



The Ideological Battlefield

Egypt's Dar al-Iftaa Combats

RADICALIZATION

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Introduction

The rise of ideological extremism in the Muslim world has led to the wide spread view of Islam as a religion of violence, retribution and war. This is in complete opposition to the truth of our religion and, on behalf of the vast majority of the 1.6 billion Muslims who are ordinary, peace-loving, decent people.

The Islamic belief system is built upon pillars of guidance not compulsion, moderation not extremism, peace not war, gentleness not harshness, love not hate; ease not hardship, cooperation not disassociation, brotherhood and sisterhood not enmity.

These values are principles that embody the legal maxims in Islamic legal tradition, the faith ordinances in Islamic theology as well as moral virtues in Islamic ethics.

Unfortunately, many young Muslims today are not equipped with the proper knowledge to adapt the Islamic teachings to the demands of a rapidly changing world.

The problem of radicalism is that it is a distortion of the true teachings and spirit of Islam in many ways:

Firstly, radical ideas contradict the central theme of peace in Islam. Peace is the greeting of Muslims amongst themselves, the last word spoken by a Muslim amongst themselves, the last word spoken by a Muslim in his prayers, one of God's names, and one of the names of Paradise.

Secondly, the Quran permits freedom of belief for all of mankind by saying, "To you is your religion and to me is mine."

Thirdly, the use of violence is prohibited in spreading the faith. The Quran explicitly states: “There is no compulsion in religion”, and “Call to the way of your Lord with wisdom and good counsel and discuss with them in the most kindly manner”, and “God does not prevent you from being kind to those who have not fought you on account of your religion or expelled you from your homes, nor from dealing justly with them, indeed God loves the just.”

Fourthly – and this is very important – none of these extremists have been educated in genuine centers of Islamic learning. They are, rather, products of troubled environments, and their aim is purely political and has no religious foundation.

Our fear is that these extremists will convince the world that the entire Muslim world is the enemy, and that a war on terror is a war on the entire Muslim world. The Quran tell us, “O people, we have created you from a single male and female and divided you into nations and tribes so that you may know one another.” When God said “to know one another”, He did not mean in order to kill one another.

Whom should we trust? Should we trust the extremists, or that upon which the entirety of Islamic civilization has been built over 1,400 years? The first Prophetic saying that is taught to a student of Islam is, “Those who show mercy are shown mercy by the All Merciful. Show mercy to those on earth and the One in the heavens will show mercy on you.”

Should we trust the extremists’ views, or the freedom of choice and belief that Islam has enjoined upon us? The Quran says, “Truth comes from God, whoever believe let them believe and whoever does not, let them not believe.” The clarity of this verse is surely there for all to see

Efforts must not be spared to uphold the proper teachings of Islam and put right concepts that are misunderstood. Muslim scholars and thinkers have responsibility to correct perceptions of Islam held by radicals and by the public – through publications, speeches and the internet.

This treatise aims to be a first step on the path to defend the good name of Islam from these opportunists.

Jihad: Concept, history and Contemporary Application

The concept of Jihad in Islam is one of the topics that causes the most confusion and is surrounded by a loud cacophony equating Jihad with mass murder and random shooting sprees.

All concepts have roots in a group of beliefs that nourish the concept into full bloom. To understand the concept of Jihad we need to take a broader look at the message of Islam and the Prophetic tradition. Muslims consider Prophet Muhammad to be the carrier of the last revelation from God to all mankind. This concept gives rise to the universality of Islam which does not confine itself to place or time and more importantly does not target a particular race or ethnicity. Islam transcends the boundaries of space, time and race to encompass all of humanity in its fold.

Muslims maintain that the most important characteristic of the Prophet Muhammad, which is mentioned in the Holy Qur'an, is that he is a "mercy" to the worlds. The idea that the Prophet Muhammad was sent by God to be a mercy to the worlds reinforces the universal characteristic of the message of Islam as the Prophet is not a mercy to Muslims alone but to all the worlds; people, animals, plants, stones, indeed to all creatures.

This overarching characteristic of the Prophet being a mercy to all the worlds, as Muslims stress always, encompasses all the concepts and ideologies which stem from Islam and are promoted by it, including the concept of Jihad.

The Linguistic Origin of Jihad

The word Jihad comes from the root j / h / d, which in Arabic means to exert the most effort. This definition is general as one can exert effort in studying or fulfilling goals and ambitions in a variety of areas.

In Islam the idea of exerting effort has two levels, a major level and a minor one. The major level of Jihad is jihad al-nafs or struggling against one's lower self and its demeaning lustful desires. This Jihad is the hardest because it needs discipline and hard work. The lesser, or minor Jihad, is al-qitaal or armed struggle. This latter meaning is subject to strict rules and regulations in Islamic Law.

The Concept of Jihad in Quran and Sunnah

Being one of the major aspects in the Islamic doctrine, the importance of Jihad is reflected in the extensive discussion of its rules and application both in the Quran and the Prophetic traditions. The relevant Quranic verses and traditions deal with different facets of this issue revealing the beliefs and motivations of those who participate in Jihad as well as the restrictions and regulations governing their activities. In conducting close examination of the jihad verses, we need to have some consideration to the time of the revelation of these verses. The majority of the Quranic verses pertaining to jihad originated after 2 A.H., at the time of the Battle of Badr. The earlier verses pertinent to jihad addressed a different understanding of jihad and helped to create a foundation for future developments in Islamic Jihad. At the very beginning of revelation in Makkah, the Muslim community was at the early stage of growth and development. A segment of the early revelation of the Makkan period spoke directly of the jihad of the heart- the inner struggle to follow the way of Islam and

strive to please God. The early Muslims of Makkah received hope through the following words:

“For those whose hopes are in the meeting with God (in the Hereafter, let them strive); for the Term (appointed) by God is surely coming: and He hears and knows (all things). And if any strive (with might and main), they do so for their own souls: for God is free of all needs from all creation. Those who believe and work righteous deeds, -from them shall We blot out all evil (that may be) in them, and We shall reward them according to the best of their deeds.” (29: 5-7)

In this verse and similar other verses the focus was on developing one’s self and struggling against personal lusts and whims to strengthen their personal faith. Another important message that was prevalent at the early stage of revelation is the message of assurance which was necessary as the early Muslims needed to build confidence in themselves and their new faith even while they rejected the beliefs of their families. At this stage Muslims were not commanded to take arms yet they were seeking a sign of deliverance. God assured the believers with a promise of future triumph when He says “...With God is the decision, in the past and in the future: on that day shall the believers rejoice-with the help of God. He helps whom He will and He is Exalted in Might, Most Merciful” (30: 4-5).

Qur'anic Verses and Prophetic Traditions on Jihad

The Quranic revelation in Makkah which lasted for 13 years focused solely on the issue of peaceful proclamation of the absolute unity of God by Prophet Muhammad in the pagan-dominated town of Makkah. The Quran at this period imparted the preliminary knowledge of the Reality and gave brief

answers to the common arguments that had misled people to engage in idol worshipping. The Quran laid down as well the basic principles of morality. These messages consisted of short and concise sentences couched in an effectively fluent language that suited the taste of the people to whom they were first addressed.

The eloquent literary style of the Quran was so appealing that it touched their hearts. Although universal truths were enunciated in these messages, they were given a local color supported by arguments, examples, and illustrations from the environment these people were quite familiar with. These early revelations were confined to the tribal history, traditions, monuments, beliefs and morality. Therefore in the early stage of the message, the Quran addressed those people who were totally ignorant of Islam and therefore naturally it had to teach them the basic articles of faith. But towards the end of revelation, the Quran was primarily concerned with those who had accepted Islam and formed a community for carrying on the work delegated to them by the Prophet.

In other words, the early Quranic chapters were focused on monotheism and the famous example is the chapter of *Ikhlas* in which God the Almighty says “Say: He is God, the only One, God, the Everlasting. He did not beget and is not begotten and none is His equal” (112: 1-4). At the very beginning, Prophet Muhammad was divinely asked to relate the divine message to his immediate family and close companions only. Therefore in the first four years of the Islamic message the original Muslim community combined of a number of social outcasts, slaves, family relatives and close companions.

The discrete period of the Islamic message lasted for a few years before the divine decree of going public with the Islamic

message and calling people to the way of God. Once the Islamic message got public, the persecution from the elite of the tribe of Quraysh followed suit as they thought of the new message as a threat to their old traditions vested interests and prestigious position among the Arabs. Muslims were heavily subjected to all sorts of violence, transgression and torture in order to convert them back to the customary pagan worship. During the whole Makkan period which lasted for 13 years, Muslims were commanded not to respond in retaliation or act in self defense against persecution. They were rather asked to maintain patience and endure transgression peacefully. When the persecution against Muslims reached an intolerable level, the Prophet was commanded to emigrate to Medinah after he miraculously survived an assassination attempt.

When the Prophet with his companions resided in Medinah, they were aiming at securing the borders of Medina from offensive attacks along with forming allies with Arab tribes to neutralize their position and to halt them from forming coalitions with the Quraysh tribe. At this point, Jihad in the sense of armed struggle or *Qital* in Arabic was deemed necessary to secure the newly born state. During the last nine years of the Prophet's life, jihad was pursued and the Prophet participated in twenty seven campaigns. The Quranic revelation at this period was concerned with the discourses and commandments that were required for every occasion. Therefore, some of the proclamations were fiery rhetoric and other verses were in the form of edicts. Some of the revelations adopted the method of a teacher, trainer and reformer espousing the principles and methods for organizing a community, building a state and develop a great civilization. Other verses in this period addressed issues pertinent to the new Muslim community, their life affairs and worship. Some verses taught Muslims how to fulfill their obligations as vicegerent for the

Lord. These verses included instructions and guidelines for their guidance, and warned them against their weaknesses and exhorted them to sacrifice with their lives and properties in the way of God. The revelations taught Muslims the needed moral lessons both in defeat and victory. Other verses addressed the way of dealing with the hypocrites, the unbelievers, the people of the Book, the belligerent powers and their allies.

Keeping in mind the concept of “mercy” which forms the backbone and root of all Islamic legislations and rulings, one must understand that Jihad is no different. God in the Qur’an and the Prophet Muhammad in his prophetic traditions have laid out the purpose of Jihad and set the rulings and foundational bases which condition this concept and through which it can be defined as Jihad. In the second year of the Medina period, Muslims for the first time were granted the permission for military jihad. The permission was revealed through a verse just a few months before the Battle of Badr. The verse says “Permission [to fight] has been given to those who are being fought, because they were wronged. And indeed, God is competent to give them victory. [They are] those who have been evicted from their homes without right - only because they say, "Our Lord is God ." And were it not that God checks the people, some by means of others, there would have been demolished monasteries, churches, synagogues, and mosques in which the name of God is much mentioned. And God will surely support those who support Him. Indeed, God is Powerful and Exalted in Might. (22: 39-40)

This verse emphasizes the integral component of justice in conducting jihad. Muslims were forcibly evicted from their homes due to the heavy persecution by the elite of Quraysh. Most of them left their homes and were totally deprived of their worldly goods and lacked the means to start a new life.

Although Muslims had strong reasons for conducting Jihad, God placed huge emphasis on maintaining justice against those who wronged the Muslims.

Although Muslims had to resort to armed struggle to secure their lives and protect the newly born state, the Quran presented engaging in warfare as an “unwanted obligation” which has to be carried out with strict observance of particular humane and moral guidelines and which must not be resorted to except when it is absolutely inevitable. God indicated in the Quran that He disapproves of wars ignited by the disbelievers; He says “Each time they kindle the fire of war, God extinguishes it. They rush about corrupting earth. God does not love corrupters.” (5:64)

Muslims were asked not to engage in wars until fighting becomes compulsory. Muslims were asked to fight only when the other party attacks and no other alternative remains except war. God says “But if they cease fighting, God is Ever-Forgiving, Most Merciful (2:192).

In other words, God granted Muslims the permission to get engaged in warfare for only defensive purposes. In other verses Muslims were warned against the use of excessive violence or unnecessary provocation. God says “Fight in the way of God against those who fight you, but do not go beyond the limits. God does not love those who go beyond the limits.” (2:190).

After the revelation of these verses, several battles were conducted but none of which the Muslims were the inciting party. Prophet Muhammad formed a secured and peaceful social environment for Muslims and non Muslims alike by signing the peace agreement of Hdaybiyah which conceded to the pagans of Quraysh most of their requests. The party which violated the terms of the treaty and breached the peace agreement was Quraysh by their upfront hostility. With the

rapid increase in the number of Muslims in Medinah, the Prophet developed a great army against his pagan enemies. With mustering this great force if the Prophet wished, he could have wielded his sword towards them yet he entered Makkah in the eighth year after Hijra (migration to Madina) with his army without any bloodshed and in a spirit of tolerance. If the Prophet wished he could have taken revenge for all the persecution that the Muslims suffered and endured patiently during the last 13 years in Makkah but he granted his pardon and full amnesty to all Makkans who were taken aback by the Prophet's utter compassion and tolerance. Due to the overarching mercy of the Prophet, Makkans embraced Islam willingly and could not help but admiring the nobility of the Prophet's impeccable character.

Islam taught the believers that the life of human beings is sacred and should be dealt with as such. God says in the Quran: "if any one kills a person-unless it be for murder or for spreading mischief in the land- it would be as if he killed the whole people, and if anyone saved a life, it would be as if he saved the life of all people." [5: 32]

The Quran forbids murder whilst extolling the sanctity of human life, "life, which God has made sacred" [6: 151]

God also says in the Holy Qur'an:

Fight in the cause of God those who fight you but do not transgress limits; For God loveth not transgressors. [2: 190]

In his commentary, Imam al-Taher Ibn 'Ashur reported through Ibn 'Abbas and 'Umar Ibn 'Abdul 'Aziz and Mujahid that this

verse is definite and has not been abrogated. He went on to say: “the purport is to fight those who are set to fight you, i.e. do not attack the old, women or children.”

Suleiman Ibn Burayda narrated through his father that whenever the Prophet used to send an army to battle, he would brief its commander and remind him to fear God in his actions and those with him and say: “Fight in the name of God, fight those who fight you from among the disbelievers and do not exceed your limits, do not transgress, deceive, mutilate [the dead] and do not kill a child.” [Al-Tirmidhi].

Ibn 'Umar (may God be pleased with them both) said: “I saw the messenger of God (peace be upon him) circling the Ka'ba saying: ‘How great and sacred you are, and how pleasant your fragrance! By He in whose hand is the life of Mohammed, the sanctity of a believer, his property, life and to think well of him is greater in the sight of God than yours.’” [Ibn Majah]. Furthermore, the Prophet reported to have said: “The first cases to be adjudicated against on the Day of Judgment will be those of bloodshed.” (Bukhari), and his strikingly stark threat that: “Whoever kills one (non-Muslim) under contract (of Muslim protection) will never smell the scent of Paradise.” (Ibn Majah).

Through the discourse about Jihad, we can outline the moral aspect of jihad in both the Quran and the prophetic traditions and six categories can be defined. These are: obligation to fight in the cause of God, reward for fighting, reward for martyrdom, divine aid against the enemy, criticism of the hypocrites, and exemptions from fighting. These categories represent the spiritual and emotional status of those Muslims conducting Jihad. Prophet Muhammad spoke in several recorded traditions about the necessity of fighting only in the cause of God.

Abu Musa al- Ash'arai narrated: A Bedouin asked the Prophet: "A man may fight for the sake of booty and another may fight so that he may be mentioned by the people and a third may fight to show his position (i.e. bravery); which of these is regarded as fighting in God's cause?" The Prophet said, "He who fight so that God's word should be superior, fights for God's cause". Another tradition reported that "If a man engaged in battle entertains in his heart a desire to obtain out of the war only a rope to tie his camel, his reward shall be forfeited." In other words if any object or objective should replace the desire to fight for the cause then the actions of the mujahid cannot be considered as jihad. Muslims have been encouraged for instance to fight in order to defeat oppressive forces and rescue the oppressed as has been related in the following Quranic passage:

"And why should you not fight in the cause of God and of those who, being weak, are ill treated (and oppressed)- men, women and children, whose cry is: "Our lord, rescue us from this town, whose people are oppressors; and raise for us from Thee one who will protect; and raise for us from Thee one who will help. Those who believe fight in the cause of God, and those who reject faith fight in the cause of Evil. So fight against the friends of Satan: feeble indeed is the cunning of Satan." (4:75-76)

Thus while the Quranic verses revealed to the early Muslims after the Battle of Badr clearly encouraged them not to fight merely for the sake of wealth or fame, the mujahidin were also offered strong motivation through the reward that would come from God. Even the Muslim who performed his other religious duties with diligence was prompted to seek the additional reward of participation in jihad. If a mujahid is killed in the course of the battle, he becomes a martyr *shahid* whose reward is even greater. God says in the Quran "Think not of those who are slain in God's way as dead. Nay, they live, finding their

sustenance in the presence of their Lord; they rejoice in the Bounty provided by God.” (3:169-170)

Therefore martyrs are assured the greatest of all possible rewards. The reward for one who is *shahid* is so great that, according to one hadith narrated by Anas ibn Malik in which the prophet said “Nobody who dies and finds good from God in the hereafter would wish to come back to this world even if he were given the whole world and whatever is in it, except the martyr who, on seeing the superiority of martyrdom, would like to come back to the world and get killed again for the sake of God (al- Bukhari). The expectation of the great reward of martyrdom has motivated Muslim fighters to go into battle fields often in such manner as would surprise their opponent, who may not have similarly strong incentive. This has been noted in current times as a major difficulty in defeating Muslim armies.

The Purpose of Jihad in Islam

The purpose or the aim of combative Jihad as laid down in Islamic Law is as follows:

- 1- Self defense and fighting back against aggression.
- 2- Alleviating religious persecution and establishing freedom of religion so that people may have the opportunity to think freely and practice their religious convictions.

The Conditions and the Rulings for Jihad

- 1- The nobility of purpose, meaning that no personal interests or private gains should be the aim behind which Jihad is being waged.

- 2- Fighting should be only against warriors not defenseless civilians who are not in the battlefield and are not equipped or trained to be engaged in combat.
- 3- The killing or harming of women and children is strictly prohibited. Al-Bukhari and Muslim reported through Abdullah ibn Umar (may God be pleased with them both) that a woman was found dead in one of the battles fought by the Prophet (peace be upon him); thereupon he condemned killing women and children. Another phrasing of the hadith states: "The Messenger of God (peace be upon him) forbade killing women and children." Imam al-Nawawi said: "There is a scholarly consensus on putting this hadith in practice as long as the women and children do not fight." [Sharh Muslim 12/48].
- 4- Preserving the lives of captives and treating them humanely.
- 5- Preserving the environment which includes the prohibition on killing animals or cutting trees or destroying harvest or polluting rivers or wells or demolishing houses.
- 6- Preserving religious freedom for clergy as well as worshippers in their homes, churches or synagogues.
- 7- Killing and attacking people by surprise is prohibited. Abu Hurairra (may God be pleased with him) narrated that the Messenger of God (peace and blessings be upon him) said: "A believer is not to kill [others]. Faith is a deterrent to killing." Ibn al-Athir said: "Killing [here] means taking others by surprise and killing them while they are unprepared." [Al-Nihaya fi Gharib al-Hadith wa al-Athar

3/775]. The hadith means that faith is a deterrent to attacking others suddenly while they are unprepared. The Prophet's words: "A believer is not to attack [others] by surprise" is a clear prohibition against deception in combat.

- 8- Permission to enter a country is considered a non-verbal security agreement not to cause corruption in the host country. Imam al-Khurqī said in his *Mukhtasr*: "Whoever enters lands in safety is not allowed to cheat them of their money." Commenting on this statement, Ibn Qudama said that it is prohibited to betray them [non-Muslims in non-Muslim countries] because there is an unspoken covenant to enter in safety on the condition that the person who seeks permission to enter a foreign country does not betray or oppress them. So whoever enters our lands in safety and betrays us violates this security agreement. This is prohibited because it involves treachery which is forbidden in our religion." [Al-Mughni 9/237].
- 9- The enemy must be from among those whom Muslims are permitted to fight as compared to the enemy with whom Muslims have a truce. It is impermissible to attack the enemy under the cover of night because it is a violation of the security pact between them in terms of lives, wealth, and honor.
- 10- It is impermissible to use human shields save in a state of war and under specific conditions detailed by jurists. [Bahr Ra`iq 80\5, Hashiyat ibn 'Abn Abdin 223\3, Rawdat al Talibin 239\10, Mughni al Muhtaj223\4, Mughni ibn Qudama 449\8, 386/10].

Who Has The Right To Call For Jihad and Declare War?

- 1- In Islamic Law, war is only declared and launched with the authorization of, and under the banner of, the Muslim ruler; it is imperative that the decision to declare war be based on his own reasoning and his subjects must obey him. A ruler is authorized to declare war due to his knowledge of evident and hidden matters, the consequences of actions and the interest of his people. For this reason, a ruler is authorized to declare war and agree to domestic or international treaties as soon as he assumes office. In turn, he does not issue decisions based on [personal] whims.

- 2- The Muslim ruler declares war only after consulting specialists in every relevant field such as technical and military specialists and political consultants who are indispensable to military strategy. The luminary al-Bahutī said in *Sharh Muntahā al-Iradāt*: “It is prohibited to [launch an] attack without the ruler's permission because he is responsible for making the decision of declaring war. [This is because] he has access to all the information pertaining to the enemy. [His permission is mandatory] except if [Muslims] are taken by surprise by non-Muslim enemies and fear their threat. [Only] then is it permissible to fight the attackers without the ruler's permission because of the general benefit therein.”

- 3- Breach of international agreements and treaties: Islamic states must abide by the agreements and treaties that they have acknowledged and entered into of their own accord; standing firmly with the international community towards achieving

global peace and security [only] to the extent of the commitment of the signatory countries. God says:

O you who believe, fulfill [all] contracts [5:1]

In the above verse, the term 'contract' refers to all commitments between two parties on a particular issue. In his interpretation of the above verse, the erudite Tunisian scholar, ibn 'Ashur says: “‘Contracts’ in this verse refers to one of a genus denoting the totality [of contracts]. It includes covenants that Muslims made with their Lord such as to follow the shari'ah ... pacts of allegiance between the believers and the prophet [pbuh], not to associate partners with God, steal, or commit fornication ... agreements between Muslims and non-Muslims ... and agreements between one Muslim and another” [Al-Tahrir wa al-Tanwīr, 6/74].

Amr ibn Awf al-Muzna, may God be pleased with him, narrates that the prophet [pbuh] said: “Muslims are bound by the conditions [they stipulate] except those that are unlawful or those that make unlawful matters lawful.” [reported by al-Tirmidhi].

Commenting on this hadith, al-Jassass said: “It is a general obligation to fulfill all the conditions man holds himself to as long as there is nothing (in Islamic law) to restrict them.” [Ahkam al-Qur`an, 2/418].

Ali, may God be pleased with him, narrated that the Prophet [pbuh] said: “The protection granted by the weakest Muslim to a non-Muslim is tantamount to that of the entire [community]. Whosoever violates it incurs the curse of God, the angels, and all the people.” [Reported by al-Bukhari].

Abdullah ibn Umar, may God be pleased with them both, narrated that the Prophet [pbuh] said: “The signs of hypocrisy are four: when he is entrusted with something he betrays the trust, when he speaks he lies, when he makes a promise he breaks it, when he quarrels he behaves in an immoral manner. Whoever possesses all four is a hypocrite and whoever possesses one of them possesses an element of hypocrisy until he gives it up.” [Reported by Bukhari in his Sahih].

Umar ibn al-Hamq al-Khazaī narrated that the Prophet [pbuh] said: “If a man entrusts another with his life and is killed by him, I have nothing to do with the murderer, even if the murdered man were a non-Muslim.” [Reported by al-Bayhaqi]. Consequently, the parties to international treaties and agreements are committed to end war and enjoy a state of peace by virtue of the agreement they entered into. God Almighty says: And if they incline towards peace, then incline to it [also] and rely upon God. Indeed, it is He who is the Hearing, the Knowing. [8:61].

Unauthorized Calls for Jihad: a Juristic Perspective

Among the loud unauthentic voices of some self claimed scholars who vehemently call Muslim youth to rally for Jihad, a moderate voice of reason is most needed. We have to place the issue of calling for jihad or declaring war -which includes the deployment of Muslim soldiers to war zones- in its appropriate juristic frame work in order for us to have a deeper understanding of the issue at hand.

Jihad in a combative sense in principle is a collective obligation [fard kifaya]: It is one of the collective duties of the community

as a whole. Imam al Nawawi explained in his book “Sharh al Nawawi ‘ala Muslim” that Jihad nowadays is a collective obligation unless non Muslim armies occupy a Muslim land in which case the residents of this land have to perform jihad and if the people of the occupied land are unable to repel the aggression, their neighboring countries should rise up to their defense.

The organization of jihad is the responsibility of the rulers and military personnel, who from their appointed positions are best able to calculate the consequences of such a crucial decision. Rulers examine the extent of the necessity that calls for defensive jihad.

All the aspects of the decision for combative jihad and their ramifications are examined and are subject to a scientific and factual study which carefully balances the benefits with the disadvantages. The enterprise must be free from negligence, weakness, superficiality, or heedless emotions. No single group or person may initiate jihad on their own as this is considered transgression and may constitute more harm.

In certain cases Jihad becomes an individual obligation [fard 'ayn] in countries where Muslim sanctuaries are attacked and their security threatened and is a duty upon the citizens to defend their country as Ibn ‘Abdeen stated in his commentary.

Defensive jihad is not obligatory upon all Muslims; it is a communal obligation for those residing outside the territories under attack. If they are unable to repel the enemy, jihad becomes an individual obligation upon Muslims in neighboring countries according to Ibn‘Abdeen. Implementing the legal ruling concerning this manner requires:

-Following the valid means which is the responsibility of those in authority who are aware of the political and military aspects, able to assess the need of jihad and calculate the ramifications, interests and disadvantages associated with the regional considerations and international treaties and are aware of the balance of international power. All of this requires:

- Special considerations and meticulous military and political studies which have exhausted the possibility of a peaceful resolution which God Almighty commanded. He said:

“But if they incline towards peace, you [Prophet] must also incline towards it, and put your trust in God: He is the All Hearing, the All Knowing” [Al-Anfal, 61];

- Preserving the security of Muslim countries, their citizens and interests.

- The ability to face and endure the choice of war.

- Jihad must be formally declared and clearly defined to prevent Muslims from falling prey to notorious organizations that may exploit their emotions and take advantage of their zeal to serve suspicious goals in the name of jihad.

The Spread of Islam: Was it by Sword?

Some people claim that the spread of Islam across the world was done at the sword point but this couldn't be any further from the truth. The spread of Islam outside the Arabian Peninsula was conducted in proportionate ratios with the natural development of Islamic advocacy. History proves that there is no abnormal increase in these ratios which might indicate incidents of mass conversions. After conducting a meticulous examination of the percentage of increase in the number of converts to Islam in countries outside the Arabian Peninsula

since the first Hijri century until the 7th century, we figure out that after the first century the percentage of Muslims in Persia reached 5%, Iraq 3%, Syria and Egypt 2% and finally Andalusia less than 1%. The increase in the number of converts increased gradually from 25% then 50% along centuries to reach 75% at the end of the 7th century.

There are a number of major characteristics of the spread of Islam across the globe:

- No signs of eradication of people who refuse to convert.
- Slaves were given the opportunity and were elevated in rank to become rulers.
- Muslims did not conduct inquisitions or mass conversion tribunals.
- Christians, Jews and Hindus remained in their countries enjoying both freedom of worship and full citizenship.
- The region of Hijaz remained poor economic wise until the discovery of petroleum in modern time whereas colonial powers were shipping off goods and raw materials of the colonized countries and used them for their own industrial and economic development.

Jihad vs. Terrorism

Terrorism cannot be the outcome of any proper understanding of religion. It is, rather, a manifestation of the immorality of people with cruel hearts, arrogant souls, and warped logic. Islam by its nature is a religion of moderation, not of extremes. In his famous saying, the Prophet of Islam advised Muslims to always choose the middle ground and not seek extremes on either side. This moderation in religion means that one neither

exaggerates; transgressing the limits set by God, nor neglects them altogether, thereby falling short of His expectations. While calling upon all Muslims to exercise moderation with all permissible things, Islam clearly and categorically rejects all forms of extremism, including *ghuluww* (excessiveness), *tanatu'* (zealotry) and *tashaddud* (extreme practices). These forms of extremism do not find a home in Islamic teachings, because Islam recognizes that extremism is morally flawed and unproductive. It is against human nature, and has always been a short-lived phenomena which does not work.

The problem faced by Muslims today – and indeed religious communities across the globe – relates to the issue of authority. In both Islam and other religions we are witnessing a phenomenon in which laypeople without a sound foundation in religious learning have attempted to set themselves up as religious authorities, even though they lack the scholarly qualifications for making valid interpretations of religious law and morality. In many cases, they have been facilitated in this by the proliferation of new media and irresponsibly sensationalistic journalism. It is this eccentric and rebellious attitude towards religion that clears the way for extremist interpretations of Islam that have no basis in reality. None of these extremists have been educated in Islam in genuine centers of Islamic learning. They are, rather, products of troubled environments and have subscribed to distorted and misguided interpretations of Islam that have no basis in traditional Islamic doctrine. Their aim is purely political – to create havoc and chaos in the world.

Unfortunately, terrorists often invoke the Islamic concept of “Jihad” to justify their crimes. This has led to much confusion and the tendency to misinterpret this important Islamic idea by linking it to violence and aggression. Military Jihad, by

contrast, is the antithesis of terrorism. It is a just war of the sort that can be found in every religious law and civil code. As the Qur'an says, "Fight in the way of God against those who fight against you, but avoid aggression for God does not like the aggressor." "But if they cease [fighting], then God is Forgiving, Merciful." This statement has been repeated many times throughout the second chapter of the Qur'an and forms the fundamental parameters for the Islamic law of warfare: namely, that it is permissible only for the purpose of repelling an attack, and protecting one's self, one's home and one's family.

Terrorism does not come close to fulfilling any of the many conditions which are necessary for a just Jihad. Among these is the fact that war can only be launched upon the authorization of the Muslim ruler, after consultation with specialists and consultants. Vigilantism has been clearly forbidden throughout Muslim history.

Similarly, terrorism involves killing people and taking them by surprise. The Prophet has instructed: "A believer is not to kill [others]. Faith is a deterrent to killing." Similarly, he has said: "A believer is not to attack [others] by surprise." Clearly, terrorists can only accomplish their goals by going against these Islamic teachings, which are fundamental to the type of chivalrous character Muslims must always exhibit, whether at wartime or during periods of peace.

Moreover, terrorism kills and harms women and children. A tradition of the Prophet relates that a woman was found dead in one of the battles. The Prophet found out about this, and thereupon forbade the killing of women and children. Another phrasing of this hadith states: "The Messenger of God (peace be upon him) forbade killing women and children." The great scholar of Islam, Imam al-Nawawi commented on this: "There

is a scholarly consensus on acting on this tradition as long as the women and children do not fight.” It is clear once more that this is counter to the practice of terrorists.

As such, it is clearly a mistake to label the terrorists practitioners of Jihad, or mujahidin. This is a lofty Islamic concept which bears no resemblance to the lawlessness practiced by terrorists.

The word commonly used in modern Arabic for terrorism, *irhab*, though an improvement, also poses its own set of problems. Indeed, *irhab* and the related Arabic root (r / h / b) often contain positive resonances for those conversant with classical Islamic vocabulary. For example, the Qur’an uses a word in the semantic range spawned by (r / h / b) to explain the proper awe with which humans ought to relate to God. “O Children of Israel, remember my favor wherewith I favored you; and fulfill my covenant and I shall fulfill your covenant, and have awe of Me.” [2:40].

Similarly, the Qur’an uses a related word (*rahban*) to refer to monks and monasticism (*rahbaniyya*), and their manner of interacting with the Divine. Finally, and more concretely, the root (r / h / b) is used to refer to a praiseworthy deterrence against those enemies who would seek to aggressively intimidate the Muslim community. “Make ready for them whatever force you can and of horses tethered that you may thereby awe the enemy of God and your enemy.” [8:60]. This term therefore is often used to refer to a concept of deterrence aimed at securing an advantage that will lead to peace with an enemy that would otherwise transgress against the Muslim community.

The term *irjaf* as the proper translation into Arabic for terrorism is more favored. “This word, which denotes subversion and scaremongering to bring quaking and commotion to society is derived from the root (r / j / f), which means to quake, tremble, be in violent motion, convulse, or shake.” This term occurs in the Qur’an in this context in one telling verse: “Now; if the hypocrites do not give over, and those in whose hearts there is sickness and they make commotion (*murjifun*) in the city, We shall assuredly urge thee against them.” [33:60].

In the context of this verse, al-Qurtubi, the renowned thirteenth-century Qur’anic commentator and Malikiījurist, explains the meaning of *irjaf* with respect to “shaking of the hearts (*tahrik al-qulub*),” noting the root’s corresponding application to “the shaking of the earth (*rajafat al-ard*).” Within an Islamic context, connecting this metaphor of creating commotion on earth (*murjifun*) with that of shaking hearts (*tahrik al-qulub*) connotes that those who do wrong are in fact acting against the wishes of the Divine. The term *murjifun* (singular, *murjif*), as well as the equivalent rendering *irjafiyun* (singular, *irjafi*), is a far better translation of terrorists ... Of course, there are multiple ways to bring about such intense commotion to society, but all of these fall under the term *Irjaf*. From a linguistic perspective, the term unambiguously connotes the cowardice, deceit, and betrayal associated with terrorism in striking from behind.

On applying shari'a

There is no doubt that the issue of “ruling by the shari'a” has become the topic of the hour, being the central preoccupation of various Islamic movements. This necessitates us putting forth a few points, awareness of which will help the impartial reader arrive at an informed decision.

The meaning of applying the shari'a: The word shari'a refers to that which God has set out for his servants from the religion, commanding them to it and imposing it on them. This includes all that He has revealed, including beliefs, worship, transactions, ethics, etc. However, the current usage of shari'a refers to all practical rulings outside of the realm of doctrine. This is why some say “Islam is doctrine and shari'a”. The conjunction here indicates that these are two different things. The former Shaykh of Al-Azhar, Mahmud Shaltout (d. 1963 CE) has a book on this.

This second meaning is broader than fiqh, for the latter is used terminologically to refer to rulings arrived at through ijihad. In contrast, knowledge of definitive matters that are known by all (“that which is necessarily known to be of the religion”) such as the obligation of prayer and the prohibition for sexual misconduct, is not known as fiqh¹. The first meaning of shari'a encompasses both these definitive matters and those rulings whose knowledge depends on speculation and proof.

¹ Abd al-Hamid Quds, *Lata'if Al-Isharat*, (al-Halabi Books), p. 9. Al-Huseiny

With regards to the usage of the word in the formulation “applying the shari’a”, what is intended is more specific than the above, for it refers to the law of the sovereign, i.e., the set of rules that organize relations between individuals in a society, and whose compliance is subject to coercion from the government. Based on this meaning, we have a means of comparing between shari’a and law.

As for “application,” what they mean by it is that the shari’a becomes the reference for legal matters, such that all questions are subject to it.²

Shari’a rulings and present-day laws: The example of Egypt

Does the call to apply the shari’a imply that we are to do away with the laws existing at present, in Egypt for example, and embark on a new codification?

Before responding to this question, we must become aware of the origin of these laws. In what follows, we restrict ourselves to the civil and criminal laws of Egypt.

The Egyptian civil law, initially promulgated in 1883, was set out by the great Hanafi scholar, Muhammad Qadri Pasha (d. 1888 CE). It was written in French, then translated into Arabic. Because of this, many people thought that Egypt simply applied the French law as is. However, this was not the case. The very first article stipulates that the code does not contradict any right found in the shari’a. This item remained in the code until 1908, when the laws were re-examined, and it was removed, as indicated by the minutes of the meetings. This means that a

2. In al-Mu’jam al-Wasit, vol.2, p. 550, (Dar al-Da’wa books), “application” means subjecting the issues and problems to certain legal or scientific rulings and the like.

quarter of a century went by without any objection to any of the laws of the code.

Then, Dr Abd al-Razaq Sanhuri (d. 1971 CE) headed a commission to modernize these laws in 1949. He commented on it in his long encyclopedic work *al-Wasit*. In this ten volume work, he listed the source of each article in the shari'a. He mentioned in this work that he relied on sixteen different pieces of legislation for the wording. He believed that the books of fiqh were inappropriate for the wording of a modern code. This was not an objection to the shari'a itself, but rather to the style of writing and manner of organization of the works of fiqh, as well as a comment on their appropriateness for the time³.

He writes in the Egyptian civil code, "Whatever is related here may be sourced in the shari'a rulings without too much difficulty, whether an actual text is found or not. For the judge has two choices: either he may apply a ruling that does not contradict the fundamental principles of the shari'a or he may apply the shari'a itself⁴."

Shaykh Sayyid 'Abdullah Husayn al-Tidi authored a lengthy work called "Comparisons between positive civil law and Islamic law." In it, he compared French civil law in its fundamentals and principles with the school of Imam Malik (d. 179 AH), believing the former to be the basis for all other

³ Dr, Ali Gomaa, *Al-Tajribah Al-Missriyyah*, (Nahdit Misr Books), p. 35, 36. 37. Al-Tidi, *Tahqiq Kitab Al-Muqarant Al-Tashri'iyyah* (introduction), (Dar al-Salam Books).

⁴ Egyptian Civil Cod, preparatory works, vol. 1, p.20, excerpted from Dr. 'Umar al-Ashqar, *Mu'awiqat Tatbiq Al-Shari'ah Al-Islamiyyah*, (Dar al-Nafa'is Book), p. 129.

positive legislation. He ended up concluding that 90% of this law is in accordance with the school of Malik. This is due to a very old influence which goes back to the period in which Islamic Spain was a beacon of knowledge to which Europeans would turn for knowledge. As such, the Maliki school became part of their codification processes⁵.

Now turning to Egyptian criminal law: this has been subject to intense criticism due to the absence of the huddud punishments (for murderers, thieves and those who engage in sexual impropriety) recognized by the shari'a, as well as for the organization of other punishments. This criticism is so pronounced that the term "applying the shari'a" has become tantamount, in the minds of many, to executing these punishments. The truth is that the shari'a is greater and broader than simply the hadd punishments; these are only a portion of the shari'a.

Before we proceed to the often exaggerated criticisms of the criminal law, we must recall two things. First is the history related to it. There were many discussions about it at the end of the nineteenth century, many focused on the fact that the hudud had not been executed. A result of these discussions was the emergence of the term "an era of doubt". Due to the changing circumstances and the infrequency of people who satisfied the classical requirements for testimony as set out by the jurists, our era came to be known as "the era of doubt."⁶

The relevant principle in this regard was that the hudud are to be avoided in cases of doubt. The famous hadith says, "Avoid the hudud for the Muslims as much as you can. If you find a

⁵ Al-Muqaranat Al-Tashri'iyyah, vol. 1, p. 50, 62.

⁶ Dr. Ali Gomaa, Al-Tajribah Al-Missriyyah, p. 41, 42.

Muslim errant, let him to his way. It is better for the Imam to err in granting leniency and forgiveness than for him to err in punishing someone.”⁷ Also, Umar bin al-Khattab (d. 23 AH) said, “If I can cancel the hudud due to doubts, I prefer that to going through with the punishment in the face of doubt.”⁸

There is obviously a huge difference between not applying these hudud because of a lack of belief in the shari’a and its appropriateness for legislation, on the one hand, and because of a shari’a-based objection, on the other. One can pursue this legislation in this manner while still believing in the criminality and sinfulness of these actions, and that the shari’a is true.

This suspension resembles what is related about Umar b. al-Khattab’s (d. 23 AH) moratorium on the punishment for theft during the year of famine. The general command is given in the Qur’an: “The thief, male and female, cut their hands.” (Al-Ma’ida: 38). But the Prophet (peace be upon him) said, “Do not cut in times of drought⁹.” And it is related of him in a hadith that he said, “No cutting hands in times of famine¹⁰.” Famine is mostly likely a time of necessity. As such, the presence of this likelihood was thought to be sufficient to suspend the hadd in

⁷ Al-Baihaqi, Sunan, vol. 8, p. 413.

⁸ Ibn Abu Shaybah, Musanaf, (al-Rushd Book), vol. 5, p. 511.

⁹ Abd al-Razzaq, Musanaf, vol. 10, p. 242, through Yahya Ibn Abu Kathir (may God be well pleased with him), (al-Maktab al-Islami Books).

¹⁰ Abu Nu’aym, Tarikh Asbahan, vol.1, p.375, through Abu Imamah al-Bahli (may God be well pleased with him), (Dar al-Kutub al-Ilmiyyah Book). Al-Suyuti declared the hadith weak . see Fath Al-Kabir fi Dam al-Ziyada illa Al-Jami’ al-Saghir, vol. 3, p. 347, (Al-Halabi Books).

deference to the protection of one's bodily integrity, which is part of the objective (maqsad) of protecting the self.¹¹

This did not imply that Umar denied the truth of the hadd, nor that he annulled the shari'a. It is simply an indication that applying the shari'a comes with conditions. One of these conditions is the existence of a specific state of affairs. If that state of affairs is not present, the hadd is not to be imposed. This is in fact squarely part of the shari'a, not outside of it.¹²

Whether this is a mistaken understanding or a correct one, and whether we agree with it or oppose it, it is incumbent upon us in any case to understand it, and to realize that that is what our forefathers judged by when setting out the criminal law.

Contemporary experiences with applying the hudud, and some important questions:

The second thing we must understand before discussing criminal law and the issue of applying the hudud punishments is the experience of other contemporary Muslim countries who have applied the hudud in their own lands.

The first is the Kingdom of Saudi Arabia, where the hudud are applied by shari'a judges directly without any legal wording in the form of a criminal law. The application of Saudi Arabia is ongoing and there is no call to cancel or suspend it, or subject it to restrictions. There are however a few voices from those opposed to the regime calling it unjust and a violator of human rights.

¹¹ Al-'Ilm 'Inda Al-Usuliyin, p. 347, excerpted from MA thesis composed by a researcher in shari'ah department, faculty of law, Alexandria University.

¹² Dr. Ali Gomaa, Al-Tajribah Al-Missiryah, p. 42.

The second case is that of Pakistan, Sudan, Iran and single states in each of Nigeria and Malaysia. They explicitly codified the hudud in their laws. In Pakistan, it has effectively been suspended in actuality. In Sudan, after the reign of Numeiri, it was subject to restriction. Similarly, the same has happened in Iran and Malaysia. In the Nigerian State, it is only used in extremely rare cases. It is common in each of these countries that discretionary punishments take the place of the hadd in cases where execution is not mandated.

Here, a number of questions come to mind:

Why is the matter stable and unquestioned in the first case, Saudi Arabia? And is this stability real?

In the experiences of the second case, what makes these countries include these hudud in their laws theoretically, but not enforce them in reality? Are there obstacles? Is the reason the inability to fulfill the conditions for enforcing the hudud? If this is so, is this also the case for all hudud in all countries for all accused? Or is the reason what we might call “national circumstances”? Or is it that there are factors associated with their enforcement which were measured, and not enforcing was thought to be the lesser of two evils?

Is it, as some contemporary thinkers say, that the present-day crisis which many Muslim countries are experiencing – in which the political regime is closed and repressive, the religious leadership is divided and scattered, demands are contradictory, and the people are deprived of education but cling to Islam in an emotional and reactionary way – constitutes a real obstacle to the application of hadd punishments?

If we rely on the first experience (i.e., Saudi Arabia), should we implement the hudud all at once or gradually? And what is meant by “gradually”? Is there a timetable in place or is this a subjective matter?

Is it possible to rely upon some contemporary opinions which say with regards to stoning/lapidation, for example, that it is a discretionary punishment, not a mandatory hadd punishment ; or that fining a thief is sufficient (Mustafa al-Zarqa); or that the Qadi has the right to choose between three options, only one of which is amputation of the hand (Shaykh Abd al-Muta'al Sa'idi "d. 1966 CE."); or that the apostate from Islam is not to be killed, but rather to be given an indefinite opportunity to repent.

And other questions may be directed to the Saudi experience: Do you disagree with the conditions for testimony which are the lone reason for arguing for suspending the hudud in our time? What if so many people testify that it is impossible they all agreed to lie? What if it is a case of confession?

Is the reason for the refusal of all other Muslim countries, fifty-six in total, to include hudud in their legislation simply that this is an “era of doubt”, or is there another reason?

Is it the case that we must achieve economic reform, solidarity, and social justice before we apply the hadd punishments, as some claim? Or are this all inconsequential? If they are to be considered, how do we do so in an objective way?

These are all questions that are in need of in-depth study from specialists, so that we may be able to learn from all of these experiences, and construct a shari'a position for the present-day.

The need for continual ijihad and reform in the fiqh

We are in need of a new fiqh, and also of specialists to engage in a fiqh revival. These two demands have become necessities so that they may confront what has become a common refrain from some that fiqh has simply become a relic of Islam, unable to adapt or change, and that the people of fiqh are unable to confront the realities of present-day reality through rational or textual means.

We must not simply stop with the rulings produced by classical scholars, for the circumstances of people's lives and cultures today are different. There are some matters which must be taken into account in any fiqh rulings: changes in people, circumstances, time and situation. The fiqh principle has it that texts are fixed, but situations change. As such, we must approach fiqh with new eyes, which balance between the truths of religion, and the reality of people.

Also among the settled principles agreed to by all mujtahids that knowledge of reality is an important part of fiqh. One may not issue fatwas if he is unaware of it. For such a person may err on the legal judgment, either making something permissible which should not be or constraining them unnecessarily. This is in defiance of the command of the Prophet (peace be upon him) who told his Companions, "Make things easy, not hard; give glad tidings, do not discourage¹³." Also related from him reliably is that he said, "I have not been given a choice between two things except I have chosen the easier of them, as long as it

¹³ Bukhari and Muslim, (The Book of Supporting Muslims (Kitab Kifayat al-Muslim), vol. 1, p. 35.

is not sinful¹⁴.” So, a mufti, ignorant of the real world, may permit something which is impermissible properly considered, or he may prohibit something which is not prohibited.

¹⁴ Bukhari and Muslim, (The Book of Supporting Muslims (Kitab Kifayat al-Muslim), vol. 4, p. 124.

The Grand Mufti Combats Ideological Extremism

It is of no surprise to anyone that extremism and extremist violence are some of the most serious issues confronting civilization today. Recent years have only seen an exacerbation of these phenomena. The tragic events of 9/11 constitute but one high-profile example of the ongoing problem posed by extremist ideologies to the image of Islam and the future of intercultural and interreligious relations.

The Grand Mufti Dr Shawki Allam has been one of the most vocal proponents of the view that ideological extremism committed in the name of Islam is in fact a misreading of both the letter and spirit of the Islamic tradition, and an aberration from the great history of Islamic civilization.

In the view of Dr Shawki Allam , there is no religion worthy of the name that does not regard as one of its highest values the sanctity of human life. Islam is no exception to this rule. Indeed, Allah has made this unequivocal in the Qur'an by emphasizing the gravity of the universal prohibition against murder, saying of the one who takes even one life that "it is as if he has killed all mankind."

Terrorism, therefore, cannot be for Dr. Allam the outcome of any proper understanding of religion. It is rather a manifestation of the immorality of people with cruel hearts, arrogant souls, and warped logic. The great corruption and instability sown by their actions are therefore a source of great sadness and outrage to him. What further complicates the matter, and exacerbates his concern is the way in which those who in no way understand or represent the grand Islamic traditions of tolerance, mercy and understanding have been able to link their repulsive actions with the noble religion of Islam.

For Dr. Allam, the Qur'an is clear that "God has honored the children of Adam ... and distinguished them among our creation." (Al-Isra': 70). Islam therefore makes no distinction among races, ethnicities, or religions in its belief that all people are deserving of basic human dignity. Furthermore, Islam has laid down justice, peace and cooperation as the basic principles of interaction between religious communities, repeatedly advising Muslims that the proper conduct towards those who do not show aggression towards the Muslims is to act with "goodness and justice." Indeed, this is the way of the truly observant Muslim, for "Allah loves the just."

Sheikh Allam has thus been a consistent and outspoken critic of violence of every form, and its erroneous and rootless affiliation with Islam. He has explicitly stated that terrorists are not Muslim activists, but outlaws who have been brainwashed and fed a mistaken interpretation of Quran and Sunnah.

Given his stance on the issue, it is of particular concern to witness the occasional episodes of sectarianism in Egypt. After the terrorist incidents against churches, the Grand Mufti issued a strongly-worded statement, saying, "It is ... with great sadness and outrage that we witness the emergence of this disease in our nation. There is no doubt that such barbarism needs to be denounced in the strongest of terms, and opposed at every turn.

More important than simple condemnations, however, Dr. Allam maintains the strong belief that Muslims, and especially their religious leadership, must actively counter the deviant beliefs that underpin such gross transgressions. Despite their confused claims, terrorists are miscreants who have no legitimate connection to the pure Islamic way, whose history

and orthodox doctrine are testaments to the Islamic commitment to tolerance, compassion and peace.

As is his position on all matters, Dr. Allam is insistent that the Prophetic example is the best of all models. The Prophet considered non-Muslims and Muslims as participating in a social contract which was inviolable. The promise of a Muslim is sacrosanct, for as he said, “Whoever unjustly persecutes one with whom he has an agreement, or short-changes his rights, or burdens him beyond his capacity, or takes something from him without his blessing, I myself will be an argument against him on the Day of Judgment.” What sort of Muslim could it be that not only deprives himself of the intercession of the Prophet of God in front of his Lord, but indeed puts himself at odds with him?

Nor can one attribute blame to the grand tradition of Islamic law as responsible for such repulsive actions. As the Grand Mufti stated in a speech in Belgium 2014, it cannot be stated strongly enough that terrorism is opposed to everything Islamic law stands for. Islamic law is a sophisticated and humane system which mandates very precise rules for warfare. These have been laid out very clearly in fatwas by the Grand Mufti which repudiate the actions of a misguided criminal minority . Those who undertake such activities not only commit crimes against their victims – many of whom are innocent women and children -- and breach international agreements and treaties, but they overstep their boundaries, and place an unjustifiable burden on the rest of the Muslim community. As Grand Mufti, Sheikh Allam has repeatedly condemned the senseless acts of terrorism carried out by those falsely claiming to represent Islam. These include unequivocal and express condemnations of the 9/11 terrorist attacks in New York and Washington, the London bombings on 7/7/2005, the Bali terrorist attacks, as well

as the horrific beheadings perpetrated by the self claimed Islamic State.

Unfortunately, the terrorists often invoke the Islamic concept of “jihad” to justify their crimes. This has led to much confusion and the tendency to misinterpret this important Islamic idea by linking it to violence and aggression. Dr. Allam has taken it upon himself to clarify this misconception.

Wrongly perceived as a synonym of “Holy War”, the word “Jihad” carries the broad meaning of struggle, and not necessarily armed struggle. It can be a Personal Jihad; which involves struggle against the inner-self and its inclination towards what is evil and harmful. Similarly, it can be a struggle for individuals’ rights and freedoms in a variety of ways.

Once, upon returning from a battle, Prophet Muhammad (peace be upon him) is narrated to have told his companions: “We have returned from the lesser Jihad to the greater Jihad; the Jihad of the soul.” Here, the term Jihad refers to the spiritual exercise of taming the lower self. And it is referred to as the greater Jihad, for people may spend their entire lives struggling against the base desires within themselves – desires that, if not overcome in a rational manner, may harm them and those around them.

To the contrary, the Islamic intellectual heritage is a repository for texts that clearly forbid murder while extolling the sanctity of human life, “We prescribed to the Children of Israel that whoever kills a soul, unless it be for retaliation, or to spread corruption on earth, it would be as if he had killed all mankind, and whoever saves a life, it would be as if he had saved the life of all mankind.” (5:32).

Also the Noble Prophet (peace be upon him) has clearly warned that, “The first cases to be adjudicated against on the Day of Judgment will be those of bloodshed.” - (Narrated by Bukhari). And in another saying, Prophet Muhammad (PBUH) also warned that; “Whoever kills one (non-Muslim) under contract (of Muslim protection) will never smell the scent of Paradise”- (Narrated by Ibn Majah).

As such, it is clearly a mistake to label the terrorists practitioners of *jihad*, or *mujahidin*. This is a lofty Islamic concept which bears no resemblance to the lawlessness practiced by extremists and terrorists. But Dr. Ali is even more precise, arguing that the word commonly used in modern Arabic for terrorism, *irhab*, though an improvement, also poses its own set of problems. Indeed, *irhab* and the related Arabic root *r-h-b* often contain positive resonances for those conversant with the classical Islamic vocabulary.

As for example, the Qur’an uses a word in the semantic range spawned by *r-h-b* to explain the proper awe with which humans ought to relate to God. “O Children of Israel, remember my favor wherewith I favored you; and fulfill my covenant and I shall fulfill your covenant, and have **awe** of Me.” (2: 40). Relatedly, the Qur’an uses a related word (*rahban*) to refer to monks and monasticism (*rahbaniyya*), and their manner of interacting with the Divine.

Finally, and more concretely, the root *r-h-b* is used to refer to a praiseworthy deterrence against those enemies who would seek to aggressively intimidate the Muslim community. “Make ready for them whatever force you can and of horses tethered that you may thereby awe the enemy of God and your enemy.” (8: 60). This term therefore is often used to refer to a concept of

deterrence aimed at securing an advantage that will lead to peace with an enemy that would otherwise aggress against the Muslim community.

Dr Allam favors the term *irjaf* as the proper translation into Arabic for terrorism. “This word, which denotes subversion and scaremongering to bring quaking and commotion to society is derived from the root *rajafa*, which means to quake, tremble, be in violent motion, convulse, or shake.” This term occurs in the Qur’an in this context in one telling verse: “Now; if the hypocrites do not give over, and those in whose hearts there is sickness and they make commotion (*murjifun*) in the city, We shall assuredly urge thee against them.” (33: 60). The reader of the Grand Mufti explains: “In the context of this verse, al-Qurtubi, the renowned thirteenth-century Qur’anic commentator and Maliki jurist, explains the meaning of *irjaf* with respect to “shaking of the hearts (*tahrik al-qulub*),” noting the root’s corresponding application to “the shaking of the earth (*rajafat al-ard*).” Within an Islamic context, connecting this metaphor of creating commotion on earth (*murjifun*) with that of shaking hearts (*tahrik al-qulub*) connotes that those who do wrong are in fact acting against the wishes of the divine.

Allam thus maintains that the term *murjifun* (singular, *murjif*), as well as the equivalent rendering *irjafiyyun* (singular, *irjafi*), is a far better translation of terrorists ... Of course, there are multiple ways to bring about such intense commotion to society, but all of these fall under *irjaf*, his recommended translation of the word terrorism. From a linguistic perspective, he points out that the term unambiguously connotes the cowardice, deceit, and betrayal associated with terrorism in striking from the back. The grand mufti’s discussion of the usage of *murjifun* not only deflates bin Laden’s pompous and grandiose ideology, but reduces him from monk to criminal.”

This represents a rhetorical attack that must be used to deconstruct the terrorist ideology. However, the attack against extremism must also consist of a viable alternative. Here, the Grand Mufti believes we are on firm ground because it is clear that the extremist readings maintained by the radicals represent unsustainable aberrations from traditional Islam. Traditional Islam in Egypt and around the world is heavily invested in the purifying and correcting role of Sufism, the spirituality of Islam. Sufism is necessary for the proper refinement of morals and the creation of pure hearts and civilized humans who work towards developing and building human society, and not destroying it. Therefore, it is a necessary component of any project to curb extremism.

Another component is a rigorous intellectual response to the sorts of philosophical arguments made by the intellectually impoverished extremists. Here again we are fortunate in being able to draw on the long history of Al-Azhar, its timeless tradition of moderation (*wasatiyya*), and its widespread acceptance among the people.

The concept of civil society is of course a modern one, and the organizations thought to constitute it are therefore of a certain type, especially non-governmental institutions intended to advocate for certain human rights. The role of interfacing between rulers and citizens, however, has an important precedent in Egypt, having long been fulfilled by the class of religious scholars (the *'ulama*) indigenous to Egypt, and trained at the Azhar Mosque and University.

It is this historical example that can be exploited today in Egypt for its cultural legitimacy and ability to move forward into an era free of the phenomenon of extremism that we have seen over the

past few years. The ulama have long held the position of intermediaries, often acting as the social conscience of Egypt and custodians of popular sentiment and tradition. The cultivation and strengthening of humane and democratic values, then, requires a legitimacy that is not on offer from any quarter but those that have continuously played this historic role in Egyptian society, that is the Azhari ulama. It is only then that a robust, vibrant and peaceful civil society will take root in the country.

The Azhar has been in continuous operation for over a millennium now, enduring the various dynasties that have ruled Egypt during that time. Established in the Fatimid era, it has witnessed the Ayyubid, Mamluk, Ottoman dynasties, as well as the upheavals of the modern Egyptian Republic. It is a truism to say that any institution which has flourished for so long contains within it an innate capacity to accommodate various social configurations, keep up with the changing times, and remain responsive to the ever-evolving Egyptian populace. The scholars of Azhar take pride in this capacity to remain agile and flexible.

Since its establishment, al-Azhar has been devoted to spreading a balanced vision of Islam based on the four Sunni Schools of Islamic law and orthodox theology infused with the spiritual depths. Students at al-Azhar are given a broad humanistic education. They are taught not only how to master the rational sciences of grammar, logic, and law, but they are also given instruction in ethics and spirituality as well, which are considered integral parts of effective religious leadership. Combined with an understanding of contemporary issues, this holistic approach protects from the radicalism that sees in only black and white. This is why Egypt continues to draw students from all over the world to study at al-Azhar. These students

return to their communities with not only knowledge, but also the example of a balanced religiosity that, while remaining true to its principles, is able to address the current needs of the Muslim community, and argue effectively against illegitimate impositions on the Islamic traditions of humaneness and tolerance. The Azhari paradigm is to train one eye on the past so as to learn from the rich Islamic heritage, and the other eye on the future and the current needs of the people.

As an example, consider that the officials of the Azhar establishment have come on record supporting peaceful democratic elections, and encouraging citizens to vote as a religious obligation. Similarly, they have played a crucial role in dampening sectarianism. Under the leadership of Dr. Allam, the Dar al-Ifta, part of the complex of institutions associated with the worldview of al-Azhar, has issued a lengthy fatwa affirming the right of Christians to build churches in Egypt, a contentious issue that has intermittently given rise to sectarian conflict in the past year.

In the modern context, the significance of the Azhar has been diffused into a variety of institutions. In addition to the University and the many informal teacher-student relationships that form amongst Azhari students and professors, the Azhari mission is supported by the Ministry of Endowments and Islamic Affairs, which administers more than 110,000 mosques throughout the country staffed by more than 50,000 Imams, all graduates of the Azhar. Equally crucial to the administering of the Azhari paradigm is the Dar al-Ifta, the authoritative voice of Islamic legal interpretation in Egypt and the larger Sunni Islamic world. It has served for over a century as the premier body in Egypt tasked with the responsibility of responding to the many and often complicated matters confronting modern Egyptians in terms of their religious responsibilities, and

promoting an authentic Islamic viewpoint opposed to extremism of all kinds.

The religious establishment, as represented by the approach of the Azhar, has long demonstrated a capacity and willingness to monitor developments taking place in the worlds of people, events, ideas and things, and remain flexible in their responses to their findings. In this way, al-Azhar has been more perceptive of reality and the real world, and more conversant with the change that occurs in the domain in which Islamic legal rulings apply and which results in the particular legal ruling changing in its wake.

One important feature of this approach is the great significance accorded to the Objectives of the Sharia, and the well-being of not only the Muslim community, but indeed a concern for creation at large. Similarly, there is an awareness of the importance of the doctrine of juristic choice, or discretion, through which the scholars of al-Azhar are able to highlight the detailed manner in which Islam expands to accommodate the states and conditions of all its adherents. It can hardly be lost on anyone conversant with the current state of the Muslim world that this is precisely the sorts of commitments that are necessary for Islamic authorities to engage the modern world – not as rejectionist reactionaries but as intelligent and involved participants.

In the Face of Extremism: the Azhar's Stance

Our early ancestors adopted a straight thinking methodology with which they managed to build a great civilization from which humanity had benefited greatly. They fiercely fought against crooked thinking and left for us a straight methodology of thinking through which we are able to deal with the evolving challenges that rise with the passage of time while keeping the basic principles of religion intact as they are not subjected to change due to passage of time or change in geographical locations.

Unfortunately a group of people took the period of our great ancestors as a whole structure without grasping its intricate meanings and fine tunings so they went astray. This erroneous way of thinking which adopted rigidly the outer structure of our ancestor's methodology of handling issues became the grand obstacle which holds the Muslims back from achieving real progress in economic development and renovating the Islamic discourse.

This rigid and extreme perspective became a fertile soil for rigid thinking and a spring for extreme ideologies which advocate for disintegration of societies and seclusions of people away from their communities. These calls also encourage individuals to live in their imaginary world which results from their sick minds and their inability to interact with themselves or their surroundings. This rigid thinking has some characteristics which define their rigid attitudes and erroneous behaviors and they are as follows:

The one who adopts an extreme methodology of thinking tends to always look at the past and carry the fine details of different matters and place them in our present time while turning it from

fine detailed matters to big differentiating issues. He places these issues as a border line between him and others and the fact is that most of these issues are pertinent to customs and traditions and subject to change such as costumes and dress codes, method of eating and drinking, wearing perfumes among other minor issues. I believe that the danger does not come from turning these fine details of the past into big issues in our present which are worthy of debate but the real danger rather comes from taking this rigid way of thinking as a measure with which people are evaluated so whoever follows this extreme methodology is welcome on board while any rising opponents are subject to hostility and defamation. The problem is that this created illusion leads to living an isolated life which in turn leads to a point where he believes that it is necessary for him to commit suicide and explode himself where people are around. He does not see a point out of his life because he swims against the current and he believes that he needs to procreate more and fill the earth with his children's screams to cover up for the gap of lacking quality of thinking so he turns to quantity instead.

Another characteristic of this inclusive and isolated way of thinking is extremism. The one who adopts this way of thinking believes that life is a sin from which one should seek purification and purification comes through many forms such as refraining from all signs of life like arts, literature, social activities and sharing people's lives in good times and bad ones. It also goes to an extent of refraining from learning etiquettes and fine manners. We find that these people brag about not indulging life and not caring much about it yet they can't fully apply this extreme way of thinking about life. For this reason we find him contradicting himself as he picks and chooses between doing and refraining from certain types of things which all fall in the same category. This means that the only guide for his choice is his own personal desire and whims. This mentality

goes by far against the scientific mentality which applies logic by which societies are built and that is why he finds difficulty in absorbing and grasping the way the scientific mentality functions; a fact which makes it difficult for him to adopt straight thinking.

Thus he is always a rebel and isolated which makes it difficult for him to trust authentic scholars as he only places his trust in a small group of extremists who play along his own whims and desires; a fact which makes it difficult for him to receive and absorb any authentic information.

Those who adopt such extreme way of thinking has a mentality which believes in conspiracy theory and thus he sees all people around him plotting against him in an attempt of destroying him; a belief which makes him always cautious, alert, defensive and stubborn in his dealings with people around him.

The one who has this mentality is usually conceited, proud and think highly of himself while looking down on others. He simply turns speculative matters to decisive definite issues. Also the issues which are subject to consideration and variation in opinions turn to necessary matters which are not eligible for debates. This mentality fails to set priorities straight and messes with the balance with which issues are measured and that is why trivial matters take precedence in their scale of priorities over grand matters which are of immense importance. They prefer personal interest over communal and general one; an attitude which has a negative effect over the society as a whole.

One of the major characteristics of this extreme mentality is that they stand firmly against all forms of reform and renovation in Islamic societies under the guise of prohibited innovations. They always tend to stick to forms not meanings and they

always stand with the husks and never penetrate through the kernel. They also use their own desires in understanding textual scriptures. Moreover they hold a tight grip over Muslims through widening the circle of prohibition which makes people fail to enjoy life. They release themselves from abiding by the true scholarship of authentic scholars and moderate methodology of Islam and choose to enter into a strange phase of reading the legal texts with no prior education or legal training so they walk blindly and come up with weird legal rulings and extreme juristic stances. They tend to underestimate the prestigious positions of scholars and place highly half and self claimed ones. They also master the art of accusing Muslims of committing disbelief and polytheism and call for raging wars against their fellow Muslims because they simply differ with them and refuse to adopt their extreme mentality and rigid way of thinking.

I believe that it is about time for the resistance of this extreme thinking methodology to take a national level and our path for gaining the momentum of reform and resistance is to resort to the Azhari methodology which under its auspices authentic knowledge and true teachings of Islam were spread across the globe. The Azhari methodology teaches the Ash'araite school of theology which is the school of most Muslims across the world. It also teaches the four Sunni legal schools of jurisprudence (Hanafi, Maliki, Shafi'I and Hanbali) without denying the necessity and vitality of individual and group based independent legal reasoning (ijtihad) and with the permissibility of taking juristic opinions from the rest of the eight legal schools of jurisprudence such as al Ibadhiyyah, al Zahiriyyah, al Imamiyya, al Zaydiyyah. This capacious mentality gives room for integrating juristic opinions that are taken from the Islamic rich juristic heritage which reached more than eighty different schools of jurisprudence across its history along with taking

juristic rulings from both the Quran and the Prophetic sunnah to cope with the needs of our time and the challenges that we face today.

In our contemporary world we also need to turn our eyes towards the major objectives of Shari'ah in terms of preserving mind, self, religion, dignity and possessions which are the fundamental tenets that represent the general system and are the bases for human rights. It also works as a blue print for the Islamic civilization. In terms of ethics, the Azhar teaches the different schools of Sufism through which one can purifies his heart from conceit, pride etc..and adorn his heart with righteousness, authentic legal authority, beneficial knowledge along with obedience to God and his Prophet (peace be upon him)

Some people believe that such extreme current may be beneficial and that religious multiplicity is a good matter and that is an erroneous stance. The favored multiplicity is the one that was adopted by al Azhar for centuries. It is a multiplicity which does not make people repulsive of religion and does not hold a sword against the belief of others. God says in the Quran, "...As for the foam, it vanishes, [being] cast off; but as for that which benefits the people, it remains on the earth. Thus does Allah present examples. (13:17)

Religious devotion vs. radical extremism: a relationship in the making?

With the unprecedented wave of radical and extremist ideologies which took a brutal turn by the appearance of blood thirsty terrorist groups such as QGIS claiming to be Muslim believers, some questions regarding the association between religious devotion and radical extremism raised on the surface. These terrorist groups and its likes which boldly claim a religious motivation behind their horrendous acts raise the doubt of the possibility that any devout Muslim could perhaps potentially one day become a terrorist or radical.

By analyzing the psychology and the social background of these terrorists and through a decade of counterterrorism research along with the analysis of volumes of extremist literature and dialogue with thousands of current and former terrorists, two unambiguous conclusions were drawn. First it is not devout Muslims who become terrorists. Second, terrorists are driven by political belief, not by religious faith. This means that the Muslims who support violence and terrorism are not the Muslims who are religiously devout, in fact, the two rarely have anything to do with one another, and the latter are usually opposed to the former.

The British intelligence agency has conducted one of the most comprehensive profile of Islamic recruits to terrorism in 2008 and concluded that Muslim terrorists in the West “are a diverse collection of individuals fitting no single demographic profile, nor do they all follow a typical pathway to violent extremism.” Also the report says that very few of these terrorists were raised in strongly religious household. The report concludes that there is evidence that a well-established religious identity actually protects against violent radicalization.

The agency added that some recruits are involved in drug-taking, drinking alcohol and visiting prostitutes. They therefore tend to be non-faithful individuals who are drawn to radical peer groups for political or personal but not religious reasons. The agency stated four factors which lead to terrorist radicalization: trauma, such as the death of a loved one (10% of terror suspects had experienced this); immigration without family members is another leading factor (third of extremists had migrated to Britain alone as students or labours), third factor is criminal activity (two-thirds had a criminal record) and finally prison (many were radicalized while serving time).

Rik Coolsaet, the Belgian scholar who has led some of the most detailed studies of Muslim radicalization stated that there is a wide difference between religious orthodoxy and political radicalization. Religious orthodoxy starts from a quest for identity, especially demanding in highly uncertain times. Political radicalization starts from opposition to injustice. Religious orthodoxy can lead to a challenge for social cohesion if it leads to individuals and groups into a cultural ghetto. As for political radicalization, it could lead to security threat if some individuals move further down the path to extremism that eventually ends up in using violence as their preferred tool of political action.

The French scholar of Islamic societies, Olivier Roy stated that the process of violent radicalization has little to do with religious practice. Mark Fallon, a former US counterintelligence officer believes that the one thing that was a trigger which turns someone to violence is very personal and usually based on local conditions or a personal event in that person's life which turned him to violence. So in his estimate, it was not about theology and it is not about ideology; It is about identity.

From this brief research, we can conclude that terrorism and extreme radicalization is not the byproduct or the natural outgrowth of religious devotion or an immediate result of abiding to Islamic doctrines. The issue of extreme radicalization is based on personal or political motives and use religion as a cover to justify their heinous acts which are not only condemned by all religions but by humanity at large.

Source: Dough Saunders, "The Myth of the Muslim Tide".

Straight and Crooked Thinking: The Malady of Our Time?

The intellectual ability to think is a divine gift which is bestowed to humans by God and therefore we are asked to use it in managing the affairs of our lives. More importantly God tied between abiding by the legal commitments in terms of prohibitions and obligations which are manifested in theology, law and ethics and between the capacity to think which is the base for understanding.

Thinking is a process by which one reaches new results by the virtue of combining and arranging pieces of available information. This available information should represent reality and one has to exert his efforts to confirm its correspondence with reality or else we will easily be dragged to legends and myths which have no place in the intellect of those who think straight. Every piece of information belongs to a certain field of knowledge and has its methodological way of proving its information. Also each field has criteria through which proofs are either deemed accepted or rejected.

Some matters depend on senses and experiments like for example the fact that fire burns, sun shines and the proofs of these matters go back to realization through the senses or trusted news. Other matters are proven by the intellect like mathematical facts. A third type of proving some matters rely on transmission like linguistic and legal rulings. All these different methods of proving different matters need a sound methodology of experiment, observation and conclusions. This process needs to be repeated in the mind till its reality settles and is ready to be used.

Logicians name the complete sentence which results from sound information that is based on sound methodology, “the perfect relation” and its definition is proving either the addition or rejection of one matter to another. If the complete sentence is proved through senses, logicians would add the phrase-based on senses- and if it is proved through transmission, they would add- based on transmission- and if it is proved intellectually, they would add the phrase –not dependent on neither repetition nor transmission.

Deviations from straight thinking can be manifested in a number of ways. For example when someone tries to find a proof for an intellectual issue in transmitted text or determining a sensual issue through the intellect or proving a transmitted matter through senses. So what actually guards this whole matter is knowledge and the word knowledge in Arabic is not equivalent to the word “science” which is confined only to experimental sciences as for the Arabic usage of the word, it encompasses the differentiation between the definitive and the speculative and the boundaries guarding each of them.

Mixing between the speculative and the definitive is one of the main features of corrupted and deviated thinking and same goes for mixing between the fields of senses, intellect and transmission. Walking blindly without the blueprint and the know-how of using all the different fields as valid representatives of our lived reality is one of the features of crooked thinking and same goes for discarding one field for another.

Crooked thinking leads to nothing but a myth- believing mentality and leads to a lie-based methodology which depends on non factual information and acts in opposition to sound belief. For this reason the verb “to lie” was used by the tribe of Quraysh to mean wrong or mistake and therefore the Prophet

said on the day of the conquest of Makkah “Sa’d lied” when Sa’d ibn ‘Ubadah said “Today is a day of conflict” so the Prophet replied back “Today is a day of mercy”. So linguistically –to lie- here meant to err and in turn the Prophet discharged him from his leading position and appointed his son Qays in his place.

The spread of crooked and deviated thinking makes people live in sheer myths and fallacies which in turn forms the biggest obstacle to developing human beings and blocks human’s creative abilities to blossom in the road of civilizational progress. By drawing a comparative analysis between straight and crooked thinking at the time of our ancestors, we would find that they adopted straight intellectual methodologies and fiercely fought against the spread of crooked thinking.

By the same token we would find that the Western civilization had fought against myths and fallacies in thinking too. One of the ways they had adopted in their struggle against the spread of myths is the principle of specialization and sound authority. They utterly believed in the importance of specialization and rejected wholeheartedly the pantomath figure or the one who knows everything.

When it comes to sound authority and authentic reference points, they differentiated between facts and opinions. Matters that are proven through experiment and senses are not subject to different opinions. Differences in opinions are sound when it comes to managing the affairs and the interests of the community where multiple of opinions are tolerated whether from specialists or public thinkers.

It seems that these simply agreed on facts are hard for a lot of people to follow and the blind insistence on dodging from using

a logical straight way of thinking and refraining from turning to specialists in different fields combines between ignorance and conceit and should be fought systematically starting with school curricula and ending with media outlets.

It is also important to mention the fact that the juristic scholars defined the science of Islamic jurisprudence as the science of realizing the legal juristic practical rulings attained from its detailed proofs. This science has its own issues, methodologies, tools and scholarly curricula, schools of thoughts and its ancillary sciences.

In other words it is a definitive well thought out science that is not left open for uneducated thoughts or opinions. It is a science that does not know discrimination and does not approve it. So each male and female, black or white has the right to delve into this science and abide by its methodologies in deducting rulings and same goes for other fields of sciences. Liberalism has nothing to do with infusing one's uneducated opinions and force it to a defined well established field of knowledge without taking up the legitimate tools which aids one in being a specialist in this science or another.

One of the maladies of our age is the attempt of some people to deal with established sciences as a field play where impressions, personal opinions, whims and desires are trying to have a weight without following the established methodological discourse on which sound opinions are built.

Terrorism Has No Religion

Terrorism cannot be born of religion. Terrorism is the product of corrupt minds, hardened hearts, and arrogant egos, and corruption, destruction, and arrogance are unknown to the heart attached to the divine.

Islam is a religion of tolerance and peaceful coexistence with all of humanity both as individuals and communities. Islam views people as honored creatures without regard for their religion, race, or color. God Most High says, Verily We have honored the Children of Adam. We carry them on the land and the sea, and have made provision of good things for them, and have preferred them above many of those whom We have created with a marked preferment [17:70]. Islam has come up with a code for relations between Muslims and non-Muslims living in the same society: God forbids you not those who warred not against you on account of religion and drove you not out from your homes, that you should show them kindness and deal justly with them. Lo! God loves the just dealers [60:8]. God commands us in this verse to act well towards non-Muslims and not harm them saying, “show them kindness (*tabirruhum*),” for kindness (*birr*) is all that is good. It is as if God is commanding us, and making it preferable that we cooperate with non-Muslims in all avenues of good.

All who truly know Islam are aware of its concern for global peace, since it made it one of its main pillars. Peace (al-Salam) is one of the names of God Most High and it is among His attributes, He said, He is God, than Whom there is no other God, the Sovereign Lord, the Holy One, Peace, the Keeper of Faith, the Guardian, the Majestic, the Compeller, the Superb. Glorified be God from all that they ascribe as partner (unto Him) [59:23]. He made peace His greeting to His servants and

enjoined them to make it their greeting as well; they exchange it whenever they meet, it is their distinguishing mark in the mosque, school, factory, and marketplace. Paradise is named the Abode of Peace: He said, For them is the Abode of Peace with their Lord. He will be their Protecting Friend because of what they used to do [6:127]; and the other verses in which “peace” is mentioned are numerous.

Peace has been the distinguishing mark of Muslims in the East and the West from the advent of Islam to this day. It is the greeting that they give other Muslims when they meet each other and when they depart from each other saying, “Peace be upon you.” This peace and security is not limited just to Muslims. Muslims believe that all men, regardless of their faith, always possess the right to live in peace and security in Muslim lands. Protecting others from oppression within one’s borders is something that Islam makes mandatory emphasizing this and forbidding Muslims to harm or have animosity against those under their protection either by word or deed. God Most High does not love or guide oppressors; He gives them their punishment ahead of time in the world, or leaves them to be punished doubly in the afterlife.

The Quranic verses and Prophetic Tradition that mention the impermissibility, grossness, and the evil effects of oppression are many. Prophetic Traditions have been related specifically warning against oppressing non-Muslims who are under the protection of Muslims or possess treaties with them. The Prophet said, “Whoever wrongs someone with whom the Muslims have a treaty, denies them their rights, burdens them beyond their capacity, or takes something from them without their good will, I am that person’s adversary on the Day of Judgment.” Islam encourages peace and security due to the extremely important effect they have on making life stable for

humanity and making advancement possible in all fields. In order to comprehend the extent of the effect of peace and security on the advancement of peoples, we need to take a look at the destructive effects of war on peoples, advancement, and development, for as the saying goes, “The good of something is revealed by its opposites.” Since the basic components of community development and advancement are the physical well-being of the individuals of the society so that they can fulfill their roles, we find that wars and economic sanctions have a devastating effect on the health and well-being of a community.

Tolerance for adherents of other religions by people whose entire lives are based on a religion by which they have been granted victory and predominance, is something that was previously unknown in the history of religions. This is something to which Westerners themselves bear witness. The knowledgeable French scholar Gustav Le Bon said, “We have seen from the Quranic verses mentioned previously that Muhammad’s magnanimity towards Jews and Christians was most great; something which was not said by the establishers of the religions that predated him like Judaism and Christianity in particular. And we shall see how his deputies followed him in this.” It is both false and unjust to think that Islam is the cause of terrorism just because it is carried out by groups who associate themselves with Islam; otherwise this claim would be call for the destruction of all religions.

For example, we know that Christianity calls for love, and that its followers were oppressed at a time when they were weak, but should we consider that the repression and torture of Muslims and Jews which was carried out by the Church in Spain was the result of the teachings of Christianity? The Church took out its anger on the Jews and Muslims due to the

spread of the philosophy and thought of Ibn Rushd, especially among the Jews, and ruled that all Jews who did not allow themselves to be baptized were to be expelled from the country. They were allowed to sell their property if they wished, but they were not permitted to take any gold or silver with them when they left, so they were forced to accept trade-goods in return for their property. The Jews left Spain leaving their properties behind them in order to escape with their lives, although many were overcome by hunger and the hardship of travel due to their poverty. The Church also ruled in 1052 CE for the expulsion of all Muslims from Spain and its outlying lands if they did not submit to being baptized. The condition imposed upon them was that they not take a road leading to Muslim lands upon their departure, and whoever went against this order was killed.

We are also loath to blame the Crusades on the teachings of Christianity, and we attempt to differentiate between them and the practices of certain Christian extremists and terrorists. The twentieth century, with all of its revolutionary experiments, including all of the barbarism of the communist and Nazi revolutions, falls short in the face of the atrocities of the Crusades against other Christians; some of them would spread their dead defectors out on the ground as a means of fertilization! Viedham mentions that these wars were full of atrocities because the theologians were always ready to pour oil on the fire and revive the soldier's brutality when they were overcome with doubts and weakness. The soldiers may have been brutal, but there were times when they inclined towards mercy; as for the theologians, they considered moderation and mercy a form of treason.

Sheikh Muhammad Abduh says concerning the Inquisition, "The cruelty of the Inquisition was such that people of that time said it was nearly impossible to be a Christian and die at home

in one's bed." He also says, "Between the years 1481 and 1808 C.E. the courts of the Inquisition judged 340,000 people, 200,000 of whom were burned alive." Much closer to us today are the number Afghan villages that were completely destroyed in order to punish one person, and the fires are still burning in Baghdad in order to punish one person because he possesses weapons of mass destruction, which have no existence outside of intentional lies. Similarly the clear and unabashed terrorism practiced by the Zionist entity cannot be blamed on the teachings of Judaism, for all religions came as a mercy to people and a means of spreading justice and forgiveness among them.

This does not mean that we deny the acts of destruction and terror which occur in our secure countries, but they are the result of perverse minds, desolate hearts, and arrogance. Allah says, Behaving arrogantly in the land and plotting evil; and the evil plot only encloses the men who make it [35:43]. In fact the words of God nearly apply directly to them when He says, And of mankind there is he whose conversation of the life of this world please you (Muhammad), and he calls God to witness as to that which is in his heart; yet he is the most rigid of opponents. And when he turns away (from you) his effort in the land is to make mischief therein and to destroy the crops and the cattle; and God does not love mischief. And when it is said to him: Be careful of the duty to God, pride takes him to sin. Hell will settle his account, an evil resting-place [2:204-206]. We ask God to inspire us with guidance and to give peace to our children, our countries, and the entire Muslim community.

And God is Most High and Knows Best.

The execution of Islamic penalties (*hudud*): Myths & facts

The recent brutal incident of stoning to death a married woman under the claim of committing adultery is a new horrendous crime in the series of atrocious terrorist acts that are committed by the sick-minded, cruel-hearted, inhumane group of QGIS.

This appalling incident cannot be associated to Islamic teachings in any way, shape or form as this merciless act is adversary to the merciful teachings of Islam both in letter and spirit. This self-claimed terrorist group which lives in the delusion of establishing a “state” for the sole purpose of gaining power, looting money, usurping lands, enslaving women, slaughtering opponents both Muslims and non-Muslims, recruiting half-educated men to become professional mercenaries; these terrorists cannot be remotely eligible to form a judiciary system authorized to pass judicial verdicts on citizens over alleged crimes.

In general in the criminal law of the Islamic legal system penalties (*hudud*) in Islam are mainly meant to act as a deterrent factor and not to be widely applicable without keeping in mind the strict restrictions and meticulous conditions that should be carefully considered before the execution of such penalties. Any rising speculations regarding meeting one or more of the conditions of applying the penalty leads it to be at halt. One of the major common elements in most of the major penalties to be applied is the element of the availability of trust worthy and honest eye witnesses to testify to the validity of the crimes committed.

There were many discussions about the issue of putting the *hudud* at halt at the end of the nineteenth century, many focused

on the fact that the *hudud* had not been executed. A result of these discussions was the emergence of the term “an era of doubt”. Due to the changing circumstances and the infrequency of people who satisfied the classical requirements for testimony as set out by the jurists, our era came to be known as “the era of doubt[1].” The relevant principle in this regard was that the hudud are to be avoided in cases of doubt. The famous hadith says, “Avoid the *hudud* for the Muslims as much as you can. If you find a Muslim errant, let him to his way. It is better for the Imam to err in granting leniency and forgiveness than for him to err in punishing someone [2].” Also, Umar bin al-Khattab (d. 23 AH) said, “If I can cancel the hudud due to doubts, I prefer that to going through with the punishment in the face of doubt [3].”

Understanding the spirit of justice of the criminal law in the Islamic legislation is crucially important for us to realize the underlying reasons behind the contemporary scholar’s decision of halting the execution of major penalties or hudud due to the extreme difficulty of meeting the necessary conditions for applying these penalties. The modern Islamic scholars were inspired by the thinking methodology of Umar ibn al- Khattab, the second Muslim Caliph who suspended the punishment for theft during the year of famine. The general command is given in the Qur’an: “The thief, male and female, cut their hands.” (5: 38). But the Prophet (peace be upon him) said, “Do not cut in times of drought[4].” And it is related of him in ahadith that he said, “No cutting hands in times of famine[5].” Famine is mostly likely a time of necessity. As such, the presence of this likelihood was thought to be sufficient to suspend the hadd in deference to the protection of one’s bodily integrity, which is part of the objective (maqsad) of protecting the self [6].

This suspension resembles what is related about Umar b. al-Khattab’s (d. 23 AH) moratorium of the punishment for theft.

This did not imply that Umar denied the truth of the hadd, nor that he annulled the shari'a. It is simply an indication that applying the shari'a comes with conditions. One of these conditions is the existence of a specific state of affairs. If that state of affairs is not present, the hadd is not to be imposed. This is in fact squarely part of the shari'a, not outside of it[7].

Regarding the punishment in question of adultery in Islam for the married man or woman is meant first and foremost to work as a deterrent measure to heed people away from committing such major sin. This means that the practical application of this punishment is rare to find as meeting the strict conditions of executing the penalty is extremely difficult. One of the conditions is that four trust worthy and honest eye witnesses must have seen the incident of adultery. Another major condition is that the four witnesses must see the intricate act of the sexual intercourse with their own eyes. In fact, there is a specific punishment for accusing someone with adultery without this condition.

The Qur'an states:

{And as for those who accuse chaste women [of adultery], and then are unable to produce four witnesses [in support of their accusation], flog them with eighty stripes and ever after refuse to accept from them any testimony - since it is they, they that are truly depraved.} (24:4)

The firm conditions for the crime to be witnessed and the strict punishment for false witnessing raises the level of difficulty of executing the penalty and reinforces the essence of deterrence and not execution of such punishment.

We have to emphasize on the fact that according to the Islamic law, the authorities are not supposed to spy on people in order to check who commits adultery and who does not.

Muslim authorities are only supposed to educate their people, not spy on them. Spying is a sin, which the Qur'an is clear about:

{O you who have attained to faith! Avoid most guesswork [about one another] for, behold, some of [such] guesswork is [in itself] a sin; and do not spy upon one another.} (49: 12)

In fact, if one Muslim witnesses what he or she thinks is an act of adultery without the company of three other witnesses, the prescribed action is to conceal or cover these people and not to scandalize them.

Ibn Al-Mulaqqin narrated about the story of stoning Ma`iz:

`Abdullah Ibn Unais came and mentioned Ma`iz's story to the Prophet. So, the Prophet told them: "You should have left him. Maybe Allah would have forgiven him." Then, he told Hazzaal: "O Hazzaal! You did the worst thing to that orphan. If you had covered him with your robe, that would have been better for you." Then, he called the woman who was involved with Ma`iz and told her: "Go", and did not ask her about anything. (Ibn Al-Mulaqqin, *Al-Badr Al-Munir fi Takhrij Al-Ahadith wa Al-Athar Al-Waqi`ah fi Al-Sharh Al-Kabir*, 1st ed. Riyad: Dar Al-Hijrah, 2004, vol. 2, p. 622)

It was narrated in Al-Bukhari and Muslim that Anas narrated that he was with the Prophet when a man came to him and said: "Oh Messenger of Allah, I deserve a hadd (corporal punishment) for something I did. So, apply it to me."

The Prophet did not ask him which punishment he deserved, until the prayer was called for and he prayed with the Prophet.

After the prayer, the man returned to the Prophet and repeated his sentence.

The Prophet asked him: Didn't you pray with us? The man answered: Yes. The Prophet said: "Allah has forgiven you your sin."

Ibn al-Qayyim commented that this man came in a state of repentance without being asked by anybody, so Allah forgave him and the Prophet did not apply the punishment to him for the crime that he confessed. (Ibn al-Qayyim, *I'lam Al-Muwaqifin `an Rabb Al-`Alamin*, Beirut: Dar Al-Jil, 1973, vol. 2, p. 98.)

In short, the eagerness and the zealotry of tracking people's pitfalls and ambushing them into confessing for committing major sins for the brutal purpose of spilling their blood cannot be supported by any legislation divine or human as such crooked way of thinking only comes from hearts who lost all the meanings of mercy and minds which mentally thrives on bloodshed.

[1] Dr. Ali Gomaa, *Al-Tajribah Al-Missriyyah*, p. 41, 42.

[2] *Al-Baihaqi*, Sunan, vol. 8, p. 413.

[3] Ibn Abu Shayybah, *Musanaf*, (al-Rushd Book), vol. 5, p. 511.

[4] Abd al-Razzaq, *Musanaf*, vol. 10, p. 242, through Yahya Ibn Abu Kathir (may God be well pleased with him), (al-Maktab al-Islami Books).

[5] Abu Nu'aym, *Tarikh Asbahan*, vol.1, p.375, through Abu Imamah al-Bahli (may God be well pleased with him), (Dar al-Kutub al-'Ilmiyyah Book). Al-Suyuti declared the hadith weak . see *Fath Al-Kabir fi Dam al-Ziyada illa Al-Jami' al-Saghir*, vol. 3, p. 347, (Al-Halabi Books).

[6] *Al-'Ilm 'Inda Al-Usuliyyin*, p. 347, excerpted from MA thesis composed by a researcher in shari'ah department, faculty of law, Alexandria University.

[7] Dr. Ali Gomaa, *Al-Tajribah Al-Missriyyah*, p. 42.

The fighting verses in the Quran: Are they a hotbed for extremism?

The fighting verses in the Quran are found in Chapter 9 in the Quran titled "al- Tawbah" or repentance. In this article we will have a closer look at the fighting verses and examine the leading exegesis of renowned Muslim scholars to have an overarching look at the context, circumstances, methods, regulating rules, results and amnesties which these fighting verses contained.

The Prophet during his encounter with Quraysh and other tribes which strived to destroy the newly born Islamic state in Madinah suffered immensely from their continuous treachery, breaking vows, betraying trust, breaching pacts and numerous dishonoring peace treaties that they had with the Prophet. The growing powers of the new Islamic state with its popular influence on people's hearts posed a huge threat to Quraysh's economic interests and jeopardize their prestigious position as custodians of the holy site of Ka'ba.

Historical records show that the Prophet was a firm believer in the importance of peace in order to advocate for his divine message and for this reason he conducted the peace treaty of Hdaybiya with the tribe of Quraysh though the terms of the treaty was unfair for Muslims and its conditions were inclined towards favoring Quraysh over them. The Prophet had a foresight and considered this pact as a blessing start which will work for the favor of the advocacy of the Islamic message. The reasons for initiating the treaty were that the Prophet and around 1400 companions embarked on a journey to perform the smaller pilgrimage (umrah) in Makkah in the sixth year of Hijrah.

The Prophet and his companions were not bearing arms but only light weapons customarily necessary to protect themselves from the dangers of the desert roads. The Prophet meant no harm and had no intention of waging a war against Quraysh as he only wanted to perform 'umrah but he learned that Quraysh is raising arms and preparing for a war to prevent him from entering the holy site of Ka'ba. He thus agreed on conducting a peace treaty as he wanted to avoid waging wars at all costs. Although this treaty prevented Muslims from performing 'Umrah on that year and did not allow them to enter the holy site of Ka'bah, the treaty indicated a 10 year truce between the two parties during which safety and security are granted for both of them. Muslims' disappointment were aggravated by the term which stated that Muslims were not to receive any Muslim convert from Quraysh and must return him or her to the tribe of Quraysh whereas Muslims who wanted to go back to Quraysh are welcomed and won't be returned to Muslims.

When the Prophet and his companions were on their way back to Madinah, a Quranic verse was revealed and it described the peace pact of Hudaibiya as a victory and the Quranic chapter which contained these verses was titled (al-Fath) or the Victory. God says, "Indeed, We have given you, [O Muhammad], a clear victory. That Allah may forgive for you what preceded of your sin and what will follow and complete His favor upon you and guide you to a straight path. And [that] Allah may aid you with a mighty victory." (1,2,3:48) The Prophet's companions were consoled with these verses and embraced the goodness of this pact. This incident reveals that Muslims are neither war mongers nor eager to wage wars at all costs to seek some personal interests or achieve mere private gains.

After making the Hudaibiya peace pact, Quraysh breached the pact and waged attacks on the Muslims. Due to these offensive

acts, God revealed some Quranic verses prescribing on Muslims the just methods of engaging in a war with those who did not honor their agreement. The verse says, "So travel freely, [O disbelievers], throughout the land [during] four months..." (2:9) and this means that those who breached the pact by attacking Muslims had four months of safety after which a war will take place as a response for such breach. Al- Tabari (d. 310 H.) in his renowned exegesis Jami' al- Bayan stated that the four month waiting period was only for those who waged an offensive attacks against Muslims and thus breached the peace pact. As for those who did not breach their pact with Muslims and honored their agreement, they were safe and secured. God says { Excepted are those with whom you made a treaty among the polytheists and then they have not been deficient toward you in anything or supported anyone against you; so complete for them their treaty until their term [has ended]. Indeed, Allah loves the righteous [who fear Him]} (4:9)

As for the famous verse exploited by extremists and terrorist as a free-killing pass and always quoted to justify their heinous killings of non- Muslims was actually designated to non-Muslims who breached their peace pact by attacking or conspiring with others to attack Muslims. Therefore God in the verse says, "And when the sacred months have passed, then kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they should repent, establish prayer, and give zakah, let them [go] on their way. Indeed, Allah is Forgiving and Merciful" (5:9)

This verse does not bear multiple interpretations as there is no room to say that this verse meant all non-Muslims regardless whether they kept their pact intact or not because there are multiple prophetic traditions which state that Ali ibn Abi Talib

went to all the tribes which kept their pacts with the Prophet intact and assured them that the pacts will be honored until its due time. This means that Muslims were not killing people indiscriminately and without a legally binding cause. The punishment of waging war if any breaching occurred in the peace treaty between two belligerent parties is an integrated part of the terms of peace treaties in our modern times and approved by the international law.

The merciful nature of war in Islam is even more emphasized in the very next verse in which God says, " And if any one of the polytheists seeks your protection, then grant him protection so that he may hear the words of Allah . Then deliver him to his place of safety. That is because they are a people who do not know". Al- Tabari commented on this verse by saying that this verse proves that Prophet Muhammad and Muslims were not asked to kill polytheists randomly as even after giving those who broke their pacts and launched offensive attacks against Muslims about four months safety period, God instructed the Prophet that even after this safety period if polytheists asked for extension of safety to inquire about the message of Islam and to contemplate on the nature of the Islamic faith, safety should be granted to them and if they were not convinced of the Islamic faith, they should be escorted back to their homes to secure their safety.

These above verses prove that Muslims are not war-mongers and that they don't engage in war fares except for legally binding reasons and with strict principles and clear guidelines of moral conduct. The current horrific images of killing, slaughtering, torturing and mutilating people are nothing but mere deviation from the Islamic faith both in letter and spirit. We call all sensible people whether Muslims or non-Muslims not to be lured by the extremist interpretation of the fighting

verses of the Quran because a religion which was sent only as a mercy to the worlds cannot in any way, shape or form condone such horrific massacres which are totally condemned not only by Islam but by humanity at large.

The Meaning of Jihad in Islam

Within Islam the term jihad refers to a large category of meanings. Today, however, there are attempts to isolate this term to only one form of jihad to the exclusion of all others. This includes a conception of jihad that at best refers only to armed struggle, and at worst to a barbaric form of warfare that seeks to destroy whatever peace may still remain in the world. This could not be farther from the concept of jihad as understood by Muslims throughout history and the world over. For Muslims, jihad is much more than armed struggle against an enemy from the outside for it includes constant struggles within both oneself and one's own society. When jihad actually does take the form of armed struggle, Muslims are aware that it can only be done for the sake of a just cause.

Once, upon returning from a battle, the Prophet Muhammad said to his companions, "We have returned from the lesser jihad to the greater jihad; the jihad of the soul." Here the term jihad refers to the spiritual exercise of opposing the lower self. This is referred to as the greater jihad since people spend their entire lives struggling against the base desires within them that can harm both themselves and those around them.

Jihad is also used to refer to the pilgrimage to Mecca. When lady Aisha, the wife of the Prophet, was asked about the jihad of women, she said, "Your jihad is to make the pilgrimage." Here the pilgrimage is the lesser jihad of women and the elderly who are not members of the armies that fight in defense of the country, so pilgrimage, which is a journey that is comprised of great difficulties due to the crowds and the physically demanding nature of its practices, is called jihad. The term jihad is also used to refer to speaking truth to those in power, so in Islam government oversight is a form of jihad.

In addition to these meanings, the term jihad refers to the defense of a nation or a just cause. This is what jihad was legislated for, and it must be differentiated from indiscriminate killing by the condition that it be “in the way of God,” meaning to struggle in self-defense, to alleviate tyranny, or to prevent aggression. These are the characteristics that differentiate jihad from killing, which is a crime. These characteristics that amount to “in the way of God” are summed up in the Quran, “Fight in the way of God against those who wage war against you, but do not commit aggression – for, verily, God does not love aggressors,” [2:190]. This verse summarizes everything that has been agreed upon concerning guidelines of warfare, including the first and second Geneva Conventions.

As for suicide bombing, Islam forbids suicide, it forbids the taking of one’s own life. In addition, Islam forbids aggression against others. Attacking civilians, women, children, and the elderly by blowing oneself up is absolutely forbidden in Islam. No excuse can be made for the crimes committed in New York, Spain, and London, and anyone who tries to make excuses for these acts is ignorant of Islamic law (shari’ah), and their excuses are a result of extremism and ignorance.

Gender Equality in Islam

Islam adopts the perspective of gender equality, but it does not endorse the idea of gender equivalency. Islam affirms the difference between the natural dispositions and constitutions of men and women. Women have the ability to bear and nurse children, whereas men do not, so there is a lack of equivalency in regards to the physical and psychological make-up of men and women, but both enjoy rights and bear responsibilities, in which respect they are equal.

It is from this perspective that the Quran says, “Do not covet the bounties which God has bestowed more abundantly on some of you than on others. Men shall have a benefit from what they earn, and women shall have a benefit from what they earn. Ask, therefore, God [to give you] out of His bounty,” [4:32] which is reaffirmed by the saying of the Prophet, “God condemns those men who seek to be like women, and He condemns those women who strive to be like men.” This is forbidden, and Muslims are enjoined to accept what has been allotted them by God; whether they are men or women they should be pleased with those particular masculine and feminine traits that God has bestowed upon them, and they should pray that God give them success in truly realizing them. The Quran says, “And women have rights similar to those [of men] over them in kindness,” [2:228]. In this verse that speaks of rights and duties the Quran has affirmed equality. The verse continues and says, “And men are a degree above them.” This degree is clarified in another verse that discusses the issue of maintenance, which is a responsibility rather than an honor, “Men shall take full care of women with the bounties which God has bestowed more abundantly on the former than on the latter, and with what they may spend out of their possessions,” [4:34].

Islam made it obligatory for men to support and care for women, similarly this is one of the rights that women can demand of men. While women are permitted to remain at home, men are obligated to seek a means of sustenance for them. Women are free to care for their children and take on the role of educator and nurturer of the life that originated inside of them. In this respect Islam affords women the highest status. When asked whom one should love and respect the most, the Prophet said, “Your mother, then your mother, then your mother, then your father.”

Islam says, “Men and women are brother and sister,” meaning, “Women have rights similar to those [of men] over them in kindness.” The status afforded men is one of responsibility, not honor. There is no prejudice in Islamic doctrine that prefers men over women. The Quran does not say it has preferred men over women, it says, “Do not covet the bounties which God has bestowed more abundantly on some of you than on others.” Some men may desire the praiseworthy characteristics of women, just like some men desire in women for the praiseworthy characteristics of men, but God forbade this desire. God gave preference to women over men in certain ways, but at the same time He gave preference to men over women others, each regarding particular traits He bestowed upon them. Everyone should be thankful for that which they have been given and strive to fulfill the potential of their unique characteristics. Men should be content with their masculinity, and women should be content with their femininity.

There is a disparity between men and women, but there is no discrimination. Gender discrimination is something that came from outside of Islam, from pre-Islamic concepts that were passed down. This is a perspective that claims women are to blame for humanity’s being expelled from the Garden, but this is not the Quranic version of the story, the Quran states, “Satan caused them both to stumble therein, and thus brought about the loss of their erstwhile state,” [2:36]. The non-Quranic perspective views women as the cause of sin, a seductress, and a devil, however Islam rejects this. The Quran speaks of, “And the righteous women are the truly devout ones, who guard the intimacy which God has [ordained to be] guarded,” [4:34]. These are words that view women as human beings equal to men and sharing responsibilities side by side. This other perspective that was passed down by various peoples and religions has spilled over into the Islamic perspective. But

Islam, when unadulterated by social customs and inherited cultural traditions, views men and women equitably without recourse to bias or discrimination.

Freedom of Religion in Islam

The essential question before us is can a person who is Muslim choose a religion other than Islam? The answer is yes, they can, because the Quran says, “Unto you your religion, and unto me my religion,” [109:6], and, “Whosoever will, let him believe, and whosoever will, let him disbelieve,” [18:29], and, “There is no compulsion in religion. The right direction is distinct from error,” [2:256].

These verses from the Quran discuss a freedom that God affords all people. But from a religious perspective, the act of abandoning one’s religion is a sin punishable by God on the Day of Judgment. If the case in question is one of merely rejecting faith, then there is no worldly punishment. If, however, the crime of undermining the foundations of the society is added to the sin of apostasy, then the case must be referred to a judicial system whose role is to protect the integrity of the society. Otherwise, the matter is left until the Day of Judgment, and it is not to be dealt with in the life of this world. It is an issue of conscience, and it is between the individual and God. In the life of this world, “There is no compulsion in religion,” in the life of this world, “Unto you your religion and unto me my religion,” and in the life of this world, “He who wills believes and he who wills disbelieves,” while bearing in mind that God will punish this sin on the Day of Judgment, unless it is combined with an attempt to undermine the stability of the society, in which case it is the society that holds them to account, not Islam.

All religions have doctrinal points that define what it is to be an adherent of that religion. These are divine injunctions that form the basis of every religion, but they are not a means for imposing a certain system of belief on others by force. According to Islam, it is not permitted for Muslims to reject their faith, so if a Muslim were to leave Islam and adopt another religion, they would thereby be committing a sin in the eyes of Islam. Religious belief and practice is a personal matter, and society only intervenes when that personal matter becomes public and threatens the well-being of its members.

In some cases, this sin of the individual may also represent a greater break with the commonly held values of a society in an attempt to undermine its foundations or even attack its citizenry. Depending on the circumstances, this may reach the level of a crime of sedition against one's society. Penalizing this sedition may be at odds with some conceptions of freedom that would go so far as to ensure people the freedom to destroy the society in which they live. This is a freedom that we do not allow since preservation of the society takes precedence over personal freedoms. This was the basis of the Islamic perspective on apostasy when committed at certain times and under certain circumstances.

The Roots of Extremism and its Dominant Features

In our world today, there is a rising trend of religious extremism which adopts the policy of supremacy of a certain religious ideology to the exclusion of others who fail to share the same perspective or advocate for their core beliefs.

As other world religions, Islam has been subjected to extreme ideologies and miscreant beliefs which could not be any further from the core teachings of Islam both in letter and spirit. In this article, I am attempting to delve briefly into the history of religious extremism with its dominant features for us to have a better understanding of what we are up against.

One of the religious movements that is featured with extremism is a movement that started in the 19th century. After conducting some deep investigations and researches in an attempt to unravel their understanding of the Islamic doctrine, we found that their understanding is limited to issues that are both secondary and scholarly debatable.

They only hold tight to a minority of scholars who share their same religious belief and they chose to turn a blind eye on the overwhelming majority of scholars who are widely known for their intellectual discernment and religious scholarship.

This extremist religious movement adopted an initiative which called for returning back to the Islamic heritage.

This initiative first appeared in Egypt during the British occupation and was used as a slogan for the movement of religious reform that was led by Gamal al Din al Afghani and Muhammad Abduh. Egypt at that time suffered from a constant

increase of different types of unlawful innovations and heresies that had nothing to do with the true teachings of Islam. As a result people were divided into two groups, the first advocated for joining the Western civilization releasing themselves from the shackles of religious edicts and rulings.

The other group was adamant on rectifying and correcting the religious beliefs of Muslims to bring them back to the pure teachings of Islam away from heresies, illusions and myths.

The second group was also keen on connecting Islam with the modern world and finding ways of reaching coexistence between Islam and the western civilization. Therefore the aim behind using the slogan of going back to the pioneers of Islam who left us a vast Islamic heritage was to get rid of all the sediments of heresies and myths which adulterated the purity of Islam in order for Muslims to return back to the correct teachings of their religion and take the earlier Muslims generations as their pioneering example.

Moreover, when the second group of reformers initiated the call to go back to the way of thinking of the early Muslim pioneers, they wanted people to make an intellectual comparison between their miserable status and the illuminated one during the time period of the early Muslims. They aimed at stimulating the resentment of people against their current despicable status of backwardness and ignorance.

During this time, a new extremist school was established and spread in Najd and some remote areas in the Arabian Peninsula. The common feature between the Najd school and the movement of religious reform in Egypt was the determination to fight against heresies and false innovations.

In this way the initiative which called for returning back to the Muslim pioneers of earlier generations turned from a slogan associated with a religious reform movement to a term adopted by a school of thought whose advocates believe that they exclusively hold the correct version of Islam that matches the thoughts of the early Muslims and expresses their understanding and application of Islam.

As a matter of fact, following the early Muslims is not by the mere confinement to the literal wording that they uttered or abiding by their juristic positions that they took regarding secondary issues. The early Muslims themselves did not ask for that. The true emulation would be through turning to the tools and maxims they adopted in textual interpretation and the principles used for conducting independent legal reasoning (*ijtihad*). The early Muslims were pioneers in writing down the guiding maxims and in developing a scientific methodology which enabled them to differentiate between the primary overarching issues and the secondary debatable ones.

Therefore, the true Muslims are the ones who abide by the scientific methodology that the early ones developed in order to deal with scriptural text of the Quran and the Prophetic traditions. Whoever adopts this methodology automatically falls under the appellation of the early Muslims even if he lived centuries away from them and similarly whoever abandons their methodology is not considered one of them even if he lived in the first century of Islam.

Within the fold of the methodology developed by the early Muslims lies a room for multiple opinions and different views. This diversity did not tear their Islamic unity apart or the unity of the later generations of scholars. On the contrary their diversified opinions left a huge intellectual heritage which

stands as an eye witness of scholarly diversity and freedom of thinking.

The early Muslims themselves did not use a certain term in and of itself to correspond to some special characteristics or to refer to a specific intellectual form which would distinguish them from the rest of Muslims. Similarly they did not place their theological beliefs or their ethical conduct and framed it in an Islamic school which has its own independent philosophical and intellectual characteristics. They rather were interactive with their successors (*al- Khalaf*) and had an amiable atmosphere of intellectual debate and scholarly diversity under the umbrella of the scientific methodology which is used as the measure to accept a debate or dismiss it for lacking the needed sound scientific methodology of thinking.

Neither the *salaf* nor the *khalaf* had in mind that a barrier would be constructed by a group of Muslims to block the way of interaction between the two parties and setting them apart from each other coloring each party with an independent type of thoughts, concepts and approaches.

More importantly, the early Muslims did not reach a consensus to follow a certain juristic school when it comes to secondary issues pertinent to particularities and the differences in the branches of jurisprudence which had been transmitted down to us represents in principle the differences among the early Muslims themselves over these issues. Therefore it is not acceptable for anyone to claim that a certain juristic ruling over a specific secondary branch of jurisprudence was adopted by the early Muslims. This claim entails two issues; the first of which is that they had a specific juristic school on which they agreed and that is a mere illusion.

The second issue is that this claim insinuates that the juristic views and schools of thought of the early Muslims were not transmitted by the leading scholars of the schools of jurisprudence which makes their juristic diversity self claimed with no connecting roots to the early Muslims.

The fact of the matter is that the different legal schools of jurisprudence represented the diversity found among the early Muslims and through these different juristic schools, their views were transmitted. Therefore, it would be a deviation from truth for anyone to say regarding any matter that this was the juristic school of the early Muslims because when it comes to secondary matters, what they actually reached consensus on are a handful of issues.

-The features of extremists in modern time

We notice that the opinions, approaches, behaviors, positions, and judgments of most of those who associate themselves falsely to early Muslims are wrongly based. These five elements are essential for students who would like to analyze this phenomenon. More importantly, they often adopt a clashing mentality and this mentality has three assumptions within its fold:

The first assumption is that the whole world hates Muslims and that there is a constant war to demolish them through three main entities Zionism, proselytization and secularism. They also assume that Muslims are the main targets of plots and conspiracies which are sometimes concealed but most of the time they are out in the open.

The second assumption is that clashing with this world is a necessity to revert the aggression and tyranny along with

avenging for what is happening in the Muslim world. The necessity of clashing takes two forms, the first is killing nonbelievers which include all non Muslims and the second form is killing hypocrite apostates who are presumably Muslims yet opposing their line of thinking. We can readily observe the mythical fallacies and erroneous beliefs which unfortunately might attract some ignorant youths to their false call.

The third assumption is that their methodology of thinking is meant to spread widely to become one of the current methodologies of thinking in our world today and this means that their methodology does not need to be confined to a certain organization or a specific institution which we can track but rather spread freely and the loyal believers of this methodology have a free hand to do what they can to spread this methodology with no higher commandment or official orders.

This will only lead to more chaos and this methodology is tightly connected with the theory of creative chaos which is a term that is widely used in our modern literature yet a lot of people are oblivious of its roots, meaning and consequences.

Redirecting the path of these extremists is becoming a real burden on both the progress of Muslims and the renovation of the Islamic religious discourse along with the comprehensive development that the whole Muslim world needs. Unfortunately this extreme line of thinking is becoming a fertile soil for developing extremist ideologies and a base for disintegrating the society and a call for isolating oneself away from his surroundings which most of the time he is incapable of dealing with in the first place.

We ought to exert our efforts to fight against this extreme ideology which no longer represents a danger to itself alone but is forming an eminent threat to our youth and society in whole.

There is No Place for Terrorism in the Practice of Islam

There is no religion worthy of the name that does not regard as one of its highest values the sanctity of human life. Islam is no exception to this rule.

Indeed, God has made this unequivocal in the Quran by emphasizing the gravity of the universal prohibition against murder, saying of the one who takes even one life that "it is as if he has killed all mankind". Islam views murder as both a crime punishable by law in this world and as a major sin punishable in the afterlife as well. Prophet Mohammad said: "The first cases to be decided among the people on the Day of Judgment will be those of bloodshed."

The Islam that we were taught in our youth is a religion that calls for peace and mercy. The first Prophetic saying that is taught to a student of Islam is: "Those who show mercy are shown mercy by the All-Merciful. Show mercy to those who are on earth and the One in the heavens will show mercy to you." What we have learnt about Islam has been taken from the clear, pristine, and scholarly understanding of the Quran: "O people, we have created you from a single male and female and divided you into nations and tribes so that you may know one another."

Terrorism, therefore, cannot be the outcome of any proper understanding of religion. It is rather a manifestation of the immorality of people with cruel hearts, arrogant souls, and warped logic. It is thus with great sadness and outrage that we witness the emergence of this disease in our nation with the recent bombing outside a church in Alexandria that killed over 20 Egyptian citizens. There is no doubt that such barbarism

needs to be denounced in the strongest of terms, and opposed at every turn.

Just as importantly, we must counter the deviant beliefs that underpin such gross transgressions. Despite their confused claims, terrorists are miscreants who have no legitimate connection to the pure Islamic way, whose history and orthodox doctrine are testaments to the Islamic commitment to tolerance, compassion and peace.

The Quran is clear that "God has honored the children of Adam." Islam therefore makes no distinction among races, ethnicities, or religions in its belief that all people are deserving of basic human dignity. Furthermore, Islam has laid down justice, peace and cooperation as the basic principles of interaction between religious communities, advising Muslims that the proper conduct towards those who do not show aggression towards us is to act with goodness and justice. Indeed, this is the way of the true Muslim, for "God loves the just".

As in all matters, the Prophetic example is the best of all models. The Prophet considered non-Muslims and Muslims as participating in a social contract that was inviolable. The promise of a Muslim is sacrosanct, for as he said: "Whoever unjustly persecutes one with whom he has an agreement, or short-changes his rights, or burdens him beyond his capacity, or takes something from him without his blessing, I myself will be an argument against him on the Day of Judgment." What sort of Muslim not only deprives himself of the intercession of the Prophet of God in front of his Lord, but indeed puts himself at odds with him?

This act of terrorism was an affront to all Egyptians. It must not be used to sow discord in a country where Christians and Muslims have lived together in peace for centuries. It is vital for the peace of the region and wider world that the place of all religious communities and their full participation in society should continue to be fully protected and assured. We therefore welcome the firm resolve and assurances of all those in authority to make sure this will continue to happen.

Together with the Bishop of London, my co-chair at the C1 Foundation for building peaceful relations between the western and Islamic world, we always made clear that everybody needs to understand that any act of violence, crime or terror is an action against God, faith and religion. Whoever declares crime in the name of God or any religion is false and nothing other than a criminal who needs to face the power of the legal system.

Let me be clear by reiterating that Islam is utterly against extremism and terrorism but unless we understand the factors that provide a rationalization for terrorism and extremism, we will never be able to eradicate this scourge. This must be understood in order to build a better future that can bring an end to this grave situation that is destroying the world.

All Egyptians stand united against such behavior. Sectarian conflict is foreign to Egypt, and those who seek to use this as a pretext to stoke sectarian tensions need to be opposed in every way possible. At such a sensitive moment, we Egyptians must not participate in the spreading of rumors of such tensions. Rather, we must remain united. We must continue to treat each other with the goodness and respect that has long characterized Egyptian society.

My heart, my thoughts, and my prayers go out to the families who have lost their loved ones. We offer our deepest and sincerest condolences to the families of the victims and pray for a speedy recovery of the wounded.

War in Islam: Ethics & Rules

Islam as a complete system encompasses all aspects of life and places principles and methodologies which help people to face the challenges which they encounter on a daily basis. Islam managed to connect between worldly affairs and human behavior without turning a blind eye on the hereafter and the next world.

This comprehensive understanding of world issues applies on the concept of war in Islam which is governed with restricted rules that makes it one of the noblest forms of war fares and was legislated for defending human rights, preventing injustice and oppression and preserving human rights.

Some of the results and consequences which are sought out of war from the Islamic perspective are as follow:

- Disciplining the self to get accustomed to chivalry, knighthood and nobility.
- Setting freedom and justice for all people regardless of their religious affiliation or creedal beliefs.
- Spreading the merciful message of Islam which encompasses beauty, goodness and righteousness.
- Giving priorities to public issues over personal interests.
- Achieving deterrence force to secure people in their lands.

If we reviewed back Prophet Muhammad's noble biography, we would figure out that he did not resort to the military option unless he exhausted all other peaceful means. The Prophet's

tribe of Quraysh had an aggressive assaulting stance against Islam. Quraysh chased Muslims out of their homeland and persecuted them for the mere fact of embracing Islam and believing in the Oneness of God; a fact which forced the Prophet to fight them back.

God commanded us to avoid going into wars as much as we can and seeking peace in every way possible. The Prophet (peace be upon him) said, “Don’t wish to meet the enemy but if you meet them, be patient” (Muslim). This indicates the necessity of not being hastened in resorting to military options and favoring peace and peaceful solutions to conflicts as much as possible.

The reasons behind which Muslims resort to war are pertinent to preserving human rights and dignity. This meaning was clearly emphasized in the Quran when God described the type of war that He approves of by attaching the attribute of (*fi Sabil Allah*) which means for the sake of God. This means that going into wars is not performed out of personal interests or private gains but rather are conducted for human value and general interest.

Some of the reasons of going to wars in Islam are as follow:

Defending for one’s life and responding to aggression. This is a human right that applies on Muslims and non Muslims alike. The Islamic Shari’ah couldn’t have prevented Muslims from responding back to aggression and harm as the Islamic Shari’ah with all its rulings in entirety revolves around the human being and its higher objectives are all about preserving his life, religion, dignity, mind and possessions. God says in the Quran, “Fight in the way of Allah those who fight you but do not transgress. Indeed, Allah does not like transgressors”. 2:190 and says, “Allah only forbids you from those who fight you because

of religion and expel you from your homes and aid in your expulsion - [forbids] that you make allies of them. And whoever makes allies of them, then it is those who are the wrongdoers.” (60:9)

Responding to aggression and assaulting of one Muslim group on another Muslim group. God says, “And if two factions among the believers should fight, then make settlement between the two. But if one of them oppresses the other, then fight against the one that oppresses until it returns to the ordinance of Allah . And if it returns, then make settlement between them in justice and act justly. Indeed, Allah loves those who act justly.” (49:9)

Fighting those who cut off roads and raise their weapons on Muslims and loot their money. Those muggers should be prevented in all ways even through fighting. God says, ““Indeed, the penalty for those who wage war against Allah and His Messenger and strive upon earth [to cause] corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. That is for them a disgrace in this world; and for them in the Hereafter is a great punishment” (5:33)

Protecting homeland and assisting persecuted Muslims anywhere in the world. All Islamic countries from the Islamic perspective are but one country which should be protected. God says, “And what is [the matter] with you that you fight not in the cause of Allah and [for] the oppressed among men, women, and children who say, "Our Lord, take us out of this city of oppressive people and appoint for us from Yourself a protector and appoint for us from Yourself a helper?" (4:75)

Securing the freedom of disseminating the Islamic message as Islam is an international call which Muslims are asked to invite others to. Therefore it is incumbent upon Muslims to deliver the Prophet's message to the world and then leave people free to choose what to believe. God says, "Fight them until there is no [more] fitnah and [until] worship is [acknowledged to be] for Allah . But if they cease, then there is to be no aggression except against the oppressors." (2:193)

Through this great constitution which is placed to guide war fare in Islam and commands Muslims not to start assaulting others, Muslims learn war ethics and values that are implanted in them through the Islamic Shari'ah and its restricted guidelines for conducting war fares. Islam raises Muslims to become knights and noble warriors instead of training them to be blood hungry. War ethics in Islam is an all encompassing system which includes ethics before, during and after conducting wars.

Moral ethics before going to war

Refraining from committing treachery and betrayal; this means that if a treaty was concluded between Muslims and another country and this country performed actions which insinuate breaching the terms of the treaty, Muslims are not allowed to go into war with them unless the other country which breached the treaty is notified about annulling the treaty before going into war fare provided that sufficient time is given for them to ponder over breaching their treaty as they might retreat and ask for renewing the treaty and maintain peace. God says in the Quran, "If you [have reason to] fear from a people betrayal, throw [their treaty] back to them, [putting you] on equal terms. Indeed, Allah does not like traitors." (8:58)

Moral ethics in the start of fighting

Knowing the enemy which Muslims are fighting against and refraining from fighting those who did not participate in fighting:

God only limited killing when it is for the purpose of benefitting people and therefore God said repetitively in the Quran, “Don’t transgress” which means that we are only allowed to fight those who fight against us without transgressing through fighting others who are not part of the combat. Prophet Muhammad (peace be upon him) classified those that Muslims are not allowed to fight and they included women, children, old people, crippled, blind, handicapped, one whose right hand is cut off, lunatic, monks in monasteries, wanderer in mountains who is not mixed with people, people who are secluded in a house or a church worshipping in a locked door.

Forbidding soldiers from destruction and demolishing properties:

The Muslim combatant is committed to preserve souls and money of the weak, the innocent, the unarmed, the non combatant and is warned against destroying civilizations and infrastructure of the place they are fighting in. Therefore Muslims are not allowed to sabotage or destroy anything during the fight as this is considered as corruption in land and God does not like corruption. Therefore Muslims do not demolish lands of the combatants of the other army, or burn their harvest, or slaughter their animals without a necessity, even burning or drowning beehives is not allowed.

Forbidding mutilation of corpse and burning people alive

God commanded us in fighting to treat the other party with an equal treatment similar to that with which they treat us. God says in the Quran “the sacred month, and for [all] violations is legal retribution. So whoever has assaulted you, then assault him in the same way that he has assaulted you. And fear Allah and know that Allah is with those who fear Him.” (2:195)

So Muslims are not allowed to violate human sanctity and transgress against ethical values. Therefore, if the enemy found it eligible to violate the sanctity of women or mutilate the bodies of the dead, we are not allowed to conform with or respond back with equal brutality which reveals nothing but warped minds and corrupted hearts. Prophet Muhammad (peace be upon him) advised war leaders saying, “Don’t exaggerate, or betray or mutilate” and in another hadith the Prophet said, “Don’t torture people”.

Protecting the right of civilians and those which Muslims vowed to protect

When a war fare is waged between Muslims and another country, the citizens of our adversaries who reside in our lands should be protected and their rights should be intact. This means that Muslims are not allowed to transgress against them once the war starts or confiscate their money or subject them to any kind of harm. They should be rather guaranteed safe arrival to their homelands. God says, “And if anyone of the Mushrikun (polytheists, idolaters, pagans, disbelievers in the Oneness of Allah) seeks your protection then grant him protection, so that he may hear the Word of Allah (the Qur’an), and then escort him to where he can be secure, that is because they are men who know not.”(9:6)

Hastening in accepting invitations for peace once the enemy leans towards it: God says in the Quran, “But if they incline to peace, you also incline to it, and (put your) trust in Allah. Verily, He is the All-Hearer, the All-Knower.”(8:61)

This means that if the enemy leaned towards making peace then Muslims are commanded to follow suit and this meaning is reiterated when God says, “And fight them until there is no more dissension and (all and every kind of) worship is for Allah (Alone). But if they cease, let there be no transgression except against Az-Zalimun (the polytheists, and wrong-doers, etc.)” (2:193)

It was narrated that the Prophet was once travelling with his companions and they suffered from extreme exhaustion and hardship so they found a herd of goats so they took it and their pots were boiling when the Prophet came leaning against his bow and extinguished the fire of the pots with his bow and threw dust on meat saying “plundering is not less prohibited than eating the meat of dead animals” (Abu Dawud).

Fulfilling vows:

God says in the Quran, “And fulfill the Covenant of Allah (Bai'a: pledge for Islam) when you have covenanted, and break not the oaths after you have confirmed them, and indeed you have appointed Allah your surety. Verily! Allah knows what you do (16:91) and also says, “...And fulfil (every) covenant. Verily! the covenant, will be questioned about.” (17:34)

The Prophet said, “Whoever has a covenant with a group of people should not pull the knot or untie it unless the due date of the covenant comes up...” (Abu Dawud)

Mercy in treating war captives and forbidding any assaults on them:

Muslims should treat war captives with mercy and respect. God says, "And they give food, inspite of their love for it (or for the love of Him), to Miskin (poor), the orphan, and the captive, (Saying): "We feed you seeking Allah's Countenance only. We wish for no reward, nor thanks from you." (76:8-9)

It was reported through Abu 'Aziz ibn 'Umayr, the brother of Mus'ab ibn 'Umayr, that he said, "I was among the war captives in the day of the battle of Badr so the Prophet said, "Be good to the captives" and then Abu 'Aziz continue narrating that he was held captive and remained with a group of the Ansar and whenever the time of lunch or dinner comes, they would serve him dates while they ate wheat in compliance with the Prophet's advise of treating the captives with goodness.

Jihad does not cease once the battle is over or the Muslim army is given latitude to return back to relaxation and sitting back because the truth of the matter is that fighting in battles is merely the lesser jihad and once they are done with it, they return back to the bigger jihad which is jihad against one's lower self to prevent it from going back to laziness and indolence. It is rather incumbent upon Muslims to preserve human life whether in war or peace. Therefore it is necessary for the Islamic army during the time of peace to perform its effective social duty through which it can contribute in developing the society and enriching its resources

Shattering the myth of the alleged caliphate of QIS

It hardly needs to be emphasized that the biggest threat to peace in today's world comes from religiously motivated violence operating in many regions across the world but in particular those terrorists, who are better identified as QIS or Al-Qa'ida Separatists in Iraq and Syria, who perpetrated the most horrifying massacres day in day out.

They claim to be establishing what they call "Islamic caliphate", thus eliminating mainstream interpretations of Islam and the opinions of genuine Muslim scholars whom they do not recognize as Muslim.

They never explain, however, what an "Islamic state" got to do with their terrorist actions like brutally slitting throats, burning schools and oppressing women and killing religious minorities, terrorizing and violating the human rights of people in the most blatant manner possible.

We the mainstream Muslims should not leave the field open for prejudices to be formed against all of us and our religion. I personally find it difficult to blame the average people of non-Muslim world who are fast developing Islamophobic tendencies. While there indeed are forces who are exploiting the situation to further their own vested interests, I feel that it is the total passivity of mainstream Islam, the nonchalance of the moderate Muslims that is largely to blame for this state of affairs. I hope the time has not passed for us to do something about it and join the struggle in earnest. The war against terror has to be fought and won by us Muslims on the ideological front.

What has been worrisome to me is the attempts to mobilize Muslim youth by raising deceitful slogans thus playing an important role in destroying the region's unity and integrity.

In this essay I offer a counter argument to the opportunistic call to establish the Islamic State or a Muslim Caliphate by employing a global "jihad" or to be precise an inter ethnic cleansing directed against the followers of their own faith as a means to accomplish their alleged goal.

Historically speaking, Muslims have disagreed over the question of whether the caliphate is a religious obligation or merely a political option as they likewise disagreed over the specific connotation of several texts upheld by some religious schools.

By looking back at accounts in the aftermath of the demise of the Prophet 623 AD, where selected delegates met at Saqifat Bani Sa'da, it is evident that a strong argument arose between the two communities, the Meccan immigrants, the Muhajirun, and the Medinian converts and helpers, the Ansar, over the entitlement of each party to choose the successor to the Prophet.

The two parties who were present at the assembly understood the meaning of 'caliphate' well as they talked of succession to the Prophet's 'political authority' or, in their words, to 'Muhammad's sovereignty'.

The content of the argument that took place at the time, manifests the political nature of the contention over the succession to Muslim rule. Umar Ibn Al-Khattab supported the Muhajirun's entitlement to succession with the following argument, "By God, the Arab tribes would not agree on any

leader other than a person from the Quraysh tribe.” In support of Umar’s words, Sa’d Ibn Bashir from the Ansars said, “Muhammad, the Messenger of God, is a Quraishite and his fellow tribesmen are more entitled to [a successor from his tribe].”

It follows that Muslim jurists and political writers did not derive the concept of "caliphate" from religious texts or that the Prophet (peace be upon him) commanded the institution of this form of governing system. Rather, Islamic jurisprudence only managed to compile and codify the experiences of the period that followed the Prophet's death, especially the time of the "rightly Guided Caliphs". Consequently, throughout the various stages of its evolution, the caliphate theory was considered "a practical codification of the political system dictated by the then political, social and religious landscape". And with each wave of change in the form of the system due to the transmission of authority, the theory of caliphate changed accordingly.

Political necessities rather than religious obligations were the most important factors influencing the form and acceptance of this institution. They thought back then that without a commander to succeed the Prophet after his death, the "entity of Islam" would surely disintegrate and the affairs of the Muslims would fall in the hands of incompetent individuals. In addition, the existence of a commander figure was imperative to spread religious enlightenment and guard Muslim borders, thereby increasing the spread of Islam.

Numerous books were authored that strongly suggest that the texts mentioned on the Sunni Caliphate and Shi'a Imamate were written in the context of political conflict among religious sects and in light of the conflict that erupted after Mu'awiyya introduced dynastic succession to Muslim rule.

This discussion aims to explain that the “caliphate” is not mentioned in religious texts but, like the rest of the political systems, is the product of human endeavor subject to territorial and circumstantial changes and to historicism. Based on this, the success or failure of any political system depends on its ability to adapt to and justify its existence and preserve its societal laws, a matter that cannot be imposed by means of established religious texts. Rather, this is manifested in the principle that the prophet laid down himself “You know best the affairs of your worldly life”. The need for a successor after Messenger’s death was only due to the fact that the law cannot be put into practice without the existence of an authority to enforce it. The caliphate was the only legitimate authority and the existing political option at the time.

In spite of this, the legal scope was restricted by the law’s sacred. The caliph in this ruling system was the only legislative authority. If Muslims at that time had recourse to other political options, they would have surely taken them into consideration. With this said, does the current call to establish a so called Islamic State imply that we are to do away with the political system of the modern nation state existing at present and embark on a replication of the ancient political choice of the Caliphate? Does the call of QGIS carry any weight?

Before delving into these questions, we need to reiterate the understanding of the mainstream Muslim Scholars that Islam is not a static, authoritarian system devoid of flexibility. To live in accordance with Islam does not necessitate a return to the middle ages, nor does it require that we cease to be who we are. Islam has never required its adherents to give up their own cultures nor dictated on them a specific norm of governance.

This flexibility is not just present in the cultural output of Muslims. It is an integral part of the Islamic legal tradition as well; in fact you could say it is one of the defining characteristics of Islamic law. Islamic law is both a methodology and the collection of positions adopted by Muslim jurists over the last 1,400 years. Those centuries were witness to no less than 90 schools of legal thought, and the twenty-first century finds us in the providential position to look back on this tradition in order to find that which will benefit us today. This is one of the first steps in the issuing of a fatwa. Fatwas represent the bridge between the legal tradition and the contemporary world in which we live. They are the link between the past and the present, the absolute and the relative, the theoretical and the practical. For this reason it takes more than just knowledge of Islamic law to issue a fatwa. Muftis must also have an in-depth understanding of the world in which they are living and the problems that their communities are facing. When those who lack these qualifications issue fatwas the result is the extremism we see today. We have to be clear about what is at stake here. When each and every person's unqualified opinion is considered a fatwa we lose a tool which is of the utmost importance to reign in extremism and preserve the flexibility and balance of Islamic law.

The experience that Egypt went through can be taken as an example of this. This period of development was begun by Muhammad Ali Pasha around the early nineteenth century and was continued by the Khediv Ismail who attempted to build a modern state. This meant a reformulation of Islamic law, but not a rewriting of it.

Many people are under the impression that Egypt adopted French law. This is not the case. Islamic law was rewritten in

the form of French law, but retained its Islamic essence. This process led Egypt to become a modern state run by a system of democracy. None of the Muslim scholars of Egypt objected to this. Muslims are free to choose whichever system of government they deem most appropriate for them. The principles of freedom and human dignity for which liberal democracy stands are themselves part of the foundation for the Islamic world view; it is the achievement of this freedom and dignity within a religious context that Islamic law strives for.

The world has witnessed tremendous change over the last two hundred years. This change came in the form of new technologies and political ideologies. There were also new communications technologies developed allowing us to be aware of what is happening in nearly every part of the world the instant that it occurs, whereas in the past it would take months if not years for even the most urgent news to spread. This wave of change has caused a complete alteration of nearly every aspect of our lives. It is this modern occurrence that presents the greatest difficulty to Muslim jurists and Muftis. In the past, there was little alteration of the way things worked and progressed. Even when things changed it was slow and isolated to a handful of fields. The change of the past two hundred years, however, has made it necessary to re-examine how everything works. Meaning that the way in which Islamic law is applied must take into account this change.

The flexibility and adaptability of Islamic law is perhaps its greatest asset. To provide people with practical and relevant guidance while at the same time staying true to its foundational principles, Islam allows the wisdom and moral strength of religion to be applied in modern times. It is through adopting this attitude towards the Sharia that an authentic, contemporary,

moderate, and tolerant Islam can provide solutions to the problems confronting the Muslim world today.

Is brutally killing people a part of an Islamic state?

God upholds the sanctity of life as universal principle. "And do not kill one another: for, behold, God is indeed a dispenser of grace unto you!" (4:29). This can be interpreted as a prohibition on suicide, as well as murder: Do not kill your individual self, and do not kill other humans, who are like yourselves.

The parable of Cain and Abel illustrates God's negative attitude towards those who transgress this principle. Both offer a sacrifice to God, but the sacrifice of the righteous, God-fearing brother is accepted while his brother's is rejected. The rejected brother flies into a rage and threatens to kill his brother out of jealousy. "and convey unto them, setting forth the truth, the story of the two sons of Adam - how each offered a sacrifice, and it was accepted from one of them whereas it was not accepted from the other. [And Cain] said: 'I will surely slay thee!' [Abel] replied: 'Behold, God accepts only from those who are conscious of Him, 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' (5:27-28).

But the rejected brother refuses to listen to him and ultimately murders his brother. "But the other's passion drove him to slaying his brother; and he slew him: and thus he becomes one of the lost" (5:30). One who kills another ensures that he will be "lost" to God's guidance in this life. And denied entry to paradise in the Afterlife. Eventually, Cain realize the enormity of his deed, and he is stricken by remorse. "Thereupon God sent forth a raven which scratched the earth, to show him how he might conceal the nakedness of his brother's body. [And Cain] cried out: 'Oh, woe is me! Am I then too weak to do what this

raven did, and to conceal then nakedness of my brother's body? – and was thereupon smitten with remorse' (5:31).

In sum, the Cain and Abel example underscores the sanctity and value of human life in Islam. As the moral of the story, God states, "Because of this did we ordain unto the children of Israel that if anyone slays a human being - unless it be [in punishment] for murder or for spreading corruption on earth – it shall be as though he had slain all mankind; whereas, if anyone saves a life, it shall be as though he had saved the lives of all mankind" (5:32). The value of merely one life is such that it is worth the lives of an entire nation. To murder another person is to murder one's own brother, since all human beings are the progeny of Adam.

God views murder as a major sin, condemning the offender in the Afterlife. This theme is mentioned, for example, in the following two hadiths. "One of the evil deeds with bad consequence which there is no escape for the one who is involved in it is to kill someone unlawfully." "the Prophet said, "The first cases to be decided among the people (on the Day of Resurrection) will be those of blood-shed."

The following three verses elaborate on the value of life, but also introduce the role of law to deal with murder as a crime, and not just as a sin. Surah al Furqan equates the sanctity of life with belief in a monotheistic God, illustrating the high value that life holds in Islam. "And who never invoke any [imaginary] deity side with God, and do not take any human being's life – [the life] which God has willed to be sacred – otherwise than in [the pursuit of] justice, and do not commit adultery. And [know that] he who commits aught thereof shall [not only] meet with a full requital (25:68).

If life has to be taken, it should only be through the due process of law, or "just cause." "Be they open or secret; and do not take any human being's life – [the life] which God has declared to be sacred – otherwise than in (the pursuit of) justice: this has He enjoined upon you so that you might use your reason " (6:151).

"And do not take any human being's life – [the life] which God has willed to be sacred – otherwise than in [the pursuit of] justice. Hence if anyone has been slain wrongfully, We have empowered the defender of his rights [to exact a just retribution]; but even so, let him not exceed the bounds of equity in [retributive] kill. [And as for him who has been slain wrongfully -] behold, he is indeed succored [by God]! (17:33). This verses but then goes to discuss the role of law in the determining how punishment is to be regulated. Wrongful death [death due to negligence or accident] falls under the category of *qisas* crimes, for which the deceased's heirs can either demand retribution, compensation or forgive the killer. All of these verses point out that the due process of law is key in regulating how to punish a killer for taking a life.

Examining the themes of these three verses, we can summarize several conclusions, one is that all life is valuable, regardless of the identity of individual. Two, the value of life is indicated by equating it with the unity of God (*tawhid*), which is central to the theological underpinnings of Islam.

Third, in cases where taking a life is justified, the only permissible reason is by "just cause ", which refers to the rule of law. Despite the fact that murder is a sin, in this world, the punishment for it as a crime has to be determined on the basis of law. In short, preserving life and stressing the value of it are keys to Islamic teachings.

Recruiting European Muslims in QGIS: What kind of God they are fighting for?

The killing of both Muslims and non-Muslims alike, destroying both mosques and churches, beheading civilians regardless of their religious affiliation, mutilating bodies, enslaving women, recruiting mercenaries, shedding blood of those who dare to differ yet we find them standing united offering congregational prayers to presumably God but what kind of God they are addressing? Would God approve of killing innocent people in a heartbeat and spilling their blood like a sheep then simply wash off their bloody hands and prostrate in praise of their Lord?

What kind of sick mentalities, cruel hearts, warped logic, ruthless predisposition one could have to commit such atrocities and what kind of audacity one should show to justify his appalling acts under the name of any religion or creed.

The recent news of European Muslims being recruited by the terrorist group QGIS is not only alarming but also appalling. Recent statistics showed that most recruiters are of young age as most of them are under 20. These young men are lured by a number of factors which contribute to their miserable decision of joining this terrorist group.

One of the main reasons is their lack of authentic Islamic education through which they would have learned the true meanings of Islam and what construct the Muslim identity. Islam as a religion is based on Mercy and God Almighty did not send Prophet Muhammad except for being a mercy to all the worlds. This means that Islam in essence is a universal religion which encompasses all humans with its mercy regardless of their ethnic origin, religious affiliation or cultural background.

Muslims are required to treat non-Muslims with justice and mercy as all humans are part of God's creation and revering human beings is an integral part of revering God.

This idea of reverence to God's creation in totality gave rise not only to the concept of human rights but also animal rights and environment rights. Granting personal security and prosperity to non-Muslims living in Muslim-majority countries was one of the basic tenants on which Prophet Muhammad built the first Islamic state in Madinah. The famous historical covenant of Madinah was seen in our contemporary literature as the first declaration of human rights as it granted both Christians and Jews among other faiths an equal right of citizenship which granted them full personal freedom, religious expression, economic engagement and political participation.

Islam was keen on integrating Muslims with non-Muslims through tying the Islamic creed and strong faith with treating both Muslims and non-Muslims with kindness, mercy and justice. God emphasized the rights of neighbors regardless of their creed and warned Muslims against being hostile to their neighbors or to do actions which lead their neighbors to fear them. God also indicated the importance of keeping good relations with one's neighbors through exchanging food and said that the one who sleeps on a full stomach while he knows that his neighbor is hungry lacks complete faith. Also showing kindness to one's neighbors indicate exchanging gifts and greetings in different celebrations and festivals.

The jizyah or in modern terms the tax that was paid once a year by non-Muslims residing in Muslim countries was not meant as a degrading gesture or to make non-Muslims feel as a second class citizens as some orientalist are adamant to state but the history proves that this tax was collected in return for protection and security as non-Muslims had the right of not being recruited

in the Muslim army and those who chose to participate willingly, the yearly tax is automatically dropped. Also the tax is waived for women, children, old, destitute and sick people among others who are unable to pay the tax for one reason or another. Only men who are able to carry arms and financially capable are asked to pay the tax as a compensation for not participating in the army.

Moreover, when Caliph 'Umar saw a poor old Christian man begging in the streets of Madinah as he had no money to support himself, so 'Umar said, "By God, we should never be doing justice if we eat out his youth and leave him deserted in the old age. The government taxes are meant for the poor" and so Umar remitted the capitation tax from him and his like. He introduced the idea of granting social security to non-Muslims by giving them a monthly pension on which they can live with dignity.

The holistic understanding of justice and mercy to non-Muslims were not only at the time of peace but also at the time of war. Muslims were the first to introduce rules of warfare engagement and Caliph Abu Bakr consolidated the rules of engagement and offered a blue-print for engaging in warfare as follows:

- No old man, no woman, no child shall be slain.
- No hermit shall be oppressed, nor his place of worship damaged.
- Corpses of the fallen shall not be mutilated or disfigured.
- No fruit-bearing tree shall be cut down, no crops burned, no habitation devastated.
- Treaty obligations with other faiths shall under all circumstances be honored and fulfilled.

- Those who surrender shall be entitled to all the rights and privileges of a Muslim subject.

When expeditions were sent out by Caliph Abu Bakr, he used to accompany them up to a distance and instruct the military commander with rules of engagement. Caliph Abu Bakr instructed an expedition led by Usamah ibn Zayd and said,

"I enjoin upon you Ten Commandments. Remember them: do not embezzle, do not cheat, do not break trust, do not mutilate, do not kill a minor child or an old man of advanced age or a woman, do not hew down a date- palm nor burn it, do not cut down a fruit- tree, do not slaughter a goat or cow or camel except for food. If you pass near people who have secluded themselves in convents, leave them in their seclusion..."

The same instructions were given to Commander Yazid ibn Abu Sufyan when he headed to Syria, Caliph Abu Bakr instructed him by saying, "but do not kill any old man or woman or a minor or sick person or a monk. Do not devastate any population. Do not cut a tree except for a useful purpose. Do not burn a palm-tree nor inundate it. Do not commit treachery, do not mutilate, do not show cowardice and do not cheat..."

One of the highlighting examples of tolerance and coexistence occurred during the reign of Caliph Umar when the city of Jerusalem was freed from the Roman forces. The Patriarch of Jerusalem refused to give the keys of the city to anyone except to the Caliph personally. Therefore, Umar travelled to Jerusalem and met the Patriarch at the gate and they went together to visit the historical Church of Resurrection. When the time of the Muslim prayer came, the Patriarch courteously requested the Caliph to offer his prayer in the church. The

Caliph kindly declined his gentle invitation and said, "If I do so, the Muslims may sometime in future, infringe upon your rights by pretending to follow my example." The Caliph instead of praying inside the cathedral offered his prayers at its steps outside. These rules of Jihad or just wars were meant to keep the human dignity intact, cultural heritage saved and environment preserved.

Jihad in lexical term means exerting one's utmost effort and it has more than one level. The first and the major one is jihad against oneself through purifying the heart from maladies, whims and caprices. The second level indicates a combative sense which is *jihad fi sabeel Allah* or exerting one's effort for the sake of God. Scholars name that jihad against one's self as the major Jihad because it continues with the person thorough out his life and not only limited with the time period of the actual war in which he performs jihad.

As a matter of fact Muslim scholars believe that a Muslim won't be able to perform jihad for the sake of God without starting with the bigger jihad which is jihad against one's lower self. 'Abdullah ibn Amr was once asked about his opinion on Jihad and he said start fighting your lower self first.

Jihad in the combative sense, in principle is a collective obligation [*fard kifaya*]: It is one of the collective duties of the community as a whole. The organization of jihad is the responsibility of the rulers and politicians, who from their appointed positions are best able to calculate the consequences of such a crucial decision. Rulers examine the extent of the necessity that calls for defensive jihad.

All the aspects of the decision for combative jihad and their ramifications are examined and are subject to a scientific and factual study which carefully balances the benefits with the

disadvantages. The enterprise must be free from cowardice, negligence, weakness, superficiality, or heedless emotions. No single group or person may initiate jihad on their own as this is considered transgressing against the ruler and may constitute more harm than good and such transgressors are held liable for the evils they have caused.

In certain cases Jihad becomes an individual obligation [*fard 'ayn*]: Jihad becomes an individual obligation in countries where Muslim sanctuaries are attacked and their security threatened and is a duty upon the citizens to defend their country. Defensive jihad is not obligatory upon all Muslims; it is a communal obligation for those residing outside the territories under attack. If they are unable to repel the enemy, jihad becomes an individual obligation upon Muslims in neighboring countries.

Implementing the legal ruling concerning in this manner requires:

-Following the valid means which is the responsibility of those in authority, are aware of the political and military aspects, able to assess the need of jihad and calculate the ramifications, interests and disadvantages associated with the regional considerations and international treaties and are aware of the balance of international power. All of this requires:

- Special considerations and meticulous military and political studies which have exhausted the possibility of a peaceful resolution which God Almighty commanded. He said: "But if they incline towards peace, you [Prophet] must also incline towards it, and put your trust in God: He is the All Hearing, the All Knowing" [8, 61];

- preserving the security of Muslim countries, their citizens and interests.
- the ability to face and endure the choice of war.
- Jihad must be formally declared and clearly defined to prevent Muslims from falling prey to notorious organizations that may exploit their emotions and take advantage of their zeal to serve foreign goals in the name of jihad.

So based upon the above clarification, parents have the right to prevent their sons from travelling under the name of performing Jihad and the son is obliged to obey his father in this matter. Imam al Bukhari reported that sons are not allowed to perform jihad without the prior permission of their parents and this was authenticated by numerous prophetic traditions and in one of them a man came to Prophet Muhammad seeking his permission to perform Jihad so the Prophet asked him “are your parents alive?” so the man replied “yes” in response the Prophet said “through them perform jihad”. In other words one should exert his utmost efforts (jihad) to take care of his/her parents.

The majority of Muslim scholars prohibited performing jihad for sons without the prior permission of their Muslim parents because taking care of one’s parents is an individual obligation whereas performing jihad is a collective one. After identifying what constructs real jihad and what the rules of warfare engagement are, we can easily state that the appalling acts of QGIS among other terrorist groups go against the natural predisposition of human beings and it originates from perverted mentalities that should be fought with all means possible to save humanity from their heinous acts.

The Kharijites of the past & QGIS of today: two faces of the same coin?

The famous statement which indicates that “history repeats itself” cannot be more true than in the case of our modern day terrorism which plagued the minds of half-educated and ill-hearted extremists whose warped logic and deviant ideologies established the brutal platform of shedding blood and gave them the effrontery of randomly killing both Muslims and non-Muslims alike, torturing the captives and the hostages, enslaving women, looting money, destroying places of worships and sanctuaries, usurping authority and gaining power among many other atrocious acts falsely under the name of Islam and Jihad.

Along the line of history we find that this sickened ideology has deep roots which dates back to the Kharijites, a name which was given to a group of people at the time of Prophet Muhammad (peace be upon him) who were known for their lack of discipline and good manners along with their extremist mentality and excessive zealotry; thus they carried the seeds of terrorism for generations to come.

The kharajites first appeared in the days of the Prophet and their ideas gained momentum during the caliphate of ‘Uthman until it emerged as a full-fledged and organized group during the caliphate of Ali ibn Abi Talib. God Most High alluded to the Kharijites in the Quran and there are many prophetic hadith reports that explain their signs, beliefs, doctrines and practices.

In general, the Kharijites committed acts of terrorism and carried out atrocities in the name of Islam. Due to their extreme and specious religious arguments, they would declare it permissible to shed the blood of both Muslims and non-Muslims. Through out this article we will examine the

relationship between the beliefs and actions of the Kharijites of old and the terrorists of today.

The definition of “Kharijities” by Muslim scholars:

The classical Muslim scholars have given a precise definition of the Kharijities. Imam Muhammad b. ‘Abd al-Karim al-Shahrastani said in his famous book of heresiology, *al Milal wal- Nihal*,

“Anyone who revolts against the Muslim government that enjoys the support of the community is called a Kharijite whether this revolt was against the Rightly Guided Caliphs or during the time of the companions or against those after them who followed them with excellence or the Muslim rulers of every subsequent era.”

The renowned scholar Imam al- Nawawi said:

“The Kharijites are a group of blameworthy innovators who believe that a person who commits a grave sin falls into disbelief and will eternally reside in Hell. For this reason they defame the rulers and do not participate in the congregational prayers or the Friday prayers with them.”

Ibn Taymiyya stated:

“Since they were armed and inclined to fight, their opposition to the community manifested when they started killing the people. However as for today most people (due to their religious garb and appearance) do not know of them... and their passing through the religion is their leaving it because of their having declared lawful the blood and wealth of the Muslims.”

The famous scholar of Hadith Imam Ibn Hajar states:

“The word “Kharijites” is the plural of Kharija (he who went out), which means a faction. They are a group of blameworthy innovators and are called rebels because of their leaving the religion and rebelling against the best of the Muslims.”

Ibn Nujaym al Hanafi stated:

“The kharijites are a folk possessing strength and zealotry, who revolt against the government due to a self-styled interpretation. They believe that government is upon falsehood, disbelief or disobedience that necessitates it being fought against, and they declare lawful the blood and wealth of the Muslims.”

The Quran has strongly rejected in numerous places the heinous act of murder, especially murder on a mass scale that spreads terror and mischief on earth. According to the Quran those who commit such deeds are considered brigands and rebels. A thorough study of the Quran will shed light on the many signs and blameworthy innovations of the Kharijites.

For example God says, “and those who spread corruption on the earth; for them is the curse and the worst abode” (13:25). This verse refers to the Kharijites as evidenced by the interpretation of the great companion, Sa’d b. Abi Waqqas, who said, “By the One besides whom there is no other god, they are the Haruriyya (i.e. the Kharijites)”

God also says, “and when it is said to them, “do not spread corruption on the earth, they say, we are only reformers. Beware; it is they who truly spread corruption, although they perceive it not”.

And, “So what about him whose evil action has been made attractive to him and he considers it good?” Qatada said, “Amongst them are the Kharijities who declare lawful the blood and wealth of the Muslims”.

The beginning of the Kharijite’s ideology

The turmoil of the Kharijites began during the time of the Prophet. Abu Sa’id al- Khudri said, “When the Prophet was apportioning the war booty, Dhu al-Khuwaysira, a man from Banu Tamim, said, “O Messenger of God! Be Just!” The Prophet replied, “woe to you! Who will be just if I am not just?”

It was Dhu al-Khuwaysira’s disrespect to the Prophet that laid the foundation for one of the worst trials faced by the Umma. And the militants and rebels who revolted against the authority of Uthman and Ali were a continuation of the evil precedent set by Dhu al- Khuwaysira.

Ibn Hajar al- ‘Asqalani mentioned a report from ‘Abd al- Razzaq al- San’ani who said,

"Dhu al- Khuwaysira al- Tamimi’s real name was Hurqus b. Zuhayr and he was the founder of the Kharijites”. Thus the later-day Kharijites had the same mindset as their founder."

Many disruptions erupted in the Umma after the passing of the Prophet. They include false claims to prophethood, apostasy, refusal to pay Zakat and rejection of several other basic teachings of Islam. Those who embraced the beliefs of the Kharijites promoted their warped understanding, exploited these disruptions and began organizing themselves. Those who actively hatched the conspiracy against ‘Uthman, and ultimately killed him in the final days of his rule, were composed of those

who held the extremist beliefs of the Kharijites. The most prominent of them was one ‘Abdullah b. Saba. This was the first time an extremist and terrorist group challenged the authority of the state.

The major objective of the Kharijites is to destabilize the foundations of the Muslim state in the name of the religion. When we look critically at the history of the Kharijites, we see that theirs was a violent movement that was against dialogue and peaceful settlement of disputes, such as the policy that Ali, the fourth rightly guided caliph, adopted in the form of arbitration before the Battle of Siffin. As long as the clamor of war prevailed, the Kharijite elements in Ali’s army were active, but the moment he decided to seek arbitration for the sake of avoiding further bloodshed, they rejected his decision and deserted his troops. Calling him a disbeliever, they organized a terrorist rebellion group and rose against him and the Muslim Umma in the name of Jihad. When they organized themselves, their motto and call was, “There is no judgment but for God”. When Ali heard their slogan he said, “A word of truth by which falsehood is intended”.

Establishing an organized terrorist group to challenge the authority of Caliph Ali b. Abi Taleb

The Kharijites initiated an armed rebellion against Ali and based themselves in Harura, located on the Iraqi border. They accused him of polytheism and blameworthy innovations and declared him a disbeliever and rebelled against him. This would prove to be the start of their mass killing and terrorism. They argued, “Do you seek judgment from men in that which is God’s command? There is no judgment but for God.

In their response to Ali's letter addressed to them, the Kharijites wrote,

“Indeed, you were not angry for the sake of your Lord; you were angry for the sake of your ego. Now, if you confess that you fell into disbelief and repent, we will look into the matter that is between you and us; otherwise we reject, and indeed, God does not love the deceitful”.

This letter and the sermons by the Kharijites indicate that, in their opposition to Ali, they considered themselves to be the paragons of righteousness and truth and considered Ali a purveyor of polytheism and blameworthy innovation (and God's refuge is sought from such a notion). They were so earnest in their hatred of polytheism and blameworthy innovation that they deserted Ali's city and claimed that it was an abode of disbelief. They would take to the mountains and wastelands and ambush travelers and they would catch hold of their opponents and torture them to death.

Later Ali formed an army of companions to launch military offensives against them in order to eliminate them completely and restore peace and security and establish the authority of the government. They were finally defeated as the prophet had prophesied and ordered.

The preceding discussion has shown us that sometimes crooked and short-sighted people emerge in society with compound ignorance concerning the wisdom and vision of the religion. They strictly observe the outward religious acts, which in turn instill them with the conceited belief that they are staunch Muslims and true embodiments of Islam. They feel themselves near to God and consider all others either disbelievers or disobedient. They believe it is their right to force others to adhere to the path of righteousness and they forget God's

words, “Invite to the path of your Lord with wisdom and goodly invitation”. (16:125)And, “There is no compulsion in the religion” (2:256)

The Kharijite’s belief and doctrine

Satan plants the seeds of arrogance in their hearts, which in turn cause them to see themselves as pure Muslims and others as impure, if Muslims at all. They believe that it is their right to force others to believe what they believe, and because Satan has molded them and shaped them with the idea that they are peerless, they are convinced that they are free to use whatever means at their path or eliminate them.

This mindset allows them to kill people, spread terror and plunder wealth and property without fear of sin. According to their warped understanding, whatever crimes they do are jihad. The Quran informs us that they will be the greatest of losers in the Hereafter: “say, Shall we inform you of those who are the greatest losers with respect to their deeds? It is those whose entire struggle is wasted in the life of this world, but they presume they are doing good”.

Ibn Hajar al-‘Asqalani said, Al-Qadi Abu Bakr Ibn al- ‘Arabi said, “The Kharijites are two types: those who claim that ‘Uthman, Ali and those present at the Battle of al-jamal and Siffin, and all who were pleased with the arbitration, were disbelievers; and those who claim that anyone who commits a grave sin is a disbeliever who will abide eternally in Hell. Najda b. Amier had added a belief not held by the other Kharijites, namely that the one who does not march out and wage war against the Muslims is himself a disbeliever even if he held the belief of the Kharijites.

Ibn Taymiyya spoke about the blasphemous beliefs of the Kharijites and their oppressive behavior against the Muslims, as the Prophet described them, they would kill the people of Islam and leave the idolaters. They declared Ali b. Abi Talib and ‘Uthman b. Affan disbelievers, as well as those who allied with them. They killed Ali b. Abi Talib, believing that it was lawful. The killer was abd al- Rahman b. Muljam al- Muradi. He, along with the other Kharijites, was devout in their worship; however, they were grossly ignorant (of religious logic and wisdom) and abandoned the Sunna and the community. They said, there is only the believer and the disbeliever; the believer is he who performs every single obligation and abstains from every single prohibition. So whoever does not fit that description is a disbeliever who will abide eternally in the Fire. Furthermore, they applied this to anyone who objected to them and said, ‘Uthman and Ali and their ilk have judged by other than what God has revealed and committed oppression therefore they are disbelievers”.

The reason why the Kharijites are also called Haruriyya is because the first group of Kharijites emerged from the area of Harura in the days of Ali’s caliphate. Shabbir Ahmad ‘Uthmani said:

The start of all this lies with some of the people of Iraq who objected to the behavior of some of Uthman’s relatives (who were in power), so as a result they defamed Uthman. They used to be called “the reciters” because of their dedication to recitation and worship; however, they would incorrectly interpret the Quran, force others to adopt their views and go to extremes in asceticism, humility and so on. So after Uthman was killed they fought alongside Ali believing that Uthman and those who followed him were disbelievers. They believed in the imamate of Ali and held that those who fought against him

during the Battle of al Jamal were disbelievers. However when he chose arbitration, they censured him and left him at Siffin and became secessionists (Kharijites).

They were eight thousand in number, although it was said that they were over ten thousand and when Ali was making an address they issued calls from around the mosque, saying, “there is no judgment but for God”. Ali said, “A true word by which falsehood is intended”. Ali also said to them, “there are three rights you have over us: that we do not prevent you from the mosques, that we do not withhold from you your provision from the fay’ (spoils acquired without fighting), and that we do not initiate fighting against you so long as you do not spread corruption. They seceded, bit by bit, until they gathered in Madain and they began withholding obedience from Ali, saying they would continue until Ali confessed to disbelief for having preferred arbitration. Then they concurred amongst themselves that whoever does not believe as they do is to be declared a disbeliever whose blood, wealth and family are lawful. Then they are killed any of the Muslims who passed their way.

The Kharijites were concealed within the ranks during the caliphate of Ali until Abdul Rahman b. Muljam killed Ali after having approached him during the Dawn Prayer. During that time the Kharijites emerged from Iraq with Nafi’ b. al-Azraq, and in Yamama with Najda b. Amir and Najda had added a belief not held by the other Kharijites, namely that the one who does not march out and wage war against the Muslims is himself a disbeliever even if he held the belief of the Kharijites. They imputed disbelief upon those who neglected to enjoin the good and forbid the evil if they were able to do so and still neglected it and if they were unable it was believed that they committed a grave sin, and according to them, the one who commits a major sin is a disbeliever.

History of brutal killings

One particularly heinous event occurred when the Kharijites brutally slaughtered Abdullah b. Khabbab and his wife for refusing to declare ‘Uthman and Ali disbelievers. Imam al-Tabari, Ibn al-Athir and Ibn Kathir narrated:

They put him on the ground and slaughtered him, causing his blood to flow into the water. Then they advanced towards his wife and she said, “I am pregnant, don’t you fear God”, Then they sliced open her stomach and killed three other women from Tay (because they sympathized with her).

When Ali learnt about the murder of Abdullah b. Khabbab he dispatched al- Harith b. Murra al- Abdi to the Kharijites to investigate the incident. When he reached the Kharijites and asked why they murdered Abdullah, they killed him as well. Ibn Kathir mentioned that after this, the Kharijites wrote to Ali, saying,

“All of us have killed your brothers and we believe that both their blood and your blood are lawful”.

When Ali dispatched Qays b. Sa’d b. Ubada al- Ansari to go and negotiate with the Kharijites, he addressed them saying, “O servants of God..hand over those of you whom we want, and obey the authority of the state that you have challenged. For indeed, you have committed a grievous crime; you accuse us of polytheism and shed the blood of the Muslims.

Similarly as Ali’s representative, Abu Ayyub al- Ansari also tried to convince the Kharijites. He said,

“O servants of God. Certainly, we and you are in the same state as we were before. There is no hostility as such between you and us, so why do you fight us for?”

Their terrorists and rebellious state of mind is also revealed in the address Ali made to the kharijites, “explain to us by what justification do you declare it lawful to kill us and rebel against the authority of the state and take up arms? And then you go out and slay people! Indeed this is most surely a clear loss. I swear by God, it would be seen as grievous in the sight of God that you even kill a chicken with this intention, so what about a harmless soul that is considered inviolable in His sight?”

When Ali presented the banner of peace to Abu Ayyub al-Ansari, he went out and said, “whoever takes refuge under this banner is safe, whoever abstains from fighting and killing will be safe; and whoever amongst you heads to Kufa or to the other towns and abandons this group is safe”

The Kharijites would base their call for religion on the Quran. Expressing their religious zealotry, they would rouse extremist’s sentiments in some of the hapless and ignorant Muslims and misinterpreting Jihad, they would incite them to commit mass murder. To motivate them further they would mention the rewards of paradise so as to mentally prepare their followers to kill and be killed.

If we analyze the methodology and activities of the modern-day terrorists, we see that they are mentally immature, young and brainwashed, and have the same modus operandi as the Kharijites of old. Their warped view of Islam is plain to see on the one hand they are very devout in their worship and on the other hand they have no compunction in killing peaceful people. Ibn Kathir reported that once the branch of a date palm fell during a journey and one of the kharijites picked up a date

from it and put it in his mouth. A fellow Kharijite objected and reminded him that he did not have the owner's permission. Immediately, the man spit it out.

Similarly, Imam Ibn al- Athir related that once when a pig owned by one of the non-Muslim citizens passed by a member of the Kharijites, he killed it with his sword. A fellow Kharijite condemned him for killing it and when its owner came he begged his pardon paid its price and made the man happy.

The historical records prove that the Kharijites considered blood a cheap commodity. They had no reservations about killing people and cared not one iota for those who were brought up with the Prophet's spiritual training. Since the Prophet made it categorically clear that these people would continue to emerge, time and time again, it is easy to recognize the modern-day Kharijites, for they share the same traits of those of old. They too shed the blood of people; they too brutally slaughter women and children and challenge the authority of the state; they too attack mosques, murder peaceful people engaged in worship and target them in the marketplaces; and they too call their dastardly deeds jihad. All the current acts of terrorism committed by the so-called "Mujahidun" are but a continuation of the Kharijite doctrine and ideology.

The Delusional Understanding of Islam by Radical groups

Following is an in-depth, methodological, scholarly discussion of the words and theories of Al-Qaeda Separatists and measure them against the parameters of Islamic law, Islamic legal theory, and the approach of mujtahids (scholars who are qualified to make independent legal reasoning) and leading jurists. The aim is to determine whether Al-Qaeda Separatists were able to build a solid jurisprudence that conforms to juristic provisions and the objective of Islamic law—a jurisprudence that evokes its mercy, guidance, and morals—or whether theirs is faulty, confused, delusional, misguiding jurisprudence full of dubious, impulsive, and irrational notions—a jurisprudence that originates from profound ignorance and reckless fervor, and falsely attributes to the Qur`an what it does not preach and atrocious crimes to Prophetic reports.

In truth, this group does not possess any kind of jurisprudence or knowledge. They bring to mind the words of Ibn Abbas (may God be pleased with him) which he addressed to the Khawarej when he told them, “I have come to you from the Prophet’s Companions from among the Muhajereen and Ansar to tell you what they are saying. The Qur`an was revealed in their presence and they are more knowledgeable of it than you; not one of you is among them” [recorded by Al-Nisa`i in Al-Sunan Al-Kubra, Al-Hakem in Al-Mustadrak, Al-Baihaqi in Al-Sunan Al-Kubra, and others].

Al-Qaeda Separatists is a sect of a blood thirsty infidelizing group. Its members have broadcasted to the West a fabricated image of Islam and every form of atrociousness: they accused Muslims of disbelief, slaughtered people, frightened and displaced non-combatants, and murdered hostages without just

cause. They perverted the understanding of Islamic law, interpreting murder as a basic principle and subordinating mercy to it. For this reason, it was necessary to explain the serious mistakes and transgressions they have committed against Islam.

What follows is an overview of the types of flagrantly flawed beliefs of Al-Qaeda Separatists which we will commence to deconstruct. In the coming episodes, we will present an example of each mistake as follows:

- Misunderstanding of the Qur`an and the invalid use of its verses as proofs

Al-Bukhari recorded a non-Prophetic report narrated by Ibn Umar (may God be pleased with him) who said that among the distinctive characteristics of the Khawarej's methodology is their misunderstanding of the Qur`an and the use of their aberrant understanding to scare and murder people. It was reported in the Sahih of Bukhari that Ibn Umar (may God be pleased with him) said, "They used verses which were revealed concerning disbelievers to refer to believers." Hudhayfa (may God be pleased with him) said, "The Messenger of God (peace and blessings be upon him) said, 'The person I fear for you the most from is one who has read the Qur`an and felt the radiance of its beauty and grace, but changes it, throws it behind him, and takes up the sword against his neighbor and accuses him of associating partners with God.'" He [Hudhayfa] then said, "I said, 'O Prophet of God! Who is more deserving of being accused of associating partners with God—the accused or the accuser?'" "The Prophet (peace and blessings be upon him) replied, "The accuser" [recorded by Ibn Hibban in his Sahih. Ibn Katheer deemed its chain of transmission good and Al-Haythami deemed it fair in *Majma' Al-Zawa'id*].

- Misunderstanding Prophetic reports

Al-Qaeda Separatists commit abominable crimes against Prophetic reports—they take the Prophet’s words out of context and imbue them with the worst of meanings, violence, and savagery. They are totally ignorant of the tools of comprehending hadith, the rules of inference, the objectives of Islamic law and its principles. As a result, the words of the Prophet (peace and blessings be upon him) which fill hearts with peace and mercy and reverence for religion are replaced with ugly, bloody, distorted words which fill hearts with repulsion and fear.

- Misunderstanding concepts and terms related to Jihad

The first mistake they make is to narrow the concept of jihad and restrict it to combat and slaughter with the claim that such distortions represent the jihad legislated by God. So much so that they have made jihad an end in itself when in fact it is a means to guidance. Whenever it impedes guidance, jihad deviates from its goal, back-firing to become a means of outright harm that repels people from God’s religion. The Imam, hadith scholar, and mujtahid, Taqiy Al-Deen Al-Subki (d. 756 AH) cites in his book *Al-Fatawa* (vol. 2, p. 340), the Prophet’s words to Aly when he sent him to Khaybar, “If God were to guide a single person through you, this would be better [for you] than red camels [a highly prized commodity].” The Prophet’s words in this instance suggest that guidance is the purpose of jihad. And wisdom requires this. Jihad means guiding the people and inviting them to monotheism and the laws of Islam and offering Islam to them and their descendants until the Day of Judgment. Nothing compares to this.

However, it is better to achieve this goal by imparting knowledge, engaging in debates, and removing misconceptions whenever possible. From this, we gather that the ink of scholars is better than the blood of martyrs. But if combat is the only alternative, Muslims are to embark on it to achieve one of the following three objectives: guide others, and this is the most superior objective; achieve martyrdom and this is of lesser superiority though an honorable way to die since it not only involves sacrificing what one holds dearest but because it is also a means to promoting the word of God and not an end in itself . As for the last of the three objectives, killing a disbeliever, it is the least superior because it is considered wasting the life of a potential believer who will in turn beget believers.

- Deficiencies in the implementation and actuation of the system of jihad due to the following:

- Al-Qaeda Separatists do not have the slightest understanding of the jurisprudence of results and consequences.
- They are totally ignorant of how to weigh interests against evils.
- They do not have the slightest understanding of the jurisprudence of objectives. They do not know that rulings were principally legislated to achieve their respective objectives. What then if their actions destroy these very objectives?

- Error in ascertaining the cause of Jihad

There is no contention on the legitimacy of jihad but the problem lies in ascertaining its cause. It is imperative that ijihad (independent legal reasoning) be made only by proficient scholars who understand the realities and conditions people are living under. A scholar who does not understand the realities and circumstances of people cannot issue a correct ruling. Imam

Ibn Al-Qayyim said in *I'lam Al-Muwaqa'een* (vo. 1, p. 87), “Neither a mufti nor ruler is able to judge by truth except if he possesses two kinds of understanding. [The first is] understanding the context and deducing the knowledge of what has truly occurred through signs and indications. The second is understanding the religious obligation related to the context; it is understanding God’s ruling as expressed in His Book or by His Messenger with regards to that particular context.”

Atrocious mistakes committed by QSIS

Some examples of mistakes committed by Al-Qaeda Separatists include: misapplying the ruling on using human shields, and in so doing erroneously and ignorantly permit the murder of Muslims. Due to their compounded misunderstanding of rulings and their misapplication, they kill innocents. Other mistakes include misapplying the ruling on initiating night attacks—they mistakenly interpret the ruling to mean the permissibility of targeting non-Muslims even if they are non-combatants, children, or women. They commit many other flagrant mistakes which they will wear as a yoke around their necks when they stand before God. It is mentioned in the book of Bukhari that a Muslim will continue to be sound in faith provided he does not shed blood unjustly.

- A defective understanding of modern realities and conditions

Al-Qaeda Separatists’ defective understanding of realities and conditions under which people live is grievously alarming. This is because when they infidelize Muslims, declare their murder lawful, and believe that only they—apart from the rest of the two billion Muslims living in the inhabited world—represent Islam, they appropriate the functions of rulers such as calling

for *bay'a* (selecting the leader via the oath of allegiance), jihad, and general mobilization. They consider their mistakes a decisive battle for the community whereas jihad is a legal ruling in Islamic law and not mere zeal and fervor. Thus jihad is subject to the five injunctive rulings. Jihad may be either obligatory, recommended, or prohibited according to the circumstances under which it is embarked, and its objectives and consequences.

God has legislated both the rulings and the conditions and circumstances that cause them to be lifted. Though jihad is valid in principle, it may be invalid in practice because it does not meet the necessary conditions and required legal criteria. As such, jihad is tantamount to aggression, murder, and destruction. Speaking of the recommended measures for ablution, the Messenger of God (peace and blessings be upon him) said, "Whoever does more than this, is blameworthy and transgresses." If the Prophet deemed using more water for ablution than what is legally necessary to be wrong and offensive in spite of the fact that the use of water is a personal matter, a fortiori slaughtering others, shedding blood, and frightening non-combatives indiscriminately without having any legal bases for such action!

The matter therefore devolves to their pandering to their own whims and satisfying their sick appetites for leadership and control. Al-Qaeda separatists attribute their sick crimes to the munificent Islamic law, and as a consequence repel people from religion. Jihad is a religious ruling. At certain times and under certain conditions it is a duty. But without a legitimate cause and purpose, it is proscribed as if it is divested of its defensive goal, and answers only to a savage desire for murder and control. Imam Al-Qarafy said, "Just as God legislated rulings,

He likewise legislated the circumstances that cause them to be lifted.”

- A defective substantiation based on incidents from the Prophet’s biography

One example is the incident of Abu Busayr which they erroneously interpret to mean the permissibility of rebelling against public order. Another is Usama’s military campaign [to fight the Roman army in the Levant] after the Prophet’s death which they also mistakenly interpret to mean the permissibility of disturbing the peace of societies.

There are rules for deriving rulings from the Prophet’s biography and from the incidents contained therein. Whoever is quick to analogize a particular incident to one in the biography of the Prophet (peace and blessings be upon him) stands guilty of fabricating lies against him and imputes to his law what is antithetical to it; whoever fabricates lies against the Prophet (peace and blessings be upon him) is to await his seat in the Fire. Imam Al-Zarkashy wrote in *Al-Bahr Al-Muheet* (vol. 4, p. 571), “Behind this is great calamity! This is because a [muqallid (a person who follows the legal opinion of a mujtahid i.e. a scholar who is qualified to engage in independent reasoning)] may experience the same incident on which a Companion issued a legal verdict yet may reach an erroneous legal ruling. This is because analogizing incidents is one of the aspects of jurisprudence that requires the greatest [degree of] accuracy and one that is most subject to error.”

Prophet Muhammad's treatment to non-Muslims: The birth of religious plurality

The general policy in Islam is to guarantee full rights to non-Muslim populations and therefore people subscribing to other religions were granted full civic rights by the virtue of the Quran and through the application of Prophet Muhammad (peace be upon him). Non-Muslim populations living within Muslim communities were granted peaceful and prosperous life through guaranteeing security for both their lives and properties and were given the appellation of "*ahl al-Dhimma*" which denotes those people with whom Muslims have an agreement or the responsibility of their personal safety and security of their property are undertaken by the Muslim state.

The basic guidelines which were laid by the Prophet in the early stage in Madinah where he established a city-state formed a blue print of how Muslims should deal with Christians and Jews among many other adherents to different religions. Granting minority rights to different religious groups through pledges, documents and mutual agreements succeeded in creating a healthy atmosphere for the development of both spiritual and material growth of the different religious groups living under the Islamic rule.

In order to achieve and grant full rights for different religious minorities living in Madinah, the Prophet initiated a historical charter which was later known as "the Charter of the Madinah". By the virtue of this charter, preventive measures were in place to avoid blood feuds and crimes among different Arabian tribes composed of all creeds. The universality of the Islamic creed was meant for the totality of human beings and this necessitated fair treatment and full equality to those who chose not to subscribe to the Islamic view on life. Prophet Muhammad made

a historical move of abolishing religious and social inequality. The sixth year of the Hijra was considered a year of emancipation for Christians as the Prophet granted the Charter to the Fathers of the Monastery of St. Catherine; an act which secured Christians with privileges and amenities.

Muslims were prohibited under severe penalties from violating and abusing the provisions of the Charter. Prophet Muhammad was adamant to ensure religious freedom to non-Muslims across the Islamic state and for this reason he sent instructions to distant Muslims governors not to tax them unfairly or enforce them to abandon their faith. Their churches and sanctuaries could not be pulled down and replaced by mosques or houses for Muslims. Moreover, Muslims were asked to cooperate with Christians should they need an assistance for the repair of their churches or monasteries or any other matter related to their religion.

Prophet Muhammad was keen to grant religious minorities sufficient judicial autonomy which was a basic characteristic of the Islamic legal system. Through granting religious freedom to different religious groups, the Prophet meant to set guidelines on how we should treat each other fairly which leads to the prevention of blood shed and wars among nations. The Prophet throughout his life had a tenacity of the purpose of establishing peace among nations through signing different pacts, and treaties to ensure peaceful coexistence and security to all people. This is proven through pacts like the Peace of Hdayibiyah and the Treaty of Taif.

Another famous example is the treaty of Najran which was delivered to Christians of Najran and its surrounding area. The document reads, " To the Christians of Najran and its surrounding territories, the security of God and the pledge of His Prophet is extended for their lives, religion and their

property- to the present as well as the absent, and others besides, there shall be no interference within the practice of their faith or their observance nor any change in their rights and privileges, no bishop shall be removed from his bishopric, nor any priest from his priesthood, nor any monk from his monastery, and they shall continue to enjoy everything great and small as heretofore no image or cross shall be destroyed, they shall not oppress or be oppressed; they shall not practice the rights of blood-vengeance as in the Days of Ignorance, nor shall they be required to furnish provisions for the troops".

The treaty of Najran is an illuminating proof of how Islam unreservedly conferred upon the Scripturalists not only social and religious freedom but also granted them the power to decide their own civil matters through establishing judicial autonomy which was not only pertinent to personal status but also covers civil, penal and all life affairs. Religious freedom and independent judicial system laid the foundation of a true confederacy which had a constitution through which different religious groups became an integral part of a political arrangement by means of a social contract. The integration of non-Muslims in the political life through becoming real contributing players marked a milestone in the history of human rights. For instance, Jews and Christians had the right to join the services of the state. They had the privilege of being consulted on important matters. They were sometimes deputed to embassies in foreign countries. They exercised the right to vote. Their opinions were thought on the administrative affairs of the state. Above all, non-Muslims continued to live in both Makkah and Madinah and there are reports of Christians being buried by their Muslim children in Madinah.

Eradicating injustice and ill treatment to different social and religious groups was not meant as a bait to lure new converts

into Islam but actually was meant to rectify the crooked way of looking and thinking of other human beings who do not happen to share the same social status or religious affiliation. Once some Christian Fathers came to visit the Prophet in his mosque at Madinah to discuss the merits of a true religion, but during their stay they couldn't find a church to offer their prayers so the Prophet offered them his mosque to pray in it. On another occasion there was a delegation from the tribe of Thaqif visiting the Prophet so a tent was fixed up for them within the premises of the Prophet's mosque. When it was pointed that the visitors were polytheists, the Prophet said in reply that no one was such but he made himself one.

The pinnacle of religious tolerance and clemency was provided by the Prophet upon his victorious entry to Makkah after long years of suffering and persecution by the non-Muslim Makkans. The Prophet and his companions endured ridicule and scorn poured on them by the Makkans who had implacable hatred and enmity against Muslims. The long years of bitter, cruel and sustained persecution, all the fighting, the hardship and suffering and the loss of a lot of dear and devoted companions; all these were laid aside at the moment of triumph, banished from mind and forgiven in the name of the Lord. The clemency of the Prophet was unparalleled in the history of mankind for the accused were told that they were free. Giving a pledge to this effect, the Prophet informed the Makkans they were free and there was no reproof against them". The glorious act of unconditional forgiving has no similar act available on record. There occurred no retaliation, no dispossession, no enslavement, no execution, no looting and no kidnapping and dishonoring of women by the conquerors.

Inamullah Khan, a Pakistani Muslim activist commented on the remarkable event of the victory of Makkah by saying, "If

Muhammad came as a threat to the monopolies of the few, he came as a blessing to the teeming millions- the disposed, the disinherited and the neglected, toiling and exploited masses of mankind. He came to confer privileges on the underprivileged. He came to grant rights to those whose rights were denied. He came to provide the cover of protection to the weak, the destitute, the distressed, and the downtrodden, yes to all those suppressed and oppressed by those in power."

What Prophet Muhammad achieved was not less than opening a new chapter of tolerance and justice in world history. Establishing an independent judiciary system free from external influences guaranteed the protection of the interests of the citizens and securing justice for all regardless of their color or creed. The scrupulous observation and literal adherence of the Muslims to the terms of the pacts, treaties, alliances and agreements with non-Muslims was a foundational step into establishing an effective system of international law.

By setting clear rules for war engagements and prohibiting Muslims soldiers from excesses in war fares, Prophet Muhammad left indelible imprint on the annals of humanity. In his endeavor to establish rules of justice and freedom for different religious groups, Prophet Muhammad emphasized in different occasions that "whoever oppresses a *dhimmi*, shall find me to be their advocate on the Day of Judgment (against the oppressing Muslim)". The Prophet also warned the Muslims against abusing *Dhimmis* as he stated "Remember, one who is unjust to a *dhimmi*, breaks his word with him, overburdens him or dispossesses him, I shall plead against him on the Day of Judgment".

Prophet Muhammad was sent as a mercy to the world to establish the true meaning of brotherhood among humans as

they should all stand united regardless of their skin color or theological belief. He succeeded in liberating man from the bondage of man. He gave the dynamic conception of an undivided humanity, the family of Man, the children of Adam. He managed to raise the ambitions of people from the limited confinements of national identity to the liberal wide-open meaning of humanity.

The world is passing through a dark phase of moral bankruptcy, social disintegration and parochial loyalties which helped in inciting wars and increasing the weight of the roaring voices calling for enmity and hatred. Prophet Muhammad's message sanctified the life of all human beings irrespective of their racial origin or religious affiliation. He taught us the true meaning of mercy to all and came to confirm the essence of the three Abrahamic faiths; an essence based on dispassionate love for humanity regardless of color, culture or creed.

Initiatives

Dar al-Iftaa incriminates joining QGIS and other terrorist groups due to their barbaric acts against religion and humanity

Dar al-Iftaa incriminated joining any armed organizations or supporting them in any manner due to their barbaric acts which cause destruction and distort the image of Islam. These horrific acts are condemned by humanity as it goes against the natural human disposition and are Islamically rejected.

Dar al- Iftaa added that such organizations with their extremist ideologies have misguided many youth under the false name of religion, Jihad and Islamic state. In fact, their acts reveal nothing but their miserable attempt to distort religion, bring destruction and spread blood-shed. Such terrorist organizations failed to deduct legal evidence from its authentic Islamic sources and were driven by their incomplete interpretation of the verses of the Qur`an and hadiths of the Prophet [peace and blessings be upon him]. They twisted the meanings of religious texts in order to justify their appalling acts of extremism which leads them to desecrate the sanctity of life and ruthlessly shed people`s blood with thirst that never seems to stop. Furthermore, they issued extreme condemnable infedilizing fatwas which they exploited in killing their opponents and spreading corruption all over the globe.

They “Distort words from their [proper] usages” and break the adopted authentic rules for issuing fatwa which include possessing thorough knowledge of shari`a and perceiving the surrounding reality with proper understanding to enable them to deduct definitive rulings. However, they use a single verse or part of it without being aware of all what is mentioned in the Qur`an and sunnah in relevance to its subject and attach false

rulings to Islam. God says in the Quran, "...So do you believe in part of the Scripture and disbelieve in part? Then what is the recompense for those who do that among you except disgrace in worldly life; and on the Day of Resurrection they will be sent back to the severest of punishment. And Allah is not unaware of what you do" (2:85)

Dar al-Iftaa confirmed that the prohibition committed by these extremists due to their heinous crimes, blatant damage, and ruthless blood shed extends to anyone who gives them financial or moral support, or even shelter. Rather, they are cast out of God's mercy. The Messenger of God (peace and blessings be upon him) said, "Whoever helps another to kill a believer, even if with part of a word, will meet God the Exalted, with the words 'He has despaired of God's mercy' written between his eyes'."

According to the fatwa, it is an obligatory condition for jihad to be undertaken under the leadership of the state and that it must be organized by those in authority and the concerned state organizations whom God has given rule over countries and people. They are those who more than others, are able to calculate the consequences of such decisive decisions since they study the extent of the necessity that calls for countering assaults and removing injustices. They carefully study the decision and measure the interests against the harms without subjectivity or foolish emotions unrestrained by rationality and wisdom.

Dar al-Iftaa confirmed the impermissibility of initiating jihad at one's own accord by joining armed groups or organizations without taking into consideration the criteria and conditions that regulate jihad as this would be tantamount to arrogating the ruler's prerogative, the harms of which may greatly outweigh its

benefits. Moreover, he will also incur sin. Dar al-Iftaa further explained that if all the people embark upon jihad without the ruler's decision, the people's interests and livelihood will be disrupted. God the Almighty said, "It is not right for all the believers to go out [to battle] together" [9: 122].

Not only is such an uncalculated move devoid of any perceived gains for Muslims, but it brings about their destruction, pits nations against them, wipes out their civilizations, drowns them in blind sedition, and results in destructive conflicts among Muslims. It is known in Islamic law and by reason that the lack of clarity of purpose and disunity of goal deprives jihad of its meticulous organization on the one hand and its value and noble purpose on the other.

The crimes committed by those falsely calling themselves "Islamic state" among other terrorist organizations which include indiscriminate slaughtering of men and women, terrifying the secured and destructing public and personal properties are completely irrelevant to Islam. The Islamic Shari'a set a well-defined regulations regarding war engagement in which it prohibited killing women, children, the elderly and civilians, causing destruction, cutting down trees and prohibited even killing riding animals. Let alone killing other Muslims.

Islamic Shari'a has prohibited all matters which distort the image of Islam and leads people to shun it as these heinous acts turn people away from God; a result which is inconsistent with the objective of jihad. Abu Dawud reported that Rabah ibn Rab'i said: We were with the Messenger of God [peace and blessings be upon him] in one of the battles and he saw people gathering around something. The Prophet sent a man there to see what they were gathering around and the man came back

saying that they were gathering around a woman who was killed. The Prophet said: “this woman shouldn’t have been killed”. He sent a man to Khalid Ibn al-Walid who was leading the army and told him “tell Khalid not to kill women or Asif [a hired man who doesn’t participate in the war].

Concerning displacing the Christians and non-Muslims and forcing them to accept Islam, Dar al-Iftaa confirmed in its fatwa that Islam is a religion of coexistence and its principles emphatically prohibit compulsion in religion and vehemently condemn all forms of violence. Therefore, the history of Islam proves that non-Muslims were never forced to accept the religion. However, it leaves the matter of belief to one’s free will as established by many verses in the holy Qur’an: “There shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong.” [2: 256], and: “And say, "The truth is from your Lord, so whoever wills - let him believe; and whoever wills - let him disbelieve.” [18: 29] and: “For you is your religion, and for me is my religion.” [109: 6]. Therefore, these terrorists contradict Islamic teachings and disobey our master Muhammad [peace and blessings be upon him] who prohibited killing the non-Muslims and commanded treating them kindly and granted them the rights of neighborhood. Those non-Muslims did not raise arms against the Muslims and lived in peace and coexistence with them. God the Almighty says in the holy Qur’an: “Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes - from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly.” [60: 8]

The fatwa added that when Islam has allowed people to keep their own religions, it was natural to permit them to freely practice their religious rites in their places of worship.

Moreover, Islam has guaranteed the safety of all places of worship, gave them special consideration and prohibited all kinds of aggression towards them. Abu Bakr [may Allah be pleased with him] has commanded the army: "Do not hurt a monk or worshipper and don't destroy a place of worship or a cell."

Jihad in Islam is justified for the purpose of removing oppression and achieving justice which result in the Muslims' empowerment on earth by God. The ultimate purpose for such empowerment is to maintain the safety of places of worship and their worshippers. This can be seen in the Qur'anic verse: "And were it not that Allah checks the people, some by means of others, there would have been demolished monasteries, churches, synagogues, and mosques in which the name of Allah is much mentioned. And Allah will surely support those who support Him."

Indeed, Allah is Powerful and Exalted in Might. [And they are] those who, if We give them authority in the land, establish prayer and give zakah and enjoin what is right and forbid what is wrong. And to Allah belongs the outcome of [all] matters." [22: 40-41]

Finally, Dar al- Iftaa stated that these heinous and horrific crimes committed by terrorist organizations have caused harm to both Islam and Muslims. They have distorted the positive image of Islam globally and portrayed it as a religion which promotes violence and blood-shed. However, Islam will always remain a religion of peace and mercy as God the Almighty says in the holy Qur'an: "And We have not sent you, [O Muhammad], except as a mercy to the worlds." [21: 107] and: "So by mercy from Allah, [O Muhammad], you were lenient with them. And if you had been rude [in speech] and harsh in

heart, they would have disbanded from about you.” [3: 159].
The Messenger of God [peace and blessings be upon him] said:
“Be lenient and stay away of harshness and bad words.”
[Narrated by Bukhari]

Islam was disseminated across the globe with means of mercy, compassion and love of others. The Quran says, “Invite to the way of your Lord with wisdom and good instruction, and argue with them in a way that is best. Indeed, your Lord is most knowing of who has strayed from His way, and He is most knowing of who is [rightly] guided.” (16:125)

Dar al-Iftaa signs an open letter addressed to QGIS to condemn their extremist ideologies and clarify the true teachings of Islam

More than 120 Muslim scholars across the globe have signed an open letter which was sent to the leader of QGIS or the self-claimed Islamic state ruler, al- Baghdadi, in their attempt to clarify the true Islamic stance on issues such as the Islamic caliphate, jihad, and treating non-Muslims among other vital issues.

This open letter comes after the horrific atrocities that were committed by QGIS which in no way shape or form could be remotely related to Islam. The Islamic scholars felt the responsibility to cite their vehement rejection and utter condemnation to the theological fallacies and warped ideologies that these terrorist groups embrace. Dr. Shawki Allam, the current Grand Mufti of Egypt was one of the signatories of this open letter to state his adamant refusal of placing any association of Islam with their abhorrent acts of extremism which is prohibited under all religions.

This move was necessary especially due to the unfortunate fact that a number of European Muslims are joining these extremist groups and are lured by the myth of establishing an Islamic caliphate as they are wrongly embracing the notion that establishing a caliphate is the only legally valid political system in the eyes of the Islamic law. Also Muslims across the globe are dismayed with the atrocities that are committed both against Muslims and non-Muslims which totally go against the merciful teachings of Islam.

“These terrorist groups failed to recognize that Prophet Muhammad (peace be upon him) was not sent except to be a

mercy to all the worlds and they failed to understand that God bestows mercy on those who are merciful and thus we should have mercy on those on earth, for the Lord in heaven to have mercy on us” said Dr. Ibrahim Negm, the Senior advisor to the Grand Mufti.

QIS among other terrorist groups lost all meanings of compassion, mercy and affection towards humanity as they use the pathetic classical approach of hiding behind the motto of religion to attain their political goals of usurping lands, gaining political power and ruling people through torture, killing and persecution.

To read the open letter, please click here <http://lettertobaghdadi.com/>

Dar al- Iftaa warns the international media against using the appellation " ISIS" as it leads to the dissemination of extremist ideologies

The heinous acts of terrorism which led to the horrific killings of thousands of innocent people in 9/11 in 2001 in New York marked a dark episode in which humanity plunged in ruthless bloodshed. The cruel hearts, warped logic and rigid mentalities which signify the essence of the character of those blood-thirsty terrorists does not only strip them off any kind of association with any religion but more importantly with humanity at large.

The dreadful acts of QGIS terrorist group is another dark chapter in the history of humanity and all organizations and individuals across the globe should exert all their efforts to counteract these extremist ideologies in our attempt to save humanity from the dark tunnel of terrorism that it passes through.

Dar al-Iftaa is truly thankful to the international media for its news coverage of its international campaign which aims at clarifying the image of Islam and exonerating it from the heinous acts of terrorist groups such as Qaida Separatists (QGIS) among others. We feel that it is our duty as an official religious establishment to communicate with all parties, nations and organizations worldwide to disseminate a culture of peace, tolerance and coexistence and to change the stagnant stereotypes, predispositions and accusations which are falsely leveled against Islam.

Although we offer our deepest gratitude for the international media for its news coverage of our campaign, we are saddened by the fact that none of the major international media outlets had actually changed the name of ISIS to QGIS in their news

coverage. We are firm believers in the importance of media in disseminating authentic information, clarifying positions and combating extremist ideologies. The deliberate usage of the international media of the term ISIS, which makes a false connection to Islam and dares to speak on its behalf, is considered an implicit support to terrorism and an outright cooperation to disseminate hatred and sew discord through fueling hatred against Islam and Muslims.

Our campaign does not only aim at exonerating the name of Islam from the heinous acts of terrorism through clarifying the true position of Islam toward the sanctity of life but also we aim at disseminating a culture of peace across the globe where the value of humanity presides over all other values.

The imminent danger of insisting on using the term ISIS does not only stop at the surface level of smearing and distorting the image of more than 1.5 billion Muslims around the world but the real danger is that the editorial policies which support terrorism in one way or another succeeded in fueling negative feelings of hatred and racism against Muslims in Europe and the US. Persecution and discrimination felt by Muslims led to the development of social isolation which made them easy preys to the waves of extremism and terrorism.

Some European statistics evaluate the number of European Muslims who joined the extremist group of QSIS to be around 1500 Europeans and such horrific news cannot be dealt with only through applying national security measures and preventing these Europeans from entering their home countries for a period of time like David Cameron, the British Prime Minister, suggested.

Applying Terrorist Act schemes to secure national security is

only the tip of the iceberg but the real solution to the problem would be through disseminating a culture of integration and inclusive governmental policies which make all citizens feel at equal footing regardless of their religious affiliation or ethnic background. The international media has a huge role in supporting the voice of moderation and disseminating authentic information and disassociating Islam or any other religion from the heinous acts of terrorism. Through these means we can create a new environment in which we can counteract the extremist ideologies and avoid another chapter of darkness in human history.

The Washington post and the Guardian provide full news coverage of the endeavors exerted by Dar al-Iftaa against the “Qaida separatists QS”

The Washington post and the Guardian which are considered the biggest two newspapers in America and Britain gave special attention to the campaign launched by Dar al-Iftaa. The launched campaign addresses the international media to drop using the term “Islamic state” when referring to this terrorist organization in Iraq and Syria and replace it with the acronym “Qaida separatists”.

The Washington post stated that the campaign launched by Dar al-Iftaa enjoys considerable reasonability and persuasion. This is because, the majority of Muslims condemn these horrendous acts which they regard irrelevant to Islam. The Guardian stated that the term “Qaida separatists” which was proposed by Dar al-Iftaa as replacement for “Islamic states” is considered an intermediated solution. And an attempt to correct the distorted image attached to Islam and Muslims by these terrorist organizations. Dr. Ibrahim Negm –the advisor to the Grand Mufti of Egypt- emphasized that the considerable attention paid by western media reflects that the west has started to realize the seriousness of the problem. This is because some of the members of this terrorist organization have American and European nationalities.

Dar al- Iftaa condemns the brutal killing of David Haines by the blood-thirsty terrorist group (QGIS)

The heinous killing of the British aid worker, David Haines by the blood-thirsty terrorist group QGIS (Qaida separatists in Iraq and Syria) is another appalling murder which adds to their serial crimes which target all its opponents national and foreign.

Dar al-Iftaa in Egypt offers its deepest condolences to David's family and friends and to the British people at large. It is another black day which stabs humanity at heart as this horrendous killing-spree only comes from those who lost all their sensibilities and stripped off their humanity and turned to killing machines programmed to kill mercilessly, brutally and insanelly.

Dar al-Iftaa emphasizes that such extremist ideologies which give birth to such brutal acts must be fought at all costs. Dr. Ibrahim Negm, the Senior Advisor to the Grand Mufti said, "We are both saddened and appalled by such horrific series of killing and our pain is doubled as we are not only disheartened for the killing of an innocent human being but also for the audacity of the claim of these murderers to call themselves Muslims".

He added that this blood-thirsty terrorist group and its like failed to understand that these horrific acts and crooked thinking is not only condemned by Muslims but by any sane man. Islam abhorred killings and God emphasized that killing one innocent man equals the killing of all humanity in God's sight.

Dr. Negm ended his statement by urging the international media to rise up to its responsibility by ceasing to call this ruthless

terrorist group as IS (the Islamic state) as such people can in no way, shape or form be a true adherents to Islam or to humanity at large for that matter.

Important Fatwas Issued by Dar Al- Iftaa about combating radical ideas

I am a new convert to Islam and I have read in Islamic sources that Jihad is obligatory till judgment day. At the same time I understand that there is no compulsion in religion then what is the meaning of Jihad?

The original state which guides the relationship between Muslims and non- Muslims is coexistence and peace not war. God says in the Quran, “God does not forbid you from those who do not fight you because of religion and do not expel you from your homes - from being righteous toward them and acting justly toward them. Indeed, God loves those who act justly”. (60:8)

God also says “And if they incline to peace, then incline to it [also] and rely upon God. Indeed, it is He who is the Hearing, the Knowing.” (8:61)

Therefore the legal evidence from both the Quran and the Sunnah along with the Muslims’ actions along centuries indicate that they opened people’s minds and hearts before entering their lands and this understanding does not defy the concept of Jihad and its role in fighting oppression and elevating injustice. In other words, it is a mutual fighting and not one sided killing which means that non- Muslims are not fought because of the mere fact that they are non- Muslims.

For this reason Prophet Muhammad (peace be upon him) prohibited desecrating places of worship of non- Muslims or subjecting them to any kind of harm and even the non- Muslim militant combatants who fight against Muslims in a war, if they

ceased oppression and tyranny then Muslims have no right to continue fighting them. God says, “Fight in the way of God those who fight you but do not transgress. Indeed. God does not like transgressors.” (2:190)

Therefore Jihad is a noble war to fight injustice and lift oppression and tyranny and not a shooting spree of individuals as some uninformed people try to promote. If this noble war shifted away from legal guidelines which include all the necessary conditions, restrictions and elements which if applied would qualify fighting as an eligible noble war- if these rules are not applied then jihad is deemed illegal and simply turns to corruption on earth or betrayal and treachery because not every war is jihad and not all killings in war is permissible. Waging wars against non- Muslims everywhere is not part of Islam or its noble teachings as this understanding is a sheer aberration from the correct authentic way of understanding the concept of Jihad in Islam.

As for the verse which says, “and when the sacred months have passed, then kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they should repent, establish prayer, and give zakah, let them [go] on their way. Indeed, God is Forgiving and Merciful.” (9:5) This verse has to do with those who breached their covenant, fought, killed, betrayed Muslims and had calculative moves to annihilate them and thus God commands Muslims to defend themselves against polytheists and God described these polytheists in the later verses as “They do not observe toward a believer any pact of kinship or covenant of protection. And it is they who are the transgressors.” (9:10)

As for the prophetic hadith in which the Prophet said, ““I was commanded to fight people until they attest that there is no god

but God...”, the word “people” here falls under the legal maxim of “a general statement which is meant to be restricted” as the Prophet was addressing the rebel outcasts who defied the state system and try to demolish it through fighting and betraying Muslims and this kind of seceders are tried according to international law under the crime of great treachery which is not pardoned. Prophet Muhammad (peace be upon him) opened the door of pardon for seceders by saying “if they did all that-attesting there is no god but God and Muhammad is his prophet, performing prayers and giving zakat- then their lives and money are spared and their judgment is left to God.” This means that fighting seceders was not because of their disbelief in God as freedom of belief is secured and guaranteed in Islam but rather fighting was because of their troubling deeds and disturbing actions which breached the security of the general system of the society within which they live. We also need to differentiate between two important concepts. The first of which is jihad and irjaf or terrorism. Jihad for the sake of God is a noble Islamic concept which has a capacious meaning in the Islamic perspective. Jihad as a term fits to mean fighting against one’s lower self, against Satan and against whims and it is also used to fight against enemies who inflict injustice and practice oppression and tyranny. This last type of jihad has its own conditions without which it becomes impermissible.

The principle in war is that it should be launched with the authorization of, and under the banner of, the Muslim ruler; it is imperative that the decision to declare war is based on his own reasoning and his subjects must obey him. A ruler is authorized to declare war due to his knowledge of evident and hidden matters, the consequences of actions and the interest of his people. For this reason, a ruler is authorized to declare war and agree to domestic or international treaties as soon as he assumes

office. In turn, he does not issue decisions based on [personal] whims.

The Muslim ruler declares war only after consulting specialists in every relevant field such as technical and military specialists and political consultants who are indispensable to military strategy. The luminary al-Bahutī said in *Sharh Muntahā al-Iradāt*: “It is prohibited to [launch an] attack without the ruler's permission because he is responsible for making the decision of declaring war. [This is because] he has access to all the information pertaining to the enemy. [His permission is mandatory] except if [Muslims] are taken by surprise by non-Muslim enemies and fear their threat. [Only] then it is permissible to fight the attackers without the ruler's permission because of the general benefit therein.”

It is not justifiable in Islamic law to make individual reckless uncalculated decisions of waging wars because of which destruction follows suit let alone those explosive operations which has nothing to do with either Islamic jihad or any noble war. Jihad in Islamic law includes preparing armies, securing borders, along with preparing a power of deterrence which is used to prevent bloodshed and is used as a tool for maintaining peace and keeping a balance of power, God says,” And prepare against them whatever you are able of power and of steeds of war by which you may terrify the enemy of Allah and your enemy and others besides them whom you do not know [but] whom Allah knows. And whatever you spend in the cause of Allah will be fully repaid to you, and you will not be wronged.” (8:60)

Jihad in its combative sense is not meant for the purpose of killing non- Muslims unlike the claims of those fear mongers who portrayed that the original purpose of jihad is to shed the

blood of non- Muslims but the authentic Muslim scholars clarified that advocacy for Islam suffices and replaces the role of jihad which requires entering non- Muslims' lands and as long as advocacy is allowed and bears its fruits then resorting to jihad is not needed and killing non- Muslims is not a purpose in itself as jihad is only a means to an end and not an end in itself.

What those fear mongers promote is actually terrorism or in Arabic it is called *irjaf* and not jihad, as God says in the Quran, "If the hypocrites and those in whose hearts is disease and those who spread rumors in al-Madinah do not cease, We will surely incite you against them; then they will not remain your neighbors therein except for a little. Accursed wherever they are found, [being] seized and massacred completely. [This is] the established way of Allah with those who passed on before; and you will not find in the way of Allah any change." (33: 60-62)

The term *irjaf* as the proper translation into Arabic for terrorism is more favored. "This word, which denotes subversion and scaremongering to bring quaking and commotion to society is derived from the root (r / j / f), which means to quake, tremble, be in violent motion, convulse, or shake." This term occurs in the Qur'an in this context in one verse: "Now; if the hypocrites do not give over, and those in whose hearts there is sickness and they make commotion *murjifun* in the city, We shall assuredly urge thee against them." [33:60]. In the context of this verse, al-Qurtubi, the renowned thirteenth-century Qur'anic commentator and Maliki jurist, explains the meaning of *irjaf* with respect to "shaking of the hearts (*tahrik al-qulub*)," noting the root's corresponding application to "the shaking of the earth (*rajafat al-ard*)." Within an Islamic context, connecting this metaphor of creating commotion on earth (*murjifun*) with that of shaking hearts (*tahrik al-qulub*) connotes that those who do wrong are in fact acting against the wishes of the Divine.

The term *murjifun* (singular, *murjif*), as well as the equivalent rendering *irjafiyyun* (singular, *irjafi*), is a far better translation of terrorists. Of course, there are multiple ways to bring about such intense commotion to society, but all of these fall under the term *Irjaf*. From a linguistic perspective, the term unambiguously connotes the cowardice, deceit, and betrayal associated with terrorism in striking from behind.

Terrorism is conducted under many guises such as accusing the ruler or the whole state of falling into disbelief (*kufir*) or accusing a certain group of people of being disbelievers or shedding the blood of Muslims under the motto of commanding good and forbidding evil or permitting the blood shed of non-Muslims in their own countries or other baseless claims which go against the moderate Islamic teachings. This warped logic and false understanding led to the appearance of the outcasts or the Kharajites during the time of the Prophet's companions and this phenomenon was spread throughout history until our modern time.

These fanatic groups justify for themselves shedding blood and desecrating places of worship and spreading corruption on earth through killing tourists or through explosive operations or other forms of killing which result from misleading terrorizing methodology. Islam calls for resisting this kind of corruptive behavior and fighting those who adopt such fanatic methodology to prevent them from harming both Muslims and non-Muslims. Calling such acts of corruption and terrorism as jihad is a pure act of deceit which aims at tarnishing the image of Islam.

In our modern time, official entrance to countries is organized through entrance and departure visas which guarantees for its

holder safety and security of his life and money according to international law. The permission of entering a country is a token which guarantees safety and security for the holder of this permission and for this reason when non- Muslims enter Muslim countries for any reason such as tourism, his safety is automatically guaranteed and he should not be subjected to any danger. Muslim scholars went to the extent that if someone thought that he is safe and secure, then the state should act based on his thought and guarantee him safety and security even if he was a militant combatant.

My son is travelling for Jihad without my permission. Is this permissible?

Jihad in lexical term means exerting one's utmost effort and it has more than one level. The first and the major one is jihad against oneself through purifying the heart from maladies, whims and caprices. The second level is the one that you inquire about indicates a combative sense which is jihad fi sabeel Allah or exerting one's effort for the sake of God. Scholars name that jihad against one's self as the major Jihad because it continues with the person thorough out his life and not only limited with the time period of the actual war in which he performs jihad.

As a matter of fact Muslim scholars believe that a Muslim won't be able to perform jihad for the sake of God without starting with the bigger jihad which is jihad against one's lower self. 'Abdullah ibn Amr was once asked about his opinion on Jihad and he said start fighting your lower self first.

As for your question about jihad in the combative sense, Jihad in principle is a collective obligation [*fard kifaya*]: It is one of the collective duties of the community as a whole. The organization of jihad is the responsibility of the rulers and politicians, who from their appointed positions are best able to calculate the consequences of such a crucial decision. Rulers examine the extent of the necessity that calls for defensive jihad.

All the aspects of the decision for combative jihad and their ramifications are examined and are subject to a scientific and factual study which carefully balances the benefits with the disadvantages. The enterprise must be free from cowardice,

negligence, weakness, superficiality, or heedless emotions. No single group or person may initiate jihad on their own as this is considered transgressing against the ruler and may constitute more harm than good and such transgressors are held liable for the evils they have caused.

In certain cases Jihad becomes an individual obligation [*fard 'ayn*]: Jihad becomes an individual obligation in countries where Muslim sanctuaries are attacked and their security threatened and is a duty upon the citizens to defend their country. Defensive jihad is not obligatory upon all Muslims; it is a communal obligation for those residing outside the territories under attack. If they are unable to repel the enemy, jihad becomes an individual obligation upon Muslims in neighboring countries.

Implementing the legal ruling concerning this manner requires:

-Following the valid means which is the responsibility of those in authority, are aware of the political and military aspects, able to assess the need of jihad and calculate the ramifications, interests and disadvantages associated with the regional considerations and international treaties and are aware of the balance of international power. All of this requires:

- Special considerations and meticulous military and political studies which have exhausted the possibility of a peaceful resolution which God Almighty commanded. He said:

“But if they incline towards peace, you [Prophet] must also incline towards it, and put your trust in God: He is the All Hearing, the All Knowing” [8: 61];

- preserving the security of Muslim countries, their citizens and interests.

- The ability to face and endure the choice of war.

- Jihad must be formally declared and clearly defined to prevent Muslims from falling prey to notorious organizations that may exploit their emotions and take advantage of their zeal to serve foreign goals in the name of jihad.

So based upon the above clarification, the father has the right to prevent his son from travelling under the name of performing Jihad and the son is obliged to obey his father in this matter. Imam al- Bukhari reported that sons are not allowed to perform jihad without the prior permission of their parents and this was authenticated by numerous prophetic traditions and in one of them a man came to Prophet Muhammad seeking his permission to perform Jihad so the Prophet asked him “are your parents alive?” so the man replied “yes” in response the Prophet said “through them perform jihad”. In other words one should exert his utmost efforts (jihad) to take care of his/her parents.

The majority of Muslim scholars prohibited performing jihad for sons without the prior permission of their Muslim parents because taking care of one’s parents is an individual obligation whereas performing jihad is a collective one.

God knows best.

What is the status of Jihad in Islam?

If we were to ask people where do they place jihad for Allah's cause in their list of virtuous actions, most of them will undoubtedly place it at the very top. The significance of jihad is much wider than its erroneous translation as "holy war". Every action which serves the dual purpose of establishing Islam firm in its own land and conveying it to others, including an information campaign, is part of jihad.

Whether we take jihad in this widest sense or restrict it to the narrower sense of fighting oppressors in battle, it ranks with most people as the most important action, which earns reward from Allah. Since jihad requires a positive effort, which involves sacrifice of one's time, money or life, it tends to overshadow other virtuous actions, which bring us reward from Allah.

Companions of the Prophet, peace be upon him, were in the habit of asking him about everything which relates to religion. They realized that Islam is a complete way of life, which requires them to modify or amend, or totally change their practices, so that they are in line with what Allah requires of them. Hence, they went to the Prophet, peace be upon him, asking him about anything on which they did not have clear guidance. At times, they put their questions in general terms in order to establish a certain principle or a definite list of priorities. Abdullah ibn Massoud, a companion of the Prophet, peace be upon him, who achieved great renown as one of the leading scholars among the companions of the Prophet, reports that he asked the Prophet, peace be upon him, once: "Which action is most pleasing to Allah?" He answered: "To pray on time." I asked: "What comes next?" He answered: "Then comes kindness to one's parents." I said: "What comes next?" He said:

"Next comes jihad for Allah's cause." [Related by Al-Bukhari, Muslim and others.]

We note that the Prophet, peace be upon him, mentions first a pure act of worship which falls in the area of personal relationship with Allah as the act most pleasing to Him. He follows that with an action, which falls in a very narrow section of social relations, i.e. family relations. He places both actions above the one, which has more to do with public life and with the common welfare of the Muslim community. Moreover, the two first actions require much less effort and sacrifice than the third one. This Hadith reveals that the Prophet, peace be upon him, had a keen insight into what motivates people to work and to sacrifice. We know that prayer is the most important duty imposed by Islam. It does not impose a very heavy burden on the individual. It is an easy and pleasant duty, which makes man constantly aware of what Allah requires of him and keeps him on his guard against falling in sin. It is only natural that the fulfillment of the top and most frequent duty should earn the greatest reward from Allah. What the Hadith tells us is that prayer must be offered on time in order to earn that great reward and be most pleasing to Allah. In other words, punctuality is of essence for prayers to be so highly rewarded.

Kindness to parents is placed second in importance. There is no doubt that our parents have the greatest claim on our love and kind treatment. Nothing that we may do for them in their old age, when they grow weaker and more dependent on us, compensates them for the kindness and love they show us when we were young and totally dependent on them. We need only to look at any child being cared for by his mother in order to appreciate how great the sacrifice of the mother is and how little the child can offer in return. People may not argue about the claim of parents on their children's kindness, a duty that earns

reward from Allah. Allah rewards us for our good actions although we may do them only by way of duty. But the emphasis placed by Islam on this kindness to parents is due to two different considerations.

First, it is easy for a child just reaching adulthood to be preoccupied with its own affairs, looking after its own interests, and to be proud of strength, prestigious position, etc. It is very easy for such a person to be negligent in his duty toward his parents. Some people find it very difficult to part with their money, even when they have to pay it to their own parents. They may have more than enough for their own needs, and their parents may be poor, but nevertheless they find it extremely difficult to help their parents financially. It is not uncommon to hear about cases of unkind treatment of parents. Hence, the reminder is needed and the Prophet, peace be upon him, reminds us in the most effective of ways.

Secondly, with such a great claim on their kindness and love, which our parents possess, if we do neglect our duty, we are bound to neglect other duties which our religion imposes on us. We will definitely be less inclined to be kind to others who are not related to us. We will be hesitant to extend our help and support to those who need it and have no immediate claim on us. Such an attitude is totally alien to Islamic behavior. Hence, the Prophet, peace be upon him, stresses this duty. He says in another Hadith reported by Al-Bukhari on the authority of Abdullah ibn Omar: "Allah's pleasure is dependent on the pleasure of parents, and His displeasure is caused by the displeasure of parents with their child." In this Hadith the Prophet, peace be upon him, shows that the surest way to earn Allah's pleasure is to be kind to one's parents. If one is unkind to them to the extent that their love is replaced by displeasure,

anger or bitterness, then this is the surest way to earn Allah's displeasure. There can be no gloomier prospect than this.

Are Muslim soldiers allowed to rape female prisoners?

I wonder where in Islamic law did the questioner read about a "rule" that Muslim soldiers have the right to rape women prisoners of war. There is simply no such rule. In fact, Islam prohibits such practices. No rape or forced sex with any woman, even those who take an active role in fighting against Muslims, can be condoned under Islamic law. Prisoners of war must be treated very humanely. This was the practice of Muslim armies throughout the early period of Islam, when they liberated vast areas. No wonder, they had to follow the Prophet's (peace be upon him) example who was the most kind even to his enemies.

In his wars, the Prophet, peace be upon him, chose two women, Juwayriyyah bint Al-Harith who belonged to the Al-Mustalaq Arabian tribe, and Safiyah bint Huyayy of the Jewish tribe of Al-Nadheer. He married both of them, and they are given the title of "mothers of the believers" along with his other wives.

Some ill-informed authors are grossly mistaken about Islamic rules concerning war and captives. The whole question is related to slavery and how Islam viewed it. I will explain this in brief.

Islam abhors slavery and considers it an odd situation that should be ended. When Islam started, slavery was common practice in all societies. Therefore, Islam encouraged the freeing of slaves, considering it one of the best acts of charity that earn God's rich reward. Moreover, Islam made the freeing of a slave from bondage the penance required to erase a variety of offenses.

The aim was to gradually reduce the number of slaves in Muslim society. It also outlawed all slavery sources except for one, namely, prisoners of war. Islam could not stop this source because it was a universal practice in all countries. Hence, it had to continue it until such time as the world agreed to stop it altogether. However, it encouraged the Muslim state to adopt a policy toward prisoners of war which would set them free, either as a gesture of kindness or against ransom, as clearly stated in the Qur'an: (47: 4).

Some scholars argue that this rule has been abrogated by a later verse, but the fact is that the later verse is relevant to a specific situation only, while this rule applies to all future situations. However, the possibility of enslaving prisoners of war remained open, should there be a clear interest for the Muslim community. This is not left to individual soldiers or commanders, not even to the commander-in-chief of a Muslim army. It is determined by the Muslim ruler on the basis of what he deems to serve the best interests of the Muslim community. Needless to say, now that slavery has been abrogated throughout the world, the possibility of enslaving non-Muslim captives does not arise, because there is no interest for a Muslim community in reinstating the slavery system, which is against basic Islamic teachings.

When slavery was common practice, Islam needed to legislate for the treatment of slaves. The Prophet, peace be upon him, took pains in stressing the importance of kind treatment, making clear that harming a slave was a punishable crime. Under Islam, slaves could marry, and a slave woman could also marry a free man. Alternatively, her master may take her to himself.

If he did, she would not marry another man. It is not possible under Islam for a woman to legitimately sleep with more than

one man, in any situation or relationship. Anything of this sort is plain adultery and this is a crime that carries a severe mandatory punishment. If a slave woman gives birth to a child, her status is changed to that of a "mother of child". Her master could no longer sell her to anyone. She remained his for the rest of his life, unless he wished to set her free. When he died, she automatically became free.

As you see, there is nothing in Islam of the sort of free sex with slaves, prisoners of war, or indeed anyone. It is all regulated in a system that is characterized by its strict and serious morality. Our reader speaks of long-bearded men speaking enthusiastically of sex with prisoners of war. A good understanding of Islam is not measured by the length of a person's beard. When we speak of Shariah and Islamic law, answers are given by specialized scholars, who may be bearded or clean-shaven. The stress must be on their scholarly knowledge, not their appearance.

Is jihad seen as a necessity in Islam?

It must be clear that jihad is a means to an end and used to ensure freedom of faith and religious practice not just for Muslims but people of all faiths. This is why the verse says:

“They are those who have been expelled from their homes in defiance of right for no cause except that they say, "Our Lord is Allah". And had it not been that Allah checks one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues, and mosques, in which the name of Allah is commemorated in abundant measure. Allah will certainly aid those who aid His cause, for verily Allah is Full of Strength, Exalted in Might”. (22:40)

Legally jihad is considered a communal obligation (*fard kifJayah*), if a portion of the community engages in it, the rest are absolved of the duty. Jihad in this sense is strictly used for military campaign. The two types of jihad discussed in books of Islamic legal thought are one, if there is an invasion into a sovereign Muslim territory. In this case, jihad becomes individually obligatory (*fard 'ayn*) to repel the attack and protect the land. The second type is offensive jihad in which case the Caliph declares a jihad against an aggressive and hostile non-Muslim neighbor that poses danger to the Muslims. In this sense, only the ruler may declare jihad and no one else is permitted to take matters into their own hands. When put in the context of functions of the state and preservation of sovereignty, these two scenarios make sense and are understood as necessary things to protect peace. Any nation that is invaded has the right to defend itself and any nation has the right to attack an aggressive neighbor if it will prevent further harm.

However, the key to understanding jihad is in the subtle words of the jurists who say, "The necessity of jihad is the necessity of means not ends". In other words, the point of jihad according to Islamic legal thought is not to kill the infidel and be victorious but rather to preserve peace and protect the larger Muslim community, which is why the jurists go on further to say that "if guidance (*hidaya*) can be achieved without jihad then that means would be better". The point is not to increase the number of Muslims or to become wealthy, in fact the amount of poll tax levied is minimal according to the books of law, rather it is to preserve borders, keep the peace and protect the Islamic way of life for those who choose to live it and those who seek to learn about it.

The interesting thing about jihad is the manner in which it was legislated by the Prophet of Islam. It went through four phases: the first was the forbidding of jihad and the command was to persevere through the tribulations, the second was the legislation of defensive jihad only, the third was offensive jihad only outside of the holy months and finally there was permission to wage jihad throughout the year as needed. This was a slow process through which the early Muslim community persevered through much persecution and torture. By the time that full jihad was made legal and permissible; the Muslim community had a wealth of experience and had solidified their faith so as not to misuse this necessary function. Although a telling fact of the nature of jihad, it goes to demonstrate the nature of warfare itself in the pre-modern time; war was waged with chivalry and hand-to-hand combat was the norm.

Once a battle is completed and in the case where Muslims are victorious, immediately dhimmi status is to be given to the conquered. The dhimmi is a non-Muslim who has the right to practice his/her religious belief freely under Muslim rule. They

are not required to wear different clothing as happened under different ruling powers, and their only obligation is to pay the poll tax. Traditionally the dhimmi was a special status and had full rights as any other citizen. The Prophet of Islam said, "Whoever transgresses against a dhimmi I will be that dhimmi's advocate on the Day of Resurrection" - a strong warning to rulers and common-folk alike.

This having been said, it is not our intention to assume that all these legal injunctions were followed strictly in the various stages of Islamic state expansion. Rather, this discussion goes to serve as a frame of reference by which to judge the events of history.

The jihad of the early Muslims was, in accordance with the above legal discussion, used to ward off potential harm from various political entities and not used to convert people by force. The very proof of this is the extensive non-Muslim communities, mostly Christian and Jewish, that flourished in the heart of the Muslim body politic. Even today, one can travel to some of the old cities of Muslim countries and find churches and synagogues intact and in use. However, the greatest testament to this is the story of the opening of Jerusalem by the, second Caliph 'Umar ibn al-Khattab. Once the truce was initiated, 'Umar wrote the following.

“In the name of Allah, the Most Merciful, the Most Compassionate, this is what the servant of Allah 'Umar, the leader of the believers has given to the people of Ilat (the old Arabic name for Jerusalem). He has assured them safety in their lives and property, their churches and crosses and all peoples related to their communities. No one should take their churches or destroy them neither should any part of it be annexed or diminished and the same is extended to their crosses and

wealth. None of them shall be forced to convert and no harm shall befall them.”

In this truce, we find what is in the covenant of Allah, His Prophet, the Caliph and all the believers. This truce was signed by Khaled ibn Walid, 'Amr ibn.al-'Aas, Abdul Rahman ibn 'Auf and Mu'aawiyah ibn abi Suffyan. This truce was written in the year fifteen after the hijrah.

One of the grossest misuses of religion for the purposes of war and persecution was the Spanish Inquisition. Not only did it destroy the beautiful coexistence of Muslims and Jews in Spain, but in so doing put a halt and even reversed one of the greatest intellectual periods of Europe. By the year 1492, often remembered as the year when "Columbus sailed the ocean blue", the remnants of the Muslim and Jewish populations were expelled from the Iberian Peninsula. During the time of the Inquisition, families were tom apart and many more were tortured in the worst means possible all in the name of the Churches.

This same phenomenon was seen in much of the spreading of Christianity after the fourth century in Europe where violence and bloodshed was almost part of the package of faith. Charlemagne waged war against the Saxsons for thirty three years and forced them to convert to Christianity at the hands of the Christian Saint Liudger Willehad. The Christian King Cnut spread the Christian faith in Denmark by force and violence. Christianity was established in Russia by force through the help of the Brethren of the sword. The purpose is not to point out certain figures and dates since every religion has these archetypical figures that are intolerant and do crazy things in the name of faith and love of Allah. However, the point is to cast a fair and honest glance at the history of religion and see that there has been systematic and organized persecution in nearly

almost all religions except in Islam where there has only been individual persecution and intolerance that was and is always rejected by the scholarly community.

The image of Islam being a warring religion and spreading only by coercion and bloodshed is largely due to the early works of orientalist who echoed these themes in their writings. The following paraphrases of quotes will suffice to make this point clear:

- Muir and Caetani attributed the causes behind the increasing of the number of Muslims to the military victories; and the compelling of people to embrace the call according to the precepts of Islam.

- Muhammad commanded his, followers to make the entire world profess Islam; by the sword when necessarily.

- Those Arabs had imposed their religion on the world. They told people that they could either be Muslims or die. While on the other hand, the Disciples of Christ had overwhelmed the souls of people by their benevolence and philanthropy.

- The sword of Muhammad and the Qur'an are the dangerous enemies of freedom and civilization.

- The Crusade wars did not break out in order to save the Resurrection Church only, but to also know who will be the conqueror in this land. Islam a doctrine for worshiping that constantly advocates ignorance, oppression, and servitude! And so it is an enemy to civilization. Or it is a doctrine that contributes in arousing in the minds of its contemporary people the ingenuity of time by obliterating the compulsion of religion.

This portrayal of Islam carried for almost two centuries and has been more aggressively exposed in recent times by Western media in both the form of movies and news.

This conception, as well as others discussed in this book, suffer from one fundamental problem, namely they do not give a full look into the sources of Islam to translate a proper understanding into Western languages. In turn this has created a popular misunderstanding of Islam that is self-perpetuating and often times negative and hostile. Such has prompted new studies and translations including this present work to give a more complete look at Islam based on thorough research which marks a move away from apologetic pieces.

This holistic view of Islam is needed today more than ever as more and more westerners are embracing Islam as their preferred way of life. This is occurring at all levels of society and once again Islam will be close to and even in the West proper. To consider this phenomenon as a threat is to miss the big picture and sets society as a whole up to commit the same mistakes as those done in the past. Knowledge is the proper response to fear and it is this general principle that must be firmly rooted in both the Muslim world and the west.

Were the Prophet's battles (*ghazawat*) seen as colonial conquests?

Objective research should always give priority to intended meanings—not to words or phrases because words or names may differ from one language to another and from one culture to another. Words/Names also change with time and with the change of place. If we clarify the core of issues, we will not differ on naming, for difference will then be merely verbal. For this we say: One who contemplates over the events of the Prophet's biography and the battles and events that took place will know that all these battles were actually defensive—defending sanctuaries, and defending the Islamic Call against the polytheists of the Arabs, the Jews of Medinah, the Christians of Rome, and others who tried to end and bury it.

Many contemporary researchers have done inductive analytic studies on the causes and motives that were behind all battles and fighting events at the time of the prophet, and they found that these battles were all defensive—including the cause of defending the Call itself against opponents. None of those battles were led for expansion reasons or to conquer other states or nations. From the beginning, the battle of Badr was to retrieve the money of the emigrants to Medinah which Quraish had confiscated. The conquest of Mecca happened because of Quraish's betrayal, their break of the agreement by attacking the allies of the prophet. Those who wish to do inductive analytical studies on this can refer to some writings done by contemporary as well as earlier scholars.

With this we can see that calling Jihad (fighting) in that era as "*ghazo*" or "*fath*" will not change the defense nature of the motives of all the battles led by the Prophet. Calling these

battles as “*ghazawaat* = invasions” should not lead to the understanding that these were acts of colonial invasion. It should be understood within the linguistic boundaries which allow us to name as “*ghazwah*” every kind of battle regardless of its motives. This understanding stems from the root of the word (*ghaza-ghazwan*) which means wanted the thing and went after it. Al-Asfahani said: “*ghaza al-‘adw* = fought the enemy if he went out to fight them” (see Taj Alarous *Sharh alQamous* , 39:158). This meaning includes every kind of ‘going out’ to fight whether to defend or to attack. The evidence comes from the fact that in the prophet’s biography, this name is given to the two battles of Uhud and al-Khandaq, which were evidently acts of defense against the enemies who tried to destroy al Medinah and its occupants. And Allah knows best.

What is the ruling on the use of weapons of mass destruction by terror groups against civilians?

Weapons of mass destruction (WMDs) is a military term used for a class of unconventional highly destructive weapons that are capable of causing damage on a massive scale to living creatures and the environment.

WMDs are classified into three categories:

1- **Atomic weapons:** These include the nuclear bomb, the hydrogen bomb, and the neutron bomb. Weapons in this category are designed to diffuse radiation that is destructive to humans, buildings and pollute entire cities for extended periods. Some of these weapons may destroy humans only.

2- **Chemical weapons:** These include multi- purpose gases used in military operations and burning agents. Chemical weapons are extremely hazardous, potentially fatal to any living creature exposed to them and destroy vegetation. Chemical warfare agents commonly occur in either a gaseous or highly vaporous liquid state and are extremely toxic. They rarely exist in a solid state.

3- **Biological weapons:** This is a term applied to the bacteria and viruses used to spread dangerous epidemic diseases behind enemy lines causing losses to its animal and agricultural supplies.

Possessing these kinds of weapons to deter enemies is a requirement of Islamic law. This is evidenced by the words of Allah:

“And prepare against them whatever you are able of power and steeds of war by which you may terrify the enemy of Allah and your enemy”(8:60).

In his interpretation of the verse, the luminary, al-Alusi, said: "Anything that can be used as a deterrence in war" [10/24 *Dar al-Turath al-Arabi*]. In the previous verse Allah commands Muslims to deter their enemies who may be inclined to attack Muslims. Apart from being a principle of Islamic law that factors in punishments and disciplinary actions, deterrence is also a legitimate political principle sanctioned by states in their defense policies and established in military strategies.

Acquiring and possessing WMDs is an integral of [religious] legal and political requirements. This is because a condition to a requirement is [naturally] a requirement and the license to undertake a certain action authorizes the implementation of the conditions of its objectives.

It is well known that acquiring and possessing WMDs creates strategic and military balance between states and serves to deter any state that is tempted to launch a hostile attack against a Muslim country therefore preventing them from being dragged into an undesired war. This applies to acquiring WMDs and using them to deter enemies and oppressors. There is a difference between acquiring these weapons to deter potential aggressors and between initiating their use.

The scenario of initiating the use of WMDs which is based on the personal reasoning and opinions of individual sects, factions, and groups is prohibited by Islamic law. Any opinion that maintains its permissibility or attributes it to Islamic law and its scholars is a false claim and accusation against [sacred] law and religion. This is substantiated by the following:

The decision to declare war

The principle in war is that it should be launched with the authorization of the Muslim ruler; it is imperative that the decision to declare war be based on his own reasoning and his subjects must obey him. A ruler is authorized to declare war due to his knowledge of evident and hidden matters, the consequences of actions and the interest of his people.

For this reason, a ruler is authorized to declare wars and hold domestic or international treaties as soon as he assumes office. In turn, he does not issue decisions based on [personal] whims. He declares a war only after consulting specialists in every relevant field such as technical specialists, military personnel, and political consultants who are indispensable in the military strategy.

A person or persons who independently determine the use of WMDs not only impose their opinion on their rulers but on the entire [Muslim] community. They give themselves the right to make decisions relating to the destiny of the entire community without recourse to *ahl al-hall wal-'aqd* [En. those who are qualified to elect or dispose of a ruler on behalf of the Muslim community] in matters that expose the country or people to great dangers.

The luminary al-Bahutī said in *Sharh Muntahā al-Iradāt*: "It is prohibited to [launch an] attack without the ruler's permission because he is responsible for making the decision of declaring war. [This is because] he has access to all the information pertaining to the enemy. [His permission is mandatory] except if [Muslims] are taken by surprise by non-Muslim enemies and fear their threat. [Only] then is it permissible to fight the

attackers without the ruler's permission because of the general benefit therein.”

Breach of international agreements and treaties

Islamic states must abide by the agreements and treaties that they acknowledged and entered into on their own accord; standing firmly with the international community towards achieving global peace and security [only] to the extent of the commitment of the signatory countries. Allah says:

"O you who believe, fulfill [all] contracts" (5:1)

In the above verse, the term 'contract' refers to all commitments between two parties on a particular action. In his interpretation of the above verse, the erudite Tunisian scholar, ibn 'Ashur says: "Contracts in this verse refers to one of a genus denoting the totality [of contracts]. It includes covenants that Muslims made with their Lord such as to follow the *shari'ah* ... pacts of allegiance between the believers and the prophet [peace be upon him], not to associate partners with Allah, steal, or commit fornication ... agreements between Muslims and non-Muslims ... and agreements between a Muslim and another" [*Al-Tahriir wa al-Tanwīr*, 6/74].

□*Amr ibn* □*Awf al-Muznaī*, may Allah be pleased with him, narrates that the prophet [pbuh] said: "Muslims are bound by the conditions [they stipulate] except those that are unlawful or those that make unlawful matters lawful" [reported by al-Tirmidhī].

Commenting on this hadith, *al-Jassās* said: "It is a general obligation to fulfill all the conditions man holds himself to as long as there is nothing (in Islamic law) to restrict them" [*Ahkam al-Qur`an*, 2/418].

Ali, may Allah be pleased with him, narrated that the prophet [pbuh] said: "The protection granted by the weakest Muslim to a non-Muslim is tantamount to that of the entire [community]. Whosoever violates it incurs the curse of Allah, the angels, and all the people" [Reported by *al-Bukhārī*].

Abdullah ibn Umar, may Allah be pleased with them both, narrated that the prophet [pbuh] said: "The signs of hypocrisy are four: when he is entrusted with something he betrays the trust, when he speaks he lies, when he makes a promise he breaks it, when he quarrels he behaves in an immoral manner. Whoever possesses all four is a hypocrite and whoever possesses one of them possesses an element of hypocrisy until he gives it up." [Reported by *al-Bukhārī* in his *Sahīh*].

Umar ibn al-Hamq al-Khazaī narrated that the prophet [pbuh] said: "If a man entrusts another with his life and is killed by him, I have nothing to do with the murderer, even if the murdered man were a non-Muslim" [Reported by *al-Bayhaqī*].

Consequently, the parties to international treaties and agreements are committed to end war and enjoy a state of peace by virtue of the agreement they entered into. Allah Almighty says:

And if they incline towards peace, then incline to it [also] and rely upon Allah. Indeed, it is He who is the Hearing, the Knowing [*Al-Anfal*] 61.

3- Using WMDs involves killing people and taking them by surprise. Abu Hurairra (may Allah be pleased with him) narrated that the Messenger of Allah (peace and blessings be upon him) said: "A believer is not to kill [others]. Faith is a deterrent to killing". Ibn al-Athir said: "Killing [here] means

taking others by surprise and killing them while they are unprepared" [*Al-Nihaya fi Gharib al-Hadith wa al-Athar* 3/775].

The hadith means that faith is a deterrent to attacking others suddenly while they are unprepared. The Prophet's words: "A believer is not to attack [others] by surprise" is a clear prohibition since it involves deception.

Manners of a Muslim

Khubayb al-Ansarī (may Allah be pleased with him) was captured by the polytheists and sold in Mecca to Banī al-Hārith ibn 'Amir ibn Nawfal ibn abd Manāf. It was Khubayb who killed al-Hārith ibn 'Amir in the battle of Badr. He remained a prisoner with them for some time. Once, he asked the daughter of al-Harith for a razor to shave and placed her son on his lap. When she came upon this scene and saw Khubayb holding the razor in his hand and her son on his lap, she became scared. Thereupon, Khubayb said to her: "Are you afraid that I might kill him? I will never do that." She said: "I never saw a captive better than Khubayb."

This is an example of a Muslim imprisoned by his enemies who plotted to kill him. In spite of being on the verge of death, he refrained from killing their son when he had the opportunity to do so. The manners of a Muslim are free from deception and killing others by surprise.

4- Killing and harming women and children

Al-Bukhari and Muslim reported through *Abdullah ibn Umar* (may Allah be pleased with them both) that a woman was found dead in one of the battles fought by the Prophet (peace be

upon him). Thereupon he condemned killing women and children. Another phrasing of the hadith states: "The messenger of Allah (peace be upon him) forbade killing women and children." Imam al-Nawawi said: "There is a scholarly consensus on putting this hadith in practice as long as the women and children do not fight [the Muslims]. If they do, the majority of scholars maintain that they should be killed" [*Sharh Muslim* 12/48].

5- Killing and harming Muslim residents of the target countries

Targeting other countries with WMDs will endanger the lives of Muslims residents, natives or visitors. The noble *Shari'ah* honors the life of Muslims and warns against shedding their blood without right. Allah Almighty says:

"But whoever kills a believer intentionally—his recompense is Hell, wherein he will abide eternally, and Allah has become angry with him and has cursed him and has prepared for him a great punishment" (4:93)

On that account: We ordained for the children of Israel that if any one kills a person-unless it be for murder or for spreading mischief in the land- it would be as if he killed the whole people, and if anyone saved a life, it would be as if he saved the life of all people (5:32).

Abdullah ibn 'Amr (may Allah be pleased with them both) narrated that the Prophet (peace be upon him) said: "The perishing of this world is easier in the sight of Allah than taking a Muslim's life" [Sunan al-Nassa'i].

Ibn 'Umar (may Allah be pleased with them both) said: "I saw the messenger of Allah (peace be upon him) circling the Ka'ba saying: "How great and sacred you are, and how pleasant your fragrance! By He in whose hand is the life of Mohammed, the sanctity of a believer, his property, life and to think well of him is greater in the sight of Allah than yours" [Ibn Majah].

Killing a Muslim intentionally and in spite is a major sin second to disbelief. The Companions (may Allah be pleased with them) of the Prophet and their students differed over Allah's acceptance of the murderer's repentance.

6- The ramifications of using WMDs

Such a foolish act will bring about catastrophes not only upon Muslims but upon the entire world because the countries under attack may retaliate either in kind or in a more brutal manner. Moreover, the destructive effects of some of these weapons may exceed the targeted area and spread by wind to other countries not involved in the conflict. Hence, the immediate and far reaching evils of WMDs are greater than the benefits, if any. It is worthy to mention at this point that preventing harm is among the principles of Islamic law. This is based on legal maxim, "Preventing harm takes precedence over gaining benefit."

7- Consequences of using WMD

Some of these weapons damage individual and public properties, wasting wealth which is forbidden by Islamic law. The prohibition is greater if the wasted wealth belongs to the oppressed. Thus, this prohibition lies in violating Islamic law on the one hand and the rights of others on the other.

The use of some of these weapons may require the perpetrator to enter the target. Permission to enter a country is considered a non-verbal security agreement not to cause corruption in the host country.

Imam al-Khurqī said in his *Mukhtasr*: "Whoever enters enemy lands in safety is not allowed to cheat them of their money."

Commenting on this statement, Ibn Qudāma said that it is prohibited to betray them [non-Muslims in non-Muslim countries] because there is an unspoken covenant to enter in safety on the condition that the person who seeks permission to enter a foreign country does not betray or oppress them. So whoever enters our lands in safety and betrays us violates this security agreement. This is prohibited because it involves treachery which is forbidden in our religion." [*Al-Mughni* 9/237].

The use of textual evidence to propagate the permissibility of using WMDs

The legal and juristic texts used as evidence to spread this extreme idea are taken out of context. Using these texts in such a manner disturbs peace, ignoring the differences between states of war and peace, and the special rulings pertaining to each of them. This is a compelling difference that is inconsistent with using WMDs weapons based on textual evidence on the permissibility of *tabīt* and *ramy al turs*. It is a grave mistake to make this analogy even though they are valid in themselves within the context cited by the authors of these texts. It is dangerous to take these rulings from their context and apply them to different situations.

Moreover, it is impermissible to derive a ruling permitting the use of WMDs against an oppressor based on analogy since it is established that there is a difference between the rulings for

repelling an aggressor and those of *jihad* [En. fighting for the cause of Allah]. These include repelling the aggressor by the least violent means. If it is possible to resolve the conflict in a peaceful manner, it is prohibited to use weapons against the aggressor. Using WMDs against others is not consistent with Islamic values.

It is invalid to base the permissibility of using WMDs on analogy [Ar.*qiyās*] to *tabyīt*, using the catapult, or *tahrīq* for the following reasons:

- There are great and manifest differences between the two situations.
- The prophetic traditions mentioned on *tahrīq*, *tabyīn*, and the use of the catapult were narrated in a state of war; there is a difference between a state of war and peace.
- There is a great difference in the effects of throwing stones at the enemy using the catapult and between using WMDs. The effects of the catapult are relatively restricted as compared to the effects of WMDs.
- The above methods of warfare mentioned in the prophetic traditions were conducted with the approval of rulers. Giving a person, [other than a ruler], the right to declare war is a crime against the [Islamic] community and its rulers under the pretext of *jihad*.

Even if we assume the authenticity of these prophetic traditions, we must note that they refer to specific incidents and cannot be put into general practice. For this reason, some scholars maintained that the principle [in war] is to avoid *tabyīt*, *tahrīq*, and destruction; they base their opinion on the general religious texts which discuss the ethics of war.

It is impermissible to use WMDs

Our opinion is that WMDs that cause fires must not be used due to the prohibition of burning. After ordering his troops to use fire, the prophet forbade its implementation as a weapon even though the Muslims were in a state of war. Abū Hurayrah narrated that the prophet [pbuh] said: "Allah alone has the right to punish with fire" [Bukhārī]. It is known that many WMDs cause huge fires, therefore it is better to ban their use even in a state of war.

It is a mistake to base the issue of the use of WMDs on tabyit because scholars restricted its permissibility by the following:

- It must be implemented in a state of war.
- The enemy must be from among those whom Muslims are permitted to fight as compared to the enemy with whom Muslims have a truce. It is impermissible to attack the enemy under the cover of night because it is a violation of the security pact between them in terms of lives, wealth, and honor. If it is prohibited to attack under the cover of darkness the enemy with whom Muslims have a security pact, then it is even more prohibited to use such lethal weapons against them.

Human Shields

It is impermissible to use human shields save in state of war and under specific conditions detailed by jurists. [*Bahr Ra`iq* 80\5, *Hashiyat ibn 'Abī Dīn* 223\3, *Rawdat al Tablibīn* 239\10, *Mughnī al Muhtāj* 223\4, *Mughnī ibn Qudāma* 449\8, 386/10].

Based on the above, what was mentioned in the question is a false claim. It is a great crime to promote this claim as it is also considered corruption on earth which Allah Almighty forbids. Its perpetrators are warned of severe punishment:

"If the hypocrites and those in whose hearts is disease and those who spread rumors in al-Madinah do not cease, We will surely incite you against them; then they will not remain your neighbors therein except for a little" (33:60).

"So fulfill the measure and weight and do not deprive people of their due and cause corruption upon the earth after its reformation. That is better for you, if you should be believers" (7:85).

"So would you perhaps, if you turned away, cause corruption on earth and sever your [ties of] kin? Those [who do so] are the ones that Allah has cursed, so He deafened them and blinded their vision" (47:22-3).

We have heard about the bloody incident that took place in Bali Island where a great number of foreign tourists were killed. What I want to say is that such an incident will be automatically blamed on both Islam and Muslims. My question is: In case it is proven that those who masterminded the Bali attacks were Muslims, then what is the Sharia stance on this?

It should be stressed that Islam not only prohibits attacking non-Muslims who do not launch attacks against Muslims, but it also urges Muslims to treat those non-Muslims with due respect and kindness, especially non-Muslims who live along with Muslims within the Islamic territories. This ruling is agreed upon among Muslim jurists.

It goes without saying that the tragedy that occurred in Bali, in which a bomb blast claimed the lives of more than hundred tourists, is actually a heinous crime. It is even an act of spreading mischief in the land or *Hirabah* in juristic term; a crime in Islam for which a severe punishment is specified, without discrimination as to race, color, nationality or religion of the culprit. For this crime, the punishment is clarified in the verse that reads: "The only reward of those who make war upon Allah and His messenger and strive after corruption in the land will be that they will be killed or crucified, or have their hands and feet on alternate sides cut off, or will be expelled out of the land. Such will be their degradation in the world, and in the Hereafter theirs will be an awful doom." (5:33)

In fact, there are two things that made this tragic incident a terrible shock to us: first, it targeted innocent civilians and, secondly, it occurred in a country that has the largest Muslim population. Such countries should offer the best example of peaceful co-existence, maintaining security with due regard to

the preservation of lives, honor and property. Islam is based on maintaining the sanctity of five things that are regarded as prime objectives of Shari'ah: religion, life, property, lineage and intellect. It places a deterring punishment for any person who dares to violate the sanctity of such faculties.

All Muslims are thus required to stand hand in hand to wage war on oppression and transgression low and high, regardless of who happens to be the target of such oppression; regardless of nationality of victims, be they innocent Australian tourists or wronged Palestinian citizens or any other person in the world. Islam makes it clear that peace and justice should be the etiquette governing relations between people. Needless to say that facing oppression and combating transgression serve as the key to maintaining peace."

Even if it is proved that the Bali attacks were masterminded by Muslims, still logically Islam is not to blame for these attacks. A clear separating line is to be drawn here between the teachings of Islam, which prohibit such attacks, and the acts of some Muslims who possess a narrow-minded view of Islam.

We would like here to recall that along the history of Islam some of its adherents (i.e. Muslims) used to act in a way that violate the Islamic teachings and put them at stake. Indeed, those people hurt Islam and Muslims with the wrong behavior they do; as the threat they pose to Islam is much more than that of the enemies of Islam who fight it tooth and nail, both in darkness and broad day-light. That is why they say that a wise enemy is better than a fool friend. Also, the Arab poet reiterated this saying:

For every disease there is a cure, except for foolishness as it has
no cure.

It is also known that the rights stated for those non-Muslims living under the protection of the Islamic State are not just a mere ink on paper. Rather they are considered inalienable rights laid down by the Islamic Shari'ah, and these rights should be given due regard. Every committed Muslim, who worships Allah faithfully, acts in accordance with Allah's ordinances, should never violate those rights. The whole Muslim society should respect these rights.

Islam does not permit aggression against innocent people, whether the aggression is against life, property, or honor, and this ruling applies to everyone, regardless of his post, status and prestige. In Islam, as the state's subject is addressed with Islamic teachings, so is the ruler or Caliph; he is not allowed to violate people's rights, lives, honor, property, etc.

In the Farewell Pilgrimage, the Prophet, peace and blessings be upon him, declared the principle that people's lives, property, and honor are inviolable until the Day of Judgment. This ruling is not restricted to Muslims; rather, it includes non-Muslims as well, as long as they don't wage aggression against Muslims. Even in case of war, Islam does not permit killing those who are not involved in fighting, such as women, children, the aged, and the monks who confine themselves to worship only.

This shouldn't raise any wonder, for Islam is a religion that prohibits aggression even against animals. Ibn 'Umar, may Allah be pleased with them both, quote the Prophet, peace and blessings be upon him, as saying: "A woman is qualified to enter (Hell) Fire because of a cat which she tied, neither giving it food nor setting it free to eat from the vermin of the earth." (Reported by Al-Bukhari)

If such is an Islamic ruling concerning aggressive acts against animals, in fortiori, the punishment is bound to be severe when human being happens to be the victim of aggression, torture and unjust killing.

This has driven objective historians in the West to state that along the history, Muslim conquests were very just and merciful. In Islam, the notion "End justifies the means" has no place at all. For us Muslims, it is not allowed to attain good aims through evil means. By the same token, alms collected from unlawful avenues are not Halal (lawful). In this context, the Messenger of Allah, peace and blessings be upon him, is reported to have said, "Surely, Allah is Good and never accepts but what is good."

This may explain why the righteous predecessors stipulate a condition that for any act to be religiously accepted, it should be done solely for Allah's Sake, and it should be according to the Prophetic Sunnah. Thus, it can never be deemed permissible for a Muslim to use religiously prohibited means to attain a certain goal he himself deems noble while in fact it may be void of nobility.

Again, in realizing his self-assumed noble goals a Muslim is not permitted to use prohibited means that is based on humiliating people, terrorizing them and shedding their blood unlawfully.

What adds fuel to the flames is the claim of responsibility assumed by people who mastermind such attacks, saying that they do it in the name of Islam. With this, whatever crimes they do is automatically blamed on Islam, which is wrong and unacceptable.

Islam considers attacks against non-Muslims, who do not launch war against Muslims, as a form of injustice that is both prohibited and abhorred by the Qur'an, the Prophetic Sunnah and the noble teachings of the Prophet's Companions, may Allah be pleased with them all.

Not only that, but the pure understanding of Muslim jurist, the true spirit of the Muslim civilization, and the main moderate stream of this Muslim Ummah all categorically deny such heinous crimes against humanity, which is no more than a total barbarism that is void of morality and human feeling as well. Such barbaric actions require Muslim scholars who possess a clear and well versed view of Islam to exert double and concerted efforts to help the baffled masses understand the truth.

True are the words of Allah and He Almighty guides to the Straight Path

Civilians and Non-combatants' Protection in Islam

Civilians and non-combatants are two terms that are not explicitly mentioned in the Quran and the hadiths, two primary sources of Islamic jurisprudence, and are not popularly used by classical Muslim scholars because both are literally modern vocabularies.

Nevertheless the concept of civilians and non-combatants could be inferred from the sources of Islamic law and likewise in the discussion amongst the classical scholars.

There is no doubt that Islam categorically prohibits the killing of certain categories of people during legitimate warfare. All of them are mentioned in the hadiths and historical reports of the rightly guided first four caliphs of Islam.

To comprehend the concept of civilians and non-combatants in Islam, one should study the list of people whom Islam forbids the killing of during war. These people are:

1. Women and children.

Abdullah bin Umar reported, "During some of the battles of the Prophet, a woman was found killed, so Allah's Prophet forbade the killing of women and children." (Narrated by AI-Bukhari)

In another hadith, it was reported that, "a woman was found killed. Allah's Apostle disapproved the killing of women and children." (Narrated by AI-Bukhari and Muslim)

Similar meaning could also be found in hadiths reported by Malik and Ibn Majah.

2. Asif (Hired servant)

Rabah bin Rabi' reported: "When we were with the Prophet (peace be upon him) on an expedition, he saw some people gathering together over some-thing and sent a man and said: 'See, what are these people gathering around?' He then came and said: 'They are gathering around a woman who had been killed.' He said: 'She was not fighting [How then she came to be killed?]'". Khalid bin Al- Walid was in charge of the troop; so he sent a man and said: Tell Khalid not to kill a woman or a hired servant." (Narrated by Abu Dawud)

'Asif here refers to a category of people who are not part of the army, but were present in battlefields to help the army in non-combat jobs such as looking after the animals, materials or food.

3. Old men

Anas bin Malik reported:

"The Prophet (peace be upon him) said: 'Go in Allah's name, trusting in Allah, and adhering to the religion of Allah's Apostle. Do not kill a decrepit old man, or a young infant, or a child, or a woman; do not be dishonest about booty, but collect your spoils, do right and act well, for Allah loves those who do well.' " (Narrated by Abu Daud)

Malik also reported in his book *Al-Muwatta* that Umar bin Abdul Aziz (the eighth Umayyad caliph, 717-720CE) wrote to one of his governors:

"It has been passed down to us that when the Messenger of

Allah, may Allah bless him and grant him peace, dispatched out an army, he would say to them, 'Make your fight in the name of Allah in the way of Allah. Fight whoever denies Allah. Do not steal from the booty, and do not act treacherously. Do not mutilate and do not kill children. ' Say the same to your armies and raiding parties, Allah willing. Peace be upon you." (Narrated by Malik)

4. People devoting their lives in service to the monasteries

Yahya bin Saad reported:

"Abu Bakar [the first caliph] advised Yazid, 'You will find a group of people who claim to have totally given themselves to Allah. Leave them to what they claim to have given themselves [Christian monks]. You will find a group of people who have shaved the middle of their heads, strike what they have shaved with the sword. I advise you ten things: Do not kill women or children or an aged, infirm person. Do not cut down fruit bearing trees. Do not destroy an inhabited place. Do not slaughter sheep or camels except for food. Do not burn bees and do not scatter them. Do not steal from the booty, and do not be cowardly. ' " (Narrated by Malik)

The prophet also reportedly said, "Do not kill people who have devoted themselves in service of the monasteries" (Narrated by Ahmad and Ibn Syaibah).

Although many of the hadiths on this category of people were classified as less authentic, classical Muslim scholars chose to apply the prohibition of killing them because of the significant number of reports available. Each was strengthened by the others.

5. Merchants

Jabir bin Abdullah was reported as saying, "They [Muslims during the time of the Prophet] did not kill merchants of the Arab pagans." (Narrated in Musannif, Ibn Syaibah)

6. Prisoners of war.

On the treatment of the prisoners of war, the Quran says:

"Now when you meet [in war} those who are bent on denying the truth, smite their necks, until you overcome them fully, and then tighten their bonds but thereafter set them free either by an act of grace or against ransom so that the burden of war may be lifted: thus [shall it be]' And [know that} had God willed, He could indeed punish them (Himself); but [He wills you to struggle} so as to test you [all} by means of one another." (47:4)

"[The truly virtuous are} they [who} fulfill their vows, and stand in awe of a day the woe of which is bound to spread far and wide, and who give food - however great be their own want of it - unto the needy, and the orphan, and captive, [saying, in their hearts,} "We feed you for the sake of God alone: we desire no recompense from you, nor thanks: behold, we stand in awe of our Sustainer's judgment on a distressful, fateful Day!" (76:7-10)

It was reported in a hadith from Abdullah bin Umar:

"The Prophet sent (an army unit under the command of) Khalid bin Al- Walid to fight against the tribe of Bani Jadhima and those people could not express themselves by saying, "*Aslamna* [We accept Islam]" but they said, "*Saba'na! Saba'na!*" Khalid

kept on killing some of them and taking some others as captives, and he gave a captive to everyone of us and ordered everyone of us to kill his captive. I said, "By Allah, I shall not kill my captive and none of my companions shall kill his captive!" Then we mentioned that to the Prophet and he said, "O Allah! I am free from what Khalid bin Al-Walid has done, "and repeated it twice." (Narrated by Al-Bukhari)

As prisoners of war are no longer in the position to fight, Islam requires Muslims to treat them well.

The Prophet treated prisoners of war very generously and often freed them, as in the case of prisoners from the Battle of Hunain. Some prisoners from the Battle of Badr were ransomed; others were asked to teach Muslim children in exchange for their release.

Muslims are also taught to treat vanquished people with kindness and generosity. During the conquest of Mecca, Prophet Muhammad showed magnanimity to its people despite their previous prolonged ill treatment of him. He said to them "O Quraish, what do you think I am going to do with you?" They replied "Good. You are a noble brother, son of a noble brother." He said, "This day let no reproach be cast on you. God will forgive you. Go your way, for you are freed. "

Many classical Muslim scholars ruled that prisoners of war should not be killed. The power to decide or policy to guide such practices rests with the Muslim ruler.

Based on the above, there is no doubt that in Islam there are laws ensuring the safety and protection of the non-combatants - laws pertaining to civilians during war. This is based upon the

teaching of Islam that views human life as sacred and the unwavering commitment to preserve human rights.

Nevertheless, the above categories do not cover the whole spectrum of civilians and non-combatants in today's context. This requires another level of analysis, which is to identify the common illah (reason) behind the prohibition.

In instances where civilians cannot be differentiated from military personnel, then any attack, which results in their death, is viewed as prohibited.

Nevertheless, a few important points are still useful to help Muslims in determining who the civilians and non-combatants that are not allowed to be killed in war:

1. Despite its non-definitiveness, the hadiths lay down important principles in relation to Muslims' conduct of war. During war, Muslims do not have unlimited power to kill and Islam propagates principle of discrimination in killing. This provides the fundamental basis for limiting the targets of war.

2. All classical Muslim scholars agreed that the legitimate Muslim ruler has the power to limit the category of people not allowed to be killed in war, even if there are no specific prohibitions on it in the hadiths. Muslim rulers have the power to exclude certain types of combatants or people who contribute in war from being targeted. The decision should be made based on context, which suits the best interest of Muslims in accordance with the broad principles of Islam.

3. The principles of Islamic jurisprudence recognize customs and conventions as important sources of law as long as they do not contravene any principles of Sharia and fulfill all conditions

of valid customs in Islam. There are various Islamic jurisprudence maxims pertaining to the use of customs as sources of law:

Al- 'Adah muhkamah - Custom is a binding law.

Ats-Tsabit bi al- 'urf ka ats-tsabit bi asharaa' - What is established by custom is similar to what is established by shari' 'ii proof (The Quran, hadiths and other recognized sources of law).

Al-Ma 'ruf 'urfan ka al-mashrut shartan - Validity of an accepted custom is similar to validity of a stipulated agreement.

4. Islam recognizes the importance of context in law formulation and implementation. Due recognition of customs as mentioned above is one example. It has also been agreed by all Muslim scholars that laws should be tailored, adjusted and changed in accordance to changes of time and place. The maxim says "*La yunkaru taghayyurufatwa wa ijihad wa hukm bi taghayyuri az-zaman wa al-makan*" - Change of fatwa, ijihad and rule is permissible with the change of time and place.

Certainly, there are conditions to be met which the scholars have discussed and written about in detail in various books of Usul Fiqh (Principles of Islamic Jurisprudence) but this is not a suitable place to discuss it.

The idea here is just to establish that context consideration has its place in Islamic jurisprudence. Based on the above four points, it is argued that it is important to bring in the concept of civilians and non-combatants under International Humanitarian Law treaty and customs to the discussion here because these are current practices, customs and contexts that cannot simply be

ignored by Muslims in their conduct of war. Due consideration has to be given to it as it is a legitimate practice and valid under Islamic jurisprudence because of the principles that have been mentioned above.

When International Humanitarian Law does not contradict with Islamic principles, it could even provide the needed clarification on the meaning of civilians and non-combatants in Muslims' conduct of war today.

Furthermore, all Muslim rulers from Muslim countries have ratified the Geneva Convention, which is the basis of contemporary law of armed conflict. There are two main points which are relevant here. One, this is in line with the principle of Islam that provide Muslim rulers with the power to decide on who can be killed in war and also in accordance with the teaching of Islam which commands Muslims to honour any agreement or contract that they have entered into as explained in the previous section.

As previously mentioned when the Prophet wished to send letters to other rulers, he was advised to include an official seal on them. It was the protocol of the time; otherwise, the receiving rulers would not accept his letters. So he sealed his letters using his ring, which was engraved with the word Muhammad, The Messenger of Allah. From this, Muslim Scholars inferred that the Prophet was deferring to international conventions.

Civilians and Non-combatants Immunity in International Humanitarian Law

Underlying International Humanitarian Law is the idea to restrict the destructive nature of war. The law regulates parties at war by providing rules on methods employed and weapons used. It also seeks to protect those who are not or are no longer taking part in direct fighting and property affected or liable to be affected by the conflict. It has two important components: One is an international treaty such as the Geneva Conventions I-IV (1949) and another is customary law, which is an unwritten rule based on the customs and practices of armed forces, or states that regulate armed conflicts.

Under International Humanitarian Law, civilians are:

1. "Persons taking no active part in the fighting "and "perform no work of a military character".

2. A civilian is any person who is not party to the conflict being members of the armed forces, militia, or volunteer corps forming part of such armed forces and resistance movements.

3. "The civilian population comprises all persons who are civilians."

As for the term "non-combatant", International Humanitarian Law does not define it clearly. But the meaning of "combatant" can be inferred from Article 4A 0), (2), (3) and (6), of the Geneva Convention III on Prisoners of wars

"(1) Members of the armed forces of a Party to the conflict, as well as members of militia or volunteer corps forming part of such armed forces.

(2) Members of other militia and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militia or volunteer corps, including such organized resistance movements, fulfill the following conditions:

(a) that of being commanded by a person responsible for his subordinates

(b) that of having a fixed distinctive sign recognizable at a distance;

(c) that of carrying arms openly

(d) that of conducting their operations in accordance with the laws and customs of war.

(3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.

(4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization, from the armed forces which they accompany, who shall provide them for that purpose with an identity card.

(6) Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular

armed units, provided they carry arms openly and respect the laws and customs of war.

Article 43, Additional Protocol I (1977) which states: "Armed forces"

1. The armed forces of a Party to a conflict consist of all organized armed forces, groups and units which are under a command responsible to that Party for the conduct of its subordinates, even if that Party is represented by a government or an authority not recognized by an adverse Party. Such armed forces shall be subject to an internal disciplinary system, which, *inter alia*, shall enforce compliance with the rules of international law applicable in armed conflict.

2. Members of the armed forces of a Party to a conflict (other than medical personnel and chaplains covered by Article 33 of the Third Convention) are combatants, that is to say, they have the right to participate directly in hostilities. Whenever a Party to a conflict incorporates a paramilitary or armed law enforcement agency into its armed forces it shall so notify the other Parties to the conflict.

Therefore, it can be deduced that "non-combatants" are those who do not fall under all the above Articles.

The term non-combatant has a slight difference from civilians in International Humanitarian Law. Non-combatants could also refer to members of armed forces who are not taking part in fighting such as medical personnel of armed forces and military religious personnel or can no longer take part in fighting such as prisoners of war, wounded persons and victims of shipwrecks.

International Humanitarian law prohibits any military attack

against them. It could be said then that all civilians are non-combatants but not all non-combatants are civilians because a civilian refers only to a nonmember of armed forces.

In summary, a civilian and a non-combatant may be defined as a person who does not take part in hostilities during an armed conflict and who does not have legal right to do so under the law of armed conflict.

Among civilians, medical and religious personnel, journalists, humanitarian relief workers, women, children and members of civil defense organizations receive special attention and mention. Each category is accorded rights of protection from military attack and other harm relevant to their own context.

Although each category of civilians and non-combatants has special protection relevant to their circumstances, in general they all share common rights of protection from violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture, taking of hostages, outrages upon personal dignity; and humiliating and degrading treatment, extra and improper judicial sentences and executions. The wounded and sick are entitled for proper care and treatment. They should be protected from any danger of military operations, indiscriminate attacks and reprisals and shall not be the object of attacks or be used as shields from military attacks.

It is important to note that all civilians and non-combatants will lose their rights of protection if they participate in fighting and when in doubt, International Humanitarian Law requires a person to be considered as a civilian.

Does the Concept of Civilians and Non-combatants in International Humanitarian Law Contradict the Shariah?

The answer to the above question is a clear "No". This is based on the following arguments:

1.The underlying values and spirit of International Humanitarian Law is similar to the sharia which seeks to limit the destructive nature of war by imposing a code of conduct in war which has been written in detail in various books of Islamic jurisprudence. This code also has a lot of similarities with the Just War Theory, which was partly the basis for International Humanitarian Law.

2.The concept of civilians as being non-combatants and non-combatants as being non-participants in fighting or incapable of fighting is similar to the opinion of the majority of Muslim scholars who viewed that the '*illah* (reason) of prohibition of killing in war is non-involvement in fighting.

3.Since the underlying principle of International Humanitarian Law does not contradict the sharia and concept of civilians and non-combatants still falls within the opinion of Muslim scholars, International Humanitarian Law on the protection of civilians and non-combatants can be considered as customary law recognised by the sharia.

4.Since the Sharia has empowered Muslim rulers with powers to determine who the civilians and non-combatants are, the ratification of the Geneva Convention by them binds Muslims who are citizens of Muslim countries.

Muslims in non-Muslim countries are also bound based on the points 1-3 above and also because Islam requires Muslims to abide by the rules of their respective countries as long these do not contradict the sharia.

5. Ignoring International Humanitarian Law on the basis that it does not originate from Islam or that it is part of non-Islamic institutions (for example, the United Nations) does not align with the contextual character of Islam.

Today, failure to abide with international conventions will cast Muslim states, communities and Islam in a bad light in the eyes of international community. Muslim state risks itself being sanctioned, which is against the *maslahah* (benefit) of the ummah.

Furthermore, Islam does not prohibit Muslims from learning and gaining benefits from others, so long as they do not contradict with the syariah. The Prophet has said:

"*Hikmah* (wisdom/knowledge) is like something that was lost by the believers. Whoever finds it he is entitled to it." 278 (Narrated by At-Turmuzi & Ibn Majah)

The problem is, many of The radicals' claims were based on assumptions. Shedding others' blood based on assumptions does not tally with the principle of justice and *ihsan* in Islam. The Quran says:

"Verily, Allah enjoins justice and *ihsan*, and giving help to kith and kin and forbids all evil deeds and *munkar* and oppression. He admonishes you, that you may take heed." (16:90)

An Islamic jurisprudence maxim says, "*al-asl baraah az-zimmah*" which means one should be considered as not guilty and free from any obligation and duty, until proven otherwise. Another maxim says "*al-hudud tasqutu bi ash shubuhah*", which means *hudud* should be dropped when there is doubt.

Therefore, when in doubt, a person should be given the benefit of the doubt as being "not guilty for being combatants against Muslims".

Abdullah Al Najjar, professor at Al Azhar said in an interview with Al-Ahram:

"In case it is difficult to make a distinction between military personnel and civilians, [people] should take caution not to kill a person unless they have definite proof this person is actually engaged in military action, because human life is sacred. "

In the case of foreigners found in the war in Iraq, Abdul Mu'ti Bayoumi, a member of the Islamic Research Academy, has said that Islam prohibits killing on speculative grounds. "I mean, we cannot tell for sure that every single US civilian in Iraq is engaged in combat or serving the coalition forces."

No religion, Islam or otherwise will disagree that killing a human being is essentially evil unless there is an accepted and valid reason. That is why Islam limits the permissibility of killing in armed conflicts by state armies in the battlefields to combatants only.

Guided by the spirit of the religion, Muslims should be very cautious about taking other human beings' lives. But Radicals are taking the opposing path, stretching the original remit for killing, to include any person who contributes to war against Muslims. He quotes the general opinion of the classical Muslim scholars, but they disregard the spirit of the religion and the difference in contexts.

The fallacy of the argument is that, in practice, it eliminates any limitations on killing in war completely. This does not fit at all

with the spirit of Islam. Muslim scholars agree that the fundamental aim of the Sharia is the protection of religion, life, mind, property and family. Hence, the stand of radicals outrightly contradicts the very aims of Sharia.

Radicals criticize the West for not abiding by the Geneva Convention by causing the deaths of thousands of civilians through military operations and economic blockades. However, they conveniently defy it themselves because they view the United Nations as a *kufir* (disbelieving) system. As such, they believe that true Muslims cannot be part of, nor submit to such a system, or they will risk apostasy.

In reality, some radicals have extrapolated the ruling allowing killing in war to include everybody and do not feel obliged to follow any so called human-made convention. Thus, nothing limits such terror groups from killing. This only displays the vile thinking in their mind.

Indeed, Muslims should be the very people who uphold the Geneva Convention in putting limits to war. Although it is non-divine, it fits the spirit of Islam, which deems war to be essentially bad, and hence there must be rules to limit it.

Radicals argue that the Suicide bombings are in retaliation to the killing of thousands of Muslims in Iraq and Afghanistan caused by non-Muslim countries. Since the enemies have transgressed in taking the lives of many Muslims, and policies that have caused injustices still continue, it is justified to kill their civilians as they have killed Muslim civilians. Such thinking does not fall in line with the Quran that says:

"o you who have attained to faith! Be ever steadfast in your devotion to God, bearing witness to the truth in all; and never

let hatred of anyone lead you into the sin of deviating from justice. Be just: This is closest to being God-conscious, And remain conscious of God: Verily, God is aware of all you do." (5:8)

As mentioned before, morality is one of the most important elements in Islam. Nothing, including war, can be detached from it. In fact, the Prophet was sent to uphold morals.

Allah made Prophet Muhammad as the best example. The Quran says:

"Verily, in the Apostle of God you have a good example for everyone who looks forward [with hope and awe] to God and the Last Day, and remembers God unceasingly" (33:21)

In another verse, God describes Prophet Muhammad as a person with the best morals:

"for, behold, thou keepest indeed to a sublime way of life." (68:4)

Thus, Muslims are expected to always strive to emulate the Prophet, by perfecting their morals in all aspects of life: Individual, family, social, economic, political and so forth.

Muslims are required to maintain good moral conduct in all aspects of their lives. The Prophet has said:

"The best of you are those who have the best manners/morals." (Narrated by Al-Bukhari & Muslim)

"Among the Muslims the most perfect as regards his faith, is one whose character/morals is excellent." (Narrated by

At-Turmuzi)

As Islam encompasses all aspects of life, including politics and war, Muslims are obligated to adhere to a certain code of conduct in war.

The failure of others to observe justice or to abide with the internationally agreed rules in war cannot be used as a reason for Muslims to transgress or commit a similar wrongdoing.