

## **РАННИ МЮСЮЛМАНСКИ/ИСЛЯМСКИ СТРАТЕГИИ ЗА ПРЕГОВОРИ: „АНАЛИЗ НА СПОРАЗУМЕНИЕТО ПРИ ХУДАЙБИЯ”**

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**Резюме:** *Споразумението от Худайбия е голямо събитие, случило се в ранните дни на исляма, по време на живота на пророка Мохамед. В настоящата научна статия е направено изследване посредством т.нар. „метод на конкретния случай“ (case study), целящо да покаже голямото значение на това споразумение, криещо се във факта, че то се е превърнало в модел за бъдещи арабско-ислямски преговори.*

*Основните идеи, ограничения и техники, произтичащи от това споразумение, все още се използват в съвременността. Като пример, можем да се позовем на речта на Ясер Арафат: „Това споразумение (споразуменията от Осло), не го разглеждам повече от споразумението, подписано между нашия пророк Мохамед и Курайш, а вие си спомняте, че халиф Омар отказва това споразумение и го счита за Сулха Дания за гнусно примирие, но Мохамед го беше приел и ние приемаме сега този мирен договор (Осло).“ [вж. Аудиозапис на речта на Арафат в Йоханесбург, 10 май 1994 г.]*

*Анализираното в изследването гореспоменато споразумение се е случило на място, наречено Худайбия, през 628 г. Споразумението е постигнато между пророка Мохамед и лидерите на Мека. В резултат на*

*това Мека дава политическо и религиозно признание на нарастващата общност на мюсюлманите в Медина. Мохамед се е приближавал до Мека с приблизително 1400 последователи/поклонници, за да изпълни Умрата (поклонението), както е бил насочен в съня си.*

*Меканците, унижени от неспособността си да обсадят Ал-Медина (март 627 г.), не желаят да позволят на пророка Мохамед да влезе в техния град. Вместо това делегация от представители на Мека се среща с мюсюлманите в лагера им Ал-Шудайбия, който се намира на около девет мили (14,5 км) извън Мека, за да договори споразумение. Този акт служи за признаване на равенството на мюсюлманите като партньори за преговори. Обявено е 10-годишно примирие. Две години по-късно, през 630 г., пророкът Мохамед завладява град Мека. Споразумението от Худайбия е повратна точка за новоизгряващата религия на исляма. В резултат на това ислямът в крайна сметка се разпространява по целия Арабски полуостров и много други територии по целия свят.*

**Ключови думи:** *стратегии за преговори, социални различия, ранни стратегии за преговори на исляма.*

**EARLY MUSLIM NEGOTIATION STRATEGIES:  
“ANALYSIS OF THE HUDAYBIYYAH AGREEMENT”**

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**Abstract:** The Hudaibiyah Agreement was a major event that took place in the early days of Islam, during the lifetime of the Prophet Muhammad. This case study will show that the great importance of this agreement lies in the fact that it became a model for future Arabic/Islamic negotiations. The main ideas, limitations and techniques derived from that agreement are still in use in modern times. As an example, we can refer to Yasser Arafat's speech: "This agreement [the Oslo Accords], I am not considering it more than the agreement which had been signed between our Prophet Muhammad and Quraish, and you remember the Caliph Omar had refused this agreement and considered it *Sulha Dania* a despicable truce, But Muhammad had accepted it and we are accepting now this [Oslo] peace accord." (see-Audio recording of Arafat's speech in Johannesburg, May 10, 1994). The aforementioned agreement occurred in a place called Hudaibiyah, in 628. The agreement was reached between the Prophet Muhammad and the Meccan leaders. As a result, Mecca gave political and religious recognition to the growing community of Muslims in Medina. Muhammad had been approaching Mecca with approximately 1,400 followers in order to perform the *Umrah* (pilgrimage), as he had been directed in a dream. The Meccans, humiliated by their inability to besiege Al-Medina (March 627), would not allow the Prophet Muhammad entry into their city. Instead, a Meccan

delegation met the Muslims at their encampment, Al-Ḥudaybiyah, which was situated about nine miles (14.5 km) outside Mecca, to negotiate a treaty. This act served to acknowledge the equality of the Muslims as bargaining partners. A 10-year truce was declared. Two years later, in 630, the Prophet Muhammad conquered the city of Mecca. The Hudaybiyah agreement was a turning point for the fledgling religion of Islam. As a result, Islam eventually spread throughout the Arabian Peninsula and many other territories throughout the world.

**Keywords:** negotiation strategies, social differences, early Muslim negotiation strategies

### **Introduction**

The Hudaybiyah Agreement (628)<sup>1</sup> [Al-Hudaybiyah is the name of a well, twenty-two kilometers (fourteen miles) northwest of Mecca.], was reached between the Prophet Muhammad and the people of Mecca, who were his adversaries at that time. This article will analyze the actions taken by the Prophet Muhammad at a time when he was weaker than his adversaries. These actions allowed him to slowly build his military and political power as a means to spread his message and conquer the world. This paper will also describe the Hudaybiyah Agreement's articles, the negotiation process that preceded it, the outcome and their relevance in terms of understanding early Muslim negotiations strategy. It is important to remember that the Hudaybiyah Agreement continues to be the basic model for negotiations in the Islamic/Arabic world.

### **The Story of the Hudaybiyah Agreement**

Ancient Islamic sources tell us that in 628 A.D, six years after the Prophet Muhammad was forced to leave his birthplace, Mecca, he immigrated to Al-

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<sup>1</sup> Al-Hudaybiyah is the name of a well, twenty-two kilometers (fourteen miles) northwest of Mecca.

Medina. He was accompanied by many of his followers. At that time, he was also occupied by various military activities and engaged in peace agreements with various local tribes in order to enlarge his numbers.<sup>2</sup> [17]

The Khaybar region, which was located to the north of Al-Medina, was populated by a Jewish community, which the new Muslims followers viewed as enemies of Islam. The Muslims also viewed the tribes of Mecca as pagans and infidels, because they rejected the new born monotheist religion of Islam. According to the Sharia (the Islamic religious laws), there was a type of defense-contract between the Meccan tribes and the Jewish community in Khaybar, which was something that Prophet Muhammad found difficult to simultaneously. On one hand, the Jews were considered a “protected people”, but on the other hand they were a people he sought to conquer so that his young religion could flourish in the region.<sup>3</sup> [8]

In the beginning of the month of dhu-al-qa'dah<sup>4</sup> [The eleventh month in the Hijra calendar and also the first of the four holy months where war and battles are forbidden. Hijra is the Islamic calendar and it has begun in 622 A.D.], six years after the second Hijra (the Prophet's immigration from Mecca to Al-Medina) the Prophet Muhammad had a dream that he entered the holy place of Mecca and visited al-Kaaba.<sup>5</sup> [Al-Kaaba is a cube-shaped stone structure located in the center of the great mosque in Mecca. It is considered by Muslims all over the world to be

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<sup>2</sup> War, Peace and International Relationship in Modern Islam, p. 59

<sup>3</sup> Karen Armstrong, Muhammad, Brian Literary Agency, Oxford, 1993, p. 231-232

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<sup>5</sup> Al-Kaaba is a cube-shaped stone structure located in the center of the great mosque in Mecca. It is considered by Muslims all over the world to be the most sacred spot-on earth. Muslim orient themselves towards this shrine during their five daily prayers, bury their dead facing its meridian and cherish the ambition of visiting it on a pilgrimage **Hajj** (one of the five pillars of Islam religion) or while making an **Umrah** (a visit to Mecca, not during the time period of the Hajj), in accordance with the command in the Quran

the most sacred spot-on earth. Muslim orient themselves towards this shrine during their five daily prayers, bury their dead facing its meridian and cherish the ambition of visiting it on a pilgrimage **Hajj** (one of the five pillars of Islam religion) or while making an **Umrah** (a visit to Mecca, not during the time period of the Hajj), in accordance with the command in the Quran]. After shaving his head and making his last preparations, he camped at Mount Arafat with his followers.<sup>6</sup> [2]

Following his dream, the Prophet Muhammad decided to walk to Mecca and perform the *Umrah*. Muhammad called the tribes around to join him; while many refused, some accepted the offer and joined him. Thus, the Prophet Muhammad, dressed in a white gown as all Muslim must do while travelling to Mecca, gathered his loyal followers from Mecca (*Al-Muhajirun*) and those who joined him in the city of Al-Medina (*Al-Ansar*). Together they all began their pilgrimage towards Mecca.<sup>7</sup> [9]

Upon his departure towards Mecca, The Prophet Mohammad announced that he intended to make an *Umrah*. However, the people of Quraish were suspicious of his intentions and refused to allow him to enter the holy city of Mecca. After considering his next steps, the Prophet Muhammad sent *Uthman ibn-Afan* (the future third Khalifa) with a message of reconciliation to the Quraish people. The Quraish sent *Sohil b. Umrah* to negotiate an agreement.

In order to assuage the tension and fear from the hearts of the Quraish people, the Prophet Muhammad also sent an honored and respected man to attend the negotiations in order to be witness to the agreement and the conditions under which it was to be conducted.<sup>8</sup> [12]

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<sup>6</sup> Al -Wakdi, p. 607

<sup>7</sup> Karen Armstrong, Muhammad, p. 233

<sup>8</sup> Khadduri, War and Peace in the Law of Islam, p. 210-213

The political situation prior to the Hdaybiyah Agreement was a fragile one for the Prophet Muhammad. A year before the agreement, a war was going on between the Quraish people of Mecca and the Prophet's followers. This war, called the "Trench Battle", damaged the Prophet's prestige, despite the fact that the third Quraish attack failed.<sup>9</sup> [The Trench Battle, "razzut al-chandak", took place in 627 A.D. the end of the fifth year to the hijra. Quraish people supported by the Atfan tribe surrounded the city of Al-Medina where Muhammad and his people were staying. The Quraish army was a significant threat to their opponents, and so, as the Islamic tradition tells us, Muhammad took the advice of a Persian man and ordered his followers to dig trenches around the neighborhoods in Al-Medina and created fortifications. It took six days to dig the trenches and to build the fortifications, and even though not many lost their lives among the Prophet's camp the situation was difficult. The Prophet offered the Atfan tribe a peace agreement in which the Atfan people would get a third of Al-Medina's harvest. That agreement was never implemented but created contentions between the Atfan tribe and their allies, the Quraish. The Quraish tried to convince the Kuraita tribe to join and fight with them because their location was outside the trenches. According to tradition a big storm came about that mentioned in the

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The Prophet Muhammad knew well that the Meccan people were feeling victorious, while he and his people seemed too weak to defeat the Quraish army. Additionally, the Prophet Muhammad knew that he could not beg the people of Mecca to agree to a peace agreement. Therefore, the pilgrimage to Mecca was the only alternative he had to create a situation where a truce with the Meccan people would not frame him as a weak leader. To achieve his goal, the Prophet went to Mecca with approximately 1,400 soldiers as an attacking military brigade, a scene that could preserve his pride and honor in the eyes of many other tribes in the Arabian Peninsula, which the Prophet intended to convert to Islam.<sup>10</sup> [10].

The Prophet Muhammad took a great risk, because walking his army straight into the walls of his enemies in Mecca could have ended in disaster.<sup>11</sup> [3]. Islamic tradition tells us that when the Quraish people heard of the Prophet Muhammad's arrival to Mecca, they went to confront him and declared that, "Muhammad will never come to them or to the shrine"<sup>12</sup> [6]. An exchange of representatives occurred between the two sides but the situation was a delicate one and could have fallen apart at any time.

The leaders of the Quraish tribe were concerned about their honor and image in the eyes of the entire tribal environment. They declared "and if he (the Prophet) came and he does not want to fight, even then shall he not come to the shrine never ever, and thus we will not be in the Arab conversation (gossip or humiliating talks) because of that thing."<sup>13</sup> [7].

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<sup>10</sup> Karen Armstrong, Muhammad, p. 234

<sup>11</sup> Donner p. 243-244

<sup>12</sup> Ibn-Hisham, volume 3, p. 241

<sup>13</sup> Ibid. p. 243

Various missions aimed at reconciliation between the two camps ended in an agreement that was signed in a place called Hudaibiyah. This agreement reflected the mutual interests of both sides. The people of Mecca, who were merchants and therefore much more powerful, were prepared to fight and to push back against the Prophet's camp. Because they were interested in a lasting peace, which would benefit their trade and commerce, they concluded that it was in their best interest to sign a non-aggression agreement with the Prophet Muhammad. In Arabic this is called *sulh*<sup>14</sup> [**Sulh** - Arabic: صلح, ṣulḥ is an Arabic word meaning "resolution" or "fixing" generally used in conflict problem solving. It is frequently used by many Arab Islamic societies as a pre-Islamic instrument to solve problems, conflicts and honor killings cases. For full acknowledgment see "How Sulha Works, Explaining Customary Conflict Resolution Within Northern Israel's Arab Community by Dr. Doron Pely.]. This agreement was to be valid for ten years.

#### **Conditions and Terms of the Treaty of Hudaibiyah**

- There should be peace between the Muslims and the Quraish for a period of 10 years.<sup>15</sup> [5]
- The Muslims will return to Medina without performing Umrah this year.
- The Muslims should be able to perform Umrah the next year, with a stay of three days in Mecca.
- The Muslims will only be armed with swords and those swords will be sheathed.

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<sup>15</sup> Ibn al-Athīr, Majdud-Dīn Abū as-Sa'ādah, *an-Nihāyah fīl-Gharīb al-Hadīth*, 3/327.

- The Muslims living in Mecca can stay in Mecca, but if any Muslim wishes to come to Medina, he should not be stopped.
- If a person migrates to Medina, he can be returned. If a person migrates to Mecca, he cannot be returned.
- Tribes of Arabia would be free to take any side they choose.<sup>16</sup> [1]

### **Discussion**

This Agreement is still used by many Islamic scholars, muftis and philosophers as a significant Islamic religious, historical and judicial precedent. This agreement is often referenced, and it is acceptable to do so. For Muslims, the fact that the Prophet had reached an agreement lasting ten years, which was quite a long period of time for agreements at that time, is a great accomplishment. The fact that the Prophet Muhammad reached this agreement with his worst enemies, which avoided access to Islam's holiest place, the Kaaba, proves the fact that when Muslims cannot overcome an enemy through war, Muslims must turn to a peace agreement.<sup>17</sup> [16]

The Prophet Muhammad knew that the agreement was not in his favor nor that of his people, never the less he decided to sign the agreement. A verse in the Holy Quran explains the source of his confidence: "I am a servant of God and His messenger. I will never disobey His command, nor will He ever abandon me".<sup>18</sup> [14] This verse shows an eternal communication with God and emphasizes the total submission to God's will, which is the essence of Islam.

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<sup>16</sup> Ahmad, Musnad, 4/325, from Ibn Ishāq with a good (hasan) chain where he clearly states that he heard it in Sirah ibn Hesham, 3/308.

<sup>17</sup> War, Peace and International Relationship in Modern Islam, The Jerusalem Institute for Israel Studies the Hay Elyachar House, 2008, p. 58

<sup>18</sup> Sirat Ibn Hisham, 3-4:196, Prophet Muhammad, Peace Treaty of al-Hudaybiyah.

Another Quranic verse that commands the Muslims regarding a clear inclination toward peace is the following: "But if they incline towards peace, then you must also incline towards it and put your trust in God: He is the All-Hearing, the All-Knowing. If, however, they intend to deceive you, then God is enough for you".<sup>19</sup> [13] That verse obliges Muslims to make peace if the other side shows a willingness to do so. It is an interesting fact that this important command does not restrict Muslims to making peace with Muslims only.

The Hudaibiyah Agreement was violated within two years. This occurred when a man from a Quraish-allied tribe attacked allies of Muhammad. That was considered a harsh violation of the agreement; a violation that justified war (*casus belli*).<sup>20</sup> [15]

Negotiations were conducted in order to restore the peace, but failed. At that time the Prophet Muhammad was commanding an army equal to 10,000 soldiers.<sup>21</sup> [11] This number was much larger than the 1,400 he had while signing the agreement two years prior. The Prophet Muhammad decided to conquer Mecca as a result of the violation of the agreement<sup>22</sup>. [12]

Relying on the Hudaibiyah Agreement to justify peace agreements is problematic for two reasons. The first one is that only two years after the signing of the agreement, a violent incident occurred between the Quraysh tribes and Muhammad's followers which led to the Prophet Muhammad's decision to conquer Mecca. The second reason is that some Islamic philosophers and scholars from both the Middle Ages, and modern times, assume that the Hudaibiyah Agreement was merely a planned manipulation.<sup>23</sup> [4]

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<sup>19</sup> Qur'an, 8:61-62.

<sup>20</sup> Tabari, *The History of Islam: The Victory of Islam*, Fishbein, SUNY Press, volume 8, 1997, p. 162

<sup>21</sup> Karen Armstrong, *Muhammad*, p. 263

<sup>22</sup> Majid Khadduri, *War and Peace in the Law of Islam*, P. 210-213

<sup>23</sup> Dror Eder, *Israel today*, newspaper Israel this week, 2013, p. 22

## **Summary**

The Hudaibiyah Peace Agreement is probably the most significant and valued negotiation session in the history of Islam. The negotiations were conducted by the Prophet himself as the supreme religious figure and military leader. This agreement became a model for many other agreements after the Prophet's era.

The Prophet Muhammad is considered to be *Maasum* (a human being that makes no mistakes); therefore, his wisdom and tactical moves during the Hudaibiyah negotiations serve as a living divine model to imitate and emulate in the same format as a means to reconstruct his success.

It must be noted that the Hudaibiyah Agreement is the only precedent that Muslims can reference in order to understand the Islamic stance regarding modern international peace agreements. We are witness to an agreement reached by the Prophet Muhammad, with infidels, for the longest period of time ever at that point in history. As stated previously this agreement endured for ten years, according to most historical accounts. There is no other agreement whose circumstances are better, and therefore referencing this agreement even today is the natural thing to do for Islamic religious scholars who need to justify, or object to, any peace agreement with non-Muslims.

## **Conclusions**

The Prophet Muhammad had a deep understanding of negotiation principles and human behavior. The Prophet Muhammad possessed an acute analytic mind regarding negotiations and an accurate forethought. The Prophet Muhammad showed true leadership and deterrence while he undertook difficult decisions. Some of these decisions were objected to by his closest followers, such as the future second Khalifa, Omar ibn al-Hatab. The Prophet Muhammad

demonstrated a great ability to accept difficult concessions while overcoming his ego and the powerful cultural values of honor and respect. The Prophet Muhammad looked beyond the negotiation's obstacles in favor of Islam and the growing Islamic society. Some scholars may say that the agreement is an act of manipulation. Whether this is true or not, the favorable results of the Hudaibiyah Agreement are the basis of modern Islamic success in negotiations. Just to be clear, had the agreement been an intentional manipulation, it worked well and achieved its desired goals. The use of elderly and revered people as live witnesses to the negotiation process, and the ultimate signing of the contract, was an effective decision made by the Prophet.

2. The Prophet Muhammad used effective C.B.M. (Confidence Building Measures) actions by sending older respective people from his camp to the negotiation sessions, and by sending messages of reconciliation as a means to reduce the tension between the camps. The Prophet Muhammad sent negotiators to run the talks, and chose reliable mediators with personal family ties to do so. The use of T.P.I. (Third Party Intermediaries) is a common cultural value that was used in the pre-Islamic era and is still in use by many Middle Eastern societies, including Christians as well as other religions. The Prophet Muhammad took an integrated approach to negotiations that included his authority to engage in war and his ability to make precise assessments despite being engaged in battles while conducting negotiations. Based on that, the Prophet Muhammad tried to predict the best moves that would serve the interests of the Islamic people. The Prophet Muhammad gathered information about the Quraish people, including their moral beliefs and the manner in which they lived on a daily basis. This information helped him to make the optimal decisions.

3. Even though respect was, and still is, something to be valued, the Prophet Muhammad was willing to temporarily lose his perceived respect, and

that of his followers, in order to reach his goals. The respect and honor of his followers was damaged for approximately two years, as a result of the agreement.

4. The Prophet Muhammad was a patient person and he used this patience well. He let things happen naturally whenever possible, and time was on his side. Decisiveness and deterrence were demonstrated by the Prophet Muhammad while defending the city of Al-Medina, as well as in his decision to conquer Mecca.

5. The Prophet Muhammad was capable of dealing with asymmetric negotiations. At the onset of the conflict the Quraish people were much stronger than he was. Additionally, the concessions he made during the signing of the agreement were made in an asymmetric atmosphere.

6. The negotiations and the agreement were implemented between Muslims and non-Muslims. In this case, the non-Muslims were Pagans. We are witness to a valued negotiation principle; maintaining the respect of the people and the process as a whole.

7. Analyzing the Hudaibiyah Agreement, and the ultimate conquest of the holy city of Mecca, as one continuous event might indicate a wise strategic move by the Prophet Muhammad. This resulted in an inferior position being transformed into a great victory. Another important point to consider is that in cases of military inferiority, signing a peace agreement is not always the final goal, but rather a step along the way to gain a military victory in the future.

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