

CRITICAL THINKING TOOLS OF ISLAMIC JURISPRUDENCE

NINE CONCEPTS AND PRINCIPLES OF CLASSICAL ISLAMIC JURISPRUDENCE (*USUL AL-FIQH*) THAT FORM A CONCEPTUAL TOOLKIT FOR FAITH-BASED CRITICAL THINKING ABOUT AND RESPONDING TO EXTREMIST INTERPRETATIONS AND APPLICATIONS OF ISLAMIC TEXTS¹

- According to the great medieval jurist Ibn Qayyim al-Jawziyyah,

“The foundation of the Shari’ah is wisdom and the safeguarding of people’s welfare in this life and the next. In its entirety it is about justice, mercy, wisdom, and good. Every rule which replaces justice with injustice, mercy with its opposite, the common good with mischief, and wisdom with folly, is a ruling that does not belong to the shari’ah, even though it might have been claimed to be according to some interpretation...”²

- According to another great jurist, Abu Ishaq al-Shatibi,

“When an act is legitimate in both essence and appearance, no difficulty arises. However, if an act is consistent [with the law] in appearance yet contrary to human interests, it is invalid, and anyone who acts contrary to human welfare is engaged in an illegitimate exercise.”³

¹ Some important works on this subject in English include, Jasser Auda, *Maqasid al-Shari’ah as Philosophy of Islamic Law: A Systems Approach*, The International Institute of Islamic Thought, London, 2008; Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, the Islamic Text Society, Cambridge, 2003; Tariq Ramadan, *Radical Reform: Islamic Ethics and Liberation*, Oxford University Press, Oxford, 2009; Mohammad Omar Farooq, *Towards Our Reformation: From Legalism to Value-Oriented Islamic Law and Jurisprudence*, The International Institute of Islamic Thought, London, 2011; Mohammad Akram Laldin, *Introduction to Shari’ah and Islamic Jurisprudence*, 2nd ed. CERT, Kuala Lumpur, 2008; Umar F. Abd-Allah Waymann-Langraf, *Malik and Medina: Islamic Legal Reasoning in the Formative Period*, Brill, Leiden, The Netherlands, 2013; Ibn ‘Ashur, *Treatise on Maqasid al-Shari’ah*, Translated from the Arabic and Annotated by Mohamed El-Tahir El-Mesawi, The International Institute of Islamic Thought, London, 2006; Da’wah Institute of Nigeria, *Shari’ah Intelligence: The Basic Principles and Objectives of Islamic Jurisprudence*, Islamic Education Trust and Interactive Dawah Training, Malaysia, 2015.

² Ibn Qayyim al-Jawziyyah, *I’lam al-Muwaqqi’in*, vol.1, p.333

³ Al-Shatibi, *Al-Muwafaqat*, vol.2, p.385, cited in Mohammad Hashim Kamali, *Maqasid al-Shari’ah, Ijtihad and Civilizational Renewal*, Occasional Papers Series 20, IIIT London and IAIS Malaysia, 2012, p.28.

- Many Muslims lack the knowledge or skill required to systematically deconstruct an unjust and harmful ruling and show more objectively that it does not belong to the Shari'ah. Their major concern is: "How am I sure that my perception of this *fatwah* as extremist is actually based on its being contrary to the Shari'ah and the divine intent, and not just contrary to my probably misguided feelings and biases?"
- In its efforts to respond to the arguments of violent extremists, the DIN identified some specific concepts and theories (among many others) in the field of the Principles of Islamic Jurisprudence (*Usul al-Fiqh*) as being most critical in systematically deconstructing the ideology and arguments of violent extremists using methodologies which have the endorsement of classical scholars and schools of Islamic jurisprudence.
- Each of the following 9 concepts and principles are taken from the field of Islamic legal theory and jurisprudence, especially *Usul al-Fiqh* and *Maqasid al-Shari'ah*. If properly understood, these should assist teachers, parents and older students with a set of critical thinking skills and tools recognized by classical jurists which allow them to ask the right questions when confronted with *fatwas* and opinions that appear contrary to justice, fairness and the common good. They will more easily be able to identify and explain why extremist narratives are wrong or at least should be suspect and questionable. If presented in a simplified form to younger students, they should guide them towards an understanding of Islam that maintains the letter as well as the spirit of Islamic principles.

1. Knowing and appreciating the different specializations of various scholars and experts in the Islamic Sciences (especially *Muhaddithun*, *Mufasssirun*, *Usuliyyun*, *Mujtahidun*, *Fuqaha* and *Muftis*, etc.) their importance and limitations.⁴

When people go to see a doctor in order to be treated, they know that the person has studied medicine and is called "Dr". The doctor is quite often a General Practitioner, not a specialist or consultant. This distinction is unknown to many people. Those who are aware of it are often unaware of the implication or believe that it does not matter that much.

⁴ For more on this, see Da'wah Institute of Nigeria, *Shari'ah Intelligence: The Basic Principles and Objectives of Islamic Jurisprudence*, Islamic Education Trust and Interactive Dakwah Training, Kuala Lumpur, Malaysia, 2015, p.77, 123-127, 143-244

Most Muslims only know their scholars as “Sheikh”, “Imam”, “Ustaz”, “Mullah” or “Maulana”, etc. They know, or believe that the scholar is learned but do not know their specializations if they have any.

Where the issue at hand is not life-threatening, there is hardly a problem with the lack of awareness about the distinction between the fields of a doctor or a scholar’s area of expertise or lack thereof. For important matters affecting the rights and lives of others, it becomes very important to know the “terms of reference” of a scholar - his specialisation(s), competences, responsibilities and limitations – and why one cannot rely on any single scholar for every issue. Knowing and being conscious of this helps the lay Muslim remain sensitive and alert to every scholar’s expected natural limitations, and become more critical of divisive or strange proclamations made by scholars speaking outside their fields of specialization.

The effect of the ignorance of the various key specializations and their limitations can be likened to the consequences of people or patients not knowing the difference between a dentist, gynaecologist, ophthalmologist, a nurse and a surgeon simply because they are all in the healthcare profession. Failure to understand this easily leads to the blind and uncritical following of charismatic extremists even when these leaders are clearly speaking outside their fields of expertise.

Imam al-Shafi’i is quoted as saying, *“You (scholars of hadith) are the pharmacists but we [the Jurists] are the physicians.”* Mulla ‘Ali al-Qari also said, *“The early scholars said that the hadith scholar without knowledge of fiqh is like a seller of drugs who is no physician: he has them but he does not know what to do with them; and the fiqh scholar without knowledge of hadith is like a physician without drugs; he knows what constitutes remedy, but does not have it available.”* Imam al-Ghazali in *al-Mustasfa* and Imam ibn Qudama in *Rawdat an-Nazir* too said that, *“an ‘Alim (scholar) may be an Imam (leader or Master) in a particular science and an uneducated common person in another.”*⁵

Some opinion leaders actively discourage their followers from listening to others or learning anything that would help their followers think critically for themselves, or from recognising the limits of their leader’s competences and interpretive skills. Consequently, many extremists try to actively discredit subjects such as *Usul al-Fiqh* (the Principles of Islamic Jurisprudence), *Qawa'id al-Fiqhiyyah* (the legal

⁵ Gibril Fouad Haddad, *The Four Imams and their Schools*, Muslim Academic Trust, London, UK, 2007, p.198

maxims of Islamic jurisprudence) and *Maqasid al-Shari'ah* (the higher intents and purposes of Islamic law) and consider those who are specialists in these fields as “secularising” Islamic law, or introducing “philosophy” or “human reasoning” into the religion. This is in spite of the fact that these fields are recognized by scholars that extremists often quote to support their positions.

2. Understanding the various textual and rational sources of Islamic law in addition to the Qur'an and Hadith – the Primary and Secondary “sources” of Shari'ah.⁶

Many Muslims are of the opinion that “Shari'ah” is “Islamic Law” and that its sources are the Qur'an and Sunnah only. They also believe that Islamic law is all divine, eternal and conclusive for all cases and contexts.

The Qur'an and Sunnah (or hadith) are the “primary sources” of Islamic law that are accepted in principle by all classical scholars and schools of law (*madhahib*). There are however important “secondary sources” which are accepted by all the various major schools of jurisprudence (*madhahib*). These “secondary sources” of Islamic law such as “consensus” (*ijma'*), reasoning by analogy (*qiyas*), consideration of public benefit (*maslahah*), the presumption of continuity (*istishab*), juristic discretion or “equity” (*istihsan*), good custom (*'urf*), amongst others, are human and are sound rational attempts to get closer to the divine intent (*maqasid*) of the texts of the Qur'an and the Sunnah (tradition) of Prophet Muahmmad (p). These secondary sources are also the tools, proofs and methodologies of juristic reasoning (*ijtihad*) that ensure the flexibility, evolution, reform and appropriateness of laws and verdicts to meet the objectives of fairness and justice in diverse and changing contexts.

Secondary sources are good-intended human attempts at getting to the divine intent. They are consequently presumptive (*zanni*) in their authority, as they are speculative and open to errors of reasoning and assumptions. The existence and application of these secondary sources therefore underscore the need and inevitability for respectful juristic dissent (*khilaf*) even within the same social context.

Failure to understand the role and importance of the secondary sources or tools of law easily leads to overlooking the fundamental purposes and intent (*maqasid*) of

⁶ For more on this, see Da'wah Institute of Nigeria, *Shari'ah Intelligence: The Basic Principles and Objectives of Islamic Jurisprudence*, Islamic Education Trust and Interactive Dawah Training, Kuala Lumpur, Malaysia, 2015, p.17-72

Islamic law, dismissing the need to reform out-dated laws (while claiming loyalty to tradition), inability to respond effectively to new or changing realities, disregard of the need for diverse laws to fit different contexts, disrespect for anything that is not “Islamic”, poor appreciation of common ground (and common interests) and the need for collaboration with people of other faiths and cultures, and the misuse or abuse of Islamic law as a tool for political mobilization.

3. Appreciating the differing degrees of certainty (*qat'i*) or presumption (*zanni*) in the authenticity (*thubut*) and interpretation or implications (*dilalah*) of religious texts. The degree of certainty and doubt regarding the authenticity (of hadith) or the meaning of the text (of the Qur'an or hadith) consequently affects the authority of the text.⁷

Knowledge of these degrees of certainty and doubt develops the understanding and appreciation of the fact that there are many textual interpretations open to legitimate differences of understanding. It also aids in stressing the need for respectful dissent (*khilaf*) and preservation of unity, compassion, justice, wisdom and social benefit (*maslahah*), and all the other similar values and virtues that are based on texts that are less open to alternative interpretations. It also helps clarify what is most certainly an essential part of Islamic teachings and what is not. It explains less simplistically, the boundaries of tolerance and the an appreciation of the “width” of the “Straight Path” in Islam and the need for cautious hesitation before speaking in God's name.

While all the classical schools of Islamic legal theory (*madhahib*) accept the Qur'an and those hadiths with independent multiple chains of narrators (*hadith mutawatir*) as being of definitive authenticity (*qat'i al-thubut*), they however regard those “single” chained hadith (*hadith ahad*)⁸ and other sources of law as only presumptive (*zanni al-thubut*) in their authority. And even when a text of the Qur'an or hadith is considered authentic, it may be open to alternative interpretations (*zanni al-dilalah*). For all the major *madhahib*, only texts that are both certain in their authenticity (*thubut*) and definitive in their meaning and implications (*dilalah*) can be a source of an absolute truth (*'Ilm al-yaqeen*) or creed

⁷ For more on this, see Da'wah Institute of Nigeria, *Shari'ah Intelligence: The Basic Principles and Objectives of Islamic Jurisprudence*, Islamic Education Trust and Interactive Dawah Training, Kuala Lumpur, Malaysia, 2015, p.75-103, 144-157.

⁸ A *hadith ahad* is any hadith with a fewer number of independent chain of narrators than one qualified to be a *hadith mutawatir*.

(*aqidah*). There can therefore also be no accusation of disbelief (*takfir*) levelled against a Muslim for rejecting any Islamic teaching that is in anyway based on a text or evidence that is presumptive (*zanni*) in its linguistic (*dilalah*) or historical (*thubut*) authority.

Failure to understand this easily leads to young Muslims blurring the lines between the divine and the human. They tend to treat everything they find in authentic religious text as divine, certain and categorical in its implications without due respect to the consequences of the element of doubt or presumption (*zanni*) and the resulting need for tolerance of diversity, humility and curiosity when engaging in discussions about the Divine Will.

4. Understanding the contexts and “legislative intent” in the words and actions of Prophet Muhammad (p) – i.e., the legal implication of the Sunnah (tradition) as distinguished from the *Seerah* (biography or prophetic history).⁹

Many Muslims regard nearly everything in the life history (*seerah*) of Prophet Muhammad which was done or approved of by him as divine, instructive and worthy of emulation (*sunnah*) simply. They do not distinguish actions and statements of his that are of instructional and legislative value (*tashri'*) from those that are not (*ghayra tashri'*). Everything the Prophet said or did is therefore regarded as part of the *sunnah* which should be emulated in every society, including even those aspects which were not treated by his companions or the early Muslims as part of the *sunnah* but of the *seerah*.

This distinction between *seerah* and *sunnah* highlights the contextual roles the prophet played as a Messenger of God, as a political leader, judge, advisor, mentor, and as an Arab man living and responding to his cultural context. It underscores the categorization of the Prophet's actions and words into aspects that are of binding and legislative implication within the Sunnah or tradition of the prophet (p), and aspects that were not meant to be emulated but tied to context and purpose.

When trying to derive laws or rulings based on authentic hadith, caution and deep scholarship of context and purpose of the Sunnah and the contextual role of the Prophet is necessary. The subject of *Sabab al-Wurud al-Hadith* (the contextual

⁹ For more on this, see Da'wah Institute of Nigeria, *Shari'ah Intelligence: The Basic Principles and Objectives of Islamic Jurisprudence*, Islamic Education Trust and Interactive Dawah Training, Kuala Lumpur, Malaysia, 2015, p.105-115.

reasons for the statements or actions of Prophet Muhammad) becomes instrumental in this case.

Without sufficient grounding in Sabab al-Wurud al-Hadith and a firm understanding of the legal implications of sabab al-wurud, simply reading from hadith collections such as Sahih Bukhari, Sahih Muslim could lead one to take the words and actions of the prophet (p) out of context. It also results in rigid implementation of harmful policies and laws in the name of Shari'ah and loyalty to the Sunnah of Prophet Muhammad.

5. Knowing and understanding the textually explicit values and objectives (*maqasid*) of Shari'ah that should regulate juristic reasoning (*ijtihad*) and verdicts (*fatawah*).¹⁰

The purposes and objectives (*maqasid*) of Shari'ah according to all schools of Islamic law (*madhahib*) include the preservation and promotion of faith (*deen*), life (*nafs*), the mind (*'aql*), family (*ahl/nasab/nasl*), wealth (*maal*), etc.¹¹ The emphasis on, and consideration of purposes (*maqasid* of Shari'ah) ensures that Islamic jurisprudence remains values-oriented and anchored on promotion of the common good, accruing of benefit (*maslahah*) and removing harm (*mafsadah*) from society. It also emphasizes the importance of fulfilling societal obligations and of constant concern for especially justice (*'adl*), compassion (*rahma*), wisdom (*hikma*) and the common good (*maslahah*).¹²

Young people should be exposed to the importance of *maqasid al-Shari'ah*, their realization and identification and the explicitly clear textual authority upon which they are based. They should be made to appreciate how these objectives (*maqasid/maslahah*) are a criteria or compass for the quality and validity of juristic reasoning (*ijtihad*) and religious verdicts (*fatwa*). Any religious ruling (*fatwa*) that goes contrary to these universal values and objectives should be suspected and

¹⁰ For more on this, see Da'wah Institute of Nigeria, *Shari'ah Intelligence: The Basic Principles and Objectives of Islamic Jurisprudence*, Islamic Education Trust and Interactive Dawah Training, Kuala Lumpur, Malaysia, 2015, p.161-181.

¹¹ This is recognised by some classical jurists as a common ground with other faiths. See Abu Ishaq al-Shatibi, *al-Muwafaqat*, vol. 1, p. 15, cited in Deina AbdelKader, *Social Justice in Islam*, IIIT and Goodword, New Delhi, 2003, p.60

¹² Ibn Qayyim al-Jawziyyah, *I'lam al-Muwaqqi'in*, vol.1, p.333, cited in Jasser Auda, *Maqasid al-Shari'ah: A Beginner's Guide*, IIIT, London, 2008, p.21

scrutinized carefully by the more learned. Young Muslims should learn to be cautious and ask for a second or third opinion when presented with “rulings”, “scholarly opinions” or even “explicit texts” that are in support of a particular position, but which clearly go contrary to the well-established purposes and values (*maqasid*) of the definitive texts of the Qur'an and Sunnah.

Failure to understand the fundamental purposes and intent of Islamic teachings leads to a disorientation of the moral values that Muslims should consistently pursue. It makes it difficult for young people to find their bearings and know what to do when they are faced with conflicting arguments and opinions from various respected authorities all speaking in God's name.

6. Understanding the implications of the fundamental legal maxim (*qawa'id*) of assumed permissibility of everything – “Everything is permissible (in Islam) except what is clearly prohibited” (and not “everything is prohibited except what is permissible”!).¹³

This particular maxim (*al-'asl fi al-shya' al-ibahah* – meaning, “the premise of all things is permissibility”) is established by numerous primary texts (of the Qur'an and hadith). It emphasizes the fundamental premise of freedom to act in creative and innovative ways to achieve the objectives (*maqasid*) of the Shari'ah in any context and on any issue related to beneficial (*nafi'at*) mundane transactions (*mu'amalat*), including social norms (*'adah*), educational systems, administration, politics, healthcare, family affairs, economics and law, etc. This is an issue of consensus among all the major schools of law (*madhhabs*).¹⁴

Permissibility (*halal* or *ibaha*) of any action and freedom of choice is taken for granted in Islamic jurisprudence and is the default verdict (*hukum/fatwah*) on all benign things, and does not need additional textual support or evidence. Therefore, while a prohibition (*haram*) or obligation (*fard/wajib*) needs to be proven and justified with evidence related to clear and authentic texts, a

¹³ For more on this, see Da'wah Institute of Nigeria, *Shari'ah Intelligence: The Basic Principles and Objectives of Islamic Jurisprudence*, Islamic Education Trust and Interactive Dawah Training, Kuala Lumpur, Malaysia, 2015, p.119-120, 126-139.

¹⁴ Even those of the Hanafi school of law (*madhhab*) who regard “everything in transactions (*mu'amalat*) as prohibited except what is permissible” make an exception, and regard “everything that is useful or beneficial (*nafi'at*) in transactions (*mu'amalat*) as permissible, except what is prohibited”.

permissibility (*mubah, halal or ja'iz*) does not. The onus of proof for any creative or innovative policy or way of doing things is on the one trying to restrict the freedom of others, especially when the issue in question is related to transactions and social or professional norms.¹⁵ The absence of clear prohibition is itself sufficient evidence of permissibility (*halal*) – what is not prohibited is in fact permissible (or at the worst, open to juristic inquiry, but not automatically *haram!*).

When the implications of this fundamental maxim are not understood, new and beneficial ideas, policies, customs and ways of other cultures that are not traditionally labelled “Islamic” are treated with cynicism and apprehension.

This ignorance has also contributed to a reactionary form of jurisprudence and an unhealthy protectionism where everything new is treated as probably a heretical innovation (*bid'ah*) and prohibited by default, requiring others to bring proof of permissibility based on religious texts. From this dangerous paradigm, anything that is not proven to be “Islamic” by textual evidence, is automatically regarded as “unislamic” by default. This is a recipe for intellectual, legal and cultural stagnation.

7. Understanding and applying the 5 core universal maxims of Islamic jurisprudence (*qawa'id al-fiqhiyyah al-asliyyah*).¹⁶

These maxims which are accepted by all schools of jurisprudence (*madhhab*) are short, and profound statements that embody the spirit of Islam. Each is established and reinforced by numerous texts of the Qur'an and hadith.

¹⁵ Jurists differ when the issue is related to strictly “religious” (*deen*) or devotional acts of worship (*ibadah*) and creed (*aqidah*). See Da'wah Institute of Nigeria, *Shari'ah Intelligence: The Basic Principles and Objectives of Islamic Jurisprudence*, Islamic Education Trust and Interactive Dawah Training, Malaysia, 2015. These nuances, and the differences over the concept of *bid'ah* are not the main concern of this present work. For a more detailed analysis of various opinions among scholars regarding innovations (*bid'ah*) in worship or devotional (*ibadat*) issues, and a discussion on the “Descriptive Paradigm” represented by Imam Shafi'i's approach to *bid'ah*, and “Normative Paradigm” or approach of Imam Malik, see Aslam Farouk-Alli's “Translator's Introduction” to Muhammad Al-Ghazali, *Within the Boundaries of Islam: A Study on Bid'a*, Islamic Book Trust, Kuala Lumpur, 2010, p.xxxiii. For an even more in-depth study of these paradigms, see Raquel M. Ukeles, *Innovation or Deviation: Exploring the Boundaries of Islamic Devotional Law*, (Harvard University; PhD. Thesis), 2006, p.117-120.

¹⁶ For more on this, see Da'wah Institute of Nigeria, *Shari'ah Intelligence: The Basic Principles and Objectives of Islamic Jurisprudence*, Islamic Education Trust and Interactive Dawah Training, Kuala Lumpur, Malaysia, 2015, p.117-124.

These 5 core maxims are: “Matters will be judged by the purposes they fulfil” (*Al-umuru bi-maqasidiha*); “Harm must be eliminated” (*Ad-dararu yuzal*); “Certainty is not overruled by doubt” (*Al-yaqinu la yazulu bish-shakk*); “Hardship begets facility” (*Al-mashaqqatu tajlibu at-taysir*) and “Custom is a basis of judgment” (*Al-'addatu muhakkamah*).

The maxims emphasize the need to keep the ends in mind in all affairs and be purpose-oriented in decision-making; to take certainty and weighing of evidence seriously; to consult those who know better; to avoid superstitions and baseless arguments; to always be of service and to find more effective ways of removing all forms of harm and suffering from society and creation; to show compassion and give concessions especially to those going through difficulties; and lastly, to respect the diverse and good customs of people and their varied ways of realizing the common good.

To understand these 5 core maxims is to understand the essence of Islam in five short sentences. In the eyes of traditional Muslim scholars of all the major schools of jurisprudence (*madhahib*), they constitute a concise summation of everything Islam represents. Understanding the meaning, implication and application of each of these maxims assists the lay Muslim to easily identify religious positions that are out of sync with the core principles and spirit of the faith, and which are therefore most likely extreme or at least suspect. For young Muslims, a deeper understanding of these maxims - like understanding the purposes (*maqasid*) of Islamic law - can easily form the basis for a moral and ethical compass that helps them assess the correctness of various positions proffered by anyone in the name of Islam.

8. Knowing what to do when respected scholars and schools of law (*madhahib*) differ on particular issues.¹⁷

Even though they may agree on the fundamental tenets of the faith, Muslim scholars differ on many issues which are based on sources or proofs (*adillah*) that are either presumptive (*zanni*) in authenticity (*thubut*) or in their meaning and implications (*dilalah*) or both.

¹⁷ For more on this, see Da'wah Institute of Nigeria, *Shari'ah Intelligence: The Basic Principles and Objectives of Islamic Jurisprudence*, Islamic Education Trust and Interactive Dawah Training, Kuala Lumpur, Malaysia, 2015, p.140-142, 213-237.

Differences between competent or specialist scholars also happen because no reference to the specific issue at hand can be found in the religious texts; or because scholars differ in their approaches to resolving real or seemingly conflicting evidence; or because of the differing real-life contexts and perspectives of the scholars concerned.

Many youth are often confused and sometimes intellectually paralyzed by differences of opinion among scholars and schools of law on specific issues.¹⁸ Such paralysis in decision-making and confusion leads to blind following and abdicating personal responsibility for the consequences which arise therefrom.

Knowing what to do when faced with diverse opinions empowers young Muslims, and helps them learn how to make wiser and more relevant choices instead of simply conforming to the most charismatic or authoritative voice.

Where scholars differ, Muslims may choose one of these decision-making options which are presented by scholars: Follow a particular classical school of jurisprudence (*madhhab*) recognized by many scholars (which is often also the Law of the Land); follow the opinion of another school of thought (*talfiq*) which best suits the context or issue; follow the opinion of a specialist on the subject at hand; take the easier option (*taysir*) presented by a scholar; accept the opinion of the government or leadership (*ulul 'amr*); adopt the opinion that best solves the problem, is most beneficial (*maslaha*) and value-oriented, etc.

Once teachers and students understand better what to do when their various scholars differ, they can take greater responsibility for the opinion they follow and no longer feel compelled to accept harmful or destructive views just because they have been articulated or preferred by a particular "great" scholar.

¹⁸ This is besides the common confusion emanating from who is and who is not a scholar or specialist in a particular Islamic science.

9. Understanding that verses of the Qur'an related to combat and fighting (*qital* or *harb*) do not abrogate or annul any of those texts related to forgiveness and peaceful coexistence with people of other faiths.

All scholars understand that Allah does not contradict Himself, and that there are no real contradictions in the Qur'an. Among jurists (*fuqaha*) and scholars of the Qur'an (*mufasssirun*), any seemingly contradictory verses of the Qur'an only reflect a limitation in the ability of the scholar(s) concerned to correctly understand and interpret its verses often due to missing contexts.¹⁹

However, certain verses have been very problematic for some scholars to reconcile. Where these scholars have not been able to reconcile such verses through any other interpretive tools, they have resorted to the concept of "abrogation" (*naskh*) and declared the chronologically earlier verse revealed as having its legal implications cancelled, repealed, superseded or abrogated by the later revealed verse(s).

There are many debates among scholars regarding the definition, scope, impact and the number, if at all, of abrogating and abrogated verses of the Qur'an.²⁰ This paper will be limited to the discussion of the application of the concept of abrogation to the topic of interfaith relations and combative jihad.

This issue is very important because, when the concept of abrogation is applied especially to verses recommending peaceful relations with non-hostile and peaceful people of other faiths, it fundamentally distorts the just and compassionate message of the Qur'an and Sunnah. Such teachings creates an unislamic hostile and violent understanding of interfaith relations that contradicts many explicitly clear texts of the Qur'an, the lived tradition (*sunnah*) of the Prophet (p) and his companions and the well-established purposes (*maqasid*) of Shari'ah. This has resulted in some very disastrous, aggressive and hate-mongering attitudes

¹⁹ See Badran Badran, *Adillah al-Tarjih al-Muta'aridah wa Wujuh al-Tarjih Baynaha*, (Alexandria: Mu'assasah Shabab al-Jami'ah, 1974), cited in Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, IIIT, London, 2008, p.219.

²⁰ For a comprehensive discussion of this issue, see Israr Ahmad Khan's *The Theory of Abrogation: A Critical Evaluation*, Research Centre, International Islamic University Malaysia (IIUM), Malaysia, 2006.

that have been justified in the name of Islam, but which in reality have been contrary to the letter and spirit of the authentic texts of the Qur'an and Sunnah.

Claimed abrogation of peaceful relations by the “verse of the sword” (Qur'an 9:5)²¹

Some jurists have claimed that the verse “*fight in the cause of God, those who fight you, but do not go beyond the limits (to instigate aggression)...*” (Q.2:190) as well as other verses such as “*Those who believe, and the Jews, the Christians, and the Sabians – any who believe in Allah and the Last Day, and act righteously shall have their reward with their Lord. On them shall be no fear, nor shall they grieve*” (Q.2:62 and 5:69 – implying that such categories of people need not fear hostilities from Muslims) are abrogated (*mansūkh*) by verses in Chapter 9 of the Qur'an, and that Muslims are now required to engage in a permanent state of warfare against unbelievers until they embrace Islam or agree to pay the *jizya*.²² The “verse of the sword” says:

Once the Sacred Months are past, (and they refuse to make peace) you may kill the polytheists when you encounter them, punish them, and resist every move they make. If they repent and observe the formal Prayers (Salat) and give the obligatory charity (Zakat), you shall let them go. Allah is The Forgiver, Most Merciful. (Qur'an 9:5)

In other words, it is claimed that after the revelation of Chapter 9, and verse 5 in particular, Muslims can never have peaceful relations with any non-Muslim.

Clarification of the concept of “*naskh*”

The word “*naskh*” as used by Companions of the Prophet (p) and jurists of Islam has been often translated as “abrogation”. Abu Ammaar Qadhi in his textbook, *An Introduction to the Sciences of the Qur'aan* (1999) explains that many Companions did not always mean abrogation (as understood in English) when they spoke of *naskh*.²³ For example, Ibn Abbas is reported to have said that the verse, “*The spoils of war are for Allah and His Messenger*” (Q.8:1) is “*mansūkh*” (i.e. *naskh* has taken place) by the verse, “*And know that (of) all war-booty that you obtain, one-fifth is for Allah and His*

²¹ This argument is the primary basis for the view that combat against Non-Muslims is permitted even if they are not combatants.

²² For some discussion of this, see Sheikh Khalid Abdul-Qadir, *Fiqh al-Aqalliyat al-Muslimah* (Lebanon: Darul-Iman, 1998), p.39

²³ Abu Ammaar Yasir Qadhi, *An Introduction to the Sciences of the Qur'aan* (UK: Al-Hidaayah Publishing and Distribution, 1999), p.254

Messenger... (Q.8:41). If the word “*naskh*” here is understood to mean “abrogation”, then it implies that the two verses are contradictory. In reality, the two verses are complementary. This “*naskh*” is therefore actually a specification (or, in Arabic, a “*takhsis*”), since the second verse clarifies how much of the “*spoils of war*” are to be given to the government (“*for Allah and His Messenger*”). The term “*naskh*” may also mean supersession, or initiation (establishing a precedent or new ruling).²⁴

Qadhi (1999) states that,

Therefore, when coming across statements from the scholars of the first three generations that claim that a particular verse was ‘abrogated’ (*nasakha*) by another verse, this cannot be immediately taken as an example of *naskh*. It is this exact factor which has been one of the greatest causes of confusion with regards to the number of *nasikh/mansookh* verses in the Qur’an.²⁵

The jurist al-Suyuti wrote that, “In reality, it (*naskh*) is rare, despite the fact that many have exaggerated the number of verses of it.”²⁶ According to Qadhi (1999), other scholars who mention many dozens of abrogated verses list verses that are not necessarily the basis for any legal ruling, and hence, are not appropriate candidates for abrogation.²⁷ For example, many scholars have said that the verse “*And to Allah belongs the east and the west. So wherever you turn (in prayer) you will find the Face of Allah*” (Q.2:115) is abrogated by the verse which commands believers to face the Ka’bah in Makkah for their prayers (Q.2:149). However, the first verse is not specifying a direction for prayer and hence has no legal implications. Thus, there is no ruling from it that may be replaced by the subsequent verse.

Claims of abrogation are only a last resort once all attempts to reconcile two opposing texts have been made. The two verses must oppose each other with no possibility of being valid at the same time.

Criteria for a verse to abrogate another verse

The criteria for such abrogation include that the abrogating verse must be revealed after the abrogated verse, the two verses must have legal applications, they are

²⁴ *Ibid.*, p.234 on how Imam al-Shafi’i was the first to limit the meaning of *naskh*

²⁵ *Ibid.*

²⁶ Jalal al-Din Abd al-Rahman al-Suyuti, *al-Itqan fi ‘Ulum al-Qur’an* (Beirut: Dar al-Marifah, n.d.), vol.2, p.28, cited in Qadhi, *op. cit.*, p.256.

²⁷ *Ibid.*

mutually irreconcilable, and there is absolute abandonment of the previous ruling (derived from the earlier revealed verse), irrespective of the case. In other words, the abrogated verse is no longer applicable for a ruling on the subject matter. It is distinguished from a case of *takhsis* (specification) in that after a *takhsis*, a prior ruling is not totally invalid, but rather valid for more specific or narrowly defined cases.²⁸

Claims of abrogation are only a last resort after all attempts to reconcile two or more opposing texts have been made.²⁹ The two verses must oppose each other with no possibility of being valid at the same time. "Therefore, if one of the rulings can apply to a specific case, and the other ruling to a different case, this cannot be considered an example of *naskh* (abrogation)." ³⁰ This is also based on the fundamental rule of interpreting texts that states that, "applying the script is better than disregarding it" (*i'mal al-nass awla min ihmalih*).³¹ The jurist facing two disagreeing narrations should search for the missing conditions or context, and attempt to interpret both narrations based on it.³²

Ibn Rajab al-Hanbali said: "Imam Ahmad bin Hanbal used to fear the claim of abrogation (*al-naskh*). This is because invalidating rulings that are firmly established based on a mere assumption, when there is the possibility of reconciliation between that particular ruling and that which seems to have contradicted it, is not allowed. Thus, if reconciling between the seemingly contradicting rulings or texts is possible, then doing so becomes obligatory, and the claim of abrogation then becomes impermissible".³³

²⁸ Abu Ammaar Yasir Qadhi, *An Introduction to the Sciences of the Qur'aan* (UK: Al-Hidaayah Publishing and Distribution, 1999), p.250

²⁹ Muhammad bin Salih al-Uthaimin, *al-Usul min Ilm al-Usul*, Dar al-Iman, Iskandariya, p.42; Muhammad al-Amin al-Shiniquity, *Adwaul bayan*, Maktabat al-Ulum wa al-Hikam, Madina, 2005, Vol.2, p.455.

³⁰ Abu Ammaar Yasir Qadhi, *An Introduction to the Sciences of the Qur'aan* (UK: Al-Hidaayah Publishing and Distribution, 1999), p.237

³¹ Al-Suyuti, *Al-Ashbah wa al-Naza'ir*, Vol.1, p.192, cited in Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, IIIT, London, 2008, p.219.

³² Ayatollah Mohammad Baqir al-Sadir, *Durus fi 'Ilm Al-Usul*, 2nd ed. (Beirut: Dar al-Kitab al-Lubnani, 1986,), vol.2, p.222, cited in Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, IIIT, London, 2008, p.219.

³³ Abd al-Rahman bin Shiab al-Din (A.K.A Ibn Rajab), *Fath al-Bari*, edited, Abu Mu'adh Tariq bin 'Iwad Allah bin Muhammad, Dar Ibn al-Jawzi, Saudi Arabia, 1422AH, vol.4, p.154.

The Prophet (p) had been given at least two things from on High, the *Qur'an* and its *bayan* (interpretation).³⁴ The non-existence of any authentic *hadith* on *naskh* as it applies to peace-building, interfaith relations and the juristic discourse on jihad serves as a strong argument to respectfully reject the *naskh* theory as faulty *ijtihad* of *fuqaha'* based on mere speculation.³⁵

No consensus on abrogated verses

There is no consensus among scholars as to how many verses have been abrogated by others in the Qur'an. Abu Ammaar Yasir Qadhi (1999), for instance, tables the number of abrogated verses mentioned by different scholars, ranging from as many as 214 cases mentioned by Ibn Hazm to as few as 5 cases mentioned by Wali Allah al-Dehlawi.³⁶ Scholars who list high numbers of abrogated verses attribute it to the "Verse of the Sword" (Qur'an 9:5) having abrogated the majority of the verses.

Many scholars who are able to reconcile the various verses related to the concept of combative jihad, forgiveness and peaceful coexistence insist that the so-called "Verse of the Sword" (Qur'an 9:5) and "verses of combat" does not abrogate anything in the Qur'an or sunnah related to peace-building and forgiveness of people of other faiths.³⁷

Examples of verses claimed by some to be abrogated by Qur'an 9:5

Verse 5 of Chapter 9 is believed to be one of the last verses to be revealed, especially in relation to the handling of unbelievers. Some have argued that as many as 147 verses may have been abrogated by this single verse.³⁸ These verses include:

- 1) Many general injunctions such as: "*And utter good speech to mankind...*" (Q.2:83).
- 2) Verses which enjoin peace and forgiveness such as: "*So leave (the disbelievers) to speak foolishly, and engage in vain play, until they meet their Day which they have*

³⁴ The Qur'an 75:17–19.

³⁵ Israr Ahmad Khan, *The Theory of Abrogation: A Critical Evaluation*, Research Centre, International Islamic University Malaysia (IIUM), Malaysia, 2006, p.23

³⁶ Abu Ammaar Yasir Qadhi, *An Introduction to the Sciences of the Qur'aan* (UK: Al-Hidaayah Publishing and Distribution, 1999), p.251

³⁷ Yusuf al-Qaradawi, *Fiqh al-Jihad*, vol.1, p.329-333; Muhammd bin Bahadir bin Abdullah al-Zarakshi, *al-Buran fi 'Ulum al-Qur'an*, Dar al-Ma'rifah, Beirut, 1391, vol. 2, p.42.

³⁸ See reference to Masters dissertation by Uthman Ali, cited in Qadhi, *op. cit.*, p.252

been promised” (Q.43:83), and “Show forgiveness, enjoin what is good, and turn away from the foolish” (Q.7:199).

- 3) Verses which enjoin believers to be patient with insolence and taunting from disbelievers such as: *“So bear patiently with what they say...” (Q.20:130).*
- 4) Verses consoling the Prophet (p) that his duty is only to convey the Message such as: *“...‘But if you turn away, he (i.e. Muhammad) is only responsible for the duty placed upon him, and you are (responsible) for that which is placed upon you. If you pay him heed, you shall be on the right guidance. The Messenger’s duty is only to convey (the Message) clearly” (Q.24:54).*
- 5) Verses warning the disbelievers of the consequences they will face in the Hereafter such as: *“Say: O my people...Surely, you will come to know for which of us will be the (happy) end in the Hereafter. Certainly, the wrong-doers will not be successful” (Q.6:135).*
- 6) Verses enjoining self-defense within limits such as *“And fight in the way of Allah those who fight against you, but do not transgress the limits...” (Q.2:190).*
- 7) Verses enjoining believers to respect treaties made with disbelievers such as *“...but if they turn back, then take hold of them...except those who join a group between you and whom there is a treaty (of peace)...” (Q.4:89-90).*

It would be difficult to accept that all these verses are no longer legally applicable to Muslims. Rather, it may just be that the original context of their revelation no longer prevails and the original unbelievers being referred to (i.e. the treacherous Quraysh pagans) no longer exist. Yet almost all of the verses said to be abrogated are applicable to Muslims who may be in a similar situation today. Accordingly, Qadhi (1999) cites the scholar Muhammad Abd al-Azeem az-Zarqani³⁹ as concluding that verse 9:5 does not in fact abrogate any other verse of the Qur’an, as all the verses said to be abrogated are still relevant for interpersonal relationships between Muslims and non-Muslims.

³⁹ Muhammad Abd al-Azeem az-Zarqani, *Manaahil al-‘Irfan fi ‘Ulum al-Qur’an* (Cairo: Dar al-Fikr, n.d.); cited in Qadhi, *op. cit.*, p.254

Qur'an 2:190 is not abrogated by any subsequent verse

The claim of abrogation of Q.2:190 in particular has been rejected by Ibn 'Abbas, 'Umar ibn Abdul-Aziz, Mujahid, and others who assert that it is a firm rule (*muhkam*)⁴⁰, meaning those who Muslims should fight against are those who are in a state of fighting the community.⁴¹

Imam al-Tabari also considers the claim of abrogation of Q.2:190⁴² as not supported by any evidence from the Sunnah at the time Q.9:5 was revealed, and that Q.9:5 is in fact complementing (*takhsis*) not abrogating (*nasikh*) Q.2:190. Tabari cites the opinion of a group of scholars that says that the forbiddance of killing those that have not waged war against Muslims is still a rule that is permanently valid – and that “*fa la shay'in...*” (there is nothing that abrogates) the ruling of Q.2:190. He mentions that Umar ibn Abdul-Aziz said those upon whom Muslims should not transgress the limits refers to women, children, and those who have not waged war on the Muslim community. This is furthermore the opinion Tabari holds to be the best of all opinions. He cites Ibn Abbas' explanation of the verse as follows: “it means do not kill women nor children nor old people nor those that meet you with peace and abstain from fighting you, for if you do so, know that you have transgressed beyond the limits.”⁴³

Imam al-Tabari also considers the claim of abrogation of Q.2:190 as not supported by any evidence from the Sunnah at the time Q.9:5 was revealed, and that Q.9:5 is in fact complementing (and not abrogating) Q.2:190.

Al-Razi states that Q.5:69 is not abrogated either,⁴⁴ and Abu Muhammad Makki al-Qaysi states that most jurists agreed with this position.⁴⁵

⁴⁰ A legal ruling that is firmly established and that cannot be abrogated.

⁴¹ See Muhammad ibn Ahmad Al-Qurtubi, *Jami' Ahkam Al-Qur'an* (Cairo: Matba'ah Dar al Kutub al Masriyyah, 1354/1935), vol.2, p.348

⁴² “*And fight in the way of Allah those who fight against you, but do not transgress the limits...*” (Q.2:190).

⁴³ Al-Tabari, tafsir of Q.2:190 from *Maktab al-Taalib al-Ilm* (Beirut: Ariss Computers Inc., 2002)

⁴⁴ *Tafsir al-Kabir* (Beirut: Dar al-Kutub al-Ilmiyyah, 1990), vol.3, p.98

⁴⁵ *Al-Idah li-Nasikh al-Qur'an wa Mansukhuh* (Jeddah: Dar al-Manarah, 1986), p.123

Understanding the “verse of the sword” in its own context

The “verse of the sword” may now be examined in itself as to whether or not it means all unbelievers must be fought against.

Verses 1-7 of Surah 9 read:

1. ***Freedom from obligation is herein issued from Allah and His Messenger to the polytheists with whom you have entered into a treaty.*** (Verse 1)
2. *Therefore, roam the earth freely for four months, and know that you cannot escape from Allah, and that Allah will disgrace the disbelievers.* (Verse 2)
3. *A proclamation is herein issued from Allah and His Messenger to all the people on the great day of pilgrimage, that Allah is free from obligations to the polytheists, and so is His Messenger. Thus, if you repent, it would be better for you. But if you turn away, then know that you can never escape from Allah. And give tidings of a painful torment to those who disbelieve.* (Verse 3)
4. ***Except those of the polytheists with whom you have a peace treaty and who have not violated it, nor banded together with others against you, you shall fulfill your treaty with them until the end of its term. Surely, Allah loves the righteous.*** (Verse 4)
5. *Once the Sacred Months are past, (and they refuse to make peace) you may kill the polytheists when you encounter them, punish them, and resist every move they make. **If they repent** and observe the formal Prayers (Salat) and give the obligatory charity (Zakat), you shall let them go. Allah is The Forgiver, Most Merciful.* (Verse 5)
6. *And if any one of the polytheists seeks your protection, then grant him protection, so that he may hear the Word of Allah, and then escort him to where he can be secure.* (Verse 6)
7. *Exempted are those who have signed a peace treaty with you at the Sacred Masjid.. If they honour and uphold such a treaty, you shall uphold it as well. Allah loves the righteous.* (Verse 7)

Verse 8 specifies that the polytheists who Muslims are no longer to trust for peace accords are those who show no respect for treaties or peace agreements, while verse 13 elaborates, “*Will you not fight people who violated their oaths (repeatedly), plotted to expel the Messenger, **and were the first to attack you?***”

The context of the verses makes it clear that verse 5 is referring specifically to those pagan Arabs that violated the terms of their peace treaty and who were bent on exterminating the Muslim community (i.e. those other than the ones who are referred to in verse 4). The ending of Verse 5 and the whole of verse 6, also make it very clear that some of those who fought against the Muslims, may repent and themselves become Muslims (“observing the formal prayers and giving the compulsory zakat”, etc.), while some may still remain polytheists but seek protection from Muslims (Verse 6), which must be granted. This is partly what justifies the interpolation –“(and they refuse to make peace)”- in the translation (or interpretation) of the earlier part of Verse 5 above.⁴⁶

With specific reference to verses 9:12-13, Sheikh Abdul Rahman as-Sa'di explains that the context was when the Quraysh breached their peace treaty by collaborating with Banu Bakr to attack the pagan tribe of Khuza'ah, the Prophet's allies.⁴⁷

As many historians have noted, “pre-Islamic Arabia was caught up in a vicious cycle of warfare, in which tribe fought tribe in a pattern of vendetta and counter vendetta.”⁴⁸

Because of the absence of any political union and organized government in the country, there had been perpetual conflict and warfare among the Arabs. Tribal feuds, raiding and plundering of one tribe by the other were the common phenomenon of the Arab life at that time... There being no political unity and organized government in Arabia, the ‘might is right’ was the law in the country. Besides, the Persians had already annexed Yemen and Hira and the Romans had occupied the Ghassanid kingdom. The future of divided and distracted Arabia looked gloomy, if she could not be rescued from her malady.⁴⁹

“Leave the Abyssinians alone, as long as they leave you alone, and do not engage the Turks, as long as they do not engage you.”

- Abu Dawood

⁴⁶ See Shaykh Muhammad al-Ghazali, *A Thematic Commentary of the Qur'an* (Kuala Lumpur, Malaysia, Islamic Book Trust, 2001), p.117-183; and Muhammad Asad, *The Message of the Qur'an* (Gibraltar: Dar al-Andalus, 1980), p.254-258, n.1-22 to Q.9:1-15.

⁴⁷ *Tayseer al-Karim al-Rahman fi Tafsir Kalam al-Mannan*, p.291; cited by Jalal Abualrub in *Holy Wars, Crusades, Jihad* (Florida, USA: Madinah Publishers, 2002), p.161

⁴⁸ Karen Armstrong, “The True, Peaceful Face of Islam”, *Time Magazine*, October 1, 2001

⁴⁹ A. Rahim, *Islamic History* (Lagos, Nigeria: Islamic Publications Bureau, 2001), p.6.

Against this background, the verses in question urge the believers to crush all hostilities and vendettas once and for all, while upholding the morality to maintain peace with those who cease hostilities, irrespective of their past aggression. Thus, the interpretation that Q.9:5 gives license to a permanent state of warfare between Muslims and Non-Muslims (following the pre-Islamic tradition of cyclical warfare and ceaseless vendettas), and passes a death-sentence on all those who do not convert to Islam appear to most scholars to have contradicted its own context.

The interpretation also contradicts the actions of the Prophet (p) who till his death engaged in peaceful *da'wah* missions with non-Muslims and had numerous treaties with non-Muslim and even pagan Arab tribes.⁵⁰ The Prophet (p) also instructed his companions in an authenticated hadith to "*Leave the Abyssinians alone, as long as they leave you alone, and do not engage the Turks, as long as they do not engage you.*"⁵¹

Louay Safi (2001) argues that classical jurists whose stance was that military action should be undertaken against all non-Muslim states because of their disbelief did not intend to position it as a holistic theory with universal application. Rather, the rulings relating to war and peace with non-Muslims arose in a historical context - in particular, the armed struggle between the Abbasid Islamic Caliphate and the various European dynasties.⁵²

Fighting is against aggression, not other religions

The proof that combative *jihad* is only directed against aggression is the fact that when the enemy stops fighting Muslims, or inclines to peace, Muslims are required to cease fighting and also incline to peace, and place their trust in Allah (Q.2:192 and 8:61), since "*Allah does not love aggressors*" (Q.2:190). If combat were directed against a people just because they are non-Muslims, then Muslims would not stop fighting even if the Non-Muslims concerned stopped, since their stopping does not mean they have become

⁵⁰ For further discussion on hadith considered to have prescribed perpetual warfare against unbelievers, see Da'wah Institute of Nigeria, *Jihad and the Spread of Islam: An examination of contentions and misconceptions*, Islamic Education Trust, Minna, Nigeria, 2009

⁵¹ Abu Dawood, No.3748; An-Nasa'i, No.3125; authenticated by Al-Albani in *Sahih Jaami' al-Sagheer*, no.3384. The hadith is also cited in Ibn Rushd's *Bidayat al-Mujtahid*, vol.1, p. 456

⁵² Louay M. Safi, *Peace and the Limits of War: Transcending Classical Conception of Jihad* (Herndon, VA: IIIT, 2001), p.2

Muslims. Moreover, the Companions demonstrated after the death of the Prophet (p), and the Jurists stipulated in their works, that such fighting is also permitted against Muslims should they perpetrate aggression or injustice against fellow believers. This is most evident in the early battles against the Khawarij and other militant Muslim factions.

Additional evidence that combat is only against injustice and not due to religious difference is the prohibition by the Prophet (p) of killing non-Muslims who were non-combatants, such as women, children, etc. For example, he said, *“Never kill women, children, and the old weakened with age”*⁵³, *“Do not kill hermits”*⁵⁴, *“Do not slay the old and decrepit nor...”*⁵⁵, and *“Leave them (monks) and that to which they devote themselves.”*⁵⁶ To this list, scholars add other non-combatants such as the blind, chronically ill, the insane, peasants, serfs, etc.⁵⁷ If all these categories of non-Muslims are not to be killed, then fighting any non-Muslim is not because they are non-Muslims, but because they have committed acts of aggression against Muslims.

Allah also says in the Qur'an 5:48, *“If Allah had so willed, He could surely have made you all one single community: but (he willed it otherwise) in order to test you by means of what He has vouchsafed unto you...”* and *“Let there be no compulsion in religion”* (Q.2:256). Fighting other religious communities purely for their difference would thus be counter to Allah's will.

And Allah knows best!

⁵³ Related by Malik

⁵⁴ Related by Dawood ibn Al-Husayn

⁵⁵ Related by Abu Dawood

⁵⁶ Related by Malik

⁵⁷ For more references and discussion, see Ibn Rushd's *Bidayat al-Mujtahid wa Nihayat al-Muqtasid* (The Distinguished Jurist's Primer), vol.1, 1994, pp.458-460