

Khalifa Ali bin Abu Talib - Arbitration Agreement

Arbitration Deed

When the arbitration deed came to be written up, an altercation between the parties began over the first sentence of the preamble about the title of the parties. The supporters of Ali insisted that he should be referred to as "Ali, the commander of the Faithful". The other party objected to such title as they did not recognize him as the Caliph. The army chiefs of Ali who had rebelled against the authority of Ali overruled the view of the supporters of Ali on the ground that in the case of the Hudaibia pact when the Quraish objected to reference to Muhammad (peace be on him) as the prophet. The Holy Prophet agreed to the omission of such reference. The agreement that was drawn up provided for the truce between parties, and the settlement of the dispute through arbitration of two umpires, one empire to be appointed by each party. The umpires were required to give their decision in accordance with the injunctions of the Holy Quran. In the absence of any guidance from the Holy Quran, the traditions of the Holy Prophet were to be followed. The umpires were guaranteed the security of their life and property and of their families whatever the outcome of the arbitration might be. It was provided that the decision of the umpires was to be binding on all concerned. The umpires were required to give their decision within six months. They were required to meet at a neutral spot midway between Kufa and Damascus. The point to be determined by the umpires was as to whom out of Ali and Muawiyah the sovereignty was to belong. The supporters of Ali pointed out that the issue of sovereignty was not the point in dispute, the dispute was about the "Qasas" of the assassination of Othman. The rebels against the authority of Ali overruled this stand. They said that the real issue was that of the caliphate between Ali and Muawiyah, and if this issue was decided the question of "Qasas" for the murder of Othman would be automatically decided. The arbitration deed as it was finally drawn up was nothing short of a death warrant for Ali. He had however become so helpless that he had to agree to it.

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