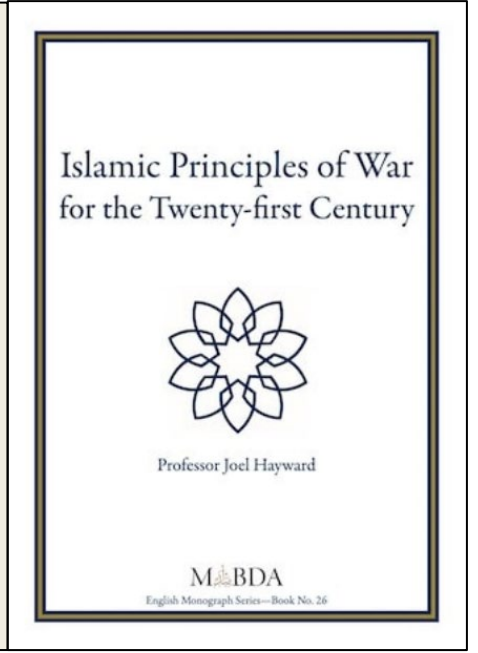
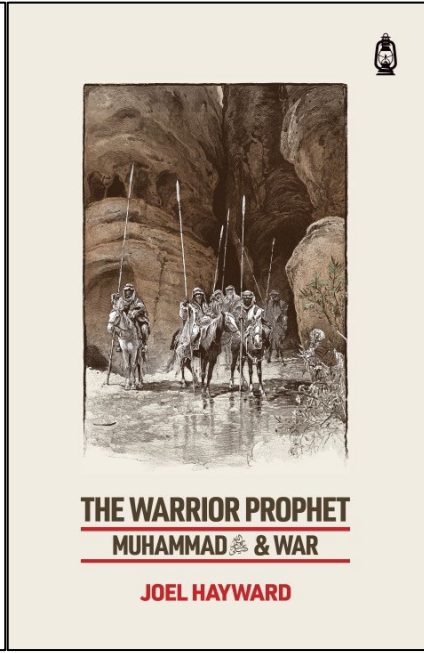
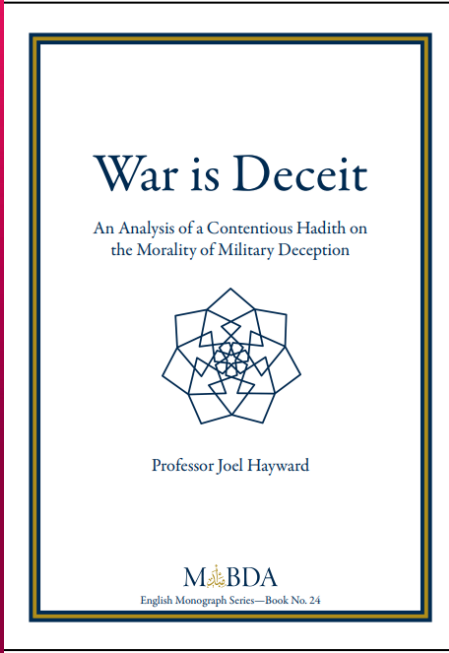
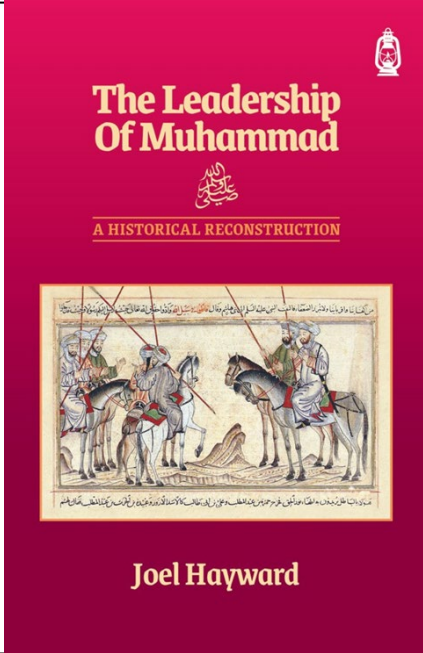
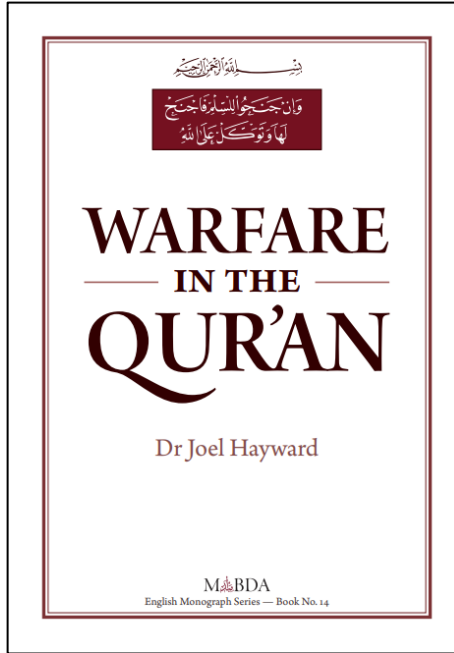


War, Peace and Welfare within Prophetic Justice

The Establishment of Justice
Through the Prophet's ﷺ Leadership

Professor Joel Hayward





The Prophetic principles of justice during war are fully consistent with International Humanitarian Law, incl. the Geneva Conventions

A better state of peace was the overarching aim

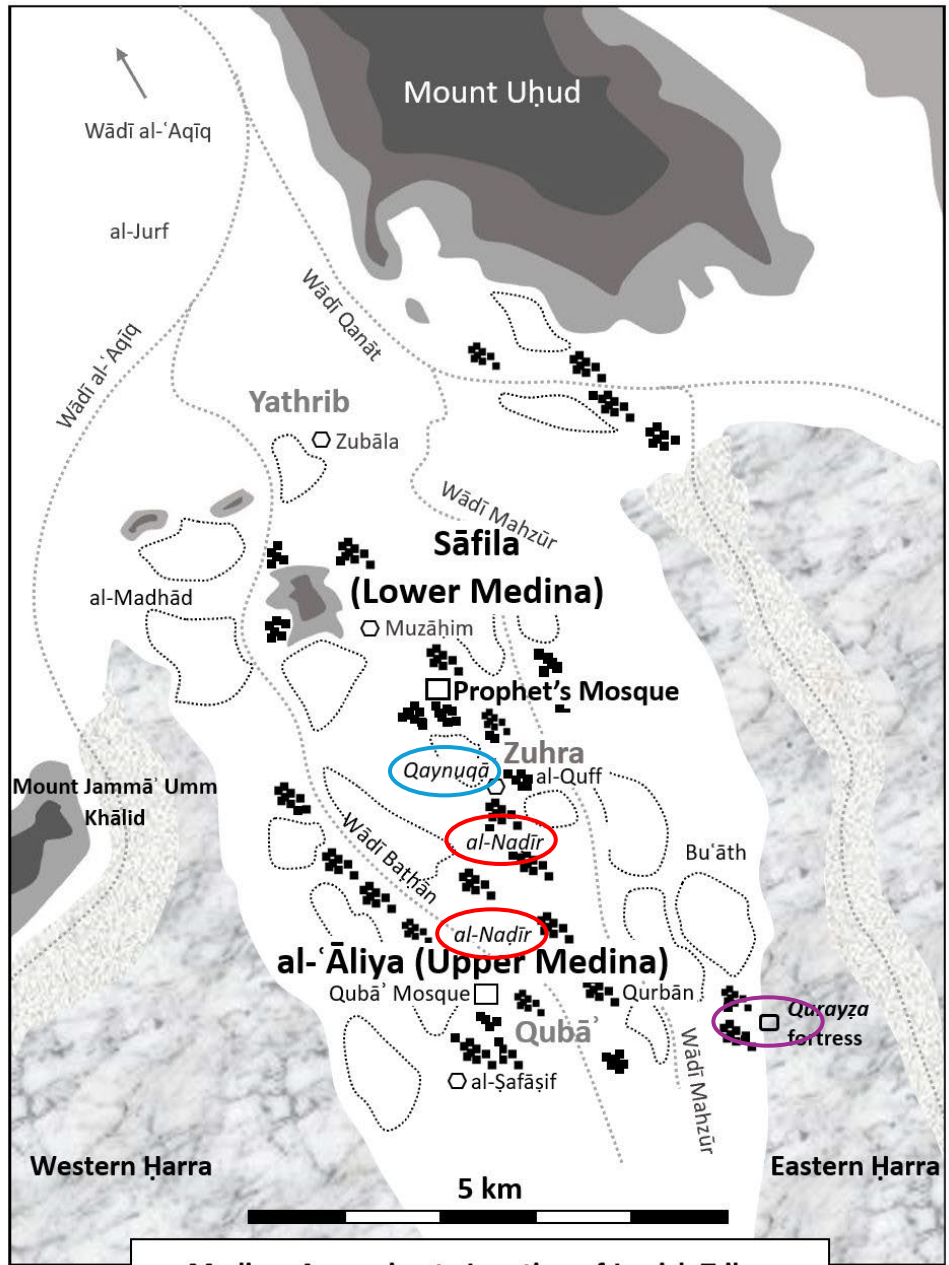
Humane and moral conduct was demanded at all times





- **Distributive Justice** (determining who gets what)
- **Procedural Justice** (determining by a formal and recognized method or principle how people are treated fairly)
- **Retributive Justice** (allocating fair and proportionate punishment for wrong-doing)
- **Restorative Justice** (which maintain or tries to restore relationships between peoples or communities to "rightness")

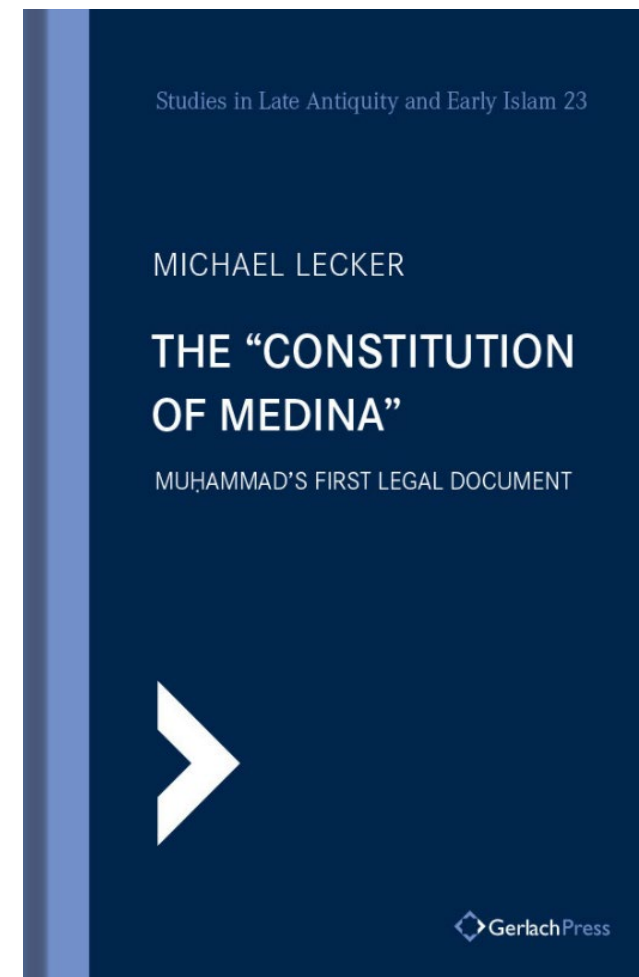
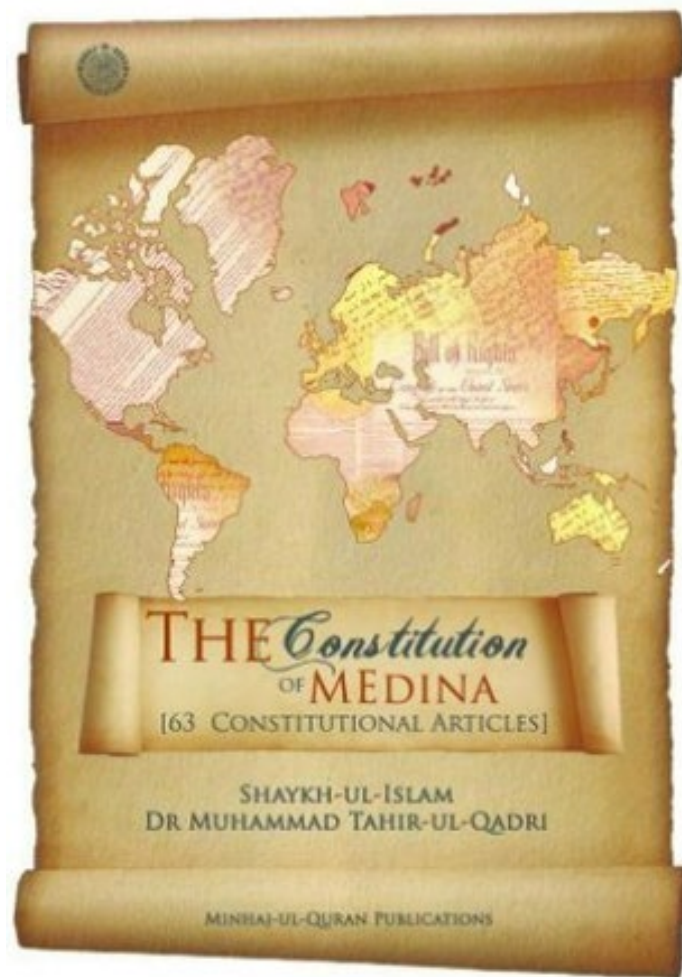
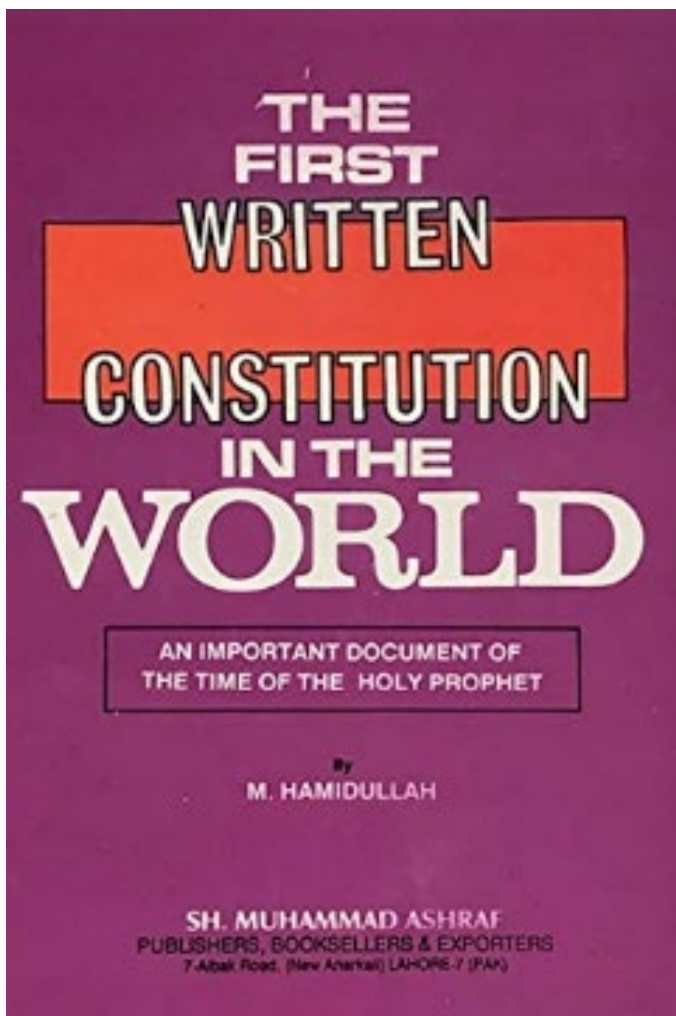


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Medina: Approximate Location of Jewish Tribes

-  Villages and Towns
-  Orchards / Palm Trees / Fields
-  Market






This document was a written agreement between Muḥammad ﷺ and “the believers and Muslims of Quraysh and Yathrib” (here meaning the Muhājirūn and the Anṣār); with clauses pertaining to the Jews in Medina

According to the text of the document found in Ibn Hishām, Muḥammad ﷺ now saw these groups as “a single community to the exclusion of other people” (”انهم امة واحدة من دون الناس”)

 Qaynuqa

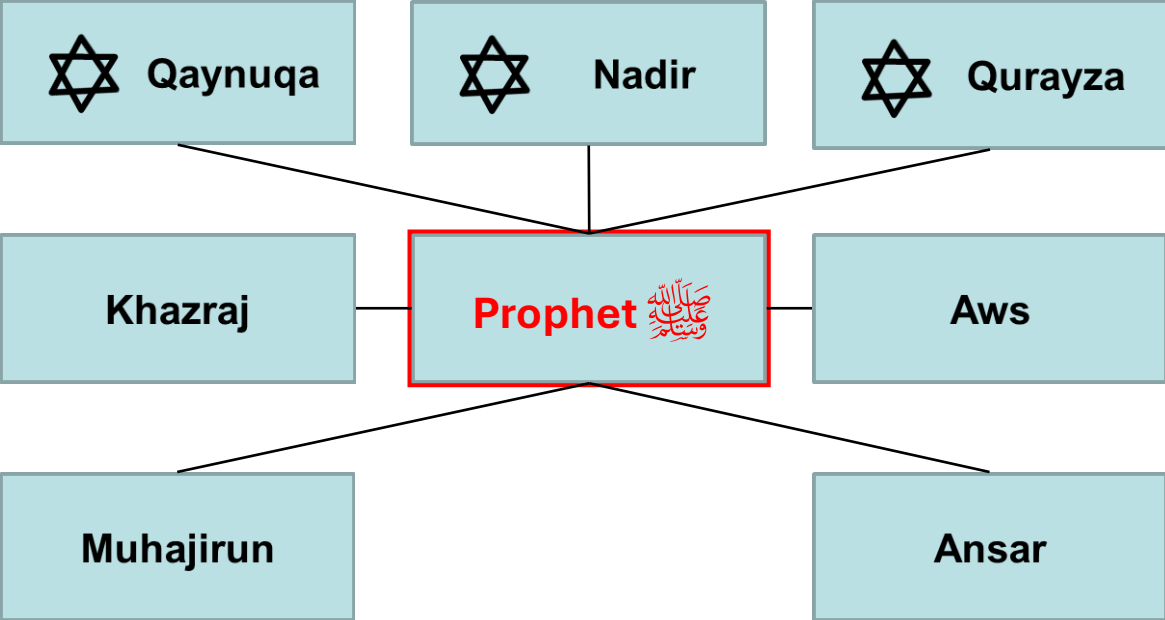
Khazraj

 Nadir

 Qurayza

Aws





“One Ummah”

 Qaynuqa

 Nadir

 Qurayza

Khazraj

Prophet ﷺ

Aws

Muhajirun

Ansar



“And those who follow us among the Jews will have help and equality. Neither shall they be oppressed nor will any help be given against them.

...for the Jews is their religion, and for the Muslims is theirs.”



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International Military Tribunals at Nuremberg and Tokyo 1945-1946

12 subsequent US military trials 1946-1949

International Criminal Tribunals for both Yugoslavia and Rwanda

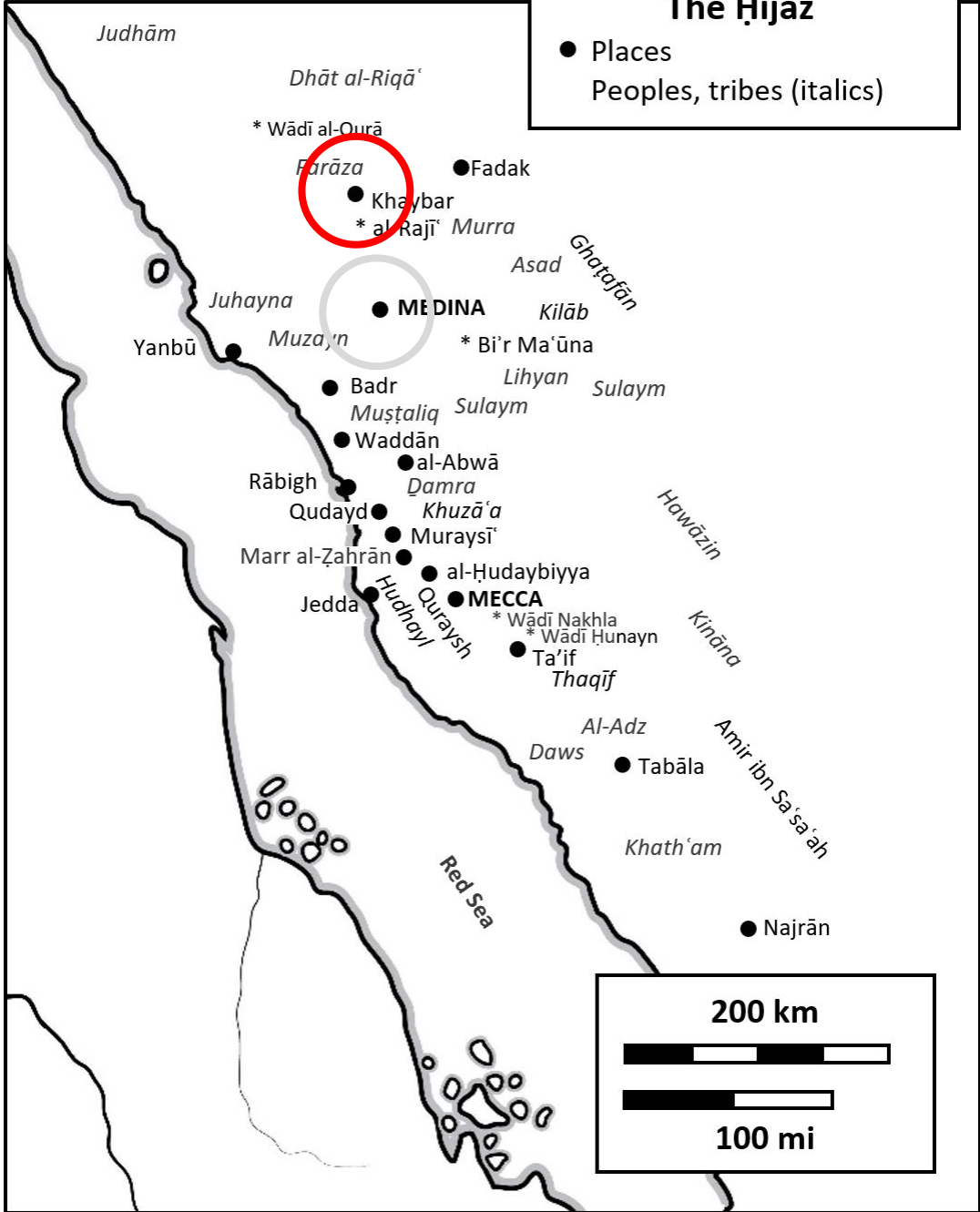
32 cases so far at the International Criminal Court



- 628 (March) Treaty of al-Ḥudaybiyya
- 628 (May) Conquest of Khaybar
- 629 (September) Battle of Mu'ta
- 630 (January) Conquest of Mecca
- 630 (January-February) Battle of Ḥunayn
- 630 (January-February) Battle of Ṭā'if
- 630 (October-December) The Tabūk Campaign
- 632 Muḥammad ﷺ died in Medina

The Hijāz

- Places
- Peoples, tribes (*italics*)





50% of Khaybar's cash crops had been promised to the B. Ghatafan

Prophet accepted this from Khaybar (no expulsions or other punishments)

Subsequent treaties established with other nearby Jewish towns and cities

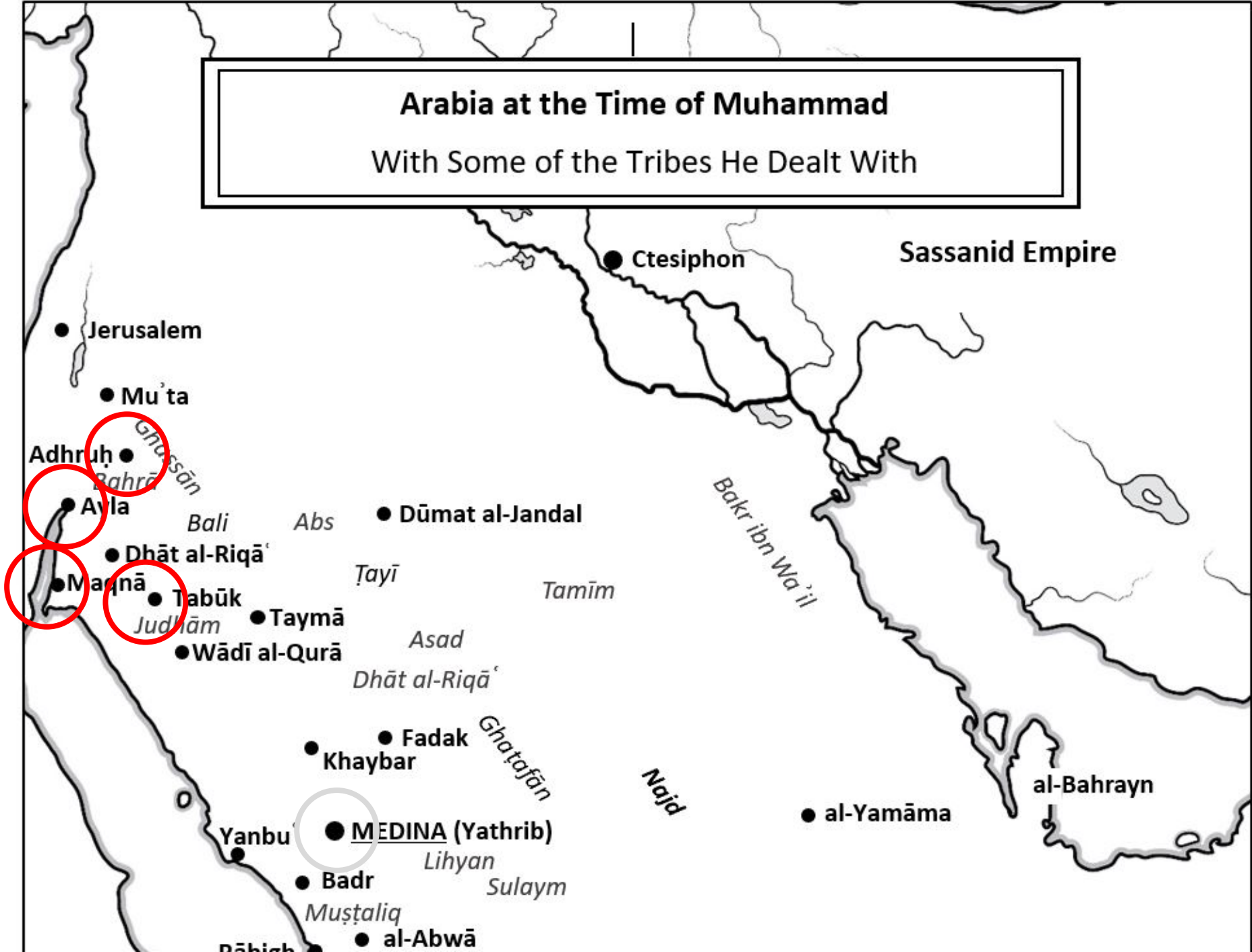
Arabia at the Time of Muhammad
With Some of the Tribes He Dealt With





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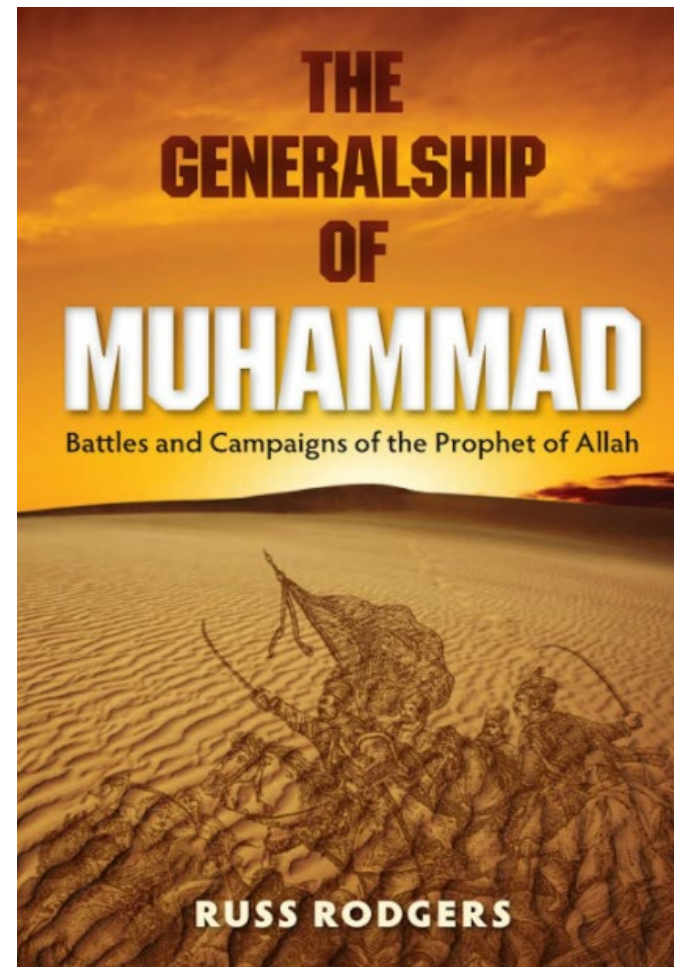
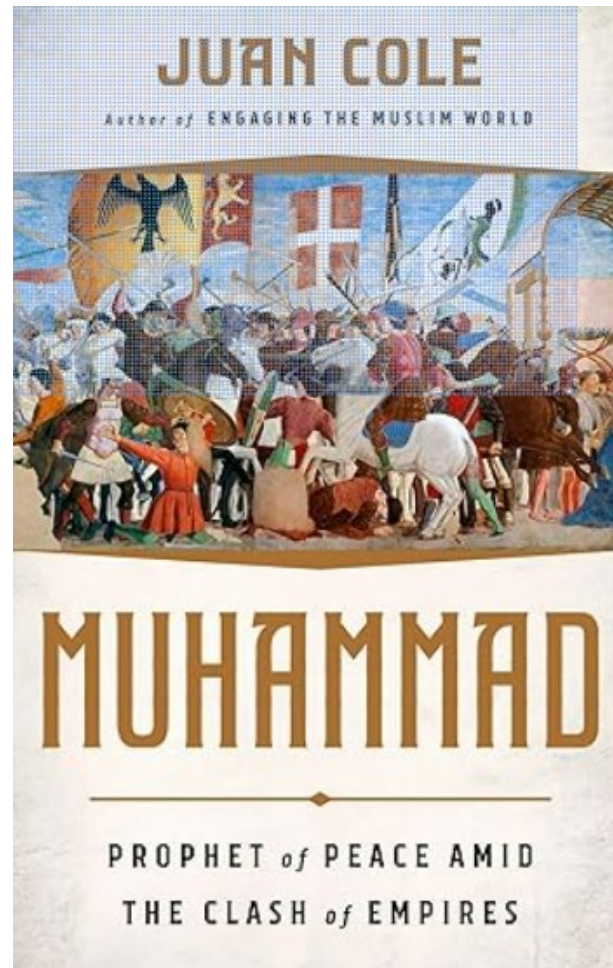
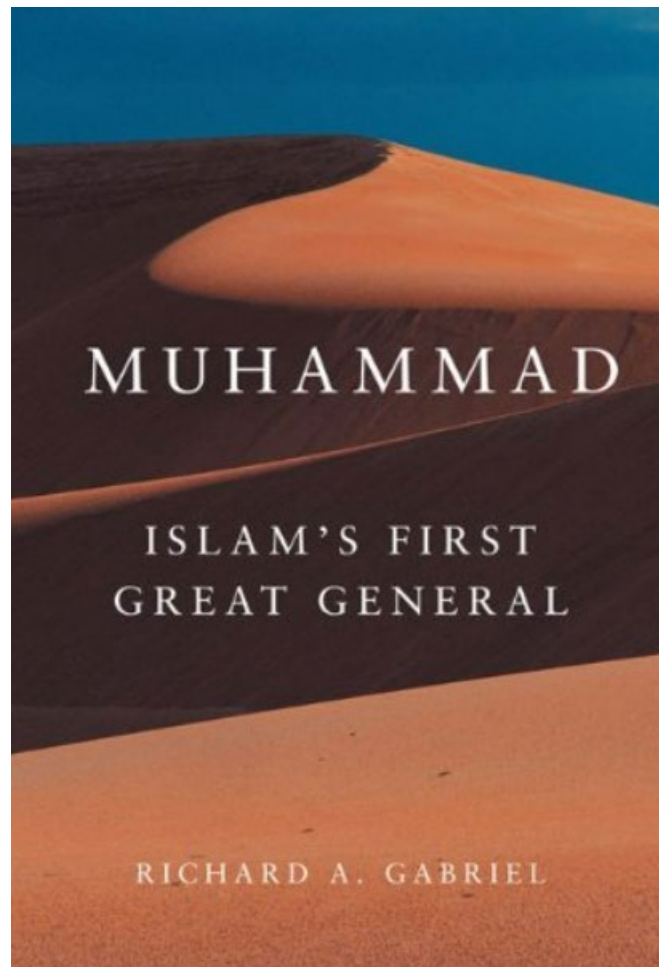
The Khums (1/5 of the total *Ghanima*, or booty)

- 1/5 For the Prophet's own discretionary use (a 1/5 of 1/5, or only 4% of the overall amount)
- 1/5 For his family and relatives
- 1/5 For orphans
- 1/5 For the poor
- 1/5 For travellers

Seventh Century Arabia

- Tribal, competitive and continuously war-filled land with no overarching or centralized law
- War was the norm between peoples; not peace as it is now
- Enemy tribes continually infringed upon each other's space and resources, especially grazing areas and watering holes
- They undertook raids to capture each other's herds and routinely intercepted each other's trade caravans

Sarāya	(singular = Sariyyah)	Missions sent out by Muhammad ﷺ	= Either 53 or 56
Ghazawāt	(singular = Ghazwah)	Missions led by Muhammad ﷺ	= 27





622	(September) The <i>Hijra</i> : Muḥammad emigrated to Medina	
624	(March 15) <u>Battle of Badr</u>	14 Muslim deaths from 313 Muslims
624	(April) Islamic siege of the Banū Qaynuqā'	
625	(March 23) <u>Battle of Uḥud</u>	70 Muslim deaths from 700 Muslims
625	(August) Islamic siege of the Banū al-Naḍīr	
627	(April) <u>Battle of the Trench</u>	6 Muslim deaths from 3,000 Muslims
627	(May) Islamic siege of the Banū Qurayḥa	
628	(March) Treaty of al-Ḥudaybiyya	
628	(May) <u>Conquest of Khaybar</u>	15 Muslim deaths from 1,600
629	(September) <u>Battle of Mu'ta</u>	12 Muslim deaths from 3,000
630	(January) Conquest of Mecca	
630	(January-February) <u>Battle of Ḥunayn</u>	4 Muslim deaths from 12,000
630	(January-February) Battle of Ṭā'if	
631	(October-December) The Tabūk Campaign	

Killed in all battles:

216 Enemies

138 Muslims

354 Total

Thus:

Only 2 enemy soldiers died per month throughout ten years

Only 1 Muslim soldier died each month throughout ten years

Are bodies of 10,000 lost warriors from Battle of Hastings buried in this field?

Historian believes the 10,000 victims of the Battle of Hastings may be buried in a field one mile north west of the official site at Battle.



مِنَ أَجْلِ ذَلِكَ كَتَبْنَا عَلَىٰ بَنِي إِسْرَائِيلَ أَنَّهُ مَن قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ
فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا
النَّاسَ جَمِيعًا وَلَقَدْ جَاءَتْهُمْ رُسُلُنَا بِالْبَيِّنَاتِ ثُمَّ إِنَّ كَثِيرًا مِّنْهُمْ بَعَدَ
ذَلِكَ فِي الْأَرْضِ لَمُسْرِفُونَ ﴿٣٢﴾

“If anyone kills a person, unless it is for murder or fasad in the land, it is as though he has killed all of humanity. And whoever saves a life, it is as though he has saved all of humanity.”

— Surah 5 al-Ma'idah 32 (revealed in 7 AH)

Just Cause

- Self-defence
- Pre-emption against evident threat
- End of religious oppression
- Opposition to evil

Right Intention

- The Pursuit of Peace
- Absence of greed
- Absence of hatred
- Forgiveness where possible

Last Resort

After attempts at diplomacy have failed

Restraint

Immediate cessation of violence if the opponent stops

فَإِنْ أَنهَوْا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ ﴿١٩٢﴾

وَقَاتِلُوهُمْ حَتَّى لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ لِلَّهِ فَإِنْ أَنهَوْا فَلَا عُدْوَانَ إِلَّا عَلَى الظَّالِمِينَ ﴿١٩٣﴾

“But if they cease, Allah is Most Gracious, Most Merciful. Fight them until there is no [more] fitnah and [until] worship is for Allah. And if they desist, then know that hostility can only be directed against the oppressors.”

— Surah al-Baqarah 2:192-193

Discrimination

- Women, children, elderly and all non-combatants not to be harmed, and nor are their houses and possessions
- Prisoners and wounded to be treated with respect and humanity

“Oh people! Stop, and I will tell you ten things.
Do not be treacherous.
Do not steal from the booty.
Do not engage in backstabbing.
Do not mutilate.
Do not kill a youngster or an old person, or a woman.
Do not cut off the heads of the palm-trees or burn them.
Do not cut down the fruit trees.
Do not slaughter a sheep or cow or camel except for food.
When you pass by people who devote their lives in cloisters, leave them and their devotions alone.
When people offer you all sorts of food, eat it, but mention the name of Allah over it.”

Al- — Abu Bakr al-Sadeeq r.a. to the army heading north to Syria under Yazid ibn Abu Sufyan, in
Tabari, Tarikh al-Rusul wa al-Muluk and Al-Muwatta Iman Malik ibn Anas

Thank you

The Prophet's ﷺ instructions to the army he dispatched to Mu'ta in 629 CE:

“Attack in the name of Allah and fight His enemy and yours in Al-Sham. You will encounter men secluded in monasteries, withdrawn from others. Do not attack them. You will find other people seeking out Satan and sin. Draw your swords against them. Do not kill a woman or a young child, or the old and infirm. Do not destroy the date palm, cut down trees, or destroy a dwelling.”

— Al-Waqidi, Kitab al-Maghazi; Ibn Hisham, Al-Sirah al-Nabawiyya.

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﴿٦١﴾ وَإِنْ جَنَحُوا لِلسَّلَامِ فَاجْنَحْ لَهَا وَتَوَكَّلْ عَلَى اللَّهِ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ ﴿٦١﴾

“And if they [the enemy] inclines to peace, incline to it also, and put your trust in Allah. Surely He is the All-Hearing, the All-Knowing.”

— Surah al-Anfal 8:61

Proportionality

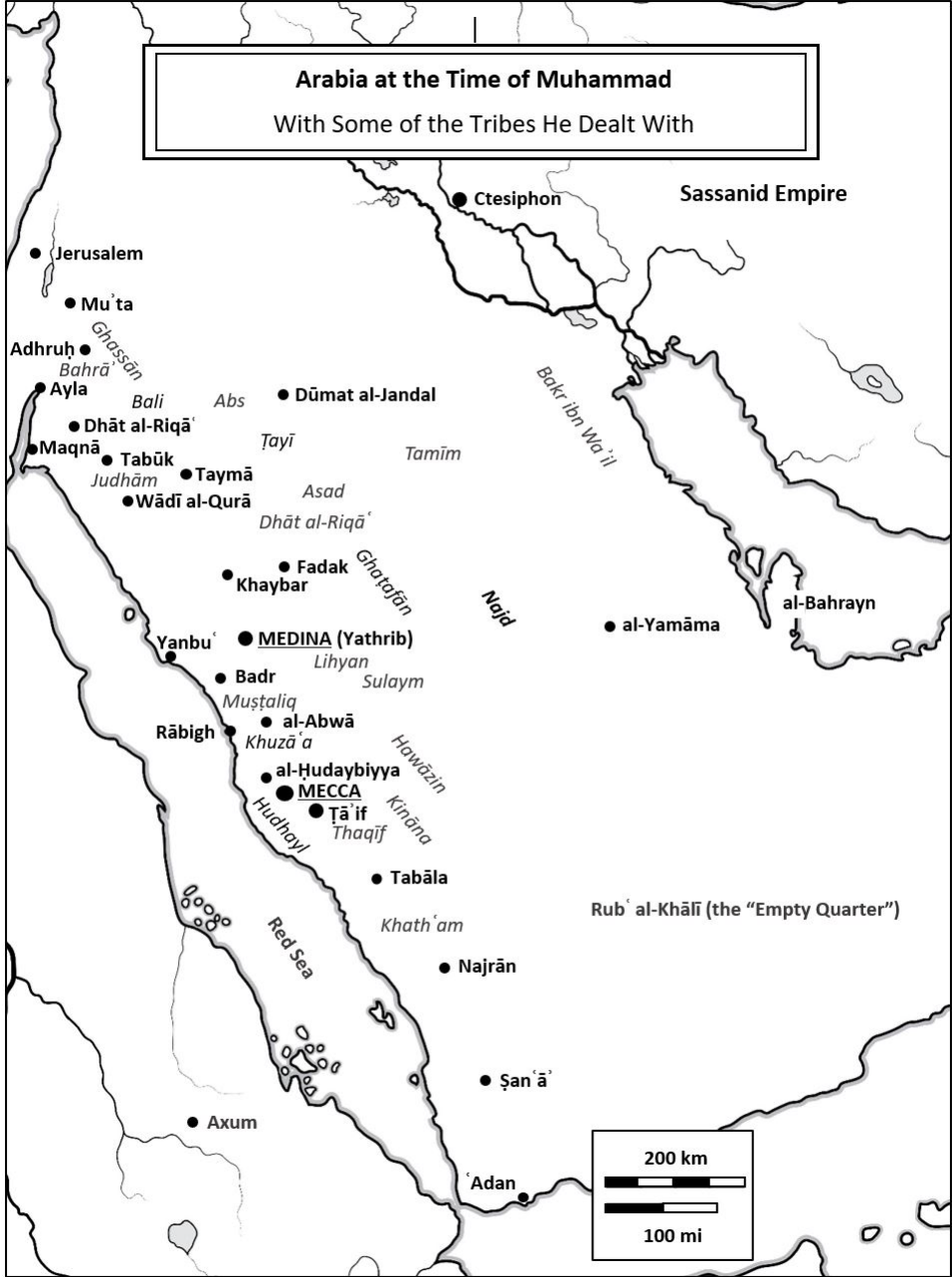
فَمَنْ اَعْتَدَى عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اَعْتَدَى عَلَيْكُمْ

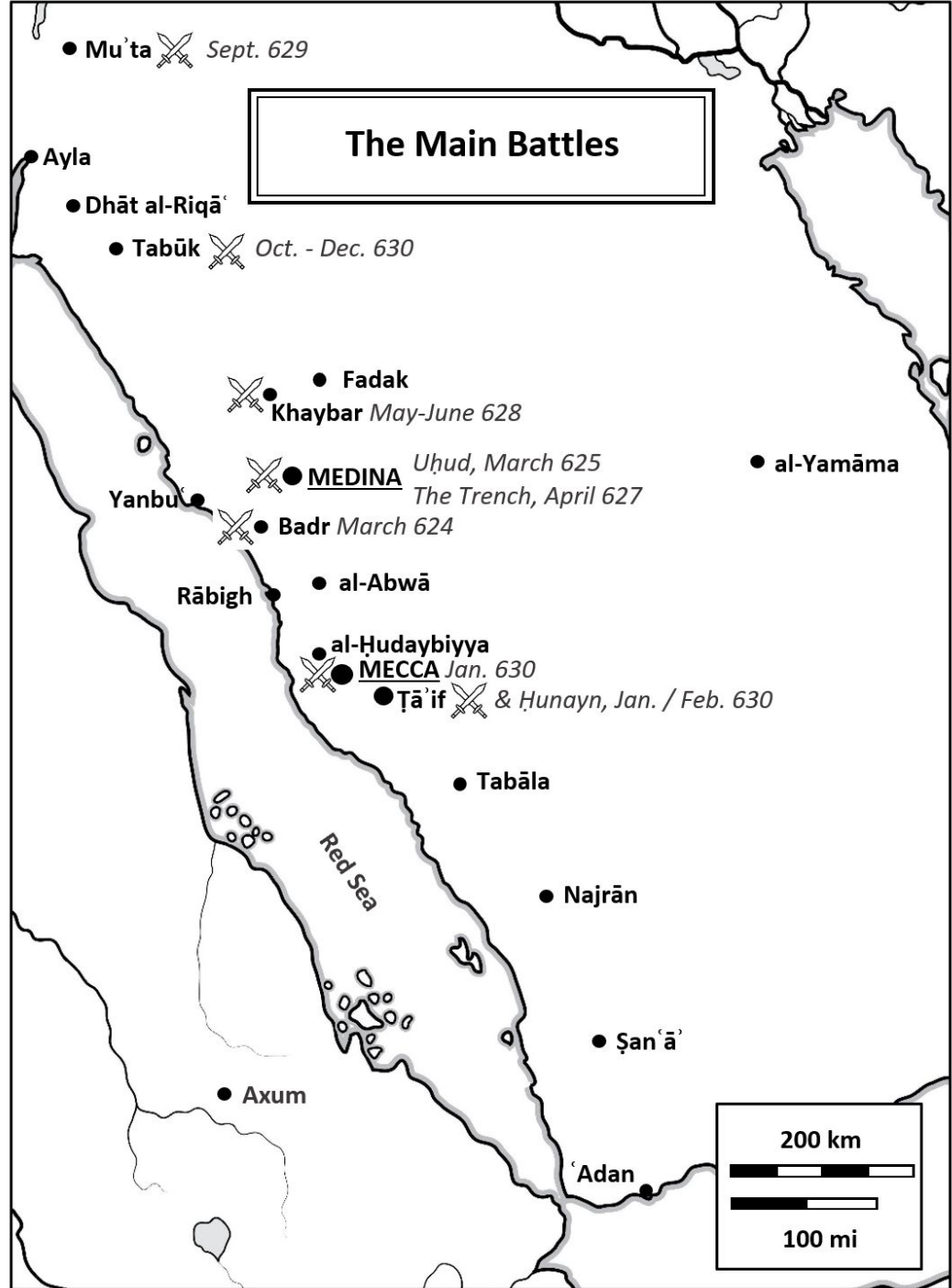
“If any one transgresses against you, you also may retaliate against them to an equal extent.”

— Surah al-Baqarah 2:194



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— Al-Tabari, *Tarikh al-Rusul wa al-Muluk* and *Al-Muwatta Iman Malik ibn Anas*

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AH year	CE Date	Destination or Location	Opponents	Leader	No. of Participants	Result
1	March 623	Sif al-Baḥr	Quraysh	Ḥamza ibn 'Abdul-Muṭṭalib	30	No fighting
1	April 623	Rābiḡh	Quraysh	'Ubayda ibn al-Hārith	60-80	No fighting
1	May 623	al-Kharrār	Quraysh	Sa'd ibn Abi Waqqāṣ	20 (or 8)	No contact
2	August 623	al-Abwā	Quraysh	Muḥammad	60	No contact
2	September 623	Buwāṭ	Quraysh	Muḥammad	200	No contact
2	September 623	Ṣafawān	Kurz ibn Jābir al-Fihri	Muḥammad	200	Failed to overtake raiders

2	December 623	Dhū l-'Ushayra	Quraysh	Muḥammad	150-200	No contact
2	January 624	Nakhla	Quraysh	'Abdullāh ibn Jaḥsh	7-12	Booty and captives taken. One opponent killed
2	15 March 624	Battle of Badr	Quraysh	Muḥammad	c. 305-315	Military victory. Booty and captives taken
2	March 624	Medina	Assassination of 'Aṣma bint Marwān	'Umayr ibn 'Adi	1	Successful assassination
2	April 624	Medina	Assassination of 'Abū Afak	Salim ibn Umayr	1	Successful assassination
2	April 624	Medina	Siege and Expulsion of the Banū Qaynuqā'	Muḥammad	Not recorded	Banū Qaynuqā' defeated and expelled
2	May / June 624	Sawīq	Quraysh	Muḥammad	200 or 400	Enemy retreated
3	July 624	al-Kudr	Sulaym and Ghaṭafān	Muḥammad	200	Booty taken
3	August / September 624	Medina	Assassination of Ka'b ibn al-Ashraf	Muḥammad ibn Maslama	5	Successful assassination
3	September 624	Dhū Amarr	Tha'laba, Muḥārib	Muḥammad	450	No contact. Converts made
3	October / November 624	Buḥrān	Sulaym	Muḥammad	300	Enemy dispersed
3	November 624	al-Qarada	Quraysh	Zayd ibn Ḥāritha	100	Caravan captured. Booty taken
3	23 March 625	Medina	Quraysh	Muḥammad	700	Military defeat

3	March 625	Ḥamrā' al-Asad	Quraysh	Muḥammad	Unknown. Some sources implausibly say 900	No contact
4	June 625	Qaṭan	Asad	Abū Salama ibn 'Abd al-Asad	150	Booty taken
4	June 625	'Urana	Assassination of Sufyan ibn Khālīd ibn Nubayh al-Hudhali	'Abdullāh ibn Unays	1	Successful assassination
4	July 625	Bi'r Ma'ūna	Sulaym	al-Mundhir ibn 'Amr	40-70	Muslims killed
4	July 625	al-Rajī'	Liḥyān	Marthad ibn Abi Marthad al-Ghanawī	7-10	Muslims killed
4	August 625	Medina	Siege and Expulsion of the Banū al-Naḍīr	Muḥammad	Not recorded	Banū al-Naḍīr defeated and expelled
4	April 626	Badr	Quraysh	Muḥammad	1,500	No contact
4	June 626	Khaybar	Assassination of Abū Rafī' Sallām ibn Abi l-Ḥuqayq	'Abdullāh ibn 'Atik	5	Successful assassination
5	June 626	Dhāt al-Riqā'	Anmār, Tha'laba	Muḥammad	400-800	No contact
5	August / September 626	Dūmat al-Jandal	Various tribes	Muḥammad	1,000	Booty taken
5	January 627	al-Muraysī'	Al-Muṣṭaliq	Muḥammad	Not recorded	Booty taken
5	April 627	Battle of the Trench in Medina	Coalition force of Quraysh, Ghaṭafān and others	Muḥammad	3,000	Impasse. Coalition attackers dispersed

5	May 627	Medina	Qurayza	Muḥammad	3,000	Qurayza defeated and men executed
6	June 627	al-Qurṭā'	Bakr ibn Kilāb	Muḥammad ibn Maslama	30	Booty taken
6	July 627	Ghurān	Liḥyān	Muḥammad	200	No contact
6	August 627	al-Ghāba	Ghaṭafān	Muḥammad	500-700	Light fighting
6	August / September 627	al-Ghamr	Asad	'Ukkāsha ibn Miḥṣan	40	Booty taken
6	August / September 627	Dhū l-Qaṣṣa	Tha'laba and others	Muḥammad ibn Maslama	10	Muslims attacked while sleeping. Deaths on both sides
6	August / September 627	Dhū l-Qaṣṣah	Tha'laba and others	Abū 'Ubayda ibn al-Jarrāḥ	40	Enemy dispersed
6	September 627	al-Jamūm	Sulaym	Zayd ibn Ḥāritha	Not recorded	Booty taken
6	September / October 627	al-'Iṣ	Quraysh	Zayd ibn Ḥāritha	170	Caravan captured. Booty taken
6	October / November 627	Al-Ṭaraf	Tha'laba	Zayd ibn Ḥāritha	15	Booty taken
6	October / November 627	Ḥismā	Judhām	Zayd ibn Ḥāritha	500	Booty taken
6	November / December 627	Wādī al-Qurā	Badr ibn Fazāra	Zayd ibn Ḥāritha	Not recorded	Muslims ambushed and robbed
6	December 627 / January 628	Dūmat al-Jandal	Kalb	'Abd al-Raḥmān ibn 'Awf	700	Kalb converted to Islam

6	December 627 / January 628	Fadak	Sa'd	'Ali ibn Abi Tālib	100	Booty taken
6	January / February 628	Wādī al-Qurā	Fazāra	Zayd ibn Ḥāritha	Not recorded	Badr punished for the earlier robbery of Zayd ibn Ḥāritha
6	February / March 628	Khaybar	Usayr ibn Zarim	'Abdullāh ibn Rawāḥa	30	Successful assassination
6	February / March 628	'Urayna area	Thieves who stole Muḥammad's camels	Kurz ibn Jābir al-Fihri	20	Thieves executed
6	Date unconfirmed	Madyan	Mīnā	Zayd ibn Ḥāritha	3?	Captives taken and later sold as slaves
6	March 628	al-Ḥudaybiyya	Quraysh	Muḥammad	700-1,600	Pilgrimage denied. Treaty signed
7	May / June 628	Khaybar	Jews	Muḥammad	1,600	Successful siege of Khaybar. Treaty signed
7	May / June 628	Najd	Not recorded	Abān ibn Sa'id ibn al-'Ās	Not recorded	Not recorded
7	December 628	Turba	'Ajuz Hawāzin	'Umar ibn al-Khaṭṭāb	30	Enemy dispersed
7	December 628	Najd	Hawāzin	Abū Bakr al-Ṣiddiq	December 628	Raided enemy. Killed more than seven persons
7	December 628	Fadak	Murra	Bashir ibn Sa'id	30	Killed unspecified number
7	December 628	Fadak	Murra	Ghālib ibn 'Abdullāh	200	Killed unspecified number

7	January 629	Mayfa'a	Tha'laba	Ghālib ibn 'Abdullāh	130	Booty taken. Locals killed
7	February 629	al-Jināb	Ghaṭafān	Bashir ibn Sa'd	300	Booty taken
7	March 629	Mecca	No opponents	Muḥammad	2,000	'Umrah (minor pilgrimage)
7	April 629	Not recorded	Sulaym	Ibn Abi l-'Awjā'	50	Enemy encountered. Battle occurred. Most Muslims killed
8	June 629	al-Kadid	Al- Mulawwaḥ	Ghālib ibn 'Abdullāh	10	Booty and captives taken
8	July 629	Dhāt Āṭlāḥ	Quḍā'a	Ka'b ibn 'Umayr al-Ghifari	15	Enemy encountered. Battle occurred. All Muslims killed
8	July 629	al-Siyy	Hawāzin	Shujā' ibn Wahb	24	Booty taken
8	September 629	Mu'ta	Ghassan?	Zayd ibn Ḥāritha	3,000	Muslims defeated and leaders killed
8	October 629	Dhāt al- Salāsīl	Baliyy, Quḍā'a	'Amr ibn al-'As	500	Enemy dispersed. Minor fighting only
8	November 629	Sīf al-Baḥr	Juhayna	Abū 'Ubayda ibn al-Jarrāḥ	300	Did not see enemy
8	December 629	Khaḍīra	Ghaṭafān	Abū Qatāda	16	Booty and captives taken
8	December 629	Baṭn, Iḍam	To north	Abū Qatāda	8	Decoy mission to distract opponents

8	January 630	Mecca	Quraysh	Muḥammad	10,000	Conquered Mecca
8	January 630	Yalamlam	Non-Muslims	Hishām ibn al-'As	200	Not recorded
8	January 630	'Urana	Non-Muslims	Khālid ibn Sa'id	300	Not recorded
8	January 630	Mecca region	Jadhima	Khālid ibn al-Walid	350	Innocent people killed by Khālid
8	January 630	Mecca region	Various missions to destroy pagan shrines	Various	Not recorded	Shrines destroyed
8	January 630	Ḥunayn	Hawāzin	Muḥammad	12,000	Military victory. Booty and captives taken
8	February 630	Ṭā'if	Thaqif	Muḥammad	12,000	Unsuccessful siege
8	February / March 630	al-Ji'rāna	No opponents	Muḥammad	12,000	Distribution of booty
9	April / May 630 630	al-'Arj	Tamīm	'Uyayna ibn Ḥiṣn al-Fazāri	50	Imposed political submission upon tribespeople
9	May / June 630	Tabāla	Khath'am	Qutba ibn Amir ibn Hadida	20	Fighting occurred. Booty taken
9	June / July 630	Zujj	Al-Qurata	Daḥḥāk ibn Sufyān ibn 'Awf	Not recorded	Imposed political submission upon tribespeople
9	July / August 630	al-Shu'ayba	Abyssinians on the Arabian coast	'Alqama ibn Mujazziz al-Mudlji	300	Abyssinians fled
9	July / August 630	al-Fuls	Tayyi'	'Alī ibn Abī Ṭālib	150	Destroyed cultic center and idol

9	Not recorded	al-Hubāb	'Udhrah	'Ukkāsha ibn Miḥṣan	Not recorded	Not recorded
9	October – December 630	Tabūk	Ghassān	Muḥammad	30,000	Indecisive
9	October 630	Dūmat al-Jandal	Kinda	Khālid ibn al-Walid	420	Imposed political submission. Booty taken
9	March / April 631	Mecca	No opponents	Abū Bakr	Not recorded	Hajj (major pilgrimage)
10	June / July 631	al-Yaman	Al-Ḥārith	Khālid ibn al-Walid	400	Imposed political submission
10	December 631	al-Yaman	Madhhij	'Alī ibn Abī Ṭalib	300	Imposed political submission
10	March 632	Mecca	No opponents	Muḥammad	Not recorded	Hajj (major pilgrimage)
11	June / July 632	Mu'ta	Ghassan	Usāma ibn Zayd	3,000	Successful raid. Booty taken



حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ، حَدَّثَنَا عَبْدُ الْعَزِيزِ الْمَاجِشُونُ، أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمَا - عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ " الظُّلْمُ ظُلُمَاتٌ يَوْمَ الْقِيَامَةِ " .

“Verily injustice (Zulm) will become darkness (Zulimat) on the Day of Judgement.”

Sahih al-Bukhari, 2447