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H.A. Hellyer

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Jihad Re-examined — or Jihad Repaired?

***Bellum Iustum* in a World of International (Dis)-order**

H.A. Hellyer *

* This paper was written by H.A. Hellyer, who at the time of writing was Fellow at the Centre for Research in Ethnic Relations at the University of Warwick (UK), as a contemplation on some of the issues raised on *jihad* at the 'Religion and International Law' Symposium at Santa Clara University in February 2011. Gratitude and thanks are due to the organisers of that symposium, particularly considering that the author was unable to confirm until extremely late whether he would be able to attend, as he was then in Cairo.

The Prophet came back from one of his campaigns saying: “You have come forth in the best way of coming forth: you have come from the smaller jihad to the greater jihad.”

They said: “And what is the greater jihad?”

He replied: “The striving of God’s servants against their idle desires.”

– Prophetic adage

“The theology of jihad, which denies unbelievers equality of human rights and dignity, is available today for anyone with the will and means to bring it to life.”

– Radical conservative websites

Jihad is one of those buzz words in international affairs that we all know of now — it is finding its way into many non-Muslim world languages, usually with fairly negative connotations. There are some key aspects that we must ponder in relation to its usage, its received meaning, and what Muslims themselves (as the potential mujahids) understand it to be, before considering its role within the international arena.

From the outset, it must be clear that when jihad is used in contemporary discourses in the English language, (and here we are not distinguishing between Muslims and non-Muslims) it is most often used in conjunction with a political issue of some sort or another. It is used, for example, in reference to a political group that has the word within its name, such as the ‘Islamic Jihad’ group of Egypt, members of which assassinated the previous President of Egypt, Anwar Sadat. Jihad is a theme that is often associated with political Islamism,¹ which may or may not lead to a political program designed to bring about an ‘Islamic State,’² whether within predominantly Muslim countries, or where Muslims exist as demographic minorities. In this narrative, jihad is an aspect of a radical religious ideology that supports terrorism and other acts of criminal violence, and there are sufficient numbers of right-wing commentators, such as Melanie Philips in the UK, and Daniel Pipes and Robert Spencer in the US, that promote this conception whether in international relations or domestic politics.³ The latter have proven to be remarkably more dangerous within the perception of certain conservative circles and have led to actual policy effects — witness the current Congressional hearings in the United States, where Congressman King held hearings in his capacity as chairman of the House Homeland Security Committee on the radicalisation of American Muslims. Some even accused the liberal, Sufism-leaning religious personality, Feisal Abdul Rauf, of trying to establish a “jihadist headquarters” at the multi-faith community centre he

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1. It is important to note the differences between Islam, a religion, and Islamism, a political doctrine, without necessarily descending into demonization or utopianism.
 2. Something of an interesting historical quandary, considering that the nature of governing structures within classical Islamic thought, prior to the colonial and imperial eras of the West, was very different from the idea of the ‘state’ that developed from Western political theory. This fact has brought home the reality that much of political Islamism owes its genesis to an interesting synthesis between Islamic vocabulary and Western grammar.
 3. See, e.g., ROBERT SPENCER, ISLAM UNVEILED: DISTURBING QUESTIONS ABOUT THE WORLD’S FASTEST-GROWING FAITH 145 (2002); Daniel Pipes, *Jihad and the Professors*, 114 COMMENTARY, no. 4, 2002 at 19, available at <http://www.danielpipes.org/498/jihad-and-the-professors>.

intended to establish 600 feet from Ground Zero in New York City.⁴ It is clear that in these different narratives, jihad has a markedly negative connotation.

Less common in modern English discourse, but by no means rare, is the use of jihad as a spiritual and moral undertaking. Gibril Haddad, a contemporary Lebanese Muslim scholar, uses a number of different Prophetic reports to justify his view of jihad in this fashion,⁵ and many Muslim authorities tend to advocate the use of the word in this way, without excluding other possible readings.

The veracity of all of these readings notwithstanding, it is interesting to see the wide variety of perceptions with regards to what the word actually means — there are few words that have entered into the English language that have such contested meanings. Some linguists have sought to remind us that the relationship between the signifier and the signified is entirely arbitrary — that a word means something just because enough people agree that it does. That kind of assumption, however, depends on a certain type of worldview, as well as a series of other assumptions. If a room of 5 people agree that a ‘car’ must refer to an alien spacecraft, that is true as far as they are concerned, but once they look outside, they might see differently. Moreover, they cannot possibly account for all the people that came before them.

It is clear from a historical perspective that the first to use jihad as a term were the Muslims of the Arabian peninsula and that the overwhelming majority of people who used, and continue to use, the word, since then until the modern age, have been Muslims. That contemporary communication tools, such as the international media, argue differently, says less about the majority of the world’s population (let alone the majority of the world’s Muslim population), and rather a lot more about the problematic nature of media.

The philosophical worldview⁶ of Muslims has been aptly described elsewhere, and we need not go into more detail here. Suffice it to say that within that worldview, it is necessary to distinguish between different types of jihad, all of which might find particular resonance within the Islamic tradition, as well as identify those specific types of jihad that have particular meanings and legal status.

Within that classically inspired worldview, jihad has a number of non-specific meanings which arise from its general linguistic meaning. When we note non-specific meanings, we mean that the Islamic tradition has not come to a specific set of rules, regulations or procedures that apply to the implementation of these meanings. Jihad literally means ‘struggle’, and as such, many use the word jihad to refer to a variety of ‘struggles’: jihad for health, jihad for the economy, jihad for welfare and so forth. Those meanings might have no specific sanction from the Islamic tradition, in that the Prophet or God did not refer to jihad in precisely those ways, but those meanings might have general sanction from the tradition, in that the literal, lexical meaning of the word can be used justifiably in those circumstances.

4. *Monument to Jihad: Ground Zero Mosque No Joke*, TORONTO SUN, July 27, 2010, available at <http://www.torontosun.com/comment/2010/07/26/14835681.html>.

5. Sh. G. F. Haddad, *Documentation of “Greater Jihad” Hadith*, LIVING ISLAM (Feb. 28, 2005), http://www.livingislam.org/n/dgjh_e.html.

6. SYED MUHAMMAD NAQUIB AL-ATTAS, *ISLAM AND SECULARISM* (2d ed. 1993); SYED MUHAMMAD NAQUIB AL-ATTAS, *PROLEGOMENA TO THE METAPHYSICS OF ISLAM* (1995).

There are other non-specific meanings that have sanction in the Islamic tradition, while still not quite having particular rules or procedures attached to them. For example, the Prophet is reported to have noted that speaking truth to an unjust ruler is jihad or that giving birth is jihad, in addition to other activities. In so much as the Prophet described these activities in these ways, they are legitimately called jihad with particular religious sanction, but the jurists (fuqaha) of the religion have not established that certain characteristics must be present in order to legitimately call such an activity 'jihad'. In this regard, jihad is a non-specific meaning, or at least a general meaning word.

There are two instances where jihad has a very particular and specific meaning. One is in the pursuit of a particular type of martial, violent activity, and the other is in the spiritual realm. In both of these instances, while their meanings find their root and core within the Qur'an (the word of God in Islam) and the Prophetic tradition (the second highest source of principles within the Islamic tradition), those meanings are mediated for the broad masses of Muslims through the discourses and understandings of scholastic authorities (the 'ulama).

In terms of where jihad is violent (i.e., the martial jihad), it is the fuqaha (jurists) among the 'ulama, that lay down the rules of jihad, according to their understanding of the Qur'an and the Prophetic tradition (the sunnah), as well as latter precedents and sources. These precedents and sources may differ somewhat, depending on the different rite of law (madhhab) that the jurist follows, but there is no jurist that seeks to extract solely from the Qur'an and the sunnah. This is akin to an American lawyer trying to argue a case in court purely on the basis of the Constitution, without any reference to previous cases, precedent and so forth — such an approach is simply not taken seriously in any developed legal system. This reliance on authority does not differ between the Sunni and the Shi'i, although they actualize it in different ways.

In terms of the spiritual jihad, experts or authorities in spirituality lay down the rules — again, referring not simply to the Qur'an and the sunnah, but mediating those sources through latter authorities. This keeps the tradition of spiritual jihad within the overall domain of orthodox Sufism, which is in itself an indispensable part of pre-modern Islam, and remains mainstream in the contemporary world⁷.

This reliance on authority and precedent is incredibly important to realise when investigating the issues around Islamic law in general, and jihad in particular. Commentators and discussants on this concept, regardless of their actual standpoint on jihad, will often ignore it in the modern age, as they have not been trained within any proper Islamic legal curriculum. This applies to the al-Qa'eda radicals, who are not products of any seminary, but whose religious training is conspicuously absent,⁸ as well as to those far right-wing commentators who agree with al-Qa'eda functionaries that jihad is an expansionist political philosophy. Many of the discussions that we now see in the English language result

7. *The Amman Message*, a document signed by many of the most noted Muslim religious authorities of the contemporary era, was based on this very point. See THE AMMAN MESSAGE, <http://www.ammanmessage.com> (last visited Mar. 10, 2012).

8. See Abdal-Hakim Murad, *Bin Laden's Violence is a Heresy Against Islam*, ISLAM FOR TODAY, <http://www.islamfortoday.com/murad04.htm> (last visited March 10, 2012).

from commentators plucking out Qur'anic verses or statements from the Prophet in translation, or bereft of their full context, and arguing that jihad is this or that.

Islamic law is Islamic law, which is a highly developed legal system, whether we choose to agree with all its formulations or not. From a public policy point of view, we benefit greatly from that sophistication,⁹ for if Islamic scholarship did not work like that, and Islamic law was akin to a do-it-yourself kit or blog, there would be a great deal more chaos within the discussions of Islamic law. As it stands, the Sunni community of Muslims (and the Shi'is are not far off on this point) stands united around four orthodox schools of law, with each of these schools having clear and specific procedures with regards to the production of positive legal prescriptions (ahkam).¹⁰ Those procedures have been developed and refined over more than a thousand years of continuous legal discussion. The existence of four schools of law, and the significant differences within and between each school, allows for a good deal of diversity and pluralism within a unified set of frameworks. The absence of those four schools, however, would likely result in the proliferation of Muslim legal amateurism, without the checks and balances that result from a thousand years of development.

This amateurism is already in operation, but frequently overlooked.¹¹ The terrorist antics of al-Qa'eda-type movements rely not on the classical formulations of Islamic law, the authorities of which continue to reject wanton violence, but on systematically putting aside the systems of precedent that have governed Islamic law for so long. Much of al-Qa'eda communiqués attack traditionally educated religious authorities for precisely this reason, although their missives generally conflate the existence of religious functionaries who essentially buttress dictatorial regimes, with scholastic authorities who choose to tolerate the existence of those regimes without resorting to political violence.¹² Removing the strictures of scholastic authority is a double-edged sword indeed — it might allow for liberalism to be more easily cast into an Islamic paradigm (or vice versa), but it also allows for radical extremism the same flexibility.

Thus, for example, when commentators insist that the Prophet lauded martial combat against 'hypocrites' (munafiqoon) or 'non-believers' (kuffar), it is important to recognise that these statements have been subjected to a great deal of commentary, explanation and exposition over the centuries by scholastic authorities. Their task was, and remains as such,

9. See H.A. HELLYER, ENGAGEMENT WITH THE MUSLIM COMMUNITY AND COUNTER-TERRORISM 14-18 (Brookings ed., 2007), available at http://www.brookings.edu/papers/2007/12_counterterrorism_hellyer.aspx.

10. See generally ABDAL HAKIM MURAD, UNDERSTANDING THE FOUR MADHHABS: FACTS ABOUT IJTIHAD AND TAQLID (Muslim Academic Trust, 1999).

11. H.A. Hellyer, *Wanton Violence in Muslimdom*, in THE STATE WE ARE IN: IDENTITY, TERROR AND THE LAW OF JIHAD 93 (Aftab Ahmad Malik ed., 2008).

12. In the wake of the Arab uprisings of 2011, a number of debates broke out among scholastic authorities. Many of them argued that the idea of protest was entirely in keeping with the Islamic tradition, and thus religious authorities should support the idea of protesting in all countries where injustice was taking place. Many others, on the other hand, argued that more important than protest was public order, and that protest could easily lead to an incredibly unstable situation. The discussions still continue. See M. Afifi al-Akiti & H. A. Hellyer, *The Negotiation of Modernity through Tradition in Contemporary Muslim Intellectual Discourse*, in KNOWLEDGE, LANGUAGE, THOUGHT AND THE CIVILIZATION OF ISLAM (Wan Mohd Nor Wan Daud & Muhammad Zainiy Uthman ed., 2010).

to subject such reports to critical analysis based on other Prophetic reports, the authenticity of the reports, the precedents within the Qur'an, and the circumstances of the time. Any academic or non-academic review of jihad, similarly, needs to be very careful about coming to specific conclusions, without referring to the canon of these discussions among scholastic authorities. Limiting oneself to the text itself (i.e., the Qur'anic revelation, or to universally agreed upon Prophetic reports) is seldom the way to understand the breadth of the Islamic tradition.

While some contemporary authorities may try to extrapolate such precedents for current political goals, it is important that we place them into their right context. A recent case in point: in the recent Egyptian uprising, Yusuf al-Qaradawi, the Muslim Brotherhood's most famed scholar, and graduate of the Azhar University in Cairo, declared that to participate in the protests was *fard al-'ayn* (personally obligatory) upon every capable Muslim in Egypt.¹³ That carries a certain weight in Islamic law. If an action is described as *fard*, then to carry it out brings reward in the eyes of God, and to not carry it out brings out the liability of punishment from God. It is no small thing to describe any action as *fard*, but when it is applied to a political action, it becomes rather suspect. Political activity is the 'art of the possible', and as such, is based on empirical judgments that are liable to be incredibly arbitrary. It was not surprising, therefore, that other scholastic authorities have long described al-Qardawi as a political activist first and foremost, who is also a jurist — one who has loathed the Egyptian state since Gamal Abdal Nasser's time — rather than a jurist first and foremost, who happens to be a political activist. The difference is well noted, which is why it seems to have been more common among scholastic authorities in Egypt who did support the protests to argue that participation was *fard al-kifayah* (communally obligatory).¹⁴ The difference between this and *fard al-'ayn* is quite important — if a group of Egyptians took up the responsibility, then the rest of the population was exempt, with the corollary being that if no one protested, then the entire population was at fault.

Of course, none of these figures has the ability to enforce his or her belief on the populace at large. Islamic law has always had a healthy difference of opinion built into it, and the non-specialized have always been free to adhere to whatever position they personally felt comfortable with. This is not the case with regard to declaring a martial jihad. In pre-modern times, the leader of the Muslim territory, whether in consultation with, or in conjunction with, scholastic authorities or not, did have the right to enforce conscription into the national defence force for participation in the jihad. Those excluded from forcibly enlisting in the jihad would have to have religious reasons for doing so — such as non-Muslims. But otherwise, this would be considered a religiously sanctioned, compulsory conscription, and there are many instances in Muslim history where this was the case, just as there were many cases in non-

13. H.A. Hellyer, *Muslim Brotherhood: Protect Churches*, RELIGION DISPATCHES, Feb. 3, 2011, http://www.religiondispatches.org/dispatches/hahellyer/4178/muslim_brotherhood%3A_protect_churches%3B_mufti_exempts_egyptians_from_friday_prayer/ (last visited Mar. 10, 2012).

14. S'ad 'Atiyah al-Azhari, *Is Protesting Permissible?* SUHAIB WEBB.COM, Feb. 3, 2011, <http://www.suhaibwebb.com/islam-studies/faqs-and-fatwas/is-protesting-permissible/> (last visited Mar. 10, 2012).

Muslim history where the governing power declared that all able men must defend the territory of the homeland.

There is an interesting contemporary controversy in this regard, whereby many argue that the jihad has both a defensive and an offensive mode. The defensive mode is a response to an attack on the territory, i.e., the territory has been attacked, and the authorities decide to repel the invasion or attack by a martial force. The offensive mode is different — no attack on the territory has taken place, but the Muslim authorities decide to engage in a martial intervention even in the absence of an attack. Muslim apologists frequently argue that the ‘offensive’ mode does not exist — that all “real” jihads are, by necessity, defensive in nature, and that all “offensive” martial actions might take on the symbolism of jihad, but cannot possibly be a jihad. It is an interesting claim, but it is not one that is backed up by Muslim history, unless historians can prove that all religious authorities who authorised offensive jihads were somehow wrong. At the same time, while it is clear many offensive martial actions took place in Muslim history and were permitted, even lauded, by scholastic authorities, it is also clear that the idea of expansionism and imperial gain from colonialism is not something that is sought under Islamic law. On the contrary, Islamic law has very clear rules and regulations with regard to the exploitation of territories and communities that come under Islamic law. This leaves us in something of a quandary — how can these seemingly contradictory imperatives be reconciled, as surely they must have been?

There are two additional facts to keep in mind with regard to the use of force in international affairs — something recognised by the international community even today. *Bellum iustum* allows, and even encourages, the use of force when there are overriding ethical interests involved, such as the protection of civilians from a tyrannical ruler. Islamic law, likewise, allows for the use of force in situations other than defense of one’s own territory.

More importantly, however, to understand about classical Islamic law on this point is to remember the world of pre-modernity, as compared to the modern world. In today’s world, international law is a considerable force. The norm that all nations seek, as per the United Nations charter, is peace between nations rather than conflict. We seek perpetual peace, and we avoid war and conflict unless absolutely necessary. We try to accomplish this by setting up an international order which is based on mutually agreed-upon treaties and laws, and we have tried, as an international community, to bring all nations on this planet into that order.

Yet, this is a very recent phenomenon in human history. The idea of such an order in international affairs was an idealistic dream for the world until fairly recently — no more than a couple hundred years. The international order that existed hitherto was not based on the existence of order or institutions, but on the lack of order, and perpetual absence of those institutions and instruments designed to keep things at peace. It has only been a very short while since the human family opted to appeal to agreed-upon laws as a way to guarantee international peace. Otherwise, war was the norm, not the exception, if one had the ability to wage it. This was, simply, a natural corollary to the absence of international order. If you deemed that, within your territory, you had a degree of order based on the rule of law, then naturally, you would prefer that your neighbors be brought into your system of order rather

than remain as a disorderly territory on your borders that would attack you at any instant, bringing the people of your territory under a disorderly system.

This was the case, and remembering this is vital in understanding how pre-modern Muslim scholastic authorities tended to view international relations and the use of force. For if this is such a situation where, essentially, it is the survival of the fittest, it is not surprising that Islamic law had little trouble in pre-empting attacks. Moreover, many scholastic authorities lauded such pre-emptive attacks. In our own age, where one can appeal to international law and international legal institutions, such as the UN, the International Criminal Court, and so forth, pre-emptive defensive attacks are extremely rare and problematic. A pre-emptive defensive attack is essentially a declaration that the international order has broken down, even if only on one side of the conflict. This is an incredibly difficult thing to prove in today's world, particularly where it is not simply the international legal order that ties a nation-state to the rest of the international community, but also its internationally-linked economic interests, which stand to suffer a great deal if that state is identified as a "pariah state". When one could not appeal to such structures and knew that the only things that stood against invasion of one's own territory were either the threat of violence or the incapacity of the enemy, pre-emption (or at least the threat of pre-emption) could easily become the norm.

Secondly, it is entirely unsurprising that on a quasi-humanitarian basis, some Muslim scholastic authorities viewed the world around them as inferior in terms of the rule of law. The rule of law in most neighboring parts of the Muslim domain was often non-existent — we should recall the time and era historically. It is thus equally unsurprising that they considered that residents of those neighboring domains might welcome the rule of law, even if it came from a foreign religion or power. Indeed, it is clear that, particularly in the early period of Islamic history, newly conquered territories such as Egypt, North Africa and Spain welcomed the Muslim armies from Arabia, which brought the promise of a better future than the one they contemplated.¹⁵

Much of this changed with the dawn of the modern period, and as a result of the contact with modernity, much of Islamic law became subject to a substantial paradigm shift, once scholastic authorities became (and continue to become) appropriately familiar with the world we now occupy. That process, ironically, has become much more difficult in the modern period, even though it is a time which is arguably most essential for Muslim communities at large. Pre-modern Muslim communities had little problem adjusting to the changing circumstances from a religious point of view, because the seminaries and universities that produced scholastic authorities were dynamic centres of education and produced from within their graduates and faculty some of the keenest minds of Muslim civilisation. As such, they found it relatively easy to provide Renaissance men like al-Ghazali, who were able to properly situate and contextualise their knowledge for the benefit of the Muslim community at large. Such men were well trained. The immense irony is that with modernity, the Muslim world is hit with two difficulties. The first is colonialism and imperialism, which systematically

15. TAMARA SONN, *A BRIEF HISTORY OF ISLAM* 24-25 (2004).

disable and set in motion the degrading of centres of scholastic authority. The second is the incredible set of paradigm shifts that occurred with the dawn of the modern world and which philosophically is incredibly challenging to the pre-modern Islamic worldview. While this set of shifts was arguably more astounding than any other change that occurred before it, the Muslim scholastic community was far less prepared to respond to it — their centres of learning were not as dynamic as they had once been.

Nevertheless, it did take place,¹⁶ and for that reason, this whole controversy around the distinction between “offensive” and “defensive” jihad is something of an academic question. Contemporary scholastic authorities do not dwell on this issue anymore. It does not occupy their discourse precisely because they know the world has changed. Instead of calling for offensive jihad, they call to the institutions of international order (the UN, and so forth), which is an implicit acceptance of the world in which we now live.

Beyond the ideas of offensive and defensive jihad, there are other issues that remain quite awkward with regard to the use of force in international relations as it pertains to jihad. An oft-mentioned issue is the subject of suicide bombings, of which Yusuf al-Qaradawi has the erstwhile reputation of being overwhelmingly in favour of when utilised against Israeli targets in the Holy Land. Nevertheless, despite al-Qaradawi’s prolific and popular standing in the Muslim world, this stance has been roundly rejected by many other scholastic authorities in different countries for having contravened key and cardinal principles of Islamic jurisprudence. War has its rules, and some of the rules of law in the Islamic tradition relate to what kind of weapons can be used by a just warrior, as well as who can and who cannot be targeted. In the case of suicide bombers, both of these issues are glossed over by supporters of such operations, even while they are exceedingly clear within the corpus of Islamic jurisprudence, indicating, perhaps, that even ‘men of God’ can be overcome by emotion owing to a political issue. Within Islamic jurisprudence, no non-combatant (and there are clear definitions for “non-combatants” in Islamic jurisprudence) may be specifically targeted — unlike many suicide-bombing operations. Moreover, while there are religiously sanctioned situations in which a warrior might go up against overwhelming odds (which essentially makes it akin to a “suicide mission”), there are no religiously sanctioned situations whereby a warrior voluntarily takes his or her own life, regardless of the aim. That is the very definition of suicide, which is universally condemned in Islamic law, whether one does so out of desperation, or one does so in order to focus an attack. There are no real exceptions to that except under duress, which certainly does not apply in the case of suicide bombers.¹⁷

It is clear that the various issues around the use of the word jihad in international affairs will not suddenly disappear overnight. There are serious concerns here, and they require a deft set of responses in order to clarify and explicate what orthodox Islamic law does or does

16. Afifi al-Akiti & H.A. Hellyer, *The Negotiation of Modernity through Tradition in Contemporary Muslim Intellectual Discourse: The Neo-Ghazalian, Attasian Perspective*, in KNOWLEDGE, LANGUAGE, THOUGHT AND THE CIVILIZATION OF ISLAM: ESSAYS IN HONOR OF SYED MUHAMMAD NAQUIB AL-ATTAS (Wan Mohd Nor Wan Daud & Muhammad Zainiy Uthman, eds., 2010).

17. An excellent treatment of this in the English language is found in M. Afifi al-Akiti, *Defending the Transgressed*, in THE STATE WE ARE IN: IDENTITY, TERROR AND THE LAW OF JIHAD (Aftab Ahmad Malik, ed., 2008).

not say on such things — not as a set of apologetics, which does not seem to solve more problems than it creates, but rather to inform and clarify, in the context of today's world as well as the pre-modern world, where many normative stipulations around jihad, as well as other topics in Islamic law, were argued and discussed. There are not many authors that have been able to manage this balance, and a balance of knowledge it is. It requires a deep understanding of Islamic law, as understood by the scholastics of that system of jurisprudence, and it requires a keen awareness of both history as well as contemporary political and social dynamics. All too often, one or more of those several elements are absent, and an imbalance takes place.

Nevertheless, there are individuals and institutions that are at work in that regard, and the signs are promising. There is a continual exchange between seminary institutions in the Muslim world and universities in the West, on an institutional level. There is a growing number of young Muslim Westerners, who are entirely at home in understanding a Western universe, who are exploring the world of the traditional seminary in Muslim majority countries, and there are citizens from Muslim majority countries that are likewise fascinated with how the world of Western academia works. Lest we forget, the roots of modernity are indeed Western, and it will require awareness, if not an agreement, with those roots, if the circles of Islamic law are to fully understand the world in which we live.

In terms of jihad, this is no longer necessary — it has already taken place, which is perhaps reason for optimism.