

Muslim Scholars Speak Out ON JIHAD, APOSTASY AND WOMEN

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by Tariq Ramadan

1. WHAT IS JIHAD? UNDER WHAT CONDITIONS DOES ISLAM SANCTION THE USE OF VIOLENCE? WHAT WOULD YOU TELL SUICIDE BOMBERS WHO INVOKE ISLAM TO JUSTIFY THEIR ACTIONS?

The concept of “jihad” has different meanings and a scholar such as Jalal ad-Dîn as-Suyutî (15th century), while studying its scope, highlighted 80 different dimensions, uses and objectives related to its place in Islamic teachings. Its root “ja-ha-da” means “making an effort”, “exerting oneself” in order to promote good or to resist wrongdoing, evil or oppression. Every individual trying to resist her/his own negative temptations is engaged in “jihad” and the first time the word is used in the Qur’an (25:52), it refers to an intellectual and spiritual resistance by the means of the Qur’an itself.

In all its dimensions, the essence of “jihad” is “to resist” in the name of justice and dignity. When there is an armed aggression, Muslims have the right to protect themselves and to defend their rights. Here “jihâd” means “qitâl” (armed struggle). The use of violence and weapons must be adjusted to the nature of the aggression itself: an armed aggression may justify an armed resistance if there is no other way to come to a peaceful agreement. But the use of violence and weapons must be proportionate and never target innocent people, women, children, the elderly, and even fruit trees as Abû Bakr, the first successor of the Prophet, stated following Muhammad’s teachings. Jihad never means “holy war” in order “to impose” or “to propagate” Islam everywhere. In fact jihâd and qitâl mean exactly the opposite of what we commonly think: rather than being the justifying instruments of war, they are the imposed measures to achieve peace by resisting an unjust aggression.

In specific situations – when one faces an army and has no weapons or other means to resist – it may be understandable and justifiable to consider sacrificing one’s life in attempts to reach the armed soldiers. Here we are not far from a kind of suicide but it is related to three specific conditions: 1. It must be in a time of declared war; 2. when no other means of resisting are available; 3. the targets must be exclusively the army of the enemies and its armed soldiers. Today’s suicide bombers who are killing innocent people are not only not respecting the Islamic teachings as to the ethics of war but are in fact indulging in anti-Islamic actions.

2. HOW DOES ISLAM DEFINE APOSTASY? IS IT PERMISSIBLE FOR A MUSLIM TO CONVERT TO ANOTHER FAITH? HOW CAN LAWS AGAINST APOSTASY AND BLASPHEMY BE RECONCILED WITH THE KORANIC INJUNCTION OF "NO COMPULSION IN RELIGION"?

In the Islamic legal tradition, “apostasy” known as “ridda” is related to changing one’s religion and its injunction is mainly based on two prophetic sayings (ahadith) both quoted in sahih Bukhari (9,83 and 84): “The one who changes his religion, kill him” and another tradition noting that among the three categories of people who can be killed is “the one who leaves the community”. The great majority of the Muslim scholars, from all the different traditions and throughout history, have been of the opinion that changing one’s religion is prohibited in Islam and should be sanctioned by the death penalty.

Nevertheless we find, in very early studies and writings, several Muslim scholars having a different approach. The jurist Ibrahîm al-Nakha’î (8th), Sufyân ath-Thawrî (8th) in his renowned work on the prophetic tradition (Al-Jâmi’ al Kabîr, Al-Jâmi’ al-Saghîr) as well as the hanafi jurist Shams ad-Dîn as-Sarakhsî (11th) – among others- hold other views. They question the absolute authenticity of the two prophetic traditions quoted above. They also argue that nothing is mentioned in the Qur’an pertaining to this very sensitive issue and add that there is no evidence of the Prophet killing someone only because he/she changed his/her religion.

The Prophet took firm measures, only in time of war, against people who had falsely converted to Islam for the sole purpose of infiltrating the Islamic community to obtain information they then passed on to the enemy. They were in fact betrayers engaging in high treason who incurred the penalty of death because their actions were liable to bring about the destruction of the Muslim community and the two prophetic traditions quoted above should be read in this very specific context.

In light of the texts (Qur’an and prophetic traditions) and the way the Prophet behaved with the people who left Islam (like Hishâm and ‘Ayyash) or who converted to Christianity (such as Ubaydallah ibn Jahsh), it should be stated that one who changes her/his religion should not be killed. In Islam, there can be no compulsion or coercion in matters of faith not only because it is explicitly forbidden in the Qur’an but also because free conscious and choice and willing submission are foundational to the first pillar (declaration of faith) and essential to the very definition of “Islam”. Therefore, someone leaving Islam or converting to another religion must be free to do so and her/his choice must be respected.

One might hope that anyone, be she/he a Jew, a Hindu, a Buddhist, a Christian, a Muslim or anything else, would show as much respect towards the religious or spiritual community she/he is leaving as the latter must express towards her/him.

3. WHAT ARE THE RIGHTS OF WOMEN IN ISLAM? HOW DOES ISLAM’S VIEW OF MALE-FEMALE EQUALITY DIFFER FROM THE WESTERN VIEW?

The issue of “women in Islam” is a charged topic with preconceived notions, stereotypes and prototypes, claims and counter-claims on all sides. It is always about a woman’s role, what rights she does or does not have in Muslim societies in opposition to the West. In these dueling lists of rights, only the fighting words are sharpened but no insight is gained. For a fruitful discussion, it is imperative to change the terms of discourse. And as a first step, it is necessary to recall that the

Qur'an was revealed over a 23 year period and in a specific historical context: it is important to take these two factors into account. The first helps us to avoid a literalist reading of some verses by being cognizant that they have to be understood through a sequence of different verses leading us to the global message. The second forces us to consider the cultural environment within which the Qur'an was revealed and alerts us not to confuse some cultural contextual features (whether historical or contemporary) with the universal Islamic teachings. These are indeed the two main problems we find when it comes to the women issue: literalist reading and cultural understanding.

It is difficult, in this limited space, to list all the rights of women in Islam and in fact it may be the wrong way to start the discussion. For centuries, Muslim scholars have talked about women in terms of their roles (daughter, wife, mother, sister) and the respective rights and responsibilities related to their family or social functions. It is high time to change our perspective and start talking about "women" as "women", their being, not their roles or functions. This should be considered their first right: the right to be and to be autonomous ontologically, religiously, socially and economically. Approached from that angle, the perspectives of the whole debate change and it becomes necessary to be quite critical as to the long Islamic legal tradition dealing with the woman issue. We are in dire need of a constructive critical reassessment of the Islamic discourse and understanding on women.

Not only is it necessary to say that female circumcision, domestic violence, forced marriages are not Islamic but we need a comprehensive approach as to the Muslim woman identity within the Islamic communities and societies. It is imperative for Muslim women to be more autonomous, to have equal access to knowledge as men (especially in religious matters), to receive equal pay for the same work and competence, to share social status and political power in their societies and to set the scene for the much needed debate around the role of men in the Islamic societies and communities. A new perspective that focuses on the woman as a psychological and spiritual being will read the sacred texts with fresh eyes (including those of female scholars) and liberates the Muslim women from within by challenging narrow religious interpretations and oppressive cultural practices and is propelled by faithfulness to Islam's global message.

To speak about Islam promoting "complementarity" between men and women as opposed to the West's call for total "equality" is not only misleading but it is wrong. There is room for a deep reassessment of this issue from within the Islamic scriptural texts themselves and this is what, Muslim men and women, together should work on/for in the name of their religion to resist all discriminatory practices and views promoted by narrow literalist or cultural understanding.

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Tariq Ramadan