



RSIS COMMENTARIES (1/2007)

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REVISITING *DAR AL-ISLAM* (LAND OF ISLAM) AND *DAR AL-HARB* (LAND OF WAR)

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4 January 2007

THE idea of perpetual war between Muslims and non-Muslims is held by jihadists who commit acts of terrorism in the name of jihad. A corollary to this idea is the concept of *Dar Al-Islam* (Land of Islam) and *Dar Al-Harb* (Land of War). In the jihadists' mind, *Dar Al-Islam* refers to a land ruled by a Muslim ruler and the *Shari'ah* is held as the rule of the land. In contrast, a land is considered as *Dar Al-Harb* when it is ruled by non-Muslim or when the *Shari'ah* is not recognised as the rule of the land.

Admittedly, the concept of *Dar Al-Islam* and *Dar Al-Harb* has its roots in the works of the classical scholars, which often become the source of reference for jihadists. According to jihadists, however, the use of *Dar Al-Harb* as a terminology to describe non-Muslim land by classical Muslim scholars suggests that all such lands should be considered as at war until they come under the rule of *Dar Al-Islam*.

Jihadists' wholesale application of the concept in today's context without recognising it as time-bound, and their juxtaposition of the concept and the idea of *jihad* as a perpetual war against non-Muslims, strengthen their binary perspective of "either you are with us or against us". This unfortunately contributes to painting Islam as a simplistic religion that sees "others" with hostility.

Clarifying the Concepts

It is important, then, to clarify the concept and offer a response to the jihadists to prevent Muslims from being misled by them. Indeed, this dichotomy has contributed to misunderstandings both among non-Muslims and Muslims. For example, Martin Van Creveld wrote in his book, *The Transformation of War*, "(the) Koran divides the world into two parts – dar al Islam (the House of Islam), and dar al Harb (the House of the Sword), that were supposed to be perpetually at war....". The truth is, it is incorrect to say that the Quran divides the world into *Dar Al-Islam* and *Dar Al-Harb*. Nowhere in the Quran is such a classification explicitly mentioned. Such an assertion wrongfully convinces readers of its importance in Islam.

The classification also did not originate from the time of the Prophet, neither was it known in the time of the companions of the Prophet, the first Muslim generation. Muslim scholars developed it a few hundred years later in the early Abbasid dynasty (750-1258CE). The classification was an attempt by classical Muslim scholars to interpret their context and to

implement certain Islamic laws, of which the application differed, depending on the country where Muslims lived or stayed.

The context that influenced those Muslim scholars was constant war between Muslims and non-Muslims (the Romans and the Persians). Muslim scholars felt that it was important to classify countries to ensure that laws pertaining to *jihad* were applied to the correct situation and place. It also helped them to issue *fatwas* according to the appropriate social and political environment because it is a fundamental principle in Islamic law that *Shariah* is implemented with due consideration of the context. The concept was influenced by the codification period of Islamic law. It was a period where Muslims were dominant in the international political scene. The classification bore the psychological element of human beings in such a context – a sense of superiority above others.

Historical factors behind the Concepts

The binary perspective in the classification was also influenced by the international political culture during the medieval period. At that point in history, states had a strong tendency of resolving even the most trivial disputes through war. Such a prevalent attitude in the political scene also affected the perspective of Muslim legal scholars. The legal worldview was further influenced by their interpretation of the history of the Prophet, which was partly filled with conflicts between Medina as *Dar Al-Islam* and Mecca as *Dar Al-Harb* and the various agreements he made with Arab tribes as *Dar As-Sulh* (Land of Truce).

It is also crucial to highlight that Muslim scholars were themselves in disagreement about the definition of *Dar Al-Islam* and *Dar Al-Harb*. In the perspective of the Hanafi school, unlike the other three major schools of jurisprudence (Maliki, Hanbali and Shaf'ii), the binary classification is a question of security and protection and not a strict question of Islam and *kufr* (non-acceptance of Islam). This definitional divergence is significant because it indicates that the issue is a matter of *ijtihad* (interpretation) of the scholars and the definition held by jihadists is not the only definition available for the contemporary context.

Also, not all Muslim scholars divide states according to that binary perspective. The Shafi'i school viewed that a predominant non-Muslim land which is not at war with the Muslims does not constitute a *Dar Al-Harb*. This implies that armed *jihad* cannot be waged simply because the land is not a Muslim land. It also introduced a third category called *Dar Al-'Ahd* (Land of Treaty) or *Dar Al-Amn* (Land of Peace) which referred to non-Islamic countries that had signed peace agreements or treaties with one or more Islamic countries, regardless whether it was a temporary or permanent agreement. In fact, *Dar Al-Islam* and *Dar Al-Harb* are not the only classifications found in the writing of Muslim scholars. Islamic terminology is full of many other classifications.

Today's Context

Based on the above, it can be argued that most of the secular Muslim countries today are not *Dar Al-Islam* and most of the non-Muslim countries, which are not at war with the Muslim world, are not *Dar Al-Harb*. Such nuances clearly weigh against the idea of Muslims at perpetual war with the non-Muslims. Importantly, the contemporary international system has evolved so much from the period when the classical Muslim scholars wrote on the classification that new thinking and perspectives are required. .

In this respect, contemporary Muslim scholars suggest that Muslim political practice departs from a scheme of permanent warfare against non-Muslims to one of peaceful coexistence through protracted truces, formal diplomatic relationships, and membership in the international community of nation-states. Thus, in today's context, any Muslim-ruled state, which is a member of the United Nations, is by default, in a peaceful agreement with all other members of the UN by way of the UN Charter. When a state enters the agreement to be a member of the UN, it actually enters a contract. Islam requires Muslims to fulfill all contracts that have been agreed upon, regardless of whether the contract was signed with Muslims or non-Muslims, (The Quran, 5:1, 2:177).

The above contextual view of the classification can also be supported by the theory of international relations of the offensive realism strand. Offensive realism holds that the anarchic international system provides strong incentives for states to continuously strive for maximum accumulation of power in relation to other states because security is best guaranteed by achieving a hegemonic power. In doing so, states pursue expansionist policies when and where the benefits of doing so outweigh the costs. A non-hegemonic power in an anarchic international system is in constant worry that other states will use force to harm or conquer. Thus, the idea of perpetual armed *jihad* is just a theological response constructed by the Muslim scholars, not a divine injunction, to the prevailing reality of the international system with the objective of ensuring the security of a *Dar Al-Islam*.

Finally, since the very basis and context of the jurists' classification of lands to *Dar Al-Islam* and *Dar Al-Harb* has changed, Muslims in contemporary time are not bound to adopt it. There is no divinity to the classification. Muslims, therefore, should not allow themselves to be caught in such thinking. Reconstructing the basis for international relations in Islamic political thinking for Muslims should not be seen as heresy. In fact, such reconstruction efforts must be seen as a necessity in line with the spirit of the religion that enjoins continuous reformation and *ijtihad* in religious thinking.

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