

The "Dictionary of Islam" by Thomas Patrick Hughes: JIHAD

Jihad:

"The following is the teaching of the Hanafi school of Sunnis on the subject of Jihad, as given in the Hidayah, vol. Ii. P. 140:--[Hidayah f'il-furu', or "a guidance in particular points." By Shaikh Burhanu 'd-din 'Ali, born about A.H. 530 (A.D. 1135), died A.H. 593.]

"When the Muslims enter the enemy's country and besiege the cities or strongholds of the infidels, it is necessary to invite them to embrace the faith, because Ibn 'Abbas relates of the Prophet that he never destroyed any without previously inviting them to embrace the faith. If, therefore, they embrace the faith, it is unnecessary to war with them, because that which was the design of the war is then obtained without war. The Prophet, moreover, has said we are directed to make war upon men only until such time as they shall confess, 'There is no God but one God.' But when they repeat this creed, their persons and properties are in protection (aman). If they do accept the call to the faith, they must then be called upon to pay jizyah, or capitation tax, because the Prophet directed the commanders of his armies so to do, and also because by submitting to this tax war is forbidden and terminated upon the authority of the Qur'an. (This call to pay capitation tax, however, respects only those from whom the capitation tax is acceptable, or, as to apostates and the idolaters of Arabia, to call upon them to pay the tax is useless, since nothing is accepted from them but embracing the faith, as it is thus commanded in the Qur'an). If those who are called upon to pay capitation tax consent to do so, they then become entitled to the same protection and subject to the same rules as Muslims because 'Ali had declared infidels agree to a capitation tax only in order to render their blood the same as Muslims' blood, and their property the same as Muslims' property.

"It is not lawful to make war upon any people who have never before been called to the faith, without previously requiring them to embrace it, because the Prophet so instructed his commanders, directing them to call the infidels to the faith, and also because the people will hence perceive that they are attacked for the sake of religion, and not for the sake of taking their property, or making slaves of their children, and on this consideration it is possible that they may be induced to agree to the call, in order to save themselves from the troubles of war.

"If a Muslim attack infidels without previously calling them to the faith, he is an offender, because this is forbidden; but yet if he do attack them before thus inviting them and slay them, and take their property, neither fine, expiation, nor atonement are due, because that which protects (namely, Islam) does not exist in them, nor are they under protection by place (namely the Daru 'l-Islam, or Muslim territory), and the mere

prohibition of the act is not sufficient to sanction the exaction either of fine or of atonement for property; in the same manner as the slaying of the women or infant children of infidels is forbidden, but if, notwithstanding, a person were to slay such, he is not liable to a fine. It is laudable to call to the faith a people to whom a call has already come, in order that they may have the more full and ample warning; but yet this is not incumbent, as it appears in the Traditions that the Prophet plundered and despoiled the tribe of al-Mustaliq by surprise, and he also agreed with Asamah to make a predatory attack upon Qubna at an early hour, and to set it on fire, and such attacks are not preceded by a call. (Qubna is a place in Syria: some assert it is the name of a tribe).

"If the infidels, upon receiving the call, neither consent to it nor agree to pay capitation tax, it is then incumbent on the Muslims to call upon God for assistance, and to make war upon them, because God is the assistant of those who serve Him, and the destroyer of His enemies, the infidels, and it is necessary to implore His aid upon every occasion; the Prophet, moreover, commands us so to do. And having so done, the Muslims must then with God's assistance attack the infidels with all manner of warlike engines (as the Prophet did by the people of Ta'if), and must also set fire to their habitations (in the same manner as the Prophet fired Baweera), and must inundate them with water and tear up their plantations and tread down their grain because by these means they will become weakened, and their resolution will fail and their force be broken; these means are, therefore, all sanctified by the law."

"It is no objection to shooting arrows or other missiles against the infidels that there may chance to be among them a Muslim in the way either of bondage or of traffic, because the shooting of arrows and so forth among the infidels remedies a general evil in the repulsion thereof from the whole body of Muslims, whereas the slaying of a Muslim slave or a trader is only a particular evil, and to repel a general evil a particular evil must be adopted, and also because it seldom happens that the strongholds of the infidels are destitute of Muslims, since it is most probable that there are Muslims residing in them, either in the way of bondage or of traffic, and hence, if the use of missile weapons were prohibited on account of these Muslims, war would be obstructed. If the infidels in time of battle should make shields of Muslim children, or of Muslims, who are prisoners in their hands, yet there is no need on that account to refrain from the use of missile weapons, for the reason already mentioned. "