliest example of the oaths’ appearance in what appears to be an authentically early document.

146 Al-Ṭabarī, *Ta’rīkh*, ii, 1845.

147 E.g. al-Ṭabarī, *Ta’rīkh*, iii, 654 ff.

148 Al-Qalqashandī, *Ṣubḥ*, ix, 280 and xiii, 211–4. Tyan, *Droit*, i, 342, states that Ibn Khaldūn reports that oaths were not part of the *bayʿa* until after the Umayyad period. But Ibn Khaldūn, *Muqaddima*, ed. M. Quatremère (Paris, 1858), i, 376–7, does not actually say this: he states that oaths (*aymān*) were associated with the *bayʿa* by “the caliphs”.

149 The oaths were considered especially grave and were often invoked at the *bayʿa*, or other public pledges. In 106/724–725, Tawba b. Abī Usayd is said to have stopped taking the usual oaths of divorce from the army so that they would not refuse to campaign; when the next governor arrived, they refused to take the oath of divorce and subsequently the oaths they took became known as the “oaths of Tawba”; see al-Ṭabarī, *Ta’rīkh*, ii, 1481–2. In 116/734–5, when the governor of Khurāsān, ‘Aṣīm b. ‘Abd Allāh, wanted to test the loyalty of potential rebels in Marw, he was advised to take “their *bayʿa* with divorcing and freeing...if they refuse...write to the Commander of Believers and he will reinforce you with troops from Syria”: al-Ṭabarī, *Ta’rīkh*, ii, 1568–9. In 130/748 Abū Muslim is said to have included oaths of divorcing, freeing and pilgrimage in the *bayʿa* he took in Khurāsān from partisans of the revolution; see al-Ṭabarī, *Ta’rīkh*, ii, 1989. In 147/764–5 ‘Īsā b. Mūsā was under pressure from al-Manṣūr to relinquish his position in the succession to al-Mahdī. In resisting he explained, “I have sworn to give as alms what I own and to free my slaves and slave-girls if I step out of this matter”; see al-Balādhurī, *Ansāb al-ashraf* (Wiesbaden and Beirut, 1978), iii, 255.

Although they are unusual in an *amān*, their presence in a written contract of this period matches the evidence of other political contracts very closely: they occur in a document associated with the *bayʿa* to al-Mahdī and al-Hādī from 160 (776), and appear again in the “Meccan Settlement” of 186 (802).¹⁵⁰ In the latter documents it is made explicit that breaking the “covenant of God” means making an unbeliever of oneself.¹⁵¹ ʿAbd Allāh’s *amān* thus forms part of a sequence of relatively lengthy public legal documents from the early Abbasid period, in which previously oral components of an agreement were recorded in writing.¹⁵² This pattern may, in part at least, be a consequence of the accidents of survival. However, it seems likely that it may also be attributed to a change already taking place under the late Marwānids, perhaps as a result of the recruitment of *mawālī* into the caliphal administration, when a more emphatically textual culture of documents took hold,¹⁵³ and also to the increase in the use of documents brought about by the legitimizing requirements of the new Abbasid dynasty.

Conclusion (§16)

In its concluding phrases the *amān* reproduces the expanded quranic formula typical of dispositive documents from the early Abbasid period: there are close parallels with both versions of the *amān* for Ibn Hubayra and in the wider historical and epigraphic tradition.¹⁵⁴

Ascription and authenticity

So far we have suggested that the *amān*, which is remarkable both in the conditions it imposes and consequences it promises, in large part appears to be what it purports to be. We may now usefully address more squarely the question of its authenticity, and the related question of its attribution to Ibn al-Muqaffaʿ.

The story of how Abū Jaʿfar’s anger at the strictures of his *amān* led indirectly to Ibn al-Muqaffaʿ’ s ghastly death at the hands of Sufyān b. Muʿāwiya is widely reported in the historical tradition. As one-line summaries of the *bayʿa* clause in al-Balādhurī’s *Ansāb al-ashraf* and al-Yaʿqūbī’s *Taʾrīkh* demonstrate, it was the clause about the *bayʿa* in particular that was remembered as having enraged al-Manṣūr, and that was said to have led to Ibn al-Muqaffaʿ’ s death. Now the link between text and

150 For the former, see al-Ṭabarī, *Taʾrīkh*, iii, 474–6; for the latter, see al-Yaʿqūbī, *Taʾrīkh*, ii, 502–9 and al-Azraqī, *Kitāb Akhbār Makka* (Leipzig, 1858), i, 161–8 (a shorter version); al-Ṭabarī, *Taʾrīkh*, iii, 654–66, where differences in the MS of Ibn al-Jawzī are noted (a longer version). The shorter version is reproduced in al-Qalqashandī, *Ṣubḥ*, xiv, 85–9.

151 Thus al-Ṭabarī, *Taʾrīkh*, iii, 659.

152 See above and Marsham, “The *Bayʿa*”, 93–6, 105 ff.

153 A process that may have a parallel in the development of private legal documents, see above, note 95, and below, page 274.

154 In the tradition, e.g. Ṣafwat, *Jamharat rasāʿil*, iii, nos. 103, 161, *et al.* Cf., too, *amāns* from the Umayyad period in Ṣafwat, *Jamharat rasāʿil*, ii, 47, 126. In epigraphy, e.g., above, note 106.

execution may be less direct than the tradition would have it, for Ibn al-Muqaffaʿs execution may well have reflected a shift in power within the Abbasid family after the failed coup: he had been an associate of the paternal uncles of Abū Jaʿfar (*al-ʿumūma*), and as such, he was at risk in Basra under the new governor, who was very much Abū Jaʿfar’s man.¹⁵⁵ Be this as it may, it is conceivable that the fate of Ibn al-Muqaffaʿ and our detailed *amān* had separate lives, which converged only after this death to explain his execution and illustrate the perfidy of al-Manṣūr. Given Ibn al-Muqaffaʿs reputation in literary circles, such a convergence makes good sense. If so, the text could be authentic and falsely ascribed. It is also conceivable that the detailed *amān* was forged after this death for the same purposes. If so, it would be spurious *and* falsely ascribed.

Both explanations are untidy and inefficient, leaving unanswered the identity of the gifted scribe who *did* compose it (we see no reason to posit anything other than single authorship) and why (with the single exception of the apparent interpolation), it betrays no anachronisms, while sitting so well in a very early Abbasid milieu. On the other hand, there are frequent and very close similarities between our *amān* and that of Ibn Hubayra.¹⁵⁶

Since all three texts share a common structure and formulaic features, and moreover, since there is reassuring corroboration from some of the extant papyri, it seems reasonable to conclude that these structural features reflect at least some aspects of a template for early Abbasid caliphal *amāns*. While similarities in content might be taken to suggest some “contamination” from one *amān* text to the next, in *content* (as opposed to formulaic features), the main terms of the two versions of the *amān* for Ibn Hubayra do differ considerably from the terms of our *amān*. In the present state of our knowledge, therefore, we should operate on the assumption that our *amān*’s formal similarities to Ibn Hubayra I and Ibn Hubayra II reflect early Abbasid *amān*-writing conventions and that its content substantially reflects the original.

If we accept the authenticity of the bulk of our text, we may reasonably accept the unanimity of the tradition on its attribution, pending a careful collation of the document with authentic samples of Ibn al-Muqaffaʿs work, hampered, as it would have to be, by the *amān*’s formulaic character and the distinctive genres in which his other work was composed. It is obviously relevant in this connection that the *Risāla fi’l-ṣaḥāba*, which seems to have been written in about 141/759, proposes an interpretation of the phrase “no obedience to the created in disobedience to the Creator”

155 As Lassner argues: Lassner, *Shaping*, 111, note 53.

156 According to Elad, “The siege of Wāsiṭ (132/749)”, Ibn Hubayra I may be the product of secondary elaboration upon Ibn Hubayra II. Certainly, the version in the *Kitāb al-Imāma* seems repetitive and confused, and the book also includes at least one demonstrably spurious document; see C.E. Bosworth, “Rajāʾ b. Haywa al-Kindī and the Umayyad caliphs”, *IQ* 16, 1972, 64; and Marsham, “The Bayʿa”, 26–30. Note that Ibn Hubayra I is the only one of the three for which the claim that it is a “copy” (*nuskha*) is not made. None the less, the situation may not be quite as clear as Elad suggests – the parallels between I and II are closer than he implies.

that restricts legitimate rebellion to that against a truly impious ruler:¹⁵⁷ “If the imam forbids prayer, or fasting, or *hajj*, or prevents the *ḥudūd*, or makes licit what God had made *ḥarām*, then he will not have authority over this matter (i.e. the government).”¹⁵⁸ Very strictly interpreted, breaking the *amān* does not fit any of these categories, and the inconsistency may indeed be a function of genre: in the *Risāla*, Ibn al-Muqaffaʿ is offering generic advice for a caliph whom he pointedly leaves unaddressed by name; in the *amān*, Ibn al-Muqaffaʿ is working for the Banū ʿAlī to pin down in exacting detail the terms of an agreement between Abū Jaʿfar and ʿAbd Allāh b. ʿAlī.¹⁵⁹ But should we interpret things so strictly? In fact, it could rather be argued that the two very different works actually express a coherent political philosophy, one in which caliphs, inheriting the authority of the prophets in general and Joseph in particular, owe those members of their family who oppose them special pardon: “Ibn al-Muqaffaʿ laisse entendre, qu’à l’instar de Joseph, al-Manṣūr doit savoir faire preuve de clémence et pardonner à ceux qui l’ont offensé et comploté contre lui”.¹⁶⁰

If the attribution is sound, what were the circumstances of the *amān*’s composition? The text was drawn up for ʿAbd Allāh b. ʿAlī, perhaps following a convention according to which writing safe-conducts fell to those who sought protection.¹⁶¹ ʿAbd Allāh b. ʿAlī had made his claim to the caliphate in either 136 AH (al-Azdī) or 137 AH (al-Ṭabarī). Upon his defeat by Abū Muslim’s army, he fled to Basra, taking refuge with his brother, Sulaymān b. ʿAlī. If we follow al-Ṭabarī’s sources and al-Jahshiyārī, the departure of the uncles and their retinue from Basra was expedited by the arrival of Sufyān b. Muʿāwiya as the city’s new governor, which the former dates to the middle of Ramaḍān 139.¹⁶² Al-Ṭabarī has Sufyān serve an apparently uninterrupted tenure until 145 AH, but his coverage of the years 138, 139 and 140 AH is thin, and other sources have other dates and other sequences. According to Khalīfa b. Khayyāt, Sufyān was appointed in 137 AH, replacing Sulaymān b. ʿAlī, “and so Sufyān came [to the city] in Ramaḍān, and Ibn al-Muqaffaʿ was [subsequently] killed”;¹⁶³ he was then removed in 138 AH by ʿUmar b. Ḥafṣ, who served two terms as governor of

157 On the history of the phrase, see van Ess, *Theologie*, i, 87–8; see also P. Crone, *God’s Rule, Government and Islam: Six Centuries of Medieval Islamic Political Thought* (New York, 2004), 268 ff.

158 P/IM §16.

159 On the *Risāla fi’l-ṣaḥāba* as a carefully constructed petition to a ruler, see Pellat’s discussion in P/IM, 1–13, and A. Cheikh-Moussa, “Du discours autorisé ou comment s’adresser au tyran?”, *Arabica* 46, 1999, 139–75, esp. 161–71.

160 Cheikh-Moussa, “Du discours autorisé”, 165; for al-Manṣūr inheriting the legacy of Solomon, Job and Joseph, see Crone and Hinds, *God’s Caliph*, 81, n. 146. Cf. al-Azdī, *Ta’rīkh*, 178 f., where Q 12.99 and Q 6.84–5 are invoked, as Muḍarī tribesmen try to ingratiate themselves with al-Manṣūr.

161 As argued by Sourdél, “La biographie”, 319. However, it is worth noting the inevitably *ad hoc* nature of such negotiations. For example, the *amān* for Ibn Hubayra seems to have been composed by Ishāq b. Muslim al-ʿUqaylī, a Syrian commander who had recently crossed over to the Abbasids, and who thus functioned as an acceptable intermediary between the two parties.

162 Al-Ṭabarī, *Ta’rīkh*, iii, 126.

163 Khalīfa, *Ta’rīkh*, ed. S. Zakkar (Damascus, 1967–8), ii, 638, 674.

the city, the second beginning in 142 AH and ending in 144 AH,¹⁶⁴ when Sufyān returned to the governorship. Al-Ṭabarī and Khalīfa thus agree that Sufyān arrived in Ramaḍān, and that his arrival led to the death of Ibn al-Muqaffaʿ; but two years separate the two accounts. Al-Balādhurī's account also allows for a more complicated sequence than al-Ṭabarī; it also comes without firm dates.¹⁶⁵ As we have seen, al-Azdī places his account in year 138, and knows of Sufyān's appointment in 144 AH. In his study of the administration of the early Abbasid caliphate, Nicol followed the chronology of Khalīfa b. Khayyāt, citing the numismatic evidence as corroborative.¹⁶⁶ This is indirect evidence, since the first coins to name Abbasid governors for Basra were minted in 140 AH. Once they do appear, however, they support Khalīfa's list of governors rather than al-Ṭabarī's. All this would suggest that the *amān* was written in 137 or early 138 AH,¹⁶⁷ when Ibn al-Muqaffaʿ was a scribe for the Banū ʿAlī, closely associated with ʿĪsā b. ʿAlī.

So much for the *amān* itself. Is al-Jahshiyārī's *tawqīʿ* authentic? It is not impossible, but the suspicion remains that it is derived from an account of the *amān*; after all, al-Balādhurī records a *tawqīʿ* with a quite different content.¹⁶⁸ Some late second-century papyri do record the names of witnesses to agreements, including their affirmation of their presence in their own hand (*bi-khaṭṭihi* or *bi-yadihi*). The autograph declaration of al-Manṣūr in the *tawqīʿ* recorded by al-Jahshiyārī would be a very early analogue of this practice. Although Khan suggests that the use of autograph declarations in law might be a continuation of pre-Islamic practice, as is found in documents in Aramaic and Demotic, he stresses that "no such autograph declarations have so far been found on Arabic legal documents from Egypt earlier than the last quarter of the 2nd century AH"; although witnesses are named at the end of Umayyad documents, there are no references to autographs in them.¹⁶⁹ Grohmann does cite an autograph from the penultimate quarter of the second century, but al-Manṣūr's lengthy *tawqīʿ* would still predate this terse statement by two decades.¹⁷⁰ Evidence for the use of *tawqīʿ*s and *ʿalāmas* in elite documents is very thin

164 Khalīfa does not state who the governor was between these two terms.

165 Al-Balādhurī, *Ansāb al-ashraf* (Wiesbaden and Beirut, 1978), iii, 111.

166 N. D. Nicol, "Early ʿAbbāsīd administration in the central and eastern provinces, 132–218 A.H./750–833 A.D.", (Ph.D. thesis, University of Washington, 1979), 26–7 and Appendix B. According to ANS 1917.216.128 (*mimmā amara bi-hi al-amīr Sufyān b. Muʿāwiya li-ahl al-Basra*), 144 AH; cf. 1002.1.147.

167 See Nicol and also N. Lowick, *Early ʿAbbāsīd Coinage: A Type Corpus 132–218 H / AD 750–833*, ed. E. Savage (London, unpublished, 1999), 134 ff. Van Ess reached similar conclusions in *Theologie*, ii, 25. It is notable that this might imply that Ibn al-Muqaffaʿ died rather earlier than is usually assumed; cf., for example, Lassner, *Shaping*, 111 and note 53, who places his death in 142 AH.

168 See above, note 10.

169 Khan, *Bills, Letters and Deeds*, 173; Khan, "Pre-Islamic background", 200 f.

170 A. Grohmann, *Arabic Papyri in the Egyptian Library* (Cairo, 1934–74), iii, no. 168 gives a "list of witnesses" from 159 AH which includes the phrase, *wa-kataba ismahu wa-shahādātahu bi-khaṭṭihi*. Note that the ʿAlīd Yahyā b. ʿAbd Allāh b. al-Ḥasan pointedly asks Hārūn to write his *amān* in his (Rashīd's) own hand, and the court duly bears witness to this; see al-Ṭabarī, *Taʾrīkh*, iii, 614.

before the tenth century, but it seems plausible that they were concluded with such signatures.¹⁷¹ In sum, that the *amān* was concluded with a *tawqīf* seems plausible; that al-Jahshiyārī preserves an accurate copy of it is far from certain.

The *amāns* for Ibn Hubayra

As we have said above, the *amāns* for Ibn Hubayra survive in two versions: ps-Ibn Qutayba's *Kitāb al-Imāma wa'l-siyāsa* (I) and Ibn Aʿtham al-Kūfī's *Kitāb al-Futūḥ* (II). In the translations that follow this discussion, exact parallels with our *amān* appear in **bold** and close parallels are underlined; more remote, but none the less notable, parallels are underlined with a broken line.

In his article on the siege of Wāsiṭ, A. Elad was confident that Ibn Hubayra II was "original, or at least that it reflects the terms of the original *amān*".¹⁷²

The author of *al-Imāma wa'l-Siyāsa* at first cites al-Madā'inī's text exactly as quoted in al-Kūfī, but slowly his version of the *amān* begins to stray from that of al-Madā'inī, and eventually we are faced with a completely different version, enveloped by rhetoric and lacking real content. This later text is much longer than al-Madā'inī's, but it does not include the three main terms of the *amān* transmitted by al-Kūfī.¹⁷³

Elad does not adduce the *amān* produced a few years later for ʿAbd Allāh b. ʿAlī as it is preserved by al-Azdī. In terms specific to the situation of Ibn Hubayra at Wāsiṭ, Ibn Hubayra I does indeed "stray" somewhat from al-Kūfī's version of the same document (although there are many close parallels, in the "terms" and the "content"). *Both* versions of the *amān* for Ibn Hubayra, however, share features common to the *amān* for ʿAbd Allāh b. ʿAlī.

171 S. M. Stern, *Fāṭimid Decrees: Original Documents from the Fāṭimid Chancery* (London, 1964), 123 ff.; *EF*, s.v. *Diplomatic i. Classical Arabic* (W. Björkman); *EF*, s.v. *Tawqīf* (F. Babinger-[C. E. Bosworth]). A potentially comparable text was said to have been written on the back of al-Ma'mūn's *ahd* for the succession by the *walī al-ʿahd*, al-Riḍā, in which he declares the terms under which he is made successor; see F. Gabrieli, *Al-Ma'mūn e gli ʿAlidī* (Leipzig, 1929), 44–5, citing Ibn al-Jawzī, MS Paris ar. 5903, f.151a–51b; al-Majlisī, *Biḥār al-anwār* (Tehran, 1376–1405/1957–85), xlix, 152–3; Marsham, "The Bayʿa", 68–76. Note also the remarks by W. al-Qādī, "Religious foundation", 235. A parallel is found in the *akhbār* for 147/765, when ʿIsā b. ʿAlī was said to have been witnessed "putting his handwriting and his seal" on the document for his deposition from the *wilāyat al-ʿahd* (al-Ṭabarī, *Taʾrīkh*, iii, 352). Although seals are attested on extant documents from this period, autographs are not (see above, note 169).

172 Elad, "Siege", 73; see also S. Moscati, "Il «Tradimento» di Wāsiṭ", *Le Muséon* 64 (1951), 177–86.

173 Elad, "Siege", 73.

As far as structure is concerned, the three *amāns* can all be analysed according to the scheme familiar from that of ‘Abd Allāh b. ‘Alī. All three begin with an “introduction”, then, whereas our *amān* adduces the “witnesses” next, both I and II invoke the “covenants”, which are followed by “witnesses” in I, but not II (where God is the only witness, invoked in the conclusion); all three then present “terms”, followed by “consequences” and a “conclusion”, in which God is invoked as a “sufficient witness”. Ibn Hubayra I more closely resembles our *amān* than does Ibn Hubayra II. None the less, there are a few parallels and echoes in it too, notably, “...the guarantee of the prophets sent by God...the angels closest to God...sin ...lapse... crime ...clothing ...”). There are also numerous parallels between I and II that are *not* shared by our *amān*, notably in their “terms” – I, §4 and §5 resemble II, §3 and §4. Other parallels between the two include: *aṭaytu* for “I have given” (God’s covenant), as opposed to *ja‘ala* in our text (I, §3 and II, §2); *wuzarā’* (“helpers” in I, §1 and II, §3); the root *s-y-r* and the noun *maqām* (“go” and “stay”, in §10 and §4, respectively); *wa-lā khadrī‘a wa-lā makran* (“neither deceit nor trickery”, in I, §5, §11 and II §4).

I

{They mentioned that a man from Qays called Abū Bakr b. Muṣ‘ab [Ishāq b. Muslim?] al-‘Uqaylī busied himself with the document for the peace-treaty and safe-conduct (*kitāb al-ṣulḥ wa’l-amān*) in the presence of Abū Ja‘far until he finished it for him.¹⁷⁴ Then he came to Ibn Hubayra.

174 According to Khalīfa, *Ta’rīkh*, ii, 608, Ishāq b. Muslim al-‘Uqaylī acted as a mediator between the Abbasids and Ibn Hubayra during the siege. In Khalīfa’s version, he was sent to offer “a peace treaty” to Ibn Hubayra’s men, under the terms of which Ibn Hubayra could remain in Madīnat al-Sharqiyya for fifty days without giving the *bay‘a* to Abū Ja‘far and then either give the *bay‘a* or repair to a place of safety. Many of Ibn Hubayra’s commanders were Qaysī; indeed, one of his most senior cavalry commanders, eventually executed at the same time as him, was an Abū Bakr b. Ka‘b al-‘Uqaylī. (On him, see the *Akhbār al-dawla al-‘Abbāsiyya*, ed. A. Duri [Beirut, 1971], 325, 328, 332, 333, 341; al-Dīnawarī, *Kitāb al-Akhbār al-tiwāl* [Leiden, 1888], 371; al-Ṭabarī, *Ta’rīkh*, iii, 1, 68; Crone, *Slaves*, 164.) The author of the *Imāma* appears to have conflated the two. Khalīfa indicates that the writing of the *amān* was in the hands of the Abbasids: “The [besiegers] will give you what you want, we have written a peace treaty between us and you”, said Ishāq b. Muslim. Ishāq b. Muslim arrived after a series of envoys had been sent from the Abbasid side to offer terms. Cf. Al-Ṭabarī, who also has a prolonged period of discussion about the *amān*, with “emissaries (*al-sufarā*)” going back and forth” between the two men: al-Ṭabarī, *Ta’rīkh*, iii, 66–7; tr. Alden Williams, 189–90. As Elad points out, Ishāq b. Muslim, a Qaysī Umayyad commander who surrendered to the Abbasids under favourable terms, would have made a suitable go-between: Elad, “Siege”, 68, note 60. Cf. Kennedy, *The Early Abbasid Caliphate*, 49 f., where he makes a comparison between the surrender of Ibn Hubayra and the agreement made at Ishāq b. Muslim al-‘Uqaylī’s own surrender at Sumaysāt, but mistakenly places the siege of Sumaysāt *after* the fall of Wāsiṭ. In fact, al-Ṭabarī’s account of the two sieges implies that Abū Ja‘far besieged Sumaysāt during a seven-month absence from the longer siege of Wāsiṭ. (On the dates of the siege of Wāsiṭ, see Elad, “Siege”, 70.) Al-Balādhurī has Ishāq

In it [was]:} ¹⁷⁵

§1 **In the name of God, the Beneficent, the Merciful: This is a letter from ʿAbd Allāh b. Muḥammad b. ʿAlī Abū Jaʿfar, leader of the Muslims (*walī amr al-Muslimīn*), to Yazīd [b. ʿUmar] b. Hubayra, and those with him – of the people of Syria and Iraq and others – in the city of Wāsiṭ and its territory – from amongst **the Muslims and the non-Muslims** (*muʿāhadīn*), ¹⁷⁶ and those who are with them from amongst their helpers (*wuzarāʾ*).**

§2 **I have given you^{pl} a safe-conduct (*āmantukum*) by God’s safe-conduct (*bi-amān Allāh*), other than Whom there is no god, Who knows the secrets of mankind and {the thoughts of their hearts,} and knows {what glances betray and} what the breasts conceal, and Who possesses all authority – a trustworthy safe-conduct, which deception (*ghishsh*) ¹⁷⁷ does not contaminate, nor falsehood sully, and which applies to your selves, your offspring and your wealth.**

§3 I have given (*aʿṭaytu*) Yazīd b. ʿUmar b. Hubayra, and those to whom I gave a safe-conduct at the top of this document of mine {in} good faith, ¹⁷⁸ what I have pledged to them (*jaʿaltu la-hum*) of **the covenant of God** and His compact, with which He covenanted with the peoples of old of His Creation, and by which He imposed His authority upon them – a pure {binding} covenant. I have also given them fulfilment of what I pledged to them from] the guarantee (*dhimma*) of God and the guarantee of Muḥammad, and of those who went before of his righteous successors and his sound predecessors, the breaking of which is not permitted to his servants, nor the invalidation of anything from it, ¹⁷⁹ nor treating it with contempt. The heavens, the earth and the mountains took it up, but they disdained to bear it and shunned it, finding it burdensome. By it the spilling of blood is prevented. I have also given them fulfilment of what I gave them of] the guarantee of the spirit of God and His Word, ʿĪsā b. Maryam, and the guarantee of Ibrāhīm, Ismāʿīl, Ishāq, Yaʿqūb and the tribes (of Israel){, and the guarantee of Jibrīl, Mīkāʿīl and Isrāfīl}.

§4 I have given you what I have pledged to Him of these covenants and compacts, and to those who are with you from amongst the Muslims, and the *dhimmi*s, after my consultation with ʿAbd Allāh b. Muḥammad [Abū al-ʿAbbās, al-Saffāḥ], the Commander of the Faithful – may God make him powerful and victorious – concerning what I pledged to you. ¹⁸⁰ He ordered

b. Muslim al-ʿUqaylī advise Abū Jaʿfar to betray the *amān*: al-Balādhurī, *Ansāb al-ashraf* (1978), iii, 153. Ibn Hubayra’s scribe, killed at the same time as Ibn Hubayra, is named by Khalīfa b. Khayyāt as ʿUthmān (*Taʾrikh*, ii, 609–10).

175 The brace brackets mark material from al-Zaynī’s 1967 edition of the *Imāma*. The translation is otherwise based on Ṣafwat’s 1937 edition of the text. See above, notes 2 and 18. A scholarly edition of the *Imāma* that makes use of all the available manuscripts is very desirable. On the current state of knowledge, see above, note 84.

176 See the commentary to §1 of our *amān*, above, and note 100, for *muʿāhadīn*.

177 An exact parallel with *ghishsh*, found in §7 of our *amān*.

178 al-Zaynī, *biʾl-wafāʾ*; Ṣafwat *al-wafāʾ*.

179 *taʿīl shayʾ minhā*; in al-Manṣūr’s edition, *taʿīb shayʾ minhā*.

180 *istiʾmārī fī*; al-Zaynī’s edition and al-Manṣūr’s edition, *istithmārī fī*.

its execution for you^{pl}{, and was satisfied with it, and stipulated it for you and for himself, and carrying out that on his own behalf by his ministers, his commanders and the supporters of truth from his party among the people of Khurāsān. You and they are safe in the safe-conduct of God; there is no legal penalty upon you, nor will you be punished for a **sin** you have committed, while you were at fault, in rebellion or resisting, or a killing, **error**, **crime** or felony, or shedding of blood accidentally or intentionally, or a matter relating to you or them which is in the past, small or great, secret or public. Nothing violates what I have stipulated for you regarding this safe-conduct of mine against your interests, nor will I betray you in it, nor turn from it.

§5 I have permitted you to remain in **al-Madīnat** al-Sharqiyya until¹⁸¹ the appointed time which you have asked for, and then set out wherever seems fit to you in the land, **safe**, **confident** and protected – you and those whom you have asked that it be permitted to them to travel with you, from those following you, from the people of your house, and five-hundred men according to what you have asked regarding their mounts, their weapons and white clothes – not fearing treachery, nor betrayal of you – wherever you wish, on land or sea. Stop wherever in the land you wish until you reach your residence in the land of Syria, safe in the safe-conduct of God from those of our officials, our garrisons and our military posts whom you pass by, there being no obligation upon you to do anything you dislike in secret or public; God – other than Whom there is no God – is [a guarantor] for you [that] no harm regarding a matter that you dislike will come to you at any hour of the day or night, nor will I introduce to you – in my safe-conduct which I have mentioned to you – **treachery** (*ghishsh*), deceit or trickery, nor will there be a plotter on my side in that regarding anything that you fear for yourself: no deceit in **drink**, nor in **food**, nor **clothing**; nor will I entertain ill-feeling towards you [in] my mind up until your departure from Madīnat Wāsiṭ until your entry into my camp – in the morning or the afternoon as seems fit to you, and entering at any hour of the day or night which you choose.} So have peace of mind regarding what I have pledged to you concerning the safe-conduct, the covenants and the compacts. Have faith in God and in the Commander of the Faithful concerning what he has accepted and approved and I have pledged to you, and those who are with you, upon myself.

§6 And you have my (pledge of) responsibility for the fulfilment of these covenants, compacts and guarantees, the most serious of which God imposed and made sacred, and which God sent down – may He be blessed and exalted – to His Prophet, Muhammad – may God bless him and peace be upon him. He made it a clear book, from which falsehood does not come from before it or behind it, as a light and a proof for mankind. [I have stipulated them] until I meet God, when I shall still be obliged by them.

§7 I call upon God, His angels and His messengers and those among the Muslims and the non-Muslims to whom this document of mine is read, as witnesses to the acceptance (*bi-qubūl*) of these covenants and compacts, my

181 *ilā*; al-Mansūr's edition, *illā*.

acknowledgement of their being imposed upon my soul (*nafsī*), my affirmation of them (*tawkkīdī fīhā*), and upon my submission to you of what you asked; nothing in them will be left out (*yughādaru*), nor will anything from them be infringed (*yunkathu*) against you.

§8 I have included in your^s safe-conduct everyone on my side (*min qibalī*) from the party of the Commander of the Faithful – of the people of Khurāsān, and whoever owes obedience to the Commander of the Faithful from among the people of Syria, of the West¹⁸² and the *dhimmīs*.

§9 I have pledged to you^s that you will not see from me any shunning, nor avoiding, nor turning away, nor anything you will find reprehensible when you come into my presence until you depart from me. Nor will there befall anyone with you anything he dislikes.

§10 I give permission to you^s and them to travel and to remain [where you are]. I have pledged to them a sound safe-conduct and a firm covenant.

§11 [And I have pledged that] ʿAbd Allāh b. Muḥammad [Abū Jaʿfar], if he breaks (*naqaḍa*) what he has stipulated for you^{pl} (*mā jaʿala la-kum*) in this safe-conduct of yours (*fī amānikum hādihā*),¹⁸³ violating it (*fa-nakatha*), or betrays you, or transgresses it in a way which you^s find reprehensible, or helps anyone of God’s Creation to disobey it in private or in public, or conceals (*aḍmara*) in himself feelings toward you^s other than those he shows you, or introduces anything against you into his safe-conduct and what he mentioned to you regarding the Commander of the Faithful’s acceptance (*taslīm*) [of the *amān*], looking for deceit and trickery (*wa-lā khadīʿa wa-lā makran*) against you, and introducing something reprehensible into it against you, or intends other than fulfilment for you of what he stipulated for you, then may God accept from him neither requital nor ransom. He will be cut off from Muḥammad b. ʿAlī [b. ʿAbd Allāh b. al-ʿAbbās], and he will throw off allegiance to the Commander of the Faithful and will be rid of obedience to him.

§12 Thirty *hajj* pilgrimages will be obligatory for him, going from the place in which he is [currently], from the city of Wāsiṭ to the Sacred House of God, which is in Mecca, barefoot and on foot. All the slaves which he owns from that day, by purchase or gift, for thirty years, will be free for the sake of God. Every wife he has will be divorced three times, and everything he owns, in the way of gold, or silver, or goods, or mounts, or anything other than that, will be alms for the poor. He will be an unbeliever in God and His book, revealed to His Prophet.

§13 God is over him as a shepherd and a guarantor in what he affirmed and pledged upon himself in these oaths, and God is a sufficient witness.

II

[Al-Madāʿinī] said: At that point Yazīd b. [ʿUmar b.] Hubayra sent to Abū Jaʿfar requesting a peace agreement (*sulḥ*), and he responded positively

182 *al-harb* makes little sense; *al-maghrib* seems a plausible reading, or perhaps *al-ʿarab*?

183 A shift from first to third person again; see above, n. 183.

regarding this. Yazīd b. [ʿUmar b.] Hubayra sent a message to him, “I am not coming out to you without your writing a document for me in which is a safe-conduct (*amān*) for me, and for those with me”. Abū Jaʿfar responded positively to this. Then he wrote this safe-conduct to him:

An account of the document for safe-conduct which Abū Jaʿfar wrote for Yazīd [b. ʿUmar] b. Hubayra.

§1 **In the name of God, the Beneficent, the Merciful: This is a document from ʿAbd Allāh b. Muḥammad b. [ʿAlī b.] ʿAbd Allāh b. al-ʿAbbās Abū Jaʿfar, the brother of the Commander of the Faithful Abū al-ʿAbbās, for Yazīd b. [ʿUmar b.] Hubayra and those with him from the people of Syria, the people of Iraq, and others who joined them, and those in Madīnat Wāsiṭ from the Muslims and the holy warriors (*mujāhidīn*) and those with them from their wives, their children and their clients (*mawālī*) and slaves: I have given as a safe-conduct (*qad amāntukum*) to you^{pl} for yourselves the safe-conduct of God, other than Whom there is no god, Who knows of the secrets of mankind what He knows of their public things.** [It is] a trustworthy safe-conduct, which treachery does not afflict, nor does falsehood mix with it.

§2 I have given (*qad aʿṭaytu*) Yazīd b. [ʿUmar b.] Hubayra al-Fazārī a pure and binding covenant (*ʿahdan khālīṣan muʿakkadan*), the guarantee of God (*dhimmat Allāh*), the guarantee of the Messenger of God (may God bless him and peace be upon him) the guarantee of the prophets sent by God and the angels closest to God.

§3 This safe-conduct is for you, O Yazīd b. [ʿUmar b.] Hubayra, for your companions and those who joined you of your commanders, your helpers (*wuzarāʿ*) and your party (*shīʿa*). You and they are safe in the safe-conduct of God: that they will not be punished for a sin (*dhanb*) or lapse (*zalla*), nor for an offence (*jarīra*) or crime (*jarm*), nor for a felony in shedding blood with intent or by accident, nor for a matter relating to you^{pl}, O Yazīd b. [ʿUmar b.] Hubayra, which is in the past.

§4 I have given permission to you (*wa-qad adhintu la-ka*) to stay in Madīnat Wāsiṭ if you wish and then set out from there when you yourself wish, and those who are with you, with mounts and weapons, fearing no enemy on the plain, on land or at sea, nor will he cause you harm by anything which you fear at any time of day or night. Nor will I introduce into this safe-conduct of mine treachery (*ghishsh*), deceit or trickery (*wa-lā khadīʿa wa-lā makran*), nor will there be any plotting against you by me in this such as you may fear regarding food, drink or clothing.

§5 I have given permission to you and your companions, O Yazīd, to enter my camp at whatever time you like until the time of your departure from Madīnat Wāsiṭ.

§6 If ʿAbd Allāh b. Muḥammad b. ʿAlī b. ʿAbd Allāh b. al-ʿAbbās Abū Jaʿfar, the brother of the Commander of the Faithful Abū al-ʿAbbās, perjures (*naqada*),¹⁸⁴ what he pledged to you^s,¹⁸⁵ your companions and your party regarding this good-faith of yours (*amanatikum hādhihi*), may God not

184 A shift from first to third again; see above, n. 183.

185 Reading *mā jaʿala laka* instead of *fa-aʿalu laka*.

accept from him requital or ransom when binding and terrible oaths are upon him.¹⁸⁶

§7 God is a witness to what he has stipulated upon himself from these oaths, and God suffices as an authority, **a witness** and a guarantor. Peace.

186 Reading *wa-ʿalayhi min muḥarrijāt al-aymān al-mughallaḏa* instead of *wa-ʿalayhi min al-muḥarrijāt al-aymān al-mughallaḏa*.