

The Interpretation of Islamic Concept of Jihad drawn from the *Fatwa on Terrorism & Suicide Bombings* by Shaykh-ul-Islam Dr Muhammad Tahir-ul-Qadri and the Delegitimization of the Terrorist Groups

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ABSTRACT

Jihad is arguably one of the most misunderstood Islamic concepts in the Muslim and Western world and has become synonymous with the act of killing or fighting against non-Muslims. This paper hopes to clarify these misconceptions by providing a detailed analysis of jihad. Drawing on the work of Shaykh-ul-Islam Dr Muhammad Tahir-ul-Qadri's Fatwa on Terrorism & Suicide Bombings, it will explain Al-Qaeda and ISIS's hijacking of this word, which has no theological background or grounding within classical Islamic law. Al-Qaeda and ISIS's misinterpretation of Qur'anic verses, particularly verses 4:89 and 9:73 relating to jihad bi al-qital, 'just warfare' will be discussed and the strict conditions that must be necessarily followed before and during any warfare. The Islamic legal concepts of the abode of peace and abode of war will also be outlined and how these too have been misused to provide justifications for terrorist attacks on non-Muslim lands. Legal authority is also a crucial element of Islamic jurisprudence and this paper will illustrate how no individual or groups of individuals can ever declare war on individuals or other states. Al-Qaeda, ISIS and other extremist ideologies have sought to exploit social, political and economic problems that have beset the Muslim world equating martyrdom with suicide bombings as a legitimate form of defence. Shaykh-ul-Islam's fatwa provides a detailed analysis of this highly emotive topic subject and through its exhaustive compilation of the classical legal Islamic scholars demonstrates that these practices are not only abhorrent to the Islamic faith but have no sound legal basis for their reasoning.

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ARTICLE

In recent years, the increase in terrorism has fuelled the debate regarding the concept of jihad. Many of those who perpetrate these crimes rely on jihad as a religious and legal justification to commit their crimes, and as a concept that groups, such as ISIS and Al-Qaeda, have used not only to defend their actions but also to incite others to join them. Jihad has become synonymous with the act of killing or fighting against non-Muslims, conjuring up images of massacres, suicide bombings and the killing of innocent civilians. It is thus extremely important to understand the true nature of jihad in all its connotations. Undoubtedly, this task has been made much easier by the *Fatwa on Terrorism and Suicide Bombings* by Dr Muhammad Tahir-ul-Qadri, in which he gives an encyclopaedic account of the laws of war in Islam and the prohibition of suicide bombings in Islam. Moreover, his recent lectures on the concept of jihad⁽⁷⁾ as well as his forthcoming book have provided invaluable insight into this most misunderstood concept and have provided the basis of this article, in essence a summary of his ideas.

From the outset it is important to appreciate that jihad can never be defined as an act of criminality or violence, nor does it imply any killing, fighting, or torturing. There are 36 verses in the Qur'an that contain the word jihad or its derivatives—*jaahada*, *jahid*, *yujaahiduun*. Out of them only 32 verses used the word jihad but with no mention of fighting or warfare, neither in the text, nor in the context. It is important to note that according to Islamic jurisprudence and *usul al-Qur'an*—the rules of the Qur'an—there are three ways of determining the meaning of any verse: through studying the literal text; by looking at the context of the verse through study of previous and later verses, and understanding it through its historical background denoted in books of exegesis. Using these three methods to interpret the word jihad, in 32 out of 36 verses jihad *never* refers to killing or fighting in any manner whatsoever. Moreover, technically warfare is not even known as jihad but as *qital* within the Qur'an, whilst jihad literally means to struggle, exert and put your full efforts into a good cause.

It is pertinent to note that there is not a single verse in the Qur'an where the words 'jihad' and '*qital*' have been used together. This illustrates quite clearly that the word jihad does not necessarily mean fighting even for one's self-defence.

Unfortunately, this word has been hijacked by extremists, radicals and terrorists who have applied it wrongly for their brutalities and atrocities that they commit.

FIVE DIMENSIONS OF JIHAD

Semantically, there are five dimensions to jihad. The first and the greatest of them is the spiritual dimension, known as *jihad bi al-nafs*. This is a struggle for self-purification, piety and righteous behaviour within the inner self as well as towards one's fellow human beings. It is to efface self-conceit and remove all negative and destructive propensities such as arrogance, greed, jealousy, malice and aggression; to make oneself a moderate, constructive and proactive member of society. It is purely a spiritual struggle which has no links with arms.⁽²⁾

The second is the intellectual and academic dimension of jihad. Here, lexically, jihad takes its origin from the word *ijtihad*—independent legal reasoning—and *mujtahid*—a great jurist, an expert who can derive and deduct legal values from the sources and apply it to the newly emerging situations of modern times. Jihad thus means to connect the past to the present purely through an academic or juristic effort. This is known as *jihad bi al-'ilm*.⁽³⁾

The third aspect of jihad is the social dimension known as *jihad bi al-'amal*. This focuses on reforming society through a political, educational, or cultural struggle. It is a means of eradicating corruption and eliminating social evils. It is a collective effort that employs peaceful and democratic means to raise a balanced community premised on fulfilment of human rights, freedom, equality and justice.⁽⁴⁾

The fourth is *jihad bi al-mal* predicated on altruism. It is the economic dimension of the word jihad. It relates to charity, to struggle for the equal redistribution of wealth, to eliminate poverty, to spend from one's economic resources, and to provide food, shelter, clothing, medicine and protection to humanity.⁽⁵⁾

The Qur'an has emphasised two particular areas of jihad, *jihad bi al-nafs*, the spiritual struggle against one's ego and *jihad bi al-mal*, acts of charity. An entire chapter of the Qur'an is devoted to the concept that negating charity is to negate the whole sum of religion. The Qur'an states:

﴿أَرَأَيْتَ الَّذِي يُكَذِّبُ بِالدِّينِ ﴿١﴾ فَذَلِكَ الَّذِي يَدْعُ الْيَتِيمَ وَلَا يَحْضُ عَلَى
طَعَامِ الْمَسْكِينِ﴾

Have you seen him who denies the Din (Religion)? So he is the one who pushes away the orphan (i.e., rejects the needs of the orphans and deprives them of their right), And does not promote the cause of feeding the poor (i.e., does not strive to end the economic exploitation of the poor and the needy).⁽⁶⁾

The fifth and final dimension of jihad pertains to defensive warfare known as *jihad bi al-qital*, fighting back against the aggression of another. This is similar to the right to self-defence and just war as outlined in the UN Charter of Human Rights. However, Dr Qadri points out that even *jihad bi al-qital* is only permissible if five important prerequisites are met prior to the adoption of this mode. The failure to fulfil even one of these conditions will render the *jihad bi al-qital* unlawful under the ambit of Islam, and thus any such jihad will be deemed as a criminal act of violence and terror.

The first prerequisite to be fulfilled is that no individual or groups of individuals have the right to declare *jihad bi al-qital*. That prerogative only lies with the state. If a state deems that it is under attack or subject to aggression then only it has the right under Islam to give the order of self-defence. The evidence for this lies in the practice of the Holy Prophet (blessings and peace be upon him). He spent the first 13 years of prophethood in the city of Mecca with his Companions. During this time he and his Companions were subject to cruelty, violence, and persecution by the non-Muslims. However, despite being brutally oppressed and subject to violent attacks the divine command urged the Muslims only to observe patience. Neither the Holy Prophet (blessings and peace be upon him) nor his Companions were allowed to take up arms in resistance to this oppression and defend their life and property.

Moreover although five verses were revealed during this time (25:52; 29:6, 8 and 69; and 31:15) containing the word jihad, these five verses are referred to the four types of jihad as outlined above and not warfare. Quoting just two of them, it states in the Qur'an:

﴿وَمَنْ جَاهَدَ فَإِنَّمَا يُجَاهِدُ لِنَفْسِهِ﴾

And whoever strives hard (for the cause of truth) strives for his own (benefit).⁽⁷⁾

﴿وَجَاهِدْهُمْ بِهِ جِهَادًا كَبِيرًا﴾

And launch a large-scale struggle against them by means of (knowledge, logic and the preaching of the Qur'an).⁽⁸⁾

These verses illustrate quite clearly that the word jihad does not necessarily mean fighting and killing since when these were revealed taking up armed resistance had been prohibited.

As tensions escalated and the Meccan disbelievers' atrocities became unbearable the Prophet (blessings and peace be upon him) advised them to immigrate to Abyssinia and remain peaceful at all costs. Whilst living in Mecca, there was no Islamic state in existence. However when the Holy Prophet (blessings and peace be upon him) finally migrated to the city of Medina an Islamic state was formed after the Holy Prophet (blessings and peace be upon him) was appointed its head, through an alliance between the Jews and their allies and the Muslims. A written constitution was formulated, outlining the duties and responsibilities of the state and its inhabitants. Only after the formation of this new legal base of authority were the verses for lawful fighting in self-defence revealed. It is important to note that Abu Jundal was left in Mecca after the Pact of Hudaibiya, as per its terms and conditions. However despite suffering from aggression he was not permitted to engage in warfare against the Meccans⁽⁹⁾ reiterating the concept that only a state has the power to declare a defensive war.

The first verse gave the basic commandment for the permission of fighting a just war. In chapter *al-Hajj* (22:39) the Companions were given permission to take up arms against those who had already imposed war on them:

﴿أُذِنَ لِلَّذِينَ يُقَاتَلُونَ بِأَنَّهُمْ ظَلَمُوا﴾

Permission (to fight in defence) is granted to those against whom (aggressive) war is waged.

So although permission was granted, this was done only as a means of defending themselves. It is important to note that a further six years passed before the second verse, permitting a defensive war was revealed. In this instance, the non-Muslim Meccans broke the Treaty of Hudaibiya, a “No War Pact” for ten years. When this treaty of peace was broken, only then did God reveal that the Muslims could fight against those who had already started a war against them, thus again permitting a defensive war.⁽¹⁰⁾

This leads onto the second prerequisite for any declaration of *jihad bi al-qital* to be lawful is that it must be a ‘just cause’. The Holy Qur’an specifies a ‘just cause as being one of self-defence:

﴿وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقْتُلُونَكُمْ وَلَا تَعْدُوا إِنَّ اللَّهَ لَا يُحِبُّ
الْمُعْتَدِينَ﴾

And fight (in defence) in the cause of Allah against those who impose war on you. (Yes,) but do not exceed limits. Surely, Allah does not like those who exceed limits.⁽¹¹⁾

It is important to note that, contrary to popular perception, all the wars fought by the Prophet (blessings and peace be upon him) were fought in defence and were not the acts of aggression against the Meccans. The first war of Badr, for example, was fought on the outer borders of Medina; the second war of Uhud was fought 2 miles away from the city of Medina and the war of the Trench was fought inside the borders of Medina. All of these wars were fought either in self-defence or as pre-emptive attempt efforts when it was clear that certain tribe was about to attack Medina. The UN Charter also provides these provisions for a just war.⁽¹²⁾

Another ‘just cause’ is fighting against violence, brutality and terrorism, which in the Holy Qur’an has been described as *fitna*. So a just war is permitted here in order to eliminate this *fitna* and to restore peace and harmony. Allah states in the Qur’an:

﴿وَقَاتِلُوهُمْ حَتَّى لَا تَكُونَ فِتْنَةً وَيَكُونَ لِلَّهِ فَإِنْ أَنْتَهُوَ فَلَا
عُدْوَانَ إِلَّا عَلَى الظَّالِمِينَ﴾

And keep fighting against them until the disruption and mischief is totally eliminated and the Din (Religion) practically becomes subservient to Allah alone (i.e., the system of the protection of peace and human dignity is practically established). But if they desist, then offensive action is not permissible except against the wrongdoers (i.e., transgressors).⁽¹³⁾

Moreover, any such just war will only be permitted in order to help the oppressed whose human rights are being violated. Allah says:

﴿وَمَا لَكُمْ لَا تُقَاتِلُونَ فِي سَبِيلِ اللَّهِ وَالْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانِ الَّذِينَ يَقُولُونَ رَبَّنَا أَخْرِجْنَا مِنْ هَذِهِ الْقَرْيَةِ الظَّالِمِ أَهْلُهَا وَاجْعَل لَنَا مِنْ لَدُنْكَ وَلِيًّا وَاجْعَل لَنَا مِنْ لَدُنْكَ نَصِيرًا﴾

What has happened to you (Muslims) that you do not fight in the cause of Allah (for the freedom of the oppressed and the elimination of terrorism against them), whereas those weak, helpless and tyrannized men, women and children who call out (for their freedom): ‘O our Lord! Rescue us from this town whose (affluent and influential) people are oppressors, and appoint for us some guardian from Your presence, and make someone our helper from Your presence’?⁽¹⁴⁾

Dr Qadri mentions this as being in parallel to the UN Security Council resolutions (1199–1244) which were passed in the cases of Iraq in 1990–92 and in Kosovo. Here an act of collective intervention took place in order to stop the abuse of human rights there.

The third condition that must be fulfilled is that a just war will only be permitted in a situation where a treaty of peace between two states is breached by one and a state of war is resumed. A pre-emptive war can thus be carried out against the other state in self-defence. Allah says:

﴿وَقَاتِلُوهُمْ حَتَّى لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ كُلُّهُ لِلَّهِ فَإِنِ انْتَهَوْا فَإِنَّ اللَّهَ بِمَا يَعْمَلُونَ بَصِيرٌ﴾

And, (O people of truth,) continue your fight against these (chieftains of oppression and aggression for the establishment of enduring peace), until there does not (remain) any disruption and Din (the system of living in servitude and compliance) is devoted to Allah alone. And if they desist, then Allah surely sees well (the action) that they are accomplishing.⁽¹⁵⁾

The fourth prerequisite is that there can be no killing of non-combatants, therefore suicide bombings that are carried out against civilians are unlawful. Dr Qadri provides a detailed analysis in his fatwa that indiscriminate killings through suicide bombings are totally against the basic teaching of Islam.⁽¹⁶⁾ Not only is the act of suicide itself an unlawful act, but combined with killing non-combatants converts it into a heinous crime.

The fifth and final condition to be met is that there should be proportionality. There cannot be a transgression of limits during warfare. Again Dr Qadri gives detailed examples from the Qur'an and hadith, in his fatwa⁽¹⁷⁾ on the prohibition of killing women,⁽¹⁸⁾ children,⁽¹⁹⁾ religious leaders,⁽²⁰⁾ farmers,⁽²¹⁾ traders⁽²²⁾ and ambassadors.⁽²³⁾ Likewise, it is not permissible to demolish places of worship, or peoples' home, or destroy trees, crops, or livestock.⁽²⁴⁾

This brief analysis clears that there is a definitive distinction between acts of terrorism and the act of *jihad bi al-qital*, a just war in defence. So where does this leave the Al-Qaeda narrative in supporting obligatory jihad? It is unfortunate that Al-Qaeda and other terrorist groups deliberately misquote verses of the Qur'an or misinterpret them by taking certain lines from a verse and quote them out of context, altering the meaning of the original verse. What is even more unfortunate is that the majority of Muslims have little or no knowledge of the principles' relating to interpreting the Qur'an and have no grasp of Qur'anic Arabic in order to determine its true meaning instead of relying on translations that are presented to them.

Terrorist groups, for instance, quote the following line from the Qur'an advocating the killing of non-Muslims:

﴿فَخُذُوهُمْ وَأَقْتُلُوهُمْ حَيْثُ وَجَدْتُمُوهُمْ وَلَا تَتَّخِذُوا مِنْهُمْ وِلِيًّا وَلَا

نَصِيرًا﴾

Then seize them and kill them wherever you find them and take not from among them any ally or helper.⁽²⁵⁾

Reading just these lines appears to give the impression that the Qur'an is advocating indiscriminate killing. However, the full verse (4:89) reads as follows:

﴿وَدُّوا لَوْ تَكْفُرُونَ كَمَا كَفَرُوا فَتَكُونُونَ سَوَاءً فَلَا تَتَّخِذُوا مِنْهُمْ
أَوْلِيَاءَ حَتَّىٰ يُهَاجِرُوا فِي سَبِيلِ اللَّهِ فَإِن تَوَلَّوْا فَخُذُوهُمْ وَأَقْتُلُوهُمْ حَيْثُ
وَجَدْتُمُوهُمْ وَلَا تَتَّخِذُوا مِنْهُمْ وِلِيًّا وَلَا نَصِيرًا﴾

They (the hypocrites) wish that you should also disbelieve as they have disbelieved so that you all might become alike. So do not make friends with (any of) them until they emigrate in the way of Allah (in order to prove their sincerity and truthfulness). Then, if they (violate their peace treaty and launch aggression against you), seize them and kill them wherever you find them (during the war), and take not (any of) them either for a friend or for a helper.⁽²⁶⁾

This verse was revealed during the Medinan period when the Holy Prophet (blessings and peace be upon him) entered into an alliance with the Jews. However, when this alliance was broken by the Jews, who then began to engage in activities to destabilize the state and became the aggressors, only then were the Muslims allowed to engage in a defensive war. This verse clearly denotes that warfare was only allowed in self-defence and Muslims cannot be the ones to initiate war.⁽²⁷⁾

Similarly verse (9:73) is also quoted as a justification for killing non-Muslims:

﴿يَا أَيُّهَا النَّبِيُّ جَاهِدِ الْكُفَّارَ وَالْمُنَافِقِينَ وَاغْلُظْ عَلَيْهِمْ وَمَأْوَاهُمْ جَهَنَّمُ
وَبِئْسَ الْمَصِيرُ﴾

O Messenger! Fight against the disbelievers and the hypocrites, and treat them harshly.

However this verse was also revealed during the time when alliances were broken and peace agreements were violated.⁽²⁸⁾ Thus a more accurate translation of this verse is as follows:

O (Glorious) Messenger! Fight against the disbelievers and the hypocrites, and treat them harshly (for violating peace, creating disorder and committing militancy and aggression). And Hell is their abode and that is an evil abode.⁽²⁹⁾

This type of misapplication has often been used by Osama bin Laden in his *fatwas*. In one very notorious *fatwa*⁽³⁰⁾ he orders the killings of Americans, both military and civilian, claiming it is the individual duty of Muslims to do so. It has already been explained that it is completely prohibited in Islam for an individual or groups of individuals to take up arms instead of being the prerogative of the state. Moreover, non-combatants and civilians can also be never targeted. Osama bin Laden, however, justified his actions quoting the following verses incorrectly:

﴿وَقَاتِلُوهُمْ حَتَّىٰ لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ كُلُّهُ لِلَّهِ﴾

Fight them until there is no more tumult or oppression, and there prevail justice and faith in God.⁽³¹⁾

﴿وَقَاتِلُوا الْمُشْرِكِينَ كَآفَّةً كَمَا يُقَاتِلُونَكُمْ كَآفَّةً﴾

And fight the pagans all together as they fight you all together.⁽³²⁾

Again both these verses were revealed during similar periods of strife and unrest after the breach of treaties of peace and treacherous acts being committed against the Islamic state. The correct translations are as follows:

﴿وَقَاتِلُوهُمْ حَتَّىٰ لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ كُلُّهُ لِلَّهِ فَإِنِ انْتَهَوْا فَإِنَّ

اللَّهَ بِمَا يَعْمَلُونَ بَصِيرٌ﴾

And, (O people of truth,) continue your fight against these (chieftains of oppression and aggression for the establishment of enduring peace), until there does not (remain) any disruption and Din (the system of living in servitude and compliance) is devoted to Allah alone. And if

they desist, then Allah surely sees well (the action) that they are accomplishing.⁽³³⁾

﴿فَلَا تَظْلِمُوا فِيهِنَّ أَنْفُسَكُمْ وَقَاتِلُوا الْمُشْرِكِينَ كَافَّةً كَمَا يُقَاتِلُونَكُمْ كَافَّةً وَاعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ﴾

So do not wrong your souls during these months (by involving yourselves in fighting and war), and fight against all the (combatant) idolaters (in retaliation) the same way as they all (allied) have imposed war upon all of you, and bear in mind that Allah is surely with the Godfearing.⁽³⁴⁾

Another verse that is misquoted is 4:91:

﴿فَاخْذُوهُمْ وَأَقْتُلُوهُمْ حَيْثُ تَقِفْتُمُوهُمْ وَأُولَئِكُمْ جَعَلْنَا لَكُمْ عَلَيْهِمْ سُلْطٰنًا مُّبِينًا﴾

Then seize them and kill them wherever you overtake them. And those—We have made for you against them a clear authorization.

However, the full verse reads as follows:

﴿سَتَجِدُونَ عٰخِرِينَ يُرِيدُونَ أَنْ يَأْمَنُوكُمْ وَيَأْمَنُوا قَوْمَهُمْ كُلٌّ مَا رَدُّوا إِلَى الْفِتْنَةِ أُرْكَسُوا فِيهَا فَإِن لَّمْ يَعْزِلُوا لَوْكُم وَيُلْقُوا إِلَيْكُمُ السَّلٰمَ وَيَكُفُّوا أَيْدِيَهُمْ فَاخْذُوهُمْ وَأَقْتُلُوهُمْ حَيْثُ تَقِفْتُمُوهُمْ وَأُولَئِكُمْ جَعَلْنَا لَكُمْ عَلَيْهِمْ سُلْطٰنًا مُّبِينًا﴾

Now you will find another category of people who desire to remain free of any threat from you (by hypocritically pretending to believe), and (also) live in peace from their own community (by siding with disbelievers secretly. But their true state is this that) whenever they are turned to mischief (and wickedness against Muslims), they plunge (headlong) into it. So if they do not give up (fighting against you, nor) send you any (message for) peace, (nor) hold their hands off (their disruptive activities), then seize (and capture) them and kill them

wherever you find them. And it is they against whom We have granted you unrestricted authority.

This verse again clearly states that if a group of people continue wickedness against Muslims, continue fighting, send no messages of peace AND do not stop these activities. ONLY then are the Muslims permitted to engage in armed resistance, again under the pretext of self-defence. As reiterated earlier, only the state has the right to initiate such an action and even then the principle of proportionality and justice must always apply. The Qur'an states in 2:190:

﴿وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقْتُلُونَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ﴾

And fight (in defence) in the cause of Allah against those who impose war on you. (Yes,) but do not exceed limits. Surely, Allah does not like those who exceed limits.

Moreover, the verse 2:191 gives permission for defensive warfare, but if the aggressors then desist and stop the war, Muslims too are ordered to stop:

﴿فَإِنِ انْتَهَوْا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ﴾

But if they desist, then surely Allah is Most Forgiving, Ever-Merciful.⁽³⁵⁾

﴿فَإِنِ انْتَهَوْا فَلَا عُدْوَانَ إِلَّا عَلَى الظَّالِمِينَ﴾

But if they desist, then offensive action is not permissible except against the wrongdoers (i.e., transgressors).⁽³⁶⁾

Extremists such as Abu Bakr al-Baghdadi and Ayman Al-Zawahiri, also regularly rely on the following verse:

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَتَّخِذُوا الْيَهُودَ وَالنَّصَارَىٰ أَوْلِيَاءَ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ ۗ وَمَنْ يَتَوَلَّهُمْ مِنكُمْ فَإِنَّهُ مِنَّهُمْ﴾

O believers, do not hold Jews and Christians as your allies. They are allies of one another; and anyone who makes them his friends is surely one of them.⁽³⁷⁾

This verse was revealed when the Christians and Jews began to engage in treasonous activities against the Islamic state of Medina. They had entered into alliances with the Muslims and promised not to undermine the stability and assist the Meccans to attack. However when it became known that they were engaging in nefarious activities, only then was this verse revealed. Taking this historical background into account, more accurate translations of this verse read as follows:

O believers! Do not consider (hostile) Jews and Christians as (your) reliable allies. They (all) are friends to one another (against you). And whoever of you makes friends with them will (also) become one of them. Surely, Allah does not guide the wrongdoing people.⁽³⁸⁾

This verse clearly denotes that *wrongdoing* was occurring and that is the reason why friendship with those wrongdoers was not allowed. If these verses meant never having good relations with Christians or Jews then why did the Holy Prophet (blessings and peace be upon him) enter into the famous Pact of Medina?⁽³⁹⁾ Why then did the Holy Prophet (blessings and peace be upon him) allow a delegation of Christians from Najran to visit him and pray in his own mosque?⁽⁴⁰⁾ Why too then did he serve them with his own hands, ensuring they were well taken care of?⁽⁴¹⁾ Moreover, why, when the funeral of a Jewish was passing, did the Holy Prophet stand in respect explaining to his Companions that this was an act that respected humankind, irrespective of one's creed.⁽⁴²⁾

DAR AL-ISLAM AND DAR AL-HARB

Another area of exploitation used by the extremists is through the Islamic legal definitions of *Dar al-Islam* and *Dar al-Harb*, meaning the abode of peace and abode of war. Terrorists label both Muslim countries and Non-Muslim countries as places of *Dar al-Harb* thus claiming to legitimize their actions based on the premise that Muslims are at war with all of these countries and are legitimate targets for attack. That is why countries such as Pakistan, Afghanistan, Iraq, Syria are also subject to major terrorist activities as they are labelled as abodes of

war. As mentioned earlier, only a state has the right to declare a defensive war. Moreover, if the nation of a country wants change, then this can only be done through lawful and peaceful means; through peaceful protests, rallies, engaging public opinion through the media.

However, these terms have also been misinterpreted by extremists to further their own violent agendas. The terms *Dar al-Islam* and *Dar al-Harb* are not mentioned in the text of the Qur'an or hadith. This is a matter of *ijtihad*. The early jurists divided it into two categories, others into 3, but it is worthwhile to divide it into 5.

The first is *Dar al-Islam* (the abode of peace). This however does not mean that only a country that implements the laws of Islam can be called an abode of peace. It is unanimously agreed upon by all the four Sunni schools of jurisprudence that if a country is ruled by Muslims, and people are living there with the right to freely practice their religion and culture, and their lives, property, and fundamental human rights are protected, then it is known as *Dar al-Islam*.⁽⁴³⁾ This is because there is a guarantee of peace; and the word 'Islam' is derived from the root word 'salam',⁽⁴⁴⁾ which means peace. It is not called 'Dar al-Islam' because of Islam *per se*.⁽⁴⁵⁾

In the West, in countries such as Britain and US, Muslims also enjoy the right to practice their religion in peace. They can build their mosques, Islamic centres and schools. They are even allowed to hold conferences for thousands of people. There are dozens of other countries throughout the world where such freedoms are permitted. Since there are not any restrictions on offering the prayers, going to the Pilgrimage, fasting in the month of Ramadan and the Muslims have full rights of citizenship, these countries are similar to *Dar al-Islam*, because they guarantee the rights of its citizens to freely practice their culture and religion.

The second is *Dar al-Harb* (the abode of war). This only applies to that country which is directly engaged in war against another state. When two nations are fighting one another, one to one, it is known as *Dar al-Harb*. Even when one is directly engaged in a war with an enemy state, it is not permissible to kill non-combatants (as we have discussed in preceding pages). Suicide bombings and acts of terrorism in civilian population are totally prohibited. Warfare is between the armies of states; it is not between their civilian populations.

The third is *Dar al-Sulh* (the abode of conciliation). If two countries are at war, or they were about to fight each other, and they enter into a treaty of peace, they become *Dar al-Sulh* (the abode of conciliation) by virtue of the peace treaty.⁴⁶ The laws of *Dar al-Islam* also apply to *Dar al-Sulh*.⁽⁴⁷⁾

The fourth is *Dar al-'Ahd* (the abode of treaty), where there is a permanent basis of peace. *Dar al-Sulh* is for a stipulated period of time, such as 5 or 10 years—as was the case with the treaty of Hudaibiya.⁽⁴⁸⁾ Everyone who lives in *Dar al-'Ahd* is known as a *mu'ahid*, regardless whether he or she lives in a Muslim country or a non-Muslim one. Again the people of *Dar al-'Ahd* enjoy the same rights as those of *Dar al-Islam*.⁽⁴⁹⁾

And the fifth—a new category—is *Dar al-Hiyad* (the abode of neutrality). This is the normative position, or the basic relationship between states. The original state between a Muslim country and a non-Muslim country is not the state of war; it is the state of neutrality (*al-muhayada*). The nature of their relationship is then determined by their consequent dealings: if there is a relationship of cooperation and friendship between them, then it becomes *Dar al-'Ahd* (the abode of treaty); and if there is hostility which leads them to war, then it becomes *Dar al-Harb* (the abode of war). Otherwise, the normative position is neutrality; and it is possible that two countries decide to remain neutral with each other.⁽⁵⁰⁾

As such, countries can be described as being like *Dar al-Islam* [the only exception occurs when there is direct fighting between two countries] or *Dar al-'Ahd* because of the UN Charter. The international community has joined together to enter into a treaty of mutual peace under the UN, as members of this organisation. Everyone is bound to this Charter and is under an obligation to live in peace and to let others live in peace. This is all compatible with the Qur'an and the Sharia.

A country only becomes *Dar al-Harb* when it initiates war against another state. It is not permissible to commit aggression against another country. It is also not permissible to launch a war to make the citizens of another country Muslim, because there is absolutely no coercion in religion.⁽⁵¹⁾

CONCLUSION

This article has endeavoured to illustrate that jihad is not simply an Arabic word but an entire concept within Islamic jurisprudence that encourages striving for promotion and development of peace, security, dialogue, moderation, equality, justice and human rights. It emphasizes altruism and betterment of humanity and forestalling conflict and war amongst communities, countries and civilizations in order to bring about integration and greater cohesion amongst human societies. This concept has lived for long fourteen centuries and has survived along with the Qur'anic text without being subjected to any alteration.

However, the terrorist groups and other extremists have sought to hijack this concept through either deliberately misquoting verses of the Qur'an, or taking verses out of context to incite violence and hatred. It is a sad fact that the poor economic, social and political situations that many Muslims face around the world lead them to be more susceptible to such false propaganda. They have no avenues to vent their frustrations. A lack of education and opportunities create an atmosphere of anger and hatred that is then easily manipulated by radical groups. They point at discriminatory foreign policies and focus on the divide between the rich and the poor nations. Using emotive language, they are thus able to exploit religious loyalty to further their aims. It is thus imperative that both Muslims and non-Muslims work hard to eradicate the misunderstandings regarding jihad and carry on the task that Dr Qadri and others have so diligently done.

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⁽¹⁾ Shaykh-ul-Islam Dr Muhammad Tahir-ul-Qadri delivered numerous lectures on the true concept of jihad and condemned the false and distorted concept of jihad categorically. Some of his lectures are:

- *Extremism and Radicalism: Past, Present, and Future*. Lecture delivered at Georgetown University, Washington DC (November 8, 2010).
- *Islamic Concept of Jihad*. Lecture delivered at United States Institute of Peace (November 10, 2010).
- *Jihad: Perception and Reality*. Lecture delivered at Global Peace and Unity Conference, London, UK (October 24, 2010).
- *What Does Islam Teach: Peace or Terrorism?* Brisbane, Australia (July 30, 2011).

⁽²⁾ See the Qur'an and Hadith:

﴿وَالَّذِينَ جَاهَدُوا فِينَا لَنَهْدِيَنَّهُمْ سُبُلَنَا﴾

And those who strive hard (and struggle against the lower self vehemently) for Our cause, We certainly guide them to Our ways. [Q.29:69]

- While returning from a battlefield, the Holy Prophet (blessings and peace be upon him) said to his Companions:

«قَدِّمْتُمْ خَيْرَ مَقْدَمٍ مِنَ الْجِهَادِ الْأَصْغَرِ إِلَى الْجِهَادِ الْأَكْبَرِ».

Congratulations to you on returning towards the greater jihad from the lower jihad.

The Companions asked, 'What is the greater jihad?' The Prophet (blessings and peace be upon him) replied:

«مُجَاهَدَةُ الْعَبْدِ هَوَاهُ».

To strive hard against one's own self is greater jihad. [Al-Bayhaqi, *Kitabal-Zuhd al-Kabir*, vol. 1, p. 165 §373. (Beirut, Lebanon: Mu'assisa al-Kutub al-Thaqafiyya, 1996)]

- Fudala b. 'Ubayd narrated the Prophet (blessings and peace be upon him) said:

«الْمُجَاهِدُ مَنْ جَاهَدَ نَفْسَهُ».

The (great) *mujahid* is he who strives hard against his own self. [Al-Tirmidhi, *al-Sunan*, vol. 4, p. 165 §1651. (Beruit: Dar Ihya' al-Turath al-'Arabi, n.d.)]

⁽³⁾ Here are some references from the Prophetic teachings:

- Abu Hurayra narrated the Prophet (blessings and peace be upon him) said:

«مَنْ جَاءَ مَسْجِدِي هَذَا لَمْ يَأْتِهِ إِلَّا لِحَيْرٍ يَتَعَلَّمُهُ أَوْ يُعَلِّمُهُ، فَهُوَ بِمَنْزِلَةِ الْمُجَاهِدِ فِي سَبِيلِ اللَّهِ».

Whoever comes to this mosque of mine, and only comes for a good purpose, such as to learn or teach, his status is like that of one who strives hard in the way of Allah. [Ahmad b. Hanbal, *al-Musnad*, vol. 2, p. 418 (Beirut, Lebanon: al-Maktab al-Islami, 1398/1978); Ibn Maja, *al-Sunan*, vol. 1, p. 82 §227. (Beirut, Lebanon: Dar al-Kutub al-‘Ilmiyya, 1419/1998)]

(4) Here are some references from the Qur’an and Prophetic teachings:

﴿وَمَنْ أَحْسَنُ قَوْلًا مِمَّنْ دَعَا إِلَى اللَّهِ وَعَمِلَ صَالِحًا وَقَالَ إِنَّنِي مِنَ الْمُسْلِمِينَ﴾

A Book whose signs are expounded in detail, the Qur’an, in the Arabic (language) for a people who possess knowledge and wisdom. [Q.41:3]

• The Prophet (blessings and peace be upon him) has described to us three levels in the act of forbidding evil and struggle for the eradication of evil is also a jihad. Abu Sa‘id reported that the Prophet (blessings and peace be upon him) said,

«مَنْ رَأَى مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ بِيَدِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِلِسَانِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِقَلْبِهِ وَذَلِكَ أَضْعَفُ الْإِيمَانِ».

Whoever amongst you witnesses an evil, let him reform it [practically] with his hand; if he is unable, then [let him denounce it] verbally; and if he is unable, then [let him abhor it] in his heart—and that is the weakest form of faith. [Muslim, *al-Sahih*, vol. 1, p. 69 §49. (Beirut, Lebanon: Dar al-Ihya’ al-Turath al-‘Arabi)]

• To serve the parents is also a jihad. Once a man asked the permission for participation in a warfare. The Holy Prophet (blessings and peace be upon him) asked him: ‘Are your parents alive?’ The man replied: ‘yes.’ The Holy Prophet (blessings and peace be upon him) said to him:

﴿فَفِيهَا، فَجَاهِدْ﴾.

So serve them. This is your jihad. [Al-Bukhari, *al-Sahih*, vol. 3, p. 1094 §2842. (Beirut, Lebanon, Damascus, Syria: Dar al-Qalam, 1401/1981)]

(5) The Qur’an mentioned the *jihad bi al-mal* before *jihad bi al-nafs* at many places, e.g.,

﴿الَّذِينَ ءَامَنُوا وَهَاجَرُوا وَجَاهَدُوا فِي سَبِيلِ اللَّهِ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ أَكْبَرُ دَرَجَةً عِنْدَ اللَّهِ﴾

Those who have believed and have emigrated and have consistently toiled hard in the cause of Allah with their material and human resources enjoy a very high rank in the presence of Allah. [Q:9:20]

﴿أَنْفِرُوا خِفَافًا وَثِقَالًا وَجَاهِدُوا بِأَمْوَالِكُمْ وَأَنْفُسِكُمْ فِي سَبِيلِ اللَّهِ﴾

Light or heavy, march forth (under all circumstances) and fight in the cause of Allah with your material and human resources. [Q:9:41]

- Abu Hurayra narrated the Prophet (blessings and peace be upon him) said:

«السَّاعِي عَلَى الْأَزْمَلَةِ وَالْمُسْكِينِ كَالْمُجَاهِدِ فِي سَبِيلِ اللَّهِ».

The one who looks after a widow or a poor person is like a *mujahid* who strives hard for Allah's Cause, or like him who performs prayers all the night and fasts all the day. [Al-Bukhari, *al-Sahih*, vol. 5, p. 2047, 2237 §5038, 5660.(Beirut, Lebanon, Damascus, Syria: Dar al-Qalam, 1401/1981)]

(6) Qur'an 107:1–3.

(7) Qur'an 29:6

(8) Qur'an 25:52

(9) Al-Bukhari, *al-Sahih*, vol. 2, p. 977 §2581(Beirut, Lebanon, Damascus, Syria: Dar al-Qalam, 1401/1981); and Ibn Hisham, *al-Sira al-Nabawiyya*, vol. 4, pp. 286–287.(Beirut, Lebanon: Dar al-Jil,1411 AH)

(10) Qur'an 9:4–5.

(11) Qur'an 2:190.

(12) Article 51 in Chapter VII of UN Charter titled: "Chapter vii: Action with respect to threats to the peace, breaches of the peace, and acts of aggression," states:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

(13) Qur'an 2:193.

(14) Qur'an 4:75.

(15) Qur'an 8:39.

(16) Qadri, Dr Muhammad Tahir-ul-, *Fatwa on Terrorism and Suicide Bombings*, pp. 91–115. (UK: Minhaj Publications, 2010)

(17) *Ibid.*, pp. 117–156.

(18) ‘Abd Allah b. ‘Umar said:

وَجَدَتِ امْرَأَةً مَقْتُولَةً فِي بَعْضِ مَغَازِي رَسُولِ اللَّهِ ﷺ، فَنهَى رَسُولُ اللَّهِ ﷺ عَنْ قَتْلِ النِّسَاءِ وَالصَّبِيَّانِ.

A woman was found slain in one of the expeditions. Upon this the Messenger of God (blessings and peace be upon him) forbade the killing of women and children. [Al-Bukhari, *al-Sahih*, vol. 3, p. 1098 §2852. (Beirut, Lebanon, Damascus, Syria: Dar al-Qalam, 1401/1981)]

(19) *Ibid.*

(20) Ibn ‘Abbas narrated that the Prophet (blessings and peace be upon him) said as he dispatched an army:

لَا تَقْتُلُوا أَصْحَابَ الصَّوَامِعِ.

Do not kill those who tend to the monasteries. [Ibn Abi Shayba, *al-Musannaf*, vol. 6, p. 484 §33132. (Riyadh, Saudi Arabia: Maktaba al-Rushd, 1409 AH)]

(21) Al-Bayhaqi reports the following tradition:

اتَّقُوا اللَّهَ فِي الْفَلَاحِينِ، فَلَا تَقْتُلُوهُمْ.

Fear God regarding the farmers and do not kill them. [Al-Bayhaqi, *al-Sunan al-kubra*, vol. 9, p. 91 §17938. (Mecca, Saudi Arabia: Maktaba Dar al-Baz, 1414/1994)]

(22) Ibn Abi Shayba and al-Bayhaqi narrated on the authority of Jabir b. ‘Abd Allah:

كَانُوا لَا يَقْتُلُونَ تِجَارَ الْمُشْرِكِينَ.

They [the Muslim soldiers] did not kill the merchants amongst the pagans. [Ibn Abi Shayba, *al-Musannaf*, vol. 6, p. 484 §33129 (Riyadh, Saudi Arabia: Maktaba al-Rushd, 1409 AH); and al-Bayhaqi, *al-Sunan al-kubra*, vol. 9, p. 91 §17939. (Mecca, Saudi Arabia: Maktaba Dar al-Baz, 1414/1994)]

(23) ‘Abd Allah b. Mas‘ud said:

فَجَرَتْ سُنَّةٌ أَنْ لَا يُقْتَلَ الرَّسُولُ.

It is an established Sunna that ambassadors are not to be killed. [Ahmad b. Hanbal, *al-Musnad*, vol. 1, p. 390 §3708. (Beirut, Lebanon: al-Maktab al-Islami, 1398/1978)]

(24) Al-Bayhaqi narrates that Sa'id b. al-Musayyab reported that Abu Bakr al-Siddiq would always say to the Islamic army:

لَا تُغْرِقَنَّ نَخْلًا، وَلَا تُحْرِقَنَّهَا، وَلَا تَعْفِرُوا بِهَيْمَةً، وَلَا شَجَرَةً تُثْمِرُ، وَلَا تَهْدِمُوا بَيْعَةً، وَلَا تَقْتُلُوا الْوِلْدَانَ، وَلَا الشُّيُوخَ، وَلَا النِّسَاءَ، وَسَتَجِدُونَ أَقْوَامًا حَبَسُوا أَنْفُسَهُمْ فِي الصَّوَامِعِ فَادْعُوهُمْ، وَمَا حَبَسُوا أَنْفُسَهُمْ لَهُ.

Do not drown or burn date-palm trees. Do not kill any animal. Do not cut down a fruit-bearing tree. Do not demolish a church. And do not kill any children or old people or women. Soon you shall you come upon people who have secluded themselves in cloisters; you must leave them to engage in that for whose sake they have secluded themselves. [Al-Bayhaqi, *al-Sunan al-kubra*, vol. 9, p. 85 §17904. (Mecca, Saudi Arabia: Maktaba Dar al-Baz, 1414/1994)]

• Mu'adh b. Anas reported that the Prophet (blessings and peace be upon him) said:

أَنَّ مَنْ ضَيَّقَ مَنْزِلًا أَوْ قَطَعَ طَرِيقًا فَلَا جِهَادَ لَهُ.

There is no jihad for the one who breaks into the houses of others or loots people on the road.

[Abu Dawud, *al-Sunan*, vol. 3, p. 41 §2629. (Beirut, Lebanon: Dar al-Fikr, 1414/1994)]

(25) Qur'an 4:89.

(26) Translation has been taken from *The Glorious Qur'an* by Dr Qadri.

(27) Al-Baydawi, *Ma'alim al-tanzil*, vol. 2, pp. 231–232 (Beirut, Lebanon: Dar al-Fikr, n.d.); Maqatil b. Sulayman, *al-Tafsir*, vol. 1, p. 247. (Beirut, Lebanon: Dar al-Kutub al-'Ilmiyya, 1424/2003)

(28) Al-Shawkani, *Fathal-qadir*, vol. 2, pp. 382–383 (Beirut, Lebanon, Dar al-Fikr, 1402/1982); al-Alusi, *TafsirRuh al-ma'ani*, vol. 10, p. 139. (Beirut, Lebanon: Dar al-Ihya' al-Turath al-'Arabi)

(29) Translation has been taken from *The Glorious Qur'an* by Dr Qadri.

(30) “Bin Laden’s Fatwa” [http://www.pbs.org/newshour/updates/military/july-dec96/fatwa_1996.html]

(31) Qur'an 8:39.

(32) Qur'an 9:36.

(33) Qur'an 8:39. [Translation has been taken from *The Glorious Qur'an* by Dr Qadri.]

(34) Qur'an 9:36. [Translation has been taken from *The Glorious Qur'an* by Dr Qadri.]

(35) Qur'an 2:192.

(36) Qur'an 2:193.

(37) Qur'an 5:51.

(38) Translation has been taken from *The Glorious Qur'an* by Dr Qadri.

(39) Ibn Hisham, *al-Sira al-nabawiyya*, vol. 2, p. 270 (Beirut, Lebanon: Dar al-Jil, 1411 AH); Humayd b. Zanjawayh, *Kitab al-amwal*, p. 250 (Riyadh: Markaz al-Malik Faysal li al-Buhuthwa al-Dirasat al-Islamiyya, 1986); Abu 'Ubayd al-Qasim b. Sallam, *Kitab al-amwal*, p. 301 (Beirut, Lebanon: Dar al-Fikr, 1408 AH); Ibn Kathir, *al-Bidayawa al-nihaya*, vol. 3, pp. 224–226. (Beirut, Lebanon: Dar al-Fikr, 1419/1998)

(40) Ibn Hisham, *al-Sira al-nabawiyya*, vol. 3, pp. 112–115 (Beirut, Lebanon: Dar al-Jil, 1411AH); Ibn al-Qayyim, *Zad al-ma'ad*, vol. 3, pp. 549, 557–558. (Beirut, Lebanon: Mu'assisa al-Risala, 1407/1986)

(41) Al-Bayhaqi, *Shu'ab al-iman*, vol. 6, pp. 518 §9125 (Beirut, Lebanon: Dar al-Kutub al-'Ilmiyya, 1410/1990).

(42) Al- Bukhari, *al-Sahih*, vol. 1, p. 441 §1250 (Beirut, Lebanon, Damascus, Syria: Dar al-Qalam, 1401/1981); and Muslim, *al-Sahih*, vol. 2, p. 661 §961 (Beirut, Lebanon: Dar al-Ihya' al-Turath al-'Arabi).

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(46) Al-'Urusi, *Fiqh al-jihad wa'l-'Ilaqat al-duwaliyyafi'l-Islam*, p. 333.

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(48) Abu Dawud, *al-Sunan*, vol. 3, p. 86 §2766 (Beirut, Lebanon: Dar al-Fikr, 1414/1994); Al-Shafi'i, *al-Umm*, vol. 4, p. 189; al-Bayhaqi, *al-Sunan al-kubra*, vol. 9, p. 221 (Mecca, Saudi Arabia: Maktaba Dar al-Baz, 1414/1994).

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(51) Qur'an 2:256.

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- Article 51 in Chapter VII of UN Charter titled: “Chapter vii: Action with respect to threats to the peace, breaches of the peace, and acts of aggression,”