

Since September 11, 2001, many have wondered: What is Islam's attitude toward the non-Muslim world? Articles and books have addressed the topic; some claim that Islam is a religion with thoroughly peaceful intentions, while others assert the opposite, even contending that suicide attacks against civilian targets are in agreement with Islam's core beliefs. Such a range in opinion raises a second question: Is there an Islamic source we can examine to find an answer for ourselves?

The first source to consider is the Koran, the Muslim holy book or scripture, regarded as Allah's (God's) final revelation to mankind. While the Koran is highly recommended reading with respect to the Prophet Muhammad and the religion of Islam, the verses provide little or no context, so it is difficult to know whether the ones that call for aggression against non-Muslims apply only in certain situations or as a general rule.

Another crucial source for Islam is hadiths. Hadiths are sayings and behaviors of the Prophet as allegedly reported by those who spent time with him. While hadiths tend to provide more context than Koranic verses, they still comprise scattered statements and activities that require significant interpretation.

This brings us to sharia, or Islamic law, the best source for our purposes. Sharia reached maturity in medieval Islam and was based on both the Koran and hadiths; it interpreted these sacred sources so as to give direct guidance on what Muslims should and should not do. As will be seen below, traditional sharia's outlook toward the non-Muslim world hinges on jihad (armed struggle against unbelievers), but whether traditional sharia's perspective on jihad promotes terrorism is another matter altogether.

The four Sunni (the vast majority of Muslims are Sunni) schools of Islamic law, Hanafi, Maliki, Shafi'i, and Hanbali, are identical in about 75 percent of their legal conclusions. The excerpts below are from one of the most reliable works of Shafi'i jurisprudence, which dates back to the 13<sup>th</sup> century and represents the orthodox Muslim heritage. It should be acknowledged, however, that there are Muslim modernists as well as militants who would prefer to go back to the Koran and hadiths in order to develop a more "authentic" version of sharia. Compared with traditional sharia, the modernists seek a milder understanding of jihad while the militants insist upon an even harsher approach.

### **Jihad and Related Matters**

*(Reliance of the Traveller: A Classic Manual of Islamic Sacred Law, revised edition, authored in Arabic by Ahmad ibn Naqib al-Misri, edited and translated into English by Nuh Ha Mim Keller, Amana Publications, 1994, pages 17, 599-602, 638, 602-605, 235, 667, 718, 670, 653, 691, 707-708, 661, 715; the headings below are taken from the manual.)*

#### *The Importance of Scholars*

"Not all of the believers should go to fight. Of every section of them, why does not one part alone go forth, that the rest may gain knowledge of the religion to admonish their people when they return, that haply they may take warning" (Koran 9:122). Allah Most High prohibited the people to go out altogether in military expeditions and jihad, and ordered a

segment of them to engage solely in becoming knowledgeable in the religion of Allah, so that when their brothers returned to them, they would find someone qualified to give them legal opinion on the lawful and unlawful and to explain the rule of Allah the Glorious and Exalted.

### *Jihad*

*Jihad* means to war against non-Muslims, and is etymologically derived from the word *mujahada*, signifying warfare to establish the religion. And it is the lesser jihad. As for the greater jihad, it is spiritual warfare against the lower self, which is why the Prophet [Muhammad] said as he was returning from jihad, "We have returned from the lesser jihad to the greater jihad."

The scriptural basis for jihad, prior to scholarly consensus is such Koranic verses as: "Fighting is prescribed for you" (Koran 2:216); "Slay them wherever you find them" (Koran 4:89); "Fight the idolaters utterly" (Koran 9:36); and such hadiths as the one related by Bukhari and Muslim [two scholars who compiled hadith collections] that the Prophet said: I have been commanded to fight people until they testify that there is no god but Allah and that Muhammad is the Messenger of Allah, and perform the prayer, and pay zakat. If they say it, they have saved their blood and possessions from me, except for the rights of Islam over them. And their final reckoning is with Allah"; and the hadith reported by Muslim, "To go forth in the morning or evening to fight in the path of Allah is better than the whole world and everything in it."

Details concerning jihad are found in the accounts of the military expeditions of the Prophet, including his own martial forays and those on which he dispatched others. The former consist of the ones he personally attended, some twenty-seven (others say twenty-nine) of them. He fought in eight of them, and killed only one person with his noble hand, Ubayy ibn Khalaf, at the Battle of Uhud. On the latter expeditions he sent others to fight, himself remaining at Medina, and these were forty-seven in number.

### *The Obligatory Character of Jihad*

Jihad is a communal obligation. When enough people perform it to successfully accomplish it, it is no longer obligatory upon others.

The evidence for which is the Prophet's saying, "He who provides the equipment for a soldier in jihad has himself performed jihad," and Allah Most High having said: "Those of the believers who are unhurt but sit behind are not equal to those who fight in Allah's path with their property and lives. Allah has preferred those who fight with their property and lives a whole degree above those who sit behind. And to each, Allah has promised great good (Koran 4:95).

If none of those concerned perform jihad, and it does not happen at all, then everyone who is aware that it is obligatory is guilty of sin, if there was a possibility of having performed it. In the time of the Prophet jihad was a communal obligation after his emigration (hijra) to

Medina. As for subsequent times, there are two possible states in respect to non-Muslims. The first is when they are in their own countries, in which case jihad is a communal obligation, and this is what... [is meant when it] says, "Jihad is a communal obligation," meaning upon the Muslims each year. The second state is when non-Muslims invade a Muslim country or near to one, in which case jihad is personally obligatory upon the inhabitants of that country, who must repel the non-Muslims with whatever they can.

Jihad is personally obligatory upon all those present in the battle lines, and to flee is an enormity [grave sin], provided one is able to fight. If unable, because of illness or the death of one's mount when not able to fight on foot, or because one no longer has a weapon, then one may leave. One may also leave if the opposing non-Muslim army is more than twice the size of the Muslim force.

Jihad is also personally obligatory for everyone, able to perform it, male or female, old or young, when the enemy has surrounded the Muslims on every side, having entered our territory, even if the land consists of ruins, wilderness, or mountains, for non-Muslims entering Muslim lands is a weighty matter that cannot be ignored, but must be met with effort and struggle to repel them by every possible means.

#### *Who Is Obligated to Fight in Jihad*

Those called upon to perform jihad when it is a communal obligation are every able-bodied man who has reached puberty and is sane.

The following may not fight in jihad: someone in debt, unless his creditor gives him leave; or someone with at least one Muslim parent, until they give their permission; unless the Muslims are surrounded by the enemy, in which case it is permissible for them to fight without permission.

It is offensive to conduct a military expedition against hostile non-Muslims without the caliph's permission, though if there is no caliph, no permission is required.

Muslims may not seek help from non-Muslim allies unless the Muslims are considerably outnumbered and the allies are of goodwill towards the Muslims.

#### *The Caliphate*

The reason the office of supreme leadership has been established in Sacred Law is to fulfill the caliphal successorship to prophethood in preserving the religion and managing this-worldly affairs. The investiture of someone from the Islamic Community (Umma) able to fulfill the duties of the caliphate is obligatory by scholarly consensus, though scholars differ as to whether its obligatory character is established through reason or through Revealed Law.

### *The Objectives of Jihad*

The caliph makes war upon Jews, Christians, and Zoroastrians provided he has first invited them to enter Islam in faith and practice, and if they will not, then invited them to enter the social order of Islam by paying the non-Muslim poll tax—which is the significance of their paying it, not the money itself—while remaining in their ancestral religions. And the war continues until they become Muslim or else pay the non-Muslim poll tax, in accordance with the word of Allah Most High, “Fight those who do not believe in Allah and the Last Day and who forbid not what Allah and His Messenger have forbidden—who do not practice the religion of truth, being of those who have been given the Book—until they pay the poll tax out of hand and are humbled” (Koran 9:29).

The caliph fights all other peoples until they become Muslim, because they are not a people with a Book, nor honored as such, and are not permitted to settle with paying the poll tax; though according to the Hanafi school, peoples of all other religions, even idol worshipers, are permitted to live under the protection of the Islamic state if they either become Muslim or agree to pay the poll tax, the sole exceptions to which are apostates from Islam and idol worshipers who are Arabs, neither of whom has any choice but becoming Muslim.

### *The Rules of Warfare*

It is not permissible in jihad to kill women or children unless they are fighting against the Muslims. Nor is it permissible to kill animals, unless they are being ridden into battle against the Muslims, or if killing them will help defeat the enemy. It is permissible to kill old men, meaning someone more than forty years of age, and monks.

It is unlawful to kill a non-Muslim to whom a Muslim has given a guarantee of protection, whether the non-Muslim is one or more than one, provided the number is limited, and the Muslim’s protecting them does not harm the Muslims, as when they are spies, provided the protecting Muslim has reached puberty, is sane, and does so voluntarily, and is not a prisoner of them or a spy.

Whoever enters Islam before being captured may not be killed or his property confiscated, or his young children taken captive.

When a child or a woman is taken captive, they become slaves by the fact of capture, and the woman’s marriage is immediately annulled.

When an adult male is taken captive, the caliph considers the interests of Islam and the Muslims and decides between the prisoner’s death, slavery, release without paying anything, or ransoming himself in exchange for money or for a Muslim captive held by the enemy. If the prisoner becomes a Muslim before the caliph chooses any of the four alternatives, then he may not be killed, and one of the other three alternatives is chosen.

It is permissible in jihad to cut down the enemy’s trees and destroy their dwellings.

## *Truces*

In Sacred Law *truce* means a peace treaty with those hostile to Islam, involving a cessation of fighting for a specified period, whether for payment or something else. The scriptural basis for them includes such Koranic verses as: “An acquittal from Allah and His messenger...” (Koran 9:1); “If they incline towards peace, then incline towards it also” (Koran 8:61); as well as the truce which the Prophet made with Quraysh in the year of Hdaybiya, as related by Bukhari and Muslim.

Truces are permissible, not obligatory. The only one who may effect a truce is the Muslim ruler of a region (or his representative) with a segment of the non-Muslims of the region, or the caliph (or his representative). When made with other than a *portion* of the non-Muslims, or when made with all of them, or with all in a particular region such as India or Asia Minor, then only the caliph (or his representative) may effect it; for it is a matter of the gravest consequence because it entails the nonperformance of jihad, whether globally or in a given locality, and our interests must be looked after therein, which is why it is best left to the caliph under any circumstances, or to someone he delegates to see to the interests of the various regions.

There must be some interest served in making a truce other than mere preservation of the status quo. Allah Most High says, “So do not be fainthearted and call for peace, when it is you who are the uppermost” (Koran 47:35).

Interests that justify making a truce are such things as Muslim weakness because of lack of numbers or materiel, or the hope of an enemy becoming Muslim, for the Prophet made a truce in the year Mecca was liberated with Safwan ibn Umayya for four months in hope that he would become Muslim, and he entered Islam before its time was up. If the Muslims are weak, a truce may be made for ten years if necessary, for the Prophet made a truce with Quraysh for that long, as is related by Abu Dawud. It is not permissible to stipulate longer than that, save by means of new truces, each of which does not exceed ten years.

## *Fleeing from Combat in Jihad*

Allah Most High says, “On that day, whoever turns his back to them, unless pretending flight in order to reattack, or separating to join another unit, will bear the wrath of Allah and his refuge will be hell, a terrible end” (Koran 8:16).

## *Martyrdom*

A *martyr* (shahid) means someone who died in battle with non-Muslims, from fighting them, as opposed to someone who died otherwise.

A man said, “O Messenger of Allah, will my mistakes be forgiven me if I am killed, in steadfastness and anticipating Allah’s reward, advancing and not retreating?” He replied, “Yes, except for debts.”

There is no disagreement among scholars that it is permissible for a single Muslim to attack battle lines of unbelievers headlong and fight them even if he knows he will be killed.

### *Suicide*

Allah Most High says: "Do not kill yourselves, for Allah is compassionate towards you. Whoever does so, in transgression and wrongfully, We shall roast in a fire, and that is an easy matter for Allah" (Koran 4:29-30). The Prophet said: "Of those before you, there was once a wounded man who could not bear it, so he took a knife and cut his arm, and bled until he died. Allah Most High said, 'My slave has taken his life before I have, so I forbid him paradise.'" "Whoever kills himself with a knife will abide forever in the fire of hell, perpetually stabbing his belly with it. Whoever kills himself with poison will abide forever in the fire of hell, poison in hand, perpetually drinking of it."

### *Killing a Human Being*

Allah Most High says: "Whoever intentionally kills a believer, his recompense shall be hell, abiding therein forever, and Allah shall be wroth with him, damn him, and ready for him a painful torment" (Koran 4:93). "Whoever takes a life other than to retaliate for a killing or for corruption in the land is as if he had slain all mankind" (Koran 5:32).

### *He Who Inaugurates a Reprehensible Innovation*

The Prophet said: "He who calls others to misguidance is guilty of a sin equal to the sins of all who follow him therein without this diminishing their own sins in the slightest."

### *Excessiveness in Religion*

Allah Most High says, "Say: 'O people of the Book, do not be excessive in your religion'" (Koran 4:171). The Prophet said, "Beware of going to extremes [in religion], for those before you were only destroyed through excessiveness." Ibn Taymiya says, "His saying 'Beware of going to extremes in religion' is a general prohibition applying to all types of extremes, whether in beliefs or works."

### *The Oppressor*

The Prophet said, "He who shows no mercy will not be shown any."

### *The Obligation to Command the Right*

The Prophet said, "The best jihad is speaking the truth to an unjust ruler."