

## Islam and Compliance of Treaties

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### Abstract

This research delves into the profound importance of treaties within the Islamic framework, emphasizing their relevance in both times of conflict and peace. Through an examination of social, economic, and defensive treaties established by the Prophet Muhammad (peace be upon him), this study aims to unveil the true essence of Islam, countering misrepresentations propagated by detractors. It advocates for an unbiased exploration of Islamic principles, urging readers to confront realities with an open mind. Furthermore, the paper elucidates Islam's stance on treaty compliance, condemning deceitful tactics and emphasizing the moral imperative of honoring agreements. By analyzing the timeless wisdom embedded in Islamic teachings, it contends that these principles remain not only relevant but indispensable in modern international relations. Central to this discourse is the recognition of Islam's progressive approach to diplomacy, which espouses principles of integrity and transparency in a historical context dominated by the ethos of "might is right." Despite the prevailing norms of the time, Islam stood as a beacon of civility, commanding its adherents to uphold honesty and fairness in all dealings. Ultimately, this research endeavors to foster cross-cultural understanding, bridging divides between Muslim and non-Muslim societies. By elucidating Islam's international outlook

and dispelling misconceptions, it seeks to promote harmony and mutual respect on a global scale.

**Keywords:** Treaty, Islam, civilized religion, Soft image, international approach

**Background:**

An Islamic society is bound to follow the teachings of Quran and Sunnah in all the aspects of life. Same is the case in the matter of building relations with the family of nations in the world. The nature of these relations may be political, social, cultural and economic or they may be defensive in nature, depending upon the mutual interests of the parties. In the family of nations, Islam prefers collectivity over individuality. While establishing these relations, Islam does not show the attitude of selfishness rather it honours the wishes and passions of the other parties too. If we neutrally compare the relations of an Islamic state with a non- Islamic state we see that while building such relations, no doubt an Islamic state keeps in front its own national interests but not at the cost of other state.

It is also noteworthy that the hallmarks of the present relations between the families of nations are deception, mean tricks, degrading terms, false promises and heartless hypocrisy while Islam believes on clean diplomacy and building transparent and harmonious relations with the other nations. Usually states build their relations with each other by making treaties of mutual interests. In the coming pages we will see that how the Holy Prophet (SAW), who are the role model and the first political leader for the whole Muslim community, kept his words even in very harsh and crucial circumstances. According to Islam, treaties are considered very sacred writings so it does not allow anybody to go against the lines of treaty. Now we will come to know that what the treaties are and how they are made and honoured in Islam. One of the fundamental principles of the foreign policy of an Islamic state is to abide by its international commitments in all the circumstances. Like individuals Islamic state is also bound to fulfill its words of honour given by it to the foreign states.

**Treaties**

According to Muhammad Sharif Chaudhary,

“Treaties are made between the states or nations sometimes to bring war or hostilities to an end and sometimes to settle terms of peace after the termination of war. Treaties are even made to resolve certain disputes peacefully to avoid possible wars. Between

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friendly and like-minded states, treaties are made to form alliances against a common enemy or to keep peace and security in a certain region. These days' treaties of mutual cooperation in economic field, trade and commerce, education, science and technology, diplomatic relations etc. are being made.”<sup>1</sup>

According to law of nature, no land or nation in this world is self-sufficient. As a result every nation has to deal with other nations by keeping in view her personal interests. A treaty is what the parties bind themselves and undertake to do with reference to a specific matter. It is a combination of offer and acceptance. A treaty may be defined, in accordance with the definition adopted in article 2 of the Vienna Convention on the Law of Treaties 1969, “as an agreement whereby two or more states establish or seek to establish a relationship between themselves governed by international law.”<sup>2</sup>



*Map of Arab peninsula.*

### Significance

Islam is a perfect code of life. It guides its followers about all the spheres of life. Treaty making is a basic need of human beings. There is no doubt that man is a social animal and by nature he wants to live with his fellow beings. No one can fulfill his basic needs by himself alone, for this purpose he is indigent of others. Islam gives comprehensive guidelines for treaty making and It also stresses to abide by the treaties at any cost even

<sup>1</sup> Ch. Muhammad Sharif, (2000), “*Dynamics of Islamic Jihad*” Burhan Education & Welfare Trust, Lahore, P. 136.

<sup>2</sup> Shearer, I. A, (1994), “*Starke’s International Law*” Butterworth & Co. Ltd, Halsbury House, 35 Chancery Lane, London, UK. P. 397.

if these are made with hostile nations. By these treaties Islam wants to create awareness among the non-Muslim societies about international approach of Islam and to remove the misunderstandings and hatred about the Muslims. This will help the non Muslims to see that how useful their neighbouring Muslims are. By this way they will consider Islam as a great blessing because the main object of Islam is to rid the humanity from each other's slavery and to convert them in such a brotherhood which is obedient only to one God.

Islam emphasizes to fulfill treaties even in state of war and peace. According to Islamic morality, one should keep his words at any cost. This formula applies on individual as well as national level. This is the custom of today that the things which are considered shameful in personal life, nations do the same in their collective matters without any hesitation. The rulers of states, how much civilized they are in their personal matters, while dealing on international level they think that breaking promise or telling lie is totally a fair act. But in this matter Islam does not differentiate among individual, group or government and considers breaking of promise as an unfair act, no matter it is for personal or national interest.

### Quranic View

The Holy book of Muslims forces the Islamic state to honour its treaties even with the enemy states and do not be the first one who breaks the treaty after signing it. Islamic state cannot break any treaty except if the other party breaks it first. The following verses of Quran say about the fulfillment of treaties as under: "Lo! The worst of beasts in Allah's sight are the ungrateful who will not believe; those of them with whom thou maddest a treaty, and then at every opportunity they break their treaty, and they keep not duty to (Allah): if thou comest in the war deal with them so as to strike fear in those who are behind them, that haply they may remember and if thou fearest treachery from any folk then throw back to them (their treaty) fairly; "Lo! Allah loveth not the treacherous"<sup>3</sup>.

Quran says in the following verse that Allah and his messenger are free from any obligation to the idolaters except those with whom Muslims have made a treaty. "And a proclamation from Allah and his messenger to all men on the day of the Greater pilgrimage that Allah is free from obligation to the idolaters and (so is) His messenger. So if ye repent it will be better for you; but if ye are averse, then know that ye cannot escape Allah. Give tidings (O Muhammad) of a painful doom to those who disbelieve. Excepting those of the idolaters with whom ye (Muslims) have a treaty, and who have since abated nothing of your right nor have supported anyone against you (as for those) fulfill their treaty to them till their turn. Lo! Allah loveth those who keep their

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<sup>3</sup> Quran, Surah 08, Verse 55-58

duty (unto him).”<sup>4</sup> In the coming verse Allah has explained the importance of a treaty by giving an example “Fulfill the covenant of Allah when ye have covenanted, and break not your oaths after the asseveration of them, and after ye have made Allah surety over you. Lo! Allah knoweth what ye do. And be not like unto her who unravelleth the thread after she hath made it strong, to thin filaments, making your oaths a deceit between you because of a nation being more numerous than (another) nation. Allah only trieth you thereby, and He verily will explain to you on the Day of Resurrection that wherein ye differed.”<sup>5</sup>

Islam stresses a lot on the fulfillment of treaties and if other party breaks then Islam allows the Muslims to fight against him. Quran says “And if they break their pledges after their treaty (hath been made with you) and assail your religion, then fight the heads of disbelief- Lo! They have no binding oaths – in order that they may desist.”<sup>6</sup> Islam emphasizes so much on the fulfillment of the treaties that sometimes even the Muslim brotherhood can be harmed to honour the given words. Quran says: “And those who disbelieved but did not leave their homes, ye have no duty to protect them till they leave their homes, but if they seek help from you in the matter of religion then it is your duty to help them except against a folk between whom and you there is a treaty. Allah is Seer of what ye do.”<sup>7</sup> Explaining the above verse Muhammad Sharif Chaudhary says that; “It is the bounden duty of an Islamic state to help its Muslim brothers living in another state who are being persecuted and who ask for such help. However, help cannot be given to them if they are citizens of a state with which the Islamic state has made a treaty. Thus the observance of international obligations in such a situation would be more imperative for the Islamic state than honoring its religious ties with the oppressed Muslim minorities.”<sup>8</sup>

Islam allows to make treaty even with the idolaters too and advised the Muslims not to go against it as long as they keep their words. Quran says; “How can there be a treaty with Allah and his messenger for the idolaters save those with whom ye made a treaty at the Inviolable Place of Worship? So long as they are true to you, be true to them. Lo! Allah loveth those who keep their duty.”<sup>9</sup> Those who keep their words would get reward from Allah as Quran says; “Such as keep the pact of Allah, and break not the covenant. Theirs will be the sequel of the (heavenly) Home.”<sup>10</sup> According to Quran

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<sup>4</sup> Quran, Surah 09, Verse 03-04

<sup>5</sup> Quran, Surah 16, Verse 91-92

<sup>6</sup> Quran, Surah 9, Verse 12

<sup>7</sup> Quran, Surah 8, Verse 72

<sup>8</sup> Ch. Muhammad Sharif, (2000), “*Dynamics of Islamic Jihad*” Burhan Education and Welfare Trust, Lahore, Pk, p. 139

<sup>9</sup> Quran, Surah 09, Verse 07

<sup>10</sup> Quran, Surah 13, Verse 20-22

Allah loves those who fulfil their pledges; “Nay, but (the chosen of Allah is) he who fulfilled his pledge and wardeth of (evil); for lo! Allah loveth those who ward off (evil).”<sup>11</sup>

In the coming verse Allah (SWT) says that be stick with your words and do not go against them to get the small gain of this world. “Lo! Those who purchase a small gain at the cost of Allah’s covenant and their oaths, they have no portion in the Hereafter. Allah will neither speak to them nor look upon them on the day of Resurrection, nor will He make them grow. Theirs will be a painful doom.”<sup>12</sup> While admiring the God fearing people Quran says “And those who keep their treaty when they make one and be patient in tribulation and adversity and time of stress. Such are they who are sincere. Such are the God fearing.”<sup>13</sup> Islam stresses on compliance of treaty even it goes against you or your off springs Quran says “If ye give your word, do justice thereunto, even though it be (against) a kinsman, and fulfill the covenant of Allah. This He commandeth you that haply ye may remember.”<sup>14</sup> In the coming verse Quran stresses to fulfill the treaty with the idolaters who want to keep their words. “Excepting those of the idolaters with whom ye (Muslims) have a treaty, and who have since abated nothing of your right nor have supported anyone against you. (As for these), fulfill their treaty to them till their term. Lo! Allah loveth those who keep their duty (unto Him).”<sup>15</sup>

### Prophet (SAW), on compliance of Treaties

The Holy Prophet (SAW) stresses a lot on the compliance of treaties made among Muslims as well with non-Muslims too. Amr bin Auf Mujani reported from the Holy Prophet who said: “Compromise is lawful among Muslims except a compromise which makes a lawful thing unlawful or an unlawful thing lawful. And the Muslims shall stand upon their terms except a term which makes a lawful thing unlawful or an unlawful thing lawful”<sup>16</sup> The Holy Prophet (SAW) asked to keep your words even made in the days before Islam. In this regard Amr bin Shuaib reported from his father who from his grandfather heard that the Messenger of Allah said in his sermon: “Fulfill your covenants of the days of ignorance, because it (Islam) does not add to it but firmness, and do not renew a covenant in Islam”<sup>17</sup>

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<sup>11</sup> Quran, Surah 03, Verse 76

<sup>12</sup> Quran, Surah 3, Verse 76-77

<sup>13</sup> Quran, Surah 2, Verse 177

<sup>14</sup> Quran, Surah 6, Verse 152

<sup>15</sup> Quran, Surah 9, Verse 04

<sup>16</sup> Eesa, Muhammad bin , (1988) “*Jamea Tirmizi*”, (Urdu translation by Nawab Badee uz Zaman Haider Abadi) Zia Ihsan Publishers, Lahore. p-134

<sup>17</sup> Ibid p.134

At the time of Hudaibia pact, the Holy Prophet (SAW) showed extra ordinary flexibility only to avoid any clash. In this context Bara reported that “The Messenger of Allah made a treaty with the Quraish on the day of Hudaibia over three things, That whoso of the polytheists would come to him he would return him to them, but whoever of the Muslim comes to them, they would not return him; and on condition that he would come to Makah next year and would stay there for three days and would not enter there except by sheathing lances, swords and bows.”<sup>18</sup> To avoid any kind of bloodshed, the Holy Prophet (SAW) showing the resilience, accepted all the three conditions, although these were apparently looking against the Muslims.

Hypocrisy is a great sin in the eyes Islam and its punishment is the lowest part of Hell. The Holy Prophet (SAW) says “One of the signs of hypocrite is that whenever he makes a promise, does not fulfil it”<sup>19</sup>Islam hates to cheat anybody and likes to be clean and clear in your dealings with others. The Holy Prophet (SAW) says in this regard that “For every cheater there would be a prominent flag, under which he be recognized.”<sup>20</sup> Islam not only stresses to fulfil promises on individual level but also on national level. The Holy Prophet (SAW) says “Whenever a nation violates a covenant, Allah will surely let its enemies to overcome.”<sup>21</sup> Khalid bin Waleed a renowned Muslim commander once made a pledge of protection with the Christians of a town in Syria but he returned the amount of Jizya to them as he felt that he would not be able to protect them against the invasion of Byzantine emperor. He said “We accepted Jizya in return to protect you, but we have failed to do so, your Jizya is returned hereby.”<sup>22</sup>

At the time of Badr war, when the number of unbelievers was almost three times more than Muslims and the Muslims were in dire need of persons, two new believers, Huzaifa Bin Eemaan and his father Husail bin Jabir left the unbelievers with the intention to join the Holy prophet and believers, on the way, the Tyrants of Mecca stopped them and took the oath forcefully that they will not join the Muslim army at Badr, rather will go to Medina straight away. When they both reached to the Prophet (SAW) and told him the whole story. Prophet (SAW) ordered: “Both of you should

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<sup>18</sup> Al Bukhari, Muhammad bin Ismail. (1999) “Saheeh Al Bukhari” Kitaab ul Jizya, (Urdu translation by waheed uz Zaman) Maktaba Rahmania Lahore. p. 73

<sup>19</sup> Ibid p. 79

<sup>20</sup> Ibid p. 79

<sup>21</sup> Malik, Ans bin, (2006) “Mota Imam Malik” kitaab ul jihad (Urdu translation by Waheed uz Zaman) Nomani Kutab Khana, Lahore. P.171

<sup>22</sup> Ch. Muhammad Sharif, (2000)“Dynamics of Islamic Jihad”Burhan Education & Welfare Trust Lahore .p. 139

go to Medina, we will fulfill the covenant and will beg from Allah against the unbelievers”<sup>23</sup>

At the time of Hudaibia pact, which was signed between the Muslims and the idolaters of Makah, one of its conditions was that if a person leaves Makah and joins the Muslims, the Muslims will hand him over to Makans and if a person leaves the Muslims and goes to Makah, he will not be returned back to the Muslims. While this pact was under the process of drafting, a person named Abu Jandal bin Sohail ran away from the imprisonment of unbelievers and reached to the Muslims. He was chained and his body was full of wounds. His face was telling the story of persecution. In this condition he begged asylum from the Holy Prophet (SAW). Muslims were worried and became restless by seeing his miserable condition. They never wanted to hand over Abu Jandal back to Makans. Fourteen hundred Muslim warriors were waiting the signal of the Holy Prophet (SAW). The Holy prophet (SAW) flatly refused to give asylum to Abu Jandal by saying: “Abu Jandal! Be patient, Allah will definitely create a chance for your freedom”<sup>24</sup> While coming back to Medina, another companion of Holy Prophet named Abu Baseer also came to Holy Prophet and begged for asylum. By chasing Abu Baseer, two idolaters also approached the Holy Prophet and demanded for his arrest. Holy prophet did not make any excuse and handed Abu Baseer to Makans.<sup>25</sup> If one impartially analyses the above mentioned incidents he will come to the conclusion that Muslims always kept their words even in very critical conditions. Knowing very well that how Muslims were being persecuted and particularly, how the absconders would be dealt, the Holy Prophet(SAW) kept his words and did not break the covenant.

### General Characteristics of Treaties

After analyzing the importance of treaties in Islam, we find some general characteristics of Muslim treaties which are summed up by Majid Khaduri as under; 1. “ Muslim treaties were, on the whole, brief and general, and no attempt was made to supply details as to the applicability of their provisions. The phraseology was simple and even, at times, vague owing to the brevity of the text. 2. The preamble of every treaty consisted of the so-called Bismillah (i.e., in the name of Allah, etc.) and the names of the representatives of the parties concerned, with their titles. Thus in the treaties which

<sup>23</sup> Maudoodi, Abul Aala (2006) “Al jihad fil Islam” Idara Tarjumaan ul Quran Lahore p. 243

<sup>24</sup> Ibid, p. 243-244

<sup>25</sup> Ibid, P. 243-244

<sup>26</sup> Al Naas, Syed ibn, (1993) “ Uyoon ul Asar” (Arabic) Dar al Qalam, Beirut, Lebanon vol. I p. 197



were concluded by Muhammad (SAW), the title Apostle of Allah was always mention (except in the Hudaibia treaty) and the title khalifa or Ameer al Mu'mineen, for Muhammad's successors. The treaty often ends by stating the names of witnesses who were present at the time of drafting the text. 3. The contents of the treaties varied with the purposes of making them, such as those which dealt with religious matters (especially the early Muslim treaties) and those which later Caliphs concluded for political or economic purposes. The Muslim jurists, however, distinguished between the permanent and temporary treaties, depending on the parties with home the Muslim authorities were negotiating, rather than on the content of treaties. The treaties with the Dhimmi are known as perpetual, and those with dar al-harb, in which the Jihad is temporarily suspended, are known as temporary treaties. 4. The duration of the treaties with non-Muslim authorities was specified by Muslim jurists. The Hanafi and Shafi schools held that a peace treaty with the enemy should not exceed a period of ten years. They based their arguments on the precedent of the Hudaibia treaty, which, it will be recalled stipulated that the period of peace would last for ten years. Certain jurists maintained that the Hudaibya peace did not last ten years, they, accordingly, tolerated no peace treaty for a period exceeding three or four years. A number of treaties which were concluded during the Crusade period were specified to last for ten years and ten or eleven months, but not for twelve months. The treaties with the dhimmis were treated differently. Not only were they regarded as perpetual but also as instruments between two unequal parties, for in almost all of them the terms were in the nature of pledges or guarantees given by the Muslims to the dhimmis rather than between equals. Thus the dhimmi treaties, it will be recalled, were in the form of constitutional guarantees from the moment the dhimmi communities ceased to be separate entities. Finally, Muslim authorities tended to regard their contractual understandings as religious obligations which should be strictly observed while the jurists were not inclined to advise the Muslims to make peace treaties with non-Muslims, they insisted that once a treaty was concluded, its terms should be observed to the end of its duration.”<sup>26</sup>

### Conclusion

The prudent leadership and political wisdom of the Holy Prophet (SAW) have been highlighted in this chapter by giving examples from his life. The elegant approach of the Holy Prophet (SAW) in the matters of international relations especially in making treaties is being admired by the historians of this modern age too, that how he (SAW) acted as a skilled negotiator and wise politician even in the most crucial circumstances. While negotiating with his bitter enemies he kept himself soft and cool and never lost

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<sup>26</sup> Majid Khaduri, (1955) “War and Peace in the Law of Islam” The Johns Hopkins Press, London, p. 220.

temper. He avoided any kind of harsh attitude towards others, and framed out the best diplomatic principles for the coming generations. The treaties made by the Prophet (SAW) are the clear proclamation of tolerance, peace and liberty of mankind and are one of the most important chapters of the political history of Islam. If the rules and conditions given by those treaties were acted upon in their true letter and spirit, the lawlessness in the Islamic world must have come to an end.

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