Jihad is Not Perpetual Warfare

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By **Imam Zaid** on 15 January 2009

*This article is reprinted here from my book **Scattered Pictures: Reflections of an American Muslim**. It is hoped that it will add a new dimension to the evolving debate concerning the idea that the only strategic option available for Muslims, regardless of their strategic strength or weakness, or their status as a majority or minority population, is armed struggle.*

Jihad is Not Perpetual Warfare

One of the fundamental ideas underlying the argument of those who advocate a clash of civilizations between Islam and the West [1] is the thesis that Islam is a religion that advocates perpetual warfare. This warfare, in their formulation, is what Muslims know as Jihad. In his provocative book, *Islam Unveiled*, Robert Spencer unequivocally states:

The Jihad that aims to increase the size of the Dar al-Islam at the expense of the Dar al-Harb is not a conventional war that begins at a certain point and ends at another. Jihad is a "permanent war" that excludes the idea of peace but authorizes temporary truces related to the political situation [mudahanah]. [2]

Other Western writers and ideologues go further by linking the idea of Jihad to an effort by Muslims to obtain global domination. For example, Daniel Pipes, writing in the November 2002 edition of *Commentary*, states,

In pre-modern times, jihad meant mainly one thing among Sunni Muslims, then as now the Islamic majority. It meant the legal, compulsory, communal effort to expand the territories ruled by Muslims (known in Arabic as Dar al-Islam at the expense of territories ruled by non-Muslims Dar al-Harb. In this prevailing conception, the purpose of Jihad is political, not religious. It aims not so much to spread the Islamic faith as to extend sovereign Muslim power (though the former has often followed the latter). The goal is boldly offensive, and its ultimate intent is nothing less than Muslim domination over the entire world. [3]

As the pre-modern world never came totally under the sway of Islam, Jihad, in the formulation described by Pipes, meant permanent war. Pipes doesn't see modernity mitigating this pre-modern tendency in Jihad, for he goes on to say,

In brief, jihad in the raw remains a powerful force in the Muslim world, and this goes far to explain the immense appeal of a figure like Osama bin Laden in the immediate aftermath of September 11, 2001. [4]

It is interesting that Spencer, Pipes, and others, buttress their arguments with formulations and concepts associated with classical Islamic political theory. However, their understanding presupposes a single, narrow reading of the Islamic tradition, based on certain ideologically

determined parameters, which limit their ability to accommodate an alternative reading. For example, the often-cited division of the world into *Dar al-Harb* and *Dar al-Islam* fits well with attempts to explain the inevitability of a clash between Islam and the West. However, it does not really give us an idea of the nuances and complexities of those terms, nor the diverse ways in which Muslim thinkers, over an extended period of time, defined and actually applied them.

For example, both Abu Yusuf and Muhammad b. [5] al-Hasan ash-Shaybani, the two companions of Imam Abu Hanifah, viewed a land governed by the laws of the nonbelievers as constituting a land of disbelief, even if populated by Muslims. [6] Imam ash-Shafi'i viewed a land populated by nonbelievers who are not at war with the Muslims as not constituting *Dar al-Harb*. [7] Therefore, according to these definitions, most of today's Muslim countries, which are governed by secular law codes, are not Dar al-Islam.

Conversely, most of the non-Muslim nations, which are at peace with the Muslim world, are not *Dar al-Harb*. To reinforce this point, let us ask, "Would Tunisia a Muslim country which prohibits Hijab and beards be considered Dar al-Islam?" Similarly, "Would Saudi Arabia and Kuwait, two conservative nations that waged war against the Muslim nation of Iraq be considered *Dar al-Islam* or *Dar al-Harb*?" Such such questions reveal nuances that clearly weigh against the simplistic arguments being advanced by a growing wave of anti-Islamic polemicists and pundits and their Muslim ideological equivalents.

The purpose of this article is to show that while Jihad, in one of its classical formulations, could be interpreted as supporting perpetual warfare; there is another reading that argues against that interpretation. In discussing the textual basis of that alternative reading, I will focus on Qur'an 9:5 [8] because of its centrality in the arguments of those endorsing the perpetual war thesis, both Muslim and non-Muslim, and Qur'an 9:29 [9] because of its implications for Muslim-Christian relations. I will also argue that with the notable exception of the Umayyad "Jihad State," the latter reading has been more instrumental in shaping the foreign policy of Muslim polities, especially in the modern era. In making this point, I will briefly look at the "Jihad State" and present a thesis that explains its inevitable collapse.

A failure on the part of Western ideologues and policymakers to admit the primacy of this "anti-perpetual war reading" of Jihad will lead to tragic misunderstandings. These misunderstandings will only serve to deepen the growing resentment and distrust developing between America and the Muslim world and create a political climate conducive to catastrophic wars that could render the Islamic heartland an uninhabitable waste and greatly increase the likelihood of attacks against the United States as well as her interests abroad.

The "Jihad State" and its Collapse

In his masterful book, *The End of the Jihad State* [10], Dr. Khalid Blankinship argues that the only polity in the history of Islam to base its foreign policy on unmitigated warfare against the non-believers was the Umayyad dynasty, founded by Mu'awiyyah b. Abu Sufyan. However, this perpetual warfare policy was unsustainable and eventually led to the collapse of the Umayyad state during the reign of Hisham b. 'Abd al-Malik. The reasons for that collapse can be summarized as follows:

1. The fiscal basis of the regime, predicated on war booty, collapsed.
2. The non-Muslim armies were able to regroup after initial setbacks and sometimes inflicted devastating losses on the Muslim forces.
3. The morale of the Muslim armies faltered; there were even instances where the Muslims refused to fight.
4. A power vacuum was created in the Syrian-Iraqi heartland of the empire. This led to an alteration of the balance of power between the Umayyads and their internal enemies and to the eventual overthrow of the empire by the Abbasids. [11]

The strategic and economic reasons leading to the collapse of the "Jihad State" are quite consistent with what Yale historian Paul Kennedy describes as occurring during periods of "imperial overstretch." Kennedy says in that regard, "The triumph of any one Great Power in this period, or the collapse of another, has usually been the consequence of lengthy fighting by its armed forces…." [12]

He also observes,

Similarly, the historical record suggests that there is a very clear connection in the long run between an individual Great Power's economic rise and fall and its growth and decline as an important military power (or world empire). [13]

Although Kennedy's study focuses on the modern world, his observations provide at least a clue into the strategic and economic dynamics that were pointing towards the eventual collapse of the Umayyad state. These dynamics were noted by both the political and intellectual successors of the "Jihad State" and led to a reformation of the foreign policy of subsequent Islamic polities. The conclusion that mandated that reformation was that the "Jihad State" is unsustainable. This conclusion is born out by the fate of the Ottoman Empire, an expansionist Muslim power that did endure into the modern world. Kennedy comments on the Ottoman decline,

Yet the Ottoman Turks, too, were to falter, to turn inward, and to lose the chance for world domination…. To a certain extent it could be argued that this process was a natural consequence of earlier Turkish successes: the Ottoman army, however well administered, might be able to maintain the lengthy frontiers but could hardly expand further without enormous costs of men and money; and Ottoman imperialism, unlike that of the Spanish, Dutch, and English later, did not bring much in the way of economic benefit. By the second half of the sixteenth century the empire was showing signs of strategic overextension…. [14]

In any case, the demise of the "Jihad State" led to a permanent restructuring of Muslim political praxis away from a scheme of permanent warfare against non-Muslims, to one which came, over time, to include protracted truces, formal diplomatic relations, and, in the modern world, membership in the international community of nation-states. More importantly, again, in the modern world, this restructuring of Muslim political praxis has led to the implicit and explicit recognition of the institutions and regimes which collectively work to make peace, not warfare, the dominant reality governing the relations between sovereign states. It should be noted that this emerging praxis sometimes conflicted with the theory of "Jihad as perpetual warfare," a theory that remained in many legal and exegetical writings, even though, in the modern world, it is a

theory that does not inform the foreign policy of even the most radical Islamic state.

The Perpetual Warfare Thesis: Textual Foundations

Our claim that there is a reading of Jihad that argues against perpetual warfare is not a novel one. Although their views do not represent the mainstream, there were many imminent scholars from the early generations of Muslims who saw Jihad as constituting a binding obligatory duty only in defensive circumstances or as a generally non-binding obligation. In both cases, the idea of Jihad as an unmitigated struggle for global domination is rejected.

Ibn ‘Umar was known to advance the idea of Jihad as a non-binding obligation. When he heard ‘Abdullah b. ‘Amr b. al-‘As mentioning the five pillars of Islam, and then adding Jihad as a sixth pillar, he strongly rebuked him. [15] Among the generation of the successors, and those following them, ‘Ata’, ‘Amr b. Dinar, Ibn Shibrama, and Sufyan ath-Thawri were all of the opinion that Jihad was voluntary. [16]

Among the scholars of the Maliki rite, Suhnun/Sahnun is mentioned as having said, “After the conquest of Mecca, Jihad became voluntary.” [17] Ibn ‘Abd al-Barr is quoted as saying, “[Jihad] is an obligation when one is in a state of insecurity, while voluntary when one is enjoying security. [18]
Among the proof texts marshaled by those holding these opinions are the following:

1. The conditionality involved in the verse, *If they fight you, fight them*. [19]
2. Mention of the idolaters initiating hostilities in the verse, *Fight the generality of idolaters as they fight you*. [9:35]
3. The order to fight mentioned in the verse, *Fighting is prescribed for you*… [2:216], is not to be taken as a binding obligation, rather as a voluntary act.

None of these proofs are irrefutable. Our point has been to mention that the idea of Jihad as both voluntary and non-expansive has existed since the earliest days of Islam.
One of the proofs buttressing the case of those Muslims [20] and non-Muslims who claim that Islam advances a theory of perpetual warfare is Qur’an 9:5, a verse sometimes referred to as the “Verse of the Sword.” This verse is said to abrogate all of the verses advocating restraint, compassion, peaceful preaching, mutual respect, and coexistence between Muslims and non-Muslims. Hence, many Western writers cite this verse to justify a state of permanent war between Muslims and non-Muslims. There are also numerous classical Muslim exegetes who explain the verse in a way that supports this perpetual war thesis. [21] However, a closer examination of this verse reveals that this is not how the vast majority of commentators have understood it.

In properly understanding the “Verse of the Sword,” one must place it in context. This verse is part of a series of verses, located at the beginning of the ninth chapter of the Qur’an, dealing with the polytheists. The first of these verses begins with the statement, [This is] *a declaration of immunity from God and His Messenger to those polytheists with whom you have made pacts*. [9:1] In the subsequent discussion of this declaration, many mitigating conditions, which argue against the idea of a perpetual, unrelenting war against non-Muslims, are mentioned.

First of all, many of the classical exegetes explain that these verses do not apply to Jews and Christians. Their discussion of the verses in question center on relations with the polytheists, to the exclusion of the "People of the Book." For example, Imam al-Qurtubi (d. 671AH [22]/ 1272 CE), renowned for his exposition on the legal implications of the Qur'anic text, states, concerning the verse in question, "… it is permissible to [understand] that the expression 'polytheists' does not deal with Jews and Christians (Ahl al-Kitab)." [23] This opinion is reinforced by the interpretation of a related prophetic tradition, "I've been ordered to fight the people until they testify that there is no deity but God. …" [24] Imam Nawawi mentions in his commentary on this tradition, "Al-Khattabi says, 'It is well-known that what is intended here are the people of idolatry, not the people of the Book (Jews and Christians).'" [25] Among contemporary exegetes, Dr. Mustafa al-Bugha says, commenting on the term for people (nas), which occurs in this tradition, "They are the worshipers of idols and the polytheists." [26] Imam Abu Hanifa, Imam Ahmad, and most contemporary scholars are of the opinion that the polytheists who are to be indiscriminately fought were those living in the Arabian Peninsula. [27] As that area has been free from polytheism since the earliest days of Islam, according to their opinion, the order is now a dead letter.

Just as we can argue that the people who are to be fought against are not an unrestricted class, based on a classical understanding of the "Verse of the Sword," there are also considerations governing when the restricted classes can be fought. In the verse preceding the "Verse of the Sword," we read, … *except those you have convened a treaty with from the polytheists; when they have not breeched any of its conditions, nor supported anyone in aggression against you, complete the terms of the treaty*. [9:4]

Imam al-Qurtubi says concerning this verse, "Even if the terms of the covenant are for more than four months."[28] This condition and others mentioned in the verses following the "Verse of the Sword," lead Abu Bakr b. al-'Arabi (d. 543AH/ 1148 CE), the great Maliki exegete and jurist, to conclude, "It is clear that the intended meaning of the verse is to kill those polytheists who are waging war against you." [29] In other words, fighting them is conditional on their aggression against the Muslim community. This position, the permissibility to fight in order to repulse aggression, is the view of the majority of the Sunni Muslim legal schools as has been explained in great detail by Dr. Muhammad Sa'id Ramadan al-Buti in his valuable discussion of the rationale for Jihad. [30]

Another argument against the indiscriminant application of the "Verse of the Sword" is the view of many classical exegetes and jurists that it is abrogated by the verse, *Then, when you encounter the disbelievers in battle, smite their necks; after you have routed them, bind (the prisoners) tightly. Then set them free or ransom them*…. [31] The point to be made here is that if an indiscriminate, unconditional order has been given to kill the non-Muslims, how can one have a choice to free or ransom them?

Imam al-Qurtubi mentions that ad-Dahhak, 'Ata', and others are of the opinion that the above-mentioned verse [47:4] abrogates the "Verse of the Sword." Ath-Thawri relates from Juwaybir, that ad-Dahhak said "[The verse] Slay the polytheists wherever you find them… is abrogated by the verse, Then set them free or ransom them…." [32] Imam at-Tabari (d. 310AH/ 922 CE), the dean of all classical Qur'anic exegetes, reaches the following conclusion concerning this latter

verse, after mentioning the proofs of those who opine that it abrogates or is abrogated by the "Verse of the Sword":

The correct opinion in this discussion, as far as we are concerned, is that this verse [47:4] is effective; it has not been abrogated. This is because the description of what constitutes an abrogating or an abrogated [verse], which has been mentioned in more than one place in this book of ours, occurs when it is not possible to join the two conflicting rulings advanced by the verses or when there is convincing proof that one of the rulings abrogates the other. [In this case] it isn't farfetched to say that a choice has been given to the Messenger of God and those charged with the affairs of the community after Him between liberating, ransoming, or executing [the combatant non-Muslims]. [33]

Hence, Imam at-Tabari holds that the soundest opinion is to join between the two verses. This opinion serves as the basis for the sort of flexibility and moderation that has governed the policy of the Muslim community towards non-Muslims for much of its history. This attitude is supported by other verses in the Qur'an, all of which argue against the idea of indiscriminate or perpetual warfare against non-Muslims. Among them, *God does not forbid from being kind and equitable to those nonbelievers who have not made war on your religion nor driven you from your homes. God loves those who are equitable*. [60:8] *and ...If they [the enemy forces] incline towards peace, then you should so incline, and place your trust in God*. [8:61] and, ...*Fight in the Way of God those who fight you, but do not initiate hostilities. God loves not the aggressors*. [2:190]

Our discussion to this point has focused on Qur'an 9:5 because of its centrality in the argument of the advocates of the perpetual war thesis. Here, we wish to discuss some issues which arise from Qur'an 9:29. This verse is critical for Muslims in determining the parameters of our relationship with Jews and Christians. Unfortunately, this verse has been misunderstood by some Muslims and used to advance a theory of unending warfare between the Muslims and the People of the Book (the Jews and Christians). Sayyid Qutb, in his commentary on this verse advocates such warfare. [34] Dr. Sherman Jackson has examined some of the methodological flaws of Qutb's argument in his valuable article, *Jihad in the Modern World*. [35]Jackson raises issues relating to alternative Qur'anic verses, which mitigate the harsh tone of Qur'an 9:29, as well as historical developments which force Muslims to reconsider the prevailing legal implications of the verse. Those developments center on the evolution of an international political regime, which has made peace the norm governing international relations. This situation is in opposition to pre-modern times when war prevailed.

Even a superficial reading of Qur'an 9:29 reveals that it cannot be the basis for a scheme that advocates perpetual war. Such a reading clearly indicates that fighting the People of the Book is conditional on their refusal to pay a nominal tribute (jizya) in exchange for protection from the Muslim authorities and exemption from military service. Despite the nominal nature of that tribute, there are those, Muslim and non-Muslim, who seek to use the verse as the basis for a scheme which totally humiliates Jews and Christians living in the Islamic realm. Such attempts are based on the interpretation of the term, *wa hum Saghirun*, as meaning "utterly subdued." [36] However, classical exegetes differed on the meaning of this term. Imam at-Tabari mentions several sayings in that regard, including,

The legitimate interpreters differ as to the meaning of the word, “as-Sighar,” which God uses at this point [wa hum saghirun]. Some of them say that he [the Jew or Christian] pays it [the tribute] standing while the recipient is seated.

Imam at-Tabari also says, “Others say [it means] that they bring it themselves, walking, even if they dislike this.” In addition, he mentions, “Some say that its mere payment is humbling.” [37] All of these interpretations mentioned by at-Tabari and others [38] belie the idea that the Jizya is a tribute designed to “utterly subdue” or totally humiliate Jews and Christians living in the Islamic realm. Rather, the humility is to be manifested at the time of actually paying the tribute and not in debasing or demeaning treatment afterwards. The accuracy of this conclusion is born out by the fact that the expression wa hum saghirun is an adverbial clause describing the state of those paying the tribute at the actual instance of payment. For this reason, I have translated the relevant passage in this verse as, …*until they pay the tribute out of hand, with all due humility.* [39]

These exegetical understandings are reflected in the writings of the jurists. For example, the scholars agree that anything that would be deemed offensive to a Muslim is forbidden to visit upon a protected Jew or Christian. Anything that would demean, belittle, or oppress a protected non-Muslim is strictly forbidden. [40] This prohibition emanates from the prophetic tradition, “As for one who oppresses a protected non-Muslim or belittles or burdens him above his capability [if he employees him] or takes anything from him against his will, I will be his disputant on the Day of Resurrection.” [41] It is even forbidden to address him with such terms as “nonbeliever.” [42]

Furthermore, the tribute is not universally applicable. For example, it is not to be paid by women, children, unemployed men, those nursing lengthy illnesses, the terminally ill, the blind, the elderly, or bondsmen. In modern times, jurists are in agreement that the tribute mentioned in Qur’an 9:29 can be applied nominally as the type of taxes modern states levy against the generality of their citizenry. This is based on the precedent of ‘Umar b. al-Khattab in his dealings with Bani Taghlib b. Wa’il. When that Christian Arab tribe protested against the tribute as demeaning, ‘Umar accepted it from them, nominally, in the same manner the poor due was taken from Muslims. [43]

A full expose on this subject would be quite lengthy as there are many aspects of the issue I have not explored. Before moving to the third part of this article, I wish to examine a final issue as it has direct bearing on the situation currently confronting Muslims. It also presents an Islamic teaching that mitigates the permanence of warfare in Islam. This issue is associated with one of the foundational Islamic legal principles: “Harm is to be removed.” [44] This principle is based on the prophetic tradition, “There is no facilitating or reciprocating harm.” [45] One of the implications of this principle is giving preference to warding off harm over securing a benefit. Hence, even though Jihad has been legislated for Muslims, in circumstances where its prosecution threatens widespread harm to the Muslim community, it should be left. Al-Khatib ash-Shirbini states in *Mughni al-Muhtaj*:

If the non-Muslim forces are at least double the Muslim force … and if we feel that we will be annihilated with no chance of victory, it is incumbent upon us to leave [off war]. [46]

The current state of the Muslims clearly indicates that at this critical juncture in our history, we should think deeply about the implications of warfare in light of this jurisprudential principle. The increasing destructiveness of modern military technology and the growing gap between the West and the Muslim world are creating a situation where it is becoming increasingly difficult to achieve any of the objectives that underlie Islamic law through armed conflict. While Muslim nations may well be able to resist and possibly repulse armed aggression from the West, the price associated with such resistance has to be carefully assessed and alternative strategies of resistance considered. We will return to this issue in the second part of this article.

Implications of the Perpetual War Thesis

The above discussion should make it clear that there is a reading of the Islamic tradition that argues against the idea of Jihad as perpetual, indiscriminate warfare. Attempts to present Islam as the new communism, a system locked in a life and death struggle with the West, while making for good ideology, are fundamentally flawed and could lead to disastrous consequences for both the United States and the Muslim World.

In the aftermath of the Cold War, elements of this country's foreign policy establishment had been searching for an enemy menacing enough to justify a huge and wasteful military budget. Throughout the 1990's, rogue states and international terrorism emerged as the most pressing threats to US global interests. These two threats were eventually epitomized by Taliban-dominated Afghanistan, the ultimate rogue state, and Osama bin Laden, [47] the ultimate terrorist.

However, neither was considered a systemic threat, which could rationalize defense budgets exceeding 300 billion dollars annually. China was the only international actor whose stature could even remotely justify such spending. That being the case, confusion prevailed in the defense establishment with all departments preparing for inevitable budget cuts and restructuring. When Osama b. Laden was implicated in the attacks on New York and the Pentagon, a powerful incentive was presented to a small group of influential neo-conservative ideologues to find an underlying motivation that could explain the inevitable appearance of future Bin Ladens. Hence, the "Jihad as perpetual war thesis" arose. A perpetual threat to America would mean perpetual preparedness and perpetually large defense budgets to fight Bush's "war that would last a lifetime."

The Pentagon's *Quadrennial Defense Review Report*, which was prepared to describe China as the greatest strategic threat to America's international interests prior to September 11, 2001 was subsequently changed by the administration to present "… a scruffy band of terrorists – desperate fanatics who exist in tiny numbers and in many places – [as] their principal enemies for the indeterminate future." [48]

Gabriel Kolko and others dismiss the strategic threat posed to US interests by radical Islamic groups. [49] The inherent weakness of those groups was illustrated by the ease with which the Saudi and Egyptian regimes were able to repulse the challenge of Bin Laden's al-Qa'ida and Ayman adh-Dhawahiri's al-Jihad al-Islami respectively during the mid-1990s. [50]
Despite the innate weakness of such groups, America can do little to destroy them owing to their

diffuse nature. Her military machine has been designed to confront the large, standing, fixed-piece army of the former Soviet Union. What she will probably do is engage in jingoistic campaigns such as the 2001 Afghanistan war and the recent invasion of Iraq. These campaigns, while ostensibly undertaken to confront the evil of "terrorism" advance other aspects of her increasingly ill-advised agenda in the Muslim world and only add to the desperation and suffering of ordinary Muslims.

These campaigns will likely bring immediate military victories but long-term political disasters. They will help to create conditions that will swell the ranks of radical Islamic groups and engender a deep anti-Americanism throughout the Muslim world, making the realization of American interests in the region, without the use of direct force or increasingly venal and ruthless proxy regimes, virtually impossible. Unable to resist through conventional means, radicals are likely to resort to increasingly irrational terrorist attacks that are nearly impossible to predict or effectively combat.

As the pre-Iraq invasion anti-war movement indicated, the American public doesn't desire such wars. Additionally, the draconian measures being taken by our government in the name of combating terrorism are leading to increasingly bold criticisms of America's post 9-11 strategic posture. Domestically, this trend is illustrated by the increased skepticism greeting the efforts of the Bush Administration to explain the dubious claims it made to justify the invasion of Iraq.

Such wars are also undesirable to ordinary Muslims. As for the extreme elements within Muslim ranks, it is time for them to realize that inflammatory rhetoric, irresponsible terrorism, and delusional visions are no substitute for a realistic, pragmatic strategy of empowerment. Just as radical Islamic groups had no viable deterrent to American air power in Afghanistan, they possess no credible deterrent to the nuclear warheads, which have been turned away from their original targets in the former Soviet Union and redirected towards the major population centers of the Muslim world. In addition, a new generation of tactical nuclear warheads is being developed for use in battles that will ultimately be fought in the Islamic heartland along with conventional devises of unproven destructiveness, such as massive fuel-air explosive ordinances, electromagnetic weapons, particle-beam devices, and stun gases which can temporarily incapacitate the population of entire towns. [51]

We have seen the devastating effect of nearly 200 tons of depleted uranium (DU) used on armor piercing projectiles during the 1991 Gulf War. [52] Many areas of the Iraqi ecosystem have been contaminated for generations to come. The effects of the untold tons of DU used in the most recent Iraqi campaign will certainly lead to further human and ecological damage.
Similar environmental damage has been caused by tons of incinerated chemical and biological agents as well as spilled and incinerated crude oil and petrochemical derivatives. Unless the reigning climate of irrational confrontation is reversed, we can realistically anticipate similar ecological disasters and their associated human costs as well the possibility of a direct nuclear attack against the defenseless populations of the Muslim World. Mr. Bush has already threatened such an attack.

Changing the current political climate will require a thorough reassessment of all of its ideological premises. Rejecting the "Islam as permanent warfare" thesis is a big step in the right

direction. An additional step would involve a total rethinking of our contemporary security paradigm. The current American policy of violent confrontation, vilification, and isolation will only increase the socioeconomic polarization, environmental destruction, and militarization which will combine to produce further instability and violence in the global system, especially in the Muslim world. Such tactics are part of a failed paradigm as the tragedy of September 11, 2001 has made painfully clear. If America acts with courage, wisdom, and vision, she can begin restructuring the international system in ways that truly enhance our collective security. Her failure to do so could lead to a series of increasingly deadly wars that will have no real winners. [53]

Notes:

1 Such a "clash" has been popularized by Sam Huntington in his 1993 essay and subsequent book, *The Clash of Civilizations*. See Samuel Huntington, "The Clash of Civilizations?" Foreign Affairs, vol. 72, no. 3 (Summer 1993).
2 Robert Spencer, "Islam Unveiled: Disturbing Questions about the World's Fastest Growing Faith" (San Francisco: Encounter Books, 2002), 145.
3 Daniel Pipes, "Jihad and the Professors," *Commentary*, vol. 114, no. 4, (November 2002) 19.
4 Pipes, 20.
5 "b.": abbreviation for "bin" which means "son of."
6 Muhammad Khayr Haykal, *Al-Jihad w'al-Qital fil-Islam* (Beirut: Dar al-Bayariq, 1996), 1:662-663.
7 Sa'id Abu Jayb, *Al-Qamus al-Fiqhi* (Damascus, Syria: Dar al-Fikr, 1988), 84.
8 This verse reads, But when the sacred months have passed, slay the polytheists wherever you find them, take them captive, besiege them, and lie in ambush for them everywhere.
9 This verse reads, "Fight against those People of the Book [Jews and Christians] who do not believe in God or the Last Day, those who forbid not that which God and His Messenger have forbidden, and those who do not accept the Religion of Truth until they pay the tribute out of hand with all due humility."
10 Khalid Yahya Blankinship, *The End of the Jihad State: The Reign of Hisham b. 'Abd al-Malik and the Collapse of the Umayyads*, (Albany, New York: State University of New York Press, 1994).
11 See Blankenship, 6-9 for a fuller summary of these causes.
12 Paul Kennedy, *The Rise and Fall of the Great Powers* (New York: Random House, 1987), xxii.
13 Kennedy, xxii.
14 Kennedy, 10.
15 Quoted in Haykal, 898.
16 See Abu Zakariyya Muhyiddin an-Nawawi, *Al-Majmu' Sharh al-Muhadhdhab* (Beirut: Dar al-Fikr, n.d.), 19:268-269.
17 Quoted in Haykal, 893.
18 Haykal, 893.
19 Al-Qur'an 2:191.

20 In modern times, it is difficult to find many Muslims who advocate the idea that Jihad embodies a scheme of indiscriminant, perpetual warfare. An example is Bin Ladin's infamous 1998 "fatwa" which advocated the indiscriminate killing of Americans and their allies and not all "infidels." For a translation of the most virulent passages of that document, see Bernard Lewis, "License to Kill: Usama bin Ladin's Declaration of Jihad," *Foreign Affairs* vol. 77, no. 6 (November-December 1998), 14-19. A more textually grounded, though distorted, modern day Muslim interpretation of Jihad, an interpretation which moves closer to the idea of permanent war, is that of 'Abd as-Salam Faraj found in *Al-Farida al-Gha'iba*, trans. Johannes J. G. Jansen, *The Neglected Duty: The Creed of Sadat's Assassins and Islamic Resurgence in the Middle East* (New York: Macmillan, 1986). Both Faraj and Bin Ladin have been influenced by the writings of Sayyid Qutb, the Egyptian thinker whose seminal writings on Jihad and Muslim/non-Muslim relations have influenced many contemporary Islamic radicals. Qutb's radical interpretation of Islamic doctrine can be found in his exegesis of the Qur'an, Fi Dhilal al-Qur'an, (Cairo, Egypt: Dar ash-Shuruq, 1996). His views on Jihad have been most cogently stated in *Ma'alam fi't-Tariq*, translated as, *Milestones*, (Delhi, India: Markazi Maktaba Islami, 1988). This small treatise sets forth the clearest modern day Muslim statement of the Jihad as "perpetual war." Qutb's writings have exerted a powerful influence on a generation of Islamic thinkers and activists in the 1970's and 1980's. Their importance, therefore, cannot be minimized. However, with the revival of traditional learning in many Muslim societies, the spread of the same among converts during the 1990's, and the strength of the political, anti-Jihad branch of the Salafi movement – the followers of Nasir ad-Din al-Albani.

21 For a forthright presentation of this idea, see for example, Ibn Juzayy al-Kalbi, At-Tashil li 'Ulum at-TanzÏl, (Beirut, Lebanon: Dar al-Arqam, no date) 1:21-22.

22 AH: "After the Hijra." The "hijra" is the migration of the Prophet Muhammad from Mecca to Medina which took place in 622 CE (Christian Era); this event marks the beginning of the Islamic calendar.

23 Al-Qurtubi, 8:72.

24 Versions of this hadith are related by Al-Bukhari: no. 1399, 1457, 2946; Muslim: no. 124 – 128; Abu Dawud: no.1556, 1557; At-Tirmidhi: no. 2607; and An-Nasa'i: no. 2442, 3091-3093.

25 An-Nawawi, Al-Minhaj, 1:156.

26 Dr. Mustafa al-Bugha and Muhyiddin Mistu, *Al-Wafi: Fi Sharh al-Arbi'in an-Nawawiyyah*, (Damascus, Syria: Dar al-'Ulum al-Insaniyyah, nd), 47.

27 For a summary of the jurists' views as to the lawfulness of unrestricted warfare against the polytheists of the Arabian Peninsula, see Haykal, 1456-1457.

28 Al-Qurtubi, 8:71.

29 Abu Bakr Muhammad b. *al-'Arabi, Ahkam al-Qur'an* (Beirut, Lebanon: Dar al-Fikr, nd), 3:406.

30 See Muhammad Sa'id Ramadan al-Buti, *Al-Jihad fi 'l Islam*, (Beirut, Lebanon: Dar al-Fikr, 1997) for an insightful discussion of the rulings and rationale for warfare in Islam. Unfortunately, no English translation is available to date.

31 Al-Qur'an, 47:4.

32 Al-Qurtubi, 16:227.

33 At-Tabari, *Tafsir at-Tabari* , 11:307.

34 See Qutb, *Fi Dhilal al-Qur'an*, 3: 1619-1650.

35 See in this regard Sherman A. Jackson, "Jihad in the Modern World," *The Journal of Islamic Law and Culture*, 7:1 (Spring/Summer 2002), 22-24.

36 This translation of the term, “wa hum Saghirun,” is found in The Holy Qur’an: With English Translation (Istanbul, Turkey: Ilmi Nesriyat, 1996), 190.
37 At-Tabari, 6:350.
38 See for example, Ibn al-‘Arabi, 2:479-480.
39 See our translation of the entire verse in note 6 above.
40 For a discussion of this issue, see Haykal, 1467-1470.
41 Abu Dawud, 447, no. 3052.
42 Haykal, 1469.
43 Abu Bakr al-Bayhaqi, *As-Sunan al-Kubra* (Beirut, Lebanon: Dar al-Kutub al-‘Ilmiyyah, 1994), 9:315, no. 18,645.
44 For a discussion of the meaning, textual foundation, and application of this principle, see ‘Ali Ahmad an-Nadwi, Al-Qawa’id al-Fiqhiyya (Damascus, Syria: Dar al-Qalam, 2000), 287-293.
45 This tradition is included by an-Nawawi in his *al-Arba’in*, see al-Bugha, Al-Wafi, 239.
46 Al-Khatib ash-Shirbini, *Mughni al-Muhtaj* (Beirut, Lebanon: Dar al-M’arifa, 1997), 4:226.
47 We have retained the spelling popularized by the western media.
48 Gabriel Kolko, *Another Century of War*, (New York, NY: The New Press, 2002) 127.
49 For an insightful, balanced assessment of the threat posed by radical and other Islamic groups, see John L. Esposito, *The Islamic Threat: Myth or Reality*, (New York, Oxford: Oxford University Press, 1992). Especially useful is the final chapter, “‘Islamic Fundamentalism’ and the West.”
50 Attempts to overstate the strategic threat posed by Al-Qa’ida are disingenuous and dangerous. Although the threat of random acts of terrorism against American targets is quite real, that threat existed before September 11, 2001 as illustrated by the embassy bombings in Africa and the attack on the USS Cole. However, as a result of increased American vigilance, such attacks are far less likely today. Clearly, military aggression is no way to combat small group terrorism. One must note that it was military aggression, specifically the 1991 Gulf War, which turned Bin Laden, a former ally, against the United States. Virtually all accounts of Bin Laden’s life mention the Gulf War as a critical turning point. For a fairly objective, concise treatment of the evolution of Bin Laden’s war against America, see Gilles Kepel, *Jihad: The Trail of Political Islam* (Cambridge, Massachusetts: Belknap/The Harvard University Press, 2002), 313-322.
51 A variant of these stun gases was used by the Russians, with disastrous consequences, to end the siege of a Moscow theater by separatists in 2002.
52 For a thorough, if frightening, expose on the origins and dangers of depleted uranium weapons, including their connection to Gulf War Syndrome, see International Action Center, *Metal of Dishonor, Depleted Uranium: How the Pentagon Radiates Soldiers and Civilians with DU Weapons* (New York, NY: Depleted Uranium Project International Action Center, 1997).
53 For an informed critique of the contemporary global security paradigm and the outlines of an alternative arrangement, see Paul Rogers, *Losing Control: Global Security in the Twenty-first Century* (London: Pluto Press, 2000).