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## Social and Economic Rights of Non-Muslims in Prophetic Treaties and its Effects: (An Analytical Study)

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### Abstract

*There are certain rules and regulations to run the administration of the state, on the basis of which it is easy for the people living in it to live. If there are no rules and regulations, then the state system will be disrupted. In general, there are people of different classes and different nations and people of different religions living in the state. The best example of this is the country of Pakistan, where there is a significant number of non-Muslims. The debate on the rights of Non-Muslims requires an understanding of the Islamic perspective on human rights. Therefore, it is important that the agreements made with polytheists, Jews and Christians during the time of the Prophet and the guarantees of security given to Non-Muslims should be made to convince the Pakistani society so that the minority community can feel peace here. It can be hoped that tolerance can be promoted at the levels of law and society based on the Prophetic principles of coexistence in Pakistani society. In this article, social and economic rights of Non-Muslims are discussed under the prophetic treaties when the state of Madinah established*

**Key words:** Prophetic treaties, Social rights, Economic rights, Non-Muslims

### Introduction

The study of the rights and duties of minorities has become very important throughout the Islamic world. Organizations of Islamic countries have also recognized the rights of non-Muslims in their resolutions and emphasized that it has been made a part of the legislation. The freedom given to non-Muslims, the tolerant attitude towards them and the agreements made on the basis of co-existence with non-Muslims in the Prophetic era should be studied and the principles derived from them can be compiled and applied to the society. Here, in this article, the rules and regulations have been formulated in the light of the agreements made by the Prophet with non-Muslims, which are discussed below.

### Literal Meaning of Contract:

Which is used in the sense of promise, will, contract, time, responsibility, security, safety, and friendship.<sup>1</sup> Quran Says,

وَأَوْفُوا بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا<sup>2</sup>

And fulfill the covenant. Surely, the covenant shall be asked about (on the Day of Reckoning)

And prophet says,

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أَلَا مَنْ ظَلَمَ مُعَاهِدًا، ----- فَأَنَا حَجِيجُهُ يَوْمَ الْقِيَامَةِ<sup>3</sup>

Whoever violates a zimmi agreement or violates his right or hurts him beyond his power or takes anything from him without his consent, then I, "Muhammad" (peace and blessings of Allah be upon him) will be on the Day of Judgment. I will prove the guilt of this oppressor"

### Synonyms of Treaties

There are many synonyms of contract in which some meaning of contract is found. Among these synonyms is al-Mishaq, Al-Aqd, Al-Mashalah Al-Salammah Al-Hudna Al-Madu'ah, Al-Halaf and Al-Zahmah.<sup>4</sup>

**Al-Mishaq:** To confirm a matter by swearing. As Allah says,

وَأَخَذْنَا مِنْهُم مِّيثَاقًا عَلِيًّا<sup>5</sup>

We took from them a firm pledge

Allah says another place,

أَلَا الَّذِينَ يَصِلُونَ إِلَى قَوْمٍ بَيْنَكُمْ وَبَيْنَهُم مِّيثَاقٌ<sup>6</sup>

Except those who join a group between whom and you there is a treaty,

**Al-Aqd:** Joining two ends of anything, tying a knot is called Uqd. Apart from this, this word has other meanings. It means making a firm commitment. Allah says,

أَوْفُوا بِالْعُقُودِ<sup>7</sup>

O you who believe, fulfill the contracts.

**Al-Halaf:** It is used in the sense of swearing. This also indicates the maturity of the promise.

As mentioned in the Quran

وَذَلِكَ كَفَّارَةٌ لِّأَيْمَانِكُمْ إِذَا خَلَقْتُمْ<sup>8</sup>

That is expiation for the oaths that you have sworn

And prophet says,

أَوْفُوا بِحَلْفِ الْجَاهِلِيَّةِ فَإِنَّهُ لَا يَزِيدُهُ يَغْنَى الْإِسْلَامَ إِلَّا شِدَّةً<sup>9</sup>

Fulfill the oath of ignorance, it will not be increased.

**Al-Zahmah:** It means commitment. Allah says,

لَا يَرْفُتُوا فِيكُمْ إِلَّا وَلَا ذِمَّةً<sup>10</sup>

They will not observe any bond or treaty with you

### Contract Concept according to Islamic Jurists

Islamic jurists have mentioned the following definitions of contract. Imam Ka Sani writes,

الْمَوَادَعَةُ وَهِيَ: الْمُعَاهَدَةُ وَالصُّلْحُ عَلَى تَرْكِ الْقِتَالِ<sup>11</sup>

Mowadeat is synonymous with treaty, it means to settle on a cease-fire."

In this, Imam Ka, Sani has mentioned the treaty as equivalent to the Mawadeat and it is intended to tell that the negotiation for peace on the war is called the treaty.

While Ahmad Al-Khatib al-Sharibini, and Ibn Qudama have considered the boundary to be equivalent to an agreement. Ahmad Al-Khatib al-Sharibini writes,

وَالْمُهَادَنَةُ، وَهِيَ لُغَةً الْمَصَالِحَةُ. وَشَرْعًا مَصَالِحُهُ أَهْلُ الْحَرْبِ عَلَى تَرْكِ الْقِتَالِ مُدَّةً مُعَيَّنَةً بِعَوَضٍ أَوْ غَيْرِهِ<sup>12</sup>

Hudna "It means making peace with the disbelievers on ceasing war within a specified time, whatever with or without compensation.

Ibn Qudama writes,

مَعْنَى الْهُدْنَةِ، أَنَّ يَتَّعِدَ لِأَهْلِ الْحَرْبِ عَقْدًا عَلَى تَرْكِ الْقِتَالِ مُدَّةً، بِعَوَضٍ وَيَغَيْرِ عَوَضٍ<sup>13</sup>

"Hudna" refers to making a peace agreement with the people of war for a specified period of time or without compensation. .

There are agreements with non-Muslims for specific periods of time, these are called Aman (peace) and "Hudna. The above definitions, despite the differences in wording, contain the following elements.

- The contract has legal validity.
- It is possible to agree with non-Muslims on ceasefire and peace and order.
- It is important to determine the specific period.
- The contract can be done both paid and unpaid.

### **Treaty ... Modern International Law**

According to modern international law, a "treaty" is an agreement concluded between two or more states which regulates the relationship between them.<sup>14</sup> Some important definitions of contract in modern international law are, Treaty is the name of the agreements that states make for the legal organization of mutual relations and under which the rules for these relationships are set.<sup>15</sup> The written agreement between two or more countries according to the international constitution accessories should be fixed.<sup>16</sup>

"A treaty is a formal agreement between two or more independent governments"<sup>17</sup>

According to the Committee on "International Law" created by the United Nations, "Treaty" is the name of an agreement that is declared in writing in accordance with the rules of international law in its form and name only between different states or Muslim legal entities that have the right to enter into these agreements.<sup>18</sup>

### **Definition of a Contract Comparing Islamic Jurists and International Law**

Allama Sarkhsi writes that, According to the jurists of Islam, the agreement among the three; individuals, the tribe and the state, is called "agreement".<sup>19</sup> Whereas, according to the definition of modern international law, a treaty can only be between states.<sup>20</sup> In other words, the definition of contract defined by Islamic jurists is comprehensive among individuals, tribes and states, whereas the concept of contract under modern international law is exclusive to states. The definition of the United Nations Committee on International Law is controversial even among the legal scholars themselves in the sense that this definition makes international agreements subject to international law, as if according to this definition, the status of the rules of international law is like an immutable Shari'ah for agreements, the essentials of which are to be

subject to the legitimacy of international agreements. In the eyes of some experts of international law, this is an absurd condition because in their view, international law is merely a formal moral law which is not enforced by the states.<sup>21</sup>

### **The Concept of Pre-Islamic Contract**

Since human tribes and nations started settling in limited geographical boundaries and the existence of states, their mutual relations of peace and war also began. From ancient times, there are examples of mutual negotiation and determination of rules and regulations to settle their differences. In history, there are mentions of agreements based on mutual interests between Egypt and Babal, Syria and the states of Asia. The Treaty of Rameses II Pharaoh Egypt in 1278 BC and the Treaty of Caesar Justinian with Persia in the Empire of Rome in 527. Similarly, the Peace Treaty between Caesar Yustian and Kasri Iran Noshirvan in 562 AD, after a long war between Caesar Justinian and Kasri Iran Noshirvan, a peace agreement was reached in 562 AD that its purpose was to allow free trade between Rome and Iran. Christians would have religious freedom and pay a thousand dinars in Rome annually will do. After this agreement, the borders of the two countries will be restored to their pre-war position, etc. This shows that the concept of agreements existed in ancient empires.<sup>22</sup> Before Islam, the Arab tribes also had mutual allyship agreements and trade agreements with other nations are known. The Qur'an alludes to these trade agreements in Sorah Quraysh.<sup>23</sup>

### **Concept of Contract in Islam**

#### **Significance of Agreement**

Obligation of oath is very important in Islamic Sharia. Islam has declared keeping a promise as one of the attributes of faith. Allah says,

وَالَّذِينَ هُمْ لِأَمْتِنَتِهِمْ وَعَهْدِهِمْ رَعُونَ<sup>24</sup>

And (success is attained) by those who honestly look after their trusts and covenant

Quran says,

الَّذِينَ يُؤْفِقُونَ بَعْدَ اللَّهِ وَلَا يَنْقُضُونَ الْمِيثَاقَ<sup>25</sup>

Those who fulfill (their) pledge with Allah and do not break the covenant

Allah Says,

وَالْمُؤْفِقُونَ بَعْدَهُمْ إِذَا عَاهَدُوا<sup>26</sup>

And (the act of) those who fulfill their covenant when they enter into a covenant

According to the hadith of the Prophet, fulfilling the promise has been declared as the basis of faith and the one who makes bad promises is called a hypocrite.

لَا إِيمَانَ لِمَنْ لَا أَمَانَةَ لَهُ، وَلَا دِينَ لِمَنْ لَا عَهْدَ لَهُ<sup>27</sup>

He who does not have trustworthiness, his faith is also not perfect, and he who does not fulfill his covenant has no religion. In another place he said,

آيَةُ الْمُنَافِقِ ثَلَاثٌ: إِذَا حَدَّثَ كَذَبَ، وَإِذَا وَعَدَ أَخْلَفَ، وَإِذَا أُؤْتِيَ حَانَ<sup>28</sup>

There are three signs of a hypocrite: when he speaks, he lies, when he makes a promise to

someone, he breaks it, and when he is entrusted with a trust, he betrays it.

### Legitimacy of Agreement

The legitimacy of agreements with non-Muslims is proven by the Qur'an and Sunnah. In this context, the instructions are from Allah,

إِلَّا الَّذِينَ يَصِلُونَ إِلَى قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ<sup>29</sup>

Except those who join a group between whom and you there is a treaty

Allah further said,

فَالْيَكُوفُ إِلَيْهِمْ عَلَيْهِمْ إِلَى مُدَّتِهِمْ<sup>30</sup>، وَالَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ ثُمَّ لَمْ يَنْقُصُوا شَيْئًا وَلَمْ يُظَاهِرُوا عَلَيْكُمْ خِيَانًا

Except those of the Mushriks with whom you have a treaty, and they were not deficient (in fulfilling the treaty) with you, and did not back up any one against you. So fulfill the treaty with them up to their term

Allah says,

وَأَنْ اسْتَنْصَرُوكُمْ فِي الدِّينِ فَعَلَيْكُمُ النَّصْرُ إِلَّا عَلَى قَوْمٍ بَيْنَكُمْ وَبَيْنَهُم مِّيثَاقٌ<sup>31</sup>

However, if they seek your help in the matter of faith, then, you are bound to help, except against a people with whom you have a treaty

Allah says about promise,

وَأَوْفُوا بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا<sup>32</sup>

And fulfill the covenant. Surely, the covenant shall be asked about (on the Day of Reckoning)

There are many traditions that prove the validity of contracts from the Sunnah of the Prophet. All those hadiths that point to the importance and completeness of contracts are among the arguments for the legitimacy of the contract. Prophet says,

أَرْبَعٌ مَنْ كُنَّ فِيهِ كَانَ مُنَافِقًا خَالِصًا، وَمَنْ كَانَتْ فِيهِ خُصْلَةٌ مَبْنِيَّةٌ كَانَتْ خُصْلَةً مِنَ التَّقِيَّاتِ حَتَّى يَدْعَهَا: إِذَا أُؤْتِيَ خَانَ، وَإِذَا حَدَّثَ كَذَبَ، وَإِذَا عَاهَدَ غَدَرَ، وَإِذَا خَاصَمَ فَجَرَ فِيهِ<sup>33</sup>

Whoever has four things in him is a true hypocrite, and whoever has even one of them, there is only one thing of hypocrisy in him, until he abandons it, those things are: When someone is trusted, he betrays his trust and when he talks, he tells a lie and when he makes a promise to someone, he breaks his promise and when he fights with someone, he talks nonsense.

Prophet further says,

أَلَا مَنْ ظَلَمَ مُعَاهِدًا أَوْ انْتَقَصَهُ أَوْ كَلَفَهُ فَوْقَ طَاقَتِهِ، أَوْ أَخَذَ مِنْهُ شَيْئًا بِغَيْرِ طَلِبٍ نَفْسٍ مِنْهُ، فَأَنَا حَاجِبُهُ يَوْمَ الْقِيَامَةِ<sup>34</sup>

Whoever oppresses a dhimmi (agreement) or destroys his right or hurts him beyond his power or takes anything from him without his consent, I will prove the guilt of the oppressor on the Day of Judgment.

In another place he said:

لِكُلِّ عَادِرٍ لَوَاءٌ يَوْمَ الْقِيَامَةِ<sup>35</sup>

On the Day of Resurrection, the head will be a flag to identify the promise-breaker.

Those agreements which do not have any defects but lead to the improvement of the society

Islam does not forbid that it was done in the before prophetic period. Mohammed-peace be upon him-said,

أَوْفُوا بِالْعَهْدِ، فَإِنَّ الْإِسْلَامَ لَا يَزِدُّهُ إِلَّا شِدَّةً<sup>36</sup>

"Fulfill the legitimate agreements of before prophetic period, Islam makes these agreements more solid"

In addition to the above-mentioned sayings, many agreements were signed with him, such as the Treaty of Madinah, the Treaty of Hudaibiyah and there is evidence of treaties with other tribes.

### Contractual Restrictions

agreements, whether individual or national, between Muslims or non-Muslims, must be observed. Regarding the binding of the contract, the instructions of Allah are as follows.

وَأَوْفُوا بِعَهْدِ اللَّهِ إِذَا عَاهَدْتُمْ وَلَا تَنْقُضُوا الْأَيْمَانَ بَعْدَ تَوْكِيدِهَا وَقَدْ جَعَلْتُمُ اللَّهَ عَلَيْكُمْ كَفِيلًا<sup>37</sup>

Fulfill the Covenant of Allah when you pledge, and do not break oaths after you swear them solemnly, while

you have made Allah a witness over you. Surely, Allah knows all that you do

Quran further says,

وَأَوْفُوا بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا<sup>38</sup>

And fulfill the covenant. Surely, the covenant shall be asked about (on the Day of Reckoning)

Commentators Ibn Kathir, Al-Tabari, Razi and AllamaJasas, etc., on the contracts in the above-mentioned constitutions, write that: Contracts refer to oral verbal promises and contracts that are made by oath and those contracts. Therefore, it is necessary to adhere to all these agreements that are with Muslims and non-Muslims.<sup>39</sup>In addition to these traditions, the Holy Prophet (peace and blessings of Allah be upon him) also ordered the observance of all those agreements that are beneficial for all humanity, even if the agreements are not of the age of ignorance. Therefore, the Prophet (peace and blessings of Allah be upon him) says that Islam further ripens all the good agreements of the age of ignorance.<sup>40</sup> The Holy Prophet (peace and blessings of Allah be upon him) said about the well-known agreement Halaf al-Fadhul of the age of ignorance, I am more beloved than red camels.

مَا أَحَبُّ أَنْ لِي بِهِ حُمْرُ النَّعَمِ<sup>41</sup>

I like it more than red camels

On the occasion of the Peace of Hudaibiyah, when the companion of prophet, Hazrat Abu Jindal ran away from Makkah and reached the Muslims, Prophet sent them back according to the agreed terms.

### Conditions of Breach of Contract:

From the above discussion, it is known that the basic instructions of Islam are that it is necessary to fulfill the contract up to the original period but there are some cases in which breach of contract is allowed. The description of which is as follows. Agreements with non-Muslims that are perpetual and indefinite are not permissible unless the violation is by the other party himself.<sup>42</sup> Violation of temporary agreements with non-Muslims is permissible in certain

cases. For example: The term of the contract is over or there is betrayal by the second party. If there is fear of betrayal by the second party, then the contract can be terminated by informing them first.<sup>43</sup>

## Types of Contracts

Islamic jurists have defined two basic types of contract.

- Temporary contracts
- Non-temporary or perpetual contracts

## Temporary Contracts

These agreements are agreements with non-Muslims for a specific time and period, they are called Aman and Hudna. The jurists have mentioned two types of contract of trust.

- Specific peace.
- General peace.

## Specific Peace

Peace given to an individual or a small group is called Aman-e-specific. Every Muslim man and woman can give such peace in a war situation.

## General Peace

There is a peace in which providing peace to a large group, tribe or country of the enemy, in which they are supported and given privileges related to life and property, is included in the general peace. In the state of war, the power of this security is given only to the head of state or government officials.

## Peace Agreement

It refers to a truce with the belligerents for a specified period of time.<sup>44</sup>

## Non-Temporary or Perpetual Contracts

According to the agreement reached between the Islamic State and non-Muslims, non-Muslims can live in "Dar ila Salam" and are considered citizens of the Islamic State. The Islamic state protects their lives and property and their honor and reputation, therefore they make the state a special one taxes are paid in installments.

<sup>45</sup> قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلَا يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ حَتَّى يُعْطُوا الْجِزْيَةَ عَنْ يَدٍ وَهُمْ صَاغِرُونَ

Fight those People of the Book who do not believe in Allah, nor in the Last Day, and do not take as unlawful what Allah and His Messenger have declared as unlawful, and do not profess the Faith of Truth; (fight them) until they pay jizyah with their own hands while they are subdued

## Status of Contract Terms

The following are essential for the validity of the contract: "A contract may be entered into with any responsible person or his nominees" It is necessary for the agreement that it was made under some expedient of the Muslims, yes, if there is any expedient of the Muslims in the agreement, then it is not permissible to enter into such an agreement. Expediency refers to the possibility of Muslims accepting Islam from non-Muslims, the establishment of peace and security, economic relations, the expansion of Dar al-Islam, warding off evil from Muslims, obtaining the cooperation of non-Muslims against evildoers, etc. No condition of the contract

is in conflict with the Islamic Shari'ah because it has no status in the religion of Islam. The Prophet (peace and blessings of Allah be upon him) said,

كُلُّ شَرْطٍ لَيْسَ فِي كِتَابِ اللَّهِ فَهُوَ بَاطِلٌ<sup>46</sup>

A condition that is contrary to the Book of Allah is invalid.

Prophet further says,

الْمُسْلِمُونَ عَلَى شُرُوطِهِمْ إِلَّا شَرْطًا حَرَّمَ حَلَالًا، وَأَخْلَّ حَرَامًا<sup>47</sup>

Made his own conditions for Muslims, except for the condition that changes the halal and haram restriction is necessary.

Some jurists write that, No such agreement is permissible which contains illegal conditions such as: surrender of arms or the handing over of Muslim territory to non-Muslims or with conditions that justify treachery or any condition that insults Muslims.<sup>48</sup>

### **Social and Economic Rights of Non-Muslims in Prophetic Treaties**

Islam is a universal religion and a nation with a universal guarantee for the life of its believers who ruled for a long time and various nations of the world accepted their political patronage. Nevertheless, no narrow-mindedness, prejudice or partiality was ever felt in the fundamental issues of any minority and their national affairs. Even after turning the pages of history, there is not a single incident in which non-Muslims have been treated unfairly in their personal, economic, social or national problems.

### **Social rights of Non-Muslims**

Islam has provided guidance for every aspect of human life, whether it is related to the individual life of a person or to the collective life, just as it has given orders regarding our life, in the same way, the collective life, whether it is related to politics or Be it from economy, society or ethics, the only source of the rulings related to each of them that reached the people is through the Blessed Self of the Holy Prophet (PBUH). Dr. Hameedullah is a scholar regarding the blessed covenant of the Holy Prophet. The blessed era of the Prophet of Islam is a revolutionary point in the world and an epoch-making era.<sup>49</sup> Just as you (peace and blessings of Allah be upon him) are the best example from Allah Almighty in beliefs and matters as he told the principles and branches of every field of life without which the fulfillment of humanity was not possible, in the same way, he (PBUH) guided humanity in politics as well. When the Prophet (peace and blessings of Allah be upon him) established the Islamic state in Madinah, he not only respected the rights of the Muslim subjects but also gave full protection to the rights of the non-Muslim citizens. If the SiratunNabi is studied in depth, it becomes easy to decide that the rights of the people of peace or covenant with the subjects are not based on any declaration of the Islamic government, but on the agreement between them and the Islamic government. Set in between. In view of this principle, a few examples are mentioned from the Prophetic agreements, which are intended to clarify what are the social rights of non-Muslims in the Islamic state.

### **Right to Equal Citizenship**

The Treaty of Madinah is the first constitution in which the Prophet (peace and blessings of Allah be upon him) not only made a treaty with non-Muslims, but also recognized their rights.

Abdul Hameed Siddiqui states the amount related to this agreement:

This agreement was the first political agreement between Muslims and non-Muslims.<sup>50</sup>



The most important and first right given to non-Muslims under the Covenant of Medina was that they were given equal status in citizenship and their collective status was maintained, as the Prophet (peace and blessings of Allah be upon him) said,

إِنَّهُمْ أُمَّةٌ وَاحِدَةٌ دُونَ النَّاسِ<sup>51</sup>

Each group is politically a party. This basis of citizenship was apart from the basis of faith and religion which considered them as members of the Islamic state despite their differences in religion and belief. This saying of the Holy Prophet also determines the rights of citizenship.

إِنَّ يَهُودَ بَنِي عَوْفٍ أُمَّةٌ مِنَ الْمُؤْمِنِينَ لِلْيَهُودِ دِينُهُمْ، وَلِلْمُؤْمِنِينَ دِينُهُمْ<sup>52</sup>

Of course, the Jews of Bani Auf are also like the believers in rights, the Jews have their own religion and the Muslims have their own religion.

” Articles 15, 18, 22, 25 of the Charter can be seen in the basis of this concept of the right of citizenship. Clause No. 8 of the decree on the name of Christians of Najran can also be seen. The protection of the rights of non-Muslim citizens in the Islamic state and respect for their citizenship is also proven by hadiths. As prophet says,

مَنْ قَتَلَ مُعَاهِدًا لَمْ يَرِخْ رَائِحَةَ الْجَنَّةِ<sup>53</sup>

He who kills covenant cannot smell the fragrance of paradise.

### Right to Freedom of Expression

In Islamic society, all people have the right to express their opinion. By describing this right in the Holy Quran, the democratic foundations have been strengthened because without free expression and exchange of opinions, the democratic process cannot move forward. The Holy Qur'an made it clear while describing the virtues of the Holy Prophet (peace be upon him).

فَبِمَا رَحْمَةٍ مِنَ اللَّهِ لِنْتَ لَهُمْ وَلَوْ كُنْتَ فَظًّا غَلِيظَ الْقَلْبِ لَانْتَضَوْا مِنْ حَوْلِكَ ، فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ<sup>54</sup>

So, (O Prophet) it is through mercy from Allah that you are gentle to them. Had you been rough and hard-hearted, they would have dispersed from around you. So, pardon them, and seek Forgiveness for them. Consult them in the matter and, once you have taken a decision, place your trust in Allah. Surely, Allah loves those who place their trust in Him

The Qur'an presents the system of freedom of opinion in Islam in this way,

تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ<sup>55</sup>

You bid the Fair and forbid the Unfair, and you believe in Allah

In the work of good, everyone is free to follow it, while in the work of evil, if anyone wants to take the lead, then he was called a hypocrite. Freedom does not mean insulting any religion or any respectable personality of it, Islam does not allow it at all. Quran says,

وَلَا تَسُبُّوا الَّذِينَ الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ<sup>56</sup>

Do not revile those whom they invoke other than Allah

This right to freedom of expression is conditional only on propagating good and not evil. This does not mean at all the Western concept of freedom of opinion, which has remained in disrepute. As in today's time, the heartwarming movements of the apostasy sketches are made to look like this. As Islam, in raising its voice against evil and without distinguishing between itself and others, says that when it gets power, it forbids evil. As Quran says,

الَّذِينَ إِنْ مَكَّنَّاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَآمَنُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ<sup>57</sup>

Islam has supported this important human right regardless of creed and religion. Its clear examples are also found in prophetic covenants. For example, under Article 37 of the Covenant of Medina, all Muslims and non-Muslims are free to express their opinions,

<sup>58</sup> وَأَنَّ بَيْنَكُمْ التَّصَاحُفَ وَالتَّصِيحَةَ.

"They have to act in consultation with each other."

### **Residence in the State, Freedom of Movement**

Where Islam has provided other rights to non-Muslims, it has also given them the basic right of movement. Peace and order and sanctity of housing are among the basic needs of human beings, that is why the study of Prophetic covenants shows that non-Muslims have not been deprived of this right by Islam. According to Articles 39 and 47 of the Charter of Madinah, all the people of the Islamic state whether they are Muslims or non-Muslims, have the right to move and reside freely in the state.

### **The Right of Administrative Affairs**

Islamic government is not given to any particular class or race but it is the caliphate and vicegerency of God Almighty. Quran Says,

<sup>59</sup> اَدْ جَعَلَكُمْ خُلَفَاءَ مِنْ تَحْتِ قَدُومِ نُوْحٍ

And remember when He made you successors after the people of Nuh

According to this order, every position in the Islamic state is a trust. This time the trust includes both Muslims and non-Muslims, it can be guided by the covenants of the Prophet (PBUH). Prophet says,

<sup>60</sup> اَنْ لَّهُمْ مَا تَحْتِ اَيْدِيهِمْ مِنْ قَلِيلٍ وَكَثِيرٍ.

Everyone owns a little something of their own

Further, changes in their ranks and positions are also a type of interference which is prohibited. He (peace and blessings of Allah be upon him) said,

<sup>61</sup> لَا يَغْيَرُهُ اُسْتَفْ مِنْ سَيِّئَاتِهِ وَلَا وَاَقِفَ مِنْ وَفِيَّاهُ

These priests and monks will not be removed from their way of worship and the priests from their profession."

Dr. Hameedullah states that According to this section, the people of Najran were given complete freedom in administrative and religious matters, they were independent in all their administrative and religious matters and were not bound to seek confirmation from the Islamic government in their matters.<sup>62</sup>

### **Right to Equality and Justice**

The main feature of the political system established by Islam is the provision of equal free and immediate justice to all citizens. Unfettered justice is the right of citizens on the one hand and the responsibility of the state on the other hand. This responsibility is mentioned in the holy Quran,

<sup>63</sup> وَاِذَا حَكَمْتُمْ بَيْنَ النَّاسِ اَنْ تَحْكُمُوا بِالْعَدْلِ اِنَّ اللّٰهَ يَعْظُمُ عَلَيْكُمْ بِهٖ اِنَّ اللّٰهَ كَانَ سَمِيْعًا بَصِيْرًا

And that, when you judge between people, judge with justice. Surely, excellent is the

exhortation Allah gives you. Surely, Allah is All-Hearing, All Seeing

The basis of the concept of equality is in the Charter of Medina which can be seen in Article No: 24 to 35, 47, 45, 41, 39, 38, 37, and likewise the rights of justice that Islam has granted to non-Muslims, the agreements of prophetic education are witnesses of this. The rights of justice and fairness given to non-Muslims can be seen in Article No. 11 of the Agreement with the Christians of Najran, and Article No. 27 of Agreement No. 96.

## **Economic Rights of Non-Muslims**

### **Rights of Jobs**

The respect given to non-Muslim Imams and Leaders in the Prophetic Covenants is a characteristic of the Prophet (peace and blessings of Allah be upon him) and respect is a shining example of religions. He (peace and blessings of Allah be upon him) came to this world to bestow honor and dignity and did not consider Muslims and non-Muslims in it. Even at the time of making agreements with the people, the Prophet (PBUH) kept this in mind and kept them in their positions. Mohammed-peace be upon him-said,

لَا يَغْيِرُهُ أَشَقُّفٌ مِنْ سَيِّفَاءَ وَلَا وَاقِفٌ مِنْ رَقِيقَاءَ<sup>64</sup>

No bishop shall change him from his place of standing, nor any stander from his place.

### **Religious Positions and Endowments**

Islam has also given full protection to the positions of the places of worship and their endowments and left them to their condition because this is the teachings of Islam. As Amr bin Al-Aas conquered Egypt, he allowed the reserved land to be restored. This type of land existed till 755 AH, its area was twenty five thousand kudans.<sup>65</sup>

Baniya Min held the major religious position of Christians "Peter Park" in Egypt but he fled during the period of Iranian rule over Egypt. In the Islamic era, Hazrat Amr bin Al-Aas himself summoned him by sending a written decree in 20 AH and position assigned to Peter York's.<sup>66</sup>

### **Right to Property**

It is clear from the agreements of the Prophet (peace be upon him) that the Islamic state will protect the property of non-Muslims like Muslims, will not dispossess them of their right to ownership and will not forcibly seize their lands and properties, even if they don't pay jizya, state will not auction their property. Non-Muslims will have the rights and duties of buying and selling, industry and crafts and all other sources of livelihood like Muslims, and they will also have the right to dispose of their own property, they can transfer their property to others through wills and bequests. Their property will also be divided among their heirs, even if there is a survivor of jizya in the account of a dhimmi and he dies, this money will not be collected from the property and no pressure will be placed on his heirs. There were various Christian centers in the Arabian Peninsula, the largest center being Najran. When the whole Arabian Peninsula entered the realm of Islam, the Christians of Najran and other regions sent a delegation to Prophet Muhammad for reconciliation and this peace document has become an adornment of the books. In this, the Prophet (peace and blessings of Allah be upon him) awarded them with the property rights as follows,

ولنجران وحاشيتها جوار الله وذمة محمد النبي رسول الله على أنفسهم، وملتهم، وأرضهم، وأموالهم، وعنائهم وشاهدتهم وعيهم وبعثهم. وأمثلتهم لا يغير ما كانوا عليه ولا يغير حق من حقوقهم<sup>67</sup>

Najran is the responsibility of Allah and His Messenger (peace and blessings of Allah be upon

him) for their sympathizers, their neighbors, their lives, their nation, their property even their present and their absent persons will be protected. Their trades and their expeditions, all things like that will be normal and they will remain as they are.

### **Public Holidays of Non-Muslim Citizens**

If seen in the context of Sirat-e-Taiba, then the background of the joys of Eid that the Prophet (PBUH) blessed the Muslims with after going to Madinah, then it comes to light that upon the inquiry of the Prophet (PBUH), the Companions When Allah told them that these are the festivals of their happiness, the Prophet (peace and blessings of Allah be upon him) did not say to tell them that now Islam has come here, so only Islamic festivals will be held here, rather, the Prophet (peace be upon him) said,

إِنَّ اللَّهَ قَدْ أَبَدَلَكُمْ بِهِمَا خَيْرًا مِنْهَا : يَوْمَ الْأَضْحَى ، وَيَوْمَ الْفِطْرِ<sup>68</sup>

Allah has given you days better than them, i.e. the day of Fitr and the day of sacrifice

### **Assistance to Non-Muslim Needy**

Obligatory alms, for example Zakat and Ushar, is related to the needs and needs of Muslims, just as it is related to the needs and needs of non-Muslim dhimmis. For their poor and needy, Islam establishes a chain of livelihood without any discrimination. It is the responsibility of the Caliph to ensure that no citizen of the Islamic state is deprived of livelihood. Just as the Islamic Bait-ul-Mal takes the responsibility of sponsoring a Muslim when he becomes disabled or in need due to old age and poverty. In the same way, in the case of a non-Muslim being disabled or infirm, the Islamic Baitul-Mal has to be sponsored. There is a hadith from Hazrat Saeed bin Musaib that,

"أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ تَصَدَّقَ صَدَقَةً عَلَى أَهْلِ بَيْتٍ مِنَ الْيَهُودِ، فَبَيَّ تَجَرَى عَلَيْهِمْ<sup>69</sup>

The Messenger of Allah (peace and blessings of Allah be upon him) gave charity to a family of Jews and it continues to be given to them (even after the Prophet's departure).

### **Protection of Property**

The Islamic State is also responsible for the protection of the property of non-Muslim citizens, no one is allowed to take possession of their property and take undue advantage of their property and assets. It was narrated from Hazrat Khalid bin Waleed that: I was with him in the battle of Khyber. I was with the prophet in the battle of Khyber. After the battle, the Jews came and complained that people broke on our fruits and grains, while these things were not in the open field but in protected places. Since an agreement has been made with the Jews, the Prophet (peace and blessings of Allah be upon him) said:

أَلَا لَا تَحِلُّ أَمْوَالُ الْمَعَاهِدِينَ إِلَّا بِحَقِّهَا<sup>70</sup>

The wealth of informed contracts is not halal for you except by a halal method

And he (peace and blessings of Allah be upon him) said while giving a sermon on the day of Arafah,

فَإِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ وَأَعْرَاضَكُمْ عَلَيْكُمْ حَرَامٌ، كَحُرْمَةِ يَوْمِكُمْ هَذَا، فِي بَلَدِكُمْ هَذَا، فِي شَهْرِكُمْ هَذَا<sup>71</sup>

Indeed, your blood, your wealth and your honor are all forbidden to you, just as this day of yours, in your city and this month of yours is honorable.

## **Treaties with Non-Muslims and its Effects**

### **Prophetic Covenants with Non-Muslims**

#### **Covenant of Medina**

The foundation of the Islamic state was laid from migration of Madinah. The state was formally established through a constitution. A few months after the Prophet (peace and blessings of Allah be upon him) came to Madinah after migrating, he issued a document which was considered as the constitution of the residents there.<sup>72</sup> This treaty is the constitution between the different nations living in Madinah, the Jews, polytheists and Muslims. It determined the rights and responsibilities of all the nations of Madinah and those who joined them. Although its status is similar to that of a Constitutional Charter, but since the Constitution is a kind of covenant that determines the limits of the rights and duties of the government on the one hand and the rights and duties of individuals on the other, it is also called a charter.

#### **Contracts of Defense Nature**

These are the agreements that after the founding of the Islamic state of Medina, the tribes of the western areas of Medina, BanuJahina,<sup>73</sup> BanuMuzaind, BanuZamra, BanuAshaja,<sup>74</sup> BanuMadalaj<sup>75</sup> and BanuGhaffar.<sup>76</sup> These treaties originated in 2 A.H. Their aim was to protect the Islamic state from external threats, especially the polytheists of Makkah and the Ghatfan tribes.

First of all, in wars, allies can be kept neutral at least. These treaties were mostly defensive in nature and can be called alliance or neutrality treaties.

#### **Peace Treaty (Peace of Hdaybiyah)**

It is a one-of-a-kind agreement reached as a temporary truce with a warring enemy. In this agreement, a ten-year truce was agreed with the polytheists. The Qur'an called this agreement Fateh e Mubin.

#### **Renewed Alliance Agreement**

This is also a unique agreement of its kind that was made with BanuKhuza'a. During the period of ignorance, Banu Khuza'ah had made a friendship and allyship agreement with Banu Mutalb. On the occasion of the Peace of Hday biyyah, the Banu Khuza'a, who were non-Muslims, brought their old agreement and wanted to renew it. The Holy Prophet (peace and blessings of Allah be upon him) renewed this caliphate of the age of ignorance.

#### **Agreements of Peace**

After the peace of Hdaybiyah, Allah Almighty blessed the Muslims with victory and the whole Arab became Muslims or became submissive to the Islamic State and joined the Islamic State. Most of the agreements made after this peace are related to conquered tribes and nations. These tribes and nations accepted the subjugation of Muslims, on the basis of which they were given peace and their rights and responsibilities were determined. In addition to the independent Arab tribes, the nations that were called tributaries of Rome and Persia also became parties to these treaties.

## **Treaties with Non-Muslims and its Effects**

After the formation of the Islamic society, the Messenger of Allah (peace and blessings of Allah be upon him) made agreements with the followers of different nations and religions, which

have their own effects. The details of which are as follows. All the above-mentioned treaties of Madinah constitution, caliphate, reconciliation, renewal of caliphate and peace were different and varied in terms of their essence and results, the details of which are as follows.

### **Effects of the Treaty of Medina**

The importance and effectiveness of this agreement which is the first written constitution in the Islamic world was due to its effects which are as follows,

### **Legal Effects of the Covenant of Medina**

#### **Equality based rules and regulations for legislation**

Before this agreement, there was no such thing as law, everyone was looking for their own interest, while this agreement gave rules and regulations based on justice and equality. Thanks to this agreement, you have not only secured the judicial, military, executive and legislative powers for yourself and the people of Islam, but also formulated the principles of religious freedom on which basis there can be unity and cooperation with non-Muslims. Due to this agreement, the legal status was established and the spirit of respect for law, morals, religion and human values was created among the citizens. Due to this agreement, the laws of Qisas and Fidyah came into existence.<sup>77</sup> Dr. Hameedullah writes that: This agreement is a complete model of the legal text and documentation of this agreement. Its importance was felt more by European Christians than by Islamic historians.<sup>78</sup>

### **Judicial Matters**

Through the Treaty of Madinah where the policy of non-interference in the personal law of the Jews was promoted,<sup>79</sup> they were also given the option to take advantage of the Islamic justice system by bringing their cases to the Islamic court. As in the case of *diyat*, they made use of it and the Prophet (peace and blessings of Allah be upon him) established justice between them and made the *diyat* equal between the parties.<sup>80</sup> Even in modern times, the cases of non-Muslims which are related to personal Law on them. Such cases will not be brought to the Islamic court so that their religious freedom is not affected.<sup>81</sup>

### **Political, Military and Defense Effects**

The Treaty of Madinah is a manifestation of the Prophet's unparalleled foresight and supreme leadership skills, which had the following political, military and defensive effects on Muslims.

- In Madinah, Muslims gained central status, especially politically.
- The defensive importance of this agreement can also be estimated from the fact that when the Muslims started their military campaigns, none of the tribes of Medina objected or interfered.
- This treaty served as an enclosure for Medina, giving Muslims opportunities to popularize Islamic beliefs, to warn them of the harms of polytheism and idolatry.<sup>82</sup>

### **The Source of Supreme Authority and Power**

Islamic government is actually a divine government in which the ultimate authority and decision rests with Allah. And the direct representatives of Allah are the Prophets whose followers are actually followers of Allah.

Allah says,

مَنْ يُطِيعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ<sup>83</sup>

Whoever obeys the Messenger obeys Allah

An exemplary document of peaceful coexistence, this treaty is an exemplary masterpiece of the political and military vision and grand strategy of the Holy Prophet, and is adorned with every essence of peace and security, justice and fairness, tolerance and freedom. Thanks to this agreement, religious tolerance, peaceful coexistence and maintenance of peace and protection of human values were helped. The rights and duties of non-Muslims, individuals, nations of different religions, the principle of religious freedom and tolerance were clarified. Every time of Medina has its own unique status and it explains “what is the religious and political status of the people living in the Islamic state? It can also be speculated how much an Islamic state wishes for peace with its neighboring countries. Due to this, European historians have given great importance to this historic agreement.<sup>84</sup>

### **Establishment of International Society**

Thanks to this agreement, a society came into existence which was an international society. In which the rights and duties of each nation and race were determined on the basis of justice and fairness.

### **Establishment of an Islamic State**

Staying is not the main goal, but it is a means to achieve another great goal. For example: The purpose of establishing a non-Islamic state is to maintain peace through the police and courts, run the government through the administration and secure the borders through the army. An Islamic state also fulfills all these responsibilities, this is its secondary duty, it is one of the main objectives of its establishment

الَّذِينَ إِنْ مَكَّنَّاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَأَمَرُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ<sup>85</sup>

(The ones who help Allah are) those who, when We give them power in the land, establish Salah, pay Zakah, bid what is Fair and forbid what is Unfair

This is the reason that the Covenant of Madinah was in a sense a precursor to the establishment of an Islamic state, the aim of which was the establishment of a righteous and pure society.

### **End of Internal Civil War**

Yathrib, which was not only the abode of the outwardly ill but also the internal infirmities were on the rise. Aos and Khazraj were on the verge of each other's lives, while after this agreement, the internal civil war came to an end.

### **Political Alliance with Non-Muslims**

The task of the Islamic state is to eliminate evil and disorder from the society and to promote goodness, justice and order. Achieving these goals is impossible without the cooperation of all sections of the society that is why the Holy Prophet (peace and blessings of Allah be upon him) made an agreement with the Non-believers. There are indications about this principled cooperation from several verses of the Holy Quran, one of which is this,

قُلْ يَا أَهْلَ الْكِتَابِ تَعَالَوْا إِلَى كَلِمَةٍ سَوَاءٍ بَيْنَنَا وَبَيْنَكُمْ<sup>86</sup>

Say, “O people of the Book, come to a word common between us and between you.

In Article No. 25 of this agreement, the words Ummahmu'al-Mu'minin give a clear and



transparent guidance in uniting and cooperating with non-Muslims.<sup>87</sup> Jurisprudence has justified this political union. As in Sharh al-Sair al-Kabir: The jurists have justified political alliances with non-Muslims.<sup>88</sup>

### **Effects of Defense Contracts**

These agreements of defensive nature were made with the tribes living in the south-west of Madinah: Banu Mud Laj, Banu Zamra, Jinnah and Muzaina, Banu Ghafar and Ashjaja at the beginning of 2Hijri. These tribes had ally relations with Aus and Khazraj from the time of Ignorance. The tribe of Jhinah and Ashjawas the allies of Khazraj while the tribe of Muzniyyah were the allies of Aus. <sup>89</sup>This agreement has the following effects:

### **Defense Strength of Madinah State**

Most of the Jews lived in the east and north of Madinah<sup>90</sup> who lived in this niche to somehow humiliate the Muslims. By making agreements with the aforementioned tribes to the west of Madinah, the Prophet (PBUH) strengthened Madinah defensively.

### **Economic Benefit**

Thanks to these agreements, the Muslims took possession of the Syrian trade highway.<sup>91</sup>

From which the Muslims got numerous economic benefits. An example of this is the delegation of Asjha that when it started to suffer from economic recession, it came to the Muslims instead of the people of Makkah and requested a caliph which was accepted.<sup>92</sup>

### **Deprivation of the Support of the Polytheists of Makkah**

It was for this reason that the Prophet (peace and blessings of Allah be upon him) made agreements with the friendly tribes of the polytheists of Makkah so that the polytheists of Makkah would be deprived of the aid of these tribes in the event of an attack on Madinah.

### **Increased Traffic**

Due to these treaties, mutual traffic increased which had the effect of giving the tribes an opportunity to understand Islam which led to many people of these tribes accepting Islam.<sup>93</sup>

### **Effects of Hdaybiyah Peace Treaty**

This is the only agreement that was concluded in the form of temporary peace with the warring enemy in 6 Hijri. This agreement of Quraysh's preferred terms was apparently not in the interest of the Muslims but time has proved that this victory is evident, which the Qur'an is also a witness to. Allah Almighty says,

إِنَّا فَتَحْنَا لَكَ فَتْحًا مُبِينًا<sup>94</sup>

Surely, We have granted you an open victor

Allah Ta'ala has indicated the far-reaching effects of this agreement in various verses of the same Surah, which are as follows:

### **Conquest of Khyber**

After this agreement, the Muslims were freed from the threats posed by the polytheists of Mecca. Now the center of attention of the Muslims was the Jews of Khyber, who were



thinking of climbing Madinah, so the Prophet (peace and blessings of Allah be upon him) left for Khyber on the 7th of Hijri with 1,400 hundred companions which caused Confronted with victory to the prophet By Allah. This victory was achieved thanks to the peace of Hudaibiyah, which is supported by the words "Faitha Qariba". Tabari, based on various traditions, has written that "Nearest win" means "And this is what we said فَتَحَ خَيْبَرَ": "وَذَلِكَ فِيمَا قِيلَ: فَتَحَ خَيْبَرَ": Fatah is Khaybar.<sup>95</sup>

### **The Existence of an Islamic State Formally Recognized**

Maulana Abul Aal Maududi has written that, "One of the principle and fundamental results of the Peace of Hudaibiyah was that it recognized the existence of an Islamic state for the first time." Prophet was belonged to a group which the people of Macca considered him (peace and blessings of Allah be upon him) out of the community.<sup>96</sup>

### **Freedom of Association and Movement**

Thanks to this agreement, the war threats faced by the Muslims ended and freedom of movement and interaction between different tribes was achieved. After this peace, the Muslims were able to spread the religion of Islam everywhere with freedom and the people of other tribes also got freedom. They could come to the Muslims and get religious education.<sup>97</sup>

### **Family and International Laws**

Thanks to this agreement, Muslims were enriched with the wealth of family and international laws. The family laws are explained in Surah Mum'tahna when Umm Kulthum bint Uqbah bin Abi Mu'it migrated to Madinah and according to Hudaibiyah's decree her brothers Amara and Waleed came to take her back but prophet refused to return her. . After the Peace of Hudaibiyah, Surah Mum'tahna ended the premarital relationship between the Muslims and the disbelievers and polytheists and made a definite and clear law about them for the future.<sup>98</sup>

### **The Beginning of the Era of Re-Dawa and Preaching**

After the Peace of Hudaibiyah, the Holy Prophet (peace and blessings of Allah be upon him) focused his attention on the invitation and propagation of Islam. Therefore, in the seventh year of Hijra, he wrote invitation letters to the great kings, which had great effects and the message of Islam spread to different countries. It was said by Zahri that there was no victory in Islam before the peace of Hudaibiyah because the war had stopped and the people were engaged in discussions and debates. So, whoever had the right to reason would have accepted Islam. Jabir stated but only two years later, on the occasion of the conquest of Makkah, there were ten thousand men.<sup>99</sup>

### **An End to the Wickedness of the Jews**

It was only three months after the signing of this agreement that Khyber, the largest center of the Jews, after that Fadak, Tima, Tabuk did not remain ghettos but they became Islamic settlements in which the condition of living was loyalty to Islam and had to stay away from all kinds of temptation.<sup>100</sup>

### **A Masterpiece of Human Friendship and Pacifism**

The Treaty of Madinah is a masterpiece of internal pacifism, while the Peace of Hudaibiyah agreement was with an external party that had been oppressing Muslims for 20 years. The Holy Prophet (peace and blessings of Allah be upon him) forgot all the stories of enmity and made peace to promote human friendship and peace.

### **Effects of Renewal Agreement**

The influence of the Islamic State has increased

This tribe of Khuza'a lived in a place called Mur Dhahran near Makkah at a distance of one day. When Banu Khuza'ah mentioned to the Prophet the treaty of caliphate at the place of Hudaybiyyah. Prophet says,

فَإِنَّ الْإِسْلَامَ لَا يَزِيدُهُ إِلَّا شِدَّةً<sup>101</sup>

Islam strengthens the ally of the age of ignorance.”

Thanks to this agreement, the influence of the Islamic State increased further, this influence of the city-state of Mecca very close.

### **Helping the Muslims of Banu Khuza'ah**

After this agreement, Banu Khuza'ah supported the Islamic State fully while living in their area. He also continued to perform the duties of the secret agency. This is explained by the saying of Ibn Hisham. In Sirat Ibn Hisham it is said: Banu Khuza'iyyah will become the special confidants of the Muslims and the secret news will also reach the Prophet (peace be upon him).<sup>102</sup>

Similarly, on the occasion of Ghazwa Khandaq, the Muslims were informed about the preparations of Quraish in time.<sup>103</sup> The sympathy of Banu Khazaiyyah can also be estimated from the fact that they offered their services on the occasion of the conquest of Makkah. Ibn Hisham has written that: "In the conquest of Makkah, the Islamic army made its last stop with them."<sup>104</sup>

### **Revival and Ratification of Old Agreements**

This agreement is a similar example of how the Muslims can restore the old agreements with the non-Muslims so that the collective interest of the Muslims is not lost. Halaf al-Fadhul can also become a torch for Islamic leaders. He (peace and blessings of Allah be upon him) said:

وَلَوْ أَدْعَىٰ بِهِ فِي الْإِسْلَامِ لَأَجَبْتُ<sup>105</sup>

If such invitation is given to me even after Islam, I will accept it.

### **Help and Support of a Non-Muslim Ally**

There is guidance in this agreement for leaders of contemporary Islamic states to help a non-Muslim ally when it is oppressed.

### **Effects of treaties with Bajguazaran Persia and Rome**

In the early period of Islam, Persia and Rome were two such great empires in the world with mutual enmity and enmity. The influence of these kingdoms was spread far and wide. At the time of the Prophet's (peace and blessings of Allah be upon him) important cities in the north of Arabia such as Ghassan, Elah, Maqna and Dumat al-Jandal. The area was under the influence of the Romans.<sup>106</sup> On the other hand, the areas of Yemen, Himalayas, Oman, Bahrain and Taif etc. were under the shadow of the Persians.<sup>107</sup> With the passage of time, these empires suffered from internal disturbances due to which their influence on the whole empire in general and on the occupied territories and vassal tribes in particular weakened.<sup>108</sup>

### **Effects**

## **An End to the Old and Entrenched Idolatry**

Thanks to these agreements, the established idolatry of the non-Muslims came to an end, as when the people of Taif were talking about demolishing the idol house, they were afraid that it would cause great damage, so the Prophet (peace and blessings of Allah be upon him) enshrined: Do not break it but our men will break it, so Hazrat Abu Sufyan bin Harb and Mughira bin Shuba were sent. They demolished this great idol.<sup>109</sup>

## **Expansion in the Islamic State**

The Islamic state which originated from Madinah. It spread rapidly in a short period of time. And he started subjugating not only Arab but also Persian and Roman kingdoms. Even where the Prophet sent orders to the people of Yemen, he told them that only one dinar should be taken from Iranians who are in danger of being deported, for every adult male and female and if they remain submissive, their properties should be protected.<sup>110</sup> On the other hand, in the 9 Hijri, Prophet camped at the place of Tabuk and from there wrote a letter to Caesar Rome saying either convert to Islam or pay Jizya or get ready for war. Caesar Rome could not dare to go to war with the Muslims, so he (peace and blessings of Allah be upon him) took advantage of this opportunity to subjugate the areas under the influence of the Romans and made peace agreements with them.<sup>111</sup>

## **Justice and equality in rights and duties is the reason for joining the Islamic Federation:**

In these agreements, it can be seen in places that the Holy Prophet (peace and blessings of Allah be upon him) is giving non-Muslims the freedom of their religions and beliefs. It is the duty of an Islamic state not to take away the freedom of religion and belief from those who live within it. As it is about the rulings of the people of Yemen that non-Muslims should not be converted from their religion by force.<sup>112</sup> When the tribes under the influence of Rome and Persia realized that coming under the shadow of the Islamic state, along with the faith, the security of the properties and the preservation of prestige. They took the opportunity to join the Islamic State. Therefore, a large number of delegations from Yemen and the surrounding areas came to serve the Holy Prophet.<sup>113</sup> Thus, thanks to the treaties with Rome, other surrounding tribes were also inclined towards Islamic rule, seeing the protection of their rights of fair treatment and the appreciation of the treaties.

## **Conclusions**

1. The Covenant of Madinah was an important agreement of its kind and before that there was no such thing as law in the society. Thanks to this agreement, judicial, military and legislative powers were developed but also the principles of religious freedom were formulated which are possible to agree with non-Muslims.
2. The treaties made with the tribes to the west of Medina strengthened Medina defensively and the Muslims gained economic benefits due to the capture of trade routes.
3. The benefit of the Peace of Hudaibiyah was that for the first time Madinah was accepted as an Islamic state, otherwise the position of the Prophet was only like that of a group that came out of the tribes.
4. The Treaty of Madinah was the first political agreement between Muslims and Non-Muslims in which Non-Muslims were given equal status in citizenship and communal status was maintained.
5. The right to freedom of opinion was given but not like the western freedom of today in

which you can insult any religion or any respectable person but such a freedom was given in which only the intention is to talk about the good and exhort good deeds.

6. According to these covenant, the people of Najran were given complete freedom in administrative and religious matters, they were independent in all their administrative and religious matters.
7. It is clear from the agreements of the Prophet (peace be upon him) that the Islamic state will protect the property of non-Muslims like Muslims and will not forcibly seize their lands and properties even if they don't pay jizya, state will not auction their property.

<sup>1</sup>Ibn Manzoor, Muhammad bin Mukaram, *Lisaanul Arab*. Beirut: Dar Sadr ,2010, P:57

<sup>2</sup> Al Quran:17: 34

<sup>3</sup>Abu Dawud, Sulaiman bin Ash'ath, *Sunan Abi Dawud*, Kitab al-Kharajwa al-Maraa, Bayrut: Al-Nasher al- Muqtabah Al-Asrya, Hadith No.:3052

<sup>4</sup> Shams al-Din, Muhammad bin Abi al-Abbas, Shahab al-Din al-Ramli, *Nihyatulmuhajjalasharahilminhaj*, Beirut: Dar al-Fikr, 1404 AH- 106/8

<sup>5</sup> AlQuran:4: 154

<sup>6</sup> AlQuran:4: 90

<sup>7</sup> AlQuran:5: 1

<sup>8</sup> AlQuran:5: 85

<sup>9</sup> Al-Tirmidhi, Muhammad bin Isa, *Jami al-Tirmidhi*. Beirut: Dar al-Aarb al-Islami, Sunnah al-Nashar: 1998, 198/3

<sup>10</sup> Al-Quran:9: 10

<sup>11</sup>Al-Kasani ,Aladdin, Abu Bakr bin Mas'ud, *Bada'i al-Sana'I*, Dar Al-Kutub Al-Al-Alamiya, Edition: Second, 1406 AH 108/7

<sup>12</sup>Al-Shafi'I, Shamsuddin, Muhammad bin Ahmad al-Khatib, *Mughni al-Muthaghatal-MarijaMa'ani*, Dar al-Kutub Al-Elamiya, Edition: Al-Awali, 1415 AH, 86/6

<sup>13</sup> Iban e Qudama, Abu Muhammad Moafaq al-Din, *Al-Magbni*, Qahira: Al Maktubah, Date of publication: 1388 AH - 296/9

<sup>14</sup>Afifi, Muhammad al-Sadiq, *Al-Islam al muahidatuldolrya*, Cairo: Makan al-Nasharwal-Nashram, Al-Muktabah al-Anjolo al-Misriyya, 1985, p. 36

<sup>15</sup> Abu Haif, Ali Sadiq, *Al-Qunun Al-Wali Al-Aam*, Mas'isat al-Maarif, Publishing, 2001, p: 97

<sup>16</sup> Shukri, Muhammad Uzair, *Al mudkhal Al-Qunun Al-Dawali Al-Waqat-Salam*, Damascus: Dar al-Fikr, , 1983, p: 369

<sup>17</sup> *The World Book Encyclopedia*, Field enterprises Educational Corporation, Chicago, Vol.18, p:332

<sup>18</sup> Muhammad Hafiz Ghanem, *Al muahdatDirasatulAbkam Al-Qunun al-Dawli*, Damascus: Dar al-Fikr, p: 133

<sup>19</sup> Al-Sarkhsi, Muhammad bin Ahmad, Shams al-Aymah, *Sharh al-Sair al-Kabeer*, edition, date of publication: 1971, 154/4

<sup>20</sup> *The World Book Encyclopedia*, 32/18

<sup>21</sup>Shukri, Muhammad Uzair, *Al mudkhal Al-Qunun Al-Dawali*, p: 70 to 78

<sup>22</sup> Muhammad Hafiz Ghanem, *Al muahdatDirasatulAbkam Al-Qunun al-Dawli*, p:45

<sup>23</sup> Muhammad bin Habib bin Umayyah, *Al-Muhabar*, Beirut: Al-Nasher Dar al-Afaq al-Jalida, P:162 to 166,

<sup>24</sup> Al Quran:23: 8

<sup>25</sup> Al Quran:13: 20

<sup>26</sup> Al Quran:2: 177

<sup>27</sup> Abu Abdullah Ahmad bin Hanbal, *Musnad Ahmad*, Al-Risalah, Edition: Al-Awali, 1421, Hadith No. 12383

<sup>28</sup> Bukhari, Muhammad bin Ismail, *Sahih Bukhari*, Riyadh: Al-Nasher, Dar al-Salaam, Al-Awli, 1422AH, Hadith no.33

<sup>29</sup> Al Quran:4: 90

<sup>30</sup> Al Quran:9: 4

<sup>31</sup> Al Quran:8: 72

<sup>32</sup> Al Quran:17: 34

<sup>33</sup>Bukhari,Muhammad bin Ismail, *Sahih Bukhari*, Hadith No:34

<sup>34</sup> Abu Dawood, Sulaiman bin Ash'ath, *Sunan Abi Dawood*, Riyadh: Al-Nasher, Dar al-Salaam, Hadith No:3052

<sup>35</sup> Muslim ibn al-Hajaj Abu al-Hasan al-Qashiri al-Nisaburi, *Sahih Muslim*, Beirut: Dar Ihya al-Tarath al-Arabi, Hadith No. 1361

<sup>36</sup> Abu Abdullah Ahmad bin Hanbal, *Musnad Ahmad*, Hadith No:6934

<sup>37</sup> Al Quran:16: 91

<sup>38</sup> Al Quran:17: 34

<sup>39</sup> Al-Razi, Abu Abdullah, Fakhr al-Din, *Mafatih al-Ghayb*, - Beirut: Dar Ihya al-Tarath al-Arabi, 171/10

<sup>40</sup> Ibn Hajar, Ahmad bin Ali bin Muhammad al-Asqalani, *Fath al-Bari SharhSahih al-Bukhari*, Beirut: Al-Nasher, Dar Al-Marfafa, 1379 AH, 242/5

<sup>41</sup> Ahmad bin Hanbal,Abu Abdullah, *Musnad Ahmad*, 193/3

<sup>42</sup> Al-Kasani, Aladdin, Abu Bakr bin Mas'ud, *Bada'i al-Sana'I*, 109/7

<sup>43</sup> Al-Qurtubi, Abu Abdullah Muhammad bin Ahmad, *Al-JaamiulAhkam al-Qur'an*, Cairo: Dar al-Kutub al-Masrya second edition, 1384AH- 431/8-

<sup>44</sup>Ibn Qayyim al-Jawziyyah, Muhammad bin Abi Bakr, *Abkam e Abi al-Zahma*, Al-Dammam: Ramadi for publication - Sunnah al-Nashar: 1418 - 109/1

<sup>45</sup> Al Quran:9: 29

<sup>46</sup> Ibn e Maja, Muhammad Ibn Yazid, *Sunan Ibn Majah*, Riyadh: Dar al-Salaam, Hadith No:2521

<sup>47</sup> Abu Dawood, Sulaiman bin Ash'ath, *Sunan Abi Dawood*, Hadith No:3594

<sup>48</sup> Abu Ubayd al-Qasim bin Salam bin Abdullah al-Baghdadi, *Kitab al-Ammal*, Beirut: Dar al-Fikr, P: 445 to 443

<sup>49</sup>Dr. Muhammad Hameedullah, *The Political Life of RasoolAkrum*, p:106

<sup>50</sup>Abdul Hameed Siddiqui, The Life of Muhammad, Publisher, Islamic Book Trust, 1999 P: 14

<sup>51</sup> Abu Bakr Ahmad bin Al-Hussein Al-Baqi, *SunanKubri*, Hijr Center for Arabic and Islamic Studies, Edition: Al-Awali, 1432 AH - 184/8

<sup>52</sup> Bukhari, Muhammad bin Ismail, *Sahih Bukhari*, Hadith No:3166

<sup>53</sup> Abu Dawud, Sulaiman bin Ash'ath, *Sunan Abi Dawud*, Hadith No:3052

<sup>54</sup> Al Quran: 3:159

<sup>55</sup> Al Quran: 3:110

<sup>56</sup>Al Quran:6: 108

<sup>57</sup>Al Quran: 22:41

- <sup>58</sup> Ibn Katheer, Ismail Ibn Umar, *Seerah al-Nabawiyah (Min al-Bad'ayawa Nahaya)*, 504/1
- <sup>59</sup> Al Quran: 7:69
- <sup>60</sup> Muhammad bin Yusuf al-Shami, *Sabab al-Hadi and al-Rashad in Seerah Khair al-Abad*, 393/11
- <sup>61</sup> Ibn Zanju'eh, *Al-Mawmud*, 447/2
- <sup>62</sup> Hameedullah, *Muhammad Rasoolullah*, Islamabad: Sharia Academy, International Islamic University, p: 158
- <sup>63</sup> Al Quran: 4: 58
- <sup>64</sup> Muhammad bin Yusuf al-Shami, *Sabab al-Hadi and al-Rashad in Seerah Khair al-Abad*, 420/6
- <sup>65</sup> Ahmad Ibn Ali, al-Maqrizi, *History of Egypt*, Egypt: Maktab al-Maqfi al-Kabir, Cairo, 499/2
- <sup>66</sup> Abid:
- <sup>67</sup> Ahmad bin Yahya bin Jaber al-Balazari, *Fatuh al-Budalan*, Beirut: Dar waMaktabah al-Salal, Aam al-Nashar, 1988, 72/1
- <sup>68</sup> Abu Dawud, Sulaiman bin Ash'ath, *Sunan Abi Dawud*, Hadith No:1134
- <sup>69</sup> Abu Ubaid al-Qasim bin Salam, *Kitab al-Ammal*, Beirut: DarulFikr, 728/1
- <sup>70</sup> Abu Dawud, Sulaiman bin Ash'ath, *Sunan Abi Dawud*, Hadith No:3806
- <sup>71</sup> Bukhari, Muhammad bin Ismail, *Sahih Bukhari*, Hadith No:1739
- <sup>72</sup> Dr. Muhammad Hameedullah, *Governance System in the Prophet's Era*, Karachi: Publisher Urdu Academy, Sindh, P: 80
- <sup>73</sup> This tribe settled in the neighborhood of BanuZamra at Maqam Abuwa, about eighty (80) miles to the southwest of Madinah. See:Yaqut bin Abdullah al-Hamwi, *Mujam al-Buldan*, Dar Sadir, Sunna al-Nashar, 1397,79/1
- <sup>74</sup> The Banwa tribe was a branch of the Ghatfan tribe. See: Muhammad bin Saad, *Tabaqat al-Kubra*, Sunnah al-Nashar, 1421 -274/1
- <sup>75</sup> This tribe settled in the neighborhood of BanuZamra at Maqam Abuwa in the southwest of Madinah and was its ally. See: Al-Tabari, Muhammad bin Jarir, *Tarikh al-Ulamma-Muluk*, Beirut: Lebanon, 260/2
- <sup>76</sup> BanuGhfar bin Malil bin Dhamrah bin Bakr bin AbdManaf. This tribe settled on the caravan route of Syria and Palestine was a relative of BanuZamra. See: Al-Sahili, Abdul Rahman, *Al-Rawd al-Anaf*, publisher of Al-Kutub al-Islamiya, Sunnah al-Tabb, 1967,58/2
- <sup>77</sup> Al-Hindi, Muhammad Hamidullah Al-Hayderabadi, *Majmot Al-waaig Al-Saliyah*, Beirut: Dar Al-Nafais, Edition:6 1407, pp. 3-6
- <sup>78</sup> Dr. Muhammad Hameedullah, *Governance System in the Prophet's Era*, p 192 to 198
- <sup>79</sup> Al-Hindi, Muhammad Hamidullah Al-Hayderabadi, *Majmot Al-waaig Al-Saliyah*, Beirut: Dar alnafais, 1407-p:8
- <sup>80</sup> Ahmad bin Ali Abu Bakr al-jisas, *Ahkamul-L-Qur'an*, Beirut: Dar ahiya al-Tarath al-Arabi, 435/2
- <sup>81</sup> Ibn Farhun al-Maliki, Al-Shaykh Jamal Murashli, *Tabisra Al-Hukam fi Usul al-AqadiyyawwaManabiji Al-Ahkam*, Dar al-Kutub al-Ilmiyyah, first edition, 85/1-1416
- <sup>82</sup> Dr. Naseer Ahmad Nasir, *Prophet Azam and Akhir*, Lahore: Feroze Sons Limited, 1978, pp. 413-414
- <sup>83</sup> Al Quran:4: 80
- <sup>84</sup> Dr. Muhammad Hameedullah, *Governance System in the Prophet's Era*, p:97
- <sup>85</sup> Al Quran:22: 41
- <sup>86</sup> Al Quran:3: 64
- <sup>87</sup> Dr. Muhammad Hameedullah, *Governance System in the Prophet's Era*, p:87
- <sup>88</sup> Al-Sarkhsi, Muhammad bin Ahmad, Shams al-Aymah, *Sharh al-Sair al-Kabeer*, 258/1
- <sup>89</sup> Ibn al-Athir, Ali ibn Muhammad ibn Muhammad, *Al-Kamil fi al-Tarikh*, Dar al-Kitab al-Elamiya, Sunnah al-Nashar: 1407 – 680/1,
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- <sup>91</sup> Muhammad bin Saad, *Tabaqat al-Kubra*, 233/1
- <sup>92</sup> Abid:360/1
- <sup>93</sup> Dr. Muhammad Hameedullah, *The Political Life of Rasool Akram*, Karachi: Darul-e-Sha'at, 1988, p: 284
- <sup>94</sup> Al Quran: 48:1
- <sup>95</sup> Al-Tabari, Muhammad bin Jarir, *Jami al-Bayan on Tawneel Ay Al-Qur'an*, Beirut: publication, first edition, 1422 AH, 278/21
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- <sup>97</sup> Dr. Raufah Iqbal, *Ghazwat and Seraya of the Prophet's Era*, Publishers: Quran wa hadith p: 187
- <sup>98</sup> Ibn Katheer, Ismail Ibn Umar, *Seerah al-Nabawiyah (Min al-Bad'ayawa Nahaya)*, 337/2
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