Review Questions

1. How do Lackey, Regan, and Leiser define terrorism? What objections does Khatchadourian make to these definitions?
2. According to Khatchadourian, what are the five elements of terrorism?
3. What is the core meaning of terrorism, according to Khatchadourian? What distinguishes terrorism from all other uses of force or coercion?
4. Khatchadourian argues that three principles of just war theory are flagrantly violated by terrorism. What are these three principles, and why does terrorism violate them?
5. In addition, Khatchadourian argues that all but the moralistic/religious type of terrorism violate a further condition of just war theory. What is this condition and why does terrorism violate it?
6. How does Khatchadourian explain the right to life? When can this right be overridden?
7. Khatchadourian argues that terrorism violates basic human rights. What are these rights and why does terrorism violate them?

Discussion Questions

1. Does Khatchadourian succeed in proving that “terrorism, in all its types and forms, is always wrong”? For example, what about acts of terrorism by Jews in Germany during World War II?
2. The bombing of Hiroshima and Nagasaki caused the death of over 200,000 noncombatants. Was this an act of terrorism? If so, was it morally wrong? Explain your answers.
3. Given Khatchadourian’s account of innocence and noninnocence, is anyone perfectly innocent? Who has no share in the moral responsibility, no causal responsibility at all, for any wrong that gives or gave rise to terrorism?

The Terrorist’s Tacit Message

LAURIE CALHOUN

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Like Khatchadourian in the previous reading, Calhoun applies just war theory to terrorism. Terrorism is condemned by the governments of democratic nations, who continue to engage in “just wars.” But when the assumptions involved in the “just war” approach to group conflict are examined, it emerges that terrorists merely follow these assumptions to their logical conclusion. They see themselves fighting...
“just wars,” as “warriors for justice.” That is their tacit message. Accordingly, unless the stance toward war embraced by most governments of the world transforms radically, terrorism can be expected to continue over time. As groups proliferate, so will conflicts, and some groups will resort to deadly force, reasoning along “just war” lines. Because terrorists are innovative strategists, it is doubtful that measures based upon conventional military operations will effectively counter terrorism.

The refusal to “negotiate with terrorists” is a common refrain in political parlance. It is often accepted as self-evident that terrorists are so far beyond the pale that it would be morally reprehensible even to engage in discourse with them. But the term “terrorist” remains elusive, defined in various ways by various parties, albeit always derogatorily. Judging from the use of the term by the government officials of disparate nations, it would seem to be analytically true that, whoever the speakers may be, they are not terrorists. “Terrorists” refers exclusively to them, a lesser or greater set of political actors, depending ultimately upon the sympathies of the speaker.

Government leaders often speak as though terrorists are beyond the reach of reason, but particular terrorists in particular places believe that they are transmitting to the populace a message with concrete content. The message invariably takes the following general form: There is something seriously wrong with the world in which we live, and this must be changed. Terrorists sometimes claim to have as their aim to rouse the populace to consciousness so that they might at last see what the terrorists take themselves to have seen. However, the members of various terrorist groups together transmit (unwittingly) a more global message. The lesson that we ought to glean from terrorists is not the specific, context-dependent message that they hope through their use of violence to convey. Terrorists are right that there is something seriously wrong with the world in which we and they live, but they are no less a party to the problem than are the governments against which they inveigh.

That the annihilation of human life is sometimes morally permissible or even obligatory is embodied in two social practices: the execution of criminals and the maintenance of military institutions. This suggests that there are two distinct ways of understanding terrorists’ interpretations of their own actions. Either they are attempting to effect “vigilante justice,” or else they are fighting “just wars.” Because their victims are typically non-combatants, terrorist actions more closely resemble acts of war than vigilante killings. There are of course killers who do not conceive of their own crimes along these lines, having themselves no political agenda or moral mission. Unfortunately, the tendency of governments to conflate terrorists with ordinary murderers (without political agendas) shrouds the similarity between the violent activities of factional groups and those of formal nations.

Attempts to identify “terrorists” by appeal to what these people do give rise to what some might find to be embarrassing implications. For example, to specify “terrorism” as necessarily illegal leads to problems in interpreting the reign of terror imposed by the Third Reich in Nazi Germany and other governmental regimes of ill repute. One might, then, propose a moral rather than a legal basis, for example, by delineating “terrorists” as ideologically or politically motivated actors who kill or threaten to kill innocent people bearing no responsibility for the grievances of the killers. This would imply that every nation that has engaged in bombing campaigns resulting in the deaths of innocent children has committed acts of terrorism. Faced with this proposed assimilation of nations and factions that deploy deadly force, most people will simply back away, insisting that, though a precise definition is not possible, certain obvious examples of
terrorists can be enumerated, and so "terrorist" can be defined by ostension.

The governments of democratic nations harshly condemn "terrorists," but when the assumptions involved in any view according to which war is sometimes just are carefully examined, it emerges that terrorists merely follow these assumptions to their logical conclusion, given the situations in which they find themselves. While nations prohibit the use of deadly force by individuals or sub-national factions, in fact, violent attacks upon strategic targets can be understood straightforwardly as permitted by "just war" rationales, at least as interpreted by the killers. Small terrorist groups could not, with any chance of success, attack a formal military institution, so instead they select targets for their shock appeal.

While secrecy is often thought to be of the very essence of terrorism, the covert practices of terrorist groups are due in part to their illegality. The members of such groups often hide their identities (or at least their own involvement in particular acts of terrorism), not because they believe that their actions are wrong, but because it would be imprudent to expose themselves. Clearly, if one is subject to arrest for publicly committing an act, then one's efficacy as a soldier for the cause in question will be short-lived. Committing illegal acts in the open renders an actor immediately vulnerable to arrest and incarceration, but it is precisely because factional groups reject the legitimacy of the reigning regime that they undertake secretive initiatives best understood as militarily strategic. "Intelligence agencies" are an important part of modern military institutions, and secrecy has long been regarded as integral to martial excellence. Sun Tzu, author of the ancient Chinese classic The Art of War, observed nearly three thousand years ago that "All warfare is based on deception."

It is perhaps often simply terrorists' fervent commitment to their cause that leads them to maximize the efficacy of their campaigns by sheltering themselves from vulnerability to the laws of the land, as any prudent transgressor of the law would do. At the other extreme, suicide missions, in which agents openly act in ways that lead to their personal demise, are undertaken only when such martyrdom appears to be the most effective means of drawing attention to the cause. Far from being beyond rational comprehension, the actions of terrorists are dictated by military strategy deployed in the name of what the actors believe to be justice. The extreme lengths to which terrorists are willing to go, the sacrifices that they will make in their efforts to effect a change in the status quo, evidence their ardent commitment to their cause.

The common construal of war as a sometimes necessary evil implies that war may be waged when the alternative (not waging war) would be worse. If the military could have achieved its objectives without killing innocent people, then it would have done so. Military spokesmen have often maintained that unintended civilian deaths, even when foreseen, are permissible, provided the situation is sufficiently grave. In the just war tradition, what matters, morally speaking, is whether such "collateral damage" is intended by the actors. Equally integral to defenses of the moral permissibility of collateral damage is the principle of last resort, according to which non-belligerent means must have been attempted and failed. If war is not a last resort, then collateral damage is avoidable and therefore morally impermissible. Few would deny that, if there exist ways to resolve a conflict without destroying innocent persons in the process, then those methods must, morally speaking, be pursued. But disputes arise, in specific contexts, regarding whether in fact non-belligerent means to conflict resolution exist. To say that during wartime people resort to deadly force is to say that they have a reason, for it is of the very nature of justification to advert to reasons. Defenders of the recourse by nations to deadly force as a means of conflict resolution are willing to condone the killing of innocent people under certain circumstances. The question becomes: When have non-belligerent means been exhausted?
Perhaps the most important (though seldom acknowledged) problem with just war theory is its inextricable dependence upon the interpretation of the very people considering recourse to deadly force. Human fallibility is a given, so in owning that war is justified in some cases, one must acknowledge that the "facts" upon which a given interpretation is based may prove to be false. And anyone who affirms the right (or obligation) to wage war when they believe the tenets of just war theory to be satisfied, must, in consistency, also affirm this right (or obligation) for all those who find themselves in analogous situations. But throughout human history wars have been characterized by their instigators as "just," including those retrospectively denounced as grossly unjust, for example, Hitler’s campaign. People tend to ascribe good intentions to their own leaders and comrades while ascribing evil intentions to those stigmatized by officials as "the enemy."

The simplicity of its intuitive principles accounts for the widespread appeal of the "just war" paradigm. Throughout human history appeals to principles of "just cause" and "last resort" have been made by both sides to virtually every violent conflict. "Just war" rationalizations are available to everyone, Hussein as well as Bush, Milosevic as well as Clinton. To take a recent example, we find Timothy McVeigh characterizing the deaths of innocent people in the Oklahoma City bombing as "collateral damage." The public response to McVeigh’s "preposterous" appropriation of just war theory suggests how difficult it is for military supporters to admit that they are not so very different from the political killers whose actions they condemn.

The received view is that the intention of planting bombs in public places such as the Federal Building in Oklahoma City or the World Trade Center in New York City is to terrorize, and the people who do such things are terrorists. According to the received view, though some innocent people may have been traumatized and killed during the Vietnam War, the Gulf War, and NATO’s 1999 bombing campaign in Kosovo, whatever the intentions behind those actions may have been, they certainly were not to terrorize people. Nations excuse as regrettable though unavoidable the deaths of children such as occurred during the Gulf War, the Vietnam War, and in Kosovo during NATO’s bombing campaign against the regime of Slobodan Milosevic. "Terrorists" are the people who threaten or deploy deadly force for causes of which we do not approve.

Political organizations have often engaged in actions intended to instill fear in the populace and thus draw attention to their cause. But the groups that engage in what is typically labeled "terrorism" are motivated by grievances no less than are nations engaged in war. Were their grievances somehow alleviated, dissenting political groups would no longer feel the need to engage in what they interpret to be "just wars." In appropriating military rationales and tactics, terrorists underscore the obvious, that nations are conventionally assembled groups of people who appoint their leaders just as do sub-national factions. The problem with the received view is that it exercises maximal interpretive charity when it comes to nations (most often, the interpreter’s own), while minimal interpretive charity when it comes to sub-national groups. The intention of a terrorist act, as understood by the terrorist, is not the immediate act of terrorism, but to air some grave concern, which the terrorist is attempting to bring to the public’s attention. In reality, the requirement of "last resort" seems far simpler to fulfill in the cases of smaller, informal factional groups than in those involving a first-world super power such as the United States, the economic policies of which can, with only minor modifications, spell catastrophe for an offending regime. According to the just war tradition, the permissible use of deadly force is a last resort, deployed only after all pacific means have proven infeasible, and the terrorist most likely reasons along precisely these lines. Indeed, the urgency of the terrorist’s situation (to his own mind) makes his own claims regarding last resort all the more compelling. A terrorist, no
less than the military spokesmen of established nations, may regret the deaths of the innocent people to which his activities give rise. But, applying the “just war” approach to “collateral damage,” terrorists may emerge beyond moral reproach, since were their claims adequately addressed by the powers that be, they would presumably cease their violent activities. It is because they believe that their rights have been denied that groups engage in the activities identified as “terrorism” and thought by most people to be morally distinct from the military actions of states.

Once one grants the possibility of a “just war,” it seems to follow straightforwardly that political dissidents convinced of the unjust practices of the government in power ought to engage in violent acts of subversion. Factions lack the advantage of currently enshrined institutions that naturally perpetuate the very status quo claimed by dissidents to be unjust. Accordingly, so long as nations continue to wage wars in the name of “justice,” it seems plausible that smaller groups and factions will do so as well. Many terrorist groups insist that their claims have been squelched or ignored by the regime in power. But if formal nations may wage war to defend their own integrity and sovereignty, then why not separatist groups? And if such a group lacks a nationally funded and sanctioned army, then must not the group assemble its own?

The terrorist is not a peculiar type of creature who nefariously resorts to deadly force in opposition to the demands of morality upheld by all civilized nations. Rather, the terrorist merely embraces the widely held view that deadly military action is morally permissible, while delimiting “nations” differently than do those who uncritically accept the conventions which they have been raised to believe. The nations in existence are historically contingent, not a part of the very essence of things. The terrorist recognizes that current nations came into being and transformed as a result of warfare. Accordingly, agents who, in the name of justice, wield deadly force against the society in which they live conceive of themselves as civil warriors. Terrorist groups are smaller armies than those of established nations funded by taxpayers and sanctioned by the law, but for this very reason they may feel compelled to avail themselves of particularly drastic methods. No less than the military leaders of most countries throughout history, terrorists maintain that the situations which call for war are so desperate as to require the extreme of measures.

That a terrorist is not sui generis can be illustrated as follows: Imagine the commander-in-chief of any established nation being, instead, the leader of a group dissenting from the currently reigning regime. The very same person’s acts of deadly violence (or his ordering his comrades to commit such acts) do not differ in his own mind merely because he has been formally designated the commander-in-chief in one case but not in the other. Both parties to every conflict maintain that they are right and their adversaries wrong, and terrorist factions are not exceptional in this respect. When we look carefully at the situation of terrorists, it becomes difficult to identify any morally significant distinction between what they do and what formal nations do in flying planes over enemy nations and dropping bombs, knowing full well that innocent people will die as a result of their actions.

Most advanced nations with standing armies not only produce but also export the types of deadly weapons used by factions in terrorist actions. If we restrict the use of the term “terrorist” to those groups that deploy deadly violence “beyond the pale” of any established legal system, then it follows that terrorists derive their weapons from more formal (and legal) military institutions and industries. The conventional weapons trade has proven all but impossible to control, given the ease with which stockpiled arms are transferred from regime to regime and provided by some countries to smaller groups that they deem to be politically correct. And even when scandals such as Iran-Contra are brought to light, seldom are the culpable agents held more than nominally accountable for their
actions. Leniency toward military personnel and political leaders who engage in or facilitate patriotic though illegal weapons commerce results from the basic assumption on the part of most people, that they and their comrades are good, while those who disagree are not.

In some cases, terrorists develop innovative weapons through the use of materials with nonmilitary applications, for example, sulfuric acid or ammonium nitrate. Given the possibility for innovative destruction by terrorist groups, it would seem that even more instrumental to the perpetration of terrorism than the ongoing exportation of deadly weapons is the support by national leaders of the idea that killing human beings can be a mandate of justice. Bombing campaigns serve as graphic illustrations of the approbation by governments of the use of deadly force. It is simple indeed to understand what must be a common refrain among members of dissenting groups who adopt violent means: “If they can do it, then why cannot we?”

Political groups have agendas, and some of these groups deploy violence strategically in attempting to effect their aims. Terrorists are not “beyond the pale,” intellectually and morally speaking, for their actions are best understood through appeal to the very just war theory invoked by nations in defending their own military campaigns. Terrorists interpret their own wars as just, while holding culpable all those who benefit from the policies of the government with which they disagree. The groups commonly identified as “terrorists” disagree with governments about whether there can be a just war, nor whether morality is of such paramount importance as sometimes to require the killing of innocent people. Terrorist groups and the military institutions of nations embrace the very same “just war” schema, disagreeing only about facts.

Thus we find that the terrorist conveys two distinct messages. First, and this is usually the only claim to truth recognized by outsiders, the terrorist alleges injustices within the framework of society. In many cases there may be some truth to the specific charges made by terrorist groups, and this would be enough to turn against them all those who benefit from the regime in power. But a second and more important type of truth is highlighted by the very conduct of the terrorist. Perhaps there is something profoundly misguided about not only some of the specific policies within our societies, but also the manner in which we conceptualize the institutionalized use of deadly force, the activity of war, as an acceptable route to dispute resolution.

The connotations associated with “terrorist” are strongly pejorative and, although terrorists clearly operate from within what they take to be a moral framework, they are often subject to much more powerful condemnation than nonpolitical killers. But murderers who reject the idea of morality would seem to be worse enemies of society than are political terrorists, who are motivated primarily by moral considerations. Why is it, then, that people fear and loathe terrorists so intensely? Perhaps they recognize, on some level, that terrorists are operating along lines that society in fact implicitly condones and even encourages. Perhaps people see shadows of themselves and their own activities in those of terrorists.

If it is true that terrorists view themselves as warriors for justice, then unless the stance toward war embraced by most governments of the world transforms radically, terrorism should be expected to continue over time. To the extent to which groups proliferate, conflicts will as well, and some subset of the parties to conflict will resort to deadly force, buoyed by what they, along with most of the populace, take to be the respectability of “just war.” Military solutions are no longer used even by stable nations merely as last resorts.” Tragically, the ready availability of deadly weapons and the widespread assumption that the use of such weapons is often morally acceptable, if not obligatory, has brought about a world in which leaders often think first, not last, of military solutions to conflict. This readiness to deploy deadly means has arguably contributed to the escalation of violence in the contemporary
world on many different levels, the most frightening of which being to many people those involving the unpredictable actions of factional groups, "the terrorists." But the leaders of established nations delude themselves in thinking that they will quell terrorism through threats and weapons proliferation. Terrorists "innovate" by re-defining what are commonly thought of as non-military targets as military. There is no reason for believing that terrorists' capacity for innovation will be frustrated by the construction of an anti-ballistic missile system or the implementation of other initiatives premised upon conventional military practices and strategies.

Recommended Readings


Review Questions

1. According to Calhoun, what is the concrete message of terrorists? What is the more global message, the "tacit message"?
2. What problems does Calhoun see with the legal and moral definitions of "terrorists"?
3. How do terrorists view their actions, according to Calhoun?
4. How do military spokesmen justify "collateral damage," or the killing of innocent people, according to Calhoun?
5. What role does interpretation play in just war theory, in Calhoun's view? Why does she think that "just war" rationalizations are available to everyone, from Hussein to Bush?
6. According to Calhoun, what is the intention of the terrorist act, as understood by the terrorists?
7. Why does Calhoun believe that terrorism is best understood by appealing to the very just war theory invoked by nations defending their wars?
Discussion Questions

1. Calhoun argues that anyone can rationalize war or terrorism by appealing to just war theory. Is this true or not? Why or why not?
2. Calhoun says: “Terrorists are people who threaten or deploy deadly force for causes of which we do not approve.” Do you agree? Why or why not?
3. Calhoun claims that there is hardly any moral difference between what the terrorists do and what nations such as the United States do when they drop bombs on enemy nations knowing full well that innocent people will die. Do you agree? Why or why not?

The Doctrine of Jihad

MAJID KHADDURI

Majid Khadduri taught international studies at Johns Hopkins University and other schools, and he was director of research at the Middle East Institute, Washington, D.C. He is now retired. He is the author of several books, including *War and Peace in the Law of Islam* (1955), *The Gulf War: The Origins and Implications of the Iraq-Iran Conflict* (1988), and *War in the Gulf, 1990-91: The Iraq-Kuwait Conflict and Its Implications* (2001). Our reading is taken from *The Islamic Conception of Justice* (1984).

As Khadduri explains the term, *jihad* has a broad sense in which it means exertion in Allah’s path, and a narrow sense in which it refers to holy war against unbelievers and enemies of the Islamic faith. It does not include secular war. Jihad as holy war is justified because it enforces Allah’s law or stops transgressions against it. All other wars, that is, wars fought for nonreligious reasons, are prohibited.

The instrument with which Islam sought to achieve its objectives was the jihad. Islam prohibited all kinds of warfare except in the form of jihad. But the jihad, though often described as a holy war, did not necessarily call for fighting, even though a state of war existed between the two dārs—dār al-Islam and dār al-Harb—since Islam’s ultimate goals might be achieved by peaceful as well as by violent means.

Strictly speaking, the word “jihad” does not mean “war” in the material sense of the word. Literally, it means “exertion,” “effort,” and “attempt,” denoting that the individual is urged to use his utmost endeavors to fulfill a certain function or carry out a specific task. Its technical meaning is the exertion of the believer’s strength to fulfill a duty prescribed by the Law in “The path of God” (Q. LXI, 10-13), the path of right and justice. Thus the jihad may be


*dār al-Harb* is the land not controlled by Muslims, literally the territory of war; *dār al-Islam* is the land ruled by Muslims, the territory of Islam.

defined as a religious and legal duty which must be fulfilled by each believer either by the heart and tongue in combating evil and spreading the word of God, or by the hand and sword in the sense of participation in fighting. Only in the latter sense did Islam consider the jihād a collective duty (jār al-kifāya) which every believer was bound to fulfill, provided he was able to take the field. Believers who could not take to the field nor had the means to do so were expected to contribute in weapons or supplies in lieu of fighting with the sword. Participation in the jihād in one form or another was a highly prized duty and the believer’s recompense, if he actually took to the field, would be the achievement of salvation and reward of Paradise (Q. LXX, 10–13) in addition to material rewards. Such war, called in Western legal tradition “just war” (bellum justum), is the only valid kind of war. All other wars are prohibited.

The jihād was the just war of Islam. God commanded the believers to spread His word and establish His Law and Justice over the world (Q. IX, 5). The dār al-Islam was the house of the believers where Law and Justice were given practical expression, and the dār al-Harb was the house of the unbelievers and an object of the jihād. Religion, however, was and still is to be carried out by peaceful means, as there should be no compulsion in the spread of the word of God (Q. II, 257). The expansion of the state, carried out by the jihād, was an entirely different matter. Thus the jihād, a duty prescribed by Religion and Law, was surely as pious and just as iusum and iustum in the way described by St. Augustine and St. Thomas and later by Hugo Grotius.

In early Islam, the scholars like Abū Hanīfah (d. 150/768) and Shābānī (d. 189/804) made no explicit declarations that the jihād was a war to be waged against non-Muslims solely on the grounds of disbelieving. On the contrary, they stressed that tolerance should be shown unbelievers, especially the scripturaries* (though not idolators and polytheists), and advised the Imām† to wage war only when the inhabitants of the dār al-Harb came into conflict with Islam. It was Shāfi‘ī (d. 204/820), founder of the school of law bearing his name, who laid down a framework for Islam’s relationship with non-Muslims and formulated the doctrine that the jihād had for its intent the waging of war on unbelievers for their disbelief and not only when they entered into conflict with the Islamic state. The object of the jihād, which was not necessarily an offensive war, was thereby transformed into a collective obligation enjoined on the Muslim community to fight unbelievers “whenever you may find them” (Q. IX, 5), and the distinction between offensive and defensive war became no longer relevant.

The reformulation of the jihād as a doctrine of just war without regard to its defensive or offensive character provoked a debate among Shāfi‘ī’s contemporaries and led to a division of opinion among Hanafi jurists. Some, like Tahāwī (d. 321/933), adhered more closely to the early Hanafi doctrine that fighting was obligatory only in a war with unbelievers; but Sarakhsi (d. 483/1101), the great commentator on Shaybānī, accepted Shāfi‘ī’s doctrine of the jihād that fighting the unbelievers was a “duty enjoined permanently until the end of time.”† Scholars who came afterwards, until the fall of Baghdad at the hands of the Mongols in the thirteenth century, accepted the jihād as just war without regard to its offensive or defensive character.

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*scripturaries are “people of the book,” namely, Jews and Christians.
†The Imām is the leader of the people. The Imām is also referred to as the Caliph and is supposed to be a successor of Mohammed.
3 Shāfi‘ī, Kitāb al-Umm, IV, 84–85.
5 Sarakshi, Kitāb al-Mabnāt (Cairo, 1324/1906), X, 2–3.
Should the Caliph, head of the State, be obeyed if he invoked the jihād in a situation considered contrary to justice, it may be asked? According to the Orthodox doctrine of the Imamate, not to speak of Shi‘ī doctrines, the Imām had to be obeyed even if he were in error. But on matters of foreign conduct of the state, the Caliph’s powers were often questioned. In a war with the Byzantines, the Caliph Harūn al-Rashid (d. 193/809) seems to have decided to use violence against the Bānū Taghlib, a Christian community near the Byzantine borders, and to revoke their treaty with Islam on the grounds of their alleged sympathy with the Byzantines. Shaybānī, who was consulted on the matter, said in no uncertain terms that the Bānū Taghlib did not violate the treaty and that an attack on them was unjustified, although he did not necessarily imply that if the Caliph issued an order his order should not be obeyed.6 Later, when Islamic power was threatened, the scholars were dubious about the Imām’s conduct if he violated his undertakings with the unbelievers, but Ibn Taymiyya (d. 728/1328) spoke openly in defense of Christian claims to protection when they were discriminated against even at the most critical time of danger to Islam.

THE JIHĀD AS DEFENSIVE WAR

The classical doctrine of the jihād made no distinction between defensive and offensive war, for in the pursuance of the establishment of God’s Sovereignty and Justice on Earth the difference between defensive and offensive acts was irrelevant. However, although the duty of the jihād was commanded by God (Q. LXI, 10–13), it was considered to be binding only when the strength of the believers was theirs (Q. II, 233). When Islamic power began to decline, the state obviously could no longer assume a preponderant attitude without impairing its internal unity. Commentators on the jihād as a doctrine of permanent war without constraints began to reinterpret its meaning in a manner which underwent a significant adjustment to realities when conditions in the dār al-Islam changed radically. Some scholars, though still adhering to the principle that the jihād was a permanent state of war, argued that the mere preparation for the jihād would be a fulfillment of its obligation.7 Not only did Islam become preoccupied with problems of internal security, but also its territorial integrity was exposed to dangers when foreign forces (the Crusaders and Mongols) from the dār al-Harb challenged its power and threatened its very existence.

In those altered circumstances, scholars began to change their position on the question of whether the jihād, used against believers on the grounds of their hostility to Islam, was just. The doctrine of the jihād as a duty permanently imposed upon the community to fight the unbelievers wherever they might be found retained little of its substance. Ibn Taymiyya, a jurist-theologian who was gravely concerned with internal disorder, understood the futility of the classical doctrine of jihād at a time when foreign enemies (Crusaders and Mongols) were menacing at the gates of dār al-Islam. He made concessions to reality by interpreting the jihād to mean waging a defensive war against unbelievers whenever they threatened him. Unbelievers who made no attempt to encroach upon the dār al-Islam, he asserted, were not the objective of Islam nor should Law and Religion be imposed upon them by force. “If the unbeliever were to be killed unless he becomes a Muslim,” he went on to explain, “such an action would constitute the greatest compulsion,” a notion which ran contrary to the Revelation which states that “no


compulsion is prescribed by Religion" (Q. II, 257). But unbelievers who consciously took the offensive and encroached upon the dār al-Islam would be in an entirely different position.$^8$

No longer construed as a war against the dār al-Harb on the grounds of disbelief, the doctrine of the jihād as a religious duty became binding on believers only in the defense of Islam. It entered into a period of tranquillity and assumed a dormant position, to be revived by the Imām whenever he believed Islam was in danger. It is true that the Ottoman sultans in their conquest of European territory often invoked the jihād, but in their actions they were neither in a position to exercise the rights of the Imām nor were their ways always religious in character.$^9$ Moreover, at the height of their power, the sultans came to terms with the unbelievers and were prepared to make peace on the basis of equality and mutuality with Christian princes, contrary to precedents. Elated by their victories against the unbelievers of Europe, they turned to eastern Islamic lands and brought them under their control when the Shīʿa seized power in Persia at the opening of the sixteenth century, thus threatening internal unity. The Ottoman Sultan, though unable to subjugate Persia, provided leadership to Islamic lands under his control until World War I.

JUST WAR AND SECULAR WAR

In theory only the Imām, enthroned to exercise God’s Sovereignty on Earth, has the power to invoke the jihād and call believers to fulfill the duty. Unless the Imām delegates his power to a subordinate, nobody has the right to exercise it without prior authorization from him. Were the jihād to be proclaimed by the governor of a province without authorization of the Imām, it would be a “secular war” and not a valid or just war. If a dissident leader, whether belonging to an orthodox or to a heterodox group, claimed the right to declare a jihād, his action would be considered disobedience to the Imām and a rebellion against the legitimate authority (Q. XLIX, 9).$^{10}$ Neither the leader nor the persons who take part in such a jihād would be rewarded with Paradise, which is granted only to those who participate in a jihād declared by the Imām.

Review Questions

1. According to Khadduri, what does the word jihād mean?
2. Explain the classical doctrine of jihād as permanent war against unbelievers.
3. How was this classical doctrine modified?
4. What is the role of the Imām in jihād as holy war?

Discussion Questions

1. Compare the doctrine of jihad with the just war theory. How are they similar, and how different?
2. Saddam Hussein declared the Gulf War a jihad. Was this really a jihad or merely a secular war?
3. Is the doctrine of jihad acceptable? If not, then state and explain your objections.

