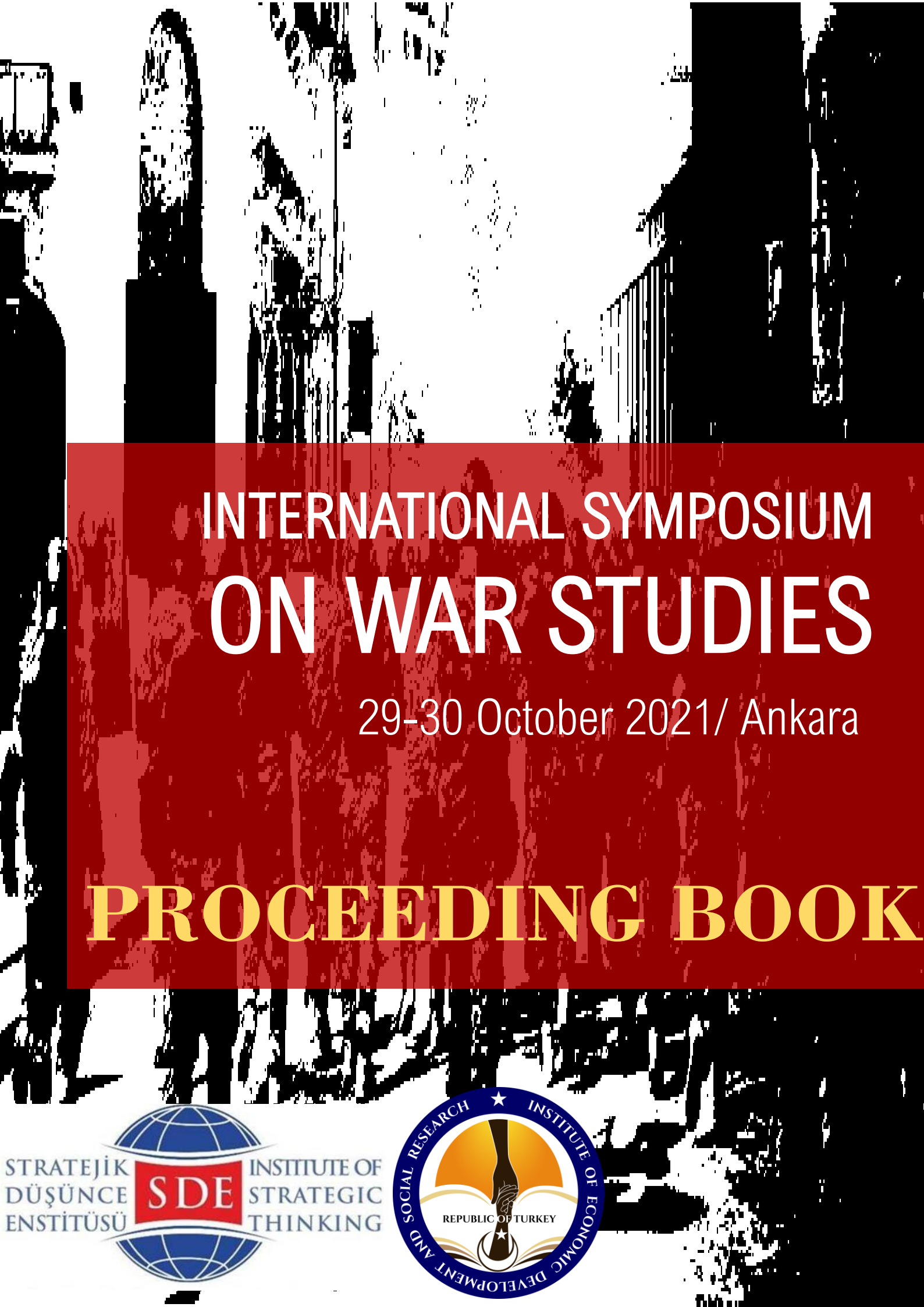


INTERNATIONAL SYMPOSIUM ON WAR STUDIES

29-30 October 2021/ Ankara

PROCEEDING BOOK

STRATEJİK DÜŞÜNCE ENSTİTÜSÜ SDE INSTITUTE OF STRATEGIC THINKING

SOCIAL RESEARCH AND ECONOMIC DEVELOPMENT INSTITUTE
REPUBLIC OF TURKEY

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Institute of Strategic Thinking

Violence and Abuse Studies Platform

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DATE: 30.10.2021

ANKARA TIME: 10^{00}-13^{00} / HALL: 3 / SESSION: 1

ONLINE SESSION

	MODERATOR **Assist. Prof. Dr. Eren GÜNDÜZ** **Bursa Uludag University (Turkey)**
TIME	**PAPER & SPEAKER INFORMATION**
15 Minutes	**CINEMA AND PROPAGANDA: "BİR MİLLET UYANIYOR" (1966) VE "AYLA" (2017) UNDERSTANDING THE NATION STATE THROUGH THE FILMS** **Prof. Dr. Süheyla SARITAŞ** **Melek KURŞUN** *Balikesir University (Turkey)*
15 Minutes	**SAYING GOOD MORNING TO THE CHILDREN OF WAR IN HATAY** ***Vahit HÜYÜK*** ***Mustafa DURAN*** *Hatay Karlısu Social Sciences High School (Turkey)*
15 Minutes	**THE CONCEPT OF WAR THE DRAWING OFF REFUGE CHILDREN** **Dr. Raziye PEKŞEN AKÇA** *Kayseri University (Turkey)*
15 Minutes	**THE PROTECTION OF INTANGIBLE CULTURAL HERITAGE IN ARMED CONFLICT** ***Assist. Prof. Dr. Cansu ATILGAN PAZVANTOĞLU*** *Eskisehir Osmangazi University (Turkey)*
15 Minutes	**IS WAR THE BASIS OF INTERNATIONAL RELATIONS ACCORDING TO ISLAMIC LAW? A REVIEW IN THE CONTEXT OF MAQĀSID AL-SHARIA THEORY** **Assist. Prof. Dr. Eren GÜNDÜZ** *Bursa Uludag University (Turkey)*
15 Minutes	**TURKEY'S HEALTH SERVICES SUPPORT FOR ISLAND TURKS IN THE PERIOD OF DISORDER AND CHAOS IN CYPRUS** **Assist. Prof. Dr. Fuat INCE** **Prof. Dr. H. Kadircan KESKINBORA** *Suleyman Demirel University, Department of History of Medicine and Ethics (Turkey)* *Bahcesehir University, Department of History of Medicine and Ethics (Turkey)*
15 Minutes	**THE SECOND KARABAKH WAR IN AZERBAIJAN: MEMORIAL DAY, VICTORY DAY, THE KHARIBULBUL SYMBOL OF VICTORY AND MILITARY TROPHY PARK** **Aygun AMANALIYEVA** *Azerbaijan National Academy of Sciences (Azerbaijan)*
10 Minutes	**RESULTS AND LAWFULL FEATURES OF DIPLOMATIC APOLOGIES BY STATES WHICH COMMITTED WAR CRIMES** **Assoc. Prof. Dr. Mehmet GÜNEŞ** **Gülnur BALCI** *Ufuk University (Turkey)* *Institute of Strategic Thinking (SDE) (Turkey)*

ULUSLARARASI İLİŞKİLERİN ESASI, İSLAM HUKUKUNA GÖRE SAVAŞ MIDIR? MAKASID TEORİSİ BAĞLAMINDA BİR İNCELEME

IS WAR THE BASIS OF INTERNATIONAL RELATIONS ACCORDING TO ISLAMIC LAW? A REVIEW IN THE CONTEXT OF MAQĀSID AL-SHARIA THEORY

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ÖZET

Uluslararası ilişkilerin esası, İslam hukukuna göre savaş mıdır? Cihad, İslam toplumu ile Müslüman olmayanlar arasında daimi harp durumu mudur? Günümüz İslam ülkelerinin ve Müslüman azınlıkların gayr-i Müslim toplumlarla ilişkilerinin geleceği açısından kritik öneme sahip bu sorulara verilen farklı cevaplar, zihin karışıklığına ve Müslümanlara karşı güvensizliğe neden olmaktadır. Bilindiği üzere modern döneme kadar Müslümanların düşünce ve pratiklerini belirlemiş bulunan klasik fıkıh düşüncesindeki hâkim öğretide dârülharp ile ilişkilerin esası savaştır. İslam'ın bildirisini insanlara ulaştırmak, bunun önündeki manileri ortadan kaldırmak, Müslüman olmayı reddeden ülkeleri dârülislâm'a itaatin tezahürü olan zimmet anlaşmasına mecbur etmek anlamındaki cihat, bu telakkiye göre li-gayrihî hasen olan bir farz-ı kifâyedir. İslam dünyasının Batı karşısında kesin bir mağlubiyet içinde olduğu modern dönemde öne çıkan diğer görüşe göre ise, esas olan barıştır. Klasik görüşün sürdürülmesi, realist savaş teorisini meşrulaştırarak bugünün egemen güçlerine, potansiyel bir tehdit olarak görülen İslam dünyasına müdahale gerekçesi sunmaktadır. Diğer görüşün savunulması ise, hem ikna edici olmamakta hem de etik bir sorun ihtiva etmektedir. Bu bildirinin amacı, Müslümanların düşünce biçimlerini asırlar boyunca şekillendirmiş olan fıkıh mezheplerine nazaran gelişimini çok daha geç bir dönemde tamamlamış olan makāsıdü'ş-şerîa teorisinin bu problem açısından önemine dikkat çekmektir. Bu teori açısından bakıldığında İslam'ın görüşü ne daimi savaş ne de daimi barıştır. Esas olan; din, can, nesil, mal ve akıl gibi temel değerlerin himayesidir. Bu amaçla haklı savaşa ve barışa karar verecek olan da meşru siyasi otoritedir.

Anahtar Kelimeler: İslam hukuku, Cihad, Dârülharp, Haklı savaş, Makāsıdü'ş-şerîa.

ABSCTRACT

Is war the basis of international relations according to Islamic law? Is *jihad* a permanent state of war between the Islamic community and non-Muslims? Different answers to these questions, which are critical for the future of today's Islamic countries and Muslim minorities' relations with non-Muslim societies, cause confusion and distrust towards Muslims. As it is known, the basis of relations with *dār al-harp* in the dominant doctrine in classical fiqh thought, which determined the beliefs and practices of Muslims until the modern period, is war. According to this view Jihad means conveying the message of Islam to people, removing the obstacles to it, and forcing the countries that refuse to become Muslims to the dhimma agreement, which is the manifestation of obedience to *dār al-Islam*, is a *fard al-kifāyāh*, which is *ligayrihī hasan.* According to another view that came to the fore in the modern era, when the Islamic world was in a decisive defeat against the West, peace is essential. The continuation of the classical view legitimizes the realist theory of war and justifies today's dominant powers to intervene toward the Islamic world, which is seen as a potential threat. The defense of the other view, on the other hand, is not convincing and contains an ethical problem. This paper aims to draw attention to the importance of the theory of *maqāsid al-shari'a*, which completed its development much later than the fiqh sects that shaped the way of thinking of Muslims for centuries, in terms of this problem. From the point of view of this theory, the view of Islam is neither permanent war nor permanent peace. The truth is, it protects fundamental values such as religion, life, generation, property, and mind. For this purpose, it is the legitimate political authority that will decide on just war and peace.

Keywords: Islamic law, Jihād, Dār al-harp, Just war, Maqāsid al-shari'a