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Norms of war in Sunni Islam

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Islamic communities, like other religious groups, over the centuries have developed laws and traditions pertaining to war and peace that can generally be referred to as ethics of war. Based primarily on the Qur'an, Islam's holy book, Hadith literature (oral traditions relating to the words and deeds of the Prophet Muhammad), *fiqh* (jurisprudence), politics and decisions necessitated by events with which these communities had to deal, and theological interpretations (*fatawi*) of religious and political leaders have all contributed to discourses on Islamic war ethics. As a body of collected wisdom, Islamic laws and traditions defining "just war" have received something of a consensus among Islamic scholars today and can be formulated into a classic interpretation of Islam's outlook on war and the handling of issues related to it. Still there have been and continue to be large disparities, historically and contemporarily, between various sects and between groups within the same sect. Put differently, although Islamic war ethics are generally presented as a finished product with principles set by the Qur'an and prophetic traditions, war ethics, like other discourses, are closely tied to the historical conditions that produce them. This does not mean that there are not consistent references and beliefs that represent essential points that appear in the writings of important thinkers over the ages. These principles exist and constitute the basic framework of war ethics and what is discussed today as just war theory. The point is that, notwithstanding the general acceptance among Muslims that principles of war were defined solely by God and the Prophet Muhammad, Islamic ethics have actually developed over history

and continue to be in process, and are developing today in various directions. But it is in this belief in the unchanging and absolutist framework of just war theory that various groups, including the most radical, find fertile ground to cultivate their movements.

This chapter considers the history and contemporary nature of the ethics of war in Islam, examining how they bear on war between Islamic and non-Islamic peoples. Hence the complex problems of civil war, or war among Muslims, are beyond the scope of the chapter, because to do justice to these questions would require a separate comprehensive study. The chapter not only takes into account historical sources, but also examines the views held by Muslims today on the question of war between Muslims and non-Muslims, with a necessary focus on non-Muslims in the West.

Deconstructing the discursive history of the ethics of just war in Islam is one way of explaining baffling contradictions between what Islam is purported to say and how various political groups act. Simply put, the problem can be located in the belief that there is a classic theory of war ethics that has been understood and accepted throughout Islamic history. One can make the general comment that, like other world religions, ethical discourses have developed with human history. There are basic principles and these principles are quite widespread among major religious groups, beginning with the protection of life and respect for human dignity. This joins Islam with Christianity, Judaism and Hinduism. Protecting human life, the body and soul that God has gifted us with, is a first lesson taught to a Muslim as he/she learns to walk. Considering life as a valuable gift from God and protecting the body from harm is a command in the Qur'an and in its dietary regimen, sexual ethics and communal relations. A close second is protecting the helpless; here the Qur'an and Hadith are expansive in their commands to feed orphans and take care of wayfarers, protecting them in every possible way, including going to war – as will be discussed later in this chapter. Protecting the wealth of orphans and the helpless is central to the Qur'anic text and this protection extends to pre-modern Sharia courts, where judges (*qadis*) take the child's welfare into consideration in any marital disputes, handing over the guardianship of children to mothers when it is to their benefit, notwithstanding what the different schools of Islamic law have to say about guardianship. Protection of the weak and helpless seems to have been the guiding principle rather than *fiqh* interpretations.[1] But it is not only the young who are to be protected; old people too are among those who need protection, particularly during war.

Included among those to be protected in war would be old people, children, the helpless and the handicapped, none of whom are subject to war. Among this group would be the *dhimmis* (non-Muslims), who paid the

jizyah (a poll tax levied on non-Muslims) in place of participating in war. They were considered protected people and came into the group to be protected by the Muslim community. Perhaps it should also be pointed out that the wounded among enemy warriors also fit within the category of helpless, and extending medical care to the wounded among the enemy, even if they participated in battle, becomes an essential part of Islamic war ethics and fits with the ultimate purpose of protecting life. Similarly, Islam advocates humane treatment of prisoners who are unarmed and therefore rendered helpless. In the same vein, the poisoning of water-wells is completely forbidden, as are the poisoning of food supplies and the destruction of homes as methods of waging war. Such actions jeopardize life and are therefore forbidden. Also forbidden are outright massacres and punitive punishment meted out to the kin and tribes of enemies, although punitive war to take back what has been usurped is not only acceptable in Islam but actually a duty. However, war cannot be outright war but must be limited, as precise as possible, and directed at an enemy who wages war against a community, which has the responsibility to retaliate.

Waging war

The following discussion about "waging war" makes a clear distinction between the word *jihad* and the word *qital* – or *qatilu* as it usually appears in the Qur'an – and how the words are differently used in the Qur'an. "Jihad" has the meaning of "strive", which opens the door to generalizations and has therefore been the focus of historical interpretations, particularly when Qur'anic support is sought. "*Qatilu*" is straightforward in its meaning, which is "fight" or "go to war", and it is the actual word used in the Qur'an whenever the call to arms is made. The usual explanation for jihad is that it is a defensive mechanism, but actually it is explicitly proactive, which makes it a better reference for those looking for legitimacy to go to war for various reasons, as long as the word "jihad" is narrowed down to mean "go to war for the sake of God". In fact, all the Qur'anic *ayas* (sentences) that use the word "jihad" use it with the meaning of to "strive" in the way of God and in a context and language that do not include actions pertaining to war or to killing, except if such action is warranted as part of "striving" in the way of God or in support of the Prophet Muhammad or the Muslim community. Good examples include:

> Those who believed and those who suffered exile and fought [*jahadu*] (and strove and struggled) in the path of God, they have the hope of the Mercy of God. And God is Oft-forgiving, Most Merciful. (Al-Baqara 2:218)[2]

Here the reference is to those who went on *hijra* (migration) from Mecca to Medina to escape persecution by the non-believers. They built a new Muslim community in Medina, making sacrifices in the process and fighting against those who would stop them.

> Did ye think that ye would enter Heaven without Allah testing those of you who fought hard (in His cause) and remained steadfast? (Al-Imran 3:142)

Here the Qur'an makes clear that Muslims are expected to strive for the sake of God and that will be the way to heaven. This type of general statement, because it does not give explicit or specific meaning to what is being referred to except that it is ''His cause'', opens the door to all sorts of speculation regarding what striving for ''His cause'' means. It could be internal striving to be a better Muslim, striving to create a strong believing community, or fighting for whatever His cause is determined to be – and that becomes open to place and time and the particular ideology.

> Not equal are those believers who sit (at home) and receive no hurt, and those who strive and fight in the cause of God with their goods and their persons. God hath granted a grade higher to those who strive and fight with their goods and persons than to those who sit (at home). Unto all (in Faith) Hath God promised good: But those who strive and fight Hath He distinguished above those who sit (at home) by a special reward. (Al-Nisa' 4:95)

Here the connection between those whom God favours and those who strive using their wealth and themselves (*jihad al-nafs wal-mal*) is made clearer in the Qur'an's comparison between those who stay put and do not become engaged in the way of God and those who are active in pursuing the way of God by giving of themselves and their wealth. Jihad, or striving, using one's wealth and person is mentioned many times in the Qur'an and the meaning is clear that Muslims have to work for the good and security of their community in every way possible and particularly in applying their own labour and in spending their money. Applying one's labour, i.e. striving with one's person, includes joining in the fight with the Prophet against Islam's enemies. This inclusivity is seen in the following lines:

> Those who believed, and adopted exile, and fought [*jahidu*] for the Faith, with their property and their persons, in the cause of Allah, as well as those who gave (them) asylum and aid, – these are (all) friends and protectors one of another. As to those who believed but came not into exile, ye owe no duty of protection to them until they come into exile; but if they seek your aid in religion, it is your duty to help them, except against a people with whom ye have a treaty of mutual alliance. And (remember) Allah seeth all that ye do. (Al-Anfal 8:72)

Here the lines are more explicit, speaking of the mutual protection that is due to those who migrate and put themselves in jeopardy in the cause of God. Here the Qur'an calls upon Muslims to help them, for they succour one another, and asks that help should be extended to them against any enemy except those who have entered into an alliance with the Muslim community. The meaning of "jihad" as fighting is clear here, although it still remains within the parameters of working for the good of the community and its security. The same meaning is conveyed, if with a different nuance, in 8:74, which points to asylum and assistance as forms of jihad, which gives a rounded meaning to the issue of protection and working towards the establishment of a community at a time when it was beleaguered, i.e. following the *hijra* of Muslims from Mecca to Medina in 622 to escape persecution.

> Those who believe, and adopt exile, and fight [*jahidu*] for the Faith, in the cause of Allah as well as those who give (them) asylum and aid, – these are (all) in very truth the Believers: for them is the forgiveness of sins and a provision most generous. (Al-Anfal 8:74)

The meaning changes perceptibly in other *ayas*, where the emphasis shifts away from physical defence or armed action.

> And if any strive (with might and main), they do so for their own souls: for Allah is free of all needs from all creation. (Al-'Ankabut 29:6)

> We have enjoined on man kindness to parents; but if they (either of them) strive (to force) thee to join with Me (in worship) anything of which thou hast no knowledge, obey them not. Ye have (all) to return to me, and I will tell you (the truth) of all that ye did. (Al-'Ankabut 29:8)

> And those who strive in Our (cause), – We will certainly guide them to Our Paths; For verily Allah is with those who do right. (Al-'Ankabut 29:69)

> But if they strive to make thee join in worship with Me things of which thou hast no knowledge, obey them not; yet bear them company in this life with justice (and consideration), and follow the way of those who turn to me (in love): in the end the return of you all is to Me, and I will tell you the truth (and meaning) of all that ye did. (Luqman 31:15)

> And We shall try you until We test those among you who strive their utmost and persevere in patience; and We shall try your reported (mettle). (Muhammad 47:31)

> O ye who believe! Take not my enemies and yours as friends (or protectors), – offering them (your) love, even though they have rejected the Truth that has

come to you, and have (on the contrary) driven out the Prophet and yourselves (from your homes), (simply) because ye believe in Allah your Lord! If ye have come out to strive in My Way and to seek My Good Pleasure, (take them not as friends), holding secret converse of love (and friendship) with them: for I know full well all that ye conceal and all that ye reveal. And any of you that does this has strayed from the Straight Path. (Mumtahinah 60:1)

These lines of the Qur'an speak of personal trials and the struggle to stay loyal to the faith in the face of temptations and pressures by friends and relatives who woo Muslims away from God's faith. They call upon Muslims to recognize Muslims as their friends and not to befriend those who are enemies of Islam, not to be hypocritical in dealing with enemies of Islam and always to follow the right path and the good of the community. In other words, Muslims should strive to work for the good of the community because that is the road to salvation by which the soul redeems itself. Ultimately it is the soul that follows the way of God that is saved through God's will. There is little about armed action here, even though the lines include various meanings of jihad as striving to do God's will, responding to the tests that God has placed in the way of Muslims, staying within the community and not befriending its enemies, and fighting for one's soul or salvation.

As for the term "qatilu", when it appears in the Qur'an it is always used in the context of some action dealing with war, fighting or killing. The language and context are quite explicit, involving taking up arms in the defence of the community.

Although this chapter deals with waging war in the Sunni tradition, there is a realization that, notwithstanding doctrinal and theological differences built primarily on the separate histories of the Sunni and Shia communities, there is today a strong rapprochement between them that can be dated back to the Iranian Revolution and the subsequent increased presence of the United States in the affairs of Arab countries and the aggression of first Israel and then the United States against Arab lands. The meeting of minds regarding the struggle for freedom among Muslims today and against whom this struggle is to be waged is eliminating the doctrinal differences between Shias and Sunnis, even while using sectarian differences to achieve political ends is becoming a greater threat to the stability of the Middle East region. I shall first discuss the classic Sunni approach to war ethics and then show how the ethics of war are closely connected with the historical process and the historical context during which new formulations of war and the handling of war were made. Since the issue is an important one in the current war against terrorism, the discussion will include war ethics formulated by major players in this drama today.

Why wage war?

In the Islamic tradition, war is waged only for a just reason. There are no early debates that one can categorize as "just war theory" because the presumption is that a war is waged only with justification and the justification is built on the experience of people regarding what is right or wrong (*halal* or *haram*). Basically war is waged against oppressors by those whom they oppress or those who are allied to them:

> Permission (to fight) is given to those upon whom war [*yuqatiluna*] is made because they are oppressed, and most surely Allah is well able to assist them. (Qur'an 22:39)[3]

Fighting those "who fight against you" has to be seen as the basic reason for Muslims to go to war and it is tied to the treatment of Muslims at the hands of the *kuffar* (non-believers) in Mecca during the early years of Islam when Muslims were persecuted for having accepted Islam as their religion and Muhammad as their Prophet. The order to "fight against those who fight against you" is not only seen as giving legitimacy to the waging of war in self-defence; it is actually a duty to undertake such a war. The Qur'an asks those who do not take up arms why they do not do so and calls on their chivalry and courage to fight back.

> And be not weak hearted in pursuit of the enemy; if you suffer pain, then surely they (too) suffer pain as you suffer pain, and you hope from Allah what they do not hope; and Allah is Knowing, Wise. (Qur'an 4:104)

Although the context for the verse may have been contemporary to the early Muslim community's experience, the Qur'anic lines do not differentiate between external and internal aggression, and thereby the door to just war is opened to fight against not only external enemies but also internal enemies who act wrongfully, making it the right of the oppressed to fight back.

Framing the meaning of aggression that makes it a requirement to wage war, the Qur'an is explicit about the necessity to go to war particularly against those who cause the expulsion of Muslims or other helpless people from their homes. This call has been central to the waging of war in Islamic history – from the need for Muslims to flee their homes in Mecca owing to the oppression by the Quraysh (the ruling tribe of Mecca at the time of the birth of the Prophet Muhammad), to the present-day expulsion and homelessness of Palestinians, whatever their religious affiliation.

Those who have been expelled from their homes without a just cause except that they say: Our Lord is Allah. And had there not been Allah's repelling some people by others, certainly there would have been pulled down cloisters and churches and synagogues and mosques in which Allah's name is much remembered; and surely Allah will help him who helps His cause; most surely Allah is Strong, Mighty. (Qur'an 22:40)

Two important principles are laid out in 22:40: one concerns "expulsion from their homes"; the second, "protecting places of worship" without which religion and worship of God would not survive. That expulsion from one's home is considered to be the greatest of harms is central to Islam's view of the right to fight back. This verse also makes it a duty to wage war to stop the destruction of places of worship, a great abomination in Islam that would mean God's name would not be "remembered".

But it is not only for home and faith that war is waged. Essential to Islam is support for the weak, the orphaned and the homeless. The Qur'an is full of exhortations to feed the poor and the homeless, to look after the orphan and his property, and to take care of the weak, the infirm and the old. The same support is extended to those who are helpless in the face of aggression. It is a duty of Muslims to fight for those who are unable to defend themselves.

And what reason have you that you should not fight [*la tuqatiluna*] in the way of Allah and of the weak among the men and the women and the children, (of) those who say: Our Lord! (Qur'an 4:75)

Fighting for the weak and the helpless is defined by the Qur'an from within the parameters of "fighting for the sake of God". This can be read in various ways and opens the door to waging offensive war for the purpose of protecting the oppressed among not only Muslims but all people of the book (Muslims, Christians and Jews).

Those who believe fight [*yuqatiluna*] in the way of Allah, and those who disbelieve fight in the way of the Shaitan. Fight therefore against the friends of the Shaitan; surely the strategy of the Shaitan is weak. (Qur'an 4:76)

In other words, according to the Qur'an, war is waged for self-defence, defence of one's faith, in support of those oppressed and who lose their homes, and to ward off evil, symbolized here by the Shaitan, an image often used to describe enemies of Islam.

The Qur'an also details what is forbidden in waging war:

And fight [*waqatiloohum*] in the way of Allah with those who fight with you, and do not exceed the limits, surely Allah does not love those who exceed the limits.

> And kill them wherever you find them, and drive them out from whence they drove you out, and persecution [*al-Fitnah*] is severer than slaughter; and do not fight with them at the Sacred Mosque [al-Masjid al-Haram, in Mecca], until they fight with you in it, but if they do fight you, then slay them; such is the recompense of the unbelievers.

> But if they desist [fighting], then surely Allah is Forgiving, Merciful. (Qur'an 2:190–192)

By "do not exceed the limits" is meant to wage what we can call limited war. Waging outright and comprehensive war appears to have no basis in Qur'anic text; on the contrary, conflicts were seen as having clear boundaries, waged to ward off aggression and undertaken in a humane way, sparing those who do not themselves participate in the war (Qur'an 60:8). The limits are further set in the demand to "drive them out from whence they drove you out" (2:191). Fighting back and regaining homes from which one has been expelled represent just reasons for going to war and for killing enemies "wherever you find them". There are, however, places where war is forbidden, but not when "they fight with you". Being attacked, expelled from the home or in danger justifies fighting back whatever the place or time. Fighting ends once the enemy stops attacking; those are clearly set limits.

The words used in the various *ayas* quoted above in reference to fighting or going to war derive from the word *qatilu*, or battling. I have included the exact word used in square brackets so as to differentiate it from the usage of the word "jihad" when it appears. As 47:4 illustrates, the use of the word *qatilu* or its derivatives is always used within a clear context, when actual war or another form of battling/fighting is actually taking place.

> So when you meet in battle those who disbelieve, then smite the necks until when you have overcome them, then make (them) prisoners, and afterwards either set them free as a favor or let them ransom (themselves) until the war terminates. That (shall be so); and if Allah had pleased He would certainly have exacted what is due from them, but that He may try some of you by means of others; and (as for) those who are slain [*qutilu*] in the way of Allah, He will by no means allow their deeds to perish. (Qur'an 47:4)

The *aya* outlines the steps to be taken in battle. Believers are to fight hard until they are victorious, after which they should no longer kill the enemy but are ordered to take them as prisoners to be set free later or to be ransomed. Fighting only as long as you need to is urged, from which it is understood that war should be limited and restricted to achieving victory with minimum loss of life, and that continuing to slaughter

after victory becomes an offence to God. From this can be understood Islam's approach to war as being wageable only when it becomes imperative for reasons focused on aggression and harm to self and to the helpless. War for revenge or for acquisitive reasons finds no place in this discourse.

As for peace, the Qur'an makes it clear that peace is preferable to waging war:

> Except those who reach a people between whom and you there is an alliance, or who come to you, their hearts shrinking from fighting you [*yuqatilukum*] or fighting [*yuqatiluna*] their own people; and if Allah had pleased, He would have given them power over you, so that they should have certainly fought you [*falaqatalukum*]; therefore if they withdraw from you and do not fight you and offer you peace, then Allah has not given you a way [to war] against them. (Qur'an 4:90)

The exhortation to work for peace when it is possible is very clearly stated here: ''then Allah has not given you a way [to war] against them''. It is repeated in 2:193: ''And fight with them until there is no persecution, and religion should be only for Allah, but if they desist, then there should be no hostility except against the oppressors.'' Fighting oppressors and against only those who wage war first is made very clear, as is waging peace in preference to war.

> And if they incline to peace, then incline to it and trust in Allah; surely He is the Hearing, the Knowing. (Qur'an 8:61)

As to those who give support to enemies, the Qur'an is clear. Those who support your enemy become your enemy and you are to fight against them:

> Allah does not forbid you respecting those who have not made war against you on account of (your) religion, and have not driven you forth from your homes, that you show them kindness and deal with them justly; surely Allah loves the doers of justice. (Qur'an 60:8)

This *aya* is followed immediately by another making the parallel statement:

> Allah only forbids you respecting those who made war upon you on account of (your) religion, and drove you forth from your homes and backed up (others) in your expulsion, that you make friends with them, and whoever makes friends with them, these are the unjust. (Qur'an 60:9)

According to these two *ayas*, it would be forbidden to wage offensive war against those who had not acted as aggressors first, because there had to have been reasons to go to war against them and that would be the case if they had waged war or helped those who waged war against the believers or assisted others in dispossessing them of their homes. As 60:9 clarifies, God actually forbids Muslims from associating with those who have waged war against Muslims and driven Muslims from their homes or helped others in any of these activities. The *aya* also calls upon Muslims to stand against those who assist their enemy in fighting them. These lines are extremely important to Muslims' attitude towards those who dis-respect Islam and to Muslims' response to those who attack Islam physi-cally or vocally. There is almost a duty not only to end any alliance with Islam's enemies who fight against Muslim communities but also to stand against those who, by showing little respect for Muslims, become allies of Islam's enemies.

The significance of these lines to the contemporary situation cannot be lost, especially in regard to the Palestinians, their treatment by Israel and the unconditional support that the United States grants Israel. Members of extremist and terrorist groups need do very little to garner support among the Muslim masses in their fight against Israel and the United States. The same can be said in regard to the 2006 invasion by Israeli troops of southern Lebanon and the massive destruction meted out to its inhabitants – destruction of their homes and forced migration to the north. No matter how temporary this dispossession, it reminded Muslims of what happened to Palestinians in 1948 and their massive forced migra-tion. Although Israel is the recognized enemy, there is some understand-ing regarding their position, which is clearly stated as acquiring land they claim from biblical times for the Jewish people. Understanding does not mean accepting, however, and particularly not accepting the total de-struction of the Palestinian people or their daily suffering and destruction of life and home, exactly as described by the Qur'an as causes for waging war. The position of the United States becomes even more serious since, in the eyes of many Muslims, it has no reason to be so partial, particularly in light of the fact that the side it supports is overwhelmingly strong. Read literally and applied directly to the contemporary historical setting (by bin Laden and others like him), the exhortations of 60:9 appear to ex-press a duty to fight the United States, a country now placed within the parameters of the Shaitan (4:76), an image popularized by Ayatollah Khomeini. This also explains the extreme reactions to Salman Rushdie, the Danish cartoon incident and Pope Benedict's Regensburg remarks about Islam, however academic and misunderstood they may have been.[4]

Caliph Abu Bakr, who followed immediately after the Prophet Mu-hammad in leading the young Muslim *umma* (community), summarized Islamic war ethics with the following words:

Do not commit treachery or deviate from the right path. You must not mutilate dead bodies. Neither kill a child, nor a woman, nor an aged man. Bring no harm to the trees, nor burn them with fire, especially those which are fruitful. Slay not any of the enemy's flock, save for your food. You are likely to pass by people who have devoted their lives to monastic services; leave them alone.[5]

The often-mentioned ideal of Muslim ethics in waging war is the example set by Salah al-Din al-Ayyubi, Sultan of Egypt and Syria, after he captured Jerusalem from the Crusaders in 1187. Even though the Crusaders were hardly the exemplary chivalrous knights depicted by the troubadour poets of medieval Europe (having committed atrocities against the inhabitants of the Holy Lands with no differentiation between Muslim, Christian or Jew), Salah al-Din prohibited any actions of vengeance against them, and those who wished to leave the city were allowed to leave, the rich among them being ransomed.

Discourses on war and ethics

The Qur'an's classic formulation of the reasons for waging war and how to wage war became the subject of interpretation as the Islamic *umma* expanded out of Arabia into the surrounding territories, bringing various cultures and peoples within its fold. As situations became more complex, there came a need to try to understand and interpret what had been set up during the time of the Prophet Muhammad through Qur'anic interpretation and following the Sunna (traditions) of the Prophet. This was not easy and, as might be expected, interpretations that may have followed a textual analysis fraught with pitfalls led to applications of war ethics far removed from the basic spirit of compassion, protection and conciliation that characterizes the lines of the Qur'an dealing with war. Problems arose almost immediately during the Ridda wars (wars of apostasy) of 632–664, fought in Arabia against tribes that had given their allegiance to the young Muslim *umma* at the time of the Prophet Muhammad but had reneged after his death. The Ridda wars made it clear that Jahiliya (the period before the rise of Islam) was still alive in Arabia as tribes and clans fought one another.

Perhaps one significant example may be used here to illustrate the type of situation that faced the new *umma* and led to interpretations of the Qur'an and the Prophet's Sunna by those who followed him as leaders of the Muslim *umma*. This example involves Khalid ibn al-Walid, the "sword of Islam", the man who led the Muslim armies in the Ridda wars and the conquest of Syria. During the Prophet's life, Khalid led a *ghazwa* (raid) against the Banu Jadhimah, who he persuaded to disarm and embrace Islam rather than face battle against him; then Khalid killed some

of them. This was Jahili practice by which an enemy could become an ally or *mawla*. The Prophet had urged there should be no compulsion in Islam and here was a situation where compulsion could be said to have been used to create Medina's political hegemony over Arabia, if not necessarily religious hegemony. The Prophet's response on hearing what had taken place was to disown Khalid's actions, thereby setting the basis for the treatment of prisoners that forbade harming them. The Prophet died soon after and Khalid committed the same act, this time against Malik ibn Nuwayrah and his followers, who had committed *ridda* (breaking with Islam) by breaking with Medina and becoming its enemy after Muhammad's death. Khalid fought Malik and then imprisoned him after he and his companions surrendered their weapons. The day after this surrender took place, Malik and his companions were found dead and, on hearing about this, the Caliph Abu Bakr sent for Khalid to answer charges against him. Khalid justified what had taken place on the basis that he had given orders to his men to ''warm them'', meaning to keep the prisoners warm during the night, but that, owing to the different dialects spoken by Arabs, his men understood the words to mean ''kill them''. Here the essential condition that prisoners of war were to be treated with dignity was reconfirmed, even though Khalid's excuse was acceptable to Abu Bakr. Later, when 'Umar bin al-Khattab became Caliph he removed Khalid from leadership of the Muslim armies even though the conquest of Syria and Iraq was under way, a sign that 'Umar saw Khalid in a very different light than did Abu Bakr.

Discourses regarding waging war and confirming Islamic war ethics were further elaborated as the Islamic *umma* expanded outside of Arabia, bringing different cultures and peoples under its hegemony and becoming the leading world power of the medieval period. It was natural that the reasons for waging war and the actual conduct of war would change with the changing context in which Islam found itself. This continued to happen after the Islamic world succumbed to outside invasion and imperialism at the dawn of modernism, and continues today in a global world in which the clash between East and West is becoming a global phenomenon.

Very early on, Hadith literature expanded on the meaning of war and about the reasons to wage just war. It is here that we begin to see reference to the word ''jihad'' as meaning waging war, so that, even though the Qur'an uses ''jihad'' with a different meaning, less than 200 years later the term ''jihad'' became synonymous with waging war. This move is significant because the Qur'an urges jihad as almost a sixth pillar for Muslims and it is used as a duty in a proactive way, requiring a good believer to act in the indicated way. This is not the same as the actual word used in the Qur'an for waging battle, i.e. *qatilu*, which is used within

a reactive context, requiring Muslims to undertake self-defence once attacked. that is, it is conditional on previous aggression against the Muslim community and its allies, and to protect and fight for those who have been driven out of their homes. As mentioned above, the word ''jihad'' is used in the Qur'an when it talks about a person ''striving'' in the way of God, as in spreading the message of Islam, trying to be a better Muslim, or working hard to protect the community against unbelievers, as the following quotes illustrate:

> Those who believed and fled (their homes), and strove hard in Allah's way with their property and their souls, are much higher in rank with Allah; and those are they who are the achievers (of their objects). (Qur'an 9:20; Shakir translation)

> And whoever strives hard [*jahada*], he strives only [*fa inama yujahid*] for his own soul; most surely Allah is Self-sufficient, above (needs of) the worlds. (Qur'an 29:6; Shakir translation)

> O Prophet, strive hard [*jahid*] against the unbelievers and the hypocrites, and be unyielding to them [*aghluth 'alayhim*]; and their abode is hell, and evil is the destination. (Qur'an 9:73; Shakir translation)

> Therefore listen not to the Unbelievers, but strive [*wajahidhum*] against them with the utmost strenuousness, with the (Qur'an). (Qur'an 25:52, Yusuf Ali translation)

> ''Surely those who believed and those who fled (their home) and strove hard [*jahadu*] in the way of Allah these hope for the mercy of Allah and Allah is Forgiving, Merciful. (Qur'an 2:218; Shakir translation)

As explained earlier, in *ayas* that deal with the word ''jihad'' or its derivatives, the word means ''strive'' or ''try hard'' or ''try to the best of your abilities'', usually with the intention to work hard in the way of God, to become better Muslims, to serve the community, and so on. There is no mention of killing, ''smite the necks'' or doing ''battle'', as in the *ayas* that use the word *qatilu*. Rather, the meaning leads in another direction, such as ''migration''[6] or ''spending in God's way'', i.e. spending your property and wealth to better the Muslim community. There are lines that are vague enough to open ''jihad'' up to mean the waging of war, for example: ''They do not ask leave of you who believe in Allah and the latter day (to stay away) from striving hard with their property and their persons, and Allah knows those who guard (against evil)'' (Qur'an 9:44). These lines have been used popularly as calling for fighting or waging war as a jihad, yet nowhere is there any reference to waging war, as in the case when the word *qatilu* or its derivatives is used.

This lack of differentiation can be traced back to Hadith literature, which uses the word ''jihad'' in many ways but usually in reference to war.

> Narrated by Ibn 'Umar ... Allah's Apostle said: ''*I have been ordered (by Allah) to fight against the people until they testify that none has the right to be worshipped but Allah and that Muhammad is Allah's Apostle*, and offer the prayers perfectly and give the obligatory charity, so if they perform that, *then they save their lives and property from me* except for Islamic laws and then their reckoning (accounts) will be done by Allah.''[7]

This Hadith conveys the message that jihad is to be waged against the un-believers until they accept Islam. The Hadith is based on Prophetic Sunna as related through a Hadith that is clearly in contradiction to the *ayas* quoted above (which permit war only for the purpose of self-defence or to keep the houses of religious groups open), to Qur'anic de-mands for respect for people of the Book and forbidding the spread of evil in the world (''If anyone slew a person – unless it be for murder or for spreading mischief in the land – it would be as if he slew the whole people''; Qur'an 5:32, Yusuf Ali translation), and to Prophetic Hadiths that there is no compulsion in religion.

> Narrated Abdullah ibn Abbas:

> When the children of a woman (in pre-Islamic days) did not survive, she took a vow on herself that if her child survives, she would convert it a Jew. When Banu an-Nadir were expelled (from Arabia), there were some children of the Ansar (Helpers) among them. They said: We shall not leave our children. So Allah the Exalted revealed; ''Let there be no compulsion in religion. Truth stands out clear from error.''[8]

Even though Hadith literature is often contradictory, it seems to be the reference of choice among political and theological thinkers, particularly during periods of crisis in Islamic history when there was a greater need to develop a theology fitting the needs of the Muslim community. A good example here is the development of ideas regarding jihad into discussions by medieval Muslim thinkers differentiating between the abode of Islam (*dar al-Islam*) and the abode of war (*dar al-harb*) during the eighth to the tenth centuries. This occurred at a time when Islam was on the offensive and expanding into other territories. Medieval theologians saw Islam as God's way of establishing Muslim hegemony over the world, as a way of spreading Islam. *Dar al-Islam* (house/abode/land of Islam) was differenti-ated from *dar al-harb* (house/land of war or where war can be waged) in these medieval discourses by the establishment of Islamic law in one and

its lack in the other. Considering their belief in the superiority of Islamic law, they saw it as striving in the way of God to spread Islamic law to those who lack it, through peaceful means if possible but with the use of force if necessary. Without Islamic law there could not be an equitable and just community, and chaos and immorality would reign. Therefore it became the duty of *dar al-Islam* to spread its word.

By the thirteenth century the discourse had changed, and discussions differentiated between two types, the "greater" jihad and the "lesser" jihad, in a discourse that is talked about by Muslim theologians today as the way jihad was always supposed to be. This discourse became particularly popular with the beginning of weakness experienced by the Abbasid empire (749–1250) and particularly after the mid-thirteenth-century Mongol invasion. This discourse was popularized into theory by Ahmad ibn Taymiyya (1263–1328), whose writings have had a deep influence on key thinkers in Islamic history such as Ibn Kathir and Muhammad ibn Abdal-Wahhab, the founder of Wahhabism. Ibn Taymiyya's ideas are central to Salafi movements (movements calling for a return to the practices of the early Muslim community during the lifetime of the Prophet Muhammad and his companions) and constitute an important source for radical movements today.

Before Ibn Taymiyya, Muslims, particularly Sufis, divided jihad into "greater jihad" – seen as a spiritual form of jihad of the self (*jihad-al-nafs*) in which the Muslim tried to cleanse his soul, find his way to God and follow the rightful path – and a "lesser jihad" – seen as a violent form of jihad in which holy war is waged on Islam's enemies. Ibn Taymiyya attacked this interpretation, declaring that the greater jihad was to carry arms in the cause of God by fighting the enemies of Islam. He saw that fighting against the unbelievers was the most honoured of deeds, and jihad was essential for Islam and a command for all Muslims. That does not mean that Ibn Taymiyya did not consider jihad of the self as a greater jihad; it is the weight that he gave to the two forms that is important and has had a deep and long-lasting influence. Both types were seen to be striving in the way of God, which is a reading that takes the Qur'anic meaning of jihad into the category of waging war which, as explained earlier, the Qur'an had been explicit about only as *qatilu*. The proactive or dynamic call for action that is presented by the *wa jahidu* and the later interpretation, according to which *jahidu* essentially means war against unbelievers, as presented by the Hadiths, have given the word "jihad" a radical meaning that is open to further interpretation in various directions contradictory to its original connotations. This was to be expected since, as this chapter emphasizes, historical context has been the moulder of these ideas. The case of Ibn Taymiyya is a clear example given the political situation of the Islamic world at the time in

which he lived: the Mongols had invaded, destroyed and ruled over the world he knew. Ibn Taymiyya himself had participated in the battles waged against the Mongol invaders, and he saw at first hand how these non-Muslims showed no respect for Islam or its houses of worship.

The Mongol invasion and the establishment of the Ilkanid dynasty (1265–1335) as an Islamic dynasty were not the only problem facing the Islamic world during the lifetime of Ibn Taymiyya. Crusaders were another problem, and the connection with an aggressive West as *dar al-harb* remains important to those who follow his doctrines. But it is the internal threat to what Ibn Taymiyya saw as pure Islam that continues to have the greatest impact on concepts of jihad today. With external pressures from Crusaders and Mongols, and particularly with the settlement of Mongols within Islamic communities, conversion to Islam accelerated significantly throughout the thirteenth century in various parts of the Islamic world of that age. Conversion meant the entry of new peoples into Islam, peoples who brought with them new cultural baggage, including traditions, religious concepts, philosophical outlooks on life and creation, and laws. It was in these new cultures and traditions that Ibn Taymiyya found the greatest threat – what he calls *bid'a/bida'* (pl.) or innovations alien to Islam – to his ideas regarding the purity of Islam. In his hands, the concept of *dar al-harb* is extended to *dar al-Islam*, a concept that became critical to contemporary radical Muslim groups and was significantly expounded upon by Osama bin Laden.

The similarities between the age of Ibn Taymiyya and the age of bin Laden can be easily exaggerated. Nevertheless, during both periods the Islamic world was occupied by foreign troops and cultural diffusion from non-Islamic sources threatened the stability of Islamic states and societies' adherence to what was seen as a threat to Islam itself. This internal threat arose not only from alien rulers who did not follow the precepts of Islamic Sharia, but also from dangerous cultural mores (worship of "idols" – *shirk*), ideologies such as nationalism or capitalism, or the application of non-Islamic laws. As in the case of Ibn Taymiyya, modern fundamentalist Hanbali thinkers demand a return to pure Islam, which they interpret as a return to the practices of the *umma* of the Prophet during his lifetime and the *umma* that immediately followed him under the Sublime Caliphates (632–662) of Abu Bakr al-Siddiq, 'Umar ibn al-Khattab, 'Uthman ibn 'Affan and 'Ali ibn abi-Talib. This has been extended to include worthy Caliphs such as 'Umar ibn 'Abdal-'Aziz, who tried to stem changes in the Umayyad state by returning to a purer form of Islam using various methods, including separating Muslims from non-Muslim communities of the Umayyad empire.

A number of key words familiar to Islamic fundamentalists today are traceable back to Ibn Taymiyya. Words such as *Tawhid* (God's unity),

shirk (idolatry) and *bid'a* (innovations) have become central to fundamentalist discourses since that time. For Ibn Taymiyya, the state's primary purpose is to ensure that Muslims can practise their faith so as to ensure salvation. To achieve this, the mosques have to be maintained, Islamic law applied and morals upheld. Since absolute authority belongs to God, with whom no other can compete nor any ideology be confused, state and religion become inseparable in their purpose to institute God's law, that being the only way to ensure human salvation. Under such conditions, the state's coercive power becomes essential for the establishment and maintenance of discipline and order, without which mosques could not be opened and the practice of Islam carried out. The leader in such a context becomes the shadow of God on earth, forbidding evil and instituting good in the way God would have wanted him to. But a leader cannot succeed on his own; he can do that only with the help of the learned, who interpret the law. Here is born the symbiotic relationship between the *ulama* class to which Ibn Taymiyya and later Muhammad ibn 'Abdal-Wahhab belonged, and the political class, which had no legitimacy to rule except through the support of the *ulama*, who legitimated this rulership if it fitted with the precepts of the Sharia, or at least what they considered to be the demands of the Sharia. As protectors of God's divine law, the *ulama* were made central to politics.

Conclusions

In a 1998 interview, Osama bin Laden was asked about his call to Muslims "to take up arms against America in particular". His answer went as follows:

> The call to wage war against America was made because America has spearheaded the crusade against the Islamic nation, sending tens of thousands of its troops to the land of the two Holy Mosques [meaning the Hijaz in Saudi Arabia] over and above its meddling in its affairs and its politics, and its support of the oppressive, corrupt and tyrannical regime that is in control. These are the reasons behind the singling out of America as a target. And not exempt of responsibility are those Western regimes whose presence in the region offers support to the US troops there. We know at least one reason behind the symbolic participation of the Western forces and that is to support the Jewish and Zionist plans for expansion of what is called the Great Israel. Surely, their presence is not out of concern over their interests in the region.... Their presence has no meaning save one and that is to offer support to the Jews in Palestine who are in need of their Christian brothers to achieve full control over the Arab Peninsula which they intend to make an important part of the so called Greater Israel.[9]

In other words, even before the invasion of Afghanistan or Iraq, bin Laden was making his call for jihad in terms of self-defence, taking US influence in Islamic lands as a basis for going to war against the United States. Here was a new interpretation for waging war using Islamic principles, an interpretation clearly guided by a new global situation. The presence of US troops in Saudi Arabia at the invitation of its government exposed these troops to attack because they supported a regime considered by bin Laden to be an enemy of the Muslim community. The alliance with Israel added to the animosity towards the United States, given his conspiratorial belief in the intent of the United States and Israel to bring the Arabian Peninsula under their full control. Equally important was bin Laden's discussion of Israel's role vis-à-vis Lebanon and the Palestinian people, which he used directly in explaining the attacks of 11 September 2001.

> I say to you, Allah knows that it had never occurred to us to strike the towers. But after it became unbearable and we witnessed the oppression and tyranny of the American/Israeli coalition against our people in Palestine and Lebanon, it came to my mind.

> The events that affected my soul in a direct way started in 1982 when America permitted the Israelis to invade Lebanon and the American Sixth Fleet helped them in that. This bombardment began and many were killed and injured and others were terrorised and displaced.[10]

Bin-Laden, like other self-proclaimed Islamic jihadists today, claims to be speaking in the name of Islam, representing all Muslims and walking in the steps of the Prophet Muhammad: "As we have already said, our call is the call of Islam that was revealed to Mohammed. It is a call to all mankind. We have been entrusted with good cause to follow in the footsteps of the Messenger and to communicate his message to all nations."[11] This claim to speak for the Muslim masses is repeated in a message to George Bush from al-Qaeda's deputy leader Ayman al-Zawahiri: "Bush, do you know where I am? I am among the Muslim masses."[12] Similarly, Ahmed Ali Nejat, an Iranian Shia leader, speaks in almost the same terms as the Wahhabi bin Laden and the Sunni Ayman al-Zawahiri, calling the United States "the great Satan", the enemy of Islam waging a Crusader's war against the Islamic religion and the Muslim people, with the aim of destroying Islam and acquiring the oil wealth of its people. Nejat also points to the plight of the Palestinian people as central to Iran's stand vis-à-vis Israel and the United States. His call for the destruction of Israel is interlaced with Islamic references, although, like bin Laden and al-Zawahiri, he makes no claim to special theological competence.

The interpretation of Islam by al-Qaeda and other extremist groups has garnered support among young Muslims, many of whom face a bleak future. They see the war against a rich West and its Muslim ruling-class allies as a form of jihad that would correct wrongs perpetrated against Palestinians and Iraqis. Such a jihad would also be a way of reclaiming their heritage, in their belief that the oil wealth gifted by God to Muslim countries has been monopolized by a few supported by their US partners. Acceptance of this viewpoint by a broader spectrum of Muslims has not materialized if for no other reason than that their rhetoric does not fit with what Muslims know about Islamic war ethics – that there is an acceptable way to wage war, which does not include the killing of the innocent, decapitating prisoners, suicide bombing or the destruction of buildings and homes.

By contrast, the wide support received by Hezbollah and its leader Sheikh Hassan Nasrallah in the 2006 Lebanese war tells the story of how Muslims look on the question of jihad. Lebanon was once again invaded by Israel, many Lebanese citizens had wilfully and randomly been imprisoned, Lebanese territories continued to be held by Israel, and Lebanon's children were hurt daily by mines that Israel placed in Lebanon (refusing to indicate where they had been placed). Notwithstanding the provocation by Hezbollah in kidnapping two Israeli soldiers, the Muslim masses saw the latest Israeli invasion as yet another effort to occupy southern Lebanon. They saw Hezbollah waging a jihad in protection of Lebanese territories and in self-defence against the systematic destruction of village after village accompanied by a siege designed to stop food and medical supplies while Israeli planes pounded people into leaving their homes, fleeing to the north in repetition of what happened to Palestinians in 1948.

The differences between bin Laden and Nasrallah are obvious to the Arab masses, as is the difference between al-Qaeda and Hezbollah. One group manipulates jihad while the other practises jihad. As this chapter has shown:

1. Although there is a basic formula that one can call a classic theory for waging war in Islam, the reasons and methods of war ethics are connected to time and place.

2. Basic to Islamic war ethics is a set of universal concepts that can be found in other religions as well. These include a teaching about justifiable rationales for waging war (e.g. self-defence against aggression, protection of the innocent), as well as stipulations regarding the importance of treating prisoners humanely, respecting the life, limb and homes of the innocent, etc.

3. By the same token, however, even these well-established practices can be called into question when they are seen to be egregiously violated

by the enemy. Hence in recent years we have witnessed how the inhumane treatment of prisoners at Abu Ghraib and Guantanamo has led to the decapitation of Western prisoners and other atrocities. Similarly, in response to the helplessness of the Palestinians, suicide bombings have been used as a last resort, despite Islam's total prohibition on suicide and its emphasis on the sanctity of human life.

Notes

1. Amira Sonbol, "Living and Working Together: Negotiating and Disputing Marriage and Business in Early Modern Egypt and Palestine under the Ottoman Empire", *L'Homme. Zeitschrift für Feministische Geschichtswissenschaft*, 17(2), 2006: 37–60.
2. This and the following examples are from the Yusuf Ali translation of the Qur'an. A. Yusuf Ali, *The Holy Qur-an, Text, Translation and Commentary* [1938]. Lahore: Amana Publications, 2008; electronic version available at ⟨http://www.sacred-texts.com/isl/quran/index.htm⟩ (accessed 20 October 2008).
3. The quotations in this section are from *The Holy Qur'an*, translated by M. H. Shakir. New York: Tahrike Tarsile Qur'an, Inc., 1983; electronic version available at ⟨http://etext.virginia.edu/koran.html⟩ (accessed 20 October 2008).
4. John L. Allen, "Context Crucial in Vatican–Israel Uproar", *National Catholic Reporter*, 12 August 2005.
5. See Muslim Online at ⟨http://muslimonline.org/cgi-bin/hadith.cgi⟩ (accessed 6 November 2008).
6. In this context, "migration" (*hijra*) signifies the move from a place of iniquity to a setting where authentic Islam can be established. The paradigmatic case of this was the Prophet's *hijra* to Medina in 622, where he established the first Muslim *umma*.
7. Sahih al-Bukhari, *Al-Kutub al-Ilmiya*, 2004, Vol. 1, Book 2, No. 24.
8. *Sunan Abu Dawud*, Book 14, "Jihad (Kitab Al-Jihad)", No. 2676; University of Southern California Compendium of Muslim Texts, at ⟨http://www.usc.edu/dept/MSA/fundamentals/hadithsunnah/abudawud/014.sat.html⟩ (accessed 6 November 2008).
9. Frontline, Interview with Osama bin Laden, in "Hunting Bin-Laden", PBS, May 1998; available at ⟨http://www.pbs.org/wgbh/pages/frontline/shows/binladen/who/interview.html⟩ (accessed 20 October 2008).
10. "Full Transcript of Bin Laden's Speech", Aljazeera.net, 1 November 2004; available at ⟨http://english.aljazeera.net/archive/2004/11/200849163336457223.html⟩ (accessed 20 October 2008).
11. Frontline, Interview with Osama bin Laden.
12. "Terror Chief Calls Bush a 'Butcher': Al Qaeda's No. 2 Man Taunts U.S. President in Videotape", CBS News, 31 January 2006; available at ⟨http://www.cbsnews.com/stories/2006/01/30/terror/main1255755.shtml⟩ (accessed 20 October 2008).