



## Jihad: a war against all Non-Muslims or not ?

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Should the relationship between Muslims and non-Muslims be of war or peace ? In other words, if non-Muslims are being non-violent, harmless, peaceful, neutral or harbor no grudge against Muslims, should Muslims fight against them in such a case ? Or should Muslims only fight against those who attack them and prevent them from propagating Islam, stand in their way, and force those who newly embraced Islam to renounce it by harming and torturing them ? In the past some classical Muslim Jurists held the opinion that Islam enjoins Muslims to maintain a state of permanent belligerence with all non-believers. According to this opinion Muslims are under a legal obligation to reduce all non-Muslim communities to Islamic rule. Proponents of this view did not make any distinction between neutral or peaceful non-Muslim states and those who are violent and aggressive towards the Islamic State. In the Qur'an however we read that Muslims should not wage war against non-Muslims who are peaceful towards them [ see 2:190 **1** , 60:8 **2** , 4:90 **3** ]. For this reason many other Muslim jurists [ modern and classical ones ] have argued that Muslims should only wage war against those non-Muslim states who are hostile against Muslims or pose a serious threat to the Islamic State. In other words Muslims should not attack those who are peaceful towards them. Those classical jurists who disagreed with this view argued that verses on Jihad in the Quran were revealed in stages and Allah revealed verses 9:5 and 9:29 of the Quran for the final stage. They claimed that these last verses [ 9:5 and 9:29 ] abrogated, canceled and replaced all earlier verses that state jihad should only be carried out against those who are violent or pose a serious threat to the Islamic State [ see v. 2:190 ]. Moreover they argued that these two verses [ 9:5 and 9:29 ] abrogated, canceled and replaced all verses that called for tolerance, compassion, and peace **4** . In order to prove this view of Jihad wrong one needs to disprove the claim that these last verses [ 9:5 and 9:29 ] abrogate, replace and cancel all earlier verses that instruct Muslims to deal kindly with peaceful non-Muslims [ see v. 60:8 ] and instruct Muslims to carry out jihad only against those who are hostile towards Muslims or pose a serious threat to the Islamic State [ see v. 2:190 ]. In this paperwork we shall discuss verses 9:5 and 9:29 and demonstrate that these two verses do not abrogate, cancel or replace earlier verses like v. 2:190 and v. 60:8. The aim of this paperwork is to show that verses 9:5 and 9:29 do not support the theory that Jihad is an offensive war against all non-Muslim states simply on account of their disbelief in the Islamic message.

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- 1:** In verse 2:190 Allah says: : "...Fight in God's cause against those who fight you, but do not overstep the limits: God does not love those who overstep the limits.." [ Source: M. A. S. Abdel Haleem: "The Qur'an: A New Translation", Oxford University Press, 2004 , p. 21 ]
- 2:** In verse 60:8 Allah says: "...and He ( God ) does not forbid you to deal kindly and justly with anyone who has not fought you for your faith or driven you out of your homes: God loves the just..." [ Ibid. , p. 369 ]
- 3:** In verse 4:90 Allah says: "...But as for those who seek refuge with people with whom you have a treaty, or who come over to you because their hearts shrink from fighting against you or against their own people, God could have given them power over you, and they would have fought you. So if they withdraw and do not fight you, and offer you peace, then God gives you no way against them..." [ Ibid. , p. 59 ]
- 4:** Ibn Hazm, *An-Nasikh wal-Mansukh*, pp. 19, 27

## Commentary on verse 9:5

Then, when the sacred months have passed, slay the idolators wherever you find them, take them and besiege them and prepare for them every ambush. [ 9:5 ] If any one of the idolators should seek you protection [ Prophet ] , grant it to him so that he may hear the word of God, then take him to a place safe for him, for they are people with no knowledge of it [ 9:6 ]

Dr. Abdel Haleem comments on this verse:

We must also comment on another verse much referred to but notoriously misinterpreted and taken out of context – that which became labelled as the ‘Sword verse’ : “...Then when the sacred months have passed, slay the idolators wherever you find them, take them and besiege them and prepare for them every ambush...” [ 9:5 ] The hostility and “bitter enmity” of the polytheists and their *fitna* [ persecution, 2:193 ; 8:39 ] of the Muslims grew so great that the unbelievers were determined to convert the Muslims back to paganism or finish them off. “...They would persist in fighting you until they turn you back from your religion , if they could...” [ 2:217 ] It was these hardened polytheists in Arabia, who would accept nothing other than the expulsion of the Muslims or their reversion to paganism, and who repeatedly broke their treaties, that the Muslims were ordered to treat in the same way - to fight them or expel them....Even with such an enemy Muslims were not simply ordered to pounce on them and reciprocate by breaking the treaty themselves; instead, an ultimatum was issued, giving the enemy notice, that after the four sacred months mentioned in 9:5 above, the Muslims would wage war on them. The main clause of the sentence “kill the polytheists” is singled out by some Western scholars to represent the Islamic attitude to war; even some Muslims take this view and allege that this verse abrogated other verses on war. This is pure fantasy, isolating and decontextualising a small part of a sentence. The full picture is given in 9:1-15, which gives many reasons for the order to fight the polytheists. They continuously broke their agreements and aided others against the Muslims, they started hostilities against the Muslims, barred others from becoming Muslims, “expelled” Muslims from the Holy Mosque and even from their own homes. At least eight times the passage mentions their misdeeds against the Muslims. Consistent with restrictions on war elsewhere in the Qur’an, the immediate context of this “Sword Verse” exempts such polytheists who do not break their agreements and who keep the peace with the Muslims [ 9:7 ]. It orders that those enemies seeking safe conduct should be protected and delivered to the place of safety they seek [ 9:6 ]. The whole of this context to v. 5 , with all its restrictions, is ignored by those who simply isolate one part of a sentence to build their theory of war in Islam on what is termed “The Sword Verse” even when the word sword does not occur anywhere in the Qur’an [5](#)

Ibn Arabi comments:

It is clear from this that the meaning of this verse is to kill the pagans who are waging war against you. [6](#)

In other words the command to perform [ physical ] “jihad” in this verse is clearly defensive in nature. It is a specific verse with a *specific ruling* and can in no way be applied to general situations.

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[5](#): Muhammad Abdel Haleem, "Understanding The Qur'an" [ I.B. Tauris & Co Ltd 2005 ], pp. 65-66

[6](#): Ibn Arabi, Ahkam al-Qur'an : 2 / 456

## Abrogation ?

The next issue with this verse [ 9:5 ] concerns abrogation. It has been claimed by some Jurists that this verse abrogated, canceled, and replaced all verses that called for tolerance, compassion, and peace. Such a claim however has been proven wrong ! Ansar al-'Adl in one of his writings states that: "...In the Qur'an there is *naskh* and there is also *takhsees*. Naskh is the abrogation of a ruling by a ruling that was revealed after it. Naskh occurs in matters of Islamic law. Takhsees on the other hand refers to specification, where one verse restricts the application of another verse, or specifies the limits not mentioned in the other verse. As Shaykh Abu Ammaar Yasir Qadhi writes:

Specification involves one verse limiting or restricting a general ruling found in another verse, whereas naskh involves abrogating the first verse *in toto* [ i.e. it is not applied in any circumstances or conditions ] [7](#)

Shaykh Yasir Qadhi also explains that one of the conditions for naskh is that the two conflicting rulings apply to the "same" situation under the "same" circumstances, and hence there is no alternative understanding of the application of the verses. As he states:"....Therefore, if one of the rulings can apply to a specific case, and the other ruling to a different case, this cannot be considered an example of naskh..." [8](#) Therefore, verse 9:5 can in no way be considered an example of naskh since it is only a ruling applied to a very "*specific*" situation and circumstances. In his book "An Introduction to the Sciences of the Qur'aan" Abu Ammaar Yasir Qadhi specifically addresses the confusion about verse 9:5, and after citing the different claims he concludes that:

It can be seen from the examples and categories quoted that, in reality, most of these verses cannot be considered to have been abrogated in the least. Some of them merely apply to situations other than those that they were revealed for. Almost all of these "mansookh" [ abrogated ] verses can still be said to apply when the Muslims are in a situation similar to the situation in which the verses were revealed. Thus, the "Verse of the Sword" in reality does not abrogate a large number of verses; in fact, az-Zarqaanee concludes that it does not abrogate any ! [ fn. Az-Zarqaanee, v.2, pps.275-282 ] [9](#)

Incidentally, Imam Tabari, who opens his work on "The Divergences of the Jurists" with a careful list of which Qur'anic verses supersede which others, when he comes to the so-called verse of the sword in this Qur'anic commentary gives no indication that it supersedes other verses. [10](#) Tabari in his commentary on verse 60:8 [11](#) also criticizes those Muslims who say that 60:8 was later abrogated by another Qur'anic verse which says, "...Slay the idolaters wheresoever you find them..." [ 9:5 ]. Imam Al-Tabari says that the most proper interpretation of verse 60:8 is that God commanded kindness and justice to be shown "amongst all of the kinds of communities and creeds" and did not specify by His words some communities to the exclusion of others. Al-Tabari says that here God speaks in general of any group that does not openly fight against the Muslims or drive them out of their homes, and mene

## Commentary on verse 9:29

Fight those who believe not in God nor the Last Day, nor hold that forbidden which has been forbidden by God and His Apostle, 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. [ Qur'an 9:29 ]

Shaykh Jalal Abualrub comments on verse 9:29 [ and 9:123 ] :

These Ayat [ Quranic verses ] stress the necessity of fighting against the People of the Scripture, but under what conditions ? We previously established the fact that the Islamic State is not permitted to attack non-Muslims who are not hostile to Islam, who do not oppress Muslims, or try to convert Muslims by force from their religion, or expel them from their lands, or wage war against them, or prepare for attacks against them. If any of these offenses occurs, however, Muslims are permitted to defend themselves and protect their religion. Muslims are not permitted to attack non-Muslims who signed peace pacts with them , or non-Muslims who live under the protection of the Islamic State.

Shaikh Sayyid Sabiq said regarding these two Ayat **1** , "...As for fighting the Jews [ People of the Scripture ] , they had conducted a peace pact with the Messenger after he migrated to madinah. Soon afterwards, they betrayed the peace pact and joined forces with the pagans and the hypocrites against Muslims. They also fought against the Muslims during the Battle of the A'hzab **2** , then Allah revealed ... **3** " Hence, the two verses are about hostile Jews and Christians who live in countries surrounding the Islamic State and show enmity and aggression against Muslims and Islam. To further prove the meaning given here for these two verses, Shaikh Sayyid Sabiq said, Pg. 81 , "...As for the Christians and other disbelievers [ Such as the Majus – Fire worshippers ] , the Prophet, peace be upon him, did not initiate war against them. He first sent his emissaries, after the 'Hudaibiyyah peace treaty [ in the year 628 CE ] , to the kings of the earth at that time, inviting them to Islam. He sent messages to Cesar [ of Constantinople ] , Kisra [ Khosrou of Persia ] , an-Najashi [ of Abyssinia ] and Arab kings in the East [ Iraq and Easterns Arabia ] and ash-Sham Area [ Syria ] . Some Christians in these areas and others embraced Islam ; the Christians of the Sham Area killed some of them. Therefore, Christians started aggression against Muslims and unjustly and by way of tyranny killed those among them who embraced Islam. When the Christians started aggression against Muslims, the Messenger sent an army...". Sayyid Sabiq went on to say, "...What we have stated makes in clear that Islam did not allow the initiating of hostilities, except to: 1 repel aggression ; 2 protect Islamic propagation ; 3 deter Fitnah and oppression and ensure freedom of religion. In such cases, fighting becomes a necessity of the religion and one of its sacred ordainments. *It is then called, Jihad..*" **4** However, we must state that the Byzantine Empire started other types of aggression against Muslims. For instance, the reason behind the Prophet, peace be upon him, leading his army towards the Area of Tabuk was that the Byzantines and their Arab allies in the Sham Area [ Syria ] gathered substantial forces to fight Muslims. Also, the leader of the Persian Empire wrote to his deputy in Yemen ordering him to attack Madinah and arrest the Prophet ! **13**

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- 1: Fiqhu as-Sunnah, by Sayyid Sabiq, Vol. 3 , Pg. 80
  - 2: Also known as the Battle of al-Khandaqh [ meaning , the Trench ]
  - 3: And he mentioned the verse above [ 9:29 ]
  - 4: Fiqhu as-Sunnah, by Sayyid Sabiq, Vol. 3 , Pg. 81

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**13:** Shayk Jalal Abualrub, *Holy Wars, Crusades, Jihad* [ Madinah Publishers and Distributors, 2002 ] pp. 165-67

Concerning the people about which the verse is making reference, Mahmud Shaltut [ former Grand Sheikh of al-Azhar ] states: "...Previously they had broken their pledges and hindered and assailed the propagation of the Islamic mission...there was nothing to hold them back from breaking pledges, and violating rights, and *they were not inclined* to desist from aggression and tyranny..." [14](#)

In light of the historical context of this verse, it becomes very clear that the verse was revealed in connection with aggression initiated against Muslims. The command to fight [ or combat ] in this verse refers to those non-muslims who commit aggression and not those who are committed to live in peace. Muhammad Asad in "The Message of the Qur'an" moreover comments on this verse:

In accordance with the fundamental principle-observed throughout my interpretation of the Qur'an - that all of its statements and ordinances are mutually complementary and cannot, therefore, be correctly understood unless they are considered as parts of one integral whole, this verse, too must be read in the context of the clear-cut Qur'anic rule that war is permitted only in self-defence [ see 2:190-194, and the corresponding notes ]. In other words, the above injunction to fight is relevant only in the event of aggression committed against the Muslim community or state, or in the presence of an unmistakable threat to its security: a view which has been shared by that great Islamic thinker, Muhammad 'Abduh. Commenting on this verse, he declared: "Fighting has been made obligatory in Islam only for the sake of defending the truth and its followers.... All the campaigns of the Prophet were defensive in character; and so were the wars undertaken by the Companions in the earliest period [ of Islam ]" [ Manar X, 332 ]. [15](#)

Shaykh Muhammad al-Ghazali states in his commentary on surah nine:

Muslims are therefore basically opposed to war and are never the ones to start it. by the imperative of their own religion, they are taught not to impose their beliefs on others by force. Their mission is to impart and communicate God's message, leaving people free to decide whether to believe or reject it. Those who refuse to believe are free to pursue their lives in peace as long as they do not pose any obstacle or threat to Islam and the Muslims, who perceive their faith as the strongest and most vital binding relationship between God and humankind and that it is their responsibility to make others aware of it and provide them with the opportunity to understand and appreciate it. This is the basis of the relationship between Muslims and non-Muslims in Islamic society. God says elsewhere in the Qur'an: "Therefore, if they ( the unbelievers ) do not trouble you and cease their hostility towards you and offer you peace, God gives you no authority over them" [ al-Nisa: 90 ]. Those who take up arms against a muslim state or parts of it must be met with force, and if they are overcome, they should be disarmed. Once that is achieved, they are free to lead their own lives and practise their beliefs in peace and security *under the protection of the Muslim authorities*, in return for which they have to pay a levy.

This is the background against which prescription of the jizyah, or exemption tax, came into being. It is not due from those who are neutral and have never taken up arms against the Muslim state. The surah gives ample explanation for the reasons behind the establishment of this tax, for it stipulates who should pay it. They are those "who do not believe in God and the Last Day, who do not forbid what God and His Messenger have forbidden, and who do not follow the true religion, *until they pay the exemption tax unreservedly and with humility..*" [29] [16](#)

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14: M. Shaltut, "The Doctrine of Jihad in Modern Islam", *Jihad in Classical and Modern Islam*, Rudolph Peters Ed. [ Princeton: Markus Wiener Publishers, 1996 ], p. 77

15: Muhammad Asad, "The Message of the Qur'an" [ The Book Foundation 2003 ], Vol. 2 , pp. 294-295

16: Shaykh Muhammad al-Ghazali, "A Thematic Commentary on the Qur'an" [ The International Institute of Islamic Thought , Second Printing, 2005 ], pp. 183-184

A close reading of the verse moreover shows us that God posits 4 criteria for those who are to be fought from among the people of the book: "...Those who do not believe in God, nor in the last day, nor forbid what God and His Apostle have forbidden, nor obey the Rule of Justice 17 ..." Why are the People of the Book that are to be fought termed as disbelievers in God ? Why are they seen as people: "...who do not forbid what God and His Apostle have forbidden, nor obey the Rule of Justice.." ? Muhammad Asad in his commentary on the Holy Quran answers these questions for us:

The term "apostle" is obviously used here in its generic sense and applies to all the prophets on whose teachings the beliefs of the Jews and the Christians are supposed to be based - in particular, to Moses and [in the case of the Christians] to Jesus as well [ Mandr X, 333 and 337 ] Since, earlier in this sentence, the people alluded to are accused of so grave a sin as wilfully refusing to believe in God and the Last Day [ i.e., in life after death and man's individual responsibility for his doings on earth ], it is inconceivable that they should subsequently be blamed for comparatively minor offences against their religious law: consequently, the stress on their "not forbidding that which God and His apostle have forbidden" must refer to something which is as grave, or almost as grave, as disbelief in God. In the context of an ordinance enjoining war against them. this "something" can mean only one thing-namely, unprovoked aggression: for it is this that has been forbidden by God through all the apostles who were entrusted with conveying His message to man. Thus, the above verse must be understood as a call to the believers to fight against such-and only such-of the nominal followers of earlier revelation as deny their own professed beliefs by committing aggression against the followers of the Qur'an [ cf. Mandr X , 338 ]. 18

Ibn Abbas [ the prophet's cousin ] was also of the opinion that the phrase "...those...who do not forbid what God and His Apostle have forbidden..." does not refer to those who disbelief in Islam and do not follow the Islamic Rules, but rather refers to Jews and Christians who do not forbid what God and his Messenger have forbidden in the Torah. In his commentary [ tafseer ] we read:

[ Fight against such of those who have been given the Scripture ] the Jews and Christians [ as believe not in Allah nor the Last Day ] nor in the bliss of Paradise, [ and forbid not ] in the Torah [ that which Allah hath forbidden by His messenger, and follow not the religion of truth ] do not submit themselves to Allah through confession of Allah's divine Oneness, [ until they pay the tribute readily ] standing: from hand to hand, [ being brought low ] abased. 19

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17: Many English translations of the Qu'ran translate the last criteria mentioned by God in this verse as: "...nor follow [ or acknowledge ] the religion of truth..." [ 9:29 ] . Muhammad Abdel Haleem however translates this part of the verse as: "...nor obey the Rule of Justice..." [ 9:29 ] . In his footnote he points out that: "...the main meaning of 'dana' is 'he obeyed'..." [ M. A. S. Abdel Haleem: *The Qur'an: A New Translation*, Oxford University Press, 2004 , p. 317 ] . The Arabic "Deen al-Haq" which is translated by many here as "religion of truth" can also be translated as "law of God" or "Rule of Justice" [ as done by M.A.S. Abdel Haleem ] . The Arabic word "Deen" can mean "way of life", but also "law". Al-Haq moreover is one of God's names. For this reason *Deen al-Haq* can be translated as "Law of God" or "Rule of Justice". Ahmed Ali translates "Deen al-Haq" in this verse as "Divine Law" . This translation is supported by the fact that Holy Qu'ran in another verse uses the expression "Deen al-Malik" to refer to the "law of the king" , see: "...He could not take his brother by the law of the king [ Deen al-Malik ] as a slave..." [ 12:76 ] . Since Deen al-Malik means the Law of the King , Deen al-Haq in the context of verse 9:29 refers to the "Law of God" or "Rule of Justice". Even if we for the sake of argument would accept that the last criteria mentioned in this verse should be read or translated as: "...those... who do not follow or acknowledge the way of truth" [ instead of "...those ...who do not obey the Rule of Justice" ] , it should be understood as a reference to those Jews and Christians who do not truly submit to God's way [ meaning: "...they do not sincerely practice their religion, nor in the way they have been ordered by God in their religious scriptures..." ] . Muhammad Asad states: "...the only [ true ] religion in the sight of God is [ man's ] self-surrender unto Him..." [ Muhammad Asad, "The Message of the Qur'an" , The Book Foundation 2003, Vol. 2 , p. 297 ]

18: Muhammad Asad, "The Message of the Qur'an" [ The Book Foundation 2003 ] , Vol. 2 , p. 295

19: Tafseer Ibn Abbas, Commentary on verse 9:29, see: <http://www.altafsir.com/Ibn-Abbas.asp>

Notice also that Ibn Abbas describes the people who are to be fought as those who “neither belief in the bliss of paradise”. In other words the people that are to be fought are seen as those who have no faith at all ! The verse in question is therefore a reference to Jews and Christians who by their evil deeds and unjustified aggression towards the Muslim Community are seen as people who: 1. “do not fear God” [ since they do not belief in God ] 2. “not feel answerable for their evil actions” [ since they do not belief in the last Day ] 3. “not accept or belief in divine law” [ since they violated their own religious laws by committing aggression towards the Muslim Community, i.e. they did not forbid what God and His Messenger have forbidden in the Torah ]. <sup>20</sup> In addition to this we should remember the next important comment made by Muhammad Asad in his commentary on the verse

earlier in this sentence, the people alluded to are accused of so grave a sin as wilfully refusing to believe in God and the Last Day [ i.e. , in life after death and man's individual responsibility for his doings on earth ] , it is inconceivable that they should subsequently be blamed for comparatively minor offences against their religious law: consequently, the stress on their "not forbidding that which God and His apostle have forbidden" must refer to something which is as grave, or almost as grave, as disbelief in God. In the context of an ordinance enjoining war against them, this "something" can mean only one thing-namely, unprovoked aggression: for it is this that has been forbidden by God through all the apostles who were entrusted with conveying His message to man.

And finally it's important to point out that verse in question is subject to the condition [ rule ] mentioned in verse 2:190: “..Fight in the way of Allah against those who fight against you..” <sup>21</sup> For this reason verse 9:29 should be read in the light of all previous Quranic statements and rules on

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<sup>20</sup>: The historical context in which the verse [ 9:29 ] was revealed clearly supports this meaning of the ayah  
<sup>21</sup>:

The full verse reads: “Fight in the cause of Allah those who fight you, but do not commit aggression, for Allah loves not aggressors.” [ 2:190 ]. Dr. Louay M. Safi in one of his writings points out that the verse starts by commanding Muslims to fight those who initiate war against them, emphasizing that Muslims should never be the aggressive party. The term 'udwan, translated here as "aggression," is used in the Qur'an to indicate the instigation of hostility. This meaning is demonstratable in verse [ 2:194 ] : "...whoever then commits aggression against you, commit yet aggression against him accordingly....." [ Source: Louay M. Safi, “Peace and the limits of War : Transcending Classical Conception of Jihad”, Institution of Islamic Thought , second edition 2003, p. 9 ]

The translators [ Shayk Abdal Hakim Murad, Mostafa al-Badawi and Uthman Hutchinson ] of: “The Majestic Qur'an” translate verse 2:190 as: “...Fight for the sake of Allah those that fight against you, but do not attack them first. Allah does not love the aggressors....” [ source: “The Majestic Qur'an: An English rendition of its Meanings” , The Nawawi Foundation ( Chicago ) & The Ibn Khaldun Foundation ( London ) , 2000 , p. 29 ]

Some jurists claim that the verse, "fight in the cause of Allah those who fight you. . ." is abrogated by the verses of Surah al-Tawbah [ 9:5 and 9:29 ] , a claim rejected by other jurists, including Ibn 'Abbas [ the cousin of the Prophet ] , 'Umar ibn 'Abd al Aziz, Mujahid, and others, who assert that it is “firm rule” [ see: Muhammad Ibn Ahmad al Qurtubi, “*Jami Ahkam al Qur'an*” , Cairo: Matba'ah Dar al Kutub al Masriyyah, 1935 , Vol. 2 , p. 348 ]

Shayk Sayyid Sabiq also points out that verse 2:190 prohibits attacking those who did not commit aggression against Muslims. This is because when Allah states that He ‘dislikes’ something, it is a type of news that cannot be changed or abrogated [ “Fiqhy as-Sunnah”, vol. 3, p. 79 ] . Shayk Jalal Abuelrub comments on this: “....The statement above....is valid and stronger than the statement of several respected scholars stating that the verse about forbidding aggression ( 2:190 ) was abrogated. This is because when Allah states that He does not like something, His Statement here is not part of the law, but a matter of the Unseen reporting Allah's Actions. The only part of Allah's Revelation that Allah abrogates are the practical aspects of the religion, the Law.... Accounts of what happened in the past, what will happen in the future and what Allah likes or dislikes cannot be abrogated..” [ Jalal Abualrub, *Holy Wars, Crusades, Jihad* , Madinah Publishers and Distributors 2002, p. 114-115 ]

Jihad, and be understood as: "... Fight against those who [ fight against you ] , believe not in God nor the Last Day, nor hold that forbidden which has been forbidden by God and His Apostle, nor obey the Rule of Justice , [ even if they are ] of the People of the Book.... " [ Holy Qur'an 9:29 ]

The famous Hanafi Jurist Imam al-Tahawi also adhered to the position that non-believers could only be fought if they resorted to "*armed conflict*", and not simply on account of their "*disbelief*" [22](#) This view is also strongly supported by the next authentic narration [ hadith ] of our Prophet:

It is reported the Prophet said: "...Leave the Abyssinians alone, as long as they leave you alone, and do not engage the Turks, as long as they do not engage you..." [23](#)

Notice how the above hadith contradicts the view of those who believe that the Holy Qur'an instructs Muslims to fight all Non-Muslims simply on account of their disbelief. If God in the Holy Qur'an [ verse 9:29 ] had commanded Muslims to fight "all" non-Muslims simply on account of their disbelief, then there would have been no room for a statement from the Prophet like this. The above hadith confirms the view that Muslims should not attack people who do not pose any threat towards the Islamic State, nor have any intention to attack Muslims. Dr. Louay M. Safi comments:

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 Hijri century. [ see: T.W. Arnold , The Preaching of Islam , London: Constable and Company , 1913 , p. 113 ]. From the beginning, Abyssinians showed their good will 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. [ see: Muhammad Haykal, "The Life of Muhammad" , 6 , pp. 97-101 ] .

The peaceful relationship between Abyssinia and the Islamic state is very significant for rebutting the concept of the two territorial division 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 apart of the territory of Islam [ dar al Islam ] , for Islamic rule had never been exacted therein; nor would it be considered apart of the territory of war [ dar 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 Najashi, the king of Abyssinia during the time of the Prophet, had embraced Islam after receiving the invitation of the Prophet. Ibn al Athir, for instance, wrote in this regard: "...When al Najashi received the letter of the Prophet, he believed in him, following his [ instructions ] , and embraced Islam in the presence of Ja'far ibn Abu-Talib, then sent sixty Abyssinians to the Prophet headed by his son; the group had drowned however while sailing [ to Madinah ]...." The story about al Najashi'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. [24](#)

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[22](#): See: Ahmad al-Tahawi [ d. 933 ]: "Kitab al-Mukhtasar", ed. Abu al-Wafa al-Afghani [ Cairo 1950 ] , p. 281

[23](#): Abu Dawood ( 3748 ) and an-Nasai ( 3125 ) ; Imam al-Albani graded it as authentic in his book, "Sahih al-Jami", hadith No. 3384, and also in his book, "Silsilat al-A 'hadeeth as-Sahihah", Hadith No. 772

[24](#): Louay M. Safi, "Peace and the limits of War : Transcending Classical Conception of Jihad", pp. 16-17

Shayk Muhammad al-Ghazali concludes:

Our natural disposition and tendency favor peace, harmony, and stability among relatives, neighbours, and friends. However, while condoning and encouraging these tendencies, the Qur'an also says: "...Much as you dislike it, fighting has been prescribed for you. But you may despise something that is good for you, and you may love something that is bad for you. God knows, but you do not ..." [ 2:216 ]. Peace is to be welcomed when rights are protected and beliefs are respected; but if peace means abject surrender and subjugation, it cannot be easily defended on moral or realistic grounds. This delicate balance is well presented in the verse: "...They ask you whether fighting is permitted during the sacred month. Say, 'fighting in it is a grave matter' ..." [ 2:217 ], meaning it is not permitted. However, what should be done if aggression is perpetrated, terrorizing peaceful communities and jeopardizing their rights of worship and belief? Should not aggression be repelled, in order to protect one's rights? The verse continues: "...but to deny God and debar people from His path and prevent them from worshipping in the Holy Mosque, and to drive its inhabitants away, is far more grave in the sight of God..." [ 2:217 ]. In short "...sedition ( Arabic: *fitnah* ) is a greater threat than killing..." [ 2:217 ] and fighting or armed resistance should be permitted in "defense" of one's integrity and beliefs. However, in circumstances in which we are faced with enemies who will not be satisfied until we forsake our religion and way of life and adopt theirs, defensive action becomes obligatory and the blame for instigating the conflict will not fall on us but on those who were the cause of it. These introductory remarks enable us to appreciate fully the meaning of the following verse: "...fight for the cause of God those who fight against you, but do not commit aggression because God does not love the aggressors..." [ 2:190 ]. This is an eternal principle, and everything else the Qur'an has to say on this subject agrees with it. Some commentators have been erroneously misled into believing that *surah al-Tawbah* contains injunctions that contradict this principle. The command given in that surah to undertake to fight back does not, however, prescribe fighting against fair-minded, neutral, or reasonable people. It condones it against groups who have grudges against the Muslims and are actively undermining their peace and security and inflicting harm upon them. That is the reason for the Qur'an's condemnation that: "...Evil is what they ( the unbelievers ) have done; they respect no acts or agreements with the believers and they are the aggressors..." [ al-Tawbah: 9-10 ]. Furthermore, the Qur'an emphasizes the need to confront those aggressors in a just and clean fight, by asking: "...Would you not fight against those who have broken their oaths and conspired to drive the Messenger out, and attacked you first? Do you fear them? Surely you should fear God instead, if you are true believers..." [ al-Tawbah: 13 ].

It is difficult to see how this can be seen as prescribing waging war against those who do not commit aggression, or that it overrides the principle given in *al-Baqarah* which states clearly that fighting is undertaken only in response to aggression. This – when propounded by some Muslims – is at best a misunderstanding, and at worst an objectionable undermining of eternal Islamic principles, inviting noxious charges against Islam, for which we have only ourselves to blame. Here it is worth stressing that the Qur'an prescribes legitimate defensive war on condition that it is undertaken for the cause of God and not for personal glory nor to gain a special advantage; nor should wars be prescribed for the sake of vainglorious and bigoted nationalist interests to prove that a particular country is supreme and master of all! Wars conducted in recent times have been organized to usurp the wealth and the resources of weaker nations, and to colonize and control their lands and destinies for the benefit of strong and mighty ones. Far from being *just wars*, fought in the name of God, they are true works of evil [25](#)

In light of all these previous facts, it becomes very clear that the verse [ 9:29 ] was revealed in connection with aggression initiated against Muslims. The command to fight in this verse refers to those non-Muslims who commit aggression and not those who are committed to live in peace.

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25: Shaykh Muhammad al-Ghazali, "A Thematic Commentary on the Qur'an" [ The International Institute of Islamic Thought, Second Printing, 2005 ], pp. 18-20

## Verse 9:29 and the Tabuk Expedition

It's also important to note that the revelation of verse 9:29 is associated with the expedition to Tabuk in 630 [ after Rajab 9 A.H. ]. Jurists all acknowledged that Muhammad's decision to send an army to fight the Byzantines occurred after having received verse 9:29. In order to demonstrate that the verse in question refers to those non-muslims who commit aggression and not those who are committed to live in peace, one needs to prove that the Byzantines and their allies prior to the Muslim expedition to Tabuk attacked the Muslims first [ or posed a threat ]. Dr. Safi does so here:

In like manner, the fighting between the Islamic state and both Byzantium and Persia was commenced not because the Muslims wanted to extend the dominion of the Islamic state, or dar al Islam, using the classical terminology, but rather because both the Byzantines and the Persians either assailed Muslim individuals and caravans or prevented the peaceful spread of the Islamic message. The campaign of Dawmah al Jandal, the "first campaign" against the northern Christian tribes which were Byzantine protectorates, was a punitive expedition to avenge the attacks on the Muslim caravans to al Sham [ Syria ] by some of these tribes, such as Qada'ah and Banu Kalb. <sup>1</sup> Likewise, the campaign of Mu 'tah was also a punitive expedition to avenge several grave violations against the Muslim messengers and missionaries whom Muhammad had sent north to call people to Islam and introduce the new faith to the northern regions. For example, the Prophet sent al Harith ibn Umayr to the governor of Busrah. Upon reaching Mu'tah, al Harith met with Sharhabil Amir ibn al Ghassani, who asked him, "Are you a messenger of Muhammad?" Al Harith answered: Yes. Then Sharhabil ordered his men to kill him, and he was executed <sup>2</sup>

The Prophet also sent five men to Banu Sulayman for the sole purpose of teaching them Islam, and he endured their cold-blooded murder by their hosts. Only their leader managed to escape, and he did so purely accidentally. He also sent fifteen men to Dhat al Talh on the outskirts of al Sham in order to call its people to Islam. Therefore, too, the messengers of Muhammad and the missionaries of faith were put to death in cold-blood. <sup>3</sup> It was also reported that the northern *Christian tribes* killed those among them who had professed Islam, <sup>4</sup> leaving the Muslims therefore no choice but to fight them for their aggression <sup>26</sup>

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- 1: Muhammad Haykal, "The Life of Muhammad" [ North American Trust Publications 1976 ] , p. 284
  - 2: Al-Daqs, Kamil Salamah, "Al- 'Ilaqat al-Dawliyyah fi al-Islam" [ Jeddah: Dar al-Shuruq 1904 ] , p. 287
  - 3: Muhammad Haykal, "The Life of Muhammad" [ North American Trust Publications 1976 ] , p. 387
  - 4: Al-Daqs, pp. 287-88, citing Ibn Taymiyya "Risalah al-Qital" in *Majmu'ah al- Rasa'il al-Najdiyyah*, pp. 126-28

It is also a fact that prior to the Tabuk expedition the Muslims fought with the Christian Byzantines at Mu'tah. The Muslims wanted to avenge the martyrdom of the Prophet's emissary. Muhammad Husein Haykal points out in his book: "...Historians differ in explaining the expedition against Mu'tah. Some give the murder of Muhammad's companions at Dhat al Talh as the cause. Others relate that the Prophet had sent a messenger to the Byzantine governor of Busra, that this messenger was killed by a tribesman of Ghassan in the name of Heraclius, and that Muhammad sent this force as a punitive expedition against that governor and the empire he represented ..." <sup>27</sup>

In other words Christian tribes [ under Byzantine control ] were guilty of executing Muhammad's messengers, killing Muslim converts and attacking Muslim caravans. The Byzantines were guilty of defending and helping these Christian Tribes. Verse 9:29 was directed against these people. The verse refers to Jews and Christians who are guilty of these horrible crimes against Muslims and are therefore labeled as 'faithless' people. The verse is *not* directed against innocent or peaceful people !

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- 26: Louay M. Safi, "Peace and the limits of War : Transcending Classical Conception of Jihad", Institution of Islamic Thought , second edition 2003, pp. 22-23
  - 27: Muhammad Haykal, *The Life of Muhammad*, ( Islamic.Book Service Lahore 1997 ) , p. 388

### Rebuttal 1:

Today a lot of Christian missionaries try to prove that the Holy Qur'an [ v. 9:29 ] instructs Muslims to fight "all" Christians. They argue that the Prophet himself did this and refer to the next letter:

To John ibn Rabah and the Chiefs of Aylah. Peace be on you ! I praise God for you, beside whom there is no Lord. I will not fight against you until I have written thus unto you. Believe, or else *pay tribute*. And be obedient unto the Lord and his Prophet, and the messengers of his Prophet. Honor them and clothe them with excellent vestments, not with inferior raiment. Specially clothe Zeid with excellent garments. As long as my messengers are pleased, so likewise am I. Ye know the tribute. If ye desire to have security by sea and by land, obey the Lord and his Apostle, and he will defend you from every claim, whether by Arab or foreigner, saving the claim of the Lord and his Apostle. But if ye oppose and displease them, I will not accept from you a single thing, until I have fought against you and taken captive your little ones and slain the elder. For I am the Apostle of the Lord in truth. Believe in the Lord and in his Prophets, and in the Messiah, son of Mary ; verily he is the Word of God: I believe in him that he was a messenger of God. Come then, before trouble reach you. I commend my messengers to you..... if ye obey my messengers, God will be your protector, and Mahomet, and whosoever belongeth unto him....Unto you is the guarantee of God and of Mahomet his Apostle, and peace be unto you if ye submit... [28](#)

Based on this letter Christian Missionaries argue: ".....Verse 9:29 refers to Christians and Jews in general. Muhammad terrorized non-Muslim peoples. Ayla was far from Mecca and the Christians there were not involved with the Meccans fighting against Muhammad....." This argument or claim however is incorrect and can be easily proven wrong by mentioning the next historical facts:

1:

Ayla was not an "independant" state. Ayla was part of the Byzantine [ Roman ] Empire during the Prophet's time. So it was not "peaceful" , but was part of the hostile and combatant Byzantine Empire, i.e., the "European" power that had occupied "Arab" lands in Egypt and Greater Syria.

2:

The Byzantine Empire was an enemy of Islam, see:

Ever since his exodus from Mecca to Medina the Prophet was violently opposed by one Abu Amir [ "The Monk" ] a prominent member of the Khazraj tribe, who had embraced Christianity many years earlier and enjoyed a considerable reputation among his compatriots and among the Christians of Syria. From the very outset he allied himself with the Prophet's enemies, the Meccan Quraysh, and took part on their side in the battle of uhud [ 3 H. ]. Shortly thereafter he migrated to Syria and did all that he could to induce the Emperor of Byzantium, Heraclius, to invade Medina and crush the Muslim community once and for all. In Medina itself, Abu Amir had some secret followers among the members of his tribe, with whom he remained in constant correspondence. In the year 9 H. he informed them that Heraclius had agreed to send out an army against Medina, and that large-scale preparations were being made to this effect [ which was apparently the reason for the Prophet's *preventive expedition* to Tabuk ] [29](#)

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28: See: Kitab al Wackidi

29: Muhammad Asad, "The Message of the Qur'an" [ The Book Foundation 2003 ], Vol. 2 , p. 315

Shayk Muhammad al-Ghazali writes:

So, although Arabia had been secured for Islam, the Byzantines were still posing a threat in the north. Some non-Muslim Arabs had fled there, still harboring grudges and aggressive designs against the Muslims. The potential for trouble was very real indeed. [30](#)

Later on the Shayk also states:

The Byzantines had entrenched their power in regions north of the Arabian peninsula, and were known to resort to the use of force to prevent Islam from making inroads into their territory. Byzantine armies began to move southward to enforce Byzantine authority over the region, clashing with the Muslims twice, at Mu'tah in 629 AC, and at Tabuk in 630 AC. There is no doubt, however, that the Muslims wanted to have access to the populations of Byzantine territories to introduce them to Islam, a task they perceived to be their right. However, those early Muslims were also mindful of the fact that they could not use force or coercion to impose their religion on others. The Byzantines resisted that effort and appeared determined to advance their version of Christianity and impose it on their subjects. Their emperors had long rejected the Arian doctrine that Jesus was human and not divine. They had barred the eastern churches who differed with them radically over the nature of Christ, detained the Patriarch of Egypt, and killed his brother. However, the Muslims were fighting for freedom of religion. They entered Egypt and Syria, offering security and immunity from persecution and guaranteeing freedom of worship. In anticipation of Byzantine resistance, the Prophet devoted much attention to removing the barriers placed in the way of Islam north of Arabia. He embarked on the mobilization of Muslim forces to enable them to deal with the Byzantine intimidation. When the moment of confrontation arrived, the Byzantines were the most powerful nation on earth. They had defeated the Persians and become the dominant superpower in the area. [31](#)

Because of this any capital or area under Byzantine Control [ like the capital of Aylah ] could pose a serious threat to the Islamic State. It was possible that one day the Roman army might utilize these local powers [ the Christian tribes under Byzantine control ] and attack the Hijaz with their assistance. It was, therefore, necessary for the Prophet to conclude treaties with them so that he might acquire better security. For this reason the Prophet decided to send the letter in question to the Christian Community of Ayla, in order to protect Islam and its people from any risk or threat.

3:

Previous [ before the Prophet send a letter to the Christian Community of Aylah ] other Christian tribes [ under Byzantine control ] had already killed some of the Prophet's messengers, see:

He sent five men to Banu Sulayman for "the sole purpose of teaching them Islam" , and he endured their cold-blooded murder by their hosts. Only their leader managed to escape, and he did so purely accidentally. He also sent fifteen men to Dhat al Talh on the outskirts of al Sham in order to call its people to Islam. Therefore, too, the messengers of Muhammad and the missionaries of faith were put to death in cold-blood. [32](#)

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[30](#): Shaykh Muhammad al-Ghazali, "A Thematic Commentary on the Qur'an" [ The International Institute of Islamic Thought , Second Printing, 2005 ] , p.182

[31](#): Ibid. , pp. 186-187

[32](#): Muhammad Haykal, *The Life of Muhammad*, trans. Isma'il al-Faruqi [ North American Trust Publications 1397 / 1976 ] , p. 387

Dr. Louay M. Safi also points out:

It was also reported that the northern Christian tribes killed those among them who had professed Islam leaving the Muslims therefore no choice but to fight them for their aggression and tyranny. [33](#)

We also read:

The Campaign of Dawmah al-Jandal, the first campaign against the northern Christian tribes which were Byzantine protectorates, was a punitive expedition to avenge the attacks on the Muslim caravans to al-Sham by some of these tribes, such as Qada'ah and Banu Kalb [34](#)

These facts clearly prove that many Arab Christian Tribes [ under Byzantine control ] helped the Byzantine Empire in their mission to destroy Islam and its people ! Therefore it was very likely that the Christian Community of Ayla would follow the same path of war and aggression towards Islam and its people as other Christian Tribes [ under Byzantine control ] before did ! The risk was there that the Christian Community of Ayla would join the Roman forces in their war against Islam. Therefore the Holy Prophet was completely justified in sending this letter towards them. [35](#)

4:

Let us also take a look at the context in which the letter was written :

While still engaged in bringing security and order to the distant regions of the Peninsula, the news reached Muhammad that Byzantium was mobilizing an army to invade the northern approaches of Arabia to avenge the last engagement at Mu'tah. [36](#) It was also rumored that this imperial army would seek to stamp out the nascent power of the Muslims who now stood at the frontier of both the Byzantine and Persian empires. At once and without hesitation, the Prophet decided that the imperial army must be met and destroyed so completely that the Byzantines would not think again of attacking Arabia or interfering in its affairs. It was autumn, but the desert heat, being greater in the beginning of autumn than in summer, was all the more deadly. Moreover, a long distance separated Madinah from al Sham. Any venture to cross it required great amounts of water and provisions. Inevitably, therefore, Muhammad had to tell the people of his plan if they were to prepare themselves adequately. Equally, it was necessary this time to alter his old diversionary strategy of ordering the army to march in the opposite direction, for no such expedition as he was preparing for could be kept a secret. Indeed, Muhammad sent messengers to all the tribes asking them to mobilize the greatest army ever, and to the Muslims of large means everywhere to give liberally for the equipment of the army. The Muslim force, the Prophet decided, should be so large and preponderous as to overwhelm an enemy long known for their numbers and military equipment....The army was finally assembled and counted thirty thousand men. Because of the difficulties encountered in its

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[33](#): Louay M. Safi, "Peace and the limits of War : Transcending Classical Conception of Jihad", Institution of Islamic Thought , second edition 2003, pp. 16-17

[34](#): Ibid. , pp. 186-187

[35](#): For the same reasons the Prophet send similar letters to other leaders of Communities or Capitals under Byzantine control. See for example the Prophet's letter to Harris Ghassini [ King of Damascus – Syria ].

[36](#): Historians differ in explaining the expedition against Mu'tah. Some give the murder of Muhammad's companions at Dhat al Talh as the cause. Others relate that the Prophet had sent a messenger to the Byzantine governor of Busra, that this messenger was killed by a tribesman of Ghassan in the name of Heraclius, and that Muhammad sent this force as a punitive expedition against that governor and the empire he represented [ M. Haykal, *The Life of Muhammad*, ( Islamic Book Service Lahore 1997 ), p. 388 ]

mobilization, this army was given the name "Jaysh al 'Usrah", or the "hardship army."....The army then marched in the direction of Tabuk. News of its approach had already reached the Byzantines who immediately withdrew to the safety of their hinterland. When Muhammad learned of their fear and withdrawal, he saw no reason to pursue them within their territory. Instead, he roamed over the border inviting all either to fight or befriend him. His purpose was to secure the frontiers of Arabia. Yuhanna ibn Ru'bah, Governor of Aylah, received such an invitation. He came in person carrying a golden cross, presented gifts, declared his submission, and handed over the keys of his island to the Prophet. So did the people of al Jarba and Adhruh, and they all paid the *jizyah*. The Prophet gave each of them a covenant which read as the following document given to Yuhanna. "In the name of God, the Merciful, the Compassionate. This is a covenant of security granted under God by Muhammad, the Prophet of God, to Yuhanna ibn Ru'bah and the people of Aylah. Their ships, vehicles, and routes on land and on sea are secure under God's guaranty and Muhammad's. So are all those who accompany them whether of the peoples of al Sham, Yaman, or beyond the seas. Whoever among them perpetrates a crime shall be liable for it in his own person, and it shall be legitimate for Muhammad to confiscate his wealth. It shall not be legitimate to prevent any one of them from using a well or a road on land or sea which they have been in the habit of using." When the Prophet applied his seal to the document, he presented Yuhanna with a mantle woven in Yaman and showed him every courtesy, respect, and friendship. It was further agreed that Aylah would remit a yearly *jizyah* of three hundred Dinars. [37](#)

The letter was written in a context of war in which the Prophet and his army were "defending" the Islamic State against the upcoming threat of the Byzantine Empire. Aylah was part of the Byzantine Empire. Therefore it's wrong to argue that the Christian Community of Aylah did not pose any threat towards the Islamic State [ as many polemics against islam argue in their writings ]

And finally it's important to point out that the last part of the letter : "...But if ye oppose and displease them, I will not accept from you a single thing, until I have fought against you and taken captive your little ones and slain the elder..." refers to the fact that Muslim soldiers in war are only allowed to kill the warriors [ adult males ] of the enemy . The term "the elder" in this letter does not refer to adult women, but only to adult men since the Prophet is reported to have said:

"...Do not kill a woman, nor a child, nor an old, aged man..." [38](#)

Anas Ibn Malik also narrated that the Prophet said:

Go in Allah's name, trusting in Allah, and adhering to the religion of Allah's Apostle. Do not kill a decrepit old man, or a young infant, or a child, or a woman; do not be dishonest about booty, but collect your spoils, do right and act well, for Allah loves those who do well. [39](#)

Another authentic narration also confirm this rule:

Nafi' reported that the Prophet of God [ may peace be upon him ] found women killed in some battles, and he condemned such an act and prohibited the killing of women and children. [40](#)

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[37](#): Muhammad Haykal, *The Life of Muhammad*, ( Islamic Book Service Lahore 1997 ) , pp. 445-449

[38](#): Narrated by Baghawi, *Sharh al-Sunnah*, 11/11

[39](#): Sunan Abu Dawud , Book 14, Number 2608

[40](#): See Malik ibn Anas, *Muwatta'* , trans. M. Rahimuddin [ New Delhi: Taj , 1985 ] , p. 200 [ Kitab al-jihad, hadith n. 957 ] . See also Bukhari, *Sahih*, vol. 4, pp. 159-160 [ Kitab al-jihad, hadith n. 257-258 ]

## Rebuttal 2:

Another letter often cited by polemics against Islam is the Prophet's letter to the Rulers of Oman:

In the Name of Allâh, the Most Beneficent, the Most Merciful.

From Muhammad bin 'Abdullah to Jaifer and 'Abd Al-Ja

similar reasons the Prophet decided to send a similar letter to Hawdha b. Ali, the Christian King of Al-Yamama [ Najd – Saudie Arabia ] , as pointed out by the orientalist Dale F. Eickelman, see:

There is some direct evidence of political contacts between al-Yamama and non-Arab powers in the period immediately preceding Musaylima's ascendancy to power. Hawdha, who was "possibly the strongest man in central Arabia at this time", was allied to the Persians and "responsible for the safety of their caravans on a certain section of the route from Yemen to Persia" [ W. Montgomery Watt, *Muhammad at Medina* ( Oxford, 1962 ) , pp. 158-161 ] . For his cooperation with [ or submission to ] the Persians, Hawdha received an honorary uniform and wreath, and was known from the time he received the gifts as "the wreath-bearer". In addition to the above evidence of Persian political influence in al-Yamama, several Hanifi occupied major posts in the Persian bureaucracy. Al-Yamama was also influenced by developments in the Hidjaz. Recognizing Hawdha's importance, Muhammad sent him a letter shortly before his armistice with the Kuraysh at Hudabiya in June 628, inviting him to accept Islam. Hawdha replied that he would, on condition that Muhammad would name him co-ruler and heir, a proposal which Muhammad rejected, not willing in any way to compromise his claim to supreme religious and political authority [ al-Baladhuri, *The Origins of the Islamic State*, p.133 ] [43](#)

As one can see, just like Oman, al-Yamama was allied to the Persians. As pointed out earlier, any area under Byzantine or Persian control could pose a serious threat to the Islamic State. Therefore one cannot argue that the prophet's letter to the Rulers of Oman was unjustified, nor can one argue that this letter supports the theory that Muslims must fight every non-Muslim state simply on account of their disbelief. [44](#) Such a theory is also in conflict with the next authentic hadeeth, see:

It is reported the Prophet said: "...Leave the Abyssinians alone, as long as they leave you alone, and do not engage the Turks, as long as they do not engage you..." [45](#)

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[43](#): Dale F. Eickelman "Musaylima: An Approach to the Social Anthropology of Seventh Century Arabia" in "Journal of the Economic and Social History of the Orient" , Vol. 10, No. 1 ( Jul. , 1967 ) , pp. 32-33

[44](#): Another important point to mention is the fact that the Prophet wrote also several letters to the Kings of Ethiopia [ Abyssinia ] . The capital of Abyssinia was at Axum. Being a sovereign state, it was neither dependent nor a tributary to any alien power [ it was neither under Persian or Byzantine control ] . From the beginning, Abyssinians [ Ethiopians ] showed their good will to the early Muslims who, escaping the persecution of Quraysh, had sought refuge in Abyssinia. These historical facts tell us that the Kingdom of Abyssinia did not pose any threat towards the Muslim community. Therefore we do not find in the Prophet's letters to the Kings of Abyssinia texts like: "...accept Islam, and your Kingdom will remain yours..." or "...accept Islam [ belief ] , or else pay tribute [ jizyah ]..." etc. The Holy Prophet invited Negus Al-Asham ibn Abjar [ King of Abyssinia ] and his successor [ in another letter ] to Islam in a very friendly manner. Negus Al-Asham ibn Abjar accepted Islam in his individual capacity but he could not convert other people of his country this is confirmed by a hadith of Al-Bukhaari which says that the Prophet said his funeral prayer in absentia in Medinah when he died. His successor did not accept Islam and wrote no reply back to the Prophet's letter. Despite this the Prophet never ordered his army to attack or conquer Abyssinia. There was no need for this since the Abyssinians did not pose any threat towards the Muslims.

[45](#): Abu Dawood ( 3748 ) and an-Nasai ( 3125 ) ; Imam al-Albani graded it as authentic in his book, "Sahih al-Jami", hadith No. 3384, and also in his book, "Silsilat al-A 'hadeeth as-Sahihah", Hadith No. 772

## Conditional and Unconditional Verses

This topic is a very important one. Some of the Quranic instructions about jihad against kufar [ disbelievers ] are unconditional, which means they state only this: "...O Prophet, Fight the kufar [ disbelievers ] and hypocrites and be stern against them..." [ 9:73 ]. If we were to pay attention only to this verse [ 9: 73 ], we would say that Islam fully instructs the Muslims to fight against kufar [ disbelievers ] and hypocrites and they [ Muslims ] must never be in a state of peace with them. And if we speak like this we will come to believe that the Quran "unconditionally" tells us to fight the non-Muslims. However there is a scholastic rule that when both an unconditional and a conditional command exist, i.e. when there is an instruction that in one place is unconditional but in another place has a condition attached, then [ according to the ulema ] the unconditional must be interpreted as the conditional. The verse [ 9:73 ] we just cited is unconditional. Other verses exist that are conditional, meaning that they read like this: "...O Muslims, Fight against those polytheists for the reason that they are in aggression against you, because they are in a state of war with you, and therefore you definitely have to fight against them...." In Surah Al Baqarah , the Qur'an tells us: "...Fight in the way of God against those who fight you, but do not commit aggression. Truly, God does not love the aggressors ..." [ 2:190 ]. [46](#) Thus it becomes clear that where the Quran says: "O Prophet Fight against the kufar and hypocrites" [ 9:73 ], it means that we must fight those kufar and hypocrites who are fighting us and who will continue fighting if we fight them. As mentioned earlier some jurists claim that the verse, "...fight in the cause of God who fight you...." [ 2:190 ] is abrogated by the verses of Surah 9: Al-Tawbah [ The Repentance ] or Bara'ah [ The Disavowal ], a claim rejected by other jurists / scholars, including Ibn 'Abbas. [47](#)

Ibn Abbas moreover explained verse 2:190 as: "...[ Fight in the way of Allah ] in obedience of Allah whether in the Sacred Precinct or in other places [ against those who fight against you ] against those who initiate fight against you, [ but begin not hostilities. Lo ! Allah loveth not aggressors ] He does not love those who initiate fighting whether in the Sacred Precinct or in other locations...." [48](#)

Shaykh Jalal Abualrub comments on verse 2:190 : "...fighting is initiated, in the Sake of Allah, against those who initiate hostilities against Muslims [49](#)

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[46:](#) Muhammad Asad comments on this verse [ 2:190 ] : "...This and the following verses lay down unequivocally that only self-defence ( in the widest sense of the word ) makes war permissible for Muslims. Most of the commentaries agree in that the expression *la ta 'tadu* signifies, in this context, "do not commit aggression" ; while by *al-mu'tadin* "those who commit aggression" are meant. The defensive character of a fight "in God's cause" – that is, in the cause of the ethical principles ordained by God – is moreover, self-evident in the reference to "those who wage war against you" , and has been still further clarified in 22:39 – "permission [ to fight ] is given to those against whom war is being wrongfully waged" - which, according to all available Traditions, constitutes the earliest [ and therefore fundamental ] Qur'anic reference to the question of jihad, or holy war [ see Tabari and Ibn Kathir in their commentaries on 22:39 ]. That this early, fundamental principle of self-defence as the only possible justification of war has been maintained throughout the Qur'an is evident from 60:8 , as well as from the concluding sentence of 4:91, both of which belong to a later period than the above verse...." [ Source: Muhammad Asad, "The Message of the Qur'an" , ( The Book Foundation, 2003 ), Volume 1 , p. 51 ]. Dr. Muhammad Abdel Haleem moreover comments on the expression "...but do not commit aggression.." [ *la ta 'tadu* ] that: "...The Arabic command *la ta 'tadu* is so general that commentators have agreed that it includes prohibition of starting hostilities, fighting non-combatants, disproportionate response to aggression, etc..." [ Source: M. A. S. Abdel Haleem : "The Qur'an: A New Translation" , Oxford University Press, 2004 , p. 317 ]

[47:](#) See: al-Qurtubi, "Jami Ahkam al Qur'an" , Cairo: Matba'ah Dar al Kutub al Masriyyah, 1935 , Vol. 2 , p. 348

[48:](#) Tafseer Ibn Abbas, Commentary on verse 2:190, see: <http://www.altafsir.com/Ibn-Abbas.asp>

[49:](#) Shaykh Jalal Abualrub, *Holy Wars, Crusades, Jihad* [ Madinah Publishers and Distributors, 2002 ] p. 113

## A Misunderstood Hadith Explained

The Messenger of Allah said: “..I have been ordered to fight the people until they declare that there is no god but God and that Muhammad is His Messenger, establish prayers, and pay zakat...” [ Bukhari ]

The hadith in question does not support or back up the theory that jihad is an offensive war against non-Muslims simply on account of their disbelief in Islam. This hadith, too must be read in the context of the clear-cut Qur'anic rule that war is permitted only in self-defence or against people that pose a serious threat to the Islamic State [ Q. 2:190 ]. Ibn Taymiyya therefore points out in his commentary on the hadith in question that the word “people” does not refer to all of humanity:

It refers to fighting “those who are waging war” , whom Allah has permitted us to fight. [50](#)

Dr. Buti also points out that the hadith connotes another narration:

I have been ordered by God to fulfill the task of calling people to believe that God is One and to defend any *aggression* against this divine task, even though this *defense* requires fighting *aggressors* or enemies [51](#)

The word “people” in the hadith is therefore clearly a reference to non-Muslims who are waging war against Muslims, i.e. aggressors. Further many classical jurists have pointed out that the aggressors [ “people” ] referred too in this hadith are only the Pagan Arabs because of 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. For this reason Mahmud Shaltut [ former Grand Sheikh of al-Azhar ] states:

Some people who were bent on disparaging islam did not go beyond the ostensible interpretation of “...fight the unbelievers that are near to you...” and pretended that the Islamic religion ordered to fight the unbelievers in general, regardless of whether they had committed aggression or not, until they had been converted to Islam. They said that this rule was founded on this verse. However, the meaning of the word “unbelievers” in this and similar verse is: “those hostile polytheists who fight the Moslems, commit aggression against them, expel them from their homes and their property and practise persecution for the sake of religion”. The morals of those polytheists have been discussed in the opening verses of Surat al-Tawbah. The word “people” in the tradition: “I have been ordered to fight the people” should be understood in the same manner. For according to the Consensus [ idjma ] , fighting must only cease at what is mentioned in this tradition “if the enemies are Arab polytheists”. As for other enemies, the war against them must cease on the condition that “pay the djizyah off-hand, being subdued”. [52](#)

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50: Ibn Taymiyya, Majmu` al-Fatawa 19/20

51: Muhammad Sa'id R. Al-Buti, “Jihad fil-Islam” ( Dar al-Fikr, Beirut, 1995 ) , p.58

52: Mahmud Shaltut: ‘The Koran and Fighting’ in R.Peters, Jihad in Medieval and Modern Islam: The Chapter on Jihad from Averroes Legal Handbook ‘Bidayat al-Mujtahid’ and the Treatise ‘Koran and Fighting’ by the Late Shaykh of Azhar Mahmud Shaltut [ Leiden: E.J. Brill , 1977 ] , p. 50.

## The development of Jihad

A closer look at the verses of the Holy Qur'an would reveal that jihad developed through four stages: the first was that of forbidding Muslims from fighting. [53](#) This is the earliest period in the life of the Muslims when they were still a weak community in Mecca prior to the hijra [ emigration to Medina ] and the establishment of the Islamic State. In this phase, the Prophet started the greater jihad [ al-jihad al-akbar ] by preaching non-violently, while Muslims were insulted, abused and persecuted for many years by the infidels of Mecca [54](#) The second state is the one in which the Prophet stopped preaching inside Mecca and turned his attention to the neighbouring cities and countries. In this period, Muslims were given permission to fight, as the verse was revealed in the wake of the Muslims' forced departure from Mecca [55](#) . The third juncture is the one in which Muslims were given the order to fight. This significant development occurred following the establishment of the post-Hijra Muslim society in Medina, in a Qur'anic verse that was the first to explicitly orders Muslims to initiate a "just" war. [56](#) The fourth phase is the one in which Muslims received the order to fight against the polytheists [ al-Mushrikun ] after they had dishonoured their pledges with Muslims. [57](#) In this final stage the Muslims were also ordered to fight the Byzantines and their allies at large [58](#) since they were guilty of executing Muhammad's messengers, killing Muslim converts and robbing Muslim caravans. For similar reasons the Persians had to be fought:

the Byzantine and the Persian Empires, opposed Islam and plotted against it revolutionary rhetoric. [59](#)

Political and social conditions in the regions surrounding central Arabia played an important part in the internal developments of central Arabia. In the time of the Prophet the Arabian peninsula was surrounded by two formidable powers, the Byzantine and Persian, none of which was willing to permit the formation of any major rival commercial or political power in Arabia. The rising of a movement like Islam that would unify nomads and settlers in common economic, political, and religious interests antithetical to those of the established powers, could not sustain itself or expand without meeting stiff opposition, as is witnessed by the fact that Byzantines were planning to invade Arabia in order to combat and destroy the Islamic movement that was growing. [60](#)

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- [53](#): Holy Quran, 4:77 "Last thou not turned thy vision to those who were told to hold back their hands ( from fighting ) but established regular prayers and spend in regular charity, when the order for fighting was issued tot hem, behold ! a section of them feared men as or even more that they should have feared.Allah"
- [54](#): Ibn Hisham, al-Sira al-Nabawiyya , 4 vols. [ Beirut: Dar al-Jil, 1987 ] , 1: 258-259
- [55](#): Holy Qur'an, 12:39-40 "To those against whom war is made, permission is given ( to fight ) , because they are wronged ; and verily, Allah is Most Powerful for their aid. ( They are ) those who have been expelled from their homes in defiance or right ( for no cause ) except that they say: Our Lord is Allah".
- [56](#): Holy Qur'an, 2:190 "Fight in the cause of Allah those who fight you, but do not transgress limits, for Allah loveth not transgressors".
- [57](#): Holy Qur'an, 9:5-6 "Then, when the sacred months have passed, slay the idolators wherever you find them, take them and besiege them and prepare for them every ambush. If any one of the idolators should seek you protection [ Prophet ] , grant it to him so that he may hear the word of God, then take him to a place safe for him, for they are people with no knowledge of it".
- [58](#): Holy Qur'an, 9:29 "Fight those who believe not in Allah nor the Last Day, nor hold that forbidden which hath been forbidden by Allah and His Prophet, nor obey the Law of Justice , [ even if they are ] of the People of the Book; until they pay the jizya with willing submission and feel themselves subdued".
- [59](#): Hilmi M. Zawati: "Is Jihād a Just War ? War, Peace and Human Rights under Islamic and Public International Law" ( The Edwin Mellen Press, 2001 ) , p. 49
- [60](#): The Encyclopaedia of Islam states: "...The Byzantines could not view the growing strength of Islam with favour....After the conquest of Mecca when Islam came to spread throughout Arabia, the invasion of Arabia by the Byzantines appeared to be imminent. It was rumoured that the Byzantine emperor was mustering a large army in Syria to invade Arabia....To forestall any invasion of Arabia by the Byzantines the Holy Prophet decided to undertake an expedition to Tabuk on the borders of Syria..... On coming to know of the advance of the Muslim army, the Byzantines withdrew their army well within Syria [ Source: "Encyclopaedia of Islam" M. Mukarram Ahmed ( Anmol Publications PVT.LTD, 2005 ) pp. 107-108 ]

## Jihad: The long history of Islamic Conquests

Someone might ask, if Islam is against wars for the sake of conquest, then why was there this history of Islamic conquests that led to the establishment of an empire stretching from the borders of China to Spain ? Yasir S. Ibrahim notes that several scholars have answered this question, see:

Several scholars of Islam have developed another position which may be regarded as an expansion or modification of the idea of defensive jihad in Islam. This position takes into consideration the political and military environment in the Middle Ages. For example, taking tribute or poll-tax from the enemy was practiced not only by the Islamic state, but also by the Byzantines, the Persian Sasanians, and others. Taking women and children as captives and subjecting them to slavery were practiced by all the states of that time. One can say that there were some rules that organized the relations between different states or empires, but certainly there was not a conception of international law as in modern times. The empires did not agree on specific geographic borders, but rather they could be expanded through invasion and conquest. Therefore, relations between states at that time were based on warfare. When Islam came into being as a political entity, it was necessary to act according to the prevailing political system of the time. The Byzantine and the Persian Sasanian empires during the time of Muhammad represented by their existence, and not necessarily by a specific act of aggression, a hostile force that could fight Muslims at any time. The same picture is found during the time of the 'Abbasid caliphate when the jurists lived. Therefore, the classical model of jihad was a continuation of early Islamic views and actions, beginning from the time of Muhammad and his Companions. <sup>1</sup> ... If one understands the nature of international relations in the Middle Ages, one can understand why the Islamic state forced others states to pay tribute. The issue of security for the Islamic state and its subjects was the main concern for the Prophet and the Caliphs after him, and this security could not be achieved without using the principle of equal treatment. <sup>2</sup> According to this view, the particularity of the verses that call upon disbelievers to embrace Islam or pay poll-tax stems from its time and historical circumstances, and therefore the text itself becomes applicable only in the case where providing security for the Islamic state necessitates such actions. And since in modern times a state with a majority of Muslim citizens can keep its security by being part of the world community of nations, fighting becomes only necessary to defend the sovereignty of the state and the security of its subjects. <sup>3</sup>

One might criticize this view as reducing the impor

Islamic scripture did not ask Muslims to invade other people's lands, but Muslims played the empire game like anybody else when that game was "the only available means of survival". In addition to this many classical Muslim jurists divided the world into "dar al-islam" [ "the abode of Islam" ] and "dar al-harb" [ "the abode of war,"]. One group of classical Muslim jurists viewed every non-Muslim territory or state as "dar al-harb". This view was the result of the belief that all non-Muslim states were inherently hostile towards Muslims. [62](#) Dr. Abdul Hakim Sherman writes:

Muslim juristic writings continued to reflect the logic of the "state of war" and the assumption that only Muslims would permit Muslims to remain Muslims. They continued to see jihad not only as a means of guaranteeing the security and freedom of the Muslims but as virtually the *only* means of doing so.....To take one example, the juridical writings of the Spanish jurist, Ibn Rushd the Elder [d. 520 / 1122 ], a major legal authority and grandfather of the celebrated Averroes of Western fame, clearly reflects the influence of the perceived "state of war." Because Ibn Rushd perceived it to be impossible for Muslims to live as Muslims outside of Muslim lands, he insisted that it was forbidden for Muslims to take up residence abroad. In fact, he even banned travel to non-Muslim countries for purposes of commerce, going so far as to urge the ruler to build check-points and light-houses to stop Muslims from leaving the lands of Islam. As for individuals in non Muslim countries who converted to Islam, Ibn Rushd insisted that they were religiously obligated to migrate to a Muslim polity. On this understanding, it comes as no surprise that Ibn Rushd endorsed the traditional doctrine on aggressive jihad as a communal obligation. During the course of his discussion, however, it becomes clear that his ultimate consideration was the security of the Muslims rather than either conquest or conversion.....The purpose of jihad, in other words, is to provide for the security and freedom of the Muslims in a world that kept them under constant threat. This may be difficult for many, especially Americans, to appreciate today. But we should remind ourselves that throughout the Middle Ages, while one could live as a Jew in Morocco, a Christian in Cairo, or even a Zoroastrian in Shiraz, one could not live as a Muslim in Paris, London, or the Chesapeake Bay. Indeed, the "Abode of Islam / Abode of War" dichotomy, cited *ad nauseam* by certain Western scholars as proof of Islam's inherent hostility towards the West, was far more a *description* of the Muslim peoples of the world in which they lived than it was a *prescription* of the Islamic religion per se [63](#)

Khaled Abou El Fadl adds:

Muslim jurists thought in terms of presumptions consistent with their historical context. The jurists would often declare that certain areas or people, such as the Nubians, Ethiopians, or Turks, were presumed to be friendly to Muslims, and therefore could not be fought unless they attacked Muslims first. On the other hand, the rest of the world was presumed to be in a perpetual state of hostility to Muslims unless the presumption was rebutted... The juristic position was thoroughly contextual and historical, not necessarily moral or theological. In fact, the classical juristic discourses paid very little attention to discussions of the purpose of war. Muslim jurists hardly discussed issues relating to *jus au bellum*; they focused nearly exclusively on *jus in bello*. This is not because they assumed a state of war as a matter of right, but because they seemed to consider the world in which they lived to be volatile and dangerous.. if the world in which these jurists lived was rendered less volatile by treaty or custom, they were willing to accept it as a matter of right, and not as a concession to some compromised ideal... [64](#)

In other words historical circumstances and the assumption of many classical Muslim jurists that only Muslims would permit muslims to remain Muslims led to the Islamic conquests in history.

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[62](#): Dar al-Harb is an Islamic term used by Muslim jurists to refer to those areas where Muslims are not safe and not able to practice their religion freely. One group of classical jurists classified every non-Muslim State as *dar al-harb* because they believed that all Non-Muslims were inherently hostile towards Muslims

[63](#): Dr. Sherman Jackson: "Jihad in the Modern World" in "Seasons" ( Spring – Summer 2003 ), pp. 40-41

[64](#): Fadl: "The use and abuse of holy war" in 'Ethics & International Affairs', V. 14, Issue 1 [ March 2000 ] 137-38

## Permanent Peace Treaties

Some classical jurists had the impression that since the Prophet himself had signed a ten-year hudna [ peace treaty ] this is the utmost length of any hudna agreement. Many polemics against Islam refer to this juristic opinion in order to prove that Islam is not a religion of peace since it does not permit Muslims to make permanent peace treaties with Non-Muslims. However, a deeper study of the literature of classical Muslim jurists proves that this assumption is not correct. The Muslim jurists discuss also a fifth category of peace treaties – the permanent hudna. It was widely agreed that the Imam had the power to reach and renew hudna treaties, including those for ten years. It was considered as part of his discretionary powers. There is clear evidence that three of the four legal schools of Sunni Islam accepted the principle of hudna extending over ten years and even to an “unlimited period” [ hudna abadiya or mutlaqa ]. [65](#) Khaled Abou El Fadl points out:

early authorities argued that it is preferable that “peace treaties” be of a short duration, one to five years, and not exceed a ten-year term.....Importantly, however, an increasing number of jurists after the fifth / eleventh century rejected the ten-year limit, with many of them arguing either that the Muslim ruler may continue to renew a peace treaty for ten-year periods indefinitely, or that permanent peace treaties are lawful in Islam. [1](#) A prominent jurist such as Ibn Taymiyyah [ d. 728 / 1328 ] argued that there is no evidence supporting a particular term limit on peace treaties. [2](#) Other jurists argued that permanent treaties are lawful as long as they incorporate conditions that safeguard the interests of Muslims [3](#) ..... Furthermore Muslim jurists continued to prohibit treaties that were revocable at will by either the Muslim or non-Muslim party. Such treaties, they argued, were immoral and unlawful. ... [66](#)

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- 1: See: Imaam Ibn Muflih , “al Mubdi’ fi sharh al-Muqni”, [ Beirut: al-Maktab al-Islami , 1973 ] , 3:398–99 ; al-Sarakhsi, “Sharh” 3:46–47; al-Najafi, “Jawahir al-Kalam” 21:298–99 ; Abu Bakr Muhammad b. Ahmad al Shashi al-Qaffal, “Hulyat al-'Ulama' fi Ma'rifat Madhahib al-Fuqaha” 7:718–21 ; al-Ramli, “Nihayat al-Muhtaj”, 8:107 ; Al-Nawawi “Rawdat al-Talibin”, 10: 334–35 ; Ibn Qudama, “al-Mughni”, 8:460–61
  - 2: Ibn Taymiyyah, “Majmu' Fatawa” , 29:140–41.
  - 3: See: Al-Mawardi, “al-Hawi al-Kabir” , 14:352–53.

Ibn Qayyim al-Jawziyya, the Hanbali jurist of Damascus [ d. 1350 ] , devotes a long discussion to the permanent hudna, presenting a large variety of views of members of his own school and of other jurists, too. On the question whether the unlimited hudna is permissible he puts forward three different views. There are some who deny the permissibility of such a hudna. According to others such a hudna is permissible. In support of this view is quoted Imam Abu Hanifa who says that such a hudna is possible but not obligatory. Ibn Qayyim al-Jawziyya also mentions a middle way. This approach, while rejecting the possibility of an unlimited hudna, advocates a hudna which is unlimited and temporary at the same time. Such an agreement is permissible since the parties are able “to revoke the pac. weddemere hname esman

Islamic History also testifies that Muslims made permanent peace treaties with non-Muslims. An early example of this is mentioned by Gamal M. Badr in his article on Islamic International law, see:

The two antagonists, the Christian West and the Muslim East, had tested each other's might and mettle for too long and had at last come to realize that neither would be able to vanquish the other, that the two had to coexist and that peace had to be their normal relationship, not only temporarily but indefinitely. This period roughly coincided with the formative state of international law as we know it today.....Not unexpectedly, peace came to be more widely recognized as the normal relationship between Islamic and non-Islamic states and treaties of amity no longer had to be of fixed duration. An early example of this is the treaty of amity and military alliance concluded between the Mameluke Sultan of Egypt and Syria, al-Ahraf Khalil, and Don Jaime II, James the Just, King of Aragon, on his own behalf and on behalf of the two rulers of the Kingdoms of Castile and Leon and of Portugal. The treaty is dated January 28, 1292, the year following the end of the Crusades, and "establishes amity and friendship, year in and year out, on land and at sea, on high ground and low, in near places and far". It required Don Jaime and the two other Christian kings to become friends of al-Ashraf's friends and enemies of his enemies among the Frankish and non-Frankish kings. They undertook not to take part in war against Egypt and Syria, even if it were declared by the Pope himself. If "the Pope in Rome, or any king of the Franks, or the Genovese, or the Venetians...of the Templars, or the Hospitalers, or the Byzantines or any other Christian nation" should prepare to attack Egyptian or Syrian territories. Don Jaime and the two others would take military action against the aggressor to frustrate his plans. They further undertook not to provide assistance to any Christian king who violated a peace agreement with al-Ashraf. The treaty also contains provisions on international trade and on the pilgrimage to Jerusalem by subjects of the three Christian kings. It concludes by reiterating its permanent character: "The amity and friendship thus established will endure forever, for the kingdoms involved have become as one. This treaty will not be terminated by death of either party or by his replacement; it's provisions will be perpetuated over the years". The Mameluke Empire also exchanged ambassadors with a number of other European powers. The arrival of the Venetian Ambassador in Cairo on one occasion was immortalized in the famous painting attributed to the Bellini School, now on display at Louvre. On March 25, 1512, an embassy arrived in Cairo from Louis XII, King of France, consisting of some 50 persons. Both Ibn-Iyas, the chronicler of Mameluke Egypt, and Jean Thénault, a member of the French embassy, reported on it in detail. [70](#)

It's important to point out that this permanent treaty did not require the Christians to pay tribute [ Jizyah ] [71](#) to the Muslim ruler. This historical fact proves that some classical jurists were of the opinion that Muslims are allowed to make unlimited peace pacts that do not require non-Muslims to pay Jizyah. [72](#) This view is supported by the fact that the Prophet also recognized Abyssinia as an independent state that could be left alone without imposing any kind of tax on it or forcing it into the orbit of the Islamic State. The Holy Prophet of Islam said: "...Leave the Abyssinians alone, as long as they leave you alone, and do not engage the Turks, as long as they do not engage you.." [73](#)

[70](#): Gamal. M. Badr: "A Survey of Islamic International Law" in: "Religion and International Law" [ edited by Mark. W. Janis and Carolyn Evans ], ( Martinus Nijhoff Publishers , 1999 ), pp. 96-97

[71](#): Note: When or why should jizyah be implemented ? Answer: "... [ in regards to 9:29 ] ..... What we first understand according to this verse is that the people of the book must be fought till they embrace Islam or pay 'jizyah' or 'tax'. It means that they had either to choose between entering into Islam ( in which case, presumably, they would be exempted from paying the tax ) or pay the tax ( and keep their religion ) . It means that paying tribute becomes an alternative for refusal to enter Islam according to this verse. Shaf'ites took it as a pretext. Clearly this judgement contradicts with the opinion of this same group who say that Pagans must be fought merely for their Paganism. Hence the question; Why should jizyah be implemented ? The answer is simple: Muslims should 'not' fight 'unless' provoked by the enemy's belligerence ; in case they are 'provoked' , then this 'enemy' must be fought until they agree to pay tribute; hence, peace be achieved." [ Prof. Mashhad Al-Allaf: *Muslims and Non-Muslims*, ICC Classic Series 2004, pp. 47-48 ]. In other words verse 9:29 refers to Jews and Christians who are hostile against Muslims.

[72](#): In the reign of 'Uthman Ibn Affan the Muslims concluded a peace treaty with the Nubians who were not subject to Muslim laws or jurisdiction and were not bound to pay the poll tax. [ See: Abu al-Qasim Abd al-Rahman Ibn Abd al-Hakam, *Futuh Misr wa Akhbaruha* ( Cairo: Maktabat Madbuli 1991 ) , pp. 188-189 ].

[73](#): Abu Dawood ( 3748 ) Imam al-Albani graded it as authentic in his book, "Sahih al-Jami", hadith No. 3384

## Classical Jurists and Moderate Views on Jihad

Prof. Richard Bonney states in his book on Jihad:

What does differ between the jurists is the extent to which classical scholars of the Maliki school, unlike the others, tended to espouse moderate opinions on jihad. For the Syrian jurist Imam Abu Sufyan al-Thawri, the Medinan jurist Ibn Shibrimah, and the other Maliki scholars including the founder of the school itself, Imam Malik bin Anas [ d. 179/795 ] , jihad is not the principle [ al-asl ] that determines the nature of relations between Muslims and non-Muslims. On the contrary, they espoused non-aggressive principles, namely reconciliation, peace, mutual cooperation to achieve common interests based on justice, fairness and truth, the freedom of religious expression and dissemination. Al-Thawri was even more categorical when he said that: "...fighting the idol-worshippers is not an obligation unless the initiative comes from them. If that is the case, they must be fought in fulfilment of Allah's command 'if they [ the unbelievers ] fight you, kill them ' and His saying 'and fight all the idol-worshippers as they fight you all...." <sup>1</sup> For the moderate school of classical jurisprudence, unbelief [ kufr ] did not denote an act of aggression [ udwan ] against others <sup>2</sup> Belief was a matter of faith and in one of the Medinian texts the Qur'an declares that "...there is no compulsion in religion.." [ Q. 2:285 ]. This was interpreted as having a wider meaning than a mere recognition of one's liberty to choose one's own religion... This school did not distinguish non-Muslims as the enemies of Islam. Exponents of this school came predominantly from the Hijazi scholars of the second-century Islam [ that is, the school of Mecca and Medina ] , which was basically a continuation of the juristic tradition of the renowned jurists of the late-first-century Medina, namely Sa'id bin al-Musayyab [ d. 94/712 ] , and his disciple and close associate Ata' bin Abi Rabah [ d. 114/732 ]. Their views on peace and war in Islam were adopted and reinterpreted by the later important jurists including Ibn Jurayh [ d. 150/767 ] , 'Amr bin Dinar [ d. 172/788 ] , the founder of the Maliki school of jurisprudence, Malik bin Anas, and others. For these scholars, unbelievers should not be subjected to war because of their unbelief, for this would be tantamount to aggression [ 'udwan ] against freedom of religion, the universal principle which was to be strictly by Islam. For some scholars of the moderate school, the war of extermination explicitly expressed in the "verse of the sword" was only applicable to Arab unbelievers during the times of the Prophet. The rule was inapplicable against the "people of the book" [ Jews and Christians ] and even against the Magi [ majusi ] and non-Arab unbelievers. <sup>3</sup> However, they did not object to declaring jihad against unbelievers who had been legally identified as enemies of Islam. The war was not only justified but legitimate if the unbelievers themselves had first committed aggression and hostility against Muslims. The argument was based on the Qur'anic text which urged Muslims not to commit aggression [ Q. 2:190 ]. Elsewhere the Qur'an exhorts Muslims to fight aggressors among unbelievers, who have been identified as enemies until "there is no sedition [ *fitnah* ] and the religion is only for Allah [ Q. 2:193, Q. 8:39 ].

For the Hijazi scholars, the undertaking of jihad was religious duty obligatory upon the Muslims, but it was only legitimate when applied against those unbelievers who had been identified politically as the enemies of Islam because of their aggression or hostility. They also recognized that when war was declared, it would continue until enemies refrained from aggression and there was no further sedition and persecution of believers [ *fitnah* ] . thus the rationale for war was political: to safeguard Muslims rights to determine their political existence and practise their religion [ an early form of self-determination ? ] ; and to resist external aggression which threatened to undermine the territorial sovereignty of Dar al-Islam. <sup>74</sup>

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1: M. S. bin Jani, "Sayyid Qutb's View of Jihad: An Analytical Study of his Major Works" ( unpublished PhD thesis, University of Birmingham, 1998 ) , p. 338

2: Ibid. , pp. 109-11

3: Ibid. , p. 128 n. 76.

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74: Richard Bonney, "Jihad: From Qur'an to bin Laden" ( Palgrave Macmillan, 2005 ) , pp. 71-72

Later on Prof. Bonney concludes:

It is clear that for the Hijazi school, whose viewpoint was also shared by the renowned Syrian jurist and traditionalist of the second century of Islam, Sufyan al-Thawri [ d. 161/778 ] , ubelief [ kufr ] was not the underlying reason for a military jihad against unbelievers. Nor should they be regarded as enemies without any genuine justification. The basis of this argument lay in the interpretation of *fitnah* in the Qur'anic texts. Unlike their Syrian and Egyptian counterparts, the Hijazi scholars interpreted the phrase '*there is no fitnah*' in the verses to have nothing to do with the complete elimination of disbelief . To them, "free from fitnah" denoted a condition of affairs in which Muslims were safeguarded from persecution, and enjoyed total freedom to exist and practise their religion without intimidation.

To support this argument, the Hijazi scholars relied on Ibn 'Umar's rebuttal of the criticism levelled against him by the opponents for his refusal to support Ibn al-Zubayr's revolution to topple My'awiya's regime. In a heated discussion with Ibn 'Umar, the supporters of Ibn al-Zubayr reasoned that the legitimacy of their revolution was justified on the ground that it was waged to "free Muslims from sedition [ *fitnah* ] " to which Ibn 'Umar cynically responded: "...In the past we have fought [ against the enemies ] until there is no sedition [ *fitnah* ] and the religion is only for Allah. But today you have sought to fight against each other until there is an escalation of *fitnah* and the religion is for other than Allah" [75](#)

Khaled Abou El Fadl adds:

Building on positions adopted by Abu Bakr, the Prophet's Companion and the First Rightly Guided Caliph, and Ibn Abbas, also the Prophet's Companion, these scholars claim that the Qur'an forbade offensive warfare. Abu Bakr [ r. 11-13 / 632-34 ] held that pacifists who do not believe in violence, such as hermits, may not be fought. <sup>1</sup> Ibn Abbas [ d. 68 / 686-687 ] asserted that non-Muslim may not be fought if they cease fighting Muslims. <sup>2</sup> .... disbelief in itself does not justify the waging of war... [76](#)

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1: Al-Kiyya al-Harrasi, *Ahkam al-Qur'an*, 1:122-23.

2: Razi, *al-Tafsir al-Kabir li allmam Fakhr al-Din al-Razi*, 3rd ed. [ Beirut: Dar Ihya' al-Turath al-Arabi 1999 ] 5:291

Sohail H. Hashmi states:

Abu Hanifa [ d. 767 ] , the founder of the Hanafi school, and Sufyan al-Thawri [ d. 778 ] state that fighting against non-Muslims is not obligatory unless they themselves initiate it, in which case it becomes obligatory on Muslims to fight Back [ see: Abu Sulayman, *Islamic Theory of International Relations*, p. 8 ] [77](#)

The famous Hanafi Jurist Imam al-Tahawi also adhered to the position that non-believers could only be fought if they resorted to "*armed conflict*", and not simply on account of their "*disbelief*" [78](#)

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[75](#): Richard Bonney, "Jihad: From Qur'an to bin Laden" ( Palgrave Macmillan, 2005 ) , pp. 72-73

[76](#): Khaled Abou El Fadl, "Conflict Resolution as a Normative Value in Islamic Law – Handling Disputed with Non-Muslims" in *Faith-Based Diplomacy: Trumping Realpolitik* ( Oxford University Press 2003 ) p. 183

[77](#): Hashmi, *Islamic Political Ethics: Civil Society, Pluralism, and Conflict* ( Princeton University Press 2002 ) p. 93

[78](#): See: Ahmad al-Tahawi [ d. 933 ] : "Kitab al-Mukhtasar" , ed. Abu al-Wafa al-Afghani [ Cairo 1950 ] , p. 281