ISLAM IN INTERNATIONAL RELATIONS

POLITICS AND PARADIGMS

Edited by
Nassef Manabilang Adiong,
Raffaele Mauriello and Deina Abdelkader

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4   Reconciling Islam and pacifism

A traditionalist approach

Muhammad Haniff Hassan

Introduction

The commonality among Muslim scholars dictates that pacifism is incompatible with Islam. Absolute pacifism is generally regarded as *haram* (forbidden) for Muslims.[1] The Qur'an and Hadith (Prophet's tradition) obligate Muslims to perform armed jihad when faced with aggression to their territory, life and property. This chapter takes a fresher look at pacifism that relates to contemporary Muslim affairs and constructs possible arguments where absolute pacifism is possible for Muslims. There are two broad objectives of this study. First, it seeks to challenge the popular view in the spirit of *ijtihad*. Furthermore, it seeks to promote discussion and contribute to the existing corpus of works that is currently lacking on non-violence and, more specifically, pacifism in Islam.

It is hoped that the chapter would widen the discourse on Islam and war to one that goes beyond armed jihad, particularly among scholars of Traditional Islam.[2] Also, jihad in Islam would not be simplistically compared, with the Just War Theory only, which justifies war (or armed jihad) as long as it fulfils certain moral standards in terms of motive (*jus ad bellum*), execution (*jus in bellum*) and termination (*jus pos bellum*), despite being terrible, destructive and bad.[3] As a result of the adaption of this narrow perspective, academic works have seen a long list of studies comparing jihad in Islam with the Just War Theory. This phenomenon indicates a comfortable and settled position taken from academics outside the field of Islamic Studies that the former can only be understood through the lens of the latter. The reality is that Islamic scriptures are richer and should not be limited to this convenient position. A deeper look at Islamic scriptures reveals evidence that jihad can be understood not only as non-violent but also as a basis for Muslims who incline to live as pacifists. This chapter seeks to elaborate on this revelation and, in the process, enrich the existing corpus of knowledge in the study of Islam and non-violence.

Islam is not a monolithic religion. There are various strands of Islam practised by Muslims all over the world. In view of this, this chapter pertains to the perspective of traditional Islam represented by the majority of Muslims. To further clarify, traditional Islam refers to the understanding and practice of Islam that is based on the classical works. The classical approach is based primarily on three important

sciences known as *Usul Al-Fiqh* (Principles of Islamic Jurisprudence), *Usul Al-Tafsir* (Principles of Qur'anic Interpretation) and *Usul Al-Hadith* (Study of Hadith). It is further underpinned by the works of the classical era. This refers to the classical works before the Muslim world entered into modern period (used interchangeably in this chapter as the contemporary era) which began during the period of colonization by European powers.[4]

Also, Traditional Islam is not a monolithic strand of Islam. It has diverse substrands. Thus, it must be stated from the onset that there are differences of opinion between traditionalists on the issues covered by this chapter, that is morality in war, just cause for war and pacifism. The space here does not permit the capture of these different opinions. Thus, the term *traditionalist* (those who subscribe to Traditional Islam) in this chapter is to represent only the dominant view held by the majority which has strongly influenced the understanding of most Muslims and their scholars, in particular with regards to Islam's position on jihad and war.

The chapter is divided into three parts. The first part provides an overview of the concept, meaning and various types of pacifism. This is followed by an overview of the traditionalists' view on war. The main focus of this chapter is delved into the third section, which offers arguments on how, through traditionalists' terms, absolute pacifism can be compatible with Islam in contrast with the popular traditionalists' stand.

Brief introduction to pacifism

Pacifism comes from the Latin word *peace*. It was coined by Emile Arnaud, a French statesman, in 1901 at the 10th Universal Peace Congress in Glasgow, Scotland. Originally, he used the word to describe the beliefs of those who urged the use of international law and diplomacy, instead of war, to settle conflicts among nations.[5]

Pacifism can be used in a multitude of ways, and there is no one standard definition. It is an ideology that propagates peace, rather than violence or hostility, should govern human relations and that arbitration, surrender or migration should be used to resolve disputes.[6]

Pacifism rejects the use of violence. Its proponents either oppose certain wars or all wars. In its strictest sense, pacifism means opposition to all forms of violence – even in self-defence – and is called non-resistance.[7] A person who embraces pacifism is called a pacifist. A pacifist distinguishes him- or herself as being immensely confident in the peaceful resolution of any conflict, often earning the reputation as a "dove" or a "peacemaker."

On one extreme, a pacifist denotes any person who desires peace, including those who wage war as well as those who refuse to participate in war. On the other extreme, pacifism describes renunciation of force and coercion in all forms. A moderate definition sometimes distinguishes non-resistance which renounces force in all forms from pacifism which rejects participation in war but allows the use of non-violent kinds of force. It makes more sense to reserve the term *pacifism* for this part of the spectrum, which includes at least a refusal to participate in war. Those individuals who refuse to do this are called conscientious objectors.[8]

Pacifism is generally applied to cover nearly all non-violent attitudes towards war.[9] For the purpose of this chapter, it would be sufficient to divide pacifism into two broad categories: Absolute Pacifism and Pragmatic Pacifism.[10]

Absolute Pacifism

Absolute Pacifism argues that all forms of violence remain categorically wrong. It views that social intercourse should be completely non-violent and peaceful, and conflicts, which may arise, should be dealt through arbitration and compromise, rather than with recourse to violent means. It asserts that peace is intrinsically a good to be upheld that is more conducive to human welfare than any use of violence or force.[11]

Absolute Pacifism argues that the evils procured by violence, force or war far outweigh any good that may arise.[12] Even when threatened by aggressive opposition and retaliation self-defence should only be done through non-violent means.

Generally, Absolute Pacifism is founded on the belief of certain absolute moral principles. Religion is also a common basis. Buddhism, in particular, decries war and advocates non-resistance. A few Christian sects such as the Anabaptist, Quakers, Moravian, Dukhobors and Mennonites have adopted non-resistance as a doctrine.[13] For that reason, Absolute Pacifism is also known as Principled Pacifism.

Pragmatic Pacifism

Pragmatic Pacifism opposes war not on the basis of any absolute moral principle but on the basis that war is a category of violence, which is neither necessary nor acceptable. In its argument, Pragmatic Pacifism does not rely on religion or metaphysics.[14]

Although Pragmatic Pacifism decries war, it permits its use under certain circumstances. This may be because of the view that the duty to uphold peace and non-violence may conflict with the duty to save or defend lives against aggression, if the latter duty is accepted. The duty to uphold peace may be trumped by alternative ethical requirements. While wars generally do not produce more favourable results, in specific examples they may be acceptable, such as wars of self-defence or interventional wars to protect a people from genocidal campaigns. Such conditional pacifism usually bases their moral code on utilitarian principles – it is the negative consequences that make it wrong to resort to war or violence.[15]

Another type of pragmatic pacifism includes those who only oppose war that may cause a devastating effect such as war involving nuclear, chemical or biological weapons. They view that such war is not "winnable."[16]

While positions which advise non-aggression under normal circumstances but reserve the right to self-defence under crisis is not pacifist in the ideal sense, they may be called more or less pacifist in a pragmatic sense, reflecting a generally strong commitment to the natural and nearly universal preference of peace over war.[17]

Not all pacifists are passive towards political events.[18] Pacifism has been known as a force behind many peace movements. In promoting the idea of pacifism and

to prevent or stop war, pacifists use non-violence means such as peaceful demon-
stration, sit-ins, picketing, holding vigils, fasting and hunger strikes, blockades and
civil disobedience. Some of its main proponents are Mahatma Gandhi and Martin
Luther King Jr.

Intellectual and religious basis for pacifism

For religious pacifism, the opposition against war primarily comes from the teach-
ings of the religion founded on each respective scripture. For example, many
Christian pacifists base their view on biblical teachings that command them not to
physically resist evil, to turn the other cheek, to love the enemy and pray for those
who do injustice to him and to respond to evil with kindness and forbidding
revenge.[19] Christian pacifism is of the view that revenge is forbidden and ven-
geance belongs to God only.[20]

For Buddhists, the principle of the Right Action under the Eight Noble Truths
prohibits them from killing any life, be it human or animal, and torturing and harm-
ing others are included as secondary actions in not killing.[21]

As for Hinduism, at its heart is the philosophy that holds to the conception of a
world in which individuals are separated from the whole, or from God. Desire and
lust for the worldly things constantly hinder men from losing themselves in the
reality which this world tends to hide or make obscure. War is seen as an element
that will prevent the soul-substance of the human being from returning back to the
whole (God). Thus, it must be resisted.[22]

Most religious pacifism argues that life is sacred and a gift from God. No
individual has the right to take it. This divine source of life, for the Christian
pacifist, leads directly to the brotherhood of all persons and their divinely given
purpose of living as God's children. With every human being then either actually
or potentially a child of God, no Christian may take the life of a fellow member
of the family of God. The presence of the kingdom of God on earth similarly
links all persons under God's rule and therefore proscribes violence towards
anyone.

Non-religious pacifism normally proceeds from various pragmatic and utilitar-
ian arguments. They argue about the destructiveness of war, in particular in recent
times because of the threat of nuclear arms, its contribution to widespread suffering
and its failure to resolve conflicts. Thus, its avoidance serves the interest of
humanity.

Some argue that peaceful resolution such as negotiation and mediation through
international systems are more effective in promoting peace than war. They are
also relatively less costly than running a war.[23] Non-violent techniques attempt not
only to prevent the outbreak of violence but also to move society, even if it is
against its will, towards a more just disposition.

Most will also appeal that, based on rational thought or logic, the sanctity of
human life proscribes war. Others view that the suffering endured by the pacifists
will break the chain of violence and will touch the conscience of the oppressors
and turn them into friends.[24]

View of traditional Islam on war and morality

The traditionalist view towards pacifism is influenced by the basic belief in *jihad fi sabil Allah* (jihad in the path of Allah). A common stance among traditionalists on war is that it is permissible with conditions. The set of rules, commonly known as *fiqh al-jihad* or *al-siyar* (jihad jurisprudence) regulates the conduct of war which covers the purpose of war, the person who can wage and participate in war, the person on whom war can be waged and the fighting method in war.

All traditionalists hold that there must be a "just" cause for war. However, they differ whether a "just" cause is limited to defence against aggression, whether it is extended to spreading religion to non-Muslim territories or whether it is for a defensive purpose only or for both defensive and offensive reasons.[25]

Three premises of war

There are three broad premises for war. First, war is premised on morality as the essence of Islam. Second, war is a necessary evil for a greater good while peace is preferred. Third, there are clear rules on warfare in Islamic scriptures (the Qur'an and the Hadith).[26]

Morality is the essence of Islam[27]

Traditionalists hold that morality is one of the most important elements in Islam. It influences all aspects of Islam that seek to guide human conduct. Thus, nothing, including war, can be detached from it. Islam, according to traditionalists, regards morality as one of the objectives of Prophet Muhammad's mission as he himself proclaimed, "I was sent to perfect the morals" (narrated by Malik).[28] Accordingly, the perfect moral is enjoined upon Muslims by the Prophet in many hadiths, such as "The best of you are those who have the best manners/morals" (narrated by Al-Bukhari) and "Among the Muslims, the most perfect, with regards to his faith, is one whose character/morals is excellent" (narrated by Al-Turmudhi).

The standard of this moral was further crystallized by the Qur'an when it obligates Muslims to emulate the Prophet's exalted character and morality[29] in all aspects of life: individual, family, social, economic and political.

Thus, morality is a critical consideration in war for traditionalists, and Muslims are obligated to adhere to a certain code of conduct during war.[30]

War is a necessary evil[31]

Traditionalists argue that Islam does not favour war and violence as mentioned in hadiths: "Verily, Allah is kind and gentle, loves the kind and gentle, and confers upon the kind and gentle that which he does not confer upon the harsh" (narrated by Muslim and Ibn Majah) and "Indeed, kindness and gentleness does not exist in anything, without beautifying it; and it is not withdrawn from anything, without ruining it" (narrated by Muslim).

They also argue that the Qur'an requires Muslims to favour peace than war or conflict.[32] Preference for peace and non-violence, according to traditionalists, can also be discerned from Islam's enjoinment of restraint as in the following saying of the Prophet: "The strongest of you is not he who knocks out his adversary, the strong one is he who keeps control over his temper" (narrated by Al-Bukhari and Muslim).

A companion by the name of Abu Hurairah related that a man said to the Prophet, "O Messenger of Allah, my relatives are such that I cooperate with them but they cut me off, I'm kind to them but they ill treat me, I forbear but they are rude to me." The Prophet said, "If you are as you say, you are feeding them with hot ash, and as long as you continue as you are, Allah will always help you. He will protect you against their mischief" (narrated by Muslim).

A companion of the Prophet related that he (the Prophet) narrated the account of one of the prophets who was assaulted and wounded by his people, yet while wiping the blood from the face he prayed, "O Allah! Forgive my people because they do not know" (narrated by Al-Bukhari).

War and violence are not favoured as the Qur'an recommends Muslims to retaliate against evil with kindness. Traditionalists view that this is more preferred than retributive justice such as an eye for an eye because the Qur'an states that God prefers Muslims to forgive those who have done evil to them instead of retaliating in kind or violence even if they are legitimately permissible to do so.[33] Despite the strong preference towards peace, traditionalists eschew absolute pacifism or unconditional prohibition towards war.

Traditionalists hold that Islam takes a pragmatic and realistic position towards war and conflict, as suggested by the Qur'an when it says,

> And if your Lord had pleased, He would certainly have made all people a single nation, but they shall continue to differ. Except those on whom your Lord has mercy; and for this did He create them; and the word of your Lord is fulfilled: Certainly, I will fill hell with the jinn and the men, all together.
>
> (The Qur'an, 11:118–9)

In the story of Prophet Adam's two sons (Qabil and Habil), the Qur'an seems to suggest that conflict and war are constant features of humans' life when from the earliest periods of human life in this world, an individual murdered another: "So the Nafs (self) of the other (latter one) encouraged him and made fair-seeming to him the murder of his brother; he murdered him and became one of the losers" (The Qur'an, 5:30).

And when the Prophet said, "There will always be a group of my followers who will fight for the truth, till the Day of Resurrection" (narrated by Muslim), it brings to a point that war will continue in human life until the end of the world. Accordingly, this is related to the Qur'an's suggestion that life is a constant battle between evil and good.[34]

For traditionalists, the necessity of war despite its negative character can be clearly understood from the Qur'an when it permits Muslims to fight war in order

to stop oppression, uphold justice and defend sacred places.[35] It is in this context also – to preserve justice and repel evil – that God will always raise a group of people to fight because sometimes those who promote evil go to the extremes such as war and aggression.[36] The constant conflict between good and evil as a permanent feature of human life would also mean that fighting is always a necessary option and that war can only be regulated, managed and minimized.[37]

A regulated war[38]

There are scriptures that clearly require Muslims to observe certain rules in war. These rules imply the need for war to be conducted in strict adherence to Islamic morals and that Islam neither seek to ban war nor permit total or unconditional war. The broad principle for regulating war is provided by the Qur'an when it says, "Fight in the cause of Allah those who fight you, but *do not transgress limits* [emphasis added]."[39] These limits are explained by the Prophet in various hadiths.

Based on these scriptures, traditionalists rule the impermissibility of killing and targeting certain categories of people such as women, children, monks, serfs and the elderly in a battle unless they participate in it. Traditionalists agree on the specifics of these categories.[40] They also made restrictions on the targeting of properties, trees, farms, cattle and buildings, unless out of necessity or in the interest of war determined by the authority.[41] They forbid torture and abuse of prisoners of war[42] and mutilation of a dead enemy.[43] Taking cognizance from the Prophet's prohibition of the use of fire as a method of killing, traditionalists seek to ban certain types of weapon that may cause indiscriminate or disproportionate destruction in war.[44]

Traditionalist and pacifism

Traditionalists' understanding of Islam highlights many similarities between Islam and pacifism. Like pacifism, traditionalists strongly believe that Islam abhors the killing of a human being and regards killing and murder as major sins. This is discerned from the fact that the Qur'an imposes severe punishment in this world and the afterlife for murderers[45] and that God has made killing an innocent life, "as though he had slain all mankind."[46] According to traditionalists, the prohibition on the killing innocent lives is applicable equally upon Muslims and non-Muslims.[47]

Also similar to pacifism are the traditionalists' attitude and view towards war: that it is primarily evil and negative and that peace, restraint, kindness, compassion and peaceful *da'wah* (propagation) should take precedence and exhausted first.[48]

However, traditionalists also differ fundamentally from absolute pacifism. They do not agree with and cannot condone the total ban of war propagated by absolute pacifism.[49]

In addition to the argument mentioned earlier about war as a necessary evil, the traditionalists' disagreement with pacifism is largely based on the idea that jihad is central to the teaching of Islam, it cannot be abrogated by any person and it should remain an Islamic obligation for Muslims till the end of the day.[50]

Traditionalists claim that not only does Islam permits war; Islam also makes it obligatory for Muslims in certain circumstances in the name of jihad.[51] Although jihad does not necessarily mean fighting with arms, all traditionalists would agree that armed jihad is one of its meanings.[52] Traditionalists view jihad as obligatory either in the form of *fard kifayah*[53] or *fard 'ayn*.[54] The former is a duty that is sufficiently fulfilled by some Muslims whereas the latter must be performed by a Muslim individually. Jihad is *fard kifayah* in the context of maintaining an army as security against external aggression and is *fard 'ayn* when a Muslim land is invaded or when a person is specifically mobilized for jihad duty by a Muslim authority.

The centrality of jihad in Islam, according to traditionalists, departs from the stand made by the absolute pacifists as the Qur'an gives a strong command with regards to the performance of jihad[55] and issues strong condemnation against those who refuse to perform it.[56] To support their position, traditionalists also highlight the following hadiths as examples: "Jihad is the pillar and pinnacle of Islam" (narrated by Ahmad). "There is no hijrah (migration) after the opening of Mecca but there is jihad and intentions; and if you are called to fight then fight" (narrated by Al-Bukhari). "The Messenger of Allah was asked, 'What is the best act of worship?' He said, 'Believing in Allah.' He was asked, 'And then what?' He responded, 'Jihad in the path of Allah.' Then he was asked, 'And then what?' He said, 'An accepted Hajj'" (narrated by Al-Bukhari).

That armed jihad is a command for Muslims therefore means, to traditionalists, that Islam does not teach total non-violence or non-resistance as propagated by absolute pacifism. As such, agreeing with absolute pacifism would mean subverting armed jihad obligation in Islam. Traditionalists regard this as a clear disputation against the clear statements and injunctions of the Qur'an and hadiths. Absolute pacifism would also lead Muslims to abandon jihad that the Prophet has warned against in several hadiths: "If you deal in usury and hang unto the tails of cows, being satisfied with cultivation and *ceasing to take part in jihad*, [emphasis added] Allah will inflict a humiliation upon you which will not be removed until you return to your religion" (narrated by Ahmad). "Whoever dies and has not fought or had the intention of fighting dies on a branch of hypocrisy" (narrated by Al-Nasa'ii).

As the basis for the traditionalists' main disagreement with absolute pacifism is on the total ban of war that contradicts the *shari'ah* of jihad, it can be concluded that pragmatic or limited pacifism as illustrated in the preceding section is acceptable in Islam. In fact, the large majority of traditionalists' stand towards war is akin to Pragmatic Pacifism that regard war as the last and necessary resort after all peaceful means to conflict resolution have been exhausted.

On pacifist verses

Two verses from the Qur'an support pacifism. First, the verse "Even if thou lay thy hand on me to slay me, I shall not lay my hand on thee to slay thee: behold, I fear God, the Sustainer of all the worlds" (The Qur'an, 5:28). The first verse contains the statement of Habil (Abel) in response to Qabil's (Cain's) threat to kill him

out of jealousy for perceived favour and privilege given to the former by their father (Adam) and Allah. The verse clearly relates to pacifism when Habil expressed his refusal to retaliate with violence in the name of self-defence.

Most traditionalists sidestep this verse when discussing restraint or jihad. Nevertheless, based on traditionalists' methodology and line of thinking, it could be argued this verse is not a validation for Absolute Pacifism that commands non-violence and disbandment of war. First, the context was based on a threat made to an individual, whereas war concerns public interest. War, in general, falls under public domain and concerns the threat to life, property and security of a community, nation or state and not just an individual person. Using this verse to delegitimize war that would have serious ramifications as it utilizes an inaccurate analogy. Second, Habil's act represents "*shar' man qablana*" (the *shari'ah* of a past nation). Traditionalists hold that the *shari'ah* of a past nation found in the Qur'an has no legal effect if it goes against any revelation to or the Sunnah (words and deeds) of Prophet Muhammad with the latter's *shari'ah* being the final *shari'ah* that prevails above past revelations.[57] In this regard, Habil's act contradicts many verses of the Qur'an and the Sunnah of the Prophet.

The second verse is

> And the Jews say, "God's hand is shackled!" It is their own hands that are shackled; and rejected [by God] are they because of this their assertion. Nay, but wide are His hands stretched out: He dispenses [bounty] as He wills. But all that has been bestowed from on high upon thee [O Prophet] by thy Sustainer is bound to make many of them yet more stubborn in their overweening arrogance and in their denial of the truth. And so We have cast enmity and hatred among the followers of the Bible, to last until Resurrection Day; *every time they light the fires of war, God extinguishes them*; [emphasis added] and they labour hard to spread corruption on earth: and God does not love the spreaders of corruption.
>
> (The Qur'an, 5:64)

This verse implies God's commandment not to start a war, to stop it and to regard it as forbidden corruption on earth, which signify the essence of Absolute Pacifism. While traditionalists would agree on all the points as illustrated in the preceding section, they reject the conclusion that the verse calls for the total ban of war. The verse, from a traditionalist standpoint, does not in any way say that wars should be banned. Putting this verse together with verses on jihad, it could be argued, for traditionalists, that the Qur'an permits the use of war for the purpose of stopping aggression started unjustly by others as exemplified by the Prophet, who best explains the Qur'an. Similarly, the verses on jihad are regarded as the explainer on the methodology of stopping unjust war that is absent from the second verse.

Traditionalist and pacifism reconciled

This section attempts to construct an argument to reconcile Islam and absolute pacifism proving that both are compatible based on the traditionalists' terms. To illustrate the compatibility of Islam and Absolute Pacifism, three hypothetical

scenarios can be utilized: first, a scenario where there is an international convention on a total ban on war; second, a scenario where absolute pacifism is a specific state's ideology and national policy; and, third, absolute pacifism as a personal choice. The use of hypothetical scenarios for the purpose of generating religious ruling is common in classical works of jurisprudence for the discussion and formulation of a *shari'ah* ruling.

Global ban on war

War is already internationally forbidden as manifested in the UN Charter.[58] Nevertheless, the charter which regulates the conduct of states provides exceptions. At an international level, there is the possibility of a legitimate war and one most common example of it is the war of self-defence which refers to the right of a state to wage armed resistance, that is war when faced with aggression or threat of aggression to its territory or sovereignty.[59] The existence of an international law to regulate the conduct of war points also to the existence of an internationally legitimate war. However, the exceptions that limit the act of war and the international law to regulate it do not fall squarely with Absolute Pacifism that denounces the total use of violence and demands a totally non-violent or peaceful approach even in the face of violent aggression.

It cannot be said, however, that the current international legal regime on war is of no value. Its existence is a positive progression from the period where a war of aggression was merely a tool of foreign policy and not internationally regulated.

Pacifism can be argued to be compatible with Islam on the principle held widely by traditionalists that armed jihad or war falls under the jurisdiction of a political authority.[60] From a classical viewpoint, this authority refers to a caliph. In today's context, however, most traditionalists would accept a leader of a Muslim country as the *de facto* authority on the matter.[61] In this regard, traditionalists assert that the authority has discretionary power, guided by conditions stipulated by the *shari'ah*, to declare war, enter into peace agreements, enter into a war pact or alliance, cease armed hostility and organize armed forces and all other matters related to both the broad strategy and specific conduct of war, that is dealing with prisoners of war, punishment for espionage and other misconducts.

Thus, it could be argued that entering into an international convention that bans warfare as held by Absolute Pacifism is well within the traditionalists' existing principle on war and peace.

Furthermore, the principle held widely by traditionalists to legitimize this scenario is the validity of *ijma'* (consensus) as a source of Islamic jurisprudence.[62] Although the traditional understanding of *ijma'* refers to the consensus of scholars on religious ruling, its application can be widened here to give legitimacy for consensus by Muslim rulers. Since traditionalists agreed that matters of war and peace lie with the Muslim rulers as long they comply to rulings stipulated by the *shari'ah*, it could be argued that when rulers of Muslim countries agree to enter into an international agreement for the total ban on war, it carries the same effect of *ijma'* by Muslim scholars as the authority in religious matters. This act cannot

be absolutely said to be contrary to the *shari'ah* because, as argued by traditionalists, Islam always prefers peace than war. Thus, when the whole world inclines for peace via an agreement to ban warfare, being part of such agreement is in line with the fundamental spirit of Islam as explicitly mentioned in the Qur'an. This has become more significant from the fact that, in the issue of war and peace, the consensus of political authorities of the modern nation-state system adopted by most Muslims, which includes the scholars, carries more weight than the consensus of Muslim scholars.[63] Relating to the principle of *ijma'*, if it is obligatory to uphold a ruling based on the scholars' *ijma'* (a small group of Muslims who represent the authority with regards to religious issue), it is more so to uphold an *ijma'* of the whole world to totally ban war.

Traditionalists hold that anything that would cause great harm to Islam and Muslims is forbidden.[64] In this regard, it could be argued that adhering to this global consensus is a *shari'ah* imperative because the opposite would risk Islam and Muslims being put to face the wrath of the whole world and treated as global pariah similar to Nazism or apartheid.

The principle held by traditionalists on matters of war and peace is the sanctity of an agreement that binds Muslims when their rulers entered to it as found in many verses of the Qur'an.[65] In this regard, if total ban of war is incorporated to the UN Charter in a manner that automatically binds all its members, all Muslim countries and, as a result, the subjects of those countries are obligated to uphold the ban by default of their original membership with the UN, unless they choose to withdraw the membership.

The Qur'an commands Muslims that "[i[f they [enemy at war] incline to peace, incline thou to it as well, and place thy trust in God" (The Qur'an, 8:61). Some traditionalist scholars view that this command implies an obligatory duty (*wajib*).[66] Therefore, it could be argued that to incline to peace by participating in the global ban on war is in line with this command. If accepting a peace gesture from a hostile enemy is commanded, it would be logical to deduce that it is more so if it comes from non-hostile international community.

To further support the validity of this scenario, a comparison can be made between the traditionalists' position towards the global ban on slavery which is currently in effect and the suggested global ban on war. Table 4.1 provides an illustration that the arguments put forth here to justify absolute pacifism's position – a global ban on war – has many similarities with traditionalists' position on the issue of slavery and its ban globally.

Any traditionalist of sound mind would not argue that a global ban on slavery goes against Islamic teaching because, in the absence of evidence of abrogation, the permission should stand, and such a ban is against the explicit injunction of the Qur'an. It is not difficult to think of negative effects on Islam and Muslims, if Muslim scholars would go against this international convention and maintain the permissibility of slavery or, worst, seek to continue its practice in the name of Islam.[67]

Based on the table also, it could be argued that global ban of war is not without precedence and not unfamiliar to the traditionalist school. Thus, it should not be regarded as an aberration from Islam.

Table 4.1 Comparison between global ban of slavery and global ban of war

Global Ban of Slavery[1]	Global Ban of War
• Islam permits slavery (only because it was widely practised but seeks to gradually abolish it by encouraging Muslims to free slave and imposing freeing a slave as punishment for certain transgression of *shari'ah*).	• Islam permits and commands armed jihad (only because it is a norm but seeks to regulate it by restricting it to self-defence and imposing strict rules and moral on its conduct).
• Islam promotes and prefers freedom of man.	• Islam promotes and prefers peace.
• Islam dislikes slavery.	• Islam forbids destruction and harm (*darar*) on earth.
• Permissibility of slavery is never explicitly abrogated.	• Permissibility and command of armed jihad are never explicitly abrogated.
• However, a global ban of slavery is upheld because it is compatible with the spirit of Islam that recognizes individual freedom and dislikes slavery.	• Similar to slavery, a global ban on war can be upheld as compatible to Islam on the basis of its spirit that prefers peace and seeks to prevent any form of destruction and harm (*darar*) on earth like war.

1 Abu Khalil (1986, pp. 179–193). See also Haykal (1996, vol. 2, pp. 1423–1433) and Al-Qaradhawi (2010, vol. 1, pp. 245–254).

Absolute Pacifism as a state policy

This second hypothetical scenario refers to a situation where a Muslim state chooses to adopt absolute pacifism as the state policy or ideology in the absence of a global ban on war. It is akin to the policy of neutrality adopted by Switzerland. By taking such a position, the Muslim state announces to the world its renunciation of war where it will not use violence or war as a "continuation of policy by other means,"[68] participate in or contribute to it, even if it is internationally recognized as stipulated by the UN Charter.

Like the global ban on slavery, this scenario can be supported from the principle of war being a matter of a Muslim authority's discretionary power; it holds the power to declare war, cease it, enter into a peace treaty and adopt neutrality. Adopting Absolute Pacifism as a policy is just an extension to this power.

However as a state policy, it would mean that the position is a political one based on *maslahah–mafsadah* (benefit–harm) calculation recognized by traditionalists on matters that fall under *siyasah shar'iyah* (public policy).[69] It is not a theological position that war is renounced because, in today's context, it is ruled as *haram* (forbidden) in Islam. In the absence of *ijma'* of Muslim scholars, Muslim authority or global community as in the global ban on war scenario, such theological position is untenable in traditionalist methodology.[70]

Another traditionalist position on war that would support this scenario is the view that jihad is originally a *fard kifayah*. It only becomes a *fard 'ayn* (individual

obligation) when a Muslim country is invaded, when there is general mobilization (*nafir 'am*) by the authority or when a person is specifically conscripted to military service by the authority's power.

This is relevant here because, in the context of a *fard kifayah*, a Muslim has an option of not participating in it as long as the obligation is fulfilled by others.[71] Thus, as long as the majority of Muslim countries are committed to fulfilling the duty of armed jihad (as stipulated in international law on war and conflict being members of the UN and signatories), a Muslim country or a minority of them opting for non-participation in any war should not be regarded as a neglect of an Islamic duty that makes this scenario forbidden in Islam.

To support this position further, it must be highlighted again that absolute pacifism here is not tantamount to non-resistance to or passivity in the face of injustices or oppression. It would only mean that any resistance and action against injustices (i.e. oppression, transgression or aggression) on self and others is done through other legitimate non-violent means. A pacifist Muslim state can still play an important part in upholding justice as commanded by Islam. In fact, in today's context, one could say a pacifist state is not necessarily less effective than those who utilize violent or military means.

Furthermore, most hostility at the international level requires multifaceted solutions that are economic, diplomatic, political and military. As such, it could be argued that a pacifist Muslim country, when actively contributing against such hostility, is merely focusing or specializing in non-military dimensions of the solution. Putting its contribution into the whole picture, it could not be ruled that being a pacifist state is forbidden because it is tantamount to neglecting Islamic injunction to establish justice or stop hostilities.

To better understand this scenario, one can apply it to the case of the Palestinian struggle for an independent state and freedom from Israel's occupation. It is internationally recognized that Palestinians' armed struggle against Israel is a legitimate right for two reasons: (a) to resist Israel's illegal occupation of Palestinian's land and (b) self-determination, that is to have an independent Palestinian state. Theologically, there is no disagreement among traditionalists that armed jihad is obligatory in this context and that Muslims are commanded to contribute not only towards the freeing a Muslim land from illegal occupation but to also return Al-Aqsa Mosque, regarded as a Muslim's third holy land, back to Muslim rule.

A Muslim pacifist state in this context may not contribute to Palestinian's cause militarily and avoid any involvement in armed resistance but it contributes in other non-military or non-violent aspects of the cause such as supporting all diplomatic efforts and humanitarian assistance which may not necessarily be less important or effective. The military aspect of the struggle, however, is left to Palestinians themselves and contribution of other states.

Absolute pacifism as a personal choice

This third hypothetical scenario refers to individual Muslims who choose to be absolute pacifists while living in a conventional Muslim state with no global ban on war as in the first scenario. Although armed jihad falls under the authority's power,

traditionalists recognize an individual's right to make a personal decision on the matter – whether to participate or not or in what form they should participate.

Although traditionalists empower the authority to make armed jihad as *fard 'ayn* to individuals through general mobilization or conscription of selected group of people, it must be done with valid justification. This justification must be for the purpose of attaining public *maslahah* that is greater than an individual's right of choice as specified by *fiqh* maxims, "*tasarruf al-ra'i 'ala al-ra'iyah manut bi al-maslahah*" (the authority and jurisdiction of the leader over the people is made conditional on the enhancement of public welfare) and "*al-maslahah al-'ammah muqaddamah 'ala al-maslahah al-khassah*" (priority should be given to general rather than specific *maslahah*) and not to the whims of the authority.[72]

If armed jihad, according to traditionalists, is, first, a *fard kifayah* as mentioned earlier, it could be argued for the purpose of validating this scenario that an individual is free to choose whether to be part of the group that fulfils the obligation or those who choose otherwise to the extent where he is also free to be neutral or a conscientious objector at a personal level. However, two conditions must be fulfilled if this is to fall within traditionalists' methodology: (a) The individual, by choosing to be a pacifist, should not rule that armed jihad has become prohibited or abrogated. Both are forbidden according to traditionalists because the former prohibits what is commanded by the Qur'an and there is no evidence of abrogation for the latter. Also, according to traditionalists, no human being has the power to change God's clear injunction.[73] (b) Like the preceding scenario, a Muslim pacifist here must remain committed to contributing towards establishing justice and eradicating evil or hostility via non-violent/military means because passivity or silence in the face of evil goes against the Qur'an's command of enjoining good and forbidding evil.[74]

The option for an individual Muslim to not participate becomes more pertinent here if one is to consider some classical scholars' view that the principal ruling on jihad is *tatawwu'* or *nadb* (non-obligatory/encouraged) when there is no fear of hostility, although this is not a popular view.[75] Also, *fard kifayah* with regards to national defence, most Muslim countries today, is fulfilled by non-conscript professional armies.[76] Thus, in a normal situation, there is no necessity to demand commitment for military service from every single Muslim citizen or proscribe absolute pacifism, theologically or politically, as a personal choice.

The choice to be a pacifist is from the position that Islam provides wide latitude, flexibility and options for Muslims to combat injustice or hostility. Armed jihad is just one of many options. Similar to the preceding scenario, choosing non-violent/ military means without denouncing violent means is a form of specialization in contribution. At most, they are weighed to be more effective, bringing more *maslahah (benefits)* or causing less *darar (harm)* than the violent/military ones.

Of all three scenarios, an individual pacifist is in the most vulnerable position when facing a conventional Muslim authority that may demand its subjects' commitment to defend the country when under threat or to obligatory military service. A Muslim pacifist in this situation may face prosecution for refusing military service. He may also face theological sanction for having a deviant understanding of Islam and, as a result, face social discrimination from the larger Muslim community.

The arguments for Absolute Pacifism put forth in this chapter indicate that the state authorities should not be quick to take oppressive measures against its pacifist subjects. As highlighted, a Muslim pacifist argued in this chapter neither seek to abandon his commitment to defending the country nor subvert the authority's power to utilize a military option for self-defence. He can still contribute to other non-violent aspects of national defence. Instead of prosecution, the authority will do well by channelling them to numerous areas such as civil defence, medical service or even non-combat duties within the armed forces that suit his personal belief, and in the process, the authority shows tolerance and commitment to freedom of belief as espoused by Islam.

Concluding remarks

The chapter argued that absolute pacifism can be compatible with Islam, even from a traditionalist view. By offering possibilities where absolute pacifism applicable at an international level, at a state level and at an individual level, there is scope for a more rigorous and healthy discussion on the themes of absolute pacifism in Islam.

Although the applicability of pacifism at the international and the state level is far-fetched in the near future; it is unlikely that the current international community would absolutely ban war in favour of non-violence when in conflict. Currently, there are a few states which profess universal neutrality. These states maintain military forces for self-defence and approve the use of force solely for the purpose of maintaining of domestic law and order, thus making them non-pacifist states. Therefore, the likeliness for a pacifist state to emerge is unlikely for now given the increasingly uncertain international climate.

The real practical value lies at the individual level. The arguments in the chapter provide comfort for Muslims who incline to practice pacifism at a personal level without being burdened by a sense of guilt. It is hoped that when the validity of the arguments presented in this chapter is widely accepted by Muslims at large, an open attitude towards Muslim pacifist will become an integral part of the mainstream Muslim community.

Admittedly, issues such as absolute pacifism in an Islamic contemporary context will inevitably yield significantly divergent degrees of conservatism among traditionalists. Highly conservative traditionalists would naturally find difficulty in accepting the arguments put forth by this chapter. The litmus test of validity and acceptance of the arguments put forth does not lie within a broad consensus. The validity is assessed on two points: (a) whether the arguments are supported by *adillah shar'iyah* (*shari'ah* proofs) recognized by traditionalists and (b) whether the methodology used to interpret and apply the *adillah* is in accordance to the traditional approach towards religious issues. This chapter has satisfied both these criteria.

Any disagreement or contestation by scholars does not necessarily delegitimize a religious view that has been put forth. Most traditionalists' views on religious issues are often bereft with contestation or disagreements. Traditionally, as long as a view is supported by the sound application of *adillah shar'iyah* and follows

the recognized methodology, it is regarded as a matter of *ijtihad* that must be respected.

It is pertinent to frame the discussion of contemporary Islamic issues away from absolute poles of halal versus haram. Within matters of Islamic jurisprudence, *fiqh*, the maxim where there is to be no condemnation in areas of *ijtihad – la inkar fi masail al-ijtihad* (no condemnation in areas of *ijtihad*)[77] – applies.

In this regard, this chapter also hopes to at least shift the discussion on the topic from an issue of *halal*, that is the upholding of jihad, versus *haram*, that is the absolute denial of jihad, as an obligation to a position where disagreements are accepted and the principle of "agreeing to disagree," like many other religious issues, can be upheld by all parties. This would open the door for a Muslim pacifist to be embraced as part of the *ummah* and not condemned as a heretic or deviant.

Notes

1 Malcolm Brown (2006), "Reflections on Islam and Pacifism", *Australian Journal of Human Security* 2:1, pp. 5–7.
2 Traditional Islam refers to an understanding of religion which is upheld by a strict adherence to the religious interpretations of traditional scholars, namely scholars in the first 500 years since Muhammad's Prophethood.
3 Mona Fixdal and Dan Smith (1998), "Humanitarian Intervention and Just War", *Mershon International Studies Review* 42:2, p. 286; Brian Onrend, Entry on War, Stanford University Online Encyclopedia of Philosophy, 3 May, available at http://plato.stanford. edu/entries/war/ (31 January 2018).
4 Seyyed Hossein Nasr (2010), *Islam in the Modern World: Challenged By the West, Threatened By Fundamentalist, Keeping Faith With Tradition*, New York: HarperOne, pp. 1–16.
5 Jenny Teichman (1986), *Pacifism and the Just War*, Oxford: Basil Blackwell, pp. 1–2; Andrew Fiala (2014), "Pacifism", *The Stanford Encyclopedia of Philosophy*, edited by N. Zalta. Winter Edition, available at http://plato.stanford.edu/entries/pacifism/ (6 June 2016).
6 Martin Griffiths (2005), "Pacifism", *Encyclopedia of International Relations and Global Politics*, edited by Martin Griffiths, London: Routledge, pp. 632–633; Alexander Moseley (n. d.), "Pacifism", *The Internet Encyclopedia of Philosophy*, available at www.iep.utm.edu/pacifism/ (6 June 2016).
7 Steven P. Lee (2012), *Ethics and War: An Introduction*, Cambridge: Cambridge University Press, pp. 22–28.
8 Cathal J. Nolan (2002), *The Greenwood Encyclopedia of International Relations*, Westport: Greenwood Publishing, vol. 1, pp. 345–346.
9 Gene Sharp (1959), "The Meaning of Non-Violence: A Typology (Revised)", *The Journal of Conflict Resolution* 3:1, Studies from the Institute for Social Research, Oslo, Norway, p. 64; Theodore Paullin (1944), *Introduction to Non-Violence*, Philadelphia: Pacifist Research Bureau, p. 8. Cited in Sharp (1959), p. 43. Read also brief explanation of the concept in Mulford Q. Sibley (1943), "The Political Theories of Modern Religious Pacifism", *The American Political Science Review* 37:3, pp. 440–444.
10 See also, for example, classification of pacifism to Individualistic Pacifism, Limited Pacifism and Modern Pacifism in Robert C. Stevenson (1934), "The Evolution of Pacifism", *International Journal of Ethics* 44:4, pp. 437–451. Also, the classification of pacifism to Religious, Cynical, Sentimental, Political and Ethical Pacifism in Paul Weiss (1942), "The Ethics of Pacifism", *The Philosophical Review* 51:5, pp. 476–496.
11 Moseley (n. d.), (Online).

12 Ibid.

13 See Theodore J. Koontz (1996), "Christian Nonviolence: An Interpretation", *The Ethics of War and Peace*, edited by Terry Nadkin, Princeton: Princeton University Press, pp. 169–194; Charles Townshend (2000), *The Oxford History of Modern War*, Oxford: Oxford University, pp. 330–335; Donald W. Fisher (1917), "War and the Christian Religion", *International Journal of Ethics* 28:1, pp. 98–104 and Sibley (1943), pp. 439–454.

14 Martin Benjamin (1973), "Pacifism for Pragmatists", *Ethics* 83:3, pp. 196–197.

15 Moseley (n. d.), (Online).

16 Ibid.

17 Ibid. See commentary on major differences between Absolute and Pragmatic Pacifism and how pacifism was modified from its absolute to pragmatic form, in Tamar Hermann (1972), "Contemporary Peace Movements: Between the Hammer of Political Realism and the Anvil of Pacifism", *The Western Political Quarterly* 45:4, pp. 875–883.

18 Benjamin (1973), p. 197.

19 See Matthew, 5:39–44; Luke, 6:27–35.

20 Roman, 12:19–21; Deuteronomy, 32:35.

21 Gill Farrer-Halls (2000), *The Illustrated Encyclopedia of Buddhist Wisdom*, Great Britain: Godsfield Press, p. 70.

22 Sibley (1943), pp. 439–440.

23 Hermann (1972), pp. 875–883.

24 Ibid. See analysis on argument for pacifism in Cheyney C. Ryan (1983), "Self Defense, Pacifism and the Possibility of Killing", *Ethics* 93:3, pp. 508–524 and Benjamin (1973), pp. 202–210. See also analysis on pacifism from sociological perspective in Johan Galtung (1959), "Pacifism from a Sociological Point of View", *The Journal of Conflict Resolution* 3:1, Studies from the Institute of Social Research, Oslo, Norway, pp. 67–84. Also, analysis against pacifism in Jan Narverson (1965), "Pacifism: A Philosophical Analysis", *Ethics* 75:4, pp. 259–271.

25 Muhammad Bin Rushd Al-Qurtubi (n. d.), *Bidayat Al-Mujtahid Wa Nihayat Al-Muqtasid*, n.p: Dar Al-Fikr, vol. 1, pp. 284–5; Ibn Nuhas (n. d.), *Mashari' Al-Ashwaq Ila Masari Al-Ushaq*, Birmingham: Maktabah, p. 11; John Esposito (2002), *Unholy War: Terror in the Name of Islam*, Oxford: Oxford University Press, p. 35; Majid Khadduri (1962), *War and Peace in the Law of Islam*, Baltimore: The John Hopkins Press, pp. 14–17, 59–60, 62–65, 144–145; David Cook (2005), *Understanding Jihad*, Berkeley: University of California Press, pp. 30, 47; John Kelsay (2007), *Arguing the Just War in Islam*, Cambridge: Harvard University Press, pp. 100–101; Fred M. Donner (1991), "The Sources of Islamic Conceptions of War", *Just War and Jihad: Historical and Theoretical Perspectives on War and Peace in Western and Islamic Traditions*, edited by John Kelsay and James Turner Johnson, New York: Greenwood Press, p. 51; Ann Elizabeth Mayer (1991), "War and Peace in the Islamic Tradition and International Law", *Just War and Jihad: Historical and Theoretical Perspectives on War and Peace in Western and Islamic Traditions*, edited by John Kelsay and James Turner Johnson, New York: Greenwood Press, p. 202; Bernard Lewis (2004), *The Crisis of Islam: Holy War and Unholy Terror*, London: Phoenix, p. 27; Khaled Abou El-Fadl (1999), "The Rules of Killing at War: An Inquiry into Classical Sources", *The Muslim World*, 89:2, p. 150; Sohail Hashmi (1999), "Saving and Taking Life in War: Three Modern Muslim Views", *The Muslim World*, 89:2, p. 158.

26 See John Kelsay (1990), "Religion Morality and the Governance of War: The Case of Classical Islam", *The Journal of Religious Ethics* 18:2, pp. 123–139.

27 See Yusuf Al-Qaradhawi (2010), *Fiqh Al-Jihad: Dirasah Muqaranah Li Ahkamih Wa Falsafatih Fi Dhaw' Al-Qur'an Wa Al-Sunnah*, Cairo: Maktabat Wahbah, vol. 1, pp. 723–725; Muhammad Sa'id Ramadhan Al-Buti (2005), *Al-Jihad Fi Al-Islam: Kayf Nafhamuh Wa Kayf Numarisuh*, Damascus: Dar Al-Fikr, pp. 239–245.

28 This phrase is the simplest traditional way of referencing a hadith (the Prophet's tradition). It means that the hadith could be found in the book of hadith compiled by the mentioned scholar(s) for verification. Also, the mentioning of the narrating scholar(s) is to give some degree of confidence to the authenticity of the hadith. An elaborated form of referencing hadith is to follow a standard citation style. However, the standard style will utilize lots of words from the allowable word count that are better used for the main content.

29 See the Qur'an, 33:21, 68:4.

30 Rudolph Peters (2008), *Jihad in Classical and Modern Islam*, Princeton: Marcus Wiener Publication, pp. 43–54; Khadduri (1962), p. 57.

31 See Shawqi Abu Khalil (1986), *Al-Islam Fi Qafs Al-Ittiham*, Damascus: Dar Al-Fikr, pp. 93–138.

32 See the Qur'an, 8:61, 5:64 and 4:128. Majid Khadduri (1996), *The Islamic Law of Nations: Shaybani's Siyar*, Baltimore: The John Hopkins Press, p. 17; Al-Qaradhawi (2010), vol. 1, pp. 413–423.

33 See the Qur'an, 7:199, 15:85, 3:133–134, 41:34.

34 See the Qur'an, 2:217, 3:13, 17:81 and 61:8–9. See Muhammad Bin Ibrahim Al-Tuwayjiri (1414H), *Usul Al-Din Al-Islami*, Riyadh: Dar Al-'Asimah, p. 185.

35 See the Qur'an, 22:39–40.

36 Al-Qaradhawi (2010), vol. 1, pp. 13–6, 57–58, 423–428 and 2:1193–1194.

37 Khadduri (1996), p. 16; Abdul Aziz A. Sachedina (1990), "The Development of Jihad in Islamic Revelation and History", *Cross, Crescent and Sword: The Justification and Limitation of War in Western and Islamic Tradition*, edited by James Turner Johnson and John Kelsay, New York: Greenwood Press, pp. 37–40.

38 Al-Qaradhawi (2010), vol. 1, pp. 725–755; Al-Buti (2005), pp. 239–245.

39 See the Qur'an, 2:190.

40 Sayyid Sabiq (1987), *Fiqh Al-Sunnah*, Beirut: Dar Al-Kitab Al-'Arabi, vol. 3, pp. 28, 41–42; Muhammad Al-Khatib Al-Sharbini (n. d.), *Mughni Al-Muhtaj*, n. p: Dar Al-Fikr, vol. 4, pp. 222–223; Muwaffiq Al-Din Bin Qudamah (1984a), *Al-Mughni*, Beirut: Dar Al-Fikr, vol. 10, pp. 530–534; Shams Al-Din Bin Qudamah (1984b), *Al-Sharh Al-Kabir*, Beirut: Dar Al-Fikr, vol. 10, pp. 390–391; Ibn Nuhas (n. d.), pp. 122–123; Khadduri (1996), *The Islamic Law of Nations*, p. 257; 'Ali Bin Muhammad Al-Mawardi (1982), Al-Ahkam Al-Sultaniyah Wa Al-Wilayat Al-Diniyah, Beirut: Dar Al-Kutub Al-'Ilmiyah, p. 41; Al-Qurtubi (n. d.), vol. 1, pp. 280–281; Bin Qayyim Al-Jawziyah (1992), *Zad Al-Ma'ad Fi Hady Khayr Al-'Ibad*, Beirut: Muassat Al-Risalah, vol. 3, p. 99.

41 Bin Qudamah (1984b), vol. 10, pp. 384–389; Sabiq (1987), vol. 3, pp. 41–42; Al-Sharbini (n. d.), vol. 4, p. 226; Al-Qurtubi (n. d.), vol. 1, p. 83; Bin Qudamah (1984a), vol. 10, pp. 497–498; Ibn Nuhas (n. d.), pp. 22–23; Lewis (2004), p. 33; Hashmi (1999), p. 171.

42 Ibid., vol. 10, pp. 393–401, 529; Ibid., vol. 3, pp. 65–67; Ibid., vol. 4, p. 228; Ibid., vol. 1, p. 279; Khadduri (1996), pp. 100–102, 257–259; Khadduri (1962), pp. 126–133; Troy S. Thomas (1997), "Prisoners of War in Islam: A Legal Inquiry", *The Muslim World* 87:1, pp. 46–51; El-Fadl (1999), pp. 153–155; Hashmi, pp. 174–5; Brian Bertosa (2007), "The Treatment of Prisoners of War and Non-Combatants in the Qur'an", *Canadian Military Journal* 8:1, pp. 20–23.

43 Ibid., vol. 10, pp. 452–453; Ibid., vol. 3, p. 41; Bin Qudamah (1984a), vol. 10, pp. 555–556; Ibn Nuhas (n. d.), p. 128; Al-Qurtubi (n. d.), vol. 1, p. 281. See also Khadduri (1962), pp. 102–108.

44 Ibid., vol. 10, p. 383; Bin Qudamah (1984b), vol. 10, p. 495; Al-Sharbini (n. d.), vol. 4, pp. 223, 226; Al-Mawardi (1982), p. 52; Khadduri (1996), p. 102.

45 The Qur'an, 5:32, 6:151 and 17:70.

46 See the Qur'an, 5:32.

47 Muhammad Al-Ghazali (2005), *Huquq Al-Insan Bayn Ta'alim Al-Islam Wa I'lan Al-Umam Al-Muttahidah*, Cairo: Nahdat Misr, pp. 46–47.

48 Al-Qaradhawi (2010), vol. 1, pp. 203–206, 405–407; Al-Buti (2005), pp. 50–73.
49 Ibid., 1:13–14, 129–130, 193–194, 521–531; Ibid., 225–227.
50 Ibid., 1:507, 527–531.
51 See Ibid., 2:216; Sachedina (1990), "The Development of Jihad", pp. 37–40.
52 Al-Jawziyah (1992), vol. 3, pp. 5–6, 8.
53 Sabiq (1987), vol. 3, p. 10; Bin Qudamah (1984a), vol. 10, pp. 359–360; Bin Qudamah (1984b), vol. 10, p. 360; Ibn Nuhas (n. d.), p. 11; Al-Sharbini (n. d.), vol. 4, pp. 207–209; Khadduri (1962), p. 60; Al-Qurtubi (n. d.), vol. 1, p. 278.
54 Ibid., vol. 3, pp. 11–12; Ibid., vol. 10, pp. 361–362; Ibid., vol. 10, pp. 360, 364; Ibid., p. 219; Ibid.; Ibid., pp. 12–13.
55 See as examples the Qur'an, 2:190–194, 9:5, 9:14 and 9:29.
56 See the Qur'an, 9:24, 38–39 and 81–82.
57 Wahbah Al-Zuhayli (1986), *Usul Al-Fiqh Al-Islami*, Beirut: Dar Al-Fikr, vol. 2, p. 849.
58 See The United Nation Charter, Article 1, 2, 33 and 39.
59 See Ibid., Article 51.
60 Bin Qudamah (1984a), vol. 10, pp. 368, 387; Bin Qudamah (1984b), vol. 10, p. 367; Kelsay (2007), p. 101; Donner (1991), p. 51; Ibn Nuhas (n. d.), p. 121.
61 Rashid Rida (1988), *Al-Khilafah*, Cairo: Al-Zahra' Li Al-I'lam Al-'Arabi, pp. 56–60.
62 Al-Zuhayli (1986), vol. 1, pp. 486–477, 538–551.
63 See the Qur'an, 8:61.
64 Muhammad Khayr Haykal (1996), *Al-Jihad Wa Al-Qital Fi Al-Siyasah Al-Shar'iyah*, n. p.: Dar Al-Bayariq, vol. 2, pp. 946–948.
65 Bin Qudamah (1984a), vol. 10, pp. 508, 574; Bin Qudamah (1984b), vol. 10, pp. 573–574; Al-Jawziyah (1992), vol. 3, pp. 300–315.
66 Al-Qaradhawi (2010), vol. 2, pp. 785–792.
67 Ibid. See also Al-Qaradhawi (2010), vol. 1, p. 82.
68   Carl Von Clausewitz (1982), *On War*, London: Penguin Books, p. 119.
69 Al-Qaradhawi (2010), vol. 1, pp. 59–62, 83–87 and vol. 2, p. 786.
70 See Ibid., vol. 1, p. 129.
71 See Ibid., pp. 63–87.
72 'Abd Al-Rahman Bin Abi Bakr Al-Suyuti (1983), *Al-Ashbah Wa Al-Nazair*, n.p.: Dar Al-Kutub Al-'Ilmiyah, p. 121; Yusuf Al-Qaradhawi (2012), *Fiqh of Priorities*, Australia: Mybookstore, pp. 160–163; Al-Zuhayli (1986), vol. 2, p. 1028.
73 See the Qur'an, 4:1501, 5:44, 5:87, 7:32, 16:16, 18:26 and 66:1.
74 Al-Qaradhawi (2010), vol. 1, p. 13.
75 Ibid., vol. 1, pp. 63–71; Haykal (1996), vol. 2, pp. 893–915.
76 See Ibid., vol. 1, pp. 76–79.
77 See Qutb Mustafa Sanu (2006), *La Inkar Fi Masail Al-Ijtihad: Ru'yah Manhajiyah Tahliliyah*, Beirut: Dar Ibn Hazm.

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