

# JIHAD

*A Legitimate Struggle  
for  
Human Rights*

**BY  
FATHI OSMAN**

ISLAMIC CONCEPT SERIES

# Jihad

*A legitimate struggle  
for  
human rights*

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Fathi Osman

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## *Foreword*

Misinformation and misperceptions create fear and prejudices. There is no bliss in ignorance. It is, therefore, imperative for every free mind to acquire correct information and to develop right perceptions about everything that is part of human pluralism. It is important to know the sources of information and perceptions and their influence on society.

Within the American pluralism, Muslims are the most misunderstood and misperceived group. They have yet to have a fair chance to tell the world their side of the story. They have yet to have an opportunity to explain their way of life, their ideas and ideals in a comprehensive way to other constituents of human pluralism.

*The Minaret Publishing House* is launched with a

view to take care of this particular need of the society. The idea is to offer a lucid explanation and brief commentary prepared by eminent scholars of Islam on relevant issues pertaining Muslims, Islam and society at large. Simultaneously, it is an effort to engage in an intellectual dialogue with inquisitive minds of facts finding citizens.

The first publication of *The Minaret Publishing House* dealt with War Ethics in Islam. It referred to the specific problem of prisoners of war.

The current booklet is about *Jihad*, a concept that now become a part of media glossary. The concept has been erroneously translated as “Holy War,” something that is alien to Islam and its literature. However, it is this meaning that has been misused by the media, policy makers and even by some Muslims. Interestingly, the policy makers in the United States have been using the concept both in negative and positive sense. For instance, while referring to Iran, Iraq, Lebanon and Palestine the term is given a negative connotation while it assumes a positive meaning when Afghan Mujahideen are referred to.

Dr. Fathi Osman, an eminent scholar of Islamic History and concepts who has taught at Princeton, USC as well as Al-Azhar University in Cairo and other leading

universities in Algeria and Saudi Arabia, has provided a lucid explanation of the concept for Muslims as well as non-Muslim readers. His thought provoking explanations and his masterly knowledge of the Quran and the sayings of Prophet Muhammad and his background in history of Islam and Muslim s place him in a unique position to provide a genuine interpretation of the concept jihad.

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*A Misunderstanding*  
*or*  
*An Abuse*

*Jihad* is an Islamic Arabic term which is misunderstood by many people. Sometimes, this misunderstanding increases through deliberate abuses by Muslims and non-Muslims alike. While some Muslim rulers use the term to justify their personal ambitions or to turn the minds and hearts of their oppressed people to another target, others try to twist the word in order to give the impression that Islam and Muslims are, in principle, inclined to confrontation and aggression, and thus they are never expected to be a constructive element for world peace.

## Peace : The Principle

It is significant that one of God's names in the Quran is "*The Whole Peace*" or "*The Source of Peace*" (59:23), and that the Quran calls the Heavens and Paradise "*the abode of peace*": "*And God invites [the mankind] unto the abode of peace*" (10:25), "*Theirs [those who take God's message to heart] shall be at abode of peace with their Lord.*" (6:127)

In the Heavens, peace will be the greeting word: "*and the angels will come unto them from every gate, saying: Peace be upon you*" (13:23-24), "*on the Day when they meet Him, their greeting will be: Peace ...*" (23:44; also: 10:10, 14:23, 16:32, 39:73, 50:34, 56:26 ...)

"Islam" and "peace, *salm*" come from the same Arabic root, since Islam aims to secure peace with oneself and with all others:



*“You who believe, enter absolutely into peace and do not follow Satan’s footsteps”*

(2:208)

*“Now there has come unto you from God a light, and a clear divine writ, through which God shows unto all that seek His goodly acceptance, the paths of peace”*

(5:15-16)

Peace, *salam*, is always spread by Muslims through their greetings in this world. Besides, they are taught by the Quran to *“develop cooperation for furthering virtue and God-consciousness, and to avoid all what may further evil and enmity”*

(5:2)

They have always to resist any temptation of arrogance and greed, and to treat others’ hostilities with self-control, broad-mindedness and good heart:

*“... but since good and evil cannot be equal, repel evil with something that is better; and notice how some one who is separated from you because of enmity will become a bosom friend. Yet only those who have self-control will attain it; only the very luckiest will achieve it ” (41:34-35), “Those shall receive a multiplied reward for having been patient and self-controlling, and having repelled evil with good ... and whenever they heard frivolous talk they turned away from it saying: ‘Unto us shall be accounted our deeds*

*and unto you your deeds. Peace be upon you; and we don't like to be involved [in a futile argument] with those who lack knowledge and self-control" (28:54-55; see also: 25:63, 43:39)*

## *What is "Jihad"...* *and Why ?*

The translation of *jihad* as "holy war" is misleading and deceptive. It gives the impression that *jihad* aims to declare war against non-Muslims all over the world, in order to impose Islam as a faith or as a political system by force. Such understanding, or misunderstanding, ignores the Arabic language, the Islamic sources and the historical practice of Muslims.

*Jihad* means striving hard, and Islam declares only a legitimate struggle to defend human rights, including the freedom of people and the freedom of faith:

*"Permission [to fight] is given to those against whom war is being wrongfully and offensively waged; and verily, God is most powerful for their aid; those who have been driven from their*

*homelands against all right for no other reason than their saying:  
'Our Lord is God' ..."*

(2:39-40)

*"And how could you refuse to fight in the cause of God and the  
utterly oppressed men and women and children who are crying: 'O  
our Lord! Lead us forth [to freedom, even] out of this land in which  
the people [in power] are oppressors'..."*

(4:75)

It is obvious that the Quran considers "peace" to be the general rule in the relations of Muslims with others, and requires for a legitimate "struggle" a divine "permission" which is given only to those whose human rights and freedom of faith have been violated. Islam declares a legitimate struggle against oppression and in defense of the freedom of people and faith:

*"Hence, fight against them [the aggressors] until oppression is  
stopped, and faith in God is allowed free [for everyone] between  
oneself and God]."*

(2:193)

Human rights cannot be split, and a legitimate Islamic authority cannot claim to fight against external aggression and defend "the land" or "the people" while it is practicing horrible aggression within its own borders and against its own people for any religious, ethnic, or political differences:

*“... for oppression is even worse than killing.”*

(2:191)

*“... since oppression is more awesome than killing.”*

(2:217)

# *Human Dignity for All*

The Quran states that the dignity of the Children of Adam has been conferred by God on them all, whatever their ethnicities and beliefs may be:

*“We have honored the children of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favors above a great part of our creation.”*

(17:70),

Human “dignity” has a wider concept than human “rights”, as “dignity” comprises the enjoyment of rights and the fulfillment of duties side by side. It has been granted by God since the creation of human beings, and thus it is inseparable from the human nature in the Muslim’s belief; a depth

which cannot be reached by a human philosophy or law. Human beings enjoy enormous power: physical, intellectual, and spiritual. They are universal, not restricted to a birth place or a limited area around it; thus they are created with the abilities to move and to get together whatever their ethnic differences may be (49:13). Their sustenance from the good things of life is secured, but they have to develop the universal and human resources cooperatively and distribute the outcome with justice.

The Quran ordains that these rights should be secured for all the people in all dimensions by the legitimate Islamic authorities "*which have been entrusted with their power by you [the people].*" (2:59)

# *Religious Freedom*

According to the Quran, Islam can never be imposed on individuals or peoples against their will:

*“Let there be no coercion in matters of faith.”*

(2:256)

*“If it had been your Lord's will, they would all have believed (in God's message), all those who are on earth. Will you then compel people against their will, to believe.”*

(10:99)

*“... Shall we compel you to accept it when you are averse to it?”*

(11:28)

Prophet Muhammad's task as indicated in the Quran was to let others know the message: to explain and to exhort, not to impose and force:



*“And so [O Prophet,] exhort them; your task is only to exhort: you cannot compel them [to believe]”*

(88:21-22)

*“and you can by no means force them to believe; just remind, through this Quran, all such as may fear My warning”*

(50:45)

*“But would you, perhaps, torment yourself to death with grief over them if they are not willing to believe in this message? Behold, we have willed that all beauty on earth be a means by which we put people to test, (showing) which of them are best in conduct”*

(18: 6-7; see also 26:3)

According to Islamic theology, no embracement of faith can be accepted by God unless it is meant intentionally through a free will, since this is the basis for judgement on the Day of Judgement.

# *Human Diversity*

Human diversity is God's will, and the believers in Him have to learn how to live in a pluralistic society and world:

*“And had your Lord so willed, He could surely have made all mankind one single community, but [He willed it otherwise, and so] they continue to have differences - all of them, save those upon whom your Lord has bestowed His grace [by following His guidance about co-habiting with their differences and handling them peacefully]. And to this end [of testing people how to tackle their differences] He created them all.”*

(11:118-119)

*“Unto every one of you have we appointed a law and way of life. And if God had so willed, He could surely have made you all one single community, but [He willed it otherwise in order] to test you*

*through what He has given you. Vie, then, with one another in doing good works: Unto God you all must return; and then He will make you truly understand all that in which you were used to differ.*”

(5:48).

When the Quran states: “Behold, the only (true) religion in the sight of God is Islam,” “And if one goes in search of a religion other than Islam, it will never be accepted from him” (3:19, 85; see also 5:3, 6:125, 39:22), the word “Islam” indicates here the general linguistic meaning as “submission to God,” not as specific term for the message of Muhammad. Islam is a noun derived from the verb “*aslama*” which means “*submit*.” The Quran indicates that *Islam* in its general meaning was the faith of all the prophets before Muhammad. Noah reminded his people: “I have asked no reward whatsoever from you: my reward rests with none but God and I have been bidden to be among ‘the muslims:’ those who have submitted themselves to God.” (10:72). The same submission to God -- or Islam -- has been repeatedly emphasized by Abraham and his descendants:

*“And who, unless he be weak of mind, would want to abandon Abraham’s creed ... when His Lord said: ‘aslem:,’ submit yourself unto Me -- he answered: I have ‘aslamto:’ submitted myself unto*

*you, the Lord of the all the world. And this very creed did Abraham entrust his children, and [so did] Jacob: O my children! Behold, God has granted you the purest faith; so do not allow death to overtake you ere you 'have been muslims:' submitted yourselves to Him. Were you witnesses when death was approaching Jacob, and he said to his children: whom will you worship after I am gone? They answered: We will worship your God, the God of your forefathers Abraham and Ishmael and Isaac, the One God; and to Him we, 'are muslims:' submit ourselves ... Say (O believers in the message of Muhammad): We believe in God, and in that which has been bestowed from on high upon us, and that which has been bestowed upon Abraham and Ishmael and Isaac and Jacob and their descendants, and that which has been given to Moses and Jesus, and that which has been given to all the (other) prophets by their Lord: We make no distinction [in our beliefs] between any of them. And it is unto him that we, 'are muslim:' submit ourselves"*

(2:130-136, See also 3:83-85)

In the same way Moses addressed the Israelites in Egypt: *"And Moses said: O my people! If you believe in God, place your trust in Him -- if you, 'have been muslims:' have (truly) submitted yourselves to Him"* (10:84). When the Queen of Sheba accepted the belief in the One God preached by Solomon; she announced, *"and [now] I 'aslamtu:' have submitted myself --*

*the same as Solomon did -- to the Lord of all the worlds" (27:44). The early followers of Jesus made the same statement: "We believe in God, and bear witness (O Jesus) that we, 'have been muslims:' submitted ourselves to Him"*

(3:52)

The Quran considers a true submission to God "Islam" as the basic belief for all the believers in the One God: "*You, indeed, everyone who 'aslama:' submits oneself to God, and is a doer of good withal, shall have his/her reward with his/her lord; and all such need have no fear, and neither, shall they grieve" (2:12), "And who could be better of faith than one who 'aslama:' submits one's whole being to God, and is doer of good withal, and follows the creed of Abraham, who turned away from all what is false..." (4:125)*

On the other hand, a "*kafir*" is not merely -- as it is usually translated -- an "unbeliever," or as some Western scholars put it: an "infidel." According to the Arabic linguistics and the Quranic use, a *kafir* is one who denies the clear facts about God's creation and favors and rejects His message while such a person realizes within oneself the truth that he/she is opposing in words: "*and thus they deny*

*(yakfuroon) ungratefully God's favors"*(16:72, also 'kafarat' in 112), "and he (Solomon) said: this is some of my Lord's bounty, to test me as to whether I am grateful or ungrateful (akfur)! However, who is grateful (to God) is but grateful for one's own good; and one who is ungrateful (kafara), (should know that,) verily, my lord is free from needs and the Most Generous in giving"(27:40), "and should you try to count God's favors, you could never number them; behold, the human being is so unfair, so ungrateful (kuffar: extremely kafir)" (4:43), "And they rejected them (God's messages and signs) wrongfully and haughtily, even though they themselves felt certain about it (27:14), behold it is not you whom they give the lie, but God's messages and (sings) do these wrongdoers reject." (6:33)

Muslims have to coexist and co-habitate with such rejectors of God's favors and messages in this world fairly and peacefully, as long as they do not turn their hostility from feelings and acceptable arguments into aggression, leaving the judgement in the whole matter to the Lord who knows all what is apparent and concealed by everyone and judges each with full justice: "Say: who provides for your sustenance out of Heaven and Earth? Say: It is God (alone); and, behold, either we (who believe in Him) or you (who deny Him) are on the right path or in obvious errors. Say: neither shall you be called to account for

*whatever we might be guilty of, nor shall we be called to account for whatever you are doing. Say: Our Lord will bring us all together (on the Day of judgement), and then he will lay open the truth between us in justice, for He alone is the Opener of all truth and the All-Knowing. (34:24-26). Muslims are forbidden to offend or attack such rejectors who choose to believe in their gods rather than One God: "And do not insult those who they appeal to instead of God, lest they insult God out of spite and in ignorance, as we have made to every group their own doings seen attractive; in time, unto their Lord they must return, and then He will make them (truly) understand all that they were doing" (6:108). In this way, self-control, fairness and kindness may open the hearts and minds to the truth in the end: "It may well be that God will bring about (mutual) affection between you (O Believers) and some of those whom you (now ) face as enemies ..." (60:7), "And since good and evil cannot be equal, repel (evil) with what is better, and so one between whom and yourself was enmity may become a close friend" (4 1:34).*

## *Universal Cooperation and Justice*

Islam declares the whole world a peaceful place for Muslims, in which they should build on constructive relations of friendship and cooperation, whatever the ethnic or religious differences may be:

*“... and We have made you into nations and tribes, so that you might come to know [and recognize} one another [and work together whatever these ethnic differences may be].”*

(49:13)

Muslims are taught by the Quran to be strictly fair with others, and to judge every case on its own merits:

*“And among the People of the Book there is many a one who if you entrust him with treasure will faithfully restore it to you.”*

(3:75)

*“The people of the Book are not alike, among them there are*



*upright people, who recite God's messages throughout the night and prostrate themselves before Him. They believe in God and the Last Day [Day of Judgment], and enjoin the doing of what is right and forbid the doing of what is wrong, and vie with one another in doing good works, and they are among the righteous. And whatever good they do, they shall never be denied the reward thereof."*

(3:113-116)

Justice is repeatedly and strictly emphasized in dealing with any individual or group:

*"... and no bearer of burdens shall be made to bear another's burden."*

(6:164; see also 17:15, 35:18, 39:7, 53:38)

According to the Quran, *justice and kindness* represent the basis of Muslims' relations with others who do not initiate hostility and fighting against them:

*"God forbids you not, with regard to those who fight you not for your faith nor drive you out of your homes, from dealing kindly and justly with them: For God loves those who are just."*

(60:8)

*"Thus, if they let you be, and do not make war on you and offer you peace, God does not allow you to cause them any harm."*

(4:90)

The historical practice, of which some examples are being

given later, proved how the Muslim behavior secured tolerance within the Muslim state, and constructive cooperation with the whole world known to them. Their agreement with any country was strictly observed as long as they were not violated by another involved party, according to the repeatedly emphasized teachings of the Quran. (e.g.: 5:1, 9:4, 16:91-96, 17:34).

Even when a hidden betrayal from another party is feared, Muslims have to act openly “*And if you have reason to fear treachery from people {with whom you have made an agreement, cast it back at them in an equitable manner [and openly]}.*” (8:58)

## *Against the Combatants Only*

Even among the aggressors themselves, Muslims are taught to do their best to direct their struggle against the combatants only.

*Jihad*, as a legitimate struggle against aggression, is restricted to resisting those who practice the aggression, and cannot result in an extensive indiscriminate bloodshed.

The Quran stresses: “*And fight in God's cause against those who initially wage war against you, but do not commit aggression for, verily, God does not love aggressors,*” “*Thus if anyone commits aggression against you, attacked him just as he attacked you-but remain conscious of God, and know that God is with those who who are conscious of Him.*”

(2:190,194)

The Muslim army was instructed by the Prophet and early Caliphs to avoid causing any harm to those who do not fight, such as monks, women, children and peaceful peasants. Muslims should allow the *defeated* enemy to end the hostilities and make a non-tactical withdrawal safely, since their goal is to eliminate the threat of the hostile forces to them, not to wipe out the whole forces physically.

The wounded should not face any more pressure or harm, and Muslims should leave them in the care of their own forces, or provide them with medical care if they keep them as prisoners of war. The human needs of those ought to be fulfilled (76:8), and they must feel secure physically and morally until they are set free and returned safe to their homes when the war comes to an end (47:4).

One who seeks shelter with Muslims has to be protected. A clarification of the message of Islam and the reason of hostility is offered to such a person without any pressure, that such a shelter-seeker may enjoy security in Muslim lands or return home safe, even if there is still a possibility that he/she may turn against the Muslims. The Quran clearly states:

*“And if any of those who ascribe divinity to aught beside God seeks your protection, grant him/her protection, so that he/she might (be able to) know about the message of God, and thereupon*

*convey him/her to wherever one can feel secure.”*

(9:6)

Muslim forces are forbidden from threatening the life of plants and animals or damaging any resources, and the Quran warns Muslims, in peace or in war, against spreading mischief on earth, criticizing severely one who speaks well and appears to be God conscious while such a person *“goes about the earth, spreading damage and destroying tilth and progeny: and God does not love mischief.”* (2:204-205)

Through any confrontation, Muslims adhere to the Quranic principle:

*“It may well be that God will bring about [mutual] affection between you [O believers] and some of those whom you [now] face as enemies: for God is all-powerful and God is much forgiving and gracious.”* (60:7)

## *Historical Practice*

Throughout the long history of Islam, Islamic states have included many non-Muslim citizens who enjoyed tolerance and justice. Some of them nearly dominated such professions as money-exchange, medicine, and trades of: jewelry, gold and silver, medicine, selling herbs and drugs, certain crafts and so on.

Once, the chief of the Christian community in Baghdad was the Caliph's physician. Non-Muslim officials were significantly numerous in public administration. According to a Christian source, Michael the Syrian, the chiefs of Jewish and Magian communities in the Abbasid times were called

“kings” and their positions were hereditary. Most chiefs of Eastern Christian churches were elected, and all chiefs of non-Muslim minorities represented them before the caliphs and authorities. A Jewish traveller in the 12th century A.D. - Rabbi Benjamin von Tudela - stated that Muslims of Baghdad called the Chief Rabbi “Sir”, while the chief Rabbi in Cairo under the Fatimids was called the “prince of princes.” The number of Jews in Muslim countries except North Africa was estimated by Rabbi Benjamin as about one third of a million, while Rabbi Petachja Von Regensburg who travelled twenty years later in the same century, stated that Jews in Iraq alone reached 600,000. A census in Egypt in the 8th century A.D. indicated that five million Copts paid the poll tax. Religious freedom was secured and non-Muslims celebrated their festivals - in whose social aspects Muslims participated and organized parades which were attended by the Caliphs, their ministers or regional governors. Public services, including medical treatment in hospitals, were offered to both Muslims and non-Muslims. No special areas were allocated by the authorities for non-Muslims, although they might prefer voluntarily to live together. They had their own judges for religious and family affairs, unless any of them might submit his lawsuit to the state court. The Fatimid Caliph al-Aziz [975-996 A.D.]

had Christian in-laws, and appointed a Christian: Eisa ibn Nestorius as a minister, and a Jew: Menassa as a governor of Syria. (See Adam Mez: *Die Renaissance des Islam*, Ch.iv)

Different Islamic states had friendly and constructive relations with other contemporary powers all over the world. In Muslim Spain, "Andalus," both Muslims and Jews cooperated in developing a glorious civilization, which was a torch of light for the whole of Europe during the Middle Ages, and both suffered after the fall of Muslim power there. Many official visits were exchanged between Muslims and the existing world powers such as: the Byzantines the Franks, and the Chinese; and Muslims developed active commercial and cultural relations with the whole known world.

Having various origins, Muslim cities represented a wide spectrum of urban and architectural origins (Arabian, Byzantine, Iranian, and Indian), while they also developed their own regional styles: (Moroccan-Andalusian, Egyptian, Syrian, Eastern). Muslim ships and caravans went through the whole world, and Muslim commercial centers, hotels, market places (souks, bazaars) and mail services flourished on land and sea-routes in all the known continents from west Africa to the Far East. Muslim currencies were strong and



universally respected. The word "check" reveals its Arabic origin (*sakk*), as money orders were used in universal transactions by merchants from Muslim countries. Jews and Russians had significant roles in the trade between Europe and the Muslim lands. Political relations developed between the Muslim rulers and the rulers of Volga, other Slavian areas and China. The Muslim geographer, al-Idrisi (d. 1251 A.D.) reported that some Muslim navigators went from Lisbon through the Atlantic westward then southward to explore it and could reach a land there . (Mez: *ibid*, Ch. xxix, xxix)

Through the succeeding centuries, some Islamic principles of internal or inter-states justice may have been violated, and the Muslim forces may have been used to suppress the civilian dissidents or to annex neighboring lands for mere expansionism, but this occurred against the divine law, whatever the label which was forged for it might have been. Greedy despots have been known throughout all history, and Muslims could not be immune or infallible.

However, the principles of Islamic justice have always been clear and sharp in the divine sources and the human conception, as represented in the Muslim intellectual heritage under any despot or expansionist.

With genuine Islamic principles and positive historical precedents, how may one think that a legitimate struggle against aggression, which is called *jihad* in Islamic terminology, with all its restrictions and specifications in Islamic legal sources, and its main practice in history, can mean a devastating cyclone which threatens the whole world?

How may a sensible man believe that *jihad* means that "Muslims should destroy all others and impose their faith by force", while a Muslim man - according to his faith and law - can have a non-Muslim wife; a Muslim man or woman can have a non-Muslim partner in business, a non-Muslim guest or host, or a non-Muslim neighbor next to his/her home or country whom such a person has been taught repeatedly by the Quran and Sunna to care about and to build friendly and caring relations with?

There may be always in the world abusers of any faith or ideology or law, and those who have Muslim names are no exception, but the facts about Islam in its divine sources and main practices should always be recognized in their authenticity and purity, just as the claims to Christianity: from medieval Crusaders, modern Nazis and supporters of Apartheid or others who kill children and innocent civilians, could by no means represent the teachings of the Bible.

Islam, then, merely allows a place for a legitimate struggle against aggression, and oppression with strict conditions and tough restrictions, when this becomes a necessity to stop human arrogance and greed:

*“... and if God had not enabled people to defend themselves against one another, mischief would surely overwhelm the earth.”*

(2:251)

# *A Quranic Plan for Peace and Justice*

As Islam turned Arabia from personal revenge to state laws and courts, it had its plan to deal with group disputes whether they might be within an Islamic state or inter-states. Peaceful means to settle the disputes and achieve reconciliation including: direct negotiations as well as universal mediation, arbitration or judiciary, have to be followed. If a party uses force and commits aggression, it should be challenged by non-partisan forces until it accepts to abide by the world law and order:

*"... make peace between them[the two fighting groups]; but if one of the two[groups] goes on committing aggression against the other, fight against the one that commits aggression until it reverts to God's commandment"* (49:9)

It is significant that the Quran requires after stopping the aggression, that justice should be observed in settling the dispute without doing injustice to any of both parties, since a bias against the aggressor after being defeated may lead later to another war: "*And if they revert, make peace between them with justice, and deal equitably[with both groups]: for verily God loves those who act equitably*" (49:9) Peace cannot be maintained within the state or inter-states relations unless justice is secured, since peace without justice is merely a suppression.

World courts of human rights and inter-states violations are essential for internal and universal disputes without using force by any party that suffers injustice, and Islam inspires and blesses such a procedure. In the Islamic practice, when Caliph Umar ibn Abdul Aziz [717-720 A.D.] received a complaint from the people of Samarqand that the Muslim army occupied their city as a result of violating an agreement, he ordered an inquiry in the case by the supreme judge, who ruled after his inquiry that the Muslim army should withdraw. During earlier Muslim conquests, similar complaints were inquired and settled fairly. Non-partisan forces should be organized by a universal body to enforce the decisions of such an inter-states court, when any party refuses to abide by

its ruling. Contemporary Muslim countries can initiate a model of such an inter-states judiciary system for themselves, which will persuade other regional or particular groupings as well as the international bodies to follow.

Devastating disasters of war as a result of advanced technology, and dreadful experiences of recent wars among Muslim countries -- such as: Iraq and Iran, Libya and Chad, Iraq and the Gulf countries -- should push towards such an initiative in establishing and maintaining an international justice.

## *Conclusion*

The Islamic legitimate defense of human rights, and freedom "*Jihad*" is restricted to the case of aggression and oppression. Islam's goal is to stop injustice in a certain place, not to impose Islam by force or to declare war against non-Muslims everywhere. Non-Muslims have never ceased to exist within Muslim countries and in the whole world during all times of history, including the time when Muslims enjoyed an enormous political and military power, or suffered formidable non-Muslim attacks such as those of the medieval Crusades or the modern colonialization. Whenever the land, the people and/ or the freedom of faith were attacked, it was necessary to use force merely for legitimate defense.

Muslims are required to confine their practice of force to those who initiate the war against them, and to the combatants, not the civilians.

Islamic teachings on securing the rights of the wounded and the prisoners of war represented a genuine progress in world history as a whole.

As soon as such a necessity of legitimate defense of human rights and freedom is over, Muslims are urged to conform to the general rule of peace and cooperation with all, *including the former enemies*, and to overcome a paranoid suspicion about other's intentions:

*“And if they incline to peace, incline to it as well, and place your trust in God. Verily, He alone is all-bearing, all knowing! And should they seek but to deceive you [by their show of peace], behold, God is enough for you”*

(8:61)

For those who are conscious of God, peace should enjoy superiority over the overwhelming disasters of war on both sides, even if some trouble of peace may practically be suffered!



## *About the Author*

Fathi Osman, Ph.D. is a distinguished Islamic scholar who taught in several Muslim and Western Universities. he was the chief editor of the London-based international Islamic magazine, Arabia from 1981 to 1987. He has authored several books in Arabic and English on contemporary Islamic issues. He has been actively involved in inter-faith dialogue. He is currently the resident scholar at ICSC.

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