

**Examining the Concept of *Jihad*:
Closing the Disparity between Scriptural Meaning and Abuse**

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Since the rise of Islamist extremism, a great deal of academic and public attention has been devoted to understanding the concept of *jihad*. Today, *jihad* has risen to the forefront of public knowledge, becoming the most commonly known and misunderstood Islamic concept. Whilst linguistically meaning 'to struggle', *jihad* is defined quite broadly in Islamic scripture as being a 'duty to realise and struggle towards God's will'. Since part of this wide concept pertains to military conflict (the 'Lesser *jihad*') and 'combatting the enemies of Islam', *jihad* has often been simply understood as 'just Islamic war'. The last two decades in particular have witnessed the unprecedented abuse of this term, as Islamist fundamentalists (and activists) have used *jihad* as a rallying cry to globally conscript Muslims to their causes. This common abuse of *jihad* is extremely dire, as the duty behind this struggle is a divinely ordained Command that is strongly established in primary sources of Islamic law and jurisprudence (Qura'an and Hadith).¹ Indeed even today, many practicing Muslims hold this duty as being an informal 'sixth pillar of Islam'.

This paper seeks to clarify the meaning of *jihad* according to normative *Sunni* Islamic law and *fiqh* (jurisprudence) through a textual, Orthodox *Asha'ri* perspective. Through this lens, this paper argues that any genuine understanding of *jihad* within Islamic law is intertwined with the development and history of this concept in addition to a basic understanding of traditional Qur'anic exegesis (held as necessary for deriving any legal principle within Islamic law). Thus, I argue that examining the entirety of this concept through a consistent school of Islamic jurisprudence allows one to comprehend *jihad's* real meaning and how it has come to be abused and misunderstood so easily.

¹ Since it is strongly established in scripture, 'undertaking *jihad*' is seen as a crucial to the majority of Muslims. See Tim Winter, *The Cambridge Companion to Classical Islamic Theology* (Cambridge University Press, 2008).

I. *Interpreting Jihad: Jihad according to Islamic Scripture*

The duty to undertake *jihad* is established in the two primary texts of all Islamic law and jurisprudence; the Qura'an: taken by Muslims unequivocally as the 'Word of God'; and Prophetic *Hadiths*: commentary surrounding the life of the Prophet, (the recorded version of the *Sunna*).² Under these two primary sources of Islamic law, the general duty to struggle in the way of God, '*jihad fee Sabeel Allah*', arises invariably for every (practicing) Muslim. Yet this duty features on many different occasions, and in drastically different ways. This has hindered the existence of a uniform definition of *jihad* according to Islamic law and jurisprudence. It is also crucial to be aware of the traditional methodology taken towards reading and analysing scripture according to normative Orthodox, *Sunni* jurisprudence. According to the four major *Sunni* Orthodox schools of thought, all interpretations that do not employ such a methodology are invalid and must be discounted for their rash simplification of sacred primary sources.³

This method consists of a close textual analysis of a specific concept's appearance, first according to the Qura'an, second, in line with the historical background of each Qur'anic verse, and third, according to the *Hadith*. Then, where the concept appears to be ambiguous and difficult to apply, (such as in a modern context), the consensus amongst *Sunni* jurists is that three additional non-recorded sources must be considered. These sources are: (i) *Ijma'*: the general consensus of Qur'anic commentators on a legal issue; (2) *Qiyas*: A method of analogical reasoning; and (3) *Ijtihad*: the application of independent reasoning in the interpretation of Islamic jurisprudence.⁴ Moreover, since the time of the Prophet Muhammad, these three sources have been consistently used to understand and apply vast

² Onder Bakircioglu, 'A Socio-legal Analysis of the Concept of Jihad', in *The International and Comparative Law Quarterly*, Vol. 59, No. 2 (April 2010), pp. 413-440.

³ Ibid. According to the consensus of scholars within the normative *Sunni* tradition one cannot approach scriptural interpretation of a legal concept (such as *jihad*) without employing a certain methodology.

⁴ Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Islamic Texts Society, 1999).

legal principles such as *jihad*.⁵ This paper chooses to apply this method, as it is held to be crucial in determining how one ought to interpret and analyse primary and secondary sources of Islamic law.⁶

II. *The Greater Jihad*

The consensus held by three of the main Sunni schools of traditional Islamic law (*Asha'iri usuli; Shafi'i, Hanafi and Maliki schools*) is that there are two main classes of *jihad*. These are: the 'Greater/Greatest *jihad*' (*Al jihad al Akbar*) and the 'Lesser *jihad*' (*Al Jihad al Asghar*). Whilst the latter is a military duty, the former is a spiritual one. This is established in the following Prophetic hadith:

After returning from a military campaign, the Prophet Muhammad ﷺ is recorded to have said: 'We have returned from the 'Greater *Jihad*' to the 'Lesser *Jihad*'. They said: 'What is the 'Greater *Jihad*', O Messenger of God?' He said: 'The struggle against the ego [*nafs*]'.⁷

'The Greater *Jihad*' then pertains to a struggle of a non-physical and non-worldly nature. This type of *jihad* is summed up as the inner spiritual struggle against one's ego. The ego is seen as representative of human desire and as susceptible to being led astray by the Devil and the material world. The struggle here for each Muslim arises invariably as the duty to conquer his or her ego and desire, thereafter detaching him or herself from the material world and thereafter attaching oneself to God. Accordingly, the goal of this type of struggle is seen as the 'purification of the soul' and Proximity to God. Most normative schools of Sunni jurisprudence take this view of 'Greater *Jihad*' unilaterally. For traditional Sunnis, this type of *jihad* is best clarified by the works of well-known commentator, Ghazali.⁸ In his

⁵ Ibid.

⁶ Ibid. See also Winter, *Classical Islamic Theology*.

⁷ Al-Khatib Al-Baghdadi, '*Sunan Al-Bayhaqi; Tarikh Baghdad*) quoted in Kamali, *Principles of Islamic Jurisprudence*, p. 45.

⁸ Mohammad Hashim Kamali, Ghazi b. Muhammad & Ibrahim Kalin, *War and Peace in Islam: The Uses and Abuses of Jihad* (Islamic Texts Society, 2013).

magnus opus, the *The Revival of the Religious Sciences*, Ghazali sums up this struggle by referring back to the following short Qur'anic passage.⁹

But as for such who feared standing before their Lord and restrained their soul from base desires / Paradise will be their abode.¹⁰

According to Ghazali's interpretation, the 'Greatest *Jihad*', is seen as an inner, spiritual struggle that each Muslim must practice on a daily basis.¹¹ Under this widely accepted viewpoint¹², the tools to practice this type of *jihad* for a Muslim are; *Ihsan*: Intrinsic Goodness; and, *Iman*: Belief and Awareness of God. Although this *jihad* is seen as a struggle against the ego during a Muslim's regular course of daily actions, scholars note that this struggle manifests differently during the practice of obligatory rituals of worship (such as the five daily prayers and giving charity). In the latter instance of practicing rites of religious worship, this struggle is to be achieved by Remembering God and focusing on His Existence as opposed to the material world.¹³ Quranic scripture is also quite clear in defining the scope of this duty as being obligatory upon every Muslim regardless of his or her circumstances. Thus, this 'Greater *Jihad*' is portrayed as being at the very heart of Islamic life for all Muslims.¹⁴ The importance afforded to this type of *jihad* is even further emphasised by its very title: '*Al Jihad al Akbar*'; grammatically the superlative form of Great is used, (literally translated to be the Greatest *Jihad*).

III. *The 'Lesser Jihad': Military Jihad*

⁹ Abu Hamid Al Ghazali, *The Revival of the Religious Sciences*, 'Book 21: The Wonders of the Heart', p. 5.

¹⁰ *The Holy Qur'an*, Ch. 79, '*Al-Nazi'at*' (verses 40-41).

¹¹ Both when a Muslim acts and when he or she worships. See Ghazali, *The Revival of the Religious Sciences*, 'Book 21: The Wonders of the Heart', p. 5.

¹² This is widely accepted by all four schools of traditional Sunni Islam. See Kamali et al., *War and Peace in Islam*.

¹³ *Ibid.*: rites of worship such as the five daily prayers, alms to the poor and the ritual fast of Ramadan.

¹⁴ *Ibid.*

Conversely, the second category, the 'Lesser *Jihad*', is a far more flexible concept. As such, it can seem problematic, if it is not explored with sufficient precision and care. The consensus amongst *Sunni* jurists (from the time of the Prophet to this day and age) is that this 'Lesser *Jihad*' alludes to a military struggle, or 'combatting the enemies of Islam'.¹⁵ From the outset then, the physical combatant character of this *jihad* allows one to see how and why it may be used as a slogan for religiously sanctioned 'holy war'. However, Qur'anic verses set the scope and define this category of *jihad* by stipulating: (i) when the lesser *jihad* can be waged; and (ii) who may practice this struggle.¹⁶

Unlike the former class of 'Greater *Jihad*', the lesser, military *jihad* is subject to a great deal of varied interpretation and is limited in scope. This type of *jihad* is only mandatory for able-bodied young men, who have obtained the consent of their parents (regardless of age).¹⁷ Quranic verses clearly stipulate that scholars, women, children and the elderly are exempt from the duty to undertake military *jihad*.¹⁸ Even though, ironically, the first Muslim to die as a result of military *jihad* - the first martyr in Islam- was a woman (Sumayya)¹⁹. The following *hadith* (Prophetic saying) corroborates this limitation by defining whom the lesser *jihad* is addressed to:

When a man came to the Prophet asking him for permission to perform [military] *jihad*, he asked him: 'Are your parents alive?', to which the man replied: 'Yes.' And the Prophet told him: 'Then perform *jihad* by [serving] them.' (*Sahih Bukhari*).²⁰

Having established the scope of the duty to undertake military *jihad* according to Islamic scripture, the next step is discerning the pre-requisites

¹⁵ Kamali et al., *War and Peace in Islam*.

¹⁶ As stipulated within Qur'anic verses and hadith, there are eight specific cases whereby the duty to undertake *jihad* may be declared (which will be identified later). See. *The Holy Qur'an*, Ch. 4: 'Al Nissa''; Ch. 9: 'Al Tawba'.

¹⁷ Kamali et al., *War and Peace in Islam*.

¹⁸ *Ibid*.

¹⁹ Shiraz Maher, *Salafi-Jihadism: The History of an Idea* (Penguin Books, 2016).

²⁰ *Sahih Bukhari*, quoted Kamali et al., *War and Peace in Islam*.

to declaring war.²¹ Based on Qur'anic verses relating to *jihad*, the consensus (*ijma'*) of traditional Sunni scholars establish eight general pre-requisites to this *jihad*. Although different schools of normative Sunni jurisprudence interpret the nuances of these cases differently, these pre-requisites are agreed to be the following:²² (1) Being attacked first or under a dire threat of this; (2) Being wrongfully exiled from one's home and land; (3) Being religiously persecuted for one's religious belief (not necessarily Muslim); (4) One's place of worship being destroyed; (5) Being the victim of an oppressive enemy who break a peace treaty/ truce; (6) The Defense of persecuted and oppressed civilians; (7) Having been oppressed and wronged and having been patient under such circumstances; and (8) Unlawful aggression, exemplified by violating a peace treaty.²³

Nevertheless, according to the Islamic law, the presence of one of these instances on its own does not suffice as grounds to wage *jihad*. Quranic commentary and hadith establish that the intention behind the *jihad* must also be declared²⁴. Here, intention pertains to the objective of military combat, which ought to be either restoring a peaceful *status quo*, whereby citizens reclaim their freedom alongside what is rightfully theirs (for example, land being unlawfully appropriated)²⁵. Hence, the duty to fight is constrained not just by certain pre-conditions, but also by the objective of the fight – which (as Quranic exegesis establishes) must be proportionate to the evildoer wrongdoing being combated and must be for a certain fair objective.

In line with traditional methods of scriptural interpretation, traditional Sunni commentators of Quranic exegesis have also argued that each verse outlining when one may wage *jihad* is crucially inseparable from

²¹ Through this thorough textual analysis of the relevant sources, the obligation towards the lesser *jihad* is one that is limited in scope by who it is addressed to: able bodied young men. Conversely, the duty to undertake the greater *jihad* against one's ego is a personal struggle mandatory for every Muslim.

²² John L. Esposito, *Unholy War: Terror in the Name of Islam* (Oxford University Press, 2003).

²³ Kamali et al., *War and Peace in Islam*.

²⁴ Parallel between the nature of the conflict and the objective of he who commits to *jihad* in each specific instance. See John L. Esposito, *Unholy War: Terror in the Name of Islam* (Oxford University Press, 2003).

²⁵ Bakircioglu, 'A Socio-legal Analysis of the Concept of Jihad', pp. 413-440.

its subsequent verse.²⁶ Tellingly, in almost all of the cases where *jihad* is mentioned, the following verse either constrains the nature of the struggle or emphasises that objective of *jihad* is reinstating a just *status quo* and restoring peace. In short, the context of each verse relating to *jihad* is crucial, as this confirms the fact that, according to the majority of Islamic jurisprudence, peace is both the norm and the objective.²⁷

This interpretation of the 'Lesser *Jihad*' is also strongly supported by other Qur'anic verses setting the laws of military combat according to Islam. The verses laying down the rules of *qital* (combat) clearly forbid harming non-combatants and stipulate that all civilians are given the promise of immunity under Islamic law.²⁸ Thus, the objective of military *jihad* ought to be either: self-defense, freedom from the oppressed, protecting one's land, community and family, promoting peace in the face of tyranny or ensuring religious freedom.²⁹ (Indeed, all of these grounds seem like reasonable justifications to fight, even in a modern context.) In short, a closer look at the preconditions behind military *jihad* establish not only that it must be 'just Islamic war', but that the basis for justice is determined by a narrow set of criteria.

IV. *The Case for Jihad as Offensive War*

Although the general gist of *jihad* pertains to a defensive struggle, there are a few Qur'anic verses that paint a drastically different picture of military *jihad*.³⁰ These verses open the possibility of a just yet offensive war in Islam, as opposed to a war that is exclusively defensive and for the sake of only peace. Since the time of the Prophet, the existence of these verses has sparked debate as to whether *jihad* is intrinsically defensive or offensive. Amongst scholars of Quranic exegeses, these few, exceptional verses are known as the 'Sword Verses'³¹. And, as one might assume these verses have been commonly abused time and time to misrepresent *jihad* as a strictly

²⁶ *Ibid.*, See also Kamali, *Principles of Islamic Jurisprudence*.

²⁷ Kamali et al., *War and Peace in Islam*.

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ Esposito, *Unholy War*.

³¹ Kamali et al., *War and Peace in Islam*.

offensive military campaign. The first and most problematic Sword Verse states:

'When the sacred months have passed, slay the idolaters wherever you find them, and take them, and confine them, and (i.e. lie in wait for them at every place of ambush). But, if they repent, and perform the Prayer and give Alms, then let them alone. Indeed, God is forgiving, and All-merciful'.³²

There is little disagreement amongst Sunni Scholars of Quranic interpretation that this verse alludes to a specific struggle (at the time of the Prophet) where Muslims were commanded to kill the polytheists.³³ Yet, there is a wider question at hand relating to why the polytheists in question are condemned to death.³⁴ Is this because of their disbelief or because of their hostility and enmity towards the Muslims within this historical context? The core issue then is whether the verses states that the idolaters are to be fought because they are hostile to the Muslims or because they reject Islam. Indeed, the latter assumption would entail the dangerous implication that a general duty to fight idolaters may be established – as Salafi jihadists and other Islamic fundamentalists have tried to argue to justify their nefarious purposes.³⁵ To support a generally hostile view towards those who are polytheists - a minority of neo-conservative scholars (*Wahhabi* and *Salafi* scholars in particular) – necessitates the argument that the second part verse indicates that the grounds for justifying *jihad* is disbelief and not hostility.³⁶ According to them, this is why prayer and alms, Muslim rituals, are mentioned as a condition that would the polytheists in question³⁷.

However, this view is taken to be both invalid and extremely inaccurate by the most Sunni scholars for two primary reasons.³⁸ First, the

³² *The Holy Qur'an*, Ch. 9: 'Al- Tawbah', (verse 5).

³³ Kamali et al., *War and Peace in Islam*.

³⁴ Esposito, *Unholy War*.

³⁵ *Ibid*.

³⁶ Bakircioglu, 'A Socio-legal Analysis of the Concept of Jihad', pp. 413-440.

³⁷ Vincenzo Olivetti, *Terror's Source: The Ideology of Salafi-Wahabbism and Its Consequences* (Gardner Books, 2001).

³⁸ Kamali et al., *War and Peace in Islam*.

vast majority of commentators have highlighted this verse (along the few other sword verses) as a slightly inconsistent exception to the rule.³⁹ Accepting this verse would be thus impossible as it also entails abrogating no less than 140 other Qur'anic verses that strictly call for peace with those pagans or disbelievers who do not fight against Muslims⁴⁰. Supporting this view, there is a famous, strong prophetic hadith that equates a lack of goodness towards all mankind (regardless of their convictions) as a lack of faith in Islam. The hadith states: 'None of you believes until you love for your (non-Muslim) brother what you love for yourself'.⁴¹ Second, scholars of Sunni exegesis have invalidated looking at the 'Sword Verse' on its own because this would also directly contradict the immediately consecutive Quranic verse.⁴² By consensus, they argue that in order to interpret the former verse in line with the majority of Sunni jurisprudence, this verse must be taken together with the immediately subsequent verse. Indeed, the consecutive verse tempers the sword verse by stating:

If any of the polytheists seeks asylum from you, grant him asylum until he hears the Word of God. Then convey him to his place of safety. That is because they are a people who do not know.⁴³

Therefore, as outlined by Quranic commentators, this second (immediately) subsequent verse is a command obliging all Muslims to grant a polytheist asylum, inform him of Islam (without forcing him to convert) and (afterwards) safely let him or her go.⁴⁴ The command here is unconditional. As the famous Imam al Shafi' explained then, this verse does not by any means state the polytheist must convert to Islam to escape armed conflict.⁴⁵ By consensus then, Sunni jurists argue the first sword verse must be taken with its immediately consecutive verse, and that an entirely different legal ruling is then derived. This ruling is that polytheists or Non-Muslims are

³⁹ Ibid.

⁴⁰ Quoted in Ghazi bin Muhammad, *A Thinking Persons' Guide to Islam in Twelve Verses of the Qur'an* (White Thread Press, 2016).

⁴¹ Ibid.

⁴² Ibid. See also Kamali et al., *War and Peace in Islam*.

⁴³ The Holy Qur'an, Ch. 9, 'Al- Tawbah', (verse 6).

⁴⁴ Kamali et al., *War and Peace in Islam*.

⁴⁵ Ibid.

more generally afforded the freedom to either accept Islam (as stipulated in the first verse) or be given asylum unilaterally by Muslims without converting or changing belief.⁴⁶

V. The History and Development of the Lesser Jihad

When addressing the final wider question of whether military *jihad* is offensive or defensive, the history and development of this concept is also extremely pertinent. This is apparent when looking at Quranic exegesis relating to the origin of the lesser *jihad* during the time of the Prophet. Almost every verse relating to *jihad* was sent down with reference to a struggle or issue that the Prophet and his Followers were exposed to when each verse was revealed.⁴⁷ This is why, according to *Asha'ri* Sunni jurisprudence, the first step to applying any religious ruling derived through a Qur'anic verse ought to be referring back to when the verse was revealed and the context of each instance of Divine revelation.⁴⁸ Today, the importance of this textual, historical based approach seems particularly relevant if one considers how loosely some of the pre-requisites to *jihad* seem (especially without historical context)⁴⁹. One such instance is 'oppression'; How might one define oppressor or enemy of Islam in the modern context? Surely, this must be determined with reference to what oppression during the time of the Prophet was determined to be.

Thus, one must be mindful of at least a short history of the concept of military *jihad*.⁵⁰ The Qur'an first mandated this concept thirteen years following Islamic revelation.⁵¹ That is to say, military *jihad* did not feature during the early days of Islam and this concept it is not as old as Islamic revelation. During the first 13-years of Islamic revelation, the Prophet and his Followers lived in Mecca and were consistently persecuted, humiliated and oppressed.⁵² Yet, despite this adversity, Divine revelation (as per

⁴⁶ Esposito, *Unholy War*.

⁴⁷ Tamara Sonn, *Is Islam An Enemy of the West?* (Polity Press, 2016).

⁴⁸ *Ibid*.

⁴⁹ Kamali et al., *War and Peace in Islam*.

⁵⁰ Sonn, *Is Islam An Enemy of the West?*

⁵¹ *Ibid*.

⁵² Kamali et al., *War and Peace in Islam*.

Qur'anic verses) insisted upon steadfast patience and perseverance in the face of oppression.⁵³ Moreover, after the Prophet and his Followers fled to Medina and established a peaceful settlement, *jihad* was first sanctioned as a means of protection and only afterwards as a means of territorial conquest against those who used to be oppressors and persecutors.⁵⁴ There is a change in tone in the verses pertaining to *jihad*, whereby a more pre-emptive position towards *jihad* is sanctioned for the Prophet and his Followers. Here, the Prophet and his Followers take a more combative approach towards the enemies of Islam. The reasoning behind this is also grounded by the fact that most communities in Pre-Islamic Arabia were openly hostile to this newly born Islamic settlement.⁵⁵ So, for the sake of Islam survival in such a hostile environment, the newly born Islamic community needed to be both strengthened and expanded.⁵⁶

In sum, history tells us that not only does the justification for waging military lesser *jihad* emerges in the penultimate period of Islamic revelation, but that the objective of *jihad* changes.⁵⁷ *Jihad* is primarily held to be defensive as a means of protection against persecution of oppression, and only afterwards a proactive means of protecting and promoting religion, within a context whereby religious belief and freedom is scorned upon.⁵⁸

VI. Applying the Concept of the 'Lesser Jihad' Today

As this study of the Quranic verses relating to military *jihad* demonstrates, narrow and specific criteria define and constrain when military *jihad* may be waged. As Sonn notes, today in particular, one must equate these prerequisites as being equivalent of a 'just war theory underpinning military *jihad* according to Islamic law'.⁵⁹ Hence, like any other legal principles or theories then, military jihad must be approached in a specific way; namely,

⁵³ Ibid.

⁵⁴ Esposito, *Unholy War*.

⁵⁵ Muhammad, *A Thinking Persons' Guide to Islam*.

⁵⁶ Maher, *Salafi-Jihadism*.

⁵⁷ Ibid.

⁵⁸ Sonn, *Is Islam An Enemy of the West?*

⁵⁹ Kamali et al, *War and Peace in Islam*.

in line with a specific methodology of Qur'anic exegesis.⁶⁰ Considering this methodology alongside secondary sources⁶¹ (namely the consensus of scholars *ijma'*) demonstrates the following: first, that each Qur'anic verse pertaining to *jihad* cannot be quoted on its own without the subsequent verse⁶²; second, that the historical context behind a verse's revelation is crucial⁶³; and, third, that other general rulings within Islamic law and jurisprudence should also be considered.⁶⁴

The importance of this specific method becomes particularly apparent as one approaches verses such as the 'Sword Verse' quotes above that at face value seems to justify offensive war against all those who do not adhere to Islam. Looking at this verse on its own and without the proper methodology allows the complex legal principles behind *jihad* to be rashly simplified and abused. One can then see how Islamic fundamentalists (and Salafi jihadists in particular) may easily cherry pick seemingly problematic verses to proclaim unconditional warfare against 'unbelievers' and, by extension, expand their toxic, wider 'theology of hate'.⁶⁵ In short, disregarding this traditional, legal methodology has allowed *jihad* to be so easily hijacked.

Modern scholars of theology (such as Kalin, Esposito and Sonn) argue that one must take into account the context of the international world order that exists today.⁶⁶ This view is heavily supported by secondary sources within the rulings of Islamic law.⁶⁷ Through *ijma'*, the consensus amongst traditional Sunni commentators establishes that the drastic differences between today's world order and the time of Islamic revelation hinders *jihad* from being applied in a straightforward manner. Accordingly, they argue that it is necessary to apply *ijtihad* (independent reasoning) to

⁶⁰ Kamali, *Principles of Islamic Jurisprudence*.

⁶¹ Kamali et al, *War and Peace in Islam*.

⁶² Ibid. See also Sonn, *Is Islam an Enemy of the West?*

⁶³ Bakircioglu, 'A Socio-legal Analysis of the Concept of Jihad', pp. 413-440.

⁶⁴ Ibid.

⁶⁵ Esposito, *Unholy War*.

⁶⁶ Ibid. See also Sonn, *Is Islam an Enemy of the West*.

⁶⁷ Ibid.; Kamali et al., *War and Peace in Islam*; and Muhammad, *A Thinking Persons' Guide to Islam*.

determine why and how *jihad* cannot be applied out of a defensive context today.⁶⁸

Whilst during the time of the Prophet, the natural state of political relations was war or competition, today (and specifically since the establishment of the United Nations in 1945) the *status quo* of political relation *as per* international consensus is peace.⁶⁹ In other words, the drastically different nature of international relations today disqualifies the case towards proactive war in Islam as there is simply no need for it.⁷⁰ This is also because the objective of *jihad* ought to be the protection of all individuals and their personal freedoms.⁷¹ Today, freedom and protection are ensured through international law and specifically the presence of an international legal order regulated through the UN.⁷² As such, many have concluded that there the nature of the international legal order refutes any basis to apply *jihad* outside of a defensive context.⁷³

Conclusion

Like the word 'justice', *jihad* has been abused by world leaders, activists, terrorists and religious clerics to legitimise their struggles and attract followers. But unlike a secular term such as 'justice', *jihad* carries a heavy and dangerous religious connotation. As this paper demonstrates, the concept of *jihad* is an integral duty for the majority of practicing Muslims who adhere to Islamic law and jurisprudence. To them, *jihad* does not simply mean 'just holy war' and it certainly does not mean waging war upon Non-Muslims and going out to battle. Contrary to what stereotypes may lead one to assume, the concept of greater *jihad* is in fact a spiritual struggle for every Muslim to purify his or her soul from desire. As to the notion of military or lesser *jihad*, a careful approach to Qur'anic exegesis establishes that this is narrowly construed as being related to oppressive regimes, freedom of religion, or the targeted persecution of civilians. In our

⁶⁸ Ibid.

⁶⁹ Bakircioglu, 'A Socio-legal Analysis of the Concept of Jihad', pp. 413-440.

⁷⁰ Muhammad, *A Thinking Persons' Guide to Islam*.

⁷¹ Ibid.

⁷² Sonn, *Is Islam An Enemy of the West?*

⁷³ Esposito, *Unholy War*.

modern context, this duty to take up arms differs completely, particularly because UN law (in addition to other sources of international law) protect these individual rights (that Islam seeks to guarantee) at a macro level.

Whilst these nuances reflect the reality of what *jihad* is, this is hardly apparent if one is unaware of the multifaceted nature of Qur'anic interpretation within Islamic law. Furthermore, *jihad* has been persistently hijacked by countless radical groups and is thus associated with the unforgivable carnage these groups have caused.⁷⁴ Thus, in order to combat this misinformed image of Islam as the 'Religion of the Sword', one must examine what Islamic law actually states with regards to *jihad*.⁷⁵ And only through this epistemological pursuit will such dangerous, war-mongering misconceptions be genuinely repaired.

⁷⁴ Ibid.

⁷⁵ Kamali et al., *War and Peace in Islam*.