

Jihad: Against Aggression or Religious Diversity?

Some Muslims and non-Muslims have concluded that the concept of *jihad* in Islamic teachings is identical with the originally Christian concept of "Holy War" – unprovoked and violent aggression against people of other faiths simply because of intolerance to religious diversity, and for the purpose of spreading the faith. This understanding among some Muslims naturally contributes to making people of other faiths more fearful, suspicious and apprehensive of Muslims having access to greater political and military power. They consequently do all they can – for "security reasons" and "national interests" - to restrict the growth and influence of Muslims or Islam. This, in turn, contributes to mutual mistrust, prejudice, bridge-burning, interfaith tension and hostility.

Is fighting, warfare (*qital/harb*) or combative *jihad* targeted against other religions and their followers, or is it against hostility and violent aggression, irrespective of faith? Is *jihad* an Islamic version of “Holy War”?

Jihad simply means to strive hard or struggle in pursuit of a just and goodly cause in a manner that is in line with guidance/way/path of Allah (*fi sabil Allah*). In Islamic teachings, it refers to the unceasing effort that an individual must make towards self-improvement and self-purification in God’s cause.

It also refers to the duty of Muslims, both at the individual and collective levels, to struggle against all forms of evil, corruption, injustice, tyranny and oppression – whether this injustice is committed against Muslims or Non-Muslims, and whether by Muslims or Non-Muslims. In this context, *jihad* may include peaceful struggle or, if absolutely necessary, armed struggle.

What should be very clear is that jihad cannot be reduced or restricted to simply warfare or fighting, and that the very important phrase that qualifies and determines the permissibility and acceptance of any form of *jihad* is “*fi sabil Allah*” – in way or cause of Allah, or to achieve the higher intents of Islamic teachings (*Maqasid al-Shari’ah*) – i.e. accruing benefit for all and prevention of harm from society.

Jihad is neither “Holy War” nor only about War

“*Jihad*” is sometimes translated as “Holy War”, but this is a misnomer and an incorrect translation that has been very misleading. Though there were “many varying theories and forms of holy war, a defining feature of its dominant expression was that it legitimized war as a means of coercing conversion to Christianity.”¹ In contrast, “Holy War” does not exist in the Islamic tradition, nor can the term *jihad* “be reduced to a military matter.”²

“Holy war” (*al-harb al-muqaddasah*, in Arabic) is not an expression used by the Qur’anic text, the Sunnah, or Muslim theologians. Indeed, close scrutiny of all relevant texts and the reasons for each of the actual battles fought during the lifetime of Prophet Muhammad (p) and his companions reveal that in Islamic theology, “war is never holy, it is either justified or not,” and if it is a “just war”, then those killed in battle are considered martyrs.³

As stated earlier, a simple study of the areas of consensus of classical Muslim scholars regarding when warfare or fighting others is permissible, who and what is a legitimate target (i.e. when it is just to resort to war - *jus ad bellum*, in Latin), and the

¹ Waleed Aly, *People Like Us: How arrogance is dividing Islam and the West*, Picador Pan Macmillan, Australia, 2007, p.158

² Waleed Aly, *People Like Us: How arrogance is dividing Islam and the West*, Picador Pan Macmillan, Australia, 2007, p.154

³ Khaled Abou El Fadl, *The Place of Tolerance in Islam*, Beacon Press, Boston, 2002, p.19

conduct of warfare in Islamic law (i.e. how to fight justly - *jus in bello*), is sufficient to make clear the “Just War” concept of the military form of *jihad*,⁴ and why unprovoked aggression, terrorism, and insurgency are actually regarded as punishable offences in Islamic Law.⁵

Jihad is against Aggression, not Religious Diversity

The proof that military *jihad* or armed conflict is only directed against aggression and oppression, and not against religious diversity is the fact that the Qur’an in numerous places very categorically states that when the enemy stops fighting, or inclines to peace, Muslims are required to cease fighting and also incline to peace, and place their trust in Allah (Qur’an 2:192 and 8:61), and that “*Allah does not love aggressors*” (Qur’an 2:190).⁶ The following verses of the Qur’an are relevant in this regard:

- *Fight (qātilū) in the cause of God those who fight (yuqātilū) you, but do not commit aggression, for God loves not the aggressor.* (Qur’an 2:190)
- *But if they cease, Allah is Oft-Forgiving, Most Merciful.* (Qur’an 2:192)
- *And fight them back (qātilū hum) until there is no oppression (fitnah), and religion is (done) for God, but if they cease, let there be no hostility except to those who practice oppression.* (Qur’an 2:193)
- *And if they (your enemy) incline to peace, incline you also to it, and trust in Allah.* (Qur’an 8:61)

⁴ See Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.8, 11-41.; Muhammad Naqib, Ishan Jan and Abdurashid Lawan Haruna, *International Humanitarian Law*, IIUM Press, Gombak, Malaysia, 2015, pp.203-219.

⁵ See Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011; Khaled Abou El-Fadl, *Rebellion and Violence in Islamic Law*, Cambridge University Press, Cambridge, 2006; Mohamed Salim El-Awa, *Punishment in Islamic Law*, American Trust Publications, USA, 1981.

⁶ See also, Qur’an 4:75; 4:89-91; 2:190-193; 22:39-40; 49:9; 9:4-6; 9:12-13; and 9:123, etc.

- *(Fight them) except those who join a people between whom and you there is a treaty, or those who come to you because their hearts restrain them from fighting you or their own people. If Allah had willed, He would have given the unbelievers power over you, and they would have fought you. Therefore, if they withdraw from you and fight you not, and instead send you guarantees of peace, know that Allah has not given you a license (to fight them). (Qur'an 4:90)*
- *If one amongst the (combatant) polytheists asks you for asylum grant it to him so that he may hear the word of Allah and then escort him to where he can be secure: that is because they are men without knowledge. ...As long as they stand true to you, stand you true to them: For Allah does love the righteous. (Qur'an 9:6-7)*

If fighting in Islamic law were directed against a people just because they are not Muslims, then Muslims would not be instructed to stop fighting them even if the non-Muslims concerned stopped, since their stopping does not mean they have become Muslims.

Muhammad Asad notes that "all Islamic jurists, without any exception, hold that forcible conversion is under all circumstances null and void, and that any attempt at coercing a non-believer to accept the faith of Islam is a grievous sin."⁷

Non-Combatants are not Legitimate Military Targets

Additional evidence that fighting in Islamic law is only against injustice and not due to religious difference is the clear prohibition in Islamic Law, based on the Qur'an, Sunnah and practise of the companions, of killing non-Muslims who were non-combatants -

⁷ Muhammad Asad, *The Message of the Qur'an*, The Book Foundation, England, 2003, p.70, n.249 to Qur'an 2:256

such as women, children, etc. – which is recognised and respected by all Schools of Islamic Jurisprudence.⁸

For example, the Prophet (p) said, “Never kill women and children”⁹, “Do not kill hermits”¹⁰, “Do not slay the old and frail...”¹¹, and “Leave them (monks) and that to which they devote themselves.”¹² To this list, scholars add other non-combatants such as the blind, chronically ill, clergy, traders, craftsmen, farmers, the insane, peasants, serfs, etc.¹³ Others who can be safely included are those with amnesty or peace treaties (*mu’ahid* and *dhimmis*), emissaries and diplomats, etc.¹⁴

If all these categories of non-Muslims are not to be killed, then fighting any non-Muslim is not because they belong to other faiths, but because they have committed acts of aggression against Muslims. In other words, if the fighting (*qital*) form of *jihad* was a form of “holy war” and against non-Muslims simply because they had not accepted Islam, then the fact that they were women, elderly, or non-combatants, etc. would have made no difference to their being legitimate military targets.

⁸ Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.107-118; Muhammad Naqib, Ishan Jan and Abdulrashid Lawan Haruna, *International Humanitarian Law*, IIUM Press, Gombak, Malaysia, 2015, pp.203-219.

⁹ Imam At-Tahawy, *Shahr Ma’ani al-Athar*, Dar al-Kutub al-Ilmiyyah, Beirut, 1399AH, hadith no.4770 (ed. Muhammad Zuhri al-Najjar); al-Bayhaqi, *al-Sunan al-Sugrah*, hadith no. 3894

¹⁰ Ahmad bin Hanbal, *Musnad Ahmad*, Mu’assasah al-Risalah, Beirut, 1420 A.H, vol.4, p.461

¹¹ Al-Bayhaqi, *al-Sunan al-Sugrah*, hadith no. 3894; al-Bayhaqi, *al-Sunan al-Kubrah*, hadith no. 17932

¹² Abu Bakr Abd al-Razzaq, *Musannaf abd al-Razzaq*, hadith no. 9377; al-Bayhaqi, *al-Sunan al-Kubrah*, hadith no. 18614.; *Musnad Ahmad*, hadith no. 2728; al-Tabarani, *al-Mu’jam al-Kabir*, hadith no.11396; al-Bayhaqi, *al-Sunan al-Sugra*, hadith no.3893.

¹³ For more references and discussion, see Ibn Rushd’s *Bidayat al-Mujtahid wa Nihayat al-Muqtasid* (The Distinguished Jurist’s Primer), vol.1, 1994, pp.458-460; Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.107-118

¹⁴ Al-Bukhari, *Sahih al-Bukhari*, hadith no. 3166

Jihad can also be against Muslims

Moreover, the companions demonstrated after the death of the Prophet (p), and the jurists stipulated in their works, that fighting (*qital*) is also permitted against Muslims should they perpetrate aggression, insurgency or injustice against fellow believers.

“If two parties among the believers fall into a quarrel, make peace between them; but if one of them transgresses beyond bounds against the other, then fight (qātilū) against the one that transgresses until it (the transgressing party) complies with the command of Allah...” (Qur’an 49:9)

This is most evident in the early battles against the Khawarij and other militant Muslim factions in the past and present.¹⁵

As has been noted earlier, the pact of protection (*dhimma*) with citizens of a Muslim society but who belong to other faiths, guarantees their safety. In fact, Muslims are obliged, if necessary, to take arms and fight against whoever aggresses against them: “If the enemy of a *dhimmi* (non-Muslim citizen of an Islamic state) comes with his forces to take him, it is our obligation (as Muslims) to fight this enemy with soldiers and weapons and to give our lives for him, thus honouring the guarantee of Allah and His Messenger (p). To hand him over to the enemy would mean to dishonour this guarantee.”¹⁶

¹⁵ Khaled Abou El-Fadl, *Rebellion and Violence in Islamic Law*, Cambridge University Press, Cambridge, 2006.

¹⁶ Imam Al-Qarafi, *Anwar al-Buruq fi anwa’ al-Furuq*, vol.4, p.398, Maktabah al-Shamilah 3.13. As discussed earlier, Muslims are even required (based on Qur’an 22:39-40), to fight if necessary, to defend non-Muslim places of worship from being destroyed, See: Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam*, IIFSO, Kuwait, 1992, p. 339; Da’wah Institute of Nigeria, *Protection of Churches, Mosques, and Synagogues in Islam*, Islamic Education Trust, Minna, Nigeria, 2012, p. 6.

In conclusion, *jihad* in Islam has nothing to do with “Holy War” and Islam prohibits fighting others simply due to their difference in faith. Fighting, if absolutely necessary, is only permissible against those who are hostile and violently aggressive against others irrespective of their faith and religious affiliation.