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JIHAD THROUGH THE EYES OF MAINSTREAM ULAMA

Premarani Somasundram*

“THOSE responsible for the London attacks are criminals who do not represent Islam or even truly understand [its message].” So thundered Muhammed Syed Tantawi, the Grand Sheikh of Egypt’s Al-Azhar mosque-cum-university, Sunni Islam’s epicentre of knowledge. His condemnation of the July 7 London bombings was echoed by Sheikh Yusuf Qaradawi, the Qatar-based cleric whose political independence gives him an edge over Tantawi in the eyes of many Muslims.

Yet, one oft-heard refrain since September 11 is that Islamic leaders are ambivalent about the use of violence in the name of jihad. They are said to be inconsistent in their condemnations of the notion. Indeed, protests are mounting among Britons for Qaradawi to be barred from London for supporting the use of violence in Israel. Such complaints about Islamic leaders are based on a lack of understanding of the nuances in the classical discourse on jihad.

We repeatedly hear mantras that jihad does not mean holy war – or even war – but rather effort or struggle and that the greater jihad is the inner battle against one’s own weaknesses. But classical Islamic teachings do also permit armed jihad. And, this is precisely why, even as they reject the September 11 or July 7 attacks, the mainstream *ulama* or Islamic scholars often resist efforts to gloss over the concept of jihad or even excise teachings on jihad from *madrasah* curricula. However, the mainstream Muslim notion of armed jihad is a limited one and far from the kind of global jihadism espoused by the likes of Al-Qaeda.

The juristic discourse on armed jihad

Because of the indeterminate nature of the holy texts – the Qur'an and Hadith (the Prophet’s Traditions) – their interpretations by the recognised schools of law form an integral part of the *Shari’ah* or Islamic law. By the late 8th and early 9th centuries, the classical Islamic jurists had derived from the texts an elaborate corpus of rules on war and peace. Chief among these was the forbidding of all forms of primordial warfare except that intended to enforce God’s law or to check violations of God’s law – *jihad fisabilillah*, which literally means struggle in the path of Allah. This is why even groups fighting for secular goals, such as some among the Thai separatists, occasionally wave the jihad banner.

The classical teachings conceived of two forms of armed jihad: defensive and offensive jihad. A defensive jihad was one fought when the realm of Islam (*dar al-Islam*) was invaded or

occupied by the realm of war or non-Muslim realm (*dar al-harb*). It was considered a personal obligation of every able Muslim to fight such a war. Defensive jihad is somewhat analogous to the Judaeo-Christian notion of just war and the UN Charter's principle of self-defence. However, it is deemed an individual duty that does not require a legitimate sanctioning authority. An offensive jihad, on the other hand, was an expansionist war to extend the *dar al-Islam* into the *dar al-harb*. It was considered a collective obligation and could only be declared by a legitimate Muslim ruler.

By the 10th and 11th centuries, however, the notion of offensive war fell dormant and many jurists categorically stated that unbelief was an insufficient condition for attacking the *dar al-harb*; the *dar al-Islam* had to be under clear threat from the *dar al-harb*.

It is because conflicts like the Palestinian struggle for statehood and the resistance to the US-led attack and occupation of Iraq fall well within the classical definition of defensive jihad that the mainstream *ulama* today cannot bring themselves to categorically denounce the use of violence by groups within these theatres. Tantawi himself has in the past supported the use of violence in both the Palestinian and Iraq theatres.

In addition to the notion of just war, classical Islamic teachings also included the notion of justice in war. This was encapsulated in rules of engagement such as the prohibition on the killing of women and children. Furthermore, in a related theological discourse from the earliest days of Islam, the practice of *hirabah* -- what the eminent law professor Khaled Abou el-Fadl defines as the terrorising of defenceless victims "by stealth"-- was regarded an offence against society and God. Thus, a number of Islamic scholars today conscientiously draw a distinction between jihad and *hirabah* by considering whether the targets of attack are military or civilian. For instance, Qaradawi has condemned hostage-taking by Iraqi insurgents and the Abu Sayyaf group in the Philippines, although he supports both the Iraqi resistance and the Moro cause.

Suicide Bombing

Discussing the rules of engagement requires close scrutiny of what appears to be the weapon of choice in armed jihad today – suicide bombing. Backers of suicide bombing are able to distinguish between suicide in the sense of a desperate withdrawal from the hardships of life, which is prohibited in Islam, and suicide as self-sacrifice in the defence of Islam, or martyrdom. And, in view of the clear imbalance of power between the Palestinians and Israel, many mainstream *ulama* consider suicide bombing in the Israeli theatre to be the only weapon available. Even the traditionalist Nahdlatul Ulama, Indonesia's largest Muslim organisation, has in the past expressed support for Palestinian suicide bombings.

However, because the Palestinian question is such an emotional one for Muslims, the mainstream *ulama* have turned a blind eye to suicide bombings within Israel that deliberately target civilians. They even condone civilian deaths as part of the "collateral damage" incurred in attacking military targets, which they define very broadly. Tantawi has included Jewish settlers in the Palestinian territories in his definition of Israeli combatants while Qaradawi considers everyone in Israel a combatant because of Israeli conscription.

This is where the mainstream *ulama* lose the moral high ground. Outrage against the Israelis' deployment of fighter aircraft into populated Palestinian neighbours or other such dramatic

attacks cannot justify retaliatory suicide bombings deliberately directed at civilian rather than military targets.

Point of departure

Notwithstanding this Palestinian-related blind spot, the mainstream Muslim discourse on armed jihad is limited and radically different from that of the Al-Qaeda types in significant ways. The mainstream *ulama* generally accept the evolution in the classical juristic discourse on jihad. Only defensive jihads are considered justifiable today. Indeed, most *ulama* today rarely use absolutist terms such as *dar al-Islam* and *dar al-harb*.

The radicals, however, characteristically reject the classical jurisprudential tradition. They insist on selective and literalist interpretations of the holy texts, arguing that the so-called sword verses in the Qur'an were meant to be normative ones that abrogated the more restrained verses preceding them. Many radicals today contend that jihad was meant to be eternal, almost another article of faith, until the entire world became *dar al-Islam*.

Mainstream Muslims – and many non-Muslims too – may share Osama bin Laden's resentment of America's global military, economic and cultural domination. But they do not buy into his conveniently loose definition of defensive jihad that considers the entire Muslim community as being under American aggression and therefore entitled to attack Americans, including civilians, any place where it is possible to do so. The mainstream *ulama* also have no illusions of resurrecting a pan-Islamic state under a caliphate.

Even though they have permitted Muslims to cross national borders to assist their embattled brethren fighting defensive jihads, as did Tantawi himself at the start of the invasion of Iraq, most mainstream *ulama* nevertheless believe in containing attacks within jihad theatres. Indeed, even the militant Hamas and Palestinian Islamic Jihad do confine their attacks to Israeli soil. In condemning the April 2002 bombing of a synagogue in Tunisia, believed to have been perpetrated by Al-Qaeda-linked elements, Qaradawi articulated the mainstream view that the Muslim community's quarrel with the Jews centred around the latter's occupation of Palestinian land, not their faith.

More interestingly, as the US was poised to attack Afghanistan after the events of September 11, Qaradawi and a number of other *ulama* obliged the US army's Muslim chaplain with a *fatwa* (religious ruling) that gave a qualified go-ahead for American Muslim soldiers to participate in the US attack. Even though Qaradawi subsequently criticised the US attack itself as a disproportionate response, the *fatwa* implicitly acknowledged that citizenship of a state entailed certain obligations even if the state in question was not a Muslim one or it required attacking fellow Muslims – so long as there was a just cause. The *fatwa* also condemned the September 11 attacks as an act of *hirabah*.

Mainstream *ulama* also feel religiously constrained about the tactic used by radicals to justify their use of violence against Muslim regimes perceived to be secular, pro-Western, corrupt or dictatorial. This is the practice of *takfir* or branding one's political opponent or someone perceived to be insufficiently Islamic as an apostate. The radicals charge that such apostate leaders have reverted their countries to the state of pre-Islamic paganism and project themselves as fighting defensive jihads to restore the *dar al-Islam*. Today, even the mainstream clerics in Wahhabist Saudi Arabia reject the practice of *takfir*. At a recent

international conference in Jordan, a number of prominent *ulama*, including Saudi Arabia's highest clerical body, issued a *fatwa* making it forbidden to declare as an apostate any Muslim who believed in Allah and did not deny the five pillars of the faith.

In sum, although the mainstream *ulama* uphold the notion of defensive jihad in the event of invasion or occupation of Muslim land, theirs is a territorially restricted view. They reject the radicals' attempt to deliberately expand the definition of defensive jihad to justify a global jihad. Most mainstream *ulama* accept the irrelevance of the terms *dar al Islam* and *dar al-harb*. Even those among them who hold an exclusivist worldview look only to non-violent means for achieving their millennial goal of the *dar al-Islam* subsuming the *dar al-harb*. The mainstream *ulama* also distinguish between armed jihad and *hirabah* (although they are less scrupulous about the distinction in the sensitive Palestinian theatre).

Unless these nuances are understood, the West may not be able to win over the mainstream Muslim *ulama*, who are the only ones with the credibility to battle the abuse of the concept of jihad.

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