

EARLY PERIOD OF ARAB OCCUPATION OF EASTERN GEORGIA

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Preface

The conquest of Eastern Georgia by the Arabs in the 40^s-50^s of the 7th century cannot be discussed without reviewing the previous history of Eastern Georgia. It should be interesting whether this territory was independent or not at the time of the Arab conquest and if it was not - which foreign kingdom(s) or empire(s) dominated it and what social and political climate was there just before Arab invasion in Eastern Georgia.

Byzantium proved to be an ultimate winner of the series of wars between Byzantium and Iran that lasted for more than one century. In spite of the fact that in V-VI centuries Iran established its direct control over the Georgian kingdom of Kartli and abolished monarchy in Iberia in the 20-ies of the VI century, though, eventually, Eastern Georgia (former Kingdom of Iberia) as well as Western Georgia remained under Byzantium's control. These territories were ruled by Erismtavari (governor=*Patricius*=*Patrikios* პატრიკოსი) who was loyal to Byzantium and carried out pro-Byzantium policy just before the Arab invasion. By the period of Arab conquest *the Patricius of Kartli* was *Stephen II (Stepanoz II) of Iberia*, the son of Adarnase I of Iberia. Adarnase assisted the Byzantine-Khazar army with the siege of Tbilisi in 628 and was made a ruler of Kartli by the Byzantine Emperor Heraclius.¹

Mariam Lortkipanidze notes: „Just before the Arab invasion West Georgia as well as East Georgia were under political influence of Eastern Roman Empire but they were differently influenced by Byzantium. Western Georgia was much more connected to Byzantium and experienced its influence more than Eastern Georgia.”² That is the key reason why we

¹ А. А. Богверадзе. *Очерки Истории Грузии. Восстановление государственной власти в Kartli*. 170.

² M. Lortkipanidze. *The Character of the Arab Rule in Georgia*, 2 (მ. ლორთქიფანიძე. არაბთა მფლობელობის ხასიათი საქართველოში).

see only Greek coins on the territory of Western Georgia and both Greek and Persian coins (almost with a same intensity) on the territory of East Georgia from the above-mentioned period.³

David Muskhelishvili suggests that for the first time the Arabs appeared in Eastern Georgia in the 640^s. He says that the first Arab troops were only raiding troops, who left the Caucasus soon. The same opinion is expressed by Mariam Lortkipanidze⁴, Zaza Abashidze⁵ and S.Dzimistarishvili⁶. Unlike Ivane Javakhishvili, who wrote that Habib ibn Maslama came to Kartli in 643-644⁷ Muskhelishvili wrote that the Arabs headed by Habib ibn Maslama gained a strong foothold in Kartli only in 654/5 and introduced „Charter of Immunity” („Datsvis Sigeli”) to Eastern Georgians.⁸ Simon Janashia agrees with Muskhelishvili. He also suggests that Habib ibn Maslama came to Kartli only in 654/5.⁹ This idea is confirmed by Tabari (838-923), who in his well-known book “Tarikh al-Rusul wa al-Muluq” - „تاريخ الرسل والملوك” „The History of Prophets and Kings” says that in the 22nd year of Hijra (644):

وجه سراقه بعد ذلك بكير بن عبد الله و حبيب بن مسلمة و حذيفة بن اسيد و سلمان بن ربيعة الى اهل تلك الجبال المحيطة بارمينيا فوجه بكيرا الى موقان و وجه حبيبا الى تفليس و حذيفة بن اسيد الى من بجبال الان و سلمان بن ربيعة الى الوجه الاخر و كتب سراقه بالفتح... مات سراقه و استخلف عبد الرحمان بن ربيعة و قد مضى اولئك القواد الذين بعثهم سراقه فلم يفتح احد منهم ما وجه له الا بكير

„After conquering Azerbaijan Suraqa sent Buqair ibn ‘Abd Allah, Habib ibn Maslama, Hudhaifah ibn-Usaid and Salman ibn Rabi’ah against the people living in the mountains bordering with Armenia. And sent Bu-

³ D. Muskhelishvili. *The History of Georgia From IV to XIII Century*, Volume 2, 121

(დ. მუსხელიშვილი. საქართველოს ისტორია IV საუკუნიდან XIII საუკუნემდე).

⁴ M. Lortkipanidze. *The Establishment of the Arab Caliphate's Domination in Kartli. The Georgian-Arab Relationships in the VII-VIII Centuries*, 172 (მ. ლორთქიფანიძე. არაბთა სახალიფოს გავლენის დამყარება ქართლში. ქართულ-არაბული ურთიერთობები VII-VIII საუკუნეებში).

⁵ Z. Abashidze. *Georgia and the Georgians. Georgia in VII-VIII Centuries*, 98 (ზ. აბაშიძე. საქართველო და ქართველები. საქართველო VII-VIII საუკუნეებში. არაბობა).

⁶ S. Dzimistarishvili. *The Arabs in Georgia*, 10 (ს. დიმიტარეიშვილი. არაბები საქართველოში).

⁷ Ivane Javakhishvili. *Invasion of the Arabs and Their Rule in the First Two Centuries*, 73 (ივ. ჯავახიშვილი. არაბების შემოსევა და მათი ბაგონობა პირველ ორ საუკუნეში).

⁸ D. Muskhelishvili. *The History of Georgia. From IV to XIII Century*, Volume 2, 125-126 (დ. მუსხელიშვილი. საქართველოს ისტორია. IV საუკუნიდან XIII საუკუნემდე).

⁹ S. Janashia. *The Arab Rule in Georgia*, 357-365 (ს. ჯანაშია. არაბობა საქართველოში).

qair to Mokan and Habib ibn Maslama in Tbilisi, Hudhaifah ibn-Usaid against those, who lived in the mountains of Alans, Salman ibn Rabiah in another direction and wrote to them to conquer... Suraka died and ‘Abd ar-Rahman ibn Rabiah replaced him. The commanders sent by Suraka came back, none of them conquered the lands except Buqair.”¹⁰ As we see, the first raiding campaign of Arabs did not bring any results for them¹¹, therefore after a few years they renewed the expedition under Habib ibn Maslama’s leadership. But who was Habib ibn Maslama? According to the encyclopedia of Islam, Habib ibn Maslama was Mu’awiya ibn Abi Sufyan’s military commander, who was born in Mecca in 617 in a family belonging to the Qurayshi clan Fihir. Before coming to Georgia he took part in the conquest of Syria and distinguished himself as a good soldier in the battles with Byzantium. According to the encyclopedia of Islam, „By order of Mu’awiya, he conquered Armenia in 642; In the following years he was given the governorship of Northern Syria and fought against the Mardaites(al-Jarajimah) and the Byzantines. At Siffin (657) he commanded the left wing of the Syrian army and then, served as a representative of Muawiya in the negotiations with ‘Ali”¹²

Mariam Lortkipanidze, who refers to Janashia, also notes that although Arabs came to the former Kingdom of Iberia in the 640s, they were more likely raiding troops.¹³ Unlike other scholars, Benjamin Silagadze took Javakhishvili’s side. Silagadze was writing that collation of Armenian sources helped him to suggest that „Charter of Immunity” should have been granted to Georgians by Habib ibn Maslama before 654/5 and Arabian sources allegedly support this opinion and sign directly that this Charter was granted to Georgians in the summer period of 645¹⁴.

Simon Janashia describes in detail interesting historical events in the Caucasus before the Arab invasion: the author notes that Kartli and Armenia were under Byzantium control before Arab invasion. In 652 the governor of Armenia Theodoros Rshtuni turned against Greeks and subordinated Arme-

¹⁰ E. Sikharulidze. *About Some Issues of the Arab’s First Military Campaigns in Georgia*, 186 (ე. სიხარულიძე. საქართველოში არაბთა პირველ ლაშქრობათა მოგებრთი საკითხისათვის).

¹¹ B. Silagadze. *The Arab Rule in Georgia*, 38 (ბ. სილაგაძე. არაბთა ბაგონობა საქართველოში).

¹² *The Encyclopedia of Islam. New edition*. Edited by B. Lewis, V. L. Menage, Ch. Pellat and J. Schacht Volume III, 12

¹³ M. Lortkipanidze. *The Character of the Arab Command in Georgia*, 73 (მ. ლორთქიფანიძე. არაბთა მფლობელობის ხასიათი საქართველოში).

¹⁴ B. Silagadze. *For the Dating of Habib ibn Maslama’s “Charter of Immunity”*, 84 (ბ. სილაგაძე. ჰაბიბ იბნ მასლამას ღაცვის სიგელის ღათარღებობისათვის).

nia to the Arabs. Janashia also refers to old Armenian bishop and historian Sebeos, who wrote that Alvanian, Georgian and Siunik (Sivnieti) governors supported Theodoros Rshtuni. Probably Emperor Constans II (*Konstantinos Pogonatos*) - „Constantine the Bearded” who governed the empire in 641-668 (and not the Emperor Constantine III who governed only for four months) subordinated Armenia once more and pitched camp in the city of Dvin. He sent punitive forces to the allies of Armenia and disunited their union. Albanians and Sivnians, who did not surrender, were punished and ravaged by Greeks but the Georgians, who did not offer any resistance to Greeks, avoided their revenge,¹⁵ Janashia refers to another Armenian chronicler – John Draskhanakertel - whose records confirm Sebeos’ information.¹⁶

The Arabs made a distinction between the people who subjugated to them voluntarily **صلحا** from the people who were subordinated by force **عنة**. They also differentiated subjugated peoples from the point of revenue taxes, not only by the religious side.¹⁷ In the 30^s and 50^s of the 7th century they conquered vast lands and territories. As the concept of a nation-state had not been formulated by that historical period of mankind, the Arabs perceived different peoples as religious communities and presented relatively similar demands to them. We should suppose that the case was same with respect to Kartli. It is difficult to imagine that terms of the treaty for the Georgians had been radically different from the other contracts that had been already drawn on the territory of Syria-Palestine, Egypt and Iran. This form of treatise was not the novelty introduced by the Arabs. Treatise like that had about 3000 years history in the Middle East. „Charter of Imminiity” had already had a long history in the Persian and Romano-Byzantium realms with regards of subjugated peoples. In sum, these treatise implied participation of conquered and subjugated peoples in Roman wars in exchange for keeping their lives and property untouched. The best example for this in the period of Arab conquests was Romano/Byzantium *deditio in fidem* - people asked Romans concession *deditio*, good faith *fides* and preserving their lives, property and legislation of their community in exchange for the fulfillment of the terms of contract between them and Romans.¹⁸ In the Greco-Roman world, such people (called *metoikos* in Greek, *peregrinus* in Latin) were second-class

¹⁵ S. Janashia. *The Arab Rule in Georgia*, 360 (ს. ჯ ა ნ ა შ ი ა. არაბობა საქართველოში).

¹⁶ *Ibid.*, 360

¹⁷ Л. И. Надирадзе, *К Интерпретации Термина Ахл Ал-Китаб в «Охранной Грамоте» Халифа Ибн Маслама*) 48.

¹⁸ R. G. Hούynad. *In God's Path. The Arab Conquests and the Creation of an Islamic Empire*. p. 96.

citizens of an empire and were not allowed to hold public offices (unlike dhimmis, who hold public offices almost before middle period of Umayyads), own land, or marry a citizen.¹⁹

The religious issues of subjugated people was also transitioned to Romans²⁰ but as it is well known, Romans didn't pay any attention to the religious matters of subjugated peoples and left it free and untouched. The Romans called the pact „foedera”. There were equal „*aequa*” and unequal „*iniqua*” agreements between Romans and subjugated peoples. The main feature of these agreements was participation of subjugated peoples in Roman wars and aid of other material resources to them. Inasmuch, we can suppose that Arabic „امان” and „ذمة” corresponds to the Latin „fides” „foedera” as well as عنة and صلحا could approximately be compared either with *amicum populi Romani* „the Friend of the Roman Empire” – who became close allies of Romans and whose foreign affairs after subjugation was in Romans hands and the second group of those, who directly were incorporated into the Roman Empire. This doesn't mean that Arabs borrowed these concepts from the Romans and Persians, but it means that Arabs were living in the same socio-political realms and were close to the international policies of the late antique world. The same approach and relations were in Iran. Khosrow II ordered his armies to kill everyone who would resist them, but not touch and show clemency to peacefully subjugated and obedient ones and behave with them friendly, maintaining their prosperity and peace.²¹

The Arabs called Christians, Jews, Mazdeans and Sabeans who subjugated to them „dhimmis” ذمي The scientist Mahmoud Ayoub *investigated* that from the beginning the term „dhimma” ذمة designated „the relationship of human being with God and human's responsibility in this relationship.”²² Though, by passing time the meaning of this term was dramatically changed. Al-Jawhari mentions, that term ذمة „dhimma” is the same as حرمة „hurma” – „something prohibited” „sacredness”. This term also was designating as „guarantee of security” and „protection” like امان „aman” but in the verbal form ذم has a negative meaning „judgment” „blaming” and مذموم „mazmum” is the same as „oppressed” „humble” and „condemned.” „Dhimmah” also means „agreement” „contract” „'ahd” عهد and „the holiness of agreement” and its

¹⁹ *Ibid.*, 97.

²⁰ *Ibid.*, 97.

²¹ *Ibid.*, 97.

²² Mahmoud Ayoub. *Dhimmah in Quran and Hadith, Muslims and Others in Early Islamic Society*, 25.

„inviolability”, „sanctity of contract.” Finally, this term was established and justified as term designating „*specific relationship of non-Muslim population with Muslims*”.²³

Gocha Gaparidze writes: „In the Middle Ages „dhimmis” were Christians, Jews, Mazdeans and Sabeans, who lived in the Muslim State and who according to the theory of Fiqh subjugated to Muslims during („Futuh Period”) Islamic conquest period and recognized Muslim sovereign rule. They were paying a tribute, imputed upon the foreign confessors – poll-tax called „*jizya*” and land-tax – „*kharaj*.” Dhimmis were keeping their faith, fulfilling religious orders (by some restrictions) and had integrity and property immunity according to *عقد الذمة* „dhimmahs’ agreement.” Dhimmi communities enjoyed certain self-government according to their religious canons. Religious leaders of communities (patriarch, catholicon and metropolitan within Christians and Rabin to Jews and Mobad with Zoroastrian community) were defending their communities’ interests before Muslim governor. They had a right to judge the members of their religious community according to their religious canons, punish heretical and apostates. The agreement would be abolished if „dhimmi” abused or criticized the Holy Quran, Islam or Prophet Muhammad, married or committed adultery with Muslim women, converted Muslim to other faith, did not pay taxes, robbed a Muslim on a road or helped enemy of Muslims during the war.

According to Islamic Law houses of „dhimis” had to be lower than Muslims’ ones. Thimis were not allowed to ride horses or camels, carry weapons, ring bells in a loud voice, read their holy books in front of Muslim(s), show pigs in public. It was specified for them to wear distinguished clothes and hats and bury their dead silently and inconspicuously. If the agreement did not include these regulations, then their non-performance did not abolish the pact of protection.²⁴

The status of the „People of the Book” was regulated almost from the birth of Islam. In his lifetime, the Prophet Muhammad came into contact in Arabia with communities of Jews in Medina and Khaibar in the Hijaz and with a large and flourishing Christian community at Najran in the Yemen in 622.²⁵ A document, so-called „Constitution of Medina” was

²³ *Ibid.*, 31.

²⁴ G. Japaridze. *The Encyclopedia of Islam*. „Dhimis.” The article is certified by Giorgi Lobjanidze’s translation of the Holy „Quran” 558-559 (გ. ჯ ა პ ა რ ი დ ჯ ე. ისლამის ენციკლოპედია დიური ცნობარი. სტატია „ზიმიები.” დამოწმებულია გიორგი ლობჯანიძის მიერ. ყურანი).

put between them. This document contained such characteristics, that later, in the early conquest period, became a model of negotiations between Muslims and non-Muslims. Also, in 631 the Christians of Najran made a treaty of protection with the Prophet. According to that pact, the Arabs had to protect the Christian religion and allow it to flourish. Christians were able to repair and rebuild churches; bishops and monks were exempted from taxes.²⁶ Prophet Muhammad himself entered into many alliances with non-Muslim alike. From the Muslim historians it is well known that several pacts were negotiated between Prophet and people from Najran, Tabalah, Jarash, Ayla and so on in which they were promised protection of their lives, rights, property and beliefs in return for paying jyziah.²⁷

Some authors even mention that „Once a dhimma pact is concluded, the dhimmis automatically become citizens of the Muslim State and share all basic rights of Muslims, regardless of which group is the ethnic majority or minority. It should be noted that the terminology of minority has no place in Islamic law.²⁸

Establishing of institute of Jizya and imposing this tax upon „dhimmis” in Islam is seen in the holy Quran (9:29): „Fight those who believe not in Allah nor the Last Day, nor hold that forbidden which hath been forbidden by Allah and His Messenger, nor acknowledge the religion of truth, from among the People of the Book, *until they pay the Jizya with willing submission, and feel themselves subdued (humiliated).*”²⁹ حتى يعطوا الجزية عن يد وهم صاغرون No fixed rate for jyziah was set either by the Quran or by the Propher Muhammad. The jurists, therefore, differ as to the amount of jizyah that should be paid. „A close study of the early history of Jyzia particularly since its imposition by the Prophet till later in the period of Khulafa’ Rashidun will reveal that it was a tax through the payment of which the non-Muslim subjects were expected to pay allegiance to the political authority of Islam. There is nothing to prove that it was imposed just to humiliate them or to make them socially degraded.”³⁰ Arabs knew about this tax from the Persians³¹. According to Shibli Nu’mani the word Jyzia itself is the Arabicised version of the word كزيت (kizyat) meaning a levy

²⁵ C. E. Bosworth. *The Arabs, Byzantium and Iran*, 13-14

²⁶ *Ibid.*, 14.

²⁷ Maher Y. Abu-Munshar. *Islamic Jerusalem and its Christians*, 46.

²⁸ *Ibid.*, 31.

²⁹ *Holy Quran. English Translation of the Meanings and Commentary*, 506.

³⁰ Ziauddin Ahmed and Ziauddin Ahmad. *The Concept of Jyziah in Early Islam*, 294.

³¹ *Ibid.*, 303.

which the Persian rulers used to employ in administering the affairs of war.³²

The Greeks are reported to have imposed a similar tax upon the inhabitants of the coastal regions of Asia Minor during 500 B.C. The Romans imposed similar taxes upon the people they conquered, and the amount was much heavier than what was later introduced a similar tax upon their subjects.³³

Mahmoud Ayoub mentions, that in Hadith Muhammad appeals to Muslims army: „fight in the name of God and in the way of God. Fight those who disbelieve in God, but do not overindulge in cruelty, commit acts of treachery, mutilate people, or kill a child. If you besiege a fortified settlement and its inhabitants request that you give them the dhimmah of God and His Prophet, do not give them either the dhimmah of God or that of His Prophet. Rather, make with them the covenant (dhimmah) of yourself, your father, and your fellows. For it is better for you to violate your own dhimmah than to violate the dhimmah of God and His Prophet.”³⁴ Thus we conclude that when Arab military leaders in the 7th century concluded the treaty (dhimma) with the conquered community, the picture was drawn in such a way as if the initiators of the peace treaty were the subjugated people, as if they were the first to offer Arabs subjugation and truce. Each treaty was concluded between a concrete military leader (in our case it was Habib ibn Maslama) and the community subjugated by him. It was never concluded in the name of the Prophet Muhammad or Caliph and of course never in the name of Allah. According to the Hadith Muhammad said: „He who hurts a dhimmi hurts me, and he who hurts me hurts Allah.”³⁵ Also Muhammad said: „Whoever kills a person having a treaty with the Muslims, shall not smell the fragrance of paradise though its fragrance is perceived from a distance of forty years.”³⁶

It is very interesting that these contracts resemble each other and have protocol forms. The document offered to Georgians didn't differ from other documents that were introduced by Arabs to subjugated peoples on the territories of Egypt, Iran and Syria-Palestine. Of course, it had its own distinctive features, particularly because population of Kartli was

³² *Ibid.*, 294.

³³ *Ibid.*, 294.

³⁴ Mahmoud Ayoub. *Dhimmah in Quran and Hadith, Muslims and Others in Early Islamic Society*, 29.

³⁵ Maher Y. Abu-Munshar. *Islamic Jerusalem and its Christians*, 48.

³⁶ *Ibid.*, 48.

not subjugated by force **عنة** „anwatan.” Proceeding from the fact, that the text of „Datsvis Sigeli” had not reached to us in written form and had been preserved only in the documents of Arab historians, we will discuss this document from the general context. Almost in every document the main theme is an immunity of the faith of subjugated people, cooperation of subjugated people with Arabs or „reasonable neutrality” and maintaining the peace – in return of paying taxes.

Despite of the fact that scientist Neophyte Edelby neither defines geographic location, nor mentions concrete subjugated peoples and is talking generally, we think he is worth of mentioning. The researcher writes that first Arab conquerors were tolerant to the conquered peoples and to their faith. Presumably, the same case was with Georgians, who as mentioned above, subjugated to Arabs not by force, but by their own will. So, why Arabs would show any cruelty towards Georgians? They had not any reason for this. Neophyte Edelby wrote that Arabs were interested only in maintaining peace and gathering tributes and taxes. Mariam Lortkipanidze also mentions this fact and writes that the main purpose of Arabs in Kartli was gathering taxes from Georgians.³⁷ First period of Arab rule of Kartli was not severe for Georgians³⁸.

Arabs were interested in maintaining the situation (status-quo) they had met in agriculture, especially in the early period of conquests, because as Neophyte Edelby mentions, owning land and working in agriculture was forbidden for the Arabs, as the army had to be in permanent readiness for new wars and soldiers could have been called for a new war for conquering new lands any time³⁹.

The Arabs called **دار الصلح** „dar assulh” or **دار العهد** „dar al’ahd” i.e. „land of peace” or „land of a treaty” - all those lands and territories that were subjugated to them by peace and negotiations and they called **دار الحرب** „dar alharb” all those lands that were subjugated by force. On the „lands of peace” Arabs had maintained land for local land owners on the ground of „peace agreements” and paying the land tax – „kharaj” in spite of the fact, that theoretically, the main land owner in the Islamic State was Allah. Land was of Allah and his Messenger⁴⁰.

³⁷ M. Lortkipanidze. *The Character of the Arab Rule in Georgia*, 76 (მ. ლორთქიფანიძე, არაბთა მულობელობის ხასიათი საქართველოში).

³⁸ B. Kupatadze. *The Georgian States in VI-VII Centuries. Invasion of the Arabs in Georgia*, 58 (ბ. კუპატაძე, ქართული სახელმწიფოები VI-VII საუკუნეებში, არაბთა შემოსვლა საქართველოში).

³⁹ Neophyte Edelby. *The Legislative Autonomy of Christians in the Islamic World, Muslims and Others*, 46.

Land of Kartli was also declared as a „Land of Peace.⁴¹” Together with religious freedom, Arabs afforded to subjugated peoples whole autonomy in administrative, legislative and juridical activities. They kept administrative and religion apparatus untouched. One of the main reasons for this was that the Arabs did not have any experience in governing of such apparatus.

Anthonie Fattal agrees with Neophyte Edelby and mentions, that numerous Christians lived on the vast conquered lands by Arabs. In the Muslim Empire spiritual leaders of Christians (and other religious leaders too) maintained all traditional privileges that were granted to them in the late Sassanian or same period Byzantine rule⁴². Vanquished Christians did not change their faith and preserved old canons. In most cases Muslim magistrates did not interfere in the disputes of Christians even if they were asked about it.⁴³ Precisely this is mentioned by Mariam Lortkipanidze, who wrote: „In the beginning Arabs who were on more primitive step of development rather than vanquished ones, were not interfering in the domestic affairs of those conquered peoples. Politician institutes, language of office and religion had been kept untouched.”⁴⁴

We do not have any reason to suppose that there was a different attitude towards the Georgians. In the beginning Arabs did not interfere in the domestic affairs of Georgians. In view of the fact, that army of Habib ibn Maslama did not stay for a long time on Kartlis’ soil and left soon, we should suppose that except the necessity of paying taxes and other terms concluded in the agreement between Georgians and Arabs, any particular, radical changes should not have occurred in the judicial and religious apparatus of Kartli of that period.

S.D.Goitein supposed, that Muslim Arab conquerors specially set humiliating terms for the vanquished peoples, but Albrecht Noth writes more logical variant, in our opinion, that this „humiliating” regulations show us clearly Muslims’ aim of maintaining Bedouin distinctiveness before foreign majority and foreign environment and that these regulations do not have anything to do with humiliation and discrimination of the

⁴⁰ M. Lortkipanidze. *The Character of the Arab Rule in Georgia*, 77 (მ. ლორთქიფანიძე. არაბთა მფლობელობის ხასიათი საქართველოში).

⁴¹ *Ibid.*, 77.

⁴² A. Fattal. *How Dhimmis Were Judged in the Islamic World*, Muslims and Others, 84.

⁴³ *Ibid.*, 77.

⁴⁴ M. Lortkipanidze. *The Character of the Arab Rule in Georgia*, 71 (მ. ლორთქიფანიძე. არაბთა მფლობელობის ხასიათი საქართველოში).

subjugated peoples, though it doesn't have any relation with Muslim's tolerance either.⁴⁵

One of the most difficult and interesting research studies is to show the difference as far as possible, which regulation could be from early period, which one from the middle period or late period. These regulations are known as „Regulations of Umar” and probably had been forming for decades. We do not know exactly, but probably it could be created either by Umar Ibn al-Khattab (634-644) or Umar II (717-720). Scholars argue about this even today, but it is clear, that different terms were added to these regulations for different regions, cities and peoples in different historical periods of time, but it is without a question, that in „Regulations of Umar” there are clear reflections of the oldest agreements concluded between Arabs and „dhimmis” which were negotiated during the oldest period of Arab invasion „Futuh Period” (from 634 to the end of 640-es). Scholar Albrecht Noth concluded that the oldest regulations of „Futuh Period” (and that is our subject of interest too) towards different nations (and very probably towards Georgians too) were somehow similar to each other and included these regulations: a) Christians should not give shelter to the enemies of Muslims and should not collaborate with them b) Christians should inform Muslims about any treasonable act c) Christians should not wear weapons d) they should give a shelter to the Arab soldier (who could fall behind his army), regale him with food during 3 days e) they should not prevent Muslims from pitching a tent in temples, chapels during day and night f) they should open the doors of churches or monasteries in front of passenger soldier Arab even if latter sat on the horse. The last 3 regulations are especially interesting for us, because at one glance they look like humiliating ones, because it was giving Muslims the right of entering temples of Christians that are the most sacred places for them. But, again, referring to Albrecht Noth it becomes clear, that regulations like these 3 ones should have been a reminiscent of the earliest period of the Arab conquests (futuh period) when Arab soldier who was still in phase of war and may have lost the way or fall behind his army may have been in demand of food. The same is about pitching a tent chapels and temples. Regarding of the fact, that soldier could occur in any difficult situation during the war or battle period, he could, generally speaking, need the place of sanctuary for taking a shelter or taking a rest and break

⁴⁵ Albrecht Noth. *Problems of Differentiation Between Muslims and Non-Muslims: Re-reading the „Ordinances of Umar” (Al-Shurut Al-'Umayriyya), Muslims and Others*, 123.

it or its garden during day and the night time for pitching a tent in it. Probably, these regulations were worked out in a state of clear mind by Arabs and were practical for them as history shows.

Georgian historians are divided in 2 groups regarding the entrance of armies of Haib ibn Maslama into Kartli: one group say, that Habib came to Eastern Georgia in 644 and the second group say that he came in 654-5. 1) It is well known that the Arab conquest was very fast. After final consolidation of Arabian Peninsula when Arabs began expansion outside it, they managed to conquer vast territories in a short period and that's why it would not be surprising, that Arabs had entered the territory of Kartli already in 644 2) The second consideration (654-655) is based on the fact, that the Arab conquests in general had two directions: towards the West and East, so that the Arabs from the beginning could have conquered territories of Syria-Palestine and Egypt in the West and simultaneously Iran in the East and only after sufficiently prolonged conquer of Iran⁴⁶ they could come towards Kartli. This opinion is mentioned by Mariam Lortkipanidze.⁴⁷ Benyamin Silagadze wrote about it: „After occupying Dvin in Armenia, on October 6, 640, the Arabs did not stay there for a long time. The cause of their sudden leaving was the fact that they were busy with the wars against the Persian Shah Yazdegerd III and had no time for Armenia. That this was really so is proved by the fact that as soon as Arabs defeated Persians, they immediately returned to Transcaucasia trying to conquer and subjugate it.”⁴⁸

Mariam Lortkipanidze mentions that „Charter of Immunity” i.e. „Datsvis Sigeli” is issued in the time of Calipha Uthman ibn Affan reign's (644-656) last period (654-5)⁴⁹. Janashia also mentioned that the Arabs came to Kartli not in 643-5 as Javakhishvili has written.⁵⁰

Anyhow, Janashia is writing that people of Kartli (who after their subjugation by will to Arabs can be called „dhimmis”) thought practically

⁴⁶ Manoucher Parvin and Maurie Sommer. *Dar Al-Islam: The Evolution of Muslim Territoriality and its Implications for Conflict Resolution in the Middle East*, 13.

⁴⁷ M. Lortkipanidze. *The Arab Rule and the South-West Georgia*, 91 (მ. ლორთქიფანიძე. არაბობა და სამხრეთ-დასავლეთი საქართველო).

⁴⁸ B. Silagadze. *The Arab Rule in Georgia*, 36-37 (ბ. სილაგაძე. არაბთა ბატონობა საქართველოში).

⁴⁹ M. Lortkipanidze. *The Establishment of the Arab Caliphate's Domination in Kartli. The Georgian-Arab Relationships in the VII-VIII Centuries*, 172 (მ. ლორთქიფანიძე. არაბთა სახალიფოს გავლენის დამყარება ქართლში. ქართულ-არაბული ურთიერთობები VII-VIII საუკუნეებში).

⁵⁰ M. Lortkipanidze. „Charter of Immunity” of *Habib ibn Maslama*, 61 (მ. ლორთქიფანიძე. ჰაბიბ იბნ მასლამას „დაცვის სიგელი”).

not to show resistance to Arabs and surrendered by will⁵¹. The main articles of Georgian „Charter of Immunity”=„Datsvis Sigeli” did not differ very much from other Charters of security that were negotiated in different conquered cities and regions: 1) Arabs left faith of Georgians untouched 2) Georgians became loyal to Arabs and were paying Jizya – per capita yearly tax „one dinar per year” and the Kharaj – land tax for each household. 3) Both sides agreed not to change the number of households: Georgians would not unite them and the Arabs would not break them up into small groups 4) The one who would have become Muslim, would be exempted from taxes 5) Georgians were obliged to help Arabs in different affairs, including the war period. In return for all these, Arabs promised to give Georgians the immunity of protection.

Though, before subordinating Tbilisi, Arabs probably had two small battles with Georgian peasants not with regular army near the city. According to al-Baladhuri:

حدثني مشايخ من اهل دبيل منهم برمك بن عبد الله قالوا سار حبيب بن مسلمة بمن معه يريد جرجان فلما انتهوا الى ذات اللجم سرحوا بعض دوابهم وجمعوا لجمها فخرج عليهم قوم من العلوج فاعجلوهم عن اللجام فقاتلوهم فكشفوهم العلوج و اخذوا تلك اللجم و ما قدروا عليه من الدواب ثم انهم كروا عليهم فقتلوهم و ارتجعوا ما اخذوا منهم فسمى الموضع ذات اللجم⁵²

„The elders of the city Dvin =Dabil, (according to Baladhuri Habib ibn Maslama after subjugation of the capital of Armenia Dvin, granted Charter of Immunity to the local population.⁵³) among them Barmak ibn ‘Abd Allah said to me: „Habib ibn Maslama, with his army, went to conquer Jurzan.⁵⁴ When they reached „Zat al-Lujum” (Arabs) let some of their horses free, taking off their reins. Local people (peasants) came against them, made them retreat and took with them as many reins and horses as they were able to. (Arabs) attacked them again, killed them (peasants) and took back their horses and reins. And the place was called „Zat al-Lujum.” Then the description of Theophile’s visit to Habib ibn Maslama is given, as well as Habib’s answer to Georgians about agreeing

⁵¹ S. Janashia. *The Arab Rule in Georgia*, 357-365 (ს. ჯ ა ნ ა შ ი ა. არაბობა საქართველოში).

⁵² E. Sikharulidze. *About Some Issues of the Arab’s First Military Campaigns in Georgia*, 188 (ე. ს ი ხ რ უ ლ ი დ ზ ე. საქართველოში არაბთა პირველ ლაშქრობათა მოგვიერითი საკითხისათვის).

⁵³ Б о л ь ш а к о в. *История халифата том 2. Эпоха великих завоеваний*, 633-656.

⁵⁴ جرجان Thus was called Kartli first by the Persians and then by the Arabs.

on truce. Eter Sikharulidze questions the ideas of Baladhuri and Yaqt al-Hamawi about the name „Zat al-Lujum.” Yaqt al-Hamawi writes: **اللجم – جمع لجام و ذات اللجم موضع معروف بارض جرزان من نواحي تفلين**⁵⁵ „Lujum – is the plural of Lijam. Zat al-lujum is a well-known place in Jurzan, in the environs of Tbilisi”. Eter Sikharulidze remarks that „Yaqt directly indicates that „zat al-lujum” is populated place in Jurzan in the environs of Tbilisi. Thus, we must look for Zat al-Lujum near Tbilisi. Eter Sikharulidze thinks that in this case we have to deal with Lochini⁵⁶ (ლოჭინი) Arabic „Lujum” should be Georgian „Lochini.”⁵⁷ It seems that Arabs found similitude between Georgian „Lochini” and Arabic „Lujum” and added „zat” to it. Thus, Lochini became known in Arabic historiography as Al-Lujum.⁵⁸

As it is known Tbilisi people had pastures in Lochini. „Tbilisi people had pastures here.”⁵⁹ This fact proves that in Al-Lujum of Arabian sources Lochini is meant. David Agmashenebeli’s (David the Builder’s) historian tells us: Once a caravan came with a lot of treasure. They were accompanied by lots of Turks. Having heard about it, the king sent his fifteen best servants to bring back the private herds of the town.”⁶⁰

Eter Sikharulidze writes: „Besides, the Arab army going to Tbilisi from Dvini, had to pass through Lochini.”⁶¹ After defeat in Al-Lujum (Lochin) valley, a group of Georgian noblemen, under the leadership of Theophile visited Arabs. This group gave precious presents to them, praised them and asked for truce.

Though, Pavle Topuria does not agree with Eter Sikharulidze and writes that according to al-Tabari: **المسلمون في ايام عثمان بن عفان**

⁵⁵ E. Sikharulidze. *Min kitab mu’jam al-Buldan*, 85 (ე. სიხარულიძე. *من كتاب معجم البلدان*).

Also, see Al-Yaqt. IV. Page 351 *About Some Issues of the First Military Campaigns of the Arabs in Georgia*, 188 (იაკუთი, IV გვ. 351 დამოწმება ე. სიხარულიძისა. საქართველოში არაბთა პირველ ლაშქრობათა ზოგიერთი საკითხისთვის).

⁵⁶ The place near Tbilisi.

⁵⁷ *Ibid.*, 190.

⁵⁸ *Ibid.*, 190.

⁵⁹ Iv. Javakhishvili. *The History of the Georgian People*, book 2, 43 (ივ. ჯავახიშვილი. *ქართველი ერის ისტორია*, წიგნი 2).

⁶⁰ *The Historian of David the Builder. The Life of the King of the Kings David the Builder. The Georgian Chronicles*, 1, 349 (დავით აღმაშენებლის ისტორიკოსი. ცხოვრება მეფეთ-მეფესი დავითისი. ქართლის ცხოვრება, დამოწმება ეთერ სიხარულიძისა. საქართველოში არაბთა პირველ ლაშქრობათა ზოგიერთი საკითხისთვის) 190.

⁶¹ E. Sikharulidze. *About Some Issues of the Arab’s First Military Campaigns in Georgia*, 190 (ე. სიხარულიძე. საქართველოში არაბთა პირველ ლაშქრობათა ზოგიერთი საკითხისთვის).

رضى كان قد سار حبيب بن مسلمة الى ارمينية فافتتح اكثر مدنها فلما توسطها جاءه رسول باطريق جرزان و كان حبيب على عزم المسير اليها فجاءه رسول يسأل الصلح و اماناً⁶². „During the reign of Uthman Muslims conquered Tbilisi. Allah is satisfied by him. Habib ibn Maslama headed to Armenia, conquered many cities and when he reached the midst of the country (of Armenia) messenger of the Patrikios of Jurzan came to him. Habib had already decided to go (and conquer) Jurzan, when the messenger met him and asked Habib ibn Maslama to write to them (the people of Tbilisi) Charter of Immunity.”

Pavle Topuria writes that Yaqut al-hamawi brings us the most precise story. According to him the messenger of the Patrikios of Kartli met with Habib ibn Maslama not in the vicinity of Tbilisi (Lochini) but in the midst of Armenia.⁶³

Eter Sikharulidze observes Arabic sources (Al-Baladhuri, Yaqut and Al-Tabari) and mentions that on the road to the kingdom of Kartli Habib ibn Maslama was met by the ambassador of the people of Tbilisi whose name was either *نقلی* „Nikala” or *تفلى* „Theopile” (Theophile) who was sent by Georgians’ Patrikios to the Arabs. He gave them some gifts and asked them Charter of Immunity (once more, we return to the general picture of these pact-immunities, in which we see, as if conquered peoples were asking Arabs to give them immunity and defense and there is not any indication, that before negotiating the treaty, Arabs by the high probability themselves were offering surrender – capitulation or war without mercy to different cities). Habib ibn Maslama took this gift into consideration as a future tax - „Jizya” and sent his private trustee man ‘Abd ar-Rahman ibn Jazi Sulami and sent with him the document - „Charter of Immunity”, called „Datsvis Sigeli”⁶⁴. Eter Sikharulidze gives an example of both variants – Baladhuri and Tabari. In the variant of Al-Baladhuri we read: „...and then... your messenger Nikala has showed up before me and other believers who were with me and said on your behalf, that we are people, sublimed and preceded by Allah. In that way had done Allah, glory to God many times, may Allah grant peace and honor on Muhammad - His

⁶² E. Sikharulidze. *Yaquti's Information about Georgia and the Caucasus, From the Book of Mu'jam al-Buldan*, 42 (ე. სიხარულიძე. იაკუტის ცნობები საქართველოსა და კავკასიის შესახებ).

⁶³ P. Topuria. *From the History of the Georgian National Self-consciousness. An Interpretation of One Notification of al-Tabari*, 146 (პ. თოფურია. ქართველთა ეროვნული თვითშეგნების ისტორიიდან, გაბარის ერთი ცნობის ინტერპრეტაცია).

⁶⁴ E. Sikharulidze. *From the History of the Arab-Georgian Relationships. Arabian „Charters of Immunity.”* 169 (ე. სიხარულიძე. არაბეთ-საქართველოს ურთიერთობების ისტორიიდან. არაბული „ღაცვის სიგელები.”).

Messenger, the best Creature among His creatures. And I tell you, that you want to make a peaceful agreement with us. I have taken into consideration your gift as „Jizya” and have written to you „Charter of Immunity” in which I lay down terms to you. If you accept it - it is good, but if you ignore it – you will face the war in the name of Allah and His Prophet. Peace be upon those, who follow the right path.”

Within Al-Tabari we read: „In the name of God, the Most Gracious, the Most Merciful, from Habib ibn Maslama for the people of Tbilisi from Jurzan, from the land of Harmaz. Peace be upon you. I glorify Allah, there is no God, but Allah. Your messenger Theophile came to us and brought a story from you. He gave us what you brought away with him and told us on your behalf that we were not such ignorant people as you thought. We had been such people, before Allah did lead us to the right path, He is strong and glorious, thanks’ to Muhammad, may Allah grant peace and honor on Him, He strengthened us with Islam, after weakness, paganism and humble. Theophile told us, that you want peace with us. I am not against this, neither are those believers, who are with me. I send to you ‘*Abd ar-Rahman ibn Jazi Sulami* عبد الرحمن بن جزء السلمى best law and Quran expert and with him the book of the „Charter of Immunity”. If you agree with it, he will give you this book, but if you ignore it – then we will declare war against you, because Allah does not love betrayers.⁶⁵ As Eter Sikharulidze mentions, the letter is always supplemented with the text of „Charter of Immunity” itself. Within Baladhuri we read:

بسم الله الرحمن الرحيم هذا كتاب من حبيب بن مسلمة لاهل طفليس من منجليس من جرزان القرمز بالامان على انفسهم و بيعهم و صوامعهم و و صلواتهم و دينهم على اقرار بالصغار و الجزية على كل اهل بيت دينار و ليس لكم ان تجمعوا بين اهل البيوتات تخفيفا للجزية و لا لنا ان نفرق بينهم استكثرنا منها و لنا نصيحتكم و ضلعتكم على اعداء الله و رسوله صلعم ما استطعتم و قرى المسلم المهتاج ليلة بالمعروف من حلال طعام اهل الكتاب لنا و ان انقطع برجل من المسلمين عندكم فعليكم اداوه الى ادنى فنة من المؤمنين الا ان يحال دونهم و ان انبتم و اقمتم الصلاة فاخواننا في الدين و الا فالجزية عليكم و ان عرض للمسلمين شغل عنكم فقهركم عدوكم فغير مأخوذین بذلك و لا هو ناقض عهدكم هذا لكم و هذا عليكم شهد الله و ملائكته و كفى بالله شهيدا⁶⁶

⁶⁵ *Ibid.*, 170.

⁶⁶ *Ibid.*, 170.

„In the name of Allah, the Most Gracious, the Most Merciful. This is a „Charter of Immunity” from Habib ibn Maslama to the people of Tbilisi from Manglisi of *Kartli of Kirmizi (Kermez) district*, on condition of the guarantee of safety of your lives, churches, shrines, praying and faith by recognition of your humiliation and (paying) Jizya. Each household must pay one dinhar. You do not have right to unite households for decreasing jizya and also we do not have the right to divide it in to pieces for increasing it. We will accept your good advice and help as much as you can against enemies of Allah and His Messenger, may Allah grant peace and honor upon Him. You have to regale Muslim safely during the night by permitted meal for us -, „People of the book.” And if Muslim falls behind (of his army) you have to accompany him to the nearest army of believers (Muslims) if it is not impossible for you. If you become Muslims and pray, you will be our brothers in faith and if not, then you have to pay Jizya and if something happens with Muslims and your enemy subjugates you, then, you will not be punished for this and this (incident) will not be considered as abolishing your Charter of Immunity. These are your rights and your duties. Allah and His angels are witnesses. Allah is enough as witness.”

In Tabari’s version we read: **بسم الله الرحمن الرحيم هذ كتاب من حبيب بن مسلمة لاهل تفلين من جرزان ارض الهرمز بالامان على انفسكم و اموالكم و صوامعكم و بيعكم و صلواتكم على الاقرار بصغار الجزية على كل اهل بيت دينار واف و لنا نصحكم و نصركم على عدو الله عدونا و قرى المجتاز ليلة من حلال طعام اهل الكتاب و حلال شرابهم و هداية الطريق في غير ما يضر فيه باحد منكم فان اسلمتم و اقمتم الصلاة و اتيتم الزكاة فاخواننا في الدين و موالينا و من تولى عن الله و رسله و كتبه و حزبه فقد اذناكم بحرب على سواء ان الله لا يحب الخائنين شهد عبد الرحمن بن خالد و الحجاج و عياض و كتب رباح و اشهد الله و ملائكته و الذين آمنوا و كفى بالله شهيدا⁶⁷**

„In the name of Allah, the Most Gracious, the Most Merciful. This is a book in the name of Habib ibn Maslama for the people of Tbilisi *from Jurzan area, from the land of Armaz(i)*, on condition of the guarantee of safety of your lives, properties, churches, shrines and praying by recognition of your humiliation and paying of Jizya. We will accept your good advice and help against enemies of Allah and our enemies. You have to regale a Muslim, who is in demand of meal and drink during the night

⁶⁷ *Ibid.*, 171-2.

time by the food which is allowed to us - „People of the Book” and you have to accompany him to the nearest army, so that nothing damages you. If you became Muslims, pray and pay Zakat, you will be our brothers in faith and our Mawali⁶⁸. And who (dares and) renounces Allah and His Messenger and His Book (Quran) and His (Muslim) community afterwards, war will be declared to him, because Allah does not love betrayers. Witnesses are ‘Abd al-Rahman ibn Khalid, Hajjaj and I’yad. This book was written by Rabah. Allah and His angels and believers are witnesses. Allah is enough as witness.”.

Ivane Javakhishvili mentioned that the messenger of Georgians (Nikala or Theophile) had been not only the representative of the people of Tbilisi city, but also the representative of other places of Eastern Georgia (Manglisi, Armazi, etc). On the ground of the fact, as if, Arab scribes did not know the names of these topographical places, the letters were mutilated as some of them were gapped and some were mutilated by them. In Javakhishvilis’ opinion, that is the key reason why Tbilisi is located sometimes in the district of Manglisi and in other places – in Armazi and sometimes in both of them.⁶⁹

Simon Janashia was mentioning that this document „Charter of Immunity” was delivered only for the people of Tbilisi „from the red Kartli” from Manglisi⁷⁰ **لاهل طفليس من منجليس من جرزان القرمز** Mariam Lortkipanidze thinks that it is possible to correct the variant of Al-Baladhuri by the variant of Al-Tabari, whereas the word „Kermez” is changed by Armaz/armazi. By the high probability, the Arab scribes made mistake, and the reason for this was they were not familiar with the location of „Armaz” and had not heard about this geographical area and changed it with more familiar „Kermez” **القرمز** - red.⁷¹ Eter Sikharulidze brings description of Baladhuri and Tabari and writes that in all variants of „Charter of Immunity” „Datsvis Sigeli” this phrase **لاهل طفليس من منجليس من جرزان القرمز** is described differently:

- 1) For the people of Tbilisi from Manglisi, which is located in Read Kartli (Baladhuri).
- 2) For the people of Tbilisi from Jurzan, from the land of Armaz (Tabari)

⁶⁸ People, who were not the Arabs, though adopted Islam for the different reasons and purposes.

⁶⁹ Iv. Javakhishvili. *Invasion of the Arabs and Their Rule in the First Two Centuries*, 75 (ივ. ჯავახიშვილი. არაბების შემოსევა და მათი ბატონობა პირველ ორ საუკუნეში).

⁷⁰ S. Janashia, *The Arab Rule in Georgia*, 364 (ს. ჯანაშია. არაბობა საქართველოში).

⁷¹ M. Lortkipanidze. „Charter of Immunity” of *Habib ibn Maslama*, 62 (მ. ლორთქიფანიძე. ჰაბიბ იბნ მასლამას „დაცვის სიგელი.”).

3) For the people of Tbilisi, from the community of Manglisi of Kartli of Armaz (Yaqut)

4) For the people of Tbilisi, from the community of Manglisi, of Jurzan district (Baladhuri. Deed of Jarrah).

Eter Sikharulidze mentions that one thing is common for these variants: in each variant we see clearly that the „Charter of Immunity” was given to the people of Tbilisi and that the city was located in the district of Kartli (called „Jurzan” by the Arabs) and except of the text of Al-Tabari, Tbilisi is included in the region of kartli and district of Manglisi. Only the word „Kermez” or „Harmaz” is disputable. Eter Sikharulidze was referring to the idea of Giorgi Tsereteli and writing that here should be implicated not „Armaz” but „Kermez” maybe because „Kermes” „coccus ilicias” or „coccus cacti” – was extracted here. As Giorgi Tsereteli mentioned „Kermes” – coccus ilicias is a parasite of cortex of oak, which was utilized in a dry form for manufacturing of red diestuff.⁷² But later Eter Sikharulidze changed her opinion after observing the most important source – Habib ibn Maslama’s „Charter of Immunity” i.e. Abu Ubaid version, which was written 50 years earlier and which was used by Baladhuri himself as a guidance.⁷³

Abu Ubaid al-Qasim bin Salam **ابو عبيد القاسم بن سلام** was VIII-IX cc. Arab philologist, jurisprudent and theologian. In his work „Ketab al-Amwal” i.e. „Kitab al-Amwal” he discusses the questions of the state polity of Caliphate, landownership and tax system. In this book a special chapter is devoted to the treaties concluded by Muhammad and his followers with the so-called „Sulhi people” (Ahl as-sulh). In this chapter Habib ibn Maslama’s „Charter of Immunity” and his letter to the Tbilisi population are also discussed.⁷⁴ It must be mentioned that the preserved texts in Abu Ubaid’s book somehow differ from al-Baladhuri and al-Tabari versions. There is small difference with Habib ibn Maslama’s „Datsvis Sigeli” too, but the most important difference is that in Abu Ubaida’s version Kartli is discussed not in Armazi area but in Armenia area.

Eter Sikharulidze observes: „We think that the original form and the most correct form must be „Ard al-Hirmin” as it is confirmed by Abu

⁷² E. Sikharulidze. *From the History of the Arab-Georgian Relationships. Arabian „Charters of Immunity.”* 174 (ე. ს. ი. ს. ა. რ. უ. ლ. ი. მ. ე. არაბეთ-საქართველოს ურთიერთობების ისტორიიდან. არაბული „დაცვის სიგელები.”)

⁷³ E. Sikharulidze. *Abu Ubaydian Variant of Habib ibn Maslama’s „Charter of Immunity.”* 4 (ე. ს. ი. ს. ა. რ. უ. ლ. ი. მ. ე. ჰაბიბ იბნ მასლამას „დაცვის სიგელის” აბუ უბაიდისეული ვარიანტი).

⁷⁴ *Ibid.*

Ubaid. All the rest (Ard al-Kermez and Ard al-Harmaz) are its distorted (created from the graphic mixture) varieties.”⁷⁵ She adds, that „indicating Tbilisi in Armenia area is natural for Arab tradition. According to Caliphate administrative division, Jurzan (Kartli), together with Armenia and Arran was united in Armenia district and together with Azerbaijan and Al-Jazira made the northern region of Caliphate.”⁷⁶ In Eter Sikharulidze’s opinion Abu Ubaidisean version confirms that the „Charter of Immunity” is given only to Tbilisi population.”⁷⁷ The text of the „Charter of Immunity” i.e. „Datsvis Sigeli” is preceded by the title made by Abu Ubaid:

هذا كتاب من حبيب بن مسلمة لاهل تفليس من بلاد ارمينيا . قال ابو عبيد: حدثني
قال: قرأت كتاب حبيب بن مسلمة او قرئ و انا احمد بن الازرق من اهل ارمينية
انظر اليه في مصالحة اهل تفليس فاذا فيه:

بسم الله الرحمن الرحيم

هذا كتاب من حبيب بن مسلمة لاهل طفليس من ارض الهرمين ...⁷⁸

„This is a book of Habib ibn Maslama to the population of Taplis (in original) of Armenia.” Armenia in this text is marked with „Ard al-Hirmin.” ارض الهرمين

Then the author names his source, a resident of Armenia Ahmad ibn al-Azraq: „Abu Ubaid says: „Ahmad ibn al-Azraq, one of the residents of Armenia, said: I have read Habib ibn Maslama’s book – or when they were reading it, I was looking into it – the book about the truce with Tbilisi (Taplis) population. There was the following in it: „In the name of Allah, the gracious and Merciful. This is the book of Habib ibn Maslama to the population of Tbilisi (Taplis), from ard al-Hirmin ارض الهرمين”⁷⁹

Then the text again discusses the terms of Charter of immunity, which do not greatly differ from the other versions and in spite of the fact, that it is the earliest version, I did not bring the whole text, neither I brought here Habib’s answer to the gift from Tbilisi’s people (which was equal to 100 dinars), the answer does not differ much from the other texts either. But I would like to mention one important detail from the answer to which

⁷⁵ *Ibid.*, 9.

⁷⁶ *Ibid.*, 10.

⁷⁷ *Ibid.*, 10.

⁷⁸ *Ibid.*, 12.

⁷⁹ *Ibid.*, 9.

Eteri Sikharulidze paid attention. In Habib ibn Maslama's answer we read that Georgians praised Arabs, asked for truce and the Arabs agreed to it. Habib said:

و قدم علي تفلئ بهديتكم, فقوتها و الذين أمنوا معي – عرضها و نقدها مائة دينار
غير راتبة عليكم و لكن على اهل كل بيت دينار و اف جزية و لا فدية

„Theophile gave me your gift, which we, I and the believers who were with me, estimated the goods and money to be 100 dinars, which is not fixed for you. For every household a Jizia is fixed – a whole dinar and not a ransome.” Habib ibn Maslama required from Tbilisi people not one time ransome but a regular tax-Jizia.⁸⁰

Otar Tskitishvili's research is also noteworthy. He reviews the work of Baladhuri and Tabari's contemporary historian Abu Muhammad ibn A'tham al-Kufi „Kitab al-Futuh” i.e. „The book of conquests” especially the part which is about Habib ibn Maslama's coming into Georgia. The title of the article is „Ahmad ibn A'tham al-Kufi about the First Arab Campaigns in Georgia.” This author also writes that Tbilisi was located in the area of Armenia. It is also very important that the Datsvis Sigeli, dated by Ahmad ibn A'tham exactly coincides with Simon Janashia's opinion in connection with the date of giving the Datsvis Sigeli.⁸¹ In Otar Tskitishvili's work we read that Habib ibn Maslama raided Armenia fulfilling Calipha Uthman's order, as well as the other Arab military leader Salman ibn Rabiah al-Bahili, not at the same time but only after the latter died after the fight against Khazar's near the town Balanjar (Baranjar) on August 12, 652 or on August 1, 653.⁸²

As Ahmad ibn A'tham al-Kufi wrote, Calipha Uthman saddened by the death of Salman ibn Rabiah al-Bahili, ordered Habib ibn Maslama to raid Armenia. Habib started to Armenia with 6000 infantry and horse cavalry and camped in Khlat, and from there went to Siraj-Tair (still impossible to localize). From there he wrote a letter to Jurzani (Kartli) population.⁸³ Unfortunately there is nothing said about the contents of the letter in the text. At least it seems that his answer was that one group of georgian nobility came to Habib ibn Maslama, and agreed on truce on the condition of paying 80000 dirham. We see this sum, 80000 dirham, given to Habib ibn Maslama by the Georgian nobility, for the first time in Arabian

⁸⁰ *Ibid.*, 9.

⁸¹ O. Tskitishvili. Ahmad ibn A'tham al-Kufi. About the First Millitary Campaigns of the Arabs in Georgia, 95 (თ. ც ქ ი გ ი შ ე ი ლ ი. აჰმად იბნ ასამ ალ-ქუფი. არაბთა პირველი ლაშქრობების შესახებ საქართველოში).

texts. We knew that Georgians gave Habib 100 dinars, which was not included in the established sum of Jizia and not as a ransom. It seems that the 80000 dirhams were one time tax, a contribution and not an annual tax, because when the imposed sum is an annual tax, Ahmad ibn A'tham mentions it. Unfortunately, the author did not give the contents of the text. Tskitishvili notes that if we share Janashia's point of view according to the development of the events and take into consideration Ahmad ibn A'tham al-Kufi's information, it is quite possible to date back Habib ibn Maslama al-Fihri's „Datsvis Sigeli” i.e. „Charter of Security” to 653-654, but pointing to the fact that the first civil war in Caliphate began in 651 and therefore they had no time for foreign affairs, will not do as an argument.⁸⁴ Otar Tskitishvili comments that Janashia knew perfectly well the tidings in Caliphate after Uthman's assassination (June 17,656) the hard situation; therefore he commented that Habib ibn Maslama's „Charter of Immunity” for Georgians should have been registered in 654-655, i.e. before Uthman's death.⁸⁵

It is also very important that the knowledge about Arabs raid in 644-5 becomes more precise. Ahmad ibn A'tham's text enables us to find out that Salman ibn Rabiah (with whom Habib ibn Maslama might have been too) had a military campaign in Kartli:

ثم سار (سلمان بن ربيعة) من البيلقان حتى نزل على حصن بردعة فصالح اهلهما على مال اخذه منهم و فرقه على اصحابه فقواهم به. ثم انه وجه بخیل له الى جرزان فصالح اهلهما على شيء معلوم يعطون في كل سنة. ثم رجع هو و اصحابه و سار حتى عبر نهر الكر حتى جاز الى أرض الشروان...⁸⁶

„Then he (Salman ibn Rabiah) left Beylagan and set a camp in Barda fortress. The local population arranged a truce with him offering money. He took the money, gave it to his warriors, thus encouraging them. Then Salman ibn Rabiah together with his army went to Jurzan and made a truce with its population on a certain tax, which they pay him annually. Then he and his friends left the place, they crossed the river al-Kura كورا (Mtkvari in Georgian) and went to Shorvan شروان land.”⁸⁷

Habib ibn Maslama's Charter of Immunity found out in Humaid ibn Zunjawaih's „The Book of Prophecy” by Otar Tskitishvili is also note-

⁸² *Ibid.*, 96.

⁸³ *Ibid.*, 96, 101.

⁸⁴ *Ibid.*, 97.

⁸⁵ *Ibid.*, 97-98.

⁸⁶ *Ibid.*, 100.

⁸⁷ *Ibid.*, 102.

worthy. Humaid ibn Zanjuwaih (796-865) was Abu Ubaida's pupil, a lawyer by education, who wrote „Kitab al-Amwal.” There is a slight and very unimportant difference between the texts by Abu Ubaid and Ibn Zanjuwaih.⁸⁸ Humaid ibn Zanjuwaih copied his teacher's work conscientiously and added proper indications.

There is almost no difference between this and Abu Ubaid's text so we will discuss only the first part. This part is worth of mentioning, because it opposes Eteri Sikharulidze's opinion relying on Abu Ubaid that Tbilisi was included first in the Armenia region, and then, in Armazi land. Otar Tskitishvili writes: „There is no doubt that „al-Harmaz” „al-Harmazi land” is well-known Armazi and this toponym is correctly used by ibn Zanjuwaih, but with Abu Ubaid it is written in a distorted form „Al-Harman.” The incorrect form of the toponym can be explained by several reasons: by the mistake made by a copyist, by a mistake made while proof-reading or by Abu-Ubaid's ignorance about the existence of Armaz and not „al-Harman.”⁸⁹ This is how it is written there:

هذا كتاب حبيب بن مسلمة لاهل تفليس من بلاد ارمينيا. حدثنا حميد قال ابو عبيد
حدثني احمد بن الازرق – من اهل ارمينية – قال: قرأت كتاب حبيب بن مسلمة, او
قري و انا انظر اليه – في مصالحته اهل تفليس فاذا فيه

بسم الله الرحمن الرحيم

هذا كتاب من حبيب بن مسلمة لاهل تفليس من ارض الهرمز بالامان

„This is Habib ibn Maslama's charter for the population of Taplis, Armenia country: Humaid mentions: Abu Ubaid says: Ahmad ibn al –Azrak, a resident of Armenia narrated to me: he said he had read Habib ibn Maslama's Charter, that is, it had been read and I was looking in it, about the truce with Tbilisi population, and there is in it: In the name of Allah, gracious, merciful, this is Habib ibn Maslama's charter of security for the population of Taplis, of al-Harmazi country.”⁹⁰

Pavle Topuria supports Otar Tskitishvili's opinion and writes: The most correct version is al-Tabari's version, whereas Persian historian was

⁸⁸ O. Tskitishvili. Habib ibn Maslama's „Charter of Immunity” in the „Book of Property” of Humaid ibn Zanjuwaih, 108 (ო. ცქიტისვილი. ჰაბიბ იბნ მასლამას „დაცვის სიგელი” ჰუმაიდ იბნ ზანჯუვაიჰის „ქონების წიგნში.”).

⁸⁹ *Ibid.*, 109.

⁹⁰ *Ibid.*, 104.

writing that Tbilisi is located in the Armazi land of Jurzan region.⁹¹ Did Habib ibn Maslama conquer only Tbilisi or other territories too in Eastern Georgia? Were or not taxes imposed on Georgians heavy for that time and how did the Arabs instruct themselves while laing Georgians under tribute? First of all, we must mention the idea of Mariam Lortkipanidze, who wrote that „Charter of Immunity” of Habib ibn Maslama was reffered not only to the population of Tbilisi, as Eteri Sikarulidze has mentioned, but to all Easter Georgians.⁹² This idea is based on the consideration, that Patrikios of Karli, Stephen II was a ruler of whole Iberia (Jurzan), not only of Tbilisi and the messenger of Stephen II named Theophile, of course, was representative of the supreme authority of the whole Eastern Georgia.⁹³ Similar opinion was expressed by Otar Tskitishvili: „It is a fact, that according to Abu Ubaydean version, we have to suppose that „Charter of Immunity” issued by Habib ibn Maslama could have been addressed to all Eastern Georgians, not only to the population of Tbilisi.”⁹⁴ Also, the name of geographical area of „Manglisi” in Baladhuri’s variant, firms above-mentioned opinion of Mariam Lortkipanidze.⁹⁵ Mariam Lortkipanidze writes, that in spite of the fact that Abu Ubaidean variant is older than Baladhuri’s one, we do not know exactly what was written in the original text of the „Charter of Immunity” of Habib ibn Maslama. In original text instead of „Ard al-Hirmin” maybe Armazi or Manglisi had been written and the Arab scribes, probably had changed Georgian „Armazi” or „Manglisi” to well-known Armenia and „Ard al-Hirmin.” As for „Manglisi,” it could have been omitted by Arab scribes in the original text.⁹⁶ Mariam Lortkipanidze also writes, that in the text of Abu Ubaid, it is written that the story was preserved by narration, so, it could have been changed dramatically.⁹⁷

⁹¹ P. Topuria. From the History of the Georgian National Self-conscousness. An Interpretation of One Notification of al-Tabari, 146 (პ. თოფურია. ქართველთა ეროვნული თვითშეგნების ისტორიიდან, გაბარის ერთი ცნობის ინტერპრეტაცია).

⁹² M. Lortkipanidze. The Establishment of the Arab Caliphate’s Domination in Kartli. The Georgian-Arab Relationships in VII-VIII Centuries, 173 (მ. ლორთქიფანიძე. არაბთა სახალიფოს გავლენის დამყარება ქართლში. ქართულ-არაბული ურთიერთობები VII-VIII საუკუნეებში).

⁹³ *Ibid.*, 173.

⁹⁴ O. Tskitishvili. „Charter of Immunity” of Habib ibn Maslama in the Writing of Abu Ubayd, 198 (ო. ცქიტიშვილი. ჰაბიბ იბნ მასლამას „დაცვის სიგელი” აბუ უბაიდის თხზულებაში).

⁹⁵ M. Lortkipanidze. The Establishment of the Arab Caliphate’s Domination in Kartli. The Georgian-Arab Relationships in VII-VIII Centuries, 173 (მ. ლორთქიფანიძე. არაბთა სახალიფოს გავლენის დამყარება ქართლში. ქართულ-არაბული ურთიერთობები VII-VIII საუკუნეებში).

⁹⁶ *Ibid.*, 173.

⁹⁷ *Ibid.*, 174.

Ibn al-Faqih al-Hamadani enumerates in detail the points in Georgia conquered by Habib:

ففتح حبيب بن مسلمة لعثمان بن عفان من ارمينية جرزان و كسفر و كسال و خنان و سمسخي و الجردمان و كسفي بس و شوشيت و بازلت صلحا على ان اتاوة عن رعوسهم و اراضيهم و صالح الصنارية و اهل قلرجيت و الدودانية على اتاوة⁹⁷ يؤدوا

“Habib ibn Maslama conquered for Uthman ibn Affan the following parts of Armenia (Irminia): Jurzan, Qasfar, Qisal, Khunan, Samsakhi, al-Jaraman, and Qsfisi bis, Shavshit and Bazalit by peace under the terms of the agreement that they pay taxes per capita and on land and agreed with Sanarians and population of Klarjit and Dudania about taxes.”⁹⁹

Baladhuri also describes which other places besides Tbilisi were occupied by Habib ibn Maslama:

قالوا وفتح حبيب حوارح و كسفر سسى و كسال و خنان و سمسخي و الجردمان و كستسجي و شوشيت و بازلت صلحا على حقن دماء اهلها و اقرار مصلياتهم و حيواناتهم و على ان يؤدوا اتاوة عن ارضهم و رعوسهم و صالح اهل قلرجيت و اهل و ثرياليت و خاخي و خوخي و ارطهال و باب اللال و صالح الصنارية و الدودانية على اتاوة

It is said, that Habib ibn Maslama subjugated Hvarh, Qsfrisi, Qasal, Samsakhi Jardaman, Qustasji, Shawshat and Bazalit by the peace truce, on the condition that they (Arabs) would not shed blood of the population, would not destroy their shrines and city walls and that they (the subjugated people) would pay taxes on land and per capita. And agreed on truce with the population of Klarjit, Thrialit, Kakhet, kukhet, Artal, Bab al-Lal and agreed on truce with Sanarians and Dudanians on the term of tax.”¹⁰⁰

Eteri Sikharulidze (on the basis of analysis of other scholars) gives the names of these places with utmost precision: **خنان**-Khunan **سمسخي** – Samtskhe **الجردمان** – Gardabani **شوشيت** – Shavsheti **بازلت** – Bazal-eti **قلرجيت** – Klarjeti **ثرياليت** – Thrialeti **خاخي** – Kakheti **خوخي** – Kukheti **ارطهال** – Artaani **باب اللال** – Darial(an)i **كسفي بس** – Qsovrisi **كسال** – Qsani **الدودانية** – Didoes დიდოელები (nation in The Republic

⁹⁸ E. S i k h a r u l i d z e. About Some Issues of the Arab’s First Millitary Campaigns in Georgia, 187 (ე. ს ი ხ ა რ უ ლ ი ძ ე. საქართველოში არაბთა პირველ ლაშქრობათა ზოგიერთი საკითხისათვის)

⁹⁹ *Ibid.*, 187.

It should be designated that above-mentioned places are of course, territories in Kartli, but Arabs, probably, did not know the names of that places and probably because of beeng unfamiliar with them, Arab scribes defaced them. That is the reason that the names of these Georgian places were changed in this strange way.

¹⁰⁰ *Ibid.*, 189. *These places were also defaced probably by the Arab scribes.*

of Daghestan) كسفر – Kaspi الصنارية – Tsanareti.¹⁰¹ The only doubtful name is حوارح and كستسجي. According to Eter Sikharulidze „Javakhi” may be read in حوارح i.e. „Javakheti.”¹⁰² As for كستسجي – Qustasji, it is an undiscovered place in Georgia.

Thus, we can make a retrospection of the whole picture. After legitimizing the „Charter of Immunity” with Tbilisians, Habib ibn Maslama subjugated: „Javakheti, Ksovrisi, Qsani, Khunani, Samtskhe, Gardabani, Kaspi, Shavsheti, Bazaleti with truce, on condition that the subjugators would not ruin their shrines and city walls and they (the Georgians) would pay taxes on land and per capita. He arranged truce with the population of Trialeti, Kakheti, Khukheti, Artaani, Darial(an) as well as Tsanarians and Didoelians on the condition of paying taxes.”¹⁰³ An idea, that Arabs conquered land in Kartli one by one is also supported by Mariam Lortkipanidze.¹⁰⁴ It is also noteworthy that Arabs imposed on Tbilisians only Jizia, but the subjugated beyond Tbilisi had to pay both Jizya and Kharaja.¹⁰⁵

„Probably, taxes imposed on Christian population in the beginning of the Arab conquest were not much if any heavier in amount rather than the previous taxes imposed on Christians by Persian and Roman Empires. In the hurry of rapid conquest the Muslims cannot have narrowly considered what each district could contribute, and must have been very largely dependent upon the information supplied by those who capitulated to them. The offers made by the capitulating population world, one might expect, be based upon the taxes they were already paying.”¹⁰⁶ „During the time of the Caliphs, the treaty lands continued to pay Jizya/Kharaj tribute as before, because their tax, according to the terms of the treaty, could not be increased above the stipulated amount.”¹⁰⁷ For exact com-

¹⁰¹ *Ibid.*, 191-2.

¹⁰² *Ibid.*, 192.

¹⁰³ E. Sikharulidze. About Some Issues of the Arab's First Military Campaigns in Georgia, 193 (ე. სიხარულიძე. საქართველოში არაბთა პირველ ლაშქრობათა ზოგიერთი საკითხისათვის).

¹⁰⁴ M. Lortkipanidze. The Establishment of the Arab Caliphate's Domination in Kartli. The Georgian-Arab Relationships in VII-VIII Centuries, 176 (მ. ლორთქიფანიძე. არაბთა სახალიფოს გავლენის დამყარება ქართლში. ქართულ-არაბული ურთიერთობები VII-VIII საუკუნეებში).

¹⁰⁵ Eter Sikharulidze. About Some Issues of the Arab's First Military Campaigns in Georgia, 194 (ე. სიხარულიძე. საქართველოში არაბთა პირველ ლაშქრობათა ზოგიერთი საკითხისათვის).

¹⁰⁶ R. Bell. The Origin of Islam in its Christian Environment. The Christian Population at the Arab Conquest, 174-5.

¹⁰⁷ Conversion and the Poll Tax in Early Islam (Harvard, 1950). Certified by Ziauddin Ahmad and Ziauddin Ahmad, The Concept of Jizya in Early Islam, 302.

parison of different „Charters of Immunity” and analyzing that they all were negotiated under very similar principles by Arabs with „dhimmis” who subjugated to Arabs without war, we think that some examples of them should be brought here. For example, Baladhuri wrote about the conquest of Damascus:

هذا ما اعطى خالد بن الوليد اهل دمشق اذ دخلها اعطاهم امانا على انفسهم و
اموالهم وكنائسهم و سور مدينتهم لا يهدم و لا يسكن شيء من بيوتهم و دورهم لهم
بذلك عهد الله و ذمة رسوله (ص) و الخلفاء و المؤمنين لا يعرض لهم الا بخير اذا
اعطوا الجزية¹⁰⁷

„This is what Khalid ibn al-Walid gave to the inhabitants of Damascus when he enters the city. He will give them immunity (guarantee of safety) of their lives, properties, churches and walls of their city, (and promised) that it will not be destroyed and (nobody from) Arabs will (occupy) and live in their houses and take anything from their houses and homes. They have (strong) warranty of Allah for this agreement and from His Messenger (Peace be upon Him) and also Caliphs and other believers (that they) will not be under any threat (on condition) that they pay „Jizya.”

The terms given to Damascus seem to have become the model of the arrangements which were made with other places in Palestine and Syria.¹⁰⁹ This is what we read in Baladhori about the conquest of the city of „Raqa”:

بسم الله الرحمن الرحيم هذا ما اعطى عياض بن غنم اهل الرقة يوم دخلها:
اعطاهم امانا لانفسهم و اموالهم و كنائسهم لا تخرب و لا تسكن اذا اعطوا الجزية
التي عليهم و لم يحدثوا مغيلة , و على ان لا يحدثوا كنيسة و لا بيعة , و لا يظهروا
ناقوسا و لا باعوثا و لا صليبا

شهد الله و كفى بالله شهيدا

¹¹⁰ و ختم عياض بخاتمه

¹⁰⁸ A l-B a l a d h o r i. Proceedings of the Second Symposium on the History of Bilad al-Sham During The Early Islamic Period Up to 40 A.H./640 A.D. Edited by Muhammad Adnan and Ihsan Abbas, 252.

¹⁰⁹ R. B e l l. The Origin of Islam in its Christian Environment. The Christian Population at the Arab Conquest, 171.

¹¹⁰ A l-B a l a d h o r i. Proceedings of the Second Symposium on the History of Bilad al-Sham During The Early Islamic Period Up to 40 A.H./640 A.D. Edited by Muhammad Adnan and Ihsan Abbas, 260.

„In the name of Allah, the Most Gracious, the Most Merciful. This is what ‘Iyad bin Ghanam grants to the inhabitants of the city of Raqqa when he entered the city: He gave them guarantee of safety of their lives, properties, churches, that would not be destroyed and nobody from the Arabs would occupy their houses, until they pay „jizya” imposed upon them. (That Arabs) will not kill them. No accident will happen to their churches and shrines, but they should not ring bells and not celebrate their Easter (loudly) and not show crosses publicly.

Allah is a witness. Allah is enough as witness.

And ‘Iyad certified it by his seal.”

And lastly this is what we read also within Baladhori about conquest of the city of Mah-Dinar (*Nahavand*):

بسم الله الرحمن الرحيم هذا ما اعطى حذيفة بن اليمان اهل ماه دينار: اعطاهم الامان على انفسهم و اموالهم و ارضيهم لا يغيرون عن ملة , و لا يحال بينهم و بين شرائهم. و لهم المنعة ما ادوا الجزية في كل سنة الى من وليهم من المسلمين: على كل حالم في ماله و نفسه على قدر طاقتة, و ما ارشدوا ابن السبيل , و اسلحوا الطرق و قروا جنود المسلمين من مر بهم, فأوى اليهم يوما و ليلة , و نصحوا. فان غشوا و بدلوا فذمتنا منهم بريئة.

شهد القعقاع بن عمرو, و نعيم بن مقرن, و سويد بن مقرن.

و كتب في المحرم¹¹¹

„In the name of Allah, the Most Gracious, the Most Merciful. This is what Hudhayfah ibn al-Yaman gave to the inhabitants of the city Mah Dinar (Nahavand): He gave them guarantee of safety of their lives, properties, land and (promised) that Arabs will not (force them to) change their religion and will not interfering and (prevent them from) their commercial affairs. And they have immunity as far as they pay Jizya every year: every adult should pay for his guarantee of safety as much as he can, and they should show the way to traveller (who may be lost). They also should give a rest to the passing Muslim soldiers who passed through their district and have to give them shelter during day and night and give them a good advice and information (about the loca-

¹¹¹ *Ibid.*, 260-261.

tion of the nearest army). But if they lie, in that case, our guarantee of immunity will be annulled.

*It is witnessed by al-Qa'qa' ibn 'Amr and Nuayym
ben Mukarran and Suwayyd ben Mukarran. It was written
in the month of „Muharram”*

Conclusion

Before final coming of the Arabs to Eastern Georgia, probably, in 644-5 they are raiding the territory of Caucasus and are shaking supremacy of Byzantium demonstrably in this region. Of course, Byzantium is trying to help its allies. Probably, in the beginning Byzantium deals with this aim well and forces Arabs to leave the region temporarily (or Arabs leave by themselves) but presumably, after final subjugation of Iran (whole territories of Syria-Palestine, Egypt and Armenia were already in Arabs hand) general Habib ibn Maslama enters territory of Kartli in 654-5 with significant forces and Byzantium cannot help Georgians and the latter subjugate to Arabs by peace agreement. Terms of the „Charter of Immunity” that Habib ibn Maslama gave to Eastern Georgians, was similar to the old Charters of Immunity that were granted to other peacefully subjugated cities and towns in Syria-Palestine and Iran in the early period of the conquest (called „Futuh Period”) and probably, was not heavy for the Georgians.

The Arabs left faith of the Georgians, their churches, shrines and social order untouched on the condition of paying poll-tax and land-tax and other terms that were involved in the „Charter of Immunity.” It is not known for sure, but after subjugating to Arabs when their army entered the territory of Kartli, Georgian peasants according to Baladhuri had two small battles with them near Tbilisi. In the first battle they were defeated, but in the second one - Arabs were victorious. But we support (in our opinion much logical version) of Pavle Topuria, who is referring on al-Yaqut and writes, that Habib had already decided to go (and conquer) Jurzan, when the messenger met him (on the territory of Armenia) and asked Habib ibn Maslama to write to them (the people of Tbilisi) Charter of Immunity.” So, why there should be any battle between Arabs and Georgian peasants, if representative (Theophile) of Patrikios of Kartli (Stephanoz II) had already asked for truce and peace, before Arabs entered the soil of Kartli? There was not any reason for this. The terms of Charter of Immunity, given to the people of Tbilisi, like other charters that Arabs granted to the peacefully subjugated peoples of Syria-Palestine and Iran in the

early period of the conquest, the so-called „Futuh period” must not have been very heavy for the Georgians. Also, the mentioning of Tbilisi in the Armenia land cannot be accidental.

It is possible that Arab historians, who lately described invasion of the Arabs in Kartli thought that Tbilisi was located in Armenia, not in Kartli, because they probably saw the division of the Caucasus and the administrative disposition of this region in that way. Nevertheless, as we saw, there is no final opinion about it and it is quite possible that in that vague place of the „Charter of Immunity” there might have been „Ard a-Harmaz” (the land of Armaz) instead of „Ard al-Hirmin.”(the land of Armenia) Allegedly, the „Charter of Immunity” that concerned the inhabitants of Tbilisi was not dramatically different from the „Charters of Immunity” that were introduced by the Arabs in 630-640-ies. Also, granting of such documents was not unfamiliar for old peoples of the Middle East. The Arabs were somehow, continuers of that tradition. Arabs were giving very similar terms to those cities, towns and other territorial units that subjugated to them peacefully. Tbilisi and other cities of Eastern Georgia were not exclusion either. In spite of the fact, that we do not possess original texts that had to be introduced to those Georgian territories one by one, terms of „Charters of Immunity” for those territories, by high probability were not much different from the terms that were introduced to the inhabitants of Raqqa, Damascus, Aleppo, Nehawand and Jerusalem. While formulating and introducing these pacts, the Arabs were led by one system and very similar principles during the early conquest period. The Arabs were introducing more or less similar terms and conditions to peacefully subjugated Jews, Christians, Zoroasrians and Sabeans in spite of the fact that the subjugated peoples were living on the different administrative and territorial units and far from each other on those vast territories that were conquered by the Arabs.

Early period of Arab occupation of Eastern Georgia

The present essay is about the earliest period of the conquest of former kingdom of Iberia (Eastern Georgia) by Arabs. The work is divided into three main parts: the preface, the main text and conclusion. The work begins with the preface – with the short review of the history of Eastern Georgia before Arabs, the antagonism between Iran and Byzantium in the 6-7 cc and the situation in the Middle East before the appearance of Islam. It is elucidated that in the Middle East there were continuous wars between Iran and Byzantium for domination in this region and in the Transcaucasia as well. After continuous wars between these empires was dominated by Byzantium's victory and before Arabs coming pro-Byzantine policy was established on the territory of Eastern Georgia, as well as Western Georgia, and of course, pro-Byzantine policy was held on these former Georgian kingdoms (know principalities, where Eristavi and Erismtavari were imposed by Byzantia). In the main text the ideas of different scholars (Muskhelishvili, Javakhishvili, Janashia, Silagadze, Lortkipanidze, Sikharulidze) are reviewed. The supposition is expressed about the logicity of both dates. It becomes clear that Habib ibn Maslama supposedly came to Kartli in 654-655 although before his coming in 644-645 Arabs already raided Transcaucasia headed by Salman ibn Rabia and shook Byzantium's influence on this territory. Janashia's information about the presumable events before Arab's coming is also given. To prove this, Tabari's information is referred. Tabari wrote that Suraka, after conquering Azerbaijan, sent a number of commanders to conquer countries near Armenia, among them was Habib ibn Maslama sent to Tbilisi. But after Suraka's death, when his place was occupied by Abd Arrahman ibn Rabiah, the commanders sent by Suraka came to him and it appeared that none of them, except Buqairi, had conquered the country they had been sent to. Janashia's information, relying on Sebeus, about the presumable development of the events before Arab's coming is also given. The identity of Habib ibn Maslama is also given.

Then the essence of the territories conquered by Arabs is discussed, as well as the terms offered by Roman/Byzantians and Persians to the territorial units and population who subjugated to them by their own will. There is and extensive review of the rights of Dhimmis, relying on Gocha Japaridze's article: „Dhimmis.” It becomes clear that Arabs as descendants of that epoch, had similar principles with Romans, Byzantians and Persians in connection with the subjugated peoples. It appears that Arabs, like Romans, Byzantians and Persians had worked out principles in connection with the peoples subjugated by their own will or by force.

The meaning of the terms „dhimma” and „dhimmi” is also discussed. Mahmoud Ayoub opinion is given. The short history of these terms is also given relying on Mahmoud Ayoub and Robert Hoyland. The rights of dhimmis – the Christians who were subjugated to Arabs by their own will – is also discussed. It becomes clear that at the beginning of subjugation, which is called „Futuh Period” Arabs left inviolate the administrative, judicial, structures as well as the working languages –

Greek and Persian, i.e. the situation which they saw on the conquered lands remained inviolate. Arabs did not make any important changes, the reason of which, supposedly, was their inexperience in governing large territories. „Omar’s regulations” are also discussed and which of the regulations was of an earlier period and which of later period. Albrecht Noth’s analysis is emphasized, because he found out which regulations were the earliest, i.e. regulated during the conquering period. It becomes clear, that at the starting stage Arabs did not impose any regulations to discriminate or humiliate them. Those regulations which seemed to be established by Arabs with the aim of humiliation, appear to be created for differentiation. The aim of Arab Muslims was to differentiate Muslims from non-Muslims. The latter were required to wear specific clothes and covering for the head. But appeared that wearing such clothes was characteristic for Christians even before appearance of Arabs. Muslims made it obligatory to preserve their selfhood on those vast territories and among those foreign people, the relations with whom was quite new for them. As it seems, Arabs acted from „self-defensive position” as they were afraid of being mixed up with foreigners and losing their own selfness.

The regulations, which are supposed to be worked out at earliest stage, and which were of vital importance for Arab Muslims, are also discussed. There is a wide opinion that the regulations were worked out with the aim of humiliating, but relying on Albrecht Noth it becomes clear that these regulations were worked out to meet the necessities of Arabs and not to humiliate Christians.

In the main text Habib ibn Maslama’s biography is also given and what was the situation when he came to Kartli. How he met the representative of Georgians (Theophile or Nikala). The general situation, which concerns the inhabitants of „Datsvis Sigeli.” The work discusses the variants of Baladhurian and Tabarian versions of the Georgian „Datsvis Sigeli,” the speech of the Georgian representative which he gave Arabs before concluding the contract, Habib’s answer and the document itself – the book of the inviolability and its terms.

After that it is discussed that before granting the Charter of Immunity to Tbilisi people, there had been two battles at „Zat al-Lujumi” in the vicinity of Tbilisi. The first battle was won by Georgians but Arabs attacked them again, defeated Georgians. Much attention is paid to Eteri Sikharulidze’s opinion that „Zat al-Lijum” must have been Lochini. But Pavle Topuria did not agree with this opinion. He wrote that the most trustworthy information about this was written by al-Yaqut, who wrote that the representative of the Georgians came to Habib ibn Maslama and asked for truce in Armenia, not in Lochini. So, his opinion is also discussed. The question why instead of Armaz „Kermez” is used in Baladhuri’s text is discussed in detail.

Then follows a wide discussion about the earliest version of the text of Ubaidisean Charter of Immunity, considered in detail by Eteri Sikharulidze who says that the most correct form is „Ard al-Hirmin, i.e. the country of Irminia, as for other versions they are distorted forms. The scholar considers that it was not unusual for Arabs to indicate Tbilisi not in Kartli or Jurzan but in Irminia country. It was characteristic to Arabian tradition. Then follows the title of Abu Ubaida’s text and the sentence which clearly shows that Kartli is allotted in Irminia country. We read that Abu Ubaida’s source was a resident of Irminia (Armenia) Ahmad ibn al-Azraq,

who told Abu Ubaida about Habib ibn Maslama's Charter of Immunity. Then Habib's answer about the gift by Tbilisi people is discussed. It appeared that the cost of the gift was 100 dinar which was regarded as their future Jizia and explained that they wanted regular contribution and not one time ransom, which was later reflected in the Charter of Immunity as well.

After that Otar Tskitishvili's research is considered that part of Abu Muhammad ibn A'tham Al-Kufi's work „Kitab al-Futuh” that is „the Book about Conquests”, when Habib ibn Maslama concluded the Charter of Immunity with Georgians. The author wrote that the charter was presented to the population of Tbilisi, of Armenia land, and the date of this event exactly coincides with Simon Janashia's version. It is also mentioned here that we come across paying 80 000 dirhams and not 100 dinars, and that Arabs required not one time ransom but a regular contribution. Afterwards Habib ibn Maslama's Charter of Immunity in the „Book of Property” by Humaid ibn Zanjawaih is discussed. Otar Tskitishvili's opinion that Tbilisi was supposed to be not in Armenia land but in Armazi region.

We also discussed what other regions besides Tbilisi were subjugated by Arabs. The places named by ibn al-Faqih and Baladhuri in the Eastern Georgia are enumerated; some of them are doubtful. In connection with this Eteri Sikharulidze's analysis about some vague names is mentioned. And in the end, in their restored form, all the places conquered by Arabs in Kartli are enumerated.

The main thing is, that the document given to Georgians, known by the name of „Datsvis Sigeli” is compared to the same document given to other cities and regions. It becomes clear that Arabs had one and the same principle for the peoples who subjugated to them by their own will and the terms stipulated to Georgians did not differ much from the terms stipulated to Aleppo, Damascus, Jerusalem and other towns.

In the conclusion of the work is summarized and once more emphasized that the religion, monasteries, churches and state system remained inviolable in exchange of taxes for households and land and after requirements of the Datsvis Sigeli. Georgians were not an exception. It is also mentioned that Arabs used similar principles with the Christians who subjugated to them by their own will in spite of their geographical situation and cultural and national differences offered them similar conditions in exchange of paying taxes.