

Towards a Qur'anically-Based Articulation of the Concept of "Just War"

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"Fight in the way of God those who fight you, but do not aggress"[1]:

Introduction

Today, the word *jihād* has become a very conspicuous part of the English lexicon. A search of the word "*jihād*" on Amazon.com in the category of "Islam" finds more than 1,000 books listed, ranging from scholarly and academic works to vitriolic anti-Muslim propaganda. In the process of entering popular English usage, however, there are connotations being imposed on the word that Qur'anic usage does not support. The most insidious of these is the common rendition of the word *jihād* as "holy war." Both Muslims and non-Muslims now often translate the word *jihād* as "holy war." Often people take verses or parts of verses from the Qur'an, ignoring context and related verses, to make Islam appear warlike and violent, or to justify hostility and aggression.

Among non-Muslims, this stems both from widespread, general ignorance about Islam and a tendency to view the violent behavior of groups and individuals who identify themselves as Muslims and claim an Islamic agenda as generally representative of Islam. The popular conception of *jihād* as "holy war" is also fostered by a rising tide of anti-Islam propaganda from a variety of pseudo-scholars.[2]

Unfortunately, misunderstanding of this issue is not found only among non-Muslims. Some who identify themselves as Muslims help perpetuate this misunderstanding by actively encouraging acts of terrorism and violence in the name of Islam. The former and the latter stimulate and benefit from each other's propaganda, and each provides the other with arguments and justifications for their beliefs and behavior. The propagandists portray Islam as inherently violent, and the militants react with violence to what they see as attacks against Islam. What gets lost between the deeds of militants and words of propagandists is any sense of the Qur'anic usage of the word *jihād* and how it may or may not relate to armed conflict. The challenge facing us today is to derive an authentic Qur'an-based understanding of *jihād* and determine how that understanding governs its relationship to armed conflict, in order to articulate Qur'an-based principles of what may be called 'just war.' The principles fall into two categories: justification for war (*jus ad bellum*), and just conduct in war (*jus in bello*).

This article proposes a literal and holistic analysis of the text from a contemporary perspective and applying the exegetical principle of *tafsīr al-qur'ān bil-qur'ān* (explaining the Qur'an with the Qur'an)[3] and the jurisprudential principle *al-aṣl fil-kalām al-ḥaqīqa* (the fundamental rule of speech is literalness),[4] without refracting that Qur'anic usage through the lens of history and tradition. This paper will analyze the Qur'an's usage of the word *jihād* together with related words of the same root (*j-h-d*) and other words that bear on an understanding of that usage, such as *qitāl* (fighting) and *ḥarb* (war) in order to discover an understanding of the Qur'an's articulation of principles of 'just war' that is both contemporary and authentic. A holistic reading is a reading in which the text is read as an integral whole whose verses are understood in light of each other. A literal and holistic reading is one that proceeds from the literal meaning of the Arabic text and considers the semantic field of the root and the various morphological and syntactic aspects that contribute to meaning, together with the ways

in which words of the root are used throughout the Qur'an and the context in which specific words are used. The proposed approach begins from the assumption that there is, as Fazlur Raḥmān has shown an underlying unity in the Qur'an and that its words and verses should not be understood in isolation.[5]

The examination will begin by identifying each of the instances where these words and related terms from the same Arabic root are used in the Qur'an. Once all the relevant terms have been identified, the context in which they are used will be scrutinized.

Why is it important to seek a Qur'anic perspective on the question of *jihād*? First, because Muslims believe that the Qur'an is the Book of God and the ultimate authority that defines the beliefs and practices of Islam. All other sources are informed by it and are subordinate to it. Whether or not something is "Islamic" or "un-Islamic" is first asked of the Qur'an. Generally after consulting the text, Muslims turn to other sources of authority for clarification and elaboration. Interpretation and explanation of the Qur'an, therefore, begins with the Qur'an itself, proceeding from the idea that some parts of the Qur'an explain others (*yufassiru al-Qur'ān ba'duhu ba'dan*), or of explaining the Qur'an with the Qur'an (*tafsīr al-Qur'ān bil-Qur'ān*). Principles elaborated through such a holistic analysis can be used in conjunction with information from other sources such as the prophetic traditions (ḥadīth) and biographical literature (*Sīrah*) to formulate viable Islamic responses to contemporary situations.

Terminology Related to War in the Qur'an

Perhaps no subject is as misunderstood and misconstrued as the Qur'an's position on fighting and warfare. In order to interrogate the text to determine its position on this, or any issue, one must begin by examining terminology. Exactly what does the text say, and how does it say it? When the Qur'an addresses fighting, it does not use the word *jihād*. It uses the word *qitāl*. There is no concept of holy war (*al-ḥarb al-muqaddasah*) in the Qur'an. Although the term *jihād* is often understood to refer to war, the Qur'an always uses it in a much broader context. When the Qur'an refers directly to war, the term it uses most often is *qitāl*. Let us now examine the Qur'an's use of each of these terms, applying the principle of *yufassiru al-Qur'ān ba'duhu ba'dan*.

Jihād

The noun *jihād* occurs only four times in the Qur'an. The verb *jāhada* (to struggle, strive) in various forms appears 31 times.[6] None of these refer directly to fighting, let alone specifically to military action. In 14 of the 31 occurrences the verb *jāhada* appears in the Qur'an, striving in the cause of God is used in a very general context as a quality of those who believe. Many of these verses have nearly identical wording: *alladhīna āmanū wa alladhīna hājarū wa jāhadū fī sabīli allāh* (those who believe and emigrate and strive in the cause of God with their wealth and their selves).[7] Two instances tell how hypocrites hate to strive in God's cause and try to avoid it.[8] Where the Qur'an specifically commands striving, there is no reference to warfare.[9] Verses 29:8 and 31:15 give believers permission to disobey parents who strive (*jāhada*) to make them associate partners with God. Even under such circumstances, the believer is ordered to be considerate and just toward the parents. Taken together, these verses show us that believers must be willing to exert great efforts in the cause of God, using our wealth and ourselves. These efforts (*jihād*) may, or may not include fighting.

The broad, general usage of *jāhada* in the Qur'an led classical Muslim jurists to recognize four kinds of *jihād*: *jihād* of the heart, *jihād* of the tongue, and *jihād* of the hand, and

jihād of the sword. The first of these, the effort to purify one's heart from the influences of the devil is considered the greater *jihād*. *Jihād* of the tongue and hand are understood to refer to persuasive missionary efforts and doing good deeds, and *jihād* of the sword refers specifically to the use of just and necessary violence.[10]

Like the classical scholars before them, modern Muslim scholars also recognize the generality and breadth of the term *jihād*. The late Egyptian scholar, Sheikh Muḥammad al-Ghazālī, writes in his *Thematic Commentary on the Qur'an*:

Jihād in our time encompasses a whole range of activities including inventiveness, development, and construction on land, in the sea, and in outer space. It implies research in all fields to gain wider and deeper understanding of the world and all of the phenomena associated with it.[11]

Thus, while the use of just and necessary violence is one particular form of *jihād*, the term *jihād* is not synonymous with fighting. Fighting that is carried out according to Islamic values and ideals is only one of the ways in which individuals and the community can struggle with their properties and persons in the cause of God. Such fighting is one of the recognized types of *jihād*. However, when the Qur'an addresses fighting, the word *qitāl*, rather than *jihād*, is used.

Qitāl in the Qur'an

Like the word *jihād*, the word *qitāl*, is a form III verbal noun. Its root is *q-t-l*, which carries the basic meaning of “to cause death/kill.” [12] Form III adds the meaning of “to attempt.” Hence, “to attempt to cause death/kill” is “to fight” (*qātala/yuqātilu*).[13] While the Qur'an's usage of *jihād* and its affiliated terms is quite general, its usage of *qitāl* is far more specific. The amount of attention the Qur'an gives to the topic is an indication of just how serious the taking, or potential taking, of life is in Islam.

The root *q-t-l* appears 170 times in 122 verses of the Qur'an.[14] Of these occurrences, the word *qitāl* (fighting), itself, appears 13 times in 10 verses, while its corresponding noun *qātala/yuqātilu* appears 52 times. The word *qātala* (kill) in its various conjugations and together with its verbal noun (*qatl*) appears 98 times in 77 verses. In some verses, both words occur. The frequency with which the root occurs in the Qur'an is a measure of the seriousness of taking or attempting to take human life. The general Qur'anic ruling about killing is articulated in 17:33:

Do not kill a person, which God has made sacrosanct, except according the truth; and whoever has been killed unjustly, We have given his next of kin authority. Let him not be excessive in regard to the killing; indeed he has been helped.

The extreme seriousness of taking human life is further emphasized in 5:32, which describes God's response to the first murder committed by a human being, Cain's killing of Abel:

Because of that, We decreed for the Children of Israel that whoever has killed a person except for (killing) a person or for heinous crimes in the land, it is as if he killed all of humanity; and whoever saves a life, it is as if he saved all of humanity. Our messengers have already brought them clear proofs, but most of them are, after that, excessive in the land. (5:32)

By equating the unjust taking of a single human life with killing all of humanity and the saving of single life with saving all of humanity, this verse leaves no uncertainty about the value of human life. It also indicates the conditions that justify taking of a human life: murder or the commission of heinous crimes in the land. Taking a single life, in the absence of one of these conditions, is morally equal to killing the human race in its entirety, according to the Qur'an. This idea has extremely serious implications for warfare and fighting.

Let us now turn to the Qur'anic discussion of fighting. The Qur'an indicates that fighting is called for under certain circumstances:

Fighting is prescribed for you while it is hateful to you. It is possible that you hate a thing that is good for you, and that you love a thing that is bad for you. God knows and you do not know. (2:216)

The Qur'an also specifies when, where, why, how, and with whom fighting is allowed:

Fight in the way of God those who fight you. But do not aggress. Certainly, God does not love the aggressors. And kill them wherever you encounter them. And expel them from where they expelled you; for sedition (*fitnah*) is more grievous than killing. Do not fight them at the sacred mosque, unless they fight you therein. But if they fight you, kill them. Such is the reward of the disbelievers. (2:190-191)

8:30 offers more specific information about the behaviors that justify fighting an enemy: "the unbelievers plot to disable you, or kill you or, expel you..." Verse 56 of the same chapter adds breaking treaties to the list of behaviors (they are those with whom you made a treaty, but they break their treaty every time): 22:39-40 offers further elucidation:

Permission (to fight) is given to those who are being fought, because they have been oppressed. Certainly, God is able to help them. Those who have been expelled from their homes without justice only because they say: "Our Lord is God." If God did not repel some people with others, monasteries, churches, synagogues and mosques in which God's name is commemorated frequently would be destroyed, and God will surely help those who help Him; surely, God is Powerful, Mighty. (22:39-40)

Together, these verses establish an overall principle of fighting in response to aggression, together with a clear prohibition of aggression on the part of Muslims: *yuqātilūnakum wa la ta'tadū inna allāha lā yuhibbu al-mutadīna* (But do not aggress. Certainly, God does not love the aggressors). This is supported by the verses immediately following:

But if they desist, God is Forgiving, Merciful; and fight them until there is no more unrest and oppression and religion is for God. But if they desist, let there be no hostility except against oppressors. (2:192-193)

Fighting is not limited to self-defense, however, but also includes defense of others, as indicated in 4:75:

Why would you not fight in the way of God and the weak and oppressed among men, women, and children, who say, "Our Lord save us from this place whose people are oppressors, and give us from You, a protector, and give us from You, a helper?"

Thus, the Qur'an indicates whom to fight and details specific behaviors in which they engage that justify fighting them. These same conditions are reiterated throughout the Qur'an in all its discussions of *qitāl*. These verses clearly demonstrate that the purpose of fighting, from a Qur'anic perspective, is not to conquer and convert people, but to defend the Muslim community against aggression on the part of others who attack first and, when they enter treaties, they violate them and attack Muslims because of their religion. This understanding is further supported by 60:9, which states:

God only forbids you from allying with those who fight you on account of religion and expel you or support expelling you. Whoever allies with them, these are the unjust.

Taken together, the verses discussed so far lay the foundation for a principled view of war in which violence is only used in response to aggression or oppression, and hostilities are ended as soon as the aggression or oppression ends: "fight them until there is no more unrest and oppression, and religion is for God...But if they lean toward peace, you lean toward peace and trust in God. He is the Hearer, the Knower."^[15] A popular argument against such a reading of the text is based on the claim that verses such as 22:39-40 and 2:190 have been abrogated by the so-called "verse of the sword," 9:5. Proponents of this argument generally cite the portion of the verse, which says, "then kill the polytheists wherever you find them," claiming that this abrogates any previous verses that seem to restrict fighting and killing non-Muslims. However, this argument is problematic for two very important reasons.

First, as John Burton has clearly demonstrated, there is no agreement among Muslim scholars, past or present, on the nature of abrogation, or on the specifics of the abrogating and the abrogated.^[16] More important to the present discussion, however, is the fact that a literal reading of 9:5, in the surrounding context demonstrates that its message is the same as that found throughout the Qur'an.

Chapter 9 opens with an extended discussion of fighting and treaties. The first verse gives notice to the polytheists of dissolution of their treaties with the Muslims: "a notice of dissolution from God and His messenger to those among the polytheists with whom you made a covenant" (9:1). Verse 4, however, clarifies that the dissolution does not apply to all those polytheists who had treaties with the Muslims:

Except those among the polytheists with whom you have made a treaty and who have not failed you in anything or aided anyone against you, fulfill their treaty to their fullest extent. Certainly, God loves the God-fearing. (9:4)

The above is the verse that immediately precedes the so-called "verse of the sword," which some claim has abrogated other verses and calls on Muslims to kill all disbelievers wherever they may be. The dissolution of treaties mentioned in the first verse of chapter 9 may seem to support such a claim. However, verse 4 makes a clear exception. Treaties are not

dissolved with the polytheists who have not failed to uphold their treaties. Verse 6 also throws doubt on the claims made about the import of the so-called “verse of the sword.”

Verse 6 commands: “If one of the polytheists seeks asylum with you, give him asylum until he has heard the word of God, and after that escort him to his place of safety (9:6). Thus, both the verse immediately preceding and the verse immediately following the verse that allegedly abrogates any moderation of fighting and killing disbelievers suggest something entirely different. Moreover, these are not the end of the discussion. Verse 7 returns to the topic of keeping treaties: “as long as they stand true to you, you stand true to them; certainly God loves the God-fearing.” (9:7). The real issue is made clear in 9:12-13:

If they violate their treaties after making them, fight the leaders of disbelief; certainly they have no treaties. Perhaps they will desist. (9:12)

Will you not fight people who violated their treaties, plotted to expel the messenger, and started the war in the first place? (9:13)

These verses reiterate and elaborate on the sentiments expressed in 2:190: “Fight in the way of God those who fight you, but do not aggress. Certainly, God does not love the aggressors.” Therefore, rather than being abrogated, this concept is confirmed and elaborated in chapter 9, as well as elsewhere throughout the text.

Using some parts of the Qur’an to explain others on the question of struggle (*jihād*) and fighting (*qitāl*), four general principles become clear. The first is that fighting is sometimes necessary, even though human beings may dislike it (2:216). While fighting is necessary, it is also strictly regulated. This leads to the second principle: that aggression is intolerable. The command to fight those who fight you in 2:190 is followed immediately by the command not to aggress; the importance of non-aggression is further emphasized by the declaration that God does not love the aggressors.

In addition to the unambiguous prohibition of aggression on the part of Muslim, the Qur’an also stipulates specific actions that justify the use of violence by Muslims. These are elaborated and reiterated throughout the text, from the earliest verses believed to have been revealed on the issue of fighting in chapter 22 to the last believed to have been revealed in chapter 9, and they form the basis of the third principle: that violence is justified as a response to specific acts of injustice such as people being attacked and persecuted because of their faith, the breaking of treaties, and the eviction of people from their homes without just cause. 4:74-75 also indicates that Muslims may fight not only on their own behalf, but also on behalf of others who seek assistance against injustice and persecution. A fourth key principle is that when those who have committed acts of aggression and injustice stop doing so and seek peace, fighting against them is to cease.[17]

The four key principles outlined that fighting is sometimes necessary, that aggression is forbidden, that fighting is a response to specific types of aggression and injustice, and that fighting ceases when the causes cease and the aggressors sue for peace. Then, they would form a Qur’an-based framework in which Muslim scholars can elaborate a detailed theory of justifications for war and just conduct of war in the contemporary period, which takes into account details from the prophetic Sunnah as well as contemporary political and social realities.

[1] (2:190).

- [2] For example, Andrew Bostom's *The Legacy of Jihād: Islamic Holy War and the Fate of Non-Muslims* and Robert Spencer's *Onward Muslim Soldiers: How Jihād Still Threatens America and the West*.
- [3] Muḥammad 'Alī al-Ṣābūnī, *Mukhtaṣar Tafsīr Ibn Kathīr*, v.1.28, *al-Muḥaddith Program*. v. 11.36 available at www.muhammadith.org.
- [4] Ibn Nujaym, *al-Baḥr al-Rā'iq*, v.1.02, *al-Muḥaddith Program*. v. 11.36 available at www.muhammadith.org.
- [5] Fazlur Raḥmān, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1984), pp.2-3.
- [6] Harf Information Technology, *The Holy Qur'an*, ver. 8.0 (2002) (CD) Qur'an search on j-h-d.
- [7] (2:218; (3:142); (5:57); (8:72, 74,75); (9:16, 20,44,88); (16:110); (29:6, 69); and (49:15).
- [8] (9:81,86).
- [9] (5:35); (9:41, 73); (22:78); (25:52); and (66:9).
- [10] Mājīd Khaddūri, *War and Peace in the Law of Islam* (Baltimore: The Johns Hopkins Press, 1955), pp.56-57.
- [11] Sheikh Muḥammad al-Ghazālī, *A Thematic Commentary on the Qur'an* (Herndon, VA: The International Institute for Islamic Thought, 2000), p.263.
- [12] Ibn Manẓūr, *Lisān al-Arab*, entry *qātala*, www.alwaraq.net.
- [13] W. Wright, *A Grammar of the Arabic Language* (Beirut: Librairie du Liban, 1996), vol.1, p.32D.
- [14] Harf Information Technology, *The Holy Qur'an*, ver.8.0 (2002) (CD) Qur'an search on the root q-t-l.
- [15] (8:39, 61).
- [16] John Burton, *The Sources of Islamic Law: Islamic Theories of Abrogation* (Edinburgh: University of Edinburgh Press, 1990).
- [17] (2:193); and 8:61).