

Holy Peace or Holy War: Tolerance and Co-existence in the Islamic Tradition

Liyakat Takim

University of Denver

Until recent times, nations have lived in relative isolation. With the advanced means of communication and increased emigration, different religious and ethnic groups have had to share common space. More than ever, the need to understand, respect, and live with the “other” has become imperative. More importantly, citizens of all nations must come to terms with human diversity that characterizes their terrestrial existence. Dealing with human diversity requires a proper articulation of the means of peaceful coexistence.

Given the fact that, in recent times, there has been much discussion on violence in Islam, a discourse on the issue of peace within the Islamic tradition is to be welcomed. It is imperative to voice an opinion on an issue that is of major concern to millions of people, especially for a religion that has often been targeted as violent and extremist.

In this paper, I will attempt to delineate the Qur’anic position on peaceful coexistence with the “other.” I will also examine the classical juridical and exegetical pronouncements on peace and war in Islam. In the final section, I will assess the possibility of an Islamic theology of peace in modern times.

Peace and Co-existence in the Qur’an

Historically, the Qur’anic view of engagement with the “other” was shaped by the socio-political milieu in which it was revealed. Islamic revelation found expression in a pluralistic world in which Muslims had to deal with Arab pagans and adherents of other monotheistic religions. To comprehend the Qur’an’s response to the Muslims’ interaction

with the “other,” it is essential, at the outset, to examine the moral basis of such interaction and the Qur’an’s pronouncement on human diversity.

The Qur’anic view of peace and tolerance is interwoven to its view of a universal moral discourse that unites all human beings. According to the Qur’an, human beings are created with an innate disposition (*fitra*) that leads to knowledge of and belief in God. In fact, the Qur’an posits a universal morality for humankind that is conjoined to values ingrained in the conscience of all human beings (30:30). This suggests a universal, ethical language that all human beings can connect to and engage in. As the Qur’an states, “He (God) has inspired in [human beings] the good or evil [nature] of an act, whosoever has purified it (the soul) has succeeded, one who corrupts it has surely failed.” (91:8-10). The Qur’anic concept of a universal moral order is thus grounded in the recognition of an innate disposition engraved in the human conscience. Through this notion, Islam embraced certain universal human values that could form the basis for interaction with a diverse “other.”

The basis of such a universal moral order can also be traced to verses like the following, “Humankind, be aware of your duties to your Lord, who created you from a single soul, and from it created its mate, and from the pair of them scattered abroad many men and women (4:1).” The verse suggests a common genesis and unity of human beings based on God’s creation. It also implies that human beings have to recognize and live with their differences. On the basis of universal guidance and a common human origin, the Qur’an posits the presence of an objective and universally binding moral standard that is accessible to all intelligent beings. A striking feature of the Qur’anic discourse is the emphasis on the capacity of human beings to use their innate intelligence to comprehend universal truths. It is

on the basis of their innate capacity and shared moral values that human beings can deal with others based on the principles of fairness and equity.

Furthermore, the Qur'an views human diversity as a basis for understanding and peaceful coexistence. Thus, verse 49:13 states, "O people, We have created you from one male and female (Adam and Eve), We have created you in different communities and tribes so that you may know each other." Stated differently, human diversity should enhance the recognition of rather than confrontation with the other. As I shall discuss, the exegetes viewed verses that command Muslims to build bridges of understanding and cooperation with the larger world community as having been abrogated by those verses that require them to fight unbelievers.

The ramification of the preceding passages is that, since guidance is the function of God, it is He alone who has the right to decide the "spiritual destiny" of human beings. The Qur'an categorically maintains that the ultimate fate human beings be left to God, the true judge of human conduct. Not even the Prophet has the right to judge the ultimate fate of human beings. As it states, "Upon you [O Prophet] is the deliverance [of the message], upon us is the reckoning [of the deeds] (13:40)." In another verse, the Qur'an states, "Had God willed, they would not have been idolaters. We have not appointed you as a watcher over them, neither are you their guardian (6:107)." By elevating judgment to the divine realm, the Qur'an accommodates the space for coexistence on the human plane.

The tolerant and universalistic tone of the Qur'an can be further discerned from the famous verse, "There is no compulsion in religion" (2:255). The famous twentieth-century Shi'i exegete Muhammad al-Husayn al-Tabataba'i contends that faith is a matter of individual conscience and, as such, it cannot be created by coercion and compulsion.

“Belief,” al-Tabataba’i continues, “follows reason and understanding; and nothing but reason and understanding can create it.”¹ According to Zamakhshari (d. 1144), not only the people of the book but all human beings have the right to exercise free volition in choosing Islam. The “no compulsion” verse is not to be limited to the people of the book.² The Qur’an clearly does not advocate the use of force in matters of faith. Thus, verse 10:99 further states, “And if your Lord had willed, whoever is in the earth would have believed, all of them. Can you [O Muhammad] coerce the people to believe?” The overall emphasis in the Qur’an is on voluntary consent to the will of God, which is predicated on the universal guidance that is engraved in all human beings.

Fundamental to the Qur’anic conception of peaceful co-existence is the view that human beings are united under one God (2:213). They are to strive towards virtuous deeds (5:48), for the most noble person in the eyes of God is the one who is most pious (49:13). These and other verses command Muslims to build bridges of understanding and cooperation with fellow human beings so as to create a just social order.

The Qur’anic Vision of Religious Pluralism

The modern era has accelerated the intensity and pace of interaction among believers in different religious traditions. However, intense awareness of and interaction with other faiths have been present in the Islamic tradition from its inception and are not characteristics unique to the modern era.³ The Qur’an was aware of the multicultural milieu of seventh century Arabia. Thus it addressed topics such as freedom of conscience, rights of minorities, human rights, and religious pluralism, issues that a multi-faith community is bound to encounter and grapple with.

Among Muslim scholars, those who favor and oppose religious pluralism have invoked Qur'anic verses to vindicate their positions. The pluralistic outlook of the Qur'an is expressed by verse 2:62, which appears to provide salvation to, "whoso believes in God and the Last Day among the Jews, the Christians, and the Sabeans." This inclusivist position is apparently contradicted by verse 3:85, which states that, "whoso desires another religion than Islam, it shall not be accepted of him. In the next world he shall be amongst the losers." The verse is often quoted by those who believe that it abrogated the promise of salvation offered to the people of the book in 2:62.

Verse 3:85 provided a major impetus to those who saw salvation restricted to Islam. However, it is important to bear in mind that the verse that affords salvation to other monotheistic religions (2:62) is repeated almost verbatim in 5:69, which was apparently revealed after 3:85.⁴ As I shall discuss below, by resorting to the principle of abrogation (*naskh*), Muslim exegetes were able to circumscribe the impact of verses that preach tolerance and peaceful coexistence.

Peaceful co-existence further necessitates that people abstain from abusing those who do not share their beliefs. Deriding and mocking others can often engender violence and hatred. Therefore, the Qur'an urges the respect for the beliefs of others. The Qur'an further states, "Had God willed, they would not have been not idolaters; and We have not appointed you a watcher over them, neither are you their guardian. Abuse not those to whom they pray, apart from God, otherwise, they will abuse God in revenge without knowledge. So We have decked out fair to every community their deeds; then to their Lord they shall return, and He will tell them what they have been doing" (6:107-108).

Qur'anic tolerance extends protection not only to Muslims and the people of the book but even to strangers who openly declare idolatry. As it says, "If one of the idolaters seeks protection, then grant him protection so that he may hear the word of God, and after that, send him to a place of safety" (9:6). The verse instructs Muslims not only to protect but also to ensure that no harm comes to the idolaters when they leave Muslim territory, and to send them to a place of safety. The discussion above indicates that the Qur'an envisioned a diverse community that was united under common moral values. Human beings are to coexist in peace and harmony. Diversity and differences in faith were to be judged by God only since, "Isn't He (God) the best of judges"(95:8)?

Jihad in the Qur'an

The Qur'anic vision of tolerance and peaceful coexistence is mitigated by verses that encourage Muslims to wage war. It is important therefore that we properly understand the Qur'anic pronouncements on *jihad*.⁵ The Qur'anic world-view is to bring the world under the sway of God's guidance so as to establish a righteous order based on justice and equality. Thus, *jihad* is envisioned as an important tool in the community's attempt to build a world order in which peace, justice, and equality prevail according to God's providence. According to John Esposito, the rationale of the wars was to "spread its (Islam's) righteous order so that ignorance and unbelief could be replaced by just societies throughout the world."⁶

The Qur'anic understanding of *jihad* as warfare is evident in verse 2:193, "Fight them until there is no persecution (*fitna*) and the religion be only for God." In another verse, the Qur'an states, "Fight in the way of God against those who fight against you, but do not transgress. God does not love those who transgress. And slay them wherever you

find them, and drive them out of the places from where they drove you out, for persecution is worse than slaughter (2:190-191).”

The Qur’an sanctions *jihad* to establish a moral order that will protect the welfare of the Muslim community against both internal and external enemies. The permission to engage in hostilities was evidently a response to the threat posed by the powerful Meccan tribes. A prescriptive measure was needed to redress the harm and the wrongs suffered by the Muslims in the face of Meccan aggression. These divinely sanctioned campaigns were a response to the hostility of the Meccan pagans. The Qur’an does not state that force was to be used against all unbelievers; only those unbelievers who demonstrate their hostility to Islam by trying to undermine the Islamic polity and by persecuting Muslims were to be targeted. It is Meccan hostility, rather than their disbelief, that is the target of the Qur’anic verses on *jihad*.

The Qur’an does not accept the idea of unlimited or aggressive warfare. By the assiduous usage of the term *la ta’tadu* (do not transgress) in the context of warfare, it can be argued that the Qur’an qualifies *jihad* with a moral condition of restraint. It also exhorts Muslims seek avenues of peace. Thus it restricts rather than gives free license to recourse to war.⁷

The Qur’an also outlines the rules of engagement, who is to fight and who is exempted (48:17; 9:91), when hostilities should cease (2:192) and how prisoners should be treated (47:4). As there is no compulsion in religion (2:256), Muslims are not to use *jihad* as a means to impose their beliefs on others.

Other verses stipulate that the Muhammad should accept peace overtures (8:61) from the enemy. Verses 2:192-93 command the Prophet to cease hostilities if the enemy desists. In

order not to transgress, Muslims are required to respond proportionally to the injury done to them. Even here, the Qur'an urges restraint by accepting blood money and forgiveness. The Qur'an suggests that *jihad* is a product of an aggression by rather than initiation of hostilities against enemies (22:39-40).

Salvation according to Muslim Exegetes

The passages cited above that mandate peace and tolerance can be compared with how Muslim exegetes construed them. Religious systems have traditionally claimed devotion and a monopoly to the absolute truth. Coexistence in a pluralistic milieu is often militated by an exclusionary vision that denies salvific space to those who do not share that particular religious tradition. Such exclusivist claims have been regarded as necessary instruments for the self-identification of a group against other claims of absolute truth. In their understanding of the Qur'an, the classical exegetes posited an exclusionary vision of the other. These exegetes are important to us to consider because, through them, the Qur'an spoke to millions of Muslims, both in the past and in present times. In an attempt to demonstrate the preponderance of the new faith, Muslim exegetes deemphasized the ecumenical passages in the Qur'an that appeared to offer salvation to other monotheistic traditions.

The exegetes of the Qur'an sought to invalidate the claims of previous scriptures so as to circumscribe the ecumenical thrust of verses like 2:62 by resorting to various hermeneutical devices. For example, they appealed to the *naskh* (abrogation) principle. Other commentators limited the application of the verse by assigning the reason for its revelation to a specific group of people. The third approach has been to limit the verse to a strictly

legalistic interpretation and the fourth has been to restrict the universality of the verse until the coming of Islam. Thereafter, it was applicable only to those who hold the faith of Islam.⁸

A number of Muslim commentators have used verse 3:85 to argue for the finality and supersession of Islam over all other religions. As I have mentioned previously, the verse states that no religion other than Islam is acceptable to God. It has been interpreted in the previous and modern commentaries as abrogating 2:62 which, as noted, offers salvation to the people of the book.

It is plausible to maintain that in verse 3:85 the Qur'an is using the word *islam* in a generic sense, i.e. indicating the act of submitting to God rather than referring to the seventh-century institutionalized religion. This view becomes even more plausible when we examine the two verses preceding verse 3:85 both of which indicate that the generic rather than the historical understanding of *islam* is being used. Thus, verses 3:83 and 3:84 state, "Do you seek another religion apart from the religion of God while to Him submits (*aslama*), willingly or forcibly, whoever is in the heavens and on earth and to Him they shall be returned? Say, We believe in God and what has been revealed to us and what was revealed to Abraham, Isma'il, Isaac, Jacob, and the tribes. We believe in what Moses, Jesus and [other] prophets have been given from their Lord, we do not differentiate between any of them, we submit to Him (*nahnu lahu muslimun*).” In both verses, the word *islam* is used in the sense of submission to the one Lord rather than the religion brought by Muhammad.

Similarly, in other passages, Noah, Abraham, Moses, and other prophets are quoted as exhorting their followers to become Muslims. (2:132, 10:72, 10:84), i.e. to submit to the one Lord. The Prophet himself is asked to invite the people of the book to this common belief, i.e. the worship of one God and not to associate anyone with Him” (3:64). Muslim

exegetes, on the other hand, construed the same word (*islam*) in verse 3:85 as referring to the historical religion brought by Muhammad. Hence, after the coming of the Prophet, Islam is assumed to have nullified previous revelations. The universal discourse of the Qur'an that defined a believer as responding to two main beliefs: "belief in God and the last day" was undermined by this interpretation.

It is to be noted that the exegetes disagreed on the idea of the supersession of the Abrahamic religions. Tabari (d. 923), for example, regards the abrogation and revoking of earlier divine promise to the people of the book as incompatible with the concept of divine justice.⁹ Ibn Kathir (d. 1373), on the other hand, claims that based on 3:85, nothing other than Islam was acceptable to God after Muhammad's mission. Salvation to followers of the previous scriptures could only be guaranteed before Islam came. Verse 2:62 is construed as promising salvation to Jews, Christians, and Sabeans before the coming of Muhammad.¹⁰

In his commentary on verses 2:62 and 3:85, al-Tabataba'i does not invoke the principle of supersession, neither does he claim that the promise of salvation offered in 2:62 was limited to those communities before the coming of Muhammad. He provides an inclusivist interpretation on the issue of salvation to people of other faiths. The diverse opinions that I have cited indicate that the commentators of the Qur'an differed among themselves on the issue of religious pluralism in the Qur'an.

It is to be noted that, despite the distortions in earlier scriptures mentioned by the Qur'an, it confirms the validity of these revelations especially their central theme, namely "submission" based upon sincere profession of belief in one God. This theme of unity with rather than supersession of previous revelation is evident in the 26th chapter of the Qur'an where it recounts the stories of previous prophets. All the prophets are united in delivering

the same message to their respective communities i.e., “attain God consciousness (*taqwa*) and obedience to the prophets.” However, in the classical exegetical literature, this principle of God’s message revealed through a series of prophets provided the theologians with the tool of abrogation with which they claimed that Islam was the culmination of divine revelation and that, because of it, the adherents of other monotheistic traditions could not be saved. Such an exclusivist theology could not foster a peaceful global human community based on the principles of peace, justice, and equity.

The foregoing suggests that the Qur’an seems to accord much room for the individual to negotiate his own spiritual space. Unfortunately, those interpreting Islam have been less tolerant when it has come to validating rival claims to the truth. There is a clear tension between the tolerance exhibited by the Qur’an and the interpretation of later exegetes who, in all probability, were responding to the polemical disputations in which they had to assert the supremacy of Islam over previous revelations. They adopted exclusivist theological and juridical positions imposing, in the process, their own interpretations on the Qur’an.

To preserve their identity, exclusivists have, as a general rule, claimed salvation for their own faith groups, to the exclusion of others. To assure the faithful of salvation, the legitimate and orthodox beliefs are expressed often through polemics and rhetoric. The inherent motive for these religious disputations is to formulate the origins of the community as divinely sanctioned. In the factional competition for attaining “normative status” and of creating and preserving an “orthodox religious institution” the rivals are often identified as “heterodox” and hence espousing incorrect beliefs.

For the exclusivists, soteriology lies in the recognition and acceptance of the saved authority. Without the recognition of the “saved authority” and detachment from all rival

contenders for the truth, a community cannot possibly be saved.¹¹ Legitimation for this claim is sought often by extrapolating or interpolating scriptures in order to vindicate the position adopted. The process leads to a greater tendency to marginalize the other and to choosing a theology of exclusivity

The People of the Book in the Qur'an

The discussion on pluralism and salvation in the Qur'an and the exegetical literature was essential to our understanding on peace in Islam. This is because the confinement of salvation to a particular religious tradition frequently leads to the marginalization and demonization of those who espouse other religions. As I shall discuss, by characterizing the "other" as non-believers and therefore doomed, Muslim jurists were able to justify the humiliation and even killing of non-Muslims.

In the sectarian milieu of seventh-century Arabia, Muslims encountered other monotheists like the Christians and Jews. These encounters generated inter-religious polemics, which are reflected in the Qur'anic verses, especially those that were revealed in Medina. In its discourses with the people of the book, the Qur'an invites them to the notion of a shared religious community based on the belief in one God. Thus, the Prophet is instructed to tell them, "Say! O people of the book! Come to a word common between us and you, that we serve none but God, and that we associate not aught with Him, and do not some of us take others as Lords, apart from God. And if they turn their backs, say, 'bear witness that we are Muslims'" (3:64).

The *ahl al-dhimma* in the Qur'an and early history of Islam were the protected minorities, both Jewish and Christian, who had chosen not to convert to Islam. They were

allowed to follow their own laws, modes of worship provided this would not impinge on the Muslim community. The term *dhimma* refers to a pact drawn up with the people of the book which the believer agrees to respect, the violation of which makes him liable to blame (*dhamm*).

In return for security and protection, the people of the book were required to pay a poll tax (*jizya*), which is mentioned in verse 9:29. The poor and dependents were exempt from paying this special tax. The *jizya* was also levied in compensation for exemption from military service in Muslim forces. If a *dhimmi* joined the service then *jizya* was not levied.¹² Later on, the *jizya* became symbolic of Muslim ascendancy and subjugation of non-Muslims.

Initially, the issue of the collection of poll tax and circumstances under which it could be collected were not fixed. ‘Umar, for example, is reported to have accepted the *zakat* rather than *jizya* from Banu Taghlib, when they argued that as Arabs, they should not be treated differently from their Muslim compatriots.¹³ He also refused to accept the *jizya* from a group that he could not offer protection against Byzantinian aggression.¹⁴

The early Sunni schools of law adopted different positions on the question of the collection of *jizya*. The Shafi‘is and Hanbalis claimed that *jizya* is acceptable only from the people of the book and the Magians. It is not acceptable from any of the polytheists. The Hanafis and Malikis and several other jurists stated that *jizya* is acceptable from all non-Muslims except the Arab polytheists who had incited war against the Prophet.¹⁵

Al-Shafi‘i (d. 820) also ruled that if a person was introduced to Islam when he was not one of the peoples of the book, and he made an offer to the imam to pay the tribute in return for permission to remain in his religion, then it was not permissible

for the imam to accept that offer. Rather, the imam was obliged to fight him until he surrendered, just as he was required to fight idol worshippers until they surrendered.

Al-Shafi'i further stated that if the Muslims fought those about whose religious affiliation they had no information, and who claimed to belong to the people of the book, Muslims had to ask them when they and their ancestors accepted that religion. If they said it was before the Qur'an was revealed to the Prophet, the Muslims could accept their statement and allow them to remain in their ancestral religion. But if Muslims suspected that what they were saying was not true and could establish proper evidence to that effect, then the Muslims had to spurn the tribute and challenge them to surrender or to fight.¹⁶ The clear understanding is that if non-Muslims refuse to accept Islam or pay the *jizya*, the male unbelievers may be killed. This implies that the guilt of refusing to adopt Islam deprives a non-Muslim of the right to life, and therefore, such a person deserves whatever harm may come to him. Clearly, such rulings contravened the Qur'anic vision of peaceful coexistence.

The Qur'anic discourse with the people of the book indicates that, despite the polemics and differences with the *dhimmi*s, it allowed the Muslim community to seek means of peaceful coexistence with them. The recipients of earlier revelations were acknowledged by the early Islamic state to be autonomous religious communities, to be governed in their communal affairs according to their own laws. As long as they did not threaten the Muslim community and they paid the *jizya*, the Islamic state was to assure their security and autonomy.

However, subsequent interactions between the Muslims and the people of the book were not premised on such principles. Instead, Muslims often imposed discriminatory

measures on the people of the book. Qur'anic verses which urge tolerance towards them were often considered as abrogated by verses requiring *jihad* against them.

The Historical Encounter with the People of the Book

The historical record of Muslim engagement with peoples of other faith lies in stark contrast to the tolerance and awareness of other religions set forth in the Qur'an and the practices of the early Muslim community. The Qur'an imposes no limitations on demeanor with *dhimmis*. It does not stipulate that they be humiliated or derided. Yet the classical Muslim jurisprudence explicitly states that non-Muslims cannot have the same rights, obligations, and liberties as Muslims.

The distinction between the Qur'anic concept of coexistence with non-Muslims and the policies advocated by subsequent Muslims can be seen from the following comparison. The Qur'an allowed the evidence of non-Muslims when no Muslim was available to witness the will of a Muslim who died on a journey (5:106). Abu Hanifa (d. 767), however, rejected the evidence of non-Muslims in this case and Abu Yusuf (d. 798) declared the Qur'anic passage to have been abrogated by verse 65:2. The Medinese jurists went even further, rejecting the evidence of non-Muslims altogether, even against one another.¹⁷ Gradually, a series of restrictions were regulated so as to enforce Muslim supremacy and to reflect the inferior status and identity of non-Muslims.

Several discriminatory measures such as the prohibition against building new churches or repairing old ones were enacted. Muhammad b. 'Abdun (d. 1100), for example, states in his treatise that priests must be forcibly circumcised simply because they persist in following the example of Jesus Christ who was, states Ibn 'Abdun, circumcised. A Jew or

Christian should not be allowed to dress like an important person. A Muslim may not wash a Jewish or Christian toilet.¹⁸ Other jurists held that Muslim authorities may prohibit *dhimmis* from marrying Muslims. *Dhimmis* were to wear distinctive clothing, more specifically, special emblems on their clothes as a token of their inferior or different status.

They were to live in houses that were smaller than Muslim houses. They were not permitted to ride a horse, which was a public proof of one's affluence. Most schools, apart from the Hanafis, paid a lower blood price for a *dhimmi* who was killed. *Jizya*, says Zamakhshari should be taken from them with belittlement and humiliation. The *dhimmi* is to come walking, not riding. When he pays the *jizya*, he shall be slapped on the nape of his neck.¹⁹ Others added symbolic acts of humiliation – for example that the *dhimmi*'s hand was to be lower than the tax collector's hand when he pays the *jizya*. These regulations were incorporated in the jurisprudence as a divinely sanctioned system of discriminatory provisions.²⁰ Not all jurists agreed with such acts of humiliation. Abu Yusuf, for example, states that *dhimmis* should not be treated harshly or humiliated, rather, they should be treated with considerable leniency.²¹

Such discriminatory regulations contravene the spirit of peaceful coexistence and egalitarianism in the Qur'an. The tendency among jurists of the eighth and ninth centuries was to seek justification for the discriminatory rulings by claiming that the unbelievers had chosen to refuse the offer to convert. Hence, their inferior status was the product of their own choice.

Overall, Muslims discriminated against but did not persecute the *dhimmis*. According to Bernard Lewis, "... in contrast to Christian anti-Semitism, the Muslim attitude toward non-Muslims is one not of hate, or fear, or envy, but simply of contempt."²² It is plausible to

maintain that the policies of the state and political exigencies were incorporated in the body of the emerging Islamic law at the time. Rather than reflecting divine sanctification of the law, the various regulations regarding the *dhimmi*s were enacted to vindicate the political and military realities of the time. The rulings on the *dhimmi*s also demonstrated the Muslim ascendancy over the people of the book.

The Abodes of Peace and War

The contrast between the Qur'anic vision of interaction with non-Muslims and the formulation of later Muslim jurists is further evident in their rulings on dealing with other states. Being universal in its outlook, Islam had to contend not only with non-Muslims living in its dominion but also with those living outside its borders. The classical Muslim jurists divided the world into the abode of Islam (*dar al-Islam*) and the abode of war (*dar al-harb*). The territory of Islam signifies a political entity that acknowledges and upholds Islamic values and laws. As it purportedly upholds the *shari'a* (Islamic law), this abode is seen as the territory of peace and justice. The enforcement of *shari'a* was important as it regulated and harmonized relations among its constituent elements. *Dar al-harb*, on the other hand, was the land of infidels, the epitome of heedlessness and ignorance that posed a threat to the Islamic order. The absence of the *shari'a* in the abode of war was presumed to epitomize injustice and to foster lawlessness and insecurity. The jurists' concern was to universalize application of the *shari'a*, their ultimate goal being to propagate the Islamic faith.

Based on the jurists' bifurcation of the world, peace was possible only when everyone lived under the protection of an Islamic state. *Dar al-harb* was to be infused with Islamic ideals by extending the boundaries of *dar al-Islam*. By accentuating the *shari'a* as the only

source of legal prescription and validity, the jurists constructed a perpetual ideological contest between *dar al-Islam* and *dar al-harb*. Through this construction, the jurists were able to formulate rulings legitimizing Muslim expansion and ascendancy over the non-Muslim world.

It is important to note that these spheres in Islamic jurisprudence do not occur in the Qur'an. Unlike the jurists, the Qur'an does not suggest a perpetual state of war between *dar al-Islam* and *dar al-harb*. Rather than reflecting the Qur'anic pronouncement on interfaith relations, the legal construction of the world into *dar al-Islam* and *dar al-harb* are indicative of the historical realities that the 'Abbasid jurists had to contend with. It is within this context that we can discuss the concept of international relations (*siyar*) in Islamic jurisprudence. According to al-Sarakhsi (d. 1097), a Hanafi jurist,

“*Siyar* ... describes the conduct of the believers (Muslims) in their relations with the unbelievers of enemy territory as well as with people with whom the believers had made treaties, who may have been temporarily or permanently in Muslims' land; and [*siyar* also describes the laws of conduct] with apostates and rebels.”²³

Siyar reflected and governed the laws of conduct of the Islamic state with other communities. An important ramification of the *siyar* was that besides the revelatory sources, (the Qur'an and traditions from Muhammad), the jurists had to tap into other sources to formulate the rules incorporated in the *siyar*. This is because the Qur'an had not divided the world into the two abodes. Furthermore, there was no prophetic precedent that articulated clear guidelines for such an engagement. Thus, in many cases, the jurists had to develop their own rules governing the interaction with non-Muslim states. They often deduced laws based on the principle of *maslaha* (rulings enacted in the public interest). By invoking the principle of “public interest,” the jurists saw the potential to legitimize state policies and secure

political and military advantages that were in the interest of the Muslim community even if these contravened the spirit of the Qur'an. It was here that *jihad* against non-Muslims could be validated. This is an important point to remember, because Islamic law was reflecting the empirical and political necessity of the state. As it did, it became more alienated from the Qur'anic notion of a just and peaceful social order.

The earliest Islamic theory of international relations was articulated by al-Shaybani (d. 805), a judge and adviser in Caliph Harun al-Rashid's (d. 809) court, in the latter half of the eighth century. Al-Shaybani's theory of the *siyar* was conceptualized in legal terms as an external extension of the *shari'a*, governing Muslim conduct outside the dominion of *dar al-Islam*.²⁴ Faced with the incongruity between the Qur'anic pronouncement of war and the political realities of the times, the jurists presupposed interpretations of the Qur'an, which were incorporated in the *siyar*. As John Kelsay correctly notes, it was the task of scholars like al-Shaybani to make judgments concerning the religious legitimacy of the Abbasid caliph's policies; most (though not all) of the time, he was able to identify those policies as in the interests of Islam.²⁵

Al-Shaybani's theory of international relations is articulated in his *Kitab al-Siyar*. In this work, his focus is more on the conduct rather than the legality of war. Evidently, jurists like al-Shaybani took for granted that *dar al-Islam* had to be extended to *dar al-harb*. Hence, they focused more on the rules of engagement (*jus in bello*), victory, and the terms of peace than on the legality of war (*jus ad bellum*).

After narrating traditions from the Prophet on the rules of engaging the enemy, al-Shaybani discusses the conduct of the Muslim army in enemy territory and the division of the spoils of war. He follows this with a discussion on social and economic intercourses between

dar al-Islam and *dar al-harb*.²⁶ Al-Shaybani's theory on international relations is dictated by the political conditions that prevailed in his time and by the needs of the empire. Juridical works like al-Shaybani's reveal a tension between the Qur'anic notion of peaceful coexistence and the demands for extending the borders of *dar al-Islam*. Since Islam was used as a basis for the legitimation of power and authority and the expansionist goals of the Muslim state, the Qur'anic notions of pluralism and peaceful coexistence were challenged by the hegemonic notion of war for faith. In the process, threats to the political order were equated with threats to Islam itself.

Peace and War in the Juridical Sources

It is important to understand the interplay between peace and war in the classical legal discourse. This is because this discourse is not only a starting point but also a source of authority in the Muslim community. As Islam laid the foundation of its political order, Muslim jurists sought to articulate the state's relations with others. This was based on a theory of universal state of human kind, which constituted one community and ruled by one ruler, the imam. As the proponents of the universal state based on the *shari'a*, Muslims could not grant equal status to those who did not share the ideals of Islam.

Besides the people of the book, the jurists were confronted with another category of unbelievers who were not conquered and were not subject to Muslim power. They resided in *dar al-harb*, which, as explained above, was viewed as a potential danger to the Islamic polity. The territory of Islam could not be a secure place unless and until Islamic hegemony was acknowledged everywhere. To secure such hegemony was the goal of *jihad*.

Jurists linked the universal ideals of Islam with *jihad* so as to justify the extension of the boundaries of *dar al-Islam*. Paradoxically, the purpose of *jihad* was peace since this could only be achieved when the divine law that is imprinted on the human conscience was accessible to everyone, believers and unbelievers. At this point, there would be no confrontation between *dar al-Islam* and *dar al-harb*. According to the jurists, Muslims are obliged to propagate this divine law, through peaceful means if possible, through violent means if necessary.

The classical theory on *jihad* delineated the following steps as a precursor to initiating hostilities. The purpose of the war must be to preach Islam beyond its territories. The Muslims are supposed to fight with the right intent, for the cause and in the path of God rather than for material or personal interests. Their aim is to be the promotion of those values that promote peace. If a non-Muslim government permits the peaceful preaching of Islam within its domain, then there is no ground for war.²⁷ If such peaceful preaching is denied, then the imam, the leader of the Muslim community, can initiate war aimed at absorbing that territory into the *dar al-Islam*. Tolerance, when practiced, was simply a missionary tool in the hope that ultimately the recalcitrant “unbelievers” would be won over to Islam.

In addition, the Muslim ruler must first invite the enemy to become Muslims or to pay a tribute as an acknowledgement of the ascendancy of the Islamic state. Acceptance of the invitation indicates a willingness to live under the norms of Islam. If the unbelievers refuse to adopt Islam or pay the tribute, they are considered to have wrongfully and inexcusably rejected the truth, and waived away some of their rights.²⁸ Only if the non-Muslims refuse these conditions are there grounds for active hostilities. At this point,

the Muslim ruler is required to wage war against them. Muslim theorists saw force as a necessary evil, to be used as a means of extending the territory of Islam. *Jihad* thus became a tool in the quest for peace.

In addition, the jurists insisted that the war must be conducted in accordance with Islamic values. Muslims were to discriminate between the guilty and the innocent and they were to use the minimum force required for victory. Proportionality and the distinction between combatants and non-combatants were important to observe since the Qur'an states, "Slay not life that God has made sacred (6:151)."

The jurists had few guidelines to follow in their pronouncements of the justifications and rules of engagement of war. This can be discerned from the fact that they expressed a myriad of opinions on *siyar* and *jihad*. They differed among themselves as to whether Muslims could fight non-Muslims due merely to their disbelief or because of the possible threat they posed. Many argued that they could only be fought if they posed a danger to the Muslim polity. Early jurists like Abu Hanifa and al-Shaybani did not state that *jihad* was to be waged against non-Muslims based on their disbelief.²⁹ They advised the imam that war was to be waged only when the inhabitants of *dar al-harb* were in conflict with *dar al-Islam*. Sufyan al-Thawri, an eminent jurist of the eighth century, concurred with this ruling.³⁰

Al-Shafi'i, however, saw things differently. He claimed that *jihad* was to be waged on unbelievers for their disbelief.³¹ Thus, for him, the distinction between offensive and defensive war was non-existent. Al-Sarakhsi, the commentator on al-Shaybani's work, concurred with al-Shafi'i. He states that fighting the unbelievers was, "a duty enjoined until the end of time."³² Al-Sarakhsi further maintains that *jihad* and the commandment to fight had been revealed in stages... (the final stage being) the absolute order to fight (nonbelievers)... this

means an obligation, but this obligation is meant to exalt the religion (of Islam) and to subdue the associators.³³ Another Shafi'i jurist, Abu Ishaq Shirazi (d. 1083) states that Muslims should wage a war at least once a year against non-Muslims so as to stop them from transgressing against non-Muslims.³⁴

According to Ibn Rushd (d. 1198), the basis of the controversy among jurists was the apparent discrepancy between the Qur'an's "verses of peace" and "verses of the sword." Verse 8:61 "If they incline toward peace, you incline toward it, and trust in God: verily, He alone is all-hearing, all-knowing" is evidently opposed by 9:5, "And so, when the sacred months are over, slay the polytheists wherever you find them, and take them captive, and besiege them, and lie in wait for them at every conceivable place." Ibn Rushd further states that some jurists claimed the sword verses were to be read in context with the peace verses, and that the ruler (imam) was therefore entitled to suspend *jihad* whenever he deemed it appropriate.³⁵ Others read the sword verses as requiring continual warfare against unbelievers until they were incorporated within *dar al-Islam*. Jurists like the aforementioned al-Sarakhsi invoked the interpretive principle of "abrogation" to support their conclusion that because the sword verses had been revealed *after* the peace verses, the command to wage *jihad* against non-Muslims supersedes the permission to engage in peaceful relations.³⁶ In the final analysis, al-Sarakhsi states, that it is obligatory to fight Arab polytheists and other non-Muslims until they convert.

The preceding discussion suggests that the medieval juristic literature is characterized by fundamental disagreements on the grounds for war. There is a lack of consensus among Muslim scholars regarding religious pluralism or juridical pronouncements concerning interaction with minorities and other states. Clearly, issues such as *dar al-Islam*

and *dar al-harb* and the treatment of minorities were still in the formative stages in the eighth and ninth centuries.

The juristic discussions and disagreements are indicative of the tensions between the Qur'anic notion of peace and the juridical pronouncement on war. Muslim jurists who tried to rationalize the military conquests saw the sword verses as providing the legal rationale for their pronouncements regulating conduct with non-Muslims. To justify their conception of *jihad* as an ongoing war that would incorporate *dar al-harb* into *dar al-Islam*, jurists held that 124 Qur'anic tolerant verses (called *ayat al-tasamuh*) were abrogated by verse 9:5 the sword verse, and other verses like it.³⁷ The sword verses provided the rationale for formulating legal injunctions to regulate and perpetuate hostile relations with non-Muslims.³⁸ This rationale also had the effect of obliterating the distinction between offensive and defensive *jihad* since, henceforth, all *jihad* was seen as just.³⁹

Those jurists who opposed this interpretation maintained that verses that require tolerance like 2:190 and 2:256 reflect the general moral tenor of the Qur'an, applicable at all times whereas the sword verses (9:5 and 9:123) refer to the historical battles of Muhammad against his adversaries. The later verses were specific to the time of the Prophet.

Scholars who came afterwards, until the fall of Baghdad at the hands of the Mongols in the thirteenth century, accepted the *jihad* as just war without regard to its offensive or defensive character. Under the continuing threat from the Crusaders and Mongols, Ibn Taymiyya reinterpreted the classical doctrine on *jihad*. He stated that *jihad* against unbelievers was obligatory only when Muslims were attacked.⁴⁰ In other words, he reinstated the division between offensive and defensive war. He also upheld the Qur'anic notion of freedom of conscience by stating that unbelievers should not be killed due to their disbelief.⁴¹

Jihad became an important instrument in the sacralization of the political order in Islam and symbolized the mobilization of religion for political and expansionist ends. This was in stark contrast to the Qur'anic vision which sanctioned *jihad* only in defense or to fight oppression. The limited justification of *jihad* in the Qur'an was broadened to include spreading the boundaries of Islam, which after all, was assumed to embody the Qur'anic principles of justice and equity. In reality, the motivation for *jihad*, in many cases, was territorial expansion, which required religious validation. This was sought in the very scripture that prohibited coercion in matters pertaining to faith and territorial transgression. The exegesis of specific passages of the scripture provided the legitimacy to undertake this venture.

The juridical literature on *jihad* indicates that there was more discourse on war than on peace. This was probably because the Muslim empire needed religious validation in its confrontation with the non-Muslim "other." The fact that the discussion on *jihad* was interwoven to the political circumstances of the times is corroborated by the fact that, in their formulation of rulings on *jihad*, the jurists often deduced laws based on the practical necessity of the Muslim community. Thus, for example, in their discussion on whether an imam could sign a peace treaty with a non-Muslim state, Shafi'i jurists left the final decision to the imam who would be the best judge as to whether *jihad* or a temporary peace agreement would best serve the interest of the community. The preceding discussion on *jihad* also suggests that the discourse on *siyar* was, like the *shari'a* itself, at an embryonic stage. This can be adduced by the wide range of views that were expressed by the jurists regarding the engagement with a non-Muslim entity.

Peace in the Juridical Literature

There has been limited discourse on peace in the exegetical and juridical literature. For the jurists, the discourse on peace was set in the context of a general theory, which presupposed that peaceful coexistence with a Muslim state was possible only when *dar al-harb* was subdued. Anything less than that was construed as seen as a compromise of Muslim ascendancy and an act of relinquishing power.

When the jurists discussed peaceful coexistence, it was in the context of measures that would allow for a temporary cessation of hostilities. Shafi'i jurists interposed, between *dar al-Islam* and *dar al-harb*, a third category, *dar al-sulh*, the abode of truce. *Dar al-sulh* refers to the territories where peace exists with an Islamic state based on treaties, alliances, and cooperation. During the period of the truce, *dar al-sulh* would have to pay the *jizya* or cede a portion of its territory.⁴²

According to al-Shafi'i, the imam could contract the truce if the welfare of the Muslims required it. However, al-Shafi'i's theory only suspended, rather than eliminated, warfare. Based on the precedent established by the Prophet's agreement with the Meccan tribes at al-Hudaybiyya in 630 C.E., the truce could not exceed ten years.

The jurists were also divided on the question of signing the period of the peace treaty. Malik b. Anas (d. 795) and Ahmad b. Hanbal (d. 855), two prominent jurists, supported the notion of an indefinite peace treaty as long as it served the interests of the Muslim community.⁴³ However, not all jurists recognized the existence of *dar al-sulh*. The Hanafis did not accept it whereas Ibn Taymiyya argued against putting a restriction on the length of the peace treaty.⁴⁴

The jurists conceived of another scenario for temporary peace. One of the most important aspects of *siyar* was the guarantee of free passage or security (*aman*) which any Muslim could grant to a visitor from *dar al-harb* (called *harbi*).⁴⁵ The *aman* is a pledge of security through which the *harbi* would be entitled to protection for up to a year while he is in *dar al-Islam*. The holder of the *aman* (called *musta'min*) is not considered to be a *dhimmi*, neither is he required to pay the *jizya*. The *aman* can be renewed at the end of the period if he agrees to pay the *jizya* and to become a *dhimmi*. The *aman* suspended, albeit temporarily, the state of hostilities.

Despite the juridical rulings on Muslim and non-Muslim relations, there have been many instances where Muslims have co-existed peacefully with non-Muslims. Indeed, to portray Islam as intrinsically violent and incompatible with Western values is to ignore Muslim engagement with and contribution to Western civilization. The tendency to view Islam through violence and militant lens distorts the view that Islam has a rich cultural heritage and precepts that necessitate co-existence with the other. Spain is a great example where Muslims not only co-existed peacefully with Christians and Jews, but also protected them and shared their scientific achievements with their counterparts. For much of Islamic history, Muslim societies have been remarkably open to the outside world.⁴⁶

The vast expanse of the Muslim world inevitably meant that it came to encompass a variety of civilizational and cultural forms. By the tenth and eleventh centuries, the Muslim-majority world showed a remarkable variety of institutional forms from North Africa to South Asia, up to and including the hinterland of the Chinese empire, and soon thereafter emerged as a dominant force in Southeast Asia. Historically, Islam has exhibited much tolerance to

members of other faith communities such as in Spain, India, the holy lands, Turkey, Africa, and Indonesia.

Due to the status and protection the Qur'an accorded to the people of the book, violence and genocide against them became virtually impossible. Jews in Islamdom did not face a tradition of anti-semitism even though the *dhimmi*s in general were regarded as second-class citizens. They had full religious liberty and were allowed to manage their own affairs. They were also able to participate in mainstream culture and commerce. This is one reason why Sephardic Jews were treated much better by the Muslims than Ashkenazim were treated by Christians. As Marc Gopin states, "there is a qualitative, not just quantitative difference between the two."⁴⁷

Peace and Conflict Resolution in Islam

Many Muslims have questioned the formulations of the classical jurists, claiming that their interpretations are no longer binding in contemporary times. In particular, the scholars of al-Azhar, one of the oldest institutes of Islamic learning, have emphasized the social rather than militant dimension of *jihad*. According to them, *jihad* is a peaceful social struggle against illiteracy, poverty, and disease. They underline the peaceful nature of the Islamic message.⁴⁸

Muhammad Shaltut, the rector of al-Azhar, asserts that Islam is open to pluralism. He also claims that the Qur'an does not require Muslims to resort to warfare when they proselytize. Fighting cannot be a part of the Islamic mission he argues, for the heart of Muhammad's mission is to bring good tidings and to warn humanity.⁴⁹ Since war is an

immoral situation, Shaltut continues, Muslims are required to live at peace with non-Muslims.⁵⁰

In recent times, the Research Council and the chief rector at *dar al-ifta'* in Egypt, Muhammad Said Tantawi, have spoken out against the fundamentalist movements and suicide bombers. More specifically, they have condemned the targeting of innocent civilians. These are indicative of a new trend among many Muslim leaders to accentuate the peaceful rather than militant dimension of Islam. It also shows the disparate views maintained within the various Muslim groups.

An important theme in the Qur'anic view of peaceful co-existence is forgiveness. Retaliation is a strictly defined legal principle that can perpetuate a culture of violence and a cycle of carnage. The Qur'an evidently wants to replace this with a culture of peace. While permitting retaliation, the Qur'an urges the victim to forgive and eschew revenge (2:178). To inject peace in a series of retaliatory measures requires forgiveness as a healing and empowering process so as to restore human relationship.⁵¹

Whereas a punitive response is often considered necessary when harm is inflicted, retribution is to be linked to a restorative process. Thus, verse 2:179 states that, "In [the law of] retribution is a source of life, O people of understanding." The verse invites people to replace the cycle of violence by considering retributive justice as a process of rehabilitation. In this way, the Qur'an is replacing death caused by retaliation with life through forgiveness.

Retributive justice, according to the Qur'an, should aim at redressing the wrongs by making the offender acknowledge responsibility and by encouraging the victim to consider alternatives to the perpetuation of violence through retribution.⁵² The offender acknowledges the harm his acts have done so that a repaired relationship between the offender and victim

can reinstate the dignity of both.⁵³ Acknowledgement of injury inflicted is the first step in seeking forgiveness. Repentance and a genuine sense of remorse is another. The Qur'an also offers an alternative to violence by recommending the acceptance of blood money as compensation.

There is a clearly articulated preference in Islam for nonviolence and forgiveness over retribution. The Qur'an is also concerned about proportionality even in retribution. By stipulating appropriate levels of punitive response when attempting to restore violated rights or correct injustices, it regulates acts of retribution, for these should not exceed the extent of the original injury.⁵⁴

On the part of the victim, forgiveness is preferred over retribution as he foregoes the moral right of demanding injury by inflicting more injury. As verse 42:40 states in this context, "... whoever forgives and thereby brings about a reestablishment of harmony, his reward is with God; and God loves not the wrongdoers." By his acceptance of compensation in the face of repentance and the acknowledgement of the harm that the offender has inflicted, the victim demonstrates willingness to rehabilitate the offender in society. The victim is, in turn, rewarded by God.

If forgiveness is merely a religious requirement but is not seen as some form of empowerment then its effectiveness in resolving conflicts may be limited. The act must address a person's deeper wounds. It is vital that forgiveness be seen and felt as empowering as this would affirm this inner process. The Qur'an describes this as an act of courageous will (42:43).⁵⁵

Approaches to conflict resolution appropriate religious values and traditional rituals of reconciliation. Scholars have also recognized the role that culture plays in conflict and peacemaking, and have affirmed the potential contributions of diverse institutions to conflict

resolution. Cultural modes of reconciliation include acceptance of individual and collective responsibility of wrongdoing, attentiveness to face-related issues (public status, shame) and the achievement of restorative justice.⁵⁶ Conflicts are also resolved based on local customs such as public acts of repentance, compensation for losses and acts of forgiveness. Frequently, communal leaders and village elders facilitate a process of reconciliation.⁵⁷

Muslims have delineated other processes for resolving conflicts in a peaceful manner. These include repentance,⁵⁸ *sulh* (reconciliation),⁵⁹ and *tahkim* (arbitration).⁶⁰ A discussion of these is beyond the purview of this chapter.

Challenges for Muslims in Contemporary Times

Muslim discourse on war and peace has been defined primarily by the juridical literature. Especially after the events of September 11, 2001, we are witnessing a period of reinterpretation and redefinition of the notion of *jihad* in the Muslim community. It has been argued that the Qur'an offers a distinctly modern perspective on tolerance and respect in a multi-ethnic, multi-communal world.⁶¹ The challenge for Muslims in contemporary times is to recover the tolerance and means for peaceful coexistence through the Qur'an rather than the juridical and exegetical understanding which, as noted, were formulated to assert the subjugation of the "other" in a particular historical context. As they engage in a re-examination of traditional exegesis, the point of departure for Muslims has to be the Qur'an itself rather than the multi-faceted and multi-layered scholarly discourse that has accumulated since the eighth century.

The moral tenor of Qur'an shows that it wants to engage humanity in a moral discourse where all human beings can connect with the Qur'an and with each other based on

universal values. As Sohail Hashmi argues, there are few ethical works that outline the Qur'anic vision of coexistence or warfare. Muslims need to disentangle Islamic ethics from medieval Islamic law and to re-examine the Qur'anic pronouncement on war and peace in light of its ethical axioms.⁶² Thus, the challenge for Muslims is to draw on this Qur'anic vision so as to develop just interreligious and intercultural relationships in a world of cultural and religious diversity.

Muslims are also confronted with the challenge of contextual hermeneutics in dealing with the pronouncements of the Qur'an on specific legal issues like hostility and warfare. Verses on *jihad* must be understood taking into account the particular conditions of persecution and oppression in which they were revealed. Returning to the Qur'an and prophetic traditions in their proper historical context is often circumvented by the juridical interpretations that promoted the hegemonic interests of the Islamic state ignoring, in the name of Islam, the ecumenical and universal message of the Qur'an. Muslim scholars and jurists have to engage in hermeneutic and interpretive exercises to provide a coherent re-evaluation of classical formulations and to reassert the Qur'anic ecumenical and inclusivist vision of peace. Stated differently, Muslims need to go beyond the classical formulation on *dhimmis*, *siyar*, and non-believers. Boundaries have to be re-mapped since the delineation of *dar al-Islam* and *dar al-harb* is no longer applicable. Furthermore, Muslims must articulate a theory of international relations that will incorporate notions of dignity, freedom of conscience, rights of minorities, and gender equality based on the notion of universal moral values.

A major impediment to this approach is that many Muslims reject the argument that the juridical decisions were interwoven to the political, cultural, or historical circumstances

in the eighth century. They refuse to acknowledge that while the Qur'an is a fixed text, the interpretive applications of its revelations can vary with the changing realities of history. Traditionalists maintain that Islamic law, as it was formulated by the jurists in the first three centuries of Islamic history, was in strict conformity with the divine will expressed in the Qur'an and the tradition. Thus, normative textual sources are treated as timeless and sacred rather than anchored to a specific historical context. This contention of the traditionalists is challenged by the fact that there was much disputation on what constituted the divine will among the classical jurists themselves and that they proffered a wide range of views on the issues they were confronted with.

As Muslims search for ways to chart out peaceful coexistence with others, they also need to reevaluate their normative texts. This exercise is contingent on recognizing that Muslims are not bound to erstwhile juridical or exegetical hermeneutics. Communities often construct a paradigmatic interpretation on the text and assert it on the readers. Once it is defined, the authoritative legacy of the text is transmitted to the next group of scholars and becomes entrenched as the normative and "authentic" position. Gradually, the texts construct an increasingly restrictive and specific well-defined position on an issue. The contents of the sacred texts are frequently less important than the social and historical settings in which they are interpreted.⁶³

The reading of a text is interwoven with the closing of the interpretive process, restricting, thereby, the text to a specific determination. This determination is then submitted as the final and only possible interpretation of the text.⁶⁴ In this sense, juridical hermeneutics are no different from the interpretive activities evident in other fields. The interpretive strategy can shape both future readings and the texts themselves, thus constructing the texts

rather than arising from them. Hence, there is a need for Muslims to separate the voice of God from the voice of human beings, and to differentiate between the Qur'anic vision and the socio-political context in which that vision was interpreted and articulated by classical and medieval exegetes.

Contemporary Muslims are confronted with hegemonic values of the past and the emerging political reality that often challenges the applicability of those values. The tension between the peaceful and militant strains of Islam can be resolved only through the reexamination of the specific contexts of the rulings and the ways in which they were conditioned by the times. This re-interpretive task demands that Muslims undertake the task of re-evaluating the classical and medieval juridical corpus.

Conclusion

In conclusion, it is correct to state that spiritually, the Qur'an accommodated and extended salvific space to other monotheistic faiths. Muslim jurists not only passed the verdict of non-belief to them but also treated adherents of these faith groups as second class citizens, a position that has no basis in the Qur'an.

Peace requires changes in our world-views. The quest for peace challenges us to reevaluate how we have viewed the other. It also necessitates a shift in paradigm, asking us to embrace those we have previously excluded or demonized. The challenge is to seek opportunities for interpretations that can make a community see the enemy in a new way. This is an important measure to establish peaceful relationship.⁶⁵

There is a concurrent requirement to move away from defining ourselves over and above an enemy "other." The starting point is to re-examine traditions that draw boundaries

of exclusion and marginalization. Peaceful coexistence is only possible when we no longer see a group as the other but as a concrete human community with ancient values and norms. Ultimately, peaceful relations between human beings is grounded on a community's construction of an order based on egalitarianism, justice, and a concern for the moral and social well-being of all its citizens.

Liyakat Takim

March 2008

-
- ¹ Muhammad al-Husayn al-Tabataba'i, *al-Mizan fi Tafsir al-Qur'an* (Qum n.d.), 3:342.
- ² Mahmud b. 'Umar al-Zamakhshari, *al-Kashshaf 'an Haqa'iq al-Ghawamiz al-Tanzil* (Beirut: Dar al-Kitab al- 'Azali, 1987), 1:387.
- ³ Dale Eickelman, "Islam and Ethical Pluralism," in *Islamic Political Ethics: Civil Society, Pluralism and Conflict*, ed. Sohail Hashmi (Princeton: Princeton University Press, 2002), 118.
- ⁴ Sohail Hashmi, "A Conservative Legacy," in *The Place of Tolerance in Islam*, ed. Joshua Cohen and Ian Lague (Boston: Beacon Press, 2002), 34.
- ⁵ Wrongly translated as holy war, the word *jihad* literally means to struggle in the path of God. Muslims see the purification of the inner self as the best form of *jihad*.
- ⁶ John Esposito, *Unholy War* (Oxford: Oxford University Press, 2002), 33.
- ⁷ There are other verses in which Muslims are seemingly encouraged to kill disbelievers wherever they are found. I shall deal with the "sword verses" later on.
- ⁸ See Mahmoud Ayoub, *The Qur'an and Its Interpreters* (Albany: State University of New York Press, 1984), 1:110.
- ⁹ Muhammad b. Jarir al-Tabari, *Jami' al-Bayan fi Tafsir al-Qur'an* (Beirut: Dar al- Ma'rifa, 1992), 2:155-56.
- ¹⁰ Ibn Kathir Isma'il, *Tafsir* (Beirut: Dar al-Mufid, n.d.), 1:104-5.
- ¹¹ For a discussion on this see, John Wansborough, *The Sectarian Milieu: Content and Composition of Islamic Salvation History* (Oxford: Oxford University Press, 1978), 85, 124.
- ¹² See Louay M. Safi, "War and Peace in Islam," *American Journal of Islamic Social Sciences* 5 (1988): 39.
- ¹³ Abu Yusuf, Ya'qub b. Ibrahim, *Kitab al-Kharaj* (Cairo: n.d.), 120-21.
- ¹⁴ Khaled Abou El Fadl, *The Place of Tolerance in Islam*, 21.
- ¹⁵ AbdulHamid Abu Sulayman, "Islamic Jurisprudence and Modern Need: The Challenges of Renewal," in *Peace and Conflict Resolution in Islam: Precept and Practice*, Abdulaziz Said, Nathan Funk and Ayse Kadayifci eds (Lanham: University Press of America, 2001), 67.
- ¹⁶ Abdulaziz Sachedina, *The Islamic Roots of Democratic Pluralism* (Oxford: Oxford University Press, 2001), 49, citing Tabari's *Kitab Ikhtilaf al-Fuqaha'*.
- ¹⁷ See Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford:

Oxford University Press, 1950), 211-12.

¹⁸ John Alden Williams, *Themes of Islamic Civilization* (Berkeley: University of California Press, 1971), 159-60.

¹⁹ Bernard Lewis, *The Jews of Islam* (Princeton: Princeton University Press, 1984), 15.

²⁰ For other restrictions and acts of humiliation inflicted on the *dhimmi*s see, Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore: The Johns Hopkins Press, 1955), 197-98.

²¹ Abu Yusuf, *Kitab al-Kharaj*, 122-25.

²² Lewis, *The Jews of Islam*, 33.

²³ Shams al-Din b. Ahmad al-Sarakhsi, *Kitab al-Mabsut* (Cairo: 1906), 2.

²⁴ Mohammed Muqtader Khan, "Islam as an Ethical Tradition of International Traditions," in *Peace and Conflict Resolution*, ed. Said *et al.*, 85.

²⁵ John Kelsay, *Islam and War: A Study in Comparative Ethics* (Louisville: Westminster/John Knox Press, 1993), 60.

²⁶ See al-Shaybani, *Kitab al-Siyar* (The Islamic Law of Nations: Shaybani's *Siyar*), trans. Majid Khadduri (Baltimore, The Johns Hopkins Press, 1966).

²⁷ Sohail Hashmi, "Islamic Ethics in International Society," in *Islamic Political Ethics*, ed. Sohail Hashmi, 160.

²⁸ Khaled Abou El Fadl, "Between Functionalism and Morality: The Juristic Debates on the Conduct of War," in *Islamic Ethics of Life: Abortion, War and Euthanasia*, ed. Jonathan Brockopp (Columbia, University of South Carolina Press, 2003), 114.

²⁹ Majid Khadduri, *The Islamic Concept of Justice* (Baltimore: The Johns Hopkins University Press, 1984), 165.

³⁰ Abu Sulayman, "Islamic Jurisprudence and Modern Needs," in *Peace and Conflict Resolution in Islam*, ed. Said *et al.*, 66.

³¹ Muhammad al-Idris al-Shafi'i, *Kitab al-Umm* (Beirut: Dar al-Fikr, 1990), 4:84-85.

³² Al-Sarakhsi, *Kitab al-Mabsut*, 2-3.

³³ Abu Sulayman, "Islamic Jurisprudence and Modern Needs," in *Peace and Conflict Resolution*, ed. Said *et al.*, 66.

³⁴ Khaled Abou El Fadl, "Between Functionalism and Morality," 104.

³⁵ Sohail Hashmi, "Interpreting the Islamic Ethics of War and Peace," in *Islamic Political Ethics*, ed. Sohail Hashmi, 206.

³⁶ Ibid.

³⁷ Sohail Hashmi, "Islamic Ethics in International Society," in *Islamic Political Ethics*, ed. Sohail Hashmi, 168; Abou El Fadl, *Place of Tolerance*, 99.

³⁸ See Reuven Firestone, *Jihad: The Origin of Holy War in Islam* (Oxford: Oxford University Press, 1999) for a discussion on the sword verses and *jihad* in the Qur'an.

³⁹ In contrast to the Sunnis, the Shi'is restrict the expansionist dimension of war. Whereas for the Sunnis the caliph is empowered to declare and lead the *jihad*, the Shi'is declare that the functions of calling people to respond to God's guidance and fighting those who undermine the creation of a just order is restricted to the figure of an infallible imam or his deputy. In the absence of the imam, offensive *jihad* is suspended until he reappears. This juridical ruling is based on the premise that infallibility protects the imam from destroying or commanding to destroy any life without proper justification. See Liyakatali Takim, "Islam - Shi'a" in *Encyclopedia of Religion and War* (Routledge, forthcoming in Winter 2004).

⁴⁰ Khadduri, *The Islamic Concept of Justice*, 169.

⁴¹ Ibid.

⁴² Al-Shafi'i, *Kitab al-Umm*, 4:103-04.

⁴³ M. Raquibuz Zaman, "Islamic Perspectives on Territorial Boundaries," in *Islamic Political Ethics*, ed. Sohail Hashmi, 94.

⁴⁴ Abou El Fadl, "Between Morality and Functionality," 120.

⁴⁵ There is a difference among jurists as to who can give the *aman*. See Khadduri, *War and Peace*, 164-65.

⁴⁶ Eickelman, "Islam and Ethical Pluralism," in *Islamic Political Ethics*, ed. Sohail Hashmi, 118.

⁴⁷ Marc Gopin, *Holy War, Holy Peace: How Religion Can Bring Peace to the Middle East* (Oxford: Oxford University Press, 2002), 107.

⁴⁸ Bassam Tibi, *The Challenge of Fundamentalism: Political Islam and the New World Disorder* (Berkeley: University of California Press, 1998), 58.

⁴⁹ Kelsay, *Islam and War*, 40.

⁵⁰ Bassam Tibi, "War and Peace in Islam," in *Islamic Political Ethics*, ed. Sohail Hashmi, 183.

⁵¹ Sachedina, *The Islamic Roots*, 105.

⁵² Ibid., 112.

⁵³ Ibid., 105.

⁵⁴ On the role of forgiveness as a tool in peace making and relationship building see Gopin, *Holy War, Holy Peace*, 110-11, 129-130.

⁵⁵ Ibid., 134.

⁵⁶ Abdul Aziz Said, Nathan Funk, and Ayse Kadayifci, "Islamic Approaches to Peace and Conflict Resolution," in *Peace and Conflict Resolution in Islam*, ed. Said *et al.*, 10.

⁵⁷ Ibid.

⁵⁸ On the role of repentance in cultivating personality changes and humility see Gopin, *Holy War, Holy Peace*, 118-19.

⁵⁹ On the role of *sulh* in peace making see *ibid.*, 136-37; George Irani and Nathan Funk, "Rituals of Reconciliation: Arab-Islamic Perspectives," in *Peace and Conflict Resolution*, ed. Said *et al.*, 183. The *sulh* rituals are often are conducted in public. See Gopin, *Holy War, Holy Peace*, 136.

⁶⁰ For details of this see, Gopin, *Holy War, Holy Peace*, 97; Ahmad Mousalli, "An Islamic Model for Political Conflict Resolution: *Tahkim* (Arbitration)," in *Peace and Conflict Resolution*, ed. Said *et al.*, 150-51.

⁶¹ Eickelman, "Islam and Ethical Pluralism," in *Islamic Political Ethics*, ed. Sohail Hashmi, 115.

⁶² Sohail Hashmi, "Islamic Ethics in International Society," in *Islamic Political Ethics*, ed. Sohail Hashmi, 148.

⁶³ Stanley Kurtz, "Text and Context," in *Place of Tolerance*, ed. Joshua Cohen and Ian Lague, 51.

⁶⁴ Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (Oxford: Oneworld, 2001), 92.

⁶⁵ See the example cited by Gopin, *Holy War, Holy Peace*, 44.