

EVOLUTION OF THE CONCEPTS OF JIHAD IN ISLAMIC THOUGHT

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Islamist political thought as it relates to jihad has evolved over the centuries, and this essay will highlight Dr. Maher al-Charif's 2008 Arabic book, *Evolution of the Concept of Jihad in Islamic Thought*. It was published by Mada Publishing Company in Damascus, Syria, and is an intellectual exploration of the concept of jihad as warfare, not the wider meaning of the term which encompasses individual moral struggle. This exposé will focus on Charif's work from the death of the Prophet Muhammad in 632 CE to the death of Ibn Taymiyyah in 1263 CE. This book was highlighted in the al-Jazeera Web site book review section and represents a 2008 Arabic book that could be of significance to U.S. forces.

This book is exactly what is needed for America's military planners as it exposes readers to the complexities and disagreements on what is referred to as *Ahkam al-Jihad* (Rules of Jihad) to reveal how militant Islamists today weave an ideology from fragments of Islam. This review essay is not an apologia for Islamist political thought. It is, however, an introduction to the possibility of fighting militant Islamist ideology using the contradictions and complexities of Islam. It is an introduction to the nuanced differences between Islam, Islamist political thought, and militant Islamist ideology as it relates to the concept of jihad as warfare. These nuances are the new tools needed to disaggregate militant Islamist ideology from Islamist political thought and these two from the wider religion of Islam.

The Development of the Rules of Jihad

The first opinions and commentary on jihad, known as *Ahkam al-Jihad*, appeared in the 8th and 9th centuries CE and laid out the rules of Islamic warfare. These Islamic rules came two centuries after Prophet Muhammad's death and were derived from

"The need to translate, analyze and debate Arabic works of military significance is vital as the United States engages in a long term effort of undermining the influence of violent extremism. Events in Mumbai demonstrate not only the need to assess the tactical and operational elements of violent militant Islamist groups, but their underlying ideology, and ways in which they manipulate the narrative to justify their violent actions. CDR Aboul-Enein is making an important contribution in understanding the nuances, and details of militant Islamist ideology through his lectures and writings on this subject for Defense Department personnel and deploying units. For years, he has highlighted Arabic works of military significance, and in discussing this work with me, I agree that Dr. Maher Charif's work on the evolution of the concept of jihad in Islamic thought, represents the Arabic book to highlight in 2008. I applaud the U.S. Army's Infantry (Magazine) for providing CDR Aboul-Enein's work a forum from which to help stimulate debate and discussion on the philosophies of our adversary. This will also begin our own understanding of the narrowness of militant Islamist thought when compared to Islam, even in the realm of what constitutes the rules of jihad."

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the study of 70 war verses in the Quran, coupled with Prophet Muhammad's example, in particular his wars with the Meccans that occurred between 622 and 632 CE. The expansion of the Islamic empire led to new complexities and a re-definition of warfare and its conduct. Abdul-Rahman al-Awzaee (707-774 CE), who existed during the reign of Walid ibn Malik of the Umayyad dynasty, was the earliest scholar obsessed with jihad as warfare and considered an early commentator on the subject. This period saw rapid expansion into North Africa and Spain, while at the same time an attempt to stabilize the Umayyad Empire, using regular military incursions to suppress people already conquered but rebelling against Umayyad authority. These rebels could be Muslim and non-Muslim, with much of the stabilization focused on frontier areas of conquest. Combining religious scholarship with the realities of constant military incursions in the Levant, Awzaee commented on such matters, as Muslims allying with non-Muslims, the issue of noncombatants, treatment of wounded enemy, prisoners, and

spoils of warfare. He also discussed and wrote about how and when to conclude a truce, and the issue of *jizya* or the taxation on non-Muslim subject peoples. Going back to the evolution of the notion of jihad as offensive warfare is important to begin the process of deconstructing 21st century al-Qaida pseudo-intellectual interpretations. Awzaee operated under the interpretive understanding that jihad as war during the time of Prophet Muhammad was *fard ayn*, a collective obligation incumbent upon all Muslims as the society created by Muhammad in Medina and more importantly Muhammad's theological mission were in peril. After the stabilization of Muhammad's prophecy known as *istiqrar al-shariah*, it became *fard kifaya*, an obligation that if carried out by a sufficient number, excuses the rest from the obligation. Awzaee commented that if an adversary attacks and you fight a defensive war then jihad becomes a collective obligation, he also said that jihad becomes a collective obligation only if sanctioned by the clergy.

He commented that consulting non-Muslims in times of war is permitted as long as Islamic rule was in the majority, and it is frowned upon (not forbidden) where apostasy reigns. Awzaee sanctioned the killing of women and children, but only if they were combatants and forbade the killing of women and children taken prisoner. He used verses in the Quran that sanction warfare, but warns against transgressing the bounds of warfare. Awzaee prohibited the Muslim armies from killing the aged, blind, and slaves, as long as they were noncombatants. He forbade the burning of captives, the cutting down of trees, and advocated sharing the spoils of war with non-Muslim allies. His view of *jizya* is not what is financially derived from non-Muslims, but the opportunity to conduct *dawa* or evangelizing the religion of Islam as a result of interaction between Muslims and non-Muslims.

In 804 CE, Muhammad bin Hassan al-Shaybani, a Kufan scholar, from Iraq, provided the earliest commentary on hostilities towards the *kuffar*, or infidels. Dividing the world into *Ahl al-harb* (the people of warfare), *Ahl al-ahd* (the people of the truce), and *Ahl al-Baghy* (those Muslims who rebel against Islam). Regarding *Ahl al-Baghy*, these were Muslims who sowed dissension, and God commanded reconciliation first, before resorting to hostilities. Early Muslim scholars derived these opinions from the Ridda Wars and verse 9 of al-Hujairat, which warns that killing Muslims is not authorized unless they resort to violence first. Another label for *Ahl al-Baghy* was *Ahl al-Ridda* and consisted of those who left Islam or ceased paying the Zakat (poor tax) upon Prophet Muhammad's death in 632 CE. These delineations were not inherent in the founding of Islam; however, it is from these delineations created decades after Muhammad's death, that the bipolar concepts of *Dar al-Harb* (Abode of War) and *Dar al-Islam* (Abode of Islam) were made.

These scholarly distinctions and when they came about in Islamic history are either ignored or suppressed by militant Islamists today. It is vital these commentaries be revived to highlight the ignorance of violent militant Islamist ideology. In the end, this is a war of commentators, and the narrow violent commentators are receiving much more attention than the wider corpus of Islamic opinion; the biggest threat to militant Islamist ideology is Islamic argumentation itself.

The Early Meccan and Medina Clerics of the 8th and 9th Centuries

Maalik ibn Anas (d. 795 CE) and the Meccan as well as Medinan clerics had different experiences than their counterparts in the Levant. Commentary on jihad as warfare was limited among the Arabian clerics of Mecca and Medina. The Meccan clerics of the 8th century CE like Ata ibn Abi Ribaah, Amru ibn Dinar, and Ibn Jareeh took different views on jihad as offensive warfare. When asked if *ghazw* (raiding) was an obligation incumbent upon all Muslims, Abi Ribaah replied that he did not know. Maalik ibn Anas, founder of the Maaliki School of Sunni Islam (one of the four schools of Sunni Islam), opposed sneak attacks, night attacks, and advocated that calling people to Islam before initiating hostilities against non-Muslims was a requirement. He forbade the tactic of *istiqtal* (best described as suicidal missions); his reasoning was that Islam was sent to mankind as a mercy and to propagate life in

the service of God. Maalik limited jihad to only those who are physically and mentally able; he derived this from a saying of Prophet Muhammad narrated by Abdullah son of Omar (the second Caliph). When he offered fealty to the Prophet, he would always add the statement: "*to those who are capable.*" Maalik did add the commentary that jihad is like being in perpetual fasting or praying until it is concluded but did not derive this from any original Islamic source; this was his opinion that has been codified into Islamic discourse. If you are the violent militant Islamist adversary, you can focus on this single statement by Maalik or look at his commentaries on *Akhlaqiyat al-Jihad* or conduct of warfare; he derived this from his understanding of Prophet Muhammad's advice sending out a military expedition. In it he warns to conduct raids in the name of God, in God's way, to wage war on those who have abandoned God, but not to be excessive. Maalik also derives his commentaries on the conduct of jihad from Abu Bakr (the first Caliph) warning to Yazid ibn Abu Sufyan who warned not to kill women, children, the elderly, livestock (except to eat), cut trees, drown prisoners, burn prisoners, or be excessive or cowardly. Maalik added that the killing of captives without the permission of an *Imam* (cleric) is forbidden.

Who is a Martyr?: Intentions of Jihad as Warfare

The issue of who is a martyr preoccupied early Islamic thinkers, and entire volumes have been written on the subject known as *Hukm al-Shahadah* (Rulings on Martyrdom). The central theme of these works is that the answer to this question relies solely on the person's intentions, and these intentions are known only to God. There is a *hadith* (saying or action) of Prophet Muhammad that called upon his followers to pray for a fighter who fell at the Battle of Khaybar, saying he raided livestock in God's cause; he was not a martyr. A disciple of Maalik is Imam Shafei (d. 820 CE), founder of the Shafei School of Sunni Islam. Ahmed ibn Hanbal, founder of the Hanbali School, called Shafei the most learned man in the Quran and *Sunna* (way of Prophet Muhammad). This statement from Hanbal is important, as the Hanbali School is where most Salafis, both fundamentalist and militant, today derive their core inspiration, to include the infamous *Wahabis* of Arabia. Shafei recounts that Muslims in Muhammad's time were not allowed to engage in jihad during the first 10 years of Muhammad's 23-year prophecy, known as his Meccan period. It was only after exhausting the call to God's faith, followed by the Meccan genocide of Muslims that God permitted Muhammad first the act of migration. After migration the sanction to wage war was only granted after it became apparent the Meccans could not allow Muhammad and his Medinese alliance to remain intact. Shafei highlighted that only when Muhammad's society and more importantly his prophecy were in peril that war was allowed. He uses verses 39-40 of *al-Hajj* (The Pilgrimage) in the Quran to argue this nuanced point. Shafei also utilized verse 216 of *al-Baqara* (The Calf) to argue that jihad was not a *fard* (obligation) but was *mu'bah* (permissible and optional), stressing the nature of jihad as offensive warfare as *fard kifaya* (an optional individual obligation). It was Shafei who first wrote about the need for a fighter not to be indebted to participate in jihad. He used a saying of Prophet Muhammad in which he turned away a young

man from participating in a military expedition, citing that one needed his parent's permission to participate in jihad, and used the Prophet's sayings to bar the infirm, the sick, the impoverished, the blind, and the elderly from participating in jihad, reinforcing his writings with verse 91 of *al-Tauba* and verse 61 of *al-Nur* (The Light). Responding to the needs of the time, Shafei did call for an annual jihad against adversaries so that Muslim forces would not atrophy and to be in a constant state of military readiness, but these are his opinions and unlike previous writings are not reinforced by any Quranic verses or prophetic sayings. He did continue to discuss that jihad's central objective was to bring monotheism as articulated by Muhammad's message and not to fight the enemies of Islam, he reinforces this view with verse 33 of *al-Tauba* (The Penitence). The right to proselytize Islam takes precedence and fighting those who deny this right is the purist form of jihad.

Shafei also commented on the *jizya* system, the tax levied on non-Muslim subjects, and delineated a different tax level for those of the People of the Book versus those who are idolaters. For those who received a divine revelation such as the Christians and Jews, he wrote that the *jizya* would not apply to women, children, slaves, and the mentally ill. He advocated that they be allowed to pay the *jizya* and that there should be no compulsion in matters of religion, a Quranic injunction. Shafei discussed the issue of *hudna* (truces) and viewed them as temporary and limited, and uses the time limit of 10 years, like that set between Prophet Muhammad and the Meccans, also known as the Treaty of Hdaybiah.

Other Opinions on Jihad: Evangelism Versus Warfare

Tabari (d. 923 CE), considered the Herodotus and preeminent historian of the Muslim Arab world, attempted to reconcile the differences between the Shafei and Hanafi Schools of Sunni Islam. He coined the phrase, "*deen wahid, shar'aa muta'didda*," one (Islamic) faith, different Shariah (Islamic legal) interpretations. Sheikh Sufyan al-Thawri wrote of the dangers of undertaking jihad and neglecting all other Islamic obligations and

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emphasized that Muhammad's main message was that of *dawa* (evangelism) and when prevented from doing this he resorted to warfare. Abu Hanifa (d. 974 CE and founder of the Hanafi School of Sunni Islam) left the most radical exposition on jihad and warfare, arguing that all of the land is for God and his followers, where God does not reign supreme then there is oppression and jihad becomes obligatory against all those who deny Prophet Muhammad's message. Although this interpretation from the Hanafi School of Sunni Islam suits our adversary today, Abu Hanifa made jihad an obligation on all Muslims except for slaves, women, and children. There have been many instances where al-Qaida and its affiliates have used women, and the mentally infirm in their campaigns of terror, and this was seen vividly in Iraq and Afghanistan. Abu Hanifa advocated the cutting down of trees and burning of an adversary if it was in the interest of Muslims. He did advocate the need to call non-Muslims to Islam before waging war, which may explain Bin Laden's and his associates' audio and video appeals for non-Muslims to convert, to give his heinous acts the veneer of Islamic legitimacy. However, the depth of al-Qaida's use of Islamic law is so shallow they have neglected whole corpuses of Islamic scholarship on the rules of jihad, and instead pick and choose what is convenient to rationalizing their violent extremism.

Ibn Taymiyyah: Altering Islamic Thought on Jihad

No understanding of the evolution of jihadist thought is complete without discussing Taqi al-Din Ibn Taymiyyah (d. 1327 CE). He would set the concept of jihad towards a more radicalized trajectory.

Born in Harran, Syria in 1263 CE, he would study Islam and mathematics in Damascus, and see firsthand the impact the Mongol invasions and the Crusades had on the decline of the Islamic civilization. Five years before Ibn Taymiyyah's birth, Baghdad was sacked and the Abbasid Caliphate collapsed. The Mongols were locked in a seesaw struggle between the Mamlukes in Egypt over control of the Levant. He would participate in the Battle of Shaqjab, a key battle that stopped the Mongols from sacking Damascus. Ibn Taymiyyah would be cognizant of the canonical Crusades of which there would be eight from 1095 to 1291 CE. He would demonize Christians and Jews without delineation between combatants and noncombatants. Ibn Taymiyyah incited and fought Shiite sects and wrote *fatwas* (Islamic opinions) declaring war on Muslim sects. He hated the Sufis, the process of *kalam* or Islamic philosophical discourse, *bid'aa* or what he perceived as innovations, and was against anthropomorphism. He established groups that would enforce morals on the street and his preaching was so divisive that he would die in a Damascus dungeon in 1327 CE. He argued that although the Mongols had converted to Islam, they retained their Mongol customs and laws, known in his writings as Yasa Laws, and therefore have not completely accepted Islamic law entirely; they are thus apostates. Ibn Taymiyyah has been the subject of much criticism for his stance, but what made his opinions take on a life of their own and reach into 21st century militant Islamist ideology is his persecution and death in prison. Sayyid Qutb, the modern ideologue of militant Islamist theory, fancied himself a modern incarnation of Ibn Taymiyyah when languishing in Nasser's prisons from 1954 to 1964.

Ibn Taymiyyah was heavily influenced by Ahmed ibn Hanbal, the founder of the Hanbali School of Sunni Islam who advocated a return to the *na'iss* (original sources) and the use of *qiyas* (analytic reasoning) to adjudicate the authenticity of these original sources. Ibn Taymiyyah waged war on philosophy and abhorred the search for hidden meanings of the Sunna and the Quran. He stressed *na'iss*

(original sources) over *aql* (interpretive reasoning). Ibn Taymiyyah was a proponent of the caliphate and considered the governance of fellow Muslims the greatest obligation of faith. He wrote that the *wilaya* (the state), a term not original to early Islam, had two cornerstones — *quw'aa* (strength), and *amana* (security). Under *quw'aa*, the state could declare war which required strength of character and heart on the part of the caliph. In addition, the state must have the strength to enforce and execute God's laws. What militant Islamists ignore is Ibn Taymiyyah dividing the historicity of jihad into Meccan and Medinese. *Jihad al-Makki*, or the Meccan Jihad, occurred with reason and knowledge. *Jihad al-Madani* occurred by the hand and with steel. In Ibn Taymiyyah's book *al-Siyasa al-Shariyah* (the Perfect Polity), he wrote that God did not sanction warfare until the migration from Mecca to Medina. He saw jihad in phases, first was to conduct *dawa* (evangelism) and when prevented from freely preaching Islam, wage warfare. This is why there is disagreement among Salafis over the methodology of al-Qaida; not all Salafis are violent Sunni militant Islamists, but all violent Sunni militant Islamists tend to be Salafi. One of the key nuances is the issue of evangelism versus outright warfare. Ibn Taymiyyah uses the Quranic injunctions of al-Hajj verse 39 and al-Baqara verse 216 that jihad was necessary for all areas that received Muhammad's message and refused to accept it so as to prevent *fitna* (dissent). Using a singular and select reading of the Quran such as *al-Saf* verses 10 through 12, Ibn Taymiyyah extrapolated that jihad was one of the most important obligations in Islam and precedes the *hajj* (pilgrimage to Mecca), prayer, and fasting as this is the ultimate form of submission to God. This highlights the dilemma of the Quran: that one can emphasize 70 of the sword verses and make this the basis of a warlike lifestyle. That's the process militant Islamists take today, but they in turn neglect 98 percent of the text that is 6,236 verses. Those verses that are inconvenient are subjected to *naskh* (abrogation), but the way militant Islamists apply abrogation is pseudo-intellectual and self-serving. One cannot abrogate a verse of the Quran without understanding past verses clearly to gain an appreciation why the newer verses are better; it is not simply cancelling out whole swaths of the Quran based on expediency. In Ibn Taymiyyah's opinion, the *Imam* (leading clergy) were to be the *wakil* (keepers) of jihad. He saw in the involvement of the clergy, the need to sanctify warfare, to manage its carnage, limiting the killing of women, children, and the elderly. Unlike his predecessors, Ibn Taymiyyah advocated People of the Book to convert or pay the *jizya* and did not delineate between women and children members of the other protected monotheistic faiths. But then Ibn Taymiyyah did not spare Muslims his wrath, and wrote to the Egyptian Sultan Ibn Qalaun inciting war against the Mongols, calling them *zandaqah* (heretics whose Islamic teachings harm the Islamic community). This is the part that stimulates militant Islamist thinking on *takfir*, declaring Muslims with alternate views apostate. Elements of Ibn Taymiyyah that today's militants suppress is his division of jihad into *jihad al-ibtida* (wars of choice) and *qital al-itarar* (wars of necessity). The first made jihad *fard kifaya* (a limited obligation) and the later *fard ayn* (a collective obligation). Ibn Taymiyyah's writings are copious, yet he summed up his radical

philosophy into three themes:

Kitab (literally the book, but meaning the sources) — By this Ibn Taymiyyah meant the fundamental knowledge of religion, and the literal readings of texts. He would be tossed into prison for believing literally the human attributes of God, which was considered by the Mutazilite clergy to be an analogy, and assigning God human attributes is to humanize God, the almighty.

Mizan (literally scale, but meaning balance) — By this Ibn Taymiyyah meant upholding the rights of contracts between members of the Islamic society.

Hadeed (literally steel, but also meaning restriction or regulations) — This is perhaps the only emphasis militant Islamists obsess upon, and Ibn Taymiyyah was clear in his meaning as placing limits upon the disbelievers and hypocrites (Muslims considered apostate such as Shiites, Sufis, and Mutazilites).

Ibn Taymiyyah not only inspires al-Qaida, but was the source of inspiration for Muhammad ibn Abdul-Wahab (d. 1792), the founder of Wahabism. His commentaries on the state and the need to have a clergy sanction an upstanding Muslim to govern other Muslims, made its way partly into Ayatollah Khomeini's (d. 1989) Islamist political theories.

Conclusion

This review essay covered the early discourses on the concept of jihad and its evolution from the death of Prophet Muhammad in 632 CE to the death of Ibn Taymiyyah in 1263 CE. It demonstrates the need for us to become more aware of the nuances in discourse on jihad and gain a comprehension of the history and theological development of jihad that exceeds our adversary. By highlighting these diverse classical Islamic views and even by taking clergy militant Islamists hold dear and exposing aspects of their writing which are suppressed, we can begin to deconstruct al-Qaida and their affiliates ideologically. We cannot simply throw up our hands intellectually by either oversimplifying Islamic discourse, or by saying it is alien, too hard, or difficult to understand. GEN John Abizaid called this a "long war." Since it is a long war, we have all the time to catch up in our understanding of the pseudo-intellectualism of our adversary. The notion of jihad would change again in the era of European nationalism and the race for colonies in Africa and the Middle East; it is here we see the amalgamation of western philosophical thought like the Nazi favorite Heidegger, anti-secularism, with Islamist militancy to weave the theories of Sayyid Qutb. It is vital that we educate future American military planners in the nuances of this philosophy, as these are the new weapons of the 21st century.

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