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Elraey Mohamed Abouelmkarem, Mostafa Hassan Muhammad Al-Khayyat, Norhashimah Yahya

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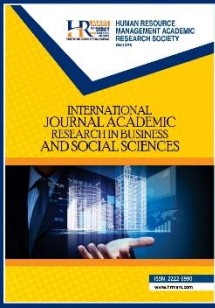
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The Moral Aspect of Declaring War Before Fighting among Followers of Islam in Modern History

Elraey Mohamed Abouelmkarem, Mostafa Hassan Muhammad
Al-Khayyat, Norhashimah Yahya

Faculty of Islamic Contemporary Studies (FKI), Universiti Sultan Zainal Abidin (UniSZA),
21300, Terengganu, MALAYSIA
Email: aboyosofraey@gmail.com

Abstract

The research discusses an important issue of war, which is the declaration of war before starting it, addressing the problem that some people think that the wars carried out by Muslims are illegal and unjust and represent an attack on others, The article aims to show the correct picture of this, the Islamic religion does not provoke war, and does not like it, but resorts to it compulsorily, and this is evidenced by what came in the research from the controls and values set by Islam to try to avoid war as much as possible, and among these values (permission to fight), so the research dealt with the methods, Citing practical models , the article explained that Sharia is fair in its wars, it works to save blood, even if it is for the enemy, and this is the general feature of Sharia, The research shows that those moral values that Islam seeks to achieve are human values that serve all humanity, as Sharia is elegant and wise in its war, As for the cases of unjust war that happened, this was not ordered by Islamic law and does not satisfy it, The article was based on the analytical method of collecting the texts of the Islamic Sharia received on the call before the fighting, as well as using the historical method in the practical facts in which Muslims worked for the cause of declaring war, As a result of this article, the war among the followers of Islam is a legitimate war, not an aggressive one, according to the Sharia, which requires preventive measures before the start of the war in order to save blood, so this contributed to finding peaceful solutions, achieving the benefit of the people.

Keywords: Fighting, Permission, Calling, Islam, Saving Blood.

Introduction

Declaring war is one of the most important moral values that are a reason to avoid the horrors of war, or minimize its risks , and an important factor for injecting blood and maintaining funds, That is why Islamic law has paid great attention to it, This value has taken up a large part of the thinking of Muslim jurists, and they considered that the positions obtained in the first century of the hijra are of great moral value, on which it is permissible to build Fiqh rulings, In continuation of this effort, through which Muslims have shown the values of Islam, I present this research, contributing to the explanation of Islam's way of waging war, There is

also a lot of contemporary research in the sciences of religion, which increases the reader's knowledge, so I recommend reading it (Abdelgelil et al., 2021; Abdelgelil, 2020), and so I wanted to participate in this article to increase the output of Islamic research that shows the grace and value of this great Islamic religion.

Preface

Because of the weakness of the countries that carry Islam, the weak application of those values and the lack of dissemination, and they were replaced by man-made values that achieve relative interests, which caused great harm to humanity, and this necessitates the nation of Islam to re-disseminate those values (Abdelgelil, Musolin, Serour, Abdullah, & Noor, 2018), It is well known that what is ugly in the relations of individuals with each other is also considered ugly by Islam in the relations of states and nations with each other, And the nation in the Islamic conception is responsible for its actions towards another nation , and not only individuals are responsible, but also the religion of Islam determines that responsibility is primarily individual , but this does not exempt from the existence of collective responsibility, Allah Almighty said: " وَتَرَى كُلَّ أُمَّةٍ جَائِيَةً كُلُّ أُمَّةٍ تُدْعَى إِلَى كِتَابِهَا الْيَوْمَ تُجْرَوْنَ مَا كُنتُمْ تَعْمَلُونَ " (al quraan, al-jathiyah: 28), In the definition of a nation, it is mentioned "the great community of people gathered together by a meaning or a comprehensive description of it" (Ibn Atiyah, 2002, 6/ 106), This was narrated from Yahya Ibn Salam, except that he said: "Every nation over every nation is an unbeliever, and the general appearance is the same "(Al-Alusi, 1994,13/ 153)with this Islamic concept, every nation of nations will be held accountable for its actions in which it violated the following of its prophet, the duty of the Islamic nation is to state those values to re-judge them and issue them, as the statement of those values reveals to people the beauty of the Islamic application (Abdelgelil et al., 2018; Abdelgelil et al., 2018).

1. Calling before Fighting and Informing about it in Islam

Hence the call of the messenger of humanity Muhammad (peace and blessings of Allaah be upon him)to the call before the war, Ibn Abbas said: "the messenger of Allaah (peace and blessings of Allaah be upon him) used to call people to Islam before he fought them" (Al-Shaibani, 1999, 2105), The historical text of the Prophet here testifies to the morality of those wars carried out by the prophet of Islam , this text is general and includes all his wars, even those in which the enemy was surprised, because the most proven and certain thing in them is that - may Allah's peace and blessings be upon him-he told them his call and his message in life, so they opposed him and fought him, so it is not obligatory for him to declare war on them, lest it make it difficult for him to subjugate them to the right, One of the texts of the Sunnah that showed with specific steps how to deal with the enemy when the fighting began is proven to be (peace and blessings of Allaah be upon him): if he sent a prince to a company or an army that he personally recommended to him with piety to Allaah, and those Muslims with him were good, and he said: "invade in the name of Allaah for the sake of Allaah, fight those who disbelieve in Allaah, and if you meet your enemy from the polytheists, invite them to one of three qualities, if they answered you, accept them and stop them: invite them to Islam, if they answered you, accept them If they oppose you, invite them to give tribute, and if they answer, accept them and stop them, if they oppose you, then kill them " (Al-Shaibani, 1999, 22978), These are the three demands that Islamic Sharia wanted from the opponents, which is " similar to what is known in the early modern era as an ultimatum, which is a notification sent by the state to another state that includes its final requests in a definitive form, and specifies a certain period, if it is missed and the demands are not answered, the

war is considered (Al-zuhaili, N. D, 151), The fighting is only after the presentation of the demands, and the rejection of them by the enemy, which indicates his bad faith.

Islam has exhausted all peaceful means to avoid war and this has been offered by various means and methods to the enemy to avoid the crisis and prove goodwill, but whoever refuses to submit to one of those solutions and the war has occurred is a legitimate and just war, and this is what Islam sought.

Declaring war and authorizing it is a moral principle that Islam has worked to establish and established by its followers in practice, and it was agreed upon by the word of Muslim jurists in all Islamic eras from the first century to the present day.

2. The Moral Purpose of Authorizing Fighting and Communicating the Call in Islam

Malik said, " Do not fight the infidels before calling them to Islam," and Malik's opinion is correct, because the benefit of the call is that the enemy knows that Muslims are not fighting for the world or for nervousness, but they are fighting for religion, and if they know this, it could be a reason to follow the truth, other than if they are ignorant of the intent of Muslims, they may think that they are fighting for the king and for the world, and they increase their arrogance and hatred of Muslims" (Ibn Abd al-Wahhab, 2002, 1/627).

Al-tahawi said:" and all the people who have not been informed of the call, they should not be fought until they understand the meaning on which they are fighting, and the meaning to which they are being called " (Al-tahawi, 1978, 3/209), the case in which Muslims must give permission to fight is the case in which the enemy did not know anything about this religion, and this is the first way of starting the war in the Islamic concept.

3. The Second Way to Start Fighting in Islam

If the enemy reaches this religion and works to fight it or attack its sanctities, it is not necessary for Muslims to inform him of war, but it is desirable, Ibn al-Mundhir said So, which is the opinion of the audience of scholars, and there have been many correct Hadiths about this intended meaning (Al-shawkani, 2002, 8/53), in the event that the enemy betrays the covenant or he starts fighting, it is not legitimate for Muslims to declare the enemy to start fighting, so it is better to be taken unaware, as the element of surprise is better in preserving blood because the enemy is not ready, so his determination to resist is less, which makes it easier ending the war with a lesser loss, which is what the prophet of Islam did in the two invasions of Bani al-Mustaliq and the conquest of Mecca.

4. The Third Way to Start Fighting in Islam

This method is authorized in the Holy Qur'an, so to precede this stage by making a covenant between the two teams, and so that the matter is not confused and treachery occurs, the Qur'an obliges its followers to disclose the war and explicitly renounce the covenant in a way that does not accept interpretation, Allah Almighty said: **وَأَمَّا تَخَافَنَّ مِنْ قَوْمٍ خِيَانَةً فَانْبِذْ إِلَيْهِمْ عَلَىٰ** "وَأَمَّا تَخَافَنَّ مِنْ قَوْمٍ خِيَانَةً فَانْبِذْ إِلَيْهِمْ عَلَىٰ سَوَاءٍ إِنَّ اللَّهَ لَا يُحِبُّ الْخَائِنِينَ" (Quran, Surah Al-Anfal, 58).

If the actions of the enemy indicate treachery, then the Muslim does not have to wait for his treachery, but he has to take preventive means, even if the signs are speculative, so he does not wait for their occurrence with certainty, because it is a matter related to the maintenance of the nation and the preservation of religion (Reza, 1990, 10/ 45).

Islamic Sharia law gives the ruler on the conditions of Muslims permission to consider what is more useful to apply the law, especially if it leads to the common good and human benefit, and the three cases I mentioned were applied as needed.

5. The Backwardness of the Application does not mean that Islam Recognizes this

These prophetic instructions have been followed by Muslims as long as the Sharia is ruling over them, and when the spirit of the Sharia has subsided in a period of years in the souls of its sons, there is no doubt, of course, that the practical application of the provisions of Islam has decreased due to the weakness of faith and deviant behavior. When the state was the guardian of the rights of Sharia and its orders in war, it was what the jurists agreed to do, and when the state and those in charge of it failed to take care of Sharia and maintain its orders, it even relatively abandoned the application, and here the problem lies in the issue for many people in their view of Islam, and the truth is that the mistake here is not the fault of Sharia, but the guilt of those who violate it.

6. Application of the Declaration of war during the Ottoman Empire (modern history)

This application was not limited to the Prophet's era or the first centuries of the establishment of the Islamic entity, but it remained a valuable heritage until the modern era, when the modern era and the world wanted to have moral values in wars and decided that war must be preceded by a warning, and set laws for that, at that time it was found that this issue is one of the origins of the war ethics that the messenger of Islam came up with and was implemented on the ground centuries ago.

In modern times, the Ottoman Empire, which was the patron of Islamic law in education and application, we found that it applied it in practice in implementation of the orders of Sharia, as evidenced by the words of the founder of the Ottoman Empire, Osman Bin Ertugrul to his son Orkhan: "son, we are not one of those who make wars for the lust of rule or control of individuals, we live by Islam and die by Islam" (Harb, 1994, 16), he also said: "and know, son, that our only way in this world is the way of Allah, and that our only purpose is to spread the religion of Allah and that we are neither ignorant nor worldly students" (Abu ghneima, 1983, 3).

There is a lot of practical evidence in the books of modern history and this was the approach of the Ottoman sultans, as most of the battles fought by the Ottomans in Europe, according to the opinion of the masses of the aforementioned jurists, did not require declaring war, This is because most of those battles were on previous backgrounds between the Ottoman Empire and European countries, which means that both sides had previous knowledge of the other and its goals, and the followers of Christianity were fully aware of the knowledge of the Islamic religion, Thus, it is not required in Islamic law to notify them of the war or call them to Islam, despite this, we found many Sultans of the Ottoman Empire who informed of the war and gave the opponents the choice between surrender without fighting, paying tribute or war.

For example, during the reign of the founder of the Ottoman Empire, before the fighting broke out between him and the Roman emirs after the attempt to conquer Iznik, he sent to all the Roman emirs in Asia Minor a choice between Islam, tribute, or war, so some of them surrendered and some joined him (Bey, 1981, 119).

During the reign of Sultan Selim Khan, Sultan of the Ottoman Empire, an agreement was concluded between him and Venice, Hungary and Moscow with a truce in exchange for paying tribute and submitting to him, and after his death the Kings belittled his son Suleiman for his young age and the king of Hungary refrained from paying tribute, The Ottoman Sultan Suleiman The Magnificent sent His Messenger (ambassador to him) to choose him between paying tribute or war, after Suleiman took power , the Hungarian Sultan killed the Ottoman ambassador and the news was received of the murder of the ambassador sent by the Sultan to the king of Hungary asking him to pay tribute or war The Ottoman Sultan was enraged and

ordered the armies to be equipped...The siege of the city of Belgrade was tightened, it was opened after a heavy defense and the Hungarian soldiers left its fortress on 25 Ramadan 927 corresponding to August 29, 1521 and the sultan entered it (Bey, 1981, 119).

The warning of war has its moral objectives, for which Islam has prescribed that information should be provided before the start of the fighting, which is to preserve blood and not waste it and shed it even if that blood is not Muslim. Informing about the war and explaining its causes may be a strong reason to rectify the matter before the war occurs, which is what Islam calls for and urges its followers to do.

Conclusion

After talking about the application of the followers of Islam to the value of permission to fight, he concluded the following:

1. war in Islam is a legitimate and just humanitarian war to exhaust all peaceful means.
2. man's behavior in war is caused by his culture, religion and environment.
3. the application of permission to fight contributes to the creation of a peaceful atmosphere for humanity.

Recommendations

The authors and researchers recommended reconsidering the way the moral values included in Sharia were put forward to people.

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