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Islamic Pathways to Peace: Privileging Prophetic Principles over Prophecies

Understanding the worldview that motivates Muslims and gives meaning to their lives, is essential to understanding the tradition of peace in Islam. Dr. Azizah al-Hibri has ably elaborated, in her lecture "Islamic Pathways to Peace: From Satanic to Prophetic Logic," a conception of an Islamic worldview and described how Muslims see themselves vis-à-vis others. I shall expound on some of the themes she presented and then examine how Islamic values and beliefs have played historically, and effected interfaith relations and interactions. The firsthand experience of early Muslim society will be my chief subject; I shall examine the self-understandings of both the first Muslim community founded by the Prophet of Islam, and of later Muslims in their various relationships with other communities.

Coexistence is our main concern when we talk about peace. We are people who have different understandings of the relationship with the divine, different histories, and different cultures. How can we co-exist? We are moving into a stage of human history where distance no longer isolates us from one another. We may be physically kept apart most of the time, but in many ways what happens in China has an impact on us here in the West; what happens in the Middle East has an impact on us here; and what happens here has an impact on people everywhere. Unless we have a vision of a world where people of different religions, different ideas, and even different values can co-exist, live in peace, and can respect one another, there will be little hope for a brighter future.

I will admit from the beginning that while I'm going to depict a picture that is hopeful and positive, I realize that Muslims historically have been far from perfection. Muslims have gone through ups and downs like any other religious and cultural communities. We can see brighter
periods. In the history of Islam, we see a vast 1400-year historical memory spanning civilizations from China to Morocco to Europe. Each of these diverse cultures hands down to us many experiences and many experimentations.

The proposition I have started with is that Islam is an essential partner in the effort to develop a more democratic and peaceful world. This statement is borne by the Muslim scriptures, the Qur'an, and it is borne by the history of the early Muslim community, particularly as illustrated in one meaningful experiment that can tell us a lot about how Muslims strive to live with regard to different communities: This experiment, from which so much can be learned today, is the covenant of Medina. The covenant lends us valuable insights into how Islamic values and understanding of revelation can positively impact people of all faiths. The experiment in Medina was conducted under the supervision of the Prophet of Islam, in the midst of the first Muslim community. Before describing in detail the nature of this experiment, first I shall illuminate some contemporary problems and misconceptions that make a reinvestigation of the Medina covenant so timely.

**Law Rooted in Community Life**

Today we hear some Muslims say that for Muslim governments to be true to Islamic values, Muslim states must implement Islamic law, called shari'ah. I think that this opinion is based on a very distorted understanding of shari'ah, of the state, and of Islam. Interpreted this way, shari'ah becomes unlimited in its scope. It interferes in every sector of society, because the law enacted by modern states regulates all aspects of modern society. Modern states regulate education, commerce, health, work relations, industrial production, scientific research, etc.; not even the family itself lies outside the realm of state control. For example, modern states can take children from their families, despite the objection of their natural parents, and relocate within other families, if state authorities believe that the parents are unfit to raise the kinds. Such powers were not historically possessed by the Caliph or the Sultan.

Looking at the state and law in modern prism, there are Muslims today who believe that institutions of power should be unlimited in their authority to enforce shari'ah, and, hence, argue that modern
Islamic states should impose *shari'ah*—understood as the historically codified rules—on the entire society. This is a serious misunderstanding of what the *shari'ah* means and aim to achieve, and runs in direct contradiction of historical Muslim experience of both the state and the law. For unlike modern law, which is enacted by the state, *shari'ah* was developed to limit the power of the state. Early Muslim scholars concluded that states ruled by dynasties and clans were illegitimate, unless the action of the rules where subordinated to the rules of *shari'ah*. To ensure that the rules would stay within the limits of the law, law was developed by the scholarly community through the interpretation of Islamic sources.

Thus, in classical Islamic political theory, legislative power lied with civil society rather than the state. I say this very often and people are often puzzled, as this run in complete contradiction to modern experience of legislation. But the historical records of Muslim societies show vividly that civil society legislated and developed the rules of *shari'ah*, and state authorities were bound to an elaborate law that they had do control over its formulation, including in such matters as taxation. Taxation was never established or decided by the state; rather, it was decided by civil society and the state then followed the limitations set by *shari'ah*.

**The Formative Pluralist Experience of Muslim Societies**

To get a sense of how a multi-ethnic and multi-religious society was organized under Islam, we need to take an overview of covenant of Medina. The covenant established a community based on the notion of *adil*, of fairness, of justice—justice not only from the point of view of Muslims, but also from the point of view of people who belong to other faiths. The Muslims who entered into the covenant, it is important to note, came from various tribes. Although Islam had rejected tribalism, the social functions of tribal affiliation was left intact, since tribes provided important protection and welfare services to members. But the covenant represented a new legal system that superseded tribal traditions and customs, and unified all into one citizenry. Once this function of the law was clear, it posed no difficulty to extend the same covenanted status to those non-Muslims who lived in Medina.
So the covenant of Medina was between Muslims, the Jews and some pagan tribes that were not then within the Islamic fold. In this covenant we have a foundational model of Islamic polity. Of the Jews in Medina it says, "The Jews...are one community with the believers. The Jews have their religion and the Muslim theirs." Muslims are not to interfere in the religious affairs of the Jews. Then it goes on to say: "The Jews must bear their expenses and Muslims theirs; each helps the other against anyone who attacks the people of the covenant. They must seek mutual advice and consultation." It goes on to say: "To the Jew who follows us belongs help and equity. He shall not be wronged, nor shall his enemies be aided." It is clear that the foundation of the Medina polity was not shari'ah in the narrow sense of the word as codified laws that Muslims were to follow and then others had to follow as well, but rather, it was a set of political principles that everyone who benefited from the covenant, namely Muslims, Jews, and people of other faiths, was able to abide by. This is the rule of law; the law is above religious affiliation, but it encourages rather than prohibits or interferes with religious solidarity.

The covenant of Medina, further, provided important protections and safeguard to ensure that dignity of both individuals and groups. The document, in addition to establishing freedom of religion, outlawed guilt by association, which before Islam had supported and abetted structures of tribal violence. If someone from one tribe killed a member of another, the killer's tribe was seen as collectively guilty and subject to indiscriminate vengeance. Any member could be selected for retaliatory violence. This is retaliation in the most vulgar sense of the word. Islam and this covenant, on the other hand, made guilt by association unacceptable. The document says, "A person is not liable for his allies' misdeeds." No one can be held accountable for crimes committed by other people. This was very revolutionary in the tribal society, where historically Arab tribesmen engaged in endless acts of retaliation and revenge.

Freedom of movement was protected, into and out of Medina. Except for criminals, all citizens were safe to enter and leave the city as they chose. We know this experiment did not last long, but clearly the intent was to have a multi-religious, multi-cultural society, multi-tribal society, where there is no imposition, but people cooperate and help each other. The people had moral autonomy. What I call moral autonomy was recognized as essential for advancing human life and human dignity.
The commitment of a historical Muslim society to religious freedom and the rule of law did not fade away after the passing away of the Prophet, but remained strong and firm centuries. The early Muslim community was cognizant of the need to differentiate law to ensure moral autonomy, while working diligently to ensure equal protection of the law as far as fundamental human rights were concerned.

Thus early jurists recognized that non-Muslims who have entered into a peace covenant with Muslims are entitled to full religious freedom, and equal protection of the law as far as their rights to personal safety and property are concerned. Muhammad bin al-Hasan al-Shaybani (9th Century) states in unequivocal terms that when non-Muslims enter into a peace covenant with Muslims, “Muslims should not appropriate any of the non-Muslims’ houses and land, nor should they intrude into any of their dwellings, because they have become party to a covenant of peace, and because on the day of the Peace of Khaybar, the prophet's spokesman announced that none of the property of the covenanter is permitted to the Muslim. Also because the non-Muslims have accepted the peace covenant so as they may enjoy their properties and rights on par with Muslims.” Similarly, early Muslim jurists recognized the right of non-Muslims to self-determination, and awarded them full moral and legal autonomy in the villages and towns under their control. Therefore, al-Shaybani, the author of the most authoritative work on non-Muslim rights, insists that the Christians who have entered into a peace covenant have all the freedom to trade in wine and pork among themselves, even though such practice is considered unlawful by Muslims.

Likewise, early Muslim jurists recognized the right of non-Muslims to hold public office, including the office of a judge and minister. However, because judges had to refer to laws sanctioned by the religious traditions of the various religious communities, non-Muslim judges could not administer law in Muslim communities, nor were Muslim judges permitted to enforce shari'ah laws on non-Muslims. There was no disagreement among the various schools of jurisprudence on the right of non-Muslims to be ruled according to their laws; they only differed in whether the positions held by non-Muslim magistrates were judicial in nature, and hence the magistrates could be called judges, or whether they were purely political, and therefore the magistrates were indeed political leaders.
Political Equality over Religious Solidarity

There is an important dialogue taking place today within Muslim society, initiated by the Islamic Reform movement. This movement takes a leading role in criticizing traditional understandings of shari'ah and of Islamic values, and strives to achieve reform in these areas of Muslim society.

This movement has argued that we no longer live in a communalist society; we do not have communities that are autonomous and independent. In this context, the religious notion of "people of the covenant" is no longer valid as a political term, and we must see the non-Muslims in our midst as equal citizens under the law. When there was a communal structure of society, it made more sense to speak of people of the covenant in political terms; for example, a Jewish community, by having its own religious authority, also had its own law which was complete unto itself. There was no nation or state, no central authority within which the Jewish community operated, until Medina. And now, every free nation is like Medina, with legal system that binds all citizens regardless of religious affiliation. We are all one ummah, as were the Muslims and Jews under the Charter of Medina.

Prophetic Principles over Prophecies

I have spoken about the importance of elevating the notion of law over religious solidarity. Some may view this as an expression of secularism, and if secularism is defined as a way to ensure a multi-cultural, multi-religious society living in peace and harmony, then I think this could be correct. But far from being an anti-religious attitude, this "secularism" is very Islamic. In fact, in the 9th century C.E. there emerged a school of rationalist Muslims, called Mutazilites, who were among the most enlightened thinkers in the history of Islam. But these people had an arrogance behind their thinking that caused them to try to impose their own will on society, which for a time they succeeded in doing. They were able to persuade the caliph to impose on society their own understanding of Islam; so for about two decades there was constant execution of people who refused to submit to the set of tests that were established by the caliph. Many Muslim scholars were killed, but ultimately opposition to the Mutazilite tyranny prevailed. The Mutazilites
were overthrown, and in fact, in my view this was a major tragedy for Islamic thought: because of their arrogance, a superior system of ideas was lost. Because they thought they could use the state to impose their own interpretation of Islam on society, society refused their ways. And that was the end of an attempt by the state to adopt a specific interpretation or a specific code of Islamic law. So with regard to secularism, I submit that historically Muslim was a secular society, simply without pushing religion out of the public square; Islam is a secular religion in that sense.

If we really are going to adopt the prophetic way as opposed to, using Dr. al-Hibri's expression, the satanic way—if we will use humility and persuasion instead of hierarchy and imposition—then Muslims will be essential partners in finding a set of principles to do this. We have a unique opportunity in this country, the United States. People of different races, different ethnic backgrounds, different religions can go outside into the workplace and embrace each other. We respect each other. We walk with each other, we are neighbors and we are co-workers. This is because all of us recognize that there is a set of rules, there is a law that is feared and is above any particular community. It is a democratic society, but more than that, it is a society of law—of a fair, just law. Can we take this notion to the world? I think this country has the possibility and the opportunity today; but to do it we must restrain our power. We must be willing to abide by international law, and if some have a quarrel with the terms of international law, let us lay our quarrels out on the table, but not simply violate or abide by that law according to whether it suits our particular situation.

I think if we can do this, we can start transforming international society for the better. If we choose the other way, the way of sheer force without law or justice, I believe it would not only be the demise of this very short experiment so far, in which the United States has taken the lead of establishing international organization, international law—but could lead down the road into a very chaotic world for which the United States would pay a very high price.

Those of us who believe in the notion of law, of justice, of dignity—not only for our own brethren, but for human beings everywhere—must prophetically lead our society in this direction. And although the current climate makes optimism difficult, I know in this country there are enough people committed to fairness and to the notion of law that we can move forward toward peace and justice with the grace of Allah.
Notes

3. Ibid.