

WAR  
ETHICS  
IN ISLAM

BY

DR. HASSAN HATHOUT

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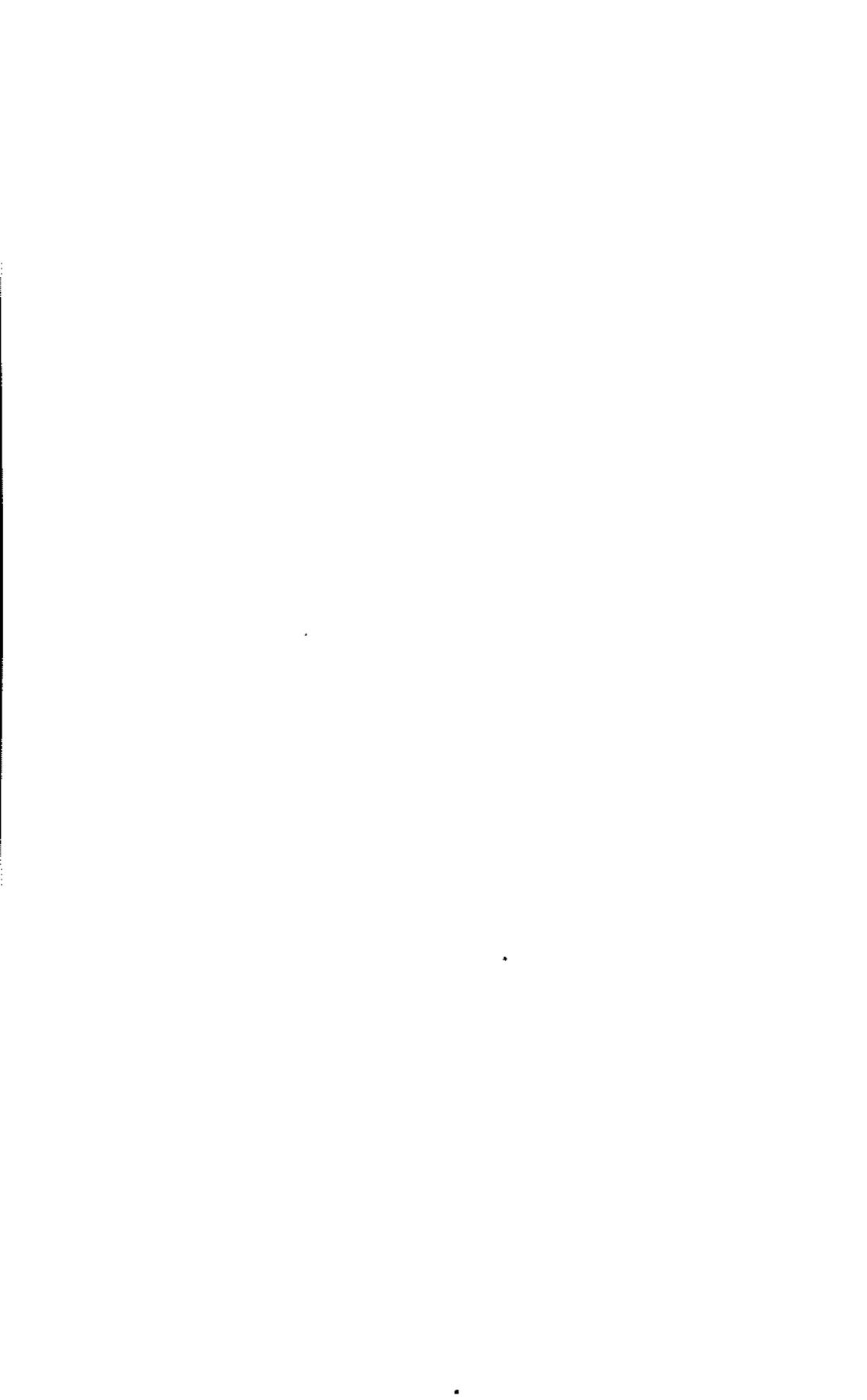
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# FOREWORD

During the first week of the gulf war, Iraqi television paraded a few British and American pilots in front of viewers worldwide. With their bruised faces and depressed voices they read written statements of their disapproval of Allied raids against the people of Baghdad. And yet, Iraq said it was following the norms of Islam in its treatment of prisoners of war.

A few weeks later, reports came from Saudi Arabia that a few Iraqi soldiers captured by the Allied forces were beaten brutally by their captors. Still, Saudi Arabia said that it was giving Islam the priority in her handling of prisoners of war.

Days went by while Allied pilots bombed civilian shelters, milk factories, churches and mosques, water tanks and electricity plants, bridges, sewage systems and almost everything on which people depend for their daily livelihood in Iraq. And President Bush called it a just war.

In this war, which was fought on the cradle of civilization, the adherents of world's three religions who trace their origin to their common patriarch, Abraham, born and raised in the desert of Mesopotamia, were fighting against each other. The Muslims had their Quran and prayers on the battle field. The Christians had their Bible and the Jews their Torah.

President Bush consulted Christian religious leaders, such as Billy Graham and Jerry Falwell before deciding to go to war. President Saddam Hussein invited religious scholars from the Muslim world to hear the words that his invasion of

Kuwait was right and just and he was justified in declaring  *Jihad*  against the Allied forces. The government of Saudi Arabia also brought into Makkah and Riyadh Muslim scholars from all over the world to sanctify the destruction of Iraq under the name of Islam.

However, when it comes to the suffering of civilians and ordinary people, none of the three leaders ever referred to their religion and its ethics of war.

Such devastation of human life is unprecedented in human history, especially in the light of the fact that all sides invoked the name of their religion and God in this war.

What does Islam say about war, its ethics, prisoners of war and civilian targets? These and many other related questions are rightly asked by Muslims and non-Muslims. *The Minaret Publishing House* is publishing this small pamphlet on the the issue of war ethics hoping that it will answer some of the questions.

The pamphlet is written by Dr. Hassan Hathout who spent 20 years in Kuwait as a renowned medical doctor. Parts of the pamphlet appeared in 1984 when the Kuwait -based Islamic Medicine Organization published Dr. Hassan Hathout's *Topics in Islamic Medicine*, a collection of essays on Islamic medicine.

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# REFLECTIONS

Peace is the natural, normal and divinely ordained attitude and relation at the individual and communal levels. One of the names of God (Allah in Arabic) in Islam is Peace. The common greeting expressed by Muslims is *Peace be upon you*, and Paradise is described in the Quran as *the Abode of Peace*.

When war is felt to be a necessity, Islam makes it lawful only if it complies with certain criteria clearly spelt out in Islamic jurisprudence. The first is that of intention, for amongst the various motives behind waging war, the only acceptable one is *to make God's word the supreme word*, and this intention resides in the conscience which God is thoroughly aware of. Other motives, declared or concealed, are unacceptable, such as material gains for selfish motives. Other criteria are that war should be defensive or aiming to relieve the oppressed of oppression, as well as being, really and honestly, a last resort. Even if in the midst of war the enemy expresses an interest in a peaceful outcome, this should take priority according to God's injunctions in the Quran, *If they lean towards peace then lean towards peace too,, and rely on God.*"

The other criteria represent constraints on the methodology of war:

1. that it should not harm non-belligerents, and
2. that it should not destroy resources.

It is obvious that modern military technology cannot lend itself to those two constraints. Perhaps the First World War was the last to be confined to the armed personnel, and the wars that followed saw a progressive involvement of the civilian population whose losses remarkably came to exceed those amongst the military.

Would it be timely for humanity to realize that modern warfare should make armed conflict an obsolete method for resolving difference and devise better alternatives befitting our level of civilization? Is it difficult to realize that military might can make victory but can never make peace?

# INTRODUCTION

“Islam is a belligerent religion.” This is a recurring accusation Muslims hear in almost every seminar and conference that discusses their religion. Western scholars of Islam want the general public to believe that Islam encourages its adherents to wage wars against those who don’t share their values and viewpoints. This understanding of Islam’s early or later history raises serious doubts about the scholarship of the scholars.

During the early 13 years of prophet Muhammad's mission in Makkah and subsequently in Madinah, the Muslim community suffered severe persecution. In Makkah, Muslim men, women and children were killed, their homes ransacked and their families displaced and they were starved. The persecution was so intense that a great number of Muslims migrated to neighboring countries to escape the oppression of the ruling elite of Makkah. Even in Madinah, where Muslims had relative peace, they were subject to regular raids from Makkans. The Muslim community never retaliated against any of these acts of terrorism or war.

However, once persecution and oppression crossed all levels of tolerance, Muslims were divinely ordained to defend themselves and other innocent victims against their enemies’ ruthless attacks. The Quran says:

*To those against whom war is made, permission is given (to fight), because they are wronged; and verily God is most powerful for their aid.*

(22:39)

*Fight in the cause of God those who fight you, But do not transgress limits For God loves not transgressors. And slay them wherever you catch them. And turn them out from where they have turned you out; for persecution is worse than slaughter; but fight them not at the Sacred Mosque unless they (first) fight you there ... but if they fight you slay them. Such is the reward of those who reject faith.*

*But if they cease, God is oft-forgiving... most merciful. And fight them on until there is no more persecution, and there prevail justice and faith in God. But if they cease, let there be no hostility except to those who practice oppression .*

(2:190-193)

The expression *in the cause of God* is worthy of special note. God's cause is none other than the establishment of justice, equality and liberty for His creation and freedom from all kinds of tyrannical rule. War in Islam has, therefore, quite different aims and means than the wars known between states and peoples.

The soldier of Islam is, consequently, a different breed. A man asked the Prophet Mohammad: "The man may fight for booty, for fame or for pride. . . which of these is in the cause of God?" The Prophet answered: "Whoever fights so that the word of God becomes the supreme word, this is in the cause of God." A sharp contrast was set by the Quran saying:

*Those who believe fight in the cause of God, and those who*

*reject faith fight in the cause of Evil : so fight you against the friends of Satan: feeble indeed is the cunning of Satan. (4:76)*

Thus, the Muslim army was an army with a conscience , for it was indoctrinated by the saying of the Prophet: “God accepts no deed unless it was honest to God and only seeking Him.”



# THE ETHICS OF WAR

## **Personal Behavior of the Troops**

Islam lays much emphasis on the personal behavior of Muslim soldiers. In war, as in peace, the instructions of Islam are to be observed. Worship does not cease in war. Whatever is prohibited during peace is also prohibited during war. War is no excuse to be lenient with misbehaving troops. The Prophet says: "Beware of the prayer (to God) of the oppressed. . . for there is no barrier between it and God. Even if he (the oppressed) was a nonbeliever."

## **Fighting Norms**

Fighting should be directed only against fighting troops, and not against civilians. Thus, the Quran says:

*Fight in the cause of God those who fight you... and do not transgress...*

In one of the battles between Muslims and non-Muslims, a civilian woman was found dead. This was strongly denounced by the Prophet saying "She did not fight."

The Prophet's instructions to Muslim Commander-in- Chiefs were: "Fight in the cause of God. Fight those who deny God. Do not be embittered. Do not be treacherous. Do not mutilate. Do not kill children or those (people) in convents."

Abu-Bakr, the first Caliph, instructed Usama, the Muslim commander in chief who led campaign on Syria:

“Do not betray or be treacherous or vindictive. Do not mutilate. Do not kill the children, the aged or the women. Do not cut or burn palm trees or fruitful trees. Don’t slay a sheep, a cow or camel except for your food. And you will come across people who confined themselves to worship in hermitages... Leave them alone to what they devoted themselves for.”

Abu-Bakr also instructed Yazid ibn-Abi Sufian: “I give you ten commandments: don’t kill a woman or a child or an old person, and don’t cut trees or ruin dwellings or slay a sheep but for food. Don’t burn palm trees or drown them. And don’t be spiteful or unjust.”

#### **Maintaining Justice and Avoidance of Blind Retaliation**

The atrocities of enemies are not justification for blind retaliation or unjust practices on the parts of Muslims. The Muslim army is not allowed to destroy civil facilities and disrupt public amenities. The Quran says:

*O ye who believe, stand out firmly for God, as witnesses to fair dealing. . . And let not the hatred of others to you make you swerve to wrong and depart from justice. Be just . . . that is closer to piety. And fear God. . . for God is well acquainted with all that ye do.*

# MEDICAL & NURSING SERVICES

In almost every battle fought by Muslims nursing and medical aid was given top priority. Muslim women served as doctors and nurses to treat the wounded soldiers.

Later, Christian and Jewish doctors were employed by Muslim rulers and many of them were court and personal physicians to caliphs. They were given encouragement and facilities to pursue their professions in full freedom. Medical help was a right to all people in spite of religion or creed. This right was also extended to the enemy forces who needed it. For instance, during the Crusades, Saladin sent his medical advisors to help his opponent, Richard Lion Heart of England who was seriously ill. Saladin personally supervised Richard's treatment until he became well.

On the contrary, when the crusaders entered Jerusalem on July 15th 1099, they slaughtered seventy thousand Muslims including women, children and old men. They broke children's skulls by knocking them against walls, threw babies from roof tops, roasted men over fires and cut women's bellies to see if they had swallowed gold. (*Draper/History of the Intellectual Development of Europe*, Vol. 2, p. 77).



## PRISONERS OF WAR

Islam adopts an attitude of mercy and caring for the captured enemy. It was a custom for the captives to work for their food and livelihood during the captivity. The Quran made it a charity to feed the prisoners saying:

*As to the righteous, they shall drink of a cup mixed with camphor... a fountain where the devotees of God do drink, making it now in unstinted abundance. They perform their vows and they fear a day whose evil flies far and wide. And they, though they hold it dear, give sustenance to the indigent, the orphan and the captive... (saying) we feed you for the sake of God alone: no reward do we desire from you, nor thanks.*

(67:5-9)

The Prophet instructed his companions to be good to the captives. "It is my recommendation that you be good to the captives." Abu Aziz-ibn Umair, one of the captives of the Badr Battle, recalls: "Whenever I sat with my captors for lunch or dinner, they offered me the bread and themselves the dates, in view of the Prophet's recommendation in our favor (in that desert situation bread was a more luxurious item of food than dates). As soon as any of them held a piece of bread he would

offer it to me. Feeling shy, I would give it back to one of them but he would immediately return it to me.”

Another enemy, Thumama ibn-Athal was taken prisoner and brought to the Prophet who said: “Be good to him in his captivity.” When the Prophet went home he instructed them to collect whatever food there was and send it to the prisoner. When the members of Quraiza tribe were captured, loads of dates were regularly carried to them with the Prophet’s instructions to shelter them from the summer sun and to provide them with water to drink.

Islam forbids Muslims to ill treat prisoners of war and deny them food, shelter and other essentials of life.

Modern international law allows for setting free a prisoner of war on principles which are almost identical with Islam. The Quran says:

*Therefore, when you meet the nonbeliever (in fight), smite at their necks. At length, when you have thoroughly subdued them, bind firmly : thereafter (is the time for) either generosity or ransom; until the war lays down its burdens. Thus ( are you commanded): but if it had been God’s will, He could certainly have exacted retribution from them (Himself); But (He let you fight) in order to test you, some with others. But those who are slain in the way of God, He will never let their deeds be lost.*

(47:4)

According to Islamic law, the captive belongs to the state and not to his captor. The ruler has the ultimate option, as he sees fit, of granting freedom or doing so after taking a ransom.

Among those whom the Prophet granted freedom was a poet called Abu-Azza who said: “I have five daughters who have no

one to support them, so give me away to them as a charity and I promise never to fight you or help your enemies.”

Abul-As ibn Al Rabiaie was freed for a ransom, which the Prophet later returned to him.

Umama ibn-Athal was set free upon his promise not to provide the enemy with food. This gentle treatment touched the man who was then converted to Islam saying to the Prophet: “There was a time when your face was the most hated face to me. . and there comes a day when it is the most loved.”

Sometimes captives were exchanged for Muslim captives in enemy hands. An acceptable ransom that was quite often carried out was to teach ten Muslim children to read and write.

Personnel set free upon their word of honor not to fight again should keep their promise and they should not be ordered by their governments to go to battle again. If they break their promise they might be punished if they are captured again.



# NONBELLIGERENTS

Islam has never fought nations, but only despotic authorities. Islam believes in liberation and not in compulsion. The freedom of the liberated people to decide their religion has already been mentioned, and it was to ensure this freedom that Muslims fought. It is interesting to mention that when Muslims fought the Romans in Egypt, the Egyptian copts sided with and helped the Muslims against the Romans who were Christians, like them. This was because Christian Egypt was suffering religious oppression by the Christian Romans who were compelling them to adopt their religious beliefs.

One of the earliest actions of the Muslims in Egypt was the assurance of religious freedom and the re-instatement of Benjamin as Bishop of Alexandria after years of hiding from the Romans in the western desert. But religious freedom was only one aspect that Islam provided. Whether Arab or Egyptian, Muslim or Christian, Islam built up that FELLOWSHIP that humanity aspires to, in equality and fraternity.

The story is well-known of the running contest held in Egypt, and won by an Egyptian, to the dismay of an Arab competitor who was the son of Amro, governor of Egypt. The Arab hit the boy saying "how dare you outrun me and I am the

son of the nobility," upon which Umar, the caliph, ordered the three all the way to Madinah and ordered the Egyptian to avenge himself by hitting the offending Arab, saying: "Hit him back, hit the son of nobility." Addressing Amro, he uttered his famous saying: "O Amro, since when have you enslaved people while their mothers have born them free."

On the Syrian front; when Roman oppressors were defeated by the Muslims, Bishop Sophronios of Jerusalem offered to surrender the city, but only to Caliph Umar in person. The Muslim army could easily have blasted into the city, but the caliph came all the way from Madinah. As he visited the Holy Sepulcher prayer time came and the Bishop invited him to say his prayers inside the church. This Umar refrained from, choosing to go outside the door to pray lest some future generation of Muslims would take the liberty to break into the church for prayer. The treaty between Umar and Sophronios is, no doubt, a great model of justice and mercy on part of the victor. It read:

*This is the assurance given by the slave of God, Umar, leader of the faithful, to the people of Jerusalem. He assures their safety as well as that of their belongings, money, churches, crosses, their sick and their healthy and all their populace. Their churches will not be dwelt in (by Muslims) or demolished or decreased or deprived of any of their revenues, crosses or money. They will not be religiously oppressed. None of them will be harmed. The people of Jerusalem will pay the taxes, they will send the Romans out, and whoever of the Christians wants to walk out with the Romans may do that and is allowed to take his money and belongings.*

# INTERNATIONAL LAW

The process of active intervention to stop or remove aggression is a development that modern international law has recognized. The second world War for example, was sparked by Germany's invasion of Poland, and drew into the fighting countries that were not direct parties to the conflict. One of the fruits of war was the creation of the United Nations in order to settle disputes between nations by peaceful means or indeed if necessary by a collective military force. No one should argue, therefore, that Egypt and the Roman Empire, for example, should have been left alone to solve their mutual problems. In modern times, the rest of the family of nations consider it a duty to do something about it. Fourteen centuries prior to the establishment of the League of Nations, and later the United Nations, Islam decreed such responsibility.

The legal principle of intervention to solve disputes was offered by the Quranic saying:

*If two parties of believers fall into a quarrel, make ye peace between them: But if one of them transgresses beyond bounds against the other, then fight ye (all) against the one that transgresses until it complies with the command of God; but if it complies, then make peace between them with justice, and be*

*fair: for God loves those who are fair (and just).*

(49:9)

### **Respect of Treaties and Agreements**

One of the major shortcomings of modern international politics is its meagre regard for moral obligation. Time and again, treaties and agreements have proved unworthy of the price of the paper they are written on. The most splendid product of human intellect in the field of international law might instantly vanish upon the call of greed or creed in this age that we wish to think has brought us to the apex of civilization. And what is worse is that the most sophisticated achievements of scientific progress are often used as tools in the hands of Godless or God-disregarding policies, instead of being exploited "in the cause of God."

From the outset, Islam has emphatically prohibited treachery by taking the enemy by surprise attack. Recent examples of signing a pact or treaty with a nation as camouflage of hidden intention to attack it are quite contrary to Islam, as several quotations from the Quran show:

*Ye who believe ! Fulfill all obligation.*

(5:1)

*... And fulfill (every) engagement, for (every engagement will be enquired into (on the Day of Reckoning)).*

(17:34)

*Fulfill the covenant of God when you have entered into it, and break not your oaths after you have confirmed them; indeed you have made God your surety, for God knoweth all that you do.*

(16:91)

If Muslims sense the treachery of any enemy with whom they have a treaty, they should declare to him the annulment of that treaty before embarking on war again.

*If thou fearest treachery from any group, throw back (their covenant) to them, (so as to be) on equal terms: for God loveth not the treacherous..*

(8:58)

Although Muslims are bound to go to the aid of their Muslim brethren who are religiously persecuted in the land of an enemy, they are not allowed to fulfill this duty if there is a treaty between the Muslim community and this enemy: priority goes to honoring the treaty.

*But if they seek your aid in religion, it is your duty to help them, except against a people with whom you have a treaty of mutual alliance. And (remember) God sees all that you do.*

(8:72)

This a binding religious dictate overruling emotion and prejudice: otherwise it would be a grave violation of Islam.



# DOCTOR'S DUTY IN WAR TIME

Islam decrees that the wounded be protected by his wound and the captive by his captivity. The believers are praised in the Quran as: "they offer food— dear as it is—to the needy, orphan or captive, (saying) we feed you for the sake of God without seeking any reward or gratitude from you."

The Prophet said to his companions: "I entrust the captives to your charity and they did, even giving them priority over themselves in the best of the food they shared."

Whatever the feelings of the doctor and wherever he is, he must hold to the one and only duty of protecting life and treating ailment or casualty.

Whatever the behavior of the enemy, the Muslim doctor shall not change his course, for each side reflects his own code of behavior. God made it clear in the Quran: "Let not the wrong doing of others sway you into injustice."

As part of the international medical family, Muslim doctors should lend support on a global scale to protect and support this

one-track noble course of the medical profession .. for it is a blessing to all people if this humanitarian role is abided by on both sides of the battle front.

The medical profession shall not permit its technical, scientific or other resources to be utilized for any sort of harm or destruction or infliction upon man of physical, psychological, moral or other damage, regardless of political or military considerations.

The doings of the doctor shall be unidirectional aiming at the offering of treatment and cure to ally and enemy, be this at the personal or general level.



