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# PEACEFUL COEXISTENCE EXAMINED VIA THE LENSE OF THE ISLAMIC LAW OF WAR AND PEACE

By

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## Abstract

No sovereign state of the world can operate in isolation of other state, be it Islamic state or otherwise. This manifest relation is as a result of economic, political, security reason and many more. Premised upon the foregoing, Islam from the time of revelation had had the foresight of this unavoidable relationship between Muslims and non-Muslims. In support of this assertion, there are plethora of verses of Quran and the prophetic traditions that deals with peaceful coexistence of Muslims and non-Muslim in an Islamic state and outside it. Basically, for the purpose of promoting peace, prosperity and freedom for its adherents and for all others through compassionate justice the paper shed beam of light in this direction as its fulcrum.

## Introduction

The recent upsurge of fundamentalism and fanaticism in various parts of the world has made religion to be associated with extremism and violent conflict<sup>1</sup> particularly the religion of Islam has been equated with fanaticism, intolerance, violence and wars of aggression<sup>2</sup>. In the same vein, there is a widely prevailing, but often misconceived, notion that Islam lacks a consistent teaching or practice of pacifism and that it is by nature and design a violent religion which calls upon its followers to wage unceasing war against non-Muslims. It is also alleged that Islam prohibits all freedom of religion, hence, spreads its faith by the power of the sword alone, and does not tolerate any criticism of its teachings.<sup>3</sup> These misconceptions are in

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<sup>1</sup> Mary-Noelle E.E, 'World Religions and Their Role In Forging Peaceful  
Co-Existence In A Pluralistic Society'  
<<http://www.ansu.edu.ng/index/journals/integratedjournalv3n1/World%20Religious.pdf>> accessed on 10<sup>th</sup> February 2016.

<sup>2</sup> Shaheen S.A, Javaid R, 'The Concept of Jihad in Islamic International  
Law' <<http://jcsf.oxfordjournals.org/content/10/3/321.abstract>>  
accessed on 13<sup>th</sup> February 2016.

<sup>3</sup> Sawsan M.H, 'The Concept of Peace in Islam Department of English  
Mohamed V University – Rabat Morocco' <<http://insct.syr.edu/wp->

fact reinforced by the intemperate words and actions of some contemporary Muslim extremists who justify armed violence under the supposed pretext of fulfilling the teachings of Islam. However, as professed by Prophet Muhammad, Islam repudiates the extreme doctrines that manipulate and exploit faith to give religious sanction to what are in actuality social and political agendas.<sup>4</sup> Thus Islam enjoins Muslims to maintain a State of permanent belligerence with all non-believers, collectively encompassed in the dar al-harb, the domain of war. Therefore, Muslims are under a legal obligation to reduce non-Muslim communities to Islamic rule in order to achieve Islam's ultimate objective, namely the enforcement of God's law (the Sharia) over the entire world.

This paper therefore seeks to explore the Islamic legal theory as it relates to its peaceful co-existence within the international community.

#### The Nature of Islamic International Law (As-Siyar)

The Islamic international law in Arabic is known as as-siyar which has been recognized as an integral part of Islamic law and Islamic jurisprudence.<sup>5</sup> Thus, various definitions of as-siyar has been put forward among which is Hamidullah definition where he defined as-siyar as that part of the law and custom of the land and treaty obligations which a Muslim de facto or de jure State observes in its dealings with other de facto or de jure States<sup>6</sup>. In the same vein, Majid Khadduri explained as-siyar to mean the Islamic law of nations, which is but a chapter in the Islamic corpus juris, binding upon all who believed in Islam as well as upon those who sought to protect their interests in accordance with Islamic justice.<sup>7</sup>

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content/uploads/2013/03/Sadaar-Ali-Rehman.2005.Jihad-in-IR-law.pdf> accessed on 11th February 2016.

<sup>4</sup> Ibid.

<sup>5</sup> Bennoune K, 'As-Salamu Alaykum? Humanitarian Law in Islamic Jurisprudence' (1994) 15 Michigan Journal of International Law 605, 611. <<http://insct.syr.edu/wp-content/uploads/2013/03/Sadaar-Ali-Rehman.2005.Jihad-in-IR-law.pdf>> accessed on 9<sup>th</sup> February 2016.

<sup>6</sup> Khadduri M, 'The Islamic Law of Nations: Shaybanis Siyar' (1966) <<http://www.amazon.com/The-Islamic-Law-Nations-Shaybanis/dp/0801869757>> accessed on 10<sup>th</sup> February 2016

<sup>7</sup> Ibid.

Consequent upon the foregoing, there are range of misconceptions regarding the meaning, content and scope of as-siyar. The first of these relate to a belief that the totality of Islamic law, as expressed in the two primary sources (Quran and Sunna) represent the ultimate expression of the Divine Will<sup>8</sup>, therefore no further refinement is permissible or indeed possible in the two established sources. However other Islamic jurists disagree and emphasize the need for continual review and development of Islamic Law.<sup>9</sup> Thus Gamal, asserted that as-siyar should not lose sight of the historical framework of Islam.<sup>10</sup> Conversely, Badr believes that the Islamic law of nations is not part of the dogma of Islam but is the product of a continuing process of juridical speculation by authoritative jurists over the ages.<sup>11</sup> Furthermore, Farooq Hassan fortified Badr position holding that, the character of the rules of Islamic law is not spiritual but clearly secular, in the sense that rules are made for the utilitarian purposes of a society by jurists through the use of the same techniques as employed in other legal systems; however, there is a priori, a fundamental assumption that the rules so made are ultimately based on the Quran or the sunna.<sup>12</sup>

#### The Concept of Peace in Islam

Generally, peace is a concept that has defied any universally accepted definition.<sup>13</sup> Therefore a variety of defining the concept of peace includes ideas such as absence of war, violence or conflict; a state of order; a state of law or social contract; a balance of power e t c. However Best defined peace as: an atmosphere of tolerance, harmonious

<sup>8</sup> An-Na'im A.A, 'Toward An Islamic Reformation: Civil Liberties, Human Rights And International Law' (Syracuse, NY: Syracuse University Press, 1990), p. 145

<sup>9</sup> Shaheen S.A And Javid R, 'The Concept Of Jihad In Islamic International Law' <<http://insct.syr.edu/wp-content/uploads/2013/03/Sadaar-Ali-Rehman.2005.Jihad-in-IR-law.pdf>> accessed on 9<sup>th</sup> of February 2016

<sup>10</sup> Badr G.M, 'A Survey of Islamic International Law' (1982) 76 Proceedings Of The American Society Of International Law 56

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Mary-Noelle E.E, 'World Religions And Their Role In Forging Peaceful Co-Existence In A Pluralistic Society' <<http://www.ansu.edu.ng/index/journals/integratedjournalv3n1/World%20Religious.pdf>> accessed on 16<sup>th</sup> of February 2016

coexistence and mutual development; an atmosphere where peoples are not only aware of their differences but a real so understanding and willing to live and work together. Similarly, peace could liken to a social harmony that involves creating dynamic process that would enhance a culture of tolerance, peaceful coexistence and mutual respect of differences among people of diverse religious and socio-political belongings.<sup>14</sup>

Hence, an exploration of the origins of Islam reveals that concepts of peace are at the core of both the Quran and the books of Hadith, these being verified reports of statements and actions of the Prophet Muhammad by his contemporary followers. To begin with, the term salaam translated as peace in Arabic and etymologically related to the Hebrew shalom which is considered one of the holy names of God. In the Quran, it envisions a peaceful, harmonious social system in which the believer has a duty to uphold truth, justice and egalitarianism, and to endure benevolence and care for the others, especially the poor and the needy.<sup>15</sup> In the same vein the conceptualization of peace Islam has contained in the heart of Quran and Hadith encompassed justice, tolerance, and forgiveness.

#### Islam and its Tolerance Towards Other Religions

Islam is a religion of mercy to all people, both Muslims and non-Muslims. The Prophet was described as being a mercy in the Quran due to the message he brought for humanity. Allah says in the glorious Quran that<sup>16</sup> “And We have not sent you but as a mercy to all the worlds”

When a person analyzes the legislations of Islam with an open mind, the Mercy mentioned in this verse will definitely become apparent. One of the aspects constituting an epitome of this Mercy is the way the legislations of Islam deal with people of other faiths. The tolerant attitude of Islam towards non-Muslims, whether they are those residing in their own countries or within the Muslim lands,

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<sup>14</sup> Ibid

<sup>15</sup> Sawsan M.H, ‘The Concept of Peace in Islam Department of English Mohamed V University – Rabat Morocco’ <<http://insct.syr.edu/wp-content/uploads/2013/03/Sadaar-Ali-Rehman.2005.Jihad-in-IR-law.pdf>> accessed on 11<sup>th</sup> February 2016.

<sup>16</sup> Dr. Zohurul H. Translation and Commentary on The Holy Quran, (Holy Quran Publishing Project 2000), Quran 21:107

can be clearly seen through a study of history. This fact is not only purported by Muslims, but many non-Muslim historians attested to this fact. Patriarch Ghaytho wrote:

The Arabs, to whom the Lord has given control over the world, treat us as you know; they are not the enemies of Christians. Indeed, they praise our community, and treat our priests and saints with dignity, and offer aid to churches and monasteries.<sup>17</sup>

Will Durant wrote:

At the time of the Umayyad caliphate, the people of the covenant, Christians, Zoroastrians, Jews, and Sabians, all enjoyed degree of tolerance that we do not find even today in Christian countries. They were free to practice the rituals of their religion and their churches and temples were preserved. They enjoyed autonomy in that they were subject to the religious laws of the scholars and judges.<sup>18</sup>

These just relations between Muslims and people of other faiths were not due to mere politics played by Muslim rulers. Rather they were a direct result of the teachings of the religion of Islam, which preaches that people of other religions be free to practice their own faith, by accepting guidance offered by Islam. God says in the Quran:<sup>19</sup> “There is no compulsion in religion”

Not only does Islam demand their freedom to practice religion, but also that they be treated justly as any other fellow human. Warning against any abuse of non-Muslims in an Islamic society, the Prophet stated:

Beware! Whoever is cruel and hard on a non-Muslim minority, curtails their rights, burdens them with more than they can bear, or takes anything from them against their free will; I (Prophet Muhammad) will complain against the person on the Day of Judgment.

How far is this mannerism than the majority of nations, to this day, which not only suppress the rights of foreign religions, but also foreign peoples and races! In a time when Muslims were being tortured to death in then pagan Mecca, Jews were being persecuted in Christian Europe and various peoples were being subjugated due to their particular race or caste, Islam called to the just treatment of all peoples and religions, due to its merciful tenets, which gave humanity the right to their humanness.

<sup>17</sup> Tritton, A.S: ‘The People of The Covenant In Islam’ .Routledge Library Edition, 2 Park Square, Milton Abugdon Oxon 2008 p. 158.

<sup>18</sup> Durant, Will: ‘The Story Of Civilization’ . (MJF Books. June 1993) vol. 13. p. 131-132.

<sup>19</sup> Quran 2:256

### Islamic General Principles Champions Comprehensive Peace

The term "peace" has innumerable connotations. The oldest understanding of peace is that synonymous to equilibrium and stability. John Galtung considers peace to go in three directions, the "absence of organized collective violence"; the ideal of the sum total of "all good" values in the world community of nations; and peace associated with the fulfilment of<sup>20</sup> certain conditions. The research will endeavour to understand each of these and other connotations of peace.

- a. Peace Synonymous to Equilibrium and Stability: The first is the original idea of peace as a synonym to stability or equilibrium that has been followed since antiquity. It also covers the "law and order" concept or the idea of a predictable social order even if this order is brought about by means of force and the threat of force. This can be exemplified to the periods of stability in international affairs in history, from Pax Romanica, Pax Islamica, Pax Britannica and Pax Americana.
- b. Absence of Violence: Other scholars hold the idea of peace as the absence of organized collective violence or 'the absence of war'. In the words of Haroon Riaz, a freelance journalist of Rawalpindi, Pakistan: 'What is Peace, but the Absence of Violence. Just like Death is the Absence of Life.' This is referred to absence of violence and war between major human groups; racial and ethnic classes as well as nations. Others, however, consider this a limited definition of peace.
- c. Ideal Peace Inclusive of All Good: The third concept of peace, which is less clearly defined, refers to the idea of 'all good' things in the world. This particularly refers to justice, human rights, freedom, happiness among and within all nations and/or people and cooperation and integration between human groups, with less emphasis on the absence of violence.<sup>21</sup>
- d. Peace based on Certain Conditions: Another form of peace is one based on certain conditions set for peace.<sup>22</sup>

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<sup>20</sup>Galtung, Johan, 'Theories of Peace-A Synthetic Approach of Peace' International Peace Research Institute, Oslo, (1967), p.17.

<sup>21</sup> Ibid. p. 15.

<sup>22</sup> Ibid. p. 14.

Individuals, groups, communities and nations place certain conditions for peace such as justice, human rights, equality, freedom of action, pluralism and dynamism, presence of cooperation, freedom from fear, freedom from want, economic growth and development, absence of exploitation, etc.

#### Islamic Observable Moral Obligations and Recommendations to Promote Peace

- a. Islam enjoins truth: Allah the Exalted and Almighty said:<sup>23</sup> “O you who believe! Fear God and be with those who are truthful.”
- b. Islam enjoins justice: Allah, the Exalted and Almighty said:<sup>24</sup> “Allah commands justice, the doing of good, and generosity to kith and kin, and He forbids all shameful deeds, injustice and rebellion: He instructs you, that you may receive admonition.” Justice and fairness are commanded and required in all situations. When one is happy and satisfied, and when one is upset and unsatisfied, with Muslims and with non-Muslims alike. Allah the Exalted and Almighty said:<sup>25</sup> “O you who believe! Stand out firmly for Allah as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to Piety: and fear Allah. For Allah is well-aware with all that you do.”
- c. Islam enjoins altruism: Philanthropy and benevolence are the results of sincere altruism, and the companions of the Prophet, peace and blessings of Allah be upon him were especially noteworthy of this trait, offering their help and assistance to others solely for the Pleasure of Allah. Allah the Exalted and Almighty says:<sup>26</sup> “And do good. Truly Allah loves those who do good.”
- d. Islam enjoins brotherhood: Muslims are committed to Almighty God’s guidance, as expressed in the Qur’an, when He confirms the unity between creatures and the Creator, the unity of the human

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<sup>23</sup> Quran 9 verse 119

<sup>24</sup> Quran 16 verse 90

<sup>25</sup> Quran 5 verse 8

<sup>26</sup> Quran 2 verse



race, and fully fledged human brotherhood. Almighty God is the Creator and people are His creation, and His will and wisdom require that people be disparate in their intellectual faculty, opinions, ideas, beliefs and doctrines. People are free to choose what is in their best interest, in light of the divine revelation and the messages of reformist prophets and messengers from ancient times to the era of the Seal (the last) of the Prophets, Mohammed Ibn Abdullah, God's blessings and peace be upon them all. After having made their choice and put their freedom into practice, people are responsible for the soundness of their choice. Their obligation is to choose what is to their real benefit, in such a way as to achieve their salvation and happiness in this life and the hereafter. Specifying the path to salvation, which consists in following the messages of prophets and messengers, peace be upon them, Allah says:<sup>27</sup> "Mankind was one single nation, and God sent messengers with glad tidings and warnings, and with them He sent The Book in truth, to judge between people in matters wherein they differed, but the People of the Book, after the clear signs came to them, did not differ among themselves, except through selfish contumacy. God by His Grace guided the believers to the truth, concerning that wherein they differed. For God guides whom He will to a path that is straight."

- e. Islam enjoins the maintenance of righteous company: Muslims are advised to gain good company and avoid bad company. The Prophet of Allah (SAW) said: "The example of good and evil companions is like that of a person who is carrying musk and the blacksmith who is blowing the fire of his furnace. The carrier of musk would either give you some of it or you may buy some from him or at least you would receive the smell of perfume from him. As for the blacksmith who is blowing fire, you may either burn your clothes, be disturbed with the

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<sup>2727</sup> Quran 2 verse

- sparks of his fire, or the least you would receive is bad odor coming from him and his place of work.
- f. Islam enjoins reconciliation and peacemaking: Reconciliation is enjoined at all times and especially when there is a serious rift in relationship that may lead to increased conflict. Allah the Almighty and Exalted said:<sup>28</sup> “The Believers are but brothers so make peace and reconciliation between your two (contending) brothers; and fear God, that you may receive Mercy.”

#### The Rights of Non-Muslims in Islam

There is much talk these days about the allowance Islam gives to the existence of other religions in the world. Some of the opinion that Islam orders that Muslims fight the world until everyone becomes Muslim, creating ill feelings without actually knowing what the religion actually says in this regard, much more the existence of non-Muslims within an Islamic country.<sup>29</sup>

#### Classification of Non-Muslims

Legists classify non-Muslims or infidels into two categories: Dar-ul-Harb or the household of War, which refers to non-Muslims who are not bound by a peace treaty, or covenant, and whose blood and property are not protected by the law of vendetta or retaliation. On the hand, Dar-us-Salam or the household of Peace refers to those who fall into three classifications:<sup>30</sup>

- (a) Dhimmis (those in custody) are non-Muslim subjects who live in Muslim countries and agree to pay the Jizya (tribute) in exchange for protection and safety, and to be subject to Islamic law. These enjoy a permanent covenant.
- (b) People of the Hudna (truce) are those who sign a peace treaty with Muslims after being defeated in war. They agree to reside in their own land, yet to

<sup>28</sup> Quran 49 verse 10

<sup>29</sup> Salehal-Aayed, “The Rights of Non-Muslims in Islam (part 2 of 13): Non-Muslim Residents” <<http://www.islamreligion.com/articles/374/rights-of-non-muslims-in-islam-part-1/>> accessed 12<sup>th</sup> of February 2016

<sup>30</sup> Abdullah, Najih Ibrahim Bin, ‘the Ordinances of the People of the Covenant and the Minorities in an Islamic State’, Balagh Magazine,

Cairo, Egypt, Volume 944, May 29, 1988; Volume 945, June 5, 1988.

be subject to the legal jurisprudence of Islam like Dhimmis, provided they do not wage war against Muslims.

- (c) Musta'min (protected one) are persons who come to an Islamic country as messengers, merchants, visitors, or student wanting to learn about Islam. A Musta'min should not wage war against Muslims and he is not obliged to pay Jizya, but he would be urged to embrace Islam. If a Musta'min does not accept Islam, he is allowed to return safely to his own country. Muslims are forbidden to hurt him in any way. When he is back in his own homeland, he is treated as one who belongs to the Household of War.

#### Islamic Law and Dhimmis

Muslim Muftis (legal authorities) agree that the contract of the Dhimmis should be offered primarily to the People of the Book, i.e. Christians and Jews, then to the Magis or Zoroastrians. However, they disagree on whether any contract should be signed with other groups such as communists or atheists. The Hanbalites and the Shafi`ites believe that no contract should be made with the ungodly or those who do not believe in the supreme God. Hanifites and Malikites affirm that the Jizya may be accepted from all infidels regardless of their beliefs and faith in God. Abu Hanifa, however, did not want pagan Arabs to have this option because they are the people of the Prophet. They must be given only two options: accept Islam or be killed.<sup>31</sup>

The Jizya (tribute): Jizya literally means penalty. It is a protection tax levied on non-Muslims living under Islamic regimes, confirming their legal status. Mawdudi states that: "the acceptance of the Jizya establishes the sanctity of their lives and property, and thereafter neither the Islamic state, nor the Muslim public have any right to violate their property, honour or liberty."<sup>32</sup>

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<sup>31</sup>Samuel S. 'Rights of Non-Muslims in an Islamic State' <<http://www.answering-islam.org/NonMuslims/rights.htm>>accessed on 9<sup>th</sup> of February 2016

<sup>32</sup> Mawdudi, S. Abul `Ala', "The Rights of Non-Muslims in Islamic State", (Islamic Publications, LTD. Lahore, Pakistan. 1982)

Paying the Jizya is a symbol of humiliation and submission because Dhimmis are not regarded as citizens of the Islamic state although they are, in most cases, natives to the country. Such an attitude alienates the Dhimmis from being an essential part of the community. How can a Dhimmi feel at home in his own land, among his own people, and with his own government, when he knows that the Jizya, which he pays, is a symbol of humiliation and submission? Sheikh `Abdulla Mustafa Al-Muraghi indicates that the Jizya can only be exempted from the Dhimmi who becomes a Muslim or dies.<sup>33</sup> The Shafi`I reiterates that the Jizya is not automatically put aside when the Dhimmi embraces Islam. Exemption from the Jizya has become an incentive to encourage Dhimmis to relinquish their faith and embrace Islam. Sheik Najih Ibrahim Ibn Abdulla summarizes the purpose of the Jizya. He says, quoting Ibn Qayyim al-Jawziyya, that the Jizya is enacted: "To spare the blood (of the Dhimmis), to be a symbol of humiliation of the infidels and as an insult and punishment to them, and as the Shafi`ites indicate, the Jizya is offered in exchange for residing in an Islamic country." Thus Ibn Qayyim adds, "Since the entire religion belongs to God, it aims at humiliating ungodliness and its followers, and insulting them. Imposing the Jizya on the followers of ungodliness and oppressing them is required by God's religion. The Qur'anic text hints at this meaning when it says: `until they give the tribute by force with humiliation.' (Qur'an 9:29). What contradicts this is leaving the infidels to enjoy their might and practice their religion as they wish so that they would have power and authority."<sup>34</sup>

Dhimmis and Religious Practices: Muslims believe that the Dhimmis are Mushrikun (polytheists) for they see the belief in the Trinity as belief in three gods. Islam is the only true religion, they claim. Therefore, to protect Muslims from corruption, especially against the unforgivable sin of shirk (polytheism), its practice is forbidden among

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<sup>33</sup> Muraghi, Abdullah Mustapha, Islamic Law Pertaining to Non-Muslims, Library of Letters. Egypt. <<http://www.gawaher.com/topic/6509-rights-of-non-muslims-in-an-islamic-state/>> accessed on 9<sup>th</sup> of February 2016

<sup>34</sup> Abdullah, Najih Ibrahim Bin, "The Ordinances of the People of the Covenant and the Minorities in an Islamic State", Balagh Magazine, Cairo, Egypt, Volume 944, May 29, 1988; Volume 945, June 5, 1988.

Muslims, because it is considered the greatest abomination. When Christians practice it publicly, it becomes an enticement and exhortation to apostasy. It is significant here to notice that according to Muraghi, Dhimmis and infidels are polytheists and therefore, must have the same treatment.<sup>35</sup> According to Muslim jurists, the following legal ordinances must be enforced on Dhimmis (Christians and Jews alike) who reside among Muslims:<sup>36</sup>

- (i) Dhimmis are not allowed to build new churches, temples, or synagogues. They are allowed to renovate old churches or houses of worship provided they do not allow to add any new construction. "Old churches" are those which existed prior to Islamic conquests and are included in a peace accord by Muslims. Construction of any church, temple, or synagogue in the Arab Peninsula (Saudi Arabia) is prohibited. It is the land of the Prophet and only Islam should prevail there. Yet, Muslims, if they wish, are permitted to demolish all non-Muslim houses of worship in any land they conquer.
- (ii) Dhimmis are not allowed to pray or read their sacred books out loud at home or in churches, lest Muslims hear their prayers.
- (iii) Dhimmis are not allowed to print their religious books or sell them in public places and markets. They are allowed to publish and sell them among their own people, in their churches and temples.
- (iv) Dhimmis are not allowed to install the cross on their houses or churches since it is a symbol of infidelity.
- (v) Dhimmis are not permitted to broadcast or display their ceremonial religious rituals on radio or television or to use the media or to publish any picture of their religious ceremonies in newspaper and magazines.

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<sup>35</sup> Muraghi, Abdullah Mustapha, 'Islamic Law Pertaining to Non-Muslims', Library of Letters. Egypt. <<http://www.gawaher.com/topic/6509-rights-of-non-muslims-in-an-islamic-state/>> accessed on 9<sup>th</sup> of February 2016

<sup>36</sup> Samuel S. 'Rights of Non-Muslims in an Islamic State' <http://www.answering-islam.org/NonMuslims/rights.htm> accessed on 9<sup>th</sup> of February 2016

- (vi) Dhimmis are not allowed to congregate in the streets during their religious festivals; rather, each must quietly make his way to his church or temple.
- (vii) Dhimmis are not allowed to join the army unless there is indispensable need for them in which case they are not allowed to assume leadership positions but are considered mercenaries.

Mawdudi, who is a Hanifite, expresses a more generous opinion toward Christians. He said:

In their own towns and cities they are allowed to do so (practice their religion) with the fullest freedom. In purely Muslim areas, however, an Islamic government has full discretion to put such restrictions on their practices as it deems necessary.<sup>37</sup>

Civil law: Dhimmis and Muslims are subject to the same civic laws. They are to be treated alike in matters of honor, theft, adultery, murder, and damaging property. They have to be punished in accordance with the Islamic law regardless of their religious affiliation. Dhimmis and Muslims alike are subject to Islamic laws in matters of civic business, financial transactions such as sales, leases, firms, establishment of companies, farms, securities, mortgages, and contracts. For instance, theft is punishable by cutting off the thief's hand whether he is a Muslim or a Christian. But when it comes to privileges, the Dhimmis do not enjoy the same treatment. For instance, Dhimmis are not issued licenses to carry weapons.

#### Islamic Rules of Peaceful Coexistence Under the Islamic International Law

The coexistence between Muslims and non-Muslims is a legal obligation in Islam. Islam took the utmost care to consolidate a set of principles, foundations, and general rules in the hearts of Muslims, through a number of Qur'ānic verses and Hadiths, to achieve peaceful coexistence, the acceptance of others, and constructive cooperation<sup>38</sup>. Therefore, the principle of peace and security in Islam is firmly established in a rule that should not be

<sup>37</sup> Mawdudi, S. Abul `Ala', *The Rights of Non-Muslims in Islamic State*, (Islamic Publications, Ltd. Lahore, Pakistan. 1982)

<sup>38</sup> Thābet et al 'Peaceful Coexistence Between Muslims and Christians: The Case Of Jerusalem' <<https://www.arcjournals.org/pdfs/ijhsse/v2-i4/15.pdf>> accessed on 13<sup>th</sup> February 2016

violated in any way, except in the case of aggression by others and when the enemy resorts to arms<sup>39</sup>.

Thus Muslims are to act on the basis of goodness and righteousness with those who have not waged war against them or conspired to fight them. Hence, the level of righteousness required from a Muslim are kindness toward the weak, the preservation of their wealth, families, honour, and all their rights, in addition to cooperating towards their protection<sup>40</sup>. Consequently, the rule governing the relationship between Muslims and People of the Book (Jews, Christians and others) is the ideal, most rational and unmistakable methodology, expressed in verses of the Qur'an, where Allah says;

God forbids you not, with regard to those who fight you not for (your) faith nor drive you out of your homes, from dealing kindly and justly with them: for God loveth those who are just! God only forbids you, with regard to those who fight you for (your) faith, and drive you out of your homes, and support (others) in driving you out, from turning to them (for friendship and protection). It is such as turn to them (in these circumstances), that do wrong.<sup>41</sup>

The above verse forbid Muslims from waging war against those have not waged against them or driven them out of their religion or home. Thus, in all their diverse wars with Arabs, Persians or Romans, Muslims resorted to combat only in defence of their existence, and to repel aggression, to empower themselves in order to raise the banner of freedom among all nations on an equal footing, to declare the absolute truth, namely servitude and submission to God alone, without any influence from an oppressive sultan, an unjust ruler or a despotic leader.

Islam also set the condition for a correct and complete belief to believe in all the Messengers. This condition is aimed towards drawing Jews and Christians close to Islam and to distance them from quasi-conflicts and encourage peaceful existence. Allah said;

The Messenger believeth in what hath been revealed to him from his Lord, as do the men of faith. Each one (of them)

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<sup>39</sup>Sheikh Wahbeh Al-Zuhili, 'Islam And International Law' <[https://www.icrc.org/eng/assets/files/other/irrc\\_858\\_zuhili.pdf](https://www.icrc.org/eng/assets/files/other/irrc_858_zuhili.pdf)> accessed on 13<sup>th</sup> February 2016

<sup>40</sup>Thābet et al 'Peaceful Coexistence Between Muslims and Christians: The Case Of Jerusalem' <<https://www.arcjournals.org/pdfs/ijhsse/v2-i4/15.pdf>> accessed on 13<sup>th</sup> February 2016

<sup>41</sup> Quran 60 Verse 8-9.



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believeth in Allah, His angels, His books, and His apostles. We make no distinction (they say) between one and another of His apostles.” And they say: “We hear, and we obey: (We seek Thy forgiveness, our Lord, and to Thee is the end of all journeys.”<sup>42</sup>

Similarly, Muslims are encouraged to interact with non-Muslims with consideration far from compulsion and enmity. Allah said: “Let there be no compulsion in religion.”<sup>43</sup> Also in practical terms, the Madinah accord of 662 B.C.E, served as the constitution that governed the people of Madinah who were of different religions (Islam, polytheism and Judaism), and in terms of ethnicity from Qahtān, al-Adnān, and Jews, yet it gave equal public rights and duties to all including being good and just to neighbors and the duty of protecting the city, in what can be termed in contemporary jargon as citizenship rights. The Islamic state maintained the rights of dhimmis and covenanters in their entirety. They were even appointed in certain senior positions within the government (dawlah) such as ministries and others.<sup>44</sup> Thus commenting on the extent of the freedom granted to the non-believer in the accord, Will Durant asserted, “Dhimmis were treated with a degree of tolerance that cannot be found in the Christian countries of today. They were free to exercise their religious convictions and celebrated in their Churches and temples<sup>45</sup>. Hence, since the days of the Prophet, Muslims have been committed to following this path.

Therefore, in light of those fundamental values and premises, it can be identified that there are rules governing peace and security according to the Islamic doctrine and legislation which the Muslims are obliged to practice.<sup>46</sup>

## Conclusion

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<sup>42</sup> Quran 2 verse 285

<sup>43</sup> Quran 2 verse 256

<sup>44</sup> Thābet et al Peaceful Coexistence Between Muslims and Christians: The Case Of Jerusalem <<https://www.arcjournals.org/pdfs/ijhsse/v2-i4/15.pdf>> accessed on 13<sup>th</sup> February 2016

<sup>45</sup> Durant, Will, Qissah Al-Ḥadārah, (MJF Books. June 1993) Vol. 13, 131.

<sup>46</sup> Sheikh Wahbeh Al-Zuhili. ‘Islam And International Law <[https://www.icrc.org/eng/assets/files/other/irrc\\_858\\_zuhili.pdf](https://www.icrc.org/eng/assets/files/other/irrc_858_zuhili.pdf)> accessed on 13<sup>th</sup> February 2016

It is well known that Islamic preaching, including Islamic values and ethics, laws and doctrines, has a universal tendency, for it aspires to see welfare prevail and Muslim principles spread throughout the entire world. It does so not for economic, material, racial, imperialist or nationalistic interests, but in order to achieve salvation, happiness, welfare, justice and prosperity for humanity as a whole, both in this life and the hereafter.<sup>47</sup> Consequent upon the foregoing, the classical jurists, nearly without exception, argued that those who attack by stealth, while targeting non-combatants in order to terrorize the resident and wayfarer, are corrupters of the earth. They further add: those guilty of this crime were considered enemies of humankind and were not to be given quarter or sanctuary anywhere. The jihadists who commit acts of terror or strive to provide a theoretical basis for it do not necessarily represent Islam and the great majority of Muslims. Thus, it does not matter if they are videotaped reciting verses of the Quran or yelling “Allahu Akbar.” It does not matter if they have written books that were reprinted or translated to most languages. They are simply a misguided few who instead of giving non-Muslims the opportunity to appreciate Islam in relation to its teachings from the vintage of the Islamic law of war and peace, and hence allows reasons for fear and hate<sup>48</sup>.

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<sup>47</sup> Ibid

<sup>48</sup> Sawsan M H, ‘The Concept of Peace In Islam Department Of English Mohamed V University – Rabat Morocco <<http://insct.syr.edu/wp-content/uploads/2013/03/Sadaar-Ali-Rehman.2005.Jihad-in-IR-law.pdf>> accessed on 11<sup>th</sup> February 2016.

