



Islamic Sharia Prohibits Peaceful Agreement with Jewish entity

Making peaceful agreement with the Jewish entity has been debated amongst the Ummah for long since its inception. Whenever peaceful agreements were made with the Jewish entity, they were justified by quoting the Treaty of Hudaibiya as evidence to have peaceful agreements with the illegitimate Jewish entity. In reality, Islamic Sharia forbids having any agreement with illegitimate entities like the Jewish entity in a situation where Muslims are humiliated and dominated by the enemies. The Treaty of Hudaibiya was only a victory to Muslims and humiliation to the enemies of Allah. Following is the excerpt of tafsir given by eminent scholar Sheikh Ata Bin Khalil Abu al-Rashtah (hz) for Surah Baqarah, Verse 208 that clarifies the prohibition of making peaceful agreement with the Jewish entity. The excerpt is:

“... 2- It is not correct to interpret the word (السِّلْمِ), here, in the noble verse (verse 2:208) with the meaning of ‘making peace’ (المسالمة) with the enemy. This is even though the word (السِّلْمِ) has both the meaning of ‘Islam’ and (المسالمة) ‘making peace’ i. e. the word (السِّلْمِ) has several meanings. Consequently, it is a polysemic (mushtarak) word, having more than one meaning, and so it is mutashabih (similar), subject to multiple interpretations. The intention is to determine which of those meanings that can be understood from the contextualizing (singular: qareenah, plural: qaraa’in) related to this in the verses that are muhkam (exact or with one meaning alone).

If the (السِّلْمِ) here meant ‘making peace,’ then the meaning would be ‘enter into peace with the enemy completely.’ The command (amr) would be with obliging (wujooab), due to the contextualizing (qareenah) by the verse, ﴿وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُّبِينٌ﴾ **“Do not follow the footsteps of Shaytan.”** Consequently, making complete peace with the enemy would be an obligation (fard) for the believers. However, this meaning contradicts with the muhkam (exact) verses related to fighting that oblige the believers to fight disbelievers, until the Deen completely belongs to Allah (swt), either by the entering of the people into Islam, or by the paying Jizya in submission to the Ahkam of Islam. Allah (swt) said, ﴿وَقَاتِلُوهُمْ حَتَّى لَا تَكُونَ فِئْتَةً وَيُكُونَ﴾ **“And fight them until there is no fitnah and [until] the religion, all of it, is for Allah”** [TMQ 8:39]. And Allah (swt) said, ﴿قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ﴾ **“Fight those who do not believe in Allah or in the Last Day and who do not consider unlawful what Allah and His Messenger have made unlawful and who do not adopt the religion of truth from those who were given the Scripture - [fight] until they give the jizyah willingly while they are humbled.”** [TMQ 9:29]. And the hadith, «الجهاد ماض إلى يوم القيامة» **“Jihad is continuous until the day of judgement”** [Bukhari 3/1048; Abu Dawud: 2532; Bayhaqi: 9/156]. All these contextualize the continuation of fighting against disbelievers until the raising of the Word of Allah (swt) as the highest, by submission of the disbelievers to the rulings of of Islam. This clarifies that the word (السِّلْمِ) in the noble verse comes with the meaning of Islam and not as making peace (Musalama) with the enemy, due to its contradiction with Muhkam verses of fighting the enemy. The Muhkam (exact) overpowers the Muthashabih (similar) and so the meaning of the verse must be ‘Islam’ i.e. enter into Islam completely.

3- As for the word (السِّلْمِ) Silm that comes in the Quran with the meaning of ‘making peace’ (Musalama المسالمة), it appears in two verses: Once in Surah al-Anfal and then again in Surah Muhammed. Upon scrutinising these two verses, it establishes the state (حال Haal) of the word (السِّلْمِ) as being with the meaning of ‘making peace’:

a- The verse in Surah Anfal, ﴿وَإِنْ جَنَحُوا لِلسَّلْمِ فَاجْتَحِ لَهَا وَتَوَكَّلْ عَلَى اللَّهِ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ﴾ “And if they incline to peace (سَلْم), then incline to it [also] and rely upon Allah. Indeed, it is He who is the Hearing, the Knowing.” [TMQ Surah Anfal: 61]. This verse gives the meaning that ‘if the disbelievers incline and offer to make peace, then accept it from them and rely upon Allah (swt) in all of that’. The conjugation of having Tawakkul and reliance upon Allah, with the acceptance of peace when they offer, is a Qareenah (contextualization) that Muslims should accept it from the position of strength. This is apparent in the previous verses: ﴿الَّذِينَ عَاهَدْتَ مِنْهُمْ ثُمَّ يَنْقُضُونَ عَهْدَهُمْ فِي كُلِّ مَرَّةٍ وَهُمْ لَا يَتَّقُونَ * فِيمَا تَنَفَّقْتُمْ فِي الْحَرْبِ فَشَرَدَ بِهِمْ مَنْ خَلَفَهُمْ لَعَلَّهُمْ يَتَذَكَّرُونَ * وَإِنَّمَا تَخَافَنْ مِنْ قَوْمٍ خِيَانَةٍ فَاَنْبِذْ إِلَيْهِمْ عَلَى سَوَاءٍ إِنَّ اللَّهَ لَا يُحِبُّ الْخَائِنِينَ * وَلَا يُحْسِبَنَّ الَّذِينَ كَفَرُوا سَبَقُوا إِنَّهُمْ لَا يُعْجِزُونَ * وَأَعِدُوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ وَمِنْ رِبَاطِ الْخَيْلِ تُرْهِبُونَ بِهِ عَدُوَّ اللَّهِ وَعَدُوَّكُمْ وَآخَرِينَ مِنْ دُونِهِمْ لَا تَعْلَمُونَهُمُ اللَّهُ يَعْلَمُهُمْ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فِي سَبِيلِ اللَّهِ يُوَفِّ إِلَيْكُمْ وَأَنْتُمْ لَا تُظْلَمُونَ﴾ “The ones with whom you made a treaty but then they break their pledge every time, and they do not fear Allah. (56). So if you, [O Muhammad], gain dominance over them in war, disperse by [means of] them those behind them that perhaps they will be reminded. (57). If you [have reason to] fear from a people betrayal, throw [their treaty] back to them, [putting you] on equal terms. Indeed, Allah does not like traitors (58). And let not those who disbelieve think they will escape. Indeed, they will not cause failure [to Allah] (59). And prepare against them whatever you are able of power and of steeds of war by which you may terrify the enemy of Allah and your enemy and others besides them whom you do not know [but] whom Allah knows. And whatever you spend in the cause of Allah will be fully repaid to you, and you will not be wronged (60)” [TMQ Surah al-Anfal: 56-60].

I.e. fight the disbelievers with severity such that fear and dread should strike the hearts of the enemies who even hear of it, until they flee from the horror of that fighting before it reaches them. All this comes with striking fear into the hearts of the enemies who are visible and hidden, through the strength of preparation.

After all these immense blows against the enemy, if the enemy offers you to make peace due to what has befallen him of decline and collapse, then accept it from him, as he has actually surrendered to you and his weapons were broken.

b- As for the other verse, it is in Surah Muhammad, ﴿فَلَا تَهِنُوا وَتَدْعُوا إِلَى السَّلْمِ وَأَنْتُمْ الْأَعْلَوْنَ وَاللَّهُ مَعَكُمْ وَلَنْ يَتَرَكُمُ أَعْمَالِكُمْ﴾ “So do not weaken and call for peace (السَّلْم) while you are superior; and Allah is with you and will never deprive you of [the reward of] your deeds.” [TMQ Surah Muhammed: 35]

This verse indicates the prohibition (taHreem) of calling for making peace with the enemy, as it is shame and humiliation and because Muslims are superior. Thus Allah (swt) is with them and He (swt) will not reduce any of their rewards, due to their steadfastness in fighting the enemy, without making peace with them.

This is what the Quran brings together in these two verses, ﴿وَإِنْ جَنَحُوا لِلسَّلْمِ﴾ “And if they incline to peace...” [TMQ 8:61], and the verse ﴿فَلَا تَهِنُوا وَتَدْعُوا إِلَى السَّلْمِ﴾ “So do not weaken and call for peace” [TMQ 47:35]. The ruling on making peace with the enemy is allowed if:

Firstly: If the enemy offers to make peace, as a result of his weakness and destruction with the strength of Muslims and their victory.

Second: if it favours the glory of Muslims and paves the way for their victory, while humiliating the enemy and paves the way for their defeat.

The Messenger of Allah (saw) has clarified this summary in the Treaty of Hudaibiyah:

A- Before going out for Umrah, the Messenger of Allah (saw) knew that the Jews of Quraish were trying to make an alliance with Quraish to fight the Noble Messenger (saw). Thus, neutralising the Quraish was a victory for the Messenger of Allah (saw).

Therefore the earliest action, which the Messenger of Allah (saw) carried out after returning to Madina, was to invade Khaybar and eliminate them, after he (saw) had neutralized the Quraish from joining Khaybar under the Treaty of Hudaibiyah.

While he (saw) was returning from Hudaibiyah to Madinah on his way, the following verse was revealed to the Messenger of Allah (saw) ﴿إِنَّا فَتَحْنَا لَكَ فَتْحًا مُّبِينًا﴾ **“Indeed, we have given you, [O Muhammad], a clear Victory.”** [TMQ Surah Fatah 48: 1]. The Treaty of Hudaibiya, followed by the victory of Khaybar, was a clear victory to the Messenger of Allah (saw). There was huge glory for the Muslims and huge weakness for the disbelievers in the Treaty of Hudaibiyah.

B- Through fear of the Quraysh, the Arab tribes feared entry into the Deen of Muhammed (saw) and his covenant. Thus, the Messenger of Allah (saw) was able to remove this fear of entering Islam from the Arab tribes through this treaty. Thus Khuza'a [Arab tribe] came under the covenant of the Messenger of Allah (saw) and many became Muslims, both individually and as entire tribes, without fearing the attack of the Quraish. This was a strength for Muslims and glory for the Deen of Allah (swt).

C- This treaty i.e. making peace (Musalama) with the enemy was temporary because suspending or aborting Jihad is prohibited in Islam. Moreover, it is a great sin as indicated by the divine texts which we have mentioned.

D- Also, this temporary treaty was concluded with warring disbelievers, who were rulers over their own land. It was not concluded with the entity who occupied the lands of Muslims, such that the treaty would endorse their occupation. This is because the Treaty of Hudaibiyah was concluded with the Quraish disbelievers. Their entity at that time was on the land which had yet to be conquered by Muslims. Instead, the land was under their authority before the conquest of the Muslims. As for concluding a treaty with an entity which is occupying the lands of Muslims, like the Jewish entity in Palestine, it is not correct as this would endorse the authority of disbelievers over the lands of Muslims. It is contradictory to the verses of making peace in Surah al-Anfal and Surah Muhammed and it is also contradictory to the Treaty of Hudaibiyah.

Hence it is not permissible to make peace with the enemy absolutely, without the conditions that were clarified in the Book of Allah (swt) and Sunnah of the Messenger of Allah (saw).

It is noteworthy to consider that this treaty was to neutralise the Quraish from the Jews of Khaybar, so that the Messenger of Allah (swt) would devote himself to fight the Jews of Khaybar, whereas the government scholars are quoting evidence of this treaty to make peace with Jews and to end the state of war with them!!

Thus, it is clarified here that the word (السِّلْمِ) comes in Quran with the meaning of 'making peace' with the enemy, which is forbidden except when it favours the glory of Islam and Muslims and when the enemy is weak and his weapons are broken. Making peace must be temporary and it can only be concluded with the enemy who does not establish his entity on the land usurped from Muslims, such that the treaty is endorsing his occupation. This is what the verses of Surah al-Anfal and Surah Muhammed establish as the reality of the Treaty of Hudaibiyah..." **End Quote.**

**Written for the Central Media Office of Hizb ut Tahrir by
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