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Case Studies in Sahaba Treaty Practice and Territorial Integration

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Abstract

This article examines how the Companions of the Prophet (Sahaba), especially during the Rightly Guided Caliphate, translated Quranic and Prophetic norms into concrete legal instruments for foreign affairs and territorial integration. Focusing on treaty continuity, capitulation agreements, safe conduct (aman), and the selective recognition of local custom (urf), it argues that early Islamic external governance was neither improvised nor purely driven by military expediency. Rather, it was structured around covenant fidelity, procedural fairness, and protection of life, property, and worship for non-Muslim populations incorporated into the Islamic polity. First, the article analyses how post Prophetic leadership treated the Prophet's covenants as binding obligations of the political community, thereby grounding later doctrines of treaty continuity and principled termination. Second, it studies capitulation agreements in Syria and Iraq as jurisprudential texts that regulated security, taxation, religious institutions, and mobility, while limiting predation and incentivizing stability. Third, it explores aman as a morally weighty guarantee enabling envoys, merchants, and vulnerable populations to move across borders under enforceable protection. Finally, it shows how administrative continuity and legal pluralism emerged through conditional recognition of urf, allowing diverse communities to preserve internal norms under overarching Islamic sovereignty. These case studies illuminate a formative Sahaba based model of international conduct whose ethical core remains relevant to modern discussions of treaty obligation, minority protection, and lawful governance in plural societies.

Keywords: Sahaba, siyar, Treaty continuity, Sulh, Aman, Dhimmah, Legal pluralism, Urf, Early Islamic governance and International relations.

The jurisprudential significance of the Sahaba in foreign affairs is most clearly visible in concrete case studies where their decisions established enduring norms for treaty making, capitulation, and territorial integration within the Islamic polity.[1] Rather than focusing on

individual juristic profiles, this article examines moments in which ijtihad was translated into institutional practice and where principles of justice, covenant fidelity, non-aggression, and protection of human dignity were applied within complex political environments.[2] A central theme is the continuity of covenants after the Prophet's death. Agreements concluded by the Prophet with tribes and religious communities were treated by the Sahaba as binding obligations of the polity. Abu Bakr's refusal to annul such pacts during the Riddah crisis established the principle that political succession does not dissolve treaties.[3] This understanding was reinforced by Umar and subsequent authorities, who consistently confirmed earlier agreements when governing newly incorporated populations, thereby locating treaties within the public legal order rather than the will of individual rulers.

A second theme concerns the negotiated structure of capitulation. Agreements associated with major urban centers in Syria and Iraq demonstrate treaty models tailored to local conditions, typically guaranteeing life, property, worship, and communal stability in exchange for defined fiscal and political obligations. These arrangements prioritised civilian protection, predictable governance, and regulated taxation, while the covenant associated with Jerusalem emerged as a lasting reference point for protected worship under Islamic sovereignty.

The article further examines the institutionalisation of aman as a mechanism regulating mobility and cross border interaction. The Sahaba granted safe conduct to envoys, merchants, and vulnerable populations, grounding this practice in Quranic commands to provide protection and honor covenants. These precedents later informed classical doctrines governing the status of protected non-Muslims and regulated movement between territories.

Finally, the case studies reveal a sustained engagement with local custom and administrative continuity. In regions with established fiscal and legal systems, Sahaba governance often preserved existing structures where they did not conflict with clear Shariah norms. This conditional pluralism promoted stability and fairness while enabling gradual juridical integration, later recognised by jurists as a legitimate foundation for differentiated legal and political arrangements under Islamic sovereignty.

Through this jurisprudential reconstruction, the article argues that Sahaba foreign policy constituted a norm governed effort to apply revelation based ethics to plural governance and external relations, offering an early template for treaty fidelity and lawful administration that remains relevant to contemporary debates on international obligation and plural order.

Treaty Continuity and Post-Prophetic Covenants:

The transition from Prophetic to Caliph leadership raised an immediate jurisprudential question: did covenants and treaties concluded by the Prophet remain binding after his

passing, or were they personal undertakings that expired with his life? The way in which the Sahaba (R.A), particularly Abu Bakr and Umar (R.A), answered this question had far-reaching consequences for the formation of Islamic norms on treaty continuity, succession in public authority and the ethical identity of the emerging polity in the international arena. Their practice indicates a clear preference for institutional continuity over personalization of covenantal obligations, thereby anchoring Islamic international relations in a conception of the dar as a continuing legal subject rather than a succession of unconstrained rulers.[1]

The Quranic framing of covenants provided the primary normative reference. Believers are commanded to fulfil contracts and covenants in general terms, without limiting the obligation to private transactions:

(يا ايها الذين امنوا اوفوا بالعقود)

"O you, who believe, fulfill the contracts."

Similarly, the Quran links respect for treaties with divine scrutiny and accountability:

(واوفوا بالعهد ان العهد كان مسئولا)

"Fulfill the covenant; surely the covenant will be questioned."

In verses addressing specific treaty contexts, such as the Meccan pacts, the Quran insists on maintaining agreements with those who remain faithful to them:

(فما استقاموا لكم فاستقيموا لهم ان الله يحب المتقين)

"So long as they remain upright toward you, remain upright toward them; indeed Allah loves those who fear Him."

These texts provided a general doctrinal environment in which breach of covenant was morally stigmatised and faithfulness was treated as a sign of taqwa. The Sahaba's post-Prophetic practice can be read as an attempt to extend this scriptural ethic from individual and tribal contracts to the level of public international obligations.

Abu Bakr's immediate response to the Prophet's death set the pattern. Existing treaties with Jewish and Christian communities in the Hijaz, as well as pacts with tribes in the Arabian periphery, were not unilaterally annulled or suspended on the argument that they had been concluded with a now-deceased leader. Instead, Abu Bakr treated them as binding

commitments of the community as a whole, inherited by the new leadership. Where internal rebellion or riddah affected treaty-holding groups, measures taken against them were justified on the basis of specific breaches rather than on the mere fact of succession in leadership.[11] This reveals an early articulation of the principle that public covenants attach to the political community and its institutions, not to the person of the ruler alone.

The case of the Christians of Najran illustrates this approach. During the Prophet's lifetime, a detailed agreement had been concluded with the Najrani delegation, guaranteeing their religious freedom, protection of churches and autonomous internal administration in exchange for financial obligations and political loyalty. After the Prophet's passing, disputes arose over implementation and the status of Najrani communities in the new order. Abu Bakr and later Umar engaged these issues through renewed communication and, in Umar's case, adjustments to the community's territorial arrangement, but neither caliph treated the original covenant as a nullity simply because its original signatory had died.[12] juristically, this suggests that prophetic covenants were read as constitutional arrangements of the polity, not as private contracts lapsing with death.

A similar pattern appears in the handling of agreements with the Jewish communities of Khaybar and Fadak. The Prophet had allowed these communities to remain on their lands under specific fiscal and security conditions. After his death, Umar reassessed these arrangements in light of changing strategic and social circumstances. Some reports indicate that he eventually relocated certain groups from the Hijaz while compensating them for their property, invoking Prophetic indications about exclusive Muslim control of the sacred precinct.[13] Crucially, this policy was presented not as a denial of the binding nature of earlier covenants but as a reconfiguration justified by other texts and public interests, accompanied by compensation rather than arbitrary confiscation. The underlying principle of covenant fidelity was preserved even where policy became more restrictive.

Umar's practice in the lands conquered from Byzantium and Persia further consolidated the doctrine of treaty continuity. Capitulation agreements (sulh) concluded at the time of conquest were confirmed by later correspondence and frequently cited in resolving subsequent disputes. When new caliphs succeeded, they did not demand that subject populations renegotiate from a blank slate. Rather, they affirmed existing terms or, where necessary, sought consensual modification. Baladhuri records multiple instances in which local Christian and Jewish leaders appealed to the original terms agreed with the Sahaba, and later authorities treated those documents as valid legal instruments.[1] This practice indicates a growing recognition of written treaties as durable reference points in the governance of diverse populations.

The Prophetic hadith tradition reinforced this ethic. The concise maxim

(المسلمون عند شروطهم)

"Muslims are bound by their conditions."

appears in legal compilations and was interpreted by jurists as covering a wide range of contractual situations, including public treaties, so long as conditions did not legalese what the Shariah forbids or forbid what it permits.[1] The Sahaba's readiness to treat treaty clauses with non-Muslim communities as morally and legally binding reflects a practical application of this maxim in the sphere of foreign affairs.

The riddah crises posed a potential challenge to treaty continuity. Tribes that had entered Islam and concluded pacts with the Prophet now reconsidered their obligations, some abandoning Islam, others attempting to retain the label of Muslim while withdrawing fiscal allegiance to Madinah. Abu Bakr's refusal to accept a separation between prayer and zakat, and his decision to confront those who withheld zakat, have often been analysed in relation to internal political authority. They also bear directly on external covenant fidelity. By insisting that internal covenants between the centre and the tribes remained binding after the Prophet's death, he prevented the emergence of a fragmented landscape in which numerous semi-autonomous actors might cut separate deals with Byzantine or Persian authorities.[1] In other words, preserving internal covenant integrity was treated as a prerequisite for maintaining credible external commitments.

The instructions given to commanders during the early Syrian and Iraqi campaigns further confirm the linkage between covenant fidelity and external legitimacy. Abu Bakr and Umar repeatedly warned their armies not to violate the terms of capitulations once agreed, not to seize property beyond what treaties and fiscal regulations allowed, and not to harm non-combatant populations who had accepted Muslim protection.[1] These directives flowed from the conviction that treachery in treaty matters constitutes a grave sin and undermines both divine favor and political stability. They also signaled to subject and neighboring communities that Islamic expansion would be conducted within a framework of predictable rules, reducing incentives for desperate resistance or opportunistic alliance-switching.

From these practices, later jurists in siyar extrapolated a set of doctrinal principles regarding treaty continuity and succession. Al-Shaybani, in his works on the law of nations, treats treaties concluded by a legitimate imam as binding on his successors, who may not unilaterally annul them without cause. He grounds this position in Quranic texts on covenant fulfilment and in the historical conduct of the Rightly Guided Caliphs, particularly Abu Bakr and Umar.[1] Al-Mawardi likewise affirms that the imam is obliged to maintain valid treaties and that any modification must be justified by clear harm, manifest breach by the other party or new circumstances that render the original terms impossible to fulfil.[1] These formulations

transform Sahaba practice into general rules: treaties are attached to the office of the imam and to the polity as a whole, not to the personal volition of individual rulers.

The treatment of covenant-holding communities during regime change further illustrates this institutional logic. When Uthman and Ali (R.A) succeeded Umar, there is no evidence of systematic annulment of existing capitulations with Syrian, Iraqi or Egyptian populations. Political and military conflicts in Ali's caliphate were largely intra-Muslim; non-Muslim subjects continued to be governed under earlier arrangements, and there is no record of mass revocation of their protected status on the basis of leadership change.[2] This continuity reinforced the perception that treaties and dhimmah arrangements were stable elements of the public order. In jurisprudential terms, it strengthened the presumption that covenants survive personal and factional upheavals.

At the same time, Sahaba practice indicates that treaty continuity is not absolute. Where the other party clearly violated core terms, especially in matters of security and loyalty, the caliphs reserved the right to respond, including by terminating agreements after proper notification. This corresponds to Quranic guidance:

(واما تخافن من قوم خيانة فانبذ اليهم على سواء ان الله لا يحب الخائنين)

"And if you fear treachery from a people, then throw [their treaty] back to them on equal terms; surely Allah does not love the treacherous."

The Sahaba's adherence to the procedural element in this verse is significant. Rather than justifying surprise attacks or covert violations, they treated notification of treaty termination as a moral requirement that preserved a minimum of fairness even in the breakdown of agreements.[21] In later siyar, this practice became the basis for rules requiring that the imam declare the end of a treaty openly and allow the other side to know where they stand.

These norms of continuity and transparent termination had important consequences for how the early Islamic polity was perceived by neighboring powers and subject populations. A state that honors its covenants across leadership transitions, limits termination to cases of clear breach and observes procedures of notification presents itself as a predictable actor. Such predictability reduces transaction costs, facilitates long-term planning and can even function as a form of soft power, attracting local elites who prefer stable arrangement with a norm-governed authority over the volatility of competing factions.[22] The Sahaba's treaty practice thus contributed not only to the ethical integrity of Islamic external relations but also to their strategic effectiveness.

From a contemporary perspective, the principle of treaty continuity articulated through these early precedents resonates strongly with modern doctrines of state succession and pacta sunt servanda. International law presumes that treaties remain binding upon successor governments unless specific rules of succession or express renegotiations dictate otherwise. The Sahaba's insistence that prophetic and early caliphal treaties remained binding on later rulers reveals an analogous intuition: that a community or state does not become morally or legally free simply because office-holders change.[23] For Muslim-majority states today, drawing on this heritage can support a robust Islamic justification for honoring international agreements, while also providing a language for critiquing opportunistic breaches by any actor, Muslim or non-Muslim.

Capitulation Agreements in Syria and Iraq: Life, Property, Worship and Taxation:

The early Muslim conquests in Syria and Iraq brought large, urbanized and religiously diverse populations under the authority of a polity that had, until very recently, been confined largely to the Arabian Peninsula. This transition posed acute jurisprudential questions: how to integrate conquered peoples without mass displacement, how to regulate taxation in a way that maintained social stability, how to protect religious institutions and how to ensure that military victory did not degenerate into unrestrained pillage. The capitulation agreements (sulh, uhud) negotiated by the Sahaba (R.A), especially under the leadership of Umar ibn al-Khattab (R.A), provide detailed answers to these questions. They demonstrate that Islamic expansion was mediated through structured legal instruments, rooted in Quranic norms and calibrated to local conditions, rather than through a simple logic of conquest and domination.[2]

Damascus, Hams and other Syrian cities entered the Islamic polity through a combination of military engagement and negotiated surrender. Baladhuri's *Futuh al-Buldan* records that when Damascus was besieged, discussions between the city's leaders and Muslim commanders produced a treaty guaranteeing safety for residents, preservation of their property and churches, and freedom of movement for those who wished to depart, in exchange for payment of jizya and acceptance of Muslim political authority.[2] Similar patterns appear in the capitulations of Hams and other urban centers: life, property and places of worship are protected; local administrative structures remain largely intact; and obligations are clearly defined. These treaties operationalized the Quranic command to fulfill covenants and the prohibition of treachery, even in contexts of military superiority.

The clauses concerning life and personal security occupy a central place in these agreements. Urban populations, often exhausted by siege and fearful of massacre, sought assurances that their lives would be spared. Muslim negotiators repeatedly granted such assurances in explicit terms, promising that inhabitants who accepted the treaty would not be killed, enslaved or forcibly relocated. This stands in contrast to prevailing practices in some

contemporary late antique conflicts, where sack and enslavement of conquered cities were common outcomes.[2] Juristically, these clauses translate the general Quranic protection of non-combatants and the Prophetic prohibition of indiscriminate killing into concrete guarantees for defeated populations.

Protection of property formed a second pillar of the capitulation regime. The treaties typically affirmed that houses, land, movable goods and commercial structures belonging to local inhabitants would remain in their possession, subject only to agreed fiscal obligations. Confiscation was limited to specific categories, such as certain public buildings or military installations, and even these were often handled through negotiated arrangements. The decision, rooted in Umar's land policy, not to distribute urban and agricultural property wholesale among conquering soldiers but to treat it as a basis for ongoing taxation, prevented large-scale dispossession and reduced the economic shock of regime change.[2] This approach reflects a maslahah-oriented reading of Quranic injunctions against concentrating wealth in the hands of a few and supports a vision of conquest in which existing economic life is preserved rather than uprooted.

The treatment of religious buildings and practices in Syrian and Iraqi capitulations further illustrates the ethical and legal orientation of the Sahaba. Agreements frequently include explicit guarantees that churches and synagogues would not be destroyed, that religious rites could continue under defined conditions and that clergy would be protected. For instance, in the capitulation of Damascus, Christian churches were left in the hands of their communities, with Muslims appropriating certain sites but leaving others untouched, often in accordance with local negotiations.[2] This practice concretizes Quranic statements that describe monasteries, churches, synagogues and mosques as places where God's name is mentioned and present them as objects of divine concern.

Fiscal clauses, particularly concerning jizya and kharaj, occupy an extensive portion of capitulation texts. Inhabitants were typically obliged to pay jizya, a poll tax tied to adult male non-Muslims, and kharaj, a land tax assessed on agricultural property. The rates and modalities varied regionally, reflecting prior Byzantine and Sasanian fiscal arrangements, local negotiations and assessments of capacity. Importantly, these obligations were framed as compensation for protection and as a contribution to the public treasury, rather than as arbitrary exactions.[29] Jurists subsequently derived from these practices a structured doctrine of dhimmah, in which fiscal obligations are paired with legal protections and access to courts.

The treaties generally exempted certain categories from jizya, such as women, children, monks without independent income and the severely disabled. These exemptions echo Prophetic and caliph instructions concerning non-combatants and those not contributing to public production, and they demonstrate a concern for proportionality and fairness in

taxation. Moreover, historical reports indicate that in times of hardship, such as famine, Umar ordered reductions or suspensions of fiscal demands to prevent destitution among dhimmi populations.[3] This flexibility underlines that jizya and kharaj were not conceived as instruments of humiliation but as regulated components of a broader socio-political contract.

Freedom of movement also features in several capitulation agreements. Inhabitants who did not wish to live under Muslim rule were often permitted to emigrate to neighboring Byzantine or other territories, taking their movable property with them, within a stipulated timeframe. This provision recognizes a basic degree of personal autonomy within the framework of political transition. Those who chose to remain accepted the new authority and its legal order, but they were not coerced into residence. Such clauses suggest an early Islamic acknowledgement of the link between consent and residence, even if the broader imperial context did not yet approximate modern notions of citizenship.[31]

The capitulation of al-Madain (the Sasanian capital region) and nearby Iraqi cities provides another instructive example. Here, Umar's commanders negotiated terms that preserved local irrigation systems, agricultural practices and a significant measure of internal communal governance, while transferring ultimate sovereignty and taxation rights to the Islamic state. Local elites were often retained in administrative roles, subject to oversight and integration into the new fiscal order. This approach reduced administrative disruption and allowed the Muslim polity to benefit from existing expertise and infrastructure.[32] juristically, it reflects a willingness to incorporate non-Muslim functionaries into public service under Islamic sovereignty, a practice later jurists discussed under the heading of istianah bi ahl al-dhimmah.

Critics might argue that capitulation treaties, negotiated under siege conditions, cannot be considered fully voluntary and therefore lack normative force. The Sahaba's practice, however, suggests that they treated the resulting agreements as binding on the Muslim side, even when they could have imposed harsher terms by force. Once terms were set, violations by Muslim officials were rebuked and sometimes rectified by the caliphs. Umar's famous anger on hearing that a governor had raised taxes beyond agreed levels, and his swift intervention to restore the original rates, exemplify this ethos.[33]

The capitulation texts also embedded mechanisms for dispute resolution. In many cases, local judges and religious authorities retained jurisdiction over internal communal matters, particularly family law and religious affairs, while Muslim judges and administrators handled inter-communal disputes, criminal matters and fiscal questions. This dual structure of jurisdiction offered a form of recognised legal pluralism, permitting Christian and Jewish communities to preserve their own personal-status laws under overarching Islamic sovereignty.[3]

Intellectually, these capitulation agreements provided raw material for classical jurists to theorise the categories of ahl al-dhimmah, dar al-sulh and dar al-'ahd. They drew on the Syrian and Iraqi precedents to establish that non-Muslim communities could be incorporated under varying degrees of integration.[3]

From the perspective of contemporary international law and norms, several aspects of these capitulation agreements resonate strongly. The explicit protection of civilians, religious institutions and property aligns with modern principles of occupation and minority rights. The preservation of local administrative structures and legal systems reflects an appreciation for continuity and self-governance within an imperial framework. While the historical setting is pre-modern and unequal, the underlying ethical orientation provides a basis for critical engagement with modern occupation practices.[3]

Safe-Conduct (Aman), Mobility and Cross-Border Interaction in Sahaba Practice:

Among the most distinctive contributions of early Islamic international practice is the institution of aman, safe-conduct. While the categories of dar, dhimmah and sulh regulate long-term territorial and communal arrangements, aman governs the status of individuals and small groups moving across political and military boundaries. In the hands of the Sahaba (R.A), aman became a flexible but morally serious instrument that enabled envoys, merchants, refugees and even enemy combatants to enjoy protection for defined periods and purposes. It operationalised Quranic commands to grant security to those who seek it and translated Prophetic teachings on honouring promises into concrete cross-border practices.[3]

The Quran establishes the basic logic of aman in a well-known verse addressing the Prophet's conduct toward hostile polytheists who nevertheless seek refuge.

(وان احد من المشركين استجارك فاجره حتى يسمع كلام الله ثم ابلغه مأمنه)

"If any one of the polytheists seeks your protection, then grant him protection so that he may hear the word of Allah; then convey him to his place of safety." [3]

This verse does not merely permit temporary protection; it positively commands it, even in relation to those who belong to an enemy camp. The obligation extends beyond allowing them to remain temporarily unharmed; it includes escorting them back to a secure location. The Sahaba understood this as a general principle: that a person who has entered under Muslim protection, whether to hear the message, to negotiate, or to trade, is inviolable for the duration of that protection.[3]

Prophetic practice reinforced this ethic and provided a direct model for the Sahaba. A central teaching in this regard is the hadith that the security pledged by a single Muslim binds the entire community:

(يجير على المسلمين ادناهم)

"The guarantee of security given by the least of the Muslims is binding on all of them."[3]

This maxim elevates even a seemingly minor promise into a community-wide obligation. It indicates that aman is not a trivial courtesy but a serious legal and moral commitment. The Sahaba applied this rule in their own dealings, regarding unilateral grants of protection by Muslim individuals or small groups as binding so long as they did not clearly contradict the imam's explicit instructions or core Shari'ah norms.

A famous Prophetic episode that the Sahaba repeatedly cited in this connection is the case of Hudhayfah ibn al-Yaman and his father, who were intercepted by Quraysh while attempting to join the Muslims at Badr. Quraysh extracted from them a promise that they would not fight alongside Muhammad if allowed to proceed. When they informed the Prophet of this, he instructed them to honor their pledge and not to participate in the battle, saying that Muslims must fulfill their covenants and that Allah would provide help from another direction.[1] Although this incident occurred in the Prophetic period, its jurisprudential implications were internalized by the Sahaba: even a promise made under pressure to an enemy party, so long as it does not entail disobedience to Allah, is to be respected.

In the early conquests, aman functioned in several interrelated ways. First, it provided a framework for the treatment of envoys and negotiators. When Byzantine, Persian or local representatives came to Muslim camps under flags of truce, they were granted explicit or implicit safe-conduct. The Sahaba treated harm to envoys as a grave offence that would undermine the possibility of future negotiation. This practice was grounded both in Quranic emphases on covenant fidelity and in the Prophet's own conduct with diplomatic delegations. Later jurists in siyar developed from these precedents a robust doctrine of diplomatic immunity, but its roots lie in the Sahaba's practical honouring of aman for messengers and negotiators, even during intense conflict.[2]

Second, aman was used to regulate the movement of merchants and other non-combatant travellers between Muslim and non-Muslim territories. Historical reports indicate that Byzantine and other non-Muslim merchants entered Muslim domains under written or verbal guarantees, engaging in trade and sometimes long-term residence as musta'minun, temporary protected persons.[3] Conversely, Muslim merchants and travellers who went into Byzantine or Persian lands did so under the host state's guarantees. Sahaba practice required Muslims who

had entered enemy lands under aman not to betray that trust: they were forbidden from engaging in espionage, sabotage or other hostile acts that would violate their host's protection, even if the host polity was at war with Muslims elsewhere.

Third, aman was extended to groups in the context of siege and capitulation. During the Syrian and Iraqi campaigns, it was common for specific quarters of a city, particular monastic communities, or even whole towns to be granted safe-conduct in exchange for laying down arms or opening gates. In some instances, inhabitants were offered a choice: to remain under Muslim rule with the rights and obligations defined by dhimmah or to depart safely to another territory within a specified time, taking their movable property with them. Both options presupposed aman.

The case of Hams provides a particularly instructive example of group aman in Sahaba practice. Sources report that when Muslim forces had to withdraw temporarily from the city in the face of a renewed Byzantine advance, the local Christian population feared that the protective capacity of the Muslims would lapse. In response, Abu Ubaydah and other commanders are reported to have returned the jizya that had been collected, telling the inhabitants that this payment was taken only in exchange for effective protection; since the Muslims were no longer in a position to defend them, they could not morally retain the funds.

This story illustrates that for the Sahaba, aman was not a one-sided privilege but part of a reciprocal relationship: non-Muslims paid jizya and respected political authority; Muslims, in turn, owed them effective protection of life and property. Jurists later generalized this principle, emphasizing that dhimmah and aman are contracts of protection, not instruments of exploitation.

Aman also played a role in managing population movements in frontier zones. During and after conquests, some groups requested safe passage to relocate to other regions under their own co-religionists' control. Sahaba commanders regularly granted such requests, issuing written guarantees that these groups would not be harmed during transit and that their property would not be seized arbitrarily.

Internally, aman intersected with the treatment of rebels and dissenters. Certain episodes show that Ali and other Sahaba granted aman to opponents who laid down their arms or requested protection. After the Battle of Jamal, for instance, Ali is reported to have granted security to those who ceased fighting and forbade reprisals against fleeing opponents or their families.

Methodologically, the Sahaba's use of aman shows several notable features. They treated verbal grants of protection as fully binding, allowed wide latitude in who could issue aman and condemned breaches of aman as serious moral failures.

Classical siyar later systematized these practices into a coherent doctrine governing mobility, diplomacy and cross-border interaction.

From a contemporary perspective, aman has clear analogues in visas, diplomatic immunities, asylum regimes and humanitarian safe zones. The Quranic command to grant protection to those who seek it, and then convey them to a place of safety, supports proactive Muslim engagement in refugee protection and regulated mobility grounded in moral accountability before God.[1]

Local Custom, Administrative Continuity and Legal Pluralism in Sahaba Territorial Governance:

The incorporation of Syria, Iraq and Egypt into the Islamic polity confronted the Sahaba (R.A) with complex administrative and legal landscapes shaped by centuries of Byzantine and Sasanian rule. These regions possessed established fiscal systems, intricate land registers, judicial hierarchies and deeply rooted communal customs. The jurisprudential challenge was not only to assert Islamic sovereignty but to do so in a way that preserved social order, avoided economic collapse and remained faithful to Quranic and Prophetic norms. The Sahaba's handling of local custom ('urf), administrative continuity and legal pluralism reveals a sophisticated approach in which Islamic principles were integrated with inherited institutions rather than imposed in a vacuum.[2]

At the conceptual level, the acceptance of 'urf as a subsidiary source of law, provided it did not contradict explicit texts, was already implicit in Prophetic and early Madinan practice. The Prophet had recognised existing Arab customs concerning contracts, marriage and compensation for injury, modifying or abolishing only those that clashed with revelation. The Quran itself alludes to recognition of local practice in commercial dealings and social arrangements, speaking of "what is reasonable" (bi l-ma ruf) in matters such as maintenance and divorce. The Sahaba extended this sensibility into their governance of newly conquered territories, treating local administrative and legal practices as presumptively valid unless they violated clear Islamic prohibitions.[3]

In Syria and Iraq, this translated into a deliberate policy of administrative continuity. Umar ibn al-Khattab (R.A) and his commanders retained many elements of existing tax registers (diwans), land classifications and bureaucratic structures. Local functionaries who possessed technical knowledge of irrigation systems, land assessment and record-keeping were often

kept in their positions or integrated into the new administration, albeit under Muslim supervision. Rather than dismantling Byzantine and Sasanian fiscal machinery, the Sahaba repurposed it to serve the Islamic state, adjusting rates and categories in light of Quranic norms on justice and avoiding oppression but preserving the basic infrastructure.

This approach can be seen in Umar's treatment of the Sawad region in Iraq, a fertile agricultural zone with complex irrigation networks and long-established land tenure practices. Instead of redistributing land to Arab conquerors and thereby disrupting cultivation, he left property in the hands of existing cultivators and continued to use local systems to assess kharaj, land tax. Reports indicate that he consulted with experienced Persian administrators and Arab Companions before settling on this model, which treated conquered land as fay, a continuing public resource, rather than as booty. Local custom thus played a decisive role in shaping the concrete form of an Islamic fiscal policy that nonetheless remained anchored in Quranic injunctions against concentrating wealth among the rich and in the broader objective of preserving productive capacity.

Legal pluralism was particularly evident in the treatment of personal-status and intra-communal law among Christian and Jewish populations. Capitulation agreements frequently stipulated that these communities would retain the right to adjudicate their internal affairs marriage, divorce, inheritance, religious discipline according to their own laws and clergy, while recognizing the overarching jurisdiction of Islamic courts in matters of public order, inter-communal disputes and criminal law. In practice, this meant that churches and synagogues functioned not only as religious spaces but as internal legal fora, while qadis handled cases crossing communal boundaries.

By recognizing the authority of non-Muslim religious courts in personal-status matters, the Sahaba institutionalized a multi-layered legal order. This arrangement reflected both realism and principle. Realistically, attempting to impose a uniform legal code on long-established Christian and Jewish communities would have provoked resistance and undermined stability. Normatively, the Quran acknowledges the continued existence of earlier religious communities and, in some verses, instructs them to judge by what God had revealed to them, even as it invites them to the final revelation. In allowing them to maintain internal legal autonomy within a framework of Islamic sovereignty, the Sahaba operationalized this Quranic pluralism in concrete institutional form.

Local custom also shaped particular treaty clauses. In some Syrian cities, capitulation terms included provisions respecting existing market regulations, guild structures and local rules on land use and water rights. Muslim authorities accepted these norms so long as they did not entail flagrant injustice, idolatrous rituals in public space or practices directly contrary to core Islamic prohibitions. Similarly, in Egypt, arrangements concerning Coptic agricultural

communities took into account pre-existing relationships between villages, monasteries and regional authorities. Rather than imposing a uniform tax regime, the Sahaba adjusted demands according to local capacity and historical practice, subject to the overarching principle of avoiding zulm, oppression.

This flexible engagement with ‘urf had important implications for Islamic international relations. It signaled to subject populations and neighboring states that Islamic rule was not synonymous with cultural obliteration. Language, dress, local customs and internal communal structures could remain intact under Islamic sovereignty, provided basic conditions of security; tax payment and public order were met. Such an approach reduced the cultural shock of regime change and made it easier for local elites to accept Muslim authority. It also provided a template for later jurists who would theories the category of dar al-sulh or dar al-ahd, territories under treaty where substantial autonomy remained in local hands.

At the same time, Sahaba practice drew clear lines where local custom conflicted with unambiguous Islamic norms. Practices involving public idolatry, persecution of religious minorities, extreme forms of exploitation or sexual immorality could not be justified under the banner of ‘urf. For example, some pre-existing fiscal burdens were reduced or abolished when they were deemed oppressive or arbitrary. Reports indicate that Umar ordered remissions of certain taxes and prohibited forced labor practices that had been normalized under previous regimes. In these instances, Quranic principles of justice overrode local patterns, demonstrating that recognition of ‘urf was conditional, not absolute.

This conditional recognition extended to commercial law and cross-border trade. Muslim jurists, drawing on Sahaba practice, allowed contracts and trade usages that conformed to regional commercial customs, particularly in relations with non-Muslim merchants, so long as they did not involve riba, gambling or fraud. Market inspectors (muhtasibun) were charged with ensuring fair weights, measures and prices, but much of daily commercial life continued according to (ma ruf), known customary patterns.[1] This acceptance of mercantile ‘urf facilitated integration into existing trade networks in the eastern Mediterranean and beyond, enhancing the Islamic polity’s economic relations with neighboring powers.

Administrative continuity also had a diplomatic dimension. By retaining experienced local administrators and adapting rather than abolishing existing institutions, the Sahaba created a degree of predictability that neighboring states could understand and engage with. Byzantine authorities, for example, were familiar with many of the fiscal and bureaucratic forms that continued under Islamic rule, even if sovereignty and ideological framing had changed. This continuity eased the negotiation of frontier arrangements, prisoner exchanges and trade agreements, since both sides could rely on inherited administrative capacities.[2]

From a methodological perspective, the Sahaba's integration of 'urf and administrative continuity into territorial governance exemplifies a pragmatic ijtihad grounded in maqasid, higher objectives of the Shari'ah. The preservation of life, property, intellect and religion in newly conquered lands required that abrupt and total institutional rupture be avoided. By respecting non-contradictory customs and preserving functional bureaucracies, the Sahaba advanced these objectives while gradually embedding Islamic legal and ethical norms into the public order.[3] Later usul al-fiqh formalized 'urf as a recognized source of law in mu'amalat, worldly dealings, but its roots lie in these early governance choices.

For contemporary discussions of Islamic international relations, this Sahaba-era model of conditional legal pluralism and administrative continuity has several implications. It challenges rigid interpretations that equate Islamic governance with immediate and total homogenization of law and culture. It offers an indigenous Islamic precedent for recognizing minority legal systems, multiple personal-status regimes and cultural autonomy within Muslim-majority states.

Finally, the Sahaba's judgments on when to accept, modify or abolish local custom highlight the need for context-sensitive ijtihad. They did not operate with a fixed checklist but with a set of principles: uphold justice, prevent oppression, maintain order, protect worship and ensure that wealth does not circulate only among elites. Applying these principles today requires careful analysis of contemporary institutions whether national constitutions, customary tribal practices, or international norms and willingness to both affirm and reform them in light of Quranic guidance.

In sum, the Sahaba's management of local custom, administrative continuity and legal pluralism in Syria, Iraq and Egypt demonstrates that early Islamic international relations were not limited to high diplomacy and war. They extended into the daily governance of diverse societies, where the integration of Islamic norms with inherited structures produced a complex but coherent order. This order was neither a simple overlay of Islamic terminology on foreign institutions nor a wholesale destruction of the past. Rather, it was a negotiated synthesis, guided by Quranic ethics and Prophetic precedent that offers valuable resources for constructing a Sahaba-based model of international relations capable of engaging a plural, institutionally dense modern world.

Conclusion

The Sahaba's treaty practice and territorial governance reflect a coherent jurisprudential orientation in which covenants carried binding moral force, conquest was disciplined by negotiated protections, and cross border interaction was regulated through enforceable guarantees rather than expedient violence. Quranic commands to fulfill contracts, honor covenants, and address feared betrayal through transparent notification framed how Abu

Bakr, Umar, and other leading Companions approached post Prophetic external governance. This ethic produced continuity of treaties across leadership transitions, principled grounds for termination in cases of clear breach, and a sustained emphasis on procedural fairness that later jurists formalized into doctrine.

Capitulation agreements in Syria and Iraq further demonstrate that early Islamic expansion was frequently mediated through written commitments protecting civilian life, property, and worship, while regulating fiscal obligations in exchange for protection. Although these arrangements preserved political hierarchy, they constrained coercion and established predictable rules for plural societies, including recognized space for communal legal autonomy. The institution of aman complemented this framework by enabling envoys, merchants, and vulnerable persons to move and negotiate under binding protection, with serious moral consequences for violation. Equally significant is the Sahaba's conditional recognition of local custom and inherited administration. Rather than treating governance as total rupture, early caliph practice repurposed existing fiscal tools and local expertise where justice and avoidance of oppression were maintained.[1] This context sensitive ijtihād supported a workable plural order and supplied the juristic foundations for later siyar discussions of treaty lands, protected communities, and regulated interaction across frontiers.[2]

Taken together, these case studies show that Sahaba foreign policy was neither reactive statecraft nor an expression of unchecked military power. It was a jurisprudential project aimed at establishing lawful authority through covenant fidelity, public accountability, and protection of human dignity in plural settings. For contemporary Muslim majority contexts, this heritage offers a principled Islamic basis for honoring international agreements, safeguarding religious communities, and structuring mobility and asylum commitments through an ethic of protection and trust.[3]

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