Islamic Jihad and Human Rights

There exists the question, however, of whether the things we are allowed to defend are only these, i.e. individual, group and national rights, or whether it is legitimate for us to defend other things as well. Do there exist things, the defense of which is necessary and obligatory, that do not pertain merely to the rights of the individual, tribe or nation but pertain literally to the rights of humanity as a whole? If somewhere a right of humanity is somehow encroached upon, is it legitimate to fight it? Is war fought for the sake of humanity lawful or not?

Perhaps someone will ask: "What does fighting for the sake of humanity mean?" "I do not have to fight for any rights except my own personal rights, or, at the most, the rights of my nation." "What have I to do with the rights of humanity?" This mode of thinking, however, is in no way valid.

There exists certain things that are superior to the rights of the individual or nation. Certain things more holy, more sacred, the defense of which in accordance to the human conscience is higher than the defense of individual rights. And these are the sacred values of humanity. In other words, the sacredness of fighting in defense lies not in defending one's self, but in defending "the right." When the cause and criteria is "the right," what difference does it make whether it is an individual right or a general right of humanity? In fact, defense of the rights of humanity is holier, and although no one says so, it is freely admitted in actions.

For example, freedom is reckoned as one of the sacred values of humanity. Freedom is not limited to an individual or a nation.

Now, if it is not our freedom and not the freedom of our country, but freedom in another corner of the world that pertains to the right of humanity which is being infringed upon, is the defense of that right of humanity, simply for the sake of defending a human right, lawful for us or not? If it is lawful, then defense is not limited to the actual individual whose freedom is in danger, but it is lawful, even obligatory for other individuals and other nations to rush to the aid of freedom, and fight against the negator and repressor of freedom. Now, what is your answer? I do not think anyone has any doubt that the holiest form of jihad and the holiest form of war is that which is fought in defense of humanity and humanity's rights.

When the Algerians were at war with the French colonialists, a group of Europeans helped them in the war - either in the form of actually fighting alongside the Algerians, or in other ways. Do you think that only the fighting of the Algerians was lawful because their rights were transgressed, and that the people who came from the farthest corners of Europe to take part in

thebattle to help the Algerian nation were no more than oppressor aggressors, who should have been told:

"Stop your interference, what business is it of yours? No one has transgressed your rights, why are you fighting here?" Or is it that the jihad of such people was holier than the jihad of the Algerians, because the Algerians were defending the cause of their own rights, while the cause of the others was more ethical and more sacred than that of the Algerians. Obviously what holds valid is the second assumption.

Freedom lovers - both those who are in reality freedom lovers, and those who only pretend to be - have earned general respect; a respect from the different nations, due to their having presented themselves as defenders of human rights, not the defenders of their own individual rights or the rights of their own nation or even their own continent.

If they were ever to go beyond the use of the tongue, the pen, letters and lectures, and actually go to the battlefield and fight, for the Palestinians for example, or the Viet Cong, then the world would consider them to be even more holy. It would not attack them saying: "Why are you interfering? It is none of your business. No one is interfering in your affairs."

The world considers war, whenever it is for the sake of defense to be holy. If it is in self-defense, it is holy. If it is for the defense of one's nation, it is more holy, for the cause has grown from a personal one to a national one, and the individual is not simply defending himself but is also defending the other individuals that make up his society. And if the defense shifts from a national to a humanitarian cause, it again becomes a degree more holy.

The Minor Dispute

Here then is the nature of the dispute about jihad; not a major dispute but a minor one. The dispute is not about whether jihad is only lawful in defense or is also lawful for defense. The dispute is over the definition of defense. This minor dispute is about whether the meaning of defense is limited to self- defense, at most the defense of one's nation, or whether the defense of humanity also comes into this category?

Some say, and they are right, that the defense of humanity is also a legitimate defense, so that the cause of those who rise to "command that which is recognized and forbid what is rejected" is a holy one. It is possible that someone's actual being is not transgressed, he may even be highly respected and all the facilities of life may be available to him and the same may apply to the material rights of his nation.

But, from the point of view of human ideals, a basic human right is being transgressed. Meaning that within his society, although neither the material rights of that society nor his own

individual rights have been transgressed, yet there exists a task awaiting to be performed in the best interest of humanity.

Namely, when good and evil exist in society, the former must be enjoined, and become the order while the latter must be uprooted. Now, under these conditions, if such a person sees that the good, the recognized, the accepted, has been relegated to the place of the bad, the rejected, and that the rejected has taken the place of the recognized, and he stands up for the sake of commanding what is recognized and prohibiting what is rejected,

then what is he defending? His own personal rights? No. Is it the rights, i.e. the material rights of his society? Again no. His defense is not related to material rights. What he is defending is a spiritual right that belongs to no single person or nation; a spiritual right related to all the world's human beings. Are we to condemn the jihad of that man, or are we to consider it sacred? Obviously we are to consider it sacred, for it is in the defense of a right of humanity.

On the question of freedom, you see today that the very people who are combating freedom, in order to give themselves an air of respectability, claim to be the defenders of freedom, for they know that defense of freedom is tacitly understood as being sacred. If they were really fighting for the defense of freedom, this would be valid, but they are giving the name of defense of freedom to their own transgression. Yet in this is their acknowledgment of the fact that the rights of humanity are worthy of defense, and that war for the sake of those rights is legitimate and beneficial.

Tawhid: A Personal Right or A General Right?

Now an important matter must be looked at which is about tawhid, "La ilaha illallah." "There is no god but (except) God (Allah)." Does tawhid pertain to the rights of humanity, or to the rights of the individual? Here it is possible for a Muslim to say that tawhid does not pertain to the rights of humanity but pertains only to the affairs of the individual, or at most, to the internal affairs of a nation; that he himself can be "muwahid,"(4) he has the choice of being "muwahid" if he wants to be, or a mushrak (polytheist), if he wants to be, and now that he has become muwahid, no one has the right to trouble him for it, it is his personal right, and, if someone else becomes a mushrik,

then that is the right of that person. Any single nation in its laws can choose one of the following three positions: One is that it chooses tawhid and adopts it as the official religion and officially rejects any other religion. Another is that a form of shirk, of polytheism is established as the official religion, and the other is that the nation allows freedom of worship. One can choose whatever religion or creed one desires. If tawhid is embodied in the law of a nation then

it is one of the rights of that nation and if not; no.

This is one way of looking at things. There is another view, however, which regards tawhid as being like freedom and pertaining to the rights of humanity. When discussing freedom we said that the meaning of the right to freedom is not simply that the freedom of an individual be not threatened from any quarter, for it is possible that it be threatened by the very individual. So if a people fight for tawhid to combat shirk (polytheism), their fight is motivated by defense, not by subjugation, tyranny and transgression. This, then, is the nature of the minor difference in question.

Even amongst the learned of Islam there are two views. According to some of them, tawhid pertains to the general rights of humanity, so that fighting for the sake of tawhid is lawful, for it is the defense of a human right and is like fighting for another nation's freedom. Another group however, argues that tawhid pertains to individual rights and perhaps to national rights, but has nothing to do with the rights of humanity, and accordingly, no one has the right to trouble anyone else for the sake of tawhid.

Which of the two views is correct?

I intend to state my own view on this subject. But before doing so, I would like to speak about another issue, and perhaps on reaching a conclusion, the two issues will be seen as a single one. The point is that some affairs may be accepted under duress, i.e. accepted under compulsion, whereas some others as per their nature, must be freely selected.

Imagine one, for example, becoming dangerously infected with a disease and having to accept taking an injection. In such a case, the one in concern can be forced to take the injection; if that person refuses it, others can come and his hands and feet can be forcefully tied; and if he continues to resist, the injection can be administered while he is unconscious.

This is something which can be accepted under duress. The acceptance of other things, however, cannot be forced through compulsion, for other than by free choice, there is no way they can be accepted.

Among such things we find the purification of the self, for example, and the refinement of one's behavior. If we want to refine people so that they come to recognize and accept virtues as virtues and evils as evils and refrain from faulty human behavior so that they eventually reject falsehood and embrace the truth, we cannot do so by the whip; we cannot do so by force.

With a whip, it is possible to prevent someone from stealing, but it is not effective in making an honest individual out of someone. For if such things were possible, then, for example, if the self of a person was in need of purification and his personal behavior sadly lacking in good morals

and ethics, a hundred lashes meted to him would make of that person somebody with good morals and ethics.

Instead of a good education, the teachers would simply use the whip and say: "So that this person throughout his life, always tells the truth and finds lies repulsive, he is to be given a hundred lashes, and thereafter he will never tell a lie." The same thing applies to love. Can one force a person to love another by the whip? Love and affection cannot be forced upon someone. No forces in the world, even if taken together cannot force love upon somebody nor take away his love for somebody.

Having made clear this point, I wish to say that faith, regardless of whether it is a basic right of humanity or not, is, by its very nature, not something that can be imposed by force. If we want to create faith, we should know that it is not possible to create it by force. Faith means belief and inclination. Faith means being attracted to and accepting a set of beliefs, and attraction to a belief calls for two conditions. One condition is that the matter must accord with the intellect, this is the scientific aspect of faith.

The other is the emotional aspect i.e. the human heart should be attracted to faith, and none of them comes within the realm of force. Not the first condition, because thinking is subject to logic - if it is desired that a child be taught the solution of a mathematical problem, he must be taught in a logical way so that he finds credence in it. He cannot be taught by the whip. His intellect will not accept a matter through force, and beating. The same applies to the second condition, the emotional quality, that stimulates inclination, attraction and sentiment.

According to this, there is a huge difference between tawhid as a right of humanity and things other than tawhid, such as freedom. Freedom is something that can be imposed on a people by force, because transgression and oppression can be prevented by force. But living freely and the freedom-loving spirit cannot be imposed by force. It is not possible to force a person to accept a belief or to forcibly create faith in a certain thing within his heart. This is the meaning of "La ikraha fid-din.

Qat-tabayanar-rushdo min al-ghayy," meaning there is no compulsion in religion. When the Quran says that there is no compulsion in religion, it does not mean that, though it is possible for religion to be imposed by force, we must not impose it and must leave people to adopt any religion they want. No. What the Quran is saying is that religion cannot possibly be imposed. That which can be imposed under compulsion is not religion. To the Bedouin Arabs, who had recently accepted Islam without having perceived the nature of its essence and without Islam having influenced their hearts, who were claiming to have "faith," the Quran gave this reply: «The Arabs say "we have faith," tell them: "you do not yet have faith, say "we have accepted

Islam" for faith has not yet entered your hearts.» (49:14)

In Quranic terms "the Arabs" means the desert nomads. The nomads came to the Holy Prophet Muhammad (May God bless him and his Household) claiming to have faith. The Holy Prophet was instructed to tell them that they did not have true belief, faith and that only that when they had said they had become Muslims, i.e. had made the verbal declaration, had done that which entitled them to be superficially rated as Muslims, had recited "La ilaha illallah, Muhammadan rasulullah," could they avail themselves of the same rights that belong to a Muslim. The Prophet was to tell them, however, that that which is called faith had not yet entered their hearts.

«... for faith has not yet entered your hearts.» (49:14)

This tells us that faith is related to the heart.

Another factor that supports our claim is that Islam does not permit taqleed (imitation) in the fundamental beliefs of religion and counts independent research as essential. The fundamental beliefs of religion are of course related to belief and faith. So it becomes clear that, in Islam, faith is a product of free thought. The faith and belief which Islam calls for cannot be acquired through non-free thoughts subject to "taqleed," force and compulsion.

So now we realize the two views of the Islamic researchers to be quite close. One group argues that tawhid pertains to the universal rights of humanity and as it is undeniably legitimate to defend the rights of humanity, so it is legitimate to defend tawhid and fight against others for its sake.

The other group claims that there is absolutely no legitimate way that tawhid can be defended, and, if a nation is polytheistic, we are not permitted to fight it on that account. Now, the proximity of both views lies in the fact that, even if we consider tawhid to be a human right, still we cannot fight another nation to impose the belief in tawhid upon them, for as we have seen, by the very nature of its essence, tawhid is not something that can be imposed.

There is another point also, namely, that if we reckon tawhid as a right of humanity, and if we see that it is in the best interests of humanity and if tawhid demands, then it is possible for us to fight a nation of polytheists, but not to impose tawhid and faith upon it for we know that tawhid and faith cannot be imposed.

We can however fight the polytheists in order to uproot evil from that society. Ridding a society of evil, polytheistic beliefs is one thing, while imposing the belief of tawhid is another.

According to the view of those who consider tawhid to be pertaining to the rights of the individual or at most to the rights of a nation, this is not permissible. The predominant line of thought in the West, which has also penetrated the ranks of us Muslims, is exactly this.

Such issues as tawhid are regarded by the Europeans as personal issues and not at all important to life; more or less as custom from which each nation has the right to choose. On this basis, it is held that even for the sake of uprooting evil, no one has the right to combat polytheism, because polytheism is not iniquity, and tawhid is a purely personal issue.

If, on the other hand, we consider tawhid to be a universal issue, one pertaining to the rights of humanity and one of the conditions for humanity's general welfare and prosperity, then we see it as permissible to commence war with the mushrikin for the sake of the demands and defense of tawhid and in order to uproot corruption, even though war for the sake of imposing the tawhidic(5) belief is not permissible.

Here we are entering upon a different issue, namely whether fighting for the freedom of the "call" is permissible or not. What does it mean - fighting for the freedom of the call? It means that we must have the freedom to propagate a certain faith and belief to any nation. Not the generally current propagation which aims solely at propaganda, but propagation in the sense that we just explained. Nothing more. And now, whether we consider freedom to be a universal human right, or tawhid to be so, or both of them to be universal human rights, to do this is definitely lawful.

Now, if a barrier arises against our calls, like some power, say, presenting itself as an obstacle, denying us permission, saying that we will impair the mind of its nation - and we know that most governments consider as impairing all thinking which may encourage the people to revolt against them - if such a regime sets itself up as a barrier to the call of truth, is it permissible to fight against it until it falls and the barrier against the call broken down, or is this not permissible?

Yes, this is also permissible. This would be for the cause of defense. This would be one of those jihads, the actual nature of which is defense.

The Measure of Rights - Individual and Universal

So far we have seen that the essence of jihad is defense. There is now just one issue that remains, which is whether, in our view, tawhid pertains to the universal rights of humanity, or to the personal rights of an individual, or at the most, to the rights of a nation. What we have to do is look at the criteria for personal rights, universal rights of humanity and see what they are. In some things human beings are all the same, while in some other, they are different.

Human beings differ in so many ways that even two persons cannot be found who, in every detail, are exactly the same. The same as two individuals having the same physical characteristics do not exist, it is also true that no two persons do have the same spiritual

characteristics. It is the interest which relates to the common demands and needs of all human beings that are the universal rights.

Freedom means the absence of obstacles to the flowering of the natural potentials of the individual, and it relates to all of humanity. Freedom for me has exactly the same value as it has for you. It has the same value for you as it has for others. Between you and I, however, there exist many differences, and these pertain to the "personality," because they are personal differences. The same as color and the physique differ in human beings, their personalities also differ. I may like clothes of a certain color, while you like those of a different color. I may like to live in one town, while you prefer another one. I may arrange and decorate my home in one way, while you choose a different way. I may select one subject for study, while you select another. These are all personal issues, for which, no one can be bothered. Thus no one has the right to compel someone to marry a particular person, for marriage is a personal issue and in choosing a marriage partner, everyone has his own taste to suit.

Islam says that no one must be compelled in choosing his or her partner because this choice is one's personal right. The Europeans who say that no one must be bothered for the sake of tawhid or faith, say so because they think that these two concepts are amongst the personal concerns of the individual, are issues of the personality, individual matters of taste. To them, religion is something which brings entertainment to all human beings.

In their view, it is like art; one person likes Hafız, another likes Sa'adi, another likes Maulavi, another likes Khayam, another Ferdowsi(6) and no one must bother the one who likes Sa'adi saying: "Why do you like Sa'adi? I like Hafız. You also have to like Hafız." To them religion is just this.

One person chooses Islam, while another chooses Christianity, another chooses Zoroastrianism, while yet another, is least bothered about all of them. No one must be troubled. Religion in the view of these Europeans is not related to the core of life, to the path of human life. This is their basic supposition, and between their line of thought and ours, there exists a world of difference.

Religions like their own religions must be as they say, but to us, religion means the "siratul-mustaqim," the "straight path" of humanity and being indifferent to religion means being indifferent to the straight path, to the real path of progress, of humanity. We say that tawhid is the pillar of well-being, prosperity and happiness of mankind, and is not merely the personal concern of the individual or the sole concern of this or that group.

Accordingly, the truth lies with those who believe tawhid to be pertaining to the rights of humanity. If, at the same time, we say that war for the imposition of tawhid is not permissible,

it is not because tawhid pertains to those affairs which must not be defended and not to humanity's general rights, but because the very nature of tawhid does not allow it to be ".imposed, as the Quran confirms: "la ikraha fid-din