Peaceful Co-existence in Societies from the Past to the Present; A critical Analytical Study in light of the Qur'ān and the Prophet's Sunnah

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List of Abbreviations and Arabic Transliteration System

Q	Qur'ān	Opp.	Opposite
Plur.	Plural	Sing.	Singular
N.	Noun	V.	Verb

BiH: Bosnia and Herzegovina Hijrī: The emigration from Mecca to Medina

1. Consonants:

Arabic	Transliteration	Arabic	Transliteration
أ	a	ط	ṭ
ء	'	ظ	ẓ
ب	b	ع	‘
ت	t	غ	gh
ث	th	ف	f
ج	j	ق	q
ح	ḥ	ك	k
خ	kh	ل	l
د	d	م	m
ذ	dh	ن	n
ر	r	هـ	h
ز	z	و	w
س	s	ي	y
ش	sh		
ص	ṣ		
ض	ḍ		

2. Vowels:

Arabic (long vowels)	Transliteration	Arabic (short vowels)	Transliteration
ا	Ā	ـَ	a
ـو	Ū	ـُ	u
ـِي	Ī	ـِ	i

3. Case endings

Arabic	Transliteration
ـً	-an
ـٌ	-un
ـٍ	-in

4. Diphthongs

ـَي (ay)	ـَو (aw)

Abstract

Peaceful co-existence between religions is both an individual and societal necessity in today's world. It is particularly important given the daily conflicts that pervade the entire world, East and West. Despite the many conventions and international treaties signed to settle such conflicts and end the ongoing wars, confrontations and disputes still break out from time to time. Therefore, the search for different strategies, other than the sole reliance on law enforcement or the use of institutional power, to end these tensions became an urgent need.

These strategies are believed to be moral-spiritual motives arising from the beliefs and cultures of people as parties to the conflict. Islam, which emerged relatively late in the history of revelation, is best equipped in terms of its moral and ethical arsenal as it incorporates within itself the cumulative moral legacy of all that had come before it. The thesis, hence, proposes that Islam, with its ethical reservoir, can bring peace and security to humanity today. In order to address the ongoing escalating conflicts, sociologists and peacemakers have proposed the concept of 'Peaceful co-existence'. The thesis, therefore, examines how Islam views this concept and its universal aspects in light of the two most authoritative sources for Muslims, the Qur'ān and Sunnah.

Given that Islam, in its normative teachings, encourages peaceful co-existence in societies, this did not prevent these teachings from being violated at times. According to the suggestion that these violations result from an erroneous understanding of those teachings, it was imperative to investigate their theological hermeneutics in order to elucidate the ambiguities involved. The methodology used in this conceptual study is the descriptive interpretive analysis of the literature surveyed on the concept of Islam in relation to the peaceful co-existence of religions and its practice in the history of Muslim societies.

It is also argued that religions have been used as a cover to justify most sectarian conflicts in societies, especially in the modern era, e.g. Egypt and BiH. Hence, it was necessary to highlight some case studies of societies to investigate the true weight of religious motives, particularly Islam, compared to other secular causes in triggering sectarianism in societies. It is concluded that in most cases, religious motives have been shown to be interwoven with other political, economic, cultural, and social factors whose historical roots vary over time. Here, the true role of religion arises to address these shortcomings and amend the course of humanity towards peace and goodness.

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INTRODUCTION

Religion has played a crucial role throughout human history, not only in the daily lives of people within their political borders but also in the relations between different nations and cultures. It has been and continues to be a pretext for war, a deceptive cover for many of them, a motive for struggle, a consolation in times of turmoil, and a means of rejoicing in times of triumph. Soldiers, politicians as well as ordinary people pray and perform various religious rituals for support and victory. An example of this appeal to religion is, as the US media one day widely reported, that during the Iraq War in 2003 and in one of the summit meetings at which the invasion was agreed in principle, both Tony Blair and George Bush had prayed together,[1] as the latter is also reported to have said about himself that God told him to go and end the tyranny in Iraq.[2] The same applies to some radical Islamic groups who often exploit some controversial sacred texts to justify heinous acts of violence in some societies. This exploitation shows the cruciality of religion in delineating human behaviour towards evil or good, peaceful co-existence with others or provoking violence and conflicts. As a result of this exploitation, vulnerable groups, ordinary people and ethnic minorities are often the first to suffer in most of these internal and international conflicts.

However, whenever asked about the cause of such conflicts, the Serbian Orthodox metropolitan Nikolaj Velimirović[3] would promptly turn to theology. He would assert: 'It was not a true religion, but the devil who controlled the hearts of those who launched ethnic cleansing and ethnic murder. Until the love of God drives out the demons in our hearts, there will always be wars between humans. This theological generalisation, however, flows on history, ancient and modern.'[4]

In general, these ongoing conflicts in the name of religion have hindered people and societies from progressing and thriving. Ethnic, cultural, and religious barriers have led to many disputes and confrontations, both at the level of individuals in particular and societies as a

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[1] Tāriq Modood, 'Multiculturalism- a civic idea,' (Polity Press, 2007), p. 74.
[2] The Guardian, 'God told me to end the tyranny in Iraq,' <https://www.theguardian.com/world/2005/oct/07/iraq.usa> [accessed 23-12-2020].
[3] Nikolaj Velimirović (B. 4 January 1881, D. 5 March 1956) was bishop of the eparchies of Ohrid and Žiča (1920–1956) in the Serbian Orthodox Church. An influential theological writer and a highly gifted orator, he was often referred to as the new John Chrysostom and historian Slobodan G. Markovich calls him "one of the most influential bishops of the Serbian Orthodox Church in the twentieth century". See Slobodan G. Markovich, 'Activities of Father Nikolai Velimirovich in Great Britain during the Great War,' (48) (Balcanica, 2017), pp. 143–90.
[4] Donald W. Shriver, 'Bosnia in Fear and Hope,' World Policy Journal, Vol. 18, no. 2, (2001), pp. 43–53(p.46), <https://www.jstor.org/stable/40209745> [accessed 29-11-2022].

whole. Despite the many agreements, local constitutions and international treaties signed to settle such disputes and put an end to wars, such as the Magna Carta (AD 1215), the Covenant of the League of Nations (AD 1919), the General Treaty for the Renunciation of War (AD 1928), and the Constitution of United Nations (AD 1945), yet conflicts and confrontations still exist. Wael Hallāq reasons the failure of these agreements to the lack of moral motivation to promote peaceful living between people.[5]

This vacuum of morality, indeed, requires spiritual motivations to amend the course of humanity towards peace and stability. The crucial role of these motivations stands out in that they address *fiṭra*, the purely humanistic impulse present in every human being, rather than the mere application of institutional power or the execution of laws. Therefore, in his book 'The Qur'ān and Just Society,' Ramon Harvey establishes a firm link between morality and *fiṭra*, as a self-built compass towards goodness and avoiding bad.[6] Such *fiṭra* should contribute spiritually to disciplining oneself by shunning self-aggrandizement, and fearing abasement before God, as Yousha Patel argues.'[7] By denying the impulse of the self to rise above the religious 'Other,' the flattening of religious hierarchy onto a plane of social equality acts as a form of spiritual discipline that cultivates a virtuous self *(nafs).*

Referring to the critical importance of morality in society, Hallāq also points out that the conflicts and disasters of famine, poverty and violations of humanity that the whole world has been witnessing, especially in the last two centuries, are mainly the consequences of the absence of moral practices and ethical paradigms, in what is called the modern era.[8] For that, Ṭaha Abdur-Raḥmān proposed that turning to religion (true religion) is unavoidable in order to save humanity from the repercussions of modernity.[9] In light of this, it is proposed that Islam as a final message, with its authoritative sources of the Qur'ān and Sunnah, is a reservoir of ethics that has the potential to correct many of these repercussions, Ṭaha argues.[10]

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[5] Wael B. Hallāq, 'The Impossible State, Islam, Politics, and Modernity's Moral Predicament,' (Columbia University Press, 2012), pp. 155-70.
[6] Cf. al-Qaḍī, 'The Primordial Covenant,' p. 336, quoted in Ramon Harvey 'The Qur'ān and the Just Society', (Edinburg University, 2018), p. 14.
[7] Yousha Patel, 'The Muslim Difference,' (Yale University Press, 2022), p. 223.
[8] Hallāq, 'The Impossible State,' pp. 155-70.
[9] Bouzabra 'Abd as-Salām, 'Ṭaha 'Abdur-Raḥmān and naqḍ al- Ḥadāthah,' (Jadawel, 2011), p. 140.
[10] Wael B. Hallāq, 'Reforming Modernity: Ethics and the New Human in the Philosophy of 'Abdur-Raḥmān Ṭaha,' (Columbia University Press, 2019), p. 31.

This thesis, hence, proposes that Islam, with its ethical and spiritual message, can bring peace and security to humanity today. The evidence of this is what Ṭaha calls 'the evidence of moral time.' Islam, having 'come at a fairly late period in the human history of revelation, is the best equipped in terms of the moral and ethical arsenal because it gathers within itself the cumulative moral legacy of all that has come before it.'[11] Religion can be deemed as a vehicle to guide humanity towards the desired virtues of justice, truth, and peace. Therefore, reading the Qur'ānic and prophetic injunctions as ethical divine commands is important to perceive the perpetual relevance of Islam and fulfil the purpose of its revelation.

In this regard, and in the long pursuit for peace in societies, sociologists and peacemakers have proposed a universal human meaning stemming from the beliefs and cultures of human beings to resolve these growing conflicts. 'Peaceful co-existence' is the sought-after meaning to address these escalating conflicts. The peaceful co-existence of diverse groups of people belonging to various religions, races, tribes, groups, colours, languages, nationalities, etc., is essential to social security and world peace. In its intrinsic nature, peaceful co-existence includes many social and humanitarian principles, such as 'religious tolerance,' 'peace,' 'unity through diversity,' 'cultural and religious pluralism,' 'inclusiveness,' and 'mutual cooperation.'

For that, the research explores how Islam, as one of the proposed moral systems, views these principles in light of its authoritative sources. The thesis, however, suggests that, when discussing these principles, one should look at the 'Normative' teachings of Islam rather than the actions of its adherents. As an infallible heavenly religion, Islam does not necessarily conform to its followers' actions. Hence, Muslim practice is not a barometer to judge Islam or the principles of peaceful co-existence in society.

1. Problem and Rationale of the Research

Since humanity, particularly in the last two centuries or the so-called modernity era with its advanced technologies, has entered a long, dark tunnel of endless wars and conflicts, the need for a humanitarian moral policy to bring about peace and security for humanity has grown critical. As in Egypt and Bosnia and Herzegovina, after centuries of mutual peaceful co-existence and even harmonious living among its various components under the rule of Islam, by the onset of the 20th century, conflicts and bloody incidents began to permeate these stable societies. In a moment of tense and charged atmosphere, people who had shared land,

[11] Wael B. Hallāq, 'Reforming Modernity,' p. 142.

language and even skin colour for centuries attacked each other and were not reluctant to ally with the perpetrators to shed each other's blood and seize their property. Regretfully, because the majority of contemporary laws and constitutions lack genuine and effective moral motives, religious and communal differences have become political pawns in the hands of elites in these cases and alike to rule, control and sometimes even ignite sectarian conflicts.[12]

Although religion is often referred to as representing the totality of the crisis in such cases, statistics prove otherwise. As Alan Axelrod and Charles Phillips point out, out of all 1,763 known/recorded historical conflicts, only 121, or 6.87%, had religion as their primary cause.[13] It is likely that religion is intertwined with political, economic, cultural, and social factors whose historical roots change over time. Islam, therefore, as a moral system, is proposed to reform these secular causes of conflicts and amend the course of humanity towards peace and goodness. The thesis also argues that these societies of conflicts could have been peaceful had they adopted the principles of peaceful co-existence encoded in Qur'ān and prophetic Sunnah.

The dire need for this role arises, especially after the September 11th and 7/7 bombings, the emergence of Islamophobia, and the reference to Islam in most violent incidents in the world.[14] This went so far that some Western politicians and thinkers have raised many doubts and fears about Muslims, claiming 'Muslims simply want to bring down democracy and destroy the Western civilisation.'[15] This also made the US newspapers, following the incident, put on their covers, wondering 'Why They Hate Us,'[16] portraying Muslims and Arabs as carrying weapons and with a fierce appearance. Does Islam truly hate 'Others' and seek to destroy them?

There is no doubt that some of these fears have a religious basis, regardless of their significance. This basis rests on the actions of some Muslims themselves who have misinterpreted some controversial sacred texts away from the temporal and spatial context in which they were revealed. This intentional or unintentional misinterpretation is often made either to satisfy the zeal of one's faith or to serve certain political and authoritarian agendas,

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[12] Michael E. Brown, 'The Causes of Internal Conflict: An Overview.' in Nationalism and Ethnic Conflict: An International Security Reader, ed. By Michael E. Brown (Cambridge, MA, 1997), pp. 3-25.
[13] Alan Axelrod & Charles Phillips, eds., 'Encyclopedia of Wars,' (Facts on File Library of World History, Religious wars, 2004), Vol.3, pp. 1484–1485.
[14] Modood, 'Multiculturalism,' p. 137.
[15] Thierry Meyssan, 'The Phobia of the International Islamic Conspiracy,' as quoted in Aspects of Islam and Social Co-existence: the Case of Britain, Amr Khalid, (University of Cardiff, 2010), p. 27.
[16] See Newsweek's cover of September 28, 2001.

be it by some groups (ISIS), governments (some Medieval Islamic caliphs, al-Mutawakkil, al-Ḥākim bī-Amr Allāh...) or even by jurists in certain times (Ibn Taymiyyah and the 'Pact of 'Umar').[17] The common motives behind these interpretations are to pass on certain ideas, keep the public under control or respond to some surrounding dangers. It is therefore essential to re-read these sacred texts thematically, applying the various principles of hermeneutics in order to reach their rationales and proper understanding. This reading should address many of the controversial issues related to the principles of co-existence in societies and refute many of the misconceptions about Islam.

2. Aims of the Research

The research aims to examine the spiritual and moral message of Islam to bring peace and stability to society. Firstly, it will attempt to conceive this message horizontally through a thematic reading of the relevant texts in the Qur'ān. It will also discuss some of the related misconceptions about the principles of this message, employing the various hermeneutical aspects. Then, it will discuss how the Prophet Muḥammad, as a Prophet and a state leader, promoted these principles vertically from the source (the Qur'ān) to be manifested in society through words and actions, e.g. sermons, sayings, and treaties. In addition, it aims at exploring the conditions of minorities under Muslim rule with its counterpart under non-Muslims in light of the case studies included. Finally, the true weight of religion in provoking most conflicts will be assessed in comparison to other secular causes, thus highlighting the role of religion in correcting these deviations.

3. Contribution of the Research

Based on the above-mentioned aims, recommendations and suggestions should be made to promote the aspects of peaceful co-existence in societies of conflict and raise awareness among the masses. The research contributes to conveying two messages, one for Muslims as a guide and code of interaction with others, by re-reading the relevant sacred texts in the light of today's challenges. Through this reading, the research proposes that Islam is capable of providing frameworks for peacebuilding and non-violence in societies, thereby fostering peace and stability. The second is for others to know the true image of Islam and its peaceful message to humanity, compared to the conditions of today's world under modernist Western hegemony. As a result, this should contribute to building bridges of trust, cooperation and

[17] 'Abdulazīz Sachedina, 'The Islamic Roots of Democratic Pluralism,' (Oxford University Press, 2001), pp.29-30, 57; Patel, 'The Muslim Difference,' pp. 84, 117.

understanding with ‘Others’ and thus eliminating the triggers of violence and conflicts in societies.

4. Research Questions

1. What is the impact of Islam’s spiritual and moral principles in the context of promoting peaceful co-existence in societies?
2. Does Islam have the capacity to reinforce these principles and bring peace and stability to humanity, and in these case studies in particular?
3. How have the differences in the interpretation of sacred texts throughout history affected these principles?
4. What is the nature of co-existence under Islamic governance compared to others?
5. Are the causes of conflicts in the selected case studies mainly of a religious or secular nature?

Before discussing the methodology of answering these questions, the conceptual framework of the issue from an Islamic perspective needs to be highlighted. This framework would clarify the various dimensions of the problem and the primary determinants of its outcomes, which are the moral component and the power of institutions (governing elites).

5. The Conceptual Framework of Co-existence in Islam

In Islam, the imperative manifestation of tolerance and peaceful co-existence is profound, conceptual, and required. It is not an option but rather a testament to fulfilling an individual's covenant with God and part of a conceptual framework that mandates it throughout society. Moreover, there is a direct epistemological and ontological connection between these Islamic principles and the normative, conceptual, and non-optional manifestations of a theologically mandated 'tolerant' Islamic society. This process is achieved in two ways: first, horizontal, in which the principles and ideals as articulated in the Qur’ān and the Sunnah are delineated in order to clarify the direction of human behaviour; second, vertical, in which those principles are meant to be manifested in society. In other words, tolerance in Islam is predicated on both horizontal and vertical equality. The principles, as articulated in the Qur’ān and the Sunnah, establish horizontal equality, justice and tolerance based on a coherent epistemological and ontological rationale. Then, it is intended to flow vertically downwards from the source to humanity in order to permeate the social life of mankind. Therefore, tolerance is not noticeable because those with the power to institute their choices over the rest of society do so at their discretion or privilege. On the contrary, tolerance is mandatory since, according to Islamic sources, God has created all human beings in a state of equality and goodness, requiring them

to appreciate diversity. [18] In general, tolerance as a main constituent of peaceful co-existence, according to this definition, is both the inherent recognition and embracing of diversity and pluralism. These principles and their various dimensions are dealt with and discussed in some detail in chapters 1 and 2.

6. Methodology

In order to answer the five core questions above, this study relies on the descriptive-interpretive approach of the available literary works related to the topic under study. An important part of the interpretation will be based on the hermeneutical theory of legal and theological materials consulted in the study as well as a descriptive approach of the case studies included. The hermeneutical aspects will help in perceiving the wisdom and spiritual notions behind these texts through researching the temporal and spatial contexts and the circumstances surrounding their occasions, particularly those in the Qur'ān, Sunnah, and Islamic traditions. In this regard, it is useful to mention Farīd Esāck's criteria for such way of interpretive theories. In order to apply such theories in an integrated way, Esāck suggests that multiple genres of Islamic scholarship need to be utilised, such as *'Ulūm al-Qur'ān*, and *'Uṣūl al-fiqh* for establishing textual meaning, examining not just isolated occasions of revelation, but the socio-historical context of the Qur'ān as a whole, and viewing the *tafsī*r tradition as ever-changing approximations of authorial intent.[19]

In the same context, Harvey suggested four steps to schematise hermeneutics in the intra-textual analysis of the Qur'ānic texts, the *Niẓām* or 'textual structure', *Naẓm* or 'syntaxpragmatics,' semantics, and socio-historical context.[20] In order to better analyse the sacred texts on the topic and extract divine concepts from them, studying and employing these principles in an integrated manner is of utmost importance to add further rich dimensions to the text. It is worth noting that there is a special relationship between these principles, particularly between semantics and socio-historical context, as the meanings of words and phrases are known within a historically conditioned lexical context, which is related to the diachronic socio-historical environment in which the text was revealed.

In light of this methodology, the study starts with clarifying the morality of Islam regarding peaceful co-existence with others. To do this, the related universal aspects of peaceful co-existence are to be examined in the light of the Qur'ān and prophetic Sunnah. Aspects

[18] Qur'ān 49: 13.
[19] Farīd Esāck, 'Qur'ānic Hermeneutics,' (The Muslim World, 1993), pp. 394-6.
[20] Ramon Harvey, 'The Qur'ān and the Just Society,' (Edinburg University, 2018), p. 44.

discussed in light of the Qur'ān include: The pursuit of peace in Islam, universal human dignity, universal justice, universal human brotherhood-loving-kindness, human stewardship on the earth, the essence of collaboration and partnership, acknowledgement of plurality in human societies, inter-faith peaceful dialogue, particularly with the 'People of the Book', prohibition of coercion in faith and *da'wah* (invitation), apostasy and freedom of choice, *jihād* (to struggle for the sake of God), and *qitāl* (fighting). The aspects to be discussed in light of the prophetic Sunnah are as follows: Cooperation in establishing a just society, the concept of peace in the prophetic paradigm, tolerance towards religious 'Otherness,' maintaining good relationships with opponents, respect for humanity, and Muslim interaction in non-Muslim societies. These aspects are generally divided into two themes: Concepts that promote the foundations of peaceful co-existence in societies and those that violate them.

In general, this approach involves first gathering relevant scriptural texts and reading them thematically in light of the texts of the Qur'ān and the Sunnah themselves before applying the other hermeneutical principles to derive a natural law of religious morality to which they give expression, all in light of the historical context of the revelatory event itself. I shall also consult a variety of Qur'ānic exegetical sources as well as Sunnah commentaries, both classical and modern. The discussion and analysis are accompanied by examining a wide range of sources from literature, history, and theology, each with its own character and background. It is hoped that the comprehensive view resulting from the study of all these sharply different sources will lead to a coherent study that is able to shed intensive light on an old subject from a new window and certainly with a new approach.

In order to refute the misconceptions and ambiguities about some of those principles, the hermeneutical aspects mentioned above will be applied to the disputed texts to the best of our ability. This can be made by clarifying the textual structure of the ambiguous phrases, deriving the semantics of these texts, studying *isnād*[21] *and matn*[22] of the controversial traditions, and referring to the commentaries of various interpreters of the Qur'ān, ancient and modern, as well as *(asbāb al-nuzūl)*.[23]

[21] *Isnād* means the chain of authorities given at the beginning of a Ḥadīth. See Richard Netton, 'Popular Dictionary of lslam,' (Publishing Group, 1997), p. 128.
[22] The main text of the Ḥadīth.
[23] Occasions or circumstances of revelation *(asbāb al-nuzūl)* name the historical context in which Qur'ānic verses were revealed from the perspective of traditional Islam; see 'Qadhi, 'An Introduction to the Sciences of the Qur'ān,' pp. 111-15, quoted in Harvey, 'The Qur'ān and the Just Society', p. 59.

After discussing the moral injunctions entailed in the thesis and refuting the misconceptions raised about them, it is extremely important to recall some historical case studies in which the practice of peaceful co-existence has manifested itself and has been able to shape relations between Muslims and others, particularly in the pre-modernity era. In this regard, some cases, such as the era of the Caliphate, and *La Convivencia* in Spain, are discussed and profoundly highlighted to explore the religious, social, and intellectual aspects related to mutual cohabitation between Muslims and others. These cases demonstrate how governance based on a moral and ethical philosophy, despite some shortcomings, was able to enhance aspects of inter-communal co-existence.

Since it is suggested that most violations of peaceful co-existence in societies are for secular reasons, not merely religious, it is important to shed light on the root causes of conflict in some cases, especially those during the era of modernity and its core aspects of secularism and nationalism, and thus the role of Islam in addressing them. This discussion will help determine the actual weight of religion in inciting sectarianism and stirring conflict compared to social, economic, and hegemonic reasons. To do so, case studies from Egypt in the 20th and 21st centuries as well as Bosnia and Herzegovina in the 20th century, are selected and thoroughly surveyed.

Overall, discussing these case studies will help understand the factors of both successes and failures of the experience of co-existence in their societies, the role and weight of religion in either promoting or violating the foundations of mutual co-existence, and the impact of modernisation and its outcomes in today's world struggles. Consequently, a better understanding of the factors that promote peaceful co-existence can be made, away from apparent reasons and deceptive covers. Finally, relevant recommendations and suggestions could be produced in order to develop an ideal model of co-existence.

7. Structure of the Thesis

The study is divided into six chapters in addition to the introduction and conclusion, as follows:

- Introduction: This reviews the problem, aims, method and plan followed in the study. It also discusses and reviews the literature of some previous works (recent and past) related to the topic under study.

Chapter 1- The Qur'ānic Stance on Peaceful Co-existence with others: This chapter is an attempt to understand the Qur'ānic position on peaceful co-existence between different

religious groups in societies. The position is explored horizontally by examining the universal principles and aspects that promote co-existence in light of the Qur'ānic text. These principles are hermeneutically analysed and discussed. Despite the idealism of these principles, there are some misconceptions that can be viewed as violations of co-existence in societies based on some misinterpreted Qur'ānic injunctions. Therefore, an attempt is made to clarify and refute these misconceptions in order to identify the true stance of the Qur'ān on the topic under study.

Chapter 2 -The prophetic Sunnah and its Stance on Peaceful Co-existence with others: This discusses how the Prophet Muḥammad, as a Prophet and a state leader, vertically promoted these principles in society. These principles are analysed and discussed in light of contemporary challenges and complex societal relationships. The chapter shows how the Prophet used to view non-Muslim 'Other' in words and actions. The textual teachings in this section are the sayings, sermons, and treaties that the Prophet not only concluded with 'non-Muslim Otherness' but also obligated his companions and successive followers to act upon.

Chapter 3- Early- Medieval Paradigm of Peaceful Co-existence (Rightly Guided Caliphs- Abbasid Periods): This sheds light on how the moral code of Islam affected subsequent generations after the death of the Prophet, particularly in the period of early Islam. Here, the so-called pact of 'Umar appears as a controversial treatise attributed to the second caliph 'Umar ibn al-Khaṭṭāb. Considering the significance of this Pact and its negative impacts on interfaith relations in the following centuries, the chapter examines its authenticity and how it emerged and developed in Islamic literature over time. This should give an explanation of how texts were sometimes interpreted and manipulated in response to the surrounding political and social circumstances. The Pact is also discussed in comparison with the manifestations of co-existence on the ground in light of the available records from the Umayyad Caliphate (661-750 AD) and the Abbasid Caliphate (750-1258 AD).

Chapter 4- Christians, Jews, and Muslims' Co-existence in Medieval Spain- Andalusia *(La Convivencia)*: This explores the relationship between diversity and co-existence under Islamic rule in the Medieval era. It reports how Muslims dealt with others in this multi-cultural and multi-religious milieu. The chapter discusses the conditions of both Jews and Christians before and after the Islamic presence in Andalusia. It also demonstrates the different manifestations of the co-existence of various Andalusian religious sects with regards to their religious and national feasts, music and entertainment, dress and hygiene, economy,

and trade. In addition, it provides a detailed explanation of how Andalusian society flourished, and how its various components mixed and co-existed under Islamic governance for about eight centuries. Finally, it compares Andalusia during the Islamic presence and Andalusia after the *Reconquista* (re-conquest) in AD 1492 in terms of mutual peaceful co-existence and religious tolerance.

Chapter 5- Muslims- Christians' relationships in Egypt: This discusses the nature of relationships between Muslims and Christians in a contemporary African- Muslim context. The chapter also looks at some of the national identities that Egypt has gone through in the twentieth and twenty-first centuries. Thus, it proposes a relevant national identity for Egypt that best suits Egyptians' societal and religious compositions away from the hegemony of Western projects. The chapter also deals with the nature of Islamic governance (civil or theocratic) and the role of Islamic governance in ensuring peace and protecting the rights of minorities. Finally, it answers the question of whether religion has a role in inciting sectarianism in general and in Egyptian society in particular compared to other secular reasons.

Chapter 6. Bosnia and Herzegovina (BiH) - The Ethnic Cleansing of Modern Time: This chapter highlights the bloody events of the 1990s between Muslims and non-Muslims from Croats and Serbs at the heart of the modernity project in Europe. It answers the question of how bloody events develop and how the meaning of ethnic cleansing permeates society in order to get rid of a certain sect that shares land, traditions, language, and even skin colour. The role of religion and elites in inciting such atrocities is discussed and explained. It also compares the conditions of co-existence in BiH under Islamic rule with those under the governance systems in the era of modernisation. Finally, it explores the role of religion in addressing such conflicts.

8. Literature Review

In fact, there are some preliminary studies that dealt with the aspects of co-existence and tolerance between various groups in multi-religious societies. However, the theological conceptions and practical applications of these aspects still require further investigation and comprehensive addressing. Despite the valuable contributions of these studies to the topic under study, some of them are very fragmentary, and others approached the topic from certain perspectives —such as justice in Harvey's work, pluralism in Sachedina's, peace in Ibrahīm

Kalin's,[24] and selected sources (Qur'ān in Badāwī). As a result, they have left many gaps that need to be filled in light of other universal aspects of co-existence and other sources of Islam, e.g. the prophetic Sunnah. For that, an integrative study on this topic from both authoritative sources of Islam is necessary to explore the moral message of Islam towards co-existence with others, and to clarify many of the misconceptions and ambiguities related to it. Such misconceptions led some groups to commit grave crimes, either due to misunderstanding of some sacred texts or following their own whims. Examples of these narrations are those on apostasy, *jihād*, coercion in faith, freedom of choice, freedom of expression, exclusivism and others.

Most previous works also neglect to consider the secular causes of most conflicts and the role of governing elites in provoking them. It is as if all sectarian conflicts, particularly in modern times, are solely for religious motives, which is not the reality as will be highlighted in the case studies included. In addition, they hardly mention any suggestions and praxis models for achieving strong pillars of co-existence in contemporary communities.

Broadly speaking, throughout Islamic history, since the emergence of the Prophet of Islam 'Muḥammad' passing by the succeeding Caliphs, there has been a noticeable record of tolerance and peaceful co-existence examples between various denominations of multi-religious and multi-ethnic backgrounds in the Muslim community. Although Islamic history has passed through different stages and stations, and Muslims were not the same in interpreting the sacred texts of Islam regarding dealing with non-Muslim otherness, still, most ethos and principles of peaceful living exist and are practised in the Muslim community. In addressing the concept of co-existence with others, several scholars have shed light on it, explained it hermeneutically, and mentioned some of its social and religious dimensions, as follows:

8.1. Definition of Co-existence

Angela Khaminwa (2003), in her book *'Co-existence in Beyond Intractability,'* divided co-existence into two categories: active co-existence and passive co-existence. Active co-existence means 'relationships characterised by recognition of and respect for diversity and an active acceptance of difference, equal access to resources and opportunities, and equality in all aspects of life by the individuals and communities.' This type of co-existence manifests social peace based on justice, equality, and inclusion. Institutions in this environment are designed to

[24] Ibrahīm Kalin, 'Islam and Peace: A Survey of the Sources of Peace in the Islamic Tradition Source,' Islamic Studies, Vol. 44, no. 3 (2005), pp. 327–62 <http://www.jstor.org/stable/20838977> [accessed 28-03-2024].

ensure fairness.[25] Passive co-existence, on the other hand, ‘means that individuals and communities merely tolerate other groups and relations are characterised by unequal power relations, little inter-group contact, and little equity.’ Institutions in this environment are not designed to support equality; consequently, unjust and oppressive structures can be maintained.

In her categorisation of co-existence, Khaminwa focused only on one player of co-existence in societies, which is the societal way of living or individual commitment to one another. However, there is no mention of the role of the state and its responsibility to promote peaceful living among its citizens. She hardly mentioned the role of institutions under both categories in terms of their effectiveness in ensuring justice and equality for all when there should be a third and paramount proposed category: ‘Enforced co-existence.’ Enforced co-existence is the aspect that ensures lasting sustainability and the application of the principles of co-existence between communities. In some cases, where individuals cannot build bridges of co-existence and cooperate in the interest of all due to certain communal circumstances, the state must intervene and enforce rules and guidelines necessary to achieve this purpose, rather than leaving the matter to individuals alone. This latter form of co-existence has already been practised on the ground throughout different stages of Islamic caliphates, as highlighted in the following section.

8.2. Co-existence and State Policies

The state's responsibility towards societal co-existence should always be to provide moral, physical and psychological support for individuals, organisations, and communities to reduce tensions, resolve conflicts, and thus establish peace in society.[26] A state must cultivate in communities the crucial elements of co-existence, such as (freedom of expression, inclusion, respect for diversity, prohibition of all forms of discrimination, eradication of poverty, and promotion of social inclusion...). These elements were addressed at the 'World Summit for Social Development' in March 1995. The Summit established the concept of social inclusion to create an inclusive society, a society for all, as one of the social development's key goals. Member States are committed to promoting social integration by fostering stable, inclusive,

[25] Angela Nyawira Khaminwa, 'Co-existence in Beyond Intractability,’ <https://www.beyondintractability.org/essay/coexistence> [accessed 16-12-2020].
[26] Eugene Weiner, ‘Co-existence Work: A New Profession; The handbook of interethnic coexistence,’ (Continuum, 1998), pp. 13-24.

safe, just, and tolerant societies that respect diversity, equal opportunities, and the participation of all people, including disadvantaged and vulnerable groups and individuals.[27]
Undoubtedly, the mission above is primarily the responsibility of states and their institutions. This responsibility is to set the rules and policies necessary for individuals to live together, to protect the vulnerable amongst them, and to prohibit all means of discrimination and division in case individuals cannot do so themselves. This role must be subject to a moral and ethical system in order to safeguard it from being exploited by ruling elites and those in power to achieve certain political goals, cause divisions, or fuel sectarian conflicts between different components of society.

In this regard, the Constitution of Medina (CM) appears to be a bright spot in human history. The Constitution that Prophet Muḥammad made after his arrival in Medina, fleeing from the Meccan persecution. This Constitution, which Tāriq Modood (2007) describes, quoting late Sheikh Dr Zakī Badāwī's statement, is the first example in the history of a multicultural constitution in that it guaranteed autonomy to the various communities of the city.[28] In his book, 'The Reopening of the Islamic Code,' Professor 'Alī Khan (2003) argues, 'The Constitution of Medina, as part of the Prophetic Sunnah, is an eternal source of guidance, and every community of believers in the continual flow of time can draw upon this source to derive meaning and guidance to build a life consistent with the values of the Qur'ān and the Sunnah, the Basic Code of Islam.'[29]

Khan concludes, 'The first Islamic state was not established under swords, as is commonly believed in some circles, but in the security of a social contract called the Constitution of Medina. By all accounts, the CM lit the torch of freedom by creating a free state for a pluralistic society consisting of Muslims, Jews, and pagans.'[30] Despite some efforts that focused on the role of the state in light of the Constitution, more light is still required to explain how the rights to safety, life, justice, equity, and religious freedom were ensured in the CM and the impact of their application in today's world.

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[27] DESA, 'Creating an Inclusive Society: Practical Strategies to Promote Social Integration,' (The United Nations,' <Microsoft Word - Draft Paper - Creating an inclusive society.doc (un.org)> [accessed 10-01-2021].
[28] Modood, 'Multiculturalism,' p. 142, referring to Badāwī, M.A.Z. (2003). 'Citizenship in Islam,' Association of Muslim Social Scientists (UK) Newspaper, 6, pp. 17-20.
[29] L. 'Alī Khan, 'The Reopening of the Islamic Code: The Second Era of Ijtihad,' 1 (University of Saint Thomas Law Journal, 2003), p. 341, quoted in 'The Constitution of Medina,' <https://www.researchgate.net/publication/228245045_The_Medina_Constitution> [accessed 09-04-2024)
[30] Ibid.

In the same vein, Professor Muḥammad Ḥamīdullāh (1969), a prominent Indian Muslim scholar (d. 2002), demonstrated the role of the state by translating and analysing the CM under the stimulus of Islamic constitutionalism of the 20th century, calling it 'the earliest written constitution of a state in the world.'[31] He discussed the vitality of the Constitution and divided the document into two parts. Part 1 (i.e., articles 1-23) addresses mutual relations among Muslims. Part II (i.e., articles 24-47) contains rules to regulate inter-communal affairs between Muslims and Jews.[32] However, some scepticism was raised about the effectiveness of the Constitution in terms of its municipality and antiquity as debated by Julius Wellhausen[33] and R. B. Serjeant[34], which requires further clarification and discussion.

In a more extensive way, the clauses of the Constitution have been also compiled, translated, and arranged in a well-structured and clear manner by Saïd Amir Arjomand (2009). To extract the terms of the Constitution, he relied on ibn Isḥāq's *Sīrat Rasūl-Allāh* (the Prophet's biography), as narrated by his disciple ibn Hishām (d. AD 213) in his prominent book *(al-Sīrah al-Nabawīyah)*.[35] He explained the CM's influential role under the nascent city-state by dividing the Constitution into three separate deeds: the covenant of unity, the Pact with the Jews of Medina, and the supplement to the Pact with the Jews on the defence of the city. Under each deed, he mentioned the related articles. His division entails 30 articles and 64 clauses as a whole, comparable to the different numbering of Ḥamīdullāh, who counts it to be 52.[36]

Despite the great effort that Arjomand and Ḥamīdullāh made in analysing the document, dividing it into clauses, and defining the tribes intended by these clauses, more discussion is still required to define the Prophet's strategies of co-existence and peacebuilding with the various ethnic and religious components of Medina. How the clauses of the Constitution were

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[31] Muḥammad Ḥamīdullāh, '*Majmu' al-Wathā'iq al-Siyāsiyya fī al-'Ahd al-nabawī wa al-Khilāfa al-Rāshīda'* (Collection of political documents in the Prophetic era and rightly caliphs), 3rd ed., (Dar al-Nafa's, 1969), pp. 39-47.

[32] Ḥamīdullāh, '*Majmu' al-Wathā'iq*,' pp. 39-47.

[33] Julius Wellhausen, 'Muḥammads Gemeindeordnung von Medina,' in Skizzen und Vorarbeiten, 4 vols, (Berlin: Reimer, 1889), 4 vols, pp.65-83; W. Behn, ed. and trans., "Muḥammad's Constitution of Medina," published as an excursus to A. J. Wensinck, Muḥammad and the Jews of Medina (Freiburg, Klaus Schwarz Verlag, 1975), pp. 128-38.

[34] R. B. Serjeant, 'The Constitution of Medina,' (Islamic Quarterly, 1964), Vol. 8, pp.3-16; idem, 'The Sunnah Jāmiʿah, Pacts with the Yathrib Jews, and the Taḥrim of Yathrib: Analysis and Translation of the Documents Comprised in the So-called 'Constitution of Medina,' (Bulletin of the School of Oriental and African Studies 1978), no. 41, pp.1-41.

[35] Saïd Arjomand, 'The Constitution of Medina: A Sociolegal Interpretation of Muḥammad's Acts of Foundation of the "Umma",' International Journal of Middle East Studies, Vol. 41, No. 4 (2009), pp. 555-75(p.558), doi: 10.1017/S0020743809990067.

[36] Arjomand, 'The Constitution of Medina,' pp. 562-64; also see A. Guillaume's Life of Muḥammad (1998), pp. 231-34.

reflected on the ground to build a pluralistic society in which the values of justice and equality prevailed also requires more clarification.

Despite the nobility of the Constitution and its implications for the formation of a tolerant, pluralistic society, Yousha Patel (2022) explains in his work, 'The Muslim Difference,' there has been a tremendous change, over time, in tone and content from the (CM) in AD 622 to 'The Pact of ʿUmar in AD 637' (PU) [37] in light of the shift in the balance of power. This shift is manifested in the restrictions specified for non-Muslims *(dhimmīs)* under Muslim states, such as 'Christians are not to resemble Muslims in hair style and dress; their domestic buildings are to be lower than that of Muslims; new churches are not to be built. They were not to hold public religious ceremonies nor to proselytise, while not preventing their kin from embracing Islam.'[38]

Patel argued this transformation in the state's policy, saying 'as Muslims began to inhabit worlds formerly governed by Sassanian and Byzantine imperial imaginaries, they began to harbour an enhanced appreciation for social hierarchy and demographic segregation.'[39] He reasoned this transformation to the development that occurred in understanding the pivotal ḥadith about imitation '*tashabbuh'* on which he based his book, which states, 'Whoever imitates a people becomes one of them.'[40] According to Patel, these restrictions were meant to distinguish Muslim society from others, implying that Islam is an exclusive religion.

While Patel made a significant effort to trace the narration of the ḥadīth of '*tashabbuh'* in all its chains and narrations,[41] he did not make any effort to discuss the authenticity of the 'Pact' and its attribution to 'Umar and the Muslim caliphate of the time. However, he made a firm link between the ḥadīth and the Pact as confirmation of each other in proving the use of markers of differences to differentiate between Muslims and others.[42] Therefore, it is important to examine the authenticity of this pact and find out if it has a leg to lean on in Islamic traditions.

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[37] The Pact of ʿUmar in AD 637 (also known as the Covenant of ʿUmar, Treaty of ʿUmar or Laws of ʿUmar) is a treaty between the Muslims and the non-Muslim inhabitants of either Levant (Syria and Lebanon), or Mesopotamia (Iraq) that later gained a canonical status in Islamic jurisprudence. see
David Thomas; Barbara Roggema, 'Christian-Muslim Relations: A Bibliographical History (600-900),' (BRILL, 2009).
[38] Patel, 'The Muslim Difference,' pp. 83-85.
[39] Patel, Ibid, p. 85.
[40] Patel, Ibid, pp. 50-52.
[41] Patel, Ibid, pp. 63-65.
[42] Patel, Ibid, p. 86.

Moreover, it is important to find out whether these markers emerged for the sake of distinguishing Muslims from others or for other socio-political reasons.

Considering this development in understanding sacred texts, Azyumardi Azra, in a paper titled '*Pluralism, Co-existence, And Religious Harmony'*, also mentioned that Muslims had experienced many differences and pluralistic views, even among themselves. The main reason for this is the different and sometimes contradictory interpretations of the texts (the Qur'ān, Ḥadīth, and Islamic traditions). The texts have been interpreted in many ways, at various levels, and from different perspectives. Thus, it would be wrong to assume that there is a single, monolithic view among Muslims concerning religious pluralism and other issues.[43] This means that the historical and social contexts possess a significant impact on the interpretation and understanding of such texts, which should not be neglected or underestimated.

In clarifying the impact of contextual circumstances on the interpretation of these texts, Patel argues, 'CM reflects a moment when the Muslim community was weak, politically and militarily. In the PU, Muslims now have power over Christians. As a result, the pact coercively disciplines and marks the bodies of non-Muslims in a way that the Constitution does not (and cannot). This spirit of segregation reached the zenith during the Abbasid period, as Sunni discourses on imitation and orthodoxy reflected the ethical shortcomings of a superiority complex. [44] It is, therefore, imperative to examine the contextual conditions and hermeneutical dynamics of the evolution of the so-called 'Pact', especially under Abbasid caliphs, to understand the extent of the influence of political and social conditions on jurists and their interpretation of texts.

Despite the great effort that both Shah and Patel made regarding the role of the state in defining interreligious relations and promoting an inclusive, pluralistic, and safe society for all, they cited almost no practical examples to show how Muslims responded to such narrations, pacts and the strategies of imperial imaginaries during some periods of the caliphates, according to Patel. The question of whether or not these markers of difference are applicable in today's world also needs further reflection.

[43] Azyumardi Azra, 'Pluralism, Co-Existence and Religious Harmony; Indonesian Experience in the Middle Path,' (Yale University, nd.). p.3.
[44] Azra, 'Pluralism,' p.85.

8.1. Co-existence and the Dilemma of Textual Hermeneutics

As previously discussed, there is no doubt that some of the violations of peaceful co-existence in societies are due to religious motives. Therefore, it is imperative to investigate the hermeneutical aspect of these controversial texts related to the subject of the study. Jamāl Badāwī (2005), in his paper *'Muslim and Non-Muslim Relations: Reflections on Some Qur'ānic Texts,'* discussed some of these texts from a Qur'ānic perspective. A superficial reading of these texts might lead one to believe that they violate the fundamentals of co-existence in societies. In this regard, Badāwī asserted that on most occasions, the religious norms of each religion's followers do not necessarily conform to the religious teachings. Thus, some followers might commit various forms of violence and terror in the name of ideology and narrow nationalism. The outcome of these false interpretations is that religions are often abused due to linking them to the root causes of such acts of violence.[45]

Similarly, Farīd Esāck (1997), in his book *'Qur'ān, Liberation, and Pluralism*', describes interpreters of the Qur'ān as people who carry the inescapable baggage and conviviality of the human condition. He added that every generation since the time of the Prophet Muḥammad, carrying its peculiar synthesis of the human condition, has produced its own commentaries on the Qur'ān (and various kinds of interpretations with every generation).[46] Undoubtedly, each of these hermeneutical interpretations of the Qur'ān bears specific temporal and spatial contexts. These contexts are subject to the political and social conditions that prevailed at the time of the interpreter, which must have influenced his standpoint and methodology in interpreting the sacred text and applying it on the ground. This means that there is an important relationship between the text and the contextual conditions in which it was revealed and in which it was interpreted. These conditions must be carefully examined and studied in depth before the text can be drawn to a contemporary context.

In this regard, Badāwī concluded that instead of viewing others through some misinterpreted texts taken out of context, interfaith dialogue between different communal denominations is paramount and can amend the rift caused by such hermeneutical misinterpretations.[47] Having said that, Badāwī, in his paper, focused only on one of the primary sources of Islam, the Qur'ān, and did not mention any of the significantly misinterpreted and misunderstood texts from the

[45] Jamāl Badāwī, 'Muslim and Non-Muslim Relations Reflections on Some Qur'ānic Texts,'<https://www.researchgate.net/publication/283421811_Muslim_and_Non-Muslim_Relation_Reflections_o_n_Some_Qur%27anic_Texts > [accessed 28-12-2020].
[46] Farīd Esāck, 'Qur'ān Liberation & Pluralism,' Oneworld Publications, (Oxford, 1997), p. 50.
[47] Badāwī, 'Muslim and Non-Muslim Relations,' Ibid.

prophetic Sunnah. He justified that in order to address these issues, one should primarily rely on the most authentic and authoritative source for Muslims, (the Qur'ān), as it receives a high level of consensus among Muslims. However, quoting the relevant texts from the prophetic Sunnah and Islamic traditions and perceiving the occasions for their utterances is inevitable to resolve most polemics on this issue.

Similar to Patel's discussion on the ḥadīth of *'tashabbuh,'* Sachedina (2000) emphasised the role of Muslim jurists throughout Islamic history and highlights how they have often misinterpreted many tolerant sacred texts in ways that are completely inconsistent with the rationale behind their revelation. He mentioned an example of this about dividing the world between believers and nonbelievers. He said: 'Among these defunct legal structures in Islamic jurisprudence that continue to dominate the scholarly project of neo-Orientalism are the *dār al-'Islām* (literally, 'the sphere of subjection'; technically, 'the lands administered by the Islamic state') and the *dār al-Ḥarb* (literally, 'the sphere of war' (technically, 'the territories to be subdued'). These two phrases, which appear in most works dealing with the rise of political Islam, highlight the normative basis of Islamic religious beliefs about the formation of a cross-cultural community of believers who must ultimately subdue and dominate nonbelievers. Such works turn red lights on the international community about the threat posed by Muslim extremists, who, they say, are reviving a historical *jihād* to destabilise the secular world order.[448] Hence, it is important to shed light on these terms and their historical contexts in Islamic history, as well as the imperial strategies that dominated the world at that time.

Sachedina further explains this threat in light of the influence and exploitation of ruling elites, saying: 'For centuries, Muslim jurists have held that the more belligerent passages in the Qur'ān abrogated the tolerant ones. As a result, Muslims had a commitment to challenge non-believers and convert them to Islam.' Sachedina, however, convincingly refutes this view. He suggests that Medieval jurists deliberately misinterpreted the Qur'ān in order to legitimise corrupt and aggressive regimes. He also argues that many belligerent passages are not as harsh as they seem to be, and that they are very narrowly tailored to deal with specific political and legal circumstances. It does not provide an ideological justification for religious discrimination.[49]

[48] 'Abdulazīz Sachedina, 'The Islamic Roots of Democratic Pluralism,' (Oxford University Press, 2000), pp. 29-30, 57.
[49] Sachedina, 'The Islamic Roots of Democratic Pluralism,' Ibid.

Although there is some truth to Sachedina's argument, especially during some periods of the Abbasids and Mamluks, the history of early Muslim jurists was not so bleak. Rather, they were dealing with frameworks imposed on them by the political realities and the division of the world at the time before current international accords and human rights agreements. To judge them on the basis of today's changes is unfair due to the different historical and political circumstances they navigated. Rather, we must deal with the normative principles of the authoritative sources in Islam in the first place and derive rules from them in light of the challenges we face today.

For the implications of these misinterpretations, Marc Gopin (2000) in his great work, *'The Future of World Religions, Violence, and Peace-making,'* highlights the importance of utilising hermeneutical dynamics in re-reading most apparently exclusivist sacred texts in a tolerant way. He believes that religion can play an important role in shaping a global society committed to peace and moral principles. He bases his belief on the fact that in most religions there is a 'commitment to peace and the elimination of violence'[50] that is expressed in a wide range of values. It is through 'internal hermeneutical dynamics of the tradition'[51]—that is, through a textual investigation of how traditions have changed—that he believes Muslims, Christians, Jews, and others can contribute to promoting peace.

Gopin views religion as a hermeneutic community that is constantly engaged in a process of self-interpretation according to changing contexts. Such a community treats religious doctrines, including those concerning the holy war in Judaism or *jihād* in Islam, as something always open to further interpretation, rather than as something fixed and solid, making it possible to hope even in the presence of the most exclusivistic doctrines regarding the 'Other.' As part of sacred texts, these elements cannot be removed, but can be 're-read.' For Gobin, this hermeneutic dimension of religion is crucial. The imperative of our time is how to reinterpret and open up the violent and exclusive aspects of traditions about the 'Other' without betraying one's fundamental identity. We live in a time of 'hermeneutic intensity.'[52]

In implementing this hermeneutical approach to provide a holistic moral reading of the Qur'ānic text, Harvey (2018), in his book, *'The Qur'ān and the Just Society,'* undertakes a thematic reading, focusing on discovering the Qur'ān underlying theory of societal justice.

[50] Marc Gopin, 'Between Eden and Armageddon: The Future of World Religions, Violence, and Peace-making,' (Oxford University Press, 2000), p.30.
[51] Gopin, 'Between Eden and Armageddon,' p.60.
[52] Gopin, 'Between Eden and Armageddon,' p.60.

Harvey constructs a theological and hermeneutic framework to explore the revealed concept of justice within its socio-historical context. He hopes thereby to lay the foundations for future contemporary articulations of Qur'ānic ethics. He argues that the relevant Qur'ānic text conveys a universal ethical rationale on each issue that is noteworthy regardless of one's religious beliefs and may be applied differently depending on the situation.[53]

In order to explore the ethical structure of the 'just society' within the Qur'ān, he applied the various aspects of hermeneutical theory, with the aim of revealing the rationale underlying 'legal details'—the *ḥikma* (wisdom) underlying the *ḥukm* (law or rule). He put great effort in his work into revealing the pure message of the text by highlighting the exegetical, theological, and juristic traditions of the Qur'ānic text.

Despite the attempts to reach the *ḥikma* and proper understanding of the Qur'ānic text known to God, Harvey asserts that 'the rationale behind divine commands in every case will remain beyond the reach of human understanding.'[54] This is consistent with Esāck's argument of the 'people who carry the inescapable baggage and conviviality of the human condition,'[55] acknowledging the inevitable influence of the reader's interpretive 'horizon' on the sacred text.

While other scholars such as Fazlur-Raḥmān interpreted the Qur'ān 'without consulting any of the traditional commentaries used in classical Islamic education, applying his own Qur'ānic hermeneutics,' following an intentional hermeneutics of discontinuity, an epistemological break with the past. [56] On the other hand, Harvey pursues a hermeneutic of continuity by linking past and present, and shows that classical and modern humans can read the Qur'ān from a singular moral worldview. He does so by offering a natural law reading of social justice themes, where the ontology of natural law ethics becomes the shared moral cosmology of classical and modern man. Since God created humans as a single community, this means that they can share a singular moral cosmology.[57] This approach, indeed, is a central element that distinguishes his exegetical reading from other modernist readings.

Harvey has, indeed, put great effort and extensive research into the *ḥikmas* and rationales of God's intentions in the Qur'ān towards the just society; however, there are some questions that

[53] Harvey, The Qur'ān and the Just Society, pp. 3-4.
[54] Harvey, 'The Qur'ān and the Just Society,' p. 4.
[55] Esāck, 'Qur'ān, Liberation & Pluralism,' p. 50.
[56] Alparslan Açıkgenç, as cited in: Younus Y. Mirza, 'A Confessional Scholar: Fazlur Raḥmān and the Origins of his Major Themes of the Qur'ān, <https://www.themaydan.com/2019/08/a-confessional-scholar-fazlur-Raḥmān-and-the-origins-of-his-major-themes-of-the-Qur'ān/> [accessed 01-03-2024].
[57] Harvey, 'The Qur'ān and the Just Society,' p. 192.

need further clarification. He mentions, as expressed in the epilogue: 'Thus, within and beyond the voluntary and intentional community of Muslims, the Qur'ān acknowledges the existential choice to believe and to belong accordingly. The Qur'ān tells us that humanity was once a single community — its fracture part of God's trials. Perhaps we may add that as the fragments come back together, they may complement one another like a mosaic, or clash like an assortment of broken glass.'[58] In this regard, Harvey mentions two routes, no third, either to come together and assimilate and become like a mosaic texture, as he describes, or as a clashed broken glass. The question is why is there a constant call for mutual dialogue and peaceful co-existence between different religions and communities? Can people recognise each other's plurality, independence of identity and thus co-exist without assimilation or conflict?

He also mentioned that: 'Understanding the scripture as affirming real moral values within the world means that a vision of justice based upon natural law can be held in common between those who believe in its message and those who do not. When either party transgresses the standards of this natural justice, they are to be corrected.'[59] This means that 'belief in God and natural justice' are compulsory for all, regardless of whether they accept or reject the Qurā'nic message. The point is why such a hermeneutical theoretical framework is required then, when the verses of the Qur'ān and wisdom of God clearly and directly indicate that moral values are real and apply to all?

8.2. Spiritual-Religious Co-existence in Islam

When we mention the spiritual-religious principles in promoting co-existence in Islam, we mean the horizontal factor, in which those principles are articulated in the Qur'ān and Sunnah, to clarify the direction of human behaviour, coupled with the aforementioned vertical role of the state, which would reinforce these principles in society. Despite the state's role in this regard by imposing laws and creating constitutions and conventions, manifestations of peaceful co-existence between individuals and communities are still dominated by tensions, disagreements, and conflicts.

In his book, *'The Impossible State, Islam, Politics, and Modernity's Moral Predicament,'* Wael Hallāq (2012) argues that the lack of moral motivations in most current governance paradigms is the reason for most of the conflicts and disasters witnessed by the whole world today.[60] For

[58] Harvey, The Qur'ān and the Just Society,' p. 192.
[59] Harvey, 'The Qur'ān and the Just Society,' p. 192.
[60] Hallāq, 'The Impossible State,' pp. 155-70.

that, both Hallāq and Sachedina (2001) highlight the human and ethical-religious commons between Muslims and others as an example to promote the aspects and bases of comprehensive co-existence in communities of multi-socio-religious backgrounds.[61]

Similarly, Sachedina (2000) emphasises the centrality of Qur'ānic teaching on religious and cultural pluralism as a divine principle of peaceful co-existence between human societies. His work is a classic elaboration of the humanistic, non-violent values of Islam. He asserts: 'In the last three decades, religion has once again become an important source of moral imperatives necessary to maintain social cohesion. Religious engagement has not only helped mobilise people's anger against the authoritarian power of the state but has also played a constructive role in national reconciliation and nation-building.'[62]

Sachedina also adds that only divine moral laws could lead to universal peace and mould human conduct for international brotherhood and love. Those moral laws can be recognised by human minds only if those minds are untarnished of all pride and prejudice.[63] Agreeing with these arguments, the crucial role of religious convictions stands out in that they address *fiṭra*, the purely humanistic impulse present in every human being, rather than the mere application of institutional power or the execution of laws.

About *fiṭra* and its effective role in ensuring peace and acting morally, Harvey considers it as one of the components of creating a just society. Harvey argues, 'this reading of *fiṭra* as an active tendency of human beings towards recognising and worshipping God contrasts with their inclination to be tempted by Satan and deceived by worldly pleasures. Although this could lead to the corruption of this initially innocent state, there is no concept of original sin in the Qur'ānic worldview. Just as the story of Ādam's fall contains within it his forgiveness and redemption, the life of each human being begins from the same point as Ādam in returning to the state of *fiṭra* and being tested as he was.'[64]

In this regard, Harvey makes a firm link between morality and *fiṭra* as a self-built compass towards goodness and avoiding evil. The questions that arise here is, if we acknowledge that a natural moral compass is built in every human's *fiṭra*, why is there so much moral disagreement? How could such innocent *fiṭra* have permitted atrocities and millions of deaths,

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[61] 'Abdulazīz Sachedina, 'The Islamic Roots of Democratic Pluralism,' (Oxford University Press, 2001), pp.35-36.
[62] Sachedina, 'The Islamic Roots of Democratic Pluralism,' (2000), p.20.
[63] Sachedina, 'The Islamic Roots of Democratic Pluralism,' (2001), p.26.
[64] Cf. al-Qaḍī, 'The Primordial Covenant,' p. 336, quoted in Ramon Harvey, Ibid, p.14.

even inside the borders of one nation, as in the cases of Darfūr, Bosnia and Herzegovina, and several other nations? Is there a restraint and corrective guide for this *fiṭra*? There are undoubtedly other factors that should be discussed in light of the socio-politico milieu of each of these cases. These questions will be discussed when delving into the root causes of conflicts in chapters 5 and 6.

While Harvey's work discussed various aspects of the concept of justice, he confined the discussion to the legislations embedded in the Qurā'n, whether pertaining to distributive or corrective justice, which he considers a natural universal law for all. This raises several questions: what about those who do not view the Qurā'n as divine revelation? Would it be possible to apply the Qurā'nic perceptions of justice in areas such as marriage, inheritance, trade, and others to non-Muslims and commit them to work according to them towards a just society? Is not limiting the concept of justice, whose tools vary according to time and place, to the Qurā'nic legislations, instead of the general moral message, a narrowing of the Islamic view of the meaning in its universal sense?

Overall, Harvey has made a considerable effort in elucidating and reading the just society in light of the ethical Qur'ānic text towards a peacefully co-existing society. However, the sole reliance on 'justice' to amend the course of humanity appears to be insufficient; otherwise, God would have merely mentioned *qisṭ* 'justice' and not mentioned *birr* (kindness-piety) in the same verse Q. 60:8, as a complementary and accompanying attribute. Some societies may secure the aspects of justice, yet people may not feel fully integrated as equal citizens. Therefore, in another work, Gopin (2001) examined the role of forgiveness in conflict resolution (as opposed to justice) and addressed this question by examining the concept of forgiveness in several religions,[65] a theme also covered by Helmick and Petersen (2001).[66] Other universal aspects, hence, must be considered and highlighted, such as human dignity, acknowledgement of plurality, the pursuit of peace, human stewardship, universal human brotherhood-loving-kindness, mercy and tolerance, mutual dialogue, freedom of faith and speech, and others.

Contrary to Harvey's sole reliance on the concept of justice, Muḥammad Abū Nimr (2003) argued that both the Islamic religion and Islamic traditions possess many resources through

[65] Marc Gopin, 'Forgiveness as an Element of Conflict Resolution in Religious Cultures: Walking the Tightrope of Reconciliation and Justice,' in Reconciliation, Coexistence, and Justice in Interethnic Conflicts, ed. by Muḥammad Abū Nimer 'Theory and Practice,' (Lexington Books, 2001), pp.1-39.
[66] Raymond G. Helmick & Rodney Petersen, 'Forgiveness and Reconciliation: Religion, Public Policy, and Conflict Transformation,' Radnor, PA: (Templeton Foundation Press, 2001).

which conflicts can be resolved peacefully and without violence. Islamic scriptures and religious teachings are rich sources of values, beliefs and strategies that promote peaceful and non-violent resolution of conflicts.[67] Awareness of the Qur'ān, the Sunnah of the Prophet and the early Islamic period is indispensable to understanding Islam, as these scriptures and traditions have continued to provide a role model for Muslims and Islamic movements in every era, and their influence can be clearly traced in every philosophical, doctrinal, and scientific investigation among Muslims.

He then concluded: 'The discussion of this topic reflects a major gap between the Islamic basis for a peacebuilding approach to life in general and the interpretation of Islam as a warlike religion.' This gap requires a more solid 'community of interpreters' to study peacebuilding in Islam, interpreters who will attempt to place its religious and traditional values in the context of peacebuilding and non-violent frameworks, rather than in frameworks of war and conflict. Rebuilding legitimate social, religious, and political alternatives to resolve internal and external conflicts in Islamic societies is essential to promoting social and economic development at all levels.[68] Similarly, Said et al. (2001) presented a valuable collection of essays exploring both Islamic teachings and practice on peaceful conflict resolution. They argued that Islam, both in theory and practice, promotes the values of justice, harmony, and the absence of war.[69]

Despite these studies' discussions of some non-violent conflict resolution tools in the Qur'ān, a hermeneutical approach to relevant verses and other sacred texts is notably absent, particularly concerning controversial issues such as *jihād*, its religious and political dimensions, coercion in faith, freedom of choice, and others. Employing the various hermeneutical principles on these issues is important as they effectively elucidate the contextual circumstances in which these verses were revealed and the semantic notions underlying them.

In his article titled *'Islām and Peace: A Survey of the Sources of Peace in the Islamic Tradition,'* Ibrahīm Kalin (2005) also examined the concept of peace within the Islamic tradition, contrasting it with the predominant focus in the literature on the legal aspects of declaring *jihād.* He concluded that Muslim communities must develop a 'proper ethics of peace' to address

[67] Muḥammad Abū-Nimer, 'Framework for Non-violence and Peacebuilding in Islam,' Journal of Law and Religion, Vol. 15, (2000-2001), pp. 217-65 (p. 219), doi: https://doi.org/10.2307/1051519.
[68] Abū-Nimer, Framework for Non-violence and Peacebuilding in Islam, pp. 264-265.
[69] 'Abdulazīz Sa'īd, Nathan C. Funk & Ayse S. Kadayifci, 'Peace and Conflict Resolution in Islam: Precept and Practice,' (University Press of America, 2001).

ethnic and sectarian conflicts.[70] Similar to Abū Nimr, while Kalin focused on the concept of *jihād* in Islam and some of its various dimensions, he omitted discussion on the verses concerning *qitāl (Āyāt al-sayf)* in the Qur'ān and did not illuminate their hermeneutical aspects and geo-political contexts, which are the subject of much controversy surrounding Islam.

As it is clearly seen from all these studies, although some of the principles of peaceful co-existence in Islam are highlighted while others are neglected, the theoretical aspect, however, seems to predominate. Examining how these principles were implemented on the ground through the prophetic paradigm and subsequent Islamic states, along with the obstacles they encountered, would undoubtedly provide new dimensions to understanding the true role of religion in igniting or resolving conflicts.

Gopin also emphasised the role of religion in resolving conflicts and establishing peace. Gopin's work addresses the question of how religions deal with 'Others' outside their faith, and the difficulties and opportunities this presents for resolving conflicts. For him, the concept of universal values and homogeneity is not part of religious tradition, which distinguishes between believers and non-believers. He argues that this is not necessarily a negative or conflicting aspect of religion, but a natural part of human identity. However, Gopin asserts that what is important is how boundaries are negotiated and the extent to which there are 'prosocial interpersonal values of religious tradition exist', as opposed to antisocial values.[71] He also argues that in all religions there is rarely a call for widespread killing, although the presence of missionaries, those who have a theological issue with the 'Other.' He, therefore, points out that there is a need to find a balanced global vision that does not require the destruction of others, as well as the need for more attention and recommendations on how to deal with these religious groups.

For the important role of religion in resolving conflicts, he criticises Western diplomacy for its ignorance of religious values and practices. He argues that religion and religious values need to be integrated with traditional Western conflict resolution policies and practices, and that religious values, such as compassion, non-violence, and the sanctity of human life, should be used to frame the language of conflict resolution. To achieve this, a comprehensive understanding of religious values, institutions, and practices is needed, in particular the ways in which they have traditionally and historically addressed issues of war and peace and the

[70] Kalin, 'Islam and Peace,' pp. 327–62.
[71] Marc Gopin, 'Between Eden and Armageddon,' p. 80.

complex and diverse interpretations within each of the religions. Gobin warns that the use of religious values and conflict resolution strategies will depend heavily on the context and will likely be different each time enemies interact. He therefore emphasises the necessity of working with participants in the conflict rather than imposing a particular, albeit religiously informed, view from above.[72]

As Jonathan Fox (2000b) notes, despite his insightful contributions, Gopin unfortunately focuses his study on monotheistic religions, thus ignoring the potential contributions of other faiths. Moreover, much of Gopin's book focuses on the internal conflict between religious and secular Jews in Israel and on ways to overcome this, rather than on interreligious conflict. Gopin proposed applying the concept of *'Mahoket'* to interreligious conflict, a traditional form of conflict resolution within Judaism, where there is mutual respect between conflicting parties who 'agree to disagree.' [73] However, this appears inconsistent with his emphasis on the need to address each conflict individually and to approach each situation according to its unique nature and the specific hermeneutical engagement of the religious actors involved. Since we live in a world in which almost 45% are not monotheists, it is important to propose frameworks for peace-making that include everyone.[74] For that, Gopin's arguments could have been made stronger by placing them in a more multi-religious context.

Overall, the thesis is an attempt to fill these gaps, answer the raised questions, and address the nature and parameters of the normative relationship between Muslims and non-Muslims from an Islamic perspective. It explores the Islamic view concerning concepts such as pluralism, exclusivism, tolerance, and peaceful co-existence with other religiously diverse sects. The examination is mainly based on exploring the spiritual motives for peaceful co-existence in societies through the relevant instructions in the Qur'ān and the Sunnah. This study should attempt to understand the instructions in the Qur'ān and Sunnah in relation to the topic under study and their temporal and spatial context. Addressing the theological hermeneutics of these texts, which are the source of many polemical issues, is of utmost importance in explaining their contextual uttering and thus avoiding any misunderstandings about them. The elements that support and violate the principles of 'co-existence' need in-depth

[72] Marc Gopin, 'Between Eden and Armageddon,' p. 80.
[73] Jonathan Fox, 'Book Review: Marc Gopin, Between Eden and Armageddon,' (Millennium Journal of International Studies, 2000b), 29(3), pp. 904–905.
[74] Murat Lyigun, 'Monotheism - From a Sociopolitical and Economic Perspective,' (Harvard University and IZA, 2007), p. 1.

discussion to see to what extent these elements are consistent in their universal meaning and application with the teachings of Islam.

Although these principles are inherent in most religions and constitutions, Islam gives them a special status and exhorts them in many divine texts. It not only exhorts them but also considers them a form of worship to attain God's pleasure. What raises optimism about their application in a contemporary context is the fact that throughout Islamic history, there have been many successful cases in which Muslims have co-existed peacefully with others despite similar circumstances and difficulties. These cases witnessed wonderful examples of co-existence, understanding, and cooperation, whether at the level of individuals or societies, to reach a mutually harmonious life. These experiences began with the Prophet's model of co-existence when he migrated to Medina and initiated various pacts of co-existence, whether with the inhabitants of Medina or outside, including Jews, Christians, polytheists, and others. This prophetic model of co-existence remained an inspiring example for the subsequent caliphs, passing by the Rightly-Guided Caliphs to the Islamic presence in Andalusia and beyond. These tolerant practices did not stop there, but extended to modern times, especially in countries with large non-Muslim minorities, such as Egypt, Lebanon, Indonesia, Bosnia and Herzegovina and others before the era of modernity and the national state. The thesis, hence, posits that applying these principles in a contemporary context would eliminate most of the conflicts that have been witnessed recently, especially in the selected case studies of contemporary Egypt and Bosnia.

The following chapter will discuss the principles of societal co-existence within the Qur’ānic text, with a deep appreciation for their historical context at the time of the revelation in the sixth and seventh centuries AD as the contextual background on which the Qur’ānic discourse takes place. The chapter will address the Qur’ānic spiritual and moral message concerning these principles as well as some of the misconceptions related to them.

CHAPTER ONE

1. The Qur'ānic stance on Peaceful Co-existence with Others:

The glorious Qur'ān is the ultimate guide for Muslims from the cradle to the grave. For Muslims, the Qur'ān is the word of God and the revelation to his final messenger, Prophet Muḥammad. Every Muslim must believe in the authenticity of the Qur'ān and that it is revealed from God through the angel of revelation, Gabriel (Jibrīl), over a period of twenty-three years.[75] Therefore, Muslims consider the Qur'ān the most authentic book in learning about Islam and its stances on various issues. One of these issues relates to the Qur'ānic moral theology regarding peaceful co-existence with others. The Qur'ān, in essence, strongly emphasises the development of virtues and the perfection of character, through many of the concepts embedded in its spiritual instructions, such as *taqwā* (piety, or consciousness of God), *'ḥsān* (spiritual excellence) and *tazkiyat al-nafs* (purification of the self, or soul). As Hallāq has suggested, 'we must understand and appreciate its 'moral' message and structure as integral to, and as enveloping, its 'legal' conception and discursive practice.'[76]

Therefore, through the lens of the moral message of the Qur'ān, this chapter discusses the relevant universal principles underpinning relations between Muslims and non-Muslims in order to create a peacefully co-existing society. Examples of these principles are: The pursuit of peace in Islam, universal human dignity, universal justice, universal human brotherhood, loving and kindness, human stewardship on the earth, the essence of collaboration and partnership, acknowledgement of plurality in human societies, inter-faith Peaceful dialogue, particularly with the 'People of the Book', prohibition of coercion in faith and *da'wah* (invitation), apostasy and freedom of choice, *jihād* (to struggle for the sake of God), and *qitāl* (fighting).

It is worth noting that when discussing these principles from a religious perspective, it is entirely incorrect to investigate them through the actions of adherents of religions. As an infallible heavenly religion, Islam does not necessarily conform to its followers' actions. Like other religions, the followers of Islam are not always perfect or infallible human beings. There are times when their actions conform to normative Islamic teachings. In other cases, their actions are in accordance with their own misunderstanding and thus violate these teachings. Therefore, outsiders may see some of these condemned actions as part of religious

[75] John Esposito, 'Islam: The Straight Path' 4th edn (Oxford University Press, 2010), p. 21.
[76] Wael Hallāq, 'Groundwork of the Moral Law: A New Look at the Qur'ān and the Genesis of Sharīʿa,' (Islamic Law and Society, 2009), Vol. 16, no. 3/4, p. 259.

practices and attribute them to the religion itself. As for Muslims, these acts are often falsely committed in the name of Islam and seen as a consequence of the misconduct of some Muslims themselves.

In general, these acts usually result from ignorance and either sincere or deliberate misinterpretation of Islamic texts to lend some kind of legitimacy to such acts of violence. Examples of such misinterpretations have been widely seen over the last decade, as in the case of ISIS and other extremist groups worldwide. In general, the history of the various religions is replete with such aberrations and also full of successful implementations of their normative beliefs. In this regard, it can be said that human experiences of successes and failures are not always identical to ideal norms. If outsiders want to examine a controversial religious issue, they must do so within the framework of the teachings of the religion itself, not within the framework of its adherents.

In this context, Farīd Esāck (1997) describes interpreters of the Qur'ān as people who carry the inescapable baggage and conviviality of the human condition. He adds that every generation since the time of the Prophet Muḥammad, carrying its peculiar synthesis of the human condition, has produced its own commentaries on the Qur'ān (and various kinds of interpretations with every generation). [77] Likewise, the present generations of Muslims, in many cases like the many preceding ones, face the option of reproducing meaning intended for an earlier generation or of critically and selectively appropriating traditional understandings to reinterpret the Qur'ān as a part of the task of reconstructing society.

Esāck's perception is vividly seen on the ground when some Muslims occasionally try to apply the Qur'ānic text to their context of contemporary thorny issues to find solutions to their problems. This occurs when each group attempts to understand the Qur'ānic text based on their own political and social perceptions rather than the contextual conditions in which these texts were revealed at the time of the Prophet. The hermeneutical questions that arise from this encounter between text and context, therefore, manifest in their implications for the emergence of Qur'ānic hermeneutics as a contemporary discipline, as well as in its relationship to, or rupture with tradition; all of which need to be studied in order to understand the whole context of these texts. For that, Harvey, in an attempt towards a hermeneutics of continuity, synthesises both the modern and classical concepts of human uniqueness of virtue by providing an ethical reading of the Qur'ān, which is meaningful to

[77] Esāck, 'Qur'ān, Liberation & Pluralism,' p. 50.

modern humans. In this regard, he describes the hermeneutics of continuity of the Qur'ānic message as 'the Qur'ānic pledge for perpetual relevance.'[78]

Perceiving the hermeneutical aspects of the texts related to the topic under study is important in exploring the true Islamic stance towards these universal principles. The thesis discusses this stance from both the two most authoritative sources of legislation in Islam, the Qur'ān and authentic prophetic Sunnah. The prophetic Sunnah is discussed at length in the next chapter of this thesis. Here, the focus is only on the Qur'ān and its teachings in this regard.

In order to reach the Qur'ānic position on the topic, a detailed discussion of the above principles and aspects is required, supported by the relevant verses from the Qur'ān and commentaries by renowned Muslim scholars, as follows:

1.1. The pursuit of peace in Islam

Historically, the Qur'ānic view of dealing with 'Others' was shaped by the socio-political environment in which it originated. Islamic revelation appeared in a pluralistic world where Muslims had to deal with Arab pagans and followers of other monotheistic religions despite the massive doctrinal differences between them. This interaction indeed required a high degree of peace and wisdom in dealing with non-Muslim otherness living in daily close contact with Muslims.

It is believed that competing religions in a society always lead to unrest and discomfort among individuals; therefore, the possibility of achieving peaceful co-existence between them under such fraught conditions is highly difficult. In this context, Hans Küng once asserted, 'There would be no peace among the nations without peace among the religions. No peace among the religions without dialogue among the religions.'[79] For that, it is necessary to know the Islamic position on the principle of peace and how the Qur'ān dealt with it in its spiritual and practical essence.

Islam, in its simple meaning, is derived from the root word *'S-L-M,'* whose generic meaning includes the concepts 'peace' and 'submission.'[80] The word came in different textual forms

[78] Harvey, 'The Qur'ān and the Just Society,' the Preface.
[79] Groff, Linda, 'Religious Diversity, Interreligious Dialogue, and Alternative Religious Futures: Challenges for an Interdependent World,' Journal of Futures Studies, (2008), pp. 65-86 (p. 66) <https://api.semanticscholar.org/CorpusID:146536250> [accessed 07-04-2021].
[80] Muḥammad ibn Mukarram ibn 'Alī ibn Manẓūr, *'Lisān al-'Arab,'* < https://ar.lib.eshia.ir/40707/12/293> [accessed 22-01-2023].

and syntactical structures in the Qur'ān like *as-Salām*[81], *Salām*[82], *Salam*[83] or *Silm*[84], which lexically, and respectively, means peace, perfection and greeting, submission, and Islam and peaceful settlement.[85] From a spiritual perspective, according to Badāwī, Islam may be defined as attaining peace through submission to God or the state of peace in submission to God.[86] Similarly, 'Abbās Aroua (2013) defines it as 'seeking peace near or with God.'[87] Both meanings show that peace is a value that spiritually originates from God and is instilled in his creatures in what is known as *fiṭra* (the original constitution of human beings). Thus, every person has to respond to his instinct and preserve it from external destructive influences when dealing with other God's creatures.

In addition to the multiple meanings and various structures of the root word *'S-L-M,'* in the Qur'ān, its semantics have multifaceted meanings, all intertwined with the essence of urging peace and avoiding conflicts and violence. For example, the word *'Silm'* appears in the Qur'ān to give more than one meaning, linking Islam with the meaning of peace, resorting to compromises, and avoiding violence: 'O ye who believe! Enter into Islam *(Silm)* wholeheartedly, and follow not the footsteps of the evil one, for he is to you an avowed enemy.'[88] Muslim scholars, such as ibn Kathīr, al-Jalālayn, and others, interpret the phrase 'enter into peace' as 'enter into Islam,'[89] making, therefore, a strong association between Islam and peace. Not only that, but God also calls all Muslims to seize every single opportunity to incline to peace with other sincere contenders if there is a possibility for that, saying: 'And if they incline to peace *'Silm,'* then incline to it [also] and rely upon Allāh. Indeed, it is He who is the Hearing, the Knowing.'[90] Imam ibn Kathīr, the renowned authority on the exegesis of the Qur'ān, comments on this verse under the title of 'The command to facilitate peace when the enemy seeks a peaceful resolution,' saying: 'if they incline to peace, resort to reconciliation, and seek a treaty of non-hostility, (you also incline to it), and accept offers of peace from them.'[91] These commandments, as he explains, were revealed to Muslims during the fraught conditions of Ḥudaybiyah: 'This is why when the pagans inclined

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[81] Qur'ānic 10:25.
[82] Qur'ānic 4:94.
[83] Qur'ānic 16:28.
[84] Qur'ānic 8:61.
[85] Ibn Manẓūr, *'Lisān al-'Arab*,' < https://ar.lib.eshia.ir/40707/12/289> [accessed 22-01-2023].
[86] Badāwī, 'Muslim and Non-Muslim Relations,' p. 9.
[87] 'Abbas Aroua, 'The Quest for Peace in the Islamic Tradition,' (Kolofon Press, 2013), p. 46.
[88] Qur'ān 2:208.
[89] Abū al-Fidā' Ismā'īl ibn Kathīr, *'Tafsīr al- Qur'ān al-'Aẓīm,'* 1st ed. (Dar ibn Hazm, 2000), p. 267.
[90] Qur'ān 8:61.
[91] Qur'ān 8:61.

to peace in the year of Ḥudaybiyah[92] (AD 628) and sought cessation of hostilities for nine years, between them and the Prophet Muḥammad, he accepted this from them, as well as accepted other terms of peace they brought forth.'[93]

For the firm link between *'Silm'* and establishing peace, it is noted that these orders came with two main words used for peace treaties within the Qur'ān, which are *'ahd (pl.'uhūd)*[94] and *mīthāq*[95], as well as a political agreement. These words can refer to a spiritually binding pledge, or covenant.[96] All of these meanings emphasize the reflection of achieving peace as a spiritual meaning of the peaceful relationship between humans as a goal of God's will among people.

In the Islamic tradition, peace is a three-dimensional aspect of a Muslim's life: peace with oneself (inner peace), peace with God (the Creator), and peace with other God's creatures (humans, animals, and the whole environment). The three dimensions of peace are interrelated. Omar Benaissa, an Algerian academic, explains this connection as follows: 'The divine name *as-Salām* is the one through which all other opposing names are reconciled. One must make peace within oneself in order to make peace in one's surroundings. Moses first learnt to control his inner 'pharaoh' before triumphing over the external Pharaoh.'[97] According to Benaissa, to be at peace with God, one has to be at peace within himself and in extension with others, and being at peace with others is a requirement for fulfilling peace with God.

In short, maintaining peace is of utmost importance in order to secure the five objectives of Shari'ah; namely, the protection of faith, reason, life, honour, and property. These objectives are deemed the basic foundations of peaceful co-existence in communities. The frames of this co-existence encompass different circles such as family, community, society, and humanity on a large scale, and each of them requires peace as a basic need to thrive and last. These frames of protection and caring for humanity should lead us to the question of how Islam

[92] Pact of al-Ḥudaybiyah, (628), a compromise that was reached between Prophet Muḥammad and Meccan leaders, in which Mecca gave political and religious recognition to the growing community of Muslims in Medina. See Fred M. Donner, 'Muḥammad and the Believers, at the Origins of Islam,' (Harvard University Press, 2010), pp. 42–43.
[93] Donner, 'Muḥammad and the Believers,' pp. 42–43.
[94] Qur'ān 8:56.
[95] Qur'ān 13:20.
[96] Qur'ān 4:90.
[97] Aroua, 'The Quest for Peace in the Islamic Tradition,' p. 46.

views the human dignity of the 'Other' as well as the impact of achieving peace in preserving human's life and honour.

1.2. Universal Human Dignity

The Qur'ān, in many of its verses, gives significant consideration to the human race over others. Every human being should be dignified and honoured on account of their humanity, regardless of their own faith or race. This dignity and respect are well depicted in the Qur'ān when God commanded all the angels to bow down to Ādam out of honour and respect as it says in the Qur'ān: 'And [mention] when We said to the angels, 'Prostrate before Ādam'.'[98] As a symbol of the human race, the prostration to Ādam means that, like his children, he/she is a valuable creature, and his/her life should be protected. Using the command verb *'ūsjūdū* bears an expressive meaning that suggests the high status of dignity and sanctity of this human entity. This verb, which is usually used to refer to the worship of God alone, God has shared its linguistic semantic to include Ādam as a representative of humanity in this glorification.

In this regard, ibn Kathīr says: 'This verse mentions the great honour that Allāh granted Ādam, and Allāh reminded Ādam's offspring of this fact. Allāh honoured Ādam and commanded the angels to prostrate before him.'[99] Undoubtedly, this kind of prostration, which, according to Islamic belief, was made by those who were created from fire, before Ādam who was created from clay, and by those who came first, before Ādam who came later, means that God Almighty honoured, raised, and favoured this human creature above others and made his dignity protected and forbidden from infringement.

In the same context, the Qur'ān states how God created all humans and favoured them over other creatures and facilitated all means of life for them: 'And We have certainly honoured *'karramnā'* the children of Ādam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created, with [definite] preference'.[100] The verb *'karramnā'* came in the affirmative-informative style, which suggests that the command to honour this human entity has been decreed since the beginning of creation. Hence, it is a characteristic that is eternally and permanently attached to the sons of Ādam and cannot be revoked under any pretext or for any reason.

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[98] Qur'ān 2:34
[99] Ibn Kathīr, *'tafsīr,'* p.117.
[100] Qur'ān 17:70.

In the same regard, Imam Muḥammad al-Shawkānī (d. 1834) says that the phrase 'we honoured all of them' is the summary of the favours of God over the children of Ādam. The honour implied in this verse comprises their creation in this excellent form and the characteristics bestowed upon them in eating, drinking, and dressing in a way that distinguishes them from all other kinds of animals. Moreover, they were blessed with the virtue of reason that enabled them to control all animals, differentiate between good and evil, expand in the varieties of eating and drinking, gain wealth that made them achieve things impossible for animals, and construct buildings that provide them with security and make clothes that prevent them from hot and cold weather.[101] Facilitating all these means of life for humans shows how valued and dignified this creature is in the sight of the Creator. Therefore, any violation of his sacredness is prohibited and provokes the wrath of God on the aggressor.

This sacredness, according to some Islamic traditions, stems from the fact that every human being is created in accordance with the form and image of God,[102] and that the human spirit is also of divine origin as the Qur'ān states: 'So, when I have made him and have breathed into him of My Spirit, do ye fall down, prostrating yourselves unto him.'[103] This perspective holds that every human being is created innocent, pure, true and free, inclined to right and virtue and endued with true understanding about his /her true nature in what is called *fiṭra*.[104] This belief is also based on the Qur'ānic verse: 'verily, we have honoured every human being.'[105] Thus, the idea of *fiṭra* rejects the notions of innate sinfulness and recognises all humans are related and derived from the same pure origin as the Qur'ān says: 'O mankind! reverence your Guardian-Lord, who created you from a single person, created, of like nature, His mate, and from them twain scattered (like seeds) countless men and women;- reverence God, through whom ye demand your mutual (rights), and (reverence) the wombs (That bore you): for God ever watches over you.'[106]

This aspect of uprightness recognises the goodness inherent in each human being at birth, regardless of different religious, ethnic, racial, or gender backgrounds, as the Qur'ān asserts:

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[101] Al-Shawkānī, Muḥammad ibn 'Alī ibn Muḥammad ibn 'Abdullāh, *'Fatḥ al-Qadīr,'* <https://al-maktaba.org/book/23623/1521#p1> [accessed 22-01-2021), Vol. 3, p. 290.
102 Lutz Richter-Bernburg, 'God created Ādam in his likeness' in the Muslim tradition,' (2011) <https://www.researchgate.net/publication/292653369_'God_created_Ādam_in_his_likeness'_in_the_Muslim_tradition> [accessed 31-01-2021), p. 2.
[103] Qur'ān 15:29.
[104] Seyyed Ḥusayn Naṣr, 'Unity and Diversity in Islam and Islamic Civilization, 2003,' quoted in 'Abdulazīz Sa'īd & Meena Sharify Funk (eds), 'Cultural Diversity in Islam,' (University Press of America, 2003), p. 279.
[105] Qur'ān 17:70.
[106] Qur'ān 4:1.

'Certainly We created man in the best make.'[107] It is noted that although Qur'ān occasionally describes the fallen nature of man in gruesome terms, presenting him as weak, forgetful, treacherous, hasty, ignorant, ungrateful, hostile, and egoistic, these qualities are eventually considered deviations from man's essential nature *(fiṭra)*.[108] *Fiṭra* does not judge the wrong or right of human faith but rather evaluates the moral righteousness of the actions and thus has the ability to relate and integrate individual responsibility with spiritual and moral awareness.[109]

As a central principle of peace and conflict resolution, the *fiṭra* reminds Muslims that all human beings, regardless of gender, religion, race, etc., are created in the image of God and are, therefore, all sacred. It also reminds Muslims that only God knows what is in people's hearts and that only God, the Creator, will judge people in the hereafter and determine their eternal destiny. Therefore, people's beliefs and choices in this life should not be the concern of others. For these reasons, humans in this worldly life are free agents to choose whatever beliefs they desire as long as they do not offend others or dehumanise them for choosing otherwise.

It is also well noted that God's message to preserve human life and dignity is an inclusive notion to all human races, even those who refuse to believe in him. In presenting this notion, the Qur'ān addresses every human being as *nafs* (a 'soul') without determining the identity of this soul, be it Muslim, Jewish, Christian, or others, stating: '… whoever kills a soul unless for a soul or for corruption [done] in the land – it is as if he had slain mankind entirely. And whoever saves one – it is as if he had saved mankind entirely.'[110]

In this regard, it can be argued that the value of human dignity is not implied in the Qur'ān for mere generic knowledge but mandated on Muslims in order to stand against killing, torturing, and dehumanising the 'Other.' Thus, Islamic peacebuilding frameworks and methods aim to restore and rebuild a natural tendency among humans to be in sync with their Creator and to dignify human lives. In addition, it assumes that people can change through reason and compassion in order to live in peace, love, and harmony.

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[107] Qur'ān 95:4.
[108] Kalin, 'Islam and Peace,' pp. 10-11.
[109] Muḥammad Abū Nimer, 'Non-violence and Peacebuilding in Islamic Theory and Practice,' (University Press of Florida, 2003), pp. 55-71.
[110] Qur'ān 5:32.

1.3. Universal Justice

Ensuring justice between people is a prerequisite for achieving peace and stability in society. It also contributes to ensuring respect for their dignity by achieving the meaning of social justice among them.[111] Justice means 'to be balanced and in a state of impartiality with all humans.'[112] Peace-building perspectives recognise that justice is central to establishing sustainable peace. The Oxford English dictionary defines a 'just person' as someone who 'does what is morally right' and is committed to 'giving everyone his or her due.'[113] In this regard, for ancient Western philosophers like Aristotle and Augustine, justice refers to that which is lawful and fair, with equity that includes fair distributions and corrects what is unfair.[114]

In this context, Aristotle's conception of justice in Book V of his *Nicomachean Ethics* does not merely refer to legal laws or social norms. For him, justice is a comprehensive virtue that stands at the intersection of personal morality and social responsibility. He divides it into two categories: distributive justice, which focuses on the fair allocation of resources and opportunities, and corrective justice, which deals with rectifying wrongs and imbalances.[115] Based on Aristotle's concept of justice, the application of laws alone may not be sufficient to ensure the application of justice. It must therefore be accompanied by a moral aspect and a social commitment as a binding contract between citizens. The moral aspect of justice is explored below through a thematic reading of the Qur'ānic text. More light will be shed on the social contract of justice through the Constitution of Medina in the next Chapter.

1.3.1. Justice in the Qur'ān

For Islam, and within its worldview, the continuous human responsibility to establish justice within society is identified as one of the reasons for the descent of revelation into the world, as God says: 'We sent Our messengers with clear signs *(al-bayyināt),* the Writ *(al-kitāb)* and the Scale *(al-mīzān),* so that people could uphold justice *(al-qisṭ)*'.[116]

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[111] Abū Nimer, 'Non-violence and Peacebuilding,' p. 239.
[112] Brian Barry, 'Justice and Impartiality,' (Oxford University Press, 1995) preface, p. X.
[113] Western Theories of Justice, <https://iep.utm.edu/justwest/> [accessed 02-02-2021].
[114] Western Theories of Justice, Ibid.
[115] Stanford Encyclopedia of Philosophy, 'Aristotle, Justice,' <https://plato.stanford.edu/entries/justice/> [accessed 02-02-2021); Fred D. Miller. 'Nature, Justice, and Rights in Aristotle's Politics,' (Clarendon press, 1995), p. 70; See also, Ronald L. Weed. 'Aristotle on Stasis: A Moral Psychology of Political Conflict,**'** **(**Logos Verlag Berlin, 2007), pp. 34-43.
[116] Qur'ān 57:25.

This *mīzān* (as a notion of justice) cannot be established but on the two wings that Aristotle mentioned (distributive justice and corrective justice). In Islam, these forms may appear in various manifestations, as mentioned by Harvey, distributive as in (trade, alms, war booty, marriage, and inheritance), and corrective as in (public and private crimes).[117] Therefore, the Qur'ān clearly delineates the limits of these aspects through the verses on trade (Q. 6:152, 17:35), concluding contracts (Q. 2:282), inheritance (Q. 4:11-12, 176), war booty (Q. 8:41, 59:6), marriage provisions (Q. 4:1, 30:21), and alms giving (Q. 9:34-35, 60). It also specifies penalties for any transgression that may occur against them, such as the punishment for corruption (Q. 5:30), theft (Q. 5:38), spreading discord (Q. 2:102, 24:19, 33:60), and assaulting people's honour and chastity (Q. 24:4).

Contrary to Harvey's conception of the application of these Qur'ānic concepts of justice and hence correcting people according to them, [118] this approach seems unrealistic in a world of diverse legal systems, beliefs, and ideas. Instead, they should serve as general guidelines and sources of inspiration. For that, it is noted that the Qur'an, emerging in a multi-religious milieu, provides considerable autonomy for other sects to manage their affairs and be judged according to their own legislations, particularly in family and religious matters, as in Q. 5:47-48. Therefore, it is the responsibility of individuals and communities to cultivate common morals to establish the two wings of this *mīzān*, similar to how the Prophet Muḥammad did on the ground in *Ḥilf al-Fuḍūl*, as will be detailed in the next chapter.

For that, Muslims, with others as God's stewards, are encouraged to cooperate in combating and correcting conditions of injustice, recognised as fundamental causes of conflict and disorder on earth, for the benefit of all. Acting otherwise can lead to widespread corruption and chaos, as the Qur'an warns: 'Now such were their houses, - in utter ruin, - because they practised wrong-doing. Verily in this is a Sign for people of knowledge.'[119] This verse underscores that injustice can lead to both literal and metaphorical ruin of homes and societies. Conversely, justice is essential for the stability and prosperity of societies, fostering peace among people.

Islam, therefore, views justice not only as a human need for individuals to co-exist, but also as a divine command. It is at the heart of the teachings of God's apostles to their people and

[117] Harvey, 'The Qur'ān and the Just Society,' the Preface, p. 121, 171.
[118] Harvey, 'The Qur'ān and the Just Society,' p. 192.
[119] Qur'ān 27:52.

should therefore be observed without favouritism, even with enemies, religious or intellectual opponents, as the Qur'ān says: 'O you who have believed, be persistently standing firm for God, witnesses in justice, and do not let the hatred of a people prevent you from being just *(ta'delū)*. Be just *("delū)*; that is nearer to righteousness, and fear God; indeed, God is acquainted with what you do.'[120]

The word *'adl*, in the verse, came in different textual forms, all of them as verbs; one in the present *(ta'delū)* and the other as a command *('delū).* All of them are derivatives of the noun *'adl,* which has different meanings in lexicographical sources, and all of which are of often usage in the Qur'ān. Among these meanings are to act justly, or equitably; [121] to be fair in judgement;[122] to be impartial in speech, or witness.[123]

All of these notions in the Qur'ān are given as a divine command and not an option. They are commanded in a universal context not just between Muslims themselves but extend to include non-Muslims with whom Muslims have unstable and tense relations. In this regard, God calls upon Muslims, 'And do not let the hatred of a people for having obstructed you from al-Masjid al-Ḥarām (the holy mosque) lead you to transgress *(ta'tadū)*. '[124] Exegetes such as ibn Kathīr,[125] al- Qurṭubī,[126] and others say that these verses were revealed after the conquest of Mecca, that is, after the Muslims had taken control of the whole of Mecca, where they had previously been persecuted, tortured, and unjustly expelled from their homes.

Despite all these hardships that the Muslims encountered at the hands of Quraysh, the Qur'ān instructs Muslims to act justly (opp. *ta'tadū*) and to refrain from any kind of injustice that might arise due to past hatred and enmity. According to ibn Manẓūr, the verb *ta'tadū* signifies going beyond justice to commit acts of injustice.[127] In this regard, the Qur'ān calls Muslims to mobilise and act against injustice and transgression, even with their enemies whom God has given victory over. The usage of the present tense of the verb *ta'tadū* (transgress) implies that Muslims are required to refrain from acting as such, not only in one

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[120] Qur'ān 5:8.
[121] Edward William Lane, 'Arabic-English Lexicon,' (Librairie Du Liban, 1968), Vol. 2, p. 197. See Qur'ān. 4:3 and 4:128.
[122] Ibn Manẓūr, '*Lisān al-'Arab*,' < https://ar.lib.eshia.ir/40707/11/433> [accessed 11-04-2024]; See Qur'ān. 4:58.
[123] Ibn Manẓūr, '*Lisān al-'Arab*,' Ibid. See Qur'ān. 6:152.
[124] Qur'ān 5:2.
[125] Ibn Kathīr, *'tafsīr,'* pp.571-572.
[126] Abū ʿAbdullāh Muḥammad al-Qurṭubī, 'Tafsīr al-Qurṭubī,' (al-Resalah Foundation, 2006), Vol.7, pp. 262, 268.
[127] Ibn Manẓūr, *'Lisān al-'Arab,'* < https://ar.lib.eshia.ir/40707/15/34> [accessed 11-04-2024].

situation during the conquest but always and forever. In essence, justice, as a universal principle for resolving conflicts and developing peaceful relations, calls upon Muslims to be self-reflexive, self-critical, humble, and accept responsibility for their actions.

In the same vein, ibn Kathīr comments: 'The verse commands: Do not be carried away by your hatred for some people to avoid observing justice with them.'[128] Rather, as he says, be just with everyone, whether a friend or an enemy. This is why God said in this verse: 'Be just: that is nearer to piety,' which means this is better than if you abandon justice in this case. Although Allāh said that observing justice is 'nearer to piety,' there is not any other course of action to take; therefore, 'nearer' here means 'is.'

These Qur'ānic notions inform that peace cannot be attained unless a just order is established in the first place. S. Ayse Kadayifci-Orellana (2007) argues that: 'Justice is the overriding principle, and it must transcend any consideration of religion, animosity, race, or creed.'[129] In general, without justice, peace cannot be achieved; as Kalin asserts, 'peace is predicated upon the availability of equal rights and opportunities for all to realise their goals and potentials.'[130] In line with Orellana and Kalin's arguments, no doubt that ensuring equal rights for individuals, regardless of any other considerations, creates an atmosphere of psychological and social peace in societies and ultimately contributes to their stability. Conversely, the disintegration and collapse of societies arise when their members do not have fair opportunities and equal rights based on differences in faith, gender, or tribe.

For the universality of this aspect and its impact on the survival of states, regardless of their religions, ibn Taymiyyah says, 'It is said that God allows the just state to remain even if it is led by unbelievers, but Allāh will not allow the oppressive state to remain even if it is led by Muslims. And it is said that the world will endure with justice and unbelief, but it will not endure with oppression and Islam.'[131]

Moreover, it is found that the Qur'ān deals with this issue beyond mere justice of giving people what they deserve to another level of kindness and courtesy. It is noted that the Qur'ān uses two different terms that carry many important meanings in their folds other than the

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[128] Ibn Kathīr, *'tafsīr,'* p. 594.
[129] S. Ayse Kadayifci-Orellana, 'A standing on an Isthmus: Islamic Narratives on War and peace in Palestine,' (Lexington Books, Lanham, MD, 2007), p. 103.
[130] Ibrahīm Kalin, 'Peace as a Substantive Value,' <http://en.alukah.net/Shari'ahh/0/3237/> [accessed 02-02-2021].
[131] Ibn Taymiyyah, *'Majmū' al-Fatāwā, al-jihād, Resālat al-Ḥisba,'* (Mujama' King Fahd, Saudi Arabia, 2004), Vol. 28, p. 62-63.

apparent ones of justice or *'adl*. The following verses and the terms contained therein are the basis for such dealings as the Qur'ān instructs: 'As for such [non-Muslims] who do not fight you on account of [your] faith, or drive you forth from your homelands, God does not forbid you to show them kindness [also love and respect] and to deal with them with equity, for God loves those who act equitably. God only forbids you to turn in friendship towards such as the fight against you because of [your] faith and drive you forth from your homelands or aid [others] in driving you forth. As for those, from among you, who turn towards them for an alliance, it is they who are wrongdoers.'[132] In these verses, the commands encourage Muslims to treat peacefully co-existing people with *'qisṭ'* (equity or justice)[133] and *'birr'* (the highest level of kindness).[134] The term *'birr'* is extensively discussed under the next aspect, 'universal human brotherhood, kindness, and love.'

As for the term *'qisṭ,'* some scholars argue that this Qur'ānic term means to go beyond justice by giving more than what is considered others' legal rights, and it is more specific than the generic *'adl*. Concerning their semantical meanings, Harvey says that *qisṭ* is about establishing a just world, while *'adl* is about remaining personally just.[135] In this regard, Imam Abū Bakr ibn al-'Arabī comments on the previous Qur'ānic verse clarifying the term *'qisṭ,'* saying: 'Treating peacefully co-existing non-Muslims with *qisṭ* does not mean bare justice. Instead, it means that someone gives from his own wealth to maintain a good relationship with them.'[136] In line with Harvey, this definition extends from the mere embodiment of justice to its tangible impact on others to build a strong and cohesive society.

Ibn Al-'Arabī further stresses: 'What is meant by *qisṭ* is not mere justice *('adl.)' 'Adl* in Arabic is to ensure justice for those who fight against Muslims as well as those who are not in a fight. In comparison, *qisṭ* goes beyond this extent of mere justice to further kindness, compassion, and cooperation, especially with those not in combat with Muslims.'[137]

In light of these meanings, strengthening this principle and what it entails would help form a just society in which dealings are not limited to giving others their rights. Rather, it will also be concerned with spreading the meanings of compassion, mercy, and empathy through

[132] Qur'ān 60:8
[133] Ibn Manẓūr, *'Lisān al-'Arab,'* < https://ar.lib.eshia.ir/40707/7/377> [accessed 23-01-2021].
[134] Ibn Manẓūr, *'Lisān al-'Arab,'* < https://ar.lib.eshia.ir/40707/4/54> [accessed 23-01-2021].
[135] Harvey, 'The Qur'ān and the Just Society,' p. 20.
[136] Ibn 'al-Arabī, quoted in Tafsīr al-Qurṭbī, Ibid, p. 409.
[137] Ibn 'al-Arabī, quoted in Tafsīr al-Qurṭbī, Ibid.

practical application, embodying humanity's highest moral aspirations as a collaborative endeavour in civilisation.

1.4. Universal Human Brotherhood-Loving-Kindness

Islam always instructs its followers to seek peace in all aspects of their lives as an essential requirement for a good and stable life. The ideal society that Islam strives for is created not only through the practice of justice but also through the pursuit of peace and the attainment of a balanced life. In some cases, although justice in rights is ensured between people, enmities and disputes still exist because of vying, ruthlessness, social and political rivalry, and lack of cooperation amongst one another. For that, love and kindness are considered among the essential components of peacebuilding, as they help convert former hostilities into friendship and create friendly relations based on respect and understanding. From an Islamic perspective, love and kindness are some of God's attributes and are derived from one of the ninety-nine beautiful names of God. The source of people's love for each other and for all creatures is thus rooted in the loving nature of God Himself.

Transforming enmity into love and conflict into cooperation is one of God's intentions for His creatures to practise, as the Qur'ānic verse states: 'It may be that God will grant love (and friendship) *al-mawaddah* between you and those whom ye (now) hold as enemies. For God has power (over all things); and God is Oft-Forgiving, Most Merciful.'[138] To perceive the depth of the meaning of *mawadda*, one can do so by searching for the same word elsewhere in the Qur'ān. Using the same word, God describes the nature of the ideal relationship between partners in a marital relationship, saying, '……and He has put love *(mawaddah)* and mercy between your hearts….'[139] *Mawaddah* thus means to live in a state of love and tranquillity such as that which develops between partners. *Mawaddah,* in its generic meaning, however, does not necessarily mean an emotional attachment to someone. Rather, it may refer to the love of goodness, guidance, and prosperity for them, irrespective of their religious or racial backgrounds. This Qur'ānic notion implies how important these meanings are to be perceived and implemented in reality in order to create an atmosphere of harmony and co-existence between people.

In Q. 60:7-8, God mentions another spiritual meaning, referring to how the relationship with a non-combatant Otherness should look like. In addition to the qualities of '*al-mawaddah'*

[138] Qur'ān 60:7.
[139] Qur'ān 30:21.

(love) and *'qisṭ'* (equity or justice), the Qur'ān mentions the meaning *'birr'* in its present tense *'tabarrūhūm'* (dealing kindly)[140] to refer to the spiritual wisdom that God intends for his creatures, and for Muslims to adopt it as a habit in their daily dealings.

When looking up the term *'birr'* in most available English translations, one finds that most of them do not reflect the rich and accurate meaning that it has in Arabic. In several translations, such as Ṣaḥīḥ International,[141] Pickthall,[142] Muḥammad Shafī,[143] Musharraf Ḥusayn,[144] and others, the term is translated as 'justice', although the Qur'ānic term 'justice' has a different meaning in Arabic lexicography, which is *'adl* not *birr. 'Adl* means giving others their rights, no less and no more,[145] which is not the intended meaning of the term *' birr'* in the Qur'ān.

To clarify what the term *'birr'* means and what notion it carries? It is found that the term is mentioned in more than one place in the Qur'ān as in Q.19:14, 32, to show how a person's relationship with his parents is supposed to be and the qualities it bears in terms of love, respect, and kindness. Accordingly, using this term to describe the relationship between Muslims and peaceful non-Muslims does not only mean being just but also includes the values of love and respect, closely as that a person should show to his parents.

In encouraging humans to love and communicate with each other, God says in the Qur'ān: 'O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of God is the most righteous of you. Indeed, God is Knowing and Acquainted.'[146] In fact, God does not intend for people to merely know each other superficially but to cooperate and live in peace without corruption or transgression. It should also be noted that the verse is not addressed exclusively to Muslims but begins with an inclusive message to all human race by calling 'O humankind.' The verse reminds all humanity that they belong to one family, descended from the same parentage (Ādam and Eve), and should remain so, wishing each other good and prosperity despite their many differences.

The verse also demonstrates that diversity can exist in unity and vice versa. God's wisdom decreed that human beings are dispersed into nations and tribes, who, despite their variety,

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[140] Lanes Lexicon, 'Arabic-English Lexicon,' Vol. 1, p. 175.
[141] The Qur'ānic Arabic Corpus, <https://corpus.quran.com/translation.jsp?chapter=60&verse=8 > [accessed 02-02-2021].
[142] The Qur'ānic Arabic Corpus, Ibid.
[143] IslamAwakened: Qur'ān Translation <https://www.islamawakened.com/quran/60/8/> [accessed 02-02-2021].
[144] Ibid.
[145] Ibn Manẓūr, '*Lisān al-'Arab*,' < https://ar.lib.eshia.ir/40707/11/430> [accessed 23-01-2021].
[146] Qur'ān 49:13.

are created from the same origin. About this meaning, Badāwī likens humanity to a bouquet of flowers, in which each flower is bright and beautiful in its own right, yet the collection of all flowers and their rich diversity of colours is even more attractive.[147] Like a single flower in a bouquet, it should be noted that not a single civilisation or a certain group can live in isolation and shut itself off from universal knowledge. If a civilisation wishes to choose solitude, it must ensure that it is completely self-reliant in all aspects of life, which will be extremely difficult to achieve and sustain.

It has become clear that the exclusive way of life of some groups seems to contradict the universal principles of peaceful co-existence, as outlined in the Qur'ān's directives for justice, love, kindness, and dialogue among different tribes and peoples. There are many ways of communication, and the least that can be shown is through opening channels of dialogue and mutual relationships. A true Muslim should show respect to other religions and accept their differences, leaving a good impression about Islam and how it views 'religious Otherness.' Good conduct, and love for guidance and goodness to others undeniably play a commendable role in helping others understand Islam and Muslims, and thus earning their respect.

1.5. Human Stewardship on the Earth

Steward is generally a term that refers to one who is responsible for the safekeeping of another's goods and possessions. A steward is, therefore, not an owner but someone who is responsible for handling the owner's property with care and honesty. Stewardship, then, is the responsibility to manage things wisely and respectfully in order to achieve the aimed equilibrium. The unjust steward, on the other hand, is the one who takes advantage of his position to serve his own interests without caring for others.[148]

In this regard, God appointed Ādam, a symbol of humanity, as the entrusted steward *(khalīfah)* on the earth as the Qur'ān states: 'Behold, thy Lord said to the angels: 'I will create a vicegerent on earth,'[149] referring to Ādam. It also states: 'It is He who has appointed you viceroys in the earth,…'[150] The role of humans as stewards on this earth is to deal with others in moderation and conservation rather than corruption and wastefulness. Stewards are committed to carrying out this stewardship as a trust; hence, they should be aware of how to

[147] Badāwī, 'Muslim and Non-Muslim Relations,' p. 12.
[148] David M. Rhoads, 'The Stewardship of Creation: A Theological Reflection.' <https://lutheransrestoringcreation.org/the-stewardship-of-creation-a-theological-reflection/ > [accessed 23-01-2021).
[149] Qur'ān 2:305
[150] Qur'ān 6:165

manage it to live peacefully among each other and even with non-human beings. For that, Harvey argues: 'If the basic idea of the *khalīfah* within the Qur'ān is the human steward charged with a duty to live according to the moral Scale that God has set within creation, then in the social sphere this implies upholding justice, establishing His law and rectifying worldly corruption. Such a function can be seen as a logical consequence of the *amānah* (trusteeship) given to human beings, as they are able to obey or disobey God, so they must take responsibility for the just regulation of their society.'[151]

For the importance and seriousness of this stewardship, God created everything in heavens and earth for the benefit of humans and empowered them to be able to build and reclaim this earth as the Qur'ān states: 'And He has subjected to you, as from Him, all that is in the heavens and on earth: Behold, in that are Signs indeed for those who reflect.'[152] This empowerment from God enabled stewards to earn their livelihood on earth through the domestication of plants and animals and to search for provisions.

Building a peaceful, co-existing society, therefore, requires the involvement of its members (God's stewards) and their social empowerment to transform conflict into peace and corruption into goodness. Abū Nimr (2001) argues that 'Social empowerment through *'ḥsān* (goodness) and *khayr* (benefit) are important paths to justice and peace in the Islamic tradition,'[153] while Kalin (2005*)* reports that: 'war, conflict, violence, injustice, and discord are related to the problem of evil'. The latter also added: 'From an Islamic point of view, evil is something that can be realised by the intellect and correct reasoning and with the help of the revelation.'[154]

Based on Nimr and Kalin's arguments, it is the responsibility of human beings to do good and strive to prevent evil. The Qur'ān recognises that human beings have the capacity to do so to the best of their ability in order to change their conditions as the Qur'ān states: 'Surely God does not change the condition of a people until they change their own condition.'[155] The Qur'ān directs that changing conditions for the better is linked to changing oneself for the better too as an individual and collective responsibility. This change can therefore be seen in

[151] Ramon Harvey, 'The Qur'ān and the Just Society,' p. 83.
[152] Qur'ān 45:13.
[153] Abū Nimer, 'Non-violence and Peacebuilding,' p. 237.
[154] Kalin, 'Islam and Peace,' p. 339.
[155] Qur'ān 13:11.

society as a whole in the form of love of goodness and peace and the fight against evil and violence.

Here, it is noted that social empowerment and involvement in doing good are closely related to the Qur'ānic principle of *khalīfah* (stewardship or vicegerency). For that, the Qur'ān states in many verses that God gave humans stewardship for actively achieving unity and harmony on this earth. Thus, as a representative of God, each individual on this earth is responsible for bringing all creatures under the sway of equilibrium, harmony and living in peace with them.[156]

From another perspective, Islamic teachings regard peace work as a collective responsibility. In this context, Abū Nimr also says: 'Peacebuilding in Islam is based on a framework of deeply embedded religious beliefs regarding individuals' responsibility for their actions and their active participation in larger social contexts. Muslims are thus expected to further maintain good and honourable interpersonal relationships.'[157]

In the same vein, Sachedina (2001) asserts that the Qur'ān promotes social responsibility and positive bonds between people because of their common ethical responsibility towards one another.[158] In support of this view, Naṣr (2004) notes that in the Islamic tradition, the human community is judged according to the degree to which it allows its members to live a good life based on moral principles.[159] For both Sachedina and Naṣr, the responsibility of achieving peaceful living and forming ethical bonds in societies rests primarily on the shoulders of its members as God's stewards on this earth. Therefore, they are required to represent God in the best way possible by bringing peace, caring for His people, and preventing harm to them. This stewardship, in turn, draws attention to the need to take care of the human element in a larger community as a crucial building block for achieving harmony and mutual peaceful co-existence in societies.

Contrary to Western modernity and the core aspect of secularism, which made man the owner of the earth, replacing God, who can do whatever he wishes, good or bad, including corruption, wars, and human disasters, Islam makes man a mere trustee (steward), receiving the trusteeship from God, the one who truly owns everything. As a steward, man only owns

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[156] William C. Chittick, 'The Theological Roots of Peace and War According to Islam', (The Islamic Quarterly, 1990), Vol.34, no.3 < http://www.williamcchittick.com/articles/#essays> [accessed 02-02-2021), p. 156.
[157] Abū Nimer, 'Non-violence and Peacebuilding,' p.239.
[158] Sachedina, 'The Islamic Roots of Democratic Pluralism,' p.76.
[159] Seyyed Ḥossein Naṣr, 'The Heart of Islam: Enduring Values for Humanity, (Harper One, 2004), p.159-160.

things figuratively through trusteeship, not through real ownership. Hence, this trusteeship requires him to preserve the trust as it was given to him and to avoid harming or spoiling it by any means. Therefore, as a steward on earth, he must do only good and refrain from any evil in order to fulfil the stewardship's terms.

In short, Islam urges its followers to play the role of human stewardship on this earth in order to strengthen good relationships between people and fulfil the desired aims God entrusted them with. Muslims, along with others, are urged to improve their communal life, support one another, combat poverty, tackle oppression and discrimination, and be real stewards of the earth. Therefore, irrespective of their gender, ethnicity, and race, they are responsible for the order on earth as they are God's stewards and His vicegerents. Perceiving this meaning makes Muslims strive to make life on earth safe, peaceful, and free from all forms of violence and corruption.

1.6. The Essence of Cooperation and Partnership

Cooperation is one of life's most common concepts and one of the positive results of the true application of stewardship. It involves direct and open communication, respect for different perspectives, and mutual responsibility for problem-solving.[160] Relationships and cooperation among people are of great importance, and hence God has mentioned several essential themes in the Qur'ān concerning this principle. The Qur'ān highlights the importance of cooperation in more than one verse for promoting goodness and benefiting one another. On the other hand, it explicitly prohibits all kinds of cooperation based on sinful and oppressive acts for both countries and individuals, stating: 'And cooperate *(ta'āwanū)* in righteousness and piety, but do not cooperate in sin and aggression. And fear God; indeed, God is severe in penalty.'[161]

Cooperation in Arabic is lexically called *(ta'āūn)*, which means to help each other, while partnership means participation to accomplish or perform a common task for the benefit of all.[162] It is worth noting that Qur'ān uses the verb *(plur. ta'āwanū)*, not *(sing. ta'āūn)*, in its plural form to indicate that cooperation, in order to bear fruit, must be carried out as a collective effort with the participation of all.

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[160] J B Sexton, E J Thomas & R L Helmreich, 'Discrepant attitudes about teamwork among critical care nurses and physicians, (Critical Care Medicine, 2003), Vol.31, no.3, pp. 956–959.
[161] Qur'ān 5:2.
[162] Raghib al-Iṣfahānī, *'Mufrādāt Alfāẓ al-Qur'ān,*' (Alamira, 2010), p. 266.

In urging people to help one another and stand shoulder to shoulder to establish a good life on this earth, the Qur'ān, in many verses, addresses humans also in a plural form, such as; 'O mankind,'[163] 'O believers,'[164] and 'O sons of Ādam.'[165] These Qur'ānic calls show how God intends people collectively to work together and collaborate to bring goodness, peace, and justice for all without differentiation or discrimination. Hence, cooperation and partnership can take place at different levels, from local cooperation to international. At the local level, between individuals, to resolve disagreements and disputes that may arise due to the diversity of religions or social backgrounds. At the international level, between countries, to ensure peace and mutual dialogue between each other.

In summary, most disputes and conflicts that occasionally arise among people can be settled, and thus peace can prevail if these concepts are applied in an honest and wise manner. This can happen when all individuals work together for the good of all, regardless of personal, ethnic, or kinship relations, and also by refraining from oppression, corruption, and encroachment in order to live in peace and feel the importance of partnership among each other.

In order to cooperate with each other, we must first take into account the diversity of others who differ in religion, race, language or colour. The unilateral and exclusive view of others will stand in the way of building bridges and cooperation with them. Therefore, it is necessary to know how Islam views the principle of pluralism in multicultural societies.

1.7. Acknowledgement of Plurality in Human Societies

Discrimination based on religious, ethnic, cultural, colour, or gender identities, is often one of the factors that violate the foundations of peaceful co-existence and lead to conflict in societies. In the field of conflict resolution, it is recognised that religion, identity and ethnicity are fundamental human choices, and any failure to recognise these differences between people often leads to frustration and conflict.[166] Therefore, pluralism, the principle that recognises the worth and value of different identities and beliefs, is essential for settling conflicts and establishing peace. In supporting this view, Abū Nimer, et al. (2007) argue that: 'Pluralism is defined as seeking to move beyond exclusivist perspective of religion by

[163] Qur'ān 49:13.
[164] Qur'ān 49:1.
[165] Qur'ān 7:35.
[166] Minority Rights: International Standards and Guidance for Implementation, p.46. United nations, Human rights <https://www.ohchr.org/documents/publications/minorityrights_en.pdf > [accessed 22-01-2021].

affirming the inherent value worth of all religions, and respect for diversity (such as racial, ethnic, tribal, national, etc.) are cornerstones of peacebuilding and non-violence.'[167] Thus, pluralism requires collaborative efforts and an affirmation that solidarity between communities is more beneficial to individuals than competitive strategies in order to address the root causes of conflict and respond to discrimination.

The modern era has accelerated the pace of interaction between believers of various religious traditions. However, intense awareness of and interaction with other religions has been present in the Islamic tradition since its inception and is not unique to modern times.[168] The Qur'ān originated in a multicultural milieu of the Arabian Peninsula in the seventh century and thus addressed topics such as freedom of conscience, minority rights, human rights, and religious pluralism; all issues that a multi-religious society must confront and address.

In a universal meaning, plurality refers to the peaceful co-existence and acceptance of others who hold different beliefs and convictions.[169] Accepting diversity and acknowledging plurality in human societies is an indispensable platform for peaceful co-existence. Therefore, it requires people to avoid offending those who do not share their beliefs. Deriding and mocking others can often lead to violence and hatred, especially in today's world, where people live in a highly diverse milieu, and interaction with each other has become a paramount necessity for running their lives.

These facts prove that diversity is a law of nature and not something that humans can create. Therefore, there is not a single country in the world that is homogeneous and devoid of diversity. In this respect, the Qur'ān affirms that diversity was created by God and for a purpose that was neither random nor for the sake of conflict, stating: 'And if your Lord had willed, He could have made mankind one community *(ummah waḥeda)*; (following one religion only, i.e., Islam), but they will not cease to differ.'[170] God also says, emphasising the same meaning: 'And had your Lord willed, those on earth would have believed - all of them entirely. Then, (O Muḥammad), would you compel the people in order that they become believers?'[171] God made it clear since the beginning of creation that people are different and will remain so even after the message of God is conveyed to them. God also tells His

[167] Moḥammed Abū Nimer, et al. 'Unity in Diversity: Interfaith Dialogue in the Middle East,' (Institute of Peace Press, 2007), p. 14.
[168] Eickelman, Dale, 'Islam and ethical pluralism, in Islamic political ethics: Civil society, pluralism and conflict, ed. by Sohail Hashmī (Princeton University Press, 2002), pp. 115- 34.
[169] Badāwī, 'Muslim and Non-Muslim Relations,' p.12.
[170] Qur'ān 11:118.
[171] Qur'ān 10:99.

Messenger not to expect all people to be on your faith or have the same beliefs. On the contrary, some of them will reject your message and sometimes even fight you because of it.

Elsewhere, the Qur'ān points to the inevitable differences between human beings, although they originated from the same source and in the same mechanism, stating: 'Among His signs in this, that He created you from dust; and then, behold, ye are men scattered (far and wide)![172] God made these differences as signs of his existence so that people may recognise His Majesty through these distinctive characteristics of each of them, saying: 'And among His signs is the creation of the heavens and the earth, and the variations in your languages and your colours: verily in that are Signs for those who know.'[173] These verses indicate that difference, not symmetry, is the norm of this life and that differences go beyond skin colour or language to include religions, gender, race, and others. Hence, only God, who willed for these differences to exist, has the absolute authority in the hereafter to judge, forgive, punish, and do whatever His Majesty decrees.

This enumeration of human differences and the dissimilar conditions in which they were created gives an indication to every human being on this earth that through their life journey, they have to accept and deal with the diversity of others and with what God created human beings upon. Even though people differ in language, skin colour, culture, homeland and means of power, they remain God's creation and of the same substance of clay. Hence, there is no one can claim superiority over others, or his colour is favoured over another since they were created through the same mechanism and imaged to the same form of humans. For these facts, people are meant to accept and know each other by setting up good relations and avoiding seeing others with mutual suspicion, hatred, or malice.

The Qur'ān also demonstrates a good sign of accepting plurality and tolerating others' beliefs, stating: 'O ye who believe! Believe in God and His Messenger, and the scripture which He hath sent to His Messenger and the scripture which He sent to those before (him). Any who denieth God, His angels, His Books, His Messengers, and the Day of Judgment, hath gone far, far astray.'[174] According to Islam, the messages of all prophets throughout time are one and guide to the same God, despite their different names. It is, therefore, noteworthy that the Qur'ān addresses Jews and Christians in many places as 'People of the Book.' The pluralistic nature of this term is exemplified using the noun 'Book' in the singular rather than the plural,

[172] Qur'ān 30:20.
[173] Qur'ān 30:22.
[174] Qur'ān 4:136.

with the aim of emphasising that Jews, Christians, and Muslims follow one single book and not many conflicting scriptures. The Old and New Testaments and the Qur'ān are seen as plural, earthly manifestations of the one heavenly book in which God engraved the divine word.

While affirming the unity of the source and goals of divine messages, God also assigns distinctiveness to each message through its laws and rituals. This stands in contrast to recent calls for an amalgamation termed 'Abrahamic religion,' [175] which aims to unify Judaism, Christianity, and Islam into one entity. Proponents of this idea view it as a means to foster tolerance, coexistence, and dialogue among these faiths. However, it raises the question: If these religions are merged into a single identity, what purpose does dialogue among their followers serve? This, in fact, marginalizes the importance of these identities for their bearers to the extent that they can be combined or assimilated with other identities, even if they differ in their formative foundations.

As a gesture of accepting plurality in societies without compromising the faiths of their components, it is worth noting that the Qur'ān does not claim to invalidate or abrogate the scriptures that were revealed before it. On the contrary, it confirms their validity and considers belief in them as one of the main articles of faith for Muslims. In one verse addressed to the Prophet Muḥammad, God says: 'And if you [Muḥammad] are in doubt concerning that which We [God] reveal to you, then question those who read the scripture [that was revealed] before you.'[176]

By acknowledging the plurality and validity of the previous divine messages without neglecting or underestimating them, God advises the Prophet to seek their knowledge in order to affirm what has been revealed to him, since they have all been revealed and originated from the same divine source. In this respect, if the Qur'ān was a non-pluralistic text, it would not have mentioned these pluralistic notions of recognising, dealing with, and respecting the divine revelations received by previous peoples.

Therefore, Muslims are commanded to believe in all of these messages and scriptures. Denying or rejecting any of them - as God warns - leads to God's punishment in the Hereafter, as the Qur'ān states: 'O you who have believed, believe in Allāh and His

[175] Youssef Sharqāwī, 'The New Abrahamic Religion: Religion in the Service of Politics,' <https://fanack.com/society-en/the-new-abrahamic-religion-religion-in-the-service-of-politics~224806/ > [accessed 28-12-2022].
[176] Qur'ān 10:94.

Messenger and the Book that He sent down upon His Messenger and the Scripture which He sent down before. And whoever disbelieves in Allāh, His angels, His books, His messengers, and the Last Day has certainly gone far astray.'[177] The notion carried in this verse proves that Muslims are commanded to accept and deal with the plurality of the previous divine messages even if their followers do not accept or believe in Islam. Not only the People of the Book, despite their privileged position in Islam, but also Muslims are commanded to deal with and accept the diversity of others as God's creatures and to believe that He is the only One who will judge between them on the Day of Resurrection after showing them His signs in this world.

The above-mentioned verses also carry many indications and warnings for believers. Among them is the prohibition of going beyond presenting the truth to others or attempting to force them to believe in a certain belief. In other words, Muslims are forbidden to interfere in the decisions and self-beliefs of non-Muslims, bearing in mind that the consequences of accepting or rejecting a particular belief are God's affair and a matter deferred to the hereafter. Therefore, people in this life should not be judgemental and divide others into groups; those who will be punished and those who will be rewarded. Instead, Muslims are required to accept the plurality of others in this life, and it is each individual's responsibility to believe that their own thoughts and convictions are the only matters that they will be questioned for in the hereafter.

In conclusion, according to Badāwī, it is worth noting, in this context, that accepting pluralism does not mean accepting a plurality of absolute truths or believing that all religious doctrines are valid or lead to the same religious source. Plurality means building bridges of tolerance and accepting the plurality of others who hold differing beliefs and convictions in order to establish a solid base of peaceful co-existence.[178] Thus, the Qur'ānic text, in many of its divine notions, encourages pluralism, calls for accepting others' diversity, and refrains from exclusivism and separatism on religion, language, or race. This leads to the importance of initiating mutual dialogue between diverse groups in order to amend rifts, bring viewpoints closer, and extend channels of communication.

[177] Qur'ān 4:136.
[178] Badāwī, 'Muslim and Non-Muslim Relations,' p. 12.

1.8. Inter-faith Peaceful Dialogue, particularly with the 'People of the Book'

Islam views Judaism, Christianity, their founders, and scriptures not only as a matter of culture or a societal problem but rather as a matter of faith. Accepting their Abrahamic roots is not a courtesy but rather an acknowledgement of religious truth. Islam does not consider them in the world as 'other views' that should be tolerated, but instead, as authentic religions that came down from the same God.[179]

Although the Qur'ān advocates the right of peaceful co-existence for all people, it, however, reserved a unique status for the People of the Book; as Ismā'il al-Farūqī says: 'there is no religion in the world that has yet made belief in the truth of other religions a necessary condition of its own faith and witness other than Islam.'[180] The Qur'ān, hence, mentions them in many verses separately or under the common name of *Ahl al-kitāb* 'People of the Book.' Their legal status is neither socio-political nor cultural nor civilisational but religious. For that, in addressing the different Medinan denominations during the Prophetic time, the Qur'ān distinguishes Jews and Christians from other idolatrous Arabs, stating: 'Those who reject (Truth), among the People of the Book and among the Polytheists, were not going to depart (from their ways) until there should come to them Clear Evidence.'[181] In this verse, God addresses the People of the Book differently from polytheists, and this is because they, like the Muslims, have received divine revelations and scriptures, making them closer to the Muslims than any other sects.

This view results from the truths they share in common, such as belief in one God, divine revelation, reward, and punishment for good and evil in the Hereafter. Moreover, they also share most of the universal human values that are encouraged in all monotheistic religions, such as moral teachings, peace, love, justice, and others. These common grounds should lead all parties to peaceful co-existence in order to build a cohesive and pluralistic society. As a path toward interreligious cooperation, Tim Winter opts not to fixate on what divides Muslims from deniers-belief- but on what they share in their humanity.[182]

Beyond these shared truths, the Qur'ān repeatedly encourages Muslims to open channels of mutual dialogue with Jews and Christians, saying: 'Say: O People of the Book! Come *'ta'ālaw'*

[179] Ismā'il Rajī al-Farūqī, 'Towards a Critical World Theology,' in Towards Islamization of Disciplines, ed. by The International Institute of Islamic Thought, (1995), p. 435.
[180] Ismā'il Rajī al-Farūqī, 'Towards a Critical World Theology,' p. 436.
[181] Qur'ān 98:1.
[182] Tim Winter, 'The Last Trump Card: Islam and the Supersession of Other Faiths,' (Studies in Interreligeous Dialogue, 1999), Vol.9, no.2, p. 153.

to common terms between us and you…..'[183] The use of the verb *'ta'ālaw'* bears a significant notion of the constant and long-lasting invitation to come together and open mutual dialogue with others without restrictions, preconceived convictions, or suspicions. Commenting on this verse, ibn Kathīr asserts that: 'Muḥammad ibn Isḥāq (a biographer) and other scholars said that this verse and more than eighty verses from the beginning of Surah *Āl 'mrān* (Qur'ān- chapter 3) were revealed about the delegation of the Christians of Najrān (modern-day Yemen).'[184] This delegation travelled 450 miles to meet the Prophet in Medina to hear directly from him, learn more about his message, and set out the foundations for mutual co-existence in the newly formed geo-religious region. In addressing these delegations, Islam launched the following call fourteen centuries ago, 'O People of the Book,' to always reach 'common terms-facts' between one another as urged for in the verse. There is no doubt that the same call is still valid not only for the People of the Book but for everyone because of its great impact in finding common ground for dialogue and cooperation for mutual peaceful co-existence.

In the same context, the call 'Come to common terms as between us and you' explains how different consciences, nations, religions, and books can unite in one fundamental conscience and truth and how Islam has guided the human world to such a broad, open and true path of salvation and the law of freedom. It has been asserted that this call is not limited to Arab or non-Arab people but applies to all humanity. Religious progress is not possible through narrow-minded people or through separation from each other but through being universal and broad.

The Qur'ān also instructs Muslims, when arguing with the People of the Book, or others, to do so in a kind manner as a means of building a state of peaceful living among each other, stating: 'And do not argue with the People of the Scripture except in a way that is best, except for those who commit injustice among them.'[185] Syntaxly, it should be noted here that the word used to describe the style of arguing with people is not *'ḥasan'* as an adjective, which means 'good,'[186] but *'aḥsan'* as a superlative noun, which means 'the best', referring to arguing with them in the best way possible.

Ibn Kathīr comments on this verse: 'What is meant here is that anyone who wants to find out about the religion from them should argue with them in a manner that is better, as this will be

[183] Qur'ān 3:64.
[184] Ibn Kathīr, *'tafsīr,'* p. 372.
[185] Qur'ān 29:46.
[186] Ibn Manẓūr, '*Lisān al-'Arab*,' <https://ar.lib.eshia.ir/40707/13/116> [accessed 23-01-2021].

more effective.'[187] In case one of the parties doubts what the other says, which may lead to a disagreement or dispute, God also directs in the same verse: 'and say, 'We believe in that which has been revealed to us and revealed to you. And our God and your God is one, and we are Muslims [in submission] to Him.'[188] Ibn Kathīr also comments: 'If they tell you something which you do not know to be true or false, say to them; We do not hasten to say it is a lie, because it may be true, and we do not hasten to say it is true because it may be false. We believe in it in general, under the condition that it has been revealed and has not been altered or deliberately misinterpreted.'[189]

Moreover, the Qur'ān instructs Muslims, when entering into dialogue with the People of the Book, and in extension with others, to do so on common ground without feeling superior or having a big ego by claiming to possess the ultimate truth. An example of such debate is found in the Qur'ān when God shows his Prophet how to argue with them, instructing: 'Say, 'Who gives you sustenance, from the heavens and the earth?' Say (O Muḥammad): 'It is God, and certain it is that either we or ye are on right guidance or in manifest error!'[190]

The Qur'ān makes it clear how a mutual dialogue should be conducted, by assuming that either side may be on the right guidance or manifest error. Assuming this even though Muslims firmly believe that belief in Islam and the Prophet Muḥammad as a complement to other heavenly messages is a condition for entering Paradise. However, God commands Muslims to initiate means of mutual dialogue on an equal footing to urge the various sects to come together and feel safe to express their views without intimidation or contempt. Adopting this strategy of dialogue will play a significant role in refuting many misunderstandings between all parties and paving the way for mutual peaceful co-existence.

The question that arises here is what happens if others turn away from the call for dialogue; the Qur'ān still affirms that they are completely free to decide what they want in this life, as long as they do not violate the rights of others.[191] Hence, it is important to know how Islam views freedom of choice and coercion in faith.

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[187] Ibn Kathīr, *'tafsīr,'* p.1438.
[188] Qur'ān 29:46.
[189] Ibn Kathīr, *'tafsīr,'* Ibid.
[190] Qur'ān 34:240.
[191] Qur'ān 3:64.

1.9. Prohibition of Coercion in Faith and *Da'wah* (Invitation)

It is often claimed that Islam was spread by sword, coercive means, and persecution. This is happening, although numerous verses in the Qur'ān state otherwise. The Qur'ān, for instance, commands Muslims, when inviting non-Muslims to Islam or even declaring its message, to do so wisely and in a dignified manner, saying: 'Invite (all) to the Way of thy Lord with wisdom and beautiful preaching, and argue with them in ways that are best and most gracious…'[192] The Qur'ān also forbids Muslims from practising any kind of coercion or forcing others to embrace Islam or change their own beliefs, stating: 'Let there be no compulsion in religion.'[193] In these verses, the Qur'ān mentions four measures to guide Muslims to the best way of informing others about Islam, through *ḥikma* (wisdom), *al-mau'iẓa al-ḥasanah* (beautiful preaching), *jadelhum bi lattī hia aḥsan* (best way of arguing), and with no '*krah* (no compulsion).

Ibn Kathīr comments on these notions, saying: 'This means no one should compel anyone to embrace Islam because it is crystal clear with its signs and arguments and does not need the compulsion to accept it. As a matter of fact, it is God Almighty who guides towards the right path, opens hearts, and enlightens those who accept it so that they embrace Islam knowingly. But if Allāh Almighty makes someone's heart blind and puts a seal on one's hearing and sights, then there is no utility for compelling and subjugating.'[194]

For that, God assigned the Prophet 'Muḥammad' to only convey the message of God in a clear way, no more and no less, stating: 'And so [O Prophet], exhort them; your task is only to exhort. You cannot compel them [to believe]. As for one who turns away, being bent on denying the truth, him/her will God cause the greatest suffering [in the life to come]. For verily, unto Us will be their return, and verily, it is for Us to call them to account,'[195] and also states: 'If it had been thy Lord's will, they would all have believed, - all who are on earth! wilt thou then compel mankind, against their will, to believe!'[196]

It is also necessary to clarify that sharing information about Islam or explaining the advantages of one's faith to others, known in Islam as *da'wah* (invitation), is in no way a compulsion to accept such a religion or such information. According to 'Abdulazīz (2013),

[192] Qur'ān 16:125.
[193] Qur'ān 2:256.
[194] Ibn Kathīr, *'tafsīr,'* p.321.
[195] Qur'ān 88:21.
[196] Qur'ān 10:99.

da'wah is like an exhibition, and religions are like goods and commodities displayed in it. The duty of the exhibition's owner is to describe his goods in a fair way without cheating, lying, or forcing so that passers-by might get persuaded and buy some of them. This process of buying and selling is well-known everywhere as it is the choice of the individual to buy or leave the goods with free will.[197]

It should also be clear that while explaining Islam to others, they should feel that they are still protected, safe, and completely free to accept or reject it. For this, the Qur'ān grants protection not only to Muslims and People of the Book, but even to outsiders who openly profess idolatry, as it says: 'If one of the idolaters seeks protection, then grant him protection so that he may hear the word of God, and after that, send him to a place of safety.'[198] Ibn Abī Najīḥ narrated that Mujāhid (a high authority of Qur'ān exegesis) commented on this verse and said that this verse refers to 'Someone who comes to you to hear what you say and what was revealed to you (O Muḥammad). Therefore, he is safe until he comes to you, hears Allāh's Words, and then proceeds to the safe area where he came from. Therefore, the Prophet of Allāh used to grant safe passage to those who came to him for guidance or to deliver a message.'[199] This verse instructs Muslims not only to protect but also to ensure that non-Muslims do not suffer any harm when they leave Muslim lands until they reach a safe place after being invited to hear the words of God.

All these notions of the prohibition of forced conversion to Islam are intended to preserve the freedom of individuals and groups. Coercion, in general, fosters an atmosphere of tension, hypocrisy, and discomfort among individuals on the one hand, and towards the broader regime on the other. Consequently, this creates a fragile form of citizenship based on intimidation and suspicion rather than reassurance and trust. For that, Muslim jurists took a strict stance against coercing an individual to embrace Islam.

According to Abū Ḥanīfa, al-Shāfi'ī, and ibn Ḥanbal, as reported by ibn Qudāmah: 'If one whom it is not permissible to compel is compelled to enter Islam, such as a *dhimmī* (non-Muslim living under Muslim rule) or a non-Muslim who has been granted security, he is not deemed to be a Muslim unless he shows signs of having become Muslim voluntarily, and if

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[197] 'Abdulazīz Shittu Balogun, 'Peaceful co-existence in a multi-religious society: Islam and Christianity perspectives,' <https://www.researchgate.net/publication/316158024_Peaceful_Co-Existence_in_a_Multi-Religious_Society_Islam_and_Christianity_Perspectives> [accessed 23-01-2021].
[198] Qur'ān 9:6.
[199] Ibn Kathīr, *'tafsīr,'* p. 864.

he returns to disbelief *'kufr'*, he should not be killed or forced to convert to Islam.'[200] This means that voluntariness and freedom are basic conditions for embracing Islam; otherwise, one's conversion to Islam is not valid, and the coerced person is not bound by the laws and limits of Islam. Ibn Qudāmah also asserts: 'The scholars unanimously agreed that it is not permissible to break the covenant of a non-Muslim, or a covenantor, who adhere to what was promised to them, nor to force them into something they did not abide by.'[201]

In the same context, Ibn Taymiyah also affirms: 'The disbelief of one who is compelled to leave Islam is not to be regarded as anything significant and neither is the faith of one who is compelled unlawfully to embrace Islam, such as the *dhimmī* who is complying with the conditions (of being protected by the Muslim state and so on), as God says concerning them: 'There is no compulsion in religion…'[202] This is unlike those in a fight with Muslims, with no covenant of *dhimmī* contract, they can either embrace Islam or pay jizya and remain in their religion.'[203] The two options mentioned by ibn Taymiyyah are subject to the conditions of war. If the enemy wants to surrender, they can do so by joining the victorious faction or remaining in their religion and paying tribute in return for protection. In both cases, there is no compulsion in religion, even with enemies, so what about those who are in a covenant of safety with Muslims? It is certain that they have absolute freedom of choice, and they cannot be forced to convert to Islam under any pretext.

Meanwhile, jurists differentiate between the coerced person and the one who apostatises from Islam.[204] The former is not subject to Islam and is not bound by its laws, whereas the latter may face the death penalty, subject to varying forms and conditions of punishment as reported by Sheikh al-Qaraḍāwī.[205] In contrast to the predominant view among jurists, Muḥammad ibn al-Ḥasan ash-Shaybānī[206] argued that a coerced person is counted outwardly as a Muslim, and if they later renounce Islam, they should be subject to the death penalty.[207] This proposal argues that Islam is a one-way direction from which there is no return. Does

[200] Ibn Qudāmah al-Ḥanbalī, *'al-Mughnī,'* <https://shamela.ws/book/8463/3937> [accessed 02-04-2024].
[201] Ibid.
[202] Qur'ān 2:256.
[203] Ibn Taymiyya, *'al-'Istiqāmah,'* 2nd edn (Imam Muḥammad ibn Sa'ūd Islamic University, 1991), Vol. 2, p.320.
[204] Ibn Qudāmah, *'al-Mughnī,'* Ibid.
[205] Yūsuf al-Qaraḍāwī, 'Source of the Punishment for Apostasy,' <https://fiqh.islamonline.net/en/source-of-the-punishment-for-apostasy/> [accessed 23-01-2021].
[206] Muḥammad ibn al-Ḥasan ash-Shaybānī is a jurist and student of Abū Ḥanīfa and Malik ibn Anas.
[207] Ibn Qudāmah, *'al-Mughnī,'* Ibid.

this have a basis in Shari‘ah law? It is, thus, necessary to clarify to what extent Islam views the freedom of belief of others, and if there is a punishment for apostasy in Islam.

1.10. Apostasy and Freedom of Choice

Apostasy or *'Irtidad* in Arabic is one of the major misconceptions in Islam, whether for some of its followers or outsiders. Its repercussions lie in its impact on the individual's freedom of choice, which negatively affects the way people live together. In this context, a famous contemporary scholar, ‘Abdul-Ḥamīd Abū Sulaymān (1987), former president of the International Islamic University of Malaysia, suggests that the issue of *ridda* (apostasy) in Islam is one of the controversies that could lead to undermine the principle of freedom in societies and hence affect the mutual peaceful living with others. [208] Such alleged punishments create a toxic environment for multi-cultural communities to live in peace and cooperate among themselves for the benefit of all.

Lexically, *‘riddah’* is an Arabic word that denotes apostasy and is used interchangeably with the word *"irtidad.'* However, the usage of these two terms has a different emphasis. While *riddah* refers to an act of a Muslim’s conversion to become an unbeliever, *'irtidad* means conversion from Islam to other religions, such as Christianity. The one who commits apostasy is called *murtad* (apostate).[209] Most early Muslim scholars considered this conversion a grave sin, and so to be punished by the death penalty.[210]

It is noteworthy that the death penalty for an apostate is based solely upon Islamic traditions and subjective interpretations of the Shari‘ah rather than any established firm legal principles. Shari‘ah places its primary reliance on the Qur’ān and the traditions and practices of Prophet Muḥammad, known as Sunnah. Despite the long debate among scholars about whether this penalty is Shari‘ah-based law or not, it is necessary to investigate God's injunctions in the Qur’ān as the first and most authoritative source of legislation for Muslims. Scholars have surprisingly found that there is not a single verse in the Qur’ān that prescribes the death penalty for those who turn away from Islam and embrace any other religion.

Some examples of these verses should help clarify the issue; God says: ‘Indeed, those who have believed then disbelieved, then believed, then disbelieved, and then increased in

[208] ‘Abdul-Ḥamīd Aḥmad Abū Sulaymān, ‘The Islamic Theory of International Relations: New Directions for Islamic Methodology and Thought,’ (The International Institute of Islamic Thought, 1987), p. 100.
[209] Samuel Marinus Zwemer, ‘The Law of Apostasy in Islam,’ (Marshal Brothers, LTD, 1916), p. 33.
[210] Al-Qaraḍāwī, ‘Source of the Punishment for Apostasy.’

disbelief - never will Allāh forgive them, nor will He guide them to a way.'[211] As the verse states, there is no punishment for apostates in this world; as if there was any, God would have explicitly declared it. Instead, God warns those who commit apostasy that they will not be granted forgiveness in the Hereafter, confirming that their accountability is up to God on the Day of Judgment. In other verses such as Q. 2:217, Q. 3:85, Q. 3:90 and Q. 67:6, the Qur'ān also speaks of no punishment for apostates in this world.

It is noted throughout these verses that the Qur'ānic orders are nothing more than comments on despicable or obscene behaviour of apostasy from an Islamic perspective. Even critics admit that there are no penalties in the criminal law for apostates. Der Arzt (1995), for instance, notes that these Qur'ānic verses encourage a Muslim to adhere to his religion and avoid the temptation of conversion, but the exhortation is moral and not punitive.[212]

The apparent absence of any punishments for apostates in the Qur'ān is a crucial indication that God does not intend any in this world. [213] The question is: If there is an explicit punishment for this issue in this world, assuming the death penalty, why has the Qur'ān not clarified everything related to it? While the Qur'ān clearly states: 'And We have sent down to you the Book as clarification for all things and as guidance and mercy and good tidings for the Muslims.'[214] How could the Qur'ān explain 'everything' but not the 'death penalty' for apostasy? How can it be that religion is said to have been completed while important things like this issue that provoke capital punishment have not been clarified?

As for this punishment in Islamic literature, there are only some controversial narrations attributed to the Prophet that stipulate the death punishment for apostates. These narrations bear a great deal of ambiguity and uncertainty, which requires in-depth discussion and extensive clarification. However, before indulging in the commentaries of these narrations, it

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[211] Qur'ān 4:137.
[212] Donna E. Arzt, 'Heroes or heretics: religious dissidents under Islamic law', Wisconsin International Law Journal, Vol. 14, No. 2 (1996), pp.349-421, < https://repository.law.wisc.edu/s/uwlaw/item/28832> [accessed 22-01-2021]; M. Cherif Bassiouni, 'Sources of Islamic law and the protection of human rights in the Islamic criminal justice system', in The Islamic Criminal Justice System, ed. by Bassiouni, M.C. (Oceana Publications, 1982), pp. 3-54.
[213] Muḥammad 'Umar Farooq, 'Apostasy, Freedom and Da'wah: Full Disclosure in a Business-like Manner' (2007) <http://theamericanmuslim.org/tam.php/features/articles/apostasy_freedom_and_dawah_full_disclosure_in_a_business_like_manner/> [accessed 23-01-2021].
[214] Qur'ān 16:89.

is imperative to take into consideration some fundamental concepts to better understand the general relevance of ḥadīth with Islamic law to better derive rules and legislations:

1. In order to perceive any of the controversial prophetic narrations, particularly those relating to *ḥudūd* (penalties), it is imperative to employ the various principles of the hermeneutical theory (e.g. semantics, socio-historical context surrounding narrations).[215] The semantic aspect can be studied by analysing the text and attempting to understand the rationale behind its notions. The socio-historical context, on the other hand, can be conducted by referring to the testimonies of the Companions themselves at the time, as well as the various relevant events of the Prophet's biography *(al-Sīrah al-Nabawīyah)*. In this way, it would be possible to obtain a clear picture and a comprehensive idea of the circumstances of these narrations, their political and social circumstances, and the wisdom of uttering them at the time.

2. In case an apparent contradiction between two prophetic narrations arises, the contradictions must be reconciled before any rules can be derived. [216] This can be done by referring to similar narrations from different ḥadīth books and understanding the ambiguous ḥadīth in light of more details in other ḥadīths. As Yousha Patel mentioned, 'To open a collection of ḥadīths is to enter a hall of mirrors. A single ḥadīth, or tradition, may have multiple chains of transmission, which may include minor or major variations in the text *(matn)*. Each of these variations in transmission is a different narration of the ḥadīth.'[217]
3. If there are two ḥadīths on one issue, one with an absolute *(muṭlaq)* and generic meaning *('ām)* and the other with restrictions *(muqaid)*, the latter must limit the former in terms of its interpretation and ruling, and the former must be interpreted within the scopes of the latter.[218] This rule is necessary to best understand the prophetic Sunnah, because the reconciling approach puts each authentic ḥadīth in its proper context and applies it to relevant situations. This, in turn, reveals the consistency among authentic ḥadīths and rules out any assumption of contradiction.

[215] Harvey, 'The Qur'ān and the Just Society,' p. 44.
[216] Yūsuf al-Qaraḍāwī, 'Towards a Proper Understanding of the Sunnah' <https://islamonline.net/en/towards-a-proper-understanding-of-the-sunnah-reconciling-vs-preferring/> [accessed 22-01-2023].
[217] Patel, 'The Muslim Difference,' pp. 51-52.
[218] Muhammād al-Ḥasan ibn al-Deddew al-Shanqīṭī, *'Explanation of the text of al-Waraqāt by al-Juwaynī'* <https://al-maktaba.org/book/31616/52932#p1> [accessed 22-01-2021].

As for the main ḥadīth on this punishment, it states: 'He who changes his religion, kill him.'[219] By applying the above-mentioned rules, it is noted that the ḥadīth semantically is very generic *('ām)* and absolute *(muṭlaq)* and seems to be fragmentary in its notion, and also not known when and where the Prophet Muḥammad said it and in what context he said it. Hence, it is difficult to derive a legal ruling from it. For instance, the phrase -*mn baddala dīnahu fāqtulūh*- (who changed his religion, kill him) does not necessarily mean conversion to another religion; rather, it perhaps means a distortion of one's religion and a change of its fundamentals. Lexically, as in *Mukhtār al-Ṣīḥāḥ* and *Lisān al-'Arab*, the verb '*baddala'* has different meanings, such as to 'completely replace' or 'change without replacing.'[220] Hence, the reason for implementing the punishment is not determined with certainty and is open to interpretations, whether the intention is a mere conversion from religion or fighting and distorting it. In such critical penalties, the crystal-clear conditions and commands are prerequisites for fulfilling the requirements of executing the *ḥadd*.[221]

Even if the ḥadīth means the conversion itself and not the mere distortion of one's faith, it is still ambiguous. The ambiguity lies in the fact that conversion here indicates the absolute and generic transformation from one religion to another and does not explicitly mention from which religion and to which the apostate converts, be it Islam or otherwise. The question here is, does this ruling include someone who changes his religion, no matter what? On this basis, for instance, if a Jew (or someone belonging to another religion) changes his religion to Islam, should he be beheaded according to the generic meaning of conversion, especially since the new religion is not specified in the ḥadīth? For this ambiguity, no explicit legislation can be derived from the ḥadīth. Instead, it should be explained in light of other sacred texts, either from the Qur'ān or the authentic Sunnah. Since no penalties are prescribed in the Qur'ān, the focus will be on Sunnah.

In clarifying the socio-political contexts of this penalty, another narration in Saḥīḥ al-Bukhārī should be recalled, which highlights the three cases in which bloodshed is permissible. One of the cases is related to apostasy in the same vein as the ḥadīth above,

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[219] Ibn Ḥajar al-ʿAsqalānī, *'Bulūgh al-Marām'*: Crimes (Qiṣāṣ or Retaliation) <https://sunnah.com/urn/2114890> [accessed 23-01-2021].
[220] Ibn Manẓūr, '*Lisān al-Arab*,' <https://ar.lib.eshia.ir/40707/11/48> [accessed 09-03-2021); Abū Bakr Muḥammad ibn Zakariyā al-Razī, *'Mukhtār al-Ṣīḥāḥ,'* (al-Maktabah al-Amiriyyah, 2021), Vol. 1, p.31.
[221] Muḥammad Abū Zahra, *'Usūl al-Fiqh,'* (Dar al-Fikr al-Arabi, 1958), Vol.1, p. 158.

stating: ‘and the one who reverts from Islam (apostate) and leaves the community.’[222] This general and absolute phrase in al-Bukhārī should be reconciled and explained with the additional textual restrictive phrase that came in both Sunnah al-Nasā'ī and Abū Dāwūd, two of the six main authentic ḥadīth collections, which clarifies the conditions and true reasons for the apostasy death penalty, stating: ‘and a man who abandons Islam and fights against God and His Messenger.’[223] In this latter addition, it is noted that the case of apostasy, which qualifies for the death penalty, must be accompanied by acts of fighting and supporting enemies against the Muslim community, not just a mere conversion.

These conditions are indeed consistent with what the tribe of *‘Ukl* did as narrated from Abū Qilāba, a Prophet’s companion, saying ‘……by God, God's Apostle never killed anyone except in one of the following three situations. Then he mentioned one of these cases as ‘a man who fought against God and His Apostle and deserted Islam and became an apostate.’[224] Abū Qilāba further explained the conditions of this death penalty saying that Eight persons from a different tribe, called *‘Ukl* came to the Prophet and gave the pledge of allegiance to Islam (became Muslim). Afterwards, they betrayed the Prophet’s allegiance, killed some of his shepherds, and took away all the camels. As a result, the Prophet ordered them to be arrested and killed in retaliation. Abū Qilaba, then said, ‘What can be worse than what those people did? They deserted Islam, committed murder and theft.’[225]

In this case, the *‘Ukl* tribe betrayed the Prophet and his companions, killed the shepherds, and stole their camels, although the Prophet had granted them security and assurance in Medina. In turn, as a state’s leader, the Prophet punished them for their betrayal and the killing of his workers, and that was not due to mere apostasy from Islam. This is what made al-Bukhārī add this narration under the Chapter of ‘those from the People of Disbelief and Apostasy who Wage War (*kitāb al-muḥaribīna min ahl al-kufr wa-l-ridda*),’[226] associating *kufr* (disbelief) with *ridda.*

Concerning this, ibn Taymiyyah says: ‘Those people committed the crime of murder accompanied with apostasy, stole the camels; hence, they became bandits and warriors

[222] Ṣaḥīḥ al-Bukhārī 6878, ‘Blood Money (Ad-Diyāt)’ < https://sunnah.com/bukhari:6878> [accessed 22-02-2021).
[223] Al-ʿAsqalānī, *‘Bulūgh al-Marām,’* Crimes (Qiṣāṣ or Retaliation) < https://sunnah.com/urn/2114350> [accessed 22-02-2021].
[224] Ṣaḥīḥ al-Bukhārī 6899, ‘Blood Money (Ad-Diyāt),’ < https://sunnah.com/bukhari:6899> [accessed 22-02-2021].
[225] Ṣaḥīḥ al-Bukhārī 6899, ‘Blood Money (Ad-Diyāt),’ Ibid.
[226] Ṣaḥīḥ al-Bukhārī 6899, ‘Blood Money (Ad-Diyāt),’ Ibid.

against God and His Prophet.'[227] For that, ibn Taymiyyah argues that the death penalty, mentioned in the narration of 'the one who reverts from Islam (apostate) and leaves the community,' is meant for the bandits and warriors against the Muslim community, not just the religious apostates.[228] This is in line with Harvey's argument that this punishment is prescribed for the crime of *ḥirāba* (brigandage) mentioned in Q. 5:33, for those who wage war against God and His Messenger by causing corruption upon earth. Harvey argues that such punishments are placed under corrective justice within the public sphere.[229] This means that it is a discretionary punishment for the public interest to maintain the stability of society and restore one of the universal principles, natural justice, which is shared by all members of the society as envisaged by the Qur'ān.

For early Muslim scholars, this punishment is not related to conversion from Islam but is the result of the conditions and atmosphere of constant hostility that Muslims faced at that time. Most cases of apostasy occurred in a toxic environment accompanied by treachery and fighting against Muslims. This explanation was adopted by the Ḥanafis when they imposed this punishment only on men, referring to those who are likely to fight the state and destabilise its system after apostasy, which basically applies to men and not to women.[230] If this punishment is a prescribed *ḥadd* and not a deterrent punishment, it should have been imposed on both men and women alike when apostasy is proven.

For further clarification, scholars, as reported by Muḥammad Salīm al-'Awwā, argue that there is a basic ambiguity in *'riddah'*, which is generally translated as apostasy. During the Prophet's lifetime, when the Islamic community and political system were still in their infancy and weakness, apostasy was perceived to be against being a believer and being a loyal believing member of the community. Hence, *riddah* was not merely apostasy; it was closely linked to betrayal, which often meant a reorganisation of loyalty to evil enemies who were ready to conquer the nascent society. After reversion, many of these people not only passively supported but stood on the side of enemies in actual battles. In fact, in no single case was a person punished for 'merely forsaking the faith.' Apostasy during this period was

[227] Ibn Taymiyah, *'al-Ṣārim al-Maslūl 'alā Shātim al-Rasūl,'* (Indian print, 1322 H.J), p. 322; Ibn al-Qayyim, *'Zād al-Ma'ād,'* (Egyptian print, 379 H.J), Vol. 3, p. 78.
[228] Ibn Taymiyah, *'al-Ṣārim al-Maslūl,*' p. 315.
[229] Harvey, 'The Qur'ān and the Just Society,' p. 179.
[230] Shams al-Dīn al-Sarkhasī, *'al-Mabsūṭ,'* <https://shamela.ws/book/5423/2116#p1> [accessed 05-10-2023].

not only religious on the basis of freedom of choice, but it was also political.[231] Concerning this, Farooq says, 'From a legal point of view, treason (or high treason) against a nation of which a person is a citizen deserves a punishable crime by law in many modern, advanced, and democratic Western countries. Some countries have banned the death penalty in general and replaced it with another discretionary punishment, subject to the law of the country.'[232]

In a similar case to the people of *'Ukl*, but with different conditions, Jabir ibn 'Abdallāh told of a desert Arab who had sworn allegiance to God's Messenger, but who, when he suffered from a bout of fever in Medina, he came three times to the Prophet and said, 'Cancel my oath of allegiance, Muḥammad;' but God's Messenger refused in every time. Hence, the desert Arab went off.[233] The Prophet did not order him to be killed for apostasy. Rather, he let him go, and there is no other evidence that the Prophet ordered any of his companions to execute the death penalty on this man. It is worth mentioning in this context that *ḥudūd* (punishments) in Islam cannot be dropped once their conditions have been established. Had this man deserved a legal punishment, the Prophet would not have set him free. This means that the ḥadīths referring to the killing of apostates arose in specific contexts (only the apostate warrior, as in the case of *'Ukl*).

The famous Ḥanafī jurist Shams ad-Dīn al-Sarkhasī supports the previous argument and holds that apostasy does not qualify for temporal punishment. He argues that apostasy is not a crime punishable by a *ḥadd* in this world. According to Islamic law, the *ḥadd* cannot be cancelled even if the perpetrator repents after his arrest. As for the case of apostasy, if the apostate repents, he would be set free, and the *ḥadd* is suspended, which means that no *ḥadd* is required for such crimes. Prescribed punishments are not usually suspended on the basis of repentance, especially when reported to the head of state (Imām) and made known, proving that the death penalty for mere apostasy is not a punishable *ḥadd*.[234]

In his clarification of the conditions for establishing the *ḥudūd* in Islam, Imam al-Sarkhasī provides an example of another *ḥadd* and compares it to the *ḥadd* of apostasy, saying: 'The

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[231] Muḥammad Salīm al-'Awwā, *'Al-Ḥaq fī al-Ta'bīr,'* <https://books-library.online/free-653806909-download> [accessed 05-10-2023], pp. 69, 71-2; referring to Shaltūt, *al-'Islām 'Aqīdah wa-Shari'ah*, pp. 292-93.
[232] Mohammad 'Umar Farooq, 'Apostasy, Freedom and Da'wah,' Ibid.
[233] Muḥammad ibn 'Abdullāh Khaṭīb al-Tibrīzī, *'Mishkāt al-Maṣābīḥ,* The Rites of Pilgrimage', <https://sunnah.com/mishkat:2739 > [accessed 22-02-2021].
[234] Muḥammad Hashīm Kamālī, 'Freedom of expression In Islam,' (Islamic Texts Society, 1997), pp. 93-94, (online excerpts, referring to al-Sarakhsī, al-Mabsūṭ, Ibid, p. 110).

penalty for a burglary on the road, for example, is not suspended for repentance; It is only suspended by returning the property to the owner prior to his arrest. ... Abandoning faith and returning to disbelief is the greatest of sins, yet it is a matter between man and his Creator, and its punishment is postponed until the Day of Resurrection. Punishments that are imposed in this life are those that protect the interests of the people, such as mere retaliation, that is designed to protect life ...' He also explained that: 'such punishment might only be implemented on a person who repeatedly and persistently declares his apostasy from Islam which resembles a violent criminal threatening public safety. The public good threatened by apostasy is the Shari'ah itself and the rights it pledges to protect all its subjects, Muslim or non-Muslim, such as rights to physical integrity, property, religion, reason, family, and honour.'[235]

In the same vein as al-Sarkhasī's argument, particularly during the conquest of Mecca, the Prophet accepted the intercession of one of his companions for one of those who had apostatised ('Abdullāh ibn Sa'ad ibn Abī al-Sarḥ).[236] Had the death penalty been a punishment for such a mere apostasy, the Prophet would not have accepted such intercession. Knowingly, intercession is not permitted in Islam, as the Prophet refused to pardon a woman from the Banī Makhzūm tribe who had stolen despite the Companions' pleas to him to forgive her. In this case of apostasy, however, the Prophet accepted the intercession and set the apostate free, which means that this punishment cannot be described as *ḥadd* at all.

From another perspective, those who claim that there is an *Ijma'* (consensus) among Muslim scholars about this penalty are not accurate in this claim, but the opposite is true. It is not surprising to find a number of early prominent scholars endorse the view that apostasy is not a punishable crime by law. Ibrahīm al-Nakha'ī (d. AD 713), a prominent jurist from the generation that succeeded the Companions, and Sufyān al-Thawrī (d. AD 772), known as 'The prince of the believers concerning Ḥadīth'; both said that the apostate should be re-invited to Islam and never be condemned to death.[237] 'Abdul Wahhāb al-Sha'ranī also quotes the views of al-Nakha'ī and al-Thawrī, adding that: 'The apostate is permanently called to repentance.'[238] For later scholars and known schools of thought, Shafi'īs, and Mālikīs allow a

[235] Al-Sarkhasī, *'Al- Mabsūṭ,'* <https://shamela.ws/book/5423/2116#p1 > [accessed 05-10-2023].
[236] Sulaymān ibn al-'Sh'ath Abū Dāwūd, *'Sunan Abū* Dāwūd,' Prescribed Punishments (Kītab al-Hudūd), <https://sunnah.com/abudawud:4359 > [accessed 09-03-2021).
[237] Kamālī, 'Freedom of expression In Islam,' p. 93, (online excerpts; referring to ibn Taymiyah, *al-Ṣārim al-Maslūl 'alā Shātim al-Rasūl,* p. 321; al-Shawkānī, *Nayl al-Awtār,* VII, p. 230.)
[238] Kamālī, 'Freedom of expression In Islam,' p. 93.

period of repentance before executing the death penalty, which denotes that it is not a *ḥadd,* because if it was a *ḥadd*, it would have to be carried out immediately once the conditions are met. Alternatively, it can be described as a discretionary punishment by the judge, as argued by the Mālikī jurist, al-Bajī (d. AD 1081); it would thus be subject to discussion (to be either accepted or rejected). [239]

It is noticeable that after the initial period of stability and consolidation, as the Islamic system became more secure, many prominent Muslim scholars and jurists reassessed the issue of apostasy. According to the sayings of Ibrahīm al-Nakha'ī, Sufyān al-Thawrī, Shams al-Dīn al-Sarkhasī, etc., scholars have reformulated the Islamic position on apostasy, distinguishing it from the *riddah* (warrior apostates) of the early period. Contemporary scholars, 'Abdul Hakīm al-'Alī and Isma'īl al-Badāwī have commented that Islam was secure, at the time of al-Nakha'ī, from the hostility of the infidels and apostates compared to the early days of Islam. This indicates that al-Nakha'ī understood the ḥadīth quoted above, which made apostasy punishable by death, to be of a political nature and target the persistent enemies of Islam.[240] Similarly, Maḥmūd Shaltūt, an Egyptian Islamic jurist and scholar, analysed the relevant evidence in the Qur'ān and concluded that apostasy does not carry a temporal punishment and that with reference to this particular sin, the Qur'ān only speaks of punishment in the hereafter.[241] For that, Patel would argue, 'I demonstrate how religion and politics in early Islamic history were twins.'[242]

This will lead to the question of why the first caliph, Abū Bakr, waged wars that were erroneously called, in most historical accounts, the wars of *ridda* (apostasy) (AD 632-633).[243] Since this war was based on apostasy, classical jurists failed to realise that it was not an exercise of freedom of belief or conscience. Instead, it was fundamentally a constantly renewed Bedouin act of war against all political and social authority rules after the Prophet's

[239] Kamālī, 'Freedom of expression In Islam,' p.94.
[240] Kamālī, 'Freedom of expression In Islam,' p.94, online excerpts, referring to AI-'Ili, al-Hurriyyah, p. 426, <http://theamericanmuslim.org/tam.php/features/articles/apostasy_freedom_and_dawah_full_disclosure_in_a_business_like_manner/> [accessed 09-03-2021].
[241] Muḥammad Salīm al-'Awwā, *'Al-Ḥaq fī al-Ta'bīr,'* <https://books-library.online/free-653806909-download> [accessed 09-03-2021), p. 69, referring to No'mān al- Samarā'ī, *Aḥkām al-Murtadd fī al-Shari'ah al-'Islāmiyyah*, (Dar al-'Uloom, 1983), p. 116.
[242] Patel, 'The Muslim Difference,' p.68.
[243] Laura V. Vaglieri, 'The Cambridge History of Islam, the central Islamic lands from pre-Islamic times to the first world war,' (Cambridge University Press, 1970), Vol. 1A, p.58.

death. In this particular war act against Abū Bakr's government, the issue was the payment of *zakāt* (alms) and the new central political authority in Arabia.

This war, then, cannot be invoked as evidence to justify apostasy's punishment, since the Companions themselves disagreed with Abū Bakr about it at the beginning of the matter until they realised his true motive for it.[244] If it had been a matter of carrying out the punishment as an Islamic rule, those who were in Abū Bakr's entourage would not have objected and disputed it. It should also be noted that the Caliph Abū Bakr did not fight the apostates as individuals but as groups who wanted to secede in rebellion against the caliphate system in their regions. Moreover, some of these groups declared Islam and only refused to pay zakāt, and others were not believers at all, which means that the term apostasy in its familiar definition does not apply to them. If apostasy, as claimed inevitable God's law, was the reason for this war, how is it that some of the Companions, such as ʿUmar ibn al-Khaṭṭāb and others, wanted to prevent it from the beginning?

Given these discussions, it is important to distinguish between collective apostasy (in which masses of people attempt to overthrow the state's political system) and individual apostasy (in which individuals have mere misconceptions and misunderstandings about Islam). To safeguard its political and security system, the state must confront the former, while the latter must be discussed and debated through convincing evidence. In order to do that, the authorities should open means of mutual dialogue without exercising any form of coercion or intimidation because of differences of views. However, if it turns out, after a thorough investigation, that the matter has nothing to do with freedom of belief or expression, and that it is merely a fabricated allegation to destabilise the state's political system and put people's lives at risk, the state must play its role and intervene to maintain security and social peace for people. This intervention, indeed, is not limited to Islam or Muslims but is recognised by all states and governments when disruption arises, or any form of treason is proven.

In a nutshell, after reviewing the verses of the Qur'ān, and clarifying the related controversial prophetic narrations, it is noted that none of them imposes any earthly punishment for simply leaving Islam. The ḥadīth only refers to cases of political treachery and not apostasy. Those who argue that entering Islam is a one-way direction are theologically mistaken. Islam, in its essence and all its instructions, guarantees the freedom of choice and belief as long as no

[244] Ibn Kathīr, *'Al-Bedayah wa-nehāyyah,'* (Dar al-Fikr, 1998), Vol. 9, p.437.

harm befalls others, as the Qur'ān states: 'The truth is from your Lord, so whoever wills - let him believe, and whoever wills - let him disbelieve'[245].

In the context of perceiving Islam's view of the use of force to undermine the freedom of choice of individuals, *jihād* appears as another controversial concept against the freedom of groups and states, especially in recent decades. Therefore, it is imperative to discuss this term, how the Qur'ān dealt with it, and its limits, motives, and conditions.

1.11. *Jihād* and Peaceful Co-existence

The term *jihād* in Islam has multifaceted and complex meanings; therefore, many misconceptions have been raised around it. It was inevitable to discuss the prohibition of coercion in faith without clarifying the true meaning of *jihād* and its implications in a contemporary context. This term, indeed, is one of the most misunderstood issues about Islam, especially in the Western world. The main reason for this misconception is the severe lack of real understanding of this term from an Islamic perspective as well as its practical implementations, motives, and limits. In its fundamental teachings, Islam does not forgive any rate of injustice against anybody, regardless of who the oppressed is.

Firstly, in order to have a comprehensive idea of what *jihād* means, it is necessary to look at the true meaning of the word *'jihād'* and the context of its usage in Islamic literature. In Islamic teachings, *jihād* is a constant struggle against enemies of darkness, either inside oneself or outside. Internally, by restraining human behaviours from acting like animals, while externally, by striving to prevent violence and tyranny through words and actions.[246]

In the West, the term '*jihād*' has often been erroneously translated as 'holy war,' which is not the correct translation at all. *Jihād*, especially in the religious and ethical realms, primarily refers to human efforts to promote what is right and prevent what is wrong.[247] In this regard, Badāwī affirms that the Qur'ānic term *jihād* has always been mistranslated to *al-Ḥarbu al-mukadasah* 'holy war[248].' He argues that the Qur'ān has been revealed in Arabic, and the mistranslated term '*ḥarbu al-mukadasah'* is not mentioned anywhere in the Qur'ān or the authentic prophetic sayings.[249] He also added: 'Even when the Qur'ān speaks about defensive war, it never praises or glorifies it as 'holy war'; rather, it is described as something which is

[245] Qur'ān 18:29.
[246] John Esposito, ed. 'Jihad.' The Oxford Dictionary of Islam, (Oxford University Press, 2014).
[247] Ibid.
[248] See meaning of jihad in western sources <https://www.merriam-webster.com/dictionary/jihad> [accessed 22-01-2021].
[249] Badāwī, 'Muslim and Non-Muslim Relations,' Ibid.

inherently hated for Muslims as the Qur'ān states: 'Fighting is prescribed for you, and ye dislike it. But it is possible that ye dislike a thing which is good for you, and that ye love a thing which is bad for you. But God knoweth, and ye know not.'[250]

Similarly, Aroua (2013) further explains that if waging war is something hated by believers, *jihād* in Islam cannot be described as 'holy' since there is neither a concept called 'holy war' in any of the Islamic traditions nor such a thing like religious warfare aims to convert people to Islam. This is simply because, in matters of faith, no coercion is acceptable, as God says: 'There shall be no compulsion in religion.'[251] Aroua also confirms that forcing people to accept certain beliefs, embrace a specific religion, or change their self-convections is something strange and unjustified anywhere, either in the Qur'ān or the prophetic Sunnah.[252] Therefore, using the term 'holy war' and attempting to attribute it to Islam is implausible and negatively affects the foundations of peaceful co-existence among ordinary people. In line with Aroua, attributing this term or others to Islam is considered alien to the divine context and God's intentions for his servants. Those who utter these mined and poisoned terms are one of two sects: extremists belong to Islam or some other sects that seek to stir up such misconceptions. In between is the dominant group that believes that there is no compulsion in religion and no holy wars to be exploited to achieve that.

Lexically, and to elucidate the semantics of this term, '*jihād*' is derived from the infinitive '*juhd'* and the root verb *'J-H-D'*, which means 'to strive,' 'to struggle' and 'to exert efforts.'[253] Therefore, in Islam, to carry out *jihād* is to 'show effort' and 'to struggle' for the sake of God. In explaining these meanings, the Prophet Muḥammad uttered some narrations that contribute towards the clarification of this term, such as: 'The greatest *jihād* is the one that a person carries out against his lower soul.'[254] The lower soul means one's impulses and ambitions, which are one of the forms of *jihād* to which one must strive in order to control oneself. Even serving one's parents is considered a form of *jihād*, as narrated by 'Abdullāh ibn ʿUmar: 'A man came to the Messenger of Allāh asking his permission to go out for *jihād*. The Messenger of Allāh asked him, 'Are your parents alive?' He replied, 'Yes.' The Messenger of Allāh then said to him, 'Then your *jihād* would be with them (i.e., in looking

[250] Qur'ān 2:216.
[251] Qur'ān 2:256.
[252] Aroua, 'The Quest for Peace in the Islamic Tradition,' p. 46.
[253] Ibn Manẓūr, *'Lisān al-'Arab,'* <https://ar.lib.eshia.ir/40707/3/133> [accessed 05-02-2021].
[254] At-Tirmidhī, Abū 'Īsa Muḥammad, 'Jami` at-Tirmidhī 1621, 'The Book on Virtues of *Jihad*' <https://sunnah.com/tirmidhi/22/3> [accessed 05-02-2021].

after them and being at their service).'[255] The greatest *jihād*, hence, is the inner struggle to purify souls of their shortcomings, empty the vessels of the soul from the evils of forgetfulness, heedlessness, and the tendency toward selfishness, and prepare it to receive the divine essence of remembrance, light, and knowledge.

Islam, then, does not treat the term *'jihād'* within a narrow framework, nor does it apply it to a specific area of worship. Instead, *jihād* in the Qur'ān has multiple meanings based on the different historical and socio-political contexts. During the Meccan era (AD 610–622), when the Prophet Muḥammad received the first divine revelations of the Qur'ān (Meccan revelation), the focus was on the internal dimension of *jihād*, termed *ṣabr* 'patience.' Patience in this context means that Muslims exercise forbearance in the face of persecution and torture of their opponents in Mecca.

The notion of *jihād* that dominated most of the Prophet's life in Mecca (thirteen years) is the greater or inner *jihād* (patience and forbearance) as described in the sayings of God and the Prophet. In Mecca, the Qurʾan speaks about carrying out *jihād*, inner dimension, through conveying the words of God to the pagan Meccans and not following them in what displeases God, stating: 'Therefore listen not to the Unbelievers, but strive against them with the utmost strenuousness, with the (Qur'ān).'[256] The verse implies a verbal and discursive strive accompanied by patience in the face of those who reject the Message of Islam. Imam Jalāl ad-Dīn al-Maḥāllī, in his commentary, clarifies one of the meanings of *jihād* through this verse by saying: 'So do not obey the disbelievers in their desires but struggle against them therewith that is through adherence to the Qur'ān with a great endeavour.'[257] According to Jalal's commentary, *jihād* can be defined as striving for patience against disbelievers through adhering to the Qur'ān and performing *jihād* through its teachings.

The second stage is the Medinan period (AD 622–632), during which Prophet Muḥammad received the revelations of the Qur'ān in Medina. This period and its notions about *jihād* were less than the Meccan one and were bound by the exceptional circumstances of defending the growing Islamic state against enemies. Therefore, a new dimension of *jihād* emerged due to the rising dangers around the new state as a self-defence fight against the aggression of the Meccan persecutors, idiomatically referred to as *qitāl* 'fighting.'

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[255] Al-ʿAsqalānī, *'Bulūgh al-Marām,'* 'Book of jihad' < https://sunnah.com/bulugh/11> [accessed 05-02-2021].
[256] Qur'ān 25:52.
[257] Jalāl ad-Dīn al-Maḥallī and Jalāl ad-Dīn al-Suyūṭī, *'Tafsīr Jalālayn,'* (Maktbat al-'īman, al-Mansūrah, Egypt, 2016), p.394.

In later literature dealing with this term, whether in the sayings of the Prophet 'ḥadīth', commentaries of the Qur'ān, or general mystical and edifying writings, the two main dimensions of *jihād* (patience and struggle) were renamed *jihād al-nafs* (the inner, spiritual striving against the lower self) and *jihād al-sayf* (the physical combat with the sword). The meaning of *jihād* is referred to elsewhere as *al-jihād fī-sabīl Allāh* (striving in the path of God) in order to promote what is right and prevent what is wrong. In explaining what striving in the path of God underpins, the Prophet said: 'Fight the disbelievers (combatants) with your property, yourselves, and your tongues.'[258] This means that *jihād* may have several forms of striving for the sake of God, not mere fighting with the sword.

Regarding *jihād* by force, this is stated in the verse: 'Fighting is prescribed for you, and ye dislike it…..'[259] It is only allowed when one is attacked as a defensive measure, as another verse explains: 'Fight in the cause of God those who fight you, but do not transgress limits; for God loveth not transgressors.'[260] Ibn Kathīr mentions in his exegesis: 'This was the first verse about fighting that was revealed in Medina. Since it was revealed, Allāh's Messenger used to fight only those who fought him and avoid non-combatants.'[261]

In general, the war verses were shortly revealed after the immigration of the Prophet from Mecca to the mini-Islamic state in Medina, where he became the head of state. It was not long before the polytheists in Mecca marched toward Medina to wage war on the Muslims and destroy the Islamic city of Medina. The first confrontations that took place in Medina were the Battle of Badr (AD 624) and 'Uḥud (AD 625), and the above-mentioned verses were probably the first orders from God to Muslims to prepare themselves for combating the transgressors. It should be noted that these battlefields took place on the outskirts of Medina, not in Mecca, which means that the enemies travelled all the way from Mecca to Medina (450.4 km) to attack the Muslims in their new city. Accordingly, the Muslims engaged in these battles to defend their homeland and their lives.

In a more controversial interpretation, 'Abdur-Raḥmān ibn Zayd ibn Aslam (d. 136) said that the notion in the previous verse about fighting disbelievers was later abrogated by the verse stating: 'then kill them wherever you find them.[262] According to 'Abdur-Rahman's interpretation, Muslims are allowed to kill any unbeliever wherever they are for no reason

[258] Al-ʿAsqalānī, *'Bulūgh al-Marām,'* < https://sunnah.com/bulugh/11/2 > [accessed 22-01-2021].
[259] Qur'ān 2:216.
[260] Qur'ān 2:190.
[261] Ibn Kathīr, *'tafsīr,'* p. 248.
[262] Qur'ān 9:5.

and without any regret. Unfortunately, this is one of the misinterpreted Qur'ānic texts that led many extremists to commit hostilities and crimes in the name of Islam. In refuting this misunderstanding, the renowned authority on the exegesis of the Qur'ān, ibn Kathīr, says that: 'Abdur-Rahman's statement is not plausible because God explicitly states in the Qur'ān to fight only 'those who fight you,'[263] and this only applies to fighting the enemies who are engaged in fighting Islam and its people.[264] Thus, the verse means, 'Fight *(qatelū)* those who fight you,' just as Allāh said in another verse: '...and fight against the *Mushrikīn* (disbelieves) collectively as they fight against you collectively.'[265]

It should be noted that the verb used for the command of fighting, *'qatelū,'* is derived from the infinitive *'muqātalah,'* which suggests the presence of two warring parties, meaning that the fighting process is a reciprocal process and defensive action. The other reprehensible meaning of '*qitāl*,' however, is derived from the command verb '*'uqtul*,' which suggests that one party is attacking another and aggressing against them. In this context, Imam al-Shāfi'ī, as reported by Imam al-Bayhaqī, as well as ibn Daqīq al-'īd, both say: 'Fighting *'muqātalah'* is not a form of killing *'qatl.'* It may be permissible to fight a man, but it is not permissible to kill him.'[266] Al-Shāfi'ī's definition of both terms clearly sets the boundary between them in notion and usage. Hence, the command of *'muqātalah,'* in these verses is nothing but a defensive action between two warring groups.

However, during the Umayyad and Abbasid dynasties, a military doctrine emerged dividing the world into two domains: *dār al-Ḥarb* and *dār al-'Islām*, in order to subject the former to the control of the Islamic order, through a newly emerged *jihād* called *jihād al-ṭalab* (offensive *jihād*).[267] The term *dār al-'Islām* (house of Islam) includes countries wherein Islamic legal order and faith prevails, whilst the rest of the world is referred to as the 'house of unbelief' or the 'house of war' *(dār al-Ḥarb).* In this context, Amīr 'Alī argues that *jihād* may be waged for the purpose of spreading the Islamic faith.[268]

In response to 'Alī's claim, Shaikh Fayṣal Mawlawī, the late Vice President of the European Council for Research and Fatwas said under the title (The reason for fighting is enmity, not

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[263] Qur'ān 2:190.
[264] Ibn Kathīr, *'tafsīr,'* p. 248.
[265] Qur'ān 9:36.
[266] Ibn Ḥagar al-'Asqalānī, Aḥmad Ibn-'Alī, *'Fatḥ al-Bārī fī Sharḥ Ṣaḥīḥ al-Bukhārī,'* (Dar al-Fikr, nd) Vol. 1, p. 76
[267] John Esposito, 'Islam and Politics' (Syracuse University Press, Syracuse, 1987), p. 202.
[268] Amīr 'Alī, The Spirit of Islam: A History of the Evolution and Ideals of Islam with a Life of the Prophet (Christophers, 1922), pp. 214–15.

disbelief), 'The majority of jurists, including the Mālikīs, Ḥanafīs, and Ḥanbalīs, agree that the purpose of waging war in Islam is to defend against enemy hostilities and aggression, and not just for disbelief. Only al-Shāfi'ī, in one of his opinions, posits disbelief as the reason for fighting. Shaikh Mawlawī then concludes that the opinion of the majority (the former) is the most preponderant and correct in Islamic jurisprudence.'[269]

It is suggested that the terms used for dividing the world appeared in Islamic jurisprudence during this period as a result of ongoing conflicts and mutual wars, between Muslims and Romans (crusaders) at times, and Muslims and Mongols at others. This prompted ibn Taymiyyah and his disciple ibn al-Qayyim to write books defining the parameters of this division. Hence, a new form of *jihād* emerged, *jihād al-ṭalab (*offensive *jihād) or* preventive *jihād*, as a response to the surrounding pressing conditions.

In fact, the rise and fall of states, or more accurately, the act of conquering or being conquered, was largely influenced by the language of powers and violent conflicts of the time. This reality extends even beyond historical powers to contemporary times, where such forms of hostile conflict persist when threats emerge between states, such as World War 1, World War 2, Russia's invasion of Afghanistan, the US invasions of Vietnam and Iraq, and most recently, Russia's conflict with Ukraine.

Therefore, it can be argued that this type of *jihād* was primarily for political motives, not on a religious background, as none of the Qur'ānic verses or Prophetic ḥadīths called Muslims to this type of *jihād* as stated for the defensive one.[270] During these centuries, Muslims, like others, conquered neighbouring powers at times and were conquered at other times, won some battles, and lost others. This movement of progressing and retreating was interspersed with periods of reconciliation and settlement, which prompted some jurists, particularly Shafi'is, to suggest another category of *dār al-Sulḥ* (bode of peace) or *dār al-'ahd* (bode of covenant),[271] which refers to countries with which Islamic states have mutual negotiations, diplomatic ties, or peace agreements.[272] These covenants enabled both Muslims and non-

[269] Fayṣal Mawlawī, 'An Islamic view on the bombings in New York and Washington' (Majlat al-Mujtam', No. 1470) <https://archiveo.mugtama.com/> [accessed 07-04-2021]; Kalin, 'Islam and Peace,' p. 345.
[270] Niaz A. Shah, 'The Use of Force under Islamic Law,' European Journal of International Law, Vol. 24, Iss. 1, (2013), pp.343–365 (p. 353), https://doi.org/10.1093/ejil/cht013.
[271] Majīd Khadduri, 'The Islamic Law of Nations: Shaybani's Siyar' (The John Hopkins Press, Baltimore, 1966), p. 5.
[272] Muḥammad Abū Kazleh, 'Rethinking International Relations Theory in Islam: Toward a More Adequate Approach', Turkish Journal of International Relations, Vol. 5, Iss. 4 (2006), pp. 41-56 (p. 46), <https://api.semanticscholar.org/CorpusID:148502106> [accessed 11-03-2022].

Muslims to negotiate directly with one another and to maintain peaceful relations for long years.[273]

After all, and in the contemporary world, all Islamic States, with their diverse political, economic, and social structures, have become parties to international treaties of all kinds. Most importantly, they are members of the United Nations (UN), and are therefore bound by its Constitution, which clearly emphasises peace as its primary goal and expresses the determination to 'save succeeding generations from the scourge of war.'[274] Notably, Muslim states would not have agreed to this rule had Islamic law required them to engage in offensive *jihād*.

In short, Sheikh al-Qaraḍāwī asserts, 'Let us look at what the ancients referred to as (offensive *jihād*), which is predicated on expansion and penetration into enemy territories, as a result of what they call now, 'war of prevention.' After the United Nations Constitution and the global agreement to respect the regional borders of member states, and strive toward peaceful resolution of conflicts between them, we no longer require this form of *jihād*. Hence, we only wage wars against those who fight us, even if some old scholars said otherwise. Then he stated that this is the opinion of most contemporary jurists such as Rashīd Reḍa, Maḥmūd Shaltūt, Muḥammad Abū Zahra, 'Abdulkarīm Zidān, Wahba al-Zuḥilī, and others.[275]

Overall, despite the righteous conditions that allow Muslims to take up a war, they must abide by strict principles established by Islam to avoid any cruelties or barbaric practices that prevailed before Islam. These measures are explicitly stated in many Qur'ānic, and prophetic narrations as follows:

1. Non-combatants shall not be made to suffer on account of the war. Even against the combatants, one can only use that much force necessary to achieve the purpose of 'just war, 'but not going beyond the limits as the Qur'ān states: 'Fight in the cause of God those who fight you, but do not transgress limits; for God loveth not transgressors.'[276] God warns against committing any prohibitions (transgressions) during the war state. Imam al-Ḥasan al-Baṣrī explains that the transgression mentioned in the verse 'includes

[273] LB Ware, 'A Radical Islamist Concept of Conflict' in SC Pelletiere (ed), Terrorism: National Security Policy and the Home Front (Diane Publishing, US Army War College, 1995), pp. 31–32.
[274] Charter of the United Nations, 24 October 1945, preamble. Online,> [accessed 22-05-2024).
[275] Yūsuf al-Qaraḍāwī, *'Figh al-jihād,'* Vol. 2, pp. 1337-1338: < https://www.al-Qaradawi.net/> [accessed 05-02-2024].
[276] Qur'ān 2:190.

mutilating the dead, theft (from the captured goods), killing women, children, and old people who do not participate in warfare, killing priests and residents of houses of worship, burning down trees and killing animals without real benefit.'[277]

2. In case the enemy offers peace, one has no choice but to accept and stop all hostilities as the Qur'ān states: 'But if the enemy incline towards peace, do thou (also) incline towards peace, and trust in God: for He is One that heareth and knoweth (all things)'[278]
3. During a time of war, one cannot commit excesses or cruelties. In other words, acts of arson and pillage are prohibited. In this regard, God says: 'And kill them wherever you find them, and turn them out from where they have turned you out,'[279] meaning 'Your energy should be spent on fighting them, just as their energy is spent on fighting you, and on expelling them from the areas from which they have expelled you, as a law of equality in punishment,' as explained by ibn Kathīr.[280] This also goes in the same vein as the Prophet's conception about war as he used to instruct his companions: 'I prescribe ten commandments to you: 'do not kill a woman, a child, or an old man, do not cut down fruitful trees, do not destroy inhabited areas, do not slaughter any sheep, cow or camel except for food, do not burn date palms, nor inundate them, do not embezzle (commit *ghulūl*), nor be guilty of cowardliness.'[281]
4. All the terms of treaties and other agreements have to be strictly adhered to, and places of worship must be protected.[282]

Like invasive therapeutic procedures, war can serve social health, but it also brings much harm. Therefore, war is seen as a last resort and must be justified and optimised. It thus became evident that the term *jihād* in Islamic literature has many different meanings depending on the context of its temporal and spatial use. Most of the misconceptions raised about this term, however, are due to a branched meaning termed *qitāl* (fighting) and the verses related to it in the Qur'ān. The implications of misunderstanding this term are considered the main motives for most extremist groups to commit their crimes and threaten the foundations of peaceful co-existence in societies. Therefore, it is of utmost importance to discuss this term and clarify the polemical issues that have been raised around it.

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[277] Ibn Kathīr, *'tafsīr,'* p. 248.
[278] Qur'ān 8:61.
[279] Qur'ān 2:191.
[280] Ibn Kathīr, *'tafsīr,'* p. 248.
[281] Related by Imam Malik. See Jalāl ad-Dīn al-Suyūṭī, *'Tanwīr al-Ḥawalik, sharḥ muwaṭṭa' Mālik,'* (al-Halabī Press, nd), Vol. II, p. 6.
[282] 'Abdur-Rahmān al-Sheḥa, ''Islam the Religion of Peace,' (Batna Printing Press, 1999), pp. 128-29.

1.11.1. The Qitāl (Fighting) verses in the Qur'ān:

The fighting verses in the Qur'ān are stated in chapter 9, titled Surah (al-Tawba) or repentance. This section is highly needed to take a closer look at these verses and to consult the relevant commentaries by renowned Muslim scholars for a comprehensive understanding of the context, conditions, methods, and regulating rules involved. During his combat with Quraysh and other tribes who were trying to destroy the newly born Islamic state in Medina, the Prophet suffered extremely from constant betrayals, breaching vows, betraying trusts, breaching covenants, and the many peace treaties they had made with the Prophet, which they later completely dishonoured.

The growing influence of the new Islamic state and its effect on people's hearts posed a massive threat to the economic interests of Quraysh and threatened their prestigious position as the everlasting guardians of the Holy Ka'bah. Historical records show that the Prophet was a firm believer in the importance of peace to defend his divine message. For this reason, he conducted the Ḥudaybiyah peace treaty, in the sixth year of Hijra, with the tribe of Quraysh, even though the terms of the treaty were unfair to the Muslims. Its terms tended to favour Quraysh over them, as stated at length in the next chapter of the thesis. However, unlike his companions, the Prophet had farsightedness and considered this covenant as a starting step that would work for establishing peace and advocating his message.

The treaty referred to a ten-year truce between the two parties, in which security and peace were to be provided for both sides. After conducting the Ḥudaybiyah Pact for peace, Quraysh violated the agreement and launched attacks on Muslims. The treaty violation took place when Banū Bakr (allies of Quraysh), who had signed the Ḥudaybiyah treaty, killed a man from the Khuza'ah tribe (allies of Muslims) one night with the help of Quraysh. The Khuza'ites sent a deputation of forty men to the Prophet, asking him to punish the treacherous murderers, promising that he would take up their cause personally.[283]

Because of these repeated offensive incidents, God revealed some Qur'ānic verses explaining to Muslims the just methods of entering into a war with those who did not respect their agreement, saying: 'So travel freely, [O disbelievers], throughout the land [during] four months but know that you cannot cause failure to Allāh and that Allāh will disgrace the disbelievers.'[284] Commenting on this verse, Imam al-Ṭabarī (d. 923 AD), in his renowned

[283] Ibn Hishām, Abū Muḥammad Abd al-Malīk '*al-Sīrah al-Nabawīyah,'* (Dar al-Geel, 1987), Vol. 4, pp. 22-28.
[284] Qur'ān 9:2.

exegesis *Jami' al- Bayān*, stated that the waiting period of four months of safety was only for those who initiated offensive attacks on Muslims and violated the peace treaty.[285] On the other side, those who did not violate their covenants with Muslims and respected their agreements were safe and secure, as God says: 'Excepted are those with whom you made a treaty among the polytheists and then they have not been deficient toward you in anything or supported anyone against you; so complete for them their treaty until their term [has ended]. Indeed, Allāh loves the righteous [who fear Him]' [286]

These verses are then followed by one of the famous verses that some groups exploit as a free-killing pass and are always quoted to justify the heinous killing of others. Its historical context was originally a state of war with a certain group of people who had breached their covenants and conspired with others to carry out attacks on Muslims. In this case, God says: 'And when the sacred months have passed, then kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush…….'[287] This verse does not carry multiple interpretations, for there is no room for the claim that this verse means all non-Muslims, whether they kept their covenants intact or not, for there are other multiple prophetic narrations that state that 'Alī ibn Abū Ṭālib went to all the tribes who kept their covenants with the Prophet and assured them that their agreements would still be honoured until their due time. [288]

These traditions mean that Muslims were not killing disbelievers indiscriminately and without a legally binding reason. The penalty of waging war, if a peace treaty is breached between two warring parties, is an integral part of the terms of peace treaties in our modern times that are recognised by international law. Therefore, this verse cannot be invoked in a context that is not in line with the circumstances of the revelation at that time.

As a divine message towards openness and initiating mutual dialogue with others, even in times of war, the Qur'ān underscores a fundamental principle in the following verse: 'And if any one of the polytheists seeks your protection, then grant him protection so that he may hear the words of Allāh. Then deliver him to his place of safety. That is because they are a people who do not know.'[289] Al-Ṭabarī, commenting on this verse, explains: 'This verse

[285] Muḥammad ibn Jarīr al-Ṭabarī, *'tafsīr Jāmiʿ al-bayān ʿan taʾwīl āy al-Qurʾān,'* (Dar Hagar, 2001), Vol.11, p. 311.
[286] Qur'ān 9:4.
[287] Qur'ān 9:5.
[288] Ibn Kathīr, *'tafsīr,'* p. 862.
[289] Qur'ān 9:6.

proves that the Prophet Muḥammad and Muslims were not commanded to randomly kill polytheists. Even after granting a four-month period to those who breached agreements and initiated hostilities against Muslims, God instructed the Prophet that if polytheists sought safety to inquire about Islam and reflect on its teachings, they must be granted protection. If they remain unconvinced about Islam, they should be safely returned to their homes to preserve their security.'[290]

These verses prove beyond doubt that Muslims are not advocates of war and that they do not engage in waging war except for just reasons, adhering strictly to ethical principles and clear guidelines. The distressing scenes of violence witnessed over the past decade—people being killed, slaughtered, tortured, and maimed—are a distortion of the true essence of Islam, both in its letter and spirit. Therefore, it is unjust to attribute such misinterpretations and calls to violence to the normative teachings of Islam. These reprehensible acts are perpetrated by individuals who misinterpret Islamic texts for their own agendas or for political and personal gain, using Islam as a guise for their heinous acts. Islam, which came into the world as mercy, cannot in any way condone such atrocities, which are condemned not only by Islam but by all humanity.

In light of the previous facts, it can be concluded that embracing Islam under coercion is forbidden, as the Qur'ān affirms in many verses. Hence, Muslims are prohibited from doing so under any circumstance and for any reason. Islam only allows Muslims to invite and debate people with wisdom and leniency without compulsion or taking advantage of their vulnerability due to hunger, weakness, or lack of knowledge. Therefore, Islam unequivocally forbids all acts of violence against everyone, including non-Muslims. Even in times of just wars, Prophet Muḥammad strictly warned Muslim armies against destroying non-Muslim places of worship and ordered his followers to preserve crops and other vegetation in their fields.

In short, Islam considers the above fundamentals of co-existence as the ultimate goal intended by God for all humanity in this world. Discussing these aspects gives us the holistic Qur'ānic story of the human condition and its moral theology that are often lost when considering them in isolation. In this context, the Qur'ān affirms that God Almighty is the Creator of all creatures and desires for them to live in peace and harmony, away from grudges, wars, and conflicts. Accordingly, matters concerning truth and falsehood, right and

[290] Al-Ṭabarī, *'tafsīr,'* p. 346.

wrong, punishment and reward are entrusted solely to God, who will judge them on the Day of Resurrection. For this reason, Islam can be a viable model to overcome religious hatred and promote peace and justice among people, regardless of their diverse ethnic, religious, or cultural backgrounds.

CHAPTER TWO

2. The Prophetic Sunnah and its Stance on Peaceful Co-existence with Others:

In the preceding chapter, the moral theology in relation to the principles of peaceful co-existence with others was explored and discussed horizontally as articulated in the Qur'ān. This chapter, however, will discuss how 'Muḥammad' as a Prophet and a state leader manifested these principles vertically to permeate the social life of mankind. In this chapter, it is of utmost importance to investigate the issue from the practical side of Islam, represented in the sayings and implementations that make up the term 'Sunnah' of Prophet Muḥammad. The prophetic Sunnah is the second source of Islamic law and legal proof next to the Qur'ān.[291] Therefore, this chapter aims to provide a detailed investigation of the prophetic strategies for mutual co-existence with others and to explore their broad significance for the stability of societies. To this end, various aspects, and principles of Prophet Muḥammad's life in relation to peace and social order with other sects are discussed in an effort to understand the reflection of their application in today's world.

The prophetic instructions presented and analysed here have multifaceted implications for both the Islamic and Western worlds. Global peace in today's world, in general, needs an appropriate code of conduct and a human model to be followed to establish the meaning of peace and strengthen the bonds of cooperation, understanding, and co-existence among different communities. The teachings of the Prophet Muḥammad and his life have been proposed, at least for Muslims, as a sought code of conduct (i.e., the law), an inspirational reference, and an ideal role model for all humanity. The textual teachings in this section are the sayings, sermons, and treaties that the Prophet not only concluded with 'non-Muslim Otherness' but also obligated his companions and successive followers to act upon. The text under discussion focuses on the argument that the basic Qur'ānic and prophetic teachings do not conflict with modern United Nations Constitutions but are meant to reinforce, support, and strengthen their implementation.

The pursuit for perceiving the prophetic model on the topic under question is not limited to the fact that the Prophet was God's chosen messenger who received the revelation, but also because he was a human being who lived among people, shared their pains, and faced the same hardships and challenges of life as they did. Therefore, in this context, his teachings and sayings

[291] Daniel W. Brown, 'Rethinking Tradition in Modern Islamic Thought,' (Cambridge University Press, 1996), pp. 38-39.

are a way of life and a practical approach to Islam's view of co-existence with others, which should not be overlooked when dealing with such crucial issues.

The mission of teaching and explaining the divine message (the Qur'ān) is an appointed task that God entrusted to the Prophet Muḥammad in many Qur'ānic verses, as in Q. 3:164. Through this task, God set from his personal conduct a role model for believers to follow in order to obtain God's pleasure, as in Q. 33:21.[292] One aspect of this model is manifested in the Prophet's way of living peacefully with those who held different religious and intellectual views.

This prophetic position is explored by discussing some humanitarian principles that the Prophetic Sunnah has long been accused of preaching against, such as cooperation in establishing a just society, recognition of pluralism, the concept of peace, tolerance with others, respect for humanity, maintaining good relationships with the 'Other', and Muslim interaction in non-Muslim societies. The main sources that are consulted in this section are *Kutub al-Ṣiḥāḥ al-Sittah* (The six authentic Books of ḥadīth), *al-Sīrah al-Nabawīyah* by ibn Hishām, *Tabaqāṭ al-Kubrā* by ibn Sa'd, and various commentaries by ancient and modern scholars. The importance of such sources and alike stems from their thorough explanations of the numerous events related to the subject, including the *asbāb al-nuzūl* of many Qur'anic verses, various occurrences in the prophetic biography, and the Prophet's statements and sermons on the principles discussed. These explanations should clarify the Prophet's way of interacting with non-Muslims, the nature of his encounters with opponents, and the prophetic strategies for bringing peace and stability to society.

2.1. Cooperation in Establishing a Just Society

Establishing the meaning of justice and ensuring its implementation is God's law, and it is the balance that God has created to lead societies to peace. The essence of justice is the acknowledgement that all human beings are equal and deserve to be treated equally without any form of discrimination based on faith, colour, or language. Ensuring the application of this principle in people's daily lives would undermine all forms of racism, nationalism, and ethnocentrism in society. The findings of the prophetic values of moderation reveal that he placed great weight on this principle.

[292] Qur'ān 33:21.

Even before he was sent as a messenger of God, the Prophet was eager to participate in and support all treaties that called for justice and peace. The Prophet grew up in an environment whose social structure was based on a scattered tribal authority, each tribe with its own rules and regulations. The only protection an individual could rely on was their own tribe. Those who had no such protection were exposed, marginalised and weakened. The tribe had an obligation to its members even if they had committed crimes or were wrongdoers. The bigger and wealthier a tribe, the more powerful it was and the more authority it wielded. Thus, there was no sense of security in terms of life, property, and dignity for those who were vulnerable, particularly those who came from outside of Mecca. [293]

To address such chronic social diseases, some influencing pacts were conducted either in Mecca or the newly established city in Medina, such as *Ḥilf al-Fuḍūl* in AD 590, the Constitution of Medina (CM) in AD 622, and beyond to the Christians of Najrān in AD 631. Notably, these treaties were concluded at different stages of the prophet's life, underscoring that the principles of establishing justice and bringing peace were inherent characteristics of the Prophet's personality throughout his life. Therefore, it is necessary to shed light on these charters and their impact on establishing peace and co-existence between different groups.

2.1.1. *Ḥilf al-Fuḍūl* 'Pact of the Virtuous' *(*AD 590)

Due to the many violations and grievances that were prevalent in the tribal system prior to the mission of the Prophet, one day, some Meccans were called to put an end to these actions and the consequent oppression of the poor and vulnerable. The Prophet was one of the prominent and influential figures among them, as narrated by Talḥa ibn 'Abdullāh, a Prophet's companion, who said: 'I witnessed a pact of justice in the house of 'Abdullāh ibn Jud'ān (one of the honourable Meccans' houses) that was more beloved to me than a herd of expensive red camels. If I were called to it now in the time of Islam, I would respond.'[294] This alliance was later called *Ḥilf al-Fuḍūl* (the League of the Virtuous). It was a 7th-century alliance created by the Prophet Muḥammad and various Meccans to establish justice for all through collective action, even for those who had no connections to the powerful.[295]

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[293] 'Abdulḥamīd, H. al-Samarā'ī, 'some manifestations of the tribal order before Islam,' (2009) <https://www.iasj.net/iasj/article/20853> [accessed 11-03-2022].
[294] Muḥammad ibn Sa'd, *'Tabaqāṭ al-Kubrā, Sira al-Nabawiyya,'* (Beirut, Dar al-Fikr, nd.), Vol.1, pp. 128-129.
[295] Maḥmūd Ibrahīm, 'Social and Economic Conditions in Pre-Islamic Mecca,' International Journal of Middle East Studies, Vol. 14, no. 3, (1982), pp. 343–58 (p. 355), <http://www.jstor.org/stable/163677> [accessed 02-02-2021].

Ibn Hishām, a great biographer, said about the significance of this pact: 'They promised and pledged, referring to the members of the covenant, that they would not find any oppressed among their people, or anyone else who entered Mecca, but that they would support him. They would stand against whoever oppressed them until the rights of the oppressed are restored.'[296] Ṭāriq Ramaḍān comments on this monumental pact: 'Leaders and members of many tribes, Thus, pledged their collective duty to settle any disputes and stand by the oppressed against the oppressors, whoever they might be and whatever alliances they might make with other tribes. This alliance was special because it placed respect for principles of justice and support of the oppressed above all considerations of kinship or power.'[297]

Ramaḍān goes on to explain: 'Islam's message is not in any way a closed value system that is counter to or inconsistent with other value systems. From the beginning, the Prophet did not envision the content of his message as the expression of 'pure otherness' versus what the Arabs or other communities were producing. Islam does not establish a closed world of reference but rather relies on a set of universal principles that can coincide with the values of other religious beliefs and traditions (even those produced by a polytheistic society such as that of Mecca at that time).'[298] This notion signifies that Islam outrightly opposes the philosophy of exclusivity and isolationism within societies. Instead, it advocates for collaboration with others, regardless of whether they are Muslims or non-Muslims, to establish principles of justice and peace for the collective benefit of all humanity.

Ramaḍān's argument aligns with the commandment revealed in the Qur'ān: 'And cooperate in righteousness and piety, but do not cooperate in sin and aggression.'[299] This verse addresses all people indiscriminately, urging them to collaborate for the benefit of humanity and to avoid actions that threaten lives and disrupt their cohabitation. Therefore, there is no issue with Muslims engaging in initiatives promoting peace and justice, irrespective of their origin, as long as these efforts contribute to resolving conflicts and advancing the principles of justice and peace in societies.

This prophetic position is in fact at odds with those who claim that Islam, under the pretext of preserving religion, should not deal with any outcomes of the modern Western project, whether positive or negative. On the contrary, as demonstrated by the Prophet, there is no

[296] Ibn Hishām, '*al-Sīrah al-Nabawīyah*,' Vol.1, pp. 122-24.
[297] Ṭāriq Ramaḍān, 'In the Footsteps of the Prophet,' (Oxford University Press, 2007), pp. 20-21.
[298] Ṭāriq Ramaḍān, 'In the Footsteps of the Prophet,' p. 22.
[299] Qur'ān 5:2.

harm in adopting the beneficial elements of this project and avoiding what is not useful, particularly in areas related to human rights and humanitarian agreements.

The Prophet's participation in such alliances demonstrates that justice, as a universal value, was an inherent attribute and an innate command in the Prophet's personality even before being a messenger of God. This means that he recognised the legitimacy of humanitarian principles, especially those related to human rights, such as applying justice and rejecting injustice, whether they originate in the crucible of Islam or elsewhere. In this regard, ibn al-Qayyim also wrote: 'God the Exalted has made clear in His law that the objective is to establish justice between His servants and fairness among people, so whichever path leads to justice and fairness is part of the religion and can never oppose it.'[300] This means that any call for justice, peace, and the removal of injustice aligns with Islamic principles. Therefore, Muslims should embrace these calls and collaborate with others to promote and implement them.

2.1.2. The Constitution of Medina (CM): towards a pluralistic and just society

As mentioned earlier, emphasizing the pivotal role of the state in fostering peace and co-existence, the Prophet as a state leader, after his immigration from Mecca to the new state of Medina, started settling all the disputes and conflicts that had smouldered for centuries between the various tribes. As a city-state, the basic guidelines set by the Prophet in the early years of Medina formed a profound imprint of how Muslims dealt fairly with Jews, pagans, and minorities of Christians and polytheists.[301] By granting minority rights to these groups through mutual pledges, treaties, and agreements, the Prophet succeeded in creating a stimulating environment for the development of both spiritual and material growth of different religious groups living under Islamic rule.

In order to secure the full rights of minorities and ensure justice for all in the new state, the Prophet established the world's first Constitution for peace and justice, called *Mīthāq-ul-Medina* (the Constitution or Constitution of Medina), in AD 622. In this Constitution, some preventive measures were set to avoid all forms of injustice, revenge, and crimes between various Arab tribes of all sects. The first modern scholar who studied this Constitution was Julius Wellhausen (d. 1918) at the end of the 19th century, and more accurately described it

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[300] Ibn al-Qayyim al-Jawziyya, *'al-Ṭuruq al-Ḥikmīya fil-Siyāsa Al-Shar'yah,'* (al-Adāb wa al-Mu'ayyad Press, Cairo, 1900), p. 13-14.
[301] Rashā Diāb, 'Legal-Political Rhetoric, Human Rights, and the Constitution of Medina, Rhetorica,' Johns Hopkins University Press, Vol. 36, No.3 (2018), pp.219-243 (p. 226). DOI:10.1525/rh.2018.36.3.219.

as the ‘municipal Constitution’ of Medina.[302] In AD 1889, Wellhausen debated the text's antiquity, which has been recognised by even the most sceptical of contemporary ‘source-critical scholars,’ Patricia Crone, who argues that, in ibn Isḥaq's Sira, ‘the Constitution sticks out like a piece of solid rock in an accumulation of rubble.’[303] At the same time, Robert Bertram Serjeant described the Constitution as a ‘pact of security’ executed by Muḥammad according to ancient Arabian customs between the Muslims and the inhabitants of Medina.[304]

In general, by examining the articles of the Constitution, one can conclude that the principles and instructions mentioned therein were neither municipal, as claimed by Wellhausen, nor intended solely for the inhabitants of Medina, as argued by Serjeant. Instead, they were addressed to all of humanity, applicable in both ancient and modern times. Moreover, if this Constitution were to be compared with what is stated in most modern human rights constitutions, i.e. (UDHR)[305], (HRA)[306], Geneva Convention[307], and others, an unbiased observer would find significant similarities in the terms and principles concerning human rights, and peace. This similarity is what is always sought in any society to support the stability and cohesion of its members based on the common values and principles among them. The principles contained in the Constitution, both in their theoretical meaning and practical implementation, provide a solid foundation for any human constitution in any era and place, promoting peace, security, and harmony.

Commenting on the antiquity claim of the document raised by Wellhausen, Said Arjomand, an Iranian-American scholar, argues that the significance of the text cannot be reduced to ancient times. Besides, the importance of such documents varies from generation to generation. History is an open book, and the past can always be re-read in light of current concerns and the horizon of future expectations. Medieval Islamic studies primarily followed ibn Isḥāq in seeing the document as 'Muḥammad's covenant with the Jews of Medina' and acknowledged it as an important text in public law.’[308] Arjomand also adds: ‘Mentioning the impact of the document in this context is meaningless because it does not diminish the

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[302] Arjomand, ‘The Constitution of Medina,’ referring to Wellhausen, ‘Muham- mads Gemeindeordnung von Medina,’ in Skizzen und Vorarbeiten, (Berlin: Reimer, 1889), Vol. 4, pp. 65- 83.
[303] Arjomand, ‘The Constitution of Medina,’ referring to Patricia Crone, ‘Slaves on Horses: The Evolution of the Islamic Polity,’ (Cambridge University Press, 1980), p. 7.
[304] Arjomand, ‘The Constitution of Medina,’ referring to Robert Serjeant, ‘The Constitution of Medina.’
[305] United Nations - Universal Declaration of Human Rights <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [accessed 28-02-2021].
[306] Human Rights Act 1998, <https://www.legislation.goV.uk/ukpga/1998/42/contents> [accessed 28-02-2021].
[307] Charles S. Sperry, ‘The Revision of the Geneva Convention’ Proceedings of the American Political Science Association, Vol. 3, (1906), pp. 33–57, https://doi.org/10.2307/3038537.
[308] Arjomand, ‘The Constitution of Medina,’ Ibid.

importance of what is contained in the Constitution itself concerning human rights. Thus, if every valuable document is rejected because of its antiquity, then nothing will be left for humanity with the time to be guided by, including the divine books.'[309]

Regarding the claim that this Constitution was the first written constitution in the world, the first to make this claim were M. Ḥamīdullāh, and Muḥammad Ṭāhir ul-Qadrī, Pakistani–Canadian Islamic scholar (B. 1951).[310] In fact, as Kassim Aḥmad argues, this claim is not without basis; for example, Aristotle's Constitution of Athens, written on papyrus, was discovered by an American missionary in Egypt in 1890 and published in 1891, and cannot be considered a universal document of human rights. It was an account of the constitution of the city of Athens. [311] Other legal writings have been found on the conduct of ancient societies, but none of them can be described as a constitution. Therefore, it can be said that the Constitution of Medina is the first. It precedes the American Constitution of AD 1787, which Western authorities considered 'a landmark document of the Western world, and the oldest written national constitution in use,'[312] by more than a thousand years! It also precedes the Magna Carta of AD 1215 by almost six centuries and the English feudal Bill of Rights of AD 1689 by almost a thousand years.[313]

The Constitution of Medina is not only important in the sense of being the first written constitution, but it is also modern in the sense that it was promulgated for a pluralistic society, giving equal rights to every citizen who has a say in government affairs. It secured and strengthened cooperation and alliance among all people of any creed, colour, race, and ancestry. It set the standard of righteousness as the basis of the distinction, no other human differences. It also guaranteed freedom of worship for all religious sects. In light of this Constitution, the Prophet Muḥammad was able to establish a model society in Medina based on a solid foundation of internationally recognised ethical principles. This Constitution

[309] Arjomand, 'The Constitution of Medina,' Ibid.
[310] John Burton, 'Those are the High-flying Cranes,' Journal of Semitic Studies, Oxford University Press, Vol. 15, Iss. 2 (1970), pp. 246–265 (pp.265), https://doi.org/10.1093/jss/15.2.246.
[311] Kassim Aḥmad, 'the Medina Charter,' < https://dinmerican.wordpress.com/2015/12/09/kassim-Aḥmad-on-the-medina-charter/> [accessed 28-02-2021).
[312] The New Encyclopaedia Britannica, 15th Edition, 1991 <https://www.britannica.com/topic/Constitution-of-the-United-States-of-America> [accessed 28-02-2021].
[313] English Bill of Rights, 2018 < https://www.history.com/topics/british-history/english-bill-of-rights> [accessed 28-02-2021].

remains, at least for Muslims, a shining and inspiring model for communities that strive for social justice to this day. Examples of these claims are as follows: [314]

At the beginning of the Constitution, in Article 1, the Prophet addressed all the clans and tribes of Medina without distinction or exclusion on the basis of any discriminatory measures. He stated: 'This is a document written by Muḥammad the Prophet between the faithful covenanters [under God's security] and the Muslims from the Quraysh and Yathrib, and those who follow them as clients, join them, reside with them, and strive along with them.'[315] The Prophet addressed the Muslims of his own people 'Quraysh' and the people of 'Yathrib (Medina)' along with other sects and those who followed them and joined them and laboured with them on an equal footing. By mentioning both the immigrants and the inhabitants of Medina without discrimination, this indicates the Prophet's commitment to dissolving distinctions between natives and immigrants and upholding the principles of equality and justice for all, regardless of origin, nationality, tribe, or any other ethnic or racial background. It does not allow natives to have superiority over immigrants or vice versa. The Islamic state is, therefore, an inclusive society that cannot be based on one tribe or culture, but includes everyone, immigrants, and natives, with their diverse dialects, cultures and social habits. After highlighting these manifestations of pluralism and respect for all, the Prophet asserted that they, means all of these factions, 'constitute a single community,' in their rights and duties. By affirming the equality of all, the CM formulates convincing grounds for unity that counteract violence and transcend tribal, national, ethnic, cultural origins and socio-economic differences.

The Prophet also, in Article 3, laid down some guidelines of corrective justice, in case any assault or oppression occurs between the parties: 'The clans of Banū 'Awf, Banū Sa'ida, Banū al-Ḥārith, Banū Jusham, Banū an-Najjār, Banū 'Amr ibn 'Awf, Banū al-Nabiṭ, and Banū al-'Aws keep to their own tribal organisation and leadership, paying their blood money jointly among themselves at the previous rates [under paganism], and each group ransoming its prisoners in accordance with what is customary, equitably shared among the faithful

[314] The clauses of the charter have been translated, edited and arranged in a well-structured manner by Arjomand. To extract the terms of the charter, he relied on ibn Ishaq's *Sīrat Rasūl Allāh* (the Prophet's biography), as narrated by his disciple ibn Hishām (d. AD 213) in his prominent book *(al-Sīrah al-Nabawīyah)*. Arjomand, 'The Constitution of Medina,' p. 558, referring to ibn Hishām, Ibid, Vol. 2, pp. 106-108.
[315] Arjomand, 'The Constitution of Medina,' p. 558, referring to [Article 1. The Covenant of Unity Executed by Muḥammad the Prophet] (CM.l).

covenanters.'[316] Similarly, in Article 12, the Prophet states: 'Whoever murders a faithful covenanter without a cause shall be slain in retaliation upon proof unless the victim's next of kin consent [to blood money]. Carrying out this [capital punishment] is a collective duty of the faithful covenanters from which they cannot be absolved. It is not lawful for any faithful covenanter who has affirmed what is in this deed *(Ṣaḥīfa)* and puts his trust in God and the Last Day to support or shelter the murderer [of a fellow-covenanter]. Whosoever does so shall incur the curse of God and his wrath on the Day of Resurrection, and no repentance or compensation will be accepted from him.'[317]

These rules for eliminating injustice, cooperating in establishing justice, and restoring the rights of the oppressed are undoubtedly basic prerequisites for establishing a peacefully co-existing society. Protecting society from public crimes such as murder, brigandage, and theft is an inevitable security measure to bring equilibrium and harmony to society and avert any threat to the security of the community. In this regard, Harvey, under the title of corrective justice, asserts that 'The existence of judicial punishment deters other members of society, warding off the particular harm associated with the crime, and maintains social stability. The specific victim of the crime is to be compensated for the harm received.'[318] Therefore, the Prophet was keen to clearly safeguard the public interest, by formulating rules of corrective justice, clarifying the consequences of violating them, and addressing the different tribes regarding them, each in their own name and identity.

By addressing the Jewish tribes each in their name, not as one monolithic population, the Constitution of Medina, as in Article 15, recognises their diverse ethnic, and cultural characteristics. In this regard, Modood argues that the ideal polity is the one that deals with the 'multiculturalism' of others as a fact. [319] He points out that 'multiculturalism' should not only be concerned with recognising the identity of groups, as in the case of Jews as a religious population, but also with the identities of subgroups allowing all citizens to have a sense of belonging to their national citizenship, as the Prophet did with mentioning the various tribes of the Jewish community in Medina. In this regard, 'Alī Khan also asserts that the Constitution instituted peaceful methods of settling disputes among diverse

[316] Arjomand, 'The Constitution of Medina,' p.558; referring to [Article 3. Components of the Community, their Organization and Responsibilities] (CM.3-1 1).
[317] Arjomand, 'The Constitution of Medina,' p.558; referring to [Article 12. Protection of Life and Institution of Capital Punishment] (CM.24-25).
[318] Harvey, 'The Qur'ān and the Just Society,' p. 171.
[319] Tāriq Modood, 'Multiculturalism,' IPPR Progressive Review, 30.2 (2023), pp.78-82 (p.79). https://doi.org/10.1111/newe.12350.

denominations living as one people, but without being assimilated into one religion, language, or culture, stating: 'Jews have their religion, and the Muslims have theirs'[320].[321]

The Prophet Muḥammad envisioned a society where people could unite not on the basis of race or religion, but through the rights of citizenship, and principles of humanity. Such citizenship which is neither a mosaic nor a broken glass,[322] as Harvey assumed, presupposes that there is always another path to co-existence through understanding and dialogue, rather than assimilation or clash. In this regard, Arjomand asserts that 'The lasting effect and significance of the CM... stems from its laying the foundations of the classic Muslim system of religious pluralism.' [323]

Establishing justice and abiding by the rule of law as a collective social contract on everyone, regardless of kinship or tribal affiliations, is clearly stated in the Constitution. In this regard, Ḥamīdullāh explains that 'in . . . the administration of justice, none would be permitted to take sides or show any favouritism to one's relations or even to save one's own son from the course of law.'[324] For that, the Prophet puts, 'in case anyone does treachery, oppression, or corruption, the hands of all faithful covenanters shall be raised against him in unity, even if he is the son of one of them.'[325] Then, he asserts in Article 29: 'This document offers no protection to the wrongdoer and the criminal.'[326] The CM was therefore not an agreement driven by ugly compromises or self-serving political agendas. Instead, it was indeed a morally honest agreement, in line with the revealed words of the Qur'ān and made under the guidance of the Prophet. The value of the Constitution, hence, lies in its moral originality and in the virtue that a social contract can be concluded between diverse peoples on the basis of freely expressed consent.

In providing protection and security to all without favouritism, the Prophet asserts, 'the protection *(dhimma)* of God is one and indivisible, and the lowliest of them can extend it on behalf of all.'[327] The Prophet therefore emphasised that no one should be excluded from

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[320] Arjomand, 'The Constitution of Medina,' p. 563.
[321] L. 'Alī Khan, 'The Reopening of the Islamic Code,' Ibid.
[322] Harvey, 'The Qur'ān and the Just Society,' p. 192.
[323] Arjomand, 'The Constitution of Medina,' p. 556.
[324] Muḥammad Ḥamīdullāh, 'The First Written Constitution of the World: An Important Document of the Holy Prophet,' (Ashraf Printing Press, 1994), p. 28.
[325] Arjomand, 'The Constitution of Medina'; referring to [Article 5. Unity against Internal Enemies] (CM. 14), p.562.
[326] Ibid, referring to [Article 29. Protection of the Medina Sanctuary and Exclusion of Criminals] (CM.61-62), p.564.
[327] Arjomand, 'The Constitution of Medina;' referring to [Article 7. General Security and Indivisible Protection of God for the Community] (CM. 16), p. 562.

protection and security on the basis of colour, religion, race, or past hatred. Instead, observing the rules of justice and the binding social contract must be comprehensive and blind to any surrounding circumstances that prevent them from being fully applied, in response to God's command: 'O you who have believed, be persistently standing firm for God, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness, and fear God; indeed, God is acquainted with what you do.'[328]

In a nutshell, this agreement between the first Islamic authority and the tribal composition in Medina reveals the true meaning of justice as demonstrated by the Prophet's attitude towards minorities. Based on this, it becomes clear that the claim that the Prophet spread Islam by force or the sword, as raised by Orientalists and critics of Islam, is baseless even in Medina, the first Islamic state. On the contrary, he promoted peaceful co-existence with followers of other religions, granting them absolute freedom of choice and not forcing them to change their religion or give up any of their rights. Indeed, the success of the Constitution lies in its attributes of unity, equality, the right to protection and support, recognition of plurality, and justice.

2.1.3. The Prophet's Covenant to the Christians of Najrān

In extension to what the Prophet granted to other sects to build a pluralistic, just society and a religiously tolerant state, this time he made a covenant, beyond Medina, with the Christians of Najrān,[329] and the surrounding regions, stating the following: 'To the Christians of Najrān and the surrounding territories, the security of God and the pledge of His Prophet are extended for their lives, their religion, and their property to the present as well as the absent, and others besides; there shall be no interference with their faith or their observance, nor any change in their rights or privileges; no bishop shall be removed from his bishopric nor any monk from his monastery, nor any priest from his priesthood; and they shall continue to enjoy everything, great and small, as heretofore; no image or cross shall be destroyed; they shall not oppress nor be oppressed; they shall not practise the rights of blood-vengeance as in the Days of ignorance; no tithes shall be exacted from them, nor shall they be required to furnish provisions for the troops.'[330]

The treaty is an enlightening proof of how Islam unreservedly granted Christians social and religious autonomy as well as the freedom to decide their civil affairs. This freedom was

[328] Qur'ān 5:8.
[329] A city in southwestern Saudi Arabia today.
[330] Ibn Sa'd, *'Tabaqāṭ al-Kubrā,'* p. 358.

demonstrated by establishing judicial independence, which covered not only personal status but also civil rights, criminal law, and all life matters. Religious freedom and an independent judicial system laid the foundation for a true confederation with a constitution in which various religious groups became an integral part of a political agreement through a social contract.

The Covenant granted Christians full religious freedom, as was the case for the Jews in the Constitution. Although the Prophet was concerned with guiding people to God seeing God in all aspects of life, he did not force any of these sects to embrace Islam. This was the case even though he was completely convinced of the perfection and truth of Islam, which God had revealed to him. However, these treaties and covenants, whether for the Jews of Medina or the Christians of Najrān, prove that none of them established a self-righteous state that forced its citizens to adhere to the official religion of Islam.

Despite the Prophet's belief that the divine Torah and the Bible had been altered, the Covenants nonetheless establish a state in which Jews and Christians are allowed to practise their religion as they believe. This normative freedom to practise one's religion as one believes, even if it conflicts with Muslim beliefs, represents the highest possible form of religious tolerance. These covenants refute the theories that insist that only secularism can protect religious freedom. In addition to protecting religious freedom, these covenants prove that the state has worked towards a pluralistic society, where every individual and group, with their identities and religious convictions, feel valued and recognised.

In light of these previous covenants, it can be strongly asserted that Islam, in its general policy, guarantees full rights to non-Muslims. People who belonged to other religions were granted full civic rights by virtue of the Qur'ān and the implementation of Prophet Muḥammad. Non-Muslim populations living in Islamic societies were granted a peaceful and prosperous life by ensuring security and justice for their lives and property. They were also given the designation *'ahl al-dhimmah,'* which refers to those people with whom Muslims are in agreement and responsible for their personal safety and the security of their property, as the Prophet says: 'Whosoever hurts a *dhimmī* or burdens him something he cannot handle, or

takes his property without his permission, I will dispute with him on the Day of Resurrection.'[331]

In general, the Prophet Muḥammad's legacy marked the beginning of a new era in global history marked by justice and tolerance. The establishment of an independent judicial system that was free from outside influence guaranteed the protection of citizens' interests and the achievement of justice for all, regardless of colour or creed. Attentive observation and real compliance by Muslims to the terms of covenants, treaties, alliances, and agreements with non-Muslims was an essential step towards the creation of an effective system of international law and peacefully co-existing societies.

In short, the possibility of employing these peace treaties as a starting point for the Islamic community to enter into an alliance with followers of other faiths who share its political goals sets an important precedent. It exemplifies a metaethical vision of a shared social sphere where genuine moral virtues can be found among those who may not adhere to the teachings of Islam. As such, it contrasts interestingly with the conclusion Toshihiko Izutsu reaches when discussing the 'fundamental moral dichotomy' [332] between faith and disbelief, and his assertion that the Qur'ān treats revelation as 'the ultimate measure of justice.'[333]

2.2. The Concept of Peace in the Prophetic Paradigm

Peace is a concept of societal friendship and harmony in the absence of hostility and violence. In a social sense, peace is usually used to mean the absence of conflict (such as wars) and freedom from fear of violence between individuals or groups. Throughout history, leaders such as Nelson Mandela, Mahatma Gandhi, and others have employed peace-making and diplomacy to establish a certain level of behavioural restraint that has led to establishing regional peace and economic growth through various forms of agreements and peace treaties.[334]

For Islam, and among those great leaders who remarkably contributed towards spreading peace in the seventh century, is the Prophet Muḥammad. His legacy in this regard was evident when he migrated to Medina, where wars and conflicts had prevailed for decades.

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[331] Silvio Ferrari, 'Religious Significance of Jerusalem in the Middle East Peace Process: Some Legal Implications,' The. Cath. UL Re, Vol. 45, article 8 <https://scholarship.law.edu/lawreview/vol45/iss3/8> [accessed 01-02-2023].
[332] Toshihiko Izutsu, 'Ethico-Religious Concepts,' (McGill-Queen's university Press, 2002), pp. 105-6.
[333] Izutsu, 'The Structure of Ethical Terms in the Qur'ān,' (1959), p. 212.
[334] Johan Galtung, 'Peace by Peaceful Means: Peace and Conflict, Development and Civilization,' 1st ed. (SAGE Publications Ltd, 1996).

When he arrived in Medina, he found that the people of Medina were on the brink of civil war. In order to settle all ongoing disputes and defuse wars, he concluded the Constitution of Medina, in AD 622. As previously explained, this Constitution played a major role in strengthening brotherhood and bringing peace to all civilians. One of the main points of this treaty was to grant peace, security, and religious freedom to all without any discrimination.

The Prophet's primary mission was to convey the divine message to people, and to do so, an atmosphere of peace and goodwill was necessary to carry out this duty. For this reason, the Prophet was always keen to spread peace and tranquillity in all his stillness and movements as well as all his words and actions. In this context, it is reported that when the Prophet arrived in Medina, he started preaching to people the matters that would lead to achieving harmony and peaceful co-existence among themselves, as narrated by ‘Abdullāh ibn Salām (a Prophet’s companion), that the first words he said were, ‘O people, feed the hungry, spread *Salām* (greeting of peace), maintain your kin relationships, and pray at night while others are asleep. With this, you shall enter Heaven in peace.’[335]

In light of this ḥadīth, it is to be noted that the Prophet mentioned four commandments. Three of them are about promoting friendship and peaceful living with others by feeding the hungry, greeting people and maintaining kinship ties. The last commandment relates to the relationship with God. This notion means that the main aim of Islam is to deal with people in peace and security while making their way to God.

In describing the ideal Muslims, he said: ‘A Muslim is one from whose hand and tongue people are safe. A believer is one from whom people know that their wealth and lives are safe.’[336] These instructions were indeed the practical reflection of all the treaties and covenants he initiated with others. Even during hard times, severe threats, and hostilities, the Prophet seized every opportunity possible to make peace and settle all disputes with his enemies. One of these historical and monumental attempts is manifested in the Treaty of Ḥudaybiyah, as detailed in the following lines.

2.2.1. The Treaty of Ḥudaybiyah (AD 628): A new era of diplomacy and reconciliation

The Treaty of Ḥudaybiyah was a vivid example of the Prophet's keenness to make peace and avoid the scourge of wars and bloodshed. In the sixth year of Hijrah, the Prophet saw in a

[335] Abū ‘Abdullāh Muḥammad ibn Mājah, ‘Sunan ibn Mājah 3251, Feeding others.’ <https://sunnah.com/ibnmajah:3251> [accessed 28-02-2021].
[336] Abū ‘Abdur-Raḥmān Aḥmad ibn Shuʿayb, al-Nasāʾī, ‘Sunan al-Nasāʾī.’ 4995, ‘The Book of Faith and its Signs,’ <https://sunnah.com/nasai:4995> [accessed 01-03-2021].

dream, while he was still in Medina, that he had entered Mecca in security with his followers and was performing the rituals of ‘Umrah (lesser Ḥajj). He informed his companions and began to prepare for this journey. The Prophet marched out towards Mecca in a procession of 1,500 Muslims carrying no weapons with them, intending to perform ‘Umrah, not to fight. When the people of Mecca heard about the Prophet's journey, they held a meeting and decided to resist the Prophet's mission at all costs. Some of their warriors were dispatched from Mecca led by Khalid ibn al-Walīd to take the Muslims by surprise while camping at Ḥudaybiyah (a place near Mecca). The Muslims arrested them, and then the Prophet asked his companions to release them as a gesture of goodwill and peace to the people of Quraysh.[337] In this tense atmosphere, accompanied by the fear of attacks from both sides, the two sides began to exchange messengers and agreed to conclude a treaty of reconciliation and peace.[338]

In the midst of this reconciliation, a state of fury and rejection prevailed among the Companions to what was stated in the preamble of the treaty. For example, when the agreement was to be committed to writing, the Prophet's scriber, ‘Alī ibn Abī Ṭālib, began with the words with which most Surahs in the Qur’ān begin: *Bismillāhir-Raḥmānir Raḥīm* (In the Name of God, the Most Beneficent, the Most Merciful), but the Meccan plenipotentiary, Suhail ibn ‘Amr, declared that he knew nothing about *Ar-Raḥmān* and insisted on the customary opening known to Quraysh ‘*Bi ismika Allāhumma’* (In Your Name, O God!). The Muslims grumbled with uneasiness, but the Prophet agreed. He then went on to dictate, ‘This is what Muḥammad, the Messenger of God, has agreed to with Suhail ibn ‘Amr.’ Upon this, Suhail again protested and said: ‘Had we acknowledged you as Prophet, we would not have debarred you from the Sacred House, nor fought against you. Write your own name and the name of your father.’ The Muslims grumbled as before and refused to consent to the change. The Prophet, however, in the larger interest of conducting peace, attached no importance to such insignificant details, erased the words himself, and dictated instead: 'Muḥammad, the son of ‘Abdullāh,'[339] without the prophetic title. The treaty went on and became binding on both parties by its explicit clauses.

Muslims' disillusionment has also been aggravated by the term that states that Muslims were not to accept any Muslim convert from Quraysh and must be returned to Quraysh. At the

[337] Muḥammad Ḥusayn Haykal, ‘The life of Muḥammad,’ (Academy Press, Ltd, 1982), p.377.
[338] Saifur-Raḥmān al-Mubārakfūrī, ‘Al-'Aḥzāb (the Confederates) Invasion,’ <https://www.muslimconverts.com/sealed_nectar/sealed_nectar12.htm> [accessed 22-03-2021].
[339] Al-Mubārakfūrī, Ibid.

same time, Muslims who wanted to go to Quraysh were welcomed and would not be returned to Medina, leaving Muslims unable to contain themselves for the distress taking full grasp of their heart. At these tense moments and while the Prophet and his companions were on their way back to Medina, some Qur'ānic verses were revealed describing the Ḥudaybiyah Peace Treaty as a victory, and even the entire Qur'ānic chapter that contains these verses is entitled *(al-Fatḥ)* or victory. At the beginning of this Qur'ānic chapter, God says: 'Verily We have granted thee a manifest Victory….'[340]

In their interpretation of the word 'victory' in this verse, some of the Prophet's companions said that God intended the conquest of Mecca. To correct this misinterpretation, the great commentator and Prophet's companion, 'Abdullāh ibn Mas'ūd, said to them: 'You consider the conquest of Mecca to be *al-Fatḥ* (the victory), while to us, *al-Fatḥ* is the treaty conducted at al-Ḥudaibiyyah.'[341] In agreement with ibn Mas'ud's understanding, Jabir ibn 'Abdullāh, a great Companion, said: 'We only considered *al-Fatḥ* to be the day of Ḥudaibiyyah!' [342]

The Companions, who attended these hard moments with the Prophet and were under constant threat from the Meccan unbelievers, interpreted the divine notion of 'victory' as the treaty itself and not as an anticipated war. This understanding means that Muslims were not advocates of wars, nor were they eager to wage wars at any cost in pursuit of some personal interests or for purely private gain. The Companions were convinced that winning wars is a short-term gain, while concluding treaties and achieving peaceful co-existence with the other is a long-term victory that brings many benefits to both parties at all levels. Therefore, after the revelation of these verses, they were comforted and anticipated the good of this treaty.

By analysing the Prophet's lenient and diplomatic stance in the treaty, it can be perceived how determined the Prophet was to establish peace and avoid any conflict that might be caused by entering Mecca this time. This was despite the fact that he and his companions longed to visit their childhood homes, recall their old memories, perform 'Umrah and see the Ka'bah. However, he made every effort to save the lives of both parties and not to be drawn into wars that would lead to bloodshed.

As an evident indication of diplomacy and keenness for peace to prevail, the Prophet asked his scribe to remove his description as God's Messenger and put his bare name instead.

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[340] Qur'ān 48:1-3.
[341] Ibn Kathīr, *'tafsīr,'* p.1724.
[342] Ibn Kathīr, *'tafsīr,'* Ibid.

Similarly, this was also referred to in the Constitution of Medina, where his name, in some articles, was only mentioned as 'Muḥammad' in connection with his role as arbitrator and judicial authority among the various Arab tribes.[343] This was because only the Muslims fully accepted his charismatic authority and not the other Arab tribes to whom the Prophet also wanted to bring peace and security, even if they did not recognise him as a prophet. His greatest concern was for peace to prevail and for the tribes to stop shedding each other's blood.

On another occasion, he asked his scribe to remove an unrecognised Qur'ānic opening to the Meccans, which reads: '*Bismillāhir-Raḥmānir Raḥīm* (In the Name of God, the Most Beneficent, the Most Merciful)'[344] and put another common and recognised phrase to them instead. He also agreed to some unfair conditions for Muslims in more than one place in the preamble. All this was brought forward to facilitate all means of making peace and saving lives.

Broadly speaking, in order to settle any urgent disputes in most attempts at reconciliation, all parties must agree to compromise and reach a common solution that satisfies all sides, even if temporary, as the Prophet evidently practised in this treaty. The Prophet preferred to sacrifice some insignificant details that could lead to the continuation of wars and bloodshed in order to bring peace and security to all. Such agreements, which go back over 1,400 years, would stand up to any international human rights treaty of today, leading impartialists to conclude that the spirit of establishing social security and peace was central to the Prophet's message to all of humanity.

Through the Prophet's sayings, actions, and treaties concluded with others, it becomes clear that Islam is fundamentally a religion of peace. The violence prevalent in the world today has no ear from the Qur'ān or the instructions of the Prophet of Islam. Instead, Islam is proposed as a practical and viable model to bring peace and security to humanity, provided both its followers and others sincerely intend to do so. There is no doubt that such peace can only be achieved when the meanings of tolerance and forgiveness are practised, whether between individuals or communities with previous hatred and hostilities.

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[343] 'Whatever is a matter of dispute among you should be brought before God, great and glorious, and Muḥammad' as quoted in Guillaume, A - The Life of Muḥammad, p. 232.
[344] Qur'ān 1:1.

2.3. Tolerance towards Religious 'Otherness'

As a religion of tolerance, forgiveness, and overlooking the shortcomings of others, Islam has laid down two dimensions of forgiveness in general. Firstly, it acts as a display of God's mercy when his servant seeks his forgiveness and repents after committing sins. Secondly, it is deemed an act of courtesy from one person to another by forgiving him and tolerating his faults. In this regard, the Prophet endeavoured to promote these concepts in Medina with its many tribes and different religions, among which there had been animosity for a long time before the Prophet came to them. Therefore, the Prophet began to preach these morals in order to eliminate these past hatreds and create a cohesive society with lasting peace.

Recalling and perceiving some of the Prophetic statements proves that this quality was an inherent characteristic in the Prophet's personality. It also helps sow seeds of love and compassion and reject all forms of hatred and conflict between individuals in today's societies. 'Abdullāh ibn 'Amr ibn al-'Āṣ reported that the Prophet said: 'Show mercy, and you will be shown mercy. Forgive, and God will forgive you.'[345] In encouraging his companions to practise these morals in society, he linked their reward to the spiritual aspect of bringing God's mercy and forgiveness to the believers, and this is what all believers strive for.

In the same vein, one day, a man came to the Prophet and said: 'Messenger of God, how often shall I forgive a servant?' He gave no reply, so the man repeated what he had said, but he still kept silent. When he asked a third time, he replied, 'Forgive him seventy times daily.'[346] Seventy times here does not mean the exact number, but rather, it means to forgive him as much as possible and not cease to overlook his faults.

These instructions were a tangible reality in the prophet's life. For instance, the tolerance that was shown by the Prophet at his triumphal entry into Mecca after many years of suffering and persecution by the non-Muslim Meccans. Long years of bitter, cruel, and continuous persecution, all the fighting, hardships, suffering, and the loss of many dear and loyal Companions; All of these were set aside at the moment of victory, thrown away from the mind, and forgiven in the name of God.

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[345] Muḥammad ibn Ismāʿīl al-Bukhārī, *'Al-Adab al-Mufrad, Book of Mercy,'* Ḥadīth 380 <https://sunnah.com/adab:380> [accessed 20-04-2021].

[346] Al-Tibrīzī, *'Mishkāt al-Maṣābīḥ,'* Book of Marriage - Ḥadīth 3367, 3368. <https://sunnah.com/mishkat:3367> [accessed 23-02-2021].

Upon his entry to Mecca, he said to Quraysh after all of these hostilities: 'O people of Quraysh! What do you think I will do to you? They answered hesitantly, 'You will do good.' You are a noble brother, the son of a noble brother.' Here the Prophet said: Then I say to you what Joseph said to his brothers: 'There is no blame on you. Go! For you all free!'[347] This glorious act of unconditional forgiveness is indeed a remarkable act throughout history. There was no revenge, no enslavement, no execution, no plunder, no kidnapping, and no dishonouring of women by the conquerors. Instead, the Prophet showered them with forgiveness and amnesty and did not practise any kind of humiliation or degradation against any of them, which later made them love him, ally themselves with him, and live peacefully amongst Muslims. With his complete rejection of bloodshed and revenge against those who wronged him and his companions, the Prophet left a great impression and an inspiring legacy in the record of humanity, showing how a victor should deal with his enemies at the height of his victory.

The night before entering Mecca, Abū Sufyān (one of the vicious enemies of the Prophet) converted to Islam, fearing the Prophet's revenge; the latter forgave him and did not bear a grudge against him for any previous injuries or hostilities. Hind, the wife of Abū Sufyān, had assigned her Abyssinian servant Waḥshī to kill Ḥamza, the beloved uncle of the Prophet, on the day of the battle of 'Uḥud, which took place in the third year of Hijra. After the battle, she had terribly maimed Ḥamza's body. However, when she came to the Prophet after the conquest of Mecca, he did not chastise or punish her.[348] Instead, he forgave her and her husband and never reminded them one day how much they had wronged him and his family in the past.

In conclusion, it can be said that the Prophet responded to evil with good, revenge with forgiveness, and enmity with love and brotherhood, as he realised that these are the powerful means through which his mission could flow smoothly into people's hearts without any barriers. He believed and practised the principle that love can overcome hate and aggression can be removed with tolerance.

2.4. Maintaining good Relationships with Opponents

Despite the numerous enmities and attacks that the Prophet suffered at the hands of the Meccan polytheists, he was keen to maintain good relations with them and not sever them,

[347] Saifur-Raḥmān al-Mubārakfūrī, *'Al-Raḥīq al-makhtūm,'* (Dar Al-Minhaj, 2005), p. 472.
[348] Al-Mubārakfūrī, *'Al- Raḥīq al-makhtūm,'* pp. 466-67.

especially family ties, as was exemplified in the story of one of his female companions, Asma' Bint Abū Bakr. Asma' talks about her mother, 'My mother came to me while she was still a polytheist, so I asked the Messenger of God, 'My mother has come to visit me, and she is hoping for (my favour). Shall I maintain good relations with her?' He replied, 'Yes, maintain good relations with your mother.'[349]

A similar example was experienced in the Prophet's family with his uncle, Abū Ṭālib. Abū Ṭālib, the Prophet's uncle, was not a Muslim, and although the Prophet longed for his conversion to Islam, he died as a non-Muslim. However, he was the one who provided most of the protection to the Prophet in the face of the Quraysh's hostilities. Abū Ṭālib, who died as a polytheist, was an influential factor in the success of the Prophet's message. He helped the Prophet to stand firm against his opponents who tried to stop him from conveying God's message. The Prophet, in return, reciprocated his uncle with love and respect, and his death later left a void in the Prophet's heart.

This Prophetic attitude to his polytheist uncle was the reflection of God's commandment in Surah Luqmān, saying: 'But if they endeavour to make you associate with Me that of which you have no knowledge, do not obey them but accompany them in [this] world with appropriate kindness …...'[350] The verse shows that God does not merely command to accompany them or simply live with them, but He also refers that this accompaniment should be with *Ma'rūf* (kindness and beneficence). Hence, God commands believers to maintain strong ties with their families and relatives, even if they are not Muslims, in order to strengthen the bonds of co-existence and harmony between members of society as a whole.

Maintaining good relations must begin with one's own close relatives as the first brick in a well-constructed edifice and then extend to the larger community. One of the most worrying problems of our time occurs when some family members embrace a different religion and shun ties with their families. Conversely, as the Prophet established for Asma', a Muslim son or daughter still needs to look after their non-Muslim parents, as a divine command. Muslims can visit them, attend their family events, and join them in celebrating happy

[349] Yaḥya ibn Sharaf al-Nawawī, 'Riyāḍ aṣ-Ṣaliḥīn, 325, Chapter: Kind Treatment towards Parents and establishment of the ties of Blood Relationship.' < https://sunnah.com/riyadussalihin:325> [accessed 5-3-2021].
[350] Qur'ān 31:15.

occasions and mourning their losses.[351] Differences in faith should not prevent one from showing mercy, tolerance, and cooperation with others.

The Prophet not only warned against severing one's kinship as a result of the difference in faith, but he was also keen to maintain kind relationships with the followers of other religions, whether at the levels of individuals or states. Historically, Prophet Muḥammad cohabitated peacefully with people of different religious backgrounds. He lived with Christians and Jews in Mecca and Medina for many years. The Prophet did not sever ties with the entire Jewish community, even when disputes arose with some Jewish tribes in Medina. The Prophet recognised the Jews as one group with the Muslims in Medina. On several occasions, he would accept their invitations and exchange visits with them, as Anas reported: 'A Jew once invited the Holy Prophet for a meal which the Prophet accepted.'[352] This acceptance means that the Prophet used to interact with others, talk to them, get to know them, and participate in their special occasions, just as in any normal, co-existing society.

This prophetic attitude in maintaining good relationships with others stems from the fact that the Prophet was sent to this world to guide its inhabitants to the straight path of God. Hence, it was necessary to explain and present the new religion in the best possible way. The Prophet's endeavour to maintain good relations was not only directed at individuals of the same society, but also at surrounding states and kings, as reported by 'Alī ibn Abī Ṭālib: 'The Prophet was given gifts by Caesar, and he accepted them. Kings would give him gifts, and he would accept them.'[353]

In fact, the Prophet's life was full of many examples that show how open-minded and tolerant he was with others. One such example is when a Christian delegation came to Medina, the Prophet hosted them in his mosque, served them, and allowed them to preach according to their rituals. When ordinary Muslims tried to prevent them from praying in this way, the Prophet forbade the Muslims to do so, and the Christians continued to pray in their own way.[354] In this inspiring example, the Prophet placed bridge-building with this Christian delegation out of respect, love and cooperation above the mere thought of any ostensible religious considerations that do not affect the essence of Islam.

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[351] European Council For Fatwa And Research, *'Tahn'at ghayr al-Muslimīn bī Ā'yadihim,'* 1st ed. (al-Rayan Institution Publishers, 2013), pp.58-64.
[352] Al-Bukhārī (no. 2069) <https://dorar.net/Hadith/sharh/135390> [accessed 5-3-2021].
[353] Sunan al-Tirmidhī, no. 1576 < https://abuaminaelias.com/dailyHadithonline/2013/12/23/accept-gifts-non-muslim-leaders/> [accessed 5-3-2021].
[354] Ibn Kathīr, *'Al- Bedāyah wa-nehāyyah,'* (Dar al-Fikr, 1998), Vol. 3, p.105.

Even at some pivotal and critical moments in Islamic history, Prophet Muḥammad trusted non-Muslims to perform some serious tasks. For example, during the Hijra, Prophet Muḥammad relied on ‘Abdullāh ibn 'Urayqaṭ, who was not a Muslim, to guide him and his companion, Abū Bakr, to Medina. [355] Differences in faith did not prevent the Prophet from dealing with others and even seeking their assistance at a time when his life was threatened. His foresight to work with the ‘Other’ for the common good outweighed any other considerations arising from mistrust or disloyalty.

In light of the above examples, it becomes evident how the Prophet and his followers were eager to seize every opportunity to build bridges of friendship and consolidate good relationships with others. The encouragement for establishing and maintaining these relations fundamentally starts with one's religiously different relatives and extends to include the followers of other religious sects. Practising these aspects of co-existence in today's world will undoubtedly help maintain strong relationships on an individual and societal level. Accordingly, cooperation and understanding will be more applicable and vital in deepening harmony and kind relationships among human beings.

2.5. Respect for Humanity

Humanity, in its generic definition, is the human race, which includes every individual on earth. It is also a word that describes the distinguishing qualities of human beings, such as the ability to love and have compassion, to be creative, and not to be a robot or an alien,[356] while respect means treating something or someone with kindness and care.[357]

For Islam, respect for human beings is one of the basic tenets of its teachings. Everyone deserves respect, whether from one's own religion or any other religion, whether he belongs to one's community or another friendly group or even a group of strangers; in all cases, he is worthy of respect. According to Islamic teachings, human beings must be respected despite their differences. Even when hostility does arise, people have to adopt a way to avoid conflict and continue displaying respectful behaviour in order to amend the rift between them.

In this regard, the Prophet emphasised respect for all mankind as a part of his message, saying: ‘All creatures of God form the family of God, and the most beloved of creation to

[355] Ibn Hishām, *‘al-Sīrah al-Nabawīyah*,’ Vol. 1, p. 488.
[356] Definition of humanity: < https://dictionary.cambridge.org/dictionary/english/humanity > [accessed 02-02-2021].
[357] Definition of respect: <https://dictionary.cambridge.org/dictionary/english/respect > [accessed 02-02-2021].

Him is he who is kind to his children.'[358] It is important to note that the addressees in this ḥadīth are not only believers or Muslims, but all human beings, as they form one family descending from the same father and mother, Ādam and Eve. The word 'family' is used figuratively to refer to 'people of God' in its general and inclusive meaning.

The Prophet is also reported to have said, '…I affirm that all servants are brothers to one another.'[359] In his commentary on this ḥadīth, al-Qaraḍāwī says, 'The phrase 'all servants are brothers' has two semantic notions, both of which are true. The first meaning is that 'servants' here means all human beings, for they are brothers to one another, by virtue of sonship to Ādam, and the second means that they are servants of God.'[360] It is noticeable that all the notions in these ḥadīths have been uttered in a family context to illustrate how the relationships between people should be. Therefore, if people cannot act accordingly, they should at least respect their differences and treat each other as descendants of the same ancestry.

Throughout the Prophet's life, his actions consistently demonstrated the extent to which he respected people regardless of their beliefs or other differences. For instance, one day, 'A funeral procession passed in front of the Prophet, and he stood up. When he was told that it was the coffin of a Jew, he said, 'Is it not a living being (human soul)?'[361] This incident clearly illustrates that Islamic traditions advocate a respectful, considerate, and tolerant attitude towards different communities. Here, it is evident that the Prophet's behaviour did not promote an 'us' versus 'them' mentality. Instead, he emphasised the Islamic principles of respect for all people, living or dead, regardless of differences in race, culture, or religious beliefs. He viewed others from the scope of humanity and made this favoured on all other considerations, be it religious, political or tribal affiliations.

In his endeavour to establish the rules of human rights and individual freedom for various religious groups, the Prophet warned Muslims on different occasions against abusing *dhimmīs* (promisors), saying, 'Beware, if anyone wrongs a contracting man, or diminishes his

[358] Abū al-Qāsim Sulaymān ibn Aḥmad aṭ-Ṭabarānī, *'Al-Mu'jam Al-Awsaṭ,'* Vol. 5, Ḥadīth. 5541, (Dar al-Ḥaramayn, 1995), p. 356.
[359]Sunan Abū Dāwūd, 'Prayer (Kītab Al-Salat): Detailed Injunctions about Witr,' Ḥadīth. 1508 <https://sunnah.com/abudawud:1508 > [accessed 02-02-2021].
[360] Yūsuf Al-Qaraḍāwī, 'Brotherhood,' (nd) <https://www.al-qaradawi.net/content/الإخاء> [accessed 02-02-2021].
[361] Ṣaḥīḥ al-Bukhārī, no. 1312, 1313, Vol. 2, 'Funerals (al-Janaa'iz) <https://sunnah.com/bukhari:1312 (accessed on: 07-03-2021].

right, or forces him to work beyond his capacity, or takes from him anything without his consent, I shall plead for him on the Day of Judgment.'[362]

Even in times of war, the Prophet refrained from mutilating the dead, theft (from the captured goods), killing women, children, or old people who did not participate in warfare, killing priests and residents of houses of worship, burning down trees and killing animals without real benefit. [363] By establishing these clear rules of warfare and discouraging Muslim soldiers from transgressions, the Prophet Muḥammad left an indelible mark on the record of respect for humanity.

After all, it can be said that Prophet Muḥammad was sent to the whole world to establish the true meaning of respect and regard for human beings, regardless of their skin colour or religious beliefs. He succeeded in freeing man from human slavery. He gave the dynamic concepts of undivided humanity, the human family, and the children of Ādam. Moreover, he managed to lift people's aspirations from the limited confinements of national identity and tribal affiliation to the open, liberal meaning of humanity as expressed on many occasions in the Prophet's life, e.g. in the Farewell Sermon, as mentioned below.

2.3.1. Farewell Pilgrimage and Human Rights Said Constitution

Respect for human dignity and the sanctity of life continued as an intrinsic attitude with the Prophet throughout his missionary journey. Towards the end of the Prophet's life, specifically on March, 6th AD 632, he outlined some stunning principles pertaining to human rights and peaceful co-existence with others. In the farewell pilgrimage that took place shortly before his death, the Prophet delivered a sermon to more than a hundred thousand of his companions in the 'Uranah Valley of Mount Arafat in Mecca, which is considered a spoken constitution for human rights, in which he reminded them of the core principles of his mission.[364] These principles, in their essence and impact, can contribute significantly to shaping a viable constitution for human rights in today's world.

Muslim scholars regarded this sermon not only as a sacred sermon but also as a universal orientation for deepening the values of peace and justice among people. The Farewell Sermon was rediscovered by Muslims and repurposed in support of the 1948 United Nations

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[362] Sunan Abū Dāwūd , 'Tribute, Spoils, and Rulership (Kītab al-Kharāj, Wal-Fai' Wal-Imarah), Ḥadīth 3046 <https://sunnah.com/abudawud:3052> [accessed 22-01-2021].
[363] Ibn Kathīr, *'tafsīr,'* p. 248.
[364] Jonathan A.C. Brown, 'Life of the Messenger of God, Muḥammad, A very short introduction,' (Oxford University Press, 2011), pp. 33-64.

Declaration on Universal Human Rights. From this modern perspective, the sermon could be seen as an earlier attempt at a human rights declaration. This view is adopted in order to improve human rights compliance with Muslim traditions in their societies.

Coeli Fitzpatrick and Hani Walker (2014) argue that: 'Across generations, the teachings and practises of the Prophet Muḥammad regarding human rights have been interpreted differently. Universalist Muslim jurists extrapolated from them universal human rights to all people around the world regardless of their religion or nationality.'[365] Recep Senturk (2013) adds that: 'The Prophet Muḥammad's Farewell Sermon clearly illustrates his contribution to the development of human rights and how he laid the foundations of the idea of universal human rights in a world that was dominated by tribalism.'[366] In the same context, Suzanne Mclntire (2009), in her book 'Speeches in World History,' says: 'This is a historic speech, which can be compared to the sermon of Christ on the mountain, which will remain part of the heritage of mankind, with a very special place in the annals of human history.'[367]

Both Senturk's and Mclntire's arguments about the Farewell Sermon are consistent with the spirit of the message of Islam, whose objectives the Prophet outlined in the sermon. In many of its expressions, 'O people, verily God has taken away from you the arrogance of *Jāhiliyyah* (ignorance) and its pride in forefathers,' [368] the Prophet emphasised the collective spirit of the community as a whole rather than the fanaticism of one's own tribe or family. In it, the Prophet warned against the injustice that prevailed among people before Islam and asserted that all people are one and that they should not be distinguished in this world except by their beneficial deeds.

In another part of the speech, the prophet attached the highest importance to protecting the life, honour and wealth of all people. Mentioning the life and wealth of people sacred like Ka'bah, he wanted to stop the ongoing bloodshed forever, saying 'God has made your blood, your properties, and your honour Sacred to one another like the sanctity of this day (the day of 'Arafa) of yours in this month of yours (Dhul Ḥijjah), in this town of yours (Mecca).'[369] In

[365] Fitzpatrick, C. and Walker, A. H. (Eds), 'Muḥammad in History, Thought, and Culture: An Encyclopedia of the Prophet of God,' (Santa Barbara, CA: ABC-CLIO, 2014), Vol. 2, p. 269.
[366] Senturk, Recep, 'Human Rights in Islamic Jurisprudence: Why should All Human Beings Be Inviolable?' in The Future of Religious Freedom: Global Challenges, ed. by Allen Hertzke, (New York, 2012; online edn, Oxford Academic, 2013), pp.290–311, https://doi.org/10.1093/acprof:oso/9780199930890.003.0014.
[367] Suzanne McIntire, 'Speeches in World History,' (New York: InfoBase Publishing, 2009), pp. 79-81.
[368] Jami` at-Tirmidhī, Chapters on Tafsīr, Ḥadīth 3270 <https://sunnah.com/urn/743070> [accessed 01-03-2021].
[369] Ṣaḥīḥ al-Bukhārī, 'Good Manners and Form (al-Adab),' Ḥadīth 6043, <https://sunnah.com/bukhari:6043> [accessed 03-03-2021].

order to attach great importance to people's lives and possessions, the Prophet linked their sanctity to the sacredness of the holiest places, days, and months for the Arabs at that time and for all Muslims today.

Combating all forms of racism, superiority and arrogance based on colour or race, the Prophet said, 'O people, verily your Lord is One and your father is one. Verily there is no superiority of an Arab over a non-Arab or of a non-Arab over an Arab, or of a red man over a black man, or of a black man over a red man, except in terms of *taqwā* (piety).' [370] The Prophet made his call inclusive and general to all: 'O people' and did not use 'O Muslims,' to refer them to their fact of origin regardless of any other discriminatory measures or affiliations. Then he affirmed that there is no superiority for an Arab over a non-Arab or vice versa because of language or culture, nor for a red over a black, or vice versa due to the difference in colour. The prophet made the only criterion of people's distinction based on how much righteousness every person has to God, nothing else. All people are equal in the sight of God as the teeth of a comb.

These values, which modern human rights activists such as Martin Luther King and Nelson Mandela fought for in order to win civil rights for black people, were fought for by the Prophet Muḥammad 1341 years before them in order to confront manifestations of racism and restore people's dignity. As a result, during his lifetime, former slaves became governors of provinces and generals on the warfields, and all differences between people disappeared.

Regarding women and their rights in Islam, the Prophet would emphasise: 'O people: verily you owe your women their rights, and they owe you yours. So, fear God in respect to women, and concern yourselves with their welfare. Have I given the message? - O God, be my witness.' [371] In reality, women had no right to live a respectful life like a man before Islam. To those who always claim that Islam has an inferior view of women and their rights, the Prophet makes a special speech in his last sermon in which he considers them and their rights to be equal to the duties and responsibilities of men. Therefore, any assault on these rights is tantamount to an assault on God's limits and a violation of the Prophet's instructions.

As it is evident through the commandments contained in the sermon, it is noticed that it bears, in its intrinsic notions, a great deal of respect for human rights. Reading every clause in the

[370] Aḥmad ibn Ḥanbal, *'Musnad Aḥmad,'* Ḥadīth No. 23489, (al- Resalah foundation, 2001), Vol. 38, p. 474.
[371] Ibn Mājah, Abū 'Abdullāh Muḥammad, 'Sunan ibn Mājah,' <https://sunnah.com/tirmidhi:3087; https://sunnah.com/ibnmajah:1851> [accessed 21-10-2021].

sermon, Farooq (2017) argues that: 'one can easily recognise a great declaration of human rights in that old time.'[372] Notably, the United Nations Constitution of Human Rights was written in the 1940s, compared to the first human rights Constitutions written in Islam, recognised, declared, and implemented for more than 1,400 years.

After the extensive discussion above, one believes that human respect and dignity are distinctly unmistakable principles that the Prophet addressed in his last sermon to humanity. These principles dealt with the issues related to building social and friendly relationships between man and wife, individuals of a single community, and all segments and classes of society. The central theme among these principles that humans are in dire need of today is the principle of equality and rejection of all kinds of racism and discrimination due to colour, race, language, or even religion. Practising these principles in today's world will significantly help strengthen the foundations of peaceful co-existence of all components of society, leading to the creation of a friendly and trustworthy community life.

2.6. Muslims' Interaction in Non-Muslim Societies

The aforementioned discussions and examples primarily demonstrate how the Prophet was able to set a role model for dealing with non-Muslims as minorities under Islamic rule. The question that arises here is what about the opposite case where Muslims lived under a non-Muslim rule, and how they acted to live peacefully in those states, in terms of their loyalty and adherence to the law. It is worth noting that Muslims at the beginning of Islam lived as a minority, whether in their homeland in Mecca or during their migration to Abyssinia.

It is reported that the early Muslims lived in Abyssinia as a minority, seeking refuge with the just ruler, Negus, from the persecution of Quraysh. The Prophet commanded his companions to make this immigration with confidence that the Abyssinian ruler, though a Christian, would grant them safety and protection. The Prophet told about him that no one would be wronged under his rule, saying: 'If you were to go to Abyssinia (it would be better for you), for the king will not tolerate injustice, and it is a friendly country, until such time as God shall relieve you from your distress.'[373]

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[372] Muḥammad 'Umar Farooq, 'The Farewell Sermon of Prophet Muḥammad: An Analytical Review, 2017) < https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3068417> [accessed 17-02-2021].

[373] Ibn Hishām, *'al-Sīrah al-Nabawīyah*,' Vol. 1, p. 280.

By reflecting on this statement, it can be argued that the Prophet did not see such a Christian state as an enemy or that its people are those from whom one cannot seek refuge or ask for assistance against the oppression of the Quraysh's leaders. Instead, he ordered his companions to migrate to it for protection; thus, Christianity is considered the first incubator and early refuge of Islam and Muslims. As described by the Prophet, the just Christian ruler opened his arms and welcomed the early immigrant Muslims to live in his land in peace and justice. This action, undoubtedly, saved Muslims from being tortured and eradicated by the Quraysh masters in Mecca. In this regard, Farhan Chak (2009) demonstrates that: 'At this juncture, the Christian king of Abyssinia, by providing sanctuary to the Muslims, saved them from imminent annihilation. Consequently, it can be assumed that ethnic, religious, and cultural interaction is an integral part of the Islamic perspective.'[374]

In discussing the refuge that this Christian society provided to Muslims in the early years of Islam, Chak quite rightly argues that saving human lives from acts of oppression and intimidation should take precedence over exclusive or suspicious thinking about others expressed in the division into 'us' and 'them' or 'allies' and 'enemies. Instead, people must stand shoulder to shoulder to preserve the dignity of human beings and their personal choices in life. Chak's argument is indeed in harmony with the way the Prophet's personality was in terms of helping the one who seeks refuge, supporting the oppressed, and cooperating with others to establish justice and remove injustice from people, as stated in the Ḥadīth[375] of his wife Khadīja about his attitude towards others even before the revelation came to him.

It is worth noting that Muslims continued to live as a minority in Abyssinia for a while, even after the migration of the Prophet with those who remained with him in Mecca to the newly established state of Medina. Among the Companions who continued staying in Abyssinia were 'Abdullāh ibn Mas'ūd, Ga'far ibn Abī Ṭālib, Asma' bint 'Umays, Abū Mūsa al-Āsh'arī, and others. Notably, they would not have done so if the attempt at peaceful co-existence among the Christian Abyssinians had not been successful. Otherwise, they would have returned as soon as they knew that a new and secure state for Muslims had been established in Medina.

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[374] Farhan Mujahid Chak, 'The Spirit of Co-existence in Islam,' Islamic Research Institute, International Islamic University, Islamabad, Vol. 48, No. 4 (2009), pp. 567-90 (p. 581)
< https://www.jstor.org/stable/20839184?seq=1> [accessed 08-03-2021].
[375] Al-Bukhārī, 'Prophetic Commentary on the Qur'ān (Tafsīr of the Prophet (pbuh)'
<https://sunnah.com/bukhari:4953> [accessed 01-11-2021).

It is reported that the Muslims' stay in Abyssinia under Negus's leadership was peaceful, harmonious, and respectful. The Muslim immigrants were honest and generous and generally showed great respect for the people of Abyssinia and their traditions. Respect for local law and the will of the majority was evident for Muslims. They were grateful to Abyssinians for their hospitality and never interfered with their internal traditions or religious practises. In addition, they contributed to the development of the state as full citizens and participated in its economic growth and prosperity, which eventually led them to live in peace and harmony among its people.[376]

This historical event, well documented in Islamic history, remarkably demonstrates the ability of Muslims of that time to interact positively with others. It displays a powerful, compatible symbol of interfaith interaction. More importantly, this incident occurred during the formative stage of the growth and development of Islam, which explains that no society or group can rise or develop alone in isolation from others. This example of peaceful co-existence is appropriate and convenient to apply in the modern-day, especially with countries that live at peace with Muslims. Muslims living in a non-Muslim majority could follow the example of the early Muslims who migrated to Abyssinia, as this would allow for much-needed peaceful co-existence and integration, hence creating an environment in which Muslims can contribute effectively to Western societies.

Such stances are a strong blow to those who claim that Muslims are disloyal in the countries they live in as a minority or that they are groups of troublemakers, as reported by Richard Werbner.[377] In this regard, Modood argues that Muslims have the dynamism, energy, and confidence to rise to the challenge of dual loyalties and not give up on either set of commitments.[378] He mentioned dual loyalties in the context of showing solidarity and support for national Muslim causes like Palestine. There is no doubt that the early Muslims, despite their loyalty to the new homeland and respect for its laws, longed for their original homeland, Mecca, and were concerned with its conditions. When they heard that Meccan had facilitated the restrictions imposed on the Muslims, they immediately returned from Abyssinia, and then emigrated again when they knew that this was false. Hence, being concerned with the issues of the country of origin should not violate one's commitments and responsibilities towards the new homeland.

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[376] Ibn Hishām, *'al-Sīrah al-Nabawīyah,'* Vol. 1, pp. 280-93.
[377] Richard Werbner (2004) quoted in Modood, 'Multiculturalism- a civic idea,' (Polity Press, 2007), p.138-39.
[378] Modood, 'Multiculturalism,' Ibid.

Back to Mecca, and in the fraught atmosphere that prevailed therein, the Prophet himself would deal with the just Meccan infidels and even seek help through them to protect and defend him against Meccan aggressors. This scene is evident when he entered Mecca, returning from Ṭa'if (a town near Mecca) under the protection of a pagan Arab al-Muṭ'am ibn 'Udayy.'[379] This historical event occurred amid the tribulations that Prophet Muḥammad faced while seeking support for his small but growing community. Among all those who refused to offer them sanctuary, it was, above all, a pagan Arab who guaranteed them protection. In commenting on this incident, Tāriq Ramaḍān says: 'Here, too, is a clear instance in which Prophet Muḥammad refused to see a pagan Arab necessarily as the 'Other.' This is a clear example for Muslims, indicating the ability of Prophet Muḥammad to seek protection from someone who is not of his faith, which thereby implies giving trust.'[380]

The cases of co-existence among non-Muslims as minorities were not only limited to the factor of compulsion due to fleeing the persecution of the polytheists. Still, in some cases, some were allowed to continue to reside among them as long as one is able to freely practise their religion. An example of this is in the case of a Companion called Fudaik. Fudaik once asked the Prophet Muḥammad: 'If he could have continued to reside in his hometown, where he was the only Muslim.' The Prophet answered: 'O Fudaik! Establish prayers, pay zakāt, avoid evil-doing, and stay wherever you like with your people.' Fudaik said, 'I assume that Prophet Muḥammad also said '(Then) you are as those who migrated.'[381]

In this account, the Prophet did not order Fudaik to leave his city or to isolate himself from its people, but he ordered him to continue living with them and not commit evil deeds. The Prophet was keen for people to interact and deal with each other, even with those who are religiously different, and not to isolate them as long as they can peacefully co-exist among them without fear or harassment. In this regard, Aisha, the Prophet's wife, said: 'The Messenger of God died, and his shield was pledged to a Jew for thirty sacks of barley,'[382] meaning that the Prophet was in constant interaction with non-Muslims in all aspects of life,

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[379] Ragheb al-Sergānī, *'Kitāb al-Sīrah al-Nabawiyah,'* <https://shamela.ws/book/37369/129> [accessed 20-02-2021].
[380] Ṭāriq Ramaḍān, 'In the Footsteps of the Prophet,' p. 70.
[381] Muḥammad ibn Ḥibbān al-Bustī, 'Ṣaḥīḥ ibn Ḥibbān, the chapter of migration.' <https://islamarchive.cc/H_437574> [accessed 20-02-2021].
[382] Ibn Ḥajar al-'Asqalānī, *'Ṣaḥiḥ Al-Bukhārī bi Sharḥ al-Fatḥ,'* Ḥadīth No. 2916, (Dar al-Fikr, 1996).

including even the daily needs of food and drink. The Prophet considered them to be active and effective elements in society that should not be underestimated, neglected, or eliminated.

There is no doubt that the approach of co-existence with others and dwelling among them contradicts the opinion of many Muslim jurists who see the prohibition of living in non-Muslim countries. This was based on the historical division between *dār al-'Islām* (abode of Islam) and *dār al-Ḥarb* (abode of war), which no longer reflects the current global reality. They argue that Muslims may face challenges in freely practising their religion or might prioritise allegiance to another country or people over their country of origin.

It is important to point out that the sense of belonging or loyalty to a particular state or certain people does not negate loyalty to Islam and one's beliefs, as the example of Abyssinia shows, where Muslims lived for many years while maintaining their religious identity and practising their Islamic rituals with full freedom. The interaction model of the Prophet and his companions, expressed in trade, marriage, and the formation of alliances with followers of other religions, shows how faith can remain firmly anchored even in a Muslim minority environment, as long as minority rights are preserved, and a community of peaceful co-existence is firmly established.

The example of the prophet’s encouragement for his companions to immigrate to Abyssinia makes it clear that he was concerned for their psychological and physical safety and lest they be subjected to persecution or murder. Abyssinia, as a Christian state, offered them this protection. For this reason, the humanitarian aspect took precedence over all other considerations, even over the companions' stay around the Prophet himself.

In summary, and based on the above principles and aspects of peaceful mutual co-existence with others, it is clear how eager the Prophet was to promote these aspects among his companions and society as a whole. The love of peace and the spread of justice are among the fundamental qualities that Islam has always striven for. Islam is a religion that does not encourage encroachment on the rights of others, even on the battlefield. The Prophet demonstrated these meanings through his praxis implementation in many instances, concluding various treaties and agreements on the one hand and even making some concessions on the other, as happened in the Treaty of Ḥudaybiyah.

The Prophet did not see the peaceful ‘Others’ from the perspective of ‘us’ and ‘them,’ but he viewed them as full citizens sharing life and land on an equal footing, as stated in the CM. He

always viewed them from a humanistic scope without discrimination against them on the basis of their skin colour, language, tribal affiliation, or religion. He dealt with them on the fact that they have all the rights as well as all the duties that must be provided to co-exist in peace. His insistence on creating harmony and cohesion in society was evident in all his movements and rhetorical teachings.

CHAPTER THREE

3. Early- Medieval Paradigm of Peaceful Co-existence (Rightly Guided Caliphs- Abbasid Periods):

Throughout Islamic history, Muslims have always aspired to live in harmony with others, emulating the Prophet Muḥammad's example in Medina and the moral principles he advocated in dealing with other sects. Whether as the majority or as a minority, Muslims have usually endeavoured to co-exist peacefully with them despite some unpleasant incidents that have occasionally hindered this from happening. In this section, it is of utmost importance to investigate the position of the succeeding caliphs and the model of Islamic governance in some regions with regards to promoting and laying the foundations of peaceful co-existence in society. The reason for this is to identify whether or not the prophetic model of co-existence was realistic and applicable in subsequent Muslim governance systems. In addition, it is important to determine the positive factors that led to the success of the co-existence paradigm during the caliphate eras, as well as the violations and restrictions that sometimes hampered it.

During the reign of the four pious caliphs (AD 632-661), perhaps the best example of social and religious co-existence in the early history of Islam was set by ʿUmar ibn al-Khaṭṭāb (d. AD 644), the second caliph of Islam. The first caliph, Abū Bakr al-Ṣiddīq (d. AD 634), who succeeded the Prophet Muḥammad, was in office for only two years, and there is not much that can be mentioned about this period in terms of relationships with non-Muslims.

One of the few remarkable treatises by Abū Bakr for non-Muslims is chronicled in *Kitāb ul-Kharāj* by Abū Yūsuf and also mentioned by Ḥamīdullāh in *Majmuʿ al-Wathā'iq.* The treatise is addressed to the Christians of Najrān as a reaffirmation of the early Prophet's covenant to them. In it, Abū Bakr emphasised that full protection shall be granted to them regarding their life, land, nationhood, property and wealth. The protection extended to their dependants in the surrounding villages of Najrān and beyond, including their priests, monks, churches, and all their possessions, both great and small. He also stressed that they will neither be subject to military service nor will be treated harshly, nor will their priests be forced to relinquish their asceticism.[383] Furthermore, Abū Bakr decreed that any among them

[383] Abū Yūsuf, '*Kitāb ul-Kharāj'* <https://shamela.ws/book/26333/88> [accessed 09-05-2024], pp.85-86; also see Muḥammad Ḥamīdullāh, *Majmuʿ al-Wathā'iq al-Siyāsiyya fī al-ʿAhd al-nabawī wa al-Khilāfa al-Rāshida* (Collection of political documents in the Prophetic era and rightly caliphs), 4th ed., (Dar al-Nafa's, 1983), pp. 380-81.

unable to work due to illness or other reasons, or those who had fallen from wealth into poverty, would have their jizya (tax) waived and would be supported by the state treasury as long as they resided in Muslim lands.[384] This position clearly illustrates Abū Bakr's commitment to reaffirming the Prophet's covenants and maintaining the protections he had established. Despite the turmoil that prevailed in the Arabian Peninsula during his time with some rebellious tribes, Abū Bakr was keen to fulfil his obligations towards his non-Muslim subjects and neither ignored nor compromised their rights.

Similarly, during the subsequent reigns of ʻUthmān ibn Affān (r. 644-656) and ʻAlī ibn Abī Ṭālib (r. 656-661), historical accounts are sparse due to the internal strife and severe turmoil that consumed the attention of historians. However, Abū Yūsuf also mentioned a reaffirmed covenant by ʻUthmān to the Christians of Najrān, containing clauses very similar to those established by the Prophet and Abū Bakr. In this covenant, ʻUthman reduced the jizya they had to pay and instructed his governors to treat them fairly. [385]

ʻAlī, the last of the Four Rightly Guided Caliphs, also addressed the people of Najrān, stating, ʻYou have come to me with a letter from the Prophet of Allāh outlining conditions for your protection and property, and I have upheld all that the Prophet, Abū Bakr, and ʻUmar have written for you. You shall not be treated unfairly, and none of your rights shall be curtailed or confiscated.'[386] The reaffirmation of these covenants indicates that they were binding for the subsequent caliphs after the Prophet's death. It also suggests that non-Muslims occasionally invoked these covenants to dispute with governors and demand their rights, as evidenced during the time of ʻUthmān.[387]

Due to the limited chronicled accounts regarding the conditions of non-Muslims under these caliphs, ʿUmar's reign stands out as the first period where significant historical events and notable situations were documented concerning the principles of co-existence with others, as will be discussed later in this chapter. However, unlike the Constitution of Medina established by the Prophet and the policies of the Rightly Guided Caliphs aimed at creating a just and tolerant society, the so-called Pact of ʿUmar is viewed as problematic in Islamic history. As Patel argues, while the Constitution of Medina brings different religious communities together; the Pact keeps them apart.'[388] The issue with the Pact lies in its

[384] Ḥamīdullāh, *'Majmu' al-Watha'iq,'* pp. 380-81.
[385] Abū Yūsuf, *'Kitāb ul-Kharāj*,' p. 86.
[386] Abū Yūsuf, *'Kitāb ul-Kharāj*,' p. 87.
[387] Ibid.
[388] Patel, 'The Muslim Difference,' pp. 87.

negative repercussions on interfaith relations during the Medieval era, particularly during the Abbasid Caliphate, as Patel contends. [389]

The following section, therefore, discusses this Pact and examines its genuine attribution to ‘Umar. If it is not genuinely attributed to him, how did this Pact develop to form, according to Patel, an imperial imaginary of the Islamic state by imposing markers of religious differences on non-Muslims? It also explores whether the Pact was religiously motivated or had other underlying reasons. Additionally, it investigates how the hermeneutic dynamics of some jurists during the Medieval era played a critical role. Finally, it recalls some aspects of ʿUmar’s stance towards non-Muslims to determine whether such pacts could have been issued by him.

3.1. During the Days of ʿUmar (r. AD 634- 644):

ʿUmar ibn al-Khaṭṭāb was the Second Rightly-Guided *(Rashidūn)* Caliph, ruling from AD 634 until his assassination in AD 644, succeeding Abū Bakr al-Ṣiddīq (r. 632–634). ʿUmar was a senior companion and father-in-law of the Islamic Prophet Muḥammad. He was also an expert Muslim jurist known for his pious and just nature, which earned him the epithet al-Farūq (the one who distinguishes between right and wrong).[390]

Under his reign, the Muslim Arabs came into contact with large numbers of Christians and Jews after the Islamic presence in Iraq, Syria, Palestine, and Egypt. The Muslims, who were at first mostly conquerors on the move, were now settling down; although in some cases they established their own settlements and cities, they often settled in existing towns and cities, thus creating close proximity between the Muslim conquerors and the non-Muslim conquered inhabitants. Moreover, non-Muslims soon settled even in the newly founded Muslim settlements, again creating a situation in which Muslims and non-Muslims were co-existing side by side.[391]

3.1.1. From the Constitution of Medina & the Assurance of ʿUmar’ to the so-called Pact of ʿUmar:

After the withdrawal of the Byzantine army, the city of Jerusalem came under the control of Patriarch Sophronius, who refused to hand over the city except to Caliph ʿUmar. Therefore, Caliph ʿUmar travelled from Medina to receive Jerusalem and sign an agreement

[389] Patel, ‘The Muslim Difference,’ p. 85.
[390] Muḥammad Ḥusayn Heikal, ‘Al Farooq ʿUmar,’ (Hindawi Foundation for Education and Culture, 1944).
[391] Milka Levy-Rubin, ‘The Pact of ʿUmar, Christian-Muslim Relations,’ p. 81, online, [accessed 09-05-2024].

with its local Christians called *'al-ʿUhdah al-ʿUmariyyah* or the Assurance of ʿUmar'.[392] Historians report that ʿUmar ibn al-Khaṭṭāb demonstrated a high degree of tolerance and kindness towards the inhabitants of the city, both Jews and Christians. According to al-Farouqi, the treaty of surrender was written by Muʿāwiyah ibn Abī Sufyān (d. AD 680) and signed by the Caliph and Sophronius (d. AD 638), the Patriarch of Jerusalem, on behalf of the Christians and reads as follows:

> 'In the name of Allāh, the Beneficent, the Merciful. This is the guarantee granted to the inhabitants of Aelia by ʿUmar, Servant of God and commander of the believers. He guarantees for them the safety of their persons, their goods, their churches, and crosses – whether in a good state of repair or otherwise – and generally of their religion. Their churches will not be changed into dwellings or destroyed. Neither they nor their other properties will suffer any damage whatsoever. In matters of religion, no coercion will be exercised against them, nor will any of them be hurt. The inhabitants of Aelia shall pay the jizya (tax as Zakāt on Muslims) like those of other cities. It will be their duty to eject the Byzantines (i.e., the troops of the Byzantine Empire) and their clients from the city. Those who leave voluntarily will be granted safe passage. Those who choose to remain in the city may do so, provided they pay the jizya like the other inhabitants. The citizens of Aelia who wish to leave with the Byzantines may do so and may carry with them their goods, properties, and crosses. Safety is hereby granted to them as well. This treaty is given under the guarantee of God and the honour of the Prophet, of the *Khulafa'* (caliphs) and the believers on condition that the people of Aelia pay the jizya due on them.'[393]

Witnesses: Khalid ibn al-Walīd, 'Amr ibn al-'Āṣ, 'Abdur-Raḥmān ibn 'Awf, Muʿāwiyah ibn Abī Sufyān who wrote it with his own hand in the year 15 Hijrī.

This narration in al-Ṭabarī, about the 'Assurance of ʿUmar,' is supported also by other versions, with some variations in length, reported by al-Waqidī (d. AD 823)[394], al-Yaʿqūbī (d. AD 898), [395] and Eutychius, the Patriarch of Alexandria (d. AD 940). [396] However, this narration has been mixed up with other treatises, called the 'Pact of ʿUmar.' While it is

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[392] Māher Abū Munshār, 'Islamic Jerusalem and its Christians: a history of tolerance and tensions,' (Tauris Academic Studies, Tauris & Co., Ltd. 2007), pp. 88-89; also see Philip K. Hitti, 'History of the Arabs,' (Macmillan, 1990), p. 150.

[393] Ibn Jarīr al-Ṭabarī, *'Tārīkh al-Rusul wa al-Mulūk,'* (Dar al-Kutub al-'Ilmiyya, 1995), Vol. 2, p. 449.

[394] Muḥammad ibn ʿUmar al-Waqidī, *'Fotūḥ al-shām,' (Cairo*, 1954), part 1, pp. 214-42.

[395] Al-Yaʿqūbī, Abū al-ʿAbbās ʾAḥmad ibn Abī Yaʿqūb (d. 897/8), *'Tārīkh al-Ya'qubi,'* (Beirut, 1960), Vol. 2, pp. 46, 167.

[396] Sa'īd ibn Baṭrīq (Eutychius), Annales, *'Taʾrīkh al-majmūʿ ʿalā al-taḥqīq wa-al-taṣdīq or Naẓm al-jawhar 'al-Tārīkh al-Majmūʿ,'* (al-Abā' al-Yasū'yīn, Beirut, 1905), part 2, p. 16.

reported that the Assurance was written by Muʿāwiyah ibn Abī Sufyān to the people of Aelia (Jerusalem), it is claimed that the Pact was written by ‘Abdur-Raḥmān ibn Ghanm to the people of Levant or al-Jābiyah[397].[398]

The Pact of ʿUmar, traditionally called *shurūṭ ʿUmar*, or the Laws of ʿUmar, is the title given to the canonical document that delineates the rules and restrictions pertaining to non-Muslims living under Muslim rule from the ninth century onwards.[399] According to the initial treatise on these laws by Abū Bakr al-Khallāl, the document outlines a series of commitments made by the conquered in exchange for the assurance of protection *(amān)* by the Muslims. It includes clauses on the obligation to host Muslims and show loyalty to them, as well as a list of restrictive measures concerning religious practices. These include praying quietly and refraining from loudly ringing bells *(nāqūs)* during calls to prayer, and restrictions on public displays such as processions, funerals, crosses, and lights in the streets, as well as the sale of pigs and wine. [400]

There are also clauses regarding behaviour in the presence of Muslims: the obligation to show respect and give them precedence in the street and seating, not to be buried next to them, not to spy on their houses, and not to own Muslim slaves. Several clauses mandate the adoption of distinguishing marks *(ghiyār)*, including the prohibition of resembling Muslims in appearance, the obligation to wear *Zanānīr* (girdle), the prohibition of using saddles, Arabic seals, weapons, and teaching Arabic to their children.[401]

While scholars such as Moshe Gil, Thomas Walker Arnold, Abraham P. Bloch and others confirm the attribution of al-Ṭabarī's version to ʿUmar, noting that ‘the language of the Assurance and its details appear authentic and reliable and in keeping with what is known of Jerusalem at the time,’[402] many others doubt the authenticity of the Pact. Scholars such as A. S. Tritton, Antoine Fattal, Mark Cohen, Muḥammad al-Ghazālī, al-Qaraḍāwī, Ṣubḥī al-Ṣāleḥ and others believe that the document was a product of junior jurists in the ninth century who

[397] It was a town located between the Hawran plain and the Golan Heights.
[398] Patel, ‘The Muslim Difference,’ pp. 84.
[399] Levy-Rubin, The Pact of ʿUmar, p. 80; also see, Mark Cohen, ‘What was the pact of Umar? A Literary Historical Study,’ Jerusalem Studies in Arabic and Islam, (1999), pp.100-157 (p. 100), <https://api.semanticscholar.org/CorpusID:169122804> [accessed 02-02-2021].
[400] Abū Bakr Aḥmad ibn Muḥammad ibn Harūn al-Khallāl, *‘Aḥkām ahl al-milal min al-jāmi‘ li-masā’il al-Imām Aḥmad ibn Ḥanbal,’* 1st ed. edited by: Sayyid Kasravi (Dar al-Kutub al-‘Ilmiyya, 1994), p. 357.
[401] Al-Khallāl, *‘Aḥkām Ahl al-Milal,’* p. 357.
[402] Moshe Gil, ‘A History of Palestine, 634-1099’ (Cambridge University Press, 1997), p. 56; also see Thomas Walker Arnold, ‘Preaching of Islam: A History of the Propagation of the Muslim Faith,’ (Constable & Robinson Ltd.,1913), p. 73; Abraham P. Bloch, ‘One a Day: An Anthology of Jewish Historical Anniversaries for Every Day of the Year,’ (KTAV Publishing House, 1987), p. 314.

practised drawing up pattern treaties and gathered restrictions on the *dhimmī*s from sundry sources.[403] Nevertheless, numerous works of Islamic jurisprudence extensively mention this 'Pact,' attributing it to ʿUmar and the era of the Rightly Guided Caliphs. Examples include the books of Abū Bakr al-Khallāl (d. 311 AH)[404], ibn 'Asākir (d.571 AH)[405], ibn Taymiyyah (d. 728 AH)[406], and ibn al-Qayyim (d. 751 AH)[407].

What makes us believe in the authenticity of the 'Assurance', with its fair clauses, while casting doubt on the 'Pact', with its humiliating laws, is that the 'Assurance' is consistent with the principles of peaceful co-existence established by the Prophet in the Constitution of Medina, describing all inhabitants as one community *(Ummah)* as well as the chronicled kind treatment known about ʿUmar towards *dhimmī*s. Since the 'Assurance,' in its various versions, is consistent with the guidance of the Prophet and the subsequent caliphs, it is therefore imperative to examine this new policy attributed to ʿUmar in his dealings with non-Muslims.

Yousha Patel, however, is one of those who relied on the 'Pact' to argue how hierarchical conceptions of religious differences had begun to define the Muslim ideals of Islamic governance, reflecting an imperial logic of difference.[408] Patel discussed the Pact and made a firm link between the ḥadīth of imitation *(tashabbuh)*[409] and the Pact as confirmation of each other in proving the use of markers of differences to differentiate between Muslims and others.[410] By doing so, Patel attempted to argue that the emergence of such laws had a religious motive, albeit with misinterpretations. The following lines should explain whether such innovated pacts have a religious basis or other socio-political motives.

It is worth noting that both groups, who doubted the authenticity of the 'Pact' and its attribution to 'Umar and those who proved it, based their arguments on the textual analysis of the Pact and its prominence. For instance, by analysing its clauses and comparing them to the

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[403] Antoine Fattal, 'Le statut légal des non-musulmans en pays d'Islam,' (Imprimerie Catholique, 1958), pp. 97–98; Arthur Stanley Tritton, 'The caliphs and their non-Muslim subjects,' (Oxford University Press, 1930), p. 116; Cohen, Ibid, pp. 100-31; Muḥammad al-Ghazālī, *'Al-Ta'aṣub wa-Tasāmuḥ bayn al-Masīḥiyah wa al-Islām'* 6th ed. (Nahḍat Misr, 2005), p. 45; Yūsuf Al-Qaradāwī, *'Ghayr al-Muslimīn fīl-Mujtama' al-Islāmī,'* 1st ed. (al-Risala Foundation, 1983), p. 60.
[404] Al- Khallāl, *'Aḥkām Ahl al-Milal,'* p. 357.
[405] Ibn 'Asakir, 'Alī ibn al-Ḥasan ibn Hibat Allāh (d.571 AH), *'Tārīkh madinat Dimashq,'* (Dar al-Fikr, 1995), Vol. 2, p. 181.
[406] Ibn Taymiyyah, *'Majmū' al-Fatāwā*,' Vol. 28, p. 62-63.
[407] Ibn al-Qayyim al-Jawzīyyah, Shams ad-Dīn Abū 'Abdullāh Muḥammad ibn Abī Bakr, *'Aḥkām Ahl al-dhimmah,'* 4th ed edited by: Ṣubḥī al-Ṣāleḥ, (Dar al-'Ilm Lil-Malayin, 1994), Vol. 2, pp. 113-115.
[408] Patel, 'The Muslim Difference,' p. 82-88.
[409] 'Whoever imitates a people becomes one of them,' see Patel, pp. 50-52.
[410] Patel, 'The Muslim Difference,' p. 86.

laws of the previous empires on minorities, Levy-Rubin would confirm that they reflect various Byzantine as well as Sasanian laws and conventions in addition to some Arab and Islamic elements, denying their attribution to ‘Umar.[411] On the other hand, ‘Alī ‘Ajīn affirmed its attribution to ‘Umar based on the widespread mention of it in the books of jurists and the practice of some caliphs.[412] Similarly, ibn al-Qayyim would defend the authenticity of the Pact by its spread on the tongues of jurists and in their books.[413] It, therefore, imperative to have a glimpse on the authenticity of the Pact in terms of its *isnād* (the reliability of the narrators), and *matn* (if there are any flaws or contradictions in the various narrations).

3.1.1.1. The Authenticity of the Pact

By applying the rules of *al-Jarḥ wa l- Ta‘dīl*[414] to assess the conditions of narrations and narrators, ḥadīth scholars and some researchers examined the authenticity of the narrations that ibn al-Qayyim and others relied on in presenting the Pact. Examples of these scholars are Yūsuf ibn Aḥmad al-Bakrī and Abū Aḥmad Shāker ibn Tawfīq al-‘Arourī,[415] Ṣubḥī al-Ṣāleḥ,[416] Muḥammad Nāsir ad-Dīn al-Albānī[417], Hammām Sa‘īd[418], ‘Abdur-Raḥmān Kaḥīlah[419], and others. They concluded that most of these narrations have weak narrators in their *isnād* such as Yaḥya ibn ‘Uqba ibn Abī Al-‘Ayzar, who is described as a fabricator of ḥadīth.[420] Some other narrations reported by ibn ‘Asākir also include some unreliable and

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[411] Levy-Rubin, ‘The Pact of ʿUmar,’ p. 83; Patel, ‘The Muslim Difference,’ Ibid.
[412] ‘Alī ‘Ajīn, *‘al-‘Udha al-‘Umariyyah,’* (Dirāsa Naqdiyya)’ in: ‘al-Ḥikma Journal,’ no. 10 , pp.75-87(p. 84).
[413] Ibn al-Qayyim , *‘Aḥkām Ahl al-dhimmah*,’ Ibid.
[414] The science of *Al-Jarḥ wa l- Ta‘dīl* (criticism and praise) involves tracing the narrators of the chains of transmission and assessing their reliability and trustworthiness in transmitting the narration.
[415] Abū Barā' Yūsuf ibn Aḥmad al-Bakrī and Abū Aḥmad Shāker ibn Tawfīq al-‘Arourī, ‘Taḥqīq (verification) of the book Aḥkām al-dhimmah,’ 1st ed. (Dammam: Ramadi Publishing, 1997), Vol. 3, p. 1161.
[416] Ibn al-Qayyim , *‘Aḥkām Ahl al-dhimmah,’* Vol. 2, p. 114. Online> [accessed 15-04-2024); Ibn al-Qayyim al-Jawzīyyah, Shams al-Din Abū ‘Abdullāh Muḥammad ibn Abi Bakr, *‘Aḥkām Ahl al-dhimmah,’* 4th ed edited by: Subhī al-Sāleh, (Dar al-‘Ilm Lil-Malayin, 1994), Vol. 2, pp. 113-115.
[417] Muḥammad Nāsir ad-Dīn al-Albāni, *‘'Irwā' al-Ghalīl,’* pp. 103-105 <https://lib.efatwa.ir/43330/5/105> [accessed 29-05-2024].
[418] Hammam A. Sa’īd, *‘Al-Waḍ‘ al-Qānūnī lī Ahl al-dhimmah in al-Mogtama‘ al-Islāmī,’* (Dirasat Journal for the Human Sciences, University of Jordan, 1982), Vol. 1, No. 9, p. 158.
[419] ‘Abdur-Raḥmān Kaḥīlah, *‘ ‘Ahd ‘Umar, Qirā’ah Gadīda,’* 1st ed. (Ein for Human and Social Studies, Cairo, 1996).
[420] Adh-Dhahabī, Shams ad-Dīn, *‘Mizān al-I‘tedāl’* -Yaḥya ibn ‘Uqba ibn Abī al-‘Ayzar- <https://ketabonline.com/ar/books/2148/read?part=4&page=2436&index=4776944/4777086 (30-03-2024); also see al-Bakrī and al-‘Arourī, Ibid, p. 1163.

weak narrators such as Shahr ibn Ḥawshab[421] and Abū Muḥammad ‘Abdullāh ibn Aḥmad ibn Zubr[422].

Ḥadīth scholars also noticed discontinuity and breakage in some of the narrations reported by ibn al-Qayyim . For instance, the narration he reported from Isma'īl ibn ‘Ayyāsh who said, ‘More than one of the people of knowledge (*Ahl al-‘ilm)* narrated it to us.’[423] In another narration, he narrated the *isnād* on the authority of Sufyān al-Thawrī, who died in 161 AH/AD 778, directly to Masrūq ibn al-Ajda‘, who died in 63 AH/AD 682, leaving the chain between them vague, and nothing is known about it.[424] For the narration to be accepted, it must be reported by upright persons, who possessed retentive memory, from the upper level of the chain to its lower level, without any outlandish, obvious or subtle defects.[425]

Without tracing the authenticity of the narrations of the Pact, ibn al-Qayyim , however, comments on this ignorance of the narrators, saying: ‘the fame and prominence of these laws, means ‘the Pact of ʿUmar, obviate the need for their attribution.’[426] This raises the question: can such a crucial and historical pact be mentioned without a clear *isnād*? This approach clearly contradicts what ḥadīth scholars have established. For any narration to be accepted, the *isnād* should be reported with a continuous and accurate chain.[427] The fame of the ḥadīth and its extensiveness does not mean its authenticity. Therefore, many works have been written to show that fame and prominence are not criteria for the authenticity of the Ḥadīth.[428] Similarly, ‘Abdullāh al-Judai‘ confirms in his book *‘Taḥrīr ‘Ulūm al-Ḥadīth’* that not naming the narrators from whom the narrations are transmitted does not elevate their status; instead, it makes them ambiguous.[429]

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[421] Ibn Ḥawshab is described as very weak in transmission, and even was someone accused of stealing from Bayt al-Mal (the public treasury)
< https://sunna.alifta.gov.sa/BookToc/ViewServicePage?bookId=48&mainId=446693> [accessed 28-03-2024].
[422] Ibn Zubr is described as untrustworthy person and who was mixing *Matn* and *isnād* of different narrations as reported by al-Dāraqutnī <https://tarajm.com/people/57523> [accessed 28-03-2024].
[423] Al-Bakrī and al-‘Arourī, Vol. 3, p. 1161.
[424] Al-Bakrī and al-‘Arourī, Ibid.
[425] Ismā'il ‘Abdullāh, ‘The application of Critical thinking in the Process of *al-Jarḥ wa l- Ta‘dīl* in the science of Ḥadīth,’ Intellectual Discourse, Vol. 20, Iss. 2 (2012), pp. 215-31.
[426] Ibn al-Qayyim , *‘Aḥkām Ahl al-dhimmah*,’ Ibid.
[427] Ismā’il ‘Abdullāh, Ibid.
[428] See *‘Maqāṣid al-ḥasanah fī bayān kathīr min al-aḥādīth al-mushtahirah ‘alá al-alsinah’* By Imam Muḥammad ibn ‘Abdur-Raḥmān Sakhāwī. (d. 902), (Dar al-Kutub al-‘Ilmiyya, 1987).
[429] Abdullah al-Judai‘, *‘Taḥrīr ‘Ulūm al-Ḥadīth’,* (al-Judai‘ Research & Consultations, Alrayan Company), Vol.1, p. 494.

The sole narration that may appear with a stronger *isnād,* according to ‘Ajīn,[430] compared to others, is reported uniquely by ibn ‘Asākir from Abū al-Ḥusayn al-Khaṭīb. [431] However, it is still one narration, reported in a book of history, among 30 other narrations that are very weak and vary in their content.[432] By searching the two top main narrators of this *isnād,* ‘Abdur-Raḥmān ibn Ghanm and Masrūq ibn al-Ajda‘, in the books of *‘Ilm al-Rijāl* (Knowledge of Men),[433] it turns out that none of the sources mention that either of them narrated anything from the other. This may be explained by the fact that the former resided Damscus and his narration was spread among its people, while the later resided al-Kūfa and his narration was spread among its people, with no evidence that they ever met. Also, by searching one of the narrators in the chain, Muḥammad ibn Ḥimyar, scholars differed in praising his reliability, and agreed that he transmitted some narrations uniquely,[434] which made Shams ad-Dīn adh-Dhahabī conclude that he is not reliable in ḥadīth.[435] This raises significant concerns about how some Medieval jurists accepted such a crucial pact when its narrations are subject to such a high level of doubt, including those by ibn al-Qayyim , whose narrations are also very weak.

Meanwhile, assuming the correctness of this sole *isnād*, Nour ad-Dīn ‘Itr, echoing the rules established by ḥadīth scholars, says that the correctness of the *isnād* does not guarantee the correctness of its *matn*. The *isnād* could indeed be authentic, but the *matn* could contain flaws and defects.[436] Notably, this narration, specifically, has issues with its *matn*, as ibn ‘Asākir mentioned it without specifying the city to which the laws were decreed. It simply states that this is the book of ‘Umar to the Christians of such and such *(kadhā wa kadhā).* How such a crucial pact was issued and practised without specifying the city of reconciliation, and without ‘Umar himself inquiring about which city it was, raises questions. If it was the city of Damascus as Patel argues,[437] how this could be perceived in light of the pact that Khalid ibn al-Walīd (the Muslim army commander under ʿUmar) stipulated to the inhabitants of the towns of Damascus, al-ʿArah and ʿAnat in which he stated:

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[430] ‘Ajīn, *‘al-‘Udha al-‘Umariyyah,’* p. 78.
[431] Ibn ‘Asakir, *‘Tārīkh madinat Dimashq*,’ p. 178.
[432] Mark Cohen, ‘What was the pact of Umar? pp. 100-57.
[433] Such as *Tahdhīb al-Kamāl* by Jamāl ad-Dīn al-Mizzī, *Tahdhīb al-Tahdhīb* by Ibn-Ḥagar al-‘Asqalānī , *Siyar A‘lām al-Nubala'* and *Mīzān al-I‘tedāl* by Shams ad-Dīn adh-Dhahabī, and others.
[434] which are not know from any other narrators.
[435] Shams ad-Dīn adh-Dhahabī, *‘Siyar A‘lām al-Nubalā',*’ <https://shamela.ws/narrator/5574,> [accessed 04-06-2024].
[436] Nour ad-Dīn ‘Itr, ‘Methodology of Criticism in the Sciences of Ḥadīth,’ (Dar al-Fikr, 1997), (3), p. 290.
[437] Patel, The Muslim Difference, p. 82.

> ‘In the name of Allāh, the compassionate, the merciful. This is what Khalid ibn al-Walīd would grant to the inhabitants of Damascus if he enters therein; he promises to give them security for their lives, property, and churches. Their city shall not be demolished; neither shall any Muslim be quartered in their houses. Thereunto we give them the pact of Allāh and the protection of his Prophet, the caliphs, and the believers. So long as they pay the poll tax, nothing but good shall befall them.’[438] By mentioning these tolerant conditions, it is implausible that the commander of ‘Umar's armies would have issued conditions that contradicted those of his emir during the same period for the same people.

This narration and others also exhibit some other issues with their *matn*. For instance, while some narrations state that it was the people of *Aljazeera*[439] who wrote to ‘Abdur-Raḥmān ibn Ghanm, and then ‘Abdur-Raḥmān wrote to ʿUmar, others state that ‘Abdur-Raḥmān wrote directly to ʿUmar when he reconciled with the Christians of Damascus, as stated in the narration transmitted by ibn Taymiyyah.[440] Other narrations also show that ‘Abdur-Raḥmān only drafted the laws in a book written by ʿUmar himself. These uncertainties about who wrote the pact raise some issues about the authenticity of the pact.

Moreover, the content contains some words that are alien to classical Arabic of the time, like the word *Zanānīr (sing. Zunnār)*. [441] According to the narration of Sufyān al-Thawrī, claimed to be written by ʿUmar himself, *‘Zanānīr’* was used in the context of committing them to wear girdles around their waists to get distinguished from Muslims. The word *‘Zanānīr’*[442] is a Greek word, which is unlikely to have been said by ʿUmar at the time when the Arabic words of *Manṭiq* or *Ḥizām* (belt) were heavily used in the Arabic culture of the time.[443] The Caliph's use of this word during the early Islamic Caliphate, before the massive invasion of non-Arabic languages in the Islamic State, raises questions about the authenticity of the 'Pact.' Additionally, ‘Abdur-Raḥmān Kaḥīlah notes in his investigation that the correct plural form

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[438] Aḥmad ibn Yaḥyā al-Balādhurī, *‘Futūḥ al-Buldān,’* 1st ed. (Dar and Maktabat al-Hilal, 1988), p. 124; Hitti, History of the Arabs, p. 150.
[439] *AlJazeera* Euphrates, abbreviated *Aljazeera*, and historically, the Aqour region, is a region located between the Levant, Iraq, and Anatolia.
[440] In the narration mentioned by ibn Taymiyyah in ‘*Majmū‘ al-Fatāwā*,’ it goes as ‘ʿUmar ibn al-Khaṭṭāb wrote,’ so ʿUmar is the writer. See: ibn Taymiyyah, *‘Majmū‘ al-Fatāwā,’* Vol. 28, p. 652.
[441] See the clause pertaining to the word *‘Zanānīr,’* Patel, The Muslim Difference, p. 84.
[442] Tobia Al-‘Anisi, ‘Interpretation of foreign words in the Arabic language’ (1932), p. 33 <https://archive.org/details/20191016_20191016_1241/mode/1up?view=theater&q=%D8%B2%D9%86%D8%A7%D8%B1> [accessed 28-03-2024].
[443] Muntahī Artalīm, *‘hawla nisbat al-shurūṭ al-‘Umarriyah ila al-Khalīfah al-Rāshed al-thanī,’* (al-Tagdīd Magazine, The Islamic University, Malaysia, 2013), Vol. 17, No. 33, pp.214-51 (p. 229).

of *'Zanānīr'* should have been *'Zannārāt,'* which is a regular feminine plural. However, in the document, its plural was mentioned as *'Zanānīr'* indicating a broken plural form that was not known during the time of the conquests.[444] In the same vein, Ḥabīb Zayāt who extrapolated the news of the Umayyads and the poems spoken in their time, confirms that the term *'Zanānīr'* was not mentioned in any description of the Christians, and it only began to be sung in Abbasid poetry, far from the time of 'Umar.[445]

There are also several problematic phrases in the Pact, such as *'walā natakalamū bekalāmihim'* (we should not speak in their language). This raises the question of how both groups would understand each other, given that Muslims did not know the Syriac language and Christians were prohibited from speaking Arabic. Moreover, the term *'walā nuẓheru shirkan'* (And we do not show polytheism or disbelief) is also contentious. How could Christians acknowledge the polytheism of their faith in an official document, when their acceptance of reconciliation was primarily to secure protection for themselves and their faith?

It is also surprising that it was the conquered who were to impose these humiliating conditions on themselves, unlike the norm of the time, and commit themselves to things that the Muslims did not oblige them to, such as learning the Qur'ān, despite their citing of the clause of jizya, for example, from it. In the same vein, Tritton argues, wondering, 'A letter written from the conquered to the conquerors, is puzzling for a peace treaty. Given the purpose and importance of this document to Muslim rule in the Middle Ages, it is difficult to believe that it was written by the conquered peoples as a list of their own rights and the restrictions on those rights.' [446]

As for the claim of the fame of these disputed narrations, ibn al-Qayyim also reports, 'The mention of the Pact continued to be remembered on the lips of scholars and in their books, and so the caliphs acted according to them.'[447] Despite the ambiguity in the *isnād and matn*, if the caliphs acted according to them, why was none of these caliphs mentioned until approximately the Abbasid Caliph al-Mutawakkil (r. AD 847-861), who issued some decrees

[444] Kaḥīlah, *'Ahd 'Umar*,' p. 38.

[445] Ḥabīb Zayāt, *'Simāt al-Nasārā wa alyahūd fī l-Islām, al-Ṣalīb, al-Ḥizam, al-'imāmah, wa al-Thawb*; the laws of 'Umar,' (al-Mashreq Magazine, 1949), Vol. 43, Iss. 2, pp. 161-252.

[446] Arthur Stanley Tritton, 'Caliphs and Their Non-Muslim Subjects: A Critical Study of the Covenant of 'ʿUmar,' (London: Routledge, 2008). pp. 5-6.

[447] Ibn al-Qayyim , *'Aḥkām Ahl al-dhimmah,'* Ibid.

that imposed restrictions on clothes, names and religious freedom of Christian, as reported by ibn Taymayyah and his disciple ibn Kathīr, and recently by Tritton?[448]

Likewise, Levy-Rubin asserts that the first set of regulations based on the Pact was issued by the Caliph al-Mutawakkil between 850 and 854. [449] This means that imposing these markers of differences (Laws of ʿUmar) did not come into effect from the death of ʿUmar in AD 644 until the reign of al-Mutawakkil, about 200 years, passing by many caliphs whether in the Umayyad or Abbasid Caliphates. For that, Tritton would suggest that the Pact was a fabrication because later Muslim conquerors did not apply its terms to their agreements with their non-Muslim subjects, which they would have if the Pact had existed earlier.[450]

Al-Qaraḍāwī would also assert, 'these laws allegedly attributed to ʿUmar did not appear in the accounts of early historians, such as al-Waqidī (d. AD 823), al-Azdī (d. AD 845)[451], al-Balādhurī (d. AD 892)[452], al-Yaʿqūbī (d. AD 898), al-Ṭabarī (d. AD 923), ibn al-Athīr (d. AD 1233)[453], and al-Suyūṭī (d. AD 1505)[454].' Nor in the annals of the Egyptian Church compiled by Severus ibn al-Muqaffa, Bishop of Ashmunin, nor in the book of Bishop John of Nikiu (Nikiu of John), which is titled 'The History of Egypt and the Ancient World.' If these laws were authentic and truly attributed to ʿUmar and were practised by Muslim rulers, these historians would have been keen to record and preserve them for some purpose.[455] For instance, ibn al-Athīr [a late historian compared to others] refers in *'Al-Kāmil fī al-Tārīkh'* to the peace treaty that Abū 'Ubaidah concluded with the Christians of Homs in exchange for their agreement to pay jizya. He also addresses the conquest of Aleppo and how the Muslims concluded a peace agreement with its inhabitants. While mentioning all of these treaties, he did not mention anything about the pact of 'Umar.[456]

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[448] Ibn Taymiyyah in *'Rebuttal of the Logicians',* edited by Sheikh Muḥammad ibn Abdur-Razzāq Ḥamzah and Sheikh Suleiman ibn 'Abdur-Rahmān al-Sana'ī, authenticated by Muḥammad Ḥamīd al-Faqī, 1st ed., (Library of the Sunnah of Muḥammadiyah, Cairo 1951); ibn Kathīr, *'Al- Bedayah wa-nehāyyah,'* Vol. 10, p. 313; Tritton, Caliphs and Their Non-Muslim Subjects, p. 50.
[449] Levy-Rubin, 'The Pact of ʿUmar,' p.80.
[450] Tritton, 'Caliphs and Their Non-Muslim Subjects,' pp. 5-6.
[451] Abū Ismā'il Muḥammad ibn 'Abdullāh al-Azdī al-Baṣrī, *'Fotūḥ al-shām.'*
[452] Aḥmad ibn Yaḥyā ibn Jābir al-Balādhurī was a 9th-century Muslim historian.
[453] Abū al-Ḥasan ʿAlī ibn Muḥammad ibn Muḥammad ash-Shaybānī, better known as ʿAlī ʿIzz ad-Dīn ibn al-Athīr al-Jazarī.
[454] Jalāl ad-Dīn al-Suyūṭī was an Egyptian Sunni Muslim, 'History of the Caliphs.'
[455] Yūsuf Al-Qaradāwī, 'Non-Muslims in Islamic Society,' 1st ed. (al-Risala Foundation, 1983), p. 60.
[456] Ibn al-Athīr, Abū al-Ḥasan ʿAlī ash-Shaybānī Abū al-Ḥasan 'Alī al-Shaibanī, *'al-Kāmil fī al-tārīkh,'* (Manshurat Muḥammad 'Alī Baydun, Dar al-Kutub al-'Ilmiyyah, 1998), Vol. 2, p. 492.

3.1.1.2. The Socio-Political Conditions for the Emergence of the Pact

As for the suggested reasons for the emergence of these laws, Ḥasan al-Zein believes that these laws appeared for the first time in the era of the Abbasid caliph al-Mutawakkil, as also asserted by Levy-Rubin,[457] in order to limit the influence of the people of *al-dhimmah*.[458] Regarding the widespread of this pact in the books of jurists, beginning of the eighth century Hijri, Patel also argues that ibn Taymiyyah's discourse against imitation and his defence of this treatise is a discourse of power, intended to safeguard the collective good of the Muslim community vis-à-vis rivals within and beyond the Mamluk Sultanate.[459]

In times of danger from outside interference especially following the Crusades, from the period of the Mamluk Sultan Baybars (r. AD 1260–77) onwards, Levy-Rubin argues, jurists tended to entrench and interpret the Pact even more strictly.[460] Such interpretations, Esāck believes, emerge in response to the pressing surrounding circumstances, as each generation, carrying their peculiar synthesis of the human condition, attempts to produce their own interpretations.[461]

It is important to highlight that during the time of ibn Taymiyyah in particular, the Muslim world experienced significant and unprecedented political upheaval. The Mongols had conquered many Muslim states, destroyed the Abbasid Caliphate in Baghdad, and caused enormous losses in lives. Concurrently, the Crusaders were taking control of Palestine and Syria, while Muslim power in al-Andalus was diminishing. It is, therefore, very likely that the widespread spread of the laws during this period was the consequence of a period of stagnation in the caliphate and in response to what the Muslims were suffering as a result of these attacks. There was also a fear of some non-Muslims collaborating with foreign enemies with the aim of undermining the Islamic empire. These circumstances point to the political context in which these laws gained prominence in the works of jurists, aiming to curb the influence of non-Muslims.

3.1.1.3. The Enactment of the Pact and Abbasids

Regarding the enactment of these laws, Patel argues that the spirit of segregating Muslims from others, and imposing markers of religious differences on non-Muslims reached

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[457] Levy-Rubin, 'The Pact of ʿUmar,' p.80.
[458] Ḥasan Al-Zāin, *'Al-Awḍā' al-Qānūniyyah li al-Nasārā wa al-Yahūd fī al-Diyār al-Islāmiyyah,'* (Dar al-Fikr al-Ḥadīth, 1988), p. 24.
[459] Patel, 'The Muslim Difference,' p. 119.
[460] Levy-Rubin, 'The Pact of ʿUmar,' p. 86.
[461] Esāck, 'Qur'ān, Liberation & Pluralism,' p. 50.

the zenith during the Abbasid period, as Sunni discourses on imitation and orthodoxy reflected the ethical shortcomings of a superiority complex. [462] In contrast, Levy-Rubin, Mun'im Sirry and Hava Lazarus-Yafeh argue that these laws were far from systematic or consistent application.[463]

The latter perception can be perceived by the noticeable dependence of some rulers on their *dhimmī* courtiers. The holding of public offices in the administration by *dhimmīs* was a longstanding tradition. It is reported that many Abbasid caliphs employed large numbers of non-Muslims in various caliphate services.[464] The Abbasid caliph al-Muʿtaḍid (r. AD 892 – 902), for instance, expressed strong confidence in Christians and preferred them to others for pragmatic reasons. During his reign, the governor of Anbār, 'Umar ibn Yūsuf, was a Christian, and the caliph approved the appointment on the ground that Christians were found to be competent.[465] It is related that his vizier, ʿUbaydullāh ibn Sulaymān, was reluctant to appoint Christians to public office. Al- Muʿtaḍid advised him as follows: 'If you found a Christian suitable for any office, you should appoint him. A Christian is more truthful than the Jews because the Jews want the return of the kingdom to them; he is also better than a Muslim as the latter is of the same religion as yours he desires to take over your position; he is also better than Zoroastrians because the kingdom is in their hand.'[466]

Not only al-Muʿtadid did so, it is reported that most of the Abbasid caliphs had large numbers of non-Muslim workers (delegates, senior officials and administrators) in various caliphate positions.[467] Most of the personal physicians of the Abbasid caliphs also were members of the Nestorian Church.[468] Similarly, as al-Maqdisī notes, in AD 985, most of the bankers and money changers in Syria were Jews, and most of the scribes and physicians were Christians.[469] In addition, most caliphs married non-Muslims,[470] which raises the question:

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[462] Patel, 'The Muslim Difference,' pp. 85.
[463] Levy-Rubin, 'The Pact of ʿUmar,' p. 85; Mun'im Sirry, 'The public role of dhimmīs during ʿAbbasid times,' Vol. 74, No. 2 (2011), pp. 187-204 (pp. 198-204), doi: 1 0. 1 0 1 7/S004 1 977X 1 1 000024; Lazarus-Yafeh, Hava, 'Jews and Christians in Medieval Muslim Thought', in Demonizing the Other: Antisemitism, Racism and Xenophobia, ed. by Robert Wistrich (Ed,) (London: Routledge, 2013), pp. 108-17.
[464] Sirry, 'The public role of Dhimmīs,' pp.198-204; also see, Ādam Mitz, 'The Islamic Civilization in the Fourth Century A.H.,' (trans. By Muḥammad Abdul Hadī Abu Riḍā), 4th ed., (Basle, Switzerland, nd).
[465] Thomas Arnold, 'Preaching of Islam,' p.73.
[466] Mary ibn Sulaymān. *'Akhbār Faṭārikah Kursī al-Mashriq,'* (1896), p. 84; see also Louis Cheikhu, *'Wuzarā' al-Nasṛāniyya wa kuttābuhā fi al-Islām,'* p. 27, as quoted in 'The public role of *Dhimmīs* during Abbasid times,' Mun'im Sirry, p. 17-18 <https://www.jstor.org/stable/41287947> [accessed 22-01-2021].
[467] Ādam Mitz, 'The Islamic Civilization,' Ibid.
[468] Hitti, 'History of the Arabs,' p. 355
[469] Hitti, 'History of the Arabs,' p. 356.
[470] Ibn Kathīr, *'Al-Bedāyah wa-nehāyyah',* Vol. 8; Nadia Maria El Cheikh, 'Revisiting the Abbasid Harems,' Journal of Middle East Women's Studies, Vol. 1, No. 3 (2005), pp. 1-19,

how would the caliphs apply these humiliating laws to their non-Muslim relatives, personal physicians, and workers in the caliphate? Even al-Mutawakkil himself, despite his strict position towards *dhimmīs*, is reported to have employed Christians, such as Dulayl ibn Yaʿqūbī.[471] He also employed an architect to build his Ja'farī palace.[472] Christian sources confirm that a number of Christian clerks and physicians served in his court.[473] All of this suggests that such laws emerged in specific contexts and for certain reasons far from religious motives, as discussed below.

The pragmatic trend of extensive employment of non-Muslims in the caliphate has caused great concern and suspicion among some groups of Muslims. According to ibn al-Qayyim , some princes and jurists would go to the caliphs and complain that the rulers and viziers from the people of *al-dhimmah* were tampering with the public treasury, distributing gifts and money to their relatives, and committing injustice against their Muslim subjects, particularly during the time of al-Mutawakkil (r. AD 847 –861).[474] As a result, the caliphs, at times, would take strict measures against *dhimmīs*,[475] and at other times, they would not care for such complaints.

These strict measures, however, took place in some limited cases and for short periods during the caliphates of al-Rashīd (r. AD 786-809), al-Ma'mūn (r. AD 813-833), and al-Mutawakkil (with the first set of regulations based on the Pact). Notably, during this era, some brief laws similar to those in the 'Pact of 'Umar,' appeared in some jurists' works, like the book of al-*Kharāj* by Abū Yūsuf (d. AD 798).[476] This raises many questions as if they appeared as a justification for some of the restrictions practised against the people of *dhimmah* by those caliphs to deprive them of some political and administrative influence.

These restrictions, however, as ibn al-Qayyim himself reports, were essentially the result of rivalry for power due to the significant influence that Christians and Jews gained under the

<https://www.jstor.org/stable/40326869> [accessed 08-03-2021]; Leslie Peirce, 'The Imperial Harem: Women and Sovereignty in the Ottoman Empire. Studies in Middle Eastern history,' (Oxford University Press, 1993), p. 30.

[471] 'Alī Husnī al-Kharbuṭī, *'al-Islām wa ahl al-dhimmah,'* (lajna al-ta'rīf bi al-Islām, n.d), p. 144, quoted in Sirry, p. 193.

[472] Al-Abb Suhayl Qasha, *'al-Masiḥiyyūn fī al-dawla al-Islāmiyya,'* p. 81, quoted in Sirry, 'The public role of Dhimmīs,' Ibid.

[473] Mary ibn Sulaymān, *'Akhbār Faṭārikah Kursī al-Mashriq,'* (Rome: Excudebat 1899), p. 80, quoted in Sirry, The public role of Dhimmīs.

[474] Ibn al-Qayyim , *'Aḥkām Ahl al-dhimmah,'* Vol. 1, p. 468. Online> [accessed 15-04-2024].

[475] Mark Cohen, 'Under crescent and cross: The Jews in the Middle Ages,' (Princeton University Press, 2008), pp.65–68

[476] Abū Yūsuf, *'Kitāb ul-Kharāj,'* p.140 <https://shamela.ws/book/26333/145> [accessed 27-03-2024].

Caliphate, as well as some statements that were offensive to the Caliphate at other times.[477] In the same vein, Tritton also asserts that the *dhimmīs* in the state had achieved very high status and also controlled large economic and political segments of the country.[478] An example of this far-reaching power of non-Muslims during this era, as Sirry mentions, according to the historian Abū Ja'far al-Ṭabarī (d. 923), is the prominent Christian secretary in Iraq, Faḍl ibn Marwān, during al-Mu'taṣim reign. Faḍl's influence grew so great that he began to defy al-Mu'taṣim's authority, disregarding his orders and taking control of many caliphate affairs, to the point where people started to view him as the real caliph.[479] As a result, al-Mu'taṣim became angry with him and finally imprisoned him and seized his wealth.[480]

Similarly, Lazarus-Yafeh confirms that these laws 'were rarely applied in Islamic history.'[481] He argues that al-Mutawakkil issued them only in search of a popular base to consolidate the pillars of his rule and protect himself against opponents.[482] The second issuance was by the Fatimid Caliph al-Ḥākim bī-Amr Allāh during his caliphate (AD 996-1021). The motive behind his severity towards the *dhimmīs*, as stated by al-Maqrīzī (d. AD 1442), was that 'many of them wielded significant influence in the state, rising to positions akin to ministers, and their wealth and circumstances enabled them to become prominent. As their power grew, so did their capacity for harm and their plots against Muslims, which incensed the ruler, often leading him to lose control when angered.'[483] Both al-Mutawakkil and al-Hakim cancelled these conditions a few years later.[484]

For the preceding facts, and unlike the image depicted about this era, it is believed that the Abbasid caliphate included non-Muslims in all posts of the caliphate from agriculture works to sensitive positions in the royal court of the caliphate. [485] They were granted autonomy in their own affairs. In this regard, Hitti confirms that non-Muslims were granted judicial

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[477] Ibn al-Qayyim , *'Aḥkām Ahl al-dhimmah,'* Vol. 1, pp. 464, 467, 468-470. Online> [accessed 15-04-2024].
[478] Tritton, 'Caliphs and Their Non-Muslim Subjects,' pp. 22-25.
[479] Al-Ṭabarī, *'Tārīkh al-Rusul wa al-Mulūk,*' Vol. 9, p. 19.
[480] Sirry, 'Caliphs and Their Non-Muslim Subjects,' p. 195.
[481] Lazarus-Yafeh, 'Jews and Christians in Medieval Muslim Thought,' pp.108-17.
[482] Al-Ṭabarī, Ibid, Vol. 9, p. 171; 'Iṣṣam Sakhnīn, 'Al-Mutawakkil al-Abbāsī, *tawẓīf ad-Dīn li taḥqīq aghrāḍ siyāsyah* ,' (Al- Basa'ir Magazine, Petra University, 2002), Vol. 6, Iss. 1, p. 119 -162.
[483] Aḥmad ibn 'Alī al-Maqrīzī, *'al-Mawā'iẓ wa-l-I'tibār fi dhikr al-Khuṭaṭ wa al-'athār,'* 1st ed. (Dar al-Kutub al-'Ilmiyyah, 1998), Vol. 4, p. 412.
[484] Muḥammad Maḥasneh, *'Aḥwāl Ahl al-dhimmah fī Khilāfat al-Ḥakim bī Amr-Allāh al-Faṭimī,'* University of Mu'tah for Research and Studies, Vol. 25, Iss. 1, (2010), p. 207-240, <https://search.emarefa.net/detail/BIM-252885> [accessed 27-01-2021].
[485] Yaacov Lev, 'State and Society in Fāṭimid Egypt,' p. 190, (Leiden: E. J. Brill, 1991), quoted in Sirry, 'The public role of Dhimmīs during Abbasid times,' p. 202.

independence, not only in personal status but in all matters of their lives, i.e., civil, penal, and other matters. Moreover, Christian patriarchs and rabbis held the position of advisors in the government of the caliph himself. [486] Hitti further reports that *dhimmīs* enjoyed a great deal of tolerance, even in matters of civil and criminal judicial proceedings ... these people practically lived under their spiritual heads. This indicates that non-Muslims under the Abbasid Caliphate were allowed to manage their spiritual and judicial affairs with minimal state interference, except during limited and intermittent periods. Therefore, it is believed that any restrictive measures and religious markers were implemented on a very small scale and for limited periods throughout the centuries of the caliphate.

Notably, these occasional restrictions and their discriminatory consequences have nothing to do with any established Islamic traditions as Patel attempted to prove by linking the Pact to the ḥadīth of *tashabbuh*. Instead, they seem to have emerged in certain political and social contexts to undermine the influence of non-Muslims whenever a threat was perceived, regardless of whether this was right or wrong. Linking the ḥadīth, with its general and narrative connotations, to these laws and their implications is a deviation from the socio-political context of their appearance. It is known that the Prophet himself, even during the difficult times in his confrontations with enemies and after his victory over them, did not impose any of these markers of difference on them. If the Prophet did not implement such measures on his fighting enemies whom he defeated, then how could this be the norm of his successors towards their vulnerable subjects under the covenant of *al-dhimmah*? Therefore, discussing these laws in a religious context or linking them to a sacred text is inappropriate.

Moreover, if it was the transformation of power, as Patel argues, [487] that initiated and enacted such laws, in what context this power was supposed to be applied? Is it the conceivable power against warlike enemies or that against some vulnerable covenanters? If there was one to be committed to such humiliating laws, it would be the fighting enemies to subjugate them under the sway of Islam as mentioned in Q. 9:29, not those who are already committed to the laws of the state and in a covenant of *al-dhimmah* with Muslims as mention in Q. 60.8. As for covenanters, their treatment can only be imagined according to what the Prophet established in the ḥadīth, ‘If anyone wrongs a man with whom a covenant has been made *(dhimmīs),* or

[486] Hitti, ‘History of the Arabs,’ p. 233.
[487] Patel, ‘The Muslim Difference,’ pp. 85.

curtails any right of his, or imposes on him more than he can bear, or takes anything from him without his ready agreement, I shall be his adversary on the day of resurrection.'[488]

Therefore, the widespread of these laws in the books of some Medieval jurists, albeit with limited application, can only be conceived at a later stage, in the seventh and eighth centuries, in the context of dividing the world into bode of war and bode of Islam, and the fear of collaborations with enemies in a certain socio-political context and in limited cases.[489] In today's world, however, people have to mix and interact in all walks of life under international treaties and humanitarian conventions. Thus, the invocation of such texts in a contemporary context is no longer possible and unrealistic.

In general, such controversial Islamic traditions, particularly this ḥadīth, should remain in their contextual interpretation at the time of the Prophet, as who imitates people is one of them, whether in good or evil. In all cases, these narrations should not be exploited to humiliate others or be misinterpreted for political or social motives. For the polemical issue of such misinterpretation, Gopin and Sachedina would always highlight the importance of utilising hermeneutical dynamics in re-reading most apparently exclusivist sacred texts in a tolerant way,[490] or one could also say, according to the normative teachings of Islam, rather than being influenced by the occasional social and political circumstances of some eras.

Overall, it is believed that the Islamic caliphates were not utopian systems of governance, as they had some shortcomings and flaws at times due to human practises and self- interests of some caliphs. However, attributing these laws to ʿUmar, in this close era to the Prophet Muḥammad, and that it was a tradition followed by the caliphs after him, is difficult to believe and accept. Evidence of 'Umar's and subsequent Ummayds' real dealings with non-Muslims proves the opposite, as explained below.

3.1.2. ʿUmar and his position towards non-Muslims

As the proverb goes, 'actions speak louder than words,' hence, regardless of what is attributed to ʿUmar, it is vital to know how ʿUmar viewed non-Muslim 'Otherness,' and how he dealt with them. It is reported that upon entering Jerusalem, ʿUmar found himself inside the church at the time of one of the five daily prayers. When the patriarch who was accompanying him offered to perform his prayers in the church, the caliph refused and made

[488] Al-Tibrīzī, *'Mishkāt al-Maṣābīḥ,'* Peace <https://sunnah.com/mishkat:4047> [accessed 27-03-2024].
[489] L. A. Mayer*, 'Mamluk Costume,'* A Survey., (Geneva: A. Kundig, 1952), p.65.
[490] Gopin, 'Between Eden and Armageddon,' p. 30, also see Sachedina, 'The Islamic Roots of Democratic Pluralism,' pp. 29-30, 57.

his famous remark: 'If you do that, Muslims may infringe on your rights in the coming eras, pretending to follow my example.'[491] Instead, ʿUmar performed his prayers on the steps outside the church. Although Muslims are allowed to perform prayers in churches and synagogues, ʿUmar did so to set an example to later generations that whenever they feel that the rights of others might be violated, they should make every effort to avoid and prevent this from happening. This position of the highest political office in the Islamic State proves that Muslims, although they are the victors and rulers of the land, must always care for the rights of others and avoid all forms of injustice and transgression.

ʿUmar not only established but also dominated public policy and set the basis for the administration of the newly conquered territories and their population. Accordingly, the conquered masses were left undisturbed in their religion, community life, and property on the condition that they pay protection money (jizya). However, this tax was levied on able-bodied men only. It was not levied on women, children, the poor, the aged who could not work, as well as the blind, the lame, and the insane. Religious leaders, such as priests or monks who depended on the alms of the rich, were also exempt from the tax.[492] These edicts bear that Muslims were not thirsty to humiliate people or burden them beyond their capacity, as depicted in the 'Pact.'

In showing his compassion and kindness to his non-Muslim subjects, it is narrated by Abū Yūsuf that: 'The commander of the faithful, ʿUmar ibn al-Khaṭṭāb, passed by an old man among the non-Muslim citizens who was wandering from house to house begging for charity. ʿUmar said, 'We have not been fair to you, that we take tribute (jizya) from you in your youth, and now you are helpless in your old age.' Then, ʿUmar ordered him to be given a stipend from the public treasury to meet his needs.'[493] No doubt, such situations reveal the sincere keenness that the Second Caliph showed towards establishing the meanings of justice, mercy and cordial relationships with his non-Muslim subjects, not the alien picture of the 'Pact'. This tolerant treatment was also manifested in his interpretation of the verse of alms that reads, '…Alms are for the poor and the needy…'[494]. According to Umar, the *al-fuqarā'*

[491] Ishtiaq Ḥusayn Qureshi, 'The Religion of Peace,' (Royal Book Company, 1989), p. 102.
[492] Ibn al-Qayyim , '*Aḥkām Ahl al-dhimmah,'* Vol. 1, pp. 161; Sayed Peerzade, 'Jizyah: A Misunderstood Levy,' Journal of King Abdulaziz University: Islamic Economics, Vol. 23, No. 1, (2010), pp. 149-58 (p.154), <https://ssrn.com/abstract=3069800> [accessed 18-05-2022].
[493] Abū Yūsuf, '*Kitāb ul-Kharāj,'* (Dar al-Ma'rifa, (n.d), p.126; Abū Yūsuf, *'Kitāb ul-Kharāj'* (Islamic Revenue Code), trans, 'Ali, A. (Lahore: Islamic Book Centre, 1979), p. 25.
[494] Qur'an 9:60.

(poor) were the Muslims and *al-masākīn* (the needy) were the dhimmīs, including Christians and Jews.[495]

ʿUmar's commitment to justice also appears in the various treaties he approved for the new lands, ensuring the safety and security of their lives and property, and obliging his workers to work in accordance with them.[496] A good demonstration of this is a dispute recorded by Aḥmad ibn al-Muʿalla, who reported that he read a document written by the *qaḍī* (judge) of Damascus, Yaḥya ibn Ḥamza.[497] In this document, the *qaḍī* reports how the Christians of the city came to him, claiming the Muslims had taken over their churches, and asked him to fulfil the agreement made with them by Khalid ibn al-Walīd. After reviewing the agreement they produced and the jizya, the *qaḍī* sided with the Christians and ruled that the Muslims must return the property or compensate them adequately.[498] This incident and the like are luminous indicators in this early Medieval era in showing how effectively these agreements served to protect minority rights, including personal property and religious freedom.

Contrary to the narrative of the 'Pact,' and its humiliating clauses, it was also reported that ʿUmar had reprimanded his most senior commander, 'Amr, and even retaliated against his son for oppressing a Copt. This happened when one of 'Amr's sons beat up a Coptic Christian with a whip, saying, 'I am the son of a nobleman, disputing over horse race.' The Copt went to ʿUmar ibn al-Khaṭṭāb, the Muslim Caliph who resided in Medina, and lodged a complaint.[499] Upon this, ʿUmar wrote a letter to 'Amr to come and bring his son with him. When the son came, ʿUmar asked the Copt to take revenge on him until he was satisfied. Then, ʿUmar said, 'Now you must take it and hit me on my bald head. This all happened to you because of my power over you.' The Copt responded, 'I am satisfied, and my anger has cooled.' ʿUmar told him, 'If you had beaten me, I would not have stopped you until you had wished to. And you, 'Amr, since when have you made the people your slaves? They were born free.' 'Amr began to apologise, telling him, 'I did not know that this is what happened.'

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[495] Jalāl ad-Dīn al-Suyūṭī, *'Al-Dur al-Manthūr'* p. 411<Online> [accessed 09-05-2024].
[496] Milka Levy -Rubin, 'Non-Muslims in the Early Islamic Empire: From Surrender to Co-existence,' (Cambridge University Press, 2011), p. 40.
[497] Ibn ʿAsakir, Ibid, Vol. VI, pp. 19-21, as cited in Levy –Rubin, 'Non-Muslims in The Early Islamic Empire,' p. 40.
[498] Fred Donner, 'The Early Islamic Conquests,' (Princeton University Press, 2016), pp. 252-253.
[499] Abū al-Faraj ibn al-Jawzī, *'Sirat wa Manāqb Amīr al-Mu'minīn 'Umar ibn al-Khaṭṭāb,'* (Dar *al-da'wah* al-'Islāmiyyah, 2001), p. 89; 'Abdulazīz Ibrahīm, '*Kitāb al-wilāya ala al-awṭān* in the era of Rightly guided caliphs,' <noor-book.com/nuxa7w> [accessed 16-10-2023].

So, ʿUmar said turned back to the Egyptian, telling him, 'You may go, and be guided. If anything untoward happens to you, write to me.'[500]

With regards to this incident, al-Qaraḍāwī says: 'The value of this story is that it records how people had a sense of their humanity and dignity under the rule of Islam, even the unjust blow was rejected and despised. Many incidents of injustice similar to this story occurred at the time of the Byzantine Empire, but no one took the initiative to correct them. However, under the protection of the caliphate, we see the example of an oppressed person who was so convinced of his dignity and rights that he had to endure the hardship of the journey from Egypt to Medina (Arabian Peninsula) because of his confidence that he would find someone to listen to his complaint.'[501] This raises the question: How can this just position of 'Umar be possible in light of the alleged 'Pact,' the terms of which stipulate that non-Muslims are to be humiliated and marginalised?

Having examined the status of non-Muslims during the eras of the Four Rightly Guided Caliphs and the Abbasid Caliphate, it is also useful to consider their conditions during the intervening period, specifically under the Umayyads shortly after ʿUmar.

3.2. Non-Muslims under the Umayyad Caliphate (AD 661-750)

Following the assassination of 'Alī ibn Abi Ṭālib, the era of the four Rightly Guided Caliphs came to an end, ushering in a new era under the Umayyad Caliphate led by Muʿāwiyah ibn Abī Sufyān (r. 661-680). This new caliphate adopted a policy of tolerance and peaceful co-existence with the diverse religious and cultural communities within their territories. According to Will Durant (1975), during the Umayyad Caliphate, Christians, Zoroastrians, Jews, and Sabaeans, known collectively as the people of *al-dhimmah*, enjoyed a high degree of tolerance. They were free to practise the rituals of their religion, and their churches and temples remained intact. They enjoyed autonomy in that they were subject to the religious laws of the scholars and judges.[502]

Similarly, Hitti notes that there was no discrimination against non-Muslims; rather, they obtained several political and administrative positions. During the Umayyad Caliphate, Hitti asserts that non-Muslims were granted judicial independence, not only in personal status but

[500] Abū al-Faraj ibn al-Jawzī, 'The Early Islamic Conquests,' p. 89.
[501] Yūsuf al-Qaraḍāwī, *'Ghayr al-Muslimīn fīl-Mujtama' al-Islāmī,'* (Maktabat Wahbah, 1992), p. 30-31.
[502] Will Durant, 'The Story of Civilization,' (Simon and Schuster, 1975), Vol. 4, pp.131-132; Hitti, Ibid, p. 225.

in all matters of their lives, i.e., civil, penal, and other matters.[503] The manifestations of these rights and privileges granted to non-Muslim subjects under the Umayyad Caliphate are elaborated as follows:

During the reign of the founder of the Umayyad Caliphate (AD 661-680), Muʿāwiyah, a large number of Christians were employed in state services, serving as role models for subsequent rulers in instilling the principles of inclusivism and cooperation with others. Christians and Jews often held high positions in the royal court. They often held important financial, clerical and professional positions, which resulted in overt jealousy on the part of the Muslim populace, which was negatively reflected in some of the official legislation. However, most of these discriminatory laws remained "ink on paper" and were not consistently enforced.[504]

In fact, what prompted Muʿāwiyah to seek the assistance of many of the People of the Book is that the Arabs who resettled in the Levant were not sufficiently familiar with the new patterns of the modern state, which had long recognised in Syria, the stronghold of the extinct Roman state. It's worth noting that in the regions where Islam originated, Arabs primarily relied on tribal traditions inherited from their ancestors, which helped manage the tribal and social complexities of the time effectively. However, these tribal traditions were inadequate for replacing the centralized and structured governmental system of the Roman state in Syria. Therefore, Muʿāwiyah enlisted the help of former subjects of the Roman state to fill numerous administrative, economic, and even political positions. With this approach, Muʿāwiyah aimed to establish a strong caliphate after years of political and social instability. It was, therefore, inevitable to seek the assistance of non-Muslim locals who were familiar with the political and social nature of the state as well as its agricultural and economic resources.

According to the historian al-Yaʿqūbī, none of the caliphs before Muʿāwiyah had employed as many Christians in their service as he did.[505] Muʿāwiyah is said to have inaugurated the practice, which would become a commonplace administrative arrangement among later caliphs and Muslim governors, reaching well into Abbasid times and beyond.[506] As for Muʿāwiyah, among others, he is said to have appointed a Christian named ibn 'Uthal to be his

[503] Hitti, 'History of the Arabs,' p. 233.
[504] Hitti, 'History of the Arabs,' p. 353.
[505] Al-Yaʿqūbī, *'Tārīkh al-Ya'qubi*,' Vol. 2, p. 265.
[506] Louis Cheïkho, 'Les vizirs et secrétaires arabes chrétiens en Islam (622–1517). Patrimoine Arabe Chrétien 11,' (Jounieh: Librairie Saint-Paul; Rome: Pontificio Istituto Orientale, 1987); *Massignon, 'La politique islamo-chrétienne,' and Zaborowski, "Arab Christian Physicians'* quoted in Hitti, History of the Arabs, p. 353.

personal physician.[507] He also appointed the son of a late prominent Byzantine official of Damascus, called Sarjūn ibn Manṣūr al-Rūmī, to collect taxes in Homs and Damascus and to serve as the caliph's secretary and master of affairs, [508] reaching well into the reign of the caliph, ʿAbd al-Malik (685–705).[509] In general, Muʿāwiyah was known for his politics of tolerance towards Christians.[510] How all these manifestations of inclusiveness and tolerance could be practiced by a person appointed by 'Umar as governor of Damascus, the place where the 'Pact' was drawn up, in complete contradiction to what was stated in it?

Following Muʿāwiyah's footsteps, some Muslim rulers reportedly went so far as to be reluctant to employ Muslim Arabs due to tribal connections, which made them prone to tribal rivalries. 'Ubaydullāh ibn Ziyād (d. 686), the Umayyad governor of Iraq, said: 'If I appointed an Arab as a tax collector and he embezzled the land tax and I punished him, I risked antagonizing his tribe. If I fined him, deducting the fine from the pension of his clan, I did him harm. If I dropped the matter I would be wasting God's money... . I found, therefore the dihqaans (Persian gentry) were more knowledgeable about tax collection, more honest with their trust and easier for me to call to account.'[511] This demonstrates the extent to which Muslim rulers employed non-Muslims in all state positions, not only that, but they also trusted them and often preferred them over Muslims and Arabs for the aforementioned pragmatic reasons.

Referring to Muʿāwiyah's religious tolerance, Muʿāwiyah began his rule in Syria by visiting a number of Christian holy sites, which were remarkably spread as signs of the Christian presence in the region. It is reported that a very large crowd of Arabs had gathered in Jerusalem to proclaim Muʿāwiyah as caliph. Muʿāwiyah prayed with this large crowd on Mount Golgotha and later at the Sepulchre of Mary in Gethsemane, and also visited the Church of al-Qiyāmah.[512] By doing so, it should be borne in mind that Muʿāwiyah was not an ordinary person in the caliphate; rather, he was the highest political authority in the region at

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[507] Al-Yaʿqūbī, *'Tārīkh al-Ya'qubi,'* Vol. 2, p. 265.
[508] Muḥammad ibn Jarīr al-Ṭabarī, *'Al-Tārīkh,'* 4th ed. (Dar al-Ma'rif, Cairo, 1983), Vol. 4, p. 243; Sidney H. Griffith, 'The Manṣūr Family and Saint John of Damascus: Christians and Muslims in Umayyad Times,' in Christians and Others in the Umayyad State ed. by Antoine Borrut & Fred M. Donner (The Oriental Institute of the University of Chicago, 2016), p. 31.
[509] Cheïkho, 'Les vizirs et secrétaires arabes,' pp. 73–74
[510] The remarks cited in Henry Lammens, *'Études sur le règne du Calife Omaiyade Moʿawia Ier,'* 2nd ed. (Mélanges de l'Université Saint-Joseph, 1906). p. 3.
[511] Ṭarīf Khalidī, et. al., 'Arabic Historical Thought in the Classical Period,' (Cambridge University Press, 1995), pp. 89–90.
[512] Oleg Grabar, 'The Shape of the Holy: Early Islamic Jerusalem,' (The University of Chicago Press, 1996) <https://www.jstor.org/stable/pdf/506822.pdf?refreqid=excelsior%3A9ac3b16415fc46089db41673f7183022> [accessed 07-04-2021].

that time. Therefore, the large number of visits to these Christian holy sites certainly reflects the official respect for them and their inhabitants, as well as a desire to maintain a good relationship with them.

As for his social interaction with non-Muslims, it is also reported that Muʿāwiyah married non-Muslims and had children with them. For instance, he married Maysūn al-Kalbiyya and then married her cousin Na'ela al-Kalbiyya, and both were non-Muslims.[513] These intermarriages led to the formation of close social relations, and there became a common language in social co-existence that led to integration and interaction. These relations were so important that Yazīd ibn Muʿāwiyah (the second Umayyad Caliph) was keen to take care of Christians and pay special attention to their private affairs and bring them closer to his council because his mother, Maysūn, was one of them. Even on some occasions, he gave them precedence in his palace over others.[514]

In fact, not only did Muʿāwiyah have a Christian wife, but he also had a Christian poet, physician, and secretary of finance.[515] In general, the relationships with Christians were as normal as any society needs, except, as Hitti mentions in his book, at some times, such as during the reign of al-Walīd I (d. AD 715), who had the chief of the Christian Arab tribe of Banū-Taghlib executed for refusing to profess Islam. Assuming the authenticity of this incident, elsewhere, Hitti reports that al-Walīd I was not a religious man himself, but a heavy drinker and much far from any Islamic teachings.[516] These reprehensible behaviours seem to be isolated incidents within an otherwise normal life of co-existence with non-Muslims.

3.2.3 Churches and Monasteries

Churches and monasteries were widely built throughout the Umayyad state so that the *dhimmīs* could practise their religious rites and rituals, especially during the reigns of Hishām and Suleimān ibn ‘Abdul-Malik. For example, in the Jericho area near Jerusalem, the Umayyad Caliph Hishām (r. AD 724-743) ordered the building of a house for the patriarch near the church so that he could hear prayers and praises.[517] He often said to him, ‘When you begin the prayers at night, great peace comes to me, care for my kingdom goes, and then sleep comes to me.’[518] It is also reported that Caliph Suleimān (r. AD 715-717) contributed to

[513] Ibn Kathīr, *‘Al-Bedayah wa-nehāyyah,’* Vol. 8, p. 155.
[514] Ibn Kathīr, *‘Al-Bedayah wa-nehāyyah,’* Vol. 8, p. 155.
[515] Hitti, ‘History of the Arabs,’ p. 234.
[516] Hitti, ‘History of the Arabs,’ p. 227.
[517] Tritton, ‘The Caliphs and their Non-Muslim Subjects,’ p. 106.
[518] Ibid.

building many Christian places of worship, such as the Christian monastery in the city of Ramla, at his own expense.[519] These facts are all in contradiction to the term in the pact that prohibits Christians from building or maintaining churches. Hence, if the so-called laws of ‘Umar were truly attributed to ‘Umar, these caliphs would have acted in accordance with them.

Notably, the building of churches and monasteries even happened for private reasons, as Khalīd ibn ‘Abdullāh al-Qasrī (d. 743), the governor of Iraq under Hishām, did when he built a church in al-Kūfa to please his Christian mother. He granted Christians and Jews the privilege of freely building their places of worship. He appointed not only Christians and Jews but also Zoroastrians to posts in the government.[520] In this context, Tritton makes a comparison: ‘While the Muslims did not destroy or demolish any of the Christian places of worship, the Christians, for example, did not allow the survival of the Islamic presence in Andalusia and worked to eradicate it from its roots.’[521] This great deal of freedom in building monasteries and churches at the time of the Umayyad Caliphate, along with the freedom to practice Christian rituals, indicates a notable acceptance of religious diversity and co-existence on shared social grounds.

3.2.4. Freedom of Expression and Intellectual Life under Umayyads

Regarding freedom of expression and participation in society, the Umayyad Caliphate demonstrated various ways of promoting the intellectual freedom of *dhimmīs*, actively involving them in numerous literary and scientific discussions, as illustrated by the following examples:

The Umayyad caliphate witnessed notable events that revealed a high degree of freedom of expression, for the caliphate council was the scene of many discussions between the Jacobins and the Maronites.[522] As a result of these prevailing events, St. John of Damascus (Joannes Damascenus) (AD 675 - 749) appeared. John attended drinking bouts of al-Akhṭal al-Taghlibī (AD 640-708) (well-known poet) and Mu‘āwayah's son Yazīd, and succeeded his father in this most important office in the Arab government. John's grandfather held the financial

[519] Khalīl Athamīnah, ‘Palestine in five centuries from the Islamic conquest until the Frankish conquest (634-1099), (Institute for Palestine Studies, 2000), p. 145.
[520] Hitti, ‘History of the Arabs,’ p. 234.
[521] Tritton, ‘The Caliphs and their Non-Muslim Subjects,’ p.106.
[522] Aziz Suryal Atiya, ‘St. John Damascene: Survey of the Unpublished Arabic Versions of His Works in Sinai,’ Vol. 1, pp. 377–79, in Arabic and Islamic Studies in Honor of Hamilton A. R. Gibb, edited by George Makdisi, (Harvard University Press, 1965), pp. 73–83; Griffith, The Manṣūr Family, pp. 24-25; Hitti, ‘History of the Arabs,’ pp. 245-46.

administrator of Damascus under Muslim rule, and then John's father also succeeded in the office. [523]

John was considered one of the thinkers of his time, famous for his debates and discussions. Among his works is a dialogue with a 'Saracen' on the divinity of Christ and the freedom of the human will, which is intended to be an apology for Christianity, a manual for the guidance of Christians in their arguments with the Muslims. Hitti argues that John himself probably had many such debates in the presence of the caliph. He relied on the intellectual and religious side of the Christian faith, and this was a kind of religious, intellectual freedom at a time when the hegemony and authority were for Muslims.[524]

It is noteworthy that the freedom of expression enjoyed by *dhimmīs* during this period contributed to breaking down many barriers between them and Muslims, facilitating the exchange of ideas and beliefs. This included the influence of Islamic beliefs such as the oneness of God on Christian and Jewish beliefs. Similarly, the emergence of the Qadarite School, the earliest philosophical school of thought in Islam, was a product of these engagements and debates.[525]

Dhimmīs were also allowed to establish scholarly institutions such as schools and libraries. They also participated in literary activities and the private boards of the Umayyad caliphs, and thus received so much praise and gifts from them. The great Christian poet, al-Akhṭal, was very close to Yazīd ibn Muʿāwiyah, who relied on him to respond to the Umayyads' enemies and their verbal attacks. [526] The fact that a Christian poet could excel in Arabic poetry and be in close proximity to the Umayyad caliph himself, defending him and his caliphate, demonstrates how the caliphs of the time viewed non-Muslim subjects and integrated them to such an extent. Furthermore, this highlights the fruitful and effective participation of non-Muslims in all spheres of the caliphate.

Moreover, Christians, with their knowledge of Greek and other languages, played a vital role in the so-called ‘translation movement,’ significantly contributing to the translation of numerous literary, natural, and philosophical works from Greek and Syriac into Arabic. A

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[523] Ibid.
[524] Aziz Suryal Atiya, ‘St. John Damascene,’ Vol. 1, pp. 377–79; Griffith, ‘The Manṣūr Family,’ pp. 24-25; Hitti, ‘History of the Arabs,’ pp. 245-46.
[525] Ibid.
[526] Ibid; Suzanne Pinckney Stetkevych, ‘Al-Akhṭal at the Court of ʿAbd al-Malik: The Qaṣīda and the Construction of Umayyad Authority,’ in Antoine Borrut; Fred M. Donner (eds.), ‘Christians and Others in the Umayyad State,’ (The Oriental Institute of the University of Chicago, 2016), p. 129-131.

key figure in this field was the ‘Jacobite’ George, bishop of the Arabs (AD 640–724), who was instrumental in translating many Greek texts into Syriac. His efforts laid the foundation for the later, more famous translation movements during the Umayyad and Abbasid periods.[527] Building on George's works, John of Damascus, fluent in both Syriac and Arabic, made a notable impact by translating many works from Syriac into Arabic, [528] enriching the Arab library with great works from philosophers like Plato and Aristotle.

Generally speaking, there is no doubt that non-Muslims would not have excelled in these sciences had the political and societal atmosphere not helped. Excellence in science in general and the flourishing of translation movement and debate forums often require an open environment where science can circulate and transmit freely. It is widely acknowledged that creative ideas and true scientific renaissance seldom emerge in closed, authoritarian environments that stifle creativity and intellectualism.

In short, these facts confirm that successive Islamic caliphates have shown a great deal of tolerance and respect for other sects, their experiences and their competencies. Life was proceeding normally between Muslims and others, and there was no room for suspicion or treachery during this period, except in some limited cases. It is suggested that this nature of co-existence began to falter, especially after the launch of European military missions in the Middle East, known as the Crusades, in 1095 AD. Since the advent of these campaigns, Muslims began to suspect some non-Muslim groups of allying and communicating with these outsiders against their countrymen. It is also the time when the Pact or Laws of ‘Umar appeared widely in the books of jurists of the time, such as those of ibn Taymiyyah and his disciple ibn al-Qayyim , in an alleged attempt to safeguard the Muslim community and the Islamic state against external dangers.

In a contemporary context, similar mistrust was shown towards Jews after the State of Israel was proclaimed on Palestinian territory in 1948. This occurred despite centuries of peaceful co-existence with Muslims in regions such as Andalusia, Morocco, Egypt, Bosnia, and others. These circumstances have fueled prejudices and eroded trust, prompting some Muslim scholars to issue fatwas[529] prohibiting non-Muslims from holding political positions or critical posts in an Islamic state. Therefore, it is crucial to consider the political and social

[527] Griffith, ‘The Manṣūr Family and Saint John of Damascus,’ Ibid, p. 44.
[528] Hitti, ‘History of the Arabs,’ pp. 245-46.
[529] A fatwa is a legal ruling on a point of Islamic law given by a qualified Islamic jurist in response to a question posed by a private individual, judge or government.

conditions surrounding such legislations that impact interfaith relations before attributing them to religion or viewing religion as their primary driver.

The chapter discussed the conditions of non-Muslim minorities under a Muslim majority and the challenges raised around them. Despite occasional shortcomings, this model remains a valuable source of inspiration for governance and the treatment of religious minorities. This is particularly evident when compared to other models from the same era, such as Andalusia, which will be discussed in the next chapter.

CHAPTER FOUR

4. Christians, Jews, and Muslims' Co-existence in Medieval Spain- Andalusia *(La Convivencia)* AD 711-1492:

Andalusia is the Medieval Arabic term for the territories on the Iberian Peninsula that were under Muslim rule from the first conquest in AD 711 until the fall of Granada in 1492.[530] In literary works that deal with aspects of life in Andalusia during this era, the term *'La Convivencia'* is often used by writers to describe the nature of co-existence among the diverse groups living there.[531]

The idea of *'Convivencia,'* in modern Spanish when translated into English, speaks of a 'living-togetherness' or 'co-existence' of multiple, distinct, but interrelated entities. In the context of Spanish history, *la Convivencia* is a concept referring to a certain period, which attempts to describe the complex and interdependent nature of social organisation among the individuals of the three major Abrahamic religions.[532] For many, it summarizes the history of how Muslim rulers created the peaceful Andalusia, where Muslims, Jews, and Christians lived together in peace and harmony.

This chapter explores the relationship between diversity and co-existence under Islamic rule. It reports how Muslims dealt with others in this multi-cultural and multi-religious milieu. To do this, the chapter discusses the social, religious, and intellectual spheres of the nature of co-existence in Andalusia. Finally, it compares Andalusia during the Islamic presence with Andalusia after the *Reconquista* (re-conquest) in AD 1492 in terms of mutual peaceful co-existence and religious tolerance. The sources consulted in this study include both those who praised this model of co-existence and those who criticised it.

This case study proposes that the *Convivencia* period of 'watchful co-existence' that has existed in Spain for several centuries provides a model for enduring, purposeful, and lasting diversity under Muslim rule. As Kym Thorne argues, this period was notable for 'structures of concession' where different religious, ethnic, and cultural groups acquired common characteristics while maintaining their distinction and diversity.[533]

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[530] Marta Diaz, 'The Islam of "Our" Ancestors: An "Imagined" Morisco Past Evoked in Today's Andalusian Conversion Narratives,' Journal of Muslims in Europe, Vol. 2, no.2 (2013), pp. 137-64(p.139), https://doi.org/10.1163/22117954-12341261.
[531] Ernest Schonfield, 'Heine and Convivencia: Coexistence in Muslim Spain,' Oxford German Studies, Vol.47, no.1 (2018), pp.35–50 (p. 35), https://doi.org/10.1080/00787191.2018.1409508.
[532] Kenneth Baxter Wolf, 'Convivencia' in Medieval Spain: A Brief History of an Idea,' (Religion Compass, 2009), Vol. 3, no. 1, pp. 72-74.
[533] Kym Thorne, 'Diversity and Co-existence: Towards a Convivencia for 21st-century public

Over the course of eight centuries, the Hispanic civilisation witnessed the contact of Christianity, Islam, and Judaism. Andalusia at that time was a vibrant mosaic of various races, ethnicities, and religious backgrounds, a diversity that was particularly pronounced among the newly arrived Muslims, setting it apart from many other societies. This diversity included the descendants of ancient conquerors, the original inhabitants of the land, and the influx of new Muslims.

Without exaggerating or underestimating the experience of co-existence during this period, Andalusia stood as an inspiring example of understanding among diverse groups, achieving a remarkable state of prosperity and advancement admired by all of Europe. This admiration was so profound that nineteenth-century German Jewish historians, according to John M. Ephron, became 'among the most energetic promoters of an image of the Andalusian *Convivencia* as a model for Germans and Jews to emulate.'[534]

The facts and controversies surrounding this period are discussed in the following lines to show how distinctive and successful this model of cohabitation was. However, before delving into the relationship and co-existence of these three sects, it is crucial to understand the historical background of the Iberian Peninsula before the Islamic conquest. This provides insight into the social and political situation that Muslims encountered and how they contributed to its reshaping.

4.1. A Brief History of the Iberian Peninsula during the Muslim Conquest AD 711

As the sources report, on the death of Visigothic king Witiza[535] in AD 710, the Gothic nobles refused to recognise his young sons and elected Roderick, dux (duke) of Baetica, to succeed him. According to Roger Collins and Garcia Moreno, this was the backdrop of the political crisis and instability prevailed afterwards.[536] Gothic Gaul followed Witiza's son Achila Akhila, and the Basques rebelled, prompting Roderick to march north to quell the Basques. Here, his dispossessed family appealed to the Muslims in North Africa, ceded Ceuta, and enabled Ṭāriq ibn Ziyād[537] to land in Spain with a Berber army to get rid of

Administration,' (2013), <https://www.jstor.org/stable/24372116> [accessed 20-04-2022].
[534] John M. Efron, 'German Jewry and the Allure of the Sephardic,' (Princeton: Princeton University Press, 2016), p. 16, quoted in Schonfield, Heine and Convivencia, p. 37.
[535] Witiza was the king of Visigoth in Hispania until his death in AD 710 <https://www.britannica.com/biography/Witiza> [accessed 21-10-2022].
[536] Roger Collins, 'Laconquista,' pp. 32–33; García Moreno,"Losúltimostiemposdelreinovisigodo,' pp. 430–431, 440 as quoted in Routledge Handbook of Muslim Iberia, edited by Maribel Fierro, p.14.
[537] Tāriq ibn Ziyād (died AD. 720), Berber general who led the Muslim conquest of Spain.

Roderick.[538] Some historians also argue that the daughter of Count Julian[539] of Cueta was allegedly raped by Roderick. Julian was then incensed by this act, visited Mūsā ibn Nuṣayr[540], and encouraged him to launch an invasion of Spain in AD 711 by sending ibn Ziyād to take Gibraltar and the peninsula.[541] In the same context, C. Sanchez Albornoz points out the possibility that an alliance had been formed between the invaders and the pro-Witiza Gothic troops of the region of Hispalis[542].[543]

As Iñaki Viso reports, 'the Muslim conquerors took advantage of the political turmoil in the Visigothic kingdom of the time to enter the scene of al-Andalus.'[544] This is, in fact, no different from what the Visigoths did centuries earlier when they seized control of the peninsula from the Roman Empire. This means that Muslims took control of this land not from its indigenous people but from other conquerors who came from outside the peninsula and dominated it centuries before the Arab presence, as was common with armies and states at the time of this Medieval era.

The new Muslim state of Andalusia flourished with a new and distinctive identity. Similar to the Arab conquest of Egypt, Henri Peres reports that the number of the original invading armies who became settlers, along with those they brought with them, was relatively small compared to the population of the peninsula at that time.[545] It can be said, as Maria Menocal argues, that these newcomers constituted only one percent of the total population in the first generation of conquest and settlement. They were ethnically mixed, part Arab, and mostly Berber.[546]

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[538] Norman Roth, 'The Jews and the Muslim Conquest of Spain Archived 7 December 2019 at the Wayback Machine,' (Jewish Social Studies, 1976), Vol. 38, No. 2, pp. 145–58.
[539] Julian, Count of Ceuta was, according to some sources, a renegade governor, possibly a former comes in Byzantine service in Ceuta. See Walter Kaegi, 'Muslim Expansion and Byzantine Collapse in North Africa,' (Cambridge University Press, 2010).
[540] Mūsā ibn Nuṣayr (AD. 640 – 716) served as an Umayyad governor and an Arab general under the Umayyads. He ruled over the Muslim provinces of North Africa (Ifriqiya) and directed the Islamic conquest of the Visigothic Kingdom in Hispania.
[541] See Abdulwahid Ṭaha, The Muslim Conquest and Settlement of North Africa and Spain, p. 84; see also Nicola Clarke, 'the critical vision of Clarke, The Muslim Conquest of Iberia,' pp. 108–111;
Elizabeth Drayson, 'The King and the Whore: King Roderick and La Cava' (Palgrave Macmillan, 2007).
[542] Hispalis is the ancient name of Seville.
[543] C. Sanchez Albornoz, 'Itinerario de la Conquista de España por los musulmanes,' (Facultad de Filosofía y Letras, 1948), p. 29. The author assumes that, in order to prevent Tāriq from joining up with the Wittizans of Hispalis, the commanders of the Hispano Goths hurried to cut off Tāriq's advance at Wadi Lakka
[544] Iñaki Martín Viso, 'The Iberian Peninsula Before the Muslim Conquest' in The Routledge Handbook of Muslim Iberia, ed. by Maribel Fierro, (London, 2020), pp. 9-14(p.14).
[545] Henri Peres, 'Andalusian poetry in the era of the kings of the cults,' translated by al-Ṭāher Aḥmad Makkī, (Dar al-Ma'aref, Cairo, 1998), ed. 1, p. 234.
[546] Maria Menocal, 'The ornament of the world: how Muslims, Jews, and Christians created a culture of tolerance in Medieval Spain,' (Little, Brown, New York; London, 2002), p.28.

The dominance of such a small percentage of outsiders over most of the Iberian Peninsula probably indicates a communal acceptance of the Muslim presence as well as a general resentment of the Gothic rule. This prompted David J. Wasserstein to say: 'The migration and settlement of several thousand Muslims and intermarriage between them and local women helped establish Islamic rule in Iberia,'[547] describing the number of Muslim invaders in thousands.

It is certain that the political and social conditions in the peninsula would not have stabilised so quickly for Muslims without popular consent, especially since the number of Muslims was exceedingly small compared to the Gothic armies that had inhabited the peninsula for hundreds of years before the Muslim presence. This suggests that the military factor was not decisive for the Muslims' easy entry into the Iberian Peninsula and their rapid settlement therein.

As for the reasons for the seemingly easy chance of conquest over the Visigoths, both Parsons Scott and Maria Menocal report that among the most important aids to Muḥammadan (Muslims) success was political discord, social disintegration, the uncertainty of government, moral corruption, the insubordination of the noble, the rapacity of the priest, the despair of the slave, which had been suffered under the yoke of Gothic rule. [548] These factors, as Scott explains, paved the way for Muslims to overthrow the Visigothic Empire in less than fourteen months. Within two years, the authority of the Muslims was firmly established from the Mediterranean to the Pyrenees. In the same vein, Maribel Fierro also asserts 'in a few years after AD 711, the former Visigothic kingdom, weakened by internal dissension, was destroyed.'[549] Scott comments on this: 'History presents no similar instance of celerity, completeness, and permanence such as this conquest.'[550]

Immediately after the Muslim conquest of Andalusia, various sects found themselves face to face and had to co-exist with each other in every way possible. During this period, a process of integration, cultural exchange, and mutual influence took place at all levels. This was also helped by the policy of religious tolerance pursued by the Muslims, in which they did not impose their religion on the defeated, as was customary at the time. Instead, they offered

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[547] David J. Wasserstein, 'Christians, Jews, and the *Dhimmah* Status,' in The Routledge Handbook of Muslim Iberia, ed. by Maribel Fierro, (London and New York, 2020), pp. 208-22 (p. 208).
[548] Samuel Parsons Scott, 'History of the Moorish Empire in Europe,' (Philadelphia, London, 1904), Vol. 1, p. 260; see also Menocal, The ornament of the world, p. 26.
[549] Maribel Fierro, 'Al-Andalus before the Second Umayyad Caliph (Eight- Nighnth Century),' Chapter 2, (2005).
[550] Scott, 'History of the Moorish Empire in Europe,' Vol. 1, p. 260

everyone the opportunity to live side by side in peace and did not force anyone to change their religion.[551]

In this context, identifying the nature of the mutual co-existence among different communities in Andalusia during this period will help to explore how this model was successful and persisted over these long centuries. The manifestations of this model are examined through three different aspects: religious, social, and intellectual.

4.2. The Religious Aspect of Co-existence on the Land of Andalusia

4.2.1. Christians in Andalusia

About the religious freedom under Islamic rule in Andalusia, Ernest Schonfield asserts that Jews and Christians enjoyed considerable religious freedom in Muslim lands, underpinned by the Qur'ān, which states: 'Let there be no compulsion in religion[552].'[553] Scott further explains: 'Christian communities were left un-molested in the practice of their faith and under their own ecclesiastical laws and native judges, whose jurisdiction, of course, did not include cases involving Muslims and offences against the religion of Islam. In describing the character of the new state, Scott affirms that by its example of equity, toleration, and mercy, the new government rapidly gained the loyalty of its subjects; the Jews prospered, the Christians forgot their bigotry, and the slaves were released from bondage and miserable conditions.'[554]

Not far from Scott, despite her often-critical stance on the conditions of Christians under Islamic rule, Fierro also asserts, 'They were entitled to certain rights in al-Andalus, as elsewhere in the Islamic world. They were free to practice their religion, although they were obliged to keep a low profile in their external ritual manifestations, and they were free to be judged by their own laws, except when Muslims were also involved, in which case Islamic law prevailed. Several restrictions applied to Christians and Jews in contrast to their fellow Muslims. This discriminatory tolerance was the *al-dhimmah* pact granted to Christians, Jews, and other non-Muslims who lived in Muslim territory, where they constituted 'protected groups' or legitimate religious communities.'[555] Regardless of the debate among specialists about the limits of this freedom and the political and civil rights granted to non-Muslims, it is

[551] Schonfield, 'Heine and Convivencia,' p. 35.
[552] Qur'ān 2:256.
[553] Schonfield, 'Heine and Convivencia,' p. 35.
[554] Scott, 'History of the Moorish Empire in Europe,' p. 265.
[555] Maribel Fierro, 'Abdur-Raḥmān III: The First Cordoban Caliph,' 'The conquered population and the process of conversion,' (Oneworld Academic, 2005), p. 15.

clear that Muslims left them a considerable room of religious, social and judicial freedom. While Fierro mentions no examples of these restrictions and how non-Muslims were discriminately tolerated compared to Muslims, she stresses, there was no persecution, and other communities were able to live in peace and thrive.[556]

Despite these different accounts of tolerance, varying in their extent, they have been met with great scepticism and rejection in some literary works. This scepticism is the result of many claims that Christians were subjected to various forms of persecution by Muslim rulers during this period. Therefore, sceptics argue that the presentation of such an impressive picture of co-existence is unfounded. An example of such scepticism is what Wasserstein reports about the Islamic conquest: 'It Forced on the Christians as a whole a second-class status, depriving them of virtually any share in government, while it restored to such Jews as remained a modicum of personal freedom along with formal recognition of their religion. For Christians, the rule of Islam was devastating.'[557]

Despite making this claim without referring to any sources or providing evidence of this devastation, Wasserstein quotes Maribel Fierro and John Tolan elsewhere, stating: 'We can say that the *dhimmīs*, Christians and Jews, in Andalusia in general, enjoyed a legal status and social existence on an equal footing with their peers in anywhere else in the Islamic world. This means integration into their economy and social life. The enjoyment of broad religious and cultural freedom, coupled with the lack of political rights or power allied to the continuing and increasing temptation to convert to Islam.'[558]

In light of these facts, the 'devastating rule of Islam' for Wasserstein means nothing more than the alleged lack of some political rights, not persecution, torture, inquisition or ethnic cleansing for converting to Islam, as happened after the *Reconquista*. The Christian *Reconquista* of Spain in 1492, the period in Spanish history that is marked by Inquisition, during which all non-Christians were persecuted, forced to abandon their religion and customs, and eventually expelled.[559] However, the claims of political disenfranchisement and conversion temptations will follow in discussion.

Anna Akasoy is another example who has also expressed much scepticism about this period, saying, 'it is a romanticised and simplified version of history, distorted by modern

[556] Ibid, p. 15.
[557] Wasserstein, 'Christians, Jews, and the *Dhimmah* Status,' p. 208.
[558] Maribel Fierro and Tolan (eds.), 'The Legal Status of Ḏimmi-s in the Islamic West,' quoted in Ibid, p. 210.
[559] Schonfield, 'Heine and Convivencia,' p. 39.

terminology and used to advocate a kind of society that is very different from what was actually the case.'[560] Even the tolerance that some Muslim rulers showed their subjects did not spring from idealism as a value in its own right. Rather, as Lowney explains, the relative freedom granted to Christians and Jews was driven by pragmatism as a means of securing peace and economic activity.[561]

In fact, no one can claim that Andalusia in such Medieval era was a utopian society that was free of disputes and conflicts. Rather, as mentioned by Kusi-Obodum, it experienced different and contradictory states of peace, turmoil, cooperation, and vying.[562] This vying and disputes at times, according to Kusi-Obodum, were the result of the immense diversity within Andalusian society. He elaborates: 'It was a land of kings, caliphs, emperors, and emirs; its languages were Latin, Arabic, and Hebrew. Africans and Europeans fought for territory, traded goods, and exchanged culture. The evidence of this intriguing contact is most visible in architecture and archaeology, as well as in Medieval writings. Poets, clerics, and chroniclers engaged in the trade of insults, yet they also sang the praises of the 'Other.'[563]

However, ensuring that these occasional conflicts to remain at their lowest level and do not rise to the surface or become prevalent throughout society, despite the enormous diversity of its components, is indeed a real achievement and a commendable success. Accordingly, this experience, with its overwhelming positives, refutes many of these criticisms and provides an example of co-existence that had no parallel at the time.

In reference to the abovementioned criticism, Scott asserts: 'The accounts of the Catholic writers, in which the most flagrant outrages are attributed to the Muslims, are evidently exaggerations or falsehoods.'[564] In fact, these exaggerations confirm that those writers found no advantage in the Andalusian model of co-existence of the time. They completely even deny the state of peaceful co-existence that has prevailed therein throughout these long centuries. These biased positions undoubtedly suggest a lack of neutrality in discussing this experience and its social and political implications. By doing so, they ignore entirely the manifestations of religious tolerance that Muslims displayed towards other religions in

[560] Anna Akasoy, 'Convivencia and its discontents: Interfaith life in Andalusia,' Vol. 42, no. 3, International Journal of Middle East Studies, (2010), pp. 489-99, doi:10.1017/S0020743810000516.
[561] Chris Lowney, 'A vanished world: Muslims, Christians, and Jews in Medieval Spain.' (Oxford University Press, 2005), p. 225.
[562] Christian Kusi-Obodum, 'Alfonso X and Islam: Narratives of conflict and co-operation in the Estoria de España,' (University of Birmingham, 2017), p. 9.
[563] Ibid.
[564] Ibid.

Andalusia, especially Christians, after centuries of religious persecution known historically as the Dark Ages.

The Christians, in particular, have suffered severely from the authority of the Church and its dominance over their faith and all aspects of their lives, on the one hand, and from the exploitation and persecution of the Goths on the other. In this regard, Reinhart Dozy would assert: 'The situation of the Christians under the Muslims was not very dire compared to how it was before. The Arabs were very tolerant and did not persecute anyone for their religion. The Christians, in turn, acknowledged this treatment and were so content with their tolerance and moderation that they preferred their rule to that of the Germanic and Frankish tribes. Even their priests themselves were largely satisfied with the tolerant policy of the new Muslim rulers.'[565]

In general, the Muslim dominance of Spain entailed no new unbearable hardships for the natives,[566] as Dozy explains, 'the Arab conquest was even a benefit to Spain. It broke the power of the privileged group, including the nobility and the clergy, ameliorated the condition of the servile class, and gave the Christian owner rights such as the alienation of his property, which he was denied under the Visigoths.'[567] These facts explain why the Islamic civilisation in Andalusia lasted for these long centuries, during which Spanish Christians and other elements participated in all aspects of life.

As for the autonomy they were granted in civil and religious matters, Francisco Simonet informs, 'Spanish Christians retained a kind of autonomy under Islamic rule in Andalusia. The Muslims allowed them to keep their old traditions unchanged, especially as far as legislation was concerned. They kept their priest system and their church laws. They were also given the freedom to appoint their own judges from among themselves, historically known as 'Comes'[568]. They also appointed the judge of the Christians to adjudicate according to the old Gothic laws that governed them before and after the conquest by the Arabs. In addition, they were also allowed a semi-autonomous local government to run their affairs.'[569]

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[565] Reinhart Dozy, 'Historie des Musulmans d E spagne Jusqu a La Conquete des Almoravides;' trans, History of the Muslims of Spain until the Conquest of the Almoravids, ED, Leve Provencal, (1932), p. 48, 117.
[566] Tr. Francis G. Stokes, 'Spanish Islam,' (London, 1913), p. 236 quoted in Hitti, History of the Arabs, p. 510.
[567] Hitti, History of the Arabs, p. 510.
[568] Gothic Comes means a companion of the king and a royal servant of high dignity. See Jones. A. H. 'The Later Roman Empire,' pp. 529-530, (Basil, Blackwell, Oxford, 1964] <https://archive.org/details/JonesLaterRomanEmpire02/page/n5/mode/2up > [accessed 21-04-2022).
[569] Francisco Javier Simonet, *'Historia de Los Mozarabes de Espana*,' (Madrid, 1879), Vol. 1, p. 106.

In this regard, Ḥusayn Mu'nis also reports that the Muslims granted them the freedom to elect their ' Comites' to rule over them and regulate their civil affairs, unlike in the time of the Goths when the king was choosing the Comites from among his close friends and allies to ensure their allegiance to him, not to their people. On the other hand, the Muslims were only limited to choosing the highest Comes, the Andalusian Comes, to represent their people before the emirs.[570]

Similarly, the Spanish scholar, Rafael al-Tamira as well as the Hungarian historian, Ignaz Aurelius Feßler, report on the religious aspect of the Christians in Andalusia: 'The majority of the Spaniards, who continued to be Christians, retained their clergy chiefs in the judiciary and in the episcopate of the churches. The governors of Andalusia did not impose anything on them other than the legitimate taxes that were also taken from the Muslims.'[571] The legitimate taxes here, also called the jizya, represented a small amount compared to what was collected by the previous rulers of Spain before the Islamic conquest in return for protection, security, and management of the state's resources.[572]

Furthermore, Isidore de las Cagigas also confirms: 'The Muslims maintained for the Christians of Andalusia their own religious system and accepted the appointment of their own clergymen from among them to supervise their own peoples. The Christians had three dioceses in the cities of Toledo, Seville, and Arida, headed by eighteen bishops. They also had a large number of monasteries to the extent that the city of Cordoba alone, the capital of the Umayyad emirate, had more than fifteen monasteries.'[573] The number of these monasteries shows that they were quite numerous compared to the population of the time. This evidence leaves no room for scepticism about the broad and even absolute religious freedom Christians enjoyed under Islamic rule in this era. About this, Isidore concludes that: 'Muslims have given a wide scope of freedom to Christians to manage all their political, religious, and judicial affairs.'[574]

It is worth mentioning that some of these monasteries and churches still exist today, as John B. Brake has noted in his on-site investigation. In his great work, *Convivencia* as Cultural Openness, Brake reports that there are six Visigothic Christian churches scattered throughout

[570] Ḥusayn Mu'nis, *'Fajr al-Islām'* 2nd ed. (Saudi House for Publishing and Distribution, 1995), p.461.
[571] Rafael al-Tamira, *'Historia de Espana Y de Civilizacion*,' (Tomo I, 1900), p. 217.
[572] Feßler, '*Die alten und die neuen Spanier*,' I, 336; Fendri, Halbmond, '*Kreuz und Schibboleth*,' p. 53, quoted in Ernest Schonfield, 'Heine and Convivencia,' p. 41.
[573] Isidore de las Cagigas, 'Los Mozarabes,' Madrid, p. 58.
[574] Isidore, Ibid, p. 93.

the region once ruled as Andalusia: Santa María Melque in San Martín de Montalbán, Toledo; María de Batres in Carranque, Toledo; Santa Lucía del Trampal in Alcuéscar, Cáceres; San Miguel de los Fresnos in Fregenal de la Sierra, Badajoz; the Chapel of Saint Frutuoso in Braga, Portugal; and Sao Giao in Nazaré, Portugal. Four of these churches are still standing in the region, which was occupied by Muslims for centuries, and two other churches have been identified and partially excavated by archaeologists.'[575]

This number of standing churches undoubtedly supports *convivencia's* thesis and shows that the Christian faith continued to exist for centuries under Islamic rule. If there had been an intention to impose restrictions on Christianity or banish it from the public sphere, these churches would not have persisted throughout these centuries. Neither demolitions nor modernisations according to the architectural Moorish style have been chronicled either. These facts, hence, imply that Muslims were very careful to allow others the freedom to practise their religion and not to interfere in their religious affairs in terms of practising their rituals, building their churches and monasteries, or even modernising them according to the general style of the new ruling elites.

Charles-Emmanuel Dufourcq, a French Medieval historian, also points out that one of the key characteristics of Islamic governance during that period was its respect for all religious beliefs. He explains that Muslims would preserve churches and property whenever they settled in a new region. He adds that the new Muslims in these areas did not interfere in the internal life of the church and were careful to allow Christians complete freedom of movement within and outside the state. [576] This observation underscores the significant religious tolerance extended by Muslims in Andalusia to followers of other faiths, even during times of war and murderous hours of the conquest as Dufourcq reports.

Not only did they preserve and protect the places of worship of other faiths, but in some cases, Muslims imitated the architectural style of churches when constructing mosques. Janina Safran reports that the emirs at that time adopted many Christian designs in their religious buildings. [577] This adoption was evident in the use of local materials and the incorporation of elements of ecclesiastical architecture, such as the horseshoe arch and the

[575] John B. Brake, '*Convivencia* as 'Cultural Openness:' Examining Christian Visigothic Churches in Andalusia,' <https://libraetd.lib.virginia.edu/public_view/zs25x869p> [accessed 31-01-2021], pp. 8-9.
[576] Charles-Emmanuel Dufourcq, *'La vie Quotidienne dans 1'Europe Medieval sous domination arabe,'* (Les grands redressements français, 1943), p. 71.
[577] Janina Safran, 'The Second Umayyad Caliphate: The Articulation of Caliphal Legitimacy in Andalusia,' (Harvard University Press, 2000), p. 61.

doubled-up arches. Concerning this, Menocal comments: 'The horseshoe arch, which seems to us today to be prototypically Islamic, was representative of the indigenous church-building tradition of pre-Muslim Spain, and the doubled-up arches, with their distinctive and almost hallucinatory red-and-white pattern, are visible in Roman aqueducts, one prominent in Mérida, no great distance from Córdoba.'[578] These materials, without a doubt, gave the mosque a distinctive quality and reflected the adaptation of the Umayyads to the new environment. [579] By embracing these cultural and stylistic elements from the local population, Muslims demonstrated both political tolerance and a commitment to cultural openness that defined their rule during this period.

As for their language and historical heritage, while Wasserstein claims that: 'The attractiveness and penetration of the Arabic of the new rulers led to the decay of Latin, on both the spoken and the written levels,'[580] Isidore asserts: 'the Christians managed to preserve and use their own language, Gothic, one of the extinct Germanic languages known as the Silver Bible, for a long period of time under Muslim rule.'[581] Recalling the scenario after the fall of Islamic rule in Andalusia, when the use of the Arabic language and the performance of religious rituals were banned for both Muslims and Jews, may offer a clearer picture of what the destruction of ethnic and religious identities looks like—something that did not occur during Muslim rule. In fact, there are no reports that can prove any restrictions imposed on local languages during this era.

In the same regard, Fierro informs that 'It is only around the middle or the end of the eleventh century that the local population of al-Andalus seems to have become largely monolingual, speaking almost exclusively Arabic and leaving behind a phase of Romance/Arabic bilingualism. By the twelfth century only Arabic was spoken, a process that coincided with the disappearance of the Christian community through conversion, expulsion, or emigration.'[582] She also says, 'The vast majority of the Christian population, however, lived in rural areas and with limited contact with the Arab conquerors and settlers.'[583] This raises the question of how they were able to learn Arabic and abandon their own language with such

[578] Menocal, 'The Ornament of the World,' p. 60.
[579] Safran, 'The Second Umayyad Caliphate,' Ibid.
[580] Wasserstein, 'Christians, Jews, and the *Dhimmah* Status,' p. 208.
[581] Isidore, Ibid, p. 59.
[582] Fierro, 'The Legal Status of Ḏimmi-s in the Islamic West,' quoted in Wasserstein, 'Christians, Jews, and the *Dhimmah* Status,' p. 210.
[582] Schonfield, 'Heine and Convivencia,' p.39.
[583] Ibid.

limited contact with its speakers. It is well known that learning languages presupposes close contact and even mixing with the cultures and customs of their bearers, and according to Fierro, this did not happen. How, then, did the Christian language disappear in favour of Arabic?

Despite Fierro's claims that are not supported by any confirmed facts in this regard, and assuming their validity, it can be conceived that this was only made voluntarily. As in any society in the world, modern or ancient, people in general tend to imitate and use the language of their rulers, the language used in various official institutions and state administrations. After about five centuries of Arabs' presence in Andalusia, the predominant use of Arabic at the expense of other languages is therefore a natural phenomenon in accordance with the existing system of rule, and not due to the exclusion or marginalisation of other languages.

Having assumed that, however, Fierro says, 'Linguistic Arabicization was especially deep among the Jews of al-Andalus. Paradoxically this process went together with the survival and flourishing of Hebrew as their religious and cultural language, whereas the Christians, responding to spoken linguistic change, had started by the tenth century a process of Arabicization of their sacred literature, as shown for example by the Arabic translation of the Psalms and of the Church canons.'[584] How did the Jews, despite their small numbers that could have easily been assimilated, manage to preserve their language while the Christians were unable to do so? This suggests there was no systematic plan by the state to eradicate languages, as such a plan would have included both Christians and Jews. Additionally, there does not seem to have been any persecution, as that would have affected everyone equally.

For the claims of conversions, here again, Wasserstein claims that between the early eighth and roughly eleventh century, the majority of the Christians of al-Andalus appear to have converted to Islam. [585] Echoing the same claim, Fierro also asserts: 'by the eleventh century, al-Andalus was overwhelmingly Muslim, and by the end of the sixth/twelfth century, there were no noticeable Christian communities left.'[586] Having claimed that, however, on the same page, Wasserstein continues to say: 'we have no statistics, and the silence of the sources makes it difficult to be certain, but several indices point to that conclusion'.[587] He further

[584] Ibid.
[585] Wasserstein, 'Christians, Jews, and the *Dhimmah* Status,' p. 211.
[586] Maribel Fierro, *'Mawàlī and Muwalladùn in al-Andalus,'* (ND), online, p. 207.
[587] Wasserstein, 'Christians, Jews, and the *Dhimmah* Status,' p.211.

concludes: 'In the absence of records and of virtually any other kind of evidence, conversion to Islam is difficult to measure.' For Fierro, the main reliance of her claim was on a study conducted by R. Bulliet, about which Fierro herself said it had been subjected to various criticisms.[588] Basing such serious claims on statistical studies (by tracing names genealogically to reach their non-Muslim ancestors)[589] of people who lived about 1,000 years ago, which Wasserstein proposed is difficult to measure due to a lack of sources, is noteworthy and leads to doubt and suspicion.

Commenting on R. Bulliet's study, Mikel de Epalza explains the unrealistic side of it, as to interpret interruptions in the onomastic sequences as reflecting the presence of a convert is hardly convincing; for, according to the Arabic onomastic system, these interruptions could spring from many other causes, and the date of conversion to Islam changed accordingly. Finally, the sample studied from al-Andalus is not very large (only 154 onomastic sequences) and involves urban social groups mainly of Cordoban origin.[590]

This, however, does not negate that there were those who converted to Islam over time for a few reasons. First, due to the openness of Muslims and their interaction with other communities. In this regard, Scott reports, 'The Visigothic community before them had been distinguished primarily by their ethnicity and remained a minority of outsiders during the several hundred years of their dominance over Hispania.' [591] Unlike the Visigoths, the Muslim newcomers were more open to the locals and intermingled with them in trade, business and marriages, increasing the number of converts to Islam over time.

Second, the possibility that some of these converts were seeking to gain some advantages as Muslims or to please the new rulers, as they thought. In this regard, Fierro and Wasserstein would argue that the main motives of those who converted were to secure their positions or to confirm their loyalty. More generally, unlike a high position, which could be lost overnight, conversion offered a form of permanent membership in the ruling elite.[592] Fierro further explains: 'The Umayyad policy promoted conversion to Islam by offering converts opportunities of social and economic advancement.'[593]

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[588] Fierro, Ibid.
[589] Mikel De Epalza, 'Mozarabs, an Emblematic Christian Minority in Islamic al-Andalus' in The Formation of al-Andalus; History and Society, edited by Manuela Marin & Maribel Fierro, (Routledge, 2016), pp. 183-204 (p.192).
[590] Mikel De Epalza, 'Mozarabs,' pp.158-59.
[591] Scott, 'History of the Moorish Empire in Europe,' p. 265.
[592] Wasserstein, 'Christians, Jews, and the *Dhimmah* Status,' p. 211.
[593] Fierro, *'Mawàlī,'* p. 210; Fierro, 'Abdur-Raḥmān III: the first Cordoban Caliph, Ibid.

In the same vein, Fierro says elsewhere: 'it is clear that the Muslim population would have had no interest in promoting the conversion of the *dhimmìs* because of the financial losses conversion would have meant for them. Each Arab 'tribal' group might have been interested in increasing their own numbers, but that could be done through means other than conversion and that increase, in any case, must have been sought after within certain limits.'[594] These inconsistencies in the claim leave significant ambiguity as to whether Muslim rulers were keen on converting Christians to Islam or keeping them as *dhimmìs* in order to maintain their financial stability through taxes and *jizya*.

Despite the various reasons given by both Fierro and Wasserstein in this regard, it is notable that forced conversion or persecution was not one of them, as previously claimed by Wasserstein about 'the devastating rule of Islam over Andalusia' and the mass conversion as a result.[595] Supposing the correctness of their claims, for forced conversion to occur, it does not need this long of nearly four centuries to happen. This can be perceived by recalling the forced conversions that were imposed on Muslims and Jews after the fall of Granada in 1492. During a few decades or a century, the demography of Andalusia completely changed after well-chronicled persecution measures (Inquisition), the evidence of which is still present today.

4.2.2. Jewish Life before and after the Muslim Conquest:

It would not have been possible to deal with the religious aspect of Andalusians without highlighting one of the most important elements in shaping its social and cultural life, the Jewish community. The Jews in Andalusia played an important role, as they always do, regardless of the political system under which they lived. Their influential role can still be seen today in literature, culture, the sciences, trade, and the economy. Although they were few in number compared to the Muslims and Christians at that time,[596] their influence was palpable under both the Gothic and the Islamic states. In order to shed light on their situation under Islamic rule, it was necessary to look at their conditions before the Muslim conquest.

As was the custom in all the times in which they lived, they formed cohesive and closed groups in their own quarters called ghettoes. They settled in the Iberian Peninsula for a long time after the persecution they were subjected to at the hands of the Romans in the East

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[594] Fierro, *'Mawàlī,'* p. 209.
[595] Fierro, *'Mawàlī,'* p. 208.
[596] Amnon Linder, 'The Jews in the Legal Sources,' in The Routledge Handbook of Muslim Iberia, ed. by Maribel Fierro, (London and New York, 2020), pp. 208-22 (p. 208).

before Islam.[597] As a result, individuals and groups fled to the West, searching for a safer place to stay. There was no better place than the capital of the Goths, the city of Toledo, and the southern regions bordering the Mediterranean. Therein, they possessed large estates and vast lands and were able to make enormous profits that allowed them to excel in economic life.[598]

The result of this marked incursion into economic activities was the beginning of a long-standing clash with the ruling Gothic authority, which prompted the Third Council of Toledo to decide to ban the Jews from public office. Not only that, but they were also forbidden to own slaves of the Christian faith. In addition, their children were forcibly baptised and converted to Christianity, especially those whose mothers were Christians.[599]

In AD 613, another decree was issued against the Jews, and it was the last warning addressed to them. It stated that all Jews had to be baptised within one year after the decree was issued and that whoever did not comply and obey would have their property confiscated and be banished from the country.[600] It is clear from the tone and warning of this decree that it was issued to restrict the economic expansion of the Jews and limit their appropriation of land, even if these restrictions were religious in nature.

The restrictions continued both ideologically and economically, and they were subjected to severe blows of ridicule and physical harm, which led many of them to sell their possessions and flee abroad. As a result, groups of them fled to Morocco, the closest place to the Iberian Peninsula. As a result of this long oppression, as Scott says, Jews opened the gates of the cities to Muslims when they conquered the peninsula in AD 711. [601] Fierro would also affirm, 'There was also a small Jewish community whose existence under Visigothic rule had often been under threat; it was therefore said to have welcomed the new rulers.'[602]

Compared to their conditions under Islamic rule, the Jews were among the elements that benefited most from Muslim conquest, as they did in Bosnia after the fall of Andalus.

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[597] Solomon Katz, 'Monographs of the Medieval Academy of Americo: The Jews in The Visigothic and Frankish kingdoms of Spain and Gaul,' no. 12, (The Medieval, Society of America, 1937),' pp. 3-5; Jonathan Ray, 'The Sephardic frontier: the *Reconquista* and the Jewish community in Medieval Iberia,' (Cornell University Press, 2006), p. 66.
[598] Edward Arthur Thompson, 'The Goths in Spain,' (Clarendon Press, 1969), p. 316.
[599] Katz, Monographs of the Medieval Academy of Americo, p. 11; also see Wasserstein, 'Christians, Jews, and the *Dhimmah* Status,' p. 208.
[600] Edward Gibbon, 'The History of the Decline and Fall of the Roman Empire,' (Strahan & Cadell, 1988), Vol. V, pp. 473-74.
[601] Scott, 'History of the Moorish Empire in Europe,' p. 335.
[602] Fierro, 'Abdur-Raḥmān III: The First Cordoban Caliph,' p. 15.

Muslims allowed them to return to the economic activities they had been deprived of under the Gothic rule.[603] In this regard, Wasserstein asserts that their numbers even increased during the Muslim era after they had always been low. He suggests that this increase may have been due to a re-emergence of local Jewry from the shadows of Visigothic repression or the result of immigration by Jews from the east (or possibly North Africa).[604] Whatever the reason, it seems that the Jews felt more secure for themselves, their children, and their property under Islamic rule in Andalusia. By the middle of the tenth century, Jewry in al-Andalus had developed sufficiently to make possible a remarkable set of cultural developments.[605]

In the same vein as Wasserstein, Scott also states: 'The Jewish population of the peninsula, relieved from the vexatious laws of the Goths and greatly increased in wealth and numbers by foreign accessions, had already risen to an exalted rank in the social and political scale under the favourable auspices of Muḥammadan (Muslim) rule. They enjoyed the highest esteem among the Arabs, whose success was largely due to their friendly cooperation.'[606] Moreover, many of them excelled in the fields of medicine, philosophy, and literature, as well as administration and politics.[607]

During this period, the final shape of Judaism developed under Arab influence. In this regard, Abraham Geiger, the founder of Reform Judaism, declares that Judaism 'developed its own fullest potential in closest union with Arab civilization'.[608] Undoubtedly, this remarkable status that the Jews attained during this era would not have been possible if an atmosphere of freedom, tolerance, and peaceful co-existence had not prevailed. Otherwise, the atmosphere of dictatorship, persecution and restriction of freedoms usually only leads to further backwardness, regression, and ignorance, which often helps feed the vessels of violence, social tension and lack of acceptance of others, the latter of which was not common or noticeable at the time.

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[603] Mark R. Cohen, 'The Origins of Sephardic Jewry in the Medieval Arab World,' in Sephardic and Mizrahi Jewry: From the Golden Age of Spain to Modern Times, edited by Zion Zohar (New York University Press, 2005), p. 39.
[604] Wasserstein, 'Christians, Jews, and the *Dhimmah* Status,' p. 212.
[605] Ibid.
[606] Scott, 'History of the Moorish Empire in Europe,' pp. 288-89.
[607] Muḥammed Suhail Ṭaqoosh, 'History of Muslims in Andalusia, 91-897 AH / 710-1492 AD,' 3rd ed., (Dar al-Naf'ais, 2010), pp. 58-59.
[608] Efron, 'German Jewry,' p. 36.

Generally, they were often given the same opportunities as the rest of the population. The Taifa of Granada, for example, recruited a talented young man named Samuel ibn Naghrela, who quickly rose to the position of vizier or prime minister. At the same time, he became the first Nagid[609], or head, of the Jewish community, and today, he is remembered as one of the most successful Neo-Hebrew poets of the Golden Age.[610] Samuel was then succeeded by his son Joseph, who also became a vizier to the Berber monarch Badis ibn Habus, king of the Taifa of Granada, and the Nagid or leader of the Iberian Jews.[611]

The same family that had reached such a very high position in the royal palace was brought to an end after the crucifixion of Joseph and several of his Jewish followers in the so-called Granada Massacre of 1066. Ironically, as most sources report, this incident was in no way religiously or sectarianly motivated, but rather due to the rivalry for power and hegemony by Joseph and his group. Unfortunately, Joseph took advantage of the division of the Andalusian kings after the year AD 1031, or the so-called kings of the Taifas era, where each emir ruled a city in isolation from the others and quarrelled among themselves.

According to Brian Catlos, Joseph sent messengers to al-Mu‘taṣim ibn Sumadih, the ruler of the neighbouring Taifa of Almería, a traditional enemy of Granada. He promised to open the gates of the city to al-Mu‘taṣim's army if he promised to install Joseph as king in return for his submission and allegiance. At the last moment, al-Mu‘taṣim withdrew, and on the eve of the supposed invasion, word of the plot spread. When the population learnt of this, the Berbers claimed that Joseph was planning to kill Badis and wanted to betray the kingdom.[612] On a day in December 1066, Muslim mobs stormed the royal palace where Joseph had sought refuge and arrested him, along with some of those who had planned with him, to be killed.[613]

On the basis of these facts mentioned in many sources, it is worth noting that religious or ethnic motives should not be raised in this context, since the real motive was purely political to gain power. Such incidents have occurred many times in history, even among members of

[609] Nagid is a Hebrew term meaning a prince or leader. This title was often applied to the religious leader in Sephardic communities of the Middle Ages. Please see S. D. Goitein (1962). ‘The Title and Office of the Nagid: A Re-examination,’ The Jewish Quarterly Review. 53 (2): 98; (University of Pennsylvania Press, 1962).
[610] Menocal, The ornament of the world, pp.39-40.
[611] Brian Catlos, ‘Accursed, Superior Men: Ethno-Religious Minorities and Politics in the Medieval Mediterranean,’ Comparative Studies in Society and History, Vol. 56, no. 4 (2014), pp. 844-69, doi: 1 0. 1 0 1 7/S00 1 04 1 75 1 4000425.
[612] Brian Catlos, ‘Accursed, Superior Men,’ pp. 844-69.
[613] Sarah Tonin, ‘The 1066 Granada Massacre,’ S. (2017), Horror History, <https://horrorhistory.net/the-1066-granada-massacre/> [accessed 22-02-2021].

the same ruling family, who would push each other out of the way until one of them seized power, as happened between the kings of Andalusia themselves on many occasions.

Generally, during centuries of Islamic domination of the Iberian Peninsula, relations between Jews and Muslims were generally normal and at times even cordial. This explains the widespread presence of the Jewish people under Arab rule after the spread of Islam from Spain to Persia, as the beginning of a long period of Jewish-Arab co-existence. In this regard, Schoenfeld says that the Jews in Andalusia were more integrated into Islamic society than they were in Christian lands in Medieval Christian lands.[614] Although some of these claims are disputed by some sceptics, the fact remains that the legal status of Judaism under Islam was significantly better than its status in the Byzantine Empire.

In the same context of Schoenfeld's claim, it is evident that the spirit of tolerance and peaceful co-existence towards Jewish communities was not limited to a particular time or place, but rather extended to all eras and places as an inherent characteristic within Muslim societies. By comparing Jews' religious and social conditions under various Islamic states, e.g. Andalusia, Turkey, Morocco, Algeria, Egypt, Bosnia and Herzegovina, with those under Christian rule, one concludes that they went through very difficult times under Christian Europe, with severe persecution, restrictions, harassment and even ethnic cleansing at times. Such cases are recorded under so-called anti-Semitism incidents, such as the Rhineland pogroms of 1096, the Expulsion Edict of 1290, the European persecution of Jews during the Black Death between 1348 and 1351, the massacre of Spanish Jews in 1391, the suppression of the Spanish Inquisition and the expulsion of Jews from Spain in 1492; Cossack massacres in Ukraine between 1648 and 1657; numerous anti-Jewish pogroms in the Russian Empire between 1821 and 1906; the Dreyfus Affair between 1894 and 1906; the Holocaust during the World War II; and various anti-Jewish measures by the Soviet Union.[615]

Historically, most of the world's violent anti-Semitic incidents have occurred in Christian Europe, not under Muslim rule. In short, as Mark Cohen says: 'The relative absence of literary commemoration of persecutions of the Jews under Islam is telling. Though not an interfaith utopia, lands under the crescent were a considerably more tolerant environment than were lands under the cross.'[616]

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[614] Ernest Schonfield, 'Heine and Convivencia,' p. 36.
[615] Bernard Lewis, 'The New Anti-Semitism: First Religion, Then Race, Then What?' The American Scholar, Vol. 75, no. 1, (2006) pp. 25–36 <http://www.jstor.org/stable/41222526> [accessed 07-04-2021].
[616] Mark R. Cohen, 'The Origins of Sephardic Jewry,' Ibid, pp. 31–32.

4.3. The Social Aspect of Co-existence on the Land of Andalusia

After the Islamic conquest of the Iberian Peninsula, Muslims from the Arab region and Berbers settled in various parts of Andalusia, along with native inhabitants from Romans, Franks, Jews, and Goths. The Muslims called all these elements 'Christians' because they chose to remain non-Muslims. The Arabs did not differentiate between them based on ethnicity or religion and used to call them 'the *Muʿāhadīn*' (the covenanters) because, since the conquest, they made a pact with the Muslims to co-exist together in peace. Thus, from the beginning, Islamic rule in Andalusia was keen to ensure a peaceful life for all segments of society.[617]

The first manifestations of this social co-existence began with intermingling and assimilation into what was historically known as the custom of mixed marriage.[618] Through this mixed intermarriage, the Muslims soon mixed with the people of Andalusia, and the blood of the new conquerors mixed with the blood of the country's natives, resulting in a new generation known as the *'Mowalladīn.'*[619] *Mowallad* (sing. of *Mowalladīn*) means, as recorded by R. Dozy, 'anyone who, without being of Arab origin, is born among the Arabs and has been raised as an Arab.'[620]

For elucidating the extent of these intertwined relationships, the emirs and then their children, the caliphs, the direct and straight descendants of the first founder, 'Abdur-Raḥmān ibn Muʿāwiyah, who was himself half Berber and half Syrian- were almost all children of once Christian mothers from the north, and the pale skin and blue eyes of these Umayyads from the East.[621] As a result of these marriages and the societal engagements that emerged from them, many norms and traditions were exchanged among each other, which led to the fusion of many cultural and lifestyle differences. Consequently, the generations that grew up in this environment inherited the Arab genes and Christian lifestyle, which helped to improve harmony between the newcomers and the indigenous inhabitants of Andalusia. Among these forms of engagements are the following:

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[617] 'Umar Faroukh, *'Al-'Arab wa al-Islām,'* 1st ed. (Commercial Office Publications, 1959), p. 181.
[618] Fiero, 'Abdur-Raḥmān III: the first Cordoban Caliph,' the conquered population and the process of conversion, p. 15.
[619] Henry Pearce, 'Andalusian Poetry in the Age of Sects, its general features, its main themes, and its documentary value,' translated by Dr. al-Taher Aḥmad Makki, (Dar al- Ma'aref, 1988), p. 255;
Ḥassan Youssef Dowidar, 'Population Elements in Andalusia, Andalusian Society in the Umayyad Era,' (al-Ḥusayn Islamic Press, 1994), p. 4.
[620] Reinhart Dozy, *'Supplément aux dictionnaires arabes,'* Vol. 2, (Leiden/Paris, 1967), s.v. musàlima.
[621] Scott, 'History of the Moorish Empire in Europe,' p.29.

4.3.1. Celebrations & Feasts

There were many feasts in Andalusia, on top of which were the Muslim feasts, ʻīd al-Fiṭr and ʻEid al-Aḍha. These religious feasts received wide attention in Andalusia and were celebrated by men, women, and children. Likewise, as for the so-called national feasts, all the people of Andalusia, Muslims and Christians, used to come together and celebrate them equally. An example of this is the Juice Festival, the grape harvest season. These celebrations were carried out in an atmosphere of joy and happiness by singing, spreading fun, and dancing while wearing the most beautiful and splendid of their clothes on the day.[622] Similarly, ibn Khāqān al-Ishbīlī mentions that Muslims would join Christians in their religious feasts and festivities, particularly Nowruz or the Spring Festival, on which they shared greetings.[623] This type of engagement and social interaction vividly indicates the level of tolerance that Muslims practised towards non-Muslims in Andalusia.

The national celebrations in Andalusia also included the Feast of Pentecost,[624] the Feast of Feasts, and was also called the Feast of San Juan (the birth of Yaḥya ibn Zakaria). It was a Spanish festival celebrated on beaches across the country, welcoming the approach of summer on June 24th each year.[625] The manifestations of these celebrations included lighting a large fire and some candles. Muslims used to attend these scenes and even join Christians in their celebrations.[626] In this context, Dufourcq mentions that Christian celebrations were so respected by Muslims that one of the army commanders, al-Manṣūr ibn Abī ʻĀmer (d. 1002), encouraged Muslims to respect the Sunday holidays because there were many Christians among his soldiers.[627]

Peaceful co-existence between the two sects began very early in the emirate's era and was evident in the Muslims recognising Sunday as an official holiday and sharing the celebrations with their fellow Christians, covenanters, Arabists, and others. Although Friday is a Muslim holiday, Muslims did not hesitate to take Sunday instead. It is reported that the one who

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[622] Aḥmad Muḥammed El- Ṭoukhī, *'Maẓāhir al- Ḥaḍārah fī al-Andalus fī 'Aṣr Banī al-'Aḥmar,'* (Alexandria University Youth Foundation, al-Nasher, 1997), p. 119.
[623] Abū Naṣr al-Fatḥ ibn Muḥammad ibn Khāqān al-Ishbīlī, *'Maṭmaḥ al-anfus wa-masraḥ al-ta'annus fī mulaḥ ahl al-Andalus,'* quoted in Khaled Suleiman al-Khalafāt, 'Al-Andalus as a Symbol of Islamic Religious Tolerance,' Sciedu Press, Vol. 12, No. 2 (2023), https://doi.org/10.5430/elr.v12n2p28.
[624] Angel Genthalis Palentia, 'A History of Andalusian Thought, 1st ed. translated by Dr. Ḥusayn Mu'nis,' (Egyptian Renaissance Library, Cairo, 1955), p. 2; El-Ṭoukhī, Ibid, pp. 118-19.
[625] Leve Provencal, 'Histore,' Vol. 3, p. 438.
[626] Al-Masʿūdī, Abū al-Ḥasan ʿAlī ibn al-Ḥusayn ibn ʿAlī al-Masʿūdī (AD 896-956), *'Murūj al-dhahab wa maʿādin al-jawāhir,'* 1st ed. edited by Muḥammad Muḥyī Ad-Dīn Abdul Ḥamīd, (Dar al-Fikr, 1989), p. 212.
[627] Charles-Emmanuel Dufourcq, 'La vie Quotidienne dans l'Europe Medieval sous domination arabe;' trans, Daily life in Medieval Europe under Arab domination, (Colin, 1981), p. 14.

initiated this change was the scribe of Prince Muḥammad ibn ʻAbdur-Raḥmān al-Awsaṭ (AD 852 - 886). The Umayyad prince and the people of his day did not condemn this tradition; rather, it remained in practice among the Andalusians even in the era of al-Manṣūr ibn Abī ʻĀmer (AD 940 - 1002). It remained so throughout the era of cults and was not abandoned and abolished until the time of Almoravids.[628] This level of openness and broad-mindedness demonstrates the extent to which Muslims at that time desired to co-exist with others. They promoted policies of peace, tolerance, and integration while avoiding isolation and exclusion.

Abū al-Qāsim al-ʻAzzafī mentions in his book, *al-Durr al-munaẓẓam*: ʻThe most prominent manifestations of co-existence between the two sects were their keenness to celebrate each other's occasions. The Muslims of Andalusia were keen to participate in others' celebrations by buying fruits and certain types of sweets and foods, and even exchanging gifts, especially in the celebration of Jesus Christ's birthday.'[629] He adds that the spread of these traditions is due to the fact that the people of Andalusia, particularly Muslims, believed that whoever celebrates this day will have his new year filled with the luxuries of life, the abundance of sustenance, and the attainment of hope.[630]

Indeed, it is unsurprising that the people of Andalusia believed in what these celebrations could bring. To this day in Egypt, there are many of these celebrations among Muslims and Christians alike, and astonishingly, they share the same beliefs that the people of Andalusia believed hundreds of years ago. Some Egyptian Muslims in some areas, i.e., Upper Egypt, especially the ordinary people among them, still widely believe in visiting the holy places of Christians to experience the goodness that can come from them.

Al-ʻAzzafī also explains that among the motives for Muslims' participation in Christian feasts were good neighbourliness, mutual trade and friendly and tolerant relations. He adds another reason worth noting, which is the pressure that Muslim women of Andalusia exerted on their husbands to enthusiastically celebrate these occasions and make preparations for them. As a result, men acquiesced to women's demands until these customs became well-established and

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[628] Ibn Ḥayyan, Abū Marwān ibn Ḥayyān al-Qurṭubī (d. 1076 AD), *'Anba' Ahl al-Andalus,'* edited by Dr. Maḥmūd ʻAlī Makkī, (Beirut, 1973), p. 138; al-ʻAbbadī, Ibid, pp. 390-91;
Kamāl Alsayed Abū Musṭafā, 'Islamic Malaga in the era of sect states (5th century AH - eleventh century AD),' (Alexandria, University Youth Foundation, 1993), pp. 103-104.

[629] Al-ʻAzzafī, Abū al-Qāsim Muḥammad ibn Abī al-ʻAbbas ibn Aḥmad ibn Muḥammad al-Lakhmī, *'al-Durr al-munaẓẓam fī mawled al-Rasūl al-mu'ẓẓam,'* (AD 1162–1236), published and verified by the Spanish Orientalist / Fer Nando de la Granja, (Andalusia Magazine, university of al-Andalus, 1969), pp. 25-28.

[630] Al-ʻAzzafī, *'al-Durr al-munaẓẓam,'* Ibid.

rooted in Andalusian society.[631] In fact, al-'Azzafī may have overlooked the fact that many Muslim women in Andalusia had Gothic-Christian ancestry. Although most converted to Islam through marriage to Muslim conquerors, they remained influenced by their ancient religious and social traditions and could not easily abandon them.

These manifestations of social interaction, however, did not receive complete satisfaction from all components of Andalusian society. There were some Muslim scholars who rejected this level of tolerance shown by Muslims with regard to the participation in Christian feasts, and, therefore, considered it an act of heresy. Among those who rejected these acts is the Andalusian historian and jurist Abū Bakr al-Ṭurṭūshī; in his book, '*al-Ḥawādeth wal-Bida'*,' where he says: 'And among the heresies are women who used to gather in Andalusia to buy sweets on the twenty-seventh night of Ramaḍān (i.e., the Night of Power), as well as at the beginning of January (i.e. New Year's Eve) by buying fruits like non-Arabs. Likewise, men who always go out individually and collectively mingle with women to watch the festivities on the days of Eid.'[632]

Despite the sharp criticism and the objections of al-Ṭurṭūshī and others to these celebrations, describing them as a form of heresy, the people of Andalusia did not pay much attention to them. Rather, they continued these practices on all occasions. These celebrations became even more national than other religious or social holidays, as all sects of Andalusia participated in them. Concerning this, al-'Azzafī says: 'whoever follows the Spanish celebrations of today will not see much difference from what was happening in the past.'[633]

This state of co-existence was not confined to a particular era in Andalusia but persisted until the end of Muslim rule, with no change in Islamic position on tolerance and peaceful living. This approach continued whether at the zenith of the Islamic state during the Emirate and Caliphate eras or in the subsequent eras of weakness that ended with the last Andalusian era of the Kingdom of Granada. This is evidenced by the following statement by the French historian Arie Rachel on the celebrations of the people of Granada during the Muslim era, in which she says: 'The celebrations of Granada in the Islamic era used to last until late at night. People were parading through the streets of Granada in droves, sprinkling each other with fragrant water and throwing oranges, lemons, and bouquets of flowers. They were doing so to

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[631] Al-'Azzafī, *'al-Durr al-munaẓẓam,'* p. 28.
[632] Abū Bakr Muḥammad ibn al-Walīd al-Ṭurṭūshī (AD 1059 – 1126), '*al-Ḥawādeth wal-Bida',* edited by Dr. Muḥammad al-Ṭalbī, (Tunisia, 1959), pp. 140-41; 'Abdur-Raḥmān Reḍa Kaḥīlah, *'Tārīkh an-Naṣārā fī al-Andalus,'* 1st ed., (1993), p. 111.
[633] Al-'Azzafī, *'al-Durr al-munaẓẓam,'* p. 28.

such an extent that their singing and noise would disturb worshippers who used to stay up in solitude to pray.'[634]

This level of engagement and interaction in celebrating such occasions indicates a genuine desire for the harmonious co-existence of all sects. It also implies that life was proceeding normally, as in any civilized society; people rejoice together, grieve together, and collectively share essential aspects of life.

4.3.2. Music & Entertainment

Another important aspect related to the social co-existence in Andalusia is reflected in the means of entertainment, singing, and music that were prevalent at the time. This aspect is considered one of the most remarkable manifestations that show the degree of harmony and understanding that forged the social life in Andalusia at that time, and it remains an influential common factor among all people today.

This aspect was significant in consolidating the ties of co-existence to the extent that the Christians of northern Spain were inclined towards the songs and music of the Arabs in the south. Despite the political turmoil and the state of war between Muslims and Christians in the north, this did not stop many Muslim singers and musicians from going to the Christian kingdoms in the north, where the kingdoms of Nabra, Castile, Leon, and Aragon are. These movements occurred mainly in the late ages, beginning with the era of the cults and after the fall of the Umayyad state when the Christian kings of the north flocked to everything related to Arab and Islamic culture, especially the fields of poetry, singing, and music.[635]

As for Islamic Spain, the Andalusian Muslims made a great effort to spread Andalusian art and music among all sects of Andalusian people. About this, John Trend reports that Islamic musical customs still exist today in Spain and Europe. For example, the way of played music known as Zambra[636] is originally derived from the classical Arabic word *'zamr,'* a flamenco dance style typical of the Gypsies of the provinces of Granada and Almería. Not only Zambra, but there are also other instruments with names derived from Arabic, such as the tambourine (Sp. pandero, pandereta, coll. Ar. *bandair*); while the old Spanish trumpet

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[634] Rachel Arîé, *'L Espagne Musulmane au Temps de Naṣrides* (1232-1492),' (Paris, 1973), Vol 1, p. 401.
[635] JB Trend, 'Spain and Portugal, from the book 'The Legacy of Islam.' (1931), p. 17, translated by Dr. Ḥusayn Mu'nis, (Cairo, 1936), p. 31;
Ragab Muḥammad Abdul Ḥalīm, *'Al-'ilaqāt bayn al-Andalus al- 'Islamiyah and Espania al-Masīḥiyah fī 'aṣr banī Umayyah wa Mulūk al- Ṭawa'f,'* (Dar al-Kitāb al-'Islāmiyya, al-Madīnah al-Munawwarah), pp. 433-35.
[636] Zambra: It is a musical group, accompanied by a singer, and it consists of ouds, zamers, drummers, sajjas, and dancers, Trend, J. B. p. 17; El-Ṭoukhi, Manifestations of Civilization in Andalusia, p. 132.

‘aviafil’ is the Arabic *al-nafīr*. There is also an old Spanish instrument known as the ‘albogue’ or albogén (Ar. *al-big*, Lat. buccinum). This has long been a mystery, but it has recently been described and illustrated as played today in the Basque Provinces.[637]

Even the attitude of the listeners, when they are enthralled by the music, they interrupt the musician or singer with shouts to express their admiration in a famous Spanish word still in use today: Ole, Ole, which means *wallāhi, wallāhi* or O Lord in English; and also the word 'O, LeLi, LeLi', which is still commonly used in Arabic singing today and means 'O night.'[638] The words' troubadour' or ‘trobar’ are almost certainly of Arabic origin: from *ṭarraba*, to sing, or make music. [639]

In light of these facts, Henry Farmer argues, ‘there is, however, a distinct possibility that European musical theory, like every other branch of knowledge in Medieval Europe, was influenced by Muslim writers.’[640] Professor Ribera claims that the music is Andalusian music of Muslim origin, a claim that music historians are reluctant to admit. Yet many of the instruments shown in the miniatures, and even some of the performers, are obviously of Muslim origin, while the poetic form is peculiar to Muslim Spain and consists almost entirely of stanzas of the type of the *muwashshaḥ*[641] and *zajal*[642].[643]

In the same context, Trend also affirms that: 'Between the eighth and eleventh centuries, many Greek treatises on music were translated into Arabic, and important original works were written in Arabic by al-Kindī, al-Farabī, ibn Bajja (Avempace), ibn Sīna (Avicenna), and others. When students from the north began to visit Toledo, these Arabic works gradually became known in Europe in Latin translations.’[644]

This level of social co-existence, integration, and participation in listening to and admiring Arabic music on the one hand and sitting together for one Andalusian singer on the other, manifests the many similarities and shared tastes that prevailed throughout the entire

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[637] J.B. Trend, ‘Spain and Portugal, from the book ‘The Legacy of Islam,’ p. 16-17, (Oxford University Press, 1931) <https://archive.org/details/legacyofislam0000arno_p1h1/page/16/mode/2up?q=music> [accessed 22-08-2022].
[638] Trend, ‘Spain and Portugal,’ pp. 31-33.
[639] Trend, Ibid.
[640] George Farmer, ‘Clues for the Arabian influence on European musical theory,’ (1925), pp. 61-80, quoted in Trend, ‘Spain and Portugal,’ p. 17.
[641] Muwashshaḥ: an Arabic poetic genre in strophic form developed in Muslim Spain in the 11th and 12th centuries <https://www.britannica.com/art/muwashshah > [accessed 22-08-2022].
[642] Zajal in Arabic is a traditional form of oral strophic poetry declaimed in a colloquial dialect; See Julie Scott Meisami, Paul Starkey, ‘Encyclopedia of Arabic Literature,’ (Taylor & Francis, 1998), Vol. 2, p. 819.
[643] Trend, ‘Spain and Portugal,’ p.35.
[644] Trend, p.18, referring to Grove’s Dictionary of Music and Musicians, 3rd ed. (1927), art. Franco.

Andalusian society at the time. These commonalities illustrate the extent to which the Andalusian society continued to integrate, co-exist and mix over many centuries. The appreciation of Andalusian music led to the emergence of its clear influence on what was known as troubadour poetry[645], the trouvre, and the European chanting poets known in the Castilian language as Las Jughares.[646] This movement, in reality, marks the beginning of the scientific and cultural renaissance in Medieval Europe.

4.3.3. Dress & Hygiene

The form of dress is another manifestation of the social aspect of Andalusians. The dress element was, and still is, an important aspect in showing the differences between the classes of the same people. For Andalusians, there was no discrimination based on dress, for the civilisational overlap between the two sides was clearly evident in the use of the same materials of fabrics, furniture, utensils, and ornaments. There was a remarkable exchange of many social aspects between the people of Andalusia. The dress was an example of this exchange, as it happened between the Christians in northern Spain and the Muslims in the south despite the historical and political hostilities between the two parties.[647]

Although Muslims entered Andalusia in their traditional clothes, which were familiar in the Islamic East, especially with the turbans for the men, they soon emulated Christians in their clothes and the way of their dress. Regarding this emulation, ibn al-Khaṭīb says in his book, *al-'iḥāṭah,* that: 'The Arabs abandoned the turbans and started to wear the Indian sleeve, even the princes of the Muslims, their clerics and judges wore the *Kalans* (a type of headgear that appeared in the West among the Christians), while many others avoided wearing them.'[648]

With regard to hygiene, it is worth mentioning that good neighbourliness, especially during the period of the strength and rise of the Muslim state in Andalusia, prompted Christians to share many Islamic customs with their Muslim neighbours and to abandon many others of their own. They shared with them the tradition of circumcising their children and called many of them by Arabic names. They also refrained from eating pork out of consideration for the feelings of their Muslim neighbours.[649] They shared regular visits to public baths and other

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[645] Gustave Lanson, 'History of French Literature,' (Paris, 1916), pp. 86-87.
[646] Leve Provencal, 'Islam in Morocco and Andalusia, article on Arabic poetry in Morocco and Andalusia, article on Arabic poetry in Spain and European poetry in the Middle Ages,' 2nd ed. (Alexandria, 1990), p. 280.
[647] Henry Pearce, 'Andalusian Poetry in the Age of Sects,' p. 491.
[648] Ibid.
[649] Abu 'Abdullāh Muḥammad Al-Marrākishī ibn 'Idharī (d. AD 1312), *'Al-Bayān al-mughrib fī akhbār al-Andalus wa-al-maghrib,'* (Maktabat Sader, 1950), p. 23;
Rajab Abdul Halīm, *'Al-'ilaqāt bayn al-Andalus al- 'Islamiyah*,' Ibid, p. 423.

hygienic habits. Muslim women used to enter the bathrooms with their Christian and Jewish counterparts without an apron, and the same was true for Muslims with non-Muslim men.[650] This rapid homogeneity of Andalusians in terms of dress, external appearance and hygienic habits shows how quickly the various cultures fused and assimilated, which helped all societal components to integrate seamlessly and interact in everyday life without discrimination based on lifestyle habits. This societal assimilation, unfortunately, changed dramatically after the military *Reconquista*.

Towards the fourteenth and fifteenth centuries, conditions became more restrictive, and many heavy-handed legislations were imposed. The legislations established boundaries and limited social interaction in many ways.[651] First and foremost, it was necessary to distinguish between Christians and non-Christians. The Spanish legislators, therefore, placed restrictions on outward appearance by regulating the dress and hairstyle of Mudejar[652].[653]

Communal bathing was a long-standing tradition in the Peninsula; consequently, bath houses were the scene of possible fraternisation among the faiths.[654] Islamic and Jewish theology placed great emphasis on ritual purification, while Christians continued to enjoy the socialisation of bathing in the Roman tradition.[655] The rules governing the use of public baths by minorities varied. According to Castilian and Portuguese customary law, Jews were allowed to use public baths on certain days, while Muslims were completely denied access.

Meanwhile, Aragonese Constitutions indicate that Muslims were granted access on separate days of the week.[656] There were harsh penalties if Jews and Muslims sought to use baths outside allotted days, and minorities likely had their own bathing facilities to maintain standards of ritual purity.[657] It is, however, this repeated effort to outlaw fraternization at bathhouses that betrays the occurrence of inter-communal mixing there.[658] The new authorities' insistence on this segregation and discrimination shows the extent to which the

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[650] Al-Ṭurṭūshī, '*al-Ḥawādeth wal-Bida''*; Kaḥīlah, *'Tārīkh an-Naṣārā*,' p. 111.
[651] Leopoldo Torres Balbás, 'Algunos aspectos del mudejarismo urbano Medieval' (Maestre, 1954), pp. 68-71; M. F. Lopes de Barros, 'Body, baths and cloth: Muslim and Christian perceptions in Medieval Portugal,' (Portuguese Studies, 2005), Vol. 21, pp. 1-12.
[652] A subject Muslim during the Christian re-conquest of the Iberian Peninsula from the Moors who, until AD 1492, was allowed to retain Islamic laws and religion in return for loyalty to a Christian monarch.
[653] Kusi-Obodum, 'Alfonso X and Islam,' p. 22.
[654] James F. Powers, 'Frontier Municipal Baths and Social Interaction in Thirteenth-Century Spain,' The American Historical Review, Vol. 84, Iss. 3, (1979), pp. 649–67 (p. 650), https://doi.org/10.1086/ahr/84.3.649.
[655] Lopes de Barros, 'Body, baths and cloth,' p. 3.
[656] James Powers, 'Frontier Municipal Baths,' pp. 661-662.
[657] Brian A. Catlos, 'Muslims of Medieval Latin Christendom, c.1050-1614,' (Cambridge University Press, 2014), p. 470.
[658] Catlos, 'Muslims of Medieval Latin Christendom,' p. 470.

joint use of public facilities affects the development of the spirit of fraternity and co-existence between the different groups in society. For this reason, they tried by all means to restrict these manifestations and even to prevent them completely at some stage.

Needless to say, legal proclamations did not necessarily reflect the reality on the ground. There are numerous cases in which Muslims, Jews, and Christians interacted with each other in ways that may not be seen as 'proper' compared to the legal panorama. Minority groups continued to confound authorities by ignoring dress code distinctions, but this did not last long.[659] Eventually, discrimination and restrictions on dress, appearance, and public life weighed heavily on both Jews and Muslims, leading many of them to flee outside the Iberian Peninsula.

Here, the remarkable difference between the two models of co-existence in Andalusia before and after the fall of Andalusia becomes evident. This is an important message for those who have always questioned the model of co-existence under Islamic rule in the Iberian Peninsula. The manifestations of discrimination imposed on the different groups of society after the fall in relation to matters of ordinary life, such as hygiene, dress, and public utilities, are undoubtedly a clear sign of the way of life in this period compared to its counterpart under Muslim rule.

4.4. The Intellectual Aspect of Co-existence on the Land of Andalusia

In order for all these different cultures to co-exist in Andalusia, it was inevitable that all parties should mix and intertwine, as they had to share life and land and submit to the same legal system. This process of mixing and interweaving was largely successful because Muslims, over the course of the early decades, were accustomed to dealing with many new places of different races and various religions and were not isolated in ghettos, as was and still is the case with some other sects, such as the Jews. They were also not reluctant to adopt and benefit from the sciences and foundations of development that the civilisations of others had produced, e.g., the translation movement of Greek sciences into Arabic. It is this openness to the other that distinguished Islamic civilisation and prolonged its prosperity, progress, and leadership during this period.

In a courtly society, the tastes and inclinations of the ruler set the tone for the whole society, and ʻAbdur-Raḥmān II (d. AD 852), who was passionately interested in religious and secular

[659] Jonathan Ray, ‘The Sephardic frontier,’ pp. 158-64.

sciences, was determined to show the world that his court was in no way inferior to the court of the caliphs in Baghdad. To this end, he actively recruited scholars of different backgrounds and various races by offering handsome inducements to overcome their initial reluctance to live in what many considered to be the lands of the eastern provinces. As a consequence, numerous scholars, poets, philosophers, historians, architects, and musicians migrated to Andalusia, laying the groundwork for its intellectual tradition and educational system, which made Spain a beacon of science and the arts for the next 400 years.[660]

One of these earliest scholars was ‘Abbās ibn Firnās, who came to Cordoba to teach music, then a branch of mathematical theory. For he was not a man to limit himself to a single field of study, he soon became interested in the mechanics of flight. Maslama al-Majrītī and al-Zarqālī were also among the first original mathematicians and astronomers to migrate to Andalusia in the 10th century and excel in sciences.[661]

It is worth mentioning here the testimony of a contemporary thinker, Gustave Le Bon, who says: ‘No sooner had the Arabs conquered Spain than they began to carry out their usual mission of building a new society. In less than a century, they succeeded in establishing a prosperous state by building cities and villages, erecting the most luxurious buildings, and creating close trade relations with other countries. They also began to compete in the acquisition of science and literature, translating the books of the Greeks and Romans into the Arabic language and building schools and universities, the only source of culture in all of Europe.’[662]

In the same vein, Scott reports, ‘The Andalusian capital was the literary centre of the Western world. The intellectual activity which prevailed there was unequalled since the glorious days when Grecian genius immortalised the schools of Ionia and Attica. The Muslim fleets controlled the Mediterranean. The mechanical arts, the science of agriculture, the various branches of foreign commerce and domestic traffic, had, under a well-grounded feeling of public security, received a prodigious and unexampled impulse.’[663]

This policy of openness to others and the means of their advancement was not only for the sake of transmission but also for reviewing, adding, and preserving, as most of them were on

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[660] Science in Andalusia <https://www.islamicspain.tv/the-science-and-culture-of-islamic-spain/science-in-Andalusia /> [accessed 11-05-2022].
[661] Ibid.
[662] Gustave Le Bon, ‘The Civilization of the Arabs, or the Impact of Arab Civilization in Europe, Arabization / Muḥammed Adel Zuaiter,’ (Egyptian General Book Organization, 1945), pp. 292-93.
[663] Scott, ‘History of the Moorish Empire in Europe,’ p. 635.

the verge of extinction. In addition, it was important for Muslims to adapt this transmission with Islamic law and authentic Arab traditions so as not to clash with the culture and way of life of Arabs at that time. In the end, this amalgamation produced a unique mixture of Muslims, Spaniards, Christians, and others who could co-exist on the same land and under the same political system for centuries. This mixture resulted in a prosperous Andalusian civilization that reached and influenced the neighbouring European movements.

In this regard, Aḥmad Mokhtār al-'Abbādī argues that the Islamic conquest of Spain permeated the lives of Spaniards and left a profound impact on them. Its manifestations are still evident today, not only in language and society but also in customs and traditions that Spanish society has been unable to forget despite the long years.[664] These manifestations were also represented in the architectural, scientific, cultural, and literary renaissance, which were admired by all of Europe at that time.

It can thus be argued that the main mission of the Muslim presence in Andalusia was not to carry out military operations, even if this had happened on a very limited scale at the beginning. Rather, it was to build a prosperous country and lay a strong foundation for a robust and cohesive society. Undoubtedly, the renaissance in all these fields would not have been possible had everyone not worked together, benefited from each other's experience and ensured equal opportunities for all.

Many historical sites, such as the Alhambra Palace and others, still bear witness to the progress and influence that Andalusia achieved during that period. Today, for instance, many British music hall theatres are named after the Andalusian Alhambra, such as those in Bradford, Hull, Glasgow, etc. The name comes from its association with the Moorish splendour of the Alhambra Palace in Granada, Spain.[665] The Muslim heritage of this era thus suggests that Muslims worked hard to co-exist and cooperate with other sects for the sake of construction and prosperity, rather than destruction, as was the custom in military operations in the first place.

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[664] Aḥmad Mokhtār al-'Abbādī, *'Fī Tārīkh al-Maghreb wa al-Andalus,'* (Dar al-Nahḍa, 2008), p. 110.
[665] Alhambra, Generalife and Albayzín, Granada. World Heritage List. UNESCO < https://whc.unesco.org/en/list/314> [accessed 24-08-2022]; McSweeney, Anna, 'Versions and Visions of the Alhambra in the Nineteenth-Century Ottoman World,' West 86th: A Journal of Decorative Arts, Design History, and Material Culture, Vol. 22, no. 1, (2015), pp. 44–69, https://doi.org/10.1086/683080.

4.5. Andalusia after *Reconquista*

Regretfully, after the Christian re-conquest of the Iberian Peninsula and the complete fall of Muslim rule, the conditions for interactions and engagements in these different spheres of life have changed dramatically. During this period, religious minorities were not treated as equals to the dominant faith group. As Torres Fontes informs, 'Jews and Muslims were to remain on the fringes of society: ghettoised, distinguishable and always deferent. They were to live modest lives and interact courteously with Christians where the demands of daily business required it.'[666] The restrictions on both Jews and Muslims were evident in all aspects of daily life to limit their social interaction, be it in dress, hairstyle or communal bathing. These social restrictions were so stringent that each sect was allocated a specific day to use the public bathhouses, with penalties specified for those who violated these rules.

The motive for this inferiority, as Zachary Karabell argues, was to remove 'fifth columns' based on Muslim and Jewish minorities to destroy the 'grudging culture of toleration' and to eliminate the long tradition of liberal thought within the Iberian Peninsula.[667] This involved the increasingly forceful conversion of Jews and Muslims [generally termed conversos or Marranos (more specifically Jews) or moriscos (more specifically Moors)] to the Catholic faith and way of life and to their eventual removal from Spain after long suffering under the Inquisition. [668]

This was also evidenced by what Andrew Wheatcroft identifies as maledicta - the 'demonising,' 'dehumanising,' 'either/or,' and fundamentally polarising discourse, which so often accompanies violence and, especially, military action. Starting with the Jews and eventually spreading to Muslims, the Inquisition, with its bonfires, instruments of torture, and spreading of fear, became the symbol for the removal of these impure, wild elements from Spain, the conversion of Jews and Muslims to the Catholic faith and the removal of all forms of disloyalty and heresy.[669]

Comparing the paradigm of co-existence under Islamic rule in Andalusia with its counterpart after the re-conquest highlights the significant tolerance and inclusiveness Muslims showed

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[666] Kusi-obodum, 'Alfonso X and Islam,' p. 18 refereeing to Torres Fontes, 'Fueros y privilegios de Alfonso X el Sabio,' doc. 55 (Murcia, 2008), p. 74.
[667] Zachary Karabell, 'People of the book: The forgotten history of Islam and the west,' (Hodder Headlin, 2007), p. 108.
[668] Schonfield, 'Heine and Convivencia,' p. 39.
[669] Andrew Wheatcroft, 'Infidels: A history of the conflict between Christendom and Islam,' (Penguin, 2003), p.87.

towards other cultures and beliefs. In stark contrast, after the fall in 1492, all sects except those of the predominant Christian faith faced exclusion, persecution, and marginalization. This paradox serves as a crucial indicator of how societies co-exist and prosper or, conversely, wither and collapse. This equation holds true for all times since human beings are still human beings, and the factors and laws of their ancient co-existence did not significantly differ from those of today.

In light of the above historical facts about the religious, social, and intellectual aspects of Andalusian society, it becomes clear how it managed to co-exist effectively over these long centuries. If these aspects had not been present and effective, Andalusia would undoubtedly not have reached the level of progress, advancement and prosperity that it achieved during this period. Those who doubt this wonderful experience of co-existence and claim that the Andalusians were ruled by tyranny and intimidation must ask themselves what kind of oppression or tyranny could dominate the indigenous people of a country for some eight centuries? Can a renaissance in art, literature, music, trade, industry, and architecture be achieved under an authoritarian tyranny? Certainly, these manifestations would only have been possible under a tolerant and inclusive rule, not a dictatorial or exclusionary one.

In conclusion, the study of the history of Christians and Jews in the early Medieval era, particularly in Andalusia, is one of the most important studies of the history of non-Muslims living under Islamic rule. The study sheds light on the political, administrative, social, scientific, religious, and intellectual conditions of these groups and their relationship with Muslims in these places under Muslim rule. In addition, the extent to which the Islamic authorities viewed them as full citizens according to the *al-dhimmah* contract was discussed, and this was compared with the situation after the re-conquest. The great contributions of the different sects of Andalusian society to Arab civilisation were also discussed by referring to their way of life and their role in the advancement of science and knowledge.

All these facts may paint a picture of the conditions of non-Muslims in this Medieval era under Muslims governance compared to others. These historical facts propose the effectiveness and applicability of Islam in bringing peace and stability to society, despite occasional violations during insignificant periods. In light of this, the following two chapters, will discuss two contemporary case studies to illustrate the need of Islam as a national identity and a moral system of governance in order to end the ongoing conflicts and tensions between various societal components.

CHAPTER FIVE

5. Muslims- Christian's (Copts) Relationships in Egypt:

In the Middle East, where the three faiths, Judaism, Christianity, and Islam; all have their roots in the land and in history, the issue of co-existence of religions, especially Muslims and Christians, has received great attention from the leaders of these religions and those concerned with this issue. Muslims and Christians have lived together on the same land for centuries, and no one can claim sole ownership or have preference over others to benefit from its resources or to participate individually in its development. However, after the modernity era, especially during the 20th century, and its consequences of colonialism and the incitement of racial and nationalist tendencies, some intense conflicts arose between different religious sects, and the terms 'majority' and 'minority' became widely used in every sectarian context.

Broadly speaking, the demographic composition of Middle Eastern society is vertically divided into ethnic/religious communities that tend to splinter along fault lines in times of tension when primitive collective loyalties rise to the surface. In the last decades of the twentieth century, most countries of the region faced an intensification of the ethnic and religious consciousness of their constituent groups, leading to political instability and a crisis of legitimacy. Among the countries that occasionally experienced such unrest was Egypt.[670]

Egypt is the most populous country in the Middle East, and its religious composition can be described as the most homogeneous in the region. Much has been written about relations between Christians and Muslims, as they constitute the two main sects in Egyptian society. Egypt is rich in religious and intellectual history and has been of great interest to many writers. However, these studies still lack a comprehensive investigation into the successes and failures of the Egyptian case of co-existence. Moreover, the ongoing search for a national identity for Egyptians to co-exist within is still a matter of concern for many specialists. Can Islam as a paradigmatic system and proposed national identity bring stability and security to Egyptian society? Also, the question of whether or not religion plays a role in inciting sectarianism in Egyptian society requires a detailed answer and comprehensive clarification.

Understanding the historical relations between Muslims and Copts (Christians) and perceiving the dimensions of these relations is a complex and multifaceted matter, as it is the result of a

[670] Ḥamied Anṣārī, 'Sectarian conflict in Egypt and the political expediency of religion', (Middle East Journal, 1984), Vol. 38, p. 397.

long historical process. It is influenced by historical memories and partisan perceptions as well as modern political and religious trends. Many reasons for the recent deterioration of relations have been put forward by various players and observers. While most of these reasons are relevant, the main reason appears to be the lack of a clear definition of Egypt's national identity, as well as the lack of a national consensus on such an identity. As a result, Egyptian national identity became pawns in the hands of the ruling elites to ensure the fragmentation and splintering of society, instead of serving as a unifying umbrella for peaceful co-existence among its members.

Since the social and political spheres of Egyptians have undergone multiple transformations in national identity over the past two centuries, it is crucial to delineate these phases and examine their evolution over time. This will enable the proposal of a national identity that best fits the Egyptian context and promotes the desired co-existence in society. The following lines will help understand those spheres.

5.1. Ideas of History and National Unity in Modern Egypt

From the beginning of the twentieth century until today, there have been different answers to the question of Egypt's core identity. In this regard, four major schools of thought have emerged regarding Egyptian history and national identity. The school by which a person or a social group is defined influences the degree of social belonging and tolerance towards a member of the other religious community.[671] These four schools can be classified as the Pharaonic-Egyptian, Western Secular Liberal (the Mediterranean), Arabism, and Egyptian Civil State with an Islamic reference (Civil Islam). Each school predicates a different attitude towards the place of Christians in Egyptian society and the role of religion. [672]

5.1.1. The Pharaonic-Egyptian School (AD 1900- 1922)

This school was based on a national history that emphasises the Pharaonic era. The focus was on ancient Egypt, which led some characters like Sa‘d Zagloul (d. 1927) and Aḥmad Loṭfy al-Sayed (d. 1963) to suggest a link between the ancient and the modern Egyptian political system. They believed that this nation should not remain attached to any surrounding cultures,

[671] Barbara Lynn Carter, ‘Communalism in Egyptian Politics: The Experience of the Copts, 1918-1952,’ (School of Oriental and African Studies, 1982), pp. 116-17.
[672] David Zeidan, ‘The Copts—Equal, Protected or Persecuted? The Impact of Islamization on Muslim-Christian Relations in Modern Egypt,’ Islam and Christian–Muslim Relations Journal, Vol. 10, no.1 (2007), pp. 53–67. https://doi.org/10.1080/09596419908721170.

neither Arab nor Islamic.[673] Therefore, this school sought to obliterate everything representing religious differences between Egyptians and to embrace Egyptian Pharaonic identity as a people's culture and historical heritage. To implement this approach, this school called for the use of the Egyptian colloquial language instead of standard Arabic. It was also against establishing Islamic religious schools or Christian missions and opposed the establishment of foreign schools in Egypt.[674] The endeavour to marginalise the centuries-old identity of the Egyptians has undoubtedly raised many doubts and reservations among many sections of Muslim thinkers and scholars.

Despite the great support this school found in the early twentieth century, especially from Christians, it could not last for long. February 28th, 1922, marked Egypt's conditional independence from England, which still required discretion in certain internal matters, including the protection of foreign interests and minorities in Egypt.[675] The emphasis on international protection of minorities in Egyptian society was faced with suspicions of outside interference particularly after the collapse of the Islamic caliphate in 1922.

With the voices raised among the Islamic masses calling for the return of the caliphate as the saviour of the nation to restore its leadership role as it was in its golden days, unrealistic fears have been sparked among a broad section of Christians. These fears led Christians to isolate themselves within the walls of churches and distance themselves from the national state that was supposed to unite all Egyptians under its umbrella. Over time, the gap between the two parties widened, and mutual suspicions and prejudices increased; as a result, numerous tensions and conflicts arose.

5.1.2. The Western Secular-Liberal (the Mediterranean) School (AD 1922-1952)

This school was not at odds with the Pharaonic School's core aspects but added a wider geographical and cultural framework, particularly the attempts to link Egyptian and European civilisations. The significance of this school lies in its attempt to reject European rationalistic superiority by claiming that Egypt is also 'inherently rational and modern.'[676] It even goes so far as to claim that Egypt is the link between Eastern and Western civilisations. Some of the ardent proponents of this school were Salāma Mūsa (d. 1958), Ṭaha Ḥusayn (d. 1973). For

[673] John Breuilly. et al. 'Nations & Nationalism,' Journal of the Association for the study of Ethnicity and Nationalism, 13 (2) (2007), pp. 285–300.
[674] Aḥmad Loṭfy al-Sayyid is an Egyptian thinker and philosopher, described as one of the pioneers of the Renaissance and Enlightenment movement in Egypt.
[675] Barbara Lynn Carter, 'the Copts in Egyptian Politics,' (Croom Helm, 1986), pp. 95-99.
[676] Carter, 'the Copts in Egyptian Politics,' p. 127.

Moses, as for Hussein, Egypt's links, through the Greeks and Romans, to the West were stronger than those, through the Arabs, to the East.[677]

To Muslim politicians, this school did not receive much support as it implicitly favoured Western Christian culture over established Eastern and Islamic traditions. Hence, this tendency angered many Egyptian Muslims at the time and led them to reject this approach, which was seen as a mere waste of their national and religious norms.[678]

5.1.3. The Arabism School (AD 1952-1 970)

Arabists tend to focus on the years following the Arab conquests of AD 642 to emphasise cultural and religious ties with Egypt's Arab neighbours. This school clearly opposed the local and regional identity of the Mediterranean school and focused not on Egypt's pharaonic history but on a shorter historical time frame. Proponents point to the common language that binds Arab countries together, though not necessarily all Muslim countries, because many Muslim countries speak languages other than Arabic. Indeed, some Arab Christians have played an important role in spreading this ideology, such as Gorge Ḥabash (d. 2008),[679] ‘Azmī Bishārah (b. 1956), [680] and others. They preferred this form of identity over others as it deeply expresses the indigenousness of the environment and traditions into which their ancestors were born. Proponents of this school see the commonalities and historical roots in Arabism more than any other identities.

Copts, however, were not convinced with this school. They saw Arabism as a doctrine that, even in its secular guise, could be used to exclude them from national life. [681] Being a minority in Egypt was uncomfortable enough; the prospect of being a smaller minority in a greater Arab state did not bear contemplation.

One of the most prominent politicians and influential leaders, if not the founder, of this school in the 20th century was President Jamāl ‘Abdul Nāser. Nāser's secular alternative to Islamic identity advocated a secular Arab state in which religion was episodic.[682] It is thus largely comprehensive on a larger geographic scale but focuses less on Egypt than on the ‘Arab Nation.’

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[677] Salāma Mūsa, *‘Al-Yaum w-al-Ghad.’* (al- Asriyah Print. Egypt, 1928), pp. 247-248.
[678] Carter, ‘the Copts in Egyptian Politics,’ p. 127.
[679] Gorge Ḥabash <https://www.palquest.org/en/biography/6564/george-Habash > [accessed 10-03-2022].
[680] ‘Azmī Bisharah: <https://www.azmibishara.com/en/node/250> [accessed 10-03-2022].
[681] They did not oppose a degree of co-operation, al-Watan, 18 August 1926, p. l.
[682] Ibid, p. 149.

The Six-Day War, in which Israel defeated the Arabs, came as unexpectedly for the Muslims as it did for the Christians and was also a heavy blow to this school. Many have argued that the defeat itself played a crucial role in the resurgence of religious sentiments among Egyptians, as they felt punished for their lack of faith by the regime's penchant for communist principles and marginalisation of religion. Undoubtedly, the decades-long loss of Egyptian identity whether for Muslims or Christians, especially under Nāser's regime and within Nāser's Arabism identity, left a huge void that affected the meaning of belonging and loyalty to the state. The factor that contributed most to widening this gap was the fluctuation between the monarchy and European identity at one time, communism at another time, and Arab identity at a different time. As a result, Egyptian citizens became disoriented and were left with no identity to defend or a particular camp to align with.

In summary, this school could not create a comprehensive national identity to establish the desired social and political stability. It intrinsically focused on a common identity that unites Arabs under one slogan rather than developing a comprehensive solution to the ongoing tensions between the various components of Arab societies. However, this identity on the ground was nothing but a few slogans. Neither an Arab unity was established, nor was a national identity preserved. On the contrary, this school only contributed to more unrest, military coups, and sectarian and ethnic wars that swept across most countries in the region.

5.1.4. Egypt without a National Identity

By shedding light on the identities of Egypt during the past decades, it becomes clear that there was no clear or distinct identity for Egyptians to live within. Rather, it was merely a mixture of Eastern and Western ideas that did not stem from the true spirit and essence of the Egyptians. Even in times when Islam was referred to as the official state religion as it was in the constitutions of 1922 and mainly in 1971, this only aimed to create a kind of compromising and political balance against communism at times and against liberalism at other times.[683] During these periods, religion was often used as an elusive force to stabilise the political rule of the elites, nothing more.

This elusive role became very evident under Sadāt (1970-1 981) when he was seen on TV reciting the Qur'ān and praying the Friday prayer just to legitimise his image as 'the believing president', as he was called on the streets of Egypt at the time. In reality, Sadāt's attitude had

[683] 'Aṣem al-Desouqī, 'The stipulation of Islam as the religion of the state in the constitution,' <Online article, youm7 Magazine, dated 24 oct. 2012> [accessed 12-12-2022].

nothing to do with the true core of Islamic teachings, apart from some slogans and statements from time to time. During his reign, there was a long series of sectarian and social tensions, such as that happened in 1977 in what is called the 'Egyptian bread riots' that came as a spontaneous uprising against the increase in commodities' prices. These tensions culminated in the bloody *al-Zāwiya al- Ḥamrā* incident in mid-June 1981, which pushed Egypt to the brink of severe sectarian conflict. Sadāt's attitude toward these emerging tensions was not wise enough to put an end to them. He was met with severe criticism at that time for describing these events as sectarian strife since their roots were either social or political.

Since Nāser's era, it seems that Egypt has entered a long tunnel of lack of identity. Whether during Mubarak era or afterwards, there has been a severe deterioration in all aspects of Egyptian life, education, media, industry and infrastructure. This deterioration has often been exploited to incite sectarian and social rivalry between different sects. It also culminated in the absence of a clear definition of Egyptian identity. In the media, for example, one can see how sometimes pharaonism is promoted with great pharaonic festivals and ceremonies held to promote this idea. At other times, the principles of Islam and Islamic civilisation are promoted, and forums and conferences are also held to stress that Egypt is Islamic, as stated in the constitution. On other occasions, it is emphasised that the path to a renaissance for Egypt and Egyptians will only be through openness to the West and embracing liberalism as a comprehensive national identity. In all these cases, the true Islamic identity, which has been a reference for centuries as established by the Qur'ān and the Prophet Muḥammad, has not yet been tested and is not one of those that have been expressed or promoted for political purposes in recent decades.

5.2. A Civil State with an Islamic Reference (a proposed identity for Egyptians)

Since most of the region's population in general and Egypt, in particular, are Muslims, and since Egyptians of all faiths have lived in harmony under Islamic rule for more than 1,200 years, it was not easy to propose or borrow any other identity apart from their Islamic roots. These Islamic roots, which primarily saved Egypt from Byzantine exploitation and secured the rights of minorities in the past,[684] are capable of guaranteeing the civil rights of all components and maintaining the stability of Egyptian society in the present. For that, some voices have

[684] Michael Nazir-'Alī, 'The Root of Islamic Tolerance: Origin and Development,' (Oxford Project for Peace Studies, 1990), p. 3.

emerged calling for Islamic law and its principles to once again become the unifying identity of Egyptians.

Some Islamic reformers, such as Jamāl ad-Dīn al-Afghānī, Rashīd Riḍā, and Ḥasan al-Bannā, generally believed that Islamic identity was the only framework that was able to bring these peoples together under one umbrella and was often an impenetrable bulwark against colonialism and outside interference.[685] This belief, they believed, stemmed from the fact that culture, religion, and history had provided the necessary factors to unite most of the population of this region under one aim since the advent of Islam in the Arabian Peninsula. These common factors have helped this identity to spread easily throughout the Islamic nation, which led to the formation of strong supporters throughout the generations, as it came from the masses and was not borrowed from outside.

According to Modood, proposing any identity within which people can be accommodated must be an inclusive national identity that respects everyone and builds on the identities that people value and does not trample upon them.[686] Islam, as a paradigmatic way of governance, is meant to play this role, with its ethical and moral repository, as argued by Hallāq. Until the early nineteenth century, and for twelve centuries before that, Islamic moral law successfully negotiated customary law and local customary practices and emerged as the supreme moral and legal force regulating society and government. This 'law' was exemplary, accepted as a central system of supreme and public standards by the societies and dynastic authorities that ruled them.[687] The importance of this paradigm lies in its moral and behavioural reference as a code of governance that is not subject to the personal desires of elites nor their personal agendas, as was clearly seen before the Islamic presence in Egypt at the hands of Romans and the last 2 centuries under the national state. [688]

It should be noted that Islamic identity here does not mean striving for a theocratic state such as Iran or Israel. Instead, it means striving for a civil state that gives priority in all areas to people with competencies while respecting the principles of Islamic law, the religion of the majority of Egyptians. At the same time, it leaves the people of other religions the freedom to

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[685] Aḥmad ‘Alī Sālem, ‘Islamic political reform from al-Afghānī to Rashīd Riḍā,’ al-Fikr al-Islāmī al-Mo‘āṣir, (2001), pp.47-77, doi:10.35632/citj.v7i25.1685.
[686] Modood, ‘Multiculturalism,’ p. 150.
[687] Hallāq, ‘The Impossible State,’ introduction, 1st page.
[688] Muḥammed Suhail Ṭaqoosh, *‘Tārīkh al-Khulafā al-Rāshidīn’* 1st ed. (Dar al- Nafa'is, 2002), pp. 288-89.

practise their rituals and to govern according to their laws in their own religious matters, e.g. marriage, divorce, inheritance...etc.

Indeed, this approach is not far from the Christian countries in Europe, where Christianity is referred to as the national identity of the state, such as in the United Kingdom,[689] Norway where the constitution in Articles 2, 4 and 16 emphasises the state's Christian values, demands that the king shall adhere to the Lutheran faith and places the Church of Norway in a privileged position; and Iceland where the constitution in Article 62 states that the Evangelical Lutheran Church shall be the State Church in Iceland and, as such, it shall be supported and protected by the state.[690] These countries, however, are ranked amongst the most democratic countries in the world on the 2023 Democracy Index[691] for upholding civil rights and religious freedom for various minorities. Considering religions as a reference for these countries has not had a negative impact on their progress or the status of religious minorities within them.

Therefore, the Islamic identity of Egyptian society should not stand as a hindrance to the peaceful co-existence of Egyptians as long as the rights of minorities are respected. It should be noted that compromising the religious identity of the majority in any context and for any reason would create a toxic atmosphere of suspicion and incitement against any polemical actions initiated by minorities, as happened during the periods of the Pharaonic and Western Secular schools. It is believed that most of the concerns raised by Christians in the Egyptian context, such as *dhimmīs* rights, political rights, national identity, and citizenship, would be unfounded if the Islamic paradigm of co-existence, as described in Chapters 1 & 2, were properly and effectively applied.

Many contemporary Coptic politicians, however, strongly reject this identity and its impact on Christians. Their fears are indeed unrealistic and based primarily on some prejudices against Islam. It is understood that most of these fears are based on the bad experiences Christians have sometimes had in the past, whether at the hands of the state or individuals, which in no way express the correct Islamic attitude towards minorities. For instance, they perceived the matter in such a way that Copts would be considered *'dhimmīs'*. This status for them means that they

[689] See Martyn Percy, 'With the Church of England dying, how much longer can we justify having bishops in the House of Lords?' (Prospect Magazine, 6 October 2022).
[690] Constitution of the Republic of Iceland, <https://www.refworld.org/docid/3ae6b5627.html> [accessed 11-03-2022].
[691] Most Democratic Countries, <https://wisevoter.com/country-rankings/most-democratic-countries/> [accessed 11-03-2022].

will be second-class citizens. If taken to the extreme, non-Muslims would be severely disadvantaged and deprived of their rights, which contradicts Islamic law.[692]

In fact, this Coptic perception is completely contrary to the true essence and principles of Islam. Being a *dhimmī* does not mean being a second-class citizen; on the contrary, it means being a protected person through a technical application of Shari'ah law. In this regard, the Prophet says: 'People are equal as the teeth of a comb.'[693] This means that all people, Muslims and non-Muslims, have the same rights and obligations; their dignity must not be diminished, and their rights should not be violated on a discriminatory basis. In any case, Muslims are required to protect the rights of the covenanters *(dhimmīs)* and ensure their security and peace. To emphasize this, the Prophet used to warn against all acts of injustice towards them: 'Beware if anyone wrongs a contracting man, or diminishes his right or forces him to work beyond his capacity, or takes away something from him without his consent, I shall plead for him on the Day of Judgement.'[694]

5.2.1. The Nature of Islamic Governance

In clarifying the role of the state and the ruler in Islam and the extent of their influence on minorities, al-Qaraḍāwī states: 'The ruler in Islam is one of those people who are neither infallible nor sacred. He derives his legitimacy and permanence of rule from the earth, not from heaven, and from people, not from God. He seeks the good of his people, and that does not preclude him from being right or wrong in his decisions.'[695] Therefore, people can withdraw their allegiance from him by legal means so long as this does not lead to major unrest or corruption. Moreover, in Islam, the ruler is not the representative of God; rather, he is the representative of the people. He is their employee who has been entrusted and hired to manage people's affairs. Moreover, the Islamic state is not based on the clergy in the priestly sense known in several religions; this meaning is not known in Islam. Instead, there are religious scholars in the sense of study and specialisation.

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[692] Peter Makārī, 'Christianity and Islam in twentieth century Egypt: conflict and cooperation,' Vol. 89, Iss. 352 (2009), pp. 88-98 (p.91). https://doi.org/10.1111/j.1758-6631.2000.tb00182.x.
[693] Shah Waliullāh Dehlawī, 'Collections of Forty, Forty Ḥadīth, Ḥadīth 16' <https://sunnah.com/shahwaliullah40:16 > [accessed 11-03-2022].
[694] Abū Dāwūd, Sulaymān b. al-'Sh'ath, 'Sunan Abū Dāwūd 3052.' 'Book 19, Ḥadīth 3046. Tribute, Spoils, and Rulership' *(Kitāb ul-Kharāj, Wal-Fai' Wal-Imarah)* <https://sunnah.com/abudawud:3052> [accessed 11-03-2022].
[695] Muḥammad 'Imārah, *'fī an-Nīẓām al-Siyāsī al-Islāmī,'* (Bukhari Library for Publication and Distribution, 2009), pp. 45- 47.

The head of state thus rules over a legislative institution elected by the people, not over a religious institution. He also applies in his governmental policies the general principles of governance in Islam, including *shūrā* (consultation), freedom, justice, equality and persistent work for the upliftment and advancement of the entire nation. These principles are authentic in the Islamic political system and stipulated in all world constitutions.[696]

In this regard, al-Qaraḍāwī argues that political governance should be a natural by-product of the people themselves and not the product of authoritarian forces, be it political or religious. In this system, people actively determine who governs their affairs based on competence and experience, not religion, race or tribal affiliation. Therefore, the ruler must be a true representative of his people, their aspirations, and their dreams for the future. Indeed, this was established through the prophetic model as the head of the first state in Islam, for he did not specify who should succeed him after his death; instead, he left it to the people to decide for themselves. Accordingly, the people gathered in the *Saqīfā of Banū Sa'idah* (a place for public meetings) and agreed by majority vote to appoint Abū Bakr as the first caliph and head of state. If the choice of a ruler in a state whose reference is Islam was a matter of revelation, divine or theocratic command, the Prophet would have appointed one of his companions to take over after his death without referring to people in any context. Instead, it was a purely human affair in which the people chose the one who was capable of managing their worldly affairs and performing the duties of governance efficiently and honestly.

In light of these arguments, the Islamic rule of any state is only meant to run people's affairs in a way that does not contradict the general principles established in Islam. At the same time, the national and religious identities of all social components must be respected, as the Prophet did in the Constitution of Medina, in which he recognised all factions of Medina and their faiths. In this regard, Modood mentioned an essential role of the state in light of promoting the aspect of 'multiculturalism' as being particularly concerned with the right to recognize the identity of each subgroup and ensuring that the identity of this subgroup is dealt with in the manner of equal citizenship. [697] Providing these rights should not lead to assimilation or that for minority rights to be compromised under the pretext of integration. People's social and religious identities must remain intact and far from partisan or political agendas.

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[696] 'Imārah, *'fī an-Nīẓām al-Siyāsī al-Islāmī,'* pp. 45- 47.
[697] Modood, 'Multiculturalism,' p.150.

In the same vein, Modood also asserts: 'For me identities and cultures are important because they are important to the bears of those identities, people who are members of our society, fellow citizens and the so have to be included into the polity in ways consistent with respect and equality.'[698] Modood is quite right, as compromising the identities of individuals and communities, as happened during the reigns of Naser and Sadāt in Egypt, can lead to an explosion as soon as the factor of power is removed. This is what happened after their departure, which led to many sectarian clashes and bloody incidents as people began to return to their original identities, but in an offensive manner against others whose loyalty had always been doubted by successive authorities, to ensure continued dispersal.

As previously explained, these general policies should carry adequate safeguards to protect the rights of minorities living under the Islamic regime. Such policies should also be subject to discussion, affirmation, suspension, adjournment, and even rejection based on the interests that arise from their implementation. Therefore, there should be no contradiction between the national identity of a state and the political and social rights of its subjects, as long as all matters are subject to discussions and majority consent.

In this sense of accountability, and in commenting on the incident of the son of 'Amr ibn al-'Āṣ, mentioned in Chapter. 3,[699] and how the Copt disputed him before the caliph, 'Umar, al-Qaraḍāwī suggests how the minority should feel confident and safe to speak out and raise their concerns. [700] According to his suggestion, minorities should be given protection and support so that they can freely present their issues without fear of intimidation from other parties. This confidence must emanate from the fact that all citizens are equal before the law and that there is no favouritism among them on the basis of one's religion. Thus, it is the ruler's responsibility to ensure these rights to his citizens and to listen to them on an equal footing, resolve any disputes, remove injustices from the oppressed, and restore rights to their owners.

In summary, given that Islam is the religion professed by more than 90 percent of Egyptians and that Egyptians, especially Muslims, generally take pride in their religious heritage, it is then inevitable to deal with the Islamic presence but as an existing fact that cannot be overlooked or ignored when talking about the national identity of the majority. Therefore, it is important to develop a praxis model of co-existence and a unique national identity so that

[698] Modood, 'Multiculturalism,' p.66.
[699] See the thesis, Chapter.3, p. 132.
[700] Yūsuf al-Qaraḍāwī, *'Ghayr al-Muslimīn fīl-Mujtama' al-Islāmī,'* (Maktabat Wahbah, 1992), p. 30-31.

neither the dominant Islamic identity is marginalised nor the Christian presence in Egyptian society is compromised. In all cases, this Islamic identity should be of a consensual nature by all, respecting the beliefs of others and their political and social rights. To this end, these procedures must be carried out through lengthy discussions of all thorny issues and clearly addressed in the national constitution to form a binding reference for all.

5.3. Could Religion be the Main Driver of Sectarianism in Egyptian Society?

As an Egyptian, I can affirm that in normal daily life, the relationship between the various Egyptian components is beyond any expectation of harmony and peaceful co-existence, except for a few orchestrated incidents. If a stranger were to look at the customs and appearances of citizens and the languages spoken in Egypt, it would be very difficult to distinguish a Muslim from a Christian. Both groups grow up in the same environment, attend the same educational institutions, and share almost all aspects of daily life, except when Muslims go to the mosque and Christians go to church. Nevertheless, from time to time, sudden incidents occur between the two sects, which affect the basis of peaceful co-existence between them. The question that is always there in the minds of intellectuals: What are the true reasons behind such incidents? When violent incidents break out among people who have inhabited this land for thousands of years, sharing everything in an atmosphere of peace and harmonious living before the national state, surely other factors must be suggested to be the root causes of these tensions; the somewhat religious element is not one of them. However, religion can be exploited as a false pretext to fuel sectarianism.

With the successive political regimes in Egypt, the relationship between the two communities entered some periods of prosperity and decline. This decline is often attributed to fabricated sectarian incidents, which are primarily politically motivated. Many believe that these incidents are orchestrated by the ruling elites, who, when feeling threatened by a particular sect, seek to undermine and weaken it by any means necessary. One such tactic is to play on sectarianism to keep society fragmented rather than as one solid entity. These attempts are often accompanied by the imposition of unjust laws, the dehumanisation of some sects (Muslims and non-Muslims) and the practice of various forms of persecution against opponents.

It is worth mentioning that in some periods, not only Christians were ostracised and persecuted, but groups of Muslims too. Throughout Muslim history, numerous sects have emerged in opposition to the political system, resulting in their being persecuted, imprisoned, and even

killed for various political reasons. Examples of these incidents are the conflicts that occurred early in Islamic history between the son of the fourth caliph, al-Hūsayn ibn ʻAlī, and Yazīd ibn Muʿāwiyah (the ruler of the time), which led to the killing of the former and many of his companions. [701] In the modern era, the same thing is still happening against political rivals, as in the case of the Muslim Brotherhood as an organised social force that poses a real threat to the political system in Egypt. As a result, they, too, have been massively repressed, imprisoned and even hanged for political reasons. These conflicts were undoubtedly political, not religious, in order to maintain power and eliminate threatening opponents by any means.

Therefore, it is not appropriate to label every conflict in the Egyptian scene as sectarian in nature or triggered by religious reasons. George Ṭarabīchī sees this as the necessary distinction between religious-theological and political sectarianism and focuses more on the context of these incidents rather than the deterministic, one-dimensional and simplistic theory that focuses on the text and ignores the context. He also argues that most of the current problems revolve around the sources of the political and economic power of the territorial state, the religious divergence being exploited by the ruling elite, and the gap between the majority and the minority, which is a decisive factor in the relations between the two communities within the political framework.[702] Similarly, Michael Brown also argues, 'Religious or communal differences have become political pawns in the hands of the elites for ruling or controlling the masses.'[703] Hence, it is more important to look into the root of such disputes than broaching the issue superficially without a deep investigation or relying solely on misleading media reports orchestrated by the ruling elites to control the tendencies of the population and spread fears and doubts among them.

In this regard, Yūsrī Hazrān argues that applying Bourdieu's theory[704] of class distinction to the political sphere will help understand the rationale for the ruling elites and their interaction with the masses. Hazrān claims that the ruling classes in the Arab Middle East have developed a habit that closely follows the tendency towards dualism. In his reading, sectarianism takes the form of instrumental employment and exploitation of religious and societal identity or

[701] I. K. A. Howard, 'Ḥusayn the Martyr: A Commentary on the Accounts of the Martyrdom in Arabic Sources,' Vol. 12, no.1 (al-Serāt: Papers from the Imam Ḥusayn Conference, 1986), pp.1-28
[702] George Ṭarabīchī, *'Harṭaqāt,'* (Dar al-Saqi, 2011), Vol.2, p. 89.
[703] Michael E. Brown, 'Nationalism and Ethnic Conflict,' pp. 3-25.
[704] Bourdieu, Pierre. 'Thinking About Limits, Theory, Culture & Society,' SAGE Journals, Vol. 9, Iss. 1 (1992), pp. 41-43, https://doi.org/10.1177/026327692009001.

framework to enable political organisation, gain political legitimacy, promote political change or maintain control over interest groups.[705]

This tactic appeared clearly during the rule of President Sadāt with the various components of society. President Sadāt's experience in his dealings with minorities, especially Christians in Egypt, was marred by many forms of compromise and tension, winning some factions at the expense of others. Instead of applying the rule of law and the power of the constitution, which guarantees full rights and freedoms for all without discrimination, he used to bring some groups closer, keep others away and do the opposite if the interest so required. This policy eventually led to the outbreak of events in more than one place in Egypt and was the beginning of many subsequent sectarian tensions.

In fact, these forms of exploitation are common features of all weakened states and tyrannical dictatorships, which rely mainly on dividing peoples and keeping them at odds in order to stay in power. This theory is not limited to secular forms of governance but also extends to some theocratic regimes that use religion as a cover to establish their legitimacy in rule, as in the case of Saudi Arabia, Iran, and Israel. These regimes view religion as a means to legitimise their rule and remain in power, claiming to be the authorised defenders of Islam or Judaism against impending dangers. The same thing, albeit partially, has sometimes been used in the Egyptian context to achieve the same goal of legitimising rule.

Concerning this, Nadia Faraḥ also argues that Egyptian elite groups vie for dominance by manipulating the sectarian divide and the ideological struggle over the shape of the state, whether secular or religious, in order to gain easy access to power. Therefore, the religious conflict can also be seen more as a result of divisions between elites, as different segments manipulate Islam to legitimise their own status.[706] Agreeing with Faraḥ, this paradoxical attitude of elites is evident, particularly in dictatorial countries where officials are often seen on religious occasions, practising various religious acts, and are keen to appear religious or to be known as God-fearing ones. In practice, many of them, however, are far removed from the essence of true religion and, at the same time, are accused of corruption, bribery, nepotism and failure to perform their duties. In this regard, Hazrān asserts that while the interactions between

[705] Yūsrī Hazrān, 'The origins of sectarianism in Egypt and the Fertile Crescent,' British Journal of Middle Eastern Studies, 46(1) (2017), pp. 29-49 (p. 32), https://doi.org/10.1080/13530194.2017.1370998.
[706] Nadia Ramsis Faraḥ 'Religious Strife in Egypt: crisis and ideological conflict in the seventies,' (Gordon and Breach, 1986), pp. 24, 38, 59, 104.

the ruling elites are governed by a disposition towards secular norms, the instruments they adopted to dominate the lower classes are deeply influenced by religiously oriented systems. Accordingly, he claims that the policies and politics practised by the Arab elites directly feed sectarianism.[707] The ruling elite does not hesitate to exploit political sectarianism to weaken their opponents or mobilise political support. Their behavioural patterns form the causal and circumstantial context in which political sectarianism has developed.[708]

Subsequently, describing every conflict in Egypt as sectarian will undoubtedly lead to the tendency of the less fortunate parties to rely on the ruling authority to protect their social and political status. As Hazrān argues, this is what every dictatorial authority strives to do in order to stabilise its rule on a 'divide and rule' basis. This situation does not end here, but the ruling authority would also use its media arms to demonise one faction or another in society and warn people against it and its imaginary danger. As a result, other sects would line up on the side of the authority in hopes of being protected from this fake monster that does not really exist. In this way, these elites continue to rule for decades, exploiting the superficial thinking of the masses and relying on the approach of dividing and demonising others to rule forever.

In short, most of the so-called sectarian conflicts are usually politically fuelled and soon take on a religious guise to hide the failure of the ruling regime to contain the conflicts and address their real causes. These sectarian disputes result in all societal forces being scattered and quarrelled over some marginal issues and thus easily dominated and controlled. Instead of addressing the root causes of tensions between Muslims and Christians in the Egyptian context, the decisions and actions of the ruling elites were, in most cases, aimed primarily at eliminating right- and left-wing opposition to the regime rather than the conflict itself. In this, Prof. Ṭāriq al-Bishrī argues that in these difficult times of conflict, the ruling elites would only be concerned with stabilising their rule and eliminating all other societal forces that could threaten their dominance.[709]

Another driver of such conflicts is the interference of foreign powers and the exploitation of sectarian incidents to dominate and impose their policies from abroad. In order to do so, imperialist countries found no better opportunity to interfere in the internal affairs of a country like Egypt than to play on the sectarian chord of the Egyptians. This resulted in straining

[707] Hazrān, 'The origins of sectarianism in Egypt,' p. 32.
[708] Hazrān, 'The origins of sectarianism in Egypt,' p.39.
[709] Tāreq al-Bishrī, *'Al-Muslimūn wa- al'aqbāṭ,'* (The Public Egyptian institute for Books, 1980), p. 677.

relations between the various components of society and pushed each sect to seek every form of power and support from outside to strengthen its position, which is what the colonial states always strive for.

Applying this theory on the ground, the European powers in the nineteenth century proclaimed themselves protectors of other Christian minorities in the Middle East (Russia for the Greek Orthodox, France for the Maronites and other Catholic communities, etc.), improving their lot to some extent, but at the same time making them targets of Muslim hostility. While this was not true of the Copts, many Muslims in the wider Middle East, including some in Egypt, perceived local Christians as collaborators with the colonial enemy and as a potential 'fifth column.' Makari argues that Christians in Egypt have sometimes been accused of being agents of Western Christianity, and what fuelled this claim are the grey areas that exist between politics and religion in dealing with different cultures. International attempts to protect indigenous peoples, and ethnic and religious minorities have been a very real manifestation of this claim, whether true or false.[710]

Following a 'divide and rule' policy, Britain issued a declaration in 1922 recognising Egypt's independence but including a proviso, among others, that Britain had the right to protect the minorities in Egypt.[711] As Saad Eddin Ibrahīm reported, this proviso angered both Muslims and Copts but was construed by some Muslim groups as evidence of collaboration between Britain and the Copts. In general, British policy in Egypt raised expectations first for one community rather than the other, without satisfying either of them, in the hope of bringing both into greater dependence on Britain.[712] In this regard, B.L. Carter states that the British were usually careful lest the Muslims misinterpret their actions. However, British preferences mattered less than Coptic and Muslim perceptions of these attitudes, and each community was convinced that the British favoured the other. [713] Contemporary Egyptian historians attribute communal problems between 1882 and 1952 to a British policy of divide and rule.[714]

In the same vein, Hazrān asserts that political sectarianism has been a constitutive factor in the socio-political history of the post-colonial era. In tracing its historical roots, many point to the

[710] Makārī, 'Christianity and Islam,' p. 97.
[711] Sa'd Eddīn Ibrahīm, et al. 'The Copts of Egypt,' Minority Rights Group, (1996), p. 12, <https://www.refworld.org/reference/countryrep/mrgi/1996/en/47802> [accessed 08 June 2024].
[712] Henrik L. Hansen, 'Christian-Muslim Relations in Egypt', (1987), pp. 259-60, in: K. C. ELLIS (Ed.), The Vatican, Islam and the Middle East (Syracuse University Press).
[713] Barbara Lynn Carter, 'The Copts in Egyptian Politics, 1918-1952,' (Croom Helm, 1984), pp. 58-59, 65-71.
[714] Carter, 'The Copts in Egyptian Politics,' p. 83.

Western imperialist legacy as a central cause. Numerous studies demonstrate that French and British mandatory rulers adopted a 'divide and rule' policy to firmly establish their control over the local populace. [715] Likewise, Philip Khoury has demonstrated that the French colonial tradition in North Africa ultimately led to Syria's partition into separate states on the basis of a sectarian divide and the enlisting of minorities into the Levant army. Britain followed a similar policy in establishing an Iraqi militia and excluding the Shī'ites from power, showing a preference for the Christians in Mandate Palestine and exploiting the Coptic–Muslim division in Egypt. Usama Makdisi follows this general line of thought, linking the development of sectarianism to Western modernisation and the colonial heritage in the region.[716] Considering that these incidents and policies were historically driven by great powers to impose their hegemony on weaker states, the question arises: what prevents them from repeating the same strategy today?

The third driver of sectarian conflicts is suggested to be the pervasive ignorance and absence of a culture of understanding and acceptance of the 'Other,' as well as the social discontent of a large section of Egyptians. According to contemporary journalist and political analyst 'Abdullāh al-Sanāwī, 'the national deficit is one of the drivers of sedition, along with the frustration of young people suffering from poor education and unemployment, and the blockage of the space of dreams in front of them.'[717] He added that the negative role played by the media at times and the ignorance wrongly attributed to religion are among the driving causes of these conflicts. Al-Sanāwī suggested that the ruling regime must prepare the ground to nip out such conflicts in the bud and create the necessary conditions to achieve this rather than waiting until they occur. [718]

As for these secular causes of conflict, most laws and constitutions under subsequent secular regimes do not seem to have been able to resolve them. Therefore, resorting to religion to address these ongoing conflicts is of high necessity. In this regard, Scott Appleby emphasises that ethics and ethical convictions, as expressed through religious beliefs, are the main drivers for peace. Regardless of which religion may be prevalent, the ethical power of religion can help

[715] Philip Khoury, 'Syria and the French Mandate,' (Princeton University Press, 1987), p. 91.
[716] Hazrān, 'The origins of sectarianism in Egypt,' p. 3.
[717] 'Abdullāh al-Sanāwī. Sectarian strife: testimony with a history <https://www.shorouknews.com/columns/view.aspx?cdate=21082016&id=05659b3d-1d74-414f-b8bd-11aa3f03b5aa> [accessed 11-03-2022].
[718] Al-Sanāwī, 'Sectarian strife,' Ibid.

to unite divided societies.[719] For Scott Thomas (2005), religion has a role to play, especially as it can facilitate a dialogue about 'virtues' for shaping a better society.[720] In the Egyptian scene, agreeing with both Appleby and Thomas, Islam, as the religion of the majority should be proposed as a solution to address these long-standing obstacles. It is believed that this paradigm, with its core concepts of justice, both corrective and distributive, is able to dry up the vessels of most of these secular drivers.

In this regard, Abū Nimer explains how social justice and other Islamic values can help promote the peaceful resolution of these conflicts. He argues, 'According to Islam, a nation cannot survive without making fair and adequate arrangements for the sustenance and welfare of all the poor, underprivileged, and destitute members of every community. The ultimate goal would be the elimination of their suffering and poverty. Hence it can be said that Islam is well suited to combat structural violence.'[721] This means that Islamic values are based on the universal dignity of humanity, equality between all races and ethnic groups, the sanctity of human life and forgiveness are the values that underpin any form of positive resolution of conflicts and help build peaceful societies.

5.4. Hope for a Non-Sectarian Future

Since most of the suggested drivers of conflict in Egyptian society are primarily for secular reasons, it is useful therefore to suggest some practical solutions that include some preventive measures to protect society. Islam indeed, as argued before in the Treaty of Ḥudaybiyah, supports all solutions as long as they help defuse ongoing tensions and help bring peace and stability to society. In general, any solutions to secure the five objectives of Shari'ah, Islam encourages them and calls on people to work collectively for achieving them, as detailed in the following section.

For Muslims as a majority in the Egyptian scene, they must take care of the needs and safety of their fellow Christians, not out of courtesy, but responding to the Prophet's commandment to them, saying: 'You will soon conquer Egypt where al-Qīrāt[722] is frequently mentioned. So, when you conquer it, treat its inhabitants well. For there lies upon you the responsibility

[719] Scott Appleby, 'The Ambivalence of the Sacred: Religion, Violence and Reconciliation,' (Rowman and Littlefield, 2000), quoted in 'The role of religion in conflict and peacebuilding', (British Academy, 2015), p. 28.
[720] Scott M. Thomas, 'The Global Resurgence of Religion and the Transformation of International Relations' (Palgrave, 2005), quoted in 'The role of religion in conflict and peacebuilding', (British Academy, 2015), p. 28.
[721] Muḥammad Abū Nimer, 'Non-violence and Peacebuilding in Islamic Theory and Practice,' p. 239
[722] Al-Qīrāṭ is a unit of measurement commonly used in Egypt.

because of blood ties or relationship (with them).'[723] Far from the approach of exclusivists or any tendencies towards extremism and doubting the 'Other,' the Prophet Muḥammad commands Muslims to be kind to Christians in general, and particularly the Copts of Egypt, combating any ideas that could lead to the ignition of such conflicts.

Christians, on the other side, have to realise that that Egyptian Muslims today are not strangers but their brethren in faith yesterday, given the fact that it took Egypt about 600 years to change its religion to Islam, and the conquerors were nothing but a few thousands. Therefore, and to eliminate many of the suspicions and concerns of many Muslims as happened at the beginning of the last century, the national identity of the majority should not be neglected or marginalised under any context. This should not disregard accommodating the identities of other groups within social and political frameworks, given that religion is a private and guaranteed matter in any case.

Recognising all groups and their needs must be a priority in resolving these persistent conflicts, CM should serve as a beacon to follow. Hence, freedom of belief and personal liberties must be equally guaranteed for all sects, and there must be no discrimination on the basis of religion. Accordingly, the accusations that arise from time to time of favouring one group over another and the alleged pressure exerted on the Egyptian regime by some parties, whether from inside or outside, must be immediately made clear to the public and decisively refuted.

A great deal of these suspicions are about the support each party receives, be it financial or political. Christians have long complained that Muslims are given preference in taking jobs and holding political positions while they are always marginalised and underestimated. On the other hand, some Islamic groups accuse the church of forming a state within the state, and in most cases, the state does not closely supervise their activities, including the vast tracts of land they own, the huge livestock they raise, and the agricultural products they produce.[724] Therefore, ensuring equality of opportunity, jobs and fair governmental oversight, under an appropriate distributive ethical paradigm, is of paramount importance in addressing many of these persistent doubts.

Ruling elites, politicians, and those in power should always be held accountable for any abuse of their authority. Similarly, the media must also play a critical role in raising awareness of these issues. They should help calm the charged atmosphere and convey messages of tolerance

[723] Al-Nawawī, 'Riyāḍ aṣ-Ṣaliḥīn,' Ḥadīth 328 < https://sunnah.com/riyadussalihin:328> [accessed 16-5-2024].
[724] Coptic monasteries in Egypt-places of worship and active economic cells <https://alarab.co.uk/> [accessed 11-03-2022].

and reassurance to all components of society. In case any professional violations are proven, they must be referred to the judiciary to correct the situation and amend the course. The corrective aspect of justice in Islam, with its arms working on the ground in its comprehensive sense, should be able to hold these exploiters accountable for any transgression to protect society from the scourge of rumours and false news.

Educational institutions should inculcate in the youth the respect and acceptance of their religiously different fellow brothers, and this does not mean accepting their beliefs. Lectures and workshops should be held periodically for school and university students to broaden their awareness of the rights of those with whom they differ ideologically. This awareness must be accompanied by the optimal utilisation of the hermeneutic dynamics of controversial sacred texts on both sides, to be interpreted and conveyed in a more tolerant manner as God intended for his people in this life, away from the exclusivist approach of some groups from both sides. This would lead to the refutation of many unrealistic convictions and doubts about the other.

Overall, for these measures to work effectively, this requires sincere national action and cooperation from all parties with clear and long-term policies on these issues. As for individuals, all must know that this society will not prosper without the collective efforts and contributions of all as God's stewards on the earth. Accordingly, attempting to exclude any group will deprive the whole society of many valuable experiences and efforts, and therefore, everyone will lose as a result. Here the meaning of *ta'aūn* as encouraged in the Qur'ān should be embodied in the daily lives of people for the public interest of all.

In summary, it is believed that Egyptians, who lived peacefully under the rule of Islam for a long period, before the nation-state, are able to restore this model of co-existence in present. This model, which emanates from the identity rooted in Egyptians' personality for nearly twelve centuries, far from all imported identities that have proven their failure to contain these conflicts throughout the previous periods, deserves to be put into practice, and acted upon.

CHAPTER SIX

6. Bosnia and Herzegovina- The Ethnic Cleansing of Modern Time:

About 30 years ago, the whole world witnessed one of the most horrific massacres in human history. The Bosnian War (1992-1995) was the most dramatic conflict in Europe in the 20th century, with the most extensive documentation of conflict involving rape victims and mass murders. It was originally estimated that at least 200,000 people were killed and more than 2,000,000 displaced during the 1992-1995 war.[725] By comparison, David Harland reports that four wars led to the collapse of Yugoslavia: Slovenia (1991), Croatia (1991-1995), Bosnia (1992-1995), and Kosovo (1998-1999). Of these, the war in Bosnia was by far the deadliest, with three times as many killed as in all the others combined.[726]

This conflict took place under the eyes of the whole world, with no immediate action being taken to prevent it. How these events have developed and how the meaning of ethnic cleansing has permeated some societies to get rid of their fellow human beings who share the land, traditions, language and even skin colour? How the innocent *fiṭra* of these people led them to commit such heinous crimes? These questions are discussed in detail in this chapter. It also explores the model of co-existence between the various groups in Bosnia and Herzegovina before these bloody events under Muslim rule, compared to the situation afterwards, and assesses the role of religion in addressing such conflicts. All these issues need a clear explanation to evaluate the true weight of religion in inciting sectarianism and igniting conflicts.

6.1. Theories of Ethnic Conflict in the Case of BiH

While Stuart J. Kaufman attributes the conflicts in BiH to mutual hostilities that were rooted in ancient hatreds,[727] Fetine Yildirimtürk Bayraktar argues that modern and contemporary factors are more plausible causes of ethnic violence and the same reasons for ancient hatreds too.[728] Bayraktar extensively explains that the main current issue considered to be a driving factor in the BiH conflict is the massive spread of the idea of capitalism.

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[725] Bosnia and Herzegovina Srebrenica-massacre < https://www.britannica.com/event/Srebrenica-massacre> [accessed 12-11-2022].
[726] David Harland, 'Elite Bargains and Political Deals Project: Bosnia and Herzegovina Case Study,' (Stabilisation Unit, 2018), p. 5.
[727] Stuart Kaufman, 'Modern Hatreds: the Symbolic Politics of Ethnic War,' Cornell University Press, (2001), <https://www.jstor.org/stable/10.7591/j.ctt1tm7gbw> [accessed 12-11-2022].
[728] Fetine Yıldırımtürk Bayraktar, 'Ethnic conflict movements: the case study of Bosnia and Herzegovina,' Journal of Anatolia and Balkan Studies, 4.7 (2021), p.113-32 (p.122), https://doi.org/10.32953/abad.799418.

In a similar vein, Hallāq contends that modernity and its related political and economic ramifications are mostly to be blamed for the majority of today's violations of human rights. He asserts that the prevalence of poverty, famine, diseases, and conflicts are nothing but the outcomes of capitalism, industrialism, and the destruction of natural habitats, which are the effects of so-called progress (modernity[729]).[730] In this context, Bayraktar also states, 'The worldwide spread of capitalism has directly or indirectly affected the situation in Bosnia, influencing Serbian policy in order to secure economic domination over Bosnians. The practices of capitalism thus led to the use of economic power and the exploitation of the resources of others, which became an effective driving force in the conflict against Bosnians.'[731] From this perspective, it can be said that the new and changing world politics of capitalism influenced the goals of the Serbs in the form of establishing their own independent state.

Echoing Bayraktar's argument, Donald L. Horowitz argues that old traditions are not a relevant element in evaluating ethnic groups in an ethnic conflict. He claims that relations between ethnic groups are usually influenced by current movements, not past policies. In this context, he summarises: 'History can be a weapon, and tradition can fuel ethnic conflict, but a current conflict cannot generally be explained by simply calling it a revived form of an earlier conflict.'[732] According to this theory, conflicts are not always driven by old memories or past grudges, although these can sometimes act as triggers. Instead, it is highly likely that the contemporary contexts of the disputes are the primary source of such ruthless conflicts and bloody wars.

In general, old grudges and sources of discord resurface only when societal conditions and public sentiment are poor and conducive to conflict. People typically avoid revisiting past pains and bitter memories as long as their living and social conditions are satisfactory. It is only when living, political, and economic conditions become difficult that these memories resurface. In such times, each group may begin to covet what others have, seeking control and dominance under any guise and with any justification.

The opposite scenario can easily be seen in the successful model of co-existence in Britain, where today, many different denominations from all over the world, along with the locals, co-

[729] Sharon L. Snyder, 'Modernity,' <https://www.britannica.com/topic/modernity> [accessed 01-02-2023].
[730] Hallāq, 'The Impossible State,' p. 4-5.
[731] Ibid.
[732] Donald L. Horowitz, 'Ethnic Groups in Conflict,' (University of California Press, 2000), p. 99 <https://www.jstor.org/stable/220036> [accessed 12-11-2022].

exist in peace and harmony. This happens even though Britain has colonised many of their original homelands in the past, leaving painful memories in many of them. This argument applies not only to Britain as a colonising country with these immigrant groups at some point in history, but also to these groups themselves, such as Muslims and Sikhs, Indians and Pakistanis, Whites and Blacks. These groups have had a long history of conflict and war between each other in their countries of origin. However, they succeeded in co-existing peacefully on British soil when they experienced that the rule of law prevailed, racism and discrimination were combated, and people's economic and political rights were secured. As a result, people were no longer preoccupied with their old memories or the causes of past conflicts. Instead, they strive to maintain the level of prosperity and peaceful life they experience in their new homeland.

Another suggested driver for the Bosnian conflict, as Horowitz argues, is modernisation. Modernisation can be described as the process of transformation of 'traditional ways of life' of social, economic, and political structures into more developed and contemporary forms.[733] Modernisation, in its negative effect, creates an unequal distribution of social and economic opportunities, which increases tensions and raises prejudices among competing groups.[734] The objectives of modernisation theory are quoted as: 'People's aspirations and expectations change as they are mobilised into the modernising economy and polity. They come to want and to demand more goods, more recognition, and more power.'[735] In line with Horowitz's theory, the quest to improve living conditions in the face of resource scarcity can be the driver for targeting what is in the hands of others and appropriating their resources, land and wealth, especially when it involves ethnically or religiously vulnerable groups, such as the Bosniaks. In these cases, religion and other nationalist slogans are often used as a cover to justify wars and to exterminate the 'Other' for the sake of domination and exploitation, when, in fact, this is not the case.

In fact, Horowitz's modernisation theory applies to the Bosnian case to some extent. The reason is that the modern economy and the new political basis were affected by Bosnia's socio-economic conditions. For instance, in 1989-1990, after the disintegration process of former Yugoslavia, Bosnians had ambitions to change the state's political order, called political reconstruction (single-party government to multi-party government). These

[733] Karl Deutsch, 'Nationalism and Social Communication: An Inquiry into the Foundations of Nationality,' (MIT Press, 1953), p. 493.
[734] Horowitz, 'Ethnic Groups in Conflict,' p. 100.
[735] Ibid.

aspirations were directed against the interests of elites and those in power, who relied on the benefits of modernity, such as better jobs, schools, status, and power, which enabled them to continue to exploit and control others.[736] As a result, the elites' self-interests were at odds with the demands and aspirations of Bosnians, leading to a divergence of interests and the outbreak of conflict. Based on this theory, it can be relevant to understand and perceive one of the main factors of ethnic violence in BiH, which could be an example of the negative effects of modernisation. In the case of Bosnia, the new political reconstruction policy caused the ethnic separation of the state, and after this development, a dramatic ethnic conflict occurred.

In light of these facts, Horowitz explains the influence of economic rivalry in ethnic conflicts by underlining the significant factor of unequal conditions and unfair opportunities in society, which generally creates problems in class conflicts. This means that the factor of competition that has developed between the different societal classes has led to tensions and constant conflicts among each other. In the same vein, Karl Deutsch concludes that ethnic conflict is a product of something analogous to a competition between the degree of social mobilisation and the degree of assimilation. When the former outweighs the latter, conflict arises. When the latter overcomes the former, modernisation is successful and ethnic conflict disappears.[737]

Unfortunately, in most societies to this day, despite the manifestations of progress and modernity in the various spheres of life, the gap between social classes continues to widen. This gap can be addressed in societies that adopt systems of social welfare and equal opportunities as an essential part of meeting the needs of their citizens. Conversely, in societies lacking such systems, the rich grow wealthier and more powerful while the less fortunate fall into deeper misery and distress, fostering factors of conflict and unrest between these competing groups.

From a different perspective, Donald W. Shriver argues a third driver of conflict, which is the elusive power of religion, stating: ‘It is difficult to allocate guilt in the recent Balkan wars. A mixture of ancient resentments, religious passions, ethnic hatreds, and political leaders' lust for power permeated all sides. Among these ingredients, none is at once more important and more misunderstood than religion, whose elusive power naturally stirs the curiosity of this kind of theologian.'[738] In this regard, the Croatian-born Methodist and long-time professor of

[736] Horowitz, ‘Ethnic Groups in Conflict,’ p. 100.
[737] Deutsch, cited by Horowitz, ‘Ethnic Groups in Conflict,’ p. 100.
[738] Shriver, ‘Bosnia in Fear and Hope,’ p. 4.

religion at Rosemont College, Paul Mojzes, frequently reminds audiences, 'The recent Balkan wars were 'religious' wars fought by non-religious people.'[739]

In agreement with Mojzes's argument, the Serbian Orthodox metropolitan Nikolaj, whenever asked about the cause of the wars, would promptly turn to theology. He would assert: 'It was not a true religion, but the devil who controlled the hearts of those who launched ethnic cleansing and ethnic murder. Until the love of God drives out the demons in our hearts, there will always be wars between humans. This theological generalisation, however, flows on history, ancient and modern.'[740]

As Shriver reports, Nikolaj would always deny that religious appeals played a role in triggering the Balkan wars. History indeed proves that the various Bosnian denominations, regardless of their religious backgrounds, lived together peacefully for centuries, sharing land and all necessities of life while respecting each other's diversity. However, in an attempt to manipulate religions as a means of gaining power, in the late 1980s, Slobodan Milošević, Former President of Serbia, replaced communism with nationalism as a way to gain political power in Serbia while the Yugoslav federation was dissolving around him. He did this even though he had no reputation as a friend of religion. Nevertheless, he began to promote his nationalist ideas under the cloak of religion by openly reviving the myths of Serbian suffering for the Christian cause.[741]

In fact, Milošević's strategy proves how the war leaders of the time exploited religion as a guise to achieve their political and economic ambitions. This proposition is indeed consistent with what Jeffrey Russell argues: 'Conflicts may not be rooted strictly in religion and instead may be a cover for the underlying secular power, ethnic, social, political, and economic reasons for conflict'.[742] Similarly, Janko Stefanov argues that: 'it was not religion that was at the origin of the war in Bosnia and Herzegovina, but rather politics and power struggles and that the political parties, by involving religion in their politics, did nothing else but create 'tension and hatred between the people'.[743]

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[739] Shriver, 'Bosnia in Fear and Hope,' p. 4.
[740] Nikolaj quoted in 'Bosnia in Fear and Hope,' pp.46-47.
[741] Shriver, 'Bosnia in Fear and Hope,' p.4.
[742] Jeffrey Burton Russell, 'Exposing Myths about Christianity,' (Downers Grove, Ill, IVP Books, 2012), p.56.
[743] Janko Stefanov, 'Peaceful Life in a Land of War: Religion & the Balkan Conflicts. World Student Christian Federation – Europe,' <http://wscf-europe.org/mozaik-issues/peaceful-life-in-a-land-of-war-religion-and-thebalkan-conflicts> [accessed 01-01-2021].

This Machiavellian exploitation of religions was practised not only by politicians but by clerics too. In this context, Branimir Anzulovic reports: 'At the beginning of the Bosnian war, the honorary heads of the three main religious groups in the former Yugoslavia - Orthodox, Catholic, and Muslim officially denounced the outbreak of violence, as most of them still do today. But as the war dragged on, these religious leaders with pastoral devotion turned to the needs and outlooks of their followers, trained for centuries to fuse 'Serbs, Croats, and Bosniaks' with 'Orthodox, Catholics, and Muslims.'[744] They rarely tried to quell the military fervour on their part during the massacre. What historian Branimir Ansulovic said about the Serbian Orthodox hierarchy generally applied to the leaders of the other two religious communities: 'People who should represent the moral conscience of the nation and condemn the crimes committed in the attempt to create a Greater Serbia are instead ardent nationalists and xenophobic instigators.'[745] The war was indeed waged under the banner of religion by largely irreligious people. Thus, those leaders and their followers should blame themselves for yielding too easily to the mixing of the ethics of their faith with the passions of their ethnocentricity.

In the same vein, Kaufman pointed out the danger of manipulative leaders for possessing the causes of ethnic wars and dramatic executions, such as mass murder, sexual violence, rape, etc. In addition, he argued that society's elites and political leaders played the leading role in provoking or instigating ethnic groups against each other in order to secure and expand their power and ensure their domination over their followers.[746] This 'divide and rule' theory was applied in many places around the world where there were similar ethnic conflicts and sectarian strife. In order to establish their thrones, the elites and those in power would usually start sowing the spirit of division and discord among people for whatever ethnic or religious reasons. As a result, people become scattered, making them much easier for elites to control and rule forever.

According to Nikolaj and Kaufman, elites and leaders of society always play a crucial role in determining the circumstances of ethnic tensions and conflicts. The reason is that there are other groups of individuals in society who are neither elites nor leaders; they always tend to follow the directives of the elites and leaders of society. Therefore, the capabilities of elites or society leaders are essential factors that influence society towards ethnic violence. In his

[744] Branimir Anzulovic, 'Heavenly Serbia: From Myth to Genocide,' (C. Hurst, 1999), p. 177.
[745] Anzulovic, 'Heavenly Serbia,' p. 177.
[746] Kaufman, 'Modern Hatreds,' Ibid.

standard work on Bosnia, Noel Malcolm takes the same view and reports, 'The atrocities committed in Bosnia in 1992 were not perpetrated by old men or even by young Bosnians who harboured a grudge against the Second World War. The pattern was set by young urban gangsters wearing expensive sunglasses from Serbia. Although the individuals who performed these acts may have gained some pathological pleasure, they were executing a rational strategy dictated by their political leaders. It was a carefully calculated method to drive out two ethnic groups and radicalise a third.'[747] It is believed that these criminal gangs were themselves victims of corrupt capital, media incitement, and intellectual manipulation, which psychologically compelled them to commit such heinous crimes.

This complicit attitude of ordinary people seems to be a common feature in many cases of ethnic violence since most genocides are usually facilitated by them in the first place. In many bloody sectarian atrocities such as those in the Holocaust, Cambodia, Rwanda, Bosnia, and Darfur, ordinary people turned a blind eye, believed the propaganda, and joined murderous regimes to eradicate their countrymen. Those who were persecuted, oppressed, and killed, on the other hand, were not persecuted for crimes they had committed, but because they were ordinary people belonging to a particular group or religious belief. These genocides would not have taken place if ordinary people had not participated and supported the perpetrators in their crimes. By targeting their emotions, and psychological and physical needs, ordinary people were the perpetrators, bystanders, rescuers, witnesses, and victims.

Not far from Kaufman's theory concerning manipulative leaders, Horowitz also suggests a fourth driver of ethnic conflict represented in the psychological roots of ethnic groups. Considering that BiH is a multi-ethnic society and that people have lived together with respect and tolerance for centuries, regardless of some insignificant tensions at times, one can imagine how these prejudiced thoughts under rivalry have developed over time into bloody wars and the desire to destroy the other. These dread thoughts, as previously mentioned, were used by Serb leaders to influence their followers and ordinary people. Horowitz notes that inter-group psychology is crucial to understanding the collective politics of ethnic conflict.[748] Horowitz mentions that fear of extinction triggered ethnic wars between different groups and that feelings of hostility motivated various groups to resort to violence. He further explains

[747] Noel Malcolm, 'Bosnia: A Short History,' (Macmillan, 1994), p. 252.
[748] Bayraktar, 'Ethnic conflict movements,' p. 131.

that prejudice is a very important psychological factor that can be seen as an initial spark for the ethnic conflict in BiH.

There is no doubt that influencing the emotional side of the public has a great impact on igniting wars and eliminating opponents. In times of vying and running for power and influence, conflicting parties often resort to attracting the largest possible masses in order to seize power. These methods of attraction are often based on false promises, accusations of betrayal of the other, and anticipation of what others possess. In the same vein, Shriver reports, 'If there is one regular feature of war, it is the tendency of enemies to denigrate each other's humanity. It is virtually a psycho-political law: whom we would kill; we must first make inhuman. The world wars, apartheid in South Africa, and the genocide in Rwanda are good examples of this tactic. When denigrating ethnic groups, analogies with the animal world are usually used (often to discredit animals).'[749]

In short, playing on the emotional aspect was, and still is, one of the main drivers for fuelling conflict. Therefore, elites have always favoured psychology to reinforce feelings of hostility and spread prejudice in society against other ethnic groups. By imposing this tactic on their followers, Serb leaders have gained control over Bosnians by sowing tensions between the different ethnic groups and pushing them to destroy each other.

Overall, these theories were not necessarily all applied at once, but each of them may have been implemented whenever the need arose. Nor can it be said with certainty which of them was the better explanation for the conflicts in BiH, as they may all have been interwoven to ignite the events or that any one of them may have been the main driving force in itself at a particular time and for a particular segment. What is certain, however, is that they all played a crucial role in influencing, controlling, and affecting the mindset of the masses. Hence, it is evident that religion played a negative role in the conflict in Bosnia and Herzegovina, even if it was used as a false cover at times.

6.2. The Peaceful Bosnian Position on the Eve of the War

In contrast to the intransigent Serbian position, the government in BiH made every effort to distance its people from the ghost of the wars in the expectation of obtaining international recognition of its independence. Bosnian politics at this stage is explicitly expressed in the statement made by the Bosnian Foreign Minister Haris Silajdzic during his visit to Saudi

[749] Shriver, 'Bosnia in Fear and Hope,' p.9.

Arabia in Makkah on February 13th, 1992. In his speech, he said: 'We have so far succeeded in averting the evil of war against the Republic of BiH, despite the continuation of the war between Croats and Serbs, on the territory of Croatia. The Republic of BiH has declared its neutrality in this war. We are facing some difficulties, and we are waiting for the referendum to obtain international recognition of the full independence of the Republic. We want peace, good neighbourliness, and mutual peaceful co-existence as we have lived for hundreds of years, and we do not want extremism. It is important to maintain peaceful co-existence in the Republic of BiH because there is no such thing as a minority, as everyone enjoys equality before the law, and thus, we are all equal. We should not have any disagreements about the arbitration of law and order between us. We have thus become a model of peaceful co-existence, living in peace, since the Ottoman era until today.'[750]

Indeed, the statements of the Foreign Minister of BiH and the wishes and aspirations of the Bosnian Muslim clergy expressed at the time will remain a remarkable historical position, as they reflected the reality of BiH's politics before the outbreak of war on its land. Unfortunately, in early 1992, when Bosnia was working for peaceful co-existence with the Serbs, the Serbs, having finished fighting the Croats, were preparing to launch a second war front against the Muslim Bosniaks, this time on the soil of BiH itself. This was expressed by the Vice-President of Yugoslavia, Branko Kosanic, on February 16th, 1992, when he said: 'I will not allow the withdrawal of the Yugoslav Federal Army from the Republic of BiH as long as I am a member of the Presidential Council. I will never sign a decision to withdraw the Yugoslav army from Bosnia and Herzegovina. Anyone who has seen the scenario that happened in Croatia and Slovenia should know that the same could repeat in Bosnia and Herzegovina.' Kosanic's statement makes it evident that the desire for control, influence, and exploitation of Bosnia's rich lands was the primary motive for the war. This aggressive move was further enabled by BiH's poor defence situation and lack of external support.

Despite numerous attempts by the European and Bosnian sides to reconcile between parties and settle the disputes peacefully, the region was quickly consumed by war as ethno-nationalist forces within BiH, supported in some cases by Serbia and Croatia, attempted to gain control of the region.

[750] The situation of Bosnaiks on the eve of the outbreak of the conflict <http://www.moqatel.com/openshare/Behoth/Siasia2/BosnaHerse/sec11.doc_cvt.htm> [accessed 04-11-2022].

In light of these fraught conditions, in which dozens of thousands of Bosnians were killed, the questions arise here: Does religion have any historical role in igniting such conflicts in the Bosnian case? Were the conflicts of this era the result of a sudden change, or are they inherent to the Bosnian character? To answer these questions, it is essential to understand the history of relations between the various social groups in Bosnia, particularly during the Ottoman Empire.

6.3. History of Co-existence in Bosnia

Throughout history, Bosniaks, Serbs, and Croats shared all the needs of life, be it land, schools, or hospitals, and they were also friends and neighbours. The three major religious sects had lived side by side peacefully for centuries. Because of the religious diversity that characterises the capital, Sarajevo, it is sometimes referred to as the 'European Jerusalem.' Sarajevo is the seat of many religious institutions, including the spiritual leader of the Muslims, Reisu-l-Ulema, Metropolitan Dabar Bosna, the metropolis of the Serbian Orthodox Church, and the Roman Catholic Archdiocese of Vrhbosna.[751]

Each of these religious communities has important sanctuaries visited by a large number of believers annually. The most visited shrine, or most attractive destination, is Medjugorje - the place of Our Lady of Apparition, located 25 kilometres from Mostar. Since 1981, when a group of young people testified about the apparition of the Virgin, this place has been visited by at least one million pilgrims annually. Likewise, Ajvatovica is considered one of the most visited places in Europe, where believers have congregated for more than 500 years. Ajvatovica is located in Prusac, a town between Bugojno and Donji Vakuf. Ajvatovica has a legend about a mystical event from the life of Ajvaz Dedo (Grandfather Ajvaz), who came to BiH in the fifteenth century.[752]

For centuries under the Muslim Ottoman rule, all of these churches, monasteries, and historical places remained standing, manifesting the prevailing religious tolerance during this era. Among these monuments, which are still inevitable destinations of religious tourism today, is the Žitomislić Monastery, dedicated to the Annunciation of the Virgin, near Mostar. Žitomislić Monastery is a culturally important Orthodox monastery in Herzegovina from the 16th century. The Nevisingi magistrate issued a permit to build the church in Žitomislići in

[751] Religious Tourism in Bosnia and Herzegovina: Centuries of Coexistence of Different Nations <Religious Tourism in Bosnia and Herzegovina: Centuries of Coexistence of Different Nations | visitbih.ba> [accessed 11-11-2022].
[752] Ibid.

AD 1566.[753] The work to raise the church and build the monastery buildings around it lasted more than 40 years, and in AD 1606, the first monks were mentioned. These religious and historical places are visited by tens of thousands of people each year, not only from a particular denomination but from all religious backgrounds. The survival of these places over these long centuries proves that Bosnia has been a multicultural society and a safe crucible to accommodate these various religions in peace and harmony.

These manifestations of co-existence were evident not only in the common religious and historical visited sites but also in the daily habits that were practised as a matter of course among the different sects. In this regard, Rusmir Mahmutcehajic, a Bosnian academic and former politician, wonders how, in the past, people of different faiths would customarily attend each other's religious holiday events. Centuries ago in Bosnia, 'almost every child grew up in an environment where the call to prayer could be heard from the minarets of mosques and the ringing of church bells from church steeples.'[754]

Historically, the way of co-existence among the people of BiH was exemplary before it was consumed by the fires of hatred, wars, and hegemony. The relationship with the Jewish community, however, enjoyed a special status compared to others, and many aspects of it are documented in Bosnian literature and history. Examining their situation confirms that religion was not a factor in provoking sectarian conflicts. Therefore, it is valuable to explore this relationship and its social and political dimensions.

6.3.1. Jewish-Muslim Co-existence in BiH

For more than five hundred years, BiH has been constantly a diverse country, allowing Jews and Muslims to co-exist. Sephardic[755] Jews who were dismissed from Spain and Portugal during the *Reconquista* were welcomed into Bosnia at the beginning of the 16th century. The Sephardic community first arrived in Sarajevo and then spread to many other Bosnian cities such as Travnik, Visegrad, Banja Luka, Visoko, Zenica, Tuzla, Briko, and many others.

Synagogues were gradually built; in Sarajevo alone, there were 37 of them. Jews pursued various businesses and built their houses together with the locals. Bosnia even developed an

[753] Pištalo, Borivoje, 'Srbi u Mostaru. Belgrade,' (Svet knjige, 2001), pp. 281–99.
[754] Rusmir Mahmutcehajic, 'The Bosnian Question about the World,' unpublished manu- script, Mahmutcehajic's best known book in English is Bosnia the Good: Tolerance and Tradition (Central European University Press, 2000), p. 8.
[755] The word "Sephardic" comes originally from Ladino language (s'farad) and means "Western country" which was then understood as Spain.

educational centre for rabbis and *hakhams*; many of them worked all over Europe. At that time, Sarajevo had a synagogue, an Orthodox church, a Catholic cathedral, and a mosque only a few hundred metres apart - all of which have been preserved despite the wars in Sarajevo. For this reason, Sarajevo is called *Jerushalaym Ketana* (Little Jerusalem), as the city's religious diversity is very similar to that in Jerusalem-Palestine.[756]

According to Dževada Šuško, some sources claim that the inhabitants of Medieval Bosnia were kind and open-minded, regardless of whether they were Catholics, Orthodox, or Muslims. Closely related to this is the syntagma of the 'good Bosniaks' (Dobri Boshnjani), which appeared in historical documents and described the inhabitants of Bosnia in the Medieval Ages. Moreover, BiH has always been a multi-ethnic and multi-religious country. It may, therefore, come as no surprise that the incoming Jews were welcomed and accepted by the locals. Unlike other European cities, as was the case in Spain, the Bosnian Jews never lived in ghettos or separate ghettos. At the end of the 16th century, during the Ottoman Empire, Siavuš Pasha built a residential building known as Sijavuš Pašina Daira (Court of Sijavuš Pašin Han) or Velika Daira (Big Court) or in Judeo-Spanish II Kortižo (Court). It had forty-six rooms and is considered the first example of group housing in Sarajevo.[757]

In accordance with their customs, the Jews often prefer to live in their own residential compounds that include all the necessities of life, such as businesses, markets, schools, rabbis, synagogues, and others. However, when they experienced this high level of peace and warm welcome from the Bosnian society, they broke this rule, merged with them and lived in remarkable harmony and peaceful co-existence for centuries. Moreover, they were able to preserve all the traditions they brought with them from Spain, even their devotional rites and purification customs. For instance, to perform the ritual ablution *(tevilah)*, the Jews used public baths *(Hammām/mikveh)*, such as the Gazi Husrev-Bey Hammām or the Isa Bey Hammām in Sarajevo. Only Jews were allowed to enter the pools, which were built in separate rooms.[758] The *Tevilah* pool in the women's section of the Ghazi Husrev Bey

[756] Muḥammad Nezirović, u Muḥammad Nezirovic, Boris Nilevic und Muhsin Rizvic, ed., Sefarad 92, Sarajevo, 1995, p. 20, quoted in Jewish-Muslim co-existence in Bosnia and Herzegovina, p. 9.
[757] Dževada Šuško, 'Jewish-Muslim co-existence in Bosnia and Herzegovina 500 years of tolerance, mutual respect and civil courage' The Cordoba Foundation, Vol. 3, no. 1 (2022), p. 9, <https://thecordobafoundation.com/publications/reports/jewish-muslim-coexistence-in-bosnia-and-herzegovina/> [accessed 11-03-2022].
[758] Hamdija Kreševljaković, 'Spas in Bosnia and Herzegovina" (1462-1916), selected works, book III, (Sarajevo, 1991), p. 32.

Hammām existed until the eve of World War II in 1939. These practices show the palpable respect of Bosnian society for the privacy and religious norms of others.

Not only did they maintain their religious rites, but they were also able to maintain their own language. Judeo-Spanish or Ladino has been preserved over the centuries among the Sephardic community. Linguist and literary historian Muhamed Nezirović quotes Regina-Gina Kamhi in 1966, who then stated that the Spanish Jewish language, folklore, and traditions had been preserved. [759] This is consistent with the narrative that for centuries, Sephardic Jews enjoyed religious freedom and the freedom to live their own culture. Otherwise, had there been strict assimilation policies or any other kind of restriction, they would have lost their own language and culture forever. Thus, it is not surprising that Jews responded with loyalty and patriotism that were evident in times of hardship, such as during the 1992-1995 war when the graffiti 'Jews protect Sarajevo' appeared on the wall. [760]

The Haggadah was also stark evidence of the vital interrelationship between both sects. This relationship manifested in the Bosnian Muslims' keenness to preserve the history and culture of the Sephardic Jewish community. The Haggadah is a manuscript about religious commandments to mark the Pesach, a day that celebrates the liberation of Jews from Egyptian slavery. The manuscript comprises 142 pages and 69 miniatures written in Hebrew. After the expulsion of Jews from Spain during the *Reconquista* in 1492, part of the Sephardic Jewish exodus sought refuge in Bosnia, bringing the Haggadah with them – now known as the Sarajevo Haggadah. It is considered one of the oldest Haggadahs in the world and an important source for research into the cultural heritage of the Sephardic Jewish community.[761]

Šuško reports that the Koen family sold the Haggadah to the National Museum. Since then, it has been considered an integral part of the cultural heritage of Bosnia and Herzegovina. During World War II, the museum director and humanist Dervis Korkut saved the Haggadah from the Nazi puppet state NDH (Independent State of Croatia) that occupied Bosnia and Herzegovina.[762] Korkut brought the Haggadah to a mosque near the mountain Bjelašnica and hid it between Islamic religious books. Fifty years later, during the aggression against Bosnia

[759] Muḥammad Nezirović, et. al, p.26, quoted in Šuško, 'Jewish-Muslim co-existence,' p. 7.
[760] Šuško, 'Jewish-Muslim co-existence,' p. 10.
[761] Šuško, 'Jewish-Muslim co-existence,' p. 12.
[762] Marko Attila Hoare, *'Suživot i saradnja izmedu jevreja i muslimana u Bosni i Hercegovini tokom Drugog svjetskog rata,'* in *Suživot jevreja i muslimana u Bosni i Hercegovini: primjeri tolerancije od 16. stoljeća do danas,* edited by Dževada Šuško, Sarajevo, (2021), p.199-200, quoted in Šuško, 'Jewish-Muslim co-existence,' p. 12.

and Herzegovina (1992-1995), the cultural heritage of the nation was again attacked, and the National Museum was bombed several times. This time, Director Enver Imamović saved the Haggadah and brought it to the strongroom of the National Bank. Today, the Haggadah is once again an integral part of the exhibition at the National Museum and available for all to see.

During the arduous length of World War II, numerous cases were also recorded in which Muslims saved their Jewish neighbours from the Holocaust. The same family that saved the Haggadah is still remembered today for rescuing a young Jewish woman named Mira Papo. According to 'Yad Vashem, the World Holocaust Remembrance Centre,' the Muslim couple Dervis Korkut and his wife Servet saved this woman by accepting her as their own child during the World War and introducing her to the public as 'their cousin Amira II.' For this and their civic and human bravery in saving the Haggadah, they were awarded the title 'Righteous Among the Nations' at Yad Vashem in Jerusalem.[763]

Historians Anisa Hasanhodžić and Rifet Rustemović affirm: 'Of the 59 righteous to date recognised among the nations of Bosnia and Herzegovina, 30 are Muslims who individually, as a couple, or as a group saved the lives of their neighbours in towns across BiH. Both Hasanhodžić and Rustemović assert: 'Each of their stories bears witness to immense courage, self-sacrifice, and general goodness of human souls. Neither the worst time of the Ustasha terror regime[764] nor the highest danger those risked who helped the Jews could hinder them from remaining kind-hearted, showing humanity, and being a glimmer of light in such dark times.'[765]

Remarkably, Bosnian Muslims also wrote resolutions against hate speech, violence, massacres, and killings for the sake of peace, truth, justice, and co-existence. In 1941, at the beginning of the war, the most eminent Muslim citizens requested the Ustasha regime stop killing Jews and plundering their property as well as Serbs and Roma. Resolutions were written and signed all over BiH, For example, in Sarajevo, Mostar, Banja Luka, Prijedor, Bijeljina, Tuzla, and Zenica. The Sarajevo Resolution was signed by all the institutions of the Muslim community and representatives of Muslims, such as the El Hidaje Teachers'

[763] The title "Righteous among the Nations" is an award given by Israel and the Memorial centre Yad Vashem in Jerusalem since 1963 to non-Jews who during the Holocaust risked their lives to save Jews <https://www.yadvashem.org/articles/interviews/bakovic.html> [accessed 15-11-2022].
[764] Ustasha regime was a Croatian fascist and ultranationalist organization active, as one organization, between 1929 and 1945.
[765] Hasanhodžić and Rustemović as qouted in Šuško, 'Jewish-Muslim co-existence,' p.12.

Association, the Narodna Uzdanica Cultural Association, and the Merhamet Humanitarian Organization. There were many hundreds, perhaps thousands of copies that were distributed as pamphlets all over the former Yugoslavia. Some of them were even translated into foreign languages.[766] Adil Zulfikarpašić, one of the most prominent opponents of the Bosnian diaspora, says: 'This was a unique case in the entire German occupation zone in Europe. Nor did the citizens of France, Denmark, Netherlands, Belgium, Austria, or any other country have citizens protested with their signatures against Hitler's race politics - only Bosnian Muslims did so.[767]

6.4. Co-existence and the Role of Religion

Despite this longstanding tolerance and peaceful co-existence that characterised Bosnian society under normal conditions influenced by Islamic moral motives, Renata Stuebner doubts this and argues that such a state can only be understood and achieved within specific historical conditions. She refers to the era of the Yugoslav Communist Party (1945-1990) to support her argument, as explained below:[768]

A) Before 1945, one faith was always closer to the ruling authorities than others, and both took advantage of their presence in this position. The Orthodox Church had precedence over others during the Kingdom of Yugoslavia, 1918-1941 (originally the Kingdom of Serbs, Croats, and Slovenes); The Catholic Church was prominent during the Austro-Hungarian rule (1875-1918) and during the Independent Republic of Croatia, (1941-1945); Islam dominated during the nearly 450 years of Ottoman rule. Judaism has never been part of any ruling elite. Therefore, there were periods in Bosnian history when each of the three major religions could claim to be oppressed or to be associated with a ruling party and have a privileged position. The forty-five years of communist rule deprived them all equally.

In fact, depriving people of their political rights and religious freedoms under the guise of maintaining stability is a common strategy of dictatorial regimes. Rather than applying the law equally, these regimes suppress political and religious freedoms to preserve their control. Unfortunately, when these regimes collapse and the power dynamic shifts, countries often descend into chaos and conflicts among groups unaccustomed to co-existing under normal

[766] Muḥammad Hadžijahić, 'Muslim Resolutions from 1941,' in Nasuprot zlu, (Sarajevo, 2019), p.14.
[767] Muṣtafa Spahić, 'Reakcije na muslimanske rezolucije,' (Nasuprot zlu, 2019), p.27.
[768] Renata Stuebner, 'The current status of religious coexistence and education in Bosnia and Herzegovina,' pp. 1-2, <https://www.usip.org/publications/2009/11/current-status-religious-coexistence-and-education-bosnia-and-herzegovina> [accessed 01-01-2021].

conditions. This was evident in the wars that swept through all Yugoslavian countries following Tito's death and the disintegration of the Federation, as well as in Egypt during the era of Sadāt, and more recently in Sudan. Thus, it can be argued that deprivation of rights and suppression cannot achieve sustainable stability of regimes or create peace and harmony between various groups in society.

Stuebner argues this as if religions and their approach to power are what destabalise the stability of society, which is not the case as explained in the drivers of conflict above. In contrast to Stuebner's argument, historical facts prove that under Islamic rule in BiH, all groups lived in peace and serenity under normal conditions. They were not deprived of their religious practices or individual identities, a situation that persisted for nearly 500 years. In this regard, Paul Mojzes comments on the horrific events of the Bosnian conflict: ‘A person who kills in the name of religion is the greatest enemy of religion.’[769] According to Mahmutcehajic, religion has nothing to do with the shameful wars of the 1990s. Throughout history, Bosnians have always been in peace and harmony, practising their religions, each according to their faith. Given the depth of human relations between the various sects on Bosnian soil, they have always been tolerant to the point of sharing celebrations on each other's occasions.[770]

B) Stuebner also mentioned that a large percentage of the population had received no religious education during the rule of the Communist Party, applying Marx's definition of religion as the 'opium of the masses'. Religion and religious observance were somewhat limited to cultural rituals around family holidays. One joke says that under the former regime, it was the tradition of Bosnian Muslims not to go to mosques on Fridays, while Orthodox and Catholics followed their own tradition of not going to church on Sundays.

In response to Stuebner, stripping the public of their national and religious identities in order to control them more easily cannot be the right way to create peace. Rather, it creates a human element that has no identity or belonging. In this way, citizens become machines that function without a soul or identity rather than human beings who need to live with others motivated by their own faith and beliefs and not by what the state dictates to them.

[769] Statement at a conference, ‘Religion and Conflict Resolution,’ sponsored by the Tanenbaum Centre for Interreligious Understanding and the Woodrow Wilson School, (Princeton University, 2001).
[770] Ibid.

In this context, Modood emphasises the importance of allowing people to hold, adapt, hyphenate, fuse and create identities important to them in the context of their being not just unique individuals but also members of sociocultural, ethno-racial and ethno-religious groups, as well as national co-citizens.[771] Identities and cultures, thus, must remain important because they are important to the bearers of those identities. In order to integrate people into a nation's polity, this should take place in ways consistent with respect and equality. Similarly, Elisabetta Galeotti points out the importance of respecting other people's identities and differences, and refraining from marginalising or belittling them, saying: 'Differences should be publicly recognised not because they are important or significant per se, though they may well be but because they are important for the bearers and because expressions of public content for them, on the grounds that they depart from the social Norm are a source of injustice.'[772]

C) Because of the complete separation of church and state, according to Stuebner, the clergy were not politically active, and they and their parishes, however small, were discriminated against. The clergy usually served only the older, more religious generations, and this was mostly in the 'less progressive' rural areas of Bosnia. Stuebner wanted to emphasise that the church was not in contact with all societal sects and, therefore, had no influence nor direction to the collective spirit of the masses. Religion was, therefore, outside the realm of people's thinking and behaviour. Given this was the position of religions under the communist rule of BiH, a question arises: how Stuebner then argue that the success of the model of co-existence during this period was due to the exclusion of religion and the marginalisation of its role! When religions were primarily not allowed and not given the opportunity to operate or influence their followers' attitudes for peaceful and harmonious co-existence amongst each other.

D) She also attributed this state of stability to the fact that religions had no official role or public influence. The property of religious denominations, which the socialist authorities considered surplus wealth, was nationalised, causing further grievances on the part of religious leaders towards the ruling party.[773] While this policy may help maintain temporary stability in political and social conditions, it cannot lead to a sustainable form of peaceful

[771] Tāriq Modood, 'Multiculturalism,' IPPR Progressive Review, 30.2 (2023), pp.78-82 (p.79). https://doi.org/10.1111/newe.12350.
[772] Elisabetta Galeotti, 'Toleration as Recognition,' (Cambridge University Press, 2002), quoted in Modood, 'Multiculturalism' (Polity Press, 2007), p. 66.
[773] Ibid.

living. When people feel that they are not well represented and their voices are not heard, this leads to a general frustration that is not psychological but religious, considering that religion is an important part of most people's lives.

As a result of the marginalisation of institutions and the weakening of their role in fostering awareness, many groups typically arise that lack a proper understanding and practice of religion. When regimes fall, these groups often emerge from periods of repression, interpreting religious texts in fragmented and distorted ways that may threaten peace and co-existence with others. This situation arises from a lack of awareness and the deprivation of practising their religious identities in an atmosphere of freedom and openness. This scenario became evident in Egypt after the death of Naser, with the emergence of groups such as Jihād, Takfir and Hijra.

Contrary to this exclusivist strategy, religions represented by their leaders should play a significant role in promoting awareness of ethnic and religious diversities among their followers. They should be consulted to cultivate a culture of acceptance, cooperation, and solidarity between different religious communities. The state should collaborate with these leaders and their institutions to address escalating conflicts and diffuse tensions early, rather than neglecting or marginalising their role.

Overall, people's religious identities and affiliations should not be neglected or underestimated, as was the case during the Communist era. Contrary to the Communist negative perception of religions, there are teachings and traditions in all religions of Bosnia that can be a strong foundation for a new birth of respect among citizens. True religion emphasises that it is our duty to assist the most vulnerable and damaged people around us. We must stand up for them in our communities. If we do not, we become partners with the evil of fundamentalism.

In the same context, Shriver reports: ‘The Christians among them, I suspect, pray their Lord's Prayer with mingled hope and fear when they come to the words, ‘Lead us not into temptation but deliver us from evil.’ The Muslim community has its own analogous prayers and a historical tradition of respect for neighbours, which they find in both deeds and rituals.’[774]

[774] Shriver, ‘Bosnia in Fear and Hope,’ p. 11.

Unlike the view of the modern state and its core aspect of secularism, Mahmutcehajic argues: 'Religious faith cultivates active and unimpeded humility before the truth as one and great. Tolerance of diversity is then principled.... Tolerance is the inevitable mode of existence that derives from humility before the perfect Self.'[775] Similarly, Patel asserts, 'The spiritually undisciplined self *(nafs)* obsessed with power seeks to be above others, but the spiritually disciplined self shuns self-aggrandizement, fearing abasement before God.' [776] By denying the impulse of the self to rise above the religious 'Other,' the flattening of religious hierarchy onto a plane of social equality acts as a form of spiritual discipline that cultivates a virtuous self *(nafs).* Therefore, people can live together peacefully without attempting to violate each other's rights or practising any kind of discrimination under any guise or pretext.

Religion in Bosnia, hence, and elsewhere can provide its adherents with the truth about the past that calls them to repent of their own sins and those of their ancestors. It can nourish them with renewed hope for a future in which these sins will not be repeated. With their ethical and moral reservoirs, religions can provide a strong foundation for cultivating a culture of acceptance and mutual peaceful cohabitation. Therefore, valuing different religions and not underestimating them can make an important contribution to building and developing societies if the intentions are sincere.

Generally speaking, Muslims, along with their fellow Bosnians—Jews, Christians, and others—are undoubtedly indigenous inhabitants of BiH and have lived in peace for centuries. It is not true that there have always been wars and perpetual hatred, or that co-existence occurred only under certain historical circumstances. This narrative is fabricated by nationalist circles and used for ideological purposes. Given the numerous attempts to associate religion with the tragic events in Bosnia, it was necessary to discuss the shared heritage and common values of the conflicting parties. This discussion aimed to restore the compass of peaceful co-existence among Bosnians and to understand the true role of religion in the conflict.

In short, Bosnia and Herzegovina, which lived in peace for about 500 years under the Islamic paradigm of the Ottoman Empire, is believed to be able to restore this paradigm in the present. This model, which accommodated all Jews and Christians under its umbrella in a harmonious life away from the hatred of conflicts, wars and the exploitation of elites, is

[775] Mahmutcehajic, 'The Bosnian Question about the World,' p. 24.
[776] Patel, 'The Muslim Difference,' p. 223

worthy of consideration for resolving most of the secular causes of conflict and bringing peace to society. Thus, religion should be recognised as a powerful strategy for resolving conflicts and establishing peace frameworks in such multi-ethnic and multi-religious societies.

Conclusion:

The thesis sheds light on peaceful co-existence in societies in light of the Qur'ān and the Prophetic Sunnah supported by a few case studies in which Muslims co-existed with non-Muslims either as a minority or a majority. The study explores the moral role of Islam in bringing peace and security to humanity. The thesis concludes that Islam, with its moral and ethical reservoir, calls for peaceful co-existence and harmonious living with others, as God says: 'O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allāh is the most righteous of you. Indeed, Allāh is Knowing and Acquainted.'[777] These instructions are considered a solid foundation for many of the universal principles that call for promoting peaceful co-existence in societies.

The study deploys a thematic reading of the relevant principles from both the Qur'ānic and the prophetic teachings. Examples of these principles include the concepts of peace in Islam, universal human dignity, universal justice, respect for humanity, universal human brotherhood-loving-kindness, tolerance towards the 'Other', acknowledgement of plurality in human societies, maintaining good relationships with opponents, human stewardship on the earth, the essence of collaboration and partnership, peaceful dialogue- particularly with the 'People of the Book,' Muslim interaction in non-Muslim societies, prohibition of coercion in faith and *da'wah* (invitation), apostasy and freedom of choice, *jihād* and *qitāl*.

It has been established that when discussing these principles from a religious perspective, it is entirely incorrect to investigate them according to the actions of the religion's adherents. Instead, they should be looked at through the normative teachings of religions, as people are fallible in their actions and behaviours. Most of the violations that occur in societies on a religious basis, according to Badāwī, Esāck and others, lie in the misinterpretation of the sacred text itself. According to them, the interpreters of the Qur'ān are human beings who carry the inescapable baggage and conviviality of the human condition.[778] As a result, it was imperative to employ the various hermeneutical principles to reach the *ḥikma* (wisdom) underlying the *ḥukm* (law or rule). Doing so would clarify many ambiguities and refute misunderstandings.

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[777] Qur'ān 49:13.
[778] Esāck, 'Qur'ān, Liberation & Pluralism,' p. 50.

Through a detailed investigation and in-depth discussion of the Qur'ānic principles that call for mutual peaceful co-existence with non-Muslims, it has been found that the Qur'ān strongly encourages these principles for the stability of societies. The Qur'ān calls for establishing peace, which is paramount to securing the five objectives of Shari'ah; namely the protection of faith, reason, life, honour, and property. These objectives can be seen as the basic foundations for peaceful co-existence among communities. The framework of this co-existence encompasses various circles, such as the family, the community, society, and humanity at large, and each of them requires peace as a basic requirement for them to flourish and last.

There is no doubt that the desired fruits of bringing peace to societies, represented in the five objectives of Shari'ah, contribute to preserving human dignity with regard to life, mind, and property. For that, the Qur'ān encourages respect for the human dignity of others as a prerequisite for establishing a peacefully co-existing society. As a central principle of peace and conflict resolution, the study asserts that the *fiṭra* (instinct) reminds Muslims that all human beings, regardless of gender, religion, race, etc., are created in the image of God and are all sacred. As a result, everyone deserves respect, whether from one's own religion or any other religion, whether he belongs to one's community or another friendly group or even a group of strangers; in all cases, he is worthy of respect. By referring to the angels' prostration *(ūsjūdū)* to Ādam and the Lord's honouring of him *'karramnā,'* the Qur'ān emphasizes the necessity of respecting this human entity in order to achieve God's wisdom for humanity.

The thesis also concludes that the value of justice and its practices in what is called *'adl* (the Qur'ānic terminology) and its notions *(al-mīzān)* and *(al-qisṭ)* ensure peaceful co-existence between human beings, as it is impossible to secure any form of peaceful living and human dignity without promoting this concept in its universal practice, which includes all people, not just one's denomination. Conversely, violating this value by denying certain sects their rights and not equating them with others on a religious or ethnic basis would be detrimental to the whole society and would explicitly violate the principles of peaceful co-existence. Such a denial of rights is unequivocally condemned in many texts of the Qur'ān.

The Qur'ān also asserts that the ideal society that Islam aspires to is created not only through the practice of justice but also through the pursuit of peace and the attainment of a balanced life. In some cases, although justice in rights is ensured between people, enmities and disputes still exist due to competitiveness, ruthlessness, and lack of cooperation. For that,

love and kindness *(birr in Qur'ān)* are suggested to be among the essential components of peacebuilding, as they help convert former hostilities into friendship and create kind relationships based on respect and understanding. From a spiritual perspective, love and kindness are some of God's attributes and are derived from one of the ninety-nine beautiful names of God. The source of people's love for each other and for all creatures is thus rooted in the loving nature of God Himself.

In order to establish these meanings in societies as a solid basis for peaceful co-existence, the Prophet, as a religious and political leader, set an exemplary model in preaching and implementing them. Throughout his life, even before being God's messenger, the Prophet was overwhelmingly concerned with promoting these meanings through his rhetoric, concluding treaties, meeting with delegations of 'Others' and settling ongoing disputes. Examples of these efforts are *Ḥilf al-Fuḍūl* 'Pact of the Virtuous,' the Constitution of Medina, the Prophet's covenant to the Christians of Najrān, and the Farewell Pilgrimage Speech. These efforts were aimed at removing oppression, restoring rights to their owners, guaranteeing peace and social security for all, and granting people the freedom to choose their religions without coercion or intimidation. Granting minority rights to various groups living with Muslims through mutual pledges, treaties, and agreements succeeded in creating a stimulating environment that developed the spiritual and material growth of the different religious groups living under Islamic rule.

These treaties are enlightening proofs of how Islam unreservedly granted other sects social and religious freedom and gave them the power to decide their civil affairs. This power was demonstrated by establishing judicial independence, which covered not only personal status but also civil rights, criminal law, and all matters of life, with the Constitution of Medina as an example. Religious freedom and an independent judicial system laid the foundation for a true confederation with a constitution in which the various religious groups became an integral part of a political agreement through a social contract.

In these treaties, the Prophet usually made concessions in order to spread peace and avoid bloodshed, as happened in the Treaty of Ḥudaybiyah in 628 AD. He also did not see the peaceful others from the perspective of 'us' and 'them.' Instead, he viewed them as full citizens sharing life and land on an equal footing, describing them as *ummah waḥeda* (one community) as stated in the Constitution of Medina. They have always been viewed from a human perspective without discrimination on the basis of their skin colour, language, tribal

affiliation, or religion. He dealt with them on the basis that they have protected rights and all the duties that must be provided to co-exist in peace. Therefore, the thesis discussed the crucial role of the state in ensuring peaceful living, justice and security for all, regardless of any other considerations.

In light of these principles and their importance in ensuring a just and peaceful society, the role of humans as God's stewards on this earth should be highlighted to embody these principles and promote their application. In this regard, the Qur'ān urges towards playing the role of human stewardship on this earth in order to strengthen good relationships between people and fulfil the desired aims God entrusted them with. Contrary to Western modernity and the core aspect of secularism, which made man the owner of the earth, replacing God, who can do whatever he wishes, good or bad, Islam makes man a mere trustee (steward), receiving the trusteeship from God, the one who truly owns everything. Perceiving these meanings makes Muslims struggle in order to make life on the earth safe, peaceful, and free from all forms of violence and corruption.

This stewardship role cannot be done without collaboration, mutual responsibility for problem-solving, and respect for the plurality of others. The Qur'ān is always found urging collective action *(ta'āūn)*, bringing good *(At-Taqwā)* and forbidding evil *('Ithm).* Embodying this principle on the ground, the Prophet used to deal with others, trade with them, accept their invitations on various occasions, and even seek refuge with them, as he and his companions did in Abyssinia, to the extent that he died while his shield was pledged to a Jew for thirty sacks of barley. His inclusiveness and openness to all people were an essential quality in his dealings, for he preferred to communicate with them and build a harmonious and co-existing society rather than abandoning them and isolating himself from them.

It is proposed that religious differences should not hinder Muslims from dealing with others and collaborating with them for the benefit of all. For that, the thesis also sheds light on the aspect of pluralism. Islam recognises plurality in society as a basic requirement for accepting differences amongst various sects. In many verses, the Qur'ān denotes the enumeration of human differences in colours, races, faiths, and languages. Therefore, people have to accept the diversity of others and deal with what God created human beings upon. Nevertheless, accepting the plurality of others does not mean compromising their beliefs or their local identities. Instead, their religious and national identities should be acknowledged and identified and not be underestimated or trampled upon for any reason. The recognition of

pluralism in the Constitution of Medina, without disparaging the identities or religious beliefs of its inhabitants, is indeed clear evidence of this. In it, the Prophet Muḥammad envisioned a society where people could unite not on the basis of race or religion but through the rights of citizenship and the principles of humanity.

To establish respect for the plurality of others, the Qur'ān repeatedly encourages Muslims to open channels of mutual dialogue with them, saying: 'Say: O People of the Book! come to common terms between us and you.'[779] The same call is still valid not only for the People of the Book but for everyone, for it is of great importance in the search for common ground for dialogue and cooperation for mutual peaceful co-existence. Moreover, the Qur'ān instructs Muslims, when entering into dialogue with others, to do so on common ground without feeling superior or arrogant by claiming to possess the ultimate truth. These Qur'ānic concepts emphasise the importance of mutual dialogue as a means of establishing peace, resolving disputes and bringing points of view closer. If others turn away from the call to dialogue and the *da'wah* to hear about Islam, they should feel free and safe, and no harm shall afflict them.

In light of the above principles, Islam's tolerance can be evidently seen in words and practice. Therefore, embracing Islam under coercion is forbidden, and hence, it is forbidden for Muslims to do so under any circumstances and for any reason. Islam only allows Muslims to invite and debate people with wisdom and leniency without compulsion or taking advantage of their vulnerability due to hunger, weakness, or lack of knowledge. Accepting or rejecting the invitation should not hinder the foundations of peaceful co-existence or deny the diversity of others.

In this context, it should be noted that Islam does not prescribe any criminal penalties for cases of freedom of choice, such as apostasy. The only punishment, albeit a serious one, is eternal hell in the hereafter, and God is the only judge in this regard, not any human being or a group in this life. The apparent absence of any punishment, especially the death penalty, in the Qur'ān for apostasy is a crucial indication that God does not intend any punishments for apostates in this world and that people are free in their choices as long as they do not offend or assault others.

[779] Qur'ān 3:64.

The study also highlights the controversial meaning of *jihād* in Islam and concludes that the term has multifaceted and complex meanings, which raised many misconceptions about it. In the West, the term '*jihād*' has often been erroneously translated as 'holy war' *(ḥarbu al-mukadasah)*. Although the Qur'ān is revealed in Arabic, the mistranslated Arabic term *'ḥarbu al-mukadasah'* is not mentioned anywhere in the Qur'ān or even in the authentic prophetic sayings. On the contrary, when the Qur'ān speaks about defensive war, it never praises or glorifies it as 'holy war'; rather, it is described as something which is inherently hated by Muslims. Muslims were only allowed to engage in wars to defend their homeland and lives and were not transgressors. Even in times of just wars, Prophet Muḥammad strictly warned Muslim armies against destroying non-Muslim places of worship and ordered his followers to preserve even the crops and other vegetation in their fields. Any other forms of *jihād* are concepts that were introduced in later times for political and utilitarian reasons when the threat was felt from some external dangers.

Islam also considers the above fundamentals of co-existence as the ultimate goal intended by God for all humanity in this world. In this context, the Qur'ān affirms that God Almighty is the Creator of all creatures and desires that they live in peace and harmony, away from grudges, wars, and conflicts. Accordingly, other matters related to truth and falsehood, wrong and right, punishment and reward are in God's hands alone, and He will judge them on the Day of Resurrection. For this reason, Islam can be a viable model to overcome religious hatred and promote peace and justice among people, regardless of their diverse ethnic, religious or cultural backgrounds.

In accordance with the principles highlighted above and their moral wisdom in bringing peace to societies, Muslims in subsequent ages have endeavoured to live in peace and tranquillity with others. The study concludes that subsequent Islamic caliphates were keen to lay the groundwork of co-existence by including non-Muslims in the different political, administrative, scientific, and intellectual affairs of the state, e.g. St. John of Damascus, al-Akhṭal al-Taghlibī, Sarjūn ibn Manṣūr al-Rūmī, ibn 'Uthal, and others. However, the so-called 'Pact of ʿUmar,' attributed to 'Umar ibn al-Khaṭṭāb, appeared in the books of late jurists, with its humiliating laws, to cause some suspicion and doubt about the status of non-Muslims under Islamic rule. The study, thus, investigated the veracity of the 'Pact' and proved its false attribution to ʿUmar, and that it was the product of some later jurists in response to some political circumstances and dangers of external attacks. Instead, the chronicled manifestations of co-existence during this era prove that Muslims treated their

Christian and Jewish subjects with justice and tolerance, except in some exceptional cases in response, but not often, to their violations of the terms of the *dhimmah* contract concluded between them and the Muslims. The thesis also explains how the understanding of some Islamic traditions developed by some Medieval jurists in response to socio-political circumstances (ibn Taymiyyah at the time of Mongols), and sometimes even to legitimise corrupt and aggressive regimes (al-Mutawakkil, al-Ḥākim bī-Amr Allāh,…).

Andalusia was also one of those shining examples of the long peaceful co-existence between Muslims and non-Muslims in the Iberian Peninsula (711-1492 AD). The study concludes how the Muslim rulers created a peaceful Andalusia where Muslims, Jews, and Christians lived together in peace and harmony, to the extent that some emirs brought non-Muslims close to them by assigning them important positions until they held ministerial posts, as was the case with the Jews of Granada, such as Samuel ibn Naghrela and his son Josep. The study discusses how the Islamic presence on the land of Andalusia was beneficial to both Christians and Jews and compares the conditions of co-existence under Islamic rule to those of its counterpart, whether before or after the Islamic presence. As Dozy explains, 'It broke the power of the privileged group, including the nobility and the clergy, ameliorated the condition of the servile class, and gave the Christian owner rights such as the alienation of his property, which he was denied under the Visigoths.'[780] They also allowed them to serve in the army and even took them in as special guards, as happened in the Almoravid era.

Among the manifestations of freedom that Andalusian sects enjoyed under Muslim rule is that the Islamic authorities allowed them to celebrate their official holidays and religious occasions without restrictions, to the extent that Muslims accepted it, shared their joys, and took part in their celebrations, as happened during the reign of Prince Muḥammad ibn ʻAbdur-Raḥmān al-Awsaṭ (AD 852 - 886) and al-Manṣūr ibn Abī ʻĀmer (AD 940 - 1002). Moreover, non-Muslims were allowed to sue the people of their religion through their own judges and courts (Comes), who had the sole right to adjudicate their disputes. They excelled in various fields of sciences of that era, such as medicine, mathematics, poetry, philosophy, and others. Regretfully, after the re-conquest, the practices of persecution, exclusivism, and violence by the ruling Christian authority disintegrated the communal ties in the society and caused many conflicts and disputes between its components to flare up until many of them fled the peninsula in fear of oppression and torture.

[780] Hitti, 'History of the Arabs,' p. 510.

The thesis also discusses the topic in a contemporary context by shedding light on the relations between Muslims and Christians in Egypt, Bosnia, and Herzegovina. Studying these two cases explores the role of religion in inciting sectarianism in society in comparison to other secular reasons. It concludes that elite groups in both societies vied for dominance by manipulating the sectarian divide and the ideological struggle over the shape of the state, whether secular or religious, to gain easy access to power. The religious conflict that prevailed in these places can, therefore, be seen as a result of the division between elites, as different segments manipulated religion and nationalist sentiments to legitimise their own status.

Some drivers of conflict have been suggested to explain the tensions that occurred in these places. Among these drivers are old grudges between conflicting parties, the massive spread of the idea of capitalism, modernisation, the influence of economic rivalry, the interference of foreign powers, the elusive power of religion, and the psychological roots of ethnic groups. The study concludes that most so-called sectarian conflicts are usually politically fuelled and quickly take on a religious cover to hide the failure of the ruling elites to contain such conflicts and address their true causes. These sectarian differences cause fragmentation among societal forces and conflicts over marginal issues, making them susceptible to control and manipulation.

These historical and religious facts, in addition to the drivers of conflicts, confirm the statistics on the role of religions in inciting sectarianism in societies. These statistics conclude, as Alan Axelrod and Charles Phillips argue in the Encyclopedia of Wars, that out of all 1,763 known/recorded historical conflicts, 121, or 6.87%, had religion as their primary cause.[781] Matthew White's The Great Big Book of Horrible Things gives religion as the primary cause of just 11 of the world's 100 deadliest atrocities.[782] This percentage means that approximately 90% of world wars were fought for secular reasons, whether political, economic or social; however, in most cases, they took a religious cover. This means that religion is only a secondary factor in the vast majority of these conflicts.

These facts emphasise the importance of religion in bringing peace and security to humanity, and in avoiding the yoke of wars and conflicts. Religion, hence, can be deemed as a vehicle to guide humanity towards the desired virtues of justice, truth, and peace. In light of this, it is

[781] Axelrod, Alan & Phillips, Charles, eds., 'Encyclopedia of Wars,' Vol.3, pp. 1484–1485.
[782] Matthew White, 'The Great Big Book of Horrible Things,' (W.W. Norton & Company, 2011), p. 544.

concluded that Islam as a final message, with its authoritative sources of the Qur'ān and Sunnah, is a reservoir of ethics that has the potential to address many of the contemporary conflicts. What raises optimism about the applicability of this role in a contemporary context is the fact that throughout Islamic history, there have been many successful cases in which Muslims, as states and individuals, have co-existed peacefully with others despite similar circumstances and challenges.

Recommendations:

1. Islam is one of the spiritual-religious legislative systems that is expected to play a significant role in bringing about peace and security for humanity due to the large number of its followers around the world and the ethical reservoir it has, inheriting all previous heavenly messages.
2. People's religious identity should not be neglected or underestimated, as was the case during the communist era in Bosnia and Herzegovina and Egypt. Contrary to the negative communist perception of religions, there are always teachings and traditions in all major religions that can provide a strong basis for peaceful human co-existence. Establishing a civil state with an Islamic reference that respects and preserves the national and religious identities of its citizens is of a high necessity for peace and harmonious living in societies.
3. Freedom of belief and personal liberties must be guaranteed equally for all sects, and there must be no discrimination on the basis of religion. Therefore, the accusations that arise from time to time of favouring one group over the other, as well as the alleged pressure exerted by some parties, be it from inside or outside, as is the case with Christians in Egypt, must be immediately made clear to the public and decisively refuted.
4. Securing the basic necessities of life for individuals ensures a balanced life among the various components of society. Providing equal opportunities for citizens to have fair access to the different arenas of the state helps to strengthen confidence in the state's responsibility towards its citizens, to eliminate suspicion and mistrust between individuals and to limit economic rivalry between them. This approach leads to declaring allegiance only to the state and not to one’s particular sect or group in isolation from others. It also makes people content with what they have and prevents them from appropriating what others have in order to control and exploit.
5. In the field of education, there should be a comprehensive reform of the educational system and curricula to promote a culture of acceptance of the ‘Other.’ Maximising common ground between different faith groups is crucial to building a strong and cohesive society. Children need to be presented with appropriate role models so that they receive adequate messages about interethnic tolerance and non-violence. Lectures and workshops should be held periodically for school and university students to broaden their awareness of the rights of those with whom they differ ideologically. This awareness-raising will undoubtedly help to refute unrealistic convictions and

suspicions about religious otherness. It should also be emphasised that educational reforms respect the culture of each ethnic group.

6. Muslims are urged to learn and act according to the normative teachings of Islam. They need to build bridges of peace and open channels for mutual dialogue with others. They must also work with all peaceful contenders and organisations around the world to end the oppression of the oppressed, stop the bloodshed, and defuse the wars raging everywhere. They should not look at all others with apprehension or suspicion. Instead, they need to make the principles of cooperation, tolerance, love of truth, peace, and justice the main motives of all their actions. To do this, there are some groups among Muslims who need to re-read many of the debatable sacred texts in a different and more tolerant way that will lead them to put these principles into practice and co-exist with others in peace and harmony.
7. On the other hand, it is necessary for the followers of other religions to understand and know Islam and not just hear about it. They need to see the true picture of Islam and not allow the actions of a few to distort the bright picture of its prevailing peace. It is suggested that the leaders of the various religions and sects come together to hear directly from their counterparts and open channels of mutual dialogue. This mutual dialogue should help open a new chapter of understanding and mutual peaceful co-existence based on a better view of each other and thus promoting respect for their differences.

8. Holding elites and those in power accountable for how they deal with acts of sectarian conflict and human rights violations, and not allowing them to commit crimes without accountability or condoning their inhumane practices.
9. These crimes must always be remembered and not forgotten, so that new generations become fully aware of them and always view them as denounced and condemned. Examples of such commemorative events are those that take place every year in many European cities to commemorate the Srebrenica genocide.
10. The media must play a crucial role in raising awareness among communities. They must play an influential role in educating people and discussing human rights violations. Media coverage must play an effective role in informing the entire world about the crimes and human rights violations around the world, as they did in the case of the Bosnian war. They should also help to calm the charged atmosphere and convey messages of tolerance and reassurance to all components of society. They

should in no way act as a catalyst to foment discord, spread false news or exaggerate misleading messages just for the sake of the scoop.

11. Civil society organisations should constantly monitor these media institutions, and if professional violations are proven, they must be referred to the judiciary to correct the situation and amend the course. The corrective aspect of justice in Islam, with its arms working on the ground in its comprehensive sense, should be able to hold these exploiters accountable for any transgression to protect society from the scourge of rumours and false news.
12. Religious and community leaders also have an important role to play in promoting awareness of ethnic and religious diversity among their followers. It is important to form a council with representatives of all the different religious and ethnic groups in each society to settle their thorny issues. They need to inculcate a culture of acceptance, cooperation, and togetherness among their followers. They must also intervene immediately to settle escalating disputes and liaise with the authorities to de-escalate conflicts and nip the causes of disputes in the bud.
13. The international community, particularly the European Council for Human Rights and international human rights organisations, has a major role in exposing such shameful incidents. With their international support and recognition, these institutions should intervene directly and not allow matters to escalate and hundreds of thousands to be massacred, as has happened in the Bosnian-Serb war. The exposure of such ethnic cleansing practices and human rights violations could eventually lead to a significant decrease in the number of victims and draw the world's attention to such terrible crimes.
14. The victims of conflict should not be left alone as easy prey for the aggressors with their weapons and militias to exterminate. Instead, they should expect the sympathy of the world by exposing the perpetrators, which would deter them from continuing their condemned practices. This solidarity can be achieved by isolating them internationally and cutting off any diplomatic or economic relations with them, as is happening today with European and American support for the Ukrainian cause against Russian interference.
15. Standing up for the truth and defending the freedom of others to express their opinions, obtain their rights, and preserve their humanity are key principles advocated

by Islam in the command of cooperating in righteousness *(At-Taqwā)* and forbidding evil *('Ithm).*

16. Overall, any solutions to secure the five objectives of Shari‘ah; namely, the protection of faith, reason, life, honour, and property, Islam encourages them and calls on people to work collectively to achieve them for the sake of bringing peace and stability to individuals and society as a whole.

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