

The Punishments Imposed on Non-Muslims in Islamic History are an Obstacle to Contemporary Social Harmony - A Review

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Abstract: Misconceptions about Islam are prevalent in many parts of the world today, including among non-Muslims. There is a widespread perception that not only Islam but also Muslims are seen as a threat to other people who do not openly view Islamic legal plans and try to seek their authenticity. Many who view it superficially accuse some of the punishments meted out to non-Muslims by the Prophet (peace and blessings of Allah be upon him) in Islamic history as unjust and very cruel. Some Muslims living in Sri Lanka are also subject to that view. It is in this context that the present study pursued to dispel misconceptions about Islam by illustrating the justification given by the Prophet to the Banu Qurayza-Jewish tribe. This review was based on a descriptive methodology from previously published books and journal articles on the subject. This review clearly described the ways in which the Jewish tribes living in Medina, such as Banu Qaynuqa, Banu Nazir, and Banu Qurayza, deviated from the treaty made in Medina by the Prophet Muhammad (PBUH) and how the punishments were meted out to them by the Prophet. Further, the relevant punitive method was analyzed and the rationale contained therein was revealed. It was discussed that the punishments meted out by Prophet Muhammad (PBUH) were in no way an impediment to the reconciliation of Sri Lanka among the communities living there. It is hoped that this review will help to bring about a just and harmonious life for all the people of Sri Lanka by presenting the rationale of the penalties.

Keywords: Sri Lanka, Islamic history, non-Muslims in Medina, sentences in Islam.

I. INTRODUCTION

Today, Islam is seen as a religion under criticism by several non-Muslims. Critics of Islam are widely of the opinion that misinterpretations of Islamic punitive systems in many of the actions taken to misrepresent and discredit Islamic law are currently undermining Islam in international relations. Islam is a religion that loves humanity. It is a religion that emphasizes peace the most. It has the principle that no individual or community should be unjustly punished as far as Islam is concerned. Below are a variety of examples of this statement:

“I am against anyone who impersonates a non-Muslim minority, he said. I will argue against whoever I am against in the Hereafter” (Sahih al-Bukhari).

This one Hadith is a great example of the extent to which Islam has been merciful to non-Muslims under the Islamic rule. Not only that, it can be seen in the following example of how Islam treats non-Muslims.

At one point, the Prophet stood up when they saw a funeral procession. They were told it was the death of a Jew. Then, the Prophet replied that “he was not a human soul?” (Sahih al-Bukhari).

The following incident can be understood as the most relevant example of the beautiful manner in which Prophet Muhammad (peace and blessings of Allah be upon him) behaved with non-Muslims.

When the Prophet (PBUH) was on *Da'wa* (Islamic call) in Mecca, he was greatly persecuted by the Quraysh. Not only were that, many Sahabah (Companions) also subjected to the persecution of the Quraysh. After their emigration to Medina, there was a famine in Mecca once. The Prophet (PBUH) collected 550 dinar from Medina and sent them as relief. Similarly, the Prophet (PBUH) allowed people from the Najran region to perform their religious rites in the mosque, treated the non-Muslims who had urinated in the mosque with kindness, and warned the Muslims about the rights of non-Muslims.

Many people are completely criticizing Islam for keeping the punishments meted out to Banu Qurayza even though the Prophet behaved humanely with non-Muslims. Given the above background, this review seeks to justify the sentencing of Banu Qurayza.

II. PROBLEM STATEMENT

Misconceptions about Islam are prevalent in many parts of the world today, including among non-Muslims. There is a widespread perception that Islam and Muslims are seen as a threat to other people because of their openness to Islamic legal schemes and their inability to distinguish their authenticity. Many who view it superficially accuse some of the punishments imposed by the Prophet (PBUH) in Islamic history as unjust and cruel. It would not be an exaggeration to say that the Muslims living in Sri Lanka are subject to that view. This raises a number of issues, such as the inability of Muslims to live in harmony with non-Muslims, the non-

Muslims' attempts to denigrate Islam as a whole, the emergence of violence against Muslims, the emergence of some organizations with the intention of deporting Muslims, and the unwillingness of non-Muslims to gain clarity about Islam.

III. OBJECTIVE OF THE RESEARCH

The main purpose of this study is to dispel misconceptions among non-Muslims about Islam by exposing the justification of the punishment given by the Prophet to the Quraysh.

IV. IMPORTANCE OF THE RESEARCH

Islam is a religion that longs for human unity. It can be seen that the Qur'an and Hadith have clearly explained how to behave with human beings, whether they are Muslims or non-Muslims. The present study is important because it seeks to correct the perception of non-Muslims that the Islamic trend is irrelevant to Sri Lanka. Furthermore, only one aspect of this study has been undertaken. There are many doubts about Islam in the hearts of non-Muslims. Therefore, this study is vital as it will help future researchers to put more focus on the subject.

V. JEWISH TRIBES IN MEDINA AND THE METHODS OF SENTENCING OF PROPHET MUHAMMAD

When the Prophet (PBUH) migrated from Mecca to Medina, he saw three types of people there:

1. Muslims
2. The Mushrik who lived among the natives and did not accept Islam until then
3. Jews (Sabiur Rahman, 1976)

These Jews are the ones who play a major role in this study. They came and settled in Hijaz under various persecutions during the time of Ashwar and Romans. They set up their lives according to the lifestyle of the Arabs. Nevertheless, their activities were seen as those of the inhabitants of Medina. The Arabs who lived in Medina were subjected to various harassments. In this case, the arrival of Prophet Muhammad (PBUH) and his rise to prominence was not to the liking of the Jews. They were also instrumental in creating problems between the Ansar and the Muhajireen. Three divisions were found among them:

1. Banu Qaynuqa
2. Banu Nazir
3. Banu Qurayza

The Prophet's (PBUH) system of punishment on all three sides is seen as politically motivated. The fact that every citizen and every head of state today have to look at the law enacted by the Prophet (PBUH) from the perspective of authority will help to understand this analysis correctly. After the *hijrah* to Medina, the Prophet (PBUH) made three agreements for the unity of Medina and for a peaceful environment.

1. Fraternity agreement

This is an agreement made between the Muhajireen and the Ansar who migrated to Medina. It was on this occasion that the following verse of the Qur'an was revealed.

"Now, by the command of Allah, only those among your relatives are superior to one another. Surely Allah is knowing of all things" (Al-Qur'an 08:75).

2. Islamic friendship treaty

The Islamic friendship treaty was carried out in the same way as the brotherhood treaty was made between the believers. That is, it aimed to forget the animosities that arose during the Jahiliyyah period (pre-Islamic era) and to completely eradicate racist sentiments.

3. The treaty with Jews

The Prophet (PBUH) made a covenant with non-Muslims just as he made a covenant between the believers. At that time, there were non-Muslim Jews living in Medina. They pretended to be on good terms with Muslims on the outside, even though they were hostile to Muslims on the inside. For this reason, the Prophet (PBUH) made a treaty with the Jews as a result of their belief that all the people living in Medina should live in unity.

The agreement was found to have the following features:

1. Jews of the Aws clan are considered to be the only community united with the believers. These Jews have every right to their religion. Muslims and those who are friendly with them have complete freedom in religion. Similarly, other non-Jewish Jews have full freedom of religion.
2. Jews are responsible for their own expenses. Equally, Muslims are responsible for their own expenses.
3. Muslims and Jews should be mutually supportive against whoever wages war on those who have this treaty.
4. Communication between Jews and Muslims should be based on goodwill, mutual goodwill, and benevolence. The accomplice should not go into guilt.
5. A friend will not blame the other for the crime.
6. When Jews join Muslims in war against others, Jews must also contribute to the cost of the war.
7. Participants in this treaty are strictly forbidden to cause confusion, dissent or bloodshed in Medina.
8. Allah and His Messenger will announce the outcome of any dangerous quarrels or disputes between the parties to this agreement.
9. Security should not be provided to the culprits and those who help them.
10. If anyone besieges Medina, everyone must wage war against them. They need to help themselves. Everyone needs to protect the area they are in.
11. This agreement does not protect the unjust and the guilty from punishment (Safiur Rahman, 1976).

The Jews agreed and signed all of the above features. Features 7 to 11 of the above are the most important features of this review.

Before the arrival of the Prophet (PBUH) in Medina, 'Abdullah ibn Ubayy ibn Salul ruled in Medina. The presidency of Prophet Muhammad angered the man who was seen as the leader of Medina. He was also seen as one who seemed to be behaving well with the Muslims on the outside, but was trying to bring down the Muslims and the Prophet on the inside.

Knowing his condition, the people of Mecca sought his help. It was an opportunity for Ibn Ubayy, who was angry with the Prophet over the decline of his leadership. For this reason, Ibn Ubayy decided to help the Mecca Quraysh against the Muslims. From time to time, the Jews accompanied his efforts. The Prophet forgave them, despite the fact that this act was contrary to Article 7 as mentioned in the treaty, "Those who attend this treaty are completely forbidden to cause confusion, dissent or bloodshed in Medina".

On one occasion in Medina, the Aws saw that the Khazraj clan had forgotten their initial enmity within themselves and were happily talking. Just as Shas ibn Qays thought, the two tribes began to speak of their respective clans. The quarrel between the two crowds escalated and it eventually led to war. The two groups took their weapons and left for Harra. This made Ibn Qays happy. Knowing this, the Prophet went there and through the advice given to them, the two groups began to unite again.

"They will accept Islam in the morning and convert in the evening in order to create confusion among the Muslims and to sow misconceptions about Islam among them. And if Muslims owe money to Jews, they will ask for it and persecute Muslims. But if they borrow from Muslims, they will refuse to pay it" (Jazeera Banu, 2017).

Although the Jews caused many such disturbances, the Prophet (PBUH) was patient for the unity of the people of Medina and for a peaceful atmosphere to prevail. The Prophet (PBUH) could have punished them according to Article 11 of the treaty when the covenants were violated one by one. Nevertheless, it is clear how far Prophet Muhammed (PBUH) was patient with the Jews since the Prophet did not violate the treaty. What were the next maneuvers by each clan? Analyzing what the punishments were given to them would further reinforce this review.

5.1 Banu Qaynuqa and the punishment for them

The Battle of Badr is an important battle between the Mecca Quraysh and the Muslims of Medina. With the help of Allah, the Muslims succeeded, even though the Quraysh plotted various schemes with the aim of overthrowing the Muslims. Just as it was a great loss to the Quraysh, the Jews who lived in Medina were also affected, which angered them. The Jews wanted the Muslims to be defeated in the war. Nevertheless, as the Muslims won, the Jews began to openly oppose the

Muslims. They were the first group to openly violate the agreement made with the Muslims.

In Medina, much confusion was openly expressed. Women in particular have been subjected to much harassment. The Prophet could have called them and punished them if he desired. Instead, the Prophet acted by calling them and giving advice. Even though it is written in the covenant that Allah and His Messenger have the absolute right to punish those who violate the covenant, the fact that the Prophet called the Jews and counselled them showed the commendable manner in which the Prophet dealt with the Jews. Yet, the Jews were not about to be freed from their grip. Day by day, their harassment increased.

"Do not be proud of the fact that after the Battle of Badr, the Prophet was defeated by the Quraysh who did not know war. Fight with us if you can" The Prophet was openly called to war. The Prophet remained patient. Nevertheless, Banu Qaynuqa's audacity increased day by day.

Once, a Muslim woman went to the Qaynuqa tribe to sell a camel skin. A Jew who was there at the time forced her to remove her *hijab*. When she refused, he tied the hem of her dress on a stone that she sat on there. She then got up to go home after work and was embarrassed that her clothes had come off. The Muslim youth who saw this killed the Jew on the spot. As a result, all the assembled Jews killed the Muslim youth.

The Muslims began to wage war against the Jews. War broke out between Banu Qaynuqa and the Muslims, who completely broke the treaty. For 15 days, the Muslims besieged Banu Qaynuqa. The punishment given to them by the Prophet was that they should leave Medina immediately. Accordingly, everyone went to Sham. Afterward, the Prophet ordered that Qa'b ibn Ashraf, who had committed bad deeds to the Muslims and could not bear his harassment, to be killed. The exile of Banu Qaynuqa and the subsequent assassination of Qa'b ibn Ashraf frightened the other tribes, Banu Nazir and Banu Qurayza. As days went by, they were hostile to the Muslims but did not express it.

5.2 Banu Nazir's conspiracy and punishment for them

After the defeat of the Muslims in the battle of Uhud with the Quraysh, the Jews raised once again. The Jews behaved in such a way so as to disturb to the peace of Medina. Their courage increased. Eventually, they planned to assassinate the head of state, Prophet Muhammad (PBUH) himself.

The Prophet (PBUH) came to the tribe of Banu Nazir with several Companions to seek compensation for the Qilab clan who was once mistakenly killed by a Companion named Amr ibn Zamri. After the discussion with the personalities of Nazir the Prophet leaned against the wall of their homes, trusting them to tell the Prophet that we were helping them. But, the Nazir tribe had gathered to plot, climbed onto the roof and planned to put a grindstone on the head of the Prophet. In the

meantime the Prophet realized what was going to happen, and he left the place with taking his Companions.

Only then, the Prophet decided to deport Banu Nazir in their case. Prophet Muhammad (PBUH), who was concerned with the future of the common people, announced their decision to deport Banu Nazir if they continued to inflict such harm on the Prophet, the leader of Medina. They were ordered to leave Medina within ten days. If not, they would receive word that their necks would be cut. However, the hypocrite Ibn Ubayy said, "Do not be afraid. I will help you with the 2,000 soldiers I have". They gained courage as a result of Ibn Ubayy's reassuring words. "We will not leave. They told you to do what you can".

Upon hearing this, the Prophet prepared to go to war with them. There was a confrontation between the two sides. Banu Nazir entered their fort. In this case, the Qurayza tribe did not come forward. Ibn Ubayy also retreated. The siege lasted for 15 nights. Then, they put down their weapons and said that they were leaving Medina. Even in the case of such tyrants, the Prophet allowed them to carry camel-sized luggage so that they would not be sent unarmed. Nevertheless, owning one is still beyond the reach of an average person.

5.3 Banu Qurayza and the punishment for them

Huyayy ibn Akhtab, one of the exiled Nazir tribesmen, came to Qa'b ibn Asad, the leader of the Qurayza tribe, when the Muslims were in a tense situation with the enemy during the Battle of Ahzab. Although he feared the deal he had initially made with the Prophet to tell him of the plot to exterminate the Muslims, he later agreed to it.

The Qurayza tribe prepared to engage in warfare with the Muslims. On this occasion, Muslim women, children, and old men were kept safe in the fort of Fau. Sabiya (*radi-Allahu anhu*) killed a man from the Qurayza tribe who was come to the fort for their protection. Thus, they did not go there learnt that the fort had tight security. However, the Qurayza tribe provided food and assistance to the Mushrik who were involved in the war. The Prophet sent Abdullah ibn Rawaha and Jafar ibn Qawwad (*radi-Allahu anhu*) to find out the truth of this. It was certain that the Jews violated the covenant when they left. The Muslims were in a very precarious situation, with the mergers on both sides on the front and the threat of the Qurayza tribe on the back.

Nevertheless, in this case, Nu'aym, a friend of the Quraysh tribe from the Qatban tribe, had implicitly converted to Islam in order to distract the Quraysh tribe. But Jews did not know the Nu'aym who had converted to Islam. The Prophet (PBUH) plotted to overthrow the Quraysh with the help of Nu'aym. That is to say, "The Quraysh who were with the Jews will return to Mecca if the war ends and they lose. Then, you will get stuck with Muhammad. So let the Jews advise you to mortgage some people from the conspirators and help them." He similarly went to the Confederates and asked them to tell the Jews, "They have lost faith in you and are expecting

some of you as a mortgage." Nu'aym did as the prophets said. The result was a rift between the Confederates and the Jews. It was acceptable to use such tactics on the battlefield.

At a time when the Muslims were trapped in the midst of many tribulations, the tent of the Mushrik (Idol Worshiper) was suddenly blown down by a great storm caused by the fury of nature. The enemy, who had been besieged for a month, suddenly went to Mecca in fear. It was only after this that the Prophet (PBUH) came to a decision regarding the tribe of Qurayza. The third feature of the treaty was that "Muslims and Jews should help each other against whoever wages war against those who have this treaty". Not only did it completely change the nature of the issue, it also aided the opposition, posing a great threat to the very existence of the people of Medina.

The Prophet besieged them in the same way as they besieged the other congregation. The Aws tribe then said, "These are the ones who are colluding with us. They wanted the matter to be decided in good faith". Then, the Prophet said, "If someone from your tribe judges, will you accept it?" Everyone agreed to hear that. Judgment was entrusted to Sa'd bin Mu'adh, one of the Aws tribe (Abu Sulaiman, 1989). The verdict he handed down then is subject to various criticisms today. That is, "All men must be killed. All children, women, and the elderly should be arrested" (Bukhari:4028). Thus, the judgment was enforced.

By explaining how far this system of punishment given by the Prophet to the Jews was appropriate, it is clear that it did not affect Sri Lanka in any way.

Each country has a different punishment system for each crime. Various forms of punishment, such as imprisonment for several years and beheading, are imposed for treason. Even in this age of many technological tools, identifying wars and traitors and preventing them remain a difficult task, as they still exist today.

During the time of Prophet Muhammad (PBUH), such technological tools were in short supply. Although the people of Medina were subjected to numerous hardships by the Jews, many times the Prophet forgave them. Nevertheless, as their atrocities continued time and again, the Prophet was forced to impose severe punishments on them.

There is no record in history that the Prophet (PBUH) initially behaved angrily with the Jews. If the Prophet was angry with the Jews or treated them unjustly, either the Jews should have been expelled from Medina early on, or the Jews should have been deprived of more rights than the Muslims and could not live freely in Medina. No such events had taken place. Rather, they made an agreement between the Jews and Muslims in the same way they made an agreement to establish brotherhood among Muslims. In many cases where the Muslims did not change their treaties, there is ample evidence that the Jews changed it. Yet, the Prophet forgave them. The Charter of Medina, which is revered by many non-Muslims today as the

best legal oath, is a prime example of how gentle the Prophet was in dealing with the Jews.

At the same time, if the Prophet had appreciated the difference in the matter of the Jews, the Prophet would not have been able to mortgage his armor to the Jews and borrow it. In the case of a Jewish funeral procession, they would have been in the habit of saying 'Jewish *janaza* itself'. Nevertheless, the Prophet stood up and paid his respects. The following depicts how the Prophet behaved with each Jewish tribe:

1. The Prophet was patient even when the Qaynuqa tribe called the Prophet to war. Inopportunistly, a young Muslim man killed a Jew because he was behaving in a way that was detrimental to a woman's dignity. Regardless of the justification for what happened, they did not inform the Prophet (PBUH) about the matter and all the people together killed the Muslim youth. The Jews completely violated the covenant. They took advantage of the many offers that were initially provided. If Prophet (PBUH) had left them after this incident, otherwise, it would have caused even worse problems. If one person makes a mistake, there is little chance of it being forgiven time and again. Not only did the whole tribe break the covenant, the Muslims themselves were the ones who caused the Muslims to decide their case. The ruling of the Prophet was that they should leave the country without any loss of life as this would protect the Muslims from further harassment of the Qaynuqa tribe.

2. The Nazir tribe were involved in a much more serious work than the Qaynuqa tribe. They conspired to assassinate the leader of the Medina. The efforts of the Prophet (PBUH) to make Medina a peaceful environment lasted for many years. From Mecca, he set up a new government after 13 years of difficulty, carrying out a number of projects regarding the future state of Medina.

The Nazir tribe was seen as a plotter to assassinate the people of Medina while the Prophet was still considering the welfare of the people of Medina and about their future. This was clearly not a reason for them to create a fear toward the Prophet (PBUH) among them in the case of the people of Medina. There is no doubt that even if the Prophet (PBUH) was killed by their conspiracy and Abu Bakr, Umar, etc. were found in succession, such a terrible situation would occur to them.

The reason is that the Nazir tribe was seen to harbor anger for the Muslims. It is deemed permissible for the Prophet (PBUH) to carry as much goods as the camel carrying the mercy they have in their case. The Jews even stripped the roofs of their houses so that the Muslims would not get any benefit from their property. However, the Prophet took no action against them.

3. What the Qurayza tribe did is unacceptable to any ruler and can only be known through that incident. Muslims feared that the government, which they had been waiting for so many years, would collapse in an instant. Such treachery caused a

storm in the hearts of the Muslims when the Qurayza tribesmen saw the opportunity and dug a trench to prevent them from entering so that the Mushrik could somehow be defeated.

As already stated, what Nu'aym did on that day caused a rift between the Confederates and the Qurayza tribesmen. The following consequences would have been possible if they had not been punished after the victory:

1. Even though two tribes have already been deported, they did not turn over a new leaf. They would likely be involved in a conspiracy against Medina along with two other groups that were already expelled before Banu Qurayza.
2. These three Jewish tribes who lived in Medina had a better knowledge of the environment and people of Medina than the infidels of Mecca. If all three tribes combined, there were possibilities of them to launch attacks in many ways.
3. The deportation of these people is likely to lead to the indifference of the Jews that "Muhammad is not going to inflict great punishments unless this punishment or a similar punishment is meted out".
4. If these three groups join the Mecca Quraysh infidels, Medina will not be able to withstand the strength of the four forces.
5. The Quraysh tribe also stockpiled tens of thousands of weapons against Medina. Thus, if they were left as they were, they would have attacked Medina at any moment.
6. If they had increased their strength by increasing the number of enemies who were intent on destroying Islam, there would have been a danger that Muslims and Islam would be overthrown in one fell swoop.

VI. CONCLUSION

In view of the above possibilities, the system of punishment which the Prophet inflicted on them all seemed to threaten the Jews as a whole. This fear became a stumbling block for the Jews to create even more confusion and trouble. Following this execution, Muslims were able to live in Medina without the fear of Jewish threats.

The fact that the verdict was handed down by one of the Aws tribe, who was allied with the Qurayza tribe, is a testament to the fact that the people thought that their decision would prevent such a catastrophic situation in Medina. Therefore, the penal system will not be dangerous to be implemented Sri Lanka in any way. As stated earlier, the Prophet made this decision in view of the protection of Medina. In their case, no leader could have made a better decision than this in the dire situation they faced. For this reason, this study concludes is that Islamic legal system can never play any role in the interests of the Sri Lankan people or the nation.

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