

# A CHARTER OF PROTECTION GRANTED TO THE NESTORIAN CHURCH IN A.D. 1138, BY MUKTAFI II, CALIPH OF BAGHDAD.

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## INTRODUCTORY NOTE.

WE give in the following pages the translation of an official document of some importance. It is an original copy of a charter granted by the 'Abbasid Caliph Muktafi II (1136-1160) to the Nestorian Patriarch 'Abdishō' III (1138-1147), and its wording settles a question that interests a large section of mankind.

The need has always been felt for an authoritative statement throwing light on the relations between official Islam and official Christianity at the time when Islam had power of life and death over millions of Christian subjects. Individual Christians may have suffered persecution at the hand of individual Muslims; isolated cases of Christian communities suffering hardship through the fanaticism of a provincial governor, or a jurist, or the hallucinations of a half-demented Sheikh or Mullah are also recorded in history; a Caliph or two—such as Mutawakkil—did, certainly, subject the Christians to some vexatious measures; but such incidents, however numerous, are to be considered as infractions of the law, and the men who brought them about were breakers of the law, as all criminals are breakers of the law.<sup>1</sup> The statutory attitude of Islam on this subject is laid down in clear terms in the present document which proves beyond the possibility of doubt that, however imperfect official Islam may have been in some social aspects, statutory intolerance was not among its defects. The charter emanates from the chancery of an 'Abassid Caliph, but *mutatis mutandis* could an English King, a

<sup>1</sup> See, however, T. W. Arnold in Hastings' *Encyclopædia of Religion*, 1921, xii., 365-369.

Dutch Queen or a French President write in the twentieth century a more tolerant charter in favour of their numerous Muslim subjects? It is not the *Qur'ān* that was the cause of some cases of persecution of Christians in early times, nor of their wholesale massacre in contemporary history, any more than the Gospel was the inspiring factor of the barbarities of the Inquisition. Politics, personal ambitions, or economic expediency should not be confused with religion.

The charter was written in the twelfth century (more precisely in A.D. 1138) but the Caliph who granted it states that he is following in the steps of the first four Caliphs after the Prophet, and copying the model of all the 'Abbasid Caliphs, his predecessors. The praiseworthy keynote of tolerance that runs through it is therefore that of all the Muslim Caliphs, and not of one of them only. This is best illustrated by the memorable sentence of the Nestorian Patriarch Isho' Yahb III (A.D. 650-660): "The Arabs to whom God has given at this time the government of the world . . . do not persecute the Christian religion; on the contrary they favour it, honour our priests and the saints of the Lord, and confer benefits on churches and monasteries."<sup>1</sup>

The Charter sheds also great rays of light upon the procedure followed in the election of the Nestorian Patriarchs, the most important ecclesiastical dignitaries under Islamic domination.

The MS. of which we give a complete set of facsimiles is Arab. 694 of the John Ryland's Library. The text of the charter is preserved as a model of good Arabic composition in the anthology entitled *Tadhkirah* and compiled by Ibn Ḥamdūn who died in A.D. 1167. The author informs us that it was composed by his own brother, evidently the one called Abu Naṣr, the secretary of the Caliphs, who died in A.D. 1150.<sup>2</sup> Portions of this voluminous work are found in a more or less truncated form in some public libraries of Europe, the most complete being that preserved in the British Museum, and dated A.D. 1596.<sup>3</sup> The Rylands MS. seems to be the oldest in existence, as palæographically it cannot be much later than A.D. 1200. It was thus written some forty years after the death of the author.

<sup>1</sup> In *C.S.C.O.*, lxiv., 251, and in Assemani, *Bib. Orient.*, iii., 121.

<sup>2</sup> See Ibn Khallikān's *Wafayāt* (life 665; vii., 66-67, edit. Wüstenfeld); *Kāmil*, xi., 217; *Haj. Khalfa*, ii., 253.

<sup>3</sup> See Rieu's *Supplement to the Catalogue of the Arabic MSS. in the British Museum*, Nos. 1137-1138, pp. 715-718.

مترجم

الامة السابقون رضوان الله عليهم عهدكم والكفر  
وان يقتصر في استيفاء الحديث على تناولها من العقل  
الواحد من عالم دون النساء ومن لم يبلغ الحلم من اطفالكم  
ويكون استيفاءها واحدة في كل سنة من غير عذر ولا في  
قبضها عن قضية الشيع المستحسنة وفتح في ان يتوسط  
طوائف المنصاري في حال انهم في اخذ التصديق الفوت  
المستضعف ويعود الى الحق من مال الى القسط والجوف  
ويظهر في وقت فهم نظرا يقوم بحقوق الامانة واستظهارها  
ويفضي على طمع حيدها وسوى صراطها فقابل هذا الانعام  
الذي شملك محقق هناك فيما نلجك نفسك به واملك بدعاه  
ينني عن الاعتراف ويعبر ويدع في الاطراف ويعبر  
سبل كافة المطارفة والقنسين والاساقفة من  
الطوائف المذكورة ان حيدوا المأمورية في هذا  
المثال ويتلقوا القبول بالامانة

وأنفردك عن كافة أهل نخلتك بفقص أهيبة اجلعة المتعارفين  
في أماكن صلواتكم وجميع عباداتكم غير مشاركتهم  
هذا اللباس ولا مشرع في الخلق بد طائر انما أسقف  
او شمس خطا لهم عن ربك ووقوفهم دون محلك الذي  
خصت به ومنزلتك وان خرج احد من المذاهب  
باب المجاذبة لك والخلق وراعي سرب المتابعة لك واخاف  
واي الشوك على حكمك وعدك التي همك عن سلمك  
كانت المتابعة به لاحقة والحقبة به على شفاقه جارية  
حتى تعادل قنائه وتلين القنع صفاته ويزجد  
امثاله عن مثل مقامه ويخسر قلوبك مما يقدح في  
نظامه وامر بحكمك على مقتضى امثلة الامامية فت  
حوت قلوبك من الختالقة وسبقك واجرا امرك عليه  
ومن تلاك منهم ولحقك والحاظ لك ولاهل ملكك  
في الاشراف والاموال والجماعة الكاملة لكم صلاح  
الاحوال واتباع العادة المستمدة من مواراة امواتكم  
وحماية بيعكم ودياراتكم والعمل في ذلك على الشاكلة  
التي عمل عليها الخلفاء الراشدون مع من قبلكم ورعي بها

جاليسروا الحلقة المتعارفة عندهم بأدواتها مشهوراً  
 لك بعونها الكاملة وصفاتها وخصائصها من التصاركت  
 التي يصح اليهم في الاستعلام سيرة امثالك واستطلاع  
 ايام مضايحك واسالك وذكر وانتم تصفوا احوالك  
 وروايات فيهم واستنبوا ايامهم منها وخافهم حكم  
 مساس طاعتهم التي جاليت في امورهم وبلغت  
 مطلع جمهورهم فانفقوا باختم من انهم والسياس من قلوبهم  
 وامورهم على اختيارك للرئاسة بدليلهم ومراعاة شؤنهم  
 وتبديل وفوقهم والتسوية في عمل الوساطة بين قلوبهم  
 وضعيتهم وسالوا مضايقتهم عليك بالاذن الذي في قلوبهم  
 قواعد وتصدق مواعيدك وتسلم مبادئه وتقوم واجبه  
 فاعين اسعافهم فيما سألوه بالاجاب والجاهلهم فما طلبوه  
 جناح الاطلاق وبرر الاذن الامامي المشرق لارالك  
 وامرهم بالتوفيق معصودة بتوحيبك جاليتا لفسطاط  
 المصاري على يدية السلام ومن يضمنهم من ديار الاسلام  
 وزعماءهم ومن عاونهم من الدعوى والبقاينة والملكية  
 وجميع البلاد وكل حاضرين هذه الطوائف وبأد

في العلوق على الدواعي لا يبيد ويسقط أما العاقد المتباين  
وأحدث من ابتها وهو يستوزع الله تعالى شكره  
النعمة وسجدك التحدث بها حظ منها وقسمه وما  
توفيقه الإله عليه يتوكل وإليه يئس وإن أميد  
المؤمن ما وكفه الله إليه من امور عبادته وقوله أغنياء  
في أرضه وبلائه يرعى الأمة من اهتمامه عينا يتطلى  
ويؤلفها في عامة منصرفاتها جراسد شاملة وحفظا  
وتيقظا أخوالها تفتد بأصل أخوالها ويصل جبالها  
ويحسب من رايها ويكتب مرادها ويعم برك عموما  
يشترك فيه المسلم منها والمعاهد والراي والمباعد  
وطوائف الملوك من أهل الكبار الذين خضع عبد الشيع  
ورقمه وكنتهم حيا طنه وحمايته لفي عليهم ظل الحسنى  
باجمعهم ويقتدون بمرامير في النظر لهم سمعهم ومنا  
انهم حالك إلى امير المؤمنين وأنت أشك أهل حلتك  
طريقة واقدمهم إلى الصلاح مدمبا وخلقية وأحوالهم  
للحال التي اجتمعوا بها على مشرك عنهم وانفرادك  
استحقاقك للاسكان بينهم بأموك ومرادك ولكنك



عليه الكتاب المبدى مطيعها بما فيه من الهدى والبيات  
تصدق القول عروجه من موالدي ارسى رسوله بالهدى  
ودين الحق ليظهره على الدين كله ولو كره المشركون  
فصل في الدين عليه وعلى الله وصحة صلاته تزلف محله وتوارث  
سوقه وقصده ما طرف طرف النهار يسد قبة العسى  
وصرفه في الاكسوف يطفئ الكف والحمد لله على ان  
جاز لا مبدى المومنين من شرف الاكسوف ميراث آياته واهوار  
اليه منها ما هو حق باق ردايه وبقاؤه من الامامة المعظمة  
مستبوا بخدا حياهه بخدا الجلاله وتب مناهض الدين  
والدنيا الى جملة واطلع بآياته نجوم العدل فما تعود واهام  
بها اسواق الحيات فما تكسب بضائع طالبيها ولا تبور  
وحى حسن عاينه حمى الدين فما يذعن سربه ولا يلدز  
سربه ولا يفلح عذبه ولا يبلح حربه وخصه الرعية  
من رافته منحة ارفقت شذائنها وثقت بعد التوا  
قاتها وجمعت استات صلاحها ويستدرك واعي فلاحها  
ففي محوطة في كف عذله معبطة بجزوها من حنون  
العيش الخ سؤله بغيره التي شحذت في الطلوع بضائرها

وَجِدَانِيَّةٍ وَمَعْزَاتِ الْبِرِّ عَلَى عَجَائِبِ حِكْمَتِهِ  
مَا أَبْقَتْ فِيهَا الْعُقُولُ وَالْبَصَائِرُ وَشَهِدَتِ الْقُلُوبُ الْعَارِفَةُ  
وَالضَّمَائِرُ أَنَّهُ لَمْ يَخْتِمْ صَاحِبُهُ وَلَا وَلَدًا وَلَا شَارَكَ فِي مُلْكِهِ  
أَحَدًا وَلَا وَلَدًا يَكُونُ مَوْلًى وَلَا وَلَدًا يَكُونُ مَحْدُودًا بِسُحْنَانِهِ  
وَتَعَالَى تَعَالَى يَقُولُ الظُّلُمُوتُ غُلُوًّا كَبِيرًا وَالْحَمْدُ لِلَّهِ الَّذِي  
اخْتَارَ مُحَمَّدًا مِنْ أَشْرَفِ الْعَرَبِ مُصْبًا وَكَوْنَهَا أَمَّا  
وَلَبَّاهُ وَبَعَثَهُ بِالْبُرْهَانِ السَّاطِعِ وَالْحَقِّ الْهَادِ وَالْحُجَّةِ الْوَاضِحِ  
وَالْخَاتَمِ الْوَاسِعِ وَالنَّاسِ فِي مَجَامِلِ الْقُلُوبِ جَائِدِ  
وَعَنْ مَنَاجِحِ الْهَدْيِ جَائِدِ عَلَى حَيْثُ فَتَوْرَةٍ مِنَ الرُّسُلِ وَاسْتِثْنَاءِ  
مِنَ السُّبُلِ وَتَعَرُّقٍ مِنَ الْمُلْكِ وَاسْتِمْرَارٍ مِنَ الرِّغْوِ  
الزَّلَلِ فَلَمْ يَزَلْ الْأُمُورُ مَبْلُغًا وَنَجْمُهُ فِي الْخَافِرِ النَّصِيحَةِ  
لِلْأُمَّةِ مُسْتَفْرَعًا حَتَّى طَمَسَ مَعَالِمَ الْبَاطِلِ وَدَفَعَ عَنَّا وَعَدَّ  
الْقَارِخَ إِلَى الْمَاطِلِ وَأَضْحَى لِأَسْدَائِهِمْ رَوْعَةً غَائِبَةً  
مُنْتَشِدَةً فِي الْأَفَاقِ وَهُوَ مُؤْتَدَةٌ بِالنَّصْرِ الْمُبِينِ  
كَلِمَتُهُ وَاجْتِزَأَ اللَّهُ تَعَالَى وَعَدَّهُ بِإِعْلَانِهِ عَلَى  
الَّذِينَ كَلَّمَهُ وَأُظْهَرَتْ لَهُ وَأُعْزِزَ أَسْيَاعُهُ وَأَنْصَارُهُ وَنُشِخَ  
الْمُلْكُ الْمُسَالِفَةُ عَلَيْهِ الَّتِي حَتَمَ بِهَا الْأَدْيَانَ وَأَنْزَلَ



وَتَأْكُدْ لَدَيْهِ مِنَ الْمَوْضِعِ وَالْمَوْضِعَ لِيَعْرِفَ حَقَّهُ وَطَبِيعَ  
أَمْرِهِ وَتَجِدِيهِ عَلَى أَفْضَلِ رُسُومِ أَمْنَالِهِ وَالْمُسْتَنْزِشِ كَالِهِ  
وَأَنْ كَانَ عِدَامِيرَ الْمُؤْمِنِينَ مَعْدُومِ الشَّيْءِ وَالْمَثَلِ وَالنَّظِيرِ  
وَالْعَدْلِ وَأَنْ تَقْبَلَ كُلَّ كِتَابَةٍ إِذَا أَوْرَدْتَ عَلَيْكَ وَتَسْمَعُ مَا  
يَصْدُرُ مِنَ الْمَلِكِ عَنْ أَمِيرِ الْمُؤْمِنِينَ إِنْ كَانَ السَّفِيهُونَ مِنْهُ وَبَيْنَكَ  
مَنْ لَا يَعْدِلُ لَكَ فِي كُلِّ الْأُمُورِ عَنْهُ فَأَعْلَمْ ذَلِكَ وَأَعْلَمْ بِهِ  
إِنْ شَاءَ اللَّهُ وَكُتِبَ حَامِدُ بْنُ الْعَبَّاسِ ع

مَسْحُورَةٌ جَائِلِقُ مِنْ أُنْشَاءِ عَجِي كَمَا سَدَّ  
هَذَا كِتَابُ أَمْرِ لِحَاثِهِ سَيِّدُ الْأُمَمِ وَالْأَمِيرُ الْمُؤْمِنُ  
لَعَبْدِ شَوْعِ الْجَائِلِقِ الْخَطَرُكَ أَمْلَعُ وَالْجَمْدُ  
الْعَجِيمِ أَجْسَانُهُ الْعَظِيمِ سُلْطَانُهُ الْوَاجِبُ حَمْدُهُ الْغَالِبِ  
جَبْدُهُ الْكَامِلِ فَضْلُهُ الشَّامِلِ عَدْلُهُ الْمَعْرُوفِ  
بِعِيدِ رُؤْيَاهُ تَدْرِكُهُ وَلَا تَنْظُرُ الْخَالِقُ مِنْ عِبَادِهِ  
تَحِيلُهُ وَلَا تَنْفَكُ الْعَالَمُ الْأَشْيَاءُ مَا ظَهَرَ مِنْهَا وَمَا بَطَنُ الْمُنْعَالِي  
عَنِ الْيَلِيفِ عِدَالِهِ الْأَوْهَامِ وَغُوصِ الْعُظْمِ الَّذِي لَا يَنْدَعُ  
الْمَخْلُوقَاتِ عَلَى غَيْرِ مَثَلٍ وَاحْتِدَاعِ الْمَصْنُوعَاتِ بِغَيْرِ  
قِيَاسٍ أَيْتَعَهُ وَلَا دَلِيلٍ وَأَقَامَ مِنْ شَوَاهِدِ الْبَيِّنَاتِ عَلَى

The Charter is composed in rhymed prose and in a highly florid style. Our translation, although literal, is sometimes free and gives only the broad sense of the text.<sup>4</sup>

## TRANSLATION.

[Copy of the Charter to the Catholicos, composed by my brother,  
may God have mercy upon his soul.]

*This is the Charter granted by our master and Sovereign, the  
Commander of the Faithful, to 'Abdīsho', Catholicos and  
Patriarch.*

Praise be to God whose bounty is universal and whose power is great, whose praise is obligatory and whose followers are victorious, whose attributes are perfect and whose justice is all embracing. He is known without an eye having ever perceived Him, He created the world spontaneously without revolving thoughts and cogitations in His mind, and He comprehends the nature of all things, visible and invisible. He is high above the pictures that our imagination may form, and the subtle subjects that our mind may apprehend. He made the universe without previous pattern, and created all things without pre-existent plan. In favour of His oneness He set in order an imposing array of cogent proofs, and in favour of His transcendent wisdom He produced wonderful testimonies which strike our inner mind and intelligence, our perceiving heart and discerning conscience, and compel us to proclaim that He has no consort and no son, and that He is not in partnership with anyone through whom He may be circumscribed or conceived to have an offspring. The Most High is far above what is attributed to Him by the ignorant.

Praise also be to God who chose Muḥammad from the most honourable Arabian stock, and distinguished father and mother; who sent him with irrefragable proof, resplendent truth, and clear evidence, at a time when mankind was immersed in the ignorance of aberrations and straying from the right direction, and at a time when there was an interruption in the ministry of apostleship and the

<sup>1</sup> *Shar'* is the sacred law of Islam, and *Dhimmah* refers to the "covenant of Protection" through which the *People of the Book* were allowed to live in peace in a Muslim country, and even protected, by their payment of the capitation tax.

bewildered religious sects were on the increase and fast clinging to their errors. The word of God prospered through him ; he emptied it in the reservoirs of truth of the Arab nation, until the waymarks of falsehood were submerged and the crookedness of those who procrastinated in the matter of their conversion was obliterated. The roots of Islam spread then to all directions and its divine mission was established through a victory the upshot of which is known to all. The Most High God fulfilled then His promise by making his religion prevail over every other religion, by consolidating its triumph, by strengthening its followers and adherents, and by abrogating all the preceding religions, which thus came to an end through his religion.

In confirmation of His promise the Most High revealed also to him the Book with all the guidance and testimonies of truth that it contains for the followers of His religion. *It is He who has sent His Apostle with guidance and true religion to make it prevail over every other religion, however averse the polytheists may be* (K<sub>ur</sub>. ix., 33). God blessed him, therefore, and his family and his companions, with a blessing that enhances his prestige and is in keeping with his dignity and his merits, as long as evening follows morning and calamities are removed by the hidden grace of God.

Praise also be to God who invested the Commander of the Faithful with the glory of the Caliphate—the inheritance of his fathers—and clothed him with its robe : the best of all favours ; who made him take possession of the high office before which faces fall down in awe and on account of which the honours of religion and state are offered to him ; who caused the stars of justice to shine in the firmament without setting, under his administration, and gave a vigorous impulse to commercial undertakings so that their marketable commodities should suffer no restriction and no diminution to buyers.

By his prudent government he has defended the inviolable land of the faith so that its flocks should be under no fear, and the purity of its water should suffer no pollution, that the sharp edge of the sword of the faith should bear no notch and its adherents should not be smitten by any calamity. He has further been gracious to single out his subjects for a gift which warded off all harm from them, straightened their spear after it had twisted, brought together the scattered remnants of their prosperity, and nurtured the causes of their progress. They are surrounded by the arm of his justice, pleased

that by his favours they have shaken off unhappiness and entered into the path of comfort and ease. In their abundance they have firmly set their heart to obey him and to pray for his ancestors ; they have raised their expectations after the restrictions imposed upon them, and have crushed those of their enemies who had assailed them. He, on his part, only asks God to inspire his subjects with gratitude for this gift, and his constant mention of it is a sign that he esteems very highly his share in it ; his success is exclusively through God : in Him he has placed his confidence and to Him he will eventually return.

Because God has placed in the hands of the Commander of the Faithful the management of the affairs of His servants, and laid on him the burden of His land and His countries, he governs his subjects with vigilant eyes, watches over their welfare with great care, and works for their prosperity with a solicitude which removes all their anxiety, joins all their ropes together, fills their pastures with grass, and fulfils all their eager desires. In this solicitude participate not only Muslims but also those with whom he is on terms of alliance whether they be near or far, and those of his different subjects from the *People of the Book* who stand within the limits of the terms of the " pact of protection " guaranteed by the convention of the *Shar'*, concerning the *Dhimmah*. The shadow of his kindness extends to them all, and to it their eyes and their ears bear witness.

I brought thy petition to the notice of the Commander of the Faithful and informed him that thou wast the worthiest of thy people in devotion and the nearest of them all to goodness in saintliness and other accomplishments, and that thou wast possessed of qualities and merits which singled thee out from all of them, and that thou hadst contained in thee all the pre-requisites, provisions, and qualifications of the Catholicate, known to thy people. With me there was a deputation of Christians well versed in the regulations affecting this high office, and they submitted that after a careful and searching examination of thy claim they had come to the conclusion that they were in need of a Catholicos to look after their affairs and minister to their collective needs, and that by a spontaneous and unanimous decision they had elected thee to the headship of their religion for regulating their affairs, satisfying their needs, and rendering justice to the strongest and the weakest among them. They asked for the

confirmation of thy election in form of a charter which would place it on solid basis and unassailable foundations.

The Commander of the Faithful ordered, therefore, that their request be granted and their wish be gratified. The Charter of the highest *imamate* of Islam—may its orders be always crowned with success—is hereby granted thee to be the Catholicos of the Nestorian Christians inhabiting the “City of Peace” and all the lands of the countries of Islam ; thou art empowered to act as their head and the head also of those Greeks, Jacobites, and Melchites, whether represented here or not, who might oppose them in any country ; thou art singled out from all thy co-religionists to wear the known insignia of the Catholicate in your Churches and meeting houses of your devotions, without any Archbishop, or Bishop, or Deacon, having right to wear them or share them with thee : they are a mark of their dependance on the dignity and the high office to which thou hast been promoted. If any of the above-mentioned clerics enters through the door of contention with thee and recalcitrance against thee, or treads in the path of revolt against thy orders, or refuses to accept thy decisions, or disturbs thy peace, he will be prosecuted and punished for his conduct, until he retraces his steps and his obstinacy is broken, in order that others may be deterred from adopting a similar course and the enactments of your Canons may be preserved in their entirety.

Following the precedent sanctioned by the imams, his predecessors, in their dealings with the Catholicoi, thy predecessors, the Commander of the Faithful does also hereby bestow upon thee and upon thy followers the statutory prerogatives : thy life and property and those of thy people will be protected ; great care will be taken in the promotion of your welfare ; your ways of interring your dead will be respected, and your Churches and monasteries will be protected. In all this we are in conformity with the method adopted by the Orthodox Caliphs with your predecessors, a method that has been followed by the high imams, my predecessors—may God be pleased with them—in their interpretation of the terms of our Convention with you : that we shall be satisfied with you by your payment of the capitation tax, levied upon the males of your community who have passed the age of minority, and who are rational and solvent ; that all your females and your males in their minority shall be exempt from it ; and that it shall

be levied once a year in strict conformity with the kindly rules of the *Shar'*.

The Commmander of the Faithful was also gracious to be willing to mediate between the different Christian communities in their law-suits in order to exact justice from the strong in favour of the weak, and to direct to the right path any one who was straying from it ; to look after them according to the requirements of fealty demanded of them, and to follow it in its clear path and straight course.

Be thou worthy of all these favours granted to thee, which fulfil the desires of thy soul, and set up prayers and invocations for the Commander of the Faithful as a token of thy gratitude and a sign of thy allegiance. It is also the duty of all the Archbishops, Priests, and Bishops of the above-mentioned denominations to show submission in this way to the Commander of the Faithful, and to meet his kindness with subordination and obedience.