



Is Islam a Conquest Ideology? On Jihad, War, & Peace

SURKHEEL SHARIF

Author Biography

Shaykh Abu Aaliyah (Surkheel Sharif) is an imam, author, translator, and Director of The Jawziyyah Institute. Abu Aaliyah has studied the Islamic sciences (theology, law, and spirituality) with a number of scholars, and has been involved in Islamic teaching both in the UK and abroad since the late 1980s. He has authored a number of books including *The Golden Rule of Differing* and *The Exquisite Pearl*, and has translated several books from Arabic to English. He has an MA in Islamic Studies, serves as an imam for Eman Foundation in London, and has appeared on radio and TV. Some of his lectures, articles, essays and videos can be found at thehumblei.com, www.facebook.com/Jawziyyah and www.twitter.com/Abu_Aaliyah. Abu Aaliyah lives in London with his wife and four grown children.

***Disclaimer:** The views, opinions, findings, and conclusions expressed in these papers and articles are strictly those of the authors. Furthermore, Yaqeen does not endorse any of the personal views of the authors on any platform. Our team is diverse on all fronts, allowing for constant, enriching dialogue that helps us produce high-quality research.*

Copyright © 2018. Yaqeen Institute for Islamic Research

Abstract

Does the construct of *jihad* equate to ‘perpetual war’ in Islam's grand political scheme? And was the life of the Prophet Muhammad ﷺ mostly about blood and gore and body counts? These are the core issues addressed here. Muslim scholars have long identified two types of *jihad* (lit. “striving” in God’s cause): an outer form of *jihad* and an inner one. The outer usually refers to state-sanctioned military force (i.e., armed combat), which is waged to defend both religion and realm, to fight preemptively, or to guard the vulnerable against unjustified aggression. As for the inner *jihad* (*jihad al-nafs*), it refers to the struggle to oppose one's ego (*nafs*) and false desires until they are in submission to God. What follows is a perusal through both types of *jihad*—as per Islam's source texts and the words of classical and contemporary Muslim jurists. In Part I, I begin with a brief discussion about the inner *jihad*. Part II consists of a frank discussion on *jihad* as armed combat; it also answers the question: Is Islam a conquest ideology more than an actual religion? Part III, a conclusion, raises a few contemporary questions.

I. THE INNER JIHAD

In regards to the overall schema of *jihad*, al-Raghib al-Asbahani, a notable scholar of the fifth Islamic century, wrote: “*Jihad* is of three types: striving against the apparent enemy, against the devil, and against the ego (*nafs*). All three types are included in the words of God, exalted is He: And strive hard in God's path with all the striving that is due to Him” [Qur’an 22:78].¹ A few centuries on, and a similar abstract was offered by Ibn al-Qayyim: “*Jihad* is of four types: *jihad* against the ego, against the devil, against the disbelievers, and against the hypocrites.”²

¹ *Mufradat Alfaz al-Qur’an* (Beirut & Damascus: Dar al-Qalam, 2002), 208; under the entry, *j-h-d*.

² *Zad al-Ma’ad* (Berut: Mu’assasah al-Risalah, 1998), 3:9.

Jihad against the apparent enemy—which is to say, *jihad* against hostile, belligerent disbelievers—finds its equivalence in another Qur’anic term: *qital* (“fighting” or “armed combat”). It is in this sense that the Qur’an charges: “Fight for the sake of God those who fight against you, but do not transgress. God does not love the aggressors” [2:190]. The rules of *jihad* as military warfare are stipulated in the manuals of Islamic law (*fiqh*) as well as the *fatwas* of recognized and qualified bodies of contemporary jurists.

Many verses in the Qur’an extol the virtues of seeking to purify the soul. One group of verses states: “By the soul and He Who formed it, then inspired it with its depravity and piety. He is indeed successful who purifies it, and he is indeed ruined who corrupts it” [Qur’an 91:7-10]. Another offers these tidings: “But those who feared the standing before their Lord and curbed their soul’s passions, the Garden is their abode” [Qur’an 79:40-41]. Also in this context are these words of the Prophet ﷺ: “The fighter in God's path is one who strives against his lower soul/ego in obedience to God (*al-mujahid man jahada nafsahu fi ta'ati'llah*).”³ Thus, this inward *jihad* refers to the personal struggle against one's ego so as to overcome temptations, false desires, and spiritual vices, as well as to internalize acts of worship like prayer, fasting, pilgrimage, *dhikr*, and almsgiving. This inner *jihad*, or spiritual striving, is referred to as *mujahadah*.

Now for the tricky part. One lionized *hadith* states that the Prophet ﷺ, having returned from a military campaign with his companions, said: “You have returned from the lesser *jihad* to the greater *jihad*.” When asked what the greater *jihad* was, he replied: “A person's *jihad* against his desires.”⁴ However, according to classical *hadith* masters and specialists, this *hadith* is weak (*da'if*); which is to say, such words cannot authentically or reliably be ascribed to the Prophet ﷺ. Or, to put it another way, the likelihood of the Prophet not having said these words is far

³ Al-Tirmidhi, no.1671, where he graded the *hadith hasan sahih*. However, he narrates it without the final phrase, ‘in obedience to God.’ This additional phrase is found in Ibn Hibban, no.4707, and is *sahih*. Cf. al-Albani, *Silsilat al-Ahadith al-Sahihah* (Beirut: al-Maktab al-Islami, 1985), 2:81; no.549.

⁴ Al-Bayhaqi, *Kitab al-Zuhd al-Kabir* (Beirut: Dar al-Janan and Mu'assasah al-Kutub al-Thaqafiyyah, 1987), no.373; *al-Khatib al-Baghdadi, Tarikh Baghdad* (Egypt: Matba'ah al-Sa'adah, 1929), 13:494, with the wording: ‘*Jihad* of the heart.’

greater than the likelihood of him having uttered them.

Al-Bayhaqi says after citing it: “This is a chain containing weakness.”⁵ Al-‘Iraqi relays the same ruling in his *hadith* verification of the *Ihya*.⁶ Ibn Hajr al-‘Asqalani states: “It is related via ‘Isa b. Ibrahim, from Yahya b. Ya‘la, from Layth b. Abi Sulaym, all three are weak narrators. Al-Nasa‘i recorded it in *al-Kuna* as the statement of Ibrahim b. Abi ‘Abla, a famous successor (*tabi‘i*) of Syria.”⁷ Ibn Rajab al-Hanbali declares the *hadith* to be weak, but relates it as the saying of the above Ibrahim b. Abi ‘Abla.⁸ In more recent times, al-Albani made a thorough analysis of the *hadith*'s various chains, declaring the *hadith* to be unreliable (*munkar*).⁹ As for ‘Ali al-Qari and al-Suyuti, they both recorded the *hadith* in their respective dictionaries of weak and fabricated *hadiths*.¹⁰

The above analysis concerns the chain (*isnad*) of the *hadith*. As for its meaning, many scholars point out how the meaning is sound in terms of the inner *jihad*, *jihad al-nafs*, having primacy over the outer *jihad*. The *hadith* may also be read in a way that gives it a completely false meaning, which is the one I'll tackle first. If one takes the *hadith* to mean that the outer "lesser" *jihad* is inconsequential or of little worth, or that the inner "greater" *jihad* replaces it or is an alternative to it, this is utterly false and at odds with the Qur'an itself. From such a perspective, Ibn Taymiyyah said about this *hadith*: “It has no basis, and none of those who are an authority (*ahl al-ma‘rifah*) in the words and deeds of the Prophet ﷺ have reported it. *Jihad* against the disbelievers is one of the greatest of deeds; in fact, it is the best of the optional deeds a person could perform. God, exalted is He, says: ‘Not equal are those of the believers who sit [at home], other than those who have a disabling hurt, with those who strive in the cause of God with their wealth and

⁵ *Kitab al-Zuhd al-Kabir*, p.165; no.373.

⁶ *Al-Mughni ‘an Haml al-Asfar* (Riyadh: Maktabah al-Tabariyyah, 1995), 2:709; no.2584.

⁷ Al-‘Asqalani, *Takhrij al-Kashshaf* (Beirut: Dar al-Turath al-‘Arabi, 1997), 4:114; no.33.

⁸ *Jami‘ al-‘Ulum wa’l-Hikam* (Beirut: Mu‘assasah al-Risalah, 1998), 1:489.

⁹ Al-Albani, *Silsilat al-Ahadith al-Da‘ifah wa’l-Mawdu‘ah* (Riyadh: Maktabah al-Ma‘arif, 1996), 5:478-81, no.2460.

¹⁰ Al-Qari, *al-Asrar al-Marfu‘ah* (Beirut: al-Maktab al-Islami, 1986), no.211; al-Suyuti, *al-Durar al-Muntathirah* (Riyadh: University of Riyadh, 1983), no.245.

their lives. God has conferred on those who strive with their wealth and their lives a rank above the ones who sit [at home]. To both has God promised goodness, but God has preferred those who strive over those who do not with an immense reward” [Qur’an 4:95].¹¹ There is also the *hadith*: “A man asked: ‘O Messenger of God, guide me to a deed equivalent to *jihad*.’ He replied: ‘You do not have the ability.’ He went on to say: ‘Do you have the ability, from the time the person leaves for *jihad* [until he returns], to go into the mosque and pray without stopping and fast without a break?’ The man said: ‘Who has the ability to do this?’”¹²

The *hadith* undoubtedly has a sound meaning, in that the inner and outer *jihad* are both great and of tremendous merit, but the inner *jihad* has primacy over the outer; and so is “greater.” A number of scholarly statements testify to this fact, including Ibn al-Qayyim who, avoiding the terms “lesser” and “greater,” noted about the verse “As for those who strive in Us, We will guide them to our paths” [Qur’an 29:69]: “The most obligatory *jihad* (*afraad al-jihad*) is *jihad* against one's ego (*nafs*), desires (*hawa*), the devil (*shaytan*), and worldliness (*dunya*). One who wages *jihad* against these four in obedience to God, will be guided by God to the paths of His good pleasure which, [in turn], shall lead to His Paradise. One who neglects *jihad* shall be veiled from guidance to the degree he forsakes it.”¹³

Explaining why *jihad al-nafs* has such a rank and distinction, Imam Ibn Taymiyyah stated: “*Jihad* against the ego and desires is the basis for *jihad* against the disbelievers and hypocrites. Indeed, one cannot do *jihad* against them unless he first wages *jihad* against his ego and desires; then he goes out and fights them.”¹⁴ Tragically, this simple truism seems to have been lost on many of those who have

¹¹ *Majmu‘ Fatawa* (Riyadh: Dar ‘Alam al-Kutub, 1991), 11:197-8. Stating that the *hadith* “has no basis (*la asl lahu*)” conventionally means the *hadith* is chainless which, in this case, is incorrect. For the *hadith* does indeed have a chain, albeit a flawed one. Declaring that no *hadith* authorities have recorded it is another erroneous claim. For al-Bayhaqi and al-Khatib both relate it in their respective works.

¹² *Al-Bukhari*, no.2785. Something similar is related in *Muslim*, no.1876.

¹³ *Al-Fawa'id* (Riyadh: Maktabah al-Rushd, 2001), 177.

¹⁴ Cited by Ibn al-Qayyim in *Rawdat al-Muhibbin* (Beirut: Dar al-Kitab al-‘Arabi, 1996), 475-6, where he begins by insisting: “Even if *jihad* against one's desires was not greater than *jihad* against the disbelievers, it is certainly not lesser than it. A man once asked al-Hasan al-Basri, may God have mercy on him: ‘O Abu Sa‘id! What is the best *jihad*?’ He said: ‘Your *jihad* against your desires.’ I once heard our Shaykh remark ...” He then goes on to cite the words of Ibn Taymiyyah above.

spent the better part of their years waging war against the preeminence of *jihad al-nafs*!

Al-Munawi adds another dimension as to why the inward *jihad* is greater, or more obligatory, than the outward one. He says: “It is the greatest form of *jihad*; for fighting the disbelievers is a collective duty (*fard kifayah*), while *jihad* against one's own ego is a personal obligation (*fard ‘ayn*), at all times, on all who are legally responsible: Truly the devil is an enemy to you, therefore treat him as an enemy [Qur’an 35:6]. So fight in the path of God. You are not responsible except for your own soul [Qur’an 4:84].”¹⁵

Those who've dealt with the issue of the greater and lesser *jihad* have usually been of two camps. There are those who have sought to sweep the tradition and prophetic history of military *jihad* under the carpet, in favor of a purely spiritual reading of “striving” in God's cause. Such apologetics are usually proffered by those who feel the need to gratify modernist (or now liberal) notions of religion and non-violence; those, both Muslim and non-Muslim, have either colonized minds, staggering ignorance, or lack all academic honesty and integrity. In contrast, there are those, again Muslim and non-Muslim, who insist upon surface readings of the Qur’anic verses relating to *jihad*, devoid of the juristic nuances found in *fiqh* manuals and contemporary Muslim juristic thought. Unlike the watered-down readings of the first group, these individuals seek to make Islam synonymous with violence, war, and terror, and to perpetuate animosity between peoples so as to serve their political agendas. Both these misreadings, liberal and extremist, must be categorically rejected and repudiated.

The above verses, *hadiths*, and scholarly quotes should have helped lay to rest any opposition to the primacy of *jihad al-nafs*. For although the commonly cited *hadith* about it isn't authentic, other evidences testify to its centrality in a believer's overall worship of God. Thus the affair is as Ibn al-Jawzi decisively proclaimed: “I

¹⁵ *Fayd al-Qadir* (Beirut: Dar al-Ma‘rifah, n.d.), 4:511.

reflected over *jihad* against the ego (*jihad al-nafs*) and realized it to be the greater *jihad*.”¹⁶

II. THE OUTER JIHAD

The outer *jihad* connotes a wide range of meanings embracing: (i) the tongue, (ii) the hand and (iii) the sword. It can refer to the act of enjoining others to good and forbidding them from evil, as in the *hadith*: “So whoever strives against them with his hand is a believer; whoever strives against them with his tongue is a believer; whoever strives against them with his heart is a believer. Beyond this, there is not even a grain of faith.”¹⁷ It includes speaking truth to power: “The greatest *jihad* is to speak a word of truth in front of a tyrannical ruler.”¹⁸ Striving in dutiful service of our parents is also a form of *jihad*, as in the Prophet’s reply ﷺ to a young man who desired to participate in armed combat, and whose parents were still alive: “Strive in their service—*fa fihima fa jahid*.”¹⁹ Then there is that all-important mode of *jihad*: *da‘wah*—inviting others to Islam by conveying its teachings: “Strive against them with it [the Qur’an], with the utmost striving” [Qur’an 25:52]. And of course there is fighting in war. In brief: not all *jihad* is fighting, but nor is all fighting *jihad*.

Without doubt, *jihad* in the sense of *qital* (“fighting,” “war”) is enjoined on the faithful at numerous places in the Qur’an and is seen as a highly meritorious form of duty and sacrifice in Islam. Let us refer back to al-Raghib’s schematic of *jihad*: “*Jihad* is of three types: *jihad* against the apparent enemy, against the devil, and against the ego (*nafs*). All three types are included in Allah’s words, exalted is He: And wage *jihad* in Allah’s path with all the striving that is due to Him [Qur’an 22:78]. And wage *jihad* with your wealth and your lives in the way of Allah [Qur’an 9:41] ... *Jihad* is to be waged with the hand and the tongue, as he [the Prophet] ﷺ said: ‘Wage *jihad* against the unbelievers with your hands and your

¹⁶ *Sayd al-Khatir* (Egypt: Dar al-Yaqin, 1998), 122.

¹⁷ *Muslim*, no.50.

¹⁸ Abu Dawud, *Sunan*, no.4344; al-Tirmidhi, *Sunan*, no.2175, saying: “A *hasan hadith*.”

¹⁹ *Al-Bukhari*, no.3004.

tongues.”²⁰²¹ That said, the idea of *jihad* being a ‘holy war’ is alien to the Islamic vocabulary. When rendered into Arabic, the term reads *al-harb al-muqaddas*, which doesn't exist in any form in any Islamic teachings. War in Islam may be sanctioned or unsanctioned, but never holy.

Islam’s overall take on warfare can best be seen in these words of our Prophet ﷺ : “Never wish to meet your enemy, but ask Allah for safety. If you do meet them, be firm and know that Paradise lies beneath the shades of swords.”²² That is to say, pursue the path of peace and reconciliation; if such a path be denied by hostile intentions, then be prepared to act differently. The next *hadith* might also be used as a support: “After me there will be conflicts and affairs. If you are able, resolve them peacefully.”²³ Also revealing are these words expressed by the Prophet ﷺ : “The most detested of names to Allah are War (*harb*) and Bitterness (*murrah*).”²⁴ Given the above, and given also the numerous peace accords and ententes the Prophet ﷺ initiated so as to halt or mitigate the woes of war, let alone how he forgave and pardoned mortal enemies wherever he could, it's simply fictitious, mischievous, or fallacious to describe the Prophet as a ‘warmonger.’ A reluctant warrior, and a leader who took to combat to safeguard his nation from extinction or subjugation, are far truer descriptions of him ﷺ .

In classical Islam, warfare is regulated by an all-important *shari'ah* dictum that says about *jihad*: *wujubuhu wujubu'l-wasa'il la al-maqasid*—”Its necessity is the necessity of means, not of ends.”²⁵ That is, *jihad* of the military kind is not the goal; it's a means to a goal, that goal being the free and unhindered invitation to Islam and the summons to worship God alone. Islam treats war, given the harm, destruction, and loss of life that takes place, as a necessary ‘evil’ of sorts: “For had

²⁰ Abu Dawud, no.2504. Its chain is *sahih*, as per al-Nawawi, *Riyadh al-Salihin* (Riyadh: Dar Ibn al-Jawzi, 2000), no.1357, but with the wording “...with your wealth, lives, and tongues.”

²¹ Al-Raghib al-Asbahani, *Mufradat Alfaz al-Qur'an* (Beirut: Dar al-Qalam, 2002), 208; under the entry, *j-h-d*.

²² *Al-Bukhari*, no.3024; *Muslim*, no.172.

²³ Ahmad, *Musnad*, no.695. Its chain was graded *sahih* by Ahmad Shakir, *al-Musnad al-Imam Ahmad bin Hanbal* (Egypt: Dar al-Ma'arif, 1954), 2:84-5, despite the presence of two questionable narrators in the chain: Faysal b. Sulayman and Iyas b. 'Amr.

²⁴ Abu Dawud, no.4950. The *hadith*, with its various chains, strengthen each other to yield a final grading of *sahih*. Consult: al-Albani, *Silsilat al-Ahadith al-Sahihah* (Riyadh: Maktabah al-Ma'arif, 1987), no.1040.

²⁵ Ibn Hajr al-Haytami citing al-Zarkashi, *Tuhfat al-Muhtaj bi Sharh al-Minhaj* (Beirut: Dar Sadir, 1972), 9:211.

it not been for God's checking some men by means of others, monasteries, churches, synagogues, and mosques wherein God's name is often mentioned, would have been destroyed” [Qur’an 22:40]. Two or three centuries after Islam's birth, its jurists would define *jihad* in terms of armed combat against disbelievers who did not have a peace treaty, for advancing the religion. Al-Kasani said *jihad* involves: “Expending one's utmost abilities and strength to fight in Allah's way, with one's person, property, tongue, or other than this.”²⁶ And al-Qastalani defined it as: “Fighting the disbelievers, so as to support Islam and make the word of God supreme.”²⁷

This martial *jihad* has rules and codes of conduct too. Among them are that the head of state carefully evaluate the potential pros and cons of war, ensure non-combatants [civilians] are not killed or willfully targeted, abide by any peace treaty or international agreement it has signed, and keep in mind receptivity to the call of Islam. The classical Islamic doctrine which forbids killing civilians in a military *jihad* takes its cue from the Prophet’s saying صلى الله عليه وسلم: “March forth in the name of God, trusting in God and adhering to the religion of God. Do not kill elderly men, infants, young children nor women.”²⁸ And Ibn ‘Umar narrates that the Prophet صلى الله عليه وسلم “forbade the killing of women and children.”²⁹ After quoting the last *hadith*, al-Nawawi stated: “Scholars agree upon acting by this *hadith* and forbid the killing of women and children, provided that they do not engage in combat. If they do, the great majority of scholars (*jamahir al-‘ulema*) hold that they can be fought.”³⁰ And al-Buhuti reminds us: “Declaring *jihad* or not is entrusted to the head of state and his decision, for he best knows the conditions of the Muslims and of the enemy.”³¹

²⁶ Al-Kasani, *Bada'i' al-Sana'i'* (Beirut: Dar al-Kutub al-‘Ilmiyyah, 1986), 7:97.

²⁷ *Irshad al-Sari* (Egypt: Bulaq, 1887), 5:31.

²⁸ Abu Dawud, no.2614. The chain contains Khalid b. al-Fizr, who has been criticized. Hence the *hadith* was declared weak (*da‘if*) in al-Albani, *Da‘if al-Jami‘ al-Saghir* (Beirut: al-Maktab al-Islami, 1990), no.1346. The ruling of not targeting civilians or other non-combatants, however, is well established in other *hadiths* and juristic consensus.

²⁹ *Al-Bukhari*, no.3015; *Muslim*, no.1744.

³⁰ *Sharh Sahih Muslim* (Beirut: Dar al-Kutub al-‘Ilmiyyah, 1995), 12:43.

³¹ *Kashshaf al-Qina‘* (Riyadh: Maktabah al-Nasr al-Hadithah, n.d.), 3:41. I've discussed the difference between acts of terror and a bona fide *jihad* in: *Terrorism is to Jihad as Adultery is to Marriage*, at: <https://thehumblei.com/2013/05/23/terrorism-is-to-jihad-as-adultery-is-to-marriage/>

This brings us to another vital aspect about *jihad* in Islam: who may be fought? Are Muslims required to wage *jihad* against disbelievers due to their disbelief (*kufir*)? Imam Ibn Taymiyyah takes up the issue, stating: “The disbelievers, they are only to be fought on condition of them waging war first—as is the view of the majority of scholars, and as is proven by the Book and the *Sunnah*.”³² Which is to say, Islam permits fighting disbelievers, not because of their disbelief, but only if they initiate war against Muslim societies, or manifest belligerence towards them. The Qur'an [2:190] says: “Fight for God's sake those that fight against you, but do not transgress the limits.” Along similar lines, Ibn al-Qayyim, another medieval jurist, held that: “Fighting is only a duty in response to being fought against, not in response to disbelief. This is why women, children, the elderly and infirm, the blind, and monks who stay out of the fighting are not fought. Instead, we only fight those who wage war against us.”³³

Ibn al-Qayyim also said about the Prophet ﷺ: “Never did he force the religion upon anyone, and he only fought those who waged war against him and fought him. As for those who entered into a peace treaty with him, or concluded a truce, he never fought them, nor ever coerced them to enter his religion, abiding by his Lord's order: There is no compulsion in religion. True guidance has become distinct from error [Qur'an 2:256] ... It will be clear to whoever ponders the life of the Prophet ﷺ, that he never coerced anyone to enter his religion and that he only fought those who fought against him first. As for those who ratified a peace treaty with him, he never fought them, provided they kept to their covenant and did not violate its terms.”³⁴ Such was the majority juristic view, that *jihad* is waged in response to hostility, not religious affiliation, and eventually prevailed within Sunni Islam. Thus, the Prophet's defensive battles, like Badr, Uhud, Ahzab, and Hunayn, occurred in circumstances in which the enemy launched an offensive against the Muslims who then had to defend religion and realm. In other battles like Khaybar, Mu‘tah, or Tabuk, where the Muslim state was aware of the enemy’s

³² *Kitab al-Nabuwwat* (Beirut: Dar al-Kutub al-‘Ilmiyyah, 1985), 140.

³³ *Ahkam Ahl al-Dhimmah* (Dammam: Ramadi li'l-Nashr, 1997), 1:110.

³⁴ *Hidayat al-Hiyara* (Makkah: Dar ‘Alam al-Fawa'id, 2008), 29-30.

impending aggression, there was a need to strike preemptively as a form of defense.

In light of the above, how do we explain *jihad talab*—“offensive” war? Classical law manuals almost invariably include the likes of the following statement in their martial codes: “*Jihad* in Allah's path [is to be waged] every year.”³⁵ Also: “It is a communal duty once each year.”³⁶ So how does this square with what's previously been stated? Well, *jihad* doctrines were based on defense, not only in terms of actual hostilities launched against Muslims, but also preemptively in cases of likely aggression. This doctrine was devised at a time when the Islamic state was surrounded by other states with whom there was no peace treaty, or who were openly belligerent. In such a dog-eat-dog world, one either attacked first, or else was attacked. Such was the state of affairs throughout the pre-modern world. The twentieth century, however, changed all that. The U.N. Peace Charter effectively made peace the default between nation states—at least in theory. As such, Muslim juristic voices began to reflect this new reality: “It is essential to note that the world today is united under a single organization where each member [state] adheres to its terms and conditions. The Islamic ruling in this case is that it is obliged to fulfill all agreements and treaties that the Islamic lands commit themselves to, as is stipulated by the law of fulfilling treaties endorsed by the Qur'an. Based on this, those non-Muslim countries that are members of this world organization are not deemed as the Abode of War (*dar al-harb*). Instead, they should be seen as Abodes of Truce (*dar al-'ahd*).”³⁷ It is worth stating that Islamic jurisprudence isn't only shaped by ideals, but also by realities. That is to say, if non-aggression or peace between countries is only honored in the breach, rather than the actual observance, there is no reason why Muslim juristic voices should not reflect the reality on the ground.

Most qualified jurists and recognized *fatwa* committees of our age hold—and their word in *shari'ah* affairs is authoritative and represents orthodoxy—that a state of

³⁵ Al-Dardir, *Aqrab al-Masalik* (Nigeria: Maktabah Ayyub, 2000), 54.

³⁶ Al-Ghazali, *Al-Wajiz* (Beirut: Sharikah Dar al-Arqam b. Abi'l-Arqam, 1997), 2:188.

³⁷ Abu Zahrah, *al-'Alaqat al-Duwaliyyah fi'l-Islam* (Cairo: Dar al-Fikr al-'Arabi, 1995), 77. Also see: al-Jasim, *Kashf al-Shubuhah fi Masa'il al-'Ahd wa'l-Jihad* (Kuwait: Jam'iyyat Ihya al-Turath al-Islami, 2004), 49.

war shall not exist between Muslims and others unless hostility against a Muslim land is initiated or barriers to *da‘wah* erected. Al-Khallaf wrote: “The legislated *jihad* is there to carry the Islamic call and to defend the Muslims against any belligerency. Whoever does not respond to the call, nor resists its taking place, nor initiates hostilities against Muslim polities, then it is not permissible to fight them. A state of security cannot be altered for that of fear ... A state of war will not exist between the Muslims and others except in cases where hostility towards Muslims is initiated, or barriers to *da‘wah* are erected, or harm is perpetrated towards the callers or the call.”³⁸ Inarguably, in an age of the Internet and social media, as well as global movement or displacement, it’s nearly impossible for countries to erect barriers to prevent *da‘wah* to Islam. Being a double-edged sword, it is precisely the same social media that also allow the alarming growth of Islamophobia and anti-Islam sentiments to gain wider and wider societal traction.

As for when the Muslim army is in the thick of a religiously-sanctioned war, this is where the following passages of the Qur'an (and their like) come into play: “Slay them wherever you find them; drive them out of the places from which they drove you” [Qur’an 2:190-91]. Also: “Slay the idolaters wherever you find them, and take them [captive] and besiege them, and lie in ambush for them everywhere” [Qur’an 9:5]. And then, of course, there is this: “But if they incline towards peace, incline to it too” [Qur’an 8:61]. Observing peace accords with non-Muslim polities again demonstrates Islam's willingness to live peacefully with its neighbors, regardless of their religion. When Muslims are instructed to fight treaty-breakers, it is the breaking of a treaty that invites conflict, not the fact that the treaty-breakers are disbelievers: “Will you not fight a people who have broken their pacts and desired to drive out the Messenger and attacked you first?” [Qur’an 9:13].

If any Muslim state contracts a truce with a non-Muslim one, other Muslim states aren't bound by this peace treaty. For each Muslim country has its own peace accords and foreign policies that are specific to itself. The cue for this is taken from the Treaty of Hudaibiyah in which the persecuted Makkan Muslim fugitives, like Abu Busayr, Abu Jandal and their men, weren't covered by the treaty ratified by

³⁸ Al-Khallaf, *al-Siyasat al-Shar‘iyyah* (Cairo: Matba‘ah al-Salafiyyah, 1931), 75.

the Prophet ﷺ with the Makkans. Nor was their guerrilla warfare against the non-Muslim Makkans, nor their raids against their caravans, seen as breaches of the Prophet's truce ﷺ: for they were essentially a self-governing state not bound by the political jurisdiction of the Prophet ﷺ. Ibn al-Qayyim stated: “The peace treaty between the Prophet ﷺ and the [Makkan] idolaters wasn't a treaty that included Abu Busayr or his followers.”³⁹ In other words, each Muslim state is required to honor its own international accords, and not aid or support other Muslim states against those with whom they have a pact of non-aggression. Such is the weight that the Qur'an places on covenants of security and peace accords and truces; as Allah says: “But if they seek help from you in the affair of religion then it is your duty to help them, except against a people between whom and you there exists a treaty” [Qur'an 8:72].

Ibn Taymiyyah once wrote: “The Prophet ﷺ was the most perfect in terms of this bravery—which is appropriate for commanders in war. He did not kill anyone [in war] save Ubayy b. Khalaf, killing him on the day of Uhud. He didn't kill anyone else before or after this.”⁴⁰ Of the twenty-seven battles (*ghazwat*, sing. *ghazwah*) that took place in his life, the Prophet ﷺ participated in nine.⁴¹ The total number of deaths on both sides was one thousand and eighteen persons. Of those, seven-hundred and fifty-nine were enemy deaths; two-hundred and fifty-nine were Muslims. In fact, the number of enemy fatalities drops to three-hundred and fifty-nine when limited to those killed on the actual battlefield.⁴² Such were the pious restraints that infused the spirit of *jihad* of the Prophet ﷺ. What's remarkable, Gai Eaton wrote, isn't just the rapid pace with which Islam spread across the then known world, but “the fact that no rivers flowed with blood, no fields were enriched with the corpses of the vanquished ... they were on a leash. There were no massacres, no rapes, no cities burned. These men feared God to a

³⁹ *Zad al-Ma'ad* (Beirut: Mu'assasah al-Risalah, 1998), 3:274-5.

⁴⁰ *Minhaj al-Sunnah al-Nabawiyyah* (Riyadh: Jami'ah al-Imam Muhammad bin Sa'ud, 1986), 8:78.

⁴¹ Cf. al-Azmi, *al-Lu'lu al-Maknun fi Sirat al-Nabi al-Ma'mun* (Riyadh: Dar al-Sumay'i, 2013), 4:374. Ibn Sayyid al-Nas stated, *Nur al-Uyun* (Beirut: Dar al-Minhaj, 2010), 40-1: “His ﷺ battles in this period numbered twenty-five; some say twenty-seven, of which he fought in seven.”

⁴² Muhammad Sulayman Mansurpuri, *Rahmatan li'l-'Alamin* (Riyadh: Dar al-Salam, 1997), 468. The casualties and death tolls for each side, and each battle, is tabulated on pp.433-56. In the original Urdu edition, cf. *Rahmatan li'l-'Alamin* (Pakistan: Markaz al-Haramayn al-Islami, 2007), 2:462-80.

degree scarcely imaginable in our time and were in awe of His all-seeing presence, aware of it in the wind and the trees, behind every rock and in every valley... [T]here had never been a conquest like this.”⁴³ The historical record belies the bloodthirsty image that ISIS-like extremists, on the one hand, and Islamophobes on the other, continue to portray of Islam and the Prophet ﷺ.

Speaking of death tolls in war, Dr. Naveed Sheikh's essay, *Body Count*, is something of an eye-opener. It's a statistical study which attempts to put numbers on the human death toll of religious and political violence during the last two thousand years, and relates these to religio-cultural civilizations. These civilizations, as well as their locales, are: Antitheist (former Communist bloc); Buddhist (East Asia, parts of South Asia); Christian (Europe, the Americas, few parts of Africa); Indic (India, Nepal, Mauritius); Islamic (Middle East, parts of Asia, parts of Africa); Primal-Indigenous (parts of Africa, the Americas before colonialism); and Sinic (China, some neighboring states). Key findings showed that the Christian world was responsible for the highest death count in this historical period (responsible for 31% of all deaths: 178,000,000), followed by the Antitheist (22%: 125,000,000), then the Sinic world (19%: 108,000,000), then Primal-Indigenous (8%: 46,000,000), after which came the Islamic world (5%: 31,000,000), and lastly the Indic (less than 0.5%: 2,000,000 fatalities). In contrast to the Islamic world, Buddhist civilization has experienced exceptionally good press in the West. Yet the Buddhist contribution to world fatalities is three times higher than the Islamic; the Christian world's being six times higher, while the Antitheist four times. Yet despite only the Indic civilization having a lower death toll, the Muslim world tends to always be on the receiving end of media charges and stereotypes of violence, murder, and intolerance.⁴⁴

Lastly, let's touch on the following: a believer's love for martyrdom. In one *hadith*, we see the Prophet ﷺ relish the following: “By Him in whose hand is my life. I would love to be killed in Allah's way and then be brought back to life; then be

⁴³ *Islam and the Destiny of Man* (Cambridge: The Islamic Texts Society, 1997), 30.

⁴⁴ Sheikh, 'Body Count: A Comparative Quantitative Study of Mass Killings in History', in Muhammad, Kalin & Kamali (eds.), *War and Peace in Islam: The Uses and Abuses of Jihad* (Cambridge: MABDA & The Islamic Texts Society, 2013), 165-214.

killed and be brought back to life; then be killed and be brought back to life; then be killed.”⁴⁵ The Prophet ﷺ cherished martyrdom, not because of the love of blood and gore, nor for the glory of war itself, nor for the clanging of steel or the thrill of the fight. He loved it because it represented the highest service to, and the ultimate sacrifice for, God. To surrender to Allah one's actual life, for a cause Allah loves and honors, is the greatest possible expression of loving Allah. It's no wonder, then, that the Prophet ﷺ said: “Whoever dies without participating in a battle, or even desiring to do so, dies upon a branch of hypocrisy.”⁴⁶ Believers, though, whilst they long to meet a martyr's death, strive to live a righteous life. For how can one truly desire to die for God, if one does not sincerely try to live for God?

III. CONCLUSION

For much of the twentieth century the *'ulema* examined and reexamined the contents of the Sacred Law, so as to accord Muslims some principled accommodation with the emerging global consensus. Islam's legal tools were, as it happens, well-equipped for the task. The juristic practices of *tahqiq al-manat* (identifying the context for laws in order to ascertain their current form and application) and *maslahah mursalah* (taking account of public interest and utility) moved the jurists of the great centers of Muslim scholarship in the direction of acclimatization, adjustment, and adaptation. And while it is not Islam's calling to conform to the age—Islam is, after all, the great global dissent—it can and must furnish Muslims with the spiritual and social technologies required to live in the age and navigate its eclectic mix of challenges. More than that, religion must offer believers insights on how best to heal modernity's discontents and disillusionments too.

Those doctors of Islamic law who are also blessed with being spiritually rooted in the realities of *ihsan* teach us that God's law exists to instantiate mercy not

⁴⁵ *Al-Bukhari*, no.2797; *Muslim*, no.1497.

⁴⁶ *Muslim*, no.1910.

severity, ease not hardship, good news (*tabshir*) not alienation (*tanfir*). They insist that today's times call for *tashil*—facilitation; but not *tasahul*—slackness and over-leniency. And that far from capitulating to the secular monoculture, as the short-sighted or *fiqh*-less zealots imagine, this path maintains a wise, far-sighted openness to gentleness, which long predated the advent of the modern world. Even in the fourteenth century Ibn Qayyim al-Jawziyyah pointed to this salient fact: “The *shari‘ah* is based and built upon wisdom and [achieving] public welfare, in both this life and the next. It is justice in its entirety, mercy in its entirety, welfare in its entirety, and wisdom in its entirety. Any issue that departs from justice to injustice, mercy to its opposite, public welfare to corruption, or wisdom to folly cannot be part of the *shari‘ah*, even if it is claimed to be so due to some interpretation.”⁴⁷

The above discussion about war and peace is the outcome of how most contemporary Muslim jurists have engaged the new global paradigms. As individual Muslims, we are each part of a larger transnational *ummah*. We each also belong to individual nations which are all committed to the global principle of non-aggression. This arrangement is certainly not perfect. But on the whole it has been instrumental in maintaining a fragile global peace—notwithstanding a few illegal occupations, continued conflicts, and even some modern genocides.

At the turn of the second millennium, Gai Eaton wrote that the West still sees Islam as a religion of war, bent on conquest. “They have inherited the fear,” he insists, “which obsessed their ancestors when Muslim civilization was dominant and Christendom trembled before the ‘heathen’ threat.”⁴⁸ He says that even Westerners who've turned their back on Christianity still share these fears and prejudices today. As for Muslims, he feels, historically they've seen Christianity, and now the secular West, as inherently hostile. Indeed, even today, many Muslims are convinced (and there is much rhyme and reason behind their convictions) that the ‘Christian’ West will carpet bomb them or shred them with missiles if they step out of line. “They react either with impotent fury or with a degree of subservience,

⁴⁷ *I‘lam al-Muwaqqi‘in* (Riyadh: Dar Ibn al-Jawzi, 2002), 4:337.

⁴⁸ *Remembering God: Reflections on Islam* (Cambridge: The Islamic Texts Society, 2000), 101.

but always with a deep sense of injustice.”⁴⁹ He concluded with this sober resolve: “There is, then, no end to this argument, so let me leave it where it is and consider what Islam actually teaches about peace and war.”⁵⁰ And that, more or less, is what I’ve tried to do here.

⁴⁹ Ibid., 102.

⁵⁰ Ibid., 102.