

16:840:547 Seminar: Just War and Jihad
Th 9:15-12:15; Loree 131, DC

James T. Johnson

Loree 102

732-848-6820

jtj@rci.rutgers.edu

Office hours: Wednesdays 9-11:30

All the major world religions have produced traditions of right and wrong to address the moral issues of war and peace. These traditions seek, in various ways, to answer the questions of whether resort to armed force is ever justified, and if so for what reasons; who has the right to authorize the use of such force; what should be its intention; how such force should be employed and against whom; the normative relation between communal and individual uses of armed force; and the relation of the use of such force to the order, justice, and peace of the political community and its relationship to other such communities. The two normative traditions on which this course focuses, those of just war (which reflects the influence of western Christian thought and experience) and of *jihad* of the sword (which reflects Islamic thought and experience) are the two most developed of these normative traditions on war and peace produced from within the major world religions. They are also the ones on which the most scholarship has been done, and the ones on which I have published and lectured. Further, both these ideas have an important contemporary presence, so that engaging them as this course does will provide an entry into the particular relation of religion to culture for these two cases both historically and contemporaneously.

The ideas of just war and *jihad* of the sword have both taken shape as normative traditions influenced by both religious and non-religious factors. For the two religions involved, western Christianity in the case of just war tradition and Islam in the case of *jihad* of the sword, understanding these two ideas provides an important window on the nature of the religion in each case; correspondingly, understanding the nature of the religious influence in each of these traditions sheds light on the core concerns and basic aims of each of these ideas. The course employs both historical and theoretical methods. While both just war and *jihad* have particular forms and purposes in present-day usage, in order to develop and apply a critical analytical perspective focused on current just war and *jihad* thinking, it is necessary to examine these ideas as originally described and historically employed as normative conceptions.

The goal of this course is to engage students with the historical origins and normative development of the traditions of just war and *jihad* of the sword, to examine how these two ideas have been used in recent discourse, to analyze continuities and differences between the traditional and contemporary forms of these two ideas in each case, and to identify commonalities and differences between the just war and *jihad* ideas both in their historical origins and development and in their present-day use. Particular issues to be focused on include the relation between the religious and the secular as normatively conceived in each of these historical traditions and in their current uses, how each tradition conceives the necessary authority for employing armed force, its necessary justification, its intention, and how it should be conducted, and the use of just war and *jihad* discourse to argue normatively for particular political postures and actions.

Resources: The course will emphasize close reading and discussion of original sources from the historical religious traditions on just war and jihad and leading examples of their current use. Three books are to be purchased, listed below. Part of scholarly research is securing one's own research materials; so I am asking each of you to locate and purchase your own copies of these books either on the web or in a bookstore, making sure you have them before we use them in the seminar. Other readings will be available online from the web and from Sakai.

Gregory Reichberg, Henrik Syse, and Endre Begby, eds., *The Ethics of War: Classic and Contemporary Readings* (Blackwell Publishing, 2006), listed as EW below;

Sohail Hashmi, ed., *Just Wars, Holy Wars, & Jihads* (Oxford University Press, 2012), listed as JWHWJ below;

John Kelsay, *Arguing the Just War in Islam* (Harvard University Press, 2009), listed as AJWI below.

Requirements: As this is a seminar, the focus of seminar meetings will be analytic and critical discussion of the readings for the day. Regular attendance and participation by all members of the seminar is essential. This graduate seminar will meet concurrently, in the same room, with an undergraduate senior seminar for religion majors, and everybody is expected to take part in our discussions. The undergraduates will be responsible only for the Core Readings listed below on each topic; graduate students should read both the Core Readings and those listed as For Further Reading. Research, writing, and presentation of the results of research is an essential part of the seminar experience, and each graduate student is asked to write a 3-4 page analytic summary of the materials listed For Further Reading in two of the weeks below and to make a presentation of this in the second seminar meeting that week. Further, all members of the seminar are asked to do three short papers (7-8 pages), one at the end of each major section of the course. The first two of these papers should treat a topic within the tradition just treated, while the final paper should take account of not only the materials discussed in the third part of the course but also the relevant historical materials treated earlier. Within these parameters students will choose their own particular topics, clearing them in advance. Grading will be based as follows: the two For Further Reading presentations and papers, 10% each or 20% together; the three topical papers, 20% each or 60% all together; and seminar participation, 20%.

Topic outline and day-to-day plan of the course:

September 4: Organizational meeting; getting to know one another; discussion of the seminar, sources, requirements.

A. The Just War Tradition

September 11: Augustine of Hippo

Core readings: EW, Chapter 7 (on Augustine); *The City of God*, Book XIX (available at <http://www.newadvent.org/fathers>)

For further reading: *Against Faustus the Manichaean*, bk. XXII, chaps. 74-75, 78; *Letter 138 to Marcellinus*; *Letter 189 to Boniface*; *City of God*, bk. I, chaps. 4- 7; bk. III, chap. 14; bk. IV, chap. 15; bk. XV, chap. 4; bk. XIX, chaps. 7, 11-12; *On Free Choice of the Will*, bk. I, chaps. 5-6.

September 18: The Medieval Canonical Contribution

Core readings: EW, Chapters 10, 13 (on Gratian's *Decretum*, the Decretists and the Decretalists)

For further reading, this week and the next: EW, Chapters 11, 12, 14, 15

September 25: The Classic Theological Statement of the Just War Idea: Thomas Aquinas on War and on Sovereignty

Core reading: EW, Chapter 16 (on Aquinas)

October 2: The Early Modern Reshaping of Just War Tradition: Francisco de Vitoria to Hugo Grotius

Core readings: for September 24-26, EW, Chapter 27 (on Vitoria); for October 1-3, EW, Chapter 32 (on Grotius)

For further reading: EW, Chapters 22, 25, 29, 30.

October 9: The Transition from Just War to the Law of War

Core Readings: EW, Chapter 35 (on Pufendorf), Chapter 40 (on Vattel)

For further reading: EW, Chapter 31 (on Althusius)

B. The Jihad Tradition

October 17: The Early Abbasid Jurists and the Shaping of the Idea of Jihad in the Context of Siyar
Core readings: Kelsay, AJWI, Chapter 3; Michael Bonner, *Aristocratic Violence and Holy War*, pp. 39-41 (Sakai); portions of al-Shaybani's *Siyar* (Sakai)
For further reading: Mourad and Lindsey, Chapter 5 in Hashmi, JWHWJ

First paper due October 17.

October 24: Later Juristic Thought: Ibn Hazm, Ibn Rushd, al-Sulami, Ibn Taymiyya
Core readings: Christopher Melchert, "The Hanbali Law of *Gihad*"; Rudolph Peters, *Jihad in Classical and Modern Islam*, 29-33, 40-41 (both on Sakai)
For further reading: Yurdusev, Chapter 9 in Hashmi, JWHWJ

October 31: Describing the Jihad Tradition
Core readings: AJWI, rest of book; Majid Khadduri, *The Islamic Law of War* (the portion on Sakai); Chapters 11-15 in Hashmi, JWHWJ

November 6: Second paper due. Comparative look back at the origins and development of the two traditions. No new reading.

C. Present-Day Uses of the Just War and Jihad Ideas

November 13: Recovering and Reinventing the Just War Idea
Core readings: Paul Ramsey, *The Just War*, chaps. 6, 7, 11; National Conference of Catholic Bishops, *The Challenge of Peace*, Introduction and Parts 1-2

November 20: Jihad Thinking: Sunni Radicalism, Shi`a Thought, Reactions
Core readings: Johannes J.G. Jansen, *The Neglected Duty: The Creed of Sadat's Asasassins*; World Islamic Front, "Declaration concerning *Jihad* against Jews and Crusaders"; *Jihad and Shahadat*, selections (all on Sakai)
Further reading: Hashmi, Chapter 16, and Cook, Chapter 18 in Hashmi, JWHWJ

November 27: No class meeting. Thanksgiving break.

December 4: Last class day for this course. Comparative look back at the present-day uses of the just war and jihad ideas. No new reading.

The final paper is due at the time scheduled for the final exam in this course: Monday, December 23, at 1:00. This is to be submitted as an e-mail attachment in Word (*.doc or *.docx) or Rich Text (*.rtf) format by or before this day and time to jtj@rci.rutgers.edu.