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Diplomacy of the Prophet Muhammad in the Treaty of Hdaybiya (627 AD / 6 Hijri)

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DIPLOMACY OF THE PROPHET MUHAMMAD IN THE TREATY OF HUDAYBIYA (627 AD/6 HIJRI)

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1. Introduction

The biography of Prophet – peace and blessings be upon him – offers rich material for understanding the depth of prophetic diplomacy in managing delicate interests, making the right political decision, and completing political negotiations professionally and competently. However, we live in a time when some researchers seem to evaluate politics through the lenses of an old vision of Islamic jurisprudence that divides human societies into unbeliever versus Muslim as if these were two sides of an utterly eternal conflict. They take rulings from books of legal politics dating back to a different temporal context and try to apply them indiscriminately to every time and place as if stability and permanence were a fundamental feature of those rulings. They show no sort of awareness of the interaction between the text and present circumstances.

In the biography of the Prophet, we notice how the clear distinction was made between a political alliance, even with non-Muslims, and that

the Muslim state did not recognize some people who entered Islam and allegedly allied themselves to the Muslim state. This non-recognition came from the fact these new professed Muslims did not follow up their conversion with an official political pledge to the Muslim state, which usually defines the political relationships between the various parties and would officially make them enter into the circle of the religious community.

In this research paper, we have relied on a number of essential premises to understand the nature of the Prophet's action and to determine the place of reference to and derivation from the Prophet's biography, particularly for an important historical event: the Treaty of Hudaibiya and the wise management of the negotiations that preceded it, and the circumstances that followed it in implementing its provisions and the revocation of its conditions by the Quraysh, and its termination with the conquest of Mecca, to which the Holy Qur'an devotes an entire chapter, which is Surat Al-Fath (Qur'an: 48).

2. Methodology

We relied on several basic premises in our reading of the unfolding of the Treaty of Hudaibiya.

2.1. Distinguishing in the actions of the Prophet, between informative actions that derive from revelation, and political actions that stem from *ijtihad*

The noble Companions – may God be pleased with them – used to distinguish between these types of prophetic behaviour, and it was clear in their minds that not everything they received from the Messenger of God, was a revelation, and a subject to be followed and emulated.

An example is the story of the reconciliation between the Prophet and the Quraysh, whereby the Companions understood that the decision to avoid war and not to invade Mecca was inspired by God Almighty and there was no room for objection to it. As for the details of the negotiations, they were *ijtihad* on his part which allowed some of the Companions to object and express their opinion on some of the details of the conditions of the treaty.

Consider the Battle of the Trench [= Ghazwat al-Khandaq] and the negotiations that took place between the Prophet, and the leader of the

tribe of Ghatafan, Uyaynah bin Hisn al-Fizari, on the day of the trench.¹ From this narration the jurisprudence of the Companions becomes clear to us, and how they sought to analyse the matter before expressing an opinion. They asked the Prophet: “Is what you do, O Messenger of God, a religion inspired by God, or is it something you do for our sake?” When they learned that the matter was not a revelation nor a religion that must be followed, they thought deeply about the matter and rejected it.

2.2. Considering that the good policy is what does not break the Islamic law, and it is implemented on the basis of *Istishāb* (Presumption of continuity) and the principle of original permissibility

As explained by Ibn Aqil al-Hanbali, according to what Ibn Qayyim al-Jawziyya narrated in his book *Informing the Signatories in the Words of the Lord of the Worlds*. To clarify this meaning, we narrate a debate that took place between Abu Al-Wafa bin Aqeel and some Shafi'i jurists, as narrated from them by Ibn Qayyim Al-Jawziyah.

Ibn Aqeel said: Political work is a matter of steadfastness and is not without leadership.

The other said: There is no politics except what is in accordance with the Shari'a.

Ibn Aqeel said: Politics is an action in which people are closer to righteousness and farther from corruption, even if the Prophet, did not legislate the matter nor it was revealed. If by what you said you meant: There is no politics except what is in accordance with the Shari'a, i.e., it does not contradict what the Shari'a uttered, then it is correct. But if you meant what the Shari'a uttered, then it was a mistake and a blundering of the Companions, for the rightly guided Caliphs carried out killings that a scholar of history cannot deny. And even if that were nothing but the burning of Qur'ans, it was an opinion on which they relied for a common interest, and likewise the burning of Ali, may God honour him, brought the heretics into pits, and Omar Nasr Ibn Hajjaj's expulsion.

Then the scholar Ibn Al-Qayyim comments on the above, in support of what Ibn Aqil said, and says: I said: This is a subject of misunderstanding, and it is the place of hardship in a difficult battle. A

¹ To review the story, see Al-Bayhaqi's Book of Proofs of Prophecy, Hadith No.1343. Publisher: Dar Al-Kutub Al-Ilmiyya – Beirut. 1st Edition; 1405 AH.

group [of scholars] neglected it, and they suspended the limits of retribution, compromised the rights, and dared the immoral people to corruption, and made the Shari'a unable to support the interests of people. And they blocked themselves from correct ways to distinguish between the rightful and the wrongful, and they obstructed with their knowledge, and the people's knowledge of them, the fact that they were evidence of the truth, considering them to run counter to the rules of the Sharia. This obliged them to adopt a sort of truncated knowledge of the reality of Sharia and to act in a grey area between it and the status quo. When the rulers saw that and saw that people's affairs are not straightened out except through something in excess of what they [the scholars] understood the Shari'a to be, they then created for them political laws by which the interests of the world are organized. The shortcomings [of the scholars] in terms of the Sharia, and the innovation [of the rulers] in terms of policies, resulted in the widespread and aggravation of corruption, and the difficulty to counter it.

And another group [of scholars] overstepped the mark in their characterization of Shari'a and justified what contradicts the rule of God and His Messenger, and both groups arose owing to their shortcomings in knowing what God sent with His Messenger. God sent His messengers and revealed His books so that people may establish fairness, which is the justice on which the heavens and the earth have been established. If the signs of truth appear, and the evidence of reason is established, and its light is brought forth by whatever means, thence God's law, religion, agreement and command.¹

2.3. Distinguishing between devotional and interest-based rulings, such that anything not stipulated as an order or a prohibition will be dealt with according to the higher objectives of Islamic law

Islamic Sharia includes two types of injunctions, some of which can be understood by reason, meaning dependent on a cause, while others cannot be understood by reason, meaning to which a cause is not attributed, and these are called devotional commands.

And whatever injunction justified by a cause will be considered or ignored depending on the existence or the absence of the cause respectively. An examination and ijtihad is required based on the

¹ Informing the Signatories in the Words of the Lord of the Worlds, by Ibn Qayyim Al-Jawziyah, Part Two, pp. 692–698.

fundamental rule “A ruling effective or not depending on the existence of absence of its cause”.¹

And if the injunction is not justified by a reason, then the principle in it is purely following the jurisprudential rule which says “the origin in the acts of worship is persistency”, and here arise the reasons why for some people political jurisprudence becomes distorted: by justifying the devotional injunctions or making the justified injunctions persistent, which leads the mufti to innovate, or to legislate on matters of religion that God Almighty does not permit.

Therefore, if the issue is presented to him, the mufti must investigate whether it is devotional or not, in which case, it cannot be a basis for analogical reasoning and deduction (Qiyās).

Or is it a reasoned ruling that is related to its cause, in which case an analogy can be made whenever the cause is the same.

An example concerns those who worship God through the colour and shape of flags and the writing on them and consider anything different as a banner of ignorant innovation, even though the meaning of the banner that was mentioned in the hadith is the purpose of fighting, so God Almighty did not cause us to worship in the form of a banner, but rather with the purpose of fighting.

Another example is the requirement of belonging to Quraysh to be eligible for public leadership, some scholars have made it a devotional ruling, while Ibn Khaldun made it a ruling justified by tribalism; and many of the rulings in matters of politics are rulings with justifications, requiring the consideration of the causes, the context and the interest sought from them.²

3. Preparing the negotiations with the Quraysh

One of the priorities of political understanding in managing negotiations is the search for common interests even with those with whom we differ in religion, as the Prophet said on the day of Hudaibiya: “Woe to the Quraysh! The war has eaten them up! By God, the Quraysh will not ask

¹ See the explanation of the rule in the book by Dr. Mustafa Al-Zarqa, General Introduction to Jurisprudence.

² Al-Muqaddima by Ibn Khaldoun, pp. 241-244, research by Khalil Shehadeh, publisher: Dar Al-Fikr, Beirut – Lebanon; 2nd edition; 1408 AH / 1988 AD.

me today for a plan in which to uphold the ties of kinship, unless I give it to them.”¹

Ibn al-Qayyim mentions that if polytheists, people of debauchery, the rebels and the unjust seek to do an act that glorifies God, they must be assisted in this affair despite their deviations. Ibn al-Qayyim also explains that Muslims should help them and cooperate with them in this quest to please God even though assisting them might be difficult for the Muslims' souls.²

This applies today to many cases of cooperation between Islamic countries and the international system in the principles that are compatible with our Sharia, such as human rights issues, and the call for common human values that Islam does not reject, and in which cooperation with the unbelievers to achieve them is not prohibited, as long as the purpose of that is a valid legal goal, and as long as what they call for is in accordance with the spirit of Islamic Sharia.

3.1. There is no successful negotiation except by gathering the leverage

When the Prophet alighted in Hudaibiya, the Quraysh were apprehensive of his arrival among them, so he was desirous to send to them a man from among his Companions; he called Omar ibn al-Khattab, to send him, whereupon the latter said: “O Messenger of God, I do not have anybody from the Bani Ka’b in Mecca who would be angered were I to be harmed: send Othman bin ‘Affan, for his clan is with them, and he will deliver what you want”. So the Prophet sent Othman ibn Affan to the Quraysh and said to him: “Inform them that we did not come to fight, but simply to perform the small pilgrimage (*umra*)”.³

But despite the peace messages sent to the Quraysh, it was necessary to send messages of force and to assemble military leverage. After “the Messenger of God learned that Othman had been killed, he called for a

¹ Sahih al-Bukhari Hadith No. 2731; Researcher: Muhammad Zuhair bin Nasser al-Nasir; Publisher: Dar Touq al-Najat (photographed by the Sultanate, with the addition of the numbering of Muhammad Fouad Abd al-Baqi); 1st edition: 1422 AH.

² Zad Al-Ma’ad fi Hady Khayr Al-Abbad, Ibn Qayyim Al-Jawziyyah (Vol. 3/p.269).

³ Ibid. p.258.

pledge of allegiance. The Muslims rushed to the Messenger of God who was under the tree, and they pledged allegiance to him, undertaking not to flee, so the Messenger of God took his own hand and said: "This is from Uthman'." ¹

Thus, the Prophet gave a clear message that sending Othman to be a messenger of peace did not stem from weakness, but from a genuine desire for peace and reconciliation, despite the fact that war was undoubtably a choice for which the Muslims were prepared.

3.2. The role of balanced leadership in managing political transitions and political decision-making

Before the decision was taken, the Companions had to be prepared to accept it. When the Prophet's she-camel became refractory, the Companions said: "al-Qaswa has become headstrong." He replied to them that the source for her refractory state was the same source of the retention of the elephant, meaning as the elephant of Abraha bin Al-Ashram [Axumite army general who wanted to destroy the Kaaba] was retained upon inspiration from God of the sanctity of the Sacred House. This indicates the mental preparation undertaken to come to terms with not entering Mecca, at which point the Prophet began sending Othman ibn 'Affan to offer peace to the Quraysh.

During the signing of the peace treaty, the Prophet was not tempted by the provocations of Suhail ibn Amr and his arrogance until the agreement was completed.

And when the issue of the treaty had been completed, the Prophet said: "Get ye up and sacrifice an animal, then shave". Not one of them stood up, so he repeated it three times, and when still nobody moved, he went to Umm Salamah, and told her what had ensued with the people. Umm Salamah said: "O Messenger of God, do you want it? Go out, and then speak not a single word to any of them, until you have killed your goat and have had your barber shave you". So he got up and went out; and he did not speak to any of them until he had done that: He slaughtered his goat and called his barber and was shaved. And when the people saw that, they rose and slaughtered [performed their sacrifice].²

¹ Ibid. p.269.

² Ibid. p.263.

Thus, by his wisdom, the Prophet was able to mobilize his Companions behind him in his political decisions, so there was no disagreement in opinions or division between the ranks despite the size of concessions that the Companions saw, and indeed Omar ibn Al-Khattab described these as giving up and accepting humiliation.

4. The management of negotiation and political discourse

4.1. Dealing with the first messenger, Urwa ibn Masoud Al-Thaqafi

The first messenger to arrive from the Quraysh was Urwa ibn Masoud Al-Thaqafi, a man who appeared to be extremely influential, who tried to spread sedition among the Muslims. When Urwa ibn Masoud Al-Thaqafi returned to his colleagues and said: “O people, by God, I have been to the kings, and I have been to Caesar, to Khosrow and to Najashi. By God, if you ever see a king revered by his Companions to an extent comparable to that among the Companions of Muhammad, and By God, if a fleck of spittle lands into the palm of one of them, he rubs his face and skin with it. And if they perform ablutions, they would nearly kill themselves over it, and if they spoke, they lowered their voices before him, and they but look at him to glorify him. And he offered you a good plan, so accept it.”

The wisdom of the Companions of the Prophet was clear in giving the appropriate image to Urwa, and thus Urwa ibn Masoud Al-Thaqafi was transformed from a messenger of the Quraysh trying to insult the resolve of the Muslims and sow discord among them when he said to the Messenger of God, “I see with you nothing but scoundrels who are about to flee and leave you,” and trying to spread the word of division among them when he said in front of the Companions, “Have you come to uproot your family, O Muhammad? We haven’t heard that any of the Arabs did it before you.” But after he saw the manifestations of reverence and veneration from the Companions for the prophetic leadership, Urwa turned into a messenger of the Messenger of God, spreading psychological warfare in the souls of the Quraysh, drawn from the image of loyalty and esteem that he saw manifest by the Companions towards the person of the Prophet.

4.2. The second messenger, Al Halis the leader of Al-Ahabish, is a deified man

When Al-Halis came to the Muslims, the Prophet said: “This is so-and-so, and he leads a people who honour the goat, so send one to him”. So, one was sent to him, and the people received him making the invocation of pilgrims (talbiya). When he saw that, he said: “Glory be to God, it is not befitting for them to be barred from the House”. When he returned to his Companions, he said: “I saw the sacrificial camels adorned with garlands, so I do not see that they would be barred from the House. When he saw the garlanded sacrificial animals flowing on him from the width of the valley, he was locked out of his place, he returned and did not reach the Prophet. But in Al-Maghaazi of Urwa, Al-Halis is reported to have shouted: “Perished is Quraysh by the Lord of the Kaaba, for the people only came to perform Umra (small pilgrimage)”. The Prophet said to him: “Yes, brother of Banu Kinana, so inform them of that.” Al-Halis then said: “O people of Quraysh, this is not the matter on which we contracted with you? Will those who come to venerate the House of God be turned away from it?” They said: “Keep away, O Halis, until we take for ourselves what we are pleased with.”¹

Thus, the Prophet understood Al-Halis’ psychology and his speech in a way that affected him and was able to convince him to break his alliance with the Quraysh in this way that Al-Halis saw. Thus, the Prophet ensured the neutralisation of Al-Halis and the military force that was with him.

Here, we benefit from the Prophet, [as we learn] how we address the world through the values he believed in, not solely through the ideology that we believe in, or our eagerness to manage our reputation among the people.

4.3. Not to halt at the names but instead to focus on the substance

When Suhail ibn Amr came he said: “Write an agreement between us and you”. So, the Prophet called the scribe, and he said: “In the name of God, the Compassionate, the Merciful”. Suhail said: “As for the Most Merciful, by God, I do not know what it is, write rather ‘in your name O God’, as you used to write”.

¹ Fath al-Bari (5/341, 342).

The Muslims said: “By God, we do not write it except in the name of God, the Compassionate, the Merciful”. Then the Prophet said: “Write ‘In Your Name O Lord’” and added: “This is a ruling by Muhammad, the Messenger of God”. Suhail said: “By God, if we knew you were the Messenger of God, we would not bar you from the House of God or fight you but write rather Muhammad ibn Abdullah”. The Prophet said: “By God, I am the Messenger of God, even if you deny me, write Muhammad ibn Abdullah”.

Here we notice how the Prophet gave up writing “in the name of God the Compassionate, the Merciful” and wrote “In Your Name, O Lord”, and erased the words “Messenger of God”, and wrote Muhammad, and did not get waylaid by the provocations and psychological pressure exerted by Suhail ibn Amr, because the Prophet had his eye on achieving the essence of the agreement because he focuses on the core issue.

The Prophet said to Suhail ibn Amr: “You must leave between us and the House, and we will circumambulate it.” Suhail said: “By God, we do not want that the Arabs would say [that we accepted the agreement] because we have been pressured, [so you will be authorized to perform pilgrimage] from the next year”, so he wrote. Suhail said: “And no man from us will come to you, even if he is on your religion, but you will return him to us”.

This great prophetic strategy is mentioned by the strategist Robert Greene in his book *The 33 Strategies of War* (2006), where he talked about the rule of “sacrifice of time in exchange for place”, which is a policy of gaining time in exchange for remaining on the ground. Here we find the Prophet’s strategy is not to stop at the time and he did not mind sacrificing an entire year in exchange for the gain of man and the gain of the place as happened in the great conquest [of Mecca]. And here we notice a wide disparity [between that and] the teenagers who work to skip the phases which the Prophet described as extremists.

Here, Omar ibn Al-Khattab said: “So I went to the Prophet of God, may God bless him and grant him peace, and said: ‘Are you not really the Prophet of God?’ He said: ‘Yes’, I said: ‘Do we not reside in truth while our enemy dwells in falsehood?’ He said: ‘Yes’, I said: ‘So why do we give up?’”

In the terms of the agreement according to Suhail ibn Amr was stated that “whoever of your companions comes to us, we do not return him/her to you, and whoever of our companions comes to you, you should return

him/her to us”. The Companions of the Prophet said: “O Messenger of God, do we give them this?” He said: “Whoever of us comes to them, God sent him away, and whoever of them comes to us, we return him/her to them; God will make for him a way back out”.¹

And here is confirmation of the deeper prophetic understanding of the meaning of gain and loss, and the denial of having given up. What Omar saw as giving up was in essence complete trust of the Prophet in his Companions, and Suhail bin Amr’s lack of trust in his Companions, and this is what actually happened. It was not recorded that any of the companions of the Prophet joined the Quraysh, while it was recorded that dozens of the youth of Quraysh joined the Muslims, and formed a fighting battalion in the Saif al-Bahr region and began waging guerrilla warfare against the Quraysh convoys led by Abu Basir and Abu Jandal to the extent that the Quraysh sent to the Prophet waiving the condition of not harbouring them and asking the Prophet to join them to him.

5. The strategic vision of the Prophet in the Treaty of Hdaybiya

One of the clearest demonstrations to us of the strategic vision of the Prophet is the distinction between a solid political gain and a fragile political gain. When the matter ended with the signing of a peace treaty with Suhail ibn Amr, some of the Companions saw in it unfair conditions against Muslims, and Omar ibn Al-Khattab considered it at the time to be giving up. The Prophet accepted the terms of the treaty, and on his way back to Medina, ordered his Companions to sacrifice and shave, but they were reluctant until he did it in front of them [to give the example].

The conquest [of Mecca] was delayed for three years after the treaty, and the divine statement justified the probable losses that would otherwise have been incurred if the conquest and fighting had taken place three years earlier; The Almighty said: “Had there not been believing men and believing women whom ye did not know that ye were trampling down and on whose account a crime would have accrued to you without (your) knowledge, (Allah would have allowed you to force your way, but He held back your hands) that He may admit to His Mercy whom He will. If they had been apart, We should certainly have punished the Unbelievers among them with a grievous Punishment.” (Qur’an, 48:25)

¹ Zad Al-Ma’ad fi Hady Khayr Al-Abbad, Ibn Qayyim Al-Jawziyyah (Vol. 3/p.266) pub. Mu’assasa al-Risaala, no.27.

God Almighty said: “And it is He Who has restrained their hands from you and your hands from them in the midst of Mecca (the valley of Hudaibiya), after that He gave you the victory over them. And Allah sees well all that ye do.” (Qur’an, 48:24)

And the answer to “Had there not been” in the verse – the subject of the study – is not mentioned, but it is evidenced by the context, that is, had it not been for the existence of these, God Almighty would not have stopped your hands and their hands from fighting, which would have inevitably ended with the victory of the Muslims over them (as in the preceding verse): “And if those [Meccans] who disbelieve had fought you, they would have turned their backs [in flight]. Then they would not find a protector or a helper.” (Qur’an, 48:22).

So, the meaning of the verse is: If it were not for the presence of believing men and believing women, who were still residing among the polytheists, concealing their Islam out of fear and weakness, or for specific interests, because they are the eyes of the Prophet upon the polytheists and you do not know them, God Almighty would have caused the fight between you and the Quraysh and you would have stormed their homes and gained a victory for yourselves, but God Almighty has stayed your hands and their hands from fighting, in order to protect you and those believers; because you do not know who they are, it is feared that they will be killed or wounded, and you will suffer because of that a disgrace, i.e., harm and disgrace in this world and the hereafter; because the polytheists would reproach the Muslims, and say: These are cruel criminals who did not show mercy even to their group of believers. They would also say that the Prophet did not observe the sanctity and safety of the House of God, so he fought on the land of the Sanctuary.

And if these believers were removed, that is: if they were separated, and differed from the polytheists’ society, the punishment would have fallen on the unbelievers in particular (“We would have tormented those who disbelieved”) without risk, just as the two groups are separated on the Day of Resurrection, so the torment will befall the unbelievers.

And the other purpose that was noted in avoiding fighting, and staying hands from it, is the Almighty’s saying: “God brings whoever He will into His mercy” (Qur’an, 48:25), meaning: to give more time and opportunity for the believers to come out from the midst of Quraysh to the Prophet, and take refuge by him, the merciful, or until whomsoever God wills is guided from these polytheists and stubborn ones, and of these you do not know anything about.

The cessation of fighting achieves two interests:

- 1) Repelling danger from unknown believers, and repelling disgrace from Muslims (a potential harm).
- 2) Giving the opportunity to convert more enemies to faith (an interest realized).

That is why God Almighty called the al-Hdaybiya treaty a conquest, as referred to in the verse: “When the victory of Allah has come and the conquest, And you see the people entering into the religion of Allah in multitudes” (Qur’an, 110:1-2).

So the entry of large numbers of people into the religion of God would not have been completed without the Treaty of Hdaybiya, and the ‘umra [small pilgrimage] that was agreed upon in the treaty; and if the Messenger of God had enjoined them to fight, the Muslims would have secured a resounding victory, but this would have resulted in the dissemination of the Quraysh, with the death of those among the oppressed Muslims who had concealed their faith and did not migrate from Mecca to Medina.

Therefore, the wisdom of God Almighty decreed the postponement of the conquest – even though it was a feasible goal at the time – to three years so that the pilgrimage would not end in the killing of Muslims hiding their faith, and so that the hearts of Quraysh open up to Islam. In fact, during the interim from Al-Hdaybiya to Al-Fath the number of Muslims multiplied tenfold, and they entered Mecca without fighting and losses, so the Meccans converted to Islam completely.¹

And you can imagine the difference between, on one hand, the divine guidance of the political action in preventing the conquest in order to save lives, and on the other hand those who blow up Muslims in their mosques on the pretext of a defensive tactic saying they will ultimately be judged by their intentions.

This strategic view of the Prophet, in bartering man for place reminds us of Robert Greene’s strategies when he discusses Strategy No. 11 (exchanging time for place), i.e. giving up geography in exchange for gaining time. But here the Prophet is turning to what is superior, which is human gain and deferment of gaining geography and time.

¹ See the book *Rules of Political Action*, by Dr. Jassim Sultan, Mashru’ Al-Nahda (The Renaissance Project), Book No. 6.

6. Lessons to be used in contemporary international relations

6.1. The duration of the *solh* (settlement): a fixed or an interest-base issue?

Hudna (truce) is defined as an agreement to end the fighting for a determined period, with or without compensation. It is also called *muhadana*, *muwada'a*, *mu'abada*, *musalaha* and *musalama*.¹ On that the scholars differed:

1) The Hanafis and Malikis, and it is a narration from Ahmad, are of the opinion that a truce is permissible for the period in which the imam sees an interest, even if it exceeds ten years, because it is a contract that is permissible in the ten years, so it is permissible to increase it like a lease contract, because the interest in the settlement may outweigh any advantage of war.

2) Al-Shafi'i's view, which is a narration from Ahmad, that a truce is permissible for up to ten years, and it is not permissible to increase it.

3) The first view is more likely: Ibn al-Qayyim said: "It is permissible to make peace with the people of war to end the fighting for ten years, and it is permissible to add to that on the basis of need and predominant interest."²

Here, we believe that the opinion that the period of settlement cannot exceed ten years is weak. And here we can establish a state of world peace based on the open field of armistices and peace agreements in international covenants and pacts that establish the relationship of peace with agreements and treaties that acquire the status of permanence.

6.2. Differentiating between a political contract and a faith contract

The value of fulfilling contracts is one of the most important moral and political values in Islam, for many reasons, including: The birth of the state in Islam is one of the institutions of the free political contract between the

¹ Jurisprudence Explained: (7/243) Dr. Abdullah bin Muhammad Al-Tayyar, Dr. Abdullah bin Mohammed Al-Mutlaq, Dr. Mohammed bin Ibrahim Al Musa. Publisher: Madar Al-Watan Publishing, Riyadh: Volumes 7, 11-13; 1st edition: 1432/2011

² Elucidation of the Rulings of Ibn Bassam (Vol. 6).

co-existing parties in this state, and it is not the product of ideology, as some Islamic currents think, or the product of domination and coercion.

Among some people there is frequent confusion in the issues of allegiance and renunciation (*al-Walaa wal Baraa*) when they confuse the political contract with the Islamic state, and the faith contract with the Islamic nation, and they treat the two contracts as one and the same.

The truth is that entering into a faith contract with Muslims as a community and a creed does not necessitate entering into a political contract implicitly or automatically with the Muslim state as a necessary and inextricable condition for it. Because the faith contract means that the contracting party entered Islam as a religion and adhered to its duties and obligations, and this does not require his entry into the political contract as an individual subject of the state or submission to its authority. And the faith contract does not require him to join politically the Muslim community in order for his faith to become true and complete, as many people may enter into the faith contract while they are outside the geography of the Muslim State.

As for the political contract, it is a contract to live in the state of Islam, submit to its regulations, and abide by its war and peace in the form of treaties of mutual defence, protection, or entering into its auspices and political contract. And this contracting party may not be a Muslim at all, and he/she may not have entered into their faith contract at all. And this does not prevent him from entering into their political contract, as many non-Muslims may form part of the components of the Muslim State, and live within its borders, and they do not adhere to Islam at all.

And this meaning is clearly evident in the Almighty's saying: "And those who believed and did not emigrate, for you there is no guardianship of them until they emigrate. And if they seek help of you for the religion, then you must help, except against a people between yourselves and whom is a treaty. And Allah is Seeing of what you do." (Qur'an, 8:72)

Hence, we find that the divine statement did not specify migration as a necessary act, and an indication of entering into the political contract of the state, and not doing it does not negate the rule of Islam and faith.

In his interpretation, Sheikh Al-Saadi gave a precise meaning in the Almighty's saying: "if they seek your help in the matter of faith," that is: if people of faith (Muslims) ask for help because they are attacked for their faith "then, you are bound to help" meaning fighting with them. But if they were attacked for purposes other than that, such as when the Muslims

themselves initiated an aggression and committed an injustice, they should not be helped.¹

Among these meanings, we find that the Qur'an establishes a sound foundation for the clear separation between the requirements of the faith contract and the requirements of the political contract. This issue had practical applications in the political behaviour of the Prophet on the Day of Hudaibiya. Among the conditions that were included in this *sulh*, we mention two clauses in this treaty:

First item:

The return of every person who comes to them [the Prophet's camp in Medina] from Quraysh as a Muslim without the permission of Quraysh, but Quraysh does not return Muslims who return to them [in Mecca], if they come as an apostate from Islam.

After completing the writing of the treaty, Abu Jandal bin Suhail ibn Amr came while he was in his chains, fleeing from the polytheists in Mecca. Then the Prophet brought him back to the polytheists, so Abu Jandal said: "O Muslims, shall I be returned to the polytheists so that they tempt me in my religion?!" The Prophet said to him: "We have made a covenant between us and them, and we will not betray them."

In this context, it is quite clear that Abu Jandal did not enter the political contract with the Muslims, based on the commitment of the Prophet to the provisions of the Treaty of Hudaibiya. This did not negate Abu Jandal's entry into the faith contract, or his being a Muslim who believed in God and His Messenger.

Second item:

Freedom for any person or tribe during to enter the contract of Quraysh, or that of the Prophet. And here the Banu Khuza'ah got up and said: "We are in the contract of Muhammad," and Banu Bakr got up and said: "We are in the contract of the Quraysh", and the majority of the Banu Khuza'ah evinced polytheism and disbelief. This is another piece of evidence from the biography of the Prophet that the political contract was separated off from the faith contract once again, for the Khuza'a tribe was still marked by polytheism and unbelief, and they did not live in Medina,

¹ Interpretation of Sheikh Al-Saadi (Vol.1, p.196) Researcher: Abdul Rahman bin Mualla Al-Luhaiq. Publisher: Al-Risaala Foundation. 1st Edition: 1420 AH / 2000 AD.

and in that there was no impediment to their entering into the political contract of allegiance for support to be manifest [if and when] they were attacked. Meanwhile, Abu Jandal, who is within Islam and has faith, was prevented from entering into this contract.¹

In the second pledge of allegiance of Aqaba between the Prophet and the Ansar, there were clauses related to the political contract, and it was a political pledge par excellence, while the first pledge of allegiance of Aqaba was a religious faith pledge only.

In the text of the second pledge of allegiance of Aqaba, the Ansar said: “Oh, Messenger of God! What will we pledge to you for?” He said: “Pledge allegiance to me for listening and obedience in action and inaction, and for expenditure in hardship and ease, and for enjoining good and forbidding evil, for you profess faith in God, do not take the blame of the blamer on you, and that you support me if Yathrib [=Medina] came against you; keep far from me what you keep far from yourselves, your wives, and your children, and Paradise is yours.”²

In this faith and political contract, it becomes clear that protection and support are restricted in the event of the Prophet’s migration to them, for they then protect him only inside Yathrib.

That is why we find that the Prophet on the day of Badr does not depart from the requirement of the political contract, without the permission of the Ansar, and he said on the day of Badr: “Advise me, O people.” A number of Companions stood up and spoke, and they spoke well. Then Saâd ibn Mu'adh, the leader of the Ansar, stood up and said: “By God, it would be as if you wanted us, Messenger of God.” The Prophet said: “Yes”. Saâd said: “We have believed in you, we have trusted you, we have testified that what you have brought is the truth, and we have given you our agreements and covenants to listen to and obey you. Go, O Messenger of God, as you wish, for we are with you, by the One who sent you with the truth, if you showed us a sea and you entered it we would follow in it and no one of us will stay behind. We do not hate that you meet with us our enemy tomorrow, we are patient in war, there is trust when we meet,

¹ For details see *Zad Al-Ma'ad* (Vol. 3 / pp. 255–262) Publisher: Al-Risaala Foundation, Beirut. Al-Manar Islamic Library, Kuwait.

² *Al-Sunan Al-Kubra lil-Bayhaqi [=Al-Sunan al-Kabir]* (17735) Researcher: Muhammad Abdul-Qadir Atta Publisher: Dar Al-Kutub Al-Ilmiyya, Beirut – Lebanon. 3rd Edition: 1424 AH / 2003 AD.

and may God show you from us what pleases your eye, so proceed with us with God's blessing.¹

Thus, we see that the Prophet did not impose on the Ansar the battle of Badr outside the borders of Medina, except with their permission; so he did not exceed the terms of the contract and the political covenant, which was concluded in the second Aqaba treaty between him and the Ansar, even though he is the Messenger of God and obedience to him is obligatory for them.

This leads us to give more consideration of and reflection on the separation and differentiation between the content and effects of the political contract, and the content and effects of the faith contract, and the necessity not to confuse them, or to make of them a single position, or from [stet] the requirements of each other, so that if one abstains, the other abstains, and therefore a distinction must also be made between faith loyalty and political loyalty, as well as between religious disavowal of individuals and groups and political disavowal of them, which is what is confused by many Islamic groups.

We also refer to a very serious and important issue, which is that the law of the sword and dominance, even if it establishes the state as an entity, is not granted legitimacy except through a consensual political contract between the components of the society under its system, authority and territory.

6.3. The principle in international relations is the preservation of covenants and conventions when they conflict with the branches of Sharia

To achieve political stability and to maintain the covenants and conventions, even at the expense of implementing the branches of law, because keeping the covenant and the charter itself is a legal fundament. This is what we find in the policy of the Prophet when he returned from Hdaybiya to Medina. Abu Basir, a Muslim man from Quraysh, came to him. So, they sent two men to seek him, and they said: "The covenant that you made for us", so he sent him to the two men, and the two of them went out with him to reach the allied forces, and they encamped to eat dates from them. Abu Basir said to one of the men: "By God, I see your

¹ Evidence of Prophecy by Al-Bayhaqi (vol. 3 / p. 34) Publisher: Dar Al-Kutub Al-Ilmiyya – Beirut; 1st Edition 1405 AH.

sword very well, you fellow,” and the other one unsheathed it and said: “Yes, by God it is good, I have tried it and then tried it again.” Abu Basir said: “Show me that I may look at it”. So, he seized him and beat him until he cooled, and the other ran away until he came to Medina. And he rushed into the mosque. Then the Prophet said, when he saw him: “This man saw a terrifying thing.” When he came to the Prophet, he said: “By God my companion was killed, and I am going to be killed.” Then Abu Basir came and said: “O Prophet of God, by God, God fulfilled your obligation, you sent me back to them, then God saved me from them.” The Prophet said, “Woe to his mother, inciter of war, if he had anyone.”

The Prophet’s saying, “Woe to his mother,” is a word of slander that the Arabs say in praise, and they do not mean the meaning of the slander in it. And his saying: “inciter of war” means: igniting the fire of war because of what he did by killing the man. And his saying: “If he had anyone,” i.e., to support him, and assist him, and help him. And in it is an indication to him to flee lest he be returned to the polytheists. And a symbol to any among the oppressed Muslims in Mecca who got word of this, to join him. When Abu Basir heard that, he knew that he would be returned to them, so he went out until he came to the sea. He said: Abu Jandal ibn Suhail escaped from them. So he joined Abu Basir, and he made it so that not a man from Quraysh who had embraced Islam would come out but he would catch up with Abu Basir. Until quite a significant group of them had gathered, and by God, they would not hear a camel that went out to the Quraysh to Syria but would intercept it. So, they killed them and took their money.¹

7. Conclusion

The Treaty of Hudaibiya was a political conquest in every sense of the word, and a bountiful harvest greater than its seed, due to divine support, political wisdom and strategic vision by which the Prophet was looking at the horizon of the distant future. The sum of these strategic gains, which can never be compared to giving up the name of the Prophet and delaying the Umrah (pilgrimage to Mecca) for a whole year, are these gains.

¹ Narrated by Al-Bukhari Hadith No. (2731, 2732), Book: Conditions, Chapter: Conditions in Jihad and Reconciliation with People of War and Writing Stipulations. Researcher: Muhammad Zuhair bin Nasser Al-Nasser, Publisher: Dar Touq Al-Najat (Illustrated by the Sultanate, adding the numbering of Muhammad Fouad Abdul-Baqi) 1st Edition: 1422 AH.

7.1. Achieving political recognition from the Quraysh

Before the Treaty of Hudaibiya, the Quraysh insisted on eradicating the Muslims, and for this purpose they waged three battles at Badr and one at the Trench and they did not succeed in eradicating them, and today the Muslims sit with the Quraysh and write contracts with them, and this is an important indicator of the importance of achieving international recognition of the state that Muslims want to establish, otherwise it will be turned into a state isolated from the world.

7.2. The importance of sustainable security and freedom of Islamic *da'wah* activity (spiritual outreach work)

The Treaty of Hudaibiya proved that Islam gains more in an atmosphere of stability than in an atmosphere of war. The Treaty of Hudaibiya was a conquest, as God Almighty called it in Surate al-Nasr, and as a victory in Surate Al-Fath. And the conquest here is the victory of the *da'wah* and the entry of people into the religion of God Almighty, as the Almighty said: "When the victory of Allah has come and the conquest, and you see the people entering into the religion of Allah in multitudes" (Qur'an, 110:1-2). Many people embraced Islam at this stage, and it suffices to know that the number of Muslims in the Treaty of Hudaibiya was about 1,400, and when they conquered Makkah 10,000 entered. Among those who embraced Islam during the period between Hudaibiya and the conquest were Khalid ibn Al-Walid and Amr ibn Al-Aas. This is an important indicator of the importance of sustainable security and achieving the condition of communication and freedom to achieve the goals of the *da'wah* in communication, which is never achieved in the case of war and fighting. This is what Muslims must strive for in this era of strengthening the bonds of communication with the peoples of the world and building the foundations of peace that leads to stability and freedom.

7.3. Moving from local to global

At this stage in which peace and stability were achieved, the Prophet took advantage of the phase to write to the kings of the world, so he wrote to Heraclius, the great of the Romans, and Khosrau, the great of the Persians, Al-Muqawqis, the great Copt and other world leaders, and the conversation started with the invitation of the Messenger of God to enter the palaces of the kings of the world, and this is an important indication

of interaction with the international environment and not being confined to local borders and withdrawing into oneself.

7.4. Muslims have become a force to be reckoned with

This is evident in two things:

In the direction of the wise men of Quraysh towards peace, and if they had the strength and power, they would have chosen war and disjuncture.

And in the entry of the Khuza'a tribe into the Muslim alliance, and Khuza'a was not Muslim at that time.

Here is an important note, which is that the skilled politician is the one who tends to open channels of communication and negotiation while he has an abundance of strength and force, who gives an opportunity to his opponent to move towards achieving peace. The skilled politician is not the one who inclines towards peace when he is broken and defeated, such that negotiations proceed to open the door to defeat and surrender.