

## Multi-Religious Affairs Under the Muslim Legal System: A Historical Study of Umar's Transformative Approaches in Islamic Jerusalem after the First Muslim Conquest (637CE)

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### Abstract

For a long time Islamic Jerusalem (Bayt al-Maqdis) has seem to be a vulnerable region attracting attention from various parties. With the coming of the Muslims to liberate Islamic Jerusalem in 637CE, the situation inside and outside the territory seems to have experienced various kinds of approaches. The first Muslim conquest of Islamic Jerusalem led by cUmar (13-23 AH/ 634-644 CE) brought certain legislative indications, mentioned through cUmar's Assurance of Amān (Safety) for the people of Aelia. Accordingly, this research attempts to examine transformative approaches adopted by Umar in implementing Muslim legal system within multi-religious communities in Aelia (Islamic Jerusalem) due to the first Muslim conquest. This research employed inter-disciplinary research methodologies. While, historical research methodology is widely used to investigate significant historical facts and records during Umar's period, Islamic research methodology is also be employed to provide a basis of Muslim understandings towards the implementation of concept of sovereignty. The study found that Umar attempted to implement the Muslim law in Islamic Jerusalem with transformative mind and subtle approach. He always initiated changes with full respect for others' beliefs. Umar had also showed a strong commitment to implementing it over the people of Islamic Jerusalem away from any kind of oppression and maltreatment. This study concludes that Islamic Jerusalem after the first Muslim conquest could also be the best model in representing the implementation of the Muslim legal aspects of sovereignty within the multi-religious and multi-cultural communities, where Muslims only formed the minority.

**Keywords:** Multi-religious communities; Muslim legal system; Islamic Jerusalem; Umar; Transformative approaches.



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### 1. Introduction

Umar ibn Al-Khattab, (born 579 CE – died 6 November 644 CE), was one of the most powerful and influential Muslim caliphs (rulers) in history. He succeeded Caliph Abu Bakr (632–634 CE) as the second Caliph in Muslim history 23 August 634. He was an expert Islamic jurist and is best known for his pious and just nature, which earned him the title Al-Faruq (the one who distinguishes between right and wrong). Under Umar's leadership, Muslim Empire expanded at an unprecedented rate ruling the whole Sassanid Persian Empire and more than two thirds of the Byzantine Empire, including Bayt al-Maqdis (Islamic Jerusalem), which had multi-religious and multi-ethnic communities. Indeed, Islamic Jerusalem (Bayt al-Maqdis) has seem to be a vulnerable region attracting attention from various parties since ages. Interestingly, Umar entered this region, which was previously known with conflicts and clashes among various powers and religious authorities, peacefully without further bloodshed. He was warmly welcomed by Sophronious (Patriarch of Jerusalem) and laid down a remarkable assurance, namely, Umar Assurance of Safety to the people of Aelia (other name of Bayt al-Maqdis). With the coming of the Muslims to liberate Islamic Jerusalem in 637CE, the situation inside and outside the territory seems to have experienced various kinds of approaches. The first Muslim conquest of Islamic Jerusalem led by cUmar (13-23 AH/ 634-644 CE) brought certain legislative indications, mentioned through cUmar's Assurance of *Amān* (Safety) for the people of Aelia. By the way, up to now, no research is specifically initiated to investigate this issue thoroughly. Therefore, this research attempts to examine transformative approaches adopted by Umar in implementing Muslim legal system within multi-religious communities in Aelia (Islamic Jerusalem) due to the first Muslim conquest.

### 2. Methodology

This research employed inter-disciplinary research methodologies. While, historical research methodology is widely used to investigate significant historical facts and records between 637CE until 877CE, Islamic research methodology is also be employed to provide a basis of Muslim understandings towards the implementation of concept of sovereignty.

### 3. Discussion

#### 3.1. The First Muslim Conquest and Legal Impacts on Islamic Jerusalem Multi-Religious Communities

Umar's Assurance of *Amān* (Safety) for the people of Aelia is started with, 'In the name of God, the most Merciful, the most Compassionate. This is the assurance of *Amān* (Safety) which the servant of God (the second Caliph) Umar (Ibn al-Khattāb), the Commander of the Faithful, has granted to the people of Aelia ...' [El-cAwaisi \(2005\)](#). It can be seen that Umar granted the Assurance of safety in his capacity as the Muslim sovereign. Indeed, the Assurance itself conveyed certain legal implications that involved the people of Aelia and the Muslims; these were known as the rulings of *ahl al-dhimma* ([Qalcah, 1997](#)).

The first legal implication is that the people of Aelia, who accepted living under Muslim sovereignty, would become *dhimmīs* and would have to pay *jizya*. The researcher will focus on legal implications relating to *jizya*. *Jizya* payment, imposed on the non-Muslims of Islamic Jerusalem, has attracted scholars to become involved in discussing related issues concerning it. Therefore, the researcher will explore the origin of its execution over non-Muslims of Islamic Jerusalem and will examine some of the discussion relating to the topic of *jizya*.

Explicitly, the requirement for the people of Aelia to pay *jizya* was mentioned in the document of Umar Assurance. 'The people of Aelia must pay the *jizya* (tax) like the people of the (other) cities...' This clause was agreed upon by the people of Islamic Jerusalem from the first Muslim conquest as no resistance from them has been reported against it. Nevertheless, Moshe Gil argues that the *jizya* imposed financial problem on the non-Muslims. According to him, the anxiety of the Jewish people of Islamic Jerusalem over taxes can be seen in a fragment of a letter in the handwriting of Abraham Ibn Solomon Ibn Judah in which the main subject is the tax burden. In addition, Gil claims that the letter hints at collaboration between the Arabs and the Christian tax officials. He adds, 'The subject of taxes is frequently mentioned in letters of the *yeshiva*, generally urging the addressee to try to aid or organise aid for the people of Jerusalem; the impression is clear that they were unable to bear the heavy financial burden' ([Gil, 1997](#)).

The researcher argues that Gil's argument seems unjustifiable since *jizya* is a small sum of money indeed when compared to the services the Muslim authorities were offering to protect the *dhimmīs* and support the army in charge to keep them safe from assaults. Moreover, the *jizya* was levied so that all the capable non-Muslim citizens of the state could contribute, each from their own money, to the security of the territory. In return for this, they could enjoy their rights as citizens of the territory ([Jitmond, 1986](#)). Evidently, Muslims returned the money to the *dhimmīs*, which they have paid to them, when they heard of any attack from outside. AbūHafs al-Dimashqī reported from Sa'īd Ibn Abd al-ʿAzīz:

'When Heraclius massed his troops against the Muslims and the Muslims heard that they were coming to meet them at al-Yarmūk, the Muslims refunded to the inhabitants of Hims the *jizya* they had taken from them saying, 'We are too busy to support and protect you. Take care of yourselves.' But the people of Hims replied, 'We like your rule and justice far better than the state of oppression and tyranny in which we were. The army of Heraclius we shall indeed, with your *ʿamil's*' help, repulse from the city.' ([Al-Balādhurī and Futūh, 1983](#))

On the other hand, [Armstrong \(1997\)](#) claims that the obligation on the non-Muslims of Islamic Jerusalem to pay *jizya* affirmed the inferiority status of the *dhimmīs* to the Muslims. Gil seems in agreement with her as he adds that, with regard to the status of the Jews and Christians of Islamic Jerusalem, no significant change took place for the first, while the latter were changed to become equal with the Jews; they would both be inferior to the Muslims ([Gil, 1997](#)). [Ye'or \(2003\)](#), [Kollek \(1968\)](#) went even further, claiming that the status of '*dhimmī*' made the non-Muslim inhabitants the second-class citizens in the state.

Nevertheless, the researcher argues that Gil's argument is unjustifiable, as the supremacy of the Muslim system would never deny the principle of equality for each citizen in Islamic Jerusalem. With regard to the requirement to pay *jizya*, Yūsuf Al-Qaradāwī, a leading contemporary Muslim scholar, explains that Islam is so considerate that it would not require non-Muslims to pay the *zakāt* or perform *jihād*, as these are major Muslim acts of *ibādah*; *zakāt* being a financial tax and *jihād* military service. Instead, Muslim law required non-Muslims to pay *jizya*, of which the women, the children and the poor and disabled were exempted. If some people could not bring themselves to accept the term *jizya*, then he suggests they call it whatever they like. For example, the Arab Christians of Banū Taghlib asked Umar to allow them to pay double the *zakāt* that the Muslim paid and not pay the *Jizya*. Umar agreed and signed an agreement with them to that effect ([Al-Qaradāwī, 2002](#)).

In addition, the researcher argues that the *dhimmī* status was purposely designed to denote that such non-Muslims of Islamic Jerusalem would be fully under the responsibility of the Muslim government. In a contemporary context this could be similar to the verification of citizenship. [Ramadan \(1970\)](#) argues that, through this socio-political contract, called '*ʿaqd al-dhimma*', 'the contractees become basically entitled to equal and reciprocal rights and duties. This, grants non-Muslim citizens a status that corresponds with the modern conception of nationality.' In other words, upon acceptance of Muslim sovereignty, would will automatically become a citizen of the Muslim state, eligible to share all the basic rights of a Muslim citizen with no concern to the size of its population in the state. Therefore, the *dhimmī* status gave the Jews of Islamic Jerusalem equal status with the Christians, even though they represented only the smallest minority of the population.

Gil also raises a question with regard to the conditions of the taxes imposed on the non-Muslims settled in Islamic Jerusalem, as there are no details in the Assurance of safety or even in other treaties concluded for other places. He relies on the information in the Cairo Geniza document, although it is dated relatively late (the eleventh century); he assumes that it evidently reflects customs that had continued from the time of the conquest, for some

four hundred years. In 448 AH/ 1057 CE, a circular letter from the Yeshiva of Jerusalem appeals to the Egyptian communities for assistance, pointing to 'the tax and the regular payments imposed on us, whether we are many or few; every year we have to borrow with interest in order to fulfil it.' From this, he claims that the Jews of IslamicJerusalem had to pay a regular lump sum annually; and it is very likely that this continued from the days of the caliph °Umar (Gil, 1997).

The researcher found Gil's argument again questionable as Dennet (1951) mentions it was natural to the non-Muslim inhabitants of IslamicJerusalem to continue paying *jizya* to the Muslim sovereign. They had previously been paying a poll tax to the Byzantines for an even larger amount and this also involved the female population (Abū, 2002). He adds that °Umar had made a good effort to change the Byzantine system by proposing that the *jizya* should be extended to all classes of society, as he had done in the *Sawād* where the *dahaqin* and other officials, exempt under the Persians, were compelled to pay it. Dennet (1951) also reveals some information from Christian sources that never mention the financial burden in connection with the *jizya* payment. For instance, Theophanes (d. 284 AH/ 897 CE) states that in the thirtieth year of Heraclius, °Umar made a census of all the lands, men, animals, and palms. Michael the Syrian also reports that °Umar ordered a census with regard to *jizya* throughout all the lands of his empire. Hence, *jizya* was imposed on the Christians of IslamicJerusalem in the year 951 CE/ 639-40 AH. The researcher argues that Gil's argument based on the Geniza document becomes more indefensible because there is no evidence from Christian sources, to support it, and the Christians represented the majority of the inhabitants in IslamicJerusalem.

With regard to the rate of *jizya*, based on a thorough analysis regarding Muslim jurists' views, concludes that, 'there was no fixed rate and there was room for flexibility depending on time, place and economic situation.' Accordingly, it seemed acceptable that the rate of *jizya* in IslamicJerusalem fluctuated due to local needs and economic status of the non-Muslim inhabitants. It was reported that at the beginning of °Umar's era, the *jizya* in IslamicJerusalem was one *dīnār* per person. Then, °Umar reviewed the situation after the conquering Caesarea and proposed new rates, which varied due to the condition of the people: four *dīnārs* in the top category, two *dīnārs* in the middle category, and one *dīnār* for the low category (Jacfar, 1981). The classification of the categories is as follows: the top category was composed of the owners of immovable properties, estates, buildings and slaves all known and unable to be concealed. The middle category comprised the owners of the homesteads, prosperous and could be trusted with money or merchants, and the third category consisted of all those, who are outside the two preceding categories (Jacfar, 1981).

The researcher argues that the Muslim sovereign would have intensively studied the situation of the people before determining the rate of the *jizya* needing to be paid. This practice shows that Muslims never had any intention punishing or harming the local people by requiring them to pay *jizya*. The various rates introduced also indicated that Muslims were attempting to inculcate the spirit of cooperation among the people of IslamicJerusalem. Additionally, there were some cases, where a certain group of the people of IslamicJerusalem were exempted from paying the *jizya*. For instance, it was reported that people with leprosy in historical Syria were exempted from paying *jizya* during the time of °Umar (Al-Balādhurī and Futūh, 1983).

### 3.2. Multi-Religious Affairs Under the Muslim Legal System

Here, the researcher attempts to analyse the manifestation of the supremacy of the Muslim law towards multi-religious affairs within the communities of IslamicJerusalem. The implementation of the Muslim concept of sovereignty over the multicultural society of IslamicJerusalem guaranteed the development of multi-religious rituals and intellectual activities since Muslims introduced changes in religious policy. Indeed, the °Umar Assurance of safety notes highly the significant principle of freedom of religion.

Their churches will not be inhabited (taken over) nor destroyed (by Muslims). Neither they, nor the land, on which they stand, nor their cross, nor their possession will be encroached upon or partly seized. The people will not be compelled (*yukrahūna*) in religion, nor any one of them to be maltreated (*yudarrūna*)... (El-cAwaisi, 2005).

Although Muslim legislation became supreme in implementing the Muslim concept of sovereignty in IslamicJerusalem, the researcher argues that its supremacy also put other religious rules and practices into a respectable place. Muslims showed their respect to others by securing freedom of religion for the inhabitants of IslamicJerusalem irrespective of their number, race or colour. Not only did Muslims recognise the existence of others, they also prioritised the protection of religious places and practices. This kind of policy affirmed the continuation of pilgrimage to that holy place. Adomnan (d. 704 CE/ 85 AH) reports an account from Arculf that the pilgrims continued to come to IslamicJerusalem, especially from the western world (Wilkinson, 2002). Le Strange elaborates, 'The Christians and the Jews come up to Jerusalem in great numbers, in order to make their visitation of the Church of the Resurrection and the synagogue that is there' (Le, 1890).

During the Muslim period, Monophysite and Nestorian congregations existed at the fringes of the Greek-Orthodox community. Until the Muslim conquest, hostility and tension reigned among these communities, and the Imperial Church took oppressive steps against the secessionist sects (cAthāmina, 2000; Linder, 1996). However, the researcher argues that conditions created by the Muslim conquest forced these groups to reshape their mutual relations. Though each community maintained its unique theological and linguistic-social character, none could exercise any means of oppression or coercion against the others through the secular authorities. Moreover, common fate created ties among the Christian communities under Muslim rule, and the fact that Christians of different persuasions held positions in government and administration at times enabled Christians of various communities to assist members of other churches. As a result of these factors, mutual tolerance was generally the rule between the different IslamicJerusalem communities. The Greek-Orthodox was the largest, most important, and most influential,

but it too needed constant economic aid from Christians everywhere; therefore, this community welcomed all pilgrims to Islamic Jerusalem, and was assisted by Coptic, Jacobite, and Nestorian functionaries, members of the Muslim administration (Linder, 1996).

It was reported from a Coptic chronicle, that Coptic pilgrims continuously came to Islamic Jerusalem until the eve of its capture by the Crusaders. The chronicler comments that, because of the conquest 'We, the community of Christians, Jacobites and Copts, did not join in the pilgrimage to Jerusalem' (Linder, 1996). The researcher tentatively argues that the Copts attempted to disassociate themselves with the Crusaders and implicitly preferred the Muslim sovereigns in Islamic Jerusalem as in this situation they could perform their pilgrimage freely and safely. In addition, it was also reported that Coptic pilgrims visited Islamic Jerusalem, but the scanty documentation of such travels seems to indicate pilgrimages of very modest proportions. Only a few such pilgrimages can be verified. For instance, a letter in Arabic written by an abess in Egypt indicated that the addressee, a woman from Fustat, made a pilgrimage to Islamic Jerusalem in the ninth century. Macarios of Nebrua, a Coptic magistrate, initiated the building of the Church of Mary Magdelene at the beginning of the ninth century, which served as a centre for the Jacobite community in Islamic Jerusalem, of which the Copts formed a part, owing to the theological positions common to both communities (Linder, 1996).

Furthermore, there is also evidence that Armenian pilgrims came to Islamic Jerusalem from the fifth century. Pilgrimages modest in number and achievements, and that their pilgrims continued to visit the region after the Muslim conquest (Sanjian, 2003). In 35 AH/ 656 CE, the monk M'chithar came to Islamic Jerusalem, remaining there for about a year, and then returned to the Arsax region, bringing holy relics. A few years later the monk Joseph made a pilgrimage from that region to Islamic Jerusalem (Linder, 1996). Although there is no explicit evidence concerning Armenian pilgrims in Islamic Jerusalem over the next few centuries, documentary evidence as to the continued travel of Armenian pilgrims to Mount Sinai between the seventh and eleventh centuries could support the theory that the Islamic Jerusalem pilgrimage did smoothly continue. Hence, this enabled the Armenian monasteries in Islamic Jerusalem to survive (Sanjian, 2003).

After the total submission of the Aelia region to Muslim authority, it seems that the Muslim governors and caliphs did not interfere in the internal religious matters of the Christians. This was apparent in particular with regard to the appointment of Jerusalem's Patriarch and the diocese of the churches (Armstrong, 1997). It is worth mentioning that even though Muslims' did not interfere in the Christians' internal religious matters, they were still concerned to ensure that no disagreements, which could lead to a worse conflict within the community to be occurred. It was reported that in some cases the Muslims were invited to help the different Christian sects to resolve their differences through playing the role of arbitrator and neutral mediator between them in Islamic Jerusalem. For instance, Al-Tel (2003) mentions that the Jacobites and the Maronites went from Islamic Jerusalem to meet Mu'āwiya Ibn AbūSufyān in Damascus asking his help to mediate between them in some religious disagreement. The researcher notes that Muslim caliphs would only offer their hands to resolve the problems regarding internal Christian religious matters when the Christians asked them to help. Otherwise, they would not intervene in others' internal religious matters.

The Jews also benefited from the freedom of religion policy that had been granted by Muslim sovereigns. Accordingly, they were permitted to move their religious council legislative body from Tiberia to Islamic Jerusalem during that period (Le, 1890). With regard to Jewish religious practices in Islamic Jerusalem, reports that it was a Jewish custom to pray beside the gates of al-Aqsā enclave. Apparently, the most revered of these gates was the Gate of Mercy (*Bāb al-Rahma*) in the eastern wall, either because of its eastern location or its name. It was customary for Jewish worshippers to pray for the illness beside the Gate of Mercy. For instance, David Ben Hayun, a Karaite resident of Islamic Jerusalem, wrote to Joseph Ben Jacob in Tripoli, Libya that he prayed for him every time he ascended the Mount of Olives and also by the Gate of Mercy. Similarly, in a letter to Nehoray Ben Nissim, the Maghribi Israel Ben Nathan (Sahlun), who had settled in Islamic Jerusalem, promised to pray for his health and for the health of Abraham Ben Moses al-Tahirti beside the Gate of Mercy and informed him that he visited that gate, as well as the other al-Aqsā enclave gates, every Monday and Thursday.

It is worth mentioning here that in Muslim tradition the name of this gate is associated with the Day of Judgement since Muslim scholars from the early times of Muslim sovereignty over Islamic Jerusalem, such as 'Ubāda Ibn al-Sāmit, linked the eastern wall of the enclave with the Last Day. While, for Christians its other name, the Golden Gate, is based on the Christian tradition that Jesus made his last entry to Islamic Jerusalem through this gate; for Jews, the Messiah would enter Islamic Jerusalem through this gate according to Jewish tradition. Although the history of the gate has always been in dispute, Al-Ratrout (2004) argues that later researches by some scholars such as 'Hamilton, Sharon, Ben-Dov, RossenAyalon, Tsafir and Wilkinson reveal that the gate should be dated to the 7<sup>th</sup>-8<sup>th</sup> century CE', or to some times during the Umayyad period. Therefore, the researcher argues that the Jews started to pray at the Gate of Mercy after the Muslim conquest of Islamic Jerusalem as it had not been built prior to the conquest.

Jewish people also visited the Mount of Olives, which was a central site for their assembly's prayer services. Here was held the great HoshanāRabba assembly (on the seventh day of the Feast of Tabernacles), attended by both local residents and Jewish pilgrims, who would come to Islamic Jerusalem in the month of *Tishri* (the 21st of the Hebrew month). According to Gil, Solomon Ben Judah, the Islamic Jerusalem *gaon*, frequently refers in his letters to the assemblies held on the Mount of Olives with the consent of the authorities, and notes that this privilege is one of the recompenations received by the Jews of Islamic Jerusalem in return for the taxes that they pay. At the time of the assembly on the Mount of Olives, it was customary to pronounce the ban against the Karaites, as informed by Abraham Ben Da'ud. From the Geniza letters, it mentions that this custom, producing many bitter disputes, split the

Rabbanite community itself and also caused the authorities to intervene, which led to take some actions over the heads of the Jerusalem Yeshiva.

The Mount of Olives was also the site for the announcement of appointments made by the yeshiva Gaon Ya'aqov in Islamic Jerusalem and of honorary titles bestowed by the yeshiva on its supporters among the Jewish communities of the Diaspora. In one of his letters, Solomon Ben Judah recalls how his predecessor, the Gaon Solomon ha-Kohen Ben Yehosef, was consumed with anger when it was announced on the Mount of Olives that on Sahlan Ben Abraham had been bestowed the honorary title of *Rosh Kallah* (usually given by the Babylonian yeshiva). There was a rock on the Mount of Olives, which was called the Chair of the Cantors. On this site the Head of the Yeshiva would deliver a sermon to those who had gathered for the assembly, as Solomon Ben Judah himself testifies, '... and I stood above the chair ...'

Apparently Muslim sovereignty over Islamic Jerusalem was followed by their initiative to introduce change with regard to religious matters, as they welcomed others to visit and perform pilgrimage in the region safely. Thus, the researcher is inclined to argue that the Muslim concept of sovereignty would never have excluded any religious community, but was dynamically inspired to encourage an inclusive vision towards fostering peace and harmony. However, Gil claims that it appears that at the time of the Muslim conquest, the invading tribes destroyed many churches and synagogues. 'Apparently the time of the destruction of the synagogues and Byzantine churches, whose remnants were and still being discovered in various parts of Palestine, was that of the Muslim conquest or shortly afterwards' (Gil, 1997).

The researcher argues that Gil's accusation is unjustifiable because Islamic Jerusalem had just been conquered by the Persians before Heraclius's counter attack preserved the region under the Byzantines shortly before the first Muslim conquest. Evidently, the Persians, and not the Muslims had destroyed most of the religious buildings during their invasion. According to Armstrong, 'Umar had expressed the monotheistic ideal of compassion more than any previous conqueror of Islamic Jerusalem. She adds that:

'He presided over the most peaceful and bloodless conquest that the city had yet seen in its long and often tragic history. Once the Christians had surrendered, there was no killing, no destruction of property, no burning of rival religious symbols, no expulsions and expropriations, and no attempt to force the inhabitants to embrace Islam...'  
(Armstrong, 1997).

#### 4. Conclusion

Upon investigating Umar's approaches in dealing with multi-religious affairs in Islamic Jerusalem after the First Muslim Conquest, the researcher arrived at various conclusions. The researcher found that Umar attempted to implement the Muslim law in Islamic Jerusalem with transformative mind and subtle approach. He always initiated changes with full respect for others' beliefs. While the Muslim law was used in common affairs and shared-interests matters, Christian and Jewish laws were given autonomous rights for internal jurisdiction within both communities in the region. Indeed, all people had equal rights and everyone was equally responsible before the law as all the personal, civil, political, social, cultural and economic rights of an individual were guaranteed under Muslim law.

The researcher also found that Umar paid great attention to establishing a suitable mechanism for facilitating the implementation of the law. Due to his understanding of the significant position of just law, he also showed a strong commitment to implementing it over the people of Islamic Jerusalem away from any kind of oppression and maltreatment. Therefore, the researcher concludes that Umar's implementation of legislative aspects of the Muslim concept of sovereignty in Islamic Jerusalem indicated, on the one hand, the roles of the Muslim law in administering relations between people and their rulers as well as all dimensions of people's daily affairs. It could also highlight the role of the people there, who seemed to be greatly encouraged to participate in determining governmental approaches, actions and directions.

The study has also found that Islamic Jerusalem seems crucial significant and pretty worth to be analysed regarding the implementation of the Muslim legal aspects of sovereignty. The composition of the population within the region was really unique since it gathered together three main religious communities, namely, Muslims, Christians and Jews. More interestingly, although the non-Muslims were remaining majority in Islamic Jerusalem region during that vital period, the minority Muslims had been accepted even most welcomed by others to rule Islamic Jerusalem. El-cAwaisi (2005) presents an outstanding argument that reveals Islamic Jerusalem as a model for peaceful co-existence and mutual respect. He argues that, 'One of the most important elements for this model's success was how the state and its established power and authority managed these (pluralism and diversity) issues.' Thus, this study thrived to highlight the 'recipe' for that success which blends appropriately the substances, approaches and mechanisms employed by the Muslim authority, namely Umar, with clear aims, peaceful co-existence and mutual respect. This study noted that there is no resistance from the native inhabitants of Islamic Jerusalem against the Muslims rulers regarding the implementation of Muslim laws during that period. The researcher found the absence of any rebellion from the Christians and Jews of Islamic Jerusalem indicates that they were satisfying with the implementation of the Muslim legal aspects of sovereignty, which aims to instil *rahmah* (mercy) for all nations. "We sent thee not, but as a Mercy for all nations." (21:107). Indeed, this fact corroborates with the status of Islamic Jerusalem region as *al-Ardal-Mubarakah* for all nations regardless of their faith, race and colour. "The land which We have *Barakah* for all nations." (21:71)

Hence, the researcher concludes that Islamic Jerusalem could be the best model in representing the implementation of the Muslim legal aspects of sovereignty within the multi-religious and multi-cultural communities, where Muslims only formed the minority. Apparently, besides concerning appropriate management approach on plurality and diversity, the Muslim concept of sovereignty also emphasizes on determining others'

rights, responsibilities, treatment, tolerance and means of co-existence. Thus, the researcher concludes that Muslim stances in utilising sovereignty for the sake of the advancement of Islamic Jerusalem and its people are well-developed to fit in the theoretical framework of Islamic Jerusalem that strongly founded on its creative inclusive vision.

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## References

- Abū, a.-R. b. H. (2002). *Tārīkh filastīn fī sadr al-islām, History of palestine in early muslim period*. Manshūrāt Bayt al-Maqdis, Bayt al-Maqdis: 60.
- Al-Balādhurī and Futūh, a.-B. (1983). *Radwān muhammad radwān*. Dār al-Kutub al-Ilmiyya: Beirut. 143-77.
- Al-Qaradāwī, Y. (2002). *Priorities of islamic movements in the coming phase*. Awakening Publishing: Swansea. 139.
- Al-Ratrout, H. F. (2004). *The architectural development of al-aqsa mosque in the early islamic period, Sacred architecture in the shape of 'the holy'*. Al-Maktoum Institute Academic Press: Dundee. 263.
- Al-Tel, O. (2003). *The first muslim conquest of aelia islamicjerusalem, A critical analytical study of the early muslim historical narratives and sources*. Al-Maktoum Institute Academic Press: Dundee. 227-28.
- Armstrong, K. (1997). Sacred space, The holiness of Islamic Jerusalem. *Journal of Islamic Jerusalem Studies, Islamic Research Academy, Dunblane*, 1(1): 226-32.
- cAthāmina, K. (2000). *Filastīn fī khamsat qurūn, Min al-fath al-islāmī hattā al-ghazwi al-faranjī (palestine in five centuries, From the first muslim conquest until battle of the franks*. Muassasat al-Dirāsāt al-Filastīniyya: Beirut. 131.
- Dennet, D. C. (1951). *Conversion and the poll tax in early islam, from the middle east collection*. Arno Press: New York. 60-61.
- El-cAwaisi, A. F. (2005). *Cumar's assurance of safety amān to the people of aelia, A critical analytical study of the historical sources*. Al-Maktoum Institute Academic Press: Dundee, UK.: 72-93.
- Gil, M. (1997). *A history of palestine 634-1099, trans. Ethel broido*. Cambridge University Press: Cambridge. 148-81.
- Jacfar, I. (1981). *Al-kharāj wa-sinācat al-kitāba*. Dār al-Rashīd: Baghdād. 225.
- Jitmoud, J. (1986). *Principles of jihad in the qur'an and sunnah, in state, politics and islam, ed. Mumtaz ahmed*. American Trust Publications: Indianapolis. 142.
- Kollek, T. M. (1968). *Eddy and pearlman, jerusalem, sacred city of mankind, A history of forty centuries*. Weidenfeld and Nicolson: London. 165.
- Le, S. G. (1890). *Palestine under the moslems, A description of syria and the holy land from a.D. 650 to 1500. Translated from the works of the medieval arab geographers, a.P. Watt., 245-46*.
- Linder, A. (1996). *Christian communities in jerusalem', in the history of jerusalem, The early muslim period, 638-1099, ed. Joshua prawer and haggai ben-shammai*. New York University Press: New York and Yad Izhak Ben-Zvi, Jerusalem. 152-56.
- Qalcah, J. M. R. (1997). *Mausūca fiqh cumar ibn al-khattāb casruhu wa hayātuhu*. Dār al-Nafā'is: Beirut. 407.
- Ramadan, S. (1970). *Islamic law, Its scope and equity, S.N., 119*.
- Sanjian, A. (2003). *The christian communities in the holy land, Studies in history, Religion, And politics*. University of Wales Press. 59.
- Wilkinson, J. (2002). *Jerusalem pilgrims before the crusades*. Aris & Philips Ltd: Warminster. 168-70.
- Ye'or, B. (2003). *The dhimmi, jews and christians under islām, trans. David maisel, paul fenton and david littman*. Associated University Press: London. 51-52.