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Abstract

Covenants play a pivotal role in international relations in pursuing peace processes, de-escalating hostilities, and resolving conflicts. Islam advocates all those methods that promote peace as long as they are not contrary to the core principles of Islam and treaties are one such way to achieve peaceful co-existence on the global landscape. This study explores the humane aspects of the treaties concluded by the Holy Prophet (PBUH) which were founded on high moral grounds in order to eliminate oppression and tyranny by all means. Furthermore, the study also unfolds the circumstances which provided grounds to terminate the treaties. The glorious conduct of the Holy Prophet PBUH sets demonstrations for negotiation, conclusion, and observance of the covenants and sets high standards of ethics in the promotion of peace for the coexistence of multi-ethnic societies thus providing a benchmark to follow for the contemporary Muslim world.

Keywords: Treaties, Covenant, Peace, The Holy Prophet (PBUH), War, Flexibility

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Abstract

Covenants play a pivotal role in international relations in pursuing peace processes, de-escalating hostilities, and resolving conflicts. Islam advocates all those methods that promote peace as long as they are not contrary to the core principles of Islam and treaties are one such way to achieve peaceful co-existence on the global landscape. This study explores the humane aspects of the treaties concluded by the Holy Prophet (PBUH) which were founded on high moral grounds in order to eliminate oppression and tyranny by all means. Furthermore, the study also unfolds the circumstances which provided grounds to terminate the treaties. The glorious conduct of the Holy Prophet PBUH sets demonstrations for negotiation, conclusion, and observance of the covenants and sets high standards of ethics in the promotion of peace for the coexistence of multi-ethnic societies thus providing a benchmark to follow for the contemporary Muslim world.

Keywords: Treaties, Covenant, Peace, The Holy Prophet (PBUH), War, Flexibility

Introduction

Treaties and pacts play significant roles in the conduct of international relations particularly to pursue national interests through various kinds of agreements and treaties. Engagement in covenants and agreements is a proactive approach towards peace-seeking which impacts bilateral relations in achieving long-run benefits. Hence, it is imperative to vet the pros and cons of the treaties before their conclusion and assess the far-reaching effects so that the subsequent observance may not adversely affect interstate relationships. The teachings of the Holy Prophet PBUH forbid to breach of the covenants and demand strict adherence to the pledges or commitments. His magnanimity towards his rivals by granting them security, once the pact is solemnized, proves his unbiased approach and impartiality in contracting the treaties while

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observing the humane aspect equally. The contemporary dynamics and complexities of international relations urge us to examine the model precepts of Islam by recalling the Holy Prophet's teachings regarding the observance of treaties in dispute settlements.

The Treaty of Hudaibiya: A Classic Example of Adherence

The Treaty of Hudaibiya, concluded in 630 CE, is a classic example that illustrates the Holy Prophet's adherence to his words even in adverse circumstances as well as his prudence and foresightedness to promote peace between Muslims of Madinah and the pagans of Makkah. One of the clauses of the treaty states: "Whoever from the Quraish comes over to the Holy Prophet PBUH (without obtaining the permission of his guardian), the Holy Prophet will return him to Quraish, but if anyone of those with the Holy Prophet PBUH escapes to the Quraish, he will not be sent back to him." (Al-Mubarakpuri, 2002, pp. 403–404)

The Companions were taken by surprise as to how such an offensive clause could be included in the treaty, so they asked the Holy Prophet PBUH: "Should we write this?"

فقالُوا: يَا رَسُولَ اللَّهِ، أَنَكْتُبُ هَذَا؟، قَالَ: نَعَمْ، إِنَّهُ مَنْ ذَهَبَ مِنَّا إِلَيْهِمْ، فَأَبْعَدَهُ اللَّهُ وَمَنْ جَاءَنَا مِنْهُمْ سَيَجْعَلُ اللَّهُ لَهُ فَرَجًا وَمَخْرَجًا

(Al-Qushayri, n.d., Chapter 33, Hadith 4632)

The Messenger of Allah said: "Yes, one who goes away from us to join them may Allah keep him away! And one who comes to join us from them; Allah will open a way of escape."

On the occasion, when the treaty was being documented, Abu Jandal, the son of Sohail bin Amr who had accepted Islam fled from the custody of Quraish. He was tied ruthlessly in chains to force him to renounce his faith. He approached the Holy Prophet PBUH while pleading to take him to Medina. He wanted to get rid of the persecution he had been facing by his own people. The miserable condition of Abu Jandal aggrieved the Muslims aggravating their resentment. But Suhail bin Amr emphatically asked the Holy Prophet to return him to Quraish. The Holy Prophet PBUH responded: The Treaty is still not signed. But Suhail insisted that the terms of the treaty had been decided upon. Muslims were anguished by this harsh demand. They thought themselves to be helpless. At one end, they could evidently see the signs of torture to their brother in Islam, making them emotional to do something to save him from being tortured. But on the other hand, they had to comply with the Prophet's ordain, regardless of their feelings.

He said while consoling Abu Jandal:

يا ابا جندل! اصبر واحتسب فان الله جاعل لک ولمن معک من المستضعفين فرجا و مخرجا انا عقدنا بيننا و بين القوم صلحا وانا لا نغدر بهم.

(Ibn Hisham, 1961, p. 333)

"O Abu Jandal! Be patient, and hope for the reward. Certainly, Allah will make a way of relief and escape for you and your helpless companions. We have concluded a treaty of peace with the nation and pledged with them and can never breach our covenant."

The Holy Prophet's (PBUH) stance was not ambiguous, rather he maintained the sanctity of the treaty and never let his sympathies affect his decision. He observed and stood fast to his pledge which reflects his solemn and righteous attitude towards the adherence to the truce.

It is worth mentioning that according to International customary law, a treaty is defined as a *written* international agreement between States. (Vienna Convention on the Law of Treaties, 1969, Part I, Article 2) Thus, only a written agreement validates its implementation. However, this treaty was not signed by the time Abu Jandal approached the Holy Prophet PBUH. So, its status was not yet binding for implementation, But the Holy Prophet not only laid a leading precedent but also set a high moral standard for the sake of peace pursuit.

The Divine Principle for Peace: Reciprocity

Mutual respect for treaties is the law explicitly mentioned in the Holy Quran. It is permissible for the Muslims to terminate the treaty prior to its period expiration if it is violated by the other party whereas if they remain loyal to the treaties concluded with the Muslims, then the Muslims are also required to honor the accord until the duration that is agreed upon is completed.

Allah, the Exalted guides us in the Noble Quran

إِلَّا الَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ ثُمَّ لَمْ يَنْقُصُوكُمْ شَيْئًا وَلَمْ يُظَاهِرُوا عَلَيْكُمْ أَحَدًا فَأَتِمُّوا إِلَيْهِمْ عَهْدَهُمْ إِلَى مُدَّتِهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ﴾

Al-Quran (9:4)

"(But the treaties are) not dissolved with those Pagans with whom ye have entered into alliance

and who have not subsequently failed you in aught, nor aided anyone against you. So, fulfil your engagements with them to end of their term: for Allah loveth the righteous." (Ali, 1938)

The Noble Quran further gives us the instructions:

﴿فَمَا اسْتَقَامُوا لَكُمْ فَاسْتَقِيمُوا لَهُمْ إِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ﴾

Al-Quran (9:7)

"As long as these stand true to you, stand ye true to them: for Allah doth love the righteous." (Ali, 1938)

The reciprocal conduct in terms of respecting treaties is inevitable so that the responsibility of its observance would not lie on one party as it is concluded with mutual consent. The party who violates its sanctity commits a grave offense which may lead to hostilities. The principle of reciprocity would hold both parties equally responsible for the observance of the treaty and would help maintain the equilibrium globally.

The Way for Absolution from Treaty

Muslims are absolved from the responsibility of those treaties which are violated by the other party. They may repudiate it even before the completion of its defined period. The breach of the treaty does not only mean a violation from one party but it also amounts to a breach if the other party aids or instigates the third party, thus it will be considered as a violation of the agreement.

As regards the truce of Hudaibiya, the Quraish audaciously violated its terms by providing help to their allied tribe, Banu Bakr, who killed twenty or thirty men of Banu Khuza'a, the Muslims' allies. It was an overt contravention of the agreement and provided a shred of evidence for the termination of the treaty.

However, the Holy Prophet PBUH set a high moral standard, as he still tried to resolve the matter through dialogue by giving them three alternatives as a recompense from their end. He demanded the Quraish either withdraw their alliance with Banu Bakr so that they face the consequences themselves, or pay the blood money for the massacre they had committed or the accord will be abrogated. (Mubarakpuri, n.d., p. 459)

Dr. Munir pointed out this important fact in his research paper. He says: "It is noteworthy here that the aggression from the third party should be with the affirmation or approval of a party, signatory in the covenant, otherwise it would not amount to a violation of the treaty." (Munir, n.d.)

In this regard, he quotes an example by Imam Kasani: "If a group of plunderers entered Dar-ul-Islam from Dar-ul-Muwadiah (territory under truce) with the permission of the leader of the latter, it will be considered as violation of treaty as the permission of the leader is evidence of violation whereas if the plunderers are not backed up by the leaders of Dar-ul-Muwadiah, then this act will not be thought as a breach of treaty" ibid, Kasani, Bidayah, Vol. 6, p77. and should be dealt in its individual capacity.

The circumstances in which Muslims are bound to observe a treaty and absolved of the responsibility of its maintenance are mentioned below:

- The first and foremost rule is that Muslims are prohibited from waging a war against those with whom they have a treaty according to the Nobel Quran. (9:4)
- The Muslims must formulate a written agreement, which includes its inception date as well as the expiry date. However, the Muslim Jurists have a difference of opinion to affix the duration of the treaties. Imam Shafai' elucidates that treaties should not exceed more than ten years. He referred to the Treaty of Hudaibiya as a piece of evidence for his argument. Many Hanafi Jurists also agree with Imam Shafai' in determining ten years as the maximum time period for treaties. Non-specific periods of treaties to polytheists are considered illegitimate by Imam Shafa'i as he considered Kufr (disbelief) as illat-ul-Qital (cause for fight). On the contrary, as far as the Hanafi school of thought is concerned, Ma'harba or aggression is deemed as illat-ul-Qital and this is the reason why they validate the legitimacy of peace treaties for even a longer period of time. ibid
- Muslims have a legitimate right not to renew the treaty when the term period is completed. However, it could be terminated under certain conditions before its expiry period;

1. if the other party violates the treaty
2. if the third party gets assistance from the other party to invade the Muslims

3. If the other party is found guilty of conspiracies and intrigue against the Muslims.

The above-mentioned clause (iii) was applied in the event of the treaty with the Jews, which demanded their loyalty to the authorities of Medina, but their conspiracies against the Muslims became the cause of their banishment from Medina.

The Prophet's Pacts & Amnesty for Peace-Seekers

The Truce of Khyber

The Holy Quran lays down this glorious principle to promote peace in the world.

وَإِنجَنَحُواْ لِلسَّلۡمِفَٱجۡنَحۡلَهَا

Al-Quran (8:61)

But if the enemy inclines towards peace, do thou (also) incline towards peace. (Ali, n.d.)

The verse teaches the Muslims to be accommodating to their enemies if they ask for peace. The pact of Khyber explicates the Holy Prophet's magnanimity towards the Jews while granting them amnesty. The exile of Banu Qainuqa and Banu Nazeer nurtured grudges and hatred against the Muslims. This malice was exposed in the battle of the Confederates. The threat from the Jews led the Holy Prophet PBUH to march towards Khyber, all the fortresses were conquered one after another and they were compelled to surrender. They asked the Holy Prophet PBUH to grant them amnesty on the condition that they would evacuate their fortresses, leaving all their jewels and treasures there. They were granted their request and the safety of their lives. Having realized the fact that they would remain empty-handed if they abandoned the fertile fields of Khyber which was a great source of income, they approached the Holy Prophet PBUH with another plea, asking him to allow them to live there as they had expertise in cultivating farms. In return, they would give half of the produce to the Muslims as Khiraj. Both the appeals were approved which exhibits his benevolent approach and merciful attitude to his opponent. It is noteworthy that this was a concession given to the defeated nation, not a business deal that affixed a ratio of 50/50, an equal amount to both partners. They could have been penalized by the approval of one-quarter to them and three-quarters of produce to the Muslims. However, the Holy Prophet PBUH accepted their plea despite the fact that the Muslims themselves were short of resources.

The statement of Ibn Umar further endorses the Muslims' condition, he said: "We never ate our fill until we conquered Khyber." (Mubarkpuri, 2002)

The incident when the Muslims were badly hungry while they were in Khyber and were ready to consume the cooked meat of donkeys but destroyed it on Prophet's command when he exclaimed that donkey is not Halal (Ullah, 2020, p. 608) (lawful). This shows the plight and poverty of the Muslims yet the Holy Prophet PBUH did not confiscate the fertile lands of the Jews rather preferred to conclude the pact on humane terms. Once the Holy Prophet PBUH said:

لعلكم تقاتلون قوما فتظهروان عليهم فيتقونكم باموالهم دون انفسهم و ذراريهم،فيصالحونكم على صلح فلا تصيبوا منهم فوق ذلک فانه لا يصلح لكم

(Khadduri, 1959, p. 281)

"You may wage a war and conquer a nation, then the people offer you wealth in order to save their life and family. They may ask you to conclude a 'surrender treaty' with them on certain conditions. It would not be legitimate for you to take away anything more than that."

This sets a precedent that the defeated nations should not be dealt with brutally and ruthlessly. The world still remembers the example of Germany when it was severely penalized after World War I. The resentment and agitation found in the people of Germany aggravated the fire of animosity which led to the break out of another horrible war known as World War II smashing the world peace again. So, the terms of the treaties must not be harsh enough to threaten the global peace.

The Conquest of Makkah

The Conquest of Makkah in 630 CE, is yet another example of the Prophet's flexibility towards the conquered tribes and territories. When he entered Makkah, he made sure that the non-combatants would not be harmed. He gave a strict set of instructions prohibiting his battalion from attacking anybody unless faced with any retaliation. He granted amnesty to those who put down their arms, shut the door of their house, or took refuge in the house of Abu Sufyan or in the

sanctuary of Kabah. The way he pardoned his enemies is an exemplary precept for all the nations to come.

The Covenant of Allah

Ailah was a trade Centre, near the coast of the Gulf of Aqaba towards Syria. It was populated with the Christian majority when the Holy Prophet PBUH camped at Tabuk in 9AH. He sent a detachment, carrying his letter to Yahna bin Rawbah who personally came to pay Jizya. The Holy Prophet PBUH granted peace not only to him but also to his allies who were inhabitants of Syria, Yemen, and Bahr (the settlements around the Red Sea).

They could enter the Muslim territories even though they had a discordant relationship with the Muslims. Being a trade Centre, they were facilitated to conduct their trade freely through land and harbors fearlessly. This covenant exhibits the leverages provided to the Christians of Ailah and the flexible terms of the treaty to promote peace and prosperity of people at large.

The Insightful Impact of the Hudaibiya Truce

The pact signed at Hudaibiya is a glorious example of acquiring peace between the Muslims OF Madinah and the Quraish of Macca who had been engaged in a series of fierce battles over the years. One of the clauses of the truce stated: "Quraish and Muslims would not engage in any war for the period of ten years." It depicts the Prophet's will to end the period of hostility and his aversion to the consequences of war, as he concluded a pact that apparently seemed against the Muslims' interest yet his aim was to develop regional peace and stability.

This truce demonstrates his strenuous efforts to promote peace despite the rigid and stubborn attitude of Sohail bin Amr, which could have halted the negotiation process for the conclusion of the treaty. Sohail bin Amr's insinuation could have led the situation towards the rise of further conflict but the Holy Prophet remained composed and did not react to his abrupt demands and ultimately achieved peace by accommodating all the adverse terms of the treaty. The far-reaching impact of the treaty contributed to the political stability of Medina and provided an opportunity for the people of Medina and Macca to mingle with each other. This socializing became a leading factor in the spread of Islam as the people of Macca got the chance to draw nearer to the Muslims and observe their social order and attributes closely thus developing an inclination for Islam.

Defense of Medinah: Strategic Treaties & Alliances

After migration to Medina, the Holy Prophet PBUH focused on developing a strong defense mechanism for the integrity and security of the nascent state. For this very reason, he entered into strategic alliances with the multi-ethnic groups and the tribes living in the suburbs of Medina, particularly the tribes residing along the trade routes of Makkah along the coast of the Red Sea.

The security was granted to the tribes of Bani Zura'a, Bani Ruba'a who belonged to Juhainah as well as Banu Zumrah and Banu Mudlij on the condition to remain impartial to Quraish.

The Pact with Juhainah

- Life and property of Juhainah will be safe.
- They will be aided, in the event of any confrontation or oppression
- The aid will not be provided in case of oppression and confrontation raised amidst their family or pertaining to their religion
- The righteous people around them will also be entitled to the same rights as those of Juhainah. (Rizvi, 1987, p. 66)

Dr. Hamidullah viewed the alliance with Juhainah and Banu Zumrah as extremely important as the trade caravan of Quraish could never be intercepted without the treaty of alliance with them. (Ullah, 2020, p. 226)

Peace Treaty with Banu Zumra

"This is a document from Muhammad, the Messenger of Allah, concerning Bani Zumrah in which he established them safe and secure in their wealth and lives. They will get assistance if they face any combat with oppression. They are liable to help the Messenger of Allah and respond positively in case the Holy Prophet seeks their help. This assistance is not obligatory in the case of religious wars. This covenant is under the protection (dhimma) of Allah and His Messenger PBUH that whosoever among them is good and God-fearing will be assisted.

These covenants were crucial for the security of Medina as they pledged to provide no assistance to the Muslims' opponents. The Holy prophet PBUH stood by these pledges and they remained intact for years, ensuring security to them.

Treaty with the Jews of Medinah

The Holy Prophet PBUH concluded a treaty with the Jews, who were the residents of Medina and granted them the privilege of being citizens of Medina while making them responsible for playing their part in state security. According to the terms of the treaty, they could neither provide refuge to Quraish nor help them against the Muslims' interest. In case of an invasion of Medina, they would stand as a joint defense. This treaty was signed to protect the state security and ensure peaceful co-existence.

Conclusion

The quest to subjugation and exploitation of other nations prompt barbarianism, brutality thus retaliation in return. The intolerance of superior nations towards other nations' independence causes inter hatred and animosity which turns into a threat to global peace. The Holy Prophet PBUH set the invaluable principles of peace-making through adaptability, calm and composed decisions, foresightedness, and non-intervention policy in the internal affairs of other tribes. His winning over his deadly enemies in just a short span of ten years is significant evidence of his landmark success. The way he undertook the treaties was a reflection of his humanistic way of dealing with enemies. The treaty of Hudaibiya and the conquest of Makkah are the most commendable and landmark achievements of peace and conflict resolution as well as explicit testimony against the imposition of one world order. The Holy Prophet's treaties played a pivotal role in establishing peace in Arabia through the foundation of the state of Medina and subsequently turning into a central power of the Arabian Peninsula within a decade. This stands as a marvelous example for the world players to take an insight into his conduct of multilateral treaties in order to adopt a humane approach in treaties to contribute to the promotion of peace and prosperity in the world.

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