

Arguing the Just War in Islam

John Kelsay

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Jihad has become a normal English word, a term to describe irrational violence, “holy war,” terrorism, and the generally rather nasty things that “bad Muslims do.” John Kelsay, in this wonderfully succinct and accessible work, wants to argue that the real issue in discussing jihad is to make sense of legitimate violence and how it may be deployed, and hence to locate the discourse within an existing discussion about just war theory. I am not generally sympathetic to the use of the comparable frame of just war theory because, as a juridical and ethical concept it is rather limited, arising as it does out of a particular politico-theological context of medieval Catholicism. Having said that, any serious attempt to nuance jihad’s meaning in the contemporary world, to contextualize the discourse adequately and historically, and to pose difficult questions to those who appropriate it on the basis of a claim toward establishing justice and acting in a just cause is welcome.

Kelsay is interested in the contemporary debate about the nature of political ethics among Muslims. His book is not just an attempt to “white-wash” Muslims and their theologies from any culpability in the acts and ideologies of the likes of al-Qaeda. While he does interrogate the theological and juridical reasoning of such terrorists, what he wants to show is not only their distance from historically grounded narratives of jihad, but also how their reasoning may be shared. It is indeed foolish to argue that jihadi ideology has nothing to do with reasoning about jihad as such; it is counter-intuitive and unhelpful. He also wants to indicate how the language of just war is mutually supportive between the rhetoric of the “war on terror” and al-Qaeda’s war on the “Zionist-Crusaders” (which is, in theological terms, the subject of a forthcoming book by Alia Brahimi to be published by Cambridge University Press).

In six chapters, Kelsay takes us from the textual sources to the arguments about justified violence in the contemporary world. Chapter 1 is not so much a discussion of the sources on jihad as the basic sketch of early Islam that one expects from introductory works discussing the Middle Eastern context: the Prophet’s life, the Qur’an’s advent, and explaining how early Islam dealt with difference in a perfunctory manner. But he neither discusses the contentious issues of how one may access this or evaluate the sources nor how the sources have been – and might be – used.

The next chapter indicates why this may be the case, as it focuses on “shari’a reasoning.” Although he begins by mentioning other forms of reasoning through right and wrong (e.g., belle-lettrist, philosophical, and theological approaches), he traces how Muslims, beginning with the early caliphate and taking it up to the 1980s, understand political ethics. The central concern that emerges is the problem of *fitnah* (discord and disorder) and how the political order is designed to control and quell it. Politics, therefore, strives for consensus and protects the community and the faith. Along the way, we get a brief discursus on Islamic law and the development of political thinking up to the present. What is not mentioned here is that the conflation of dissent and heresy and the obsession with *fitnah* and *fasad* are precisely the themes of continuity with contemporary jihadi ideology. This single-minded focus on order and identifying the acts of the state and the caliphate with Islam have meant that normative Sunni attempts to argue against jihadi ideology face the problem of trying to decouple a form of juristic reasoning that is clearly linked.

Chapter 3 moves on to juristic reasoning about war and the rules of engagement, focusing on al-Shaybani and Ibn Taymiyya, and discusses the nature of rebellion in the pre-modern period, the subject of an excellent if

rather turgid monograph by Khaled Abou El-Fadl. Wars were conducted by states and legitimated by their rulers, for the medieval Sunni consensus insisted upon justification by power. The chapter concludes with a brief mention of Shi'i perspectives.

Chapter 4, on armed resistance, follows and represents the jihadi ideologues' use of medieval precedent to justify their actions. Developing from the anti-colonial struggles of the nineteenth century, the discourse becomes one of establishing the role of a just state that enforces Islam. Kelsay discusses several key texts, beginning with Abd al-Salam Faraj's "The Neglected Duty" and moving through to various statements from al-Qaeda leaders. The possibilities of shifting and flexible uses of precedents and analogies between the medieval past and the present "resistance" are made all the more possible because of the crisis of legitimacy in the Muslim world, which affects not only expected sources of authoritative proclamations on juridical reasoning, but also the state itself. It is, therefore, no accident that most pronouncements on the nature of resistance and the theory of the state within a juridical way of life are articulated by non-state actors.

Chapter 5, on militancy and authority, focuses our attention on the real issue in politics and juxtaposes the argument of militants with liberal voices represented by Abdulaziz Sachedina, Abdullahi an-Na'im, and Khaled Abou El-Fadl. It is the book's longest chapter and the real pivot that addresses the present debate. As Kelsay acknowledges, the militants' argument is that the alternative of a proper Islamic government (brought about through the use of violence) is a liberating and even a humanitarian process (as argued in a recent book by Faisal Devji). The question of suicide bombing is, therefore, one of tactics. Most of the chapter is taken up with the "democrats," who resist and refute the militant argument. Perhaps the main contribution of these liberal voices is to loosen the hermeneutical binds by insisting that texts are multivocal and that the militants' totalizing and monopolizing readings does violence to the Islamic traditions they pretend to defend and uphold. At the same time, these democrats set themselves outside the mainstream of Muslim political thinking. The just war is not merely about a legitimate force's wielding of authority, but also about the very conduct of the violence. Ultimately, however, both sides of the argument genuflect to the text.

The final chapter brings us to the critical context of the debate, namely, American foreign policy and the war on terror. What chance do Muslim democrats have in such an environment? American policy justifies all manner of excess. The discussion of Ahmadinejad and his discourse on justice, however, is not entirely apposite here. He is not concerned with just war, but with a just and equitable social order. The two need to be kept apart, just as

jihadi ideology and activities are not identical. The fact that Ahmadinejad can be seen to speak for Muslims (despite his Iranian, Shi'i, and non-ulema states) is a symptom of the crisis of authority and legitimacy in the contemporary world – so much so that in present political crisis in Iran after the June 2009 elections, a number of Muslim observers outside Iran support him because he “speaks truth to power,” opposes American policy, and speaks openly about the wrongs perpetrated by Israel. The basic question remains: What constitutes a legitimate use of force in the contemporary world?

Kelsay's book is nuanced and insightful in its identification of the weaknesses of Muslim liberal voices and their context. He is also quite correct to note the real conflict and debate between liberals and militants. But one wishes to see more engagement with the traditionalists who equally oppose the militants and can do so on their own ground through “shari`a reasoning.” Clearly an ethical turn is required. Any serious reinterpretation of the just use of violence justified in Islamic terms needs to refocus on the notion of justice itself and locate it within an ethical framework that asks the moral questions posed by the Shari`ah, and not the issues with which Islamic law becomes embroiled. A turn to moral agency and responsibility is the basic requisite in these confused times.

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