

The Humanitarian Law at Wartime

Advices from the Holy Prophet and the Infallible Imams

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Abstract: Jihad or holy war is one of the most controversial issues in modern times. Unfortunately, out of misunderstanding and far more unfortunately sometimes by misuse or abuse of this word, the picture of Islam which is introduced by the use of this word fails to reflect the humanistic nature of Islam to non-Muslims; thus Islam and Muslims are accused of being belligerent.

The following article is a concise charter of Jihad in Islam issued by holy Prophet to be followed by Muslims who participated in Jihad. It is important to pay attention to the fact that these rules were given to the Arabs whom before the advent of Islam were famous for their cruelties and blood-shedding attacks and wars.

Key word: Jihad

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Introduction

*I*slam is the religion of mercy and compassion. The holy Quran called Muhammad as “a mercy to the universe”¹. The prophet’s life shows that he never started a war against his enemies, unless they attacked first. In such a case, defense is a social duty. This defense is called Jihad in Islamic law.

Until now, many aspects of jihad have remained untold. This has lead to the spread of wrong attitudes about it. In this article, some of the humanitarian codes of jihad will be reviewed using the traditions of the holy Prophet and the infallible Imams. These traditions are from two authentic Shia hadith books: “al-Kafi” in 5 volumes written by Muhammad ibn Yaqub Kolaini (d.329 Hejri/1010 A.D.) and “Vasael al-Shia” in 15 volumes written by Shaikh Horr Ameli (d. 1104 Hejri/1805 A.D.). Naturally, the bases of the claimants of Islam should be the words of its infallible leaders, with whom they must become familiar. This text will help to achieve this goal. The ethical codes of jihad in Islam are as follows:

- 1.Do not trick and do not break the promise or contract once made.
- 2.Do not kill old people.
- 3.Do not kill children and women.
- 4.Do not cut trees (unless in emergency cases).
- 5.Do not commit treason to booties.
- 6.Do not poison the water reservoir and springs of the enemies.

¹ The Qur’an 21:107.

7.Do not fight anyone unless, prior to that you have invited him to the true and right path.

8.The commander should be pious in his affairs, and towards his soldiers.

9.Do not kill the infants.

10.Do not kill the monks who pray in the mountain or worshipping places.

11. Do not burn the trees.

12.Do not flood farms.

13.Do not set fire on farms.

14.When facing enemies, invite them to 3 things. If they accept the former, you have no right to go to the next one.

First: invite them to Islam (through reason and logical arguments)

Second: invite them to pay tax and keep their beliefs.

Third: fight them.

15.If (a unit of the) Muslim army surrounds a group of disbelievers, and one of Muslim's army gives asylum to one of foes, honoring that asylum is obligatory even for the highest ranked person in the Muslim army.

16.He who gives asylum to someone but kills him, will be tried.

17.Do not follow those who run away from the war fields.

18. Do not kill the captives.

19. Do not start a war against the wounded people.

20.Whoever enters a house that its door is closed, he (she) should be left safe and secure.

21.The one who takes someone as captive should give him food and water and be kind toward him.

22. Never be the starter of the war.

23.No one is allowed to attend the Jihad without his parents' permission unless it becomes compulsory. To serve your parents for only one day is better than fighting (in Jihad) for one year.

24. Jihad is not compulsory for women. A woman's Jihad is managing the affairs of the family.

25. Jihad is only valid under the command of a just leader. A leader, who does respect God's rules regarding booties, must not be accompanied in Jihad.

26. Do not attack in the nights.

27.Do not kill women, the blind, children, old men and women, the insane and the crippled people unless they fight against you; even in that case do your best not to fight them, and do not take tax from them.

28.Whoever seeks asylum is in security. Even if they ask for asylum and the answer was negative, but they had heard it positive falsely, they are in security as well.

29.The one, who stops fighting in the forbidden months, must not be fought with. War in the forbidden months is allowed only with those who ignore the prohibition of war in those months and begin in the war.