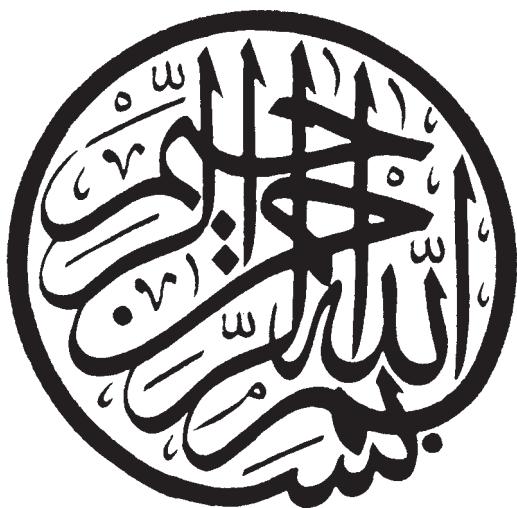


Jihād in Islam



An excerpt from
“The Religion of Islam”

by Maulana Muhammad Ali

JIHĀD IN ISLAM

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The Ahmadiyya Anjuman seeks to revive the original liberal, tolerant and rational spirit of Islām. It presents Islām as a great spiritual force for bringing about the moral reform of mankind, and shows that this Religion has never advocated coercion, the use of physical force or the pursuit of political power in its support.

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DEDICATION

*Funds for printing the first ten thousand copies
of this booklet for free distribution are being provided
by Mr. Izaz Ilahi Malik and Dr. Noman Ilahi Malik
in the loving memory of their parents
Mr. Ijaz Ilahi Malik and Mrs. Nasra Malik.
May Almighty Allah in His mercy Grant them Paradise.*

PREFACE

The Arabic word “*Jihad*” has become synonymous with the evocative term “*Holy War*” throughout the Western world. We regularly observe media reports, university classroom discussions and even English dictionaries accepting the word *Jihad* as illustrating violence by Muslims against non-Muslims in accordance with a religious duty. This view is sustained all the more due to recent world events; particularly, the volatile situation in the Middle East, the rising popularity of militant Islamic movements employing terror to further political causes and, of course, Bin Laden and his Al-Qaida group’s infamous attacks on 9-11. It is primarily due to the misconstrued notion of *Jihad* that a distorted version of the Islamic faith is being instilled in the psyche of the West. Accordingly, in fulfillment of our organizational objective, we are producing this booklet to clarify the correct meaning of *Jihad* as used in Islamic terminology, and to demonstrate the correct sense in which *Jihad* was practiced in early Islamic history.

Maulana Muhammad Ali, the great Islamic scholar of the past century who translated the *Quran* (the Holy Scripture of the Muslims) into English and authored numerous highly acclaimed books on Islam, has devoted a chapter of his monumental work *The Religion of Islam* (first published in 1936) to the subject of “*Jihad*”. Reviewing this book, Antony T. Sullivan from the Center of Middle Eastern and North African Studies, University of Michigan, writes:

This book is among the most important single-volume studies of Islam written during the 20th century ...Maulana Muhammad Ali’s masterwork should be required reading for Muslims and non-Muslims alike... and is indispensable to any serious student of Islam.

Similarly, Marmaduke Pickthall, the well-known translator of the Holy Quran into English, writes:

Probably no man living has done longer or more valuable service for the cause of Islamic revival than

Maulana Muhammad Ali of Lahore... the present volume is his finest work... such a book is greatly needed at the present day when in many Muslim countries we see persons eager for reformation and revival of Islam, making mistakes through lack of just knowledge.

In this booklet, we reproduce the chapter on *Jihad* from the *Religion of Islam*. This succinct yet complete exposition rebuts all of the misrepresentations the word *Jihad* has come to signify. In an uncompromisingly academic manner, Maulana Muhammad Ali has researched the meaning of *Jihad* using four primary authoritative sources: Arabic lexicology, the *Quran*, the *Hadith* (earliest Islamic traditions) and the history of Prophet Muhammad and his companions.

The evidence presented in this booklet reveals that *Jihad* primarily refers to the betterment of one's self by striving hard in any given task. *Jihad* by way of fighting, it is shown, is allowed only in self-defense, being merely one aspect of the innumerable forms of *Jihad*. Aggressive warfare, therefore, is unequivocally prohibited in Islam. Two essential purposes are served by understanding the general sense in which the word *Jihad* is used in Islam and the limited nature of *Jihad* in the form of fighting in self-defense. Firstly, it removes misapprehensions from the Western minds as to Islam being a violent and intolerant religion bent upon dominating the earth by force. Secondly, it educates Muslims themselves as to the baseless and deviant misinterpretations promulgated by radical Islamic groups attempting to justify violence in the name of Islam to attain their political objectives.

This booklet demonstrates the authenticity of this position on *Jihad* and repudiates the allegation that this view is merely an apologetic attempt to "white wash" a heinous religious doctrine. It is based on authoritative referencing, sound reasoning and overall scholarly merit. It is our earnest desire that this small contribution will aid in the understanding of this true significance of *Jihad* by Western news media and information sources, distinguishing religious principle from extremist propaganda. It is

also our solemn wish that this work will assist in eradicating fanatic ideologies from modern Islamic thought, separating political zeal from religious truth.

A correct understanding of this subject, we believe, will make a significant contribution to furthering inter religious harmony and world peace.

Fazeel Sahukhan, LL.B.
Director AAIIIL USA
For the Publishers
June 13, 2003
Columbus, Ohio, U.S.A.

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JIHĀD IN ISLAM

Significance of Jihād

A very great misconception prevails with regard to the duty of *jihād* in Islām, by assuming that the *jihād* is supposed to be synonymous with *war*; and even the greatest research scholars in Europe have not taken the pains to consult any dictionary of the Arabic language, or to refer to the Holy Qur'ān, to find out the true meaning of the word. So widespread is the misunderstanding that a scholar of the fame of A.J. Wensinck, when preparing his concordance of Ḥadīth, *A Handbook of Early Muḥammadan Tradition*, gives not a single reference under the word *jihād*, referring the reader to the word *war*, as if the two were synonymous terms. The *Encyclopaedia of Islam*¹ goes even further, beginning the article on *Djihād* thus: "The spread of Islām by arms is a religious duty upon Muslims in general;" as if *jihād* meant not only *war* but *war undertaken for the propagation of Islām*. Klein in *The Religion of Islām* makes a similar statement: "*Jihād* — The fighting against unbelievers with the object of either winning them over to Islām, or subduing and exterminating them in case they refuse to become Muslims, and the causing of Islām to spread and triumph over all religions is considered a sacred duty of the Muslim nation". If any of these learned scholars had taken the trouble to consult an ordinary dictionary of the Arabic language, he could never have made such a glaring misstatement. The word *jihād* is derived from *jahd* or *juhūd* meaning *ability, exertion or power*, and *jihād* and *mujāhida* mean *the exerting of one's power in repelling the enemy* (R.). The same authority then goes on to say: "*Jihād* is of three kinds; viz., the carrying on of a struggle: 1. against a visible enemy, 2. against the devil, and 3. against self (*nafs*). According to another authority, *jihād* means *fighting with unbelievers and that is an intensive form*

1 Encyclopaedia of Islam

(*mubālagħah*), and *exerting one's self to the extent of one's ability and power whether it is by word (qaul) or deed (fi'l)* (N.). A third authority gives the following significance: "*Jihād*, inf. n. of *jāhada*, properly signifies *the using or exerting of one's utmost power, efforts, endeavours or ability, in contending with an object of disapprobation*; and this is of three kinds, namely a visible enemy, the devil, and one's self; all of which are included in the term as used in the Kur. xxii. 77" (L.L.) *Jihād* is therefore far from being synonymous with *war*, while the meaning of "war undertaken for the propagation of Islām", which is supposed by European writers to be the significance of *jihād*, is unknown equally to the Arabic language and the teachings of the Holy Qur'ān.

Use of the Word Jihād in Makkah Revelations

Equally, or even more important is the consideration of the sense in which the word is used in the Holy Qur'ān. It is an admitted fact that permission to fight was given to the Muslims when they had moved to Madīnah², or, at the earliest, when they were on the eve of leaving Makkah. But the injunction relating to *jihād* is contained in the earlier as well as in the later Makkah revelations. The 29th chapter of the Holy Qur'ān is one of a group which was undoubtedly revealed in the fifth and sixth years of the Call of the Holy Prophet; yet there the word *jihād* is freely used in the sense of *exerting one's power and ability*, without implying any war. In one place it is said: "And those who *strive hard (jāhadū)* for Us, We shall certainly guide them in Our ways, and Allāh is surely with the doers of good" (29:69). The Arabic word *jāhadū* is derived from *jihād* or *mujāhadah*, and the addition of *finā* (for Us) shows, if anything further is needed to show it, that the *jihād*, in this case, is the spiritual striving to attain nearness to God, and the result of this *jihād* is stated to be God's guidance to those striving in His ways. The word is used precisely in the same sense twice in a previous verse in the same chapter: "And whoever *strives hard (jāhadā)* strives (*yujāhidu*) for his self," that is,

for his own benefit, “for Allāh is Self-Sufficient, above need of the worlds” (29:6). In the same chapter, the word is used in the sense of a contention carried on in words: “And we have enjoined on man goodness to his parents, and if *they contend (jāhadā)* with thee to associate (others) with Me, of which thou hast no knowledge, obey them not” (29:8).

Among the later revelations may be mentioned *al-Naḥl*, the 16th chapter, where it is said, towards the close: “Then surely thy Lord, with respect to those who flee after they are persecuted then *struggle hard (jāhadū)* and are patient (*ṣabarū*), surely thy Lord after that is Protecting, Merciful (16:110). There is another prevalent misconception, namely, that at Makkah the Holy Qur’ān enjoined patience (*ṣabr*) and at Madīnah it enjoined *jihād*, as if patience and *jihād* were two contradictory things. The error of this view is shown by the verse quoted, since it enjoins *jihād* and patience in one breath.

Two more examples may be quoted of the use of the word *jihād* in the Makkah revelations. In one place it is said: “And *strive hard (jāhidū)* for Allāh with due *striving (jihād)*” (22:78). And in the other: “So obey not the unbelievers and *strive (jāhid)* against them a mighty *striving (jihād-an)* with it” (25:52), where the personal pronoun *it* refers clearly to the Holy Qur’ān, as the context shows. In both these cases, the carrying on of a *jihād* is clearly enjoined, but in the first case it is a *jihād* to attain nearness to God, and in the second it is a *jihād* which is to be carried on against the unbelievers, but a *jihād* not of the sword but of the Holy Qur’ān. The struggle made to attain nearness to God and to subdue one’s passions, and the struggle made to win over the unbelievers, not with the sword but with Holy Qur’ān is, therefore, a *jihād* in the terminology of the Holy Qur’ān, and the injunctions to carry on these two kinds of *jihād* were given long before the command to take up the sword in self-defence.

Jihād in Madīnah Revelations

A struggle for national existence was forced on the Muslims when they reached Madīnah, and they had to take up the sword in self-defence. This struggle went, and rightly, under the name of *jihād*; but even in the Madīnah chapters the word is used in the wider sense of a struggle carried on by words or deeds of any kind. As a very clear example of this use, the following verse may be quoted which occurs twice: “O prophet! *strive hard* (*jāhid* from *jihād*) against the disbelievers and the hypocrites, and be firm against them; and their abode is Hell; and evil is the destination” (9:73; 66:9). Here the Holy Prophet is bidden to carry on a *jihād* against both unbelievers and hypocrites. The hypocrites were those who were outwardly Muslims and lived among, and were treated like, Muslims in all respects. They came to the mosque and prayed with the Muslims. They even paid the *zakāt*. A war against them was unthinkable, and none was ever undertaken. On the other hand, they sometimes fought along with the Muslims against the unbelievers. Therefore the injunction to carry on a *jihād* against both unbelievers and hypocrites could not mean the waging of war against them. It was a *jihād* carried on by means of the Holy Qur’ān as expressly stated in 25:52, a striving hard to win them over to Islām. In fact, on other occasions as well, it is a mistake to think that *jihād* means only fighting; the word is almost always used in the general sense of striving hard, including fighting where the context so requires. “Those who believe and those who fled (their homes) and strive hard in the way of Allāh” (2:218; 8:74), is a description which applies as much to the fighters as to those who carry on the struggle against unbelief and evil in other ways. And the *sābirin* (those who are steadfast or patient), and the *mujāhidin* (those who struggle hard), are again spoken of together in a Madīnah revelation as they are in a Makkah revelation: “Do you think you will enter the Garden while Allāh has not yet known those from among you who strive hard (nor) known the steadfast?” (3 :141).

Jihād in Ḥadīth

Even in the Ḥadīth literature the word *jihād* is not used exclusively for *fighting*. For example, *hajj*³ is called a *jihād*: “The Holy Prophet said, The *hajj* is the most excellent of all *jihāds*” (Bu. 25:4). Of all the collection of Ḥadīth, *Bukhārī* is the most explicit on this point. In *I’tiṣām bi-l-Kitāb wa-l- Sunnah*, the fourth chapter is thus headed: “The saying of the Holy Prophet, A party of my community shall not cease to be triumphant being upholders of Truth,” to which are added the words, “And these are the men of learning (*ahl al-‘ilm*)” (Bu. 97:10).⁴ Thus *Bukhārī*’s view is that the triumphant party of the Holy Prophet’s community does not consist of fighters, but of the men of learning who disseminate the truth and are engaged in the propagation of Islām. Again, in his *Book of Jihād* *Bukhārī* has several chapters speaking of simple invitation to Islām. For instance, the heading of 56:99 is: “May the Muslim guide the followers of the Book to a right course, or may he teach them the Book.” The heading of 56:100: “To pray for the guidance of the polytheists so as to develop relations of friendship with them”; that of 56:102: “The invitation (to the unbelievers) by the Holy Prophet to Islām and his Prophethood, and that they may not take for gods others besides Allāh”; that of 56:143: “The excellence of him at whose hands another man accepts Islām”; that of 56:145: “The excellence of him who accepts Islām from among the followers of the Book”; and that of 56:178: “How should Islām be presented to a child”.

These heading show that up to the time of *Bukhārī*, the word *Jihād* was used in the wider sense in which it is used in the Holy Qur’ān, invitation to Islām being looked upon as *Jihād*. Other books of Ḥadīth contain similar references. Thus *Abū Dāwūd* (AD. 15:4) quotes under the heading “The continuity of *jihād*” a Ḥadīth to the effect that “a party of my community will not cease

3 Annual pilgrimage to Mecca.

4 The Holy Prophet’s saying, as reported in other Ḥadīth, contains the additional word *yuqātilūn*, as in AD. 15:4.

fighting for truth and it will be triumphant over its opponents”, which words are thus explained in the ‘*Aun al-Ma‘būd*, a commentary of Abū Dāwūd, on the authority of Nawawī: “this party consists of different classes of the faithful, of them being the brave fighters, and the *faqīhs* (jurists), and the *muḥaddithūn* (collectors of Ḥadīth), and the *zāhids* (those who abstain from worldly pleasures and devote themselves to the service of God), and those who command the doing of good and prohibit evil, and a variety of other people who do other good deeds”. This shows that *jihād* in Ḥadīth includes the service of Islām in any form.

Use of the Word Jihād by Jurists

It only among the jurists that the word *jihād* lost its original wider significance and began to be used in the narrower sense of *qitāl* (fighting). The reason is not far to seek. The books of jurisprudence (*fiqh*) codified the Muslim law, and in the classification of the various subjects with which the law dealt, *qitāl* (fighting) found a necessary place, but invitation to Islām, though a primary meaning of the word *jihād*, being a matter of free individual choice, did not form part of the law. The jurists who had to deal with *qitāl*, therefore, used the word *jihād* as synonymous with *qitāl*, and, by and by, the wider significance of *jihād* was lost sight of though the commentators of the Holy Qur’ān accepted this significance when dealing with verses such as (25:52). But that was not the only misuse of the word. Together with this narrowing of the significance of *jihād*, the further idea was developed that the Muslims were to carry on a war against unbelieving nations and countries, whether they were attacked or not, an idea quite foreign to the Holy Qur’ān.

The Spread of Islām by Force

The propagation of Islām is no doubt a religious duty of every true Muslim, who must follow the example of the Holy Prophet, but “the spread of Islām by force”, is a thing of which no trace can be found in the Holy Qur’ān. On the other hand, the Holy Book

lays down the opposite doctrine in clear words. "There is no compulsion in religion", and the reason is added: "The right way is clearly distinct from error" (2:256). This verse was revealed after the permission for war had been given, and it is therefore certain that the permission to fight has no connection with the preaching of religion. That the Holy Qur'ān never taught such a doctrine, nor did the Holy Prophet ever think of it, is a fact which is now being gradually appreciated by the Western mind. After beginning his article on *Djihād* with the statement that "the spread of Islām by arms is a religious duty upon Muslims in general", D.B. Macdonald, the writer of the article in the *Encyclopaedia of Islām*, in a way questions the correctness of his own allegation, by adding that there is nothing in the Holy Qur'ān to corroborate it, and that the idea was not present even to the mind of the Holy Prophet:

"In the Meccan Surās of the Kur'ān patience under attack is taught; no other attitude was possible. But at Medina the right to repel attack appears, and gradually it became a prescribed duty to fight against and subdue the hostile Meccans. Whether Muḥammad himself recognized that his position implied steady and unprovoked war against the unbelieving world until it was subdued to Islām may be in doubt. Ḥadīth are explicit on the point;⁵ but the Kur'ānic passages speak always of the unbelievers who are to be subdued as dangerous or faithless."

Here is a clear confession that the Holy Qur'ān does not enjoin the waging of war against all unbelievers so as to subdue them to Islām, nor was the idea present to the mind of the Holy Prophet. The logical consequence of this confession is that genuine Ḥadīth cannot inculcate such a doctrine, for Ḥadīth reports the saying of the Holy Prophet. And if the Holy Qur'ān and the Holy Prophet never taught such a doctrine, how could it be said to be the religious duty of the Muslims? There is obviously a struggle here in

5 It will be shown later on that even Ḥadīth does not teach propagation of Islām by force.

the writer's mind between preconceived ideas and an actual knowledge of facts.

Circumstances under which War was Permitted

It is a misstatement of facts to say that patience under attack was taught at Makkah, because there was no other alternative, and that the right to repel attack came at Madīnah. The attitude was no doubt changed but that change was due to the change of circumstances. At Makkah there was individual persecution and patience was taught. If the conditions had remained the same at Madīnah, the Muslim attitude would have been the same. But individual persecution could no more be resorted to by the Quraish of Makkah, as the Muslims were living out of their reach. This very circumstance fanned the fire of their wrath, and they now planned the extinction of the Muslims as a nation. The sword was taken up to annihilate the Muslim community or to compel it to return to unbelief. That was the challenge thrown at them, and the Holy Prophet had to meet it. The Holy Qur'ān bears the clearest testimony to it. The earliest permission to repel attack is conveyed in words which show that the enemy had already taken up the sword or decided to do so: "Permission (to fight) is given to those on whom war is made, because they are oppressed. And surely Allāh is able to assist them — Those who are driven from their homes without a just cause except that they say: Our Lord is Allāh. And if Allāh did not repel some people by others, cloisters and churches and synagogues and mosques, in which Allāh's name is much remembered would have been pulled down. And surely Allāh will help him who helps His cause" (22:39, 40). The very words of this verse show that it is the earliest on the subject of fighting, as it speaks of a permission being given now which evidently had not been given up to this time. This permission was given to a people upon whom war was made by their enemies (*yuqātalūna*); and it was not a permission to make war with people in general but only with the people who made war on them, and the reason is stated plainly "because they are oppressed" and "have been

expelled from their homes without a just cause.” It was clearly an aggressive war on the part of the enemies of Islām who thus sought to exterminate the Muslims or to compel them to forsake their religion: “And they will not cease fighting with you until they turn you back from your religion if they can” (2:217). It was a holy war in the truest sense because, as stated further on, if war had not been allowed under these circumstances, there would be no peace on earth, no religious liberty, and all houses for the worship of God would be destroyed. Indeed there could be no war holier than the one which was needed as much for the religious liberty of the Muslims as for the principle of religious liberty itself, as much to save the mosques as to save the cloisters and the synagogues and churches. If there had ever been a just cause for war in this world, it was for the war that had been permitted to the Muslims. And undoubtedly war with such pure motives was a *jihād*, a struggle carried on simply with the object that truth may prosper and that freedom of conscience may be maintained.

The second verse giving to the Muslims permission to fight runs as follows: “And fight in the way of Allāh against those who fight against you, and be not aggressive; surely Allāh loves not the aggressors” (2:190). Here again the condition is plainly laid down that the Muslims shall not be the first to attack, they had to fight—it had now become a duty—but only against those who fought against them; aggression was expressly prohibited. And this fighting in self-defence is called fighting *in the way of Allāh* (*fi sabili-llāh*), because fighting in defence is the noblest and justest of all causes. It was the cause Divine, because if the Muslims had not fought they would have been swept out of existence, and there would have been none to establish Divine Unity on earth. These were the very words in which the Holy Prophet prayed in the field of Badr: “O Allāh! I beseech Thee to fulfil Thy covenant and Thy promise; O Allāh! if Thou wilt (otherwise), Thou wilt not be worshipped anymore” (Bu.56:89). The words *fi sabili-llāh* are misinterpreted by most European writers as meaning the *propagation of Islām*. Nothing could be farther from the truth. The Muslims were not fighting to force Islām on others; rather they were being fought

to force them to renounce Islām, as shown by (2:217) quoted above. What a travesty of facts to say that war was undertaken by the Muslims for the propagation of Islām!

It is sometimes asserted that these injunctions, relating to defensive fighting, were abrogated by a later revelation in ch. 9. Yet anyone who reads that chapter cannot fail to note that it does not make the slightest change in the principles laid down earlier. Fighting with idolaters is enjoined in the ninth chapter, but not with all of them. In the very first verse of that chapter, the declaration of immunity is directed towards only “those of the idolaters with whom you made an agreement” not all the idolaters—and even in their case an exception is made. “Except those of the idolaters with whom you made an agreement, then they have not failed you in anything and have not backed up anyone against you, so fulfill their agreement to the end of their terms; for Allāh loves those who keep their duty” (9:4). This shows that there were idolatrous tribes on friendly terms with the Muslims, and the Muslims were not allowed to fight with them; it was only the hostile tribes who broke their agreements and attacked the Muslims that were to be fought against. And individual idolaters, even if belonging to hostile tribes, could still have safety, if they wanted to enquire about Islām, and were given a safe conduct back home even if they did not accept Islām: “And if anyone of the idolaters seek protection by thee, protect him till he hears the word of Allāh, then convey him to his place of safety. This is because they are a people who know not” (9:6). The idolater who stood in need of protection evidently belonged to a hostile tribe, because the friendly tribes, being in alliance with the Muslims, had no need of seeking protection of the Muslim government. Thus even a hostile idolator was to be sent back safely to his own tribe and not molested in anyway, as the words of the verse show. The idolaters with whom fighting was enjoined were those who had violated treaties and were foremost in attacking Muslims, as the words that follow show: “If they prevail against you, they respect neither ties of relationship, nor of covenant in your case” (9:8). “Will you not fight a people who broke their oaths and aimed at the expulsion of the Messenger and

they attacked you first” (9:13). Thus chapter 9, which is supposed to abrogate the earlier verses, still speaks of fighting only against those idolaters who “attacked you first”, and this is the very condition laid down in earlier verses, such as (2:190).

So-called “Verse of the Sword”

Notwithstanding that ch.9, as shown above, does not go beyond what is contained in the earliest revelations on the subject of war, the fifth verse of that chapter is called by some people “the verse of the sword”, as if it inculcated the indiscriminate massacre of all idolaters or unbelievers. The misconception is due to the fact that the words are taken out of their context, and a significance is forced on them which the context cannot bear. The following words occur in the 5th verse: “So when the sacred months have passed away, slay the idolaters wherever you find them” (9:5). But similar words occur also in the earliest revelation on the subject: “And kill them wherever you find them” (2:191). In both places it is the context which makes it clear as to the identity of the persons regarding whom the order is given. In both cases those against whom the order is given are the people who have taken up the sword and attacked the Muslims first. It has already been shown that the injunction to fight against the idolaters, as contained in the opening verses of the 9th chapter, relates only to such idolatrous tribes as had made agreements with the Muslims and then broken them and had attacked the Muslims, and not to all idolatrous people, wherever they may be found in the world. If only we read the verse that precedes the fifth verse, not the shadow of a doubt will remain that *all* idolaters are not spoken of here. For the fourth verse, as quoted already, states that those idolaters were not within the purview of the order who had remained faithful to their agreements. The order was therefore directed against specified idolatrous tribes, the tribes that had made agreements with the Muslims and broken them repeatedly, as expressly stated in (8:56). It is a mistake to regard the order as including all idolatrous people living anywhere in the world or even in Arabia. And if the verse preceding the so-called

“verse of the sword” makes a clear exception in case of all friendly idolatrous tribes, that following it immediately makes a clear exception in favour of such members of idolatrous hostile tribes as ask the protection of the Muslims (see v. 6, quoted in the preceding paragraph). And then continuing the subject, it is further laid down that the order relates only to people “who broke their oaths and aimed at the expulsion of the prophet and they attacked you first” (9:13). With such a clear explanation of the fifth verse contained in the preceding and following verses, no sane person would interpret it as meaning the killing of all idolaters or the carrying on of unprovoked war against all idolatrous tribes.

When Shall War Cease

It is thus clear that the Muslims were allowed to fight only in self-defence, to preserve their national existence, and they were forbidden to be aggressive. The Holy Qur’ān nowhere gives them permission to enter on an unprovoked war against the whole world. Conditions were also laid down as to when war should cease: “And fight with them until there is no persecution, and religion should be only for Allāh. But if they desist, then there should be no hostility except against the oppressors” (2:193). The words *religion should be only for Allāh* are sometimes misinterpreted as meaning that all people should accept Islām, a significance utterly opposed to the very next words: “But if they *desist*, there should be no hostility except against the oppressor”. The *desisting* plainly refers to desisting from persecution. Similar words occur in another early Madinah revelation: “And fight with them until there is no more persecution and all religions are for Allāh. But if they desist, then surely Allāh sees what they do” (8:39). Both expression, “religion should be only for Allāh” and “all religions are for Allāh” carry one and the same significance, namely that religion is treated as a matter between man and his God, a matter of conscience, in which nobody has a right to interfere. It may be added that if the words had the meaning which it is sought to give them the Holy Prophet would have been the first man to

translate that teaching into practice, while as a matter of fact he made peace with the enemy on numerous occasions, and stopped fighting with idolatrous tribes when they wanted peace. Even when he subjugated a people, he gave them full liberty in their religion as it happened in the conquest of Makkah.

Peace Recommended

Notwithstanding what has been said above, the Muslims were told to accept peace in the middle of war if the enemy wanted peace: “And if they incline to peace, incline thou also to it and trust in Allāh; surely He is the Hearer, the Knower. And if they intend to deceive thee — then surely Allāh is sufficient for thee” (8:61, 62). It should be noted that peace is here recommended even though the enemy’s sincerity may be doubtful. And there were reasons to doubt the good intentions of the enemy, for the Arab tribes did not attach much value to their treaty agreements: “Those with whom thou makest an agreement, then they break their agreement everytime and they keep not their duty” (8:56). None could carry those precepts into practice better than the Holy Prophet, and he was so prone to make peace whenever the enemy showed the least desire towards it, that on the occasion of the Ḥudaibiyah truce he did not hesitate to accept the position of the defeated party, though he had never been defeated on the field of battle, and his Companions had sworn to lay down their lives one and all if the worst had come to the worst. Yet he made peace and accepted terms which his own followers looked upon as humiliating for Islām. He accepted the condition that he would go back without performing a pilgrimage and also that if a resident of Makkah embraced Islām and came to him for protection, he would not give him protection. Thus the injunction contained in the Holy Qur’ān to make peace with the idolators if they desired peace, combined with the practice of the Holy Prophet in concluding peace on any terms, is a clear proof that the theory of preaching Islām by the sword is a pure myth so far as the Holy Qur’ān is concerned.

To sum up, neither in the earlier revelations nor in the later is there the slightest indication of any injunction to propagate Islām by the sword. On the other hand, war was clearly allowed as a defensive measure up to the last. It was to be continued only so long as religious persecution lasted, and when that ceased, war was to cease *ipso facto*. And there was the additional condition that if a tribe, against whom the Muslims were fighting because of its aggressive and repeated violation of treaties, embraced Islām, it then and there became a part of the Muslim body politic, and its subjugation by arms was therefore foregone, and war with it came to an end. Such remained the practice of the Holy Prophet during his lifetime. And there is not a single instance in history in which he offered the alternative of the sword or Islām to any tribe or individual, nor did he ever lead an aggressive attack. The last of his expeditions was that of Tabūk, in which he led an army of thirty thousand against the Roman Empire, but when he found, on reaching the frontier, after a very long and tedious journey, that the Romans did not contemplate an offensive he returned without attacking them. His action on this occasion also throws light on the fact that the permission to fight against the Christians contained in (9:29) was also subject to the condition laid down in (2:190) that the Muslims not be aggressive in war.

The opinion now held among the more enlightened European critics of Islām is, that though the Holy Prophet did not make use of force in the propagation of Islām, and that though he did not lead an aggressive attack against an enemy, in the whole of his life, yet this position was adopted by his immediate successors, and was therefore a natural development of his teaching. The opinion is also due to a misconception of the historical facts which led to the wars of the early Caliphate with the Persian and Roman empires. After the death of the Holy Prophet, when Arabia rose in insurrection and Abū Bakr, the first Caliph, was engaged in suppressing the revolt, both Persia and Rome openly helped the insurgents with men and money. It is difficult to go into details of history in a book which does not deal with the his-

torical aspect of the question,⁶ but it would not be inappropriate to quote a modern writer who is in no way friendly to Islām:

“Chaldaeia and southern Syria belong properly to Arabia. The tribes inhabiting this region, partly heathen but chiefly (at least in name) Christian, formed an integral part of the Arab race and as such fell within the immediate scope of the new Dispensation. When, however, these came into collision with the Muslim columns on the frontier, *they were supported by their respective sovereigns.*⁷ — the western by the Kaiser, and the eastern by the Chosroes. Thus the struggle widened.”⁸

There is actual historical evidence that Persia landed her forces in Bahrain to help the insurgents of that Arabian province, and a Christian woman, Sajāh, marched at the head of Christian tribes, from her home on the frontier of Persia, against Madinah, the capital of Islām, and traversed the country right up to the central part. Persia and Rome were thus the aggressors, and the Muslims in sheer self-defence, came into conflict with those mighty empires. The idea of spreading Islām by the sword was as far away from their minds as it was from that of the great Master whom they followed. Thus even Muir admits that, as late as the conquest of Mesopotamia by ‘Umar, the Muslims were strangers to the idea of making converts to Islām by means of the sword: “The thought of a world-wide mission was yet in embryo; obligation to enforce Islām by a universal Crusade had not yet dawned upon the Muslim mind.”⁹ This remark relates to the year 16 of *Hijrah*, when more than half the battles of the early Caliphate had already been fought. According to Muir, even the conquest of the whole of Persia was a measure of self-defence, and not of aggression, on the part of the Muslims: “The truth began to dawn on ‘Omar that necessity was laid upon him to withdraw the ban against advance. In self-defence, nothing was left but to crush the Chosroes and take entire possession of his realm.”¹⁰

6 I have dealt with this subject fully in my book *The Early Caliphate*.

7 Italics are mine.

9 *Ibid.*, p. 120.

8 Sir W. Muir, *The Caliphate*, p. 46.

10 *Op. cit.*, p. 172

And if the wars with the Persian and Roman empires were begun and carried on for five years without any idea of the propagation of Islām by arms, surely there was no occasion for the idea to creep in at a subsequent stage.

Ḥadīth on the Object of War

As already stated, Ḥadīth cannot go against the Holy Qur’ān. Being only an explanation of the Holy Book, it must be rejected if it contains anything against the plain teachings of the Holy Qur’ān. Yet Macdonald, in the *Encyclopaedia of Islām*,¹¹ advances a very strange view. The Holy Qur’ān, he admits, does not sanction unprovoked war against non-Muslims. Even the Holy Prophet had no idea that his teachings would develop into such a position. Yet Ḥadīth, he says, is explicit on the point: “Whether Muḥammad himself recognized that his position implied steady and unprovoked war against the unbelieving world until it was subdued to Islām may be in doubt. traditions are explicit on the point... Still, the story of his writing to the powers around him shows that such a universal position was implicit in his mind.” Now Ḥadīth is nothing but a collection of what the Holy Prophet said or did. How could it be, then, that a thing of which the Holy Prophet had no idea, as admitted in the above quotation, is met with in Ḥadīth? He could not say or do that of which he had no idea. The propagation of Islām by force is neither contained in the Holy Qur’ān nor did the Holy Prophet ever entertain such an idea, yet Ḥadīth which is an explanation of the Holy Qur’ān and a record of what the Holy Prophet said or did, explicitly states that Islām must be enforced at the point of a sword until the whole world is converted to Islām! These remarks are obviously due to carelessness on the part of the writer.

The only Ḥadīth referred to in the article is “the story of the Holy Prophet’s writing to the powers around him”. But that letter does not contain a single word about the enforcement of Islām at the point of a sword. The wording of one of these letters addressed

11 Art *Dijhād*

to the king of the Copts — and all these letters were addressed in similar words — is as follows: “I invite thee with the invitation of Islām; become a Muslim, and thou wilt have entered security; Allāh will give thee a double reward. But if thou turnest back, then on thee is the sin of the Copts. O followers of the Book! come to an equitable proposition between us and you that we shall not serve any but Allāh and that we shall not associate aught with Him and that some of us shall not take others for lords besides Allāh, but if they turn back, then say, Bear witness that we are Muslims”. The mere writing of these letters to all the kings is undoubtedly an evidence of the universality of Islām, but by not stretch of imagination can it be made to yield the conclusion that Islām was to be spread by force of arms. The letter is simply an invitation, combined with an appeal to the followers of all revealed religions to accept the common principle of worship of one God.

There is one Ḥadīth, however, which has sometimes been misconstrued, as meaning that the Holy Prophet was fighting people to make them believe in the Unity of God. It runs thus: “Ibn ‘Umar says, The Holy Prophet said, I have been commanded to fight people until they bear witness that there is no god but Allāh and that Muḥammad is the messenger of Allāh and keep up prayer and pay the *zakāt*. When they have done this, their lives and their properties are protected unless there is obligation of Islām, and their account is with Allāh” (Bu.2:17). It has already been shown that principles of Islām are one and all taken from the Holy Qur’ān, not from Ḥadīth, and that the Holy Qur’ān lays down in express words that no force shall be used in religion. The report begins with the words *I am commanded to fight*, and surely the commandments of the Holy Prophet were given through Divine revelation and are therefore all of them contained in the Holy Qur’ān. The reference in the report is thus undoubtedly to a Quranic verse. In fact, such a verse is met with in the second section of the chapter entitled “Immunity”: “But if they repent and keep up prayer and pay the *zakāt*, they are your brethren in faith” (9 :11). The subject matter of the report is exactly the same, and clearly the commandment referred to in it is that contained in this verse. One has only to read

the context to find out the purport of these words. Some of these verses have already been quoted but, on account of the importance of the subject, four of these are reported below:

9:10 “They respect neither ties of relationship nor covenant, in the case of a believer; and these are they who go beyond the limits”.

9:11. “But if they repent and keep up prayer and pay the poor-rate, they are your brethren in faith; and We make the message clear for a people who know.”

9:12. “And if they break their oaths after their agreement and openly revile your religion, then fight the leaders of disbelief—surely their oaths are nothing—so that they may desist.”

9:13. “Will you not fight a people who broke their oaths and aimed at the expulsion of the Messenger and they attacked you first? Do you fear them?”

No comment is needed. The context clearly shows that there were certain tribes that had no regard for ties of relationships or for agreements entered into, and they were the first to attack the Muslims and made plans to expel the Holy Prophet. These were the people to be fought against. The 9th chapter was revealed in the year 9 of *Hijrah* and this was the time when tribe after tribe was coming over to Islām, and so the condition was laid down that if one of the tribes, that had been hostile to Islām, and had broken its agreements, and was at war with the Muslims, came over to Islām, all hostilities against it were to be stopped immediately, because those people became brethren in faith with Muslims. Old wrongs and iniquities had to be forgotten and not one individual of it was to be harmed, however guilty he may have been, unless in the words of the Ḥadīth an obligation of Islām rendered punishment necessary. It does not mean that the Holy Prophet was commanded to *wage* war against people until they accepted Islām; it simply means, as a reference to the Holy Qur’ān shows, that he was commanded to *cease* fighting with the Muslims if they of their own accord embraced Islām. Even peo-

ple who had been guilty of the murder of a Muslim were not to be put to death if they accepted Islām afterwards, and examples of this are mentioned in Ḥadīth (Bu. 56:28).

One such case may be cited here. “Miqdād ibn ‘Amr al-Kindi referred the following case to the Holy Prophet: I meet in battle a man from among the unbelievers and we two fight against each other; he cuts off one of my hands with his sword, then he takes the shelter of a tree and says, I submit (*aslamtu*) to Allāh; can I kill him, O Messenger of Allāh, after he has spoken those words? The Holy Prophet said, Do not kill him. But, I said, he has cut off one of my hands, O prophet! and then he says this after he has cut it off. The Holy Prophet said, “Do not kill him, for if thou killest him, he is in thy place before thou didst kill him, and thou art in his place before he uttered those words which he spoke” (Bu. 64:12). This shows that the Holy Prophet had given definite orders, which were known to his Companions, that fighting should immediately cease when the person or tribe fighting declared Islām. It is in this light that the Ḥadīth under discussion has to be read, *viz.*, that the Holy Prophet had been commanded to cease war when an enemy at war with him professed Islām. Numerous examples of this are met with in the history of the Holy Prophet’s wars, but there is not a single instance in which he declared war against a peaceful neighbour because that neighbour was not a believer in Islām.

The fact that treaties and agreements were entered into by the Holy Prophet with polytheists (*mushrikīn*) and the Jews and the Christians is proof that the word *people* used in the Ḥadīth stands for particular tribes which, as the Holy Qur’ān shows, violated their treaties again and again. If there had been any commandment like that which it is sought to deduce from this Ḥadīth, the Holy Prophet would have been the first man to act on it. But he always made peace and entered into agreement with his enemies; not once in his whole life did he demand that a people vanquished in battle should accept Islām. The injunction to make peace with a nation inclined to peace (8:16), and the fact of the Holy Prophet’s repeatedly making treaties with unbelievers, are clear negations of the

impossible construction which it is sought to put upon the words of the Ḥadīth namely, that the Holy Prophet was commanded to wage war against people until they embraced Islām.

Other Ḥadīth, which are sometimes misinterpreted are of a similar nature. For instance, in one it is stated that when the Holy Prophet went out to fight with a people he did not attack them till morning, and if he then heard the *adhan* being called out he refrained from attacking the people (Bu. 10:6). This Ḥadīth evidently refers to such people as are spoken of in the ninth chapter as breaking their agreements repeatedly and attacking the Muslims. At this very time, that is, in the ninth and tenth years of Hijrah, the time to which the 9th chapter relates, tribe after tribe came over to Islām, deputations from different tribes coming to Madīnah and going back to their people to convert them to the new faith. Therefore, when an expedition had to be sent for the punishment of a tribe which proved unfaithful to its agreement, it had to be ascertained that it had not in the meanwhile accepted Islām, and therefore the precaution spoken of in the Ḥadīth was taken.

In another Ḥadīth occur the words, "He who fights that the word of Allāh may be exalted," which being severed from the context are sometimes construed as meaning fighting for the propagation of Islām, but when read with the context, their meaning is clear. The Ḥadīth runs thus: "A man came to the Holy Prophet and said: There is a man who fights for gain of riches and another man who fights that his exploits may be seen, which of these is the way of Allāh? The Holy Prophet said, The man who fights that the word of Allāh may be exalted, that is in the way of Allāh" (Bu. 56:15). It is clear that these words only mean that a man who fights in the way of Allāh (which, as shown from the Holy Qur'ān, means only in *defence of the faith*) should have his motives free from all taint of personal gain or reputation. The unbelievers sought to annihilate the faith of Islām, and the defense of the faith was, therefore, equivalent to the exaltation of the word of Allāh. In the Holy Qur'ān these words are used on the occasion of the Holy Prophet's flight to Madīnah. The Holy Prophet's safe flight is spoken of as making the word of the dis-

believers lowest, and the word of Allāh highest: "... So (Allāh) made lowest the word of those who disbelieved. — And the word of Allāh, that is the uppermost" (9:40).

There are many Ḥadīth which speak of the excellence of *jihād* or of the excellence of fighting, and these are sometimes misconstrued, as showing that a Muslim must always be fighting with other people. It is in a Ḥadīth that a Muslim is defined as being "one from whose hand and tongue Muslim— or, according to another account, people — are secure" (Bu. 2:4: FB I, p. 51); and a Muslim literally means "one who has entered into peace". According to another Ḥadīth, *mu'min* (believer) is "one from whom people are secure concerning their lives and their properties" (MM. I -ii). But war is undoubtedly a necessity of life, and there are times when fighting becomes the highest of duties. Fighting in the cause of justice, fighting to help the oppressed, fighting in self-defence, fighting for national existence are all truly the highest and noblest of deeds, because in all these cases a man lays down his life in the cause of truth and justice, and that is, no doubt, the highest sacrifice that a man can make. Fighting, in itself, is neither good nor bad; it is the occasion which makes it either the best of deeds or the worst of them.

The question is simply this, What was the object for which the Holy Prophet fought? There is not the least doubt about it, as the Holy Qur'ān is clear on the point. "Permission to fight is given to those on whom war is made because they are oppressed" (22:39); "And if Allāh did not repel some people by others, cloisters and churches and synagogues and mosques in which Allāh's name is much remembered, would have been pulled down" (22:40); "And what reason have you not to fight in the way of Allāh and the weak among the men and the women and the children who say, Our Lord, take us out of this town, whose people are oppressors, and grant us from Thee a friend and grant us from Thee a helper" (4:75); "Will you not fight a people who broke their oaths and aimed at the expulsion of the Messenger, and they attacked you first" (9:13); and so on. If then there are Ḥadīth which speak of the excellence of keeping a horse (Bu. 56:45), or of keeping hors-

es ready on the frontier of the enemy (Bu. 56:73), or Ḥadīth recommending the learning of shooting (*ramy*) (Bu. 56:78), or practising with implements of war (Bu. 56:79), or Ḥadīth of speaking of swords and shields and armour and so on, they show, not that the Muslims were spreading Islām by force of arms, not even that they were waging aggressive war against peaceful neighbours, but that they had to fight, and hence all deeds done to carry on a successful war are praised. Indeed in one Ḥadīth it is stated that “Paradise (*al-Jannah*) is under the shadow of swords” (Bu. 56:22). All this is true as long as the sword is used in a right cause.

Jurists’ Wrong Notion of Jihād

The wrong notion of *jihād*, introduced by the jurists, was owing to a misconception of certain verses of the Holy Qur’ān, due, in the first place, to the fact that no regard had been paid to the context, and, in the second place, to a disregard to the circumstances under which the Holy Prophet fought. It has already been shown that the fifth verse of the ninth chapter contains nothing that is not contained in the earlier revelation, and that it is simply a reassertion of the original injunction to fight against tribes that were first to attack the Muslims and that broke their agreements; but reading it out of its context, a significance was given to it that was never contemplated, and it received the name of *āyat al-saif* (the verse of the sword), which is assuredly a misnomer. Another verse, which the *Hidāyah* brings in support of this wrong conception of *jihād*, is the thirty-sixth verse of the ninth chapter which runs as follows: “And fight the polytheists all together as they fight you all together” (9:36). Now this is, in fact, only an injunction to the Muslims to remain united in the war against polytheists, as they, the polytheists, were united in their war against the Muslims. It does not mean that there were no polytheist tribes that did not fight against the Muslims, for this is not only historically untrue, but is also contradicted by the Holy Qur’ān itself: “Except those of the idolaters with whom you make an agreement, then they have not failed you in anything and have

not backed up anyone against you” (9:4). A reference to history would show that there were idolatrous tribes that never fought against the Muslims, but, on the other hand, were in alliance with them, and the Muslims fought on their behalf. Such alliances are met with not only in the lifetime of the Holy Prophet but also in wars of the Early Caliphate.¹² Nor does the verse mean that there should be no Muslim on the face of the earth who should not be engaged in war against the polytheists. Even the supporters of unprovoked war hardly go as far as that. The *Hidāyah*, after quoting this verse in support of a war against all polytheists, adds that this is a *farḍ*, *kifāyah*, an obligation which if performed by some Muslims relieves others of the duty. Now the word *kāffa* (meaning *all together*) occurs in this verse twice, once in connection with the Muslims and again in connection with the idolaters, so that if *all* polytheists, without any exception, are to be fought against, *all* Muslims without any exception must fight against them. As this is impossible, it follows that the verse only enjoins unification in the ranks of the Muslims, in like manner as there was unification in the ranks of the idolaters, and there is nothing said here as to the conditions under which fighting is to be carried on. These conditions are expressly laid down in other verses and can on no account be dispensed with: “And fight in the way of Allāh against those who fight against you and be not aggressive. Surely Allāh loves not the aggressors” (2:190).

The jurists themselves have challenged the accuracy of the principle on which their wrong notion of *jihād* is based. For instance, the *Hidāyah* gives the following reason for *jihād* being a *farḍ* *kifāyah*: “It is not made obligatory for its own self (*il ‘aini-hi*), for in itself it is the causing of mischief (*ifsād*), and it is made obligatory for the strengthening of the religion of Allāh and for the

12 The Khuzā‘a were an idolatrous tribe that entered into an alliance with Muslims after the truce of Ḥudaibiyah and when they were attacked by the allies of the Quraish with the latter’s help, the Holy prophet led an attack on Makkah to punish the Quraish for their breach of agreement. There were many other tribes in similar alliance with the Muslims. In the early Caliphate wars, Christian soldiers fought side by side with the Muslims, and so also some of the Magian tribes.

repelling of evil (*daf' al-sharr*) from His servants” (H.I, P. 537). The use here of the words *daf' al-sharr* shows that, even according to the jurists, *jihād* in its origin is only for repelling evil and is therefore defensive, not offensive. Again, when discussing the reasons for the prohibition of killing women and children and old men and those who refrain from fighting (*muq'id*) and blind men, the *Hidāyah* says: “For what makes the killing lawful (*mubih li-l-qatl*) according to us, is the fighting (*hirāb*), and this is not true in their case, and therefore the man whose one side is withered (*yābis al-shiqq*) and the man whose right hand is cut off and a man whose hand and foot are cut off cannot be killed” (H. I, p. 540). Here it is admitted that what makes the killing of a man lawful is not his unbelief (*kufr*) but his fighting (*hirāb*), for, if men could be killed for unbelief, even women, children, and old and incapacitated men would not be spared. That is indeed a sound basis. But if the reason given on this occasion is true, and it is unlawful to kill anyone merely on account of unbelief, it is also unlawful to undertake war against a people because they are unbelievers or idolaters, as in such a war people would be killed for mere unbelief.

In still more plain words, the *Hidāya* recognizes, in its discussion on the making of peace with unbelievers, that the real object of *jihād* is the repelling of the enemy's mischief: “And when the Imām is of opinion that he should make peace with those who are fighting (against the Muslims) (*ahl al-ḥarb*), or with a party of them, and it is in the interest of the Muslims, there is no harm in peace, on account of what Allāh says, “And if they incline to peace, do thou incline to it and trust in Allāh; and the Holy Prophet entered into agreement with the people of Makkah in the year of *Hudaibiyah*, that there shall be no war between him and them for ten years; and because entering into agreement is *jihād* in spirit, when it is for the good of the Muslims, as the object, which is the repelling of mischief (*daf' al-sharr*) is attained thereby” (H.I, p. 541). Here again it is admitted that the real object of *jihād* is the repelling of the enemy's mischief, and it is on this basis alone that peace can be made with the unbelievers. The annotator of the *Hidāyah* does not conceal the fact that it is a plain

contradiction of what is said elsewhere¹³ as to the object of *jihād*. But the question is, how can peace with unbelievers and idolaters be justified? If the object of *jihād* is the enforcing of Islām at the point of a sword, peace with unbelievers is simply a contradiction of this object. But peace with unbelievers is not only a matter of choice; it is an injunction which must be carried out when the enemy is inclined to peace: “And if they incline to peace, do thou incline to it” (8:61).

The above quotations from the *Hidāyah* will show that even the jurists felt that their exposition of *jihād* was opposed to its basic principles laid down in the Holy Qur’ān. Probably the new doctrine grew up slowly. It is clear that the earlier jurists did not go as far as their later annotators. Notwithstanding the wrong conception which was introduced into the meaning of *jihād*, by not paying proper attention to the context of the Holy Qur’ān and the circumstances under which the Holy Prophet fought, they still recognized that the basic principles of *jihād* was the repelling of the enemy’s mischief, and that hence peace with the unbelievers was *jihād* in spirit. But the later generation would not tolerate even this much. Some of them have gone to the length of holding that no permanent peace but only peace for a limited period can be concluded with the unbelievers, an opinion flatly contradicting the Qur’ānic injunction in 8:61. It must however be repeated—and it would bear repetition a hundred times—that, essentially, the Holy Qur’ān is opposed to taking the life of a man for unbelief. It gives full liberty of conscience by stating that there is no compulsion in religion (2:256); it establishes religious freedom by enjoining war to cease when there is no religious persecution, and religion becomes a matter between man and his God (2:193); it plainly says that the life of a man cannot be taken for any reason except that he kills a man or causes mischief (*fasād*) in the land (5:32).

13 The annotator’s note on *daf’ al-sharr* (repelling of the enemy’s mischief) as the object of *jihād* runs thus: “In many places it has been stated that the object of *jihād* is the exaltation of the word of Allāh and this contradicts what is stated here.”

Dār al-Ḥarb and Dār al-Islām

With the new notion introduced into the word *jihād*, the jurists artificially divided the whole word into *dār al-ḥarb* and *dār al-Islām*. *Dār al-ḥarb* literally means *the abode or seat of war*, and *dār al-Islām*, *the abode of Islām*. The words are not used in the Holy Qur’ān, nor are they traceable in any Ḥadīth. Bukhārī uses the word *dār al-ḥarb* in the heading of one of his chapters: “When a people embrace Islām in *dār al-ḥarb*” (Bu. 56:180). Two Ḥadīth are mentioned under this heading, in neither of which do the words *dār al-ḥarb* occur. The first speaks of Makkah, and its subject-matter is that when, after the conquest of Makkah, the unbelieving Quraish accepted Islām; they were recognized as owners of property of which they had become masters, though it originally belonged to those Muslims who had fled to Madīnah. The second speaks of Rabdhah, a place at a distance of about three day’s journey from Madīnah, the lands near which were turned into pasture by ‘Umar and, on the owners’ protest, made over to them. Both Makkah and Rabdhah were at one time at war with the Muslims and on this account Bukhārī speaks of them as *dār al-ḥarb*. *Dār al-Islām* is evidently a place where the laws of Islām prevail and which is under a Muslim ruler. The use of *dār al-ḥarb* in the sense of a place actually at war with the Muslims, is unobjectionable. But the jurists apply the word to all states and countries which are not *dār al-Islām* or under the Muslim rule, though they may not be at war with the Muslims, and thus look upon a Muslim state as being always in a state of war with the whole of the non-Muslim world. This position is not only inconsistent with the very basic principles of Islām but actually it has never been accepted by any Muslim state that has ever existed in the world. The difficulty has been met by some jurists by bringing a third class, called *dār al-ṣulḥ* or *dār al-‘ahd*, or a country which has an agreement with the Muslims. But even this does not exhaust the whole world. Many of the laws relating to war are based on this fictitious division of the world, for which there is not the least authority either in the Holy Qur’ān or in Ḥadīth.

Jizyah

The word *jizyah* is explained as meaning *the tax that is taken from the free non-Muslim subjects of a Muslim government, whereby they ratify the compact that ensures them protection, or a tax that is paid by the owner of land*, being derived from *jazā* which means *he gave satisfaction or he compensated him for a certain thing, or for what he had done (LL.)*. In the Holy Qur'ān, *jizyah* is spoken of only in one place, and there in connection with wars with the people of the Book: "Fight those who believe not in Allāh... out of those who have been given the Book, until they pay the *jizyah* in acknowledgment of superiority and they are in a state of subjection" (9:29). The Holy Prophet made treaties subject to the condition of payment of *jizyah* with the Magians of Bahrain (Bu. 58:1), with Ukaidar, the Christian chief of Dūmah (AD. 19:29; IH), with the Christian ruler of Ayla (IJ-H. III, p. 146), with the Jews of Jarbā' and Adhruḥ¹⁴ (*ibid.*), and with the Christians of Najrān (IS. T. I-ii, p. 35). But in all these cases, the *jizyah* was a tribute paid by the state and not a poll-tax. Bukhārī opens his book of *jizyah* with a chapter headed as follows: "*Jizyah* and concluding of peace with *ahl al-ḥarb* (those at war with the Muslims)" (Bu. 58:1), Continuing, he is more explicit, remarking under the same heading: "And what is related in the matter of taking *jizyah* from the Jews and the Christians and the Magians (*Majūs*) and the non-Arabs (*'Ajam*)." The rule of the *jizyah* was thus applicable to all enemy people, and the Holy Prophet's own action shows that treaties subject to the payment of *jizyah* were concluded, not only with the Jews and the Christians but also with the Magians. It would be seen from this that the words *ahl al-Kitāb* used in 9:29, quoted above, must be taken in the wider sense of followers of any religion. But *jizyah*, which was originally a tribute paid by a subject state, took the form of a poll-tax later on in the time of 'Umar; and the word also applied to the land-tax which was levied on Muslim owners of agricultural land.

14 Dūmah, Ayla, Jarbā' and Adhruḥ are all places situated on the Syrian frontier and these treaties were made during the expedition to Tabūk, in the ninth year of Hijrah.

The jurists, however, made a distinction between the poll-tax and the land-tax by giving the name of *kharāj* to the latter. Both together formed one of the two chief sources of the revenue of the Muslim state, the *zakāt* paid by the Muslims being the other source.

Jizyāh was not a Religious Tax

European writers on Islām have generally assumed that, while the Holy Qur'ān offered only one of the alternatives, Islām or death, to other non-Muslims, the Jews and the Christians were given a somewhat better position, since they could save their lives by the payment of *jizyah*. This conception of *jizyah* as a kind of religious tax whose payment entitled certain non-Muslims to security of life under the Muslim rule, is as entirely opposed to the fundamental teachings of Islām as the myth that the Muslims were required to carry on an aggressive war against all non-Muslims till they accepted Islām. Tributes and taxes were levied before Islām, and are levied to this day, by Muslim as well as non-Muslim states, yet they have nothing to do with the religion of the people affected. The Muslim state was as much in need of finance to maintain itself as any other state on the face of this earth, and it resorted to exactly the same methods as those employed by other states. All that happened in the time of the Holy Prophet was that certain small non-Muslim states were, when subjugated, given the right to administer their own affairs, but only if they would pay a small sum by way of tribute towards the maintenance of the central government at Madinah. It was an act of great magnanimity on the part of the Holy Prophet to confer complete autonomy on a people after conquering them, and a paltry sum of tribute (*jizyah*) in such conditions was not a hardship but a boon. There was no military occupation of their territories, no interference at all with their administration, their laws, their customs and usages, or their religion: and, for the tribute paid, the Muslim state undertook the responsibility of protecting these small states against all enemies. In the later conquests of Islām,

while it became necessary for the Muslims to establish their own administration in the conquered territories, there was still as little interference with the usages and religion of the conquered people as was possible, and for enjoying complete protection and the benefits of a settled rule they had to pay a very mild tax, the *jizyah*.

It may, however, be said that the Muslim state made a discrimination between the Muslim and the non-Muslim and that it was this feature of *jizyah* which gave it a religious colouring. A discrimination was indeed made, but it was not in favour of the Muslim but that of the non-Muslim. The Muslim had to do compulsory military service and to fight the battles of the state, not only at home but also in foreign countries, and in addition had to pay a tax heavier than that which the non-Muslim was required to pay, as will be shown presently. The non-Muslim was entirely exempt from military service on account of the *jizyah* he paid, and half a guinea or a dinār a year is certainly cheap for exemption from military service. So the Muslim had to pay the *zakāt*, a far heavier tax than *jizyah*, and do military service, while the non-Muslim had only to pay a small tax for the privilege of enjoying all the benefits of a settled rule.

The very name *ahl al-dhimmah* (lit., *people under protection*) given to the non-Muslim subjects of a Muslim state, or to a non-Muslim state under the protection of Muslim rule, shows that the *jizyah* was paid as a compensation for the protection afforded; in other words, it was a contribution of the non-Muslims towards the military organization of the Muslim state. There are cases on record in which the Muslim state returned the *jizyah*, when it was unable to afford protection to the people under its care. Thus, when the Muslim forces under Abū ‘Ubaida were engaged in a struggle with the Roman Empire, they were compelled to beat a retreat, at Ḥims, which they had previously conquered. When the decision was taken to evacuate Ḥims, Abū ‘Ubaida sent for the chiefs of the place and returned to them the whole amount which he had realized as *jizyah* saying that as the Muslims could no longer protect them, they were not entitled to the *jizyah*.

Further it appears that exemption from military service was granted only to such non-Muslims as wanted it, for where a non-Muslim people offered to fight the battles of the country, they were exempted from *jizyah*. The Bani Taghlib and the people of Najrān, both Christians, did not pay the *jizyah* (*En. Is.*). Indeed the Bani Taghlib fought alongside the Muslim forces in the battle of Buwaib in 13 A. H. Later on in the year 17 A. H., they wrote to the Caliph ‘Umar offering to pay the *zakāt*, which was a heavier burden, instead of the *jizyah*. “The liberality of ‘Omar,” says Muir in his *Caliphate*,¹⁵ “allowed the concession; and the Bani Taghlib enjoyed the singular privilege of being assessed as Christians at a ‘double *Tithe*’, instead of paying the obnoxious badge of subjugation”. Military service was also accepted, in place of *jizyah*, in the time of ‘Umar, from Jurjān. Shahbarāz, an Armenian chief, also concluded peace with the Muslims on the same terms.

Incidence of the Jizyah

The manner in which the *jizyah* was levied also shows that it was a tax for exemption from military service. The following classes were exempt from *jizyah*: all females, males who had not attained majority, old people, people whom disease had crippled (*zamin*), the paralyzed, the blind, the poor (*faqir*) who could not work for themselves (*ghair mu‘tamil*), the slaves, slaves who were working for their freedom (*mudbir*), and the monks (H.I., pp. 571, 572). And besides this, “in the first century... many persons were entirely exempt from taxation, though we do not know why” (*En. Is.*). It has already been shown that certain non-Muslim tribes that had agreed to do military service, were also exempted from *jizyah*, and these two facts — the exemption of non-Muslims unfit for military service and of the able-bodied who agreed to military service — taken together lead to but one conclusion, namely, that the *jizyah* was a tax paid by such *Dhimmis*

15 Sir W. Muir, *The Caliphate*, p. 142.

as could fight, for exemption from military service.

A study of the items of the expenditure of *jizyah* leads to the same conclusion, for *the jizyah* was spent for strengthening of the frontiers or obstructing the frontier approaches (*sadd al-thaghūr*), for the building of bridges, payment to judges and governors and the maintenance of the fighting forces and their children (H. I, p. 576).

In spite of exemptions on so vast a scale, the rate of *jizyah* was very low, being originally one dinār¹⁶ per head for a whole year. Later on, the rate was raised in the case of rich people, who had to pay four dinārs or forty-eight dirhams annually, or four dirhams monthly; next came those who paid two dinārs annually, or two dirhams per month; the lowest rate being one dinār, at which all were originally assessed. This is according to *Hanafi* law, while *Shafi'i* retained the original rate of one dinār per head in all cases (H.). The three grades are defined thus: (1) the rich man (*al-zahir al-ghinā*, or he whose wealth is manifest) who owns abundant property, so that he need not work for his livelihood; (2) the middle class man who owns property, but in addition thereto needs to earn money to make a living; and (3) the poor man who has no property, but earns more than is necessary to maintain himself. The Muslim was, apparently, more heavily taxed, for he had to pay at the rate of 2-1/2 per cent of his savings, and, in addition, to perform military service. The *jizyah* was levied in a very sympathetic spirit, as the following anecdote will show. Caliph 'Umar once saw a blind *Dhimmi* (non-Muslim) begging, and finding on enquiry that he had to pay *jizyah*, he not only exempted him but, in addition, ordered that he be paid a stipend from the state-treasury, issuing further orders at the same time that all *Dhimmis* in similar circumstances should be paid stipends.

Islām, Jizyah or the Sword

Another myth concerning the early Caliphate wars may be removed in connection with the discussion of *jizyah*. It is gener-

16 The dinār was a gold coin the original weight of which was 65.4 grains troy.

ally thought that the Muslims were out to impose their religion at the point of a sword, and that the Muslim hosts were over-running all lands with the message of Islām, *jizyah* or the sword. This is, of course, quite a distorted picture of what really happened. If the Muslims had really been abroad with the message, and in this spirit, how was it possible for non-Muslims to fight in their ranks? The fact that there were people who never became Muslims at all, nor ever paid *jizyah*, and yet were living in the midst of the Muslims, even fighting their battles, explodes the whole theory of the Muslims offering Islām or *jizyah* or the sword. The truth of the matter is that the Muslims finding the Roman Empire and Persia bent upon the subjugation of Arabia and the extirpation of Islām, refused to accept terms of peace without a safeguard against a repetition of the aggression; and this safeguard was demanded in the form of *jizyah*, or a tribute, which would be an admission of defeat on their part. No war was ever *started* by the Muslims by sending this message to a peaceful neighbour; history belies such an assertion. But when a war was undertaken on account of the enemy's aggression — his advance on Muslim territory or help rendered to the enemies of the Muslim state — it was only natural that the Muslims did not terminate the war before bringing it to a successful conclusion. They were willing to avoid further bloodshed after inflicting a defeat on the enemy, only if he admitted defeat and agreed to pay a tribute, which was only a token tribute as compared with the crushing war indemnities of the present day. The offer to terminate hostilities on payment of *jizyah* was thus an act of mercy towards a vanquished foe. But if the payment of a token tribute was unacceptable to the vanquished power, the Muslims could do nothing but have recourse to the sword, until the enemy was completely subdued.

The only question that remains is whether the Muslim soldiers invited their enemies to accept Islām; and whether it was an offence if they did so? Islām was a missionary religion from its very inception, and every Muslim deemed it his birthright to invite other people to embrace Islām. The envoys of Islām, wherever they went, looked upon it as their first duty to deliver the

message of Islām, because they felt that Islām imparted a new life and vigour to humanity, and offered a real solution to the problems of every nation. Islām was offered, no doubt, even to the fighting enemy, but it is a distortion of facts to say that it was offered at the point of the sword, when there is not a single instance on record of Islam being enforced upon a prisoner of war; nor of Muslims sending a message to a peaceful neighbouring state to the effect that it would be invaded if it did not embrace Islām. All that is recorded is that, in the midst of war and after defeat had been inflicted on the enemy in several battles, when there were negotiations for peace, the Muslims in their faith related their own experience before the enemy chiefs. They stated how they themselves had been deadly foes to Islām and how they saw the truth and found Islām to be a blessing and a power that had raised the Arab race from the depths of degradation to great moral and spiritual heights, and had welded their warring elements into a solid nation. In such words did the Muslim envoys invite the Persians and the Romans to Islām, not before the declaration of war, but at the negotiations for peace. If the enemy then accepted Islām, there would be no conditions for peace, and the two nations would live as equals and brethren. It was not offering Islām at the point of a sword, but offering it as a harbinger of peace, of equality and of brotherhood. Not once in the wars of the early Caliphate did the Muslims send a message to a peaceful neighbour that, if it did not accept Islām, the Muslim forces would carry fire and sword into its territory. Wars they had to wage, but these wars were due to reasons other than zeal for the propagation of Islam. And they could not do a thing which their Master never did, and which their only guide in life, the Holy Qur’ān, never taught them.

Directions Relating to War

The directions given to his soldiers by the Holy Prophet also show that his wars were not due to any desire to enforce religion. “ ‘Abd Allāh ibn ‘Umar reports that, in a certain battle fought by

the Holy Prophet a woman was discovered among the slain. On this, the Holy Prophet forbade the killing of women and children (in wars)” (Bu. 56:147, 148). Ḥadīth relating to this prohibition are repeated very often in all collections (AD. 15:112; Tr. 20:18; Ah. I, p. 256; II, pp. 22, 23; III, p. 488; M. 32:7). Now if the wars of Islām had been undertaken with the object of forcing Islām upon a people, why should women and children have been excepted? It would rather have been easier to win them over by holding the sword over their heads, because women and children naturally do not have the power to resist, like men who can fight. The fact that there is an express direction against killing three-fourths of the population, as women and children must be in every community, shows that the propagation of religion was far from being the object of these wars. In some Ḥadīth the word ‘*asīf*’ is added to *women* and *children*, showing that there was also a prohibition against killing people who were taken along with the army as “labour units” (Ah. III, p. 488; IV, p. 178; AD. 15:112). There is yet another Ḥadīth prohibiting the killing of *shaikh fānī* (very old man) who is unable to fight (MM. 18:5-ii). Monks were also not to be molested (Ah. I, p. 300). It was only in a night attack that the Holy Prophet excused the chance killing of a woman or child saying, “They are among them” (Bu. 56:146); what he meant was that it was a thing which could not be avoided, for at night children and women could not be distinguished from the soldiers.

The above examples may be supplemented by some others taken from Sayyid Amīr ‘Alī’s *Spirit of Islām*. The following instructions were given to the troops dispatched against the Byzantines by the Holy Prophet: “In avenging the injuries inflicted upon us, molest not the harmless inmates of domestic seclusion; spare the weakness of the female sex; injure not the infant at the breast, or those who are ill in bed. Abstain from demolishing the dwellings of the unresisting inhabitants; destroy not the means of their subsistence, nor their fruit trees; and touch not the palm” (p. 81). Abū Bakr gave the following instructions to the commander of an army in the Syrian battle: “When you meet your

enemies acquit yourselves like men, and do not turn your backs; and if you gain the victory, kill not the little children, nor old people, nor women. Destroy no palm trees, nor burn any fields of corn. Cut down no fruit trees, nor do any mischief to cattle, only such as you kill for the necessity of subsistence. When you make any covenant or article, stand to it, and be as good as your word. As you go on, you will find some religious persons that live retired in monasteries, who propose themselves to serve God that way. Let them alone, and neither kill them nor destroy their monasteries” (p. 81).

Prisoners of War

The treatment of prisoners of war, as laid down in the Holy Qur’ān and Ḥadīth, also bears evidence of the fact that the idea of enforcement of Islām by the sword is entirely foreign to the conception of Islamic warfare. If the wars, during the time of the Holy Prophet or early Caliphate, had been prompted by the desire of propagating Islām by force, this object could easily have been attained by forcing Islām upon prisoners of war who fell into the hands of the Muslims. Yet this the Holy Qur’ān does not allow, expressly laying down that they must be set free: “So when you meet in battle those who disbelieve, smite the necks; then when you have overcome them, make them prisoners, and afterwards set them free as a favour or for ransom until the war lays down its burdens” (47:4). It will be seen from this that the taking of prisoners was allowed only as long as war conditions prevailed; and even when the prisoners are taken they cannot be kept so permanently, but must be set free either as a favour or at the utmost by taking ransom. The Holy Prophet carried this injunction into practice in his lifetime.¹⁷ In the battle of Ḥunain, six thousand prison-

17 In spite of the clear injunction of the Holy Qur’ān to set free all prisoners, and the practice of the Holy prophet who never killed a single prisoner of war and generally set them free as an act of favour, the Rev. Klein writes in *The Religion of Islām*: “Unbelievers taken in war, except idolaters of Arabia and apostates who must be killed, who do not embrace Islām may either be killed, or made captive... or be

ers of the Ḥawāzin tribe were taken, and they were all set free simply as an act of favour (Bu. 40:7; IJ-H. III, p. 132). A hundred families of Banī Mustaliq were taken as prisoners in the battle of Muraisī', and they were also set at liberty without ransom being paid (IJ-H. III, p. 66). Seventy prisoners were taken in the battle of Badr, and it was only in this case that ransom was exacted, but the prisoners were granted their freedom while war with the Quraish was yet in progress (AD. 15:122; Ah. I, p. 30). The form of ransom adopted in the case of some of these prisoners was that they should be entrusted with some work connected with teaching (Ah. I, p. 247; ZI, p. 534). When war ceased and peace was established, all war-prisoners would have to be set free, according to the verse quoted above.

Slavery Abolished

This verse also abolishes slavery forever. Slavery was generally brought about through raids by stronger tribes upon weaker ones. Islām did not allow raids or the making of prisoners by means of raids. Prisoners could only be taken after a regular battle, and even then could not be retained forever. It was obligatory to set them free, either as favour or after taking ransom. This state of things could last only as long as war conditions existed. When war was over, no prisoners could be taken.

The name applied to prisoners of war is *mā malakat aimānukum*, lit., *what your right hands possess*. What one's right hand possesses means that which one has obtained by superior power, and prisoners of war were given this name because it was by superior power in war that they were reduced to subjection. The name 'abd (slave) was also applied to them, because they had lost their freedom. The treatment accorded to prisoners of war or slaves in Islām is unparalleled. No other nation or society can show a similar treatment even of its own members when they are placed in the relative position of a master and a servant. The slave

granted their liberty on condition of their becoming Zimmis" (p. 179). This is an entirely baseless statement.

or the prisoner was, no doubt, required to do a certain amount of work, but the condition, in which it was ordained that he should be kept, freed him of all abject feelings. The golden rule of treating the slave like a brother was laid down by the Holy Prophet in clear words: “Ma‘rūr says, I met Abū Dharr in Rabdhā and he wore a dress and his slave wore a similar dress. I questioned him about it. He said, I abused a man (*i.e.*, his slave) and found fault with him on account of his mother (addressing him as son of a Negress). The Holy Prophet said to me, O Abū Dharr! Thou findest fault with him on account of his mother, surely thou art an ignorant man; your slaves are your brethren, Allāh has placed them under your hands; so whoever has his brother under his hand, let him give him to eat whereof he himself eats, and let him give to wear what he himself wears, and impose not on them a work which they are not able to do, and if you give them such a work, then help them in the execution of it” (Bu. 2:22). The prisoners were distributed among the various Muslim families because no arrangements for their maintenance by the state existed at the time, but they were treated honourably. A prisoner of war states that he was kept in a family whose people gave him bread while they themselves had to live on dates (IJ-H. II, p. 287). Prisoners of war were therefore not only set free but, as long as they were kept prisoners, they were kept honourably.

War as a Struggle to be Carried on Honestly

It will be seen from what has been stated above, concerning the injunctions relating to war and peace, that war is recognized by Islām as a struggle between nations — though a terrible struggle — which is sometimes necessitated by the conditions of human life; and when that struggle comes, a nation is bound to acquit itself of its responsibility in the matter in an honourable manner, and fight it to the bitter end whatever it is. Islām does not allow its followers to provoke war, nor does it allow them to be aggressors, but it commands them to put their whole force into the struggle when war is forced on them. If the enemy wants peace after

the struggle has begun, the Muslims should not refuse, even though there is doubt about the honesty of his purpose. But the struggle, as long as it lasts, must be carried on to the end. In this struggle, honest dealing is enjoined even with the enemy, throughout the Holy Qur'ān: "And let not hatred of a people — because they hindered you from the Sacred Mosque — incite you to transgress; and help one another in righteousness and piety, and help not one another in sin and aggression". (5:2); "And let not hatred of a people incite you not to act equitably. Be just, that is nearer to observance of duty" (5:8). This is in a chapter which was revealed towards the close of the Holy Prophet's life. Ḥadīth too enjoins honest dealing in war: "Fight and do not exceed the limits and be not unfaithful and do not mutilate bodies and do not kill children" (M. 32:2). Such are some of the directions given which purify war of the elements of barbarity and dishonesty in which warring nations generally indulge. Neither inhuman nor immoral practices are allowed.

A Ḥadīth is sometimes cited as allowing deceit in war. This is due to a misinterpretation of its words. Deceit and lying are not allowed under any circumstances. The Ḥadīth runs thus: "The Holy Prophet said, The Chosroes shall perish and there shall be no Chosroes after him, and the Caesar shall perish and there shall be no Caesar after him, and their treasures shall be distributed in the way of Allāh, and he called war a deception (*khad'at-an*)" (Bu. 56:157). These words were uttered by the Holy Prophet, when he received the news that the Chosroes had torn his letter to pieces and ordered his arrest; and the words contain a clear prophecy that the power of both the Chosroes and the Caesar shall depart in their wars with the Muslims, so that there shall be neither a Persian empire under the Chosroes, nor a Roman empire under the Caesar. Evidently the concluding words "and he called war a deception" explain how the Chosroes and the Caesar will perish.

War is a deception, in the sense that sometimes a great power makes war upon a weaker power thinking that it will soon crush it, but such war proves a deception and leads to the destruction of

the great aggressive power itself. This was what happened in the case of the wars of Persia and Rome against the Muslims. They both had entered upon an aggressive war against the Arabs, thinking that they would crush the rising power of Arabia in a little time. They began by helping the tribes on the frontier of Arabia to overthrow the Muslim power, and were thus drawn into a war with the Muslims which ultimately crushed their own power. This is the explanation given in *Bukhārī's* famous commentary, the *'Ainī*: "Whoever is deceived in it once (*i.e.* overthrown or defeated), he is exhausted and perished and is unable to return to his former condition" (Ai. VII, p. 66). Ibn Athīr gives three explanations, according as the word is read *khad'ah* or *khud'ah* or *khuda'ah*, and in all three cases the meaning is almost the same as given in *'Ainī*. Taking the first reading which it calls the most correct and the best, the significance is thus explained: "In the first case the meaning is that the affair of the war is deceived with an overthrow; when the fighter is overthrown once, then he finds no respite" (N.). In the case of the third reading "the meaning is that the war deceives people; it gives them hope but does not fulfil them" (N.). It is only imperfect knowledge of the Arabic language which has led some people to think that this Ḥadīth means that it is lawful to practice deception in war. The Islamic wars were in fact purified of all that is unworthy when the Muslims were plainly told that a war fought for any gain (which includes acquisition of wealth or territory) was not in the way of Allāh (Bu. 56:15). The Holy Qur'ān puts it still more clearly: "Let those fight in the way of Allāh who sell this world's life for the Hereafter" (4:74).

Apostasy

The word *irtidād* is the measure of *ifti'āl* from *radd* which means *turning back*. *Ridda* and *irtidād* both signify *turning back to the way from which one has come*, but *ridda* is specially used for *going back to unbelief*, while *irtidād* is used in this sense as well as in other senses (R.), and the person going back to unbelief

from Islām is called *murtadd* (apostate). There is as great a misconception on the subject of apostasy as on the subject of *jihād*, the general impression among both Muslims and non-Muslims being that Islām punishes apostasy with death. If Islām does not allow the taking of the life of a person on the score of religion, and this has already been shown to be the basic principle of Islām, it is immaterial whether unbelief has been adopted after being a Muslim or not, and therefore as far as the sacredness of life is concerned, the unbeliever (*kāfir*) and the apostate (*murtadd*) are at par.

Apostasy in the Holy Qur'ān

The Holy Qur'ān is the primary source of Islamic laws and therefore we shall take it first. In the first place, it nowhere speaks of a *murtadd* by implication. *Irtidād* consists in the expression of unbelief or in the plain denial of Islām, and it is not to be assumed because a person who professes Islām, expresses an opinion or does an act which, in the opinion of a learned man or a legist, is un-Islāmic. Abuse of a holy prophet or disrespect to the Holy Qur'ān are very often made false excuses for treating a person as *murtadd*, though he may avow in the strongest terms that he is a believer in the Holy Qur'ān and the Holy Prophet. Secondly, the general impression that Islām condemns an apostate to death does not find the least support from the Holy Qur'ān. Heffeming begins his article on *murtadd*, in the *Encyclopaedia of Islām*, with the following words: "In the Holy Qur'ān the apostate is threatened with punishment in the next world only." There is mention of *irtidād* in one of the late Makkah revelations: "Whoso disbelieves in Allāh after his belief—not he who is compelled while his heart is content with faith, but he who opens his breast for disbelief—on them is the wrath of Allāh, and for them is a grievous chastisement" (16:106). Clearly the *murtadd* is here threatened with punishment in the next life, and there is not the least change in this attitude in later revelations, when Islamic government had been established immediately after the Holy Prophet reached

Madinah. In one of the early Madinah revelations, apostasy is spoken of in connection with the war which the unbelievers had waged to make the Muslims apostates by force: “And they will not cease fighting you until they turn you back from your religion, if they can. And whoever of you turns back from his religion (*yartadda* from *irtidād*), then he dies while an unbeliever—these it is whose works go for nothing in this world and the Hereafter, and they are the companions of the fire; therein they will abide”¹⁸ (2:217). So if a man becomes apostate, he will be punished— not in this life, but in the Hereafter — on account of the evil deeds to which he has reverted, and his good works, done while he was yet a Muslim, become null because of the evil course of life which he has adopted.

The third chapter, revealed in the third year of Hijrah, speaks again and again of people who had resorted to unbelief after becoming Muslims, but always speaks of their punishment in the Hereafter: “How shall Allāh guide a people who disbelieved after their believing and after they had born witness that the Messenger was true” (3:85); “Their reward is that on them is the curse of Allāh” (3:86); “Except those who repent after that and amend” (3:88); “Those who disbelieve after their believing, then increase in disbelief, their repentance is not accepted” (3:89).

18 In their zeal to find a death sentence for apostates in the Holy Qur'ān, some Christian writers have not hesitated to give an entirely wrong translation of the word *fa-yamut* (*then he dies*) as meaning *then he is put to death*. *Fa-yamut* is the active voice and *yamūtu* means *he dies*. The use of this word shows clearly that apostates were *not* put to death. Some interpreters have drawn a wrong inference from the words “whose works go for nothing”. These words do not mean that he is to be treated as an outlaw. By his “works” are meant the good deeds which he did when he was a Muslim, and these in fact go for nothing even in this life, when a man afterwards adopts unbelief and evil courses. Good works are only useful if they continue to lead a man on to better things, and develop in him the consciousness of a higher life. Elsewhere the deeds of a people are spoken of as going for nothing, when they work solely for this life and neglect the higher: “They whose labour is lost in this world’s life and they think that they are well-versed in skill of the work of their hands. These are they who disbelieve in the communications of their Lord and His meeting, so their deeds become null, and therefore We will not set up a balance for them on the Day of Resurrection” (18:104, 105). In this case *ḥabṭ* of the works of this life means their being useless so far as the higher life is concerned.

The most convincing argument that death was not the punishment for apostasy is contained in the Jewish plans, conceived while they were living under the Muslim rule in Madīnah: “And a party of the People of the Book say, Avow belief in that which has been revealed to those who believe, in the first part of the day, and disbelieve in the latter part of it” (3:71). How could people living under a Muslim government conceive of such a plan to throw discredit on Islām, if apostasy was punishable with death? The fifth chapter *Mā'idah*, is one of those revealed towards the close of the Holy Prophet's life, and even in this chapter no worldly punishment is mentioned for the apostates: “O you who believe! Should one of you turn back from his religion, then Allāh will bring a people whom He loves and who love Him” (5:54). Therefore so far as the Holy Qur'ān is concerned, there is not only no mention of a death-sentence for apostates but such a sentence is negated by the verses speaking of apostasy, as well as by that *magna charta* of religious freedom, the 256th verse of the second chapter, *la ikrāha fi-l-dīn*, “There is no compulsion in religion.”

Ḥadīth on Apostasy

Let us now turn to Ḥadīth, for it is on this authority that the *Fiqh* books have based their death-sentence for apostates. The words in certain Ḥadīth have undoubtedly the reflex of a later age, but still a careful study leads to the conclusion that apostasy was not punishable unless combined with other circumstances which called for punishment of offenders. Bukhārī, who is undoubtedly the most careful of all collectors of Ḥadīth is explicit on the point. He has two “books” dealing with the apostates, one of which is called *Kitāb al-muḥārribin min ahl al-kufr wa-l-ridda*, or “the Book of those who fight (against the Muslims) from among the unbelievers and the apostates,” and the other is called *Kitāb istitābat al-mu'ānidīn wa-l-murtaddīn wa qitāli-him*, or “the Book of calling to repentance of the enemies and the apostates and fighting with them.” Both these headings speak for themselves. The heading of the first book clearly shows that only such apostates

are dealt with in it as fight against the Muslims, and that of the second associates the apostates with the enemies of Islām. That is really the crux of the whole question, and it is due to a misunderstanding on this point that a doctrine was formulated which is quite contrary to the plain teachings of the Holy Qur’ān. At a time when war was in progress between the Muslims and the unbelievers, it often happened that a person who apostatized went over to the enemy and joined hands with him in fighting against the Muslims. He was treated as an enemy, not because he had changed his religion but because he had changed sides. Even then there were tribes that were not at war with the Muslims and, if an apostate went over to them, he was not touched. Such people are expressly spoken of in the Holy Qur’ān: “Except those who join a people between whom and you there is an alliance, or who come to you, their hearts shrinking from fighting you, or fighting their own people; and if Allāh had pleased He would have given them power over you so that they would have fought you; so if they withdraw from you and fight not you and offer you peace, then Allāh has not given you a way against them” (4:90).

The only case of the punishment of apostates, mentioned in trustworthy Ḥadīth, is that of a party of the tribe of ‘Ukul, who accepted Islām and came to Madinah. They found that the climate of the town did not agree with them, and the Holy Prophet sent them to a place outside Madinah where the state milch-camels were kept, so that they might live in the open air and drink of milk. They got well and then killed the keeper of the camels and drove away the animals. This being brought to the knowledge of the Holy Prophet, a party was sent in pursuit of them and they were put to death¹⁶ (Bu. 56:152). The report is clear on the point

19 It is stated in some Ḥadīth that they were tortured to death. If it ever happened, it was only by way of retaliation, as before the revelation of the penal laws of Islām, retaliation was the prevailing rule. In some reports it is stated that this party of the tribe of ‘Ukul put out the eyes of the keeper of the camels and threw him on hot stones to die a slow death of torture, and that they were put to death in a similar manner (Ai. VII, p. 58). But others have denied that the law of retaliation was applied in this case. According to these reports, the Holy prophet had intended to put them to death by

that they were put to death, not because of their apostasy but because they had killed the keeper of the camels.

Much stress is laid on a Ḥadīth which says: “Whoever changes his religion, kill him” (Bu. 89:2). But in view of what the *Bukhārī* itself has indicated by describing apostates as fighters or by associating their name with the name of the enemies of Islām, it is clear that this refers only to those apostates who join hands with the enemies of Islām and fight with the Muslims. It is only by placing this limitation on the meaning of the Ḥadīth that it can be reconciled with other Ḥadīth or with the principles laid down in the Holy Qur’ān. In fact, its words are so comprehensive that they include every change of faith, from one religion to any other whatsoever; thus even a non-Muslim who becomes a Muslim, or a Jew becomes a Christian, must be killed. Evidently, such a statement cannot be ascribed to the Holy Prophet. So the Ḥadīth cannot be accepted, without placing a limitation upon its meaning.

Another Ḥadīth relating to the same subject throws further light on the significance of that quoted above. In this it is stated that the life of a Muslim may only be taken in three cases, one of which is that “he forsakes his religion and separates himself (*al-tārik*) from his community (*li-l-jama‘ah*)” (Bu. 88:6). According to another version, the words are “who forsakes (*al-mufāriq*) his community”. Evidently separation from the community or the forsaking of it, which is here added as a necessary condition, means that the man leaves the Muslims and joins the enemy camp. Thus the words of the Ḥadīth show that it relates to wartime; and the apostate forfeited his life not for changing his religion, but for desertion.

torture in the same way as they had put to death the keeper of the camels, but before they were executed he received the revelation dealing with the punishment of such offenders: “The only punishment of those who wage war against Allāh and His Messenger and strive to make mischief in the land is this, that they should be killed or crucified or their hands and their feet should be cut off on opposite sides or they should be imprisoned” (5:33) (IJ-C. VI, p. 121). The apostates are thus spoken of here as waging war against God and His Messenger. The punishment varies according to the nature of the crime; it may be death or even crucifixion where the culprit has caused terror in the land or it may be simply imprisonment.

An instance of a simple change of religion is also contained in the *Bukhārī*. “An Arab of the desert came to the Holy Prophet and accepted Islām at his hand; then fever overtook him while he was still in Madīnah; so he came to the Holy Prophet and said, Give back my pledge; and the Holy Prophet refused; then he came again and said, Give me back my pledge; and the Holy Prophet refused; then he came again and said, Give me back my pledge; and the Holy Prophet refused; then he went away” (Bu. 94:47). This Ḥadīth shows that the man first accepted Islām, and the next day on getting fever he thought that it was due to his becoming a Muslim, and so he came and threw back the pledge. This was a clear case of apostasy, yet it is nowhere related that anyone killed him. On the other hand, the Ḥadīth says that he went away unharmed.

Another example of a simple change of religion is that of a Christian who became a Muslim and then apostatized and went over to Christianity, and yet he was not put to death: “Anas says, there was a Christian who became a Muslim and read the *Baqarah* and the *Āl ‘Imrān* (2nd and 3rd chapters of the Holy Qur’ān), and he used to write (the Holy Qur’ān) for the Holy Prophet. He then went over to Christianity again, and he used to say, Muḥammad does not know anything except what I wrote for him. Then Allāh caused him to die and they buried him” (Bu. 61:25). The Ḥadīth goes on to say how his body was thrown out by the earth. This was evidently at Madīnah after the revelation of the second and third chapters of the Holy Qur’ān, when a Muslim state was well-established, and yet the man who apostatized was not even molested, though he spoke of the Holy Prophet in extremely derogatory terms and gave him out to be an imposter who knew nothing except what he (the apostate) wrote for him.

It has already been shown that the Holy Qur’ān speaks of apostates joining a tribe on friendly terms with the Muslims, and of others who withdrew from fighting altogether, siding neither with the Muslims nor with their enemies, and it states that they were left alone (4:90). All these cases show that the Ḥadīth relating to the killing of those who change their religion applied only to those who fought against the Muslims.

Apostasy and Fiqh

Turning to *Fiqh*, we find that the jurists first lay down a principle quite opposed to the Holy Qur'ān, namely that the life of a man may be taken on account of his apostasy. Thus in the *Hidāyah*: “The *murtadd* (apostate) shall have Islām presented to him whether he is a free man or a slave; if he refuses, he must be killed” (H.I, p. 576). But this principle is contradicted immediately afterwards when the apostate is called “an unbeliever at war (*kāfir-un ḥarabiyy-un*) whom the invitation of Islām has already reached” (H.I, p. 577). This shows that even in *Fiqh*, the apostate forfeits his life because he is considered to be an enemy at war with the Muslims. And in the case of the apostate woman, the rule is laid down that she shall not be put to death, and the following argument is given: “Our reason for this is that the Holy Prophet forbade the killing of women, and because originally rewards (for belief or unbelief) are deferred to the latter abode, and their hastening (in this life) brings disorder, and a departure from this (principle) is allowed only on account of an immediate mischief and that is *ḥirāb* (war), and this cannot be expected from women on account of the unfitness of their constitution” (H.I, p. 577). And the annotator adds: “The killing for apostasy is obligatory in order to prevent the mischief of war, and it is not a punishment for the act of unbelief (*ibid.*). And again: “For mere unbelief does not legalize the killing of a man” (*Ibid.*). It will be seen that, as in the case of war against unbelievers, the legists are labouring under a misconception, and a struggle is clearly seen going on between the principles as established in the Holy Qur'ān and the misconceptions which had somehow or other found their way into the minds of the legists. It is clearly laid down that the apostate is killed, not on account of his unbelief but on account of *ḥirāb* or of his being in a state of war, and the argument is plainly given that killing for unbelief is against the accepted principles of Islām. But the misconception is that the mere ability to fight is taken as a war condition, which is quite illogical. If it is meant that the apostate possesses the potentiality to fight, then potentially even

a child may be called a *ḥarabiyy* (one at war), because he will grow up to be a man and have the ability to fight; even woman apostates cannot be excepted because they also possess the potentiality to fight. The law of punishment is based not on potentialities but on facts. Thus, even the *Fiqh* recognizes the principle that the life of a man cannot be taken for mere change of religion and that, unless the apostate is in a state of war, he cannot be killed. It is quite a different matter that the legists should have made a mistake in defining *ḥirāb* or a state of war.