

Defense - The Spirit of Jihad

<"xml encoding="UTF-8?>

.In the Name of God, the Merciful, the Compassionate

Defense - the Spirit of Jihad

One of the points that now comes into question is the Islamic view of the essence and spirit of jihad. On this point there is complete agreement amongst researchers; the essence of jihad is defense, meaning that not one of them even suspects jihad, or any kind of fighting, that is motivated by aggression, by lust for the wealth and riches and other resources of the other side, for an aggressor's harnessing of a people's economic or human resources, to be in any way permissible in the view of Islam.

In Islam, fighting based on such motives are types of zulm, types of tyranny and oppression. Jihad is only for the sake of defense, and in truth, it is resistance against transgression, and can certainly be lawful. Of course, there is also the third possibility that one fights not for the sake of aggression, nor in defense of oneself or of a human value, but for the expansion of a human value, and this will be discussed later. Leaving this point aside, however, we see that in the basic definition of jihad, there is no difference of opinion and all the researchers are agreed that jihad and war must be for the sake of defense. The differences of opinion that do exist are minor ones, and concern the question of what it is that .has to be defended

A- Types of Defense

The opinions of some on this matter are limited. They say that defense means self-defense; that war is lawful for an individual, a tribe or a nation in defense of itself and its life. According to this, if the lives of a people are exposed to danger from another region, then fighting in defense of their lives is lawful for that people. In the same way, if their property is subject to aggression, then from the point of view of human rights, they have the right to defend that property which is their right. Likewise, if a people is faced with the aggression of another nation that wants to take possession of its wealth and perhaps carry it away, then that people has the .right to defend its wealth, even by force

Al-maqtulu duna ahlihi wa 'iyalihi shahidun."

Islam tells us that whoever is killed for his property or chastity is a martyr.(3) So, in Islam, defending one's chastity, is like defending one's life and property. In fact it is superior. It is the defense of one's honor. For a nation, to defend its independence, is undeniably lawful. So when a group wants to take away the independence of a nation and place that nation under its own mandate, if the people of that nation decide to defend themselves and pick up the gun, this action is lawful, in fact laudable and worthy of admiration.

So, defense of life, defense of wealth, property and lands, defense of independence, defense of chastity, all these are lawful defenses. No one doubts the fact that in these cases, defense is permissible and as we have said, the view that some Christians put forth about religion having to advocate peace and not war, and that war is absolutely bad and peace is absolutely good, has no logical or reasonable basis to support it. Not only is fighting for the sake of defense not wrong, but it is extremely correct in this case to fight and one of the necessities of human life.

This is what is meant in the Holy Quran when we are told:
«If God did not prevent mankind some with others, the earth would become full of corruption.»

(2:251) or again:

«If God did not prevent people, some with some (others), then cloisters, churches, synagogues, and mosques in which the Name of God is oft brought to mind, would have been destroyed.»
.(22:40) Up to this point all the scholars are more or less in agreement

B- Human Rights

There exists the question, however, of whether the things we are allowed to defend are only these, i.e. individual, group and national rights, or whether it is legitimate for us to defend other things as well. Do there exist things, the defense of which is necessary and obligatory, that do not pertain merely to the rights of the individual, tribe or nation but pertain literally to the rights of humanity as a whole? If somewhere a right of humanity is somehow encroached upon, is it legitimate to fight it? Is war fought for the sake of humanity lawful or not? Perhaps someone will ask: "What does fighting for the sake of humanity mean?" "I do not have to fight for any rights except my own personal rights, or, at the most, the rights of my nation." "What have I to do with the rights of humanity?" This mode of thinking, however, is in no way valid.

There exists certain things that are superior to the rights of the individual or nation. Certain things more holy, more sacred, the defense of which in accordance to the human conscience is higher than the defense of individual rights. And these are the sacred values of humanity. In

other words, the sacredness of fighting in defense lies not in defending one's self, but in defending "the right." When the cause and criteria is "the right," what difference does it make whether it is an individual right or a general right of humanity? In fact, defense of the rights of humanity is holier, and although no one says so, it is freely admitted in actions.

For example, freedom is reckoned as one of the sacred values of humanity. Freedom is not limited to an individual or a nation. Now, if it is not our freedom and not the freedom of our country, but freedom in another corner of the world that pertains to the right of humanity which is being infringed upon, is the defense of that right of humanity, simply for the sake of defending a human right, lawful for us or not? If it is lawful, then defense is not limited to the actual individual whose freedom is in danger,

but it is lawful, even obligatory for other individuals and other nations to rush to the aid of freedom, and fight against the negation and repressor of freedom. Now, what is your answer? I do not think anyone has any doubt that the holiest form of jihad and the holiest form of war is that which is fought in defense of humanity and humanity's rights.

When the Algerians were at war with the French colonialists, a group of Europeans helped them in the war - either in the form of actually fighting alongside the Algerians, or in other ways. Do you think that only the fighting of the Algerians was lawful because their rights were transgressed, and that the people who came from the farthest corners of Europe to take part in the battle to help the Algerian nation were no more than oppressor aggressors, who should have been told: "Stop your interference, what business is it of yours? No one has transgressed your rights, why are you fighting here?"

Or is it that the jihad of such people was holier than the jihad of the Algerians, because the Algerians were defending the cause of their own rights, while the cause of the others was more ethical and more sacred than that of the Algerians. Obviously what holds valid is the second assumption.

Freedom lovers - both those who are in reality freedom lovers, and those who only pretend to be - have earned general respect; a respect from the different nations, due to their having presented themselves as defenders of human rights, not the defenders of their own individual rights or the rights of their own nation or even their own continent. If they were ever to go beyond the use of the tongue, the pen, letters and lectures, and actually go to the battlefield and fight, for the Palestinians for example, or the Viet Cong, then the world would consider them to be even more holy. It would not attack them saying: "Why are you interfering? It is none of your business. No one is interfering in your affairs."

The world considers war, whenever it is for the sake of defense to be holy. If it is in self-

defense, it is holy. If it is for the defense of one's nation, it is more holy, for the cause has grown from a personal one to a national one, and the individual is not simply defending himself but is also defending the other individuals that make up his society. And if the defense shifts .from a national to a humanitarian cause, it again becomes a degree more holy

C- The Minor Dispute

Here then is the nature of the dispute about jihad; not a major dispute but a minor one. The dispute is not about whether jihad is only lawful in defense or is also lawful for defense. The dispute is over the definition of defense. This minor dispute is about whether the meaning of defense is limited to self- defense, at most the defense of one's nation, or whether the defense of humanity also comes into this category?

Some say, and they are right, that the defense of humanity is also a legitimate defense, so that the cause of those who rise to "command that which is recognized and forbid what is rejected" is a holy one. It is possible that someone's actual being is not transgressed, he may even be highly respected and all the facilities of life may be available to him and the same may apply to the material rights of his nation. But, from the point of view of human ideals, a basic human right is being transgressed. Meaning that within his society, although neither the material rights of that society nor his own individual rights have been transgressed, yet there exists a task awaiting to be performed in the best interest of humanity.

Namely, when good and evil exist in society, the former must be enjoined, and become the order while the latter must be uprooted. Now, under these conditions, if such a person sees that the good, the recognized, the accepted, has been relegated to the place of the bad, the rejected, and that the rejected has taken the place of the recognized, and he stands up for the sake of commanding what is recognized and prohibiting what is rejected, then what is he defending?

His own personal rights? No. Is it the rights, i.e. the material rights of his society? Again no. His defense is not related to material rights. What he is defending is a spiritual right that belongs to no single person or nation; a spiritual right related to all the world's human beings. Are we to condemn the jihad of that man, or are we to consider it sacred? Obviously we are to consider it sacred, for it is in the defense of a right of humanity.

On the question of freedom, you see today that the very people who are combating freedom, in order to give themselves an air of respectability, claim to be the defenders of freedom, for they know that defense of freedom is tacitly understood as being sacred. If they were really fighting for the defense of freedom, this would be valid, but they are giving the name of defense of

freedom to their own transgression. Yet in this is their acknowledgment of the fact that the rights of humanity are worthy of defense, and that war for the sake of those rights is legitimate .and beneficial

D- Tawhid: A Personal Right or a General Right?

Now an important matter must be looked at which is about tawhid, "La ilaha illallah." "There is no god but (except) God (Allah)." Does tawhid pertain to the rights of humanity, or to the rights of the individual? Here it is possible for a Muslim to say that tawhid does not pertain to the rights of humanity but pertains only to the affairs of the individual, or at most, to the internal affairs of a nation; that he himself can be "muwahid,"(4) he has the choice of being "muwahid" if he wants to be, or a mushrak (polytheist), if he wants to be, and now that he has become muwahid, no one has the right to trouble him for it, it is his personal right, and, if someone else becomes a mushrik, then that is the right of that person. Any single nation in its laws can choose one of the following three positions: One is that it chooses tawhid and adopts it as the official religion and officially rejects any other religion. Another is that a form of shirk, of polytheism is established as the official religion, and the other is that the nation allows freedom of worship. One can choose whatever religion or creed one desires.

If tawhid is embodied in the law of a nation then it is one of the rights of that nation and if not; no. This is one way of looking at things. There is another view, however, which regards tawhid as being like freedom and pertaining to the rights of humanity. When discussing freedom we said that the meaning of the right to freedom is not simply that the freedom of an individual be not threatened from any quarter, for it is possible that it be threatened by the very individual. So if a people fight for tawhid to combat shirk (polytheism), their fight is motivated by defense, not by subjugation, tyranny and transgression. This, then, is the nature of the minor difference in question.

Even amongst the learned of Islam there are two views. According to some of them, tawhid pertains to the general rights of humanity, so that fighting for the sake of tawhid is lawful, for it is the defense of a human right and is like fighting for another nation's freedom. Another group however, argues that tawhid pertains to individual rights and perhaps to national rights, but has nothing to do with the rights of humanity, and accordingly, no one has the right to trouble .anyone else for the sake of tawhid

Which of the two views is correct?

I intend to state my own view on this subject. But before doing so, I would like to speak about another issue, and perhaps on reaching a conclusion, the two issues will be seen as a single one. The point is that some affairs may be accepted under duress, i.e. accepted under compulsion, whereas some others as per their nature, must be freely selected. Imagine one, for example, becoming dangerously infected with a disease and having to accept taking an injection. In such a case, the one in concern can be forced to take the injection; if that person refuses it, others can come and his hands and feet can be forcefully tied; and if he continues to resist, the injection can be administered while he is unconscious. This is something which can be accepted under duress. The acceptance of other things, however, cannot be forced through compulsion, for other than by free choice, there is no way they can be accepted. Among such things we find the purification of the self, for example, and the refinement of one's behavior. If we want to refine people so that they come to recognize and accept virtues as virtues and evils as evils and refrain from faulty human behavior so that they eventually reject falsehood and embrace the truth, we cannot do so by the whip; we cannot do so by force.

With a whip, it is possible to prevent someone from stealing, but it is not effective in making an honest individual out of someone. For if such things were possible, then, for example, if the self of a person was in need of purification and his personal behavior sadly lacking in good morals and ethics, a hundred lashes meted to him would make of that person somebody with good morals and ethics. Instead of a good education, the teachers would simply use the whip and say: "So that this person throughout his life, always tells the truth and finds lies repulsive, he is to be given a hundred lashes, and thereafter he will never tell a lie." The same thing applies to love. Can one force a person to love another by the whip? Love and affection cannot be forced upon someone. No forces in the world, even if taken together cannot force love upon somebody nor take away his love for somebody.

Having made clear this point, I wish to say that faith, regardless of whether it is a basic right of humanity or not, is, by its very nature, not something that can be imposed by force. If we want to create faith, we should know that it is not possible to create it by force. Faith means belief and inclination. Faith means being attracted to and accepting a set of beliefs, and attraction to a belief calls for two conditions. One condition is that the matter must accord with the intellect; this is the scientific aspect of faith.

The other is the emotional aspect i.e. the human heart should be attracted to faith, and none of

them comes within the realm of force. Not the first condition, because thinking is subject to logic - if it is desired that a child be taught the solution of a mathematical problem, he must be taught in a logical way so that he finds credence in it. He cannot be taught by the whip. His intellect will not accept a matter through force, and beating. The same applies to the second condition, the emotional quality that stimulates inclination, attraction and sentiment. According to this, there is a huge difference between tawhid as a right of humanity and things other than tawhid, such as freedom. Freedom is something that can be imposed on a people by force, because transgression and oppression can be prevented by force. But living freely and the freedom-loving spirit cannot be imposed by force. It is not possible to force a person to accept a belief or to forcibly create faith in a certain thing within his heart. This is the meaning of "La ikraha fid-din.

Qat-tabayanar-rushdo min al-ghayy," meaning there is no compulsion in religion. When the Quran says that there is no compulsion in religion, it does not mean that, though it is possible for religion to be imposed by force, we must not impose it and must leave people to adopt any religion they want. No. What the Quran is saying is that religion cannot possibly be imposed. That which can be imposed under compulsion is not religion. To the Bedouin Arabs, who had recently accepted Islam without having perceived the nature of its essence and without Islam having influenced their hearts, who were claiming to have "faith," the Quran gave this reply: «The Arabs say "we have faith," tell them: "you do not yet have faith, say "we have accepted Islam" for faith has not yet entered your hearts.» (49:14)

In Quranic terms "the Arabs" means the desert nomads. The nomads came to the Holy Prophet Muhammad (May God bless him and his Household) claiming to have faith. The Holy Prophet was instructed to tell them that they did not have true belief, faith and that only that when they had said they had become Muslims, i.e. had made the verbal declaration, had done that which entitled them to be superficially rated as Muslims, had recited "La ilaha illallah, Muhammadan rasulullah," could they avail themselves of the same rights that belong to a Muslim. The Prophet was to tell them, however, that that which is called faith had not yet entered their hearts.

«... for faith has not yet entered your hearts.» (49:14) This tells us that faith is related to the heart.

Another factor that supports our claim is that Islam does not permit taqlaed (imitation) in the fundamental beliefs of religion and counts independent research as essential. The fundamental beliefs of religion are of course related to belief and faith. So it becomes clear that, in Islam, faith is a product of free thought. The faith and belief which Islam calls for cannot be acquired

through non-free thoughts subject to "taqleed," force and compulsion.

So now we realize the two views of the Islamic researchers to be quite close. One group argues that tawhid pertains to the universal rights of humanity and as it is undeniably legitimate to defend the rights of humanity, so it is legitimate to defend tawhid and fight against others for its sake. The other group claims that there is absolutely no legitimate way that tawhid can be defended, and, if a nation is polytheistic, we are not permitted to fight it on that account.

Now, the proximity of both views lies in the fact that, even if we consider tawhid to be a human right, still we cannot fight another nation to impose the belief in tawhid upon them, for as we have seen, by the very nature of its essence, tawhid is not something that can be imposed. There is another point also, namely, that if we reckon tawhid as a right of humanity, and if we see that it is in the best interests of humanity and if tawhid demands, then it is possible for us to fight a nation of polytheists, but not to impose tawhid and faith upon it for we know that tawhid and faith cannot be imposed.

We can however fight the polytheists in order to uproot evil from that society. Ridding a society of evil, polytheistic beliefs is one thing, while imposing the belief of tawhid is another.

According to the view of those who consider tawhid to be pertaining to the rights of the individual or at most to the rights of a nation, this is not permissible. The predominant line of thought in the West, which has also penetrated the ranks of us Muslims, is exactly this. Such issues as tawhid are regarded by the Europeans as personal issues and not at all important to life; more or less as custom from which each nation has the right to choose. On this basis, it is held that even for the sake of uprooting evil, no one has the right to combat polytheism, because polytheism is not iniquity, and tawhid is a purely personal issue.

If, on the other hand, we consider tawhid to be a universal issue, one pertaining to the rights of humanity and one of the conditions for humanity's general welfare and prosperity, then we see it as permissible to commence war with the mushrikin for the sake of the demands and defense of tawhid and in order to uproot corruption, even though war for the sake of imposing the tawhidic(5) belief is not permissible.

Here we are entering upon a different issue, namely whether fighting for the freedom of the "call" is permissible or not. What does it mean - fighting for the freedom of the call? It means that we must have the freedom to propagate a certain faith and belief to any nation. Not the generally current propagation which aims solely at propaganda, but propagation in the sense that we just explained. Nothing more. And now, whether we consider freedom to be a universal human right, or tawhid to be so, or both of them to be universal human rights, to do this is

definitely lawful.

Now, if a barrier arises against our calls, like some power, say, presenting itself as an obstacle, denying us permission, saying that we will impair the mind of its nation - and we know that most governments consider as impairing all thinking which may encourage the people to revolt against them - if such a regime sets itself up as a barrier to the call of truth, is it permissible to fight against it until it falls and the barrier against the call broken down, or is this not permissible?

Yes, this is also permissible. This would be for the cause of defense. This would be one of those jihads, the actual nature of which is defense

E- The Measure of Rights - Individual and Universal

So far we have seen that the essence of jihad is defense. There is now just one issue that remains, which is whether, in our view, tawhid pertains to the universal rights of humanity, or to the personal rights of an individual, or at the most, to the rights of a nation. What we have to do is look at the criteria for personal rights, universal rights of humanity and see what they are. In

some things human beings are all the same, while in some other, they are different. Human beings differ in so many ways that even two persons cannot be found who, in every detail, exactly the same are. The same as two individuals having the same physical characteristics do not exist, it is also true that no two persons do have the same spiritual characteristics. It is the interest which relates to the common demands and needs of all human beings that are the universal rights.

Freedom means the absence of obstacles to the flowering of the natural potentials of the individual, and it relates to all of humanity. Freedom for me has exactly the same value as it has for you. It has the same value for you as it has for others. Between you and I, however, there exist many differences, and these pertain to the "personality," because they are personal differences. The same as color and the physique differ in human beings, their personalities also differ.

I may like clothes of a certain color, while you like those of a different color. I may like to live in one town, while you prefer another one. I may arrange and decorate my home in one way, while you choose a different way. I may select one subject for study, while you select another. These are all personal issues, for which, no one can be bothered.

Thus no one has the right to compel someone to marry a particular person, for marriage is a personal issue and in choosing a marriage partner, everyone has his own taste to suit. Islam says that no one must be compelled in choosing his or her partner because this choice is one's

personal right. The Europeans who say that no one must be bothered for the sake of tawhid or faith, say so because they think that these two concepts are amongst the personal concerns of the individual, are issues of the personality, individual matters of taste. To them, religion is something which brings entertainment to all human beings.

In their view, it is like art; one person likes Hafiz, another likes Sa'adi, another likes Maulavi, another likes Khayam, another Ferdowsi(6) and no one must bother the one who likes Sa'adi saying: "Why do you like Sa'adi? I like Hafiz. You also have to like Hafiz." To them religion is just this. One person chooses Islam, while another chooses Christianity, another chooses Zoroastrianism, while yet another, is least bothered about all of them. No one must be troubled. Religion in the view of these Europeans is not related to the core of life, to the path of human life. This is their basic supposition, and between their line of thought and ours, there exists a world of difference.

Religions like their own religions must be as they say, but to us, religion means the "siratul-mustaqim," the "straight path" of humanity and being indifferent to religion means being indifferent to the straight path, to the real path of progress, of humanity. We say that tawhid is the pillar of well-being, prosperity and happiness of mankind, and is not merely the personal concern of the individual or the sole concern of this or that group. Accordingly, the truth lies with those who believe tawhid to be pertaining to the rights of humanity. If, at the same time, we say that war for the imposition of tawhid is not permissible, it is not because tawhid pertains to those affairs which must not be defended and not to humanity's general rights, but because the very nature of tawhid does not allow it to be imposed, as the Quran confirms: "la ikraha fid-din

F- Freedom of Thought or Freedom of Belief

Another point which should be stressed here is that there exists a difference between "freedom of thought" and "freedom of belief." Human beings are endowed with the faculty of thought which enables them to make decisions on the basis of thought, logic and reason. But belief entails a strong tie to the object of belief. And by the way, numerous are the beliefs that are not based on thought, but are sheer imitation, a result of upbringing and habits, and which even molest human freedom.

What we say, looking at things from the point of view of freedom, is that what mankind must have, is freedom of thought. Yet there are some beliefs which are not in the least rooted in thought; they have their root in the mere dormancy and stagnation of the spirit, handed down from generation to generation; they are the essence of bondage, so that war fought for the

sake of eliminating such beliefs is war fought for the freedom of humanity, not war fought against it. If a man prays for his needs to a self-made idol, then, in the words of the Quran, that man is lower than an animal. This means that the act of this man is not based at all on thought.

A little bit of thinking would not allow him to engage in such an act. What he does is merely a reflection of the stagnation and dormancy which have appeared in his heart and in his soul, and which are rooted in blind imitation. This person must be forcibly freed from the internal chains which shackle him, to enable him to think. So, those who recommend the freedom of imitation and apparent freedoms which in fact enchain the souls such as the freedom of belief are in error. What we advocate, in accordance to the verse "la ikraha fid-din," is the freedom of thought.

The Question of Abrogation

A- Abrogation

Our discussions have been about Islamic jihad. Tonight, there are three issues that I wish to speak about, one of which has a Quranic basis, the other, reason as a basis, and the third, has both a Quranic basis and a historical one.

The issue that has the Quranic basis is in connection with the Quranic verses about jihad.

Before, we had said that some of the verses about jihad are unconditional while others are conditional. Unconditional verses are those where the command to fight the polytheists or the People of the Book has been issued without any conditions and conditional verses are those which have given the command accompanied by special conditions.

For example, it has been stated that we must fight them if they are fighting us, or if they are in a state of war with us, or if we have reason to fear an imminent attack from them. To the question as to which verses should be observed, the conditional or the unconditional, we say that in the view of the ulema, there exists no difference of opinion to leave us in doubt, for, if we are aware of the rule and we study both types of verses, we will realize that the conditional verses are explanations of the unconditional ones. So, according to this, we must get the meaning of jihad from what is explained by the conditional verses, which means that the Quranic verses do not recognize any verse about jihad as being obligatory.

Yet, some commentators have brought up this issue of abrogation. They agree that many verses of the Quran set conditions for fighting against the non-Muslims, but they say that other verses have been revealed that abrogate all those instructions and conditions. Thus, we come to abrogation, about that which abrogates and that which is abrogated. Some think that the

first verse of Surah at-Tawba - which issues the complete command of jihad and immunity to the polytheists, fixing a period for them to stay in Mecca after which they had to leave and the Muslims were to besiege them in their fortifications and hiding places and kill them, and which, furthermore, was revealed in the ninth year of the Hejira - has in one blow abrogated all the instructions about jihad that were previously revealed. Is this the correct view?

No, this view is incorrect. Why? For two reasons. One is that we can only consider a verse to have abrogated another when it is incompatible with it. Imagine a verse being revealed commanding not to fight the polytheists at all followed by another allowing for fight. Good. This would mean that God has canceled the previous instruction. This is the meaning of abrogation, that the first instruction is annulled and replaced by another. So the second instruction must be such that it is fully incompatible with the first. However, if collectively, the contents of the first verse and the second one are compatible, so that one clarifies the other, then there is no further question of one being an abrogator and the other being abrogated. The verses of Surah at-Tawba are not such that they can be said to have been revealed so as to nullify the previously revealed ones, which attached conditions to jihad. Why not? Because, when we consider all the verses of Surah at-Tawba collectively, we see that they tell us to fight the polytheists because they do not observe one of the essential principles of humanity - keeping one's promises - which one and all know, must be kept, even if the law of one's particular nation does not stress this duty or heed it at all.

Thus the verses tell us to fight, because if we conclude an agreement with them. whenever they see the opportunity to violate it, they would do so and strive to destroy and annihilate us. Here, what does reason tell us? If we know for sure that a nation intends to destroy us on the first opportunity, does reason tell us to wait for them to do so before we do anything about it?

If we wait, they will destroy us. In today's world, we may see a nation attacking another because of clear evidence that the other nation has made the decision to attack them, and when that nation attacks, the whole world will say that it is permissible, that they did the right thing. No one would say that although they knew and had clear evidence that, for example, the enemy had the intention of attacking on a certain day, yet they had no right to attack the enemy today, that they should have waited with folded arms for the enemy to attack and only then, should they have gone into action themselves.

The Quran in those same verses of Surah Bara'at, the most strict verses of the Quran, tells us: «What! And if they prevail over you, not observing any relationship with you, nor treaty. They mollify you with their mouths while their hearts are adverse to you.» (9:8)

It tells us that, if they find the opportunity, they observe no promise or treaty, and whatever they say comes only from their tongues, while their hearts are in opposition. So these verses are not so unconditional as has been thought. What they actually say is that, on sensing danger from the enemy, for us to fold our arms and delay would be a mistake. Thus we must not think that these verses are completely out of accord with the other verses and they should not be considered as abrogators. This is the first reason why these verses are not abrogative

B- No Generality without an Exception

The second reason was given by the ulema of *usul ul-fiqh* - and if I can explain it to you, then the meaning concerning this verse will become clear. The ulema say: "Maa min 'amman illa waqad khussa"

"There is no generality that is without an exception." And this is absolutely right. We are told to fast, but not when we are ruled as traveling, or too sick. There are similar exceptions generality that has no exception. Even this very rule has exceptions. There are some generalities that really have no exceptions and admit none.

The point of this is that some issues refuse to be abrogated, refuse all exceptions. The tone of these generalities is that they can admit no exceptions. For example, in the Quran we are told:

«If you are thankful God is pleased with it.» (39:7)

and to this there can never be any exception. It is not possible that there will come a time when a person will be sincerely grateful to God, and God will not be pleased. No. This is not something that in certain circumstances will be any different, unless that person becomes ungrateful. Similarly concerning abrogation, some verses are such that fundamentally abrogation is not applicable to them because the meaning of abrogation is that the abrogated order was a temporary order. This means that certain things do not admit being temporary. If they be, they must always be. Why? Now I will give you an example.

For example, let's take the verse of the Quran which tells us:

«And do not transgress, God loves not the transgressors.» (2:190) This has a generality in regard to individuals and continuity in regard to time. Is it possible for us to maintain exceptions to this generality? Can we say that God does not like oppressors with the exception of a few? The holiness of divinity on the one hand and the filth of *zulm*, of injustice and oppression on the other are not two things that go together for us to be able to say that God does not love transgressors with the exception of so and so.

This is a generality that admits no exception. This is not like fasting where we say that we must fast unless we are in such and such a condition. As regards fasting it is possible that in a

certain state a person must not fast, but zulm is not a thing whereby we can say that in one instance we must be unjust and in another we must not. Wherever there is injustice and oppression, it is wrong and a crime, irrespective of who has committed it. Even if it were the prophets of God who committed it, still it would be blameworthy, and regarded as sin and disobedience. God does not love anyone who is disobedient.

We cannot say "except the injustice of His prophets." Even this is unacceptable. Even if the prophets, (may God spare me for the thought) committed sins, they would not be loved by God. The difference between a prophet and others is not that he committed sins and God loves him nevertheless; but that he never commits any sin while others do. This, then, is a generality which admits no exceptions. Concerning the time factor also, the same thing applies. Can it be said that a certain fact pertains to a certain time? That God loves transgressors for a while, but then changes His mind, cancels His original position, and says that thereafter, He loves transgressors? No, this is a thing that admits no abrogation. We can see how in one of the verses about jihad the Quran says: «And fight in the way of God with those who are fighting with you and do not transgress, God loves not those who transgress.» (2:190) With those who fight us, with those who have commenced some type of aggression against us, we are to fight. But we are not ourselves to be aggressors. Fighting against aggression is not aggression. But fighting against other than aggression is aggression and not lawful. We are to fight against aggression so as to eliminate aggression; but if we fight against other than aggression then we ourselves become aggressors. This is not something that admits abrogation. It is possible, for example, that permission for jihad and self-defense be withheld for a while in our own best interests, for us to endure and persevere for a while and then, later, the call for jihad is given, meaning that the command to be patient is canceled because it was only for a limited period. The cancellation of this command is because from the very beginning .it was meant to be a temporary one

C- Defense of Humane Values

According to this, the Quran limits jihad strictly to a type of defense and only permits it in the face of aggression. But in our last lecture, we said that jihad for the expansion of human values, even if they are not threatened, cannot be condemned, and we also said that the meaning of aggression is a general one, meaning that it is not necessary for aggression to be against life, against property, against chastity, against land - it is not even necessary for it to be against independence, against freedom - if a group transgresses against values that are

counted as human values, then this is aggression.

I wish to cite a simple example. In our age, huge efforts are being directed at uprooting various diseases. So far the primary causes of some diseases like cancer have not been discovered, and their cure is likewise still not known. But at present, there exists medicines which can temporarily delay the effect of these diseases. Supposing that some institution discovers the cure to one of these diseases, and that those other institutions which profit from the very presence of that disease, those factories which manufacture the medicines that can be used to postpone the effects of that disease, in order to prevent their market from collapsing - in which case millions, billions of dollars would be lost - destroy that newly discovered cure which for humanity is so beneficial; destroy those who are connected with it; destroy the newly discovered formula so that no one would know about it.

Now, is such a human value to be defended or not? Can we say that no one has attacked our lives or our property, no one has interfered with our chastity, our independence or our territory, but that in one of the corners of the world, somebody has made a discovery and someone else is trying to destroy it, and ask, what has it got to do with us? No.

This is not the place for such a question. Here a human value is being threatened. In such a case, if we take the stance of resistance and war, are we to be called aggressors? No, we have risen to oppose aggression, and to fight the aggressors.

So, when we say that the basis of jihad is defense, we do not mean defense in the limited sense of having to defend oneself when one is attacked with the sword, gun or artillery shell.

No, we mean that if one's being, one's material or spiritual values are aggressed or in fact, if something that mankind values and respects and which is necessary for mankind's prosperity and happiness, is aggressed, then we are to defend it. Here, we come again to our previous discussion about whether tawhid is a personal issue, whether it is one of the values of humanity. If it is the latter that must be defended, so that if amongst a set of laws there is one which dictates that tawhid must be defended on the principle of it being a basic human value (as in Islam, for example), this does not mean that aggression is considered lawful.

It means that tawhid is a spiritual value and the meaning of defense is so wide that it includes the defense of spiritual values. Nevertheless, I will again repeat that Islam does not say we must fight to impose tawhid, for tawhid is something that cannot be imposed because it is faith. Faith is built on discernment and choice, and discernment is not influenced by force. The same applies to choice. "La ikraha fid-din" means we must not compel anyone for faith is not something that can be forced upon someone. However, "La ikraha fid- din," does not imply that

we are not to defend the rights of tawhid. It does not mean that, if we see "La ilaha illallah," "No .god but Allah," being threatened from some direction, we are not to defend it. No, not at all

D- Freedom of Belief, or of Thought?

That religion must not be imposed on the individual and that people must be free in their choice of religion is one thing. That belief, however, in the current phraseology, must be free, is quite another. In other words, whereas freedom of thought and choice is one thing, freedom of belief is quite another. Many beliefs have "thought" for a foundation, meaning that many beliefs have been discerned and found to be true and have been freely chosen.

The alignment and commitment of an individual's heart to his beliefs in many cases is built on discernment and selection, but are all human beliefs built on thought, discernment and selection? Or are the majority of mankind's beliefs no more than alignments and commitments of the human soul that have not the slightest relationship to thought at all, that have a mere sentimental basis? An example the Quran cites on the subject of imitation by one generation of the previous generation is:

«Verily we found our fathers on their creed and verily we are followers of their footsteps.»

(43:23) The Quran puts great stress on this point, and the same applies to a belief that is formed by the imitation of the patricians of society. In such places, the phrase freedom of belief is completely without meaning, for freedom means the absence of obstacles to the activities of an active and advancing force, whereas this type of belief is a kind of constriction and stagnation.

Freedom in constriction is equal to the freedom of a prisoner condemned to eternal imprisonment, or of a man chained in heavy chains, and the only difference is that he who is physically enchained senses his condition, while he whose spirit is in chains is unaware of it.

This is what we mean when we say that freedom of belief based on imitation and .environmental influences, rather than on freedom of thought, is totally meaningless

E- "Jezyah"

The final issue to be discussed is jezyah, i.e. tribute. In one of the Quranic verses, it has been revealed that we are to fight the People of the Book unconditionally or those who do not have real faith until they pay jezyah. What is jezyah? Is the meaning of jezyah some kind of "protection money"?" Were the Muslims who took jezyah in the past taking protection money?

Protection money, seen from any angle, is injustice and oppression and the Quran itself

negates it in all its forms. Jezyah finds its root in the word jaza. Jaza in the Arabic language is used both for reward and for punishment. If jezyah in this context means recompense or punishment, then it can be claimed that its meaning is "protection money", but if it means a reward, which it does, then the matter changes.

Previously we said that some have claimed that jezyah is fundamentally a non-Arabic word, that it is originally Persian, that it is the Arabicized form of the Persian word "gazyeh," the name of a head-tax which was first introduced by the Persian king, Anoushiravan, and that when this word reached the Arabs, the "gaf" ("G") was changed into a "jim" ("J") in accordance with the normal rule, so that the Arabs instead of saying "gazyeh", called it "jezyah." Thus, jezyah means a tax, and paying taxes is not the same as extorting protection money. The Muslims too must pay taxes and the only difference is between the actual types of taxes that the Muslims have to pay and those the People of the Book have to pay. There is no proof however, for this view, that the origin of the word is not Arabic, and furthermore, we have no immediate interest in this word. Whatever the root of the word may be, what we must do is find out the nature of jezyah from the laws that Islam has introduced for it, and by which it is defined practically.

To put it in a different way, we must look to see whether Islam considers jezyah to be a reward or a punishment. If in return for the jazyah, Islam makes certain undertakings, gives us certain services, then the payment of the jezyah is its reward. If, however, it takes the jezyah without giving anything in return, then it is a kind of protection money. If there is a time when Islam tells us to take jezyah from the People of the Book without giving anything in return, tells us just to take money from them or otherwise fight them, then it is protection money.

Taking protection money means taking the right to use force. It means that the strong tell those who are weaker to give a sum of money if they want to be left alone and if they do not want interference or their security be destroyed. If, on the other hand, Islam says that it places an undertaking before the People of the Book and in return for that undertaking they are to pay jezyah to Islam, then in this case, the meaning of jezyah is a reward, whether it is an Arabic word or a Persian word. What we must pay attention to is the nature of the law, not the nature of the word.

When we perceive the essence of this law, we notice that jezyah is for that group of the People of the Book who live under the protection of the Islamic state, who are subject to the Islamic state. The Islamic state has certain duties towards its nation and likewise, the latter has its respective duties towards the Islamic state, and the first of these is to pay taxes to maintain the state budget.

These taxes include that which is taken as zakat and that which is taken as other than zakat in the form of various taxes that the Islamic government introduces in accordance to the best Islamic interests. All these must be paid by the people. In case they do not, then the Islamic government would automatically not be able to function. There is no governmental, budget which is not fully or partly financed by the people. Any government to have a budget, must sustain it either directly or indirectly by taxes.

The second duty of the citizens is to provide soldiers and undertake sacrifices for the sake of the state. There may be future dangers when the citizens of the state must help in its defense. If the People of the Book are living under the protection of the Islamic state they are not bound to pay those Islamic taxes and are not bound to take part in jihad, even though any advantages resulting from the jihad will also benefit them. In accordance with this, when the Islamic government secures the safety of a people and places them under its protection, whether they are its own people or not, it requires something in return from them; financial or other than financial.

From the People of the Book, instead of zakat and the other taxes, it requires the jezyah and even instead of soldiers, it requires jezyah. So that in early Islam, it was such that whenever the People of the Book volunteered to come and fight in the ranks of the Muslims in the interests of the Islamic state and the Muslims, the latter didn't collect the jezyah and saying that the jezyah was received from them for the reason that they were not bound to provide soldiers, but, as they had themselves come forth to fight, that money was theirs and the Islamic state could not rightfully take it. In the commentary on the Quran called "Tafsir al-Menar," there are many accounts from various history books of how the early Muslims took jezyah instead of soldiers, and how the People of the Book used to be told that since they were living under the protection of the Islamic state and of the Muslims, but sending no soldiers (the Muslims would themselves not accept them), then instead of sending soldiers, they had to pay the jezyah. And if once in a while the Muslims in certain instances found confidence in them and accepted their soldiers, they no longer took jezyah from them.

According to this, whether or not jezyah is Arabic or Persian, whether it is from jaza or from gaziya, this much is clear: from its legal meaning it is a reward to the Islamic government from its non-Muslim People of the Book citizens, in return for the services that it performs for them and in return for them not having to provide the state with soldiers and not having to pay taxes.

Now the first problem of how and why Islam stops its jihad for the sake of jezyah becomes clear. The answer is provided by the question, "Why does Islam want jihad?" It does not want

jihad for the sake of the imposition of belief it wants jihad for the removal of barriers. When the other side tells us that it has no wish to fight us, and that it will not create a barrier to the call of tawhid, and keeps to its word, it is to be ruled in accordance with this verse:

«And if they incline to peace, then incline to it.» (8:61)

If they have been humbled, and manifest a mind and heart of peace and compromise, then we are not to be severe anymore. We are not to say "Oh no. We do not want peace, we are going to fight." Now that they have come forward to live in peace and concord, we too must announce the same thing. Of course, now that they want to live with us under our protection, but do not have to pay any of the Islamic taxes, nor provide any soldiers, and neither do we have any confidence in their soldiers, then, in return for our services and protection, we take a simple tax from them called jezyah.

Some Christian historians like Gustav Le Bon and George Zaydun have discussed this issue in detail. Will Durant in Vol. II of his series "The History of Civilization" has also discussed the Islamic jezyah and tells us that the Islamic jezyah was so trivial an amount that it was even less than the taxes the Muslims themselves paid and thus there was never any question of .exaction