

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



THE MASKAN AND HUDAIBIYAH TREATIES

The Similarities and Dissimilarities between Them

وان جنحوا للسلم فاجنح لها وتوكل على الله, انه هو السميع العليم
(And if they incline to peace, then incline to it and trust in Allah,
Surely He is the Hearing, the knowing - Anfaal: 61)

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PREFACE

Praise be to Allah (SWT), peace and blessings be upon Prophet Muhammad (SAWW) and his progeny (AS).

It is the extra-ordinary that makes news. Many readers of history do habitually overlook the emphasis on peaceful and harmonious takeoffs in the history of Man, and concentrate mainly on its recorded misunderstandings and conflicts. This is why the most remembered event in the first Man's nucleus community (Adam's family) was the misunderstanding between Cain and Abel, which ended with the murder of the former; and this event is believed by some sociologists, like Dr. Ali Shari'ate, as the beginning of Man's history.

By this proposition, it is inferred that the history of Man began with conflict and will finally end with conflict between Mahdi and Jesus on one hand, and the Anti-Christ (*Masih Dajjal*) on the other.

Yes man has lived in conflicts that will never cease; as widely recorded. But there are instances where the best men took bold decisions and ended conflicts or avoided starting one despite having enough reasons to claim the right to take the hard-line of confrontation. They might be the forgotten heroes, but they are the diamonds that should illuminate the history of Man, if he must learn how to end wars before they start, or make the right assessment and avoid fighting losing battles.

Al-Ouqqaad in his "Musa bin Nusair" booklet, referred to the wrong **Locations war strategy** (capturing the places and towns without destroying nearby enemy military positions) applied by Uqba bin Nafie, in his famous march to the Atlantic coast of North Africa, and called it Naivety (*Ghuruur*); quoting Musa bin Nusair, his successor, who had said,

لقد غرر عقبة بنفسه وبمن كان معه؛ أما كان معه رجل رشيد!

--- (*Uqba completely naively deceived himself and those with him. Didn't he have with him any one sensible person?*). So Uqba was naïve, and on his way back to Qairawan, he was ambushed by the Roman soldiers from the military garrisons he had left behind untouched and got killed along with all men in his company.

Far-sightedness, the right security assessments and the timely interests of Islam led Imam Hassan (AS) to act in the right way, and avoided to be naïve. Names of such heroes should have been imprinted on the pages of History.

Ironically, the negative attitude of the people due to their failure to grasp the timely significance and relevance is sometimes cited to be problematic to peace-making. Therefore a leader has to be strong when making the decisions that can help in the avoidance of situations that might bring his community or subjects in the face of great difficulties.

Islam the religion of peace can't help but to be the champion of overtures, accommodation, compromise, moderation, forgiving, mercy, tolerance, mediation, adjustable options, ceasefires, comprehensive agreements, etc.

The prophet (SAWW) had strong inclination to peace-making cemented in agreements. Upon entry into Medina, he drew a binding charter (*al-Ssahiifah*) to reorganize society and unite the city inhabitants; subscribing to various clan allegiances and professing different religions; including the Jews. Interestingly the word Jews was mentioned 21 times, between the 16th

and 46th provisions of the Medina charter, in reference to their (Jews) rights and guarantees of security.

While in Madina, the prophet's mind flashed back on an agreement that had taken place in Mecca before the start of his mission, and in which he had participated. He is quoted to have said (I witnessed the proceedings of Jad'an house agreement during the Jahiliyyah "ignorance" era; and if I were to be invited to a similar arrangement in Islam, I would answer), reading in Arabic as;

(لقد حضرت في بيت ابي جدعان في الجاهلية مشهدا, ولو دعيت الى مثله في الاسلام لاجبت)

To this extent is how he was inclined to use every opportunity of solving disputes by peaceful means cemented by agreements. To him, a well assessed, clear objective and honorable settlement is Islamic; regardless of who are the parties to it.

Practically, it is of particular significance to mention, inter alia, the two time change of the Qibla to, the then, two unfavorable directions, but which seemed to accommodate the interests "allegorical recognition" of the Christians and the Jews when he faced *al-Qudsi* in prayer. And with the Qur'anic directive to shift and face towards the Ka'bah; the Quraishi fears were allayed, and they got placated that Muhammad vis-à-vis the Ka'ba would be different from Abraha, should he finally conquer Mecca and take control of the Ka'ba.

In the instances mentioned earlier, the prophet had profound interest in creating a harmonious atmosphere to avert unnecessary tensions. And Imam Ali (AS), while reacting to the Kharijite accusations of agreeing to a forced settlement, and who as a result went astray in denying his leadership, he said, (*The people have to have a ruler, whether pious or impious.....* (لا بد للناس من امير , بر ام فاجر). Further, the prince of the faithful said, (*Indeed, making reconciliation between the two is better than all the prayers and fasting combined*) (ان اصلاح ذات البين خير من عامة الصلاة و الصوم)

But with all the positivity of reconciliation, it entails immense difficulty. Basing on the Uganda experience where the Sunni community has had two parallel administrative Muftis, at a time, for 35 years, I would want to refer to a narrative confided to me by one of the mediators whom the president of Uganda had assigned the duty of forming a reconciliation commission to unite the Muslim community. He told me; (*I have been able to learn that uniting Muslims is a very difficult enterprise, and in my view it ought to be made a PHD research thesis.....*).

So the history of Islam recorded instances of the quite difficult talks executed by Prophet Muhammad (SAWW) at Hudaibiyah , by Imam Ali (AS) at Dumat al Jandal and Imam al-Hassan (AS) at Maskan.

We must conversely know that what was demanded by Yazid from Imam Hussein (AS) was the Total capitulation and renunciation of his status of the prophetic divine appointment of the Imamate, which, had he surrendered it to the vile, would have added a very dangerous dimension onto the equation—So there was no any basis for talks!

With that Islamic conciliatory policy synopsis in mind, let us look at the subject of peace agreements; by focusing on Hudaibiya and Imam Hassan's Sulh as case study, and see the similarities and points of departure in the provisions of the two settlements, regardless of the diplomatic classifications of the Ittifaqiyya, Hudna and broadly the Sulh!

Let us attempt at the definitions of the peace settlements as of;

(1)- The Truce (*al- Hudna*) is a temporary stoppage of a war in which each side agrees with the other to suspend aggressive actions, and it is called ceasefire in modern terminologies.

(2)- The Agreement (*Sulh*) is what the two parties agree on after negotiations (with the mediation of a third party) to end disputes and conflicts.

Before we enter into the details of the agreements, let us look at the circumstances surrounding the environment (people) in which they were made.

ABOUT HUDAIBIYA

In the fifth year at the *Khandaq*, Quraish shot its last arrow against Muslims in Medina, but not against Islam. The prophet also, following their futile attempt there, saw it right to extend to them an olive branch. He initiated a move and walked towards Mecca, six years after his secret flight from the city where he was born. He was accompanied by 1400 men together with the chief diplomat; *Lady Umm-Salimah*. The men were lightly armed with simple domestic tools so as to show the Quraish that he had no hostile intentions beyond performing the minor hajj of *Umra*; a situation that could have put the Quraish in an awkward position of locking some tribes out of the *Ka'bah*; the holy site of worship for all Arab tribes, and the *Qiblah* of Muslims, had they insisted on the non-accessibility of Mecca by other tribes pilgrims.

The Quraish were surprised with the arrival of prophet Muhammad (SAWW) at *Hudaibiya*, but upon receiving his emissary, they sent a negotiator who reached an understanding with the prophet despite the objections to the provisions by his *Sahabas*, and an attempt by HONOURABLE Umar to incite violence.

ABOUT IRAQ AND SYRIA

Both the kingdoms of Hiira and Ghassaasina formed what the Romans and the Persians called satellite states. Their populations were Arabs, and they formed what you may call the battlegrounds for the Persian and Roman imperial wars. Several times they changed allegiances whenever one of them could be occupied by the armies of the contending power. Traditionally they could easily be bought off and in case of the fight; they offered little resistance or none at all.

This partly must have been the reason for the quick surrender of the said regions to fellow Arab armies during the conquests and creation of the Arab Muslim Empire.

Both Imam Ali and Mu'awiyah knew these local dynamics. However, Mu'awiyah took them for opportunity, utilised it and bought them off, and had nothing to lose. However, the Imams called it (use of bribery and buying of the minds) immoral and irreligious, and refused to utilise it. The two Imams; Ali (AS) and Hassan (AS) were restricted by the status of infallibility and the assignment given to them to apply the teachings of religion; and thence be role-models and exemplary.

So it became a question of uneven playing field in terms of operational tactics and the observance of Islamic morals and ethics.

When the fighters captured Aisha and took war spoils, the Imam denied them its possession and recommended for its depositing into *Baitul-Maal*, they thought it was unbelievable; given the local mentality; and their allegiance to the Imam waned.

While the Imams; Ali and Hassan (AS) fought on the basis of sincerity and truth, their enemies and part of the Imam's forces fought on basis of Mu'awiya's money magnet, and the odds against the truth and decency were too high.

And against that background, let us look at the similarities and dissimilarities of the two agreements: -

Similarities,

- 1- The conflicts that led to both agreements were between the ordinary fallible men, on one hand, and the infallible Muhammad (SAWW) at Hudaibiya and infallible Imam Hassan (Ale- Muhammad) at Maskan, on the other.

To an in-depth analyst, it was basically a continuation of the Medieval Arab customary feuds (*al Tha'r*- revenge attacks between clans, lasting for decades). This was at least the unilateral viewing of the Umayyad bloody vengeful cause against the Muhammadis (Ale- Muhammad) in particular and the Hashemites in general for their protection of Muhammad and defense of Islam, in which the Umayyads lost their grandfathers; the Meccan Quraish aristocratic nobility.

It was an unfinished business (of vengeance) that had to be brought to a conclusion by clan members in subsequent generations.

- 2- The moral high ground of the infallible Ahlul-bait was always the undoing of Prophet Muhammad, the Imams and close followers (at Hudaibiya, Dumat al Jandal and Maskan). They knew how all kinds of deceptions and tricks could be done, but the divine inspired status of infallibility; being role-models, exemplary and religiosity restrained them, as opposed to their unrestrained enemies (Abu-Sufiyan and Mu'awiyah) whose mission was gaining political ends at all costs.
- 3- In the second year (AH) hostilities started, and peace was made in the sixth year; five years into the hostilities between the infallible Muhammad and Abu-Sufiyan's led Mecca. Likewise, Imam Hassan made peace with his enemy five years into the hostilities between Abu-Sufiyan's son; Mu'awiyah and Muhammad's children (the Ahlu-bait).
- 4- The Meccan polytheist leadership against the infallible prophet Muhammad, at the time of the treaty of Hudaibiya, was under Abu-Sufiyan ; the Umayyad chief, and likewise Mu'awiyah; the Ahlul-bait sworn foe was the Umayyad-Sufiyanid chief.
- 5- The prophet was misunderstood by the myopic members of his company and vehemently opposed by Umar to the point of causing a mutiny, and likewise some good people in Imam Hassan (AS) camp didn't appreciate the agreement.

- 6- Those who agitated for fighting, like Umar, were in no way in good books of military prowess. We see that Umar had earlier on feared to go to Mecca to communicate the prophet's errand. When the rumor of the Quraish imminent attack rose, the prophet was aware of their nervousness and the recent "*Uhud*" field embarrassments. So he called to the *Ridh'wan* allegiance where his *Sahabas* took the oath of death, without an orderly retreat, to avoid the repeat of Uhud experience. And likewise some of Imam Hassan's men harbored hostile intentions, of putting a ransom on the head of the Imam, so much so that the continuation of the fight could have increased their bargaining power if they were the ones to capture, kill and/ or surrender the infallible grandchild of Muhammad (SAWW) to his enemy.
- 7- There were great risks in case the battle occurred, at Hudaibiya, so was the same risk assessment with Imam Hassan prior to the Maskan agreement.

Dissimilarities,

- 1- In words of the Prophet (S.A.W.W), he classified his war and peace campaigns in the context of the *Jihad Asghar*, while Imam Hassan operated in the context of *Jihad Akbar*. So Imam Hassan (AS) had to face quite more difficulty than his grandfather.
- 2- The prophetic period was the anti Muhammedan planning phase, while that of Imam Hassan was the implementation phase of the said plan. So he faced more pressure.
- 3- The Hudaibiya Quraishi belligerents were easy and clear enemies who represented an external anti Muhammedan axis, unlike Imam Hassan who had to face internal Quraishi led enemies set in a self-destruction mode of Islam.
It is such a complicated security assessment that puts the very anti-Muhammedan personalities during the planning phase as more humane than that in their presumed Islam period. For the Quraish didn't hurt the little Fatima, while in Mecca, by word or action, but in the supposedly Islamic safety in Medina the orphaned daughter of Muhammad got harmed immediately after her father's burial and succumbed to the wounds!
Surprisingly, Fatima (AS) was safe in Meccan polytheist control, but Abdallah, her little six month grandchild, was cut into two pieces by the Umayyad empire army, in the Islamic era, at Karbala!
- 4- The provision of a ten year cessation of hostilities between Mecca and Medina in Hudaibiya agreement was provisional --- while in the treaty of Imam Hassan (AS), cessation of hostilities was meant to be permanent.

SPARING LIVES OF ALE-MUHAMMAD FOLLOWERS

Yet the prophet was weary of having to beat off attacks by the Quraish in which lives were lost, and wanted to devise all means to end hostilities and spare lives.

And, as of Imam Hassan (AS), with a force commanded by compromised commanders, and after looting his tents and the suffering of injuries inflicted by members of his confused and compromised men, he assessed the situation and took a bold decision to spare the lives of a devoted group that formed part of his force.

Asked by a devoted supporter why he signed an agreement with Mu'awiyah, he said (*I was afraid that Muslims might be wiped out off the face of the earth, and I took decision to preserve for religion the mourners*).

The Imam made an agreement and read conditions of the equals, contrary to what is universally referred to the situation of surrender as (*Woe to the vanquished, he doesn't put conditions... ويل للمغلوب, لا يقرء الشروط*). So, the Imam read conditions and didn't surrender. No matter, whether the conditions were honored or not, that had no leverage on the Imam's position of strength, or his good intentions. His intentions were to preserve lives of a group of devotee Shiites and also expose the hidden rot in the Anti-Muhammadi camp that started in the Saqiifah.

When the prophet (SAWW) conquered Mecca, after its violation of the agreement, he passed and implemented a general amnesty in the fashion that had never been seen in all recorded world conquests; over the enemies with a bloody background as that of the Quraish against Islam, and in particular their targeted assassinations of the conquerors' (Muhammad) clan members and family. In spite of the bitterness of the imposed wars by the Quraish, he forgave them and said —(*Go, you are the freed prisoners of war...*).

Prophet Muhammad (SAWW) spared them so that they can borrow a leaf. But they heeded nothing of that. The prince of the faithful (*Amiiru al Mu'miniin*) always spared them and he never chased, in hot pursuit, of a battle-field deserter, never killed the injured or one who surrenders.... But they learnt nothing from him.

When the Ummah spurred him (AS) up to their known own Caliphate framework, some people pretended to complain. However they didn't want to copy the methodology of silent peaceful protests exhibited by the Imam in his disapproval of the rule of the three Caliphs before him, for he didn't fight them with swords!

They instead rebelled against him, used weapons and killed innocents in peaceful regions (Basra). Imam Hassan signed a peace agreement, but still the representative of the same Qur'anic cursed lineage and the general Anti- Muhammedan camp, Mu'awiyah, the signatory counterpart to the agreement abrogated it immediately and publicly, and even took it for granted to assassinate the infallible, which he did.

It is such conspiracies and impregnable impunity that brought an end to the **PAX- ISLAMICA**. From these moments onwards, it was the tyrants that were to replace the former tyrants.

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