It cannot be over-emphasized that Islam upholds the values of reason, balance and responsibility in the conduct of its worldly affairs. There is nothing arbitrary about its legal provisions relating to matters of war, peace, international relationships and the rule of law. In this area there is considerable agreement between Islamic law and the legal systems currently practiced throughout the world. In addition to the real possibility that these legal systems were profoundly influenced by the legal heritage of Islam, this commonality can be explained by the fact that the protection and endorsement of basic human rights form the cornerstone of Islamic legislation.

The international community has come to agree, through the institution of the United Nations, on a body of human rights and interests which Islam has always endorsed. This ought not to surprise anyone if the basic realism, rationality and pragmatism of Islamic law is recognized.

The critics of Islam, however, insist that Islam and Muslims are openly hostile and intolerant towards communities other than their own. They refer to the Qur’anic verses that exhort the believers to fight the infidels, they point to the battles of early Islam and the eventual confrontation between the Crusaders and the Saracens or Moors, and now, the contemporary stereotype of the Arab “terrorist”.

It must be noted that many Orientalists might object to this characterization of their views on the question. Indeed many of them subscribe to more nuanced positions. More recent scholarship has completely abandoned the emotionally-charged vocabulary of earlier Orientalism. It remains true, however, that Islam is still imagined as threatening, fanatical, violent and alien by significant sections of the world’s media.

In formulating an answer to all of this, it is crucial to focus on a general definition of Islam, so as not to fall into any misunderstanding about Jihad and its place within the Din. The common expression that Islam is a “way of life” has become hackneyed to the point where we can well do without it. Islam is more accurately described as “establishing the kingdom of heaven on earth.”

This latter statement must be carefully understood if we are to avoid the superficial moralizing or equally misleading literalism that characterizes much contemporary thinking about Islam. It is far from desirable to simply quote, as an apparent show of understanding, scriptural support for this or that personal opinion we may have about a particular subject. Neither is it enough to use Qur’anic or Prophetic texts without adequate knowledge of the human situation and cultural milieu in which they were revealed and first applied, as well as the precedence of some verses.
over others based on order of revelation or abrogation.

In other words, context and circumstance of Qur’anic revelation and Hadith are crucial in coming to terms with Jihad. It is an error to judge Islam and Muslims in the light of the kind of “Jihad” that has fallen victim to ideological tendencies. The critic also has to be wary of the interpretation of “Jihad” which is projected, and sometimes imposed, by the selective “religious reformism” so rampant today. They ignore central aspects of Islam’s intellectual heritage, selectively repress important figures and disregard Islam’s impeccable history of adherence to the standards of law and justice in affairs of state.

Jihad in History and Law

Let us now consider the nature of Jihad more fully as it appears in the history and law of Islam. Jihad in Arabic means “to strive for some objective”. Thus, the common assumption, that Jihad is combat, is incorrect. In fact Jihad, in its technical meaning, has several branches, among which are the combative forms of Jihad.

Ibn Rushd, in his Muqaddimaat, divides Jihad into four kinds: “Jihad by the heart; Jihad by the tongue; Jihad by the hand and Jihad by the sword.” He defines “Jihad by the tongue” as “to commend good conduct and forbid the wrong, like the type of Jihad Allah I ordered us to fulfill against the hypocrites in His Words, “O Prophet! Strive hard against the unbelievers and the hypocrites”. [9:73] So the Prophet (saws) strove against the unbelievers by sword and against the hypocrites by tongue.” S. Ramadan Buti, a contemporary Orthodox scholar from Syria in his seminal work on the subject Jihad in Islam writes, “…even before he conducted Jihad by sword against the unbelievers, there is no doubt the Prophet (saws) invited these unbelievers peacefully, lodged protests against their beliefs and strove to remove their misgivings about Islam. When they refused any other solution, but rather declared a war against him and his message and initiated the fight, there was no alternative except to fight back.”

One form of Jihad, usually overlooked in today’s pursuit of newsworthy headlines, is the Jihad of presenting the message of Islam—da`wah. Thirteen years of the Prophet’s (saws) 23-year mission consisted purely of this type of Jihad. Contrary to popular belief, the word Jihad and related forms of its root word are mentioned in many Makkan verses in a non-combative context.

Combative Jihad in the technical usage of Islamic law means “the declaration of war against belligerent and aggressive non-Muslim powers or against fellow Muslim transgressors”. It is not a haphazard decision to be taken by anyone. The principles of Islamic jurisprudence state that the actions of the leader must be guided by the interests of the people and that the interests of the collectivity has, in some cases, precedence over the interests of the individual.
Jihad and Islamic Propagation

God says in the Qur’an, “Invite (all) to the Way of thy Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious: for thy Lord knoweth best, who have strayed from His Path, and who receive guidance.” [16:125]

Calling people to Islam and making them acquainted with it in all its aspects through dialogue and kind persuasion is the first type of Jihad in Islam, in contrast to the imagined belief that Jihad is only of the combative form. This is referred to in the Qur'an where Allah I says, “so obey not the disbelievers, but strive against them (by preaching) with the utmost endeavor with it (the Qur’an)” [25:52]. Here the word “strive” <jaahidu>, is used to mean struggle by means of the tongue—preaching and exhortation—and to persevere despite the obstinate resistance of some unbelievers to the beliefs and ideals of Islam.

Imam Nawawi in his book al-Minhaj, when defining Jihad and its different categories, said, “one of the collective duties of the community as a whole (fard kifaya) is to lodge a valid protest, to solve problems of religion, to have knowledge of Divine Law, to command what is right and forbid wrong conduct”. 4

The explanation of Jihad in Imam al-Dardir’s book Aqarab al-Masalik is that it is propagating the knowledge of the Divine Law, commending right and forbidding wrong. He emphasized that it is not permitted to skip this category of Jihad and implement the combative form, saying, “the first [Islamic] duty is to call people to enter the fold of Islam, even if they had been preached to by the Prophet (saws) beforehand.” 5 Similarly, Imam Bahouti commences the chapter on Jihad in his book Kashf al-Kinaa by showing the injunctions of collective religious duties (kifaya) that the Muslim Nation must achieve before embarking on combative Jihad, including preaching and education about the religion of Islam, dismissing all the uncertainties about this religion and making available all the skills and qualifications which people might need in their religious, secular, physical and financial interests because these constitute the regulations of both this life and the life to come. Hence, da’wah—performing the activities of propagating Islam and its related fields of knowledge—is the cornerstone of the ‘building’ of Jihad and its rules; and any attempt to build without this ‘stone’ would damage the meaning and reality of Jihad. 6

Removing all misconceptions and stereotypes in clarifying the image of Islam held by non-Muslims, building a trusting relationship and working with them in ways that accord with their way of thinking, are all primary forms of Jihad. Similarly, establishing a strong community and nation which can fulfill all physical needs of its people, thereby creating for them conditions in which the message will be heard, rather than being lost in the strife and struggle of everyday life, are requirements and form a basic building block of the Jihadic concept. These foundations fulfill the Qur’anic injunction, “Let there arise out of you a band of people inviting to all that is
good, enjoining what is right, and forbidding what is wrong: and these it is that shall be successful." [3:104] Until this is accomplished the conditions of Jihad remain unfulfilled.

### Forced Conversion?

So the foundation of Jihad is Islamic propagation (da'wah). The question often asked is whether Islam condones and teaches the forced and armed conversion of non-Muslims. This is the image sometimes projected by Western scholars and as any Muslim scholar will tell you, is seriously flawed. The Qur'an clearly states “There is no compulsion in religion, the path of guidance stands out clear from error” [2:256] and [60:8]. In this verse, the word “rushd” or “path of guidance” refers to the entire domain of human life, not just to the rites and theology of Islam.

There is no debate about the fact that pre-Islamic Arabia was a misguided society dominated by tribalism and a blind obedience to custom. In contrast, the clarity of Islam and its emphasis on reason and rational proofs excluded any need to impose it by force. This verse is a clear indication that the Qur'an is strictly opposed to the use of compulsion in religious faith. Similarly, Allah addressed Sayiddina Muhammad r saying, “Remind them, for you are only one who reminds.” [88:21] Allah addresses the believers, urging them to obey the injunctions of Islam, “Obey Allah, and obey the Messenger, and beware (of evil): if you do turn back, then know that it is Our Messenger’s duty to proclaim (the message) in the clearest manner.” [5:92] However, this verse makes it clear that the Messenger’s duty is only to proclaim and preach the message; it remains to each individual to accept and to follow.

### Conditions for Combative Jihad

The ruler, the Imam, is completely answerable to the people and their legal apparatus, the most important representatives of whom are the scholars. The position of the law is that only at such a time when it can be reasonably proven that; there are aggressive designs against Islam; and, there are concerted efforts to eject Muslims from their legally acquired property; and, that military campaigns are being launched to eradicate them.

At such a time the ruler can declare and execute the provisions of Jihad. It is a condition that there be a leader of the Muslims, an Imam, to declare combative Jihad. In al-Mughni, Ibn Qudama states,

“declaring Jihad is the responsibility of the Imam and is his independent legal judgment.” 7

Al-Dardir says, “proclaiming Jihad comes through the Imam’s assignment of a leader.” 8
Jihad: A Misunderstood Concept from Islam

Written by Shaykh Muhammad Hisham Kabbani (Chairman, Islamic Supreme Council of America) and Shaykh Seraj Hendricks (Head Mufti, Cape Town, South Africa)

Abu Bakr Al-Jazaa’iri states that the pillars of Jihad are: “A pure intention and that it is performed behind a Muslim Imam and beneath his flag and with his permission. …it is not permissible for them to fight without an Imam.”

Similarly the ruler, the political leader of the whole country, has the power to ratify peace treaties if they are consistent with the interests of the Muslims. Conscription has to be confined to young men of sound health on condition that they have parental permission to engage in combat. The exception is where the enemy has already entered the borders of a Muslim state in which case Jihad becomes unconditionally incumbent on every able man.

Islamic Terms of Ratifying Peace

Allah said, “Enter into peace completely and do not follow the steps of Satan.” [2:208] The Prophet (saws) said, after establishing the Islamic state in Madina, that the way of the Muslims is one. No single group can autonomously declare war or fight, nor can any one group make peace by itself, but the entire Muslim nation must make peace. A peace treaty can be made by the nations’ leader and all subjects of the nation are bound by that decision, regardless of whether the leader was appointed or elected. The final decision is up to the ruler after his consultation with others.

If a state has no leader then it must select one, or all the neighboring states and nations must come together and agree on a treaty with any foreign country. This applies as much to peace as it does to war. No individual or group may come forth and declare a Jihad: such will be a false Jihad. All Muslim nations and their leaders must come together for a decision of war or peace and that is the only accepted process. Naturally every community has the right to self-defense and in the case of Islam, where religion is the primary dimension of human existence, war in defense of the nation becomes a religious act. A lack of understanding of this quality of Islam, its non-secularism; has also contributed considerably to the fear that when Islam talks about war it means going to war to convert. This might be true in other cultures, but Islam must be allowed to speak for itself.

Al-Dardir says of this, “Jihad becomes a duty when the enemy takes [Muslims] by surprise” 9. Said Ramadan al-Buti shows that fighting in this case is an obligation of the community as a whole. This is based on the Prophet’s r saying “He who is killed in defence of his belongings, or in self-defence, or for his religion, is a martyr”.

10

This verse mentions a fundamental principle of Islam regarding Muslim/Non-Muslim relationships. Muslims are enjoined to act kindly and justly towards members of other faiths except in two circumstances; firstly, if they dispossess Muslims of their legitimate land-rights, and; secondly, if they engage in hostilities towards Muslims or show clear intent to do so
(al-hira’ah) because of their religion with a clear intention to destroy the Islamic nation as a whole. In the second eventuality, it is the duty of the Muslim ruler to declare the Jihad as a defensive action to repel such attacks.

It is evident from the Qur’an and other sources that the armed struggle against the polytheists was legislated in the context of specific circumstances after the Prophet (saws) had migrated from Makkah to Madina. There he secured a pact with the Jewish and Arab tribes of the city, who accepted him as the leader of their community. In the milieu of this newly-founded base of operations, under the governance of Divine legislation and the leadership of the Prophet (saws), Islam attained the status of a nation with its corequisite territory and the accompanying need to protect its self-interests. At that time the divine command was revealed permitting Jihad, but this occurred only after:

- Persistent refusal of the Makkan leadership (the Prophet being in Madina at the time) to allow the peaceful propagation of Islam in Makkah. This is in fact the most basic reason for armed Jihad.
- Continuous unabated persecution of Muslims remaining at Makkah after the Prophet’s remigration to Madina triggered an armed insurrection against Qurayshite interests in the Hijaz.
- Makkans themselves starting off military campaigns against the Muslims at Madinah with the sole objective of eradicating Islam.
- Key security pledges being abrogated unilaterally by a number of tribes allied to the Prophet (saws), forcing him into a vulnerable position.

These conditions for Jihad involving armed struggle were then clearly specified in the Qur’an:

“And fight in the way of Allah those who fight against you, and do not transgress [limits] for Allah likes not the transgressors” [2:190] and “Will you not fight a people who have violated their oaths and intended to expel the Messenger while they did attack you first…?” [9:13]

The picture that emerges here is that the command to fight was given in relation to specific conditions. Thus the declaration of war is not an arbitrary act at all. A further implication here, as the Hanafi school in fact argues, is that war was declared by the Prophet (saws) as the head of the Islamic nation, and as such no one else can legitimately declare Jihad except a ruler who is head of an Islamic state. The duty lies squarely with the religious/political leadership to determine whether the conditions for Jihad exist and to then give the appropriate judgement.

In later times, the Muslims engaged in warfare to establish the “Pax Islamica” or Islamic Order. The legal and political order must flow from the divine imperative (Qur’an, Sunnah, etc.). It alone
guarantees the rights of every individual by keeping in check all the dark psychic tendencies of man and so preventing him from indulging in anti-social behaviors, from political aggression, right down to the commonest criminal act. It is for this that the Qur’an calls on the believers to go forth in defense of those whose rights and liberty have been trampled by the unbridled tyranny of oppressors and conquering armies, or who are prevented from freely hearing the word of Allah espoused to them by preachers and educators. Allah says, “How should ye not fight for the cause of Allah and of the feeble among men and of the women and the children who are crying: Our Lord! Bring us forth from out this town of which the people are oppressors! Oh, give us from Thy presence some protecting friend! Oh, give us from Thy presence some defender!” [4:75]

No reliable evidence exists that Muslims ever intended or attempted to impose the specific rites and beliefs of Islam. The histories of Spain, India and the Balkans are concrete proof of this.

The idea, often postulated in the media, that Islam is hostile to non-Muslims simply because they are non-Muslims, is a major misconception. Beyond the conditions described above there exists no valid reason to hold any hostility towards them for the Qur'an states: “Allah does not forbid you from those who do not remove you from your homes (by force) and who do not fight you because of your religion, that you act kindly and justly towards them ...” [60:8] The reference in this verse is to the non-Muslims in general.

**Jihad Between Muslims**

Properly speaking Jihad, in the case of internal disension, only occurs when these two conditions—a just Imam fighting unjustifiable insurrection—are met and the Muslims fight in support of the Imam against the offending parties. In Islam allegiance and obedience to a just authority is obligatory. It must be noted also that rebellions against authority and especially political authority simply for the sake of rebellion have no place in the concept of Jihad. In this age of relativism, the spirit of rebellion seems to have penetrated every layer of society. However, Islam and its principles cannot be made subservient to these cultural trends.

In some of the contemporary “Islamic” groups, Jihad has been adapted to a virtually Marxist or Socialist concept of class revolt aimed at overthrowing the authority of the state. In the often fervently materialistic milieu of contemporary political and revolutionary ideologies, Islam is inevitably reduced to nothing more than a social philosophy. This reductionism simply amounts to an abysmal misunderstanding of the essential function of Islam, which is to turn the “face” of the human receptacle away from the world of disharmony and illusion to the tranquillity and silence of Divine awareness and vision. Inward Jihad, as we alluded to at the beginning of this essay, has a key role to play in this respect.
Dhikr: the Remembrance of God

The Prophet peace be upon him said: “Shall I tell you something that is the best of all deeds, constitutes the best act of piety in the eyes of your Lord, elevates your rank in the hereafter, and carries more virtue than the spending of gold and silver in the service of Allah, or taking part in Jihad and slaying or being slain in the path of Allah?” They said: “Yes!” He said: “Remembrance of Allah.” 21

Thus one finds the principles of the spiritual Jihad are based on eliminating the ugly, selfish and ferocious characteristics of the ego through spiritual training and mastery of dhikr, the Remembrance of God.

This remembrance takes many forms: each school of Sufism focuses on a different form of ritual dhikr to enable the seeker to approach the Divine Presence, varying from individual silent recitation and chanting to vocal group sessions. It is this spiritual struggle that raises humankind and instills in him the sense of relationship with His Creator, and the proper perspective in relating to all creation, always calling for love between humanity and striving in Allah’s Way for better understanding between various communities of all faiths. Through this spiritual Jihad the effect of the selfish ego on the soul of the seeker will be removed, uplifting his state from depression, anxiety and loneliness to one of joy, satisfaction and companionship with the Most High.

Rebellion Against Rulers

The scholar Ibn Nujaym said “it is not permitted for there to be more than one state leader (Imam) in a time period. There may be many judges, even in one state, but the leader is one.” 1 2

Al-Bahjouri said “It is an obligation to obey the leader, even if he is not fair or trustworthy or even if he committed sins or mistakes.” 13

Abu Hanifa’s school says that the head of the state, the Imam, cannot be expelled for being a corrupt person (fasiq). 14

Hudhaifa bin al-Yaman narrated a hadith in which he said, “The Prophet (saws) said, ‘there will be after me leaders who do not follow my guidance and do not follow my sunna, and there will be among them men whose hearts are like those of satan in the body of a human being.’ And I asked the Prophet (saws), ‘What I should do at that time if I reach it?’ He said, ‘listen and obey the ruler, even if he lashed your back and took your money, listen and obey.’” 15

In another narration, Auf bin Malik t said, “O Prophet of Allah, do you recommend that we fight
them?” He said, “No, don’t fight them as long as they do not prevent you from your prayers. And if you see from them something that you dislike, dislike their acts, do not dislike them. And do not take your hand out from obedience to them.” Bukhari and Muslim narrated from Abdullah ibn al-Abbas, “if someone dislikes his ruler, he must be patient, because if he comes against the ruler in a rebellious or destructive manner by only a handspan and dies, he dies in a state of pre-Islamic ignorance (jahiliyyah) and sin.”

These source texts are clear evidence that whoever lives under a particular government must obey the ruler and live peacefully. They are prohibited from taking up arms against him. Uprising or violence by any group against the ruler is completely rejected in Islam, and was prohibited by the Prophet (saws) and will be a cause of death on the way of ignorance (jahiliyya). Thus Islam considers rebellion against the ruler a great iniquity. These hadith affirm that one must be patient with one’s ruler, even if he commits oppression. These hadith refer to the leader of a nation, not the leader of a small group. Therefore groups that take up violent struggle against their regimes are prohibited in Islam and are by default illegal and blameworthy.

In fact the true path to correction of the mistakes of a ruler is according to the hadith “a most excellent Jihad is when one speaks a word of truth in the presence of a tyrannical ruler.” Note here the hadith does not mention fighting the ruler, but rather praises the one who corrects the ruler by speech. Armed and violent opposition to a state regime can never be recognized as Jihad in the way of Allah, despite the claims of many groups. Unfortunately we see today countless individuals and groups who label their rulers and their governments apostates or unbelievers, thereby giving themselves the excuse to declare “jihad” against them, asserting that this is because they do not rule by what was revealed to the Prophet (saws). Even worse, they go further by terrorizing and killing government officers, members of the armed forces and public servants, simply because they are easy targets. These groups use a “militant Islamic” ideology to justify such felonious action, declaring the ruler, the government, and its officers to be criminals standing in the way of “true Islam”, who must be eliminated. Thus, those who are innocent of any crime, but who are earning a living and raising their families, such as officers and officials of ministries and departments, county and city officials and police, become targets of these extremist ideologues. Such groups do not hesitate to kill them in surprise attacks, terrorizing the entire nation by blasting here and there and harming the innocent.

If the ruler commits wrong, it is not permitted to label him an apostate, nor to indoctrinate people to use militancy to oppose him. In the time of the Prophet (saws) after the conquest of Makkah, a Companion named Hatib ibn Abi Balta, assisted some of the enemy by supporting them extensively and passing them secret information. It may be that no one today supports a tyrannical ruler as Hatib supported the unbelievers at that time. When questioned as to his motives, Hatib replied, “O Allah’s Prophet! Don’t hasten to give your judgment about me. I was a man closely connected with the Quraish, but I did not belong to this tribe, while the other emigrants with you, had their relatives in Mecca who would protect their dependents and property. So, I wanted to compensate for my lacking blood relation to them by doing them a favor so that they might protect my dependents. I did this neither because of disbelief nor apostasy nor out of preferring disbelief (kufr) to Islam.” Allah’s Prophet (saws), said, “Hatib has told you the truth.”
We see here that the Prophet (saws), though fully aware of Hatib’s actions, never considered him to be outside the fold of Islam, nor did he inflict any punishment on him. Regarding Hatib and his support of the unbelievers Allah revealed the following verse: “O you who believe! Do not take My enemy and your enemy for friends: would you offer them love while they deny what has come to you of the truth, driving out the Messenger and yourselves because you believe in Allah, your Lord?” [60:1] Though the verse reprimands Hatib, showing him in the wrong, nonetheless Allah I did not take him out of the state of faith yet continued to address him with the honorable title “O you who believe”, despite his assisting the enemies of Islam.

This constitutes proof that even if someone assists a regime that does not support Islam, one cannot harm that person as the Prophet (saws) did not inflict any punishment on Hatib. One wonders then how today so many groups freely label those working for the government as renegades and apostates, and issue fierce edicts to kill them? Their work with the government might be for their livelihood, or for building a bridge of trust for the Islamist community to ensure a better future relationship or a better understanding of Islam. Such actions are baseless in Islam and are founded on an extremist ideology, far removed from the middle path which always constitutes this blessed religion of Allah.

WHAT JIHAD IS

- The Arabic word "jihad" is often translated as "holy war," but in a purely linguistic sense, the word "jihad" means struggling or striving.
- The arabic word for war is: "al-harb".
- In a religious sense, as described by the Quran and teachings of the Prophet Muhammad (s), "jihad" has many meanings. It can refer to internal as well as external efforts to be a good Muslims or believer, as well as working to inform people about the faith of Islam.
- If military jihad is required to protect the faith against others, it can be performed using anything from legal, diplomatic and economic to political means. If there is no peaceful alternative, Islam also allows the use of force, but there are strict rules of engagement. Innocents - such as women, children, or invalids - must never be harmed, and any peaceful overtures from the enemy must be accepted.
- Military action is therefore only one means of jihad, and is very rare. To highlight this point, the Prophet Mohammed told his followers returning from a military campaign: "This day we have returned from the minor jihad to the major jihad," which he said meant returning from armed battle to the peaceful battle for self-control and betterment.
- In case military action appears necessary, not everyone can declare jihad. The religious military campaign has to be declared by a proper authority, advised by scholars, who say the religion and people are under threat and violence is imperative to defend them. The concept of “just war” is very important.
- The concept of jihad has been hijacked by many political and religious groups over the ages in a bid to justify various forms of violence. In most cases, Islamic splinter groups invoked jihad to fight against the established Islamic order. Scholars say this misuse of jihad contradicts Islam.
- Examples of sanctioned military jihad include the Muslims' defensive battles against the
Crusaders in medieval times, and before that some responses by Muslims against Byzantine and Persian attacks during the period of the early Islamic conquests.

WHAT JIHAD IS NOT

- Jihad is not a violent concept.
- Jihad is not a declaration of war against other religions. It is worth noting that the Koran specifically refers to Jews and Christians as "people of the book" who should be protected and respected. All three faiths worship the same God. Allah is just the Arabic word for God, and is used by Christian Arabs as well as Muslims.
- Military action in the name of Islam has not been common in the history of Islam. Scholars says most calls for violent jihad are not sanctioned by Islam.
- Warfare in the name of God is not unique to Islam. Other faiths throughout the world have waged wars with religious justifications.

Footnotes

3. Ibid.
5. Al-sharh al-saghir, Imam al-Dardir
9. Ibid.
10. Abu Dawud and Tirmidhi.
11. The singular exception to the majority opinion was that of Imam Shafi`i, who contended the verses [9:5] and [9:29] support the condition of jihad being a continual war upon the non-Muslims until they repent and accept Islam or else pay jizya [referred to as polltax].” However the majority of jurists argued against this position, citing the succeeding verses as evidence “and if anyone of the polytheists seeks your protection then grant him protection...” [9:6]. The other Imams argued from this that as long as they are submissive and willing to live peacefully among the believers our divine obligation is to treat them peacefully, despite their denial of Islam. The next verse [9:7], is instruction to keep treaty obligations with meticulous care, and not to break them unless the unbelievers break them first, reiterated in the following verse [9:8], in which Allah orders us not to make a treaty with unbelieving enemies who break their oaths and whose intention is to overpower the Muslims. Had jihad’s objective been to fight all unbelievers, then there would have been no need for treaties and no differentiation between polytheists who remain loyal and faithful to their word and those who are treacherous. Based on these arguments of the scholars, the majority concluded that physical fighting is not a permanent condition against unbelievers, but only when treaties are broken or aggression has been made against Muslim territory (dar al-Islam) by unbelievers.
On the other hand, the call to Islam, is a continuous jihad, per the hadith “I have been ordered to fight the people until they declare that there is no god but Allah and that Muhammad is His Messenger, establish prayers, and pay zakat. If they perform all that, their blood and property are guaranteed protection on my behalf except when justified by Islamic laws. Then their accounts will be done by Allah.” (Bukhari and Muslim). Said Ramadan Buti in “Jihad in Islam”, explains this hadith in detail, showing that contrary to the minority opinion, fighting here does not refer to combat but to struggle, including within it da`wah, preaching, exhortation and establishment of the state apparatus whereby Islamic preaching is protected; not forcing anyone to become Muslim at the point of a sword. Many examples from the Prophet’s life history show he never forced conversion, nor did his Successors. He explains that the linguistic scholars of hadith showed that the word used by the Prophet (saws) means “fight”, not “kill”. Its Arabic usage denotes defense against an attacker or oppressor; not to attack or assail.

15. Sahih Muslim.
16. Sahih Muslim. Other hadiths with similar purport are: 1) “There will be upon you leaders who you will recognize and disapprove of; whoever rejects them is free, whoever hates them is safe as opposed to those who are pleased and obey them”, they said, “should we not fight them”. He r said, “No, as long as they pray.” 2)"The best of your leaders are those you love and they love you, you pray for them and they pray for you. The worst of your leaders are those who anger you and you anger them and you curse them and they curse you. He said we replied, “O Messenger of Allah r should we not remove them at that?” He r said, “No, as long as they establish the prayer amongst you.”
19. Ghazali, in the Ihya’, al-`Iraqi said that Bayhaqi related it on the authority of Jabir and said: There is weakness in its chain of transmission. According to Nisa’i in al-Kuna is a saying by Ibrahim ibn Ablah.