

# **World Council of Muslims for Inter Faith Relations**

## **Position Paper on**

### **Islam and the Use of Force**

**By**

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[The views expressed in position papers are the author's own views and WCMIR may not necessarily agree with everything presented herein]

Islam recognizes peace as a basic requirement of all individuals and groups for their social, ethical and spiritual well being and growth. Believers are required to develop an attitude of compassion towards not only fellow human beings but also all living beings. Under no circumstance, any one should violate the dignity that God has endowed upon human beings. Islam persistently extols the virtues of mercy, patience, forbearance and forgiveness. However throughout human history force has been used by individuals, communities and states for settling disputes, for seeking dominance and for territorial expansion. Force has also been used to defend life and liberty of one's own and of communities under attack. Force has also been used to liberate oppressed people too weak to defend themselves. As use of force leads to destruction of life and property, and as it tends to engender a climate of hate and revenge, religions generally show an aversion to violence and preach nonviolent methods of settling disputes. But it is universal experience of humankind that fears of God and conscience cannot alone guarantee ethical non-violent conduct of all persons and groups towards other individuals and groups. Instances of individuals, communities and organised states transgressing limits of ethical norms and law are common.

In the face of such a universal reality ruling out use of force and committing virtuous religious people to absolute pacifism will amount to not only escapism, but to unethical surrender to forces of evil, allowing the weak to be subjugated and oppressed by the powerful, who, while imposing other injustices, will deny to people freedom of religion and conscience.

Islam considers human life as a struggle wherein it is the duty of all to establish righteousness and justice by resisting evil within oneself as well as fighting injustice, mischief and tyranny in the public domain. Force is thus conceived as a component of struggle for a peaceful and just order of life, whose legitimate use requires bringing it under law.

As in secular humanist democratic framework, societies organised as states are required by Islam to uphold rule of law, by enacting laws based on

human rights norms and by establishing institutions for independent and impartial law enforcement and justice delivery system. Any offence against life, limb, dignity, property and freedom, including that of religion and conscience, of any person or group, is unlawful and the offender (s) must be punished after due process of law. There has to be no discrimination on any basis in trial and punishment of the wrong doer (s). Force cannot be used by victims seeking retributive justice. Determination of guilt and sentencing is the sole prerogative of the independent judicial tribunals. Rights of victims include right of pardon with or without compensation. However law, secular as well as Islamic, makes allowance for individuals and groups to use force to defend their life when under attack or facing serious threat to life, limb and dignity. Identity-based communities which are subjected to oppression and persecution, for example people who are forced to flee their homes or denied freedom to practise their religion, are allowed to use force to defend their right to life and liberty after having exhausted other peaceful means of redressal of their situation through negotiation, agreements and treaties. Similarly communities and peoples denied right to self-determination by colonial/imperialist nations are allowed to use legitimate force for their liberation. Force can also be lawfully used by communities and political groups against their own states, which are not based on rule of law and which deny freedom, equality and justice to them, and whose law-enforcement system is partisan and state's complicity becomes a source of gross violation of rights and recurrence of violence against them.

In the case of individuals and communities subjected to persecution and oppression, Islam does not want victims to necessarily use retaliatory force. It rather wants Muslims to bear hardships with patience and forbearance and be ready to forgive the enemy, and seek conciliation to avoid bloodshed, as the Prophet did during the period of his mission in Makkah and also through treaty of peace at Hudaibiya, and after the conquest of Makkah. But faced with extreme persecution beyond endurance, as exemplified by the Prophet and his companions, who were denied right to freedom of worship and were forced to flee their homes while they lived in Makkah, it is not only permitted but enjoined on Muslims, to fight tyranny with all their might.

The holy Quran proclaims such change of order from tyranny to freedom leading to freedom of worship in churches, synagogues, monasteries and mosques as manifestation of God's Will and Mercy.

Use of force is permitted, rather enjoined, by Islam not only against aggressive unbelievers/non-Muslims to restore justice and peace. In the event of two parties of Muslims fighting, it is the duty of the righteous people to make peace among them and to fight the party which persists in wrong doing, till it returns to the path of equity and justice.

In pre-Islamic Arabia tribal alliances were common, which required allies to fight the common enemy, irrespective of justness of the cause. In post Hudaibiya Truce situation Prophet Mohammad made it clear to one of his pagan allies, from the days of his grandfather Abdul Muttalib that Muslims would come to their rescue if they were oppressed, but would not aid them if they turned oppressors.

The Quran sanctions use of force not only to secure freedom and justice for one's own community/country/nation. It exhorts Muslims to help other people, especially those who are too weak to defend themselves, to secure freedom, peace and justice. It will still be a war of defence for not only one's own rights but of other weak and vulnerable groups.

Thus in a world where powerful individuals, groups and nations can deny people freedom, dignity and justice, Islamic mission envisages struggle for peace and justice through persuasion, negotiated agreements and treaties. It is only in the event of persistence of gross violation of rights and after having exhausted all peaceful means, that Islam permits humanized lawful use of force in a just war of liberation from tyranny.

Use of force is not lawful in the eyes of God to propagate any religious belief and creed including Islam, far less its imposition on others. Islamic *Jihad* is inspired by no worldly gains in terms of power, territory, wealth and increase in number of adherents to one's faith and creed. Given this perspective force cannot be used against persons born in a Muslim community who renounce Islam and declare their adoption of any other faith or no faith.

## II

After clearly defining the objectives of legitimate use of force as liberation from tyranny to secure freedom, justice and peace without any motive of territorial or ideological/credal expansionism, it is absolute insistence of Islam on observance of ethical code and humanitarian laws of armed conflict, that brings to the fore the humanist creed of Islam that would not tolerate any avoidable suffering and destruction to be caused during hostilities to any creature and to the civilian life including green crops and trees that support not only humans but animal life.

The objective of use of force being liberation from tyranny, its use can get legitimacy when absolutely confined to this objective. It requires Muslims to accept the hand of peace from the enemy even in the thick of a battle, irrespective of motives, and sign treaty of peace, after which Muslims are enjoined to deal justly with the enemy, the best example of which was set by Prophet of Islam after the conquest of Makkah, where he was not only just but magnanimous.

Islamic requirement of strict observance of giving a warning to the enemy and openly declaring war and its objectives provides opportunity for avoidance of war. This condition should not be dispensed with even for strategic reasons. If there existed any treaty with the enemy, its annulment and reasons for it have to be declared. Honouring treaty obligations and not doing any treacherous act are enjoined on Muslims as absolute requirements of their faith.

Conduct of war cannot be extended when the objectives have been achieved just to humiliate the enemy or to cause avoidable suffering.

The laws of a just war in Islam are based on the same principles as are the modern humanitarian laws of armed hostilities codified as the Four Geneva Conventions (1949). For waging such a war, it has to be fought under a unified political command and its objectives and timings have to be declared. The weaponry, terrain, and strategy are to be so designed and selected as not to routinely violate the humanitarian code. Use of weapons of mass destruction is therefore outlawed.

Internal insurgency and rebellion can enjoy legitimacy, if any section or group feels persistently oppressed and other peaceful methods of redressal have been exhausted. But the use of force by any such group will be governed by the same conditions i.e. unified political command, application of humanitarian laws distinguishing between military and civilian targets, especially civilian population. The logic of civilians being tax-payers and therefore supporters of a tyrannical government and therefore to be treated as potential combatants is not valid. Taking any non-combatant civilian hostage is not lawful.

In view of the above it is clear that use of violent methods by armed opposition groups wherein the intended or unintended victims can be civilians including women and children uninvolved in hostilities, has no sanction under Islam. The current terrorist practices of hostage taking, bombing/suicide bombing of civilian buildings, planting explosive devices in civilian areas, trains and buses, hijacking of planes etc. are all unlawful according to Islam code on use of force. Suicide-bombing of purely military targets may be considered permissible, but not in situations where civilians could be the victim.

Even if *Jihad* is lawfully declared and conducted strictly in accordance with the Islamic code, it will not be necessarily applicable to all Muslims of the world irrespective of their relation with their respective governments, and their status in their own countries. In case a group of Muslims or a Muslim country declares *Jihad* against a non-Muslim group or country on valid grounds and with valid methods, it will not be binding on other Muslim groups or other Muslim countries. Treaty obligations of any Muslim

community and country with any non-Muslim community/country are required to be given overriding consideration to those of fraternity of faith.

*The foregoing discussion should make it clear that whereas a kind of militancy defined as vigorous struggle directed towards establishing a just order is inherent in the ideological orientation of Islam, use of force can seek legitimacy only under strict conditions both while defining ends as well as means. In this regard Islamic code is no less restrictive than the civilized world's consensus as expressed in the UN Charter and the Geneva Conventions on Humanitarian Laws of War. Terrorism where non-combatants civilians can and do become victims of force or denial of rights like hijacking or hostage taking is therefore absolutely illegitimate under Islam.*

We admit that some Muslim jurists and theologians have not interpreted the Quranic teachings on the use force in the proper spirit and also that the practice of Muslim rulers in history has not always been in accordance with Islamic ideals. However for any unjust wars or transgression of humanitarian laws by Muslims in history or in our times, Islam, i.e. the Holy Quran and the practice of the Prophet, cannot be held responsible.

### III

We hold that all acts of terrorism, wherein force is indiscriminately used causing destruction, intended on unintended, of civilian life including women, children, aged, disabled and worshippers are un-Islamic, irrespective of purity of motives and justice of the cause that some militant groups are inspired with. While sympathising with such people, like Palestinians, who have been driven to desperation by a terrorist-racist regime which has occupied their lands and has forced to flee their homes, we cannot absolve acts that cause avoidable loss of civilian life, especially of women and children.

In view of the Islamic position on legitimate use of force distinguishing between combatants and non-combatants, and between military targets and civilian life, we consider all weapons of mass destruction and landmines, as well as bombing of cities by conventional bombs as inherently unjust, unlawful and diabolical. It is the civilized Western world which is responsible for developing and using all this diabolical machinery of war-fare. Twentieth century has been witness to the diabolical deeds of the West, for fighting unjust wars in the name of nation and race, which brought untold suffering and misery to hundreds of millions of people.

We appeal to all the militarily powerful nations of the world, led by the United States of America to start, in phases, elimination of all weapons of mass destruction and of conventional weapons and strategies, which are capable of causing indiscriminate destruction of civilian life. It is only by doing so that 'civilized world', especially the American mission of elimination of terrorism can acquire any semblance of legitimacy. We appeal to the world community, especially peoples and governments of the West, not to apply double standard in dealing with the oppression of and gross injustice to Arab Muslim Palestinians. We also appeal to India and Pakistan to peacefully settle the Kashmir issue in accordance with the wishes of the people of Jammu and Kashmir. We appeal to the Indian Government and the people of India to stop terrorization of religious minorities and persistent pogroms against them, and to punish the guilty and provide justice to victims.

We pledge to support war on terrorism, but it should not be directed against people of one faith and region. It should be directed against all forms and manifestations of terrorism, be it by the U.S., Israel or India and Pakistan. Moreover fighting terrorism should not undermine due process of law and human rights norms. It should not be used as an excuse for selective application of sanction against certain people and for waging war against them, while allowing Israel to oppress and terrorize and subjugate Muslims.

In view of the stated position of Islam which attaches supreme value to justice and freedom, we also appeal to all nations including U.S., Israel, India and Pakistan to uphold rule of law, to respect human rights norms, to sign and specially ratify the statutes of the International Criminal Court.

We appeal to all Islamists with commitment to human rights to give priority to developing a culture of peace, tolerance and dialogue in their societies and countries, while engaged in the struggle for securing justice. We also appeal to Islamists to engage in research and activism in the area of prevention and peaceful resolution of conflicts, and in developing effective techniques for peaceful struggles for right of self-determination and for fighting political and economic injustice that they are faced with.

We appeal to Muslim spiritual leaders and those of other faith communities to promote peace and justice in the world by seeking non-violent resolution of conflicts, ensuring fairness to all parties. However while pursuing the noble quest of a state of everlasting peace in the world; it should be our endeavour to seek universal observance of humanitarian laws of armed conflict whenever force is used, so that all non-combatants, especially women, children, old and disabled enjoy protection of life and dignity during hostilities.