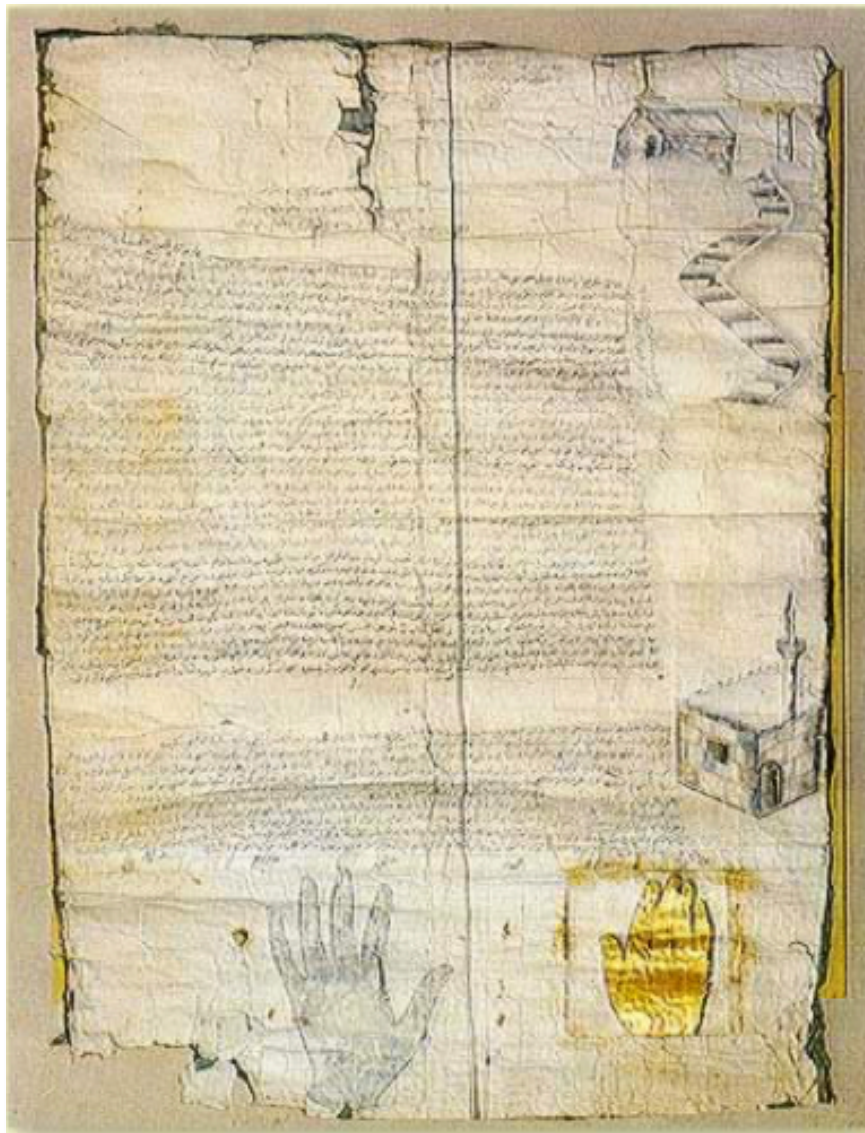


## A CAUX ROUND TABLE FOR MORAL CAPITALISM REPORT

# FOUNDING PRINCIPLES FOR MODERN IMPERATIVES THE OVERLOOKED COVENANTS OF THE PROPHET MUHAMMAD



A Recension of the Covenant of the Prophet Muhammad  
with the Monastery of St Catherine

Respectfully Submitted January 2021 by:  
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The Caux Round Table for Moral Capitalism

FOUNDING PRINCIPLES FOR MODERN IMPERATIVES  
THE OVERLOOKED COVENANTS OF THE PROPHET MUHAMMAD

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## Preface

Generally, and as Chairman Emeritus of the Caux Round Table, I have long been engaged in inter-religious relations and dialogue.

This present work on these Covenants from the early period of Islam provides a profoundly important basis for inter-religious thinking and action between Muslims and other religions.

Such historical work on these Covenants and their fundamental message for now and the future is a very welcome contribution for thought and action in peaceful and productive ways.

I had the privilege of chairing the meetings of the working groups. It was most impressive to observe the academic rigour and intellectual care that characterised their investigations and conclusions. The participants have demonstrated a high degree of responsibility and good will. Let such qualities characterise discussion on their conclusions. The recent *Document on Human Fraternity* by Pope Francis and the Grand Imam of Al-Azhar Ahmed Al-Tayeb is an excellent model of such cooperation.

A thoughtful approach by the new reader of these Covenants will benefit from this lesson about history:

“The disadvantage of men not knowing the past is that they do not know the present. History is a hill or high point of vantage, from which alone men see the town in which they live or the age in which they are living.” (G.K.Chesterton)

Teachings are most needed in a human community overcome by material concerns and secular suspicions of religion. (Papal Encyclical *Laborem Exercens*, 7; Papal Encyclical *Centesimus Annus* 36, 37, 41) (*Qur'an*, 3:14; 18:32-38; 30:41; 57:20; 102:1) Where religiosity, however, devours our capacity for having dignity of self and respecting the dignity of others, such conformity to sectarian biases turn us away from our highest and best nature. (*Mathew* 23:23; *Compendium of Catholic Social Doctrine* 144, 153) (*Qur'an*, 49:11-12)

We recognize that gratitude is due to our Creator as well as praise for the opportunity we have been given to serve and to enhance the meaning of our lives. Cultivating both the sense of service and acts of service within ourselves and among all peoples will bring together the human family in mutual respect, cooperation, with peace and justice in all the world.

Lord Brennan QC



## Foreword

Few people in Islam, and fewer still in Christianity, have ever heard of the Covenants that are said to have been dictated by the Prophet Muhammad himself, and which extended considerable religious protections to Christian and other communities at the time of Islam's formation and spread. With many of the details lost to history, uncertainties about the exact provenance of these Covenants abound. Nonetheless, while more scholarship is needed, what the evidence clearly shows is that the values embedded in these Covenants are wholly coherent and consistent with the Prophet's teachings recorded in the Qur'an, and in the *Sunnah*.

The implications are breathtaking, especially for their immediacy and relevancy for today. At its founding, centuries before systems of Islamic law were codified, a generous respect for human fraternity was given formal expression by the Prophet and his companions to nearby Christian, Jewish, Samaritan, and Zoroastrian communities. In Islam's earliest encounter with diversity, before religious wars and medieval antipathies hardened the exclusions between Christians and Muslims, Islam placed in the custody of others Covenants that reflected its commitment to a shared spiritual humanism.

As part of its work to advance its principles of moral capitalism globally, the Caux Round Table (CRT) has for many years undertaken enquiry into the teachings of humanity's religious and wisdom traditions. While discussing Qur'anic guidance for good governance, we learned of certain Covenants extended to Christian communities by the Prophet Muhammad. These Covenants were referenced as examples of the Prophet's personal standards of governance in the use of his authority. Upon reading the Covenant with the Monastery of St Catherine in Sinai and the Covenant with the Christians of the city of Najran (in today's Saudi Arabia), I noticed immediately with surprise the respect which the Prophet had shown to those communities.

For many centuries, these Covenants have not been well known by either Christians or Muslims, and many of the tragic misunderstandings and mutual suspicions between these communities might have been avoided if awareness of the Covenants had been more diffused and their provisions appreciated. Christians missed learning of the Prophet's actual appreciation of their faith, while Muslims missed this reinforcement of the Prophet's personal care and generosity towards other religions. Obviously, much more study will be needed to understand why these Covenants have so little understanding or currency among scholars, religious authorities, and the vast majority of those who practice their faith in synagogues, churches, or mosques.



To start the process of reexamining what has been overlooked, the CRT drew on its network of contacts and initiated a process of encounters. Our objectives were quite basic or foundational: to learn more about the meaning of the texts of the Covenants; to place the Covenants in their correct historical setting; and to consider the relevance of the Covenants to Christian/Muslim relations today. Muslim and Christian participants were brought together to exchange preliminary scholarship and to reflect - together - on the importance of the Covenants. The CRT convened three workshops: one on January 19, 2019 in Rome; a second at Sehir University in Istanbul on October 4, 2019; and a third online on June 4, 2020.

The CRT was represented by Chair Emeritus Lord Daniel Brennan and Global Executive Director Stephen B. Young. We are grateful for the diligent participation of Cardinal (then Archbishop) Silvano Tomasi; Father Jason Welle OFM, Director of Studies of the Pontifical Institute for Arabic and Islamic Studies; Antoine Frem; and John Dalla Costa of the Centre for Ethical Orientation. The workshops were professionally and thoroughly informed by Professor Emad Shahin, Professor Ibrahim Zein and Ahmed El-Wakil of Hamad Bin Khalifa University (HBKU), Qatar; Professor Halim Rane of Griffiths University, Australia; and Imam Asad Zaman of the Muslim American Society.

Professor Zein and Ahmed El-Wakil have led the scholarship, collecting copies of the Covenants, comparing their structure and terms, and situating the principles of the Covenants within the teachings of Qur'an, the *Sunnah* of the Prophet, and the circumstances of their originations and transmissions. Their research was supported by a grant from the College of Islamic Studies in HBKU, Qatar.



We are grateful for the interest in our study expressed by Pietro Cardinal Parolin, the Secretary of State for the Holy See; Archbishop Paul Gallagher; former Prime Minister of The Netherlands Jan Peter Balkenende; and His All-Holiness Patriarch Bartholomew.

Our colleagues John Dalla Costa, Professor Ibrahim Zein, Ahmed El-Wakil, Imam Asad Zaman, and Professor Halim Rane graciously collaborated in writing this report, which was reviewed by workshop participants. Members of the drafting team worked diligently to provide a general audience with the facts and perspectives presented to the study group. This report, therefore, does not reflect the full considered opinions of any individual member of the study group except for Lord Brennan and myself and, respectively, of each member of the drafting team for their own contribution to the report.

On behalf of all our colleagues, I hope this report will stimulate new interest in the Covenants among all who seek a more gracious and tolerant world community.

*Stephen B. Young*

Global Executive Director

The Caux Round Table for Moral Capitalism



From the Opening of Qur'an:	From the Book of the Prophet Micah:
Praise be to God, Lord of the Universe, The Compassionate, The Merciful.	Everyone will sit under their own vine and under their own fig tree, and no one will make them afraid, for the Lord Almighty has spoken. All the nations may walk in the name of their gods.

## Introduction

### **URGENCIES TOWARDS UNDERSTANDING**

*John Dalla Costa*

#### Orienting Question:

How are we to live together?

From time immemorial people have turned to their religious beliefs to formulate the norms, rules, and laws for generating social cohesion, without which persons and families cannot thrive. Living as we do in a time of profound global interconnection requires confronting this question of living together with far more urgency. And living as we do in a moment when personal acts of violence have global ramifications, all people of faith are challenged to respect - and even protect - those holding different religious beliefs

The difficult task of living together, with and within our dissimilarities, does negate distinct religious beliefs. What is involved, rather, is invoking the essential teachings of each religion as moral resources for fulsome coexistence, creative cooperation, and holy human fulfillment. In fact, historians generally believe that religion united people in common enterprises and became the vital force in early civilizations. Summarizing the role of religion in history Samuel P Huntington argued that, "Religion is a central defining characteristic of civilizations, and as Christopher Dawson said, 'the great religions are the foundations on which the great civilizations rest'."

Contrary to the popular view that religion has been responsible for conflicts in history, religions have largely stood for human dignity as in Christianity "God created man in His Image" and in Islam "God blew His Own Spirit unto man." This fundamental human value is found in the Covenants that the prophet Muhammad reached out with the Christian communities of his time. Hence, these Covenants are not merely an artefact or curiosity of history. Much more importantly, they provide an inspiring model for heeding and navigating today's inescapable diversity.

## The Initiative Begun:

In January 2019, a group of Islamic scholars and religious authorities met Catholic counterparts in Rome at the invitation of the CRT. Without any formal mandate or plan, this gathering sought to examine the Covenants for various Christian communities attributed to the Prophet Muhammad. The aim was not to presume to authenticate these ancient texts yet, nor to preempt scholarship in any way. Rather, the group's focus was to understand current viewpoints and disputes regarding the Covenants, while at the same time beginning to extrapolate their potential implications for today's Muslims and Christians.

Three basic outcomes were agreed upon:

- First, for credibility's sake, the actual scholarly research into the origins and applications of the Covenants would be the exclusive responsibility of the Muslim scholars;
- Second; the principles underlying the Covenants were in and of themselves of great significance for being congruent with Qur'anic teachings, reflecting the Prophet's respect for the monotheistic faiths that preceded and which were now coexisting with Islam;
- Third, while scholarship was essential, the more urgent need - and opportunity - would be to disseminate the lessons from this collaborative study to the religious leaders and teachers who help form the faith of people worshiping in mosques and churches.

## An Ever-More Urgent Priority:

It was clear at the initial meeting that the Covenants are precious statements of spiritual solidarity - at once historically significant and germane today.

Since then, new and all-too-frequent outbreaks of religious intolerance and violence have only underscored the importance of what the Covenants promise and represent.

In fact, the revelation from the holy scriptures of Judaism, Christianity and Islam frame a Covenantal relationship with the One God. The Covenants of the Prophet Muhammad extend this ordering of relationship to those between people of faith. Of particular relevance today is that these Covenants were extended to minorities, as a religious and political practice for protecting those with different beliefs.



Christians in Western societies are for the most part unaware of Islamic teachings, so are therefore prone to either indifference or stereotyping. Some Christians adopt principles of tolerance, according Islam and other religions the rights from liberal democracy to freely practice one's faith. Others revert to exclusion and discrimination, regarding Islam as inimical to Christian or Western values. With all too little genuine dialogue, the atmosphere between Christians and Muslims is fraught with mutual suspicion.

The suspicion and frequent antipathy experienced by Muslims in Western countries are often reversed towards Christians and Jews in predominantly Muslim societies. Recovering the moral imperative of the Covenants begins a process of rectifying the oppression and exclusion of minorities that is antithetical to Islam, Christianity, and Judaism. These commitments of Covenant are for Muslims a reminder of the Prophet's care for others, and for Christians an impetus to reconsider harsh stereotypes towards Islam.

If largely unknown, the Covenants retain moral authority for addressing contemporary issues or quandaries. In a 2018 concurring opinion dismissing charges of blasphemy against a Christian woman, Asia Bibi, Justice Khosa of the Supreme Court of Pakistan cited the terms of the Covenant of the Prophet Muhammad with the Monastery of St Catherine in Sinai as binding on faithful Muslims even today.

### Pope Francis - "Building Bridges":

Pope Francis has made dialogue with Islam a cornerstone of his papacy. In the *Document on Human Fraternity*, Pope Francis and The Grand Imam of Al-Azhar Ahmed Al-Tayyeb write together that: "Faith leads a believer to see in the other a brother or sister to be supported and loved. Through faith in God, who has created the universe, creatures and all human beings (equal on account of his mercy), believers are called to express this human fraternity by safeguarding creation and the entire universe and supporting all persons, especially the poorest and those most in need." (*HF Introduction*)

The Covenants of the Prophet Muhammad presage many of the religious sentiments that can be recognized in *Human Fraternity*. Despite the structural differences between the religions, there is an overarching recognition of the spiritual connection inherited from Abraham. Eschewing coercion or apologetics, the faith of others is dignified as worthy. The other is therefore to be heeded and not diminished or dehumanized. And the other is to be protected, not dominated. Such a structure of religious justice was, as the word Covenant suggests, a framework for harmony between communities. History shows that the Covenants have long been disputed, not always applied, and sometimes completely contradicted in practice or interpretation. However, because the Covenants manifest the very principles of the Qur'an, the Prophet's respect for Christians and Jews cannot be contested.

In all his teachings, especially in his encyclicals, Pope Francis has applied a revolutionary methodology for magisterial teaching. Relying on scriptures for moral guidance and validation, Francis has audaciously embraced the lessons from those outside the Christian faith, including scientists, non-Catholic Christians, a Sufi poet, and the Grand Imam. Unprecedented though this may be in papal teaching, Francis derives his authority to do so from the example of Jesus - for example, with the parable of the Good Samaritan which so dramatically reveals that goodness is a human quality, which neither discriminates by faith, nor is exclusive to any one religion.

When appraised of this particular study, the Pope, through his Secretariate, expressed to the CRT his “trust” that “such Covenants will serve as a model for the further enhancement of mutual respect, understanding and fraternal coexistence between Christians and Muslims at the present time.”

With historical memory as entrenched as it is, the outreach to other faiths, and the retrieval of first principles, is often met with fierce resistance by religious leaders and followers. Pope Francis has, in fact, been criticized for his efforts to undo hostile boundaries and welcome collaboration. Some Muslims disagree politically or historically that the Grand Imam is the appropriate representative for dialogue. At the same time, some Catholics continue to resist the acknowledgement by the Second Vatican Council - which Pope Francis is advancing - that the Church “rejects nothing of what is true and holy in these other religions.” (*Nostra Aetate*). Despite that opposition, perhaps compelled by it, Pope Francis insists throughout his writings that all religious people share a common mission:

- To safeguard God’s precious creation at this time when its exploitation is dangerous to human life;
- To oppose ideologies that commoditize the earth and its people, and in the process undermine the diversity of cultures and marginalize the morality from religion;
- To create shared capacities for peace and justice based, both on fraternity, and on the beauty and moral richness of humanity’s diverse religions;
- And to confer the dignity from liberty and hope on every human being in this and future generations.

His All-Holiness Patriarch Bartholomew has also been a stalwart proponent of dialogue, and for a shared religious ethos to care for the earth. In his meeting with members of the CRT study team, the Patriarch expressed that the effort to learn more about the Covenants of the Prophet Muhammad is a most important and timely inter-faith undertaking.



## An Overview of Progress So Far:

Since our first meeting, the study of the Covenants has proceeded, with remarkable and very promising developments. Supervised by Professor Ibrahim Zein, Ahmed El-Wakil has undertaken an extensive review of source materials in various archives. As well as unearthing new references and citations, historical and textual analysis of the Covenants reveal deep parallels with some of the earliest treaties recorded in Islamic sources. While it may never be possible to provide the definitive evidence to unequivocally link these documents to the Prophet, the scholarship to-date validates the premise, structure and content of these Covenants as authentic to Islam and the received *Sunnah* of the Prophet.

From this study and discussions so far, we can report that the Covenants of the Prophet Muhammad reflect a concern for other faiths that is coherent with the basic tenets of Islam. We can also confirm that the formulation of the Covenants is consistent with other legal documents from Islam's earliest days, including treaties between various Muslim factions. Even with the many questions still requiring scholarship, work so far suggests that both Muslims and Christians have much to gain by giving sincere consideration to the purpose and possibilities which the Covenants convey.

As will be detailed below, the Covenants extended specific protections for non-Muslims, stemming from solicitude for the well-being of persons and communities. The Covenants were framed not as human contracts but as understandings between communities imbued with divine presence and "made on behalf of Allah." Pilgrims were to be kept safe. Bishops and priests could not be removed from their offices. Churches and synagogues were to not only be respected, but even repaired with Muslim help. Social terms for preventing strife were specified, including managing taxation and other reciprocal responsibilities. All of this was premised on there being no coercion towards adopting one religion over the other.

## Ethical Considerations and Horizons:

From an ethical standpoint, three additional points of context are noteworthy:

- First, as historical texts, the Covenants represent accommodations for diversity in a cultural context very different from our own. Still, what is of core relevance is the generosity extended: Christian monks and clergy were exempted from taxes; Muslims were obliged to provide them financial assistance; and lay Christians not only paid less tax but were also exempt from military service. Much more than begrudging tolerance is implied. Much more than coexistence is expected. The Covenants reflect mutual dignity premised on mutual respect.

- Second, scholarship, by definition, involves unending critique and questioning. This process must continue to further validate the Covenants and expand our understanding of them. That said, what has also been unique about this process of study is the cross-religious methodology that El-Wakil has used to track down original documents. As well as researching texts and interpretations in Islamic archives, El-Wakil has visited ancient Christian communities, including monasteries.

Implementing what could be called “a pilgrimage of scholarship” has meant that this study is informed by inputs and memories from both parties in the Covenants. Such a pilgrimage also models a spiritual path, revered in both Christianity and Islam, for walking together to forge mutual respect and new understanding. *Lumen Gentium* (1964) - one of the most important documents of the Second Vatican Council - invoked the metaphor of Church as “pilgrimage.” (48) In *Fratelli tutti* (promulgated on October 3rd, 2020) Pope Francis extends the understanding of that spiritual journeying to include sisters and brothers of other religions. He writes: “The effort to seek God with a sincere heart, provided it is never sullied by ideological or self-serving aims, helps us recognize one another as traveling companions, truly brothers and sisters” (FT 274). Third, living a religious life in the 21st century is a perilous endeavour, both because of the vast differences between faiths that we now encounter in almost every community, and because of the growing indifference or antipathy towards religion in culture. Extremists who use their religion to justify violence, to burn mosques or desecrate churches, fuel suspicion between faiths, as well as towards faith itself. The urgency today, as the Covenants also reflect, is to grow obedience to God’s law by being inclusive and ever more generous towards those who have different beliefs. In a sense, the moral authority of all religions is being tested today as we try to meet the unprecedented challenges for collaboration demanded by climate change, economic inequality, intolerance, and the other injustices undermining human dignity.



Saint Catherine's Monastery (Sacred Monastery of the God-Trodden Mount Sinai)

## Momentum Together:

Participants in this process have been enriched by the shared learning. There have been numerous electronic exchanges over the last two years, along with a formal meeting in October 2019 hosted at Sehir University in Istanbul. For both Muslims and Catholics, the opportunities and outcomes have been inspiring on many levels. Indeed, the questions and guidance shared by the group have been indispensable to the progress so far - a momentum from mutuality which bespeaks the very spirit of the Covenants.

A proper appreciation of the deep wisdom and spiritual transcendence provided to us today by the Covenants could only have emerged through the closest collaboration and most sincere mutual trust among the Christian and Muslim contributors to the study project.

This work adds to the dialogue already underway between Christians and Muslims. It is a catalyst rather than conclusion, aligned with the sensibilities summoned by *Human Fraternity*: “We call upon intellectuals, philosophers, religious figures, artists, media professionals and men and women of culture in every part of the world, to rediscover the values of peace, justice, goodness, beauty, human fraternity and coexistence in order to confirm the importance of these values as anchors of salvation for all, and to promote them everywhere.” (*HF Document*)

## Part One

### THE HISTORICITY AND VALUES OF THE COVENANTS

*Ibrahim Zein and Ahmed El-Wakil*

#### Widely Disseminated Yet Wholly Consistent:

Muslim and non-Muslim sources are unanimous that the Prophet Muhammad issued official written decrees during his lifetime. The most famous of these is the *Constitution of Madinah*, also known as the *umma* document. As Fred Donner has pointed out, “the consensus of scholars, even those who are generally skeptical about the reliability of such late texts, is that the *umma* document is probably a fairly accurate transcription of an actual early document.”<sup>1</sup> Considering the Prophet interacted with the different religious communities of his time, it does seem highly plausible that he would have written, or dictated for others to write, some form of correspondence to them which subsequently remained in their archives.

It is therefore quite striking to find that Christian, Jewish, Samaritan, and Zoroastrian archives all unanimously agree that they received a Covenant of protection from the Prophet himself. Though transmission of knowledge may have permeated from one community to the other, it does however seem highly unlikely that different religious communities collaborated with one another to forge their respective documents. As a matter of fact, the similarities between the different documents suggests that they all originate from a common source. Non-Muslim historians were very clear about this, most notably the bishop Agapius of Hierapolis (d. c.a. 329 AH/ 941 CE) who explained in his *Universal History*:

The Arabs mobilized at Yathrib. Head of them was a man called Muhammad ibn ‘Abdullah and he became their chief and king... Christians from among the Arabs as well as other people came to him. **He granted them protection and wrote for them documents and he did so to all other nations who opposed him. By that I mean the Jews, Magi, Sabaeans and others. They gave him allegiance and took from him**

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<sup>1</sup> Fred Donner, Donner, *Muhammad and the Believers: At the Origins of Islam* (Cambridge, Massachusetts and London, England: The Belknap Press of Harvard University Press, 2012), 227.

**a guarantee of safety on the condition that they would pay him the tribute and land-tax.<sup>2</sup>**

#### Textual Clues and Coherence:

Many of the clauses in the Covenants of the Prophet are paralleled in the compacts which we find in the Muslim sources. For instance, the Prophet's *Compact with the Christians of Najran* states that "No bishop or monk shall be removed from his position," a phrase which we find in all copies of the Covenants of the Prophet that exist in Christian archives. The phrase "There shall be no compulsion in religion" (Qur'an 2:256) is found in documents recorded in Jewish, Christian and Muslim sources. We thus find on numerous occasions that a document held with one religious denomination holds identical expressions to documents in the possession of not just one, but more than one religious community. Simply put, it would have been too sophisticated an undertaking for such *ipsissima verba* to find its way in documents belonging to different religious groups unless they could be traced to the language employed by the Prophet in his official decrees.

The Covenants to Christian communities all exhort Muslims to protect the Christians' places of worship and to show the utmost respect to the monks and the clergy, to the extent that they are exempt from paying any tribute. It appears that contemporary Christian writers who witnessed the rise of Islam were aware of these Covenants, for they appear to have made an indirect reference to them. For example, the Catholicos Isho'yahb III (d. c.a. 39 AH/ 659 CE) of Adiabene of the Assyrian Church of the East remarked in one of his letters:

**For also these Arabs to whom at this time God has given control over the world, as you know, they are [also here] with us. **Not only are they no enemy to Christianity, but they are even praisers of our faith, honourers of our Lord's priests and holy ones, and supporters of churches and monasteries.****<sup>3</sup>

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<sup>2</sup> Mahboub de Mendbidj (Agapius), *Kitab al-'Unvan: Histoire Universelle*, Part 1 (ed. and trans.) Alexandre Vasiliev (Paris: Patrologia Orientalis, 1909), 456-7, [196-7]. Also see Robert G. Hoyland, *Theophilus of Edessa's Chronicle and the Circulation of Historical Knowledge in Late Antiquity and Early Islam* (Liverpool: University Press, 2011), 87. Authors' emphasis.

<sup>3</sup> Michael Philip Penn, *When Christians First Met Muslims: A Sourcebook of the Earliest Syriac Writings on Islam* (Berkeley: University of California Press, 2015), 35. Authors' emphasis.

Writing some 30 years later, in 67 AH/687 CE, the Nestorian monk John Bar Penkaye made a similar observation in his *Book of Main Points* about how Muslims held Christians in honour:

We should not think of the advent (of the children of Hagar) [i.e. the Muslims] as something ordinary, but as due to divine working. Before calling them, (God) had prepared them beforehand to hold Christians in honor; thus they also had a **special commandment from God concerning our monastic station, that they should hold it in honor.**<sup>4</sup>

John later elaborates on the “special commandment from God” when commenting on the reign of Mu‘awiya ibn Abi Sufyan, the founder of the Umayyad dynasty and a scribe of the Prophet who is believed to have written Covenants on his behalf:

From [the Westerners] a man named Mu‘awiya became king and took control of the kingdoms both of the Persians and of the Romans. Justice flourished in his days, and there was great peace in the regions he controlled. **He allowed everyone to conduct himself as he wanted. For, as I said above, they upheld a certain commandment from him who was their guide [i.e. the Prophet Muhammad] concerning the Christian people and the monastic order.**<sup>5</sup>

We can deduce from John’s observation that other communities also enjoyed religious freedom in return for payment of the tribute whose amount would have surely been stipulated in a written document:

But from everyone they only demanded tribute. They allowed [each] to remain in whatever faith he wished...<sup>6</sup>

John then describes a great peace, reporting no religious persecution on the part of the Muslims towards the different religious communities which came under their rule:

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<sup>4</sup> Ibid., 88-89. Authors’ emphasis.

<sup>5</sup> Ibid., 91. Authors’ emphasis.

<sup>6</sup> Ibid., 92.



But when Mu‘awiya reigned, there was peace throughout the world whose like we had never heard or seen, nor had our fathers or our fathers’ fathers...<sup>7</sup>

Isho‘yahb III and John Bar Penkaye’s observations are in complete harmony with the contents of the Covenants. Though we do not have the original documents with us, it does appear that the copies held in Christians archives, despite some minor discrepancies through what we may refer to as ‘transmission nuances’, are just like the *Constitution of Madinah*, faithful transcriptions of some original set of documents. The very fact that both Muslim and non-Muslim historical sources allude to written documents having been issued by the Prophet to different religious communities, places the Covenants within a ‘shared historical memory’<sup>8</sup> between Muslims, Christians, Jews, Samaritans, and Zoroastrians.

#### The Alignment of Values to Sources:

As noted, the values in the Covenants are consistent and congruent with those enshrined in the Qur’an and the *Sunnah* of the Prophet. They are also resonant with the social teachings of the Catholic Church. This overlap and synergy of values emerges quite dramatically in the previously cited *Document on Human Fraternity for World Peace and Living Together*, promulgated by His Holiness Pope Francis and The Grand Imam of Al-Azhar Ahmad Al-Tayyeb. The ethos of *Human Fraternity*, which recognizes “pluralism and the diversity of religions,” “freedom of belief,” and that no one should be “forced to adhere to a certain religion” echo the Covenants of the Prophet. These explicitly state that non-Muslims shall never be forced to become Muslim, and that it is obligatory for Muslims to protect the lives, wealth, property, and religion of the non-Muslims.

The *Human Fraternity* document advocates “Justice based on mercy,” again in a similar fashion to the Covenants in which the Prophet commands his followers to take the Christians “under the wing of our mercy” and not to abandon them so that they should never be exposed to any mischief or harm. *Human Fraternity* also calls for “The protection of places of worship – synagogues, churches and mosques” just as in the Prophet’s Covenants. In

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<sup>7</sup> Ibid.

<sup>8</sup> Ibrahim Zein and Ahmed El-Wakil, “Remembering the Covenants of the Prophet Muhammad: Shared Historical Memory of Good Governance and Peaceful Co-Existence,” *Al-Shajarah*, 25, 2 (2020): 219-262.

fact, we find the Prophet instructing the Muslims to assist the Christians in the building of churches and to provide them with financial assistance when it comes to their religious affairs.

Finally, *Human Fraternity* states that “The concept of *citizenship* is based on the equality of rights and duties.” Though the concept of citizenship was not known in the pre-modern era, its connotation was clearly crafted in the Covenants of the Prophet. He explicitly states that the Muslims and the Christians both share equal rights and obligations - which in a modern context, entails that Muslims and non-Muslims have equal rights to citizenship in a modern nation state. One unique feature of the Covenants is that it grants the non-Muslims with inalienable rights, meaning rights which no ruler or government can take away from them as these are applicable until “the Hour arises and the world comes to an end.”

#### Among the Covenants Studied:

The copies of the Covenants which were examined from the Monastery of St. Catherine in Mount Sinai, the Greek Orthodox Patriarchate of Jerusalem, the Armenian Patriarchate of Constantinople, Mount Athos, the Syriac Orthodox Church of Antioch, from Ottoman archives in Turkey, and the Matenadaran in Yerevan in Armenia, and their translations from Arabic into Syriac, Persian, Armenian, Turkish, and Greek, among other languages, demonstrates consistency in their meaning and recognition across wide geographic regions. This suggests that the copies we have today are generally speaking faithful replicas which can be traced to a document or a series of documents once issued by the Prophet Muhammad to the Christians of his time.

The most famous copy of the Prophet’s Covenant is that which exists in St. Catherine’s Monastery and of which we have numerous copies. More importantly, this copy was recorded in Feridun Beg’s (d. 1583 CE) book, *Munsha’at al-Salatin*, also known as *‘The Correspondence of the Sultans’*,<sup>9</sup> which he compiled while he was Head of the Ottoman Chancery. The translation of the Prophet’s Covenant, as well as the Covenant of the second Caliph of Islam ‘Umar ibn al-Khattab to the Patriarch Sophronius of Jerusalem, have here been reproduced.

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<sup>9</sup> Ferīdūn Beg, *Majmū’at Mansha’at al-Salaṭīn*, Vol. 1 (Istanbul: Takvimhane-yi Amire, 1848-1858), 31-34.

## Translation 1: The Prophet's Covenant with the Monks of Mount Sinai

In the name of God the Most Gracious, the Most Merciful.

This writ was written by Muhammad, the son of 'Abdullah, the proclaimer and warner, trusted to protect God's creation, in order that people may raise no claim against God after [the advent of] His Messengers for God is Almighty, Wise.

He has written it for those who profess Christianity as their creed, in East and West, near or far, Arabs or non-Arabs, known or unknown, as a Covenant of protection.

If anyone breaks the Covenant herein proclaimed, or contravenes or transgresses its commands, he has broken the Covenant of God, breaks his bond, makes a mockery of his religion, deserves the curse [of God], whether he is a sultan or another among the believing Muslims.

If a monk or pilgrim seeks protection, in a mountain or valley, in a cave or in tilled fields, in the plain, in the desert, or in a church, I am behind them, defending them from every enemy; I, my helpers, all the members of my religion, and all my followers, for they [the monks and the pilgrims] are my subjects and under my protection.

I remove from them all mischief which subjects have to bear of supplies which they give as loaned goods from their land taxes to their rulers, except for what they voluntarily consent. There shall be no compulsion or constraint against them in any of these matters.

A bishop shall not be removed from his bishopric, nor a monk from his monastery, nor a hermit from his tower, nor shall a pilgrim be hindered from his pilgrimage. Moreover, no building from among their churches shall be destroyed, nor shall the money from their churches be used for the building of mosques or houses for the Muslims.

Whoever does such a thing violates the Covenant of God and of His messenger.

Neither tribute nor fees shall be laid on monks, bishops, or worshippers for I protect them, wherever they may be, on land or sea, in East and West, in North and South. They are under my protection, within my Covenant, and under my security, against all harm.

Those who isolate themselves in the mountains or in sacred sites shall also be free from the tribute and land taxes. They shall not be obliged

to provide from what they have cultivated any land taxes or the tithe; what they cultivate should not to be taken from them and should be kept for their own consumption. They shall be assisted in times of hardship by being granted an allowance of one unit of dry measure that is enough for each person residing in their monastic community.

They shall be not obliged to serve in war, or to pay the tribute; even those for whom an obligation to pay land taxes exists, or who possess resources in land or from commercial activity, they shall not have to pay more than twelve dirhams a head per year.

On no one shall an unjust tax be imposed, and with the People of the Book there is to be no strife, and they should be spoken to in the kindest of ways. We wish to take them under the wing of our mercy, and the penalty of vexation shall be kept at a distance from them, wherever they are and wherever they may settle.

If a Christian woman enters a Muslim household, she shall be received with kindness, and she shall be given opportunity to pray in her church; the husband shall never intervene between her and her religion. Whoever contravenes the Covenant of God and acts to the contrary is a rebel against His Covenant and his Messenger.

These people shall be assisted in the maintenance of their religious buildings and their dwellings; thus they will be aided in their faith and kept true to their allegiance.

None of them shall be compelled to bear arms, but the Muslims shall defend them; and they shall never contravene this promise of protection until the Hour arises and the world comes to an end.<sup>10</sup>

After the Prophet had passed, his successor, the second Commander of the Faithful Umar, followed the example of the Prophet and gave a Covenant to the Christians of Jerusalem.as follows:

Translation 2: 'Umar ibn al-Khattab's Covenant with the Christians of Jerusalem

In the name of God the Most Gracious, the Most Merciful.

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<sup>10</sup> Translation done by John Andrew Morrow and edited by the authors. See John Andrew Morrow, *Islām and the People of the Book: Critical Studies on the Covenants of the Prophet*, Vols. 3 (Cambridge: Cambridge Scholars Publishing, 2017).

Praise be to God who has honored us with Islam, blessed us with faith and sent His prophet Muhammad, peace be upon him, as a mercy onto us. Through him we were guided out of error, our hearts softened toward one another and we became united as dear brothers – even though we were once disunited – and He made us victorious over our enemies and established us in the land. Praise God, O servants of God, for this is indeed a blessing which He has given you!

This is the writ which ‘Umar ibn al-Khattab gave as a Covenant and as a pledge to the revered and respected Patriarch Sophronius of the Royal creed at the Mount of Olives in Jerusalem and what comprised thereof of his subjects, the priests, monks and nuns. They all have an assurance of safety wherever they may be and wherever they may find themselves. If a protected person keeps to his religious obligations then it is binding upon us, the Believers, and those who will succeed us, to grant him protection and security so that he does not ever assert that he was compelled to forsake his religion because he was subject to Muslim rule. The Christians have been granted protection for their churches, monasteries and pilgrimage sites inside and outside Jerusalem, these being the Church of the Holy Sepulchre and the Church of the Nativity along with its grotto and its three doors – the eastern, northern and western ones, [all of which lead to the narthex] – for it is there in Bethlehem that Jesus peace be upon him was born.

All Christians of different ethnicities who reside in these areas [have our protection] including those Christians from Caucasian lands and those from Abyssinia. Those Christians who come for pilgrimage from among the Franks, the Copts, the Syriacs, the Armenians, the Nestorians, the Jacobites and the Maronites – all of whom fall under the patronage of the aforementioned Patriarch [also have our protection]. The Patriarch will act as their representative because the blessed, honorable and beloved prophet sent by God honored them with his seal which he gave to them using his blessed hand when he commanded that that they be looked after and protected.

It is for this reason that we Believers conduct ourselves righteously today to those who treated them nobly in the past. They have been exempted from the tribute and all burdensome obligations. They will be protected of all harm whether they be on land or on sea, whenever they enter the Church of the Holy Sepulchre, or in whichever

pilgrimage sites they choose to visit, and nothing shall be taken away from them.

As for those Christians from [outside Jerusalem and Bethlehem] who make the pilgrimage to the Church of the Holy Sepulchre, they will give the Patriarch one dirham and a third in silver. Every believing man and woman, regardless of whether they are rich or poor, has a duty to carry out this warrant which every Sultan, ruler, or governor exercising his rule on the earth needs to abide by -- this being an obligation on all Muslims and on the believing men and women when this decree of ours was issued in the presence of a large group of honorable Companions -- ‘Abdullah, ‘Uthman ibn ‘Affan, Sa’d ibn Zayd, ‘Abd al-Rahman ibn ‘Awf, in the company of some other brothers of theirs – that what has been declared in this writ must be followed and implemented. May God Most High send his blessings and salutations on our Master Muhammad, his family and his Companions! Praise be to God Lord of all the Worlds! God is sufficient for us and He is the best of guardians!

It was written on the 20<sup>th</sup> of [the month of] Rabi‘ al-Awwal in the year 15 of the Prophet’s Hijrah. Whoever of the Believers has read this decree and opposes it from now on until the Day of Judgment then he has broken the Covenant of God and he has been disavowed by the noble Messenger.<sup>11</sup>

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<sup>11</sup> Ahmed El-Wakil “The First Caliphs’ View of the Other” in Morrow, *Islam and the People of the Book*, Vol. 1, 527-529. Translated has been slightly edited by authors.

## Part Two

# DISCREPANCIES OF RECEPTION WITHIN ISLAM AND CHRISTIANITY

*Stephen B. Young*

A legitimate question deserving additional scholarly study regards the reception of the Covenants, or, more specifically, their erasure from the consciousness of both Christians and Muslims. Given the differences and often violent animosities that over time evolved within religions, it is not so surprising that accords of respectful Covenant between religions would also either suffer abuse from political power structures, or be cauterized by the wounds of history.

On the Christian side, there were numerous theological disagreements which prevented many Middle Eastern Christians from recognizing communion with either Constantinople or Rome. As Islam spread, these largely autonomous communities developed the Covenantal relationships with the Prophet Muhammad independently of the Orthodox Patriarch or Roman Pope. As generations passed, this meant that reception and memory of the Covenants was subject to local vagaries of implementation and memory. With no overarching institutional involvement or recognition of the Covenants extended by the Prophet Muhammad, these documents had little if any impact on the ways in which the vast majority of Christians regarded Islam.

On the Muslim side, there was acceptance of the provisions of the Covenants. For example, “a well-known Maliki jurist, Shihab al-Din al-Qarafi (d. 1285), stated in his book *Al-Furuq*:

“The Covenant of protection imposes upon us certain obligations toward *ahl al-dhimmah*. They are our neighbors, under our shelter and protection upon the guarantee of Allah, His Messenger (peace and blessings be upon him) and the religion of Islam. Whoever violates these obligations against anyone of them, by damaging his reputation, or by doing him some injury, has breached the Covenant of Allah, His Messenger, and his conduct runs counter to the teachings of Islam.”<sup>12</sup>

However, just as schisms occurred in Christianity, not every Muslim ruler or jurist honoured the Covenants as foundational for Muslim faith and practice.

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<sup>12</sup> Shihab al-Din al-Qarafi, *Al-Furuq*, Vol. 3 (KSA: Ministry of Awqaf, 2010), 14.

Over the centuries, the writings of non-Muslims under Muslim rule show they were increasingly subjected to discrimination and violations of rights in the name of Islam through the rules of the *dhimmi system* applied to ‘protected’ minorities. The scholarly consensus seems to be that this mistreatment was based on a document referred to as the *Pact of Umar (al-Shurut al-‘Umariyyah)*, which is thought to have originated in the late 8th or early 9th century and to have replaced all previous agreements between Muslims and non-Muslims.<sup>13</sup>

The *Pact of ‘Umar* reads contrary to ‘Umar’s *Capitulation Treaty with the Christians of Jerusalem* which is referenced in numerous Islamic sources, and whose text is quoted in its entirety in the *History* of al-Tabari (d. 923). This document guaranteed protection to the Christians of Jerusalem and allowed freedom of religion—similar to the Covenants of the Prophet Muhammad—without mention of any derogatory conditions, restrictions, or taxes.

Although the *Pact of ‘Umar*’s attribution to the second Caliph of Islam is rejected by historians, its provisions became a standard by which some books of Islamic jurisprudence in medieval times articulated the rights of non-Muslims. For instance, the 14th-century scholar of Shafi‘i jurisprudence, Ahmad ibn Naqib al-Misri (d. 1367) states in his famous manual of Islamic law in the section on “Non-Muslim Subjects of the Islamic State” that non-Muslims are to be distinguished from Muslims in dress, wearing a wide cloth belt (*zunnar*), are not greeted with *al-salamu alaykum*, must keep to the side of the street, may not build higher than or as high as the Muslims’ buildings, are forbidden to ring church bells or display crosses, recite the Torah or Evangel aloud, or make public display of their funerals and feast days, and are forbidden to build new churches.<sup>14</sup>

These discriminatory and offensive provisions are not derived from the Qur’an and contradict the Covenants of the Prophet Muhammad which advocate religious freedom without external interference, restrictions or discrimination. They acquire their authority and legitimacy from the *Pact of ‘Umar*. Muslims, past and present, have uncritically placed texts attributed to Caliphs and jurists above those of the Qur’an and the Covenants of the Prophet Muhammad and considered these to be valid interpretations of Islamic

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<sup>13</sup> See David Thomas and Barbara Roggema, *Christian-Muslim Relations: A Bibliographical History*, Vol. 1 (Leiden: Brill, 2009), 600–900.

<sup>14</sup> Ahmed ibn Naqib al-Misri, *Reliance of the Traveler: A Classic Manual of Islamic Sacred Law* (Herndon: International Institute of Islamic Thought, 1997), 608.



jurisprudence. Adherence to such texts has encouraged intolerance of non-Muslims and a rejection of peaceful coexistence.”

Part Three:

## **AN INITIAL ISLAMIC LEGAL ANALYSIS OF THE COVENANTS**

*Imam Asad Zaman*

Introduction:

The Hadith literature records some of the terms of a Compact from the Prophet Muhammad ﷺ to the people of Najran,<sup>15</sup> thus establishing his practice of issuing Covenants to Christians. We do not know exactly how many Covenants were issued by the Prophet ﷺ to the various communities of his time.

Copies of Covenants of protection claiming to originate from the Prophet Muhammad ﷺ exist in a number of church archives and monasteries. The manuscripts that exist are all very similar to one another, appearing to be copies of some original set of documents, which were replicated and distributed to different religious groups living in proximity to Muslims.

Christians and Muslims together constitute 55% of humanity. According to the Pew Research Center, “Christians were the largest religious group in the world in 2015, making up nearly a third (31%) of Earth’s 7.3 billion people. Muslims were second, with 1.8 billion people, or 24% of the global population.”<sup>16</sup>

How Muslims interact with Christians affects not just the 55% of humanity that are either Muslims or Christians; but also affects the other 45% of the world that share the planet with the Muslims and the Christians. The Covenants attributed to the Prophet Muhammad ﷺ are not merely an artefact or curiosity of history. Much more importantly, they provide an inspiring model for heeding and navigating today’s inescapable diversity.

Muslim conduct is for many regulated by Islamic Jurisprudence (*fiqh*), which is guided by the Qur’an and the Hadith. Although these Covenants are not discussed in the books of *fiqh*, many of the provisions listed in them are very much a part of the traditional standards for rightly guided conduct for Muslims.

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<sup>15</sup> Abu Dawud, *Sunan*, online: <https://sunnah.com/abudawud/20/114>. Also see among other works Abū Yūsuf, *Kitab al-Kharaj* (Beirut: Dār al-Ma’rifā, 1979), 72-73.

<sup>16</sup> Pew Research Center, “The Changing Global Religious Landscape,” April 5, 2017, online: <https://www.pewforum.org/2017/04/05/the-changing-global-religious-landscape/>

## Background: Schools of Islamic Jurisprudence

The jurisprudence (*fiqh*) of law (*shari'ah*) in Muslim communities has evolved over time and through the exercise of scholarly analysis (*ijtihad*) into multiple schools (*madhab*) of jurisprudence (*fiqh*). The major schools of jurisprudence are the Hanafi, Shafi'i, Maliki, and Hanbali schools. Additional schools of jurisprudence are the Ja'fari, Zaydi, Ibadī and the Zahiri schools. The different schools of Islamic jurisprudence have adopted different sets of sources for the law.

All the schools unanimously agree that the Qur'an is the primary source of law for them. All the schools also accept the practices of the Prophet Muhammad ﷺ (*Sunnah*) as a secondary source for law. However, the schools disagree about which parts of the *Sunnah* are to be adopted, and the criteria for doing so. All schools accept Hadith, although, again, the various schools differ on the criteria by which they accept any particular Hadith as a source of law. Furthermore, only the Maliki school considers the living practice of the people of Madinah in the second century of Islam (*'amal ahl al-Madinah*) as a reflection of the *Sunnah*. Only the Ja'fari and Zaydi schools accept the opinions of the Imams as a source of law.

All the schools engage in and accept legal analysis (*ijtihad*). Yet, they also differ widely in which tools of analysis can be used, and how such tools may be used. All to say, in summary, that there is a remarkable complexity in Islamic jurisprudence regarding the valid sources of law.

### The Content of the Covenants in Light of *Fiqh*:

Muslims jurists are unanimous that the Prophet Muhammad ﷺ and the Rightly-Guided Caliphs who followed him wrote treaties of protection to the local populations which they encountered. The original texts seem unfortunately to no longer be with us, though historians such as al-Tabari, al-Baladhuri and Ibn 'Asakir reported different recensions of these texts in their historical works. Some of these texts are quite generic while others are quite restrictive such as the *Pact of 'Umar* described above.

Every school of jurisprudence (*madhab*) gave different weight to these various texts, such that some are more tolerant while others are more restrictive. But

they all explicitly agree that the lives, property, wealth, and religion of the non-Muslims are to be protected.

Despite the complexities of Islamic law and the wide array of legal opinions which we may encounter, the following terms listed in the various Covenants are accepted in Islamic Jurisprudence (*fiqh*) - not on the basis of the Covenants, but from other sources of *shari'ah*.

1. Churches shall not be destroyed.
2. Faith practitioners (bishops, monks or hermits) shall not be removed from their institutions.
3. Christian women who marry Muslim husbands retain their right to pray in church without interference from their husbands.
4. Monks or pilgrims seeking protection shall be defended from the enemy.
5. Protected people shall not be compelled to bear arms, but the Muslims shall defend them.

The medieval scholar Ibn al-Qayyim al-Jawziyah (d. 1350) authored an extensive book (over 1,700 pages) entitled *Ahkam ahl al-dhimmah*<sup>17</sup> which analyzed the regulations regarding the rights of people protected under Covenant. He references the scholarly opinions in various schools of jurisprudence on each matter and then proceeds to discuss the strengths and weaknesses of their arguments. The book serves as a literature review of the opinions of Imam Malik, Imam Abu Hanifah, Imam Shafi'i, Imam Ahmad, and many of their followers.

Unlike most matters in Islamic Jurisprudence (*fiqh*), jurists (*fuqaha'*) agree that the protected people cannot be compelled to bear arms to defend a Muslim government and that it is the duty of the Muslims to bear arms to defend the protected people.<sup>18</sup>

The act of destroying churches is universally condemned in Muslim legal literature.<sup>19</sup> Every school of jurisprudence agrees that bishops, monks or hermits cannot be removed from their institutions<sup>20</sup> and that monks or

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<sup>17</sup> See Ibn al-Qayyim, *Ahkam Ahl al-Dhimmah* (Dammam: Ramadi li-l-Nashr, 1997).

<sup>18</sup> *Ibid.*, 86 and 1164.

<sup>19</sup> *Ibid.*, 1191

<sup>20</sup> *Ibid.*, 165

pilgrims seeking protection are to be protected.<sup>21</sup> Various works of Islamic Jurisprudence also go into extensive detail about the rights of Christian women married to Muslim husbands to freely practice their faith.<sup>22</sup> They routinely mention that her husband cannot prevent her from attending the Church of her choice.

### Can the Covenants Have the Status of a Hadith?

Although treaties are not usually quoted in their entirety in books of *fiqh* and Hadith, they are nevertheless referenced on a number of occasions. For instance, the *Constitution of Madinah* is only reproduced in full in two historical works, the *Sirah* of Ibn Ishaq and the *Kitab al-Amwal* of Abu ‘Ubayd. Nevertheless, it is referenced extensively in the books of history and hadith. The same applies with the *Treaty of al-Hudaybiyya*. On no occasion do we find the full text in any Islamic source, but we nevertheless find extensive references to it in the Hadith literature, where it is sometimes partially quoted.

In Islamic sciences a Hadith is defined as a report (*khabar*) of the words, actions, approvals, disapprovals, or characteristics of Prophet Muhammad ﷺ that are accompanied by a chain of transmission (*isnad*). The actual report is called the essence (*matn*) of the Hadith.

Hadith are graded by analysis of the text (*matn*) and by scrutinizing the chain of transmission (*isnad*). Hadith scholars have meticulously collected detailed biographies of every single narrator, analyzing their propensity to narrate erroneous or false information.

There are dozens of grades and classifications of Hadith. In terms of levels of authenticity, a Hadith can be either authentic (*sahih*), good (*hasan*), weak (*da‘if*) or fabricated (*mawdu‘*). Hadith literature recognizes dozens of types of weaknesses that might cause a particular Hadith to be graded weak (*da‘if*). Most schools of Islamic jurisprudence rely upon authentic (*sahih*) or good (*hasan*) Hadith to derive Islamic jurisprudence (*fiqh*). The vast majority of the Hadith literature does not rise to this level and does not get used in jurisprudence (*fiqh*). They are used by Muslims exclusively for spiritual or moral purposes, but not for legal purposes.

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<sup>21</sup> Ibid., 110

<sup>22</sup> Ibid., 316

Islamic scholars do not exclude weak and very weak Hadith from the body of knowledge. Such Hadith continue to be studied and analyzed, even though very weak (*da'if jiddan*) Hadiths are not incorporated into regulations (*ahkam*) of Islamic Jurisprudence (*fiqh*).

As we do not have a chain of transmission through which the Covenants were conveyed in the books of Hadith, they would be considered very weak (*da'if jiddan*). However, when we consider that these documents were issued to non-Muslims who would not be included in a chain of transmission, and when we examine them from the perspective of being part of official decrees which the Prophet ﷺ issued during his lifetime, we may treat them as we treat other documents for which we have no chain of transmission.

The *Constitution of Madinah*, the *Prophet ﷺ's Compact with the People of Najran*, *'Umar's Capitulation Treaty with the Christians of Jerusalem*, along with numerous other documents in Islamic sources, either have very weak chains of transmission or none at all. Nevertheless, it would be unfair to say that these documents cannot be incorporated into *fiqh*. Indeed, the Covenants were affirmed and attested by ruling and judicial authorities, most recently during the Ottoman period. The decrees (*ferman*) of the Ottoman Sultans thus continued the practice of the Prophet ﷺ and the Rightly-Guided Caliphs of protecting the various religious communities living in their realm.

### Analysis of the Content of the Covenants in Light of the Qur'an and Hadith:

After discussing the chain of transmission (*isnad*), scholars typically examine the content (*matn*) of a Hadith. Any content (*matn*) analysis would list evidences that support or oppose the contents from the Qur'an, the Hadith and the legal opinions of other scholars. By beginning to apply these, we find:

- The concept of freedom of religion is deeply rooted in the Qur'an.
  - “Say, this is the truth from your Lord, then whoever wills let him believe, and whoever wills let him disbelieve.” (Qur'an 18:29)
  - “Your task is only to invite; you cannot compel them.” (Qur'an 88:21-22)
  - “Let there be no compulsion in religion, for the truth stands out clearly from falsehood.” (Qur'an 2:256)

- Freedom of religion is not granted temporarily until people become Muslims. It is part of Divine design that some people will never become Muslims. As such Muslims are not to denigrate other religions.

- “You cannot guide whoever you like, but it is Allah who guides whoever He wills.” (Qur’an 28:56)
- “Had your Lord so willed, everyone on earth would have certainly believed, every single one of them! Would you then force people to become believers?” (Qur’an 10:99)
- “We ordained a law and a practice for every nation. Had Allah willed, He would have made you a single nation, but He wanted to test you regarding what has come to you. So compete with each other in doing good. Every one of you will return to Allah and He will inform you regarding the things about which you differed.” (Qur’an 5:48)
- “O you who do not believe! I do not worship what you worship. Nor do you worship what I worship. Nor will I ever worship what you worship. Nor will you ever worship what I worship. For you is your religion, and for me is my religion.” (Qur’an 109:1-6)
- “Do not insult what they invoke besides Allah.” (Qur’an 6:108)

- Muslims have been provided guidance on how to interact with non-Muslims.

- “And if any polytheist seeks your protection, then grant him protection so that he may hear the words of Allah. Then deliver him to his place of safety.” (Qur’an 9:6)
- “Allah does not forbid you from dealing kindly and fairly with those who have neither fought nor driven you out of your homes. Surely Allah loves those who are fair.” (Qur’an 60:8)

- The above verses refer to all people who are not Muslims, including the Christians. The Qur’an refers to Christians and Jews as “People of the Book” (*ahl al-kitab*).

- “Say O People of the Book, come to a word common between us and you” (Qur’an 3:64)
- “Do not argue with the People of the Book unless gracefully, except with those of them who act wrongfully. And say, ‘We believe in what has been revealed to us and what was revealed to you. Our God and your God is One. And to Him we submit’.” (Qur’an 29:46)

- “Had Allah not repelled the aggression of some people by means of others, destruction would have surely claimed monasteries, churches, synagogues, and mosques in which Allah’s name is often mentioned.” (Qur’an 22:40)

- Muslims are to seek common ground with the People of the Book according to verse 3:64 and verse 29:46 clarifies that the Jews and Christians worship the same God as the Muslims. The word used for God in this verse is *ilah* – the generic term for any god, including idols. Verse 22:40 explicitly states that the object of worship in monasteries, churches, synagogues, and mosques is Allah. It also makes clear that protecting monasteries, churches, synagogues, and mosques is an important and noble task.

### Conclusion:

The Covenants reinforce interpretations of Islamic law (*fiqh*) protecting the freedom of religion and civil rights of Christian minorities living under Muslim rule. Furthermore, the Covenants have a practical significance to the not just the 55% of humanity that are either Muslims or Christians; but also to the other 45% of the world who share the planet with the Muslims and the Christians. The Hadith literature addresses the cases of non-Muslims living in close proximity with Muslims under a treaty or Covenant of protection. The Messenger of Allah ﷺ said: “Beware, if anyone wrongs a person under protection of a Covenant (*mu’ahid*), or diminishes his right, or forces him to work beyond his capacity, or takes from him anything without his consent, I will be his advocate on the Day of Judgment.”<sup>23</sup> A study of the covenants to reaffirm Christian-Muslim relations would therefore further the spirit of this Hadith.

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<sup>23</sup> Abu Dawud, *Sunan*, online: <https://sunnah.com/abudawud/20/125>.



Part Four:

## **WHY THE COVENANTS ARE OF GREAT CONSEQUENCE NOW**

*Halim Rane*

The World in Need of Moral Guidance:

We live in a moment in which questions about Islam have arguably never been more central to global peace and security. Today, almost everyone on the planet has heard of Islam, yet what many associate with it is influenced by intolerance, violence and terrorism undertaken in the name of Islam.

In this context, the importance of the Covenants of the Prophet Muhammad is hard to overstate. These Covenants, extended to various communities in the early years of Islam, conferred rights and duties for religious and political order. Confirmation of their authenticity will establish as empirical fact that Islam, as conveyed by the Prophet Muhammad, teaches peaceful, respectful relations with non-Muslims, including the protection of Christian, Jewish and other communities.

Recognizing the spirit and substance of these Covenants is critical for reducing Islamophobia and anti-Muslim sentiments, undermining the appeal of Far-Right social movements and political parties, as well as discrediting the claims of Islamist extremists and terrorist groups. Confirming the authenticity of the Covenants will counter propaganda and misguided interpretations that claim Islam teaches violent subjugation of non-Muslims and undermine notions of an Islamic threat used by governments to justify the repression of Muslim peoples in the name of security.

Context for the Loss of Covenantal Memory and Authority:

Since the second half of the 20<sup>th</sup> century, Muslims and non-Muslims alike have experienced or observed Islam in a political context as newly independent peoples sought to shed the yoke of colonialism. In modern Muslim nation-states this turn to political autonomy involved determining national identity, systems of governance, and social organization, from traditions and values rooted in their historical experiences and faith. This flourishing of identity occurred in a period of profound global tension within the inescapable and often enforced alignments of the Cold War. Islam was not then seen a global threat to either East or West. Instead, it was treated mostly

as a relic of the past to be utilized in the modern world's great conflict. There were signs, however, even in that two-polar world that Islam retained much potency. The proliferation of the Muslim Brotherhood, Iran's Islamic Revolution, the driving of Soviet troops from Afghanistan, and resolve for Palestinian self-determination, are among the epochal examples. Muslims across the globe were inspired to assert their identity, values, and rights, as sectors of Western society looked on with concern.

By the end of the 20<sup>th</sup> century, the global geopolitical landscape had changed. The Cold War was over and a new theory captured the thinking of academics, political leaders and the mass media. Conflict was still seen as inevitable but this would not be manifest in relation to political or economic ideology. Rather, religious and cultural identity would form the dividing lines in a clash of civilizations. This became the intellectual backdrop of what people across the globe began to regard as an "Islamic" threat. Theory seemed to unequivocally become fact and reality when on 11 September 2001, multiple terrorist attacks targeted the United States. Even more damaging than the attacks themselves is that they were framed not as the actions of unrepresentative extremists but as a response to the essential call of Islam.

How non-Muslims and Muslims perceive Islam has a profound impact on not only international relations but also peoples' sense of security within society. In the aftermath of the 9/11 terrorist attacks, a War on Terror was waged under the direction of the United States. Many other countries around the world implemented new anti-terror legislation and other measures in the name of security. Both wars and policies have since shaped the way Muslims and non-Muslims think about the other. Segments of disenfranchised Muslims, mainly youth, have been radicalized by the death and destruction witnessed in Afghanistan, Iraq, Syria, Palestine and elsewhere. Ultra-conservative, literalist, intolerant and often anti-Western interpretations of Islam that have been propagated since the 1970s in Muslim-majority countries - and among Muslim communities in the West - resonate with alienated, frustrated and grieving individuals and groups.

At the same time, Muslims in general have been stigmatized by policies and legislation that indicate official confirmation of an Islamic threat. A rising tide of Islamophobic harassment and discrimination has taken hold the West. In the East - namely China and India - Muslims are enduring progressively more brutal state-sanctioned repression and violations of basic human rights. Non-Muslims in general are unsurprisingly unsympathetic given the number of

highly publicized terrorist attacks committed over the past several years in the name of Islam by such groups as ISIS. With little historical context, and even less appreciation for Islam's foundational teachings, such attacks come to represent the true face of Islam for many non-Muslims. Fed by populist suspicions, the anti-Islam/anti-Muslim sentiments have given rise to social movements and political parties with explicitly anti-Islam agendas in Australia, Europe and the United States. In a disturbing reciprocity of hardening suspicion, unspeakable violence is perpetrated in the name of faith. The 2019 massacre of 51 Muslims in New Zealand, like the 2017 church bombings that killed 49 on Easter Sunday in Egypt, underscore both the consequences of vilifying others, and the urgency to attack the distortions of religion that are promulgated by such violence.

### Faith in its Various Forms:

Many say the problem is with Islam. The accuracy and validity of that assessment depends on what one means by Islam. Arguably, the era of the Prophet Muhammad, when the Qur'an was revealed (610-632), and the Covenants issued by him to Christian, Jewish and other communities, represents the foundational, core of Islam. Islam of Prophet Muhammad's era is a religious message that developed during his lifetime as a way of life that affirmed the tradition of Abraham. It is about the human relationship with Allah, belief in the afterlife, prayer, and responsiveness to the needs of fellow human beings. The latter is an important acknowledgement of humans as social beings whose experiences of earthly life are conditioned by others.

All Muslims would say that Islam is based on the Qur'an and the example (*Sunnah*) of the Prophet Muhammad. This, of course, still gives rise to important and not easily resolved questions of context and interpretation. Many Muslims would also recognize the intellectual contributions of *mufasireen* (Qur'an exegesits), *muhaditheen* (Hadith scholars), *fuqaha* (jurists). These as well as the institutions and policies of the various caliphates in the millennia after the death of the Prophet Muhammad are all woven together into the understanding Islam.

Very similarly to the way that Christianity as a religion metabolized into Christendom as an all encompassing political and legal structure, Islam realized its own fusion of religion and empire. It is this era (8<sup>th</sup>-15<sup>th</sup> century) - which we might call classical or imperial Islam or Islamic civilization - that

academics and others, Muslims and non-Muslims, most commonly refer to when determining the nature or practice of Islam. The *dhimmi* system of protection of non-Muslims under Muslim rule emerged in this era and remains the primary reference point for explicating Islam's teachings concerning religious pluralism and relations with non-Muslims.

Given its political and imperial features, this era is also the inspiration and touchstone for the modern Islamist and Islamic revivalist movements of the 20<sup>th</sup> century, as well as 21<sup>st</sup> century militant groups such as ISIS. Seeking to re-establish what they regard as an Islamic political and social order, many have adopted as a blue-print the systems of laws and governance that developed in the classical era of Islamic civilization. Emerging in the medieval context of religious strife and imperial conflict, these systems were forged by historical pressures, and are not necessarily in keeping with the spirit, principles or objectives of Islam in the era of the Prophet Muhammad.

### The Covenants as Cornerstones for the Future:

The Covenants of the Prophet Muhammad represent the spirit, principles and objectives of Islam as originally conveyed by the Prophet Muhammad. They demonstrate that Islam is not about exclusivism, intolerance or subjugation but that the order envisioned by Islam is one based on peaceful, respectful coexistence, the realization of common wellbeing, and the protection of people from harm so they may live with freedom, dignity and security.

We live in a time-period of extremes and excesses, when our major social and environmental challenges result from our normalization of greed and inequality. Beyond overcoming the above-mentioned pejorative thinking about Islam, the Covenants present an opportunity for Islam to be appreciated for the positive contributions it made historically - and can make today - to humanity at large. Respecting our commonalities, interdependence and ultimate accountability, the Covenants set out exactly the values that are needed to effectively collaborate to resolve the crises that bind us all - to protect humanity's shared home; secure justice, especially for minorities and the marginalized; address inequality; resist prejudice and exclusion; and create capacities for enduring peace.

It is predicted that by the latter half of this century, Islam will be the world's most followed religion, attracting more adherents than Christianity for the first time in human history. This has been met with alarm among some

segments of Western societies, spawning the ‘great replacement’ theory that has inspired numerous far-right terrorist attacks. How Muslims and non-Muslims understand Islam and what they think about the Prophet Muhammad’s relations and instructions concerning non-Muslims will have profound implications for peaceful coexistence in the future.

As detailed in this report, the Covenants of the Prophet Muhammad are pledges of protection to, and affirmations of, other monotheistic communities, including Christians, Jews, Samaritans, and Zoroastrians. The Covenants afford rights to these communities as well as obligations for Muslims to uphold them. They are made in the name of Allah, extend to people across the expanse of place and time until the Day of Judgement, and evoke the enmity of the Prophet against all those who would violate them.

Although most people today are unfamiliar with the Covenants, including many historians and scholars of Islamic Studies, copies of these documents have been preserved in archives, manuscripts, monasteries and other places of worship of those to whom the originals were issued – Christians, Jews and other monotheistic communities. Muslim and non-Muslim sources attest to and describe the appearance of the original documents. Their contents and provisions are recorded by Muslim and non-Muslim historians, religious scholars and authorities, conveying a shared historical memory of the Covenants.

### The Journey Together, Begun:

Several scholars involved in the study of the Covenants travelled extensively, visiting often remote places where the Covenants have been preserved. They have conducted detailed textual and linguistic analysis of the Covenants, comparing the various recensions with each other and other documents known to have been issued by the Prophet Muhammad and his Companions. The evidence supporting the authenticity of the Covenants, including detailed comparative analysis with contemporaneous historical writings, historic testimonies, official recognition, archaeological remains, historic scribal conventions, date-matching calculations, textual parallelisms, and references in Muslim and non-Muslim sources, is compelling.

Far from whatever discriminatory and repressive policies Muslim rulers may have imposed on their non-Muslims subjects in centuries past, and the rhetoric and actions of those who believe this to be condoned by Islam today,

the Covenants are clear evidence that Muslims are obliged to respect people of other religions, allow people to practice their faith in peace and security, and ensure the protection of their places of worship.

The Covenants contribute to a more informed understanding of the character and conduct of the Prophet Muhammad, particularly concerning the respect he showed, and the peaceful relations he sought to establish, with other faith communities. This should be instructive for Muslims' understanding of Islam's teachings concerning religious pluralism and inter-faith relations. The Covenants should also convey to Muslims and non-Muslims alike that an Islam that recognizes other faiths and seeks peaceful coexistence is not apologetic. Far from being a watered-down version, these Covenants serve as the most authentic representation of Islam - a true reflection of the Qur'an and of the example of the Prophet Muhammad.

Epilogue:

## **HEALING OUR FRACTURES: THE COVENANTS APPLIED**

*John Dalla Costa*

The historian Daniel T. Rogers has called this time “the age of fracture.” His point is not simply that technology and globalization have fomented ever-greater fragmentation in politics and discourse. Rogers has also shown that polarization, with its subsequent fundamentalism and radicalization, was an intentional response by power-brokers to undermine the burgeoning global movements for human, civil and environmental rights. Turning differences into divides, and making division ever-more rigid, serve the vested interests of existing hierarchies - in political and economic as well as religious spheres.

Colonial powers, and later, super-powers, have waged a battle of ideas and ideologies to advance political and economic advantage. As post-colonial theorists have explained, this global exercise of power had largely erased the perspectives of local culture, and silenced voices from what were considered the margins of western influence. In the 1960s, when the threat of nuclear war was most acute, the Catholic Church sought to begin a global process of reconciliation. Recognizing its own history of exclusion, the Church affirmed its esteem for Jews and Muslims, and invited dialogue between the religions to work for world peace. (*Nostra Aetate* - 1965)

Many Christians are either uninformed or poorly informed about Islam. This superficial view is susceptible to images or soundbites that discredit the depth, beauty, devotion, and breadth of the Islamic religion. Many Christians are also either uninformed or poorly informed about their own religion, neglecting the Gospel stories of Jesus’ ready acceptance of non-Jews, and by non-Jews. It is in the spirit of the Gospel that Catholic Social Teaching since the Second Vatican Council (1962-1965) has promoted dialogue and fraternity with Islam.

Perhaps it is inevitable that finite human beings would struggle so much, and fail so often, to animate the principles of their religious founders or traditions. However, it may be that this very fallibility is a node for spiritual reflection and dialogue. The Covenants recognize the frailty of minority populations and seeks to temper the power of the majority so as to respect difference. While largely political, this conferring of rights is a moral commitment, inviting all to see and respect one another’s humanity.

Respectfully Submitted January 2021:

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## Appendix 1:

### **A PARTIAL LIST OF THE COVENANTS OF THE PROPHET MUHAMMAD AND HIS SUCCESSORS**

A large number of manuscripts is still under study, so a definitive or final list of Covenants is yet to be compiled. In addition to the Covenants included in this report, the evidence suggests that the Prophet communicated with the Armenian Patriarch and the Catholics of the Assyrian Church of the East. It appears, as well, that covenants were sent to the main ecclesiastical sees of the time - namely the Orthodox (through St. Catherine's Monastery), the Miaphysites (Copts, Armenians and Ethiopians), and the Assyrian Church of the East. While a definitive case cannot be made at this moment, it is particularly significant that all of these denominations are mentioned in 'Umar's Covenant to Sophronius.

As can be seen in the partial list of Covenants that follows, the promised protections were made to Christian communities of various denominations, as well as communities like Najran, that were home to multiple denominations:

- The Prophet's Covenant with the Monks of St. Catherine
- The Prophet's Covenant with the Christians of Najran
- The Prophet's Covenant with the Armenian Christians
- The Prophet's Covenant with the Copts and Jacobite Christians (seems to be a re-issuance of the St. Catherine Covenant)
- The Prophet's Covenant with the Magi (Zoroastrian priesthood)
- The Prophet's Covenant with the Jews of Khaybar and Maqna
- The Prophet's Covenant with the Children of Israel (which was recognized in the Yemen, particularly by the Zaydi school of law)
- The Prophet's Covenant with the Samaritans
- Khalid ibn al-Walid's Treaty with the People of Damascus
- 'Umar's Capitulation Treaty with the Christians of Jerusalem (found in al-Tabari and Eutychius)
- 'Umar's Covenant with the Christians of Jerusalem (issued to Sophronius)
- 'Umar's Covenant with the Christians of Mesopotamia
- 'Ali ibn Abi Talib's Covenant with the Armenian Christians
- 'Ali ibn Abi Talib's Covenant with the Magi

Appendix 2

MAP OF ARABIA, CA 600 CE

