Original Research



Jurisprudential and Ethical Foundations of War and Its Conclusion from the Perspective of the Quran and Sunnah

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War and peace are two distinct concepts, and consequently, their effects and consequences differ according to jurisprudential and legal principles. The historical background of both dates back to the very emergence of humanity. War, in a specific sense, refers to jihad, which is considered a divine duty and obligation, occupying a significant place in Islamic jurisprudence and receiving considerable attention in the verses of legal rulings (Ayat al-Ahkam). The true essence of what was performed as jihad was, in fact, "Jihad in the Path of Allah," with the primary aim of elevating the word of "Allah" and implementing human principles and values, including freedom, justice, and equality. Quranic verses on war and peace vary. Some prescribe war with non-Muslims under specific conditions, such as enemy aggression, while others are unconditional and recommend jihad without any preconditions. Despite the differing views of some jurists on this matter, many verses prioritize peace, and their context has led contemporary interpreters, both Shia and Sunni, to emphasize the defensive nature of the Quranic verses on jihad. The conclusion of war has historically been achieved either through the complete military defeat of one side or through surrender. Alternatively, at times, a balance of power has led to a ceasefire, ultimately resulting in peace through a negotiated agreement. This paper aims to analytically and descriptively address the various factors of peace and the conclusion of war as experienced and articulated in jurisprudence, law, and Islamic ethics. It asserts that the jurisprudential rulings and religious foundations of Islam, which align with human nature and its inherent demands, establish a framework for the fundamental principle of global peace.

Keywords: Jurisprudence, Jihad, Defense, Peace, Ethics.

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1. Introduction

The Prophet Muhammad (peace be upon him), the last divine proof, serves as a guide for all humanity until the end of human history. "Nor does he speak from

[his own] inclination. It is but a revelation revealed" (Qur'an, 53:3-4).

His conduct and teachings serve as the ultimate standard for human progress on the straight path and represent a practical and symbolic interpretation of all divine





revelation. He is the epitome of existence and the final link in the chain of prophethood.

After divine revelation, the prophetic tradition remains a rich source of teachings for humanity and should be the standard for all people throughout history. The prophetic law carries both divine and human philosophy; hence, the Prophet (peace be upon him) was commanded to implement these divine and human teachings within the human society and historical context.

In the Prophet's (peace be upon him) war strategies, there were specific principles to be observed and prohibited, and the implementation or abolition of some of these principles reflected the effectiveness of Islamic ethical foundations and the Prophet's (peace be upon him) approach to peace and war.

Islamic traditions, particularly as conveyed in Shia narrations, clearly emphasize peace as a primary principle. Imam Ali (peace be upon him) stressed: "I found that reconciliation (peace), as long as it does not undermine Islam, is closer to salvation and more beneficial than war" (Reyshahri, 1996).

Furthermore, Imam Ali (peace be upon him), in his instructions to Malik al-Ashtar, stated: "Do not reject the peace that God has invited you and your enemy to, and which is pleasing to God, for there is security for your armed forces, relief for your concerns, and safety for your land in peace. However, always remain vigilant of your enemy after peace, as the enemy may draw near to deceive you. Therefore, be extremely cautious and avoid undue optimism or naive trust in this matter" (Reyshahri, 1996).

While religious teachings emphasize the importance of peace and the necessity of reform, they also insist on rejecting corruption on earth.

The Qur'an explicitly condemns corruption on earth, as illustrated in the story of Qarun, and declares that God does not favor the corrupt (Qur'an, 28:77). Additionally, it states: "We did not create the heavens and the earth and all that is between them in falsehood. Shall We treat those who believe and do righteous deeds like those who spread corruption on earth? Or shall We treat the pious like the wicked?" (Qur'an, 38:27-28).

Allamah al-Hilli emphasized that offensive combat against disbelievers is not permissible; instead, one must protect Islamic territories from enemy intrusion and inform Muslims of the enemy's intentions and purposes.

War should only be initiated if enemies launch an attack, and even then, it should be undertaken not as an act of jihad but as a defensive measure to protect Islam and one's life (Allameh Hilli, 1954).

He further stated that defending Islam and one's life is obligatory, whereas defending property is permissible but not obligatory (Allameh Hilli, 1999).

Shaykh Muhammad Ali Ansari summarized the Shia perspective on the stages of defense, stating: "The lowest level of defense is seeking help (istighatha). If an enemy, whether Muslim or non-Muslim, attacks the household of a person, repelling them is obligatory, first through cries for help if possible, escalating to physical defense only if necessary, and resorting to arms only if all other means fail" (Ansari, 1995).

Shaykh al-Tusi wrote: "If someone intends to harm a person's life, property, or family, that person must repel the aggressor using the least severe means possible. If assistance is available, they should call for help; if not, they may defend themselves with their hands, then with a staff, and, if these prove ineffective, finally with weapons to protect their life, property, and family" (Ansari, 1995).

Similar references appear in other Shia jurisprudential texts, indicating that Shia jurisprudence during the period of occultation is centered on defense rather than initiating combat.

In matters of defense, the priorities are self-preservation, the protection of honor, and then the safeguarding of property from enemy assault (Ibn Abi Jumhur, 1989). Moreover, even cooperation with an unjust ruler is permissible under defensive circumstances (Shahid Awwal, 1992), and Shahid Awwal regarded anyone killed while defending their life, property, or family as a "martyr" (Shahid Awwal, 1992).

2. Principles Presented in Islamic War Strategy

2.1. Ceasefire and Peace

From the Shia perspective, defensive war should end as soon as possible, and the parties must return to peace and reconciliation. The necessity of defense is not an excuse to prolong war or legitimize it.

Therefore, Shia sources encourage followers to strive for the restoration of peace. Imam Ali (peace be upon him) stated: "O God, preserve our blood and theirs, establish peace between us and them, and guide them from their





error and ignorance that led them to enmity against us to the path of proper understanding" (Majlisi).

In Shia narrations, a section titled "Istislah al-A'da'" (Reforming the Enemies) exists, highlighting the value of peace. Imam Ali (peace be upon him) emphasized that seeking peace with enemies through good words and beautiful deeds is easier than meeting them and struggling to overcome one another in battle.

He also mentioned, "Whoever seeks peace with their enemy will gain more allies."

Imam Hasan al-Askari (peace be upon him) stated that a person characterized by piety and virtue will overcome their enemies through the praise others bestow upon them.

In Islamic jurisprudence, peace is a legitimate contract designed to resolve disputes between adversaries. One form of peace is between Muslims and those at war (ahl al-harb). According to Allamah al-Hilli, peace is an independent contract, not subject to any other matter, making it binding and only nullified by mutual agreement (Allameh Hilli, 1999).

A ceasefire is a temporary suspension of hostilities, unlike an armistice or cessation of war, which usually occurs through a formal agreement covering all battlefronts. Ceasefires are often informal and serve as a prelude to armistice or peace agreements. They may be declared for various reasons, such as collecting bodies and the wounded from the battlefield or out of respect for specific times.

Shia jurisprudence forbids violating mutual agreements, as doing so is inherently immoral and damages the reputation of Islam and the Islamic community. Imam Sadiq (peace be upon him) said: "Muslims should not break their pledges, nor should they be commanded to do so, nor should they fight alongside those who break their pledges" (Hurr al-Amili, 1997).

2.2. Prohibition of Treachery and Breaking Covenants

Shia jurists have forbidden treachery, breaking agreements, and violating treaties in the defensive strategy of Shia jurisprudence.

In Majma' al-Bahrayn, "ghadr" is defined as "abandoning loyalty and breaking a covenant" (Najafi, Jawahir al-Kalam, Vol. 21, p. 78). Imam Ali (peace be upon him) declared from the pulpit in Kufa: "O people, if treachery and covenant-breaking were not forbidden, I would have been the shrewdest of people. Know that every treachery

has a sin, and every sin leads to disbelief, and every traitor will be identified by a flag on the Day of Judgment" (Nahj al-Balagha, 1975, p. 318).

Many politicians consider treachery and deceit signs of cleverness, but Islam abolished this approach. Unlike those who believe politics is devoid of ethics, Islam instructs its followers to uphold moral standards.

The Prophet Muhammad (peace be upon him) always instructed during wars not to harm the elderly, women, children, animals, trees, or crops, nor to block water supplies or contaminate them. A notable example of this was when he conquered Mecca and granted freedom to all. The Qur'an also advises the Prophet on such matters: "O you who have believed... do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness" (Qur'an, 5:8).

Therefore, Shia jurisprudence not only forbids deceit but also discourages nighttime raids on enemy forces. Shaykh al-Tusi emphasized that nighttime attacks are disliked, and it is preferable to face enemies in daylight (A. J. f. M. i. a.-H. Tusi, 1980).

However, the general prohibition against deceit has one notable exception: deceit in response to the deceitful is permissible.

2.3. Principle of Seeking Mercy

The Prophet (peace be upon him), even when facing powerful enemies with greater numbers, never resorted to seeking mercy. This principle, also known as the "Principle of Indomitable Spirit," was never practiced by the Prophet or his successors (Motahari, 1989, p. 97).

2.4. Prohibition of Insulting Enemies

Shia sources prohibit insulting, accusing, or slandering enemies and opponents. The Qur'an advises: "Speak kind words" (Qur'an, 2:235), and in Shia jurisprudence, cursing and swearing are forbidden (Khoei, 1996).

The Prophet (peace be upon him) emphasized: "Do not insult the polytheists" (al-Bahrani, Al-Hada'iq, 1982, Vol. 18, p. 155). Imam al-Baqir (peace be upon him) indicated that avoiding insults prevents the grave consequence of enmity.

He said: "Do not insult [enemies], so as not to incite hostility" (Ruhani, 1991).

A comprehensive testament from the Prophet (peace be upon him) includes: "Do not be angry with people, seek



to please others as you would seek to please yourself. Do not insult people to avoid inciting their enmity. Love people so they may love you. Be kind to your brother and do not harm him, so you are protected from harm in this world and the hereafter" (al-Harrani, 1983).

2.5. Prohibition of Aggressive Use of Power

The philosophy of humanity, perfection, and growth in Islamic thought revolves around power—though a controlled power serving higher human purposes. Power is meant to prevent transgression and implement lofty divine ideals. The Quran states: "And prepare against them whatever you are able of power and of steeds of war by which you may terrify the enemy of Allah and your enemy" (Qur'an, 8:60).

This principle serves as a deterrent to oppression, aggression, and unjust power. The Prophet Muhammad (peace be upon him) never exercised power in a tyrannical manner. Despite having authority, he was the epitome of compassion and mercy, exemplified in his merciful conduct during the conquest of Mecca.

Islam aims to influence hearts, not merely achieve verbal affirmation of faith. Therefore, belief cannot be imposed through force, as matters of the heart are inherently free from coercion.

2.6. Prohibition of Poison and Weapons of Mass Destruction

The Prophet (peace be upon him) forbade the use of poison in enemy lands (Majlisi, Bihar al-Anwar, Vol. 19, pp. 177-178). "Poisoning" refers to contaminating the enemy's water supply or releasing toxins into the air, causing illness or death among civilians (Muhaqqiq al-Hilli).

Allamah al-Hilli interpreted this prohibition as disapproval but permissible in necessity. Shaykh al-Tusi explained: "During warfare with non-Muslims, all forms of weapons are allowed, except for poisoning their land. Poisoning is disapproved because it may harm women, children, and the mentally ill, whose killing is impermissible" (Tusi, 1980).

This jurisprudential reasoning, which connects the scriptural prohibition of poisoning and the rational consideration of civilian harm, extends to a general ruling against weapons of mass destruction.

2.7. Prohibition of Attacks on Civilians and Scholars

Shia jurisprudence prohibits attacking civilians unless they are being used as "tattaruss" (human shields), and even then, only if killing them is the only way to stop enemy advancement. If enemy combatants use children as shields during intense warfare, Ibn al-Barraj al-Tarablusi (400–1081) stated that shooting at the enemy, but not targeting the children, is permissible. Once hostilities cease, harming children is absolutely forbidden (Ibn al-Barraj, 1991).

Islamic jurisprudence even permits the killing of Muslim captives if unavoidable. Allamah al-Hilli and other Shia jurists extend this ruling to situations where the enemy uses women and elderly people as shields (Allamah al-Hilli, Al-Muntaha, Vol. 2, p. 910). Allamah al-Hilli further specified that attacking civilians as human shields is only allowed in emergency situations where defeat is almost certain without such action (Allameh Hilli, 1999).

Scholars and religious figures who remain neutral are also protected. Islamic jurisprudence mandates respect for their safety, as exemplified in the Prophet's (peace be upon him) instructions to his troops before the Battle of Mu'tah in 629 CE (Tabari). Shia and Sunni jurists have ruled against harming scholars, monks, and craftsmen uninvolved in war, based on these instructions (Najafi, Jawahir, Vol. 21, p. 76; Allamah, Al-Tadhkira, Vol. 1, p. 412).

2.8. Prohibition of Harm to Trees, Farms, Animals, and Structures

Shahid Thani spoke of the disapproval of cutting trees, especially fruit-bearing ones, or setting the environment on fire unless absolutely necessary (Shahid Thani, 1993). Sayyid Ali Tabataba'i emphasized that fruit trees should not be cut, nor should fields be burned.

Ayatollah Khoei noted the evidence for prohibiting the destruction of trees and crops, suggesting that most scholars lean toward prohibition, though permanent adherence is impractical as it may cause significant hardship. Exceptions must be made in cases of extreme necessity (Khoei, 1987).

The Prophet (peace be upon him) said: "Do not destroy buildings" (Bihar al-Anwar, Vol. 21, p. 60). Allamah al-Hilli considered this prohibition applicable to non-military structures, and disapproved of damaging military structures unless necessary. Even if Muslim





captives are inside, destroying enemy fortresses may be permissible if required (Allameh Hilli, 1999). Shaykh al-Tusi and other jurists allowed the destruction of homes and fortresses when necessary, but considered avoiding destruction preferable (Tusi, 1967).

Imam Sadiq (peace be upon him) narrated: "In one of the Prophet's (peace be upon him) testaments, it is stated: Do not kill livestock except for food needs. Animals, like humans, are respected and should not be targets of military action out of hatred for enemy disbelievers" (Allameh Hilli, 1999).

Thus, Islamic jurisprudence and military ethics emphasize prohibitions on burning fields, cutting fruit trees, killing animals unnecessarily, destroying homes, and disrespecting the dead (Halabi, 1982).

2.9. Prohibition of Imposing Beliefs on Others

Multiple Quranic verses emphasize that imposing beliefs on others is undesirable, as faith must be voluntary: "There is no compulsion in religion" (Qur'an, 2:256). Belief cannot be forced, as it pertains to inner conviction and the heart, which cannot be dictated by external power.

In the Prophet's (peace be upon him) war strategy, there was no room for imposing beliefs. His conduct ensured no suspicion arose that he intended to force his religion on opponents. The term "karaha" contrasts with acceptance and love, and "ikrah" means coercing someone into something they dislike.

From this perspective, the verse negates compulsory religion. Since religion consists of knowledge and beliefs rooted in the heart, coercion is ineffective. Coercion can only influence external behavior, not internal faith.

One Quranic emphasis on freedom of thought is in the verse: "So give good tidings to My servants who listen to speech and follow the best of it. Those are the ones Allah has guided, and they are people of understanding" (Qur'an, 39:17-18). The Qur'an advises Muslims to cease hostilities if an enemy wishes to hear Islam's message, provided there is no deception involved. This concept in jurisprudence is known as "hudna" or "muhadana," referring to a ceasefire agreement (Qur'an, 9:6).

2.10. Initiating Warfare

According to Islamic texts, defending oneself and one's land is obligatory, and Shia jurisprudence rejects

submission to aggressors. Imam Ali (peace be upon him) said: "If this enemy begins oppression and advances against you, meet death head-on, for death is better than a life of humiliation and defeat, and living victoriously is better than dying dishonorably" (Majlisi).

Imam Sadiq (peace be upon him) declared: "Fighting the enemy is obligatory for the entire nation, and abandoning this duty will lead to collective punishment" (Majlisi, Bihar al-Anwar, Vol. 97, p. 23).

Shia jurisprudence outlines various stages of defense, starting from the least severe measures, like protest and seeking external help. If these fail, armed defense with light weapons is necessary. This is justified as long as the aggressor persists, and if the defender is killed, they are considered a martyr (Allameh Hilli, 1999).

2.11. Prohibition of Deception and Trickery

Deception can be carried out through both actions and words. This form of deception involves making statements that mislead the enemy and set the stage for their defeat. For example, after hearing about the Banu Qurayza Jews' message to Abu Sufyan offering support if the attack commenced during the Battle of the Trench, the Prophet Muhammad (peace be upon him) said to his companions: "Banu Qurayza have sent us a message promising to aid us if we engage with Abu Sufyan".

Knowing that these words would reach Abu Sufyan, the Prophet's intent was to mislead the enemy. During the battle, he told some Muslims: "Say whatever you want to deceive the enemy" (Allameh Hilli, 1999).

Behavioral deception involves performing actions that cause the enemy to be distracted from the main objective, ultimately leading to their defeat. An example is the maneuvers carried out by the Prophet (peace be upon him) before the conquest of Mecca. Allamah al-Hilli stated: "Deception in war is permissible, whether fighting the enemy or not" (A. J. f. M. i. a.-H. Tusi, 1980). Shia jurisprudence not only prohibits assassination but also avoids any form of trickery, including night attacks on enemy forces, whenever possible. Shaykh Tusi emphasized that night attacks are disapproved and that it is preferable to engage enemies during daylight (A. J. f. M. i. a.-H. Tusi, 1980).

It is important to note that the general rule prohibiting trickery has one significant exception in Shia jurisprudence, based on the "law of reciprocity." Deception is permissible when dealing with the deceitful.





Imam Ali (peace be upon him) said: "Fulfilling promises to the deceitful is considered trickery in the eyes of God, while deceiving the deceitful is considered fidelity by God." Allamah Majlisi, in *Bihar al-Anwar*, refers to many Quranic verses on reciprocity.

Verse 126 of Surah An-Nahl emphasizes: "And if you punish [an enemy, O believers], punish with an equivalent of that with which you were harmed" (Qur'an, 16:126).

2.12. Prohibition of Poison and Weapons of Mass Destruction

The term "power" in the verse "And prepare against them whatever you are able of power" (Qur'an, 8:60) has a broad meaning, encompassing all forms of weapons and equipment. However, some weapons, due to their extensive destructive capacity and widespread impact, cause severe human and environmental catastrophes. Thus, their production and proliferation are prohibited by international organizations, and some religious texts also prohibit the use of such weapons in war.

Weapons of mass destruction are clear examples of modern advanced weaponry that significantly alter military balance. While many international entities have banned them, numerous nations, including signatories to the prohibition treaties, continue to develop and modernize them.

Religious texts also contain traditions that prohibit using these weapons. For instance, the Prophet (peace be upon him) forbade poisoning enemy lands: "It is reported from Abu Abdullah (peace be upon him) that Amir al-Mu'minin (peace be upon him) said, 'The Messenger of God (peace be upon him) prohibited poisoning the land of the polytheists'" (Hurr al-Amili, 1997).

The prohibition applies specifically to using poison and chemical weapons during war, but the tradition does not address their production and proliferation. Therefore, this tradition cannot be used to prohibit the manufacture and proliferation of weapons of mass destruction, especially in light of the verse: "So whoever has assaulted you, then assault him in the same way that he has assaulted you" (Qur'an, 2:194). This suggests that manufacturing weapons may be permissible as a form of reciprocity. However, adhering to international treaties is valid as long as all parties honor them. If any signatories violate the treaties, compliance is no longer obligatory and may endanger national existence.

International treaties also permit the use of such weapons in cases of retaliation and under specific circumstances. Any unilateral use of these weapons without reciprocity is another matter that Islam does not condone.

2.13. Prohibition of Mutilation

One of the severely prohibited practices in Islamic warfare regulations is mutilation. Mutilation refers to cutting off ears, noses, hands, or feet, extracting teeth, gouging out eyes, or dismembering bodies. It is forbidden whether inflicted on the dead or the living. One of the Prophet Muhammad's (peace be upon him) instructions to military commanders was: "Do not mutilate" (Hurr al-Amili, 1997).

Imam Ali (peace be upon him) also narrated that the Prophet (peace be upon him) said: "Beware of mutilation, even if it is of a rabid dog" (Nahj al-Balagha, Sayyid Razi, Letter 47).

3. Conclusion

Islam views humans as beings of inherent value, dignity, reason, and divine nature. Consequently, God has granted them specific rights, now recognized as "human rights." Islam respects human rights, regardless of form, and insists on their observance, especially during war. Respecting human rights is an acknowledgment of human dignity.

The Qur'an states: "Fight in the way of Allah those who fight you but do not transgress. Indeed, Allah does not like transgressors" (Qur'an, 2:190).

This verse implies that jihad must align with divine laws and purposes, not out of vengeance or ungodly motives. Fighting is only permitted against combatants, not women, children, the elderly, the ill, or the mentally incapacitated. Warfare must not exceed the boundaries of justice and righteousness, for God does not favor transgressors.

Piety must be observed even in combat, and even in acts of retaliation, one should adhere to divine justice and avoid violating ethical and human values.

Islam is a religion of peace that seeks a pure and harmonious life. Before engaging in combat, Muslims are required to invite their enemies to Islam and explain its virtues, hoping they will be guided or accept peace and a treaty. Because Islamic laws stem from human nature





and are the most complete of religions, combatants are obliged to honor legitimate human rights and avoid dishonorable actions.

The principles of invitation, guidance, and fulfilling proof are unique to Islam, which condemns wars driven by conquest, revenge, plunder, or power-seeking. It only sanctions warfare for the sake of God, societal reform, ending oppression, and aiding the deprived and oppressed.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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