

THE INFLUENCE OF QIRA'AT ON WAR LAW REGULATIONS

Safet Husejnović, PhD

Abstract

Islam is primarily the religion of peace, it promotes love and obedience to the Supreme Lord, and then love and respect towards His creatures, and particularly humans as the most eminent creatures. Allah, the Exalted, vehemently condemns unlawful taking of other being's life. Moreover, the Qur'an rejects the excessive use of force in retaliating against violence: *If you want to retaliate against injustice, then let it be equivalent to what you have suffered. But if you patiently endure, it is certainly better for you* (An Nahl, 26). The Qur'anic principle of reciprocal force and defense will be applied in international humanitarian and war law as the principle of the proportionate use of force in defense. The defense of the attacked can be only proportional to the attack, but never such that it presents a new attack. Fighting and hostility towards non-believers at the Ka'ba are strictly forbidden except in the case of necessary defense.

This paper deals with well-known Islamic scholars' legal comments on war law regulations, but only from the Qira'at perspective, how and to what extent Islamic scholars relied on Qira'at while establishing, performing and presenting Shariah norms, starting from the fact that legal discrepancies partly arise from different Qira'at as well as from various morphological, grammatical and stylistic analyses. The paper comprises the following subchapters: Introduction, Islam is the religion of peace, Permission to fight in Islam, Prohibition of fighting at the Masjid'l-Haram, and the Prohibition of access to the Masjid'l-Haram.

Keywords: the Qur'an, hadith, Islam, Qira'at, regulation, war, attack, law, religion, peace, fighting, Masjid'l-Haram.