

PEACE

AND THE LIMITS OF WAR

Transcending the Classical Conception of Jihad



Louay M. Safi

THE INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT

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THE INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT

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Foreword

THE INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT (IIIT) has great pleasure in presenting a newly revised and edited edition of Dr. Louay Safi's treatise *Peace and the Limits of War: Transcending the Classical Conception of Jihad*, published under its Perspectives on Islamic Thought Series. Since publication of the first edition in 2001, the work has received wide attention from a growing circle of readership, generating enough interest, felt the publishers, to warrant the production of a second edition.

Peace and the concept of jihad are issues of vital importance. Firmly on the agenda of worldwide political debate and discourse they frame much of the parameters of analysis on Islam and the Middle East today. This work is an important addition to this analysis. Through careful and meticulous study into an area fraught with cultural misconceptions and near total confusion the author has sought to elucidate some of the subjective and negative fundamentals which have come to dominate much of the discourse on the issue today and restore a balanced understanding.

We would like to express our thanks to Dr. Louay M. Safi, who, throughout the various stages of the production of this edition, cooperated with the editorial group at the IIIT London Office.

We would also like to thank the editorial and production team at the London Office and those who were involved in the completion of this book: Sylvia Hunt, Sohail Nakhoda, Kereema Altomare, Shiraz Khan and Dr. Maryam Mahmood, all of whom worked tirelessly in preparing the book for publication. May God reward them and the author for all their efforts.

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Author's Preface to the First Edition

THIS MONOGRAPH is an expanded version of an article published in the *American Journal of Islamic Social Sciences (AJISS)* in 1988, under the title "War and Peace in Islam." The article attempted then to clarify some of the misconceptions surrounding the notion of jihad. Thirteen years later, the same misconceptions and misunderstandings regarding war and peace in Islam are wide-spread in both the Muslim societies and the West.

The attacks on the United States on September 11, 2001, by an apparently religiously inspired group, brought to the fore the question of jihad and war, and led a few misinformed and misguided individuals to confuse the Islamic concept of jihad with the medieval concept of holy war. The equation of the two is erroneous and misleading. Holy wars were fought in medieval Europe in the name of God against infidels, because the latter were perceived to stand against God. Jihad, on the other hand, is fought to repel aggression and lift the oppression of a brutal force, and is never directed at the other's faith. The fact that both are based on religious motivation does not make them equal. Religious motives have historically inspired both the noblest and the basest actions.

I, therefore, do hope that this monograph will contribute to bringing more meaningful discussion of the notion of jihad and the conception of war and peace in Islamic tradition. I also hope to be able to illustrate that the Islamic worldview and values stand on the side of world peace and global justice, and against aggression and brutality.

I wish to thank two good friends who have encouraged me to refine the early article I wrote on peace and war into the current monograph, Jamal Barzinji and Sayyid M. Syeed. Their encouragement and support are greatly appreciated.

INTRODUCTION

ISLAM IS A RELIGION OF PEACE. This fact is borne out by both Islamic teachings and the very name of “Islam.” The term Islam essentially means to submit and surrender one’s will to a higher truth and a transcendental law, so that one can lead a meaningful life informed by the divine purpose of creation – a life in which the dignity and freedom of all human beings can be equally protected. Islamic teachings assert the basic freedom and equality of all peoples. They stress the importance of mutual help and respect, and direct Muslims to extend friendship and goodwill to all, regardless of their religious, ethnic, or racial background.

Islam, on the other hand, permits its followers to resort to armed struggle to repel military aggression, and indeed urges them to fight oppression, brutality, and injustice. The Qur’anic term for such a struggle is jihad. Yet for many in the West, jihad is nothing less than a holy war, i.e., a war to enforce one’s religious beliefs on others. Most Muslims would reject the equation of jihad with holy war, and would insist that a better description that captures the essence of the Islamic concept of jihad is a just war. There are still small and vocal groups of Muslims who conceive jihad as a divine license to use violence to impose their will on anyone whom they could brand as an infidel, including fellow Muslims who may not fit their self-proclaimed categorization of right and wrong.

The confusion about the meaning of jihad and the debate over

whether jihad is a “holy war” or a “just war” are of great importance for Muslims and non-Muslims alike, particularly at this juncture of human history when the world has once again rejected narrow nationalist politics and is moving rapidly to embrace the notion of global peace and the notion of a multi-cultural and multi-religious society. It is, hence, crucial to expose the confusion of those who insist that jihad is a holy war and who place doubts on Islam’s ability to support global peace. The advocates of jihad as a holy war constitute today a tiny minority of intellectuals in both Muslim societies and the West. Western scholars, who accept jihad as holy war, feed on the position of radical Muslim ideologues, as well as on generalization of the particular and exceptional to the general.

Given the fact that radical interpretations of Islam have had a disproportionate influence on the way Islam’s position regarding peace and war is perceived and understood, I intend to focus my discussion on rebutting the propositions of the classical doctrine of jihad, embraced by radical Muslims, and to show that these propositions were predicated on a set of legal rulings (*ahkām shar‘īyyah*) pertaining to specific questions which arose under particular historical circumstances, namely, the armed struggle between the Islamic state during the Abbasid era, and the various European dynasties. I hope I will be able to demonstrate in the ensuing discussion that classical jurists did not intend to develop a holistic theory with universal claims.

I further aspire to introduce a more comprehensive conception of war and peace which takes into account the Qur’anic and Prophetic statements in their totality. This new conception is then used to establish the fundamental objectives of war as well as the basic conditions of peace.

Misunderstanding the position of Islam vis-à-vis war and peace alluded to earlier is essentially a problem of textual explication. It is a problem of how a Qur’anic text is and ought to be interpreted. What rules did classical scholars use in deriving concepts and doctrines from Islamic sources, and what rules should Muslims use today? And, because the analysis must engage the classical methods,

there is no escape from employing the terminology of Islamic jurisprudence, better known as *uṣūl al-fiqh*. The legalistic and textual analysis of Islamic texts is, however, joined by a historical and analytical discussion, aimed at examining the socio-political conditions surrounding the armed jihad between the early Islamic state and the various political communities that it fought.

CHAPTER ONE

CLASSICAL VIEWS AND HISTORICAL CONDITIONS

THE DOCTRINE of jihad was developed in the first three centuries of Islam, and was influenced by the political structure of the day. We argue in this chapter that the ideas and doctrines advanced by early Muslim jurists were shaped, on the one hand, by the political organization of the Islamic polity, which recognized the moral autonomy of the various religious and ethnic communities that it compromised, and on the other hand, by the imperial politics of Byzantium.

The classical doctrine of jihad, and its corollary theory of the Two Territories, are the products of their time, and should be understood as such.

CLASSICAL DOCTRINE OF JIHAD

Although the rules and principles pertaining to relations between Islamic and non-Islamic states date back to the early Madinan period, the classical doctrine of war and peace was developed by Muslim jurists (*fuqahā'*) during the Abbasid era. The tenets of the doctrine can be found either in general law corpora under headings such as jihad, peace treaties, *amān*, or in certain special studies such as *al-kharāj* (land tax), *al-siyar* (biography/ history), etc. The work of the Muslim jurists consists mainly of rules and principles concerning the initiation and prosecution of war, rules, and principles that have been predicated on a specific perception of the role and objectives of the Islamic state in respect to other states.

Classical Muslim scholars often equated the notion of jihad with that of war. This conception of jihad failed to capture the full range

of its rich meaning, thereby reducing in effect the act of jihad into the act of war. While the Qur'an often uses the word jihad in reference to the act of war, it gives the term broader meaning. The term jihad was first introduced in the Makkan Qur'an – verses 29:6, 69 and 25:52 – long before the Muslims were permitted to fight. In the Makkan period, the term jihad was used in reference to the peaceful struggle in the cause of God:

And those who make jihad in Our [cause], We will certainly guide them to Our paths. (29:69)

And whoever makes jihad he does so for his own soul ... (29:6)

Therefore, listen not to the unbelievers, but make jihad against them with the utmost strenuousness, with [the Qur'an]. (25:52)

These three verses direct the Muslims to patiently persevere in the face of Quraysh persecution and oppression, and to engage in dialogue and persuasion with the aim of reaching out and expanding the truth of Islam. It follows that fighting and using military tactics is only one of several avenues through which the duty of jihad can be discharged. The methodology of jihad includes, among other things, peaceful resistance and perseverance against oppression and tyranny, if the general conditions of the moment indicate that this approach is the most effective way to achieve the objectives of the Muslim community.

The classical doctrine of war and peace is founded on three essential propositions:¹

1. The world is divided into two territories: *dār al-Islām*, the area subject to Islamic law, and *dār al-Harb*, the area not yet brought under Islamic rule. Al-Shāfi'ī adds a third territory, *dār al-ʿAhd* or the territory of covenant. His third category, however, is superfluous, for he stipulates that a non-Islamic state may enter into a peace treaty with the Islamic state only if it renders an annual tribute of *jiḏyah* [poll tax]. This stipulation, therefore, puts him on the same footing with the other classical writers.

2. *Dār al-Islām* is under permanent jihad obligation until *dār al-Ḥarb* is reduced to nonexistence. Jihad is, thus, the instrument of the Islamic state to propagandize Islam and expand the territory wherein Islamic law is enforced.
3. Peaceful coexistence between *dār al-Islām* and *dār al-Ḥarb* is possible only when the latter renders an annual tribute of *jizyah* to the former.

The classical doctrine of war and peace has persisted over the centuries with a few minor and sporadic alterations. The tenets of this doctrine have been handed down unchallenged, despite several grave flaws in its development and despite its violation of some essential Islamic principles.²

As will be argued later, this may, in part, be attributed to the political conditions existing at the time the doctrine was articulated and developed; conditions which prevailed throughout much of Muslim history.

According to the classical Muslim jurists, a permanent state of war exists between *dār al-Islām* and *dār al-Ḥarb*. War, however, is divided into two types. First, war of domination against polytheists who have two options from which to choose: either to accept Islam or fight. Second, war of reconciliation against the People of the Book who have three possibilities to face: to accept Islam and, thus, be left alone, to pay the *jizyah*, in which case they are entitled to retain their religion and enjoy Muslim protection, or to fight the Muslim army.³ It is clear that war, according to the foregoing view, is the normal state of things, and that peaceful relations between the Islamic and non-Islamic states is contingent on the acceptance of Islam by the non-Islamic states or their payment of annual tributes to the Islamic states.

WAR OF DOMINATION

The classical position, in regard to the principles of war and peace, has been primarily predicated on three Qur'anic verses and on one hadith:

And fight them until there is no more persecution and religion⁴ is only for God. (2:193)

But when the forbidden months are past, then fight and slay the polytheists whenever you find them, and seize them, beleaguer them, and lie in wait for them in every stratagem [of war], but if they repent, and establish salah and pay their zakah, then open the way to them, for God is Oft-Forgiving, Most Merciful. (9:5)

Fight those who believe not in God nor the last day, nor forbid what God and His Messenger forbade, nor acknowledge the religion of Truth, [even if they are] of the “People of the Book,” until they pay the *jizyah* with willing submission and feel themselves subdued. (9:29)

I have been commanded to fight the people until they say: “There is no god but God.” When they say that, then their lives and property are inviolable to me, except [in the case when] the [law of] Islam allows it [to take them]. They will be answerable to God.⁵

The first verse, revealed in Madinah, has been construed by some Muslim jurists and commentators as obligating Muslims to fight non-Muslims until the latter embrace Islam, in the case of the polytheists, or pay *jizyah*, in the case of the “People of the Book.” In other words, the verse has been considered as a general rule (*ḥukm ʿām*)⁶ which must be interpreted in association with the particular rules revealed in the verses 9:5 and 9:29. The verse has been interpreted, in practical terms, to mean that non-Muslims should either be forced to accept Islam or be dominated by the Islamic state. Yet the immediate and direct interpretation is that the Muslims should fight non-Muslims until the latter cease attacking or persecuting them.⁷ The second interpretation is not only more plausible and coherent, but also the only possible explanation (*taʾwīl*) of the verse when read in its context.

Fight in the cause of God those who fight you, but do not commit aggression, for God loves not aggressors. (2:190)

And slay them wherever ye catch them, and turn them out from where they have turned you out; for persecution is worse than slaughter ... (2:191)

But if they cease, God is Oft-Forgiving, Most Merciful. (2:192)

And fight them until there is no more persecution and religion is only for God, but if they cease, let there be no hostility except to those who practice oppression. (2:193)

The verses begin by commanding Muslims to fight those who initiate war against them, emphasizing that Muslims should never be the aggressive party. The term *‘udwān*, translated here as “aggression,” is used in the Qur’an to indicate the instigation of hostility.⁸ Some jurists claim that the verse, “fight in the cause of God who fight you ...” is abrogated (*mansūkh*) by the verses of *Surat al-Taubah*, a claim rejected by other jurists and scholars, including Ibn ‘Abbās, ‘Umar ibn ‘Abd al-‘Azīz, Mujāhid, and others, who assert that it is a firm rule (*muḥkam*).⁹ Al-Ṭabarī, who also holds that the verse is not abrogated, chooses the interpretation of ‘Umar ibn ‘Abd al-‘Azīz, who construed the verse to mean: “do not fight those who do not fight you, meaning women, children, and monks.”¹⁰ Although ‘Umar limits the application of this verse only to women, children, and monks, the verse itself provides a general rule which includes those who do not fight or show hostility against Muslims. As it will be argued later, the particularization (*takhṣīṣ*) made by ‘Umar had not been induced by the statement¹¹ of the text (*‘ibārah al-naṣṣ*), but rather by historical and practical considerations.

The next verse, 2:191, posits the reason for which the Muslims had been instructed to declare war against the Pagan Arabs, i.e., to avenge the wrong inflicted by the latter who had fought the Muslims, driven them out of their homes, and persecuted them for professing Islam.

The final verse, 2:193, prescribes the objective of war as the neutralization of the oppressive forces that prevent people from choosing their belief and religion. It is clear from this verse that war should be carried out against the individuals and institutions that practice oppression and persecute people; not to force and coerce

people into Islam. The same verse, therefore, instructs the Muslims to terminate the fighting as soon as this goal has been achieved. In other words, the previous four verses prescribe fighting only against oppressors and tyrants who use force to prevent people from freely professing or practicing their religion.

Let us now examine the verses of *Surat al-Tawbah*, which some Muslim jurists consider to be the final words of the Qur'an concerning the principles governing the initiation of war vis-à-vis non-Muslims. Jurists are divided as to whether these verses abrogate other Qur'anic verses that address the initiation of war. Those who claim that these verses abrogate other verses on the subject base their judgment on the grounds that the verses embody general rules which cancel any other preceding rules. The abrogation, thus, is not predicated on textual evidence (*naṣṣ*), but rather on reasoning and speculation. It follows that the question of abrogation is a matter of opinion and, as such, is subject to discussion and refutation. "If there exists a dispute among the Muslim scholars as to whether a specific rule is subject to abrogation," al-Ṭabarī explains, "we cannot determine that the rule is abrogated unless evidence is presented."¹² Needless to say, al-Ṭabarī means by evidence, a statement provided by the Qur'an or the Sunnah [the tradition of the Prophet] in support of the claim of abrogation. Otherwise the evidence is but another scholar's opinion.

The verses of *Surat al-Tawbah* explicitly declare that the Muslims are to fight the polytheists until they embrace Islam:

... slay the *mushrikīn* [polytheists] wherever you find them, and seize them, beleaguer them, and lie in wait for them in every stratagem [of war]; but if they repent, and establish salah and pay zakah, then open the way for them ... (9:5)

The word *mushrikīn* (sing. *mushrik*) in this context indicates specifically the Pagan Arabs¹³, as it can be inferred from the first verse, which reads:

A declaration of disavowal from God and His Messenger to those of the *mushrikīn* with whom you contracted a mutual alliance. (9:1)

The reason for this all-out war against the Pagan Arabs was their continual fight and conspiracy against the Muslims to turn them out of Madinah as they had been turned out of Makkah, and their infidelity to and disregard for the covenant they had made with the Muslims: “Why will you not fight people who violated their oaths, plotted to expel the Messenger, and attacked you first ... ” (9:13).

It could be said that what matters here is not the specific circumstances of the revelation, but the general implication of the text, as it is generally accepted in the principles of Islamic jurisprudence (*uṣūl al-fiqh*). The response to this argument is that the particularity (*takhṣīs*) of the previous verse is determined not by the circumstance of its revelation, but by its intent (*ḥikmah al-naṣṣ*), which is also generally acceptable for limiting the application of the text.

‘Abd al-Wahhāb Khallāf wrote:

It should be noticed, that the intent of the text is to be distinguished from the circumstance of its revelation, for Muslim jurists are in consensus [*ijmā’*] that the intent of the text may be used for limiting its application, with no dissension by any of them, while the circumstance of its revelation is what they refer to when they say: “What matters is the general implication of the text, not the circumstance of its revelation.”¹⁴

Therefore, the verses 1–14 of *Surat al-Tawbah* can be applied only to Pagan Arabs who lived at the time of the Prophet. The reason they had to be coerced into Islam was that they were hostile to Muslims and had disregarded their oaths and plotted against the Islamic state in Madinah. This understanding is reinforced by the verse 9:4 exempting those who were faithful to their treaties with the Muslims:

[But the treaties are] not dissolved with those Pagans with whom you have entered into covenant and who have not subsequently failed you in aught; nor aided anyone against you. So fulfill your agreements with them to the end of their term: for God loves the righteous. (9:4)

The previous argument can also be applied to the hadith: “I have been commanded to fight people until they declare that there is no god but God.” The word “people” here implies the Pagan Arabs only. For if the word is interpreted to be all-inclusive, the rule embodied in this hadith should also be applied to the Byzantine Christians and the Persian Zoroastrians (*Majūs*). But, since this is not the case, the word “people” has an exclusive meaning and implicates only the Pagan Arabs. This explication is supported by another hadith reported by ‘Abdullah ibn ‘Umar ibn al-Khaṭṭāb, who narrated that the Prophet said:

I have been commanded to fight people until they declare that there is no deity but God and that Muhammad is the Messenger of God, establish the *ṣalāh*, and pay the *zakah*. If they do that, their lives and property are inviolable to me, except [in the case when] the [law of] Islam allows me [to take them]. They will be answerable to God.¹⁵

Clearly the word “People” here implies only the Pagan Arabs who, according to *Surat al-Tawbah*, are to be forced to accept Islam. For obviously the word cannot be considered to include all people, since that contradicts the Qur’anic directions, as well as the practice of the Prophet, which permit the “People of the Book” to maintain their religion. Regarding the word “people” to be all-inclusive will, therefore, violate the provisions that have been given to the “People of the Book” by the Qur’an and the Sunnah.

Abū Ḥanīfā and his pupil Abū Yūsuf contend that only Pagan Arabs are to be coerced into Islam. In his book *Al-Kharāj*, Abū Yūsuf relates that Muḥammad ibn al-Ḥasan said:

The Prophet, peace be on him, consummated a peace treaty with the Zoroastrians of al-Hajar on the terms that they paid *jizyah*, but did not permit [Muslims] to take their women in marriage or to eat their slaughtered animals.¹⁶

He also stated that *jizyah* could be collected from all polytheists, such as Zoroastrians, Pagans, Fire and Stone Worshipers, and Sabians,

but not from apostates or Pagan Arabs, for the latter groups were to be coerced into Islam.¹⁷ Al-Shāfi‘ī and Mālik also contend that *jizyah* can be taken from polytheists.¹⁸

WAR OF RECONCILIATION

We have seen in the foregoing discussion that the war of domination in which people are to be coerced into Islam involved a particular ruling (*ḥukm khāṣṣ*) limited to the Pagan Arabs, for their hostility and infidelity. Most leading jurists, including Abū Ḥanīfah and his two renowned students Abū Yūsuf and Muḥammad ibn al-Ḥasan, as well as al-Shāfi‘ī and Mālik, advocate only the war of reconciliation, in which the “People of the Book” and non-Arab polytheists can enter into peaceful treaties with Muslims, provided that they pay an annual tribute of *jizyah* to the Islamic state. The war of reconciliation is therefore considered by these jurists as a general rule applicable to all non-Muslims. Muslim jurists, thus, divide the world into two territories, *dār al-Islām* and *dār al-Ḥarb*, and declare that a permanent state of war exists between the two until *dār al-Ḥarb* is annexed to *dār al-Islām*. This understanding is founded on verse 29 of *Surat al-Tawbah*.

Fight those who believe not in God nor the last day, nor forbid what God and His Messenger forbade, nor acknowledge the religion of Truth, [even if they are] of the “People of the Book,” until they pay the *jizyah* with willing submission and feel themselves subdued. (9:29)

The first outstanding remark about the verse is that it is not all-inclusive, and thus, does not render a general rule. The verse posits four criteria for those who are to be fought among the “People of the Book:” those who do not believe in God, do not believe in the last day, do not forbid that which is forbidden by God and his Messenger, and do not acknowledge the religion of truth. The verse, obviously, has not been phrased in a way that would implicate the “People of the Book” as a whole,¹⁹ but in a way that sets aside a particular group of the “People of the Book.”

The general rule (*ḥukm ʿām*) was derived by the Muslim jurists by *explication de texte* (*taʿwīl al-naṣṣ*). Al-Māwardī, for example, implicates the “People of the Book” by arguing:

As to the saying of God Almighty “those who believe not in God,” [the statement is inclusive of the “People of the Book”] because, although acknowledging the Oneness of God, their belief [in God] could be refuted by one of two explications: First, [by saying that] they do not believe in the Book of God, which is the Qur’an. Second, [by saying that] they do not believe in the prophethood of Muhammad, peace be on him, for acknowledging the prophets is part of the belief in God who commissioned them.²⁰

It is clear that al-Māwardī’s reasoning stems from neither the letter of the text, nor from its spirit. Rather, the argument presented by al-Māwardī, as well as other classical jurists, has been influenced by the factual circumstances and practical conditions, a question discussed at some length below.

From the foregoing discussion we can conclude that the phraseology of the verse 9:29 provides a particular rule (*ḥukm khāṣṣ*); i.e., war in this verse is prescribed against a particular group of the “People of the Book” because of the four criteria cited above. We can also conclude that the extension of the application of these criteria to the “People of the Book” as a whole is not based on textual evidence (*naṣṣ*) but on reasoning and argumentations; and that the interpretation provided by classical jurists is debatable. Nevertheless, I will not attempt here to reinterpret the verse in consideration, nor will I go into the lengthy discussion as to whether the four criteria may implicate the “People of the Book” in general, because it will be shown later that the Prophet, as well as the first generations of Muslims, did not extend these criteria to the “People of the Book” as a whole. Instead, I will elaborate on the condition, which obligates the Muslims to terminate their offensive against the “People of the Book:” “Until they pay *jizyah* with willing submission and feel themselves subdued.”

Jizyah was not levied on the “People of the Book” for the purpose of increasing the income of the Muslim state or promoting

the wealth of the Muslim community. Nor was it levied to place a financial burden on non-Muslim individuals and force them to accept Islam; for the amount of *jizyah* was very minimal and levied only on financially solvent males, while exempting women, children, monks, or poor non-Muslims.²¹ Rather, *jizyah* attained historically a symbolic meaning as it aimed at subduing hostile states and oppressive regimes so as to assure Muslims that they could promote Islam in that community, and to assure non-Muslims that they could profess Islam without being persecuted or harassed.

Al-Sarakhsī proclaims:

The purpose of *jizyah*, is not the money, but rather the invitation to Islam in the best manner. Because, by establishing a peace treaty [with non-Muslims], war ceases and security is assured for the peaceful [non-Muslim], who, consequently, has the opportunity to live among the Muslims, experience first-hand the beauty of Islam, or receives admonition, which could lead him to embrace Islam.²²

In other words, *jizyah* was intended to assure freedom of expression for Muslims to promote Islam in non-Muslim territories, and freedom of belief to those who may choose to embrace Islam. Because *jizyah* was aimed at turning hostile territories into friendly ones, the Muslims did not collect *jizyah* from those who expressed a friendly attitude toward them, or entered a mutual alliance with them, pledging thereby their military support. Al-Ṭabarī, for example, reported in his treatise on history that Suayd ibn Muqrin entered into an agreement with a non-Muslim community, which read in part: “Whoever of you provides services to us will get his reward rather than paying *jizyah*, and you are secure in your lives, property, and religion, and no one can change the provisions of this agreement.”²³ Surāqah ibn ‘Amr, likewise, signed a treaty with the Armenians in 22 AH/642 AC, in which the latter were exempted from paying *jizyah* for supporting the Muslims militarily.²⁴ Ḥabīb ibn Muslimah al-Fahrī, the deputy of Abū ‘Ubaydah, also signed a treaty with the Antakians in which the latter were exempted from *jizyah* in return for services and help rendered to the Muslims.²⁵

It was also reported in *Futūḥ al-Buldān* that:

Muʿāwiyah ibn Abī Sufyān signed a treaty with the Armenians in which the institution of religion, the political order, and the judicial system of the latter were left intact, and the Armenians were further released from *jizyah* duties for three years; after that they could either pay an amount of *jizyah* as they chose, or, if they did not wish to pay *jizyah*, prepare fifteen thousand warriors to help the Muslims and to protect the Armenian land. Muʿāwiyah pledged to provide logistical support, should they be attacked by the Byzantines.²⁶

It is clear from the foregoing examples that the early Muslims regarded *jizyah* as a measure for neutralizing hostile political communities and opening their territories to Muslims, and not a measure for dominating them or placing financial burdens on them. The previous perception of the real intent of *jizyah* is demonstrable, in a yet clearer fashion, in the friendly relations between the Islamic state and Ethiopia during the early Islamic epochs.

PEACEFUL COEXISTENCE: ABYSSINIA AND ISLAM

The relationship between Abyssinia and the early Islamic state is an excellent case study for rebutting the classical conception of the two territories (*dār al-Islām* and *dār al-Ḥarb*), which calls for a permanent war against non-Muslim political communities until they accept Islam or pay *jizyah*. Mālik ibn Anas, the founder of the Maliki school of law, advised that the Muslims should not conquer Abyssinia, predicating his opinion on the hadith of the Prophet: “Leave the Abyssinians in peace so long as they leave you in peace.” He acknowledged that he was not sure of the authenticity of the statement, but said: “People still avoid attacking them.”²⁷ Abyssinia had maintained its Christian identity long after Islam was established in Arabia and North Africa. Few Muslim families could be found in the fourth century AH.²⁸ From the beginning, Abyssinians showed their goodwill to the early Muslims who, escaping the persecution of Quraysh, had sought refuge in

Abyssinia. The Muslim émigrés were welcomed by the Abyssinians and were further protected from their persecutors who sent a delegation to bring the Muslim escapees back home. Good relations between Abyssinia and the Islamic state continued, the former being the only nation to acknowledge Islam at that time.²⁹

The peaceful relationship between Abyssinia and the Islamic state is very significant for rebutting the concept of the two territorial divisions of the world, and its corollary conception of a permanent state of war which does not permit the recognition of any non-Muslim state as a sovereign entity and insists that the latter should always pay a tribute to the Islamic state. For although Abyssinia had never been a Muslim nation, it was recognized by the early Islamic state as an independent state that could be let alone without imposing any kind of tax on it or forcing it into the orbit of the Islamic state. Obviously, Abyssinia could not be considered a part of the territory of Islam (*dār al-Islam*), for Islamic rule had never been exacted therein;³⁰ nor would it be considered a part of the territory of war (*dār al-Harb*), since there had been no attempt to force it into the pale of Islam or to declare a permanent war against it. The only satisfactory explanation of the peculiar position of Abyssinia is that the doctrine of the two territories was founded on a fragile basis. Some Muslim sources claim that al-Najāshī, the king of Abyssinia during the time of the Prophet, had embraced Islam after receiving the invitation of the Prophet.³¹ Ibn al-Athīr, for instance, wrote in this regard:

When al-Najāshī received the letter of the Prophet, he believed in him, following his [instructions], and embraced Islam in the presence of Jaʿfar ibn Abū Ṭālib, then sent sixty Abyssinians to the Prophet headed by his son; the group had drowned however while sailing [to Madinah].³²

The story about al-Najāshī's accepting Islam did not affect the status of Abyssinia as a territory in which Islam did not rule, and, consequently, should be considered, according to the definition of classical writers, a territory of war.³³

DR. LOUAY SAFI provides a systematic analysis of the Qur'anic reference and the prophetic traditions on peace and war. He critically examines the views of classical and modern Islamic scholars in light of the original intent of the Shari'ah. While his views on this subject were articulated as early as 1988, his analysis continues to provide a balanced understanding of the most misunderstood concepts of Islam.

I am glad that this work is published at a time when Islam's position on war and peace is being debated very passionately on a global level. I strongly recommend it to all those who are looking for an Islamic understanding of violence, terrorism, war and peace.

Dr. Sayyid M. Syeed
Secretary General, Islamic Society of North America (ISNA)

This essay is a lucid and enormously useful exegesis of the meaning of jihad especially as understood in Islamic history. It deserves the widest possible attention.

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