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Transgressing the Terms of Covenant in the Islamic Jurisprudence of International Relations: The Cases of Socotra and Cyprus in Comparison

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Abstract: The breaching of treaties between Muslims and Non-Muslims and their legal repercussions is an important topic in the Islamic jurisprudence of international relations. This article compares two cases of breach of covenant in Islamic history: Cyprus (1st-2nd century AH) and Socotra (3rd century AH), with regard to the events, their depiction in historical sources, and scholars' legal evaluations of them. These cases reflect different regional backgrounds regarding maritime engagement: the Rightly Guided Caliphate and early Umayyad State were reluctant to initiate engagement in the Mediterranean, whereas Oman was a seafaring nation active in the Indian Ocean even before Islamic times. The case of Cyprus took place concurrently with the formation of legal schools (madhāhib) and numerous outstanding Sunni scholars were asked for their verdicts; the case of Socotra was evaluated from an Ibadi viewpoint. Neither case seems to have been discussed in the fiqh compendia of the respective other school(s).

Keywords: covenant, aman, dhimmah, Socotra, Cyprus

Abstrak: Pelanggaran terma-terma perjanjian diantara Muslim dan bukan Muslim serta kesan undang-undang yang berkaitan merupakan topik yang penting dalam hubungan antarabangsa perundangan Islam. Artikel ini membandingkan dua kes pelanggaran terma-terma perjanjian dalam sejarah Islam.: Cyprus (abad 1-2 AH) dan Socotra (abad ke 3 AH), dengan mengambil kira peristiwa, gambaran dari sumber sejarah, dan penilaian undang-undang para sarjana. Kes-kes ini mencerminkan perbezaan latar belakang serantau

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dalam hubungan maritim: Kekhalifahan yang berada di arah yang benar dan Negari Umayyah enggan memulakan penglibatan di laut Mediterranean, sebaliknya Oman, sebuah negara yang aktif melakukan aktiviti pelaut di laut India sejak sebelum zaman Islam. Kes Cyprus berlaku pada masa yang sama dengan pembentukan sekolah perundangan (madhāhib) dan ramai sarjana Sunni terkenal diminta untuk memberikan pandangan dan keputusan mereka; Kes Socotra dinilai melalui sudut pandangan Ibadi. Walaubagaimanapun, kedua-dua kes tidak dibincangkan di dalam kompedia fikah dari mazhab yang lain.

Kata Kunci: Perjanjian, Aman, Dhimmah, Socotra, Cyprus

Introduction

After presenting the juristic framework of covenant between Muslims and Non-Muslims, this paper introduces Cyprus, its history and historiography for the early Islamic period. It analyzes the available material on the covenant between Muslims and Cypriots and discusses contractual partnership and agency vis-à-vis Muslim-Byzantine relations at the time, under consideration of contemporary scholarship. It then presents Socotra, its history and historiography. Drawing on the available material in Ibadi *fiqh* and historical literature, it analyzes the precedent of breach of treaty in the era of Imam al-Ṣalt, in the 3rd century AH. It particularly examines Ṣalt's directive to his soldiers upon their dispatchment to the island. The paper concludes with a comparison of both cases.

Terms and Breaching of Covenant in the Islamic Jurisprudence of International Relations

Relations between Muslims and Non-Muslims of different denominations are regulated by Islamic law (*fiqh*) in great detail. The rules of conduct between Muslims and Non-Muslims, on an international as well as domestic level, have been elaborated by outstanding scholars of *fiqh* under the technical headline of *siyar*. First specialized extant treatises, such as the works of Al-Awzā'ī (d.157/774), his student Al-Fazārī (d.188/803), and standard works such as Shaybānī's (d.189/804) *K. al-Siyar al-kabīr* stem from the second century AH, and subsequent *fiqh* compendia of all Islamic schools include discussion of related legal

cases. Scholars of *fiqh* have built their theory of international (and
domestic) relations between Muslims and Non-Muslims on the basis of
taqsīm al-maʿmūrah, the division of lands, into *dār al-islām*, *dār al-kufr*
and, according to some, *dār al-ʿahd*. In classical Islamic jurisprudence,
the lives, properties, and minor children of non-Muslims inside and
outside the abode of Islam are protected through covenant or treaty
(generally: *ʿahd*). This covenant or treaty may take different forms and
different, sometimes overlapping, terminology, particularly in early *fiqh*
treatises. While the term *ʿahd* generally refers to "treaty," it could be a
temporary ceasefire (*hudnah, muwādaʿah,* also *ṣulḥ*), or a non-restricted
peace treaty bringing a region permanently under the authority of *dār
al-islām* (also: *ṣulḥ*), with the non-Muslim inhabitants entering into a
dhimmah contract.

An *amān* (safety, security, protection), may include the permanent
security (*amān muʾabbad ʿāmm*) the people of *dhimmah* enjoy, as well
as a temporary *amān* (*amān muʾaqqat khāṣṣ*) granted to the *mustaʾmin*
(the person seeking an *amān*) in order to gain entry into *dār al-islām*
for various reasons; and the *amān* granted to enemy combatants on the
battlefield or during a ceasefire (*muwādaʿah, hudnah; amān muʾaqqat
ʿāmm*). While each of these forms of covenant has different conditions
in terms of who may conclude it on behalf of the Muslims (the Imam
or head of State, his representative, or any Muslim individual)[1], there
is agreement that the Islamic party to the contract, whether the head of
state, his representative, or an individual, needs to uphold it. *Pacta sunt
servanda* is an innate Islamic principle.

Under which conditions a contract may be annulled depends, in
the first place, on its type and conditions. A permanent *amān* (dhimmi
contract) may substantially differ from a temporary *amān* in this regard.
A breach of treaty is not permissible for the contracting Islamic side.
Should the Imam or his representatives be incapable of providing
protection as stipulated in the contract, due to military defeat, for
instance, the Imam must pay a compensation of the *jizyah* previously
collected.[2] A treaty may be annulled if the other contracting party

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[1]   The Islamic Fiqh compendia of all schools go into great lengths of detail-
ing terms and conditions, with some extent of difference of opinion on the
detailed case studies.
[2]   See Zuḥaylī, 1989, for historical evidence of this.

transgresses it. An annulment of treaty would lead to annulment of the previously granted protection, making warfare legally permissible.

The temporary *amān* of a *musta'min* who entered *dār al-islām*, or the *hudnah*, may be terminated through the end of the stipulated time; the contract may not be terminated before term according to all schools except for the Hanafi school, which stipulates that the contract may be terminated from the Islamic side if the underlying benefit (*maṣlaḥah*) has ceased. In this case, the *musta'min* needs to be safely escorted back to his *ma'man* (place of entry or security; Shawmān, 1999).

A permanent *amān* or *dhimmah* contract may be terminated, with variations among the Islamic legal schools, if the *dhimmi* enters Islam, cancels the contract, joins *dār al-kufr* intending to live there permanently, fights against the Muslims, refuses to pay *jizyah*, or does not follow the Islamic public order (Shawmān, 1999). 'Transgression against public order' may be subject to interpretation; it may include actions harmful to Muslims, such as rape, forcing a Muslim woman into adultery, highway robbery, espionage for the enemy, exposing Muslims' weaknesses or privacy, or transgressing against the insignia of the Islamic faith (Shawmān, 1999). Differences of opinion exist on whether the *dhimmah* contract needs to have stipulated these particular actions as breaches of treaty in the first place (Shawmān, 1999). Transgressions and resulting punishment need to be assessed by the legal system. As the reasons for a cancellation of treaty may be acquired individually or collectively, legal repercussions can be twofold as well. While the *musta'min* or party of a temporary *amān* may be expelled (returned to his *ma'man*) if not subject to legal persecution in *dār al-islām*, a *dhimmī* carries, in contemporary terms, the citizenship of *dār al-islām*. Legal prosecution and the consequences of his transgression on his future (legal) status is therefore subject to Islamic law: expulsion is not an option. The concerted transgression of a group of people may be interpreted as an act of war.

In the following, breaching treaties will be analyzed by comparing two famous cases of international relations in Islamic history; Cyprus and Socotra. These examples showcase variant interpretations of what constitutes a breach of treaty, and how it should be remedied by the Islamic authorities. While the case of Cyprus was discussed, at the time, by some outstanding scholars of the 2nd/8th century, the case of Socotra

was discussed among representatives of the Ibadi school only. These two cases and their discussion and reception up to the contemporary literature are expressive of different regional contexts. Interestingly, both Cyprus and Socotra have remained focal points in international relations over the centuries which makes scrutiny of these aspects of their past more compelling.

Cyprus – the Island and its Historiography

The island of Cyprus[3] in the Mediterranean had a geostrategically important role as a naval and support station for numerous cultures, and both Byzantines and Muslims have contributed to its rich history. Cyprus was settled by Greeks around 1200 BCE, experienced Phoenician engagement, and became part of the Byzantine Empire in 330 CE (al-Ṣarīfī, 2018), with intermittent influences from other cultures prevalent in the region. The island is the third largest in the Mediterranean, and was a natural extension of the Asia Minor Arab-Byzantine frontline, being accessible from both Asia Minor and Sham (Beihammer, 2002). Accordingly, the history of Cyprus differed from other islands in the Mediterranean, such as Crete or Sicily, which saw the establishment of a strong Arab Emirate since the 9th century (Beihammer, 2002).

Historiographical sources on the island, particularly the time period in question, the 9th/2nd century, are abundant, from both Byzantine and Islamic Arabic sources (see Zavagno, 2017). The island has been described as fully or partially militarized as a strategic outpost along the Byzantine-Arab frontier, a neutralized buffer zone, an independent province administered by local religious authorities, or a hybrid entity between two hegemonies with an elite acting as cultural brokers (Zavagno, 2017). The actual status of the island may have differed from era to era, and there is ambiguity regarding the interpretation of events in modern scholarship. Regarding the first and second centuries AH, the stipulations of contract between Cypriots and Muslims may offer indications as to the island's status from an Islamic jurisprudential standpoint.

Mention of Cyprus in Arabic and Islamic sources, particularly in that period, are abundant. The best source for the geostrategic role Cyprus

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[3] Its name is probably derived from the Greek name for good copper, the island being a source of this metal (Yāqūt, n.d., 5/305).

played in the first centuries of the Hijra and historical events seems to be Balādhūrī's *K. Futūḥ al-Buldān* (1991).[4] Additional material is found in Ibn Khayyāṭ's *Tārīkh* and Ṭabarī's *Tārīkh*.[5] The following accounts rely mainly on Balādhūrī and Ṭabarī, due to their exhaustive treatment of the period in question.

Among contemporary scholars, Cyprus has been referred to as a case study in international relations or an example for neutrality under Islamic international relations (Khadduri, 1955; Hamidullah, 1977; Zuḥaylī, 1989).[6]

Cyprus under Covenant

> "Cyprus was a territory unlike most others in the early
> Islamic period, and its status, location, and the influence
> shared between the Muslims and Byzantines presented a
> number of challenges for Muslim jurists and administrators."
> (Lynch, 2016, p. 549)

The following analysis of the source material may show that the case of Cyprus was, although challenging, neither as exceptional nor as problematic as some contemporary scholarship supposes. Balādhūrī (1991) mentions, regarding the first attempts to conquer the island, Mu'āwiya's (41-60/661-680, then governor of Sham) insistence on pursuing *jihād* at sea. In his letter to 'Umar, requesting permission to pursue this aim, he mentions that "the inhabitants of a suburb of Homs can hear the Cypriots' dogs bark and roosters crow" (Ṭabarī, 3/259ff.,

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[4]   Al-Balādhūrī (d.279/892). While his predecessor, teacher and source Abū 'Ubayd al-Qāsim b. Sallām (d.224/838) presents important source material in form of secretarial letters he found in the Diwan (Kitāb al-Amwāl, 1987, pp.279ff), Al-Balādhūrī adds more historical data; see Lynch (2016) for a comparative analysis.

[5]   Other Arab/Muslim sources regarding Cyprus are Ibn Khayyāṭ's (d.240/854) Tārīkh, Aḥmad b. A'tham Al-Kūfī's (d. 314/926) Kitāb al-Futūḥ, and Qudāma b. Ja'far's (d.285/948) Al-Kharāj wa ṣinā'at al-kitāba, as well as Ṭabarī's (d. 310/923) Tārīkh, Ibn Al-Athīr's (d. 630/1233) Al-Kāmil fī l-Tārīkh, and others; for an evaluation of some of these sources see also Beihammer (2004). Mansouri (Chypre dans les sources arabes mediévales, 2001) has compiled and translated excerpts from available medieval Arabic sources on Cyprus for this and later periods.

[6]   See also Dikigoropoulos (1958, 1961), Kyrris (1997), and Bouzenita (2011).

Ibn Al-Athīr, 2/489ff.). The Caliph 'Umar (reigned 14-24/634-644)
had refused the enterprise, due its dangers. 'Amr b. al-'Āṣ, asked for
his evaluation, had warned him that humans are like "worms clinging
to a piece of wood" at sea (Ṭabarī, 3/259ff.). Later, 'Uthmān gave his
permission in 27/648, under condition that Mu''āwiya take his own
wife along (see Zavagno, 2017). The mistrust of the sea and its dangers
must have been so impressive on 'Uthmān that he wanted to make sure
Mu'āwiya did not endanger anyone unnecessarily.

The campaign was prepared from Akka and Alexandria, given the
regional (mainly Coptic) expertise in seafaring and ship construction
(Al-'Aẓẓām, 2015). The Islamic history of the island is intricately
linked to the building of the Muslim fleet. Mu'āwiya had realized the
importance of focusing on the sea to break Byzantine hegemony. The
events leading to multiple campaigns on Cyprus should be viewed in
the context of attempts to finally conquer Constantinople (650-670s).
Hijazi Arabs were, in comparison to Omanis/Yemenis and Syrians/
Egyptians, latecomers to seafaring, which impacted the military policies
of the first Islamic state. Kaegi's remark that "There was no tradition of
Arab or Muslim seafaring" (2010, p. 209) may be correct regarding
early Muslim engagement in the Mediterranean; it is obviously not true
about Arab seafaring in the Indian Ocean. Some experienced Omani
and Yemeni mariners participated in these first maritime campaigns
(Khalilieh, 2019). Cyprus had become a bridgehead for Byzantine
military counterattacks (Zavagno, 2017) and a base for communications,
supplies, and transport of troops between Constantinople and Egypt that
Mu'āwiya believed needed to be broken (Zavagno, 2017).

Led by Mu'āwiyah and other prominent Companions, the Muslims
captured quantities of booty and made slaves: an episode that led
the Companion Abū Dharr, according to Ṭabarī, to bemoan these
developments (1975, 3/262). The Cypriot ruler (Arkūn) asked for
a treaty (ṣulḥ), which was concluded on the condition of an annual
payment of 7200 dinars (7000 according to Ṭabarī, 1975, 3/262).
The island was already tributary to Byzantium with the same annual
payment; the Cypriots therefore paid double tribute (kharāj) (Balādhūrī,
1991). The Cypriots imposed the condition that the Muslims would not
forbid them from being tributary to the Byzantines, while the Muslims
imposed the condition that Cyprus would not fight against them
alongside their enemies, nor oppose the Muslims' movements at sea,

and that they would inform the Muslims of the Byzantines' movements. The Cypriots were not to assist the Muslims, nor were the Muslims to assist the Cypriots in military operations. The Muslims agreed not to attack the island (Ṭabarī, 1975; Balādhūrī, 1991). Moreover, marriage between Cypriots and Muslims was only allowed with the consent of the Muslim authorities (Ṭabarī, 1975; Beihammer 2004).

The vital question of who were contractual partners involved in this and subsequent agreements is decisive for the island's Islamic legal status and evaluations of breach of treaty. References to later contracts, breach of contract, and return to terms in the Arabic sources reveal that the Cypriots are considered contractual partners rather than the Byzantine Empire, and were thereby not merely a matter contracted on. This may indicate an autonomous status for the island, "a province with self-sufficient elite" (Zavagno, 2017, p. 37), or an attempt by the Muslims to win the islanders over by appreciating them as contractual partners, creating an opportunity to break away from Byzantine hegemony. Lynch (2016) summarizes the island's status: "The historical reports depict the island and its inhabitants' status as having vacillated wildly in allegiance throughout this period, presenting great difficulty for the modern-day scholar attempting to reconstruct the history of the island at a vital crossroads." (p. 535). Beihammer's (2002, 2004) interpretation of the island's contractual status describes a development in contractual status not detailed in the Arab sources. Although a change in contract conditions is possible over the period under discussion, 706 CE to 965 CE, the date of Byzantine Reconquista of the island, there is no reason to doubt the historical details given by the Arabic sources. If the Cypriots were themselves contractual partners and were allowed to inform the Byzantines of this treaty with the Muslims, as clearly indicated by both Balādhūrī and Ṭabarī, it would make sense to punish them for a transgression of this contract, but not so to punish them for Byzantine politics and campaigns, unless they were actively involved in these.

The oft-quoted treaty signed by Muʿāwiya and Constantine IV, concluded in 679-680 CE, did not mention Cyprus; the renewed version signed by Justinian II and Yazīd (reigned 680-683 CE) did. Byzantine chronicler Theophanes mentions that the treaty concluded between Justinian and ʿAbd al-Malik between 685 and 688 CE stipulated that tax revenues of Cyprus, Armenia and Iberia were to be shared in

equal parts (Zavagno, 2013). The fact that previous treaties between
Byzantium and the Caliphate did not mention Cyprus is not evidence
of the ahistorical nature of the contracts described by the Arab sources,
as Zavagno, (2013) and Beihammer (2004) suggest, or of a gradual
formulation of these treaties (Beihammer, 2004). It may hint at a multi-
layered political reality at the time; while the initial contract concluded
between Muslims and Cypriots was decisive and binding for both sides,
its content was probably merely partly reaffirmed in the later Byzantine-
Muslim contracts (see Lynch, 2016) as bilateral diplomacy between
Byzantium and the Caliphate developed.

The available and rather meticulous Arabic sources show that Cyprus
did not, as per the first contract concluded by Muʿāwiya, become part of
dār al-islām, nor did the Cypriots become Muslims or *ahl al-dhimmah*
at this point (Zuḥaylī, 1989; Balādhūrī, 1991; Bouzenita, 2011). In *fiqhi*
terms, the Cypriots were *muʿāhadūn* (here: tributaries) with the special
terms of the contract, but not *ahl al-dhimmah*. Some authors may not
have considered the diversity of terms of contract and the fluidity of
terminology used up to the second century AH. Beihammer (2004)
interpretation follows a binary option, either an "eternal peace treaty"
or subjugation and *fayʾ* (p. 65), and dismisses the possibility of different
types of contract.

Contemporary sources attest to a fluid terminology, which may have
contributed to confusion among some modern scholars (Lynch, 2016).
Abū ʿUbayd mentions that the Cypriots were "*dhimmī*" to Muslims and
Byzantines alike (Ibn Sallām, 1987, p. 279). The term *dhimmī* here may
have been used to mean tributaries with protected status, but without the
specific implications of being subject to the Islamic order, as these have
obviously not been agreed on. In a narration in *Futūḥ al-Buldān*, on the
authority of (*ʿan*) Hishām b. ʿAmmār al-Dimashqī, the treaty concluded
by Muʿāwiya (on 7200 dinar tribute) as a result of several campaigns,
is referred to as permanent treaty (*ṣulḥ dāʾim*). "Permanent" here may
be understood as "not temporary", but does not necessarily mean a
dhimmah contract, as the reiterated conditions specify. Beihammer
(2004), however, insists that an "eternal peace" "suggests the existence
of previous covenants of temporary validity" (p. 65). Similarly, Yaḥyā
b. Ḥamza refers to the Cypriots as *ahl al-fidyah*, meaning tributaries.
So does Qudāmah b. Jaʿfar, who categorizes Cyprus as *arḍ ʿushriyya*:

Should the Cypriots become Muslim, their land is *'ushriyya*, as "they paid a ransom (*fidyah*) in lieu of fighting." (Al-Baghdādī, 1981, p. 68).

The Cypriots, however, broke their treaty in 32/653, probably by assisting the Byzantines under Constantine III against the Muslims. The Arabic sources remain silent on the details. In reaction to this breach, Muʿāwiya invaded the island in 33/654 (or 35 AH[7]) with 500 boats. "He took Cyprus by force (*'unwatan*), killed, and took slaves (*faqatala wa sabā*). He then restored the previous covenant (*ṣulḥ*) with the Cypriots." (Balādhūrī, 1991, p. 158). However, there are physical, if not contractual indicators that the island came under direct military control at this point. Balādhūrī mentions that Muʿāwiya stationed some 12,000 soldiers there, built mosques, and built a town in which he settled people from Baalbek upon payment of allowances (*a'ṭiyah*).[8] He thereby turned Cyprus into the main base of the Islamic fleet, marking the beginning of Islamic hegemony over the Mediterranean (Al-ʿAẓẓām, 2015). Zavagno states that archeological evidence for "at least one Muslim outpost" on Cyprus exists (2013, p. 9). No contractual changes are mentioned in the sources, however, indicating that the legal status of the Cypriots was not consecutively changed. Byzantine sources analyzed by Zavagno are more dramatic in their depiction of Muʿāwiya's second campaign, but not necessarily more accurate (2017). Zavagno (2017) concludes that "no real political capitulation took place on Cyprus after the Arab raids of 649 and 653 (at least not one recognized by the Constantinopolitan establishment) and that the Byzantine naval power, by then effectively challenged by the Muslim fleet, was still a strong force" (p. 79).

Probably as a result of Yazīd b. Muʿāwiya's defalcation, as Balādhūrī (1991) alludes, the Muslim army's outpost in Cyprus was closed down, leading to a temporary disappearance of physical Islamic presence. The Cypriots destroyed the Muslim town and mosques (Balādhūrī, 1991). Balādhūrī's remark (p. 159) seems to indicate that the previous *ṣulḥ* stipulating the annual tribute remained. Zavagno (2013) sees the withdrawal of troops stationed on Cyprus through Yazīd as a result of Muʿāwiya's treaty with Constantine IV in 57-8/677-8, as part of wider

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[7]   As, according to al-Balādhūrī, some sources claim; Qudāma b. Jaʿfar mentions several breaches of treaty and successive military campaigns, the first of which in 33 or 35 (1981, p.103)

[8]   cf. Ibn al-Athīr, 3/31 and al-Ṣarīfī, p.246.

developments in the region. This is questionable, because the contract
in question does not mention Cyprus.

Balādhūrī reports, citing al-Wāqidī, that the Cypriots were still
under the treaty concluded in Muʿāwiya's time, when ʿAbd al-Malik
b. Marwān (reigned 65-86/685-705) came to power and imposed 1000
dinar more on them.[9] These more stringent terms were continued until
the reign of ʿUmar b. ʿAbd al-ʿAzīz (reigned 99-102/717-720), who
revoked them. Hishām b. ʿAbd al-Malik (reigned 106-125/724-743)
reverted to the additional sum, which continued until the caliphate
of Abū Jaʿfar al-Manṣūr (reigned 137-158/754-775), who returned
to Muʿāwiya's (lighter) terms (Balādhūrī, 1991). Citing Hishām b.
ʿAmmār al-Dimashqī, Balādhūrī states: "And Al-Walīd b. Yazīd b. ʿAbd
al-Malik took a number of them (Cypriots) to al-Shām for an offense he
accused them of, and people disapproved of this, so he returned them
to their homes" (p. 159). Zavagno (2017) suggests this punishment was
because of non-acceptance of coins minted by Caliph ʿAbd al-Malik on
the part of Justinian II. Al-Walīd's action was considered illegitimate
and unjust by scholars and commoners alike, as he punished the Cypriots
for a political decision made by the Byzantine establishment: another
indicator that the Cypriots were considered contractual partners, not
merely a matter contracted on.

Both Balādhūrī (1991) and Abū ʿUbayd (Ibn Sallām, 1987) portray
the initial contract of Muʿāwiya's time as being continuously valid
(despite Cypriot transgressions) until the case under discussion below,
during the governance of ʿAbd al-Malik b. Ṣāliḥ b. ʿAbbās (173-177/789-
793), in the caliphate of Hārūn al-Rashīd. Balādhūrī (1991) reports that
the Cypriots committed an action that was considered a breach of treaty
under ʿAbd al-Malik's governance. No specification of the incident is
given in the Arabic sources. Beihammer (2002) asserts that the reason
was Emperor Nikephoros' refusal to respect the terms of treaty with the
caliph, and the incident was a pretext for Muslim military intervention.

Balādhūrī describes the repercussions: "Then Ḥumayd Maʿyūf al-
Hamadānī fought them in the caliphate of Hārūn al-Rashīd for something
they had instigated, and took prisoners. When they later became upright

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9   At this time, ʿAbd al-Malik had concluded his treaty with Justinian II in
69/688, which involved the (re)affirmation of the island's shared tax revenue.

in their dealings with the Muslims, al-Rashīd ordered them returned to their homes, and they were returned" (Balādhūrī, 1991, p. 159). Ṭabarī (8/321) reports on a raid of Ḥumayd b. Maʿyūf on Cyprus in 190 AH: "he destroyed and burnt, and enslaved 16,000 of its inhabitants, and deported them to Rāfiqa (Syria), and Qadi Abū l-Bakhtarī was in charge of selling them. The ransom (price) for the Bishop of Cyprus reached 2000 dinar."[10]

Evaluating the military campaigns against Cyprus in the described period, Beihammer (2002) concedes that the number of five military campaigns against the island from 86-354/705-965, whereas campaigns in Asia Minor took place yearly, speaks of a general respect and integrity of the terms of contract. He concludes that the limited military campaigns against the island were either short term results of shifting of the Byzantine-Arab relations in the region (campaigns of 726, 806, 879/880, 910-911), or (for 743 CE) resulting from inner power tensions of the Caliphate. Zavagno remarks: "Often depicted by both sides as a consequence of supposed breaches of the original treaty, these military efforts failed and always concluded with the return to the status quo ante." (p. 84). It seems to me that the described military efforts were focused precisely on returning to the original terms of treaty or "status quo ante", for the political benefits they must have entailed.

Scholars' Juristic Evaluation of the Island's Status and Breach of Treaty

Prior to Humayd's campaign described above, the Muslim authorities wanted to cancel the existing treaty and consulted the available scholars at the time, al-Layth b. Saʿd (d. 175/791), Mālik b. Anas (d. 179/ 795), Sufyān b. Uʿyaynah (d. 188/814), Mūsā b. Aʿyan (d. 177/ 797), Ismāʿīl b. Aʿyāsh (d.181/797), Yaḥyā b. Ḥamzah (d.183/799), Abū Isḥāq al-Fazārī (d.188/ 804), and Mikhlad b. al-Ḥussayn (d.191/808), for their verdict on the legitimacy of this intent (Balādhūrī, 1991). It is through this correspondence, which reveals the evaluation of the island and its inhabitants by coeval scholars, that the case obtained some degree of fame. These letters have been found in the correspondence of the

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[10] A Byzantine–Arab prisoner exchange mentioned by al-Masʿūdī in 192/807, where 2500 men and women were exchanged at the river Lamos in Cilicia, may be related to the aftermath of this event (Beihammer, 2002).

secretariat of 'Abd al-Malik (Ibn Sallām, 1987). Balādhūrī's rendering
has only minor variations (Lynch, 2016). Abū 'Ubayd underlines that,
although difference of opinion exists, "Those who ordered to refrain
from [fighting] them and remain loyal to them, even if some of them
have been treacherous, are more than those who say to fight them" (p.
279).

Abū 'Ubayd's executive summary (in Balādhūrī, pp. 160-161) of
the eight scholars' responses highlights different perspectives on the
case. Briefly, these are summarized as follows:

Al-Laith b. Sa'd: On a well-founded fear of treachery, the Muslims
should annul the contract and give the Cypriots a one year grace period
to decide whether to reenter as *dhimmīs*, leave the Muslim territories, or
stay on Cyprus in a state of war, as enemies to be fought against.

Mālik b. Anas: Based on both Quranic and customary precedent,
the Muslims should not cancel their contract unless evidence against the
Cypriots is established.

Sufyān b. U'yayna: Based on precedent from the Prophet (PBUH),
it is permitted to kill those who breach a treaty; from caliph 'Umar,
expulsion is permitted; and consensus dictates that whoever transgresses
a treaty does not have any protection.

Mūsā b. A'yan: According to the precedent set by previous
Muslim governors of Cyprus, the treaty should be upheld despite the
transgression. However, according to al-Awzā'ī, if *dhimmīs* betray the
Muslims, the contract is terminated and protected status ends. "If the
governor wants, he kills and crucifies them. If they were under *ṣulḥ*, and
they have not entered into the *dhimmah* of the Muslims, the governor
terminates the contract with them in the same way."

Ismā'īl b. A'yāsh: The Cypriots were oppressed by the Byzantines,
so the Muslims must defend and protect them. He based this on the
precedent of Ḥabīb b. Maslama's decision regarding the people of
Tbilisi, "if the Muslims are preoccupied and your enemy defeats you,
this does not terminate your contract if you continue to pay tribute to
the Muslims." In that case the treaty should be upheld and protection
continued. "Al-Walīd b. Yazīd had deported them to Shām, and the
Muslims disapproved of it and the *fuqaha'* condemned it. When Yazīd

b. al-Walīd b. ʿAbd al-Malik came to power, he returned them to Cyprus, and the Muslims approved of it and deemed it just."

Yaḥyā b. Ḥamza: He argued that the case of ʿArabsūs (Arabissos) was a good example and a practice to be followed for Cyprus: ʿUmayr b. Saʿd had written to ʿUmar b. al-Khaṭṭāb, about the people of ʿArabsūs who "inform the enemy of our weaknesses, but do not point us to the enemy's weakness." ʿUmar instructed ʿUmayr to give them an ultimatum to accept compensation from him in the form of cattle and leave their town, after which the town should be destroyed. " ʿUmayr gave them this choice; they declined, so he deferred for a year and then destroyed the town. They had the same kind of treaty as the Cypriots. It is better to leave the Cypriots with their treaty (*ṣulḥ*) and benefit from what they give the Muslims. Any people under treaty (*ʿahd*) the Muslims do not defend and who implement their own laws in their land are not *dhimmī*, but tributaries (*ahl al-fidyah*). As long as they refrain (from transgression), they are refrained from. Their treaty is to be observed as long as they observe it and are content, and their excuse is accepted if they do not want to remain tributaries."

Abū Isḥāq al-Fazārī and Mikhlad b. Al-Ḥussayn also invoked the case of ʿArabsūs. They wrote: "Al-Awzāʿī reported that when Cyprus was opened, people were left in their state and given a treaty (*ṣulḥ*) stipulating 14,000 dinars, 7000 for the Muslims, and 7000 for the Byzantines, on the condition that they do not hide the Muslims' matter (i.e., the existence of the contract) from the Byzantines. He used to say: The Cypriots were not loyal to us at all. We think that they are people under treaty, and that their *ṣulḥ* came with a condition for them and against them and it is only permissible to terminate it if their treachery or debauchery has become known."

Abū ʿUbayd concludes from this correspondence that "the general public shall not be held liable for the offenses of the few, unless they have collaborated and assented to what the few have done" (Ibn Sallām, p. 282).[11] The different scholars' views do not necessarily contradict each other in their evaluations of the nature of the treaty with the Cypriots, and the diwan's executive summary attempts to present all of the available options and stages for handling a breach of contract. All eight

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[11]   cf. Lynch, 2016, p.547 and Beihammer, 2002, pp.50ff.

scholars underline the necessity to uphold the terms of contract. None of
the scholars alleges that the Cypriots were not the Muslims' contractual
partners in this matter. Among the scholars, Ismāʿīl b. Aʿyāsh and Mūsā
b. Aʿyan doubt the Cypriots' agency and responsibility for whatever
transgression may have happened; while some informed voices doubt,
based on precedence, the Cypriots' integrity and their upholding the
terms of contract. Mālik b. Anas described the contract as longstanding
and continuously valid.

Only Sufyān b. Uʿyayna seems to advise – generally – that protection
has been cancelled by transgression of treaty; however, he specifies
no grace period or the necessity of prior establishment of evidence,
as it is apparent from the other views. The reference and comparison
to Arabissos, a town in Asia Minor, at the border to Byzantium, is
revealing in that similar tributary contracts existed at the time. Mūsā
b. Aʿyan differentiates breaching a treaty between *dhimmis* and other
muʿāhadūn, but without necessarily assessing the Cypriots' treaty as a
dhimmah contract.

Yaḥyā b. Ḥamza underlines that, as the Cypriots are tributaries (*ahl
al-fidyah*), not *ahl al-dhimmah*, they may cancel their contract whenever
they please. The benefit of the tributary contract for the Muslim side
has been emphasized by Mālik and Yaḥyā. The most practical advice is
given by Layth b. Saʿd, who offers the Cypriots a choice between joining
Byzantium, or entering the *dhimmah* of the Muslims, or returning to the
pre-contractual state of war, after a grace period of one year.

The scholarly views quoted in Balādhūrī do not, according to the
author's analysis, necessarily express their "uncertainty on how legal
precedent could even be applied to such distinctive agreement" (Lynch,
2016, p. 550). To the contrary, they are very precise on how to handle
the situation; but the fragments need to be read as being complementary
to, not exclusive of, each other.

Socotra

Socotra – the Island, its Inhabitants, and Historiography

Socotra lies 240 km from the African coast, some 380 km from the
Arabian Peninsula. Approximately 480 km in length, the island is
known for its unique endemic plants and animals; Socotra was known

from antiquity as a source of ambergris (Britannica, 2020, Socotra; al-Sālimī, 1983, p. 166).

Its location is of geostrategic importance in the Indian Ocean, at the trade routes between Africa, the Arabian Peninsula and India, and the portal to the Red Sea; it is natural that the island was vied for by different maritime forces, leading to changes in power affiliation and population makeup over the centuries. Colonized by Greeks, Byzantines, and Sassanids, it was "an appanage of Sabaeo-Himyaritic civilization" (Wilkinson, 2010, p. 25). Greek historians describe its inhabitants in the first century CE as "foreigners, a mixture of Arabs, Indians and Greeks, who have emigrated to carry on trade there" (Beaujard, 2019, p. 383). Like Cyprus in the Mediterranean, it witnessed changing administrations and cultures and came to play a role in the history of Muslim international relations.

Socotra was central to the Omani-East African trade and "the furthest outpost under direct Omani and Ibadi control" in the early first Imamate in the first half of the second century AH "despite being effectively closed during the full monsoon blast" (Wilkinson, 2010, p. 24). The island was also, over the centuries, known to be a pirate's nest, populated particularly by the polytheist (Indian) *bawārij* (Hourani, 1975; Masʿūdī, 1986; Wilkinson 2010), with pirates' raids extending to coastal targets (Khalilieh, 2019).

Historiography of Socotra seems less abundant than that of its Mediterranean counterpart, Cyprus. Its early historiography largely depends on Greek historians and Arab historians quoting them. Omani historians have not devoted themselves much to the island (Siyabi, 2013). The Yemeni geographer of the 4th/10th century and author of *Ṣifat jazīrat al-ʿArab*, al-Hamdānī (2001) mentions different historical versions:

> They say that Roman people [i.e., Greeks/Byzantines] were cast there by Kisrā, and then tribes from Mahra joined them, and some of them became Christians with them; while the people of Aden say that there was no Roman [Greek] influx, but the people followed a bishop, and then perished, upon which the Mahri tribes and some *shurāt* (volunteer soldiers) settled there; Islamic *daʿwah* became more intense, the number of *shurāt* increased, and they [the Christian Mahris]

> transgressed against the Muslims and killed them all except
> ten people; and there is a mosque in a place called al-Sūq.
> (pp. 93-94)

Yāqūt al-Ḥamawī (n.d.), the 6th/12th-century Muslim geographer, states
(of his time) that the majority of the population were Christian Arabs.
He mentions the presence of Indians, then of Greeks since Alexander
the Great, and a Greek population that had embraced Christianity since
the time of Jesus while preserving their Greek descent. The island was
in Arab and Muslim hands prior to Portuguese occupation in 1509,
followed by Islamic rule (the Sultanate of Qishn and Socotra) prior to
British control in the 1880s (Britannica, 2020, Socotra).

Ibadism probably arrived on the island toward the end of the
Umayyad caliphate, when many Ibāḍīs were forced to escape to northern
Oman and Socotra as the imamate of Yaḥyā Ṭālib al-Ḥaqq al-Kindī
(128-129/746-747) in Hadramawt and Yemen succumbed to Umayyad
forces (Al-Rawas, 1990, pp. 272-3).

Socotra and the Breach of Covenant

Ibāḍī sources describe an Omani presence on the island since the
imamate of al-Julandā (132-134/750-752 (Wilkinson, 2010). Abū
Bakr al-Kindī's[12] *Muṣannaf* specifies that if the Muslims have an
agreement (with the Socotrans) to take slaves as (tributary) payment,
it is permissible to do so for the first year, and then they should take
the equivalent amount in the second year, "as they have all become *ahl
al-ṣulḥ wa-dhimmah*" "…and we have been informed that al-Julandā
ibn Masʿūd concluded a treaty with the people of Socotra (*ṣālaḥa ahl
Suqaṭrā ʿalā ruʾūs*), and took them in the first year, and Allah knows
best." (XI, 145) (cf. al-Kindī, *Bayān al-sharʿ*). The stipulation for the
second year may prove that attachment of the island to the imamate
was achieved peacefully (Wilkinson, 1987). It seems that the dhimmah
treaty, if concluded at this early stage, had only been broken during the

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[12] Abū Bakr Aḥmad ibn ʿAbd Allāh al-Kindī (d. 557/1162), author of the fiqh
compendium al-Muṣannaf fī l-adyān wa-l-aḥkām and Kitāb al-ihtidāʾ, which is
about the division of Omani scholars into the Nizwa and Rustaq factions after
the forced abdication of al-Ṣalt; he divided the Bayān al-sharʿ of his teacher,
Abū ʿAbd Allāh Muḥammad ibn Ibrāhīm al-Kindī, into chapters and gave it its
title (Nāṣir and Shaybānī, 2006, 56). It may therefore be supposed that he used
his teacher's material on Socotra as well.

time of al-Ṣalt ibn Mālik al-Kharūṣī (247-272/861-885, some 120 years later, in the events that are the subject of this research. The period of interest is the 3rd century AH, the imamate of Al-Salt b. Malik (247-272/861-885), whose reign is retrospectively considered to be a golden era of just rule and flourishing scholarship (Nāṣir and Shaybānī, 2006). During that period Socotra had a Christian *dhimmī* population and Muslims of various ethnic origins and *madhhab* affiliations.

Our primary source on the events regarding Socotra is al-Sālimī's (d. 1912)[13] *Tuḥfat al-aʿyān bi-sīrat ahl ʿUmān*:

> In his [Imām al-Ṣalt's] days, may Allah be pleased with him, the Christians committed treason and broke the treaty that existed between them and the Muslims; they attacked Socotra and killed the governor of the *imām* and some young men with him; and they plundered and looted, took over the country, and seized it by force. (al-Sālimī, 1983, p. 166)

The event probably took place between 249/863 and 253/867 (Bouzenita, 2019). As reason for al-Ṣalt's intervention, the Tuḥfah states: "A woman from the people of Socotra named al-Zahrā'[14] wrote to the Imam, may Allah be pleased with him, a qaṣīdah, mentioning to him what the Christians had done in Socotra, complaining about their injustice, and asking him for assistance against them." (al-Sālimī, 1983, pp. 166-167). The qaṣīdah dramatically describes the fate of Socotra and its Muslim population, particularly the women, after the Christian takeover, in which justice gave way to injustice, the Muslim call to prayer to the sound of church bells, women were being enslaved and raped. It ends in a personal cry for help:

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[13] Nūr al-Dīn ʿAbd Allāh ibn Ḥamīd al-Sālimī (1869-1912), b.1286/1869, was known as an outstanding Omani scholar and reformer who advocated for a return to the imamate system. Among his many works are the Tuḥfah, Ṭalʿat al-Shams ʿalā-l-alfiyyah in uṣūl al-fiqh, and other works in poetry and fiqh; Nāṣir & al-Shaybānī, 2006, 271-273.

[14] Al-Sālimī does not offer details on the origins of the author of the qaṣīdah, and ample difference of opinion exists in the literature. According to al-Shaqsiyyah, her name is Fāṭimah bint Ḥamīd ibn Khalfān ibn Ḥumayd al-Jaḥdamiyyah, raised in Samad al-Shaʾn, a village in Wilāyat al-Muḍaybī, al-Sharqiyyah, Oman. She went to Socotra with her father to visit their relative, the governor of Socotra, al-Qāsim ibn Muḥammad al-Jaḥdamī al-Samdī, when the events took place; Al-Shaqsiyyah, 2014, 72; Shaybānī, 2001, 17.

> What is wrong with a Ṣalt who happily sleeps at night, while
> there are women in Socotra at risk of being violated?
>
> Men! Rescue every Muslim woman, even if you have to
> crawl on your chins and knees,
>
> Until the pillar of religion is re-erected, and Allah makes the
> adherents of injustice and mistrust vanish.
>
> Then the supplication of Zahrāʾ will come true after
> debauchery, and the *sunnah* of the books will live again. (Al-
> Sālimī, 1983, p. 168; Bouzenita, 2019)

Al-Sālimī states that the Imam dispatched 101 ships to the island, with
a letter, "explaining in it what they were supposed to do and what to
avoid" (p. 168) The campaign is described as victorious (Al-Sālimī,
1983), although the actual outcome is debated (al-Shaybānī, 2015):
one reason posited for al-Salt's forced abdication was his inability to
defend Socotra.[15] The actual outcome of the campaign may therefore
be debatable.

On Dhimma and Breach of Treaty in Ibadi Sources

Several Ibadi sources have preserved information on the treatment
of *ahl al-dhimmah* in Oman during this period. These dicta are often
rendered *ʿan* Muḥammad ibn Maḥbūb, Salt's chief Qadi in Sohar and
probably himself author of Al-Salt's directive (al-Jaʿbīrī, 2002; al-
Hāshimī, 2002). Al-Sālimī's *Tuḥfah* also preserved al-Ṣalt's advice to
the governor of Rustaq (al-Sālimī, 1983), specifying the treatment of
non-Muslims living under Islamic covenant, and the relationship with
them in the particular case of insurgence. Al-Faḍl Ibn al-Ḥawwārī
(d.278/891), a student of Muḥammad ibn Maḥbūb, reiterates the same
orders (consistent with the orders of Imām al-Ṣalt in his appointment
letter) on the appropriate behavior toward *ahl al-dhimmah* (1985).
Muḥammad Abū al-Ḥawwārī (al-Aʿmā) (d.321/933) emphasizes that
jizyah is only to be taken from people of the covenant if the Muslims
can protect them from injustice (1985).

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[15] The reproach can be found in the sīrah of Ibn Abī Rūḥ, a student of Ibn al-
Ḥawwārī (d.278 AH), as well as Abu Bakr al-Kindi's Kitāb al-ihtidā (1985) and
Muhammad b. Ibrahim al-Kindi's Bayān al-sharʿ (1993); see also al-Shaybānī
(2015).

The Ibāḍī *fiqh* literature draws extensively on the case of Socotra in the discussion of what exactly constitutes a breach of treaty, or the *dhimmah* covenant. The consensus is that if the non-Muslims under covenant commit an aggression, they have thereby broken their treaty, and the state of war returns regarding them. The *Kitāb al-muḥārabah* of Bashīr ibn Muḥammad ibn Maḥbūb (alive in 273/886) illustrates this early Ibadi heritage:

> The Messenger of Allah (PBUH) also established the *sunnah* that "the lowest of the Muslims gives an *amān* binding for all of them," and all of the Muslims, the free person, the slave, male and female, have to allow this; and there is no *ṣulḥ bi-l-muwādaʿah* [ending of war through treaty] between the Muslims and the people of war without the latter deferentially succumbing to the former, through deferment, humbleness, and submission to the rule of Allah, by paying *jizyah* while being deferential, unless there is strong fear among the Muslims that they prevail over the Muslims due to their great numbers and the Muslims fear their power.[…] And if there is a treaty (*ʿahd*) and *ṣulḥ* between them, it is incumbent upon the Muslims to abide by it; be it limited in time or not; and it is not allowed for any of the Muslims to impose more on them than has been specified in their treaty (*sulḥ*); and there is no *ṣulḥ* that contains any display of a call to disbelief, or of honoring it, in *dār al-Islām*. If the disbelievers in *dār al-Islām* transgress aggressively, this is considered a breach of their treaty from their side, and [the state of] war will return regarding them. (Al-Salimi & Madelung, 2011, pp. 36-37).

Both Muslims and non-Muslims under covenant are bound by their first treaty, as *Bayān al-sharʿ* specifies:

In the answer of Muḥammad ibn Maḥbūb, may Allah have mercy on him, about the Christians of Socotra and the treaty (*ṣulḥ*), can they terminate this *sulḥ*, or can the Muslims terminate it? He said, "Neither of the two groups can terminate it; they are both bound by their first treaty (*sulḥ*). They have to deduct, depending on the number of heads, who has the means for it; not the poor, nor the old, children and women…." (al-Kindī, *Bayān al-sharʿ*, 70/355).

The 4th/10th century *faqīh* al-Bisyawī reiterates this stipulation in reference to Socotra in his *Jāmiʿ* (1984). A transgression could consist

of assisting military aggression by a third party (al-Shaqsī, 2011) or
assaulting Muslim women.

Al-Salt's Directive

The letter offers insights on general war ethics, military organization,
and other aspects (see Bouzenita, 2019). Its style is quite unique, in that
it is addressed to all the soldiers, not to military leaders alone. Thereby,
ordinary soldiers are called upon to take responsibility for their own and
their leaders' actions (Al-Riyami, 2011).

> Instead of dehumanizing the enemy or calling for revenge, it states:

>> And convey to them, through your messengers, that they are
>> safe (*āminūn*) as regards their lives, women and children,
>> and possessions, and that you abide by the prior covenant
>> between them and the Muslims, through treaty, *dhimmah* and
>> *jizyah*, and that these will neither be broken nor changed.
>> And ask them to bring you their *jizyah*.[16] (Al-Sālimī, 1983,
>> p. 174; Bouzenita, 2019)

The first choice is therefore to give the option to return to the terms of
covenant. The aim of the military envoy is to restore the security of
Islamic rule, rather than taking revenge for transgressions.

> He further asks the troops to choose from among the best and most
trustworthy Muslims[17] two representatives, or if they cannot find two
who meet the conditions, only one, and to

>> …ask them to convey to the insurgents, on my behalf and
>> on yours, to enter Islam, perform prayers and pay *zakāh*,
>> to respect the rights of Allah, and abstain from disobeying
>> Him; if they accept this, it is the better choice, and will erase
>> whatever they have committed before. (Al-Sālimī, 1983, p.
>> 174)

If they reject the offer to become Muslim, the insurgents are given a
specified time limit to repent, return to their first covenant with the
Muslims, and release any captive Muslim women. The Muslim envoys

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[16] Al-Sālimī, Tuḥfah, 174.

[17] The term used here is ahl al-ṣalāt, "people of the prayer"; it is synonymously
used with ahl al-qiblah in Ibāḍī terminology to designate Muslims of other
schools.

are not to marry from among the insurgents until all Muslim women captives are released.

The insurgents who surrender, repent, and release the Muslim women are not to be killed. Their women and children are not to be enslaved, nor possessions taken (as booty); it is not permissible to betray them, whether in the short or long term. The troops are to make sure that insurgents do not try to escape or convince others to do so. *Jizyah* is to be taken, but the insurgents have to clearly demonstrate their surrender. Insurgents who do surrender enjoy safety and appropriate treatment in terms of food and drink, until they are brought to the Muslims' *wālī* for legal proceedings (al-Sālimī, 1983).

If both options (accepting Islam or repentance and return to the initial covenant) are forfeited, and this refusal is ascertained by two, or even one trustworthy Muslim person, the directive orders to fight. In this case, resorting to ruses, enslaving women and children (who have been born during the breach of treaty) is permissible. Children born during the period of intact treaty, or children whose birth date cannot be properly assessed, are not subject to enslavement (Al-Sālimī, 1983). The same rulings resonate in later Ibadi *fiqh* compendia.[18]

Captured women and children are to be brought to the Imām and not sold, they are to be sustained from the war booty (al-Sālimī, 1983). It seems to be the Imam's *ijtihād* to exempt women and children from the soldiers' shares. Intimate relations with these women were prohibited, in contrast to the ruling generally reiterated in *fiqh* compendia (cf. Bouzenita, 2001). This point is in need of evaluation[19], but it may suggest that al-Ṣalt wanted to highlight the ethical dimension of Islamic warfare. One item of the directive seems to be way ahead of its time: It

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[18] See, e.g., Ibn Maḥbūb's Kitāb al-muḥārabah (Al-Salimi & Madelung, 2011), and al-Shaqṣī's Minhaj al-ṭālibīn (2011). Al-Kindī (1984) explicitly allows enslaving women who did not partake in the insurgency.

[19] There is, however, an ambiguity in the letter; where it states on p. 179, "and whoever makes booty and womenfolk fall into his hands, he shall fear Allah and not have intercourse with them, until he sells them and retains their price," whereas the previous order was that women and children in captivity are not to be sold, but sent to the imam. The focus on the prohibition of intercourse is persistent, however. It is hoped that this ambiguity may be resolved through an analysis of the manuscript, should it be found.

specifies that children born of Muslim women enslaved by the enemy
are Muslims like their mothers. The Muslim community is therefore
responsible for these children and their mothers. They do not follow
their fathers (in descent or religion), even if the fathers enter or return
under the covenant with the Muslims (al-Sālimī, 1983).

The letter repeatedly mentions the prohibition of ruses and killing,
as well as making captives or booty, in case of uncertainty about the
choice the insurgents have made. It reiterates the three choices — Islam,
repentance and return to the former treaty, or fighting (under strict
observation of the Islamic ethical standards of warfare),— to make sure
the message reaches its addressee, the common soldier. These options
are mentioned pervasively in the Ibadi *fiqh* literature.[20] The directive
contains the description of other prohibitions during warfare that reflect
the Sunnah of the Prophet (PBUH) and echo Abū Bakr's orders to
the military leaders who entered Syria: not to kill a child, old man, or
woman non-combatant, and not to mutilate (al-Sālimī, 1983; cf. also
Bashīr ibn Muḥammad's *Kitāb al-muḥārabah* (al-Sālimī & Madelung,
2011, p. 36).

Although the Imam and his chief Qadi are firmly established in
the Ibadi context, there is no discrimination with regard to *madhhab*
affiliation. The directive concedes that any Socotrian Muslim man,
woman, or child may join the "lands of the Muslims," meaning Oman.
This option is obviously given in expectation of a military failure of
the campaign. The same applies to children of the *shurāt* and those
(non-Muslims) who assisted the Muslims. They are to be transported
and supported from the state treasury until they reach the land of the
Muslims "…because that territory (*dār*) is not suitable for them after
war has been waged between us and them [the enemy]" (al-Sālimī,
1983, p. 182)

The directive clearly distinguishes between insurgents and *ahl
al-dhimmah* who are still under covenant. While the Muslims must
not marry women of the insurgents (*ahl al-ḥarb*), whether they read
the Gospel or not, al-Ṣalt emphasizes that only those women of the

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[20] See, e.g., Jāmiʿ Abī l-Ḥawārī (1985, I/78ff.), Jāmiʿ al-Faḍl Ibn al-Hawārī
(1985, 2/127-138), and al-Kindī's al-Muṣannaf (1984, 11/150-157), as well as
the same terms of taking jizyah (Al-Kindī, al-Muṣannaf, 11/153).

Christians under covenant who read the Gospel may be married. The same restriction applies to the consumption of slaughtered animals and food (Al-Sālimī, 1983).

Conclusion

Cyprus and Socotra share a background of having been exposed to a multitude of powers and cultural and religious influences over the centuries. Whereas the status of Cyprus was that of a tributary in strategically contested waters, with another hegemonic power competing over it at the time in question, the covenant in practice in Socotra during the rule of Oman is a *dhimmah* contract that was breached internally. Cyprus returned to the previous covenant after the incident in the time of ʿAbbās b. Ṣāliḥ; the fate of Socotra after Salt's intervention is not as clear.

With regard to their jurisprudential evaluation, both cases share the common framework of Islamic legal rules on covenant and the transgression against it. The difference between legal schools, representatives of the Sunni spectrum in Cyprus and the Ibadi school in Socotra, seem not to have impacted the verdicts much. They agree on the most important points in that they stress the importance of establishing evidence, giving a grace period, and offering different options before taking action.

Legal terminology shows a high amount of fluidity with regard to Cyprus, with the terms *ṣulḥ*, *kharāj*, *dhimmah* and *fidyah* used synonymously and sometimes diverging from their later technical meaning in the available historic and juristic fragments. The Socotrian directive, authored or at least edited by the scholar, Muḥammad Ibn Maḥbūb, and a century later, is decidedly more settled. Ṣalt's directive presents details that express an astonishing insight into the societal results of any military campaign, far beyond the mere breach of covenant, and are obviously intended to restore societal peace and stability.

To this day, both cases are referred to in the *fiqh* as well as international relations literature as precedent cases for the breach of covenant.

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