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**War, Peace or Neutrality:
An Overview of Islamic Polity's
Basis of Inter-State Relations**

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ABSTRACT

There is an increased interest in Islam in the field of international relations. This paper seeks to offer an overview to the basis of inter-state relations between a Muslim polity and other Muslim or non-Muslim polities. It presents three possible options that can be the basis of international relations for an Islamic polity: war, peace and neutrality. Three important sciences, known as popularly *Usul Fiqh*, *Usul Tafsir* and *Usul Hadith*, which make up the core of Islamic hermeneutic, are used. The paper goes on to argue that peace is the original basis and rejects the idea of perpetual war between Islamic and non-Islamic polity as espoused by *jihadist* groups.

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War, Peace or Neutrality: An Overview of Islamic Polity's Basis of Inter-State Relations

Introduction

Although the study of Islam and Muslims is not new and has been going on for hundred of years, one could not but notice that there is an increase of interest on Islam in political and international studies.

In the S. Rajaratnam School of International Studies (RSIS) itself, a research programme on contemporary Islam was created and an increase of courses offered on Islam for its Master's programmes are a testimony to it. A similar trend can also be seen in many other academic and research institutions all over the world.

This is partly contributed by Samuel Huntington's Clash of Civilizations theory that has created much debate on Islam, the emergence of Political Islam as one of the leading contemporary security issues and political development that political leaders and scholars have to grapple with, the 9/11 Terrorist Attacks and the Global War on Terror that was launched by the United States in response to it and the increased importance of the Middle East region as a source of global stability, security and future economic growth area where Islam plays an important part.

This paper seeks to contribute to the increased interest in Islam in the field of International Relations by offering an overview to the basis of inter-state relations between a Muslim polity and other Muslim or non-Muslim polities that can be found in the traditional and neo-traditional (a rewriting of classical works by contemporary Muslim scholars with minor adjustments to suit the contemporary times but little infusion of conventional theory to it) literatures relevant to the topic.

The paper begins with an introduction to Islam's foundational view on politics that Islam being understood as a comprehensive religion does not recognize the separation of the religion from politics, and what constitutes an Islamic polity. It then provides three possible options of inter-state relations in Islam: war, peace or neutrality. Within these three options, it argues that peace is the original basis and rejects the idea of perpetual war between Islamic and non-Islamic polity as espoused by *jihadist* groups that have raised concern among security agencies and non-Muslim political and community leaders.

The methodology taken in presenting the options is the classical Muslim scholars' methodology of *ijtihad* or deduction from the Quran and the *hadith*¹, based primarily on three important sciences popularly known as *Usul Fiqh*², *Usul Tafsir*³ and *Usul Hadith*⁴. These three sciences could be considered to be the core of Islamic hermeneutic. This approach also requires a study of the classical *ulama*'s texts to investigate their stand on the pertinent issues.

It is hoped that this paper will provide an introductory perspective on Islam and international relations and ideological underpinning of Muslim political view and conduct for those who are interested in the field.

Foundational View—Islam and Politics

To understand Islam's perspective of international relations requires an understanding of the relationship between Islam and politics. The underlying concept of Islam's political view is the view that politics is an inseparable part of Islam. To appreciate the close relationship between Islam and politics, it is important to understand two important concepts.

The first concept is the view that Islam is a way of life. It is a comprehensive religion governing all aspects of human life, with no separation between any of the aspects.⁵ The comprehensiveness of Islam may be seen from the variety of books on *fiqh* (Islamic jurisprudence) and etiquette in Islam. These books discuss diverse topics in life, from hygiene and the relationship between husband and wife to affairs of the state, matters of justice and social regulations.

¹ Collection of Prophet Muhammad's deeds, statements and concessions. See Hashim Kamali, *Principles of Islamic Jurisprudence* (pp. 44, 46–7), Petaling Jaya: Ilmiah Publishers 1991; John L. Esposito (Ed.), *The Oxford Encyclopedia of Modern Islamic World* (p. 83), New York: Oxford University Press, 1995.

² The Principles of Islamic Jurisprudence. It has been defined as “methods by which the rules of *fiqh* are deduced from their sources”. See Hashim Kamali, *Principles of Islamic Jurisprudence* (p. 1).

³ Also known as *Ulum Al-Quran*. It is the science of interpretation of the Quran. See Jalal Ad-Din As-Suyuti, *Al-Itqan Fi Ulum Al-Quran* (Vol. 1, pp. 1–8), Dar Al-Fikr, place not cited, date not cited; Muhammad 'Abd Al-Azhim Al-Zarqani. *Manahil al-'Irfan Fi 'Ulum al-Quran* (Vol. 1, pp. 23–4), Cairo: Dar al-Fikr, date not cited.

⁴ Also known as *Mustalah Al-Hadith*. It is the science in the study of *hadith*. Its objective is to determine the authenticity of a *hadith* and how rulings can be deduced from it. See Muhammad 'Ajjaj Al-Khatib, *Usul Al-Hadith 'Ulumuhu Wa Musthalahuhu* (pp. 7–13), Beirut: Dar Al-Fikr, 1989; John L. Esposito (Ed.), *The Oxford Encyclopedia of Modern Islamic World* (p. 84).

⁵ Sayyid Qutb, *Milestone*, available at www.youngmuslims.ca/online_library/books/milestones/hold/chapter_7.asp (Accessed 2 October 2006). See also Abu Al-'Aala Al-Maududi, *Islamic Way of Life*, available at www.youngmuslims.ca/online_library/books/islamic_way_of_life/index.htm#b2 (Accessed 2 October 2006).

Since Islam is a way of life, it certainly includes politics because politics is part of the reality of life. This also means that Islam does not accept detaching any aspect of life from the guidance of religion and it despises people in the past who believed in part of God's teachings and rejected the rest.

The second is the concept of man as God's *khalifah* (vicegerent) of this world. The Quran says, "And, behold your Lord said to the Angels: I will create a vicegerent on earth."⁶

As the *khalifah*, man is to submit fully to God and obligated to establish His order by implementing what He has decreed in the Quran and has been explained by His Prophet in the *hadiths* (Prophet's tradition) in all aspects of life in this world. Establishing God's order in this world is regarded as an important manifestation of submission and worship of God.⁷

Based on the above two concepts, it is held that Muslims are responsible to implement Islam in politics or to participate in politics in accordance with the principles of Islam because it helps him to carry out his duty as *khalifah*. In fact, the word *khalifah* itself means power and leadership in the Quran.⁸ Hence, a Muslim cannot separate Islam from politics or politics from Islam.

To highlight the importance and role of politics in establishing God's order in the world, the Quran points out that God has made some of his prophets to become kings and leaders, for example, the prophets Daud (David) and Sulaiman (Solomon).⁹ Even Muhammad was not only a prophet, but also the political leader of Medina.

Thus, Islam as a way of life differs from secularism. Secularism segregates the role of religion from matters of society and state, limiting it only to the personal sphere and to places of worship. In contrast, Islam has guidelines for all aspects of life and demands its believers' commitment to all its teachings.

⁶ The Quran, 2:30.

⁷ The Quran, 3:85, 51:56.

⁸ The Quran, 24:55.

⁹ The Quran, 21:78-9, 2:102.

Islamic Polity: A Traditional Perspective

Based on the above argument, it is then held that Islam should be the basis of the Muslim's conduct of state.

The terminology used to describe the Muslim's political institution is *Dar Al-Islam* (Land of Islam) or *Ad-Daulah Al-Islamiyah* (Islamic state). The latter is the contemporary version but carries the same meaning.

There are two views on the meaning of *Dar Al-Islam* and *Dar Al-Harb* among the classical scholars. One view states that the Land of Islam must be ruled by Muslims and the Islamic ruling system is applied. Another view put emphasis on the issue whether Muslims are in security or not. Thus, the condition for a land to be recognized as *Dar Al-Islam* is where Muslims are safe and not persecuted because of their religion.¹⁰

Where both the ruling system and the government are not Islamic or, from the latter perspective, where Muslims are neither protected nor feel safe or at peace, the land cannot be considered as *Dar Al-Islam*.

The leader of a *Dar Al-Islam* is traditionally known as the *khalifah* (caliph) or *amir al-mukmineen* (emir). Thus, *Dar Al-Islam* is also known as a *khilafah* (caliphate) or *imarah* (emirate).¹¹

Basis of Relationship Between *Dar Al-Islam* and Non-*Dar Al-Islam*¹²

War as the basis

To understand the international relations of a Muslim polity with a non-Muslim state, one needs to understand the basis of relationship, at the individual level, between the Muslim and the non-Muslim because Muslim scholars view international relations as just an extension of individual relations.

¹⁰ Tariq Ramadan, *To Be a European Muslim* (pp. 125–6), London: The Islamic Foundation, 2002.

¹¹ Richard C. Martin (Ed.), *Encyclopedia of Islam and the Muslim World* (Vol. 1, pp. 116–23, 169–70), New York: Thomson Gale, 2004; John L. Esposito (Ed.), *The Oxford Encyclopedia of Modern Islamic World* (p. 239).

¹² This section is extracted and improved from the writer's work in Muhammad Haniff Hassan (Ed.), *Moderation in Islam in the Context of Muslim Community in Singapore* (pp. 187–223), Singapore: Pergas, 2004; and Muhammad Haniff Hassan, "Response to Jihadis' View of Jihad: A Sample Approach to Counter Ideology Work" in Rohan Gunaratna (Ed.), *Combating Terrorism* (pp. 85–112), Singapore: Marshall Cavendish Academic, 2005; Muhammad Haniff Hassan, *Unlicensed to Kill: Countering Imam Samudra's Justification for the Bali Bombing* (pp. 27–57), Singapore: Peace Matters.

There are two major views on this issue. One view suggests that that armed *jihad* is the only kind of relationship that can exist between Muslims and non-Muslims. To the proponent of this view, armed *jihad* is a standing obligation until the end of the world and its aim is to fight infidels wherever they may be found, in accordance with the Prophet's utterance to "fight the polytheists until they say, 'There is no god but Allah'". Armed *jihad* is to be carried out until all lands are liberated from unbelievers and when all unbelievers submit to the rule of Islam.¹³

This view argues that verses on armed *jihad* in the Quran are revealed in stages and God revealed verses of Chapter 9 of the Quran to finalize the last stage. These last verses abrogate the earlier verses revealed on armed *jihad*, which state that it is only permissible when Muslims are attacked.¹⁴

To support this view, its proponents in contemporary times often revive the historical experience of the war of during the Crusades, colonialism, the persecution of Palestinian Muslims by Israelis and the neglect of the international community under the leadership of the United States, and recent developments related to the attack on Afghanistan and Iraq by coalition forces.¹⁵

This view proposes the idea of perpetual war between Muslims and non-Muslims that will only cease or end when all non-Muslims embrace Islam, fall under the rule of the Muslim nation or enter into a peaceful agreement with Muslims.

Corollary to this view is the classification of state into *Dar Al-Islam* (Land of Islam) and *Dar Al-Harb* (Land of War). *Dar Al-Harb* refers to lands other than *Dar Al-Islam*. The use of *Dar Al-Harb* as a terminology to describe non-Muslim lands suggests that all lands that are not *Dar Al-Islam* or does not submit to it should be considered to be at war with it.¹⁶

According to proponents of this view, Muslims are not allowed to enter into any permanent peace agreement with non-*Dar Al-Islam* states. If they do enter into any peace agreement, the period of the agreement should not exceed ten years. They

¹³ Majid Khadduri, *The Islamic Law of Nations: Shaybani's Siyar* (pp. 16–7), Baltimore: The John Hopkins Press, 1966.; Abdul Karim Zaidan, *Majmu'ah Buhuts Fiqhiyah* (pp. 44–7), Beirut: Muassasah Ar-Risalah, 1982, cited in Muhammad Khair Haykal, *Al-Jihad Wa Al-Qital Fi As-Siyasah Asy-Syariyah* (Vol. 1, p. 821), Beirut: Dar Al-Bayariq, 1993; Sayyid Qutb, *Fi Zilal Al-Quran* (Vol. 3, pp. 1586–91), Beirut: Dar Asy-Syuruq, 1985,. See also Sayyid Qutb's commentary on offensive *jihad* in the same book on p. 1431–52.

¹⁴ Ibid.

¹⁵ Sayyid Qutb, *Fi Zilal Al-Quran* (Vol. 3, p. 1593).

¹⁶ James Turner Johnson, "Jihad and Just War", *First Things: A Monthly Journal of Religion & Public Life*, 124, Jun/Jul, 2002, pp. 12–4.

argue that such a position makes the obligation of armed *jihad* against non-Muslims redundant.¹⁷ However, some view that the period of any peace agreement between Muslims and non-Muslims is at discretion of the Muslim ruler.

Peace as the basis

Another view suggests that peace and harmony is the basis for relationship, not war.¹⁸ The view argues that the claim of the final stages of armed *jihad* abrogating all the previous stages is unfounded and not supported by prominent classical Muslim scholars.¹⁹

The prevalent opinion is that all verses on *jihad* cannot be interpreted independently of each other. All the verses on *jihad* in Islam need to be studied together and reconciled to derive the true understanding of *jihad* in Islam. In this respect, Muslim scholars agree that verses that are general and unconditional must be interpreted as conditional.²⁰

Classical Muslim scholars like Abu Hanifah and Ahmad b. Hanbal also argue that, except for verse 29, the verses of Chapter 9 of the Quran refer specifically to the Arab pagans of that time.²¹ Some of them are more specific by saying that the verses were revealed only to the people of Mecca or Quraisy.²² An-Nawawi, among many

¹⁷ Majid Khadduri, *The Islamic Law of Nations: Shaybani's Siyar* (pp. 17–8, 142).

¹⁸ Among scholars who also advocate such view are Wahbah Az-Zuhaili, Muhammad Rashid Ridha and Muhammad Abu Zahrah. See Muhammad Rashid Ridha, *Al-Wahy Al-Muhammadi* (p. 240), Cairo: Maktabah Al-Qaherah, 1960; Muhammad Abu Zahrah, *Al-Ilaqat Ad-Dauliyah Fi Al-Islam* (pp. 47–52), Cairo: Ad-Dar Al-Qaumiyah, 1964.; Wahbah Az-Zuhaili, *Atsar Al-Harb Fi Fiqh Al-Islami* (pp. 113–4), Damascus: Dar Al-Fikr, date not cited, cited in Muhammad Khair Haykal, *Al-Jihad Wa Al-Qital Fi As-Siyasah Asy-Syariyah* (pp. 821–3).

¹⁹ Wahbah Az-Zuhaili, *At-Tafsir Al-Munir Fi Al-'Aqidah wa Al-Shari'ah wa Al-Manhaj (Illuminating Interpretation Regarding Belief, Law & Approach)* (Vol. 10, pp. 110, 175–8), Damascus: Dar Al-Fikr, 1991; Louay Safi, *Peace and the Limits of War: Transcending Classical Conception of Jihad, Chapter 4 – War of Domination*, available at home.att.net/~louaysafi/articles/2001/peace-war/index.htm (Accessed 2 October 2006); Muhammad b. Ahmad Al-Qurtubi, *Al-Jami' Lli Ahkam Al-Quran* (Vol. 4, Part 8, p. 47), Beirut: Dar Al-Kutub Al-Arabiyyah, 1988.; Ismail bin Katsir, *Tafsir Ibn Katsir* (Vol. 2, p. 338), place not cited, Dar Al-Fikr, 1980.; Muhammad bin Jarir At-Tabari, *Jami' Al-Bayan 'An Takwil Ayi Al-Quran* (Vol. 6, Part 10, p. 80–1; Vol. 13, Part 26, pp. 40–4), Beirut: Dar Al-Fikr, 1984.,

²⁰ Abu Ishaq Asy-Syatibi, *Al-Muwafaqat Fi Usul Al-Fiqh* (Vol. 3, pp. 97–8, 233–5), Beirut: Dar Al-Makrifah, 1997.; Abu Hamid Al-Ghazali, *Al-Mustasfa Min Ilm Al-Usul* (Vol. 2, pp. 48–50), Beirut: Dar Ihya' At-Turats Al-Arabi, 1997.; Muhamamad bin Ali Asy-Syaukani, *Irsyad Al-Fuhul Ila Tahqiq Al-Haq Min Ilm Al-Usul* (Vol. 1, pp. 532–4, 475), Beirut: Dar Al-Kutub Al-Ilmiyyah, 1999.,

²¹ Wahbah Az-Zuhaili, *Al-Tafsir Al-Munir Fi Al-'Aqidah wa Al-Shari'ah wa Al-Manhaj (Illuminating Interpretation Regarding Belief, Law & Approach)* (Vol. 10, p 108–9); Muhammad Khair Haykal, *Al-Jihad wa Al-Qital fi As-Siyasah Asy-Syariyah* (Vol. 3, pp. 1456–7).

²² Muhammad b. Ahmad Al-Qurtubi, *Al-Jami' li Ahkam Al-Quran* (Vol. 4, Part 8, p. 42); Muhammad bin Jarir At-Tabari, *Jami' Al-Bayan 'An Takwil Ayi Al-Quran* (Vol. 6, Part 10, pp. 61, 77; Ismail bin Katsir, *Tafsir Ibn Katsir* (Vol. 2, p. 338).

other scholars, writes that the verse does not refer to the People of the Book (Jews and Christians).²³ Thus, it is inappropriate to apply these verses to all non-Muslims today.

In addition to that, the study of verses on *jihad* must not be detached from the historical context of the time they were revealed.²⁴ The classification was an attempt made by Muslim scholars during the classical period to interpret their context and to implement certain Islamic laws of which the application differed, depending on the country where Muslims lived.

The context that influenced those Muslim scholars was constant war between Muslims and non-Muslims (the Romans and the Persians). Those Muslim scholars felt that it was important to classify countries to ensure that laws pertaining to *jihad* were applied to the correct situation and place. It also helped them to issue *fatwa* according to the appropriate social and political environment. It is a fundamental principle in Islamic law that *syariah* is implemented with due consideration of the context.²⁵

The concept was influenced by the codification period of Islamic law. It was a period where Muslims were dominant in the international political scene. The classification bore the psychological element of human beings in such a context—a sense of superiority above others.

The political culture between states during the classical period also played an important part in the construction of the binary classification. States in the previous centuries had a stronger tendency to use war as the preferred means of solving a problem or conflict. History has on record rulers who went to war over trivial issues. This attitude was prevalent in the political scene and thus affected the perspectives of Muslim legal scholars.

Proponents of the second view argue that the objective of armed *jihad* is not to fight non-Muslims because of difference in faith but to establish justice and eradicate oppression,²⁶ and armed *jihad* in Islam can only be waged against those who wage war.²⁷ Like other major religions, the essence of Islam is peace, love, mercy and

²³ Muhyiddin An-Nawawi, *Al-Minhaj: Syarh Sahih Muslim* (Vol. 1, p. 156), Beirut: Dar Al-Makrifah, no date cited.; see also Mustafa Al-Bugha, and Muhyiddin Al-Mistu, *Al-Wafi: Fi Syarh Al-Arba`in An-Nawawiyah* (p. 47), Damascus: Dar Al-Ulum Al-Insaniyah, date not cited.,

²⁴ “Does the Quran teach violence?”, *IslamOnline*, 3 May 2005, available at www.islam-online.net/fatwa/english/FatwaDisplay.asp?hFatwaID=51761 (Accessed 2 October 2006).

²⁵ Tariq Ramadan, *To Be a European Muslim* (p. 123–4); Louay Safi, *Peace And The Limits Of War: Transcending Classical Conception Of Jihad, Chapter 3 – Peace Is The Essence*, available at home.att.net/~louaysafi/articles/2001/peace-war/index.htm (Accessed 2 October 2006).

²⁶ The Quran, 22:40.

²⁷ The Quran, 22:39, 40, 2:193, 4:75, 2:194, 2:190.

compassion.²⁸ Islam forbids violence and the shedding of human blood.²⁹ War cannot be used to win over non-Muslims to Islam. In Islam, there is no compulsion in religion.³⁰ Diversity and difference in faith is part of God's creation.³¹ Muslims are called upon to accept the diversity and live with it.³²

They also argue that the notion—that is, the Muslims' duty to wage war against all non-Muslims—is inconsistent with the various rulings forbidding the killing of non-Muslims who are not involved in war—children, women and priests or others who have ceased to be combatants, such as prisoners of war.³³ If a difference in faith is sufficient to justify the killing of non-Muslims, there would have been no need for such prohibition. Children, women, priest or prisoners of war should just be killed, unless they embrace Islam.³⁴

They also note that the classification of states according to *Dar Al-Islam* and *Dar Al-Harb* did not originate from the Quran. Nowhere in the Quran is such a classification mentioned explicitly. Neither is there any reference to it in the *Sunnah* of the Prophet Muhammad. Thus, there is no divinity to the classification.³⁵ Furthermore, *Dar Al-Islam* and *Dar Al-Harb* are not the only classifications found in the writing of Muslim scholars. Islamic terminology is full of many other classifications, such as *Dar Al'Ahd* (Land of Covenant), *Dar Al-Sulh* (Land of Truce) and *Dar Al-Kufr* (Land of Unbelief), among other.

Also in the classical work, Zaidiyah's school of jurisprudence differentiates between *Dar Al-Kufr* (Land of Disbelief) and *Dar Al-Harb*. Zaidiyah views that *Dar*

²⁸ The Quran, 21:107.

²⁹ The Quran, 5:32.

³⁰ The Quran, 2:256, 10:99.

³¹ The Quran, 49:13, 5:48, 11:118–9, 10:99–100.

³² Muhammad Haniff Hassan (Ed.), *Moderation in Islam in the Context of Muslim Community in Singapore* (pp. 187–223); Muhammad Haniff Hassan, "Response to Jihadis' View of Jihad: A Sample Approach to Counter Ideology Work" in Rohan Gunaratna (Ed.), *Combating Terrorism* (pp. 85–112); Sheikh Faisal Mawlawi, *Al-Mafahim Al-Asasih Li Ad-Da`wah Al-Islamiah Fi Bilad Al-Gharb*, available at www.mawlawi.net/Kutub.asp?cid=109&cc=aaa (Accessed 2 October 2006).

³³ The Quran, 47:4.

³⁴ Louay Safi, *Peace and the Limits of War: Transcending Classical Conception of Jihad, Chapter 4 – War against oppression and Chapter 2 – Peaceful Coexistence: Abyssinia And Islam*, available at home.att.net/~louaysafi/articles/2001/peace-war/index.htm (Accessed 2 October 2006); Abdul Hamid A. Abu Sulayman, *Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought* (p. 24), Riyadh: International Islamic Publishing House, 1993.

³⁵ Sheikh `Atiyah Saqr, *Fatwa: Concept of Dar Al-Islam and Dar Al-Harb*, available at www.islam-online.net/fatwa/english/FatwaDisplay.asp?hFatwaID=51640 (Accessed 2 October 2006); Tariq Ramadan, *To Be a European Muslim* (pp. 123, 130); James Turner Johnson, "Jihad and Just War", *First Things: A Monthly Journal of Religion & Public Life*, pp. 12–4.

Al-Kufr is a land where a non-Islamic system prevails but is not necessarily hostile to Muslims.³⁶

Furthermore, the contemporary context requires the restructuring of Muslim political praxis from a scheme of permanent warfare against non-Muslims to one that includes protracted truces, formal diplomatic relationships and membership in the international community of nation-states because any Muslim-ruled polity that is a member of the United Nations is, by default, in a peaceful agreement with all other members of the United Nations by way of the United Nations Charter.³⁷

Finally, they say that history has witnessed the peaceful spread of Islam and peaceful coexistence of Muslims with non-Muslims in China and Southeast Asia.³⁸ There is no need for the idea of perpetual armed *jihad* for the purpose of sharing the message of Islam to non-Muslims.

When a Muslim state is not at war with another state because of a peaceful agreement between them, Islam requires such a relationship to be based on the commitment to the peace agreement, international convention and peaceful coexistence;³⁹ non-aggression and non-interference in the internal affairs of any state;⁴⁰ cooperation for common good;⁴¹ respect for differences of cultures and civilizations;⁴² justice for all and equal treatment and equal opportunity to all nations to participate in building the world order and in formulating the standard of international conduct, principles and norms.

The proponents of war as the basis of relationship Muslim and non-Muslim polity view that difference of faith is a just cause to wage war against non-Muslims

³⁶ Ismail Lutfi Fatani, *Ikhtilaf Ad-Darain wa Atsaruhu fi Ahkam Al-Munakahat wa Al-Muamalat* (p. 74), Cairo: Dar As-Salam, 1998.

³⁷ Khalid Yahya Blankinship, *The End of the Jihad State: The Reign of Hisham b. Abd al-Malik and the Collapse of the Umayyads* (pp. 6–9), New York: State University of New York Press, 1994, , cited in Zaid Shakir, “Jihad is not perpetual warfare”, *Seasons* (p. 55), Autumn-Winter, 2003–4, California: Zaytuna Institute, available also at www.zaytuna.org/seasons/seasons2/53-64%20Seasons.pdf (Accessed 2 October 2006).

³⁸ See Malise Ruthven (Ed.), *Historical Atlas of Islam* (pp. 122–3), Cambridge: Harvard University Press, 2004,; John L. Esposito (Ed.), *The Oxford Encyclopedia of the Modern Islamic World* (Vol. 2, pp. 271–7), New York: Oxford University Press,; Richard C. Martin (Ed.), *Encyclopedia of Islam and the Muslim World* (pp. 187–9), New York: Thomson-Gale, 2004,; “Islam’s Lasting Connection in China”, *China Daily*, 20 May 2003, available at www.china.org.cn/english/culture/65049.htm (Accessed 2 October 2006); see “Islam in China”, *BBC*, available at www.bbc.co.uk/religion/religions/islam/history/china_1.shtml (Accessed 2 October 2006).

³⁹ The Quran, 8:61, 5:1, 2:177.

⁴⁰ The Quran, 4:90, 8:72.

⁴¹ The Quran, 5:2.

⁴² The Quran, 49:13.

until they become Muslims or accept the rule of Islam. However, the proponents of peace as the basis of relationship view that there must be an act of hostility that amounts to an act of war. A mere difference of faith is not a just cause to wage war.

Despite the differences on the just cause of war, both thoughts view that no individual or groups are allowed to wage war or armed *jihad* in the name of Islam or for the community. War always affects the public at large so the principle of consultation taught by Islam requires proper mandate from the people. The most suitable people to hold such a mandate are those who are mandated to be the government. Only in a situation where the government has collapsed are Muslims allowed to organize themselves collectively to fight against any aggression, as what happened in Afghanistan during the invasion by former Soviet Union.

Both thoughts also agree that Muslims are guided by the rule of proportionality, based on the prohibition against any transgression and extremism. The rule of proportionality is also invoked in some of rulings pertaining to the Islamic code of conduct in war that prohibits Muslims from certain acts such as the unnecessary cutting down of trees or destruction of buildings, animals and places of worship for Muslims and non-Muslims. Based on this principle, contemporary Muslim scholars issue the prohibition against weapons of mass destruction. While Islam commands Muslims to fight injustice and evil, it does not allow Muslims to do it in a way that will cause an equal or greater evil or injustice. The most important aspect of the code of armed *jihad* in Islam is the prohibition of the killing of civilians and non-combatants in war.

They also view that armed *jihad* may only be waged if the benefit derived from it is bigger than the harm it inflicts in relation to the objective it wants to achieve, that is, the just cause. If the harm outweighs the benefits, then Islam does not condone it. Muslims are required to make due consideration between its advantages and disadvantages. Thus, in principle, resorting to war is only allowed if it brings greater good or prevents greater evil.

Neutrality as the basis

Neutrality here refers to a status accorded by international law to a state that “abstains from all participation in a war, and maintains an attitude of impartiality in its dealings

with the belligerents”.⁴³ There are two types of neutrality in international law: (a) permanent neutrality as practised by countries like Switzerland, Sweden, Austria and Finland; (b) non-permanent neutrality where a state proclaims neutrality in a given war.⁴⁴

The Quran’s position on neutrality is not as clear as its position on war and peace. For example, the Quran makes a clear statement that allows Muslims to carry arms against those who wage war against them⁴⁵ and commands Muslims to accept peace when it is offered.⁴⁶

However, the issue of neutrality can be inferred from some implicit verses in the Quran. In Chapter 9, verse 4, Muslims are commanded not to harm people who have not helped the enemies of Islam in their fight against Muslims. By calling for them not to be harmed, the Quran recognizes their neutral stand in the conflict and therefore made provision for neutrality to be permissible in Islam. This deduction is further strengthened by other verses of the Quran dealing on the same issue but more clearly:

Except those who join a group between whom and you there is a treaty (of peace), or those who approach you with hearts restraining them from fighting you as well as fighting their own people. If Allah had pleased, He could have given them power over you, and they would have fought you: Therefore if they *withdraw* from you but fight you not, and (instead) send you (Guarantees of) peace, then Allah Hath opened no way for you (to war against them). Others you will find that wish to gain your confidence as well as that of their people: Every time they are sent back to temptation, they succumb thereto: if they *withdraw* not from you nor give you (guarantees) of peace besides restraining their hands, seize them and slay them wherever ye get them: In their case We have provided you with a clear argument against them.” (The Quran, 4:90–91)

The word “*i’itizal*” (withdraw, emphasized above) that the verses were referring to presents the concept of neutrality as it means not involving oneself in the ongoing

⁴³ Lawrence Preuss, “The concepts of neutrality and nonbelligerency”, *Annals of the American Academy of Political and Social Science*, Vol. 218, November 1941, p. 100.

⁴⁴ Cathal J. Nolan (Ed.), *The Greenwood Encyclopedia of International Relations* (Vol. III, p. 1145), London: Greenwood Publishing, 2002

⁴⁵ The Quran, 22:39–40, 2:190–3, 4:75

⁴⁶ The Quran, 8:61.

conflict. The word itself has been used in classical Arabic to indicate a tribe's abstention from taking side with any parties in conflict.⁴⁷

In a *hadith* (the Prophet's traditions), the Prophet is reported to have described a war between two Muslim factions and was asked by one of his companion, "What do you order me to do if such a state of affairs should take place in my life?" He answered, "Remain with the group of Muslims and their Imam (ruler)." The companion asked, "If there is neither a group of Muslims nor an Imam (ruler)?" The Prophet answered, "Then turn away from all those sects even if you have to bite (eat) the roots of a tree (for survival), till death comes while you are in that state."⁴⁸ Again, the word "*i'itizal*" was used by the Prophet when he suggested that Muslims shun all the warring factions.

It is not surprising, later on, when acting out the commandment contained in this *hadith*, many companions of the Prophet chose to remain neutral when the war between Ali and Muawiyah erupted.

The same neutral stand was also adopted by Banu Quraizah, a Jewish tribe in a war between the Prophet and the Jewish tribe of Banu Nadhir. Banu Quraizah remained neutral by refusing to render any help to Banu Nadhir. In one of the military expeditions sent by the Prophet against the Byzantine territory of Mu'tah in north Arabia, Banu Ghanam, a branch of the Hadas tribe, chose to remain neutral even though others fought against the Muslims. In both incidents, the Prophet honoured the neutrality of the parties.⁴⁹

Thus, it can be concluded that neutrality is permissible in Islam based on the practices of the Prophet, although the Quran did not mention it explicitly. This is further strengthened by the practices of the third caliph after the Prophet in his treaty with the Nubian. The treaty stated, "We (Muslims) shall not wage war against you, nor prepare for war against you, nor attack you so long as you observe the conditions of the treaty between us and you... . But it will not be incumbent upon the Muslims to

⁴⁷ Muhammad Hamidullah, *Muslim Conduct of State* (pp. 284–8), Lahore: Sh. Muhammad Ashraf, 1987.

⁴⁸ Al-Bukhari, *Sahih Al-Bukhari*, available at hadith.al-islam.com/Display/Display.asp?Doc=0&Rec=10553 (Accessed 14 August 2006)

⁴⁹ Ibn Hisyam, *Sirah Ibn Hisyam*, Vol. 2, available at sirah.al-islam.com/display.asp?f=hes2496.htm (Accessed 14 August 2006); Al-Waqidi, *Al-Maghazi*, Vol. 1, available at sirah.al-islam.com/display.asp?f=mga1317.htm (Accessed 14 August 2006).

drive away any enemy who may encounter you, nor to prevent him from you, between the limits of the territory of 'Ulwah and Aswan."⁵⁰

However, the above evidence points out neutrality within a specific context only. They do not refer to permanent neutrality as mentioned above. This by any measure is not comprehensive enough to enable a neutral party to adopt it in contemporary practice. The element that is lacking is that there is no detailed provision covering the rights and duties of the neutral for contemporary practices.

In this respect, it should be pointed out, firstly, that Muslim scholars have agreed that matters pertaining to war are the responsibility of *Ulil Amri* (a legitimate authority). The guiding Islamic jurisprudence maxim for Muslim rulers in executing their power is *tasarruf al-imam ala ar-ra'iyah manutun bi al-maslahah* or the conduct of a ruler towards his subject is based on what is in their best interest.⁵¹ In other words, the ruler is given the mandate to make an independent judgement (*ijtihad*) after consulting competent people among the population on the issue of neutrality.

Secondly, the principles of Islamic jurisprudence recognize customs and conventions as secondary sources of the law as long they do not contravene any principles of *syariah* and fulfil all conditions of valid customs in Islam.⁵² There are various Islamic jurisprudence maxims pertaining to the use of customs as a source of law: *Al-`Adah muhkamah* [Custom is a binding law]; *Ats-Tsabit bi al-`urf ka ats-tsabit bi asy-syara'* [What is established by custom is similar to what is established by *syar'ii* proof, that is, the Quran, *hadiths* (Prophet's tradition) and other recognized sources of law]; and *Al-Ma'ruf `urfan ka al-masyrut syartan* [Validity of an accepted custom is similar to validity of a stipulated agreement].⁵³

Thirdly, Islam recognizes the importance of context in the formulation and implementation of the law. Due recognition of customs as mentioned above is one example. It has also been agreed by all Muslim scholars that the law should be tailored, adjusted and changed according to changes of time and place.⁵⁴ The maxim says "*La yunkaru taghayyuru fatwa wa ijihad wa hukm bi taghayyuri az-zaman wa*

⁵⁰ Muhammad Hamidullah, *Muslim Conduct of State* (p. 293).

⁵¹ Jalal Ad-Din As-Suyuti, *Al-Asybah Wa An-Nazair* (p. 83); Muhammad Sidqi bin Ahmad Al-Burno, *Al-Wajiz Fi Idhah Qawa'id Al-Fiqh Al-Kulliyah* (p. 347), Beirut: Muassasah Ar-Risalah, 1996.

⁵² Muhammad Hashim Kamali, *Principles of Islamic Jurisprudence* (pp. 283–95).

⁵³ Jalal Ad-Din As-Suyuti, *Al-Asybah Wa An-Nazair* (pp. 63–7); Muhammad Sidqi b. Ahmad Al-Burno, *Al-Wajiz Fi Idhah Qawa'id Al-Fiqh Al-Kulliyah* (pp. 270, 306).

⁵⁴ Ibn Qayyim Al-Jauzi, *Ighatsah Al-Lahfan Fi Ma'abid Asy-Syaitan* (Vol. 1, p. 488).

al-makan” [Change of *fatwa*, *ijtihad* and rule is permissible with the change of time and place].⁵⁵

Fourthly, all Muslim rulers from Muslim countries have ratified the relevant conventions and Islam commands Muslims to honour any agreement or contracts that they have entered into.

Based on the above four points, it can be argued that international law, treaties and customs that do not contradict Islamic principles can provide the needed clarification on the issue of neutrality for contemporary Muslims. As a matter of fact, current practices, customs and context are elements too important for Muslims to ignore in their conduct of state.

Although the Quran and the *hadiths* are not definitive on the issue of permanent neutrality, this paper argues that it is permissible in Islam. It is not obligatory but an option worth considering in the best interest of the people.

On the contrary, some of the proponents of war as the basis of relationship between a Muslim and non-Muslim state view permanent neutrality that has no specific timeframe as impermissible. They argue along the same line that concludes in the impermissibility of any permanent peace agreement with a non-*Dar Al-Islam* state.

Basis of Relationship Between *Dar Al-Islam* and Another *Dar Al-Islam*

Traditionally, Muslim scholars viewed all *Dar Al-Islam* as one undifferentiated category. Although, in reality, Muslim lands can be divided into several sovereign and independent political entities but such differentiation is only in form. From the Islamic jurisprudence viewpoint, they are one nation that cannot be divided based on artificial geographical boundaries or ethnicity.⁵⁶

The majority of traditional Muslim scholars view that Islam does not permit the existence of multiple *Dar Al-Islam* and it is not permissible to appoint two Muslim rulers in the same period.⁵⁷ This is because Islam enjoins unity and forbids the opposite.⁵⁸

⁵⁵ Muhammad Sidqi b. Ahmad Al-Burnu, *Al-Wajiz Fi Iidhah Qawa'id Al-Fiqh Al-Kulliyah* (p. 310); see Muhammad Haniff Hassan, *Unlicensed to Kill: Countering Imam Samudra's Justification for the Bali Bombing* (p. 123).

⁵⁶ Ismail Lutfi Fatani, *Ikhtilaf Ad-Darain wa Atsaruhu fi Ahkam Al-Munakahat wa Al-Muamalat* (pp. 84).

⁵⁷ Al-Mawardi, *Al-Ahkam As-Sultaniyah* (p. 8), Surabaya: Syarikah Bankul Indah, no date cited.

⁵⁸ The Quran, 49:10, 3:103.

The current practice in Muslim lands is excusable based on the Islamic jurisprudence maxim that states that “*dharurat* (emergencies) permit the prohibited”. However, the maxim is qualified by another maxim which states that a “situation that creates emergency must be eliminated”. Muslims, thus, are obligated to rectify the situation or overcome the *dharurat* as the maxim dictates. On that respect, permissibility of multiple independent *Dar Al-Islam* must be regarded as a temporary ruling only, and Muslims should not feel pleased with such situation.⁵⁹

Dar Al-Islam is the land for all Muslims but non-Muslims can be its citizens. All Muslims are obliged to fend off any hostility and defend any *Dar Al-Islam*. The obligation can become a *fardhu ain* (personal obligation) upon all Muslims when the enemy occupies any part of *Dar Al-Islam*. All Muslims are to support the mission of *Dar Al-Islam*, that is, to spread Islam and implement *syariah* in other lands.⁶⁰

Based on the above, the basis of relationship between different *Dar Al-Islam* of Muslim states must always be peace. War is only permissible against those who transgress God’s rule after all peaceful means have been exhausted.⁶¹

Concluding Remarks

From a theological perspective, an Islamic polity has three options as the original basis of relations with non-*Dar Al-Islam*: perpetual armed *jihad*, peace or neutrality. Its relationship with a *Dar Al-Islam*, however, must be based on peace only.

The proponents of peace as the original basis of relations argue that the emergence of the idea of perpetual armed *jihad* in the classical period was due to the historical experience of Muslims—a prolonged conflict with the Romans and Persians. They also suggest that war being always used in the past as a means to pursue security and power (due to the political culture of international relations then) had influenced the thinking of Muslim scholars in the early period in putting forth the idea of perpetual armed *jihad*.

This writer shares the view held by the proponents of peace as the primary basis of inter-state relations for Islamic polity. In addition to the argument presented, this writer believes that the idea of war as the primary basis of Islamic polity’s inter-state relations that put Islam and Muslims in a state of perpetual war with the others

⁵⁹ Ibid, p. 93.

⁶⁰ Ibid, pp. 70–2.

⁶¹ The Quran, 49:9, 5:33.

negates the very fundamental message of Islam as the religion of peace, harmony, tolerance and virtuous existence, as strongly indicated by the following teachings of Islam.

Islam is a religion of peace. This is, firstly, by virtue of its name that is derived from the verb “*aslama*”, which means, “to submit, surrender” and it is derived from the root word “*salm*” or “*silm*”, which means “peace, security”.⁶² Secondly, the greetings that Muslims are enjoined to convey to others is “*Assalamualaikum*”, which means “peace be upon you”. Thirdly, the Quran prefers peace to conflict.⁶³ Fourthly, history has proven that Islam is better accepted during peacetime and through peaceful means. The Hudaibiyah Accord serves as a powerful demonstration of this: record numbers of people came to Islam in the consequent two peaceful years, so much so that it was almost the same as the total for the preceding 19 years of the Prophet’s mission. History has also shown that Islam has the potential to spread rapidly via peaceful methods as it did in the Malay Archipelago and in China.

Therefore, establishing and maintaining peace and the use of peaceful means to convey the message of Islam are of importance to Islam. On that note, peaceful coexistence with other faiths and culture is enjoined upon Muslims. It is a means and a manifestation of their commitment to peace and serves better the objective of sharing the message of Islam.

Islam regards diversity and plurality as a natural state of God’s creations. For example, the Quran states that God created the different sexes and ethnic groups among mankind⁶⁴ for positive reasons, that is, to know and understand each other.⁶⁵ Even fruits, though of one type, may look and taste different.⁶⁶ Muslims are enjoined to embrace diversity and, thus, tolerance for diversity becomes a fundamental teaching of Islam. This is then manifested through Islam’s command for respect of other faiths, non-interference in matters of other religions⁶⁷, prohibition of any form of compulsion and coercion in matters of faith⁶⁸ and rebuking or insulting other

⁶² *Al-Mu’jam Al-Wasit*, Majma’ 3rd edition (pp. 462–3), Cairo: Al-Lughah Al-‘Arabiyah., no date cited; Rohi Baalbaki, *Al-Mawrid: A Modern Arabic-English Dictionary* (pp. 107, 641), Beirut: Dar Al-‘Ilm Li Al-Malayiin, 2001; J. M. Cowan (Ed.), *The Hans Wehr Dictionary of Modern Written Arabic* (pp. 424–5), New York: Spoken Languages Services, 1976.

⁶³ The Quran, 8:61.

⁶⁴ The Quran, 30:22.

⁶⁵ The Quran, 49:13.

⁶⁶ The Quran, 6:141–2.

⁶⁷ The Quran, 109:1–6.

⁶⁸ The Quran, 2:256, 272, 10:99.

faiths⁶⁹, which become the basis for peaceful co-existence of the various faiths in society. Islam requires acceptance of faith based on free choice.⁷⁰ Intolerance inevitably produces conflict. This does not go well with the claim that Islam is religion of peace.

Since conflict produces hardship and difficulty, this negates another important character of Islam, that is, a religion of simplicity, practical and easy.⁷¹ The following can also be found from the Prophet's tradition that reinforces the Quranic message of tolerance, practical and realistic. There are many *hadiths* (prophetic tradition) that point to the same character. One of them is, "Make it convenient and do not make it difficult, tell them the good news and do not make them run away" (Narrated by Al-Bukhari).

The idea that Muslims are obligated to wage war perpetually against all non-Muslims and, as a corollary to it, against all un-Islamic polity is only plausible if one accepts that all non-Muslims are fundamentally hostile towards Islam and will never cease conspiring against it, subverting it, trying to subjugate it and fighting it when there is opportunity that underlies the idea. This also means that Muslims are allowed to hold prejudiced views and negative stereotypes towards all non-Muslims. All these do not sit well with the message of the Quran and rational thinking. In line with the rule of diversity, the Quran enjoins a differentiated view, not only towards Muslims but also towards non-Muslims. In the Quran, both Muslims and non-Muslims are constantly described as non-homogenous groups. God accords each kind of them their own status and ruling.⁷² There are many verses in the Quran that mentions non-Muslims positively.⁷³

From rational thinking, prejudice and stereotype towards non-Muslims as mentioned above is no different from the misconception among some non-Muslims that all Muslims are terrorists and fundamentalists. It is highly questionable when Muslims argue against non-Muslims' stereotyped perception towards Muslims but at the same time are guilty of stereotyping all non-Muslims as bad and villainous.

Based on the above arguments and the role of context in shaping the view of Muslim scholars during the classical period as illustrated in the section that touched

⁶⁹ The Quran, 6:108.

⁷⁰ The Quran, 18:29.

⁷¹ The Quran, 2:185, 5:6, 22:78.

⁷² The Quran, 8:72-5, 35:32, 4:95, 60:8-9.

⁷³ The Quran, 2:62, 5:69, 82.

on peace as the basis of relationship with the objective of ensuring the security of a *Dar Al-Islam*, this writer holds that the idea of perpetual armed *jihad* is just a theological construct offered by the scholars in that period, not a divine injunction, in response to the prevailing reality of a international system that is anarchic and during which war as an important instrument of power and security predominated. In this respect, one can find supporting arguments from conventional international relations tradition such as offensive realism, which holds that the anarchic international system provides strong incentives for states to continuously strive for maximum accumulation of power in relation to other states because security is best guaranteed by achieving a hegemonic power. In doing so, states pursue expansionist policies when and where the benefits of doing so outweigh the costs. A non-hegemonic power in an anarchic international system is in constant worry that other states will use force to harm or conquer.⁷⁴

Although the idea of perpetual armed *jihad* as the basis of inter-state relations is worrying and disturbing from both conventional international relations and a contemporary Islamic jurisprudence point of view, there is no evidence to show that any of Muslim state subscribes to it or based its foreign policy on it, even for countries like Saudi Arabia and the Islamic Republic of Iran, which are known for their strong Islamist ideology.

Many of the conflicts that involved Muslim countries are motivated by *realpolitik* or local grievances rather than ideology in nature. The scale and regularity of the armed conflicts lack the kind that is motivated by an “imperial ambition”, as exemplified by Saddam Hussein’s war against Iran and his occupation of Kuwait. The number of conflicts between Muslim countries and the nature of alliance also do not point to the idea of perpetual armed *jihad*. Muslim countries are in constant alliance with non-Muslim superpowers to ensure their security, rather than allying among themselves to subdue the un-Islamic polity.

For now, one can say that the cause of worry from the idea of perpetual armed *jihad* currently comes from non-state actors, the most prominent of them being Al-Qaeda. A study of Al-Qaeda’s ideology will show that the political dimension of Islam is an essential aspect of it. Violence is a tool to achieve political objectives, which are the establishment of the Islamic caliphate or Islamic state, to facilitate the

⁷⁴ Jeffrey W. Taliaferro, “Security seeking under anarchy: Defensive realism revisited”, *International Security*, pp. 128–9.

implementation of *syariah* law and subjugation of non-Muslims under the rule of Muslims. These necessitate armed rebellion against infidel or apostate governments.⁷⁵

Finally, the idea of perpetual armed *jihad* to subdue all un-Islamic polity is not much different from any form of imperial ambition that has existed throughout history. The former is based on Islamic theology while the latter could be based on any rational ideology or religious tradition. This is to suggest that, not only is Islam the single source of imperial ambition, but also eradicating the idea of perpetual armed *jihad* does not eliminate the emergence of imperial ambition from any polity. In fact, offensive realism, as mentioned before, suggests that imperial ambition as a means to achieve hegemonic power that guarantees security is a natural response to the reality of international politics.

⁷⁵ “Bin Laden’s fatwa”, *PBS Online Newshour*, August 1996; “*Nas bayan Al-Jabha Al-Islamiyah Al-Alamiyah Li Jihad Al-Yahud Wa As-Salibiyyin*”, *Al-Quds Al-Arabi*, 23 February 1998; Tayseer Alouni’s interview with Usamah bin Laden, *Al-Jazeera*, October 2001; “Text of Osama bin Laden’s statement”, *AP*, 9 Oct 2001; “Bin Laden rails against Crusaders and UN”, *BBC News*, 3 November 2001; “Bin Laden’s warning: full text”, *BBC News*, 7 October 2001; *Sout Al-Jihad*, No. 3, 1424H, p. 18, 25–30; No. 7, 1424H, p. 26–7; No. 19, 1425H, p. 37–8; No. 18, 1425H, p. 46–7. Muhammad Abdul Salam Al-Farj, *Al-Jihad: Al-Faridhah Al-Ghaibah (Jihad: The Neglected Obligation)*, p. 16, available at www.e-prism.org/images/ALFAREDA.doc (Accessed 2 October 2006). Al-Farj was a leader of the Egyptian Islamic Jihad Organisation which Ayman Az-Zawahiri also belongs to before its merger with Al-Qaeda. The book was the organization primary reference of its ideology; Al-Qaeda in Iraq, *Limaza Nuqatil? Man Nuqatil? (Why we fight? Who we fight?)*, available at www.tawhed.ws/r?i=3421 (Accessed 2 October 2006); Hamd bin Abdullah Al-Humaidi, *Hatta La Tasma’ Li Al-Jihad Munadiyan (So you will not hear a caller of jihad)*, 8 Jumada Al-Ula 1423H, available at www.tawhed.ws/r?i=749 (Accessed 2 October 2006).

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