

LEGITIMACY OF EUTHANASIA(MERCY KILLING): AN ISLAMIC PERSPECTIVES

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Abstract

Euthanasia or Mercy killing is one of the most controversial and burning issues of present day. The first section of article is about the introduction, history and types of euthanasia. The second section is about the world current status of legislation about it. Third section is cardinal section of the article and describes about the legitimacy of euthanasia from Islamic perspectives. In 4th section the decisions of Islamic consensual colleges of legislation are presented to bring forth the collective decisions of Islamic jurisprudents. The 5th section is a brief retort of the proponents of the euthanasia and reveals the hidden realities relating to euthanasia. In last the summary and findings of the research are presented.

Introduction

Euthanasia is one of the most debatable issues of our times from medical, ethical and religious point of view. The word *Euthanasia* originates from the *Greek* word *euthanatos* which means an easy death or Good Death and its pronunciation is \yü-thä- 'nā-zh(ē-)ə\ . It is also known as *Mercy Killing* or *Physician-Assisted Suicide*⁽¹⁾. In Arabic it is called قتل الرحمة / المرحة. Therefore it is defined as "The painless killing of a patient suffering from an incurable and painful disease or in an irreversible coma"⁽²⁾.

Medically it is defined as: "The act or practice of killing hopelessly sick or injured individuals (as persons or domestic animals) in a relatively painless way for reasons of mercy; also : the act or practice of allowing a

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42. Ibid., p. 239.
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44. Muḥammad Ḥamīdullāh, Dr. trans., The life and work of the Prophet of Islam (Islamabad: Islamic Research Institute, 1998), 141-143.
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11. Sūrah Al Anfāl, 8:72.
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13. Jāmi al Tirmithī, Section 6, p. 99.
14. Sūrah Al Anfāl, 8:47.
15. Sūrah Al Ḥujurāt, 49:9-10.
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17. Sunan Al Nisā'ī, Section 12, p. 318.
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33. Al Būtī, Muḥammad Sa'īd Ramaḍān, *Fiqh al Sīrah*(Lahore: Nashrīyāt, 2010), 230.
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Sūrah writers, the Muslims never waged wars and it has always been a defensive tactic of Muslims' war strategies. There is a dire need to highlight the real concept of *jihād* in Islam in order to address the western propaganda against this very important element of Islam. *Jihād* is meant to put an end to cruelty and oppression. Even in modern days if anyone or any state is willing to opt for *jihād* it is mandatory to meet all the terms and conditions of *jihād*.

Ḥamīdullāh supports that west has not portrayed *jihād* in its true sense. He is of the opinion that there is only one kind of *jihād* in Islam and that is defensive *jihād*. Sayīd Amīr ‘Alī has the same opinion and he says that the Islamic war is only self defense and there is no concept of offensive wars in Islam.

According to Sayīd Sulymān Nadvī *jihād* and war are synonyms and *jihād* means to strive and to make an effort and it is to sacrifice your physical, mental and monetary powers to establish the right. It is to defend the attacks of enemies and if needed it is to fight against them. ‘Abdul Raūf Dānāpūrī is of the opinion that Prophet Muḥammad (ﷺ) did not initiate wars against non-Muslims and he was dragged into the wars and there was no *jihād* while Muslims lived in *Makkah*. Dr. Yāsīn Mazḥar Siddiqī does not agree with this and says that the majority of the *Sīrah* writers believe that the Muslims did not have the right of *jihād* while they were living in *Makkah*. According to them *jihād* means war and confrontation and all kinds of defensive measures. Mūlānā Abūl A‘lā Mūdūdī has highlighted the ambition and intention of Prophet Muḥammad (ﷺ) in picking up weapons against non-Muslims. Prophet Muḥammad (ﷺ) set the best model of the Islamic concept of *jihād* and spiritually. Pīr Muḥammad Karam Shāh is also in the favor of defensive *jihād* and the Islamic concept of *jihād* is for the welfare of the whole community and for all the people to come till the end of this world. *Jihād* is only permitted in certain situations and there are three basic principles of Islamic concept of *jihād*; firstly what is the purpose of *jihād*, secondly who the opponent is and lastly what are the terms and conditions of war which is being fought.

Conclusion:

The world has become a global village and it has almost become unlikely for anyone to live in isolation. Things happening in one part of the world do affect people living in another part of the world. The life of the Prophet being a role model for all times provided guidance for all the times and conditions. The *Sīrah* writers of modern era while writing the biographies of their Prophet addressed the modern day issues very comprehensively including the all important issue of *jihād*. These authors have fully encompassed all important aspects of *jihād* including the modern day scenarios of *jihād* as well. According to the majority of these

believe that the Muslims did not have the right of *jihād* while they were living in *Makkah*. According to them *jihād* means war and confrontation and all kinds of defensive measures. They want to create the impression that Muslims were ordered to acknowledge the supremacy of the predominant system of life the majority and this is what Prophet Muḥammad (ﷺ) and his Companions exactly did. This concept of surrender and slavery is the invention of those who think that Islam is stationary. The narrations of *Sīrah* and history do not favor this argument and the character of Prophet Muḥammad (ﷺ) and Islam negates this theory. Dr. Yāsīn goes on with his argument and says that it is right that in *Makkah* Muslims were not allowed to do *jihād* with weapons but they had the full right to defend their religion, person, property, honor and sociability. It was not only their right but an obligation as well. Naturally and religiously this is the right of all minorities otherwise it will not be possible for minorities to live in any part of the world⁽⁶⁰⁾.

To start with *jihād* few of these authors of the selected prominent books; are of the opinion that it is purely a defensive measure of Islam while other say that there is no concept of offensive or defensive wars in Islam. The legitimacy of *jihād*, according to the majority is for the Madinite period, but was also said that in *Makkah* Muslims were not allowed to use the weapons but they had the right to defend themselves. Some authors have assigned conditions to *jihād* and have considered *jihād* permissible only in the existence of these conditions. For example Muhammad Abū Zahrah is of the opinion that Muslims never initiated wars against non-Muslims and it was the disbelievers who started to fight against the Muslims. Regarding the permission of *jihād* he says that it was given to put an end to this cruelty. In connection with the objectives of *jihād* Dr. Muṣṭafā Al Sibā'ī says that it was to spread the message of Islam, to purify souls, to eliminate depravity and to promote wisdom and guidance. And according to him *jihād* means war and battle against the cruelty. In the opinion of Muhammad Al Ghazālī the aims and objectives of *jihād* were to protect the truth, repel injustice and hostility and break the power of tyrants.

In connection with the vital question of defensive or offensive *jihād* Ramādān Al Būṭī says that *jihād* will always be come into play to establish a complete Islamic society. And there is no concept of defensive of offensive kind of *jihād*. According to him the modern day Muslims are influenced by the western approach towards *jihād*. Dr. Muḥammad

Muslim army till the Judgment Day⁽⁵⁶⁾.

***Ḍīā Al Nabī*, by Pīr Muḥammad Karam Shāh**

Pīr Muḥammad Karam Shāh also believes that *jihād* was only for the defense of Muslims. He says that whatever steps Prophet Muḥammad (ﷺ) took in terms of *jihād* were not only for the benefit of people of Arabia but for the people of the whole world. During his eleven year's stay at *Madīnah* there were defensive wars fought against the attacks of the disbelievers and few objectives were achieved through these defensive battles⁽⁵⁷⁾. Islam permits *jihād* only in specific conditions and there are three basic principles of Islamic concept of *jihād*; firstly what is the purpose of *jihād*, secondly who the opponent is and lastly what are the terms and conditions of that specific war⁽⁵⁸⁾.

The author is of the opinion that whatever steps Prophet Muḥammad (ﷺ) took in terms of *jihād* were not only for the benefit of people of Arabia but for the people of the whole world. During his eleven year's stay at *Madīnah* there were defensive wars fought against the attacks of the disbelievers and few objectives were achieved through these defensive battles. A country which was divided in hundreds of sections was made one unit by Prophet Muḥammad (ﷺ) and he established the rule of law in there. He gave them a system of justice, equality and nobility and the biggest thing was that he joined their broken bond with their Lord. With the help of this *jihād* Prophet Muḥammad (ﷺ) very effectively handed over the trust entrusted to him by Allah to the people and brought a revolution the like of which cannot be quoted from human history. In the fulfillment of this immense goal the disbelievers suffered little losses in terms of their manpower, at the hands of Muslims during these eleven years. The benefits which humanity received were far greater against these losses. In comparison to this the rulers of modern civilization and scientific development has given two world wars within the span of a half century, the losses of which are too big to encompass⁽⁵⁹⁾.

***Makkī 'Usswa'i Nabvī, Muslim Aqlīyatūn kāy Masā'il ka Ḥal*, by Dr. Yāsīn Maḏhar Siddiqī**

Dr. Yāsīn Maḏhar Siddiqī writes that majority of the *Sīrah* writers

permitted in preaching of Islam. During the migration to *Madīnah* the Companions of Prophet Muḥammad (ﷺ) scarified their households, their families, their homeland and their tribes for the love of Islam and its Prophet (ﷺ). As a result the whole of Arabia and the Jews got united to exterminate these few slaves of Allah. Dānāpūrī writes that it was in this situation, the Muslims were allowed to fight against those who wage war⁽⁵³⁾. Prophet Muḥammad (ﷺ) propagated the oneness of Allah and directed people with his preaching for about thirteen years about good and evil. Everyone received his message and the right and the wrong were differentiated. Evil doers did not stop and thus Prophet Muḥammad (ﷺ) was compelled to opt of the war⁽⁵⁴⁾. In connection with the justification of *Jihād* Dānāpūrī says that in *Makkah* Muslims were not allowed to make wars and battles were not permitted in preaching of Islam. During the migration to *Madīnah* the Companions of Prophet Muḥammad (ﷺ) scarified their households, their families, their homeland and their tribes for the love of Islam and its Prophet (ﷺ). As a result the whole of Arabia and the Jews got united to exterminate these few slaves of Allah. Dānāpūrī writes that it was in this situation, the Muslims were allowed to fight against those who wage war⁽⁵⁵⁾.

Sīrati Sarwari 'Alam, by Abūl A'la Mūdūdī

In connection with the objective of the wars of Prophet Muḥammad (ﷺ) and a complete pattern of the Islamic concept of *jihād* Mūlānā Abūl A'la Mūdūdī says that the weapons Prophet Muḥammad (ﷺ) used during his time, were the weapons of that specific atmosphere but the moral principle he laid down and directed to follow them, do not belong to any specific period of time. Prophet Muḥammad (ﷺ) made an eternal law of war for all the Muslims. According to Islamic law this is an invalid question that which arms were used by Prophet Muḥammad (ﷺ). The legitimate and the significant question is that what was the ambition and intention of Prophet Muḥammad (ﷺ) in picking of these weapons and how did he use them. What example Prophet Muḥammad (ﷺ) has set in this regard are the best model of the Islamic concept of *jihād* and spiritually Prophet Muḥammad (ﷺ) is the chief commander of every

***Sīrah Al Nabī*, by ‘Allāmah Shiblī Nu‘mānī**

The author of *Sīrah Al Nabī* has got a very different approach while defining Islamic concept of *jihād*. He says that *jihād* is usually interpreted as a war or fight but this meaning is not right. The word *jihād* is derived from the root word *jahada*. *Jihād* and *Mujāhadah* are infinitives form the root word *jahada* and it means to strive and to make an effort. As a term *jihād* has got almost the same meanings and it is to strive to establish the right and to protect it. It is to sacrifice your physical, mental and monetary powers to establish the right. *Jihād* is to give up your relatives, family and your people for the sake of truth. It is to defend the attacks of enemies and if needed it is to fight against them. *Jihād* is a very vital element of Islam and it is a form of worship⁽⁴⁸⁾.

According to the author majority of the people believe that *jihād* and war are synonyms. This is not true and both the terms have been used separately in the Holy *Qur’ān*. Every *jihād* is not war but it is a kind of one of the kinds of *jihād*⁽⁴⁹⁾.

Majority of the people believe that *Jihād* and war are synonyms. This is not true and both the terms have been used separately in the Holy *Qur’ān*. Every *Jihād* is not war but it is a kind of one of the kinds of *Jihād*⁽⁵⁰⁾.

The author has mentioned about six kinds of *jihād*. The first kind is to strive for any good deed. Secondly, *jihād* with the help of knowledge and wisdom. Third kind of *jihād* is *jihād* with one’s wealth and the forth kind of *jihād* is to use yourself and your mental abilities to do good deeds and to perform your obligations. The last kind of *jihād* is *jihād bil Nafs* and it compasses all other kinds of *jihād*. In addition to that Sayīd Sulymān Nadvī mentions another kind of *jihād* and that is called everlasting *jihād* and it is meant to support religion, spread the knowledge of religion, help the truth, assist the poor, lend a hand to destitute, guide the astray, enjoin the good, forbid the evil, establish justice, repel cruelty and to accomplish the commandments of Allah⁽⁵¹⁾.

***Aṣaḥ Al Sīyar*, by ‘Abdul Raūf Dānāpūrī**

According to ‘Abdul Raūf Dānāpūrī the disbelievers pushed Prophet Muḥammad (ﷺ) into wars against them. He says that evil doers did not stop and thus Prophet Muḥammad (ﷺ) was compelled to opt of the war⁽⁵²⁾. In connection with the justification of *jihād* Dānāpūrī says that in *Makkah* Muslims were not allowed to make wars and battles were not

Ḥamīdullāh cites that the enemies of Islam did not portrayed *jihād* in its true sense and interpreted in incorrectly. Dr. Muḥammad Ḥamīdullāh says that on one can be forced to embrace Islam and war cannot be waged against any country to compel them to enter into Islam. He further says that there are two prerequisites for *jihād*:

1. *Jihād* should only be in the way of Allah.
2. *Jihād* would be only against those who attack Muslims and thus for Muslims *jihād* is only a defensive war. Prophet Muḥammad (ﷺ) never fought a war in his life except for these two reasons⁽⁴⁴⁾.

In the opinion of Dr. Muḥammad Ḥamīdullāh Islamic wars were defensive wars and they were only fought to end the enmity and they were never meant to loot. He writes, 'After long months of hesitation, the Prophet finally decided to take measures of defense. A year or so after his arrival in *Madīnah*, he sent a Muslims detachment-the first-to make it clear to the *Quraysh* that their caravans also should not pass through the zone of Islamic influence. About thirty Muslim volunteers, all refugees from *Makkah*, were led by Ḥamzah, uncle of the Prophet, to go to the west of *Madīnah* as far as the sea coast, to meet Abū Jahl. It should be noted that this and other subsequent expeditions attacked only the Makkan Caravan,-because the Muslims were at war with the Makkan,-to the exclusion of the caravans of other non-Muslims population of the country. It was, in fact, the right of belligerency, and had nothing to do with the simple looting of brigands⁽⁴⁵⁾.

On the subject of the personal behavior of Prophet Muḥammad (ﷺ) during armed encounters, Dr. Ḥamīdullāh inscribes: "The behavior of the Prophet, on the occasion of the first armed encounter, a humanitarian behavior which did not change subsequently, became an Islamic law of war, concerning the treatment of the enemy on the battlefield, the wounded enemy, the captured enemy, the slain, enemy woman, children, old persons, the sick, the servants and other non-combatant, the booty etc. his instructions aimed at reducing bloodshed, and the destruction of properties to minimum"⁽⁴⁶⁾.

Dr. Ḥamīdullāh further says that the ordinances of *jihād* found in the Holy Qur'ān were not meant to loot the properties of people. It was in fact a sacred and sacrificing obligation to risk your own life for the sake of guiding others and Muslims under the leadership of Prophet Muḥammad (ﷺ) took this responsibility and faced it very happily⁽⁴⁷⁾.

Madīnah itself was honeycombed by sedition and treachery. And it became the duty of Muḥammad to take serious measures to guard against that dreaded catastrophe which a rising within, or sudden attack from without, would have entitled upon his followers. He was not simply a preacher of Islam, he was also the guardian of the lives and liberties of his people. As a Prophet he could afford the reviling and the gibes of the enemies, but as the head of the state, the general in a time of almost continual warfare, when *Madīnah* was kept in a state of military defense and under a sort of military discipline, he could not overlook treachery. He was bound by his duty to his subjects to suppress a party that might have led, and almost did lead, to the sack of the city by investing armies. The safety of the state required the proscription of the traitors, who were either sowing the seeds of sedition within *Madīnah* or carrying information to the common enemy⁽⁴⁰⁾.

In the opinion of Amīr ‘Alī the mere grounds of the Islamic wars is only self defense. He writes, “To the Muslims self-defense had become a question of self-preservation. They must either submit to the massacred or fight when they; were attacked. They chose the latter alternative, and succeeded, after a long struggle, in subduing their enemies”⁽⁴¹⁾. He further says: “It was incumbent upon the Prophet to warn his followers against the wiles and insidious designs of hostile creeds. And no student of comparative history can blame him for trying to safeguard his little commonwealth against the treachery of enemies and aliens. But when we come to look at his general of non-Muslim subjects, we find it marked by a large-hearted tolerance and sympathy”⁽⁴²⁾.

Describing the basic principles of the *jihād* and wars of Prophet Muḥammad (ﷺ), Amīr ‘Alī writes: “In his instructions to the leaders of the expeditions against marauding and hostile tribes and people, he invariably enjoined them peremptory terms never to injure the weak. In avenging the injuries inflicted upon us, he said to his troops, whom he dispatched against the Byzantines, ‘molest not the harmless inmates of domestic seclusion; spare the weakness of the female sex; injure not the infant at the breast, or those who are ill in bed. Abstain from demolishing the dwellings of the unresisting inhabitants; destroy not the means of their subsistence, nor their fruit trees; and touch not the palm”⁽⁴³⁾.

Dr. Muḥammad Hamīdullāh

On the subject of Islamic concept of *jihād* Dr. Muḥammad

Al Būṭī is of the opinion that *jihād* is one of the most important elements of Islam and it is considered the most alarming factor by non Muslims. Al Būṭī has explained the justification and the stage of *jihād*. He says that *jihād* is to establish the rule of Allah and an Islamic society. He says that there were no wars in the start of Islam and the aggressions against Islam were addressed after the migration to *Madīnah*. He is not in the favor of defensive or offensive approaches in *jihād*. *Jihād* will always come into play to establish a complete Islamic society. The author has described the two ideologies about *jihād*. The first ideology is that Islam was spread with the help of sword and Prophet and his Companions forced people to become Muslims. The other thought is that Islam is a religion of love and peace and it only waged war in its defense. Al Būṭī says that these are the rumors spread by the west. The west at first place condemned *jihād* and when Muslims were trying to answer their objections raised about *jihād*, the west came up with the second thought which was very happily accepted by the majority of the Muslim⁽³⁶⁾.

During *jihād* it is not allowed to kill women, children, laborers and slaves. Al Būṭī mentions two exceptions in which one can fight against them, firstly when they actively take part in the war and secondly when enemy uses women and children as a shield during a war⁽³⁷⁾. Al Būṭī quotes Al Māwardī in favor of his argument who states in his book *Al Ahkām Al Sultānīyah* that if enemy uses women and children as a shield and it is not possible to reach the enemy without killing these women and children, it is allowed to kill women and children in this situation and this is the responsibility of the ruler to consider the expediency of the time⁽³⁸⁾.

The Spirit of Islam, by Sayīd Amīr ‘Alī

In the opinion of Amīr ‘Alī the mere grounds of the Islamic wars is only self defense and there is no concept of offensive wars in Islam. He writes, ‘To the Muslims self-defense had become a question of self-preservation. They must either submit to the massacréd or fight when they; were attacked. They chose the latter alternative, and succeeded, after a long struggle, in subduing their enemies⁽³⁹⁾’.

Sayīd Amīr ‘Alī defines the motives of the acts of war of Prophet Muḥammad (ﷺ) by saying, ‘And now came the moment of the severest trail o Islam. Briefly had the Prophet time to put the city in a state of defense and organize the believers, before the blow descended upon him.

***Fiqh Al Sīrah*, by Muḥammad Al Ghazālī**

Al Ghazālī describes the true spirit of *jihād* in these words: “*Jihād* will lose its spirit, which is sincerity and will become a fight for booty and slaves; and then it will lose its sharpness and be shelved”⁽³¹⁾.

Muḥammad Al Ghazālī elaborates the purpose of *jihād* and answers the objections raised by the orientalist on *jihād* by saying: “The fighting prescribed by Islam and those battle waged by Prophet Muḥammad (ﷺ) and his Companions are the best form of *jihād*. The wars fought by Islam in the era of Prophet Muḥammad (ﷺ) and his successor were necessary to protect the truth, repel injustice and hostility and break the power of tyrants. As for the fabrications of the orientalist, the malice showed toward Islam from the other religions and the claim that it was the Muslims who first used the force when there was no justification for it, those are all lies and part of the scheme to efface Islam from the earth and make the Muslims salves of the crusaders and Zionists”⁽³²⁾.

***Fiqh Al Sīrah*, by Muḥammad Sa‘īd Ramaḍān Al Būṭī**

Ramaḍān Al Būṭī is not in the favor of defensive or offensive approaches in *jihād*. According to him *jihād* will always come into play to establish a complete Islamic society. The author has described the two ideologies about *jihād*. The first ideology is that Islam was spread with the help of sword and Prophet and his Companions forced people to become Muslims. The other thought is that Islam is a religion of love and peace and it only waged war in its defense. Al Būṭī says that these are the rumors spread by the west. The west at first place condemned *jihād* and when Muslims were trying to answer their objections raised about *jihād*, the west came up with the second thought which was very happily accepted by the majority of the Muslim⁽³³⁾.

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Ramaḍān Al Būṭī is of the opinion that *jihād* does not mean to hate disbelievers. It is meant to ask people to do good deeds and forbid them from wrong doings. Muslims should always make *du‘ā* for the guidance and for religious reformation and this is the real philosophy in the legitimacy of *jihād*⁽³⁵⁾.

Islamic rituals such as prayer and fasting and ultimately to establish Islamic law⁽²⁴⁾.

Abū Zahrah says that there is no monasticism in Islam and for Islam monasticism is in *jihād* as it is refraining from worldly goal, it is an effort in the way of Allah, it is enjoining good and it is forbidding wrong⁽²⁵⁾.

Al Sīrah Al Nabawīyah Durūs Wa 'Ibar, by Dr. Muṣṭafā Al Sibā'ī

According to Dr. Muṣṭafā Al Sibā'ī; *jihād* was permitted only to pave way for the peaceful propagation of Islam, to purify souls, to eliminate depravity and to promote wisdom and guidance⁽²⁶⁾.

Dr. Muṣṭafā Al Sibā'ī says that *jihād* means war and battle against the cruelty. He raises an important point in the legitimacy of *jihād* that it was not for the defense and protection of Muslims only. It was for other Semitic religions as well and when they will get power they will be able to defend their own religion⁽²⁷⁾.

While giving a description of the legitimacy of *jihād* in Islam, its causes and general rules Dr. Muṣṭafā Al Sibā'ī says that Prophet Muḥammad (ﷺ) started to call people towards Islam by gentle persuasion and counseling. He used to recite the verses of the Holy *Qur'ān* in front of him people to guide them to the right path. In response to his call the Makkans made fun of him at first place then blamed him and persecuted him and at the end wanted to kill him. They tortured him to the extent that he had to leave *Makkah* and go to a new place but here he had to face twofold enmity; from *Quraysh* and from the Jews. In response to all these ill-treatments Prophet Muḥammad (ﷺ) was asked to be patient⁽²⁸⁾. Dr. Muṣṭafā Al Sibā'ī quotes *Sūrah al Muzzammil*; •

At every revelation which asked Muḥammad (ﷺ) to be patient, *Quraysh* increased their persecution and Muslims were not able to respond to them and Muslims settled in *Madīnah* they were allowed to respond to the hostility of the enemies. *Jihād* was then permitted only to pave way for the peaceful propagation of Islam, to purify souls, to eliminate depravity and to promote wisdom and guidance⁽²⁹⁾.

According to Dr. Muṣṭafā Al Sibā'ī the participation of women in *jihād* during the time of Prophet Muḥammad (ﷺ) is a golden chapter of Islamic history. He further says that women today should play active role in the propagation of Islam⁽³⁰⁾.

opposing ideology while it is defensive because the Muslims revolutionists are constrained to capture and retain power to implement their revolutionary ideology. As a revolutionary party, it belongs to no particular place to defend it upholds certain principles which it must protect. Similarly when these revolutionaries mount any attack, they do not attack the land of their opponents, they launch attack on the principles and ideology. Their aim is always to snatch power and authority from their opposing ideology⁽²²⁾.

Study of the Concept of *Jihād* in Modern *Sīrah* Writings

In order to conduct a study of the concept of *jihād* few of the *Sīrah* books of twentieth century have been selected. The study has primarily focused on significance *Sīrah* books of three languages i.e. Arabic, English and Urdu, written in twentieth century. These books include *Fiqh Al Sīrah*, Muḥammad Sa'īd Ramaḍān Al Būṭī, *Fiqh Al Sīrah*, Muḥammad Al Ghazālī, *Khātim Al Nabīyīn*, Muḥammad Abū Zahrah, *Al Sīrah Al Nabawīyah Durūs Wa 'Ibar*, Dr. Muṣṭafā Al Sibā'ī, *The Life and the Work of the Prophet*, Dr. Muḥammad Ḥamīdullāh, *The Spirit of Islam*, Sayīd Amīr 'Alī, *Sīrah Al Nabī*, 'Allāmah Shiblī Nu'mānī, *Sīrati Sarwari 'Alam*, Abūl A'lā Mūdūdī, *Aṣaḥ Al Sīyar*, 'Abdul Raūf Dānāpūrī, *Ḍīr Al Nabī*, Pīr Muḥammad Karam Shāh, *'Ehde Nabwī Men Niḡāmi Ḥukmarānī*, Muḥammad Rasūlullāh and *Rasūli Akram kī Siyāsī Zindagī*, by Dr. Muḥammad Ḥamīdullāh and *Makkī Usswa-i-Nabvī*, *Muslim Aqliyatūn kay Masā'il ka Ḥal*, Dr. Yāsīn Maḡhar Siddiqī.

***Khātim Al Nabīyīn*, by Muḥammad Abū Zahrah**

In connection with the legitimacy of *jihād* Abū Zahrah says that after getting settled in *Madīnah* Prophet Muḥammad (ﷺ) focused on the propagation of Islam and to support the weak Muslims who were put to trial and were tortured because of their religion and faiths and it was not possible without waging war against those who ill-treated the believers. The war was mandatory to free the house of Allah from the idolatry and to demolish all the idols and that is why Allah legitimated *jihād*⁽²³⁾.

Abū Zahrah says that it was the disbelievers who started to fight against the Muslims and were cruel with Muslims and the permission of *jihād* was to put an end to this cruelty. The believers are the people of truth and their fight was in fact the fight for truth. *Jihād* was to found

all other concepts and ideals. *Jihād* is also one of its distinct terms. Islam intentionally shunned all the relevant terms denoting war in Arabic like (حرب) etc. and used the term *jihād* synonymous with struggle and strive rather more forceful comprehensive than the word struggle. The term *jihād* can be explained as exerting one's utmost endeavor in promoting a cause. The term 'war' has always been used for the fights between various nations and countries for their own selfish ends and material considerations. The motives behind all these battles had always been personal or collective interests devoid of any support for principles or ideology. The concept of war in Islam is quite different and the current term of war does not convey its concept hence Islam shuns the term 'war'. Islam does not believe in the interest of any particular nation or country and has no concern with the hegemony of this or that country or nation on earth. Islam is interested in the welfare of mankind as a whole and has its own concept of this welfare and methodology to implement it. Any government authority opposed to its ideology and concept, wherever and whoever it may be, Islam is out to eliminate it⁽²⁰⁾.

The Terms Offensive and Defensive

The Holy *Qur'ān* allows necessary and proportionate use of force in self-defense. This is known as 'defensive' theory of *jihād*. However, there are scholars of Islam who argue that Islam is the religion of humankind and that Muslims are under an obligation to spread the faith of Islam peacefully and, if there are obstructions in achieving this end, then by force. This is known as the 'offensive' theory of *jihād*⁽²¹⁾. The division of war as offensive and defensive is quite irrelevant to the concept of *jihād* in Islam. These terms apply only to the wars between nations and nations and between countries and countries, for the terms attack and defense are used with reference to a country or a nation. But when an international party rises with a universal faith and ideology inviting the humanity at large to embrace its faith and ideology and accept into its fold all and sundry irrespective of race and color, language and territory on equal footing and strives only to liquidate the powers of tyranny, oppression, injustice and inequality and replace them the rule of its own ideology. Thus the terms offence and defense carry no justification in this case. Apart from it, the Islamic concept of *jihād* has no relevance with the terms offensive and defensive. *Jihād* in Islam is both offensive and defensive at one and the same time. It is offensive because the followers of Islam assault the rule and authority of the

entirely changed the picture of Islam as a whole and have completely misinterpreted the position of the Muslims⁽¹⁸⁾.

Religion as a common term means nothing more than a hotchpotch of diverse beliefs, prayers and rituals. If this is what religion means, then it should indeed be private affair. You should be free to entertain any belief and worship any deity whom your conscious is inclined to accept. If you are overzealous and ardent devotee of such a religion, you may go and preach it to the whole world and engage yourselves in declamations with the protagonists of other religions. There is no occasion and justification to take up arms in this process. Can you convert people to your faith by using sheer force. This apprehension is quite natural if you regard Islam as a religion in the conventional meaning of the term, and if Islam is taken as a conventional type of religion, the institution of *jihād* cannot be justified. Similarly the term nation connotes nothing more than a homogeneous group of people who have associated themselves as a distinct entity on the basis of some fundamental matters being common between them. A people, who are a nation in this sense take up arms, only in two cases. Either they are attacked with the intention of usurping their lawful rights or they attack others to usurp their legitimate rights. There may be some moral justification for taking up arms in the first case. But attacking others just to snatch away their lawful rights cannot be justified by anybody except a few dictators; even the statesmen of big powers like England and France cannot dare to justify such naked aggression⁽¹⁹⁾.

***Jihād* in its Real Sense**

If Islam is a religion and Muslims are a nation in the conventional sense, *jihād* loses all its meanings and importance because of which it has been declared as the best form of submission to the Will of Allah. In fact Islam is neither a religion, nor the Muslims are a nation in the conventional terms of these terms. Islam instead is a revolutionary concept and ideology which seeks to change and revolutionize the world social order and reshape it according to its own concepts and ideals. In the same way Muslims are in fact an international revolutionary party organized under the ideology of Islam to implement its revolutionary program. *Jihād* is the term, denoting the revolutionary struggle to the utmost, of the Islamic revolutionary party to bring about Islamic revolution. Islam like other revolutionary ideologies has its own terminology to make its revolutionary concept clear and distinct against

one of them outrages against the other, then fight you against the one which outrages until it complies with the decision of God. Then if it complies, make reconciliation between them justly, and be equitable because God loves those who are the equitable. The believers are brothers to one another. So make reconciliation between your brothers, and fear Allah that you may receive mercy).

And Prophet Muhammad (ﷺ) said:

قُلْتُ: "فَإِنْ لَمْ يَكُنْ لَهُمْ جَمَاعَةٌ وَلَا إِمَامٌ قَالَ فَاغْتَرِبْ بِتِلْكَ الْفِرْقِ كُلِّهَا وَلَوْ أَنْ تَعَضَّ بِأَصْلِ شَجَرَةٍ حَتَّى يُدْرِكَكَ الْمَوْتُ وَأَنْتَ عَلَى ذَلِكَ" (16).

(I asked: "If there is no state or ruler of the Muslims?" He replied: "In this situation, dissociate yourself from all groups, even if you have to chew the roots of a tree at the time of your death").

"أَمُرْتُ أَنْ أَقَاتِلَ الْمُشْرِكِينَ حَتَّى يَشْهَدُوا أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ فَإِذَا شَهِدُوا لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ وَصَلَّوْا صَلَاتِنَا وَاسْتَقْبَلُوا بَيْتَنَا وَأَكَلُوا ذَبَائِحَنَا فَقَدْ حَرَمْتُ عَلَيْنَا دِمَائِهِمْ وَأَمْوَالَهُمْ إِلَّا بِحَقِّهَا" (17).

(I have been directed to fight against these Idolaters until they testify to the oneness of God and to the fact that Muhammad is his servant and messenger. If they testify to the oneness of God and to the fact that Muhammad is his servant and prophet, establish our prayer and face our *qiblah* [while praying], and eat our slaughtered animals, their life and wealth we shall hold sacred except if they commit some violation").

Causes of Misunderstanding about *Jihād*

The real nature of *jihād* in the way of Allah has become so difficult to understand not only for non-Muslims, but for the Muslims too. There are two major and basic misconceptions in this regard. The first misunderstanding is that Islam is taken as a religion in the conventional sense of the term 'religion'. The second misconception is that Muslims are taken as a nation in the technical sense of this term. These two misunderstandings have not only mixed up the concept of *jihād* but have

against a people with whom you have a treaty of mutual alliance; and Allah sees what you do).

﴿وَإِنَّمَا تَخَافُونَ مِنْ قَوْمٍ خِيَانَةً فَانْزِلْ إِلَيْهِمْ عَلَى سَوَاءٍ إِنَّ اللَّهَ لَا يُحِبُّ الْخَائِبِينَ﴾⁽¹²⁾

(And if you fear any treachery from a people, throw back their covenant to them on equal terms. Certainly, Allah does not like the treacherous).

"مَنْ كَانَ بَيْنَهُ وَبَيْنَ قَوْمٍ عَهْدٌ فَلَا يَحُلُّهُ عَهْدًا وَلَا يَشُدُّهُ حَتَّى يَمْضِيَ أَمَدُهُ أَوْ يَنْبُدْ إِلَيْهِمْ عَلَى سَوَاءٍ"⁽¹³⁾.

(If a nation concludes a treaty with some other, it should not change it in any sense until the time period of the treaty expires or if it fears some treachery from the other side. In these cases, it should throw the treaty before it by an open declaration on equal footings).

﴿وَلَا تَكُونُوا كَالَّذِينَ خَرَجُوا مِنْ دِيَارِهِمْ بَطَرًا وَرِئَاءَ النَّاسِ وَيَصُدُّونَ عَنْ سَبِيلِ اللَّهِ وَاللَّهُ بِمَا يَعْمَلُونَ غَاطٍ﴾⁽¹⁴⁾.

(And be not like those who came out of their homes boastfully and displaying their grandeur and those who stopped [people] from the way of Allah even though Allah fully encompasses what they do).

The Ultimate Goal of *Jihād*

The ultimate goal of *jihād* is to establish peace in the world and to bring an end to all sorts of oppression and cruelty. It is to ensure justice to everyone on equal grounds. It has to achieve certain goals and once they are achieved, there should not be any *Qitāl*. It is meant to help the needy and the poor and to help the helpless. The ultimate of *jihād* is reconciliation and peace. *Qur'ān* and *Hadith* has very evidently highlighted the goals of *jihād*. *Qur'ān* says;

﴿وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتُلُوا فَأَصْلِحُوا بَيْنَهُمَا فَإِنْ بَغَتْ إِحْدَاهُمَا عَلَى الْأُخْرَى فَقَاتِلُوا الَّتِي تَبْغِي حَتَّى تَفِيءَ إِلَى أَمْرِ اللَّهِ فَإِنْ فَاءَتْ فَأَصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسِطُوا إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ﴾⁽¹⁵⁾ وَإِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ

(And if two parties or groups among the believers start fighting, then make peace between them both. But if

This word *fitnah* as used in the context of *jihād* in the *Qur'ān* carries the meaning of mischief, chaos and tumult in the land and oppression and persecution. Islam does provide for wars as inevitable evil while strongly disliking bloodshed. In this connection the first directive to an Islamic state is to be perpetually in a state of preparedness and to keep the potential enemies in awe about the strength and might of Islamic state. According to Islam bloodshed is permissible only in the actual theatre of war and aerial bombardment and missile attack on cities and townships is not allowed in Islam and an Islamic state at war cannot resort to these barbaric methods of modern warfare. It has to keep the war confined to actual theatres of war. However, the other side does not observe these limits, the Muslim army may retaliate but keeping in limited to the barest minimum and with advance warning to the civilian population⁽⁹⁾.

Ethical Limits of *Jihād*

There is no concept of *jihād* in Islam without any limitations or restrictions. The right time has to be considered. Those who ask for reconciliation or treaties should be awarded that. *Qur'ān* and *Hadith* has laid down very strict limitations for the start of *Jihād* at any level. Some of the instructions of *Qur'ān* in connection with *jihād* are;

﴿الشَّهْرُ الْحَرَامُ بِالشَّهْرِ الْحَرَامِ وَالْحُرُمَاتِ قِصَاصٌ فَمَنْ اعْتَدَى عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَى عَلَيْكُمْ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ﴾⁽¹⁰⁾.

(A sacred month for a sacred month; and other sacred things too are subject to retaliation. So if any one transgresses against you, you should also pay him back in the same coin. Have fear of Allah and keep in mind that Allah is with those who remain within the bounds set by Him).

﴿وَالَّذِينَ آمَنُوا وَلَمْ يُهَاجِرُوا مَا لَكُمْ مِنْ وَدْيِهِمْ مِنْ شَيْءٍ حَتَّى يُهَاجِرُوا وَإِنْ اسْتَنْصَرُوكُمْ فِي الدِّينِ فَعَلَيْكُمْ النَّصْرُ إِلَّا عَلَىٰ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُم مِّيثَاقٌ وَاللَّهُ بِمَا تَعْمَلُونَ بَصِيرٌ﴾⁽¹¹⁾.

(And to those who accepted faith but did not migrate[to Madīnah], you owe no duty of protection to them until they migrate; but if they seek your help in religion, it is your duty to help them except

Pleasure of Allah and Allah alone. There should not be any element, however, small or insignificant, in these efforts, which smacks of personal gratification, personal glory or personal gain in any form.

﴿وَلَوْلَا دَفْعُ اللَّهِ النَّاسَ بَعْضَهُمْ بِبَعْضٍ لَفُتِحَتْ صَوَامِعُ وَبِيَعٌ وَصَلَوَاتٌ وَمَسَاجِدُ يُذَكَّرُ فِيهَا اسْمُ اللَّهِ كَثِيرًا﴾⁽⁶⁾.

(And had it not been that Allah set aside one people with another, the monasteries, and churches, the synagogues and the mosque in which His praise is abundantly celebrated would be utterly destroyed).

And again:

﴿وَمَا لَكُمْ لَا تُقَاتِلُونَ فِي سَبِيلِ اللَّهِ وَالْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانِ الَّذِينَ يَقُولُونَ رَبَّنَا أَخْرِجْنَا مِنْ هَذِهِ الْقَرْيَةِ الظَّالِمِ أَهْلُهَا وَأَجْعَلْ لَنَا مِنْ لَدُنْكَ وَلِيًّا وَأَجْعَلْ لَنَا مِنْ لَدُنْكَ نَصِيرًا الَّذِينَ آمَنُوا يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ وَالَّذِينَ كَفَرُوا يُقَاتِلُونَ فِي سَبِيلِ الظَّالِمِينَ فَفَاتِلُوا أَوْلِيَاءَ الشَّيْطَانِ إِنَّ كَيْدَ الشَّيْطَانِ كَانَ ضَعِيفًا﴾⁽⁷⁾.

“And what has come over you that you fight not in the cause of Allah, and for those weak, ill-treated and oppressed among men, women, and children whose cry is: “Our Lord! Rescue us from this town of oppressors, and raise for us from You one who will protect, and raise for us from You one who will help.” [You should know that] those who are believers, fight in the cause of Allah, and those who are disbelieves, fight in the cause of Satan. So fight you against the friends of Satan. Ever feeble indeed is the plot of Satan”.

Muslims strive in the cause of peace and justice and when it cannot be secured in ordinary ways, then they have to wage war to defend this fundamental principle of Islam, because without it peaceful leaving, and even preservation of life itself, is not possible. Thus all their efforts are spent in subduing oppression or removing obstruction which stops people from enjoying their rights and a life of goodness and virtue⁽⁸⁾.

The Purpose of *Jihād*

The purpose of *jihād* with arms is the elimination of *fitnah*. The Arabic word *fitnah* as used in the *Qur'ān* in the context of *jihād* is so full of meaning that there can be no single-word equivalent to it in English.

Muslims, rebels, refugees, apostates and *Dhimmies*).

Imām Aḥmad has quoted a *Ḥadīth* of Prophet Muḥammad (ﷺ) in which the same word has occurred:

وَأَسْتَخْلِفَ أَبُو بَكْرٍ رَضِيَ اللَّهُ عَنْهُ فَعَمِلَ بِعَمَلِهِ ، وَسَارَ بِسِيرَتِهِ ، حَتَّى قَبِضَهُ اللَّهُ عَزَّ وَجَلَّ
عَلَى ذَلِكَ . ثُمَّ اسْتَخْلِفَ عُمَرُ فَعَمِلَ بِعَمَلِهِمَا ، وَسَارَ بِسِيرَتِهِمَا⁽⁴⁾ .

(Abū Bakr took over the caliphate after Muḥammad (ﷺ) and he followed the pattern of Muḥammad (ﷺ) until his death, then 'Umar took over and he did and followed the pattern of these two (Muḥammad (ﷺ) and Abū Bakr).

The Islamic concept of *Jihād*

Peace and freedom are two essential requirements of a society. Just as various penal measures help in protecting a society from the evils and excesses committed by an individual, restoring to armed offensives sometimes become essential to curb the evils perpetrated by countries and nations. As long as diplomatic relations and negotiations can be used to resolve matters, no one would endorse the use of force for setting affairs. However, if a nation threatens to disrupt peace and freedom of the world and its arrogance haughtiness exceeds all bounds, a stage may come when the use of source and power becomes essential to keep it in check⁽⁵⁾.

In the Holy *Qur'ān*, *jihād* can be classified in two distinct categories; firstly against injustice and oppression and secondly, against those who reject the truth after it has been conclusively communicated to them. The first type *jihād* is an eternal directive of Islamic law and it is launched to curb oppression and injustice. The second type, however, relates to the divine law of (إتمام حجت) the conclusive communication of the truth. This law is always implemented in the world directly by the Almighty through His messengers. In the history of the mankind, for the very last time this status was conferred on Prophet Muḥammad (ﷺ).

The Excellence and Importance of *Jihād*

Jihād plays a very important role in the defense of Islamic ideology and *Qur'ān* has laid considerable emphasis on the merits and the excellence of this concept. It may, however, be pointed out that all endeavor and all efforts in this respect must be made for the Sake and

elaborate them into a system. When Islam came and founded a state of its own, the earliest name given by Muslim writers to this special branch of law dealing with war, peace and neutrality seems to have been *Siyar*, the plural form of *Sīrah*, meaning conduct and behavior. The conduct of the ruler not only in the time of war, but also in peace was referred to by the term *Sīrah* as early as the time of Prophet Muḥammad (ﷺ) and even in pre Islamic times. This is according to authors of early third century of *Hijrah*.

Al Siyar

Though there existed some customary laws in Arabia before the advent of Islam, there were no specific legal system for their relations with other states. After the establishment of a Muslim state in *Madīnah* the rules and regulations for various matters were set including war, reconciliation and impartiality and this was named *Al Siyar*. Arab scholars have used the term *Al Siyar* for international law. This term belongs to the time when every state was one nation and the nation meant only the political nation and it did not include the race, language and geographical aspects. This is also possible that two nations had one state⁽¹⁾.

The Literal Meaning of *Al Siyar*

The term *Al Siyar* is used for Muslim international law in Islamic jurisprudence. The word *Al Siyar* is the plural of the word "سيرة" which is used for biographies in Islamic literature and history and especially for the life of Prophet Muḥammad (ﷺ). The literal meaning of *Al Siyar* is behavior, life style or a custom⁽²⁾. Muḥammad ‘Alī Thānawī has defined the word *Al Siyar* in his book named *Al Kashāf*, in the following words:

جمع سيرة، والسيرة هي اسم من السير ثم نقلت الى الطريقة ثم غلبت في
الشرع على طريقة المسلمين في المعاملة مع الكافرين والباغين وغيرهما
من المستأمنين والمرتدين واهل الذمة⁽³⁾.

(*Al Siyar* is the plural *Sīrah* which is a noun about walking. It was used for manner and in Islamic law it is meant the conduct of Muslims in dealing with non-

The Concept of Jihād; An Analytical Study of Modern Approaches in Sīrah Writing

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Abstract

The *Sīrah* of Prophet Muḥammad (ﷺ) provides such rules and regulations which are helpful in addressing the needs of individuals and society of all times and ages. Although the world has been changing ever since its creation, yet the pace of change in the last one hundred years or so has been the most rapid ever. The effects of these changes were beyond the limitations of time and region and therefore they directly affected the Muslim world as well. Muslim scholars did not ignore these changes but realized their responsibilities and wrote such books of *Sīrah* which provided guidance in connection with these rapid changes and conditions. This research has highlighted an important issue of *jihād* and prisoners of wars in the light of the opinions of the authors of selected books of *Sīrah* written in twentieth century. This research has also elaborated the modern approaches in *Sīrah* writing and the basis of Muslim international law, its inception, its origin, sources and the basic principles. The study has primarily focused on significant *Sīrah* books of three languages i.e. Arabic, English and Urdu, written in the twentieth century. These books include *Fiqh Al Sīrah*, Muḥammad Sa'īd Ramaḍān Al Būṭī, *Fiqh Al Sīrah*, Muḥammad Al Ghazālī, *Khātim Al Nabīyīn*, Muḥammad Abū Zahrah, *Al Sīrah Al Nabawīyah Durūs Wa 'Ibar*, Dr. Muṣṭafā Al Sibā'ī, *The Life and the Work of the Prophet*, Dr. Muḥammad Ḥamīdullāh, *The Spirit of Islam*, Sayīd Amīr 'Alī, *Sīrah Al Nabī*, 'Allāmah Shiblī Nu'mānī, *Sīrati Sarwari 'Alam*, Abūl A'lā Mūdūdī, *Aṣaḥ Al Sīyar*, 'Abdul Raūf Dānāpūrī, *Ḍīā Al Nabī*, Pīr Muḥammad Karam Shāh, *'Ehde Nabwī Men Nizāmi Ḥukmarānī*, *Muḥammad Rasūlullāh* and *Rasūli Akram kī Siyāsī Zindagī*, by Dr. Muḥammad Ḥamīdullāh and *Makkī Uswa-i-Nabvī*, *Muslim Aqlīyatūn kay Masā'il ka Ḥal*, Dr. Yāsīn Mazhar Siddiqī.

Early Terminology

Although the pre-Islamic Arabs had their own international usages of various terms for their bilateral relations, yet they could not

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