From the Qur’an:

“BUT AS FOR THOSE WHO STRIVE HARD IN OUR cause, we shall most certainly guide them to OUR paths, and God is indeed with the doers of Good” (Sura 29: verse 69)

“And fight in God’s cause against those who have initially waged war against you, and do never commit aggression, for verily, God does not love aggressors” (Sura 2: verse 190)*

“It may well be that God will bring about affection between you and those whom you are now facing as enemies; and God is All-powerful, and God is Much-forgiving and Mercy-giving” (Sura 60: verse 7)

From the Prophet’s Traditions

“Sunna”:

Returning from a battle, Prophet Muhammad said, “We have come back from the minor ‘jihad’ [struggle] to the major ‘jihad’, the human being’s struggle against his(/her) own whims” [brought out by al-Bayhaqi]

“The one who struggles [al-mujahid] is who struggles against his(/her) own self [and its whims] for complying with God’s directions” [brought out by al-Trimidhi & Ibn Hibban in “(al-Sahih)”].
Introduction

The word “jihad” has become one of the most used words in the United States’ press since September 11, 2001. This word is Arabic in its origin, and has been mostly misunderstood by the non-Muslims, and even by many Muslims as well.

It has been translated into English as “holy war”, something which often suggests using force to impose Islam on others, rather than a legitimate self-defense. However, “jihad” actually means in Arabic “making all possible effort” or “striving hard” and struggling. This is by no means restricted to war and military fighting, for which the specific word used in Arabic is “qital”. Both words are used in the Quran. The wider perspective and connotations of “jihad” may be clearly felt in these verses:

“And as for those who strive hard in Our cause, We shall most certainly guide them to paths that lead to Us, and, behold, God is indeed with the doers of good” [29:69]

“And strive hard in God’s cause with all the striving that is due to Him; it is He who has favored you from among others [by His message] and has laid no hardship on you in [this] religion, the creed of your forefather Abraham…”[22:78].

In his prominent commentary “Fat-h al-Bari” on al-Bukhari’s collection of the authentic traditions of Prophet Muhammad, the prominent scholar Ibn Hajar al-‘Asqalani (d. 852H./1449] indicated that “jihad” is not limited to military fighting against an enemy, but it refers to striving hard and struggling against one’s own self, against impulses of the devil, and in enjoining the doing of what is right and good and forbidding the doing of what is wrong and evil in the society.

Once a young man came to the Prophet pledging jihad in God’s cause; the Prophet asked him, “Is any of your parents alive?” The young man answered, “Yes both”. The Prophet asked again, “Are you sincerely looking for God’s reward?” The young answered, “Yes.” The Prophet said to him, “Go back to your parents, and do ‘jihad’ in caring for them and being nice to them.” [brought out by al-Bukhari, Muslim, Abu Dawud and al-Nisa’i].

During Prophet Muhammad’s stay in “Makka,” (Mecca) for almost 13 years after receiving God’s message in the year 610, he and the believers in his message faced different actions of hostility and oppression. The Quran repeatedly emphasized patience and self-control (in more than 70 verses), and urged forgiveness and meeting what is bad by what is better (in more than 20 verses). One of God’s attributes is “The All-Peace” [59:13], and He describes His guidance as “the paths of peace” [5:16]. Paradise in the eternal life to come is “the abode of peace” [6:127, 10:25].

However, when the aggression of the rejecters of the message culminated to planning for confining or killing or expelling the Prophet [8:30], he and the believers in his message had to migrate to Yathrib in the year 622. The belligerent plans against
Muslims in their new city “al-Madina, Medina” did not stop, and by then only they got God’s permission to defend themselves:

“Permission [to fight back] is given to those against whom war has initially been waged..., those who have been driven out from their homes against all right…”[22:39].

“And fight in God’s cause against those who have initially waged war against you but never commit aggression, for verily God does not love aggressors” [2:190].

Fighting has to be strictly conducted against those who are actually fighting, and non-combatants should never be a target. Those who are wounded and those who surrender from among the enemy must be nicely treated.

Any inclination towards peace has to be positively met: “And if they incline to peace, incline you to peace as well, and place your trust in God” [8:61].

According to such obvious and unambiguous rules, one can objectively see with the prominent Egyptian jurist, the late Abd al-Wahhab Khallaf 9d.956) that later conquests which came after the early period of Islam represented merely worldly and monarchial expansion, and were not committed to the teachings of religion. Illusion has prevented for a long time an objective and realistic evaluation of such historical “glories”, which might have positives but also have negatives as all human instinctively-directed actions.

The 11th of September 2001, has been a milestone in world history, which may be compared in its enormously profound and universal impact with the conversion of Constantine the Great (d.337) to Christianity by the year 313 and the issuing the Edict of Milan extending toleration in the Roman Empire to Christians, the migration of Prophet Muhammad to Yathrib (al-Madina, Medina) in the year 622, or the Conquest of Constantinople in the year 1454 by the Ottoman Sultan Muhammad (Mehmet II, d.1481). It has been an eyeopener for Muslims and non-Muslims of the whole world to contemplate deeply what Islam really means in world relations, how its teachings about “jihad” should be rightfully understood and how they can also be misunderstood and abused, as they have actually been by Muslims and non-Muslims as well.

Islam repeatedly urge continuous reflection, contemplation, and rethinking, since the movement in the Universe, as well as the human development in this world: individually and socially, biologically and psychologically, spiritually and intellectually, are always going on and human change never stops. We have to do our best in using God’s greatest gift to the human being:

“the mind” in responding to the continuous change: “and that which is of benefit to humankind abides on earth” [13:17].
A Misunderstanding or An Abuse

*Jihad* is an Islamic Arabic term which is misunderstood by many people. Sometimes, this misunderstanding increases through deliberate abuses by Muslims and non-Muslims alike. While some Muslims rulers use the term to justify their personal ambitions, or to turn the minds and hearts of their oppressed people to another target, others who may be against Islam and Muslims try to twist the word in order to give the impression that Islam and Muslims are, in principle, inclined to confrontation and aggression, and thus they are not expected to be a constructive element in world peace.

The root of the Arabic noun “*jihad*” is the verb “*jahada*” which means “to make a great effort”, or even “a tiring effort”. As an Islamic term, it can be used in the struggle for self-defense against an attacking enemy, or in the struggle against egotistic whims which are always afflicting the human psyche. Both meanings come out throughout the Quran.

As for striving hard for the moral and spiritual development the Quran reads:

“And strive hard [jahidu] in God’s cause with all the striving that is due to Him” (22:78)

“And as for those who strive hard in Our cause, We shall most certainly guide them onto paths that lead to Us, for, behold, God is indeed with the doers of good” (29:69).

The known English translation of “*jihad*” as “*holy war*” is mistaken and misleading. First, it fails to indicate the spiritual struggle; and second, it may imply a use of force waging a war to impose Islam on others, which is in absolute contradiction with the proper concept of jihad as self-defense against an initiated aggression, and of the faith as free acceptance and conviction. Islam has to be voluntarily embraced by free will and full conviction by any who chooses to be a Muslim. Any faith imposed by compulsion or bribery is valueless with regard to the embracer, and is a wrongdoing with regard to the imposer, since the Quran sharply states: “No Coercion should ever be in matters of faith” (2:256). One can only enjoy the merits, and then be accountable for the responsibilities as well, of any faith, when he/she accepts the faith with free will and full conviction.

Declaring war against non-Muslims all over the world in order to force them to be Muslims, or to be subjects of the Muslim state, contradicts the Arabic language, the Islamic teachings and the early historical practice which has represented the genuine example and proper implementation of Islam. Some later dynasties which were tempted by power and were deviated from Islamic principles within their own selves and their own kingdoms, tended towards expansion, annexation of others’ lands and subjection of other peoples by force. However, this cannot be counted as Islamic practice which observes God’s guidance and law. “*jihad*”, just as any other moral or legal concept, may be twisted and abused in practice, while the right and authentic significance of it has to be
always searched for in the original sources which brought the concept into being, and in our case they are the verses of the Quran and the authentic traditions of Prophet Muhammad.

Peace Is the Principle

It is significant that one of God’s names in the Quran is “The All-Peace” or “The Source of Peace” (59:23), and that the Quran calls the Heavens and Paradise “the abode of peace”: “And God invites [the mankind] unto the abode of peace” (10:25), “Thiers [those who take God’s message to heart] shall be at the abode of peace with their Lord.” (6:127)

In the Heavens, peace will be the greeting word: “and the angels will come unto them from every gate, saying: Peace be upon you” (13:23-24), “on the Day when they meet Him, their greeting will be: Peace…” (23:44; also:10:10, 14:23, 16:32, 39:73, 50:34, 56:26…)

“Islam” and “peace, (salam)” come from the same Arabic root, since Islam aims to secure peace within one’s ownself and with all others:

“O You who have attained to faith! Enter wholly into peace and do not follow Satan’s footsteps” (2:208)

“Now there has come unto you from God a light, and a clear divine writ, through which God shows unto all that seek His goodly acceptance, the paths of peace” (5:15-16)

Peace “salam”, is always spread by Muslims through their greetings in this world “al-salam alaykum”. Besides, they are taught by the Quran to “develop cooperation for furthering virtue and God-consciousness, and avoid all what may further evil and enmity” (5:2)

They have always to resist any temptation of arrogance and greed, and to treat others’ hostilities with self-control, broadmindedness and good heart:

“…but since good and evil cannot he equal, repel evil with something that is better; and thus someone between whom and yourself has been enmity, may then become as a close true friend. Yet, only those who have self-control and patience will attain it; only those of great good fortune will achieve it” (41:34-35), “Those shall receive a twofold reward for having been patient and self controlling, and having repelled evil with good…, and whenever they heard frivolous talk they turned away from it saying: ‘Unto us shall be accounted our deeds and unto you your deeds. Peace be upon you: we do not seek out such as are ignorant [and go through a futile argument].’” (28:54-55; see also: 25:63, 43:89)
It is remarkable that the Quran uses the word “repel strongly (idfa’)” in meeting the evil-doing and offence with what is better, since such a reaction requires the power of self-control, strong will and decisiveness. Those who enjoy such merits and reach such an achievement are “those of great good fortune”.

Through the Quran, “patience” is emphasized 69 times, and “forgiveness” more than 15 times. Even when self-defense becomes inevitable, several doors are opened for belligerent individuals and groups to incline to peace: any enemy who seeks the protection of Muslims should be given protection and brought to wherever he can feel secure [9:6]. Whenever nay fighting group inclines to peace, Muslims have to respond positively. “And if they incline to peace, incline you to it as well, and place your trust in God...And should they seek but to deceive you, behold, God is enough [security] for you...”(8:61). According to the principles of Islamic law “Shari’a”, any judgment has to be based only on outward evidence, whatever the inner intentions may be.

The Quran reminds Muslims to keep always in mind that if they act kindly towards an enemy today, he/she may turn into a friend tomorrow (41:34). Once more the Quran points out: “It may well be that God will bring [mutual] affection between you and those whom you are now facing as enemies; and God is All-powerful, and God is Much-forgiving and Mercy-giving” (60:7). Maintaining good relations with others indicates how genuine is the faith of the believer in God who is the All-Merciful and Most-Gracious.

In his well known commentary on the Quran, Ibn Kathir (d.774H/1369) concluded his comment on the verse 29:69 by a quotation related to the early Muslim authority al-Sha’bi (d.103H/721), citing an impressive saying of Jesus(3) which came out in the known Gospels as the following: “If you do good to them which do good to you, what thank have you?” [Luke 6:33]. God provides sustenance for all His creatures, and sends His messages to the whole humankind as universal mercy and grace, which should be represented in the behavior of the believers of these messages: “He makes His sun to rise on the evil and on the good, and sends rain to the just and the unjust” [Matt.,5:45], “To all these as well as those [the believers in God and the eternal life to come, as well as the non-believers] do We freely provide from your Lord’s gifts, and God’s giving is never confined to one kind of people” [Quran 17:20].
The Sanctity of Life

Life is the gift of God, and any assault on the human life is the evil doing most condemned by God and by common sense. The early son of Adam who killed his brother has been severely denounced in the Quran [5:31]. A Prophet’s tradition gave that early murderer a share in guilt any following murder for his precedent [brought out by Ibn Hanbal, al Bukhari, Muslim, al-Tiridhi, al-Nisa’I and Ibn Majah]. The Quran states after mentioning the story of that early murder, that God has consequently ordained that “if anyone slays a human being – unless it be [in punishment] for murder or spreading damage on earth - it shall be as though he has slain all mankind; and if any one saves a life it shall be as though he has saved the lives of all mankind.” [5:32]. Even in case of the death penalty for a murder, the Quran opens a door to spare the life of the murderer through the acceptance of the victim’s close relative “as an alleviation from your Lord and an act of His grace” [2:178].

Self-control and rising above retaliation is more advantageous for the concerned parties and for the entire human society “And if you have to respond to an assault, respond only to the extent of the assault, and to bear yourselves with patience is indeed far better for those who enjoy the merit of forbearance, for verily, God is with those who are conscious of Him and are doers of good” [16:126, 128]. If such a waiver of a death sentence occurs from the concerned parties occurs, the jurists find it irrevocable. On the other hand, it is mandatory for everyone to do his/her best to save any one whose life is threatened by a human assault or a natural danger.

Life is sacred with regard to all living creatures, as long as they are not harmful to human beings. Muslims have a training for securing life while practicing pilgrimage in Mecca, as they should refrain from any hunting of animals or cutting trees there: “O you have attained to faith! Kill no game while you are in the state of pilgrimage… you are forbidden to hunt on land while you are in the state of pilgrimage” [5:95-6]. A Prophet’s tradition stresses this Quranic rule and adds a prohibition of cutting trees in Mecca [brought out by al-Bukhari]. The first Caliph Abu Bakr [ruled 11-13H/632-4] strictly prohibited his armies from cutting a fruitful tree, causing destruction to any developed or populated area, slaughtering needlessly a sheep or a camel, as well as from killing a woman, a child or an elderly person [brought out by Malik in al-Muwatta’]. Further, a Prophet’s tradition stresses the responsibility of killing unrightfully a bird however small it may be in any time [brought out by Ibn Hanbal], and strictly forbids taking any living creature as a target for practicing shooting [brought out by Ibn Hanabal, al-Tirmidhi, al-Nisa’I and Ibn Majah].
What is “Jihad”… And Why?

As it has been mentioned before, the translation of jihad as “holy war” mistakenly gives the impression that jihad aims to declare war against non-Muslims all over the world, in order to impose the Islamic faith or the Muslim political authority by force.

Jihad means striving hard, for spiritual and moral self-development, which represents in fact the greatest human struggle. The distinguished scholar and author Muhammad ibn al-Qayyim [d.451H/1350], has put the striving for spiritual and moral self-development and the resistance of the devil’s seducing incitements as the top level of jihad. Such a striving includes learning what is good, practicing it, cooperating with others in spreading it and enduring any suffering encountered throughout. It is inevitably tied to a determined and persevering resistance against egotistic and material impulses of ease and pleasure.(7)

As for the jihad in its military sense, Islam declares only a legitimate struggle to defend human rights, including the freedom of people and the freedom of faith:

“Permission [to fight] is given to those against whom war is initially being wrongfully and offensively waged; and verily, God is the Most Powerfull for their aid; those who have been driven out from their homelands against all right for no other reason than their saying; ‘Our Lord is God’…” (2:39-40)

“And how could you refuse to fight in the cause of God and the utterly oppressed men and women and children who are crying:

‘O our Lord! Lead us forth [to freedom] out of this land in which the people [in power] are oppressors’…” (4:75)

It is obvious that the Quran considers “peace” as the general rule in the relations of Muslims with others, and requires for a legitimate “struggle” a divine “permission” which is given only to those whose human rights and freedom have been violated. Islam in such a case alone declares a legitimate struggle against oppression and in defense of freedom of people and faith:

“Hence, fight against them [the aggressors] until oppression is stopped, and faith in God is allowed free [for everyone within his/her own-self] towards God.” (2:193)

Further, one should keep in mind that human rights cannot be split, and a legitimate Muslim authority cannot claim to fight against external aggression and defend “the land” or “the people” while it is practicing horrible aggression within its own borders against individuals or groups among its own people for any religious, ethnic, or political difference:

“… for oppression is even worse than killing.” (2:191)
“… since oppression is more awesome than killing.” (2:217)
Human Dignity for All

The Quran states that the dignity of the children of Adam has been conferred by God on them all, whatever their ethnicities and beliefs may be:

“We have conferred dignity on all the children of Adam; bore them over land and sea; given them for sustenance good things of life; and conferred on them favors above a great part of our creation.” (17-70)

Human “dignity” has a wider concept than human “rights”, as “dignity” comprises the enjoyment of rights and the fulfillment of duties side by side. Dignity has be granted by God to all human beings since the creation, and thus it is inseparable from human nature in the Muslim’s belief; a depth which cannot be reached by a human philosophy or law. Human beings enjoy enormous abilities: physical, intellectual and spiritual. They are universal, not restricted to a birth place or a limited area around it; thus they are created with the competence to move about and to come together whatever their ethnic differences may be (49:13). Their sustenance from the good things of life is secured, but they have to develop the universal and human resources cooperatively and distribute the returns with justice.

The Quran ordains that the human dignity and rights should be secured for all the people in all human dimensions by the legitimate Muslim authorities “which have been entrusted with authority from among you by you [O people]” (4:59).

Religious Freedom

According to the Quran, Islam can never be imposed on individuals or peoples against their will:

“No coercion should ever be in matters of faith.” (2:256)

“And had it been your Lord’s will, all those who are on earth would all have surely attained to faith, all of them. Do you then think that you could compel people to believe.” (10:99)

“...Can we impose it [God’s message] on you, even though it be hateful to you?” (11:28)

Prophet Muhammad’s task as indicated in the Quran was to let people know the message, which he had only to explain and exhort, not to impose or force others to accept:

“And so [O Prophet] exhort them; your task is only to exhort: you cannot compel them [to believe]. “(88:21-22)
“and you can by no means force them to believe; just remind, through this Quran, all such as may fear My warning.” (5045).

“But would you, perhaps, torment yourself to death with grief over them, if they are not willing to believe in this message? Behold, We have willed that all beauty on earth be a means by which We put people to test, (showing) which of them are best in conduct” (18:6-7; see also 26:3)

According to Islamic theology, no embrace of faith can be accepted by God unless it is exercised intentionally through a free will, since this is the basis for accountability on the Day of Judgment.

Human Diversity

Human diversity is God’s will, and the believers in Him have to learn how to live in a pluralistic society and world:

“And had your Lord so willed, He could surely have made all mankind one single community, but [He willed it otherwise, and so] they continue to have differences – all of them, save those upon whom your Lord has bestowed His grace [through following His guidance about cohabitating with their differences and handling them peacefully.] And to this end [of testing people how to tackle their differences] He created them all.” (11:118-119)

“Unto every one of you have we appointed a law and a way of practice. And if God had so willed, He could surely have made you all one single community, but [He willed it otherwise in order] to test you through what He has given you. Vie, then, with one another is doing good works. Unto God you all must return; and then He will make you truly understand all that in which you were used to differ.” (5:48)

What then does the Quran really mean when it specifically refers to “Islam” as the only true religion?

The Quran states: “Behold, the only (true) religion in the sight of God is Islam,” “And if one goes in search of a religion other that Islam, it will never be accepted from him (/her)” (3:19, 85; see also 5:3, 6:125, 39:22).

The word “Islam” indicated here the general linguistic meaning of “submission to God”, not the specific term for the message of Muhammad. Islam is a noun derived from the verb “aslama” which means “submit.” The Quran indicates that Islam in its general meaning was the faith of all the prophets before Muhammad. Noah reminded his people: “I have asked no reward whatsoever from you; my reward rests with none but God, and I have been bidden to be among those who have submitted themselves to God [mina al-
The same submission to God – or Islam – has been repeatedly emphasized by Abraham and his descendants.

“... And who, unless he be weak of mind, would want to abandon Abraham’s creed... when His Lord said: submit yourself unto Me [aslīm] he answered, ‘I have submitted myself unto you, the Lord of the all the worlds, [aslamtu li-Rabb al-'Alamin]. And this very creed did Abraham entrust his children with, and [so did] Jacob: O my children! Behold, God has granted you the purest faith; so do not allow death to overtake you before you have submitted yourselves to Him [wa’antum muslimun]. Were you witnesses when death was approaching Jacob, and he said to his children: ‘Whom will you worship your God, the God of your forefathers Abraham and Isma’il [Ishma’il] and Ishaq [Isaac], the One God; and to Him we submit ourselves [wa nahnu laku muslimun]...’ Say [O believers in the message of Muhammad]: ‘We believe in God, and in that which has been bestowed upon us, an that which has been bestowed upon Abraham and Ishma’il and Ishaq and Jacobs and their descendants, and that which had been given to Moses and Jesus, and that which has been given to all the [other] prophets by their Lord; we make no distinction [in our belief] between any of them [and the other prophets], and it is unto Him that we, submit ourselves [wa nahnu lahu muslimun].’” [2:130-136, See also 3:83-85]

In the Same Way

Moses Addressed the Israelites in Egypt:

“And Moses said: O my people! If you believe in God, place your trust in Him – if you, have [truly] submitted yourselves to Him [in kuntum muslimin]”. (10:84)

When the Queen of Sheba accepted the belief in the One God preached by Solomon, she announced: “and [now] I have submitted myself [aslāmtu] – the same as Solomon did – to the Lord of all the world’s”. (27:44)

The early followers of Jesus made the same statement: “We believe in God, and bear witness [O Jesus] that we have submitted ourselves to Him [bi-anna muslimun]”. (3:52)

The Quran considers a true submission to God “islam” as the basic belief for all the believers in the One God:

“Yes, indeed, everyone who submits his [/her] whole being to God [aslāma], and is a doer of good withal, shall have his [/her] reward with his [/her] Lord; and all such need have no fear, and neither, shall they grieve” (2:112), “And who could be better of faith than one who submits his [/her] whole being to God [aslāma], and is doer of good withal, and follows the creed of Abraham, who turned away from all what is false..” (4:125)
On the other hand, a “kafir” is not merely - as it is usually translated – an “unbeliever”, or as some put it: an “infidel”. According to the Arabic linguistics and the Quranic use, the verb “kafara” means ‘to cover’ or ‘to conceal’, and thus a kafir is one who “covers”. In relation to faith he (/she) “covers the truth” that he (/she) witnesses and is sure about, but he (/she) denies the clear evidence about God’s creation and bounties and rejects His messages, while realizing within himself “and thus they deny ungratefully God’s bounties [yakfurun]” [16:72, also ‘kafarat’ in 16:112] “and he [Solomon] said: ‘This is some of my Lord’s bounty, to test me as to whether I am grateful or ungrateful [akfur]! However, who is grateful [to God] is but grateful for one’s own good; and one who is ungrateful [kafara], [should know that,] verily, my Lord is free from any need and the Most Generous in giving’ [27:40], “and should you try to count God’s bounties, you could never reckon them; behold, the human being is so unfair, so ungrateful [kaffar: extremely kafir]” [14:43]

The real and intentional covering of the truth is explained in these verses as that which one actually recognizes in his/(her) mind and heart:

“ And they rejected them [God’s messages and signs] wrongfully and haughtily, even though they themselves felt certain about it” [27:14], “behold it is not you whom they give the lie, but God’s messages and signs do these wrongdoers reject.” [6:33]

However, Muslims have to coexist and cohabitate with such rejecters of God’s bounties and messages in this world fairly and peacefully, as long as they do not turn their hostility from feelings and acceptable arguments into aggression. Muslims are taught to leave the judgment in the whole matter to the Lord who knows all that is apparent and concealed by everyone and judges each with justice: “Say: ‘Who provides for your sustenance out of heaven and earth? Say; It is God [alone]; and, behold, either we [who believe in Him] or you [who deny Him] are on the right path or in obvious error. Say: ‘Neither shall you be called to account for whatever we might be guilty of, nor shall we be called to account for whatever you are doing’. Say: ‘Our Lord will bring us all together [on the Day of Judgment], and then He will lay open the truth between us in justice, for He alone is the Opener of all truth and the All Knowing’ “(34:24-26).

Muslims are forbidden to offend or attack such rejecters who choose to believe in their gods rather than the One God: “And don’t not revile those who appeal to any other deity that they invoke instead of the One God, lest they revile God out of spite and in ignorance, as We have made to every group their own doing seen attractive; in time, unto their Lord they must return, and then He will make them [truly] understand all that they are doing” (6:108).

In this way, self-control, fairness and kindness may open the hearts and minds in the end: “ It may well be that God will bring about [mutual] affection between you [O Believers] and those whom you are [now] facing as enemies among the people…” (60:7)
“And since good and evil cannot be equal, repel [evil] with what is better, and so one between whom and yourself was enmity may be as a true close friend” (41:34)

The ‘Other’ :
An Islamic Perspective

For a Muslim the ‘other’ may be another Muslim who shares the same beliefs but belongs to a different racial or ethnic group or thought, or may be another monotheist with partly different but still monotheistic beliefs. The ‘other’ may also be a non-believer, a polytheist, an atheist or whoever else. People have inborn differences regarding which they have no choice, such as physical characteristics including the color, the physical features and to a great extent the languages. Besides, there are acquired differences such and wealth and education. Religion stands in the middle between the ‘inborn’ and ‘acquired’ differences, since faith is supposed to be decided individually by a personal voluntary conviction, whereas in reality it is mostly inherited. Gender may also be seen as a considerable difference, even within the groups which belong to the same ethnic group and share the same belief.

Muslims, as do all monotheist, believe in the ‘One Lord’ who has created the entire human race as well as all forms of life and the whole cosmos; and all of the creation is under his control, “the Lord of all beings ‘Rabb al-‘alamin’.”

Monotheist ought to look to the ‘other’ on the basis of their belief in the Supreme Lord, but they are mostly interlocked in what their physical senses catch, and their interests are often concerned with what is in this world, rather than with ‘abstracts’ of faith, or at least having both interests quite separate from one another and each has its particular time and practices. If our era is witnessing the barriers shrinking in geography in time, in space, in the atom and between the concrete substance and energy, isn’t it time for a wholesome wholeness of the human being as an essential prerequisite for a wholesome wholeness of humankind?

And what can achieve such a wholesome wholeness of the human individual and the entire human race better than a genuine belief in the “One Lord Supreme of all being?”
A Common Origin
and a Spiritual Essence

This Islamic belief shares with the entire Abrahamic faith the concept that Adam and his female mate represent the origin of all humanity. The Quran states that all the children of Adam and his wife enjoy the physical, intellectual, expressive and psychological spiritual merits conferred by God on the human species in its entirety, dignifying the “homo sapiens” (17:70). Through these merits, the human species has been enabled to carry out the ‘development’ of themselves and of their world, with which they are entrusted by their Creator (11:61).

The diversity of humankind is enriched by the way in which individual and group particularities can complement each other through interaction and cooperation (49:13). The inborn differences represent an enriching variety which is an outstanding sign of the All-mighty the All-wise Creator (30:22).

In addition, the Quran stresses that Adam and his female mate – and subsequently all men and women – are created from the same “living entity” (nafs wahida), so the first woman is created from the same “living entity” as the first man, (4:1). According to the Quran, both Adam and his wife shared the same responsibility in eating from the forbidden tree, and both repented to God and both were forgiven before carrying out their mission of “development” on earth (7:19-26).

In this way, there are no grounds for any gender discrimination from the beginning. Both men and women are equally addressed in the Quran, and in many cases women are specified distinctively besides men, “the believing men and the believing women [al mu’minum wa al- mu’minat],” underlining the independent responsibility of each and their equality in this respect. [e.g. 3:195; 4:124, 9:71-2, 16:97, 24:12, 30-1; 33:35-6, 58, 73, 40:40, 47:19; 48:5, 25; 57:12; 71:28; 85:10]

Along with the physical merits which the Creator has conferred upon the human being, the Quran states that God breathed into the first human being of His spirit (15:29; 38:72). Further, every human being has been initially granted a spiritual compass to direct him (/her) to the Lord God:

“And as your Lord brings forth their offspring from the loins of the children of Adam, and calls upon them to bear witness about themselves ‘Am I not your Lord?,’ they answer, ‘Yes indeed, we do bear witness thereto.’ [Of this We remind you] lest you say on the Day of Resurrection, ‘Verily it was but our forefathers who, in times gone by, associated others with God, and we were but their late offspring’ (7:172-173).

It is the human responsibility to maintain one’s spiritual fitness and development (91:7-10). The successive messages of God have been sent to let human beings make the best of the spiritual equipment that has always been within in every human being.
Seen in this perspective, every human being is a “potential believer,” and having spiritual aspirations is an essential component of the human existence. Whether the human being maintains and makes use of this invaluable gift of God or not, the divine spirit is nevertheless in all ‘children of Adam’ and his female mate, and this provides common spiritual grounds for mutual understanding and accord, especially among the believers in God in general. When ego-centrism is mixed up in the individual or communal mind with God’s message, this disturbs the spiritual compass and human inter-communication.

Further, directing human beings towards their Creator, Lord and Cherisher, would liberate everyone from subjection to any degrading power, from one’s own self whims or inferiority and superiority complexes, to the pressuring forces of the natural world around, to persons who enjoy social, economic, political, or any other sort of power over other people.

Reflection of the Faith
On Human Relations

The belief in the One God, then, aims to benefit the human beings in their relations with ‘others,’ since God Himself is not affected in his all-mightiness by humans believing or disbelieving in Him. In the “Ten Commandments,” next to the belief in the One God and the worship of Him alone, come the consequences that this faith has for all human relations, starting with the family and going to all human beings whose lives, families and properties should be secure from any violation (Exodus 20.3-15). In the following two verses (Exodus 20.16-17) dealing with neighbors is stressed as a starting point in dealing with ‘others’. Jesus referred to that as the “great commandment” in the law. When Jesus was asked further to define “the neighbor”, he gave the well-known parable of “the good Samaritan” who offered help and showed compassion to the person who needed it, regardless of any difference in faith (Luke 10.29-37).

Now, in an era of globalization, the whole world has become a close neighborhood. The Quran teaches the doing of good to the neighbor within your own people, the neighbor who is a stranger and the friend by your side whoever he (/she) may be (4:36). Caring for travelers who may lose their way or their possession is repeatedly stressed in the Quran, and this applies in our times to the increasing flow of refugees who have left their homelands for different reasons. Even in war, those who leave the enemies’ front to seek the Muslims’ protection, have to be granted protection, in addition to safe passage to the destination they choose (9:6). This naturally covers the seekers of asylum as well. Prisoners of war, who should be set free as soon as possible, and all prisoners, should be taken care of in their various needs; physical, intellectual and spiritual-moral (47:4). (8)
Such a genuine understanding and compassion ought to be the reflection of the belief in the All-Merciful, who offers His limitless mercy and grace to all of His creation (21:107).

The Quran endorses the moral commandments of the Torah (2:83) and describes the Torah as containing “guidance and light” (5:44), and as “clearly spelling out everything, and [thus providing] guidance and grace” (6:154). As for God’s message revealed in the Gospel, the Quran states that in it “there is guidance and light, confirming the truth of the Torah that has preceded it, and [it was revealed] as a guidance and admonition to the God-conscious” (5:46). The Quran urges the Jews to follow the Torah (5:43), as it urges the Christians to follow the Gospel (5:47), and has promised the good of this world’s life if they do (5:66), in addition to the greatest reward of God in the eternal life to come.

Prophet Muhammad has emphasized that he was merely sent to fulfill what is virtuous. [a tradition brought out by al-Bukhari in “al-Adab”, al-Hakim and al-Bayhaqi], and to contribute a little to the building that had been already raised by previous prophets [brought out by al-Bukhari, Muslim, Ibn Hanbal, al Tirmidhi]. The Quran spells out the essence of God’s message:

“True virtue and goodness do not consist in turning your faces towards the east or the west, but truly virtuous and good-doer is the one who believes in God, the Last Day, the angels, the books [of God’s revelation] and the prophets; and spends his substance – however much he [she] himself [herself] may cherish it— upon his [her] near of kin, and the orphans, and the needy, and the wayfarer [who lost his [her] way or possessions during a journey], and those who ask for help, and in freeing human beings from bondage, and keeps up the prayer and renders the purifying [social welfare] dues (zakat), and [truly virtuous and good-doers are] those who keep their promises whenever they promise, and are patient in adversity and hardship and in time of peril; it is they that have proved themselves true, and it is they who are conscious of God.” (2:177)

Justice and kindness, “al’adl wal-ihsan,” concisely represent all virtues, as the Quran sometimes indicates (e.g. 16:90). It is significant that early Muslims sought shelter from persecution in Abyssinia with its Christian just king, and were granted asylum there. Ibn Taymiyya, the prominent Muslim jurist (d.728H/1328), indicated that God would let the just unbelieving power endure and flourish, while He would not let the unjust Muslim power persevere and flourish. (9)
Human Differences

- The *inborn differences* are, in the Quranic perspective, a fascinating variety whose components complement one another. All humanity should work together through these differences to reach a true recognition and, consequently, cooperation between the various ethnic and cultural characteristics, and to secure peace and accord based on justice through the entire world. [30:22, 49:13, 5:27]

  Muslim traders and travelers reached Scandinavia, the Volga basin, Africa beyond the Sahara, and South, Southeast and East Asia. Muslims’ contributions to the fields of travel, geography and cartography were distinguished. The Muslim assistance, especially that of the Arab navigator Ibn Majid (d. after 904H./1498), was invaluable for the Christian Portuguese explorer Vasco de Gama (d.1524) in his naval journey from Portugal to India around the Cape of Good Hope (1497-1499). Muslim scholars provided prominent works on all world religions known to them, not only the Abrahamic sister-religions. Al-Bayruni (d.440H/1048) studied Sanskrit in order to acquire and provide accurate information about the religious beliefs of India in his outstanding work on that subject. (10)

  Muslim contributions to human civilization were always available to any student, scholar or beneficiary in the fields of physics and optics, chemistry, astronomy and observatories, anatomy, medicine and surgery, art and architecture, irrigation, agriculture and gardening, as well as philosophy and social and human studies. Jews and Christians in medieval Europe were welcomed in their frequent visits to Muslim capitals especially in Muslim Spain. Muslim works translated into Latin enlightened Europe and paved the way for its Renaissance, and thus they paid back the previous Muslims’ debt to Europe, when the Greek heritage was translated into Arabic. A constructive and fruitful interaction involved the Muslim philosopher Ibn Rushd (Averroes, d. 595H/1198) in his debates with another outstanding Muslim thinker and scholars al-Ghazali (d.505H/111CE), and influenced the Jewish rabbi and philosopher Maimonides (d.1204) and the Christian theologian Thomas Aquinas (d.1274). (11)

- Men and women have the same human rights and responsibilities—“responsible for [and in charge of] one another”, as the Quran states [9:71] according to each individual’s merits rather than gender. Both men and women have their moral, social and political obligations: “enjoin the doing of what is right and good, and forbid the doing of what is wrong and evil” (9:71). Human dignity is conferred by God on all human beings, whatever their inborn or acquired differences may be, as the Quran indicates (17:70). This dignity should be secured and sanctioned by law and guarded by the state authorities.

- For transcending human differences: *not only justice but kindness is urged*. The Quran always emphasizes that kindness, forgiveness, generosity, and magnanimity ought to go beyond literal justice:
“and to forgo what is due to you is more in accord with God-consciousness, and forget not [that you are to act with] grace towards one another” (2:237), “good and evil cannot be equal, [so] repel you [evil] with what is better, then the one between whom and your self was enmity may as if he [/she] is a true close friend” (41:34).

- Religion stands between the inborn and the acquired human differences. According to the Quran: “No Coercion should ever be in matters of faith” (2:256). The sanctity of houses of worship, be they monasteries, churches, synagogues or mosques, “in all of which God’s name is abundantly extolled” should be secured and defended (22:40). Muslim and non Muslims have equal rights and responsibilities according to the constitutional document drawn up by the Prophet Muhammad after his arrival to Medina. A constructive dialogue between Muslims and non-Muslims ought to be conducted, objectively and ethically, in the best way, as the Quran teaches (29:46). God alone can judge human beliefs and deeds according to every individual’s intention, knowledge and abilities, and no human being has the kind of comprehensive knowledge of the inner and outer circumstances of the other person that is essential for such a judgment. This is a fact which the Quran stresses nearly 25 times.

With regard to all the followers of the Abrahamic faith, “the People of the Book”, the Quran reminds Muslims of thief common grounds with them:

“And say, ‘We believe in that which has been bestowed upon us, as well as that which has been bestowed upon you, and out God and your God is one and the same, and unto Him we submit ourselves’” (29:46); “And say: ‘I believe in whatever [divine] book God has bestowed, and I am bidden to be just and fair with you. God is our Lord as well as he is your Lord, to us shall be accounted our deeds and to you your deeds. Let there be no contention between us and you, God will bring us all together, for with Him is all journey’s end’” [42:15]

The Quran gives this impressive example of language which sets the tone for any constructive discussion:

“And behold, either we or you are on the right path of have clearly gone astray. Say: ‘Neither shall you be called to account for whatever we may have become guilty of, nor shall we be called to account for whatever you are doing.’ Say: ‘Our Lord will bring us all together [ on the Day of Judgment], and then He will lay open the truth between us in justice, He alone is the Opener all of truth, the All- Knowing;” (34:24-26).

Of great significance is the Quranic statement and appeal:

“Unto each of you [those who are following any of the successive divine messages], we have appointed a law and a way of practice; and if God had so
Muslims are only allowed to fight against others’ aggression, whatever the ethnicity, faith or opinion of the aggressors may be. Non-Muslims have to be fought only when they commit aggression, not because they are non-Muslims (2:190; 4:75; 22:39; 60:8-9). Muslims also have to be fought against when they commit aggression (49:9). The Quran teaches that peaceful and friendly relations should always be considered as a future possibility, even in times of inevitable confrontation (60:7).

It is historically significant that the early unfortunate confrontation between Muslims and Jews in Arabia during the Prophet’s time did not go beyond that time and place, and constructive relations between them existed in other countries under the caliphs, especially in Muslim Spain (Andalus). The Abbasid Caliph al-Ma’mun (198-218H, 813-833) offered in his message to Emperor Theophilus (829-842) a permanent peace and the payment of two thousand gold pieces if the latter agreed to allow a mathematician called Leo to come to Baghdad and teach there for sometime, and which was considered by the Caliph as a gesture of goodwill. Unfortunately, the hostilities continued.

However, the memories of these hostilities did not affect the relationship forever. The Crusades were forgotten by many through the passing of time, and even colonization with all its aggression and injustice did not revive for everyone the memory of the Crusades. The two were not always correlated in the literature of the Muslims’ struggle for independence.

- As inborn human differences represent a wonder of God’s creation and offer the potential of an enrichment of the human capability and productivity, so there is a very positive aspect also to the acquired differences that are, in Quranic perspective, natural and permanent. A universal human consensus from all people in all times is impossible. Diverse human views represent different angles of vision with regard to a particular issue, and such an intellectual variety enriches the discussion of any matter, reduces the risk of human limitations and errors, and can lead to a better understanding of any point and better relations with “the other”:

“And had your Lord so willed. He could surely have made all humankind one single community; but [He willed it otherwise] in order to test you through what he was given you [of his guidance]. Vie, then, with one another in good deeds. Unto God you all must return, and then He will let you truly know all that on which you were wont to differ.” [5:48]

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The Muslims are not immune from this natural law, their differences are also very human, and they have to tackle them objectively (4:59) and ethically (e.g. 16:125; 4:148; 23:3; 28:55; 41:34-36; 49:6, 9-12). An argument with Muslims or non-Muslims should be pursued conceptually and behaviorally in the best way (16:25,29:46).

Furthermore, maintaining good relations with all “others” who have different views has to go hand in hand with the readiness to express one’s one position openly and clearly. The expression of one’s views about what is right and what is wrong is a right and an obligation which the Quran calls “enjoining the doing of what is right and good and forbidding the doing of what is wrong and evil.” (al-amr bi’ al-ma’rut wa al-nahy ‘an al-munkar). It is a right as well as a responsibility for every human being, including those who follow the Abrahamic faith. Muslims and the People of the Book should together seek to fulfill the duty (3; 104,114). A child should be brought up in such a manner that he (/she) initially discerns what is right and what is wrong, and when he (/she) grows up enough expresses himself (/herself) about the right and the wrong that he (/she) may encounter [31:17]. Every human being is a witness in this life, and should testify honestly about what he (/she) has witnessed, and this responsibility should be secured and protected [2:282-283].

The right and obligation of peaceful association and assembly for legitimate purposes, occasionally or permanently, must also be secured for all, since freedom of expression is meaningless if it does not allow individuals to support themselves by collective efforts in facing social or political forces. The allowance of Christian processions raising crosses and religious sings is a significant representation of the securing of the freedom of faith in the early history of Islam. (13)

The Environment

Islam extends the duty of good behavior to include the rest of creation. People should maintain and develop natural resources such as earth, water and air, and they should secure life for all living creatures as long as they are not causing harm. Muslims should not cut trees or kill birds and other animals, even during war, except when it is necessary for food. (14) Pilgrimage involves mandatory training for all who practices to refrain from causing harm to human beings, animals and trees.
The Essence of Islam

Like all messages of God, the essence of Islam is faith in the One God and the moral values which direct the human behavior in this life for which every human being will be accountable before God in the eternal life to come. The belief in the One God and His messages liberators the human mind and heart in its depth and helps to resist the delusions regarding oneself, the others, nature or superstition. The belief establishes on very solid grounds the equality of all human beings, as they have the same origin, are created by the One God, and all are accountable before Him. True righteousness and piety do not mean a superficial observance of the religious formalities without effect on human behavior and morality, but an effective commitment to the faith which is positively reflected in helping relatives, the orphans, the poor and the needy, whether they ask for assistance or save face inspire of their need, in liberating the slaves, keeping on the promises and being unyielding and persevering in times of hardship or peril: such moral behavior only would prove the true righteousness and God consciousness [2:177].

The Prophet teaches and warns in the same time: “None of you is truly a believer unless he [she] wishes for his [her] brother [sister] what he [she] wishes for himself [herself]” [transmitted by Anas ibn Malik and brought out by al-Bukhari, Muslim, Ibn Hanbal, al-Tirmidhi, al-Nisa’I and Ibn Majah]. He inspiringly summed up his message in these few words: “I have been merely sent to complement and confirm the noble morals” [reported by Abu Hurayra and brought out by Ibn Hanbal, al-Bayhaqi and al-Hakim].

Presenting Islam as merely as a law and a state does not properly or accurately emphasize its essence as a religion. It seems that some contemporary Islamists, missing an Islamic moral influence in legislation and statecraft, have been inclined to attribute all existing negatives in these fields to the absence of an Islamic law and state, and to concentrate their aspiration for reform in bringing them back. Influenced by modern ideology, they have reduced Islam to be simply an ideology or a political system, thinking that this would make it more understandable, convincing and operative in the age of “isms”. They forget that ideologies may come and go while religions stick over ages. In their longing for an Islamic authority, or an authority inspired by Islam, they make Shari’a and the Islamic state a panacea which solves all problems and relieves from all ills and failures. Through such unrealistic and over-simplistic dreams their “Islamic” political ideology has been inflated to make the “Islamic” law and state extremely authoritarian, totalitarian and probably theocratic. Their utopia has sometimes displayed the character and arguments of dictatorships and police-states, and are a reminder of fascist and communist rhetoric’s, inlaid with verses from the Quran or traditions of the Prophets, twisted from or pulled out off the Islamic wholeness and entirety.

Islamic law “Shari’a” is merely meant to guard the moral values which are accepted by the Muslims as a faith and by all human minds as common senses: “God enjoins justice, and the doing of good, and generosity towards one’s kindred; and He forbids all that is shameful and all that is counter to common sense and all aggression” [16:90]. It consists mostly of more general principles rather than detailed rules, especially in worldly matters and human dealings “al-mu’amlat”. Shari’a secures human rights for all-humans, whatever their race, color, language, gender and faith may be, including
rights to physical wholeness and health, personal integrity, home security, freedom of faith, opinion and expression, rights of assembly and association, political rights, socio-economic justice and education. It also secures mutual responsibility of individuals towards one another and towards the society. Individual and collective exchange of views “shura” is fundamental in the Muslim society and state [42:38]. Even Prophet Muhammad himself was directed in the Quran to practice shura with the believers when no divine guidance in a particular case had been revealed to him and to make his decision accordingly [3:159]. Rulers have “to be entrusted with their authority from among the people by the people” as the verse 4:59 teaches. They have to fulfill their responsibilities before the people and secure justice, which represents a condition for the public obedience to them. [4:58-9] Those in authority are repeatedly indicated in the Quran in plural, so as to show that they rule as a “body” and have collective responsibility [4:59,83]. Any dispute between the authorities and the people or their representatives have to be referred to Shari’a through competent and trustworthy arbiters [4:59].

With regard to the family matters and private transactions, Shari’a stresses and sanctions equal and mutual rights and responsibilities. The family life should be conducted through mutual consultation and consent between the spouses, and has to offer due care to the children even in case of divorce [2:233]. The children, in their turn, when they grow up, they have to take care of their parents; a responsibility repeatedly pressed in the Quran (about 15 times, e.g.2:83, 180; 4:31; 6:15; 17:23; 31:14).

In transactions, the Quran stipulates free will and mutual consent in any contract [4:29], safeguards the civil and commercial dealings in documentations and witnessing and indicated the main rights and responsibilities of all participants: contractuals or registrars or witnesses [2:282-3] It forbids fraud [4:29] and any break or violation of an agreement or law [4:48]. Causing any harm intentionally or unintentionally, initially or reciprocally is strictly prohibited [Prophet’s tradition transmitted by Ibn Abbas and brought out by Ibn Hanbal and Ibn Majah].

In penal law, as Shari’a secures the public safety and order, and the rights of the victim are equally secured as the rights of the defendant in enquiry and trial. It states that, every person is considered innocent until proven guilty without the least doubt. The defendant has to know exactly how the law defines the crime and the punishment, and he/she is not pressured to confess by any kind of intimidation or temptation. Moral reform is preferred to punishment; thus the Quran excludes the defendant from punishment in an enormously dangerous crime, if his/her repentance and behavioral improvement before being arrested-in case of a delayed arrest for any reason- can be proven [5:35]. The prominent jurist Ibn al-Qayyim [d.751H./1350] extends such a rule to all defendants. A Prophet’s tradition strongly urges an avoidance of punishment to the furthest possible extent for “a ruler’s error in acquittal is better than in punishment” [transmitted by ‘A’isha and brought out by Ibn Ab Shayba, al-Tirmidhi, al-Hakim and al-Bayhaqi]. Knowledge is essential for responsibility, and public education has to
precede incrimination and punishment according to the Quran [4:115, also 47:32]. A law, especially one which states a crime or a penalty cannot be retroactive [4:22-3, 5:95, 8:38].

Social justice provides the solid foundation for public security and order. Caliph Umar (13-23H./634-44) was significantly bright and just when he suspended the punishment of theft in a year of famine. (17)

Any case of pressing necessity or coercion releases one from the penal responsibility as well as from the civil responsibility [2:173, 5:3, 6:119, 145, 16:115], and even allows the believer to deny his(/her) faith [3:28, 16:106].

The state in Islam is inspired, as does the society which it embodies and represents and serves, by the guidance of Islam and has to represent and reflect its spirit and morality. It is Islamic in this sense, and its officials are mostly Muslims and should represent the Muslim public, and so they have to embody Islamic values in their thinking, behavior, and decisions. It is not by any means a theocracy. It also cannot be authoritarian, since the Quran establishes collective “shura” and participation in conducting the common policy and making public decisions[42:38]. Neither it can be totalitarian, since Shari’a itself is an open ended system, and allows always new rules to respond to the continuous change in human circumstances, securing the public needs and fulfilling the goals and general principles of Shari’a, which can be condensed in securing justice in all its dimensions and for all the people whatever their inborn or acquired differences may be. The state is the guard of moral values, and it uses the authority with which is entrusted by the people to defend these moral values and effectuate the Islamic law which guards these values and secures the interests of the individuals and the society in full balance and justice.

These moral values are given a significant term in the Quran which unambiguously indicates the human accord and common sense as its origin: “the doing of what is recognized and accepted as right and good”, and the opposite is “the doing of what is rejected for being wrong and bad”, ‘al-amr bil-ma’ruf wa-l nahy ‘an al-munkar’. This capsulizes the message of Islam and its law [7:157], and it represents the responsibility of the Muslim people [3:104,110]: men and women [9:71], in addition to all the followers of earlier messages of God in guarding the moral values [3:114], and it is also the responsibility of the Muslim state [22:41]. Such an essence of "common sense" for the moral values of Islam, and their essential requirement for the people and the state, for men and women, and for Muslims and non-Muslims, would never allow a Muslim state to be a theocracy. Besides, the Muslim state may be described as secular in the sense of non-clerical. It is directed by Islam, the same as they people who constitute it, but it is run by those who are professionally capable for their positions, while they believe in and represent- as do all Muslim citizens the “morality” of the state.
Shari’a as presented in the Quran and the Prophet’s traditions “Sunna”, consists of a limited number of texts which have to respond to an unlimited number of different cases in changing circumstances. Since the time of the Prophet himself, human development of solutions which respond to particular cases that are not indicated specifically and explicitly in the Quran and Sunna, has been authorized under the term of “ijtihad”, which means in Arabic “doing the best human effort” in working out solutions and rules generated from the principles and values which have been indicated in Shari’a to deal with emerging situations properly and justly. Methods such as analogy have been defined and applied by the jurists in the light of the Quran and Sunna to develop the needed solutions. Enormous assets for ijtihad have been provided through the observance of the goals and general principles of Shari’a such as the prevention of harm (man’al-darar) and lifting of pressure (raf’al-haraj). Further, jurists have considered the common well-being (maslaha), and have upheld that everything is allowed in Shari’a unless it is proven prohibited. The Maliki juristic school elaborated on the common well-being “al-maslaha” and how it may be defined and considered, while the Hanafi juristic school was significant in deciding the preferable analogy in case if more than a possible one may rise for an emerging case (istihsan).

To observe the goals and general principles of Shari’a “al-maqasid, al-mabadi’ and al-qawa’id”, significant efforts have been made to draw out them from the sources and systematize them. Requirements and interdictions in Shari’a have been graded according to the priority of each in need, importance and effect. Three levels have been identified as the goals of Shari’a which have to be secured and developed: the essentials of ‘al-darurat’, the needs ‘al-hajat’, and the refinements ‘al-tahsiiniyat.’ Five areas have been marked out in human life where such levels are characterized: human life, the family and children as a continuation of the human life, the human mind as a characteristic merit of the human being, the freedom of faith as faith is another characteristic merit of the human being, and ownership whether private or public.

Shari’a, then, is a developed and ever-developed legal system which embodies huge remain intellectual efforts. The view which presumes that any needed rule may be found in the Quran and Sunna, as much as any word can be literally found in a concise dictionary is a grave misconception. Shari’a sources consists mainly of general principles and many specific rules which are formatted in a way that may allow more than one interpretation, and thus the sources guide the human thinking to develop by its own effort a legal system which is ever-developing, according to changing circumstances in different times and places. It has never been a terminated and inclusive code, and it negates by its nature essence any totalitarian and authoritarian tendencies. Its dynamism has ever generated and developed human creativity which has been represented in the great various ness of views from different jurists in different times and places. A true understanding of Shari’a should never tolerate rigidity, authoritarianism, totalitarianism, stagnation, or passivity. Ibn al-Qayyim wrote a lengthy enlightening and enriching chapter on: “The change of view and difference in it according to the change of time, place, circumstances, intentions and customs” (18) A significant principle in that chapter
is that enjoining the doing of what is right and good and forbidding the doing of what is wrong and bad cannot be an excuse for chaotic attempts which worsen the situation.\(^{19}\)

The continuous practice of “ijtihad” in conducting the state affairs in legislation and administration according to the goals and general principles of Shari’a was recognized by classical jurists and called “the lawful (of authorized) conduct of state affairs, al-siyyasa al-shar’iyya”. Ibn al-Qayyim, rightfully and sharply stated, “God sent the conveyors of His message and sent down His (revealed) books in order that people should deal with one another with justice… if the indication of truth and the proof of justice can stand out in any way, this would be God’s law.” \(^{20}\)

Universal Cooperation
And Preservation of Justice

Islam declares the entire world a peaceful place for Muslims, through which they should develop constructive relations of friendship and cooperation with all others, whatever their ethnic or religious affiliations may be:

“and We have made you into nations and tribes, so that you might come to know [and recognize] one another [and cooperate].” \(^{49:13}\)

Muslims are taught by the Quran to be strictly fair with others, and to judge every case on its own merits, avoiding any distorting generalization:

“And among the People of the Book there is many a one who if you entrust him/[her] with treasure will faithfully restore it to you.” \(^{3:75}\)

“...among them [the People of the Book] there are upright people, who recite God’s messages throughout the night and prostrate themselves before Him. They believe in God and the Last Day [Day of Judgment], and enjoining the doing of what is right and forbid the doing of what is wrong, and vie with one another in doing good works, and they are among the righteous. And whatever good they do, they shall never be denied the reward thereof.” \(^{3-113-116}\)

Justice is repeatedly and strictly emphasized in dealing with any individual or group:

“O You who have attained to faith! Be ever steadfast in upholding justice, bearing witness to the truth for the sake of God, even though it be against yourselves or your parents or your kinsfolk” \(^{4:135}\)
…and never let hatred of anyone lead you into the wrongdoing of deviating from justice” [5:8] “…and no bearer of burdens shall be made to bear another’s burden.” (6:164; see also 17:15, 35:18, 39:7, 53:38)

According to the Quran, justice and kindness “al-‘adl wa al-ihsan” represent the basis of Muslims’ relations with others who do not initiate hostility and fighting against them even while confronting aggression in early Islam (60:8):

“This, if they let you be, and do not make war on you, and offer you peace, God does not allow you to cause them any harm.” (4:90)

Historical practices, has proven how Muslim behavior secured tolerance within the Muslim state, and constructive cooperation with the entire known world. Their agreement with any country was strictly observed as long as they were not violated by the other party, according to the repeatedly emphasized teachings of the Quran. (e.g.:5:1, 9:4, 16:91-96, 17:34).

Even when a hidden betrayal from another party is feared, Muslims have to act openly:

“And if you have reason to fear treachery from people [with whom you have made an agreement], cast it back at them openly in an equitable manner.” (8:58)

As for forbidding Muslims from taking the antagonist rejecters of the truth “al kuffar” and the People of the Book who show hostility and insult to Muslims as “awliya” in the Quran [4:44, 5:51], there is grave misunderstanding of these verses. Firstly, “awliya” is often translated as “friends” which is not the right word. The Arabic word “awliya” is the plural of “waliyy” which means a “patron” or a “guardian with great authority”. God is the “waliyy” of those who believe in Him [e.g.: 2:257, 3:68, 4:45, 5:55, 6:14, 7:155, 196, 42:9]. It may mean also a very favorite or reversed associate, who is so influential in relation to someone that he/she does not make a decision without this “waliyy”. The verse 4:143 is clear in stating that such a forbidden relationship excludes the believers and sets them aside [also the verses 3:28, 4:139], while it makes those hostile deniers of the truth constant and close entourage “awliya” [3:118], although their open hatred is obvious, in spite of pretending that they share with Muslims their faith [3:119]. The People of the Book who should not be taken by the believers as awliya’ used to “mock at your faith and make a jest of it… and when you call to prayer they mock at it and make a jest of it” [5:57-8].

It is obvious in these verses that they were addressing certain circumstances related to particular “kuffar” and hypocrites “munafiqin” and certain People of the Book (i.e. the antagonist Jews in Medina) in the time of the Prophet, and cannot be applied to other times or places, unless the new circumstances which the verses would be applied to would be the same as those in the time of the Prophet. While there is a rule about reasons of revelation of the Quranic verses which states that the consideration has to be directed to “the generality of the phrasing not the particularity of the reason of
revelation”, the significance of the historical occasion of revelation cannot be ignored. In fact, it considerably contributes to understanding the meaning of the Quranic text properly, since the Quran was not revealed in a vacuum and cannot be pulled of the people whom the Quran addressed and their circumstances. The Quran was revealed over 23 years, addressing the successive circumstances and interacting with them, and thus the text sheds the light on those historical circumstances, just as the circumstances shed light on the text.

As the Muslim state is required to carry out and honor the international promises and agreements with other states, the Muslim individual is required to fulfill and honor his/her pledge of obeying the law of a foreign country in which he/she resides. Such a law may be naturally different from Shari’a. If a Muslim resident sees such a law in full contradiction with his/her beliefs, he/she should not reside in that country, otherwise he/she has to obey the law of the land if the case may be excused in Shari’a.

Non-Muslims’ status in Muslim countries, whether they are citizens or alien residents is protected, and their religious rights are secured by Shari’a and guarded by the Muslim state authorities: “And be true to every promise, since every promise will be accounted for” [17:34]. The Islamic juristic heritage has been very rich in elaborating on the mutual rights and responsibilities of Muslim individuals and states in dealing with non-Muslim individuals and states, securing justice for all parties. The non-Muslim citizens have human rights and responsibilities equal to their Muslim co-citizens, and their faith and worship and religious institutions are similarly secured and protected (22:40). The Prophet warned that he would personally be the complainant on the Day of Judgment against any Muslim who may violate such rules [transmitted by Ibn Mas’ud and brought out by al Khatib al Baghdadi in his “History”]. The prominent jurist Ahmad ibn Idris al-Qadafi (d. 684H/1285) stated that any Muslim who commits an act that hurts a non-Muslim ‘dhimmi’ “even with saying an offensive word, or backbiting against him/her, or causing him/her any harm—such a Muslim would be violating the guarantees secured by God and the conveyer of His message and the religion of Islam” (21)

Self-Defense
Is Against the Combatants Only

An initial and essential question has to be answered without the ambiguity or mercurialness: who is authorized to declare “jihad”?

It would be chaotic if any individual or limited group of individuals were authorized to make such a declaration which would bring about very serious afflictions, not only on those who declare it, but on their entire people, as well as others, possibly
throughout the entire world, especially in this era of globalization, and of advanced technology in warfare.

Prophet Muhammad was not involved in war except after his migration to Medina, where he established a city-state in the year 622 C.E. Based on this historical fact, many jurists have indicated that “jihad” can be only declared by the Muslim state through its governing bodies.

But what if an occupation hinders these bodies from functioning or even existing? It has been suggested—especially under colonial circumstances—that a public front which represents the entire people has to be formed in some acceptable way to lead the national struggle and declare “jihad”, so that no conflicting groups and efforts may come out and hurt rather than help.

In addition, “jihad” should be declared openly and properly [Quran 8:58], and no treachery or dishonesty is allowed by any means.

Furthermore, jihad, as a legitimate struggle against aggression, is restricted to resisting those who practice the aggression, and cannot result in an extensive indiscriminate bloodshed.

The Quran stresses:

“And fight in God’s cause against those who have initially waged war against you, but do not commit aggression, for, verily, God does not love aggressors.”
Thus if anyone commits aggression against you, attack him just as he attacked you— but remain conscious of God, and know that God is with those who are conscious of Him.” (2:190,194)

The Muslim army was instructed by the Prophet, and the early Caliphs as well, to avoid causing any harm to those who do not fight, such as monks, women, children, the elderly and peaceful peasants. Muslims should allow the defeated enemy to end the hostilities and make a non-tactical withdrawal safely, since their goal is to eliminate the threat of the hostile forces to them, not to wipe out the entire forces physically.

The wounded should be protected from any pressure or harm [brought out by Malik in al-Muwatta’] Muslims should care for them or turn them to their army according to their condition. The human needs of the prisoners of war ought to be fulfilled(76:8), and they must feel physically and morally secure until they are set free and returned safe to their homes when the war comes to an end (47.4).

One who seeks shelter with Muslims has to be protected. A clarification of the message of Islam and the reason of hostility is offered to such a person without any pressure. Such a shelter can enjoy security in Muslim lands if he(/she) chooses this with
his/her free will, or he can return home safe, even if there is still a possibility that he (/she) may turn against the Muslims. The Quran clearly states:

“And if any of those who associate others with God seeks your protection, grant him[/her] protection, so that he (/she) might (be able to) know about the message of God, and thereupon convey [/her] to wherever he [/her] can feel secure.” (9:6)

Muslim forces are forbidden from threatening the life of plants and animals or damaging any resources [brought out by Malik in al-Muwatta']. The Quran warns Muslims, in peace as well as in war, against spreading damage and mischief on earth, criticizing severely one who speaks well and appears to be God-conscious while he(/she) “goes about the earth, spreading damage and destroying tilth and progeny: and God does not love mischief.” (2:204-205)

Through any confrontation, Muslims adhere to the Quranic principle:

“It may well be that God will bring about [mutual] affection between you [O believers] and those from among those whom you are [now] facing as enemies: and God is All-powerful and God is Much forgiving and Mercy-giving.” (60:7)

Accordingly, any inclination towards peace from the enemy during war has to be taken seriously and responded positively: “ And if they incline to peace, incline you to peace as well, and place your trust in God… And should they seek but to deceive you, behold, God is enough [security] for you…” [8:61-2]

If the legitimate conduct of war according to the teachings of Islam requires avoiding hurting the non-combatants, especially the children, the elderly and most women, and avoid destroying plants and animals and civil constructions, all weapons of mass destruction must, for all the more reason, be strictly prohibited. Poison has been absolutely forbidden against any enemy by the Prophet [a tradition brought out by Ibn Hanbal and Ibn Majah], and the jurists have not allowed Muslims to use a poisoned sword in fighting. Certainly then, chemical and biological weapons are absolutely unlawful in Islam.

Particular Past Events
And General Permanent Principles

The Quran, the same as the Bible and other religious scriptures, has presented certain particular events which occurred through the early history of the religion, as well as they taught general permanent principles that apply to all times and places. The particular historical events have certainly their message and moral significance, but they cannot be pulled out of their historical circumstances and context, and be understood in a

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vacuum or as abstracted constant laws for variable human practices in ever changing circumstances.

In the Bible, some basic rules of war were presented in Deuteronomy 20:1-21, and were further developed by rabbinical exegesis. If all call for peace is accepted by a city, “all the people that found therein shall be tributaries unto you, and they shall serve you” [Deut.20:11]. If war breaks out and the city is entered by force “you shall smite every male thereof with the edge of the sword. But the women and the little ones and the cattle and all that is in the city, even the spoil thereof, shall you take unto yourself… Thus shall you do unto all the cities which are very far off from you… But of the cities of these people which the Lord does give you for an inheritance, you shall save alive nothing that breathes. But you shall utterly destroy them: namely, the Hittites and the Amorites, the Canaanites… and Jebusites, as the Lord you God has commanded you.” [Deuter 20:13-17]. Joshua, the one chosen by Moses to lead the Israelites [Ex. 17:9], whose “Book” has been regarded by many as a part of the five books of Moses ‘The Pentateuch’, forming with them one complete work, when he entered Jericho with his army “they utterly destroyed all that was in the city, both man and woman, young and old, and ox and sheep and ass, with the edge of the sword”. “And they burnt the city with fire, and all that was therein; only the silver and the gold and the vessels of brass and of iron they put into the treasury of the house of the lord.” [Joshua 6:21, 24]

These were historical events, which ought not to be pulled out of the circumstances of time and place, so as to be considered permanent teachings for Jews in war. In ancient times (in general), “the treatment of the conquered was extremely severe: “the Mosaic law mitigated to a certain extent the severity of the ancient usages towards the conquered. Several examples of severity are quoted from the Bible in the treatment of the enemy soldiers and the conquered people.”

On the other hand, we find the “Ten Commandments” presenting he permanent principles of God’s message:

“You shall not kill. You shall not steal, You shall not bear false witness against your neighbor. You shall not covet your neighbor’s wife, not his manservant, nor his maidservant, nor his ox, nor his ass, nor anything that is your neighbor’s” [Exodus 20:13, 15-17; Deut. 5:17, 19-21].

The Quran has provided information about the wars in which the Muslims were involved in different fronts: initially with the polytheist of Mecca who oppressed and tortured the Muslims and forced them to migrate to Abyssinia first and then to Yathrib, and planned to kill the Prophet and so he also migrated to Yathrib. In spite of the support that Islam, Muslims and the Prophet himself got in Yathrib whose name after the Prophet’s migration became “Medina (The City)”, three hostile fronts emerged against Islam and the Muslims there: a serious one was that the hypocrites ‘al-munnafiqun’ who did not dare to show their opposition to Islam or to challenge the Muslim majority in the
city. They pretended to embrace Islam while they did their best to undermine it from within, exploiting their apparent status as Muslims to secure their safety while they were carrying on their conspiracies. Another front, which was not less serious, was that of the beduins ‘al-A’rab’ outside the borders of Yathrib and though the spreading deserts in the Arabian peninsula, who found in the new established state and stable city an opportunity for practicing their tradition for survival through nomadic raids against caravans and the city itself for plunderage, encouraged more by the Meccan polytheist. The Jews in Yathrib, unfortunately, opened the third hostile front against Muslims, a front which was not expected at all by Muslims, who on the contrary expected affection and support from the Jews as believers in the One God. They probably thought that Muhammad, the Muslims and Islam, could not be translated into Yathrib according to the tribal structure of Arabia, and count not survive the challenge of Mecca.

The Prophet did not confront the hypocrites with force according to the Islamic principle of ruling according to what is apparent, regardless of the intention, as long as there is o solid evidence and material action which may reveal an evil intention. Those hypocrites were condemned repeatedly by the Quran but not tried or fought against. Only those whose material actions could prove their enmity without any doubt might be met with force [4:89,91]. Those who were peaceful with Muslims and their enemies as well and did not commit antagonistic actions were also tolerated. [4:900].

As for the war in Arabia against the Meccan polytheists, the opportunist Bedouin warriors, and the antagonistic Jews during the time of the Prophet, this cannot be taken out of context and can never mean a universal and permanent rule of waging war against all polytheists and nomads and Jews I n any time and place. The relevant verses have to be understood in their historical setting without turning them into permanent rules. Evacuation the Jews from Medina did not constitute a permanent Islamic law, and the Jews in Khaybar were left in their place after the Muslims had the upper hand, and an agreement was worked out with them by the Prophet. The picture of the Jews in the Quran was related primarily to the Jews in Arabia, mainly in Medina, in the time of the Prophet, and not to a universal and permanent picture of the Jews. If the picture of the Jews in the known Gospels has been considered related to certain Jews in the time of Jesus where he preached his message, there is no reason why the same understanding cannot apply to the parallel picture in the Quran.

Such a historical picture of the antagonistic Jews may be a reason, or even the main reason, for forbidding the Muslims from taking the People of the Book as patrons or close supporters “awliya” [5:51]. However, the Quran forbids unfair and inaccurate generalizations or establishing stereotypes, and assures that not all Jews are included in that negative picture:

“Not all of them are alike; among the People of the Book there are upright people, who recite God’s messages throughout the night and prostrate themselves [before God]. They believe in God and the Last Day, and enjoin the doing of what is right and good and forbid the doing of what is wrong and evil, and vie with one another in doing good works, and these are among the righteous. And whatever
good they do, they shall be never denied its reward; and God has full knowledge of those who are conscious of Him” [3:113-5, see also 75-6].

Besides, the Quran reminds- as it has been mentioned before that an enemy today may be a friend tomorrow [60:7]. Meeting what is evil with what is good may flush hostility from hearts and minds [23:96, 41:34]. Later, constructive Muslim relations with the Jews developed in Egypt, and throughout the fertile Crescent, and friendly cooperation flourished in Muslim Spain ‘al-Andalus’.

In this light, when one reads in the Quran:

“…strike off those who associate others with God wherever you may come upon them, and take them captive, and besiege them, and stand in wait for them at ever possible place…” [9:5]

This has to be understood within the context of the historical circumstances in Arabia in the time of the Prophet, which are indicated in those verses which gave permission to the oppressed Muslims to fight for their rights:

“Permission [to fight] is given to those against whom war has been initially waged wrongfully... those who have been driven out from their homes against all rights for no other reasons than saying; Our Lord is the One God…” [22:40]

Moreover, the verses in Sura 9 went on to indicate that those who should be persistently fought against were those who “respected no tie and no promise nor obligation with regard to a believer, and they are merely aggressors” [9:10], “Would you hesitate to fight against those who have used to break their pledges, and have seriously tried to drive the Conveyor of God’s message away, and have been first to attack you…” [9:13]

However, any of those “historical” enemies, who “may seek your protection, grant him protection so that he [might be able to] hear the word of God, and let him reach wherever he can feel secure” [9:6].

Further those:

“with whom you have made a treaty near the Inviolable House of Worship, so long as they remain true to you, be true to them, for God loves those who are conscious of Him” [9:7].

As for prisoners of war, it was a matter or logistics in those early circumstances of the Muslims in Arabia during the time of the Prophet that settling the matter with the enemy in the battle field was preferred to have prisoners of war, since that was not practically easy in the given historical circumstances of Arabia: “It is not workable for a prophet to keep captives unless he ha battled strenuously on earth” [8:67]. This is naturally the case if a legitimate war which was waged against an initially committed aggression, and is conducted according to the rules of Islam. However, such prisoners of
war have to be later released in exchange for Muslim prisoners of war, or in return for a certain material advantage, or for nothing according to the Quran:

“and tie them up, but thereafter [set them free] either by an at of grace or against something agreed upon, so that the burden of war may be lifted” [47:4].

The prominent authorities, Abd Ullah ibn Umar (d. 73H/1692), al-Hasan al-Basri (d.110H/728) and “Ata’ ibn Abi Rabah (d.114H/732) stick to this verse and do not allow any other dealing with the prisoners of war. (25)

The bedouins represented a terrible constant peril for the Muslims in Medina, as they were used to earning their living by aging raids against caravans or at the edges of cities and they never kept promises. Flourishing Medina represented a tempting target for them, and they could be easily encouraged to attack Muslims there by the polytheist chiefs of Mecca. The Quran has precisely presented their character and their danger:

“The Bedouins are more tenacious in refusing to acknowledge [the One God] and in [their] hypocrisy [and opportunism] and more liable to ignore the ordinances which God has sent down to the conveyor of His message” [9:97]. “And among the Bedouins there are such as regard all that they might spend [according to God’s teachings] as a loss, and wait for adversity to encompass you” [9:98]. “And among the Bedouin who live around you there are hypocrites, and among the people of Medina there are such as have grown insolent in their hypocrisy; you do not know them; We know them, and We shall cause them to suffer doubly [for their evil-doing]” [9:101].

However, the Quran does not allow wrong and unfair generalization and stereotyping of any group, and so it indicates the positive side of some Bedouins:

“However, among the Bedouins, there are [also] such as believe in God [and the Last Day, and regard all that they spend [according to God’s teachings] drawing them nearer to god... verily, it shall [indeed] be an act that draws them nearer [to God], God will admit them unto His grace; verily God is Much-forgiving, Mercy-giving” [9:99].

The battle of “al-Ahzab (the Confederates)” in the year 5H/626 represented a culmination of Bedouin assaults against Muslims, in which other enemies participated in different ways.

The message of Islam gradually brought the Arabian peninsula under the rule of one state with a central government. As this was absolutely in contrast with the traditional tribal structure and all its elements it brought out bitter hostilities on different fronts. It was never an all-ground war against non-Muslims at all times and everywhere, but it was a local war which Muslims did not initiate, and they had merely to respond in
self-defense. The information about that war came out in the Quran as a history, not as an indication of a permanent and universal doctrine or law, such as the class-struggle in Marxism for example.

This historical information was distributed on the “suras” of the Quran throughout the last ten years of the Prophet’s life after he had migrated to Medina:

- The early battle of Badr in the year 2H/624 was mentioned in Sura 8 “al-Anfal.”
- The next battle “Uhud” in 3H/625 was mentioned in Sura 3 “Al Imran” [verses 118-129, 137-179].
- “al-Ahzab” followed in 5H/627 and was mentioned in Sura 33 “al-Ahzab”.
- The confrontation of “al-Hudaybiya” of which could be a war almost break out but ended in a peaceful agreement in 6H/627-8 was mentioned Sura 48 “al-Fath”.
- and “Hunayn” in 8H/630 and Tabuk in 9H/631 were mentioned in Sura 9 “al-Tawba”.
- The evacuation of the Jewish tribe “Bani al-Nadir” from Medina in 3H/625 came out in Sura 59 “al-Hashr”,
- and the confrontation with the other Jewish tribe “Bani Qurayza” in 5H/627 came out through the Quran, but they are not many. All the verses related to “jihad” and the battles of the Prophet number about 400 verses, while the Quran as a while consists of more than 6200 verses. Most of them present historical information, and a limited number of them indicate general rule of the Islamic law in war, such as the legitimate reason, the ethics, and some rules related to the conduct of war and how it is ended.

A distinction between the verses which indicate general permanent principles and those which refer to historical events with particular circumstances is often overlooked. Two factors contributed to the mixing up: first, an attitude toward mobilizing the Muslim masses against aggression, especially during the Muslim struggle against European colonization, after they had suffered from decadence and passivity for a very long time. A second factor has been the confusion about the fact that the Quran represents the final message of god to the whole humankind, and it responds to all times and places, ignoring the particular historical circumstances of Arabia in the time of the Prophet to which many Quranic verses were strongly related.

Lessons of history are always useful, but this does not take them out of their given historical context and make them general permanent principles. Further, history is not intended to make us intentionally repeat the practices of the past expecting that they would lead in any time to the same results of that period. Time changes circumstances of human life, and these circumstances have become in our time qualitatively and enormously, different from the past. History has to be merely history, not more nor less.

The general permanent principle of “jihad” as self-defense which is indicated in the Quran has always been:
“And fight in God’s cause against those who have initially waged war against you, and do not commit aggression, for, verily, God does not love aggressors” [2:190], “Permission [to fight] is given to those against whom war has been initially waged wrongfully…, those who have been driven out from their homes against all right for not other reason than saying: Our Lord is God” [22:39-40].

Positive
Historical Precedents

Throughout the long history of Islam, Muslim states have included many non-Muslim population which has enjoyed just and friendly relations with Muslim. Some non-Muslims nearly dominated such professions as money-exchange and medicine, and trades involving: jewelry, gold and silver, the selling of herbs and drugs, certain crafts and so on.

Once, the chief of the Christian community in Baghdad was the Caliph’s physician. Non-Muslim officials were also significantly numerous in public administration. According to a Christian source, Michael the Syrian, the chiefs of Jewish and Magian communities in the Abbasid times were called “kings” and their positions were hereditary. Most chiefs of Eastern Christian churches were elected, and all chiefs of non-Muslim minorities represented them before the caliphs and authorities. A Jewish traveler in the 12th century C.E, Rabbi Benjamin von Tudela, stated that Muslims of Baghdad called the Chief Rabbi “Sir”, while the chief rabbi in Cairo under the Fatimids was called the “prince of princes.” The number of Jews in Muslim countries excepting North Africa was estimated by Rabbi Benjamin at about one third of a million, while Rabbi Petachja Von Regensberg who traveled twenty years later in the same century, stated that the number of Jews in Iraq alone reaches 600,000. A census in Egypt in the 8th century C.E. indicated that five million Copts paid the poll tax. According to Islamic precedents, non Muslims who participated in defense activities were exempted from the payment of such a poll-tax “jizya”

As their religious freedom was secured, and non-Muslims celebrated their festivals in whose social aspects Muslims participated, and organized processions which were attended by the caliphs and their ministers or by regional governors. Public services, including medial treatment in hospitals, were offered to both Muslims and non-Muslims. No special areas were allocated by the authorities for the residence of non-Muslims, although they might prefer voluntarily to live together. They had their own judges for religious and family affairs, unless any of them wished to submit his/her lawsuit to the state court. The Fatimid Caliph al-Aziz [975-996CE] had Christian in-laws, and appointed a Christian; ‘Isa ibn Nestorius as a minister, and a Jew: “Menassa” as a governor of Syrian.  

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Different Muslim states had friendly and constructive relations with other contemporary powers all over the world. In Muslim Spain, “al-Andalus”, both Muslims and Jews cooperated in developing a glorious civilization, which was a torch of light for the entire Europe during the Middle Ages. Both Muslims and Jews suffered after the fall of Muslim power there. Many official visits were exchanged between Muslims and the existing world powers such as: the Byzantines, the Franks, and the Chinese. In addition, Muslims developed active commercial and cultural relations with the entire known world.

Having various origins, Muslim cities represented a wide spectrum of urban and architectural types (Arabian, Byzantine, Iranian, and Indian), while they also have developed their own Muslim regional styles: (Moroccan-Andalusian, Egyptian, Syrian and Eastern). Muslim ships and caravans traveled throughout the entire world, and Muslim commercial centers, hotels, market places (souks, bazaars) and mail services flourished on land and sea-routes in all the known continents from West Africa to the Far East in Asia. Muslim currencies were strong and universally respected. The word “check” reveals Arabic origin (sakk), money orders were used in universal transactions by merchants from Muslim countries. Jews and Russians played significant roles in the trade between Europe and the Muslim lands. Political relations developed between the Muslim rulers and the rulers of the Volga, other Slavic areas and China. The Muslim geographer, al-Idrisi (d.649H/1251) mentioned that some Muslim navigators went from Lisbon through the Atlantic westward then southward to explore it reaching a land there.\(^{(28)}\)

However, through later centuries, some Islamic principles of internal or inter-states justice may been violated, and the Muslim forces may have been used to suppress the civilian dissidents or to annex neighboring lands for mere expansion. It is important to notice that this occurred against the divine law, whatever the label which was forged for it might have been. Greedy despots have been known throughout all history, and Muslims could not immune or infallible.

Nevertheless, the principles of Islamic justice have always been clear and sharp in the divine sources and in the human mind, and have been represented in the Muslim intellectual heritage under any despot or expansionist.

Genuine Islamic principles and positive historical precedents, prove that that a legitimate struggle against aggression, which is called jihad in Islamic terminology, with all its restrictions and specifications in law and in practice, should never mean a devastating cyclone that may threaten the entire world.

Jihad can never mean “Muslims should destroy all others and impose their faith by force”! A Muslim man according to the Shari’a can have a non-Muslim wife, and a Muslim man or woman can have a non-Muslim partner in business, a non-Muslim guest or host, or a non-Muslim neighbor next to his (/her) home or country. Muslims have been
taught repeatedly by the Quran and Sunna to care about non-Muslims and to build friendly and caring relations with them.

There may be always in the world abusers of any faith, ideology or law, and those who Muslim names are no exception, but the facts about Islam in its divine sources and main practices should always be recognized in their authenticity and purity. History has known similar abusers of Christianity: from the medieval Crusaders to modern Nazis and supporters of Apartheid or others who kill children and innocent civilians, and all which by no means represent the message of Jesus.

Islam, then, merely allows a place for a legitimate struggle against aggression, with unambiguous conditions and restrictions, when it becomes a necessity to respond to a concrete, determined and unrestricting violation of human rights:

“And how may you refuse to fight in the cause of God and of the utterly helpless oppressed men, women and children, who are crying ‘ O our Lord! Lead us forth out of this land whose people are oppressors…” [4:75]

“...and if God had no enabled people to defend themselves against one another, mischief and damage would surely overwhelm the earth.” (2:251)

A Universal Security
Of Peace and Justice

Commitment to peace and sincerity in working for it and guarding it all over the world cannot exclude the possible emergence of disputes between states for different reasons. The human societies developed from the use or personal force and revenge to the state law, according to which authorities and courts alone enjoy the right and the means to exercise power for the purpose of law enforcement. The world states, in their global interests, interrelations and consequent possible disputes, would find themselves urged to advance towards the comprehensive rule of international law, bodies, mechanisms and courts in case if interstate disputes, as a substitutes for war, which should be abandoned and even internationally prohibited. Permanent international emergency forces with effective power should secure the rule of law and order throughout the world, confront any illegitimate use of force and enforce the court decisions. Muslims are sincerely and enthusiastically looking towards a universal security of peace and order, which would gradually make war meaningless and eventually illegal. Islam in it divine sources, presents an early concept of securing inter-entity peace and justice.

As Islam directed Arabia to turn from practices of personal revenge to submission to state laws and courts, it offered a plan to deal with group disputes whether they might be within an Islamic state or between states. Peaceful means to settle disputes and achieve reconciliation must be followed. Several mechanisms have been developed through history and continue to progress in modern times. These include direct
negotiations, universal mediations and arbitration or judicial procedure. If a party initiates the use of force and commits aggression, the Quran commands that it should be challenged by non-partisan forces until it accepts to abide by the law and order:

“… make peace between them [the two fighting groups]; but if one of the two [groups] goes on committing aggression against the other, fight against the one that commits aggression until it reverts to God’s commandment.” (49:9)

It is significant that the Quran requires that after stopping the aggression, justice to both parties should be observed in settling the dispute, and any injustice has to be entirely avoiding, since a bias against the aggressor after stopping the war may lead later to another war:

“And if they revert, make peace between them with justice and deal equitably [with both groups]: for verily God loves those who act equitably” (49:9).

Peace cannot be maintained or between states or within the state – unless justice is secured, for peace without justice is merely suppression.

World courts protecting human rights and ruling on interstates violations are essential for reaching internal and universal disputes without using force, and Islam inspires and blesses such a procedure. In this Islamic practice, when Caliph Umar ibn Abd al-Aziz (99-101H./717-720) received a complaint from the people of Samarqand that the Muslim army occupied their city as a result of violating a truce, he ordered an inquiry in the case by the supreme judge, who ruled after his inquiry that the Muslim army should withdraw. During earlier Muslim conquests, similar complaints were inquired and settled fairly.

Non-partisan forces should be organized by a universal body to enforced the decisions of such an inter-state court, when any party refuses to abide by its ruling. Contemporary Muslim countries through their inter-state “Organization of Islamic Conference ‘OIC’” tried to work out an inter-states judicial system during the Iraq-Iran war. Unfortunately, such a plan has not yet proved a functional presence. On the other hand, the United Nations and its bodies, especially the Security Council, The International Court of Justice, and the International Criminal Court are universal experiences which have to move forward, benefiting from practice and making up for any shortcoming in the Charter or the performance. The material and human cost in this respect can save the humankind from devastating losses in war; losses of weapons, human lives, constructions and other sides.

Formidable disasters as a result of advanced technology have been experienced recently in Muslim countries such as Iraq, Iran, Kuwait, Libya and Chad, as well as in the long war in Southern Sudan.
Terrorism:
Is “it” Really “Jihad”?  

To answer such a question, one initially has to answer a primary question: What is “terrorism”?  

The Oxford Encyclopedia of the Modern Islamic World rightfully states that: “the term is often used to refer to generic acts of violence committed by political adversaries… there is a tendency to apply the label selectively to foes, while turning a blind eye to equally contemptible acts carried out by friends or allied pursuing congenial goals. The quest for a definition of terrorism has bedeviled diplomats and international lawyers, and there is no internationally accepted definition of terrorism. Although terrorism is frequently decried, the standard practice in international law has been to proceed inductively, criminalizing specific acts such as air piracy, attacks on diplomats, or the theft of nuclear materials. Thus, here is general agreement that hijacking of commercial aircraft or vessels constitutes a form of terrorism when carried out by non-state perpetrators”(30).

We may add to the suggested criminalized acts what was before unimaginable: using the hijacked aircraft as a bomb!

Recent laws promulgated in the U.S. and Britain subsequent to the tragic terrorist attack in the U.S. on September 11, 2001, have also not been without flaws.

However, in an attempt for a definition or at least an interpretation, the “Academic American Encyclopedia” indicates:

“Terrorism is the sustained clandestine use of violence murder, kidnapping, bombings- to achieve a political purpose… Definitions in the US… and the United Kingdom,… stress the use of violence to coerce or intimidate the civilian population with a view to affecting governmental policy. In popular stage, however, as influenced by politicians and the media, terrorism is now increasingly used as a generic term for all kinds of political violence, especially as manifested in revolutionary and guerilla warfare. Nevertheless, not all political violence short of conventional war is terrorism… The term is inappropriately applied to the suicide attacks of religious fanatics on military personnel in a war zone, as in the case of bombing of U.S. Marine and French Foreign Legion bunkers in Lebanon in 1983, although not to the bombings of the U.S. Embassy (1983-4). The deliberate killing of civilians to intimidate the civilian population of government in one of the worst features of contemporary terrorism and can clearly be distinguished from the types of clandestine warfare waged by assistance groups or
insurgency movements against official and military targets... When governments engage in illegal and clandestine kidnapping and murder to intimidate their people as in the case of the Nazis in Germany and the Argentine military junta in power from 1976 to 1983- the term ‘state terrorism’ is appropriate. One important characteristic of modern terrorism is its quest for spectacular horror effects in order to attract media coverage... Another characteristic is its international dimension- the ability of terrorists to slip across national frontiers, the support given to certain terrorist groups by a few countries dedicated to revolutionary change, and logistical ties that exist between terrorist groups of widely divergent ideologies and objectives...” 

We can then draw out that “terrorism” may be defined as:

- sustained (for an isolated incident may be described as ‘terrorist’ in itself, but may not form a socio-political pattern)
- clandestine
- using violence against civilians
- aiming to achieve political purpose, especially affecting governmental policy through intimidating the civilian population.

“Muslims have engaged in terrorism in the modern era,” The Oxford Encyclopedia of the Modern Islamic World goes on, “and just as Jews and Christians engaging in terrorism, they have sometimes claimed a justification based on religion. In point of fact, however, Shari‘ah (the divine law) does not condone the use of violence except to combat injustice, and noncombatant immunity is a prominent feature of Islamic thinking in ‘jihad’ (religiously sanctioned warfare). In warfare, necessity might justify putting non-combatants at risk, but harm to innocents should neither be intentional nor excessive. Thus, phrases such as “Islamic terrorism” significantly misrepresents the religious roots of violence committed by Muslims... the Middle East has, since World War II, become infamous as cockpit for terrorism, although many of the perpetrators have not purported to act in the name of Islam. Arguably, the first modern act of political terrorism in the region was the bombing of the King David Hotel in 1947, which was carried out by Jewish terrorists led by Menachem Begin, then the leader of the Irgun... (who) in 1977 became prime minister or Israel. In the 1960(s) and 1970 (s), Palestinian fida‘iyin (guerillas) launched dozens of horrendous acts of violence against innocent bystanders, all in the name of gaining recognition for Palestinian nationalism... Significantly, the Palestinian perpetrators were inspired by a secular irredentist ideology not by religion. The same can be said for Kurdish guerrillas who in the 1980(s) and early 1990(s) committed a number of vicious acts of violence in Turkey as part of their quest to win independent Kurdistan”.

With regard to internal claiming an Islamic rationale, the author mentions Egypt as an example, where political violence continued from the attempts of Ikhwan (Muslim Brotherhood) to those of Muslim revolutionaries who engaged since the late 1980(s)...
“in escalating acts of violence including terrorism to destabilize further the Egyptian government. Many of these acts have been egregiously indiscriminate, targeting innocent foreign tourists, in addition to state officials, soldiers and police officers”. Muslim militant opposition movements “have focused their violence domestically on the authoritarian state which is typically characteristic as thwarting the imposition of Shari’ah as the sole legitimate source of law”.

The author properly indicates that a people’s resistance to foreign occupation: “is widely, if somewhat erratically upheld”.

However, the moral legitimacy of the means is essential to support the legality of the ends. Broadening the campaigns of a legal struggle to encompass protected categories of non-combatants brings about the loss of that privileged status:

“Whatever the politics of the observer, distinguishing between attacks on soldiers occupying foreign lands and attacks on persons in universally accepted protected categories such as children, or more broadly non-combatants, is not difficult. So long as a resistance force is discriminate in its methods and targets, it is not objectively justified to affix the terrorism label. Deliberated and random used of violence for political ends against protected groups constitutes terrorism”. This establishes the grounds chosen by Augustus Richard Norton to define terrorism as “the deliberate, unjustifiable and random use of violence for political ends, against protected persons. This is a functional and nonpolemical definition that has the merit of parsimony and universality. The perpetrators can be states, agents of states, or individuals acting independently”.

Technology Aggrandizes the Casualties

The amazing advancement of technology has enormously worsened the disasters of violence. The oppressive and intelligencial powers of the state have been heavily aggrandized, and these have been used at the in first place in state- terrorism, and then in dealing with the use of violence by individuals or groups. Since violence may emerge for any reason in a democracy as it happened in Northern Ireland and Britain, Germany and Japan, the state resorting to the oppressive and intelligencial powers which it enjoys as a result of the technological advancement would be certainly at the expense of civil liberties and human rights, and may lead to the loss of the human life itself.

On the other hand, technology has augmented the leverage of the users of violence among citizens, although they seem in the end as losers in the race with the state in this
respect. Remote controls have facilitated the use of car bombs which could only occur before as suicidal operations. The IRA’s bombing of a hotel in Brighton, England where the Conservative Party leaders met in 1984 was practiced in this way. Sometimes, modern terrorism may be committed to raise excitement among the public and the media. Many victims of the Italian Red Brigades and the German Baader-Meinhof gang were chosen for this goal. In March 1995, the Aum Shinrikyo “Supreme Truth” was accused in Japan with carrying out a nerve gas attack in a Tokyo subway which killed 8 persons and injured thousands. On September 11, 2001 civil aircrafts were used as bombs to destroy the Trade Center in New York and the Pentagon building in Washington D.C. A biological poison “anthrax” has been spread through mail by unknown terrorists, and the possibility of using duster crafts to spread chemicals or biological poison among people at a large scale has been considered. Terrorism may provide great force to individual and group militants who are weak in facing the state, but in the long term, it is very costly for the perpetrators, physically and politically.

However, Walter Laquer, in his recent book “The New Terrorism” predicts a rise of “mega terrorism” following “the consequences of aggressive madness in the age of high technology and the era of weapons of mass destruction.”

In such developed acts of terrorism “strong authoritarian governments” may be the “major perpetrators” behind the zealous individuals or groups, as Norton rightfully observes.

Fanatics
Or Rational Normals?

A legitimate question has been raised and studied but not yet sufficiently settled whether terrorists are psychopathic fanatics or rational actors with precise political objectives?

Bruce Hoffman, director of Rand’s Washington office, who studied terrorist acts for 20 years, wrote in his book “Inside Terrorism”:

“Rather than the wild-eyed fanatics or crazed killers we have been conditioned to expect, many are in fact highly articulate and extremely thoughtful individuals, for whom terrorism is (or was) an entirely rational choice”.

This by no means endorse or justify their violence, as Hoffman explains in any interview,
“But I have always believed that if you don’t understand your enemy, you can’t effectively counter them. I think too often, in the wake of Sept. 11, there is this tendency to write of terrorists as mindless ‘traditional fanatics’”.

Martha Crenshaw at Wesleyan University has been writing about terrorism since 1970(s), and among her works there are “Terrorism in Context” and “Terrorism: Legitimacy and Power”. She puts further the idea that there was “strategic logic” behind terrorist actions, and she explains:

“From our point of view, it is an analytic test. The government is sometimes quite eager to work toward profiling; we say there is no profile; we see the complexities”.

Hoffman sees that Bin Laden has specific political goals in mind, similar to the goals of the Jewish terrorists fighting British rule in Palestine, Palestinian terrorists fighting for a homeland, or the ANC seeking to undermine South Africa’s apartheid.

“…narrowly, his goal was to get Western and U.S. and crusader forces out of Saudi Arabia…” It was too narrow, (so) he hit on the idea of make a broader strategy, a global jihad”. (35)

I may see the man probably thinking of the wider goal with the narrow one simultaneously, or believing that the narrow goal could be achieved automatically through the wider one.

After all, terrorists have their own “strategic logic” as Martha Crenshaw indicated, however opposite it may seem to any “sound” or “normal” logic. In April 1995, Timothy McVeigh, and later Terry Nicholas, were convicted in an anti-government plot by which a car-bomb exploded outside the Federal office buildings, as a revenge for the Branch Davidian standoff in Waco/Texas two years earlier.(36) McVeigh’s behavior in prison was commended until his until his execution. Theodore J. Kaczynski “the Unabomber, 1997” does not seem in his background and his writings “a mindless irrational fanatic”. He apparently preferred to plead guilty to all U.S. charges rather than to be represented by a lawyer against his will to defend himself, during his trial in Sacramento in January 1998. He was sentenced to four life terms in May, saying that “he committed unspeakable and monstrous crimes for which he shows utterly no remorse” (37)

Reading A Muslim Terrorist’s Mind

The Muslim terrorist mind- in my simple view- has been constantly possessed with tragic erroneousness in two areas: one is related to the past, and the other is related to the present.
Erroneousness about the Past:
The Religious Sources and History

Such a mind is seriously erroneous about the true meaning of *jihad* in Islam. There is no distinction in such a mind between what was history and related to a certain time and place with all their distinctive circumstances, that can never be kept frozen and unchangeable, and the rules of which must be applied transiently in such given circumstances. Besides, there is serious erroneousness about what consists the permanent law “*Shari’a*” which embodies the legal rules for Muslims in any time and place.

The message of Islam started in Arabia in 610 C.E. and addressed the Arabs in that time and place to reform their life, while it established permanent universal principles, as well as indicating dynamics and mechanisms for reform in other times and places according to changing circumstances. Unless this message could deal with the Arabs in Mecca and Medina and respond to their circumstances which were qualitatively different from circumstances in other places or times, it would never reach the world and preach its universal message.

Accordingly, the Prophet during his ten years stay in Medina, found supporters and enemies in such a tribal society and acted with each accordingly to these given circumstances. He had enemies in various fronts, and what he could do with these enemies was not a permanent law; it was merely a part of history which has its moral essence bit it s not a permanent binding rule. In this light, Muslims should look into Prophet’s war against the polytheists of Quraysh who persecuted Muslims and expelled him and the believers in his message from their homes, or his war against the opportunist Bedouins who earned their living by raiding any settled people or traveling caravans and thus were tempted to attack Muslims in Medina, or his war against the *Jews* with whom the Prophet had to go through according to his given circumstances, could never mean a declaration of a permanent war through the entire world against all polytheists, all nomad and all Jews. Permission for war was given by the Quran to Muslims as an exception from its general principle of peace, to face those who had already initiated war against them [22:39-40], and the war was practiced according to the given historical circumstances in tribal Arabia. The Quranic verses related to war affairs number about 400 verses while the Quran consists of more than 6,200 verses, and most of the verses report on particular battles of the Prophet, in which we have to make distinction between the particular historical events and the general permanent laws*.

Moral lessons such as urging peace, keeping the promise, discipline, steadfastness, courage, caution about hypocrites, patience and forbearance and devotion can always be learnt from that historical experience. In the end, Islam under the leadership of the Prophet could prevail in Arabia because of various factors: primarily due to the validity of the message and its positive response to existing socio-cultural wrongs, and also related to the wisdom and clear vision of the leader in understanding the existing circumstances and dealing with them. Such a history of success is, still a “*history*”, and cannot be turned into a permanent law that guarantees success for sincere
Muslim believers living in entirely different circumstances of time and place whatever their sincerity and commitment may be.

However, all of what is related to *jihad* in this texts of the Quran and Sunna, whether about particular historical events or about general permanent rules, were heaped together and used without distinction in mobilizing Muslims in recent times against foreign occupation. Such a mixing has stayed in the Muslim mind until now, sometimes extended to fighting *internal injustice*, and has led to the contemporary confusion.

The jurists have stated that *the actions of the Prophet* if they are not related to a Quranic verse or a Prophet’s saying which orders such actions, cannot mean in themselves an obligation or even a recommendation.\(^{(38)}\) As for this verse: “And he [Muhammad] does not speak out of his own desire, that [which he conveys to you] is but a [divine] revelation with which he is being inspired” [53:3-4], it is obviously related to what the Prophet speaks not to what he does, and it naturally means what he speaks in relation to the religion in its essence. Following the Prophet which is emphasized in the Quran [e.g. 3:31] and obeying him [e.g. 3:32, 4:80] means following and obeying *what he told Muslims to do, not imitating all his deeds*. The Prophet himself- as it was reported- saw some people who did not imitate what he had done and he did not say that they should do as what he had done.\(^{(39)}\)

Besides, what the Prophet practiced as a *leader and head of the Muslim state* “*imam*”, has to be distinctive from what he brought out as a Prophet and Conveyor of God’s message, and the former cannot be followed unless it is decided by the authorities in a contemporary Muslim state. The Prophet’s *military decisions or actions* are included in what the Prophet did as head of the earliest Muslim state.\(^{(40)}\) In this area of military affairs, the Prophet might use his discretion and judgment ‘*ijtihad*’, and thus cannot establish a religious obligation.\(^{(41)}\)

Concerning such actions related to the conduct of state, when there has been no divine revelation, the Quran directed the Prophet to rely on “shura” and to discuss the matter with his Companions as he actually did in the battles of Badr, Uhud, and the Confederates (*al-Ahzab*), as well as in other occasions: “And take counsel with them in all matters of public concern, then when you have decided on an action, place your trust in God” [3:159]. It was reported by Ali ibn Abi Talib that the Prophet was asked about the “deciding on an action” which is mentioned in the Quranic verse, and he answered that it is “counseling with the people of good opinion then following them”.\(^{(42)}\) It is obvious from such a practice of *ijtihad* and *shura* that the Prophet’s actions in the aforementioned areas were merely a *transient response to particular circumstances*. 


God’s laws for this worldly life are established without favoritism, and unless Muslims are more useful and capable of serving the people and can convince their society, or a considerable part of it, with their merits they should not expect that their message would prevail. Further, their message is to commit themselves to God’s guidance and represent its values in their behavior, and it is only through their representation of the values and through the appreciation of the people, that results may be expected. Islam is a faith and religion which calls the human mind and heart to attain solid conviction, not a political ideology that should reach power in any way to impose itself on people by force, for “No coercion should ever be in matters of faith” (2:256).

Muslims did not reach power in Arabia because they fought and won for they might later lose, since political and military power comes in turns and is subject to ups and downs, but they reached power there because they were more virtuous and constructive fro their people. A Muslim has to commit himself/herself to what he/she believes in, and has to be a good representative of his/her faith as an individual, in his/her family and in his/her society. It is the peaceful constructive interaction with others that allows Islam and Muslims to be positively appreciated in a society. Force can never secure trust and love, and can never remain in any one hand forever. Islam is a faith and a faith can never be maintained or accepted by God if it is embraced or spread by force [Quran 2:256]. Power should not be worshipped with God, or even looked at as next to Him.

God’s law of nature (sunan) apply to all His creation without exception. Believers in Him and others are equal in relation to these laws. One may use a certain law to avoid the effect of another law, but the laws of nature in their entirety and complexity apply to good and bad people without favoritism. Good people may be forbearing and persistent in dealing with these laws which make them more successful in long range, but they are never immune. In the time of the Prophet himself, Muslims were defeated in the battles of Uhud and Hunyn, when such laws determined that outcome: “If a casualty touches you, a similar mishap has touched the other people as well; and it is by turns that We apportion unto people such days [of happiness and mishaps]...” (3:140), “And [know that] had God so willed, He could have beat them [the enemies] down [Himself], but [He wills] to test you through your dealings with one another” [47:4].
The Struggle
Against Foreign Occupation
And Against Injustice

The struggle against foreign occupation is legitimate, and authorized by Islamic law, but it should consider the given facts of the situation, so that it may be practically possible and successful. Jihad has to be declared in this case by the responsible authority in the occupied country, or by a body which represents the entire people of this country, and which can mobilize and organize the human and material resources in fighting the occupation forces. Peaceful negotiations, rallying political support from states and international bodies should precede and join the military struggle, which should be restricted to the combatants and military targets.

The struggle against internal injustice “jawr” has to be mainly political, in order to avoid the turning the struggle to a civil war with all its terrible sufferings and results. That explains the several traditions of the Prophet which urge patience and self-control in case of injustice, for any unwise action may worsen the situation and increase the injustice, or lead to violence and probably civil war and chaos ‘fitna’. Enjoining the doing of what is right and good and forbidding the doing of what is wrong and evil and defending the freedom of opinion and expression constitute an essential Islamic obligation [e.g. Quran 3:104, 110; 5:78-9], but it has to be practiced within the ethical and practical guidance of Islam. As mentioned before, the distinguished jurist Ibn al-Qayyim, (d.751H/1350) stipulates that denouncing what is wrong and evil should not lead to what is more wrong and evil. (43)

With regard to the Prophet’s tradition which calls for changing what is wrong and evil by the hand, and if not possible by the tongue and if not possible within the heart [brought out by Muslim, Ibn Hanbal, Abu Dawud, al- Tirmidhi, al-Nasa’l and Ibn Majah, and transmitted by Abu Sa’id], one has to realize that changing what is wrong by the hand does not mean resorting to violence, and using force against the government. It should be understood within the context of maintaining peace, avoiding splitting the people and breaking the public order, as well as avoiding other serious evils.

Many traditions of the Prophet, and accordingly many jurists preferred patience and warned against excessive anger and recklessness in confronting unjust rulers by force, especially when they are maintaining security and public services and fulfilling certain basic governmental responsibilities. Such traditions of the Prophet should necessarily specify the common obligation of forbidding the wrong and evil by hand, and exclude the ruling authorities from the use of force against them in order to avoid undoubtedly expected increase of injustice and evil from the rulers, in addition to chaos and bloodshed. (44)
The verse 49:8 concerning fighting against the party which persistently commits aggression “baghy,” cannot easily apply to the case of the unjust rulers. It requires a body- most likely international – which can interfere and stop the fighting either through reconciliation or by using force against the aggressor, and then making peace between the two fighting parties in the conflict with justice. Without such organizational and procedural measures, chaos and bloodshed are inevitable in a case of civil war in our contemporary circumstances.

Changing what is wrong and evil then ha to be restricted to what is possible fro the common person within his/her family, or where such an action from him/her would be received quietly and preferably with acceptable and respect, such as one’s business friends or a close limited group. Early Muslims were Arabs, whose tribal structure is somewhat different from a state where the use of force is restricted to the ruling authorities. The prominent commentator on the Quran, al- Qurtubi (d. 671H/1272) indicated that “ scholars stated that enjoining the doing of what is right by hand is for rulers, and by tongue is for the scholars (ulama), and by the heart is for the masses.” Every command in Shari’a can only be carried out within one’s ability (Quran 2:233, 286; 6:152; 7:42; 23:62; 65:7), which naturally varies according to individual and social circumstances in different times and places. Al Qurtubi mentioned a Prophet’s tradition brought out by Ibn Majah which says: “It is impermissible for a believer to humiliate him/self/(herself),” and when the Prophet was asked how a believer may humiliate himself/(herself) he answered: “ He/(she) cannot exposes himself/(herself) to an affliction which he/(she) cannot stand for.”

The expected harm may not be limited to the individual but often extended to others or to the society as a whole. Ibu Atiyya, another distinguished commentator on the Quran (d. 546H/1151) stated: “ The consensus is that forbidding the doing of what is wrong and evil is an obligation for the one who is able to do it, and practices it nicely and wisely, and is sure that no harm would befall him or the Muslims in general.”

Furthermore, enjoining the doing of what is right and good should be conducted in a way which would not provoke the addressed person or aggravate the problem: “ Call to your Lord’s path with wisdom and goodly exhortation, and argue with them in the best way [most convincing and impressive]” [16:125]. Significantly, when God sent Prophet Moses ‘Musa’ and his brother Aron ‘Harun’ to Pharaoh, who was described as “tyrant”, they were guided to “speak to him in a mild manner, so that he might bethink himself or apprehend [ the consequences of his behavior] “ [20:43-4].

Extremism, as the psychological and conceptual roots of terrorism, is strictly warned against in the teachings of Islam, since Islam teaches to maintain “ the middle way” and moderation, and to avoid exceeding the indicated bounds or neglecting them. The Prophet teaches to “penetrate gently and mildly the depths of the religion” [brought out by Ibn Hanbal and transmitted by Anas ibn Malik]. He warned against religious excessiveness which had ruined communities before [brought out by ibn Hanabal, al-
Nisa’I and al-Hakim]. Directing oneself properly towards the clear goal and approaching what is right as it is possible “saddidu wa qaribu” is what the Muslim has to be keen about [a Prophet’s tradition brought out by al Bukhari, Muslim and Ibn Hanbal]. In addition, Islam should be understood and applied in it, will hold the person from the comprehensive perspective of the religion as a whole and leads to grave erroneousness in seeking the right path.

Psychological inclinations to extremism in some persons according to certain factors and zealotry was known in the history of religions, and Islam was not an exception, as the history of the rebels against Caliph Ali in the year 37H./657, and afterwards against all the following Umayyad and Abbasid rulers (al-Khawarij) unambiguously proved. However, misunderstanding Islam and the Muslim past may be aggravated by some modern ideas and ideologies which have influenced Muslim minds in our time. Political violence and terrorism, generated and fuelled by mistaken religious extremism, have been inflamed by the revolutionary trend which came out as a result of the American, French, Russian, Chinese and other modern revolutions. Some Muslims have tried to see the early Islamic struggle in the time of the Prophet through a modern revolutions. Some Muslims have tried to see the early Islamic struggle in the time of the Prophet through a modern revolutionary vision, and have taken the experience of these modern revolutions as a guide and manual for a contemporary struggle for Islam. The revolutionary tendency by its very nature according to its theorizing advocates, and because it involves huge masses with various attitudes, tolerates political violence, and may evolve to guerilla warfare, and could easily slip into assassination, kidnapping and taking hostages, hijacking and destruction, which might be achieved at an enormous scale through terrorism. Many of these evils were combined and culminated in the tragedy of September 11, 2001 in the U.S. Governments would naturally try to react and fight back, increasing repressive policies, and thus through their efforts and the revolutionary attempts with the support of modern technology violence accelerates, and all parties in addition to the society as a whole terribly suffer. The loss is not only in life and constructions and material utilities, but also in chronic psychological and conceptual defects, such as extremism and ultratism nurtured by utopianism. As there are often charismatic personalities around whom such movements would be centered, they may end in a person cult, for which the example of Maoism the connection with Mao Tsetung is significant.

The radical change which Islam aims to bring about is in the human-self in the depth of the mind and heart, in order to establish a wider, more comprehensive and balanced perspective of the human being and his/her development in all dimensions: physical and intellectual and moral, within oneself and with nature and with the others. This radical change in the human-self would be the dynamic force which would gradually develop into a change of the social, economic and political life: “Verily God does not change people’s condition unless they change their own inner selves” [Quran 13:11]. This is really the greatest and most genuine “jihad” as it has been referred to by the Prophet.[ brought out by al-Tirmidhi, al-Bayhaqi, and Ibn Hibban].
Erroneousness about the Present:  
The Contemporary World

The erroneousness in understanding Islam in its permanent laws and historical experience is connected with a no less erroneousness regarding the contemporary world and its qualitative difference from the past. As it has been stressed before, modern technology has aggrandized the size of casualties and damages of any civil or international war beyond imagination. While the human loss in all the battles of the Prophet during the successive years in Medina were reported in historical sources as a less than two thousand on both sides, the casualties of modern wars have been horrifying.

- Casualties of the Second World War (1939-45) were about 15 million deaths, and about 27 million wounded.
- The U.S. casualties in the Korean War (1950-53) and in South East Asia were about 95,000 deaths and 257,000 wounded.

As for civil wars and terrorism, they have proved to represent a constant bleeding in many countries in Africa, Asia, Europe, and South America, joined now by the U.S. which suffered the loss of more than 2000 lives as well as huge material and economic damage in the terrorist operation by hijacking 3 crafts to use them as bombs on September 11, 2001 in New York, Washington and Philadelphia (Penn.). The numbers of casualties of continuous guerilla wars and terrorist actions within all parties: the government and the rebels as well as the entire people where such bloody confrontations occur, are appallingly escalating. The initiated bio-chemical terrorism would be certainly adding to the numbers of victims. Can such confrontations be a way of reform, and can such bloodshed be attributed to the All-Merciful and Mercy-giving Lord, and to his message of “mercy to the whole world or [creation].” [21:107]?

Besides, the contemporary world has developed various peaceful mechanisms for settling conflicts internally and universally. They are not perfect or completely successful, but they can progress through national and international cooperation, and by the efforts of the believers in and workers for peace. Those sensible and sensitive religious people all over the world undoubtedly include Muslims. Rights of assembly and association, multiparty system, democracy and election, rights to demonstrate and rally and strike, national and international surveillance and defense of human rights by concerned bodies and the media- all these means and channels were not in the past available for those who struggled for their human rights. The universal cybernetic means of communications, the “Internet”, is a great addition to the weaponry of such a struggle. The political and informational “jihad” should be deeply and widely considered, used and developed by Muslims who struggle for justice and against evil, in order to live in the contemporary world.

After a thorough study of “political revolution and resistance” and the definite human tragedy through such bloody confrontations, Encyclopedia Britannica concludes:
“...effective change by means of gradual transformation has to be organized to make possible recurrent adaptations of the institutions and processes of a political order to evolving values, interests and beliefs. Otherwise, violence will be spread sporadically as resistance first, globally and all engulfing as revolution afterward. Political orders resemble forests and families. They contain the potentiality of self-renewal, but this potentiality does not exclude the chance of failure and ultimate death. Revolution, when successful, signalize the passing of such a political order. It is not in itself a good, as contemporary political romantics are inclined to feel, but it is better than the death of the society hat such an order is intended to serve” (48).

In this light, “jihad” in Islam should be distinctive in its legal and ethical principles, and should never be confused with misconception of the past, or following partially some modern illusion, while ignoring essential facts of the entire picture of the contemporary world.

Terrorism cannot be the legitimate “jihad,” which strictly observes the legitimacy and morality of the means, which also strictly observing that legitimacy of the goals and ends. Targeting the non-combatants and civilians and committing such enormous killings and destructiveness through clandestine operations, which are fulfilled with blazing bitterness, rancor and malevolence, cannot be attributed to Islam, whose Prophet declares: “I am no sent as a curse, I am but sent as a mercy” [brought out by Muslim].

Martyrdom cannot be reached except through a legitimate war in its ends and means as well. The Quran repeatedly condemns “spreading damage and mischief on earth” especially from those who eloquently claim religiosity and devotion: “And there is among people one whose views on the life of this life world may greatly please you, and [further] he cites God as witness to what is in his heart, and is, moreover, exceedingly skillful in argument. But wherever he leaves, he goes about the earth spreading damage and mischief, and destroying the tilth and progeny, and God does not love damage and mischief. And whenever he is told ‘Be conscious of God,’ he is passed with evil arrogance, but hell will be his allotted portion and resting place” [2:204-6].
Conclusion

The legitimate Islamic defense of human rights and freedom “jihad” is restricted to cases of self-defense against aggression. Islam’s goal is to stop injustice in a certain place, not to impose Islam by force or to declare war against non-Muslims everywhere. Non-Muslims have never ceased to exist within Muslim countries and in the whole world throughout history, including the time when Muslims enjoyed an enormous political and military power. Whenever the land, the people and/or the freedom of faith and human rights were attacked by force, there was no other choice but to use force merely for legitimate defense.

Muslims are required to confine their practice of force to those who initiate the war against them, and to the combatants, not the civilians.

Islamic teachings on securing the rights of the wounded and the prisoners of war have represented a genuine progress in world history as a whole.

As soon as the necessity of legitimate defense is over, Muslims are urged to conform to the general rule of peace and cooperation with all, including the former enemies, and to overcome a paranoid suspicious about the other’s intentions:

“And if they incline to peace, incline to it as well, and place your trust in God; verily. He alone is All-hearing, All-knowing! And should they seek but to deceive you, behold, God is enough [security] for you.” (8:61)

For those who are conscious of God, peace in any responsible, rational and honest, a sensible, comprehensive and effective plan should be supported and stood by against the overwhelming disasters of war on both sides, even if some trouble in achieving and maintaining peace may occasionally be suffered!
NOTES

2. See the leading commentaries on the verses 22:78, 29:69; e.g. al-Fakhr al-Razi, Muhammad ibn Umar, (d. 604H./1207) *Mafaith al-Ghayb or al-Tafsir al-Kabir*; al Qurtubi, Muhammad ibn Ahmad, (d. 671H./1272). See also the chapter on “al-Mujahada, striving hard for the spiritual development” in: al-Nawawi, Yahya ibn Sharaf (d.676H./1374), *Riyad al-Salihin*
7. See for example the distinguished work of al-Ghazali, Muhammad ibn Muhammad ibn Muhammad: *Ihya’ul’um al-Din*, esp. vol. 3 on the spiritual training and moral refinement, also vol. 4
8. See for example what the distinguished jurist Abu Yusuf (d.182H./798) wrote to the Abbasid Caliph al-Rashid (170-194H./786-809) about the rights of the prisoners and the responsibility of the authorities in securing justice and human needs in the prisons: Abu Yusuf, Ya’qub ibn Ibrahim, *al-Kharaj*, al-Matba’a al-Sallafiyya: Cairo, 1397H., p. 162-3
14. The Prophet has stated the responsibility before God on the Day of Judgement about any irresponsible killing of a small bird [brought out by Ibn Hanbal, al-tirmidhi, al-Nisa’i and Ibn Majah]. Prophet’s traditions prohibit any polluting of water resources and roads [brought out by Muslim, al-Nisa’i, and Ibn
Majah], and strictly command keeping the roads clean and safe [brought out by al-Bukhari, Muslim, Ibn Hanbal, Abu Dawud, and Ibn Majah]. In war, Caliph Abu Bakr (11-13H./632-4) instructed the military leader Yazid ibn Abi Sufyan not to cut or burn trees, slaughter a sheep or a camel except for food, nor to cause any destruction in any developed or populated land; see: al-Shawkani, Muhammad ibn Ali [d. 1255H/839] Nayl al-Awtar, a commentary on: Muntaqa al-Akbar by Ibn Taymiyya, Abd al-Salam ibn Abd Allah [d.652H./1254], Kar al-Jil: Beirut, 1973, vol. 8 p.74

15. Abu Yusuf, al-Kharaj, pp. 165, 188, 190-1
19. ibid., vol. 3, pp.2-3
20. ibid., vol. 4, pp. 309-10
22. Indicated in al-Shawkani, Nayl al-Awtar, vol. 7 p. 74
23. ibid., vol. 7, p. 74
28. ibid., vol 2 pp. 273, 371-4, 379-80, 382-6, 426, 433-6
29. al-Baladhuri, Futuh al-Buldan, p. 411
33. Quoted by: Easton, Nina J., “Putting Theory into Practice,” Los Angeles Times, Los Angeles, Ca., Nov. 18, 2001
37. *ibid.*, pp. 36, 39
41. Khallaf, ‘Ilm’Usul al-Fiqh, p. 43
43. See the note no. 19