

The geography of conquest

When the God who created the universe gives law to humanity, humanity is under obligation to obey God's law.

This basic belief is shared by several major faith communities, together comprising a majority of the inhabitants of planet earth. But of all religions, Islam has arguably made the greatest effort to implement this belief in its practical dimensions.

The scholars of Islam in the early centuries of the Arab Empire understood *shariah* to be that one law of the Creator. They took this belief so seriously that they demanded that *shariah* be instituted as the law of the whole earth.

The early Muslim jurists therefore divided the world into two parts. The part where Islam prevailed as the ruling power, and where *shariah* was the law of the land, was termed *Dar al-Islam*, or the "abode" of Islam. The part where Islam did not rule was termed *Dar al-Harb*, or the abode of war.

The territory of Islam could be thought of as a kind of *Pax Islamica*, writes Majid Khadduri. Within it lived the Muslims and such non-Muslim communities as had accepted Islamic sovereignty. But the *shariah* had not yet been established in the territory of war, writes Khadduri, "and it was the duty of Muslim rulers to bring it under Islamic sovereignty whenever the strength was theirs to do so." The way to make enemy territory into Islamic territory, wrote the Muslim jurists, was through *jihad*.

Khadduri, founder of the Center for Middle East Studies at Johns Hopkins University, explained the intricacies of this geography of conquest in his *War and Peace in the Law of Islam*. In his subsequent *The Islamic Law of Nations*, he opened a door into the work of one of the very earliest Muslim jurists, Shaybani (750-804). This translation is an excellent example of the increasingly-available resources which allow English readers access to the primary sources of Islamic Law.

Shaybani uses the terminology of the two territories throughout his *Siyar*, a work on the law of war. He and other legal scholars of his period studied the conduct of the prophet of Islam and his early successors as models so as to learn from their practices.

Accordingly, Shaybani begins his work with a selection of traditions on what the prophet of Islam did and said about the conduct of war.

Canadians of European descent seem to have all but shut down the possibility that any one individual can “impose morality” on anyone else. In classical Islamic terms, however, the law of the Creator is *too good not to impose*. In other words, any faith community that really believes it possesses God’s law will work steadily to establish that law over all humanity by all means at its disposal. That conviction lives in the minds of many Muslims today.

No rational debate on *shariah* or other aspects of Islam can proceed without some investigation of the foundational documents of Islam—whether they be Qur’an, *hadith*, *sira*, *fiqh* or the earliest Muslim histories. Most of these are now available in English translation.

Those who read the classical works of Islamic Law on the question of enforcing God’s law may hear echoes of Augustine, Anselm and Aquinas. Islam is certainly not the only religion to struggle with the burden of having joined faith to force.

This suggests an open area of fruitful discussion of matters which are relevant to living together in a multi-faith society. Given that God has granted law to humanity, does the establishment of this law by force automatically follow? What is the best way to advance God’s law in a diverse society?