



## DĀR AL-ḤARB

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**DĀR AL-ḤARB** “the realm of war,” lands not under Islamic rule, a juridical term for certain non-Muslim territory, though often construed, especially by Western writers, as a geopolitical concept implying the necessity for perpetual, even if generally latent, warfare between the Muslim state and its non-Muslim neighbors (see, e.g., Lambton, p. 201).

Although the term is found in Hadith referring to Mecca before the conquest by the forces of the Prophet Moḥammad—for example, “I disown any Muslim who remains with the polytheists in *dār al-ḥarb*” (Ḥorr ‘Āmelī, VI, p. 76)—it was especially developed by the Hanafites, who defined the circumstances under which territory ruled by Muslims, *dār al-Eslām*, might revert to being *dār al-ḥarb*. Abū Ḥanīfa held that three conditions must obtain: implementation of laws other than those of Islam, contiguity to other lands ruled by non-Muslims, and loss of security by Muslims and *demmīs* (non-Muslim subjects of the Islamic state) inhabiting the territory (Saraḳsī, V, pp. 1856-57). Later Hanafite jurists maintained that, as long as any ordinance of Islam remained in effect, territories lost to non-Muslim rule still counted as *dār al-Eslām*; Muslims did not have to emigrate from such territories, and even nomination of Muslim judges and other dignitaries by the non-Muslim rulers, considered usurpers, was permitted (Ḳonjī, p. 396). Such views became particularly relevant to Persia after the Mongol conquest in the early 13th century. Similarly, any part of *dār al-ḥarb* might be transformed into *dār al-Eslām* without military conquest, simply by the implementation of some laws of Islam. Abu’l-Ḥasan ‘Alī Māwardī (d. 450/1058), for example, held that, if a



Muslim was able to practice his religion openly, the place where he lived was *dār al-Eslām* (Nawawī, p.10). The Shafi‘ites, too, held that Muslim territory conquered by non-Muslims does not become *dār al-ḥarb* unless Muslims are prevented from making their devotions (Ḳonjī, p. 396). Detailed regulations were developed for commercial and diplomatic intercourse with lands belonging to *dār al-ḥarb*, as well as for the temporary residence in *dār al-Eslām* of a *ḥarbī*—literally “a subject of *dār al-ḥarb*” but effectively a foreigner (Sarakṣī, *passim*).

The concept of *dār al-ḥarb* was not developed in any special way in Shi‘ite jurisprudence. The term itself does not occur in traditions related to the imams, but only the equivalent *arḍ al-ḥarb* (land of war; Ḥorr ‘Āmelī, VI, p. 78). Although the imams regarded the Umayyad and ‘Abbasid caliphs as usurpers, they permitted their followers to buy slaves captured on forays mounted into *dār al-ḥarb* under caliphal authority (Ḥellī, II, p. 59). Shi‘ite jurists did, however, establish a third category of territory, *dār al-īmān* (realm of faith), defined by prevailing acceptance of the imams among its people. Greater theoretical importance was given to the opposition between this realm and *dār al-Eslām* than to that between *dār al-Eslām* and *dār al-ḥarb* (Mofīd, pp. 70-71). With the occultation of the Twelfth Imam the authority under which Shi‘ites might wage offensive *jehād* in *dār al-ḥarb* disappeared (Sachedina, p. 111).

The extreme and violent practices accompanying the emergence of the Safavid state led some Ottoman scholars to the view that Persia had become *dār al-ḥarb*, implying, among other things, the permissibility of enslaving subjects of the Safavid shahs (Eberhard, pp. 164, 173, 197, 215). On the other hand, Fażl-Allāh Ḳonjī, a Persian Sunni refugee at the court of the Shaybanids in Bukhara, argued that “only a common and ignorant fool” would regard Persia as *dār al-ḥarb* and maintained that, despite Safavid rule, Persia was still part of *dār al-Eslām* according to the criteria of both Hanafite and Shafi‘ite jurisprudence: The ordinances of Imamite Shi‘ism, recognized as a valid school of Islamic law, were in force in Safavid territory, despite the inability of the people to prevent such practices as cursing the first two caliphs (Ḳonjī, pp. 394-98). Although he approved the battles of his Uzbek hosts against the Safavids, he doubtless hoped thus to deter them from killing and enslaving the population of Khorasan.

The definition of *dār al-ḥarb* was also important in British India. In 1218/1803 the Indian theologian Shah ‘Abd-al-‘Azīz Dehlavī (1159-1240/1746-1824) issued



his celebrated *fatwā* (ruling) decreeing that India must be counted as *dār al-ḥarb* (Dehlavī, I, pp. 30-31). This *fatwā* was not a call to revolt but was intended, rather, to resolve questions about the permissibility of holding slaves and the collection of interest on loans. Nevertheless, other Indian Muslims held that India was still *dār al-Eslām* because Muslims were still free to worship and Islamic courts were still functioning, albeit under British supervision. In Bengal, however, leaders of the reformist Faraidi movement pronounced the Friday and festival prayers impermissible because of British rule, thus departing from the consensus of the Hanafite school (Khan, pp. 67-80).

In Persia since the Islamic Revolution of 1357 Š./1979 attempts to rework Shi'ite jurisprudence to accommodate concerns of modern life have led to reexamination of the concept of *dār al-ḥarb*. A member of the Majles (parliament), 'Abbās-'Alī 'Amīd Zanjānī, has suggested that the overriding criterion for assigning a country to *dār al-Eslām* or *dār al-ḥarb* is whether or not sovereignty is in the hands of Muslims dedicated to implementing Islamic law, though he concedes that countries where Islamic law is not fully implemented may still count as *dār al-Eslām* if the majority of the population can be presumed to desire such full implementation ('Amīd Zanjānī, pp. 242-48). Another recent writer suggests that in the contemporary world *dār al-ḥarb* should be taken to mean those countries with which the Islamic state, that is, Persia, is in actual conflict, whether military, political, or propagandistic (Zīā'ī Bigdelī, p. 64).

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