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Nico Romerijn-Stout
University of Puget Sound

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Jihad and Just War
A Comparative Analysis

Nico Romeijn-Stout

Religion 410

Professor Greta Austin

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In much of the Western world, ever since September 11, 2001, nightly news segments, popular media, and political discussions have focused in on the idea of *jihad*. The 9/11 attack was by far the largest and most significant in a string of escalating attacks – which include attacks on American embassies in Kenya and Tanzania in 1998 and on the USS Cole in 2000 – by militant groups claiming association with Islam. The groups claiming responsibility for these events, and others, identify themselves as Muslims fighting a *jihad* – a holy war – against America and the West. Their claims have sparked many interesting debates about the nature of *jihad*. When President Bush declared the United States’ entrance into the global War on Terror, he made it clear that the war was not against Islam, claiming in a speech delivered on September 17, 2001 that “Islam is Peace.”¹ In the framing of the War on Terror, President Bush, his political allies, and supporters of the war often invoked religious feelings of their own, characterizing it as a battle of good versus evil, of light against dark, or in the words of Mark Juergensmeyer, as a “cosmic war.”² They, and many scholars who have written since, either consciously or unconsciously appealed to many aspects of a Christianized conception of just war.

In this conflict between groups labeled as terrorists and Western powers, we see ideas about the Christian just war and the Islamic *jihad* pitted against each other. This seemingly opposing relationship raises questions about the relationship between the two religious doctrines of war. After a historical analysis of the independent rise of each theory, it becomes clear that there are both significant parallels and foundational differences between the two doctrines. Notable points of comparison will include the drastically different messages of the founders, the

¹<http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010917-11.html>

² Mark Juergensmeyer. *Terror in the Mind of God*. Berkley: University of California Press (2003): pp. 148-166. Juergensmeyer uses the term “cosmic war” to describe struggles that seem to transcend the realm of human experience, and that evoke images that are larger than life. Generally the actors in such struggles see themselves as engaged in a divinely ordained war. This term can easily be applied to both sides of the “War on Terror.”

treatment of soldiers, the role each doctrine played in the rise of their respective empires, and the need for correct authorization and intention for war.

In the sections that follow, I will trace the development of the just war theory in Christianity and the Islamic idea of *jihad* up to around the end of the Middle Ages. My approach in tracing the development of just war theory is more or less tied to a linear history of the development, with discussions on several important theorists along the way. The section concludes with a discussion of the work of Thomas Aquinas, a thirteenth-century scholar, for two related reasons. The first is that Aquinas' work essentially presented the consensus on the licit use of violence by Christians, and although subsequently there have been contributions to the rules of conduct in war, little has been added to the core theory.³ One of the major reasons for this, and also the second rationale for concluding in the late medieval period, is that beginning around the time of the Reformation the Christian Church became so fragmented that it is nearly impossible, and certainly outside the confines of this paper, to develop a single just war theory.

The section devoted to the development of *jihad* is slightly less linear, and also noticeably less tied to specific scholars in its development. My approach, for both theories, is in line with the approach of most of the prominent scholars I could locate. The difference in explaining the two theories comes from a fundamental difference in how they developed. Western scholars even from before the time of Christianity had a tradition of writing things down.⁴ By contrast there is almost nothing remaining of pre-Islamic Arabian cultures except

³ Luther, Calvin, Wesley, Bonhoeffer, and others, despite having written on the subject of just war and the licit use of violence are rarely, if ever, mentioned in the literature on the formation of the just war theory. Aquinas, even, had very little to say on the subject, most of which was based on the work of Augustine.

⁴ Frederick H. Russell. *The Just War in the Middle Ages*. New York: Cambridge University Press (1975): pp. 3-4. Russell traces the development of just war back to Plato while Roland H. Bainton. *Christian Attitudes Toward War and Peace*. Nashville: Abingdon Press (1960): pp. 38 cites Aristotle as the first to use the term "just war."

some fragments of poetry.⁵ Furthermore, the *hadiths*, which play an incredibly important role in Islamic law survived primarily orally, similar to the oral tradition in Judaism, until about the ninth century, some three hundred years after Muhammad's death.⁶ Although written commentaries on the *hadiths* began appearing soon after, the English translations of these commentaries are difficult to find. I am thus deeply thankful for the work of Nuh Ha Mim Keller in translating the fourteenth-century text *Reliance of the Traveller* as well as Mawardi, 'Ali ibn Muḥammad, and Wafaa Hassan Wahba for their work.

In this paper I have attempted to condense two enormous bodies of literature into a single and relatively short comparison of the two traditions. As James Turner Johnson wrote, "there is a fundamental difficulty in doing a comparative study across cultural lines," and that difficulty is defining the exact elements of comparison in such a way that it includes both traditions.⁷ Most available texts comparing *jihad* and just war fall into one of two principal groups. The first group is composed of volumes which contain many essays on either just war or *jihad*.⁸ The second group is composed of books that seek to draw direct comparisons between the two, such as Johnson's work, *The Holy War Idea in Western and Islamic Cultures*. My analysis differs from this second group in that these texts tend to focus more on ideas about certain key elements. For example, Johnson focuses on ideas of justification, authority and conduct in just war and *jihad*, whereas this paper seeks to focus more on the historical development of the tradition and cast a somewhat broader net of comparison.

The Origins of Christian Just War Theory

⁵Reuven Firestone. *Jihad, The Origin of Holy War in Islam*. New York: Oxford University Press (1999): p. 20

⁶ Firestone, pp. 93-95

⁷James Turner Johnson. *The Holy War Idea in Western and Islamic Cultures*. University Park: Pennsylvania State University Press (1997): p. 20.

⁸ For example *Just War and Jihad: Historical and Theoretical Perspectives on War and Peace in Western and Islamic Traditions* and *Cross, Crescent and Sword*.

Christian tradition has given birth to two distinct yet similar formations of a permissible war: the holy war and the just war. Holy wars have traditionally been fought for the sake of the faith, for ideals, and have been waged on the authority of God or a religious leader acting in the name of God (for example, a pope). The just war has generally been fought on more mundane grounds, for the sake of protecting a territory or righting a wrong, and usually under the authority of some secular and political figure in the name of a state.⁹ Throughout human history violent conflict has played a role in shaping cultures and in giving rise to nation-states. In the midst of this violence, many different cultures have attempted to restrict the violence, hoping to limit its destruction of people, land, goods, economic resources, and culture. Of particular importance to the formation of the Christian just war tradition were the efforts of the ancient Jewish, Greek, and Roman cultures to develop a code for warfare that would somehow establish rules and limits. The idea of just war in these ancient cultures came largely out of the idea that war should be fought for the restoration of peace and justice.¹⁰ Since peace was held in such high esteem it was necessary that other methods of dispute resolution be attempted before turning to the last resort of war. These pre-Christian societies laid down the ideas that later Christian writers would adopt as the foundation of what became just war theory.

Contributions of Pre-Christian Societies

Since Christianity had its roots in Judaism, the development of Christian just war theory was heavily influenced by Jewish texts and traditions. The multiple wars fought by Israel, both righteously with the approval of God (and unrighteously without God's approval) served as examples for later Christian writers.¹¹ Augustine would eventually find this divine authorization,

⁹ Russell, p. 2

¹⁰ Bainton, p. 33

¹¹ Paul Badham. "The Contemporary Relevance of the Just War Tradition in Christianity." *Modern Believing* 48 no. 2 (April 2007): 23

or even command, for war extremely important as justification, and argued that Moses showed no cruelty in going to war on God's command.¹² Furthermore, the law of the Torah provided Christian writers with the earliest elements of what could be considered an anti-scorched earth policy for warfare. The Jewish code for war is clearly spelled out in Deuteronomy 20 (although Joshua 11 also contains information that would later be used by Christian writers on just war).¹³ Deuteronomy 20 dictates that enemy cities near to Israel could be subjected to extermination (20:16-18). However, if the cities were beyond Israel's borders and agreed to submit peacefully, they would be offered peace, and if accepted become laborers for the Israelites (20: 10-11). If the cities refused to submit and instead made war, the Israelites were commanded to "put all its males to the sword. [They could], however, take as [their] booty the women, the children, livestock, and everything else in the town, all its spoil" (20: 13-14). And in one of the more interesting passages, even if the city were within the confines of Israel, and its people were to be put to death; the trees that produced food must be spared (20: 19-20).¹⁴

Ancient Greece also developed a code of war, parts of which would later be adopted by Christianity. Of particular importance in the Greek community was the process of mediation. The Greeks were in a particularly good position to use mediation as a form of dispute resolution because their culture was composed primarily of independent city-states, which shared a common language (although with several dialects) and culture, and none of which held an overwhelming upper-hand in combat (in contrast to disputes between Rome and Israel for example). The record of the ancient Greeks in using mediation to solve disputes between their

¹² Saint Augustine. *Answer to Faustus a Manichean (Contra Faustum Manichaeum)* in *The Works of Saint Augustine: A translation for the 21st Century*. Trans. Roland Teske, ed. Boniface Ramsey. Part I vol. 20. Hyde Park (NY): New City Press (2007): p. 351.

¹³ For the discussion here I am only engaging in the Christian interpretation of these texts. The Jewish rabbinic tradition has its own long history of interpretation as well, but delving into the Talmud and other texts is beyond the scope of this paper.

¹⁴ Bainton offers a discussion on this passage as well, p. 42-43.

city-states is quite impressive, but, the process was limited to the Hellenes, and could not be applied to the ‘barbarians.’¹⁵

If mediation and all other means of dispute settlement were to fail, then war could be permissible so long as the end-goal was always peace. This was essentially the argument of the Greek philosopher Plato, who first gave form to the theory which is now called “just war.”¹⁶ Plato’s argument centered on the distinction he drew between “war,” which was when “Greeks to battle with barbarians,” and “civil war,” when “Greeks fight with Greeks.”¹⁷ The rules Plato lays out apply to “civil war” which, because it exists between natural friends and not enemies, must be regulated. Of central importance was restriction of violence to “the minimum necessary to obtain satisfaction from the enemy.”¹⁸ According to Plato, a scorched-earth policy was not advisable, since it would inevitably not just punish the guilty, but also the innocent majority. His argument here was not necessarily for noncombatant immunity, but rather against unrestrained use of violence.¹⁹

The author of the term just war was another prominent Greek philosopher, Aristotle, who maintains a long and lasting impact on Christian thought. Aristotle first coined the term as a way of referring to the wars between the Hellenes and the non-Hellenes, who were thought of as barbarians.²⁰ For Aristotle, warfare was not simply an ends in itself, but rather a means of achieving peace, justice, glory and strength.²¹ Virtuous and just men (meaning the Greeks) could use war for expansion of territory, because those that they conquered (the barbarians) would

¹⁵ Bainton, pp. 33-37

¹⁶ Bainton, p. 37

¹⁷ Plato. *Republic*. 470. In *Plato Complete Works*. John M. Cooper, ed. G.M.A. Grube and C.D.C. Reeve, trans. p. 1097.

¹⁸ Bainton, p. 38

¹⁹ Plato, 469-471.

²⁰ Russell, p. 3-4

²¹ Aristotle. *Politics*. VII, 14, 1333a and VII, 14, 1334a. Found online at <http://www.perseus.tufts.edu/hopper/text?doc=Perseus:text:1999.01.0058:book%3D7:section%3D1333a>

benefit by their rule, and peace would become more likely. One of the downfalls of Aristotelian thought on just war is that it reasons that any war which is fought for the purposes of peace and justice will be successful. Yet, when a city-state uses war simply as a means, it will fail.

Unfortunately, this rational fails to distinguish fully between a war that is just and one that is merely successful.²²

The contribution of Roman culture and thought on just war to the development of early Christian just war theory was enormous, as the Church came of age in the Roman period. Both Ambrose and Augustine, important early Christian writers who are commonly regarded as the progenitors of Christian just war theory, drew heavily on Roman theorists and legal traditions. The largest contributions of Rome to the just war come in the form of just causes and the legal foundation of the Roman wars. In the Roman tradition there are essentially three conditions that constitute a just cause: defense, retaking something wrongly taken, and punishment of evil-doing.²³ True to their legalistic view of war, the Roman Republic had a set procedure by which war could be waged, culminating in a formal and authoritative declaration of war. The first step in the process was a civil action of *repetitio rerum* in which a demand was sent to a foreign power for redress of injuries suffered by Rome or its citizens. If the foreign power did not comply within thirty-three days, the high priests, upon authorization of the Senate and the Roman people, could issue a formal declaration of war. By having the priests declare war, Rome was making the legal action a religious one as well, and essentially asking for the help of the gods in battle. Since Roman authorities had first attempted a civil solution to the conflict, Rome

²² Russell, p. 4

²³ James Turner Johnson. "Historical Roots and Sources of the Just War Tradition in Western Culture." In *Just War and Jihad: Historical and Theoretical Perspectives on War and Peace in Western and Islamic Traditions*. Kelsay, John and Johnson, James Turner, ed. New York: Greenwood Press (1991):p. 8

was assumed to have a just cause for war. Invoking the authority of the gods made it both a just war and also a religiously dutiful one.²⁴

The single greatest Roman contributor to the just war tradition was Cicero, whose writing in the first century B.C.E. clearly spelled out the Roman legal and moral conditions for a just war. Cicero's writings are extremely important in the Christian just war tradition, given that Christian writers would later base their work heavily on his writings. Most notably was Ambrose, who has been called "a Christian Cicero."²⁵ Cicero was primarily concerned with the idea of a just cause for war, as he believed that "a war waged without cause was not really war but piracy."²⁶ For Cicero the just cause of a war is the restoration of lost goods, which can constitute more than just physical property but also rights and privileges.²⁷ Cicero did include in his position a punitive concept of a just war, as he expanded the just causes to include punishing the enemy for wrongs they had committed, as well as repulsion of enemy attacks.²⁸ Once war had been properly authorized and declared, it was also important for Cicero that it be fought justly. Cicero believed that in order for an empire to remain virtuous and good it must win its wars honorably. Cicero argues that it would "have been a great disgrace and an outrage to overwhelm by crime rather than by virtue" and that "if an empire is to be sought for the sake of glory, then away with the crime! For there can be no glory in it."²⁹ Faith and honor should be upheld at all times, even with Rome's enemies, and any oath sworn, even to an enemy, must be kept. Furthermore, Cicero believed that once victory had been obtained mercy should be shown to enemies, unless they had acted barbarously. Cicero also advocated that when the Roman army

²⁴ Russell, p. 6 and Bainton, p. 41.

²⁵ Russell, p. 14

²⁶ Russell, p. 5

²⁷ Cicero. *On Duties*. I, 36. Edited by M.T. Griffin and E.M. Atkins. New York: Cambridge University Press (2006): p. 15.

²⁸ Russell p. 5

²⁹ Cicero. *On Duties*, III, 86-87. p. 133.

was besieging a city care should be taken to avoid harm to innocents. This last point was important because Cicero, like Plato before him, helped birth the tradition of distinguishing between the guilty and the innocent in war, although he did not specify the immunity of noncombatants.³⁰

New Testament Contributions

Chronologically, the next major figure to appear in the development of Christian just war was Jesus himself. To put it simply, Jesus never gave his followers a clear and absolute position on war, or even on simply being a soldier, nor do we find such a clear position in any of the later New Testament writings. It is clear, however, that Jesus left his followers with a tradition of peacemaking, but whether that idea of being a peacemaker is compatible with the Greek idea of just war being a means to peace, or even with the Roman notion of *pax romana* is unclear and contentious.

Some of the most prominent statements of Jesus' ministry about peace come to us in the Sermon on the Mount in Matthew chapters five to seven (and also paralleled and condensed in Luke 6:17-38).³¹ The Sermon begins with the Beatitudes, in which Jesus makes the statements "Blessed are the merciful, for they will receive mercy" (5:7) and "Blessed are the peacemakers, for they will be called children of God" (5:9). Later in the Sermon Jesus discusses the Ten Commandments (5:21-48) in which Jesus tells his listeners that not only is it sinful to murder, but also "if you are angry with a brother or sister,³² you will be liable to judgment; and if you insult a brother or sister, you will be liable" (5:22). Later (5:38-40) Jesus challenges the Jewish

³⁰ Bainton p. 41

³¹ For the purposes of this paper only a very brief discussion on the Sermon on the Mount is offered. For more in-depth analysis of the Sermon, including more information on historical political and social settings I would recommend the work of W.D. Davis.

³² The Greek upon which the New Revised Standard Version is based only includes brother here; however translators have added sister, while some of the other English translations include only Brother. Other ancient manuscripts also add "without cause" after "brother."

saying of “an eye for an eye and a tooth for a tooth” by instructing his followers to not resist evil, but rather “if anyone strikes you on the right cheek, turn the other also.” In 5:43-44 Jesus commands followers to not only love their enemies, but also to pray for those who persecute them. 7:12 contains the first of two formulations of the Golden Rule that Jesus gives followers (“In everything do to others as you would have them do to you...”) with the other occurring in 22:39 (“You shall love your neighbor as yourself.”).

Some have argued that part of Jesus’ role as a peacemaker may have been intended to help discourage a Jewish revolt against the Roman empire (which when it did happen in 70 C.E. ended disastrously).³³ The argument here references Luke 14:31 which, in some readings, seems to compare unfavorably the Jewish military resources with those of Rome, and cautions that any responsible King would see that any such fight would be a slaughter. Jesus’ message, in this reading, was not pacifism of principle, but rather pacifism of prudence. This possibility can be seen also in the disciples Jesus gathered. Simon the Zealot belonged to a radical and militaristic Jewish group (who later staged the revolt in 70 C.E.), and some have suggested that “Judas Iscariot’s surname may mean ‘man of the *Sicarii*,’”³⁴ referring to a group of dagger-wielding Jews who carried out political assassinations.

Later Christian writers would turn to other passages in the Gospels (and in Paul’s writings as well) to help support just war theory. One of the most prominent of these passages occurs in Matthew 8:5-13 when Jesus encounters a Roman centurion asking that Jesus heal his servant. During the exchange it is revealed that this man has great faith in Jesus, so much that Jesus declares “in no one in Israel have I found such faith” (8:10). Those arguing in favor of a

³³Badham, p. 26-27.

³⁴Badham, p. 27

just war stance (and opposing pacifists) point out that in this passage Jesus declares a Roman soldier to have great faith, while never admonishing the man for his profession.

Proponents of just war have also referred to the account in John 2:15 of Jesus cleansing the temple with a whip of cords, a seemingly violent act. They also will refer to Matthew 10:34 where Jesus says “Do not think that I have come to bring peace on earth; I have not come to bring peace but the sword.” This text is paralleled in Luke 12:51, where instead of ‘sword’ the author substitutes ‘division.’ The interpretations of this text are wide and varied, but many authors seeking to use it to justify the use of violence or war forget the next verse, which is a clear parallel in both gospels to Micah 7:6. By referencing Micah, Jesus may actually have been alluding to the adversity his disciples would have to face to remain faithful to his message.

Further New Testament evidence used by many writers to support just war theories come from any passage in which Jesus seems to be upholding the civilian government, such as in Matthew 22:15-22, when Jesus concludes that one should “Give therefore to the emperor the things that are the emperor’s, and to God the things that are God’s” (22:21).³⁵ The thirteenth chapter of Paul’s letter to the Romans, which starts “let every person be subject to the governing authorities; for there is no authority except from God” (13:1), is often used in similar fashion, and read as upholding the established government, or at least a government even if secular.³⁶

Despite the later use of New Testament texts to support ideas of just war, first-century Christians were generally pacifists.³⁷ Given the teachings of Jesus (“Blessed are the peacemakers”), and many of his actions, such as reprimanding Peter for drawing his sword in the

³⁵ This passage is about paying tributes, or taxes, to the government, and like many passages has been interpreted in a variety of ways. For a more complete discussion on this passage, see Bainton p. 57-59

³⁶ Bainton (pp. 59-61) argues that this passage has had three primary interpretations since the Reformation, coming from the Anabaptists, Luther, and Calvin.

³⁷ Johnson. “Historical Roots and Sources of the Just War Tradition in Western Culture.” pp. 8-9. Johnson notes their opposition based on views that war involved idolatry, created ritual impurity, and immoral temptations.

Garden of Gethsemane in the night Jesus was arrested (John 18:11), it is easy to see who a pacifist movement would have developed. However, as Christianity grew and became more integrated into mainstream cultures, its position on war, the use of violence, and military service changed.

Early Christian Writers

With the Christianization of the Roman Empire under Constantine in the fourth century, a movement began to reconcile Christian teachings with the reality of Roman wars. A justification for war, and specifically for Roman wars (fought to extend *pax romana*), became necessary. Ambrose, writing in the fourth century C.E., a contemporary of Constantine and a mentor to Augustine, was the first Christian theorist to argue that a Christian's obligation to love their neighbor extended to the obligation to protect the neighbor from harm being inflicted unjustly. Ambrose argued that the use of force was even justified to protect the victim; however the force against the assailant was limited, because Christ died for the assailant as well.³⁸ In his discussion of how wars ought to be fought Ambrose closely mirrored Cicero, arguing that fidelity, loyalty, and respect for the rights of the enemy must be preserved. In his efforts to help in the Christianization of the Roman Empire, as well as fighting against heretics and upholding Catholic orthodoxy, Ambrose also justified the use of violence against heretics, and thus justified the Roman wars against the barbarians, who were all deemed heretical.³⁹

Augustine of Hippo (a fourth century bishop in Africa, and adviser to many Roman officials) is referenced by many scholars as the most authoritative of early Christian writers on just war theory. However, he never wrote a document in which he directly and wholly addressed his position, or what he thought the orthodox Christian position ought to be, on just war. Instead

³⁸ Johnson, "Historical Roots," p. 9

³⁹ Russell p. 14-15

what we have are conclusions drawn from a variety of his writings, including “his biblical commentary on Joshua, his anti-Manichean writing, and letters to Count Boniface, the senior Roman official in North Africa.”⁴⁰ It is important for readers to remember that Augustine was heavily influenced by secular writers, most especially Roman, and was also extremely concerned with establishing and defending orthodoxy. In his writings, we see Augustine’s great concern that any belief other than strict orthodoxy poses a threat to the faith, and “eventually concluded, against a backdrop of imperial repression of heretics in which he had a hand, that the ecclesiastical hierarchy had the right and the duty to seek imperial coercion of heretics *qua* heretics.”⁴¹ Many of his writings also display a deep commitment to the notion that right intentions, or interior motivations, are more important for salvation than external actions. As such, Augustine based his theories on violence and just war on a combination of Roman legal tradition, Roman and Judaeo-Christian thought, and early Christian pacifism. Central to Augustine’s position on just war was his conviction that war was “both a consequence of sin and a remedy for it.”⁴² He viewed the true evils of war to be “the desire to do harm, cruelty in taking vengeance, [and] the lust for dominion.”⁴³ Also important to Augustine’s conception of just war was that war should have peace as its goal, and thus war was seen as an instrument of peace and could only be waged to secure it.⁴⁴

Augustine’s theory on just war can be broken down into eight components, which although not all-encompassing of the theory, provide a sufficient framework to work with.

These elements are summarized quite efficiently by Langan:

⁴⁰James Turner Johnson. “The Idea of Defense in Historical and Contemporary Thinking About Just War.” In *Journal of Religious Ethics* 36 no 4 D (2008), p 544.

⁴¹ Russell p. 23

⁴² Russell p. 16

⁴³ Augustine. *Answers to Faustus a Manichean*. XXII, 74. Translated by Roland Teske. Hyde Park: New City Press (2007): p. 351.

⁴⁴ Augustine. *City of God*. XV, ch. 6, #5. Translated by Henry Bettenson. New York: Penguin Books (1972): p. 599.

a) a punitive conception of war, b) assessment of the evil of war in terms of the moral evil of attitudes and desires, c) a search for authorization for the use of violence, d) a dualistic epistemology which gives priority to spiritual goods, e) interpretation of evangelical norms in terms of inner attitudes, f) passive attitude to authority and social change, g) use of Biblical texts to legitimate participation in war, and h) an analogical conception of peace. It does not include non-combatant immunity or conscientious objection.⁴⁵

The first two elements are fairly clear, but the other elements need some clarification. With regards to authorization (element (c) above), Augustine places the power to authorize war entirely in the hands of the ruler (in his worldview this was a monarch).⁴⁶ Augustine reasoned that the ‘natural order’ which seeks peace results in the ruling of the people by a monarch, and therefore the natural order has ordained the monarch with the authority and power to undertake war.⁴⁷ In line with this reasoning, Augustine argues that since it is a soldier’s duty to carry out commands, the soldier is innocent in carrying out a ruler’s commands.⁴⁸ Augustine does, however, leave the ultimate decision making up to God, who is the final judge and ultimate guarantee of righteousness. Element (f) should be considered with (c) as the two both remove authority almost entirely from the individual, and thus also responsibility, and place the obligation to act justly on a higher power (either human or divine).⁴⁹ Element (d) above shows Augustine’s concern for things spiritual over things which are corporeal, and his seeking for a conversion of mind and heart. It is both “the affirmation of the priority of spiritual goods” and a demonstration of “a strong paternalistic tendency, in which one is willing to take action

⁴⁵John Langan. "The elements of St Augustine's just war theory." *Journal of Religious Ethics* 12, no. 1 (March 1, 1984): 19

⁴⁶Augustine. *Answer to Faustus a Manichean*. XXII, 75. p. 352.

⁴⁷In this point we see Augustine arguing using natural law philosophy, a tradition started in ancient Greek, continued in the Roman philosophers, including Cicero, and now is quite common among Catholic thinkers, largely thanks to the work of Augustine.

⁴⁸Augustine. *Answer to Faustus a Manichean*. XXII, 75. p. 352. Augustine supports this argument with Luke 3:14 in which John the Baptist instructs soldiers to “be satisfied with your wages,” and also with Matthew 22:21 in which Jesus praises a Roman centurion for his faith.

⁴⁹Langan p. 34. Here Langan also points out that on this issue Thomas Jefferson, Immanuel Kant, Freud, and Marx, along with Bonhoeffer, the Niebuhrs, Vatican II and Gutierrez would all be in opposition to Augustine.

overriding others' conception of what constitutes their good."⁵⁰ Element (e) is related to (d) in that it also refers to the need for righteous inside of persons, a conversion of mind and heart. For example, Augustine argues that Jesus' command to "turn the other cheek" is actually a disposition of the heart and not the body.⁵¹ Augustine's analogical conception of peace (element (h) above) is closely tied to his conception as war being a means for establishing peace, and also his writings in *The City of God*. Although Augustine laments the need for war, he does see it as the means by which we can establish the partial, temporary, and imperfect peace here on earth, which is distinct and separate from the ultimate peace to be found in the heavenly city.⁵²

Medieval Contributions

By the early Middle Ages, the concepts of what constituted a just war had all been laid out by the Church Fathers, principally by Augustine.⁵³ The task for medieval scholars was to create a more concrete doctrine of just war, which was largely based upon prior teachings. Medieval scholars were deeply concerned with the topics of just and holy wars as this was the time period of the Crusades. Ivo of Chartres, in the time period of the First Crusade (and owing his episcopacy Pope Urban II), although hesitant to endorse the Crusades, did leave behind several texts which echo elements of Augustine's theories about just war.⁵⁴ Although "some of Ivo's authorities taught that both secular and ecclesiastical law forbade the shedding of human blood," Ivo also "cited numerous canons which maintained that lawful authorities were legitimately entitled to employ violence. Preeminent among those authorities were judges and kings. Judges were authorized by God to employ the death penalty."⁵⁵ Here Ivo is echoing

⁵⁰Langan p. 25

⁵¹ Augustine. *Answer to Faustus a Manichean*. XXII, 76. p. 352.

⁵²Langan p. 29

⁵³ James A. Brundage. *The Crusades, Holy War, and Canon Law*. Brookfield VT: Gower Publishing Company (1991): XI p. 70

⁵⁴ Brundage, pp. 178-179

⁵⁵ Brundage, p. 181

Augustine's formation of a just authority, and Ivo further echoes Augustine in absolving soldiers and executioners of the guilt of homicide, so long as they were acting on the command of a lawful authority (a king or judge).⁵⁶

Gratian, writing in the twelfth century, drew heavily from the work of Ivo in writing his legal work, the *Decretum*,⁵⁷ which in itself would later be used extensively by scholars, including Thomas Aquinas.⁵⁸ Gratian was principally concerned with the question of whether Christians could participate in war. His answer to the question was affirmative but only for a just war defined as "those fought to regain something stolen or to repel injury [concepts Johnson attributed to Isidore of Seville) or to revenge injury, punish evil, or restore something wrongly taken [concepts Johnson attributes to Augustine]."⁵⁹ Describing what constitutes a just war, Gratian argues that "no war could be considered just unless commenced by an authoritative edict; and, even with proper authority, a just war must fulfill the second requirement that it be waged to right a legal wrong or injury."⁶⁰ Using Augustinian texts taken from the work of Ivo, Gratian wrote that war can only be legitimately used out of necessity and for the restoration of peace. Military prowess and warfare are instruments of peace, and even during war soldiers are to be pacific, as their goal is the restoration of the enemy to a peaceful state through conquest.⁶¹ Despite containing many definitions of what a just war is, Gratian, like previous writers, did not provide a neat and comprehensive formula for a just war. There is no specific mention of just

⁵⁶ Brundage, p. 181

⁵⁷ Brundage, p. 176 and Russell, p. 56

⁵⁸ Johnson. "Historical Roots and Sources of the Just War Tradition in Western Culture." p. 14. Johnson points out here that Aquinas, when writing "On War" drew heavily on Augustine as well, but only on the references to Augustine's work which appear in *Decretum*.

⁵⁹ Johnson. "Historical Roots and Sources of the Just War Tradition in Western Culture." p. 14. Russell also examines this point, although in more detail, pp. 62-64.

⁶⁰ Russell, p. 64. Also briefly in Brundage, p. 76.

⁶¹ Russell, pp. 60-61.

cause ('*justa causa*') or right intention ('*recta intentio*'), or of defense. Also missing is a definition of who the just authority is.⁶²

Although the rules used for conduct in war continued to develop up through the early modern period⁶³ (and are still debated today), the consensus on the licit use of violence by Christians (*jus ad bellum*) was presented in settled form by Thomas Aquinas, a Dominican priest and influential theologian of the thirteenth century, in his question "On War."⁶⁴ In this work Aquinas lays out three requirements for defining when a war is just. First for Aquinas is "the authority of the sovereign by whose command the war is to be waged."⁶⁵ Condition two for Aquinas is a just cause, "namely that those who are attacked, should be attacked because they deserve it on account of some fault."⁶⁶ His third and final condition is that "it is necessary that the belligerents should have a rightful intention, so that they intend the advancement of good, or the avoidance of evil."⁶⁷ By rightful intention Aquinas also means that peace must be the end sought through violence. As should be obvious, Aquinas' formulation of the just war very closely mirrors Augustine's, although Aquinas presents a much simplified and condensed answer to the question on war. To solidify the tie between the two, it should be noted that in his writing, Aquinas cites Augustine's sermons and letters, most notably *Contra Faustus Manichean*.

In the above discussion one clear element of the just war theory remains missing – the concept of noncombatant immunity. Essentially this idea is that innocent civilians are not to be directly targeted, and that care should be taken to limit civilian casualties in war. Although writers from Plato to Augustine all hinted at the idea of certain groups being exempt from

⁶² Russell, p. 64. Brundage also points out the lack of specificity in Gratian, p. 76.

⁶³ Johnson. "Historical Roots and Sources of the Just War Tradition in Western Culture." p. 16.

⁶⁴ Johnson. "The Idea of Defense in Historical and Contemporary Thinking About Just War." p. 545.

⁶⁵ Thomas Aquinas. "The Summa Theologica, Part II, Question 40." From <http://ethics.sandiego.edu/Books/Texts/Aquinas/JustWar.html> accessed October 23, 2010.

⁶⁶ Aquinas, <http://ethics.sandiego.edu/Books/Texts/Aquinas/JustWar.html>

⁶⁷ Aquinas, <http://ethics.sandiego.edu/Books/Texts/Aquinas/JustWar.html>

violence, and the Old Testament laws even specify that women and children are not to be harmed, none of these early sources spelled out a rule of noncombatant immunity. The origin of the concept of noncombatant immunity almost certainly has its roots in medieval times. Gratian, and many other medieval writers, exempted “pilgrims, clerics, monks, women, and the unarmed poor from violence”⁶⁸ but did not specify noncombatant immunity. Johnson attributes the rise of the idea of noncombatant immunity to a movement in the tenth century by French bishops who declared a “peace of God,” “essentially a declaration that peaceful noncombatants were not to be molested.”⁶⁹

The just war tradition then comes to us with the following conditions for justification: the war must be launched by a properly constituted authority, for a just cause, and as a last resort. War must be formally declared, there must be a realistic hope of victory and the evil of warfare must be judged to be less than the evil of not fighting.⁷⁰ Additionally, the tradition specifies that non-combatants should not be targeted whenever possible, and that the measure of physical force to be used must be proportionate.⁷¹

The Formation of Islamic Jihad Theory

The word *jihad* has come to be associated with terrorism, radicals, and fringe groups in Muslim society bent on destroying everything Western. However, historically and in more mainstream Islamic scholarship the word refers to an idea that when applied to violence closely parallels the Christian concepts of holy and just wars, but can also refer to a personal spiritual pursuit. Linguistically the Qur’an has essentially two distinct terms for military activity: *qital*

⁶⁸ Russell, p. 70

⁶⁹ Johnson. “Historical Roots and Sources of the Just War Tradition in Western Culture.” p. 12

⁷⁰ Badham p. 27-28

⁷¹ Robert L Phillips. “Combatancy, Noncombatancy, and Noncombatant Immunity in Just War Tradition.” In *In Cross, Crescent and Sword: The Justification and Limitation of War in Western and Islamic Tradition*. New York: Greenwood Press (1990): p. 181

and *jihad*. The meaning of *qital* is simply “fighting” while the meaning of *jihad* is significantly more complex. The most common literal definitions of *jihad* are “struggling,” “striving,” or “exerting oneself.” Generally the term in Islamic texts is followed by something akin to “in the path of God,” giving us a definition of “striving in the path of God.” Classically *jihad* has referred to a spiritual warfare.⁷²

Contributions of Pre-Islamic Cultures

Like the Christian just war theory, Muslim concepts of *jihad*, and warfare more generally, were shaped by the cultures that came before the birth of the religion. The pre-Islamic Arabian cultures unfortunately did not leave behind much information for modern scholars (other than some fragments of poetry), so most of what is known about them is derived from the writings of Islamic scholars some 150 to 200 years after the rise of Islam. Not only is this lack of primary-source evidence a hindrance to scholars, but so is the characterization of the time period by the early Islamic scholars who labeled the era *jahiliyya*, which means “ignorance.”⁷³

Generally, the pre-Islamic culture consisted of nomadic or semi-nomadic tribes often centered on an extended family with a few more permanent settlements surrounding oases, most notable of which were Mecca and Medina. Scholars commonly characterize the state of relations between different groups as hostile, and even when no fighting was occurring a general state of

⁷²Abdulaziz A. Sachedina. “The Development of Jihad in Islamic Revelation and History.” In *Cross, Crescent and Sword: The Justification and Limitation of War in Western and Islamic Tradition*. New York: Greenwood Press (1990): p. 37

Majid Khadduri. *War and Peace in the Law of Islam*. Baltimore: The Johns Hopkins Press, (1955): p. 55

David Cook. *Understanding Jihad*. Berkley: University of California Press (2005): p. 1

Reuven Firestone. *Jihad, The Origin of Holy War in Islam*. New York: Oxford University Press (1999): p. 16

Rudolph Peters. *Jihad in Classical and Modern Islam: A Reader*. Princeton series on the Middle East. Princeton: Markus Wiener (1996): p. 1

⁷³ Firestone, p. 20

war between the tribes was assumed.⁷⁴ Raiding in this time period was both an extremely common event and also a formative aspect of the culture. Raiding served as a means for acquiring assets and redistributing wealth, with raiders generally focusing on capturing highly mobile assets like livestock or prisoners while generally avoiding bloodshed as much as possible. Since it was such a common occurrence, tribes created a set of “rules of engagement” for raiders, as well as an honor code of sorts for any armed conflict.⁷⁵

Established values in the pre-Islamic culture often promoted traits that would aid in survival, including hospitality, generosity, strength, bravery, good judgment, refraining from harming noncombatants and women, and intense loyalty to one’s kin and clan.⁷⁶ As a part of loyalty to one’s kin and clan, a doctrine of revenge also became important. In the instances where bloodshed did occur and a person was killed, it became a matter of honor, and almost obligatory, for a closely related person to take revenge against the killer or the killer’s clan, sometimes even to the extent of starting a war.⁷⁷ In cases where war did break out, the tribes around Arabia established a set of rules which would later impact early Islam in very distinct ways.

One of the inherent difficulties in a society where different factions are perpetually in a state of war is that trading, exchanging information, and having any kind of social interaction and cross-clan exchanges become nearly impossible. To help mitigate these problems, the pre-Islamic Arab cultures established sacred times (probably four months in the year) in which fighting was disallowed. This time allowed tribes to settle disputes and debts, intermingle,

⁷⁴ Fred M Donner. “The Sources of Islamic Conceptions of War.” In *Just War and Jihad: Historical and Theoretical Perspectives on War and Peace in Western and Islamic Traditions*. Kelsay, John and Johnson, James Turner, ed. New York: Greenwood Press (1991): p. 34, and Firestone p. 39

⁷⁵ Firestone, p. 34

⁷⁶ Firestone, p. 30 and Donner, p. 35-36

⁷⁷ Firestone, p. 35

exchange goods and services, and also make pilgrimages to sacred spaces and shrines.⁷⁸ Despite not yet having heard the revelations from Muhammad, pre-Islamic Arabs were religious, although most of them were polytheists, and had established holy places, most notably Mecca, which contained not only an unusual spring, but also the Ka'aba, which before the rise of Islam served as a shrine for many tribal gods. Important for our discussion is that fighting in these sacred spaces was generally disallowed.⁷⁹

The Life of Muhammad

The prophet Muhammad was born in approximately 570 C.E. in the oasis of Mecca, a son of the Quraysh tribe, who tradition records as the guardians Ka'aba, the sacred shrine in Mecca.⁸⁰ Muhammad was orphaned at a very young age, and subsequently raised by his uncle Abu Talib.⁸¹ Not much is known about Muhammad's early years, or his adolescence. As a young man, around the year 595, Muhammad married a much older, and wealthier, woman named Khadija. Muhammad subsequently became a fairly wealthy man, operating a trading business, and even gained a reputation as a skilled mediator.⁸² Muhammad's visions began somewhere around the age of forty (610 C.E.). At this point in his life, Muhammad had begun to perform "lengthy retreats to a nearby mountain" where he would often sleep in a cave.⁸³ It was in this cave that Muhammad saw the Angel Gabriel and was given the command to "recite in the name of your Lord who created man from a clinging substance" (Qur'an 96:1).⁸⁴

One of the important aspects of what is now the Qur'an is that it was not given to Muhammad all at once, but rather was given in pieces over a long period of time. The early and

⁷⁸ Firestone, p. 38

⁷⁹ Firestone, p. 38

⁸⁰ David Waines. *An Introduction to Islam*. Second Edition. New York: Cambridge University Press (2003): pp. 9-11.

⁸¹ Waines, p. 11. And D.S. Roberts. *Islam: A Concise Introduction*. San Francisco: Harper and Row (1982): p. 9.

⁸² Roberts, p. 9, and Waines, pp. 11-12.

⁸³ Waines

⁸⁴ Roberts, p. 10 and Waines, p. 12.

incomplete visions were not enough to convince Muhammad to go and preach in the streets that Allah is the one true god right away. For approximately the first three years Muhammad kept his visions mostly to himself, although he did confide in a small circle of family and friends. By 613 C.E., Muhammad began to preach his message, that there was one true god, in the streets of Mecca.⁸⁵ Although Muhammad was able to attract a small number of followers, the message was not kindly received by the ruling class in Mecca for a variety of reasons, some of them likely economic.⁸⁶

In the year 622, under the threat of physical harm to himself and his followers in Mecca, Muhammad led his small group of believers to the oasis settlement of Yathrib, later renamed Medina (short for the expression “City of the Prophet”).⁸⁷ Muhammad had been invited there to serve as an arbitrator between feuding factions in exchange for protection for his people. This event became known as the *hijrah*, the emigration, and is celebrated as the founding of the Muslim community (the *ummah*), and essentially the beginning of the Muslim history. The year 622 translates to the Islamic year 1.⁸⁸

It was in Medina that the Muslim community first began to take violent actions (at least that we are aware of). Their actions began, out of economic necessity, with raiding parties often led by Muhammad himself on caravans (likely headed to and from Mecca) in the tradition of the pre-Islamic Arab society.⁸⁹ These raiding parties quickly developed into full-fledged battles between Muhammad’s forces and those of Mecca, beginning with the surprise victory of the Muslims over the Meccans in the battle of Badr in 624.⁹⁰ This battle became extremely

⁸⁵ Roberts, p. 11.

⁸⁶ Waines, pp. 15-18. Muhammad was challenging the deities the Meccans prayed to, their way of life, customs, and ancestors, and also the economic profits gained from the pilgrims who would travel to the shrines in Mecca.

⁸⁷ Waines, p. 18.

⁸⁸ Roberts, p. 16 and Waines, p. 18.

⁸⁹ Roberts, p. 17.

⁹⁰ Cook, p. 6 and Roberts p. 18. Roberts has an excellent overview of early Muslim battles on pp. 18-29.

important to the early Islamic community for a number of reasons – they were outnumbered, still needed to establish themselves, and managed to kill a significant number of the leaders of their enemies.⁹¹ Much of *sura* 8 in the Qur’an is devoted to dealing with this battle. The *sura* makes clear that the victory is owed to Allah, and implores believers in 8:9 to “[Remember] when you asked help of your Lord, and He answered you, ‘Indeed, I will reinforce you with a thousand from the angels, following one another.’” Later in the *sura* Muslims are also instructed on how to deal with the spoils of war:

And know that anything you obtain of war booty - then indeed, for Allah is one fifth of it and for the Messenger and for [his] near relatives and the orphans, the needy, and the [stranded] traveler, if you have believed in Allah and in that which We sent down to Our Servant on the day of criterion - the day when the two armies met. And Allah , over all things, is competent. (8:41)

This battle arguably began the Islamic tradition of *jihad*, and certainly began a period of active military activity for the Muslim community.

Over the last nine years of his life, Muhammad is said to have “participated in at least twenty-seven [military] campaigns and deputized some fifty-nine others.”⁹² In 629 Muhammad and the Meccans negotiated a truce, which would allow Muhammad and his followers to make a pilgrimage to the Ka’aba a year later.⁹³ When the time came for the pilgrimage, instead of a peaceful pilgrimage, Muhammad amassed himself an army and marched toward Mecca. He was able to take control of the city, eight years after the *hijrah*, and cleanse it of pagan idols, declaring *Allah Akbar* (Allah is the greatest).⁹⁴ Two years later Muhammad went on his

⁹¹ Cook, p. 7.

⁹² Cook, p. 6.

⁹³ Roberts, p. 25.

⁹⁴ Roberts, pp. 26-27.

‘farewell pilgrimage’ to Mecca, establishing the traditions now used in the *haji*, and establishing it as a solely Muslim shrine. He died shortly after, in 632.⁹⁵

Early Islam: Qur’anic Contributions

Unlike the holy books of Judaism and Christianity, the Qur’an⁹⁶ contains only the revelations of Muhammad as he presented them to the *umma* (the body of believers), without any context given. In its statements on *jihad* this lack of context can raise problems in that readers (without the aid of commentaries and scholars, both ancient and modern) have no way of reconciling seemingly irreconcilable statements. For example, Qur’an 2:190 seems to indicate that *jihad* is limited to defensive means only: “Fight in the path of God those who fight you, but do not transgress limits (*wala ta ‘tadu*), for God does not love transgressors.” However, the next verse, 2:191 seems to offer a conflicting view:

And kill them wherever you overtake them and expel them from wherever they have expelled you, and *fitnah*⁹⁷ is worse than killing. And do not fight them at *al-Masjid al-Haram* until they fight you there. But if they fight you, then kill them. Such is the recompense of the disbelievers.

To reconcile the different treatments of violence in the Qur’an Islamic scholars developed a theory based on when the different revelations were given, and what was going in the early Muslim community at that time.

The theory, described as an evolutionary theory, is based partially on the fact that the order of the *suras* in the Qur’an does not correspond to the order in which they were received, and that because Muhammad’s revelations continued for around twenty years it is entirely possible that revelations given later were meant to abrogate earlier revelations. According to

⁹⁵ Roberts, pp. 28-29.

⁹⁶ Firestone dates the formalization of the Qur’an to about twenty years after Muhammad’s death (although writing started as soon as two years after), p. 43.

⁹⁷ An English translation of *fitnah* could not be found.

Firestone “Muslim scholars came to the conclusion that the scriptural verses regarding war were revealed in direct relation to the historic needs of Muhammad during his prophetic mission.”⁹⁸ Thus, early Qur’anic revelations urged nonconfrontation, and instructed believers to propagate the faith without the use of violence. For example, *sura* 15:94 instructs believers to “profess openly what you have been commanded,” and 16:125 instructs them to “invite [all] in the way of your Lord with wisdom and beautiful preaching.” These revelations are often associated with the early Meccan period of Islam (around 610 to 622 C.E.).⁹⁹

Stage two of the evolutionary theory includes revelations said to have occurred around the time of the Hijra, the emigration from Mecca to Medina in 622 C.E. In this stage believers are permitted limited uses of violence, often only defensively. *Sura* 22:39,¹⁰⁰ which gives permission for people who have been wronged to fight, and 2:190 (“Fight in the path of God those who fight you, but do not transgress limits, for God does not love transgressors”) are included here.¹⁰¹

The third stage of the classical evolutionary theory allows Muslims to initiate attacks, but only within the structures of ancient Arabian culture. The revelations defending this position are said to have begun in 624, around the same time as a raid led by ‘Abdullah b. Jahsh al-Asadi that resulted in the first death caused by a Muslim in battle.¹⁰² The *suras* used to defend this point (including 2:217, and 2:191) prohibit fighting in the Sacred Mosque (almost certainly the

⁹⁸ Firestone, p. 50. He attributes the theory to “early exegetes,” most of whom date from the thirteenth to the fifteenth centuries.

⁹⁹ In the classical reading *sura* 15:94-95, and 16:125-127 are frequently mentioned in this category by early Muslim exegetes such as Abdul-Hasan Wahidi and Muhammad b. Jarir al-Tabari. Firestone includes an alternative reading of the evolution theory on pp 67-91. This section is also an excellent source for more *suras*.

¹⁰⁰ Dated by Wahidi to the Hijra.

¹⁰¹ Firestone, pp. 53-56

¹⁰² Firestone, p. 57

Ka'aba) and also in the Sacred Month¹⁰³ (which could be either a reference to the sacred months established by pre-Islamic cultures, or to the Islamic sacred month of Ramadan).¹⁰⁴

The final stage in the evolution of revelations about the use of violence contains those revelations which command Muslims to fight the unbelievers. It is generally believed by ancient and modern scholars that these commands were revealed to the early community after they had become fairly well established in Medina. A short sampling of such verses includes 2:216, 9:5, and 9:29 which all command believers to fight the unbelievers, as well as idolaters until they acknowledge the "truth:" that there is no god but Allah, and that Muhammad is his messenger.¹⁰⁵

Jihad in the Hadith Literature

Second to the Qur'an in Islam are the collections of the sayings and deeds of Muhammad as "an authoritative source of religious law and doctrine."¹⁰⁶ In examining the many *hadiths* related to *jihad*, it is clear that several broad themes emerge. One of the most persistent of these themes is that *jihad* is one of the greatest deeds available to a Muslim:

I asked the Prophet "Which deed is the dearest to Allah?" He replied, "To offer the prayers at their early stated fixed times." I asked, "What is the next (in goodness)?" He replied, "To be good and dutiful to your parents" I again asked, "What is the next (in goodness)?" He replied, "To participate in Jihad (religious fighting) in Allah's cause." 'Abdullah added, "I asked only that much and if I had asked more, the Prophet would have told me more."¹⁰⁷

"Not equal are those believers who sit (at home) and those who strive hard and fight in the Cause of Allah with their wealth and lives."¹⁰⁸

¹⁰³ 2:191 and 194 also include statements that can be interpreted as giving Muslims authority to override ancient sacred spaces and times.

¹⁰⁴ Firestone, pp. 56-60

¹⁰⁵ Firestone, pp. 60-64

¹⁰⁶ Peters, p. 9.

¹⁰⁷ Sahih Bukhari. Volume 1, Book 10, Number 505.

<http://www.usc.edu/schools/college/crcc/engagement/resources/texts/muslim/search.html> Unless otherwise noted, all Hadiths are from this source.

¹⁰⁸ Sahih Bukhari. Volume 4, Book 52, Number 85.

It should also be noted that the order of importance of *jihad* is not always constant, sometimes it will appear directly after prayers (or some other form of recognizing Allah), and sometimes, as above, after another duty (such as to one's parents). Another important theme is the reward of paradise and booty for those who participate in *jihad*:

Allah's Apostle said, "Allah guarantees him who strives in His Cause and whose motivation for going out is nothing but Jihad in His Cause and belief in His Word, that He will admit him into Paradise (if martyred) or bring him back to his dwelling place, whence he has come out, with what he gains of reward and booty."¹⁰⁹

He (the Messenger of Allah) did that and said: There is another act which elevates the position of a man in Paradise to a grade one hundred (higher), and the elevation between one grade and the other is equal to the height of the heaven from the earth. He (Abu Sa'id) said: What is that act? He replied: Jihad in the way of Allah! Jihad in the way of Allah!¹¹⁰

As is mentioned in the above examples, and repeatedly so elsewhere, those who perish during *jihad* are promised entrance into paradise, and a higher status there. Those who survive a successful *jihad* are promised to be returned home with "reward and booty," which in the Muslim community is to be divided according to the rules laid out in *sura* 8:41 (discussed above). Echoing passages from the Qur'an (see especially 8:9), the hadith literature seeks to remind Muslims that victory comes from Allah:

When the Prophet returned (from Jihad), he would say Takbir thrice and add, "We are returning, if Allah wishes, with repentance and worshipping and praising (our Lord) and prostrating ourselves before our Lord. Allah fulfilled His Promise and helped His Slave, and He Alone defeated the (infidel) clan."¹¹¹

Also important is the idea that *jihad* is both continuous and it is obligatory upon any Muslim ruler to continue to wage *jihad*:

¹⁰⁹ Sahih Bukhari. Volume 4, Book 53, Number 352.

¹¹⁰ Sahih Muslim. Book 020, Number 4645

¹¹¹ Sahih Bukhari. Volume 4, Book 52, Number 317.

The Prophet (peace_be_upon_him) said: Striving in the path of Allah (jihad) is incumbent on you along with every ruler, whether he is pious or impious; the prayer is obligatory on you behind every believer, pious or impious, even if he commits grave sins; the (funeral) prayer is incumbent upon every Muslim, pious and impious, even if he commits major sins.¹¹²

Although this very brief (and it is just that, brief) glimpse into the vast collection of *Hadith* literature on *jihad* is far from comprehensive, it does provide four foundational themes, attributed to Muhammad himself, for Muslim understandings of *jihad*. These themes – the high status of *jihad* as a deed, rewards for *jihad*, the reliance on Allah for victory, and the obligatory and continuous nature of *jihad* – played a crucial role in the development and justification of *jihad*.

Early Islamic Expansion and Conquests

Guided by the unifying force of Islam, and a command from God’s messenger to spread the faith, the Muslim community began an incredibly successful conquest movement beginning shortly after Muhammad’s death. Despite controlling only a relatively small area during Muhammad’s lifetime (the region surrounding Medina and Mecca), by 650 – only twelve years after Muhammad’s death – the entire Arabian Peninsula as well as from the Iranian plateau on the east to Egypt on the west, was under Muslim control.¹¹³ During the rule of the Umayyad dynasty (661-749) Muslim expansion continued at a rapid pace and in all directions. By the time the Muslim forces were stalled in France by Charles Martel in 732 they had already gained control of territories in present day Afghanistan, Pakistan, India, much of Central Asia, Armenia, and the Iberian Peninsula. Additionally, two unsuccessful attacks had been mounted in 676-680 on Constantinople, the seat of the Christian Byzantine Empire.¹¹⁴

¹¹² Sunan Abu Dawud. Book 14, Number 2527.

¹¹³ Cook, p. 11

¹¹⁴ Cook, p. 11

Although most of the territory the Muslims conquered was controlled by small nomadic groups, and thus easily conquered, their success has largely been attributed the unifying force of Islam. Not only were Muslim fighters unified by the (relatively) new faith, but their movement was able to continue its momentum through the conversion of new territories to Islam. The early conquests are often characterized as the best examples of legitimate use of *jihad*, as they were fought on the authority of a true Islamic ruler (the early caliphs), and clearly for the spread of the faith, as commanded in the Qur'an.¹¹⁵ The belief of early Muslims that these conquests were God's will is seen in the following *hadith* (among others):

[Salman al-Farisi] said: I was striking [with a pick while digging the trench] on one part of the Khandaq, when there was a stone that was too tough for me. The Messenger of Allah was close to me, and when he saw me and how difficult the place was for me, he descended [into the trench] and took the pick from my hands. He struck the rock with force that caused lightning to flash from the pick...then he struck again, and lightning flashed from beneath the pick...and then struck a third time and again lightning flashed from beneath it. I said; "May my father and mother [be a redemption for you], O Messenger of Allah, what was that I saw beneath the pick when you struck?" He said: "Did you see that, O Salman?" I said: "Yes." He said: "With the first [flash] Allah gave me the Yemen, with the second Allah gave me Syria and the Maghrib [Morocco] and with the third, Allah gave me the East."¹¹⁶

This account is meant to relay the message that God had planned to deliver certain lands to Muhammad (or Muhammad's followers) and it is easy to see how such an account could serve as a motivation for *jihad*.

Although the result of this early *jihad* was the conversion of a vast number of people to Islam, the conversions (probably) were not forced upon the conquered people. As seen above there were several options listed in the Qur'an for many conquered people other than conversion, and there was also the command in Qur'an 2:256 that "there should be no compulsion in religion." Rather, the early conquests created the "necessary preconditions for the spread of

¹¹⁵ Cook, pp. 11-12.

¹¹⁶ Cook, pp. 12-13. Originally found in Ibn Hisham, *Sira* (Beirut), III, pp. 234-235.

Islam,” and thus *jihad* played a crucial role in the early development of Islam.¹¹⁷ The early conquest movement also created a necessity for later Muslim scholars to continue to find ways to reconcile their faith with war, and also to outline situations for the licit use of violence.¹¹⁸

The Greater Jihad and the Lesser Jihad

The multiple commands in the Qur’an to go and fight the unbelievers coupled with the early use of violent and widely successful conquests of a rapidly growing Islamic empire led to *jihad* taking a prominent role in Islam.¹¹⁹ *Jihad* was seen primarily as a war against unbelievers for the sake of establishing Islam, but there are also multiple mentions in early literature of *jihad* as a nonviolent movement as well. One of the most prominent of these texts is a *hadith* which can be traced to the first half of the ninth century:

A number of fighters came to the Messenger of Allah, and he said: “You have done well in coming from the ‘lesser jihad’ to the ‘greater jihad.’” They said: “What is the ‘greater jihad’?” He said: “For the servant [of God] to fight his passions.”¹²⁰

A similar statement in the *hadith* literature is an account of Muhammad returning from *jihad* and saying “we have returned from the lesser jihad to the greater jihad.”¹²¹ Evidence for this concept of a greater *jihad* is scarce in the Qur’an itself, with just a few verses indicating great reward for those who strive in the way of God with their property (or wealth) and their persons.¹²²

According to Cook the idea of *jihad* being an inner battle as well as an external one can probably be traced to the rise of Sufism (an ascetic movement in Islam) in the ninth century. Cook traces the “substitution of the idea of fighting the lower self for aggressive jihad” to the “the early

¹¹⁷ Cook, p. 13

¹¹⁸ Donner, p. 48

¹¹⁹ The limits of this paper do not allow for a good discussion of the early Islamic conquests. The amount of literature on the subject, however, is quite large.

¹²⁰ Cook, p. 35

¹²¹ Ahmad ibn Naqib al-Misri. *Reliance of the Traveller*. Trans. Nuh Ha Mim Keller. Beltsville: Amana Publications (1994): 599.

¹²² See 4:95-96 and 9:20. In English translations the word striving is used in these verses, as opposed to other translations of *jihad* which may indicate violence. It is unclear whether or not there is a distinction in Arabic.

moralists al-Muhasibi (d. 857) and IbnAbi al-Dunya (d. 894).”¹²³ Even if Cook has correctly traced the origins of this idea as having been more than 200 years after the life of Muhammad, it is an important concept in modern scholarship. Not only does the distinction of “greater” and “lesser” *jihad* appear in most of the literature used for this paper, but Cook also gives examples of Islamic scholars writing on the subject, including Ayatullah Ruhallah al-Khumeini, who writes that “without the inner *jihad*, the outer *jihad* is impossible. *Jihad* is inconceivable unless a person turns his back on his own desires and the world.”¹²⁴

Evidence for the “lesser” or violent *jihad* is much more plentiful, especially in early Islamic texts. It is clear that the tradition developed a coherent set of rules for declaring a *jihad*, how to fight, who may be fought, treatment of prisoners, and other factors. Muslims are instructed in the Qur’an (in the so-called sword verses) to “fight those who do not believe in Allah” and “who do not practice the religion of the truth,” and to “slay the idolaters.”¹²⁵ It is clear that the aim of the *jihad* is converting people to Islam as the caliphs are instructed to fight “all other people until they become Muslim,”¹²⁶ unless they are a People of the Book – meaning Christians, Jews, and in some sources Zoroastrians – in which case they are given three options. These options were passed down in a *hadith* and are as follows:

Summon them to become Muslims. If they agree, accept their conversion. In that case summon them to move from their territory to the Abode of the Emigrants [i.e. Medina]. If they refuse that, let them know that then they are like the Muslim Bedouins and that they share only in the booty, when they fight together with the [other] Muslims. If they refuse conversion, then ask them to pay a poll-tax (*jizya*). If they agree, accept their submission. But if they refuse, then ask God for assistance and fight them.¹²⁷

¹²³ Cook, p. 35-36. These texts could not be found in English.

¹²⁴ Ruhallah al-Khomeini. *Islam and Revolutions: Writings and Declarations of Imam Khomeini*. Trans. Trans. Hamid Algar. Berkeley: Mizan Press (1981): p. 387-388

¹²⁵ Q. 9:29 and 9:5

¹²⁶ al-Misri, p. 603

¹²⁷ Peters, p. 4. Originally found in Muslim b. al-Hajjaj. *Sahih Muslim*.

This *hadithi* summarizes that the goal in fighting a *jihad* was two-fold: conversions (in the case of all non-Muslims) or submission (but only for certain people).

The Legal Development of Jihad

After the success the early conquests and *jihad* had in converting people to Islam and in expanding the realm of Islam, early Muslim scholars split the world into two distinct spheres: *dar al-harb* (the sphere of war) and *dar al-Islam* (the sphere of Islam). This distinction was based on the implicit division in the Qur'an of the world into spheres of belief and disbelief.¹²⁸ For the sake of *jihad* there was a distinction between how the *jihad* could be waged and under what circumstances. Fighting within the sphere of Islam is reserved for the restoration of peace and justice, and if it occurs against protected peoples (people who have paid the poll-tax), once the conflict has ended they are to be restored to their protected status.¹²⁹ *Jihad* against the *dar al-harb* is considered obligatory for all followers of Muhammad, who was “commanded to fight people until they testify that there is no god but Allah and that Muhammad is the Messenger of Allah.”¹³⁰ The obligation to fight came down to “every able-bodied man who has reached puberty and is sane.”¹³¹

There are several recourses believers were instructed to take before a violent *jihad* could be allowed. In the case of unbelievers it was required that they be invited to Islam first,¹³² and Muhammad himself is credited in a *hadith* with saying “the best *jihad* is [speaking] a word of justice to a tyrannical leader.”¹³³ When other means had failed, *jihad* was permitted, so long as it was justly declared by an Islamic sovereign (or caliph in the early literature), and waged by a

¹²⁸ Sachedina, p. 37-38, and others.

¹²⁹ John Kelsay. *Arguing the Just War in Islam*. Cambridge: Harvard University Press (2007): p. 103

¹³⁰ al-Misri, p. 599

¹³¹ al-Misri, p. 601

¹³² al-Misri p. 602

¹³³ Firestone, p. 17

legitimate Islamic state.¹³⁴ When *jihad* is legitimately declared, there are specific and strict rules for how they ought to be conducted. On the subject who may be killed, it has been established that women and children are not to be killed unless they take up arms against the Muslims.¹³⁵ Furthermore, Muslims may not be killed, including those who have recently converted, and those to whom a Muslim has given protection may also not be harmed “provided the number is limited, and the Muslim protecting them does not harm the Muslims.”¹³⁶ Other stringent rules also apply, such as what to do with the spoils of war, how to treat livestock (they are generally not to be killed), how to treat prisoners, and the treatment of property of the enemies (trees, houses, etc.)¹³⁷

It should be noted here that there is disagreement among Sunni (by far the largest denomination of Islam) and Shi’i (the second largest) Muslims over the authority to declare a *jihad*, and this disagreement is significant since correct authority is a crucial consideration. With the decline of the early Islamic empire, and its defeats at the hands of the crusaders and the Mongols, both traditions at least to some extent had come to believe that *jihad* had entered into a dormant state.¹³⁸ The Shi’i tradition holds that *jihad* “can only be waged under the leadership of the rightful *Imam*,”¹³⁹ and that it has been dormant since the Occultation of the last *imam* in 873. Therefore, according to the Shi’i tradition no lawful *jihad* can be fought until the *imam*’s

¹³⁴ al-Misri, p. 594, 647, Donner p. 37, 51 and Kelsay, p. 101-103

¹³⁵ al-Misri, p. 603, Kelsay p. 114 and Mawardi, ‘Ali ibn Muḥammad, and Wafaa Hassan Wahba. *The Ordinances of Government: A Translation of Al-Aḥkam Al-Sultaniyya W’Al-Wilayat Al-Diniyya*. The great books of Islamic civilization. [Reading, UK]: Center for Muslim Contribution to Civilization, (1996): p. 37

¹³⁶ al-Misri, p. 603-604

¹³⁷ al-Misri, pp. 606, 603, and 604 respectively.

¹³⁸ Khadduri, p. 65

¹³⁹ Peters, p. 4

return.¹⁴⁰ The Sunni tradition, by contrast, simply requires the return of a powerful Muslim state, with a Muslim leader (such as a caliph) to declare that *jihad* has resumed.¹⁴¹

Conclusions

The Christian just war theory and the Islamic tradition of *jihad* represent two religions searching for an authorization for the use of violence. To say that the two traditions are entirely compatible would clearly be a mistake; however, they do share many aspects. The dissimilarity in the two traditions comes largely from the scope of the two theories. While just war is limited to simply determining when a legitimate authority may use war, *jihad* is a far more encompassing theory. The fundamental difference between the two comes from the fact that *jihad* is said to be fought by divine command for entirely religiously motivated reasons for the purpose of spreading the faith to unbelievers, and only on the command of a Muslim (not secular) government.¹⁴² In these aspects, *jihad* is much more analogous to a holy war concept than to the just war idea. Furthermore, the leaders of the religions, Jesus and Muhammad, were drastically different. Despite usages by later scholars to attempt to justify war, soldiering, or even simply secular governments, Jesus' message was overwhelmingly one of peace. This is demonstrated not only in his preaching and teaching (see above for examples from the Sermon on the Mount) but also in his arrest in the Garden of Gethsemane (Matthew 26:47-56, Mark 14:43-52, Luke 22:47-53, and John 18:1-11) where Jesus chastises his disciple for cutting off the ear of a slave, and also in Jesus' peaceful submission to death on the cross. In contrast, there are

¹⁴⁰ Peters p. 4 and Khadduri, p. 67

¹⁴¹ Khadduri, p. 67

¹⁴² Obviously there are other difference between the two theories as well, but these are generally related to specific details of combat, small details compared to the big picture of the two theories.

numerous accounts of Muhammad personally leading followers into battle, saying he personally led twenty-seven (others say twenty-nine) battles or raids.¹⁴³

The distinction in Islam between the “lesser” and the “greater” *jihad* is one example which demonstrates the strong spiritual and even nonviolent use of *jihad*. The greater *jihad* is explained as “combating one’s passions and desires...the believer is directed to eradicate negative emotions and qualities.”¹⁴⁴ This concept, although not perfectly analogous to it, is similar to Christian concerns for rightful intention and the internal disposition of Christians’ souls. For example, in Augustine’s discussion of the Sermon on the Mount he theorizes that the command from Jesus in Matthew 5:39 to “not resist an evildoer. But if anyone strikes you on the right cheek, turn the other also” is referring to a disposition that lies “not in the body but in the heart.”¹⁴⁵ However, it is important to note that in this passage Augustine is attempting to circumvent the literal reading of ‘turn the other cheek’ for the purposes of constructing a just war idea, while the idea of a “greater” *jihad* can be conceived of in situations completely divorced of violent meaning.¹⁴⁶

On the subject of peace, we again see parallels in the two traditions, although with slightly different definitions of peace. In Islamic tradition, the purpose of undertaking a militant *jihad* is to expand the *dar al-Islam* (the sphere of Islam) to the entire world, thus completely eliminating the *dar al-harb* (the sphere of war). Since it is also an Islamic belief that the only truly just state (with justice being necessary for peace) is one ruled by Islam, it can be argued

¹⁴³ al-Misri, pp. 599-600 and Cook, p. 6.

¹⁴⁴ Cook, p. 36

¹⁴⁵ Saint Augustine. *Answer to Faustus a Manichean (Contra Faustum Manichaeum)* in *The Works of Saint Augustine: A translation for the 21st Century*. Trans. Roland Teske, ed. Boniface Ramsey. Part I vol. 20. Hyde Park (NY): New City Press (2007): p. 352.

¹⁴⁶ Cook would disagree with this position as he believes that the idea of a “greater” *jihad* is historically tied only to the Sufi tradition and that until recently it has not played a significant role in the development of Islam. For Cook the true historical meaning of *jihad* is a violent one.

that the motivation for *jihad* is not war, but rather the establishment of peace.¹⁴⁷ Furthermore, the Qur'an many times urges followers to seek peace, even if the offer comes from an unbeliever as is the case in 4:94. In the Christian conception of just war tradition, again there is not a drive to convert unbelievers or necessarily establish a Christian nation, but it is still important that war be used only as means for establishing peace. The concept of using violence to obtain peace began with the ancient Greeks, extended through the time of the Roman Empire, and was incorporated in to the Christian theory by scholars such as Augustine and Aquinas, who argued (using Augustine's reasoning) that true religion will look upon wars as peaceful provided they are waged in order to secure peace.¹⁴⁸

More fundamentally, both just war theory and *jihad* were developed out of pre-Islamic and pre-Christian traditions that were designed for limiting violence between different factions and putting an end to destructive "scorched-earth" practices. Furthermore, both traditions played important roles in reconciling the use of violence by early nations that were ruled by believers. One of the important roles these two theories played in limiting violence was that from early on authorization to conduct *jihad* or a just war was limited to the sovereign ruler of a just state. As Aquinas writes, in order for a war to be just it must have "the authority of the sovereign by whose command the war is to be waged. For it is not the business of a private individual to declare war."¹⁴⁹ Similarly, Islamic law reserves the power to conduct war, and raise an army, for the caliph (the Islamic ruler).¹⁵⁰ As discussed above, there is a significant difference in authority,

¹⁴⁷ Khadduri, p. 141, Kelsay, p. 102 and Donner, p. 38-39

¹⁴⁸ Aquinas, <http://ethics.sandiego.edu/Books/Texts/Aquinas/JustWar.html>, and Saint Augustine. "Letter 189" in *The Works of Saint Augustine: A translation for the 21st Century*. Trans. Roland Teske, ed. Boniface Ramsey. Part II vol. 3. Hyde Park (NY): New City Press (2004): p. 261

¹⁴⁹ Aquinas, <http://ethics.sandiego.edu/Books/Texts/Aquinas/JustWar.html>

¹⁵⁰ al-Misri, p. 647

as, according to the Christian tradition, a war declared by a secular authority can be deemed just, whereas Islam limits the right to wage *jihad* to an Islamic ruler.

Another distinct point of comparison between *jihad* and just war is the close relationship between the rise of each tradition and the rise of Muslim and Christian empires. The rise of *jihad* theories closely matched the rise of the Islamic state, which occurred through a period of impressive military victories. The stories of Muhammad leading believers into battle, and the commands in the Qur'an to "fight those who do not believe in Allah" (9:29) served to justify the Islamic rulers' use of *jihad* to expand the *dar al-Islam*.¹⁵¹ Similarly, the rise of the Christian just war theory was largely due to the incorporation of Christianity into the Roman Empire, beginning not with the official Christianization of Rome under Constantine, but with the growing number of Christians serving in the legions beginning in the second century.¹⁵² This eventually led to Ambrose (and other early scholars) justifying war in order to extend the *pax romana*, and to Augustine arguing that "war is waged in order that peace may be obtained."¹⁵³

A further parallel between just war and *jihad* can be drawn in the treatment of soldiers by the traditions. In Matthew 8:9, Jesus openly praises a Roman soldier for his faith,¹⁵⁴ while in a *hadith* Muhammad is reported as saying "the man who fights in the cause of the Lord may be compared to one who fasts and prays..."¹⁵⁵ The two situations here, however, are distinctly different as Muhammad is directly praising a person for engaging in an act of violence, while Jesus' praise for the soldier is not related to the soldier's profession, but rather to the man's faith

¹⁵¹ Cook, pp. 12-13

¹⁵² Johnson, p. 9

¹⁵³ Augustine, "Letter 189," p. 261

¹⁵⁴ Augustine uses this instance, as well as Luke 3:14 where John the Baptist is counseling soldiers, to uphold the occupation of soldiering as being in line with Christian teachings.

¹⁵⁵ Kelsay, p. 98

in Jesus' healing abilities. Nonetheless, both texts appear widely in discussions on war in their respective traditions.

Since this paper is written in an era where “terrorism” and the “War on Terror” are still prominently featured on the nightly news, a brief discussion on the use of either just war theory or *jihad* to justify the use of violence by individuals or small groups of people is both necessary and probably expected given the literature being published today. Although in modern contexts we generally hear about Muslims claiming the right to declare a *jihad*, I believe the same conclusion can be drawn for both Islam and Christianity. According to the classical requirements for correct authority to wage either a just war or *jihad*, no group that would be labeled a “terrorist organization” can rightly declare *jihad* or claim their violent action to be a just war. While this point is still highly debatable, and could easily digress into discussions on topics such as defense, what constitutes a “terrorist organization,” colonialism, the fight to establish a “true” Muslim (or Christian) state, etc., it is not the point of this paper to engage in such discussions.

As I have argued, these two theories, the Islamic *jihad* and the Christian just war, although truly distinct from each other, are not without their parallels. *Jihad* is fought primarily to expand Islam and at the urging of the Qur'an, against the unbelievers. From the evidence above, it would seem that President Bush was wrong in his assertion that “Islam is peace.” Although the religion does contain many peaceful aspects, it is incorrect to classify the religion on a whole as peaceful. Similarly, it would be difficult to back up a claim that that “Christianity is peace.” Although founded on the peaceful message of Jesus, the Christian tradition has also used its religion to justify the use of violence through holy wars as well as just wars (and it is a combination of the two that is perhaps the best analogy to *jihad*). Claiming that these theories

clash completely would be wrong, especially considering that Christians are protected in Islamic law as a People of the Book. For scholars, Christians, and Muslims the points of agreement, as well as those of disagreement can serve as fodder for interesting debate and conversation between the two traditions.

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