# Peace and War in the Qur'an and Juridical Literature: A Comparative Perspective

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*The Qur'anic period of Islamic history took place in a social context of significant diversity. A number of important verses in the Qur'an reflect this diversity and encourage Islamic believers to seek peaceful coexistence with those of other faiths, especially those designated as "people of the Book," specifically Christians, Jews and Sabeans. In the later classical period of Islamic history, the exegesis of Islamic jurists markedly de-emphasized peaceful coexistence in favor of interpretations encouraging conquest and religious uniformity. Although the classical jurists have exercised enormous interpretive authority in subsequent Islamic history, their authority was never understood to be absolute or equal to the authority of the Qur'an itself. It is the challenge for Muslims in contemporary times to recover the authority of Qur'anic verses encouraging peaceful coexistence and respect for human diversity, not merely as a social strategy, but as an integral devotional aspect of better understanding the God who transcends all human understanding.*

Key words: *Islam, Qur'an, authority, peaceful coexistence*

Until recently, nations lived in relative isolation. But with the advancement of communications technology and increased emigration, the many different religious and ethnic traditions must now share common space. More than ever it is imperative that they learn to understand, respect, and live with the "other." More importantly, citizens of all nations must come to terms with the human diversity that characterizes our

existence on this planet. Dealing with human diversity requires a proper articulation of the means of peaceful coexistence.

While there has been plenty of public discussion concerning violence and Islam, Islam as a religion has all too often been singled out and targeted as violent and extremist. A reasoned discourse on the issue of peace within the Islamic tradition has been sorely neglected. In this paper, therefore, I will delineate the Qur'anic position on peaceful coexistence with the "other." I will also examine the classical Sunni and Shi'i pronouncements on peace and war. In the final section, I will assess the possibility of an Islamic theology of peace in modern times.

## Peace and Coexistence in the Qur'an

Historically, the Qur'anic view of engagement with the "other" was shaped by the socio-political milieu in which it originated. Islamic revelation found expression in a pluralistic world in which Muslims had to deal with Arab pagans and adherents of other monotheistic religions. To comprehend the Qur'an's response to the Muslims' interaction with the "other," it is essential, at the outset, to examine the moral basis of such interaction and the Qur'an's teachings on human diversity.

The Qur'anic view of peace and tolerance is interwoven with its view of a universal moral discourse uniting all human beings. According to the Qur'an, human beings are created with an innate disposition (fitra) that leads to knowledge of and belief in God. In fact, the Qur'an posits a universal morality for humankind that is conjoined to values ingrained in the conscience of all human beings (30:30). This suggests a universal, ethical language to which all human beings can connect and engage. As the Qur'an states, "He (God) has inspired in [human beings] the good or evil [nature] of an act, whosoever has purified it (the soul) has succeeded, one who corrupts it has surely failed" (91:8-10).

The Qur'anic concept of a universal moral order is thus grounded in the recognition of an innate disposition engraved in the human conscience. Through this notion, Islam embraced certain universal human values that could form the basis for interaction with a diverse "other."

The basis of such a universal moral order can also be traced to verses like the following: "Humankind, be aware of your

duties to your Lord, who created you from a single soul, and from it created its mate, and from the pair of them scattered abroad many men and women" (4:1). The verse suggests a common genesis and unity of human beings based on God's creation. It also implies that human beings must recognize and live with their differences. On the basis of universal guidance and a common human origin, the Qur'an posits the presence of an objective and universally binding moral standard that is accessible to all intelligent beings. A striking feature of the Qur'anic discourse is an emphasis on the capacity of human beings to use their innate intelligence to comprehend universal truths. It is on the basis of their innate capacity and shared moral values that human beings can deal with others based on principles of fairness and equity.

The ramification of the preceding passages is that, since guidance is the function of God, it is He alone who has the right to decide the "spiritual destiny" of human beings. The Qur'an categorically maintains that the ultimate fate of human beings is left to God, the true judge of human conduct. Not even the Prophet has the right to judge the ultimate fate of human beings. As it states, "Upon you [O Prophet] is the deliverance [of the message], upon us is the reckoning [of the deeds]" (13:40). In another verse, the Qur'an states, "Had God willed, they would not have been idolaters. We have not appointed you as a watcher over them, neither are you their guardian" (6:107). By elevating judgment to the divine realm, the Qur'an creates the necessary space for peaceful coexistence on the human plane.

The tolerant and universalistic tone of the Qur'an can be further discerned from the much-cited verse, "There is no compulsion in religion" (2:255). The famous twentieth-century Shi'i exegete Muhammad al-Husayn al-Tabataba'i contends that faith is a matter of individual conscience and as such it cannot be created by coercion and compulsion. "Belief," al-Tabataba'i continues, "follows reason and understanding; and nothing but reason and understanding can create it" (Tabataba'i, n.d., Vol. 3, p. 342). According to Zamakhshari (d. 1144), not only the people of the book but all human beings have the right to exercise free volition in matters of faith. The "no compulsion" verse is not to be limited to the people of the book (Zamakhshari, 1987, Vol. 1, p. 387). The Qur'an clearly does not advocate the

use of force in matters of faith. Thus, verse 10:99 further states, "And if your Lord had willed, whoever is in the earth would have believed, all of them. Can you [O Muhammad] coerce the people to believe?" The overall emphasis in the Qur'an is on voluntary consent to the will of God, which is predicated on the universal guidance of reason and understanding engraved in all human beings.

Fundamental to the Qur'anic conception of peaceful coexistence, then, is the view that human beings are united under one God (2:213). They are to strive towards virtuous deeds (5:48), for the most noble person in the eyes of God is the one who is most pious (49:13). These and other verses command Muslims to build bridges of understanding and cooperation with fellow human beings so as to create a social order rooted in and reflecting the highest ideals of justice and equality.

## The Qur'anic Vision of Religious Pluralism

The modern era has accelerated the intensity and pace of interaction among believers in different religious traditions. However, intense awareness of and interaction with other faiths has been present in the Islamic tradition from its inception and are not characteristics unique to the modern era (Eickelman, 2002). The Qur'an originated in the multicultural milieu of seventh century Arabia, and thus addressed topics such as freedom of conscience, rights of minorities, human rights, and religious pluralism—all issues with which a multifaith community is bound to encounter and grapple with.

Among Muslim scholars, both those who favor and oppose religious pluralism have invoked Qur'anic verses to support their positions. The pluralistic outlook of the Qur'an is expressed by verse 2:62, which appears to provide salvation to, "whoso believes in God and the Last Day among the Jews, the Christians, and the Sabeans." This inclusive position is then apparently contradicted by verse 3:85, which states that, "whoso desires another religion than Islam, it shall not be accepted of him. In the next world he shall be amongst the losers." This verse is often quoted by those who claim it abrogated the promise of salvation offered to the people of the book in 2:62. Verse 3:85 provided a major impetus to those who see salvation restricted to Islam, and interpret the Qur'an according to a

hermeneutic that later verses trump earlier ones. However, it is important to bear in mind that the verse that affords salvation to other monotheistic religions (2:62) is repeated almost verbatim in 5:69, which was apparently revealed after 3:85 (Hashmi, 2002a, p. 34).

Peaceful coexistence further necessitates that people abstain from abusing those who do not share their beliefs. Deriding and mocking others can often engender violence and hatred. Therefore, the Qur'an urges respect for the beliefs of others. The Qur'an further states, (this is a repeat of an earlier page)

> Had God willed, they would not have been not idolaters; and we have not appointed you a watcher over them, neither are you their guardian. Abuse not those to whom they pray, apart from God, otherwise, they will abuse God in revenge without knowledge. So we have decked out fair to every community their deeds; then to their Lord they shall return, and He will tell them what they have been doing. (6:107-108)

Qur'anic tolerance extends protection not only to Muslims and the people of the book but even to strangers who openly declare idolatry. As it says, "If one of the idolaters seeks protection, then grant him protection so that he may hear the word of God, and after that, send him to a place of safety" (9:6). This verse instructs Muslims not only to protect but also to ensure that no harm comes to them when they leave Muslim territory, and to send them to a place of safety. The discussion above indicates that the Qur'an envisioned a diverse community that was united under common moral values. Human beings are to coexist in peace and harmony. Diversity and differences in faith are to be judged by God only since, "Isn't He (God) the best of judges?" (95:8)

## *Jihad in the Qur'an*

The Qur'anic vision of tolerance and peaceful coexistence is mitigated by verses that encourage Muslims to wage war. It is important, therefore, that we properly understand the Qur'anic pronouncements on *jihad*. The Qur'anic world-view is to bring the world under the sway of God's guidance so as to establish a righteous order based on justice and equality. Thus,

*jihad* is envisioned as an important tool in the community's attempt to build a world order in which peace, justice, and equality prevail according to God's providence. According to Esposito (2002), the rationale of the wars was to "spread its (Islam's) righteous order so that ignorance and unbelief could be replaced by just societies throughout the world" (p. 33).

The Qur'anic understanding of *jihad* as warfare is evident in verse 2:193, "Fight them until there is no persecution *(fitna)* and the religion be only for God." In another verse, the Qur'an states, "Fight in the way of God against those who fight against you, but do not transgress. God does not love those who transgress. And slay them wherever you find them, and drive them out of the places from where they drove you out, for persecution is worse than slaughter" (2:190-191).

The Qur'an sanctions *jihad* to establish a moral order that will protect the welfare of the Muslim community against both internal and external enemies. Permission to engage in hostilities was evidently a response to the threat posed by the powerful Meccan tribes. A prescriptive measure was needed to redress the harm and the wrongs suffered by the Muslims in the face of Meccan aggression. These divinely sanctioned campaigns were a response to the hostility of the Meccan pagans. The Qur'an does not state that force was to be used against all unbelievers; only those who demonstrate their hostility to Islam by trying to undermine Islamic polity and by persecuting Muslims were to be targeted. It is Meccan hostility, rather than their disbelief, that is the target of the Qur'anic verses on *jihad*.

The Qur'an does not accept the idea of unlimited or aggressive warfare. By the assiduous usage of the term *la ta'tadu* (do not transgress) in the context of warfare, it can be argued that the Qur'an qualifies *jihad* with a moral condition of restraint. It also exhorts Muslims to seek avenues of peace. Thus it restricts rather than gives free license to recourse to war. The Qur'an also outlines rules of engagement, that is, who is to fight and who is exempted (48:17; 9:91), when hostilities should cease (2:192) and how prisoners should be treated (47:4). As there is no compulsion in religion (2:256), Muslims are not to use *jihad* as a means to impose their beliefs on others.

Other verses stipulate that Muhammad should accept peace

overtures (8:61) from the enemy. Verses 2:192-93 command the Prophet to cease hostilities if the enemy desists. In order not to transgress, Muslims are required to respond proportionally to the injury done to them. Even here, the Qur'an urges restraint by accepting blood money and forgiveness. The Qur'an suggests that *jihad* is a product of defense against aggression rather than initiation of hostilities against enemies (22:39-40).

*The People of the Book in the Qur'an*

The discussion on pluralism in the Qur'an is essential to our understanding of peace in Islam. Confinement of salvation to a particular religious tradition frequently leads to marginalization and demonization of those who espouse other religions. As I shall discuss, by characterizing the "other" as nonbelievers and therefore doomed, Muslim jurists justified the humiliation and even killing of non-Muslims.

In the sectarian milieu of seventh-century Arabia, Muslims encountered other monotheists like the Christians and Jews. These encounters generated inter-religious polemics, which are reflected in the Qur'anic verses, especially those revealed in Medina. In its discourses with the people of the book, the Qur'an invites them to the notion of a shared religious community based on the belief in one God. Thus, the Prophet is instructed to tell them, "Say! O people of the book! Come to a word common between us and you, that we serve none but God, and that we associate not aught with Him, and do not some of us take others as Lords, apart from God. And if they turn their backs, say, 'bear witness that we are Muslims'" (3:64).

The *ahl al-dhimma* in the Qur'an and early history of Islam were the protected minorities, both Jewish and Christian, who had chosen not to convert to Islam. They were allowed to follow their own laws and modes of worship, provided this would not impinge on the Muslim community. The term *dhimma* refers to a pact drawn up with the people of the book which the believer agrees to respect, the violation of which makes him liable to blame (*dhamm*).

In return for security and protection, the people of the book were required to pay a poll tax (*jizya*), mentioned in verse 9:29. The poor and dependents were exempt from paying this

special tax. The *jizya* was also levied in compensation for exemption from military service in Muslim forces. If a *dhimmi* joined the service, then *jizya* was not levied (Safi, 1988, p. 39). But later on, this *jizya* became symbolic of Muslim ascendancy and subjugation of non-Muslims.

Initially, the issue of the collection of a poll tax and the circumstances under which it could be collected were not fixed. Umar, for example, is reported to have accepted the *zakat* rather than *jizya* from Banu Taghlib, when they argued that as Arabs, they should not be treated differently from their Muslim compatriots (Abu Yusuf, n.d. pp. 120-121). He also refused to accept the *jizya* from a group that he could not offer protection against Byzantine aggression (El Fadl, 2002, p. 21).

Early Sunni schools of law adopted different positions on the question of the collection of *jizya*. The Shafi'is and Hanbalis claimed that *jizya* is acceptable only from the people of the book and the Magians. It is not acceptable from any of the polytheists. The Hanafis and Malikis and several other jurists stated that *jizya* is acceptable from all non-Muslims except the Arab polytheists who had incited war against the Prophet (Sulayman, 2001, p. 67).

Al-Shafi'i (d. 820) also ruled that if a person was introduced to Islam when he was not one of the peoples of the book, and he made an offer to the imam to pay the tribute in return for permission to remain in his religion, then it was not permissible for the imam to accept that offer. Rather, the imam was obliged to fight him until he surrendered, just as he was required to fight idol worshippers until they surrendered. Al-Shafi'i further stated that if the Muslims fought those about whose religious affiliation they had no information, and who claimed to belong to the people of the book, Muslims had to ask them when they and their ancestors accepted that religion. If they said it was before the Qur'an was revealed to the Prophet, the Muslims could accept their statement and allow them to remain in their ancestral religion. But if Muslims suspected that what they were saying was not true and could establish proper evidence to that effect, then the Muslims had to spurn the tribute and challenge them to surrender or to fight (as cited in Sachedina, 2001, p. 49). The clear understanding is that if non-Muslims

refuse to accept Islam or pay the *jizya*, the male unbelievers may be killed. This implies that the guilt of refusing to adopt Islam deprives a non-Muslim of the right to life, and therefore, such a person deserves whatever harm may come to him. Clearly, such rulings contravened the Qur'anic vision of peaceful coexistence.

The Qur'anic discourse with the people of the book indicates that, despite the polemics and differences with the *dhimmis*, it encouraged the Muslim community to seek means of peaceful coexistence. Recipients of earlier traditions were acknowledged by the early Islamic state to be autonomous religious communities, to be governed in their communal affairs according to their own laws. As long as they did not threaten the Muslim community, and paid the *jizya*, the Islamic state was to assure their security and autonomy.

However, subsequent interactions between the Muslims and the people of the book did not reflect these principles of peaceful coexistence. Instead, Muslims often imposed discriminatory measures on the people of the book. Qur'anic verses urging tolerance towards them were often considered abrogated by verses requiring *jihad* against them.

*The Historical Encounter with the People of the Book*

The historical record of Muslim engagement with peoples of other faith lies in stark contrast to the tolerance and awareness of other religions set forth in the Qur'an and the practices of the early Muslim community. The distinction between the Qur'anic concept of coexistence with non-Muslims and the policies advocated by subsequent Muslims can be seen from the following comparison. The Qur'an allowed the evidence of non-Muslims when no Muslim was available to witness the will of a Muslim who died on a journey (5:106). Abu Hanifa (d. 767), however, rejected the evidence of non-Muslims in such a case, and Abu Yusuf (d. 798) declared the Qur'anic passage to have been abrogated by verse 65:2. The Medinese jurists went even further, rejecting the evidence of non-Muslims altogether, even against one another (Schact, 1950). Gradually, a series of restrictions were regulated so as to enforce Muslim supremacy and to reflect the inferior status and identity of non-Muslims.

Several discriminatory measures such as the prohibition

against building new churches or repairing old ones were enacted. Muhammad b. 'Abdun (d. 1100), for example, stated in his treatise

> that priests must be forcibly circumcised simply because they persist in following the example of Jesus Christ who was, states Ibn 'Abdun, circumcised. A Jew or Christian should not be allowed to dress like an important person. A Muslim may not wash a Jewish or Christian toilet. (Williams, 1971, pp. 159-160)

Other jurists held that Muslim authorities may prohibit *dhimmis* from marrying Muslims. *Dhimmis* were to wear distinctive clothing, or more specifically, special emblems on their clothes as a token of their inferior or different status.

They were to live in houses that were smaller than Muslim houses. They were not permitted to ride horses, which was public proof of one's affluence. Most schools, apart from the Hanafis, paid a lower blood price for a *dhimmi* who was killed. *Jizya*, said Zamakhshari (1987), should be taken from them with belittlement and humiliation. "The *dhimmi* is to come walking, not riding. When he pays the *jizya*, he shall be slapped on the nape of his neck" (Lewis, 1984, p. 15). Others added symbolic acts of humiliation—for example that the *dhimmi*'s hand was to be lower than the tax collector's hand when he pays the *jizya*. These regulations were incorporated into the jurisprudence as a divinely sanctioned system of discriminatory provisions (Khadduri, 1955). Not all jurists agreed with such acts of humiliation. Abu Yusuf, for example, stated that *dhimmis* should not be treated harshly or humiliated, rather, they should be treated with considerable leniency (Abu Yusuf, n.d., pp. 122-125).

Such discriminatory regulations contravene the spirit of peaceful coexistence and egalitarianism in the Qur'an. The tendency among jurists of the eighth and ninth centuries was to seek justification for the discriminatory rulings by claiming that the unbelievers had chosen to refuse the offer to convert. Hence, their inferior status was the product of their own choice.

Overall, Muslims discriminated against but did not persecute the *dhimmis*. According to Bernard Lewis, "... in contrast

to Christian anti-Semitism, the Muslim attitude toward non-Muslims is one not of hate, or fear, or envy, but simply of contempt" (Lewis, 1984, p. 33). It is plausible to maintain that the policies of the state and political exigencies were incorporated in the body of the emerging Islamic law at the time. Rather than reflecting divine sanctification of the law, the various regulations regarding the *dhimmis* were enacted to justify the political and military realities of the time. Rulings on the *dhimmis* also demonstrated Muslim ascendancy over the people of the book.

## Peace in the Juridical Literature

There has been limited discourse on peace in the exegetical and juridical literature. For the jurists, the discourse on peace was set in the context of a general theory, which presupposed that peaceful coexistence with a Muslim state was possible only when those areas where Muslims were in the minority or were persecuted *(dar al-harb)* were subdued. Anything less than that was construed as a compromise of Muslim ascendancy and an act of relinquishing power.

When jurists discussed peaceful coexistence, it was in the context of measures that would allow for a temporary cessation of hostilities. Shafi'i jurists interposed, between *dar al-Islam* and *dar al-harb*, a third category, *dar al-sulh*, the abode of truce. *Dar al-sulh* refers to the territories where peace exists with an Islamic state based on treaties, alliances, and cooperation. During the period of the truce, *dar al-sulh* would have to pay the *jizya* or cede a portion of its territory (al-Shafi'i, 1990, p. 103-104).

According to al-Shafi'i, the imam could contract the truce if the welfare of the Muslims required it. However, al-Shafi'i's theory only suspended warfare, it did not eliminate it. Based on the precedent established by the Prophet's agreement with the Meccan tribes at al-Hudaybiyya in 630 C.E., the truce could not exceed ten years.

The jurists were divided on the question of the duration of the peace treaty. Malik b. Anas (d. 795) and Ahmad b. Hanbal (d. 855), two prominent jurists, supported the notion of an indefinite peace treaty as long as it served the interests of the Muslim community (Zaman, 2002). However, not all jurists

recognized the existence of *dar al-sulh*. The Hanafis did not accept it, whereas Ibn Taymiyya argued against putting a restriction on the length of the peace treaty (El Fadl, 2001)

The jurists conceived of another scenario for temporary peace. One of the most important aspects of the body of Islamic law regarding international relations *(siyar)* was the guarantee of free passage or security *(aman)* which any Muslim could grant to a visitor from *dar al-harb* (called *harbi*) (Khadduri, 1955). The *aman* is a pledge of security through which the *harbi* would be entitled to protection for up to a year while he is in *dar al-Islam*. The holder of the *aman* (called *musta'min*) is not considered to be a *dhimmi*, neither is he required to pay the *jizya*. The *aman* can be renewed at the end of the period if he agrees to pay the *jizya* and to become a *dhimmi*. The *aman* suspended, albeit temporarily, the state of hostilities.

Despite the juridical rulings on Muslim and non-Muslim relations, there have been many instances where Muslims coexisted peacefully with non-Muslims. Indeed, to portray Islam as intrinsically violent and incompatible with Western values is to ignore Muslim engagement with and contribution to Western civilization. The tendency to view Islam through a lens of violent militancy distorts the fact that Islam has a rich cultural heritage and precepts that strongly encourage coexistence with others. In Spain, for example, Muslims not only coexisted peacefully with Christians and Jews, but also protected them and shared scientific achievements with their counterparts. For much of Islamic history, Muslim societies have been remarkably open to the outside world (Eickelman, 2002).

The vast expanse of the Muslim world inevitably meant that it came to encompass a variety of civilizations and cultural forms. By the tenth and eleventh centuries, the Muslim-majority world showed a remarkable variety of institutional forms, from North Africa to South Asia, up to and including the hinterland of the Chinese empire, and soon emerged as a dominant force in Southeast Asia. Historically, Islam has exhibited remarkable tolerance toward people of other faith communities, as in Spain, India, the holy lands, Turkey, Africa, and Indonesia.

In the past, Muslims not only tolerated but even protected minority groups, especially Jews and Christians, the people

of the book. In ninth-century Baghdad, Hunayn ibn Ishaq, a Christian, directed the translation academy when the classical Greek works and Hindu and Persian scientific treatises were translated into Arabic. The Caliph al-Ma'mun (d. 833) would send emissaries to Constantinople to bring back manuscripts written in Greek so that they could be translated. Greek works such as Aristotle's *Rhetoric* and *Poetics* and Plato's *Dialogues* were preserved mainly through these translations. It was through the works of Avicenna (d. 1037) and Averroes (d. 1198) that Aristotelianism and neo-Platonism came into Europe (Lopez-Baralt, 2003). Averroes' commentaries on Aristotle were indispensable to Thomas Aquinas (d. 1274) and Moses Maimonides (d. 1204) (Bill & Williams, 2002).

As noted above, the era of Muslim rule in Spain (approximately the 9th through the 12th centuries) provides an excellent precedent where Muslims not only lived peacefully with Christians and Jews, but also shared their scientific accomplishments with them in the construction of a great civilization. Although treated as second-class citizens, the Jews of Spain were given religious liberty; they could run their own affairs based on their own laws. This was in stark contrast to how Jews were treated in any of the Christian lands during that time. Cordoba was the center of a brilliant Jewish culture epitomized by Hasday b. Shaprut, a scholar and physician serving the caliphs 'Abd al-Rahman III and al-Hakam (Hillenbrand, 2003). He was a Jewish physician in the Caliph's court, who, at various times, held important diplomatic and financial responsibilities. Like Hasday, Isma'il b. Naghrila (d. 1056), known in Hebrew as Samuel the Nagid, was also a central figure in the Jewish community (Scheindlin, 2003). Bearing the Hebrew title *Nagid* (prince) he not only supported Hebrew poetry and Talmudic scholarship, but was himself one of the most accomplished men of his time in both fields.

Christians and Jews were also involved in the Royal Court and in the intellectual life of Cordoba. Muslim-Christian interaction can be discerned from the following remark made by the Bishop of Cordoba, Alvaro. He stated regarding his Christian co-religionists, " ... hardly one can write a passable Latin letter to a friend, but innumerable are those who can express themselves in Arabic and can compose poetry

in that language with greater art than the Arabs themselves" (Hillenbrand, 2003, p. 115). Other Christians served as administrators, financiers, physicians, artists, and craftsmen in the royal court (Hillenbrand, 2003).

The discoveries by Muslim scientists were transmitted to the west. Cordoba's mosque was famed as a center for higher learning on a par with Cairo and Baghdad and was the earliest medieval university in Europe. Major contributions were made in music, philology, geography, history, alchemy, chemistry, medicine, astronomy, philosophy, botany, mathematics, and agriculture (Hillenbrand, 2003). Hellenism was largely reintroduced into Europe by way of Spain and Sicily, thus facilitating the European Renaissance itself (Lopez-Baralt, 2003). Such accounts are important to mention as they remind us of how, by adopting a nonviolent posture, Muslims, Jews and Christians established a brilliant civilization for posterity.

Due to the status and protection the Qur'an accorded to the people of the book, violence and genocide against them became virtually impossible. Jews in Islamic lands did not face a tradition of anti-semitism, even though the *dhimmis* in general were regarded as second-class citizens. Jews had full religious liberty and were allowed to manage their own affairs. They were also able to participate in mainstream culture and commerce. It is generally acknowledged that Sephardic Jews were treated much better by Muslims than Ashkenazi Jews were treated by Christians. As Marc Gopin stated, "there is a qualitative, not just quantitative difference between the two" (Gopin, 2002, p. 107.)

## Peace and Conflict Resolution in Islam

Many Muslims have questioned the formulations of the classical jurists, claiming that their interpretations are no longer binding in contemporary times. In particular, the scholars of al-Azhar in Egypt, one of the oldest institutes of Islamic learning, have emphasized the social rather than militant dimension of *jihad*. According to them, *jihad* is a peaceful social struggle against illiteracy, poverty, and disease. They underline the peaceful nature of the Islamic message (Tibi, 1998).

Muhammad Shaltut (d. 1963), the rector of al-Azhar, asserted that Islam is open to pluralism. He claimed that the Qur'an

does not require Muslims to resort to warfare when they pros-
elytize. Fighting cannot be a part of the Islamic mission, for the
heart of Muhammad's mission is to bring good tidings and to
warn humanity (Kelsay, 1993). Since war is an immoral situa-
tion, Muslims are required to live at peace with non-Muslims
(Tibi, 2002).

In recent times, both the Research Council and the chief
rector at *dar al-ifta'* in Egypt, Muhammad Said Tantawi, have
spoken out against the militant fundamentalist movements
and suicide bombers. More specifically, they have condemned
the targeting of innocent civilians. These are indicative of a new
trend among many Muslim leaders to accentuate the peaceful
rather than militant dimension of Islam. It also shows the dis-
parate views maintained within the various Muslim groups.

An important theme in the Qur'anic view of peaceful co-
existence is forgiveness. Retaliation is a strictly defined legal
principle that can perpetuate a culture of violence and a cycle of
killing. The Qur'an evidently wants to replace this with a culture
of peace. While permitting retaliation, the Qur'an urges the
victim to forgive and eschew revenge (2:178). To inject peace
in a series of retaliatory measures requires forgiveness as a
healing and empowering process so as to restore human rela-
tionship (Sachedina, 2001).

Whereas a punitive response is often considered necessary
when harm is inflicted, retribution should be linked to a re-
storative process. Thus, verse 2:179 states that, "In [the law of]
retribution is a source of life, O people of understanding." The
verse invites people to replace the cycle of violence by consid-
ering retributive justice as a process of rehabilitation. In this
way, the Qur'an replaces death caused by retaliation with life
through forgiveness.

Retributive justice, according to the Qur'an, should aim
at redressing the wrongs by making the offender acknowl-
edge responsibility and by encouraging the victim to consider
alternatives to the perpetuation of violence through retribution
(Sachedina, 2001). The offender acknowledges the harm his
acts have done so that a repaired relationship between the of-
fender and victim can reinstate the dignity of both (Sachedina,
2001). Acknowledgement of injury inflicted is the first step
in seeking forgiveness. Repentance and a genuine sense of
remorse is another. The Qur'an also offers an alternative to

violence by recommending the acceptance of blood money as compensation.

There is a clearly articulated preference in Islam for nonviolence and forgiveness over retribution. The Qur'an is also concerned about proportionality even in retribution. By stipulating appropriate levels of punitive response when attempting to restore violated rights or correcting injustices, it regulates acts of retribution, for these should not exceed the extent of the original injury (Gopin, 2002).

On the part of the victim, forgiveness is preferred over retribution, as he foregoes the moral right of demanding injury by inflicting more injury. As verse 42:40 states in this context, "... whoever forgives and thereby brings about a reestablishment of harmony, his reward is with God; and God loves not the wrongdoers." By his acceptance of compensation in the face of repentance and the acknowledgement of the harm that the offender has inflicted, the victim demonstrates willingness to rehabilitate the offender in society. The victim is, in turn, rewarded by God.

If forgiveness is merely a religious requirement but is not seen as some form of empowerment, then its effectiveness in resolving conflicts may be limited. The act must address a person's deeper wounds. It is vital that forgiveness be seen and felt as empowering, as this would affirm this inner process. The Qur'an describes this as an act of courageous will (42:43) (Gopin, 2002).

Approaches to conflict resolution in Islam reflect religious values and traditional rituals of reconciliation. Scholars also recognize the role that culture plays in conflict and peacemaking, and affirm the potential contributions of diverse institutions to conflict resolution. Cultural modes of reconciliation include acceptance of individual and collective responsibility of wrongdoing, attentiveness to face-related issues (public status, shame) and the achievement of restorative justice. (Said, Funk, & Kadayifci, 2001).

Conflicts are also resolved based on local customs, such as public acts of repentance, compensation for losses and acts of forgiveness. Frequently, communal leaders and village elders facilitate a process of reconciliation (Said et al., 2001). Muslims have delineated other processes for resolving conflicts in a peaceful manner. Although we cannot examine each more closely here, these include repentance, (Gopin, 2002, pp. 118-

119), *sulh* (reconciliation) (Gopin, 2002, p. 136-137), and *tahkim* (arbitration) (Gopin, 2002, p. 97).

## Challenges for Muslims in Contemporary Times

Muslim discourse on war and peace has been defined primarily by the juridical literature. Especially after the events of September 11, 2001, we are witnessing a period of reinterpretation and redefinition of the notion of *jihad* in the Muslim community. It has been argued that the Qur'an offers a distinctly modern perspective on tolerance and respect in a multi-ethnic, multi-communal world (Eickelman, 2002). The challenge for Muslims in contemporary times is to recover the tolerance and means for peaceful coexistence through the Qur'an rather than the juridical and exegetical understanding which, as noted, were formulated to assert the subjugation of the "other" in a particular historical context. As they engage in a re-examination of traditional exegesis, the point of departure for Muslims has to be the Qur'an itself, rather than the multi-faceted and multi-layered scholarly discourse that has accumulated since the eighth century.

The moral tenor of the Qur'an shows that it wants to engage humanity in a moral discourse where all human beings can connect with the Qur'an and with each other based on universal values. As Sohail Hashmi argues, there are few ethical works that outline the Qur'anic vision of coexistence or warfare. Muslims need to disentangle Islamic ethics from medieval Islamic law and to re-examine the Qur'anic pronouncement on war and peace in light of its ethical axioms (Hashmi, 2002b). Thus, the challenge for Muslims is to draw on this Qur'anic vision so as to develop just interreligious and intercultural relationships in a world of cultural and religious diversity.

Muslims are also confronted with the challenge of contextual hermeneutics in dealing with the pronouncements of the Qur'an on specific legal issues like hostility and warfare. Verses on *jihad* must be understood as taking into account the particular conditions of persecution and oppression in which they originated. Returning to interpretation of the Qur'an and prophetic traditions in their proper historical context is often

circumvented by the juridical interpretations that promote the hegemonic interests of the Islamic state, thus ignoring, in the name of Islam, the ecumenical and universal message of the Qur'an. Muslim scholars and jurists have to engage in hermeneutic and interpretive exercises to provide a coherent re-evaluation of classical formulations and to reassert the Qur'anic inclusive and ecumenical vision of peace. In other words, modern Muslims need to go beyond the classical formulations on dhimmis, siyar, and non-believers. The delineation of dar al-Islam and dar al-harb no longer applies, and thus boundaries have to be re-imagined. Furthermore, Muslims must articulate a theory of international relations that incorporates notions of dignity, freedom of conscience, rights of minorities, and gender equality based on universal moral values.

A major impediment to this approach is that many Muslims simply reject the idea that the classical juridical decisions are reflective of eighth century political, cultural, or historical circumstances in which they originated. They refuse to acknowledge that while the Qur'an is a fixed text, the interpretive applications of its teachings will vary with the changing realities of history. Traditionalists maintain that Islamic law, as it was formulated by the jurists in the first three centuries of Islamic history, was in strict conformity with the divine will expressed in the Qur'an. Thus normative textual sources are treated as timeless and sacred rather than anchored to a specific historical context. This traditionalist view is challenged by the fact that there was much disputation on what constituted the divine will among the classical jurists themselves, and by the fact that they proffered a wide range of views on the issues with which they were confronted.

As Muslims search for ways to chart out peaceful coexistence with others, they also need to reevaluate their normative texts. This exercise is contingent on recognizing that Muslims are not bound to erstwhile juridical or exegetical hermeneutics. Communities often construct a paradigmatic interpretation on the text and assert it on the readers. Once it is defined, the authoritative legacy of the text is transmitted to the next group of scholars and becomes entrenched as the normative and "authentic" position. Gradually, the texts construct an increasingly restrictive and specific well-defined position on an

issue. The contents of the sacred texts are frequently less important than the social and historical settings in which they are interpreted (Kurtz, 2002).

The reading of a text is interwoven with the closing of the interpretive process, thereby restricting the text to a specific determination. This determination is then submitted as the final and only possible interpretation of the text (El Fadl, 2001). In this sense, juridical hermeneutics are no different from the interpretive activities evident in other fields. The interpretive strategy can shape both future readings and the texts themselves, thus constructing the texts rather than arising from them. Hence, there is a need for Muslims to find reliable ways of separating the voice of God from the voice of human beings, and to differentiate between the Qur'anic vision and the socio-political context in which that vision was interpreted and articulated by classical and medieval exegetes.

Contemporary Muslims are confronted with hegemonic values of the past and an emerging political reality that often challenges the applicability of those values. The tension between the peaceful and militant strains of Islam can be resolved only as Muslims undertake the task of re-evaluating historically the classical and medieval juridical corpus.

## Conclusion

Spiritually, the Qur'an accommodated and extended salvific space to other monotheistic faiths; subsequent Muslim jurists not only passed the verdict of non-belief to them but also treated adherents of these faith groups as second class citizens, a position that has no basis in the Qur'an.

For all people, peace requires changes in our world-views. The quest for peace challenges us to reevaluate how we have viewed the other. This requires a shift in paradigm, asking us to embrace those we have previously excluded or demonized. The challenge is to seek opportunities for interpretations that can make a community see the enemy in a new way (Gopin, 2002). Concurrently, we need to move beyond defining ourselves over and above an enemy "other." The starting point is to re-examine traditions that draw boundaries of exclusion and marginalization. Peaceful coexistence is only possible

when we no longer see a group as the other but as a concrete human community with ancient values and norms. Ultimately, peaceful relations between human beings must be grounded in a community's construction of order based on egalitarianism, justice, and a concern for the moral and social well-being of all its citizens.

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