
Muslims’ encounters with the Byzantines in the early period of Islamic history have always been of immense interest for scholars. These encounters have been studied and analyzed from legal, historical, theological and legal perspectives. In fact, the earlier Muslim jurists looked at them as a source for identifying and formulating the Islamic *jus ad bellum* and *jus in bello*. Ismail Adam Patel, an optometrist by profession, has made a valuable contribution to this scholarly tradition. Patel knows that these encounters are being used “to consolidate Islamophobic views.” So, along with analyzing the history and chronology of these encounters, he also analyzes the different theories about the motives of these encounters and the reasons for the defeat of the Byzantines.

Patel refutes the claim that Muslims fought for worldly gains. The argument he gives is that Abū Bakr, ‘Umar, ‘Uthmān and ‘Alī could not have deviated from the principles of Islamic teachings (p. 44). He also refutes in strongest terms the theory that conquests were needed by Muslims to relocate their surplus population so as to prevent internal conflict (pp. 111–112). But unfortunately the explanation Patel provides for the motives of these encounters does not seem satisfactory either. He rightly argues that in order to understand the true nature of these encounters it is necessary to have a clear understanding of the Islamic doctrine of *jihād* (p. 139). That is why he gives a brief description of the rules of Islamic Law regarding *jihād* in Appendix E (pp. 134–41). It is surprising, if not disappointing, that instead of relying on the primary sources of Islamic International Law the author simply summarizes Dr Muhammad Hamidullah’s *Muslim Conduct of State*. Similarly, in his analysis of the narrations of these encounters, Patel has primarily relied on historical sources such as *Ta'rīkh al-Tabarī* of Muḥammad b. Jarīr al-Tabarī (d. 310/923), *Futūḥ al-Buldān* of Aḥmad b. Yahyā al-Balādhuri (d. 279/892) and *Kitāb al-Maghāzī* of Muḥammad b. ‘Umar al-Wāqidi (d. 207/823). He has disregarded the legal sources although he does mention *Kitāb al-Siyar* of Muḥammad b. al-Ḥasan al-Shaybānī (d. 189/804) in the bibliography. One wonders why he did not consult *Kitāb al-Kharāj* of Abū Yūsuf Ya'qūb b. Ibrāhīm (182/798) or *Kitāb al-Amrwāl* of Abū ‘Ubayd al-Qāṣim b. Sallām (d. 224/838) when they contain some really valuable material on these encounters. Perhaps this is also the reason why he could not develop a coherent theory of *jihād*. 
So, on the one hand, he tries to give a somewhat pacifist picture of *jihād* by asserting that physical fighting is “only one aspect” of *jihād* and that “we do not mean to go and kill anyone and everyone who refuses to embrace Islam,” and on the other, he also believes in some kind of “idealistic” war the ultimate goal of which is “to try and establish the Islamic code of conduct on earth for the benefit of all mankind” (p. 138). Does it mean that the only way for non-Muslims to save their faith is to establish and live under the suzerainty of the Islamic State?¹ What if some non-Muslims neither embrace Islam nor do they want to live under the suzerainty of the Islamic State: should they be subdued even if they do not wage war against Muslims? In other words, does Islamic Law recognize the existence of a non-Muslim state? It is surprising, indeed, that Patel bases his theory of idealistic war on the verses of *al-Tawbah* (9: 33), *al-Fatḥ* (48: 28) and *al-Ṣaff* (61: 9) when these verses explicitly declare that the mission of the Prophet (peace be on him) will be completed only when his opponents are subdued. Generalizing the rule mentioned in these verses simply means that the Prophet (peace be on him) could not complete his task. Even more surprising is Patel’s citation of *al-Kāfirun* (109: 1–6) in this context because this *sūrah* has nothing to do with idealistic war. It simply condemns the opponents of the Prophet (peace be on him) from among his immediate addressees who denied the truth after it was made crystal clear to them.

Some of the modern scholars have linked the theory of idealistic and perpetual war with the division of the world by Muslim jurists into *dār al-Islām* and *dār al-ḥarb*. Others do not see any basis for this division in the Qur’an and the *Sunnah*. Patel has a unique approach on this issue. To him, “…the concept and philosophy *dār al-Islām*... and *dār al-ḥarb*... was established very early on. Only later, during the ‘Abbasid Caliphate, as the study on *Siyyar*... developed did the concept of *dār al-‘aḥd* (land of treaty), *dār al-ṣulḥ* (land of safety) and *dār al-ḥiyād* (land of neutrality) come to the fore” (p. 106). This assertion cannot be accepted because if the Prophet (peace be on him) and the Rightly Guided Caliphs concluded treaties, *dār al-‘aḥd* and *dār al-ṣulḥ* did exist at that time. Even the existence of *dār al-ḥiyād* at that time has been proved.² In fact, the concept of *dār* has nothing to do with idealistic or perpetual war. From the perspective of law, it simply denotes the concept of territorial jurisdiction. The Ḥanafi jurists believed in this concept and they divided the world into two *dārs* on the basis of the implementation and

¹ Dr Hamidullah asserts: “No one is to be forced to embrace Islamic faith...yet Islamic rule is to be established by all means.” See his *Muslim Conduct of State* (Lahore: Shaikh Muhammad Ashraf, 1945), 156–57.

enforcement of Islamic Law. Thus, the land where the Muslims had actual or legal capability of enforcing Islamic Law was termed as ḍār al-Īslām. The rest of the world was just one ḍār in the sense that it was beyond the jurisdiction of Islamic Law. This ḍār al-kufr was then sub-divided into ḍār al-ʿabd, ḍār al-ḥarb and ḍār al-ḥiyād. Other jurists were of the opinion that Islamic Law knows no territorial limits. So, the whole world for them was just one ḍār. In fact, this disagreement about the nature of Islamic Law still exists among the contemporary scholars. The attitude adopted by the Ḥanāfī school, in my opinion, can solve a number of problems faced by Muslims living in Europe, USA and India as minorities. It can accurately tell which part of Islamic Law is addressed only to those Muslims who live within ḍār al-Īslām. But unfortunately, in the modern period this concept has wrongly been related to the idealistic war theory.

It is also interesting that Patel himself gives little, if any, importance to the idealistic war theory while analyzing the historical factors for Muslims’ encounters with the Byzantines. Instead of justifying these encounters in the light of the idealistic war theory he gives purely secular reasons for these encounters, such as defence of the state and the population, response to security threats, etc. To him, the reason for the battle of Muʿta in 8/629 was that the Prophet (peace be on him) wanted to take revenge for the murder of his envoy who was carrying his letter to Buṣrā. This may somehow be accommodated in the idealistic war theory. But what about the later encounters? The reason for the Tabūk expedition in his words was that “rumours started pouring into Madinah of a strong military build up of the Byzantine army” (p. 31). Similarly, the reason for sending yet another expedition, while the Prophet (peace be on him) was on his deathbed, was that “... Islam was never going to be totally secure with the Byzantines close by in al-Shām” (p. 39). As for the encounters during the Caliphate of Abū Bakr, he asserts that “the northern and western flanks of the border with al-Shām witnessed random plundering raids by nomadic groups allied to the Byzantines... The skirmishes along the borders were only one aspect of the threats the Muslim encountered” (p. 46). He also asserts that the mission of the first expedition sent by Abū Bakr under the command of Khālid b. Saʿīd was “defensive rather than offensive” (p. 48). For Patel, the “most significant motive” for Muslims was to check the infiltration of the Byzantine forces (p. 108). Daʿwah and preaching were, in his opinion, just “a further reason” (p. 109).

As far as the factors responsible for the defeat of the Byzantines are concerned, Patel summarizes them as “a decline in social order, justice, economic potential and general weakening of the ability to govern” (p. 113).
However, in these very same socio-economic conditions the Byzantines had humiliatingly defeated the Persian Empire. This leads the author to analyze the positive qualities of Muslims. To him, the most important factor for the Muslims' success was religious cohesion in the Muslim society. Moreover, the Muslims were well aware of the differences among their opponents and “they approached individual tribal leaders and civilians directly,” making pacts with them and severing their links with the Byzantines. Another important factor was that the Muslims were able to win over the masses by their equitable policies. “On the whole, the non-Muslims enjoyed vastly greater freedom under Muslim rule than under Byzantine rule” (p. 126).

In this regard, Patel criticizes the Byzantine decrees under which a Jew could not testify against an Orthodox Christian nor could he serve in the army nor hold a public office (p. 22). He does not comment on the apparently similar provisions in Islamic Law about the position of non-Muslim witnesses (particularly in the Ḥudūd cases), their participation in jiḥād and their holding key posts in the government, although keeping in view the theme and purpose of the book one would expect him to do so.

On the whole the book has been written in a scholarly manner. At times, however, it seems that Patel tries to oversimplify issues that are rather complicated. For instance, he asserts that the Arabian Peninsula was of no “direct strategic interest or economic value” to the Persian and Byzantine Empires (p. 1). This seems strange, indeed, particularly because Patel himself has given a detailed account of the Arab-Byzantine relations and emphasises the role of the Persian confederates, the Lakhmides (pp. 18–22). The same applies to his description of the theological differences among the Christian churches. On the one hand, he says that the position of the Christian churches on the doctrine of the trinity was “settled” in the Council of Nicaea (p. 3) and on the other, he asserts that by the fifth century the doctrine of trinity was in disarray and provoked religious strife in the empire and that later Heraclius had to engineer a religious compromise (p. 6).

Another instance of such over-simplification is Patel’s assertion that Zayd b. Ḥārithah, the commander of the Muslim army in the battle of Mu‘tah, was the son of Ḥārith b. ‘Umayr whom the Prophet (peace be on him) has sent as an envoy and who was murdered by Shura ḥbil (p. 26). He gives the impression that Zayd was made commander because he was to take revenge of the murder of his father. He again gives the same reason for the appointment of Usāmah b. Zayd as commander (p. 39). The fact is that Zayd was the son of Ḥārithah b. Sharāhil who belonged to the tribe of Kalb, while the Prophet’s envoy, Ḥārith b. ‘Umayr, belonged to the tribe of Azd. Ḥārithah b. Sharāhil’s
embracing Islam is not well ascertained and that is why some historians do not mention his name among the Ṣaḥābah. It may also be mentioned here that Patel names the Prophet’s envoy as Ḥārith b. ‘Umar, while all of the primary sources name him as Ḥārith b. ‘Umayr.

Likewise, Patel says that ‘Ikrimah b. Abī Jahl was martyred in Ajnādayn (p. 73) which was concluded in Jumādā al-Thāniyah 13/August 634. For this he relies on the report of al-Baladhuri. According to the more famous narration of Ibn Ishāq (d. 151/768), he was martyred in Yarmūk. Patel should have preferred the former report but it would have been better if he had mentioned the latter report in a footnote and commented upon it. Interestingly enough, in Appendix C he asserts that ‘Ikrimah was martyred in Yarmūk (p. 133) which was concluded in Rajab 15/September 636.

Patel has tried, often successfully, to settle some of the historical controversies, such as the course of events in al-Shām (pp. 62–65) and the route of Khalīd’s march (pp. 68–72). Although he generally gives just a brief description of the encounters, he understandably gives a detailed (and interesting) account of the battle of Yarmūk (pp. 80–90). The same holds true of the liberation of Jerusalem (pp. 91–99). But two points need some discussion. First, on the authority of al-Ṭabarî and al-Baladhuri Patel has quoted the text of the treaty between Caliph ‘Umar b. al-Khaṭāb and the Christians of Jerusalem. This text contains a condition that prohibited Jewish settlement in Jerusalem (p. 92). Patel asserts that after the treaty ‘Umar allowed some 70 Jewish families to settle in Jerusalem. “Despite the condition, dictated by the Christians of Jerusalem, the Muslims appear to have waived it” (p. 94). Legally speaking, how could the Muslims unilaterally waive a condition which forms part of a bilateral treaty? Did they violate the treaty? Or is it that the text of the treaty has not been reported correctly?

Second, Patel asserts that the Temple of Jerusalem was built on “the hills of Moriah” (p. 95). It has been mentioned only once in the Bible that the site of the Temple was known as Moriah (2 Chronicles 3: 1). This does not seem correct because if this site had this name it should have been known by it centuries before the building of the Temple. But the same source tells us that the site was known as ‘the threshing-floor of Ornan the Jebusite.’ Moreover, neither the author of the Book of Chronicles nor any other book in the Bible mentions this site by this name at any other place. In fact, it was an attempt to

\footnote{According to Ibn Ḥajar there is only one narration about his embracing Islam but concludes that it is a weak narration. See his al-Isābah fī Tamyīz al-Ṣaḥābah (Beirut: Dār al-Kitāb al-‘Arabi, n.d.), 1: 297.}
relate the Temple of Jerusalem to the site where Abraham had offered the sacrifice of his son.\footnote{See, for more details, Hamid al-Din al-Farahi, \textit{al-Ra’y al-Sabih fi man buwa ‘l-Dhabih}, Urdu tr. Amin Ahsan Iслahi, \textit{Dhabih Kaun Hay?} (Lahore: Khuddâm al-Qur‘ān, 1975).}

Muhammad Mushtaq Ahmad


More than seven hundred years after his passing from this transient abode, Mawlānā Jalāl al-Dīn Ṭūrā (604–672/1207–1273) has been undergoing an unexpected revival in the most unexpected of places, the West and particularly the United States. Versions of his poems by American poet Coleman Barks have sold more than a quarter million copies in the last decade in the US, far more than any other work of poetry. Countless other renditions of his poems have been published and many have embraced his verses and ideas. In particular, the New Age movement has made him a steady staple of its spiritual diet, with pop gurus like Deepak Chopra spouting his wisdom, celebrities like Madonna putting his verse to song, and New Age-style workshops, festivals, and centres attached to his name.

With all this popularity has come a heavy price: the authentic teachings and the Islamic and Sufi groundings of those teachings have been sacrificed or compromised for the sake of accessibility and relevance to contemporary Western lifestyles. In this popularization and vulgarization of Rūmī, particular blame goes to the renditions often presented as translations of Rūmī’s poetry when they are merely the literal translations of Orientalist scholars such as R. J. Nicholson and A. J. Arberry put into contemporary American English idiom by authors who know no Persian.

Correctives to this sometimes crass popularization of Rūmī have been forthcoming for several years by scholars well-versed in the Persian language, the Islamic and Sufi traditions, and the historical and cultural context of the time and place Rūmī inhabited, all factors essential in determining the proper context, import, and meaning of Rūmī’s writings and teachings. Foremost