Chapter 2: Imam al-Hassan's ('a) Pacifism (Session 1)

The issue of Imam al-Hassan's pacifism was questioned in the past and continues to be so.[1] This issue remains under question especially during our time. Why did Imam al-Hassan make peace with Mu'awiyah? This topic of Imam al-Hassan's peace with Mu'awiyah is particularly highlighted when it is compared to Imam al-Husayn'sbattle against and his refusal to surrender to Yazid and Ibn Ziyad. These two approaches seem contradictory to those who do not pay attention to the depth of the issue; therefore, some claim that Imam al-Hassan and Imam al-Husaynwere two fundamentally different characters: Imam al-Hassan was more of a peace-seeker by nature, whereas Imam al-Husaynwas a rebellious and warrior-like.

Our point is this: would it have been possible for war not to take place if Imam al-Hassan had been instead of Imam al-Husayn? Would the issue have been resolved differently? Or are these outcomes related to the circumstances of the time? Did Imam al-Hassan's time require a different approach from Imam al-Husayn'stime and circumstance? In order to discuss these different situations, we need to raise a certain subject, which is usually raised by those who have discussed the differences between Imam al-Hassan and Imam al-Husayn'ssituation. Imam al-Husayn'sprudence was truly a necessity for his time as Imam al-Hassan's prudence was. Of course, we accept this issue and will later discuss it, but before that we need a basic discussion on Islamic commandments in relation to *jihad* (holy war), as they both, in fact, revert to *jihad*. Imam al-Hassan ceased and made peace but Imam al-Husayndid not cease and fought. We shall thus convey the essentials of Islam in the subject of *jihad*. We have not seen among those who have discussed Imam al-Hassan's reconciliation to have included such aspects. Therefore, we shall touch on this question: what were Imam al-Hassan's reconciliation and Imam al-Husayn'sbattle based on?

The Holy Prophet (s) and peace

We shall see later that the issue of pacifism was not exclusive to Imam al-Hassan. The Prophet (peace be upon him) had also adopted conciliatory methods during the first few years of the prophetic mission [*bi'thah*] until the end of his time in Mecca, and even during the second year after entering Medina. No matter how much the Muslims were tortured by the non-believers [*mushrikin*], even when countless Muslims were killed under torture, other Muslims asked to go to war against those causing this and said: there is nothing worse. What could be worse than what we are going through? The Prophet still did not grant them permission. At most, he let them migrate from Hijaz to Habashah. However, when the Prophet migrated from Mecca to Medina the following *ayah* was revealed,

"Permission (to fight) is given to those upon whom war is made because they are oppressed, and most surely Allah is well able to assist them."[2]

Finally, permission was granted to those who were oppressed and tortured to go to battle. Is Islam a religion of peace or a religion of hostility? If it is a peaceful religion, then they must have abided by the claim that fighting was, in essence, not a religious act. Religion only invites. Wherever it goes and wherever it does not. If, on the other hand, Islam is a hostile religion, then why was it, that during those thirteen years in Mecca, the Muslims were not given permission to protect themselves? We must conclude that Islam is both a religion of peace and a religion of war.[3]

In some circumstances, fighting is not necessary and in other cases it is. Again, as an example, we can consider the actions of the Prophet who during his time in Medina would sometimes fight the *mushrikin* or the Jews or the Christians, yet at other times decided to sign a peace treaty with them. The same thing happened in Hudaybiyyah where against the will of nearly all his companions, he signs a peace treaty with the non-believers in Mecca who were among his worst enemies. Again, we see in Medina that the Prophet signs a no-violation treaty with the Jews. What can this mean?

'Ali and peace

We also see 'Ali waging war at one stage and refraining from it at another. After the Prophet's death, when the issue of successorship [*khilafah*] was raised and ultimately seized by others, 'Ali refrains from fighting. He did not touch his sword and says that he has been ordered not to fight and must not fight. He exhibited great moderation no matter how aggressive they were towards him. His moderation at one point nearly triggered even al-Zahra's objection,

Oh son of Abu Talib! Why have you withdrawn your hands and legs and constantly sit in a corner like a foetus in its mother's womb? Like a person who is guilty and embarrassed to go out of his house, preferring to sit at home?[4] You are the same man from whom in the battlefield even the bravest would run away. Now these cowards have taken over you? Why?

It was then that he explained: that was my duty then. My duty now is this.

During the next twenty five years, ‘Ali continued to remain, what could be called a peace-seeking and conciliatory man. When people began to riot against ‘Uthman (the same riot which led to ‘Uthman’s assassination), ‘Ali was not among the rebels. He acted as a mediator between the rebels and ‘Uthman. He endeavored to reach a settlement according to which, from one side the rebels’ request (which was a fair request regarding a complaint about one of ‘Uthman’s governors who was being oppressive towards them) would be taken care of, and from the other side ‘Uthman would not be killed. This is reviewed in the *Nahj al-Balaghah* and has surly been mentioned in history. ‘Ali (*‘a*) says to ‘Uthman, “I fear that you will become the murdered leader of these people. If you are killed, murder will continue to be an option for these people. A rebellion will emerge among Muslims that shall never be suppressed.” Therefore, even during the final stages of ‘Uthman’s caliphate, which were, in fact, the most turbulent and chaotic years of his successorship, ‘Ali becomes the intermediary between ‘Uthman and the rebels. At the start of ‘Uthman’s succession to the caliphate, as a result of the deceit commited by ‘Abd al-Rahman ibn ‘Awf[5] only two people, from the initial six, remained as candidates: ‘Ali and ‘Uthman. The story behind this was that ‘Umar[6] formed a council consisting of 6 people responsible for choosing his successor. three people stepped aside, one in favor of ‘Ali who was Zubayr[7], one in favor of ‘Uthman who was Talhah[8] and one in favor of ‘Abd al-Rahman ibn ‘Awf who was Sa‘d ibn Abi Waqqas[9]. Three people were left. ‘Abd al-Rahman said, “I am not volunteering.” This left only two people and the voting was left to ‘Abd al-Rahman. Whoever ‘Abd al-Rahman votes for will have four votes (because he himself had two votes and each of the two volunteers had one vote) and according to that council, he will be chosen as the Caliph. ‘Abd al-Rahman came to ‘Ali first and said, “I am willing to give you my oath of allegiance on the condition that you follow the Book of Allah and the conduct of the Prophet (*s*) and the methods of the two previous caliphs.” He replied, “I give oath of allegiance on the condition of following Allah’s Book and the conduct of the Prophet and whatever I perceive.” ‘Abd al-Rahman then went to ‘Uthman, “I will give you my oath of allegiance on the condition that you follow the Book of Allah, the conduct of the Prophet and the way of the previous two caliphs.” ‘Uthman accepted. However, ‘Uthman diverted from the methods of the previous caliphs. Then, they came and objected to ‘Ali (*‘a*), “Why did this happen? What will you do now that they have done such a thing?” He replied,

*“*As long as this oppression is aimed towards me but the affairs of Muslims rotate on their axis and orbit and the person, who is in my place, albeit unjustly, runs the affairs provisionally, I submit and have no objection.*”*

After ‘Uthman and during Mu‘awiyah’s time, people would swear allegiance to ‘Ali. Then, ‘Ali decided to wage war against the outlaws, who were known as the Violators [*nakithin*], the Deviators [*qasit□in*] and those who misunderstood the truth of religion [*mariqin*], as well as the people of Jamal, Siffin and the people of Nahrawan.

After the Battle of Siffin a division was caused in ‘Ali’s army due to the riots of the Kharijites and the

deceit by ‘Amr ibn al-‘As and Mu‘awiyah, who raised the Qur’an on spear heads saying: lets allow the Qur’an judge between us, with which some agreed, and so there was no place left for ‘Ali. Reluctant, ‘Ali accepted their offer to resort to arbitration.

This in itself is an example of ‘peace’. He agreed for arbitrators to decide based on the Qur’an and Islamic commandments. However, ‘Amr ibn al-‘As twisted the story in such a way that its outcome was useless, even for Mu‘awiyah himself. He ended it by way of deceit. He deceived Abu Musa al-Ash‘ari but his deceit did not remove ‘Ali from the picture or give way to Mu‘awiyah. Everyone realized that the two arbitrators had not reached an agreement and that one had deceived the other. One would say that he would overthrow both, whereas the other claimed that he was lying. They started to fight and disgraced one another, accusing each other of deceit. And so the story turned out fruitless.

In any case, the arbitration story falls into the same category. Why did ‘Ali agree to arbitration and did not continue the battle, even though he was forced by the Kharijites to do so? Ultimately, he would have been killed just like his son Imam al-Husayn. Likewise, we ask: why didn’t the Prophet wage war from the beginning? Ultimately, he would have been killed just like Imam al-Husayn. Why did he make peace in Hudaybiyyah? Ultimately, he would have been killed just like Imam al-Husayn. Let us consider this situation: why did not Amir al-Mu’minin wage war from the beginning?

Again, he would have ultimately been killed like Imam al-Husayn. Also, why did he surrender to arbitration? He would have ultimately been killed like Imam al-Husayn. Are these statements true or not? We then reach Imam al-Hassan’s time and the issue of his pacifism. The subsequent Imams lived in situations similar to that of Imam al-Hassan. Therefore, the issue is not only about Imam al-Hassan’s peace or Imam al-Husayn’swar. It is a much broader issue and must be discussed accordingly. I will read you some excerpts from the book of *Jihad* so we can get a general picture of the topic and enter the details later.

The cases for jihad in the Shi‘ah jurisprudence

We know that *jihad* is a part of the religion of Islam. There are a few cases for *jihad*:

The first is the antecedent *jihad*, which means the permission given by Islam to Muslims to attack those who are non-Muslims, especially when confronting polytheists to destroy polytheism, even though there may not have been any tracked record of hostility and aversion between them. The condition for this *jihad* is that it can be fought by adult, wise and free male soldiers. This *jihad* is compulsory, exclusively, for men and not women. For this *jihad*, the permission of an *imam* or his representative is required. From the point of view of the Shi‘ah jurisprudence, this type of *jihad* is only feasible during the presence of an *imam* or one who has personally been appointed by an *imam*, that is to say in the Shi‘ah jurisprudence, even a spiritual (religious) leader is not permitted to start an antecedent war.

The second case for *jihad* is when an Islamic territory is under attack by an external enemy. This would

mean that there is a defence aspect involved, whether in the sense that the enemy is either planning to take over the Islamic land and occupy all or parts of it, or it may even be the case that they are not planning to occupy it. They may be planning to dominate the people and so are attacking in order to capture a group of Muslims, or they may want to rob the Muslims' assets either in the form of a raid or the form that are usual these days. Or perhaps their intentions are to violate territories and sanctuaries of Muslims and assault their women and children.

Finally, if the lives, property or any such aspects, which are venerated by Muslims, are violated by the enemy, it becomes compulsory upon the Muslim population, whether man or woman, free or not free to participate in this *jihad*.[10] The permission of the *imam* or his representative is not required for this type of *jihad*. This is the exact opinion of Islamic jurist consults (legal theorists) such as Muhaqqiq and Shahid Thani. I am reciting for you the translation of these opinions.

Muhaqqiq has a book called "*Sharayi'*", which is one of the incontrovertible scripts taken from sources of the Islamic jurisprudence. Shahid Thani has expounded this book by the name "*Masalik al-Afham*", which is an excellent description. Shahid Thani is one of the most important and unsurpassed Shi'ah legal theorists.

In this case, they say that an *imam*'s permission is not a requirement. This case is very nealy similar to the present situation that Israel has created by occupying the Muslim country. In this case, it is compulsory for all Muslims, whether man or woman, free or not free, near or far to participate in this *jihad*, which is a war for defence and, therefore, does not require the permission of an *imam*. When we say "whether near or far", it is meant that this *jihad* is not exclusive to those Muslims who have been attacked.

An uprising will become compulsory on anyone who becomes informed of the situation, unless he is certain that they (the people under attack) are adequate in number and have the power to defend themselves.[11] This means that the enemy is weaker and does not have enough power; while, on the other hand, the Muslims are more powerful and thus are not in need of help. Otherwise, should he find out that his presence is needed; *jihad* would become compulsory upon him. The closer they are situated (geographically), the stronger the obligation. In other words, in such a case, their obligation becomes definite.

The third case is similar to *jihad*, but it is not the general *jihad*. It is a particular *jihad*. Its rules are different to those of the general *jihad*. General *jihad* has specific rulings, one of which is that if anyone is killed during this *jihad*, he is considered to be a martyr [*shahid*]. Consequently, his dead body does not need to be washed [*ghusl*] before it is put into the grave (i.e. his body has already been purified) and is buried with the same clothing he died in.

The blood of a martyr is superior to water,

This sin is superior to one hundred rewards. [12]

The third type is also colloquially known as *jihad*, but it is one *jihad* that does not have all the rules of the general *jihad*. Its reward is the same as the reward for the normal *jihad*. Its figure is considered as a *shahid*. It can be explained as follows: if an individual is not in an Islamic land, but rather in a territory that belongs to non-believers, who are attacked by another group of non-believers, and there is a danger of mortality for him who is living among them (e.g. a Muslim is living in France when a war breaks out between Germany and France). What is the responsibility of a Muslim in such a situation: someone who is not one of them? His responsibility would be to save his life by any means even if he deems it necessary to take part in the war in order to save his life, then he must do so. It is not his responsibility to take part in the war to express his sympathy with what is taking place in his surrounding. In such a case, if he is killed, his reward will be the same as a martyr.

We have other such cases in Islam, whose participants also merit the title of *shahid* although the same rulings of burial, as in the case of general *jihad* are not applied to them. For example, other *shahid*s may be buried with the clothes they died in and do not need to be washed before burial. These rules, as well as some others, do not apply to such cases. Another example of such a case is someone who is attacked by an enemy, as a result of which his life, family and property are put at stake, even if the enemy happens to be Muslim.

For example, someone is sleeping in his house. A thief (even a thief who is a Muslim, who is possibly one of those thieves, who, as Haji Kalbasi used to say, does his night prayers[13] but is a thief) comes and attacks this house and wants to take the property of the owner. Can one defend his wealth in such a case? Yes, there are chances of being killed, you say? Even if there is a ten percent chance of dying, efforts to save one's life, even by a ten percent chance, are compulsory.

Although, since in this case the situation involves saving one's property, the person can continue to resist until there is a fifty percent chance of survival. However, if there are dangers other than the loss of property, such as a threat to one's life or the life of his relatives, even if there is a one hundred percent chance of getting killed, it is obligatory for him to rise up to defend himself and fight. He must not say that he has intended to kill me, what can I do? No, if he has intended to kill you, it becomes obligatory upon you to kill him first. You must show resistance and not say: he wants to kill me! Why should I do anything at all? Why should I get involved?

Fighting rebels

We have already mentioned three cases of *jihad*. We have two other cases that must be considered, one of which is colloquially known as "Fighting Rebels". The basis for such a *jihad* can be explained as follows: if a civil war occurs among Muslims and one tribe wants to dominate over another, the main responsibility of the other Muslims is to endeavor to make peace between them, in an effort to settle reconciliation between them. Should they see that one side is resisting and is not, under any circumstances, willing to make peace, it would become compulsory upon them to fight against the

rebellious group, in favor of the oppressed. The context of the Qur'anic verse is as follows,

"If two groups of the faithful quarrel, make peace between them. But if one of them acts wrongfully towards the other, fight the one which acts wrongfully until it returns to Allah's ordinance. Then, if it returns, make peace between them with justice and act equitably. Surely, Allah loves those who act equitably."[14]

Inevitably, one of the applications of this type of *jihad* is when a group of people revolt against the just *imam* of their time. Because he (the *imam*) is just and truthful but they (the mutineers) have risen against him, it is presumed that the *imam* is right and not the mutineer. Thus, in this case, one must enter battle in favor of the *imam* and fight against the mutineer.

Another case (which has caused some difference of opinion among scholars) is the issue of bloody uprisals for the sake of 'enjoining what is good and forbidding what is evil [*al-amr bi'l-ma'ruf wa nahy 'an al-munkar*]. That is in itself another stage with its own levels.

Peace in the Shi'ah jurisprudence

Another issue which is also mentioned in the book of *jihad* is the issue of peace, which is referred to by the scholar as "armistice" or "truce". Truce means reconciliation and armistice means peace. What does peace mean? It is the 'no offence' agreement, 'no fighting' treaty and what is today known as the so-called "peaceful coexistence" agreement. I will quote for you a passage from Muhaqqiq's book '*Shara'i' al-Islam*':

It is an agreement to ceasefire and to abstain from fighting for a certain period of time. It is permissible only when it includes (insures) advantages for Muslims, either due to the smallness of their number, where they would be unable to resist the enemy or to obtain help from others to become stronger [*istidhar*], which may be gained from this peace, or that this ceasefire may cause the non-Muslims to embrace the religion of Islam. But when this truce does not grant any advantages for Muslims and the Muslims have enough strength and power to overcome the enemy, truce is not permissible.[15]

Here he states that a truce or peace comprises of an agreement not to fight, but to live in peace together. However, this truce can only be established on the condition that a specific time frame has been set for the agreement. This issue is raised in jurisprudence if an opposing party can be fought off instinctively. That is to say, if the opposing party consist of polytheists, it is permissible to sign a treaty with them. However, this agreement must not be signed for an indefinite period of time. It should not be "for the time being". No, "for the time being" is not correct. The period must be definite and specified. For example, for a period of six months, one year, ten years or more, just as the Prophet (*s*) signed the treaty in Hudaybiyyah for a period of ten years.

He says, "It is permissible only when it includes (insures) advantages for Muslims."[16] Therefore, peace

is allowed if it is in the best interests of the Muslims.[17] If a Muslim deems it advisable to make peace for the time being, then it is permitted and not forbidden. But as we said before, in the case of an obligatory war, for example, in the case when if a Muslim country is under enemy attack, it is obligatory to defend and free the country under any circumstances. Now, if it is in the best interest of the Muslims to sign a peace-treaty with the same invading enemy, must they sign the treaty or not? Muhaqqiq states that if it is in their interests, then it is permissible to continue. However, peace should not be contracted for an indefinite period of time, rather a definite time span should be stipulated in the agreement, since invasion and occupation of a country by the enemy for an unknown period of time cannot be in the interests of the Muslims. If this agreement should be made, then it would mean the end of hostility for a set period of time. So now, when would a peace treaty be in the interest of Muslims?

Muhaqqiq says, "Either due to smallness of their number, in which case they are unable to resist the enemy.[18] (Or because) the fact that they are less in number means that they have less power."[19]

So when they do not have the strength needed and their battle follows a particular objective, then it is advisable to wait for the time being until they have gathered the required power.

Or to the *istidhar* (obtaining help from others to be stronger) which may be obtained from it.[20]

Therefore, it is advised to cease hostilities in order to gather the required power during this time. This plan ensures reinforcements. Or, to look forward to non-Muslims embrace Islam by discontinuing war and waiting.[21]

Also, a peace treaty is permitted, if as a result of it there are hopes that the opposing party will convert to Islam. This assumption is only valid when the opposing party are non-believers. So, in other words, peace is being made with the conviction that during this set period, the enemy shall be defeated from a spiritual point of view. This was certainly the case with the Hudaybiyyah peace treaty, which we shall soon discuss.

But when there are no advantages for Muslims (in truce) and the Muslims have enough strength, power and ability to overcome the enemy, a truce will not be permissible.[22]

However, if these stated aspects are absent from the situation, then it is not permissible to continue with a peace treaty. This was a discussion about the issue of peace or so-called "truce". We, therefore, understand that from the Islamic jurisprudencial point of view, peace is not permitted under certain circumstances whether peace refers to signing a treaty or ceasing hostility. Even for this, there are two types of peace which must be considered. Firstly, when the peace we are referring to involves the signing of a peace agreement. This is done when there are two opposing factions and they resolve to sign a treaty, just as was done by the Prophet (*s*) or even by Imam al-Hassan.

Secondly, when the term 'peace' is used, it has the implication of peacefulness and freedom from strife. Of this, scholars have said that it is permissible if the Muslims are unable to show resistance or, in short,

there is no avail in fighting. This was the case in the early days of Islam, when Muslims were few in number and scarce. Had they fought, then they would have been eradicated and no remnants of them would have been left.

And so scholars state that it is better for Muslims to gather reinforcements and supporters during this time (of peace). However, it would be more advantageous for them to attract the enemy spiritually.

Here I must describe the Prophet's treaty of Hudaybiyyah, which may be considered as the origin and basis for the peace treaty which was later initiated by Imam al-Hassan.

Hudaybiyyah Peace

The Prophet (*s*) signed a peace treaty during his lifetime, which caused astonishment and perhaps even irritation among his companions. However, after a year or two, they acknowledged that this act had been the right decision.

In the sixth year after Hijrah, after the Battle of Badr had taken place, severe resentment was triggered towards the Prophet (*s*) from among the Quraysh clan. After that, the Battle of Uhud took place, as a result of which the Quraysh clan, having taken revenge from the Prophet, also earned the resentment of the Muslims. Thus, from the point of view of the Quraysh clan, their worst enemy was the Prophet and from the point of view of the Muslims, the Quraysh clan was their worst. It was the month of Dhu al-Qa'dah23, which is considered as a sacred month.

In a sacred month, the tradition during the period of ignorance was to put aside their weapons and to abstain from any fights. Even if the bitterest enemies were in a state of war, they would desist from all action as a sign of respect for this month, although they would have butchered each other, had it have been any other month. The Prophet wished to use this tradition of the Ignorance Age [*'asr-e Jahiliyyah*] in order to go to Mecca to perform the pilgrimage and return. He had no intentions other than this.

Having announced this, he left for Mecca with seven hundred of his companions (a thousand and four hundred according to other reports). Their pilgrimage was a "common pilgrimage" a sacrificial animal [*sawq al-hady*] would walk ahead of them, which meant that it was intended for sacrifice. A sign would be put on the shoulder of the animal, for example they would place a shoe on the animal's shoulder (which was a custom from ancient times) so that whoever saw the animal would realize that this animal was for sacrifice.

The Prophet ordered his companions, who were approximately seven hundred in number, to lead seventy camels ahead of the caravan, so that if anyone saw them from afar, they realized that these were pilgrims and not warriors; therefore, not causing for concern. Their clothes and general appearance gave the impression of those on pilgrimage. Therefore, because of the overt nature of this pilgrimage, the news quickly reached the Quraysh clan.

Near Mecca, the Prophet was informed that the Quraysh, including women and men, young and old, had come out of Mecca and proclaimed, “By God, we will never let Muhammadenter Mecca.” They threatened to fight against the Muslims, even though month was considered to be sacred. These actions opposed even the customs of the Age of Ignorance. The Prophet went near the camps of the Quraysh and ordered the Muslims to dismount there. Messengers and couriers were exchanged between the two parties constantly. At first, several messengers arrived, one after the other, demanding to know why the Muslims had come.

The Prophet only replied, “I am a pilgrim and have come here for pilgrimage. I have no other business here. I will perform my pilgrimage and return.” Every messenger who was sent, witnessing the state of the Muslims, would return and inform the Quraysh that the Prophet had no intention of fighting.

However, they did not accept this and so the Muslims, including the Prophet himself, decided to enter Mecca, knowing that it might lead to conflict. The Muslims asserted that they did not wish to fight, but if they were attacked, then they would fight back. Bay‘at al-Ridwan took place there and then. They again gave an oath of allegiance for this purpose, until a representative from the Quraysh came and said that they were willing to sign a peace treaty with the Muslims. The Prophet replied that he was prepared for this. Messages sent by the Prophet were those of peace. To a couple of the messenger, he would say,

“Woe to the state of the Quraysh! War has finished them. What do they want from me? Leave me be with the rest of the people. I will either be destroyed, in which case what they want will be fulfiled by others, or I will prevail, which is again to their advantage, since I am one of the Quraysh. This would be an honor for them.”

However, this was not beneficial. They insisted on contracting a peace agreement, and thus sent a man named Suhayl ibn ‘Amr to conclude an agreement, according to which the Prophet would return back to Medina for the year, yet he would have the right to come back during the following year and stay for three days in Mecca, perform his *‘umrah* and return.

The other clauses which had been included in the peace treaty were not advantageous for the Muslims. According to one clause of the peace treaty, should one member of the Quraysh clan join the Muslims, they (the Quraysh) will maintain the right to retrieve him. However, should one of the Muslims flee to join the Quraysh, they (the Muslims) would hold no such right and so forth (this clause contained other ponderous conditions). In return Muslims would obtain freedom in Mecca and would no longer be under pressure.

All the efforts of the Prophet were concentrated upon those final words, for that reason he accepted every ponderous condition in the treaty in order to reach this objective alone. The treaty was signed. Many of the Muslims, however, became irritated and said, “O Messenger of Allah! This is a disgrace for us. We have come all the way to Mecca, yet now we must return? Is this correct? No we must definitely go (to Mecca).” The Prophet (*s*), however, replied, “No, this is the treaty and we have signed it.” The

Prophet then ordered for the sacrifices to be made right there and then. He then said, “Come and shave my head,” as a symbol of exiting *ihram*. At first, the Muslims were reluctant to go through with this, but later they accepted, albeit with some exasperation.

The one who expressed his irritation more than others was ‘Umar ibn al-Khat□t□ab. He came to Abu Bakr and said, “Is he not a prophet?” He responded, “Yes.” Then He asked, “Are we not Muslims? Are they not non-believers?” Abu Bakr replied, “Yes.” He asked again, “Then what is this situation? The Prophet had seen in his dream that he had entered Mecca with the Muslims and had conquered it. He had narrated this dream for the Muslims.

Thus, they went to the Prophet and said, “Had you not seen in your dream that we will enter Mecca?” He said, “Yes.” They then said, “What happened then? Why did your dream not come true?” The Prophet (*s*) replied, “I did not see in my dream and never told you that we would enter Mecca this year. I have dreamt and my dream is true. We will enter Mecca.” They said, “What kind of treaty is this that if one of their members should come to us they would have the right to take him back, yet should one of our members join them, we are not permitted to go and retrieve him?” He replied, “If one of us wishes to join them, then he will be a Muslim who has become an apostate and thus is of no use to us.

If a Muslim who has become an apostate leaves, we will never go after him and if one of them becomes a Muslim and wants to join us, we shall tell him to go back, at the moment you Muslims are in the state of being oppressed, Allah shall open a way for you.” The Prophet gave into some extremely bizarre conditions. Suhayl ibn ‘Amr had a son, who had become a Muslim and was among the Muslim army.

When this agreement was signed, another one of his sons ran away from the Quraysh to join the Muslims. As soon as he arrived, Suhayl said, “Now that the treaty has been signed, he must be returned to me.” Thus, the Prophet said to him (Suhayl’s son) whose name was Abu Jundal, “Go! Allah will open a way for you oppressed people as well.” The poor fellow, being very distressed, cried out, “Muslims! Do not let them take me among the non-believers and turn me away from my religion.” The Muslims became very troubled and said, “Oh Messenger of God! Please give us permission not to let them take this one.” The Prophet replied, “No, he must be returned as well.” Interestingly, when the peace treaty was concluded, Muslims found freedom and were able to preach Islam freely, in a period of less than one year; the number that had converted to Islam from among the Quraysh was by many times greater than those who had not converted to Islam in the past twenty years.

Therefore, the situation changed to the benefit of the Muslims. Afterwards, the terms of the agreement were destroyed by the Quraysh unprompted and an enthusiasm for practicality and spirituality appeared in Mecca.

A pleasant story has been narrated from one of the Muslims, about a man by the name Abu Basir who lived in Mecca. He was a very brave and strong man. He fled from Mecca to Medina. In accordance with the agreement, the Quraysh sent two people to take him back. When they arrived and demanded for him

the Prophet agreed to give him back.

No matter how much this man begged the Prophet to prevent them from taking him, insisting that they will turn him away from his religion if he goes back, the Prophet still said, “No, we have made an agreement. It is not part of our religion to go against the agreement. Allah will open a path for you as well.” He was escorted back unarmed, by guards, who carried weapons themselves. They reached Dhu al-Hulayfah near Masjid al-Haram where they became engaged in the sacred pilgrimage [*muhrim*]. This place is situated seven kilometres from Medina.

Here, they stopped to rest under a shade. One of them was holding his sword in his hand, when a man (named Abu-Basir) commented that the guard’s sword seemed to be of very good quality and asked if he may be allowed to inspect it. The guard offered him the sword. As soon as Abu Basir took hold of the sword, he killed the guard.

While the first guard was dying, the other fled like the wind back to Medina. When the other guard reached Medina, the Prophet said, “There seems to be some fresh news!” He said, “Yes, your friend killed my friend.” Shortly after, Abu Basir returned, “O Messenger of Allah! You have kept your side of the agreement. Your agreement stated that if one of their people escaped, you will return him and so you did. Now you have fulfilled your terms, please leave me be.” He then went to the Red Sea and found a spot which he located as a centre.

As soon as the Muslims, who were suffering under torture in Mecca, found out the Prophet does not provide shelter to those who escape and Abu Basir had escaped to the Red Sea and established a centre there, they left to join him one by one. Gradually, the people of this community grew up to seventy people and were able to form their own defence force. The Quraysh could no longer regulate them in anyway.

Therefore, they were obliged to write to the Prophet saying, “We no longer wish for them to be returned to us. We request you to inform them that we have not desire for them to come back. Please write to them and tell them to come to Medina and not cause us any more trouble. We will disregard this term from our agreement.” And so, they abdicated.

In any case, this peace agreement was for the purpose of preparing the mentality of the people for what was to come. Subsequently, this is what followed. As was mentioned before, the Muslims started receiving more freedom in Mecca and gradually the people started to accept Islam in groups, until finally, the prohibitions were removed entirely.

Now let’s study the circumstances at the time of Imam al-Hassan and Imam al-Husaynto determine whether or not their situations truly differed to such an extent that had Imam al-Hassan been in Imam al-Husayn’sposition, he would have acted in the same manner and likewise, had Imam al-Husaynbeen in Imam al-Hassan’s position, he too would have agreed to go through with the peace Imam al-Hassan agreed to. Undoubtedly, this would have been the case.

I would just like to point out our response to the question, should someone ask whether Islam is a religion of peace or a religion of war, we shall refer to the Qur'an for this purpose. In the Qur'an, we have instructions on both war and peace. Numerous verses [*ayah*] are related to the issue of war with the non-believers,

"Fight in the way of Allah against those who fight you, but do not transgress. Indeed Allah does not like transgressors."[24]

And likewise, about the subject of peace, the Qur'an states,

"And if they incline toward peace, then you* (*too*) *incline toward it and trust in Allah. Indeed He is the Hearing, the All-knowing."[25]

One verse of the Qur'an reads,

"And reconciliation is better."[26]

Therefore, which is the religion of Islam? Islam does not accept peace as a stagnant principle, claiming that peace must prevail in all situations and that hostility is not an option. It also does not accept war in every situation. Peace and war, in any case, depend upon the circumstances, which mean that they depend upon the causes that they take effect from.

Muslims, whether during the time of the Prophet (*s*) Imam 'Ali, Imam al-Hassan and Imam al-Husayn, or during the time of the other Imams or during our time, must maintain Islam and the rights of Muslims as their main objective. They must determine whether the overall circumstances call for fighting or abandonment of hostilities. Therefore, the issue of labelling Islam as a religion of peace or war is not correct. Each is relative in its own circumstance.

Question and answer

Question: Referring to the Shi'ah jurisprudence to ascertain whether Imam al-Hassan's method of conciliation was permitted or not is not right. This is because the foundation of Shi'ah jurisprudence is essentially based on the conduct of the infallible Imams (*'a*). In any subject, certain things are always set as principles and then propositions are established based on those principles. Is jurisprudence, according to Muhaqqiq and other Shi'ah scholars, essentially based on the conducts of the infallible Imams (*'a*)?

Answer: This was a useful and suitable reminder. It is correct. But we were not intending to say that Imam al-Hassan (*'a*) abided by the Shi'ah jurisprudence here. What we meant, however, was merely to enquire whether jurisprudence, as a whole, is in harmony with logic or not? For this issue that I brought up, firstly, regardless of any other controversies, we shall put forward the Shi'ah jurisprudence as a whole and then try to see whether or not it is essentially in harmony with logic (because when one

reviews an issue in its entirety, he finds it easier to solve a specific case). Otherwise, we did not want to refer to slavish issues.

In our opinion, everything we see in the Shi'ah jurisprudence is logical, including the issues which are entirely based on the methods of the infallible Imams (*'a*) or other resources. This helps to see whether there is any criticism as to why *jihad* is permitted in the cases where *jihad* is considered permitted. Also, is the case where *jihad* is legitimate, logical or not? Both in the cases where they considered *jihad* to be legitimate or where they considered peace to be legitimate, their decisions are considered legitimate by us.

When we accepted this from a logical point of view, then we go to see whether Imam al-Hassan was supposed to fight when he made peace? Or if Imam al-Husaynwas expected to make peace and he fought (this is because both pillars exist in Islam: *jihad* and peace)? Imam al-Hassan made peace when he was supposed to make peace and Imam al-Husaynchose *jihad* when he deemed it necessary? This is the same for Imam 'Ali and the Prophet where their cases are definite. The case of the Prophet specially requires no more discussion because the Prophet made peace in one place and fought in another.

Question: Are there disagreements between the jurisprudence of our Sunni brothers and the Shi'ah jurisprudence in the case of *jihad*? If so, what are these disagreements? The other question is on the topic of conditions for *jihad.* You mentioned that *jihad* was necessary when dominance over self or property was being sought. What about the case of dominance over intellect? Can there be such a cause for *jihad*? If so, what form of *jihad* will that be?

Answer: I have to study this issue in the Sunni jurisprudence. I shall have a look and let you know. I know this much in brief that their conditions are not much different to ours and if there are any differences, it is on our part. This is because we have certain limitations that they do not. This is in the case when the presence of an infallible *imam* or his specified representative is necessary for certain cases. They do not have such a condition.

The second issue you raised in your question was not mentioned in ancient jurisprudence, because it essentially is a new phenomenon. We must pause on this to see what the general principles of command for this phenomena are and thus from a regulatory point of view, this matter must be endeavored other than this, such an issue was never raised in the olden times.

1. Some made objections during Imam al-Hasan's time and this issue was also under question by the subsequent Imams.
2. Surat al-Hajj 22:39.
3. Peace in its general meaning; abandoning war.
4. Al-Ihtijaj, al-Tabarsi, vol. 1, p. 107.
5. 'Abd al-Rahman ibn 'Awf was born with the name 'Abd 'Amr ibn 'Awf into the tribe of Banu Zuhrah. He married 'Uthman ibn 'Affan's half-sister. Sa'd ibn Abi Waqqas was his first cousin. The Sunnis regard him as one of the Ten Promised Paradise.
6. 'Umar ibn al-Khat□t□ab was from the Banu Adi clan of the Quraysh tribe. He became the second Caliph (634-644)

following the death of Abu Bakr, the first Caliph.

7. Zubayr ibn al-‘Awwam from Banu Asad, the son of Saffiyah bint ‘Abd al-Mut□t□alib, his wife was Asma bint Abu Bakr, sister of ‘A’ishah. Their son was ‘Abd Allah ibn Zubayr. He went to war with ‘A’ishah and Talhah against Imam ‘Ali (‘a) in the Battle of Jamal in 656 CE and got killed in this battle. The Sunnis regard him as one of the Ten Promised Paradise.

8. Talhah ibn ‘Ubayd Allah was a cousin of Abu Bakr. He was from the Banu Taym clan. He was also extremely rich. He went to war with ‘A’ishah and Zubayr against Imam ‘Ali (‘a) in the Battle of Jamal in 656 CE. During the battle, he got injured and died later of his wound.

9. Sa‘d ibn Abi Waqqas was from the Banu Zuhrah clan of the Quraysh tribe. He had a son named ‘Umar ibn Sa‘d, the leader of the forces that killed Imam al-Husayn (‘a) at the Battle of Karbala. ‘Abd al-Rahman ibn ‘Awf was his first cousin.

10. It may even be permissible on the minor to participate in this jihad, too.

11. Masalik al-Afham, vol. 1, p. 116.

12. خون شهیدان را زآب اولاتر است این گنه از صد ثواب اولاتر است

13. This is referring to the story in which they told Haji Kalbasi: that a certain house had been robbed in the middle of the night and he said: when did that thief read his night prayers then?

14. Surat al-Hujurat 49:9.

15. Shara’i‘ al-Islam, al-Muhaqqiq al-Hilli, translated by Hasan M. Najafi (Qum/Iran, 2002), p. 288.

16. Ibid.

17. It is not as if war is always obligatory and peace is always forbidden. No, peace is also permissible, rather the “Shahid” tries to say: when they say ‘permissible’ this does not mean that if you did not do it, then it is permitted and not forbidden which becomes obligatory in some cases.

18. Ibid.

19. In the olden days, power was counted on the basis of quantity. But today power is not counted on the basis of quantity but it is based on other things.

20. Ibid.

21. Ibid.

22. Ibid.

23. Dhu al-Qa‘dah is the eleventh month in the Islamic calendar. It can also be known as the al-Qa‘dah.

24. Surat al-Baqarah 2:190.

25. Surat al-Anfal 8:61.

26. Surat al-Nisa’ 4:128.
