

CHAPTER XII

THE PRINCIPLE OF WORLD ORDER

I. THE UNIVERSAL BROTHERHOOD

Since Allah (SWT) alone is God, it follows that His commandments are valid for all humans. This universalism applies to humans as subjects, or fulfillers of the commandments, as well as to them as objects, or patients, in whom the commandments are fulfilled. Previously, humans have associated together on the basis of race or culture or both. Islam provided a novel base of human association—the *ummah*.

The *ummah*, we have seen earlier, is a threefold consensus of vision, will and action which only Muslims are expected to share. The universalism implied by *al tawhīd* demands a new formation. Since the Muslim *ummah* is a new society organized not on tribe or race but on religion, non-Muslims are expected to do likewise; i.e., to outgrow their tribal and racial ties and to organize themselves on the basis of religion. Religion is not the backward perspective, and the stagnant, prejudicial, exclusivist principle of association modern Western propaganda has made of it. It is still the most important aspect of human life on earth. Religion gives the highest definition of man possible. The long and bitter struggle of the Western peoples against the Christian Church is responsible for religion's bad reputation.¹ And since loyalty to prince, ethnocentrism and nationalism were forces which led the struggle against the Church, religion as base of association and the universalist community it cherished got repudiated and stood condemned by their association with the Church.² That is why the Western mind returned to the ideal of the universal community under the Enlightenment, where the same Church ideal was pursued but on the basis of reason instead of personal faith. Again,

¹This is largely due to corruption in the Roman Catholic Church whose prelates ruled, extorted wealth from their European subjects, and indulged in spending it on their welfare and the aesthetic reconstruction of Rome.

²Reinhold Niebuhr. *An Interpretation of Christian Ethics* (New York: Harper, 1935), pp. 91, 235, 244.

that ideal was repudiated because of the West's failure of nerve in supporting it against the nationalist imperialism of revolutionary France.

Islam sought to recognize the world on the basis of man's view of reality, of his ideal for himself, his kin and progeny, of his view of ultimate destiny for himself and mankind—all of which constitute religion. Islam would not withhold such an order, which its own adherents enjoy by organizing themselves on the basis of religion, from non-Muslims. On the contrary, it insists on their enjoying the same honor by its refusal to recognize or accredit them as associations on any other basis. Indeed, it is all the more honor to Islam that it sees the nonadherents as contenders in the most important questions of all life on earth, and recognizes them only as societies formed around their answers to such questions.³ Before the *hijrah*, the Prophet (SAAS) had organized the Muslims into an association based upon religion. He united the Aws and the Khazraj tribesmen together, and these with the tribesmen of Quraysh whom he began to despatch to Madīnah. Further, he united the free to the slave, the master to the client, made them all equals, and established the law of God supreme among them. Equally, he set himself as political and judicial chief over them. But as soon as he arrived in Madīnah in July, 622, he dictated a covenant for Muslims and Jews to enter into and to organize their lives in accordance with. This covenant was the constitution of the Islamic state as well as of the world order which Islam sought to build for mankind. The promulgation of this constitution was also the launching of the Islamic state, as well as of Islam as a contending movement in world history. This latter consideration prompted caliph 'Umar ibn al Khaṭṭāb (RAA) to declare that day the beginning of Islamic history, the starting point of Islam's reckoning of time.⁴

The constitution was a covenant creating the Islamic state, between the Prophet (SAAS), the Muslims, the Jews and their clients of the tribes of Madīnah. It guarantor was God, in Whose name it was promulgated. This covenant first abolished the system of association which defined man by his tribal affiliation, and articulated his duties, rights and responsibilities in loyalty to his tribe. In place of tribalism, the covenant set

³This is the purport of the *Shari'ah* category of *al dhimmī*. Islam defined humans in terms of their religious adherence. Those who were not Muslims were to be classified as members of their respective religious communities which constituted corporate entities with full legal personality under the terms of Islamic law.

⁴By so doing, Islam struck a new note, different from all the preceding religions, for which the birth or death of the founder or the launching of his ministry was "their" beginning of time. This is equally unlike the case of Judaism which arbitrarily assigns a date to creation and measures all time from that point.

up religion as first principle and united under its aegis peoples of different tribes, social status, and of different races. All Muslims were henceforth to be members of an open, organic *ummah* whose social bond is Islam.⁵ Alongside this *ummah* of Muslims stood another *ummah*, the Jews. Like the Muslims, they are to organize themselves into a single organic entity regardless of their tribal affiliations. Their *ummah* is to be governed by Jewish law (the Torah) and its members' lives to be ordered in accordance with the precepts of Judaism as interpreted by the rabbis. The Islamic state is under duty to protect the Jewish *ummah*, to enforce the decisions of its rabbinic court and to provide it with the freedom, peace and atmosphere necessary for its well-being and growth.

Six years later, the Christians of Najran in southern Arabia met the Prophet (SAAS) in Madīnah to discuss their relation to the Islamic state. The Prophet (SAAS) received them well and called them to Islam. Those who converted were incorporated into the Muslim *ummah*. Those who chose to remain Christian, the Prophet (SAAS) organized into another *ummah*, like the Jews, with the same prerogatives and duties. Later, the succeeding caliphs extended the same status to the Zoroastrians, the Hindus and the Buddhists. As the Islamic state expanded, the new converts swelled the ranks of the Muslim *ummah*; and those who did not convert remained members of those of the Jewish, Christian or other *ummah*(s). The former followed in the footsteps of the Islamic state, incorporated within themselves the new non-Muslim subjects of the Islamic state, and rehabilitated them as citizens of the new order. For a long time, after the initial territorial expansion of the Islamic state during the first decades of the *hijrah*, the overwhelming majority of citizens in the Islamic state were not Muslim. Their future and security, their well-being and their institutions, must have accounted for a considerable portion of the state's care.

The Islamic state was not a state in the national sense of the term current today. It was not a homogeneous whole, a nationally integrated unit, as community in the *gemeinschaft* sense of the term, whose *raison d'être* was the defence and service of itself as the measure of all things. It was a strong center supported by a defence force and an *ummah* of Muslims, as well as a federation of autonomous religious communities, each of which was endowed with religious, social, political and economic institutions of its own. Above them all stood the Islamic state, but with

إِنَّ هَذِهِ أُمَّتُكُمْ أُمَّةً وَاحِدَةً وَأَنَا رَبُّكُمْ فَاعْبُدُونِ (الأنبياء ٩٢)

⁵This is your *ummah*, one, united and indivisible; and I am your Lord. Serve Me (21:92).

executive power only. The state had no power to legislate. The law to which it regarded itself subject is God-dictated. The state existed in order to fulfill His will. Its mission on earth is to extend itself over it and thus bring all humans together on the basis of obedience and service to God, for God constituted humans into tribes and nations for purposes of identification and cooperation.⁶ Sovereignty in the Islamic state belongs to the law. The state, with all its institutions, is only an executor of the law. This divine law prescribes for the state the mission to transform the world and mankind into the likeness of the patterns, or oughts, revealed by God.

The Islamic state was therefore bound not only to include its Christian, Jewish and other communities as constituents, but the whole of mankind. It was therefore necessary that its constitution be ample enough to provide a *modus vivendi* in which all communities would live in peace, complete in righteousness, and interact with one another with mutual respect. All this, the constitution of the Islamic state provided.

A. THE *PAX ISLAMICA*

The new world order Islam advocated is an order of peace. War and hostility must be banished from the earth forever. The peace is general and open to all mankind, individuals and groups. Allah (SWT) commanded the Muslims: "O you who believe, enter into the order of peace entirely, and do not follow in Satan's steps...."⁷ He commanded them to call all men to peace. "If they [opponents] incline to peace, you ought to incline to it as well and put your trust in Allah."⁸ The order of peace is to be offered to all people; and all are expected to accept it and enter

... وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاهُ ... (الحجرات: ١٣)

⁶We have constituted you into peoples and tribes that you may know one another. Noblest among you in the sight of Allah is the most righteous (49:13).

يَا أَيُّهَا الَّذِينَ آمَنُوا أَذْخُلُوا فِي السِّلَاحِ كَافَّةً وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ (البقرة: ٢٠٨)

⁷O Believers, enter into the peace of Islam totally and without exception. Do not follow the example of Satan. He is your committed enemy (2:208).

وَإِنْ جَنَحُوا لِلسَّلَامِ فَاجْتَنِبْهُمْ وَتَوَكَّلْ عَلَى اللَّهِ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ (الأنفال: ٦١)

⁸And if the enemy inclines to peace, you incline to it also and trust in Allah. He is the All-Hearing, the All-Knowing (8:61).

wholeheartedly into it. The offer of peace may not be rejected. If it is, it is the indication that the party concerned wishes no peace, which is tantamount to a declaration of war. At best, a rejection of the offer of peace may mean a desire not to enter into any relation with the offering party. But that is isolationism, an option as condemnable as war, though not violent, for it implies either a contempt for the claim of peace which the Islamic state is presenting, or a desire to shield the people of the given state against peaceful intercourse with the peoples of the Islamic state. Both alternatives deserve a coercive answer from the Islamic state: the first is because it is inhuman to reject an offer of peace from anyone; and the second, because it is an affront to the dignity of the humans involved who are being invited to enter into such intercourse. Indeed, to place a human being behind such an insulating curtain, to prevent him/her from conversing with another human, is an attack upon his integrity and hence, an act of aggression against the person. The projected intercourse with the citizens of the Islamic state may involve commercial and social relations which the citizens of the other state may find objectionable. But these do not exhaust the would-be relations. Beyond all economic and social intercourse stands the ideational, Islamic claim that mankind is due to have a new order of universal peace, an order of communication where people are free to give and to take, to hear and be heard, to convince and to be convinced of the truth. The Islamic state is duty-bound by its covenant to proclaim the word of God. It asks that it be heard. Whether the message is accepted or not is an independent matter in which humans are absolutely free to decide and choose. But humans are not free not to hear. Coming from the responsible state authority, such refusal is denigration of the people by their leaders, and an irrational response to the critical claim of Islam.

B. ISLAMIC LAW OF NATIONS

If the answer of a given state to the Islamic state's offer of covenant of peace is positive, then that state enters the *pax Islamica*, or new world order, and becomes automatically entitled to all the rights and privileges appertaining to membership therein. The political, economic, social, cultural and religious institutions of the entering member remain intact. Indeed, they are now entitled to the protection of the Islamic state. Henceforth, they may not be changed by means of violence or revolution, or without the consent of the people concerned. Defiance of the

judgements and decisions of such institutions, including above all the courts of law would immediately bring about the might of the Islamic state on their side against the offenders. The internal affairs of that people or state are to continue to be governed by their own laws. The people continue to be free to order their lives in accordance with the precepts of their own faith, as they themselves interpret it or it is interpreted for them by their duty constituted and appointed institutions. Since it is the duty of the Muslims to call all humans to God, to Islam, His religion, the new citizens will be approached by the Muslims and invited to discuss the Islamic option with them. This however is to be carried out with the utmost respect for their persons and their religious traditions. God commanded the Muslims to present Islam to non-Muslims with kindness and sympathy: "Call [men] unto your Lord with wisdom and goodly counsel. Discuss [the matter] with them but in the goodlier, more gently way."⁹ If they accept the call of Islam, they become the Muslims' brothers and sisters. If they do not, their decision must be respected, and they should not be molested under any circumstance. Above all, there is to be no coercion, no cheating, luring or bribing anyone into conversion. Allah's command is absolutely emphatic: "No coercion in matters of religion" (Quran 2:256). To coerce or bribe anyone into conversion is to incur God's wrath. Moreover, it has in the eye of Islamic law no binding and no consequence whatever.

Where everyday living brings the new citizen of the Islamic state into conflict with its old citizens, plaintiff and defendant may each invoke the laws of his *ummah*. The court hearing their case will have to honor this principle and judge accordingly. Where the dispute may not be so composed, the best interest of the two parties as well as the equity of their respective *ummah*(s) will constitute the base of another attempt by the same or higher court.

The *sharī'ah* recognizes the right of each and every person to take advantage of legal process. The new citizens, whether individuals or groups, may do so. And it does not matter whether the complaint is against another Muslim individual, group or against the Islamic state itself. Any member of the non-Muslim *ummah* could sue the caliph, the Islamic state, the *ummah* of Muslims or any Muslim individual. The Islamic court is *ipso facto* empowered to look into the complaint and

ادْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُكْمِ وَالْمَوْعِظَةِ الْحَسَنَةِ وَجِدْ لَهُمُ الْيُسْرَىٰ أَيْسَرَ مِنَّ الْحَرِّ (العلق: ١٢٥)

⁹Call unto the path of your Lord with wisdom and comely preaching. Dialogue with the unbelievers with the best arguments (16:125).

act in accordance with the law. Indeed, the plaintiff does not have to be a citizen of the Islamic state at all for his complaint to be heard by the Islamic court. All persons in the world, including non-Muslims as well as noncitizens, may address a complaint to the Islamic court. It is a great superiority of Islamic international law that it recognizes the right not only of sovereign nations to invoke it, but equally of individuals. The explanation is that Islamic law has for a purpose justice defined in individual terms, whereas Western international law aims at accommodation between sovereign groups, is disregard for the fact that the group's interest may not accord with the individual's; that more often than not, personal individual interest is sacrificed for the sake of the mighty. It may seem incongruous that Islamic law enables a pauper citizen of another state, or of no state, to sue the whole Islamic state and bring its caliph down to his complaint. But in Islam, justice is absolutely free for the person judged by the court to be innocent; the cost being always borne by the guilty. But the equity of that pauper is more important in the eye of the law than the prestige or comfort of the mighty caliph. As Abū Bakr al Ṣiddīq said on his assumption of the caliphate: "The mighty will be small in my eye until I have wrested the right of the weak from them. The weak will be mighty in my eye until I have restored to them their rights."¹⁰

Equally, Islamic international law has paid great care to rehabilitate the prisoners of war taken captive in international conflict. Such people are usually the pawns of the groups in negotiating their postwar settlements. At best, their lives and destinies fall under arbitrary conventions entered into by the European powers. Islamic law recognizes the right of the prisoner of war to ransom himself, by himself and on his own initiative, whether with whatever his own relatives and friends can offer for the purpose, or with what he personally can produce by way of material goods or services. The Islamic state cannot refuse a fair offer of ransom presented to it by a prisoner of war or on his behalf, and the Islamic court can force her hand. Islam requires all Muslims, individuals and groups to devote at least one seventh of *al zakāh* funds for the ransom of captives, Muslims or otherwise. And while proclaiming efforts for the ransom of the captives to be highly meritorious, Islamic piety prescribed the freeing of captives an acceptable atonement for grave sins. When a woman captive becomes pregnant, her captive status is

¹⁰Ibn Hishām. *The Life of Muhammad*, tr. A. Guillaume (London: Oxford University Press. 1955), 687.

automatically lifted and she enjoys the full status of a free wife of her captor until death. This interest in encouraging personal justice caused Islamic international law to open possibilities for individual citizens of another state to enter into direct relations with the Islamic state. The right to buy and sell in the Islamic state, to transit persons, goods and funds through its territory, may be subject to particular covenants between the Islamic state and the interested alien individual, called *al isti'mān*. All this points to a dominating concern of Islamic international law, namely, justice and equity, as well as freedom to pursue one's welfare, one's interest and prosperity, whether Muslim, citizen, or other. The interest of humans is, in short, prior to that of the collectives. It is the latter that Western international law honors.¹¹

C. WAR

Standing against all these privileges which entrance into the *pax Islamica* provides for individuals and groups, is one obligation only beside loyalty to the new order. That obligation is the payment of a tax, levied once a year from all non-Muslims. It was called the *jizyah*. This tax is much smaller than the *zakāh* which is incumbent upon all Muslims. The *jizyah* is required of the living lay adult males, and only when they are financially capable. The clergy, the minor, women and inheritances are exempt, unlike their case if they were Muslim. Islamic courts of law have ruled that the Islamic state must refund to Christians and Jews the *jizyah* it collected from them for the same year, if it has failed to protect their border villages from attack or harassment by the Byzantine forces or by an unknown enemy.¹²

Further, non-Muslims are not conscriptable for service in the defence forces of the Islamic state. As the state is ideological, the non-Muslim may not justly be expected to serve and, if necessary, lay down his life for it. He can certainly volunteer; and if he does, he is treated as a Muslim and becomes exempt from both the *zakāh* incumbent upon Muslims as well as the *jizyah*. He can be employed by the Islamic state and rise to the highest civil posts. Many Jews and Christians have risen to the

¹¹See the United Nations Charter, 1945. The same was true of the League of Nations, which the U.N. supplanted, and the International Court of Justice of the Hague, which continues to exist.

¹²See: T. W. Arnold. *The Preaching of Islam* (Lahore: Sh. Muhammad Ashraf Publisher, 1961), p. 61.

post of premier or grand vizier, as Hasdai ben Sharput in the court of 'Abd al Rahmān II, and Sergius in that of the Umayyads.¹³

Islamic law has laid down a very precise code for the declaration and conduct of war. The right to declare hostilities is not in the hand of the executive authority, but in that of the courts of law, which require evidence to be furnished when aggression or injustice has been committed against the Islamic state and its citizens. It has made it illegal, i.e., punishable by court action as well as by God, to kill or destroy property wantonly, to attack clergy, women and children unless they are physically engaged in fighting on the battlefield. Above all, Islam prohibited aggression, and hence, any war entered into for self-aggrandizement, booty or power. By the same token, it commanded the Muslims to lay down their lives readily when justice is violated and restoration of it demands the sacrifice. Islam teaches that the Muslim who falls in battle in a just war is *ipso facto* a martyr whose place in paradise is assured. *Al shahādah* (martyrdom) is the highest and noblest crown that can be placed on any human life: "Do not call dead those who fall in the service of Allah. They are alive, though you cannot see them"¹⁴ "Those who believed and struggled with the Prophet by spending their wealth and themselves, to them belong the good rewards, and they are the felicitous. Allah has prepared for them gardens under which rivers flow. Therein is their eternal abode...."¹⁵

¹³Phillip K. Hitti. *History of the Arabs* (London: Macmillan Co., 1963), pp. 195, 524.

وَلَا تَحْسَبَنَّ الَّذِينَ قُتِلُوا فِي سَبِيلِ اللَّهِ أَمْوَاتًا بَلْ أَحْيَاءٌ عِنْدَ رَبِّهِمْ يُرْزَقُونَ (آل عمران: ١٦٩)

¹⁴Do not count as dead those who fall in the cause of Allah. They are alive with Allah and He provides for them (3:169).

لَكَ فِي الرَّسُولِ وَالَّذِينَ آمَنُوا مَعَهُ جِهَادٌ وَبِأَمْوَالِهِمْ وَأَنْفُسِهِمْ وَأَوْلِيَّائِكَ لَهُمُ الْغَيْرَاتُ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ (التوبة: ٨٨)

¹⁵But the Prophet and those with him have fought with their wealth and their lives in the cause of Allah. To them belong the blessings of Allah. They are the felicitous (9:88).