ARABIC TO ENGLISH TRANSLATION
OF ISLAMIC RELIGIOUS TEXTS

A THESIS IN TRANSLATION AND INTERPRETING

English/Arabic/English Translation and Interpreting

Presented to the faculty of the American University of Sharjah
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MASTER OF ARTS

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ARABIC TO ENGLISH TRANSLATION
OF ISLAMIC RELIGIOUS TEXTS

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ABSTRACT

This thesis investigates discourse strategies adopted in the translation of religious texts from Arabic into English. Such texts pose serious challenges for translators because of the orality found in Arabic religious texts and the difficulty of transmitting Arabic terminology and Arabic cultural and religious values into English.

The question raised in this study is how does one translate a master signifier into another frame of reference where it neither identifies a community nor ties together other discursive universes. This question brings into focus the aim of this thesis: to help establish through practical application a framework for the translation of Arabic religious texts into English and to explain how fidelity to the ST impacts TT reliability.

The thesis is divided into two sections: 1) my own translation into English of the religious Arabic text, صور من تسامح الحضارة الإسلامية مع غير المسلمين, by Dr. Salameh M. Bluwi together with a glossary of Arabic terms and; 2) a commentary on the translation with a focus on theoretical issues and source text analysis.
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Enough cannot be said about the contribution that Dr. Basil Hatim has made to the field of translation in a broad sense and more specifically to the field of English/Arabic/English Translation and Interpreting. I consider it an opportunity of a lifetime to have studied under Dr. Basil and a great privilege to have actually taken part in classroom discussion as he revised some of his latest theories. All of us in the classroom were aware of his remarkable intelligence and genius, which commanded the utmost of respect from all present. In particular, I will remember with fondness my course in English/Arabic/English Interpreting with Dr. Basil. His method for engaging us in the practice of interpreting is something I will always carry with me and reflect upon. I am also grateful for the training he provided in linguistics and rhetoric and for his giving me the confidence to work with the Qur’an. He is a phenomenal individual with exceptional talent in the field of Translation and Interpreting. What makes him unique is that he is always willing to come down to students' level and share his expertise.

I am also deeply appreciative to Dr. Said Faiq, Professor of English/Arabic/English Translation and Interpreting and Chair of the English Department, whose outstanding skill in translation and interpreting was ever present in the classroom. Were it not for Dr. Said, I am sure that I would not be writing this masters thesis. His patience, concern and encouragement are what brought me to this stage in translation and interpreting. I can not thank Dr. Said enough for what he relayed to our class about English/Arabic/English terminology. I am sure initially he must have had some misgivings about this non-native speaker of Arabic, but Dr. Said’s willingness to teach and counsel me, along with his kind personality, sustained
me through the course of this degree program. His insights on the cultural challenges presented in English/Arabic/English Translating and Interpreting are particularly critical to the field, especially at a time when western ideology appears to be clashing with Islamism. Being made aware of this aspect of translation and interpreting has enriched my knowledge in the field and has made me a better translator/interpreter.

I would also like to thank Dr. Shehdeh Fareh, Associate Professor of English and Translation at the University of Sharjah. Upon his suggestion, I undertook translation of the book upon which this masters thesis is based, *Islam’s Just Treatment of Non-Muslims*. Translation of the book has been a true learning experience and I am indebted to Dr. Shehdeh’s for his readiness to negotiate translation of the book with the book’s author, Dr. Salama Bluwi. I would also like to thank Dr. Salameh for giving me the opportunity to translate his book. His compilation of Qur’anic and Hadith accounts helps to substantiate Islam’s justice and tolerance towards non-Muslims, which has been observed by orientalist throughout history.

Finally, I would like to thank my husband Omar M. Chebbio and my two children, Firahs and Sharif for their understanding and support. Little needs to be said about the impact felt at home when a working parent undertakes a higher degree. I could not have completed the program without their support.
DEDICATION

This thesis is dedicated to my mother and father, Dorothy and Charles W. Ainlay who have supported and encouraged me in my study of the Arabic language. My mother first took a ‘Holy Land’ trip in 1967, just as Israeli tanks were pulling into areas of Palestine. I was just a little girl when she returned and told me about how sorry she felt for all the Palestinians who had become refugees and were setting up tents. My father was a lawyer and always had a great interest in the Middle East. In fact his master’s thesis, written before his going to Law school, concerned the strategic importance of the Black Sea. I am very grateful for the positive influence that my mother and father have had on me and only hope that when my life nears its end, I have been able to give back a measure of what they have given to me.
CHAPTER 1: INTRODUCTION

With the rise of globalization and the proliferation of electronic media, intercultural communications, together with translation, has taken on an important role the international community not only in terms of accessing information, but also in forming a basis for understanding between cultures. Through translation, deeply embedded religious and cultural values may be understood since there is an undeniable connection between language and way of life. At a time when relations between the West and Islamic East have become more strained since the events of September 11th, translation may be seen as an avenue for bridging the gap between the two worlds. One significant area often misunderstood between the two cultures is that of religion, which in the Islamic world forms the basis of society. Deep Islamic values and beliefs may be found in religious texts or what are described in translation studies as 'sensitive texts'.

A translator of religious texts from Arabic into English must take into account several factors when translating 'sensitive' texts from Arabic into English. Translating Arabic religious texts involves not only problems at a linguistic level, including lexical and syntactic manipulation and the reformulation of concepts, but also ideational hurdles that need to be mediated between the source text producer and reader. The objective of this thesis is to apply certain theoretical principles established in the field of Translation to the translation of the Islamic text entitled، صور من تسامح الحضارة الإسلامية مع غير المسلمين (Islam's Just Treatment of Non-Muslims), in order to help establish a framework for the translation of Arabic Islamist texts into English.

The thesis begins with this introduction and is followed by Chapter 2, which is my own translation of the Arabic source text into English. Chapter 2 contains within it a transliteration key, which is applicable to both the translation and in the Commentary sections of this thesis. Chapter 2 also contains a glossary for the translation, which serves to place important terms, proper nouns and referents into context. The glossary is discussed in the Commentary and is seen as playing a vital role in the translation of Arabic Islamic texts into English by minimizing the cultural distance between the West and Islamic East.

Chapter 3 contains a review of literature surrounding the translation of 'sensitive' texts, especially as is related to the cultural implications arising from the translation of
Arabic Islamic texts into English. Chapter 4 entails the methodology followed in this study, which resulted from a series of questions that were determined both before and during the actual translation of the source text. Questions range from how to choose the best Qur'anic translations to overcoming ideational hurdles in translation and how to deal with terminology. These questions contribute to the overall organization of the thesis and laid the groundwork for research on this topic.

Chapter 5 may be considered the main body of discussion and operates at two primary levels, while bringing into perspective the cultural challenges at both levels: 1) rhetorical/syntactic considerations and; 2) lexical considerations. Discussion in this chapter and the practical application of theory led to the development of a translation framework for the translation of Arabic Islamic texts into English (Appendix A). Early in this chapter, it is argued that political Islamic texts may be identified as 'sensitive' texts since they transcend linguistic boundaries made up of culture-specific background knowledge and shared political attitudes. Such texts demand cultural negotiation on the part of the translator, who helps to establish common ground between the ST culture target culture. It will be demonstrated how the through-argumentation found in Arabic Islamic text may be seen as a hold over from the oral tradition and presents an obstacle in translation when weighed against alternatives that might compromise ST fidelity. This chapter also explores the source text producer's intentionality not only in producing the Arabic source text, but his/her aim in having the ST translated for the 'other' culture. An argument is made for utilizing rhetorical Intertextuality to create reader friendliness.

The second part of Chapter 5 focuses on the analysis of ST terminology and encourages the translator to retain ST 'Arabicness' as much as possible in a way that might educate the western reader and yet avoid alienation. It becomes clear that the translator arrives at a balance between domesticating a text and retaining 'Arabicness' analogous to the Gricean principle of minimal processing for maximal effect as measured against greater processing efforts for a greater reward. Here it is argued that 'decentering' the West offers a significant reward through compensating the TL audience with a greater Arab perspective on Islam at a time when there appears to be a renewed western interest in the Islamic East.
The conclusion of this thesis summarizes the research and is followed by a framework for the translation of Arabic Islamic texts into English, which is found in Appendix A. Appendix B contains the Arabic Source text itself as a reference for the reader.
Translator’s Preface

This translation was undertaken in fulfillment of master's degree in English/Arabic/English Translation and Interpreting at the American University of Sharjah. and with the intent of bringing the western reader to a closer understanding of Islam. The Arabic source text was chosen for the contemporary issues that it addresses, while based upon early scriptures found in the Qur'an and narratives from the Hadith. With the events of September 11th now overshadowed by the Iraqi War in its third year and the Palestinians facing their 57th year of Israeli occupation, the author of Islam's Justice towards Non-Muslims traces events from early Islamic history which make evident Islamic principles calling for justice, respect and dignity for all people. The author's message is clear as he highlights specific examples showing the just treatment which the Islamic State practiced when dealing with non-Muslims, particularly during times of war and imprisonment. Without a doubt, the author's objective is to make the reader understand: 1) Islam is a peaceful and just religion and; 2) The treatment of Muslims by occupying forces in the Arab world today may at times be seen as a direct affront to the principles of Islam and all that it stands for. It is the translator's hope that the western reader will gain a greater appreciation for Islam and its people through reading this translated text.

"… We believe in that which has been revealed to us and revealed to you, and our Allah and your Allah (God) are One, and to Him do we submit." [Shakir 29:46]
Transliteration Key

In this translation, Arabic words phrases and names are given in the Roman alphabet (using a conventional transliterating system based largely on the symbols of the International Phonetic Association). A guide to the pronunciation of these Romanized forms is given below.

<table>
<thead>
<tr>
<th>English</th>
<th>Arabic</th>
<th>Phonetic Description</th>
<th>Approximate English</th>
</tr>
</thead>
<tbody>
<tr>
<td>b</td>
<td>ب</td>
<td>voiced labial stop</td>
<td>b as in boy</td>
</tr>
<tr>
<td>d</td>
<td>د</td>
<td>voiced alveolar stop</td>
<td>as in day</td>
</tr>
<tr>
<td>ض</td>
<td>p</td>
<td>emphatic voiced alveolar stop</td>
<td>does not exist</td>
</tr>
<tr>
<td>ف</td>
<td>f</td>
<td>voiceless labio-dental fricative</td>
<td>as in far</td>
</tr>
<tr>
<td>ه</td>
<td>h</td>
<td>voiceless glottal fricative</td>
<td>as in horse</td>
</tr>
<tr>
<td>ح</td>
<td>h</td>
<td>voiceless pharyngeal fricative</td>
<td>does not exist</td>
</tr>
<tr>
<td>ج</td>
<td>j</td>
<td>voiced palato-alveolar fricative</td>
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</tr>
<tr>
<td>ك</td>
<td>k</td>
<td>voiceless velar stop</td>
<td>as in kite</td>
</tr>
<tr>
<td>ل</td>
<td>l</td>
<td>alveolar lateral</td>
<td>as in light</td>
</tr>
<tr>
<td>م</td>
<td>m</td>
<td>bilabial nasal</td>
<td>as in may</td>
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<tr>
<td>ن</td>
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<td>as in next</td>
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<tr>
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<td>ر</td>
<td>r</td>
<td>alveolar trill</td>
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<tr>
<td>ص</td>
<td>s</td>
<td>emphatic voiceless alveolar fricative</td>
<td>does not exist</td>
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<td>t</td>
<td>voiceless dental fricative</td>
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<td>л</td>
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<td>does not exist</td>
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<td>z</td>
<td>voiced alveolar fricative</td>
<td>as in zebra</td>
</tr>
<tr>
<td>ظ</td>
<td>z</td>
<td>emphatic voiced alveolar fricative</td>
<td>dh or z (depends on region)</td>
</tr>
<tr>
<td>ا</td>
<td>a</td>
<td>glottal stop</td>
<td>a</td>
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<td>ع</td>
<td>u</td>
<td>voiced pharyngeal fricative</td>
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<tr>
<td>Arabic</td>
<td>Voiced Description</td>
<td>English equivalent</td>
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<td>sh</td>
<td>voiceless palato-alveolar fricative</td>
<td>as in shade</td>
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<tr>
<td>th</td>
<td>voiceless dental fricative</td>
<td>as in theatre</td>
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<td>as in that</td>
<td></td>
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<td>kh</td>
<td>voiceless velar fricative</td>
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<td></td>
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<td>gh</td>
<td>voiced telar fricative</td>
<td>does not exist</td>
<td></td>
</tr>
<tr>
<td>y</td>
<td>palatal glide</td>
<td>as in yellow</td>
<td></td>
</tr>
<tr>
<td>w</td>
<td>bilabial approximant</td>
<td>as in wall</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vowel</th>
<th>Phonetic Description</th>
<th>English equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>short low back vowel (fatah)</td>
<td>as in Amsterdam</td>
</tr>
<tr>
<td>aa</td>
<td>long low back vowel</td>
<td>as in far</td>
</tr>
<tr>
<td>i</td>
<td>short high front vowel</td>
<td>as in inside</td>
</tr>
<tr>
<td>ii</td>
<td>long high front vowel</td>
<td>as in clean</td>
</tr>
<tr>
<td>u</td>
<td>short high back vowel</td>
<td>as in to go</td>
</tr>
<tr>
<td>uu</td>
<td>long high back vowel</td>
<td>as in noon</td>
</tr>
</tbody>
</table>

| a (final) | ta marbuta | does not exit |
"Allah asks that you be just and kind to those who have neither fought against you, on account of religion, nor driven you from your homes. Verily, Allah loves those who behave justly."

(Surra 60:8)
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In the name of Allah, the Most Merciful, the Most Compassionate

Forward

Non-Muslim citizens in an Islamic society have been traditionally referred to as the ‘ahal dhimma or dhimmis\(^1\) The dhimma or pledge established by Allah through His Prophet Mohammed (PBUH) and among all Muslims guarantees the ‘ahal dhimma protection under Islam and the right to live in security and peace and to practice their own religious traditions freely, enjoying the rights of full citizenship.

Qur'anic injunctions (toujiihat) unequivocally advocate tolerance and peaceful co-existence between people regardless of religion, color, belief, and race. These injunctions urge Muslims to display religious tolerance in their everyday practices in compliance with Divine Order (al khaliq al kariim):

"...and you shall speak to men good words and keep up prayer and pay the poor-rate. Then you turned back except a few of you and (now too) you turn aside." [Shakir 2:83]\(^2\)

The noble call (da'\text{uwa}) for Muslims to be tolerant and courteous in word and deed serves the ultimate purpose of Muslims cleansing themselves from hatred, animosity and ill-will to be replaced love and tolerance:

"… Repel (evil) with what is best, when lo! he between whom and you was enmity would be as if he were a warm friend." [Shakir 41:34]\(^3\)

The Qur'anic verses pertaining to non-Muslim citizens (dhimmis) exceed the above-stated expectations, asking Muslims to be kind to the ‘ahal dhimma and to deal justly with them,

"Allah does not forbid you respecting those who have not made war against you on account of (your) religion, and have not driven you forth from your homes, that you show them kindness and deal with them justly; surely Allah loves the doers of justice." [Shakir 60:8]\(^4\)

Muslims (in the great Islamic State) were transparent in their treatment of dhimmis and concerned about their feelings to the point that they avoided arguing with them except with a positive way. This they were convinced would attract the dhimmis to Islam and help maintain unity and security among all people in the Islamic society. It was
believed that the Islamic State would progress and prosper through the spirit of teamwork and joint efforts between Muslims and non-Muslims:

"And do not dispute with the followers of the Book except by what is best, except those of them who act unjustly, and say: We believe in that which has been revealed to us and revealed to you, and our Allah and your Allah is One, and to Him do we submit." [Shakir 29:46]  

Dhimmis were made to feel that they were an integral part of Islamic society and life as is made evident in the Holy Qur'an's call for co-existence between the followers of the three divine religions. This call is made manifest in Islam's permitting male Muslims to marry non-Muslim women, whether Christians or Jews. Such intermarriage is believed to result in the establishment of complex social, economic and moral relations.

Allah says, "...and the food of those who have been given the Book is lawful for you and your food is lawful for them; and the chaste from among the believing women and the chaste from among those who have been given the Book before you (are lawful for you); when you have given them their dowries, taking (them) in marriage, not fornicating nor taking them for paramours in secret,..." [Shakir 5:5]  

The Qur'anic injunctions, Prophetic traditions and what is stated in books of fiqh (Islamic Jurisprudence) urge extensively the practice of tolerance, pardon and protection for the ‘ahal dhimma living in the Islamic State. The objective of the current study is to highlight some of accounts from this literature which make evident Islam's tolerance for and protection over the ‘ahal dhimma in all sorts of circumstances. The subject takes on significance through witnessing the spirit of tolerance practiced in the Islamic society and its commitment to just Islamic teachings, thereby establishing the greatness of the Islam and revitalizing the spirit of religious tolerance and justice today. Tolerance and justice may be understood as a means for promoting constructive activity in the Islamic community and a vehicle by which the Islamic nation, ‘umma, might recover from the state of backwardness from which it currently suffers at all levels.

This study consists of two chapters and a conclusion. The first chapter is devoted to the rights of the ‘ahal dhimma through four discussions on: 1) the right to protection; 2) social security; 3) freedom of worship and belief and; 4) the right to work and to assume public positions.
The second chapter portrays images of human compassion during wartime and highlights Islamic ethics in dealing with the enemy during periods of peace and war.

Noble Islamic ethics made evident in word and deed are recounted from numerous historical records surrounding the treatment of enemies during and after war. It will be shown that Islam does not permit killing and destruction after military operations cease, nor does it permit the killing of women, children, priests or the elderly as long as they do not engage in war. It will be made evident that Islam prohibits the torturing of prisoners of war or obtaining information by force, while at the same time it forbids revenge in the aftermath of victory.

-Praise be to Allah.-

Dr. Salameh M. Al Bluwi

Sharjah 1/4/2003
CHAPTER ONE
RIGHTS OF THE ‘AHAL DHIMMA

Discussion 1: The Right to Protection
Discussion 2: Social Security
Discussion 3: Freedom of Worship
Discussion 4: Labor Rights and Holding Public Positions
Discussion 1: The Right to Protection

Religious texts indicate that the rights of the ‘ahal dhimma were to be protected and that transgression of these rights was tantamount to an attack on the Islamic values and ideals declared in the Constitution of the Islamic State (ad Dustur al Hadaari al Islami). In one of His sayings, the Prophet said, "Whoever does wrong to a dhimmi has done wrong to me, and he whoever does wrong to me has done wrong to Allah." 7 He also said, "Whoever offends a dhimmi will be my opponent, and I will be against him on the Day of Resurrection." 8

The Prophet also warned against transgressing upon the ‘ahal dhimma's possessions or forcing them to do that beyond which they were capable, saying that whoever unlawfully killed a Dhimmi would not enter Paradise. The Prophet (PBUH) himself said, "Whoever treats a Dhimmi unjustly by not giving him his full rights, or places a burden upon him for which he does not have the strength, or takes anything from him against his will—shall face me as his opponent on Judgment Day." 9 It is also narrated that the Prophet said, "Allah has forbidden you to enter the homes of the People of the Scriptures (Bible and Torah), to beat them, or to eat from their fruit trees without permission as long as they pay their dues." 10 In another saying, the Prophet said, "Whoever kills a dhimmi shall not taste the sweetness of the janna even though it can be tasted from a distance of a 40 years walk." 11

Some fiqaha (Islamic legal scholars) held that committing injustice towards dhimmis was a greater sin than that towards Muslims because the dhimmis had less power than Muslims, believing that injustice practiced by the stronger against the weaker may be considered a more grievous sin. 12

The property and possessions of dhimmis were considered highly respected by the Islamic State to the extent that whatever the ‘ahal dhimma viewed as their religious property had to be protected by Muslims, even though such was not the case for the same property belonging to Muslims. For example, wine and pigs are forbidden to Muslims, so if anyone destroys these, the perpetrator will not be penalized. However, wine and pigs may be owned by non-Muslims, so consequently, if a Muslim were to destroy any of these possessions belonging to a dhimmi, he would be penalized and fined. 13
Islamic regulations not only protected the dhimmis' themselves and their possessions, even though these possession are unlawful to Muslims, but also made it unlawful for Muslims to hurt dhimmis by word or deed because Allah and His Prophet (PBUH) guaranteed their protection. Therefore, he who showed aggression towards them betrayed Allah and His Prophet (PBUH). This sense is reflected in the writings of Muslim scholars such as Imam Al Qurafi who affirms, "Dhimmis are under our protection because they are guaranteed this right by Allah and His Prophet, and whoever offends them, by word even without their presence, has betrayed Allah, His Prophet and the religion of Islam."  

The fiqaha (Islamic legal scholars) state that if dhimmis are attacked, Muslims must defend them the way they would defend themselves. Imam Qurafi sums up the rights of dhimmis in the Islamic State as follows, "Muslims should be lenient with the weak and poor among the dhimmis, help the needy by providing them with food and clothes, address them gently, tolerate any offences as a neighbor but with the right to defend oneself, and extend advice to the dhimmis whenever needed." 

The Islamic State considered freedom and equality fundamental human rights claiming that all humans, regardless of religion, share the desire for dignity. The Holy Qur'an considers dignity a sacred right for all mankind. Allah says:

"…And surely We have honored the children of Adam…” [Shakir 17:70]

Human dignity is incomplete unless all types of freedom are protected, personal freedom, freedom to own property and wealth, etc... In Islam, all people are considered to have equal rights and duties regardless of race, ethnicity, color, or religion. This concept is clear in the following Qur'anic verses:

"O you men! surely We have created you of a male and a female, and made you tribes and families that you may know each other; surely the most honorable of you with Allah is the one among you most careful (of his duty); surely Allah is Knowing, Aware." [Shakir 49:13]

O people! be careful of (your duty to) your Lord, Who created you from a single being and created its mate of the same (kind) and spread from these two, many men and women; and be careful of (your duty to) Allah, by Whom you demand
one of another (your rights), and (to) the ties of relationship; surely Allah ever watches over you. [Shakir 4:1]  

In his Farewell Speech, Prophet Muhammad said, "An Arab in no better than a non-Arab ('ajami), nor is a white better than a black except unless one or the other is more pious." On another occasion, the Prophet said, "He who calls for fanaticism, or fights for it, or who dies believing in it is not one of us."  

He also said, "Leave it 'asabia (fanaticism) because it is abominable."  

The Holy Qur'an stresses the sanctity of the human soul and considers aggression against an individual, whatever his race or religion, as tantamount to aggression toward all mankind. Allah says:

"For this reason did We prescribe to the children of Israel that whoever slays a soul, unless it be for manslaughter or for mischief in the land, it is as though he slew all men; and whoever keeps it alive, it is as though he kept alive all men:..." [Shakir 5:32]  

In accordance with the sublime regulations (at tashriiy'at) of the Islamic civilization, the Islamic State was resolved to treat dhimmis in the same way that it treated Muslims. All were equal and should receive the same services and be subject to the same penalties. Whenever the Islamic State violated a dhimmi's rights through an unjust resolution, the fuqaha would draw attention to the situation by those concerned. The Imam al-Awzaa'a, for instance, protested the decision of the Abbasid State to displace a group of dhimmis from Mt. Lebanon because they refused to pay the kharaj (fees imposed on the yield of the land). He sent a long letter to Salah bin 'Ali bin Abbas, a close relative of the Caliph, protesting his decision to evacuate the Christians from Mt. Lebanon, saying, "They are not slaves so that you can transfer them from a place to another; they are free because they are dhimmis..."  

Imam al-Awzaa'a's protest was based on the general principle established in the Holy Qur'an, which is that "No one laden with burdens can bear another's burden," (17:15). Furthermore, al-Awzaa'a relied on the Prophet's pledge to the people of Najran ('ahal an Najran) that none of them should be penalized for a wrong done by another.  

In his book, Tariikh al Hukmaa' (History of the Wise), Al Qafti relays the following story that displays the quest of the Islamic Civilization for spreading the spirit of equality and tolerance in its society. During the reign of the 'Abbaasid Khaliph Al
Muqtadir Bilallah (908-932m. /320-295 Hijri), the government asked the Minister 'Ali bin 'Isa bin Al Jaraah to set up mobile hospitals to treat the sick people in 'ard suwad in the distant areas of Iraq. The Minister commissioned the physician, Sinaan bin Thabit, to send a medical team to carry out the order of the government. In one of the regions, the medical team found that some of the citizens were Jews. They sent a letter to the Minister asking him if they were supposed to treat the sick Jews or not. The Minister responded that they should treat all sick people, whether Muslims or non-Muslims.

Tolerance and equality toward the ‘ahal dhimma reached a pinnacle in the Islamic State when Muslim leaders and the fuqaha called for fida (ransoming) both Muslim and non-Muslim captives. For example, when the Tataars dominated Bilad as-Sham (Syria, Lebanon, Palestine) and took many people as prisoners, Al 'Imam Ibn Tiimiya (782H-1328 A.D) asked their leader Qatloq Shaa'a to release the prisoners. He agreed to release the Muslim prisoners only, but Ibn Tiimiya insisted upon releasing all of the prisoners saying, "We can't agree unless all prisoners (Jewish and Christian) are released because they are our ‘ahal dhimma. We will not allow the the ‘ahal dhimma nor the ‘ahal al mila (Muslims) to suffer." When the Tataar leader saw Ibn Tiymiya's determination, he released all the prisoners. 25

Practical Examples of Just Treatment toward the ‘ahal dhimma:

1. Equality before the Law

Ali (May Allah be Pleased with Him) protests against his preferential treatment over a Jew before a Council of Law

It happened that a man took Ali bin Abi Taalib to the Council of Law of 'Umar bin Al Khataab (May Allah be pleased with him) for a claim. Ali was at that time sitting down. 'Umar looked to Ali and said, "Abu Hassan, stand up and sit next to your opponent so you can argue the claim." After the (Jewish) man had left, 'Ali went back to the Council. It appeared to 'Umar, the Judge, that 'Ali had a displeased look upon his face. 'Umar asked Ali, "Abu Hassan, I have seen the look on your face change. Are you displeased with what happened? " 'Ali answered, "Yes." 'Umar said, "For what reason?" 'Ali answered, "You called me by my kania (surname), Abu Hassan, while using the
Jew's first name only. You should have said, Ali, stand up and sit next to your opponent." Then 'Umar took 'Ali's head between his hands and kissed him between the eyes. 26

In another reference about the same story, it is related that 'Umar said to Ali (after he saw him upset), "Were you displeased Oh, Abu Hassan, when I told you to stand next to your opponent, the one who lied to you?" Ali said, "No, Oh Amiir al Mu'miniin (Commander of the Faithful). It wasn't that which upset me, but what upset me is that you called me Abu Hassan. My opponent might have been intimidated when you addressed me by my surname." 27

The Commander of the Faithful ('Ali) and a Jew

The Commander of the Faithful, Ali, was missing some armor that belonged to him. After some time, he found it with a Jewish man. Ali said to the Jew, "This is my armor that fell from my camel which is an 'awraq (camel)." 28 The Jew said, "This is my armor in my hand. Between you and me, let there be a Muslim judge." So, they went to Shariih (the Judge) 29. Shariih said, "What do you will, Oh Amiir al Mu'miniin?" Ali said, "My armor fell from my camel and this Jew picked it up." Then Shariih said, "What do you say, Oh Jew?" The Jew said, "My armor is in my hand." Shariih then said, "You are telling the truth, Oh Amiir al Mu'miniin. However, you need two witnesses." Then Ali called his servant, Qanbar, and his son, Al Hassan to be his witnesses and they both witnessed that this was 'Ali's armor. The Judge then said, I will accept the testimony of your servant because Islam allows it, but I will not accept the testimony of your son, because Islam does not allow it." Then Ali said, "Haven't you heard the Messenger of Allah (PBUH) saying, "Al Hassan and Al Hussein are the siyadaa shabab al janna (the (2) masters of the youth in heaven)?"

Then the Judge said, "Oh Allah, yes." Ali said, "Why don't you accept the testimony of the youth in janna?" Shariih refused because in Islam, the testimony of a son for his father is not accepted in court. Ali said to the Jewish man, "Take the armor then." Then the Jewish man said to others, "The Amiir al Mu'miniin came with me to a Muslim judge and accepted the Judge's verdict (against the Amiir). By Allah, Oh, Amiir al Mu'miniin, you are telling the truth. It is your armor that fell from your camel and I
picked it up. I witness that there is no God but Allah and Muhammad is the messenger of Allah."
Then 'Ali gave the armor to the Jewish man and gave him also 900 dinars. This man was later killed while fighting by 'Ali's side in the Battle of Safin.  

2. A Muslim was Fined the Price of a Pig He Had Killed Belonging to a Christian.

The leaders of the Islamic State have always made sure to protect the assets of the 'ahal dhimma, even if these belongings are forbidden to the Muslims for ownership. It is mentioned that the Commander of the Faithful (Amiir al Mu'miniin), 'Ali (God be pleased with him), fined one Muslim the price of a pig he had killed that belonged to a Christian. Ali said after he issued the verdict, "We have given them a dhimma, so they can practice their religion and lifestyle the way they have always practiced it."

The author of the *ar Roud an Nadir* (The Green Garden) comments on Ali's verdict saying, "Since they were given the dhimma to eat pork, that means that they should be left alone or not interfered with to do so. This verdict was based on the following story: Bilal said to 'Umar bin Al Khatab (Khalifa), "Your tax collectors ('amaal) had taken wine and pigs as jizya (poll tax). 'Umar said, "Don't take pigs and wine from them. However, when they sell the wine and the pigs, take the money." That means that they were permitted to practice their religion the way they had always practiced it."  

3. An Incident between Dahqan al Silhiin and Sa'id bin Maalak

Al Bihaqi narrates (3) from Habib bin 'Abi Thaabit saying that Dahqan as Silhiin said: "Sa'id bin Maalak claimed a farm I owned and he is a very powerful man. I came to Sa'id saying, "Give me back my land," but Sa'id ordered me punished. I said to myself, I will go to 'Umar bin Al Khaṭab. I went until I came to a city and asked about the whereabouts of 'Umar. When I came to his house and entered, I saw 'Umar sitting on his 'абаа'a (robe or cloak). When I came in, he lifted his head towards me and said, "It seems to me you are not from our religion. I (Dahqan) said, "I am a man from the 'ahal dhimma." 'Umar said, "What do you (Dahqan) need?" I answered, "Sa'id bin Maalak took claim of my farm and when I asked him for my land back, he ordered me punished."
'Umar then ordered his servant, Yarfaa, to bring him a piece of paper and ink, so Yarfaa brought 'Umar a box. 'Umar put his hand in the box and took out a piece of paper and wrote on it. Then 'Umar tried to look for a string to wrap the paper but couldn't find any, so 'Umar took a thread from his abaa'a that was underneath him and wrapped the paper with it and then handed it to me (Dhaqan). I didn't want to take it but hesitantly, I took it. He knew what I was thinking (how could this paper help with such a powerful man). 'Umar said, "Take this paper to him (Sa'id). If he responds positively, you will be alright. Otherwise, write back to me." I (Dahqan) left his house and went straight to my family. When they asked me what I did, I said, "I went to a man who could not find a string to wrap my newspaper, so he wrapped it with thread from his abaa'a. My family said, "Why do you care if the man ('Umar) implements what he ordered Sa'id to do in the letter?" Dahqan said, "I went to Sa'id and handed him the letter. When Sa'id read the letter, he started to shake to the point where the letter fell from his hand and he said, "Oh, what did you do? Go, the land is yours." I (Dahqan) said to him, I will not accept it." Sa'id said, "I swear to God, I will never take it." Dahqan explained to his family what the letter said: "By the name of Allah, the most merciful and compassionate, from the servant of Allah, 'Umar, the Commander of the Faithful, to Sa'id bin Maalak. Peace be upon you. Maharazad Dahqan has claimed that he had an estate next to you and you have taken it. He came to you to ask for it back and you ordered him punished. If you receive my letter, satisfy Dahqan's request (give him his land back) or come to me. Peace be with you."

4. A Coptic Punished the Son of the Governor of Egypt.

It happened that during the governorship of 'Umru bin Al 'Aas (Allah be pleased with him) in Egypt, during the Khaliphathe of 'Umar bin Al Khaṭab that the son of 'Umar bin Al 'Aas hit a Coptic in Egypt because the Coptic boy had won a horse race against him. The Egyptian complained to 'Umar bin Al Khaṭab (Allah be pleased with him) who requested, by his authority, that 'Umar and his son come to the Al Madina Al Manwara. When they arrived, 'Umar told the Egyptian to take revenge upon the son of Al 'Aas, so the Egyptian hit Al 'Aas's son until he was injured badly. Then 'Umar said to him, "By Allah, he (Al 'Aas' son) only hit you, knowing he had the power (because his father was the governor) over you. The Coptic answered, "Oh, Amiir al Mu'miniin. I only hit him
because he hit me." The Khalifa ('Umar) said, "By Allah, since you wanted to hit him, we did not separate you until you finished with him." Then 'Umar continued with his famous proverb, which has been recited by generation after generation, "Who gave you the right to enslave people when they are born free?" Then he turned to the Egyptian and said, "Go and if something happens to you, write to me." 33

5. Just treatment for the People of Samarkand

When the 'ahal dhimma saw the justice of the Amiir al Mu'miniin ('Umar bin Abdul Aziz) (God rest his soul), they overwhelmingly came to Damascus for his Council. Manuscripts have preserved many instances which substantiate the fact that many 'ahal dhimma brought their grievances to Khalipha 'Umar for his council in a way never seen in a Ummayad Khalipha before or after. The people of Samarkand were among the first to come to 'Umar asking for justice. The people of Samarkand had gone to their governor, Suleiman bin Abi as Suri and said, "Qutayba bin Muslim betrayed us and took our land and Allah showed us justice and fairness. We are asking your permission to let a delegation from us go to the Amiir al Mu'miniin to present our case. If we have the right for something, we will be given that right." Suleiman gave them permission, so they sent a delegation to 'Umar. 'Umar wrote to Suleiman (the governor) on their behalf, "The people of Samarkand have complained to me that injustice has been done by Qutayba to the point that he drove them from their land. If you receive my message, appoint a judge to review the case. If he orders in their favor, bring them back to their camp to settle the way they were before Qutayba came to power. The governor, Suleiman, hired the Judge Jamii'a bin Haadir. Judge bin Hadir ordered the Arabs of Samarkand to go to their camp and threatened (the people of ahal al Saghid) that there would either be new reconciliation or victory by force. The people of ahal al Saghid said, "We will accept and will not renew the war." Both sides agreed and the 'ahal ra'yi (wise counselors) said: "We have mixed with those people and we lived with them. We trusted them and they trust us. Had the judgment been in our favor, we would have gone to war and no one knows who would have triumphed. Or, had the judgment been against us, we would have gained animosity in the conflict." So, they left the situation as it was and accepted the judgment without a dispute. 34
Where else does history recount such justice and tolerance from an army entering a country triumphantly and a Muslim judge then ordering it to leave.

As an added safeguard for the protection of the ‘ahal dhimma and to prevent their oppression, 'Umar Abdul Aziz issued to Muslim lands a series of memos:

1) lowering the *jizya* (poll tax) imposed on the Christians in Egypt, Cyprus, Aila, and Najran. 35 He only took from the people of Aila no more than 300 dinar, which is the same sum of money that the Prophet (PBUH) had agreed upon with the Governor of Aila when the Governor was in Tabuk. 36

2) He ordered his agent in Kufa, Zaid bin Abdul Rahman to stop over burdening them (the Kufis) and so he stopped. 37 Abdul Aziz wrote to his agent, 'Aqaba bin Zar'a at Taa'i, in charge of collecting Kharaj, saying that he should be lenient. 38

3) He recommended to the Ummayads that they not bother the ahal dhimma. When the Ummayad princes (Amirs) ruled the countries (conquered by Muslims), he ordered them not to interfere with the ‘ahal dhimma or any of the subjects. 39

6. Muslima bin Abdul Maalak and the People of Dir 'Ishaaq

Al Hakim bin 'Umar ar Ra'iini narrates that he witnessed Muslima bin Abdul Maalak, one of the biggest Amirs of the 'Ummayads order a lawsuit against the people of Dir 'Ishaaq before 'Umar bin Abdul Aziz (Khalifa and judge at that time) in Naa'ura. 'Umar said to Muslima, "Do not sit on a pillow while your opponent is standing before me. However, you can have anyone represent you if you want, but if you appear by yourself, you have to be on equal footing with your opponent. So, Muslima had one of his servants represent him in the dispute and the judgment turned out to be against him. 40

7. The Egyptian Jews and Judge Abul Allah Ibn Hajiira

A delegation of Egyptian Jews came to 'Umar bin Abdul Aziz, dissatisfied with Justice Abdul Allah bin Hajiira Al Asghar, claiming that he had taken money from them and had not returned it. Ibn Hajiira admitted taking the money but claimed he had returned it. So, 'Umar said to Ibn Hajiira, “How can you prove this?”
When Ibn Hajiira said he could not, 'Umar fined Ibn Hajiira. Coincidentally, Ibn Hajira remembered that there were some men who might witness on his behalf, among them being Abdul Allah Bin Lahii'a. 41

As a result of the policy of tolerance practiced by 'Umar bin Abdul Aziz toward the ‘ahal dhimma, they began to enter Islam in large numbers. People say that Hayaan Ibn Shariih, a governor (reagent) in Egypt, wrote to 'Umar bin Abdul Aziz saying that the ‘ahal dhimma had taken up Islam and were not paying their the jizya, but 'Umar bin Abdul Aziz wrote back to him saying that God sent Muhammad (PBUH) to call people to Islam and did not send him as a tax collector and told Ibn Shariih to welcome the ‘ahal dhimma into Islam. 42

8. The Ummayad Amir and a Dhimmi from Ahal Humos:

A dhimmi from the ahal Humos approached the Amir al Muminin, 'Umar bin Abdul Aziz in Damascus saying, “Oh, Amir al Muminin, I tell you, on the Qur'an, Al Abbas bin Al Waliid confiscated my land (Al Abbas sat listening.). Then 'Umar said, "What do you say to this Al Abbas?" Al Abbas replied, the Amir al Muminin, Al Waliid, granted me the land and wrote to me recording such.” Then 'Umar said, “What do you say to this Dhimmi?” and the Dhimmi said, “Oh, Amir al Muminin, please refer to the book of God (the Holy Qur'an). Then, 'Umar said, “God’s book is more worthy than the book of Al Waliid bin Abdul Al Maalek. Return to him what is his, Abbas.” And, Abbas did. 43

'Umar Bin Abdul Al Aziz was in the habit of asking the mail carrier about the ‘ahal dhimma. 44

He used to ask his workers to review the records and diwwan (government department) accounts of the ‘ahal dhimma and would often tell his workers to clear the ‘ahal dhimma accounts. 45

As a result of the honesty and fairness of the Islamic judge, the ‘ahal dhimma began to prefer him to their own judges, like Judge Ibn Shabrama who ruled the Christians in Al Khamar. 46
As evidence of this, there are accounts of Al Sha’abi whipping dhimmis in the mosque.\textsuperscript{47} Further, if it was necessary for a dhiimi to take an oath, the judge would send him with one of his aids to a church to do so.\textsuperscript{48}

The dhiimi preferred turning to the Islamic justice system rather than to their own spiritual leaders because the Muslim judges were often more just and their laws better than those imposed upon them under the ecclesiastic system. It seems that the idea of resorting to the Islamic judicial system bothered of the heads of the religious courts belonging to the ‘ahl dhiimma. In fact, Timotheus, the Catholic, was in fact conscripted to write a book describing the Christian judicial system in approximately 200 Hijri (815 A.D), just so that the Christian subjects would have no excuse for resorting to the Islamic judicial system.\textsuperscript{49}

Discussion 2: Social Security

Islam does not differentiate between Muslim and non-Muslims when it comes to poverty. Both Muslims and non-Muslims are partners in humanity and God’s mercy is all encompassing. In Islamic society, it is not permissible to ignore deprivation, whether it be food, clothing, shelter or treatment. In Muslim society, keeping an individual out of harm’s way is a religious duty, whether the individual be Muslim or non-Muslim.\textsuperscript{50} According to Mustafa (PBUH), the Prophet (PBUH), along with his companions and pious successors set the best example of this through his religious tolerance toward non-Muslims. Sa'id bin Musayib relays that the Prophet (PBUH) gave a sizable donation, \textit{sadiqa}, to a Jew to show that helping non-Muslims was permissible.\textsuperscript{51}

As was the Prophet (PBUH) custom, he would warn against injustice toward the ‘ahl dhiimma, saying, “I will be witness on Judgment Day to he who treats a dhiimi unjustly by working him too hard or by taking from him without his consent.”\textsuperscript{52} Prophet Muhammad's religious tolerance of the ‘ahl dhiimma was made manifest through his visits with them and his comforting of the sick.\textsuperscript{53} among them. He generously shared with the ‘ahl dhiimma; Al Bakhaari relates that the Prophet (PBUH) even gave up his shield of amour for a Jew to use as collateral so that he (the Jew) could support his children. This the Prophet did in order to set an example to his followers about the importance of giving to others.\textsuperscript{54}
The Prophet (PBUH) would use every opportunity possible to instill in others the grandness of Islam and its sanctity for the human soul. It is said that one time a funeral procession passed by the Prophet and he stood out of respect. Then someone asked him if did not know that the procession was for a Jew.\(^{55}\) The Prophet replied saying, "All souls in Islam are graced with dignity and respect", once again exemplifying the marvels of Islam.

Based on the teachings of the Qur'an and Hadith, the rulers and subjects in the Islamic State were to protect the honor and dignity of the ‘ahal dhimma and to combat any poverty among them. For example, some of the Prophet's followers would give Christian Monks in the Islamic State the *sadaqa al fitr* (almsgiving at the end of Ramadan) without hesitation. Ibn Hazim, went so far as to permit giving the *zakat* to the ‘ahal dhimmah\(^{55}\) and that Abdul Allah bin 'Umar gave a sacrificial lamb, *al adhiya*, to a neighbor of his who was a dhimmi because he saw it as his neighborly duty.\(^{57}\)

It is documented that 'Umar Bin Al Khaṭāb is considered one of the first to offer official social security benefits to the poor among the non-Muslims in the Islamic State. This came about after he inspected the conditions of his subjects and came upon an elderly blind man who was begging for money. 'Umar asked the man about his religious affiliation and what had led him to this demise. The man told him he was Jewish and that he was begging for food and money to pay the *al jizya*. 'Umar took the man by his hand and led him to the treasury overseer. He then asked the treasurer to allocate money on a continuous and regular basis to the man and others like him. He continued by saying that it was not right for a man to work while he was young and then be neglected when he became older. 'Umar then, in an unprecedented manner, exempted the man and other poor elderly non-Muslims from paying the *jizya*.\(^{58}\)

When 'Umar was visiting al Jaabiya in Damascus, he passed by a group of Christian lepers who were also begging. Again, he ordered that they be given food and *Sadaqa* (charitable money).\(^{59}\)

As further evidence of 'Umar’s tolerance toward non-Muslims, it is recorded that Khaalid bin Al Waliid, after taking permission from 'Umar, said to the people of al Heira, “Any man who becomes too weak to work, falls ill, or has fallen from wealth shall be exempt from paying the *jizya*, and he along with his children will receive support from
the Bayt Maal al Musliimin (the Islamic Treasury) as long as he lives in the dar al Islam (Islamic State) in dar al Hijra (Diaspora)." 60

Even upon his death bed, upon making his last wish (wasīya), 'Umar bin Al Khataab spoke of religious tolerance toward the ‘ahal dhimma, insisting that they be dealt with compassionately and that they should not be made to carry more than they could bear. He said this even knowing that the man who had stabbed him and was responsible for his condition came from among the dhimmis (Abu Lu’lu’a Al Majuusi). 'Umar continued by saying, “I ask that my successor be kind to the ‘ahal dhimma; neither should he cheat nor swindle them, and he should argue on their behalf,” insisting again and again not to over burden the ‘ahal dhimma. 61

Fearing that any one Muslim might be treating the ‘ahal dhimma poorly, al Farouk ('Umar al Khataab) would often inquire of delegates coming from afar about the ‘ahal dhimma, worried that the Muslims might be mistreating them. The delegates would always assure 'Umar saying, "What we know is that they are loyal." 62 As further testimony of Islam's compassion and justice, it is relayed that 'Uthmaan bin Afiaan wrote to his reagents, demanding that they “treat both the ‘ahal dhimma and orphans in a just manner with God as their witness.” 63

As for 'Umar bin Abdul Aziz, he also made sure that the poor among the ‘ahal dhimma had enough to support themselves. It is noted that he wrote to his reagent in Başra, ‘Adi bin ·Artaa’a, “Be compassionate to the ‘ahal dhimma and any man from among them who has aged and cannot support himself. Make sure that the poor ‘ahal dhimma 64 receive the sadaqat (almmsgiving) from the Christian Bani Taglive and that this money does not go to the Bayt al Maal (Islamic Treasury). 65

Further examples of 'Umar Abdul Aziz's justice towards the ‘ahal dhimma abound in the decrees that he issued, which were aimed at helping poor farmers. He wrote to his reagent in Iraq, Abdul Hamiid, demanding that he give to the ‘ahal dhimma whatever money they were entitled to. Abdul Hamiid wrote back saying that he had done so and still had money left over in the Bayt al Maal. 'Umar wrote again asking him to pay off the debts for those who had borrowed from their savings and spent lavishly upon themselves. Abdul Hamiid responded by writing that this had already been done and that money still remained in the Islamic Treasury. 'Umar then asked him to seek out any unmarried men
who wished to get married and to provide them with the money to do so. Abdul Hamiidi replied that this too had been done and money still remained in the treasury. 'Umar replied this time by saying that Abdul Hamiidi should pay off the taxes of those farmers who owed money, which made it impossible for them to farm their land, saying that the money from the treasury was not needed for two more years. 66

In another decree, 'Umar stressed the importance of helping the poor and elderly ‘ahal dhimma. by writing to one of his governors saying, "On your part, look for any non-Muslim subjects who are too old and weak to work and allocate them money from the Bayt al Maal to help them." 67 Ibn Sa'id also relates 'Umar's compassion toward the non-Muslim community, quoting 'Umar as saying, “Be compassionate with the non-Muslims and if one of them is to old to support himself, give him all that he needs or give it to the next of his kin to support him.” 68

Based on this verse from the Qur'an, “Be compassionate to those who never fought against you or ousted you from your homes,” some of the religious 'ulama' (Islamic religious scholars) affirmed the need to be compassionate with all non-Muslims provided that such acts of kindness did not constitute harm toward any Muslim. Al Tabri states that the phrase, “those who never fought against you,” refers to all non-Muslims and that it does not differentiate between Muslim and non-Muslims. 69 There are several examples of this, which were related about the mushraqiin (partners in idolatry) of Mecca. It is said that 'Umar Bin Al Khataab, for example, gave his surrogate milk brother (‘akha lahu min ar ridaa'a), 'Uthman bin Hakiim, who was a mushriq from the family of Mecca, a gift that 'Umar had received from the Prophet himself. 70

There are also accounts of the Prophet (PBUH) sending money to the poor among the mushraqueen in Mecca during a year of drought. 71 It is recorded that after Thamama bin Athal converted to Islam, he prevented payment of the Mira (money/provisions paid to Mecca) from the Yamama province. This left the Meccan mushraqiin so strapped for food that they ate al wabir (camel hair soaked in blood and fried over fire). When the Prophet heard of this, he ordered Thamama to provide the mira (money or provisions paid to Mecca) to the mushraqiin of Mecca. 72

As further testimony of Islam's compassion towards non-Muslims, it is related that 'Asma bint Abu Bakr said that when her mother, who was a mushriqa, came asking
for something, she asked the Prophet (PBUH) if it was okay to give it to her and He agreed. 73

It is also recorded that one of the Prophet’s (PBUH) wives, Safia bint Haiy bin 'Akhtab, endowed some money to one of her brothers who had remained Jewish. 74

Islam fosters mercy among the people of its community regardless of beliefs. According to Islam, humankind has a responsibility to all who have been thrust into poverty no matter what their creed, nationality or color; the Prophet (PBUH) said, “Any community left hungry or in need by others shall not be forsaken”. 75 All messages which came down from heaven and were written in the Qur’an speak of the need to feed and care for the poor and destitute and to look after one’s neighbors, whether they are Muslim or non-Muslim. This comes as no surprise if one reflects upon the principles of Islam, which has established a mighty civilization.

Discussion 3: Freedom of Worship and Belief

An Islamic declaration, regarding the freedom of worship and belief, appeared four centuries prior to the 1966 United State’s declaration on this principle in an International agreement concerning political and civil rights which reads, "Every individual has the freedom of belief and religious conviction.” 76

This Islamic doctrine, which advocates the freedom of worship for all, appeared amid the religious persecution characteristic of the Middle Ages. The Jews, at that time, just as they do now, considered themselves God’s chosen people 77 and their religion to be the chosen religion. 78 They fought against other religions in every possible way. According to the Talmud, the Jews confiscated Christian money and caused the bloodshed of Christians, which they believed brought them closer to their religion. 79 One method for a Jew to become purified was achieved through the human sacrifice of Christians. 80 A striking example of this is the incident of a Jew killing Father Tuma in Damascus and draining his blood to make ‘forgiveness bread’. 81

As for Jewish hostility towards Islam and the Muslims, this has been well documented since the time of Prophet Mohammed (PBUH). For instance, there was the Jewish conspiracy to kill the Prophet (PBUH) when the Jews formed an allegiance with idolaters against him. More recently, there is what is happening openly in Palestine today,
which includes the killing of children, women and elderly men, the demolition of houses, the uprooting of trees, and the spread of Aids.

Christians, too, may not be absolved from religious persecution against Jews, idolaters, Muslims and those Christians who opposed the Catholic doctrine or doctrine of the Roman Pope. Constantine, for instance, issued a decree authorizing the burning of every Jew who worshipped publicly or invited Christians to join the Jewish faith, and the burning of every Christian who became a Jew. In 395 AD, Theyud Wassesus issued a decree permitting the execution of pagan worshippers and the destruction of their temples. 82

Let us not forget when the Crusaders (al Saliibiyun) invaded Syria and destroyed the mosques and attacked Muslim worshippers. Nor should we forget the Inconquisto Courts (Courts of Inquisition) in Spain, where the Crusaders massacred Muslims and denied them the right to practice their faith or to use the Arabic language, in addition to forcing baptism upon them, often resulting in their banishment from the country. 83 As for the Hindus and their crimes against religious adversaries, there was the demolition of the al Baabiri Mosque, which stands as a clear testimony to Hindu religious intolerance and the discrimination that Muslims have endured. It is further well known that Communism opposes all religions and views religion as a kind of opium for mankind. The spread of Communism has involved the shedding of blood, forbidding of worship and the confiscation of land in pursuit of stamping out religion.

It is in this climate of oppression and religious persecution that the Islamic justice system offers the alternative of religious freedom for all without exception and amid an atmosphere of dignity and security.

Does Islam have the stability and power to continue offering religious freedom to mankind? Can Islamic history validate the truths found in Islamic teachings?

The message of Islam was proclaimed to free mankind from slavery, preserve dignity and protect religious freedom. None are forced to enter Islam as is made clear in Qur’anic teachings and the following surras (Qur’anic verses), which forbid coercing people from other faiths to enter Islam.

There is no compulsion in religion; truly the right way has become clearly distinct from error;…” [Shakir 2:256] 84
"…will you then force men till they become believers?" [Shakir 10:99]  

Ibn Kathir cites the first Qur'an verse above: "Do not force anyone to enter Islam as it is clear that there is no need to for this. Rather, one’s heart and Allah’s guidance are what inspire an individual to enter Islam. There is nothing to be gained by coercing anyone to become Muslim."  

The pages of Islamic history reflect the Qur’anic tenets, which preserve religious freedom for non-Muslims. History does not record one single instance of Muslims forcing or coercing anyone into entering Islam and historians from the east to west will collaborate on this.  

The First Constitution of the Islamic State in Al-Manwara stipulated the assurance of religious freedom for all non-Muslims, including idolaters and Jews, inhabiting the district of al-Manwara. There is also clear evidence from the treaties and covenants of al Mustapha (the Prophet - PBUH) with the Jewish, Christian, and Madainist ‘ahal dhimma, regarding leniency toward non-Muslims. The Prophet himself (PBUH) granted a Christian delegation from Najran al Makun, consisting of 60 men, to enter a mosque and pray in it. And when some individuals tried to prevent the dhimmis from entering, the Prophet (PBUH) told those individuals to leave and allowed the dhimmis to enter. Imam Ibnp Qayim Al-Jawzia relates the following story, “On more than one occasion, the Prophet (PBUH) allowed the ‘ahal al Kitab (people of the Book) to enter the mosques of Muslims and pray in the presence of Muslims.”  

Abdul Allah Bin Abbas (PBUH) relates that there is clear evidence of Islam’s commitment to ensuring religious freedom for the ‘ahal dhimma since the very creation of the Islamic Nation,. He tells us that during the al Jahaliya (period of ignorance) period, it was common for some ansar women, who had few children or had suffered several miscarriages, to vow that if one survived, the child would become a Jew. When the Prophet (PBUH) entered their city, the Jew, Beni Al-Nadir, betrayed the truce between Mohammed (PBUH) and the Jews by trying to kill the Prophet (PBUH) and gave aid to enemies of the Prophet (PBUH). He (the Prophet-PBUH) later ordered the Jews to leave the city. This caused a problem for some of the ansar Jewish children who remained in the city, when their father’s said, “We won’t let our sons leave the city.” The Prophet (PBUH) then ordered that adolescent children of the ansar be allowed to choose
between Islam and Judaism. Those who chose to become Jews, were given that right and could leave, in accordance with the Qur’an, “There is no coercion in religion.” 89 Despite the spirit of that era, religious freedom was a luxury. The Glorious Qur’an recounts the horrible crimes that the Jews committed against the Nijran Christians when they burned Christians alive in Al-Akhdud and other such travesties as are witnessed in the Qur’an:

Cursed be the makers of the pit, Of the fire (kept burning) with fuel, When they sat by it, And they were witnesses of what they did with the believers. And they did not take vengeance on them for aught except that they believed in Allah, the Mighty, the Praised… (Shakir 2000: 85: 4-8 )

Despite the spirit of that era, religious freedom was a luxury. The Glorious Qur’an recounts the horrible crimes that the Jews committed against the Nijran Christians when they burned Christians alive in Al ‘Amriya Age, the ahal ‘iliye (People of Eli in Jerusalem) were permitted freedom of belief in the widest sense of the word. Their churches were not inhabited, demolished, or vandalized, nor was their money confiscated nor their religion repudiated. No one was injured among them, nor did anyone forbid their church bells from ringing from morning until night and even during Muslim prayers times. As is related by Khaled Bin Al Waliid, the ahal ‘anat of his era would bring out their crosses for special holidays, ‘Umar Ibn Abdul Aziz insisted, among his workers, that there be “no demolition of churches, Christian facilities, or even the Bayt an Naar (House of Fire) which was frequented by the ahal dhimma.” 93 Similarly, he rejected decisively the demands of the al khawaraj who wanted to demolish Christian churches and rebutted them saying, “These churches belong to pious citizens.” 94

There can be no question about the religious tolerance demonstrated toward the ahal dhimma and the sanctioned protection of their churches, monasteries, alters and places of worship in various parts of the Islamic world. This is a living testimony to the chivalrous and obvious tolerance of the Islamic religion. The well-known orientalist, Adam Metz, confirms the presence of religious tolerance within the Islamic civilization and its guarantees for religious freedom for all religions. Metz says, “What distinguished the Islamic kingdom from Christian Europe in the Middle Ages was that, first of all, large numbers of people who inhabited the region were of other faiths. Secondly, churches continued to flourish in the Islamic nation, as if outside governmental authority, based on various agreements and rights that had been agreed upon. Jews, Christians and Muslims
lived side by side. This created an atmosphere of religious tolerance not shared by Europe in the Middle Ages.”

In addition to cultivating religious freedom, the Islamic nation encouraged non-Muslims to develop their own religious administration and showed their leaders respect. The Khalifa, 'Umar Bin Khataab (PBUH), ordained Rabi Al Bustani as Chief Rabbi of the entire Jewish community in the Islamic State. This position was handed down to his offspring and given the title, al Jaalut or ‘Chief Rabbi’, whom Muslims referred to as ‘Our Lord’, and has been in existence since the time of Jesus (PBUH). In Baghdad, the Abbasid Khalipha, Al Muqtafi, imposed upon Muslims the duty to respect the Chief Rabbi and met with him every Thursday.

The Muslim experience under the Jews has been somewhat to the contrary. In exchange for loyalty, Muslims have faced treachery and for benevolence and kindness, they have faced hatred.

As for Christians under Islamic control, they were given the right to choose their own leaders. The Catholics controlled their own religious affairs and the state did not interfere. They were also given the right to hold ceremonies and celebrations during their holidays. The ‘ahal dhimma ran private courts and were allowed to hold hearings before a Muslim court if they so wished. Nonetheless, the religious tolerance practiced by the Muslims did not prevent Christians from committing serious atrocities against the Muslims in Spain and other regions. The orientalist, O’Leary, relates “that the Islamic nation extended to some ‘ahal dhimma the chance to practice their religion and in this spirit, they were not a repressed people.”

Val Durant, author of The Story of Civilization, recounts, “The ‘ahal dhimma (Christians, Zaorstrians (?), Jews, and Sabians) enjoyed a degree of religious tolerance under the 'Ummayads unparalleled in the Christian states of that day. They were free to practice their religion and protect their churches and places of worship.”

Thomas Arnold writes, “We are unaware of any attempt to force non-Muslim sects to accept Islam or of any organized Islamic persecution aimed at eradicating any particular religion,” once again substantiating the absence of religious persecution within the pages of Islamic history.
In the Islamic State, various religious sects were allowed to build their own administrative hierarchies, especially the Jews. Under Islamic rule, Jews were allowed high level religious positions. One such position, no less significant than 'ra’as jalut' and was the 'al-ja’ounia'. The person holding this position was known as al ja'oun, which is a Hebrew term meaning, ‘the greatest or the most noble’. It was the duty of the al ja'oun to spread Jewish teachings among the Jews and point out their misdoings. The position did not conflict with the post of Ra’as al Jaalut because the ja’ounia position was a religious position, while the al-Jaalut position was a political one. 101

There also appeared the al Hizan position, similar to that of a Jewish preacher who gives sermons at a pulpit 102, and the al Shelihosbur, a Jewish religious leader, similar to an Imam who prays for his people. 103

Such religious freedom was not a passing phenomenon but was common and unique to Islamic rule in all places and continued as such until the end of the 'Uthmani period. Despite attempts by Christian allies to stifle out Islam, it remained a shelter for those who were persecuted from all parts of the world. The orientalist, Carl Bruckelman commenting on the 'Uthmani State says, "it did not intervene in religious affairs of others and in the end was in reality a safe haven of religious freedom for the persecuted Jews from Spain and Portugal at the end of the 16th century or approximately 1590 until the Jewish sector in Istanbul reached about 20 thousand. The Jews made their way to the Sultanate's castle and the Armenians had a special patriarch in Istanbul." 104

The 'ulama' (Islamic religious leaders) of the 'Uthmani State were watchful of all decrees issued by the State that might harm the ‘ahal dhimma. The State would consider the 'ulama's opinion when they appeared to be right. There was the time when, for example, the Sultan Salim saw the number of Jews and Christians in the Othman Empire had increased to several million and that the numbers were increasing year by year. He told himself that he would find a way to limit this increase, so he gave them the choice to either convert to Islam or be banished from the 'Uthmani Empire. However, when this news reached the Sheikh of Islam, Ali Afendi Al Zanbili, the Sultan face opposition and Sheikh Ali said to him, "We have no right over the Jews and Christians except to have them pay the jizya for we owe them protection of their souls, their women and children
and what they believe. You have no right, Sultan Salim to make them leave their homes. Rather, you must submit to the rule of Islam."\(^{105}\)

These are the principles of Islam, which its followers have relayed peacefully to the world. The principles of Islam have meant the beginning of salvation and the end of centuries of darkness and persecution. These are the best principles today to save humanity from the misery it is enduring. The principles of Islam have stood the test of time in all places and Islam has the propensity to deal with change no matter what its magnitude or scale.

Discussion 4  Labor Rights and Holding Public Positions

Islamic Legislation did not close any door before the 'ahl dhimma in terms of their right to earn a living. Their affairs were treated like the affairs of Muslims. They were traders, money exchangers (bankers), doctors and real estate owners.

As for holding governmental positions, the Muslim State did not discriminate between Muslims and non-Muslims, but rather valued an individual's qualifications. Doors were opened wide for the 'ahl dhimma to assume the highest of governmental positions except those positions with religious status, such as the position of an Imam, qadi (Judge), Alms (sadaqaat) Collector or Head of State (ra'iis). Many 'ulama', such as Al Shaaafi'i Al Maawardi (Hijra 450/A.D. 1058) and Al Hanbali Abu Ya’ala Al Fara-a (Hijra 458/A.D. 1065) in their books carrying the same titles, Al 'Ahkam and Sulṭania, allow a dhimmi to assume a the position of Head of the Executive Ministry because the nature of this position was limited and did not have general jurisdiction, in addition to their right to hold many executive and scientific positions. Indeed, the administration of the diwwans in the Islamic State remained in the hands of the 'ahl dhimma. In fact, records of the diwwans were recorded in languages other than Arabic for more than 70 years in Bilad as Sham and Iraq until Abdul Malak bin Marwaan ordered the ta'ariib (Arabization) of diwwans with the right of the 'ahl dhimma to keep their positions if they spoke Arabic.\(^{106}\) All governmental positions were open to the 'ahl dhimma and this is affirmed by Adam Metz, Professor of Oriental Language Studies in the University of Bazil in Switzerland, when he said, "Islamic Legislation did not close any door before the 'ahl dhimma in terms of employment. They had a firm foothold in many high-
paying professions. They were bankers, traders, estate owners and doctors. They organized themselves in a way such that the most brilliant of bankers in As Sham were Jews, while most doctors and record keepers were Christians. In Baghdad, for example, the doctor of the Khalifa was a Christian." 107 Metz continues saying, "One of the things that amazes us is the number of non-Muslim workers and governors in the Islamic State." 108

Metz is not the only orientalist who attests to the tolerance of the Islamic State and its interest in ensuring the realization of justice among all of its citizens, regardless of color, creed or religion. The libraries are full of dozens of papers proving the sublimity of the Islamic Civilization, along with its flexibility to ensure its continuity which has allowed it to communicate and live with others in the distinguished shadow of justice, transcending hatred and revenge and instead offering forgiveness, tolerance and compassion. The French orientalist, Gustaph LePointe says, "We see in the verses of the Qur'an the forgiveness of Muhammad (PBUH) toward Jews and Christians to an utmost extent and this is no less than that of the religious founders who came before him, both Christian and Jewish." 109

The orientalist, Tartoun in his book, The ‘Ahal Dhimma in Islam, attempts to present evidence that the ‘ahal dhimma rose to the highest of administrative and scientific positions. He explains that the Muslims named Hanin bin Ashaq the leading doctor of his era, just as Bakhtishu'a bin Jabra-iel (Gabriel) was favored and promoted during the period of the Abbasid Khalifa of Al Mutawakil until he equaled the Khalifa in what he wore and in his amount of wealth. Yuhana bin Masaweh served the Abbasid Khaliphas from ar Rashid to al Mutawaki, who it is said never sat down for a meal without his presence.110 Additionally, they gave him a thousand dirhams monthly salary and an annual bonus of 20 thousand dirhams. 111

The monopoly of the Jews in banking for many decades in the Islamic State 112 is considered solid evidence that there were many opportunities for the ‘ahal dhimma to earn a living. Such a profession as banking does not flourish without a long period of security and stability. Samir the Jew, was minting dinars and dirhams in Iraq during the reign of al Hajaj bin Yusif at Thaqafi. The dirhams he minted were named after him, al
This is an example of how the Islamic Civilization viewed and respected an individual's skills and competency.

A look at translated books clearly indicates that the Islamic State celebrated its citizens from among the ‘ahal dhimma by the many pages devoted to them, which emphasize the status they enjoyed from early times in Islamic history. Mu'awiyah bin Abi Safiyan (God be pleased with him), whose wife, Maysoun Al Kalbiya was Christian, is considered the first of the Khalifas to employ Christians. He employed a Christian doctor by the name of Ibn Aathal and also had him collect the kharaj in Homus.\textsuperscript{114}

Mu'awiyah also employed the family of Sarjoun in the affairs of financial administration during his period. An individual from this family inherited this position for years. Sarjoun, the father of the Saint Yuhana, was the overseer of the Bayt al Maal during the era of Abdul Malak bin Marwaan. Ibn Al Ba'trik was clerk for Suleiman bin Abdul Malak. Tathari bin Austin, the Christian, was the clerk for Hisham bin Abdul Malak.\textsuperscript{115}

Massirjoy, the Jew, was the doctor for Marwan bin Al Hakim.\textsuperscript{116} Most of the 'Ummayad khalifas and Abbasid khalifas, along with other Islamic leaders in the east and west followed the same pattern of hiring Jewish doctors for their courts.

During the fifth and sixth century Hijra when the wave of religious fanaticism reached its summit during the Crusader wars, we find the Islamic State was not affected by it nor did the Islamic State persecute its citizens from among the ‘ahal dhimma. The situation in the Islamic State continued as before and qualified individuals were given the highest of positions, especially in the field of medicine. Ibn Abi 'Usayib'a mentions a list of doctors who assumed the highest positions in the dawla ayoubia (Ayoubi State), which took upon itself fighting the Crusaders. 'Usayib'a mentions that one of Salah ad Din's doctors was Yusif bin Sa'id bin Khalif as Samari (the Jew). He was also known as the Son of the Wise Man (Shams Al Hikama') (Hijra 624/A.D. 1226).\textsuperscript{117} The doctor, Sheikh Al Muwafaq Shams Al Riyaasa Abu al 'Ashaar ir Habat Allah Zain bin Jami'a al Isra-ili, had very high status with Salah ad Din.\textsuperscript{118}

This chapter shows but a glimpse of the Islamic Civilization and its compassion towards humanity, which is far from limited to this study and the observations herein. There are many books in circulation devoted to the ‘ahal dhimma. This chapter, however,
would not be complete without mention of the text by Shihab ad Din al Qaraafi who highlights the prominence of the ‘ahal dhimma within Islamic society. Worthy of being written in gold, al Qaraafi’s text summarizes the views of the ‘ulama in the Islamic nation and what has been established by Islamic fiqh, demonstrating harmony between the thinking of the ‘ulama’ and fiqh principles concerning various provisions for freedom and compassion towards the ‘ahal dhimma. In reading al Qaraafi, it becomes clear that the Islam calls for justice towards the ‘ahal dhimma and urges that they should be: 1) shown compassion when weak; 2) lifted from poverty; 3) fed and clothed; 4) spoken to gently and this not out of fear; 4) protected from fear and humility; 5) prayed for; 6) made happy; 7) given advice about their religion and livelihood; 8) protected even when away from their homes (their money, children, the honor of their women and all of their rights and interests should be protected) and; 10) if subjected to oppression, be helped to gain back their rights.119

The reader need only compare this spirit of tolerance with what is seen and read in the various media where racism, fanaticism, and oppression towards Muslims in many countries of the world is preponderant The orientalist, Robertson accurately states: "Only the Muslims are able to create a balance between the love for their religion and tolerance towards those who follow other religions" and "no other religion can claim the same tolerance that Islam has shown towards people of other religions."
CHAPTER 2: ISLAMIC WAR ETHICS

Discussion 1 A General View of Non-Muslim War Ethics

War is a long-time human phenomenon, brought on by mankind itself. Mankind has known little security or peace throughout its recorded history, which spans some five thousand years. What is worse is that wars throughout history have not spared women, children, elderly or religious individuals, nor distinguished between combatants and non-combatants, in unleashing cruelty and violence in the ugliest of forms including: rape, enslavement, burning people and annihilating entire communities. Among one of the worst war mongers was King Ashour Nasirbal, who rose to the crown in 844 B.C and used to skin his enemies alive. 120 Ancient inscriptions found in one of the Pharonic temples in Madina al Aqsar tell us that during the era of Rameses II, census quotas establishing the numbers of prisoners were estimated based upon the numbers of prisoners’ hands that had been cut off. 121

The cruelty and ugliness of mankind towards his brother grew when he made torture and killing of prisoners a form of worship in order to become closer to God out of a desire for forgiveness. For example, the Sumerians massacred a specific percentage of prisoners as offerings to their gods. 122

History recounts that upon Amnihatsab the II's victorious return to Thebes, he slaughtered all of the prisoners at the threshold of the Temple Amoun as an offering to the gods. 123 And, so did the Arab rulers of Al Manaadhra. 124

Some Assyrian inscriptions recount that the King Ashour on one occasion ripped out the tongues of some prisoners and offered the other prisoners as sacrifices to the gods, giving their carnage to dogs and wolves, so as to delight the hearts of the gods according to their beliefs. 125

The ugliness of mankind during the middle ages in Europe was no less than that of the early ages. Take for example the Inconquisto courts in al Andalus and the crimes that occurred there against the Muslims, which generation after generation still retell. When Napoleon's army entered Spain, he discovered the ugly face of these courts and the cruelty that took place in them, which transcended even jungle law. In one building, instruments used for torture were found such as tools used to tear out the breasts of women and others to rip out tongues. A third kind was found to kill prisoners slowly...
while they were standing or lying down and another method was used to kill them by stabbing them with knives in a box prepared for this type of torture.]

It is well known that when the Crusaders entered Jerusalem, they killed tens of thousands of prisoners until the streets of the city flowed with the blood of women, children, elderly and youth who sheltered themselves in mosques and houses of worship, not withstanding all the other cruel transgressions and crimes which stained human history with blackness.

Turning to the more recent history of wars, mankind appears completely devoid of morality and compassion and has given himself the right to annihilate millions all for the sake of fulfilling his desire for possessions, domination and control. Mankind is responsible for two world wars. In the Second World War, he used nuclear weapons to destroy and completely eliminate entire cities in Japan (Hiroshima and Nagasaki), in addition to causing genetic abnormalities in those who survived; their offspring being born deformed as a testimony to the ugliness of this war.

History also recounts the ethnic cleansing and chilling massacres inflicted by the Nazis, Communists, Fascists and Serbs, which all make evident the lack of human compassion and morality on our planet.

As for the Arab world, the crimes of the Zionists still take the headlines in most media (newspapers, T.V. and radios), from the killing of individuals while they pray inside houses of worship, the destruction of homes, schools and the uprooting of trees to the massacres in Janiin and Sabra and Shatilla and the killing of babies who have not yet reached their first birthday.

As for the atrocities of the Khamer Rouge in Vietnam and Cambodia and those against the Muslims in the Philippines, China and India, not to speak the acts of ethnic cleansing in Africa, these crimes by humankind are too numerous to recount.

Mankind is responsible for bringing all of this misery upon himself by placing his ego and love for possessions and domination over moral values.

Humankind has created every means for destruction and annihilation. It has made complicated devices for spying on enemies, while in the meantime we find ourselves incapable of making laws for war that embody the meaning of compassion and respect for human dignity and protect the non-combatant from the misery of war. All of this is
because mankind has based legislation upon his own experience, and not the teachings of Heaven. Humankind has ignored history and the experiences taught by it, corrupting the earth and all that humanity stands for, thus leading to the perpetuation of misery and unhappiness.

Discussion 2: Humane Treatment during War

The sublime teachings of Islam, which revive rationality and reason and repress willful prejudices, are based upon mercy, justice and respect for humankind in various situations and circumstances. Humane treatment during times of war serves as convincing evidence of the noble values for which Islam stands.

Perhaps the earliest and most convincing evidence of this is the way in which Muslims treated the enemy following a victory. Islam put an end to the disfiguring and burning of bodies out of respect for the dead because such behavior contradicts the way of Islam, which is based on the principles of mercy and tolerance, and does not exchange one wrong for another wrong. This conviction is evidenced in the statements of Al Mustafa (The Prophet - PBUH), which he repeated whenever he sent his troops off to the battle. He would remind his men that their mission was to liberate nations from darkness and tyranny and that they should at all times set a good example by displaying high morals to the people of the world and abstain from the desire for revenge or seeking to humiliate the enemy. Al Mustapha (PBUH) would say to his soldiers as they prepared for battle, "I warn you against cruelty or mutilation even to vicious dogs." 127

These instructions came to eliminate the deeply rooted traditions (thirst for revenge), practiced by mankind following victory, displayed in cruel torturous ways like cutting off noses, ears and hands or ripping open the stomachs of enemies whether dead or alive or sipping alcohol over the enemies’ dead bodies and raising flags above their scattered remains.

Indeed, it was as if the very nature of humanity had been cut off from the Creator and there emerged a primitiveness like that of a vicious animal, displayed by taking pleasure in looting and plundering and madness, completely disengaged from any moral standing or human values. This behavior remained deeply set in the memory of the defeated enemy, who would wait for a chance for revenge and the cycle of violence
would then repeat itself. At that time, there came the humanity of the Islamic Civilization on the tongue of the Prophet (the chosen one) (PBUH), who was instructed and directed from heaven by God. The Prophet (PBUH) forbid looting and plundering following military operations fourteen centuries prior the Hague and Geneva Conventions, which declared such acts illegal. The Prophet (PBUH) said, "Looting is forbidden as it is as Hilal as eating the meat of a dead animal," explaining that the spoils of war are prohibited just like the eating of meat from a animal already dead. 128

Islamic principles decry the spirit of revenge after triumph and instead urge the spirit of forgiveness, pardon and tolerance. The Prophet Muhammad (Al Mustapha) embodied these noble principles as have leaders of the Islamic Nation generation after generation. One of the greatest examples of the noble principles of Islam was presented when the Companions of the Prophet witnessed the great sadness of the Prophet. This occurred when one of the noblest of Islam’s martyrs, Hamza bin Abdul Al Mutalab, had his body mutilated, his stomach torn open and his limbs cut off. The Companions pledged to take revenge upon the Qurash and said, "By Allah, if we triumph one day over the Qurash, we will mutilate their bodies in a way the Arabs have never witnessed before."

129 But the Prophet of Mercy (PBUH) refuted this when his triumphant army ('Al Mużafur') conquered Mecca and the people of Mecca became his prisoners. Some voices from the Islamic camp rose saying, "Today is the day of carnage (the day of revenge)." But, the Prophet (PBUH) responded immediately saying, "No, today is the day of mercy and he forgave all of the people of Mecca (the Qurash)," and then he told the people of Mecca, "Go. You are free."130 This was why most people in Mecca at that time entered Islam, because they were influenced by its great morality and saw that the Muslims were not inclined to exchanging one wrong for another. Rather, the armies of Islam had treated them with benevolence and forgiveness despite the crimes committed by those (the Qurash) against the Prophet (PBUH), i.e. when they tortured him, broke his arms, cut open his forehead, and killed his closest companions, in addition to mutilating and imprisoning dozens of Muslims, while the Prophet’s companions preached love, compassion and peace in Mecca.

These instances of humanity, full of emotion, forgiveness and tolerance have been repeated over and over again throughout the history of the great Islamic Nation. When
Salah ad Din Al Ayoubi liberated Jerusalem (Hijra 583/1187 A.D) and came face to face with those who had transformed the Al Aqsa Mosque, the Dome of the Rock and other mosques in the blessed city into military strongholds and stables for their horses and after more than seventy thousand Muslims had been killed with no distinction between men, women, children and the elderly, he said, despite these horrible crimes: "Go, you are free," and provided security for the enemy and their families to leave Jerusalem for the period of 40 days. Forty thousand of them left to join their families. Salah ad Din himself ransomed several thousand, excused the ransom (fidaa) for many and pardoned women and children. He guaranteed their safety until they reached the refuge of the remaining Crusader forts, at that time on the shores of as Sham.

The actions of the "Uthmain Sultan, Marad I (Hijra 761-791/ AD. 1360-1389) are further testimony to the humane side of Islam. While bleeding to death from a treacherous stab wound perpetrated by a Serb soldier in the famous Battle of Quswa, which was fought between the Serbs and the 'Uthmanis (Hijra 791/AD 1389), the Sultan ordered his soldiers not to take revenge on all of the Serbs but to kill only the man who had stabbed him.

If we compare this humane behavior during wartime with that of armies that claim to be civilized today, while at the same time accusing Muslims of barbarism, serious questions must be raised. How can the armies of today be permitted to commit the atrocities that they do against civilians, military opponents and prisoners, knowing full well that The Hague 1907 Agreement provides for protection to prisoners of war and prohibits their killing, enslavement and torture?

The eternal (al khalida) directives and commandments of the Prophet (PBUH) concerning military operations embodied mercy in the truest sense of the word, when He ordered his soldiers not to kill the elderly, women and children or those clergymen who took refuge in their houses of worship and did not participate in fighting. Indeed, the Prophet (PBUH) would become extremely angered every time news reached him of a child or women killed during battle. It is relayed that when he was told that some children had been killed in battle, he angrily refuted the act saying, "Do not kill offspring, do not kill children," attesting to the fact that such action exceeds the bounds of expected wartime behavior and contradicts the human ethics upon which Islam stands firm.
It is also narrated that Al Rabaah bin Al Rabi’i’a and some other companions of the Prophet passed upon a woman killed in one of the Muslim raids and stopped to stare at her until the Prophet (PBUH) joined them. When the Prophet witnessed their staring, he said condemning her killing, "She was not a combatant." Then he ordered one of the soldiers: "Go after Khalid bin Al Waliid and tell him not to kill offspring or hired hands." 134

The Hadith accounts and the biographies of the Prophet (PBUH) relay to us dozens of commandments and directives to His armies and His commanders, which testify to the fact that the killing of women, children, elderly and clergymen was in violation of the practices of Islam. This was made evident in his reminding His soldiers to practice morality in the battlefield. He would say to them, "Go, in the name of God and upon the teachings of the Prophet. Do not take from the spoils of war before it is divided. Do not kill the elderly, small children and women. Be virtuous because Allah loves those who are benevolent." 135

The Mother of the Believers, 'Aisha (PBUH), said that the Prophet ordered His soldiers also to honor all treaties and agreements and not to mutilate the enemy when he said: "Fight in the name of Allah and for the sake of Allah. Fight the unbelievers. Fight but do no be overzealous and do not betray, kill or mutilate newborns." 136

The pinnacle of Islamic humaneness was further made manifest when the Prophet of Mercy (PBUH) demanded that his soldiers avoid the face of the enemy in battle saying, "If one of you fights, avoid the face."137

The Prophet and Chosen One (PBUH) established Islamic war ethics through a code, consisting of ten conditions which embody the humanity of the Islamic Nation and its great spirit of mercy and kindness. A comprehensive declaration and adoption of the Prophet's directives was delivered in an injunction by Khalifa ar Raashdi I to one of the commanders who conquered as Sham (Yazid bin Abi Safiyaan), "Oh People, stop and listen to these 10 Commandments and memorize them for me. Do not: 1) practice treachery; 2) harbor malice; 3) support corruption; 4) mutilate the enemy; 5) kill women, children or the elderly; 6) hollow out palm trees; 7) burn or cut down fruit bearing trees; 8) butcher sheep (unless for food) or; 9) butcher a she camel (unless for food). You will
pass upon some people who have resorted to religious seclusion. 10) Leave them unharmed…and go in the name of Allah. 138

It is possible to sum up these commandments as follows:

1) Do not kill children in military operations.
2) Do not kill clergymen who do not take sides and do not participate in fighting.
3) Do not practice treachery or treason (honor all agreements).
4) Do not mutilate captives or the dead.
5) Do not harm the livestock unless absolutely necessary.
6) Do not cut down fruit bearing trees.
7) Do not burn crops.
8) Do not kill or injure mounted animals owned by the enemy unless they are being used by the enemy in battle.
9) Never take from the spoils of war before it is divided.
10) Do not kill the elderly and women who do not participate in fighting.
11) Do not ravage the populous, i.e. do not destroy and storm homes. 139 (This was found in another directive to Yazid).
12) Do not kill the blind or chronically ill

With regard to the recruiting troops for the Islamic military, the directives of the Prophet (Al Mustafa) state the need to take into consideration the special circumstances of individuals and not to impose upon those with difficult family circumstances or those who have injuries that would prevent them from exerting all of their efforts for the sake of jihad. For example, the Prophet (PBUH), during the Battle of Badr pardoned some of his companions because their family circumstances demanded their attention. 'Uthman bin 'Afaan, for example, was exempted from serving in the military so that he could take care of his wife, Ruqaiya who was sick. (1) 140 Aba 'Amama also remained with his wife when she was sick and needed him. 141 Khuwat bin Jabir was allowed to return home when his leg was struck by a rock in the road. 142

Throughout history, rulers and leaders of the Islamic Nation have remained committed to the sacred war ethics laid down by the Prophet through his heavenly enlightenment. Khalifa Al Rashdi II Al Farouk (PBUH) strictly forbid the leaders of his
soldiers to kill any non-combatant, warning at the same time not to be overjoyed with victory to the point that they might kill in excess without justification. The Prophet said during the Aqad Alawiya battle, "In the name of Allah and with the help of Allah, march with the support of Allah. Never kill the elderly, women or children. Take the utmost of care not to harm them during battles and raids..." 143

There are very few accounts in Islamic military history of crimes committed by its conquering armies. History instead records Islam’s merciful treatment and tolerance towards conquered peoples whenever the Islamic military entered regions in all over the world. This is supported by testimony from enemies of Islam as well as by its followers.

Discussion 3: Treatment of Prisoners

A great deal of Islamic history reflects protecting the rights and dignity of prisoners, forbidding enslavement, and giving prisoners hope for freedom.

In the Middle Ages, the greatest source for enslavement was from captives of war. At that time, Islam made it one of its main priorities to establish laws to help rehabilitate captives and return them to freedom. Texts in the Qur'an and Sunna (sayings and acts of the Prophet Muhammad- PBUH)) affirm the need to protect the dignity of prisoners and treat them with the utmost of transparency and mercy. This can be best summed up in the following verses from the Qur'an:

And they give food out of love for Him to the poor, the orphan and the captive:
We only feed you for Allah's sake; we desire from you neither reward nor thanks:
[Shakir 76:8] and [Shakir 76:9] 144

History books and Surraat (Quran’nic verses) testify to the actions and words of the Prophet (PBUH), which urge the Islamic Nation to be kind to prisoners and ask its members to compete in their kindness towards prisoners. The Prophet said, "Those are your brethren. Feed them as you feed yourselves and clothe them as you clothe yourselves." And he said: "Treat prisoners gently." 145

The Prophet also said, "Untie the al 'aani (the prisoners), feed the hungry and visit the sick." 146

These eternal directives have reached the ears of members of the Islamic Nation, sparking in them the most humane of treatment towards prisoners to the point that some
have treated prisoners better than themselves. This is apparent in the testimony of some of the fiercest of Islam’s opponents who fell captive to Muslims and tell of how the Muslims treated them:

First: The testimony of Abi 'Aziz bin 'Umir (brother of the follower Muğ'ab bin 'Umir), who carried a flag of the al Mushraqiin (Associates) at the Battle of Badr: "I was in the company of some of the Prophet's followers and they gave me lunch and dinner and their bread while they ate only dates. One man even had only a small piece of bread and gave it to me. I felt embarrassed and tried to give it back, but he only returned it to me." 147

Second: The testimonies of Abu Al 'Aas bin Al Rabi'a and Waleed bin Al Mughiira, who were prisoners from the Battle of Badr. Abu al 'Aas said, "I was the prisoner of some of the Prophet's followers. God bless them. They fed me their bread while they ate dates (at that time bread was a rare commodity). A man even took the only small piece of bread that he had and gave it to me. Similarly, Al Waleed stated the same and more, "They would carry us while they walked." 148

Third: The testimony of Thamama bin Aathaal Al Hanafi, the Amir of Al Yamama. The Sahihyiin (accurate hadith) mention that the companions came with Thamama as a prisoner, not knowing his identity until they reached the Prophet. The Prophet recognized him right away and asked His companions to treat Thamama with compassion. Then the Prophet presented him with food and gave him a she-camel so he could live off her milk. The Prophet (PBUH) came to him and asked him, "What is it you have Thamama?" Thamama said, "I have good things, Muhammed (PBUH). If you kill me, you kill a murderer and if you don't kill me, I will be very thankful. If you need money, ask for whatever you want." The following day, the Prophet came to him and asked the same question and apparently got the same answer. The third day the same thing happened. Then the Prophet (PBUH) let him go without any conditions. After that, Thamama went to a palm tree near a mosque and washed himself. He then entered the mosque and declared his conversion to Islam. Then he spoke to the Prophet saying, "Oh Muhammad, by Allah your face was the most heinous face to me on earth, but it has become for me now the most loving face. By Allah, your religion was the most hateful
religion to me but has now become the most beloved religion to me and your region was the most hated to me but has now become the most beloved to me." 149

Look how the effect of this compassionate treatment toward a prisoner transformed him from one of the utmost enemies of Islam to one of it greatest followers.

Islam’s humanity is not limited to providing prisoners with food, water and just treatment but beyond that, it stresses that prisoners should not be exposed to any psychological pressure and should not be put in a situations which might severely intimidate them, inadvertently or not. It has been narrated that the Prophet (PBUH) reprimanded His prayer caller, Bilal bin Rabaah in the Battle of Khaibar when two Jewish women fell captive to him and Bilal wanted to take these women to his leaders on the other side of the battlefield. Balal ran with the women through the battlefield where they saw bodies of their kinfolk lying dead, which caused one of the women to weep. When the Prophet heard the story, he scolded Bilal, "Has the mercy been stolen from your heart that you would take these two women through the battlefield such that they should come upon their men lying dead?" 150

In order to protect the dignity and feelings of the captive, we find that Islamic law states that separation of a captive mother from her young children is forbidden. It was narrated that the Prophet (PBUH) once said, "There should be no separation of mother and child, father and child nor a brother and brother during captivity, because Islamic law embodies humanity even towards enemies of Islam." 151

To affirm the Islamic principles of compassionate treatment toward captives, Islamic directives repeatedly mention the forbidding of killing, torturing and terrorizing of captives even if they are military leaders. The Prophet rejected the torture of Suhail bin 'Umru, one of the leaders of the Qurash, when he fell captive in the Battle of Badr. Al Farouk suggested that they should mutilate the face of Suhail, so that his tongue would stick out and he would not be able to speak out against Islam (Suhail was one of the most outspoken against Islam in the Qurash tribe).

However, the Prophet of Mercy rejected this idea saying, "I will not mutilate him so that Allah will not mutilate me even if I am a Prophet. This way, Suhail may take a stand one day that you might appreciate." This came from the Prophet's belief that one good deed bears the fruit of another good deed and that revenge bears the fruit of hatred
and revenge. Indeed, this prophesy of the Prophet was realized when, at that time, the Arab tribes rejected Islam and the Quraish were about to follow suit. It was Suhail bin 'Umr who stood among the Quraish saying, "Oh people of the Quraish, you were among the last to convert to Islam. Do not be among the first to apostate." So, the people of Quraish turned to Islam and this exactly what the Prophet had foretold.  

The fact that captives had fought Muslims before they fell captive did not alter the Islam’s compassion towards them. Allah's teachings have always opposed the idea of revenge and have urged mercy and compassion towards captives, hoping that they might reconsider their beliefs and enter into Islam to become brothers to the Muslims. Moreover, the Muslims released captives who had special humanitarian circumstances, like those who were the only breadwinners for their families or those who had only female offspring. The poet Abu 'Aza 'Umr bin Abdullah Al Jamahi, who was in need with only female offspring, came to the Prophet (PBUH) and asked him to release him from his captivity and promised that he would never return to fighting the Muslims. The Prophet granted this and Abu 'Aza then praised the Prophet in a poem. Later on, Abu 'Aza broke his promise to the Prophet and was recaptured during the Battle of 'Ahud, so the Messenger (the Prophet) ordered him killed. 

It is interesting to compare the betrayal of this mushrik (Abu 'Aza), who did not follow Allah's directives, with that of the Muslim captive, Khabib bin 'Udey when he was in Mecca and was captured. He had the opportunity to betray his captives, but he did not because betrayal is not a Muslim attribute and revenge of children is not a legitimate means for revenge by Muslims. The story of this captive is as follows: Khabib had fallen captive after the Battle of Ar Raji'a. The captors sold Al Khabib to Banu Al Harith (bin 'Umar bin Nufal) to kill him because he had killed a member of the Al Harith tribe during the Battle of Badr. Before Khabib's death, a young boy went to Khabib and sat in his lap (away from his mother's eyes). She feared for her child since Khabib was to be killed. Then Khabib said to the mother, "Are you afraid that I might kill the boy. I would never do that, Allah willing." The mother then said, "I have never seen a captive better than Khabib."  

The Messenger’s treatment of the Quraish captives may be compared to that of the Quraish tribe toward Khabib when they crucified and killed him in a big ceremony.
Khabib described the bloody ceremony in a poem in which he describes the scene of his death and crucifixion. 156

As a result of the Prophet's (PBUH) tolerance towards the captives of Quraish and others, many entered into Islam. The captives would return to their families and countries and make witness to Mohammed's (PBUH) tolerance and dignity, his ethical behavior and his call for justice, piety, reparation, and goodness. This is affirmed by Allah’s words when he said:

“Is the reward of goodness aught but goodness?” [Shakir 55:60] 157

God bless the soul of a poet when he said, “Do good to others and you will gain their hearts. Goodness to others has always gained people over.”

Another example of this is when Mecca was conquered and the people there fell captive. The Prophet released them saying: Go, for you are free. Thereupon, the people of Mecca transformed from a people who opposed Islam as an enemy to leaders of the Islamic conquest, spreading justice and peace throughout the world.

The Islamic policy of pardoning prisoners resulted also in the conversion of a knight from the tribe of Taya 'Udey bin Hatim. Safaana, when his daughter fell captive to the Prophet and spoke about her father's good deeds, such as welcoming guests and releasing prisoners, saying, "Oh Messenger of Allah, my father died and my brother disappeared. Grant me your pardon." The Prophet said, "Who is your brother?" Safana said, "Udey bin Hatim." The prophet said, "Is he the one who is running away from the messenger of Allah!" And then, the Prophet let her go after he clothed and fed her. 158

And in a similar story, it is related that Safaana said, "My father always would protect the honor of the tribe, release captives, feed the hungry, clothe the naked, distribute food, spread peace and never turn away anyone in need. I am the daughter of Hatim Al Taya. Do not let the Arabs gloat about me.” The Prophet (PUBB) said, "Oh Safaana, these are the attributes of a believer indeed. If your father were a Muslim, we would have blessed his soul. Let her go free for her father loved goodness and Allah loves such ideals." 159 Soon Safaana sent a message to her brother Udey, who had escaped to as Sham, asking him to return to the Prophet saying, "The Prophet practices and believes in good ethics. If he were a king, you would not be mistreated. If he is really
a Prophet, do not be late in coming to him." Thereupon, 'Udey converted to Islam and became one of the leaders of the Islamic conquest.

Safaana and Thamama were not the only ones that the Prophet released from captivity. There is a long list of those who were released such as, Abu Al 'Aas bin Rabî'a, the husband of Zeinab (daughter of the Prophet), Al Mutalib bin Hantaba Al Harith, Al Sa'ib bin 'ubiid, Al Zubayir bin Bataa, 'Umu bin Sa'id and others. 160

Treating prisoners with mercy and compassion is not only characteristic of the Muslims history during the period of the Prophet and first Khalifas, but Muslim leaders are distinguished by these principles throughout history in both the Arab East and West. They did not exchange one wrong for another, but instead greeted treachery with loyalty and bloodshed with mercy. Al Muẓafir Ṣalâḥ ad Din Al Ayoubi's treatment of Christian prisoners may be compared to that of the Christians towards their Muslim prisoners. History tells us about the crimes committed by the Crusaders against Muslim prisoners when the Crusaders took shelter in the mosques of the Holy City (Jerusalem) and committed horrible massacres against the elderly, women and children until the streets of the Holy City ran full of blood without the least bit of guilt or interference on the part of clergymen or knights who could have stopped it. These massacres and the breaking of treaties by the Crusaders occurred over and over again. There was Richard, one of the leaders of the Crusades, who captured thousands of Muslims and gave them his word of safe haven only to end up killing them all. 161 Why did Ṣalâḥ ad Din not exchange like behavior for like behavior?

Ṣalâḥ ad Din exemplified the nobility of Islamic knighthood and purity of religion and rose above sin. In fact, the tolerant behavior of Salah ad Din was one reason why so many from the West entered into Islam voluntarily and by choice and not through coercion and threatening, i.e. the English Knight, Robert F. Saint Ellison, who converted to Islam in 581 Hijra/1185 A.D. and then married one of the granddaughters of Salah ad Din Al Ayoubi. Also, in the famous battle of Hatin 535 Hijra/1187 A.D., six European soldiers fled from their posts and joined the ranks of the Muslims where they converted purely at their own free will and choice. 162

This section would not be complete without mention of Ṣalâḥ ad Din’s particular humane treatment of the Crusader king, "Richard the Lion Heart". When he learned of
King Richard's sickness and that a fever had overtaken him, he began to send him upon his request, pears, peaches and other types of fruit, in addition to ice, medicine and drinks until he healed his opponent, who only resumed killing Muslims again. Has history ever witnessed such humane treatment? It is also told of how in one battle, "Richard" fell injured and Salah ad Din rushed to treat him himself and did not leave his side until he was healed. Then he released him. Tolerance such as this has never been witnessed, while at the same time it is recounted that "Richard" massacred Muslim prisoners in the Battle of 'aka, disregarding the treaties governing the protection of prisoners and their rights.

When Salah ad Din conquered the Holy Land and captured all the al faranj (European Christians), he fed them and clothed them and said to them, "I could have done to you what you did to the Muslims when you entered Jerusalem, but my dignity did not permit me to do this." It is narrated that one day in Shawal 586 Hijra/Winter of 1190 A.D., a group of Crusaders who had fallen captive were brought to the Council of the Sultan (Salah ad Din) and he was courteous with them, asking them about their circumstances and treating them with compassion. Then he looked at one of them and saw him shivering with cold. He removed his coat and gave it to the prisoner and then ordered a coat for each one of them. The prisoners were then presented with food and Salah ad Din order a tent be constructed next to his tent. He also allowed them to write to their friends so that clothing could be brought to them from their camp.

In 587 Hijra/1191 A.D., 45 individuals from the Crusaders were brought to Salah ad Din from Beirut. Among them was an old man who had lost his teeth. After Salah ad Din asked the old man about his reason for participating in the Crusades, he ordered him freed and sent him back on a horse to the enemy camp.

For all these reasons, Salah ad Din gained the respect and appreciation of generations of unbelievers and Muslims for he presented the Islamic spirit in the truest and noblest sense of the word at a time when killing and torturing of captives was the norm of the day. Salah ad Din represented the epitome of a great leader, who was true to his belief in Islam and its teachings both in action and in word. Many a heart turned to Islam because of him as and he was so highly admired that Shakib Irsalan wrote a poem about him.
Usama bin Munquidh in his book, *Al I'atibaar*, affirms that Muslims never denied their enemies, the Crusaders, access to doctors or medicine when needed. The Muslims always responded in a humanitarian spirit to their opponents’ requests in a way that transcended the all animosity and hatred, even overlooking the heinous crimes that the Crusaders committed in *Bilad as Sham*.167

The 'Uthmani State demonstrated clear justice towards its captives through Sultan Mohammed Al Fatih, who embodied the principle of mercy called for in the message of Islam. The joy of victory did not blind him into ransacking the city of Constantinople when he entered it triumphantly on Tuesday, the 20th Jamada al Awal, 857 Hijra/ 29th of May 1453 A.D. He ordered his soldiers to be compassionate with the people of the city and called on one of the Monks to quiet the people of the city so that they would return to their houses safely. He announced complete freedom for the Christians to practice their religious rights and choose their religious leaders. In fact, he ransomed a great number of them with his own money, especially the princes of Greece and the religious men. He also met with the Arch Bishops and asked them to elect a new patriarch. They elected Ajnabius who after his election went with a huge delegation of archbishops to the Sultan's headquarters, where he was received by the Sultan with a grand welcome and they all ate together.168

The English chronologist (chronicler), Edward Shepherdcissy, attempts in his book, *Tariq al 'Uthmaniin al Atrak (The History of the Ottoman Turks)* to debase the image Ottoman's conquering Constantinople when he ascribes Sultan Mohammed Al Fatih with the worst of attributes, this without any analytical documentation. The American Encyclopedia (1980) documents Shepherdcissy’s account because of the encyclopedia’s own bias against Islam. All the evidence from manuscripts found in churches and monasteries contradicts the claims of Shepherdcissy. Every Christian sect under the Ottoman rule enjoyed peace and freedom and had their own schools and places of worship. No one interfered with their finances and they were given the complete freedom to speak the language of their choice.169

It is no wonder that the famous orientalist, Gustaf LePointe, says complete certainty, "History has never known a conqueror more just than the Arabs." 170
Given all of these examples of compassion towards captives who fell into the hands of the Muslims, it may also be asked what measures the Islamic states took to save those Muslims and ‘ahal dhimma who fell captive to the enemy.

The Islamic State, since its early inception, made sure to take the utmost care of their people who fell captive. They would ransom them, communicate with them in captivity, raise their morale and send money to them. 'Umar bin Abdul Azziz (Allah bless his soul) wrote to the Muslim captives in Constantinople: "You consider yourselves prisoners. God forbid you are such. You are captive for the sake of Allah and rest assured that I will never divide anything among my people without allocating a share to your families. I have sent you each five dinars. I am afraid if I were to send you more, the Roman tyrant of Constantinople might take it away from you. I have sent fulan bin fulan (someone) to ransom your youngest and oldest and your males and your females. I present you with the good news that you are free at whatever cost. Peace be upon you."

History records gloriously how the entire umma (Islamic nation), subjects and leaders, rushed to gather funds and al ‘awqaf (endowment treasury) for the sake of releasing Muslim prisoners from the hands of their enemies to the point that giving for the sake of freeing prisoners during the Crusaders’ days became a hallmark for the Islamic world. During the Ayoubi era in Damascus, the traders of Damascus spent with generosity rarely seen before in order to ransom the Moroccan captives who did not have their relatives nearby to pay for them. The Muslim sadiqa in As Sham was entirely allocated to pay for the captives in general and the Moroccan captives in particular.

One of the most enthusiastic Muslim leaders to ransom the captives during the Crusades was the Prince Mudhaifir ad Din Kukabari, the governor of Al -Irbil and brother-in-law of Salah ad Din. He would send his messengers to bilad as sham (Syria, Lebanon and Palestine) twice a year and with them lots of money to liberate the Muslim captives from the hands of the Crusaders. The chronicler, Sabat bin Al Jawzi, says that the Emirate of Al -Irbil ran out of money because of giving out the sadiqa and mentioned that the number of captives freed by this prince (Prince al Mudhaifir) numbered around 60 thousand men and women.
One of the most famous of the *awqaf* in Damascus allocated to ransom (fida`) captives was the *Bimaristan al Qamiri*.\(^{175}\)

When the amount of endowments became so great, the Islamic State established a specialized *diwwan* to manage the endowments.\(^{176}\) This *diwwan* centered its efforts on helping Muslim and ‘ahal dhimma captives equally. The principle of ransoming both Muslim and ‘ahal dhimma captives equally was practiced in every prisoner exchange. ‘Umar bin Abdul Azizz (Abbasid period) always made sure to ransom ‘ahal dhimma captives.\(^{177}\) The Tatar captured many of the Arabs, among them many Christians and Jews. When the Tatars converted to Islam, they released all of the Muslim captives and kept the Christians and Jews. Then Ibn Taimiya, the religious Muslim scholar, wrote to the Emiir of Tatar, "You must release all of the Jewish and Christian prisoners because they are our ‘ahal dhimma. Do not leave a Muslim or dhimmi captive." So, Qatlu Sha, the Prince of the Tatars, released all of the prisoners, Muslim and non-Muslim.\(^{178}\)

The people in the Islamic Maghrib were no less enthusiastic than their brothers in the *Al Mushraq* (the east) about ransoming their people who fell captive to the Europeans, especially after the conflicts started between the Muslims and the Crusaders in Al Andulus and on the Moroccan coast, in particular after the fall of the *Andulus* in the year 897 Hijra/1492 A. D. The people of the Maghrib, for example, would go to the Mosque of Sheikh Yaya bin Bakaar al Ghamdi, Hijra 960/1552 A.D., to donate their alms (*sadiqa*), so that the Sheikh would in turn use it for humanitarian causes, most of which was applied for the release of Muslim captives.\(^{179}\)

Sultans in the state of Marina\(^{180}\) (Hijra 591-873/1195-1468 A.D.) appear to have competed with one another in spending money and setting up endowments for the sake of the Muslim captives. The most generous among such Sultans were Abu Faaris Abdul Aziz bin Al Abass Al Marini (Hijra 796-799/A.D. 1393-1396) and Sultan Abul Haq bin Abi Sa'id (Hijra 823-869/A.D. 1420-1465).\(^{181}\)

In the *Al Watasi* era \(^{182}\) (Hijra 877-957/A.D. 1472-1550), the rulers continued to pledge endowments in order to ransom captives. In a document bearing the number 929, which was found in a safe there, Sultan Abu Abdullah Mohammed Al Portugalli \(^{183}\) pledged money in the form of real estate to ransom captives.\(^{184}\)
Religious students in the Maghrib were also very instrumental in collecting funds and donations, and contributing their own savings in order to free captives. Mohammed bin Abi Shakir Al Dalaa'i, for example, learned of a charity whose member collected donations to free captives during the era of Sultan bin Al Mansour Al Dhahabi. He donated all of his money, which he had set aside to buy science books, and borrowed more from some people in Fez to give to the Committee. 185

Faqaha' of the day played a significant role in encouraging Muslims to spend their money towards freeing Muslim captives. Two such faqaha', for example, were Aba Abdulallah Habti (Hijra 963 approx./A.D.1555) and Abu Al Qasim bin Khajour (Hijra 953 approx./A.D.1546), who released a religious fatwa calling on the people of the Ghamaara tribe to pay their Kafara (atonement) to ransom captives. 186

The efforts of the Islamic Maghrib alone resulted in the freeing of 48,000 captives in the year Hijra 1200/A.D. 1785.187

Islamic war ethics have proven to be just both in word and deed and have been the subject of praise by trusted and non-biased western analysts. The Italian, Lauri Vishia Vagaliri, writes in her book defending Islam,188 "Islam looks at war as a fire that needs to be put out as quickly as possible every time it flares up and condemns all war atrocities. Islam has set regulations and established traditions which aim at making war humane." Similarl, Gustaph Lepointe 189 states, "The truth is that this world has never known a more peaceful conqueror than the Arabs nor a religion more tolerant than the religion of Islam."

In this section, the following regarding prisoner's rights in the Islamic State has been demonstrated:

1) The Islamic Nation is obligated to treat prisoners humanely, as stated in the Qur'an and Sunna, since leniency towards prisoners is a means towards forgiveness of sins as one aspect of faith.

2) The life of the captive should be protected and no form of aggression should be committed against him/her.

3) The Islamic State is obligated to feed, clothe and treat prisoners.

4) Prisoners should not be subjected to any form of psychological pressure.
5) Humane treatment should be considered when placing prisoners in their specific areas of captivity; young children should not be separated from their mothers and fathers nor should brothers be separated each other.

6) Pardoning of prisoners should be a primary consideration of Islamic leaders when dealing with the enemy, especially the pardoning and forgiveness of women, children and the elderly.

7) Mutilation and torture of prisoners is prohibited because this is not permitted by Islamic Law.

Regarding the rights of Muslim prisoners who are held by an enemy and the duties of Muslims towards these prisoners, the following has been established:

1) Children and families of prisoners should be nurtured and looked after.

2) Efforts should be made towards their ransoming prisoners and if money set aside in the Bayt al Maal al Muslimiin is insufficient, then the Islamic Nation should collect money for this goal.

3) Endowments should be set up and the people of the ‘umma (Islamic Nation) should be encouraged towards this end for the sake of liberating Muslim captives.

4) Correspondence with prisoners should be encouraged as well as sending them money in order to raise their morale.

5) Special departments should be established to follow the affairs of the prisoners and work should be done for their release.

6) Muslim prisoner should maintain Muslim ethics while in prison and avoid betrayal and treachery. (The story of Khabib bin 'Udey is a good example of the nobility behind Muslim ethics.)

7) The Islamic State should endeavor to release Muslim captives and Dhimmi prisoners alike without any differentiation between them.

8) As has been established by the Islamic State and ahal khair (the good people) of the Nation, prisoners from distant lands should be put first before local Muslim captives since they left their countries to defend Muslim borders.

It may be concluded that the law of mercy, upon which the Islamic civilization has been built, ensures a prisoner's dignity. It endeavors to save, ransom and spend
generously on prisoners for the sake of freedom and human dignity. The Islamic Nation has worked hard to preserve and guard human dignity from tyranny and oppression, especially during wars and crises.

This is the tolerance and compassion of our Islamic Nation toward prisoners, our history which has been penned down in books. Both friend and enemy alike have witnessed its transcendence. Is it not true that those calling for freedom, democracy and equality today offer the Islamic Nation nothing more than inhumane and humiliating treatment of prisoners to in order to force confessions?
CONCLUSION

Through this study, it is possible to conclude the following:

First: At the heart of the Islamic Civilization are the principles of mercy, compassion, justice and equality. These principles clearly emanate from the texts found in the Glorious Qur'an and the accurate traditions of the Prophet (PBUH). These texts which descended from heaven speak of the behavior and practices that form the multi-faceted Islamic Civilization and arouse in friend and enemy alike an undeniable admiration. The Islamic Civilization is based upon values which preserve the dignity, rights and freedom for all humanity. These principles have stood the test of time. The Islamic Civilization has remained true to these principles and never renounced them.

Second: The Islamic Civilization has established legislation for non-Muslims citizens, which guarantees them a life with dignity. What has made such Islamic legislation so effective is its connection to worship, since kindness towards the ‘ahal dhimma is viewed as pleasing Allah and a way to attain forgiveness of sins.

Third: The desire of the Islamic Civilization to preserve the dignity of the ‘ahal dhimma is clearly illustrated through its guarantee of the following rights for the ‘ahal dhimma:

1) The right to medical care.
2) Social security in the case of poverty, loss or disability due to old age or sickness.
3) Freedom to worship in their own houses of worship.
4) Protection from being overburdened or over-tasked.
5) Kind treatment, compassion and the chance to issue formal complaints.
6) The right to work and hold public positions in the State (except for some Islamic religious positions).
7) The right to choose a court for litigations
8) An opportunity for education.
9) The choice to enter Islam without coercion.
10) Protection if attacked by the enemy and advocating and working for their release.

Fourth: The Islamic Civilization worked to integrate the ‘ahal dhimma into Islamic society through implementing the following measures:
1) Allowing male Muslims to marry Christians or Jews (people of the Book), making clear the value of social integration in order to create an atmosphere of harmony between Muslims and non-Muslims.

2) Encouraging the exchange of visits, participation in public events, the exchange of gifts (especially between neighbors) and visiting the sick.

3) Opening all public positions in the Islamic State to Muslims and non-Muslims and placing the qualifications of an individual over all other considerations.

4) Avoiding the discussion of religious issues with the People of the Book, especially issues that cause hatred and ill and keeping all discussions civilized.

5) Encouraging the learning of Arabic and using it as a means to teach their beliefs.

6) Allowing the ‘ahal dhimma to preserve their identity. The Islamic Civilization did not interfere with the ‘ahal dhimma's art, traditional dress nor architectural design. Rather, it allowed the ‘ahal dhimma to preserve their religious and national identity as long as their practices posed no harm to the Islamic Nation.

7) Showing respect to their leaders and recognizing their status as such in the Islamic Nation.

Fifth: The Islamic Civilization's tolerance toward non-Muslims is most highly evidenced by what is stated in Islamic Law with regard to its noble code of ethics during war:

1) Prohibiting the killing of non-combatants such as women, children, elderly, clergymen and the sick.

2) Prohibiting the destruction of homes and farmland or burning public property following the end of a military operation.

3) Prohibiting the killing and torture of prisoner or subjecting them to any form of psychological, physical or social pressure.

4) Honoring all treaties and pledges.

Sixth: The Islamic Civilization is distinguished by the great number of its scientists from among the ‘ahal dhimma, who excelled in various fields of knowledge and those who held high positions in several Islamic states throughout history. There are
numerous translated texts attesting to opportunities, which allowed the ‘ahal dhimma to take scientific initiatives forward. Had it not been for the justice and security that they lived under, their creativity would surely have been stifled, for how can the fearful, hungry and oppressed be creative?

Seventh: Finally, there is what has been recorded in books on Islamic tradition, regarding the ‘ahal dhimma's preference to be tried in Islamic courts as substantial proof for the success of the Islamic Civilization in gaining the trust of all people of various beliefs. It has also been shown how the Islamic Civilization held interest in the progress and development of the ‘ahal dhimma, including that of their religious institutes. We have seen that the Islamic Civilization protected the heritage of both Christians and Jews since several private religious positions were held by the Jews during the rule of the Islamic Civilization. Perhaps, though, it is the corroborative testimony from reliable western and eastern scholars which best establishes the Islamic Civilization as a civilization that encompassed the principles and values which ensure dignity, prosperity and wellbeing for all humankind.

As our final invocation, may all praise and thanks be to Allah, Lord of the al 'alamiin (humankind, jinn, angels and all that exists).
Author’s Footnotes Translated

1 Dhimma means security, commitment and peace. Muslim jurists and historians consider the ‘ahal dhimma to consist of Jews, Christians, Magians, Mandaeans (Christians of St. John), Sabians (pagans of Harran), and Samaritans. See: Al Fairouzibadi, القاموس المحيط (Comprehensive Dictionary), volume 4, pg. 115; Yousif Al Kharij, PP. 23; Al Mawardi, الأحكام السكانية (Governing Principles), pp. 144-143 and; Tartoun, أهل الذمة في الإسلام (Non-Muslims in Islam), pp. 1.

2 سورة الفجر الآية (83) (Surat Al Baqara, verse 83)

3 سورة فصليت آية (34) (Surat Al Fussilat, verse 34)

4 سورة المدن، الآية (8) (Surat Al Mumahina, verse 8)

5 سورة العنكبوت، الآية (46) (Surat Al ’Ankabut, verse 46)

6 سورة المائدة، الآية (5) (Surat Al Mawida, verse 5)

7 Al Khatib Al Baghdadi, تاريخ بغداد (History of Baghdad), volume 8, pp. 370; Abu Hajar Muhammad Al Sa’iyid Zaghoul, موسوعة أطراف الحديث, (Encyclopedia of Hadith), volume 8, pp.5.

8 Al Hindi, كنز اعمال (Laborers' Treasures), no. 10913; موسوعة أطراف الحديث (Encyclopedia of Hadith), volume 8, pp. 4.

9 Abu Dadud, no. 3052; Al Baihuqi, السنن الكبرى (Greater Traditions), volume 5, pp. 205; Ahmed bin Hanbil, السنن (Al Musnad), volume 2, pp. 186.

10 Abu Dadud, Hadith no. 3050.

11 صحيح البخاري بالكامل (Truths of Al Bukhari in the Al Sunbi Household), volume 4, pp. 192; see Abu Dadud pp. 33 in line with Ibn Qayim Al Jowzian, أحكام أهل الذمة (Principles of the ‘ahal dhimma), volume 2, pp 841.

12 الدرر المختار وحاثية (Chosen Gemstones and the Household of Ibn ’Abadin ’Ale), volume 3, pp. 244-246

13 Al Qardawi, غير المسلمين في المجتمع الإسلامي (Non-Muslims in Islamic Society), pp. 15.

14 Al Qarafi, الفروق (Al Faruq), volume 3, pp. 14; part 19 and 100.

15 Al Qarafi, الفروق (Al Faruq), volume 3, pp. 15; Anwar Al Jundi, معالم التاريخ الإسلامي المعاصر (Features of Modern Islamic History), pp. 59.

16 سورة الإسراء الآية (70) (Surat Al -Isra-), verse 70.

17 سورة الحج، الآية (13) (Surat Al Hijrat), verse 13.

18 سورة النساء، الآية (1) (Surat Al Nisa-), verse 1.


20 التفسير شرح الجامع الصغير (The Little Masjid), volume 2, no. 7684, Abdul Rauf Al Manawi; Shams Ad Din, التفسير شرح الجامع الصغير (Explaining The Little Masjid)

21 سورة المائدة، الآية (32) (Surat Al-Mawida), verse 32.
pp. 194.

25 Yusef Al Qardawi, غیر المسلمين في المجتمع الإسلامي (Non-Muslims in Islamic Society), pp. 10.

26 Salama Mohammed Al Baloui, القضاء في الدولة الإسلامية و تاريخه و نظمته, (Justice in the Islamic State: Its History and System), volume 1, pp. 346.

27 ibid., volume 1, pp. 346-347.

28 Al Asma'I said Al 'Awraq is a camel which is black and white. It is the sweetest of camel meats. Its labor and gait is not appreciated. Abu Zaid said that its color is greenish. See: Al Jawhari, الصلاح (The Accurate), volume 4, pp. 1565.

29 He was Sharīq bin Al Harrith bin Qais Al Nakha'i. Al Kanidi Abu 'Umaya, He was a judge in Basra for seven years and in Kufa for 53 years. He was a Mukhadarum (lived in 2 eras). He knew both the Jahaliya and Islamic eras. It is said that he had a companion and there are differing opinions about the date of his death (72-80 Hijri). For more about his life see: Ibn Al Jouzi, صفة الصفا (The Best of the Best), volume 3, pp. 38-41; Waki'ā, أخبار القضاء (Judges' Stories), volume 2, pp. 199-198.

30 Al Sabhani, تاريخ الخلفاء (Jewel of the Pious), volume 4, pp. 139-140; As Sayuti, تاريخ الخلفاء (History of the Khilafa), pp. 292-293; Waki'ā, أخبار القضاء (Judges' Stories), volume 2, pp. 195, 200. Also mentioned in Ibn Al 'Athir, الكامل (Totality), volume 3, pp. 401; in Ibn Kathir, البلدية والهيئة (The Beginning and the End), volume 8, pp. 4-5 and; in Abu Al Fadaa, المختصر في أخبار البشر (Synopsis of Humanity), volume 1, pp. 182. He was Christian.

31 Ahmed Al Bahi, تاريخ القضاء في الإسلام (History of the Judges in Islam), pp. 194; Salama Mohammed Al Baloui, see above, volume 1, pp. 362.


33 Ibn Al Jouzi, تاريخ عمر بن الخطاب (The History of Omar bin Al Khattab), pp. 99-100.

34 Al Ṭabri, تاريخ الطبري (History of Al Ṭabri), volume 6, pp. 568; Ibn Al 'Athir, الكامل (Totality), volume 5, pp. 60-61.

35 Abdul'Aziz Sayed Al 'Ahal, الخليفة الراهم عمر بن عبد العزيز (Khalifa Al Zahid Omar bin 'Abdul Al Aziz), pp. 182.

36 Yaqut Al Hamwi, مجموع البلدان (Dictionary of Countries), volume 1, pp. 391; Al Biladhi, فتح البلدان (Conquests of Countries), volume 1, pp. 77.

37 Salama Mohammed Al Baloui, cited above, volume 2, pp. 87.

38 Ibn Al Jouzi, سيرة عمر بن عبد العزيز (Biography of Omar Bin Abdul Al Aziz) pp. 77; Salama Al Baloui, cited above, volume 2, pp. 87.

39 Al Ṭabri, cited above, volume 6, pp. 569

40 Ibn Al Jouzi, سيرة عمر بن عبد العزيز (Biography of Omar bin Abdul Aziz), pp. 59.

41 Ibn Hajir, رفع الإمبراطورية (Lifting the Penalties of the Egyptian Judges), volume 2, pp. 284; Al Kandi, (The Governors and the Judges), pp. 332-333.
Ibn Al Jouzi, صوفة الصوفية (The Best of the Best), volume 2, pp. 116-115; Ibn Al Jouzi, سيرة عمر ابن عبد العزيز (Biography of Omar Ibn 'Abdul Al 'Aziz ), pp. 43-44, 86; Ibik Kathir, التبادل والنهائية (The Beginning and the End), volume 9, pp. 213.


Ibn Sa'ad, الطبقات (Classes), volume 5, pp. 342.

Waki'a, أخبار القضاة (Judges Stories), volume 3, pp. 88.

cited above, volume 3, pp. 69.

cited above, volume 3, pp. 259.

Al Anbari, النظام القضائي في بغداد (The Judicial System in Baghdad), pp. 65, commentary no. 2.

Al Ramali, نهاية المحادثة إلى شرح المناهج (Ending the Need to Interpret Curriculum), volume 8, pp. 46, كتاب أحكام أهل الذمة (Principles of the ‘ahal dhimma), volume 1, pp. 201.

Al Bihaqi, السنن الكبرى (The Greater Traditions), volume 3, pp. 437, discussion no. 3051; Abu Yusif, الخراج (Al Kharaj), pp. 257-258; Abu 'Abeer, cited above, pp. 263.

It is related that the Prophet (PBUH) visited a Jewish boy who was sick. The Prophet sat near the boy's head and said, "Submit to Allah." The boy turned to his father and his father said, "Obey, Abu Al Qasim (The Prophet- 1st son was Qasim). The Prophet (PBUH) said, "Praise be to God who has saved him through me from the Hell fire."; Ibn Qiyam Al Jouzi, أحكام أهل الذمة (Principles of the ‘ahal dhimma), volume 1, pp. 269.

It has been proven about the Prophet (PBUH) that he purchased an item on his journey from a Jew and that he accepted from the Jew 30 (Wasqan- unit of weight measurement.) of barley in bartering for his armor. See Ibn Qiyam Al Jouzi, أحكام أهل الذمة (Principles of the ‘ahal dhimma), volume 1, pp. 269.

Abu Yusif Al Qardawi, غير المسلمين في المجتمع الإسلامي (Non-Muslims in the Islamic Society), pp. 46-47.

Ibn Hazim, المحتوى (The Sweet ), volume 5, pp. 117; Abu 'Ubaid, الأموال (The Treasury), pp. 613.

Ibn Hajir, فتح الباري (Conquests of the Creator), volume 13, pp 504. It is understood that 'neighbors' referred to: the Muslims, the Kafir (unbelievers), worshippers, the desolate, friends, enemies, relatives, locals, strangers, and foreigners. If, for example, Ibn 'Umar slaughtered a goat, he would tell his wife to give some of it to a Jewish neighbor.


Al Biladhr, فتح البلاد (Conquests of Countries), pp. 131.

Abu Yusef, الخراج (Al Kharaj), pp. 151-172, 144.
related that she had a Jewish brother and asked him to become Muslim, but he refused. She then recommended for him (willed to him) 1/3 of the 100 thousand. Ibid. (same source and pp. above).

73. Ibn Hajr Al ‘Asqalani, Fiqh al-bari (Conquest of the Creator), v. 13, pp. 17. (Relation of the Father the Associate); Ibn Kathir, تفسير ابن كثير (Interpreting Ibn Kathir), v. 4, pp. 349.

74. Ibn Qiyam Ah Jouzia, أحكام أهل السنة (Principles of the Ahal Dhimma), v. 1, pp. 305. In another story, it is related that she had a Jewish brother and asked him to become Muslim, but he refused. She then recommended for him (willed to him) 1/3 of the 100 thousand. Ibid. (same source and pp. above).

75. Imam Ahmed, المسند (Al Musnad), v. 2, pp. 33.


77. The Bible, ch. 7,سفر التثنية (Book of Deuteronomy), pp. 290

78. Ibid., ch. 12,سفر صموئيل (Book of Samuel), pp. 444.

79. The Talmud, considered the Jewish Holy Book written by Jewish religious scholars; See Mohammed Sabri, التلمود شريعة بني إسرائيل (The Talmud: Law of the Bani Israel), pp. 9.

80. Ahmed Shalbi, المسيحية (The Jewish), pp. 271. المسحية (The Christian), also by Ahmed Shalbi.

81. Abdul Mun‘am Shamis, التلمود كتاب بني إسرائيل المقدس (The Talmud, Holy Book of the Bani Israel)

The Courts of Inquisition continued practicing their heinous crimes until 1809; for more details on these courts and what sorts of crimes occurred, see: ‘Abul Rahman Al Haji, محاكم التفتيش الغاشمة وأساليبها (Tyrannical Courts of Inquisition and Their Methods), booklet of 96 pages – though small in size an excellent source; Mohammed ‘Abdul Allah ‘Anan; ننكض/ة نهاية الأدلاس (The End of Al Andolus).

Surat Al Bakara, verse 256.

Surat Al Yunis, verse 99.


Ibn Hisham, (Biography of Ibn Hisham), v. 2, pp. 119-123.

Ibn Qiyam Al Jouzia, (Provisions for Al M’aad.), v. 3; See: زاد المعاد (Principles of the ‘ahal dhimma), v. 1, pp. 187.


See (Tafsir of Surat Al Barouj) in Books of Tafsir.

Mohammed Hamid Allah Al Haider Abadi, مجموعة الوثائق السياسية لعهد النبي والخلافة الراشدي (A Collection of Political Documents from the Era of the Prophet and Wise Khalifas), pp. 345-346, no. 357.

Abu Yusif, الخراج (Al Kharaj), pp. 146.

Al Tabri, التاريخ والملوك, (History of the Prophets and Kings), v. 5, pp. 364.

Ibn Abdul Hakim, سيرة عمر بن عبد العزيز (Biography of Omar Bin Abdul Aziz, pp. 167.

‘Afif Abdul Al Fatah Tabari, روحا الدين الإسلامي عن ترجمة داوس بقح عن النافذة (The Spirit of Islam through the Translation of Khadakshah in German), pp. 279.

Al Tabri, تاريخ الرسول والملوك, (History of the Prophets and Kings), pp. 741; for information on the position of Ras Al Jalout, see Al Khawarizmi, مفاتيح العلم (Keys to Knowledge), pp. 24.

Tartoun, بحوث أهل الدین في الإسلام (The ‘ahal dhimma in Islam), pp. 105; Sa’eed Abdul Al Fatah ‘Ashour, دراسات في العصور الوسطى (Research and Studies in the Middle Ages), pp. 93.

Adam Mertz, الحضارة الإسلامية في القرن الرابع الهجري, (The Islamic Civilization in the 4th Century Hijra), v. 1, pp. 55, 67.

Will Durant, قصة الحضارة (Story of the Civilization), v. 13, pp. 130.

Thomas Arnold, الدعوة إلى الإسلام (Call to Islam), pp. 164, 79.

Abdul Al Wahab, Al Masiri, موسوعة المفاهيم والاسئماس الصهيونية (Encyclopedia of Zionist Concepts and Terms), pp. 149.

Al Qalqashindi, صبح الأعيان (Morning of Al A’sha), v. 5, pp. 445.

See the same previous source and pp.
For more details on the opinion of the ‘Ulama and employing the ‘ahal dhimma in state positions, especially the opinion of critics, see Ibn Qiyam Al Jouzia, نحو أهل الدّيمة (Principles of the ‘ahal dhimma), v. 1 pp 208-235 where Omar Bin Abdul Al ‘Aziz prohibited them from holding state positions; see also: Al Mansour, Al Rashid, Al Ma’Moun, Al Matoukal and Al Muqtadar. For details on the ‘ahal dhimma in the Abbasid State, see: Shakar Mustapha, دولة بني العباس (The Abbasid State), v. 2, pp. 101-171.

Adam Mertz, الحضارة الإسلامية في القرن الرابع (The Islamic Civilization in the 4th Century), v. 1, pp. 62-63.

Adam Mertz, ibid., v. 1, pp. 105.

Gustaf Loubin, الحضارة العربية (Arab Civilization), pp. 128.

Tartoun, أهل الدّيمة في الإسلام (The ‘ahal dhimma in Islam), pp 170, 256.


Abdul ‘Aziz Al Duri, تاريخ العراق الاقتصادي في القرن الرابع الهجري (History of Iraqi Economy in the 4th Century Hijri), pp. 173.

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Al Bashari, الوزارة والكتاب (The Ministry and the Qur’an), pp. 34, 48, 59; Will Durante, قصة الحضارة (Story of a Civilization), p. 3, pp. 133.

Ibn ‘Abi Asbi’a, see above, same pp.

Ibid., 721.

Ibid., pp. 579; For more details on employing the ‘ahal dhimma in public positions in the Abbasid Era, see: Shakar Mustapha, previous reference, v. 2, pp 114 and what follows.

Al Qarafi, الفروق (Farouk), v. 3, pp. 115.

Abdul Karim Farhan, أسرى الحرب عبر التاريخ (War Prisoners throughout History), pp. 15-16.


Ibid., pp. 12.

Ibid., pp. 23.

Abdul ‘Aziz Salam, دراسات في تاريخ العرب قبل الإسلام (Studies on Arab History before Islam), pp. 239.

Abdul Karim Farhan, ibid., pp. 17.

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Ihsan Al Hindi, (General International Legal Principles in Peace and War), pp. 266.

Mohammed Rida, (Humanitarian Heroes), pp. 415.


Subhi Muhamms, see above, pp. 251.

Abu Dawoud, (The Sunnah of Abu Dawoud), v. 3, pp. 72, discussion no. 2269.; Ibn Qiyam Al Jouzia, (Principles of the ‘ahal dhimma), v. 1, pp. 43-44. (Al ‘Asif) means the hired hand.

Ibn Qiyam Al Jouzia, ibid., v. 1, pp. 44.

Al Sana’an, (The Ways of Peace), v. 4, pp. 46; Ibn Qiyam Al Jouzia, see above, v. 1, pp. 4. See: (Toward a Muslim), v. 3, no. 1356; Al Tabarani, no.’s 1431, 3936. 4162.

Mohammed Fouad Abdul Baqi, (Pearls and Coral that the Two Sheikhs Agreed On), v. 2, pp. 344. (Muslim’s Interpretation of Al Nawawi); Al Bakhari, (Interpreting Al ‘Aini), v. 13, pp. 115.

Al Tabri, (History of Al Tabri), v. 3 pp. 227; Al Shoukani, (Obtaining Sound), v. 8, pp 74, ch. 7, (Stop Mutilation), Ibn Qiyam, (Principles of the ‘ahal dhimma), v. 1 pp. 50.

Mohammed Al Sharbini Al Khatib, (Provider for the Needy), v. 4, 277.

Al Sana’an, (The Ways of Peace), v. 3, pp. 49.

Al Bakhari, (The Book of Virtues) see 64, ch. on (Virtues of Othman), v. 4, pp. 245, no. 3699.

Al Hainthami, (Great Academy of Al Zawa’id), v. 3, pp. 31.

Al Shaba, (Prophetic Biography), v. 2, pp. 176.

Surat Al Insan, verses 8 and 9.

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Al Bakhari, no. 2819, (Jihad and the March, Releasing the Captives).

Ibn Kathir, (Interpretation by Ibn Kathir), v. 4, pp.; Ibn Hisham, (Prophetic Biography), v. 2, pp. 282; Al Hainthami, (Great Academy of Al Zawa’id), v. 6, pp. 86; Ibn Kathir, (The Beginning and the End), v. 3, pp. 313.

149 Al Bukhari, كتاب المغازي (Book on Al Mugazi), ch. on Delegates of the Bani Hanifa (Tribe), v. 5, pp. 324; Musalim, الجهاد (Jihad), ch. TYing up Captives in the Mosque, no. 1764, Ibn Hisham (Biography), v. 4, pp. 245; Mohammed Al Haidar, Abadi, مجموعة الوثائق السياسية للعهد النبوي والإسلام (Collection of Political Documents during the Era of the Prophet and Wise Khaliphas), pp. 29-50.

150 Mohammed Abdul Allah Daraz, مبادئ القانون الدولي العام في الإسلام (General Principles of Law in Islam), pp. 8-9.

151 Ibn Qadama, المغني (The Provider), v. 10, pp. 47-467; Al Nawiwi Collection Interpreted by Al Sheirazi, v. 9, pp. 400-4001.

152 Ibn Hisham, السيرة النبوية (The Prophet’s Biography), v. 2, pp. 293.

153 Ibn Kathir, البديع (The Beginning and the End), v. 3, pp. 313.

154 The Battle of Ba’ath Al Raji’a was in the month of Safar, 4 Hijri when the two tribes of ‘Adil and Al Qara betrayed 10 of the Prophet’s companions, who had been sent by the Prophet (PBUH) to teach them Islam. For more details on the event of Al Raji’a, see: Ali Mohammed Mohammed Al Salabi, عرض ونتائج وتحليل أحداث (Reality and Analysis of Events), v. 2, pp. 852-858.

155 Akram Daiha, السيرة النبوية الصحيحة (The Prophet’s Biography), v. 1, pp. 399.

156 Sufi Al Rahman Al Mubarkafuri, ibid., pp. 292.

157 Surat Al Rahman, verse 60.

158 Ibn Hajar Al ’Asqalani, الإسهاميات (The Truth), v. 4, pp. 329; Ibn Hisham, Biography, v. 4, pp. 211.

159 Al Baihaqi, دليل اليد (Evidence of the Prophet), v. 5, pp. 341; Ibn Kathir, البديع (The Beginning and the End), v. 5, pp. 67-68.

160 Ibn Abdul Al Bar, الاستيعاب (Comprehension), v. 4, pp. 125; Ibn Hajar, الإسهاميات (The Truth), v. 4, pp. 121.

161 This massacre occurred after the fall of Aga Ali at the hands of ‘Richard the Lion Heart’. See Al Nawadir al-Sultaniyya (The Sultanate), pp. 163-164.

162 Ahmed Al Sharbasi, موسوعة الفداء في الإسلام (Encyclopedia on Al Fida’ (repentance) in Islam), v. 4, pp. 467.

163 Ibn Shiddad, النوازير السلطانية (The Sultanate) pp. 383; Abu Shama, الارضتين (The Garden), v. 2, pp. 203.

164 Ahmed Al Sharbasi, see above, v. 4, pp. 468.

165 Ibn Shiddad, see above, pp. 151.

166 Ibid., pp. 156.

167 Sa’id Abdul Al Fatah ‘Ashour, بحوث ودراسات في العصور الوسطى (Studies and Research on the Middle Ages), pp. 49-51.

168 Ali Mohammed Al Salabi, الدولة العثمانية: عوامل النهوض وأسباب السقوط (The Ottoman State: Factors for its Rise and Fall), pp. 177-179. 
A dynasty under Berber rule in the Maghrib, Abdul Al Haq Al Mariini established the dynasty over the ruins of the Muhadiin state. Among its most well-known kings were: Abu Yousif who conquered Maracash in 1269 m. and Abu Al Hassan who conquered Talmasan in 1337 m. Ibn Khaldun, Ibn Al Khatib and Ibn Batuta lived during this period.

Abdul Al Hadi Al Tazi, see above, v. 2 pp. 457.

Mohammed Al Habib Al Tajkani, see above, pp. 547.

Mohammed bin Askar Al Shakshawini, Deeds of the 10th Century Prominent in the Maghrib, pp. 7-17.

Ibn Zaydan, (Pleasing Aulama), v. 3 pp. 255.

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The Shiites (branch of Muslims who recognize Ali, the Prophet's son-in-law, as his rightful successor)

Orthodox Muslims

Endowment treasury

Islamic Treasury
bayt mal al Muslimiin (بيت المال المسلمين) Muslim Treasury or Islamic Treasury  
bilad as Sham (بلاد الشام) The region which includes Lebanon, Syria and Palestine  
dar al Hijra (دار الحجرة) Diaspora  
dar al Islam (دار الإسلام) Islamic State  
dhimma/dhimmi (ذمة) Pledge to protect non-Muslims  
diwaan (ديوان) Government department  
Eid (عيد) Islamic holiday  
faranj (فرانج) European foreigners during Crusades  
fatwa (فتوى) formal legal opinion, declaration (Islamic Law)  
fida' ( فإية) ransom paid to release prisoners, sacrifice  
fiqh (الفقه) Islamic jurisprudence  
fuqaha' (فقهاء) Islamic legal scholars, jurisprudents  
Hadith (الحديث) (Plural: Ahadith) The sayings, deeds and approvals  
accurately narrated from the Prophet (PBUH)  
Hijra (الهجرة) Literally it means 'migration'. This term is used for: 1) the migration of Muslims from an enemy land to a secure place for religious causes; 2) the first Muslim migration from Mecca to Abyssinia (Ethiopia) and later to Al-Madina; 3) The Prophet's migration journey from Mecca to Al Madina and; 4) the Islamic calendar year which started from the Prophet's migration journey from Mecca to Al Madina. (Khan:805)  
hilal (حلال) sacred or holy, often used to describe meat that has been prepared in the proper way by slaughtering the animal at the neck.  
Imam (الإمام) The person who leads others in the salat (prayer) or the Muslim caliph (or ruler) (Khan:807)  
Ja’oun (الجاون) High position to spread Jewish teaching among Jews and point out their misdoings (Jewish religious position).  
jihad (الجهاد) Holy fighting in the Cause of Allah or any other kind of effort to make Allah's Word (i.e. Islam) superior. Jihad is regarded as one of the fundamentals of Islam (Khan:809)  
janna (الجنة) heaven  
jizya (poll tax) (الجزية) Head tax imposed by Islam on all non-Muslims living under the protection of the Islamic State (Khan: 809)  
kahlipha/khalifate (الخليفة)  
kania (كنية) Surname, i.e. ‘Abu Mohammed’  
kharaj (land tax) (الخراج) on the yield of the land (1/10th or 1/20th) (Khan: 810)  
khawariji (الخوارج) The people who dissented from the religion and disagreed with the rest of the Muslims  
mahr (المهر) Bridal money given by the husband to the wife at the time of marriage
mira (مرة) money/provisions paid to city of Mecca
mushrakun (المشركون) Polytheists, pagans, idolaters and disbelievers in the Oneness of Allah and His Messenger Muhammad (PBUH) (Khan: 814) also translated 'associates'
Nijran (نجران) Province in Saudi Arabia located in the south of the country along the border with Yemen
Qur'an ra'as jalut (title given to Jewish political leader)
sadaqa (صدقة) almgsiving, charitable gift, legally prescribed alms tax (Islamic Law) *sadaqa al fitr* (almsgiving at the end of Ramadan)
salaat (صلاة) prayer
Samarkand (سمرقند) City in Uzbekistan
shahiid (شهيد) martyr, one killed in battle with the infidels, one killed in action
siyadan shabab al (سيدا شباب الجنة) al Hassan and al Hussein, the two masters (brothers)
n Jinna of youth of heaven; al Hussein is a Shi'e martyr
sunna (سنة) The Sunna of the Prophet (his sayings and doings, later established as legally binding precedents (in addition to the Law established by the Qur'an.
sura (سورة) Chapter of the Qur'an
toujihat (توجهات) Qur'anic injunctions, directives
'ulama' (علماء) Islamic religious scholars
'Umar bin Khatib (عمر بن الخطاب) Epithet of the 2nd Khalif'Umar
't'umma (إمت) Islamic nation
Uthamani Period
wabir (camel hair soaked in blood and fried over a fire)
wa'jiya (وصية) death wish, last wish before dying
zakat (زكاة) almgsiving, alms, charity; alms tax (Islamic Law)
CHAPTER 3: INTERCULTURAL TRANSLATION

The translation of Arabic religious texts may be considered 'sensitive' because such texts constitute the very concepts underlying the way in which the Muslim society thinks and operates or its ‘culture’. As Faiq (2004:1) writes:

culture involves the totality of attitudes towards the world, towards events and other cultures and peoples…and refers to beliefs and value systems collectively shared by particular social groups and to the positions taken by producers and receivers of texts, including translations, during the mediation process.

In the process of translating Islamic texts from Arabic into English, the translator takes on the role of a mediator and interpreter. Carbonell (2004) refers to this aspect of the translation process as establishing ‘common ground’ or ‘a mediating space’ between two cultures, which operate under a ‘different network of cultural references’.

Of considerable intrigue when translating from Arabic into English is the degree to which a translation retains its ST ‘Arabicness’ and ‘decenters the West’, as discussed by Holt (2004). As Carbonell (2004) suggests, how much 'alien elements and their references are reduced to familiar references' is something that needs to be weighed against the translator’s loyalty to the source text and the Arabic language itself. These concepts are intertwined with earlier translation theory developed by Venuti (1998), which revolves around the idea of ‘domestication’ and ‘foreignization’ of texts. This thesis will discuss limits in the domesticizing and foreignizing of texts and explore what constitutes ‘crossing the boundaries’ so to speak in the translation process.

Figuring prominently into this discussion are the Seven Standards of Textuality initiated by Beaugrande and Dressler (1981), which define communicative discourse and demark the following constitutive principles:

1. Cohesion a surface text which is connected
2. Coherence underlying text relevance
3. Intentionality producer’s attitude toward text
4. Acceptability receiver’s attitude toward text
5. Informativity extent to which communicative occurrences are expected vs. unexpected or known vs. unknown.
6. Situationality text’s relativity to situation
7. Intertextuality  

    text dependent upon previously encountered knowledge

If one of the seven standards is defied, there occurs a break down in the communicative effectiveness of the text. There are also be regulative principles which control textual communication. There are at least three:

1. Efficiency  

    communicating with minimum effort

2. Effectiveness  

    text should leave strong impression and create conditions for attaining go

3. Appropriateness  

    There should be an agreement between text setting and ways standards are upheld

In this paper it will be seen how the seventh standard of textuality, Intentionality, highlights the translator's responsibility to produce a translation which “constitutes a cohesive and coherent text and fulfills the producer’s intentions.” Streamlining the author’s intentions further requires negotiating between ST ‘orality’ (Hatim 2004) and TL stylistic expectations, a notion related to the concept of ‘Informativity’ and expounded upon by Hatim (2005) with regard to ‘expectedness’ vs. ‘unexpectedness’. It will be seen how ‘Intertextuality’ might also play a role in TL 'Acceptibility' of translated Arabic religious texts.

These theoretical concepts serve to initiate a discussion on the translation of Arabic Islamic texts in the main body of this commentary, which is followed by a source text analysis of the translation presented in this thesis. It will be shown how the concepts discussed above help to determine choices made during the translation process, including lexical and syntactical options, together with overall rhetorical considerations. Analysis of the ST indicates that ‘orality’ operates at all three levels. This may be demonstrated by applying Ong’s (1995) criteria for Chinese orality as Hatim (2004) elaborates upon in identifying traces of orality in Arabic discourse.

Lexical analysis entails further discussion on the concept of retaining ‘Arabicness’ as already mentioned and discussed by Holt (2004). An attempt is made in this paper to establish criteria for choosing to transliterate, borrow or calque terms in a way that might retain ‘Arabicness’ and reflect ‘Intentionality’ on the part of the ST
author. From a strictly semantic point of view, semantic ranges and classifications, as elaborated upon by Abdul-Raof (2001), will be considered as well.

There is a wealth of research available on topic of translating religious texts. As Nida (1994) points out, sacred texts involve a long and sensitive tradition upon which many people base their faith. Such being the case, translators are increasingly looking to the insights from sociolinguistics for answers in dealing with the many issues of inter-lingual communication. In this sense, translators now have to pay more attention to the relationship between cultures, because the meaning of words and texts depends so largely on the corresponding cultures.

There is also research dedicated specifically to the translation of Islamic sensitive texts. Megrab (1997), for example, discusses difficulties in translating the Hadith (sayings of the Prophet—PBUH). Megrab (ibid.) describes the Hadith as requiring extreme precision owing to the sensitivity of the subject as opposed to the linguistic structures. He further discusses how Beugrande and Dressler’s Seven Standards of Textuality might help in attaining appropriate translations of Hadith into English.

Schaffner (1997: 132) further argues that political texts may be considered sensitive texts since:

both the source text and target text are embedded in a situation and in a culture and fulfill a specific function in their respective situations and cultures.

Schaffner (ibid.) continues saying that the target text as a result of translation reaches a new audience because it transcends linguistic boundaries. In this way, translation may be characterized as cross-cultural communication.

While on the one hand it would be unrealistic to try to include all of the research in this area, there is a deliberate intent to limit the scope of this paper. The focus of this thesis is to present a reliable translation and to compile related research in a way that might lend itself the development of a framework for the translation of Arabic Islamic and/or 'sensitive' texts into English.
CHAPTER 4: RESEARCH QUESTIONS

Careful consideration was taken in choosing the text for this thesis study. The text was chosen because it fulfils the criteria for being a 'sensitive' text. It focuses on the principles of Islam having to do with important legal and social issues as they relate to the Islamic Civilization's treatment of the ‘ahal dhimma or non-Muslims. Though examples in the text date back to the time of the Prophet (PBUH), they represent principles which are highly relevant in today's world; issues range from providing the ‘ahal dhimma with social security, how to treat prisoners and war ethics observed by Islam. A western reader is certain to make an association between accounts found in the text and recent events in the Middle East.

Prior to translating the text, a number of research questions were formulated and are addressed in the commentary, which comprises two levels of interest: 1) the application of theory and; 2) source text analysis.

Questions on the Application of Translation Theory

- Qur'anic texts within the book – There are many translations of the Qur'an available in the market today. What constitutes a reliable translation which might represent the ST producer's tone?

- Hadith – Hadith translations are not as easily located since they are not all found in one book nor are they locatable by a verse number. Language in the Hadith (Prophetic tradition) may be dated and therefore requires careful consideration and the appropriate dictionaries for translation purposes. What are the translation issues surrounding the translation of Hadith and how might ‘orality’ handled?

- Ideational problems occur most often in the way in which the ST producer presents his case. The common theme holding the book together is the Islamic State’s kind and compassionate treatment towards the ‘ahal dhimma. While there is a good deal of reference to the Jewish and Christian atrocities committed against Muslims, atrocities committed by the Islamic State are virtually non-existent in the book. A conscientious effort has been made to retain the ST producer's tone without offending the western reader since the primary aim of the ST producer appears to be to spread the concept of Islamic tolerance toward the
'antagonistic' or inquisitive 'other'. How might the translator manage elements of antagonistic ideology, mediate the 'sensitive text' and convey the ST producer's intentionality?

- Questions on Orality – Orality in the text will involves reformulation and economizing of speech. This problem may be considered stylistic to a certain degree. Can the translator draw upon texts written about Islam and successfully delivered to the West such as those, for example, by Bernard Lewis and how might 'Intertextuality' play a role in TL reader's acceptability of the text?

Questions on Source Text Analysis

- Transliteration - There are extensive references and footnotes in the source text, which require both transliteration and translation. A transliteration key is therefore required and provided at the beginning of the translation for the reader’s convenience. What criteria should be considered in composing a transliteration key?

- Terminology – There are several options for dealing with Islamic terminology. Some words have been assimilated into the English language, such as ‘Zaqat’ and ‘Jihad’, and are therefore transliterated and explained in a glossary. Others require translation and still others include both the Arabic transliterated word and its English counterpart in parenthesis. The question facing the translator is how to retain ST 'Arabicness' without compromising the target audience's understanding or losing its interest.

- Name and place referents require explanation in order for the TL reader (anticipated to be a general reader and not an expert on Islam) to understand and benefit from the translation. How might a glossary of Islamic terms be compiled?

- General difficulties faced in translation – these have to do mainly with following the many early Islamic accounts relayed in the book. As a non-Muslim, one challenge is to follow person and gender reference in the stories as well as references to battles, locations and the line of khalifa, for example, all of which might require research outside translation studies and the translation itself. What
are possible resources for this area and can referents be placed into context in the glossary?

During the translation process, extensive notes were taken and are used for reference in the commentary. While successive translation drafts were written, early drafts have been retained for reference. In anticipating the need for a glossary, for reasons which will be discussed in the body of this paper, name and place referents were highlighted and collected throughout the translation process.

These steps, as outlined above, were carefully documented throughout the translation process in an effort to combine practice and theory in order to help establish a framework for the translation Arabic Islamic texts into English. The questions mentioned above form the basis for research in this thesis and were anticipated through previous study of Arabic texts and theory related to this topic during the course of my study at the American University of Sharjah in the masters program for English/Arabic/English Translation and Interpreting.
CHAPTER 5: TRANSLATING ARABIC ISLAMIC TEXTS INTO ENGLISH

Traditional interpretation of what constitutes a 'sensitive' text in translation includes religious texts such as the Qur'an or Bible. Hatim (1996: 122-3) explains concerning such sacred texts:

translating the letter of the source text is often considered to be of paramount importance and translators will be guided above all by this constraint.

The Qur'an verses, for example, cited in the ST of this study fall under such constraints. Translators of the Qur'an have taken great measures to preserve the original ST of the Qur'an. As Lewis (2003: 8) accurately states:

the Qur'an itself has been adopted by Muslims as uncreated and eternal, divine and immutable…and has become a central tenet of the faith.

Faiq (2000:90) substantiates this claim stating:

shortly after the establishment of the Islamic polity, late in the seventh century, the Arabs recognized the importance of translation for spreading their new faith and strengthening their new state…and…translation became an official concern.

A broader definition of 'sensitive' texts might also include exegeses of sacred texts, such as the Hadith (the saying, deeds and approvals accurately narrated from the Prophet (PBUH), Khan (1996:803). The Hadith are considered highly sacred, so the manner in which they are delivered by the translator would fall under similar though perhaps slightly less constraints as Qur'anic verses.

Schaffner (1997) further recognizes political texts as 'sensitive' mainly because of their function and the fact that they are used for external communication. According to Schaffner (ibid), specific surface structure in political texts triggers cognitive reasoning processes. The target text, as a result of the translation process, reaches a new audience, transcending linguistic boundaries and may hence be considered as cross-cultural communication. Schaffner (ibid.) suggests that the functional concept behind political texts can best be explained within the functional approach to translation through the skopos theory (cf. Honig &Kufmaulu 1982, Nord 1988, Reif and Vermeer [1991]), which elaborates upon the function of the TT in its target situation in the target culture.

The text in this study may be considered 'sensitive' in more than one respect since it contains Qur'anic verses, extensive quotes from the Hadith, and the author's own
social/political outlook. It will be seen how specific surface structures in the Arabic ST reflect the text's function but may be said to differ from a similar ST with the same function in the target language. The discourse chosen in the source text is based upon specific (culture-specific) background knowledge and political attitudes shared by the source text culture. The challenge in translating this text lies in the fact that the TT readers may not be assumed to have all the background knowledge of the ST readers. Communication between the two cultures (Islam and the West) might be impaired if ST surface structures and the underlying intentionality of the ST producer are not interpreted in the light of their purpose.

The Islamic Discursive Universe

The Islamic text as a 'sensitive text' may best be explained by examining what Holt (2004) refers to as the 'Islamic discursive universe'. Lewis (2003) defines the term 'Islam' as denoting:

more than fourteen centuries of history, a billion and a third people and a religious and cultural tradition of enormous diversity

and emphasizes the connection between Islam and politics by quoting the late Ayatollah Khomeini (ibid: 7-8): "Islam is politics or it is nothing". Lewis (ibid: 8) continues:

Not all Muslims would go that far, but most would agree that God is concerned with politics and this belief is confirmed and sustained by the Shari'‘a (Holy Law), which deals extensively with the acquisition and exercise of power, the nature of legitimacy and authority, the duties of ruler and subject, in a word, with what we in the West would call constitutional law and political philosophy.

Islamic sensitive texts, like western sensitive texts, range, of course, in terms of 'sensitivity' from moderate to extreme. In describing the Islamic discursive universe, Holt (2004: 64-65) is quick to point out the difference between 'Islamism' and 'fundamentalism':

Fundamentalism refers to a belief in the literal truth of the Bible, which liberals in the West see as unorthodox… A belief in the literal truth of the Qur'an is the mainstream view in Islam and is not what distinguishes Islamist activists from the general population: Accordingly the term (fundamentalism) is inappropriate…
Islamism, then, in very general terms, is a rejection of Western European political models, but not of modernism or progress.

Islamic texts alluding to this challenge to the West may surely be considered 'sensitive' by their very nature. Over the course of history, and more to the point recent history, references to the Qur'an, Hadith and other early Islamic history and are commonplace in Islamic public 'discourse universe'. Lewis (2003: xxiii) cites, for instance, such allusions during the Iran-Iraq war in the 1980s and even more recently in the speeches of Usama bin Laden:

both sides waged massive propaganda campaigns that frequently evoked events and personalities dating back far as the seventh century to the battles of Qadisiyya (637 C.E.) and Kabala (680 C.E.)"…and employed these allusions, knowing that they would be understood by their audiences and even by proportions of those audiences that were illiterate… In the same spirit, Usama bin Ladin accuses Vice President Cheney and Secretary of State Powell (named together) as having "wrought greater devastation in Iraq through the Gulf War of 1991 and after than did the Mongol Khans who in the mid-thirteenth century who conquered Baghdad and destroyed the Abbasid Caliphate.

In more recent video clip aired on Al Jazeera (2006), Usama bin Ladin uses several references that took root in early Islamic history such as umma (Arab Nation), evoking a sense of pride and kifr or infidels, while at the same time offering Sayid (Mr.) Bush (putting him on equal grounds with himself) a hudna (truce), illustrating the compassion of Islam during wartime.

Rhetorical Considerations

The source text in this study falls well within the parameters of the Islamic discursive universe as discussed above since it contains Qur'anic verses, Hadith, allusions to early Islamic history and the producer's own tone of defiance to the West. The ST producer builds his argument through as Hatim (2003) discusses a typical through-argumentation rhetorical style (as opposed to counter-argumentation) in order to support his contention that Islam is the most tolerant and just religion. In line with Ong (1995)
who denotes through-argumentation as a feature of oral tradition, Hatim (ibid.: 10) explains that:

through-argumentation is a commonly used stylistic device in modern standard Arabic that is a hold-over from the oral tradition.

While the text under study may be considered far lower on the scale in terms of radicalism compared to statements made by bin Ladin, it does emit a tone of defiance towards the West in a subtle manner (see 5.4). The through-argumentation mechanism at work in the source text is found in the layers of evidence from early history and the Qur'an and Hadith accounts that have been compiled by the ST producer to prove unequivocally Islam as the most just and tolerant religion among the three divine religions. The presence of a counter-argument is non existent. Instead, through repetition and a cumulative build up of evidence, the ST producer asserts the noble ethics of Islam through its protecting the ‘ahal dhimma in war and peace and giving them the right to social security, working in high positions, and retaining their religious practices and beliefs.

Following are but a few Qur'anic examples from the source text used to substantiate the ST producer's argument that Islam is the most just religion:

- Allah does not forbid you respecting those who have not made war against you on account of (your) religion, and have not driven you forth from your homes, that you show them kindness and deal with them justly; surely Allah loves the doers of justice. [Shakir 60:8]

- There is no compulsion in religion; truly the right way has become clearly distinct from error;…” [Shakir 2:256]

And they give food out of love for Him to the poor and the orphan and the captive. [Shakir 76:8]

- We only fee you for Allah’s sake; we desire from you neither reward not thanks. [Shakir 76:9]

Further evidence of Islam's justice towards the ‘ahal dhimma is found in the hadith (Prophetic traditions) accounts, which comprise approximately 75% of the source text. Following are a few examples from the translated text:
• He also said, "Whoever offends a Dhimmi will be my opponent, and I will be against him on the Day of Resurrection." (Al Hindi: 4)

• The Prophet also warned against transgressing upon the 'ahal dhimma's possessions or forcing them to do that beyond which they were capable, saying that whoever unlawfully killed a Dhimmi would not enter Paradise. The Prophet (PBUH) himself said, "Whoever treats a Dhimmi unjustly by not giving him his full rights, or places a burden upon him for which he does not have the strength, or takes anything from him against his will—shall face me as his opponent on Judgment Day." (Abu Dadud: 205)

• It is also narrated that the Prophet said, "Allah has forbidden you to enter the homes of the People of the Scriptures (Bible and Torah), to beat them, or to eat from their fruit trees without permission as long as they pay their dues." (Al Bukhairy: 192)

The Qur'anic verses and Hadith accounts cited above help define this particular source text as a 'sensitive' text. Identifying a source text as 'sensitive' may be considered one of the first steps in translating an Arabic Islamic text into English. Further evidence of this ST being a 'sensitive' text follows below in analysis of the ST producer's own social/political outlook.

As Hatim and Mason (1997) explain, counter-argumentation, which is common to English, involves two protagonists confronting each other. There is the 'absent' protagonist, who has his or her 'thesis' cited to be evaluated, and a 'present' protagonist, performing the function of orchestrating the debate and steering the receiver in a particular direction. The ST under study is absolutely void of the 'absent protagonist' but instead offers comprehensive evidence from the Qur'an, the Hadith and Islamic history in order to establish justice, compassion and peace as the guiding principles behind Islam. A message of defiance is also present when the author notes the hypocrisy in U.S. calls for 'democracy' and U.S. practice in reality:

• Is it not true that those who call for freedom, democracy and equality offer the Islamic Nation nothing more than inhumane and humiliating treatment of prisoners resulting in forced confessions? (Al Bluwi translation: 56)
More recently, there is what is happening in plain view in Palestine today, which includes the killing of children, women and elderly men as well as the demolition of houses, the uprooting of trees, and the spread of Aids. (Bluwi translation: -28 27)

The reader need only compare Islam's (added in) spirit of tolerance with what is seen and read in the various media on racism, fanaticism and oppression toward Muslims in many countries of the world. (Bluwi translation: 36)

Given the overwhelming presence of through-argumentation in the source text, the translator is faced with rhetorical constraints difficult to overcome. Without adding in the 'absent protagonist' to the ST, which would violate recognized norms of 'fidelity' (as discussed under 5.5.3), the translator is compelled to advance a fairly subdued ST message, by western (English) standards, to the TL audience. The rhetorical constraints imposed by this particular source text may be explained by the oral tradition characteristic of early Arabic and residually found in this particular ST. Hatim (2004:9) explains the implications of residual orality by saying:

The empathetic and involved rather than objectively distanced and dialogic attitude to language use typical of through-argumentation (as opposed to counter-argumentation)... is an attitude that has been identified by Ong (1982) as an important facet of residually oral linguistic behaviour... and... is said to be conservative or traditionalist rather than innovative and outward-looking.

Hatim (ibid: 9) sums up the difficulty in translating the rhetorical style containing residual orality when he describes the awkwardness found in fairly literal translations of Arabic editorials. This 'awkwardness' comes from, as he says,

a tendency on the part of the source text producer... to make argumentative claims linguistically 'present' by calling attention to them, repeating them and insisting on their salience (excessive pathos) rather than appealing to their logos... To and English reader, this is perceived not without reason as "trespassing, presumptive, illiterate, haranguing and breathing down the neck of the audience" (Sa'deddin 1989:44)."

While it is well beyond the scope of this paper to claim the presence of through-argumentation in all or even most Islamic discourse, the absence of counter-
argumentation in Arabic religious texts has been identified as a possible area of concern for the translation of Arabic Islamic texts into English. Strategies to best confront residual orality of this nature might include adding in emphasis to the ST producer's argument and capitalizing upon existing ST elements of controversy and contrast through syntactic reformulation whenever possible. This may be explained by the following example found on pg. 33 of the ST:

كما كتب عمر بن عبد العزيز عدة مرسوم تضمن مساعدة المزارعين القراءة على زراعة أراضهم.

_Literally:_ Just as 'Umar bin Abdulaziz wrote a number of decrees to help the poor farmers with their land.

_Translation_ (with added in emphasis): Further examples of 'Umar Abdul Aziz's religious tolerance toward the _'ahal dhimma_ abound in the decrees that he issued, which were aimed at helping poor farmers.

وكان عليه أفضل الصلاة والسلام يغضب أشد الغضب إذا بلغه أن طفلًا أو امرأة قتلت أثناء القتال، فنجد حين بلغه

قلل بعض الأطفال يقول بلهجة ملوى الغضب: "لا تقتلوا الذرية، أما تقتلوا الثروة، ثم أثبت أن هذا فيه تجاوز للحدود

ويتصادم مع إنسانية الحضارة الإسلامية.

_[Literally:]_ And upon him be prayers and peace, he became the most angered whenever he was informed of a child or woman being killed during battle. We find when he was told about some children being killed, he was full of rage and said, "do not kill offspring, do not kill offspring, confirming that this goes beyond bounds and conflicts with the humanity of the Islamic Civilization]

_Translation_ (with added in emphasis and syntactic reformulation): Indeed, the Prophet (PBUH) would become extremely angered whenever news reached him of a child or women killed during battle. It is relayed that when he was told that some children had been killed in battle, he angrily refuted the act saying, "Do not kill offspring, do not kill children," attesting to the fact that such action exceeds the bounds of expected wartime behavior (added in to retain focus) and contradicts the human ethics upon which Islam stands firm.
Ideational Hurdles in Translating Islamic Texts

Holt (2004:66) asks, "How does one successfully translate a master signifier into another frame of reference where it neither identifies a community nor ties together other discursive universes… and is it possible to communicate to the 'antagonistic Other' whose existence is essential to set the boundaries for the new 'ummah'?

Islamist discourse, especially since the events of September 11th, has given rise to concepts considered antagonistic to the West. First and foremost, Islamism denotes a political ideology, as Holt (ibid.: 63) explains, which: "articulates its analysis of power and its political plan of action through the religious terms and concepts found in Islam." It will become apparent in chapter 5 how this aspect of the translation process relates to terminology, but for the moment, I would like to focus on the translating of Islamic ideology.

Any discussion surrounding the ideology of two very separate cultures, like those of the West and Islamic East, initiates further discussion on domestication and foreignization as posited by Venuti (1995, 1998), who argues that the translation process represents violence and as Faq (2000: 90) explains:

depresses the ST producer of both their voice and of the re-expression of their cultural values in a foreign, but dominant culture.

How much the translator chooses to monitor the text or transmit the text without intervention or manage the text by steering it towards specific goals or intentions will determine the degree to which ST intentions are violated or not.

In translating the ST under study, the producer's intentionality must be examined, especially with regard to his citing rather negative historical accounts of Christian and Jewish atrocities against Muslims. While the ST producer quite clearly wishes to encourage the Western reader to view Islam favorably, the events depicted may arouse feelings of shame in the Christian or Jewish reader. To understand this aspect of the translation process, some examples from the translated ST (Bluwi: 37) are provided below:

As for Jewish hostility toward Islam and the Muslims, this has been well documented since the era of Prophet Mohammed (PBUH). For instance, there was the Jewish conspiracy to kill the Prophet (PBUH) when the Jews formed an allegiance with idolaters against him. (Bluwi translation: 28)
• Christians, too, may not be absolved of religious persecution against Jews, idolaters, Muslims and those Christians who opposed the Catholic doctrine or doctrine of the Roman Pope. Constantine, for instance, issued a decree authorizing the burning of every Jew who worshipped publicly or invited Christians to join the Jewish faith, and the burning of every Christian who became a Jew. In 395 AD, Theyud Wassesus issued a decree permitting the execution of pagan worshippers and the destruction of their temples. (Bluwi translation: 28)

• Let’s not forget when the Crusaders (al Saliibiyun) invaded Syria and destroyed the mosques and attacked Muslim worshippers. Nor should we forget the Inconquisto Courts (Courts of Inquisition) in Spain, where the Crusaders massacred and denied Muslims the right to practice their faith or to use the Arabic language, in addition to forcing baptism upon them, often resulting in their banishment from the country. (Bluwi [translation]: 28)

• It is well known that when the Crusaders entered Jerusalem, they killed tens of thousands of prisoners until the streets of the city flowed with the blood of women, children, elderly and youth who sheltered themselves in mosques and houses of worship, not withstanding other forms of ugly cruelty and crimes which have stained human history with blackness. (Bluwi translation: 38)

The ST producer might have used a less aggressive tone as in Lewis (2003: xxix):

The expulsion of religious minorities is extremely rare in Islamic history… and compared with European expulsions, 'Umar's decree (that Jews and Christians should be removed from all but the southern and eastern fringes of Arabia in 641 C.E., in fulfillment of an injunction of the Prophet uttered on his deathbed: "let there not be two religions in Arabia.") was both limited and compassionate.

The question being raised here is how much flexibility does the translator have in managing the ST so that it remains loyal to the producer's intentions but acceptable to the TL audience's frame of reference and what are the costs of domesticating a text? This is a question that the translator of Arabic sensitive texts must ask him/herself.
Confronting ideational hurdles (or discourse considered offensive or perhaps aggressive to the TL audience) in the Islamic Arabic text has thus been identified as further area of concern for the translator of Arabic sensitive texts into English. It is important for the translator to practice fidelity to the ST, keeping in mind Beaugrande and Dressler's fourth standard of textuality, the receiver's acceptability. In the ST producer's mind the set of occurrences rendered through the Jewish and Christian massacres builds evidence for his case and creates the cohesion and coherence necessary for this type of text to be operational. Regardless of the threat posed to TL acceptability, the translator is obliged to retain the discourse rendered in the ST lest he/she violate the terms of ST fidelity and thereby TL reliability. However, since the ST producer has made it his business to educate the Western reader, adding in adverbs or comparatives, as in the examples by Lewis (2003) cited above, might help accomplish the ST producer's objectives without offending the TL audience.

The Hadith and the Role of Intertextuality

As mentioned earlier, at a macro level, the text under study contains elements of residual orality as evidenced by the ST producer's heavy reliance upon a cumulative build up evidence and absence of counter-argumentation. At a micro level, the very nature of sacred texts, i.e. the Qur'an and Hadith, contributes to the overall orality found in the ST. One reason why sacred texts emit high levels of orality is because of the narrative discourse found in them (i.e. bible stories and stories from the Hadith and Qur'an). As Hatim (2004:3-4) points out:

The learned literate establishment searches in vain for the prototypic subject matter, the causality-driven action, a stringent organization of plot, a tighly negotiated beginning, middle and end…

While sacred texts have a tremendous hold on the societies and cultures from which they come, to the foreign culture they may appear anachronistic or out of time. Ong (1982:5) typifies the orate text by saying,

There is the tendency to see the world in stark, highly polarized term: good and evil, virtue and vice, heroes and villains. The contextual preferences promote a
mode of thinking and speaking which tends to be emphatic and participatory rather than objectively distanced.

Certainly, sacred texts match this description and for the translator present a perhaps insurmountable challenge since sacred texts form an entire orate ethos, which in Hatim's (ibid.:4) words,

cannot be re-assembled partially or piecemeal, but have to be carefully negotiated and cumulatively appreciated.

The translator might, however employ the concept of Intertextuality when dealing with oral sacred texts, not necessarily through specific words or phrases but by considering the rhetorical patterns found in like texts preserved by the 'other' culture. As Hatim (1990:10) states:

Stylistic effects are in fact traceable to the intentions of the text producer… but there is a further development which adds a social dimension to stylistic effects. Through intertextuality – there is (added in) the tendency of the text reproducers to be influenced by other texts they have experienced.

There are of course varying extremes upon which one might rely upon Intertextuality for style. The Penguin translation of the Qur'an may be considered highly domesticated in terms of style:

- Tell of the day when We shall blot out the mountains and make the earth a barren waste; when We shall gather all mankind together, leaving not a soul behind. (penguin pg. 209 [18:4])

وَيَوْمَ نَسْيَةِ الجَبَالِ وَنَتْرُرِ الْأَرْضُ بَارَزةً وَحَضْرَانَاهُمْ فَللَّهُ مُغَادِرُ مِنْهُمْ أُحُدًا.

Compare this same verse to the Khan translation (a more foreignized version):

- And (remember) the Day We shall cause the mountains to pass away (like clouds of dust) and you will see the earth as a leveled plain, and we shall gather them all together so as to leave not one of them behind.

Nonetheless, style or rhetoric may be manipulated to serve the ST producer's aims by capitalizing upon the ST tone. Examples from the New Revised Standard Version of the Holy Bible (1989:859) and examples from the translated ST serve to illustrate this point:
When Pilate heard this, he asked whether the man was a Glilean. And when he learned that he was under Herod's jurisdiction, he sent him off to Herod, who was himself in Jerusalem at that time. When Herod saw Jesus, he was very glad, for he had been wanting to see him for a long time, because he had heard about him and was hoping to see him perform some sign.

This biblical text may be compared to translated passages from the ST where elements such as (simplicity of terms, additive as opposed to subordinate elements and lengthy sentences remain but are translated in a style acceptable to the TL audience):

- When the ʾahal dhimma saw the justice of the Commander of the Faithful ('Umar bin Abdul Aziz) (God rest his soul), they overwhelmingly came to Damascus for his Council. Manuscripts have preserved many instances which substantiate the fact that many ʾahal dhimma brought their grievances to Khalipha 'Umar for his council in a way never seen in a Ummayad Khalipha before or after.

The content and style of the text above remain in tact and are reader friendly. Another example from the ST translation does, however, point out how referents may need reiteration through use of parentheses in order for the unfamiliar reader to follow the text:

- as Silhiin said: "Sa'id bin Maalak claimed a farm I owned and he is a very powerful man. I came to Sa'id saying, "Give me back my land," but Sa'id ordered me punished. I said to myself, I will go to 'Umar bin Al Khaṭab. I went until I came to a city and asked about the whereabouts of 'Umar. When I came to his house and entered, I saw 'Umar sitting on his aba'a'a (robe) cloak. When I came in, he lifted his head towards me and said, "It seems to me you are not from our religion. I (Dahqan) said, "I am a man from the ʿahal dhimma." 'Umar said, "What do you (Dahqan) need?" I answered, "Sa'id bin Maalak took claim of my farm and when I asked him for my land back, he ordered me punished." 'Umar then ordered his servant, Yarfaa, to bring him a piece of paper and ink, so Yarfaa brought 'Umar a box. 'Umar put his hand in the box and took out a piece of paper and wrote on it. Then 'Umar tried to look for a string to wrap the paper but couldn't find any, so 'Umar took a thread from his aba'a'a that was underneath him and wrapped the paper with it and then handed it to me (Dhaqan).
From the examples above, it may be argued that the translator of Islamic sensitive texts may resort to Intertextuality as a means to negotiate between the reader's stylistic expectations and remaining faithful to the source text. From a very practical standpoint, pronominal referents may need to be added in to facilitate reader friendliness.
CHAPTER 6: ANALYSIS OF TERMINOLOGY

Until now, discussion in this thesis has focused upon translation considerations involving discourse rhetoric and ideational obstacles in translating Arabic Islamic text into English. At another level, lexical considerations confront the translator. As Carbonell (2004: 27) explains:

The translator, who is a sophisticated reader of a different kind, collaborates by 'mediating' in the selection of a different linguistic code as well as a different network of cultural references.

Carbonell (ibid: 27) elaborates on this aspect of translation by explaining:

this does not always mean substituting familiar references for foreign ones but may instead involve, especially with languages such as Arabic, preserving alien concepts or customs through clarifying in the translated text or explaining them in footnotes.

According to Carbonell (ibid.), this is necessary in order for the reader to process and interpret the new information. The translator in this way works to establish 'common ground' or a 'mediating space'.

An ironic twist to the events of September 11th is that it has led to greater Western interest in Islam, the Middle East, its people, politics, culture and society. How a translator chooses to convey Islamic concepts to the Western reader involves considerations discussed by Holt (2004) in his analysis of the translation from Arabic into English of the book, *ma'aalim fi t-tariiq* (Milestones) by Sayyid Qutb who is regarded by many as the leading Islamist ideologue of the twentieth century. The English translation, according to Holt (ibid: 68-69), has retained "a great deal of Arabicness" because almost every page includes one of the following: 1) words of Arabic origin assimilated into English; 2) quotations from the Qur'an and Hadith translated into English; 3) Arabic quotations reproduced in italicized transliteration with a gloss in English and; 4) Arabic words and concepts transliterated but not translated. Holt concludes that the translation is a:

deliberate strategy to locate the translation outside Western culture as much as possible... and ...situate itself in non-English discursive patterns.
Qutub's (1981) own attempt to 'decenter' the West is in Holt's (2004) view continued through the work of the English translators. This, of course, raises an interesting question for the translator of Arabic Islamic texts into English and directly impacts the translation of terminology. The degree to which a translator chooses to clarify or leave ambiguous the 'Other' culture depends largely on the type of audience the ST producer wishes to address and the ST producer's objective. Holt (ibid.) contends that the translators of *Milestones* (1990) were most interested in reaching an Islamist audience, neither monolingual or monocultural, by the presence of what Hatim (1997) calls 'manifest intertextuality' since many of the bibliographic references to the Qur'an and Hadith are excluded from the English version. The translator of an Arabic Islamic text needs to determine the ST producer's audience and to what degree the ST Arabicness should be retained in the English translation.

Criteria for Categorizing Terminology

Using Holt's (2004: 68-69) criteria for identifying 'Arabicness' in Qutub's text, it is possible to analyze the terminology in ST under study. For the sake of conciseness, the terminology in the source text falls under similar categories: 1) assimilated words, i.e. jihad; 2) italicized transliterated words and translated in parenthesis, i.e. *amiir al mu'miniin* (Commander of the Faithful); and 3) translated words and/or phrases, i.e. the Islamic Civilization (sometimes translated as Islam, the Islamic Civilization or the Islamic State, depending upon context). The translator's choice in handling terminology largely determines the degree to which ST Arabicness is retained. Below are examples from the ST that fall into these categories.

1) Assimilated Words (Neologisms or Loan Words) "Contacts with other cultures and languages have led to the borrowing of foreign words." (Abdul-Raof 2001:53)

- 'ahal dhimma/Dhimma/Dhimmi
- Zakat
- Allah
- Mahr
- Jihad
- Qur'an
Imam
Kahlipha/Khalifate
Eid
Uthamani Period
Abbasid Period
Hijra
hilal (holy)
Hadith
Surrah

2) Italicized Transliterated Words (translated in parentheses at least once) – Neologisms or Loan Words (not yet assimilated).

All proper nouns and book titles (Names of course do not require translation)
as salat (prayer)
amir al mu'miniin (Commander of the Faithful)
fiqh / fuqaha' (jurisprudence/legal scholars)
ulama' (religious scholars)
kania (surname)
jizya (poll tax)
kharaj (land tax)
'amir (prince/ruler)
diwaan
sadaq (charitable money)
bayt mal al muslimiin/ bayt al mal (Islamic treasury)
mushrakeen (partners in idolatry/associates)
mira (money/provisions paid to Mecca)
wabir (camel hair soaked in blood and fried over a fire)
khwariji
al-ja'oun (title given to Jewish religious leader)
ra'as jalut (title given to Jewish political leader)
al samiriya (minted dirhams)
faranj (European foreigners during Crusades)
awqaf (endowment treasury)
fida' (ransom)
'umma (Islamic nation)
al alamiin (the world)

3) Translated words or phrases (Calques) "Calques are a kind of borrowing through direct translation of foreign words." (Abdul-Raouf, 2001:52)

- الحضارة الإسلامية: Islamic Civilization
- دستور الحضارة الإسلامية: Constitution of the Islamic Civilization (the Qur'an and Prophetic Traditions)
- يوم القيام: Day of Resurrection
- سيده شباب الجنة: Masters (2) of the youth of heaven

A discussion as to how and why particular choices in displaying terminology were made will help to explain the translator's role in setting the TL tone when translating Arabic Islamic texts into English. Category #1 words are words that have already been assimilated into the English language and by their very presence in the target text emit a good deal of Arabicness. Further ST Arabicness is retained in the English ST by the mere fact that the ST is packed with proper names, place names, battles, locations, and bibliographical references, all of which should be transliterated (see category #2 above). The remaining category #2 words raise more complex questions about translation. The presence of so many transliterated terms generates an unknown context for the TL reader who, as hypothesized by Sapir-Whorf, is inclined towards a particular world-view. The translator of category type 2 words has a choice to either in Holt's words 'decenter' the West by retaining Arabic transliterated words or to rely less on transliteration and more on translation. The first option would of course help to retain ST 'Arabicness' but at the same time make more manifest intertextuality.

As mentioned earlier, the choice largely depends on the ST producer's objectives. It is the opinion of this translator that the ST producer is trying to reach a wider western audience and therefore it is justifiable to retain transliteration in addition to translating these terms in parentheses (at least once) and contextualizing them in a glossary. In this way, an over-domestication of the text is avoided and a professional and sensitive
translation is presented, which could help to introduce further key concepts, such as 'ulama' and fiqaha into the English language. In so doing, the Western reader can as Holt (2004: 74) suggests:

follow how these signifiers are structured into other discourses and how they relate to the master signifier, Islam.

As for category #3 words, the decision to translate these terms and phrases serves, as Carbonell (2004) discusses, to 'mediate' the space between the ST and TT in terms of linguistic codes and different networks for cultural references. At a cultural level, the translator is preparing the ground for the reader's interpretation in order to establish some common ground between the TT reader and source text. At the linguistic level, translation of terms and phrase serves the principle behind the Gricean maxims, as elaborated upon by Hatim (2001: 4):

Minimal processing effort should ideally secure maximal effect and yield optimal reward.

Violation of the Gricean Maxims according to Hatim (ibid: 5) must be 'justified' or in other words, greater processing efforts must be accompanied by greater rewards which are offered in return. The balance between retaining ST Arabicness and domesticating this particular ST was reached with the view in mind of mediating cultures, especially given the now widespread misconceptions about Islam and the Arab world that are prevalent in the West. The reward for the TL reader may be measured by the degree to which he/she is compensated in gaining a greater Arab perspective on Islam.

The Source Text Title

The ST title itself presents its own set if lexical/semantic challenges. Titles are important in the west as is evidenced by the care taken in naming Iraqi Special Forces missions, i.e. Desert Storm, Iron Fist, Operation Swarm, etc... From my experience, western titles are typically short and usually catchy. While it is beyond the scope of the paper to identify what makes a good title in Arabic, I have observed a general acceptance in Arabic for what might be considered by western standards rather lengthy titles such as the following: بنو إسرائيل واليهود والذين هادوا (The Bani Isra’el and Those Who Became Jewish); من ملامح لقاء الغرب في القصة القصيرة العملية للعصر المعاصرة (Features of the Arab Encounter with
the West in the Omani Short Story). Close examination of the ST title demonstrates the considerations made when choosing the English TT title:

صور من تسامح الحضارة الإسلامية مع غير المسلمين

(Literally: Images of the Islamic Civilization's Tolerance towards Non-Muslims)

From a western standpoint, the literal title in English above is both long and rather dull. There are semantic problems as well. What is meant by 'images' and 'tolerance'? The ST after all offers no real images, but rather 'accounts' and is the producer talking about 'religious' tolerance or all sorts of tolerance? Only upon reading the ST does the title become clear. Embodied in tasaamuh (tolerance) is also the concept of 'justice' and 'compassion'.

Further problems arise with the term hidarat al islamia (Islamic Civilization). According to the Longman Dictionary of Contemporary English (2001: 230), the word 'civilization' has four meanings: 1) a society that is well organized and developed; 2) all the societies in the world considered as a whole; 3) the process in which societies become develop and organized; 4) a place where you feel comfortable or where there is plenty to do. The ST producer is referring to a civilization that goes back to the advent and mission of the Prophet Muhammad (PBUH) in the seventh century C.E. and extends from Morocco to Indonesia, from Kazakhstan to Senegal, but the principle of 'tolerance' is central to the Islamic religion, which is at one with the civilization. Bearing all of this in mind, the following title was chosen in English: Islam's Justice towards Non-Muslims. This title meets the criteria for western acceptability. The title chosen for the translated Arabic to English Islamic text should be of an appropriate length, be semantically sound, embody the spirit of the ST discourse, engage the TL audience, and have a contemporary ring to it.

Source Text Footnotes

The footnotes and references found in the ST proved by far to be the most tedious of tasks in translating the text not just because they made up perhaps 35% of the text, but mainly because the titles of many of the references translated into English make little sense and in some cases sound peculiar. Nonetheless, it was decided to handle all footnotes and references consistently. Footnotes were translated as endnotes, references
were listed and translated at the end of the text, Arabic titles were retained in Arabic and were transliterated together with a translation provided in parenthesis, and all author's names were transliterated. It is felt that the translated endnotes and references provide a comprehensive reference for the reader and also add validity to the ST producer's claims. Below are a few examples from the text:

References making sense:

- For more details on the opinion of the ‘Ulama' and employing the ‘ahal dhimma in state positions, especially the opinion of critics, see Ibn Qiyam Al Jouzia, أحكام أهل النمة (Principles of the ‘ahal dhimma), v. 1 pp 208-235 where Omar Bin Abdul Al ‘Aziz prohibited them from holding state positions; see also: Al Manṣour, Al Rashid, Al Ma-Moun, Al Matoukal and Al Muqtadar. For details on the ‘ahal dhimma in the Abbasid State, see: Shakar Muṣṭapha, دولة بنى العباس (The Abbasid State), v. 2, pp. 101-171.
- Adam Mertz, الحضارة الإسلامية في القرن الرابع (The Islamic Civilization in the 4th Century), v. 1, pp. 62-63.
- Adam Mertz, ibid., v. 1, pp. 105.
- Gustaf Loubin, الحضارة العرب (Arab Civilization), pp. 128.
- Tartoun, أهل النمة في الإسلام (The ‘ahal dhimma in Islam), pp 170, 256.

References making little sense:

- Al Jouhari, Ismail bin Hamad, الصلاح (The Reliable) edited by، Ahmed Abdul Al Gafour ʿAṭar, Cairo, 1982.
- Ibn Saʿad, الطبقات الكبرى (The Greater Class), v. 5, pp. 369.

Choosing Qur’anic Translations

One main consideration for the translator of Islamic texts is that of choosing an appropriate translation for Qur'anic ST verses that accurately represent the ST producer's Intentionality. Qur'anic translations are prevalent today both in book form and on the internet. It is advisable before choosing a Qur'an translation that the translator become familiar with the ST tone and intentionality of the producer. The ST producer of the text
under study is a professor of Islamic Studies at a segregated university in the United Arab Emirates. As the translator of his text, I felt that he would appreciate a Qur'anic translation that would be both informative to the western reader and at the same time honor the Islamic religion. For discussion purposes, it is interesting to consider the following translation of a Qur'an verse by Khan (1996:19):

- And seek help in patience and as-salat (the prayer) and truly, it is extremely heavy and hard except for al khashi'un [i.e. the true believers in Allah – those who obey Allah with full submission, fear much from His punishment, and believe in His Promise (Paradise) and His Warnings (Hell)] (Surra 2:45)

Though highly informative, Khan (ibid.) elaborates perhaps too much on what is in fact a very short verse from the Qur'an by not only defining terms, but also explaining the implications of the verse in parentheses. In my opinion, this type of translation is intended for two types of audience: 1) Non-Arabic speaking Muslims who might be apt to scrutinize his translation and; 2) People interested in knowing more about the Islamic religion with little background knowledge. Khan's translation is so packed, however, that some might be of the opinion that he has read too much into the Qur'an and has not left the reader much room for understanding it on his/her own terms

Khan's (ibid.) choice of English terms is also of some concern. The following example from Khan (ibid: 145) [Surra 5:5], from a verse used in the ST under study, made me cognizant of the fact that translators of sacred texts need to concern themselves with the tone of lexical items used in Qur'an translations and transliteration devices employed by translators of the Qur'an:

- Made lawful to you this day are at-tayyibat [all kinds of halal (lawful) foods, which Allah has made lawful (meat of slaughtered eatable animals, milk products, fats, vegetables and fruits). The food (slaughtered cattle, eatable animals) of the people of the Scripture (Jews and Christians) is lawful to you and yours is lawful to them. (Lawful to you in marriage) are chaste women from the believers and chaste women from those who were given the Scripture (Jews and Christians) before your time when you have given their due mahr (bridal-money given by the husband to his wife at the time of marriage), desiring chastity (i.e. taking them in
legal wedlock) not committing illegal sexual intercourse, nor taking them as girlfriends (Khan 5:5).

Compare this Qur'anic verse to the same translated verse by Shakir (2000), which was ultimately chosen for the translation in this study:

- Allah says, "...and the food of those who have been given the Book is lawful for you and your food is lawful for them; and the chaste from among the believing women and the chaste from among those who have been given the Book before you (are lawful for you); when you have given them their dowries, taking (them) in marriage, not fornicating nor taking them for paramours in secret,...", [Shakir 5:5]

The Shakir (2000) translation was chosen for several reasons. The Khan translation appears to dense and elaborate for the purposes of the text in this study. It imposes a considerable amount of information upon the reader which could, in my opinion, be better handled in a glossary. There are also significant concerns over the lexical items used in the Khan translation. A sacred text such as the Qur'an calls for a translation using subtle nuances and formality. Khan's usage of 'illegal sexual intercourse' and 'girlfriend', where Shakir opts for, 'fortification' and 'paramours', is surprising. If the author of the translation under study is attempting to clear the name of Islam for the western reader, the Khan translation falls short of the tone being sought by the translator. In short, the Shakir translation does not preoccupy the reader with terminology nor does it impose upon the reader extra information. Rather, it relays a sufficient translation of the verse in a dignified manner, which reflects the author's intent.

The Transliteration Key

The transliteration key used for the translation in this thesis and also for the commentary itself was adapted from a dictionary compiled by Mansouri (2004). The transliteration system is based largely on the symbols of the International Phonetic Association and a guide to the pronunciation of the Romanized forms is provided for in the transliteration key as well.
The Translation Glossary

The use of a translation glossary and how it should be formatted primarily raises technical questions, which is what is addressed in this section. Early on, for example, the question of whether or not to capitalize transliterated was raised. It might be argued that since Arabic does not employ capital letters, transliterated words should also follow suit. However, I have referred to Lewis (2003) for an answer to this question since his book, though not a translation, includes numerous transliterated words from Arabic into English. The pattern exhibited in Lewis' book may be summed up as followed: 1) Borrowed and fully assimilated words are transliterated without italics and 2) Borrowed words which have not been assimilated are italicized and meanings are presented in parentheses following each transliterated word since Lewis does not incorporate a glossary. Place names and other proper nouns are capitalized, i.e. Dar al-Jihad (House of Jihad) but other general nouns are not as in, shahiid.

Another purpose seen behind providing a glossary for the ST translation is in order to place names and terminology into context. In this way, the glossary for the text is somewhat unconventional, but this practice has been undertaken because many of the hadith stories and stories from the Qur'an may be considered foreign to the western reader and yet hopefully of interest.

The glossary is provided at the end of the ST following the list of references and the words are arranged in alphabetical order with the Arabic counterpart displayed to the right of each term. The glossary is in no way comprehensive but is instead limited to entries found in the ST that are highly relevant to the Islamic faith, customs, and history.
CHAPTER 7: CONCLUSION

CNN's apology for a translation error made in early January 2006 highlights the critical role of translation in international affairs. In a press interview with the President of Iran, the translator/interpreter quoted the Iranian president as saying that Iran had the right to build nuclear *weapons* when in fact what the Iranian president had said was that Iran had the right to build nuclear *energy*. Given the possible consequences of such a mistake, CNN extended its profuse apologies two days later. Translating from Arabic into English carries with it not only the challenge translating terms and concepts accurately, but also of conveying the intended ST tone and meaning in order to overcome cultural barriers. As Faiq (2004) points out, simple words like *jihad* and *fatwa* can conjure up images of violence and terrorism in the minds of many westerners. This does not mean that the translator of Arabic Islamic sensitive texts needs to avoid such signifiers, but rather as a mediator between cultures and languages, should seek ways of employing Arabic terms and concepts with the aim of educating the western TL audience.

The approach taken in this study involves the practical application of translation theory. As a student of translation, this has been one of my primary interests, which I discuss in ‘Processing Interpretation’ (Ainlay Chebbo, 2005), when I argue that through practical application of theory, the field of Translation/Interpretation becomes more firmly established. Naturally, the clash between Western ideology and Islamism that is currently being witnesses globally features into the discussion of this paper. This thesis looks at ways of dealing with newness and residual orality and how to retain ST Arabicness. A practical outcome to my thesis is the development of a translation framework for the translation of Arabic sensitive texts into English. Analysis of the source texts occurs at two levels: 1) rhetorical/syntactical and 2) Lexical. While the commentary is organized around these fundamental aspects and the theory behind them, it focuses upon the relationship between these concepts and what cultural implications are observed through the translation of the Arabic ST into English.

The study begins by trying to make evident the inclusion of political texts within the scope of texts defined as 'sensitive' in the field of translation. A traditional definition of what constitutes a 'sensitive' text might be limited to religious texts, the translation of which requires translating to the letter so to speak. A broader definition, however, may
be said to include political texts, which stimulate cognitive reasoning processes. Analysis of the source text under study helps to define it as a sensitive text on two counts because it contains both religious and political discourse. The importance of defining a text as a sensitive text has been identified as the first step in translating Arabic Islamic texts into English (see Appendix A).

The thesis then goes on to discuss rhetorical and syntactic considerations as they relate to cultural sensitivity. The ST is presented in a common through-argumentative style, which is seen as evidencing residual orality. The absence of counter-argumentation is viewed as a semi-insurmountable obstacle in that altering the ST through translation to include an absent protagonist might violate the norms of ST fidelity. Possible strategies to deal with this aspect of translation might include adding in emphasis and capitalizing upon existing ST elements of controversy or Western defiance through adding in adverbs, comparatives, transition words and syntactic reformulation. Confronting ideational hurdles is also identified as a rhetorical problem which might be countered through incorporating rhetorical patterns found in like texts belonging to the 'other' culture. The degree to which the translator performs rhetorical domestication depends upon the ST producer's objective and the audience he/she is addressing through the translation.

The discussion then centers on an analysis of the terminology found in the source text and ways of retaining ST 'Arabicness'. Holt's criteria for categorizing terminology are employed in the translation and the translation framework for easy reference. Translators are encouraged to rely on transliteration for Arabic words that have been assimilated into English and to employ transliteration as much as possible for semi-assimilated terms in order to facilitate more Arabic words entering the English language and also to educate the western audience. To ensure reader comprehension, these terms may be entered in a translation glossary. Translation of terms and concepts highly relative to Islamic beliefs and culture might also be accompanied by transliterations in parenthesis to further retain ST 'Arabicness'.

The thesis presents some practical advice on choosing Qur'anic translations, choosing a title for the text, creating a translation glossary and how to manage extensive ST footnotes and references. The translator is encouraged to carefully consider the tone
and aim of the ST producer in choosing Qur'anic translations and to consider the semantic range of terminology in dealing with the title and titles included in the ST references. References and footnotes are considered essential to the translation of 'sensitive' texts because translating references contributes to the overall ST validity.

A practical outcome of this thesis has been the development of a framework for the translation of Arabic Islamic texts into English, whereby cultural implications serve as a cornerstone for the framework. It is hoped that the framework might operate as a baseline to be added to or simply to initiate the development of such a framework for the translation of Arabic ‘sensitive’ texts into English. It is quite likely, although in no way confirmed through this study, that translators of Arabic Islamic texts into English consistently face some of the same problems when dealing with rhetoric, ideology, syntax, and terminology to name a few areas of perplexity. It is hoped that initiating guidelines for the translation of such texts will make more prominent the universality and ready availability of basic linguistic concepts and bring attention to ideological barriers that may need to be negotiated between cultures of the West and Islamic East.
REFERENCES


**INTERNET REFERENCES:**


APPENDIX A

A FRAMEWORK FOR THE TRANSLATION OF ARABIC ISLAMIC TEXTS INTO ENGLISH
Step #1: Identify the Source Text as a Sensitive text

The Arabic Islamic sensitive text could be a purely religious text or a semi-religious text with political undertones.

Step #2 Choosing a Title

The title chosen for the English TL text should be of an appropriate length, be semantically sound, embody the spirit of the ST discourse, engage the TL audience and have a contemporary ring to it.

Rhetorical Concerns

The absence of counter-argumentation appears to present a problem in translating Arabic sensitive texts into English. Without violating ST fidelity, emphasis should be added in when possible and may involve syntactic reformulation.

Confronting ideational hurdles (or discourse considered offensive or aggressive to the TL audience) can be addressed by adding in adverbs or comparatives to minimize aggressive tone unless the audience being targeted carries the same ideology.
The presence of sacred texts within the Islam text may appear 'out of time' and orate to the westerner. The translator might employ the concept of Intertextuality when dealing with sacred texts, not necessarily through specific words or phrases by considering the rhetorical patterns found in like texts preserved by the 'other' culture.

From purely practical standpoint, pronominal referents may need to be added into sacred narratives (i.e. hadith) in order for the unfamiliar reader to follow the story and for the text to become more reader friendly.

Terminology

The translator needs to determine the ST producer’s audience and to what degree the ST Arabieness should be retained in the English TT.

The translator has choices to make in handling terminology and may either choose to ‘decenter’ the West by retaining more Arabic transliterated words or rely less on transliteration and more on translation. The 1st choice serves to retain the 'Arabieness' of the ST, while the 2nd makes less manifest intertextuality.
Criteria for Terminology

1) Assimilated Borrowed Words – words of Arabic origin which have been assimilated into English (i.e. jihad) can either be used with regular font or italicized to exhibit more Arabicness. Depending upon the audience (Islamic or completely western), these words may be included in the glossary. To educate the TL reader, they may be placed into context in the glossary.

2) Borrowed Words (not yet assimilated) – words of Arabic origin which have not yet been assimilated into English (i.e. amiir) may be transliterated and italicized together with parentheses to explain them and also included in the glossary. Again see as a way to educate the TL reader and allow more Arabic words to enter the English language.

3) Translated Words or Phrases – longer words or phrases not yet assimilated but of interest to the TL reader and of prominence to Islam and the ST tone (i.e. يوم الفيام) may be included in the glossary with their Arabic counterparts.

The Qur’anic translation chosen should accurately represent the ST producer’s Intentionality. Translators of sensitive Islamic texts should concern themselves with the tone of language used and transliteration devices employed by translators of the
APPENDIX B

ARABIC SOURCE TEXT
Ann Ainlay Chebbo was born in Goshen, Indiana in the United States. Ann attended Parkside Elementary School, Whiteman Junior High and Goshen High School, where she received various awards for outstanding character, sports and her artwork. In 1979, she began the study of Arabic from her home when her father hired Ahmed Haile as a tutor. Ahmed came from Somalia and was studying at Goshen College. He taught Ann the Arabic alphabet and simple Arabic sentence structure. She then attended Goshen College one semester before gaining acceptance to Georgetown University’s Arabic language program in the School of Languages and Linguistics in Washington, D.C. Ann spent her junior year at Georgetown as an exchange student in Egypt where she studied at the American University of Cairo. She attained her Bachelors Degree from Georgetown in 1982.

After graduating from Georgetown, Ann worked for the Ghandour Translation Agency in New York City. After that, she moved to Boston to work at the Association of Arab-American University Graduates (AAUG). She was awarded a Masters of Education degree in Teaching English as a Second Language (TESOL) from Boston University where she taught for ten years before coming to the United Arab Emirates in 1999.

Ann is currently teaching at the University of Sharjah in the English Language Center where she also serves as the Associate Director on the female campus.