

B. Shi'ah



# A Qur'anic Revision of Offensive War with Emphasis on the Views of the Late Ayatollah Khomeini

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**Abstract:** Unlike some religions, Islam is a universal religion and open to all, and Allah assures us that it will eventually conquer all other faiths. In order to spread Islam, Muslims have a duty to preach its teachings. This has led some Islamic jurists and commentators to think *jihad* verses in the Qur'an are the divine way of spreading Islam. This paper will uncover some of the Qur'anic theoretical principles that lie behind these *jihad* verses. By considering this framework, I will demonstrate the inconsistency of offensive war (*al-jihad al-ebtedayi*) with principles in the Qur'an, concluding that defensive *jihad* is the real meaning of the *jihad* verses.

## 1. Universality of Islam

Religions are either universal or regional. In the Qur'an's view, most are regional, including some of the greatest divine religions such as Judaism and Christianity. In contrast, Islam is a universal religion, introducing its prophet as the last prophet<sup>1</sup> who addresses all human beings:

Say, 'O mankind! I am the Apostle of Allah to you all'.<sup>2</sup>

Such a global religion needs to be promoted, not only by small groups but by all its many followers, throughout history. Islam has taught its followers to strive for its advancement, and has promised them heavenly rewards.

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1 33:40. English translation from Qarai, Sayed Aliquili. *The Qur'an with an English Paraphrase*. London, 2003.

2 7:158

## 2. Divine promise for Islam prevailing

The Qur'an mentions not only that the light of Allah will never be put out, but also that Allah will perfect His light<sup>3</sup>. Moreover, Allah says that Islam will prevail over other religions whatever non-believers may choose to do.<sup>4</sup> Thus, it is right to promote Islam all over the world.

Various approaches have led to different views about what a Muslim's duty is in promoting Islam. That is, what are the right ways to promote Islam and what should be avoided?

A common answer to this question among some Islamic jurists and commentators is that Muslims have a duty to the *jihad*. They should strive to promote Islam over other religions. Naturally there might be some resistance from followers of other religions, which means Muslims might have to wage war against the faithless. Consequently, Muslims are asked to promote Islam even if it involves starting a war. The great commentator, *Tabataba'i* explains 9:32-33<sup>5</sup> as follows:

These two verses encourages Muslims to fight against *ahl-al-kitab* (people of the book), and its reference to the necessity of fighting is not hidden, since these two verses prove Allah's desire for the propagation of Islam around the world, that needs obvious endeavour, and because people of the book had prevented Islam from promotion and tried to put this light out with their mouths, there was no remedy except fighting against them. The opponents against Allah's desire should either be removed or live under Muslims' rule and pay *jizya*.<sup>6</sup>

This same view is held by several jurists and has provided justification and may even support the idea of there being a duty to wage offensive war (*al-jihad al-ebtedaee*) in order to promote Islam. This sort of ruling provides a good excuse and a sacred goal for those Muslims desiring to conquer new territories and benefit from the spoils of war. Naturally, such wars - even if justified by the notion of a divine goal - cannot be accomplished without bloodshed and murder, and consequently are in opposition

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3 9:32

4 9:33

5 'They desire to put out the light of Allah with their mouths, but Allah is intent on perfecting His light though the faithless should be averse.' (32 ).

'It is He who has sent His Apostle with the guidance and the religion of truth, that He may make it prevail over all religions, though the polytheists should be averse.' (33).

6 *Tabataba'i*, Muhammad Hossein. *Al Mizan*. vol. 9. Qom, 1996, p. 247.

to the idea of peaceful coexistence. The main question here is whether or not Islam permits its followers to fight for its promotion. This paper seeks for the Qur'anic answer to this question.

### *3. The Qur'anic evidences for offensive jihad*

Several verses in the Qur'an talk about *jihad*. The advocates of offensive *jihad* argue that the Qur'an requires Muslims to eliminate disbelief and polytheism, and to promote Islam. In other words, the main evidence for offensive war being permissible, and even for it becoming a duty, is found in the Qur'an. All commentators and jurists agree that a worldly goal cannot justify offensive *jihad*. The entire *jihad* verses only permit Muslims to wage offensive war for sacred goals, as mentioned above.<sup>7</sup>

In fact, most jurists and commentators find that the main thrust of *jihad* verses<sup>8</sup>- which instruct Muslims to fight against the faithless – instruct in relation to when one is justified to *start* fighting against non-Muslims, i.e. wage offensive war.<sup>9</sup> These verses also refer to defensive war.

The late Ayatollah Khomeini discusses when *jihad* is a duty. In his view - similar to many other jurists - *jihad* should be conducted against both the faithless and also against those Muslims who are aggressive towards other Muslim groups<sup>10</sup>. The faithless consist of two parties: people of the book (*ahl-al-kitab*) and polytheists. Islamic scholars have explained *jihad* mostly in relation to these two parties. Muslims should have a distinct approach towards each of them:

- a) The polytheists (the faithless without book)
- b) Muslims should approach these people and welcome them to Islam. Their conversion to Islam would mean that Muslims would no longer

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7 See Jassas, Ahmad ibn 'Ali. *Ahkam al Qur'an*. vol. 2. Beirut, 1405 AH, p.169; Tabataba'i, *Al Mizan*. vol. 2. P. 67.

8 Like 9:29, 9:123, 4:74, 8:65, 9:36, 9:73, 60:9

9 Tusi, Muhammad ibn Hasan. *Al Mabsoot*. vol. 2. Tehran, 1387 AH. 2; Helli, Hasan ibn Yousef. *Montaha al Matlab*. vol. 14. Mashad, 1412 AH. p. 61; Khomeini, Sayed Aboul Ghasem. *Menhaj al Salehin*. Qom, 1410 AH. vol. 1, p. 360; Najafi, Muhammad Hasan. *Jawahir al Kalam*. vol. 21. Beirut. 1404 AH, p. 4; Iraqi, Zia' al Din. *Sharh Tabsera al-Mota'allemin*. vol. 4. Qom, 1414 AH. p. 317; Sabzevari, Sayed Abd al A'Ala. *Mohazab al Ahkam*. vol. 15. Qom, 1413 AH. p. 81.

10 Khomeini. *Menhaj*. vol. 1. p. 360.

need to be concerned. If this cannot be achieved, Muslims should fight against them and kill them<sup>11</sup>. This obligation to fight arises, in Khoei's opinion, from these verses:

- O Prophet! Urge on the faithful to fight<sup>12</sup>
- Let those fight in the way of Allah who sell the life of this world for the Hereafter<sup>13</sup>
- Fight them until faithlessness is no more, and religion becomes exclusively for Allah<sup>14</sup>
- Then, when the sacred months have passed, kill the polytheists wherever you find them<sup>15</sup>
- Fight all the polytheists, just as they fight you all<sup>16</sup>

c) People of the book

As before, Muslims should approach them and ask them to choose between converting to Islam, paying *jizya* and being put to death<sup>17</sup>. It is argued that this ruling comes from the following verse in the Qur'an:

Fight those who do not have faith in Allah nor [believe] in the Last Day, nor forbid what Allah and His Apostle have forbidden, nor practice the true religion, from among those who were given the Book, until they pay the tribute out of hand, degraded.<sup>18</sup>

#### 4. Revising *jihad* verses in the Qur'an

Before discussing the position of the Qur'an in relation to *jihad* and fighting, please note the following methodological revision:

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11 Ibid.

12 8:65

13 4:74

14 8:39

15 9:5

16 9:36

17 Khoei, *Menhaj*. p. 361; Helli, *Montaha al Matlab*. vol. 14, p. 63; Tusi, Muhammad ibn Hasan. *Al-Nahaya fi Mojarrad al Fiqh wa al Fatwa*. Beirut, 1400 AH. pp.291-292

18 9:29

#### *4.1 A methodological consideration*

Although the legal rulings of a religion refer to the behaviour of its followers, the roots of these rulings - especially social ones – can be found in the theoretical principles and beliefs of a religion. In other words, each ruling originates from or relates to a theoretical view, which forms its ideological basis. Consequently, it is very important when studying Islamic rulings to observe its theological roots, so as to understand fully Islamic practical and jurisprudential rulings. Any lack of knowledge about such related theological grounds may result in a misunderstanding of the Qur'an's practical commands. Traditionally, religious scholars divide a religion into three parts: beliefs, morality and jurisprudence. A common method in religious studies is to look at each part separately, without considering their interrelation. Each study has its own difficulties and its own methods. Consequently, theology does not usually interfere with jurisprudence or morality. Similarly, jurisprudence is kept separate from theological problems.

This traditional method gives rise to some problems. While a religion is a united and related set of teachings, studying its problems in isolation may lead to unsatisfactory understandings and outcomes. For example, the followers of 'the unity of being' (*Wahdat al-Wujud*) are called untouchables by some jurists, while others disagree. The disagreement lies in the theological and philosophical knowledge of these jurists about the unity of God and the unity of being, but this difference is played out in jurisprudential rulings.

This methodological revision may not apply to some personal rulings, due to our ignorance of related theoretical principles, but it may apply to social issues. In many social rulings, it is possible to find related theoretical principles which may form a framework. This framework reveals the boundaries of the jurisprudential ruling. That is, the ruling must fall within this framework. So any ruling that lies outside its theoretical framework needs to be revised, in order to correspond to its underlying principles:

It is a must for a jury to obtain this general view prior to studying the details. Our jurisprudence is not accustomed to this method. So a jury studies the minor issues before working on finding a general view- in which all the details would be organized. That's why the rulings are diffused with no connection and full of exceptions.<sup>19</sup>

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19 Khashen, Hossein Ahmad. *Islam wa Khoshounat*. Danesh, Moosa, (Trans. from Persian). Mashad, 2012, p. 97.

There should be more depth in working on jurisprudential problems. It is the basic and infrastructural theories that constitute the superstructure rulings ... These bases should not be considered as irrelevant to jurisprudence. These are not the diversity of literature, but they should be known as necessary and they should be found as much as the human potency allows.<sup>20</sup>

## 4.2 Related theoretical principles of jihad

Accordingly, some Qur'anic theoretical principles should be considered prior to studying *jihad* and verses that relate to fighting.

### 4.2.1 Compulsion is not justified in a religion

An important basic principle of the Qur'an is that belief and faith are not compulsory. Their nature is incompatible with coercion and everyone should select his/her beliefs and faith by his/her own will. Religion cannot and should not be an act of coercion:

There is no compulsion in religion: rectitude has become distinct from error<sup>21</sup>

This verse is not a legislative rule but a rule of being. Compulsion is an outer action while belief is an inner action that takes place only through personal desire and will. So it can't be forced, and the Qur'an never allows such compulsion.

God commands His Prophet not to destroy himself with grief over people's lack of belief in the Qur'an<sup>22</sup>, since no one can force them to believe in God and God does not want people to become believers against their will:

And had your Lord wished, all those who are on earth would have believed. Would you then force people until they become faithful?<sup>23</sup>

Some Muslims said to the Prophet that if you compel those you rule over to convert to Islam, then we Muslims will become more powerful in the face of our enemies. The Prophet answered: 'I don't want to come face to

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20 Sadr, Muhammad Bagher. *The Traditions of History in the Quran*, Tehran, 2002. pp. 22-23.

21 2:256

22 18:6

23 10:99



face with God having carried out a heresy that God has forbidden.' Then God revealed the previous verse.<sup>24</sup>

In the view of the Qur'an, God created human beings with free will and they should choose freely between virtue and sin:

And say, [This is] the truth from your Lord: let anyone who wishes believe it, and let anyone who wishes disbelieve it<sup>25</sup>

#### 4.2.2 The Prophet's duty is only to communicate

As a consequence of choice and free will, the Qur'an suggests the duty of the Prophet is simply to convey the message of God, and not compel people to obey. This view is emphasized in more than fifteen verses of the Qur'an, as in the following:

But if they disregard, We have not sent you as a keeper over them. Your duty is only to communicate.<sup>26</sup>

In some other verses, the Qur'an emphasizes more explicitly that the Prophet's duty is to avoid being tyrannical:

You are not a taskmaster over them.<sup>27</sup>

We know best what they say, and you are not to be a tyrant over them. So admonish by the Qur'an him who fears My threat.<sup>28</sup>

Such verses limited what the Prophet was allowed to do to change people's faith. His duty was to communicate with people and invite them to embrace Islam. He was prohibited from carrying out any kind of practical threat or coercion, like fighting or killing. The previous two verses, in addition to the next verse, describe this principle:

Indeed We have sent down the Book to you for [the deliverance of] mankind with the truth. So whoever is guided is guided for his own sake, and whoever goes astray, goes astray to his own detriment, and it is not your duty to watch over them.<sup>29</sup>

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24 Sadough, Muhammad. *Al Tawhid*. Qom, 1978, p. 342.

25 18:29

26 42:48

27 88:22

28 50:45

29 39:41

The latter concept is also emphasized in four other verses: 6:66, 6:107, 10:108, 39:41 and 42:6.

God wants people to be drawn willingly towards virtue and perfection, either individually or as a community, and therefore introduces this voluntary aspect as a goal for His apostles, showing that a movement towards virtue and justice is valuable only if it is conducted voluntarily. So, justice should be maintained by the people and not by the Prophet:

Certainly We sent Our apostles with manifest proofs, and We sent down with them the Book and the Balance, so that mankind may maintain justice.<sup>30</sup>

If compulsory faith had any kind of value, God could have made all people faithful by sending a form of heavenly proof, but this is not the kind of faith that God chose for us. Belief and faith cannot be enforced, even by God:

Had We wanted, We would have sent them a miracle from sky to make their heads hang down in submission.<sup>31</sup>

#### 4.2.3 Emphasis on applying reason and proscribing of ignorant following

Another principle in the Qur'an is its great emphasis on intellect and reason. Thinking is greatly encouraged and people are asked to open their eyes and their minds to the realities of the universe:

Have they not reflected in their own souls? Allah did not create the heavens and the earth and whatever is between them except with reason and for a specified term. Indeed many of the people disbelieve in the encounter with their Lord.<sup>32</sup>

On the contrary, the Qur'an blames those who act out of prejudice instead of reason:

When they are told, 'Follow what Allah has sent down,' they say, 'We will rather follow what we have found our fathers following.' What, even if their fathers neither applied any reason nor were guided?<sup>33</sup>

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30 57:25

31 26:4

32 30:8

33 2:170

One criterion that Allah uses to evaluate human beings is the depth of their intellectual and mental reasoning. That's why this characteristic is referred to as a merit in the servants of Allah and as an outstanding defect in the worst people:

Those who, when reminded of the signs of their Lord, do not turn a deaf ear and a blind eye to them.<sup>34</sup>

Indeed the worst of beasts in Allah's sight are the deaf and the dumb who do not apply reason.<sup>35</sup>

This emphasis proves that in the view of the Qur'an, religious practices are not the main criteria for evaluating people, but that depth of understanding and reason are the main criteria. This means that the propagation and promotion of Islam is not wholly defined by enforcing Islamic rulings and conducting Islamic practices. It stresses the importance of propagating Islamic beliefs and of developing reason and intellect in people. This means prevailing over hearts and minds rather than territories. Thus the following verse will be achieved when Islamic beliefs are propagated before Islamic practices:

It is He who has sent His Apostle with the guidance and the religion of truth that He may make it prevail over all religions though the polytheists should be averse.<sup>36</sup>

#### 4.2.4 Human dignity

An important principle in the Qur'an, agreed by almost all Islamic jurists, is a reverence for human life. Rescuing one life is rescuing all lives, and murdering one person unjustly is murdering all people:

That is why We decreed for the Children of Israel that whoever kills a soul, without [its being guilty of] manslaughter or corruption on the earth, is as though he had killed all mankind, and whoever saves a life is as though he had saved all mankind. Our apostles certainly brought them manifest signs, yet even after that many of them commit excesses on the earth.<sup>37</sup>

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34 25:73

35 8:22

36 61:9

37 5:32

Because of this reverence, Islamic jurists usually take great care in their rulings about human life.

While there is no doubt about this principle among Islamic jurists, its domain is a controversial issue. For example, should such a prohibition refer to all people, or just to the faithful? In other words, what is the basis for a belief in human dignity in the world: faith or humanity?

A group of jurists, including Khoei, believe that human dignity depends on faith, meaning that unlike the faithful, the faithless lack dignity. According to this view, it is faith that confirms humanity, and those who lack faith lack humanity. Consequently, respecting the faithless is not required, either with regard to their lives or their property. This view arises from commands in the Qur'an about killing the faithless:

And kill them wherever you confront them, and expel them from where they expelled you ...<sup>38</sup>

... then seize them and kill them wherever you confront them<sup>39</sup>

The late Ayatollah Khoei believes that:

Starting a war against the faithless is allowed only after inviting them to Islam. If the Muslims invited them and they refused to accept, fighting against them is obligatory. But if the Muslims started their war before invitation and killed the faithless, although they have committed a sin, no blood money should be paid because the faithless lack reverence either in their lives or in their properties.<sup>40</sup>

He also mentions this problem as a reason for ruling that washing the faithless dead is unnecessary and even forbidden:

The dead ablution is just for his cleanliness and for his respect and honour, and the faithless have no respect and may not be cleaned as they are untouchable.<sup>41</sup>

Accordingly, he rules that murdering a faithless person is not allowed because it leads to anarchy and not because his life is worthy of respect:

A faithless despite lacking respect in Islam should not be killed if it leads to anarchy.<sup>42</sup>

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38 2:191

39 4:91

40 Khoei, *Menhaj*. vol. 1, p. 369.

41 Khoei, Sayed AboulGhasem. *Mosoua' al Imam al Khoei*. vol. 8. Qom, 1418 AH, p. 307.

42 Khoei, Sayed AboulGhasem. *Serat al Nejat*. vol. 2. Qom, 1416 AH, p. 411.

This point of view should be reconsidered. There are two distinct kinds of human dignity mentioned in the Qur'an, one applying to worldly life and the other applying to other-worldly life. The first type of dignity belongs to all human beings, while the second type belongs to the inhabitants of heaven. The Qur'an explains the first kind as follows:

Certainly We have honoured the Children of Adam, and carried them over land and sea, and provided them with all the good things, and given them an advantage over many of those We have created with a complete preference.<sup>43</sup>

Considering the next phrases of the verse, which talks about the worldly blessings of Allah, they show that the type of honour mentioned in the first phrase is a person's worldly dignity. This honour includes all people, as the verse talks about honouring the Children of Adam, not the faithful alone. Such a pervasive dignity results in the authenticity of respect for both the faithful and the faithless, unless they deserve punishment as a result of their false practice. The main advice of *'Ali ibn Abi Taleb* to *Malik* demonstrates this view:

Habituate your heart to mercy for the subjects and to affection and kindness for them. Do not stand over them like greedy beasts who feel it is enough to devour them, since they are of two kinds, either your brother in religion or one like you in creation.<sup>44</sup>

So this kind of dignity depends on humanity, not on faith and should be considered as a basis for all worldly rulings.

The second kind of dignity is described in the following verse:

Indeed the noblest of you in the sight of Allah is the most God wary among you.<sup>45</sup>

This kind of honour belongs to heaven. Those faithless who 'have hearts with which they do not understand, who have eyes with which they do not see, who have ears with which they do not hear'<sup>46</sup> lack this kind of dignity, as they have lost their humanity and intellect, but it doesn't mean that they have no honour in their worldly lives. This second kind of dignity will be revealed in the next world, and is not a criterion for worldly rulings.

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43 17:70

44 Ali ibn Abi Talib. *Nahj al Balagha*. Qom, 1414 AH, letter 53.

45 49:13

46 7:179

Revising Khoei's views on human dignity shows that the necessary distinction between these two categories has not been made, and has led to disrespect for the dignity of the faithless, when they should be allowed their own rights to life and ownership. So in the Qur'anic view, great care should be taken regarding both faithful and faithless lives, unless an individual is condemned to death due to certain specific reasons.

In the next pages I will show that the commands of the Qur'an about killing the faithless - which are cited to deny human dignity to the faithless - are not absolute commands. They belong only to the state of war, when Muslims have to defend themselves against aggression by the faithless.

#### 4.2.5 Authenticity of peace

The fifth related principle in the Qur'an is that peace is superior to conflict, and that the main principle in people's lives should be peaceful coexistence. This is a principle that applies to Muslims' relations to each other and to their relations with non-Muslims. A thorough survey of the Qur'an indicates that peace is encouraged in at least five steps:

1. Peace is superior.

And reconciliation is better.<sup>47</sup>

2. The Qur'an asks Muslims to concentrate on their common traits with the followers of other divine religions and invites them all to live in peace:

Say, 'O People of the Book! Come to a word common between us and you: that we will worship no one but Allah, and that we will not ascribe any partner to Him, and that we will not take each other as lords besides Allah'.<sup>48</sup>

3. The Qur'an invites all believers in God to embrace peace:

You, who believe, enter absolutely into peace!<sup>49</sup>

4. Whenever peaceful coexistence is possible, war is not justified at all and no one is allowed to fight. This interest in and emphasis on peace is so great that God not only advises Muslims to embrace it, but also

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47 4:128

48 3:64

49 2:208

prohibits any kind of war against people who seek peace and who do not want to fight Muslims:

So if they keep out of your way and do not fight you, and offer you peace, then Allah does not allow you any course [of action] against them.<sup>50</sup>

5. God commands His Prophet to accept any request for peace not only before a war begins, but also during and after a war with an enemy. This is a compelling and beautiful command. Peace is so important that Muslims should seize any opportunity to achieve it.

And if they incline toward peace, then you [too] incline toward it, and put your trust in Allah.<sup>51</sup>

### 4.3 *Literal study of jihad and qital (fighting)*

*Jihad* and *qital* are two key words used by Islamic jurists investigating the subject of fighting non-Muslims. Idiomatically both these terms are employed for *fighting* and primarily used among some Islamic jurists for *offensive* war, while its usage for *defensive* war is less common:

There is no doubt that its main meaning is starting a war on Islam against the faithless, about which this verse was revealed: 'Warfare has been prescribed for you, though it is repulsive to you'<sup>52</sup>; and fighting against the faithless who attack Muslims is added to jihad although it is defense in fact.<sup>5354</sup>

The late Ayatollah Khomeini mentions that:

Jihad ... means hardness and toil and ... [also] power and here it means fighting for the propagation of Islam and the governance of the faith.<sup>55</sup>

A literal study of these two words reveals that they do not mean a specific kind of fighting<sup>56</sup>. In other words, it does not necessarily mean offensive

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50 4:90

51 8:61

52 2:216

53 Najafi. *Jawahir al Kalam*. vol. 21, p. 4.

54 See also Helli, Ibn Edris. *Al Saraer*. Qom, 1410 AH. vol. 2, p. 4; Ravandi, Qotb al din, *Fiqh al Qur'an*. vol. 1. Qom, 1405 AH, p. 328.

55 Khomeini. *Menhaj al Salehin*. vol. 1. p. 360.

56 The literal meaning of *jihad* is of course 'effort' which is much wider than just fighting.

war. The famous lexicographer, *Raqeb*, suggests jihad means ‘using the whole power to ward off the enemy’.<sup>57</sup>

*Ibn Athir* describes *jihad* as ‘fighting against the faithless, that is, striving and using entire attempt’.<sup>58</sup>

So, those verses in the Qur’an, known as *jihad* verses, may point to either defensive or offensive war. At the same time, the commands regarding fighting in the Qur’an are not absolute. That is, the commands may point to a special kind of fighting, and not to all kinds. Conditional commands to fight (*qital*) in some verses prove that fighting is a limited term and doesn’t apply to all circumstances. This issue will be investigated shortly. However, this difficulty demonstrates that it is not easy to interpret *jihad* verses as divine commands to start fighting.

The author of *Riyad-al-Masa’il*, a Shi’ite jurisprudential book, believes that:

The command to fight against the faithless is different from the command to start fighting against them.<sup>59</sup>

Consequently, there needs to be some external evidence and reason, (in addition to literal interpretations), in order to find out the exact meaning of *qital* and *jihad* in the Qur’an.

It should be noted here that, contrary to the common usage of *jihad* among some Islamic jurists and groups, the word *jihad* is not used for *physical fighting* (including during military operations) in the Qur’an. It is used for striving for God’s sake. That’s why Allah asks His prophet for *jihad* against hypocrites,<sup>60</sup> while early Islamic history reveals that the prophet never conducted a military operation against them. So the main term in the Qur’an that refers to fighting is *qital*.

The doubt that has been cast upon the allocation of ‘jihad’ to fighting against the non-Muslims for their compulsion to Islam is originated from the definitions of jihad provided by some Islamic jurists, although these definitions don’t limit the general meaning of jihad.<sup>61</sup>

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57 Isfahani, Raqeb. *Mofradat alfaz al Qur’an*. Beirut, 1412 AH, p. 208.

58 Jozri, Ibn Athir. *Al Nahaya*. vol. 1. Qom. p. 319.

59 Tabataba’i Haeri, Sayed Ali. *Riyad al Masa’il*. vol. 8. Qom, 1418 AH, p. 59.

60 66:9: ‘O Prophet, strive against disbelievers and hypocrites; act stern with them! Their refuge will be Hell and it is such a wretched goal’.

61 Zohaili, Wahba. *The Issues of War in Islamic Jurisprudence*. Damascus, 1998, p. 37.



However, we keep on using *jihad* for fighting, because of it having been used by Muslims and jurists.

#### *4.4 Applying theoretical principles to the interpretation of jihad and qital*

The principles I have listed are useful in the comprehension of *jihad* verses. They express that Allah has based human life on authority and liberty. That is, both the ways of virtue and sinfulness must be freely chosen and people should not be forced to accept religion. In this way, Allah explains His prophet's duty is just to communicate and introduces him as one who warns people, and not as a taskmaster or a tyrant over people, and not as one who is responsible for the conversion of all people to Islam. Consequently, *jihad* and *qital* can't be defined as fighting in order to convert people to Islam. Such a goal involves compulsion, which the Qur'an rejects. Rulings that ask Muslims to fight against polytheists, giving them a choice between conversion to Islam and murder, involve obvious compulsion and eliminate choice. In the same way, giving the right to choose to people of the book between Islam and *jizya* – or otherwise being put to death – is again a case of using force. Is it possible to say that the Qur'an asks the prophet not to 'force people until they become faithful' (10: 99) but then asks Muslims to do this?! While the Qur'an teaches the truth to 'let anyone who wishes believe it, and let anyone who wishes disbelieve it', how could Muslims ask the faithless to choose between Islam, *jizya* and murder?

In addition, how can a Muslim define his duty as developing Islam beyond what was asked of the Prophet? The duty defined in the writings of some jurists involves one or more steps beyond communicating the faith, i.e. collecting *jizya* or fighting, when the Prophet's duty is only to communicate.

These considerations demonstrate that defining *jihad* mainly as 'an offensive war for the promotion of Islam' exceeds certain principles in the Qur'an. The same problem applies to rulings about how Muslims should act against non-Muslims. These contradictions may be answered by revising the meaning of *jihad* and *qital*. In fact, *jihad* verses should be interpreted in relation to underlying theoretical principles. These principles give a general picture of the way Islam should be promoted, by way of wisdom and liberty, and that does not go beyond communication, and never involves compulsion. This method is mentioned in the Qur'an:

Invite to the way of your Lord with wisdom and good advice and dispute with them in a manner that is best.<sup>62</sup>

Within such a framework, *jihad* and *qital* verses can be understood much more carefully. These principles confine *jihad* and *qital* to any kind of fighting that doesn't involve compulsion and force to achieve conversion, in a solely *defensive* war.

The relevant verses merely encourage Muslims to defend themselves against aggression from the faithless. If non-Muslims start a war against Muslims, the faithful should certainly defend themselves. If their enemies fight them, then Muslims should fight back. In such conditions, letting the faithless choose between Islam or death (or *jizya*) is justified, since if they accept Islam<sup>63</sup>, their hostility naturally disappears. Otherwise, they are still aggressive enemies against whom Muslims should resist.

In the same way, the verses that show Allah's will that Islam should prevail (like 9:33) don't justify offensive war, because domination should be obtained through promoting Islamic beliefs, prior to Islamic practices. In addition, genuine beliefs are based on thought and perception and not blind acceptance. This means that the superiority of Islam lies in its intellectual dominance, which is achieved through reason, deduction and preaching.

Indeed, the profound and stable dominance of Islam depends on it being accepted at a profound level. This again depends on the intellectual strength and rational depth of Islamic beliefs. Thus, the dominance of Islam originates mainly from its rational beliefs. Promoting these beliefs doesn't involve outward force and offensive war, but internal and intellectual persuasion through wisdom, advice and debate.

Some scholars, like *Zohaili*, have argued that starting a war is only justified when an obstacle is obstructing the path of Islam and has to be eliminated. This gives rise to some serious questions. Although Muslims are encouraged to invite others to join Islam, what would compensate for the lives lost during this kind of war? What reasons are there to show that offering an opportunity to embrace Islam is more important than the lives of the faithless?

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62 16:125

63 There is an important discussion on the meaning of *Islam*, whether it means peace and surrender, or it is an idiom for the religion brought by Muhammad (peace be upon him).

The principle of human honour and dignity demonstrates Islam's respect for all life, unless a clear-cut reason justifies killing. The important point here is to be sure that such clear-cut reasons exist when a faithless person is killed during efforts to promote Islam. The main reasons given are Qur'anic commands to kill the faithless, but they are far from clear-cut. They may refer to defensive war instead of offensive war, and this is enough to nullify such justifications for murdering the faithless. Thus there are no clearly defined reasons to justify killing the faithless on the grounds of removing obstacles of invitation to Islam. In fact, concerns for human dignity confine such invitations to Islam to circumstances when a person's life is not put at risk.

#### *4.5 Verbal study of the jihad and qital verses*

In addition to the reasons mentioned above, it is helpful to study the *jihad* verses. This essay on the absolute and conditional commands of *jihad* leads to two conclusions:

First, the purpose of the commands regarding fighting is not concerned with the promotion of Islam or the forceful conversion of non-Muslims.

Second, all these commands address Muslims concerning the aggression of others towards them; and prohibit Muslims from starting a war.

The Qur'an merely encourages Muslims to practice self-defense. For example, in 2:190-193, Muslims are commanded to fight only against those who take up arms against them:

Fight in the way of Allah those who fight you.<sup>64</sup>

In other words, the principal condition of this command is the opponent's aggression. This is a command concerning defensive rather than offensive war. The second verse clearly confirms this principle:

...And expel them from where they expelled you.<sup>65</sup>

Another important aspect of this command concerns the end point of a war. The final verse commands fighting, not until the enemy is defeated, is

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64 2:190

65 2:191

eradicated or has converted to Islam, but until the problem caused by their aggression has been removed.

Fight them until persecution is no more.<sup>66</sup>

In 4:91 Muslims are commanded to kill the pagans wherever they find them:

... and kill them wherever you confront them.

This command refers to a special group of pagans: those who will not leave Muslims in peace, and never stop fighting, relentlessly seeking their death. This is the only group that God allows Muslims to fight. God explicitly states that Muslims are not allowed to fight against those pagans who offer peace:

... So if they keep out of your way and do not fight you, and offer you peace, then Allah does not allow you any course [of action] against them.<sup>67</sup>

This kind of differentiation, between those who keep on fighting against Muslims, and those who offer peace, shows that this severe command only refers to any group that is determined to kill Muslims. Muslims should fight the faithless not for their faithlessness, but for their hostility and aggression.

Perhaps the most serious commands regarding fighting polytheists in the Qur'an can be found at the beginning of chapter 9 (Tawbah). In these verses, God declares that He and His Prophet repudiate the polytheists and so their peace contract is no longer valid; the Muslims are asked to kill the polytheists wherever they find them:

Then, when the sacred months have passed, kill the polytheists wherever you find them, capture them and besiege them, and lie in wait for them at every ambush.<sup>68</sup>

A concise analysis and comparison of these verses leads to the following two conclusions:

Firstly, the origin of the command to fight lies with the breach of a peace treaty by polytheists.

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66 2:193

67 4:90

68 9:5

...barring the polytheists with whom you have made a treaty, and who did not violate any [of its terms] with you, nor backed anyone against you. So fulfil the treaty with them until [the end of] its term...<sup>69</sup>

If Muslims are commanded to fight polytheists on the grounds of their polytheism, such an exception would not have been made. Consequently, the reason for fighting polytheists is something else, mentioned in the last verse: it is on account of the violation of a treaty. Thus this command is a command to defend oneself against aggression. Moreover, in later verses Muslims are explicitly told to fight side by side with leaders of the unfaithful in the case of a treaty breach, similar to the situation in the previously discussed verse:

But if they break their pledges after having made a treaty and revile your religion, then fight the leaders of unfaith indeed they have no [commitment to] pledges maybe they will relinquish.<sup>70</sup>

Only then does God blame Muslims for not fighting a group which broke its treaties, was resolved to expel the Prophet, and was first to open hostilities against Muslims.<sup>71</sup> In conclusion, the context of these verses includes peace breaking (9:4, 9:10, 9:12 and 9:13) and expelling the Prophet (9:13). Such behaviour is obscene and need to be opposed, because they were initiated by polytheists (9:13).

Secondly, the war is not intended to convert polytheists to Islam. This means that Muslims are not commanded to continue with a war until the polytheists convert to Islam. If there were such an aim, God would not command His Prophet in this way:

If any of the polytheists seeks asylum from you, grant him asylum until he hears the Word of Allah. Then convey him to his place of safety. That is because they are a people who do not know.<sup>72</sup>

A principle in the comprehensive reading of a book – including the Qur'an- is that when interpreting two commands with the same rulings, one absolute and one conditional, the absolute command should be interpreted in the light of the conditional one. This principle applies to *jihad* verses in which absolute and conditional commands of *jihad* exist, and the absolute ones should be interpreted in relation to the conditional ones.

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69 9:4

70 9:12

71 9:12-13

72 9:6

Clearly, the conditional commands limit warfare merely to defense. Thus the absolute ones are relevant only in defensive wars.<sup>73</sup>

There are other verses in the Qur'an that encourage Muslims to fight against infidels. Regarding the above mentioned principle, they all inhabit the same context and only ever call for defense. None of these verses permit an offensive war.

I would like to conclude with the following remarks:

1. In the view of the Qur'an, compulsion is not in accord with belief and faith.
2. In the teachings of the Qur'an, the relationship between people, including believers and non-believers, is based on kindness and peace.
3. None of the reasons expressed to justify offensive war can be derived from Qur'anic principles.
4. There is some encouragement to fight infidels in the Qur'an. On closer investigation, such verses have a common context: they all refer to cases where aggression is first exercised by others against Muslims. God only ever encourages Muslims to defend themselves. God neither encourages Muslims to start a war nor allows them to do so.

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