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Redefining Dār al-Islām and Dār al-Harb: Genealogical Analysis and Prophetic Ethics Perspective

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Abstract. The classical Islamic division of the world into *dar al-Islam* (the abode of Islam) and *dar al-harb* (the abode of war) has long been treated as a foundational doctrine of Islamic international law. Yet a systematic examination of the primary sources reveals a critical anomaly, these terms are absent from the authenticated hadith corpus and only crystallized as juridical categories between the 2nd and 4th centuries AH, as tools of Abbasid imperial administration rather than expressions of prophetic ethics. This article therefore, aims to trace the genealogy of this dichotomy in classical *siyar* literature and to redefine it based on prophetic ethical principles derived from the Hadith, offering an alternative paradigm more compatible with the *Maqasid al-Sunnah*. This study employs two complementary methods: a historical-genealogical analysis of al-Shaybani's *al-Siyar al-Kabir* and al-Sarakhsi's *Sharh al-Siyar al-Kabir* to deconstruct the imperial logic of classical territorial constructions; and a thematic reading of the Hadith using the *Maqasid al-Sunnah* approach as formulated by al-Qaradawi, operationalized through three sequential procedures: situating each hadith within its historical causes and circumstances (*asbab al-wurud*); distinguishing the contextual means (*wasilah*) from its permanent ethical goal (*hadaf*); and verifying the original meaning of key terms within their 2nd-century AH socio-legal register. This method yields four permanent prophetic principles: *'adl* (justice), *wafa' bi al-'ahd* (treaty fidelity), *aman* (security), and *sulh* (peace), which form the normative basis of a new paradigm: *fiqh al-'ahd wa al-akhlaq* (jurisprudence of covenant and ethics). This paradigm reconceptualizes Muslim-non-Muslim relations not through territorial identity, but through ethical conduct and covenantal commitment, a framework demonstrably more consistent with both the prophetic Sunnah and the modern international system than the imperial-era *dar* dichotomy it replaces.

Keywords: *Siyar*, *Dār al-Islām*, *Dār al-Harb*, Hadith, Prophetic Ethics.

Introduction

Contemporary discussions on Islamic jurisprudence face serious epistemological challenges in articulating its relevance amidst the modern world order based on the concept of the nation-state.[1] The current global political system is characterized by territorial legitimacy, national autonomy, and principles of modern international law that reject the division of the world based on religion. In this context, the classical conceptual framework of Islamic jurisprudence, suspected of imperialism, becomes problematic when confronted with contemporary geopolitics, religious freedom, and human rights.

One of the main pillars of classical Islamic jurisprudence *(fiqh)*, particularly in the discourse of Islamic international law *(siyāsah),* is the dichotomous paradigm that divides the world into two

[1] Wael B. Hallaq, *The Impossible State: Islam, Politics, and the Moral Dilemmas of Modernity* (Columbia University Press, 2013), 45–50.

entities: *dār al-Islām* (the realm of Islam) and *dār al-harb (*the realm of war).[2] This paradigm has served as the dominant epistemological framework for centuries in understanding political relations between Muslim and non-Muslim communities. In its classical formulation, *dār al-Islām* is defined as the realm where Islamic law is enforced, and security is guaranteed by Muslim authority, while *dār al-harb* is the realm of war. *Al-harb* is understood as the realm outside Islamic rule and potentially a zone of conflict.[3] This view creates a geopolitical reality based on a binary opposition between the "realm of faith" and the "realm of war," reflecting pre-modern political structures dominated by inter-imperialist expansion and conflict.[4]

However, a study of Islamic primary sources, particularly the Hadith, reveals an epistemological anomaly. Terms such as *dār al-Islām* and *dār al-harb* are not explicitly found in the corpus of *mutawātir* or *āhād* hadith, which serve as the basis for Islamic legislation. The absence of these terms raises fundamental questions about their authenticity, authority, and normative status in Islamic theology and law. Historical-genealogical research indicates that the categorization of *dār al-Islām* and *dār al-harb* only crystallized around the 2nd to 3rd centuries AH, when the expansion and stabilization of Abbasid power required administrative legal tools to regulate internal and external relations between Muslim and non-Muslim territories. Consequently, this concept appears more as a reflection of the logic of imperial power than a principle of prophetic ethics.[5]

The discourse on the relevance and deconstruction of the concepts of *dār al-Islām* and *dār al-harb* **has been** extensively studied by contemporary scholars using various approaches. Abdul Basith Junaidy (2018), for example, attempts to reconstruct this dichotomy to make it more adaptive to the context of the nation-state, while Mutiara Fahmi and Mohd. Gadhafi Usman (2023) highlights its relevance through the perspective of Yusuf al-Qaradawi's moderation. In global studies, Giovanna Calasso (2017) critically examines this territorial construction as a fluid identity construct.[6] Despite the significant contributions of these studies, most of the existing literature tends to focus on revising the definition of *fiqh* or simply on historical review. Only a few studies specifically bridge the genetic analysis of imperial logic with a thematic reading of the Hadith —*maqāsidī*— to offer a formulation of prophetic ethics as a comprehensive replacement for territorial logic. Existing studies often stop at the conclusion that the concept is "no longer relevant," but have not fully explored the alternative normative foundations of the Hadith corpus to build a new, equivalent framework.

This study aims to fill this gap. The difference between the products of imperial *fiqh* and normative ethics in the Prophetic Hadith is the main focus of this study. The questions that arise are: (1) Why is the dichotomous paradigm of *dār al-Islām – dār al-harb* problematic in the modern theological and geopolitical context? (2) How can the Prophetic Hadith offer a stronger and more relevant alternative framework? These questions are crucial because interfaith community relations in the prophetic tradition are built on *'ahd* (covenant)*, amān* (security guarantee), *'adl* (justice), and

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[2] Majid Khadduri, *War and Peace in Islamic Law* (The Johns Hopkins Press, 1955), 55–57.

[3] Abdulaziz Sachedina, *The Oxford Handbook of Islam and Politics* (Oxford University Press, 2013), 33–35.

[4] Bassam Tibi, *The Challenge of Fundamentalism: Political Islam and the Chaos of the New World* (University of California Press, 2002), 115.

[5] Muhammad Hamidullah, *The Behavior of Muslim States* (Islamic Book Trust, 2007), 112–15; Giovanna Calasso and Giuliano Lancioni, *Building and Dismantling Dār al-Islām / Dār al-Ḥarb : Territory, People, Identity* (Brill, 2017), 3–6.

[6] Abdul Basith Junaidy, "Reconstruction of Dar al-Islam and Dar al-Harb," *Al-Jinayah* 4, no. 1 (2018), https://doi.org/10.15642/aj.2018.4.1.107-130; Mutiara Fahmi and Mohd. Gadhafi Usman, "Analysis of the Relevance of Dar Al-Islam in the Modern Perspective of Yusuf Al-Qaradawi," *As-Siyadah* 2, no. 1 (2023): 11–40, https://doi.org/10.22373/as-siyadah.v2i1.2802; Calasso and Lancioni, *Constructing and Deconstructing Dār al-Islām / Dār al-Ḥarb : Territory, Society, Identity* .

rahmah (compassion), not territorial segregation. The Constitution of Medina, for example, affirmed socio-political collaboration between Muslims, Jews, and pagans in a pluralistic political community.[7]

Based on these problems, the purpose of this study is to trace the genealogy of the *dār al-Islām – dār al-harb* dichotomy in classical *siyār* literature and present a redefinition based on the Hadith. This redefination is expected to shift the orientation of *siyāsah fiqh* from the logic of power to the logic of ethics, making it compatible with the *Maqāsid al-Sunnah* and the modern international system that emphasizes peace, equality, and global cooperation.

This research is designed as a literature-based qualitative study that integrates historical-genealogical analysis of classical *siyar* discipline with thematic analysis of Hadith using *Maqāsid al-Sunnah* approach as formulated by Yusuf al-Qaradawi.[8] The methodological objectives are twofold: *first*, to trace how the dichotomy of *dār al-Islām – dār al-harb* emerged, strengthened, and transmitted in the corpus of *siyar* of the 2nd–4th centuries Hijri; second, to extract universal values and *maqāsid* (purposes) of the Prophetic Sunnah by distinguishing between the particular-political dimension and the universal-ethical dimension.

Within this framework, genetic reading is used to deconstruct the imperial logic underlying classical territorial constructions, while the Maqasid al-Sunnah approach serves as an analytical tool to evaluate the normative content of prophetic sources. This study operationalizes the Maqasid al-Sunnah approach through three methodological procedures as formulated by al-Qaradawi in *Kaif Nata'amal ma'a al-Sunnah al-Nabawiyyah*.

The first procedure is understanding hadiths in the light of their causes, circumstances, and purposes (*fahm al-ahadith fi daw' asbabiha wa mulabbasatiha wa maqasidiha*). Al-Qaradawi emphasizes that a hadith may appear to carry a general and permanent ruling, but upon deeper reflection it is often grounded in a specific temporal cause (*asbab khassah*) or a particular legal rationale (*'illah*), whether explicit or derived from its situational context. The ruling, in such cases, is contingent: it persists as long as the cause persists, and lapses when the cause lapses. Applied to this study, this procedure directs the analysis to examine whether prophetic practices related to inter-community relations — such as the Treaty of Hudaybiyyah and the Hadith on the protection of *mu'ahad* — represent contextual political responses conditioned by the circumstances of their time, or permanent ethical commitments that transcend those circumstances. This prevents the illegitimate universalization of historically-specific rulings as immutable theological doctrine.[9]

The second procedure is distinguishing between the changing means (*al-wasilah al-mutaghayyirah*) and the fixed goal (*al-hadaf al-thabit*) embedded in the hadith. Al-Qaradawi warns that a persistent source of error in understanding the Sunnah is the conflation of the permanent objectives the Sunnah seeks to realize with the temporal and contextual means it employs to reach those objectives. Those who fail to make this distinction treat the means as ends in themselves, when in fact the *hadaf* is what is constant and binding, while the *wasilah* may legitimately change with shifts in environment, era, custom, and circumstance.[10] This study applies this principle by treating the *dar al-Islam/dar al-harb* dichotomy as a historically-conditioned *wasilah* — a juridical instrument of the imperial 2nd–4th century AH context — while identifying the fixed *hadaf* as the prophetic principles

[7] L. Ali Khan, *The Constitution of Medina: A Sociological Study of the First Islamic State* (Brill, 2018), 78–82.
[8] Yusuf al-Qardhawi, *Kaif Nata'amal Ma'a al-Sunnah al-Nabawiyyah* , 2nd ed. (Dar al-Syuruq, 2004), 145–55.
[9] al-Qaradawi, *Kaif Nata'amal Ma'a al-Sunnah al-Nabawiyyah*, 145–55.
[10] al-Qaradawi, *Kaif Nata'amal Ma'a al-Sunnah al-Nabawiyyah*, 159.

of *'adl* (justice), *wafa' bi al-'ahd* (treaty fidelity), and *aman* (security), which remain normatively binding across all historical conditions.

The third procedure is verifying the meaning of the hadith's terms according to their original linguistic and contextual usage (*al-ta'akkud min madadlulat alfaz al-hadith*). Al-Qaradawi observes that the denotations of terms shift across eras and environments, and that a correct understanding of the Sunnah requires recovering the original semantic register of its vocabulary rather than reading it through the lens of later or contemporary categories.[11] Applied to this study, terms such as *dar*, *harb*, and *sulh* are examined within their 2nd-century AH legal and socio-political usage. This philological caution ensures that the genealogical analysis does not project modern geopolitical meanings onto classical texts, and that the critique of the territorial dichotomy remains historically honest.

Through these three procedures, the study ensures that the paradigm of *fiqh al-'ahd wa al-akhlaq* proposed herein is not an arbitrary modern construction, but a methodologically disciplined retrieval of the permanent ethical goals of the Prophetic Sunnah from beneath the historically-conditioned legal forms in which they were once expressed. This methodological foundation also prepares the analytical ground for the discussion that follows, which applies these three procedures systematically to the prophetic sources identified in the research corpus.

Results and Discussion

The Basics of Islamic International Relations: War *vs.* Peace

Islamic jurisprudence discussions on the basis of international relations are divided into two main opposing schools of thought. The first school views jihad and war as political-revolutionary instruments to establish Islamic hegemony (the offensive paradigm), while the second school holds that peace is the original principle *(al- ashl)*, and war is merely a mechanism for self-defense (the defensive paradigm).

The school of thought that places war as a vital instrument has strong historical roots in the views of Ibn Taymiyyah (d. 728 AH). For Ibn Taymiyyah, jihad is more closely related to political power than mere oral talk. He argued that political power is an unavoidable necessity to enforce "commanding good and forbidding evil" (*al-amr bi al-ma'ruf wa al-nahy 'an al-munkar*). In his view, the substance of religion rests on two pillars: prayer and jihad. He even equated jihad with political authority, asserting that religion without coercive power becomes weak, just as power without religion turns into tyranny.[12]

In the contemporary era, this classical view has undergone ideological radicalization through the thinking of Abu al-A'la al-Mawdudi and Sayyid Qutb. Al-Mawdudi laid the foundation that Islam is not merely a ritual religion but an international revolutionary movement comparable to modern revolutionary ideologies such as Marxism, Nazism, and Fascism. According to Azyumardi Azra, for al-Mawdudi, jihad is a total struggle to realize Islamic ideals on a global scale.[13]

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[11] al-Qaradawi, *Kaif Nata'amal Ma'a al-Sunnah al-Nabawiyyah*, 197.

[12] Khadduri, *War and Peace in Islamic Law* , 55–57.

[13] Azyumardi Azra, *Islamic Political Turmoil: from Fundamentalism, Modernism, to Post-Modernism* (Paramadina, 1996), 127.

Sayyid Qutb later transformed this idea into a more aggressive political doctrine. Qutb defined jihad as a continuation of "Divine politics," designed to disarm the enemies of Islam. Its ultimate goal was the liberation of humanity from slavery to fellow human beings to slavery to God alone. Therefore, Qutb firmly rejected limiting jihad to defensive warfare. He stated that those who limited jihad to self-defense were psychologically and spiritually weak, defeated by Western pressure. For him, jihad must be offensive in nature to dismantle non-Muslim political domination and puppet regimes so that Islamic law can be fully established. In Qutb's logic , as long as the hegemony of Divine law had not been established, the state of affairs remained one of revolutionary war.[14]

In response to this, Usamah Sayyid argued that Qutb's opinion was dangerous because it could serve as theoretical legitimacy for radical *takfiri* groups, justifying violence in the name of religion. In Qutb's construction, the establishment of an Islamic state is only possible through a group of Muslims controlling a territory and declaring it as *dār al-Islām*, while considering other countries—including those inhabited by Muslim majorities —as *dār al-kufr*. Consequently, the reciprocal relationship between Islamic states and countries categorized as infidel states is nothing less than perpetual warfare. From this paradigm emerged the concept of perpetual conflict, which positions Islam as an entity that must always win political supremacy over others.[15]

Mainstream jurisprudence *(jumhur*) and contemporary thinkers reject the reduction of jihad to an instrument of political aggression. Ibn Rushd (595 AH), while acknowledging that the majority of scholars classify jihad as a collective obligation *(farḍ kifāyah),* also notes dissenting opinions such as that of Abdullah al-Hasan, who views jihad as a voluntary activity (*taṭāwu')*, not a permanently binding military obligation. This suggests that since the classical period, jihad has not always been interpreted as total war.[16]

Wahbah al-Zuhaili further emphasized that linguistically, jihad means "exertion," and therefore is not necessarily synonymous with physical combat. War is simply one method of jihad bound by strict conditions—such as being Muslim, reaching puberty, sanity, and logistical capability—and is only obligatory in the event of aggression.[17] In his comparative study *Athar al-Harb fi al-Fiqh al-Islamiy*, Zuhaili systematically examines the legal conditions that justify armed conflict across the four major legal schools, concluding that war is always a last resort contingent upon specific legal prerequisites, rather than an instrument of territorial expansion.[18] This view is reinforced by Abu Zahra, who emphasized that in the context of the modern world bound by the UN Charter and international law, the concept of *dār al- harb* is no longer relevant. Non-Muslim states today cannot be fought because they are bound by global peace treaties, which transform their status into *dār al-'ahd* (abode of the treaty).[19]

Islamic jurists emphasize that war is not the basis of international relations in Islam. War is only justified when there is an objective and compelling reason, especially when there is aggression

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[14] Sayyid Qutb, *Ma'ālim fi al-Ṭ āriq* (Dar Al-Fikr, 1981), 71–75.

[15] Usamah Sayyid al-Azhari, *Radical Islam: A Critical Analysis of Radicalism from the Muslim Brotherhood to ISIS* (Dar al-Faqih, 2015), 74.

[16] Muhammad bin Ahmad Ibn Rushd, *Bidaya al-Mujtahid wa Nihāyah al-Muqtaṣ id (* Dar*al* - Hadith, 2004), 2:143.

[17] Wahbah Zuhaili, *al-Fiqh al-Islamiy wa Adillatuh* (Dar Al-Fikr, 1999), 8:589.

[18] Wahbah Zuhaili, *Atsar al-Harb fi al-Fiqh al-Islamy: Dirasah Muqaranah* (Dar Al-Fikr, 1998), 84.

[19] Muhammad Abu Zahrah, *'Alaqah al-Dauliyyah fi al-Islam* (Dar al-Fikr al-Arabi, 1995), 55.

against the life, honor, or security of Muslims.[20] The first reason for legitimizing war is actual aggression. This occurred in the 5th year of the Hijrah during the Battle of the Trench, in which Muslims in Medina defended themselves against a massive coalition attack by the polytheistic Quraysh and their allies.[21] The second reason is the religious persecution of Muslim minorities living under non-Muslim rule. When rulers persecute them to the point of impeding their religious freedom, jurists argue that war can be used to eliminate *fitnah*, that is, to restore a safe space for Muslims.[22]

The conflict between these two views reveals an epistemological problem in Islamic jurisprudence. Qutb and al-Mawdudi's views tend to conflate theological vision with political ambition, thus giving rise to a doctrine of perpetual conflict that is dangerous to global stability. The hegemonic and conflictual model of international relations, despite having strong historical roots in the imperial fiqh tradition, is no longer acceptable within the framework of Islamic prophetic ethics or the modern world system. These views reflect a pre-modern world characterized by territorial expansion and inter-imperial rivalry, rather than the normative vision of Islam, which emphasizes *'adl* (justice), *amān* (security), and *sulh* (peace) as the basis of human relations.[23]

On the other hand, the moderate views of Ibn Rushd and Wahbah al-Zuhayli are closer to the spirit of *maqāsid al-shari'ah*, but they are often trapped in the rigid terminology of classical fiqh. Therefore, resolving the "Islam of War" vs "Islam of Peace" debate is not sufficient simply by contrasting arguments between fiqh scholars. A methodological breakthrough is needed by re-examining the primary normative sources, namely the Prophet's Hadith, to observe how the Prophet Muhammad practically managed relations with non-Muslims. Was it based on the spirit of imperial conquest as claimed by Qutb, or on the ethics of covenant as proposed by Abu Zahrah? This underscores the urgency of tracing the genealogy of the concept of *dār al-Islām – dār al-harb* and redefining it based on prophetic ethics.

Genealogy of the Concepts of *Dār al - Islām* and *Dār al-Harb*

The dichotomy between *dār al-Islām* and *dār al-harb* is both the most influential and the most misunderstood conceptual construct in the history of Islamic law. In the literature of *siyar* , these two terms serve as jurisdictional categories that distinguish areas under the sovereignty of Islamic law from those outside that authority, potentially designated as conflict zones. However, genetic tracing reveals that this division is not a theological doctrine originating from the prophetic era, but rather the product of juridical-political rationalization that emerged later in the 2nd to 4th centuries AH.[24]

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[20] Abizal Muhammad Yati, "Islam and World Peace," *Futura Islamic Scientific Journal* 6, no. 2 (2018): 11–23, https://doi.org/10.22373/jiif.v6i2.3042.

[21] Abu al-Fida'Ibn Kathir, *al-Bidayah wa al-Nihayah* (Mathba'ah al-Sa'adah, 1940), 4:93–94.

[22] Junaidy, "Reconstruction of the Dichotomy of Dar al-Islam and Dar al-Harb."

[23] Khaled Abou El Fadl, *Save Islam From Puritan Muslims* (Serambi, 2006), 271.

[24] Fahmi and Usman, "Analysis of the Relevance of Dar Al-Islam in the Modern Perspective of Yusuf Al-Qaradawi."

Genealogy of the Concepts of Dār al-Islām and Dār al-Harb

Period	Key Figure	Work / Document	Contribution	Character
1st Century AH	Prophet Muhammad	Constitution of Medina; Treaty of Hudaibiyah	No territorial categorization. Relations governed by covenant, security, and justice; not territorial division.	Ethical-prophetic
Early 2nd Century AH	Zayd ibn 'Alī (d. 120 AH)	*Al-Majmū' fī al-Fiqh*	Earliest recorded use of *siyar* for laws of war; embryonic codification of Islamic international law.	Transitional
Mid–Late 2nd Century AH	Al-Shaybānī (d. 189 AH)	*Al-Siyar al-Ṣaghīr; Al-Siyar al-Kabīr*	*Dār al-Islām / dār al-harb* crystallized as legal-administrative categories	Juridical-imperial
5th Century AH	Al-Sarkahsī (d. 483 AH)	*Sharḥ al-Siyar al-Kabīr*	Siyar becomes autonomous legal discipline; paradigm shifts from religious to territorial difference.	Jurisdictional-administrative
20th–21st Century CE	Zuhaili; Abū Zahrah	*Athar al-harb fī al-Fiqh al-Islāmī; 'Alāqah al-Dauliyyah fī al-Islām*	*Dār al-harb* no longer applicable; modern treaty-bound states become *dār al-'ahd.*	Reformative-ethical

Etymologically, the term *siyar* is the plural of *sīrah*, which literally means "path" or "way of walking." In the early period, historians used the term to refer to the biography or behavior of individuals, particularly the Prophet Muhammad (peace be upon him). However, as the structure of the Islamic state developed, jurists transformed the meaning of *siyar* from a mere biographical account to a technical legal term governing relations between the Islamic state and other entities, both *de facto* and *de jure*, in times of peace and war. Khaled R. Bashir notes that *siyar* developed into a sophisticated system of international law governing relations between states, religions, and individuals. This semantic shift marks the transition from the personal-moral nature of prophetic ethics in *the sīrah* to the administrative-territorial codification of law in the *siyar* .[25]

The emergence of this territorial dichotomy cannot be separated from the context of the massive territorial expansion of Islam in the first and second centuries of the Hijriah. Along with the expansion of Islamic power, an urgent need arose to regulate the legal status of non-Muslim residents under Islamic rule (*dhimmi*) and those outside its borders (*harbi*).[26] In this context, the boundary between *dār al-Islām* and *dār al-harb* initially served a socio-communal function to protect

[25] Khaled R. Bashir, "Introduction to Siyar," in *Al-Shaybani's Islamic International Law: Historical Foundations and Siyar* (Edward Elgar Publishing, 2018), 4–7.

[26] Labeeb Ahmed Bsoul, "The Evolution of the Legal History of Islamic Nations/Siyar: Between Memory and Desire" (Khalifa University, 2008), 24.

Muslim communities in garrison towns, but eventually solidified into a legal category. Giovanna Calasso calls this phenomenon the "imperial discourse of order and exclusion," a discourse that requires a clear demarcation of who is a protected legal subject (within *dār al-Islām*) and who is a legal object to be wary of (in *dār al-harb*) .[27] Thus, this concept was born as an administrative response to the political realities of the empire, not as a mandate from sacred texts.

In previous historical research, the figure recorded as the first to use the terminology *siyar* to refer to the laws of war and international relations was Imam Zayd ibn 'Alī (d. 120 AH). Zahid Jalaly notes that the book *al-Majmu'fī al-Fiqh* — compiled by his student, Abū Khalid al- Wāsithī— contains a dedicated chapter entitled *siyar*, making it the oldest extant work devoted to this subject. The existence of this manuscript indicates that the embryonic codification of Islamic international law had emerged as early as the 2nd century AH. However, the historical validity of this work is not free from academic polemic; several scholars question its attribution to Zayd ibn 'Alī. This skepticism stems from Abū's status. Khalid's narrative, which some hadith scholars consider problematic, as well as uncertainty regarding the method of its compilation, whether it was dictated directly by Imam Zayd or a later reconstruction. Despite the debate about its validity, the mention of *siyar* in this literature marks an important transitional phase before the Hanafi school matured the discipline.[28]

The process of codifying this concept culminated in the works of Muhammad ibn al- Ḥasan al-Shaybānī (d. 189 AH), often cited as the primary architect of the discipline of *siyar*. However, this legal formulation arose from a dynamic intellectual dialectic, not a static revelation.[29] History records an epistemological tension between Al-Awzā'ī (d. 157 AH), who represented the Hadith-based scholars in Syria, and Al-Shaybānī, who represented the rationality-based scholars (*ra'y*) in Iraq. When Al-Shaybānī wrote his early treatise*, Al-Siyar Al- Saghīr*, Al-Awzā'ī sharply criticized the Iraqi scholars' competence in warfare, stating: "What do the Iraqis know about this? The Prophet's wars were fought in Syria and the Hijaz, not in Iraq, because Iraq had only recently opened itself to Islam." This sharp criticism prompted Al-Shaybānī to compile his monumental work, *Al-Siyar Al-Kabir*, which contained comprehensive details on the rules of international law. Therefore, Al-Awzā'ī finally appreciated its analytical excellence. This debate proved that the rules in *siyar*, including territorial classification, were the product of human *ijtihad* responding to the challenges of their time through academic debate, not doctrines immune to criticism.[30]

The complexity of al-Shaybānī's thought cannot be reduced solely to the law of war dimension. A recent study by Ashoni and Muhidin (2025) highlights another facet of al-Shaybānī in his *Kitāb al-Kasb* as a fundamental figure in Islamic macroeconomics, emphasizing the integration of moral values, distributive justice, and *maslahah* (public interest) in productive activities. This suggests that intrinsically, al-Shaybānī was a deeply ethical and humanistic thinker. Consequently, the strong political realism evident in his codification of *siyar* —including its sharp territorial dichotomy—was likely not a reflection of his purely theological vision, but rather a pragmatic response to the imperial political realities that demanded a defensive-offensive strategy of his time. Therefore, interpreting al-

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[27] Calasso and Lancioni, *Constructing and Dismantling Dār al-Islām / Dār al- Ḥarb : Territory, Society, Identity* , 21–22.

[28] Zahid Jalaly, "Analysis of the Origins, Development and Nature of Islamic International Law," *Kardan Journal of Social Sciences and Humanities* , June 25, 2018, 7, https://doi.org/10.31841/KJSSH.2021.8.

[29] Bashir, "Introduction to Siyar," 24.

[30] Muhammad bin Ahmad al-Sahrkhasi, *Syarh Al-Siyar al-Kabir* (al-Syirkah al-Syarqiyyah li al-I'anat, 1971), 113.

Shaybānī's work requires distinguishing between his vision as an idealistic economic ethicist and his stance as a realistic imperial jurist.[31]

It is important to note that the original text of *Al-Siyar Al-Kabir* by Al-Shaybani from the 2nd century AH did not reach the present day directly, but rather through a commentary (*sharh)* written by Muhammad ibn Ahmad al-Sarkhasī (d. 483 AH) in the 5th century AH. Al-Sarkhasī dictated this work from his prison in Uzjand to his students, relying on his memory and understanding. A study by Khaydarali Yunusov (2022) asserts that the transformation of *siyar* into an autonomous legal discipline is inseparable from the role of al-Sarkhasī. This highlights that al-Sarkhasī was a key figure who shifted the paradigm of interstate relations from mere religious differences to territorial differences. In al-Sarkhasī 's view, the sovereignty of other territories is legally recognized, and conflicts are resolved based on local laws in each region, rather than on the universal application of Islamic law. This proves that the dichotomy *of dār al-Islām* and *dār al- harb* in al-Sarkhasī's thought is more jurisdictional-administrative than theological-confrontational.[32]

The fact that the concept of *siyar* was continuously annotated, commented on, and rewritten from the 2nd to the 5th century AH and beyond demonstrates the dynamic nature of Islamic international law. What Al-Shaybānī codified and Al-Sarkhasī elaborated represents the best efforts of jurists to provide legal certainty for an Islamic empire confronting other empires of that era. Therefore, treating the classifications of *dār al-Islām* and *dār al- harb* as immutable theological dogma is a methodological error that ignores the history of the formation of the disciplines themselves. Zuhaili's comparative study confirms this reading, demonstrating through cross-madhab analysis that the definitions of *dār al-Islām* and *dār al-harb* were never uniform across the legal schools, further undermining any claim to their status as fixed theological doctrine.[33] Just as *siyar* evolved from *sīrah* into imperial positive law, it is now time for it to be reformulated into a universal ethic relevant to the context of the modern nation-state.

Prophetic Perspectives on Inter-Community Relations

The redefining of classical fiqh, as outlined above, demonstrates that the *dār al-Islām – dār al-harb* dichotomy is not a legal doctrine originating from the prophetic era, but rather a post-prophetic construct developed in the political context of imperial expansion and stabilization. This paradigm posits a world divided by the logic of internal versus external, *Ummah* versus enemy, and faith versus disbelief—an epistemological stance that stands in stark contrast to the prophetic vision of Islam based on universal compassion (*rahmahli al- 'ālamīn*), justice (*'adl)* , and security (*amn*).

Applying the three *Maqasid al-Sunnah* procedures outlined in the methodology, the analysis of prophetic sources in this section proceeds by first situating each hadith within its historical causes and circumstances (*asbab al-wurud*) to identify whether the Prophet was acting in a contextual-political capacity or articulating a universal ethical principle; second, by distinguishing the contextual means (*wasilah*) employed in each prophetic practice from its permanent goal (*hadaf*); and third, by verifying the original meaning of the key terms in each source within their 2nd-century AH socio-legal register.

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[31] Akbar Muhamad Ashoni, "The Relevance of Imam Al-Shaibani's Thought in the Modern Era," *AT-TASYRI' Scientific Journal of Muamalah Study Program* 17, no. 1 (2025): 47–57, https://doi.org/10.47498/tasyri.v17i1.4226.

[32] Khaydarali Yunusov, "The Contribution of Central Asian Scholars to the Development of Islamic Sciences: Sarakhsi – The Founding Father of International Law," *Journal of Advanced Social Sciences and History* 02, no. 12 (2022): 6, https://doi.org/10.37547/social-fsshj-02-12-01.

[33] Zuhaili, *Atsar al-Harb fi al-Fiqh al-Islamy: Dirasah Muqaranah*, 176.

This structured reading reveals that the prophetic model of inter-community relations is not grounded in territorial exclusivity, but in the ethics of covenant and mutual security.[34]

In contrast, the Prophet's hadith sources depict relations between religious communities as governed by the ethics of covenant and humanitarian morality, not territorial domination. The Prophet's practices in Medina and his covenants with non-Muslim communities demonstrate that early Islam defined itself not through territorial boundaries (*dār*), but through a commitment to justice and equality. One of the most powerful examples of the Prophet's respect for interfaith treaties and universal moral commitments is the Treaty of Hudaibiyah, concluded between the Prophet and the Quraysh in the year 6 AH. Often viewed as detrimental to Muslims due to the postponement of the *Umrah* pilgrimage and its seemingly lopsided clauses, the Prophet Muhammad (peace be upon him) nevertheless demonstrated sterling ethical leadership in upholding the treaty, even when it was politically disadvantageous. It is narrated in *Sahih al- Bukhari*:

" When Abu Jandal bin Suhail bin 'Amr came bound in chains and declared his conversion to Islam, he asked to join the Messenger of Allah (peace be upon him). However, the Messenger of Allah (peace be upon him) returned him to the Quraysh, because there was already a treaty between him and them."[35]

From the perspective of *Maqāsid al-Sunnah* as explained by Yusuf al-Qaradawi, this attitude of the Prophet affirms that the principle of adherence to agreements (*al- wafāʾbi al-ʿahd)* is a universal and definitive (*qat'i) Sunnah*. The Prophet prioritized the ethics of keeping promises over momentary military gains. Thus, *Maqāsid al-Sunnah* ***teaches*** that although war and peace strategies may change according to the needs of the times, the principles of justice and loyalty to agreements are absolute values that cannot be sacrificed. In this view, *muʿāhadāt* (agreements) are not merely political contracts, but moral and spiritual instruments for maintaining *sulh* (peace) and *taʿāyush* (peaceful coexistence). [36]

In this study, the Constitution of Medina is positioned as a normative document reflecting the *maqāsid al- sharīʿah* in establishing a prophetic socio-political order, not merely a historical artifact. This ethical approach facilitates the reading of prophetic teachings that emphasize justice (*ʿadl*), security (*amān*), and commitment to the covenant (*wafāʾ bi al-ʿahd*). The most relevant clause is the article concerning the *ummah wāhidah*:

"Indeed, the Jews of Banu Awf are one community with the believers. For the Jews it is their religion and for the Muslims it is their religion, as well as for their clients and themselves, except for the person who commits injustice and sins, because he does not harm except himself and his family."[37]

This clause affirmed that the Jewish community was part of a single political community (*ummah wāhidah)* alongside the Muslims, guaranteeing religious freedom and civil equality. Therefore, the Constitution of Medina serves as a normative precedent for the fiqh paradigm ***of*** *al-ʿahd wa al-akhlāq* — an Islamic political framework oriented toward the prophetic social contract, rather than territorial segregation.

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[34] al-Qaradawi, *Kaif Nata'amal Ma'a al-Sunnah al-Nabawiyyah*, 145–97.

[35] Muhamad bin Isma'il al-Bukhari, *Sahih al-Bukhari* (Dar Ibn Katsir, 1993), 2:961.

[36] al-Qardhawi, *Kaif Nata'amal Ma'a al-Sunnah al-Nabawiyyah* , 150; Muhammad Masruri et al., "Maqasid Al-Sunnah as a Concept of Wasatiyyah and Balance in Understanding the Hadith of the Prophet SAW," *Jurnal 'Ulwan* 10, no. 1 (2025): 274–92.

[37] Ibn Hisham, *al-Sirah al-Nabawiyyah* (Syirkah al- Ṭ ibāʿah al-Fanniyyah al-Muttahidah, 2010), 107.

The ethical consistency of the Prophet's commitment to inter-community covenants is further affirmed in a Hadith narrated by Abu Dawud:

"Beware, whoever oppresses a mu'āhad (a non-Muslim bound by a peace treaty), reduces his rights, burdens him beyond his capacity, or takes something from him without his will, then I [the Prophet] will be his opponent on the Day of Resurrection."[38]

Applying the first *Maqasid al-Sunnah* procedure, this hadith is situated within its historical context, it was pronounced in Medina during a period when Muslim political authority was consolidating and the status of non-Muslim communities under Islamic governance required clear normative regulation. The Prophet was speaking in his capacity as head of a pluralistic political community, addressing the specific circumstance of the *mu'ahad* as a legally recognized protected party. Applying the second procedure, the contextual *wasilah* here is the particular legal category of *mu'ahad* as defined in early Medinan governance, while the permanent *hadaf* is the absolute inviolability of the rights of those bound by covenant with the Muslim community. By declaring himself to be his opponent (*khasm*) on the Day of Resurrection, the Prophet elevated the obligation of protecting the *mu'ahad* from a political arrangement to a permanent moral and theological commitment. Within this framework, the Sunnah affirms that the protection of life and dignity (*hifẓ al-nafs wa al-'ird*) is a universal maqsid that applies unconditionally across territorial categories, thereby undermining any attempt to use the concept of *dar al-harb* as a justification for abrogating the rights of non-Muslims.

Prophetic ethics in inter-community relations reach their most categorical expression in the following Hadith:

"Whoever kills a mu'āhad will not smell the fragrance of Paradise, even though its fragrance can be detected from a distance of forty years."[39]

Applying the first procedure, this hadith must be understood within its situational context. It was pronounced in response to cases where Muslim individuals harmed non-Muslims under treaty protection, a recurring problem in the early Medinan period as the boundaries of the nascent Islamic polity were being established. The Prophet was not issuing a tactical military instruction, but a permanent moral ruling addressed to the entire Muslim community across time. Applying the second procedure, the *wasilah* in this hadith is the specific legal figure of the *mu'ahad* as a treaty-bound party in the early Islamic state, while the *hadaf* is the absolute sanctity of life (*hifẓ al-nafs*) as a universal value that transcends territorial and religious categories. The severity of the spiritual sanction -being deprived of the very scent of Paradise- demonstrates that the right to life is not contingent on territorial identity. Consequently, any framework that treats *dar al-harb* as a zone in which the lives of non-Muslims may be taken with reduced moral accountability stands in direct contradiction to this definitive prophetic ruling. As Labeeb Bsoul explains, the Prophet never fought a people except in self-defense to uphold justice, not because of differences in faith or territory. Therefore, the law of *siyar* must be returned to the prophetic ethos of justice, not the spirit of imperial expansion.[40]

From the hadith and prophetic practices mentioned above, it is clear that the core teachings of Islamic politics are not power, but rather justice and humanity. The paradigms of *dār al-Islām* and *dār*

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[38] al-Sijistani Abu Dawud, *Sunan Abi Dawud* (al-Ma ṭ ba ʿ ah al-An ṣ āriyyah, 2002), 3:136.

[39] al-Bukhari, *Sahih al-Bukhari* , 2:115.

[40] Labeeb Ahmed Bsoul, *International Treaties (Muʿāhadāt) in Islam: Theory and Practice in the Light of Islamic International Law (Siyar) According to the Orthodox School (University Press of America ,* 2008), 52–55.

al-harb established by jurists in the 2nd–4th centuries AH was merely the result of legal adaptation to the geopolitical situation of the time, not a direct reflection of the Prophet's teachings. Based on the study of the hadith of the Prophet, Islamic jurisprudence is required to shift its orientation from the logic of power to the logic of ethics.

The fundamental principles derived from the Prophet's Sunnah include: *al-ʿadl al -kullī* (universal justice), *al-wafāʾbi al-ʿahd* (obedience to treaties), *al-amān al-musytarak* (mutual security), and *al-sulh wa al-taʿāyush* (peace and coexistence). This paradigm constitutes *fiqh al-ʿahd wa al-akhlāq* — prophetic political jurisprudence that establishes the Hadith as the normative basis for establishing an Islamic political order and international relations rooted in humanity and lasting peace. Thus, Islam does not recognize "war zones" and "faith zones" in the geographical sense, but divides the world into ethical spheres determined by the extent to which Islamic values are upheld within them.

Key Prophetic Sources and Their Jurisprudential Implications

Source Type	Text	Primary Source	Status	Jurisprudential Implication
Hadith	"When Abu Jandal bin Suhail bin 'Amr came bound in chains and declared his conversion to Islam, he asked to join the Messenger of Allah. However, the Messenger of Allah returned him to the Quraysh, because there was already a treaty between him and them."	*Sahih al-Bukhari*, no. 2553, *Bab al-Sulh ma'a al-Mushrikin*, Vol. 2, p. 961	Sahih	Fulfilling treaty obligations *(wafa' bi al-'ahd)* is obligatory even when politically disadvantageous. Treaties with non-Muslims are legally binding and take precedence over short-term military interests.
Hadith	"Beware, whoever oppresses a *mu'ahad* (a non-Muslim bound by a peace treaty), reduces his rights, burdens him beyond his capacity, or takes something from him without his will, then I [the Prophet] will be his defender on the Day of Resurrection."	*Sunan Abi Dawud,* no. 3052*, Bab Ta'ashur Ahl al-Dhimmah,* Vol. 3, p. 136	*Hasan*	Protecting the rights of non-Muslims under treaty *(mu'ahad)* is a prophetic obligation. Violation of their rights constitutes a breach of the prophetic covenant, establishing *al-aman al-mushtarak* (mutual security guarantee).
Hadith	"Whoever kills a *mu'ahad* will not smell the fragrance of Paradise, even though its fragrance can be detected from a distance of forty years."	*Sahih al-Bukhari,* no. 2995, *Bab Man Qatala Mu'ahadan bi Ghayri Jurm,* Vol. 2, p. 1115	Sahih	Killing a non-Muslim under peace treaty is absolutely prohibited *(haram qat'i)*. This negates the theological legitimacy of *dar al-harb* as justification for violence and affirms that the right to life *(hifẓ al-nafs)* is universal and unconditional.
Prophetic Document *(Wathiqah)*	"Indeed, the Jews of Banu Awf are one community with the believers. For the Jews it is their religion and for the Muslims it is their religion... except for the person who commits injustice and sins."	*Al-Sirah al-Nabawiyyah* (Ibn Hisham), p. 107	*Da'if* (as historical transmission)	Establishes ummah wahidah: plural communities coexist within one political order with equal civil rights. Normative precedent *for fiqh al-'ahd wa al-akhlaq* — governance based on covenant, not territorial exclusivity.

Redefining the Concept of *Fiqh Siyāsah*: From Territorial Dichotomy to the Relational-Ethical Paradigm (*Fiqh al- Ahd wa al-Akhlāq*)

The attempt to redefine classical Islamic political concepts is not a theological deviation, but rather a logical consequence of the nature of Islamic law itself. As emphasized by KH. Afifuddin Muhajir, *fiqh Siyāsah* is essentially a part of *fiqh. Mu'āmalāt* (jurisprudence of social transactions), is built on the foundation of legal rationality (*'illat*) and orientation towards the public interest (*maslaḥah).* Unlike the realm of worship (*'ibādah)* , which is fixed and unchanging (*tawqīfī*), the political realm has flexible and dynamic characteristics. The validity of a political system or concept depends not only on the availability of explicit textual evidence (*nash),* but also on adherence to the basic principle that everything in *mu'āmalāt* is permissible as long as no evidence prohibits it. This flexibility is based on two fundamental considerations: *first ,* its status as *mu'āmalāt* requires openness to changes in the times; *Second*, politics is merely a means (*wasīlah*) to achieve the goals of Sharia*,* not the ultimate goal (*ghāyah*). This provides a methodological basis for this study to re-examine the dichotomy of *dār al-Islām and dār al-harb.* If *classical constructions are deemed* no *longer relevant as a means* to achieve *maslaḥhah* in the era of the nation-state, then the door to recontextualization is wide open to reach the substance of Islamic law. [41]

The relevance of deconstructing the concept of *dār al-Islām* is based on the principle of *tamyīz. baina al-wasīlah wa al-hadaf* (distinguishing between means and ends). Citing Alwi et al.'s (2023) analysis of al-Qaradawi's thought, the failure to distinguish between changing instruments and fixed ends often traps Muslims in a rigid, literal understanding. Al-Qaradawi emphasized that the Sunnah is characterized by *a* realistic method, which does not dwell on utopian imagination but is based on reality. Therefore, maintaining the classical territorial dichotomy in the era of the modern nation-state contradicts the spirit of realism inherent in the Sunnah itself.[42]

Usāmah Sayyid al-Azhari argued that the classification of territories into *dār al-Islām* and *dār al-harb (*or *dār al-kufr*) is not essentially an empty idea, nor is it a doctrine of permanent enmity as understood by contemporary radical groups. This division emerged as a methodological instrument to distinguish between stable Sharia law and exceptional Sharia law in certain social contexts. Thus, the main purpose of this concept is not to determine the character of political relations between Muslims and non-Muslims, because the relationship between the two in Islam is broad, interactive, and based on *da'wah*, guidance, and the dissemination of noble values.

In practice, this territorial division serves to protect Muslim minority communities living among non-Muslim societies so that they can adequately practice Sharia. Hanafi jurists, for example, provide some fiqh concessions, such as the permissibility of transactions with invalid contracts (*'aqd fasid*). Uthman asserted that the underlying philosophy of this concept is a philosophy of life—allowing space for Muslims to live, develop, and practice their religion. However, in the past eight decades, extremist groups have stripped this concept from its historical context and transformed it

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[41] Choirur Rois and Farhan Masrury, "Fiqih Al- Ḥ a ḍ arah Geopolitical Perspective: The Idea of NU Peace Diplomacy Through the Recontextualization of Fiqih Siyasah," *An-Nida'* 47, no. 1 (2023): 68, https://doi.org/10.24014/an-nida.v47i1.25330.

[42] Zulfahmi Alwi et al., "Reformulation of Yusuf Al-Qardhawi's Hadith Thought Methodology and Its Influence on the Development of Hadith Science: Analysis in the Book Kaifa Nata'amal Ma'a al-Sunnah al-Nabawiyyah," *International Journal of Islamic Thought and Humanities* 2, no. 1 (2023): 99, https://doi.org/10.54298/ijith.v2i1.81.

into a philosophy of death and destruction, thus fueling internal hostility within Muslims and generating a negative global perception of classical scientific thought and Islam itself.[43]

From another perspective, Taqiyyuddīn al-Subkī (d. 756 AH) emphasized that severing interaction between Muslims and non-Muslims actually hinders the spread of Islamic values. This was evident in the phase from the Hijrah to the Treaty of Hudaibiyah, when some Quraysh embraced Islam. However, after the truce of Hudaibiyah opened up space for peaceful interaction, tens of thousands embraced Islam, culminating in the Conquest of Mecca (*Fath of Makkah)* . Thus, history proves that peace and social interaction are more effective in bringing about change than conflict and isolation.[44]

In the context of a global world governed by the nation-state system and international law, the dichotomy of *dār al-Islām* and *dār al-harb* becomes problematic because it is based on the assumption of exclusive Islamic sovereignty, while the modern world affirms the principles of sovereign equality and universal human rights. As Wael B. Hallaq argues, classical political jurisprudence operated within an imperial moral structure that has now lost its institutional foundation. Therefore, maintaining the categories of *dār al-Islām* and *dār al-harb* literally hinders efforts to present Islam as a religion of mercy that is in harmony with the principles of justice and global peace.[45]

The urgency of this redefinition becomes particularly evident in light of contemporary geopolitical conflicts in the Middle East, most notably the escalating tensions involving the United States, Israel, and Iran. In such conflicts, the classical binary of *dar al-Islam* and *dar al-harb* has been selectively instrumentalized by various political and non-state actors to frame military aggression in religious terms, thereby lending theological legitimacy to what are fundamentally political and territorial disputes. As Fadel (2018) has noted, even moderate Muslim jurists who endorse the modern international order have struggled to consistently abandon the *dar al-harb* framework when confronted with the case of Israel, revealing the extent to which this territorial logic continues to distort Muslim political imagination despite its doctrinal incoherence within a treaty-based global order.[46] Meanwhile, extremist groups systematically exploit this dichotomy to justify violence, declaring adversarial territories as *dar al-kufr* to mobilize militant action, a pattern that finds dangerous resonance in contemporary Middle Eastern conflicts.

Against this backdrop, the paradigm of *fiqh al-'ahd wa al-akhlāq* proposed in this study offers a more principled and coherent Islamic framework for evaluating contemporary armed conflicts. A comparative analysis of the 2025 Israel-Iran war from the perspective of Islamic *jus in bello* and International Humanitarian Law by Asgari (2025) underscores this convergence: the political legitimacy of any armed action, from an Islamic legal standpoint, ultimately hinges on its conformity with moral and ethical standards, specifically the principles of proportionality and protection of non-combatants, rather than on territorial or religious categorization of the adversary.[47] This finding affirms the central argument of this study: that the prophetic principles of *'adl* (justice), *wafa' bi al-*

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[43] al-Azhari, *Radical Islam: A Critical Study of Radicalism From the Muslim Brotherhood to ISIS* , 71–73.

[44] Taqiyuddin al-Subki, *Al-Fatawa* (Dar Al-Fikr, nd), 2:404.

[45] Hallaq, *The Impossible State: Islam, Politics, and the Moral Dilemmas of Modernity* , 45–50.

[46] Mohammad Fadel, "Modern Islamic International Law between Accommodation and Resistance: The Case of Israel and BDS," *Yearbook of Islamic and Middle Eastern Law Online* (Leiden, The Netherlands) 19, no. 1 (2018): 247–48, https://doi.org/10.1163/01901001_011.

[47] A. Asgari, "Proportionality and Necessity in Armed Conflicts: A Comparative Analysis of International Humanitarian Law and Islamic Law (the Case of the 2025 Israel–Iran War)," *Pathways to Peace and Security*, no. 2 (2025): 54, https://doi.org/10.20542/2307-1494-2025-2-54-68.

'ahd (treaty fidelity), and *al-aman al-mushtarak* (mutual security) constitute a more ethically robust and internationally compatible framework than the imperial-era *dar* dichotomy, precisely because they evaluate relations between states based on conduct and covenant rather than territorial identity.

Furthermore, economic globalization, political interdependence, and the development of the international legal system have erased the strict boundaries between "peace zones" and "war zones." The contemporary world offers spaces for cooperation and dialogue rather than zones of permanent conflict. Consequently, the territorial fiqh paradigm oriented towards separation and domination needs to be reformulated into *fiqh al-'ahd wa al-akhlāq* , a relational paradigm rooted in universal moral values as taught by the Prophet Muhammad. This paradigm not only dismantles the logic of exclusivity in the concepts of *dār al- Islām* and *dār al- harb,* but also offers an ethical framework for interstate and interreligious relations that is more aligned with the *Maqāsid al-Sunnah* .

When reconstructed, this principle forms the basis of prophetic political ethics, where relations between religions, ethnicities, and nations are not ones of domination, but rather moral relationships based on agreement and shared responsibility. In the context of Islamic international law, this aligns with Labeeb Ahmed Bsoul's view that *siyar* should be understood as a moral and legal discipline that governs peaceful coexistence, not merely the interests of warfare.[48]

This reformulation has three strategic implications in the contemporary context. First, at the level of international relations, the paradigm of *dār al-'ahd wa al-akhlāq* returns *siyar* to its original function: the law of treaties and peace. Compliance with international agreements, such as the UN Charter and humanitarian treaties, is not a form of compromise, but the implementation of the values of *al- wafāʾ bi al-ʿahd* on a global scale. Second, at the level of political diplomacy, Islam needs to present itself as a moral force (moral soft power), not a military or ideological force. Prophetic diplomacy, as exemplified by the Prophet with Najran, Abyssinia, and Byzantium, serves as a model for humanistic and just interfaith relations. Third, in the field of Islamic education, this redefinition can be translated into a fiqh curriculum and Islamic studies that emphasize global ethics, tolerance, and humanitarian responsibility. Thus, there is a shift from the theoretical fiqh paradigm to *fiqh al-'ahd wa al-akhlāq* is not just a change in terminology, but an epistemological transformation from the jurisprudence of power to the jurisprudence of humanity.

This redefinition restores *fiqh* to the prophetic vision of Islam: upholding justice, maintaining peace, and respecting human dignity. In this regard, the Prophet Muhammad's words need to be reconsidered: *"I was sent only to perfect noble morals."*[49] Thus, the pinnacle of Islamic politics is ethical politics—politics oriented toward the governance of social and international relations rooted in justice, *amanah* (trust), and universal compassion.

Conclusion

This study demonstrates that the *dar al-Islam* and *dar al-harb* dichotomy is not rooted in Islamic normative sources, but is a post-prophetic juridical construct developed between the 2nd and 4th centuries AH in response to the political imperatives of imperial expansion, as evidenced in the works of al-Shaybani and subsequent jurists of the *siyar* discipline. Historical-genealogical analysis, combined with a Maqasid al-Sunnah reading of the Hadith through al-Qaradawi's three-procedure method, confirms that the Prophet's model of inter-community relations was not built on territorial

[48] Khan, *The Constitution of Medina: A Sociological Study of the First Islamic State* , 78–82.
[49] Ahmad bin al-Husain al-Baihaqi, *Al-Sunan al-Kubro* (Dar al-Kutub al-'Ilmiyyah, 2003), 323.

division, but on the ethics of covenant and universal moral commitment, as reflected in the Constitution of Medina, the Treaty of Hudaybiyyah, and the Hadith on the protection of *mu'ahad*. The deeper significance of this finding lies in what it reveals about the history of Islamic legal thought: that a framework produced by imperial jurisprudence has long been treated as immutable theological doctrine, a conflation that this study methodologically dismantles.

On this basis, the study proposes *fiqh al-'ahd wa al-akhlaq* as a redefined paradigm grounded in four permanent prophetic principles: *'adl* (universal justice), *wafa' bi al-'ahd* (treaty fidelity), *aman al-mushtarak* (mutual security), and *sulh* (peaceful coexistence). This paradigm represents not merely a terminological revision, but an epistemological shift: from the jurisprudence of power and territorial exclusivity to the jurisprudence of covenant and shared humanity, one that is more consistent with both the Maqasid al-Sunnah and the modern international system.

This study has focused on the foundational genealogical and hadith-based dimensions of the problem. Several important questions remain open for future scholarship: How have specific Muslim-majority states historically operationalized or resisted the *dar* dichotomy in their foreign policy decisions? How does the proposed paradigm of *fiqh al-'ahd wa al-akhlaq* engage with existing frameworks in contemporary Islamic international law beyond the Sunni tradition, including Shi'i *siyar* scholarship? And how might this paradigm be institutionally translated into *siyar* curricula in Islamic higher education? These questions, left open by the scope of this study, represent productive directions for scholars working at the intersection of Islamic jurisprudence, international law, and political ethics.

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