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INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA
بِوَسِيْلَتِيْ اِسْلَامِيْ اَنْبِيَا رَا اِيْجَسِبَا مِلْمِيْنَا

DIPLOMATIC RELATIONSHIP IN ISLAM: IT'S HISTORY &
RELEVANCE TO THE CONTEMPORARY
MUSLIM SOCIETY (UMMAH)

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF
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By

ISNANI 'ABD AL-RAHMĀN JAMAHALI

INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT &
CIVILIZATION (ISTAC)
INTERNATIONAL ISLAMIC UNIVERSITY OF
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ABSTRACT

This thesis is an exploration of the history and principles of diplomatic relationship in Islam, and its relevance to the contemporary Muslim society. It begins with the Prophet's (PBUH) conduct and his fair dealings with the non-Muslims in an Islamic society. Then it focuses on the emergence of *ummatic* society and Muslim's treatment with the non-Muslims and vice versa. It includes migration to Abyssinia; the Prophet's *hijrah* to Yathrib and Muslim's settlement in Madīnah with the Jews and other non-Muslims lived as one single ummah.

Next subject is, the diplomatic principles in Islam: the principle of ('*adl*) justice; *jihād*; (*amān*) treaty; the protection of rights of the *dhimmī*; and principle of religious tolerance. This also, elaborates on the relevance of Muslim history; the Prophet's conduct of tolerance; the significance and relevance of Hudaibiyyah treaty; the obedience to the Prophet's command; the establishment of Ummatic society through effective diplomatic intercourse amongst diverse people.

The historical investigation reveals the formation of Islamic state in Madīnah and its conquest with the correct appearance of Islamic solidarity and genuine friendly (diplomatic) relations which is of great significant to the contemporary Muslim society. This study shows that the strong conviction and determination which the Prophet (PBUH) diplomatically persuaded and penetrated the hearts of the non-Muslims were due to his behavior and his commitment to his words and treaties, such as his honesty, truthfulness, mildness and forbearance when dealing with people. Moreover, the Prophet's conduct on peace and war became a great model for the Muslims of his time to the present, and serves as basis of Muslim diplomacy.

Nonetheless, the main objective of diplomacy in Islamic perspective is to spread the message of Islam to all mankind without the use of force or compulsion, promotion of righteous deeds '*amr bil ma'rūf*' and total elimination of evil '*wa al-nahy anil'munkar*' in this world.

ملخص البحث

هذا البحث يوضح عن تاريخ مبادئ العلاقات الدبلوماسية في الإسلام ومدى صلاحيتها للمجتمع الإسلامي المعاصر. فيبدأ بالتّظر في أخلاق الرّسول صلّى الله عليه وسلّم ومعاملاته الحسنة مع غير المسلمين في الدّولة والمجتمع الإسلامي ثمّ ينظر في التاريخ الشّامل للأمة الإسلامية. ومدى تعامل المسلمين بعضهم مع بعض بتناول مرحلة هجرة المسلمين إلى الحبشة، وهجرة الرّسول صلّى الله عليه وسلّم إلى يثرب واستقرار المسلمين في المدينة المنورة مع اليهود وغيرهم من غير المسلمين وهم أمة واحدة.

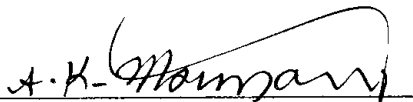
يتناول البحث كذلك المبادئ الدبلوماسية في الإسلام من العدل، والصّبر، وحماية حقوق الدّميين، والجهاد، وأمن (المستجير) أو الذي من بيننا وبينه ميثاق. بجانب ذلك، يتناول البحث موضوع صلاحية التاريخ الإسلامي للوقت الحالي بإلقاء الضّوء على تحمّل وصبر الرّسول صلّى الله عليه وسلّم على أذى الكفّار، وكذلك صلح الحديبية ومدى أهميتها في الإسلام وأهميّة أتباع أوامر الرّسول صلّى الله عليه وسلّم.

فالدّراسة أكدت أنّ تكوين الدّولة الإسلاميّة في المدينة وما تلاها من الفتوحات الإسلاميّة ذو أهميّة عالية للمجتمع الإسلامي المعاصر، وأنّ علاقات الرّسول الدبلوماسية استمالت قلوب غير المسلمين وأقنعتهم لأجل ما كان يتّصف به الرّسول صلّى الله عليه وسلّم من الأخلاق الحسنة والالتزامه الشّديد بكلامه وموآثيقه. وكذلك أمانته، وصدقه، ولينه ولطفه في معاملاته للآخرين، بالإضافة إلى أخلاقه صلّى الله عليه وسلّم في حالات الحرب والأمن، كان هو التّمودج السّليم للمسلمين في عهده ويجب أن يكون كذلك في الوقت المعاصر كما يجب أن يكون هو الأساس للعلاقات الدبلوماسية (كلّها).

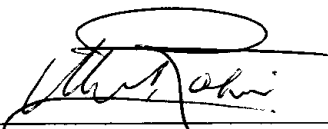
هذا، فالغرض المهمّ من العلاقات من المنظور الإسلامي، هو نشر الدّعوة الإسلاميّة إلى كافّة الناس بدون استعمال قوّة أو إكراه لأحد، وللأمر بالمعروف، والتّنهى عن المنكر في العالم حتّى يعيش الناس جميعاً في الأمن، والاستقرار التّفنسي والبدني.

APPROVAL PAGE

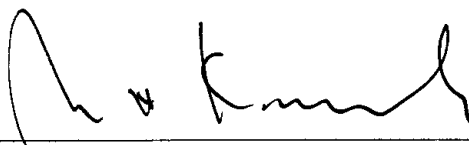
I certify that I have supervised and read this study and that in my opinion; it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a thesis for the degree of Master of Arts (in Islamic Civilization).


AHMAD KAZEMI MOUSSAVI
Supervisor
Date: June 20th 2005

I certify that I have read and examined this study and that in my opinions it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a thesis for the degree of Master of Arts (in Islamic Civilization).


MUDDATHIR ABDEL RAHIM
Examiner
Date: 21 June 2005

This thesis was submitted to the Kulliyah of ISTAC and is accepted as in partial fulfillment of the requirements for the Degree of Master of Arts in (Islamic civilization).

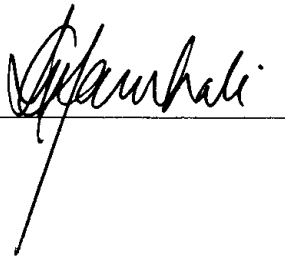

MOHAMMAD HASHIM KAMALI
Dean, Kulliyah of ISTAC
Date: 22 JUN 2005

DECLARATION

I hereby declare that this thesis is the consequence and outcome of my keen exploration, except where otherwise stated. All sources used in this thesis are well acknowledged by footnotes, bountiful precise references and bibliographies both local and international are appended.

Name: Isnani 'Abd al-Rahman Jamahali

Signature: _____



Date: _____

20-6-05

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DIPLOMATIC RELATIONSHIP IN ISLAM: ITS HISTORY AND RELEVANCE
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This effort is earnestly dedicated to those who seek the truth for genuine peace and for liberation of the oppressed through diplomatic relations and for the unity, solidarity and welfare of the Muslim society (*Ummah*).

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CHAPTER ONE

INTRODUCTION

AIMS AND OBJECTIVES OF THE STUDY

This thesis is an attempt to highlight the historical significance of diplomatic relationship in Islam and its relevance to the contemporary Muslim society, particularly on relations with the people of different faiths, cultures and states or nations, hence it is comprehensively treated in the Qur'ān and Sunnah of the Prophet (PBUH). For example, peace, justice, equality, tolerance and humanitarian brotherhood are Islamic guiding principles to develop mutual understanding and peaceful co-existence in the society.

This study also relates to some of the main objectives of Islamic diplomacy being a peaceful solution to the decaying and chaotic Muslim society, so as to restore the harmony and tranquility between diverse faiths, people and states; and see how the Prophet (PBUH), as '*hakam*' arbitrator and head of the first Islamic state achieved these objectives based from his diplomatic mode of conduct. Moreover, this study aims to discuss Islamic diplomacy '*siyar*' as practiced by the Prophet (PBUH), and shows how it has influenced relationship between states as well as between people;¹ highlights its main contributions to the conduct of international law, and (diplomatic)

¹ A rudimentary discourse pertains to Prophet's character and temperament shows the most effective way of diplomacy. Please see Afzal Iqbal, *The Prophet's Diplomacy: The Art of Negotiation as Conceived and Developed by the Prophet of Islam*, (Delhi, India: Idarah-I Adabiyat-I Delli, reprint 1984), p. 86-92; also for the Prophet's conduct on siyar, see Muhammad ibn al-Hasan al-Shaybāni, *Kitāb al-Siyar al-Sagīr*, translated, edited, and annotated by Mahood Ahmad Ghazi, (Islamabad, Pakistan: Islamic Research Institute, 1998).

relations,² basing from works and write-ups of early Muslim jurists and scholars on the conduct and the application of peaceful as well as hostile relationship with other nations.³

Nonetheless, to answer the query of what is the exact message of the expression 'siyar' when used in the domain of law, how did this term which is used in more than one sense come to signify that part of Islamic law which deals with foreign relation.

SIGNIFICANCE AND HYPOTHEIS OF THE STUDY

This study is a humble contribution to the discourse on diplomacy in Islam and diplomatic relationship of the world religions. The study also enlightened Islamic diplomatic principles as mode of conduct of the Prophet Muhammad (PBUH) and his success in achieving his prismatic mission in the history of mankind. The present study therefore, is of significance as instruction manual for the people whose professions in the diplomatic corps and public body, politicians, academicians, and

² For instance, Joseph Hammer von Purgstall, who was the first European scholar and scientist, who had realized and mentioned the important contribution of Muhammad al-Shaybāni (d.189 AH) in the field of international law particularly on the subject of diplomacy. Thus, designating Shaybāni as the founder of the science of 'Siyar', and as the Hugo Grotius of Islam; Besides, Istanbuli and Khadduri mentioned some significant contributions of the Muslim jurists and scholars to the conduct of international relations: "Al-Sarakhsi (d. 483AH), a scholar who dealt with the study concerned with relations of the Muslims with other communities, living in the territories of the enemies or to whom the Muslims are bound by treaties. In the early eight century, there were Muslim jurists who devoted chapters of their works to the subject of foreign relations of the Islamic state. Besides, Al-Sha'abi (d. 723 AD) and Abū Sufian al-Thawri (d. 718 AD) had considerable influence over the thoughts of Imām Abū Hanīfa. Also among the jurists who produced works devoted to the subject were Al-Awzaie (d. 774 AD); Abū Hanīfa's two disciples, Abū Yousuf and Al-Shaybāni." Cf. Yasin Istanbuli, *Diplomacy and Diplomatic Practice in the Early Islamic Era*, (Oxford: Oxford University Press, 1st Published 2001), p. 109-110.

³ In this regard, kindly refer to Majid Khadduri, trans., in *Shaybani's Siyar: The Islamic Law of Nations*, (Baltimore, USA: John Hopkins Press, 1966), p. 5-6; also see Muhammad ibn al-Hasan al-Shaybāni, *Kitāb al-Siyar al-Sagīr*, translated, edited, and annotated by Mahood Ahmad Ghazi, (Islamabad, Pakistan: Islamic Research Institute, 1998).

public individuals interested in Muslim and Non-Muslim relations and history.

Nonetheless, the study reveals the most effective weapon of the Prophet's success is to be his tolerant and moderate attitude in dealing with any challenges in the world wide web of society.

SCOPE AND DELIMITATION OF THE STUDY

This paper discusses diplomatic relationship in Islam and its historical significance to the contemporary Muslim society basing from within the two historical period of the Prophet's (PBUH) struggle.⁴ The Meccan period which is the struggle against oppression and persecution of the Quraysh, and the Madīnan period, a struggle of assertion and assimilation of the Muslims into main stream society. No Muslim took up armaments during Meccan period because the Muslims were incapable of waging *jihād* against the *kuffār*, the Muslim allows only to migrate to a safe place where they could strengthen themselves in preparation for the right time to combat the evil doers. The Madīnan period, on the other hand, was full of military drive and political diplomacy.⁵

Specifically, the study will concentrate on the Prophet's conduct on diplomacy as well as Muslim's experience on diplomatic relationship with the non-Muslims. The scope of this study is to show the historical relevance of Islamic diplomacy on the

⁴ A concise but persuasive discourse on this regard, see Muhammad Hamidullah, "Tolerance in the Prophet's deeds at Medina," *Islam, Philosophy and Science*, (France: UNESCO, 1981), p. 17-36.

⁵ For further information of the Prophet's conduct on siyar, kindly see Muhammad ibn al-Hasan al-Shaybāni, *Kitāb al-Siyar al-Sagīr*, translated, edited, and annotated by Mahood Ahmad Ghazi, (Islamabad, Pakistan: Islamic Research Institute, 1998).

conduct of a genuine friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to acquire appropriate measures (for instance nonviolent jihād) to strengthen and establish universal peace in the contemporary Muslim society.

METHOD OF RESEARCH OF THE STUDY

The method used in the study is descriptive and library research method, through the use of books, encyclopedias, journals and all other periodical references (collection, records, annals, files, documents, documentation, etc.) which are deemed relevant as reference of the study such as classical and non-classical studies related to the subject.

THE MEANING OF DIPLOMACY

The word diplomacy is an equivalent of ‘*siyar*’ in Arabic⁶, in which al-Kāshānī⁷ asserts that the word ‘*siyar*’ is the plural of *sīrah*, and has two meanings: ‘the ways of conduct of the warriors’ and ‘the shapes of what is upon them and for them’.⁸ His definition is identical to that given in the Encyclopedia of Islam: “rules of war and of dealings with non-Muslims.”⁹ It seems al-Kāshānī¹⁰ apparently restricts his

⁶ The term *siyar* (pl. of *sīrah*), meaning ‘conduct’, or ‘way of acting’, see *The Hans Wehr Dictionary of Modern Written Arabic*, ed., J.M. Cowan, (Ithaca, New York: Spoken Language Services, Inc., 1976), p. 447; also see Muhammad ibn al-Hasan al-Shaybānī, *Kitāb al-Siyar al-Sagīr*, translated, edited, and annotated by Mahood Ahmad Ghazi, (Islamabad, Pakistan: Islamic Research Institute, 1998), p. 3.

⁷ Take note Abū Bakr b. Mas’ūd al-Kāshānī (died 587AH/1191) is a classical *Hanafi* jurist scholar, wrote chapters on Islamic diplomacy (*siyar*) in his voluminous exposition of the fiq or Islamic jurisprudence.

⁸ See Dr. Hans Kruse, “The Notion of Siyar”, in *Journal of the Pakistan Historical Society*, Vol. II, (1954): 16-25.

⁹ W. Raven. “Sīra.” *Encyclopedia of Islam*, Volume IX, (Leiden: E.J. Brill, 1997), p. 660.

exposition clearly to the laws of war. Thus, this definition is definitely relevant to the modern concept of diplomacy that is when there's conflict or war it needs negotiations.

On the other hand, Khadduri gives a concrete definition of *siyar*, says that: "it is the law that regulates the conduct of Islamic state...",¹¹ this definition can be seen more profoundly in al-Sharakhsi¹² has most aptly defined the nature of *siyar* in the following words:

infidels and the infidels on the whole as well as with the people of treaties amongst them, they may be temporarily (*musta'min*) or permanently (*dhimmi*) in the Islamic realm; furthermore with apostates who are the worst of the infidels, since they abjure after acknowledgment (of Islam), and with the rebels who are not counted as infidels although they be ignorant and in their contention on false ground.¹³

¹⁰ Al-Kāsānī is also known as '*Malik al-Ulamā'*' King of scholars, was one of the greatest jurists of the Hanafi law school. His main work, and the one which made him famous, is the *Kitāb Badā'i' fī tartīb al-sharā'i'* (Cairo: 1327-48, 7 vols.) Cf. Encyclopedia of Islam, Vol. IV, (Leiden; E. J. Brill, 1978), p. 690.

¹¹ See Majid Khadduri, "Islam and the Modern Law of Nations," in *Journal of American International Law*, Vol. 50, (1956), p.359.

¹² Al-Sarakhsi, Muhammad B. Ahmad B. Abī Sahl Abū Bakr, is a Hanafi jurist of the 5th/11th century, produced a number of works, the most important being the *Mabsūt*, the *Sharh al-Siyar al-Kabīr*, and the *Usūl al-Fiqh*. Nonetheless, he reintroduced and explored the rules of al-Shaybānī, organizing his material around points of dispute (*ikhtilāf*) and incorporating information related to local Hanafi tradition and other schools of law, apparently derived from oral transmission and local teaching practice. Cf. N. Calder, "Al-Sharakhsi," *Encyclopedia of Islam*, Vol. IX, (Leiden: E.J. Brill, 1997), p. 35-36.

¹³ Cf., Hans Kruse, "The Notion of *Siyar*", *Journal of the Pakistan Historical Society*, Vol. II, (1954), p. 15.

It seems al-Sharakhsi's definition shows clearly enough how closely the notion of *siyar* approaches to what is nowadays called International Law. Since the '*siyar*' govern all matters of international concern. In our days the word diplomacy is simply defined as the handling of international relations and is too often narrowly defined as negotiation¹⁴.

As Dr. Iqbal¹⁵ quotes, the Oxford Dictionary provides the following definition, which is necessary to substantiate the understanding of the issue involved:

Diplomacy is the management of international relations by negotiation, the method by which relations are adjusted and managed by ambassadors and envoys; the business or art of the diplomatist.¹⁶

Accordingly, the word 'diplomacy,' is an expression that has been used in English for more than two centuries, is derived from the word 'diplome', which originally meant a folded document.¹⁷ But what seems to be the most suitable definition to our main concern is that diplomacy was defined as "the science and art of negotiation and the art of reconciling the people's interests among states."¹⁸ It should be seen more broadly as interaction between the diverse political system of the world's nation-

¹⁴ See David D. Newsom and Allan E. Goodman, "What Works in Diplomacy", in *The Diplomatic Record 1989-1990*, ed., David D. Newsom, (Colorado, USA: West view Press, Inc., 1991), p. 3.

¹⁵ Dr. Afzal Iqbal is one of the members of diplomats who died in 1938, but his scholarly works on diplomacy is still widely welcome by scholars and diplomats to the present. Nonetheless, his book has made some impact on non-Muslim students who had realized the importance of his work on the understanding the Muslim concept of diplomacy.

¹⁶ See Dr. Afzal Iqbal, in *Diplomacy in Early Islam*, (Lahore, Pakistan: Institute of Islamic Culture, 1988), hereinafter cited as diplomacy, p. 20.

¹⁷ For more explanation and definitions, please see Yasin Istanbuli, in *Diplomacy and Diplomatic Practice in the Early Islamic Era*, (Oxford, UK: Oxford University Press, 2001), p. 6.

¹⁸ *Ibid*, p. 6; also for a general understanding of the word "diplomacy," please see G.K.A. Kumaraseri, in *Professional Diplomacy & Foreign Affairs Management: The Malaysian Experience*, (Selangor Darul Ehsan, Malaysia: Pelanduk Publications Sdn Bhd, 1992), p. 1-5.

states in which their representatives advance national interest and, where possible, seek to explore areas of mutuality in those interests with other states.¹⁹

In its other meaning there are at least two senses in which the term “diplomacy” is used: (a). In a more narrowly defined refers to the process by which governments, acting through official agents, communicate with one another; (b). In a broader scope, refers to modes or techniques of foreign policy affecting the international system²⁰. Moreover, according to Khadduri, ‘Diplomacy’ is “the law that governed Islam’s intercourse with other nations, called the ‘*Siyār*’, was a set of rules and practices derived from Islam’s long experience with other nations as well as Islam’s own legal and ethical system.”²¹

On the other hand, from the Western point of view, *diplomacy* is a constant, not an intermittent, effort, a fact that is easily forgotten because the popular image of diplomacy is that which captures headlines-peace conference and summits, walks-in-the-woods between high-level representatives of adversaries, statesmen gathered around conference tables debating the future of the international economic order; what is often overlooked is that diplomatic relationship consists mainly of day-to-day contacts that take place between officials of one government and those of another.²² In short, diplomacy is the means and the manners in which a state organizes its foreign affairs and its relations with other states.²³

¹⁹ *Ibid.* “What Works in Diplomacy”, p. 1.

²⁰ See R.N. Rosecrance, “Diplomacy”, in *International Encyclopedia of the Social Sciences*, ed., David L. Sills, Vol. III, (New York, USA: The Macmillan Company & The Free Press, 1968), p. 187-191.

²¹ Majid Khadduri, “The Arab World Order”, *Political trends in the Arab World: The Role of Ideas and Ideals in Politics*. (Baltimore, Maryland: The John Hopkins Press, 1970), p. 267.

²² David D. Newsom, “What Works in Diplomacy”, in *The Diplomatic Record 1989-1990*, p. 4.

²³ See Muhammad Abdullah Enan, “Diplomacy in Islam.” *Decisive Moments in the History of Islam*. (Delhi, India: Idarah-I Adabiyat-I Delli, 1939), p. 167.

BRIEF HISTORICAL DEVELOPMENT OF DIPLOMACY

Historically, the origin and development of diplomacy is the employment of diplomatic envoys²⁴ which is as ancient as polities themselves.²⁵ However, according to Istanbuli,²⁶ “Diplomacy in its initial stage did not employ permanent envoy or personnel; envoys were recruited for a particular mission, and when their work was done, they returned to their original duties. In the early stages they were usually selected from among the clergy, later on, nations dispatched orators to deal with issues due to their skills of persuasions.”²⁷

However, in Islamic diplomacy ‘*siyar*’ the starting point was based on the principle of the separation of the world of Islam from the non-Muslim environment,²⁸ as well as the principle of religious hostility between the two, which has found expression in the central idea of ‘holy war’ *jihād*.²⁹ For instance, in the central and eastern Arab lands, ‘diplomacy’ by means of emissaries existed from the early days of Islam.³⁰ We have

²⁴ Take note an envoy, called *rasūl* or *safīr* in Islamic discourse, performed a variety of functions, including negotiating treaties, attending coronations, conciliating differences, or ransoming captives.

²⁵ Delisle C. Burns, “Diplomacy”, in *Encyclopaedia of Social Sciences*, Vol. V, (New York, USA: Macmillan, 1931), pp. 147-53.

²⁶ Yasin Istanbuli has been in the diplomatic services for 37 years. He wrote some books on the subject of ‘diplomacy’ based on his personal experience, as an envoy to the different countries of the world. With his skills as diplomat he was trying to compare and contrast the advantages and the disadvantages of modern practice of diplomacy parallel to the diplomatic practices of the Prophet (PBUH) in early Islam.

²⁷ Yasin Istanbuli, “Evolution of Diplomacy”, “Evolution of Diplomacy”, in *Diplomacy in Early Islamic History*, (Oxford, UK: Oxford University Press, 2001), p.7

²⁸ For instance, the Shāfi’ī’s devised a third temporary division of the world, called ‘*dār al-Sulh*’ (world of peace) or ‘*dār al-‘ahad*’ (world of covenant) giving qualified recognition to a non-Muslim state if interred into treaty relations with Islam either before hostilities began or after offering stiff resistance, on condition that non-Muslim state should either pay an annual tribute, a poll tax ‘*jizya*,’ or cede a portion of its territory. Shāfi’ī, *Kitāb al-Umm*, Vol. IV, pp. 103-104, op. cit., as quoted by Majid Khadduri, War and peace in the Law of Islam, (Baltimore: The John Hopkins Press, 1955), p. 144-145.

²⁹ Muhammad Hamīdullah, “The Friendly Relations of Islam with Christianity and how they deteriorated?”, *Journal of the Pakistan Historical Society*, Vol. I, (1953), p. 40.

³⁰ Please note that ‘emissaries’ they are not simply the Prophet’s (PBUH) envoys or companions who were assigned the task of carrying letters addressed to the different rulers: Christian princes, Byzantine emperor, Abyssinian Negus, Egyptian chief of the Copts, etc., with the mission of inviting them to

to bear in mind that the idea of employing ‘envoys and its ambassadorial’ system, in practice,³¹ both to other Muslim states and to Non-Muslim states, have existed earlier, had been practiced during the time of the Prophet (PBUH),³² like for instance, the prophet’s dispatching of envoys³³ and writing letters to his contemporary rulers,³⁴ such as Abyssinia, Byzantium, Egypt and Persia are evidences of early Islamic diplomatic practices.³⁵

Moreover, such diplomatic relationship or intercourse: for military, political, and religious purposes under the Rāshidūn caliphs and the Umayyads (661-750) continued the practice of the Prophet’s conduct in sending and receiving envoys; most prominently in negotiating war and truce with the Byzantines.³⁶ Diplomatic intercourse became more significant and organized with the stabilization of the Islamic empire under the ‘Abbāsids (749-1258), who exchange envoys with heads of another states near and far, in order to discuss issues of war, peace and international

embrace Islam. but they were considered as great warriors for some of them caught held and were mercilessly put to death. Thus, their tasks are parallel to *jihād (fī sabīlillah)* in the way of Allah (SWT).

³¹ Take note, the basic functions of Islamic diplomatic missions in the early days of Islam were exchange for the purpose of negotiating or arbitrating disputes, attending state ceremonies and also collecting intelligence. Moreover, the most important role was that of arbitration as seen in the conduct of the Prophet himself as an arbitrator.

³² See David E. Long, “Diplomatic Missions,” *The Oxford Encyclopedia of Modern Islamic World*, (New York: Oxford University Press, 1995), p. 379.

³³ Besides, the sending of envoys, the Prophet had also sent letters to different rulers. For example, the original letter of the Prophet to Heraclius was in Spain for long centuries; it has appeared now but remains to be studied scientifically. Also, the original letter to Muqauqis of Egypt is preserved, and is now in the Topkai Museum at Istanbul. Half a dozen or more letters of the Prophet’s correspondence with al-Mundhir b. Sawa, the ruler of Bahrain, have been recorded in History, including one whose original has come down to us. In this regard, kindly see Muhammad Hamidullah, *Muhammad Rasulullah*. (Hyderabad: 1394/1974), p. 97-105; also for Arabic text of the Prophet’s letters and the lists of his envoys to different rulers, kindly see Ahmed Salim Mohamed Ba Omar, *al-Diplōmāsīyah bayna al-Fiqhī al-Islāmī wal Qānūnī al-Dowālī*, (Ordon, Jordan: Dār al-Nafāis, 1st Edition, 2001), p. 271-289.

³⁴ See Muhammad ibn al-Hasan al-Shay bāni, *Kitāb al-Siyar al-Sagīr*, translated, edited, and annotated by Mahmood Ahmad Ghazi, (Islamabad, Pakistan: Islamic Research Institute, 1998), p. 3.

³⁵ See Muhammad Hamidullah, *The Muslim Conduct of State*, (Lahore, Pakistan: SH. Muhammad Ashraf, Publishers, Booksellers & Exporters, reprinted 1987), p. 147.

³⁶ See Khaled Abou el-Fadl, “Diplomatic Missions,” *The Oxford Encyclopedia of Modern Islamic World*, (New York: Oxford University Press, 1995), p. 378.

alliance, to deliver good-will messages, and invariably, to spy.³⁷ Besides, during the period of Fātimids (909-1171) and Mamlūks (1254-1517) the practice was increased further by sending envoys to Europe and Central and East Asia.³⁸

Moreover, Istanbuli asserts that “the practice of employing envoys to reside in the host country began in the 15th century through the Italian city-states and this pattern was later copied by the French; at the Congress of Vienna (1815), and subsequent agreements of the Congress of Aix-La-Chapele, the pattern of permanent diplomacy was codified.³⁹ Since then, by the 1960s most Muslim nations had acceded to the Vienna Conventions. Muslim nations have maintained a good record in observing diplomatic immunities.⁴⁰

In fact, as far as diplomatic relationship in Islam is concerned, in my personal view, it was basically related to and based on the concept of the *Ummah*. The Muslim community (*umma*) began during the lifetime of the Prophet (PBUH), and by the time of his death in 632 A.D, the basic principles of Islamic political order and diplomatic relationship with the non-Muslims had been established.⁴¹

The Muslim community, as a fabric of society, with its principles of internal solidarity was brought into being under the Prophet’s own hands even though it underwent further developments later. The Muslim community, as emerged at the

³⁷ See Encyclopedia of Islam, Vol. III, New Edition. (Leiden: E.J. Brill, 1995), p. 811-815

³⁸ See Khaled Abou el-Fadl, “Diplomatic Missions,” *The Oxford Encyclopedia of Modern Islamic World*, (New York: Oxford University Press, 1995), p. 378.

³⁹ *Ibid.*, Istanbuli, “Evolution of Diplomacy”. in *Diplomacy in Early Islamic History*, p.7.

⁴⁰ *Ibid.*, “Diplomatic Missions.” p. 378.

⁴¹ See Muhammad ibn al-Hasan al-Shay bāni, *Kitāb al-Siyar al-Sagīr*, translated, edited, and annotated by Mahmood Ahmad Ghazi, (Islamabad, Pakistan: Islamic Research Institute, 1998), p. 3.

time of the Prophet (PBUH), became a model for later Muslims. There was a distinctive unification of political, social, and religious concerns that characterizes the Islamic traditions; particularly, on matters dealing with diplomacy, relationship with the non-Muslims and as well as the enemy of Islam.⁴²

According to Kruse, “in theory of the classical Muslim jurists the external conduct of the Muslim community or *ummah*, is governed by a special set of rules exposed in *fiqh* works under the heading ‘*siyar*’.⁴³ It is a well known fact that these rules demand that peaceful or friendly relations between the *ummah* and independent communities of the non-Muslims...”⁴⁴

In this Muslim community, there can be found a great sense of diplomatic relationship and unity emerged among all Muslims, a relationship which at least in the hearts of Muslims, superseded all national and ethnic differences. Thus, became the basis of the injunctions, that the state of Madīna with its ‘Charter’ was established and the nucleus of an Islamic *Ummah* was formed therein.⁴⁵

Nonetheless, the Arabian Peninsula lay between the two world powers of the sixth century, the Persian and the Byzantine empires, yet, with only commerce to help them, the Arabs could maintain their neutrality, a feat which points to a native genius in diplomacy. Muslims, engaged in diplomatic parleys from the earliest times, and

⁴² See G.W. Choudhury, “The Beginning of the Islamic Community”, in *Islam and the Contemporary World*, (Chicago, USA: Library of Islam, 1991), p. 80.

⁴³ Hans Kruse, “Al-Shaybāni on International Instruments,” *Journal of the Pakistan Historical Society*, ed., Dr. S. Moinul Haq, Vol. I, (1953), p. 89.

⁴⁴ *Ibid.* “Al-Shaybāni on International Instruments,” p. 90.

⁴⁵ See Prof. Abdul Rahim Ali, “The Role of OIC in Uniting the Ummah”, *A Paper Presented in the World Conference of Islamic Scholars*, (Putrajaya, Malaysia: 12 July, 2003), p.1-8.

established the ethics governing relations between two parties.⁴⁶ This in fact, the Prophet (PBUH) himself was the greatest politician⁴⁷ and (as his diplomatic conduct), he did not forget to respect the treaties and pledges, but he laid on the contrary a great importance to the strict observance of the terms of treaties entered into by Muslims.⁴⁸ His (PBUH) entire conduct is coupled with the general principles laid down in the Qur'an.⁴⁹

Sometimes in observing the terms of treaties, he had to forgo the advantages of his commonwealth of Islam which functioned on the principles of *sharī'ah*. For instance, once, Hudhaifah Bin Yemen could not migrate to Madīnah with the prophet. Because, he entered into a contract with Quraish that he would not fight against them, and in consideration thereof, he remained free from molestation at Mecca. Subsequently, at the battle of Badr, he joined with the Prophet to fight against the Quraish. The Prophet informed of the solemn contract between Hudhaifah and the Quraish. The Prophet consequently ordered him to refrain from attacking the Quraish in fulfillment of his contract.⁵⁰

In another instance, once the Quraish sent Abī Rafī as their ambassador to the Prophet, and when he came to the Prophet, he was greatly influenced by the intrinsic

⁴⁶ See Yasin Istanbuli, in *Diplomacy and Diplomatic Practice in the Early Islamic Era*, (Oxford, UK: Oxford University Press, 2001), hereinafter cited as diplomacy.

⁴⁷ See John L. Esposito, "Muhammad and the Muslim Community", in *Islam and Politics*, 3rd Ed., (Syracuse, New York: Syracuse University Press, 1984), p. 6.

⁴⁸ Basically, the significant aim of treaties why the Prophet (PBUH) has concluded, was for the welfare of the mankind, establishment of peace, end of oppression and achievement of economic, political and collective rights of the people under the guidance of Islam. Cf. M. Siddique Qureshi, *Foreign Policy of Hadrat Muhammad (SAW)*, (Lahore: Islamic Publications Pvt., Ltd., 1989), p. 116.

⁴⁹ See Muhammad ibn al-Hasan al-Shay bāni, *Kitāb al-Siyar al-Sagīr*, translated, edited, and annotated by Mahmood Ahmad Ghazi, (Islamabad, Pakistan: Islamic Research Institute, 1998), p. 3.

⁵⁰ This indeed, the Prophet himself participated in negotiating various treaties and agreements.

force of Islam and expressed his willingness to accept it. The Prophet (PBUH) could not accept his declaration at that time, as the detaining of an ambassador on any ground whatsoever is breach of international law and against the Prophet's diplomatic tradition.⁵¹

Besides, Istanbuli quotes that, in Madīnah one delegation came to the Prophet (PBUH) representing Musaylamah bin Khabib, from Yamāmah (Nadj) who claimed to be a prophet. The two delegates delivered a message which said:

From Musaylamah the Apostle of God. To Muhammad the Apostle of God, Peace be unto you! I, then, inform you that I have been associated with you in this mission, and that we have half of the territory, and Quraish has the other half, but Quraish is an aggressive community.' The Prophet, after receiving the message, asked the two envoys: 'What say you of this matter?' The delegates replied: 'We say what he has said'. The Prophet (PBUH) replied: By God, if it were not the tradition that envoys could not be killed, I would have severed your head.⁵²

In addition, on how to receive the delegates,⁵³ at the time of sending envoys, the Prophet (PBUH) always gave instructions to his envoys on the eve of their departure: "to be lenient and kind hearted; to shun away from conflict and harshness; to make

⁵¹ See for instance Abdur Rahman I. Doi, "Treaty Relations in Shariah", in *Non-Muslims Under Shari'ah*, (Kuala Lumpur, Malaysia: A.S. Noordeen, 2nd Print, 1994), p. 29.

⁵² Yasin Istanbuli, "Delegations Received in Madīnah", in *Diplomacy and Diplomatic Practice in the early Islamic Era*, (Karachi, Pakistan: Ameena Saiyid, Oxford University Press, 2001), p. 48-50.

⁵³ In the time of the Prophet (PBUH), whenever a foreign envoy or delegation came, we find there was a sort of master ceremonials who instructed the guests, previous to their reception by the prophet, in the local formalities. The envoys sometimes disregarded them. There are many incidents in the time of 'Umar when Muslim envoys disregarded certain local formalities in foreign courts, especially prostration, and caused umbrage. Nonetheless, in Madīnah the Prophet (PBUH) used to receive foreign envoys in the Great Mosque, the Prophet and his companions are said to have usually put on fine dress at the time of the ceremonial reception of envoys. Cf., Muhammad Hamidullah, *The Muslim Conduct of State*. Lahore: Sh. Muhammad Ashraf, Reprinted 1987), p. 149.