

THE ISLAMIC DOCTRINE OF PEACE AND WAR

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Introduction

The four horsemen of the Apocalypse – Death, Famine, Plague, and War – have traced a bloody cause of sorrow, destruction, and devastation through human history. Technology has now made it frequently possible to overcome two of the dreaded horsemen, Plague and Famine. Encounters with the third horseman, Death, have been postponed by that same technology; in many parts of the world, for example, average life expectancy has substantially risen.

Ironically, while technology blunted the impact of these three horsemen, it has made all the more dreadful the ravages of the fourth horseman, War. This refers to the absolute deadliness of nuclear technology, and the increasing lethality of non-nuclear technology, such as poison gases, “smart bombs”, and chemical and biological agents.¹

Despite its terrible costs, war seems to be a human habit that can range in scope and intensity from small, localized conflicts to global struggles that directly or indirectly involve most of the Earth’s population. We can see war as part of an operational continuum that includes four major segments: peaceful competition, peacetime competition (characterized as low-intensity conflict), conflict, and war.²

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1 For further discussion on the lethality of modern warfare, see Jonathan Schell, *The Fate of Earth*, New York: Alfred A. Knopf, 1982.

2 James Gallagher, *Low Intensity Conflict: A Guide for Tactics, Techniques, and Procedures*. Harrisburg, Penn.: Stockpole Books, 1991.

Most wars of recorded history are internal wars: wars between groups contending for power within a nation. The perception of civil wars is that they are not isolated and discrete developments but as part of a much larger struggle that can affect international relations by drawing in a major power on the side of one of the two major antagonists. This was particularly the case of a number of civil wars during the half-century of the Cold War, as either the United States or the Soviet Union perceived one side as an ally of its rival. A frequent scenario was that one or the other superpower increased both intensity and the duration of a civil war by pouring support into a nation, to counter supposed advances by friends or allies of the other superpower.³

War and Culture

The literature on war abounds with links between particular cultures and the ways they approach and fight wars. We will examine links between culture and war in two major settings: In the West and the world of Islam.

These two worldviews offer guidance to their respective adherents on the normative questions about war. Islam clearly prescribes when a just war can be fought and also prescribes definite limitations on means that can be used in prosecuting it. In contrast to Islam, Christian teachings are much more ambiguous, for early Christians interpreted the Gospel as enjoining pacifism.

We will first make reference to Western/Christian scholarship on issues of war, then the study proceeds to examine Islamic teachings on war and peace as embodied in the Qur'an, the Sunnah, and Muslim legal thought as it developed since the 'Abbasid era.

3 Joel Krieger. *The Oxford Companion to Politics of the World*. New York: Oxford, 1993.

Western/Christian Concept of War

Although war has always characterized Western/Christian societies, there have frequently been agonizing moral conflicts between war itself and the Western Christian ideals of being peacemakers, turning the other cheek, and not killing. The first serious attempts to link Christianity and war came at the start of the crusades, when the leaders of the Roman Catholic Church developed the idea of a "holy War"-in this case a war to redeem the holy sites of Christianity in Palestine from Muslim foes. However, this idea of "holy war" held only if the enemy was non-Christian, and Christian ethicists struggled to develop ideas that would justify war even between or among Christians. The result was the doctrine of "just war" that evolved in the middle ages and early modern period. The first major Christian thinker to accept the proposition that engaging in warfare might be justifiable, and to enunciate principles for judging the morality of particular wars, was St. Augustine. The principles that he put forward were elaborated by subsequent Catholic thinkers to form the theory of just war. As a doctrine, just war is concerned with when war is morally justified and how and against whom it should be conducted.⁴ Much of the history of international law and treaties is concerned with putting the principles of just war into general effect.

Gradually there emerged other links between Christianity and warfare. During the reformation, for example, Protestant and Catholic Christians battled each other in the belief that they were doing what God wanted. The most devastating of all these wars erupted in the Holy Roman Empire. As a result of this war (1618-1648), known as the Thirty Years' War, much of the Holy Roman Empire was left a wasteland, with cities destroyed, villages emptied, and wolves prowling streets and towns.

The Western tradition has thus been to justify war, even by a Christian society and even against other Christians, and to view war as more or less rational and perhaps even inevitable. Perhaps the best

4 For more details see Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, New York: Basic Books, 1992.

example of this view of war is the work of the nineteenth-century Prussian strategist, Karl Von Clausewitz, whose text "on War" is in many ways still at the heart of Western thinking. To Clausewitz, war was essentially part of a spectrum along which international politics could be conducted; it was, in his famous dictum, "a continuation of politics by other means".⁵

In this Western tradition, emphasis is placed on two major goals: destruction of the enemy's forces and control of the enemy's territory. In many ways, chess is an excellent analogy for the Western style of war, with its direct confrontational style and its emphasis on putting the rival player's pieces out of commission.

The Concept of War in Islam

As in Christianity, the orientation of Islam is towards peace. Islam is intended to bring human beings into harmony with Allah (s.w.t.), the self, and fellow human beings. However, many Western writers express stereotyped opinions portraying Islam as the most warlike of all religions. This has been particularly the case since the attacks on the World Trade Centre and the Pentagon in the U.S.A. in September 2001. Those attacks prompted a wave of writings accusing Islam of promoting terrorism, extremism and fanaticism. In a recent study, Samuel P. Huntington wrote that contemporary global politics is the age of Muslim wars, and that these wars have replaced the Cold War as the principal form of international conflict. He stated that five of the seven states listed by the U.S. State Department as supporting terrorism are Muslim, as are a majority of foreign organizations listed as engaged in terrorism.⁶ Earlier, the same writer predicted that the post-Cold War era would witness a "clash of civilizations" that would involve the Western

5 Karl Von Clausewitz, *War, Politics, and power*, Translated and edited by Edward M. Collins. Regnery Publishing Inc., 1997.

6 Samuel P. Huntington, *Newsweek*, Special Edition 2002, December 2001.

Civilization and Islam.⁷ Some Western analysts, however narrow their perspective to “radical Islam” as the source that nurtures violence and extremism.⁸

The major contention of this paper is that such a Western point of view does not correlate with the true spirit of Islam and that it disregards the absoluteness of Muslim doctrine on this matter. The Islamic classical doctrine of war was developed during the Abbasid period. This doctrine is predicated on three fundamental elements:

- i) The world is divided into two domains: *Dar ul-Islam*, literally territory of safety, which denotes the area where Islamic law prevails. The second domain is *Dar ul-Harb*, literally the territory of war, an area not yet subject to Islamic law. Imam Shafii adds a third domain: *Dar ul-'Ahd*, alternatively called *Dar ul-Sulh*, which indicated non-Muslim territories involved in treaty granting sovereignty to a Muslim state but maintaining a measure of autonomy.⁹
- ii) Muslims are under permanent *Jihad* (holy war) obligation until *Dar ul-Harb* is subdued and annexed to *Dar ul-Islam*.
- iii) An amicable relationship between *Dar ul-Islam* and *Dar ul-Harb* can be maintained if the latter pays *Jizyah* (poll tax) to the former.

According to this understanding, early Muslim jurists maintain that a perpetual state of war exists between the two domains (*Dar ul-Islam* and *Dar ul-Harb*). This bellicose condition implies that war is the normal state of things, and that peaceful coexistence between Muslims and non-Muslims is dependent on the latter's acceptance of Islam or their

7 Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, NY: Simon & Schuster, 1996.

8 See for instance Francis Fukayama, *Newsweek*, Special Edition 2002, December 2001.

9 For more on these distinctions see Mohamed Talaat al-Ghunaimi. *The Muslim Conception of International law and the Western Approach*. Netherlands: Nijhoff/ The Hague, 1978.

payment of *Jizyah* to the former. There are obvious flaws in this view because it violates some basic Islamic principles, and has been criticized by some contemporary Muslim writers.¹⁰

In defense of their position, classical jurists use evidence from the Qur'an and the Sunnah. From Surah *Al-Baqarah* they use three verses:

"Fight in the cause of Allah those who fight you. But do not transgress limits; for Allah loveth not transgressors"

(Al-Baqarah 2: 190)

"And slay them wherever ye 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 these who reject faith"

(Al-Baqarah 2: 191)

And;

"And Fight them on until there is no more Persecution And the religion becomes Allah's. But if they cease, Let there be no hostility Except to those who practise oppression"

(Al-Baqarah 2: 193)

The first verse (190) stipulates that war is permissible in self-defence, and under well-defined limits. When persecuted, war must be undertaken with vigour, but not vindictively, but only to restore peace and freedom for the worship of Allah. Under no circumstances certain limits must not be overstepped: women, children, old and infirm men should not be maltreated, nor trees and crops cut down, nor peace withheld when foe comes to terms.

The second verse (191) illustrates the unfolding of events that happened at al-Hudaibiya in the six year of Hijra. Many Muslims were

10 Among these who criticized the classical doctrine of war are Mohamed Abu Zahrah, Mahmood Shaltout, and Mohamed al-Ghunaimi. A coherent critique is provided by Louay M. Safi, see his article "War and peace in Islam", *The American Journal of Islamic Social Science*, Vol. 5, No. 1, 1988.

exiles from Makkah where the pagans persecuted Muslims, prevented them from visiting their homes, and even kept them from performing the pilgrimage. This was intolerance, oppression, and autocracy on the part of the pagans. Despite that, Muslims reached an agreement with their foes to prevent bloodshed, which they scrupulously observed while the other party, failed to do that.

The general spirit of this verse is that Islam is the religion of peace, goodwill, mutual understanding, and good faith. But it will not acquiesce in wrongdoing, and its men will hold their lives cheap in defence of honour, justice, and the religion which they hold sacred. If the pagans want forcibly to prevent Muslims from exercising their sacred rites, they have declared war on Islam and it would be cowardice to ignore the challenge or to fail in rooting out the tyranny.

The third verse (193) stipulates that if the opposing party ceases to persecute Muslims, hostility ends with them as a party, but it does not mean that Muslims become friends of oppression. Muslim fight is against wrong: there should be no rancour against men; war should not be used to force and coerce people into Islam.¹¹

It becomes crystal clear that the three verses alluded to above, sanction war only against oppressors and tyrants who prevent Muslims from freely practicing their faith. Some of the classical jurists consider the first fourteen verses of Surah at-Taubah as laying the foundation of Jihad against pagans. Attention is usually drawn to verse five, which reads:

"But when the forbidden months Are past, then fight and slay The pagans wherever ye find them, And seize them, beleaguer them, And lie in wait for them. In every stratagem (of war); But if they repent, and establish regular prayers. And pay zakat then open the way for them; For Allah is oft forgiving, most merciful"

(Al-Taubah 9: 5)

11 In our interpretations of these verses we depended on "The Holy Qur'an: English Translation of the Meaning and commentary", Al-Madinah; King Fahad Holy Qur'an Printing Complex, 1980.

The verse is definitive in urging Muslims to fight the pagans, subdue them until they embrace Islam. The *Mushrikin* (Polytheists) should be fought as long as they show no signs of desisting from their treacherous designs by right conduct, that the state of war supervenes – between Faith and Unfaith. The verse stipulates that when war becomes inevitable, it must be prosecuted with agility and vigour. But even then there is space for repentance and atonement on the part of the enemy, and if that happens, the duty of the Muslim party is forgiveness and the establishment of peace. The following verse explicitly declares that even among the enemies of Islam, there may be individuals who may be in a position to require protection. Full asylum is to be given to them, and they should be escorted to a place where they can be safe. Some leading jurists argue that the term polytheists in the fifth verse specifically refers to the pagan Arabs because of their continuous conspiracy against Muslims and their disregard of covenants they had made with the Muslim party. Because of their treason they had to be coerced into Islam.¹² The validity of this assertion is reinforced by the fourth verse, which exempts non-Muslims who discern fidelity and not treachery as far as their treaties with Muslims are concerned.

Some classical scholars interpret the Qur'an and the Sunnah as requiring Muslims to fight not only pagans but also People of the Book (Jews, Christians, and others with revealed scriptures) who do not believe in the Last Day, do not enjoin good and forbid evil as Allah requires, and do not recognize the religion of truth. This conviction is based on the verse that says:

“Fight those who believe not in Allah nor the last day, Nor hold that forbidden Which hath been forbidden By Allah and his Messenger, Nor acknowledge the religion Of truth, from among The People of the Book Until they pay Jizya With willing submission And feel themselves subdued”

(9:29)

12 Abu Hanifah, al-Shafii and Malik, all top jurists, agree that the verses of Surah At-Tauba are applicable only to the Arab pagans. Cited in al-Mawardi, *Al Ahkam al Sultaniyah*, Cairo: Dar al Fikr, 1983.

However, other Muslim scholars have severely criticized this position as misreading the Qur'an. The interpretation of the classical jurists would render some Qur'anic verses inexplicable. Far from being ordered to coerce all non-Muslims to embrace Islam, Muslims are told that there should be no compulsion in religion, as one verse puts it:

"Let there be no compulsion In religion: Truth stands out Clear from error: Whoever Rejects Thagut and believes In Allah hath grasped The most trustworthy Hand-hold, that never breaks. And Allah hearth And Knoweth all things"

In fact if Allah had willed it, all people would be believers; it is not the right of anyone to exert pressure on others and force them to accept faith against their free will. Verse 99 in Surah Yunus is explicit on this:

"If it had been thy lord's will, they would all have believed, -All who are on earth! Wilt thou then compel mankind, against their will, to believe!"

The message of this verse is clear: forced faith is no faith. Muslims must guard against the temptation of forcing faith. Thus holding a creed other than Islam does not render an individual or a community an enemy against whom jihad may be invoked.

The historical evidence is in tandem with the above Qur'anic injunctions. We refer here to the cordial relationship between Christian Abyssinia and the early Islamic state. While maintaining its Christian identity, Abyssinia courted few Muslim families who took refuge there to escape the Qurayshi persecution.¹³ That peaceful coexistence is a practical rebuttal for the idea of dividing the world into an abode of Islam and an abode of war and its corollary conception of a permanent state of war.¹⁴ we may conclude that contrary to assertions of the classical jurists, war is

13 Majid Khadduri, *War and Peace in the Law of Islam*. New York: AMS Press, 1979, pg. 256.

14 Louay Safi, *War and Peace in Islam...*pg. 40.

not the instrument of the Islamic state to spread Islam and extend its territory or to subjugate non-Muslims; rather, the aim of war is to establish and assure justice, and remove oppression and tyranny.¹⁵

Islam recognizes that antagonism between individuals, groups, and nations is permanent and inevitable. In Surah Hud a verse makes this point very clearly:

"If thy Lord had so willed, He could have made mankind One people: but they will not cease to differ"

(Hud 11:118)

With this perception in mind, war not only represents an inevitability but also a fundamental necessity for the harmonization of the world, by means of mutually neutralizing human beings. The second half of verse 251 of Surah Al-Baqarah stipulates:

"...And did not Allah Check one set of people By means of another, The earth would indeed Be full of mischief: But Allah is full of bounty To all the worlds"

(Al-Baqarah 2: 251)

Thus, in Islam there exists a doctrinal element, which is combative, and a historical tradition of war. However, battle is permitted only to check injustice. War must necessarily be waged as a form of self-defence; hostilities must be carried out with decency and according to divine ways. The permission to wage war is full of reservations. Intervention becomes a moral obligation, more so in the case of persecution of a believer. Islam requires believers to defend not only the Muslims but also Jews and Christians. As one Western writer observes this kind of military intervention corresponds to what international law calls as "humanitarian intervention" and the assertion of basic human rights.¹⁶

15 Mohamed Abu Zahrah, *Al Alagat al Dawliyah fi al Islam* (International Relations in Islam), Cairo: The Supreme Council for Islamic Affairs. 1964.

16 Marcel A. Boisard, *Jihad: A Commitment to Universal Peace*. Indianapolis: American Trust Publications, 1991, p. 35.

To recapitulate, the Islamic doctrine of war precisely defines the various motives which entrusted believers with the authority to take up arms: to safeguard the Islamic faith; to defend, maintain, and consolidate the Islamic community; to counter any plots which seek to turn believers away from their religion; to guard what is recognized by divine and human laws; to protect one's own person; to make right an injustice committed toward one's brothers in religion as well as monotheists who have paid their capitation taxes.¹⁷ We now turn to study the restraints which Islam imposes in the conduct of war.

Restraints in the Conduct of War

Islam prescribes detailed rules for the conduct of a just war. These established rules cover the whole war process, from the beginning to the end of hostilities. They draw their obligating force from the fear of Allah. It is reported that every time the Prophet (p.b.u.h.) sent an army, he advised the commander to fear Allah and ordered the soldiers to perform good deeds, that is, to behave with decency.¹⁸ The overriding aim here is the prohibition of excess which is the very postulation of modern war law.

If a just cause of war has been established and the legitimate authority has sanctioned the war, notice must be given to the enemy. The enemy must also be given options other than fighting. These options would include an invitation to accept Islam, to migrate to territory controlled by Muslims and have the same privileges and obligations as the Muslim migrants, or to come under protection of the Islamic state by paying the *Jizyah*. If the enemy accepted any of these options, Muslims were to desist from fighting. It is only when all these options were refused that Muslims were allowed to fight.¹⁹

17 Ibid.

18 Majid Khadduri, *The Islamic Law of Nations, Shaybani "Siyar"*. Baltimore: Johns Hopkins, 1966, pp. 75-76.

19 Imam Muslim, *al Jami' al Sahih*, translated by Abdul Hamid Siddiqi. Lahore: Ashraf Press, 1972.

From the early years of the Arab-Muslim conquest, Muslims adopted a spirit of tolerance toward their foes. This happened at an era when violence knew neither a restraining law nor feeling for subjugated peoples. The Islamic ethics in the conduct of military operations is best summarized in the instructions of Abu Bakar al-Siddiq to his soldiers:

“Remember that you are always under the gaze of Allah and at the threshold of your death, and that you will account for your deeds on the Last Day...when you are fighting for the glory of Allah, acquit yourselves as men, without heaving your backs; but let not the blood of women, children, or the aged a blemish on your victory. Do not destroy palm trees, do not burn houses or wheat fields, never cut down fruit trees and do not kill cattle unless you are forced to eat them. When you grant a treaty or a capitulation, take care to fulfill their conditions. As you advance, you will come across religious men who live in monasteries and who serve Allah in prayer; leave them in peace, do not kill them and do not destroy their monasteries...”²⁰

What Caliph Abu Bakr said should not be interpreted as a piece of sermon that contains pious recommendations, but should be seen as strict legal obligations which engage the personal responsibility of the combatant. If war strategy is recommended to him, treachery and trickery are strictly forbidden. Muslim soldiers are strictly forbidden from torturing the wounded foes or leaving them to die by not giving them water and food. Salah ud-din al-Ayubi, the great Muslim commander, liberated hundreds of crusader prisoners when he realized that he did not have enough supplies of food to feed them.²¹ Salah ud-din was strictly following the Prophet’s instructions concerning the treatment of war captives with regard to food, clothing, and habitation. The Qur’an instructs in verse 8 of surah Al-Insan:

20 Mohamed Abu Zahra, *Concept of War in Islam*. Cairo: The Supreme Council for Islamic Affairs, 1987.

21 Ibid, pg. 63.

"And they feed, for the love of Allah, The indigent, the orphan, and the captive".

(Al-Insan 75: 8)

The Qur'an, fiqh, and historical tradition all provide detailed instructions concerning the status of prisoners of war. This took place at a time when the accepted tradition and norm was to ransom one's captives and physically liquidate those who did not have the means to buy their freedom. After the decisive battle of Badr, the Prophet (p.b.u.h.) decided to free the prisoners for a light ransom and to keep those who could not pay; however, this last group of captives were freed as soon as they had each taught ten Muslim children to read and write.²²

Cases of unconditional liberation of prisoners of war are not rare in Muslim history. The Prophet (p.b.u.h.) unconditionally ordered the liberation of all captives when Makkah was captured, and Salah ud-din released the Christians who had no means of paying for their freedom when the Muslims retook Jerusalem.

Noncombatants should be shown respect and kindness as well. This implies that hostilities are limited in their objectives (combatants) and space (the battlefields). Thus, the period of combat is reduced.²³ It should be noted that the term noncombatants extends to include all adult males who have not had any active part in combat: peasants, workers, merchants and members of medical and paramedical personnel who are taking care of the wounded of both sides.²⁴

The prohibition against harming noncombatants implies the ban on certain arms of indiscriminate nature as well as the extent to which the enemy can be harmed. If, for instance, Muslims are besieging an enemy

22 Cited in Marcel A. Boisard, *Jihad: A Commitment to Universal Peace...* pg. 52.

23 Muhammad Z. Khan, "Islam and International Relations", *The Islamic Review* (July 1956): 8.

24 Majid Khaddari, *The Islamic Law of Nations, Ibid.*

area where there are women and children, the Muslim army is not allowed to set fire to nor flood the besieged area. During those days "fire" and "flood" correspond to what we classify today as weapons of mass destruction because they do not discriminate between combatants and noncombatants.²⁵

During combat, Muslims are required to grant asylum to the enemy who ask for it. This is done through the institution of *aman* (guarantee of safety).²⁶ A final point stressed by the Islamic doctrine of war is that there is nothing in that doctrine which opposes the idea of a third party remaining uninvolved in combat. This corresponds to what we call today "neutrality". The Qur'an prohibits Muslims from attacking a group of people, which have not displayed any hostility toward them.²⁷ Accordingly, International relations are supposed to remain peaceful as long as the outside world has an agreeable and tolerant attitude toward Muslims.

Termination of Hostilities

There are two ways to bring an end to war: a decisive military victory or a negotiated settlement. Islamic law recognizes diplomatic immunity. Even in the absence of *aman*, a representative from the enemy side could proceed unhindered to the Islamic leadership, as he is viewed as being on a legitimate diplomatic mission.²⁸ This is to ensure that avenues for surrender or negotiation are to remain open during the conflict.

25 See Farhad Malekian, *The Concept of Islamic International Criminal Law: A Comparative Study*. London: Graham and Trotman Limited, 1994.

26 Cited in al Bukhari. *Sahih al Bukhari*, translated and edited by Muhammad Asad. Gibraltar: Dar al- Andalus, 1981.

27 Surah an-Nisa' 4 : 90

28 Majid Khadduri, *The Islamic Law of Nations*,. *Ibid*

Should the Muslims achieve a decisive victory, the lives and liberties of the defeated population are to be safeguarded; they must be treated with justice, respect, and compassion. Pillage, plunder and illegal seizure of property are strictly forbidden. Civilian citizens of conquered territories fall under the "protection" of Islam. They could continue to live there freely, subject to their own legislation. Even at the height of the crusades, resident Christians were generally not molested.

With regard to land, it might be kept intact as state property or divided among Muslim warriors. However, the indigenous population might be allowed to retain it provided they pay the *kharaj* or land tax as a rental fee to the authorities. As for the vanquished prisoners of war, the Qur'an recommends that they be released on receipt of a ransom or set free without ransom as an act of generosity.²⁹

Conclusion

The foregoing discussion has shown that with regard to armed combat, Islam is endowed with moderation and wisdom such as could benefit humanity today. All excesses are banned. War is not an act of retaliation, but an effort to drive out injustice and oppression. Precise restrictions are imposed as to the manner of carrying out military operations, how to treat enemy military personnel, and civilians of occupied territories.

In short Islamic war has a particular nature: it is just in its causes, defensive in its initiative, decent in its proceedings, pacific in its end, and humanitarian in its treatment of the conquered army.

29 Surah Muhammad : 4

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