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War and Military Ethics in Shī'a Islam

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Abstract:

Religious beliefs have had and continue to exercise a decisive importance in the understanding of the nature of war and of military ethics in the Islamic world. War is referred to in Islamic religious jurisprudence (*feqh*) as *jehād*, and as such, is considered to be one of the ten pillars or branches of the religion and one of the main divisions within Islamic jurisprudence. In this paper, we have attempted to provide a brief summary and analysis of the meaning of *jehād* and its ethics as expressed in the [juridical] texts of Shī'a Islam. We have attempted to analyze two basic topics within the greater subject of *jehād* on the basis of (1) differentiating between Shī'a and Sonnī *feqh* (religious jurisprudence), and (2) differentiating between the classical positions within Shī'a *feqh* and the more recent ones. [This latter division is in turn further analyzed on the basis of the following sub-

divisions:] (2a) The position of Shī'a *feqh* with respect to the nature of *jehād* during the era of the occultation (*ghayba'*), and (2b) military ethics and human rights as reflected in [the teachings and ordinances of] the Shī'a magisterium¹ (*feqāha'*).

Key words: Islam; Shī'a *feqh*; Sunni Islam; *jehād*; war; defense; military ethics; the Shī'a magisterium (*feqāha'*).

¹ [The body of authoritative ethico-legal and doctrinal religious teachings for which there is consensus or near-consensus within Shī'a Islam, together with the body of the clerisy who have the authority (based on their knowledge and learning) to expound upon and elucidate these religious truths; *feqhcity* (*feqāhat*)].

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