ISLAMIC CONCEPT OF THE INTERNATIONAL LAW (THE SIYAR)

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INTRODUCTION

The Islamic concept of international law, is not a system separate from the Shariah, it is rather an extension of the Shariah designed to govern the relationship of the Muslims with their counterparts (the non-Muslims), whether inside or outside the territory of Islam.

Islamic law of Nations does not exist as a separate system in the sense that the modern municipal (national) law or international law based on different sources and maintained by different nations, are distinct from one another. The siyar if taken to mean Islamic law of Nations is but a chapter in Islamic corpus juris, binding upon all its believers as well as upon those who sought to protect their interests in accordance with justice. But just as the jus gentium, an extension of the jus civile, was designed by the Romans to regulate their relations with non-Romans, so was the siyar, is an extension of the Shariah, which is designed to govern the relationships of Muslims and non-Muslims at a time when Islam came into contact with them.[1]

The binding source of the siyar was not based essentially on reciprocity or mutual consent, unless the non-Muslims desired to avail themselves of Islamic justice, but was a self imposed system of law, the sanctions of which were moral or religious and binding on its adherents, even though the rules might run counter to their interests. Unlike Mosaic Law, which was equally binding upon Jews and Gentiles when they came into contact with one another,[2] Islamic law on the other hand was binding essentially upon those who professed the faith of it. Some rules, necessarily the product of reciprocity, such as the exchange of prisoners, diplomatic immunity and custom duties,[3] were mutually acceptable to Muslims and their neighbors.

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[1] Smith, J.M. (1931) The Origin and History of Hebrew Law, Chicago, pp.46-47.
[2] Smith J.M. Ibid p.46.
[3] John Hopkin, (hd), The Islamic law of Nations, Hokins Press, P.t.

The Islamic law of Nations was binding on territorial groups as well as individuals. Like all ancient law, the Islamic law was inherently personal rather than territorial, for, if Islam were intended for all mankind, the territorial basis of the law would be inherent. However, since many non Islamic lands remain outside the limit of Islamic law, the siyar was bound to grant consideration to the territorial basis and to regulate the relationship among the Muslims and the non-Muslims, both on the personal and territorial level. It is true that only a single school of law, the Hanafi, stressed the territorial character of the law, while others, like the Shafi'i school stressed the personal, but all accepted territorial limitations in varying degrees.[4]

NATURE AND SOURCES OF THE ISLAMIC LAW OF NATIONS

The view point that, law is the product of the immediate needs and aspirations of the society is founded on the assumption that men are capable of creating binding acts which would translate these needs and aspirations into a normative system. This kind of law, which mirrors the ideas and ideals of the society, is called positive law. Since man made law, (Common Law) is admittedly imperfect and the society endeavours to perfect it by a continued process of legislation, the ideal law remains a mirage, and then real one develops by improvisation from generation to generation.

In a society which assumed that man is incapable of rising above his evil propensities or of determining what his ultimate good may be, the idea that fallible man legislate for others is scarcely acceptable. In such a society, a superhuman or a divine power, that is Allah (S.W.T) is invoked to provide guidance and security for the mankind.

The ancient Hebrew, Christian and Islamic societies were committed to this view point Allah disclosed Himself through a revealed law and communicated His will and justice to mankind through His noble prophets. This divine law is regarded as applicable to all mankind and embodying divine wisdom, skill from another category of laws. In contrast with positive law, Islamic law may be said to fall into what was virtually a positive system of law based on the ethical principles of the Qur'an and model behaviour of the Prophet (SAW).

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[4] Ibid. p 6

The Islamic law of Nations (siyar), therefore is an integral part of Islamic Law, was based on theory in the same sources maintained by the same sanctions of that law (Shariah). In practice, however, if the term siyar is taken to mean the sum total of the principles, rules and practices governing Islamic relationships with other nations, one should look for evidence beyond the conventional roots (usul) or sources of Islamic law. Some principles or rules may be founded in treatise and peace agreements made by the Muslim rulers with the non-Muslims. Others are to be found in public utterances and official instructions of the Caliphs to commanders in the field which the jurists subsequently incorporated in the law.[5]

Other sources of Islamic international relations include those found in rules and practices necessarily evolving from reciprocity and mutual relations with other nations or derived from Islam's direct experiences with neighbouring countries.[6]

Above all, the jurists of Islamic law and judges provided a legal rationale of Islamic relationships with other nations with the general frameworks and hoped to formulate rules and principles based on analogical deduction (qiyas) and juristic preference (istihsan). Some of these writings were history abstract and theoretical, reflecting the medieval characters of scholastic speculations, but others dealt with concrete answers to specific questions that had arisen or were considered likely to arise, in Islam's intercourse with other nations.[7]

In terms of the modern law of Nations (International Law) the sources of Islamic law of Nations (siyar) conform generally to the same category as defined by modern jurists and specified in the statute of the international court of Justice.[8] These may be grouped under the general heading of custom, authority ,agreement and reason.

THE ISLAMIC CONCEPT OF WORLD ORDER

In order to construct an Islamic theory of law of nations we should recall that Islam is not merely a set of religious ideas and practices but also a

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[5] Shaybani Siyar (translated by Majid Khdduri) (nd) The John Hopkins Press Baltimore, Maryland, p 8.
[6] Ibid, p.8.
[7] Ibid, p.8
[8] See Article 38 of the Statute of the International Court of Justice

political community (the Ummah) endowed with a central authority. The authority was originally derived form a high divine source and charged with the duty of regulating the conduct of the political community with the outside world in accordance with its sacred law. The Ummah composed of all who professed the Islamic faith, is the immediate point of reference for every believer, but the ultimate point of reference is the belief in Allah (S.W.T) and in the universal message of the prophet Muhammad (S.A.W). The Ummah is potentially capable of embodying the whole mankind and the Islamic state is the instrument which would achieve the ultimate religious objectives.

It is therefore, the Muslim ummah are the subject of Islamic legal and Ethical system. All other communities are the object of the system, although they are by no means denied certain advantages of the system when they came into contract with Islam. The ultimate objective of Islam is to establish peace and order in accordance with Islamic justice within the territory brought under the limit of public order, and to expand the area of validity of that order to include the whole world.

Islam in its early period entered into peaceful arrangements with communities beyond its frontiers in accordance with set of rules and practices before some of those communities were brought under its sovereignty.

In conformity with the legal and ethical standards, Islam requires its believers who reside in the territories that had come under Islamic rule, as well as of the believers dwelling in the territory which had not yet come under that rule to abide by its laws. Islam as a religion was spread by trade and cultural connections beyond the frontiers of the state and believers owed legal but not necessarily political allegiance to it. Islamic law, in practice enforced upon believers who reside within Islamic territory and was also observed by believers outside its territory. In theory, the law was personal in character, since territorial limitations is irrelevant to the concept of a state claiming to be ecumenical in nature, but in practice territorial limitations necessarily affected the enforcement of the law. The non-Muslims domiciled in Islamic territory were not bound by all ethical and legal rules of Islam unless they so wish to avail themselves of its justice.

Islamic authority, however, had to deal with legal problems arising from the interrelationships of non Muslims with Muslims.

THEORY OF ISLAM REGARDING THE NATIONS

In Islamic theory, the world was split into two divisions. The territory of Islam (the Darul Islam), which maybe called pax Islamica, comprising and non-Islamic communities that had accepted Islamic sovereignty, and the rest of the world, called the Darul harb or the territory of war. The first included the community of believers as well as those who entered into an alliance with Islam. The inhabitant of those territories were Muslims who formed the community of believers (the ummah) as well as the non Muslims of the tolerated religious communities collectively called "the people of the Book" or Dhimmis (Christians, Jews and others known to have possessed sertus) who preferred to hold fast to their own law and religion at the price of paying a poll tax (jizyah) to the Islamic authority.[9]

The Muslims enjoyed full rights of citizenship while the followers of the tolerated religious enjoyed only partial civil rights, but enjoyed full status as subjects of the Imam or Caliph, (the head of Islamic state), in their claim to internal security and to protection from foreign attack.[10] The Imam in discharging his responsibility in the foreign conduct of the state, spoke in the name of all subject, Muslims and non-Muslims alike. Relationship between Islamic and non-Islamic communities within the Islamic legal superstructure were regulated in accordance with special agreements issued by the Caliphs (which were in nature of constitutional characters), recognized the canon law of each tolerated religious community bearing on matters of personal status. But any member of these communities, in contrast to contemporary practice elsewhere could join the Islamic community at any moment by mere pronouncing the Islamic formula for the profession of the faith. Moreover, they were not denied access to Islamic courts if they wish to avail themselves of Islamic justice.[11]

The world surrounding the Islamic state, composed of all other nations and territories that had not been brought under its rule, was collectively known as the Darul harb or (the territory of war). The territory of war was the

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[9] Ibid, p.11.
[10] Majid Khadduri, The Islamic Law of Nations.John Hopkins Press (n.d) p.11
[11] Abel A., (1960) Darul Harb and Darul Islam Encyclopedia of Islam 2nd (ed) London Vol.II, pp 155 – 157.

object not the subject of the Islamic legal system, and it was the duty of the Muslim rulers to bring it under Islamic sovereignty whenever the strength was theirs to do so. The communities of the darul harb were regarded as being in a "state of nature" for they lacked competence to enter into intercourse with Islam on the basis of equality and reciprocity, because they failed to conform to its ethical and legal standards. If followed that arrangements made between the darul Islam and the darul harb must be short lived by necessity because they carry with them no implied recognition of status under Islamic law.[12]

However, not all Muslim jurists have held to the theory that the world is split into two divisions. Some especially Imam Shafi'i and his jurists devised a third temporary division they called "the dar al-sulh (territory of peace) or dar-al-Ahd (the territory of covenant), giving qualified recognition to non Muslim communities if they enter into treaty relations with Islam on conditions agreed upon between the two parties (such as the payment of annual tribute to the Islamic authorities).[13]

Most of the jurists, however, especially the Hanafi jurists did not recognize the third division as propounded by Imam Shafi'i and his disciples, arguing that if the inhabitants of the territory concluded a peace treaty and paid tribute, it became part of the dar al-Islam and its people were entitled to the protection of Islam.[14]

The dar al-Islam in theory, was in a state of war with the dar al-harb, because the ultimate objective of Islam was the whole world. If the dar al-harb were reduced by Islam, the public order of pax islamica would supersede all others and the non-Muslim communities would either become part of the Islamic community to submit to its sovereignty as tolerated religious communities or as autonomous entities possessing treaty relations with it.[15]
But the dar al-harb, though regarded as in the state of nature was not treated as a no man's land. Its hostile relations with the dar al-Islam were regulated with the Islamic law of war, just as Roman observed the rules of jus fetiale

[12] Abel A., (1960) Ibid. PP. 170-174.
[13] Ibid, p.170-171.
[14] Ibid.
[15] Ibid, pp.170-172.

in their hostile relations with other nations. The Muslims were under legal obligation to respect the right of the non-Muslim, both combatants and civilians, whenever fighting was in progress. During the short interval of the peace, when hostility was suspended, Islam took cognizance of the authority or authorities that existed in countries which it could not claim to have brought under its control. But this cognizance of the need of authority in the dar al-harb did not constitute recognition implied Islam acceptance of non Islamic sovereignties merely meant that some form of authority was by nature necessary for the survival of mankind. Even when men live in territories in the state of nature, outside the pale of the Islamic public order.[16]

Thus, if Muslims entered the dar al-harba as a merchant or as a visitor under the amanah (a safe conduct), he was under obligation to respect the authority of the territory and observe its law as long as he remains in the territory enjoying the benefit and the security granted him by the safe conduct or a treaty with Muslim authorities.

The Muslim was in the meantime under obligation to observe his own law, except perhaps certain rules not strictly obligatory in enemies' territory.[17] But if conflicts arose between his own law and that of the territory, he has to make a choice, provided it will not be in conflict with the principle of Shariah (Islamic law).[18]

The state of war existing between the dar al-Islam and the dar al-harb however, does not necessarily mean that actual hostility must occur. Whenever fighting came to an end, the state of war must be reduced to a situation equivalent under the modern international law, as a state of non recognition. Strictly speaking, it meant that the dar al-harba was denied legal status under Islamic law, as long as it fails to conform to Islamic legal and ethical standard or to attain the status of the tolerated religious communities. But this state of non recognition did not imply, as it would in the modern sense of the term that direct negotiations could not be conducted or that treaties could not be concluded. Such activities did not imply equality between the two parties nor did they possess a permanent

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[16] Ibid, p.61.
[17] Al-Tabari, (nd) Kitab al-Ikhtilaf pp.60-61.
[18] Ibid

character. Perhaps the nearest equivalent under the modern international law is the recognition of insurgency. Such recognition does not preclude a de factor or de jure negotiation nor does it represent approval of the regime's conduct under insurgency. It merely means that an authority to ensure the law and order in a particular territory is necessary in certain circumstances. Nor did the Islamic state, in entering into diplomatic relations with a non Islamic state, intent to extend the full advantages of its legal system to the inhabitants of the non Islamic lands, for such actions would imply neither equality of status nor recognition of the conduct of the administering authority of the enemies territory, so long as the inhabitants of that territory remained outside the Islamic legal system.[19]

THE DOCTRINE OF THE JIHAD

The instrument which can transform the dar al-harb into daral Islam is the Jihad. The Jihad is merely a duty to be fulfilled by each individual, a religious duty as well as it was above political obligation imposed collectively upon the subjects of the state so as to achieve Islam's ultimate purpose. The Universalization of the faith and the establishment of the Allah's sovereignty over the world. The Holy Qur'an puts it as follows:

> *"But fight them not at the sacred mosque unless they (first) fight you there. But if they fight you slay them such is the reward of those who reject faith."*[20]

The verse also continues:

> *"And fight them on until there is no more persecution and the religion becomes Allah's, but if they cease let there be no hostility except to those who practice oppression."*[21]

Thus, jihad is a collective duty as well as an individual duty upon the community (Ummah) and failing to fulfill it would constitute a gross error.[22]

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[19] Hamidullah, M. (1973) Muslim Conduct of State, Lahore, p.11.
[20] Al-Qur'an 2.192
[21] Al-Qur'an 2:192.
[22] Al-Shafi'I, Abu Abdallah, M. (nd) Kitab al-Umm Vol.I, p.51.

The Jihad, in the broad sense of the term did not necessarily call for violence or fighting, even through a state of war existed between Islam and non Islamic territory. Since Islam might achieve its ultimate purpose, by peaceful as well as by violence means it becomes necessary in the execution of once own power to fulfill a prescribed duty and the believers recompense, in addition to worldly material rewards, would be the achievement of salvation, for the fulfillment of such a duty means the reward of paradise.[23]

The participation in the harb, may be fulfilled by the heart, the tongue, and the hands as well as by sword. The jihad was accordingly a form of religious duty carried out by spiritual as well as by the material means.

Islam prohibits war in every form save in the fulfillment of a religious purpose (the Jihad). It is enjoyed by Allah ()SWT) upon all believers to slay the polytheists wherever you find them.[24]

And the Prophet (SAW) is reported to have said:
"Fight polytheist until they say there is no god but Allah."[25]

In Islamic legal theory, the jihad is a permanent obligation upon the believers to be carried out by continuous process of warfare, psychological and political, even if not strictly military. No other form of fighting was allowed, whether within the Islamic territory or outside it.[26] The Imam was empowered to decide when the jihad was to commence and when it will stop. All the jurists agreed to this. The concept however has undergone many alterations, adjustments in modern times, a subject to which we shall return. [27]

THE CONDITIONS OF PEACE

In accordance with the Islamic legal theory as state of war exists between the dar al-Islam and the dar al-harb until the time when the former

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[23] Al-Shaibani, Muh'd Ibn al-Hassan (1957) Kitab al-Siyar al-Kabir, Cairo, pp.24-5.
[24] Al-Qur'an 9:5 "But when the forbidden months are past, then fight and slay the pagans wherever ye find them...."
[25] Reported by al-Bukhari.
[26] Ibn Khaldun, A. (1858) al-Muqaddima, Paris, Vol. II, p.65.
[27] Abel A. op. cit. at p.16.

overcomes the latter. The state of war should, accordingly come to an end when the dar al-harb has disappeared. At such a state the dar al-Islam, as the abode of peace, would reign supreme in the world. It may be argued, therefore, that the ultimate objective of Islam is the achievement of the permanent peace rather than the perpetuation of war.[28]

The Jihad in Islamic theory is a temporary legal device designed to achieve Islamic ideal public order by transforming he dar al-harb into dar-al-Islam. In practice, however, the two proved to be more permanent than the jurists had envisaged and the Muslims become more accustomed to a state of dormant jihad rather than to a state of open hostility. In the meantime, contract between Muslims and non-Muslims personal and official were conducted by peaceful means.[29]

In accordance with the Islamic law, brief spans of peace may be offered the inhabitants of the dar al-harba, whether by a peace treaty concluded between Muslims and the non-Muslims or by an amanah (safe-conduct). A treaty, not exceeding ten years in duration, rendered enemy territory immune from Muslim attack and conferred upon its inhabitants the right of entering Islamic lands unmolested. In the absence of the treaty, the harbi (person from the territory of war, may enter territory of Islam under an amanah obtained before hand from any Muslim. Such an amanah if granted, transforms the status of the harbi from a state of war to one of the temporary peace and security with respect to his own private relations with the inhabitants of the territory of Islam.[30]

For harbi subject to molestation owing to the state of war between his territory and Islam, becomes under Islamic law a mustamin (a person who is closed with security), as long as he remains in the Islamic lands.[31] It is this device that we must attribute the case with which Muslims and non-Muslims crossed frontiers from one land to another for trade and for cultural and for other purposes.

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[28] Ibid, p.16
[29] Ibid, p.16
[30] Ibid, p 16
[31] Khadduri J H. (1920) War and Peace in the Law of Islam, Berlin. Cap.15. pp.429-30.

The non-Muslims who permanently resided in the Islamic territory were given special status defined in peace treaties of indefinite duration, called ahad or covenants,[32] by which their lives and property were secured and religious tolerance enjoyed. Such treaties took the form of constitutional charters, since non-Muslims obtained a special status of citizenship, called Dhimmis, provided they paid the poll tax called (jizya) and accepted certain legal disabilities.[33]

Other countries that were spared from jihad enjoy peaceful relations with Islam, but all such countries, regardless of the number of renewal, were regarded as temporary arrangements, while the state of war was regarded as normal relationship between the dar-al-Islam and the dar'al-harb.[34]

The Islamic law of nations is found in the Prophetic traditions (hadith), although their basic assumptions were derived from authoritative sources, it was rather the conduct of Islamic juridical deduction at the height of Islamic power. Islam, which had incorporated a complex of ethnic and cultural groups, was conceived by the Muslim jurists as an ecumenical society and they formulated a theory of state rationalizing existing conditions and aspirations. The expansion of Islam, by virtue of trade and cultural propaganda was still in progress at the time and the state, as the instrument of a universal religion was considered capable expanding ad-infinitum.

In its early development, the state made no claim to be ecumenical, although it conceived of religion to be universal in nature. The Islamic state passed through various stages of evolution until it acquired universal attributes. It became as a city state in Madina (A.D. 750) and expanded later to incorporate Arabia and the neighboring counties, as well as vast areas in southern Asia.[35] It culminated in a golden age of ascendancy with the establishment of the Abbasid dynasty (A.D. 750), often referred to as the Islamic classical period and then began to be subdivided into political entities which accommodated themselves surrounding conditions, until these entities were finally integrated as sovereign states in the modern

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[32] Al-Shaibani, (nd) Siyar (translated by Majid Khadduri), John Hopkins Press (n.d) p.18.
[33] Ibid, p.18.
[34] Ibid, p.19.
[35] Al-Shaibani, Ibid., p.20.

community of nations. The states through which the Islamic state evolved took the following forms:

1. Stage one: city state
2. Stage Two: imperial 622 – 632 A.D
3. Stage Three: Universal 632 – 750A.D
4. Stage Four: Decentralization 750 – 900A.D.
5. Stage Five: Fragmentation – 900 – 1500A.D
6. Stage Six: National 150 – 1918 A.D.[36]

It is in this period that the leading jurists began to devout attention to the law governing the relations of the Islamic state with contemporary political communities and created works dealing with the problems arising from the encounters of Muslims with non-Muslims in war and peace.

The advocate of central authority represented by leaving orthodox jurists, argued that since there is one God (Allah), Who has the source of divine power, and one law (the Shari'ah), there must be one caliph and one authority. The pluralistic schools advocates the division of the political community into two or more political entitles, they argued that whenever Islamic territory is divided by the sea (which may be reformulated as natural barriers), it should be divided into two or more, each be headed by an independent Caliph, who would enforce the sacred law in his own realm.[37] Leading jurists and theologians rejected the pluralistic view, while the doctrine of central authority was modified to permit the rise of sub entities, each governed by the head who acknowledge the ultimate authority of the central caliphate.

This interpretation represented a compromise school of through, perhaps less expressed in the writing of Shafi'i jurist, al-Mawardi (974 – 1058), which sought to adjust the monistic doctrine of the caliphate to the realities of political conditions of the time. In his known well work "the principle of government" Marwardi stressed the ultimate authority of the caliph, but he advised that appointed provincial rulers be recognized so as to preserve the outward unity of the state.[38] This school of thought represented the

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[36] John Hopkins, Ibid. p 20
[37] Ibid., p.20.
[38] Abu al-Hassan M M., (1853) Alhkam al-Sultaniyyah, vol.xii, pp.291-302

emerging "decentralization" trends of the tenth century of the Christian era and culminated in the permanent division of Islam into separate political entitles by the opening of the 16tyh century. During the "decentralization" stage, the dar al-harb, passed through a long transitional period of co-existence, which Danjuan Manuel characterized in the thirteenth century as Guerra fria (cold war) before they tacitly arrive at an agreement to conduct their relations on the basis of equality and mutual interest.[39] The dar al-Islam accepted the state of peace rather than the state of war as the permanent basis for its relations with the dar al-harb. This radical departure from the classical doctrine in the sixteenth century, when Muslim rulers agreed to deal with Christian princes on the basis of reciprocity and mutual interests.

CONCLUSION

In conclusion, it is necessary to reaffirm that, under Islamic Law (Shariah) there is nothing wrong for the Islamic state to have good relation with other nations, that is non-Muslim nations, because, Islamic International Law (the Siyar), regulates not only the conduct of the Muslim state, but also the relationship of the non-Muslim states and non-Muslim individuals living in an Islamic state.

The object was to enlarge the concept of Islamic international law (the siyar) to encompass all public functions conducted by the state or its citizens in any intercourse not necessarily by the state or its citizens in any intercourse not necessarily subject to private regulations in the performance of the public needs or functions. As one scholar, Dr. Hamidullah puts it:

> *"When Islam came and founded states of its own, the earliest name given by the Muslim writers to special branch of law dealing with war, peace and neutrality seems to have been siyar, the plural of sirah, meaning "the conduct and behaviour.*[40]

It is therefore, submitted that, since the Prophet of Allah was the first person who respected the treaties and pledges and put a great importance and strict observance of the term "treaties' which he entered by the non-Muslims of

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[39] John Hopkins, Ibid, p.22.
[40] Hamidullah, M. (1973) Muslim Conduct of State, Lahore, p.10.

Mecca and beyond. Sometimes in observing the treaties, he had to forgo the advantage of his little commonwealth of Islam, which functions on the principle of Shariah. It is therefore, become imperative on the Muslims to observe similar attitude towards their non-Muslim counterpart. The Prophet in this context used to say:

> *"He who hurts the Dhimmy hurts me*
> *and he who hurts me hurts Allah."*[41]

Since also the entire mankind, according to the Shariah is one nation, then the Muslim Ummah should think of the rights of the human beings. All human being are granted these rights without discrimination, because the human rights granted by the Shariah were meant for the welfare of the whole world. The human rights, therefore, was promulgated since 1430 years back. And therefore, all the so called human rights under the Declaration of Human Rights in Article 1 – 30 seem to copy from the Islamic provision of human rights.

And also the individual is viewed by Islam both as single and unique unit. That is the mankind. It is in this sublime concept which is reflected in the way the Shariah deals with the non-Muslims in general and the non-Muslim minority in particular.

It is also submitted that, under the siyar (Islamic international law), that freedom of religion, personal status matters, citizenship and protection of life, liberty and property were and only some examples of specific guarantees that have to be afforded to the non-Muslims and the minorities, who live under the protection of Islamic state.

Islamic concept of international law also provides for the prisoners of war and their treatments. The Shariah also stipulated that, the prisoners of war must be treated with respect to human dignity. And they cannot be subjected to torture; they deserve all kindness and care while they are captive of the Muslims. Provisions must also be made for their nourishment and all necessities for life.

Finally, the Holy Qur'an states:

> "Thereafter is the time for their generosity or ransom."[42]

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[41] This Hadith was reported by both Imam al-Bukhari and Imam Muslim.
[42] Qur'an: 47:4-5.