

# The Legacy of Jihad

Islamic Holy War and the Fate of Non-Muslims

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# WAR AND PEACE IN ISLAM

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Islam is a system of moral obligations derived from divine revelation and based on the belief that human knowledge can never be adequate. It follows that believers must act on the basis of Allah's knowledge, which is the exclusive source of truth for Muslims. Ethics in Islam, though concerned with man's actions, always relates these actions to the word of God as revealed to the Prophet, Muhammad, and as collected in the Qur'an. This understanding of ethics is shared by all Muslims, Sunni or Shi'i, Arab or non-Arab.<sup>1</sup>

In this chapter, I first identify the Qur'anic conceptions of war and peace that are based on this ethical foundation. I then consider several Islamic traditions pertaining to the grounds for war, the conduct of war, and the proper relation of Islam to the modern international system. I conclude that the Islamic worldview is resistant to change and that there are many obstacles to the development of an ethic of war and peace compatible with the circumstances of the modern age.

The basic scriptures of Islam, the Qur'an and the hadith, are written in Arabic. My effort here to understand Islamic thinking on war and peace focuses on the Qur'an and on interpretations of Islamic tradition in contemporary Sunni Islam. Because the most important trends in Sunni Islam have been occurring in the Arab world (all Sunni Muslims are, for example, bound by the fatwas of the Islamic al-Azhar University in Cairo), my references to the Arabic Qur'an, to the teachings of al-Azhar, and to authoritative sources for Islamic fundamentalism reflect not Arab centrism but the realities of Islam.

## CONCEPTIONS OF WAR AND PEACE

The Qur'an chronicles the establishment of Islam in Arabia between the years 610 and 632 CE. In early Meccan Islam, before the founding of the first Islamic state at Medina, in a Bedouin culture hostile to state structures, one fails to find

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Qur'anic precepts related to war and peace. Most Meccan verses focus on spiritual issues. Following their exodus (*hijra*) from Mecca in 622, the Prophet and his supporters established in Medina the first Islamic political community (*umma*). All Qur'anic verses revealed between 622 and the death of the Prophet in 632 relate to the establishment of Islam at Medina through violent struggle against the hostile tribes surrounding the city-state.

Most debate among Muslims about the Islamic ethics of war and peace is based on literal readings of the Qur'anic verses pertaining to early Medina. Muslims believe in the absolutely eternal validity of the Qur'an and the hadith (the sayings and deeds of the Prophet). Muslims believe that human beings must scrupulously obey the precepts of the Qur'an. In addition, Muslims are generally reluctant to take a historical view of their religion and culture. Quotations from the Qur'an serve as the point of departure for discussions of war and peace.<sup>2</sup>

Qur'anic traditions of war are based on verses related to particular events. At times, they contradict one another. It is not possible, therefore, to reconstruct from these verses a single Islamic ethic of war and peace.<sup>3</sup> Instead, there are a number of different traditions, each of which draws selectively on the Qur'an to establish legitimacy for its view of war and peace.

The common foundation for all Islamic concepts of war and peace is a world-view based on the distinction between the "abode of Islam" (*dar al-Islam*), the "home of peace" (*dar al-salam*) (Q. 10.25), and the non-Muslim world, the "house of war" (*dar al-harb*).<sup>4</sup> This distinction was the hallmark of the Islamic system before the globalization of European society and the rise of the modern international system.<sup>5</sup> In fact, however, the division of the world in early Islam into the abode of peace and the world of unbelievers clashed with reality long before the intrusion of Europe into the Muslim world. Bernard Lewis, for example, argues that by the Middle Ages, the *dar al-Islam* was dismembered into a "multiplicity of separate, often warring sovereignties." Lewis also holds that "in international . . . matters, a widening gap appeared between legal doctrine and political fact, which politicians ignored and jurists did their best to conceal."<sup>6</sup> As we shall see, this refusal to come to terms with reality remains a hallmark of Islamic thought today.

The establishment of the new Islamic polity at Medina and the spread of the new religion were accomplished by waging war. The sword became the symbolic image of Islam in the West.<sup>7</sup> In this formative period as well as during the period of classical Islam, Islamic militancy was reinforced by the superiority of Muslims over their enemies. Islamic jurists never dealt with relations with non-Muslims under conditions other than those of "the house of war," except for the temporary cessation of hostilities under a limited truce.

The military revolution that took place between the years 1500 and 1800 signaled the start of modern times and, ultimately, the rise of the West and the concomitant decline of the world of Islam. Since the beginning of the seventeenth

century, Muslims have tried to establish armies on the European model to offset the increasing weakness of the “abode of Islam.”<sup>8</sup> The rise of the West as a superior military power ultimately led to the globalization of the European model of the modern state. The changed historical balance presented Muslims with a major challenge, for the dichotomy between dar al-Islam and dar al-harb is incompatible with the reality of the world of nation-states. Each of these changes created pressure for Muslims to rethink their holistic worldview and their traditional ethics of war and peace. But despite its incompatibility with the current international system, there has yet to be an authoritative revision of this worldview.

At its core, Islam is a religious mission to all humanity. Muslims are religiously obliged to disseminate the Islamic faith throughout the world: “We have sent you forth to all mankind” (Q. 34.28). If non-Muslims submit to conversion or subjugation, this call (*da’wa*) can be pursued peacefully. If they do not, Muslims are obliged to wage war against them. In Islam, peace requires that non-Muslims submit to the call of Islam, either by converting or by accepting the status of a religious minority (*dhimmi*) and paying the imposed poll tax, *jizya*. World peace, the final stage of the *da’wa*, is reached only with the conversion or submission of all mankind to Islam.

It is important to note that the expression “dar al-harb” (house of war) is not Qur’anic; it was coined in the age of Islamic military expansion. It is, however, in line with the Qur’anic revelation dividing the world into a peaceful part (the Islamic community) and a hostile part (unbelievers who are expected to convert to Islam, if not freely then through the instrument of war). In this sense, Muslims believe that expansion through war is not aggression but a fulfillment of the Qur’anic command to spread Islam as a way to peace. The resort to force to disseminate Islam is not war (*harb*), a word that is used only to describe the use of force by non-Muslims. Islamic wars are not *hurub* (the plural of *harb*) but rather *futuhat*, acts of “opening” the world to Islam and expressing Islamic *jihad*.

Relations between dar al-Islam, the home of peace, and dar al-harb, the world of unbelievers, nevertheless take place in a state of war, according to the Qur’an and to the authoritative commentaries of Islamic jurists. Unbelievers who stand in the way, creating obstacles for the *da’wa*, are blamed for this state of war, for the *da’wa* can be pursued peacefully if others submit to it. In other words, those who resist Islam cause wars and are responsible for them. Only when Muslim power is weak is “temporary peace” (*hudna*) allowed (Islamic jurists differ on the definition of “temporary”). The notion of temporary peace introduces a third realm: territories under temporary treaties with Muslim powers (*dar al-sulh* or, at times, *dar al-’and*).<sup>9</sup>

The attitude of Muslims toward war and nonviolence can be summed up briefly: there is no Islamic tradition of nonviolence and no presumption against war. But war is never glorified and is viewed simply as the last resort in responding to the *da’wa* to disseminate Islam, made necessary by the refusal of unbelievers to submit to Islamic rule. In other words, there is no such thing as Islamic pacifism.

## THE GROUNDS FOR WAR

The Western distinction between just and unjust wars linked to specific grounds for war is unknown in Islam. Any war against unbelievers, whatever its immediate ground, is morally justified. Only in this sense can one distinguish just and unjust wars in Islamic tradition. When Muslims wage war for the dissemination of Islam, it is a just war (*futuhāt*, literally “opening,” in the sense of opening the world, through the use of force, to the call to Islam); when non-Muslims attack Muslims, it is an unjust war (*‘idwān*).

The usual Western interpretation of jihad as a “just war” in the Western sense is, therefore, a misreading of this Islamic concept. I disagree, for example, with Khadduri’s interpretation of the jihad as *bellum justum*. As Khadduri himself observes:

The universality of Islam provided a unifying element for all believers, within the world of Islam, and its defensive-offensive character produced a state of warfare permanently declared against the outside world, the world of war. Thus jihad may be regarded as Islam’s instrument for carrying out its ultimate objective by turning all people into believers.<sup>10</sup>

According to the Western just war concept, just wars are limited to a single issue; they are not universal and permanent wars grounded on a religious world-view.

The classical religious doctrine of Islam understands war in two ways. The first is literal war, fighting or battle (*qital*), which in Islam is understood to be a last resort in following the Qur’anic precept to guarantee the spread of Islam, usually when non-Muslims hinder the effort to do so. The other understanding is metaphorical: war as a permanent condition between Muslims and nonbelievers. The Qur’an makes a distinction between fighting (*qital*) and aggression (*‘idwān*) and asks Muslims not to be aggressors: “Fight for the sake of Allah against those who fight against you but do not be violent because Allah does not love aggressors” (al-Baqara 2.190). The same Qur’anic passage continues: “Kill them wherever you find them. Drive them out of places from which they drove you. . . . Fight against them until idolatry is no more and Allah’s religion reigns supreme” (al-Baqara 2.190–92). The Qur’anic term for fighting is here *qital*, not *jihad*. The Qur’an prescribes fighting for the spread of Islam: “Fighting is obligatory for you, much as you dislike it” (al-Baqara 2.216). The *qital* of Muslims against unbelievers is a religious obligation: “Fight for the cause of Allah . . . how could you not fight for the cause of Allah? . . . True believers fight for the cause of Allah, but the infidels fight for idols” (al-Nisa 4.74–76).

As noted above, Muslims tend to quote the Qur’an selectively to support their own ethical views. This practice has caused a loss of specificity in the meaning of *jihad*, as Saddam Hussein’s use of the term during the Gulf War illustrates.<sup>11</sup> The

current dissension about the concept of jihad dates from the rise of political Islam and the eruption of sectarian religious strife. Present-day Islamic fundamentalist groups—groups whose programs are based on the revival of Islamic values—often invoke the idea of jihad to legitimize their political agendas. The reason for this misuse of the concept is simple: most fundamentalists are lay people who lack intimate knowledge of Islamic sources and who politicize Islam to justify their activities. Before the Gulf War, for example, this occurred in Egypt, during the Lebanon War, and in the civil war in Sudan.<sup>12</sup> Through such overuse and misuse, the concept of jihad has become confused with the related Islamic concept of “armed fighting” (*qital*). Therefore, there is a great need for a historical analysis of the place of scripture in Islamic tradition. Although Islamic ethics of peace and war are indeed mostly scriptural, scriptural references can be adequately interpreted only in a historical context.

As we have seen, Islam understands itself as a mission of peace for all humanity, although this call (*da'wa*) can sometimes be pursued by war. In this sense, the *da'wa* is an invitation to jihad, which means fundamentally “to exert one’s self” and can involve either military or nonmilitary effort.<sup>13</sup> Jihad can become a war (*qital*) against those who oppose Islam, either by failing to submit to it peacefully or by creating obstacles to its spread. Although Islam glorifies neither war nor violence, those Muslims who fight and die for the *da'wa* are considered blessed by Allah.

During the very beginnings of Islam (that is, before the establishment of the city-state at Medina in 622), the revealed text was essentially spiritual and contained no reference to war. In the Meccan chapter al-Kafirun (“the unbelievers”), the Qur’an asks supporters of the new religion to respond to advocates for other faiths in this manner: “You have your religion and I have mine” (al-Kafirun 109.6). In another Meccan chapter, the Qur’an simply asks believers not to obey unbelievers. Qur’anic verses from this period use the term jihad to describe efforts to convert unbelievers, but not in connection with military action. There is no mention of *qital* in the Meccan Qur’an. The Muslims then were, in fact, a tiny minority and could not fight. The verse “Do not yield to the unbelievers and use the Qur’an for your jihad [effort] to carry through against them” (al-Furqan 25.52) clearly illustrates this persuasive rather than military use of the word jihad: in Mecca, the only under-taking the Qur’an could ask of believers was the argument.

After the establishment of the Islamic state at Medina, however, the Qur’an comes gradually to offer precepts in which jihad can take the form of *qital* (fighting). Although the Qur’an teaches the protection of life as given by God and prohibits killing, this norm has an exception: “You shall not kill—for that is forbidden—except for a just cause” (al-An’am 6.151). But it is misleading to interpret this verse as a Qur’anic expression of just war because, as noted above, the distinction between just and unjust war is alien to Islam. Instead, the verse tells Muslims to remain faithful to morality during the *qital*.

## THE CONDUCT OF WAR

When it comes to the conduct of war, one finds only small differences between Islam and other monotheistic religions or the international laws of war. Islam recognizes moral constraints on military conduct, even in wars against non-Muslims. As in other traditions, two categories of restrictions can be distinguished: restrictions on weapons and methods of war, and restrictions on permissible targets. And, just as other traditions sometimes permit these constraints to be set aside in extreme situations, in Islamic law (*shari'a*) we find the precept "Necessity overrides the forbidden" (*al-darura tubih al-mahzurat*). This precept allows moral constraints to be overridden in emergencies, though the criteria for determining whether an emergency exists are vague.

Islamic doctrine regarding the conduct of war developed in an age in which the destructive weapons of industrial warfare were not yet available. The Qur'anic doctrine on the conduct of war is also shaped by pre-Islamic tribal notions of honor. The Qur'an asks believers to honor their promises and agreements: "Keep faith with Allah, when you make a covenant. . . . Do not break your oaths" (al-Nahl 16.19). And: "Those who keep faith with Allah do not break their pledge" (al-R'ad 13.19). It also prescribes that the enemy be notified before an attack.

Regarding permissible targets of war, Qur'anic doctrine is in line with the pre-Islamic norm of "man's boldness" (*shahama*) in strictly prohibiting the targeting of children, women, and the elderly. Consistent with this prohibition, as well as with the pre-Islamic tribal belief that it is not a sign of honor for a man to demonstrate his power to someone who is weaker, is the precept that prisoners be fairly treated (al-Insan 76.8–9). And because the goal of war against unbelievers is to force them to submit to Islam, not to destroy them, the rules of war forbid plundering and destruction.

## ISLAM IN THE AGE OF THE TERRITORIAL STATE

Like any text, Islamic scripture permits divergent readings or interpretations (*ta'wil*). I wish to turn now to a discussion of three divergent patterns of Islamic thinking about war and peace, each characteristic of a different period in Islamic history: the conformism of the Islamic scholar Ahmad Ben Khalid al-Nasiri; the more recent conformism of al-Azhar; and finally, the contemporary fundamentalist reinterpretation of the concepts of jihad and *qital*. Conformism seeks to perpetuate, in an altered world, the traditional ethics and the religious doctrine on which it rests, whereas fundamentalism insists on the absolute truth of the religious doctrine.

The pattern of conformism is illustrated in Moroccan thought. Unlike most Islamic states, Morocco has been independent for more than three centuries.

Moroccan dynastic history is state history, and is thus a good example of Islamic conformism. Morocco was the only Arab country the Turks failed to subordinate. Political rule in Morocco was legitimized by Sunni Islam in the sultanate (*Makhzan*), just as Ottoman rule was legitimized by Sunni Islam in the caliphate. Though nineteenth-century Muslim thinkers in general were confused by the changing global balance of power, those Muslim *'ulama* who stood in the service of the Moroccan sultan were in a better position to face the new reality. Ahmad Ben Khalid al-Nasiri (1835–1897) was the first Muslim *'alim* (man of learning) of his age to acknowledge the lack of unity in the Islamic community (*umma*), as well as Islam's weakness in the face of its enemies.

Al-Nasiri provided the legitimizing device for the politics of his Moroccan sultan Hassan I, even though he was reluctant to legitimize the quasi-sovereign Moroccan state and to repudiate the duty of waging war against unbelievers. Conformism like that of al-Nasiri remains the typical pattern among Muslim statesmen and their advisors, many of whom do not even know of al-Nasiri. This pattern is characterized by submission to international standards of law and conduct and acceptance of peaceful relations with non-Islamic countries. But it retains the traditional Islamic belief in the superiority of Islam and the division of the world into Islamic and non-Islamic realms.<sup>14</sup> Al-Nasiri continually refers to the “abode of Islam” (*dar al-Islam*), even though he has only his own country, Morocco, in mind.

Al-Nasiri based his case on two arguments, one scriptural and one expediential. He selectively and repeatedly refers to the Qur'anic verse “If they incline to peace, then make peace with them” (al-Anfal 8.61), which becomes the normative basis for the peace established between Morocco and Europe. Al-Nasiri's expediential argument pertains to the conditions of the Islamic community (*umma*):

No one today can overlook the power and the superiority of Christians. Muslims . . . are in a condition of weakness and disintegration. . . . Given these circumstances, how can we maintain the opinion and the politics that the weak should confront the strong? How could the unarmed fight against the heavily armed power?<sup>15</sup>

Despite these insights, al-Nasiri maintains that Islam is equally a “shari'a of war” and a “shari'a of peace.” He argues that the Qur'anic verse “If they incline to peace, then make peace with them” rests on the notion of “Islamic interest” (*al-maslaha*). Under contemporary conditions, in al-Nasiri's view, the interest of Islam forbids Muslims to wage war against unbelievers:

The matter depends on the Imam who is in a position to see the interest of Islam and its people in regard to war and peace. There is no determination that they must fight forever or accept peace forever. . . . The authority that cannot be contested is the opinion of the Imam [Sultan Hassan I]. . . . Allah has assigned him to fix our destiny and authorized him to decide for us.<sup>16</sup>

The neo-Islamic notion of *maslaha* is strongly reminiscent of the Western idea of the “national interest” of the modern state.

This pragmatic but submissive fatwa by a leading *‘alim* is reflected in the position of most contemporary *‘ulama* regarding war and peace. Their ethic of peace is implicitly determined by their view that non-Muslims are enemies with whom Muslims can, at best, negotiate an armistice (*muhadana*). The belief that true peace is only possible among Muslims persists, even though it runs counter to the idea of a pluralist, secular international society.

Today there are two contrary positions on the ethics of war and peace in Islam. The Sunni Islamic establishment, as reflected in the scholarship produced at al-Azhar University, continues the tradition of Islamic conformism, reinterpreting the Islamic notion of jihad to discourage the use of force. In contrast to this peaceful interpretation of Islamic ethics, contemporary Islamic fundamentalists have emphasized the warlike aspect of jihad, while also emphasizing the dichotomy between the dar al-Islam and the dar al-harb.

The authoritative textbooks of al-Azhar contain an ethic of war and peace characterized both by selective use of the sacred text and by free interpretation. Al-Azhar does not offer either a redefinition or a rethinking of the traditional ethics of war and peace in Islam; it simply offers one variety of Islamic conformism.

In the most authoritative textbook of this school, Shaykh Mahmud Shaltut asserts that Islam is a religion for all mankind, but acknowledges that it is open to pluralism.<sup>17</sup> Shaltut quotes the Qur’anic verse “We have created you as peoples and tribes to make you know one another” (al-Hujrat 49.13) to support the legitimacy of interpreting scripture at the service of pluralism. He also rejects the notion that Islam must resort to war to spread its beliefs, again quoting the Qur’an: “Had Allah wanted, all people of the earth would have believed in Him, would you then dare force faith upon them?” (Jon. 10.99). War, he argues, is not a proper instrument for pursuing the call to Islam (*da’wa*). Because “war is an immoral situation,” Muslims must live in peace with non-Muslims. Shaltut takes pride in the fact that centuries ago Islam laid the foundations for a peaceful order of relations among nations, whereas

the states of the present [that is, Western] civilization deceive the people with the so-called public international law. . . . Look at the human massacres which those people commit all over the world while they talk about peace and human rights!

Peaceful coexistence should be sanctioned by treaties that “do not impinge on the essential laws of Islam.”<sup>18</sup>

A two-volume textbook edited by the former shaykh of al-Azhar, Jad al-Haqq ‘Ali jad al-Haqq, continues the effort to establish the centrality of peace in Islamic ethics and offers a significant reinterpretation of the concept of jihad.<sup>19</sup> But, in line with Islamic tradition, there is no mention of states: at issue is the Islamic community (*umma*) as a whole on the one hand, and the rest of the world on the other.

In a chapter on jihad in the first volume of his textbook, Jad al-Haqq emphasizes that jihad in itself does not mean war. If we want to talk about war, he argues, we must say “armed jihad” (*al-musallah*), to distinguish between this jihad and the everyday “jihad against ignorance, jihad against poverty, jihad against illness and disease. . . . The search for knowledge is the highest level of jihad.” Having made this distinction, the Azhar textbook downgrades the importance of armed jihad, since the *da’wa* can be pursued without fighting:

In earlier ages the sword was necessary for securing the path of the *da’wa*. In our age, however, the sword has lost its importance, although the resort to it is still important for the case of defense against those who wish to do evil to Islam and its people. However, for the dissemination of the *da’wa* there are now a variety of ways. . . . Those who focus on arms in our times are preoccupied with weak instruments.<sup>20</sup>

Jad al-Haqq also avoids interpreting the *da’wa* as requiring the imposition of Islam on others: “The *da’wa* is an offer to join in, not an imposition. . . . Belief is not for imposition with force.” Earlier Meccan verses are quoted again and again in an effort to separate the *da’wa* from any notion of *qital* or armed jihad. “Islam was not disseminated with the power of the sword. The *qital* (fighting) was an exception only for securing and also for the defense of the *da’wa* (call) to Islam.” Despite this substantial reinterpretation, however, the textbook insists on the traditional view of Islam as a mission for all of humanity; quoting the Qur’an: “We have sent you forth as a blessing to mankind” (al-Anbiya 21.107).<sup>21</sup>

The Al-Azhar believes that in the modern age, communication networks offer a much better medium than armed conflict for the pursuit of the *da’wa*. Jad al-Haqq does not work out the details, however. He does not resolve the question of treaties between Muslims and non-Muslims, nor does he mention territorial states. Jad al-Haqq quotes the classical al-Qurtubi commentary on the Qur’an.<sup>22</sup> According to this commentary, treaties creating an armistice (*hudna*) between Muslims and non-Muslims can be valid for a period of no more than ten years. The model here is the treaty of Hdaybiyya, negotiated by the Prophet with the Quraysh in a state of war: it was a limited truce. If the Muslims are powerful, they may not hold an armistice for more than one year; if they are militarily inferior, an armistice of ten years is allowed. There is no discussion of what occurs after that time, which implies that it is seen as heretical to revise classical doctrine and that there is no desire to review this doctrine in the light of changed international circumstances. The result is conformity or acquiescence to the new international system, but no effort to alter the classic categories.

Unlike al-Azhar conformists, who seek to read scripture in the light of present realities, Islamic fundamentalists are inclined to reverse the procedure: a true Muslim has to view reality in the light of the text. Islamic fundamentalism as a mass movement dates back to the 1970s, though its intellectual and organiza-

tional roots can be traced to 1928, when the Muslim Brotherhood (*al-Ikhwan al-Muslimun*) was created in Egypt.<sup>23</sup> The leading authorities on the political thought of Islamic fundamentalism are Hasan al-Banna, the founder of this movement, and Sayyid Qutb, its foremost ideologue. But they speak only for fundamentalism, which, because it is a recent trend within Islam, cannot be seen as representative of Islam as a whole—a mistake often made in the Western media.

In his treatise on jihad, Hasan al-Banna makes literal use of the Qur'an and hadith to support conclusions opposed to those of the Islamic conformists quoted above. According to al-Banna, the jihad is an "obligation of every Muslim" (*farida*).<sup>24</sup> *Jihad* and *qital* are used interchangeably to mean "the use of force," whether in the pursuit of resistance against existing regimes or in waging war against unbelievers. Fundamentalists follow the Islamic tradition of not considering states in the context of war and peace; the term "war" is used here to mean fighting among loose parties of believers and unbelievers, no matter how they are organized politically. And in contrast to traditionalists, who distinguish between the use of force to further Islam and wars of aggression (*'idwan*), fundamentalists apply the word jihad indiscriminately to any use of force, whether against unbelievers or against fellow believers whom they suspect of being merely nominal Muslims.

Al-Banna begins his treatise by quoting the al-Baqara verse referred to above: "Fighting is obligatory for you, much as you dislike it" (2.216). He continues with another quotation from the Qur'an: "If you should die or be slain in the cause of Allah, his mercy will surely be better than all the riches you amass" ('Imran 3.158). And, "We shall richly reward them whether they die or conquer" (al-Nisa' 4.74). These and similar quotations serve as the basis for al-Banna's glorification of fighting and death in "the cause of Allah."

But al-Banna does not cite the tolerant Qur'anic verse from al-Kafirun, "You have your religion and I have mine," preferring instead to extend the obligation of the *qital* even against the "People of the Book" (*ahl al-kitab*)—Christians and Jews—with the verse "Fight against those who neither believe in Allah nor in the Last Day . . . until they pay tribute out of hand and are utterly subdued" (al-Tauba 9.29). Allah, he concludes, "has obliged Muslims to fight . . . to secure the pursuit of *al-da'wa* and thus of peace, while disseminating the great mission which God entrusted to them."<sup>25</sup>

With a few exceptions, the al-Azhar textbook does not treat the armed *jihad* (*jihad al-musallah*) as a duty for Muslims in the modern age. It downgrades the status of fighting (*qital*) while it upgrades the nonmilitary jihad against such evils as ignorance, poverty, and disease. In contrast, al-Banna draws a distinction between "low jihad" (*al-jihad al-asghar*) and "high jihad" (*al-jihad al-akbar*), ridiculing those Muslims who consider the *qital* to be a "low jihad." He considers this denigration of *qital* to be a misunderstanding of *qital* as the true essence of jihad: "The great reward for Muslims who fight is to kill or be killed for the sake

of Allah.” Al-Banna’s treatise is in fact permeated with rhetoric glorifying death, which seems to legitimize the suicidal terrorist acts often committed by Islamic fundamentalists:

Allah rewards the umma which masters the art of death and which acknowledges the necessity of death in dignity. . . . Be sure, death is inevitable. . . . If you do this for the path of Allah, you will be rewarded.<sup>26</sup>

It is clear that for al-Banna, peace is possible only under the banner of Islam. Non-Muslims should be permitted to live only as members of protected minorities under Islamic rule. In all other cases, war against unbelievers is a religious duty of Muslims.

The other leading fundamentalist authority, Sayyid Qutb, has revived the dichotomous Islamic division of the world into “the house of peace” (*dar al-Islam*) and “the house of war” (*dar al-harb*). He employs this dichotomy to establish that war against “unbelievers” is a religious duty for Muslims. Giving the old dichotomy a new twist, he coins the expressions “the world of believers” and “the world of *neo-jahiliyya*” (*jahiliyya* is the Islamic term for the pre-Islamic age of ignorance). For Qutb, modernity is nothing more than a new form of *jahiliyya*. Qutb claims that “the battle lying ahead is one between the believers and their enemies. . . . Its substance is the question *kufr aw iman?* (unbelief or belief?), *jahiliyya aw Islam?* (ignorance or Islam?).”<sup>27</sup> The confrontation, then, is “between Islam and the international society of ignorance”<sup>28</sup>—a confrontation in which victory is reserved for Islam.<sup>29</sup>

The large number of pamphlets industriously produced by Islamic fundamentalists during the past two decades seldom go beyond quoting passages from al-Banna and Qutb. Contemporary fundamentalists often cite passages like this from Qutb:

The dynamic spread of Islam assumes the form of *jihad* by the sword . . . not as a defensive movement, as those Muslim defeatists imagine, who subjugate to the offensive pressure of Western orientalisks. . . . Islam is meant for the entire globe.<sup>30</sup>

Qutb’s repudiation of the mainstream conformist view that Islam resorts to war only for the defense of Muslim lands is central to fundamentalist thinking.

Qutb’s influence is illustrated in Muhammad Na’im Yasin’s 1990 book on *jihad*. The book develops an understanding of war between believers and unbelievers as a gradual process in which, in the last stage, “regardless of an attack of the Muslim lands by unbelievers, . . . fighting of Muslims against them ought to take place.” Yasin then quotes the Qur’anic verse “Fight against the unbelievers in their entirety as they fight against you in your entirety” (9.36), commenting on the verse as follows: “The duty of *jihad* in Islam results in the necessity of *qital*

against everyone who neither agrees to convert to Islam nor to submit himself to Islamic rule." He concludes that the ultimate "return to Allah cannot be pursued through wishful thinking but only through the means of *jihad*."<sup>31</sup> According to Colonel Ahmad al-Mu'mini, an officer in the Jordanian army, this offensive view of jihad must determine the military policies of all Islamic states.<sup>32</sup> Al-Mu'mini's views have been widely circulated.

As we have seen, some Muslims have made the effort to adapt Islamic doctrine to the modern international system, but many go only so far as to make pragmatic adjustments to the doctrine that mankind must either accept Islam or submit to Muslim rule. It is true that Islamic states subordinate themselves to international law by virtue of their membership in the United Nations. But although international law prohibits war, Islamic law (the *shari'a*) prescribes war against unbelievers.<sup>33</sup> Does the recognition of international law by Islamic states really indicate a revision of Islamic ethics regarding war and peace? Or does this recognition indicate no more than outward conformity of the Muslim world to international society?

Most Western authors on war and peace in Islam overlook the fact that there is no concept of the territorial state in Islam.<sup>34</sup> Therefore, Islamic thinkers view war as a struggle, not between states, but between Muslims as a community (*umma*) and the rest of the world inhabited by unbelievers (*dar al-harb*). In contrast, the classic treatise on Islamic "international law" by the Muslim legal scholar Najib Armanazi acknowledges that the international order established by the treaty of Westphalia—in which relations among states are organized on the basis of the mutual recognition of each other's sovereignty—is contradicted by the intention of the Arab conquerors to impose their rule everywhere. But despite this contradiction, Armanazi argues, Muslims do in practice recognize the sovereignty of states with whom they conduct relations on the basis of "the *aman*, customary law or the rule of honoring agreements ('*and*, '*uhud*')." Nevertheless, "for Muslims war is the basic rule and peace is understood only as a temporary armistice. . . . Only if Muslims are weak [are their adversaries] entitled to reconciliation." And, he continues, "for Muslim jurists peace only matters when it is in line with the *maslaha* (interest) of Muslims."<sup>35</sup> Between Muslim and non-Muslim, peace is only a temporary armistice and war remains the rule.

In short, Muslim states adhere to public international law but make no effort to accommodate the outmoded Islamic ethics of war and peace to the current international order. Thus, their conduct is based on outward conformity, not on a deeper "cultural accommodation"—that is, a rethinking of Islamic tradition that would make it possible for them to accept a more universal law regulating war and peace in place of Islamic doctrine. Such a "cultural accommodation" of the religious doctrine to the changed social and historical realities would mean a reform of the role of the religious doctrine itself as the cultural underpinning of Islamic ethics of war and peace.<sup>36</sup> If this is correct, then Mayer's conclusion that

“Islamic and international legal traditions, long separated by different perspectives, are now starting to converge in areas of common concern”<sup>37</sup> is far too optimistic. The convergence is limited to practical matters and does not reach to basic conceptions of war and peace.<sup>38</sup>

On the contrary, what we have seen, instead of convergence with Western ideas, is a revival of the classical doctrine of the dichotomy between *dar al-Islam* and *dar al-harb*. Muslim writers today commonly describe all the wars involving Muslim lands since 1798 (when Napoleon invaded Egypt) down to the Arab-Israeli wars and the Gulf War as “unjust wars” undertaken by the “crusaders” against the world of Islam.<sup>39</sup>

For Muslims, the modern age is marked by a deep tension between Islam and the territorial state.<sup>40</sup> In fact, there is no generally accepted concept of the state in Islam; the “community of believers” (*umma*), not the state, has always been the focus of Islamic doctrine. With a few exceptions, Islamic jurists do not deal with the notion of the state (*dawla*). As the Moroccan scholar 'Abd al-Latif Husni writes in his study of Islam and international relations, recent defenders of the classical Islamic division of the world

confine themselves to quoting classical Islamic jurists. In their writings we do not even find the term “state.” This deliberate disregard indicates their intention to ignore the character of the modern system of international relations. They refuse to acknowledge the multiplicity of states which are sovereign and equal in maintaining the notions of *dar al-Islam* and *dar al-harb*.<sup>41</sup>

Though the Islamic world has made many adjustments to the modern international system,<sup>42</sup> there has been no cultural accommodation, no rigorously critical rethinking of Islamic tradition.<sup>43</sup>

## CONCLUSION

In discussing the basic concepts of the Islamic tradition of war and peace, and their understanding by Muslims at the present, my focus has been on Muslim attitudes toward war. The ground for war is always the dissemination of Islam throughout the world. And in conducting war, Muslims are to avoid destruction and to deal fairly with the weak. Muslims do not view the use of force to propagate Islam as an act of war, given their understanding of the *da'wa* as an effort to abolish war by bringing the entire world into the “house of Islam,” which is the house of peace. For this reason, as we have seen, Islamic conquests are described by Islamic historians not as wars (*hurub*) but as “openings” (*futuhat*) of the world to Islam.

Despite the universal religious mission of Islam, the world of Islam was a regional, not a global, system.<sup>44</sup> The only global system in the history of mankind

is our present international system, which is the result of the expansion of the European model. As we have seen, this modern international system has placed strain on the ethics of war and peace in Islam, generating the divergent responses of conformism and fundamentalism.

Islamic war/peace ethics is scriptural and premodern. It does not take into account the reality of our times, which is that international morality is based on relations among sovereign states, not on the religions of the people living therein. Though the Islamic states acknowledge the authority of international law regulating relations among states, Islamic doctrine governing war and peace continues to be based on a division of the world into dar al-Islam and dar al-harb. The divine law of Islam, which defines a partial community in international society, still ranks above the laws upon which modern international society rests.

The confrontation between Islam and the West will continue, and it will assume a most dramatic form.<sup>45</sup> Its outcome will depend on two factors: first, the ability of Muslims to undertake a "cultural accommodation" of Islamic religious concepts and their ethical underpinnings to the changed international environment; and second, their ability to accept equality and mutual respect between themselves and those who do not share their beliefs.

## NOTES

1. George Makdisi, "Ethics in Islamic and Rationalist Doctrine," in *Ethics in Islam*, ed. Richard G. Hovannisian (Malibu, CA: Udena Publications, 1985), p. 47. On the concept of knowledge in Islam, see Bassam Tibi, *Islamischer Fundamentalismus, moderne Wissenschaft und Technologe* (Frankfurt am Main: Suhrkamp Verlag, 1992), pp. 80–93; and "Culture and Knowledge," *Theory, Culture, and Society* 12 (1995): 1–24.

2. Representative of this method, and equally authoritative, is a book by the former shaykh of al-Azhar, 'Abd al-Halim Mahmud, *Al-Jihad wa al-nasr* (Cairo: Dar al-Katib al-'Arabi, 1968). This work is the point of departure for the other books published in Arabic that are cited here.

3. On this point, I disagree with Muhammad Shadid, *Al-Jihad fi al-Islam*, 7th ed. (Cairo: Dar al-Tawzi' al-Islamiyya, 1989), the most widely known and authoritative study in Arabic on this topic, and with Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore: Johns Hopkins University Press, 1955). Both authors suggest, though from different points of view, that a consistent concept of jihad can be found in the Qur'an. My reading of the Qur'an does not support this contention.

4. Qur'anic references are to the Arabic text in the undated Tunis edition published by Mu'assasat 'Abd al-Karim b. 'Abdallah. I have checked my translations against the standard German translation of Rudi Paret (Stuttgart: Kohlhammer Verlag, 1979), the new German translation by Adel Th. Khoury (Gietersloh: Gerd Mohn Verlag, 1987), and the often inadequate English translation by N. J. Dawood, 4th ed. (London and New York: Penguin, 1974).

5. See Bernard Lewis, "Politics and War," in *The Legacy of Islam*, ed. Joseph

Schacht and C. E. Bosworth, 2nd ed. (Oxford: Clarendon Press, 1974); Marshall G. S. Hodgson, *The Venture of Islam*, 3 vols. (Chicago: University of Chicago Press, 1974); Adam Watson, *The Evolution of International Society* (London: Routledge, 1992), pp. 113 ff.; and Hedley Bull, "The Revolt against the West," in *The Expansion of International Society*, Hedley Bull and Adam Watson (Oxford: Clarendon Press, 1984), pp. 217–28.

6. Lewis, "Politics and War," pp. 173, 176.

7. See, for example, Beate Kuckertz, ed., *Das Grune Schwert: Weltmacht Islam* (Munich: Heyne Verlag, 1992).

8. See David B. Ralston, *Importing the European Army: The Introduction of European Military Techniques and Institutions into the Extra-European World, 1600–1914* (Chicago: University of Chicago Press, 1990), esp. chaps. 3 and 4.

9. See Sabir Tu'ayma, *Al-Shari 'a al-Islamiyya fi 'asr al-Um* (Beirut: Dar al-Jil, 1979), pp. 217, 223 ff.

10. Khadduri, *War and Peace*, pp. 63–64. Khadduri concludes, I think prematurely, that "at the present it is not possible to revive the traditional religious approach to foreign/affairs. . . . The jihad has become an obsolete weapon" (p. 295). See the more recent survey by John Kelsay, *Islam and War: A Study in Comparative Ethics* (Louisville, KY: Westminster/John Knox Press, 1993).

11. See the Arabic text of the first call by Saddam Hussein to jihad in *Al-Muntada* (Amman) 5 (September 1990): 21–22. The concept of jihad is considered by Kenneth L. Vaux, *Ethics and the Gulf War: Religion, Rhetoric, and Righteousness* (Boulder, CO: Westview Press, 1992), pp. 63–86. See also James Piscatori, ed., *Islamic Fundamentalisms and the Gulf Crisis* (Chicago: American Academy of Arts and Sciences, 1991), esp. the entry for jihad in the index (p. 259). Earlier, Islamic jihad had been interpreted in Western terms as a war of liberation grounded in the right of self-determination against colonial rule. On this topic, see Rudolph Peters, *Islam and Colonialism: The Doctrine of Jihad in Modern History* (The Hague: Mouton, 1979); Bassam Tibi, "Politische Ideen in der 'Drifter Welt' während der Dekolonisation," in *Pipers Handbuch der politischen Ideen*, vol. 5, ed. Iring Fetscher and Herfried Miinkler (Munich: Pipers Handbuch, 1987), pp. 363–402; and Jean-Paul Charnay, *L'Islam et la guerre: De la guerre juste a la revolution sainte* (Paris: Fayard, 1986).

12. On Egypt, see Nabil 'Abd al-Fattah, *Al-Mashaf wa al-saif* (Cairo: Madbuli, 1984), and Na'mat-Allah Janina, *Tanzim al-jihad* (Cairo: Dar al-Huriyya, 1988); on Lebanon, see Martin Kramer, "Hizbullah: The Calculus of Jihad," in *Fundamentalisms and the State*, ed. Martin Marty and Scott Appleby (Chicago: University of Chicago Press, 1993); and on Sudan, see Bassam Tibi, *Die Verschwörung: Das Trauma arabischer Politik* (Hamburg: Hoffmann and Campe, 1993), pp. 191–208.

13. See Shadid, *Al-Jihad fi al-Islam*.

14. The work of al-Nasiri has been republished in nine volumes: Ahmad bin Khalid al-Nasiri, *Al-Istigsa 'fi akhbar al-Maghrib al-agsa* (Casablanca: Dar al-Kitab, 1955). I am relying on the comprehensive study by 'Abd al-Latif Husni, *Al-Islam wa al-'alaqat al-duwaliyya: Namudhaj Ahmad bin Khalid al-Nasiri* (Casablanca: Afriqya al-Sharq, 1991), which examines al-Nasiri's work in its entirety. See also Kenneth Brown, "Profile of a Nineteenth-Century Moroccan Scholar," in *Scholars, Saints, and Sufis: Muslim Religious Institutions in the Middle East since 1500*, ed. Nikki Keddie (Berkeley and Los Angeles: University of California Press, 1972), pp. 127–48.

15. Quoted in Husni, *Al-Islam*, p. 141.
16. *Ibid.*, pp. 149, 150.
17. Mahmud Shaltut, *Al-Islam 'aqida wa shari'a*, 10th ed. (Cairo: Dar al-Shuruq, 1980).
18. *Ibid.*, pp. 404, 409, 406.
19. Jad al-Haqq 'Ali Jad al-Haqq, for *al-Azhar, Bayan ila al-nas*, 2 vols. (Cairo: al-Azhar, 1984–88).
20. *Ibid.*, 1: 277, 278–79.
21. *Ibid.*, 1: 281; 2: 268; 1: 280.
22. *Ibid.*, 2: 371.
23. See Richard Mitchell, *The Society of Muslim Brothers* (Oxford: Oxford University Press, 1969).
24. Hasan al-Banna, *Majmu'at rasail al-imam al-Shahid Hasan al-Banna*, new legal ed. (Cairo: Dar al-Da'wa, 1990), p. 275.
25. *Ibid.*, pp. 275, 287.
26. *Ibid.*, pp. 289, 291.
27. See Sayyid Qutb, *Ma alim fi al-tariq*, 13th legal ed. (Cairo: Dar al-Shuruq, 1989); the quotation is from p. 201. For a commentary on Qutb's view, see Tibi, *Islamischer Fundamentalismus*.
28. Sayyid Qutb, *Al-Islam wa mushiklat al-hadarah*, 9th legal ed. (Cairo: Dar al-Shuruq, 1988), p. 195. See also his *Al-Salam al-alami wa al-Islam*, 10th legal ed. (Cairo: Dar al-Shuruq, 1992).
29. Sayyid Qutb, *Al-Mustaqbal li hadha al-din* (Cairo: Dar al-Shuruq, 1981).
30. Sayyid Qutb, *Ma'alim fi al-tariq*, p. 72.
31. Muhammad N. Yasin, *Al-Jihad: Mayadinahu wa asalibahu* (Algiers: Dar al-Irshad, 1990), pp. 76, 77, 81.
32. Colonel (al-Mugaddam) Ahmad al-Mu'mini, *Al-Tabi'a al jihadiyya fi al-Islam* (Constantine, Algeria: Mu'assasat al-Isra', 1991).
33. For an interpretation of the shari'a, see Ann E. Mayer, "The Shari'a: A Methodology or a Body of Substantive Rules?" in *Islamic Law and Jurisprudence*, ed. Nicholas Heer (Seattle: University of Washington Press, 1990), pp. 177–98; and Bassam Tibi, *Islam and the Cultural Accommodation of Social Change* (Boulder, CO: Westview Press, 1990), pp. 59–75.
34. The concept of an "Islamic state" (*dawla islamiyya*) is not found in the classical sources; it is a new idea related to the concerns of Islamic fundamentalism. See, among others, Muhammad Hamidullah, *The Muslim Conduct of State* (Lahore: Sh. Muhammad Ashraf, 1977); Abdulrahman A. Kurdi, *The Islamic State* (London: Mansell Publishers, 1984); and Bassam Tibi, *Die fundamentalistische Herausforderung: Der Islam und die Weltpolitik* (Munich: C. H. Beck, 1992). A more detailed discussion of the confusion between the terms *community* (*umma*) and *nation* may be found in Tibi, "Islam and Arab Nationalism," in *The Islamic Impulse*, ed. Barbara F. Stowasser (Washington, DC: Center for Contemporary Arab Studies, 1987), pp. 59–74.
35. Najib al-Armanazi, *Al-Shan'al-duwali fi al-Islam* (1930; repr., London: Riad El-Ray-yes Books, 1990), pp. 226, 157, 163.
36. See Tibi, *Islam and the Cultural Accommodation of Social Change*.
37. Ann E. Mayer, "War and Peace in the Islamic Tradition: International Law,"

mimeo, ref. no. 141 (Philadelphia: University of Pennsylvania, Wharton School, Department of Legal Studies, n.d.), p. 45.

38. Because the Islamic perception of non-Muslims either as dhimmi (Christians and Jews as protected minorities) or as kafirun (unbelievers) is untenable in the international system, there is an urgent need to revise the shari'a in the light of international law. See Abdullahi Ahmed an-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law* (Syracuse, NY: Syracuse University Press, 1990). This Islamic view of non-Muslims is incompatible with the idea of human rights, as an-Na'im clearly shows; on this point, see Ann E. Mayer, *Islam and Human Rights: Tradition and Politics* (Boulder, CO: Westview Press, 1991); and Bassam Tibi, "Universality of Human Rights and Authenticity of Non-Western Cultures: Islam and the Western Concept of Human Rights" (review article), *Harvard Human Rights Journal* 5 (1992): 221–26.

39. See Bassam Tibi, *Conflict and War in the Middle East* (New York: St. Martin's Press, 1993); and *Die Verschwörung*, pp. 273–326.

40. For a different view, see James Piscatori, *Islam in a World of Nation-States* (Cambridge: Cambridge University Press, 1986), pp. 40 ff. I discuss this view in the introductory chapter of *Arab Nationalism: A Critical Inquiry*, 2nd ed. (London: Macmillan, 1990).

41. 'Abdullatif Husni, *Al-Islam*, p. 59.

42. See the discussion above of the conformism of al-Nasri and Al-Azhar.

43. Bassam Tibi, *The Crisis of Modern Islam: A Preindustrial Culture in the Scientific-Technological Age* (Salt Lake City: University of Utah Press, 1988); Fazlur Rahman, *Islam and Modernity* (Chicago: University of Chicago Press, 1982); and Montgomery Watt, *Islamic Fundamentalism and Modernity* (London: Routledge, 1988).

44. Watson, *Evolution of International Society*, pp. 112–19, 214–18.

45. See Samuel P. Huntington, "The Clash of Civilizations?" *Foreign Affairs* 72 (1993): 22–49; and Bassam Tibi, *Der Kreig der Zivilisationen* (Hamburg: Hoffmann and Campe, 1995), esp. chap. 4.