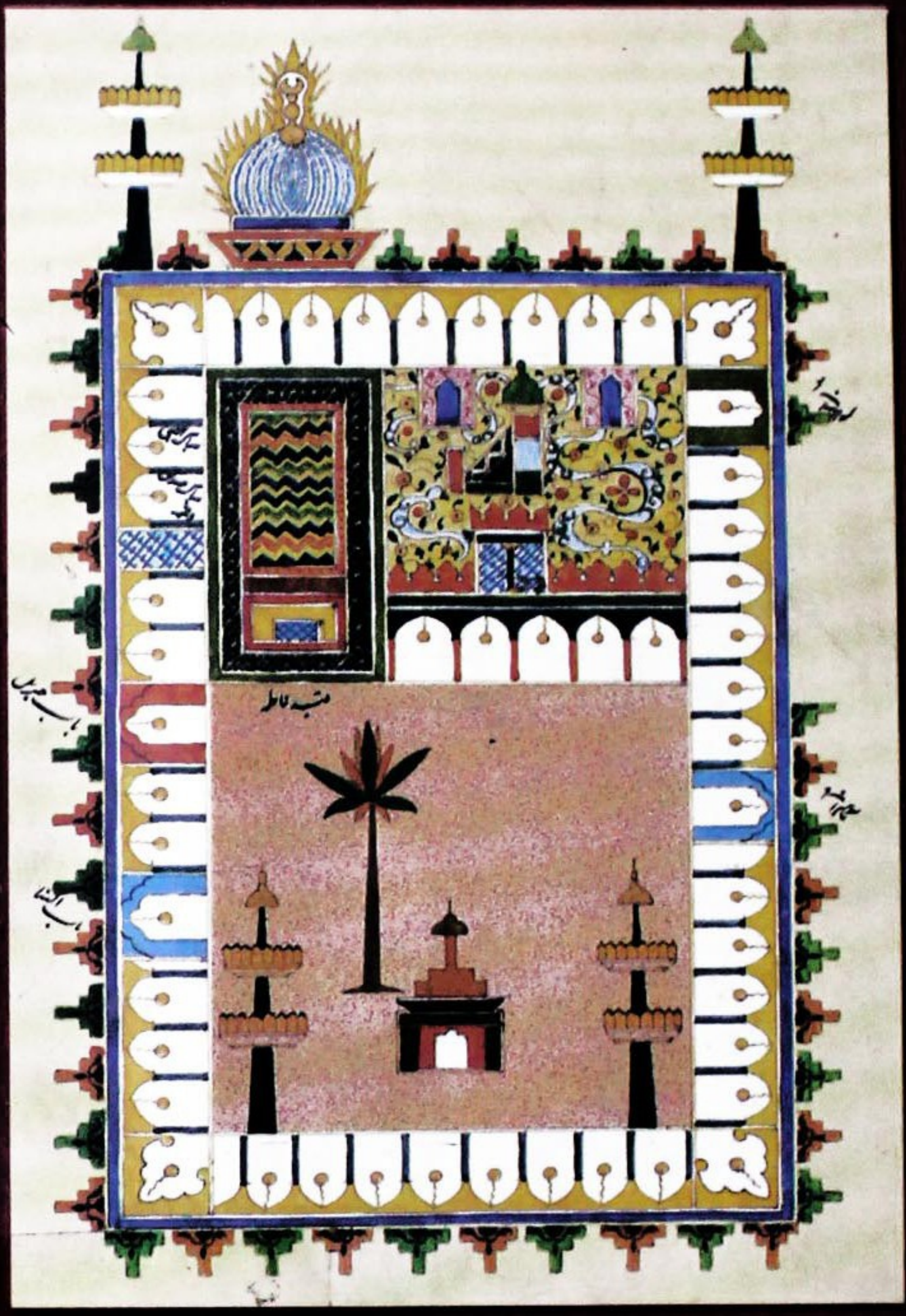
Diplomacy and Diplomatic Practice in the Early Islamic Era



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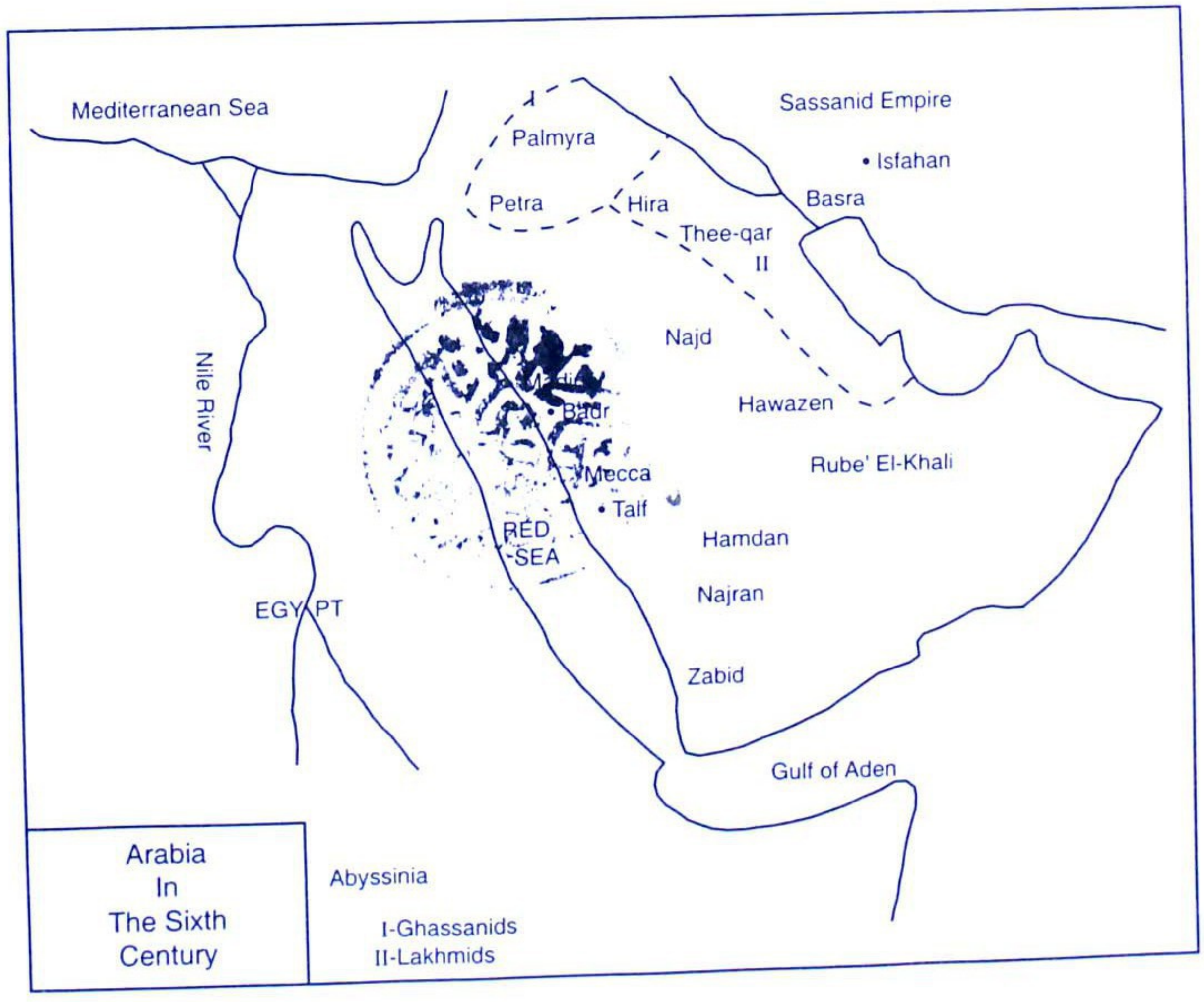
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Rube' El-Khali
Mecca
• Talf
RED
SEA
Hamdan
Najran
EGYPT
Zabid
Gulf of Aden
Arabia
In
The Sixth
Century
Abyssinia
I-Ghassanids
II-Lakhmids

DIPLOMACY AND DIPLOMATIC PRACTICE IN THE EARLY ISLAMIC ERA

Yasin Istanbuli

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CONTENTS

Part Four
The Umayyad and Abbaside Caliphates

Part Five
Characteristics of Islamic Diplomacy

INTRODUCTION

The writer, a history graduate, has been in the diplomatic services for over thirty-seven years. (His education and the accumulated body of his experience as a diplomat, as well as his Arab Islamic cultural background, are the different though interconnected points of view which he brings to the subject of the present work.)

During his career, which took him to serve in different countries of the world, the writer has often had the chance to reflect on the question of relation between the substance of his occupation and the concept of his education, and often he was drawn to the process of evaluating the links connecting both the merits of the values and concepts inherited through the Arab culture.

The present diplomatic practice and the manner of conducting inter-state relations are apparently the product of modern western values and culture. It is significant that the expression 'diplomacy' is a derivation from the Latin family of languages, and is no more than two hundred years old. All other diplomatic terms are mainly Latin, frequently French, and occasionally English. Formalities and protocol rules relating to diplomatic conduct are a reflection of Western civilization and its hegemony over other cultures and civilizations. The United Nations, as representative of organized relations among other nations, gives exceptional status to the Western presence and influence. Without going into details of the provisions and rules of the United Nations Charter, its procedures, resolutions and conventions suffice it to indicate that its main organ, which has executive power, consecrates this advantage. From among the five permanent members of the Security Council who have the exceptional right of veto, four belong to The West. Ten seats

out of the total membership of the Council are reserved for Western countries, while five seats are supposed to represent more than 75 percent of the world's population. From among the six official languages of the United Nations, three are considered the *working languages*, namely, English, French and Spanish. The Western influence over the machinery of international relations has been accentuated by the recent developments which are evolving into a unipolar New World Order.

Bearing in mind that the Arab civilization has contributed to the evolution of modern civilizations, one wonders how deep and how vast this contribution was in the context of the present system of international relations, particularly in the conduct of these relations. This book is a modest endeavour to explore this question.

Studying the conduct of diplomacy in early Arab history that extends from the seventh up to the ninth century, a period that begins with the start of the Islamic era and ends with the realization of the Arab golden age, presumes the tracking of one particular aspect of the Arab history through that period. To relate the modern concept of diplomacy to the past history of the Arabs, there seem to be two prerequisites. The first is to go into a brief historical background to the period that is under study, and the second is to present a basic interpretation of the modern concept of diplomacy; then to apply the dimensions and measures of the modern concept of diplomacy to the events and manifestations of that period that fall within these standards.

PART ONE

Introduction to Diplomacy and its Application in the Pre-Islamic State

1

HISTORICAL BACKGROUND

Arabia or 'the Arab Island' is that geographical area which includes the Arabian Peninsula and the region which lies between the Tigris River and the Mediterranean Sea. It extends over 2.5 million square kilometers. The desert occupies the biggest part of the land.

From the first century AD up to the period under study, Arabia was surrounded by great powers. The Roman Empire in the west, which was succeeded by the Byzantine Empire in the north, was competing with the Persian Empire in the east. All these powers were struggling for the extension of their influence in the area. The beginning of the second century AD witnessed the absorption of an independent Arab state by the Romans. This was the Nabatian Arab state with its capital in Petra. It had emerged in the Hellenistic period, and controlled the tradeways from the south of Arabia to the north. It had succeeded in safeguarding its independence during the earlier part of the Roman era, but was conquered in AD 106. On the other hand, Palmyra, which was situated in the eastern part of Syria, between the two feuding powers of Rome and Persia, managed to maintain its independence through its policy of alternating between neutrality and alliance. Its king, Odena, was acknowledged by the Roman emperor, Gallienus as co-emperor of the Orient. After his death, his wife Zenobia maintained his power until Aurelianus destroyed Palmyra in AD 273.

After the destruction of the two independent states and until the emergence of the Islamic State in Medina, the other Arab states that existed in the northern parts of Arabia were vassal states. In the sixth century, the Ghassanid dynasty ruled over

Damascus. Its kings were designated by the Byzantines and the Lakhmids in Babylonia who were themselves under the influence of Persians. In AD 610 Arab Lakhmids, revolting against the manipulation of the Persians, they attacked the Euphrates and decisively defeated the Persian Army at Dhi-Qar.[1] During the same period South Arabia was occupied by the Abyssinians.

Different Arab tribes ruled over the other parts of Arabia, particularly the area around the Arabian Desert. These tribes, far from being subjected to any external influence, ruled these territories as independent states. In spite of the fact that the territorial boundaries among these tribal states were not clearly fixed, and although they were independent from each other, they had many characteristics in common. The population of each tribe-state consisted of two categories of peoples, the stationary city and village dwellers, whose livelihood depended on farming and trade, and the wandering bedouins who traded cattle and moved seasonally in search of water and pastures. Their culture and social norms, all revolved around a common language and similarity of basic religious thought.

The common spiritual and cultural ties that bound the Arab population were vividly expressed by their unique language and an appreciation of the rhythmic word. Brockelmann attests to this by saying that, 'the Arabs owed their awareness of constituting a people, in spite of all tribal contradictions, principally to their most important common spiritual possession, their poetry.'[2] Among the Arabs of that period there were some Christians and Jews but the majority were polytheistic. Each tribe had its own gods and goddesses and its own places of worship, but they all revered the Kaaba and would go on pilgrimage to Mecca. In addition to all the gods and goddesses they worshipped, the Arabs believed in one greater God, 'Allah' who was the creator of the world and contrary to popular belief, the Arabs did not borrow the concept of 'Allah' from the Jews or the Christians.'[3] It is this God that Abdul-Muttaleb, the grandfather of Prophet Muhammed (PBUH), referred to during the Abyssinian attack on Mecca (AD 570) when he said,

'the Kaaba has its God who will protect it.' Abdul-Muttaleb named one of his sons Abdullah (the slave of Allah) after the same God. It happened that Abdullah was destined to become the father of Prophet Muhammed (PBUH). The other gods and goddesses were inferior to Allah and worshipping them, as some people believed, was just an expression of reverence to the greater God: 'We worship them only that they may bring us near unto Allah.'[4] On the eve of the advent of Islam, this polytheistic cult, according to Brockelmann, 'no longer filled the entire religious consciousness of the Arabs.'

One of these tribal states was that of the Quraysh tribe in the city of Mecca which lies in the Hijaz region in the northwestern part of the Peninsula. In the center of Mecca stood the Kaaba, a four cornered structure which is believed to have been originally built by Prophet Abraham. The Kaaba and the surrounding area was regarded as *Haram*, a sacred inviolable place not only for the Quraysh but also for the other Arab tribes. In fact, the city derived its relative wealth from the seasonal trade between South Arabia and Syria and from the influx of pilgrims to the Kaaba and the nearby mountain of Arafat. Prophet Muhammed (PBUH) descended from the family of the Quraysh. He was born in AD 570, in a year known as the Year of the Elephant. That is, in that year the Abyssinians attacked Mecca with an army supported by elephants in order to destroy the Kaaba and eliminate this center of power. It is interesting to note that the recognized leader of the Quraysh, Abdul-Muttaleb, the grandfather of Muhammed (PBUH) had negotiated with Abraha, the Abyssinian leader, and had decided to withdraw from Mecca, together with his people and their belongings, thus leaving the assailants to face an empty land. Eventually, the invaders were defeated.

The Concept of Modern Diplomacy

To qualify certain incidents or manifestations during this period of history as incidents of diplomatic conduct, one must briefly

study the different interpretations of the expression 'diplomacy' and delineate a concept that can be taken as a basis for further evaluation of what would be considered diplomatic conduct.

The word 'diplomacy' is an expression that has been used in English for no more than two centuries. It is derived from the word 'diplome', which originally meant a folded document. A diploma is understood to be a document by which a privilege is conferred, a state paper or a charter. In the nineteenth century this expression came to mean 'the science of foreign relations, for which, as a base, diplomas were issued by monarchs.'[5]

In other terms diplomacy was defined as 'the science and art of negotiation' and 'the art of reconciling the peoples' interests among states.

William Macomber[6] defines the modern concept of diplomacy as:

- the art and practice of conducting relations between nations, as in arranging treaties....the business or art of conducting international intercourse;
- the ordered conduct of relations between one group of human beings and another group alien to themselves;
- the management of international relations by negotiations, the method by which these relations are adjusted and managed by ambassadors and envoys. The business or art of the diplomats;
- the application of intelligence and tact to the conduct of official relations between the governments and independent states;
- the art of resolving international difficulties peacefully. It is also the technique or skill which reigns over the development, in a harmonious manner, of international relations.

In contemporary practice, diplomacy has a wider scope of conduct due to the growth of relations between states and the availability of diverse means and methods of communication. In essence, diplomacy 'is concerned with the management of relations between states and between states and other actors.'[7]

It is concerned with advising, shaping and implementing foreign policy. As such it is the means by which states, through their formal representatives, articulate, coordinate and secure specific or wider interests. Correspondence, private talks, exchange of views, lobbying, visits, threats and other related activities are used. Besides being concerned with peaceful activity, diplomacy may be employed during war, armed conflict or while preparing for an act of violence over another territory such as seeking flight clearance for an air strike.[8] Thus diplomacy may involve the entire ambit of foreign relations, policy formation as well as execution. In this broad sense, a nation's diplomacy and foreign policy are the same. In the narrower, more traditional sense, diplomacy involves means and mechanisms whereas foreign policy implies ends and objectives.[9]

Evolution of Diplomacy

Diplomacy has existed since nation-states began. The concept of a diplomat is, however, rather new. Diplomacy in its initial stages did not employ permanent personnel. Envoys were recruited for a particular mission, and when their work was done, they returned to their original duties. In the early stages they were usually selected from among the clergy, later on, nations dispatched orators to deal with issues due to their skills of persuasion.[10]

The practice of employing envoys to reside in the host country began in the fifteenth century through the Italian city-states. This pattern was later copied by the French. At the Congress of Vienna (1815), and in subsequent agreements of the Congress of Aix-La-Chapele, the pattern of permanent diplomacy was codified.[11]

Up to the beginning of World War II, very little change took place in the manner and means of formulating foreign policies. After the establishment of the United Nations and advances in the means of communication, two major phenomena have occured. The first is represented in the increasingly important

role of multilateral diplomacy. The second is observed in the number of parties who are involved in the process of implementing the foreign policy, and in the increasing possibilities of decision making from the center.[12] In other words, the role played by heads of states and ministers in conducting foreign relations, and direct instructions from the government have decreased the role and influence of ambassadors in shaping and conducting foreign relations. On the other hand, widening relations and diversity of interests have expanded the duties of ambassadors both in the fields of bilateral and multilateral relations.

Diversity of Diplomatic Manifestations

Conducting foreign relations through diplomacy could be manifested in different ways under different titles, depending on the diversity of targets, methods, tools and manners of practice. Diplomacy, open or secret, bilateral or multilateral, varies with the states, the situation, the political environment, and the interests involved. However, aided by supportive elements, it remains an art rather than a science and supplies the indispensable element of personal contact in the relationship between states.

Recognition of a state by another is an essential element in establishing relations between the two. Recognition of a state could be *de facto*, which is a provisional acceptance of the authority of a state over a territory—the legitimacy of that however, is questionable—or it could be *de jure*, which implies a complete unqualified recognition of that state.

Methods of conducting foreign relations can be through parliamentary or summit meetings, through dialogues, usually carried out by ambassadors for exchange of information without involving definite commitments, or by an act which is imposed on the other state as *fait accompli*, and which forms the basis of a negotiated settlement.

The goals of diplomacy, like maintaining peaceful relations, settling a dispute, imposing hegemony, developing relations or

evading a situation, may decide the shape and tools of diplomacy used in each case. Comity, *rapprochement*, appeasement, *détente* or treaty, are different tools used in attaining diplomatic goals.

Application of Diplomacy in the Period of the Pre-Islamic State Period

There are significant manifestations of established diplomatic conduct in the period that preceded the establishment of the Islamic State. To facilitate the study of these, one would divide this period into two phases. The first one began in AD 570, the birth year of Prophet Muhammed (PBUH), and lasted until AD 610, the date of his first revelation; and the second phase which was marked by the endeavours of the Prophet (PBUH) to spread the new religion among his people and outside Mecca. This phase lasted until AD 622 when Prophet Muhammed (PBUH) immigrated to Medina, thus starting a new era with the establishment of an Islamic society and state.

During the first phase, it is possible to identify three cases that could represent the outcome of diplomatic conduct. The first one was the success of Abdul-Muttaleb in regaining his camels that were confiscated by the invading army of Abraha. He achieved this by meeting the latter and negotiating their release. The other example was the consensus throughout North Arabia to consider four months of every year as months of peace and non-aggression, so that the caravans could go through and pilgrimages could take place in safety. These months were the seventh month at one interval and the three months that end and begin the lunar calendar.

Needless to say, such an agreement in itself is not diplomacy but the process of reaching such an agreement and the constant observance of its rules were good indications of the diplomatic conduct of that period. Unfortunately, no clearly recorded documents are available to testify to these two cases.

The third example is one known as the Fudhul Pact. There was an agreement among the different clans of the Quraysh in

Mecca to come to the aid of any inhabitant of Mecca (or of those visiting it), if subjected to injustice, and to support him against the oppressor until his rights were restored. The story as rendered by Ibn Hisham[13] is that the heads of the Quraysh clans held a meeting (around AD 590) in the house of the senior most among them, Abdullah bin Judaan, and reached this agreement. The meeting took place after one trader of Zabid voiced a complaint against Al-Aas bin Wael a known figure in Mecca to whom he had sold some merchandise, but who had failed to pay him back. It is recorded that this pact was invoked again, during the rule of Muawiyah (the first Umayyad Caliph AD 661-680) when his governor in Medina, Al-Walid bin Utbeh had a dispute with Al-Hussein bin Ali (son of the fourth Caliph) over some property. The latter declared that if he were denied fair treatment, he would go to the Apostle's Mosque and would call for the invocation of the Fudhul Pact. Abdullah bin Al-Zubair who was attending the meeting announced right there, that he would lend him his support and would fight for him. Two other Medina citizens vowed to take the same stand. When the Governor became aware of this collective support, he yielded to the opposition and conceded to Al-Hussein.[14]

NOTES

1. Brockelmann, Carl, *History of the Islamic Peoples*, Routledge & Keagan Paul Ltd., Broadway House, London, 1956, pp. 6, 7.
2. Ibid., p. 11.
3. Ibid., p. 9.
4. *The Holy Quran*, Sura 39: 3.
5. Satow, Sir Ernest, *Guide to Diplomatic Practice*, edited by Lord Gore-Booth, Longman, London, 1981, p. 6.
6. Macomber, William, *The Angels' Game*, Stein and Day, New York 1975, pp. 193, 194.
7. Barston, R.P., *Modern Diplomacy*, Longman, London, 1991, p. 1.
8. Ibid.
9. Plano, Jack and Olton, Roy, *The International Relations Dictionary*, Longman, London, 1988, p. 241.
10. Macomber, op. cit., pp. 14, 15.

11. Ibid.
12. Barston, op. cit., p. 5.
13. Ibn Hisham, Abd Almalik, *Sirat Al-Nabi* (The Prophet's (PBUH) Biography), Dart Al-Jaleel, Beirut, 1975, p. 132.
14. Ibid., p. 124.

2

THE BEGINNING OF THE ISLAMIC ERA

At the age of forty, Prophet Muhammed (PBUH) received his Commission and started to preach the new faith of Islam. The name 'Islam' came from an Arabic expression which implied complete 'surrender' to Allah, the one and only God. He, therefore, called for abandoning the old beliefs, repudiating paganism and discarding many inherited traditions and superstitions. Beginning with his immediate family and close relatives from Quraysh, the Prophet (PBUH) gradually widened his circle of activities to include all the inhabitants of Mecca and those groups who came to visit it during the seasonal pilgrimage.

Although the new religion adopted many of the traditions and values prevailing in that society, it was a potent blow to the dominant social structure and its basic values. It is comprehensible, then, that the initial mild rejection of the Meccan leaders to the new faith became a fierce resistance as it spread. Prophet Muhammed's (PBUH) adversaries pursued an escalating opposition that started with dialogue and negotiations. It was stepped up with the application of different kinds of pressure and culminated with the torture of those professing adherence to the new faith.

The heads of the Quraysh clans percieved Prophet Muhammed (PBUH) 'as the head of the community, however small, like a state within a state.'[1] The relations between the two communities and their leaders, in many aspects, followed a course similar to that which existed between two states. In

conducting these relations, the methodology used was not far from diplomatic practices prevailing nowadays. In resolving their differences, both sides resorted to dialogue and negotiations, employing 'intelligence' and 'tact' and implied promises or threats. They applied these skills in their direct contacts or through their envoys and delegations. Both parties suggested compromises, and at certain stages accepted them.

Prophet Muhammed (PBUH), in his discourses resorted to persuasive arguments and discreet preaching: 'Call unto the way of thy Lord with wisdom and fair exhortation, and reason with them in a way that is best and most gracious.'[2] On the other hand, the leaders of Quraysh, who could not use force or inflict on Prophet Muhammed (PBUH) the same mischief they had inflicted on his followers—as he belonged to a strong and respected family of Quraysh—had to opt for the diplomatic practice available to them. They sent delegations to his uncle and protector, Abu Taleb, on three occassions, and each time they used a different approach. Failing to find a solution, they decided to negotiate directly with Prophet Muhammed (PBUH). On these three occasions they tried again either to strike a deal or to challenge his prophetic missions, or to reach a compromise. Both parties sent delegations outside of Mecca and both met with representatives coming to Mecca in their endeavours to win alliances or to obstruct the other party's manoeuvers to do so.

Delegations within Mecca

The Quraysh tribe, fearing the spread of Islam among the people of Mecca and its repercussions on their prestige, values and beliefs, decided to send a delegation to Abu Taleb, the Prophet's (PBUH) uncle and protector, demanding that either he prevent his nephew from pursuing his discourse or denounce him. The delegation which consisted of some dignitaries explained to Abu Taleb the harm that Prophet Muhammed (PBUH) was causing their beliefs and traditions. They pointed out that Abu Taleb, who

did not embrace the new faith himself, was in disagreement with Prophet Muhammed (PBUH), as they were.[3] However, Abu Taleb apparently mollified them before they left.

On the second occasion, the Quraysh delegation came to Abu Taleb and used a threatening tone, asking him to prevent his nephew from opposing their beliefs. They told him that if he continued to do nothing about it they would fight him.

Abu Taleb conveyed this to his nephew and requested him not to burden him with a load that could prove to be too heavy for him to shoulder. The Prophet (PBUH) replied that even if the sun were placed in his right hand and the moon in his left, he would never relinquish his mission.[4]

The third delegation from the Quraysh came to Abu Taleb with a third option. They suggested that he deliver Prophet Muhammed (PBUH) to them and they give him in exchange Amarah bin al-Walid, who was a wise and presentable young man from the best family of Quraysh. Abu Taleb condemned this sort of bargaining where he 'was to deliver his adopted son to be killed', as he put it, 'while accepting their son to be fed and protected.'[5]

In the three encounters, it is to be noted that both sides had observed the prevailing social (tribal) norms when they pursued their patterns of negotiations, namely, the obligation to stand on the side of the family and to help and defend even those members whose point of view they did not share. The Quraysh recognized Abu Taleb's family obligations and the latter accepted this burden despite the fact that he did not share Prophet Muhammed's (PBUH) belief. It is worth mentioning that both sides resorted to their verbal skills and persuasive arguments throughout their talks. Also both sides implied latent power in supporting their respective positions. The Quraysh delegations implied the unanimity of the Quraysh clans and their firm resolution. Abu Taleb reckoned on his family prestige and the fact that it could not be easily challenged. Prophet Muhammed (PBUH) expressed his steadfastness and confidence in the support of God who would help His faith to ultimately prevail.

In the second phase of these encounters, the Quraysh leaders decided to contact Prophet Muhammed (PBUH) directly and to talk him out of his discourse. In the first attempt they agreed on sending one of their dignitaries known for his knowledge of soothsaying and poetry. They selected Utbeh bin Rabiah, who met Prophet Muhammed (PBUH) and started his negotiation by referring to the damage the Prophet (PBUH) was inflicting on his peoples' beliefs and idols. Then, questioning his motives for rejecting the creed of his kinsmen they offered to reward him if he abandoned his mission. Utbeh conveyed to him their readiness to make him the richest man, if he sought wealth, or to concede to his leadership if he sought honour and prestige. In reply, Prophet Muhammed (PBUH) read to him a passage of the Quran related to the questions in the mind of the delegate about the Prophet (PBUH), the Quran, and the core of the new faith.

When Utbeh returned to his people he advised them to leave him to what he was striving to accomplish, assuming that if he prevailed, then his rule over the Arabs 'would be your rule and his glory would be yours' and that if he were killed by the Arabs, then 'they would have saved you the effort.'[6]

This argument did not convince the Quraysh. Their leaders decided to launch another attempt. This time they invited Prophet Muhammed (PBUH) to meet them by the Kaaba. They started the negotiations by repeating their previous complaints and offers. Then they stepped up the offensive. They challenged his God's power, requesting him to move the mountain or to bring the rivers into their land or to resurrect their ancestors, so they could testify to his authenticity. Prophet Muhammed (PBUH) based his argument on the rationality and logic of his mission rather than on miraculous proofs or supernatural manifestations. He kept telling them after every request that it was not for that, that he was commissioned, but that God had sent him as His Apostle to deliver His message.

In their third attempt, the Quraysh leaders sought to reach a compromise. They sent a delegation of four dignitaries, who proposed to Prophet Muhammed (PBUH) that they worship his God and he worship their gods. If either party was the true one,

then both parties would benefit from their common practice. The Prophet's (PBUH) response was a firm rejection of this bid and it was expressed in the Quran as 'Say: O ye that reject the faith! I worship not that which ye worship. Nor will ye worship that which I worship... to you be your religion and to me my religion.'[7] One can interpret this encounter and the aim of the negotiations conducted through it as endeavours to reach a compromise over the disputed matter.

Negotiations generally imply the attempt to reach a compromise, based on concessions made by both parties. The extent of the concessions made by either side may reflect inversely the power it possesses to support its argument. Often negotiations are conducted for purposes other than reaching a settlement. They may be launched by one party with the intention of exploring the status of the adversary. In some other instances, negotiations may be conducted for the mere purpose of gaining time, in preparation for another course of conflictual encounter.

The Soviet Field Marshal Shoposnikov might have meant that when he said, 'If war may be said to be the continuation of politics by other means, then peace, in its turn, is no more than the continuation of conflict by other means.'[8]

Through the interactions the Quraysh leaders had with Prophet Muhammed (PBUH), they sought either to explore his plans, or to reach a kind of negotiated settlement, or to challenge him in order to expose his weak points in preparation for 'the continuation of the conflict by other means.'

Delegation Dispatched Abroad

After failing to reach a settlement with Prophet Muhammed (PBUH), the Quraysh notables resorted to other means, aiming at obstructing him and containing his successes. On the personal front, they intensified their pressure on his followers and his immediate family, the Banu Hashim. In order to expose what they expected to be his weaknesses, they sent a delegation to Medina to meet the

Jewish rabbis there. Since Prophet Muhammed (PBUH) declared that the Islamic faith is the continuation and the completion of Christianity and Judaism, the Jewish rabbis of Medina could help in refuting this claim. It is mentioned that the rabbis of Medina advised the delegates to put three questions to Prophet Muhammed (PBUH). Two of the questions were related to stories recorded in the Old Testament.[9] If he failed to answer any of these questions, then he would prove ignorant of the Jewish faith and that would negate any connection claimed between the two religions.

When repression against the followers of Islam intensified, the Prophet (PBUH) advised those who could not secure protection to migrate to Abyssinia. This choice was based on two circumstances. The first one was that the Abyssinian Negus was the nearest Christian leader who could offer asylum to the Muslims. The second was that the Arab pagans had connections with South Arabia which belonged at that time to Persia, an ancient enemy of the Christian power of Byzantium. The number of followers who migrated to Abyssinia, in the fifth year of the Prophetic Mission, was eighty-two.[10] After the immigrants settled in Abyssinia, the Quraysh tribe schemed to pursue them in their asylum and sent two delegates to the Abyssinian Negus. One of them was Amr bin-al-Aas, a very shrewd person, whose name appeared in a later period as a remarkable negotiator and warrior. The mission of the Quraysh delegation was to convince the Abyssinian Negus to disclaim the Muslim refugees and if possible, to extradite them.

At the same time the Quraysh notables decided to move farther in their sanctions against Prophet Muhammed (PBUH) and his protectors, Abu Taleb and the families of Banu Hashem and Banu Al-Muttaleb; (Hashem and Al-Muttaleb were two brothers. Prophet Muhammed (PBUH) and his uncle Abu Taleb descended from the first one). The Quraysh leaders met and concluded a written agreement, which they deposited at the Kaaba and by which they vowed to boycott Banu Hashim and Banu Al-Muttaleb. It was agreed that none of the Quraysh would deal with anyone of the two families in trade, marriage or social

contacts. It is noteworthy that this boycott agreement was not directed against individuals who followed the new faith, but included everybody in the two families (Hashim and Al Muttaleb) whether they were believers or non-believers of Islam. The reaction of Banu Hashim and Banu Al-Muttaleb families was the same and the non-believers showed solidarity with the believers.[11] The boycott agreement was an example of an inter-tribe or inter-state conduct of relations.

During the tenth year of the Prophetic Mission, Abu Taleb, the Prophet's (PBUH) uncle and protector passed away and he became more vulnerable to the hostility of the Quraysh. He left Mecca for Al-Taif to call its people to embrace Islam and to seek their support and alliance. There, he was met with defiance and rebuke. He returned to Mecca vowing not to submit, as long as God, Lord of the weak and helpless, was his support.

The Migration to Abyssinia

In the fifth year of the Prophetic Mission, many of the Muslims migrated to Abyssinia to escape the repression of the Quraysh. They left in two groups totalling eighty-two persons. Ruqayeh, the Prophet's daughter and her husband Othman (RA) (who was to be the third Caliph) were in the first group. The second group included Ja'far bin Abu Taleb, Abu Taleb's son and Prophet Muhammed's (PBUH) cousin. The Muslims believed that they would be given refuge by the Abyssinian Negus, who was a Christian and believer in one God. After they were accepted in Abyssinia, the Quraysh leaders dispatched a delegation of two persons to the Negus in order to convince him to extradite those who were offered asylum and to deliver them to their people in Mecca. The delegates, keen to succeed in their diplomatic mission, planned their approach carefully. They carried gifts to the monarch and his aides. First, they met with the patriarchs individually, and explained to them that they had sheltered some of their people, who had relinquished their fathers' religion but who had not embraced the patriarchs' faith. Contrary to both

religions, they had invented, as the delegates put it, a religion of their own, which was acceptable to neither party. They appealed to each patriarch to send these defectors back and to advise the king not to summon the muslim immigrants for a hearing. When the two delegates were received by the Negus, they presented their gifts to him and repeated the claims that they had put to the patriarchs. The latter attested to the delegates' claim and proposed to the monarch to disown the immigrants and to deliver them to their people who knew them better and were aware of their mischief. The Negus refused to disavow those who sought asylum in his country and he declined to entertain the petition of the delegates without first verifying the charges against the immigrants.'[12] When the Muslim group was brought before the king, they were asked what made them differ with their people and abandon their religion without embracing Christianity or any other beliefs.

On behalf of the Muslim group, Ja'far bin Abu Taleb took the stand to answer these questions. He addressed the Negus, and said that, 'Before Islam, we were people of ignorance, worshipping idols, committing atrocities and disrupting family relations until God raised up an apostle from amongst us; we know his ancestry, his truthfulness and his credibility. This apostle called on us to believe in one God and to worship Him and commanded us to tell the truth, to keep family ties, to protect whoever sought refuge among us...we believed in him and followed his teachings, while our people, oppressed us and endeavoured to impose their faith back on us. This is why we migrated to your country and solicited you and not anyone else, seeking your protection and hoping not to be mistreated by you.'[13] The Abyssinian Negus requested Ja'far to read verses of his book and Ja'far read a passage, i.e. the *Sura XIX* entitled Mariam. The Sura tells the story of Zakaria having a son Yahia (John) at a late age and of Mariam (Mary the Virgin), who although a virgin, by the will of God had a son Isa (Jesus).

The Negus was pleased with what was said and commented that what the Prophet (PBUH) was preaching and that which Jesus

proclaimed, 'both were emanating from the same source.' He told the delegation from Qurayash 'You may both leave, these people I will never deliver to you.'[14]

When the Quraysh delegation left the court, Amr ibn-al-Aas thought of another approach. He decided to inform the Negus that the Muslims believed that Jesus Christ was just a man—no better than a slave. He returned the next day and proposed to the Negus to summon the Muslims and to ask them what they thought of Jesus. The Negus put the question to them. Again Ja'far bin Abu Taleb spoke and said that they thought of Jesus what their Prophet (PBUH) had conveyed to them and that Jesus was a slave of God, His apostle and His spirit. He was the word of God delivered to Mariam the Chaste. This argument did not satisfy the patriarchs, but it did satisfy the Negus, and the report goes on to say that he dismissed the two Quraysh delegates, rejecting their gifts and rebuking their mission.

The Quraysh Boycott

Realizing that the Abyssinian Negus had extended his protection to the Muslim immigrants and that the Muslims in Mecca were increasing in number, the Quraysh notables held a meeting where they decided to boycott Bani Abdul-Muttaleb. They recorded this agreement in a written document which they deposited at the Kaaba. Such an action provoked the Bani Hashim and Bani-Al-Muttaleb to ally themselves with Abu Taleb and Prophet Muhammed's (PBUH) followers. This alliance included the Muslims and non-Muslims within the two clans.

The boycott continued for a period of two to three years, during which the people, besieged in their quarter in the ravine of Abu Taleb, suffered from lack of food supply except for what was secretly infiltrated. One of the Quraysh notables, Hisham bin Amr, who was related on his mother's side to Bani Hashem, used to load a camel with food stuff and lead it to the opening of the ravine in the darkness of the night and release it to the people in the besieged quarter. He convinced another figure of the Quraysh,

Zuhayr bin Abi Umayah, to raise the boycott. Zuhayr expressed his consent and reservation as they were alone in this matter, and both agreed to seek the support of other notables. After that Hisham went to a third and a fourth person and reached the same agreement with them. The group of five met together and drew a plan for abrogating the agreement.

The next day they went to the Kaaba and after the sermons Zuhayr called for the people of Mecca and addressed them, asking how they could eat their food and wear their clothes at a time when Banu Hashim were suffering and were denied the right to trade with them. He then vowed not to rest until this unjust and disruptive document was destroyed. When Abu-Jahl, one of the main adversaries of the Prophet (PBUH) interrupted his speech and insisted that the agreement be preserved, another one from the group of five came to the help of Zuhayr, then the third one came, followed by the fourth in the group. All expressed their concurrence with him. After them, Hisham bin Amr stepped forward to state that he too had never consented to the agreement from the beginning and that he would repudiate its contents. Although the number of people who condemned the agreement was not big—only five—the manner in which they spoke, one after the other, gave the impression that this was the feeling of the majority. When, in the end, one of them went to tear up the document, he found that it had already been destroyed.

Delegations to Mecca

Prophet Muhammed (PBUH) and his companions spared no opportunity to explain their religion to those who came to Mecca and to call on them to accept the faith. He met groups of Arabs who came to Mecca for pilgrimage and for trade. He received envoys and delegations who arrived to inquire about the new religion and to acquaint themselves with its Prophet (PBUH).

In the ninth year of the Prophetic mission (AD 619), a delegation of Christians from Najran (a region south of Mecca)

came to meet the Prophet (PBUH). After they had put their questions to him and listened to passages from the Quran, they left and were confronted by Abu-Jahl and a number of Quraysh men who tried their best to counter whatever impression the Prophet (PBUH) had left on the delegation.[15]

During the same period, an envoy from Hamadan (a tribe living in the northern part of Yemen) called Qays bin Amr came to meet Prophet Muhammed (PBUH) and to report back to his people. After discussing his mission with the Prophet (PBUH) and declaring his conversion to Islam, Qays expressed his own and his peoples' readiness to support the Apostle. He was requested to return to his people and to find out if Hamadan was ready to take Prophet Muhammed (PBUH) in their midst and to support and defend him. Qays left for Hamadan and later returned alone to announce his peoples' adherence to Islam and their readiness to host him.[16] Though, Prophet Muhammed (PBUH) expressed his appreciation for the positive response, he found it short of a firm commitment. His agreement with the Medina delegation later on proved to be based on something more concrete.

Prophet Muhammed (PBUH) maintained his contacts with people visiting Mecca. During the pilgrimage season he met the different tribes coming to Mecca, calling on them and convincing them to accept Islam. At one of these seasonal gatherings in Mecca, a delegation from Medina, representing the Aus tribe, came seeking alliance with the Quraysh against the Khazraj, the other major tribe in Medina. Medina, which was known as Yathreb, was inhabited mainly by two Arab pagan tribes (Aus and Khazraj) and an influential Jewish community. The continuing hostilities between the two tribes gave rise to the dominance of the Jewish community. The delegation from Yathreb was headed by Abul Hayser Anas bin Rafie and included Iyas bin Mua'dh. Prophet Muhammed (PBUH), hearing of the arrival of the delegates, and their purpose, came to meet them and said: 'Would you have what is better than what you have come for?' When they asked what that was, he said: 'I am

the Apostle of Allah. He has sent me for all humankind; to call upon them to worship God and to ascribe no partner to Him. And He revealed to me the book.'[17] Then he called on the delegation to embrace Islam and read before them verses from Quran.

Iyas, influenced by what he heard, expressed his sympathy and preference for what was presented, but he was rebuffed by his superior who told him that he was there for a different purpose. It appears that despite the fact that Prophet Muhammed (PBUH) did not convert the group, his message was delivered and it was to be conveyed to the people of Yathreb. So when he met other delegations from that city, his views were already known to them.

The First Aqaba Delegation

During the pilgrimage season to Mecca in March AD 620,[18] Prophet Muhammed (PBUH) met a group of the Khazraj tribe who came to Mecca for the same purpose as the other Yathreb delegation had come the previous season, that is, to seek an alliance among the Quraysh against their opponents, the Aus and the Jews. When Prophet Muhammed (PBUH) talked to them and explained to them the faith of Islam, it seemed as though they were not surprised with the basic idea, as they had often heard from the Jews about the awaited Messiah.[19] They looked at each other and said, 'By God! He is the new Prophet the Jews had always threatened us with. Why should we not be ahead of them to join him?'[20] They declared their faith in Islam and told him that they had left their people divided in feuds and hostilities and that they would return to them and call on them to accept the faith. They promised that if they were united around this faith, then no one among them, would have a more honourable position than the Prophet (PBUH).

They returned to Yathreb (Medina) and started propagating Masàb bin Umair the new faith, aided by a Muslim who had previously emigrated to Abyssinia. The next year, five of them came back again to Mecca together with seven new converts and met the

Prophet (PBUH) at Aqaba, the pass between Mina and Mecca. Here, he heard their plight and enjoined upon them the basic laws of Islam and sent one of his companions to teach them the religion and to lead their prayers.

This emissary of the Prophet (PBUH) followed the wise approach and sagcious advice of the Prophet (PBUH) in preaching Islam to those voicing their opposition to it in Medina. Once, one of the Medina notables came to him and in a threatening manner ordered him to leave them alone. The emissary prudently asked him to sit and listen to what he had to say. If he found it satisfactory, he might then accept it, otherwise he could point out what he disliked. The Medina notable Osayd bin Hudhayr accepted the proposal as a fair one. He listened to what the emissary read from the Quran and declared his acceptance of the faith. He then advised the emissary to go and meet Saad bin Muadh, the man who would be followed by all his people if he accepted the faith.

It is worth pointing out here that throughout all the meetings between Prophet Muhammed (PBUH) and those delegations and individuals whom he strived to bring to the new faith, the Prophet (PBUH) always invoked rational argument and discreet presentation and each and every time read to them passages of the Quran. While all the other prophets had performed miracles as proofs of their divine missions, the only proof put out by Prophet Muhammed (PBUH) was the words he voiced. The value of a word to an Arab lies in its meaning, its rhythm, its music, and its logic and its eloquence. To the Arabs, the spoken word is a covenant that commits them to the most serious obligations. The Quran described Jesus Christ, as being the word of God descended to Mary. The first word of the Quran that was delivered to Prophet Muhammed (PBUH) when receiving his commission was 'Iqraa', which means 'read'.

Those who specialize in Islamic history and literature would appreciate the impact and deep effect the language of the Quran had on a people who appreciate the value of the word. For them it is understandable that the only sign of Prophet Muhammed's (PBUH) divine inspiration was the

Quran itself, its contents and its wordings. The first delegate from the Quraysh came to meet Prophet Muhammed (PBUH) to verify if he were a poet or a soothsayer. He heard him recite the Quran and went back to his people to assert that what he heard was not the word of a poet, or that of a soothsayer. It is said that the only miraculous proof of the new religion Islam was the language and the content of the Quran.

The Second Aqaba Agreement

During the pilgrimage season of the thirteenth year of the Prophetic Mission (AD 622), a group of seventy-three men and two women from Medina came to Mecca and met with the Prophet (PBUH) at Aqaba. It was in the darkness of night that Prophet Muhammed (PBUH) came to meet them accompanied by his uncle Abbas, who had kept his pagan belief. Abbas addressed the Medinese, telling them of the position Prophet Muhammed (PBUH) occupied among his people and within his family and that he had been defended even by those who did not adhere to his faith. He went on to say that despite that, Prophet Muhammed (PBUH) had chosen to join them and to ally himself with them, if they believed that they would defend him. Abbas warned them that if they could not pledge this support to him, they must leave him where he was protected and esteemed. The group from Medina gave their assurance and offered to take an oath of allegiance to Prophet Muhammed (PBUH).

Before the Medina party committed themselves to Prophet Muhammed (PBUH), they made it clear that their forthcoming agreement would sever ties they had with another party, meaning the Medina Jews. They asked if he would give them up once his cause prevailed. Giving them the assurance of his constant allegiance to them, Prophet Muhammed (PBUH) had them swear their fealty to him in defending him as they defended their women and children. Having sworn this mutual oath of allegiance, Prophet Muhammed (PBUH) requested them

to solicit twelve captains from among themselves as representatives. Then, he addressed the twelve persons named by the group and stated to them that they would be the guarantors to what their people were committed to, as the Disciples were to Jesus. He would be the guarantor for his people. The twelve captains expressed their consent in confirmation of the pledge covenanted with their people.[21]

On the basis of the second Aqaba agreement, Prophet Muhammed (PBUH) gave permission to his followers to immigrate to Medina. The migration to Medina of the Mecca Muslims was effected in successive waves. The last three to leave Mecca were Prophet Muhammed (PBUH), his close companion Abu Bakr (RA) and his cousin Ali bin Abu Taleb. On 25 September 622, Prophet Muhammed (PBUH) accompanied by Abu-Bakr (RA) arrived in Medina to start a new phase in the history of Islam, which marked the beginning of the Muslim calendar year. The arrival of the Prophet (PBUH) in Medina, where Islam had spread among all the Aus and Khazraj tribes, laid the basis for the establishment of the first Islamic state.

Conclusions

Throughout this period one discerns manifestations of diplomatic practices which formed the basis for the more sophisticated practices observed in the succeeding period. Relations and contacts between communities and tribes resembled relations and contacts among states nowadays. The methods, manners and means of conducting diplomacy might have been quantitatively and qualitatively limited. There have been instances where pacts, agreements or pledges were conducted and concluded verbally or in writing, after negotiations and exchange of delegations.

Nevertheless, the examples mentioned indicate a degree of maturity in diplomacy. The norms and traditions known to the Arabs of that period were the background for such practices. These were accepted and used by both communities, the

Muslims and the pagans, but certain features reflected the new culture of Islam. For instance, when the two delegates from the Quraysh went to the Abyssinian Negus to explain the contradictions between Islam and Christianity in terms of Jesus Christ, the Muslims debated among themselves as to what they should tell the Negus. They concluded that they should be truthful about what they believed. The debate that would ensue eleven centuries later as to whether diplomacy could revert to deception or should be based on truthfulness, was settled in the incident mentioned above. The Muslims believed that credibility does not only pay off, but also reflects their faith, which could be translated into modern terminology as reflecting their constant policy.

Another aspect of diplomacy in that era was that when negotiations were concluded, the argument of either party would reflect the power that backed the party's position. In the case of negotiations between the Quraysh and the Muslims, the Quraysh delegations always backed their argument with the support and unanimity of their clans, while the only power the Muslims relied on was the strength of their argument and their belief.

The third feature of this type of diplomacy was that it represented a way of life rather than a professional activity that simply served the purpose of the mission. The Quran enjoined them to adopt a certain manner in their discourse or when effecting their responsibility. 'It is part of the mercy of God that thou dost deal gently with them. Wert thou severe or harsh-hearted, they would have broken away from about thee.'[22] 'That thou have averted evil with good.'[23] 'Call unto the way of thy Lord with wisdom and fair exhortation and reason with them in the better way.'[24]

NOTES

1. Brockelmann, Carl, op. cit., p. 16.
2. *The Holy Quran*, Sura XVI: 125.
3. Ibn Hisham, op. cit., Vol. I, p. 239.
4. Al-Astal, Ali Rudhwan, *Delegations in the Meccan Era*, Almanar Library, Zerqa, 1984, p. 32.
5. Ibid., p. 33.
6. Ibn Hisham, op. cit., p. 261.
7. *The Holy Quran*, Sura CIX: 1-4.
8. Satow, Sir Ernest, op. cit., p. 5.
9. Ibn Hisham, op. cit., p. 265-72.
10. Al-Tabari, Abu Ja'far Muhammed bin Jarir, *Tarikh ul Umam wal-Muluk*, History of the Nations and Monarchs, Beirut, Lebanon, Vol. 2, p. 331.
11. Ibn-Khaldoun, Abd-Al-Rahman bin Muhammed, *Kitab Al-Ibar*, History of the Arabs and Berbers, Dar Al-Kitab Al Lubnani, Beirut, 1981, Vol. 4, p. 724.
12. Ibn Hisham, op. cit., p. 289.
13. Ibid., p. 289-91.
14. Ibid.
15. Al-Astal, op. cit., p. 127-29.
16. Ibn Saad, Abu Abd-Allah Muhammed, Al-Tabaqat Al-Kubra, Dar Beirut, 1957, Vol. 1., p. 340.
17. Ibn Hisham, op. cit., Vol. 2, p. 53, 54.
18. Brockelmann, op. cit., p. 18.
19. Ibid.
20. Ibn Hisham, op. cit., p. 55.
21. Ibid., Vol. II, pp. 61-6.
22. *The Holy Quran*, Sura III: 159.
23. *The Holy Quran*, Sura XXVIII: 54.
24. *The Holy Quran*, Sura XVI: 125.

PART TWO

Establishment of the Islamic State

3

ESTABLISHMENT OF THE ISLAMIC STATE

The arrival of the Prophet (PBUH) at Medina in AD 622, marked the first step towards the establishment of an Islamic state. Considering that Medina was still inhabited by non-Muslims, atheist Arabs, and Jews, the Prophet (PBUH) in his first legislative act drew the lines, in a convention, that would regulate relations between the different factions of the citizens of Medina.

In the first part of his ten years of leadership in Medina, Prophet Muhammed (PBUH) laid down the foundation of a city-state, that would grow within a few years to encompass the whole Arabian Peninsula. He started with the construction of a mosque that would serve as a school, a centre for consultations and information, a court for receiving envoys and delegations, as well as a place for worship and prayers. He constructed a market place for the Muslims to counter that of the Jews. He then directed his efforts to building a Muslim army. In the latter part of his stay in Medina he assigned his governors and representatives to different parts of Arabia.

Laying down the basis for the subsequent rules guiding relations of the Islamic state with other countries, Prophet Muhammed (PBUH) set good examples in his diplomatic correspondence with foreign royalty, in the dispatch of envoys to neighbouring districts, in the establishment of new rules, or the implementation of old ones. These related to the laws of peace and war, and the modalities and contents of the agreements that he concluded with the opposing parties. He was thus paving

new roads and giving a new meaning to the concept of international diplomacy.

During the succeeding periods of the four Orthodox Caliphs and the Umayyad rule (AD 631-750), the Islamic state witnessed an era of expansion that brought it into direct contact and interaction with the Byzantine, the Persian and the Chinese Empires and peoples. The experience and sophistication of these civilizations enriched Islamic culture and concept. It was during the Abbaside period (AD 750-900) that the Islamic state, reaching its peak in political influence, cultural maturity and economic prosperity, represented the universal state.

The Medina Convention

When the Prophet (PBUH) and his Meccan disciples reached Medina, it was inhabited by two major tribes, the Aus and the Khazraj, which had long been feuding with each other. In addition, there were several Jewish communities in Medina. Besides the Aus and the Khazraj, not all of whom were Muslims yet, the Medina society consisted of the Muslim exiles from Mecca, the Muslim helpers from Medina and the non-Muslim Arabs and Jews. In these circumstances, Prophet Muhammed (PBUH) became the teacher, arbitrator and the centre of all powers. In this capacity he applied himself first to the task of introducing order in Medina and organizing relations among different factions on a proper basis. With this objective in mind he issued a charter by which blood feud was abolished and lawlessness repressed. Equal rights were granted to the Jews, who committed themselves to helping the Muslims in defending the city.[1]

In this convention, to which all the communities adhered, the Prophet (PBUH) considered the Muslims, whether exiles from Mecca (Muhajeroun) or helpers from Medina (Ansar), as one community (Ummah), while addressing each one of the Jewish communities as a separate entity. Those who allied themselves with the Muslims would have their support and be on an equal footing.

The parties to the Charter of Medina would conduct war or peace collectively. No party would unilaterally conclude peace with a belligerent adversary or wage war against a third party by itself. No one among the non-believers (Mushrikin) was to grant protection (Aman) to a Qurayshite or to his property, nor would he prevent a faithful from acting against a Qurayshite.

The Jews would share the expenses with the faithful. As long as they were fighting, the Jews of Bani Auf were an Ummah (a community) with the faithfuls. They had their own faith just as the Muslims had theirs. The Jews of Bani-Al-Hareth, the Jews of Bani Saedah, the Jews of Bani Jusham, the Jews of Bani Al-Aus, of Bani Thalabah, had the same (rights) as those of the Jews of Bani-Auf.

No one from the Quraysh or from those who supported it would be granted the protection of the parties to the convention. They (the parties to the convention) would support each other against any other party that would attack Medina. Anyone leaving Medina or staying in it would be safe, except for those committing injustice or misdeed.[2]

Thus, the main political features of the convention were:

- For the first time in the history of Hijaz, a political unity was formed of the different factions and tribes of Medina under the leadership of the Prophet (PBUH).
- The influence of the Jews, which prevailed in the past due to their manipulation of the hostilities among the Medina tribes, was to be countered and minimized.
- The Prophet (PBUH) then secured not only a fortified front against any possible attack from his declared enemies, the Qurayshites, but also formed the first ring in the chain that would besiege Mecca and contribute to its weakening. From there he could divert his attention to the most immediate business of organizing the state affairs, internally and externally.

Formation of the State

In establishing the structure of the new state, Prophet Muhammed (PBUH) built a mosque that would serve as a headquarter, as well as a place of prayers. He then designated a new commercial centre for the Muslims, apart from the old one which was controlled by the Jews. By such an undertaking he laid the foundation for an economic structure of the state that would function on the basis of Islamic principles, free from the influence of the Medina Jews.[3]

From the first days of his arrival in Medina, the Prophet (PBUH) concerned himself with the formation of a military force, well organized and trained, that would be capable of defending the state and safeguarding its interests.[4] The Islamic army was assigned military expeditions that would serve the ultimate political and diplomatic ends. The frequent attacks on the trade caravans, going to and coming from Mecca, were intended to weaken the Qurayshite economic power. At the same time these expeditions served as training experiments as well as a show of strength to other Arab tribes in the region.

On the international front, the Prophet (PBUH) dispatched a number of envoys with messages to monarchs and leaders of the neighbouring states and tribes, acquainting them with the new faith and inviting them to embrace it. He sent a messenger to the Emperor of Persia and another to the Byzantine Emperor. The former tore the message and banished the envoy from his presence, whilst the Byzantine Emperor received the ambassador with considerable courtesy. A third envoy, sent to a prince subordinated to the Byzantium, in the Damascus region, was cruelly murdered.[5]

NOTES

1. Ameer Ali, Syed, *A Short History of the Saracens*, Macmillan & Co. Ltd, London, 1955, p. 12.
2. Heykal, Muhammed Hussein, *Hayat-i-Muhammed* (Life of Muhammed), Maktebat An-Nahda Al-Misreyeh, (Nahda Egyptian Library), ed. 13, Cairo, 1980, pp. 225–27.
3. Abu Fares, Dr Muhammed Abdel-Qader, *Al-Nizam-Al-Siyasi Fil-Islam* (The Political System in Islam), Dar Al-Furqan, Amman—Jordan, 1986, p. 141.
4. Ibid., p. 142.
5. Ameer Ali, op. cit. p. 15.

4

DIPLOMATIC AND MILITARY ENCOUNTERS

During the Prophet's (PBUH) leadership in Medina, he had four major military encounters with the Qurayshites, and one significant peace treaty. The military encounters with the Qurayshites proved to be a proper stage for the diplomatic endeavours aimed at serving the political ends of both parties while the peace treaty (Al-Hudeibiyah) could be considered a truce agreement postponing the ultimate confrontation, and buying time for the organization or the accumulation of further military and political advantages.

The first military confrontation between the two cities of Mecca and Medina, the Battle of Badr, came after the Muslims had tried to block the way for a trade caravan belonging to the former. Although the caravan managed to escape, the Qurayshites used this incident as a *casus belli* to amass an army and to confront the Muslims in a battle that might put an end to the threat of the Medinians. When the Meccans lost the Battle of Badr in the second year of the Hijra (AD 623), they started their preparations for retaliation. They entered the territory of Medina with a large army in the third year of the Hijra. Though the Muslims lost a great number of lives in the Battle of Ohud (AD 624), the Meccans were not in a position to benefit from a victory and they retreated to Mecca.[1]

In the fifth year of the Hijra, the Meccans again invaded Medina with a large army of 10,000 men. The Arab chronicles narrate that envoys from the Medina Jews of Bani Nadir went to Mecca to incite the Quraysh against the Medina Muslims,

promising them their help. The envoys then went to the Ghatfan tribes instigating them against Prophet Muhammed (PBUH) and assuring them of the support of Quraysh. The two armies of Quraysh and Ghatfan marched towards Medina, with the aim of conquering it.

The Prophet (PBUH), being informed of the imminent offensive, consulted his followers and upon the advice of one, he dug a trench around the unprotected part of the city. The fight that took place there was known as the Battle of the Trench (Al-Khandaq) in relation to that defensive line, or the Battle of the Parties (Al-Ahzab) indicating the alliance of Quraysh and Ghatfan tribes. The tribes besieging Medina for a prolonged period made futile efforts to storm the city, but had to withdraw their forces in the end. This encounter proved to be a turning point in the balance of power in favour of the Muslims. The Prophet (PBUH) commented on the withdrawal of the Qurayshites saying 'from now on we shall be attacking them, but never will be attacked'.[2]

The reference to these three major military encounters is necessary in order to point out the frequent diplomatic manoeuvers that preceded or coincided with each one of them. Before the Battle of Badr, and in accordance with the terms of the Medina Convention, the Muslim inhabitants of Medina were not under an obligation to participate in any fighting, except in defense of Medina. The raids and the military expedition that Prophet Muhammed (PBUH) launched against the Qurayshites were undertaken, until then, by the Muslim exiles on the grounds that the Qurayshites had driven them out of Mecca, and had confiscated their property. In the case of Badr, the Qurayshites were the aggressors, but in response to Muslim attempts to encounter the trade caravan, the Prophet (PBUH) first sought the advice of his followers from among the Muhajeroun, then addressed the whole Muslim community asking for their opinion. The Ansar realized that they were meant to commit themselves, when the convention did not commit them.

Before the Battle of Ohud, Abu Sufian, the leader of the Quraysh, addressed the Medina Muslims, requesting them to disown Prophet Muhammed (PBUH) and to leave their cousin to them, since they were not inclined to fight.[3] The same method was followed by the Prophet (PBUH) during the siege of Medina, in the Battle of Trench, when he sent a message to the leader of Ghatfan promising them one third of the Medina crop if they left. In his efforts to dissolve the alliance between the Medina Jews and the assailants, he sent a messenger to the Jews warning them against Ghatfan and Quraysh who would leave them in the end to face Prophet Muhammed (PBUH), whether they won and departed with their spoils or lost and retreated to their home towns. He then advised them to request their allies to hand them, as a guarantee, a certain number of hostages from their noble families. The same messenger then informed the Qurayshites and Ghatfan leaders that the Jews were reversing their position and that as proof of their loyalty to Prophet Muhammed (PBUH), they offered to deliver to him a number of hostages from their notable families.[4]

The fourth major encounter, which led to the conquest of Mecca by the Prophet (PBUH), in the eighth year of the Hijra, was an occasion for intensive diplomatic efforts. When the allies of the Qurayshites violated the peace treaty of al-Hudeibiyah, Abu Sufian was sure that the Muslims would respond forcefully to this act. He came to Medina and met with the immediate followers, companions or collaborators of the Prophet (PBUH), seeking their help for the confirmation, and probably extension, of the peace treaty. His mission was anticipated by the Prophet (PBUH) and the response was perceived. Abu Sufian met, first of all, his daughter, the wife of the Prophet (PBUH), then Abu Bakr (RA), and then Omer ibn al-Khattab. Not one of them gave him a warm reception, or a positive reaction. Ali (RA), the cousin of the Prophet (PBUH) and his son-in-law, advised him to go back.

Leading an army of 10,000 fighters on the way to Mecca, Prophet Muhammed (PBUH) camped at a short distance from the city. It is mentioned that Abbas, Muhammed's uncle, left the

camp looking around for someone going to Mecca so as to inform him of the site of the Prophet's (PBUH) camp in the hope that the Meccans might approach the Prophet (PBUH) for a peaceful entry.

The Prophet's gesture was in the same vein, when he advised Abbas to take Abu Sufian to a spot at the neck of the valley where he could watch the procession of the Muslim army in a show of force that would support the diplomatic endeavours.[5]

The Peace Treaty

In the sixth year of Hijra, Prophet Muhammed (PBUH) declared his intention of making a minor pilgrimage (Al-Umrah) together with his followers. This came one year after the Battle of the Trench when the Meccans lost any hope of conquering Medina and the Muslims were enhancing their powers and becoming true contenders against the Meccan pagans. There were around fifteen hundred pilgrims. With them they took seventy heads of cattle to be sacrificed there as a part of the pilgrimage ritual and as a proof of the peaceful nature of their march. On his way, Prophet Muhammed (PBUH) was informed that the Meccans had resolved not to allow him entry and that they had sent their forces to meet him ahead of Mecca. The comment of the Prophet (PBUH) on the said information sheds light on his concept of peace and war, and can be considered the yardstick for evaluating his relations with the non-Muslims. He said, 'How bad it is for Quraysh that they are obsessed with war, if they let me approach all the other people, if I lose, that would be what they hoped for, but if I succeed, then they may join the Islamic faith dignified and victorious. By God, I will continue my strife on the path of my commission until God bring it out, triumphant or I perish.'[6] That saying may indicate the following:

- that war was neither his objective nor his preference, but rather he disliked this alternative
- that his goal was to deliver the message of God to all people

- the reference to his relations with other authorities was the stand they may take to allow or to obstruct his endeavours to communicate his message to all people

To avoid the likelihood of confrontation with the Qurayshite forces, Prophet Muhammed (PBUH) decided to follow another road to Mecca. He halted his march at a place called Al-Hudeibiyah, nine miles from his destination. There, he received the first delegation from the Khuzaah tribe which was on peaceful terms with the Muslims. The delegation, headed by Budayl bin Warqaa, informed the Muslim leader that the Quraysh had grouped their men not far from there to prevent, by force, his entrance to Mecca. The Prophet (PBUH) explained to the delegation that he had not come to wage war, but to perform Umrah. It was the tradition among the Arabs that no confrontation should take place during the forbidden months. It was also the practice that no one should be prevented from entering Mecca to perform Umrah or Hajj. The Prophet (PBUH) expressed his readiness to reach an agreement with the Quraysh provided that they would not obstruct his way.[7]

The second delegation was headed by Urwah bin Masoud al-Thaqafi, from a tribe allied with the Quraysh. Urwah promised the Quraysh that he would try to confirm what Budayl had reported, and to obtain more information about the situation in the Muslim camp. He tried to convince Prophet Muhammed (PBUH) of the strength of his opponents, the weaknesses of his supporters and of the futility of his plan. He reminded him that Quraysh was his own tribe, and that he had no way of entering Mecca except by murdering his own people. The Prophet (PBUH) repeated to him what he had said to Budayl and reiterated his proposal of reaching an agreement with the Quraysh. On his return, Urwah described to the Quraysh the solidarity of their opponents and their resolve to defend Prophet Muhammed (PBUH) to the last man. He said:

> I have been to the courts of Kisra (of Persia) of Heraclius (of Byzantium) and of Najashi (Negus of Abyssinia). By God, I never

saw around them people who were more obedient to their kings than those around Prophet Muhammed [PBUH] to him. They would never look into his face or raise their voices in his presence, suffice it for him to gesture, and his wish would be fulfilled....I have seen the people who would care less for what they suffer in the defense of their man....[8]

Another envoy from Quraysh, Mikrez bin Hafs, met with the Prophet (PBUH). He returned with the same impression.[9]

The next envoy from Quraysh, Al-Hulays bin Alqamah, was a leader of an allied group. When he came close to the Muslims' camp, they released the cattle they had brought for sacrifice. Al-Hulays returned to Quraysh without meeting the Prophet (PBUH). He described what he saw as a proof of the goodwill of the Muslims and their sole intention of performing the Umrah. He protested to the Quraysh saying that it was 'not within the terms of their agreement to obstruct the path to the House of the Lord, before those who came in reverence to it, driving their cattle that were to be sacrificed...'

Prophet Muhammed (PBUH) sent more than one envoy to Quraysh hoping for a peaceful solution to the issues. First, he sent a Muslim from Khuzaah tribe on his own camel. The envoy, Khirash bin Umayah addressed the notables of Quraysh stating that the Muslims had come only for Umrah and that after performing it they would leave in peace. The Qurayshites stabbed his camel, and attempted to attack him. The Prophet (PBUH) later on sent another envoy, Othman bin Affan (RA) (who would become the Third Caliph). The selection of Othman (RA) as envoy was made because his clan of Quraysh was still among the Meccan pagans, and so he would be listened to, and protected.[10] Othman (RA) conveyed the message and offered them multiple possibilities:

- to accept the faith of Islam that would ultimately prevail
- to step aside, and let the message of Islam reach other people
- to permit the Muslims, to perform Umrah, the only purpose for which they had come

Despite the fact that he was received with respect, and was offered the opportunity of performing the Umrah, which he refused, his proposition was totally rejected. His diplomatic mission, though, was not completely in vain. He managed to meet with a number of Muslims who were staying in Mecca, and gave them encouragement and moral support.[11]

The final phase of negotiations was set with the arrival of Sohail bin Amr, the representative of the Quraysh, at the Muslim camp. He started his argument with the request for a show of goodwill, demanding the release of prisoners held by the Muslims. Prophet Muhammed (PBUH) responded with a similar request, and then agreed to reciprocate. After discussing the issue and reaching an agreement on the main points, the negotiator went into a discussion of the specific terms of an agreement, which Sohail demanded to be put in writing. The Prophet (PBUH) agreed and requested the scribe to write what was dictated.

It is recorded that the Prophet agreed to the provision which stipulated the obligation of sending back to the Quraysh those who came to join the Muslims while Quraysh was under no obligation to send back those who renounced the Islamic faith. Truce was concluded between the two parties for a period of ten years. The other tribes were to choose to ally themselves with either party. If any party to the agreement or one of its allies committed an act violating the provisions of the agreement, then such an act would be considered a breach of the agreement.

The Muslims were to return to Medina with the agreement that they would perform their Umrah the following year.[12]

In the agreement, Prophet Muhammed (PBUH) accorded several concessions, which in the view of many of his companions, he should not have agreed to. He conceded to:

- Starting the document with a forepart used by the Qurayshite and not by the Muslims (In your Name, My Lord)
- The demand of his counterpart and erased, under protest

of his followers, the phrase (the Messenger of God) after the name of the Prophet

- the provision which stipulated returning to the Qurayshites those who would come to join the Muslims, without the condition of reciprocity
- to return to Medina without performing the Umrah, with the pledge that he could perform it the following year

It was apparent that Prophet Muhammed (PBUH) had taken it upon himself to yield to these concessions in spite of the vocal protestations of some of his close allies and the silent astonishment of some others. But soon enough, the advantages of this agreement became apparent. By concluding this ten-year non-aggression pact, the Prophet (PBUH) not only proved his inclination to peace in solving disputes, but he also accomplished the following:

- The formal recognition of Prophet Muhammed (PBUH), by the Quraysh as an equal, not a rebel, and their implied recognition of the Islamic State.
- Quraysh and its allies, recognized through the agreement, the rights of Muslims to perform their religious duties, and consequently Islam was acknowledged as an established religion.
- By neutralizing the Quraysh, Prophet Muhammed (PBUH) actualized the isolation of their former allies, the Jews of Khaiber.
- The signing of the treaty helped in creating a public opinion among the Arabs which compelled them to envisage Prophet Muhammed (PBUH) in a state of power that compelled the Quraysh to seek a peace agreement, that would secure peace for the period of ten years.[13]
- The Muslims, who were now secure on their southern boundaries, could devote more time and effort to the task of spreading the message of Islam. In the same year, Prophet Muhammed (PBUH) sent his ambassadors to the

rulers of Persia, Byzantium, Abyssinia, Egypt, and some Arab leaders.

- The terms of the treaty that provided for the return of the Qurayshites who embraced Islam, proved to work in favour of the Muslims' interests', as Abu Jandal and many others who were sent back to Mecca after adhering to Islam formed a band of rebels working from within the Qurayshite community, assailing its trade caravans, and hitting at its vital interests.[14]

On its conclusion, two copies of the Treaty were signed by both parties. Prophet Muhammed (PBUH) fixed his seal on the document. The Treaty also recorded the names of several witnesses from both sides.[15]

The Treaty with Najran

In the tenth year of the Hijra (AD 632), a delegation representing the Christians of Najran (in the south of the Peninsula) came to Medina, to negotiate a peace treaty with the Prophet (PBUH). The Arab chronicles record that the delegates, who came to meet the Prophet (PBUH) wearing long, magnificent dresses, with golden rings on their fingers, were not received by him. When they consulted with two of his companions, they were advised to return in their simple travel clothes before meeting him.[16]

The two delegates reached an agreement that was recorded in the following terms:

> In the name of Allah, the Gracious, the Merciful. This is what Muhammed [PBUH], the Apostle of God, has put in writing for the people of Najran upon whom he has the authority regarding their (crops of) fruits, their (money) yellow, white or black and their slaves. Being gracious to them he has relinquished all, for two thousand garments, of which one thousand is to be delivered in every month of Rajab and one thousand in every month of Safar (the seventh and the second months of the lunar calendar), each garment weighing one Owqiyeh (pound). Whatever garment of Kharaj

weighs more or less than one Owqiyeh would be calculated. Whatever may be collected, in other kind, of shields, horses, mounts or other objects should also be calculated.

The Najranites will receive and shelter my envoys for a maximum period of one month, and the envoys will not be kept for more than one month.

In case of an act of treachery in Yemen, the Najranites will lend my envoys thirty shields, thirty horses and thirty camels, and whatever may perish of the horses or the mounts that my envoys had borrowed, they will guarantee their return.

To the Najranites, and to those living among them, the protection of God, and the pledge of Muhammed, the Prophet [PBUH] and the Apostle of God, is conferred upon them their faith, their land and their properties, upon those who are absent or present, upon their caravans, their sanctuaries and their sacred possessions.

Nothing that they used to have will be altered, and no right they used to enjoy will be withdrawn. No bishop will be prevented from his bishopric, and no monk will be displaced from his monastery. No one will carry the burden of the past (Al-Jahilyeh) or will be charged in retaliation for blood from that period.

They will not be recruited for fighting, nor will they be taxed for the one tenth, and their land will not be flocked by any army.

If anyone among them raises a claim for a right, then justice and equity will be asserted. No oppressed there will be or oppressors in Najran. Any one who will practice usury, after this date, will be abjured from my pledge. No person among them will carry the responsibility for the mischief of another person.

For the contents of this document, they have the safeguard of Allah, and the pledge of Muhammed the Prophet (PBUH) for ever, and until the judgement of God materializes, as long as they discharge fairly and properly of their obligations, without imposing on them any unjustifiable demand.

Witnessed by: Abu Sufian bin Harb, Ghailan bin Amr, Malik bin Auf, of (the tribe of) Bani Nasr, Al-Aqraa bin Hubis Al-Hanzaly, Al-Mughirah bin Shubah'.[17]

Diplomatic Correspondence

The Prophet (PBUH), during the sixth year of the Hijra sent envoys with messages to the monarchs and rulers of Byzantium, Persia, the (Arab) Ghassanid, and the Patriarch of Alexandria. Similar messages were sent to the governors of Oman, Bahrain, Ailah (Aqaba Port on the Red Sea) and the Najranites.[18]

In his letter to Heraclius, the Prophet (PBUH) wrote:

> In the name of Allah, the Gracious, the Merciful. From Muhammed [PBUH] the servant of Allah and Apostle [PBUH], to Heraqle, the Grand Chief of Byzantines: Peace be unto those who followed the right path. Thence I call upon you with the call of Islam, submit (to Islam) and you will be safe, (if you do) God will reward you twice, if you decline, then you would be liable of the sins of peasants. 'O people of the book! come to common terms as between us and you, that we worship none but God, that we associate no partner with Him; that we erect not, from among ourselves, lords and patrons other than God. If they turn back, say ye: Bear witness that we are Muslims (They who have surrendered).'[19]

The letter delivered to Chosroes (Emperor of Persia) reads, as follows:[20]

> In the Name of Allah, the Gracious, the Merciful. From Muhammed the Messenger of God [PBUH], to Chosroes, the Grand Chief of the Persians:
>
> Peace be unto him, who follows the right path and believes in God and His Messanger, and testifies that there is no god but Allah, and that Muhammed [PBUH] is His Servant and Apostle [PBUH], I call upon you to the call of God, that I am the envoy of God sent to all peoples, to give admonition to any who are alive, and that the word may be fulfilled against the disbelivers.[21] Submit (to Islam) and you will be safe, but if you decline, then you will be liable for the sins of Magus'.

In the letter addressed to the Patriarch of the Egyptian Copts, Prophet Muhammed (PBUH) invited him to adhere to Islam, and

promised him a two-fold reward by God for his acceptance and for those who would follow in his footsteps and warned him, if he declined, of being accountable for himself and for all the Copts. The letter goes on to read.[22]

> O people of the Book, come to the common terms between us and you, that we shall worship none but Allah, and that we shall ascribe no partner unto Him, and that none of us shall take others for lords beside Allah. And if they turn away, then say: Bear witness that we are they who have surrendered unto Him.[23]

The text of the letter addressed to the Persian Governor of Bahrain starts with the same salutation and calls for adherence to Islam as those which were addressed to the other rulers then and continues:

> God is aware of what is within your hands, and be it known that this faith will come out triumphant all over, to the confines that heel or the hoof can reach.[24]

The Arab historians record that Heraclius received the envoy of the Prophet (PBUH) cordially, and he read the letter before his audience but did not respond to his call. The Persian Emperor reacted with anger and tore up the letter. He then dispatched a message to his governor in Yemen, ordering him to summon Prophet Muhammed (PBUH) to his court. The envoys of the governor of Yemen were received by the Prophet (PBUH), and there they were informed of the assassination of their Emperor. The Prophet (PBUH) requested them to deliver a message to their leader in Yemen calling on him to embrace the faith, and apprising him that he would be then re-instated. Before departing, the envoys were presented with a girdle made of gold and silver as a gift.[25]

The envoy to the Egyptian Patriarch was received warmly, and later on was sent back with four female slaves as a present to the Prophet (PBUH). One of the maids, Maria, became the mother of his son Ibrahim.[26]

Ibn Khaldoun writes that at the time Prophet Muhammad (PBUH) dictated his message addressed to Heraclius of Byzantium, he was told that foreign monarchs would not recognize a formal letter if it was not properly sealed. The Prophet (PBUH), saw to it that a ring made of silver was prepared as his seal on which was engraved 'Muhammad, the Apostle of God'. The words were inscribed in three lines. The same seal was used later on by his successors, the three Caliphs Abu Bakr, Omer and Othman (RA).[27]

Delegations received in Medina

After the bloodless conquest of Mecca in the eighth year of the Hijra, delegations from all over the Arabian Peninsula started to arrive in Medina. The ninth year of the Hijra was known as the 'year of delegations.'[28] In a delegation from Thaqif, six delegates representing the different clans of Taif and headed by Abd Yalil came to Medina. The delegation was received by Al-Mughirah, who acquainted them with the formalities of greeting the Prophet (PBUH), advice which they ignored. The preliminary contacts were made with considerable caution. An intermediary went back and forth between them and the Prophet (PBUH), until a written agreement was concluded. When they were offered their meals, the intermediary would taste the food before the envoys ate it. They declared their readiness to adhere to Islam, with certain conditions, and negotiated stubbornly for concessions, such as being exempted from prayers, or postponing the demolition of their idols. At the conclusion of the agreement, the delegation returned accompanied by two delegates from the host party who were authorized to destroy the idol of Thaqif.[29]

Another delegation from the tribe of Bani Tamim came to Medina in the same year. Among the delegation were two persons who had already embraced Islam. On their arrival at the home of the Prophet (PBUH), the delegates called loudly for him to come out to them, a behaviour which was considered highly unbecoming. A verse in the Quran was revealed which reads:

Ye who believe! Put not yourselves forward before God and his Apostle; but fear God, for God is He who hears and knows all things.
Ye who believe! Raise not your voices above the voice of the Prophet [PBUH], nor speak aloud to him in talk, as ye may speak aloud to one another…
Those who shout out to thee from without the inner Apartments, most of them lack understanding.[30]

The delegates invited Prophet Muhammed (PBUH) to a competition, and asked permission for their poet and their orator, to speak on their behalf. The Prophet permitted them and requested a Muslim orator to reply to theirs and a well-known poet Hassan bin Thabit to reply to their poet. The dialogue, expressed through verses and oratory, ended in an agreement, and the delegation received gifts before leaving.[31]

The delegation from the rulers of Hemyar (in Yemen) came to Medina to show their adherence to Islam. The Prophet (PBUH) handed them a message for their rulers, in which he instructed them to follow the rules of Islam:

> …and that God had guided you to his truth, provided that you behave righteously, and you obey God and His Apostle, and perform your prayers, that you pay the tithe and deliver the one fifth… and if one of the Jews or the Christians embraces Islam then he is of the faithful. He has what rights they have and he carries what obligations they carry.
>
> He who is of the Jewish or the Christian faith, will not be deterred from his religion, but he will pay the djizyeh (the tax). Every mature individual, male or female, free or enslaved, would pay one (full) dinar, or its equivalent in garments. If he pays that duty to the Prophet then he will have the guarantee of God and the pledge of His Apostle…'[32]

The letter indicates that Muslims have to follow the principles of Islam, and pay the tithe (Zakat) from their surplus property at

the rate of 2.5 per cent and deliver the share of one fifth (20 per cent) of what they gain from their enemies. The message also prohibited Muslims from forcing Jews or Christians to reject their own religion. The latter were exempted from the duties imposed on Muslims, but they were to pay the djizyeh at the rate of one dinar per mature person. The message expressed the pledge the Prophet (PBUH) gave to safeguard the rights of Kitabis (Jews and Christians).

Among the other delegations received in Medina, one delegation came to the Prophet (PBUH) representing Musailemah bin Khabib, from Yamameh (Najd) who claimed to be a prophet. The two delegates delivered a message which said: 'From Musailemah, the Apostle of God, to Muhammed the Apostle of God. Peace be unto you. I, then, inform you that I have been associated with you in this mission, and that we have half of the territory, and Quraysh has the other half, but Quraysh is an aggressive community.'[33] The Prophet Muhammed (PBUH), after receiving the message, asked the two envoys: 'What say you (of this matter)?' The delegates replied: 'We say what he has said.' The Prophet (PBUH) replied: 'By God, if it were not the tradition that envoys could not be killed, I would have severed your heads.'[34]

The influx of delegations into Medina during the last two years of the Prophet's (PBUH) life, and after the conquest of Medina, was recorded in the Quran in the following text:

> When comes the help of God, and victory, and thou dost see the people enter God's religion in crowds, celebrate the praises of thy Lord, and pray for His forgiveness: For He is oft-returning in grace and mercy.[35]

NOTES

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5. Ibid., p. 245.
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9. Ibid., p. 600.
10. Ibn Al-Athir, op. cit., p. 203.
11. Al-Waqidi, op. cit., pp. 600–1.
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13. Al-Hasan, op. cit., pp. 346, 348.
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    Hamidullah, op. cit., p. 33.
20. Ibn Al-Athir, op. cit., p. 213.
    Hamidullah, op. cit., p. 33.
21. *The Holy Quran*, XXXVI: 70.
22. Hamidullah, op. cit., p. 32.
23. *The Holy Quran*, Sura III: 64.
24. Hamidullah, op, cit., p. 34.
25. Ibn Al- Athir. op. cit., p. 214.
26. Ibid., p. 211.
27. Ibn Khaldoun, Abdul Rahman, *Al-Moqaddimeh*, Dar Al- Qalam, Beirut, 1986, p. 246.
28. Ibn Hisham, op. cit., Vol. IV, p. 152.
29. Ibid., pp. 135, 138.
30. *The Holy Quran*: Sura XLIX: 1–4.
31. Ibn Hisham, op. cit., p. 152–57.
32. Ibid, p. 175.
33. Ibid., p. 183.
34. Ibid.
35. *The Holy Quran*, Sura CX: 1-3.

5

PEACEFUL SETTLEMENT OF DISPUTES

The Islamic State, under the administration of the Prophet (PBUH), employed all diplomatic means known at present for the settlement of disputes. Negotiations, conciliation, mediation, good offices and arbitration, were instruments known and used by the Islamic State from an early date.

The Al-Hudeibiyah Peace Treaty was one example of the outcome of intensive negotiations. For the precedents of conciliation, mediation and good offices one can cite more than one example. In the year AH 1, a military expedition was sent by the Prophet (PBUH) to encounter the Meccans near the sea coast of Yanbu.[1] Majdy bin Amr, who was an ally of both parties, successfully intervened with mediation. Another example is the case of Abdullah bin Ubbay Salul, who although a Muslim, but as an old ally of the Jewish tribe of Bani Qainuqa, pleaded with the Prophet on their behalf, and the dispute was peacefully settled.[2]

Arbitration was a method widely practiced among the Arabs long before Islam. The Quran recognized this tradition and made it obligatory in case of a conflict between two Muslim communities or states. 'And if two parties of believers fall to fighting then make peace between them.'[3] After returning from the Battle of the Trench (Al-Khandaq) in AH 5, the Prophet (PBUH) turned his attention directly to the Jewish community which had conspired with the Quraysh. After the capitulation of Bani Quraidha, their leaders asked for arbitration by one of their former allies, the Aus tribe. Both the Prophet (PBUH) and

the leaders of Quraidha, accepted the arbitration of Saad bin Maaz, and the agreement was fully implemented.

Al-Aman

The non-Muslim who came under the protection of the Muslim community was called either Zimmi or Musta'men. The Zimmi was a Christian or Jew (Ahl-Al Kitab are Kitabis which means the people of the Holy Books), who lived within the Islamic State, and thus enjoyed the rights of citizenship. The Musta'men was a non-Muslim who entered the Muslim territory under the pledge of protection (Aman) granted by the Islamic State. Since the status of the Zimmi did not fall within the context of foreign relations, this study, then, will deal only with Musta'men.

The Arabic expression 'Aman' means security, protection, safeguard or guarantee. The Musta'men came within the jurisdiction of the Islamic State under the pledge of Aman. An example is the Aman given to the two envoys of Musailemah who claimed prophethood, which codified a previously known tradition, of not harming envoys even if they professed an unacceptable view. The example of safeguarding the envoys also applies to the messengers of Kisra (Chosroes) who came to arrest Prophet Muhammed (PBUH) and to deliver him to the Persian court. They were not only protected, but were also presented with gifts on their departure.

An example of extending protection to women, children and the disabled during war time, is the order Prophet Muhammed (PBUH) gave to one of his leaders, Khalid bin al-Walid, during Hunain AH 8, prohibiting him from harming children, women, and disabled men.

The principle of Aman is laid down in the Quran and confirmed by the Sunnah and was practiced by the Prophet (PBUH) and his followers. The Quran instructs 'If any one of the pagans seeks thy protection, then grant it to him, so that he may hear the word of God, and afterward convey him to his place of safety.'[4] The Prophet's (PBUH) Hadith tells us that 'the blood of

Muslims is of an equal value',[5] and that 'the protection of Muslims is one (indivisible), which could be granted by the humblest among them'.[6]

Um Hanie, a cousin of Prophet Muhammed (PBUH), granted protection to two men at the conquest of Mecca. When Ali bin Abu Taleb (RA), her brother, threatened to kill them, she came to the Prophet (PBUH) to seek his support. His answer was 'We protect whom you protect'.[7]

The Aman which could be granted to a group of people or a whole community is a prerogative of the leader. The example for this general Aman is the one conferred by the Prophet (PBUH) to the people of Mecca when it was conquered. The Prophet (PBUH) declared to Abu Sufian, the leader of Quraysh, when the latter professed his adherence to the faith, 'anyone who enters the house of Abu Sufian will be safe, any one who gets inside his own house is to be protected, and anyone who puts down his arms will be safe.'[8]

NOTES

1. Romahi, Seif El-Wady, *Studies in International Law and Diplomatic Practice*, Data Labo Inc., Tokyo, 1980, p. 60.
2. Ibn Al-Athir, op. cit., p. 138.
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4. *The Holy Quran*, Sura IX: 6.
5. Zeidan, Dr Abdel-Karim, *Ahkam Al-Zimmiyin Wal-Musta'minin*, *Muassasat Al-Resaleh*, Baghdad, 1982, p. 47.
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8. Al-Waqidi, op. cit., p. 818.

PART THREE

The Orthodox Caliphate

6

THE FOUR ORTHODOX CALIPHS

The Prophet Muhammed (PBUH) died on the 12th of Rabi I, AH 11 (8 June AD 632).[1] Before he died, he had the satisfaction of seeing his message spread all over the Arabian Peninsula. If he had to use force in a number of military encounters, mainly against the Qurayshites and their allies in the neighborhood of Mecca and Medina, these were retaliatory in nature. His main conquest, that is the entry into Mecca, was achieved without bloodshed. The great majority of the Arab tribes and communities within the confines of the Peninsula came into the fold of the Islamic Ummah through peaceful contacts, and negotiations.

From the first days of his mission, the Prophet (PBUH) made it clear that it was not meant exclusively for one community or a certain race. Acting on the basis of the universality of the faith, Prophet Muhammed (PBUH) sent his envoys to the sovereigns of the two great powers, at a time when his authority was still limited to one city, and when he could not reach Mecca to perform the Umrah. In fact, it was the murder of one of his envoys by the Ghassanid governor, who was subordinate to the Byzantine Emperor, in Mu'tah (south of Jordan), that invoked the first military encounter with the Byzantines. From the composition of the force that was dispatched in the year AH 8 (AD 630) to penetrate the Byzantine borders, it seemed that the intention was to express a challenge and determination rather than to achieve conquest and occupation. The Prophet (PBUH), designated for the first time three leaders to take the lead in succession, if the first or the second were injured. He

enjoined them before their departure not to cause any harm to the monks in their monasteries, whom they may meet on their way, and not to kill any women, children or aged persons, and not to flood a date-palm, or to cut a tree or demolish a house.[2] The martyrdom of all three leaders in the Battle of Mu'tah and the retreat of the Muslim army that followed, were a further incentive for the preparation of a new round.

The Prophet (PBUH), during his last days of leadership, took the responsibility of assembling an army under the leadership of the seventeen year old Usamah, the son of Zeid, who had led the Battle of Mu'tah and was martyred there. The departure of Usamah was postponed only because of the illness and then the demise of the Prophet (PBUH). The first task his successor, the Caliph Abu Bakr (RA), took up to implement, was to dispatch the army where the Prophet (PBUH) intended it to go, with the same formation, i.e., the enlistment of all the close companions of the Prophet (PBUH), excluding Omer bin al-Khattab. The Caliph had to take permission of the leader, Usamah, for exempting Omer from this mission in order to stay in his company.[3]

While the northern confines of the Peninsula bordered the Byzantine Empire and its subordinate Arab state of the Ghassanids, the north-eastern frontiers bordered the Persian Empire and its Arab vassal state of the Lakhmids. The relations between the Lakhmids and the Persians, were not smooth. In AD 610 the Lakhmids revolted against the Persians and defeated their army in the Battle of Dhi Qar. Within the confines of the Arabian Peninsula, no sooner was it known that the Prophet (PBUH) was dead, that the loyalty and order disintegrated. Some of the tribes who had only recently abandoned idolatry, reverted at once to their old ways. Other tribes renounced loyalty to the central government in Medina. Within a short time, the city of Medina had again to contend with the apostates all around the Peninsula.

The successor of the Prophet in the capacity of the ruler of the state was called the Caliph (Khalifah) which literally means the successor. The first four Caliphs were called Al-Khulafaa

Al-Rashidoun, which means the Righteous Caliphs. They were also known as the Orthodox Caliphs because they sought earnestly to follow the traditions of the Prophet (PBUH).

Abu Bakr (RA), the first Caliph, when asked about the fate of the assembled army of Usamah, responded by stating that he would not lower a banner that was raised by the order of the Prophet (PBUH). He did not attempt to reconsider the formation or the leadership of the army that had already been formed. He gave its leader the same instructions as those which the Prophet (PBUH) had given him. Abu Bakr (RA) addressing Usamah said 'See that you avoid treachery. Depart not in any way from the right. You shall mutilate none, neither shall you kill any child or an aged man, nor any woman. Injure not the date-palm, neither burn it with fire, and cut not any tree wherein is food for man or beast. Slay not the flocks or herds or camels, save for needful sustenance... And the monks with shaven heads, if they submit, leave them unmolested'.[4]

When bidding them farewell, Abu Bakr Marched along with the Muslim army on foot, while Yazid bin Abu Sufian, the leader of the army, was on horse-back. In his last recommendations to Yazid he said:

> ...if you come to meet with men fighting with you, treat them well, and promise them of the good rewards,...and if you receive envoys of your enemies, be hospitable to them, and make short their stay, so that they leave you with the least information regarding your disposition. Let not the people about you converse with them, so that you, alone, conduct the discussion. Let not your secrets be disclosed, that may confuse your plans. If you consulted the others, be truthful to them, so you may get from them the true counsel.[5]

Omer bin al Khattab (RA) (the second Caliph) was as strict in seeking to apply the traditions as Abu Bakr (RA) was. When Abu Obeidah, the leader of an army directed to Syria, wrote informing him of the victories he had achieved and inquiring about how to deal with the spoils he had collected and the lands he had conquered, Omer (RA) wrote a letter which said:[6]

I have looked into what you mentioned, in your letter, regarding the spoils that God had offered, and the agreement that you concluded with the inhabitants of those cities and districts. I have consulted, too, the companions of the Prophet (PBUH), who, each one of them has voiced his opinion. What I view stems from the Holy Book, where God says (...what God has bestowed on His Apostle from them, for this you made no expedition with either cavalry or camelry, but God gives power to His apostles over any He pleases, and God has power over all things. What God has bestowed on His Apostle—and taken away from the people of the townships, belongs to God, to His Apostle and to kindred and orphans, the needy and the wayfares; in order that it may not merely make a circuit between the wealthy among you; so take what the Apostle assigns to you, and deny yourselves that which he withholds from you and fear God, for God is strict in punishment...)[7] ...(and those who came after them)[8] those are the descendants of Adam (whether) they are red or black. God has given a share to those who come after, until the Day of Judgement. Leave, then, what God bestowed on you in the hands of its owners, and set djizyeh on them according to their capabilities, and distribute the djizyeh among the Muslims. That would enable the inhabitants to grow their land to prosperity, that they are better oriented with their land and more capable to do so. You have no way on them nor have the Muslims in your company. You may (only) have the djizyeh from them, according to what they can afford, since God makes it evident to us and to you where He says in his Book (Fight against such of those who have been given the scripture as believe not in God nor the Last Day, nor hold that forbidden which had been forbidden by God and His Apostle, nor acknowledge the religion of truth, until they pay djizyeh with willing submission and feel themselves subdued).[9] If you collect the djizyeh from them, then you have no way against them... and forbid the Muslims from suppressing or harassing them, or usurping their properties, except for what is their right. Fulfill your commitments to them in accordance with the provisions you set in the agreement you concluded with them. As to their demonstration with the cross on their feast days do not prevent them from demonstration out of the city, without flags or banners, provided that they had pre-consent for celebrating that day. The cross should not be demonstrated in the midst of the Muslim community nor within their mosques.

The Muslim leaders who had succeeded in conquering all the territory that stretched from Egypt in the west, to Persian provinces in the east, under the rule of the first two Caliphs, had come to achieve most of their victories through peaceful agreements. According to the instructions they had, they were to offer their counterpart the option to:

A. accept Islam and adhere to the faith, thus becoming a part of the Muslim Ummah, having the same rights and duties as all other Muslims
B. keep their faith, under the safeguard of the Islamic State, and to pay the djizyeh (poll tax) and the kharaj (property tax), or
C. resort to the third alternative of fighting

It was significant that the major military encounters in Syria and Iraq were basically against the Byzantine and Persian armies. The indigenous inhabitants of these countries had neither the urge nor any strong motive to fight their kin, the Arabs, in defence of foreign domination. Sir Thomas Arnold in his book *The Call for Islam* quotes the Jacobite Archbishop of Antioch, Michael the Elder, who wrote in the second half of the twelfth century, i.e. after five centuries of Arab rule, seeing in the Arab conquest the hand of God. After he relates the oppression the Catholic Church suffered under the Byzantine rule, he states that 'when the cities submitted to the Arabs, the latter allocated to each community the church that was in its domain...In spite of that', he continues, 'it was not easy to get rid of the Byzantines, of their injustice, their hatred and their antagonism against us, and then to find ourselves in peace and security.'[10] Sir Thomas Arnold also records that when Abu Obeidah reached Fahl (in Jordan) with his forces, the Christians in that territory wrote to him 'You Muslims are more favourable to us than the Byzantine, even if they are of our faith'.[11] Abu Obeidah, after accepting the djizyeh from the inhabitants of Emmesa (in Syria) gave them back the tributes that he had collected when he found that he had to face the great army that Heraclius had amassed at Yarmouk River (in Jordan) since he might not be capable of ensuring the safety of the city.[12] Nevertheless, the people of Emmesa expressed their

support for the Arabs and pledged to close their city and to defend it against the Byzantine armies.[13]

Though the Muslims had declared, since the ninth year of Hijra, that they would not accept polytheism within the confines of the Peninsula, they recognized Christianity and Judaism, and acknowledged their rights to keep their faith and perform their religious duties. During the rule of the four orthodox Caliphs, the same principle was applied to the believers of the two religions. As citizens of the state, they were free to apply their religious codes in social matters. They were exempted from being recruited or from participating in the efforts or expenses of the military activities of the state in the case of war. They were not required to pay the financial duties imposed on Muslims like the tithe or alms. Their contribution, as citizens of the state, were limited to two categories of taxation—the djizyeh which was imposed on adult men. Women, children, monks, aged men and invalids were exempted from being taxed. Those who were incapable financially were also exempted. The principle of accepting the djizyeh was decreed in a Quranic text (Sura IX; 29). The amount was defined in the Hadith, the range of which was between 1–4 Dinars per person per annum. Although the Quranic text specifies that djizyeh could be accepted from the people of the Holy Book, the traditions extended this provision to include peoples of other faiths. The Prophet (PBUH) accepted djizyeh from the Magians of Hadjer. Then both Abu Bakr (RA) and Omer (RA) followed the same rule with the Magians of Bahrain and Persia.[14]

The other category of taxation (Kharaj) was that imposed on the land owned by the Kitabis. The rates of Kharaj varied according to the area of land, its productivity, the cost involved, and the value of its products.

NOTES

1. Ameer Ali, op. cit., p. 19.
2. Al-Waqidi, op. cit., Vol. II, pp. 755, 757.
3. Ibid., Vol. III, p. 1121.
4. Ameer Ali, op. cit., p. 23.
5. Al-Masoudi, Abul Hassan Ali bin Al-Hussein, *Murouj Al Thahab Dar Al Hegira*, Qom, Iran, 1984, Vol. II, pp. 302, 303.
   Ibn Al-Athir, op. cit., pp. 404, 405.
6. Abu Yousuf, *Kitab Al-Kharaj*, Dar Al-Maarifeh, Beirut, p. 140.
   Hamidullah, op. cit., pp. 120–22.
7. *The Holy Quran*, Sura LIX; 7,8
8. Ibid., LIX, 10.
9. Ibid., Sura IX, 29.
10. Qutub, Sayyed, *Assalam Al-Aalami Wal-Islam*, Dar-Ashuruq, Cairo, 1983, pp. 179–80.
    Al Hasan, Dr Muhammed Ali, op. cit., p. 269.
11. Qutub, Ibid., p. 181.
12. Al-Baladhuri, op. cit., p. 187.
    Abu Yousuf, op. cit., pp. 140, 141.
    Al Qardawi, Dr Yousuf, *Ghayr Al-Muslimin Fil-Mujtamaa Al-Islam*, Maktabat Wehbeh, Cairo, 1977, p. 35.
13. Ibid.
14. Abu Yousuf, op. cit., pp. 129. 131.

7

MUSLIM ENVOYS

In the fifteenth year of Hijra (AD 636) and before the decisive battle of Al Qadsiya (in Iraq), the Persian Commander-in-Chief, Rustam, asked the Muslim leader, Saad bin Abi Waqqas, to send him a delegation for a possible negotiation. Saad assigned this mission to Al Mughirah bin Shu'bah. On arrival at the headquarters of the Persian army, bin Shu'bah headed directly to seat himself beside Rustam. When Rustam's aides indicated their displeasure, he addressed them saying, 'Truly my seat in this place would do me no honour, and be sure it would not degrade that of your chief.'[1]

The talks began with Rustam asking, 'Do tell me, what is it that brought you out of your country. After all, you are few in number, and possess very little armament.' To that Al Mughirah replied, 'We were people of ignorance and mischief, until God sent us His Apostle, through whom He guided us (to the right path).' The talks went on until Rustam threatened to annihilate them altogether, when Al Mughirah interrupted him to say, 'If we are killed while fighting you, then to heaven we believe we will go, but if you are killed, hell would be your fate, unless you agree to pay the djizyeh.'[2]

According to other sources, the Muslim delegate was not allowed to take his seat alongside Rustam, and the Persian chief offered the Muslims 'food enough to satisfy their hunger and to send them back with what would please them', assuming that they had come to fight because of poverty, and were driven by the hardships they suffered in their lands to do so.[3]

It is recorded, too, that Omer (RA) ordered his Commander-in-Chief, Saad, before entering into battle to approach the Emperor himself.[4] Saad, according to these records, sent a

delegation of fourteen persons to the court of the Emperor after passing through the headquarters of Rustam. On their arrival, they were kept waiting while the emperor Yazḍjard consulted with his ministers and his commander of the army. When they were given audience, the Emperor questioned them about the motive for the Muslim presence in his territory. 'Is it because we were occupied and distracted from showing concern, that you were emboldened against us?' he asked. Al Nu'man bin Al Muqrin, after requesting permission of the other delegates to speak on their behalf answered: 'God conferring his mercy on us had sent us His Apostle enjoining us to do what is right, and forbidding us from committing what is sinful....' Al Nu'man related to the Emperor how the call for the Islamic faith spread through the Arabian Peninsula and how the Prophet (PBUH) pointed out that the message should be delivered to all other nations, starting with those nearer to them. He then said:

> So we call on you to adhere to our faith that upholds what is right and condemns what is wrong. If you decline to do so, then you may opt for the next alternative, which is to pay the djizyeh. And if you refuse to do both, then your only option is to fight us. If you choose to embrace the faith, we would leave with you the Book of God, the provisions of which shall guide your judgement, and then we would withdraw and leave you in control of your land and of your affairs. If, otherwise, you opt to pay the djizyeh, then you will have our protection. If neither (proposal) is acceptable, then it is the fighting.[5]

Yazdjard told the delegation:

> I have never known a nation that is worse in misery and fewer in numbers than yours. If it is a delusion of your own strength that you are suffering from, then stop being so conceited. If it is hardship that makes you act thus, then we will help you by sustaining you until you have favourable weather and your land is fertile again, so that you are no longer in want. Furthermore, we will treat your notables with honour, and also assign a governor who will treat you with kindness.

After a moment of silence, another one of the delegates stood up to reply to the Emperor's statement. He said:

> Your Majesty, those are the chiefs of the Arabs and their notables. They are distinguished people, who conduct themselves with modesty before your notables. It is the men of honour who glorify and pay due respect to other men of honour. Not all that they have been commissioned to convey, has been said, and not all you have stated has been responded to...it is true what you say about our condition. It could have been worse than what you described, but God has sent His Apostle....

The speaker, Al Mughirah bin Zurareh, continued, repeating what the previous spokesman of the delegation had said, and the three proposals he had offered. The Emperor ended the talks saying, 'If it were not (the tradition) that envoys should not be punished, I would have committed you to death. You will have nothing from me.' He then ordered that a load of dust be hung from the neck of the most notable among the delegates, and told them to go back to their chief (Saad) and to warn him that he would be sending Rustam to bury him together with his men in Al Qadsiya, and then Rustam would advance into their country, to get them occupied with the worst that they could have.[6]

In the twentieth year of the Hijra, Amr bin al Aas was dispatched to Egypt by Omer bin al Khattab, leading a Muslim army. Al Muqawqas, the chief of the Copts, sent him two delegates to negotiate a peaceful settlement. Amr kept the Egyptian envoys waiting before sending them back without talking to them. When they returned to their chief they gave account of the high morals of the Muslims, of their modesty and of their unity. When, for the second time, Al Muqawaqas sent his envoys to the Muslims' camps inviting their leader to send a delegation, 'with whom to discuss what is of interest to both sides', Amr sent a delegation of five members headed by Obadeh bin al Samet, who was of dark complexion and considerable height. When Obadeh stepped forward to address the Egyptian chief, the latter requested that someone else 'other than that black man' do the talking. The delegates with Obadeh answered

that 'this black one is the wisest among us and the most benevolent. He is our commander who has precedence over everyone of us. We all revert to what he opines and to what he utters.' The negotiations that proceeded then, were lengthy and intensive, but nevertheless they ended with a peace agreement.[7]

Al-Tabari, relates that Amr had requested the envoys to convey a message to the Copts which included the following: 'The Prophet (PBUH) has advised us to deal kindly with the Copts, that they are our kinsmen'. The reference to kinship indicated the relationship of the Arabs, the descendant of Abraham through his Egyptian wife Hagar.[8]

The Chinese historian, Feng Chia Sheng, records that in the year AD 651 (AH 30), an official Arab mission which was sent by Othman bin Affan (RA), bearing gifts to the Chinese monarch, was received by the Chinese Emperor Kao Tsung. It was not the only Arab delegation that reached the Chinese territory in expression of peaceful cooperation. Up to the end of the eighth century more than thirty missions were sent to China.[9]

Letters of Pledges

Kitabis (people of the Books) could maintain peaceful relations with the Muslim State and be guaranteed of its protection provided they paid the djizyeh. However, there were certain cases established, during this period, where this obligation would be forfeited. One example was set when Abu Obeidah paid back the djizyeh collected from the inhabitants of Homs, because the Muslim army, being pre-occupied with the Byzantine, could not provide the protection pledged to the population of that city. Another instance of abolishing the tribute was when the Kitabis could not afford to pay it. The third instance was when the Muslims came to an agreement with a community, whereby the latter pledged to offer some kind of assistance to the Islamic State.

The following are some examples of where the Muslim commanders documented such pledges in letters addressed to the population of those regions.[10]

In the 18th year of the Hijra (AD 640), the commander of the Muslim forces which marched to Azerbaijan, under the rule of Omer bin al-Khattab (RA), reached an agreement with the people of that region, whereby he offered them Aman, provided that they would help the Muslims. In the letter of pledge he wrote:

> In the name of God, the Gracious, the Merciful. This is what Otbeh bin Farqad, Agent of Omer bin al-Khattab (RA) Amir al-Mu'minin, has pledged to the inhabitants of Azerbeijan, of its plains and mountains, of its centers and confines, to all the inhabitants of different creeds and races. He has pledged to offer all of them the Aman for themselves, their property and their faith, provided that they pay the djizyeh that they can afford, excluding the children, the women, the aged persons and those who consecrate their time for worshipping... and those who fight along with the Muslims, would be exempted from paying the djizyeh for the year, wherein they were recruited. Those who preferred to stay would have the same (duties and rights) like all other residents; those who choose to depart, would be safe and protected until they reach their safe destination. Written by Jundub, and witnessed by Bakir bin Abdullah al-Laithi and Semak bin Kharshed al-Ansari, in the eighteenth year.[11]

Suraqeh bin Amr, the leader of the Muslim army sent to Armenia, concluded a similar agreement with Shehre Biraz, the Persian governor of Armenia, attested by Omer bin al-Khattab (RA). The letter started with contents similar to those of the aforementioned letter, with the provision of conferring Aman to the people of Armenia, 'provided that they would rise to assist in case of raids', the djizyeh would be waived for those who responded to the call of recruitment, but those who chose to avert it would have the same (duties and rights) as those of the inhabitants of Azerbeijan.[12]

In the same year another commander of the Muslim army, Suweid bin Muqrin, addressed a similar letter to the chief of

Gorgan which included the text referring to ' those who assisted us will be compensated, instead of being taxed' and the letter ends with naming the witnesses and the date.[13]

The Treaty of Jerusalem

The four Muslim armies which were dispatched to Greater Syria (Biladu-Sham) by Caliph Abu Bakr (RA) were assigned different tasks, but they were to cooperate under the general command of Abu Obeidah. Amr bin al-Aas who was charged with the conquest of Palestine won a number of victories against the Roman governor Artabin. The latter, leaving large contingents of troops at Jerusalem, Gaza and Ramleh, assembled the bulk of his forces in Ajnadin, a village near Jerusalem. As per their military tactics, the Arab armies grouped their forces when facing a major encounter. The Roman army faced disastrous defeat in Ajnadin and the few who escaped found refuge within the walls of Jerusalem. The city of Jerusalem, garrisoned by a heavy force, resisted for some time.[14] According to a number of Arab chronicles, the siege of Jerusalem lasted for four months.

It is worthwhile to note that Jerusalem, even then, had a very special significance for the Muslims. When still in Mecca, before their exile to Medina, the Muslims were ordered to pray facing Jerusalem. It was in Mecca, that a Sura of the Quran was revealed to the Prophet (PBUH) describing his (spiritual) transporation to Jerusalem, 'where the farthest Mosque (Al-Aqsa Mosque), whose precincts God did bless.'[15]

The Arab historian, Al-Waqidi, records that Abu Obeidah had sent a message to the Patriarch of Jerusalem (then known as Ilyae) inviting him to accept Islam and to avoid bloodshed.[16] But all Arab historians agree that Sophronius, the Bishop of Jerusalem, had proposed to Abu Obeidah a peace treaty with the condition that the Caliph Omer bin al Khattab (RA) himself be present to conclude it. When Abu Obeidah conveyed the proposal to Omer (RA), the Caliph consulted his allies. Othman (RA) advised him to reject the proposal. This was to indicate the

weakening of the besieged city and the implication of ignoring the request, was an expression of confidence that surrender was imminent. Ali bin Abi Taleb (RA) suggested that the Caliph proceed to Jerusalem so that they would attain the target without bloodshed. He warned against the possibility of the arrival of support to the besieged city if the Muslims chose to refuse the offer and to wait for its surrender. Omer (RA) accepted the advice of Ali (RA) and headed for Jerusalem.[17]

The Caliph travelled with a single attendant, without escort and without ceremony, and arrived at Jabia, where he was met by a deputation from Jerusalem.[18] When Omer (RA) entered Jerusalem and met the Bishop Sophronius in his modest clothes, the Greek historian, Theophanes, claims that the Bishop exclaimed 'Truly, this is the abomination of desolation spoken of in Daniel the Prophet as standing in the Holy Place.'[19]

The fact that the Caliph himself came to conclude the agreement of peaceful entry into Jerusalem, in response to the request of its Bishop, is a unique case in the annals of Islamic conquests. Much more so, considering that the besieged city was without enough military force after the escape of Artabin to Egypt, and that the siege took place after the decisive defeat of the Byzantine armies. The people of Jerusalem might have feared that their concession to the Arab commanders would lead to acts of reprisal from those who were still living in a condition of war. On the Arab side, inspite of their confidence in the imminent surrender of the city, they were proving that they would not forgo any attempt at peace. At the same time they were expressing their conviction that Jerusalem, the city 'of the farthest mosque, whose precincts God did bless' had a sacred place in their faith. Furthermore, they indicated that they were fighting the military foreign power in the Arab territories, and felt no antagonism against the inhabitants of the city.

Before the arrival of Omer (RA), the Muslim leaders, as preparatory work for the peaceful settlement, wanted first to make sure of the real intentions and to test the sincerity of the desire of the inhabitants for a peaceful settlement. Al-Yaquobi, the Arab historian, narrates in this regard, that the Arabs

presented one of their commanders, Khalid bin al-Walid, as being Omer bin al-Khattab (RA), for the resemblance between them was strong. Sophronius recognized the difference and insisted on the presence of Omer (RA) in person to conclude the agreement.[20] The Arab Commander-in-chief, Abu Obeidah, proceeded then to the second phase of negotiating on the principles and the guarantees that the peace treaty would be concluded on the arrival of the Caliph.[21]

Arab chronicles present different versions of the peace treaty, its language, the length of the text, the indirect or direct quotation and some other details. Al-Yaquobi presents the shorter text that reads:

> In the name of God, the Gracious, the Merciful. This script written by Omer bin al-Khattab [RA] is addressed to the people of Beit Al-Maqdis (Jerusalem). You would be safeguarded as to your blood, your properties and your churches that would not be lodged or damaged, unless an act of violation is committed.[22]

Al-Tabari presents a more detailed text, whose context, many other Arab historians accept and quote. The text states:

> In the name of God, the Gracious, the Merciful. This is what Abdullah (slave of God) Omer bin al-Khattab (RA), commander of the believers, has conferred protection on the inhabitants of Ilyae. He offered them safety over their persons, their properties, their churches and their crosses, over all the inhabitants, the healthy and the sick. Their churches would not be inhabited, or demolished or decreased in area, neither their crosses nor properties would be damaged. They would not be forced to reject their faith, and none of them would be treated unjustly. No one of the Jews would be allowed to dwell in Ilyae. The people of Ilyae would pay the djizyeh according to the same terms the djizyeh is being paid by the people of Al-Madaen. They should deport the Romans from their city. Those who depart would be safeguarded, together with their properties until they reach their safe destination. Those who stay would be protected, and they would have to pay what the people of Ilyae have to pay of djizyeh... to the contents of this script, the oath of God is given and the pledge of His Apostle, of the Caliphs and

> of the faithfuls....Witnessed by Khalid bin al-Walid, Amr bin al-Aas, Abdul-Rahman bin Auf and Muawiyah bin Abi Sufian. Prepared and written in the year 15 AH (637 AD).[23]

The text of the treaty, which has become known as the Omeri Pact,' includes, in addition to the basic mutual agreement of conferring Aman and setting the djizyeh, certain additional terms. One of the conditions was to deport the Romans and the outlaws of the city. The second provision entailed the prohibition of the dwelling of the Jews inside the city. The third provision dealt with other ethnic groups within the city who were given the free choice of staying and sharing with the other inhabitants the same rights and duties, or leaving with the departing Romans, and being protected until they reached their safe destination. It seems likely that the first two provisions were inserted in the text upon demand by the Christian leadership of the city. To get rid of the Byzantine foreign presence was a demand voiced in other cities of the region. As to the clause regarding the prohibition of the Jews from residing within the city, one should recall that Jerusalem at that time was not inhabited by a Jewish community. During the Persian-Roman War, the Jews were accused of conspiring with the Persians and of assisting their thrust into the area. When, later on, the Byzantines had the upper hand, they punished the Jews by expelling them from the city and forbidding their re-entry there. It is easy then, to conceive the fear of the Christian inhabitants of Jerusalem that the act of the Persians might be repeated by the Muslim Arabs.

NOTES

1. Abu Yousuf, Ibid., p. 30.
2. Ibid.
   Al Baladhuri, op. cit., p. 358.
3. Al Baladhuri, op. cit., p. 358.
4. Ibid., p. 359.
   Ibn Al-Athir, op. cit., p. 456-458.

5. Ibn Al-Athir, p. 456–58.
6. Ibid.
7. Al Hassan, op. cit., p. 330.
8. Al Tabari, op. cit., Vol. IV, p. 107.
9. Nasser-Eddin, Mon'im, *Arab Chinese Relations*, Arab Institute for Research and Publishing, Beirut, p. 15.
10. Zeidan, op. cit., pp. 155, 156.
11. Al-Tabari, op. cit., p. 155.
12. Ibid., pp. 156, 157.
13. Ibid., p. 15.
14. Ameer Ali, op. cit., p. 38.
15. *The Holy Quran*, Sura XVII; 1.
16. Al Qudah, Zakaria Muhammed, *Fiqh Al Muaahadat Al-Islamieh, a study in Abhath*, Al-Yarmouk Quarterly Journal, Vol. 5. No. 1; Yarmouk University, 1989, p. 14.
17. Ibid., p. 17.
18. Ameer Ali, op. cit., p. 39.
19. Hitti, Philip K., *Makers of Arab History*, New York, St. Martins Press, 1968, p. 32.
20. Al-Qudah, op. cit., p. 23.
21. Ibid., p. 19.
22. Ibid.
23. Al-Tabari. op. cit., Vol. III, p. 609.

8

PEACEFUL SETTLEMENT OF DISPUTES

During the period of the Orthodox Caliphate, precedents of diplomatic conduct set the benchmark for the concept of Islamic diplomacy. Besides the model of diplomatic envoys, correspondence, negotiations and conclusion of treaties, other instruments of diplomatic practice had been explored and established. The expediency of peaceful settlements of disputes and arbitration had been manifested.

Until the rule of the fourth Caliph, Ali bin Abi-Taleb (AH 35–40—AD 656–661), the conduct of relations was between the Muslims world (Dar al-Islam) and the non-Muslims nations (Dar al-Harb). During the six years of the Caliphate of Ali (RA) a new phenomenon appeared which concerned relations between two Muslim communities. The Quranic provisions stipulated that the Muslim community is one Ummah, and that any act which could lead to the division of the Muslim Ummah is an infringement upon this principle. Such a situation should be amended, if not in a peaceful manner, then by force. 'And if two parties of believers take to fighting, then make peace between them. And if one party of them transgresses beyond bounds against the other, fight ye all against the one that transgresses till it return unto the ordinance of Allah, then, if it return, make peace between them, justly, and act equitably, for God loveth the equitable.'[1]

Ali's (RA) ascendance to the Caliphate was challenged twice. In the first instance by two of the Prophet's (PBUH) disciples together with Aisha, his widow, who contested the legitimacy

of Ali supported by a community of Muslims. After all peaceful methods to appease the contenders and to preserve the unity had been exercised and proved futile, the Caliph had to resort to force. The rules that were applied during the course of battle and then to the process of reaching a settlement were different in many ways from those applicable to relations with non-Muslim communities. The rules of battle laid down that the act of deterring the contenders, should come after ample warning. The transgressors could be fought face to face but not be pursued if they chose to escape. Their wounded should not be killed, and their prisoners must be released after the battle, or during it, if they guarantee that they would not resume the hostilities. Their property would not be taken as booty. Muslims were not to ally themselves with non-Muslims against another Muslim party.[2] As to the peaceful methods, mediation, conciliation, good offices and arbitration, were productive tools of diplomacy.

In the second instance of encounters between two Muslim communities, all these methods had been employed. On this occasion Muawiyah, the Governor of Damascus, contested the authority of Ali bin Abi Taleb (RA), and refused to announce his oath of fealty to the Caliph, on the ground that the latter should first deliver to him the murderers of Othman (RA) (the assassinated third Caliph).

In the revolt of Muawiyah against the Caliph Ali (RA)—who were both Qurayshites—Jareer bin Abdullah al-Bajliy proposed himself to Ali (RA) as a mediator. He mentioned that Muawiyah would accept him as a friend and a confidante. Ali (RA) accepted the proposal and handed him a message for Muawiyah. The message related to Muawiyah how all the Muhajeroun and the Ansar, i.e. the elite of the Muslims, had announced their allegiance to the Caliph. Then he reminded Muawiyah that he was one of those emancipated by the Prophet (PBUH) after the conquest of Mecca, which made him inferior in his state of precedency to the faithful of Muhajeroun and Ansar, and thus could not be a qualified contender to the Caliphate. Jareer, after delivering the letter to Muawiyah, was not given the chance to

present his arguments and returned to Ali (RA) to convey the intransigence of Muawiyah and his supporters.[3]

Ali (RA), then advanced to Syria with his troops and camped at a place called Siffin close to where the troops of Muawiyah were stationed. He then consulted with three notables of three different Arab tribes, and proposed to them that they call on Muawiyah and invite him to obey God and to preserve the unity of the nation. One of them suggested to Ali (RA) that he reinstall Muawiyah as Governor of Damascus. Ali (RA), while not rejecting the compromise, asked the three delegates to proceed to Muawiyah and to explore the possibilities.[4]

The conciliation committee met with Muawiyah on the first of Zil-Hijjah AH 36 (AD 10 April 658). Shabath bin Ribiy al-Tamimi (of the Tamim tribe) addressed Muawiyah and appealed to him to avoid the division of the Ummah, and to spare it unnecessary bloodshed. Muawiyah interrupted him and asked why he did not direct his advice to his man (the Caliph). The second delegate, Bashir bin Amr, intervened to emphasize the legitimate right of the Caliph, and his invitation to Muawiyah to resort to righteousness, which would protect him in his earthly life, and guarantee benevolence in the afterlife. Muawiyah asked, 'Are you telling me to abandon the blood of Othman [RA]?' and vowed that he would never do so. The third person Al-Hamadany, spoke in his turn, bluntly raising the following issues. He said:

> It is verily known to us what you are striving for. You could not find a way to incite the people, and to play on their sentiments better than to declare that the Caliph (Othman [RA]) was unjustly murdered and to claim that you are asking for his revenge. Thus you could have the support of the lowly and the ignorant. We are aware that you were hesitant in helping him, wishing that he was killed so that you may take the position you are taking now...Have some fear of God, and renounce what you have committed yourself to.

Muawiyah was angered by the latter's speech. He blamed him for interrupting his colleague 'the honourable, the descendant

of a noble family and the chief of his tribe' and for meddling in matters that were not clearly known to him. He then dismissed the delegates telling them that he would use the sword as judge in the matter.[5]

The Caliph camping a short distance from Muawiyah commanded his troops to await the enemy's attack and not to initiate the fight. He called on Muawiyah to avoid confrontation and to meet him in a duel. But the Umayyad contender declined the challenge.[6] Being the forbidden months (Zil-Hijjah and Muharram), both parties agreed to a truce until the end of Muharram.

At the beginning of Safar (the second month of the 37th year AH) the armies entered into combat. For ten consecutive days the parties carried on a bloody battle. The Syrian army was defeated in the last three successive encounters. Muawiyah was ready to leave the field when a trick suggested by his counselor, Amr bin al-Aas, saved them from destruction. He ordered his troops to raise copies of the Quran on the tips of their lances, and to shout for quarter.[7] According to other Arab chronicles, men in the Syrian Army were shouting to the other party to make the Quran their reference and to let its provisions rule between them, so as to spare the blood of each other.[8] Although the Caliph was not deceived by the trick, his soldiers desisted from pursuit, and many of his aides called upon him to respond to the call of peace. The resulting contacts between the two parties culminated in a mutual agreement to refer the dispute to arbitration.

The Arbitration of Siffin

Among the peaceful methods for the settlement of disputes, arbitration and adjudication are considered to comprise the legal tools, while negotiations, good offices, mediation, and conciliation are political techniques.[9] In this particular case, arbitration started with political motives, proceeded on the basis of diplomatic skills and ended with political manoeuvre. According to the preliminary

agreement, each party was to authorize one arbitrator to represent it. The arbitrators were to be given a minimum period of eight months to come to a decision. Muawiyah delegated his confident and shrewd aide, Amr bin al-Aas, while the representative of Ali (RA), Abu Musa al-Ashaari, who lacked both qualifications, was imposed on him by his supporters. The Caliph, thus deprived of the fruit of his victory, retired with his army towards Kufa (his capital city in Iraq).

For Muawiyah, what could not be achieved through war had been pursued through diplomacy. His representative managed to attain more than one concession from his counterpart. When signing the protocol (*modus vivendi*) for the process of arbitration, he convinced Abu Musa to delete the title of Caliph after mentioning his name, this being a matter of dispute. The latter accepted this, recalling the precedent of Al-Hudeibiyah when the Prophet (PBUH) consented to the same intervention. The text proceeded to mention Ali (RA) as a contestant on behalf of the people of Kufa and Muawiyah as a contestant on behalf of the people of Syria. The third concession was implied in the consent of both parties to lay down their arms and not to resort to force for solving the conflict. The fourth provision stipulated the postponement of the process of arbitration until the month of Ramazan, eight months later.[10] The accord was signed and witnessed by ten witnesses from each party. As could be deduced, Amr bin al-Aas succeeded in:

A. Denying the legitimacy of Ali (RA) as a Caliph and implying that he was a counterpart in the dispute on this matter. Knowing that Muawiyah had never before put any claim to this post, but that he merely introduced his condition for the recognition and allegiance to the newly acclaimed Caliph, the concession of this matter appears to be a departure from the original stance.
B. Mentioning Muawiyah and Ali (RA) on equal footing, and suggesting that each was representing a faction of the Muslims.
C. Laying down the arms and not resorting to force implied the preservation of the *status quo*, and guaranteed that the Caliph

would never be able to employ his constitutional right of resorting to force to preserve the unity of the nation.

D. The postponement of the meeting of the arbitrators which gave Muawiyah ample time to strengthen his position, and to resort to manoeuvers that would weaken his opponents. It is to be recorded that Muawiyah had been occupying his position as the Governor of Syria for more than twenty years, where his authority was established and his means were abundant. On the other hand, Ali (RA) came to the seat of the Caliphate after a crisis (the revolt against Othman (RA) and his assassination) and was himself faced with more than one crisis. If he managed to avert the revolt of two companions and to gain momentum in the Battle of Siffin, the delay in ending the conflict was contrary to his interests.

The instructions given to the two arbitrators by their commanders may shed some light on the anticipated proceedings. Abdullah bin Abbas, the cousin of Ali (RA), advised Abu Musa before he proceeded for the meeting, drawing his attention to the fact that he was to meet the most astute among the Arabs, and reminding him of the rightful position of Ali (RA), who had the pledge of fealty from the same people who had pledged their fealty to the three other Caliphs. On the other side, Muawiyah reminded Amr that his opponent was a man of oratory rather than of astuteness, and advised him to delay his decisions and not to disclose all his plans.[11]

In the thirty-eighth year of Hijra, each party dispatched a group of four hundred persons in addition to other un-committed observers to the place agreed upon, Dawmat Al Jandal. In the meeting, Amr displayed modesty and reverence to Abu Musa and insisted that the latter should start the discussion. Then he proposed that they document their proceedings in writing and agreed to dictate the proceedings to a scribe. After the preliminaries, Amr wanted to put down that they both testified to the fact that Abu Bakr (RA), Omer (RA) and Othman (RA) were the orthodox Caliphs to succeed the Prophet (PBUH). Hesitantly, Abu Musa consented to the insertion. Then Amr went on to record that Othman (RA) was unjustly murdered. Abu Musa

protested, saying that this matter was not among the matters to be discussed. Amr affirmed that Othman (RA) was unjustly murdered, and that Muawiyah being a close relative of his was justified in being the rightful claimant for revenge for the blood of Othman (RA), a statement which Abu Musa could not deny. He went on to say that he could prove that Ali (RA) had participated in his assassination. Abu Musa protested again insisting that they had not met to discuss such irrelevant matters. He mentioned that since Muawiyah would not be agreeable to the Iraqis, and that Ali (RA), too, would not be accepted by the Syrians, why not then agree to depose both of them and select a third person to the seat of Caliphate. Amr accepted the proposition, and suggested that they leave the election of the new Caliph for further consultation (Shura). Abu Musa consented to the proposal and they both came out to announce their agreement.

Amr again insisted that Abu Musa speak first. Abu Musa accepting the courtesy, announced that he was deposing Ali (RA), and nominating Abdullah son of Omer ibn al Khattab (RA) for the post. Amr, speaking after him confirmed what Abu Musa announced regarding the deposition of Ali (RA), and that he affirmed his consignor, Muawiyah, for the Caliphate. He supported his announcement by indicating that Abu Musa had established, in writing, the fact that Othman (RA) was unjustly murdered and that Muawiyah was the rightful claimant for his blood. He called on the conferrers to pledge their fealty to Muawiyah as a Caliph and as a claimant to the rights of Othman (RA). Although Abu Musa protested against this announcement together with the others within the party of Ali (RA), the meeting was adjourned without any final agreement.

In addition to the concessions that Muawiyah had obtained previously, he gained new advantages during the session of arbitration:

- It was established in writing that Muawiyah was the claimant for the blood of Othman (RA), implying his right to contest for that right.

- Both arbitrators according to the announcements agreed on the deposition of Ali (RA) but they differed on the status of Muawiyah.
- For the first time, Muawiyah was declared Caliph. Despite the fact that this was done by one party, he was still raised from the status of a rebel to the level of a rival, and Ali's (RA) position was lowered to the position of a pretender.[12]
- The adjournment of the meeting without a final agreement created the *status quo*, and put Muawiyah in an advantageous position. Ali (RA) had to face disagreement and division within his party as to the wisdom of accepting arbitration, on the appointment of Abu Musa, and the process of arbitration. Muawiyah, already well established within his party, now had the time to work on the members of the adversary, and to try to win more supporters from among them.

NOTES

1. *The Quran*, Sura XLIX, 9.
2. Al-Mawardi, Abul-Hassan Ali, *Al-Ahkam al-Sultanieh*, Maktab Al-Ilam, Al-Islami, Qom 1406 H, p. 58.
3. Al-Masoudi, op, cit., Vol. II, p. 372.
   –Al-Tabari, Vol. IV, pp. 573. 574.
4. Al-Tabari, Ibid.
5. Ibid.
6. Ameer Ali, op. cit., p. 50.
7. Ibid., p. 51.
8. Al-Masoudi, op. cit., p. 390.
   Al-Tabari, Vol. V, p. 48.
9. Plano, Jack C, op. cit., p. 254.
10. Al-Tabari, op. cit., Vol. V, p. 54.
11. Al-Masoudi, op. cit., pp. 395, 396.
12. Hitti, Philip, *Makers of Arab History*, op. cit., p. 46.

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PART FOUR

The Umayyad and Abbaside Caliphate

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THE UMAYYAD AND ABBASIDE CALIPHATE

Ali bin Abu Taleb (RA), the fourth Orthodox Caliph, was assassinated on 27 January 661 (17 Ramazan AH 40). The assassin was one of the group that split from among his supporters and who formed the political and sectarian group known as Khawarij (the dissidents). The sect is presently known in different parts of the Arab countries as Abazi. Ali's (RA) eldest son Al-Hasan was then elected to the Caliphate by the people of Kufa. He had hardly been in office when Muawiyah invaded Iraq. The feeble support Al-Hasan could secure compelled him to withdraw and to accept the treaty proposed by Muawiyah. According to the treaty, Muawiyah was recognized as the undisputed Caliph, with the pledge to have Al-Hussein, the second son of Ali (RA), as the successor to Muawiyah.[1] Muawiyah later on ignored his pledge and arranged to secure the oath of fealty for his son Yazid, as his heir. By this act, Muawiyah had created a precedent in establishing the system of hereditary Caliphate. Thus the power of the Islamic Caliphate was kept in the hands of the descendants of Umayyah (clan of Quraysh) for over ninety years. Through this period, the contenders from the other Qurayshite clan, Banu Hashem, kept striving and never laid down their arms. The two branches of Banu Hashem's clan, the Alids (descendants of Ali) and the Abbaside (descendants of Al-Abbas, the uncle of both the Prophet (PBUH) and Ali (RA), had unified their efforts in a covert and then an overt struggle against the Umayyad. This struggle lasted until the second branch of Banu Hashem (the Abbaside)

succeeded in overthrowing the last Umayyad Caliph. The Abbasides then followed the same pattern in bequeathing the seat of Caliphate to members of their family. The Abbaside dynasty in Iraq lasted for over five centuries, until Baghdad was conquered and sacked by the Mongols in AH 656 (AD 1258). However, the Abbaside Caliphate survived in Cairo as a spiritual office up to the sixteenth century. Then the Ottoman ruler, Sultan Selim, obtained a renunciation of the office in his favour from the last Abbaside Caliph, Al-Mutawakkil.[2]

The Umayyad period and the first part of the Abbaside Caliphate was an era that could be described as the golden age of the Islamic State. It was during this period that State institutions were established, and relations with foreign states took a new course. After a period of conquests and expansion during the time of the Prophet (PBUH) and the Orthodox Caliphs, the Islamic Empire was more or less established as to its territory and to the pattern of government. Except for the first period of the Umayyad Caliphate when military engagements continued in the far west of Africa and far east of Asia, the center of the State witnessed a peaceful and prosperous life. Past the peak of its strength, with its self-sufficiency diminishing, giving way to dependence on the luxuries of life, the Muslim Empire proceeded to have greater international intercourse, commercial, cultural, as well as political. Diplomacy, therefore, gained increasing significance especially in matters of international trade. Muslim envoys were sent to the courts of several monarchs for various political, commercial, cultural and social reasons, for the exchange of gifts and for other purposes.[3]

It is significant to observe that in the Abbaside period, a branch of Islamic studies was devoted to questions regarding relations with other nations. This branch of studies within the Islamic jurisprudence (Al-Fiqh) became known as Siyar. Two known scholars in this field were contemporaries of the famous Abbaside Caliph, Harun Al-Rashid (AH 170-193 AD 786–809).

Muawiyah bin Abu Sufian

Muawiyah, son of Abu Sufian, ruled Syria as governor for twenty years. He was acclaimed Caliph in AH 41 (AD 661) when he was sixty years of age. His caliphate lasted for twenty years, until he died in April 680 at the age of eighty. The long undisputed rule of Muawiyah and that of his dynasty after him was attributed to his diplomatic conduct and skilled manoeuvres. He succeeded in wiping out the last traces of the long preceding crisis in the Muslim community. A typical feature in his character was *hilm*, an expression signifying leniency towards opponents, the smiling indifference that disarmed his adversaries, and his intelligent generosity, which bound his enemies to him with golden chains.[4] To one who criticized his lavishness, he said that war cost far more. He was conspicuous for his cunning, eloquence and keenness of mind.[5] He described his preference for diplomatic methods saying; 'I apply not my lash where my tongue suffices, nor my sword where my whip is enough, and if there be one hair binding me to my fellowmen, I let it not break. If they pull, I loosen, and if they loosen, I pull.'[6]

He once wrote to the Governor of Iraq, Ziyad bin Abîh, advising him that it was not the best approach for them both that they administer people in the same manner. If they were both lenient, the people would be emboldened to show disobedience, and if they were both too tough, that would inevitably drive people to despair and recklessness. He then suggested that the Governor could represent the tough administrator, and leave to him the role of leniency and mercy.[7]

Muawiyah was the first Caliph who preached to the people while seated. He was also the first to have an enclosure inside the mosque, where he prayed protected, and where he received complaints of all who desired to approach him. Inside the enclosure (maqsoura) he would be seated on a chair guarded by special guards.[8] After the midday prayer he would return to his palace and give audience to the grandees of the state and the envoys of neighbouring princes.[9] Muawiyah was also, the first to establish the department of mail

correspondence.[10] It was Muawiyah, too, who established a chancery—department which bore the name of the board of the signet (Diwan ul-Khatim). The chief of this department kept the seal of the Caliph, by which all correspondence made on his behalf was signed and sealed, and a copy of which was preserved. The seal was inscribed with the motto 'Every good deed has its reward.'[11]

As to the conduct of foreign relations, Muawiyah established more than one precedent in Islamic diplomacy. During his engagement with Ali (RA) at Siffin, Muawiyah being pressured by the Byzantine, came to an agreement with them according to which he would pay them a certain amount of money as a tribute to Constans II.[12]

According to the traditions practiced by the Byzantines of having hostages from the other party as guarantors of execution of the terms of the treaty, Muawiyah was holding hostages from the Byzantines. It is recorded that when the Byzantines violated their treaty with Umayyad, instead of punishing the hostages, Muawiyah chose to release them and said 'It is better to meet treachery with fidelity rather than treachery.' It was taken to be an implementation of the Prophet's Hadith 'Fulfil what you are entrusted with and never meet treachery with the same'.[13] These two precedents became fixed rules in the Islamic principles governing relations of the Islamic State with foreign powers.

The treaty Muawiyah concluded with the Armenians in AD 653 was another significant event. The terms of the treaty stipulated that:

> For three years no djizyeh will be set on you (the Armenians). After that period you will pay, according to your pledge, that which you can afford...I pledge not to dispatch a governor to be within your fortresses, nor will I delegate an Arab officer, or a single cavalier or a judge. If the Byzantines march against you, I shall support you with all the enforcement that you need. To that I give the oath of God and my pledge.[14]

This treaty by which the Armenians gave their autonomy was implemented in a manner favourable to their interest. After a long period of subjugation to the Byzantine sovereignty, the Armenians enjoyed the right of self-rule similar to those of Muslim governorates. The Caliph gave the same investiture to a new Armenian prince as the ceremony establishing a Muslim Amir in his new office. In the presence of dignitaries, military and civilians, he would confer on the prince being crowned, the magnificent garments, the banner, which henceforth would accompany him, a sword and an elegant mount, all marked with the insignia of his function. After that, he would inspect a troop in stately appearance, while the band played a chant, proclaiming him to the office of princeship.[15]

Harun Al-Rashid

Harun Al-Rashid the fifth Abbaside Caliph ascended to the seat of the Caliphate at the age of twenty-three and reigned for twenty-three years from AH 170 to 193 (AD 786–809).[16] When he died at the age of forty-six, he left a glorious image of the Islamic State and society, owing partly to his great character and partly to the era which he represented.

It is history and legend together which place Baghdad in the most brilliant period during his Caliphate. Though less than fifty years old, Baghdad had by that time grown to become a world center of prodigious wealth and international significance. Its splendour kept pace with the prosperity of the empire of which it was the capital. It was then that Baghdad became a city with no peer throughout the whole world.[17] The munificence of Harun and his successors attracted to the capital, poets, wits, musicians and others who could amuse and entertain. The luxurious scale of living made this period popular in history and in fiction but what has rendered this age especially illustrious in world annals is the fact that it witnessed the most momentous intellectual awakening in the history of Islam and one of the most significant in the whole history of thought and culture.[18]

It was in Harun's reign that the four schools of jurisprudence of the Sunni sect were established. He enlarged the department founded by his grandfather Al-Mansur for the translation of scientific work into Arabic and increased its staff.[19] Baghdad, as a shipping center, was in an advantageous position that made all parts of the world accessible to it. Into its bazaars came porcelain, silk, and musk from China; spices, minerals, and dyes from India; rubies, fabrics, and slaves from Central Asia; honey, wax, and furs from Scandinavia; ivory, gold dust, and slaves from Africa. From Baghdad and other export centers, Arab merchants shipped fabrics, jewelry, metal mirrors, glass beads, spices, and other items of merchandise to the Far East, Europe and Africa. The adventures of Sinbad the Sailor, which form one of the best known tales in the stories of *The Thousand and One Nights*, have long been recognized as based upon actual reports of voyages made by Muslim merchants. The tales of *A Thousand and One Nights* themselves draw a fanciful image of this age, where the name of Harun Al-Rashid is frequently mentioned.

The palaces of Baghdad were symbolic representations of the age. The buildings, made of marble, were usually several storeys high, lavishly gilded and decorated. The imperial Kasr (palace) was resplendent with inlaid jewels, and the halls bore distinctive names according to their ornamentation. The special feature of one was a tree made entirely of gold, with birds perched on its branches made also of gold and studded with gems.[20] These palaces would display courtly wealth and magnificence, especially on ceremonial occasions such as the reception for foreign envoys.

Such was the age in which lived the fifth Abbaside Caliph. As for the character of Harun Al-Rashid, he was described as 'one of the most powerful princes reigning at this period.'[21] In his person was combined a character of numerous facets. He was known to be faithful in observing his religious duties, abstemious in his life, pious and charitable, and yet he was fond of surrounding himself with the pomp and insignia of grandeur. As a patron of arts and literature, Rashid was surpassed only by

his equally brilliant and gifted son, Al-Mamun, but in strength of character and grandeur of intellect he had no superior.[22] He was the only known Caliph who travelled in search of knowledge.[23] Himself a poet, he surrounded himself with poets and men of literature. Also, Haroun Al-Rashid was a leader of distinguished military qualification, who took on himself the duty of commanding his army in the many encounters which he led against the Byzantines. He was known to perform the pilgrimage one year and to lead an expedition another year.[24] In the year AD 190 (AD 806), he led an expedition against the Byzantine Emperor, wearing a headdress (Qalansuweh) on which was inscribed 'the pilgrim, the invader.'[25] Al-Rashid was the first Caliph to have played and encouraged chess. He is supposed to have included among his presents to Charlemagne a chessboard.[26] As an example of the lavish life he enjoyed, Al-Masoudi relates that his brother, Ibrahim, had given a dinner in his honour, where the Caliph was served with a dish of fish in which the slices looked exceedingly small. In explanation, the host remarked that the slices were fish tongues. The Caliph wanted to know the cost of the dish, and refrained from eating the slices, and ordered his brother to pay an equal amount in charity.[27] One of the best known gems Al-Rashid acquired was a big ruby—one owned previously by several Persian monarchs—on which he inscribed his name. The ruby that cost him 40,000 Dinars, was so large and brilliant that it would shine in the darkness of the night.[28] His sister wore jewels on her headdress and his wife had them on her shoes.[29]

As an administrator, Al-Rashid initiated a system by which he appointed a governor in Northern Africa, Ibrahim bin al-Aghlab, granting him the privilege of handing down the power to his descendants. The Caliph then, reserved the right to confirm the appointment of governors and to exact the payment of tribute.[30] In his testament to the members of the Abbaside family before he died, he directed them: to observe faithfully their engagements, to be faithful to their Imams (Caliphs), and to be united among themselves.[31] He was the first Caliph to name his

first aide as a wazir (minister). He appointed Yahia bin Khalid as wazir and handed him his seal.[32]

In his conduct of foreign relations, the Caliph was a soldier and a diplomat. His reign was marked by frequent military confrontations with the Byzantines, as well as with broken peace agreements. Arab historians tell of a letter addressed by him to the Emperor of Constantinople which reveal the character of a diplomat of that period. The letter which was over fifty pages long, discussed in its major part the values of Islam, and invited the Emperor to adhere to it. After forty pages of his argument, the Caliph advised the Emperor that if he refused to accept the faith, he should pay the tribute and avoid war and its consequences.[33] The letter enumerated to the Emperor, the advantages of peace and cited verses from the Bible to this effect. The letter was sent in response to the breach of a treaty which the Byzantines had concluded with his father Al-Mahdi.[34]

Other Arab annalists record that in AH 187 (AD 803), after the Byzantine Empress Irene (AD 797–802) was deposed, her successor Nicephorus repudiated her treaty with the Arabs, according to which she was to pay an annual tribute.[35] Nicephorus wrote to the Caliph an insulting letter which said:

> From Nicephorus the Roman Emperor, to Harun, Sovereign of the Arabs: verily the Empress who preceded me gave you the rank of a rook and put herself in that of a pawn [in reference to the chess game] and conveyed to you many loads of her wealth, and this through the weakness of women and their folly. Now when you have read my letter, return what you have received of her substance, otherwise the sword shall decide between you and me.[36]

When the Caliph read the letter, he became so enraged that no one dared to look upon his face, or to speak to him. He, then, wrote on the back of the Emperor's letter the following:

> From Harun, the Commander of the Faithful, to Nicephorus the dog of a Roman: verily I have read your letter, the answer shall be for your eyes to see, not for your ears to hear.[37]

True to his word, Al-Rashid at once started a campaign directed against the Byzantine monarch. Sustaining heavy defeat, the latter called for a settlement according to which he agreed to pay increased tribute. No sooner had Al-Rashid returned to his headquarters, than Nicephorus, deeming it impossible for the Caliph to resume fighting in that harsh season, violated his agreement. But he miscalculated his adversary's will. Again he was confronted with military defeat, and again he negotiated for peace to which request the Caliph responded. The acts concluding a peace treaty and violating it were frequently repeated by the Byzantine Emperor. Every time, the request for peace was granted with heavier tributes imposed on him. In AH 190 (AD 806), the Byzantine Emperor agreed to pay the *djizyeh* on himself and his own family members, in addition to the tribute (*kharaj*) he was to pay on behalf of the state. He had to pay four Dinars for his son, and two Dinars for each member of the bishopric.

Al-Tabari relates that in the same year, Nicephorus wrote to the Caliph a message which read:

> To Abdullah (slave of God) Harun, the Commander of the Faithful, from Nicephorus, Monarch of the Romans, I would put to you a request that would entail no harm to your faith and to your interests, that is to grant me a maid from the inhabitants of Heraclius [which recently was conquered by the Arabs], to whom my son had been engaged. That you may do, if you see fit to do me a favour.[38]

The Caliph ordered that the girl be sent to Nicephorus, together with valuable presents. The Caliph's envoy likewise received from Nicephorus on his return from his mission a load of Islamic coins carried on a horse, which amounted to 50,000 Dirhams, and garments of silk and embroideries in addition to four hunting dogs and three other mounts.[39]

The Caliph often exchanged envoys with the Byzantine Emperor mainly for the purpose of exchanging prisoners or releasing them in exchange for ransom. In the year AH 181 (AD 797), the Caliph's third son Al Qasem was charged with the

mission of exchanging and ransoming prisoners that was the first act of its kind in the reign of the Abbasides.[40] The Muslim prisoners, freed in exchange for the Romans, numbered three thousand, seven hundred. Six years later, Al Qasem, after besieging a Byzantine fortress, came to an agreement according to which he would retreat provided that the Byzantines released 320 Muslim prisoners. In the year AH 186 (AD 802), there was a general exchange and payment of ransom whereby all Muslim prisoners held by the Byzantines were freed.[41]

The ninth century opened with diplomatic contacts between the two imperial figures, Al Rashid and Charlemagne. It is reported that Al Rashid received an emissary from the Frankish monarch, who was treated warmly and returned with valuable gifts. The mutual friendly relations into which these two contemporaries entered were prompted by self-interest. Charlemagne viewed Al Rashid as a possible ally against the hostile Byzantium, while Al Rashid desired to use Charlemagne against his rivals and foes, the Umayyads of Spain, who had succeeded in establishing a powerful state there.[42] Hitti, quoting the *Annals Royales*, described the gifts that Charlemagne received, including fabrics, aromatics and an elephant.[43] Other historians include among the gifts sent by Al Rashid a clock which was described as a work of art. The clock would indicate the hour by means of balls falling on a plate of brass; as the hour struck, a number of horsemen (according to the hour) emerged from a door, and then re-entered as soon as the sound subsided.[44] Similar emissaries were received for the first time from the Chinese Emperor[45] and from India[46], who brought the Caliph rich presents and who were sent back with similar effects.

As to the mechanism and style of conducting foreign relations, the Caliph benefitted from the existing departments and developed some more to suit the new requirements. Although the appointment of wazir (minister) was known before the Abbaside Caliphate, it was Harun Al Rashid who delegated all his power to his lieutenant, Yahia bin Khalid, and named him wazir. He entrusted him with his seal which had descended

to him from his grandfather, Al Mansur, and on which was inscribed 'In God I trust, in Him I believe'.[47] Among the existing state departments, relevant to the function of conducting foreign relations were, Diwan ul-Aziz (the Office of the Government), Diwan al Kharaj (Central Office of Taxes), Diwan al Barid (the Post Office), Diwan al Rasael (Board of Correspondence) and the post of Chamberlain. Diwan al Rasael was an office, the president of which also undertook the duties of a Secretary of State. It was his responsibility to draw up the imperial mandates, diplomas and political correspondence. After these documents were approved by the Caliph or his wazir, they were sealed in red wax with the seal of the Caliph imprinted on it. Diwan al Barid served, in addition to despatching and bringing the mail, as a source of information. On the information coming from the different provinces of the state and the foreign countries, the Caliph formed his plans or administered his state.[48] Upon Al Rashid's request, the known scholar and jurist Abu Yousuf, the disciple of Abu Hanifah, authored a book on land taxes (*Kitab Al Kharaj*) which became one of the first references discussing the conduct of foreign relations by a Muslim state. The book, addressed and dedicated to Al Rashid, advised the Caliph on the Islamic principles and laws that should guide him in many aspects of conducting relations with non-Muslim individuals and communities.

Rules of protocol and ceremonies were meticulous and expressive of grandeur and magnificence. On the occasion of a reception, the Caliph would be seated on a throne, while a hundred men in splendid uniforms and with drawn swords stood around him, and dignitaries of the empire ranged to the right and left of the royal seat. As each dignitary made his entrance, the Chamberlain called his name. After presenting himself and making his obeisance, the guest would take his place by the side of those already in the room.[49] His priority would be decided in accordance with his descent or his office.[50] Once the discharge of the duties of protocol cost a Chamberlain his life. During the reign of Al Mahdi, father of Al Rashid, the latter was accompanying his elder brother Al Hadi, who happened to be

the heir designate. At the point of crossing a small bridge on horseback, a lieutenant of Al Hadi told Al Rashid to wait and to let the heir designate pass first. Al Rashid complied, though with indignation. Later on, the first act he undertook, after being proclaimed a Caliph, was to punish that lieutenant for his remark.[51] At the head of the social register stood the Caliph and his family, then the government officials according to their ranks and the scions of the Hashemite clan. Following them, came the satellites of these groups. In this last class were the soldiers and bodyguards, the friends and boon companions, as well as the clients and servants.[52] Embroideries, brocades and robes of honor were manufactured for the use of royalty. Such products were known as tiraz and bore the name or cipher of the Caliph embroidered on them.[53]

NOTES

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    Al-Suyuti, op. cit., p. 288.
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10

RELATIONS WITH OTHER STATES

Relations with Byzantium

Relations of the Islamic State with Byzantium, during the Umayyad and Abbaside Caliphate, were marked by hostilities. Between AD 650 and AD 711, the Arabs conquered parts of the Byzantine provinces in North Africa upto the shores of the Iberian Peninsula, and in Asia Minor their conquests reached the gates of Constantinople. In addition to the Eastern and Southern coastline of the Mediterranean Sea, the main islands, like Crete, Sicily, Cyprus, which were once under Roman rule fell under Arab authority. The Eastern capital of the Roman Empire was besieged by the Muslim army three times during the reign of the Umayyads and Abbasides.

Nevertheless, what appeared to be a continuation of hostilities did not represent the whole truth. Warlike expeditions did not form an insurmountable barrier to peaceful relations. This period was a long succession of war and peace, ruin and construction, enmity and friendship.[1] There was no racial hatred. The Emperor Nicephorus was of Arabian origin.[2] Under Leo III (AD 717–741), a mosque was constructed in Constantinople, and a Greek chronicler refers to this Emperor as being Saracen-minded.'[3]

It was indicated earlier that Muawiyah while he was governor of Syria had come to an agreement with the Byzantines, according to which he was to pay tribute to the Greek Emperor. Abdul Malek bin Marwan, the fifth Umayyad Caliph (AD 684–705), likewise concluded an agreement with Byzantium, on the basis of which he agreed to pay a weekly tribute to the Emperor.[4]

During the reign of the Umayyads, Cyprus, which had been conquered by Muawiyah when he was still a governor of Syria, was bound by a treaty that recognized the dual loyalty of the Cypriots to both the Romans and the Arabs. According to this agreement, the Arabs would receive an annual tribute from the people of Cyprus, and would not object to the fact that the latter would continue at the same time, the payment of taxes to Byzantium. They were not required to fight with the Muslims against the Byzantines, but would warn them if the Romans were proceeding against them.[5] Armenia was another example set by the Umayyads for a Byzantine province that came under the Arab sovereignty with the right to self-government.

During Al Rashid's reign the Cypriots committed what could be considered as a breach of the treaty. The Abbaside governor of the buffer province (Al-Thughor), wanted to abrogate the treaty with them, but before doing so he wrote (in AH 173–AD 789) to eight known Muslim jurists (faqih), consulting them.[6] The first one answered him, advising that he abrogate the treaty with the Cypriots, and supported his argument with a verse from the Quran that reads 'if thou fearest treachery from any group, throw back their covenant to them so as to be on equal terms.'[7] Then he suggested that the inhabitants be offered one year to decide whether to join the Muslims or the Romans. The second jurist, Malek bin Anas, the founder of a school of the Sunni sect, wrote to the governor advising him to deliberate and not take a hasty decision, until he had enough proof against them. He cited the verse that reads 'so fulfil your engagements with them to the end of their term'.[8] 'After that, if they do not improve their conduct', he said, 'and if you see them continue in their treachery, then you may deal with them accordingly, having warned them beforehand.' The third jurist cited precedents from the Prophet's (PBUH) time where people had violated their covenants and were dealt with accordingly. He then applied the rule that says, no commitment to those who broke their engagement. The fourth supported the view of the second. The fifth jurist pointed out that the Cypriots were pressed by the Byzantines, and the Muslims could not thus blame

them for a stand that they had not taken out of their free will. It was for the Muslims to protect them from the Romans, but if they could not do so, the least that could be done was to keep their links with them.[9]

Cultural and economic relations with Byzantium continued during this period, with some lapses . In spite of their frequency and intensity, the wars between the two states were not without breaks. During times of peace, the Empire and the Caliphate had enough time to realize the importance of establishing normal relations. Al Walid bin Abdul Malek (the sixth Umayyad Caliph AD 705–715) asked the Emperor to send him some Greek artisans to adorn the mosques of Damascus, Medina, and Jerusalem with mosaic.[10] The Emperor sent him 100,000 grains (mithqal) of gold, one hundred artisans and forty loads of mosaics.[11] The second Abbaside Caliph, Al Mansur, is said to have received in response to his request from the Byzantine Emperor, a number of books including Euclid.[12] Al-Mamun, son of Al Rashid, dispatched emissaries to Constantinople in quest of Greek works.[13] He sent one to a distinguished Greek mathematician, Leo, asking him to come to his court. It is related that the Byzantine Emperor Theophilus, hearing of this invitation, offered Leo a salary and appointed him as a public teacher to discourage his departure.[14]

Commercial relations with Byzantium thrived during this period. In spite of the fact that Byzantium, after losing the Eastern provinces, had to abandon its control over trade with the East, but indirectly its advantages through commercial relations with the Arabs were quite large. According to Vasiliev,[15] the thriving economic life in Syria and Palestine considerably helped the empire. Byzantine merchants appeared in many Arab cities, and Muslim traders came to Byzantium to transact business.[16] The early merchants were Christians, Jews and Zoroastrians, but were later largely dominated by Muslim Arabs.[17] Muslim merchants reached Morocco and Spain. A thousand years before De Lesseps, the Caliph Al Rashid entertained the idea of digging a canal through the Isthmus of the Suez.[18] Al Masoudi, the Arab historian and geographer (who

lived in the tenth century) described the numerous attempts to connect the Red Sea with the Mediterranean. Al Rashid made one last attempt at connecting the two seas, but his wazir, Yahya warned him against this as the canal would open the way for the Byzantine war vessels to reach the Holy Mosque in Mecca.'[19] The Arabs of that period invented the mariner's compass and thus contributed to the flourishing international trade of that era.

Diplomatic relations with Byzantium were conspicuously manifested through Arab embassies to the court of the Emperor. Vasiliev relates that the ritual of the reception of Arab embassies sent to Constantinople 'was minutely elaborate, and the ambassadors were welcomed with all sorts of brilliant court ceremonies, diplomatic courtesies, and the astute display of military strength.'[20] At the imperial table, the Arab 'friends' occupied higher places than the Frank 'friends' and the Eastern Arabs were placed higher than the Western.[21] When Byzantine ambassadors made their appearance in Baghdad they were solemnly received by the Caliph with the full regalia of Oriental magnificence and military parade.[22]

Relations with the Franks

Diplomatic relations between the Muslim State and the Franks began to develop during the reign of Harun al-Rashid. The common motive for this was the shared antagonism towards the Umayyad State in Spain and the Byzantine Empire. The reception of Frankish ambassadors in the court of Al-Rashid, was not the first of its kind. The Arab annalists ignored this question in their records, while the Latin historians gave details in theirs.[23] One historian, Iorga, describes these contacts in the following words:[24]

> Under Charles, son of Pepin, who was not at that time more than a meagre Christian king in the eyes of the Muslim Grand Chief, the Caliph Harun Al-Rashid, relations between Aix-La-Chapelle and

Baghdad took place, because of the common antagonism towards the Byzantines, and it is said also, towards the Umayyads of Spain. In AD 796, three Frank ambassadors proceeded towards the court of the pagan emperor Aaron (Harun), a few months before the arrival of the Greek envoys charged with the mission of negotiating for peace with a new rival who had just appeared to their master, in the person of Charlemagne.[25]

In AD 799–800, a new exchange of ambassadors between the two courts took place. The Latin historian reports that the Caliph had put the holy places in Jerusalem under the authority of Charlemagne, by rendering the keys to the Holy Sepulchre and the Mount of Olive to him.[26] Although such a concession on the part of Al-Rashid is doubted, the idea of offering certain privileges to the Latin clergy had been recorded.[27]

The Umayyad State in Spain, which came into existence six years after the ascendance of the Abbaside Dynasty to the Caliphate in Baghdad, had more lively contacts with the Frankish Empire. A contemporary of Ar-Rashid was the Umayyad Caliph, Abdur Rahman, who established the independent state in Spain in AD 756. Abdur Rahman discontinued the Khutba (Friday prayer) in the name of the Abbaside Caliph, but he never assumed the title Amir-al-Muminin (Commander of the Faithful) that the Caliph carried in Baghdad as a mark of respect for the seat of the Caliphate. He was content with the simpler title of Ameer (ruler or sovereign).

Abdur Rahman's relations with the Franks were not always friendly. In the beginning of his rule, Charlemagne invaded the Muslim territory and besieged Saragossa. By the time Abdur Rahman proceeded to meet him, Charlemagne sustained a disastrous defeat by the Muslim contingent in the area. The Umayyad Caliph decided not to pursue the defeated army, and instead, concentrated his efforts on subduing the rebellion within the State. Following this, a peace treaty was signed with the Franks.

The reports on who proposed the peace treaty are conflicting. According to Al-Maqqari, it was Charlemagne who came to the conclusion that Abdur Rahman was too hard to bend and it was

wiser to coax him.'[28] Therefore, he proposed peace, and offered Abdur Rahman his sister in marriage. Abdur Rahman acceded to the peace proposal, but declined the marriage. Other sources suggest that the Umayyad Ameer proposed peace in order to concentrate on internal problems. Abdur Rahman excused himself from the marriage proposal on the pretext of his health and advanced age, but concluded the treaty in the year AD 780.[29]

During the reign of Abdur Rahman's son Hisham, hostilities with the Franks broke out more than once, and peace treaties were made twice. The last one was signed in AH 197 (AD 812). Again during the reign of the third Umayyad Ameer, hostilities and peace agreements were frequent.

In the year AH 252 (AD 866), after the two parties were exhausted, the Umayyad Ameer proposed a peace agreement to Charles, the Frankish King. The latter agreed to this proposal. He sent his envoys to the court of Cordova where they sealed the agreement, and from where they returned carrying valuable gifts and warm congratulatory messages.[30]

During the period of Abdur Rahman An-Naser (AD 910–960), Cordova witnessed the peak of diplomatic activities of the Umayyad rule. In the year AD 947, envoys from Constantinople who came soliciting alliance with an-Naser mingled with ambassadors from the King of the Slovenians, the Emperor of Germany, the King of France and another prince of the Franks from beyond the Pyrenees.

Relations with China

Arab relations with China go as far back as the pre-Islamic era. Arabs in China were known by the name of *Tashih*', an expression that could have been derived from the Persian *Tazi* or *Tajik*.[31] The latter word came either from the name of an Arab tribe *Tayy*,[32] or the Arabic word *tajir*[33] which means merchant. The Prophet (PBUH), encouraging the search for knowledge among his followers, enjoined the Muslims to go and look for it even if this quest took them as far as that land.

Propagating Islam was the reason which first gave the Arabs the opportunity to enter China *en masse*. They began to arrive in the late seventh century as missionaries of their newly-founded religion. During the rule of Othman (RA), the third orthodox Caliph, an Arab mission was received by the Chinese Monarch Kao Tsung.[34] Before this mission, two others were reported by different sources. At the time of the Prophet (PBUH), it is related that Saad bin Abi Waqqas was sent as an envoy to China.[35] Other sources mention the name of Ibn Hamza (son of Hamza, the uncle of the Prophet (PBUH)) as heading a delegation that called on the Emperor of China in AD 632. Between AD 651 and 798, more than thirty missions were sent by the Arabs to China.[36] Likewise, Chinese missions visited the Muslim courts. Al-Masoudi records that Al-Mahdi, the Abbaside Caliph (AD 775–785) had granted audience to a Chinese delegation.[37]

However, peaceful exchange of embassies and gifts was not always the norm of Arab-Chinese relations. Occasionally Arab representatives entered China by force, as they attempted to conquer Chinese territory in AD 715. On other occasions, the Arabs had to repulse Chinese forces as they did in AD 715. But most of the time, relations with China were at the level of friendly exchange of military assistance against a third party. In the year AD 751, during the transitional period of the Abbaside Caliphate, a Turkish province rebelled against the Abbaside authority and it requested the support of the Chinese Emperor. The latter refused as he preferred not to cause damage to his relations with the Muslim State. On another occasion, the Chinese Emperor requested the help of the Arabs to suppress an internal revolt in AD 757. The request was complied with and Al-Mansur, the second Abbaside Caliph, sent twenty thousand soldiers, to help the Chinese monarch.[38] During the third Muslim century (ninth century AD), Arab records tell of voyages by Sulayman Al-Basri, known as Sulayman Al-Tajir (the merchant), describing China and the route to it that came to be known as the great Silk Route.[39] Accompanying one of these missions to China was a Muslim judge (Qadi) who stayed there to render justice in conformity with principles of the Quran, and who was

treated on the same footing as the judges of the country.[40] According to the same source, Muslims entering the Chinese territories had established a colony on the borders of China that served as a link in the Arab-Chinese relations.

The first military attempt to penetrate the Chinese territory, took place in the reign of the Umayyad Caliph Al-Walid bin Abdel-Malek. The course of diplomatic process that the encounter led to and the peaceful settlement that resolved the conflict are worth looking into. In the year AH 96 (AD 715), the Muslim Commander-in-Chief, Qutaybah, tried to enter China after occupying several of its satellites. The Chinese Emperor sent a message to Qutaybah requesting that a delegation be dispatched to negotiate with the Emperor. Qutaybah, according to several Arab historians, selected a delegation of ten notables. He furnished them with the best outfits and equipment and requested them to convey to the Emperor the information that he had pledged not to return before he had set foot on Chinese soil and collected tribute from them.[41]

For three consecutive days after their arrival, the delegation attended the court of the Emperor without opening discussions with him. On each of the three days, they were dressed in a different style. When they were invited again before the Emperor who enquired about their different styles, the head of the delegation, Hubeirah, answered that on the first day they had put on feminine dress to indicate that they were woman-like before their people. On the second day they put on the dress in which they met their princes. The third outfit, with the war helmets, the swords and the spears, was what they wore to face the enemy. During the discussion, the Emperor tried to divert them from their course by relating to them how great his Empire was and how strong his forces were compared to their limited number and armaments. Hubeirah countered this by asking how they could be considered small when the forepart of their cavalry was at the gates of his territory and the rear was in the land of olive trees. As to the possibility of death, he added, they did not fear or evade it. Then he disclosed to the Emperor that his commander had taken an oath and was determined to

fulfil it.[42] After deliberating on the matter, the Emperor came up with a solution. He proposed that he send Qutaybah some of his country's soil, so that the Muslim leader might step on it, and he would offer the Muslims gifts that would win their approval. The proposed compromise was acceptable to Qutaybah, who dispatched, in his turn, Hubeirah to report the settlement to the Caliph in Damascus.

Cultural and economic relations with China, which formed the other facets of political relations, developed to a great extent in this period. Through continuous contacts, both parties benefited from the knowledge and experience of each other. The Arabs brought to China, among other things, great knowledge of science and medicine. One of the first sciences to be accepted by the Chinese was astronomy. 'Muslim mathematical science' was also, taught in China.[43] Arab medicaments were so widely used by doctors in China that some still retain their original names.[44] On the other hand, the Arabs in the mid-eighth century, learned from the Chinese the process of making paper.[45] Before the end of the century, Baghdad constructed its first paper-mill. Through Spain and Italy in the twelfth century, paper manufacturing became known in Europe. If the Muslims were not the original inventors of the mariner's compass, they would have learned about it from their contact with China, but certainly they introduced it to the benefit of international trade.[46] Sulayman Al-Tajir in his book *Journey to China* indicated that the Chinese were the first to adopt the use of fingerprints as signature.

Arab and Chinese vessels exchanged goods at Aden, on the Red Sea, or in the Persian Gulf, to be transported to other parts of the world. Through the Arab intermediary, China was in contact with Africa and Europe.

NOTES

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11

LEGISLATION OF INTERNATIONAL LAW AND RULES OF DIPLOMATIC RELATIONS

In the period of the Umayyad and Abbaside Caliphates, a new branch of studies in Islamic jurisprudence (fiqh) came into existence. The Muslim jurists researching in this field, called it Al Siyar. Al-Sarakhsi, a scholar who dealt with this topic defined Al Siyar as 'the study that is concerned with relations of the Muslims with other communities, living in the territories of the enemies or to whom the Muslims are bound by treaties: the Mustaminin (who were pledged the protection of the Muslim State), the Zimmis (people of the Book who live within the State), the apostates and Ahlul-Baghy (dissident Muslim community).'[1]

In the early days of Islam, the Arabs who were surrounded by the two occupying powers, Persians and Byzantines, viewed the world as consisting of two parts: that of the Muslims which they called Dar al Islam, and that of the warring powers which they called Dar al Harb. At a later stage they came to realize that there were other communities with whom they had to subsist. Their relations with these entities were complex and multi-faceted, to the extent that they needed to legislate clear rules and laws based on Islamic principles to conduct these relations.

In the early eighth century, there were Muslim jurists who devoted chapters of their works to the subject of foreign relations of the Islamic State. Al Sha'abi (died AD 723) and Abu Sufian

Al Thawri (died AD 718) had considerable influence over the thoughts of the well-known scholar Abu Hanifah. Among the jurists who produced independent works devoted to the subject, were Al-Awzaie (died AD 774), Abu Hanifah, and his two disciples, Abu Yousuf and Al-Shaibani.

Abu Hanifah (died AD 768), the founder of the Al-Hanafi school of thought, was the first to put down a set of rules and legislations to regulate the conduct of foreign relations on the basis of Islamic principles and mainly the principle of Qiyas (analogy).[2] Abu Yousuf had compiled the views and judgements of Abu Hanifah on this subject, in a book titled *Al Asil* (the source).[3] He is also known for another book written at the request of the Abbaside Caliph Al Rashid, under the title *Kitab Al Kharaj* (the book on land taxation). This well-known book studied the rules of Islam regarding the taxes on land belonging to non-Muslims (Al Kharaj), and also other rules that regulate the Muslim State's relations with other communities.

Al-Shaibani (AD 750–804) who was the disciple of both Abu Hanifah and Abu Yousuf, had authored several books on the question of the state's relations with other societies. Some of these books have survived to this day through scholars who quoted him or commented on his works. A typical example is Al-Shaibani's book titled *Kitab Al-Siyar Al-Kabir* (the large book on Al-Siyar) which survived through the work of Al-Sarakhsi under the title *Sharh Kitab Al-Siyar Al-Kabir* (interpretation of the large book on Al-Siyar).[4]

To acquaint oneself with the main features of these legislations, one should recall that before Islam, there existed several systems of international law. Each system was concerned with a family of nations belonging to the same civilization. The basic rules of each system were the extension of the national laws of the civilization based on its common moral values and traditions. These systems of international laws lacked the two main principles accepted in the present international law—equality and reciprocity.

Islamic international law was an extension of Islamic jurisprudence and was binding on the state as much as on the

individual Muslim. Its rules stem from the same sources that other religious and legal codes are derived from, namely the Quran, the Prophet's (PBUH) Sunnah (traditions), the Ijmaa, (consensus), Qiyas (analogy) and Ijtihad (best judgement). To these sources, one may add five other sources that comprise the references for codifying the Islamic Law of Nations. These are the provisions of the treaties that the Muslim State had concluded with other states, the conduct of other states, or principle of reciprocity, the arbitral awards, the traditional norms and customs, and the Caliphs' decrees and practices.[5] In comparison with the present concept of international law, the Islamic Law of Nations is not very different. One of the modern definitions of international law describes it as the system of rules on the rights and duties of states in their mutual relations. International law is based on the concept of sovereign equality of states and rests ultimately on agreement among them.[6] The sources of international law include: (1) treaties (2) international customs (3) general principles of laws based on such ideas as justice, equity, and morality recognized by civilized nations, and (4) a subsidiary source of law found in judicial decisions and in the teachings of the recognized legal publicists of the various nations.[7]

On the concepts of universality of the Islamic international law and equality of nations, one may quote the first source of Islamic legislation, namely, the Quran. Although the Islamic faith is addressed to all nations and Muslims have the duty to spread Islam to all parts of the world, the Quran recognized the fact that there are different nations that will never cease to exist. It says: 'And if the Lord had so willed, He could have made mankind a single nation, but they will not cease to differ.'[8] In another verse, the Quran points to the concept of relations among nations which are equal, with a common origin, whom God created and made into different nations so that they may know each other, 'O mankind! We created you from a single (pair) of male and female. And made you into nations and tribes, that you may know each other. Verily the most honoured of you in the sight of God is (he who is) the most righteous among you'.[9]

NOTES

1. Khadduri, Majid, *Al-Qanun Al Dawli Al Islami, Kitab Al-Siyar Lil-Shaybani*, Al-Dar Al-Muttahideh Lil-Nashr, Beirut, 1975, pp. 54, 55.
2. Ibid., p. 37.
3. Ibid., p. 38.
4. Ibid., p. 51.
5. Romahi, op. cit., p. 49.
6. Plano, Jack C. and. Olton, Roy, *The International Relations Dictionary*, 4th Ed., Longman, Essex, United Kingdom, 1988, p. 272.
7. Ibid.
8. *The Holy Quran*, Sura XI, 118.
9. Ibid., Sura XLIX, 13.

PART FIVE

Characteristics of Islamic Diplomacy

12

CONCEPT OF ISLAMIC DIPLOMACY

Diplomacy, defined as 'the art and practice of conducting relations between nations', is both an instrument and a product of the process. To evaluate early Arab diplomacy and point out the principles and rules that governed its applications, one inevitably takes into account the principles and rules that directed the external relations of that period. The nature of these relations is shaped, necessarily, by the dominant cultural values and the recognized international traditions and laws.

At the time when the Muslim Arabs were expanding their rule over a vast portion of the old world, they were coming into contact with values and norms which they did not try to put an end to. Neither did they try to create a completely new formula for the system of relations among states. Their concept was rather a link in the continuing chain of human civilization which they were influenced by, and influencing at the same time. The basic rules that governed ancient international relations were traditions and customs. For the Muslims, the most important rule for proper conduct is *al amr bil marouf wal nahy anil munkar* which, translated literally, means enjoining what is known (*Marouf*) and forbidding what is denied (*Munkar*). The word 'known', in a metaphorical sense meant the acceptable and the right.

It is true that the Islamic concept of the individual and state conduct is based on the divine theory that is embodied in the teachings of the Quran and the Prophet's (PBUH) Hadith. But the instructions of the Quran and Hadith do not cover all specific

aspects of the national and international affairs. A wide margin in Islamic legislature is left for decision-making on the basis of unanimity, analogy, or wise judgement, provided that the last three sources of legislation are not contradicting the established rules specified in the Quran and Hadith. Generally accepted traditions and public interests are determining factors in formulating such rules and decisions. The same teachings of the Quran and Hadith include numerous rules that were practiced by the Romans, the Jews and the non-Muslim Arabs.

The Arabs coming from the desert with their spiritual values and social concepts came into contact with peoples and different cultures and advanced stages of civilizations. They neither adopted these cultures at face value, nor did they try to abolish them. The incessant interaction between the Arab concepts and values on the one hand and the other cultures and traditions on the other, formed what is called the Islamic civilization. This process could be seen as 'the clustering about a mobile magnetic center of particles, large and small, which by design, by accident or by their proper motion entered its field.'[1]

The synthesis of this interaction was a civilization, in which Islamic thought played a dominant role in the determination of its structure and its course of action. The principles and the rules which characterized this civilization were the determinants in shaping and directing the external relations of the Islamic state and, consequently, the means and manners of conducting these relations. In other words, those were the principles and rules that were the guidelines for Arab diplomacy in the seventh to the ninth centuries.

General Traits of Arab Foreign Relations

State of Peace and War

The basic rule that guides relations between Muslims and other people according to the Islamic concept is 'salam', i.e. peace. It is the term for greetings used by Muslims, and the salutation by

which all the letters addressed by the Prophet (PBUH) to the leaders of other nations began. The teachings of the Quran direct Muslims to approach other people in a friendly manner, and commend them to 'call unto the way of God with wisdom and fair exhortation, and (to) reason with them in the better way.'[2] Muslims are advised to 'repel the evil deed with one which is better, then he, between whom and thee there was enmity, will become as though he was a bosom friend.'[3] These teachings are directed to individuals as much as to groups and they become more specific in addressing relations between Muslims and peoples of other beliefs in the verses that read, 'God forbids you not, with regard to those who fought you not for your faith and drove you not out of your homes, that ye should show them kindness and deal justly with them. Lo! Allah loveth the just dealers.'[4]

This concept of relations among nations is based on the belief that all people are created by God, and before Him they are equals. They are meant to meet and to know each other. The only distinction that classifies them before God is their conduct. 'O mankind! Lo! We have created you from a single pair of male and female and made you into nations and tribes, that you may know each other. Verily the most honoured of you in the sight of God is (he who is) the most righteous of you.'[5]

Nonetheless, if peace was the basic rule of ordinary relations, war was not the exception. Islam was to evolve in an environment where war was the dominant state of relations among peoples. The two super-powers, the Byzantine and the Persian, were in a continuous state of war. Parts of the Arab land were occupied by the Byzantines and the Persians. The Arab tribes were mostly fighting each other, the Qurayshites used force to drive the Muslims out of Mecca. Such were the circumstances that forced the Muslims to be in a state of war. In self-defence Muslims were allowed to fight back but not to initiate hostilities. 'Fight in the cause of God those who fight you, but begin not hostilities, for God loveth not aggressors.'[6] In spite of the fact that they were drawn to hostilities which they did not begin, Muslims were to cease if the other party did

so. 'But if they cease, let there be no hostilities except towards those who practice oppression.'[7] 'But if they incline towards peace, incline thou to it, and trust in God.'[8]

In case of hostilities among people, a just settlement was to be sought. Arbitration and mediation were and still are just two ways of settling conflicts. 'If two parties among believers fall to fighting, then make peace between them, and if one of them doeth wrong to the other, fight ye that which doeth wrong till it return unto the ordinance of Allah, then, if it returns, make peace between them justly and act equitably.'[9]

Islam did not impose constraints only against the initiation of hostilities, but also established rules limiting the means and ways of fighting. It prohibited, in the course of war, assault against children, old men, and women who were not participating in the fighting, monks, and invalids. It forbids the destruction of temples, churches, trees, or animals—except for those slaughtered for the purpose of feeding the army.

All these rules could be counted as principles in theory, except that the early history of Islam proves that these rules were applied in practice. One good example of considering the Islamic principles of the Quran as the reference to the right conduct, is when Abu Obeidah wrote to the Caliph Omer (RA) requesting approval for the agreements he had reached with the cities conquered by the Muslims in Syria. In his reply to Abu Obeidah, Omar (RA) quoted a passage of the Quran as the reference to his judgment that could not be contested. He wrote:[10]

> People have taken note of the information as regards the booty that God has delivered to you and of the conditions that you have covenanted with the inhabitants of the cities and towns. I have consulted with the Companions of the Apostle (God's prayers and peace be unto him) on this matter. And each one of them has offered a different view.
>
> As for me, my view is based on the Book of God, the Most High, who said (that which Allah giveth as spoils unto His Messenger from the people of the townships)...[11]

The other example where these rules were applied, was when Al-Rashid's governor in the frontier province was faced with a violation of the treaty by the inhabitants of Cyprus. Before taking any action he consulted with eight well-known Muslim jurists. Each one of them, in reply to the governor's letter, quoted verses from the Quran and precedents from the Prophet's (PBUH) lifetime in support of his judgement.[12]

The early history of Islam is full of other such examples, that prove the strict application of the principles laid down in the Quran and Sunnah, by Muslim leaders in their dealing with other nations and peoples. Those principles formed handy guidelines for Arab envoys and negotiators in conducting their diplomatic missions.

Types of Relations

Relations between the Islamic state and other nations could be classified into three categories:

1. Relations with people with whom the Arabs were in a state of war. The rules that governed such relations could be outlined in the following:

Muslims were not allowed to fight their enemies before offering them three options. Either they adhered to Islam, in which case they would be like all other Muslims as to their duties and their rights; or if they were followers of heavenly religions like Christianity and Judaism, they might accept paying a tribute (djizyeh) and thus keep their freedom and property. If these two alternatives were not acceptable, then the third option was war.

In case of conquest as a result of fighting, the procedure in the early phase was to confiscate the property and land of the conquered, but later during the rule of the second Caliph, Omer bin al-Khattab (RA), the conquered people could keep their property and land provided that they paid fixed taxes in proportion to their crops or their earnings. In any case no Christian, Jew or Sabiaan, who was a believer in God and in the hereafter, was to be forced into embracing Islam.

In case an enemy came to accept a peace agreement or a truce, then the terms of the agreement defined the kind of relations the non-Muslims would have with the Muslim party.

2. Relations with people to whom the Muslims were bound by a treaty of non-aggression or an alliance. An example of this type of relations is presented in the Hudeibiyah agreement that the Prophet (PBUH) concluded with the Qurayshites. According to this agreement, the Muslims would not go into Mecca for pilgrimage until the following year and both parties would abstain from any act of hostilities for the duration of ten years. The allies of either party would be treated under the same terms of the agreement that applied to their party.

3. Relations with dependant countries benefiting from the protection of the Muslim state. The treaty that Muawiyah concluded with Armenia in AD 653 is an interesting example of this type of relations. The Armenians who were previously under the domination of the Byzantines welcomed the Arabs in order to secure their assistance in liberating them from the Byzantine pressure and against the Khazares.[13] According to this agreement, the Christian Armenians preserved their autonomy and their form of government, provided that they agreed to accommodate 15,000 Muslim cavaliers. The Caliph offered their leaders the same honours and the same ceremonies as those offered to the Muslim Amirs.[14]

At the time of the death of Prophet Muhammed (PBUH), it appeared that the Muslim state had more enemies than friends. Abu Bakr (RA), the first Caliph after Prophet Muhammed (PBUH), insisted on dispatching the small army that the Prophet (PBUH) was preparing against the Romans in retaliation for the previous battle of Mu'tah, while he had to face the uprising of the apostate Arab tribes in the Arabian Peninsula. Then he resolved to dispatch an army to the Persian frontiers at the same time that other Muslim troops were fighting the Byzantines on four fronts. What seemed an odd strategy could not be explained just in military terms. Apparently, the Arabs were not facing the two major powers of that time only with comparable manpower or military equipments. Part of the credit for their success must go to the manner and

methods by which they conducted their relations with other people, which earned them more followers and friends than enemies. That may explain why 'in a few decades the new conquerors were able to do, by Islamizing and Arabizing the area (North Africa), more than what the earlier conquerors had been able to achieve in centuries by way of Romanizing or Hellenizing it.'[15]

Characteristics of Arab Foreign Relations

The way the Arabs dealt with other people by applying the principles of Islam gave their diplomacy its credibility and force. 'The Quran commands to arbitrate with justice, to give true evidence, to *fulfil one's contract and to return an item of trust or deposit to its owners, how one should act towards women and children*, orphans and relatives, dependants and slaves.'[16]

From the early days of the Islamic states, the Muslim tolerance towards Christians and Jews could be best represented by the first Umayyad Caliph. The wife of Muawiyah and mother of his son and heir, Yazid, was a Christian Arab. His chancellor and minister of finance, Ibn Sardjoun was a Christian. The court poet, Al-Akhtal was a Christian, who always wore a cross over his breast. The royal physician of Muawiyah, Ibn Uthal, was also a Christian. Before Muawiyah, the Caliph Omer bin al-Khattab (RA) gave examples of respect for other religions when he abstained from saying his prayers in the Church of Sepulchre, in Jerusalem, fearing that some day the Muslims may claim this place, as Omer (RA) had prayed there.[17]

Just as the Muslims were tolerant of other religions, they were indiscriminate as to race or colour of skin. The Prophet's (PBUH) Hadith says 'No advantage has an Arab over a non-Arab or a white man over a black onė, except for piety.' It is claimed that the Umayyad Caliphate had favoured the Arabs and gave them priority, but when we study the four Caliphs, the standards prevailing become clear. The first priority was given to those who immigrated to Medina, then to those Muslims who

accommodated them in Medina, then to those who were the first to adhere to Islam and to donate more for its cause.

This was how the first Caliphs were elected to authority, for Abu-Bakr (RA) was from among the Muhajirin. Abu-Bakr (RA) himself declined to dispatch among the armies that were sent to Syria and Iraq, people belonging to the apostate tribes who returned to Islam. The dividends of the spoils were distributed among Muslims according to this scale. If such a hierarchy existed among the Muslim Arabs, it is understandable then, that the Arabs in general were the first among nations to adhere to Islam, and the more privileged to comprehend its thoughts expressed in their language. Such privileges could have lasted for a certain period, but they did not last that long, as became apparent in the Abbaside epoch.

The Rights of States to Existence and Independence

One other feature that characterized Arab relations with other nations in that early period of history was their recognition of the rights of other states to exist and to enjoy independence and sovereignty. It is a principle established in the Quran and practiced by the Muslim leaders to offer aid and protection to Muslims who are under the sovereignty of another state. 'As for those Muslims who accepted the rule of a foreign state and chose not to emigrate from it, the Islamic State owes no duty of protection towards them.' [18]

'As to those who believed but came not into exile, ye owe no duty of protection to them. Until they came into exile. But if they seek your aid in religion, it is your duty to help them, except against a people with whom ye have a treaty' [19]

Interpreting the part regarding (aid in religion) offered to the oppressed Muslim community, Abdullah Yousuf Ali, explains that those who suffered voluntary exile on account of persecution were still bound to the duty of helping those staying behind. In a state of war with the persecuting state, the exiles would be free to fight against such a state.[20]

NOTES

1. Von Grunebaum, G.E., The Sources of Islamic Civilization, *The Cambridge History*, Vol. 2, Cambridge University Press, London 1970, p. 471.
2. *The Holy Quran*, Sura XIV – 125.
3. Ibid., XLI – 34.
4. Ibid., LX – 8.
5. Ibid., XLIX – 13.
6. Ibid., II – 190.
7. Ibid., II – 193.
8. Ibid., VIII – 61.
9. Ibid., XLIX – 9.
10. Hamidullah, op. cit., pp. 120, 121.
11. *The Holy Quran*, Sura. 59: 6.
12. Al-Baladhuri, op. cit., pp. 211–215.
13. Laurent, J., *L'Armenie entre Byzance et L'Islam*, ed. Paris 1929, p. 13.
14. Ibid., p. 33.
15. Hitti, Ph. K., *Makers of Arab History*, New York, St. Martin's Press, 1986, p. 54.
16. Schacht, J., Law and Justice, *The Cambridge History of Islam*, Vol. 11, ed. P. M. Holt, Cambridge University Press, London 1970, p. 541.
17. Ameer Ali, op. cit., p. 41.
18. Al-Mawdoudi, Abul-Aala, *Islamic Government*, Diwan Al-Matboaat Al-Djazairiyeh, Algiers, pp. 207–209.
19. *The Holy Quran*, Sura VIII–72.
20. Ali, Abdullah Yousuf, *The Holy Quran*, Text translation and commentary, Presidency of Islamic Court and Affairs, Qatar 1946, p. 434.

13

APPLICATION OF DIPLOMACY AND DIPLOMATIC INSTITUTIONS

In conducting their foreign relations, the Arabs in the early Islamic State resorted to four main instruments. They delegated envoys to other leaders and heads of states, they exchanged letters or concluded agreements and, furthermore, they benefited from commerce, culture and public information, to achieve their political and diplomatic ends.

The Diplomatic Envoys

The terms 'Ambassador' and 'Embassy' are translated into Arabic as 'Safir' and 'Safarah', respectively. Both words are derived from the root verb Safera, which originally meant ' to exert efforts in bringing peace and reconciliation between two quarrelling parties.'[1]

The present concept of the mission of a safir is still to bring peace into relations with other nations or to endeavour to maintain the existing peaceful relations. The term 'Safarah' could refer to the mission of the ambassador or the team accompanying him as well as to the residence of the mission. Some Arab historians refer to the mission that Abdul-Muttaleb, the grandfather of Prophet Muhammed (PBUH), took to the Abyssinian leader Abraha as Safarah. But, in general, the term was used in the period under study. The envoy could be 'Rasoul, or 'Mabouth', while a delegation was called 'Wafd'.

In that early period, there were no resident embassies. An envoy or a delegation could be dispatched for a particular mission and they would return as soon as this was accomplished. In fact, a long stay of an envoy was not favoured by the host party, lest he might know more than what was admissible.

During his lifetime, the Prophet (PBUH) sent envoys to the other Arab tribes, to the Abyssinian Negus, to the Patriarch of the Copts in Egypt, and to the monarchs of Persia and Byzantium.[2] With the envoys he sent letters that could have served as credentials and verbal notes. In his letter addressed to the Negus of Abyssinia, he wrote, 'I am dispatching to you my cousin Ja'far, accompanied by a number of Muslims. At their arrival receive them with hospitality.'[3]

In pre-Islamic history, it is recorded that Hashim, the great-grandfather of the Prophet (PBUH) had been sent as envoy to the Roman ruler for Syria and to the King of the Ghassanid to secure their protection for the Quraysh commercial caravans. Hashim's brother Abd-Shams was sent to the Negus for the same purpose. Nawfal, another brother of Hashim, was sent to the Persians.[4]

In the period of the Orthodox Caliphate and then the Umayyad and Abbaside Caliphates, messengers were dispatched to the rulers of neighbouring countries. The contemporary Arab historian, Hitti, refers to the legend that makes Saad bin Abi Waqqas, the conqueror of Persia, the first envoy of the Prophet (PBUH) to China, where the Muslims of China revere, to the present time, a tomb in Canton bearing his name. Until the mid-eighth century, several diplomatic missions had been exchanged with China. The Chinese document of that century refers to Amir al Mu'minin (the Arabic title of the Caliph) as Hami-Mo-Mo-Ni and to Harun as Al-lun.[5] The missions of the Muslim Ambassadors were to:

- convey written or verbal messages
- negotiate and conclude agreements
- exchange war prisoners or to ransom captives
- carry gifts to the heads of other states
- carry out other duties

Harun Al-Rashid exchanged with Charlemagne both envoys and presents. The second Abbaside Caliph, Al Mansur, is said to have received in response to his request from the Byzantine Emperor a number of books.[6] As to the other duties of a diplomatic envoy, Nizam al –Mulk, the Minister of two Saljuki Sultans, wrote in the eleventh century a chapter in his book *Siyasat Nama* (the Book of Politics) on ambassadors and their treatment. In this chapter which describes an ambassador's mission and interests, as well as in other chapters of the book, the Minister accounts the experiences of the kings of the past. In the prologue of the book, he refers to 'functions which kings before (us) have performed' and to 'the laws and customs of past kings.'[7]

Describing the mission of an ambassador he wrote: 'It should also be realized that when kings send ambassadors to one another their purpose is not merely the message or the letter which they communicate openly, but secretly they have a hundred other points and objectives.'[8] The writer mentions that among these objectives was information that the ambassador sought to gather about roads and passes, the size of the army and quality of its officers, the protocols observed at court, the hobbies of the king, the standard of his table and the company he kept, as well as his personal qualities and manners and his designs and intentions.[9]

The author advised the king that ambassadors should be received at the borders and accompanied on their way to the capital city. Local officers should offer them hospitality and courtesy at all the stops along this route. On their return the same procedure should be followed so that they depart well satisfied. 'Whatever treatment is given to an ambassador, whether good or bad', he wrote, 'it is as if it were done to the king who sent him, and kings have always shown the greatest respect to one another.'[10]

When Abu-Bakr (RA), the first Caliph, dispatched Yazid bin Abu Sufian at the head of an army towards Syria, he advised him, among other things, in his farewell speech, that 'in case envoys of the adversary come to you, treat them with hospitality

and make their period of stay (residence) at your camps short, so that they quit while they are still ignorant. Let them not look about, so they may not see your weaknesses and know your disposition. (See to) it that they reside with the rich section of your troops.'[11]

The ambassadors were granted immunities and certain privileges. They benefited from the principle of Aman, accorded to any foreigner who sought safe entry into a Muslim country, and from the traditional immunity granted to foreign envoys.

The selection of an ambassador was based on two main specifications—capability and trustworthiness. The Quran puts it in the following terms: 'Truly the best of men for thee to employ is the man who is strong and trusty.'[12] Nizam al-Mulk suggests that an ambassadorship should be assigned to a person who is 'bold in speaking but does not say too much, who has travelled widely, who has a portion of every branch of learning, who is retentive of memory and far-seeing, who is tall and handsome.'[13]

According to Al-Tabari[14], in A.D. 715 (96 H.), when Qutaybah, the Muslim leader approached the Chinese frontiers, the Chinese monarch requested him to send him a delegation. Qutaybah selected a delegation of twelve persons who were handsome, strong, eloquent, brave and wise. They were given the best arms, clothes and horses. Hubeirah Al-Kilabi, who was heading the delegation was known for his fluency and eloquence.

In other words, an envoy is meant to be convincing and impressive. For the same purpose, the reception of ambassadors at the court of the receiving state was to give the visiting envoys the impression of power and grandeur. Such qualifications are apparently not very different from the present practice.

Diplomatic Correspondence

Diplomatic correspondence was among the first instruments of diplomacy applied by the Arab state to their relations with foreign countries. When a group of Muslims immigrated to

Abyssinia, in the pre-Hijra period, the Prophet (PBUH) sent a letter to the Abyssinian Negus, inviting him to convert to Islam and recommending to him, his cousin Ja'far and the group of Muslims accompanying him. The letter reads:

> From Muhammed, the Apostle of God, to an-Najashy, King of the Abyssinians.
>
> I address to you the praise of God, the Sovereign Holy One, the Source of Peace, Guardian of Faith and Preserver of Safety, and attest that Isa (Jesus), son of Mariam is the Spirit of God and His Word that He passed to Mariam the Virgin, the Virtuous and Chaste, who bore Isa and gave birth to him out of the spirit of God that was blown into him as, before, He created Adam by his hand. I call you to believe in and obey Allah, the Unique, who has no partner, and to follow me and believe in what I am entrusted with, for I am the Apostle of God. I have dispatched to you my cousin Ja'far, accompanied with a number of Muslims. Upon their arrival, receive them with hospitality. I invite you and your troops to God. I have conveyed to you (the message) and advised you. Accept my advice. Peace be unto him who follows the right path.[15]

The Prophet (PBUH) sent another message to the Negus and received answers to both messages. In the sixth year of Hijra (AD 628), Prophet Muhammed (PBUH) dispatched messengers to the Emperor of Byzantium, to the king of the Ghassanid, to Al-Moqawqas, the Patriarch of the Copts in Alexandria, to the Emperor of Persia and to the Arab tribes in the Peninsula. The Egyptian Chief responded with an amiable letter accompanied by a present consisting of two female slaves. Prophet Muhammed (PBUH) married one of them, Maria, who became the mother of his son Ibrahim. The Persian Emperor reacted with the worst diplomatic behaviour by tearing off the message in front of the Muslim envoy.

The Arab historians recorded letters addressed by the leaders of Arab armies to their opponents in the territories of Syria and Iraq, during the rule of the Orthodox Caliphs. At the same time similar correspondence between the Caliphs and the Arab leaders

is reported to have been exchanged. By examining these, one can point out the following characteristics:

The Language

The terminology and eloquence of these letters are not very different from those of the Quran. In a later stage it becomes easy to deduce that certain terms are no more in usage and that new expressions are inserted or came from common usage.[15]

The Style

The texts which are credited to be authentic among these letters are those which are precise, direct, forceful and exclusive. Any deviation from these principles subjects such correspondence to a legitimate doubt about its credibility.

The Material

The subject matter of these letters was mainly to invite foreign leaders to adhere to Islam. If such invitation was refused, then, the Muslim leaders would guarantee the addressee safeguard and protection provided that the latter paid the djizyeh. During the period of Arab conquests, the third option was to declare war. These letters thus discussed duties, not privileges.[16]

The Length of the Text

The letters addressed by the Arab leaders during this period were relatively brief and precise in comparison with the letters of the later era. The longer a letter recorded from this period, the more its authenticity becomes doubtful. Such a judgement is based on two considerations. The first is that the style of

expression of that period, as in analogy with the Prophet's (PBUH) Hadith, was short but expressive speech. The second is that the texts of those letters were relayed orally until they were recorded a few generations later by Arab historians.

In the Umayyad and Abbaside period, the language, the substance and the style of the diplomatic correspondence evolved. Muawiyah initiated the procedure of preserving a copy of his correspondence, before sealing and dispatching the original. By the time of Abdul Malek, the Umayyads had developed a state archives in Damascus.[17] While diplomatic correspondence under the Orthodox Caliphs was brief and to the point, Abdul-Hamid Al Katib (the scribe of the last Umayyad Caliph d. AD 750) introduced the elegant, 'long-drawn style with its conventional, polite phraseology betraying Persian influence.'[18]

In the Abbaside period, a letter written in the name of Harun Al-Rashid to the Emperor of Constantinople may reveal the style of diplomacy of that epoch. The letter contains fifty pages, most of them discussing the faith of Islam and inviting the Emperor to embrace it. In case of the Emperor's refusal, the letter offers in its later part the other alternative, i.e. paying tribute in order to avoid war. The Caliph presents in the letter the advantages of peace and quotes passages from the New Testament to this effect. It ends with threats and reproaches for the untimely rupture of the treaty that was concluded with the Caliph Al-Mahdi.[19]

Negotiation

Negotiation is a diplomatic procedure in which representatives of states, in direct personal contact or through correspondence, engage in discussion of matters of mutual concern, and attempt to resolve disputes that have arisen between them.[20] Its main objective is to reach an agreement, whether based on a treaty or on mutual understanding. As a flexible diplomatic instrument, negotiation is more suited to promote compromise and to induce

a peaceful change of the legal *status quo*. Each party to a negotiation is assumed to be able to evaluate, on a numerical scale, the effectiveness of every conceivable outcome, including the possibility of no agreement. The criteria for a negotiated agreement are the following:

- Each party is presumed to have an alternative to a negotiated agreement.
- An agreement should obtain, through negotiation, certain advantages, in relation to no agreement.
- The bargaining set is to represent stature of each party. Fairness is one element conducive to a reasonable agreement.[21]

To apply this concept of negotiation and the said criteria to negotiated settlements during the period of Arab history under consideration, the following examples are provided:

1. Through the negotiations conducted at Al-Hudeibiyah, Al-Qadsiya, Jerusalem, and on other occasions, the Muslims conceived the possibility of non-agreement with the option of fighting. In this case, they believed that they would achieve either martyrdom or triumph. In case they reached a negotiated agreement the scale of options included:
   - Acceptance of Islam or paving the path for spreading the faith.
   - Reaching a peace treaty by which the Muslims would offer their protection in exchange for payment of the djizyeh. In some cases both conditions were waived to obtain an available settlement.
2. For the inhabitants of the Byzantine and Persian occupied territories, the Muslims were offering a better option in replacement of the occupying regimes. Even during the process of negotiation at Al-Hudeibiyah, the Meccans were offered a share in the fruits of the triumph of Islam.
3. The bargaining set for the Muslims were: their determination that they made known to their adversaries; their faith that they would either win or enjoy martyrdom; their credibility and commitment to their conviction and their fair offer to the other negotiating parties. The similarity of the contexts of the

peace agreements that they concluded in the conquered territories testified to the fair dealing and unified measures which they applied. The terms regarding taxations were almost the same. People of the Holy Book were free to practice their religious duties. Those who elected to stay would be treated on equal terms. Those who preferred to depart would be protected until they reached their destination. Even after two hundred years of concluding an agreement with the inhabitants of Cyprus, the act of violation on the part of the Cypriots did not give the Governor of that province the justification to act, from a position of power, before he sought the legal judgement of the known jurists of that time.

Conclusion of Agreements

In the pre-state society of Islam, agreements could be concluded verbally as was done between the Muslims of Mecca and the Medina delegation before the immigration to Medina took place. In the Islamic State of Medina, legislative rules were being established. Muslims were directed to record their contracts in writing. 'Ye who believe, when ye deal with each other in transactions involving future obligations in fixed period of time, record it in writing.'[22]

At present, as well as in the past, the rules of concluding agreements, observing their terms and abrogating them are and were subjected to the principles of international law and traditions. In the absence of the enforcing authority of such international principles, observing them, is a matter of mutual interest and political consideration. For the Islamic State such rules reflect the principles of Islam and are binding for religious considerations as much as for the necessity of adhering to acceptable international practice.

Several verses in the Quran commit Muslims to fulfil their obligations stipulated in an agreement. 'And keep the covenant. Lo, of the covenant it will be asked.'[23] 'Excepting those of the idolators with whom Ye have a treaty, and who have since

abated nothing of your right nor have supported anyone against you. (As for these) fulfil their treaty to them till their term. For God loveth those who keep their duty.'[24]
'O Ye who believe! Fulfil your undertakings.'[25]

Termination of a treaty could be the result of one of the following causes:

- Its term had come to an end.
- The other party had violated the terms of the treaty.
- The enemy had committed an antagonistic act against the Islamic State or its allies, or had indulged in a process that could be considered treacherous to the prevailing agreement. 'If thou fearest treachery from one group, throw back their covenant at them so as to be on equal terms.[26]

In the last two instances, the Muslim State was not free to act, without abrogating the agreement and informing the other party of absolving themselves of their commitment.[27]

Abu-Bakr (RA), when bidding farewell to the Muslim army directed against the Byzantines, addressed the troops, ordering them 'not to commit perfidy, or betray, or transgress.[28]

The substance of the treaty was in accordance with Islam. The terms of any agreement did not contradict the rules of Islam. When Abu Obeidah informed the Caliph Omer (RA) of the conquest of the cities in Syria and requested his advice as to the terms of peace that he should offer to the inhabitants there, Omer (RA) responded with a letter instructing Abu Obeidah to take the rules of Quran as his reference. The Caliph in his answer quoted more than one passage from the Holy Book to support his argument. On the basis of these verses he instructed Abu Obeidah to collect only djizyeh and to leave the properties to their owners. He also ordered him to give liberty to the people of the Book to practice their religion and to perform their religious ceremonies, provided that such practices did not affect the Muslim community living among them, or interfere with their prayers.[29]

Treaties also specified duties and rights of either party to the treaty in unambiguous terms.[30] Provisions of the treaty were to be mutually accepted. In times of peace the Islamic State had no right to exert pressure on another state to come to terms with it.[31] In a state of war, concluding a peace treaty could be arguable from the subjugated state's point of view, whether its acceptance was considered as dictated by force or made out of its own free will. They could either opt for the continuation of war or, if the terms of the treaty seemed to be fair enough, they could accept it.

As to the process of reaching an agreement with another party, three steps were to be implemented:

1. The preliminary negotiation. Among the first agreements that the Muslims concluded with the Qurayshites was the Al-Hudeibiyah Treaty. The Islamic chronicles record that three delegates from the Quraysh came to negotiate with the Prophet (PBUH) a settlement that would give the Muslims access to Mecca. In the final stage, the Qurayshites sent a delegation of three members, headed by Sohail bin Amr, who conducted the negotiations for the Hudeibiyah Treaty. The purpose of the first three envoys was to explore the intentions, to evaluate the situation and probably, and to convince the Muslims to reconsider their plans. The last delegation was to discuss the terms of an agreement.

Another example of such preliminary negotiation was when Amr bin al-Aas was leading an army in Egyptian territory. Al-Muqawqas of Egypt sent a delegation to Amr with a request for negotiations. The Arab leader kept the Egyptian delegation waiting for two days to demonstrate to them the power and determination of the Muslim troops. The Egyptian Chief sent another delegation with a similar request. Finally, Amr dispatched a delegation of ten persons to negotiate a peaceful settlement.[32]

2. The next step is negotiating and composing the text of the treaty. Once again the Hudeibiyah Treaty presents a good example. Through the process of negotiation between Sohail bin Amr and the Prophet (PBUH), objections were raised as to the

terms of the prologue, the credentials of the parties, and the provisions of the agreement.[33]

The text of the treaty was recorded on two copies. Prophet Muhammed (PBUH) kept the original, and the other copy was delivered to the Qurayshites.[34]

3. The third step of concluding an agreement is signing it and recording the witnesses. Prophet Muhammed (PBUH) fixed his seal on the document, Al-Hudeibiyah, which was attested by several witnesses from both parties. The number of witnesses varied from one treaty to another. In one case, there were thirty witnesses while, in another case there were only two.[35]

4. One could add a fourth step to the process of finalizing an agreement, that is, the act of ratification. In case the Prophet (PBUH) or the Caliphs themselves retracted the covenant, the recording of several witnesses who were notables served as a ratification of the treaty. They were usually representatives of the notables (*Ahl-ul Hal wal Aqd*). In case an agreement was concluded by a representative of the Caliph, such an agreement would be transmitted to the Caliph for his ratification, as was the case when Abu Obeidah had to secure the approval of Caliph Omer (RA).

The types of agreements that were concluded by the Arabs in early Islamic history can be classified into the following three categories:

Treaties of Good-neighbourly Relations

The first treaty of this category was concluded in the first year of Hijra (Prophet's (PBUH) immigration to Medina). On his arrival in Medina Prophet Muhammed (PBUH) signed a convention that specified the kind of relations between the Muslims on one side and the other Arab and Jewish tribes in Medina on the other. The convention stipulated that the Jews who rallied themselves with the Muslims would earn the right to their aid without any indiscrimination, and the Muslims would not help other parties against them. The convention, further

stipulated that the non-Muslim parties to this convention would not offer protection to any Qurayshite or to his property. Like all such treaties of good-neighbourly relations, either party is to disassociate itself from granting asylum to or helping an enemy of the other party.

The 'Aman' Agreement

The term 'Aman' could be interpreted as the right to protection, conduct, security or inviolability granted to individuals or groups by some party who was in a postion to offer it. The concept of 'Aman' existed before Islam as a moral commitment binding only on the party offering it. In the Islamic era this concept was institutionalized with two modifications:

- The Aman granted by an individual or the state is a binding commitment for all Muslims.
- Aman could be granted to individuals, to a group, or to the whole population of a city or region. Any Muslim, male, female or even slave could grant his protection to individuals from an opposing party who were seeking his or her protection. For groups and inhabitants of a city or territory, this privilege was the responsibility of the leader or the state representative. The Quran and the Prophet's (PBUH) Hadith laid the principles for this concept. The Quran instructs Muslims 'If anyone of the idolaters seeketh thy protection, then protect him so that he may hear the word of God, and afterward convey him to his place of safety.'[36] The Prophet's Hadith tells that 'the blood of Muslims is of equal value, and the humblest among them grants their protection, and they are united against the others.'

Under this title we deal only with the general Aman that a Muslim leader or a representative of the Caliph could extend on the basis of an agreement. The protection of the Muslim State would include the population of the Aman territory and those who are passing through it or temporarily residing in it. During war with other nations, two forms of restrictions

could cease the acts of hostilities: the Aman Agreement or the peace treaty. The main difference between the two was that the latter was concluded by the heads of states or by representatives acting on their behalf. The Aman Agreement could be concluded by the Muslim leader on the spot and, generally, for a limited period. This could be transformed into a peace agreement if it was to be prolonged for a long or indefinite period.

The Peace Treaties

These type of treaties are normally concluded at the end of a war, or during a war, when both parties reach a conciliatory agreement, or before the start of war to avoid hostilities. In other words, a peace treaty is concluded in relation to the state of war.

The ideological principle for this category of treaties is the Quranic verse that says 'If they incline to peace, incline thou also to it, and trust in God.'[37] Peace treaties in regard to their duration could be:

- For a limited period, as in the case of Al-Hudeibiyah Treaty, which was for ten years, or the accord which the representative of the Umayyad Caliph, Abdul-Malek, reached with the king of Khurasan, that was to last for seven years. In both cases these agreements could be called truce agreements.
- For an indefinite period, as in the case of a treaty that the Caliph Muawiyah concluded with the Armenians.

As to the substance of the peace treaties, one could classify them into five types:

- The treaties that stipulate the provision of tributes (djizyeh) to be paid to the Muslim State in exchange for peace and protection extended by the Islamic State to the contracting party.
- Peace treaties concluded with other parties without any financial obligations, provided that the other party may help the Muslim troops or facilitated their mission against a third

party. Such agreements were concluded by Khalid bin al-Walid and the inhabitants of Ullays during the conquest of Iraq, and by Abu Obeidah and the people of Daluk (near Antioch) when fighting against the Byzantines in northern Syria.[38]

- Peace treaties with hostages offered by one party, or exchanged by both parties as an assurance against treachery. Muawiyah, reached such an agreement with the Byzantines who delivered hostages to the Muslim State. When the Byzantines violated the peace agreement, the Muslims released the hostages saying 'It is better to counter treason with honesty than to reciprocate.'[39] The rules regarding the preservation of hostages were:
  - Hostages could not be released as long as hostilities did not break out.
  - They were not to be killed or harmed.
  - They had to be released in case the fighting resumed.
  - If the hostages were men, they had to be safely conducted to the borders, but in case the hostages were women or minors, it was the obligation of the state to secure their reunion with their families.[40]
- Peace treaties where a Muslim state would pay tribute to another state. Despite the fact that there is no clear legal principle in the teachings of Islam to this effect, in practice such agreements were frequently concluded. Muawiyah, his son Yazid, and later on, Abdul-Malek reached agreements with Constantinople whereby they each paid a certain amount of money for maintaining peace with Byzantium during internal troubles.
- During the Abbaside rule, both states, the Byzantine and the Abbaside, were obliged at one time or another to conclude agreements, according to which, they had to pay ransom for the release of their prisoners.

NOTES

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36. Ibid., p. 72.
37. Ibn Al-Athir, op. cit., p. 204.
38. Armanazi, N., op. cit., p. 119.
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14

AUXILIARY MEANS OF DIPLOMACY

Besides the three main institutions for conducting Arab diplomacy during the period under study, i.e. ambassadors, diplomatic correspondence and treaties, one can cite other auxiliary means, that ultimately would feed the main stream of diplomatic activities. These means may be restricted to the following three basic practices:

1. Economic and Commercial Relations

One may argue correctly that in the history of nations, commercial exchanges preceded diplomatic relations. The latter might have come to facilitate and to organize the former type of relations. This study already pointed out that the Qurayshites, in pre-Islamic history, had sent envoys to neighbouring countries to reach agreements with them in order to ensure the safety of their commercial caravans.

On the other hand, commercial and economic relations may serve, in the present, as they might have served in the past, the political and diplomatic plans of nations. With the expansion of the Islamic Empire the sphere of commercial relations expanded as well. The Arab historians, Al Masoudi and Abul-Fida, recorded that early Abbaside rulers discussed the possibility of boring a canal on the lines of the present Suez Canal, but they abandoned the idea out of fear that it might expose Hijaz to attacks from the enemy.[1] During this period, Damascus, and Baghdad became

flourishing centers of commerce, that received traders from all over the territories surrounding the Islamic State. The Muslim traders reached lands that no Arab troops had set foot on.

Al Tabari relates that while Abu-Sufian (the Quraysh leader before embracing Islam) was in Gaza, heading a group of Qurayshites who came for trade, he was told to meet the Byzantine Emperor who happened to be then in Jerusalem. The meeting, that took place around AD 628, seemed to be devoted to the discussion of the new Islamic community in Medina and its leader.[2]

Commercial relations with China commenced as early as the first century of Islam, but diplomatic relations with China preceded trade relations. The Chinese records of that period refer to Muslims under the name of Ta-shih, which could be related to the name of an Arab tribe Tayyi.[3] Those traders had certainly carried with them and conveyed to the people they traded with, their beliefs and their political and social thoughts. A Muslim community was established on the periphery of China and served as an intermediary in the Arab-Chinese relations.[4] It was also the Muslim traders who carried Islam into the islands that later became known as Indonesia. The concept of benefiting from commercial relations in the service of diplomatic relations was not purely an Arab concept. Wilhelm Ensslin, in his study of Byzantine history of the same period, tells that the Byzantine government used to put commercial relations at the service of its diplomatic activities since 'every missionary, every merchant proceeding abroad obtained information which could be of great value in dealing with the ruler of the countries visited.'[5]

2. Cultural Relations

In the previous paragraph it was pointed out that the Byzantine authorities used missionaries, as well as merchants in the service of their diplomatic relations. In the Byzantine-Islamic relations, warlike diplomatic and cultural contacts were actively shaping the relations between the two powers. Under Lieu III

(AD 717-41) a mosque was constructed in Constantinople and he issued a decree by which he ordered the destruction of all images in churches, according to a concept which is not different from that of Islam 'so that one Greek chronicle refers to this emperor as the Saracen-minded.'[6] The Nestorian, John of Damascus, who lived under the Umayyad Caliph Yazid II (AD 720–24) wrote the famous treatise 'Against Those Who Depreciate Holy Images'. Yet, John of Damascus was not hampered by the Muslims in his literary work while he was accused at the Iconoclast Council in AD 754 of being 'inclined to Mohammedanism'.

The cultural contacts between Byzantium and the Arabs went back to the first Umayyad Caliphs. The Caliph Walid I (AD 705-15) 'asked the Emperor to send him Greek artisans to adorn with mosaics the mosques of Damascus, Medina and Jerusalem.'[7] In the Abbaside epoch, Al-Mamun requested Theophilus, the Byzantine Emperor to permit Leo, a distinguished mathematician, to come to Baghdad for a short stay, offering in exchange 'lasting peace and two thousand pounds of gold'.[8]

The impact of Arab culture on Byzantine diplomacy was evidenced in the way Arab envoys were treated in the Byzantine court. According to Ramboud in his chronicle *L'Impire Grec aux Dixieme Siecle*—a chronicle that describes the sympathetic treatment the Byzantines accorded to Arabs of the Orient, though 'infidels they certainly were, but courteous and civilized'—they were classified as a higher category than those 'unrefined co-religionists of theirs!'[9]

3. Publicity and Informational Activities

In the period that is being discussed, technical means of communicating information were not available, but the intent to influence public opinion and the employment of publicity to serve diplomatic ends existed. The Arabs resorted to different rudimentary means for the purpose of spreading information.

One important vehicle was poetry which was especially effective among the Arabs. A well composed poem would travel among the Arab tribes and would be remembered and retold, earning the admiration even of the enemies. Its effect would not be diminished except by a poem of equal or better standard countering it. In the ninth year of Hijra (AD 631), a delegation of Bani Tamim came to meet Prophet Muhammed (PBUH) in Medina. The head of the delegation asked Prophet Muhammed (PBUH) to let their orator and their poet compete with his people. When Otareh bin Hajeb delivered his oratory, on behalf of Bani Tamim, Thabit bin Qays responded, from the Muslim party, with an oration. Then the famous Muslim poet Hassan bin Thabit answered with a poem of his own, upon the request of the Prophet (PBUH).[10] Another famous poet, who embraced Islam in the same year, was Ka'ab bin Zuhair. His poem praising Islam and the Prophet (PBUH) earned him the mantle 'burda' of the Prophet.[11]

The Umayyad and Abbaside courts always had well-known poets. In addition to the court poets, other poets received generous treatment and rewards from the Caliphs and high officials.

NOTES

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15

MANIFESTATIONS OF DIPLOMATIC CONDUCT

In conducting their diplomatic relations, the Arabs observed certain rules that were, and still are, considered as necessary to facilitate these activities. These are the immunities and privileges extended to diplomatic envoys and the manner of dealing with diplomatic missions which now comes under protocol.

Some of these rules were known and observed by the Arabs before Islam and some other rules were traditions recognized in international contacts. Regarding the previously mentioned rules, Islam had accepted them, modified them, or presented new ones. In all cases, the most significant modification of these rules was that they were basically codified in religious and legal terms.

Diplomatic Immunity

In Arab traditions, before Islam, certain rules of immunity were observed on the basis of place, time or circumstances. The pilgrims to Kaaba were immune, their safety being secured during the four forbidden months and both, envoys and those who requested Aman, were to be protected. Islam recognized these traditions and further legislated them.

The right of Aman was extended to anyone including envoys. The latter were entitled to the protection of Muslims not only under the institution of Aman, but also for the nature of their mission. While Aman could be granted or denied, an envoy was

to be received with no obstacles to mar his visit. The only limitation on his freedom was the checks that were applied to the act of spying. If an envoy acquired military information that would be prejudicial to the Muslim army, it was permissible to retain him until this problem had been taken care of.[1] This constraint did not imply ill-treatment or imprisonment of the envoy, even if he reacted unfavourably.

When Prophet Muhammed (PBUH) received two envoys from Musailemah bin Khabib (who claimed prophethood and suggested partitioning the land between them) he asked the envoys what they had to say to that. They attested to what Musailemah had claimed. Prophet Muhammed (PBUH) responded by saying 'By God, if it were not (the fact) that envoys could not be killed I would have severed your heads.'[2]

As an evidence of the modification Islam made on the rule of immunities granted to diplomatic envoys, two examples can be cited. In presenting the Arab concept in comparison to the then prevailing traditions, Joinville in his book *Origines du Droits International* says that, in the nineteenth century, the right of inviolability granted to ambassadors was not based on a principle of law, but only on the value of a word given. If the king who gave his protection to an envoy died while the latter was still in the country, the authorities would take the ambassador and his companions as prisoners and slaves, whether they were Muslims or Christians.[3] On the other hand, the principle of Aman was binding not only on the one who extended his protection, but also on the Muslim community as a whole. When a Venetian delegation came to the Prince of Padova, Francesco Carrara, a few centuries later, the Prince cut off the noses and ears of the delegates.[4] Even at the beginning of this century, the Rules of the Hague (1907) stipulated in Article 13 that an envoy would lose the right of inviolability if he committed an act of treachery.[5] On a contrasting plane is the example of diplomatic forbearance set by the Umayyad Wazir of Andalusia, Al-Mansur. He was receiving a delegation dispatched by the King of Leon when the head of the delegation, who had come to request a three-day truce, uttered some insulting remarks to him. It is related that

Al-Mansur smiled and requested the envoy to proceed and present his request which was then courteously accorded.[6]

Diplomatic Privileges

Foreign envoys were received by a Muslim ruler with courtesy and honour. Nizam al-Mulk stresses that ambassadors are the representatives of their monarchs and they should be treated as such. From the early days of Islam instances were recorded to this effect. In the year AH 9 or AD 631, a delegation from the Thaqif tribe came to Medina to meet the Prophet (PBUH). They were received and accommodated in a simple but dignified manner. Before meeting the Prophet (PBUH), they were informed of the Muslim way of salutation; they ignored it and insisted on their own traditional salutation. When offered food, they would insist that the host should try it first.[7]

It has been already cited that Abu-Bakr, when instructing the first army that was directed to Syria, ordered the leader Yazid, that in case he received envoys coming from the side of his enemy, he should treat them well. Muawiyah was known for his affable treatment of visitors that 'made him seem more like a Sayyid of an Arab tribe than a sovereign.'[8]

Diplomatic envoys were exempted from taxes imposed on the inhabitants of the Islamic State. Only goods carried by the envoy for commercial purposes were subjected to taxation. Abu Yousuf, the well known Islamic legislator in the Abbaside period, stated that an envoy who brought material for trading would pay one-tenth tax after conducting the sale.[9] In a comparable modern instance, the Vienna Convention of 1961 enumerates cases of exempting a diplomatic agent from duties and taxes, but Article 34 excludes from exemption taxes imposed on personal income earned by a diplomat through commercial activities which take place in the host country. It further excludes from exemptions, taxes due on private real estate owned by a diplomat and the indirect taxes included in prices and tariffs.[10]

An envoy to a Muslim state was not allowed, on his way back to an antagonistic country, to carry with him arms, horses or captured slaves. If he had bought them, they would be returned to the seller and his money would be refunded. The measure was taken on the premise that these would add to the power of the enemy.

Ceremonies and Protocol

Ceremonies and protocol are tributaries to the mainstream of diplomatic activities. They help in organizing such activities, with the intention of giving the right impression of power and greatness. They also are meant to avoid any unfavourable reaction resulting from an unintended error or lapse.

In the early Arab history, one finds that measures of protocol evolved along with the course of development and growth of the Islamic States. In early Islamic history, rules of protocol were simple and rudimentary. They became more complex and refined in the later period of the Umayyad and Abbaside reigns. At the peak of that period, ceremonies and rules of protocol that were observed in the three capitals of Andalusia, Byzantium and the Abbaside Empire were, in many ways, so similar that it was difficult to make out which one of them was imitating the other.

The main principles of these activities could be found in the early days of Islam. The Quran laid down certain rules for proper conduct which were certainly applicable in the case of diplomatic behaviour. At that time, delegations coming to meet the Prophet (PBUH) were taught to observe the rules of precedence and how to address him. 'Ye, who believe, put not yourselves forward before God and His Apostle...' 'Ye, who believe, raise not your voices above the voice of the Prophet (PBUH), do not speak aloud to him in talk, as ye may speak aloud to one another...'[11]

When the delegation from the Thaqif tribe came to meet Prophet Muhammed (PBUH), they were instructed in greeting him

with the Islamic salutation. When Abu-Bakr (RA) went to bid farewell to the Muslim army that was dispatched to Syria, he went on foot while the army leader, Yazid bin Abu Sufian was riding. The latter addressed the Caliph asking him either to ride or to let him dismount. The Caliph refused either proposal saying that he was making this 'gesture' for the sake of God. When Omer bin al-Khattab (RA) entered Jerusalem dressed simply and met Bishop Sofronius, the Greek historian Theophanes claims that the bishop exclaimed 'truly, this is the abomination of desolation spoken of in Daniel the Prophet (11:31) as standing in the holy place.'[12] This indicates that during the first phase of Islamic history, heads of states and their district governors were modest in their appearance and simple in their manner of contact with the others, being first among equals, distinguished only by their responsibility. At a later stage, Caliphs were separating themselves from the population, whether in the mosque or inside their palace. In the court of the Abbaside Caliph, a post for the Chamberlain was created under the name of Hajib. His duty was to introduce the 'accredited envoys and distinguished visitors into the Caliph's presence.'[13] Priorities, ranks and titles of honour became known from the beginning of the Umayyad Dynasty rule. Muawiyah used to sit in the audience chamber within the mosque on a square seat covered with richly embroidered cushions which formed the Caliphal throne. On the right stood his paternal relatives in a row according to seniority and on his left stood his maternal relatives, in the same order.[14] During the Umayyad and Abbaside rule, the Caliph's viceroy in the province was addressed as Amir. In the districts the governor appointed by the Caliph or by the Amir of a province was known as Aamil. During the Abbaside rule, the highest official in rank, assisting the Caliph, was called Wazir.

On the other side of the borders, the Byzantine Emperor had among his high officials and the most important, the *Magister Officiorum*, who administered among other things the ceremonies of the royal court and introduced foreign envoys.[15] His function was apparently not much different from that of the Hajib. The Emperor was liberal in distributing titles to his subordinates. The

high officials belonged to the classes of *illustres*, *spectacles* and *clarissimi*. Some of these titles like 'Magnificence' and 'Excellence' survive to the present day.[16] Such liberality in granting titles of honour was not limited to the high officials of the Byzantine government. In the first half of the tenth century, the patriarch of Constantinople writing to the Arab Amir of Crete, addressed him as 'Most Illustrious and Most Honorable and Beloved.'[17] In the later stages of the Islamic State such pompous titles could be traced to the practices of the Byzantine Empire.

The ceremonies performed in the Abbaside period displayed the wealth and glory of the Islamic State. In AD 917, the Caliph Al-Muqtadir received the envoys of Constantine VII in his palace with great ceremony. Their mission involved the exchange and ransom of the prisoners. The array that greeted the guests included 160,000 cavalry and footmen, 7,000 eunuchs and 700 chamberlains. A hundred lions marched in the parade and 38,000 curtains of which 12,500 were gilded, hung in the Caliph's palace. The envoys

> were especially impressed with the Hall of the Tree which housed an artificial tree of gold and silver weighing 50,000 dram, in the branches of which lodged birds of the same precious metals so constructed that they chirped by automatic devices. In the garden they marvelled at the artificially dwarfed trees which by skilled cultivation yielded dates of rare varieties.[18]

Arab historians reported detailed descriptions of the glorious ceremonies performed in the ninth century, particularly during the reign of Harun Al-Rashid and his two sons, Al-Amin and Al-Mamun. Al-Nasser, the Umayyad Caliph in Andalusia and a contemporary of Al-Muqtadir in Baghdad, received around the year AD 948 (366 H) a delegation from Constantinople, dispatched by Emperor Constantine. The Caliph arranged troops with full arms and decorated uniforms for the reception of the envoys. The palace was decorated with curtains and rugs. The Caliph's associates and members of the royal family were in the receiving line according to their seniority. The ceremony was

so magnificent that it impressed not only the envoys but also many of the notable hosts. These dignitaries were so dazzled by the splendour of the occasion that when the time came for them to receive the envoys with speeches of welcome, they were struck dumb.[19]

Reciprocally, the Arab ambassadors were received in Constantinople with brilliant court ceremonies, diplomatic courtesies and astute display of military strength. At the imperial table the Arab envoys occupied higher places than the Western ones.[20]

> The foreign envoy was usually led into a magnificent hall in the palace through a crowd of richly clothed dignitaries and through rows of bodyguards with glittering arms. Finally a curtain was drawn back and he gazed on the emperor clad in his robes of state and seated on his throne. On each side of the throne roared golden lions, mechanical birds sang on a gilded pomegranate tree and while the visitor prostrated himself, the throne was raised aloft so as to make it unapproachable.[21]

These glorious receptions of envoys were often accompanied by presentations of gifts on both sides. A Frankish historian relates that Charlemagne's envoys returned home from a mission at the court of Harun Al-Rashid with gifts that included fabrics, aromatics, an elephant and a clock.[22] Arab historians report that the delegations from India brought Harun Al-Rashid valuable presents, and that his son Al-Mamun received similar rich gifts from the Byzantine Emperor.[23]

With regard to the etiquette that was observed during that period, one may quote a ninth to tenth century Arab author who describes a gentleman of that period Al-Washsha, in his book *Kitab Al-Muwashsha* as:

> the one who is in possession of polite behaviour, culture (Adab), manly virtue and elegant manners, who abstains from joking, holds fellowship with the right comrades, has high standards of veracity, is scrupulous in the fulfillment of his promises, keeps a secret, wears presentable clothes and at the table takes small mouthfuls,

converses or laughs but little, chews his food, licks not his fingers, avoids garlic and onions and refrains from using the toothpicks in public meetings and on the streets.[24]

During the ceremonies organized at a Byzantine court on the occasion of receiving Arab ambassadors, a requirement of etiquette was to inquire about the Caliph and his officers, their news and their health, but never to inquire about their wives, a formula which resembled that offered to Western ambassadors.[25]

NOTES

1. Rashid, Ahmed, *Islam et droit des gens, Recueil des Cours*, Vol. II, Librairie du Recueil Sirey, Paris, 1973, p. 498.
2. Ibn Hisham, op. cit., Vol. IV, p. 183.
3. Armanazi, N., op. cit., p. 140.
4. Rashid, A., op. cit., p. 498.
5. Ibid.
6. Ibid., p. 499.
7. Ibn Hisham, op. cit., Vol. IV, p. 137.
8. Vaglieri, Laura Veccia, The Patriarchal and Umayyad Caliphate, *The Cambridge History of Islam*, Vol. I., p. 80.
9. Abu Yousuf, *Kitab Al-Kharaj*, p. 106.
10. Vienna Convention on Diplomatic Relations, 1961, *Diplomacy, its Past, its Present and its Future*, Jamal Barakat, Riyadh, 1985, Art. 34.
11. *The Holy Quran*, Sura XLIX, 1, 2.
12. Hitti, Ph. K., *Makers of Arab History*, op. cit., p. 32.
13. Ibid., p. 318.
14. Al-Isfahani, *Abul Faraj, Kitab Al-Aghani*, Dar Al-Thaqafenh, Beirut, 1983, bol. 4., p. 8.
15. Ensslin, Wilhelm, op. cit., pp. 282, 283.
16. Ibid., p. 284.
17. Vasiliev, op. cit., p. 312.
18. Hitti, Ph. K., *History of the Arabs*, op. cit., pp. 302, 303.
19. Ibn Khaldoun, *Kitab Al-Iber*, op. cit., Vol. VII., p. 309.
20. Vasiliev, A. A., Byzantium and Islam, *Byzantium: An Introduction to East Roman Civilization*, ed. Norman H, Baynes and H. St. L.B. Moss, Oxford, 1953, p. 312.
21. Ibid., p. 306.

22. Hitti, Ph. K., *History of the Arab*, op. cit., p. 298.
23. Ibid., p. 299.
24. Ibid., pp. 335–337.
25. Armanazi, N., op. cit., p. 140.

16

CONCLUSION

The Arabs came into contact with the rest of the world during the seventh to ninth centuries, carrying a message that embodied rules and principles and directives on relations between individuals and nations. They accepted some prevailing principles, modified others and introduced new rules and principles. In either case, these accepted, modified, or introduced rules were codified and established in the form of law and faith. Their observance by Muslims was assured because of its status as law and their origin as religious beliefs.

A large proportion of the presently accepted rules of international relations were already established and recognized by the Arabs of that period. They respected their commitment to treaties and conventions and they gave priority to peaceful settlement through mediation and arbitration. They recognized immunities and privileges of diplomats, granted the right of asylum through the institution of Aman, and observed the rules concerning aliens, neutrality, and good-neighbourly relations.

One can point with confidence to certain rules of international relations, practised at present, that were established by the Muslim Arabs of that period. Equality among men and nations, brotherly relations and the principles of universality in the legal sense, were the contribution of Arabs to the world. When Islam was teaching that men were brothers and people were created to live together, being descendants of the same father and mother and that no Arab had advantage over a non-Arab, or a race over another race, the Romans and Byzantines were classifying the peoples of the world into three categories—the civilized, the barbarians and the savages. It took Europe eleven to twelve

centuries more to acknowledge these principles through the motto of the French Revolution. Yet, their applicability to other nations remain questionable.

While the Muslim State was prevented, according to the teaching of the Quran, from intervening in the internal affairs of another state with which it was bound by a treaty, even in order to aid the Muslim minority there, the present practice of the big powers interfering in the affairs of smaller states is often justified as providing support to certain minorities in those states.

The Arabs observed certain principles regarding the conduct of war, i.e. the inviolability of peaceful individuals who did not participate in the acts of hostilities (children, women, invalids and monks); the protection of religious places and vital resources the sacredness of death and dead bodies; the fair treatment of people under occupation; the prisoners of war and hostages; and many other situations which were codified in the Geneva Convention fifty years ago.

The contributions of the Arabs to international law and to diplomacy rules continued to be made by the successive Islamic States until the fall of the Ottoman Empire.

It is true that the Muslim States did not follow strictly at all times the rules and principles of Islam, in the same way as it is true that big powers, at present, who laid down prevailing rules of international relations adhere to these rules upon convenience.

Interaction between Muslim values and those of the other nations, and the Arab contribution to the formation of the principles of international relations, ceased to continue into modern history. Not only did they not participate in the legislation of international rules at times such as that when the victorious nations negotiated them in the framework of the League of Nations, but they were also subjected to rules imposed upon them under the mandated regime—a regime which differentiated between European countries liberated from the Ottoman rule and Arab countries. Of these, the League of Nations recognized the independence of the first but put the latter under the mandate of big power. The only standards were European values and traditions.

In present diplomatic practice, the Anglo-Saxon traits are being challenged frequently. The evolvement of the United Nations with more than 180 member states may allow the majority to have its say. In the struggle among powers the stronger may prevail, but in the confrontation among civilizations, interaction could be the only solution.

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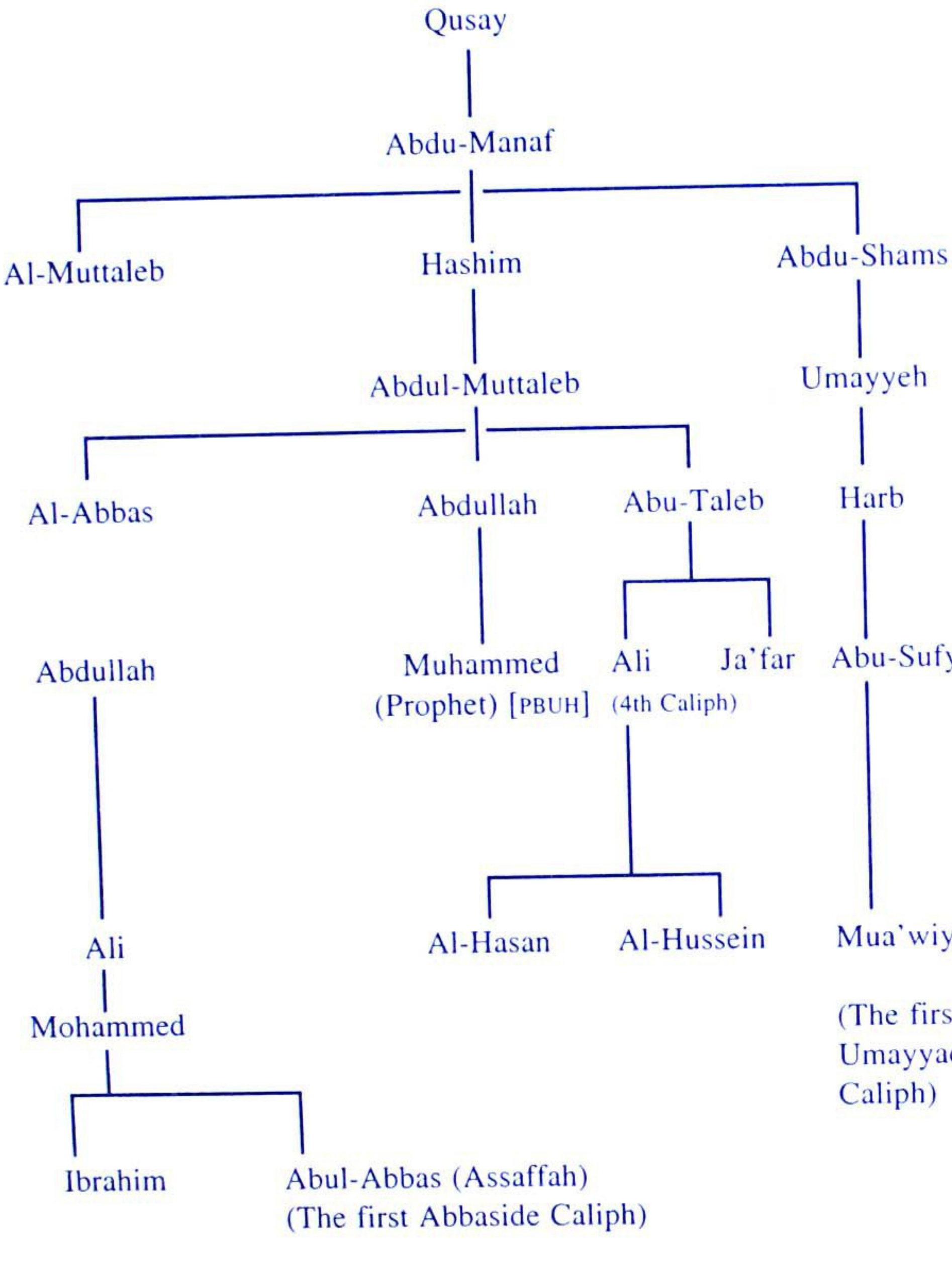
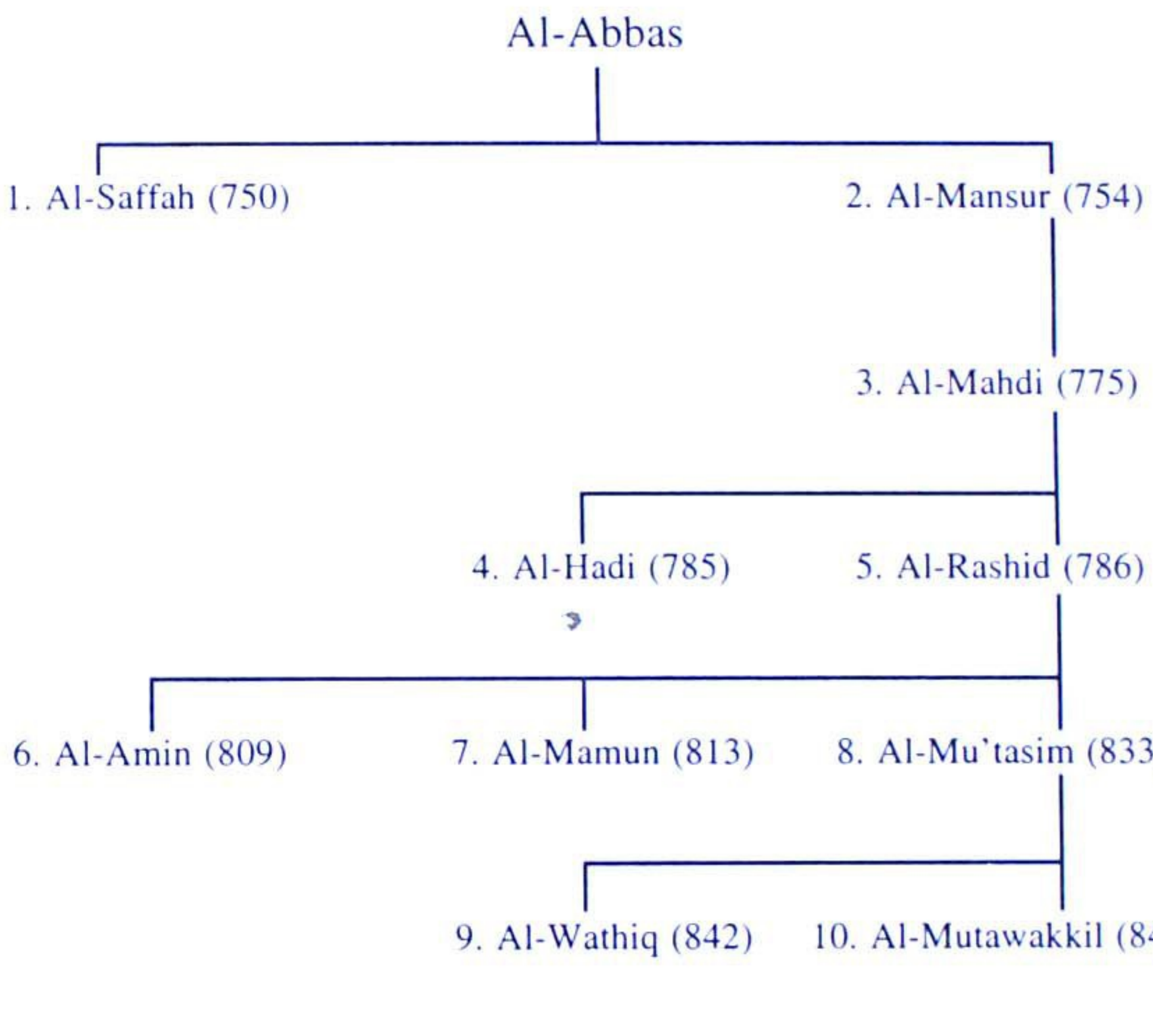
Appendix 1

PART OF THE QURAYSH TRIBE

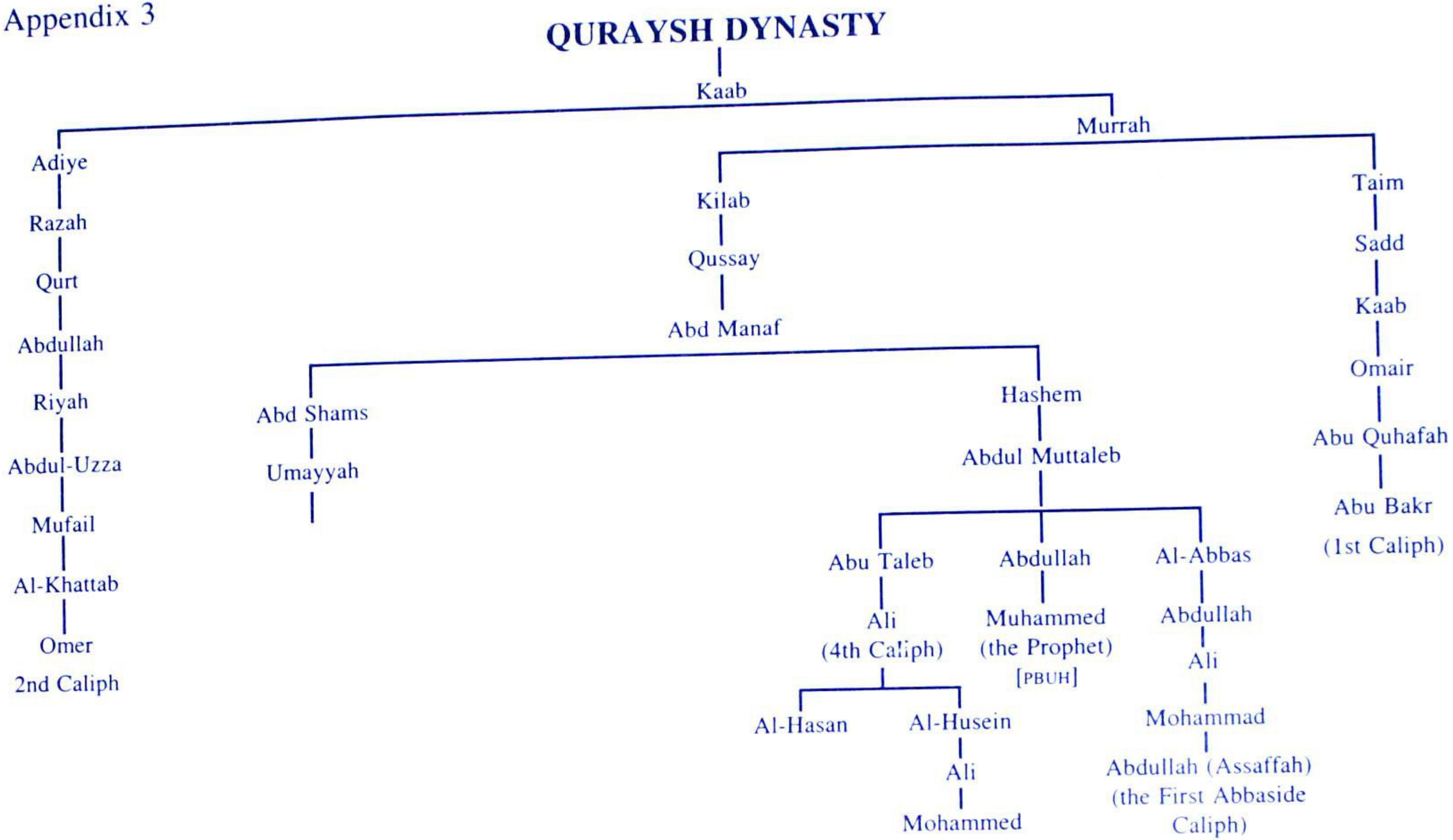


Appendix 2

THE FIRST ABBASIDE DYNASTY



Appendix 3



INDEX

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Diplomacy and Diplomatic Practice in the Early Islamic Era

Yasin Istanbuli

The Arabian Peninsula lay between the two world powers of the sixth century, the Persian and the Byzantine empires, yet, with only commerce to help them, the Arabs could maintain their neutrality, a feat which points to a native genius in diplomacy. Muslims, engaged in diplomatic parleys from the earliest times, and established the ethics governing relations between two parties. Here the author discusses Islamic diplomacy as practised by the Prophet (PBUH), and shows how Islam has influenced relations between states as well as between people.

Discussed here in depth are the Constitution of Medina, the Treaty of Hudebiya, and the Treaty of Najran. The author also elaborates on some of the outstanding instances of diplomacy as it was practised in the early days of Islam, as when a hapless band of early Muslims gained the favour of the Abyssinian Negus in spite of opposition from their powerful enemy, the Quraysh.

'The author highlights the contribution made by Arab civilization to the conduct of international relations, primarily diplomacy ... and shows how richly Arab diplomatic practice has added to the conventions, and laws of world diplomacy.'

- Muhammad Khalid Masud
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